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FEDERAL REGISTER

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Washington, Thursday, January 1, 1942

The President

ESTABLISHING THE HAWAIIAN MARITIME CONTROL AREA AND PRESCRIBING REGULATIONS FOR THE CONTROL THEREOF

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the United States is now at war, and the establishment of the maritime control area hereinafter described is necessary in the interests of national defense:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, by virtue of the authority vested in me as President of the United States, and as Commander-in-Chief of the Army and Navy of the United States, and in accordance with the principle of self-defense of the Law of Nations, do hereby proclaim and establish the following-described area as the Hawaiian Maritime Control Area, and prescribe the following regulations for the control thereof:

HAWAIIAN MARITIME CONTROL AREA

All waters contained within the area delimited by lines connecting successively the following points:

Latitude 22°30' N.	Longitude 158° W.
Latitude 21° N.	Longitude 155°30' W.
Latitude 20°30' N.	Longitude 155°30' W.
Latitude 20° N.	Longitude 156°30' W.
Latitude 21° N.	Longitude 159° W.
Latitude 22° N.	Longitude 159° W.
Latitude 22°30' N.	Longitude 158° W.

Regulations for the Control of Hawaiian Maritime Control Area

1. A vessel not proceeding under United States naval or other United States authorized supervision shall not enter or navigate the waters of the Hawaiian Maritime Control Area except during daylight, when good visibility conditions prevail, and then only after specific permission has been obtained. Advance arrangements for entry into or navigation through or within the said Area must be made, preferably by application at a United States Naval District Headquarters in advance of sailing, or by radio or visual communication on approaching the seaward limits of the area. If radio telegraphy is used, the call "NQO" shall be made on a frequency of 500 kcs, and permission to enter the port requested. The name of the vessel, purpose of entry, and name of master must be given in the request. If visual communications are used, the procedure shall be essentially the same.

2. Even though permission has been obtained, it is incumbent upon a vessel entering the said Area to obey any further instructions received from the United States Navy, or other United States authority.

3. A vessel may expect supervision of its movements within the said Area, either through surface craft or aircraft. Such controlling surface craft and aircraft shall be identified by a prominent display of the Union Jack.

4. These regulations may be supplemented by regulations of the local United States naval authority as necessary to meet local circumstances and conditions.

5. Should any vessel or person within the said Area disregard these regulations, or regulations issued pursuant hereto, or fail to obey an order of the United States naval authority, or perform any act threatening the efficiency of mine or other defenses, or take any action therein inimical to the defense of the United States, such vessel or person may be subjected to the force necessary to require compliance, and may be liable to detention or arrest, or penalties or forfeiture, in accordance with law, the law applicable to violations committed on the high seas being international law.

The Secretary of the Navy is charged with the enforcement of these regulations.

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IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 27th day of December in the year of our Lord nineteen hundred and forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2532]

[F. R. Doc. 41-9898; Filed, December 31, 1941; 10:19 a. m.]

EXECUTIVE ORDER

AMENDING SCHEDULES A AND B OF THE CIVIL SERVICE RULES

By virtue of and pursuant to the authority vested in me by the Constitution, by Section 1753 of the Revised Statutes (5 U.S.C. 631), by the Civil Service Act of January 16, 1883 (22 Stat. 403), and as President of the United States, Schedules A and B of the Civil Service Rules are hereby amended to read as follows:

SCHEDULE A—POSITIONS EXCEPTED FROM EXAMINATION UNDER SECTION 3, CIVIL SERVICE RULE II

I. ENTIRE EXECUTIVE CIVIL SERVICE

1. Chaplains.

2. Cooks, when in the opinion of the Commission it is not expedient to make appointment upon competitive examination; but this paragraph shall not apply to positions of cook at fixed locations, such as hospitals, quarantine stations, or penal institutions.

3. Positions to which appointments are made by the President without confirmation by the Senate.

4. Special attorneys employed on a temporary basis for specific litigation or other legal work where knowledge of local values or conditions or other specialized qualifications not possessed by the attorneys regularly employed by the department are required for successful results. Such temporary employment shall be only for such time as is required to complete the specific assignment for which the original appointment was approved.

5. Chinese, Japanese, and Hindu interpreters.

6. Any person receiving from one department or establishment of the Government for his personal salary compensation aggregating not more than $540 per annum whose duties require only a portion of his time, or whose services are needed for very brief periods at intervals, provided that employment under this provision shall not be for job work such as contemplated in section 4 of rule VIII. Appointments under this paragraph for duty in Washington, D. C. may be made only with the express prior approval of the Commission when in the opinion of the Commission the use of existing registers or the establishment of new registers is impracticable. The name of the employee, designation, duties, rate of pay, and place of employment shall be shown in the periodical reports of changes; and in addition, when payment is not at a per annum rate, the total service rendered and the distribution of such service during the year shall be shown in the report of changes at the end of each year or when the employee is separated from the service. The additional employment under similar conditions of such a person by another department or establishment of the Government will be subject to the approval of the Commission.

7. Any person employed in a foreign country or in the Virgin Islands, or in Puerto Rico when public exigency warrants, or in any island possession of the United States in the Pacific ocean (except the Hawaiian Islands), or in the Philippine Islands, when in the opinion of the Commission it is not practicable to treat the position as in the competitive classified service; but this paragraph shall not apply to any person employed in Canada or Mexico in the service of the Immigration and Naturalization Service, Department of Justice, or to any person employed in any foreign country, or in the Virgin Islands, by the Bureau of Customs of the Treasury Department.

8. Officers and employees in the Federal service on the Isthmus of Panama, except accountant, bookkeeper, clerk, draftsman, physician, play-ground director, statistician, stenographer, surgeon, trained nurse, typist, and harbor personnel in the Quartermaster Corps of the War Department. Appointments to clerical positions on the Isthmus of Panama paying $100 in United States currency per month or less may be made without examination.

9. Positions in Alaska when, in the opinion of the Commission, the use of existing registers or the establishment of new registers is considered impracticable. Former employees who served in positions excepted under this paragraph may be reinstated to positions in Alaska in the department in which they served upon recommendation of the appointing officer and approval of the Civil Service Commission.

10. Temporary, part-time, or intermittent employments of mechanics, skilled laborers, and tradesmen on construction or repair work in the field services, in places where there is no local board of examiners of the Civil Service Commission for the employing establishment, and where the Commission deems it impracticable to establish registers of eligibles. Seasonal employments of a recurring nature are not authorized under this paragraph.

11. Any position directly concerned with the protection of the life and safety of the President and the members of his family.

12. Any person appointed without compensation or at a compensation of $1.00 per annum, provided such employments meet the requirements of applicable laws relating to compensation.

13. Professional, scientific and technical experts for temporary, part-time or intermittent employment for consultation purposes.

14. Unskilled laborers at any city, locality or establishment where the Labor Regulations were not in effect on July 1, 1941. The Commission, with the concurrence of the department or agency concerned, may include within the classified civil service unskilled laborer positions at any such city, locality or establishment.

II. STATE DEPARTMENT

1. Five special assistants to the Secretary of State.

2. All employees of international commissions, congresses, conferences, and boards, except the International Joint Commission; the International Boundary Commission, United States and Mexico; and the International Boundary Commission, United States, Alaska, and Canada.

3. Chief and two assistant chiefs of the foreign service buildings office.

4. Two private secretaries or confidential assistants to the Secretary of State, and one to each Assistant Secretary of State.

5. One private secretary or confidential assistant to the head of each bureau in the State Department appointed by the President.

6. One chauffeur for the Secretary of State.

7. Gage readers employed part-time or intermittently by the International Boundary Commission, United States and Mexico, at such isolated localities that in the opinion of the Commission the establishment of registers is impracticable.

III. TREASURY DEPARTMENT

1. Two private secretaries or confidential assistants to the Secretary of the Treasury, and one to each Assistant Secretary of the Treasury.

2. Special employees in the field service of the Bureau of Narcotics; and special employees for temporary detective work in the field service of the Bureau of Internal Revenue under the appropriation for detecting and bringing to trial and punishment persons violating the internal revenue laws. Appointments under this paragraph shall be limited to persons whose services are required because of individual knowledge of violations of the law, and such appointments shall be continued only so long as the personal knowledge possessed by the appointee of such violation makes his services necessary. This exemption from competition is for special and unusual cases only and report shall be made to the Commission by letter as soon as the appointment is made.

3. Bureau of Customs: Positions in foreign countries designated as "interpreter-translator" and "special employee," when filled by appointment of persons who are not citizens of the United States; and positions in foreign countries of messenger and janitor.

4. Coast Guard: Lamplighters in the Lighthouse Service.

5. Five Assistants to the Secretary of the Treasury.

6. Receivers of insolvent national banks and other financial institutions which are filled by appointment by the Comptroller of the Currency and whose salaries are paid directly from the funds of insolvent institutions.

IV. WAR DEPARTMENT

1. Two private secretaries or confidential assistants to the Secretary of War and one to each Assistant Secretary of War.

2. One chauffeur for the Secretary of War.

3. United States Army Transport Service: Longshoremen employed at ports in the United States; and the following positions on transport ships: Seaman, water tender, oiler, fireman, wiper, roombath and deck steward, messman, messboy, dishwasher, janitor, porter, scullion, silver and glass man, watchman, headwaiter, waiter, bellboy, barber, laundryman, Post Exchange steward, administrative assistant-Post Exchange, soda dispenser; and all grades of the following: Cook, baker, butcher, pantryman.

4. Positions the duties of which are of a quasi-military nature and involve the security of secret or confidential matter, when in the opinion of the Commission they cannot be filled from registers of eligibles.

5. One consulting architect for work of reconstructing the United States Military Academy, West Point, N. Y.

6. In the Philippine Islands: Artisans engaged in a recognized trade, craft or

skilled (manual) occupation; helpers in such occupations; and other subordinate employees in similar manual occupations; when, in the opinion of the Commission, the establishment of registers is impracticable.

7. Caretakers of abandoned military reservations or of abandoned or unoccupied military posts when the positions are filled by retired noncommissioned officers or enlisted men.

8. Civilian professors, instructors, and teachers at the United States Military Academy, West Point, N. Y., except the following: Civilian instructor of wrestling, civilian instructor of boxing, civilian instructor of gymnastics, chapel organist and choirmaster, teacher at the children's school, and librarian.

9. Physicians and surgeons employed on a fee basis or under contract when, in the opinion of the Commission, the establishment of registers is impracticable.

10. Employees at Army hospitals in the Philippines and in Puerto Rico when, in the opinion of the Commission, the establishment of registers is impracticable.

11. Messenger boys employed on the Alaska Communications System.

12. Interns (medical and dental) in Army hospitals.

13. During the emergency declared by the President to exist on May 27, 1941, employees of the Army Motion Picture Service and positions of hostess and librarian under the Morale Branch of the Office of the Adjutant General assigned to Army posts.

14. During the emergency declared by the President to exist on May 27, 1941, all positions in the War Department on the Isthmus of Panama.

V. NAVY DEPARTMENT

1. Two private secretaries or confidential assistants to the Secretary of the Navy, and one to each Assistant Secretary of the Navy.

2. Professors, instructors, and teachers in the United States Naval Academy.

3. Positions the duties of which are of a quasi-naval character and involve the security of secret or confidential matter when, in the opinion of the Commission, they cannot be filled from registers of eligibles.

4. Positions of attendant and orderly at the United States Naval Home when filled by the appointment of beneficiaries of the Home.

5. At the naval stations at Cavite, Olongapo, and Guantanamo: Artisans engaged in a recognized craft, trade, or skilled (manual) occupation; helpers in such occupations; other subordinate employees in similar manual occupations; supervisory employees over workers in these occupations; when, in the opinion of the Commission, the establishment of registers is impracticable.

VI. DEPARTMENT OF JUSTICE

1. Director and three assistant directors of prisons.

2. Two private secretaries or confidential assistants to the Attorney General, and one to each of the following: Assistant to the Attorney General, Solicitor General, Assistant Solicitor General, and each Assistant Attorney General.

3. One chauffeur for the Attorney General.

4. Eight positions in the immediate office of the Attorney General in addition to those excepted under paragraph 2 of this subdivision.

5. Members of the board of parole.

6. All positions in the Federal Bureau of Investigation.

7. One private secretary to the Commissioner of Immigration and Naturalization.

8. Federal Prison Industries, Inc.: The Commissioner of Industries.

9. Three Deputy Commissioners of Immigration and Naturalization.

10. Court reporters employed by courts outside continental limits of the United States.

11. Deputy United States Marshals paid on a fee basis.

12. Positions of bailiff in the United States Courts.

VII. POST OFFICE DEPARTMENT

1. Two private secretaries or confidential assistants to the Postmaster General, one to each Assistant Postmaster General, and one to the Solicitor of the Post Office Department.

2. One private secretary or confidential assistant to the head of each bureau (or office) in the Post Office Department in Washington, D. C., who is appointed by the President.

3. All employees in post offices of the third and fourth class, except postmasters and village delivery carriers.

4. One chauffeur for the Postmaster General.

5. Five special assistants to the Postmaster General.

6. Substitute rural carriers.

7. Special delivery messengers.

8. Unskilled laborers employed as janitors and cleaners at a compensation less than $720 per annum.

VIII. DEPARTMENT OF THE INTERIOR

1. Two private secretaries or confidential assistants to the Secretary of the Interior and one to each Assistant Secretary of the Interior.

2. One chauffeur for the Secretary of the Interior.

3. Office of the Secretary: One assistant to the Secretary.

4. Engineers, geologists, economists, architects and appraisers in a consulting or advisory capacity for temporary, part-time, or intermittent employment. Employments under this paragraph shall not exceed four months in any one calendar year, unless prior permission is given by the Commission for the extension of an additional four months.

5. Positions in the Bureau of Indian Affairs, Washington, D. C., and in the field, when filled by the appointment of Indians who are of one-fourth or more Indian blood.

6. One private secretary or confidential assistant to the head of each bureau in the Interior Department who is appointed by the President, and one each to the Governors of Alaska, Hawaii, Puerto Rico, and the Virgin Islands.

7. All employees of the Neopit Lumber Mills on the Menominee Indian Reservation in Wisconsin.

8. Agricultural extension agents and home demonstration agents employed in field positions in the Indian Service, the work of which is financed jointly by the Indian Service and cooperating persons, organizations or governmental agencies outside the Federal service.

9. Local physicians and dentists employed in the Indian Service on a part-time or fee basis or under contract, when, in the opinion of the Commission, the establishment of registers is impracticable.

10. Temporary, intermittent, or seasonal positions in the National Park Service when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a National Park and as being dependent for livelihood primarily upon employment available within the National Park, subject to the approval of the Commission.

11. Seaman, deckhand, fireman, cook, mess attendant, and water tender on vessels of the Fish and Wildlife Service.

12. Housekeepers in the Indian Service, at a gross salary not in excess of $600 per annum.

13. Agents in the Fish and Wildlife Service and the Grazing Service employed in field positions, the work of which is financed jointly by the Interior Department and cooperating persons or organizations outside the Federal Service.

14. Positions in the field service of the Fish and Wildlife Service concerned with scientific fishery investigations when filled by the appointment of students at colleges and universities of recognized standing: Provided, that substantial contributions to the investigations are made by such colleges or universities in money, services, or materials or in the use of buildings, laboratories, equipment, or facilities or otherwise. Such employments may be continued under this authority only so long as the appointee is a bona fide student at the particular college or university and receives academic credit toward a degree for the work which he is performing for the Fish and Wildlife Service.

15. Office of the Secretary: Director and Assistant Director of the Division of Power.

16. Office of the Secretary: One private secretary or confidential assistant to the Director of the Division of Power.

17. National Power Policy Committee: The General Counsel.

18. Temporary or seasonal caretakers at temporarily closed camps or improved areas to maintain grounds, buildings or other structures and prevent damage or theft of government property. Such appointments shall not extend beyond six months without the prior approval of the Commission.

19. Temporary seasonal field assistants in forestry and range management at salaries not to exceed a rate of $1,440 a year and for not to exceed four months in any one calendar year.

20. Puerto Rico Reconstruction Administration: One administrator and one head administrative officer.

21. Petroleum Conservation Division: A director, a secretary to the director, and three members of Federal Tender Boards.

22. Office of Indian Affairs: The executive director of the Indian Arts and Crafts Board.

23. Bituminous Coal Division: The director of the division, one administrative assistant to the Director, and ten special assistants in the Bituminous Coal Division.

24. Bonneville Power Administration: One administrator and one assistant administrator.

25. Division of Territories and Island Possessions: The director of the division.

26. Territory of Hawaii: One Hawaiian Homes Representative.

27. Virgin Islands: The administrator of St. Croix, Virgin Islands.

28. Office of the Secretary: Six field representatives whose duties are of a confidential nature.

29. Office of the Secretary: Six special agents in the Division of Investigations to investigate fraudulent entries and other matters of a criminal nature.

IX. DEPARTMENT OF AGRICULTURE

1. (a) Agents employed in field positions the work of which is financed jointly by the Department and cooperating persons, organizations, or governmental agencies outside the Federal service.

(b) Local agents, except veterinarians, employed temporarily outside of Washington in demonstrating in their respective localities the necessity of eradicating cattle ticks, scabies, hog cholera, and animal tuberculosis, and other contagious or infectious animal diseases.

(c) Positions the duties of which require a speaking knowledge of one of the Indian languages.

In making appointments under this paragraph, a full report shall be submitted immediately by the Department to the Commission setting forth the name, designation, and compensation of the appointee and a statement of the duties to which he is to be assigned and of his qualifications for such duties, in such detail as to indicate clearly that the appointment is properly made under one of the above classes. The same procedure shall be followed in case of the assignment of any such agent to duties of a different character.

2. One chauffeur for the Secretary of Agriculture.

3. Two private secretaries or confidential assistants to the Secretary of Agriculture, and one to each Assistant Secretary of Agriculture.

4. Student assistants whose salaries shall not exceed a rate of $480 a year while employed. Only bona fide students at high schools or colleges of recognized standing shall be eligible for appointment under this paragraph. Appointments shall not exceed 6 months in any 1 calendar year, except in exceptionally meritorious cases, and then only upon prior approval of the Commission. Appointments under this paragraph shall be reported to the Commission in such form as the Commission may prescribe.

5. Temporary, intermittent or seasonal positions in the Forest Service when filled by the appointment of persons who are certified as maintaining a permanent and exclusive residence within, or contiguous to, a national forest and as being dependent for livelihood primarily upon employment available within the national forest, subject to the approval of the Commission.

6. Two assistants to the Secretary in the office of the Secretary of Agriculture.

7. Any local veterinarian employed on a fee basis or a part-time basis where, in the opinion of the Commission, the establishment of registers is impracticable.

8. Farm Credit Administration: One private secretary or confidential assistant each to the Governor of the Farm Credit Administration, the Land Bank Commissioner, the Intermediate Credit Commissioner, the Production Credit Commissioner, and the Cooperative Bank Commissioner.

9. Farm Credit Administration: Positions in the Federal Intermediate Credit Banks and the Production Credit Corporations.

10. Farm Credit Administration: Positions in the Regional Agricultural Credit Corporations.

11. Farm Credit Administration: The General Counsel and the General Solicitor.

12. Commodity Credit Corporation: Members of the Board of Directors.

13. Commodity Credit Corporation: The President, two Vice Presidents, Assistant to the President, and five Regional Directors.

14. Rural Electrification Administration: One private secretary or confidential assistant to the Administrator.

15. Rural Electrification Administration: Two Deputy Administrators.

16. Rural Electrification Administration: The General Counsel.

17. Forest Service: Temporary emergency forest guards employed for fire prevention or suppression for periods not to exceed an aggregate of 120 days in any one calendar year.

18. Agricultural Adjustment Administration: The Administrator, Assistant Administrator, Special Assistant to the Administrator, Regional Directors and Assistant Regional Directors.

19. Agricultural Adjustment Administration: Members of State committees.

20. Agricultural Adjustment Administration: Farmer fieldmen and farmer fieldwomen to interpret, explain and supervise farm programs.

21. Agricultural Adjustment Administration: Temporary, intermittent and seasonal employees to check allotments, whose aggregate employment shall not exceed 120 days in any one calendar year.

22. Crop Insurance Corporation: The manager, branch managers, and farmer fieldmen.

23. Farm Security Administration: The Administrator and three assistant administrators.

24. Surplus Marketing Administration: The President and three Vice Presidents of the Federal Surplus Commodities Corporation.

25. The Solicitor of the Department of Agriculture.

26. Technical or professional consultants or advisors, at salary rates of $4600 or more, employed for not to exceed six months in any one calendar year.

27. Temporary, seasonal field assistants in forestry and range management, at salaries not to exceed a rate of $1440 a year, and for not to exceed four months in any one calendar year.

28. Temporary, seasonal clerical or custodial positions in the Field Service of the Department of Agriculture, at places other than Civil Service District headquarters, paying not to exceed a rate of $1800 a year, for periods not to exceed six months in any one calendar year, whenever in the opinion of the Commission such positions can not be filled from existing registers.

29. Temporary or seasonal caretakers at temporarily closed camps or improved areas. Such appointments shall not extend beyond a period of six months, except with the prior approval of the Commission's District Managers.

X. EXECUTIVE OFFICE OF THE PRESIDENT

1. Bureau of the Budget: One private secretary or confidential assistant each to the Director and Assistant Director.

2. National Resources Planning Board: Professional, scientific and technical experts (including part-time advisors, part-time chairmen of field offices, and part-time chairmen and members of technical advisory committees) employed for short periods for consultation purposes.

3. National Resources Planning Board: Employees in field positions the work of which is financed jointly by the Board and cooperating organizations or Governmental agencies outside the Federal Service.

4. National Resources Planning Board: Student assistants whose salaries shall not exceed a rate of $480 a year while employed. Only bona fide students at high schools and colleges of recognized standing shall be eligible for appointment under this paragraph. Appointments shall not exceed six months in any one

calendar year, except in exceptionally meritorious cases and then only upon prior approval of the Commission. Appointments under this paragraph shall be reported to the Commission in such form as the Commission may prescribe.

5. Office of Government Reports: Two assistant directors.

6. Office of Government Reports: The Executive Officer.

7. Office of Government Reports: Eight technical consultants.

8. Office of Government Reports: One State Director in each State.

9. Office of Government Reports: One private secretary or confidential assistant to the Director, to each Assistant Director, and to the Executive Officer.

XI. DEPARTMENT OF COMMERCE

1. Two private secretaries or confidential assistants to the Secretary of Commerce, and one to each Assistant Secretary of Commerce.

2. One private secretary or confidential assistant to the head of each bureau in the Department of Commerce who is appointed by the President.

3. One chauffeur for the Secretary of Commerce.

4. Student assistants in the National Bureau of Standards whose salaries shall not exceed a rate of $480 a year each while employed. Only bona fide students at high schools or colleges of recognized standing pursuing technical or scientific courses shall be eligible for appointment under this paragraph. Appointments shall not exceed 6 months in any one calendar year, except in especially meritorious cases, and then only upon prior approval of the Commission. Appointments under this paragraph shall be reported to the Commission in such form as the Commission may prescribe.

5. Seaman, deckhand, fireman, cook, mess attendant, and water tender on vessels of the Department of Commerce.

6. Office of the Secretary of Commerce: Six assistants to the Secretary.

7. Temporary appointments to such positions required in connection with the surveying operations of the field service of the Coast and Geodetic Survey as may be authorized by the Commission after consultation with the Department of Commerce. Appointments to such positions shall not exceed 8 months in any one calendar year.

8. Caretakers and helpers at magnetic and seismological observatories outside continental United States.

9. Caretakers and light attendants employed on emergency landing fields and other air navigation facilities.

10. One private secretary or confidential assistant to the Administrator of the Civil Aeronautics Administration.

11. Agents to take and transmit meteorological observations in connection with airways, whose duties require only part of their time, and whose compensation does not exceed $100 a month.

12. Weather Bureau: Agents employed in field positions the work of which is financed jointly by the Department of Commerce and cooperating persons, organizations, or governmental agencies outside the Federal Service.

In making appointments under this paragraph, a full report shall be submitted immediately by the Weather Bureau to the Commission, setting forth the name, designation and compensation of the appointee and a statement of the duties to which he is to be assigned and of his qualifications for such duties in such detail as to indicate clearly that the appointment is properly made under the above paragraph. The same procedure shall be followed in case of the assignment of any such agent to duties of a different character.

13. Bureau of the Census: Supervisors, Assistant Supervisors, and supervisors' clerks and enumerators in the field service for temporary, part-time, or intermittent employment for not to exceed one year.

14. Bureau of the Census: Employments of individuals, firms, or corporations for not to exceed four months in any one calendar year for special statistical studies and statistical compilations, the compensation for which is derived from funds deposited with the United States under the Act of May 27, 1935 (49 Stat. 292), provided that such employments may, with the approval of the Commission, be extended for not to exceed four additional months.

XII. INTERSTATE COMMERCE COMMISSION

1. One private secretary or confidential assistant to each commissioner.

XIII. DEPARTMENT OF LABOR

1. Commissioners of conciliation in labor disputes whenever in the judgment of the Secretary of Labor the interests of industrial peace so require.

2. Office of the Secretary: Three special assistants to the Secretary.

3. One private secretary or confidential assistant to the head of each bureau in the Department of Labor who is appointed by the President.

4. Two private secretaries or confidential assistants to the Secretary of Labor, and one to each Assistant Secretary of Labor.

5. Division of Public Contracts: The Administrator, the Assistant Administrator, and three Members of the Public Contracts Board.

XIV. GENERAL ACCOUNTING OFFICE

1. One private secretary or confidential assistant to the Comptroller General.

2. Two assistants to the Comptroller General.

XV. MARITIME LABOR BOARD

1. One private secretary or confidential assistant to each member of the Board.

XVI. BOARD OF TAX APPEALS

1. One private secretary or confidential assistant to each member of the Board.

XVII. FEDERAL LOAN AGENCY

1. Electric Home and Farm Authority: Members of the Board of Trustees.

2. Export-Import Bank of Washington: Members of the Board of Trustees.

3. Export-Import Bank of Washington: One private secretary or confidential assistant to each member of the Board of Trustees.

4. Electric Home and Farm Authority: The President and the Vice President.

5. Electric Home and Farm Authority: The Secretary and Assistant Secretary.

6. Electric Home and Farm Authority: The Treasurer and Assistant Treasurer.

7. Electric Home and Farm Authority: The General Manager, the Assistant General Manager, and five District Managers.

8. Electric Home and Farm Authority: The General Counsel.

9. Electric Home and Farm Authority: The Commercial Manager and Assistant Commercial Manager.

10. Electric Home and Farm Authority: The Credit Manager.

11. Federal Home Loan Bank Board: One Assistant to the Board.

12. Federal Home Loan Bank Board: One Executive Assistant to the Board and one Assistant to the Chairman of the Board.

13. Federal Home Loan Bank Board: One position of Assistant to the Chairman of the Board and to the General Manager of the Home Owners' Loan Corporation.

14. Federal Home Loan Bank Board: One Deputy or Assistant to the Vice Chairman of the Board and to each of the remaining three members of the Board.

15. Federal Home Loan Bank Board: One private secretary or confidential assistant to each of the five members of the Board.

16. Federal Home Loan Bank Board: One General Counsel and one Associate General Counsel in charge of the legal work of the Board.

17. Federal Home Loan Bank Board: A governor, two deputy governors and one assistant governor of the Board.

18. Federal Savings and Loan Insurance Corporation: One Assistant to the Board of Directors.

19. Federal Savings and Loan Insurance Corporation: One Associate General Counsel in charge of the legal work of the Corporation.

20. Federal Savings and Loan Insurance Corporation: The General Manager and one Deputy Manager of the Corporation.

21. Home Owners' Loan Corporation: One Assistant to the Board of Directors.

22. Home Owners' Loan Corporation: One Associate General Counsel in charge of the Legal Department of the Corporation and one Assistant to the General Counsel in charge of financial matters and matters of financial policy referred to the Legal Department.

23. Home Owners' Loan Corporation: The General Manager of the Corporation and three Deputy General Managers, one in charge of appraisal and reconditioning, one in charge of loan service, and one in charge of property management.

24. Reconstruction Finance Corporation: One secretary, two assistants to the secretary, four assistant secretaries, one treasurer, one assistant to the treasurer, and four assistant treasurers of the Corporation.

25. Reconstruction Finance Corporation: One private secretary or confidential assistant each to the Secretary and the Treasurer of the Corporation.

26. Reconstruction Finance Corporation: One assistant to the Directors.

27. Reconstruction Finance Corporation: Twelve special assistants to the Board of Directors.

28. Reconstruction Finance Corporation: One assistant to each member of the Board of Directors.

29. Reconstruction Finance Corporation: Six administrative assistants in the Office of the Board of Directors.

30. Reconstruction Finance Corporation: Two junior administrative assistants in the Office of the Board of Directors.

31. Reconstruction Finance Corporation: Six special representatives (field).

32. Reconstruction Finance Corporation: Two private secretaries or confidential assistants to the Chairman and one private secretary or confidential assistant to each of the other members of the Board of Directors.

33. Reconstruction Finance Corporation: One private secretary or confidential assistant to the General Counsel.

34. Reconstruction Finance Corporation: Two private secretaries or confidential assistants assigned to the Federal Loan Administrator.

35. Reconstruction Finance Corporation: Four chauffeurs for the Chairman and members of the Board of Directors.

36. Reconstruction Finance Corporation: All directors, trustees, and officers (President, Vice President, General Counsel, Assistant General Counsel, Secretary, Assistant Secretary, Treasurer, and Assistant Treasurer) of subsidiary or affiliated corporations.

37. Reconstruction Finance Corporation: Any position when the incumbent thereof is serving as director, trustee, President, Vice President, General Counsel, Assistant General Counsel, Secretary, Assistant Secretary, Treasurer or Assistant Treasurer of a subsidiary or affiliated corporation.

38. Reconstruction Finance Corporation: One general counsel, one special counsel, and six assistants general counsel.

39. Reconstruction Finance Corporation: Position of Chief Accountant.

40. Reconstruction Finance Corporation: Position of division chief in the following divisions: Auditing, Agency, Examining, Railroad, Self-Liquidating, Statistical and Economic, and Information and Personnel.

41. Reconstruction Finance Corporation: Position of section chief in the following sections of the Self-Liquidating Division: Engineering, Mining, Bond Service, and Drainage and Irrigation.

42. Reconstruction Finance Corporation: Positions of six Assistant Chiefs of the Examining Division.

43. Reconstruction Finance Corporation: Position of three administrative assistants in the Examining Division.

44. Reconstruction Finance Corporation: Positions of two special examiners in the Railroad Division.

45. Reconstruction Finance Corporation: Not to exceed 32 positions of Loan Agency Manager.

46. Reconstruction Finance Corporation: Not to exceed 36 positions of Assistant Loan Agency Manager.

47. Reconstruction Finance Corporation: Inventory custodians, watchmen, caretakers, and laborers engaged in the care and preservation of property held by the Corporation or its Subsidiaries as security for loans, or property to which title has been acquired by the Corporation or its Subsidiaries.

48. Federal Housing Administration: Four assistant administrators, two special assistants to the administrator, and five deputy administrators.

49. Federal Housing Administration: An executive secretary of the Administration.

50. Federal Housing Administrator: Two private secretaries or confidential assistants to the administrator.

51. Federal Housing Administration: One chauffeur for the administrator.

52. Federal Housing Administration: A general counsel.

53. Federal Housing Administration: One position of executive assistant and budget officer.

54. Federal Housing Administration: One assistant to the administrator on public relations.

55. Federal Housing Administration: Eighteen district directors, two territorial directors, and thirty-six State directors.

XVIII. VETERANS' ADMINISTRATION

1. Five special assistants to the Administrator.

2. One private secretary or confidential assistant to the Administrator.

3. Positions in Veterans' Administration facilities when filled by the appointment of members of such facilities receiving domiciliary care if, in the opinion of the Veterans' Administration, the duties can be satisfactorily performed by such members.

4. Any local physician or dentist employed on a fee basis or a part-time basis when, in the opinion of the Commission, the establishment of registers is impracticable.

XIX. FEDERAL SECURITY AGENCY

1. Two private secretaries or confidential assistants to the Administrator of the Federal Security Agency.

2. Social Security Board: One private secretary or confidential assistant to each member of the Board.

3. Public Health Service: Special escorts to accompany patients of the Public Health Service in accordance with existing laws and regulations. Employments under this paragraph shall be only for the period of time necessary for the escort to deliver the patient to his destination and to return.

4. Public Health Service: Classified positions at Government sanatoria when filled by patients during treatment or convalescence.

5. Public Health Service: All persons employed in leprosy, yellow fever, and psittacosis investigation stations.

6. Public Health Service: Any local physician or dentist employed on a fee basis or a part-time basis when, in the opinion of the Commission, the establishment of registers is impracticable.

7. Public Health Service: Employees engaged on problems in preventive medicine financed or participated in by the Federal Security Agency and a cooperating State, county, municipality, incorporated organization, or an individual, in which at least one-half of the expense is contributed by the cooperating agency either in salaries, quarters, materials, equipment, or other necessary elements in the carrying on of the work.

8. Public Health Service: Professional, technical, or scientific specialists when employed on a fee basis or part-time basis as consultants in connection with problems in preventive medicine, such appointments to be subject to the prior approval of the Commission.

9. Public Health Service: Interns (medical and dental).

10. Public Health Service: Research associates holding fellowships for a fixed term of service in the National Institute of Health under the act approved May 26, 1930. The qualifications for such research associates shall be subject to approval by the Commission.

11. Public Health Service: One position of cook (oriental style), one position of kitchenman-waiter, and one position of attendant-messenger-interpreter at the Immigration Hospital, Angel Island, California.

12. Freedmen's Hospital: Pupil nurses, interns, and resident physicians.

13. St. Elizabeth's Hospital: Visiting physicians and organist.

14. Food and Drug Administration: Professional, technical or scientific specialists when employed intermittently for short periods, not to exceed a total of 60 days in any one year, as members of the Standards Commitee for duty in connection with the formulation of definitions and standards of identity and quality for food products, or as consultants upon problems in their specialized fields having to do with the enforcement of the Food, Drug and Cosmetic Act.

15. National Youth Administration: All positions.

16. Public Health Service: Members of the National Advisory Health Council.

17. Public Health Service: Members of the National Advisory Cancer Council.

18. Public Health Service: Trainees in cancer research.
19. Public Health Service: Research Fellows appointed under Section 5 (b) of the Act of August 5, 1937.
20. Office of Education: Specialists engaged on a study of higher education for Negroes.

XX. EMPLOYEES' COMPENSATION COMMISSION

1. One private secretary or confidential assistant to each Commissioner.

XXI. U. S. MARITIME COMMISSION

1. All positions on Government-owned ships operated by the U. S. Maritime Commission.
2. Twelve positions of Director of Division, and seven positions of Regional Director.
3. One assistant to each member of the Commission and two assistants to the Chairman of the Commission.
4. Ten special assistants to the United States Maritime Commission.
5. The Secretary of the Commission.
6. The General Counsel.
7. One private secretary or confidential assistant to each Commissioner and to the General Counsel.
8. The Executive Director.
9. The Financial Assistant to the Chairman.

XXII. FEDERAL POWER COMMISSION

1. One private secretary and one confidential assistant to each Commissioner.
2. A secretary to the Commission.
3. Consultants, experts and special counsel whose employments and compensation are fixed by contract within the limits of special funds appropriated by Congress for this purpose.

XXIII. SECURITIES AND EXCHANGE COMMISSION

1. One private secretary or confidential assistant to each member of the Commission.
2. One General Counsel.
3. Director of Trading and Exchange Division, Director of Public Utilities Division, Director of Registration Division, Director of Reorganization Division, and Director of Investment Companies Division.
4. One Chief Accountant.
5. One Foreign Expert.

XXIV. NATIONAL RAILROAD ADJUSTMENT BOARD

1. One private secretary or confidential assistant to each member of the Board.

XXV. NATIONAL CAPITAL PARK AND PLANNING COMMISSION

1. Architectural or engineering consultants, land appraisers and land purchasing officers for temporary, intermittent, or part-time service.

XXVI. FEDERAL DEPOSIT INSURANCE CORPORATION

1. One private secretary or confidential assistant to each member of the Board of Directors.
2. All field positions concerned with the work of liquidating the assets of closed banks or the liquidation of loans to banks, and all temporary field positions the work of which is concerned with paying the depositors of closed insured banks.

XXVII. ADVISORY COMMISSION TO COUNCIL OF NATIONAL DEFENSE

1. One private secretary or confidential assistant to each member of the Advisory Commission to Council of National Defense.

XXVIII. ALLEY DWELLING AUTHORITY

1. The Executive Officer of the Alley Dwelling Authority.

XXIX. INLAND WATERWAYS CORPORATION

1. Until June 30, 1943, all positions in or under the Inland Waterways Corporation.

XXX. FEDERAL WORKS AGENCY

1. Agents employed in field positions the work of which is financed jointly by the Federal Works Agency and cooperating persons, organizations, or governmental agencies outside the Federal service.

In making appointments under this paragraph, a full report shall be submitted immediately by the Federal Works Agency to the Commission, setting forth the name, designation and compensation of the appointee and a statement of the duties to which he is to be assigned and of his qualifications for such duties in such detail as to indicate clearly that the appointment is properly made under the above paragraph. The same procedure shall be followed in case of the assignment of any such agent to duties of a different character.

2. Office of the Administrator: Two expert assistants to the Administrator.
3. United States Housing Authority: One private secretary or confidential assistant to the Administrator.
4. Public Buildings Administration: The Commissioner of Public Buildings.
5. Public Buildings Administration: One private secretary or confidential assistant to the Commissioner.
6. Public Roads Administration: The Commissioner of Public Roads.
7. Public Roads Administration: One private secretary or confidential assistant to the Commissioner.
8. Public Works Administration: The Commissioner of Public Works.
9. Public Works Administration: One private secretary or confidential assistant to the Commissioner.

XXXI. FEDERAL COMMUNICATIONS COMMISSION

1. A secretary to the Commission.
2. One private secretary or confidential assistant to each Commissioner.
3. A general counsel and three assistant general counsels.
4. A chief engineer and three assistant chief engineers.
5. A chief accountant and three assistant chief accountants.

XXXII. UNITED STATES TARIFF COMMISSION

1. The secretary of the Commission and one private secretary or confidential assistant to each Commissioner.

XXXIII. RAILROAD RETIREMENT BOARD

1. Two members of the Actuarial Advisory Committee to be selected by the Board, one from recommendations made by representatives of the employees, and one from recommendations made by the carriers.
2. Two members of each District Board which may be established by the Railroad Retirement Board, one member to be appointed from recommendations made by the representatives of the employees, and one from recommendations made by the carriers.

XXXIV. CIVIL AERONAUTICS BOARD

1. A secretary to the Board.
2. A general counsel and two assistant general counsels.
3. Two permanent expert consultants.
4. Professional, technical and scientific consultants for temporary, part-time or intermittent employment for periods not to exceed six months in any one calendar year, but such employment may be extended for an additional six months with the approval of the Commission.
5. One special Canadian representative and counsel.
6. Examiners employed on a temporary, part-time, or intermittent basis for periods not to exceed four months in any calendar year.
7. One confidential assistant to each member of the Board.
8. A director and assistant director of the Economic Bureau and a director and assistant director of the Safety Bureau.

XXXV. NATIONAL LABOR RELATIONS BOARD

1. One private secretary or confidential assistant to each member of the board.

XXXVI. NATIONAL GALLERY OF ART

1. A director, an assistant director, a secretary, and a chief curator.

XXXVII. UNITED STATES SOLDIERS' HOME

1. All positions.

XXXVIII. FEDERAL RESERVE SYSTEM

1. All positions under the Board of Governors of the Federal Reserve System.

XXXIX. FEDERAL TRADE COMMISSION

1. Seven Chiefs of Divisions.

XL. BOARD OF INVESTIGATION AND RESEARCH

(Transportation Act of 1940)

1. One position of Secretary to the Board.
2. One private secretary or confidential assistant to each member of the Board.

SCHEDULE B—POSITIONS WHICH MAY BE FILLED UPON NONCOMPETITIVE EXAMINATION

I. INTERIOR DEPARTMENT

1. Any competitive position at an Indian school when filled by the wife of a competitive employee of the school, when because of isolation or lack of quarters, the Commission deems it in the interest of the service to have appointment made upon noncompetitive examination.
2. Twelve field representatives to act as the immediate and confidential representatives of the Commissioner of Indian Affairs, subject to such evidence of qualifications as the Commission may prescribe after consultation with the Commissioner of Indian Affairs.
3. Civilian Conservation Corps: Civilian field positions in Civilian Conservation Corps camps at not to exceed a rate of $1,320 per annum, when filled by the promotion of active enrollees.

II. FEDERAL WORKS AGENCY

1. Administrative or custodial positions in the field service of the United States Housing Authority relating to the management or maintenance of Federal low-rent housing projects which, in the opinion of the Commission, cannot be filled satisfactorily through open competitive examinations; provided, that no position shall be filled under this paragraph unless it is clearly demonstrated that the best interests of the service will be served thereby.

III. DEPARTMENT OF COMMERCE

1. Not to exceed six specialists who may be employed in the United States for the purpose of promoting the foreign and domestic commerce of the United States.
2. Special agents employed in collecting cotton statistics.

IV. WAR DEPARTMENT

1. Positions of military storekeeper in the Signal Service at Large when filled by retired noncommissioned officers of the Signal Corps.
2. Four positions of headquarters messenger at the headquarters of the Philippine Department, when filled by honorably discharged enlisted men who have been on duty at those headquarters.
3. Any person employed in an area outside the continental limits of the United States (except the Canal Zone and Alaska), when in the opinion of the Secretary of War the best interests of the service so require.
4. Classified positions in the field service of the War Department when filled by the promotion of unclassified laborers appointed under the Labor Regulations, subject to the approval of the Commission.
5. Civilian Conservation Corps: Civilian field positions in Civilian Conservation Corps camps at not to exceed a rate of $1,320 per annum, when filled by the promotion of active enrollees.
6. Civilian Conservation Corps: Positions of subaltern in Civilian Conservation Corps camps when filled by the promotion of active enrollees who have satisfactorily completed a prescribed course of instruction of the subaltern school.

V. DISTRICT OF COLUMBIA

1. Surgeons of the police and fire departments of the District of Columbia.

VI. TREASURY DEPARTMENT

1. Classified positions in the field service of the Treasury Department, when filled by the promotion of unclassified laborers appointed under the Labor Regulations, subject to the approval of the Commission.

VII. STATE DEPARTMENT

1. Specialists in foreign relations, political, economic, and financial, whose proposed compensation is $3,200 or more, and whose training and experience along the lines of their proposed duties meet the standard minimum qualifications set up in open competitive examinations for positions in the professional service for corresponding grades.
2. Persons formerly employed abroad as United States diplomatic or consular officers of career or foreign-service officers of career for the period of at least 4 years, for service in the Department of State as administrative officers or executive advisers in positions comparable in salary with the associate professional grade or higher.

VIII. NAVY DEPARTMENT

1. Such positions of a professional, scientific, technical, or supervisory nature under the Naval Establishment in the Philippine Islands, as may be agreed upon by the Secretary of the Navy and the Commission.
2. Any person employed in an area outside the continental limits of the United States (except the Canal Zone and Alaska), when in the opinion of the Secretary of the Navy the best interests of the service so require.
3. Classified positions in the field service of the Navy Department and the Marine Corps when filled by the promotion of unclassified laborers appointed under the Labor Regulations, subject to the approval of the Commission.

IX. POST OFFICE DEPARTMENT

1. One postal rate expert.
2. Classified positions in the Custodial Service and in the Division of Equipment and Supplies under the Fourth Assistant Postmaster General when filled by the promotion of unclassified laborers subject to the approval of the Civil Service Commission.

X. VETERANS' ADMINISTRATION

1. Classified positions in the Veterans' Administration when filled by the promotion of unclassified laborers appointed under the Labor Regulations, subject to the approval of the Commission.

XI. DEPARTMENT OF AGRICULTURE

1. Classified positions in the field service of the Department of Agriculture when filled by the promotion of unclassified laborers appointed under the Labor Regulations, subject to the approval of the Commission.
2. Farm Credit Administration: The Deputy Governor, Deputy Commissioners and Assistant Commissioners, the Director and Assistant Director of the Regional Agricultural Credit Division, the Director of the Credit Union Section, the Director and Assistant Director of the Emergency Crop and Feed Loan Section, and the Director of the Mortgage Corporation Service Section.
3. Farm Credit Administration: Special field representatives who serve as Vice Presidents of the Federal Farm Mortgage Corporation.
4. Commodity Credit Corporation: Technical or professional consultants or advisors, at salary rates of $4,600 or more, for periods not to exceed 18 months.
5. Civilian Conservation Corps: Civilian field positions in Civilian Conservation Corps camps at not to exceed a rate of $1,320 per annum, when filled by the promotion of active enrollees.

XII. THE NATIONAL ARCHIVES

1. Classified positions in the National Archives when filled by the promotion of unclassified laborers appointed under the Labor Regulations, subject to the approval of the Commission.

XIII. DEPARTMENT OF JUSTICE

1. National Training School for Boys: Assistants to cottage officers when filled by the appointment of bona fide students at colleges or universities at salaries not in excess of $540 per annum, subject to the approval of the Commission.
2. Special experts employed on a temporary basis for specific litigation or other legal work in which technical knowledge of particular industries, or knowledge of other highly technical matters not possessed by regular employees of the Department, is required for successful results. Such temporary employment shall be only for such time as is required to complete the specific assignment for which the original appointment was approved.

XIV. SMITHSONIAN INSTITUTION

1. Classified positions in the Smithsonian Institution when filled by the promotion of unclassified laborers appointed under the Labor Regulations, subject to the approval of the Commission.

XV. FEDERAL POWER COMMISSION

1. A general counsel and two assistant general counsels.
2. A chief examiner and a chief engineer.
3. Five regional directors.
4. A chief and an assistant chief of the following bureaus: Bureau of Accounts,

Finance & Rates, Bureau of Electrical Engineering, Bureau of Water Power.

XVI. ALLEY DWELLING AUTHORITY

1. Architectural or engineering consultants, construction supervisors, landscape planners, surveyors and related positions for temporary, intermittent, or part-time service.

XVII. FEDERAL SECURITY AGENCY

1. Civilian Conservation Corps: Civilian field positions in Civilian Conservation Corps camps at not to exceed a rate of $1,320 per annum, when filled by the promotion of active enrollees.

XVIII. FEDERAL LOAN AGENCY

1. Federal Housing Administration: A director of each of the following divisions: Technical Division, Land Planning Division, Research and Statistics Division, and Underwriting Division.

2. Federal Housing Administration: A comptroller.

3. Federal Housing Administration: Two land use planners.

XIX. FEDERAL TRADE COMMISSION

1. Not to exceed five special experts.

* * * * *

The Civil Service Commission with the concurrence of the department or agency concerned may revoke in whole or in part any paragraph of Schedule A or B.

Final decision as to whether the duties of any position in the executive civil service are such that appointments thereto are authorized under any paragraph of Schedule A or B shall rest with the Civil Service Commission.

This order shall be effective July 1, 1941.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 30, 1941.

[No. 9004]

[F. R. Doc. 41-9909; Filed, December 31, 1941; 11:15 a. m.]

EXECUTIVE ORDER

PERMITTING CERTAIN POSITIONS TO BE FILLED BY PROMOTION, TRANSFER, OR ASSIGNMENT OF CERTAIN EMPLOYEES AND AUTHORIZING SUCH EMPLOYEES TO ACQUIRE A CLASSIFIED STATUS

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403) and by section 1753 of the Revised Statutes of the United States, it is hereby ordered as follows:

SECTION 1. The incumbent of any position (other than a temporary position) in the Government who on June 30, 1941, held a permanent, indefinite, or emergency appointment and whose compensation was paid from funds allotted to any agency of the Government (other than the Work Projects Administration) in accordance with the provisions of section 6 (a) of the Emergency Relief Appropriation Act, Fiscal Year 1942, for administrative expenses of such agencies incident to the operation, planning, or review of Work Projects Administration projects and who is still so employed on the date of this order, may be promoted, transferred, or assigned to any position in the Government which on or after July 1, 1941, is required to be filled in accordance with the Civil Service Rules.

SECTION 2. Any employee of the Government who is promoted, transferred, or assigned under section 1 of this order may acquire a competitive classified civil-service status in accordance with the applicable provisions of the act of November 26, 1940, 54 Stat. 1211, extending the classified civil service.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 30, 1941.

[No. 9005]

[F. R. Doc. 41-9908; Filed, December 31, 1941; 11:15 a. m.]

Rules, Regulations, Orders

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

SUBCHAPTER C—CHINESE REGULATIONS

PART 210—THE ADMISSIBLE CLASSES OF CHINESE

PART 222—APPEALS

[Chinese General Order No. C-2]

Changes in Form Numbers and Other Provisions of Title 8, Chapter I, Subchapter C, Code of Federal Regulations

DECEMBER 30, 1941

Pursuant to the authority contained in section 8 of the Act of September 13, 1888, as amended (25 Stat. 476, 32 Stat. 176, 33 Stat. 428; 8 U.S.C. 278); section 2 of the Act of April 29, 1902, as amended (32 Stat. 176, 33 Stat. 591; 8 U.S.C. 296); section 7 of the Act of February 14, 1903 (32 Stat. 828; 8 U.S.C. 261); section 3 of the Act of March 4, 1913 (37 Stat. 737; 5 U.S.C. 616); section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); section 24 of the Act of May 26, 1924 (43 Stat. 166; 8 U.S.C. 222); section 37 (a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 90.1, Title 8, Chapter I, Code of Federal Regulations (5 F.R. 3503), and all other authority conferred by law, the following changes in Title 8, Chapter I, Subchapter C of the said regulations are hereby promulgated.

The references to form numbers which appear in the following sections of Subchapter C of the said regulations are changed in accordance with the following table. The changes in such form numbers, however, shall not preclude the use of the old forms until such time as present supplies of such forms are exhausted.

Sections:	*Old Form Nos*	*New Form Nos.*
205.2	430	I-130
210.1 (e)	432	I-142
235.7	633	I-133
240.2	432	I-142
240.4	432	I-142
240.5	432	I-142
240.6	432	I-142
240.10	432	I-142
240.12	432	I-142
245.1	430	I-130
245.3	430	I-130
250.2	631	I-131
270.3	535	I-235
275.4	573	I-273

§ 205.3 *Ports of entry from Mexico: persons who may enter through.* (a) Chinese claiming United States citizenship, but who have not been preinvestigated by the Service and issued Form I-130, may apply for admission or readmission to the United States at the port of Calexico, California, and have their status determined at that port. United States citizens of the Chinese race who possess Form I-130, issued after investigation by the Service, and who desire to make visits to Mexico may reenter at any of the regular immigration ports of entry upon presentation of such documentary evidence of their status.

(b) Alien Chinese of the exempt classes (merchants, etc.), domiciled either in Mexico or the United States in towns immediately adjacent to the border, who need to make regular and frequent visits to Mexico or the United States, respectively, upon establishing exempt status and satisfying the officer in charge of the United States border port that they are dependable, may have the privilege of crossing and recrossing the border at the ports of El Paso, Eagle Pass, or Laredo, Texas; Nogales, Douglas, or Naco, Arizona; or Calexico or San Ysidro, California, for the purpose of transacting legitimate business, if they are properly documented. Chinese aliens permitted the crossing privilege under this subsection may remain in the United States only for such length of time as in the opinion of the inspector in charge is reasonably necessary to enable them to transact their business (in no event to exceed 30 days), their entry being in every sense temporary and conditional. Under this provision the exempt status must be established each six months. Chinese falling within the purview of this subsection, entering at Calexico, California, may be permitted to travel to El Centro, California, and those entering at San Ysidro, California, may be permitted to travel to San Diego, California, for the purpose and under the conditions hereinbefore stated.

Section 210.1 (a) is amended by changing the word "children" to "families".

Section 210.1 (b) is amended by deleting the last five sentences and substituting in lieu thereof the following:

The alien wives and unmarried children under 21 years of age of such Chinese merchants are not required to present certificates as prescribed in section 6 of the said Act of 1884 but must comply with the other applicable requirements of the immigration and other laws, regulations and Executive Orders prescribing documents required for the admission to the United States of aliens.

Section 210.1 (h) is amended by deleting the sentence "Such alien is not required to present any documents".

Section 210.1 (i) is amended by deleting the words "and is not required to present any documents".

Section 210.1 (j) is amended to read as follows:

§ 210.1 *What Chinese persons may be admitted.*

* * * * *

(j) *Alien seamen.* A bona fide alien seaman of the Chinese race is admissible and is not required to present any documents insofar as the Chinese exclusion laws are concerned to be granted shore leave. Such Chinese seamen, however, are required to comply with the same documentary and other requirements as are prescribed for alien seamen other than Chinese.

The citation of authority at the end of § 210.1 is amended by deleting "E.O. 7797, Jan. 26, 1938, 3 F.R. 216" and by substituting in lieu thereof "E.O. 8429, June 5, 1940, 5 F.R. 2145".

Section 222.4 is amended by deleting "When necessary to telegraph, the code word "Renvoy" shall be used. It means: "For the purpose of receiving new material evidence, recommend reopening case of _____".

Section 235.3 is amended by deleting "(R. S. 1993, sec. 1, 48 Stat. 797; 8 U.S.C. 6)" appearing at the end thereof.

Section 235.4 is canceled.

Section 237.4 is canceled.

Section 240.6 is amended by changing the words "District Commissioner" to "District Director" and by changing "Newport, Vt." to "St. Albans, Vt."

Section 240.11 is amended by changing the references to district commissioners contained therein to District Directors.

Section 245.4 is amended by changing the reference contained therein to "district commissioner" to "District Director".

Section 245.10 is amended by changing the reference made therein to "district commissioners" to "District Directors".

Section 250.5 is amended by deleting the sentence "Re-entry permits issued to aliens who are to call for them in New York City and San Francisco, Calif., will be delivered to the inspector in charge, United States Barge Office, New York City and the immigration city office at San Francisco, instead of at Ellis Island and Angel Island respectively".

Section 257.1 is amended by deleting "Key West, Fla." and substituting "Miami, Fla."

Section 275.4 is canceled.

Section 280.1 is amended by deleting "shown in §§ 28.1, 28.2".

FRANCIS BIDDLE,
Attorney General.

Approval recommended:

LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General.

[F. R. Doc. 41-9907; Filed, December 31, 1941; 10:24 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VII—PERSONNEL[1]

PART 79—PRESCRIBED SERVICE UNIFORM[2]

GENERAL

Sec.
79.1 General.
79.2 Adopted standards of cloths.
79.3 Adopted shade of leather.
79.4 Fitting of uniforms.

VARIOUS ARTICLES OF CLOTHING

79.5 Application of regulations contained in §§ 79.6 to 79.21.
79.6 Belt, waist.
79.7 Breeches, service.
79.8 Buttons.
79.9 Coat.
79.10 Footgear.
79.11 Gloves.
79.12 Headgear.
79.13 Jacket, field.
79.14 Necktie.
79.15 Shirt.
79.16 Trousers, service.
79.17 Aviation cadet clothing and insignia.
79.18 Army nurses' clothing.
79.19 Parachutists' clothing.
79.20 Combat winter clothing.
79.21 Work clothing, herringbone twill.

INSIGNIA

79.22 General.
79.23 Insignia and ornamentation for headgear.
79.24 Insignia for collar and lapel of coat.
79.25 Insignia of grade.
79.26 Insignia to denote excellence, Coast Artillery Corps.
79.27 Insignia to denote wounds and service.
79.28 Insignia, shoulder sleeve.
79.29 Insignia or trimmings, distinctive.
79.30 Brassards.

DECORATIONS, SERVICE MEDALS, BADGES, ETC.

79.31 Medal of Honor.
79.32 Distinguished-Service Cross.
79.33 Distinguished-Service Medal.
79.34 Silver Star.
79.35 Purple Heart.
79.36 Soldier's Medal.
79.37 Distinguished-Flying Cross.
79.38 Oak-Leaf Cluster.
79.39 Citation Star.
79.40 Fourragere.
79.41 Civil War Campaign Medal.
79.42 Indian Campaign Medal.
79.43 Spanish Campaign Medal.
79.44 Spanish War Service Medal.
79.45 Army of Cuban Occupation Medal.
79.46 Army of Puerto Rican Occupation Medal.
79.47 Philippine Campaign Medal.
79.48 Philippine Congressional Medal.
79.49 China Campaign Medal.
79.50 Army of Cuban Pacification Medal.
79.51 Mexican Service Medal.
79.52 Mexican Border Service Medal.
79.53 Victory Medal.
79.54 Badges, aviation.
79.55 Badge, parachutist.
79.56 Badges for marksmanship, gunnery, bombing, etc.
79.57 Badges, corps, division, and World War shoulder sleeve insignia.
79.58 Service ribbons, bronze stars, miniatures, lapel buttons, and lapel ribbons.
79.59 War Department General Staff identification.

VARIOUS ARTICLES OF EQUIPMENT

79.60 Belts.
79.61 Spur straps.
79.62 Tag, identification.

MISCELLANEOUS

79.63 Colors of arms, services, bureaus, etc.
79.64 State abbreviations for insignia for National Guard.

GENERAL

§ 79.1 *General.* (a) Samples of the adopted shades and standard cloths for uniforms will be maintained on display in the office of The Quartermaster General and at the headquarters of all corps areas and stations. Samples of the several issue articles of the prescribed uniform and other clothing, as approved by the Secretary of War, will be maintained on display in the office of The Quartermaster General, and in such other offices as he may prescribe. Specifications for the several articles of uniform and other clothing, as approved by the Secretary of War, are published by The Quartermaster General. Descriptions for certain of such articles are published herein.

(b) Prescribed articles of service uniforms or other clothing, except such articles specified as of "commercial pattern", will conform in quality, design, and color to the corresponding approved samples and published specifications.

(c) Whenever changes in design or material of uniforms are made, the old style may be continued to be worn as authorized in AR 600-40.[3] * [Par. 1]

*§§ 79.1 to 79.64 issued under authority contained in R.S. 1296; 10 U.S.C. 1391.

§ 79.2 *Adopted standards of cloths.* The standards of cloths are as follows:

(a) *For officers, warrant officers, and contract surgeons*—(1) *For winter uniform*—(i) *Coats; breeches; trousers; caps, service; caps, garrison.* Wool, elastique, olive-drab (dark shade), 18–26-ounce.

(ii) *Breeches and trousers.* Wool, elastique, drab (light shade), 18–26-ounce.

(iii) *Shirts.* (*a*) Flannel, olive-drab, 10½-ounce.

(*b*) Worsted, olive-drab, 10½-ounce.

(*c*) Gabardine, olive-drab, 10½-ounce.

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[1] §§ 79.1 to 79.64 are added The regulations contained in §§ 79.1 to 79.64 are also contained in AR 600–35, Nov. 10, 1941, as amended by Cir. 264, W.D., Dec. 19, 1941. The particular paragraphs are shown in brackets at the end of sections.

[2] Many of the articles of uniform are illustrated in AR 600–35, Prescribed Service Uniform, which can be purchased from the Superintendent of Documents, Government Printing Office, Washington, D. C.

[3] Administrative regulations of the War Department relative to wearing of the service uniform.

(d) Broadcloth, cotton, olive-drab or khaki.

(e) Poplin, cotton, olive-drab or khaki.

(iv) *Overcoats.* (a) Beaver, olive-drab, 26–32-ounce.

(b) Doeskin, olive-drab, 26–32-ounce.

(c) Kersey, olive-drab, 26–32-ounce.

(d) Melton, olive-drab, 26–32-ounce.

(v) *Jacket, field.* Cotton cloth, olive-drab, wind resistant and water repellant.

(2) *For summer uniform.* Breeches; trousers; shirts; cape, service; caps, garrison.

(i) Cotton, khaki, 8.2-ounce.

(ii) Rayon, plain weave, khaki, 7–8-ounce.

(iii) Cotton warp, mohair filling, khaki.

(iv) Worsted, tropical, khaki.

(b) *For enlisted men, aviation cadets, and Army nurses.* As issued.* [Par. 2]

§ 79.3 *Adopted shade of leather.* The adopted shade of all leather in clothing and articles of equipment as listed herein, except as noted, will be known as "Army russet."* [Par. 3]

§ 79.4 *Fitting of uniforms.* The correct fitting of uniforms is so necessary to the military appearance of a command that it is made the distinct duty of all commanding officers of every grade personally to see that each member of his command is properly fitted with a smart uniform. The company or detachment commander will be held responsible by all inspectors that his men have properly fitting uniforms.* [Par. 4]

VARIOUS ARTICLES OF CLOTHING

§ 79.5 *Application of regulations contained in §§ 79.6 to 79.21.* Except as otherwise specifically prescribed, the regulations contained in §§ 79.6 to 79.21 apply to, and only to, articles for officers, Army nurses when applicable, warrant officers, and contract surgeons. All articles of uniform for wear by the General of the Armies, the Chief of Staff, and former Chiefs of Staff are such as each may prescribe for himself.* [Par. 5]

§ 79.6 *Belt, waist.* A 1¼-inch olive-drab web belt equipped with tongueless strap buckle.* [Par. 6]

§ 79.7 *Breeches, service*—(a) *Material of adopted standard.* (1) to match the service coat (§ 79.2 (a) (1) (i) and (2)).

(2) Lighter color than service coat (§ 79.2 (a) (1) (ii)).

(b) *In general.* To be cut snug at the waist, top about 2 inches above the hip bone, full in the seat and loose in the thigh, with sufficient length from waist to knee to permit wearer to assume a squatting position without binding at the seat or knee, breeches to present an appearance of fullness when standing; cut tight for about 3 inches immediately below the knee and easy for the balance of the length so as not to bind the muscles of the calf. To have a strapping of the same material or buckskin of similar color on the inside of the leg at the knee, extending to a little below the top of boot and from 6 to 8 inches above the knee.* [Par. 7]

§ 79.8 *Buttons*—(a) *Coat*—(1) *Except for officers of the Corps of Engineers.* Of gold or gold color metal, of suitable composition and weight, circular and slightly convex, with raised rim, coat of arms of the United States in clear relief against a horizontally lined background. To be 36 ligne (9/10 inch) for large, 25 ligne (⅝ inch) for small.

(2) *For officers of the Corps of Engineers.* Of gold or gold color metal, of suitable composition and weight, circular and slightly convex, with raised rim and lined background, having for the device a flying eagle holding in its beak a ribbon scroll bearing the word "Essayons," in the distance a bastion with embrasures surrounded by water, and on the horizon a rising sun. Same size as prescribed in subparagraph (a) (1) of this section.

(b) *Overcoat.* Of vegetable ivory or horn, conforming in color to the material of the coat. Two sizes—45 ligne (1⅛ inches) for large, 25 ligne (⅝ inch), for small.

(c) *Cap, service.* Same as small size on coats in subparagraph (a) (1) of this section.

(d) *For enlisted men.* Same description as in subparagraph (a) (1) of this section. For coats 36 ligne (9/10 inch) and 25 ligne (⅝ inch); for caps 25 ligne (⅝ inch); for overcoats 45 ligne (1⅛ inches) of gold color metal.* [Par. 8]

§ 79.9 *Coat*—(a) *Service; for officers and warrant officers*—(1) *Material.* Of adopted standard (§ 79.2 (a) (1) (i)).

(2) *General description*—(i) *In general.* A single-breasted collar and lapel coat; lining, if desired, to be same color as coat. To fit easy over the chest and shoulders and to be fitted slightly at the waist to conform to the figure, so as to prevent wrinkling or rolling under the leather belt when worn. The back to have two side plaits not less than 3 inches in depth at shoulders and to extend from the shoulder seam where it joins the armhole seam to waistline, buttoned down the front with four large regulation coat buttons equally spaced. The crossing of the lapels will be approximately 1¾ inches above the top button.

To support the belt, except for officers of the Army Air Forces, two metal hooks of the same material as the metal trimmings on the leather belt will be let into the side seams at the waistline.

For officers of the Army Air Forces, the coat will have a belt approximately 2 inches wide of the same material as the coat, sewed down all around the waistline, with the bottom button placed slightly below the sewed-on belt.

(ii) *Collar and lapel.* The collar to be approximately 15½ inches for a 36-inch chest (relative measurements) and to be measured along the outside edge, with the ends cut back slightly, and not to be wider than 1¾ inches at the back seam nor wider than 2⅞ inches at the junction with the lapel.

The top line of the lapel to be horizontal and the peak to extend approximately to the collar line prolonged.

The opening notch between the collar and lapel to be approximately 1¾ inches in depth.

(iii) *Pockets.* There will be four outside pockets, two upper and two lower, covered with flaps, buttoned with small regulation coat buttons at the center and placed so that the upper lines are horizontal. The two upper pockets to be patch pockets, slightly rounded at the lower corners, with a box plait 1½ inches in width on the vertical center line. The flaps to be rounded slightly at the corners and reaching to a slight point at the center. The flap buttons to be on line with the top button of coat.

The two lower pockets to be hung inside the body of the skirt, covered by flaps with the lower corners slightly rounded and the lower edge horizontal. The pockets to be attached to the body of the skirt only at the mouth. The top lines of the lower pocket flaps to be placed slightly below the waistline.

The pockets will be of suitable size according to the size of the coat, but in no case will they exceed the following dimensions:

Upper pockets. Depth 6½ inches; width at top 5¾ inches, at bottom 5¾ inches.

Lower pockets. Depth 10 inches; width at top 8½ inches, at bottom 12 inches.

(iv) *Shoulder loops.* On each shoulder a loop of same material as the coat, let in at the sleeve head seam and reaching to approximately ¾ inch beneath the collar, buttoning at the collar edge with a small regulation coat button. Loops to be about 2½ inches in width at lower end and 1½ inches in width at collar edge and cross-stitched down to shoulder for a distance of about 2 inches from the lower end.

(v) *Skirt.* The skirt to be full with a slight flare, and to extend 1 to 2 inches below the crotch, according to the height of the wearer, with a slit in the back extending from the waistline to the bottom of the skirt following the back seam with an underlap of approximately 2½ inches. The front overlapping left edge of coat to be cut with a pronounced flare to the right from the bottom button to the bottom of the skirt, so as to appear straight from the lapel opening to the bottom of the coat and to remain overlapped not less than 4 inches when in a standing position, without the use of hooks and eyes, the fullness necessary to accomplish this result being over the hips.

(vi) *Ornamentation.* For officers a band of olive-drab braid ½ inch in width on each sleeve, the lower edge 3 inches from end of sleeve. For warrant officers and enlisted men who served honorably as commissioned officers in the World War a similar band of forest green braid similarly placed. Other warrant officers will have no braid on the sleeves.

(b) *Overcoat*—(1) *Long, for officers and warrant officers*—(i) *Material.* Of adopted standard (§ 79.2 (a) (1) (iv)).

(ii) *General description*—(a) *In general.* A double-breasted ulster with convertible style roll collar and notch lapel, lining of same color as ulster; buttoned down the front with a double row of large regulation overcoat buttons, three on each side below the roll of the lapel with top buttons approximately 6½ to 7 inches apart; a button placed under the right collar and a buttonhole at the top of each lapel, one for use when collar is converted and the other for appearance; the lining slit and fastened to pocket openings to allow the hand to go through to pocket of breeches or trousers; slit closed with a small button and buttonhole. Back to be plaited and to have back straps let into the side seams at the waistline, fastened together with two large regulation buttons and buttonholes. Skirt not longer than 10 inches or shorter than 3 inches below the knee; slit in the back extending from bottom of back strap to bottom of skirt and closing with small concealed buttons and buttonholes. The front corners to be provided with buttons and buttonholes so that the corners may be turned back to facilitate marching.

(b) *Pockets.* Two outside welted pockets, one on each side, with vertical openings; the center of the pocket about opposite lower button and placed on a line with frontseam of sleeve.

(c) *Shoulder loops.* On each shoulder a loop about 5 inches in length, 2½ inches in width at the lower end and 1½ inches in width at the upper end, which is slightly pointed, same material as coat, let in at the sleeve head seam and buttoned at the upper end with small regulation overcoat button.

(d) *Skirt.* Skirt to extend to 6 inches above the knee. Slit in back extending about 15 inches from the bottom.

(e) *Ornamentation—For general officers.* Two bands of black braid, the lower band to be 1¼ inches in width and about 2½ inches from the lower edge of the sleeve, the other to be ½ inch in width and 1½ inches above the lower band.

For all other officers and warrant officers. Sleeves to be plain.

(c) *Raincoat for officers and warrant officers.* A waterproof coat of commercial pattern, with shoulder loops, as nearly as practicable olive-drab color.* [Par. 9]

§ 79.10 *Footgear* — (a) *Boots* — (1) *Officers and warrant officers*—(i) *Dress.* Army russet leather of commercial pattern without lacing.

(ii) *Semidress.* Army russet leather of commercial pattern laced at the instep for a distance not to exceed 10 inches, may have an opening not to exceed 4 inches at the top closed with lacing or strap.

(iii) *Field.* Army russet leather, legging top pattern, with three buckles on the side or with laces.

(iv) *Rubber.* Russet, waterproof, commercial pattern.

(2) *Enlisted men.* As issued.

(b) *Leggings, canvas.* For officers, warrant officers, and enlisted men to be of adopted standard and design.

(c) *Shoes*—(1) *Officers and warrant officers.* Commercial pattern, high or low, Army russet leather.

(2) *Enlisted men.* As issued.* [Par. 10]

§ 79.11 *Gloves*—(a) *Dress.*

(1) Chamois leather or chamois color material.

(2) White cotton or lisle.

(b) *Service.* (1) Leather of light russet color, lined or unlined, snap fastener, pull on or buckle type.

(2) Wool, olive-drab.* [Par. 11]

§ 79.12 *Headgear*—(a) *Cap, garrison.* For officers, warrant officers, and enlisted men.

(1) *Material.* Of adopted standard (§ 79.2 (a) (1) (i) and (2)).

(2) *General description.* A standard adopted design with curtain and with a cord edge braid as indicated in § 79.23.

(b) *Cap, service*—(1) *Officers except of the Army Air Forces and warrant officers*—(i) *Material.* Of adopted standard (§ 79.2 (a) (1) (i) and (2)).

(ii) *General description.* Of adopted design about 11¼ inches from front to rear and 10½ inches from side to side, based on size 7⅛, stiffened in front by springs and falling without stiffening to the rear; two eyelets ½ inch from the welt seam and about ¾ inch on each side of side seam of quarters. Top to be stiffened at rim with grommet and cloth on top of crown to be slack. The grommet used to stiffen the rim will be flat 3/16 inch in width (measurements of crown above to be made with grommet in position in cap), inside of top to have waterproof material cut to the size of the crown.

Top of visor of Army russet leather lined with embossed green hatters' leather, waterproofed. Greatest width of visor about 2⅜ inches and slope from vertical about 55 degrees.

Chin strap of Army russet leather, ¾ inch in width and 9½ inches in length fastened at each end of visor with small regulation cap button.

A band of olive-drab braid about 1⅞ inches in width around entire cap.

(2) *Officers of Army Air Forces*—(i) *Material.* Of adopted standard (§ 79.2 (a) (1) and (2)).

(ii) *General description.* A cap of similar design to that described in subparagraph (b) (1) of this section except front spring stiffening may be omitted and the grommet may be removed.

(3) *Enlisted men.* As issued; similar type of cap without band or braid.

(c) *Cap, winter.* For officers, warrant officers, and enlisted men.

(1) *Material.* Duck, olive-drab.

(2) *General description.* A standard adopted design with visor and shawl, equipped with a double bar bronze finished buckle with billet and chape.

(d) *Cap, winter, lambskin lined.* For officers, warant officers, and enlisted men.

(1) *Material.* Serge, olive-drab.

(2) *General description.* A standard adopted design with shawl and adjustable nosepiece.

(e) *Hat, field, cotton, khaki.* For officers, warrant officers, and enlisted men.

(1) *Material.* Of adopted standard (§ 79.2 (a) (2) (i)).

(2) *General description.* A standard adopted design with brim.

(f) *Hat, service.* For officers, warrant officers, and enlisted men.

(1) *Material.* Felt, beaver color.

(2) *General description.* A standard adopted design with "Montana peak", four indentations, crown 5¼ inches high for size 7⅛, with an olive-drab band and bow 15/16 inch in width. Hat to be equipped with a leather chin strap ⅝ inch in width for officers and ⅜ inch in width for enlisted men.

(g) *Helmet, fiber, cloth covered.* For officers, warrant officers, and enlisted men.

(1) *Material.* Pressed fiber covered with light weight twill, khaki colored.

(2) *General description.* A standard adopted design with brim and an adjustable sweat band.

(h) *Helmet, steel and liner.* For officers, warrant officers, and enlisted men.* [Par. 12]

§ 79.13 *Jacket, field.* For officers, warrant officers, and enlisted men.

(a) *Material.* Of adopted standard (§ 79.2 (a) (1) (v)).

(b) *General description.* A six- or seven-button jacket, depending upon

length, with a two-piece adjustable collar with tab to button, semipeaked lapels, one-piece back with stitched-on belt (side body to side body) and side plaits; two diagonal inside hanging pockets, slide fastener to close front in addition to buttons and buttonholes; adjustable tabs to button at cuff of sleeves and bottom of jacket; on each shoulder a loop of same material as the coat let in at the sleeve head seam and reaching to approximately ¾ inch of collar, buttoning at the upper end. Loops to be about 2½ inches in width at lower end and 1½ inches in width at collar end, and cross-stitched down to shoulder for a distance of about 1½ inches from lower end. All buttons to be olive-drab 24 ligne.* [Par. 13]

§ 79.14 *Necktie.* For officers, warrant officers, and enlisted men.

(a) *Material.* Without stripe or figure.

(1) Khaki.

(2) Black.

(b) *General description.* Of adopted four-in-hand type.* [Par. 14]

§ 79.15 *Shirt*—(a) *Service*—(1) *Material.* Of adopted standard (§ 79.2 (a) (1) (iii) and (2)).

(2) *General description.* Of adopted pattern For officers only, on each shoulder a loop of same material as the shirt let into the sleeve head seam and reaching to the edge of the collar, buttoning at the upper end with a small regulation shirt button. Loops about 2 inches in width at lower end and 1½ inches in width at collar end, and cross-stitched down to shoulder for a distance of 2 inches from lower end.

(b) *For shirts when worn with coats*—(1) *Material.* Of adopted standard (§ 79.2 (a) (1) (iii) and (2)).

(2) *General description.* Of adopted pattern, or of commercial pattern.* [Par. 15]

§ 79.16 *Trousers, service—Material.* Of adopted standard.

(1) To match the service coat (§ 79.2 (a) (1) (i) and (2)).

(2) Lighter color than service coat (§ 79.2 (a) (1) (ii)).

(b) *General description.* Of adopted standard, cut on the lines of civilian trousers, without cuffs and without plaits.* [Par. 16]

§ 79.17 *Aviation cadet clothing and insignia.* Articles as issued.

(a) *Belt.* Leather, enlisted men.

(b) *Cap*—(1) *Garrison*—(i) Cotton, khaki, aviation cadet.

(ii) Olive-drab, aviation cadet.

(2) *Service.* Olive-drab, aviation cadet, with detachable braid.

(c) *Coat.* Wool elastique, olive-drab, dark, aviation cadet.

(d) *Gloves.* (1) Cotton, white.

(2) Leather, Army russet, aviation cadet.

(e) *Insignia*—(1) *Metal*—(i) *Cap*—(a) Garrison, aviation cadet.

(b) Service, aviation cadet.

(ii) U. S.

(iii) Air Corps.

(2) *Sleeve.* (i) Aviation cadet.

(ii) Chevrons, aviation cadet officers and noncommissioned officers, according to grade.

(f) *Necktie.* (1) Black.

(2) Cotton, khaki.

(g) *Overcoat.* Short, aviation cadet.

(h) *Raincoat.* Rubberized, M1938, dismounted.

(i) *Shirt.* (1) Cotton, khaki, 8.2-ounce, aviation cadet.

(2) Serge, olive-drab, aviation cadet.

(j) *Shoes.* Low, Army russet leather, aviation cadet.

(k) *Trousers.* (1) Cotton, khaki, 8.2-ounce, aviation cadet.

(2) Wool, elastique, olive-drab, aviation cadet. [Par. 17]

§ 79.18 *Army nurses' clothing.* Articles as issued.

(a) Cap, garrison, blue.

(b) Cap, fur.

(c) Cap, white.

(d) Cape, wool, blue.

(e) Coat, wool, serge, dark blue.

(f) Gloves, fur.

(g) Gloves, suede, gray.

(h) Gloves, wool, blue.

(i) Muffler, wool, olive-drab.

(j) Overcoat, wool, blue, removable lining.

(k) Shoes, low, black.

(l) Shoes, low, white.

(m) Skirt, wool, blue.

(n) Sweater, wool, blue, coat style.

(o) Uniform, cotton, blue.

(p) Uniform, white.

(q) Waist, cotton, powder blue.

(r) Waist, cotton, white.* [Par. 18]

§ 79.19 *Parachutists' clothing.* Articles as issued.

(a) Boots, jumping, parachute.

(b) Helmets, parachute jumper.

(c) Suits, parachute jumper.

(d) Supporters, athletic.* [Par. 19]

§ 79.20 *Combat winter clothing.* Articles as issued.

(a) Gloves, leather lined.

(b) Helmet.

(1) Cloth, motorcyclist.

(2) Combat, winter.

(c) Jacket, combat, winter.

(d) Trousers, combat, winter.* [Par. 20]

§ 79.21 *Work clothing, herringbone twill.* Articles as issued.

(a) Cap.

(b) Hat.

(c) Jacket.

(d) Suit, one piece.

(e) Trousers.* [Par. 21]

INSIGNIA

§ 79.22 *General.* (a) Except as otherwise prescribed, insignia for wear upon uniform clothing will be made of gold or gold color metal.

(b) Elements superimposed on insignia of officers, except as otherwise prescribed, will be of bronze finish or brown enamel.

(c) Elements superimposed on insignia of enlisted men will be of the same material as the insignia.

(d) Certain insignia which involve the use of heads will be made to face to dexter.

(e) Metal insignia will have screw backs or similar attachments so that they will be held closely without turning or flopping.

(f) Insignia of grade for shoulder loops may be embroidered.

(g) Metal insignia of grade may be knurled or smooth.* [Par. 22]

§ 79.23 *Insignia and ornamentation for headgear*—(a) *Cap, garrison*—(1) *Ornamentation*—(i) *General officers.* Cord edge braid of gold bullion or metallized cellophane of gold color.

(ii) *Other officers.* Cord edge braid of gold bullion or metallized cellophane of gold color and black silk intermixed.

(iii) *Warrant officers.* Cord edge braid of silver bullion or metallized cellophane of silver color and black silk intermixed.

(iv) *Enlisted men.* Cord edge braid of the color of arm, service or bureau.

(2) *Metallized cellophane.* Metallized cellophane should not be used on caps which will be washed.

(b) *Cap, service*—(1) *Officers.* The coat of arms of the United States 2⅜ inches in height.

(2) *Warrant officers.* The warrant officers' insignia 1½ inches in height.

(3) *Enlisted men.* A plain disk 1½ inches in diameter, in a separate piece superimposed thereon the coat of arms of the United States of the same material as the disk.

(c) *Hat, service*—(1) *General officers.* A double cord of gold bullion or metallized cellophane of gold color 3/16 inch in diameter, with an acorn of same material 1¼ inches in length with cup ⅝ inch in diameter and kernel ⅜ inch in diameter. Keeper to be of same material ⅝ inch in length and ⅜ inch in diameter with inside diameter of ⅜ inch to hold both ends and one loop of cord.

(2) *Other officers.* Same as for general officers except the cord to be of gold bullion or metallized cellophane of gold color and black silk intermixed. The acorns and keeper to be of gold bullion or metallized cellophane of gold color.

(3) *Warrant officers.* Same dimensions as for general officers, the cord to be of silver or metallized cellophane of silver color and black silk intermixed. The acorns and keeper to be of black silk.

(4) *Enlisted men.* To be a double cord of the color of the arm, service, or bureau. When two colors are prescribed for an arm, service, or bureau, the cord will be in the first named color and the acorns and keeper will be in the second named color. Except when detailed for temporary duty during field training, Regular Army enlisted personnel on duty as instructors with the National Guard will wear hat cord of the color of the National Guard Bureau.* [Par. 23]

§ 79.24 *Insignia for collar and lapel of coat*—(a) *General of the Armies of the United States, Chief of Staff, former Chiefs of Staff, and generals.* Insignia will be such as they may prescribe.

(b) *Other officers, Army nurses, and warrant officers*—(1) *U. S.* The block letters "U. S." 7/16 inch in height, each letter to be followed by a period. To designate officers of the Federally recognized National Guard the letters forming the abbreviation of the name of the State, as prescribed in § 79.64, 3/16 inch in height superimposed on the "U. S."

(2) *Insignia of arm, service, and bureau*—(i) *Adjutant General's Department.* An enameled shield 1 inch in height, a chief of blue with 1 large and 12 small white stars thereon, and 13 vertical stripes, 7 white and 6 red.

(ii) *Aides.* An enameled shield ¾ inch in height, surmounted by an eagle displayed with wings reversed ½ inch in height, on the blue chief or shield a white star or stars, according to the grade of the general officers on whose staff the aide is serving, and 13 vertical stripes, 7 white and 6 red.

(iii) *Air Corps.* A pair of wings with vertical silver propeller ¾ inch in height.

(iv) *Cavalry.* Two crossed sabers in scabbards, cutting edge up 11/16 inch in height. When applicable, the regimental number ¼ inch in height in the upper angle.

(v) *Chaplains*—(a) *Christian.* A silver Latin cross 1 inch in height.

(b) *Jewish.* A double tablet bearing Roman numerals from I to X surmounted by two equilateral triangles interlaced, all silver, 1 inch in height.

(vi) *Chemical Warfare Service.* A benzene ring of cobalt blue enamel, superimposed in the center of crossed retorts, ½ inch in height and 13/16 inches over all.

(vii) *Coast Artillery Corps.* Two crossed cannon with an oval-shaped raised center of red enamel, superimposed on which a projectile, point up, of the same material as the cannon, ¾ inch in height. When applicable, the regimental number ¼ inch in height in the upper angle.

(viii) *Corps of Engineers.* A triple-turreted castle 11/16 inch in height. When applicable, the regimental number ¼ inch in height over the center turret.

(ix) *Field Artillery.* Two crossed field guns ¾ inch in height. When applicable the regimental number ¼ inch in height in the upper angle.

(x) *Finance Department.* A diamond 1 inch by ¾ inch, short axis vertical.

(xi) *General Staff Corps.* The coat of arms of the United States ⅜ inch in height, of gold or gold color metal, superimposed on a 5-pointed star 1 inch in diameter. The shield and glory to be in enameled color stripes of white and red, chief of blue, and the sky of the glory blue.

(xii) *Infantry.* Two crossed muskets ¾ inch in height. When applicable the regimental number ¼ inch in height in the upper angle.

(xiii) *Inspector General's Department.* A sword and fasces ¾ inch in height, crossed and wreathed with the inscription "Droit Et Avant" in blue enamel on upper part of wreath.

(xiv) *Judge Advocate General's Department.* A sword and pen crossed and wreathed ½ inch in height.

(xv) *Medical Department.* Device 1 inch in height, letters ⅜ inch in height.

(a) *Medical Corps.* A caduceus.

(b) *Dental Corps.* A caduceus with the letter "D" superimposed thereon.

(c) *Veterinary Corps.* A caduceus with the letter "V" superimposed thereon.

(d) *Medical Administrative Corps.* A caduceus with the letter "A" superimposed thereon.

(e) *Army Nurse Corps.* A caduceus with the letter "N" superimposed thereon.

(f) *Contract Surgeons.* A caduceus with the letter "C" superimposed thereon.

(g) *Sanitary Corps Reserve.* A caduceus with the letter "S" superimposed thereon.

(xvi) *National Guard Bureau.* Two crossed fasces of the same material as the eagle, superimposed on an eagle displayed with wings reversed, ¾ inch in height.

(xvii) *Military Intelligence Division.* An eared shield ¾ inch in height, bearing a circle connected with the border by thirteen radial ribs, within the circle a sphinx in profile couchant.

(xviii) *Military Police.* Two crossed pistols ¾ inch in height. When applicable the battalion number ¼ inch in height in upper angle.

(xix) *Officers not members of an arm or service, Specialist Reserve.* The coat of arms of the United States 9/16 inch in height within a ring ¾ inch in diameter.

(xx) *Ordnance Department.* A shell and flame 1 inch in height.

(xxi) *Permanent professors, master of the sword, and civilian instructors, United States Military Academy.* The coat of arms of the United States Military Academy 1 inch in height, the shield of the United States bearing the helmet of Pallas over a Greek sword and surmounted by an eagle displayed with scroll and motto.

(xxii) *Quartermaster Corps.* A sword and key crossed on a wheel surmounted by a flying eagle, the felloe of the wheel set with 13 stars. The felloe of the wheel is to be of blue enamel, hub center red edged with white. Insignia ¾ inch in height.

(xxiii) *Signal Corps.* Two signal flags crossed; in enameled colors, dester flag white with red center; the other flag red with white center, with a flaming torch upright at center of crossed flags. Insignia ⅞ inch in height.

(xxiv) *Warrant officers.* An eagle rising with wings displayed standing on a bundle of two arrows, all inclosed in a wreath. Insignia ¾ inch in height.

(xxv) *Members of the United States Army Band.* A lyre 13/16 inches in height with the letters "U. S." in block letters of the same material as the lyre, ⅜ inch in height, superimposed thereon.

(c) *Enlisted men.* A disk 1 inch in diameter, of the screw-post, two-piece type.

(1) The right collar insignia will have the letters "U. S." on a plain solid circular background. The number of the regiment will be added when applicable. The number to be below the "U. S."; when there is no regimental number the "U. S." to be in the center of the disk. To designate enlisted men of the Federally recognized National Guard, the letters forming the abbreviation of the name of the State, as prescribed in § 79.64 will be superimposed on the "U. S."

(2) The left collar insignia will have the insignia of the arm, service, or bureau on a plain solid circular background, except as follows:

(i) *Detached Enlisted Men's List, except Indian Scouts.* The coat of arms of the United States.

(ii) *Indian Scouts.* Two crossed arrows with points up.

(iii) *Army Mine Planter Service.* Same as Coast Artillery Corps, with the addition of a mine case in lower angle, maneuvering ring up.

(iv) *Unassigned.* As prescribed for right collar in subparagraph (c) (1) of this section.* [Par. 24]

§ 79.25 *Insignia of grade*—(a) *Officers*—(1) *General.* Four silver stars 1 inch in diameter.

(2) *Lieutenant general.* Three silver stars 1 inch in diameter.

(3) *Major general.* Two silver stars 1 inch in diameter.

(4) *Brigadier general.* One silver star 1 inch in diameter.

(5) *Colonel.* A silver spread eagle ¾ inch in height and 1½ inches between tips of wings. Insignia to be made in pairs so, when worn, head of eagle will face to the front.

(6) *Lieutenant Colonel.* A silver oak leaf 1 inch in height and 1 inch across.

(7) *Major.* A gold oak leaf 1 inch in height and 1 inch across.

(8) *Captain.* Two silver bars each ⅜ inch in width and 1 inch in length. Bars to be ¼ inch apart.

(9) *First lieutenant.* One silver bar ⅜ inch in width and 1 inch in length.

(10) *Second lieutenant.* One gold bar ⅜ inch in width and 1 inch in length.

(b) *Warrant officers, Army Mine Planter Service*—(1) *Master.* Four bands of brown braid ½ inch in width and an embroidered brown foul anchor 1 inch in length for each sleeve.

(2) *Chief engineer.* Four bands of brown braid ½ inch in width and an embroidered brown three-bladed propeller 1 inch in diameter for each sleeve.

(3) *First mate.* Three bands of brown braid ½ inch in width and an embroidered brown foul anchor 1 inch in length for each sleeve.

(4) *Assistant engineer.* Three bands of brown braid ½ inch in width and an embroidered brown three-bladed propeller 1 inch in diameter for each sleeve.

(5) *Second assistant engineer.* Two bands of brown braid ½ inch in width

and an embroidered brown three-bladed propeller 1 inch in diameter for each sleeve.

(6) *Second mate.* Two bands of brown braid ½ inch in width and an embroidered brown foul anchor 1 inch in length for each sleeve.

(c) *Warrant officers other than the Army Mine Planter Service.* See § 79.24 (b) (2) (xxiv).

(d) *Enlisted men.* (1) Noncommissioned officers and first class privates will have insignia of grade on a background forming an edging around the entire insignia and between each chevron, as follows:

(i) Cotton, khaki chevrons, arcs, and lozenge on a dark blue cotton background.

(ii) Olive-drab wool chevrons, arcs, and lozenge on a dark blue wool background.

(2) *Master sergeant (first grade).* Three chevrons and an arc of three bars, the upper bar of arc forming a tie to the lower chevron.

(3) *Technical sergeant (second grade).* Three chevrons and an arc of two bars, the upper bar of arc forming a tie to the lower chevron.

(4) *First sergeant (second grade).* Three chevrons and an arc of two bars, the upper bar of arc forming a tie to the lower chevron. In the angle between the lower chevrons and the upper bar, a hollow lozenge.

(5) *Staff sergeant (third grade).* Three chevrons and an arc of one bar forming a tie to the lower chevron.

(6) *Sergeant (fourth grade).* Three chevrons.

(7) *Corporal (fifth grade) and acting corporal.* Two chevrons.

(8) *First class private (sixth grade).* One chevron.

(e) *Army Nurse Corps.* Insignia for officers of corresponding grade.* [Par. 25]

§ 79.26 *Insignia to denote excellence, Coast Artillery Corps.* The letter "E" 1 inch in height, in scarlet, embroidered upon an olive-drab wool disk 2 inches in diameter.* [Par. 26]

§ 79.27 *Insignia to denote wounds and service*—(a) *Chevrons, wound.* Of gold lace or bullion. To be chevrons reversed, arms 2½ inches in length, 5/16 inch in width, on a background of olive-drab cloth forming a border ⅛ inch around each arm.

(b) *Chevrons, war service*—(1) *Of gold lace or bullion.* As in paragraph (a) of this section.

(2) *Of sky blue cloth.* As in paragraph (a) of this section, except that the chevron will be of sky blue cloth instead of gold lace or bullion.

(c) *Stripes, service.* Olive-drab stripes, 2¼ inches in length, 5/16 inch in width, on a background forming a border ⅛ inch around the stripe.

(1) *Federal service.* Background dark blue.

(2) *National Guard service.* Background buff.* [Par. 27]

§ 79.28 *Insignia, shoulder sleeve.* Of cloth as per pattern approved by the War Department.* [Par. 28]

§ 79.29 *Insignia or trimmings, distinctive.* Specifications of distinctive insignia or trimmings will be given in each case by The Adjutant General in the letter authorizing them to be worn.* [Par. 29]

§ 79.30 *Brassards.* All brassards to be of cloth 18 inches in length and 4 inches in width of the color specified. When the brassard consists of more than one color, the colors will be of equal width and will run lengthwise of the brassard.

(a) *General Staff Corps.* The letters "G. S. C." in rounded block type 1 inch in height to be placed in the center of the brassard. The colors for the various headquarters will be as follows:

(1) *Divisions.* Red with white letters.

(2) *Army corps and corps areas.* Blue and white, blue uppermost, with red letters.

(3) *Armies.* White and red, white uppermost, with blue letters.

(4) *Headquarters of field forces and War Department.* Blue, white, and red, in order from top to bottom, with blue letters.

(b) *Military police.* The letters "M. P." in block type in white 2½ inches in height on a dark blue background.

(c) *All persons in the military service rendered neutral by the terms of the Geneva Convention in time of war.* A red Geneva cross on a white background.

(d) *Men on recruiting duty.* The words "Recruiting Service" in white block letters 1 inch in height on a dark blue background.

(e) *Members of fire truck and hose companies.* The word "Fire" in white block letters 2¼ inches in height on a red background.

(f) *Port officers.* The letters "A. T. S." in black 1¼ inches in height, followed immediately below be designation of position of department, as provided in AR 30–1115,[4] on a buff background.

(g) *Members of the veterinary service.* A green cross on a white background.

(h) *Newspaper correspondents, photographers, and broadcasters attached to and authorized to accompany forces of the Army of the United States in the theater of operations, and their chauffeurs and messengers.* The appropriate word, "Correspondent," "Photographer," "Radio Commentator," "Correspondent Chauffeur," "Photographer Chauffeur," "Radio News Chauffeur," "Correspondent Messenger," "Photographer Messenger," or "Radio News Messenger," in white block letters 1¼ inches in height on a green background.

(i) *Acting noncommissioned officer, Replacement Training Center.* Sergeant, three chevrons; corporal, two chevrons; in olive-drab on dark blue background.

[4] Administrative regulations of the War Department relative to transports in port.

(j) *Civilian employees in forces of the Army of the United States in theater of operations having a status recognized by the War Department as part of the forces.* The appropriate word. "Chauffeur," "Messenger," etc., in dark blue block letters 1¼ inches in height on a white background.* [Par. 30]

DECORATIONS, SERVICE MEDALS, BADGES, ETC.

§ 79.31 *Medal of Honor.* A bronze five-pointed star 1 9/16 inches in diameter, surrounded by a laurel wreath in green enamel, suspended by two links from a bronze bar bearing the inscription "Valor," and surmounted by an eagle. In the center of the star is the head of Minerva surrounded by the inscription "United States of America." Each ray of the star bears an oak leaf in green enamel. On the reverse of the bar are stamped the words "The Congress to," and on the reverse of the medal are engraved the grade, name, and organization of the recipient, with the place and date of the act for which the medal is awarded. The medal is suspended by a ribbon passed through a ring fastened to the eagle. The head of the eagle hangs 2 inches below the top of the ribbon. This, in turn, is suspended from a neckband of ribbon 20 inches in length, on which is placed a hook. A hanger attachment, consisting of a ring through which the hook is placed when the medal is worn on neckband, may be added on the back of pin bar of medal. The ribbon is of light blue watered silk 1 3/16 inches in width. Midway between the ends of the neckband and on the ribbon supporting the medal are 13 white stars arranged in the form of a triple chevron, the upper chevrons consisting of 5 stars each and the lower one of three stars.* [Par. 31]

§ 79.32 *Distinguished-Service Cross.* A cross of bronze 2 inches in height and 1 13/16 inches in width with an eagle on the center, and a scroll below the eagle bearing the inscription "For Valor." On the reverse, in the center of the cross, is a space for the name of the recipient (which is to be engraved) within a wreath. The cross is suspended by a ring from a watered-silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of a band of red (⅛ inch), white (5/16 inch), blue (1 inch), white (5/16 inch), and red (⅛ inch). All crosses to be serially numbered on the side of the upright of the cross.* [Par. 32]

§ 79.33 *Distinguished-Service Medal.* The coat of arms of the United States in bronze surrounded by a circle of dark blue enamel 1½ inches in diameter, bearing the inscription "For Distinguished Service —" (year to be shown in Roman numerals). On the reverse is a scroll for the name of the recipient (which is to be engraved) upon a trophy of flags and weapons. The medal is suspended by a bar from a watered-silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of a band of scarlet (5/16 inch), a stripe of dark blue (1/16 inch), a band of white (⅝ inch), a stripe of dark blue (1/16 inch), and a band of scarlet (5/16 inch). All medals to be serially numbered on the rim.* [Par. 33]

§ 79.34 *Silver Star.* A bronze star 1½ inches in circumscribing diameter. In the center thereof a 3/16-inch diameter raised silver star, the center lines of all rays of both stars coinciding. The reverse to have the inscription "For gallantry in action" and a space for the name of the recipient (which is to be engraved). The star is suspended by a rectangular-shaped metal loop with corners rounded from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width, composed of stripes of blue (3/32 inch), white (3/64 inch), blue (7/32 inch), white (7/32 inch), red (7/32 inch), white (7/32 inch), blue (7/32 inch), white (3/64 inch), and blue (3/32 inch). All stars to be serially numbered on lower sinister edge.* [Par. 34]

§ 79.35 *Purple Heart.* On a purple enameled heart within a bronze border a profile head in relief of General George Washington in military uniform. Above the enameled heart the shield of Washington's coat of arms between two sprays of leaves in green enamel. On the reverse below the shield and leaves without enamel, a raised bronze heart with the inscription, "For Military Merit", with a space for the name of the recipient (which is to be engraved). The entire device is 1 11/16 inches in length. The medal is suspended by a rectangular-shaped metal loop with corners rounded from a silk moire ribbon 1⅜ inches in width and 1⅜ inches in length, consisting of a purple (pansy) center with 1/16-inch white edges. All hearts to be serially numbered on the lower left hand rim.* [Par. 35]

§ 79.36 *Soldier's Medal.* On a 1⅜-inch bronze octagon an eagle displayed, standing on a fasces, between two groups of stars of six and seven, above the group of six a spray of leaves. On the reverse a shield paly of 13 pieces on the chief, the letters "U. S." supported by sprays of laurel and oak, around the upper edge the inscription "Soldier's Medal" and across the face the words "For Valor." In the base a panel for the grade, name, and organization of the recipient, with date of order awarding the decoration (which is to be engraved). The medal is suspended by a rectangular-shaped metal loop with corners rounded from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width composed of two outside stripes of blue ⅜ inch in width, the center containing 13 white and red stripes of equal width (7 white and 6 red). All medals to be serially numbered on the lower rim.* [Par. 36]

§ 79.37 *Distinguished-Flying Cross.* On a bronze 1½-inch cross patee a four-bladed propeller 1 11/16 inches across blades; in the reentrant angles, rays forming a 1-inch square. On the reverse are engraved the grade, name, and organization of the recipient, with date of order awarding the decoration. The cross is suspended by a plain straight link from a silk moire ribbon 1⅜ inches in length and 1⅜ inches in width, composed of stripes of blue (⅛ inch), white (⅛ inch), blue (1 1/32 inch), white (1/32 inch), red (3/32 inch), white (1/32 inch), blue (1 1/32 inch), white (⅛ inch), and blue (⅛ inch). All crosses to be serially numbered on the rim.* [Par. 37]

§ 79.38 *Oak-leaf Cluster.* A bronze twig of four oak leaves with three acorns on the stem 13/32 of an inch in length.* [Par. 38]

§ 79.39 *Citation Star.* A silver star 5/16 of an inch in diameter.* [Par. 39]

§ 79.40 *Fourragere*—(a) *General.* A single cord braided and knotted, of yellow with green threads for four citations and of dark green with scarlet threads for two citations, terminated at the shoulder end with a buttonhole and at the free end with a ferret of blue metal. A locp is provided above the ferret for attachment. Total length to end of ferret is 36 inches, length of brading 22½ inches, knot 1¼ inches.

(b) *Distinctive marks*—(1) *For divisions*—(i) *1st Division.* The numeral 1, to be approximately ⅜ inch in height.

(ii) *2d Division.* A five-pointed star with Indian head, to be contained in a circle approximately ½ inch in diameter.

(2) *Arm or service.* Insignia of arm or service with numerical designation when applicable, to be integral and similar to the officers' lapel insignia, of suitable size, number of regiment or battalion not to exceed 5/16 inch in height.

(3) *Organizations to which awarded.* The organizations of the Army to which the fourragere has been awarded and the distinctive marks therefor are as follows:

Organizations	*Distinctive marks*
Army Ambulance Service Section No. 646	646—caduceus.
1st Division—	
16th Infantry	1—16—crossed muskets.
18th Infantry	1—18—crossed muskets.
26th Infantry	1—26—crossed muskets.
28th Infantry	1—28—crossed muskets.
1st Machine-Gun Battalion	1—1—crossed muskets, with M and G in horizontal angles.
2d Machine-Gun Battalion	1—2—crossed muskets, with M and G in horizontal angles.
3d Machine-Gun Battalion	1—3—crossed muskets, with M and G in horizontal angles.
5th Field Artillery (now 5th Field Artillery Battalion).	1—5—crossed cannon.
6th Field Artillery (now 6th Field Artillery Battalion).	1—6—crossed cannon.
7th Field Artillery (now 7th Field Artillery Battalion).	1—7—crossed cannon.
1st Engineers (now 1st Engineer Battalion)	1—1—castle.
2d Field Signal Battalion (now 1st Signal Company).	1—2—crossed flags and torch.
3d Division—	
Headquarters Detachment	Star and Indian head.
Headquarters Troop	Star and Indian head.
4th Machine-Gun Battalion	Star and Indian head—4—crossed muskets, with M and G in horizontal angles.
Brigade Headquarters Detachment, 3d Infantry Brigade.	Star and Indian head—crossed muskets.
9th Infantry	Star and Indian head—9—crossed muskets.
23d Infantry	Star and Indian head—23—crossed muskets.
5th Machine-Gun Battalion	Star and Indian head—5—crossed muskets, with M and G in horizontal angles.
Brigade Headquarters Detachment, 4th Infantry Brigade.	Star and Indian head—crossed muskets.
Brigade Headquarters Detachment, 3d Field Artillery Brigade.	Star and Indian head—crossed cannon.
12th Field Artillery (now 12th Field Artillery Battalion).	Star and Indian head—12—crossed cannon.
15th Field Artillery (now 15th Field Artillery Battalion).	Star and Indian head—15—crossed cannon.
17th Field Artillery	Star and Indian head—17—crossed cannon.
2d Trench Mortar Battery	Star and Indian head—2—crossed muskets, with T and M in horizontal angles.
2d Engineers (now 2d Engineer Battalion)	Star and Indian head—2—castle.
2d Engineer Train	Star and Indian head—castle.
1st Field Signal Battalion (now 2d Signal Company).	Star and Indian head—1—crossed flags and torch.
2d Train Headquarters and Military Police Company (now Headquarters and Military Police Company).	Star and Indian head.
2d Supply Train (now 2d Quartermaster Battalion).	Star and Indian head—quartermaster wheel and eagle.
2d Ammunition Train	Star and Indian head—crossed cannon.
2d Sanitary Train (now 2d Medical Battalion).	Star and Indian head—caduceus.
2d Mobile Ordnance Repair Shop (now 2d Ordnance Company Medium Maintenance).	Star and Indian head—flaming bomb.
Mobile Veterinary Section No. 2	Star and Indian head—caduceus.

Organizations	*Distinctive marks*
2d Division—Continued.	
Veterinary Field Unit No. 1	Star and Indian head—caduceus.
Veterinary Field Unit No. 2	Star and Indian head—caduceus.
Machine Shop Truck Unit 303	Star and Indian head—quartermaster wheel and eagle.
Machine Shop Truck Unit 363	Star and Indian head—quartermaster wheel and eagle.
Foden Disinfecting Squad No. 17	Star and Indian head—caduceus.
Sales Commissary Unit No. 1	Star and Indian head—quartermaster wheel and eagle.
Salvage Squad No. 2	Star and Indian head—quartermaster wheel and eagle.
Military Postal Express Service Detachment	Star and Indian head—adjutant general's shield.
Mobile Surgical Unit No. 3	Star and Indian head—caduceus.
103d Aero Squadron (now 94th Pursuit Squadron (F)).	103—Wings and propeller.
Army Ambulance Service Section No. 530	530—caduceus.
Army Ambulance Service Section No. 625	625—caduceus.

* [Par. 40]

§ 79.41 *Civil War Campaign Medal.* A medal of bronze 1¼ inches in diameter. On the obverse is the head of Lincoln, nearly in profile, facing to the right, surrounded by the words, "With malice toward none, with charity for all." On the reverse are the words "The Civil War," and below this the dates "1861–1865," the whole surrounded by a wreath formed by a branch of oak on the left and a branch of olive on the right, the stems joined at the bottom by a conventional knot. The medal is suspended by a silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of two bands of blue and gray of equal width. All medals to be serially numbered on the rim.*† [Par. 41]

§ 79.42 *Indian Campaign Medal.* A medal of bronze 1¼ inches in diameter. On the obverse is a mounted Indian facing to the right, wearing a war bonnet, and carrying a spear in his right hand. Above the horseman are the words "Indian Wars," and below, on either side of a buffalo skull, the circle is completed by arrowheads, conventionally arranged. On the reverse is a trophy, composed of an eagle perched on a cannon supported by crossed flags, rifles, an Indian shield, spear, and quiver of arrows, a Cuban machete, and a Sulu kriss. Below the trophy are the words "For Service." The whole is surrounded by a circle composed of the words "United States Army" in the upper half and 13 stars in the lower half. The medal is suspended by a silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of a band of red (¼ inch), a band of black ($\frac{3}{16}$ inch), a band of red (½ inch), a band of black ($\frac{3}{16}$ inch), and a band of red (¼ inch). All medals to be serially numbered on the rim.* [Par. 42]

§ 79.43 *Spanish Campaign Medal.* A medal of bronze 1¼ inches in diameter. On the obverse is a conventional castle with the addition of two round-corner towers within a circle composed of the words "War with Spain" in the upper half and in the lower half the date "1898" at the bottom, with a branch of the tobacco plant on the left and a stalk of sugarcane on the right. The reverse is the same as that of the Indian campaign medal. The medal is suspended by a silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of two bands of blue (each ⅝ inch), separated by a band of yellow (⅜ inch), with a border of yellow on each edge (⅛ inch). All medals to be serially numbered on the rim.* [Par. 43]

§ 79.44 *Spanish War Service Medal.* A medal of bronze 1¼ inches in diameter. On the obverse is a sheathed Roman sword hanging on a tablet on which is inscribed "For service in the Spanish War." The tablet is surrounded by a wreath. On the reverse is the coat of arms of the United States, with a scroll below, all surrounded by a wreath displaying the insignia of the Infantry, Artillery, and Cavalry. The medal is suspended by a silk ribbon 1⅜ inches in length and 1⅜ inches in width, of green, with a band of yellow (¼ inch), ⅛ inch from each edge. All medals to be serially numbered on the rim.* [Par. 44]

§ 79.45 *Army of Cuban Occupation Medal.* A medal of bronze 1¼ inches in diameter. On the obverse is the coat of arms of the Cuban Republic, with wreath and fasces. Around the circumference are the words "Army of Occupation, Military Government of Cuba," and above the shield the dates "1898" and "1902." The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of a band of red (⅜ inch), a yellow stripe ($\frac{1}{16}$ inch), a band of blue (⅜ inch), a yellow stripe ($\frac{1}{16}$ inch) and a band of red (⅜ inch), with a border of blue ($\frac{1}{16}$ inch) on each edge. All medals to be serially numbered on the rim.* [Par. 45]

§ 79.46 *Army of Puerto Rican Occupation Medal.* A medal of bronze 1¼ inches in diameter. On the obverse is a conventional castle with the addition of two round-corner towers, the whole in a circle composed of the words "Army of Occupation, Porto Rico," in the upper half and in the lower half the date "1898" at the bottom, with a branch of the tobacco plant on the left and a stalk of sugarcane on the right. The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of a band of blue (⅜ inch), a yellow stripe ($\frac{1}{16}$ inch), a band of red (⅜ inch), a yellow stripe ($\frac{1}{16}$ inch), and a band of blue (⅜ inch), with a border of red ($\frac{1}{16}$ inch) on each edge. All medals to be serially numbered on the rim.* [Par. 46]

§ 79.47 *Philippine Campaign Medal.* A medal of bronze 1¼ inches in diameter. On the obverse is a conventional cocoanut-palm tree. On the left of it is a lamp of knowledge and on the right the scales of justice. The whole is in a circle composed of the words "Philippine Insurrection," and the date of "1899" at the bottom. The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of a broad band of blue (⅝ inch), between bands of red ($\frac{5}{16}$ inch), with a narrow strip of blue ($\frac{1}{16}$ inch) on each edge. All medals to be serially numbered on the rim. For engraving see AR 600–65 [6] and §§ 78.29 and 78.30.* [Par. 47]

§ 79.48 *Philippine Congressional Medal.* A medal of bronze 1¼ inches in diameter. On the obverse is a group composed of a color bearer holding a United States flag and supported by two men with rifles on their shoulders, the three facing the left. The flag extends to the rim between the words "Philippine" and "Insurrection." Below the group is the date "1899." On the reverse are the words "For patriotism, fortitude, and loyalty" in a wreath composed of a branch of pine on the left and a branch of palm on the right, the stems joined by a conventional knot. The medal is suspended by a silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of a band of blue (⅝ inch) with a stripe of white (⅛ inch) separating it from bands of red (⅛ inch), white ($\frac{1}{16}$ inch), and blue ($\frac{1}{16}$ inch) on each edge. All medals to be serially numbered on the rim.* [Par. 48]

§ 79.49 *China Campaign Medal.* A medal of bronze 1¼ inches in diameter. On the obverse is the Imperial Chinese five-toed dragon with the head in full face in the middle, within a circle composed of the words "China Relief Expedition," with the dates "1900–1901" at the bottom. The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of a band of yellow (1¼ inches) with edges of blue ($\frac{1}{16}$ inch). All medals to be serially numbered on the rim.* [Par. 49]

§ 79.50 *Army of Cuban Pacification Medal.* A medal of bronze 1¼ inches in diameter. On the obverse is the coat of arms of the Cuban Republic with wreath and fasces, supported by two American soldiers with rifles, at parade rest. Above the group are the words "Cuban Pacification," below are the dates "1906–1909." The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of a band of olive-drab (⅝ inch) with a blue stripe (⅛ inch) separating it from bands of white (⅛ inch) and red (⅛ inch) on each edge. All medals to be serially numbered on the rim.* [Par. 50]

[6] Administrative regulations of the War Department relative to award and supply of service medals.

§ 79.51 *Mexican Service Medal.* A medal of bronze 1¼ inches in diameter. On the obverse is the Mexican yucca plant in flower, with mountains in the background. Above the yucca plant are the words "Mexican Service" in the upper half and in the lower half the dates "1911–1917" arranged in a circle. The reverse is the same as that of the Indian Campaign Medal. The medal is suspended by a silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of a green stripe (⅛ inch), a band of yellow (⅜ inch), a band of blue (⅜ inch), a band of yellow (⅜ inch), and a green stripe (⅛ inch). All medals to be serially numbered on the rim. For engraving see AR 600–65 [6] and §§ 78.29 and 78.30.* [Par. 51]

§ 79.52 *Mexican Border Service Medal.* A medal of bronze 1¼ inches in diameter. On the obverse a sheathed Roman sword hanging on a tablet on which is inscribed "For service on the Mexican border." The tablet is surrounded by a wreath. The reverse is the same as that of the Spanish War Service Medal. The medal is suspended by a silk ribbon 1⅜ inches in length and 1⅜ inches in width, of green with a yellow band (½ inch) in the center. All medals to be serially numbered on the rim.* [Par. 52]

§ 79.53 *Victory Medal.* (a) A medal of bronze 36 millimeters in diameter. On the obverse is a winged Victory standing full length and full face. On the reverse is the inscription "The Great War for Civilization" and the coat of arms of the United States surmounted by a fasces, and on either side the names of the allied and associated nations. The medal is suspended by a ring from a watered-silk ribbon 1⅜ inches in length and 36 millimeters in width, representing two rainbows placed in juxtaposition and having the red in the middle with a white thread along each edge, according to standard sample.

When clasps are worn, the ribbon will be lengthened when necessary, so as to provide at least ¾ inch of ribbon above the top clasp.

(b) *Clasps.* Bronze bars ⅛ inch in width, to be placed on the ribbon of the medal and bearing the following inscriptions:

(1) Cambrai.
(2) Somme Defensive.
(3) Lys.
(4) Aisne.
(5) Montdidier-Noyon.
(6) Champagne-Marne.
(7) Aisne-Marne.
(8) Somme Offensive.
(9) Oise-Aisne.
(10) Ypres-Lys.
(11) St. Mihiel.
(12) Meuse-Argonne.
(13) Vittorio-Veneto.
(14) Defensive sector.
(15) France.
(16) Italy.
(17) Siberia.
(18) Russia.
(19) England.* [Par. 53]

§ 79.54 *Badges, aviation*—(a) *In general.* A device consisting of a pair of wings of oxidized silver approximately 3⅛ inches from tip to tip.

(b) *Pilot.* The shield of the United States without stars in the chief at the center of the wings.

(c) *Senior pilot.* Same as for pilot with the addition of a star ½ inch in diameter, $\frac{1}{16}$ above the shield.

(d) *Command pilot.* Same as for senior pilot with the addition of a wreath encircling the star.

(e) *Technical observer.* The letter "O" in front of the letter "T" at the center of the wings.

(f) *Aircraft observer.* The letter "O" at the center of the wings.

(g) *Balloon pilot.* A balloon and basket at the center of the wings.

(h) *Senior balloon pilot.* Same as for balloon pilot with the addition of a star ½ inch in diameter above the balloon.

(i) *Balloon observer.* The letter "O" in front of a balloon and basket at the center of the wings.* [Par. 54 as amended by Cir. 264, W. D., Dec. 19, 1941]

§ 79.55 *Badge, parachutist.* A badge of oxidized silver consisting of a parachute ¾ inch in height with a pair of wings attached at base displayed and curved inward to touch body of parachute, 1½ inches in length.* [Par. 55]

§ 79.56 *Badges for marksmanship, gunnery, bombing, etc.*—(a) *Badges for qualification in the use of arms*—(1) *Basic badges.* To be of silver.

(i) *Marksmen and second-class gunners.* A cross patee.

(ii) *Sharpshooters and first-class gunners.* A cross patee with the representation of a target placed on the center thereof.

(iii) *Expert riflemen, pistol experts, expert gunners, expert bombers, bayonet experts, expert grenadiers, expert submachine gunners, and expert armored-car gunners.* A cross patee with the representation of a target placed on the center thereof and encircled by a wreath.

(2) *Bars*—(i) *Original qualification.* To be of silver suspended from the basic badge and marked as follows to show the weapon, or weapon and course, and without showing the date of qualification:

(*a*) Rifle.
(*b*) Pistol-D.
(*c*) Pistol-M.
(*d*) Auto Rifle.
(*e*) Machine Gun.
(*f*) Inf. Howitzer.
(*g*) Coast Arty.
(*h*) Mines.
(*i*) Field Arty.
(*j*) Bayonet.
(*k*) Tank Weapons.
(*l*) C. W. S. Weapons.
(*m*) Machine Rifle.
(*n*) Aerial Gunner.
(*o*) Aerial Bomber.
(*p*) Grenade.
(*q*) Small Bore Rifle.
(*r*) Small Bore Pistol.
(*s*) Submachine Gun.
(*t*) Small Bore M. G.

(ii) *Requalification in the same course or with the same weapon.* (*a*) For the third, sixth, ninth, twelfth, etc., requalification in the same course or with the same weapon, an additional bar appropriate to the course or weapon will be attached in each case without showing the date of requalification.

(*b*) For each intervening requalification the year thereof will be engraved on the back of the bar last received, e. g., for the first and second requalifications, the date of each will be engraved on the back of the appropriate bar received in connection with the original qualification. For the fourth and fifth requalifications, the date of each will be engraved on the back of the appropriate bar received in connection with the third requalification.

(b) *Badges for excellence in marksmanship and bombing*—(1) *Badges for distinguished designations.* To be of gold and to consist of two parts.

(i) *Distinguished marksman*—(*a*) *Bar.* Bearing a shield of stars and stripes with the letters "U. S." thereon.

(*b*) *Pendant.* A shield bearing an enameled target between the words "Distinguished" and "Marksman."

(ii) *Distinguished pistol shot*—(*a*) *Bar.* Bearing a shield, of stars and stripes with the letters "U. S." thereon.

(*b*) *Medal.* A shield bearing an enameled target between the words "Distinguished" and "Pistol Shot."

(iii) *Distinguished automatic rifleman*—(*a*) *Bar.* Bearing the word "Distinguished" between two groups of oak leaves.

(*b*) *Pendant.* A Browning automatic rifle across a square, one point up, formed by a circular target and four groups of laurel leaves.

(iv) *Distinguished aerial gunner and distinguished aerial bomber.* To be of gold and to consist of two parts:

(*a*) *Bar.* Of clouds with the word "Distinguished" thereon, indicating the type of award.

(*b*) *Medal.* Indicating the weapon fired, and consisting of a circular target within a laurel wreath; a winged projectile, point down, superimposed thereon for the aerial gunner's badge, or a drop bomb, point down, superimposed thereon for the aerial bomber's badge.

[6] Administrative regulations of the War Department relative to the award and supply of service medals.

(2) *Army team and corps area team marksmanship badges*—(i) *General.* Badges to consist of three parts:

(a) A bar indicating the army or corps area.

(b) A clasp indicating rifle, automatic rifle, or pistol.

(c) A medal on which, for army teams, is indicated the arm or service by color.

(ii) *Army team badge*—(a) *Bar.* Of bronze with square ends and ornamented with oak leaves.

(b) *Clasp.* Crossed muskets or crossed pistols of bronze for rifle team or pistol team, respectively.

(c) *Medal.* Of bronze and enamel, the center displaying crossed Indian bow and arrows within a ring of enamel, bearing 13 stars and surrounded by an oak leaf. The enameled ring will be of the color of the arm or service. When the arm or service has two colors the stars will be enameled in piping color. For the Philippine Scouts the ring will be blue and the stars red.

(iii) *Corps area team badge*—(a) *Bar.* Of bronze with rounded ends, plain surface with disk for Roman numeral indicating the corps area or device indicating the department; for the Hawaiian Department a dolphin, for the Philippine Department a sea lion, and for the Panama Canal Department a portcullis.

(b) *Clasp.* Crossed muskets for rifle teams, crossed pistols for pistol teams, crossed Browning automatic rifles for automatic rifle teams; to be of gold for first grade shots, silver for second grade, and bronze for third grade.

(c) *Medal.* The same as for army team badges, except that the ring bearing 13 stars is not enameled.

(c) *Engraving*—(1) *Badges for qualification in the use of arms.*

(i) See subdivision (a) (2) (ii) of this section.

(ii) Badges with attached bars to be engraved for requalification will be turned over to the local quartermaster to be forwarded by requisition as follows:

(a) Within the continental limits of the United States to the commanding officer, Philadelphia Quartermaster Depot.

(b) In the Philippine, Hawaiian, and Panama Canal Departments to the department quartermaster.

(2) *Badges for distinguished designations.* These badges will have engraved on the reverse side thereof the name of the recipient, his grade and organization at the time he attained the distinguished classification, followed by the year of such attainment; or as may be authorized by The Adjutant General in individual cases.

(3) *Army team and corps area team marksmanship badges.* To be engraved as prescribed in subparagraph (c) (2) of this section.

(4) *Duplicates.* See § 44.4 of this title.* [Par. 56]

§ 79.57 *Badges, corps, division, and World War shoulder sleeve insignia.* To represent corps and divisions of the Civil and Spanish-American Wars, and shoulder sleeve insignia of the World War. To be made of metal, not exceeding ⅞ inch in largest dimension, and enameled in colors.* [Par. 57]

§ 79.58 *Service ribbons, bronze stars, miniatures, lapel buttons, lapel ribbons*—(a) *Service ribbons.* A service ribbon is a short strip of ribbon identical with that from which is suspended a decoration or service medal. Ordinarily the length will be ⅜ inch. When, however, the number of stars worn is more than 5 and not more than 10, the length will be ½ inch; when the number of stars is more than 10, the length will be ¾ inch.

(b) *Bronze stars.* Bronze stars, 5/16 inch in diameter to denote possession of certain clasps.

(c) *Miniatures.* Miniature replicas of decorations and service medals, each on a scale of one-half, and of the oak-leaf cluster 5/16 inch in length.

(d) *Lapel buttons*—(1) *For decorations and service medals.*

(i) For the Medal of Honor, to consist of a hexagonal rosette of light blue silk with white stars.

(ii) For the Victory Medal, a 5-pointed star ⅝ inch in diameter on a wreath with the letters "U. S." in the center. To be made of silver for men wounded in action, of bronze for all others. When citation stars have been awarded they may be placed on the wreath between the points of the star specified below, the points being numbered in a clockwise direction, beginning with the point at the top as No. 1:

One star—between the first and fifth points.

Two stars—same as one star, and also between the first and second points.

Three stars—same as two stars, and also between the fourth and fifth points.

Four stars—same as three stars, and also between the second and third points.

See also §§ 78.54 to 78.58 of this title.

(iii) For all other medals, a button 1/32 inch in width and ⅛ inch in length, in colored enamel, being a reproduction in miniature of the service ribbon. When Oak-Leaf Clusters have been awarded in lieu of additional decorations, the miniature Oak-Leaf Cluster may be placed on the lapel button denoting possession of the decoration. When citation stars have been awarded for gallantry in action prior to the World War, the stars may be placed on the lapel button denoting possession of the service medal issued for service in the war or campaign in which the gallantry occurred. See also §§ 78.51 to 78.58 of this title.

(2) *Officers' Reserve Corps.* A gold or gold color button ½ inch in diameter, enameled in the color of the arm or service in which commissioned, with the letters "U. S. R." in gold or gold color. Where there are two colors, the letters will be in the color of the piping. For general officers the button will be gold with the letters in relief.

(3) *Enlisted Reserve Corps.* Same as Officers Reserve Corps, except in bronze instead of gold or gold color.

(4) *Corps and division badges.* Corps and division badges of the Civil and Spanish-American Wars, and badges of the shoulder sleeve insignia of the World War, worn in the form of pins or lapel buttons. See § 79.57.

(5) *For service.* A dexter eagle with wings displayed perched within a ring which displays seven white and six red vertical striped with a blue chief bearing the words "National Defense," the dexter wing of the eagle behind the ring, the sinister wing in front of the ring.

(e) *Lapel ribbons.* Miniature replicas of the suspension ribbons of decorations (except Medal of Honor) and service medals, ⅛ inch in width and of suitable length, for wear as authorized by AR 600-40.'* [Par. 58]

§ 79.59 *War Department General staff identification.* The coat of arms of the United States, of gold or gold color metal, superimposed on a five-pointed black enameled star; in each reentrant angle of the star, three transparent green enameled laurel leaves; the shield and glory to be in enameled colors, stripes of white and red, chief of blue, and the sky of the glory blue.

(a) *Regular, additional, and former members of the War Department General Staff.* Star 2 inches in diameter.

(b) *Chief of Staff and former Chiefs of Staff.* Star 3 inches in diameter.* [Par. 59]

VARIOUS ARTICLES OF EQUIPMENT

§ 79.60 *Belts*—(a) *Officers.* The officers' belt, M1921, of Army russet leather and brass trimmings with single shoulder strap.

(b) *Warrant officers.* A belt of Army russet leather 1¾ inches in width, fastened with a brass center bar buckle, and provided with a russet leather keeper.

(c) *Enlisted men.* A leather waist belt same as in paragraph of this section.* [Par. 60]

§ 79.61 *Spur straps.* To consist of a single strap or an upper and a lower strap of Army russet leather. In lieu of the lower strap there may be worn a polished nickel steel, nonrusting, round laid link wire chain with a loop attachment at each end; to have approximately three links to the inch. Size of chain to be, length over all, 8 to 8½ inches, 9 to 9½ inches, and 10 to 10½ inches; width minimum 0.61 inch, maximum 1 1/16 inch. Stirrup guard straps of approved pattern will be attached to the upper strap when spurs are worn with semidress boots, field boots, or leggings.* [Par. 61]

'Administrative regulations of the War Department relative to wearing of the service uniform.

§ 79.62 *Tag, identification.* (a) Of monel metal, approximately 2 inches long by 1⅛ inches wide, and about 0.025 inch thick, the corners rounded and the edges smooth.

(b) Each tag has a capacity of five lines of type, 18 spaces to the line and will be embossed by a machine provided for that purpose.* [Par. 62]

MISCELLANEOUS

§ 79.63 *Colors of arms, services, bureau, etc.*—(a) *Adjutant General's Department.* Dark blue piped with scarlet.

(b) *Air Corps.* Ultramarine blue piped with golden orange.

(c) *Cavalry.* Yellow.

(d) *Chaplains.* Black.

(e) *Chemical Warfare Service.* Cobalt blue piped with golden yellow.

(f) *Coast Artillery Corps.* Scarlet.

(g) *Corps of Engineers.* Scarlet piped with white.

(h) *Detached Enlisted Men's List.* Green.

(i) *Field Artillery.* Scarlet.

(j) *Finance Department.* Silver gray piped with golden yellow.

(k) *Infantry.* Light blue.

(l) *Inspector General's Department.* Dark blue piped with light blue.

(m) *Judge Advocate General's Department.* Dark blue piped with white.

(n) *Medical Department.* Maroon piped with white.

(o) *Military Intelligence Reserve.* Golden yellow piped with purple.

(p) *Military police.* Yellow piped with green.

(q) *National Guard Bureau.* Dark blue.

(r) *Ordnance Department.* Crimson piped with yellow.

(s) *Permanent professors of United States Military Academy.* Scarlet piped with silver gray.

(t) *Quartermaster Corps.* Buff.

(u) *Signal Corps.* Orange piped with white.

(v) *Specialists' Reserve.* Brown piped with golden yellow.

(w) *Warrant officers.* Brown.* [Par. 63]

§ 79.64 *State abbreviations for insignia for National Guard.* Abbreviations to be all capitals with no periods.

Alabama	ALA
Alaska	ALASKA
Arizona	AZ
Arkansas	ARK
California	CAL
Colorado	COLO
Connecticut	CT
Delaware	DEL
Florida	FLA
Georgia	GA
Idaho	IDA
Illinois	ILL
Indiana	IND
Iowa	IOWA
Kansas	KAN
Kentucky	KY
Louisiana	LA
Maine	ME
Maryland	MD
Massachusetts	MASS
Michigan	MICH
Minnesota	MINN
Mississippi	MISS
Missouri	MO
Montana	MONT
Nebraska	NEB
Nevada	NEV
New Hampshire	NH
New Jersey	NJ
New Mexico	NM
New York	NY
North Carolina	NC
North Dakota	ND
Ohio	OHIO
Oklahoma	OK
Oregon	OR
Pennsylvania	PENN
Rhode Island	RI
South Carolina	SC
South Dakota	SD
Tennessee	TENN
Texas	TEX
Utah	UTAH
Vermont	VT
Virginia	VA
Washington	WN
West Virginia	WVA
Wisconsin	WIS
Wyoming	WYO
District of Columbia	DC
Hawaii	TH
Puerto Rico	PR

*[Par. 64]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc 41-9878; Filed, December 31, 1941; 10:07 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3536]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF KAS-MO REMEDY CO.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., in commerce, of respondent's "Kas-Mo Salve" medicinal preparation, or any other substantially similar preparation, representing, (1) that respondent's preparation, "Kas-Mo Salve", is a cure or remedy for pimples, boils, carbuncles, skin risings, external eruptions of the skin, cuts, chronic sores, irritations, caused by bad blood, or insect bites, or that said preparation constitutes a competent or effective treatment for any of such conditions; (2) that said preparation has any therapeutic value in the treatment of rectal irritations in excess of furnishing temporary relief; and (3) that the use of respondent's preparation will prevent the spread of infection; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U. S. C., Supp. IV, sec. 45b) [Cease and desist order, Kas-Mo Remedy Co., Docket 3536, December 23, 1941]

In the Matter of G. J. Tritico, Doing Business Under the Trade Name of "Kas-Mo Remedy Co."

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of December, A. D. 1941.

This proceeding having been heard [1] by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, in support of the allegations of the complaint and in opposition thereto, report of the trial examiners upon the evidence, and brief filed in support of the complaint; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, G. J. Tritico, doing business under the trade name of "Kas-Mo Remedy Co.", his representative, agents, and employees, directly or through any corporate of other device, in connection with the offering for sale, sale, and distribution of his medicinal preparation designated "Kas-Mo Salve", or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from representing;

(1) That respondent's preparation, "Kas-Mo Salve," is a cure or remedy for pimples, boils, carbuncles, skin risings, external eruptions of the skin, cuts, chronic sores, irritations, caused by bad blood, or insect bites, or that said preparation constitutes a competent or effective treatment for any of such conditions;

(2) That said preparation has any therapeutic value in the treatment of rectal irritations in excess of furnishing temporary relief;

(3) That the use of respondent's preparation will prevent the spread of infection.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] JOE L. EVINS,
Acting Secretary.

[F. R. Doc. 41-9917; Filed, December 31, 1941; 11:36 a. m.]

[1] 3 F.R. 2572

[Docket No. 4571]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF LIFE SAVERS CORPORATION

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Cumulative discounts.* In connection with offer, etc., in commerce, of respondent's "Life Savers" candy confection, and among other things, as in order set forth, selling goods of like grade and quality to some purchasers at a price which is 10% different than to other purchasers, and selling goods of like grade and quality to some purchasers at any different price than to other purchasers unless such difference makes only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered, prohibited. (Sec. 2 (a), 49 Stat. 1526; 15 U.S.C., Supp. IV, sec. 13a) [Cease and desist order, Life Savers Corporation, Docket 4571, December 23, 1941]

§ 3.45 (c) *Discriminating in price—Direct discrimination—Compensatory payments.* In connection with offer, etc., in commerce, of respondent's "Life Savers" candy confection, and among other things, as in order set forth, (1) paying 10% or any other percentage of the net dollar volume of purchases to some mass or multiple retail outlet distributors in consideration of their furnishing services or facilities connected with the sale, and offering for sale of goods purchased from respondent, such as accepting delivery at a central warehouse and distributing to more than one individual retail store, while not making such payment available on proportionally equal terms to other competing mass or multiple retail outlet distributors who accept delivery at a central warehouse and distribute to individual retail stores or while not making such payment available on proportionally equal terms to jobbers competing in the distribution of such products who in fact take delivery at their central warehouse and distribute to individual retail stores; and (2) compensating or paying 10% or any other percentage of the net dollar volume of purchases to any customer for services furnished by or through such customer while not making such compensation or payment in consideration of like services furnished by or through other customers available on proportionally equal terms to such customers competitively engaged in the distribution of such products; prohibited. (Sec. 2 (d), 49 Stat. 1527; 15 U.S.C., Supp. IV, sec. 13d) [Cease and desist order, Life Savers Corporation, Docket 4571, December 23, 1941]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23d day of December, A. D. 1941.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission; the answer of respondent; the stipulation entered into on the record between the attorney for the Commission and the attorney for respondent, in which respondent admits all the material allegations of the complaint and waives further hearings, the filing of briefs, oral argument, and all intervening procedure; and the report of the trial examiner: And the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of section 2 (a) and (d) of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, section 13);

It is ordered, That the respondent, Life Savers Corporation, its officers, directors, representatives, agents and employees, jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its candy confection known as "Life Savers", in commerce as "commerce" is defined in the Clayton Act, do forthwith cease and desist from:

(a) Selling goods of like grade and quality to some purchasers at a price which is 10% different than to other purchasers, and from selling goods of like grade and quality to some purchasers at any different price than to other purchasers unless such difference makes only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which such commodities are to such purchasers sold or delivered;

(b) Paying 10% or any other percentage of the net dollar volume of purchases to some mass or multiple retail outlet distributors in consideration of their furnishing services or facilities connected with the sale, and offering for sale of goods purchased from respondent, such as accepting delivery at a central warehouse and distributing to more than one individual retail store, while not making such payment available on proportionally equal terms to other competing mass or multiple retail outlet distributors who accept delivery at a central warehouse and distribute to individual retail stores or while not making such payment available on proportionally equal terms to jobbers competing in the distribution of such products who in fact take delivery at their central warehouse and distribute to individual retail stores;

(c) Compensating or paying 10% or any other percentage of the net dollar volume of purchases to any customer for services furnished by or through such customer while not making such compensation or payment in consideration of like services furnished by or through other customers available on proportionally equal terms to such customers competitively engaged in the distribution of such products.

It is further ordered, That the respondent Life Savers Corporation shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with the order to cease and desist herein set forth.

By the Commission.

[SEAL] JOE L. EVINS, *Acting Secretary.*

[F. R. Doc. 41-9918; Filed, December 31, 1941; 11:36 a. m.]

[1] 6 F.R. 4580.

Now, therefore, it is ordered, That § 326.5 *(Alphabetical list of code members)* and § 326.6 *(Numerical list of mines)* in the Schedule of Effective Minimum Prices for District No. 6 for All Shipments Except Truck be, and they hereby are, effective 15 days from the date hereof, amended in accordance with Supplement R-I and Supplement R-II annexed to and made part of this Order.

It is further ordered, That in all other respects the prayers for relief contained in the petition filed herein be, and they hereby are, denied.

Dated: December 13, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-822]

PART 326—MINIMUM PRICE SCHEDULE, DISTRICT NO. 6

ORDER GRANTING PERMANENT RELIEF IN PART IN THE MATTER OF THE PETITION OF DISTRICT BOARD 6 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 6

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed on April 17, 1941, with the Bituminous Coal Division by District Board 6, requesting price classifications and minimum prices for shipments other than truck for the coals of three mines in District 6 theretofore classified for truck shipments only;

Temporary relief pending the final disposition of this proceeding having been granted in part by an Order of the Acting Director dated July 18, 1941, 6 F.R. 3603, establishing minimum f. o. b. mine prices for rail shipments only;

Pursuant to an appropriate Order and after due notice to all interested persons, a hearing in this matter having been held before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith;

TEMPORARY EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 6

FOR ALL SHIPMENTS EXCEPT TRUCK, RIVER, AND EX-RIVER

§ 326.5 *Alphabetical list of code members*—Supplement R-I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group Nos.]

Code member	Mine name	Sub-dist. No.	Seam	Type	Shipping points in W. Va.	Freight origin group Nos.	Railroad	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12
Buday, Matt	Walnut Grove	Pgh. 8	Deep	Wellsburg		30	PRR	000	000	000	000	000	000	000	000	000	-----	-----	-----
Norman Coal Co. (Alex Larkey)	Norman	Pgh. 8	Deep	Colliers		30	PRR	000	000	000	000	000	000	000	000	000	-----	-----	-----
Quality Coal Co	Clarke	Pgh. 8	Deep	Wheeling		30	PRR	000	000	000	000	000	000	000	000	000	-----	-----	-----

§ 326.6 *Numerical list of mines*—Supplement R-II

Refer to § 326.6 in Minimum Price Schedule of the Schedule of Effective Minimum Prices for District No. 6. Add the following:

Mine Index No.	Mine name	Code member	Freight origin group No.	Railroad
108	Walnut Grove	Buday, Matt	30	PRR.
123	Clarke	Quality Coal Co	30	PRR.
136	Norman	Norman Coal Co. (Alex Larkey)	30	PRR.

Prices for all Mine Index Numbers except 7, 20, 24 and 26 shown in § 326.7, § 326.8 (b), § 326.8 (c), § 326.8 (d), § 326.8 (e), § 326.8 (d) in Minimum Price Schedule of the Schedule of Effective Minimum Prices apply to Mine Index Numbers 108, 123, and 136.

[F. R. Doc. 41-9942; Filed, December 30, 1941; 11:08 a. m.]

[Docket No. A-1011]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR THE COALS PRODUCED AT THE JEANNE ANNE MINE (MINE INDEX NO. 1446) AND THE JEANNE ANNE #3 MINE (MINE INDEX NO. 616) OF THE WEST VIRGINIA COAL & TRANSPORTATION COMPANY, IN MASON COUNTY, WEST VIRGINIA

WEST VIRGINIA, KANAWHA SUBDISTRICT IN DISTRICT NO. 8, FOR SHIPMENT BY TRUCK

This is a proceeding instituted upon an original petition filed on August 15, 1941, with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board No. 8, requesting and proposing a revision of the effective minimum prices for truck shipments established for the coals of the Jeanne Anne Mine (Mine Inde No. 1446) and the Jeanne Anne No. 3 Mine (Mine Index No. 616) of West Virginia Coal & Transportation Company, located in Mason County, West Virginia.

Pursuant to a Notice of and Order for Hearing of the Director, a hearing on this matter was held in Washington, D. C., on September 29, 1941, at which time a continuance was granted by the Examiner upon receipt of a telegram from West Virginia Coal & Transportation Company that it had not been served with a copy of the Notice of and Order for Hearing.

A petition of intervention was filed by West Virginia Coal & Transportation Company on October 8, 1941, and withdrawn on November 5, 1941, with the statement that West Virginia Coal & Transportation Company would not appear at the hearing and would make no opposition to the petition of District Board No. 8.

In accordance with subsequent orders of the Director, the hearing was resumed on November 5, 1941, before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof, in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. The petitioner, District Board No. 8, appeared, but no appearance was entered for West Virginia Coal & Transportation Company.

The preparation and filing of a report by the Examiner was waived, and the matter was thereupon submitted to the undersigned.

The only witness at the hearing was John F. Daniel, Director of Compliance and Truck Mining Service for District Board No. 8, who testified to the following effect: The West Virginia Coal & Transportation Company operates the Jeanne Anne, Jeanne Anne No. 2, and Jeanne Anne No. 3 Mines. All three mines are located adjacent to each other near West Columbia, Mason County, West Virginia, and operate in the Pittsburgh No. 8 Seam. The coal produced by each of these mines is comparable to that produced by each of the other two, and to the coals produced by all other mines located in the same county and operating in the same seam. The effective minimum prices for the coals of the Jeanne Anne and Jeanne Anne No. 3 Mines for shipment by truck established, pursuant to proposals of District Board No. 8, in Docket No. A–81 and Docket No. A–615, respectively, were erroneously based on a $2.45 price level and are not in conformity with the effective minimum prices for the coals of the Jeanne Anne No. 2 Mine for shipment by truck, nor with those established for the coals of any of the other mines located on the Pittsburgh No. 8 Seam, in Mason County, West Virginia, which are based on a $2.70 price level. Daniel further testified that no revision of the rail prices of the Jeanne Anne and Jeanne Anne No. 3 Mines was sought because all the mines in Mason County, including these two, had effective minimum rail prices properly based on a $2.45 price level, as a result of coordination with rail prices established for the coals of competitive producers in Putnam County. The witness contended that the effective minimum prices for truck shipments for the coals of the Jeanne Anne and Jeanne Anne No. 3 Mines should be increased to the $2.70 price level, as proposed by the District Board, in order to conform with the effective minimum prices established for comparable coals of the other mines producing from the Pittsburgh No. 8 Seam, in Mason County.

Upon the basis of the uncontroverted testimony in this proceeding, I find and conclude that the revision of the effective minimum prices for truck shipments for the coals produced at the Jeanne Anne Mine and at the Jeanne Anne No. 3 Mine, as requested by the petitioner and as set forth in Supplement T attached hereto, will effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and that the minimum prices as set forth comply with all the standards thereof.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof, the minimum prices for truck shipments as set forth in Supplement T annexed hereto and hereby made a part hereof, be and the same are hereby established and made effective for the coals produced at the Jeanne Anne Mine (Mine Index No. 1448) and at the Jeanne Anne No. 3 Mine (Mine Index No. 616) of the West Virginia Coal & Transportation Company, and that § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments be and it is hereby amended accordingly.

Dated: December 13, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2", see 2" x 6"	Lump 2" and under; see 2" x 6"	Lump ¾" and under see 2" x 6"	Egg 2" x 4", see 2" x 5"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 4, KANAWHA MASON COUNTY, W. VA.											
West Virginia Coal & Transportation Co.	Jeanne Anne	1448	Pittsburgh #8	*270	*260	205	*235	180	195	*155	*150
West Virginia Coal & Transportation Co.	Jeanne Anne #3	616	Pittsburgh #8	*270	*260	205	*235	180	195	*155	*150

*Indicates change in price classification from previous price classification for the respective size groups.

[F. R. Doc. 41–9645; Filed, December 30, 1941; 11:09 a. m.]

[Docket No. A–1035, Part II]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE PERKINS MINE (MINE INDEX NO. 2628) OF J. E. WARRICK, A CODE MEMBER IN DISTRICT 8

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 8. The petition requests and proposes the establishment of price classifications and effective minimum prices for the coals of certain mines in District 8, including among others, the coals of the Perkins Mine (Mine Index No. 2628) of J. E. Warrick, a code member in District 8.[1] Petitioner proposed that the Perkins Mine be permitted to load its coals at Saxton, Kentucky, on the Louisville & Nashville Railroad and at Jellico, Tennessee, on the Southern Railway. On October 7, 1941, the Director issued an Order establishing temporary price classifications and temporary effective minimum prices for the coals of the Perkins Mine for shipments only on the Louisville & Nashville Railroad from Saxton, Kentucky.

Pursuant to the Order of October 7, 1941, a hearing in this matter was held on November 14, 1941, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board 8 appeared.

[1] On September 30, 1941, 6 F.R. 5315, the Director issued an Order establishing temporary and conditionally final prices for the coals of these District 8 mines, except for (1) the coals of the Daugherty & King Mine (Mine Index No. 2611) of F. J. Daugherty and Carl King (effective minimum prices having already been established for the coals of this mine), and (2) the coals of the Perkins Mine (Mine Index No. 2628) of J. E. Warrick. By an Order of October 7, 1941, 6 F.R. 5397, prices for the coals of the Perkins Mine were temporarily established for shipment via the Louisville & Nashville Railroad only: the matter relating to the coals of the Perkins Mine for shipment via the Southern Railway was severed from Docket No. A–1035 and designated as Docket No. A–1035 Part II.

The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned.

The witness Robb, a representative of District Board 8, testified that since the filing of the petition in Docket No. A–1035, J. E. Warrick had been succeeded by Joe E. Perkins as operator of the Perkins Mine. A letter was introduced into evidence which had been written by said Joe E. Perkins to Wayne P. Ellis, Secretary of District Board 8, advising that the loading point at Saxton, Kentucky, on the Louisville & Nashville Railroad was adequate for use by the Perkins Mine. Accordingly, District Board 8 moved that the temporary price classifications and the temporary effective minimum prices heretofore established for the coals produced at the Perkins Mine for shipments from Saxton, Kentucky, on the Louisville & Nashville Railroad be made permanent but that the request in the petition for the establishment of price classifications and effective minimum prices for such coals for shipments from Jellico, Tennessee, on the Southern Railway be denied.

Based upon a consideration of the record, the undersigned finds and concludes that the establishment of such price classifications and effective minimum prices for the coals of the Perkins Mine (Mine Index No. 2628) for all shipments except truck as set forth in Supplement "R" annexed hereto, is necessary in order to effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and that the prices as set forth therein comply with all the standards thereof. In view of the position taken by the present owner of the Perkins Mine there is no occasion to consider whether it would be proper to establish prices for the coals of the Perkins Mine for shipment via the Southern Railway.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement "R", which supplement is hereinafter set forth and hereby made a part hereof.

Dated: December 13, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

DISTRICT NO. 8

Classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine name	High volatile seam	Price classifications by size group Nos. For destinations other than Great Lakes: Bituminous slack	Shipping point	Freight origin group No. Railroad	For Great Lakes cargo only: 1½, 2, 5/6	3, 5/6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27
2628	Perkins, Joe E.	Perkins	Blue Gem	6	Saxton, Ky.	111 L&N	A	A	A	A	A	O	A	A	L						

[F. R. Doc. 41–9646; Filed, December 30, 1941; 11:09 a. m.]

[Docket No. A–1188]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10 FOR TRUCK SHIPMENT

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 10 for truck shipment.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 13, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENT

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION NO. 5, SCHUYLER COUNTY																																
Strickland, W. D.	1530	Mary's	5	265	260	245	235	230	225	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SECTION NO. 6, SHELBY COUNTY																																
Root, J. G.	1531	Penwell	7	280	275	270	260	255	250	245	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SECTION NO. 7, VERMILION COUNTY																																
Schmidt, Chas. H. (Schmidt Coal Company)	1534	Schmidt Coal Co.	7	240	235	230	220	215	210	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---

[F. R. Doc. 41-9843; Filed, December 30, 1941; 11:09 a. m.]

[Docket No. A-1190]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT No. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 11 FOR TRUCK SHIPMENT

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11 for truck shipment.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 13, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR TRUCK SHIPMENT

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
FOUNTAIN COUNTY																														
Rennick, Ralph V.	179	Morgan	M	310	285	265	255	250	245	215	215	195	185	155	145	80	50	---	---	---	---	---	---	---	---	---	---	---	---	---
MARTIN COUNTY																														
Jones, Dennis	185	Tredway	8B	310	285	265	255	250	245	215	215	195	185	155	145	80	50	---	---	---	---	---	---	---	---	---	---	---	---	---
Ritter and Small (George Ritter)	186	Hickory	5	275	270	265	255	250	245	215	215	195	185	165	155	110	80	---	---	---	---	---	---	---	---	---	---	---	---	---
OWEN COUNTY																														
Cooksey, Alva	187	Cooksey	8B	310	285	265	255	250	245	215	215	195	185	155	145	80	50	---	---	---	---	---	---	---	---	---	---	---	---	---
PIKE COUNTY																														
Culbertson, Hobart	180	Culbertson	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55	---	---	---	---	---	---	---	---	---	---	---	---	---
VIGO COUNTY																														
O'Neal, Levert	178	Lone Star No. 2	3	240	235	230	220	215	210	170	175	170	165	135	125	70	40	---	---	---	---	---	---	---	---	---	---	---	---	---

[F. R. Doc. 41-9844; Filed, December 30, 1941; 11:09 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 921—ALUMINUM

Extension of General Preference Order M-1, Supplementary Orders M-1-a and M-1-c, and Preference Rating Order No. P-12

It is hereby ordered, That §§ 921.1,[1] 921.2,[2] 921.4 [3] and 921.5 [4] (General Preference Order M-1 and Supplementary Order M-1-a as extended, Supplementary Order M-1-c, and Preference Rating Order No. P-12 including all the orders of that series issued to individual producers), expiring by their respective terms on December 31, 1941, shall continue in effect until January 31, 1942, unless sooner revoked by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 31st day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9886; Filed, December 31, 1941; 10:12 a. m.]

[1] 6 F.R. 1598, 2621.
[2] 6 F.R. 1599, 2621.
[3] 6 F.R. 2855.
[4] 6 F.R. 3178.

PART 933—COPPER

Interpretation No. 1 of § 933.4 Conservation Order No. M-9-c,[1] as Amended, Curtailing the Use of Copper in Certain Items

The attached official interpretation is hereby issued by the Director of Priorities with respect to Copper Conservation Order M-9-c.

Issued this 26th day of December, 1941.

DONALD M. NELSON,
Director of Priorities.

Interpretation With Respect to the Application of Copper Conservation Order M-9-c to the Radio Industry

Copper Conservation Order M-9-c, as amended December 10, 1941, restricts the use of Copper and Copper Base Alloy in the manufacture of radios. The Order applies to the manufacture; it does not prohibit the sale of radios if they have been manufactured within the limitations of the Order.

Broadly speaking, after January 1, 1942, manufacturers are prohibited from using Copper or Copper Base Alloy in the manufacture of radios except to the extent necessary for carrying electrical current, and even then only enough may be used to carry the amount of current required, leaving a reasonable factor of safety.

All decorative uses of Copper or Copper Base Alloy are prohibited. The attached table shows the effect the Order has on certain parts of a radio where Copper was used in the past.

[1] 6 F.R. 6354, 6424.

Use of copper and copper base alloy in parts of radios[1]

Parts of radio	Parts as to which the use is permitted only to the extent necessary for carrying current	Parts as to which use is entirely prohibited
Antennas	Wire and contacts.	
Automatic tuning unit	Wire and contacts.	Cabinets.
Cabinets		
Coils	Wire and contacts.	
Current carrying lugs and ground springs	Current carrying lugs and ground springs.	Dials.
Dials		
Electrolytic condenser	Wire and contacts.	Escutcheons.
Escutcheons		
High frequency cable shielding	High frequency cable shielding.	
Hook-up and wire cables	Hook-up and wire cables.	Knobs.
Knobs		
Permeability tuning	Brass screws.	
Power and radio transformer chokes	Wire and contacts.	
Resistors	Wire and contacts.	
Small paper condenser	Wire and contacts, and copper foil.	
Speakers	Wire and contacts.	
Sockets	Contacts.	
Vacuum tubes	Vacuum tubes.	Copper shafts.
Variable condenser tuner	Wire and contacts.	
Vibrators	Wire and contacts.	
Volume controls	Wire and contacts.	

[1] There are certain specific exceptions where a manufacturer is permitted to use Copper to a greater extent than listed above. These exceptions are contained in sub-paragraph (a) (4) and paragraph (b) of the Order, to which reference should be made.

[F. R. Doc. 41-9898; Filed, December 31, 1941; 10:14 a. m.]

PART 937—ZINC

Supplementary Order No. M-11-g

§ 937.8 *Supplementary Order M-11-g.* (a) The Director of Priorities hereby determines that the amount of Metallic Zinc, Zinc Oxide and Zinc Dust to be set aside by Producers under paragraph (c)[1] of § 937.1 as extended, for the month of January, 1942 and for each month thereafter until otherwise determined by him, shall be as follows:

(1) Metallic zinc: An amount equal to 31% of Producer's October 1941 production.

(2) Zinc oxide: An amount equal to 10% of Producer's October 1941 production.

(3) Zinc dust: None.

(b) This Order shall take effect on the 1st day of January 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 31st day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9892; Filed, December 31, 1941; 10:13 a. m.]

PART 939—HIGH-SPEED STEEL

Amendment No. 2 to General Preference Order M-14

Paragraph (b) of § 939.1[2] (*General Preference Order M-14*) is hereby amended to read as follows:

[1] 6 F.R. 3179, 5290.
[2] 6 F.R. 2676, 6207.

§ 939.1 *General preference order M-14.*

* * * * *

(b) *Orders.* No customer of a producer shall place an order with such producer for Class B high-speed steel if Class A high-speed steel would reasonably fulfill his requirements; and no producer shall accept such an order for Class B high-speed steel when he knows or has reason to believe that Class A high-speed steel would reasonably fulfill the customer's requirements. For the period October 28, 1941, to February 1, 1942, and for each quarterly period thereafter, no customer shall place and no producer shall accept orders for Class B high-speed steel which will exceed, in the aggregate, by weight, one-third of the quantities of Class A high-speed steel ordered by such customer from the same producer during the same period. Customers' orders for high-speed steel which are to be filled in whole or in part by the use of material, including tungsten ore, ferro tungsten, and tungsten-bearing scrap, furnished by such customers shall be subject to all the restrictions and provisions of this Order. With respect to orders placed on or after October 28, 1941, no customer shall request cancellation, during the period October 28, 1941, to February 1, 1942, or during any quarterly period thereafter, of any order for Class A high-speed steel, unless such customer shall also request cancellation of an order or orders for one-third of such quantity, by weight, of Class B high-speed steel placed with the same or some other producer during the same period.

* * * * *

This amendment shall take effect immediately.

Issued this 31st day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9894; Filed, December 31, 1941; 10:14 a. m.]

PART 941—MATERIAL AND EQUIPMENT ENTERING INTO FREIGHT CAR CONSTRUCTION INCLUDING RAILROAD, INDUSTRIAL AND MINE FREIGHT CARS

Notice of Extension of Preference Rating Order No. P-8

§ 941.1 *General preference order No. P-8,*[1] has been extended to expire March 31, 1942.

DONALD M. NELSON,
Director of Priorities.

DECEMBER 31, 1941.

[F. R. Doc. 41-9880; Filed, December 31, 1941; 10:15 a. m.]

PART 943—MATERIALS ENTERING INTO THE PRODUCTION OF HEAVY BOMBERS

PART 948—MATERIALS ENTERING INTO THE PRODUCTION OF ELECTRICAL RELAYS AND SOLENOID ASSEMBLIES

PART 952—MATERIALS ENTERING INTO THE PRODUCTION OF RADIO RECEIVING, TRANSMITTING, AND DIRECTIONAL EQUIPMENT

Notice of Extension of Preference Rating Orders Nos. P-3, P-4, P-9-a, P-9-b, P-9-c, P-9-d, P-9-e, P-9-f, P-9-g, P-15 and P-16

Preference Rating Orders Nos. P-3,[1] P-4,[2] P-9-a,[3] P-9-b,[4] P-9-c,[5] P-9-d,[6] P-9-e,[7] P-9-f,[8] P-9-g,[9] P-15[10] and P-16[11] have been extended to expire January 31, 1942.

Dated: December 31, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9891; Filed, December 31, 1941; 10:10 a. m.]

PART 956—MATERIALS ENTERING INTO THE CONSTRUCTION OF SPECIFIED LOCOMOTIVES

Notice of Extension of Preference Rating Order No. P-20

§ 956.1 *Preference Rating Order No. P-20,*[1] has been extended to expire March 31, 1942.

DONALD M. NELSON,
Director of Priorities.

DECEMBER 31, 1941.

[F. R. Doc. 41-9884; Filed, December 31, 1941; 10:13 a. m.]

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[1] 6 F.R. 3009.
[2] Original Preference Rating Orders P-9, P-4, and P-9-g were not filed with this Division.
[3] 6 F.R. 3114.
[4] 6 F.R. 3115.
[5] 6 F.R. 3116.
[6] 6 F.R. 3235.
[7] 6 F.R. 3236.
[8] 6 F.R. 3238.
[9] 6 F.R. 3404.
[10] 6 F.R. 3405.
[11] 6 F.R. 3646.

PART 957—MATERIAL ENTERING INTO THE REPAIR AND REBUILDING OF STEAM, ELECTRIC OR DIESEL LOCOMOTIVES WHETHER FOR RAILROAD, MINING OR INDUSTRIAL USE

Notice of Extension of Preference Rating Order No. P-21

§ 957.1 *Preference Rating Order No. P-21,*[1] has been extended to expire March 31, 1942.

DONALD M. NELSON,
Director of Priorities.

DECEMBER 31, 1941.

[F. R. Doc. 41-9885; Filed, December 31, 1941; 10:15 a. m.]

PART 967—FORMALDEHYDE, PARAFORMALDEHYDE, HEXAMETHYLENETETRAMINE AND SYNTHETIC RESINS

Amendment No. 5 to General Preference Order No. M-25 to Conserve the Supply and Direct the Distribution of Formaldehyde, Paraformaldehyde, Hexamethylenetetramine and Synthetic Resins Produced Therefrom

(a) Section 967.1 (*General Preference Order No. M-25*[1]) is hereby amended in the following particulars:

(1) In paragraph (c) (1) (i), Hand Flashlight Parts shall be included in the enumeration designated Classification I.

(2) Paragraph (i) shall be deleted and there shall be substituted in its place a new paragraph (i) as follows:

(i) *Effective date.* This Order shall take effect on the 23rd day of August, 1941, and continue in effect until terminated by direction of the Director of Priorities.

(b) This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 31st day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F.R. Doc. 41-9895; Filed, December 31, 1941; 10:14 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 2 to Limitation Order L-1-a, To Restrict the Production of Medium and Heavy Motor Trucks and Passenger Carriers

Section 976.1 (General Limitation Order No. L-1, and, as amended L-1-a) is hereby amended to read as follows:

Whereas the manufacture of medium and heavy motor trucks and passenger carriers requires the utilization of large quantities of aluminum, chromium, copper, nickel, nickel steel, rubber, steel, tin, tungsten and other critical materials, and national defense requirements have created a shortage of these materials for the combined needs of defense, private account and export; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and for essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the manufacture of medium and heavy motor trucks and passenger carriers is curtailed and the use of critical materials for such manufacture thereby reduced;

Now, therefore, it is hereby ordered, That:

§ 976.1 *General Limitation Order L-1-a*—(a) *Definitions.* For the purposes of this order:

(1) "Medium and/or Heavy Motor Truck"—means a complete motor truck or truck tractor with a maximum gross vehicle weight rating of 9,000 pounds or more, (as certified to the Office of Production Management by the Producer's Engineering Department and as specified in a published rating in effect prior to August 1, 1941) or the chassis therefor.

(2) "Passenger Carrier"—means a complete motor or electrical coach for passenger transportation, having a seating capacity of not less than fifteen persons, or the chassis or body therefor.

(3) "Producer"—means any individual, partnership, association, corporation or other form of business enterprise engaged in the manufacture of medium and/or heavy motor trucks or passenger carriers.

(b) *General restriction. February quota.* During the period commencing February 1, 1942 and ending February 28, 1942:

(1) Producers shall manufacture not more than the following number of medium and/or heavy motor trucks:

Name of producer	Number of medium and/or heavy motor trucks
Ford Motor Co	17,000
Chevrolet Division, General Motors Corp	13,320
Chrysler Corporation	6,000
International Harvester Co	5,945
Yellow Truck & Coach Manufacturing Co	3,320
The White Motor Co	1,350
Mack Manufacturing Corporation	875
Federal Motor Truck Co	675
Diamond T. Motor Car Co	680
Reo Motors, Incorporated	600
The Studebaker Corporation	480
Autocar Co	310
Brockway Motor Co	250
Divco-Twin Truck Co	245
Four Wheel Drive Auto Co	90
Sterling Motor Truck Co	80
Euclid Road Machinery Co	65
Kenworth Motor Truck Corporation	35
Walter Motor Truck Co	30
Oshkosh Motor Truck Co	20
Dart Truck Co	15
Hendrickson Motor Truck Co	7
The Corbitt Co	10
Available Truck Co	4
Duplex Truck Co	6
Walker Vehicle Co	6
Hahn Motors, Incorporated	3
Stewart Motor Corporation	4
The Hug Co	3
Coleman Motors Corporation	3
Federal Le Moon Truck Co	1
De Martini Motor Truck Co	1
Doane Motor Truck Co	1
MacDonald Truck & Manufacturing Co	1

(2) Producers shall manufacture not more than the following number of passenger carriers:

Name of producer	Number of passenger carriers
Yellow Truck and Coach Manufacturing Co	275
Mack Manufacturing Corporation	175
Ford Motor Co	130
J. G. Brill Co	125
Twin Coach Co	115
White Motor Co	75
Flxible Co	35
General American Aerocoach Co	25
C. D. Beck & Co	20
Pullman Standard Manufacturing Co	15
Beaver Metropolitan Coaches, Inc	10
Fitzjohn Body Co	10
Superior Coach Co	10
Reo Motors, Inc	10
St. Louis Car Co	10
Kenworth Motor Truck Corporation	5
Pen Yan Body Co	5
Wayne Body Co	5
Wentworth and Irwin, Inc	5
Pacific Car & Foundry Co	5

(3) The determination of the number of medium and/or heavy motor trucks and passenger carriers produced during the period from February 1, 1942 to February 28, 1942, shall exclude, and the foregoing limitation upon the number of medium and/or heavy motor trucks and passenger carriers which may be produced by any Producer during the month of February, 1942, shall not apply to any such medium and/or heavy motor trucks and passenger carriers produced under contracts or orders for delivery to or for the account of:

(i) the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(ii) the government of any of the following countries; the United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia;

(iii) any agency of the United States Government for material or equipment to be delivered to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend-Lease Act.)

(c) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(d) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

[1] 6 F.R. 3647.
[2] 6 F.R. 4301, 4527, 5090, 5648.

(e) *Reports.* All persons affected by this Order shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the Office of Production Management.

(f) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(g) *Appeal.* Any person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal to the Division of Priorities by addressing a letter to the Automotive Branch of the Division of Civilian Supply, Office of Production Management, Washington, D. C., setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(h) *Effective Date.* This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 31st day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9888, Filed, December 31, 1941; 10:12 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 1 to Limited Preference Rating Order No. P-54 Material Entering Into the Production of Defense Products

Section 976.2 is hereby amended in the following particulars:

The introduction is hereby amended to read as follows:

§ 976.2 *Limited Preference Rating Order P-54.*[1] For the purpose of facilitating the acquisition of material for the production of certain trucks, truck trailers and passenger carriers, a preference rating is hereby assigned to deliveries for such purposes upon the following terms:

Section 976.2 (a) (2) is hereby amended to read as follows:

(a) *Definitions.*

* * * * *

(2) "Defense Products" means medium and/or heavy motor trucks, truck trailers, and passenger carriers, those terms being defined as follows:

(1) "Medium and/or Heavy Motor Truck"—means a complete motor truck or truck tractor with a maximum gross vehicle weight rating of 9,000 pounds or more, (as certified to the Office of Production Management by the Producer's Engineering Department and as specified in a published rating in effect prior to August 1, 1941), or the chassis, body or cab therefor.

(2) "Truck-Trailer"—means a complete semi-trailer or full trailer having a cargo-carrying capacity (as advertised by the Producer prior to August 1, 1941) of five tons or more, designed exclusively for the transportation of property, or the chassis or body therefor.

(3) "Passenger Carrier"—means a complete motor or electrical coach for passenger transportation, having a seating capacity of not less than fifteen persons, or the chassis or body therefor.

* * * * *

It is also hereby ordered that § 976.2 shall continue in effect until the 28th day of February, 1942, unless sooner revoked by the Director of Priorities. In order to make this extension effective it is hereby ordered that § 976.2 (e) (3) be amended to read as follows:

(e) *Restrictions on application of rating.*

* * * * *

(3) *by a Producer or a Supplier.*

(i) Unless the material to be delivered cannot be obtained when required without such rating,

(ii) To obtain deliveries earlier than required,

(iii) To deliveries of materials on purchase orders placed after February 1, 1942,

(iv) To deliveries of materials on purchase orders calling for delivery after February 28, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 31st day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9890; Filed, December 31, 1941; 10:12 a. m.]

[1] 6 F.R. 4731, 5273, 5677.

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Supplementary General Limitation Order L-3-d Further Restricting the Production of Light Motor Trucks during the months of December 1941 and January 1942

In accordance with the provisions of § 976.3[1] (*General limitation order L-3* issued September 13, 1941); of § 976.4[2] (*Supplementary general limitation order L-3-a*, issued October 24, 1941); and of § 976.5[3] (*Supplementary general limitation Order L3-b*, issued November 14, 1941); all of which said Orders the following Order supplements,

It is hereby ordered, That:

§ 976.3 *General Limitation Order L-3* (a) *Further restricting the production of light motor trucks in December 1941 and January 1942.* Anything contained in the above-mentioned Orders to the contrary notwithstanding, and subject to the qualifications provided for in paragraph (b) below, during the period commencing December 1, 1941 and ending December 31, 1941, the manufacture of light motor trucks by each Producer thereof is hereby restricted to a number equal to three-fourths of seven per cent (¾ of 7%) of such Producer's average annual production of light motor trucks during the three years commencing August 1, 1938 and ending July 31, 1941, and no Producer shall manufacture light motor trucks during said month of December 1941 in excess of such number. Anything contained in the above-mentioned Orders to the contrary notwithstanding, and subject to the qualifications provided in paragraph (b) below, during the period commencing January 1, 1942 and ending January 31, 1942, the manufacture of light motor trucks by each Producer thereof is hereby restricted to a number equal to one-half of seven per cent (½ of 7%) of such Producer's average annual production of light motor trucks during the three years commencing August 1, 1938 and ending July 31, 1941, and no Producer shall manufacture light motor trucks during said month of January 1942 in excess of such number.

(b) *Qualifications on paragraph (a) hereinabove.* In spite of the provisions of paragraph (a) hereinabove any Producer of light motor trucks may produce in the month of December 1941 that number of light motor trucks originally authorized for his December 1941 production by Supplementary General Limitation Order L-3-a, issued October 24, 1941: *Provided*, That such Producer's January 1942 quota as authorized in paragraph (a) hereinabove, shall be reduced by whatever number such Producer's December 1941 production exceeds the December 1941 quota fixed by paragraph (a) hereinabove. Further, any Producer of light motor trucks may carry over into the month of January 1942 any portion of his December 1941 production which he failed to produce in the month of December 1941: *Provided, however*, That in no event shall any Producer's total production of light motor trucks for December 1941 and January 1942 exceed the total of his production for those two months authorized in paragraph (a) hereinabove.

(c) *Prohibition of use of new spare tires on new light motor trucks.* On and after the effective date of this Order, no Producer shall equip any new light motor truck produced by him with any new tires in excess of those required for the wheels on which said truck is then operated; all new spare or extra new tires being hereby prohibited; nor shall any such Producer or any other person sell, ship or deliver any new light motor truck with any new spare or extra new tire.

(d) *Extension of use of "Bright Work" to December 31, 1941, and further qualifications on the use thereof.* Paragraph (b) of § 976.5 *Supplementary general limitation order L-3-b*, issued November 14, 1941, is amended by changing the date December 15, 1941 to December 31, 1941 and is further amended by inserting therein the following new subparagraphs designated (b) (i), (b) (ii) and (b) (iii);

(b) (i) The provisions of paragraph (b) shall not apply to ventilator window latches, external lock cylinder caps and covers, external windshield wiper arm and blade assemblies, and body trim bright screws.

(b) (ii) Notwithstanding the provisions of paragraph (b) stocks of "bright work" parts (such as, but not limited to, belt moldings, radiator grilles, running board moldings, windshield moldings, window frame moldings and hub caps) which were in process of manufacture or on hand in the form of finished parts on November 14, 1941, may continue to be used after December 31, 1941, if, but only if, such stocks are treated so as permanently to lose their identity as "bright work" by some practical method such as acid etching and sand blasting and are painted or enamelled before being used.

(b) (iii) Each Producer who desires to take advantage of the provisions of paragraphs (b) (i) and (b) (ii) shall on or before January 1, 1942 file with the Automotive, Transportation and Farm Equipment Branch a statement of his November 14, 1941 inventories of "bright work" goods in process and "bright work" finished parts. The January 1, 1942 statement shall also set out the steps such Producer intends to take in order to comply with paragraph (b) (ii). In addition, each Producer shall furnish proof of compliance with paragraph (b) (ii) whenever such proof is requested by the Branch.

(e) *The effect of present order on use of "bright work".* Anything in supplementary General Limitation Order L-3-b, issued November 14, 1941 and amended by Paragraph (d) hereinabove, to the contrary notwithstanding, any Producer of light motor trucks may use "bright work", "bright finish", metal finish or body trim containing copper, nickel, chrome or aluminum on that number of light motor trucks originally authorized for production in the month of December 1941, by Supplementary General Limitation Order L-3-a, issued October 24, 1941: *Provided, however*, That if any part of such December 1941 production, so authorized, is carried over into the month of January 1942, as authorized by paragraph (b) hereinabove, then and in that event such "bright work", "bright finish", metal finish or body trim containing copper, nickel, chrome or aluminum must be applied on the first light motor trucks produced in January 1942.

(f) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489, O.P.M. Reg. 3, March 8, 1941, 6 F.R. 1596, as amended Sept. 12, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec 2 (a) Public No. 671, 76th Congress, Third Session as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 31st day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9883; Filed, December 31, 1941; 10:11 a. m.]

[1] 6 F.R. 4733.
[2] 6 F.R. 5486.
[3] 6 F.R. 5606.

PART 982—MINES

Amendment No. 3 to Preference Rating Order No. P-56

Schedule A to § 982.1[1] (*Preference Rating Order P-56*) is hereby amended as follows:

(1) "Conveyors—shaking, belt, or chain type, including duckbills and other self-loading heads" is amended to read, "Conveyors—shaking, belt, chain, or gravity type, including duckbills and other self-loading heads."

(2) "Dredges—continuous bucket" is amended to read, "Dredges—continuous bucket, including pumps."

(3) "Hydraulic monitors" is amended to read, "Hydraulic monitors, with feed pipe and fittings."

(4) The following items are added:

(i) Safety and defense equipment.

(ii) Steel sections for support of mine openings.

(iii) Wire rope for haulage and hoisting.

This amendment shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; Sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; Sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 31st day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9887; Filed, December 31, 1941; 10:11 a. m.]

[1] 6 F.R. 6207.

PART 984—LEAD

Supplementary Order No. M-38-d

§ 984.5 *Supplementary order M-38-d.* (a) The Director of Priorities hereby determines that the amount of lead to be set aside by each refiner pursuant to paragraph (c) (2)[1] of § 984.1 (*General preference order M-38*) for the month of January, 1942, shall be 15% of the total amount of lead produced by such refiner during the month of November, 1941.

(b) This Order shall take effect on the 1st day of January, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, as amended September 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session; as amended by Public 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 31st day of December 1941. All reports to be filed, appeals and other communications concerning this order, should be addressed to the Tin, Lead and Ilmenite Branch, Office of Production Management, Social Security Building, Washington, D. C., Reference: M-38-d.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9887; Filed, December 31, 1941; 10:11 a. m.]

PART 998—METAL OFFICE FURNITURE AND EQUIPMENT

Amendment No. 1 to Limitation Order L-13 to Restrict the Production of Metal Office Furniture and Equipment

It is hereby ordered, That:

Section 998.1 (*Limitation Order L-13*) is hereby amended to read as follows:

§ 998.1 *General Limitation Order L-13*—(a) *Definitions.* For the purposes of this Order:

(1) "Steel Used" means

(i) The aggregate weight of steel cut or processed by any manufacturer subject to this order for use in the production of metal office furniture and equipment, plus

(ii) The aggregate weight of steel contained in purchased parts when such parts are put into the production of metal office furniture and equipment.

(2) "Class A Manufacturers" means those manufacturers of metal office fur-

[1] 6 F.R. 5091.

niture and equipment whose steel used in the manufacture of such metal office furniture and equipment for the twelve months ending June 30, 1941, was 12,000 tons or more.

(3) "Class B Manufacturers" means those manufacturers of metal office furniture and equipment whose steel used in the manufacture of such metal office furniture and equipment for the twelve months ending June 30, 1941, was more than 3,000 but less than 12,000 tons.

(4) "Class C Manufacturers" means those manufacturers of metal office furniture and equipment whose steel used in the manufacture of such metal office furniture and equipment for the twelve months ending June 30, 1941, was 3,000 tons or less.

(5) "Group I Product" means any one of the following: insulated metal filing cabinets; safes; metal visible record equipment; metal shelving; metal lockers; stenographic or posture-type office chairs containing metal.

(6) "Group II Product" means any one of the following: metal filing cabinets other than insulated filing cabinets.

(7) "Group III Product" means any one of the following: metal office storage cabinets; metal desks; office chairs containing metal, other than stenographic or posture-type office chairs; metal office tables, including typewriter and office machine stands (except those which are integral parts of the machines which they support); metal bank vault equipment; metal office counters other than filing cabinets; movable metal partitions; doors, etc., for movable metal partitions; other metal office equipment, including wastepaper baskets, metal trays, and wire baskets.

(8) "Preferred Order" means any order or contract for metal office furniture and equipment to be delivered to or for the account of

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, and the Office of Scientific Research and Development;

(ii) The government of any of the following countries: The United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia;

(iii) Any agency of the United States Government for delivery to, or for the account for the government of any country listed above or any country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend-Lease Act)

(b) *General restrictions.* (1) Except as provided in subparagraphs (4) and (5), during each of the months of January, February and March, 1942, no Class A Manufacturer of metal office furniture and equipment shall use in the production of any Group I Product more than 70% of the monthly average of steel used by him for the manufacture of such Group I Product during the twelve months ending June 30, 1941; nor shall such Class A Manufacturer use in the manufacture of any Group II Product more than 55% of the monthly average of steel used by him for the manufacture of such Group II Product during the twelve months ending June 30, 1941; nor shall such Class A Manufacturer use in the manufacture of any Group III Product more than 40% of the monthly average of steel used by him for the manufacture of such Group III Product during the twelve months ending June 30, 1941.

(2) Except as provided in subparagraphs (4) and (5), during each of the months of January, February and March, 1942, no Class B Manufacturer of metal office furniture and equipment shall use in the production of any Group I Product more than 80% of the monthly average of steel used by him for the manufacture of each Group I Product during the twelve months ending June 30, 1941; nor shall such Class B Manufacturer use in the manufacture of any Group II Product more than 65% of the monthly average of steel used by him for the manufacture of such Group II Product during the twelve months ending June 30, 1941; nor shall such Class B Manufacturer use in the manufacture of any Group III Product more than 50% of the monthly average of steel used by him for the manufacture of such Group III Product during the twelve months ending June 30, 1941.

(3) Except as provided in subparagraphs (4) and (5), during each of the months of January, February and March, 1942, no Class C Manufacturer of metal office furniture and equipment shall use in the production of any Group I Product more than 90% of the monthly average of steel used by him for the manufacture of such Group I Product during the twelve months ending June 30, 1941; nor shall such Class C Manufacturer use in the manufacture of any Group II Product more than 75% of the monthly average of steel used by him for the manufacture of such Group II Product during the twelve months ending June 30, 1941; nor shall such Class C Manufacturer use in the manufacture of any Group III Product more than 60% of the monthly average of steel used by him for the manufacture of such Group III Product during the twelve months ending June 30, 1941.

(4) Any manufacturer of metal office furniture and equipment who manufactures more than one product may, as between such products (whether in the same or in different groups), adjust the permissible amounts of steel to be used, but such adjustment shall be within the following limits: In the production of any one product he may use up to but not exceeding 120% of the amount of steel permitted for such product under the terms of subparagraphs (1), (2), or (3), but, in such a case, the amount of steel permitted for his other products shall be reduced so that the total amount of steel used by him in the production of metal office furniture and equipment shall not exceed the total permitted under the preceding subparagraphs exclusive of this subparagraph.

(5) A manufacturer having preferred orders may exceed the foregoing restrictions in any month to the extent of the amount of steel required to fill such preferred orders: *Provided*, That his quota under subparagraphs (1), (2), or (3) for the following month shall be reduced by the amount of such excess. In no event, however, shall a quota for any month be reduced below 50% of the quota established under subparagraphs (1), (2) or (3).

(c) *Avoidance of excessive inventories.* Manufacturers of metal office furniture and equipment shall not accumulate inventories of raw materials, semi-processed materials or finished parts for metal office furniture and equipment in quantities in excess of the minimum amount necessary to maintain production of metal office furniture and equipment at the rates permitted by this Order.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(f) *Reports.* Until further notice each manufacturer to whom this Order applies shall file with the Office of Production Management reports on Form PD–134 on or before the fifteenth day of each month, covering the preceding month, and such other reports and questionnaires as said Office shall from time to time request.

(g) *Applicability to manufacturers previously using metals other than steel.* Any manufacturer who, during the twelve months ending June 30, 1941, used metals other than steel in the production of any Group I, Group II, or Group III Products and, who uses or wishes to use steel in lieu of such other metals, may apply on Form PD–136 to the Office of Production Management for permission to convert the weight of such other metals previously used into an equivalent weight of steel for the purpose of computing such manufacturer's "Steel used" during the base period. Permission to make such conversion in a proper case will be granted only upon condition that the manufacturer agrees to use none of the metals formerly used in the production of metal office furniture and equipment.

(h) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(i) *Applicability of priorities regulation no. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(j) *Routing of correspondence.* Reports to be filed and other communications concerning this Order shall be addressed to the Office of Production Management, Washington, D. C., Ref.: L–13.

(k) *Effective rate.* This Amendment shall take effect January 1, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941; 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 784, 76th Congress, Third Session)

Issued this 31st day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9896; Filed, December 31, 1941; 10:15 a. m.]

PART 1001—TIN

Conservation Order No. M–43–a Curtailing the Use of Tin in Certain Items

Whereas national defense requirements have created a shortage of tin for the combined needs of defense, private account, and export; and the supply now is and will be insufficient for defense and essential civilian requirements unless its use in the manufacture of many products where such use is not absolutely necessary for the defense or essential civilian requirements is curtailed or prohibited as hereinafter provided;

Now, therefore, it is hereby ordered, That:

§ 1001.2 *Conservation Order M–43–a.* (a) *Prohibition on use of tin in articles appearing on list "A":*

(1) Any person using tin in any Item on List "A" shall reduce his use of tin in any such Item between January 1 and March 31, 1942, to 50% of his use in the base period.

(2) Effective April 1, 1942, no tin shall be used in the production of any Item on List "A".

(b) *Limitation on all other uses of tin.* Any person using tin in any article not covered by paragraph (a) or (c) of this Order shall reduce his use of tin in any such article between January 1 and March 31, 1942, and during each calendar quarter thereafter to 50% of his use in the base period.

(c) *General exception.* Where and to the extent the use of any less scarce material is impracticable, the prohibitions, limitations and restrictions contained in paragraphs (a) and (b) shall not apply to the use of tin in the manufacture of any Item which is being produced:

(1) for delivery under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development or for any foreign country pursuant to the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act) if in any such case the use of tin to the extent employed is required by the specifications of the prime contract, or

(2) to comply with Underwriters Regulations, or Safety Regulations issued under Governmental authority, provided the pertinent provisions of such Regulations were, in either case, in effect both on December 1, 1941, and on the date of such use, and specifically and exclusively require the use of tin to the extent employed, or

(3) by tin plating, terne plating, hot tinning or electroplating for use as containers or cans, or

(4) with the assistance of a preference rating of A–1–j or higher.

(d) *Prohibitions against sales or deliveries.* No person shall hereafter sell or deliver tin to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this Order.

(e) *Limitation of inventories.* No manufacturer shall receive delivery of tin, (including scrap) or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of tin products by this Order.

(f) *Miscellaneous provisions:* (1) *Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of tin conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense work to defense work, may appeal to the Office of Production Management on Form PD–229, Ref.: M–43–a, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(3) *Applicability of order.* The prohibitions and restrictions contained in this Order shall apply to the use of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pusuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other Order of the Director of Priorities may have the effect of limiting or curtailing to a greater extent than herein provided the use of tin in the production of any article, the limitations of such other Order shall be observed.

(4) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or who otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(5) *Definitions.* For the purposes of this Order:

(i) "Tin" means tin metal or the tin content of any tin bearing material (except the reuse of such metal in plates or type in the printing, publishing and related service industries) whether or not such material is first converted into tin metal, either imported from foreign

sources, or produced domestically from foreign or domestic ores, scrap or residues.

(ii) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such Inventory is under the control of or under common control with or available for the use of such person.

(iii) "Manufacture" means to fabricate, assemble, melt, cast, extrude, roll, turn, spin, produce, coat, or process in any other way, but does not include installation of a finished product for the ultimate consumer.

(iv) "Item" means any article or any component part thereof.

(v) "Use" means both (1) the act of putting tin into process in the manufacture of any item and (2) the act of completing the manufacture of any such item. (Where a person is limited to a percentage of the material used in a base period this limitation applies respectively to (1) the amount of material put into process during the base period and (2) to the total amount of material contained in a completed item or article multiplied by the number of such items or articles completed during the base period. Each restrictic must be applied separately.)

(vi) "Base Period" means the corresponding quarterly period in 1940.

(vii) "Put into Process" means the first change by a Manufacturer in the form of material from that form in which it is received by him.

(6) *Effective date.* This order shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941; 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a) Pub. No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 31st day of December 1941.

DONALD M. NELSON,
Director of Priorities.

List "A" of Order M-43-a

The use of tin in the items listed below and in all component parts thereof is prohibited except to the extent permitted by the foregoing Conservation Order.

Advertising specialties.
Art objects.
Automobile body solder.
Band and other musical instruments.
Beverage dispensing units and parts thereof including tin pipe.
Britannia metal.
Buckles.
Building supplies (except temperature controls and those items appearing on the Defense Housing Critical List).
Buttons.
Chimes and bells.
Emblems and insignia.
Eyelets.
Fasteners.
Foil (except for condensers and electrotyping & moulding lead in printing trades).
Galvanizing (except for food processing equipment).
Household furnishings—Fixtures (including lamp stands and lighting fixtures).
Jewelry.
Novelties and souvenirs.
Ornaments and ornamental fittings.
Pewter.
Plating for decorative purposes.
Powder (decorative).
Refrigerator trays.
Seals and labels.
Slot, game, and vending machines.
Tin coated paper.
Tin oxide in enamelware as an opacifier.
Toys.
White metal.

[F. R. Doc. 41-9897; Filed, December 31, 1941; 10:15 a. m.]

PART 1014—BURLAP AND BURLAP PRODUCTS

Amendment No. 1 to Order M-47 To Conserve the Supply and Direct the Distribution of Burlap and Burlap Products

Section 1014.1 (b)[1] is hereby amended to read as follows:

§ 1014.1 *Conservation Order M-47.*

* * * * *

(b) *Stockpiling of imports: Preference for heavy constructions: Releases from stockpile.* (1) Any Importer or Importing Bag manufacturer hereafter accepting delivery of Burlap from any cargo imported to continental United States, shall set aside, out of his receipts from said cargo, two-thirds of the bales he receives, and shall not dispose thereof except as expressly directed by the Office of Production Management. The bales so set aside shall be the heaviest constructions available. The remaining one-third of such receipts, and all existing spot stocks shall be distributed in accordance with the provisions of paragraph (c). Any Person securing shipping space for Burlap in Calcutta or other point of shipment for import to continental United States shall fill such shipping space with ten ounce constructions or heavier to the extent available.

(2) Importers and Importing Bag Manufacturers who have set aside Burlap in accordance with the provisions of paragraph (b) (1), not to be disposed of except as expressly directed by the Office of Production Management, shall deliver, sell, manufacture, process, use or otherwise release Burlap from the quantity so set aside, without further authorization of the Office of Production Management in the following instances:

(i) To fill any order bearing a rating of A-1-j or higher

(ii) To fill any order for Burlap to be used for sandbags or camouflage cloth placed by the Army or the Navy.

(iii) To fill any order by the Defense Supplies Corporation or other corporation, affiliate or other form of enterprise under the control of the Reconstruction Finance Corporation

(iv) To fill an order placed by a Non-Importing Bag Manufacturer or other person for Burlap to be used to fill an order of the kinds specified in subdivision (i) or (ii) hereof: *Provided, however,* That in any such case the Non-Importing Bag Manufacturer or other person placing the order shall certify the use Burlap is to be put to the Importer or Importing Bag Manufacturer. Such certification shall be a representation to the Office of Production Management that the Non-Importing Bag Manufacturer or other person requires such Burlap to fill an order of the kinds specified in subdivision (i) or (ii) above.

This order shall take effect immediately (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O. P. M. Reg. 3, as amended Sept. 12, 1941, 6 F.R. 4865; E. O. 8629, Jan. 7. 1941, 6 F.R. 191; E. O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, First Session)

Issued this 31st day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 41-9881, Filed, December 31, 1941; 10:11 a. m.]

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

Limitation Order No. L-26 To Restrict the Production of Farm Machinery and Equipment and Attachments and Repair Parts Therefor

Whereas the manufacture of Farm Machinery and Equipment and Attachments and Repair Parts therefor consumes large quantities of scarce materials, as hereinafter defined; the requirements of national defense have resulted in a shortage in the supply of such materials for defense, for private account and for export; it is essential to the National Defense Program that such scarce materials be conserved; and to this end, it has become necessary that certain restrictions be placed on the manufacture of Farm Machinery and Equipment and Attachments and Repair Parts therefor;

Now, therefore, it is hereby ordered, That:

§ 1029.1 *Limitation Order L-26*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Definitions.* For the purpose of this Order:

(1) "Person" means any individual, partnership, association, corporation, or other form of enterprise.

(2) "Producer" means any person engaged in the manufacture of Farm Machinery and Equipment or of Attachments and Repair Parts for Farm Machinery and Equipment.

(3) "Farm Machinery and Equipment" means agricultural machinery, mechanical equipment and implements used on a farm for the production or care of crops, live-stock, poultry or other produce, including horseshoes, horseshoe nails and harness hardware, but excluding Attachments and Repair Parts for Farm Machinery and Equipment and also excluding all of the following: track-laying type tractors, irrigation and drainage equipment, hand tools other than those listed on Schedule A described below, special equipment ordered by the United States Department of Agriculture, buildings and repairs thereto, fencing, poultry netting and wire, gates or wire fencing, bail ties or straps, well casing and water pipe, nails (other than horseshoe nails) and sundry hardware.

(4) "Attachments and Repair Parts" means all types of attachments to and all types of parts customarily used in conjunction with Farm Machinery and Equipment or for the repair thereof.

(5) "Scarce Material" means steel, iron, aluminum, cadmium, chromium, nickel, lead, tin, zinc, copper, antimony, molybdenum, cobalt, rubber and any other materials added to this list by amendment of this Order or by other direction of the Office of Production Management, and any commodity, equipment, accessory, part, assembly, or product of any kind in which there is contained any of the foregoing materials in any form either alone or in combination with other materials.

(c) *General restrictions.* (1) During the period November 1, 1941 to October 31, 1942, inclusive, no Producer shall:

(i) For sale in the Continental United States, manufacture a quantity of any of the classes or types of Farm Machinery and Equipment listed in Schedule A attached to and considered a part of this Order, which quantity shall be in excess of a designated percentage of said Producer's production for such sale of the same class or type of Farm Machinery and Equipment during the calendar year 1940, the percentage for each class or type being that specifically designated for such class or type in said Schedule A;

(ii) For sale in the Continental United States, use in the production of Attachments and Repair Parts, listed in said Schedule A, an amount of any Material in excess of a designated percentage of said Producer's use of that Material in the production for such sale of the same class or type of Attachments and Repair Parts during the calendar year 1940, the percentage for each class or type being that specifically designated for such class or type in said Schedule A and the amount of Material being determined by the net weight of each such material physically incorporated in the final product plus a reasonable minimum allowance for loss in any and all stages of the process of manufacture;

(iii) For export to foreign countries or to territories and possessions of the United States including the Philippine Islands, manufacture a quantity of any class or type of Farm Machinery and Equipment which is in excess of eighty per cent (80%) of the amount of the same class or type of Farm Machinery and Equipment manufactured for such export during the calendar year 1940, or use in the production of Attachments and Repair Parts an amount of any Material in excess of one hundred fifty per cent (150%) of the amount so used for export in the calendar year 1940.

(2) Every Producer shall wherever possible use conservation measures, such as substitution, redesign, and re-specification, to eliminate Scarce Material normally used; and shall plan his production schedule in accordance with the relative urgency and national need for different kinds of Farm Machinery and Equipment and Attachments and Repair Parts, subject to the provisions of this Order. The Office of Production Management may from time to time require the elimination or diminution of the use of any material, with or without the substitution of other materials, and may specify the use in the manufacture of Farm Machinery and Equipment and Attachments and Repair Parts to which specific types of material can be put.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, purchases, production and sales.

(e) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(f) *Reports.* All persons affected by this Order shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request.

(g) *Violations or false statements.* Any person who violates this Order or who wilfully falsifies any records which he is required to keep by the terms of this Order, or otherwise wilfully furnishes false information to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Office of Production Management from obtaining any further deliveries of materials subject to allocation. The Office of Production Management may also take any other action deemed appropriate, including the making of a recommendation for prosecution under Section 35 (A) of the Criminal Code (18 U.S.C. 60).

(h) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense work, may apply for relief by addressing a letter to the Office of Production Management setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Office of Production Management may thereupon take such action, if any, as it deems appropriate by amendment of this Order or otherwise.

(i) *Communications.* All reports to be filed, appeals and other communications concerning this Order shall be addressed to the Office of Production Management, Washington, D. C., Ref.: L-26.

(j) *Revocation or modification.* This Order and Schedule A attached hereto may be revoked, amended or modified by the Office of Production Management at any time as to all or any one or more Producers affected hereby, and by special directions issued to any Producer the Office of Production Management may change any quota of such Producer.

(k) *Effective date.* This Order shall take effect upon the date of the issuance thereof and shall continue in effect through October 31, 1942, subject to such amendments or supplements thereto as may be issued from time to time. (P.D. Reg. 1, Aug. 27, 1941; 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 31st day of December 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 41-9882; Filed, December 31, 1941; 10:10 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1315—RUBBER

PRICE SCHEDULE NO. 63—RETAIL PRICES FOR NEW RUBBER TIRES AND TUBES

The outbreak of war with the Japanese Empire makes uncertain the future shipment of rubber from the Far East and necessitates for the present time a great curtailment in the consumption of rubber for new rubber tires and tubes so that the rubber stockpile already accumulated may be available for military and essential civilian purposes. There are large stocks of new rubber tires and tubes in the hands of retailers, and sales from these stocks are permitted only to

[1] 6 F.R. 6648.

those consumers who can demonstrate that it is in the national interest for them to have such new tires or tubes.

Since July 3, 1941, the Office of Price Administration with the complete cooperation of the members of the tire and tube industry has stabilized, within maximum levels, the wholesale prices received by manufacturers for new rubber tires and tubes. Stabilization of retail prices is now considered essential to the success of the Government's effort to insure that the limited number of new rubber tires and tubes available are used where they are most needed in our economy.

The maximum retail prices set forth in this Schedule are established, after investigation and conferences with members of both the manufacturing and distributive phases of the industry, on the basis of price lists presently used by the industry and which were so used shortly before the outbreak of the war in the Pacific. Observance of this Schedule will be fair to buyers and to sellers alike, and will further the Government's program for the allocation of rubber tires and tubes to consumers.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1315.101 *Maximum retail prices for new rubber tires and tubes.* On and after January 5, 1942, regardless of the terms of any contract of sale or other commitment, no person shall sell, offer to sell, deliver or transfer, at retail, any new rubber tire or tube, at prices higher than the maximum prices set forth in Appendices A and B, hereof, incorporated herein as § 1315.110 and § 1315.111.*

*§§ 1315.101 to 1315.111, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1315.102 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B may be charged or demanded.*

§ 1315.103 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with the sale, delivery, or transfer of a new rubber tire or tube, alone or in conjunction with any other article or material, or by way of any commission, service, transportation, or other charge, or by tying-agreement or other trade understanding, or by increasing the charges for the extension of credit or for the mounting of a tire or tube on a vehicle or for any other service over those in effect on November 25, 1941, or by making terms and conditions of sale more onerous to purchasers than those available or in effect on November 25, 1941, or by any other means. The purchaser shall always have the option of paying at the time of the purchase the full cash price of the tire or tube, which shall not exceed the maximum price less any trade-in allowance. He shall also have the option of receiving delivery of such tire or tube at the seller's place of business, without having it mounted on a vehicle or having any other service performed.*

§ 1315.104 *Posting of prices.* Every person engaged in the business of selling new rubber tires or tubes at retail, shall keep posted in a conspicuous place in each retail establishment at which such tires or tubes are offered for sale, a price list setting forth the maximum retail prices applicable to such tires or tubes. Such statement shall be prepared and posted not later than 8:00 a. m. on January 5, 1942. Lists of maximum prices computed under the terms of this Schedule and prepared by manufacturers of manufacturers' brands and by owners of private brands, may be used for this purpose if received by the seller in time.

If on November 25, 1941 the seller made special charges for the extension of credit or for the mounting of tires and tubes or for any other services, and if he desires to continue such charges after January 5, 1942, such seller shall prepare a notarized statement listing the prices charged on November 25, 1941 for such extra services, and shall post such statement not later than 8:00 a. m. on January 5, 1942 along with the list of maximum tire and tube prices required to be posted by this section.*

§ 1315.105 *Records and reports.* Every person engaged in the business of selling new rubber tires or tubes at retail shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of every such sale of such articles, showing the date thereof, the name and address of the purchaser, the price, and the brand name, size, and quantity of all new rubber tires or tubes sold.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1315.106 *Enforcement.* In the event of refusal or failure to abide by the price limitations, posting or record requirements, or other provisions of this Schedule, or in the event of evasion or attempt to evade the price limitations, or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government both state and federal are fully exerted in order to protect the public interest and the interests of those persons who comply with the Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county and local government by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits, and (d) that the Rubber Reserve Company and the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the receipt or demand of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof are urged to communicate with the Office of Price Administration.*

§ 1315.107 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1315.108 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Sale at retail" means any sale to a purchaser for use by such purchaser and not for resale;

(c) "New rubber tire or tube" means any of the new rubber tires or tubes expressly covered by Appendix A hereof, incorporated herein as § 1315.110;

(d) "Manufacturers' brands" of new rubber tires or tubes means all tires or tubes marketed under brand names owned by the manufacturer of such tires or tubes;

(e) "Private brands" of new rubber tires or tubes means all tires or tubes marketed under brand names not owned by the manufacturer of such tires or tubes.*

§ 1315.109 *Effective date of this schedule.* This Schedule shall become effective on January 5, 1942.*

§ 1315.110 *Appendix A; maximum retail prices for manufacturers' brands of new rubber tires and tubes.* The following prices are the maximum prices that may be charged at retail for new rubber tires or tubes at the seller's place of business. The maximum prices set forth herein may not be exceeded for any such sale, even though in a particular case no used tire or tube is traded in. If a used tire or tube is traded in, the trade-in allowance shall be deducted from the maximum price.

The actual dollar amount of the Federal Excise Tax paid on any tire or tube may in each case be added to the maximum price established by this Schedule.

(a) The maximum retail prices for manufacturers' brands of passenger-car tires (4 ply) and truck tires (10 ply) listed in paragraph (b) below shall be:

PASSENGER-CAR TIRES

Size	Price
4.50—12	$9.10
4.00—15	7.80
5.00—15	10.80
6.50—15	17.50
7.00—15	19.80
8.25—15	28.15
5.00—16	10.70
5.50—16	13.15
6.00—16	14.75
6.25—16	16.60
6.50—16	17.90
7.00—16	20.30
7.50—16	25.75
5.25/5.50—17	13.55
6.00—17	16.00
5.25/5.50—18	12.35
6.00—18	17.25
4.75/5.00—19	11.05
5.25—20	15.10

TRUCK TIRES

Size	Price
8.25—15	$68.50
7.50—18 (32 x 7)	62.10
8.25—18	65.75
9.00—18	78.10
10.50/11.00—18	106.00
7.00—20 (32 x 6)	47.50
7.50—20 (34 x 7)	63.40
8.25—20	67.65
9.00—20	80.75
8.25—22	72.40
9.00—22	84.75
7.00—24 (36 x 6)	55.10
7.50—24 (38 x 7)	71.10
8.25—24	76.40
9.00—24	88.15

(b) The prices set forth in paragraph (a) above apply to tires carrying brand names of manufacturers as follows:

Manufacturers, Brands of Passenger-Car Tires, and Brands of Truck Tires

The Armstrong Rubber Company, Streamline, Heat Master.

Brunswick Tires, Super Quality, Heavy Service.

The Century Tire & Rubber Company, Deluxe, Commercial Service Rib Tread.

Columbia Tire & Rubber Company, First Line Deluxe, Columbia—First Line.

The Cooper Corporation, Soft-Aire, All Duty.

Corduroy Rubber Company, Deluxe, Universal.

The Dayton Rubber Manufacturing Company, Thorobred, Thorobred.

Denman Tire and Rubber Company, Double Duty, Super Truck & Bus Rib Tread.

Diamond Tires, Superlux, Heavy Service.

Dunlop Tire and Rubber Corporation, Super 107 Gold Cup, Gold Cup Heavy Duty Truck & Bus.

The Falls Rubber Company, Road Master, Super Rib Truck & Bus.

Federal Tires, Classic, Commercial Double Blue, Pennant (Cotton).

The Firestone Tire & Rubber Company, Champion Deluxe, Transport Heavy Duty.

Fisk Tires, Air Flight Deluxe, Transportation (Cotton).

Fleetwood Tire & Rubber Company, First Line Deluxe, Fleetwood—First Line.

Ford Motor Company, Ford, Ford.

G & J Tires, Classic, Stalwart.

The Gates Rubber Company, Vulco, Vulco Heavy Duty Truck & Bus.

The General Tire & Rubber Company, New Dual Grip, Super Highway.

The Giant Tire & Rubber Company, Deluxe, Super Rib Truck & Bus.

Gillette Tires, Ambassador (Cotton), Super Ribbed (Cotton).

The B. F. Goodrich Company, Silvertown Deluxe, Speedliner, Heavy Duty.

The Goodyear Tire & Rubber Company, Deluxe All-Weather, High Miler Rib.

Hood Tires, "400", Heavy Service.

The Kelly-Springfield Tire Company, Registered, Registered.

Lee Tire & Rubber Company, Deluxe, Heavy Duty Special.

McCreary Tire & Rubber Company, Super Service, Super Service.

The Mansfield Tire & Rubber Company, Deluxe, Transport—First Line.

Miller Tires, Imperial, Heavy Service.

The Mohawk Rubber Company, Chief, Chief Bus.

The Monarch Rubber Company, Noble Deluxe, Truck & Bus Balloon.

National Tire Stores, Incorporated, National, Heavy Duty Truck & Bus Balloon.

The Norwalk Tire & Rubber Company, N-40, N-6 Rib Traction.

Pennsylvania Rubber Company, Advanced Deluxe, Universal.

The Pharis Tire & Rubber Company, Road Gripper Super, Pharis First Line.

The Richland Rubber Company, Deluxe, Rapid Transit.

F. G. Schenuit Rubber Company, Shenuit Balloon, First Line Truck & Bus.

Selberling Rubber Company, Special Service Deluxe, Special Service—Heat Vented.

United States Rubber Company, Royal Deluxe, Royal Fleetway.

The United Tire & Rubber Company, Deluxe, Commercial.

(c) The maximum retail prices for manufacturers' brands of passenger-car tubes and truck tubes listed in paragraph (d) below shall be:

PASSENGER-CAR TUBES

Size	Price
4.25—12	$2.60
4.50—12	2.60
4.00—15	2.40
5.00—15	2.80
6.50—15	4.25
6.50—15 7.00—15	4.25
7.00—15	4.30
7.50—15	5.00
8.25—15	6.60
5.00—16	2.65
5.50—16	3.05
6.00—16	3.65
6.00—16 6.25—16 6.50—16	3.65
7.00—16	4.30
7.50—16	5.20
8.25—16	6.75
5.00—17 5.25—18 5.50—18 D.C.	2.75
5.25—17 5.50—17 6.00—17 6.50—17	3.30
7.00—17	4.40
7.00—17 7.50—17 7.00—18 7.50—18	4.40
7.50—17	5.40
5.50—18 FB 6.00—18 6.50—18 5.25—19 5.50—19 6.00—19 6.50—19	3.50
7.50—18	5.45
4.75—19 5.00—19	2.95
7.50—19	6.00
5.25—20	2.75
5.50—20 6.00—20	3.90

TRUCK TUBES

Size	Price
7.00—15	$4.50
7.50—15	6.75
8.25—15	9.85
9.00—15	11.30
9.75—15 10.00—15	11.90
6.00—16	3.40
6.50—16	4.05
7.00—16	4.65
7.50—16	6.95
6.00—17	3.80
6.00—17 6.50—17	3.80
6.50—17	3.80
7.00—17 7.50—17	4.75
7.50—17	4.75
6.50—18	5.00
7.00—18	4.80
7.50—18 (32 x 7)	8.45
8.25—18	10.00
9.00—18	11.55
9.75—18 10.00—18 10.50—18 11.00—18 11.25—18 12.00—18	12.25 13.75 16.90
5.50—20 6.00—20 (30 x 5)	4.15
6.00—20 (30 x 5)	4.15
6.50—20 (32 x 6–8)	5.10
6.50—20 7.00—20	5.10
7.00—20 (32 x 6–10) (32 x 6)	6.30 6.30
7.50—20 (34 x 7)	8.90
8.25—20	10.25
9.00—20 (36 x 8)	11.75
9.75—20	12.60
9.75—20 10.00—20 (38 x 9)	12.60
10.50—20 11.00—20	14.95
11.25—20 12.00—20	20.00
12.00—20	20.00
12.75—20	26.50
13.00—20 13.50—20	30.80
14.00—20	30.80
16.00—20	33.40
8.25—22	10.90
9.00—22	12.25
9.75—22 10.00—22 10.50—22 11.00—22 11.25—22 12.00—22	12.95 16.05 21.60
7.00—24	6.80
7.00—24 (36 x 6) (36 x 6)	6.80 6.80
7.50—24 (38 x 7)	6.60
8.25—24	11.65
9.00—24 (40 x 8)	12.85
9.75—24 10.00—24 (42 x 9)	13.40
10.50—24 11.00—24 (44 x 10)	17.80
11.25—24 12.00—24	22.30
12.00—24	22.30
12.75—24 13.00—24	29.50
13.50—24 14.00—24	35.05
16.00—24	64.15
18.00—24	78.30
21.00—24	123.00
24.00—32	138.85
18.00—40	78.90
30.00—40	402.20
36.00—40	502.15

(d) The prices set forth in paragraph (c) above apply to tubes carrying manufacturers' brand names as follows:

Manufacturers, Brands of Passenger-Car Tubes, and Brands of Truck Tubes

The Armstrong Rubber Company, Heatmaster Deluxe, Heatmaster.

Brunswick Tire & Tubes, Deluxe, Heavy Service (Black).

The Century Tire & Rubber Company, Two Tone Heavy Duty, Century Heavy Duty.

The Cooper Corporation, ———, Long Service.

Corduroy Rubber Company, Universal, Universal.

The Dayton Rubber Manufacturing Company, Thorobred, Thorobred.

Denman Tire and Rubber Company, Mercury, First Line Truck Tube.

Diamond Tires & Tubes, Superlux, Heavy Service.

Dunlop Tire and Rubber Corporation, Extra H. D. (Red), ———.

The Falls Rubber Company, ———, Ebonite.

Federal Tires & Tubes, Classic, Double Blue Pennant.

The Firestone Tire & Rubber Company, Deluxe Champion, Transport.

Fisk Tires & Tubes, ———, Transportation.

Ford Motor Company, Ford, Ford.

G & J Tires & Tubes, Classic, Stalwart.

The Gates Rubber Company, Vulco Heavy Duty Red, Vulco Heavy Duty Black.

The General Tire & Rubber Company, Heavy Duty Molded, Heavy Duty Molded.

The Giant Tire & Rubber Company, ———, Super-Rib Truck & Bus.

Gillette Tires & Tubes, Ambassador, Gillette Heavy Service.

The B. F. Goodrich Company, Silvertown, Silvertown.

The Goodyear Tire & Rubber Company, Heavy Duty (Black), Heavy Duty (Black).

Hood Tires & Tubes, Hood "400", Heavy Service.

The Kelly-Springfield Tire Company, Registered, Kelly Black.

Lee Tire & Rubber Company, ———, Heavy Duty Red.

McCreary Tire & Rubber Company, ———, McCreary.

The Mansfield Tire & Rubber Company, Two Tone Heavy Duty, First Line Heavy Duty.

Miller Tires & Tubes, Imperial, Heavy Service.

The Mohawk Rubber Company, Heavy Duty, Heavy Duty.

The Monarch Rubber Company, Noble, Noble.

National Tire Stores, Inc., Safety Ribbed Ply, Heavy Duty Black.

Pennsylvania Rubber Company, R/C Pinchproof, Pennsylvania.

The Polson Rubber Company, Super Heavy Duty Pinch Proof, T & B Super H. D.

The Richland Rubber Company, Two Tone, Heavy Duty.

F. G. Schenuit Rubber Company, First Line, First Line.

Selberling Rubber Company, Special Service Black, Special Service Black.

United State Rubber Company, Royal Deluxe, Royal.

The United Tire & Rubber Company, Dual Base, Commercial.

(e) (1) The maximum retail prices for 6.00/6.25–16 passenger-car tubes carrying the brand names of certain manufacturers shall be as follows:

Manufacturers, Brands of Passenger-Car Tubes, and Maximum Prices

Carlisle Tire & Rubber Company, Greyhound, One Color, $2.45.

Columbia Tire & Rubber Company, Hold Tite Heavy Duty, $1.95.

The Cooper Corporation, Long Service Deluxe, $2.35.

The Durkee-Atwood Company, Red Wing, $2.45.

The Falls Rubber Company, Evergreen, $3.05.

Fisk Tires & Tubes, Safti-Base, $2.75.

Fleetwood Tire & Rubber Company, Heavy Duty Red, $1.95.

The Giant Tire & Rubber Company, Deluxe, $3.20.

Lee Tire & Rubber Company, Heavy Duty Red, $3.35.

McCreary Tire & Rubber Company, Super Heavy Duty, $2.75.

The Norwalk Tire & Rubber Company, Extra Heavy Duty Carbon Base Pinch Proof, $2.57.

The Pharis Tire & Rubber Company, Heavy Duty, $1.95.

(2) The maximum retail prices for 8.25–20 truck tubes carrying the brand names of certain manufacturers shall be as follows:

Manufacturers, Brands of Truck Tubes, and Maximum Prices

Carlisle Tire & Rubber Company, Heavy Duty T & B, $7.80.

Columbia Tire & Rubber Company, Columbia Black, $7.80.

Dunlop Tire and Rubber Corporation, Gold Cup, $9.15.

Fleetwood Tire & Rubber Company, Fleetwood Black, $7.80.

The Norwalk Tire & Rubber Company, Extra Heavy Duty Carbon Base, $9.81.

The Pharis Tire & Rubber Company, Heat Proof, $7.80.

(f) The maximum retail prices for all sizes not included in paragraph (a) shall be calculated for manufacturers' brands of passenger-car tires (4 ply) included in paragraph (b) as follows:

(1) Take the manufacturer's consumer list price in effect November 25, 1941 for the unlisted size of tire and express it as a percentage of the manufacturer's consumer list price of the same date for the 6.00—16 passenger-car tire included in paragraph (b).

(2) Apply this percentage to the maximum price for the 6.00—16 (4 ply) passenger-car tire as shown in paragraph (a).

Example. On a November 25, 1941 consumer list for one of the brands of passenger-car tires shown in paragraph (b), the 6.00—16 tire was listed at $15.00. On the same date an odd sized tire was listed at $18.00. Dividing the 18 by the 15, it appears that the odd sized tire was listed at 120 per cent of the 6.00—16 size tire. Since the 6.00—16 tire is now not to sell in excess of $14.75, the odd sized tire may not sell in excess of 120 per cent of $14.75, or $17.70.

(g) The maximum retail prices for all sizes not included in paragraph (a) shall be calculated for manufacturers' brands of truck tires (10 ply) included in paragraph (b) as indicated in paragraph (f), except that the 8.25—20 truck tire shall replace the 6.00—16 passenger-car tire in making the calculations.

(h) The maximum retail prices for all sizes not included in paragraph (c) shall be calculated for manufacturer's brands of passenger-car and truck tubes included in paragraph (d) as indicated in paragraph (f), using the appropriate price for the 6.00—16 size tube in all calculations for passenger-car tubes and the appropriate price for the 8.25—20 size tube for truck tubes. The same calculations shall be made for all sizes not specified in paragraph (e) of the brands included in that paragraph.

(i) The maximum retail prices for all other lines, levels, qualities, or weights of passenger-car and truck tires and tubes sold under manufacturers' brands of the manufacturers listed in paragraphs (b), (d), and (e) for which maximum retail prices are not specifically fixed by this Schedule shall be calculated as follows:

(1) Take the manufacturer's consumer list price in effect November 25, 1941 for the particular brand, line, level, quality, or weight of tire or tube for which no maximum price is specifically fixed by this Schedule and express it as a percentage of the manufacturer's consumer list price of the same date for the corresponding size of the brand of this manufacturer for which a maximum price is specifically fixed by this Schedule.

(2) Apply this percentage to the maximum price, for the corresponding size, set forth in paragraph (a), for tires, and paragraphs (c) and (e), for tubes.

Example. On a November 25, 1941 manufacturer's consumer list for one of the brands of passenger-car tires shown in paragraph (b), the 6.00—16 size (4 ply) was listed at $16.00. On the same date the 6.00—16 size (4 ply) of a lower quality brand of the same manufacturer had a list price of $12.00. Dividing the 12 by the 16, it appears that the lower quality brand was listed at 75 percent of the price of the brand listed in paragraph (b). Since the 6.00—16 size (4 ply) of the brand listed in paragraph (b) is now to sell not in excess of $14.75, the 6.00—16 size (4 ply) of the lower quality brand may not sell in excess of 75 percent of $14.75 or $11.05.

(j) The maximum retail prices for manufacturers' brands of passenger-car tires other than 4 ply and truck tires other than 10 ply shall be calculated to maintain the relationship expressed in paragraph (i) above.

(k) For manufacturers who do not have a consumer list, the calculations of the percentages called for in paragraphs (f), (g), (h), (i), and (j), shall be made on the basis of the manufacturer's selling price list.

(l) The maximum retail prices for manufacturers' brands of passenger-car and truck tires and tubes owned by manufacturers not listed in paragraphs (b), (d), and (e) shall be those given in paragraph (a) for tires and paragraph (c) for tubes.

§ 1315.111 *Appendix B; maximum retail prices for private brands of new rubber tires and tubes.* The following prices are the maximum prices that may be charged at retail for new rubber tires or tubes at the seller's place of business. The maximum prices set forth herein may not be exceeded for any such sale, even though in a particular case no used tire or tube is traded in. If a used tire or tube is traded in, the trade-in allowance shall be deducted from the maximum price.

The actual dollar amount of the Federal Excise Tax paid on any tire or tube may in each case be added to the maximum price established by this Schedule.

(a) The maximum retail prices for private brands of passenger-car tires (4 ply) and truck tires (10 ply) listed in paragraph (b) below shall be:

PASSENGER-CAR TIRES

Size	Price
4.50—12	$8.20
4.00—15	7.00
5.00—15	9.70
6.50—15	15.75
7.00—15	17.80
8.25—15	25.35
5.00—16	9.65
5.50—16	11.85
6.00—16	13.25
6.25—16	14.95
6.50—16	16.10
7.00—16	16.30
7.50—16	23.20
5.25/5.50—17	12.20
6.00—17	14.40
5.25/5.50—18	11.10
6.00—18	15.50
4.75/5.00—19	9.95
5.25—20	13.60

TRUCK TIRES

Size	Price
8.25—15	$61.65
7.50—18 (32 x 7)	55.90
8.25—18	59.15
9.00—18	70.30
10.50/11.00—18	95.40
7.00—20 (32 x 6)	42.75
7.50—20 (34 x 7)	57.05
8.25—20	60.90
9.00—20	72.65
8.25—22	65.15
9.00—22	76.25
7.00—24 (36 x 6)	49.60
7.50—24 (38 x 7)	64.00
8.25—24	68.75
9.00—24	79.35

(b) The prices set forth in paragraph (a) apply to tires carrying brand names of distributors as follows:

Distributors, Brands of Passenger-Car Tires, and Brands of Truck Tires

A–1 Tire Company, Auburn Deluxe, ———.

Abel Sales Corporation, Custombilt, ———.

American Tire Alliance, Aristocrat, All-Service.

Apex Tire, Incorporated, Safety Deluxe, Regular Tread Balloon.

Arkansas Fuel Oil Company, Milemaster, Speedmaster.

Atlas Supply Company, Atlas Grip Safe, Atlas Truck-Coach (Cotton).

Banner Tire Company, Belmont Master, ———.

Bareco Oil Company, Be Square Supreme Rib Tread, Be Square Balloon Truck Extra Heavy Duty Ribbed.

Belknap Hardware & Manufacturing Company, Belknap Deluxe, Traction.

Broadway Tire Corporation, Carnegie Custom-Master, ———.

The Brown Fence & Wire Company, First Line, ———.

Ceazan Tires, Limited, Scout, ———.

Certified Brands, Incorporated, Certified Deluxe, ———.

Champlin Refining Company, Super Deluxe Custom Built, Champlin Super Deluxe.

Coast to Coast Stores, Super Safe-Flex, ———.

Cooperative Distributors, Incorporated, "Californian First Liner", ———.

Cooperative G. L. F. Farm Supplies, Incorporated, Super Unico, Unico Truck.

Cooperative Seed & Farm Supply Service, Incorporated, Super Unico, Unico Truck.

Direct Service Oil Company, Viking, ———.

Englert Tire & Rubber Company, Gold Seal Standard, Gold Seal Truck & Bus Balloon.

Farm Bureau Cooperative Association, Incorporated, Super Unico, Unico Truck.

Farm Bureau Services, Incorporated, Super Unico, Unico Truck.

Farmers Cooperative Exchange, Incorporated, Super Unico, Unico Truck.

Fordham Tire Company, Vanderbilt First Line (4 ply), Vanderbilt Deluxe Truck-Bus.

Gamble Stores, Crest Deluxe, Super Crest Speed Special (Cotton).

The Globe Oil & Refining Company, Rocket, Rocket Truck.

Hardware Merchandising Corporation, Ever Best Master Premium, Ever Best Truck & Bus Balloon.

Hibbard, Spencer, Bartlett, and Company, O. V. B. Deluxe, ———.

Hicks Rubber Company, Incorporated, Lone Star, Star Masterpiece.

Illinois Farm Supply Company, Master, Master Rib.

Indiana Farm Bureau Cooperative Association, Incorporated, Heavy Duty Regular Deluxe First Line, Heavy Service Truck & Bus Balloon Deluxe Ribbed Cotton.

Kotzen Tire Company, Mallory Deluxe, ———.

Montgomery Ward & Company, Riverside Deluxe, Riverside First Quality—Non-Skid.

Moore's Auto Accessories, Deluxe, ———.

Ohio Oil Company, Linco Deluxe, Linco J–1 Truck & Bus Balloon.

Pennsylvania Farm Bureau Co-operative Association, Super Unico, Unico Truck.

The Pep Boys, Cornell Clipper, ———.

Richmond Rubber Company, Incorporated, Statesman, Super Miler.

S & M Tire & Auto Supply Company, Gold Medal Deluxe, Gold Medal—100 level.

Sears, Roebuck & Company, Allstate Deluxe, Allstate Deluxe Non Skid.

Shapleigh's Hardware Company, Shapleigh Deluxe, Shapleigh Transport Balloon Truck.

Sobol Brothers, Oxford Deluxe, ———.

Southern States Cooperative, Incorporated, Super Unico, Unico Truck.

Spiegel, Incorporated, Argyle Mainliner, Caravan.

The Standard Rubber Company, ———, Truck Balloon.

Strauss Stores Corporation, Ajax Sawtooth, ———.

Triplex Tire Company, Streamline (4 ply), ———.

Tru Test Marketing & Merchandising Corporation, Tru Test Super, Tru Test Truck & Bus.

United Co-operatives, Incorporated, Super Unico, Unico Truck.

United Tire Company, Savoy "Master", ———.

Vanguard Tire & Rubber Company, Super Vanguard, ———.

Vogue Rubber Company, Ritz, ———.

Western Auto Supply Company, Super Safety, Davis High Speed.

Wisconsin Co-op Farm Supply Company, Master, Master Rib.

World Tire Corporation, Auburn Deluxe, ———.

(c) The maximum retail prices for private brands of passenger-car and truck tubes listed in paragraph (d) below shall be:

PASSENGER-CAR TUBES

Size	Price
4.25—12	$1.40
4.50—12	1.40
4.00—15	1.30
5.00—15	1.50
6.50—15	2.25
6.50—15 / 7.00—15	2.25
7.00—15	2.30
7.50—15	2.65
8.25—15	3.55
5.00—16	1.40
5.50—16	1.65
6.00—16	1.95
6.00—16 / 6.25—16 / 6.50—16 / 7.00—16	1.95
7.50—16	2.80
8.25—16	3.60

PASSENGER-CAR TUBES—Continued

Size	Price
5.00—17 5.25—18 5.50—18 D. C.	$1.45
5.25—17 5.50—17	1.75
6.00—17 6.50—17	2.35
7.00—17	
7.00—17 7.50—17	2.35
7.00—18 7.50—18	
7.50—17	2.90
5.50—18 FB 6.00—18 6.50—18 5.25—19 5.50—19 6.00—19 6.50—19	1.85
7.50—18	2.90
4.75—19 6.00—19	1.60
7.50—19	2.20
5.25—20	1.45
5.50—20 6.00—20	2.10

TRUCK TUBES

Size	Price
7.00—15	$3.40
7.50—15	5.15
8.25—15	7.50
9.00—15	5.60
9.75—15 10.00—15	9.05
6.00—16	2.60
6.50—16	3.10
7.00—16	3.55
7.50—16	5.20
6.00—17	2.90
6.00—17 6.50—17	2.90
6.50—17 7.00—17 7.50—17	3.60
7.50—17	3.60
6.50—18	3.80
7.00—18	3.65
7.50—18 (32 x 7)	6.45
8.25—18	7.60
9.00—18	8.60
9.75—18 10.00—18	9.30
10.50—18	10.45
11.00—18	
11.25—18 12.00—18	14.40
6.50—20 6.00—20 (30 x 5)	3.15
6.00—20 (30 x 5) 6.50—20 (32 x 6–8)	3.90
6.50—20 7.00—20	3.90
7.00—20 (32 x 6–10) 7.00—20 (32 x 6)	4.80 4.80
7.50—20 (34 x 7)	6.75
8.25—20	7.80
9.00—20 (36 x 8)	8.95
9.75—20	9.60
9.75—20 10.00—20 (38 x 9)	9.60
10.50—20 11.00—20	11.40
11.25—20 12.00—20	15.20
12.00—20	15.20
12.75—20 13.00—20	20.15
13.50—20 14.00—20	23.45
16.00—20	25.45
9.75—22	8.50
9.00—22	9.30
9.75—22 10.00—22	9.60
10.50—22 11.00—22	12.20
11.25—22 12.00—22	16.45
7.00—24	5.15

TRUCK TUBES—Continued

Size	Price
7.00—24 (36 x 6) (36 x 6)	$5.15 5.15
7.50—24 (38 x 7)	7.30
8.25—24	8.35
9.00—24 (40 x 8)	9.80
9.75—24 (42 x 9)	10.20
10.00—24	
10.50—24 (44 x 10)	13.55
11.00—24	
11.25—24	16.95
12.00—24	16.95
12.00—24	
12.75—24	22.45
13.00—24	
13.50—24	26.65
14.00—24	
16.00—24	43.80
18.00—24	59.60
20.00—24	93.60
21.00—24	105.65
24.00—32	60.05
18.00—40	306.05
30.00—40	382.10
36.00—40	

(d) The prices set forth in paragraph (c) above apply to tubes carrying distributors' brand names as follows:

Distributors, Brands of Passenger-Car Tubes, and Brands of Truck Tubes

A–1 Tire Company, Defender Heavy Duty Black, ———.

Abel Sales Corporation, "Tube", ———.

Apex Tire, Incorporated, Heavy Duty Red, Truck Tube.

Arkansas Fuel Oil Company, Standard, Standard.

Atlas Supply Company, Junior Atlas Red & Black, ———.

Bareco Oil Company, Be Square, Be Square.

Belknap Hardware & Manufacturing Company, Standard Heavy Duty, Speedmore.

The Brown Fence & Wire Company, Extra Heavy Red, Extra Heavy Black.

Champlin Refining Company, Extra Quality, Deluxe.

Coast to Coast Stores, Safe-Flex Red & Black, Safe-Flex Black.

Cooperative G. L. F. Farm Supplies, Incorporated, Unico Heavy Duty Tube, Unico Truck.

Cooperative Seed & Farm Supply Service, Incorporated, Unico Heavy Duty Tube, Unico Truck.

Farm Bureau Cooperative Association, Incorporated, Unico Heavy Duty Tube, Unico Truck.

Farm Bureau Services, Incorporated, Unico Heavy Duty Tube, Unico Truck.

Farmers Cooperative Exchange, Incorporated, Unico Heavy Duty Tube, Unico Truck.

Gamble Stores, Crest Standard, Crest Truck.

The Globe Oil & Refining Company, Rocket Passenger-Car Tube, Rocket Truck Tube.

Hardware Merchandising Corporation, Ever Best Heavy Duty, Ever Best Heavy Duty.

Hicks Rubber Company, Incorporated, Meteor Red, ———.

Hollander Auto Stores, Victory, ———.

Illinois Farm Supply Company, Ace, Master Truck.

Montgomery Ward & Company, Riverside, Riverside.

Pennsylvania Farm Bureau Co-operative Association, Unico Heavy Duty Tube, Unico Truck.

Pep Boys, Cornell Deluxe, ———.

Richmond Rubber Company, Incorporated, Ultra Heavy Duty, Ultra Heavy Duty.

S. & M. Tire & Auto Supply Company, Gold Medal, Gold Medal Heat Resisting Heavy Duty Black.

Sears, Roebuck & Company, ———, Allstate Deluxe.

Shapleigh's Hardware Company, ———, Good Service Truck & Bus.

Sobol Brothers, Oxford Heavy Duty, ———.

Southern States Cooperative, Incorporated, Unico Heavy Duty Tube, Unico Truck.

Spiegel, Incorporated, Argyle Heavy Duty, Caravan.

Strauss Stores Corporation, Regal Heavy Duty Black, ———.

True Test Marketing & Merchandising Corporation, Standard Red, ———.

United Co-operatives, Incorporated, Unico Heavy Duty Tube, Unico Truck.

Vanguard Tire & Rubber Company, Vanguard Red, Vanguard Truck & Bus.

Western Auto Supply Company, Standard, Davis Truck.

Wisconsin Co-op Farm Supply Company, Ace, Master Truck.

World Tire Corporation, Defender Heavy Duty Black, Heavy Duty Red.

(e) (1) The maximum retail prices for 6.00/6.25–16 passenger-car tubes carrying the brand names of certain distributors shall be as follows:

Distributors, Brands of Passenger-Car Tubes, Maximum Prices

American Tire Alliance, Tri-Flex, $2.15.

Englert Tire & Rubber Company, Red Seal, $2.60.

Fordham Tire Company, Vanderbilt Deluxe, $2.45.

Hibbard, Spencer, Bartlett and Company, Inner Tube, $2.11.

Indiana Farm Bureau Cooperative Association, Incorporated, Heavy Duty, $2.25.

Moore's Auto Accessories, Deluxe, $2.45.

Ohio Oil Company, Regular, $2.11.

Sears, Roebuck & Company, Allstate Extra Heavy Red, $2.20.

Shapleigh's Hardware Company, Good Service, $2.11.

Triplex Tire Company, Extra Heavy Hi-Tex Pinch Proof, $3.45.

United Tire Company, Savoy Red Passenger, $2.75.

Vogue Rubber Company, Red Pinch Proof, $5.10.

The maximum retail prices for 8.25—20 truck tubes carrying the brand names of certain distributors shall be as follows:

Distributors, Brands of Truck Tubes, and Maximum Prices

American Tire Alliance, All Service Truck & Bus, $10.25.

Atlas Supply Company, Truck Coach Tube, $8.95.

Englert Tire & Rubber Company, Gold Seal, $9.65.

Fordham Tire Company (Vanderbilt Tire Company), Vanderbilt Truck and Bus Tube, $10.25.

Hicks Rubber Company, Incorporated, Star Deluxe, $10.25.

Indiana Farm Bureau Cooperative Association, Incorporated, Super Heavy Duty Black, $10.25.

Ohio Oil Company, Linco Truck & Bus, $9.32.

Standard Rubber Company, Heavy Black, $10.25.

Tru Test Marketing & Merchandising Corporation, Heavy Service, $8.75.

(f) The maximum retail prices for all sizes not included in paragraph (a) shall be calculated for the private brands of passenger-car tires (4-ply) included in paragraph (b) as follows:

(1) Take the consumer list price in effect November 25, 1941 for the unlisted size of tire and express it as a percentage of the consumer list price of the same date for the 6.00—16 passenger-car tire included in paragraph (b).

(2) Apply this percentage to the maximum price for the 6.00—16 (4-ply) passenger-car tire as shown in paragraph (a).

Example: On a November 25, 1941 consumer list for one of the brands of passenger-car tires shown in paragraph (b) the 6.00—16 tire was listed at $12.00. On the same date an odd-sized tire was listed at $14.40. Dividing the 14.40 by the 12, it appears that the odd-sized tire was listed at 120 per cent of the 6.00—16 size tire. Since this 6.00—16 tire is now not to sell in excess of $13.25, the odd size may not sell in excess of 120 percent of $13.25 or $15.90.

(g) The maximum retail prices for all sizes not included in paragraph (a) shall be calculated for private brands of truck tires (10 ply) included in paragraph (b), as indicated in paragraph (f) except that the 8.25—20 truck tire shall replace the 6.00—16 passenger-car tire in making the calculation.

(h) The maximum retail prices for all sizes not included in paragraph (c) shall be calculated for private brands of passenger-car and truck tubes included in paragraph (d) as indicated in paragraph (f), using the appropriate price for the 6.00—16 size tube in all calculations for passenger-car tubes and the appropriate price for the 8.25—20 size tube for truck tubes. The same calculations shall be made for all sizes not specified in paragraph (e) of the brands included in that paragraph.

(i) The maximum retail prices for all other lines, levels, qualities or weights of passenger-car and truck tires and tubes sold under private brands by the distributors listed in paragraphs (b), (d), and (e) for which maximum retail prices are not specifically fixed by this schedule shall be calculated as follows:

(1) Take the consumer list price in effect November 25, 1941 for the particular brand, line, level, quality or weight of tire or tube for which no maximum price is specifically fixed by this schedule and express it as a percentage of the consumer list price of the same date for the corresponding size of the brand of this distributor for which a maximum price is specifically fixed by this schedule.

(2) Apply this percentage to the maximum price, for the corresponding size, set forth in paragraph (a), for tires, and paragraphs (c) and (e), for tubes.

Example: On a November 25, 1941 consumer list for one of the brands of passenger-car tires shown in paragraph (b), the 6.00—16 size (4 ply) was listed at $14.00. On the same date the 6.00—16 size (4 ply) of a lower quality private brand tire handled by the same distributor had a list price of $11.20. Dividing the 11.20 by the 14, it appears that the lower quality brand was listed at 80 percent of the price of the brand listed in paragraph (b). Since the 6.00—16 size (4 ply) of the brand listed in paragraph (b) is now not to sell in excess of $13.25, the 6.00—16 size (4 ply) of the lower quality brand may not sell in excess of 80 per cent of $13.25 or $10.40.

(j) The maximum retail prices for private brands of passenger-car tires other than 4 ply and truck tires other than 10 ply shall be calculated to maintain the relationship expressed in paragraph (i) above.

(k) For private brand distributors who do not have a consumer list, the calculations of the percentages called for in paragraphs (f), (g), (h), (i), and (j) may be made on the basis of wholesale price lists.

(l) The maximum retail prices for private brands of passenger-car and truck tires and tubes owned by distributors not listed in paragraphs (b), (d), and (e) shall be those given in paragraph (a) for tires and paragraph (c) for tubes.

Issued this 30th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41–9873; Filed, December 30, 1941; 12:12 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

AMENDMENT NO. 3 TO PRICE SCHEDULE NO. 50 [1]—GREEN COFFEE

Paragraph (b) of § 1351.1 and § 1351.6 are hereby amended to read as follows:

§ 1351.1 *Maximum prices for green coffee.*

* * * * * * *

(b) The maximum prices shall include all commissions and all other charges, except that:

(1) Increases or decreases in the charges prevailing prior to the opening of business on December 8, 1941 for ocean freight, war risk insurance, and marine insurance shall be added to or subtracted from the maximum prices respectively.

(2) If the services of a broker or brokers are required either at the port of entry or in a secondary market, a commission or commissions which in the aggregate shall not exceed one percent of the maximum price may be added to the maximum price.

§ 1351.6 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of green coffee, or by way of premium, commission, service, transportation, or other charge, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 8, 1941, or by any other means.

(Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 3 shall become effective December 29, 1941. Issued this 30th day of December, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41–9874; Filed, December 30, 1941; 4:28 p. m.]

[1] 6 F.R. 6374, 6603.

CHAPTER XIII—OFFICE OF PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

[Recommendation No. 23]

PART 1504—PROCESSING AND REFINING

PRODUCTION OF ALKYLATE FOR USE IN MANUFACTURE OF 100 OCTANE AVIATION GASOLINE

To Texaco Development Corporation, Shell Development Company, Standard Oil Development Company, Anglo-Iranian Oil Co. Ltd. of England, Universal Oil Products Company, and the affiliates of said companies:

The national defense program of the United States requires that the production of 100 octane aviation gasoline be greatly increased.

The Office of Petroleum Coordinator for National Defense has conducted a survey of petroleum refining operations in the United States to determine the processes now employed in the production of 100 octane aviation gasoline, the raw materials available for the further expansion of such production, and the steps that can be taken to meet the vastly increased demands for such 100 octane aviation gasoline;

That survey indicates the following facts, among others:

(a) A large percentage of the 100 octane aviation gasoline currently produced in the United States is made by blending with other components approximately an equal quantity of a synthetic hydrocarbon product known as "alkylate", produced by a process known as "sulfuric acid alkylation";

(b) The raw materials, such as butane, isobutane and olefins, suitable for use in the manufacture of "alkylate" by the "sulfuric acid alkylation process" can be made available in sufficient quantities to meet the greatly expanded demand for "alkylate" induced by the substantially increased demand for 100 octane aviation gasoline if refiners now producing "alkylate" increase their production from existing plants, and if such refiners and other refiners are immediately encouraged to install improvements and additions to existing plants and also new plants to be operated by such refiners on raw materials supplied by them or purchased from others;

(c) The "sulfuric acid alkylation process" was developed contemporaneously along parallel, overlapping and supplementary lines in Holland, England and the United States by the following companies, each of which was engaged independently in extensive research and development work related to said process, namely: Texaco Development Corporation, Shell Development Company, Standard Oil Development Company, Anglo-Iranian Oil Company, Ltd., of England, Universal Oil Products Company, and the affiliates of said companies.

In order to augment immediately and substantially the supply of "alkylate" for the production of 100 octane aviation gasoline it is essential that the most complete technical data with respect to the "sulfuric acid alkylation process" and all necessary patent licenses for the practice of such process be offered at once to all petroleum refiners under such terms and conditions as will facilitate the participation of such refiners in the expanded 100 octane aviation gasoline production program referred to above.

The Office of Petroleum Coordinator for National Defense has been advised by the companies named above that the said companies are willing to revise the terms of the existing licenses issued by them covering the use of the "sulfuric acid alkylation process" in order to aid in obtaining a substantial expansion of the production of "alkylate."

Therefore, in order to aid in increasing the production of 100 octane aviation gasoline by augmenting the production of "alkylate" by use of the "sulfuric acid alkylation process," and pursuant to the President's letter of May 28, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

§ 1504.19 *Standardize design of alkylation plants.* Texaco Development Corporation, Shell Development Company, Standard Oil Development Company, Anglo-Iranian Oil Company, Ltd. of England, Universal Oil Products Company, and the affiliates of said companies shall immediately negotiate with each other and with competent engineering and contracting firms to standardize as far as is possible the design of and operating and technical data with respect to sulfuric acid alkylation plants, and to make available to the petroleum refining industry, directly or through agents and engineering contractors, such standardized design and operating and technical data so as to permit any petroleum refiner to make or have made prompt and reliable engineering estimates, and obtain technical assistance and data with respect to all matters relating to the cost and operation of sulfuric acid alkylation plants or units best suited to such refiner's needs.*

*§ 1504.19 and § 1504.20 issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1504.20 *Terms of licenses for use of sulfuric acid alkylation process.* The companies named in § 1504.19 shall unite in offering to petroleum refiners new licenses covering the use of the "sulfuric acid alkylation process" under the patent rights owned by such companies on said process, the terms and conditions of such licenses first to be approved by the Chief Counsel of the Office of Petroleum Coordinator for National Defense, and such licenses shall contain the following terms, among others:

(a) On the normal or unrestricted commercial production of "alkylate" by the refiner-licensee, the royalty to be collected from said refiner-licensee shall be reduced from the present rate of 42 cents per barrel of "alkylate" produced to a rate not in excess of 30 cents per barrel of "alkylate" produced;

(b) On "alkylate" produced and sold by the refiner-licensee either to the armed forces of the United States or upon the direct or indirect request or order of the United States or any agency thereof for the use of the armed forces of the United States or any foreign country, the royalty to be collected from said refiner-licensee shall be reduced from the present rate of 42 cents per barrel to a rate not in excess of 21 cents per barrel of "alkylate" so produced and sold during the period commencing with the date of issuance of this Recommendation and ending July 1, 1943, and not in excess of 15 cents per barrel of "alkylate" so produced and sold from and after July 2, 1943;

(c) All technical data, information, improvements, and technical assistance required or appropriate for the construction and operation of plants for the practice of the "sulfuric acid alkylation process" shall be made available readily and continuously to licensees.*

HAROLD L. ICKES,
Petroleum Coordinator for National Defense.

DECEMBER 18, 1941.

[F. R. Doc. 41-9877; Filed, December 31, 1941; 10:07 a. m.]

CHAPTER XV—DEFENSE COMMUNICATIONS BOARD

[Order No. 1]

PART 1700—SHIP RADIO STATIONS

§ 1700.1 *Authorization of Navy Department to use, control, supervise, inspect or close radio stations and facilities aboard vessels.* Whereas The Defense Communications Board has by the Executive Order of December 10, 1941 [1] been authorized, if the national security and defense and the successful conduct of the war so demand, to prescribe classes and types of radio stations and facilities or portions thereof which shall be subject to use, control, supervision, inspection, or closure, in accordance with such prescription, by the Department of War, Department of Navy, or other agency of the United States Government, designated by the Board;

And whereas The Defense Communications Board has determined that the national security and defense and the successful conduct of the war so demand;

Now, therefore, by virtue of authority vested in the Board under the aforementioned Executive Order, the Board hereby directs that all radio stations and facilities aboard all vessels, as defined in Title 1, section 3, of the United States Code, domestic and foreign, within the jurisdiction of the United States shall be subject to such use, control, supervision, inspection, or closure by the Navy Department in accordance with the terms of the said Executive Order as may be deemed necessary for the national security and defense and the successful conduct of the war by the Secretary of the Navy, under such regulations as he may prescribe.

Subject to such further order as the Board may deem appropriate. (E.O. 8964, 6 F.R. 6368)

DEFENSE COMMUNICATIONS BOARD,
JAMES LAWRENCE FLY,
Chairman.

Attest:
HERBERT E. GASTON,
Secretary.

DECEMBER 26, 1941.

[F. R. Doc. 41-9876; Filed, December 31, 1941; 9:59 a. m.]

[1] E.O. 8964, 6 F.R. 6368.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER I—COAST GUARD, DEPARTMENT OF THE NAVY

PART 9—GENERAL LICENSES FOR MOVEMENTS OF VESSELS WITHIN, OR DEPARTURE FROM, TERRITORIAL WATERS

By virtue of the authority vested in me by § 6.6 (d) of this chapter,[1] and in accordance with the provisions of § 9.1 (c) (1),[2] I hereby find that the continuance in force of General License No. 1 (§ 9.1 *General License No. 1*) with respect to the territorial waters hereinafter described would be inimical to the interests of national defense and of the safety and protection of vessels or the territorial waters, and accordingly said General License No. 1 (§ 9.1 *General License No. 1*) is hereby revoked to the extent of its applicability to the following described territorial waters of the United States:

The waters of the State of Rhode Island commonly known as the West Passage of Narragansett Bay and the Sakonnet River. (33 CFR 6.6 (d))

R. R. WAESCHE,
Commandant.

Approved: December 24, 1941.

FRANK KNOX,
Secretary of the Navy.

[F. R. Doc. 41-9919; Filed, December 31, 1941; 11:42 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

[Order No. 189]

PART 9—ENTRY AND CLEARANCE OF AIRCRAFT

Rescission of Section 9.6

DECEMBER 31, 1941.

Section 9.6 (*Clearance from Grand Forks, North Dakota*)[3] of Part 9, Entry and Clearance of Aircraft, as filed with the Division of the Federal Register December 11, 1941, is hereby rescinded, effective 12:00 P. M. December 31, 1941. (Section 7 (c), 44 Stat. 572 (49 U.S.C. 177-c))

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 41-9906; Filed December 31, 1941; 11:08 a. m.]

[1] 6 F.R. 5222.
[2] 6 F.R. 5342.
[3] 6 F.R. 6377.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1671-FD]

IN THE MATTER OF FOREST CITY COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 3092, RESPONDENT

ORDER FOR RESTORATION OF REGISTRATION

The Director, on November 15, 1941, having made Findings of Fact, Conclusions of Law and Opinion and entered an Order based thereon suspending the Registration as a distributor of the respondent, the Forest City Coal Company, Registration No. 3092, for a period of thirty (30) days from the date of said Order; and

Said Order having been served upon the respondent on November 21, 1941; and

The Forest City Coal Company, the respondent in the above-entitled matter, having filed with the Division on December 17, 1941, an affidavit dated December 15, 1941, pursuant to the provisions of said Order dated November 15, 1941, and § 304.15 of the Rules and Regulations for the Registration of Distributors; and

It appearing to the Acting Director from the affidavit of the respondent dated December 15, 1941 that the respondent, the Forest City Coal Company, has complied with the provisions of said Order and § 304.15 of the Rules and Regulations for the Registration of Distributors;

Now, therefore, it is ordered, That the registration of the Forest City Coal Company as a distributor be, and it hereby is, restored as of December 22, 1941.

Dated: December 27, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9899; Filed, December 31, 1941; 10:25 a. m.]

[Docket No. A-1202]

PETITION OF DISTRICT BOARD NO. 2 FOR A CHANGE IN SHIPPING POINTS OF MINE INDEX NO. 371

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party, alleging that the price classifications and minimum prices have been established for the coals of El Dorado Mine (Mine Index No. 371) of P & O Construction Company, a code member in District No. 2, for rail shipments on Baltimore & Ohio Railroad from Bruin, Pennsylvania, and on Western Allegheny Railroad from Hooker, Pennsylvania, and that Freight Origin Group No. 17 has been assigned to this mine for such shipments; that conditions beyond the producer's control have made it necessary to discontinue such shipments from Bruin, Pennsylvania; and that the application of the adjustments required or permitted of mines in Freight Origin Group 17, to such shipments, which now must be made only from Hooker, Pennsylvania, denies to this mine its existing fair competitive opportunities. The petition requests that Freight Origin Group No. 21 be assigned to the El Dorado Mine.

It appears that Freight Origin Group No. 21 is the proper freight origin group for mines making rail shipments only from Hooker, Pennsylvania, on the Western Allegheny Railroad.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention have been filed with the Division in the above-entitled matter; and

The following action is deemed necessary in order to effectuate the purposes of the Act;

It is therefore ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the El Dorado Mine (Mine Index No. 371) of the P & O Construction Company for rail shipments shall be applicable only for shipments on Western Allegheny Railroad from Hooker, Pennsylvania, and shall no longer be applicable for shipments on Baltimore & Ohio Railroad from Bruin, Pennsylvania. All allowances or adjustments required or permitted mines in Freight Origin Group No. 21 shall be applicable for such shipments of the coals of the El Dorado Mine on Western Allegheny Railroad from Hooker, Pennsylvania.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to sec-

tion 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order unless it shall otherwise be ordered.

Dated: December 29, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9900; Filed, December 31, 1941; 10:26 a. m.]

[Docket No. B-95]

IN THE MATTER OF MOHAWK MINING COMPANY, A CORPORATION, A CODE MEMBER, DEFENDANT

ORDER CORRECTING ERROR IN NOTICE OF AND ORDER FOR HEARING

A Notice of and Order for Hearing having been issued in the above-entitled matter on November 10, 1941; and

It appearing in the last paragraph of said Order that the Mohawk Mine (Mine Index No. 326) of the Mohawk Mining Company, defendant in the above-entitled proceeding, is erroneously stated to be located in Clearfield County, Pennsylvania, District No. 1, whereas official files of the Division show said mine as located in Armstrong County, Pennsylvania, District No. 1.

Now, therefore, it is ordered, That the last paragraph of the aforesaid Order now reading in part "• • • coal produced at the defendant's Mohawk Mine (Mine Index No. 326) located in Clearfield County, Pennsylvania, District No. 1 • • •" be, and it hereby is, corrected to read "• • • coal produced at the defendant's Mohawk Mine (Mine Index No. 326) located in Armstrong County, Pennsylvania, District No. 1 • • •"

Dated: December 29, 1941.

[SEAL] DAN H. WHEELER,
Acting Director

[F. R. Doc. 41-9901; Filed, December 31, 1941; 10:26 a. m.]

[Docket No. 1817-FD]

IN THE MATTER OF MALONE COAL COMPANY, (W. R. MALONE), DEFENDANT

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint dated July 24, 1941, having been filed herein by the Bituminous Coal Producers Board for District No. 3 on July 25, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") alleging wilful violation by the Malone Coal Company (W. R. Malone), Philippi, West Virginia, of the Bituminous Coal Code and rules and regulations thereunder; and

The Acting Director on December 15, 1941, having made Findings of Fact, Conclusions of Law and Opinion and entered an Order based thereon revoking the code membership of Malone Coal Company (W. R. Malone), effective fifteen (15) days from the date thereof, and said Order of Revocation having been duly served upon the Malone Coal Company (W. R. Malone); and

The Malone Coal Company (W. R. Malone) having filed with the Division its application for restoration of its code membership to become effective simultaneously with the effective date of said cancellation and revocation of its code membership; and

It appearing from said application that the Malone Coal Company (W. R. Malone) paid to the Collector of Internal Revenue at Parkersburg, West Virginia, the sum of Seventy-seven dollars and six cents ($77.06) as provided in said Order of December 15, 1941, as a condition precedent to restoration of its Code Membership;

Now, therefore, it is ordered, That said application of the Malone Coal Company (W. R. Malone) for restoration of its code membership be and the same hereby is granted.

It is further ordered, That said restoration of the code membership of the Malone Coal Company (W. R. Malone) shall become effective simultaneously with the effective date of said cancellation and revocation of code membership.

Dated: December 30, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-9902; Filed, December 31, 1941; 10:26 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective January 1, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employer's representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Engel Art Corners Manufacturing Company, 4711-17 North Clark Street, Chicago, Illinois; Converted Paper Products; 1 learner; 4 weeks for any one learner; 32 cents per hour; Punch Press Operator; March 12, 1942.

Transparent Cover Company, 2646 West Taylor Street, Chicago, Illinois; Converted Paper Products; 8 learners; 6 weeks for any one learner; 32½¢ per hour; Sewing Machine Operator; February 26, 1942.

Signed at Washington, D. C., this 31st day of December 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-9920; Filed, December 31, 1941; 11:43 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under section 14 thereof, part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective January 1, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

J. B. Cumming-Brown Company, North Second Avenue, Rome, Georgia; Men's Clothing; 5 learners (T); January 1, 1943.

H. Daroff and Sons, 11th and Arch Streets, Philadelphia, Pennsylvania; Men's Clothing; 5 percent (T); January 1, 1943.

Peters, Incorporated, 717 First Avenue, Seattle, Washington; Men's Suits, Sport Coats, Topcoats and Slacks; 5 learners (T); January 1, 1943.

Quakertown Shirt Factory, Franklin Street, Quakertown, Pennsylvania; Men's Shorts; 5 learners (T); January 1, 1943.

Single Pants, Shirts and Allied Garments and Women's Apparel

Big Jack Overall Company, Inc., Lee and Sycamore Streets, Bristol, Virginia; Work Pants and Shirts; 74 learners (E); April 30, 1942.

Blossom Products Corporation, 801 Meadow Street, Allentown, Pennsylvania; Underwear; 10 percent (T); January 1, 1943.

Boston Puritan Company, 456 Tremont, Boston, Massachusetts; Washable Garments: 1 learner (T); May 21, 1942.

Brown Garment Manufacturing Company, 603 West Markham Street, Little Rock, Arkansas; Men's and Boys' Cotton Pants; 26 learners (E); June 25, 1942.

Gale-Sobel Company, 1125 Washington Avenue, St. Louis, Missouri; Work Shirts, Overalls, Coveralls; 26 learners (E); July 1, 1942.

Albert Given Manufacturing Company, 1301 W. Chicago Avenue, East Chicago, Indiana; Sport Shirts and Trousers; 18 learners (T); January 1, 1943.

E. Gordon and Company, 1238 Callowhill Street, Philadelphia, Pennsylvania; Dresses and Housecoats; 10 learners (T); January 1, 1943.

The Gotham Shirt Company, 211 W. Fayette Street, Baltimore, Maryland; Dress Shirts, Sport Shirts; 10 learners (T); January 1, 1943.

Hazle Dress Company, Inc., 549 Hazle Street, Hazleton, Pennsylvania; Dresses; 10 percent (T); January 1, 1943.

I. B. S. Manufacturing Company, Second and Clark Streets, New Albany, Mississippi; Shirts; 10 percent (T); January 1, 1943.

B. S. Kahn and Company, 127 N. W. Second Street, Miami, Florida; Slack Sets, Playsuits; 5 learners (T); January 1, 1943.

Lorenz Garment Company, 1144 West Superior Street, Chicago, Illinois; Ladies' Undergarments, Men's Outerwear, Men's Underwear; 7 learners (T); January 1, 1943.

Lowell Uniform Company, 95 Bridge Street, Lowell, Massachusetts; Washable Wearing Apparel; 10 learners (T); January 1, 1943.

M. & S. Dress Corporation, Rodney French Boulevard, New Bedford, Massachusetts; Dresses; 10 learners (T); January 1, 1943.

Miller Manufacturing Company, Inc., 928 Virginia Avenue, Joplin, Missouri; Work Shirts; 10 percent (T); January 1, 1943.

Mitchel Schneider Company, Inc., 50 West 19th Street, New York, New York; Ladies' Rayon Underwear; 10 percent (T); May 18, 1942.

Morrison Garment Company, 189 W. Kellogg Boulevard, St. Paul, Minnesota; Cotton Uniforms; 1 learner (T); January 1, 1943.

The Pyke Manufacturing Company, 154 West 2nd South, Salt Lake City, Utah; Men's Work Pants; 16 learners (E); May 18, 1942.

Quality First Shirt Company, Main Street, Bridgeville, Delaware; Men's Shirts; 10 learners (T); January 1, 1943.

Russell-Newman Manufacturing Company, Denton, Texas; Ladies' and Children's Underwear; 10 learners (E); May 18, 1942.

Seymour-Avery Manufacturing Company, 230 S. Franklin Street, Chicago, Illinois; Woven Underwear; 10 learners; (T); January 1, 1943.

Stock Shirt Manufacturing Company, 31 North Cherry Avenue, York, Pennsylvania; Shirts; 10 percent (T); January 1, 1943.

Independent Branch of the Telephone Industry

Hoopeston Telephone Company, 416 Willdon Building, Hoopeston, Illinois; to employ learners as commercial switchboard operators at its Hoopeston Exchange until January 1, 1943.

Jasper County Telephone Company, Cullen Street, Rensselaer, Indiana; to employ learners as commercial switchboard operators at its Rensselaer Exchange until December 31, 1942. (This certificate effective December 31, 1941.)

The Lincoln Telephone and Telegraph Company, 1342 M Street, Lincoln, Nebraska; to employ learners as commercial switchboard operators at its York Exchange, York, Nebraska, until December 31, 1942.

The Lincoln Telephone and Telegraph Company, 1342 M Street, Lincoln, Nebraska; to employ learners as commercial switchboard operators at its Wymore Exchange, Wymore, Nebraska, until December 31, 1942.

The Lincoln Telephone and Telegraph Company, 1342 M Street, Lincoln, Nebraska; to employ learners as commercial switchboard operators at its Wahoo Exchange, Wahoo, Nebraska, until December 31, 1942.

The Lincoln Telephone and Telegraph Company, 1342 M Street, Lincoln, Nebraska; to employ learners as commercial switchboard operators at its Tecumseh Exchange, Tecumseh, Nebraska, until December 31, 1942.

The Lincoln Telephone and Telegraph Company, 1342 M Street, Lincoln, Nebraska; to employ learners as commercial switchboard operators at its Superior Exchange, Superior, Nebraska, until December 31, 1942.

The Lincoln Telephone and Telegraph Company, 1342 M Street, Lincoln, Nebraska; to employ learners as commercial switchboard operators at its Seward Exchange, Seward, Nebraska, until December 31, 1942.

The Lincoln Telephone and Telegraph Company, 1342 M Street, Lincoln, Nebraska; to employ learners as commercial switchboard operators at its Plattsmouth Exchange, Plattsmouth, Nebraska, until December 31, 1942.

The Lincoln Telephone and Telegraph Company, 1342 M Street, Lincoln, Nebraska; to employ learners as commercial switchboard operators at its Nebraska City Exchange, Nebraska City, Nebraska, until December 31, 1942.

The Lincoln Telephone and Telegraph Company, 1342 M Street, Lincoln, Nebraska; to employ learners as commercial switchboard operators at its Lincoln Exchange, Lincoln, Nebraska, until December 31, 1942.

The Lincoln Telephone and Telegraph Company, 1342 M Street, Lincoln, Nebraska; to employ learners as commercial switchboard operators at its Humboldt Exchange, Humboldt, Nebraska, until December 31, 1942.

The Lincoln Telephone and Telegraph Company, 1342 M Street, Lincoln, Nebraska; to employ learners as commercial switchboard operators at its Hebron Exchange, Hebron, Nebraska, until December 31, 1942.

The Lincoln Telephone and Telegraph Company, 1342 M Street, Lincoln, Nebraska; to employ learners as commercial switchboard operators at its Hastings Exchange, Hastings, Nebraska, until December 31, 1942.

The Lincoln Telephone and Telegraph Company, 1342 M Street, Lincoln, Nebraska; to employ learners as commercial switchboard operators at its Geneva Exchange, Geneva, Nebraska, until December 31, 1942.

The Lincoln Telephone and Telegraph Company, 1342 M Street, Lincoln, Nebraska; to employ learners as commercial switchboard operators at its Fairbury Exchange, Fairbury, Nebraska, until December 31, 1942.

The Lincoln Telephone and Telegraph Company, 1342 M Street, Lincoln, Nebraska; to employ learners as commercial switchboard operators at its David City Exchange, David City, Nebraska, until December 31, 1942.

The Lincoln Telephone and Telegraph Company, 1342 M Street, Lincoln, Nebraska; to employ learners as commercial switchboard operators at its Beatrice Exchange, Beatrice, Nebraska, until December 31, 1942.

The Lincoln Telephone and Telegraph Company, 1342 M Street, Lincoln, Nebraska; to employ learners as commercial switchboard operators at its Auburn Exchange, Auburn, Nebraska, until December 31, 1942.

The Lincoln Telephone and Telegraph Company, 1342 M Street, Lincoln, Nebraska; to employ learners as commercial switchboard operators at its Ashland Exchange, Ashland, Nebraska, until December 31, 1942.

The Montezuma Mutual Telephone Company, Montezuma, Iowa; to employ learners as commercial switchboard operators at its Montezuma Exchange, Montezuma, Iowa, until January 1, 1943.

The Star Telephone Company, 124 Church Street, Ashland, Ohio; to employ learners as commercial switchboard operators at its Ashland Exchange, Ashland, Ohio, until January 1, 1943.

Knitted Wear

Holeproof Hosiery Company, 404 West Fowler Street, Milwaukee, Wisconsin; Knitted Underwear and Commercial Knitting; 5 percent (T); January 1, 1943.

Julius Kayser and Company, Walton, New York; Knitted Underwear and Commercial Knitting; 5 percent (T); January 1, 1943.

Midvale Knitting Mill, 564 Ringwood Avenue, Midvale, New Jersey; Infants' Knitted Outerwear; 4 learners (T); January 1, 1943.

Queen Knitting Mills, 2647 N. Howard Street, Philadelphia, Pennsylvania; Sweaters, Bathing Suits, etc., 5 learners (T); January 1, 1943.

Textile

Bladenboro Cotton Mills, Inc., Bladenboro, North Carolina; Cotton Yarn; 6 percent (T); January 1, 1943.

The Duplan Corporation, 1245 White Street, Winston-Salem, North Carolina; Manufacturing or Processing of Yarn and Thread; 120 learners (E); June 30, 1942.

Goldin Brothers, 323 West 38th Street, New York, New York; Cotton Yarn; 3 learners (T); January 1, 1943.

The Schwarzenbach Huber Company, Sixth Street, Front Royal, Virginia; Piece Goods; 3 percent (T); January 1, 1943.

Tower Brand Yarn Corporation, 1942 38th Street, Brooklyn, New York; Cotton and Rayon Yarn; 2 learners (T); July 1, 1942.

Woolen

Utica Knitting Company, Mill #7, Clayville, New York; Knitted Overcoatings; 3 percent (T); January 1, 1943.

Utica Knitting Company, Mill #4, Erie and Downer Streets, Utica, New York; Hosiery Yarns, Cotton and Wool; 3 percent (T); January 1, 1943.

Utica Knitting Company, Mill #5, Sherburne, New York; Hosiery Yarns, Cotton and Wool; 3 percent (T); January 1, 1943.

Signed at Washington, D. C., this 31st day of December 1941.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 41-9921; Filed, December 31, 1941; 11:43 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6223]

IN RE APPLICATION OF WICHITA BROADCASTING CO. (FWFT)

NOTICE OF HEARING

Application dated March 2, 1941, for modification of license; class of service, broadcast; class of station, broadcast; location, Wichita Falls, Texas; operating assignment specified: Frequency, 620 kc.; power, 5 kw. (DA—night and day); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the extent of any interference which would result from the simultaneous operation of Station KWFT as proposed herein and Station WROL.

2. To determine the areas and populations which would be deprived of primary service, particularly from Station WROL as a result of the operation of Station KWFT as proposed herein and what other broadcast service is available to these areas and populations.

3. To determine the extent of any interference which would result from the simultaneous operation of Station KWFT as proposed herein and the operation of Station WROL as proposed in Application B3-ML-1062, as well as the areas and populations affected thereby, and what other broadcast service is available to these areas and populations.

4. To determine the extent of the interference which KWFT operating as proposed herein would cause to Station CKCK, Regina, Saskatchewan, and Station XENK, Mexico D.F.

5. To determine the areas and populations which would gain primary service should this application be granted, and what other broadcast service is available to these areas and populations.

6. To determine whether operation of KWFT as proposed would be consistent with the Standards of Good Engineering Practice, particularly as to population residing within the "blanket area" (250 mv/m contour).

7. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by Section 307 (b) of the Communications Act of 1934, as amended.

8. To ascertain the source of all funds invested in the licensee and the source of all funds to be used in the financing of the proposed construction.

9. To ascertain the relationship, if any, direct or indirect, of the licensee, its officers, directors and stockholders with any persons engaged in the control, ownership, operation or business of Station XEAW, Reynosa, Mexico.

10. To determine whether in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Wichita Broadcasting Co., Radio Station KWFT, 800 Eighth St., Wichita Falls, Texas.

Dated at Washington, D. C., December 29, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-9904; Filed, December 31, 1941; 10:32 a. m.]

[Docket No. 6005]

IN RE APPLICATION OF THE ASSOCIATED BROADCASTERS, INCORPORATED (KSFO)

AMENDED NOTICE OF HEARING

Application dated February 26, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, San Francisco, California; operating assignment specified: Frequency, 740 kc.; power, 50 kw. (DA-night & day); hours of operation, unlimited.

Upon further examination of the above described application the Commission has *amended* the issues on which the hearing will be based, as shown below, and has consolidated the matter with the application of Pacific Agricultural Foundation, Ltd. (KQW), Docket No. 6214.

1. To determine the character of the proposed program service.

2. To determine the relationships, the nature, extent and effect thereof existing between the applicant, its officers, directors and stockholders, and the Educational Broadcasting Corporation, licensee of Station KROW.

3. To determine the areas and populations now receiving primary service from Station KROW which would receive primary service from Station KSFO as proposed.

4. To determine the areas and populations now receiving primary service from Station KSFO which may be expected to lose such service should this application be granted, and what other broadcast service is available to these areas and populations.

5. To determine the areas and populations which may be expected to gain primary service should Station KSFO operate as proposed, and what other broadcast service is available to these areas and populations.

6. To determine whether the operation of Station KSFO, as proposed, would be consistent with the Standards of Good Engineering Practice, particularly as to the population residing within the predicted 250 mv/m contour ("blanket area").

7. To determine whether the granting of this application and the operation, as proposed herein, would serve public interest, convenience and necessity better than the operation of Station KQW as presently authorized, or as proposed in Docket No. 6214.

8. To determine whether public interest, convenience and necessity requires that the license of Station KQW be modified so as to authorize operation on the frequency 560 kilocycles in lieu of its present operation on 740 kilocycles.

9. To determine whether the granting of this application and the application of Pacific Agricultural Foundation Ltd., Docket No. 6214 or either of them would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

The Associated Broadcasters, Inc., Radio Station KSFO, Palace Hotel Bldg., 140 Jessie St., San Francisco, Calif.

Dated at Washington, D. C., December 27, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-9903, Filed, December 31, 1941; 10:32 a. m.]

[Docket No. 6214]

IN RE APPLICATION OF PACIFIC AGRICULTURAL FOUNDATION, LIMITED (KQW)

NOTICE OF HEARING

Application dated November 2, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, San Jose, California; operating assignment specified: Frequency, 740 kc.; power, 50 kw. (DA night and day); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with the application of The Associated Broadcasters, Inc. (KSFO), Docket No. 6005, for the following reasons:

1. To determine the character of the proposed program service.

2. To obtain full information with respect to the financing of the construction and operation of Station KQW, as proposed, including any and all agreements and understandings, written or oral, with respect thereto and the effect thereof upon the control, operation and finances of the applicant.

3. To determine the financial qualifications of the applicant to construct and operate Station KQW as proposed.

4. To determine the relationships, the nature, extent and effect thereof existing between the applicant, its officers, directors and stockholders, and Julius Brunton & Sons Co., licensee of Station KJBS.

5. To determine the areas and populations now receiving primary service from Station KJBS which would receive primary service from Station KQW as proposed.

6. To determine the areas and populations which may be expected to gain primary service from Station KQW operating as proposed, and what other broadcast service is available to these areas and populations.

7. To determine whether the operation of Station KQW, as proposed, would be consistent with the Standards of Good Engineering Practice, particularly as to the population residing within the predicted 250 mv/m contour ("blanket area").

8. To determine whether the granting of this application and the application of The Associated Broadcasters, Inc., Docket No. 6005, or either of them would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows: Pacific Agricultural Foundation, Ltd., Radio Station KQW, 87 East San Antonio St., San Jose, California.

Dated at Washington, D. C., December 27, 1941.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 41-9905; Filed, December 31, 1941; 10:32 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5563]

IN THE MATTER OF THE OHIO PUBLIC SERVICE COMPANY

ORDER POSTPONING HEARING

DECEMBER 30, 1941.

It appearing to the Commission that:

On December 10, 1941, the Hearing in the above-entitled proceeding was recessed by the Commission's Examiner to reconvene on January 5, 1942;

The Commission *finds* that:

Good cause exists for postponement of the hearing;

The Commission *orders* that:

The hearing in this proceeding heretofore set to reconvene on January 5, 1942, be and it is hereby postponed to January 19, 1942, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 41-9922; Filed, December 31, 1941; 11:51 a. m.]

[Docket No. G-217]

PUBLIC SERVICE COMMISSION OF INDIANA v. PANHANDLE EASTERN PIPE LINE COMPANY, MICHIGAN GAS TRANSMISSION CORPORATION, AND NORTHERN INDIANA PUBLIC SERVICE COMPANY

ORDER POSTPONING HEARING

DECEMBER 30, 1941.

It appearing to the Commission that:

Good cause has been shown for the postponement of the hearing in the above-entitled matter;

The Commission *orders* that:

The hearing in this proceeding, heretofore set to commence on January 6, 1942, be and it is hereby postponed to January 26, 1942, at the same time and place as heretofore fixed.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 41-9923; Filed, December 31, 1941; 11:51 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4609]

IN THE MATTER OF THE ROYAL TAILORS, INC., A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, January 9, 1942, at two o'clock in the afternoon of that day (Central Standard Time), Room 203, Federal Building, Sioux City, Iowa.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] JOE L. EVINS, *Acting Secretary.*

[F. R. Doc. 41-9916; Filed, December 31, 1941; 11:36 a. m.]

OFFICE OF PRODUCTION MANAGEMENT.

Division of Priorities.

NOTICE TO MANUFACTURERS OF MINING MACHINERY AND EQUIPMENT

By virtue of the authority vested in me by Office of Production Management Regulations No. 3,[1] and pursuant to § 944.4[2] of Regulation No. 1 of the Division of Priorities, the Director of Priorities will issue on and after December 31, 1941, individual orders directed to manufacturers of mining machinery and equipment assigning preference ratings to material entering into the production of such machinery and equipment.

Any manufacturer of mining machinery and equipment who wishes to qualify for such an order should apply to the Administrator of Mine Priorities, Office of Production Management, Washington, D. C.

DONALD M. NELSON, *Director of Priorities.*

DECEMBER 31, 1941.

[F. R. Doc. 41-9889; Filed, December 31, 1941; 10:10 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-248]

IN THE MATTER OF F. EBERSTADT & CO., INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 29th day of December, A. D. 1941.

An application having been filed by the above named applicant under and pursuant to the provisions of the Investment Company Act of 1940 for an order under section 6 (c) of the said Act exempting the applicant from the provisions of section 15 (d) of said Act insofar as the acquisition by F. Eberstadt & Co., a partnership, of a controlling block of the stock of the applicant may operate to terminate an investment advisory contract between the applicant as investment adviser and Chemical Fund, Inc., a registered open-end management investment company.

It is ordered, That a hearing on the matter of this application be held on January 2, 1942, as 10:00 o'clock in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue Northwest, Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9925; Filed, December 31, 1941; 11:53 a. m.]

[File No. 1-1953]

IN THE MATTER OF GENERAL INVESTMENT CORPORATION

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 29th day of December, A. D. 1941.

The General Investment Corporation, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, $1 Par Value, from listing and registration on the Boston Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 A. M. on Wednesday, February 4, 1942, at the office of the Securities & Exchange Commission, 120 Broadway, New York City, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Adrian C. Humphries, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9924; Filed, December 31, 1941; 11:56 a. m.]

[1] 6 F.R. 4865.
[2] 6 F.R. 6681.

[File No. 812-90]

IN THE MATTER OF COLLATERAL INVESTMENT COMPANY

ORDER TO REOPEN HEARING AND NOTICE AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1941.

An application, consisting of an original application and two supplemental applications, having been filed by the above named applicant for an exemption from the provisions of sections 28 (a) (2) (A), 28 (a) (2) (C), 28 (b) and 28 (h) of the Investment Company Act of 1940; and

A public hearing on said application having been duly held and closed on July 15, 1941; and

The applicant having amended the foregoing application by filing a further supplemental application on December 22, 1941 under section 8 (f) of said Act for an order declaring that the applicant has ceased to be an investment company;

It is ordered, That the supplemental application filed December 22, 1941 be and hereby is consolidated with the previous application filed by the applicant;

It is further ordered, That the hearing held and closed on July 15, 1941 be and hereby is reopened and that a further hearing on the application as consolidated be held on January 7, 1942 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1101 will advise interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice is hereby given to the applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9926; Filed, December 31, 1941; 11:53 a. m.]

[File Nos. 70-245, 70-254, 70-266, 70-267, 70-292]

IN THE MATTER OF CENTRAL STATES POWER & LIGHT CORPORATION

SUPPLEMENTARY ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1941.

Central States Power & Light Corporation, a public utility company which is also a registered holding company in the Ogden Corporation holding company system, having filed declarations with respect to the sale of certain of its assets, assets of its subsidiaries and securities of its subsidiaries under section 12 (d) of the Public Utility Holding Company Act of 1935 and having also filed declarations under section 12 (c) of the Act with respect to the utilization of proceeds derived from the sale of such assets and securities to purchase a portion of its First Mortgage and First Lien Gold Bonds, 5½% Series, due 1953; and

The Commission having permitted such declarations to become effective subject, however, to certain conditions including the reservation of jurisdiction with respect to fees to be paid in connection with the consummation of such transaction; and

Central States Power & Light Corporation having filed applications for authority to pay such fees and having also filed a request for authority to make a partial payment prior to December 31, 1941 to their counsel, Matthews, Harmon, Karr & Springer in such amount as the Commission may allow; and

It appearing to the Commission that a partial payment by Central States Power & Light Corporation to Matthews, Harmon, Karr & Springer in the sum of $15,000 will not be detrimental to the public interest or the interest of investors or consumers;

It is ordered, That declarant be, and hereby is, authorized to pay the sum of $15,000 to the firm of Matthews, Harmon, Karr & Springer in partial payment of their fee for services rendered in connection with the consummation of the transactions hereinabove referred to. Jurisdiction is reserved as to the payment of any and all sums on account of fees and expenses not specifically authorized herein.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9927; Filed, December 31, 1941; 11:55 a. m.]

[File No. 70-21]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1941.

International Utilities Corporation, a registered holding company, having previously made application to acquire by purchase from time to time in the over-the-counter market, not to exceed $1,442,500 principal amount of the Collateral Trust Bonds, 6½% Series, due July 1, 1945 of its subsidiary Dominion Gas and Electric Company; such application having been approved, by orders of this Commission dated June 3, 1940, Nov. 27, 1940, January 17, 1941 and May 5, 1941; International Utilities Corporation having acquired, as of December 15, 1941, $503,500 principal amount of such bonds; International Utilities Corporation having authorization, under the previous orders to acquire an additional $939,000 principal amount of such bonds; and International Utilities Corporation having made application for the extension of such order of May 5, 1941, which by its terms expires on December 31, 1941; and

It appearing to the Commission that the proposed extension is not detrimental to the public interest or to the interest of investors:

It is therefore ordered, That the time for the purchase by International Utilities Corporation in the over-the-counter market of the amount of Collateral Trust Bonds, 6½% Series, due July 1, 1945, of Dominion Gas and Electric Company remaining under the aforesaid authorizations of the Commission be extended to December 31, 1942, subject to the same terms and conditions contained in the aforesaid orders of the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9928; Filed December 31, 1941; 11:53 a. m.]

[File No. 70-468]

IN THE MATTER OF CENTRAL PUBLIC UTILITY CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested party may, not later than January 10, 1942 at 1:15 p. m., E. S. T., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interests, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as amended, may become effective as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application which is on file in the office of said Commission

for a statement of the transactions therein proposed which are summarized below:

Central Public Utility Corporation, a registered holding company, proposes to transfer 1,000,000 shares of common stock of its subsidiary, Consolidated Electric and Gas Company, presently pledged with The Baltimore National Bank, Trustee, to secure Central Public Utility Corporation's Twenty-year 5½% Income Bonds, into the name of the said Trustee at the request of the said Trustee according to the terms and provisions of the Indenture securing the said Income Bonds.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9929; Filed, December 31, 1941; 11:56 a. m.]

[File No. 70-473]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA, INC.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested party may, not later than January 14, 1942 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Public Service Company of Indiana, Inc. ("Public Service") proposes to acquire all the securities of Hoosier Power Company ("Hoosier") owned by Consolidated Electric and Gas Company ("Consolidated"), a subsidiary of Central Public Utility Corporation, a registered holding company. Hoosier owns all the capital stock of Columbus Electric Power Company ("Columbus"). Public Service proposes to acquire Hoosier's capital stock, 10-Year Note and First Mortgage Bonds for the following consideration:

(a) $1,100,000 in cash,

(b) Interest on Hoosier's 10-Year Note and First Mortgage Bonds referred to above to the date of closing, and

(c) The net earnings of Hoosier applicable to its common stock for the period from January 1, 1941 to date of closing, less the total amount of all payments made by Hoosier to Consolidated during the same period as dividends.

It is proposed that immediately after Public Service acquires the Hoosier securities it will dissolve Hoosier and acquire the assets of Hoosier.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9931; Filed, December 31, 1941; 11:54 a. m.]

[File No. 70-469]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA, INC.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested party may, not later than January 14, 1942 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Public Service Company of Indiana, Inc. ("Public Service") proposes to acquire all the securities of Hoosier Power Company ("Hoosier") owned by Consolidated Electric and Gas Company ("Consolidated"), a subsidiary of Central Public Utility Corporation, a registered holding company. Hoosier owns all the capital stock of Columbus Electric Power Company ("Columbus"). Public Service proposes to acquire Hoosier's capital stock, 10-Year Note and First Mortgage Bonds for the following consideration:

(a) $1,100,000 in cash,

(b) Interest on Hoosier's 10-Year Note and First Mortgage Bonds referred to above to the date of closing, and

(c) The net earnings of Hoosier applicable to its common stock for the period from January 1, 1941 to date of closing, less the total amount of all payments made by Hoosier to Consolidated during the same period as dividends.

It is proposed that immediately after Public Service acquires the Hoosier securities it will dissolve Hoosier and acquire the assets of Hoosier.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9930; Filed, December 31, 1941; 11:56 a. m.]

[File No. 70-418]

IN THE MATTER OF KENTUCKY UTILITIES COMPANY, KENTUCKY POWER & LIGHT COMPANY, THE MIDDLE WEST CORPORATION, AND UNITED PUBLIC SERVICE CORPORATION

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1941.

Kentucky Utilities Company, Kentucky Power & Light Company, The Middle West Corporation and United Public Service Corporation having filed applications and declarations concerning the following:

Kentucky Utilities Company, a public utility subsidiary of The Middle West Corporation, a registered holding company, proposes to purchase from United Public Service Corporation, a registered holding company subsidiary of The Middle West Corporation, a promissory note of Kentucky Power & Light Company, a public utility subsidiary of United Public Service Corporation, said note being payable to United Public Service Corporation in the principal amount of $1,200,000 due April 1, 1942. Kentucky Utilities Company also proposes to purchase from United Public Service Corporation 16,000 shares of common stock of the par value of $50 per share of Kentucky

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for a statement of the transactions therein proposed which are summarized below:

Central Public Utility Corporation, a registered holding company, proposes to transfer 1,000,000 shares of common stock of its subsidiary, Consolidated Electric and Gas Company, presently pledged with The Baltimore National Bank, Trustee, to secure Central Public Utility Corporation's Twenty-year 5½% Income Bonds, into the name of the said Trustee at the request of the said Trustee according to the terms and provisions of the Indenture securing the said Income Bonds.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9929; Filed, December 31, 1941; 11:56 a. m.]

[File No. 70-473]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA, INC.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested party may, not later than January 14, 1942 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Public Service Company of Indiana, Inc. ("Public Service") proposes to issue and sell to Indianapolis, Columbus and Southern Traction Company ("Columbus") Public Service's Serial Promissory Notes dated December 7, 1941 in the aggregate principal amount of $1,520,000 bearing interest at the rate of 4% per annum and maturing serially, each six months from date, over a period of twenty years. Said serial notes are to be issued under an agreement dated December 1, 1941 between Public Service and Columbus, whereby

(1) the matter of rights and obligations of Public Service and Columbus under a certain lease dated December 7, 1912, covering the leasing of an interurban railway line between Indianapolis and Seymour, Indiana, by Columbus to Public Service was settled, and

(2) Public Service is to acquire the property covered by the lease.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9930; Filed, December 31, 1941; 11:56 a. m.]

[File No. 70-469]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA, INC.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1941.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested party may, not later than January 14, 1942 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Public Service Company of Indiana, Inc. ("Public Service") proposes to acquire from Consolidated Electric and Gas Company ("Consolidated") all of the outstanding securities of Hoosier Public Utility Company ("Hoosier"). These securities consist of:

(a) 17,270 shares of the common capital stock of no par value of Hoosier,

(b) $318,750 principal amount of 6% 10-Year Note due July 1, 1945 of Hoosier, and

(c) $150,000 principal amount of the First Mortgage 5% Sinking Fund Bonds due December 1, 1954 of Hoosier.

The proposed purchase price for the securities of Hoosier is to be as follows:

(a) $1,100,000 in cash,

(b) Interest on Hoosier's 10-Year Note and First Mortgage Bonds referred to above to the date of closing, and

(c) The net earnings of Hoosier applicable to its common stock for the period from January 1, 1941 to date of closing, less the total amount of all payments made by Hoosier to Consolidated during the same period as dividends.

It is proposed that immediately after Public Service acquires the Hoosier securities it will dissolve Hoosier and acquire the assets of Hoosier.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9931; Filed, December 31, 1941; 11:54 a. m.]

[File No. 70-418]

IN THE MATTER OF KENTUCKY UTILITIES COMPANY, KENTUCKY POWER & LIGHT COMPANY, THE MIDDLE WEST CORPORATION, AND UNITED PUBLIC SERVICE CORPORATION

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1941.

Kentucky Utilities Company, Kentucky Power & Light Company, The Middle West Corporation and United Public Service Corporation having filed applications and declarations concerning the following:

Kentucky Utilities Company, a public utility subsidiary of The Middle West Corporation, a registered holding company, proposes to purchase from United Public Service Corporation, a registered holding company subsidiary of The Middle West Corporation, a promissory note of Kentucky Power & Light Company, a public utility subsidiary of United Public Service Corporation, said note being payable to United Public Service Corporation in the principal amount of $1,200,000 due April 1, 1942. Kentucky Utilities Company also proposes to purchase from United Public Service Corporation 16,000 shares of common stock of the par value of $50 per share of Kentucky Power & Light Company held by United Public Service Corporation. Kentucky Utilities Company proposes to pay for such acquisitions the sum of $1,200,000, plus accrued interest on said note to the date of delivery and payment.

Upon consummation of such acquisitions Kentucky Utilities Company will hold all of the outstanding securities of Kentucky Power & Light Company except its First Mortgage 5½% Gold Bonds, Series A and Series B, outstanding in the principal amount of $1,207,400, and Kentucky Utilities Company proposes to acquire all the property and assets of Kentucky Power & Light Company subject to the liabilities of such company, including said outstanding bonds, in exchange for the securities of Kentucky Power & Light Company to be held by Kentucky Utilities Company.

Kentucky Utilities Company proposes to sell to The Middle West Corporation 31,429 shares of its common stock without par value at $38.18 per share, or $1,200,000 in the aggregate, the proceeds thereof to be used by Kentucky Utilities Company in consummating the acquisition of the securities of Kentucky Power & Light Company from United Public Service Corporation.

Kentucky Utilities Company proposes to sell at private sale $1,000,000 principal amount of its First Mortgage Bonds, Series of 1970, 4% due January 1, 1970, the proceeds of such sale to be used together with general funds of Kentucky Utilities Company to the extent necessary to effect the retirement of the outstanding bonds of Kentucky Power & Light Company by the payment at their maturity on April 1, 1942 of such bonds of Series A outstanding in the principal amount of $755,500 and the redemption on March 1, 1942, at 101¼ of such bonds of Series B outstanding in the principal amount of $451,900; and

Kentucky Utilities Company having requested that it be exempted from the operation of paragraphs (b) and (c) of Rule U-50 in respect of the sale of such Bonds; and

A public hearing having been held thereon and the Commission having examined the record and issued its findings herein;

It is ordered, That the declarations and applications in respect of such transactions shall be permitted to become effective and be granted forthwith, subject to the condition that complete jurisdiction is reserved with respect to the further liquidation of United Public Service Corporation and that further disposition of its assets or distribution to its stockholders will not be made except upon further order of this Commission.

It is further ordered, That Kentucky Utilities Company is exempted from the operation of paragraphs (b) and (c) of Rule U-50 in respect of the issue and sale of its First Mortgage Bonds.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41-9932; Filed, December 31, 1941; 11:54 a. m.]

[File No. 43-183]

IN THE MATTER OF SOUTHWESTERN GAS AND ELECTRIC COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1941.

The above named company having filed a supplemental declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 7 thereof, regarding the following:

Southwestern Gas and Electric Company, a subsidiary of Central and South West Utilities Company, a registered holding company, proposes (a) to reduce the interest rate on $1,800,000 principal amount of outstanding 2⅞% unsecured notes to 2⅛%, effective on December 1, 1941, and (b) to provide for the payment of the unpaid principal amount of said notes in eight semi-annual installments of $225,000 each, May 1, 1942—November 1, 1945 (instead of four annual installments of $450,000 each).

Under date of March 29, 1939, the Commission permitted the original declaration herein to become effective with respect to the issue and sale by the company of $2,250,000 principal amount of the subject notes to the First National Bank of Chicago, Harris Trust and Savings Bank (Chicago, Illinois) and the American National Bank and Trust Company of Chicago. On November 1, 1941, $450,000 principal amount of said notes matured and were paid by the company.

Said supplemental declaration having been filed on December 2, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above named company having requested that said declaration, as filed or as amended, become effective as soon as practicable; and

The Commission finding with respect to said supplemental declaration under section 7 of said Act that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of the said Act, and being satisfied that the effective date of said supplemental declaration should be advanced:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be and hereby is permitted to become effective.

By the Commission. (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 41- 9933; Filed, December 31, 1941; 11:55 a. m.]

[File No. 59-39]

IN THE MATTER OF NORTH AMERICAN LIGHT & POWER COMPANY HOLDING-COMPANY SYSTEM AND THE NORTH AMERICAN COMPANY

ORDER REQUIRING LIQUIDATION OF NORTH AMERICAN LIGHT & POWER COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1941.

The Commission having on December 2, 1941, issued its Notice of and Order for Hearing instituting this proceeding pursuant to section 11 (b) (2), 20 (a) and 15 (f) of the Public Utility Holding Company Act of 1935; and

A hearing having been held on the issue whether the Commission should enter an order requiring the liquidation of North American Light & Power Company; Counsel for the Public Utilities Division of the Commission having submitted proposed findings; and Counsel for The North American Company and North American Light & Power Company, Respondents, having waived a trial examiner's report and having waived such rights as they might have to adduce further evidence, request specific findings, make oral argument or file briefs with respect to the issue whether an order should be entered requiring the liquidation of North American Light & Power; and

The Commission having examined the record herein with respect to the said issue and having this day made and filed its Findings and Opinion herein;

It is ordered, Pursuant to section 11 (b) (2) of said Act that said North American Light & Power Company shall be liquidated and its existence terminated.

It is further ordered, That said North American Light & Power Company and The North American Company shall proceed with due diligence to submit to this Commission a plan or plans for the prompt liquidation of North American Light & Power Company, and the termination of its existence, in a manner consistent with the provisions of said Act.

It is further ordered, That, before The North American Company or North American Light & Power Company take any step or action for the divestment of control, securities, or other assets by North American Light & Power Company, for the purpose of enabling North American Light & Power Company to comply with the provisions of Section 11 of said Act or with the provisions of this order, such step or action shall be the subject of an application or applications to this Commission for the entry of necessary or appropriate orders.

It is further ordered, That jurisdiction be, and the same hereby is, reserved to enter such further order or orders after hearing on appropriate notice as may be necessary or appropriate for the purpose of ensuring that the liquidation of North American Light & Power Company is accomplished expeditiously and in a manner that is consistent with the provisions of the Act.

It is further ordered, That jurisdiction be, and the same hereby is, reserved to enter such further order or orders after hearing on appropriate notice as may be necessary or appropriate with respect to any of the remaining issues in this proceeding and particularly for the purpose of determining what further steps should be taken by any of the Respondents herein to bring about compliance with

the requirements of section 11 (b) (2), 20 (a) and 15 (f) of the Act.

It is further ordered, That the terms of this order shall not be deemed to rescind or modify in any way the terms of this Commission's order dated June 3, 1941 in the proceeding entitled *In the Matter of The North American Company and Its Subsidiary Companies*. (File No. 59–10)

It is further ordered, That the hearing as to said remaining issues shall be convened by the Trial Examiner without delay.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 41–9934; Filed, December 31, 1941; 11:55 a. m.]

[File No. 65–2]

IN THE MATTER OF MORGAN STANLEY & CO. INCORPORATED, AND BONBRIGHT & COMPANY, INCORPORATED

ORDER OF SEVERANCE AND DISMISSING PROCEEDING ETC. AS TO BONBRIGHT & COMPANY, INCORPORATED

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, on the 30th day of December 1941.

Consumers Power Company, a subsidiary of The Commonwealth and Southern Corporation, a registered holding company, having filed on November 17, 1939, a declaration regarding the issuance and sale of its first mortgage bonds and common stock pursuant to the provisions of Section 7 of the Public Utility Holding Company Act of 1935;

Bonbright & Company, Incorporated and Morgan Stanley & Co., Incorporated having severally applied on December 11, 1939 for findings pursuant to Paragraph (a) (3) of Rule U-12F-2, each with respect to its status under said rule as an underwriter of the securities proposed to be issued and sold by said Consumers Power Company;

The Commission having on December 2, 1939, issued its notice of and order for hearing with respect to said applications of Bonbright & Company, Incorporated and Morgan Stanley & Co., Incorporated;

The Commission having on December 28, 1939 issued its order with respect to said declaration of Consumers Power Company permitting the same to become in part effective, upon condition, however, that pending the final determination of the issues raised by said applications of Bonbright & Company, Incorporated and Morgan Stanley & Co., Incorporated no underwriting fees, commissions or any other compensation derived from the issuance and sale of said securities of Consumers Power Company should be paid directly or indirectly to, or retained by, said applicants;

The applicant Bonbright & Company, Incorporated having moved the Commission for an order dismissing as to it, the proceeding instituted upon its said application, releasing jurisdiction over the underwriting fees, commissions and other compensation payable to Bonbright & Company, Incorporated as an underwriter of said securities of Consumers Power Company, and permitting said Consumers Power Company to pay to Bonbright & Company, Incorporated, its said fees, commissions and other compensation; and the applicant Bonbright & Company, Incorporated having requested that action be taken prior to January 1, 1942;

Hearings having been held on said applications, and the record having been completed as to the said application of Bonbright & Company, Incorporated; and

The Commission having examined the record and finding that the evidence does not establish that the applicant Bonbright & Company, Incorporated is an affiliate of Consumers Power Company within the meaning of section 2 (a) (11) (D) of the Public Utility Holding Company Act of 1935 and Paragraph (a) (3) of Rule U-12F–2;

It is ordered, That the proceedings heretofore instituted upon the said applications of Bonbright & Company, Incorporated and Morgan Stanley & Co., Incorporated be severed one from the other; and

It is further ordered, That the proceeding instituted upon said application of Bonbright & Company, Incorporated be dismissed; that jurisdiction be released over the underwriting fees, commissions and other compensation payable to Bonbright & Company, Incorporated as an underwriter of the securities of Consumers Power Company as aforementioned; and Consumers Power Company be permitted to pay to Bonbright & Company, Incorporated its said fees, commissions and other compensation.

It is further ordered, That the provisions of this order become effective immediately notwithstanding the later issuance by the Commission of its Findings and Opinion herein, which by reason of the request of the applicant Bonbright & Company, Incorporated that its motion be disposed of prior to January 1, 1942, it was not feasible for the Commission to issue herewith. Nothing herein contained shall be construed as affecting the proceeding pending upon the said application of Morgan Stanley & Co., Incorporated or jurisdiction over the underwriting fees, commissions and other compensation deriving to Morgan Stanley & Co., Incorporated by reason of its underwriting of said securities of Consumers Power Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 41–9935; Filed, December 31, 1941; 11:54 a. m.]

[File No. 70–461]

IN THE MATTER OF STATEN ISLAND EDISON CORPORATION

[File No. 70–462]

IN THE MATTER OF NORTHERN PENNSYLVANIA POWER COMPANY

[File No. 70–463]

IN THE MATTER OF NY PA NJ UTILITIES COMPANY

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1941.

NY PA NJ Utilities Company, a registered holding company and a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, having filed an application and declaration, as amended, pursuant to various sections of the Public Utility Holding Company Act of 1935, concerning, among others, the following transactions:

(1) (Transaction D) The acquisition by NY PA NJ Utilities Company from Northern Pennsylvania Power Company of the following securities, as a dividend in kind, to be paid by Northern Pennsylvania Power Company and to be charged by it to earned surplus:

(a) $406,100 principal amount of The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1981, and

(b) $53,300 principal amount of The Mohawk Valley Company 6% Gold Debentures, due October 1, 2031;

(2) (Transaction G) The acquisition by NY PA NJ Utilities Company from Staten Island Edison Corporation, by purchase for cash and cancellation of open accounts and notes, of $3,015,000 principal amount Associated Electric Company, 4½% Gold Bonds, Refunding Series, due 1956;

Northern Pennsylvania Power Company, a subsidiary of NY PA NJ Utilities Company, having filed a declaration regarding the declaration and payment of a dividend in kind to NY PA NJ Utilities Company of the said securities of The Mohawk Valley Company listed above and which NY PA NJ Utilities Company proposes to acquire;

Staten Island Edison Corporation, a subsidiary of New York State Electric and Gas Corporation, which in turn is a subsidiary of NY PA NJ Utilities Company, having filed a declaration regarding the sale of $3,015,000 principal amount of Associated Electric Company 4½% Gold Bonds, Refunding Series, due 1956, at 45% of the principal amount thereof, namely, the sum of $1,356,750, plus accrued interest thereon from Octo-

ber 1, 1941, to the date of delivery and payment.

A public hearing having been held after appropriate notice and the Commission having considered the record in this matter and having made and filed its findings herein;

It is hereby ordered, That the declaration of Staten Island Edison Corporation, as amended, be and hereby is permitted to become effective subject to the terms and conditions prescribed in Rule U–24;

It is further ordered, That the declaration of Northern Pennsylvania Power Company, as amended, be and hereby is permitted to become effective subject to the terms and conditions prescribed in Rule U–24 and subject to the further condition that a sum of $387,000 presently contained in the earned surplus account of said Northern Pennsylvania Power Company be restricted and made unavailable for the payment of common stock dividends until further order of the commission;

It is further ordered, That the application and declaration of NY PA NJ Utilities Company, as amended, to acquire the said bonds as a dividend from Northern Pennsylvania Power Company and said bonds by purchase from Staten Island Edison Corporation, be and are hereby granted and permitted to become effective, respectively, subject to the terms and conditions prescribed in Rule U–24.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 41–9936; Filed, December 31, 1941; 11:56 a. m.]

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FEDERAL REGISTER

VOLUME 7 NUMBER 2

Washington, Saturday, January 3, 1942

The President

AMENDING PROCLAMATIONS RELATING TO ALIEN ENEMIES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS Proclamations No. 2525 [1] of December 7, 1941, and Nos. 2526 [2] and 2527 [3] of December 8, 1941, relating to alien enemies, charge the Attorney General with the duty of executing all the regulations therein prescribed regarding the conduct of alien enemies within Alaska, and confer certain authority upon him with respect to such duty; and

WHEREAS it appears that it would be desirable for administrative purposes to transfer such duty and authority to the Secretary of War:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, as President of the United States and as Commander-in-Chief of the Army and Navy of the United States, do proclaim that the duty imposed upon the Attorney General by the aforesaid proclamations of executing all the regulations therein prescribed regarding the conduct of alien enemies within Alaska, and the authority conferred upon him with respect to such duty, are hereby transferred to the Secretary of War.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of December in the year of our Lord nineteen hundred and [SEAL] forty-one, and of the independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2533]

[F. R. Doc. 42-44; Filed January 2, 1942; 11:52 a. m.]

[1] 6 F.R. 6321.
[2] 6 F.R. 6323.
[3] 6 F.R. 6324.

[COORDINATOR OF GOVERNMENT FILMS]

THE WHITE HOUSE,
Washington, December 18, 1941.

MY DEAR MR. MELLETT:. The American motion picture is one of our most effective media in informing and entertaining our citizens. The motion picture must remain free insofar as national security will permit. I want no censorship of the motion picture; I want no restrictions placed thereon which will impair the usefulness of the film other than those very necessary restrictions which the dictates of safety make imperative.

The motion picture, especially as used by the Federal Government, has a very useful contribution to make during the war emergency. In order that the Federal Government's efforts in the field of motion picture production and distribution may serve most effectively and efficiently, it is desirable that all activities of the Federal Government be coordinated under the direction of one central office.

Therefore, as President of the United States and Commander-in-Chief of the armed forces, I direct that you, as Director of the Office of Government Reports, act as Coordinator of Government Films for the duration of the war.

The functions you will discharge in this capacity are:

1. Act as the liaison officer of the Federal Government with theatrical, educational and industrial producers and distributors in connection with the preparation, production, and distribution of films.

2. Establish a clearance office through which all of the Government's civilian films must clear whether they are to be distributed through theaters or through non-theatrical organizations.

3. Plan, so far as necessary, such Government motion picture production and distribution as is deemed necessary to inform and instruct the public during the wartime crisis.

4. Consult with all Government departments in connection with film produc-

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FEDERAL REGISTER

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I further direct that you transmit a copy of this letter to the heads of all Federal agencies.

Sincerely yours,

FRANKLIN D ROOSEVELT

HONORABLE LOWELL MELLETT,
Director, Office of Government Reports, Executive Office of the President.

[F. R. Doc. 41-9941; Filed, December 31, 1941; 3:47 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1942-5]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART D—1942

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1149, 16 U.S.C. 590g to 590q) as amended, the 1942 Agricultural Conservation Program, as amended, is further amended as follows:

1. Section 701.301[1] (a) (1) is amended to read as follows:

§ 701.301 *Allotments, yields, grazing capacities, payments, and deductions*—(a) *Corn*—(1) *National and State acreage allotments.* The State acreage allotment of corn for each State in the commercial corn-producing area and the total corn acreage allotment for such area (the National allotment) are as follows:

Illinois, 6,568,395; Indiana, 3,227,281; Iowa, 8,231,440; Michigan, 393,813; Minnesota, 3,169,536; Missouri, 2,962,975; Nebraska, 5,981,616; Ohio, 2,398,854; South Dakota, 1,406,204; Wisconsin, 664,736; Delaware, 46,914; Kansas, 1,611,318; Kentucky, 322,609; Maryland, 226,504; and Pennsylvania, 367,805.

Total (national allotment) 37,580,000.

* * * * * *

2. Section 701.301 (a) (2) is amended by the addition of the following sentence at the end thereof:

(2) *County acreage allotments.* * * * The 1942 county corn acreage allotments shall be the 1942 county corn acreage allotments approved by the Secretary pursuant to the provisions of Title III of the Agricultural Adjustment Act of 1938, as amended.

* * * * * *

3. Section 701.301 (a) (4) (iii) is amended by the addition of the following sentence at the end thereof:

(4) *Normal yields.*

* * * * * *

(iii) * * * The county normal yields of corn for 1942 shall be the county normal yields of corn for 1942 approved by the Secretary pursuant to the provisions of Title III of the Agricultural Adjustment Act of 1938, as amended. (Secs. 7–17, 49 Stat. 1149 et seq.; 16 U.S.C. 590g–590q)

* * * * * *

Done at Washington, D. C., this 31st day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9939; Filed, December 31, 1941; 1:58 p. m.]

[1] 6 F.R. 4111.

[ACP-1942-6]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART D—1942

Supplement 6

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1149, 16 U.S.C. 590g to 590q), as amended, the 1942 Agricultural Conservation Program Bulletin, as amended, is further amended as follows:

1. Section 701.301[1] (g) (4) (iii) is amended by the addition of the following:

§ 701.301 *Allotments, yields, grazing capacities, payments, and deductions.*

* * * * * *

(g) Wheat.

* * * * * *

(4) Normal yields.

* * * * * *

(iii) * * * The county normal yields of wheat, established by the Secretary, are as follows:

Counties and Normal Yields in Bushels Per Acre

Alabama: Blount, 9.7; Calhoun, 9.6; Chambers, 9.7; Cherokee, 9.5; Chilton, 9.7; Clay, 9.7; Cleburne, 9.6; Coosa, 9.6; Cullman, 9.8; De Kalb, 9.6; Jackson, 9.6; Lauderdale, 9.8; Limestone, 9.7; Madison, 9.8; Marshall, 9.7; Morgan, 9.7; Randolph, 9.7; Shelby, 9.7; Talladega, 9.6; and Tallapoosa, 9.6.

Arizona: Apache, 13.5; Cochise, 19.5; Coconino, 11.5; Gila, 12.6; Graham, 22.7; Greenlee, 20.5; Maricopa, 23.5; Mohave, 12.0; Navajo, 18.4; Pima, 15.2; Pinal, 20.3; Santa Cruz, 13.6; Yavapai, 18.0; and Yuma, 19.7.

Arkansas: Arkansas, 10.3; Baxter, 6.5; Benton, 9.1; Boone, 7.9; Carroll, 9.0; Clay, 10.0; Cleburne, 7.1; Craighead, 8.7; Crawford, 12.0; Crittenden, 12.7; Cross, 9.7; Franklin, 7.4; Fulton, 6.9; Garland, 7.6; Greene, 9.6; Hempstead, 8.4; Hot Spring, 8.0; Independence, 10.2; Izard, 6.7; Jackson, 10.8; Johnson, 11.2; Lawrence, 9.6; Lee, 10.1; Logan, 8.7; Lonoke, 10.0; Madison, 8.6; Marion, 8.2; Miller, 8.4; Mississippi, 10.7; Montgomery, 7.5; Newton, 8.3; Phillips, 13.7; Poinsett, 10.2; Polk, 7.4; Pope, 7.7; Prairie, 9.9; Pulaski, 11.2; Randolph, 9.2; St. Francis, 9.2; Saline, 8.6; Scott, 9.4; Searcy, 7.6; Sebastian, 7.9; Sharp, 6.9; Stone, 7.0; Van Buren, 7.0; Washington, 9.1; White, 8.4; Woodruff, 10.3; and Yell, 8.2.

California: Alameda, 19.3; Alpine, 27.3; Amador, 20.0; Butte, 17.5; Calaveras, 12.8; Colusa, 18.0; Contra Costa, 20.0; Fresno, 19.2; Glenn, 16.5; Humboldt, 19.4; Imperial, 25.5; Inyo, 24.8; Kern, 14.4; Kings, 26.5; Lake, 17.7; Lassen, 14.0; Los Angeles, 11.1; Madera, 11.0; Marin, 24.3; Mendocino, 19.0; Merced, 16.6; Modoc, 13.6; Mono, 26.0; Monterey, 15.8; Napa, 25.4; Nevada, 15.0; Orange, 15.8; Placer, 11.6; Plumas, 16.8; Riverside, 13.6; Sacramento, 14.0; San Benito, 15.8; San Bernardino, 20.8; San Diego, 13.0; San Joaquin, 16.0; San Luis Obispo, 14.1; San Mateo, 17.5; Santa Barbara, 14.1; Santa Clara, 21.8; Shasta, 13.0; Sierra, 13.0; Siskiyou, 17.8; Solano, 20.3; Sonoma, 19.0; Stanislaus, 15.5; Sutter, 20.7; Tehama, 15.7; Trinity, 13.3; Tulare, 12.2; Tuolumne, 14.2; Ventura, 16.5; Yolo, 21.0; and Yuba, 11.7.

Colorado: Adams, 9.5; Alamosa, 18.2; Arapahoe, 8.7; Archuleta, 16.4; Baca, 4.8; Bent, 24.0; Boulder, 21.0; Chaffee, 19.6; Cheyenne, 4.5; Conejos, 19.9; Costilla, 20.4; Crowley, 20.0; Custer, 14.3; Delta, 25.5; Dolores, 10.0; Douglas, 12.1; Eagle, 29.2; Elbert, 7.0; El Paso 8.0; Fremont, 17.6; Garfield, 22.0; Gilpin, 15.2; Grand, 21.4; Gunnison, 19.9; Huerfano, 10.7; Jackson, 12.1; Jefferson, 21.0; Kiowa, 4.8; Kit Carson, 5.1; La Plata, 19.8; Larimer, 17.7; Las Animas, 11.5; Lincoln, 4.6; Logan, 7.1; Mesa, 21.2; Moffat, 12.1; Montezuma, 15.3; Montrose, 25.7; Morgan, 6.6; Otero, 24.7; Ouray, 18.3; Park, 11.2; Phillips, 8.0; Pitkin, 28.2; Prowers, 10.7; Pueblo, 10.8; Rio Blanco, 15.0; Rio Grande, 20.4; Routt, 17.6; Saguache, 19.1; San Miguel, 16.1; Sedgwick, 8.2; Summit, 19.3; Teller, 11.6; Washington, 4.8; Weld, 11.5; and Yuma, 7.5.

Delaware: Kent, 16.7; New Castle, 20.1; Sussex, 14.9.

Georgia: Appling, 8.8; Atkinson, 8.0; Bacon, 6.2; Baker, 7.8; Baldwin, 9.9; Banks, 8.8; Barrow, 9.0; Bartow, 9.4; Ben Hill, 8.1; Berrien, 5.4; Bibb, 11.8; Bleckley, 10.8; Brooks, 8.8; Bryan, 5.6; Bulloch, 9.4; Burke, 8.3; Butts, 9.4; Calhoun, 8.7; Candler, 8.6; Carroll, 8.3; Catoosa, 8.8; Charlton, 5.3; Chattahoochee, 9.3; Chattooga, 8.0; Cherokee, 7.8; Clarke, 8.7; Clay, 9.9; Clayton, 8.6; Cobb, 8.8; Coffee, 8.6; Colquitt, 10.3; Columbia, 7.8; Cook, 9.1; Coweta, 8.0; Crawford, 8.3; Crisp, 8.8; Dade, 8.6; Dawson, 6.7; Decatur, 6.3; De Kalb, 8.0; Dodge, 10.8; Dooly, 9.8; Dougherty, 11.1; Douglas, 8.6; Early, 8.9; Effingham, 8.0; Elbert, 7.8; Emanuel, 9.4; Evans, 5.5; Fannin, 6.6; Fayette, 8.3; Floyd, 8.6; Forsyth, 7.2; Franklin, 8.0; Fulton, 9.2; Gilmer, 7.6; Glascock, 8.5; Gordon, 8.1; Grady, 10.2; Greene, 7.1; Gwinnett, 7.8; Habersham, 8.6; Hall, 7.2; Hancock, 6.8; Harelson, 8.3; Harris, 7.8; Hart, 8.5; Heard, 7.6; Henry, 9.6; Houston, 10.6; Irwin, 9.8; Jackson, 9.1; Jasper, 9.5; Jeff Davis, 5.9; Jefferson, 9.0; Jenkins, 11.4; Johnson, 8.3; Jones, 8.4; Lamar, 9.1; Lanier, 5.6; Laurens, 9.8; Lee, 8.0; Liberty, 5.5; Lincoln, 7.0; Long, 5.5; Lowndes, 8.8; Lumpkin, 6.7; McDuffie, 7.8; Macon, 11.0; Madison, 8.4; Marion, 8.5; Meriwether, 8.2; Miller, 8.8; Mitchell, 10.1; Monroe, 8.5; Montgomery, 9.2; Morgan, 8.6; Murray, 8.9; Muscogee, 9.2; Newton, 9.1; Oconee, 8.9; Oglethorpe, 8.2; Pauling, 8.5; Peach, 11.9; Pickens, 7.1; Pierce, 8.0; Pike, 8.8; Polk, 7.8; Pulaski, 9.9; Putnam, 7.5; Rabun, 9.2; Randolph, 10.6; Richmond, 9.1; Rockdale, 8.1; Schley, 9.5; Screven, 8.5; Seminole, 7.9; Spalding, 9.0; Stephens, 8.2; Stewart, 6.7; Sumter, 9.6; Talbot, 7.6; Taliaferro, 5.9; Tattnall, 9.2; Taylor, 10.2; Telfair, 10.8; Terrell, 9.6; Thomas, 8.7; Tift, 8.8; Toombs, 9.4; Towns, 7.9; Treutlen, 7.8; Troup, 8.4; Turner, 8.1; Twiggs, 7.3; Union, 7.4; Upson, 8.6; Walker, 8.3; Walton, 9.5; Ware, 6.9; Warren, 7.4; Washington, 10.3; Wayne, 8.6; Webster, 7.5; Wheeler, 8.0; White, 7.1; Whitfield, 8.6; Wilcox, 8.3; Wilkes, 7.3; Wilkinson, 7.5; Worth, 8.6.

Idaho: Ada, 34.3; Adams, 15.9; Bannock, 17.2; Bear Lake, 14.3; Benewah, 23.0; Bingham, 34.0; Blaine, 17.8; Boise, 16.5; Bonner, 16.4; Bonneville, 22.7; Boundary, 31.8; Butte, 25.7; Camas, 15.0; Canyon, 37.7; Caribou, 17.0; Cassia, 22.3; Clark, 17.1; Clearwater, 20.4; Custer, 23.1; Elmore, 19.6; Franklin, 18.2; Fremont, 19.7; Gem, 27.9; Gooding, 31.8; Idaho, 23.9; Jefferson, 30.5; Jerome, 39.8; Kootenai, 18.8; Latah, 24.9; Lemhi, 29.9; Lewis, 24.7; Lincoln, 29.9; Madison, 18.5; Minidoka, 36.3; Nez Perce, 24.9; Oneida, 15.9; Owyhee, 37.5; Payette, 32.1; Power, 13.2; Teton, 14.8; Twin Falls, 40.0; Valley, 14.0; Washington, 18.8.

Illinois: Adams, 15.6; Alexander, 14.6; Bond, 14.4; Boone, 17.5; Brown, 14.3; Bureau, 22.5; Calhoun, 18.3; Carroll, 20.4; Cass, 18.6; Champaign, 19.5; Christian, 19.6; Clark, 14.7; Clay, 11.6; Clinton, 17.0; Coles, 17.7; Cook, 19.0; Crawford, 14.5; Cumberland, 14.4; De Kalb, 19.4; De Witt, 19.4; Douglas, 18.9; Du Page, 19.1; Edgar, 18.4; Edwards, 15.0; Effingham, 14.6; Fayette, 13.2; Ford, 19.0; Franklin, 13.2; Fulton, 18.9; Gallatin, 15.3; Greene, 17.9; Grundy, 17.3; Hamilton, 13.1; Hancock, 17.6; Hardin, 12.5; Henderson, 19.3; Henry, 22.2; Iroquois, 18.7; Jackson, 15.2; Jasper, 13.2; Jefferson, 13.9; Jersey, 18.8; Jo Daviess, 18.3; Johnson, 12.6; Kane, 19.6; Kankakee, 18.1; Kendall, 19.8; Knox, 18.8; Lake, 19.7; La Salle, 19.0; Lawrence, 13.3; Lee, 20.6; Livingston, 17.9; Logan, 20.9; McDonough, 19.3; McHenry, 17.9; McLean, 20.0; Macon, 20.5; Macoupin, 17.0; Madison, 17.3; Marion, 13.6; Marshall, 18.9; Mason, 16.4; Massac, 13.6 Menard, 19.5; Mercer, 21.2; Monroe, 17.6; Montgomery, 16.6; Morgan, 21.0; Moultrie, 18.4; Ogle, 18.5; Peoria, 18.2; Perry, 12.3; Piatt, 20.2; Pike, 16.0; Pope, 11.7; Pulaski, 14.4; Putnam, 21.7; Randolph, 14.9; Richland, 13.4; Rock Island, 20.5;

[1] 6 F.R. 4111, 5520–5522, 5581, 6472.

tion and distribution programs and consult with and advise motion picture producers of ways and means in which they can most usefully serve in the national effort.

[1] 6 F.R. 4111.

St. Clair, 17.4; Saline, 14.8; Sangamon, 20.6; Schuyler, 16.9; Scott, 18.8; Shelby, 16.2; Stark, 19.9; Stephenson, 17.9; Tazewell, 19.8; Union, 15.4; Vermilion, 18.2; Wabash, 15.7; Warren, 20.5; Washington, 14.5; Wayne, 12.9; White, 14.0; Whiteside, 20.9; Will, 19.2; Williamson, 13.1; Winnebago, 17.2; and Woodford, 20.3.

Indiana: Adams, 20.0; Allen, 20.4; Bartholomew, 15.2; Benton, 18.0; Blackford, 18.6; Boone, 19.6; Brown, 11.9; Carroll, 19.0; Cass, 17.9; Clark, 14.5; Clay, 13.5; Clinton, 20.0; Crawford, 11.2; Daviess, 13.7; Dearborn, 14.4; Decatur, 16.9; De Kalb, 19.8; Delaware, 19.3; Dubois, 14.3; Elkhart, 19.1; Fayette, 17.5; Floyd, 14.8; Fountain, 16.4; Franklin, 15.2; Fulton, 15.9; Gibson, 15.1; Grant, 20.4; Greene, 15.2; Hamilton, 20.3; Hancock, 19.0; Harrison, 14.0; Hendricks, 18.6; Henry, 19.7; Howard, 21.3; Huntington, 19.9; Jackson, 14.0; Jasper, 17.0; Jay, 19.5; Jefferson, 13.4; Jennings, 13.2; Johnson, 18.6; Knox, 15.7; Kosciusko, 18.0; Lagrange, 16.7; Lake, 18.9; La Porte, 17.0; Lawrence, 13.7; Madison, 20.9; Marion, 19.4; Marshall, 18.3; Martin, 12.4; Miami, 19.5; Monroe, 14.4; Montgomery, 18.3; Morgan, 15.2; Newton, 19.0; Noble, 19.5; Ohio, 14.3; Orange, 13.4; Owen, 12.9; Parke, 16.3; Perry, 13.0; Pike, 13.4; Porter, 17.7; Posey, 14.8; Pulaski, 17.0; Putnam, 14.9; Randolph, 20.1; Ripley, 15.1; Rush, 17.2; St. Joseph, 19.2; Scott, 13.6; Shelby, 15.1; Spencer, 13.4; Starke, 16.2; Steuben, 18.8; Sullivan, 14.3; Switzerland, 13.6; Tippecanoe, 17.1; Tipton, 20.2; Union, 18.4; Vanderburgh, 16.8; Vermillion, 15.9; Vigo, 15.0; Wabash, 19.6; Warren, 16.2; Warrick, 14.4; Washington, 14.4; Wayne, 18.3; Wells, 19.4; White, 17.5; and Whitley, 19.0.

Iowa: Adair, 15.4; Adams, 15.8; Allamakee, 16.1; Appanoose, 11.6; Audubon, 16.8; Benton, 17.6; Black Hawk, 17.6; Boone, 18.7; Bremer, 16.4; Buchanan, 15.1; Buena Vista, 16.3; Butler, 16.2; Calhoun, 16.6; Carroll, 17.7; Cass, 18.0; Cedar, 20.7; Cerro Gordo, 16.2; Cherokee, 16.1; Chickasaw, 14.8; Clarke, 12.2; Clay, 16.4; Clayton, 16.9; Clinton, 18.3; Crawford, 15.6; Dallas, 17.8; Davis, 13.0; Decatur, 10.9; Delaware, 16.0; Des Moines, 19.2; Dickinson, 15.0; Dubuque, 17.1; Emmet, 16.8; Fayette, 15.0; Floyd, 17.1; Franklin, 17.6; Fremont, 19.0; Greene, 18.5; Grundy, 18.1; Guthrie, 15.2; Hamilton, 18.3; Hancock, 16.9; Hardin, 18.2; Harrison, 17.0; Henry, 16.4; Howard, 14.3; Humboldt, 18.2; Ida, 15.2; Iowa, 16.9; Jackson, 14.9; Jasper, 18.3; Jefferson, 14.0; Johnson, 18.1; Jones, 16.4; Keokuk, 15.9; Kossuth, 16.8; Lee, 15.8; Linn, 19.7; Louisa, 18.0; Lucas, 11.7; Lyon, 16.4; Madison, 17.2; Mahaska, 17.6; Marion, 16.6; Marshall, 19.5; Mills, 19.5; Mitchell, 15.5; Monona, 18.1; Monroe, 12.4; Montgomery, 19.1; Muscatine, 18.6; O'Brien, 16.2; Osceola, 15.1; Page, 19.5; Palo Alto, 15.9; Plymouth, 15.1; Pocahontas, 17.8; Polk, 19.1; Pottawattamie, East, 18.1; Pottawattamie, West, 19.8; Poweshiek, 16.0; Ringgold, 12.3; Sac, 17.4; Scott, 20.8; Shelby, 16.2; Sioux, 16.4; Story, 19.1; Tama, 17.8; Taylor, 14.8; Union, 13.2; Van Buren, 13.0; Wapello, 16.4; Warren, 16.6; Washington, 17.7; Wayne, 11.0; Webster, 18.0; Winnebago, 16.2; Winneshiek, 14.6; Woodbury, 16.9; Worth, 16.8; and Wright, 17.0.

Kansas: Allen, 14.3; Anderson, 15.0; Atchison, 16.1; Barber, 11.1; Barton, 12.2; Bourbon, 13.2; Brown, 19.2; Butler, 13.4; Chase, 19.7; Chautauqua, 13.1; Cherokee, 12.7; Cheyenne, 9.5; Clark, 10.2; Clay, 15.2; Cloud, 13.3; Coffey, 15.6; Comanche, 10.2; Cowley, 13.7; Crawford, 12.4; Decatur, 8.8; Dickinson, 15.8; Doniphan, 16.9; Douglas, 17.0; Edwards, 11.0; Elk, 13.5; Ellis, 10.8; Ellsworth, 11.6; Finney, 9.5; Ford, 10.1; Franklin, 15.3; Geary, 18.8; Gove, 8.8; Graham, 8.6; Grant, 8.0; Gray, 9.3; Greeley, 7.5; Greenwood, 14.1; Hamilton, 8.0; Harper, 12.5; Harvey, 14.9; Haskell, 9.2; Hodgeman, 8.9; Jackson, 14.8; Jefferson, 16.5 Jewell, 12.7; Johnson, 15.5; Kearney, 8.0; Kingman, 12.2; Kiowa, 10.7; Labette, 12.2; Lane, 8.6; Leavenworth, 16.4; Lincoln, 11.7; Linn, 14.8; Logan, 7.5; Lyon, 15.6; McPherson, 14.5; Marion, 13.9; Marshall, 16.6; Meade, 10.0; Miami, 14.3; Mitchell, 13.1; Montgomery, 12.8; Morris, 16.8; Morton, 6.5; Nemaha, 16.6; Neosho, 12.4; Ness, 9.4; Norton, 9.2; Osage, 15.0; Osborne, 11.1; Ottawa, 13.8; Pawnee, 11.9; Phillips, 10.1; Pottawatomie, 18.0; Pratt, 12.2; Rawlins, 9.1; Reno, 13.9; Republic, 14.2; Rice, 12.6; Riley, 18.7; Rooks, 8.6; Rush, 10.8; Russell, 11.6; Saline, 13.8; Scott, 8.4; Sedgwick, 14.9; Seward, 9.0; Shawnee, 18.2; Sheridan, 8.8; Sherman, 7.6; Smith, 11.0; Stafford, 12.0; Stanton, 7.9; Stevens, 7.4; Sumner, 12.7; Thomas, 8.5; Trego, 9.4; Wabaunsee, 18.8; Wallace, 7.0; Washington, 14.7; Wichita, 8.0; Wilson, 15.0; Woodson, 13.8; and Wyandotte, 18.2.

Kentucky: Adair, 9.8; Allen, 9.9; Anderson, 11.1; Ballard, 12.1; Barren, 11.3; Bath, 13.1; Boone, 12.4; Bourbon, 14.8; Boyd, 10.5; Boyle, 14.1; Bracken, 12.8; Breathitt, 8.7; Breckenridge, 12.2; Bullitt, 13.5; Butler, 10.0; Caldwell, 13.4; Calloway, 12.6; Campbell, 13.0; Carlisle, 11.6; Carroll, 13.4; Carter, 9.5; Casey, 10.5; Christian, 13.3; Clark, 14.8; Clay, 9.0; Clinton, 9.5; Crittenden, 12.3; Cumberland, 9.0; Daviess, 15.3; Edmonson, 9.5; Elliott, 8.0; Estill, 9.0; Fayette, 15.0; Fleming, 12.2; Floyd, 9.0; Franklin, 13.2; Fulton, 14.0; Gallatin, 13.2; Garrard, 13.0; Grant, 12.5; Graves, 12.5; Grayson, 10.0; Green, 10.6; Greenup, 11.2; Hancock, 14.2; Hardin, 11.3; Harrison, 13.4; Hart, 10.6; Henderson, 14.6; Henry, 13.1; Hickman, 12.6; Hopkins, 12.7; Jackson, 8.8; Jefferson, 16.0; Jessamine, 13.9; Johnson, 7.2; Kenton, 12.7; Knott, 11.4; Knox, 8.5; Larue, 10.6; Laurel, 8.4; Lawrence, 8.5; Lee, 7.2; Leslie, 4.7; Letcher, 7.4; Lewis, 11.0; Lincoln, 12.0; Livingston, 13.1; Logan, 14.1; Lyon, 12.9; McCracken, 12.1; McCreary, 8.6; McLean, 13.3; Madison, 12.5; Magoffin, 8.0; Marion, 12.2; Marshall, 12.3; Mason, 13.8; Meade, 11.9; Menifee, 7.3; Mercer, 14.0; Metcalfe, 10.6; Monroe, 9.3; Montgomery, 13.5; Morgan, 7.8; Muhlenberg, 11.6; Nelson, 12.9; Nicholas, 12.9; Ohio, 12.0; Oldham, 14.5; Owen, 12.5; Owsley, 9.1; Pendleton, 12.7; Pike, 9.9; Powell, 9.0; Pulaski, 10.2; Robertson, 12.4; Rockcastle, 9.8; Rowan, 9.0; Russell, 9.4; Scott, 14.4; Shelby, 13.0; Simpson, 13.2; Spencer, 12.0; Taylor, 11.1; Todd, 13.8; Trigg, 11.8; Trimble, 13.9; Union, 14.4; Warren, 13.2; Washington, 11.9; Wayne, 10.8; Webster, 12.7; Whitley, 9.0; Wolfe, 7.0; and Woodford, 15.2.

Maine: Aroostook, 20.4.

Maryland: Allegany, 14.6; Anne Arundel, 13.2; Baltimore, 21.4; Calvert, 13.5; Caroline, 15.8; Carroll, 20.3; Cecil, 21.4; Charles, 13.5; Dorchester, 16.9; Frederick, 19.4; Garrett, 19.4; Harford, 23.0; Howard, 20.6; Kent, 18.7; Montgomery, 20.6; Prince Georges, 14.4; Queen Annes, 17.3; St. Marys, 15.5; Somerset, 16.5; Talbot, 18.2; Washington, 19.1; Wicomico, 14.8; and Worcester, 15.5

Michigan: Alcona, 16.5; Alger, 14.5; Allegan, 19.4; Alpena, 15.9; Antrim, 14.7; Arenac, 18.0; Baraga, 14.4; Barry, 19.7; Bay, 23.6; Benzie, 11.8; Berrien, 18.7; Branch, 17.5; Calhoun, 17.8; Cass, 16.6; Charlevoix, 18.1; Cheboygan, 14.7; Chippewa, 15.2; Clare, 14.6; Clinton, 22.0; Crawford, 12.4; Delta, 15.2; Dickinson, 15.9; Eaton, 23.0; Emmet, 15.2; Genesee, 21.9; Gladwin, 15.7; Gogebic, 13.6; Grand Traverse, 15.1; Gratiot, 22.9; Hillsdale, 19.9; Houghton, 15.2; Huron, 22.5; Ingham, 21.5; Ionia, 21.0; Iosco, 15.8; Iron, 15.0; Isabella, 19.8; Jackson, 18.7; Kalamazoo, 17.8; Kalkaska, 12.9; Kent, 19.5; Keweenaw, 12.0; Lake, 13.5; Lapeer, 20.8; Leelanau, 15.5; Lenawee, 23.4; Livingston, 19.9; Luce, 14.4; Mackinac, 16.6; Macomb, 21.4; Manistee, 13.7; Marquette, 13.0; Mason, 17.3; Mecosta, 15.5; Menominee, 16.3; Midland, 21.6; Missaukee, 15.6; Monroe, 23.5; Montcalm, 18.6; Montmorency, 16.7; Muskegon, 17.7; Newaygo, 17.5; Oakland, 20.3; Oceana, 16.7; Ogemaw, 15.4; Ontonagon, 14.5; Osceola, 16.2; Oscoda, 14.0; Otsego, 14.3; Ottawa, 20.4; Presque Isle, 16.3; Roscommon, 14.3; Saginaw, 23.2; St. Clair, 20.1; St. Joseph, 15.6; Sanilac, 21.2; Schoolcraft, 13.8; Shiawassee, 20.5; Tuscola, 23.9; Van Buren, 16.7; Washtenaw, 22.4; Wayne, 21.9; and Wexford, 12.2.

Minnesota: Aitkin, 13.2; Anoka, 11.7; Becker, 11.9; Beltrami, 14.8; Benton, 11.7; Big Stone, 11.4; Blue Earth, 16.3; Brown, 16.2; Carlton, 13.6; Carver, 20.3; Cass, 12.2; Chippewa, 13.0; Chisago, 14.2; Clay, 12.4; Clearwater, 14.9; Cottonwood, 14.0; Crow Wing, 11.3; Dakota, 15.0; Dodge, 14.6; Douglas, 12.5; Faribault, 15.5; Fillmore, 15.5; Freeborn, 15.9; Goodhue, 15.3; Grant, 11.9; Hennepin, 16.6; Houston, 16.8; Hubbard, 11.1; Isanti, 12.8; Itasca, 15.8; Jackson, 15.3; Kanabec, 12.3; Kandiyohi, 13.3; Kittson, 12.2; Koochiching, 16.0; Lac Qui Parle, 12.7; Lake, 15.5; Lake of the Woods, 15.9; Le Sueur, 17.7; Lincoln, 12.7; Lyon, 13.8; McLeod, 17.7; Mahnomen, 12.4; Marshall, 12.3; Martin, 15.4; Meeker, 15.0; Mille Lacs, 13.9; Morrison, 10.5; Mower, 14.2; Murray, 14.9; Nicollet, 16.4; Nobles, 15.2; Norman, 13.7; Olmsted, 14.8; Otter Tail, East, 11.5; Otter Tail, West, 12.4; Pennington, 13.0; Pine, 12.8; Pipestone, 13.3; Polk, East, 14.8; Polk, West, 14.3; Pope, 11.9; Ramsey, 14.2; Red Lake, 14.0; Redwood, 14.9; Renville, 15.3; Rice, 17.4; Rock, 14.1; Roseau, 14.1; St. Louis, North, 16.3; St. Louis, South, 16.6; Scott, 19.2; Sherburne, 10.9; Sibley, 16.8; Stearns, 13.2; Steele, 16.8; Stevens, 11.4; Swift, 11.3; Todd, 12.0; Traverse, 11.3; Wabasha, 14.6; Wadena, 10.0; Waseca, 16.1; Washington, 14.5; Watonwan, 15.7; Wilkin, 11.5; Winona, 15.4; Wright, 16.5; and Yellow Medicine, 13.7.

Missouri: Adair, 12.0; Andrew, 15.7; Atchison, 17.8; Audrain, 11.7; Barry, 10.4; Barton, 14.0; Bates, 14.5; Benton, 13.3; Bollinger, 10.8; Boone, 13.5; Buchanan, 16.9; Butler, 10.6; Caldwell, 12.8; Callaway, 13.8; Camden, 11.1; Cape Girardeau, 13.4; Carroll, 16.2; Carter, 8.0; Cass, 14.6; Cedar, 12.2; Chariton, 15.6; Christian, 11.7; Clark, 16.0; Clay, 15.4; Clinton, 14.6; Cole, 13.7; Cooper, 12.3; Crawford, 11.3; Dade, 12.5; Dallas, 10.0; Daviess, 13.3; De Kalb, 13.7; Dent, 9.4; Douglas, 9.0; Dunklin, 11.6; Franklin, 13.2; Gasconade, 12.1; Gentry, 13.6; Greene, 12.8; Grundy, 13.2; Harrison, 13.6; Henry, 13.5; Hickory, 11.4; Holt, 19.2; Howard, 13.8; Howell, 8.3; Iron, 10.5; Jackson, 16.0; Jasper, 13.5; Jefferson, 13.2; Johnson, 13.6; Knox, 12.2; Laclede, 9.8; Lafayette, 16.4; Lawrence, 12.3; Lewis, 13.6; Lincoln, 13.7; Linn, 13.8; Livingston, 13.8; McDonald, 10.6; Macon, 12.6; Madison, 10.7; Maries, 10.7; Marion, 15.3; Mercer, 12.4; Miller, 12.1; Mississippi, 12.4; Moniteau, 12.3; Monroe, 12.8; Montgomery, 13.1; Morgan, 13.0; New Madrid, 13.8; Newton, 12.1; Nodaway, 15.1; Oregon, 8.7; Osage, 12.8; Ozark, 7.6; Pemiscot, 13.6; Perry, 13.9; Pettis, 13.6; Phelps, 11.9; Pike, 14.1; Platte, 17.8; Polk, 12.1; Pulaski, 11.0; Putnam, 13.3; Ralls, 13.3; Randolph, 13.8; Ray, 15.9; Reynolds, 8.2; Ripley, 7.9; St. Charles, 16.6; St. Clair, 12.8; St. Francois, 12.8; St. Louis, 16.7; Ste. Genevieve, 13.1; Saline, 14.5; Schuyler, 13.4; Scotland, 12.7; Scott, 12.3; Shannon, 9.4; Shelby, 13.3; Stoddard, 11.8; Stone, 10.5; Sullivan, 13.2; Taney, 7.6; Texas, 10.4; Vernon, 14.4; Warren, 14.2; Washington, 12.0; Wayne, 9.0; Webster, 10.7; Worth, 13.1; Wright, 9.8.

Montana: Beaverhead, 17.7; Big Horn, 11.8; Blaine, 10.8; Broadwater, 12.6; Carbon, 15.3; Carter, 7.6; Cascade, 13.5; Chouteau, 11.5; Custer, 7.3; Daniels, 8.9; Dawson, 8.2; Deer Lodge, 15.9; Fallon, 8.1; Fergus, 11.9; Flathead, 15.5; Gallatin 18.7; Garfield, 6.7; Glacier, 10.4; Golden Valley, 7.3; Granite, 12.8; Hill, 9.2; Jefferson, 13.4; Judith Basin, 10.8; Lake, 14.8; Lewis and Clark, 11.9; Liberty, 9.2; Lincoln, 13.6; McCone, 8.2; Madison, 16.0; Meagher, 10.6; Mineral, 12.4; Missoula, 14.1; Musselshell, 7.2; Park, 14.6; Petroleum, 6.2; Phillips, 8.7; Pondera, 14.2; Powder River, 8.0; Powell, 13.8; Prairie, 6.9; Ravalli, 16.9; Richland, 9.6; Roosevelt, 9.0; Rosebud, 7.1; Sanders, 14.5; Sheridan, 9.4; Silver Bow, 13.2; Stillwater, 10.8; Sweet Grass, 11.1; Teton, 13.7; Toole, 9.8; Treasure, 8.7; Valley, 9.1; Wheatland, 7.2; Wibaux, 8.3; Yellowstone, 13.1.

Nebraska: Adams, 11.3; Antelope, 11.6; Arthur, 8.9; Banner, 10.8; Blaine, 8.4; Boone, 12.6; Box Butte, 9.5; Boyd, 10.4; Brown, 8.9; Buffalo, 11.5; Burt, 19.3; Butler, 16.6; Cass, 18.7; Cedar, 13.7; Chase, 10.4; Cherry, 8.9; Cheyenne, 10.6; Clay, 12.0; Colfax, 16.6; Cuming, 17.4; Custer, 11.1; Dakota, 15.8; Dawes, 10.3; Dawson, 11.9; Deuel, 11.3; Dixon, 15.4; Dodge, 18.6; Douglas, 18.0; Dundy, 10.2; Fillmore, 13.0; Franklin, 9.1; Frontier, 9.3; Furnas, 9.2; Gage, 17.8; Garden, 11.5; Garfield, 10.6; Gosper, 9.8; Grant, 7.8; Greeley, 10.9; Hall, 13.0; Hamilton, 13.5; Harlan, 9.1; Hayes, 9.5; Hitchcock, 9.5; Holt, 9.8; Hooker, 8.5; Howard, 12.0; Jefferson, 15.9; Johnson, 17.3; Kearney, 10.3; Keith, 11.8; Keyapaha, 8.5; Kimball, 9.5; Knox, 11.9; Lancaster, 17.4; Lincoln, 9.5; Logan, 10.1; Loup, 9.9; McPherson, 7.5; Madison, 13.8; Merrick, 13.6; Morrill, 10.3; Nance, 13.9; Nemaha, 19.9; Nuckolls, 11.9; Otoe, 18.3; Pawnee, 17.3; Perkins, 10.0; Phelps, 9.9; Pierce, 13.0; Platte, 15.5; Polk, 16.0; Redwillow, 9.4; Richardson, 21.3; Rock, 8.4; Saline, 16.8; Sarpy, 18.7; Saunders, 17.9; Scotts Bluff, 13.1; Seward, 16.2; Sheridan, 9.5; Sherman, 10.1; Sioux, 9.5; Stanton, 14.8; Thayer, 14.0; Thomas, 8.1; Thurston, 14.9; Valley, 11.0; Washington, 19.0; Wayne, 16.3; Webster, 9.6; Wheeler, 9.8; York, 13.8.

Nevada: Churchill, 25.1; Clark, 24.1; Douglas, 28.9; Elko, 21.2; Esmeralda, 25.1; Eureka, 25.0; Humboldt, 20.0; Lander, 22.6; Lincoln, 24.9; Lyon, 24.7; Mineral, 9.2; Nye, 21.5; Ormsby, 21.7; Pershing, 25.1; Storey, 26.5; Washoe, 26.0; White Pine, 26.6.

New Jersey: Bergen, 16.3; Burlington, 18.1; Camden, 18.3; Cape May, 21.7; Cumberland, 20.0; Essex, 18.3; Gloucester, 17.1; Hunterdon, 21.4; Mercer, 21.8; Middlesex, 21.5; Monmouth, 20.4; Morris, 18.3; Ocean, 18.0; Passaic, 18.4; Salem, 22.4; Somerset, 20.5; Sussex, 18.6; Union, 19.9; Warren, 20.3.

New Mexico: Bernalillo, 19.2; Catron, 12.0; Chaves, 27.1; Colfax, 10.3; Curry, 7.3; De Baca, 13.1; Dona Ana, 24.3; Eddy, 22.8; Grant, 20.9; Guadalupe, 7.3; Harding, 6.4; Hidalgo, 22.0; Lea, 9.9; Lincoln, 19.2; Luna, 19.9; McKinley, 10.7; Mora, 8.2; Otero, 16.4; Quay, 6.9; Rio Arriba, 13.8; Roosevelt, 7.8; Sandoval, 15.4; San Juan, 22.1; San Miguel, 10.4; Santa Fe, 13.4; Sierra, 24.0; Socorro, 17.8; Taos, 16.0; Torrance, 9.3; Union, 6.4; and Valencia, 16.7.

New York: Albany, 18.8; Allegany, 18.2; Broome, 19.7; Cattaraugus, 18.8; Cayuga, 22.5; Chautauqua, 19.6; Chemung, 21.1; Chenango, 22.5; Clinton, 19.1; Columbia, 16.1; Cortland, 24.2; Delaware, 17.9; Dutchess, 20. 6; Erie, 18.0; Essex, 18.1; Franklin, 17.6; Genesee, 21.4; Greene, 17.2; Herkimer, 20.4; Jefferson, 16.6; Lewis, 17.4; Livingston, 21.2; Madison, 23.0; Monroe, 22.1; Montgomery, 19.5; Niagara, 19.5; Oneida, 22.4; Onondaga, 23.0; Ontario, 21.6; Orange, 20.7; Orleans, 21.2; Oswego, 20.2; Otsego, 20.9; Rensselaer, 19.1; St. Lawrence, 17.5; Saratoga 18.7; Schenectady, 19.1; Schoharie, 21.3; Schuyler, 19.0; Seneca, 20.6; Steuben, 19.3; Suffolk, 23.3; Sullivan, 17.7; Tioga, 21.4; Tompkins, 20.4; Ulster, 19.1; Washington, 20.7; Wayne, 21.0; Westchester, 20.3; Wyoming, 21.9; Yates, 21.4.

North Carolina: Alamance, 11.0; Alexander, 9.9; Alleghany, 9.8; Anson, 9.4; Ashe, 10.0; Avery, 9.7; Beaufort, 13.9; Bertie, 13.7; Bladen, 13.5; Brunswick, 15.0; Buncombe, 10.5; Burke, 9.9; Cabarrus, 10.5; Caldwell, 9.4; Camden, 13.1; Carteret, 11.7; Caswell, 9.7; Catawba, 11.0; Chatham, 10.0; Cherokee, 9.0; Chowan, 13.3; Clay, 8.8; Cleveland, 12.0; Columbus, 14.4; Craven, 14.7; Cumberland, 13.6 Currituck, 13.4; Dare, 16.1; Davidson, 11.8; Davie, 11.4; Duplin, 14.3; Durham, 9.9; Edgecombe, 13.2; Forsyth, 12.4; Franklin, 9.6; Gaston, 11.6; Gates, 13.5; Graham, 8.5; Granville, 9.8; Greene, 14.8; Guilford, 11.7; Halifax, 13.2; Harnett, 12.6; Haywood, 10.7; Henderson, 11.2; Hertford, 14.3; Hoke, 13.2; Hyde, 14.1; Iredell, 11.0; Jackson, 9.9; Johnston, 14.3; Jones, 14.1; Lee, 10.0; Lenoir, 14.0; Lincoln, 12.0; McDowell, 10.0; Macon, 9.7; Madison, 9.5; Martin, 14.2; Mecklenburg, 11.1; Mitchell, 9.6; Montgomery, 9.2; Moore, 9.4; Nash, 13.6; New Hanover, 11.8; Northampton, 12.5; Onslow, 12.8; Orange, 9.7; Pamlico, 13.4; Pasquotank, 12.6; Pender, 14.1; Perquimans, 12.5; Person, 9.6; Pitt, 14.3; Polk, 10.2; Randolph, 11.4; Richmond, 9.2; Robeson, 14.6; Rockingham, 10.4; Rowan, 12.5; Rutherford, 10.4; Sampson, 14.2; Scotland, 13.4; Stanly, 10.8; Stokes, 10.4; Surry, 9.9; Swain, 9.0; Transylvania, 11.8; Tyrrell, 13.2; Union, 10.6; Vance, 9.5; Wake, 10.0; Warren, 10.2; Washington, 13.1; Watauga, 10.1; Wayne, 14.6; Wilkes, 9.7; Wilson, 14.4; Yadkin, 10.1; Yancey, 9.2.

North Dakota: Adams, 6.9; Barnes, 9.0; Benson, 9.1; Billings, 6.3; Bottineau, 8.7; Bowman, 6.9; Burke, 7.6; Burleigh, 7.3; Cass, 12.8; Cavalier, 10.9; Dickey, 7.8; Divide, 8.1; Dunn, 7.1; Eddy, 8.5; Emmons, 7.4; Foster, 8.0; Golden Valley, 9.2; Grand Forks, 12.7; Grant, 7.0; Griggs, 8.1; Hettinger, 7.5; Kidder, 6.5; La Moure, 8.2; Logan, 7.2; McHenry, 7.6; McIntosh, 6.5; McKenzie, 8.2; McLean, 8.4; Mercer, 8.4; Morton, 7.9; Mountrail, 7.5; Nelson, 9.5; Oliver, 7.9; Pembina, 12.9; Pierce, 8.7; Ramsey, 10.0; Ransom, 8.6; Renville, 8.4, Richland, 10.6; Rolette, 9.3; Sargent, 9.5; Sheridan, 8.4; Sioux, 6.3; Slope, 7.1; Stark, 8.2; Steele, 9.4; Stutsman, 7.7; Towner, 9.9; Traill, 13.3; Walsh, 12.4; Ward, 7.9; Wells, 8.8; Williams, 7.6.

Ohio: Adams, 12.9; Allen, 21.0; Ashland, 19.3; Ashtabula, 19.5; Athens, 15.9; Auglaize, 21.0; Belmont, 17.1; Brown, 12.4; Butler, 17.7; Carroll, 17.2; Champaign, 20.7; Clark, 20.5; Clermont, 13.8; Clinton, 18.7; Columbiana, 19.4; Coshocton, 16.8; Crawford, 20.6; Cuyahoga, 22.2; Darke, 20.0; Defiance, 19.6; Delaware, 19.1; Erie, 22.7; Fairfield, 18.0; Fayette, 18.6; Franklin, 19.6; Fulton, 23.5

Gallia, 14.6; Geauga, 21.2; Greene, 20.0; Guernsey, 14.9; Hamilton, 17.8; Hancock, 20.7; Hardin, 20.9; Harrison, 17.1; Henry, 21.9; Highland, 14.9; Hocking, 14.5; Holmes, 19.0; Huron, 21.4; Jackson, 13.8; Jefferson, 17.7; Knox, 17.6; Lake, 21.8; Lawrence, 15.0; Licking, 17.5; Logan, 21.0; Lorain, 21.3; Lucas, 24.1; Madison, 20.2; Mahoning, 20.7; Marion, 19.8; Medina, 21.3; Meigs, 16.1; Mercer, 21.1; Miami, 21.1; Monroe, 15.3; Montgomery, 20.1; Morgan, 16.7; Morrow, 18.6; Muskingum, 16.5; Noble, 14.8; Ottawa, 22.0; Paulding, 16.8; Perry, 16.6; Pickaway, 18.0; Pike, 13.7; Portage, 20.5; Preble, 19.0; Putnam, 20.2; Richland, 18.9; Ross, 16.9; Sandusky, 22.2; Scioto, 16.1; Seneca, 21.2; Shelby, 21.6; Stark, 20.5; Summit, 21.4; Trumbull, 19.3; Tuscarawas, 19.0; Union, 19.3; Van Wert, 20.8; Vinton, 13.9; Warren, 17.3; Washington, 16.6; Wayne, 22.6; Williams, 22.7; Wood, 21.6; Wyandot, 20.1.

Oklahoma: Adair, 10.2; Alfalfa, 14.0; Atoka, 10.9; Beaver, 8.7; Beckham, 9.4; Blaine, 12.4; Bryan, 11.7; Caddo, 12.9; Canadian, 12.2; Carter, 10.4; Cherokee, 9.7; Choctaw, 9.8; Cimarron, 7.4; Cleveland, 11.6; Coal, 9.8; Comanche, 9.7; Cotton, 10.6; Craig, 9.8; Creek, 11.5; Custer, 12.2; Delaware, 10.2; Dewey, 10.8; Ellis, 8.9; Garfield, 13.1; Garvin, 13.6; Grady, 11.8; Grant, 13.1; Greer, 11.2; Harmon, 10.0; Harper, 8.2; Haskell, 10.3; Hughes, 10.8; Jackson, 11.0; Jefferson, 10.3; Johnston, 12.0; Kay, 13.4; Kingfisher, 12.6; Kiowa, 12.0; Latimer, 9.2; Le Flore, 9.2; Lincoln, 11.5; Logan, 11.5; Love, 11.0; McClain, 12.2; McIntosh, 10.0; Major, 11.9; Marshall, 11.1; Mayes, 10.2; Murray, 12.8; Muskogee, 10.7; Noble, 11.2; Nowata, 10.3; Okfuskee, 12.0; Oklahoma, 11.8; Okmulgee, 9.4; Osage, 11.4; Ottawa, 11.0; Pawnee, 10.6; Payne, 10.8; Pittsburg, 9.3; Pontotoc, 12.1; Pottawatomie, 11.2; Pushmataha, 10.5; Roger Mills, 8.9; Rogers, 9.7; Seminole, 9.4; Sequoyah, 11.1; Stephens, 10.1; Texas, 8.3; Tillman, 12.5; Tulsa, 11.0; Wagoner, 10.2; Washington, 11.5; Washita, 11.9; Woods, 10.7; and Woodward, 8.7.

Oregon: Baker, 23.8; Benton, 19.6; Clackamas, 25.1; Clatsop, 29.5; Columbia, 27.3; Coos, 25.4; Crook, 22.8; Curry, 24.7; Deschutes, 23.8; Douglas, 18.8; Gilliam, 12.8; Grant, 21.3; Harney, 14.7; Hood River, 26.4; Jackson, 24.1; Jefferson, 9.4; Josephine, 20.0; Klamath, 23.1; Lake, 17.2; Lane, 17.5; Lincoln, 22.1; Linn, 19.8; Malheur, 33.9; Marion, 24.0; Morrow, 12.8; Multnomah, 27.6; Polk, 21.0; Sherman, 17.1; Umatilla, 26.1; Union, 25.1; Wallowa, 19.3; Wasco, 19.0; Washington, 27.0; Wheeler, 16.6; Yamhill, 23.6.

Pennsylvania: Adams, 18.0; Allegheny, 17.4; Armstrong, 16.4; Beaver, 16.9; Bedford, 16.1; Berks, 19.4; Blair, 17.0; Bradford, 19.1; Bucks, 21.4; Butler, 17.4; Cambria, 18.7; Cameron, 16.8; Carbon, 17.5; Centre, 17.1; Chester, 23.9; Clarion, 17.9; Clearfield, 18.1; Clinton, 17.8; Columbia, 19.4; Crawford, 18.9; Cumberland, 18.0; Dauphin, 18.0; Delaware, 22.0; Elk, 17.0; Erie, 18.8; Fayette, 18.0; Forest, 16.5; Franklin, 18.2; Fulton, 13.8; Greene, 15.9; Huntingdon, 14.5; Indiana, 17.0; Jefferson, 17.1; Juniata, 16.2; Lackawanna, 17.6; Lancaster, 25.5; Lawrence, 17.1; Lebanon, 21.3; Lehigh, 19.5; Luzerne, 19.7; Lycoming, 17.7; McKean, 18.5; Mercer, 17.8; Mifflin, 16.7; Monroe, 16.2; Montgomery, 21.0; Montour, 17.2; Northampton, 20.6; Northumberland, 17.1; Perry, 16.1; Philadelphia, 21.8; Pike, 15.8; Potter, 18.2; Schuylkill, 19.1; Snyder, 15.7; Somerset, 20.2; Sullivan, 15.9; Susquehanna, 17.6; Tioga, 17.7; Union, 17.6; Venango, 16.5; Warren, 17.3; Washington, 17.5; Wayne, 16.7; Westmoreland, 17.6; Wyoming, 18.4; and York, 21.6.

South Carolina: Abbeville, 8.9; Aiken, 8.7; Allendale, 15.2; Anderson, 10.5; Bamberg, 11.2; Barnwell, 11.2; Beaufort, 9.5; Calhoun, 11.4; Cherokee, 9.9; Chester, 9.6; Chesterfield, 9.7; Clarendon, 12.2; Colleton, 10.8; Darlington, 13.2; Dillon, 13.6; Dorchester, 10.5; Edgefield, 9.5; Fairfield, 8.5; Florence, 13.1; Georgetown, 10.2; Greenville, 9.9; Greenwood, 8.6; Hampton, 10.1; Kershaw, 9.8; Lancaster, 8.7; Laurens, 9.8; Lee, 12.3; Lexington, 8.5; McCormick, 7.9; Marion, 12.2; Marlboro, 13.3; Newberry, 9.4; Oconee, 9.7; Orangeburg, 11.8; Pickens, 9.6; Richland, 9.0; Saluda, 8.6; Spartanburg, 9.3; Sumter, 12.9; Union, 9.4; Williamsburg, 11.2; York, 9.0.

South Dakota: Aurora, 7.7; Beadle, 7.2; Bennett, 8.2; Bon Homme, 11.4; Brookings, 10.5; Brown, 8.8; Brule, 7.2; Buffalo, 7.7; Butte, 13.4; Campbell, 7.1; Charles Mix, 8.8; Clark, 8.4; Clay, 14.6; Codington, 9.9; Corson, 6.7; Custer, 9.1; Davison, 9.2; Day, 9.4; Deuel, 11.4; Dewey, 6.5; Douglas, 8.8; Edmunds, 7.1; Fall River, 7.6; Faulk, 7.2; Grant, 10.3; Gregory, 9.5; Haakon, 7.7; Hamlin, 10.1; Hand, 7.4; Hanson, 9.4; Harding, 7.6; Hughes, 6.4; Hutchinson, 10.3; Hyde, 6.5; Jackson, 6.9; Jerauld, 8.2; Jones, 9.0; Kingsbury, 9.3; Lake, 11.6; Lawrence, 15.4; Lincoln, 13.6; Lyman, 9.0; McCook, 10.5; McPherson, 6.9; Marshall, 9.3; Meade, 8.7; Mellette, 7.6; Miner, 8.5; Minnehaha, 13.5; Moody, 12.2; Pennington, 8.4; Perkins, 6.9; Potter, 7.4; Roberts, 10.4; Sanborn, 8.5; Shannon, 8.7; Spink, 7.5; Stanley, 7.2; Sully, 6.6; Todd, 7.3; Tripp, 9.5; Turner, 12.3; Union, 15.0; Walworth, 7.4; Washabaugh, 7.3; Washington, 7.0; Yankton, 12.4; and Ziebach, 6.2.

Tennessee: Anderson, 10.3; Bedford, 10.2; Benton, 10.3; Bledsoe, 9.0; Blount, 11.1; Bradley, 10.3; Campbell, 11.3; Cannon, 9.2; Carroll, 10.6; Carter, 12.5; Cheatham, 14.6; Chester, 11.4; Claiborne, 10.5; Clay, 8.2; Cocke, 10.3; Coffee, 10.2; Crockett, 11.7; Cumberland, 8.5; Davidson, 12.5; Decatur, 11.0; De Kalb, 8.7; Dickson, 9.9; Dyer, 12.8; Fayette, 11.8; Fentress, 8.3; Franklin, 11.8; Gibson, 12.0; Giles, 10.3; Grainger, 11.1; Greene, 10.4; Grundy, 11.8; Hamblen, 12.7; Hamilton, 10.8; Hancock, 9.6; Hardeman, 9.9; Hardin, 11.3; Hawkins, 10.5; Haywood, 10.9; Henderson, 11.4; Henry, 12.1; Hickman, 9.3; Houston, 10.5; Humphreys, 10.5; Jackson, 8.1; Jefferson, 11.6; Johnson, 11.6; Knox, 12.0; Lake, 13.6; Lauderdale, 12.8; Lawrence, 10.4; Lewis, 10.3; Lincoln, 10.4; Loudon, 10.3; McMinn, 10.2; McNairy, 10.6; Macon, 8.6; Madison, 10.3; Marion, 10.3; Marshall, 10.0; Maury, 11.5; Meigs, 9.6; Monroe, 9.9; Montgomery, 13.5; Moore, 10.8; Morgan, 10.2; Obion, 13.3; Overton, 8.2; Perry, 8.7; Pickett, 8.1; Polk, 10.2; Putnam, 8.5; Rhea, 10.2; Roane, 9.7; Robertson, 14.2; Rutherford, 10.0 Scott, 9.1; Sequatchie, 9.2; Sevier, 9.7; Shelby, 13.1; Smith, 8.7; Stewart, 11.5; Sullivan, 12.4; Sumner, 10.5; Tipton, 12.1; Trousdale, 9.1; Unicoi, 14.0; Union, 10.1; Van Buren, 11.1; Warren, 10.4; Washington, 12.6; Wayne, 9.2; Weakley, 12.2; White, 10.2; Williamson, 11.4; and Wilson, 9.2.

Texas: Archer, 9.0; Armstrong, 9.8; Bailey, 9.1; Bandera, 7.8; Baylor, 9.9; Bell, 11.2; Bexar, 7.9; Blanco, 8.2; Borden, 8.5; Bosque, 11.3; Briscoe, 8.5; Brown, 10.0; Burnet, 8.4; Callahan, 10.1; Carson, 10.3; Castro, 8.3; Childress, 7.3; Clay, 9.6; Cochran, 7.1; Coke, 7.7; Coleman, 11.2; Collin, 13.7; Collingsworth, 7.4; Comal, 7.9; Comanche, 10.2; Concho, 9.8; Cooke, 11.8; Coryell, 11.2; Cottle, 7.8; Crosby, 8.6; Dallam, 6.6; Dallas, 12.8; Dawson, 7.0; Deaf Smith, 8.0; Delta, 11.1; Denton, 13.2; Dickens, 8.2; Donley, 9.7; Eastland, 10.4; Ellis, 11.9; Erath, 9.8; Falls, 10.9; Fannin, 10.8; Fisher, 7.5; Floyd, 8.3; Foard, 10.5; Franklin, 11.1; Garza, 8.5; Gillespie, 9.8; Glasscock, 7.6; Gray, 10.1; Grayson, 11.6; Guadalupe, 7.9; Hale, 8.2; Hall, 8.0; Hamilton, 11.1; Hansford, 8.1; Hardeman, 9.6; Hartley, 6.8; Haskell, 9.6; Hays, 7.9; Hemphill, 9.7; Hill, 10.8; Hockley, 8.5; Hood, 10.0; Howard, 7.0; Hunt, 11.2; Hutchinson, 7.9; Irion, 8.2; Jack, 9.7; Johnson, 11.7; Jones, 8.6; Kaufman, 11.0; Kendall, 8.5; Kent, 8.5; Kerr, 8.1; Kimball, 8.4; King, 8.5; Knox, 10.7; Lamar, 10.6; Lamb, 9.5; Lampasas, 9.7; Limestone, 11.1; Lipscomb, 8.6; Lubbock, 7.6; Lynn, 6.9; McCulloch, 10.4; McLennan, 10.9; Martin, 7.0; Mason, 9.3; Medina, 8.0; Menard, 7.8; Milam, 11.1; Mills, 10.0; Mitchell, 8.4; Montague, 8.9; Moore, 7.3; Motley, 8.1; Navarro, 10.6; Nolan, 8.4; Ochiltree, 9.3; Oldham, 7.4; Palo Pinto, 9.7; Parker, 9.9; Parmer, 8.4; Pecos, 7.1; Potter, 8.5; Rains, 11.1; Randall, 8.7; Red River, 11.1; Roberts, 11.1; Rockwall, 10.7; Runnels, 10.6; San Saba, 9.2; Schleicher, 8.1; Scurry, 6.9; Shackelford, 9.6; Sherman, 7.8; Somervell, 9.3; Stephens, 8.7; Sterling, 7.9; Stonewall, 8.5; Swisher, 8.4; Tarrant, 11.6; Taylor, 10.0; Throckmorton, 10.9; Tom Green, 9.2; Travis, 7.9; Uvalde, 8.2; Wheeler, 7.9; Wichita, 9.2; Wilbarger, 10.1; Williamson, 10.8; Wise, 11.2; Young, 9.5; and Zavala, 8.3.

Utah: Beaver, 24.5; Box Elder, 18.2; Cache, 21.6; Carbon, 24.6; Daggett, 25.2; Davis, 24.0; Duchesne, 22.7; Emery, 21.7; Garfield, 22.4; Grand, 24.8; Iron, 24.0; Juab, 13.8; Kane, 16.6; Millard, 15.6; Morgan, 24.4; Piute, 25.2; Rich, 16.2; Salt Lake, 18.3; San Juan, 13.1; Sampete, 19.1; Sevier, 29.4; Summit, 22.1; Tooele, 10.6; Uintah, 24.0; Utah, 25.1; Wasatch, 30.4; Washington, 16.4; Wayne, 23.6; and Weber, 24.1.

Virginia: Accomac, 11.4; Albemarle, 12.1; Alleghany, 12.7; Amelia, 14.4; Amherst, 13.1; Appomattox, 14.3; Arlington, 17.4; Augusta, 17.2; Bath, 14.2; Bedford, 13.1; Bland, 12.7; Botetourt, 13.1; Brunswick, 14.0; Buchanan, 9.9; Buckingham, 12.8; Campbell, 13.1; Caroline, 14.6; Carroll, 10.8; Charles City, 14.2; Charlotte, 13.0; Chesterfield, 13.0; Clarke, 16.8; Craig, 12.5; Culpeper, 15.2; Cumberland, 13.1; Dickenson, 8.9; Dinwiddie, 14.3; Elizabeth City, 13.5; Essex, 13.3; Fairfax, 16.4; Fauquier, 15.6; Floyd, 11.4; Fluvanna, 12.0; Franklin, 11.2; Frederick, 14.4; Giles, 11.2; Gloucester, 11.4; Goochland, 14.0; Grayson, 11.5; Greene, 11.1; Greensville, 12.5; Halifax, 10.2; Hanover, 14.4; Henrico, 13.9; Henry, 9.8; Highland, 16.0; Isle of Wight, 11.3; James City, 13.7; King and Queen, 12.2; King George, 15.1; King William, 11.5; Lancaster, 15.5; Lee, 11.2; Loudoun, 17.0; Louisa, 13.4; Lunenberg, 12.3; Madison, 13.5; Mathews, 12.6; Mecklenburg, 10.8; Middlesex, 13.2; Montgomery, 13.4; Nansemond, 12.7; Nelson, 13.2; New Kent, 12.2; Norfolk, 11.9; Northampton, 12.5; Northumberland, 17.0; Nottoway, 13.9; Orange, 14.6; Page, 16.0; Patrick, 10.3; Pittsylvania, 10.4; Powhatan, 14.4; Prince Edward, 15.0; Prince George, 13.8; Prince William, 14.0; Princess Anne, 14.1; Pulaski, 13.9; Rappahannock, 13.4; Richmond, 16.0; Roanoke, 16.6; Rockbridge, 12.8; Rockingham, 18.2; Russell, 13.4; Scott, 10.9; Shenandoah, 16.3; Smyth, 14.4; Southampton, 11.3; Spotsylvania, 13.8; Stafford, 14.5; Surry, 9.5; Sussex, 10.4; Tazewell, 14.7; Warren, 14.5; Warwick, 17.0; Washington, 13.3; Westmoreland, 18.0; Wise, 10.8; Wythe, 14.8; and York, 13.9.

Washington: Adams, 14.8; Asotin, 17.8; Benton, 13.3; Chelan, 14.2; Clallam, 39.1; Clark, 23.0; Columbia, 26.8; Cowlitz, 24.3; Douglas, 14.5; Ferry, 15.8; Franklin, 14.3; Garfield, 27.8; Grant, 12.8; Grays Harbor, 27.0; Island, 35.9; Jefferson, 21.8; King, 28.1; Kitsap, 26.4; Kittitas, 31.7; Klickitat, 16.8; Lewis, 26.2; Lincoln, 18.8; Mason, 24.5; Okanogan, 14.4; Pacific, 23.5; Pend Oreille, 16.3; Pierce, 23.5; San Juan, 25.0; Skagit, 36.8; Skamania, 18.6; Snohomish, 32.9; Spokane, 22.7; Stevens, 19.0; Thurston, 21.6; Wahkiakum, 31.1; Walla Walla, 25.3; Whatcom, 28.2; Whitman, 27.7; and Yakima, 27.6.

West Virginia: Barbour, 13.7; Berkeley, 14.7; Boone, 10.0; Braxton, 10.2; Brooke, 13.6; Cabell, 12.4; Calhoun, 9.4; Clay, 9.2; Doddridge, 11.5; Fayette, 12.8; Gilmer, 10.0; Grant, 15.0; Greenbrier, 16.6; Hampshire, 13.8; Hancock, 14.0; Hardy, 15.8; Harrison, 14.2; Jackson, 12.1; Jefferson, 17.5; Kanawha, 10.9; Lewis, 14.3; Lincoln, 10.7; Logan, 11.2; Marion, 12.6; Marshall, 13.2; Mason, 13.6; Mercer, 13.2; Mineral, 15.2; Monongalia, 15.0; Monroe, 15.3; Morgan, 11.7; Nicholas, 12.4; Ohio, 14.9; Pendleton, 15.0; Pleasants, 12.5; Pocahontas, 17.6; Preston, 17.0; Putnam, 10.6; Raleigh, 12.1; Randolph, 15.5; Ritchie, 13.3; Roane, 10.4; Summers, 12.7; Taylor, 13.8; Tucker, 14.9; Tyler, 12.1; Upshur, 14.2; Wayne, 10.9; Webster, 11.8; Wetzel, 11.3; Wirt, 10.1; Wood, 14.3; and Wyoming, 11.4.

Wisconsin: Adams, 12.1; Ashland, 14.7; Barron, 16.0; Bayfield, 16.3; Brown, 17.9; Buffalo, 16.8; Burnett, 14.5; Calumet, 19.2; Chippewa, 14.8; Clark, 14.7; Columbia, 16.5; Crawford, 15.3; Dane, 18.9; Dodge, 19.8; Door, 16.0; Douglas, 15.2; Dunn, 15.3; Eau Claire, 15.0; Florence, 13.4; Fond du Lac, 19.0; Forest, 13.0; Grant, 16.1; Green, 17.0; Green Lake, 16.4; Iowa, 15.0; Iron, 13.5; Jackson, 15.4; Jefferson, 19.8; Juneau, 16.4; Kenosha, 19.7; Kewaunee, 17.3; La Crosse, 18.0; Lafayette, 17.0; Langlade, 14.0; Lincoln, 14.7; Manitowoc, 18.6; Marathon, 14.5; Marinette, 14.2; Marquette, 14.5; Milwaukee, 18.0; Monroe, 16.4; Oconto, 14.9; Oneida, 13.2; Outagamie, 18.4; Ozaukee, 18.4; Pepin, 15.2; Pierce, 15.4; Polk, 15.8; Portage, 14.1; Price, 13.7; Racine, 19.8; Richland, 16.5; Rock, 17.6; Rusk, 14.5; St. Croix, 14.9; Sauk, 16.8; Sawyer, 14.1; Shawano, 16.9; Sheboygan, 19.5; Taylor, 14.4; Trempealeau, 15.9; Vernon, 16.9; Vilas, 12.5 Walworth, 18.5; Washburn, 13.4; Washington, 19.5; Waukesha, 18.2; Waupaca, 14.8; Waushara, 12.9; Winnebago, 19.0; and Wood, 14.2.

Wyoming: Albany, 11.9; Big Horn, 19.8; Campbell, 7.9; Carbon, 10.6; Converse, 6.6; Crook, 10.4; Fremont, 20.8; Goshen, 8.0; Hot Springs, 14.6; Johnson, 11.2; Laramie, 7.2; Lincoln, 12.1; Natrona, 8.0; Niobrara, 6.8; Park, 21.5; Platte, 7.8; Sheridan, 13.2; Sublette, 14.4; Sweetwater, 14.8; Teton, 11.5; Uinta, 15.0; Washakie, 24.1; and Weston, 11.3. (49 Stat. 1149, as amended; 16 U.S.C. 590g–590q)

Done at Washington, D. C., this 31st day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41–9914; Filed, December 31, 1941; 11:32 a. m.]

PART 721—CORN

PROCLAMATIONS AND DETERMINATIONS RELATING TO CORN ALLOTMENTS—DETERMINATION OF COUNTY CORN ACREAGE ALLOTMENTS FOR 1942

Pursuant to the authority vested in the Secretary of Agriculture under section 329 (a) of the Agricultural Adjustment Act of 1938, as amended, the corn acreage allotment for the commercial corn-producing area for 1942 as established by the proclamation dated September 18, 1941, is hereby apportioned among the commercial corn-producing counties as follows:

§ 721.403 *County corn acreage allotments for 1942. Illinois:* Adams, 65,351; Alexander, 17,831; Bond, 28,248; Boone, 38,882; Brown, 25,770; Bureau, 146,407; Calhoun, 15,349; Carroll, 51,489; Cass, 43,106; Champaign, 185,293; Christian, 93,396; Clark, 45,911; Clay, 37,286; Clinton, 34,734; Coles, 70,603; Cook, 42,980; Crawford, 38,593; Cumberland, 34,315; De Kalb, 112,397; De Witt, 70,927; Douglas, 68,789; Du Page, 31,259; Edgar, 87,790; Edwards, 20,938; Effingham, 37,956; Fayette, 58,263; Ford, 94,482; Fulton, 92,053; Gallatin, 33,953; Greene, 59,821; Grundy, 80,674; Hamilton, 29,841; Hancock, 78,766; Hardin, 8,934; Henderson, 51,443; Henry, 134,124; Iroquois, 204,907; Jackson, 33,485; Jasper, 46,007; Jersey, 29,372; Jo Daviess, 42,708; Johnson, 18,533; Kane, 72,982; Kankakee, 107,946; Kendall, 55,271; Knox, 100,029; Lake, 29,869; La Salle, 208,872; Lawrence, 35,417; Lee, 117,452; Livingston, 207,832; Logan, 103,770; McDonough, 81,910; McHenry, 78,010; McLean, 232,047; Macon, 94,700; Macoupin, 73,475; Madison, 53,947; Marion, 35,867; Marshall, 60,515; Mason, 66,983; Massac, 16,544; Menard, 41,371; Mercer, 81,019; Monroe, 22,119; Montgomery, 62,131; Morgan, 72,955; Moultrie, 53,328; Ogle, 105,029; Peoria, 72,269; Perry, 23,101; Piatt, 73,333; Pike, 71,949; Pope, 15,300; Pulaski, 17,189; Putnam, 22,794; Randolph, 31,691; Richland, 28,486; Rock Island, 50,262; St. Clair, 43,190; Saline, 29,505; Sangamon, 123,147; Schuyler, 36,724; Scott, 33,100; Shelby, 92,312; Stark, 50,368; Stephenson, 66,221; Tazewell, 92,883; Union, 21,745; Vermilion, 141,238; Wabash, 23,160; Warren, 91,824; Washington, 29,485; Wayne, 50,858; White, 55,066; Whiteside, 105,147; Will, 116,521; Winnebago, 59,833; and Woodford, 85,338. State, 6,568,395.

Indiana: Adams, 31,444; Allen, 57,889; Bartholomew, 38,303; Benton, 73,734; Blackford, 17,095; Bone, 56,577; Carroll, 48,726; Cass, 49,619; Clay, 27,469; Clinton, 56,398; Daviess, 39,026; Dearborn, 16,236; Decatur, 41,537; De Kalb, 27,764; Delaware, 45,139; Dubois, 24,076; Elkhart, 34,098; Fayette, 22,104; Fountain, 42,500; Franklin, 28,687; Fulton, 41,399; Gibson, 47,202; Grant, 46,878; Greene, 33,099; Hamilton, 50,734; Hancock, 41,606; Hendricks, 49,671; Henry, 49,206; Howard, 37,049; Huntington, 37,387; Jackson, 33,960; Jasper, 69,923; Jay, 35,397; Jennings, 19,366; Johnson, 38,361; Knox, 56,293; Kosciusko, 51,611; Lagrange, 30,984; Lake, 41,362; La Porte, 57,877; Lawrence, 21,905; Madison, 57,775; Marion, 32,055; Marshall, 43,680; Martin, 13,841; Miami, 41,618; Monroe, 15,920; Montgomery, 59,602; Morgan, 36,962; Newton, 53,183; Noble, 33,905; Orange, 20,051; Owen, 17,057; Parke, 36,670; Pike, 22,096; Porter, 36,764; Posey, 43,310; Pulaski, 46,455; Putnam, 39,426; Randolph, 55,198; Ripley, 28,159; Rush, 59,739; St. Joseph, 36,736; Scott, 10,749; Shelby, 56,743; Spencer, 28,205; Starke, 29,881; Steuben, 20,690; Sullivan, 39,423; Tippecanoe, 67,059; Tipton, 36,924; Union, 18,903; Vanderburgh, 18,704; Vermillion, 27,730; Vigo, 40,085; Wabash, 43,049; Warren, 48,849; Warrick, 25,238; Washington, 26,553; Wayne, 44,268; Wells, 41,931;

White, 73,842; and Whitley, 28,562, State, 3,227,281.

Iowa: Adair, 86,693; Adams, 61,355; Allamakee, 36,789; Appanoose, 31,922; Audubon, 73,553; Benton, 106,986; Black Hawk, 82,908; Boone, 102,033; Bremer, 55,918; Buchanan, 83,907; Buena Vista, 107,143; Butler, 89,816; Calhoun, 108,136; Carroll, 103,056; Cass, 94,796; Cedar 81,278; Cerro Gordo, 87,568; Cherokee, 99,942; Chickasaw, 61,011; Clarke, 42,772; Clay, 97,091; Clayton, 63,850; Clinton, 101,286; Crawford, 120,618; Dallas, 103,445; Davis, 33,532; Decatur, 43,860; Delaware, 73,955; Des Moines, 47,524; Dickinson, 60,991; Dubuque, 56,050; Emmet, 67,809; Fayette, 81,428; Floyd, 76,422; Franklin, 103,336; Fremont, 113,793; Greene, 112,491; Grundy, 82,571; Guthrie, 89,339; Hamilton, 107,287; Hancock, 95,342; Hardin, 100,135; Harrison, 135,904; Henry, 51,423; Howard, 49,901; Humboldt, 80,721; Ida, 81,372; Iowa, 75,366; Jackson, 52,247; Jasper, 114,244; Jefferson, 46,615; Johnson, 80,452; Jones, 64,866; Keokuk, 77,225; Kossuth, 170,716; Lee, 37,883; Linn, 93,019; Louisa, 51,833; Lucas, 36,544; Lyon, 100,272; Madison, 72,141; Mahaska, 83,116; Marion, 73,162; Marshall, 91,550; Mills, 88,422; Mitchell, 60,650; Monona, 125,693; Monroe, 32,430; Montgomery, 75,319, Muscatine, 56,317; O'Brien, 99,632; Osceola, 63,558; Page, 90,264; Palo Alto, 97,910; Plymouth, 156,737; Pocahontas, 109,673; Polk, 85,709; Pottawattamie, 189,321; Poweshiek, 86,567; Ringgold, 55,772; Sac, 105,761; Scott, 60,590; Shelby, 110,792; Sioux, 138,068; Story, 110,959; Tama, 100,570; Taylor, 71,005; Union, 50,438; Van Buren, 32,088; Wapello, 41,119; Warren, 69,740; Washington, 76,875; Wayne, 46,827; Webster, 123,923; Winnebago, 63,452; Winneshiek, 65,668; Woodbury, 169,965; Worth, 54,077; and Wright, 107,451. State, 8,231,440.

Michigan: Berrien, 25,387; Branch, 32,892; Calhoun, 32,480; Cass, 28,591; Hillsdale, 35,783; Jackson, 30,852; Kalamazoo, 23,732; Lenawee, 57,445; Monroe, 44,189; St. Joseph, 30,992; Washtenaw, 37,059; and Wayne, 14,411. State, 393,813.

Minnesota: Bigstone, 41,875; Blue Earth, 96,637; Brown, 69,862; Carver, 29,182; Chippewa, 76,429; Cottonwood, 67,820; Dakota, 49,231; Dodge, 45,564; Fairibault, 99,232; Fillmore, 56,382; Freeborn, 82,187; Goodhue, 48,005; Grant, 41,354; Hennepin, 27,342; Houston, 27,461; Jackson, 105,293; Kandiyohi, 72,111; Lac Qui Parle, 90,714; Le Sueur, 40,299; Lincoln, 59,308; Lyon, 99,943; McLeod, 46,002; Martin, 118,480; Meeker, 53,605; Mower, 71,646; Murray, 101,568; Nicollet, 45,669; Nobles, 112,987; Olmsted, 56,585; Pipestone, 66,718; Pope, 39,367; Redwood, 122,625; Renville, 119,805; Rice, 45,312; Rock, 77,289; Scott, 28,135; Sibley, 56,390; Stearns, 86,799; Steele, 46,016; Stevens, 57,180; Swift, 71,439; Traverse, 50,327; Wabasha, 30,586; Waseca, 46,737; Washington, 27,308; Watonwan, 63,419; Winona, 30,849; Wright, 51,544; and Yellow Medicine, 98,918. State, 3,169,536.

Missouri: Adair, 29,938; Andrew, 47,107; Atchison, 107,996; Audrain, 73,040; Bates, 75,313; Benton, 33,376; Boone, 42,513; Buchanan, 36,935; Caldwell, 44,790; Callaway, 39,676; Cape Girardeau, 34,328; Carroll, 65,550; Cass, 66,934; Chariton, 63,264; Clark, 33,547; Clay, 31,115; Clinton, 46,856; Cooper, 38,910; Daviess, 49,832; De Kalb, 45,659; Dunklin, 49,944; Gentry, 46,079; Grundy, 32,771; Harrison, 52,288; Henry, 64,124; Holt, 70,840; Howard, 30,255; Jackson, 42,455; Johnson, 59,757; Knox, 37,468; Lafayette, 66,297; Lewis, 30,407; Lincoln, 40,251; Linn, 42,876; Livingston, 42,562; Macon, 57,034; Marion, 30,205; Mercer, 27,970; Mississippi, 46,742; Moniteau, 21,987; Monroe, 50,808; Montgomery, 35,377; New Madrid, 67,042; Nodaway, 117,109; Pemiscot, 40,218; Perry, 20,187; Pettis, 54,895; Pike, 46,231; Platte, 32,725; Putnam, 26,341; Ralls, 37,022; Randolph, 32,038; Ray, 61,407; St. Charles, 29,424; St. Clair, 44,137; Saline, 83,965; Schuyler, 14,359; Scotland, 27,320; Scott, 39,762; Shelby, 40,611; Stoddard, 67,194; Vernon, 71,054; and Worth, 24,819. State, 2,962,975.

Nebraska: Adams, 70,074; Antelope, 140,162; Boone, 124,232; Buffalo, 138,296; Burt, 101,837; Butler, 99,569; Cass, 110,321; Cedar, 136,159; Chase, 89,231; Clay, 80,897; Colfax, 68,701; Cuming, 107,618; Custer, 247,815; Dakota, 47,258; Dawson, 124,194; Dixon, 91,720; Dodge, 98,717; Douglas, 56,766; Fillmore, 88,702; Franklin, 74,423; Frontier, 116,113; Furnas, 102,274; Gage, 120,775; Gosper, 72,180; Greeley, 71,094; Hall, 67,890; Hamilton, 91,430; Harlan, 79,073; Hayes, 75,802; Hitchcock, 63,724; Howard, 67,505; Jefferson, 68,548; Johnson, 51,589; Kearney, 63,337; Knox, 149,020; Lancaster, 129,470; Lincoln, 160,490; Madison, 110,617; Merrick, 61,578; Nance, 71,985; Nemaha, 68,120; Nuckolls, 82,701; Otoe, 102,381; Pawnee, 52,918; Perkins, 112,835; Phelps, 89,774; Pierce, 99,676; Platte, 129,753; Polk, 80,960; Redwillow, 84,570; Richardson, 85,802; Saline, 71,814; Sarpy, 47,004; Saunders 146,138; Seward, 95,353; Sherman, 69,508; Stanton, 74,978; Thayer, 76,043; Thurston, 82,624; Valley, 79,988; Washington, 72,015; Wayne, 92,285; Webster, 81,736; and York, 111,454. State, 5,961,616.

Ohio: Adams, 26,372; Allen, 37,154; Ashland, 22,443; Auglaize, 41,477; Brown, 35,972; Butler, 44,676; Champaign, 46,018; Clark, 43,337; Clermont, 32,531; Clinton, 50,927; Coshocton, 18,805; Crawford, 33,966; Darke, 72,431; Defiance, 31,687; Delaware, 36,605; Erie, 16,795; Fairfield, 44,397; Fayette, 54,296; Franklin, 45,598; Fulton, 39,835; Greene, 48,488; Hamilton, 14,023; Hancock, 56,333; Hardin, 47,385; Henry, 50,214; Highland, 48,412; Holmes, 19,992; Huron, 32,891; Jackson, 9,837; Knox, 30,609; Licking, 43,014; Logan, 40,659; Lorain, 23,478; Lucas, 21,559; Madison, 60,195; Marion, 43,265; Medina, 21,398; Mercer, 45,610; Miami, 47,536; Montgomery, 41,831; Morrow, 27,358; Muskingum, 20,928; Ottawa, 18,077; Paulding, 45,573; Perry, 15,028; Pickaway, 60,797; Pike, 20,936; Preble, 50,001; Putnam, 53,370; Richland, 27,008; Ross, 52,250; Sandusky, 38,897; Scioto, 20,884; Seneca, 49,261; Shelby, 41,514; Stark, 26,301; Union, 40,256; Van Wert, 47,525; Warren, 39,520; Wayne, 36,491; Williams, 32,231; Wood, 75,477; and Wyandot, 37,120. State, 2,398,854.

South Dakota: Bon Homme, 74,852; Brookings, 99,140; Clay, 75,625; Deuel, 45,660; Grant, 47,675; Hamlin, 44,218; Hanson, 55,768; Hutchinson, 89,777; Kingsbury, 78,018; Lake, 79,852; Lincoln, 103,203; McCook, 82,756; Minnehaha, 129,731; Moody, 80,939; Roberts, 67,920; Turner, 93,098; Union, 86,983; and Yankton, 70,989. State, 1,406,204.

Wisconsin: Columbia, 61,099; Crawford, 21,771; Dane, 105,085; Grant, 79,841; Green, 50,347; Iowa, 40,115; Jefferson, 44,730; Lafayette, 53,713; Richland, 24,285; Rock, 78,840; Sauk, 50,078; and Walworth, 54,832. State, 664,736.

Delaware: Kent, 30,024; and New Castle, 16,890. State, 46,914.

Kansas: Anderson, 40,750; Atchison, 43,740; Brown, 83,107; Coffey, 44,588; Doniphan, 56,319; Douglas, 32,579; Franklin, 44,213; Jackson, 68,041; Jefferson, 50,025; Jewell, 96,514; Johnson, 36,652; Leavenworth, 31,942; Linn, 46,066; Marshall, 110,758; Miami, 53,866; Nemaha, 102,386; Norton, 92,903; Osage, 62,179; Phillips, 90,494; Pottawatomie, 60,830; Republic, 88,983; Riley, 39,331; Shawnee, 42,556; Smith, 101,907; and Washington, 90,589. State, 1,611,318.

Kentucky: Ballard, 26,250; Carlisle, 16,440; Crittenden, 22,540; Daviess, 38,100; Fulton, 21,400; Hancock, 11,400; Henderson, 55,330; Hickman, 25,520; Livingston, 21,890; McLean, 19,980; Union, 37,440; and Webster, 26,319. State, 322,609.

Maryland: Baltimore, 17,754; Caroline, 18,642; Carroll, 26,854; Cecil, 13,833; Frederick, 38,213; Harford, 15,945; Howard, 10,712; Kent, 16,922; Montgomery, 20,634; Queen Annes, 22,504, and Washington, 24,491. State, 226,504.

Pennsylvania: Adams, 28,959; Berks, 39,872; Chester, 37,303; Cumberland, 30,720; Dauphin, 20,001; Franklin, 36,640; Fulton, 9,030; Lancaster, 67,907; Lebanon, 20,671; Perry, 15,588; and York, 61,114. State, 367,805.

(Sec. 329 (a), 52 Stat. 52; 7 U.S.C. 1329 (a))

Done at Washington, D. C., this 31st day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9942; Filed, December 31, 1941; 1:58 p. m.]

PART 721—CORN

PROCLAMATION AND DETERMINATIONS RELATING TO CORN ALLOTMENTS—DETERMINATION OF COUNTY NORMAL YIELDS OF CORN FOR 1942

Pursuant to the authority vested in the Secretary of Agriculture under section 301 (b) (13) (A) and (C) of the Agricultural Adjustment Act of 1938, as amended, the normal yields of corn for

1942 for such counties are hereby established as follows:

§ 721.404 *County normal yields of corn for 1942 in bushels per acre. Illinois:* Adams, 40.9; Alexander, 33.1; Bond, 29.7; Boone, 44.1; Brown, 39.0; Bureau, 50.4; Calhoun, 44.6; Carroll, 50.8; Cass, 43.6; Champaign, 50.1; Christian, 45.5; Clark, 39.5; Clay, 25.1; Clinton, 34.6; Coles, 43.9; Cook, 41.2; Crawford, 37.3; Cumberland, 34.7; De Kalb, 52.6; De Witt, 47.7; Douglas, 46.9; Du Page, 43.8; Edgar, 48.5; Edwards, 33.6; Effingham, 31.0; Fayette, 27.8; Ford, 46.3; Fulton, 47.8; Gallatin, 33.6; Greene, 42.4; Grundy, 43.0; Hamilton, 25.5; Hancock, 44.2; Hardin, 27.6; Henderson, 50.9; Henry, 52.0; Iroquois, 46.3; Jackson, 32.7; Jasper, 32.1; Jersey, 41.1; Jo Daviess, 48.0; Johnson, 26.4; Kane, 50.4; Kankakee, 41.5; Kendall, 45.4; Knox, 51.1; Lake, 41.1; La Salle, 49.8; Lawrence, 34.9; Lee, 48.1; Livingston, 47.2; Logan, 47.9; McDonough, 47.9; McHenry, 42.6; McLean, 47.2; Macon, 48.0; Macoupin, 38.2; Madison, 38.0; Marion, 25.6; Marshall, 46.4; Mason, 38.6; Massac, 31.8; Menard, 45.8; Mercer, 49.1; Monroe, 39.9; Montgomery, 37.2; Morgan, 43.1; Moultrie, 43.6; Ogle, 47.7; Peoria, 49.7; Perry, 24.8; Piatt, 49.6; Pike, 41.0; Pope, 26.4; Pulaski, 31.9; Putnam, 52.2; Randolph, 32.2; Richland, 27.8; Rock Island, 49.2; St. Clair, 36.6; Saline, 30.8; Sangamon, 46.5; Schuyler, 45.6; Scott, 43.0; Shelby, 38.6; Stark, 50.5; Stephenson, 47.7; Tazewell, 49.9; Union, 33.1; Vermilion, 44.9; Wabash, 37.5; Warren, 52.3; Washington, 26.0; Wayne, 24.7; White, 31.5; Whiteside, 48.5; Will, 42.3; Winnebago, 45.2; and Woodford, 52.0. State, 44.3.

Indiana: Adams, 46.3; Allen, 43.2; Bartholomew, 41.3; Benton, 42.7; Blackford, 41.0; Boone, 45.0; Carroll, 47.0; Cass, 45.2; Clay, 38.9; Clinton, 47.2; Daviess, 36.8; Dearborn, 33.9; Decatur, 45.4; De Kalb, 40.4; Delaware, 50.0; Dubois, 37.4; Elkhart, 40.2; Fayette, 49.6; Fountain, 40.4; Franklin, 43.2; Fulton, 42.2; Gibson, 38.8; Grant, 50.3; Greene, 38.6; Hamilton, 47.2; Hancock, 44.9; Hendricks, 43.5; Henry, 43.4; Howard, 52.4; Huntington, 45.4; Jackson, 34.6; Jasper, 36.4; Jay, 41.6; Jennings, 32.6; Johnson, 47.9; Knox, 38.5; Kosciusko, 43.4; Lagrange, 38.0; Lake, 40.2; La Porte, 40.0; Lawrence, 34.5; Madison, 50.0; Marion, 41.0; Marshall, 41.9; Martin, 35.2; Miami, 49.6; Monroe, 33.7; Montgomery, 43.9; Morgan, 42.8; Newton, 41.9; Noble, 42.3; Orange, 33.2; Owen, 35.1; Parke, 40.3; Pike, 33.0; Porter, 38.1; Posey, 38.3; Pulaski, 36.9; Putnam, 42.1; Randolph, 44.9; Ripley, 32.8; Rush, 51.1; St. Joseph, 39.6; Scott, 28.9; Shelby, 42.6; Spencer, 33.9; Starke, 36.2; Steuben, 42.1; Sullivan, 36.3; Tippecanoe, 40.9; Tipton, 53.5; Union, 50.8; Vanderburgh, 42.4; Vermillion, 37.8; Vigo, 37.6; Wabash, 47.5; Warren, 42.0; Warrick, 33.0; Washington, 32.6; Wayne, 47.6; Wells, 47.9; White, 43.2; and Whitley, 42.6. State, 42.3.

Iowa: Adair, 42.1; Adams, 38.9; Allamakee, 48.4; Appanoose, 31.7; Audubon, 44.1; Benton, 52.5; Black Hawk, 50.3; Boone, 50.0; Bremer, 46.6; Buchanan, 46.2; Buena Vista, 50.5; Butler, 44.6; Calhoun, 51.3; Carroll, 47.7; Cass, 42.0; Cedar, 56.5; Cerro Gordo, 43.4; Cherokee, 45.4; Chickasaw, 40.8; Clarke, 34.8; Clay, 48.0; Clayton, 53.0; Clinton, 53.3; Crawford, 37.8; Dallas, 47.2; Davis, 32.6; Decatur, 31.5; Delaware, 50.0; Des Moines, 47.7; Dickinson, 44.9; Dubuque, 50.0; Emmet, 48.0; Fayette, 46.8; Floyd, 41.6; Franklin, 48.7; Fremont, 39.6; Greene, 47.6; Grundy, 53.2; Guthrie, 43.2; Hamilton; 50.7; Hancock, 47.0; Hardin, 50.2; Harrison, 35.4; Henry, 49.1; Howard, 40.0; Humboldt, 50.9; Ida, 39.5; Iowa, 51.4; Jackson, 50.9; Jasper, 49.9; Jefferson, 40.2; Johnson, 52.0; Jones, 54.7; Keokuk, 45.9; Kossuth, 48.0; Lee, 38.0; Linn, 50.0; Louisa, 47.0; Lucas, 33.4; Lyon, 39.9; Madison, 43.1; Mahaska, 45.0; Marion, 42.7; Marshall, 53.0; Mills, 41.8; Mitchell, 44.8; Monona, 37.6; Monroe, 33.6; Montgomery, 42.3; Muscatine, 51.0; O'Brien, 50.5; Osceola, 45.6; Page, 38.4; Palo Alto, 47.1; Plymouth, 35.8; Pocahontas, 51.2; Polk, 49.1; Pottawattamie, 42.0; Poweshiek, 51.5; Ringgold, 31.5; Sac, 46.6; Scott, 56.0; Shelby, 42.9; Sioux, 42.4; Story, 52.5; Tama, 53.0; Taylor, 34.1; Union, 36.2; Van Buren, 35.6; Wapello, 39.4; Warren, 42.2; Washington, 50.8; Wayne, 31.8; Webster, 50.3; Winnebago, 46.8; Winneshiek, 47.4; Woodbury, 35.2; Worth, 45.6; and Wright, 49.9. State, 45.4.

Michigan: Berrien, 35.3; Branch, 38.3; Calhoun, 38.2; Cass, 34.6; Hillsdale, 39.3; Jackson, 38.5; Kalamazoo, 36.6; Lenawee, 40.2; Monroe, 43.1; St. Joseph, 33.4; Washtenaw, 38.9; and Wayne, 34.4. State, 38.2.

Minnesota: Bigstone, 28.4; Blue Earth, 44.4; Brown, 44.5; Carver, 47.9; Chippewa, 32.0; Cottonwood, 40.6; Dakota, 40.1; Dodge, 40.9; Faribault, 46.1; Fillmore, 43.8; Freeborn, 46.1; Goodhue, 45.0; Grant, 27.5; Hennepin, 35.7; Houston, 47.7; Jackson, 43.5; Kandiyohi, 35.6; Lac Qui Parle, 30.0; Le Sueur, 46.7; Lincoln, 31.9; Lyon, 35.0; McLeod, 43.8; Martin, 44.3; Meeker, 37.2; Mower, 42.6; Murray, 39.3; Nicollet, 47.4; Nobles, 42.9; Olmsted, 43.7; Pipestone, 33.2; Pope, 29.2; Redwood, 38.9; Renville, 38.4; Rice, 45.6; Rock, 38.9; Scott, 46.7; Sibley, 47.3; Stearns, 31.0; Steele, 46.8; Stevens, 29.4; Swift, 30.5; Traverse, 26.6; Wabasha, 44.5; Waseca, 46.0; Washington, 32.1; Watonwan, 42.1; Winona, 44.2; Wright, 35.7; and Yellow Medicine, 34.0; State, 39.3.

Missouri: Adair, 27.8; Andrew, 30.5; Atchison, 35.4; Audrain, 23.5; Bates, 19.4; Benton, 20.7; Boone, 27.5; Buchanan, 33.0; Caldwell, 27.0; Callaway, 24.2; Cape Girardeau, 27.1; Carroll, 27.9; Cass, 22.0; Chariton, 28.5; Clark, 29.7; Clay, 28.1; Clinton, 29.4; Cooper, 24.9; Daviess, 27.9; De Kalb, 26.1; Dunklin, 25.6; Gentry, 27.2; Grundy, 27.8; Harrison, 27.9; Henry, 18.1; Holt, 33.2; Howard, 29.4; Jackson, 27.3; Johnson, 21.6; Knox, 27.2; Lafayette, 30.3; Lewis, 27.7; Lincoln, 25.0; Linn, 27.9; Livingston, 27.8; Macon, 25.5; Marion, 31.6; Mercer, 28.7; Mississippi, 26.3; Moniteau, 24.7; Monroe, 26.9; Montgomery, 26.1; New Madrid, 25.9; Nodaway, 29.0; Pemiscot, 25.9; Perry, 27.9; Pettis, 24.0; Pike, 32.2; Platte, 31.8; Putnam, 30.0; Ralls, 27.9; Randolph, 26.0; Ray, 29.1; St. Charles, 35.0; St. Clair, 18.4; Saline, 30.6; Schuyler, 28.5; Scotland, 28.6; Scott, 25.8; Shelby, 26.7; Stoddard, 23.4; Vernon, 17.6; and Worth, 27.4. State, 27.0.

Nebraska: Adams, 13.9; Antelope, 19.3; Boone, 17.7; Buffalo, 17.0; Burt, 37.6; Butler, 25.2; Cass, 30.2; Cedar, 26.5; Chase, 15.0; Clay, 14.7; Colfax, 28.1; Cuming, 34.9; Custer, 13.1; Dakota, 36.1; Dawson, 20.2; Dixon, 29.9; Dodge, 32.9; Douglas, 35.8; Fillmore, 17.9; Franklin, 13.0; Frontier, 13.5; Furnas, 14.8; Gage, 23.3; Gosper, 13.9; Greeley, 14.7; Hall, 17.7; Hamilton, 17.2; Harlan, 13.7; Hayes, 14.7; Hitchcock, 14.0; Howard, 15.0; Jefferson, 19.8; Johnson, 25.2; Kearney, 14.2; Knox, 18.9; Lancaster, 25.2; Lincoln, 14.6; Madison, 22.7; Merrick, 20.0; Nance, 19.3; Nemaha, 32.1; Nuckolls, 14.5; Otoe, 27.9; Pawnee, 24.7; Perkins, 14.9; Phelps, 14.9; Pierce, 24.4; Platte, 24.6; Polk, 23.8; Redwillow, 13.2; Richardson, 30.8; Saline, 20.4; Sarpy, 34.5; Saunders, 28.2; Seward, 24.9; Sherman, 14.0; Stanton, 27.0; Thayer, 15.7; Thurston, 32.6; Valley, 15.0; Washington, 36.9; Wayne, 29.6; Webster, 12.6; and York, 20.9. State, 21.4.

Ohio: Adams, 30.8; Allen, 46.5; Ashland, 41.8; Auglaize, 47.2; Brown, 30.5; Butler, 42.8; Champaign, 46.4; Clark, 47.9; Clermont, 32.6; Clinton, 48.0; Coshocton, 45.9; Crawford, 44.8; Darke, 45.5; Defiance, 42.9; Delaware, 43.9; Erie, 44.8; Fairfield, 49.2; Fayette, 49.0; Franklin, 46.7; Fulton, 48.5; Greene, 49.2; Hamilton, 42.5; Hancock, 45.6; Hardin, 47.2; Henry, 48.3; Highland, 37.1; Holmes, 44.8; Huron, 41.8; Jackson, 35.8; Knox, 45.8; Licking, 48.1; Logan, 44.3; Lorain, 45.2; Lucas, 49.1; Madison, 44.0; Marion, 42.8; Medina, 41.8; Mercer, 48.0; Miami, 47.1; Montgomery, 45.6; Morrow, 41.3; Muskingum, 43.5; Ottawa, 45.0; Paulding, 40.1; Perry, 41.4; Pickaway, 48.7; Pike, 35.1; Preble, 49.2; Putnam, 45.1; Richland, 43.3; Ross, 46.3; Sandusky, 46.6; Scioto, 42.2; Seneca, 43.8; Shelby, 46.2; Stark, 46.3; Union, 44.6; Van Wert, 45.5; Warren, 41.1; Wayne, 48.0; Williams, 45.3; Wood, 46.6; and Wyandot, 44.9. State, 44.9.

South Dakota: Bon Homme, 15.6; Brookings, 24.6; Clay, 26.7; Deuel, 24.1; Grant, 23.8; Hamlin, 19.1; Hanson, 12.9; Hutchinson, 15.1; Kingsbury, 16.4; Lake, 20.8; Lincoln, 30.9; McCook, 19.4; Minnehaha, 29.1; Moody, 27.4; Roberts, 22.6; Turner, 22.1; Union, 34.7; and Yankton, 20.0. State, 23.1.

Wisconsin: Columbia, 40.7; Crawford, 41.5; Dane, 41.3; Grant, 42.6; Green, 41.2; Iowa, 41.2; Jefferson, 41.9; Lafayette, 41.6; Richland, 41.3; Rock, 41.9; Sauk, 40.3; and Walworth, 42.3. State, 41.5.

Delaware: Kent, 28.9; New Castle, 36.6. State, 31.7.

Kansas: Anderson, 17.1; Atchison, 24.0; Brown, 25.7; Coffey, 18.4; Doniphan, 29.2;

Douglas, 20.6; Franklin, 18.9; Jackson, 18.8; Jefferson, 21.5; Jewell, 13.7; Johnson, 22.7; Leavenworth, 23.0; Linn, 17.9; Marshall, 19.0; Miami, 20.2; Nemaha, 20.7; Norton, 12.3; Osage, 18.7; Phillips, 12.8; Pottawatomie, 21.4; Republic, 15.8; Riley, 19.7; Shawnee, 21.0; Smith, 12.7; and Washington, 17.2. State, 18.6.

Kentucky: Ballard, 24.0; Carlisle, 24.3; Crittenden, 21.1; Daviess, 27.1; Fulton, 29.4; Hancock, 24.7; Henderson, 28.7; Hickman, 26.8; Livingston, 21.8; McLean, 23.8; Union, 31.0; and Webster, 22.4. State, 26.1.

Maryland: Baltimore, 42.7; Caroline, 29.4; Carroll, 45.4; Cecil, 38.4; Frederick, 41.1; Harford, 46.6; Howard, 40.8; Kent, 32.8; Montgomery, 40.0; Queen Annes, 31.9; and Washington, 37.0. State, 38.9.

Pennsylvania: Adams, 43.6; Berks, 47.6; Chester, 53.5; Cumberland, 41.3; Dauphin, 41.2; Franklin, 43.0; Fulton, 35.3; Lancaster, 56.4; Lebanon, 50.1; Perry, 39.7; and York, 47.9. State, 47.8.

(Sec. 301 (b) (13) (A) and (C), 52 Stat. 41, 202; 54 Stat. 727, 728; 7 U.S.C., Supp. V, 1301 (b) (13) (A) and (C))

Done at Washington, D. C., this 31st day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9940; Filed, December 31, 1941; 1:58 p. m.]

[Cotton 631]

PART 722—COTTON

SUBPART D—1942

1942 County Normal Cotton Yields

Pursuant to the authority vested in the Secretary of Agriculture under the Agricultural Adjustment Act of 1938, as amended, I, Claude R. Wickard, hereby establish the following county normal yields of lint cotton per acre in accordance with the provisions of Section 301, subsection (b), paragraphs (13) (B) and (C) of said Act, for the purposes of the cotton marketing quota provisions (Part IV, Subtitle B, Title III) of said Act applicable with respect to the marketing year beginning August 1, 1942:

§ 722.404 *1942 county normal cotton yields.*

Counties and 1942 Normal Yields of Lint Cotton per Acre in Pounds

Alabama: Autauga, 209; Baldwin, 240; Barbour—Area "A", 176; Barbour—Area "B", 180; Bibb, 226; Blount, 306; Bullock, 153; Butler, 227; Calhoun, 241; Chambers, 176; Cherokee, 318; Chilton, 232; Choctaw, 178; Clarke, 186; Clay, 216; Cleburne, 229; Coffee, 215; Colbert, 271; Conecuh, 224; Coosa, 204; Covington, 210; Crenshaw, 221; Cullman, 366; Dale, 202; Dallas, 185; De Kalb, 365; Elmore, 243; Escambia, 251; Etowah, 298; Fayette, 238; Franklin, 265; Geneva, 246; Greene, 162; Hale, 191; Henry 234; Houston, 271; Jackson, 292; Jefferson, 226; Lamar, 251; Lauderdale, 255; Lawrence, 284; Lee, 170; Limestone, 285; Lowndes, 171; Macon, 200; Madison, 277; Marengo, 173; Marion, 237; Marshall, 374; Mobile, 241; Monroe, 241; Montgomery, 184; Morgan, 305; Perry, 156; Pickens, 225; Pike, 208; Randolph, 239; Russell, 161; St. Clair, 229; Shelby, 215; Sumter, 157; Talladega, 223; Tallapoosa, 204; Tuscaloosa, 226; Walker, 232; Washington, 212; Wilcox, 182; and Winston, 270.

Arizona: Cochise, 175; Gila, 529; Graham, 627; Greenlee, 454; Maricopa, 497; Mohave, 364; Pima, 663; Pinal, 510; Santa Cruz, 476; Yuma—Parker Area, 336; and Yuma—Yuma Area, 435.

Arkansas: Arkansas—Area I, 221; Arkansas—Area II, 236; Ashley—Area I, 290; Ashley—Area II, 220; Baxter, 195; Boone—Area I, 236; Boone—Area II, 136; Bradley, 199; Calhoun, 189; Chicot, 319; Clark, 223; Clay, 242; Cleburne, 195; Cleveland, 188; Columbia, 175; Conway—Area I, 324; Conway—Area II, 156; Craighead—Area I, 313; Craighead—Area II, 424; Craighead—Area III, 310; Craighead—Area IV, 353; Crawford, 288; Crittenden, 443; Cross—Area I, 290; Cross—Area II, 459; Dallas, 199; Desha, 324; Drew—Area I, 178; Drew—Area II, 281; Faulkner—Area I, 380; Faulkner—Area II, 205; Franklin—Area I, 290; Franklin—Area II, 148; Fulton, 201; Garland, 167; Grant, 181; Greene—Area I, 371; Greene—Area II, 309; Hempstead, 198; Hot Spring, 206; Howard—Area I, 240; Howard—Area II, 158; Howard—Area III, 123; Independence—Area I, 330; Independence—Area II, 223; Izard, 197; Jackson, 263; Jefferson, 325; Johnson—Area I, 362; Johnson—Area II, 132; Lafayette, 244; Lawrence—Area I, 286; Lawrence—Area II, 226; Lee, 341; Lincoln—Area I, 315; Lincoln—Area II, 185; Little River—Area I, 233; Little River—Area II, 151; Logan—Area I, 341; Logan—Area II, 179; Lonoke—Area I, 289; Lonoke—Area II, 204; Marion—Area I, 203; Marion—Area II, 149; Miller—Area I, 264; Miller—Area II, 157; Mississippi, 504; Monroe, 277; Montgomery, 153; Nevada, 177; Newton, 176; Ouachita, 179; Perry—Area I, 262; Perry—Area II, 158; Phillips, 345; Pike, 162; Poinsett—Area I, 488; Poinsett—Area II, 276; Polk, 163; Pope—Area I, 327; Pope—Area II, 193; Pope—Area III, 144; Prairie—Area I, 212; Prairie—Area II, 324; Prairie—Area III, 188; Pulaski—Area I, 348; Pulaski—Area II, 186; Randolph—Area I, 321; Randolph—Area II, 195; St. Francis—Area I, 462; St. Francis—Area II, 249; Saline, 199; Scott, 178; Searcy, 189; Sebastian—Area I, 341; Sebastian—Area II, 211; Sevier, 158; Sharp—Area I, 201; Sharp—Area II, 201; Stone, 167; Union, 185; Van Buren 170; Washington, 138; White, 219; Woodruff, 301; Yell—Area I, 342; Yell—Area II, 194; and Yell—Area III, 182.

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(Section 301 of the Agricultural Adjustment Act of 1938, as amended, 52 Stat. 41, 202; 7 U.S.C., Sup., 1301 (b) (13), as amended by 54 Stat. 728)

Done at Washington, D. C., this 31st day of December, 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9915; Filed, December 31, 1941; 11:33 a. m.]

PART 728—WHEAT

SUBPART D—1942

1942 County Normal Yields of Wheat

Pursuant to the authority vested in the Secretary of Agriculture under section 301 (b) (13) (A) and (C) of the Agricultural Adjustment Act of 1938 (52 Stat. 41, 202; 54 Stat. 727, 728; 7 U.S.C., Sup. V, 1301 (b) 13 (A) and (C)), as amended, the county normal yields of wheat for 1942 are as follows:

§ 728.304 *1942 county normal yields of wheat.* The county normal yields of wheat for 1942 are identical with the county normal yields of wheat for 1942 established by the Secretary pursuant to the provisions of sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, which are listed in Supplement Number 6 to the 1942 Agricultural Conservation Program Bulletin. (52 Stat. 41, 202, 54 Stat. 727, 728; 7 U.S.C., Sup. V, 1301 (b) 13 (A) and (C))

Done at Washington, D. C., this 31st day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9912; Filed, December 31, 1941; 11:30 a. m.]

CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

[G.S.Q.R. Series 9, No. 1]

PART 821—SUGAR QUOTAS

SUGAR CONSUMPTION REQUIREMENTS AND QUOTAS FOR THE CALENDAR YEAR 1942

Pursuant to the authority conferred upon the Secretary of Agriculture under the Sugar Act of 1937, as amended, the following regulations are hereby prescribed, which shall have the force and effect of law and shall remain in force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture:

§ 821.301 *Consumption requirements for 1942.* It is hereby determined, pursuant to Section 201 of the Sugar Act of 1937, as amended (hereinafter referred to as the "act"), that the amount of sugar needed to meet the requirements of consumers in the continental United States for the calendar year 1942 is 6,666,890 short tons of sugar, raw value, and that, in order to make available that amount of sugar, a quantity of 8,032,074 short tons of sugar, raw value, is required as a consumption determination. (Sec. 201, 50 Stat. 904; 7 U.S.C. 1111)

§ 821.302 *Quotas for domestic areas*—(a) *Original quotas.* There are hereby established, pursuant to section 202 of the said act, for domestic sugar-producing areas, for the calendar year 1942, the following quotas:

Area:	Quotas in terms of short tons, raw value
Domestic beet sugar	1,862,811
Mainland cane sugar	504,995
Hawaii	1,127,420
Puerto Rico	959,088
Virgin Islands	10,716

(Sec. 202, 50 Stat. 905; 7 U. S. C. 1112)

§ 821.303 *Other quotas*—(a) *Original quotas.* There are hereby established, pursuant to section 202 of the said act, for foreign countries and the Commonwealth of the Philippine Islands, for the calendar year 1942, the following quotas:

Area:	Quotas in terms of short tons, raw value
Commonwealth of the Philippine Islands	1,237,764
Cuba	2,297,583
Foreign countries other than Cuba	31,747

(Sec. 202, 50 Stat. 905; 7 U.S.C. 1112)

§ 821.304 *Proration of quota for foreign countries other than Cuba*—(a) *Original prorations.* The quota for foreign countries other than Cuba is hereby prorated, pursuant to section 202 of the said act, among such countries, as follows:

Country:	Prorations in pounds, raw value
Argentina	18,567
Canada	718,651
China & Hongkong	366,983
Costa Rica	26,235
Dominican Republic	8,493,922
Dutch East Indies	269,249
Guatemala	426,579
Haiti, Republic of	1,173,898
Honduras	4,372,206
Mexico	7,683,054
Nicaragua	13,018,921
Peru	14,156,495
Salvador	10,455,564
United Kingdom	446,659
Venezuela	369,388
Other Countries	997,639
Subtotal	62,994,000
Unallotted Reserve	500,000
Total	63,494,000

(Sec. 202, 50 Stat. 905; 7 U.S.C. 1112)

§ 821.305 *Direct-consumption portion of quotas*—(a) *Domestic areas.* The quotas established in § 821.302 hereof for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

Area:	Amount of direct-consumption sugar in terms of short tons, raw value
Hawaii	29,616
Puerto Rico	126,033
Virgin Islands	0

(b) *Other areas.* The quotas established in § 821.303 hereof for the following listed areas may be filled by direct-consumption sugar not in excess of the following amount for each such area:

Area:	Amount of direct-consumption sugar in terms of short tons, raw value
Commonwealth of Philippine Islands	80,214
Cuba	375,000

(Sec. 207, 50 Stat. 907; 7 U.S.C. 1117)

§ 821.306 *Liquid sugar quotas.* There are hereby established, pursuant to section 208 of the said act, for foreign countries, for the calendar year 1942, quotas for liquid sugar as follows:

Country:	In terms of wine gallons of 72% total sugar content
Cuba	7,970,558
Dominican Republic	830,894
Other foreign countries	0

(Sec. 208, 50 Stat. 908; 7 U.S.C. 1118)

§ 821.307 *Restrictions on marketing and shipment.* (a) For the calendar year 1942, all persons are hereby forbidden, pursuant to section 209 of the said act, from bringing or importing into the continental United States from the Territory of Hawaii, Puerto Rico, the Virgin Islands, the Commonwealth of the Philippine Islands, or any foreign country, any sugar or liquid sugar after the quota for such area, or the proration of any such quota, has been filled.

(b) For the calendar year 1942, all persons are hereby forbidden, pursuant to section 209 of the said act, from shipping, transporting, or marketing in interstate commerce, or in competition with sugar or liquid sugar shipped, transported, or marketed in interstate or foreign commerce, any sugar or liquid sugar produced from sugar beets or sugarcane grown in either the domestic beet sugar area or the mainland cane sugar area after the quota for such area has been filled. (Sec. 209, 50 Stat. 908; 7 U.S.C. 1119; sec. 504, 50 Stat. 915; 7 U.S.C. 1174)

§ 821.308 *Inapplicability of quota regulations.* The regulations in this part shall not apply to (a) the first 10 tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba; (b) the first 10 tons, raw value, of sugar or liquid sugar imported from any foreign country, other than Cuba, for religious, sacramental, educational, or experimental purposes; (c) liquid sugar imported from any foreign country, other than Cuba, in individual sealed containers not in excess of 1⅒ gallons each; or (d) any sugar or liquid sugar imported, brought into, or produced or manufactured in, the United States for the distillation of alcohol, or for livestock feed, or for the production of livestock feed. (Sec. 212, 50 Stat. 909; 7 U.S.C. 1122)

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed in the District of Columbia, city of Washington, this 31st day of December 1941.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9943; Filed, December 31, 1941; 1:58 p. m.]

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

PART 930—MILK IN TOLEDO, OHIO, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS OF ORDER NO. 30, AS AMENDED,[1] REGULATING THE HANDLING OF MILK IN THE TOLEDO, OHIO, MARKETING AREA

Pursuant to the powers conferred upon the Secretary of Agriculture by section 8c (16) (A) of the Agricultural Marketing Agreement Act of 1937, it is hereby found that the provisions of the order, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area, which are set forth below, obstruct and do not tend, under present conditions, to effectuate the declared policy of such act, and such provisions are suspended effective as of 11:59 p. m., e. s. t., November 30, 1941.

The provisions of said order, as amended, which are herewith suspended are as follows:

(1) § 930.1 (a) (9), (10), (11), and (12);

(2) The last sentence of § 930.3 (a) (3) reading as follows:

Such pay roll shall show also for each producer his total delivery of market-share milk and excess milk;

(3) The phase "prior to August 1, 1940," wherever it appears in § 930.6 (b) (1);

(4) § 930.6 (b) (2);

(5) The phase "prior to August 1, 1940," wherever it appears in § 930.7 (b);

(6) § 930.7 (c), (e), and (f).

Issued at Washington, D. C., on this 31st day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] ROBERT H. SHIELDS,[2]
Assistant to the Secretary of Agriculture.

[F. R. Doc. 41-9911; Filed, December 31, 1941; 11:30 a. m.]

[1] 6 F.R. 4774.

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VII—PERSONNEL

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS AND CHAPLAINS[3]

OFFICERS APPOINTED IN THE ARMY OF THE UNITED STATES UNDER THE PROVISIONS OF THE ACT OF SEPTEMBER 22, 1941

§ 73.200 *Appointment; general provisions.*[4]

* * * * * *

(d) Citizens' Military Training Camp graduates of the following categories, who prior to February 1, 1942, meet all requirements for appointment, will be tendered appointment in the Army of the United States, notwithstanding the limitations of AR 605-10[5] and §§ 73.200 to 73.218:

(1) Graduates of the 1939 White Course who were recommended for the Blue Course, and who applied for and were rejected for the 1940 camps due to quota restrictions.

(2) 1939 Blue Course trainees who were recommended for further training, who applied for and were rejected for the 1940 camps due to quota restrictions.

[2] Acting Pursuant to Authority Delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192).

[3] § 73.200 (d) is amended.

[4] 6 F.R. 5660, 5823.

[5] Administrative regulations of the War Department relative to officers appointed in the Army of the United States.

(3) Graduates of the 1940 White Course who were recommended for the Blue Course.

(4) 1940 Blue Course Trainees who were recommended for future training.

Those graduates who do not meet all requirements prior to February 1, 1942, will not be tendered appointments based on this training.

Graduates who are so qualified except for age will be tendered appointments on attaining the age of 21 years.

The Appointees will be available to the corps area commanders for active duty on the same basis as are Reserve Officers. (Act September 22, 1941, Public Law 252, 77th Cong.) [Letter AGO dated December 27, 1941, AG 210–1 (12–23–41) RB–A]

[SEAL] E. S. ADAMS,
Major General.
The Adjutant General.

[F. R. Doc. 42–11; Filed, January 2, 1942; 10:53 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendment 20–31, Civil Air Regulations]

PART 20—PILOT CERTIFICATES

SIMULATED INSTRUMENT FLIGHT IN SINGLE-PLACE AIRCRAFT

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 27th day of December 1941.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), and 601 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective December 27, 1941, Part 20 of the Civil Air Regulations is amended as follows:

By adding a new paragraph (d) to § 20.68[1] to read as follows:

§ 20.68 *Simulated instrument flights.*

* * * * * *

(d) Notwithstanding provisions of (a), (b), and (c) of this section, a member of the Armed Forces of the United States may operate single-place aircraft in simulated instrument flight: *Provided*, Such flights shall be made only during the hours of daylight, in accordance with contact flight rules, *And provided further*, Each such aircraft is accompanied by and under the continuous control by radio of a competent observer in an escort aircraft.

By the Civil Aeronautics Board.

[SEAL] FRED A. TOOMBS,
Acting Secretary.

[F. R. Doc. 42–10; Filed, January 2, 1942; 9:27 a. m.]

[1] 6 F.R. 2642.

PART 20—PILOT RATING

AERONAUTICAL SKILL AND EXPERIENCE REQUIREMENTS FOR A PILOT CERTIFICATE ON TWO-CONTROL NON-SPINNABLE AIRPLANES WITH NOSE WHEEL TYPE LANDING GEAR

Correction

The number of § 20.6161 (*Solo flight restrictions after first solo*) in F. R. Doc. 41–9808 appearing on page 6789 of the issue for Tuesday, December 30, 1941, is corrected to read: § 20.6101.

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[Amendment No. 124]

AMENDING THE REGULATIONS SO AS TO DELETE CERTAIN PARAGRAPHS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective immediately upon the filing hereof with the Division of the Federal Register, the Selective Service Regulations, Volume Three,[1] Section XX, in the following manner:

By deleting paragraphs 339 and 341.

LEWIS B. HERSHEY,
Director.

DECEMBER 30. 1941.

F. R. Doc. 41–9937; Filed, December 31, 1941; 12:10 p. m.]

PART 623—CLASSIFICATION PROCEDURE

AMENDMENT TO SELECTIVE SERVICE REGULATIONS, SECOND EDITION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 623,[2] by striking out the words "Report of Physical Examination (Form 221)" wherever they may appear therein and by substituting therefor the words "Report of Physical Examination and Induction (Form 221)." (54 Stat. 885; 50 U.S.C., Sup., 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective January 1, 1942.

LEWIS B. HERSHEY,
Director.

DECEMBER 30, 1941.

[F. R. Doc. 41–9938; Filed, December 31, 1941; 12:10 p. m.]

[No. 38]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Paragraph 163 and Appendix A to Volume One[1] of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 220, entitled "List of Defects," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

DECEMBER 12, 1941.

[F. R. Doc. 41–9944; Filed, December 31; 1941; 3:51 p. m.]

[1] 5 F.R. 3923.
[2] 6 F.R. 6611, 6643.

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 933—COPPER

Extension of General Preference Order No. M–9–a

Section 933.2 (*General Preference Order No. M–9–a*[1] issued August 2, 1941) is hereby extended, to expire on January 15, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Cong., Third Session, as amended by Public No. 89, 77th Cong., First Session, sec. 9, Public No. 783, 76th Cong., Third Session)

Issued this 31st day of December 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–18; Filed, January 2, 1942; 10:59 a. m.]

PART 933—COPPER

Supplementary Order No. M–9–b as Amended December 31, 1941, To Conserve the Supply and Direct the Distribution of Copper Scrap and Copper Base Alloy Scrap

Section 933.3 (*Supplementary Order No. M–9–b*) is hereby amended so as to read as follows:

Whereas the national defense requirements have created a shortage of Copper, as hereinafter defined, for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States to conserve the supply and direct the distribution of Scrap material whose principal ingredient is Copper or Copper Base Alloy;

Now, therefore, it is hereby ordered, That:

§ 933.3 *Supplementary Order No. M–9–b as amended December 31, 1941*—

[1] 5 F.R. 3785.
[2] 6 F.R. 3889.

(a) *Definitions.* For the purposes of this Supplementary Order:

(1) "Scrap" means all Copper or Copper Base Alloy materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure or other reason.

(2) "Copper" means Copper metal which has been refined by any process of electrolysis or fire refining to a grade and in a form suitable for fabrication such as cathodes, wire bars, ingot bars, ingots, cakes, billets, wedge bars or other refined shapes, or Copper shot or other forms produced by a Refiner.

(3) "Copper base alloy" means any alloy in the composition of which the percentage of Copper metal by weight equals or exceeds the percentage of all other metals.

(4) "Copper products" means fabricated products made of Copper or Copper Base Alloys.

(5) "Brass mill scrap" means that Scrap which is a waste or byproduct of industrial fabrication of products produced by Brass Mills.

(6) "Brass mill" means one which rolls, draws or extrudes castings made in its own plant of Copper or Copper Base Alloys, or one which rolls, draws or extrudes refinery shapes of Copper or Copper Base Alloys; it does not include a Mill which re-rolls, re-draws or re-extrudes products produced from refinery shapes or castings of Copper or Copper Base Alloys.

(7) "Secondary copper" means Copper or Copper Base Alloy produced as a raw material by any process of melting Scrap.

(8) "Scrap dealer" means any person regularly engaged in the business of buying and selling Scrap.

(9) "Fabricator" means any person, other than a "Foundry", who in the manufacture of Copper Products generates Scrap.

(10) "Foundry" means any person who melts and casts Copper and Copper Base Alloys into shapes and forms suitable for use without reforming.

(b) *Deliveries and melting of scrap.* Deliveries of Scrap shall hereafter be made solely in accordance with the following directions:

(1) No Person shall deliver Brass Mill Scrap except to a Scrap Dealer or to a Brass Mill; no Scrap Dealer who receives delivery of Brass Mill Scrap shall in turn deliver such Scrap to any melter thereof other than a Brass Mill.

(2) No Person shall deliver Scrap other than Brass Mill Scrap except:

(i) To a Scrap Dealer; or

(ii) To a Person specifically authorized by the Director of Priorities to receive deliveries of such quantities of Scrap.

(3) No Scrap Dealer shall hereafter melt Scrap, including Scrap on hand at the date of this Order, unless specifically authorized by the Director of Priorities.

(4) No Scrap Dealer shall hereafter accept delivery of Scrap unless:

(i) Such Scrap Dealer shall, during the preceding 60 days, have sold or otherwise disposed of Scrap to an amount at least equal in weight to the Scrap Inventory of such Scrap Dealer on the date of acceptance of delivery of Scrap (which inventory shall exclude such delivery), and

(ii) Such Scrap Dealer shall have filed with the Office of Production Management such reports as may from time to time be required by the Office of Production Management.

(c) *Application for authorization.* Any Person desiring to obtain authorization with respect to a delivery or deliveries to him of specific quantities of Scrap for processing or melting, should make application on Form PD–130 to the Office of Production Management, Ref: M–9–b.

(d) *Basis of authorization.* Authorizations to receive deliveries of Scrap will be made by the Director of Priorities to assure the satisfaction of all defense requirements. After the satisfaction of all such defense requirements, deliveries of any residual supply will be authorized by the Director of Priorities for essential and other civilian requirements. In giving such authorizations, the Director of Priorities may take into consideration possible dislocation of labor and resulting unemployment and the necessity of keeping a plant in operation so that it may be able to fill future Defense Orders.

(e) *Disposal of scrap generated by a fabricator.* No Fabricator shall use, melt or dispose of any Scrap generated in his operations in any way other than by sale, without the specific authorization of the Director of Priorities. In no event shall any Fabricator keep on hand more than thirty days' accumulation of Scrap generated in his operations unless such accumulation aggregates less than five tons. All Fabricators generating Scrap in any operation in excess of 2,000 pounds in any calendar month, shall report on Form PD–226 on or before the 15th day of the following month to the Office of Production Management, Ref: M–9–b setting forth Scrap Inventory at the beginning of the previous calendar month, accumulations and sales during such month, inventory at the end of such month and such other information as the Director of Priorities may request from time to time.

(f) *Toll agreement.* No Person shall hereafter deliver Scrap and no Person shall accept same for converting, remelting or other processing under any existing or future toll agreement, conversion agreement or other form of agreement by which title remains vested in a Person other than the one delivering the Scrap or which agreement is contingent upon repurchase of processed material in any quantities equivalent or otherwise, by the Person selling the Scrap, unless and until such an agreement shall have been approved by the Director of Priorities. Any Person desiring to have such an agreement approved must file with the Office of Production Management a statement setting forth the names of the parties to such agreement, the material involved as to kind and grade, the form of the same, the estimated tonnage involved, the estimated rate of delivery, the length of time such agreement or other similar agreement has been in force, the duration of the agreement, the purpose for which the processed material is to be used, and any other pertinent data that would justify such approval.

(g) *Use of material.* Any Person who obtains delivery of Scrap in accordance with the terms of this Order shall use such Scrap, or an equivalent amount thereof, only for the purposes for which acceptance of the delivery was authorized.

(h) *Restriction on acceptance of castings or secondary copper.* No Person shall hereafter knowingly accept delivery of Secondary Copper or castings made therefrom, which have been obtained by melting and processing Scrap delivered to the melter or processor contrary to the provisions of this Order.

(i) *Priority control.* All of the provisions and definitions of Priorities Regulation No. 1, issued by the Director of Priorities (Part 944) as amended from time to time, are hereby included as a part of this Order with the same effect as if specifically set forth herein, except as otherwise specifically provided herein.

(j) *Remelting by railroads and utilities.* Nothing herein contained shall prevent a railroad or public utility company whose customary practice has been to remelt or process within its own plants, and for its own use Scrap created by its own operations or obsolescence, from continuing to do so in the manner and to the extent of its previous practice.

(k) *Specific directions.* The Director of Priorities may from time to time issue specific directions to any person as to the source, destination, or amount of Scrap to be delivered or acquired by such person.

(l) *Communications.* All reports to be filed, applications for authorization to receive delivery of Scrap, and other communications concerning this Order, should be addressed to the Office of Production Management, Washington, D. C., Ref: M–9–b.

(m) *P–61 revoked.* Preference Rating Order for Copper Scrap, and Copper Base Alloy Scrap, P–61, issued October 18, 1941, is hereby revoked.

(n) This Order may be revoked or modified by the Director of Priorities at any time; shall take effect immediately, and, unless previously terminated, shall expire on the 31st day of March, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629; Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Cong.,

Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Cong., Third Session)

Issued this 31 day of December 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-14; Filed, January 2, 1942; 10:58 a. m.]

PART 935—POLYVINYL CHLORIDE

Amendment No. 1 to General Preference Order No. M-10 to Direct the Use and Distribution of Polyvinyl Chloride

Section 935.1 (*General Preference Order No. M-10*) is hereby amended to read as follows:

Whereas the national defense requirements have created a shortage of Polyvinyl Chloride, as hereinafter defined, for defense, for private account and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 935.1 *General Preference Order M-10*—(a) *Definitions.* For the purposes of this Order:

(1) "Polyvinyl Chloride" means polymerized vinyl chloride and its co-polymer with vinyl acetate, containing 92% or more of vinyl chloride, whether plasticized or unplasticized, and includes the materials known by the trade names of Kroseal and Vinylite.

(2) "Producer" means any person engaged in the production of Polyvinyl Chloride and includes any person who has Polyvinyl Chloride produced for him pursuant to toll agreement.

(b) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(c) *Restrictions on deliveries.* On and after January 1, 1942, no deliveries of Polyvinyl Chloride shall be made by any Producer, except as may be specifically directed by the Director of Priorities; and no person shall accept delivery of Polyvinyl Chloride made in violation of the foregoing clause. At the beginning of each calendar month the Director of Priorities will issue to all Producers specific directions covering deliveries of Polyvinyl Chloride which may be made by such Producers during such month. Such directions will be made primarily to insure the satisfaction of all defense requirements and to provide an adequate supply for essential civilian uses, and they may be made at the discretion of the Director of Priorities without regard to any preference rating assigned to particular contracts or orders.

(d) *Intra-company transactions.* The prohibitions or restrictions contained in this Order with respect to deliveries shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise owned or controlled by the same person.

(e) *Reports.* Reports shall be made by Producers at such times, on such forms and with respect to such matters as shall be prescribed by the Chemicals Branch of the Office of Production Management. In addition, persons who order or receive Polyvinyl Chloride from a Producer shall furnish to the Chemicals Branch of the Office of Production Management information with respect to requirements and use of such material at such times and on such forms as the said Chemicals Branch shall prescribe. All persons shall furnish such other and further information as the Chemicals Branch may deem necessary for the orderly and effective operation of this Order.

(f) *Notification of customers.* Producers shall, as soon as practicable, notify each of their regular customers of the requirements of this Order, but the failure to give such notice shall not excuse any person from the obligation of complying with the terms of this Order.

(g) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1, Aug 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Cong., Third Session, as amended by Public No. 89, 77th Cong., First Session; sec. 9, Public No. 783, 76th Cong., Third Session)

Issued this 31st day of December 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-15; Filed, January 2, 1942; 10:58 a. m.]

PART 938—SYNTHETIC RUBBER

Amendment No. 1 to General Preference Order No. M-13 to Direct the Use and Distribution of Synthetic Rubber

Section 938.1 (*General Preference Order No. M-13*) is hereby amended to read as follows:

Whereas, the national defense requirements have created a shortage of Synthetic Rubber, as hereinafter defined, for defense, for private account and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof:

Now, therefore, it is hereby ordered, That:

§ 938.1 *General Preference Order M-13*—(a) *Definitions.* For the purposes of this Order:

(1) "Synthetic Rubber" means all neoprenes; all butadiene types, such as the materials known by the trade names of Hycar, Perbunam, Chemigum, and Buna "S"; organic polysulphides known by the trade names of Thiokol; butyl rubber; poly iso butylene, such as the material known by the trade names of Vistanex and Synthetic "100"; and the material known by the trade name of Thiokol "RD."

(2) "Producer" means any person engaged in the production of Synthetic Rubber and includes any person who has Synthetic Rubber produced for him pursuant to toll agreement.

(b) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(c) *Restrictions on deliveries.* On and after January 1, 1942, no deliveries of Synthetic Rubber (not including poly iso butylene, such as the material known by the trade names of Vistanex and Synthetic "100," as to which the operative date shall be February 1, 1942) shall be made by any Producer, except as may be specifically directed by the Director of Priorities; and no person shall accept delivery of Synthetic Rubber made in violation of the foregoing clause. At the beginning of each calendar month the Director of Priorities will issue to all Producers specific directions covering deliveries of Synthetic Rubber which may be made by such Producers during such month. Such directions will be made primarily to insure the satisfaction of all defense requirements and to provide an adequate supply for essential civilian uses, and they may be made at the discretion of the Director of Priorities without regard to any preference rating assigned to particular contracts or orders.

(d) *Intra-company transactions.* The prohibitions or restrictions contained in this Order with respect to deliveries shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise owned or controlled by the same person.

(e) *Reports.* Reports shall be made by Producers at such times, on such forms and with respect to such matters as shall be prescribed by the Chemicals Branch of the Office of Production Management. In addition, persons who order or receive Synthetic Rubber from a Producer shall furnish to the Chemicals Branch of the Office of Production Management information with respect to requirements and use of such material at such times and on such forms as the said Chemicals Branch shall prescribe. All persons shall furnish such other and further information as the Chemicals Branch may deem necessary for the orderly and effective operation of this Order.

(f) *Notification of customers.* Producers shall, as soon as practicable, notify each of their regular customers of the requirements of this Order, but the failure to give such notice shall not excuse any person from the obligation of complying with the terms of this Order.

(g) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Cong., Third Session, as amended by Public No. 89, 77th Cong., First Session; sec. 9, Public No. 783, 76th Cong., Third Session)

Issued this 31st day of December 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-17; Filed, January 2, 1942; 10:59 a. m.]

PART 970—CHLORINATED HYDROCARBON REFRIGERANTS

Amendment No. 1 to General Preference Order No. M-28[1] To Conserve the Supply and Direct the Distribution of Chlorinated Hydrocarbon Refrigerants

Section 970.1, paragraph (i) is hereby amended to read as follows:

§ 970.1 *General Preference Order M-28.*

* * * * * *

(i) *Effective date.* This Order shall take effect on the 22d day of August, 1941, and continue in effect until terminated by direction of the Director of Priorities.

This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Cong., Third Session, as amended by Public No. 89, 77th Cong., First Session; sec. 9, Public No. 783, 76th Cong., Third Session)

Issued this 31st day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-16; Filed, January 2, 1942; 10:58 a. m.]

PART 1032—DIRECT-CONSUMPTION SUGAR

Interpretation No. 1 of General Preference Order No. M-55[1]

The following official interpretation is hereby issued by the Director of Priorities with respect to the question of when direct-consumption sugar is under the control of a Receiver within the meaning of General Preference Order No. M-55.

A large variety of situations are conceivable where sugar not in a Receiver's actual possession would nevertheless be under his control. In any case, however, sugar shall be deemed to be in his possession or under his control if delivered to him and not redelivered by him, and for such purposes the following definition of delivery adapted from the "Definition of Marketing under the Sugar Act of 1937" (Misc. 10) issued on October 9, 1940, by the United States Department of Agriculture, Agricultural Adjustment Administration, Sugar Division, Washington, D. C. shall govern:

Any of the following shall be deemed to constitute delivery:

(a) Actual delivery by the Primary Distributor or his agent:

(1) Actual delivery of the sugar to the Receiver; or

(2) Actual delivery of the sugar to a common carrier for transportation to the Receiver, whether or not such transportation involves subsequent transshipment by means of another such carrier.

(b) Constructive delivery by the Primary Distributor or his agent:

(1) Delivery to the Receiver of a negotiable or non-negotiable warehouse receipt, or custodian's storage receipt, representing the sugar; or

(2) Acknowledgment that the sugar is held for and on behalf of the Receiver.

(c) Actual delivery by the warehouseman or the custodian:

(1) Actual delivery of the sugar to the Receiver; or

(2) Actual delivery of the sugar to a common carrier for transportation to the Receiver whether or not such transportation involves subsequent transshipment by means of another such carrier.

(d) Constructive delivery by the warehouseman or the custodian;

(1) Issuance to the Receiver of a negotiable or non-negotiable warehouse receipt, or a custodian's receipt, representing the sugar; or

(2) Other acknowledgment that the sugar is held for and on behalf of the Receiver.

Issued this 31st day of December 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-12; Filed, January 2, 1942; 10:56 a. m.]

PART 1032—DIRECT-CONSUMPTION SUGAR

Amendment No. 2 to General Preference Order No. M-55[1] To Conserve the Supply and Direct the Distribution of Direct-Consumption Sugar

(a) Section 1032.1 (*General Preference Order M-55*) is hereby amended as follows:

(1) Paragraph (c) of said section is hereby amended by adding thereto paragraph (c) (7) reading as follows:

§ 1032.1 *General Preference Order M-55.*

* * * * * *

(c) *Restrictions upon receivers.*

* * * * * *

(7) Notwithstanding the limitations of Paragraph (c) (1) of this Order, a Receiver who was not in business two years before the date of any contemplated delivery, and who was in business during the whole of the months of September, October, and November, 1941, may in any one month in 1942 accept delivery of a quantity of direct-consumption sugar equal to 85% of the average of his monthly use or resales in such months of 1941; or, if he was not in business during the whole of such months of 1941, he may in any one month in 1942 accept delivery of a quantity of direct-consumption sugar equal to 85% of the aver-

[1] 6 F.R. 4369.
[2] 6 F.R. 6427, 6650, 6651.

[1] 6 F.R. 6427, 6650, 6651.

age of his monthly use or resales during each of such months of 1941 in which he was in business during the entire month: *Provided, however,* That after the effective date of this Order any such Receiver shall, prior to accepting delivery of direct-consumption sugar, file with the Primary Distributor a representation in writing in substantially the following language, manually signed by a responsible officer:

The undersigned hereby requests delivery of ------ bags of direct-consumption sugar pursuant to paragraph (c) (7) of General Preference Order No. M-55 and hereby represents that he is entitled to such delivery pursuant to the terms of said paragraph of said Order.

Name----------
By----------
(Signature)

This representation shall be in lieu of any representation required by paragraph (d) (2) of this Order and in lieu of filing Form PD-206.

(2) Paragraph (c) of said section is hereby amended by adding thereto paragraph (c) (8) reading as follows:

(8) Notwithstanding the limitations in paragraph (c) (1) (i) but subject to all of the other terms and conditions of this Order, a Receiver who was in business in the calendar month in 1940 corresponding to the calendar month in 1942 in which any delivery of direct-consumption sugar is contemplated, and who did not accept delivery of any direct-consumption sugar in such corresponding calendar month in 1940, may accept delivery of the quantities of direct-consumption sugar permitted by paragraph (c) (1) (ii) of this Order.

(3) Paragraph (d) (2) of said section is hereby amended to read as follows:

(d) *Restrictions on delivery by primary distributors.*

* * * * *

(2) Unless (if such delivery is made after January 15, 1942) such person files a representation in writing with him in substantially the following language manually signed by a responsible officer;

The undersigned has filed with the office of Production Management on the ------ day of ---------- 1942, in connection with the delivery hereby applied for of direct-consumption sugar, the report(s) required by (c) (1) (iii) of General Preference Rating Order M-55. I represent that the facts therein stated are true to the best of my knowledge, information, and belief.

Name ----------
By----------
(Signature)

(b) This amendment shall take effect January 1, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Cong., Third Session, as amended by Public No. 89, 77th Cong., First Session; sec. 9, Public No. 783, 76th Cong., Third Session)

Issued this 31st day of December 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-13; Filed, January 2, 1942; 10:56 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

TIRE RATIONING REGULATIONS

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APPENDIX [1]

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O.P.A. Form R-2: Nontransferable—Certificate for purchase of new tires or tubes.
O.P.A. Form R-3: Proof of sale of used tires or tubes.

Whereas the further importations of crude rubber is imperiled, and

Whereas pursuant to sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session, and sec. 9, Public No. 783, 76th Congress, Third Session, and by Executive Order No. 8629 of January 7, 1941 and Executive Order No. 8875 of August 28, 1941 the Office of Production Management has been created and charged with certain authority and duties with regard to defense and civilian, supply, priorities and allocations, and

Whereas by Executive Order No. 8734 of April 11, 1941 the Office of Price Administration has been created and charged with certain authority and duties with regard to consumer protection, price control, and the prevention of price spiraling, and

Whereas by Supplementary Order No. M-15-c of the Office of Production Management approved by the President and issued on December 27, 1941, and by Rationing Regulation No. 1 issued thereunder, the Office of Production Management has expressly vested in the Office of Price Administration powers and duties with respect to transactions in new rubber tires, casings and tubes,

Now, therefore, by virtue of the authority vested in me by the aforesaid orders and statutes,

It is hereby ordered, That:

Definitions

§ 1315.151 *Definitions.* For the purpose of these regulations—

(a) "Board" means a Local Tire Rationing Board.

(b) "Dealer" means any person selling new rubber tires or tubes from a retail store, outlet, or premises as defined in paragraph (j) of this section.

(c) "State defense council" means any person or body established pursuant to a State statute or State executive order to organize, administer, and direct State defense efforts over a State-wide area.

(d) "Local defense council" means any person or body established pursuant to a State statute or State executive order to organize, administer, and direct State defense efforts within any part of a State or within any political subdivision thereof.

(e) "Mail-order house" means any business establishment which, prior to the issuance of these regulations, conducted a substantial part of its business by soliciting and filling mail orders based on a catalogue issued at regular intervals.

(f) "New" as applied to tires and tubes means a tire or tube that has been used less than 1,000 miles.

(g) "Person" means any individual, partnership, corporation, association, Government, Government agency or subdivision, or other form of enterprise.

(h) "Purchase" means purchase, lease, trade, borrow or accept delivery, shipment or transfer by gift or otherwise.

(i) "Purchaser" means a person making a purchase as defined herein.

(j) "Retail store, outlet or premises" means a store, outlet, or premises from which the transfers of new tires and tubes are made predominantly (at least 51 percentum) direct to consumers.

(k) "Rubber" means compounded liquid latex which on December 11, 1941, had not been processed or mixed in such manner that further processing is necessary to prevent early spoilage, and all forms and types of crude rubber and liquid latex in crude form, and all forms of reclaimed rubber and scrap rubber as well, but does not include balata, gutta percha, gutta sisk, gutta jelutong, and pontianac.

(l) "Supplier" means any manufacturer, wholesaler, distributor or other person not exclusively engaged in selling tires to consumers, who supplies tires to himself or any dealer, as herein defined, for sale to consumers.

(m) "Tire" means any solid rubber tire or, as applied to a pneumatic rubber tire, any casing, capable of being used on any automobile, truck, bus, motorcycle, or farm implement.

(n) "Truck" means any vehicle designed primarily to carry freight, including raw materials, semifinished goods and finished products, including farm products and foods.

(o) "Tube" means any rubber tube capable of being used within a tire casing on any automobile, truck, bus, motorcycle, or farm implement.*

* *§§ 1315.151 to 1315.904, inclusive, issued under the authority contained in sec. 2 (a), Public No. 671, 76th Cong., 3d Sess., as amended by Public No. 89, 77th Cong., 1st sess., sec. 9, Public No. 783, 76th Cong., 3d sess., E.O. 8629, 8734, 8875, Supp. Order M-15-c, Rationing Reg. No. 1, 6 F.R. 191, 1917, 4483, 6792, 6795.

Organization

§ 1315.201 *Personnel.* The tire rationing program established in these regulations by the Office of Price Administration, pursuant to the delegation of power from the Office of Production Management in Supplementary Order No. M-15-c, will be administered by Local Tire Rationing Boards, Local Tire Rationing Administrators, and State Tire Rationing Administrators, all of whom shall be federal employees, serving without compensation, subject to the supervision and control of the Office of Price Administration.*

§ 1315.202 *Eligibility.* Members of Boards, Local Tire Rationing Administrators, and State Tire Rationing Administrators must be eligible to serve as federal employees, without compensation, under state and federal laws.*

§ 1315.203 *Appointment.* Members of boards and Local Tire Rationing Administrators shall be selected by the Local Defense Councils in the areas in which they are to serve and shall be appointed by the Office of Price Administration. State Rationing Administrators shall be selected by the State Defense Councils in the states in which they are to serve and shall be appointed by the Office of Price Administration. Any appointment subject to provisions of these regulations may be terminated at any time by the Office of Price Administration.*

§ 1315.204 *Duties.* The persons appointed to administer the tire rationing program shall have such duties and responsibilities as the Office of Price Administration may from time to time direct.*

§ 1315.205 *Jurisdiction of boards.* Each Board shall have jurisdiction over all vehicles garaged or normally stationed in the area which it has been designated to serve: *Provided, however,* That in certain instances it may act with respect to vehicles normally located outside its jurisdiction subject to the provisions of § 1315.501 (c).*

Tire and Tube Quotas

§ 1315.301 *Prohibition.* (a) The Office of Price Administration shall fix quotas stating the maximum number of new tires and tubes for whose purchase certificates may be issued by boards during a single calendar month. No board shall issue a certificate for the purchase of a new tire or tube in excess of its quota.

(b) Boards may issue certificates for the purchase of obsolete type new tires or tubes, as defined in § 1315.501 (b) without regard to their quotas.*

§ 1315.302 *Monthly quotas to be set by the Office of Price Administration.* (a) The Office of Price Administration will set monthly quotas in terms of passenger car tires, truck and bus tires, and tubes for all classes of eligible vehicles.

(b) The quotas will be specified for each county in a state upon the basis of the registration of commercial vehicles, with appropriate adjustments for such other factors as the Office of Price Administration shall deem necessary.

(c) The quota for each State shall constitute the sum of the quotas allotted to each county within the State.

(d) Ten percentum of the quota for each State shall be withheld by the Office of Price Administration. Of this amount, two per centum of the State quota will be placed in a pool to be administered by the Office of Price Administration for the making of such adjustments as it may deem necessary, as provided in § 1315.309. The remaining eight per centum of the quota for each State shall constitute a pool to be administered by the State Tire Rationing Administrator of such State for the purpose of making necessary adjustments of quotas for counties within the State, as provided in § 1315.308.*

§ 1315.303 *Quotas expire at end of month.* (a) The quotas announced by the Office of Price Administration shall be valid only for the month for which they are set. An unused portion of a monthly quota shall not be carried over into the succeeding month.*

§ 1315.304 *Announcement of quotas.* (a) The Office of Price Administration will announce the quotas for the month of January 1942 prior to January 5, 1942.

(b) Thereafter, the Office of Price Administration will announce the quotas for each ensuing month on the 20th day of the preceding month.*

§ 1315.305 *Allotment of quotas to Board.* (a) The Office of Price Administration will forward to each State Tire Rationing Administrator the monthly quotas for each county within his State, after deducting the ten per centum as provided in § 1315.302 (d).

(b) The State Tire Rationing Administrator shall then forward to each Board its monthly quota, in accordance with the quotas for each county as announced by the Office of Price Administration. If there are two or more boards established within a single county, the State Tire Rationing Administrator shall forward to the Local Tire Rationing Administrator, if one has been appointed, the county quota to allot among the different boards within the county. If no Local Tire Rationing Administrator has been appointed, the State Tire Rationing Administrator shall himself allot the quota among the different boards within the county.*

§ 1315.306 *Boards to remain within quotas.* (a) No Board shall issue a certificate for the purchase of a new tire or a tube in excess of its quota as provided in § 1315.305 (b), or in paragraph (b) of this section.

(b) No Board shall issue a certificate for the purchase of a new tire or a tube in excess of the following limitations:

(1) 25 percent of its monthly quota by the end of the seventh day of the month;

(2) An additional 25 percent (cumulatively 50 percent) by the end of the fourteenth day of the month;

(3) An additional 25 percent (cumulatively 75 percent) by the end of the twenty-first day of the month; and

(4) An additional 25 percent (cumulatively 100 percent) by the end of the last day of the month.*

[1] Information concerning Forms R-1, R-2, and R-3, which were filed as part of the original document, may be obtained by addressing the Office of Price Administration.

§ 1315.307 *Adjustment of quotas to cover special situations.* (a) When a Board having secured proper authorization pursuant to the provisions of § 1315.501 (c) issues a certificate for the purchase of a new tire or tube for a vehicle normally located outside its jurisdiction it shall immediately notify its State Tire Rationing Administrator and the Board normally having jurisdiction over a vehicle of this fact.

(b) The State Tire Rationing Administrator shall immediately augment the Board's quota to the extent of the number of new tires and tubes which the Board authorized the applicant to purchase. If the Board normally having jurisdiction over the vehicle is situated within another State, he shall notify the State Tire Rationing Administrator of that State of these facts.

(c) Upon receiving notice pursuant to paragraph (a) of this section, the Board normally having jurisdiction over the vehicle shall immediately deduct from its quota the number of new tires and tubes which the applicant was authorized to purchase and shall notify its State Tire Rationing Administrator of its action.

(d) The State Tire Rationing Administrator or Administrators shall then make appropriate adjustments of their records.*

§ 1315.308 *Adjustment of county quotas by the State Tire Rationing Administrator.* (a) Where, in the opinion of the State Tire Rationing Administrator, and upon verification by the Boards affected, the quota assigned to any county appears to be excessive or inadequate, he shall make application to the Office of Price Administration for adjustment, stating the full facts of the case. Adjustment shall be made by the State Tire Rationing Administrator in such cases only with the express approval of the Office of Price Administration.

(b) Where a Board believes that because of sudden and immediate emergency the public interest requires that it issue a certificate for the purchase of a new tire or a tube in excess of its partial quota as provided in § 1315.306 (b), but within its overall monthly quota, the Board may make immediate application to the State Tire Rationing Administrator for permission to issue the certificate, setting forth the full facts of the case. The State Tire Rationing Administrator may designate the specific number of new tires or tubes for which such certificate may be issued, but in no case shall any "blanket" authority to exceed such partial quota be granted. This designation shall not increase the monthly quota of the Board.

(c) Where a Board believes that the public interest requires that it issue a certificate for the purchase of a new tire or tube in excess of its over-all monthly quota, the Board may make application to the State Tire Rationing Administrator for authority to issue such certificate, setting forth the full facts of the case. The State Tire Rationing Administrator at his discretion may draw upon the pool provided for by § 1315.302 (d) to augment the quota of such Board for the month involved to the extent necessary to the granting of such certificate. In no case shall the State Tire Rationing Administrator grant blanket authority to exceed a monthly quota, and in no event shall he authorize the granting of a certificate for the purchase of new tires or tubes in excess of the quota held in the pool under his control.

(d) The State Tire Rationing Administrator shall in no case issue certificates himself but the reserve in the pool assigned to him must in every case be assigned to a Board which will issue the certificates.*

§ 1315.309 *Adjustment of State quotas by the Office of Price Administration.* (a) The Office of Price Administration may draw upon the pool provided for in § 1315.302 (d) to adjust the quotas within the different States as it may determine. Each State Tire Rationing Administrator may apply for an allotment from the pool held by the Office of Price Administration to replenish the pool held under his control. Each such application shall be accompanied by a statement setting forth in full the facts giving rise to such application.*

§ 1315.310 *Records.* (a) The State Tire Rationing Administrators, the Local Tire Rationing Administrators and the Boards shall maintain such records in such form as may be required by the Office of Price Administration with respect to the allotment and disposition of quotas.*

Eligibility to Purchase or Transfer New Tires or Tubes

§ 1315.401 *Permitted and prohibited transfers*—(a) *Prohibitions.* Except as provided in paragraphs (b) and (c) of this section, no person shall sell, lease, trade, lend, deliver, ship or transfer new tires or tubes, and no person shall accept any such sale, lease, trade, loan, deliver, shipment or transfer of any such new rubber tires or tubes. The word transfer includes any form of physical transfer, including gifts.

(1) The prohibition in this paragraph (a) applies both to sales and to deliveries. Except as provided by paragraphs (b) and (c), it is unlawful to deliver new tires or tubes to a person even though such person has completed and paid for the purchase or agreement for transfer of new tires or tubes from the person of whom delivery is requested.

(2) The prohibition in this paragraph (a) applies not only to the transfer of tires or tubes from one person to another, but also to the delivery by any person from a factory, warehouse, or other premises to a retail store, outlet or premises whether or not owned, operated or controlled by such person.

(3) Authorizations to manufacturers and distributors to make deliveries prohibited by this section from factories and warehouses to retail stores, outlets and premises may hereafter be granted by the Office of Price Administration. The purpose of such authorization, when granted, will be to enable dealers to replenish inventories of new tires or tubes. In order to accomplish that purpose, permitted shipments to dealers will be based upon certificates and receipts issued pursuant to §§ 1315.601 to 1315.607, inclusive, and to paragraph (c) of this section of these regulations. Such certificates and receipts shall be transmitted by dealers in accordance with instructions which will hereafter be issued by the Office of Price Administration.

(4) The prohibition of this paragraph (a) applies to all new tires and tubes, whether such new tires and tubes are, at the date of the issuance of this order, already manufactured, or whether such new tires or tubes are manufactured in the future.

(b) *Transfers to certificate holders.* Upon the presentation of a certificate issued pursuant to these regulations, sales and other transfers of new tires and tubes may be made only from retail stores, outlets or premises, but this section does not authorize the sale of six-ply or eight-ply tires of a size less than 7.00 x 20, even to certificate holders, unless such tires are of an obsolete type as defined by § 1315.501 (b).

(c) *Transfers without certificates.* (1) Any person selling new tires or tubes exclusively to consumers (which category excludes manufacturers, wholesalers and persons who are both wholesalers and retailers) may transfer such tires or tubes from his warehouse or other premises to his own retail stores, outlets, or premises but he may not transfer any new six-ply or eight-ply tires of a size less than 7.00 x 20 except obsolete type new tires as defined in § 1315.501 (b).

(2) (i) Any dealer regularly engaged in selling new tires or tubes exclusively at retail may, upon obtaining statements as specified in the following paragraph, sell new tires or tubes to (*a*) another dealer; (*b*) the Reconstruction Finance Corporation; (*c*) the Rubber Reserve Corporation; (*d*) the Procurement Divisions of the United States Treasury; or (*e*) a manufacturer of tires or tubes, provided that prior to a sale to a manufacturer written approval for such sale is obtained from the Office of Price Administration in Washington, D. C.

(ii) Any dealer making a sale pursuant to the preceding paragraph shall obtain, in duplicate, a statement from the purchaser, acknowledging the making of the sale, and setting forth the date of the sale, the number of tires and tubes involved, and (in the event of a sale to a manufacturer) the date of written approval by the Office of Price Administration.

(iii) Any dealer who has made sales pursuant to this paragraph (c) (2) during a calendar month shall, on the fifth day of the following calendar month, file with the State defense council for his state a copy of all the statements, received pursuant to the preceding paragraph, covering such sales. The other copy of each such statement shall be kept by the dealer for his records.

(3) (i) Any person may, upon obtaining receipts and statements as specified in the following paragraph, sell, lease, trade, loan, deliver, ship or transfer new tires or tubes to or for the account of the following: (*a*) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development; (*b*) the government of any of the following countries: The United Kingdom, Canada and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia; (*c*) the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to a contract or order placed by any agency of the United States Government under the act of March 11, 1941, entitled "An act to promote the defense of the United States," (Lend-Lease Act); and (*d*) any person holding an A–3 or higher preference rating for such new tires or tubes issued on a PD–3 certificate, provided that the person holding such preference rating shall also possess and deliver a statement signed by the official who countersigned such PD–3 certificate stating that the vehicle on which the new tires or tubes are to be used, was, during the 6 months period preceding the issuance of the statement, engaged to the extent of 75 percent or more in work done for the Army or Navy of the United States, and further setting forth the date of issuance of the PD–3 certificate.

(ii) Any person making any transfer (whether by sale, lease, trade, loan, delivery, shipment or other transfer) pursuant to the preceding paragraph, shall obtain from the purchaser, in triplicate, a receipt which acknowledges the receipt and date of receipt of the tires and tubes involved and sets forth (*a*) the number and sizes of the tires and tubes received; (*b*) the name and address of the seller; (*c*) the correct name of the purchaser, whether a government, government agency, corporation or other person, and the address of the purchaser; and (*d*) if the purchase is not made by an individual but is made on behalf of the purchaser by a person who is an officer or duly authorized agent of the purchaser, the name and position of such person. In the event of a transfer pursuant to subparagraph (3) (i) (*d*), to a person holding an A–3 or higher preference rating, the person making the transfer shall also obtain the statement signed by the official, which statement is referred to in subparagraph (3) (i) (*d*).

(iii) Any person who has made transfers pursuant to this paragraph (c) (3) during a calendar month shall, on the fifth day of the following calendar month, file with the State defense council for his State one copy of all the receipts and statements received, pursuant to the preceding paragraph, covering all such transfers, except that manufacturers making such transfers from factories or branch warehouses shall file such copies with the Office of Price Administration, Washington, D. C. One other copy of each such receipt and statement shall be kept by the person making the transfer for his records. The other copy shall be kept and used, upon instructions hereafter issued by the Office of Price Administration, as a basis for replenishing stocks.

(4) Any person may sell new tires and tubes, excluding spares, as a part of the original equipment of a new vehicle provided that (i) such tires and tubes are affixed to such vehicle at the time of their sale, (ii) such tires are not six-ply or eight-ply tires of a size less than 7:00 x 20 unless included within obsolete type tires as defined in § 1315.501 (b) and (c) such sale is not prohibited by the terms of any order of the Office of Production Management.*

§ 1315.402 *Eligibility for certificate*—(a) *Certificate for tires and tubes not of obsolete type.* A certificate entitling the holder to acquire new tires and tubes, other than obsolete type new tires and tubes as defined in § 1315.501 (b) of these regulations, may be issued only to such persons as establish that they meet the requirements of both §§ 1315.403 and 1315.404.

(b) *Certificate for obsolete type tires and tubes.* A certificate entitling the holder to acquire new tires and tubes of an obsolete type, as defined in § 1315.501 (b) of these regulations may be issued to such persons as establish that they meet the requirements of § 1315.403 (b) and (c) of these regulations.*

§ 1315.403 *Establishment of need.* Except in the case of obsolete type tires or tubes, boards may issue certificates only to applicants who show: [1]

(a) That the vehicle on which the new tire or tube is to be mounted cannot be replaced by a vehicle owned or operated by or subject to the control of the applicant, which is equipped with serviceable tires and tubes and which is not fully employed for one or more of the purposes specified in § 1315.404.

[1] The manner in which an applicant for a certificate is to make the showings required by §§ 1315.403 and 1315.404 is set out in §§ 1315.501 to 1315.503 of these regulations. To the extent that the facts required to be shown by § 1315.403 can be established by inspection of tires or tubes to be replaced, such inspection is to be made in accordance with the provisions of § 1315.504.

(1) If the applicant owns, operates, or controls vehicles equipped with serviceable tires other than the vehicle for which new tires or tubes are requested, he must show that all such other vehicles are fully employed for purposes specified in § 1315.404. If an applicant fails to establish this fact, he thus fails to establish that he needs new tires or tubes to enable him to perform services within the permitted classes established by § 1315.404 and he must be denied a certificate.

(b) That the new tire or tube is to be installed at once on a wheel or rim to replace a tire or tube no longer serviceable.

(1) If an applicant still has tires or tubes which are serviceable, he is not entitled to purchase new tires or tubes. If the applicant fails to establish that new tires or tubes are necessary at once to enable the applicant to continue to furnish services permitted by § 1315.404, he fails to establish a need for tires or tubes and must be denied a certificate.

(c) That the new tire or tube, when added to other tires or tubes in the applicant's possession, whether or not such tires or tubes are mounted on a vehicle, does not add up to more than one spare tire or tube of a given size for each eligible vehicle.

(1) No person is entitled to more tires or tubes than are absolutely necessary to operate eligible vehicles (that is, vehicles operated for the purposes specified in § 1315.404). If the applicant already has enough tires to equip the vehicles to be used for purposes specified in § 1315.404 whether such tires or tubes are not in use or are in use on vehicles not used for one of the purposes specified in § 1315.404, the applicant fails to establish a sufficient need for tires or tubes and must be denied a certificate. Under these circumstances he can satisfy his needs by tires or tubes taken out of his stock or inventory or removed by him from vehicles not operated for purposes specified in § 1315.404.

(d) That the existing tires or tubes cannot be recapped, retreaded, or repaired for safe use at speed at which the applicant may reasonably be expected to operate, or that such recapping, repairing, or retreading cannot be obtained without inordinate delay.

(1) If the applicant can get his present tire retreaded, recapped or repaired without inordinate delay, he is required to do so. If he fails to establish that his old tire or tube cannot be made serviceable, he fails to establish his need for new tires or tubes and must be denied a certificate.

(2) If retreading or recapping means that the tire cannot be safely used at speeds required by an applicant, such as on a police car or ambulance, the applicant need not get his tire recapped or retreaded.

(3) Inordinate delay depends upon the facts of the case and the situation in the community. A week's delay for a normal commercial use would usually not be inordinate, while a week's delay in getting a police car into operation might be inordinate.

(e) That the applicant agrees to trade in replaced tires or tubes on new tires or tubes purchased with any certificate granted him, or if the applicant purchases a tire or tube by mail from a mail order house, that the applicant will within 5 days from receipt of such tire or tube sell the replaced tire or tube to a dealer.

(1) Unless the applicant agrees to trade in or sell his replaced tire or tube at the time when new tires or tubes are purchased, he must be denied a certificate.*

§ 1315.404 *Eligible vehicles.* Except in the case of obsolete type tires or tubes, the Board shall not issue a certificate unless the applicant meets all the requirements of § 1315.403, and, in addition, shows that the new tire or tube for which application is made is to be mounted:

(a) On a vehicle which is operated by a physician, surgeon, or visiting nurse, or a veterinary and which is used principally for professional services.

(1) The local board shall issue certificates for vehicles in this class only to doctors, nurses and veterinaries (which for purposes of certificates shall include only farm veterinaries) whose professional practice is to make regular calls outside their offices, and use automobiles

(iii) No vehicle equipped with tires or tubes for which a certificate has been granted shall be used by the officials in charge of fire fighting services unless they are actually engaged in directing fire fighting work, except as provided in ii hereof.

(2) To maintain necessary public police services.

(i) In issuing certificates under paragraph (c) (2) the local board shall be governed by the necessity of keeping the uniformed force and essential nonuniformed personnel of any Federal, State, or local police force in a position to render efficient service in the prevention and detection of crime.

(ii) Certificates shall not be issued for vehicles to perform police services, if such services can be performed without the use of motor vehicles. No police department shall use motor vehicles equipped with tires or tubes for which a certificate has been issued for licensing or inspection duties, when regular public transportation will serve.

(iii) No vehicle equipped with tires or tubes for which a certificate has been issued shall be used to convey police officials to or from their usual stations, except in case of emergency, nor shall such vehicles be used for official convenience, when public means of transportation will serve.

(iv) Vehicles for which certificates are issued under this paragraph (c) (2) may be used for any other purpose in this paragraph (c), but a statement of the additional purposes for which the vehicle is to be used shall be included in the application.

their usual stations, except in case of emergency or for official convenience, when public means of transportation will serve.

(iv) Vehicles for which certificates are issued under this paragraph (c) (3) may be used for any other purpose, stated in this paragraph (c), but a statement of the additional purposes for which the vehicle is to be used shall be included in the application.

(4) To maintain garbage disposal and other sanitation services.

(i) Certificates for new tires or tubes may be issued for any vehicle essential to dispose of refuse of various kinds, to operate sewage systems, and for similar purposes.

(ii) No certificate shall be issued for passenger cars to be used by administrative personnel concerned with garbage disposal or sanitation services, except to the extent provided in paragraph (c) (3). New tires or tubes shall be issued only for vehicles actually used to transport garbage and other refuse, to clean and repair sewers, and for similar purposes.

(iii) Vehicles for which certificates are issued under this paragraph (c) (4) may be used for any other purpose stated in this paragraph (c), but a statement of the additional purposes for which the vehicle is to be used shall be included in the application.

(5) To maintain mail services.

(i) The local boards may issue certificates for vehicles to be used for the transportation of mail by, or under a contract with, the United States.

(ii) A vehicle equipped with tires or

(3) Inordinate delay depends upon the facts of the case and the situation in the community. A week's delay for a normal commercial use would usually not be inordinate, while a week's delay in getting a police car into operation might be inordinate.

(e) That the applicant agrees to trade in replaced tires or tubes on new tires or tubes purchased with any certificate granted him, or if the applicant purchases a tire or tube by mail from a mail order house, that the applicant will within 5 days from receipt of such tire or tube sell the replaced tire or tube to a dealer.

(1) Unless the applicant agrees to trade in or sell his replaced tire or tube at the time when new tires or tubes are purchased, he must be denied a certificate.

§ 1315.404 *Eligible vehicles.* Except in the case of obsolete type tires or tubes, the Board shall not issue a certificate unless the applicant meets all the requirements of § 1315.403, and, in addition, shows that the new tire or tube for which application is made is to be mounted:

(a) On a vehicle which is operated by a physician, surgeon, or visiting nurse, or a veterinary and which is used principally for professional services.

(1) The local board shall issue certificates for vehicles in this class only to doctors, nurses and veterinaries (which for purposes of certificates shall include only farm veterinaries) whose professional practice is to make regular calls outside their offices, and use automobiles to make their professional calls.

(2) No certificate shall be issued unless the doctor, nurse, or farm veterinary applying shows that the particular car on which the tire or tube is to be mounted is actually used for professional calls and is used principally for that purpose.

(b) *On an ambulance.*

(1) A certificate for new tires or tubes may be issued for any vehicle used principally as an ambulance.

(c) On a vehicle used exclusively for one or more of the following purposes:

(1) To maintain fire fighting services.

(i) A certificate for new tires or tubes may be issued for any fire fighting apparatus, including such vehicles as ladder trucks, chemical trucks, and hose trucks.

(ii) A certificate may be issued for other kinds of cars and trucks actually used for fire fighting, including trucks without special fire fighting equipment, and passenger cars, if the Board is satisfied that the vehicles in question will be used only to fight fires, or to fight fires and to perform some other service included in this paragraph (c). A statement of the additional purposes for which the vehicle is to be used shall be stated in the application for a certificate.

(iii) No vehicle equipped with tires or tubes for which a certificate has been granted shall be used by the officials in charge of fire fighting services unless they are actually engaged in directing fire fighting work, except as provided in ii hereof.

(2) To maintain necessary public police services.

(i) In issuing certificates under paragraph (c) (2) the local board shall be governed by the necessity of keeping the uniformed force and essential nonuniformed personnel of any Federal, State, or local police force in a position to render efficient service in the prevention and detection of crime.

(ii) Certificates shall not be issued for vehicles to perform police services, if such services can be performed without the use of motor vehicles. No police department shall use motor vehicles equipped with tires or tubes for which a certificate has been issued for licensing or inspection duties, when regular public transportation will serve.

(iii) No vehicle equipped with tires or tubes for which a certificate has been issued shall be used to convey police officials to or from their usual stations, except in case of emergency, nor shall such vehicles be used for official convenience, when public means of transportation will serve.

(iv) Vehicles for which certificates are issued under this paragraph (c) (2) may be used for any other purpose in this paragraph (c), but a statement of the additional purposes for which the vehicle is to be used shall be included in the application.

(3) To enforce such laws as relate specifically to the protection of public health and safety.

(i) Certificates shall be issued under this paragraph (c) (3) only for vehicles essential for the performance of the law enforcement services specifically provided for by this paragraph. The inspection of buildings, of the establishments of sellers and producers of food, and the discharge of similar duties do not in most instances require the use of motor vehicles. Certificates shall under no circumstances be issued for vehicles for the performance of services which can be performed satisfactorily by inspectors and other officers using means of transportation available to the general public.

(ii) This paragraph provides only for law enforcement services which relate directly to the protection of the public from accident and disease. New tires or tubes are not to be made available for any law enforcement functions other than those performed by the regular police force, as provided in the preceding paragraph (c) (2), and the protection of the public health and safety, provided for by paragraph (c) (3).

(iii) No vehicle equipped with tires or tubes for which a certificate has been issued shall be used to convey public health and safety officials to and from their usual stations, except in case of emergency or for official convenience, when public means of transportation will serve.

(iv) Vehicles for which certificates are issued under this paragraph (c) (3) may be used for any other purpose, stated in this paragraph (c), but a statement of the additional purposes for which the vehicle is to be used shall be included in the application.

(4) To maintain garbage disposal and other sanitation services.

(i) Certificates for new tires or tubes may be issued for any vehicle essential to dispose of refuse of various kinds, to operate sewage systems, and for similar purposes.

(ii) No certificate shall be issued for passenger cars to be used by administrative personnel concerned with garbage disposal or sanitation services, except to the extent provided in paragraph (c) (3). New tires or tubes shall be issued only for vehicles actually used to transport garbage and other refuse, to clean and repair sewers, and for similar purposes.

(iii) Vehicles for which certificates are issued under this paragraph (c) (4) may be used for any other purpose stated in this paragraph (c), but a statement of the additional purposes for which the vehicle is to be used shall be included in the application.

(5) To maintain mail services.

(i) The local boards may issue certificates for vehicles to be used for the transportation of mail by, or under a contract with, the United States.

(ii) A vehicle equipped with tires or tubes for which a certificate has been issued under this paragraph (c) (5) may be used for any of the other purposes in this paragraph (c) but a statement of the additional purposes for which the vehicle is to be used shall be included in the application for a certificate.

(d) On a vehicle, with a capacity of 10 or more passengers, operated exclusively for one or more of the following purposes.

(1) Transportation of passengers as part of the services rendered to the public by a regular transportation system.

(i) Certificates may be issued under this paragraph (d) (1) only for vehicles, performing necessary transportation service along regular routes or with regular schedules, from which the general public may obtain service upon payment of a standard fare.

(ii) No certificate shall be issued for a vehicle on which the general public cannot obtain transportation, except to the extent provided for in paragraphs (d) (2) and (d) (3).

(iii) Vehicles for which certificates are issued under this paragraph (d) (1) may be used for any other purpose in this paragraph (d) but a statement of the additional purposes for which the vehicle is to be used shall be included in the application.

(2) Transportation of students and teachers to and from school.

(i) Certificates shall be issued under this paragraph (d) (2) only for school busses. A school bus will not lose its character as such because it is used to transport other employees of the school as well as teachers.

(ii) No vehicle equipped with tires or tubes for which certificates have been granted shall be used for excursions of any character. Transportation shall be provided only from the homes of students and teachers or from regular school bus stops to the regular places of instruction.

(iii) Vehicles for which certificates are issued under this paragraph (d) (2) may be used for any other purpose stated in this paragraph (d), but a statement of the additional purposes for which the vehicle is to be used shall be included in the application.

(3) Transportation of employees to or from any industrial or mining establishment or construction project, except when public transportation facilities are readily available.

(i) Certificates shall be issued under this paragraph (d) (3) only for busses used to transport workers to places of employment which cannot be easily reached by means of transportation available to the public. No certificate shall be issued where the workers can conveniently reach the place of employment, or go from place to place while on the job, by using public transportation facilities.

(ii) The local boards may issue certificates under this paragraph (d) (3) where, although public transportation facilities exist, such facilities are inadequate to provide reliable and rapid transportation essential to uninterrupted production.

(iii) Vehicles for which certificates are issued under this paragraph (d) (3) may be used for any other purpose stated in this paragraph (d), but a statement of the additional purposes for which the vehicle is to be used shall be included in the application.

(e) On a truck operated exclusively for one or more of the purposes stated in the preceding sections or for one or more of the following purposes:

(1) Transportation of ice and of fuel.

(i) In issuing certificates under this paragraph (e) (1), the local board shall be governed by the necessity for preserving public health and maintaining industrial production.

(ii) A truck for which certificates are issued under this paragraph (e) (1) may be used for any other purpose stated in this paragraph (e) or for any of the purposes stated in paragraphs (a), (b), (c), and (d), but a statement of the additional purposes for which the truck is to be used shall be included in the application for a certificate.

(2) Transportation of material and equipment for the building and maintenance of public roads.

(i) Because of the importance of public roads to the functioning of the industrial and military system, certificates may be issued for trucks, snow plows and similar equipment to be used for the building and maintenance of public roads.

(ii) A truck for which a certificate is issued under this paragraph (e) (2) may be used for any other purpose stated in this paragraph (e), or for any of the purposes stated in paragraphs (a), (b), (c), and (d), but a statement of the additional purposes for which the truck is to be used shall be included in the application for a certificate.

(3) Transportation of material and equipment for the construction and maintenance of public utilities.

(i) For the purposes of this subsection the term "public utilities" shall include gas, electric, and water supply systems, telephone and telegraph systems, transportation systems the facilities of which are available to the general public (railroads, airlines, street car lines, etc.) and similar public service institutions, whether publicly or privately operated.

(ii) Certificates may be issued for any truck used to transport supplies, material and equipment for the construction, maintenance and repair of public utilities, as defined above.

(iii) A truck for which a certificate is issued under this paragraph (e) (2) may be used for any other purpose stated in this paragraph (e), or for any of the purposes stated in paragraphs (a), (b), (c), and (d), but a statement of the additional purposes for which the truck is to be used shall be included in the application for a certificate.

(4) Transportation of material and equipment for the construction and maintenance of production facilities.

(i) In issuing certificates under this paragraph (e) (4), the local board is to adhere strictly to the requirement that trucks are to be granted new tires or tubes only to transport materials, supplies, and equipment for the construction and maintenance of factories, mines and similar production establishments.

(ii) A truck for which a certificate is issued under this paragraph (e) (4) may be used for any other purpose stated in this paragraph (e), or for any of the purposes stated in paragraphs (a), (b), (c), and (d), but a statement of the additional purposes shall be included in the application for a certificate.

(5) Transportation of material and equipment for the construction of defense housing facilities and military and naval establishments.

(i) Certificates may be issued under this paragraph (e) (5) for trucks not owned by the Army or Navy to be used in the construction of new housing facilities, to be occupied principally by workers in defense plants, and in the construction of cantonments, navy yards, docks and other military and naval establishments directly controlled by the armed forces of the United States.

(ii) A truck equipped with tires or tubes for which a certificate has been issued under this paragraph (e) (5) may be used for any of the purposes stated in paragraphs (a), (b), (c), and (d) but a statement of the additional purposes shall be included in the application for a certificate.

(6) Transportation essential to render roofing, plumbing, heating, and electrical repair services.

(i) Certificates may be issued for trucks to be used in rendering these essential repair services: roofing, plumbing, heating, and electrical repair services. These services may be performed on any buildings and houses whether or not designed in paragraph (c) (5) or elsewhere in this section.

(ii) A truck equipped with tires or tubes for which a certificate has been issued under this paragraph (e) (6) may be used for any other purpose stated in this paragraph (e) or for any of the purposes stated in paragraphs (a), (b), (c), and (d), but a statement of the additional purposes for which the truck is to be used shall be included in the application for a certificate.

(7) Transportation by any common carrier.

(i) For the purpose of this paragraph (e) (7), the term "common carrier" shall include any carrier of freight by rail, motor, or water (using trucks to render a part of its services), required by law to furnish services to the general public at standard rates, fixed in advance.

(ii) For the purpose of this paragraph (e) (7), the term "common carrier" shall not include any carrier which renders services only to persons whom it chooses as its customers or on terms separately arranged for each customer, and for each service it renders.

(iii) A certificate may be issued for any truck used by a common carrier to render freight services.

(iv) A vehicle for which a certificate is issued under this paragraph (e) (7) may be used for any other purpose stated in this paragraph (e) or for any of the purposes stated in paragraphs (a), (b), (c), and (d), but a statement of the additional purposes for which the vehicle is to be used shall be included in the application for a certificate.

(8) Transportation of waste and scrap materials.

(i) Certificates may be issued under this paragraph (e) (8) for trucks which are to be used for transporting waste and scrap materials, including waste paper, scrap-iron, scrap rubber, and similar

commodities which may be reused in production.

(ii) A vehicle equipped with tires or tubes for which a certificate has been issued under this paragraph (e) (8) may be used for any other purpose stated in this paragraph (e), or for any of the purposes stated in paragraphs (a), (b), (c), and (d), but a statement of the additional purposes for which the vehicle is to be used shall be included in the application for a certificate.

(9) Transportation of raw materials, semimanufactured goods, and finished products, including farm products and foods, provided that no certificate shall be issued for a new tire or tube to be mounted on trucks used (a) for the transportation of commodities to the ultimate consumer for personal, family, or household use; or (b) for transportation of materials for construction and maintenance except to the extent specifically provided by subdivisions 2, 3, 4, 5, and 6 of this paragraph (e).

(i) Certificates may be issued for trucks used to transport raw materials, semimanufactured goods, and finished products, including farm products and foods, except (a) transportation of commodities to the ultimate consumer for personal, family, or household use; and (b) transportation of materials for construction and maintenance except to the extent provided by paragraphs 2, 3, 4, 5, and 6 of this subdivision (e).

(ii) No truck equipped with tires or tubes for which a certificate has been issued shall be used to deliver milk or other foods to a consumer for personal, family, or household use, or to make such deliveries of other commodities for a department store, grocery store, or similar sales outlet.

(iii) No truck equipped with tires or tubes for which a certificate has been issued shall be used for the transportation of materials for construction or maintenance, except to the limited extent provided in subdivisions 2, 3, 4, 5, and 6 of this paragraph (e).

(iv) A truck for which a certificate has been issued under this paragraph (e) (9) may be used for any other purpose stated in this paragraph (e) or for any of the purposes stated in paragraphs (a), (b), (c), and (d), but a statement of the additional purposes for which the truck is to be used shall be included in the application.

(f) On farm tractors or other farm implements, other than automobiles or trucks, for the operation of which rubber tires or tubes are essential.

(1) Certificates may be granted for farm tractors and other farm implements for the operation of which rubber tires or tubes are essential.

(2) Nothing in this paragraph (f) shall be construed to permit the issuance of a certificate for rubber tires or tubes when the tractor or other implement can operate or can be adapted to operate without such tires or tubes.

(g) On industrial, mining, and construction equipment, other than automobiles or trucks, for the operation of which rubber tires, casings or tubes are essential.

(1) Certificates may be issued for industrial, mining, and construction equipment, including such equipment as derricks, bulldozers, and drills, for the operation of which rubber tires or tubes are essential.

(2) Nothing in this paragraph (g) shall be construed to permit the issuance of a certificate when the equipment can operate or can be adapted to operate without such tires or tubes.*

Applications for Certificates

§ 1315.501 *Application for authority to purchase tire or tube.* (a) Any person who believes that his vehicle comes within one of the classifications set forth in § 1315.404 may file with the Board an application for authority to purchase new tires or tubes not of an obsolete type.

(b) Any person who operates a vehicle using new tires or tubes of an obsolete type may file with the Board an application for authority to purchase new tires or tubes of an obsolete type. As here used the words "obsolete type" refer to tires and tubes of the following sizes, and no others:

525–19.	450–21.
525–550–19.	475–21.
550–19.	500–21.
600–19.	525–21.
600–650–19.	600–21.
650–19.	650–21.
700–19.	700–21.
750–19.	500–22.
450–20.	600–22.
475–20.	750–14.
450–474–500–20.	30 x 3.
500–20.	30 x 3½.
525–20.	31 x 4
550–20.	32 x 4.
600–20.	33 x 4.
600–650–20.	32 x 4½.
650–20.	33 x 4½.
440–450–21.	34 x 4½.
440–21.	

(c) No person shall file an application for authority to purchase new tires or tubes for a vehicle with a Board which does not have jurisdiction over the vehicle, except in the event (1) that it should become necessary to obtain a new tire or tube for the safe operation of the vehicle and (2) that an application cannot practicably be made to the Board normally having jurisdiction over the vehicle. In such event an application may be filed with the Board having jurisdiction over the area in which the vehicle is temporarily located. This Board shall consider the application only if it is authorized to do so by the Board normally having jurisdiction over the vehicle. The procedure applicable in the event that such an application is granted is set forth in § 1315.307. In the event the application is rejected, the Board normally having jurisdiction over the vehicle should be notified of this fact at once.*

§ 1315.502 *Form of application.* Applications for new tires and tubes must be made on O.P.A. Form R–1 a copy of which is set forth in the appendix to these regulations.[1] Copies of O.P.A. Form R–1 will be distributed to and can be obtained from Tire Rationing Boards, tire dealers, police stations, and post offices. O.P.A. Form R–1 may be reproduced by any person, provided that no change is made in the size, style and content thereof. A separate application must be made for each vehicle for which new tires or tubes are desired.*

§ 1315.503 *Preparation of application.* (a) In preparing his application the applicant shall use ink, typewriter, or indelible pencil, and conform with the following instructions:

(1) *Name of applicant.* (i) An individual shall state his given name, middle name, and surname. In all cases where an individual regularly doing business under a trade name makes an application, he shall state, in addition to his name, the trade name under which he is doing business; for example, John James Doe, doing business as Doe Trucking Co.

(ii) A partnership shall state the trade name regularly used by such partnership and the fact that it is a partnership; for example, Doe & Roe Transportation Co., a partnership.

(iii) A corporation shall give its full name as it appears on its corporate charter; for example, Doe Transportation Co., Inc..

(iv) A State or any political subdivision thereof shall state its name; for example, the State of Wisconsin; Village of Winnetka, Ill.

(v) A Federal department or agency shall state its name; for example, United States Department of Labor. If a branch thereof, the name of the branch shall be given; for example, Chicago Regional Office of the United States Department of Labor.

(2) *Addresses and telephone numbers of applicant.* (i) An individual shall state his business or office address and telephone number thereof.

(ii) A partnership shall state the address and telephone number of its principal office and the address and telephone number of at least one place of business of the partnership within the area administered by the Board.

(iii) A corporation shall state the address and telephone number of its principal office and the address and telephone number of at least one place of business of the corporation within the area administered by the Board.

(iv) A State or any political subdivision thereof shall state the address and telephone number of at least one of its offices within the area administered by the Board.

[1] See note at end of document.

(v) A Federal department or agency shall state the address and telephone number of the office within the area administered by the Board.

(vi) If there is no place of business or office within the area administered by the board, although the vehicle is garaged or stationed within that area, the applicant shall state the address of the place of business or office nearest the place where the vehicle is garaged or stationed.

(3) *Certification by applicant.* The applicant shall certify the facts stated in the application, in the manner and form provided for such certification. In executing the certification:

(i) An individual shall sign his full name. In cases where an individual does business under a trade name, he shall set forth such trade name following his signature; for example, "John Doe doing business as Doe Transportation Company."

(ii) A partnership shall set forth the name of the partnership followed by the legend, "a partnership," following which a partner, or a duly authorized agent of the partnership shall sign his name, giving his position, preceded by the word "by"; for example, "Doe Transportation Company, a partnership, by John James Doe, a partner"; or, "Doe Transportation Company, a partnership, by Richard Doe, Store Manager, its duly authorized agent."

(iii) A corporation shall set forth the full name of the corporation as it appears on its charter, followed by the legend, "a corporation," following which an officer of the corporation, or a duly authorized agent thereof, shall sign his name, giving his position, preceded by the word "by"; for example, "Doe Transportation Company, Inc., a corporation, by John James Doe, President"; or "Doe Transportation Company, Inc., a corporation, by Richard Roe, Truck Superintendent, its duly authorized agent."

(iv) A State or political subdivision thereof shall set forth its name, followed by the signature of an officer or duly authorized representative, giving his position, preceded by the word "by"; for example, "State of ----------, by John James Doe, Superintendent of Highways."

(v) A Federal department or agency or branch thereof shall set forth its name followed by the signature of an officer authorized by law to make purchases, who shall also state his position.*

§ 1315.504 *Inspection.* No application for authority to purchase a new tire or tube shall be filed until an inspection of the tires or tubes already on the vehicle shall have been made by an inspector duly authorized by a Tire Rationing Board to make such inspections. Inspection of tubes on such vehicle may be limited to the tube or tubes which the applicant seeks authority to replace by purchase of a new tube or tubes. The inspector shall fill in all the information and facts required in the "Certification By Inspector" which is a part of O.P.A. Form R–1 and shall certify the information and facts, provided in the certification by signing his name thereto. The applicant shall not pay any compensation to the inspector for such inspection: *Provided,* That a sum not to exceed fifty cents ($0.50) may be paid the inspector, or any other person, for the service of removing and replacing a tire if same is required for purposes of inspection, although not for the service of inspecting the tire.*

§ 1315.505 *Action by the Board upon applications other than for obsolete type new tires or tubes*—(a) *Satisfaction of requirements.* Upon receiving an application for a certificate of permission to purchase tires or tubes other than obsolete type tires or tubes, as defined in § 1315.501 (b), the Board shall satisfy itself that the applicant has properly executed his application, including all the agreements therein contained, that all the facts stated in the application are true, and that the applicant has satisfied all the requirements and conditions specified by §§ 1315.402, 1315.403, and 1315.404.

(b) *Allotment by the Board.* (1) The Board shall not approve an application unless it finds that all the facts and conditions specified above exist, but in no event shall the Board authorize the purchase of a new tire or tube in excess of its quota as provided in § 1315.306.

(2) If the Board has before it applications which in its judgment satisfy the requirements of this section, but which together call for the allotment of new tires or tubes in excess of the quota of the Board, the Board shall be governed, in determining which of the competing needs are to be satisfied, by the relative importance from the standpoint of locally known circumstances, to the war program, public safety, health, and morale, of the operation of a vehicle in one use as compared with the importance of the operation of a vehicle in another use.*

§ 1315.506 *Action by the Board upon applications for obsolete type new tires and tubes*—(a) *Satisfaction of requirements.* Upon receiving an application for a certificate of permission to purchase obsolete type new tires or tubes, as defined in § 1315.501 (b) the Board shall satisfy itself that the applicant has properly executed his application, including all the agreements therein contained, that all the facts stated in the application are true, and that the applicant has satisfied the requirements of §§ 1315.402 and 1315.403 applicable to obsolete type new tires or tubes.

(b) *Allotment by the Board.* The allotment of obsolete type new tires or tubes is not limited by a quota and the Board may allot obsolete type new tires or tubes to all applicants who otherwise satisfy the requirements of these regulations.*

§ 1315.507 *Basis for Board consideration.* The determination as to whether or not all such facts and conditions exist shall be made upon the basis of the application and all other information which comes to the knowledge of the Board. In acting upon applications, the Board shall observe all the regulations herein contained and all additional regulations from time to time hereafter promulgated by the Office of Price Administration. The Board shall at all times serve the objectives sought to be accomplished by the tire rationing program and allocate new tires and tubes to the most vital civilian uses and to uses essential to the war effort. The Board may, in its discretion, request the applicant or his authorized representative to appear in person at a designated time at the office of the Board to answer pertinent questions.*

§ 1315.508 *Notation of reasons for action.* When the Board determines that an application shall be granted, the reasons therefor shall be noted upon the application, together with the number of new tires and tubes allotted to the applicant.

In all cases where an application is refused, the reasons for such refusal shall be noted upon the application.*

Tire and Tube Certificates

§ 1315.601 *Notification.* After acting upon an application the Board shall notify the applicant of its decision. In cases where the Board authorizes an applicant to purchase new tires or tubes, the Board shall immediately issue to such applicant a nontransferable certificate for the purchase of new tires and tubes. No certificate shall be issued authorizing the purchase of more tires or tubes than have been allotted for one vehicle by the Board.*

§ 1315.602 *Form of certificate.* (a) The nontransferable certificate for the purchase of new tires and tubes is O.P.A. Form No. R–2, a copy of which is set forth in the appendix to these Regulations.[1] The certificates shall be serially numbered and shall be divided into four parts each bearing the same serial number; (1) a part to be retained by the dealer as a record which shall be designated as part A; (2) a part to be retained by the dealer as the basis for replenishing his stocks which shall be designated as part B; (3) a part to be forwarded by the dealer to the Board which has issued the certificate, which shall be designated as part C; and (4) a part to be given by the dealer to the purchaser, which shall be designated as part D.*

§ 1315.603 *Execution by issuing Board.* It shall be the responsibility of the Board prior to issuing a certificate, to fill in parts A and B of the certificate setting forth the information required. It shall also be the responsibility of the Board to indicate on parts C and D of the certificate issued the number of the Board and its address. No tire certificate will

[1] See note at end of document.

be valid unless part A is signed by two members of the issuing Board. Prior to delivering the certificate to the applicant, the Board shall require the applicant or his agent to sign the certificate in the presence of a member or the clerk of the Board. When all of the foregoing steps have been taken by the issuing Board, the Board shall deliver the certificate to the applicant or his agent.*

§ 1315.604 *Action by purchaser.* Upon receiving the complete tire certificate so executed, the applicant may, within 30 days from the date of issue, purchase the tires and tubes specified upon the certificate from any dealer at a price not in excess of the maximum price established by the Office of Price Administration. To purchase a new tire or tube the applicant must present to the dealer all parts of the certificate in the form in which it was given to him by the issuing Board. If the purchase is made from a dealer, other than a mail-order house, the applicant must at the time of presenting the certificate deliver in trade to the dealer the tire or tube which is to be replaced by the new tire or tube which he is purchasing. If the purchase is made by mail from a mail-order house the applicant within 5 days after receiving the new tire or tube must sell the replaced tire or tube to a dealer and file O.P.A. Form No. R-3 a copy of which is set forth in the appendix to these regulations[1] with the Tire Rationing Board which issued the certificate. If the purchaser is unable to buy from any dealer all of the new tires or tubes which he has been authorized to purchase by a certificate, he may return the certificate to the issuing Board and the Board shall

his stock, and shall use this portion of the certificate as directed by the Office of Price Administration. The dealer shall complete and return part C to the issuing Board within three days from the date of sale. Part D shall be given by the dealer to the purchaser, who shall retain it as a permanent record in accordance with the record-keeping provisions of these regulations.

No dealer shall deliver a new tire or tube even to a person holding a certificate except upon receiving the used tire or tube replaced by the purchase and no such delivery shall be made at a price in excess of the maximum price established by the Office of Price Administration.*

§ 1315.606 *Action by mail-order house.* In the case of a purchase by mail from a mail-order house the purchaser is not required to sign part C of the tire certificate. At the time of shipping the new tire or tube an authorized agent of the mail-order house shall fill in the parts of part A, part C, and part D which have not been completed by the issuing board and sign the certification upon part C. The mail-order house is authorized to ship the new tire or tube only to the name and address appearing in items (4) and (5) upon the certificate. Mail-order houses are required to exercise great care to comply with this requirement. The mail-order house shall retain part A of the certificate as its permanent record in accordance with the record keeping provisions of these regulations. The mail-order house shall keep part B of the certificate which may be used as a basis for replenishing its stock

cate as will be directed by the Office of

Appeals

§ 1315.701 *Grounds for appeals.* (a) Any person who is aggrieved by an action of a local tire rationing board and who believes that the decision is in conflict with Supplementary Order No. M-15-c, or with the rules and regulations of this Office issued thereunder, may file an appeal from such action with the State Tire Rationing Administrator.*

§ 1315.702 *Filing of appeals.* (a) An appeal from an action taken by a Board may be filed only within thirty days after such action has been taken.

(b) The person taking an appeal must file a statement in writing and under oath setting forth the specific section of the order or rules or regulations which he believes to be inconsistent with the action taken by the Board and stating in full the facts on which he grounds his appeal.*

§ 1315.703 *Action on appeals.* (a) The State tire rationing administrator may require the Board to furnish pertinent information with respect to any appeal pending before him.

(b) If the State tire rationing administrator finds that the action taken by the Board is consistent with the order and the rules and regulations issued thereunder he shall so advise the person who filed the appeal and the Board.

(c) If the State tire rationing administrator finds that the action taken by the Board to be in conflict with the order or the rules or regulations issued thereunder he shall notify the Board in writing of his decision, and he shall send a copy of his decision to the person who made the appeal and to the Office of

The State tire rationing administrator

record of all certificates which have been issued to him and which have not yet been used; and (d) maintain a file containing the identification portions of used certificates.*

§ 1315.803 *Records to be kept by dealers.* (a) Every person selling new tires or tubes shall: (1) On January 31, 1942, and at the close of business on the last day of every month thereafter (in addition to the report on Form PD-216,* required to be filed on December 31, 1941), take an inventory of all new tires, and tubes in his possession or control, and keep a record thereof; (2) maintain a file containing all certificates which have been presented by applicants to whom sales of new tires and tubes have been made; (3) prepare reports requested by the Board in his area and by the Office of Price Administration.*

§ 1315.804 *Replenishment of stocks.* Dealers shall hold a copy of all receipts and statements received pursuant to § 1315.401 (c) (3) and shall hold all parts of certificates received (O.P.A. Form R-2, part B), and transmit them only in accordance with instructions of the Office of Price Administration, which will hereafter be issued.*

§ 1315.805 *Reports by manufacturers.* Each supplier who manufactures tires or tubes shall on January 15, 1942, and on the 15th day of each month thereafter file with the Office of Price Administration a report of inventories of new tires and tubes, together with a statement of total production of new tires and tubes during the preceding month, such reports to be in such form as shall be prescribed by the Office of Price Administration. Each manufacturer of new

with the Office of Price Administration

certificate or any records which he is required to keep by the terms of these regulations or who otherwise knowingly furnishes false information to a Board or to the Office of Price Administration will be denied the right to receive any new tires or tubes; and the Office of Price Administration will recommend to the Office of Production Management that he be denied the right to receive any other materials which are now or in the future may be under allocation.*

§ 1315.902 *False statements.* The Office of Price Administration may make a recommendation to the Attorney General of the United States for prosecution for presenting a false or fraudulent statement or representation, pursuant to the provisions of section 35A of the Criminal Code (Title 18, U.S.C.A., sec. 80).*

§ 1315.903 *Publicity.* In the event of a refusal or failure to abide by the provisions of these regulations or in the event of any evasion or attempt to evade the provisions of these regulations, the Office of Price Administration, in addition to the foregoing penalties, will make every effort to assure that complete information is given the public and to appropriate officials of the local, State, and Federal Governments.*

§ 1315.904 *Other.* The Office of Price Administration may also take such other action for the enforcement of the provisions of these regulations as may be necessary, including application to courts and to appropriate agencies of local, State and Federal Governments in order to invoke such powers as may be available and appropriate in connection therewith.*

[illegible] Forms R-1, R-2, or R-3, which were filed as part of

is hereby added so that Price Schedule No. 53[1] shall read as follows:

The outbreak of war has disrupted trade in certain fats and oils with the result that normal price relationships are disturbed and inflationary price increases threaten to develop. Recent speculative activity has added to the danger of serious inflation and price spiraling and has made it necessary to issue immediately a Schedule establishing maximum prices. Because of the interchangeability of fats and oils it is necessary that maximum prices be established for all fats and oils. To conform with the intent of Congress, the general level of prices prevailing on October 1, 1941 is taken as the basis for the maximum prices established by this Schedule. Special provision is made for soybean oil and linseed oil and for other fats and oils the prices of which were below their normal relation to the price of cottonseed oil on October 1, 1941.

Should unwarranted price rises occur at stages of distribution not covered by this Schedule appropriate action will be taken by this Office.

Accordingly, under the authority invested in me by Executive Order No. 8734, it is hereby directed that:

§ 1381.151 *Maximum prices for fats and oils.* (a) On and after December 11, 1941, no person shall sell, offer to sell, deliver, or transfer fats or oils at prices higher than the maximum prices, except that contracts entered into prior to December 11, 1941 providing for a higher price than the maximum prices may be carried out at the contract price. The maximum prices shall include transportation

(1) For any kind, grade or quality

commodities which may be reused in production.

(ii) A vehicle equipped with tires or tubes for which a certificate has been issued under this paragraph (e) (8) may be used for any other purpose stated in this paragraph (e), or for any of the purposes stated in paragraphs (a), (b), (c), and (d), but a statement of the additional purposes for which the vehicle is to be used shall be included in the application for a certificate.

(9) Transportation of raw materials, semimanufactured goods, and finished products, including farm products and foods, provided that no certificate shall be issued for a new tire or tube to be mounted on trucks used (*a*) for the transportation of commodities to the ultimate consumer for personal, family, or household use; or (*b*) for transportation of materials for construction and maintenance except to the extent specifically provided by subdivisions 2, 3, 4, 5, and 6 of this paragraph (e).

(i) Certificates may be issued for trucks used to transport raw materials, semimanufactured goods, and finished products, including farm products and foods, except (*a*) transportation of commodities to the ultimate consumer for personal, family, or household use; and (*b*) transportation of materials for construction and maintenance except to the extent provided by paragraphs 2, 3, 4, 5, and 6 of this subdivision (e).

(ii) No truck equipped with tires or tubes for which a certificate has been issued shall be used to deliver milk or other foods to a consumer for personal, family, or household use, or to make such deliveries of other commodities for a department store, grocery store, or similar sales outlet.

(iii) No truck equipped with tires or tubes for which a certificate has been issued shall be used for the transportation of materials for construction or maintenance, except to the limited extent provided in subdivisions 2, 3, 4, 5, and 6 of this paragraph (e).

(iv) A truck for which a certificate has been issued under this paragraph (e) (9) may be used for any other purpose stated in this paragraph (e) or for any of the purposes stated in paragraphs (a), (b), (c), and (d), but a statement of the additional purposes for which the truck is to be used shall be included in the application.

(f) On farm tractors or other farm implements, other than automobiles or trucks, for the operation of which rubber tires or tubes are essential.

(1) Certificates may be granted for farm tractors and other farm implements for the operation of which rubber tires or tubes are essential.

(2) Nothing in this paragraph (f) shall be construed to permit the issuance of a certificate for rubber tires or tubes when the tractor or other implement can operate or can be adapted to operate without such tires or tubes.

(g) On industrial, mining, and construction equipment, other than automobiles or trucks, for the operation of which rubber tires, casings or tubes are essential.

(1) Certificates may be issued for industrial, mining, and construction equipment, including such equipment as derricks, bulldozers, and drills, for the operation of which rubber tires or tubes are essential.

(2) Nothing in this paragraph (g) shall be construed to permit the issuance of a certificate when the equipment can operate or can be adapted to operate without such tires or tubes.*

Applications for Certificates

§ 1315.501 *Application for authority to purchase tire or tube.* (a) Any person who believes that his vehicle comes within one of the classifications set forth in § 1315.404 may file with the Board an application for authority to purchase new tires or tubes not of an obsolete type.

(b) Any person who operates a vehicle using new tires or tubes of an obsolete type may file with the Board an application for authority to purchase new tires or tubes of an obsolete type. As here used the words "obsolete type" refer to tires and tubes of the following sizes, and no others:

525–19.	450–21.
525–550–19.	475–21.
550–19.	500–21.
600–19.	525–21.
600–650–19.	600–21.
650–19.	650–21.
700–19.	700–21.
750–19.	500–22.
450–20.	600–22.
475–20.	750–14.
450–474–500–20.	30 x 3.
500–20.	30 x 3½.
525–20.	31 x 4
550–20.	32 x 4.
600–20.	33 x 4.
600–650–20.	32 x 4½.
650–20.	33 x 4½.
440–450–21.	34 x 4½.
440–21.	

(c) No person shall file an application for authority to purchase new tires or tubes for a vehicle with a Board which does not have jurisdiction over the vehicle, except in the event (1) that it should become necessary to obtain a new tire or tube for the safe operation of the vehicle and (2) that an application cannot practicably be made to the Board normally having jurisdiction over the vehicle. In such event an application may be filed with the Board having jurisdiction over the area in which the vehicle is temporarily located. This Board shall consider the application only if it is authorized to do so by the Board normally having jurisdiction over the vehicle. The procedure applicable in the event that such an application is granted is set forth in § 1315.307. In the event the application is rejected, the Board normally having jurisdiction over the vehicle should be notified of this fact at once.*

§ 1315.502 *Form of application.* Applications for new tires and tubes must be made on O.P.A. Form R–1 a copy of which is set forth in the appendix to these regulations.[1] Copies of O.P.A. Form R–1 will be distributed to and can be obtained from Tire Rationing Boards, tire dealers, police stations, and post offices. O.P.A. Form R–1 may be reproduced by any person, provided that no change is made in the size, style and content thereof. A separate application must be made for each vehicle for which new tires or tubes are desired.*

§ 1315.503 *Preparation of application.* (a) In preparing his application the applicant shall use ink, typewriter, or indelible pencil, and conform with the following instructions:

(1) *Name of applicant.* (i) An individual shall state his given name, middle name, and surname. In all cases where an individual regularly doing business under a trade name makes an application, he shall state, in addition to his name, the trade name under which he is doing business; for example, John James Doe, doing business as Doe Trucking Co.

(ii) A partnership shall state the trade name regularly used by such partnership and the fact that it is a partnership; for example, Doe & Roe Transportation Co., a partnership.

(iii) A corporation shall give its full name as it appears on its corporate charter; for example, Doe Transportation Co., Inc.

(iv) A State or any political subdivision thereof shall state its name; for example, the State of Wisconsin; Village of Winnetka, Ill.

(v) A Federal department or agency shall state its name; for example, United States Department of Labor. If a branch thereof, the name of the branch shall be given; for example, Chicago Regional Office of the United States Department of Labor.

(2) *Addresses and telephone numbers of applicant.* (i) An individual shall state his business or office address and telephone number thereof.

(ii) A partnership shall state the address and telephone number of its principal office and the address and telephone number of at least one place of business of the partnership within the area administered by the Board.

(iii) A corporation shall state the address and telephone number of its principal office and the address and telephone number of at least one place of business of the corporation within the area administered by the Board.

(iv) A State or any political subdivision thereof shall state the address and telephone number of at least one of its offices within the area administered by the Board.

[1] See note at end of document.

(v) A Federal department or agency shall state the address and telephone number of the office within the area administered by the Board.

(vi) If there is no place of business or office within the area administered by the board, although the vehicle is garaged or stationed within that area, the applicant shall state the address of the place of business or office nearest the place where the vehicle is garaged or stationed.

(3) *Certification by applicant.* The applicant shall certify the facts stated in the application, in the manner and form provided for such certification. In executing the certification:

(i) An individual shall sign his full name. In cases where an individual does business under a trade name, he shall set forth such trade name following his signature; for example, "John Doe doing business as Doe Transportation Company."

(ii) A partnership shall set forth the name of the partnership followed by the legend, "a partnership," following which a partner, or a duly authorized agent of the partnership shall sign his name, giving his position, preceded by the word "by"; for example, "Doe Transportation Company, a partnership, by John James Doe, a partner"; or, "Doe Transportation Company, a partnership, by Richard Doe, Store Manager, its duly authorized agent."

(iii) A corporation shall set forth the full name of the corporation as it appears on its charter, followed by the legend, "a corporation," following which an officer of the corporation, or a duly authorized agent thereof, shall sign his name, giving his position, preceded by the word "by"; for example, "Doe Transportation Company, Inc., a corporation, by John James Doe, President"; or "Doe Transportation Company, Inc., a corporation, by Richard Roe, Truck Superintendent, its duly authorized agent."

(iv) A State or political subdivision thereof shall set forth its name, followed by the signature of an officer or duly authorized representative, giving his position, preceded by the word "by"; for example, "State of ----------, by John James Doe, Superintendent of Highways."

(v) A Federal department or agency or branch thereof shall set forth its name followed by the signature of an officer authorized by law to make purchases, who shall also state his position.*

§ 1315.504 *Inspection.* No application for authority to purchase a new tire or tube shall be filed until an inspection of the tires or tubes already on the vehicle shall have been made by an inspector duly authorized by a Tire Rationing Board to make such inspections. Inspection of tubes on such vehicle may be limited to the tube or tubes which the applicant seeks authority to replace by purchase of a new tube or tubes. The inspector shall fill in all the information and facts required in the "Certification By Inspector" which is a part of O.P.A. Form R–1 and shall certify the information and facts, provided in the certification by signing his name thereto. The applicant shall not pay any compensation to the inspector for such inspection: *Provided*, That a sum not to exceed fifty cents ($0.50) may be paid the inspector, or any other person, for the service of removing and replacing a tire if same is required for purposes of inspection, although not for the service of inspecting the tire.*

§ 1315.505 *Action by the Board upon applications other than for obsolete type new tires or tubes*—(a) *Satisfaction of requirements.* Upon receiving an application for a certificate of permission to purchase tires or tubes other than obsolete type tires or tubes, as defined in § 1315.501 (b), the Board shall satisfy itself that the applicant has properly executed his application, including all the agreements therein contained, that all the facts stated in the application are true, and that the applicant has satisfied all the requirements and conditions specified by §§ 1315.402, 1315.403, and 1315.404.

(b) *Allotment by the Board.* (1) The Board shall not approve an application unless it finds that all the facts and conditions specified above exist, but in no event shall the Board authorize the purchase of a new tire or tube in excess of its quota as provided in § 1315.306.

(2) If the Board has before it applications which in its judgment satisfy the requirements of this section, but which together call for the allotment of new tires or tubes in excess of the quota of the Board, the Board shall be governed, in determining which of the competing needs are to be satisfied, by the relative importance from the standpoint of locally known circumstances, to the war program, public safety, health, and morale, of the operation of a vehicle in one use as compared with the importance of the operation of a vehicle in another use.*

§ 1315.506 *Action by the Board upon applications for obsolete type new tires and tubes*—(a) *Satisfaction of requirements.* Upon receiving an application for a certificate of permission to purchase obsolete type new tires or tubes, as defined in § 1315.501 (b) the Board shall satisfy itself that the applicant has properly executed his application, including all the agreements therein contained, that all the facts stated in the application are true, and the applicant has satisfied the requirements of §§ 1315.402 and 1315.403 applicable to obsolete type new tires or tubes.

(b) *Allotment by the Board.* The allotment of obsolete type new tires or tubes is not limited by a quota and the Board may allot obsolete type new tires or tubes to all applicants who otherwise satisfy the requirements of these regulations.*

§ 1315.507 *Basis for Board consideration.* The determination as to whether or not all such facts and conditions exist shall be made upon the basis of the application and all other information which comes to the knowledge of the Board. In acting upon applications, the Board shall observe all the regulations herein contained and all additional regulations from time to time hereafter promulgated by the Office of Price Administration. The Board shall at all times serve the objectives sought to be accomplished by the tire rationing program and allocate new tires and tubes to the most vital civilian uses and to uses essential to the war effort. The Board may, in its discretion, request the applicant or his authorized representative to appear in person at a designated time at the office of the Board to answer pertinent questions.*

§ 1315.508 *Notation of reasons for action.* When the Board determines that an application shall be granted, the reasons therefor shall be noted upon the application, together with the number of new tires and tubes allotted to the applicant.

In all cases where an application is refused, the reasons for such refusal shall be noted upon the application.*

Tire and Tube Certificates

§ 1315.601 *Notification.* After acting upon an application the Board shall notify the applicant of its decision. In cases where the Board authorizes an applicant to purchase new tires or tubes, the Board shall immediately issue to such applicant a nontransferable certificate for the purchase of new tires and tubes. No certificate shall be issued authorizing the purchase of more tires or tubes than have been allotted for one vehicle by the Board.*

§ 1315.602 *Form of certificate.* (a) The nontransferable certificate for the purchase of new tires and tubes is O.P.A. Form No. R–2, a copy of which is set forth in the appendix to these Regulations.[1] The certificates shall be serially numbered and shall be divided into four parts each bearing the same serial number; (1) a part to be retained by the dealer as a record which shall be designated as part A; (2) a part to be retained by the dealer as the basis for replenishing his stocks which shall be designated as part B; (3) a part to be forwarded by the dealer to the Board which has issued the certificate, which shall be designated as part C; and (4) a part to be given by the dealer to the purchaser, which shall be designated as part D.*

§ 1315.603 *Execution by issuing Board.* It shall be the responsibility of the Board prior to issuing a certificate, to fill in parts A and B of the certificate setting forth the information required. It shall also be the responsibility of the Board to indicate on parts C and D of the certificate issued the number of the Board and its address. No tire certificate will

[1] See note at end of document.

be valid unless part A is signed by two members of the issuing Board. Prior to delivering the certificate to the applicant, the Board shall require the applicant or his agent to sign the certificate in the presence of a member or the clerk of the Board. When all of the foregoing steps have been taken by the issuing Board, the Board shall deliver the certificate to the applicant or his agent.*

§ 1315.604 *Action by purchaser.* Upon receiving the complete tire certificate so executed, the applicant may, within 30 days from the date of issue, purchase the tires and tubes specified upon the certificate from any dealer at a price not in excess of the maximum price established by the Office of Price Administration. To purchase a new tire or tube the applicant must present to the dealer all parts of the certificate in the form in which it was given to him by the issuing Board. If the purchase is made from a dealer, other than a mail-order house, the applicant must at the time of presenting the certificate deliver in trade to the dealer the tire or tube which is to be replaced by the new tire or tube which he is purchasing. If the purchase is made by mail from a mail-order house the applicant within 5 days after receiving the new tire or tube must sell the replaced tire or tube to a dealer and file O.P.A. Form No. R–3, a copy of which is set forth in the appendix to these regulations,[2] with the Tire Rationing Board which issued the certificate. If the purchaser is unable to buy from one dealer all of the new tires or tubes which he has been authorized to purchase by a certificate, he may return the certificate to the issuing Board and the Board shall thereupon issue as many certificates as are necessary to permit his purchases to be made among several dealers.*

§ 1315.605 *Action by dealer other than mail-order house.* Prior to delivering a new tire or tube pursuant to a certificate surrendered to him a dealer other than a mail-order house shall require the purchaser or the purchaser's agent to sign his name in the space provided for this purpose on part C of the certificate. If the signature on part C does not appear to be the signature of the person who signed part A, the dealer shall refuse to sell or deliver any new tires or tubes to the person presenting the certificate and shall report the facts to the issuing Board. If the signatures appear to be executed by the same person, the dealer, or his authorized agent shall, in the presence of the purchaser or the purchaser's agent, fill in the parts of part A, part C, and part D which have not been completed by the issuing Board. The dealer shall retain part A of the certificate as his permanent record in accordance with the record-keeping provisions of these regulations. The dealer shall keep part B of the certificate, which may be used as a basis for replenishing his stock, and shall use this portion of the certificate as directed by the Office of Price Administration. The dealer shall complete and return part C to the issuing Board within three days from the date of sale. Part D shall be given by the dealer to the purchaser, who shall retain it as a permanent record in accordance with the record-keeping provisions of these regulations.

No dealer shall deliver a new tire or tube even to a person holding a certificate except upon receiving the used tire or tube replaced by the purchase and no such delivery shall be made at a price in excess of the maximum price established by the Office of Price Administration.*

§ 1315.606 *Action by mail-order house.* In the case of a purchase by mail from a mail-order house the purchaser is not required to sign part C of the tire certificate. At the time of shipping the new tire or tube an authorized agent of the mail-order house shall fill in the parts of part A, part C, and part D which have not been completed by the issuing board and sign the certification upon part C. The mail-order house is authorized to ship the new tire or tube only to the name and address appearing in items (4) and (5) upon the certificate. Mail-order houses are required to exercise great care to comply with this requirement. The mail-order house shall retain part A of the certificate as its permanent record in accordance with the record keeping provisions of these regulations. The mail-order house shall keep part B of the certificate which may be used as a basis for replenishing its stock and shall use this portion of the certificate as will be directed by the Office of Price Administration. The mail-order house shall return part C to the issuing Board within 3 days from the date it shipped the new tire or tube to the purchaser. Part D shall be returned by the mail-order house to the purchaser who shall retain it as a permanent record. No mail-order house shall deliver a tire or tube at a price in excess of the maximum price established by the Office of Price Administration.*

§ 1315.607 *Action by purchaser from mail-order house.* The purchaser of a new tire or tube by mail from a mail-order house must sell the replaced tire or tube to a tire dealer and return a proof of such sale upon O.P.A. Form No. R–3 to the Board authorizing the purchase within 5 days after receiving the new tire or tube from the mail-order house. The Board will furnish the purchaser with as many copies of O.P.A. Form No. R–3 as he may require. At the time of selling the replaced tire or tube the tire dealer or his authorized agent must complete and sign the Certification by Tire Dealer. The purchaser of the new tire or tube shall then complete and sign the remaining portion of the certificate and return it to the Board.*

[2] See note at end of document.

Appeals

§ 1315.701 *Grounds for appeals.* (a) Any person who is aggrieved by an action of a local tire rationing board and who believes that the decision is in conflict with Supplementary Order No. M–15–c, or with the rules and regulations of this Office issued thereunder, may file an appeal from such action with the State Tire Rationing Administrator.*

§ 1315.702 *Filing of appeals.* (a) An appeal from an action taken by a Board may be filed only within thirty days after such action has been taken.

(b) The person taking an appeal must file a statement in writing and under oath setting forth the specific section of the order or rules or regulations which he believes to be inconsistent with the action taken by the Board and stating in full the facts on which he grounds his appeal.*

§ 1315.703 *Action on appeals.* (a) The State tire rationing administrator may require the Board to furnish pertinent information with respect to any appeal pending before him.

(b) If the State tire rationing administrator finds that the action taken by the Board is consistent with the order and the rules and regulations issued thereunder he shall so advise the person who filed the appeal and the Board.

(c) If the State tire rationing administrator finds that the action taken by the Board to be in conflict with the order or the rules or regulations issued thereunder he shall notify the Board in writing of his decision, and he shall send a copy of his decision to the person who made the appeal and to the Office of Price Administration, Washington, D. C. The State tire rationing administrator shall then remand the matter to the Board, which shall take action consistent with his decision. Nothing in this section, however, shall be construed to authorize a Board to issue a certificate for the purchase of a new tire or tube in excess of its quota.*

Records and Reports

§ 1315.801 *Records to be kept by Board.* All applications for new tires or tubes received by the Board shall be filed. Records shall be kept by the Board of such other pertinent and material data as may be required by the Office of Price Administration. At intervals of not less than 1 week, a list of all certificates issued and names of recipients shall be posted at the office of the Board and shall be released to the press.*

§ 1315.802 *Records to be kept by applicants.* (a) Every applicant to whom a certificate is issued, who operates five or more vehicles in carrying on a commercial enterprise, shall: (a) On the 15th day of each month take a separate inventory of all *new* and *used* tires and tubes in his possession or control, and keep a separate record thereof; (b) keep a record of all applications made to Boards, which have not been acted upon; (c) keep a record of all certificates which have been issued to him and which have not yet been used; and (d) maintain a file containing the identification portions of used certificates.*

§ 1315.803 *Records to be kept by dealers.* (a) Every person selling new tires or tubes shall: (1) On January 31, 1942, and at the close of business on the last day of every month thereafter (in addition to the report on Form PD–216,[3] required to be filed on December 31, 1941), take an inventory of all new tires, and tubes in his possession or control, and keep a record thereof; (2) maintain a file containing all certificates which have been presented by applicants to whom sales of new tires and tubes have been made; (3) prepare reports requested by the Board in his area and by the Office of Price Administration.*

§ 1315.804 *Replenishment of stocks.* Dealers shall hold a copy of all receipts and statements received pursuant to § 1315.401 (c) (3) and shall hold all parts of certificates received (O.P.A. Form R–2, part B), and transmit them only in accordance with instructions of the Office of Price Administration, which will hereafter be issued.*

§ 1315.805 *Reports by manufacturers.* Each supplier who manufactures tires or tubes shall on January 15, 1942, and on the 15th day of each month thereafter file with the Office of Price Administration a report of inventories of new tires and tubes, together with a statement of total production of new tires and tubes during the preceding month, such report to be in such form as shall be prescribed by the Office of Price Administration. Each manufacturer of new tires or tubes shall also execute and file with the Office of Price Administration such other reports and questionnaires as said Office shall from time to time request.*

§ 1315.806 *Preservation of records.* All persons shall keep records in accordance with the requirements elsewhere provided in these regulations for the keeping of records. In addition, all persons affected by these regulations shall keep and preserve for not less than 2 years accurate and complete records concerning inventories, production and sales of new tires and tubes, and shall make them available at all times for inspection by the Office of Price Administration.*

§ 1315.807 *Filing of reports.* All persons shall file reports to the extent required elsewhere in these regulations. In addition, all persons affected by these regulations shall make such reports as may from time to time be required by the Office of Price Administration and the Office of Production Management.*

Enforcement

§ 1315.901 *Denial of materials.* Any person who violates these regulations or who knowingly falsifies an application or certificate or any records which he is required to keep by the terms of these regulations or who otherwise knowingly furnishes false information to a Board or to the Office of Price Administration will be denied the right to receive any new tires or tubes; and the Office of Price Administration will recommend to the Office of Production Management that he be denied the right to receive any other materials which are now or in the future may be under allocation.*

§ 1315.902 *False statements.* The Office of Price Administration may make a recommendation to the Attorney General of the United States for prosecution for presenting a false or fraudulent statement or representation, pursuant to the provisions of section 35A of the Criminal Code (Title 18, U.S.C.A., sec. 80).*

§ 1315.903 *Publicity.* In the event of a refusal or failure to abide by the provisions of these regulations or in the event of any evasion or attempt to evade the provisions of these regulations, the Office of Price Administration, in addition to the foregoing penalties, will make every effort to assure that complete information is given the public and to appropriate officials of the local, State, and Federal Governments.*

§ 1315.904 *Other.* The Office of Price Administration may also take such other action for the enforcement of the provisions of these regulations as may be necessary, including application to courts and to appropriate agencies of local, State, and Federal Governments in order to invoke such powers as may be available and appropriate in connection therewith.*

[*Information concerning Forms R–1, R–2, or R–3, which were filed as part of the original document, may be obtained by addressing the Office of Price Administration.*]

Issued this 30th day of December 1941.

These Regulations shall become effective this 30th day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41–9875; Filed, December 30, 1941; 4:26 p. m.]

[3] Form PD–216, Office of Production Management, headed: Dealers' Report of Stocks of New Tires and Tubes of Any Description on Hand on December 12, 1941.

PART 1316—COTTON TEXTILES

Section 1316.61 (b) (4), *Table I*, in F.R. Doc. 41–9769 appearing in the issue for December 30, 1941, at page 6799 is corrected as follows:

Under the manufacturing process "Dobby looms: Weaves requiring 16 harnesses or less" the premium "1½¢ per yd." is corrected to read "1¼¢ per yd."

PART 1351—FOODS AND FOOD PRODUCTS

AMENDMENT NO. 1—PRICE SCHEDULE NO. 53—FATS AND OILS

The preamble and §§ 1351.151 to 1351.158, inclusive, are hereby amended and a new section numbered 1351.151a is hereby added so that Price Schedule No. 53[1] shall read as follows:

The outbreak of war has disrupted trade in certain fats and oils with the result that normal price relationships are disturbed and inflationary price increases threaten to develop. Recent speculative activity has added to the danger of serious inflation and price spiraling and has made it necessary to issue immediately a Schedule establishing maximum prices. Because of the interchangeability of fats and oils it is necessary that maximum prices be established for all fats and oils. To conform with the intent of Congress, the general level of prices prevailing on October 1, 1941 is taken as the basis for the maximum prices established by this Schedule. Special provision is made for soybean oil and linseed oil and for other fats and oils the prices of which were below their normal relation to the price of cottonseed oil on October 1, 1941.

Should unwarranted price rises occur at stages of distribution not covered by this Schedule appropriate action will be taken by this Office.

Accordingly, under the authority invested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.151 *Maximum prices for fats and oils.* (a) On and after December 13, 1941, no person shall sell, offer to sell, deliver, or transfer fats or oils at prices higher than the maximum prices, except that contracts entered into prior to December 13, 1941 providing for a higher price than the maximum prices may be carried out at the contract price. The maximum prices shall include commissions and all other charges.

(b) (1) For any kind, grade or quality of fat or oil the maximum price shall be the highest price at which the seller sold such kind of fat or oil of the same grade and quality in a similar amount to a similar purchaser on October 1, 1941, for delivery within sixty days: *Provided*, That in determining the maximum prices for soybean oil and for linseed oil, three-fourths of one cent per pound shall be added to such October 1, 1941 price.

(2) If the maximum price cannot be determined under paragraph (b) (1), the maximum price shall be the highest price at which the seller sold the same kind of fat or oil of a different grade or quality or in a different amount or to a different type of purchaser on October 1, 1941, for delivery within sixty days, making the necessary adjustments for differences in grade, quality, amount or type of purchaser in accordance with the seller's practice for determining price differentials eixsting on October 1, 1941: *Provided*, That in determining the maximum prices for soybean oil and for linseed oil, three-fourths of one cent per pound shall be added to such October 1, 1941 price.

(3) If the maximum price cannot be determined under either paragraph (b)

[1] 6 F.R. 6409.

(1) or (b) (2), the maximum price shall be the price at which such kind of fat or oil of the same grade and quality in a similar amount to a similar purchaser was sold in the locality of the seller's shipping point on October 1, 1941, for delivery within sixty days: *Provided*, That in determining the maximum prices for soybean oil and for linseed oil, three-fourths of one cent per pound shall be added to such October 1, 1941 price.

(4) If the maximum price determined under the above subparagraphs is less than 111 per cent of the price at which the same kind of fat or oil of the same grade and quality was sold by the seller or was sold in the locality of the seller's shipping point in a similar amount and to a similar purchaser on November 26, 1941, for delivery within sixty days, the maximum price shall be 111 per cent of such November 26 price.

(c) The above prices shall be the maximum prices for all transactions except for cottonseed oil futures contracts traded on the New York Produce Exchange and on the New Orleans Cotton Exchange and lard futures contracts traded on the Chicago Board of Trade. For such contracts the maximum prices on each exchange shall be the closing bid prices on such exchanges as of October 1, 1941.

(d) The maximum prices for both domestic and imported fats and oils determined under paragraph (b) shall include at least the same absorption of transportation and other charges as were or would have been absorbed by the seller on comparable shipments to the same place of destination on October 1, 1941.

(e) The maximum prices established by this Schedule for fats and oils shipped into or out of the United States by ocean transportation shall include the charges prevailing on October 1, 1941 for freight, war risk insurance, and marine insurance connected with such transportation. Increases in such charges may be added and decreases in such charges shall be subtracted from the maximum prices established by this Schedule.*

*§§ 1351.151 to 1351.158, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.151a *Exempt sales.* Sales of fats and oils products in the finished form, sales of refined fats and oils (except olive oil) through wholesale and retail channels and directly to the baking, restaurant, hotel and other cooking trades, and sale of lards destined for human consumption without further processing are exempt from the operation of this Schedule.*

§ 1351.152 *Less than maximum prices.* Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid or offered.*

§ 1351.153 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of fats or oils, or by way of premium, commission, service, transportation or other charge, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on October 1, 1941, or by any other means.*

§ 1351.154 *Records and reports.* Every person making any sale of fats or oils on and after December 13, 1941, except sales exempted under § 1351.151a, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such sale, including the date thereof, the name of the purchaser, the price paid or received, and the grade, quality and amount sold.

Every person affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1351.155 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of fats or oils, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1351.156 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1351.157 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation or other business entity.

(b) "Fats and oils" means all of the raw, crude, and refined fats and oils, their by-products and derivatives, and greases, except "essential" oils, mineral oils, and butter.

(c) In the phrase, "similar amount to a similar purchaser," the word "similar" means that amount and that type of purchaser with respect to which the same price did apply or would have applied under the seller's trade practices on October 1, 1941.*

§ 1351.158 *Effective date of the Schedule.* This Schedule shall become effective on December 13, 1941.*

Issued this 31st day of December 1941. Amendment No. 1, amending the preamble and §§ 1351.151 to 1351.158, inclusive, and adding § 1351.151 (a), shall become effective January 2, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 41-9946; Filed, December 31, 1941; 4:27 p. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER C—MOTOR BOATS, AND CERTAIN VESSELS PROPELLED BY MACHINERY OTHER THAN BY STEAM MORE THAN 65 FEET IN LENGTH

[Order No. 191]

PART 29—ENFORCEMENT

JANUARY 1, 1942.

§ 29.1 *Reporting of violations.*[1] [Rescinded.] (Sec. 17, 54 Stat. 166, R.S. 161; 46 U.S.C. 526p, 5 U.S.C. 22)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 42-3; Filed, January 1, 1942; 11:35 a. m.]

[Order No. 190]

SUBCHAPTER N—EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

PART 146—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS—APPENDIX

Order Permitting Passenger-Carrying Vessels to Transport Military Supplies or Stores of a Dangerous Nature.

Pursuant to the authority vested in the Secretary of Commerce by section 4472 of the Revised Statutes, as amended, the following findings relative to the acceptance, transportation, carriage or conveyance of vehicles containing dangerous articles or substances on board certain classes of vessels and an exemption of such vessels from provisions of subsections (4) and (6) of R.S. 4472, as amended, and provisions of the regulations Governing Explosives or Other Dangerous Articles on Board Vessels, are hereby promulgated.

Acting upon representations made to the Bureau of Marine Inspection and Navigation, I have caused an investigation to be made, and as a result thereof I find that in the interest of the successful prosecution of the war, and notwithstanding the provisions of subsections (4) and (6) of R.S. 4472, as amended, it is essential that our Army and Navy be afforded the opportunity to move their military supplies and stores of a dangerous nature, as freely as possible by utilizing existing water transportation facilities not at present available for such transportation because of the provisions of R.S. 4472, as amended, and the regulations promulgated thereunder. I further find that because of the type, packing and marking, the method of loading in the vehicle and the supervision exercised over shipments of munitions of war, such military supplies or stores may be accepted, transported, carried or conveyed in vehicles on board certain vessels with safety, provided such acceptance, transportation, carriage or conveyance is carried out in accordance with the provisions contained in this order. Because of the existing situation I also find it essential to take action to make this exemption and authorization effective immediately.

Therefore, it is ordered, That under the authority contained in subsection (11), and under the emergency provisions of said subsection of R. S. 4472, as amended (46 U.S.C.; 1940 ed. 170), passenger-carrying vessels constructed and equipped for, and normally engaged in, transporting highway or railroad vehicles, shall be exempt from the application of the provisions of subsections (4) and (6) of R. S. 4472, as amended, and the provisions of the regulations promulgated thereunder to the extent that such vessels may accept, transport, carry or convey highway or railroad vehicles loaded with military supplies or stores of a dangerous nature when said highway or railroad vehicles are accepted, transported, carried or conveyed in accordance with the provisions of this order.

1. (a) Passenger-carrying vessels constructed and equipped for, and normally engaged in, transporting highway or railroad vehicles are exempt from the provisions of subsections (4) and (6) of R. S. 4472, as amended, and may accept, transport, carry or convey high explosives in compliance with the provisions of sections 2 and 3 of this order: *Provided, however*, This exemption shall not apply to the acceptance, transportation, carriage or conveyance of "Liquid nitroglycerin."

(b) Passenger-carrying vessels constructed and equipped for, and normally engaged in, transporting highway or railway vehicles are exempt from the provisions of Part 146 of the regulations of the Secretary of Commerce Governing Explosives or Other Dangerous Articles on Board Vessels, and may accept, transport, carry or convey high or any other explosives or other dangerous articles or substances included within the regulations, in compliance with the provisions of sections 2 and 3 of this order: *Provided, however*, This exemption shall not apply to the acceptance, transportation, carriage or conveyance of "Liquid nitroglycerine", "Initiating explosives in bulk in dry condition", "Unstable explosives", "Fireworks forbidden", or "Class A extremely dangerous poisons".

2. (a) The exemptions granted in section 1 shall be applicable when such substances are tendered to said vessel loaded in an Army or Navy vehicle, such vehicle being in the custody of and operated by personnel of the Army or Navy.

(b) The exemptions granted in section 1 shall be applicable when such substances are tendered to a vessel loaded in a commercial highway vehicle or railroad vehicle other than an Army or Navy vehicle or in a vehicle not in the custody or under the operation of personnel of the Army or Navy, provided a written request signed by a responsible officer of the Army or Navy for such transportation is presented to the vessel.

3. A passenger-carrying vessel transporting high or any other explosives or other dangerous articles or substances under the provisions of this order shall not transport passengers at the same time: *Provided, however*, That if, after notification of the presence aboard the vessel of such high or other explosives or other dangerous articles or substances, persons voluntarily elect to engage passage or enter upon said vessel, such persons may be transported as passengers. The notification referred to shall be given by the vessel's representatives prior to the time the person or persons actually engage passage or enter upon the vessel. The form of the notification shall include the following statement:

Because of military necessity certain provisions of law and regulations have been suspended and this vessel has been permitted and is carrying on this voyage military supplies or stores of a dangerous nature.

4. The provisions of this order are effective immediately and shall remain in effect for the duration of the war. (R. S. 4472, as amended; 46 U.S.C., 1940 ed. 170).

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

DECEMBER 31, 1941.

[F. R. Doc. 41-9945; Filed, December 31, 1941; 4:21 p. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 8—RULES GOVERNING SHIP SERVICE

The Commission on December 30, 1941, effective January 15, 1942, amended § 8.130 (*Receiving equipment*)[1] by designating the existing section as § 8.130 (a) and adding new paragraph (b) to read as follows:

§ 8.130 *Receiving equipment.*

* * * * * *

(b) The use or operation of the following types of receiving equipment is prohibited on board any ship of the United States (other than a ship of less than 1600 gross tons) which departs from, or has departed from, any harbor or port of the continental United States on or after January 15, 1942, for a voyage in the open sea:

(1) Radio receiving equipment which, when used or operated on any frequency in connection with an actual antenna equivalent in its electrical constants to the average receiving antenna(s) used on shipboard, creates an electromagnetic field of more than 0.1 microvolt per meter at a distance over seawater of more than one nautical mile from the receiver.

(2) Radio receiving equipment which, when operated on any frequency, is capable of delivering more than 400 micromicrowatts of power to an artificial antenna having electrical characteristics designated [1] by the Commission as equivalent to those of the average receiving antenna(s) used on shipboard.

Provided, That this regulation shall not apply to any ship which is navigated solely on the Great Lakes, or on any bays, sounds, rivers, or protected waters within the jurisdiction of the United States; nor to radio receiving equipment which is used solely in connection with a loop antenna, upon the condition that exemplary compliance with the limitation of subparagraph (1) is satisfactorily demonstrated to the Commission. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1; Filed, January 1, 1942; 10:28 a. m.]

PART 61—TARIFFS

RULES GOVERNING THE CONSTRUCTION, FILING AND POSTING OF SCHEDULES OF CHARGES FOR INTERSTATE AND FOREIGN COMMUNICATION SERVICE

The Commission on December 30, 1941, effective immediately, amended the following section to read:

§ 61.74 *References to other instruments.* Except as otherwise provided in this and other sections of Part 61 of the Commission's Rules, no tariff publication filed with the Commission may make reference to any other tariff publication or to any other document or instrument.

A tariff containing certain matter applicable to a particular service may refer to another tariff for other matter applicable to such service if the reference is made in behalf of a carrier which is a party to each tariff: *Provided, however*,

[1] 6 F.R. 1103.

[1] 5 F.R. 823.

[1] An artificial antenna having a capacitance of 750 micromicrofarads and an effective resistance of 4 ohms at a frequency of 500 kilocycles shall be employed for the measurement of the power output of receiving equipment at frequencies between 350 kilocycles and 515 kilocycles. The constants of artificial antennas for tests at other frequencies will be supplied upon request to the Commission.

That such reference does not result in undue complication.

This section shall not prohibit a reference to a concurrence solely for the purpose of indicating where charges or regulations applicable to a service not governed by the tariff may be found. (Sec. 4 (i), 48 Stat. 1068; sec. 203, 48 Stat. 1070; 47 U.S.C. 154 (i), 47 U.S.C. 203)

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2; Filed, January 1, 1942; 10:28 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER B—CARRIERS BY MOTOR VEHICLE

[No. M-28700]

PART 187—FREIGHT RATE TARIFFS, SCHEDULES, AND CLASSIFICATIONS

In the Matter of Tariffs of Motor Common Carriers, War Materials and Supplies

Permission under section 217 of Part II of the Interstate Commerce Act, to make stated changes in rates, charges, classifications, or rules, effective on less than statutory notice and to depart from the Commission's published tariff regulations.

It is ordered, That the following regulations shall become effective on the date hereof and shall continue in effect until further order of the Commission:

Special Permissions

§ 187.100 (a) *Motor common carriers having emergency operating authority may establish rates, etc., covering emergency movements of war materials without further notice other than posting and mailing copies of publication to Commission.* Motor common carriers who have been granted emergency temporary operating authority under section 210a of Part II of the Interstate Commerce Act, or their duly appointed agents, may establish in accordance with the existing tariff rules, except as otherwise authorized herein, rates and other provisions covering emergency movements of war materials and supplies without further notice than posting in the manner required by Rule 20 (h) of Tariff Circular MF No. 3 (§ 187.44 (h)) tariffs, supplements or revised pages prior to the acceptance of shipments for transportation, and mailing at once not less than three copies of each publication to the Commission, all such tariffs, supplements, or revised pages to bear a specific expiration date which shall not be subsequent to the date upon which the temporary operating authority expires.

(b) *Additional departure from terms of Tariff Circular MF No. 3 (§§ 187.21–187.47).* Motor Common Carriers or their duly appointed agents may depart from the terms of Tariff Circular MF No. 3 (§§ 187.21–187.47) to the extent necessary to permit the filing and posting of the tariffs, supplements, or revised pages authorized in the foregoing paragraph hereof, such tariffs, supplements, or revised pages to bear the following notation:

Departure from the terms of Tariff Circular MF No. 3 is authorized under authority of special permission of the Interstate Commerce Commission No. M-28700 dated December 26, 1941.

(c) *Limitations.* This permission does not authorize the changing of any rate or provision which has been established under special permission of this Commission for the transportation of emergency war materials and supplies.

This permission does not modify any outstanding formal order of the Commission, nor waive any of the requirements of its published rules relative to the construction and filing of tariff publications, except as herein authorized, nor modify any of the provisions of Part II of the Interstate Commerce Act, except as to the notice to be given. (Sec. 217, 49 Stat. 560, 54 Stat. 925; 49 U.S.C., Sup., 317)

Dated at Washington, D. C., this 26th day of December 1941.

By the Commission, Commissioner Aitchison.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 42-46; Filed, January 2, 1942; 11:55 a. m.]

[No. M-28701]

PART 187—FREIGHT RATE TARIFFS, SCHEDULES AND CLASSIFICATIONS

In the Matter of Schedules of Motor Contract Carriers, War Materials and Supplies

Permission under section 218 of Part II of the Interstate Commerce Act, to make stated changes in minimum rates, charges, or rules, effective upon less than statutory notice, and to depart from the Commission's published schedule regulations.

It is ordered, That the following regulations shall become effective on the date hereof and shall continue in effect until further order of the Commission:

Special Permissions

§ 187.101 (a) *Motor contract carriers having emergency operating authority may establish minimum rates, etc., covering emergency movements of war materials without further notice other than posting and mailing copies of publication to Commission.* Motor Contract Carriers who have been granted emergency operating authority under section 210a of Part II of the Interstate Commerce Act may establish in accordance with existing schedule rules, except as otherwise authorized herein, minimum rates and charges and other provisions covering emergency movements of war materials and supplies without further notice other than posting in the manner required by Rule 6 of Tariff Circular MF No. 2 (§ 187.6), schedules or supplements prior to the acceptance of shipments for transportation, and mailing at once not less than three copies of each publication to the Commission, all such schedules or supplements to bear a specific expiration date which shall not be subsequent to the date upon which the temporary operating authority expires:

(b) *Additional departure from terms of Tariff Circular MF No. 2 (§§ 187.0–187.11).* Motor Contract Carriers may depart from the terms of Tariff Circular MF No. 2 (§§ 187.0–187.11) to the extent necessary to permit the filing and posting of the schedules or supplements authorized in the foregoing paragraph hereof, such schedules or supplements to bear the following notation:

Departure from the terms of Tariff Circular MF No. 2 is authorized under authority of special permission of the Interstate Commerce Commission No. M-28701 dated December 26, 1941.

(c) *Limitations.* This permission does not authorize the changing of any minimum rate, charge or other provision which has been established under special permission of this Commission for the transportation of emergency war materials and supplies.

This permission does not modify any outstanding formal order of the Commission, nor waive any of the requirements of its published rules relative to the construction and filing of schedule publications, except as herein authorized, nor modify any of the provisions of Part II of the Interstate Commerce Act, except as to the notice to be given. (Sec. 218, 49 Stat. 561, 52 Stat. 1240, 54 Stat. 925; 49 U.S.C., Sup., 318).

Dated at Washington, D. C., this 26th day of December 1941.

By the Commission, Commissioner Aitchison.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 42-45; Filed, January 2, 1942; 11:55 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-276]

PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 20 FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES FOR COALS PRODUCED IN DISTRICT NO. 20 FOR SHIPMENT INTO MARKET AREAS 200 AND 201

ORDER POSTPONING AND CHANGING PLACE OF HEARING

The original petitioner having moved that the place and time of the reopened hearing in the above-entitled matter heretofore scheduled to be held at Washington, D. C. on January 6, 1942, should be changed and postponed so that it be held at Rawlins, Wyoming, at some later and convenient date during the month of January 1942, and having shown good cause why its motion should be granted;

Now, therefore, it is ordered, That the reopened hearing in the above-entitled matter be postponed from January 6, 1942 until 10 o'clock in the forenoon of January 23, 1942, before the officers previously designated to preside at said hearing and that the place of the hearing be changed from Washington, D. C. to the County Court House in Rawlins, Wyoming.

The time for filing petitions of intervention in the above-entitled matter is hereby extended until January 18, 1942.

Dated: December 31, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-23; Filed, January 2, 1942; 11:37 a. m.]

[Docket No. 1665-FD]

IN THE MATTER OF CANTON COAL SALES, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 1396, DEFENDANT

ORDER SUSPENDING REGISTRATION OF DISTRIBUTOR

This proceeding having been instituted by the Bituminous Coal Division pursuant to the Bituminous Coal Act of 1937, in order to investigate and determine whether Canton Coal Sales, Inc., a registered distributor, Registration No. 1396, of Canton, Ohio, has violated certain provisions of the Rules and Regulations for the Registration of Distributors, promulgated pursuant to section 4 II (h) of the Act, by accepting and retaining distributors' discounts on coal purchased for resale in less than cargo or railroad carload lots and by misrepresenting the size of the coal sold by it;

The defendant having filed an answer;

A hearing in this matter having been held before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof in Canton, Ohio, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which the defendant appeared;

The preparation and filing of a Report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith; [1]

Now, therefore, it is ordered, That the registration of the defendant, Canton Coal Sales, Inc., a registered distributor, Registration No. 1396, be and it hereby is suspended for a period of 30 days beginning 15 days from the date of this Order; *Provided, however,* That as a condition to reinstatement, in accordance with § 304.15 of the Distributors' Rules, the defendant submit, at least five days prior to the expiration of the suspension period, to the Director of the Division an affidavit verifying that during the period of its suspension said defendant has neither directly nor indirectly transacted business as a registered distributor, nor received nor been promised any discounts which distributors are entitled to receive by virtue of registration; and *Provided, further,* That the defendant be required to return to the producers all improperly collected discounts, and that a statement by defendant that such refunds have been made shall be required to be included in the affidavit.

Dated: December 31, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-24; Filed, January 2, 1942; 11:37 a. m.]

[1] Not filed with original.

[Docket No. 1648-FD]

IN THE MATTER OF RIDER COAL COMPANY, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 having been filed with the Bituminous Coal Division on March 27, 1941, by the Bituminous Coal Producers Board for District No. 2, alleging that Rider Coal Company,[1] a code member in District No. 2, had wilfully violated the provisions of the Bituminous Coal Code, or rules and regulations thereunder, and praying that the Division either cancel and revoke the defendant's code membership, or, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder;

A hearing having been held before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof, in Uniontown, Pennsylvania, on June 17, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated November 7, 1941, in which is was recommended that the defendant's code membership be revoked and cancelled;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions or supporting briefs having been filed;

Now, after consideration of all the evidence and the record herein, I find that the evidence fully supports the Proposed Findings of Fact and Conclusions of Law of the Examiner, and that the sales of coal by the defendant to The Federal Foundry Supply Company during December 1940 and January 1941 constituted a violation of the Code.

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of the defendant be and it hereby is revoked and cancelled, effective fifteen (15) days from the date hereof;

It is further ordered, That, pursuant to section 5 (c) of the Act, the defendant, prior to reinstatement to membership in the Code, shall pay to the United States a tax in the amount of $1350.12.

Dated: December 31, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-25; Filed, January 2, 1942; 11:38 a. m.]

[1] At the hearing, the complaint, without objection by the defendant, was amended to show Simon W. Rider as the defendant instead of Rider Coal Company.

[Docket No. 1818-FD]

IN THE MATTER OF SMITH AND LAMBERT, A PARTNERSHIP

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER, AND CANCELLING AND REVOKING CODE MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division by the Bituminous Coal Producers Board for District No. 3, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging that the defendant, Smith and Lambert, a partnership composed of Harry B. Smith and Gus J. Lambert, a code member producer in District 3, had wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder, and praying that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder;

The defendant having filed an answer on September 11, 1941, denying that it had violated the Code or rules and regulations thereunder;

A hearing in this matter having been held on September 26, 1941, before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof, in Clarksburg, West Virginia;

The Examiner having prepared and filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter, dated November 14, 1941, in which he found that the defendant had wilfully violated section 4 II (e) of the Act and of the

Code by selling and delivering, during the period from October 1, 1940, to March 24, 1941, inclusive, 80 tons of forked lump coal, produced at its Taylor (Cover) Mine (Mine Index No. 841) located in Taylor County, West Virginia, at $1.85 per net ton delivered to the Post Office Department at Grafton, West Virginia, which coal was classified as Size Group 3 and priced at $2.18 per net ton f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 3 for Truck Shipments, during said period, and that the amount of tax required to be paid by the defendant as a condition to reinstatement to membership in the Code, as provided in section 5 (c) of the Act, is $68.02; and the Examiner having recommended that the defendant's code membership be cancelled and revoked;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions or supporting briefs having been filed;

The undersigned having determined after consideration of the record that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of the defendant, Smith and Lambert, a partnership, be and it is hereby cancelled and revoked, effective fifteen (15) days from the date hereof;

It is further ordered, That prior to any reinstatement of the defendant, Smith and Lambert, or either of its partners, Harry B. Smith and Gus J. Lambert, to membership in the Code, the defendant or either of its partners shall pay to the United States a tax in the amount of $68.02 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: December 31, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-26; Filed, January 2, 1942; 11:38 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[SRB-401-Special Counties, Texas Supp. 3]

1940 SPECIAL AGRICULTURAL CONSERVATION PROGRAM SOUTHERN REGION BULLETIN 401

SUPPLEMENT 3

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, the 1940 Special Agricultural Conservation Program, Southern Region Bulletin 401, is hereby further amended as follows:

1. Paragraph (b), section 9, as amended by Supplement 2, is further amended to read as follows:

(b) *Time and manner of filing application and information required.* Payment will be made only upon application submitted through the county office on or before March 31, 1941, except (i) applications for tenants and sharecroppers covering cropland owned by the United States may be submitted through the county office not later than December 31, 1941, (ii) the timely filing of an application by one person on a farm shall constitute a timely filing on behalf of all persons on that farm, and (iii) an application for payment may be accepted if the State committee or its designated representative determines, in accordance with instructions issued by the Director of the Southern Division with the approval of the Administrator, that the failure to file the timely application was not due to the fault of the applicant. Closing dates for the filing of adjustment applications (an application by which a person corrects the data shown on his original application) may be established by the Administrator.

The Secretary reserves the right (i) to withhold payment from any person who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (ii) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the Director of the Southern Division. At least 2 weeks' notice to the public shall be given of the expiration of a time limit for filing prescribed forms. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

2. Paragraph (3), section 12, is hereby amended to read as follows:

(3) The provisions of the Special 1940 Agricultural Conservation Program (except sec. 8 (b)) are not applicable to (1) counties other than Dallas, Deaf Smith, Hansford, Hartley, Moore, Oldham, and Sherman, and (2) land other than cropland in which the beneficial ownership is in the United States.

Done at Washington, D. C., this 30th day of December 1941. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 41-9910; Filed, December 31, 1941; 11:30 a. m.]

Rural Electrification Administration.

[Administrative Order No. 652]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 19, 1941.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Alabama 2043A1 Marshall	$548,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 41-9913; Filed, December 31, 1941; 11:32 a. m.]

[Administrative Order No. 647]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 19, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Arkansas 2010E1 Pulaski	$129,000
Arkansas 2021D1 Lincoln	141,000
Arkansas 2027C1 Ouachita	220,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-4; Filed, January 1, 1942; 1:56 p. m.]

[Administrative Order No. 648]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 19, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Minnesota 2037E1 Jackson	$140,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-5; Filed, January 1, 1942; 1:56 p. m.]

[Administrative Order No. 649]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 19, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Indiana 2047D1 Orange	$54,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-6; Filed, January 1, 1942; 1:56 p. m.]

[Administrative Order No. 650]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 19, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Washington 2045A1 Grant District Public	$600,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-8; Filed, January 1, 1942; 1:56 p. m.]

[Administrative Order No. 651]

ALLOCATION OF FUNDS FOR LOANS

DECEMBER 19, 1941.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Ohio 2032F1 Belmont	$147,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-7; Filed, January 1, 1942; 1:56 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

FREEMAN SHOE CORPORATION

NOTICE OF GRANTING OF EXCEPTION

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted the Freeman Shoe Corporation, Beloit, Wisconsin, relief from the necessity of preserving piece work tickets for two years as required by § 516.15, paragraph (a) (1) providing that the total weekly amounts of earnings will continue to be transcribed on earning record cards and those cards will be preserved as required by § 516.15, paragraph (a) (1).

This authority is subject to voidance for misrepresentation and revocation for cause.

Signed at Washington, D. C. this 1st day of January 1942.

THOMAS HOLLAND,
Acting Administrator.

[F. R. Doc. 42-47; Filed, January 2, 1942; 12:00 m.]

PROCTER & GAMBLE CO.

NOTICE OF GRANTING OF EXCEPTION

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted the Procter & Gamble Company, Cincinnati, Ohio, relief from the necessity of preserving all customer orders and bills of lading as required by § 516.15, paragraph (b), providing that true copies of all orders are retained for two years as required by § 516.15, paragraph (b).

This authority is subject to voidance for misrepresentation and revocation for cause.

Signed at Washington, D. C., this 1st day of January 1942.

THOMAS HOLLAND,
Acting Administrator.

[F. R. Doc. 42-48; Filed, January 2, 1942; 12:00 m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6208]

IN RE APPLICATION OF HIAWATHALAND BROADCASTING COMPANY (WSOO)

NOTICE OF HEARING

Application dated July 30, 1941, for renewal of license; class of service, broadcast; class of station, broadcast; location, Sault Ste. Marie, Michigan; operating assignment: Frequency, 1,230 kc.; power, 100 w. night, 250 w day; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the qualifications of the applicant, its officers, directors and stockholders to continue the operation of Station WSOO.

2. To determine whether the applicant has filed financial statements on Forms 705 and 706, as required by § 1.361 of the Commission's Rules and Regulations.

3. To determine whether the applicant has filed "Information as to ownership, operation, interests therein, contracts, etc.," as required by § 43.1 of the Commission's Rules and Regulations.

4. To determine whether the statements in this application (B2-R-1071) for renewal of license truly and accurately reflected the facts, particularly the answers to question No. 9, subsections (a), (b) and (c).

5. To determine whether on or about March 24, 1941 all spare equipment was available at the station, as required by § 3.46 of the Commission's Rules and Regulations (section 12 of the Standards of Good Engineering Practice).

6. To determine whether on or about March 24, 1941 the program logs of the station were maintained in accordance with the requirements of § 3.404 (a) of the Commission's Rules and Regulations.

7. To determine whether the applicant has complied with § 1.391 of the Commission's Rules and Regulations ("Answers to Notices of Violations").

8. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served by the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Hiawathaland Broadcasting Co., Radio Station WSOO, 107 W. Portage Avenue, Sault Ste. Marie, Michigan.

By the Commission.
Dated: December 30, 1941.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-40; Filed, January 2, 1942; 11:44 a. m.]

[Docket No. 6220]

IN RE APPLICATION OF HERMAN RADNER (NEW)

NOTICE OF HEARING

Application dated May 1, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Dearborn, Michigan; operating assignment specified: Frequency, 680 kc.; power, 1 kw. day; hours of operation, daytime.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the relationships, the nature, extent and effect thereof existing between the applicant, the personnel of the proposed station and WIBM, Inc., licensee of Station WIBM, Jackson, Michigan.

2. To determine the areas and populations now receiving primary service from Station WIBM which would receive pri-

mary service from the station proposed herein.

3. To determine the character of the proposed program service.

4. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Stations WMAQ, Chicago, Illinois, and WISR, Butler, Pennsylvania.

5. To determine the areas and populations which would be deprived of primary service, particularly from Stations WMAQ and WISR, as a result of the operation of the proposed station, and what other broadcast service is available to these areas and populations.

6. To determine the nature and extent of any interference which would result from the simultaneous operation of the proposed station and Station KWK operating as proposed in application B4-P-2364, as well as the areas and populations affected thereby.

7. To determine the areas and populations which would gain primary service from the operation of the proposed station and what other broadcast service is available to these areas and populations.

8. To determine whether the proposed station would provide primary service to (a) the business districts, (b) the residential districts and (c) the metropolitan district of Detroit, Michigan as contemplated by the Standards of Good Engineering Practice.

9. To determine whether the applicant, by modifying his proposal so as to provide for the use of a directional antenna, and using the requested power or increased power, could render a better service to the Detroit, Michigan area than would be rendered by station operation as now proposed, and avoid causing objectionable interference to the services of existing stations.

10. To determine whether there are other assignments available for this area which would enable the applicant to provide service more nearly in accordance with the Standards of Good Engineering Practice.

11. To determine whether the granting of this application and the operation of the proposed station would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

12. To determine whether in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served by the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Herman Radner, 19907 Roslyn Road, Detroit, Michigan.

Dated: December 30, 1941.
By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-41; Filed, January 2, 1942; 11:44 a. m.]

[Docket No. 6229]

IN RE APPLICATION OF CHATTANOOGA BROADCASTING CORP. (NEW)

NOTICE OF HEARING

Application dated December 12, 1939, for construction permit; class of service, broadcast; class of station, broadcast; location, Chattanooga, Tenn.; operating assignment specified: Frequency, 1,420 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the proposed station would provide primary service to (a) the business districts; (b) the residential districts; and (c) the metropolitan district of Chattanooga, Tennessee, as contemplated by the Standards of Good Engineering Practice.

2. To determine whether the applicant by the use of one or more synchronous amplifiers in connection with the proposed operation could provide primary service to (a) the business districts; (b) the residential districts; and (c) the metropolitan district of Chattanooga, Tennessee.

3. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and what other broadcast service is available to these areas and populations.

4. To determine whether in view of the facts adduced under the foregoing issues public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Chattanooga Broadcasting Corporation, 219 West 7th St., Chattanooga, Tennessee.

Dated: December 30, 1941.
By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-42; Filed, January 2, 1942; 11:44 a. m.]

[Docket No. 6235]

IN RE APPLICATION OF PADUCAH BROADCASTING CO., INC. (WSON)

NOTICE OF HEARING

Application dated August 13, 1941, for modification of C. P.; class of service, broadcast; class of station, broadcast; location, Henderson, Kentucky; operating assignment specified: Frequency, 860 kc.; power, 500 w. day; hours of operation, daytime.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the extent of any interference which would result from the simultaneous operation of Station WSON as proposed herein, and Station WHAS.

2. To determine the areas and populations which would be deprived of primary service, particularly from Station WHAS, as a result of the operation of WSON as proposed herein, and what other broadcast service is available to these areas and populations.

3. To determine the areas and populations which may be expected to gain primary service should Station WSON operate as proposed, and what other broadcast service is available to these areas and populations.

4. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

5. To determine whether in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Paducah Broadcasting Co., Inc., Radio Station WSON, % Pierce E. Lackey, P. O. Box 1020, Paducah, Kentucky.

Dated: December 31, 1941.
By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-43; Filed, January 2, 1942; 11:44 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5701]

IN THE MATTER OF CAROLINA POWER & LIGHT COMPANY

ORDER GRANTING PETITION FOR TRANSFER OF HEARING

DECEMBER 31, 1941.

Upon consideration of the petition of Carolina Power & Light Company for transfer to Raleigh, North Carolina, of the hearing now set to resume at Washington, D. C., on January 6, 1942;

The Commission *orders* that:

The hearing in the above-entitled proceeding be resumed on January 6, 1942, at 9:45 a. m. in the Federal Court Room in Raleigh, North Carolina.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 42-9; Filed, January 2, 1942; 9:27 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION TO THE COMMISSIONER OF THE ARKANSAS STATE DEPARTMENT OF LABOR

The Commissioner of the Arkansas State Department of Labor having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Arkansas Employment Security Act; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) Said law provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Commissioner of the Arkansas State Department of Labor.

[SEAL] SOCIAL SECURITY BOARD, A. J. ALTMEYER, *Chairman.*

DECEMBER 19, 1941.

Approved:
PAUL V. MCNUTT, *Administrator.*

DECEMBER 31, 1941.

[F. R. Doc. 42-22; Filed, January 2, 1942; 11:32 a. m.]

CERTIFICATION TO THE INDUSTRIAL COMMISSION OF THE STATE OF FLORIDA

The Industrial Commission of the State of Florida having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Florida unemployment compensation law; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) Said law provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said law to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Industrial Commission of the State of Florida.

[SEAL] SOCIAL SECURITY BOARD, A. J. ALTMEYER, *Chairman.*

DECEMBER 29, 1941.

Approved:
PAUL V. MCNUTT, *Administrator.*

DECEMBER 31, 1941.

[F. R. Doc. 42-21; Filed, January 2, 1942; 11:33 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4594]

IN THE MATTER OF FISHER NUT AND CHOCOLATE COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41)

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, January 12, 1942, at ten o'clock in the forenoon of that day (Central Standard Time), in Room 430, Post Office Building, St. Paul, Minnesota.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] JOE L. EVINS, *Acting Secretary.*

[F. R. Doc. 42-19; Filed, January 2, 1942; 11:19 a. m.]

[Docket No. 4605]

IN THE MATTER OF MODERNISTIC CANDIES, INC., A CORPORATION, AND SOL S. LEAF AND HARRY LEAF, INDIVIDUALLY AND AS OFFICERS OF MODERNISTIC CANDIES, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1941.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, January 23, 1942, at ten o'clock in the forenoon of that day (Central Standard Time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] JOE L. EVINS, *Acting Secretary.*

[F. R. Doc. 42-20; Filed, January 2, 1942; 11:19 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 811-269]

IN THE MATTER OF PATHE FILM CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 31st day of December, A. D. 1941

An application having been duly filed by the above named applicant under and pursuant to the provisions of the Investment Company Act of 1940 for an order under section 8 (f) of the Act declaring that the applicant has ceased to be an investment company;

It is ordered, That a hearing on the matter of the application of the above named applicant under and pursuant to section 8 (f) of the Investment Company Act of 1940 be held on January 9, 1942 at 10:00 o'clock of the forenoon of that day in Room 1102 of the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.

It is further ordered, That Willis E. Monty, Esquire or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-36; Filed, January 2, 1942; 11:42 a. m.]

IN THE MATTER OF HARRY J. ROTHMAN & CO., INC., 30 BROAD STREET, NEW YORK, NEW YORK

FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 31st day of December, A. D. 1941.

Harry J. Rothman & Co., Inc., a New York corporation, hereinafter called the registrant, being registered with the commission as an over-the-counter broker-dealer pursuant to section 15 of the Securities Exchange Act of 1934; and

The Commission having issued an order stating that information had been reported to the Commission tending to show that on or about October 14, 1941, Harry J. Rothman, president of the registrant, was convicted on a plea of guilty in the United States District Court for the Southern District of New York of violating sections 9 (a) (1) and 9 (a) (2) of the Securities Exchange Act of 1934, and setting a hearing on the question whether the registration of the registrant should be suspended or revoked; the registrant having acknowledged receipt and service of adequate notice of the proceeding and having waived his opportunity for hearing therein, having admitted the truth of the material allegations set forth in the Commission's order, and having consented in writing to the revocation of his registration; and the Commission having duly considered the matter and being fully advised in the premises, and having found that Harry J. Rothman, president of the registrant, was convicted on October 14, 1941, in the United States District Court for the Southern District of New York of violating sections 9 (a) (1) and 9 (a) (2) of the Securities Exchange Act of 1934, and that revocation of the registration of the registrant is in the public interest;

It is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of Harry J. Rothman & Co., Inc., be, and the same hereby is, revoked.

By the Commission (Chairman Eicher, Commissioners Healy, Pike, Purcell, and Burke).

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-37; Filed, January 2, 1942; 11:42 a. m.]

[File No. 70-419]

IN THE MATTER OF AMERICAN UTILITIES SERVICE CORPORATION, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of December, A. D. 1941.

American Utilities Service Corporation, a registered holding company, having filed a declaration pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-45 promulgated thereunder, regarding the capital contribution by it to its subsidiary company Northwestern Illinois Utilities of 43,862 shares of the common stock of the company last named, said stock having a par value of $5 per share, and it being proposed that the resulting capital surplus of $219,310 will then be transferred to that company's Reserve for Contingencies;

Said declaration having been filed October 23, 1941 and the last amendment thereto having been filed on December 8, 1941, but the declarant having requested that the effectiveness be postponed pending another proceeding pending before this Commission, "In the Matter of American Utilities Service Corporation and Northwestern Illinois Utilities" File No. 70-426, which applications have not yet been granted, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said section, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

Said declarant having now requested that the effective date of said declaration be advanced; and

The Commission finding with regard to the aforesaid declaration that the requirements of Section 12 (b) and Rule U-45 are satisfied and being satisfied that the effective date of such declaration should be advanced:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and provisions prescribed in Rule U-24 that the aforesaid declaration be and hereby is permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-38; Filed, January 2, 1942; 11:42 a. m.]

[File No. 70-163]

IN THE MATTER OF MICHIGAN CONSOLIDATED GAS COMPANY

SUPPLEMENTAL ORDER EXTENDING TIME FOR CONSUMMATION OF ACQUISITIONS ALREADY APPROVED

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of December, A. D. 1941.

An order having been entered by the Commission on January 30, 1941 approving an application filed by Michigan Consolidated Gas Company pursuant to section 10 of the Public Utility Holding Company Act of 1935, permitting the acquisition of certain real and personal property known as the Austin Natural Gas Field; and an order having previously been entered on March 27, 1941,

extending the time for consummation of the aforedescribed acquisitions for a period of 90 days from March 31, 1941; and a further supplemental order having also been entered on July 3, 1941 extending the time for the consummation of the remainder of the aforedescribed acquisitions for an additional period of 90 days from July 3, 1941; and a second supplemental order having also issued on September 26, 1941, extending the time for the consummation of the remainder of the aforedescribed acquisitions for an additional period of 90 days from September 26, 1941; and

A further request having been made by Michigan Consolidated Gas Company for an additional 90-day extension of time for the period in which to consummate the remaining transactions incidental to the acquisition, the representation being made that acquisition of such remaining interests are still awaiting the consummation of negotiations concerning certain parcels of land; and

The Commission deeming such extension of time for the purpose requested reasonable and necessary;

It is ordered, That the requested extension of time for consummation of the aforedescribed transactions for a period of 90 days from December 26, 1941 be and is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-39; Filed, January 2, 1942; 11:42 a. m.]

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FEDERAL REGISTER

VOLUME 7 NUMBER 3

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Washington, Tuesday, January 6, 1942

The President

EXTENDING THE PERIOD FOR THE ESTABLISHMENT OF AN ADEQUATE SHIPPING SERVICE FOR, AND DEFERRING EXTENSION OF THE COASTWISE LAWS TO, CANTON ISLAND

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 21 of the Merchant Marine Act, 1920 (41 Stat. 977), as amended and as incorporated into section 877, title 46, United States Code, provides:

> From and after February 1, 1922, the coastwise laws of the United States shall extend to the island Territories and possessions of the United States not covered thereby on June 5, 1920, and the Commission is directed prior to the expiration of such year to have established adequate steamship service at reasonable rates to accommodate the commerce and the passenger travel of said islands and to maintain and operate such service until it can be taken over and operated and maintained upon satisfactory terms by private capital and enterprise: *Provided*, That if adequate shipping service is not established by February 1, 1922, the President shall extend the period herein allowed for the establishment of such service in the case of any island Territory or possession for such time as may be necessary for the establishment of adequate shipping facilities therefor * * *;

AND WHEREAS an adequate shipping service to accommodate the commerce and the passenger travel of Canton Island has not been established as provided in the aforesaid section; and

WHEREAS the extension of the coastwise laws of the United States to Canton Island, as provided in the aforesaid section, is dependent upon the establishment of such adequate shipping service; and

WHEREAS by Proclamation No. 2448[1] of November 23, 1940, the period for the establishment of an adequate shipping service for Canton Island was extended to January 1, 1942, and the extension of the coastwise laws of the United States to Canton Island was deferred to January 1, 1942:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, under and by virtue of the authority vested in me by section 21 of the aforesaid Merchant Marine Act, 1920, as amended, do hereby declare and proclaim that the period for the establishment of an adequate shipping service for Canton Island is further extended to January 1, 1943, and that the extension of the coastwise laws of the United States to Canton Island is further deferred to January 1, 1943.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 31st day of December in the year of our Lord nineteen hundred and [SEAL] forty-one, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2534]

[F. R. Doc. 42-64; Filed, January 3, 1942; 10:54 a. m.]

[1] 5 F.R. 4659.

EXECUTIVE ORDER

CERTIFYING THE TERRITORY OF HAWAII AS A DISTRESSED EMERGENCY AREA

WHEREAS section 2 (c) of the act of January 29, 1937, entitled "An Act to provide for loans to farmers for crop production and harvesting during the year 1937, and for other purposes" (50 Stat. 5, 6), provides:

> No loan made under the provisions of this Act to any borrower shall exceed $400, nor shall a loan be so made in any calendar year which, together with the unpaid principal of prior loans so made to such borrower in that year, shall exceed $400 in amount: *Provided, however*, That in any area certified by the President of the United States to the Governor [of the Farm Credit Administra-

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tion] as a distressed emergency area, the Governor may make loans without regard to the foregoing limitations as to amount, under such regulations, with such maturities, and in such amounts as he may prescribe.

AND WHEREAS it appears that on account of the conditions now prevailing therein, the Territory of Hawaii is a distressed emergency area:

NOW, THEREFORE, by virtue of the authority vested in me by the statutory provisions above set out, and upon recommendation of the Secretary of Agriculture and the Governor of the Farm Credit Administration, I hereby certify the Territory of Hawaii as a distressed emergency area during the continuance of the present war and for six months after termination thereof, or until such earlier time as I may designate.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 2, 1942.

[No. 9006]

[F. R. Doc. 42-69; Filed, January 3, 1942; 10:58 a. m.]

EXECUTIVE ORDER

TRANSFERRING TO THE SERVICE AND JURISDICTION OF THE NAVY DEPARTMENT CERTAIN OFFICERS OF THE UNITED STATES COAST AND GEODETIC SURVEY

By virtue of the authority vested in me by section 16 of the act of May 22, 1917, 40 Stat. 87 (U.S.C., title 33, sec. 855), and in view of the existing national emergency, it is ordered that the following-named commissioned officers of the Coast and Geodetic Survey be, and they are hereby, transferred to the service and jurisdiction of the Navy Department:

Lieutenant George L. Anderson
Lieutenant Ralph L. Pfau
Lieutenant (jg) Ira T. Sanders
Lieutenant (jg) Franklin R. Gossett
Lieutenant (jg) John C. Tribble, Jr.

The above-named officers shall serve under their commissions in the Coast and Geodetic Survey and while so serving shall constitute a part of the naval forces of the United States and shall be under direct orders of the Navy Department and subject to all laws, regulations, and orders for the government of the Navy in so far as the same may be applicable; and such officers shall be returned to the Coast and Geodetic Survey when the present national emergency ceases to exist.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 2, 1942.

[No. 9007]

[F. R. Doc. 42-68; Filed, January 3, 1942; 10:58 a. m.]

EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER NO. 8990 OF DECEMBER 23, 1941, RELATING TO APPOINTMENT OF STATE EMPLOYMENT SECURITY PERSONNEL TO POSITIONS IN THE SOCIAL SECURITY BOARD

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 404) and by section 4 of the act of November 26, 1940, 54 Stat. 1214, it is ordered as follows:

1. Paragraph numbered 2 of Executive Order No. 8990[1] of December 23, 1941, relating to appointment of State employment security personnel to positions in the Social Security Board, is hereby amended to read:

Finding that such action is necessary to the more efficient operation of the Government, it is ordered that positions required by the Federal Security Agency in connection with its operation of employment office facilities and services for the performance of functions heretofore performed by state employment security agencies shall be excluded from the provisions of the Classification Act, as amended and extended, until such time as the Federal Security Administrator shall determine that such positions shall be classified in accordance with the administrative provisions and salary rates of the Classification Act, as amended.

2. The second sentence of paragraph numbered 3 of the said order is hereby amended to read:

Persons so appointed may, subject to the satisfactory completion of a six-months' probationary period, acquire a competitive classified civil-service status in the Federal service, subject to such regulations as the Civil Service Commission may prescribe.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
Jan. 2, 1942.

[No. 9008]

[F. R. Doc. 42-67; Filed, January 3, 1942; 10:58 a. m.]

[1] 6 F.R. 6727.

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

PART 28—FEDERAL LAND BANK OF OMAHA

PARTIAL RELEASE OF SECURITY FEES

Section 28.3 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 28.3 *Partial release of security fees.* No partial release fee will be collected unless appraisal is required by the bank. Where appraisal is required by the bank a $10.00 fee will be collected. Fees need not be submitted with partial release applications. (Sec. 13 "Ninth", 39 Stat. 372, Sec. 26, 48 Stat. 44, Sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth", 723 (e), 1016 (e) and Sup.; 6 CFR 19.4019) (Res. Bd. Dir., November 19, 1941)

[SEAL] THE FEDERAL LAND BANK OF OMAHA,
By CHAS. MCCUMSEY,
President.

Confirmed:
WAYNE E. SMITH,
Assistant Secretary.

[F. R. Doc. 42-110; Filed, January 5, 1942; 11:32 a. m.]

TITLE 7—AGRICULTURE

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

PART 1101—FOOD STAMP PLAN

COMPLIANCE

Section 1101.200 (*Eligibility to accept food stamps*[1]) (section 200, Article II of the "Food Stamp Plan Regulations", made and prescribed by the Secretary of Agriculture on May 17, 1941, effective May 19, 1941, as amended) is hereby amended to read as follows:

§ 1101.200 *Privilege of accepting food stamps.* The privilege of accepting food stamps may be granted to a retail food store upon compliance with such conditions as to eligibility to participate as, in the judgment of the Administration, will effectuate the purposes of the Food Stamp program. The Administration may, at any time, place such restrictions upon participation, or upon the duration of the participation of any retail food store, as it deems proper.

Section 1101.301 (*Collection agents*[2]) (section 301, Article III of the "Food Stamp Plan Regulations", made and prescribed by the Secretary of Agriculture on May 17, 1941, effective May 19, 1941, as amended) is hereby amended to read as follows:

§ 1101.301 *Collection agents.* Wholesalers and banks may act as collection agents for retail food stores, only when expressly authorized by the Administration. The privilege of acting as collection agents may, at any time, be conditioned upon compliance with such requirements and restricted as to such duration, as, in the judgment of the Administration, will effectuate the purposes of the Food Stamp program.

Done at Washington, D. C., this 3d day of January 1942. Witness my hand and the seal of the Department of Agriculture. (Sec. 32, 49 Stat. 774 as amended, 50 Stat. 323 as amended; 7 U.S.C., Sup., 612c, 15 U.S.C., Sup., 713c)

Effective date: January 3, 1942.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-70; Filed, January 3, 1942; 11:10 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VII—PERSONNEL

PART 79—PRESCRIBED SERVICE UNIFORM[3]

§ 79.60 *Belts*—(a) *Officers.* (1) The officers' belt, M1921 of Army russet leather and brass trimmings with single shoulder strap.

(2) The officers' belt, cloth, matching the coat in color and fabric, 1¾ inches in width, equipped with a removable brass 1¾ inch tongueless bar buckle, and having a tapered end, the belt will be sewed down around the waist line of the coat to a point approximately 2½ inches from

[1] 6 F.R. 2536.
[2] 6 F.R. 2537.
[3] § 79.60 (a) is amended.

the front edge of the coat on each side. The belt will cover the horizontal seam at the waistline of the coat, and the buckle will be centered over the bottom button of the coat when buttoned. The tapered end of the belt will pass through the buckle to the left, will extend not more than 3 inches beyond the buckle, and be held in place by a cloth keeper ½ inch in width. (R.S. 1296; 10 U.S.C. 1391) [Par. 60*a*, AR 600–35, Nov. 10, 1941, as amended by Circular 267, W.D., Dec. 24, 1941]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–63; Filed, January 3, 1942; 10:22 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendment 20–32, Civil Air Regulations]

PART 20—PILOT CERTIFICATES

PRIVATE PILOT LIMITATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 2d day of January 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective January 2, 1942, Part 20 of the Civil Air Regulations is amended as follows:

Section 20.612 is amended to read as follows:

§ 20.612 *Private pilot.* A person possessed of a valid private pilot certificate shall not pilot for hire any aircraft carrying any person or property; nor pilot any aircraft in furtherance of a business except as an incident to his personal transportation: *Provided*, That this section shall not prevent such pilot from receiving remuneration by direction of the Government of the United States, or of any State or political subdivision thereof, for participation in official missions of the Civil Air Patrol or of any other recognized semi-military organization, while a member of such organization.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42–126; Filed, January 5, 1942; 11:44 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 259—FORMS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

ADOPTION OF REVISED FORMS U-12 (I)–A AND U-12 (I)–B FOR INFORMATION PURSUANT TO SECTION 12 (i) OF THE ACT

Acting pursuant to the Public Utility Holding Company Act of 1935, particularly sections 12 (i) and 20 (a) thereof, and finding that such action is necessary and appropriate in the public interest and for the protection of investors and consumers and necessary to carry out the provisions of the Act, the Securities and Exchange Commission hereby adopts a revised Form U-12 (I)–A and a revised Form U-12 (I)–B,[1] each designated by the caption "Effective August 1, 1938 Revised December 31, 1941," and rescinds Form U-12 (I)–A and Form U-12 (I)–B previously adopted.

The table of forms accompanying the rules and regulations under the Public Utility Holding Company Act of 1935 is hereby amended so that the date opposite the description of Forms U-12 (I)–A and U-12 (I)–B shall read *12–31–41* instead of 8–1–38.

Effective January 3, 1942, except that, prior to February 1, 1942, it is permissible to use either Form U-12 (I)–A designated "Effective August 1, 1938, Revised December 31, 1941," or said form as heretofore in effect.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–119; Filed, January 5, 1942; 11:43 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER II—RAILROAD RETIREMENT BOARD

AMENDMENTS TO STATUTORY PROVISIONS OF THE REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j), as amended by secs. 1, 2, Pub. No. 764, 76th Cong., Chap. 664, 3d Sess., approved August 13, 1940; secs. 1, 2, Pub. Res. No. 81, 76th Cong., Chap. 307, 3d Sess., approved June 11, 1940; and sec. 26, Pub. No. 833, 76th Cong., Chap. 842, 3d Sess., approved October 10, 1940, §§ 202.01, 203.01, 204.01, 204.04, and 255.01 of the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477) are amended, effective as of the dates indicated, by Board Order 41–526 dated December 16, 1941, by the inclusion therein of statutory provisions, as follows:

[1] Filed with the original document.

PART 202—EMPLOYERS UNDER THE ACT

Section 202.01 by adding at the end thereof the following, effective August 29, 1935:

§ 202.01 *Words and phrases.* * * * The term "employer" shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to an employer where delivery is not beyond the mine tipple, and the operation of equipment or facilities therefor, or in any of such activities. (Sec. 1, Pub. No. 764, 76th Cong., Chap. 664, 3d Sess., approved August 13, 1940)

PART 203—EMPLOYEES UNDER THE ACT

Section 203.01 by adding as a new paragraph at the end of the first paragraph thereof the following, effective August 29, 1935:

§ 203.01 *Statutory provision.* * * * The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple. (Sec. 3, Pub. No. 764, 76th Cong., Chap. 664, 3d Sess., approved August 13, 1940)

* * * * *

and by adding as a new paragraph, before the last paragraph of § 203.01 the following, effective August 29, 1935:

* * * * *

An individual is in the service of an employer whether his service is rendered within or without the United States if he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of his service, which service he renders for compensation: *Provided, however*, That an individual shall be deemed to be in the service of an employer not conducting the principal part of its business in the United States only when he is rendering service to it in the United States: *Provided further*, That an individual not a citizen or resident of the United States shall not be deemed to be in the service of an employer when rendering service outside the United States to an employer who is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof; and the laws applicable on August 29, 1935, in the place where the service is rendered shall be deemed to have been applicable there at all times prior to that date. (Sec. 1 (c), 50 Stat. 307; 45 U.S.C. Sup. III, 228a; amended by sec. 1, Pub. Res. No. 81, 76th Cong., Chap. 307, 3d Sess., approved June 11, 1940)

* * * * * *

PART 204—EMPLOYMENT RELATION

Section 204.01 by substituting for the proviso therein the following, effective August 29, 1935:

§ 204.01 *Statutory provision.* * * * *Provided, however*, That an individual shall not be deemed to be in the employment relation to an employer unless during the last pay-roll period in which he rendered service to it he was with respect to that service in the service of an employer in accordance with subsection (c) of this section. (Sec. 1, Pub. Res. No. 81, 76th Cong., Chap. 307, 3d Sess., approved June 11, 1940) * * *

Section 204.04 by changing the period at the end thereof to a colon and adding the following, effective August 29, 1935:

§ 204.04 *Statutory provision of 1935 Act as amended.* * * * *Provided, however*, That an individual shall not be deemed to be in the employment relation to a carrier unless during the last pay-roll period in which he rendered service to it he was with respect to that service in the service of a carrier in accordance with subsection (c) of this section. (Sec. 2, Pub. Res. No. 81, 76th Cong., Chap. 307, 3d Sess., approved June 11, 1940)

PART 255—RECOVERY OF ERRONEOUS PAYMENTS

Section 255.01 by substituting for the present language the following, effective July 1, 1940:

§ 255.01 *Statutory provisions.* (a) If the Board finds that at any time more than the correct amount of annuities, pensions, or death benefits has been paid to any individual under this Act or the Railroad Retirement Act of 1935 or a payment has been made to an individual not entitled thereto (including payments made prior to July 1, 1940), recovery by adjustments in subsequent payments to which such individual is entitled under this Act or any other Act administered by the Board may, except as otherwise provided in this section, be made under regulations prescribed by the Board. If such individual dies before recovery is completed, recovery may be made by set-off or adjustments, under regulations prescribed by the Board, in subsequent payments due, under this Act or any other Act administered by the Board, to the estate, designee, next of kin, legal representative, or surviving spouse of such individual, with respect to the employment of such individual.

(b) Adjustments under this section may be made either by deductions from subsequent payments or, with respect to payments which are to be made during a lifetime or lifetimes, by subtracting the total amount of annuities, pensions, or death benefits paid in excess of the proper amount from the actuarial value, as determined by the Board, of such payments to be made during a lifetime or lifetimes and recertifying such payments on the basis of the reduced actuarial value. In the latter case, recovery shall be deemed to have been completed upon such recertification.

(c) There shall be no recovery in any case in which more than the correct amount of annuities, pensions, or death benefits under this Act or the Railroad Retirement Act of 1935 has been paid to an individual or payment has been made to an individual not entitled thereto (including payments made prior to July 1, 1940) who, in the judgment of the Board, is without fault when, in the judgment of the Board, recovery would be contrary to the purpose of the Acts or would be against equity or good conscience.

(d) No certifying or disbursing officer shall be held liable for any amount certified or paid by him in good faith to any person where the recovery of such amount is waived under subsection (c) of this section or has been begun but cannot be completed under subsection (a) of this section. (Sec. 9, 50 Stat. 314; 45 U.S.C. Sup. III, 228i; as amended by Sec. 26, Pub. No. 833, 76th Cong., Chap. 842, 3d Sess., approved October 10, 1940)

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON,
Secretary of the Board.

JANUARY 2, 1942.

[F. R. Doc. 42–65; Filed, January 3, 1942; 10:52 a. m.]

AMENDMENTS TO STATUTORY PROVISIONS OF THE REGULATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Pursuant to the authority contained in section 12 of the Act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. Sup. IV, 362), as amended by the Act of June 20, 1939 (53 Stat. 845; Pub. No. 141, 76th Cong., 1st Sess.), as amended by Sec. 1, Pub. No. 764, 76th Cong., Chap. 664, 3d Sess., approved August 13, 1940, as amended by Sec. 5, Pub. No. 833, 76th Cong., Chap. 842, 3d Sess., approved October 10, 1940, the Railroad Retirement Board, by Board Order 41–526 dated December 16, 1941, amends §§ 301.01 and 325.01 of the Regulations under the Railroad Unemployment Insurance Act, effective as of the dates indicated, by the inclusion therein of statutory provisions, as follows:

PART 301—EMPLOYERS UNDER THE ACT

Section 301.01[1] by adding at the end of the first paragraph thereof the following, effective July 1, 1939:

§ 301.01 *Statutory provisions.* * * * The term "employer" shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to an employer where delivery is not beyond the mine tipple, and the operation of equipment or facilities therefor, or in any of such activities. (Sec. 1, Pub. No. 764, 76th Cong., Chap. 664, 3d Sess., approved August 13, 1940)

* * *

PART 325—REGISTRATION AND CLAIMS FOR BENEFITS

Section 325.01 by substituting for the present quotation from section 1 (k) of the Railroad Unemployment Insurance Act the following, effective November 1, 1940:

§ 325.01 *Statutory provisions.*[2]

* * *

* * * a day of unemployment, with respect to any employee, means a calendar day on which he is able to work and is available for work and with respect to which (i) no remuneration is payable or accrues to him, and (ii) he has, in accordance with such regulations as the Board may prescribe, registered at an employment office: *Provided, however*, That "subsidiary remuneration", as * * * defined * * * (see § 310.69 of these Regulations) shall not be considered remuneration for the purpose of this subsection except with respect to an employee whose base-year compensation, exclusive of earnings from the position or occupation in which he earned such subsidiary remuneration, is less than $150: *Provided further*, That remuneration for a working day which includes a part of each of two consecutive calendar days shall be deemed to have been earned on the second of such two days, and any individual who takes work for such working day shall not by reason thereof be deemed not available for work on the first of such calendar days.

* * * * *

(Sec. 1 (k), 52 Stat. 1095, 45 U.S.C. Sup. IV, 351 (k); amended by Sec. 6, Pub. No. 141, 76th Cong., Chap. 227, 1st Sess., approved June 20, 1939 (53 Stat. 845); as amended by Sec. 5, Pub. No. 833, 76th Cong., Chap. 842, 3d Sess., approved October 10, 1940)

By authority of the Board.

[SEAL] JOHN C. DAVIDSON,
Secretary to the Board.

Dated JANUARY 2, 1942.

[F. R. Doc. 42–66; Filed, January 3, 1942; 10:52 a. m.]

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[1] 5 F.R. 2718.
[2] 5 F.R. 2111.

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tion] as a distressed emergency area, the Governor may make loans without regard to the foregoing limitations as to amount, under such regulations, with such maturities, and in such amounts as he may prescribe.

AND WHEREAS it appears that on account of the conditions now prevailing therein, the Territory of Hawaii is a distressed emergency area:

NOW, THEREFORE, by virtue of the authority vested in me by the statutory

[illegible] are hereby transferred to the [illegible] and jurisdiction of the Navy Department:

Lieutenant George L. Anderson
Lieutenant Ralph L. Pfau
Lieutenant (jg) Ira T. Sanders
Lieutenant (jg) Franklin R. Gossett
Lieutenant (jg) John C. Tribble, Jr.

The above-named officers shall serve under their commissions in the Coast and Geodetic Survey and while so serving shall constitute a part of the naval forces of the United States and shall be under direct orders of the Navy Department and subject to all laws, regulations, and orders for the government of the Navy in so far as the same may be applicable; and such officers shall be returned to the Coast and Geodetic Survey when the present national emergency ceases to exist.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 2, 1942.

[No. 9007]

[F. R. Doc. 42-68; Filed, January 3, 1942; 10:58 a. m.]

EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER NO. 8990 OF DECEMBER 23, 1941, RELATING TO APPOINTMENT OF STATE EMPLOYMENT SECURITY PERSONNEL TO POSITIONS IN THE SOCIAL SECURITY BOARD

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 404) and by section 4 of the act of November 26, 1940, 54 Stat. 1214, it is ordered as follows:

1. Paragraph numbered 2 of Executive Order No. 8990[1] of December 23, 1941,

[1] 6 F.R. 6727.

[illegible] and Geodetic Survey in [illegible]

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 2, 1942.

No. 9008

[F. R. Doc. 42-69; Filed, January 3, 1942; 1:58 a. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

PART 28—FEDERAL LAND BANK OF OMAHA

PARTIAL RELEASE OF SECURITY FEES

Section 28.3 of Title 6, Code of Federal Regulations is amended to read as follows:

§ 28.3 *Partial release of security fees.* No partial release fee will be collected unless appraisal is required by the bank. Where appraisal is required by the bank a $10.00 fee will be collected. Fees need not be submitted with partial release applications. (Sec. 13 "Ninth", 39 Stat. 372, Sec. 26, 48 Stat. 44, Sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth", 723 (e), 1016 (e) and Sup.; 6 CFR 19.4019) (Res. Bd. Dir., November 19, 1941)

[SEAL] THE FEDERAL LAND BANK OF OMAHA,
By CHAS. MCCUMSEY,
President.

Confirmed:
WAYNE E. SMITH,
Assistant Secretary.

[F. R. Doc. 42-110; Filed, January 5, 1942; 11:32 a. m.]

[illegible] as amended is hereby amended, to read as follows:

§ 1101.301 *Collection agents.* Wholesalers and banks may act as collection agents for retail food stores, only when expressly authorized by the Administration. The privilege of acting as collection agents may, at any time, be conditioned upon compliance with such requirements and restricted as to such duration, as, in the judgment of the Administration, will effectuate the purposes of the Food Stamp program.

Done at Washington, D. C., this 3d day of January 1942. Witness my hand and the seal of the Department of Agriculture. (Sec. 32, 49 Stat. 774 as amended, 50 Stat. 323 as amended; 7 U.S.C., Sup., 612c, 15 U.S.C., Sup., 713c)

Effective date: January 3, 1942.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-70; Filed, January 5, 1942, 11:10 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VII—PERSONNEL

PART 79—PRESCRIBED SERVICE UNIFORM[1]

§ 79.60 *Belts*—(a) *Officers.* (1) The officers' belt, M1921 of Army russet leather and brass trimmings with single shoulder strap.

(2) The officers' belt, cloth, matching the coat in color and fabric, 1¾ inches in width, equipped with a removable brass 1¾ inch tongueless bar buckle, and having a tapered end, the belt will be sewed down around the waist line of the coat to a point approximately 2½ inches from

[1] 6 F.R. 2536.
[2] 6 F.R. 2537.
[3] § 79.60 (a) is amended.

the front edge of the coat on each side. The belt will cover the horizontal seam at the waistline of the coat, and the buckle will be centered over the bottom button of the coat when buttoned. The tapered end of the belt will pass through the buckle to the left, will extend not more than 3 inches beyond the buckle, and be held in place by a cloth keeper ½ inch in width. (R.S. 1296; 10 U.S.C. 1391) [Par. 60a, AR 600–35, Nov. 10, 1941, as amended by Circular 267, W.D., Dec. 24, 1941]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–63; Filed, January 3, 1942; 10:22 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendment 20–32, Civil Air Regulations]

PART 20—PILOT CERTIFICATES

PRIVATE PILOT LIMITATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 2d day of January 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective January 2, 1942, Part 20 of the Civil Air Regulations is amended as follows:

Section 20.612 is amended to read as follows:

§ 20.612 *Private pilot.* A person possessed of a valid private pilot certificate shall not pilot for hire any aircraft carrying any person or property; nor pilot any aircraft in furtherance of a business except as an incident to his personal transportation: *Provided,* That this section shall not prevent such pilot from receiving remuneration by direction of the Government of the United States, or of any State or political subdivision thereof, for participation in official missions of the Civil Air Patrol or of any other recognized semi-military organization, while a member of such organization.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42–126; Filed, January 5, 1942; 11:44 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 259—FORMS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

ADOPTION OF REVISED FORMS U-12 (I)–A AND U-12 (I)–B FOR INFORMATION PURSUANT TO SECTION 12 (I) OF THE ACT

Acting pursuant to the Public Utility Holding Company Act of 1935, particularly sections 12 (i) and 20 (a) thereof, and finding that such action is necessary and appropriate in the public interest and for the protection of investors and consumers and necessary to carry out the provisions of the Act, the Securities and Exchange Commission hereby adopts a revised Form U-12 (I)–A and a revised Form U-12 (I)–B,[1] each designated by the caption "Effective August 1, 1938 Revised December 31, 1941," and rescinds Form U-12 (I)–A and Form U-12 (I)–B previously adopted.

The table of forms accompanying the rules and regulations under the Public Utility Holding Company Act of 1935 is hereby amended so that the date opposite the description of Forms U-12 (I)–A and U-12 (I)–B shall read *12–31–41* instead of 8–1–38.

Effective January 3, 1942, except that, prior to February 1, 1942, it is permissible to use either Form U-12 (I)–A designated "Effective August 1, 1938, Revised December 31, 1941," or said form as heretofore in effect.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–119; Filed, January 5, 1942; 11:43 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER II—RAILROAD RETIREMENT BOARD

AMENDMENTS TO STATUTORY PROVISIONS OF THE REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j), as amended by secs. 1, 3, Pub. No. 764, 76th Cong., Chap. 664, 3d Sess., approved August 13, 1940; secs. 1, 2, Pub. Res. No. 81, 76th Cong., Chap. 307, 3d Sess., approved June 11, 1940; and sec. 26, Pub. No. 833, 76th Cong., Chap. 842, 3d Sess., approved October 10, 1940, §§ 202.01, 203.01, 204.01, 204.04, and 255.01 of the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477) are amended, effective as of the dates indicated, by Board Order 41–526 dated December 16, 1941, by the inclusion therein of statutory provisions, as follows:

[1] Filed with the original document.

PART 202—EMPLOYERS UNDER THE ACT

Section 202.01 by adding at the end thereof the following, effective August 29, 1935:

§ 202.01 *Words and phrases.* * * * The term "employer" shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to an employer where delivery is not beyond the mine tipple, and the operation of equipment or facilities therefor, or in any of such activities. (Sec. 1, Pub. No. 764, 76th Cong., Chap. 664, 3d Sess., approved August 13, 1940)

PART 203—EMPLOYEES UNDER THE ACT

Section 203.01 by adding as a new paragraph at the end of the first paragraph thereof the following, effective August 29, 1935:

§ 203.01 *Statutory provision.* * * * The term "employee" shall not include any individual while such individual is engaged in the physical operations consisting of the mining of coal, the preparation of coal, the handling (other than movement by rail with standard railroad locomotives) of coal not beyond the mine tipple, or the loading of coal at the tipple. (Sec. 3, Pub. No. 764, 76th Cong., Chap. 664, 3d Sess., approved August 13, 1940)

* * * * *

and by adding as a new paragraph, before the last paragraph of § 203.01 the following, effective August 29, 1935:

* * * * *

An individual is in the service of an employer whether his service is rendered within or without the United States if he is subject to the continuing authority of the employer to supervise and direct the manner of rendition of his service, which service he renders for compensation: *Provided, however,* That an individual shall be deemed to be in the service of an employer not conducting the principal part of its business in the United States only when he is rendering service to it in the United States: *Provided further,* That an individual not a citizen or resident of the United States shall not be deemed to be in the service of an employer when rendering service outside the United States to an employer who is required under the laws applicable in the place where the service is rendered to employ therein, in whole or in part, citizens or residents thereof; and the laws applicable on August 29, 1935, in the place where the service is rendered shall be deemed to have been applicable there at all times prior to that date. (Sec. 1 (c), 50 Stat. 307; 45 U.S.C. Sup. III, 228a; amended by sec. 1, Pub. Res. No. 81, 76th Cong., Chap. 307, 3d Sess., approved June 11, 1940)

* * * * *

PART 204—EMPLOYMENT RELATION

Section 204.01 by substituting for the proviso therein the following, effective August 29, 1935:

§ 204.01 *Statutory provision.* * * * *Provided, however,* That an individual shall not be deemed to be in the employment relation to an employer unless during the last pay-roll period in which he rendered service to it he was with respect to that service in the service of an employer in accordance with subsection (c) of this section. (Sec. 1, Pub. Res. No. 81, 76th Cong., Chap. 307, 3d Sess., approved June 11, 1940) * * *

Section 204.04 by changing the period at the end thereof to a colon and adding the following, effective August 29, 1935:

§ 204.04 *Statutory provision of 1935 Act as amended.* * * * *Provided, however,* That an individual shall not be deemed to be in the employment relation to a carrier unless during the last pay-roll period in which he rendered service to it he was with respect to that service in the service of a carrier in accordance with subsection (c) of this section. (Sec. 2, Pub. Res. No. 81, 76th Cong., Chap. 307, 3d Sess., approved June 11, 1940)

PART 255—RECOVERY OF ERRONEOUS PAYMENTS

Section 255.01 by substituting for the present language the following, effective July 1, 1940:

§ 255.01 *Statutory provisions.* (a) If the Board finds that at any time more than the correct amount of annuities, pensions, or death benefits has been paid to any individual under this Act or the Railroad Retirement Act of 1935 or a payment has been made to an individual not entitled thereto (including payments made prior to July 1, 1940), recovery by adjustments in subsequent payments to which such individual is entitled under this Act or any other Act administered by the Board may, except as otherwise provided in this section, be made under regulations prescribed by the Board. If such individual dies before recovery is completed, recovery may be made by set-off or adjustments, under regulations prescribed by the Board, in subsequent payments due, under this Act or any other Act administered by the Board, to the estate, designee, next of kin, legal representative, or surviving spouse of such individual, with respect to the employment of such individual.

(b) Adjustments under this section may be made either by deductions from subsequent payments or, with respect to payments which are to be made during a lifetime or lifetimes, by subtracting the total amount of annuities, pensions, or death benefits paid in excess of the proper amount from the actuarial value, as determined by the Board, of such payments to be made during a lifetime or lifetimes and recertifying such payments on the basis of the reduced actuarial value. In the latter case, recovery shall be deemed to have been completed upon such recertification.

(c) There shall be no recovery in any case in which more than the correct amount of annuities, pensions, or death benefits under this Act or the Railroad Retirement Act of 1935 has been paid to an individual or payment has been made to an individual not entitled thereto (including payments made prior to July 1, 1940) who, in the judgment of the Board, is without fault when, in the judgment of the Board, recovery would be contrary to the purpose of the Acts or would be against equity or good conscience.

(d) No certifying or disbursing officer shall be held liable for any amount certified or paid by him in good faith to any person where the recovery of such amount is waived under subsection (c) of this section or has been begun but cannot be completed under subsection (a) of this section. (Sec. 9, 50 Stat. 314; 45 U.S.C. Sup. III, 228i; as amended by Sec. 26, Pub. No. 833, 76th Cong., Chap. 842, 3d Sess., approved October 10, 1940)

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON,
Secretary of the Board.

JANUARY 2, 1942.

[F. R. Doc. 42–65; Filed, January 3, 1942; 10:52 a. m.]

AMENDMENTS TO STATUTORY PROVISIONS OF THE REGULATIONS UNDER THE RAILROAD UNEMPLOYMENT INSURANCE ACT

Pursuant to the authority contained in section 12 of the Act of June 25, 1938 (52 Stat. 1094, 1107; 45 U.S.C. Sup. IV, 362), as amended by the Act of June 20, 1939 (53 Stat. 845; Pub. No. 141, 76th Cong., 1st Sess.), as amended by Sec. 1, Pub. No. 764, 76th Cong., Chap. 664, 3d Sess., approved August 13, 1940, as amended by Sec. 5, Pub. No. 833, 76th Cong., Chap. 842, 3d Sess., approved October 10, 1940, the Railroad Retirement Board, by Board Order 41–526 dated December 16, 1941, amends §§ 301.01 and 325.01 of the Regulations under the Railroad Unemployment Insurance Act, effective as of the dates indicated, by the inclusion therein of statutory provisions, as follows:

PART 301—EMPLOYERS UNDER THE ACT

Section 301.01[1] by adding at the end of the first paragraph thereof the following, effective July 1, 1939:

§ 301.01 *Statutory provisions.* * * * The term "employer" shall not include any company by reason of its being engaged in the mining of coal, the supplying of coal to an employer where delivery is not beyond the mine tipple, and the operation of equipment or facilities therefor, or in any of such activities. (Sec. 1, Pub. No. 764, 76th Cong., Chap. 664, 3d Sess., approved August 13, 1940) * * *

PART 325—REGISTRATION AND CLAIMS FOR BENEFITS

Section 325.01 by substituting for the present quotation from section 1 (k) of the Railroad Unemployment Insurance Act the following, effective November 1, 1940:

§ 325.01 *Statutory provisions.*[2]

* * * * *

* * * a day of unemployment, with respect to any employee, means a calendar day on which he is able to work and is available for work and with respect to which (i) no remuneration is payable or accrues to him, and (ii) he has, in accordance with such regulations as the Board may prescribe, registered at an employment office: *Provided, however,* That "subsidiary remuneration", as * * * defined * * * (see § 310.60 of these Regulations) shall not be considered remuneration for the purpose of this subsection except with respect to an employee whose base-year compensation, exclusive of earnings from the position or occupation in which he earned such subsidiary remuneration, is less than $150: *Provided further,* That remuneration for a working day which includes a part of each of two consecutive calendar days shall be deemed to have been earned on the second of such two days, and any individual who takes work for such working day shall not by reason thereof be deemed not available for work on the first of such calendar days.

* * * * *

(Sec. 1 (k), 52 Stat. 1095, 45 U.S.C. Sup. IV, 351 (k); amended by Sec. 6, Pub. No. 141, 76th Cong., Chap. 227, 1st Sess., approved June 20, 1939 (53 Stat. 845); as amended by Sec. 5, Pub. No. 833, 76th Cong., Chap. 842, 3d Sess., approved October 10, 1940)

By authority of the Board.

[SEAL] JOHN C. DAVIDSON,
Secretary to the Board.

Dated JANUARY 2, 1942.

[F. R. Doc. 42–66; Filed, January 3, 1942; 10:52 a. m.]

[1] 5 F.R. 2718.
[2] 5 F.R. 2111.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1163]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1, AND FOR CHANGE IN SHIPPING POINTS FOR MINE INDEX NO. 1122 AND NO. 2062

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1 and for change in shipping points for coals of the Bonner Mine (Mine Index No. 1122) of H. C. Bonner and the Smith Mine (Mine Index No. 2062) of Claude Smith; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter temporary relief is granted as follows:

1. Commencing forthwith, § 321.7 (*Alphabetical list of code members*) and § 321.24 (*General Prices*) in the Schedules of Effective Minimum Prices for District No. 1, For All Shipments Except Truck, and For Truck Shipments, are amended to include the price classifications and minimum prices set forth in the Schedules marked "Supplement R" and "Supplement T," annexed hereto and hereby made a part hereof.

2. Commencing forthwith, the effective minimum prices for rail shipments from the Bonner Mine (Mine Index No. 1122) of H. C. Bonner shall be applicable only for shipments on the Pittsburgh & Shawmut Railroad from Conifer, Pennsylvania, and no longer shall be applicable for shipments on the Baltimore & Ohio Railroad from Juneau, Pennsylvania. The adjustments required or permitted mines in Freight Origin Group 119 shall be applicable to rail shipments from this mine from Conifer, Pennsylvania.

3. Commencing forthwith, the effective minimum prices for rail shipments from the Smith Mine (Mine Index No. 2062) of Claude Smith shall be applicable only for shipments on the Pittsburgh & Shawmut Railroad from Sprankles Mills, Pennsylvania, and no longer shall be applicable for shipments on the Pennsylvania Railroad from Anita, Pennsylvania. The adjustments required or permitted mines in Freight Origin Group 119 shall be applicable to rail shipments from this mine from Sprankles Mills, Pennsylvania.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index no.	Code member	Mine name	Subdistrict no.	Seam	Shipping point	Railroad	Freight origin group no.	1	2	3	4	5
3242	Ancharuk, Mike	Sincell #1 Upper Bench.	44	E	Gorman, Md.	W. Md. Ry.	68	(†)	(†)	E	E	E
3248	Ancharuk, Mike	Sincell #1 Lower Bench.	44	E	Gorman, Md.	W. Md. Ry.	68	(†)	(†)	H	K	K
3246	Apple Coal Company (Howard Apple).	Apple #3	18	E	Fallen Timber, Pa.	PRR	52	(†)	(†)	F	(†)	(†)
1062	Kiser & Siegel Coal Co. (Harold A. Siegel).	Kiser & Siegel	1	A	Tylersburg, Pa.	B&O	20	(†)	(†)	F	(†)	(†)
2502	Lasky, Sherman	Lasky & Sons	36	B	Boswell, Pa.	B&O	100	(†)	(†)	E	(†)	(†)
2799	O'Rourke, John A	D-11	16	D	Hastings, Pa.	PRR	50	(†)	(†)	E	(†)	(†)

†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Subdistrict No.	County	Seam	All lump coal, double screened, top size 2" and over	Double screened, top size 2" and under	Run of mine, modified R/M	2" and under, slack	¾" and under, slack
						1	2	3	4	5
Ancharuk, Mike	3242	Sincell #1 Upper Bench	44	Garrett	E	----	----	225	215	205
Ancharuk, Mike	3248	Sincell #1 Lower Bench	44	Garrett	E	----	----	210	190	180
Apple Coal Company (Howard Apple)	3246	Apple #3	18	Cambria	E	----	----	220	----	----
Hoffman, Roy	3211	Hoffman	9	Clearfield	D	----	----	230	----	----
Kuhstos and Bambling	3247	Glendale #6	39	Bedford	Barnett	----	----	240	----	----
Kukenberger, Rudolph	3254	Asbestos Coal Co	29	Cambria	C'	----	----	225	----	----
Rader, Myers & Myers (A. A. Rader)	3222	Rankin	15	Indiana	E	----	----	225	----	----
Sayers, Fred & James Travis (Fred Sayers)	990	Hilliard Coal	4	Clarion	D	240	215	215	200	190

[F. R. Doc. 42-35; Filed, January 2, 1942; 11:41 a. m.]

[Docket No. A-1172]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO 2

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

The petition proposed price classifications and minimum prices for all shipments except truck for coals of the Stahl Mine (Mine Index No. 1477) of Sarver Coal Company, Inc. It appears from official records of the Division that this mine is successor to the Coal Hollow Mine of Coal Hollow Coal Company (James E. G. Stahl), whose coals were priced for all shipments except truck in Docket No. A-398. No price classifications or minimum prices are therefore established herein for coals of this mine.

The petition proposed a "C" classification in Size Groups 1-4, inclusive; an "F" classification in Size Groups 5 and 6; and a "J" classification in Size Groups 7-9, inclusive, for coals of the Verner Mine (Mine Index No. 1886) of McDonald Mining Company for all shipments except truck. It appears that analogous coals are classified "J" in Size Groups 1 and 2, "H" in Size Groups 3-6, inclusive, and "J" in Size Groups 7-9, inclusive, for all shipments except truck. As the petition does not state any facts to justify classifying coals of the Verner Mine differently from coals of other mines in the same seam and the same subdistrict, the price classification and minimum prices established for analogous coals should be established for coals of the Verner Mine (Mine Index No. 1886) for all shipments except truck.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 18, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1735	Arnold, J. Harold	Arnold	Pittsburgh	3	Dickerson Run, Pa.	P&LE	26	D	D	D	D	D	D	D	D	D							
451	Brown, J. R.	Brown	Pittsburgh	9	Boston, Pa.	P&LE	73	D	D	D	D	D	D	D	D	D							
2224	Carr Coal Company	Clements (Strip)	Pittsburgh	9	Renton, Pa.	Unity	42	D	D	D	D	D	D	D	D	D							
2219	Central Iron & Coal Co. (J. F. MacKay)	Nagy #2 (Strip)	U. Freeport	1	Hillards, Pa.	B&LE	20	F	E	E	E	E	F	F	F	F							
2241	Central Iron & Coal Co. (J. P. MacKay)	Keller #1 (Strip)	Kittanning	1	New Castle, Pa.	PRR	50	E	E	E	E	E	F	F	F	F							
1051	Dunkard Coal Co. (Elden Osborne)	McClure	Pittsburgh	3	Dilliner, Pa.	Monon.	30	E	E	E	E	E	F	F	F	F							
						River	74	E	E	E	E	E	F	F	F	F							
848	Fidelity Supply Company c/o Robert J. Steenson	Fidelity #1	Pittsburgh	7	Poland, Pa.	Monon.	74	E	E	E	E	E	F	F	F	F							
					Piney Fork, Pa.	PRR	74	E	E	E	E	E	F	F	F	F							
2157	Ford, Lee S. (Ford Coal Co.)	Andrews Farm (Strip)	Pittsburgh	3	Calumet, Pa.	PRR	90	E	E	E	E	E	H	H	H	H							
310	Gallardi Coal Co. (L. J. Lowney)	Rich Hill #3	Pittsburgh	3	Rich Hill, Pa.	B&O	10	G	G	G	G	G	H	H	H	H							
2318	Griffith, H. N. Co. (L. J. Lowney)	Rich Hill (Strip)	Pittsburgh	3	Rich Hill, Pa.	B&O	10	G	G	G	G	G	H	H	H	H							
2207	Harris & Stahl (Edward Harris)	Winceland (Strip)	Pittsburgh	3	Smithton, Pa.	B&O	83	G	G	G	G	G	H	H	H	H							
1260	Houpt, Chas. D	Houpt	Pittsburgh	6	Wilpen, Pa.	Life	73	E	E	D	D	D	H	H	H	H							
2211	Hutter Coal Co. (H. P. Taylor)	Workman	Pittsburgh	3	Perryopolis, Pa.	P&LE	45	E	E	D	D	D	H	H	H	H							
2253	Johnson, J. H. (Vance Coal Company)	Katherine	U. Freeport	1	Wampum, Pa.	PRR	83	E	E	E	E	E	F	F	F	F							
2210	Kahley & Edwards (T. W. Edwards)	Beeson (Strip)	Pittsburgh	3	Evans Station, Pa.	B&O	79	J	J	H	H	H	H	H	H	H							
2232	Kiely, S. (Klein Coal Company)	Port View (Strip)	Pittsburgh	9	Wylie, Pa.	P&LE	79	J	J	H	H	H	H	H	H	H							
4	Leechburg Collieries Co.	Armstrong	U. Freeport	2	Leechburg, Pa.	PRR	98	E	E	E	E	E	F	F	F	F							
70	Leechburg Collieries Co.	Foster #4	U. Freeport	2	Salina, Pa.	PRR	98	E	E	E	E	E	F	F	F	F							
71	Leechburg Collieries Co.	Foster #5	U. Freeport	2	Salina, Pa.	PRR	98	E	E	E	E	E	F	F	F	F							
1365	Ligonier Coal Co. (S. R. Kelly)	Kelly	Pittsburgh	2	Wilpen, Pa.	Life	10	G	G	G	G	G	H	H	H	H							
2242	Little Valley Coal Company, The	Ligonier (Strip)	Pittsburgh	6	N. Ligonier, Pa.	Life	79	J	J	H	H	H	H	H	H	H							
917	Lowans Ferry Coal Co.	Lowans Ferry (Strip)	Pittsburgh	6	New Kensington, Pa.	PRR	74	J	J	H	H	H	H	H	H	H							
2213	McDonald Mining Company	Verner (Strip)	Pittsburgh	7	Bridgeville, Pa.	PRR	74	J	J	H	H	H	H	H	H	H							
1886	Marolt, Joseph	Marolt	Pittsburgh	7	Crafton Rd. Pa.	B&O	74	J	J	H	H	H	H	H	H	H							
2020	Newman, A. E. & Sons	Anderson	Pittsburgh	3	Masontown, Pa.	Monon.	30	E	E	E	E	E	F	F	F	F							
1724	Newman, A. E. & Sons	Newman	Pittsburgh	3	Masontown, Pa.	Monon.	30	E	E	E	E	E	F	F	F	F							
2226	Newman, A. E. & Sons	Newman #2	Pittsburgh	3	Masontown, Pa.	Monon.	30	E	E	E	E	E	F	F	F	F							

§ 322.7 *Alphabetical list of code members*—Supplement R–I—Continued

Mine index No.	Code membe	Mine name	Seam	Sub-district No.	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2226	Opperman, Fred S. (Connellsville Bluestone Co.).	Opperman (Deep)	Pittsburgh	3	Connellsville, Pa.	PRR	31						B	C	C	C							
2233	Opperman, Fred S. (Connellsville Bluetsone Co.).	Opperman (Strip)	Pittsburgh	3	Connellsville, Pa.	PRR	31						B	C	C	C							
2239	Parshall & Crow Coke Co. (Frank R. Crow, Jr.).	Warman (Deep)	Pittsburgh	3	Lackrone, Pa.	B&O	114						D										
2245	Parshall & Crow Coke Co. (Frank R. Crow, Jr.).	Warman (Strip)	Pittsburgh	3	Lackrone, Pa.	B&O	114						D										
2229	Portman & Rankin (J. A. Portman, Jr.).	Battle Ridge (Strip)	Pittsburgh	7	Oakdale, Pa.	PRR	74						H	H	H	H							
649	Reiter Coal Co	Reiter Coal Co	Pittsburgh	7	Superior, Pa.	PC&Y	69	A	A	C	C	F	D	E	E	E							
595	Schlegel, August	Schlegel (Strip)	Pittsburgh	7	Imperial, Pa.	Mont	72	G	G	F	F	H	H	H	H	H							
2235	Stihol, Fred, Jr	Stihol #2 (Strip)	Pittsburgh	7	Treveskyn, Pa.	PRR	74						H	H	H	H							
2198	Taylor Coal Co. (Edwin J. Taylor)	Fast (Strip)	Pittsburgh	3	Griffin, Pa.	Monon	30						E	E	E	E							
1798	Tosh, E. P	Tosh	Pittsburgh	6	Wilpen, Pa.	Lig. Val	10	G	G	G	G	H	D	G	G	G							
1750	Treasure, Francis L	Willyard (Deep)	Pittsburgh	8	Parnassus, Pa.	PRR	79	D	D	C	C	C	D	D	D	D							
[illegible]	[illegible]	Willyard (Strip)	Pittsburgh	8	Parnassus, Pa.	PRR	79	D	D	C	C	C	B	H	H	H							
2236	Tri-County Fuel Co., Inc	Ackman (Strip)	Pittsburgh	1	Imperial, Pa.	PL&W	120						H										
1452	Walsh, Walter J																						

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II. In § 322.9 (c) in Minimum Price Schedule add the mine index numbers in groups shown. Group No. 1: 431, 649, 2167, 2207, 2211, 2223. Group No. 2: 548, 595, 1452, 1888, 2215, 2229, 2232, 2234, 2235. Group No. 6: 1726, 2209, 2210, 2226, 2233, 2239, 2245. Group No. 7: 1024, 1061, 2020, 2198, 2238. Group No. 9: 1750, 2228. Group No. 10: 2236. Group No. 12: 2241. Group No. 14: 1260, 1318, 1365, 1798, 2242. Group No. 15: 2218.

All mines in Freight Origin Group No. 45 will take the same necessary or permissible adjustments as Freight Origin Group No. 74 for shipments into Market Area Nos. Tidewater 1, 2, 3, 100, and to market areas for movement via Lake Erie and Lake Ontario ports; for shipments into Market Area No. 10, the adjustments applicable to Freight Origin Group No. 74 plus 33 cents will apply; for shipments into Market Area Nos. 4, 5, 6, the same adjustments as Freight Origin Group No. 79 will apply; for shipments into Market Area Nos. 11, 12, 16, the same adjustments as Freight Origin Group No. 50 will apply; and for shipments into Market Area Nos. 13 and 14, the same adjustments as Freight Origin Group No. 100 will apply, except for shipments to the following specific destinations in Market Area No. 13, which adjustments shall be as follows: shipments to Akron, Barberton, and Cuyahoga Falls must be increased 22 cents per net ton; shipments to Akron Water Works Switch and Ravenna must be increased 2 cents per net ton; and shipments to East Akron, Fairlawn, Huron (Proper), Kent, Mogadore, and Rittman may be reduced 11 cents per net ton.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

§ 322.23 *General prices*—Supplement T—Continued

Base sizes

§ 322.7 *Alphabetical list of code members*—Supplement R–I—Continued

Mine index No.	Code membe	Mine name	Seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2226	Opperman, Fred S. (Connellsville Bluestone Co.).	Opperman (Deep)	Pittsburgh	3	Connellsville, Pa.	PRR	31						B	C	C	C							
2233	Opperman, Fred S. (Connellsville Bluestone Co.).	Opperman (Strip)	Pittsburgh	3	Connellsville, Pa.	PRR	31						B	C	C	C							
2239	Parshall & Crow Coke Co. (Frank R. Crow, Jr.).	Warman (Deep)	Pittsburgh	3	Lackrone, Pa.	B&O	114						D										
2245	Parshall & Crow Coke Co. (Frank R. Crow, Jr.).	Warman (Strip)	Pittsburgh	3	Lackrone, Pa.	B&O	114						D										
2239	Portman & Rankin (J. A. Portman, Jr.).	Battle Ridge (Strip)	Pittsburgh	7	Oakdale, Pa.	PRR	74						H	H	H	H							
649	Reiter Coal Co.	Reiter Coal Co.	Pittsburgh	7	Superior, Pa.	PC&Y	69	A	A	C	C	F	D	E	E	E							
595	Schlegel, August	Schlegel (Strip)	Pittsburgh	7	Imperial, Pa.	Mont	72	G	G	F	F		H	H	H	H							
2235	Silhol, Fred, Jr.	Silhol #2 (Strip)	Pittsburgh	7	Treveskyn, Pa.	PRR	74						E	E	E	E							
2198	Taylor Coal Co. (Edwin J. Taylor)	Fast (Strip)	Pittsburgh	3	Griffin, Pa.	Monon	30						H	G	G	G							
1798	Tosh, F. P.	Tosh	Pittsburgh	6	Wilpen, Pa.	Lig. Val	10	G	G	G	G	G	C	D	D	D							
1750	Treasure, Francis I.	Willyard (Deep)	Pittsburgh	8	Parnassus, Pa.	PRR	79	D	D	C	C	C	B	B	B	B							
[illegible]	Treasure, Francis I.	Willyard (Strip)	Pittsburgh	8	Parnassus, Pa.	PL&W	120	D	D	C	C	C	B	B	B	B							
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	Nasley	[illegible]	[illegible]																
2236	Tri-County Fuel Co., Inc.	[illegible]	[illegible]	7	Imperial, Pa.	[illegible]	[illegible]																
1452	Walsh, Walter J.	Ackman (Strip)	Pittsburgh																				

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II. In § 322.9 (c) in Minimum Price Schedule add the mine index numbers in groups shown. Group No. 1: 431, 649, 2167, 2207, 2211, 2223. Group No. 2: 548, 595, 1452, 1888, 2215, 2229, 2232, 2234, 2235. Group No. 6: 1726, 2209, 2210, 2226, 2233, 2239, 2245. Group No. 7: 1024, 1061, 2020, 2198, 2238. Group No. 9: 1750, 2228. Group No. 10: 2236. Group No. 12: 2241. Group No. 14: 1260, 1318, 1365, 1798, 2242. Group No. 15: 2218.

All mines in Freight Origin Group No. 45 will take the same necessary or permissible adjustments as Freight Origin Group No. 74 for shipments into Market Area Nos. Tidewater 1, 2, 3, 100, and to market areas for movement via Lake Erie and Lake Ontario ports; for shipments into Market Area No. 10, the adjustments applicable to Freight Origin Group No. 74 plus 33 cents will apply; for shipments into Market Area Nos. 4, 5, 6, the same adjustments as Freight Origin Group No. 79 will apply; for shipments into Market Area Nos. 11, 12, 16, the same adjustments as Freight Origin Group No. 50 will apply; and for shipments into Market Area Nos. 13 and 14, the same adjustments as Freight Origin Group No. 100 will apply, except for shipments to the following specific destinations in Market Area No. 13, which adjustments shall be as follows: shipments to Akron, Barberton, and Cuyahoga Falls must be increased 22 cents per net ton; shipments to Akron Water Works Switch and Ravenna must be increased 2 cents per net ton; and shipments to East Akron, Fairlawn, Huron (Proper), Kent, Mogadore, and Rittman may be reduced 11 cents per net ton.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes: Lump over 4" (1)	Lump 4" (2)	Lump 3" (3)	Lump 2" (4)	Egg 2" x 4" (5)	Stove 1" x 4" (6)	Pea ¾" x 1¼" (7)	Run of mine (8)	2" N/S (9)	1¼" slack (10)	¾" slack (11)
ALLEGHENY COUNTY														
Carr Coal Company	2234	Clements (Strip)	Pittsburgh	270	260	250	225	210	210	200	210	185	175	165
Lynch, James	2215	Yvonne (Strip)	Pittsburgh	275	265	255	235	215	215	210	220	190	180	170
Portman & Rankin (J. A. Portman, Jr.).	2229	Battle Ridge (Strip).	Pittsburgh	275	265	255	235	215	215	210	220	190	180	170
Silhol, Fred, Jr.	2235	Silhol #2 (Strip)	Pittsburgh	275	265	255	235	215	215	210	220	190	180	170
BEAVER COUNTY														
Michael, Harry A.	2212	Badger (Strip)	#7	300	290	280	275	250	245	225	225	185	175	165
Tri-County Fuel Co., Inc.	2236	Anderson (Strip)	#6	300	290	280	275	250	245	225	225	185	175	165
BUTLER COUNTY														
Armstrong, Watson	2206	Armstrong	U. Kittanning	325	305	285	265	260	245	245	230	190	180	170
Central Iron & Coal Co. (J. P. MacKay).	2218	Nagy #2 (Strip)	U. Freeport	325	305	285	265	260	245	245	230	190	180	170
Hutchison, Howard H.	2217	Peacock	L. Kittanning	300	290	280	255	250	245	225	225	185	175	165
Rankin, F. H.	2243	Fairview	U. Freeport	325	305	285	265	260	245	245	230	190	180	170
FAYETTE COUNTY														
Dawson Coal Co. (Randall King)	2222	Elder	Pittsburgh	280	270	260	245	225	210	210	210	200	195	175
Fayette Fuel Company	2237	Bowers	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Hutlor Coal Co. (H. P. Taylor)	2211	Workman	Pittsburgh	280	270	260	245	225	210	210	210	200	195	175
Johnson, Louis	2119	Palmer (Slate Dump).	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Kahley and Edwards (D. W. Edwards).	2210	Beeson (Strip)	Pittsburgh	300	290	280	260	240	230	225	230	210	200	175
Marolt, Joseph	2209	Marolt	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Moser, L. B., Sr.	2213	Barnhart	Sewickley	275	265	255	240	220	210	210	210	195	190	175
Nemchik, John	2216	Nemchik No. 2	Pittsburgh	275	265	255	240	220	210	210	210	195	190	175
Newman & Sons, A. E.	2238	Newman No. 2	Pittsburgh	275	265	255	240	220	210	210	210	195	190	175
Opperman, Fred S. (Connellsville Bluestone Co.)	2226	Opperman (deep)	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Opperman, Fred S. (Connells-2 ville Bluestone Co.)	233	Opperman (Strip)	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Parshall & Crow Coke Co. (Frank R. Crow, Jr.).	2239	Warman (deep)	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Parshall & Crow Coke Co. (Frank R. Crow, Jr.).	2245	Warman (Strip)	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Stannis, John	2244	Morrell	Pittsburgh	310	300	290	270	250	240	235	240	210	200	185
Wiggins, Ben	2227	Rist	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
GREENE COUNTY														
Slater & Hegedus (Sam Slater)	2214	S. & H.	Sewickley	265	255	245	235	215	205	205	200	180	170	150
Virgil Hilverding Coal Co.	2240	Highrock	Waynesburg	265	255	245	235	215	205	205	200	180	170	150
LAWRENCE COUNTY														
Central Iron & Coal Co. (J. P. MacKay).	2241	Keller #1 (Strip)	Kittanning	325	310	300	290	285	275	240	240	200	190	150
Johnston, J. H. (Vance Coal Company).	2223	Katherine	U. Freeport	325	310	300	290	285	275	240	240	200	190	150
Williams, Harry	2225	Williams	Kittanning	300	290	280	255	250	245	225	225	185	175	165
MERCER-VENANGO COUNTIES														
Sopher, O. A.	2246	Sopher	Brookville	325	310	290	275	270	255	255	240	185	175	160
WASHINGTON COUNTY														
Marth, Joseph	2224	Duvall	Waynesburg	265	255	245	220	205	195	190	195	175	165	155
McDonald Mining Company	1888	Verner	Pittsburgh	275	265	255	230	220	205	195	[illegible]	180	170	160
Norcia, R. T.	2230	Norcia	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160

No. 3——2

§ 322.23 *General prices*—Supplement T—Continued

Code member index	Mine index No.	Mine	Seam	Base sizes: Lump over 4" (1)	Lump 4" (2)	Lump 3" (3)	Lump 2" (4)	Egg 2" x 4" (5)	Stove 1" x 4" (6)	Pea ¾" x 1¼" (7)	Run of mine (8)	2" N/S (9)	1¼" slack (10)	¾" slack (11)
WESTMORELAND COUNTY														
Byrne, Helen B. & Frank F. (Frank F. Byrne).	2219	John R.	Pittsburgh	290	280	270	260	240	230	230	225	205	195	175
Harris & Stahl (Edward Harris)	2207	Wineland (Strip)	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175
Little Valley Coal Company, The.	2242	Ligonier (Strip)	Pittsburgh	265	255	245	235	225	220	215	205	185	175	165
Miller, Darwin, W.	2221	Miller	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175

[F. R. Doc. 42–31; Filed, January 2, 1942; 11:40 a. m.]

[Docket No. A–1187]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 2, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purpose of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R–II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No relief is granted herein with respect to the coals of the W. W. Allen Mine, Mine Index No. 458, as it appears that minimum prices were established for the coals of this mine in Docket No. A–935.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 17, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Seam	Sub-dist. No.	Shipping point	Railroad	Freight origin group No.	Size group Nos.															
								1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2115	Rothey Brothers, Inc., c/o Burnett W. Rothey.	Rothey Bros. #1 (Strip).	Pittsburgh	7	Elizabeth, Pa.	P&LE	73	O	O	O	O	F	F	F	F	F							

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II

To § 322.9 (c) in Minimum Price Schedule, add the mine index number in group shown. Group No. 2: 2115.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes										
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea ¾" x 1¼"	Run of mine	2" x 0	1¼" slack	¾" slack
				1	2	3	4	5	6	7	8	9	10	11
Rothey Brothers, Inc. c/o Burnett W. Rothey.	2115	Rothey Bros. #1 (Strip).	Pittsburgh	295	285	275	250	225	225	220	220	195	185	180

[F. R. Doc. 42–34; Filed, January 2, 1942; 11:41 a. m.]

[Docket No. A–999]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR REVISION OF THE PRICE CLASSIFICATIONS AND EFFECTIVE MINIMUM PRICES FOR RAIL AND TRUCK SHIPMENTS OF THE COALS OF THE HALSTEAD MINE (MINE INDEX NO. 345) OF THE HALSTEAD COAL COMPANY, INC., A CODE MEMBER IN DISTRICT NO. 8

This is a proceeding instituted upon an original petition filed on August 5, 1941, with the Bituminous Coal Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board No. 8, requesting and proposing a revision of the effective minimum prices established for the coals of the Halstead Mine (Mine Index No. 345) of the Halstead Coal Company, Inc., located in Clay County, Kentucky.

A petition of intervention was filed by District Board No. 2.

Pursuant to an Order of the Director, a hearing on this matter was held in Washington, D. C. on October 6, 1941, at which time a continuance was granted on motion of the original petitioner.

In accordance with subsequent Orders of the Director, the hearing was resumed on November 5, 1941, before Edward J. Hayes, a duly designated Examiner of the Division, at a hearing room thereof, in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. The petitioner, District Board No. 8, appeared, but no appearance was entered by either Halstead Coal Company, Inc. or the intervener, District Board No. 2.

The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned.

John F. Daniel, Director of Compliance and Truck Mining Service for District Board No. 8, testified that the Halstead Mine (Mine Index No. 345) was located on the Horse Creek Seam in Clay County, Kentucky, and produced coal of the same quality and analytical properties as that produced by all of the other mines on the same seam, in the same county, but that when effective minimum prices were established for these mines, the minimum prices for the Halstead Mine were based on a $2.45 price level, while the minimum prices for all the other mines on this seam were based on a $2.65 price level. A statement showing the similarity of analyses of the coals of four neighboring mines on the Horse Creek Seam as compared with an analysis of the coal produced by the Halstead Mine was introduced in evidence in support of this testimony. Daniel further testified that he knew of no reason why the coals of the Halstead Mine should not be priced the same as those produced by all the other mines on the Horse Creek Seam in Clay County. It also appears from the testimony of this witness that under present market conditions the coal produced at the Halstead Mine is being sold at the same prices as the coals of the other mines in Clay County, but that if conditions should change so that it became necessary to sell coal at the effective minimum prices, then the Halstead Mine would have a decided advantage over competing mines because of its lower price level.

Upon the basis of the uncontroverted testimony in this proceeding, I find and conclude that the revision of the effective minimum prices for the coals produced at the Halstead Mine, as requested by the petitioner and as set forth in Supplements R and T attached hereto, will effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and that the price classifications and minimum prices as set forth comply with all the standards thereof.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof, be and the same are hereby established and made effective for the coals produced at the Halstead Mine (Mine Index No. 345), and that the Schedule of Effective Minimum Prices for District No. 8 For All Shipments Except Truck, and the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments, be and the same are hereby amended accordingly.

Dated: December 15, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

DISTRICT No. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-dist. No.	High volatile seam	Freight origin group No.	Price classifications by size group Nos.																					
						For destinations other than Great Lakes															For Great Lakes cargo only							
						1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
345	Halstead Coal Company, Inc.	Halstead	6	Horse Creek	111	M*	M*	K	J	G	E*	G*	E	D	K							M*	M*	K*	G	E	E		M	K					

*Indicates change in price classification from previous price classification for the respective size groups.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes							
				Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 3"	Stove 2" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 6, SOUTHERN APPALACHIAN, CLAY COUNTY, KY.											
Halstead Coal Company, Inc.	Halstead	345	Horse Creek	*265	*245	220	220	*205	210	155	150

*Indicates change in price classification from previous price classification for the respective size groups.

[F. R. Doc. 42–28; Filed, January 2, 1942; 11:39 a. m.]

[Docket No. A–1213]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 9 FOR TRUCK SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9 for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 329.24 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No relief is granted herein for the coals of the Mitchell Mine (Mine Index No. 930) of Bennie D. Flener because prices have already been established for this mine in an Order dated September 23, 1941, 6 F.R. 5172, granting temporary relief and conditionally providing for final relief in Docket No. A–1030.

No relief is granted herein for the coals of the Meredith & Ashby Mine (Mine Index No. 856) of Hilry Meredith because the records of the Division indicate that the present owner is the successor to Meredith & Ashby, owners of the mine at the time price classifications and minimum prices were established for it in an Order of consolidation and Order granting temporary relief and conditionally providing for final relief dated January 16, 1941, 6 F.R. 670, in Docket No. A–547. Those prices remain applicable to Mine Index No. 856.

Dated: December 24, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 329.24 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1, 2	3	4	5	6	7	8	9	10, 11, 12	13, 14	15	17	18, 19, 20	21, 22	23, 24	25	26, 27	28, 29
BUTLER COUNTY																					
Barrow, Elbert	951	Martin	#6	235	225	215	175	170	160	160	150	140	110	50						120	115
Shepard, Chas	968	Shepard	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
West, F. A	976	F. A. West	Stray	235	225	215	175	170	160	160	150	140	110	50						120	115
DAVIESS COUNTY																					
Trogden, H. J	977	Best	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
[illegible]	974	Williams	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
HANCOCK COUNTY																					
Epperson & Evans (J. D. Evans)	978	Gibbs		205	195	185	175	170	160	160	150	140	110	50						120	115
HOPKINS COUNTY																					
Bryant, F. W	970	Bryant	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Capps, Spurgeon	964	Capps	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Morris & Gillard (E. E. Morris)	969	Pleasant Ridge	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Oak Hill Coal Co. (Leamon Rector)	971	Oak Hill	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Patterson & Ball (W. T. Patterson)	972	Patterson & Ball	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Stokes, Noble	974	Military	#9																		
M'LEAN COUNTY																					
Brown, June	980	June	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
MUHLENBERG COUNTY																					
Rickard & Tyson (W. H. Rickard)	973	Sunrise	#11	205	195	185	175	170	160	160	150	140	110	50						120	115
OHIO COUNTY																					
Baggarly, Cecil	981	Green	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Walters, O. H	979	Walters	#14	205	195	185	175	170	160	160	150	140	110	50						120	115
WEBSTER COUNTY																					
Belville Coal Co. (V. E. Teague)	963	Belville	#9	205	195	185	175	170	160	160	150	140	110	50						120	115

[F. R. Doc. 42-29; Filed, January 2, 1942; 11:39 a. m.]

[Docket No. A-1209]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10 FOR TRUCK SHIPMENT

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 10 for truck shipment.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 19, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENT

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION NO. 1, LIVINGSTON COUNTY																																
Coalville Coal Company, The	1534	Mine #4	7	325	320	315	305	300	295	240	235	205	200	200	200	170	160	105														
SECTION NO. 3, KNOX COUNTY																																
Strandburg & Co. (Oliver E. Strandburg)	1535	No. 2	6	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														

[F. R. Doc. 42-30; Filed, January 2, 1942; 11:39 a. m.]

[Docket No. A-1158]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 14

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 14; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

Petitions of intervention having been filed with the Division in the above-entitled matter in regard to the price classifications and minimum prices proposed for the coals of the Prairie Creek Coal Company No. 1 Mine (Mine Index No. 540) and of the New Blue Valley Coal Company, Blue Valley Mine (Mine Index No. 562); and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 334.5 (*Alphabetical list of code members*) is amended by adding thereto supplement R, and § 334.24 (*General prices for shipment into all market areas*) is amended by adding thereto supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

The original petitioner alleges that the coals of the East Side Coal Company's No. 1 Mine (Mine Index No. 567) are similar to the coals of the Lewis Coal Company's No. 12 Mine (Mine Index No. 64). However, for the coals of Mine Index No. 567 in Size Group 3, petitioner proposes the classification of "D" and a minimum price of $3.70 per ton whereas the coals of Mine Index No. 64 in that size group are classified "E" and priced at $3.55 per ton. Accordingly, the price classifications and minimum prices established herein for the coals of the East Side Coal Company's No. 1 Mine have been conformed to those heretofore established for the coals of Mine Index No. 64.

No relief is granted herein as to the coals of the Prairie Creek Coal Company's No. 1 Mine (Mine Index No. 540) nor as to the coals of the New Blue Valley Coal Company's Blue Valley Mine (Mine Index No. 562) for the reasons set forth in the Order designating that portion of Docket No. A-1158 relating to such coals as Docket No. A-1158, Part II, granting temporary relief therein, and scheduling Docket No. A-1158, Part II, for hearing.

Dated: December 16, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 14

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR RAIL SHIPMENTS

§ 334.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Mine index No.	Code member	Mine name	Prod. group No.	Shipping point	Railroad	Frt. origin group No.	Price classification by size group																	
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
568	Durham, Frank	Sans Bois No. 14	7	McCurtain, Okla.	FS&VB	12			D											B				QCQ		
567	East Side Coal Co. (Henry L. Carter)	No. 1	7	Hokoshe, Okla.	FS&VB	12			E											B				QCQ		
562	Ideal Coal Co. (George Williams)	Ideal Coal Co.	7	McCurtain, Okla.	FS&VB	12			D											B				QCQ		
552	Lewis Bros. Coal Co. (H. V. Lewis)	Mine No. 2	1	Russellville, Ark.	D&R	30	A	A											C	A	A	A		A		
569	Lewis, Charles L.	No. 1	5	Huntington, Ark.	SL-SF	16			F											B				CQN		
566	Morgan Coal Co. (I. F. Morgan)	Red Morgan	6	Panama, Okla.	MV	15			D											B				CQN		
498	Sizemore, Newt	Mine No. 2	3	Paris, Ark.	MP	14			C											B				CQN		
570	Wald, Abel J.	Mine No. 2	3	Paris, Ark.	MP	14			C											B				CQN		
571																										

FOR TRUCK SHIPMENTS

§ 334.24 *General prices for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	County	Sub-dist. No.	Prices and size group Nos.																		
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Durham, Frank	568	Sans Bois No. 14	Haskell, Okla.	7			370											135				270		
East Side Coal Co. (Henry L. Carter)	567	No. 1	LeFlore, Okla.	7			355											135				270		
Lewis Bros. Coal Co. (H. V. Lewis)	569	Mine No. 2	Pope, Ark.	1	450	425											250	200	200	200		450		
Lewis, Charles L.	566	No. 1	Sebastian, Ark.	5			335											135				270		
Morgan Coal Co. (I. F. Morgan)	498	Red Morgan	LeFlore, Okla.	6			370											135				325		
Sizemore, Newt	570	Mine No. 2	Logan, Ark.	3			385											135				325		
Wald, Abel J.	571	Mine No. 2	Logan, Ark.	3			385																	

[F. R. Doc. 42-33; Filed, January 2, 1942; 11:41 a. m.]

[Docket No. A-1185]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS, FOR SHIPMENT BY TRUCK, OF CERTAIN MINES IN DISTRICT NO. 15

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals, for shipment by truck, of certain mines in District No. 15; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 335.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

No relief is granted herein as to the coals of the Gray Eagle Mine (Mine Index No. 1539) operated by Ralph Dunlap for the reason that those coals were classified heretofore in Docket No. A-1159 under the mine name, Dunlap and Cooper, and the name of Dunlap and Cooper as its operator.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 18, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR TRUCK SHIPMENT

§ 335.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Production group No.	County	3" lump	½" up	10" x 1½"	10" x 1¼"	3" x 2"	3" x 1¼"	2" x 1¼"	1¼" x 1"	Mine run	3" x 0	1¼" x ¾"	1¼" x ¼" (R)	1¼" x 0 (W)	1¼" x 0 (R)	¼" x 0
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Brown & Hill (Geo. Brown)	1545	Diamond	11	Rogers, Okla.	330	330	330	330	------	270	------	160	220	140	150	------	------	115	------
Cunningham, T. A.	1546	Cunningham	5	Lafayette, Mo.	285	285	285	285	275	255	245	220	285	205	220	205	------	125	35
Preston & Lewis (John Preston)	1547	P and L	4	Randolph, Mo.	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Redpath, M. L. (Square Deal Coal Company)	1550	Ideal Coal Co.	2	Linn, Kans.	250	250	250	250	225	210	195	190	210	185	185	170	170	150	35
Smarr Mining Company (W. J. & Carl A. Smarr).	1551	Peerless	3	Boone, Mo.	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
Swartz, L. C.	1544	Swartz (Ellis Coal Co. Pit).	1	Vernon, Mo.	260	260	260	260	235	220	205	210	220	195	170	155	155	135	35
Thomas Coal Co. (Wilbert Thomas)	1549	Thomas	1	Crawford, Kans.	260	260	260	260	235	220	205	210	220	195	170	155	155	135	35

[F. R. Doc. 42-33; Filed, January 2, 1942; 11:40 a. m.]

[Docket No. A-598]

PART 337—MINIMUM PRICE SCHEDULE, DISTRICT NO. 17

MEMORANDUM OPINION AND ORDER MODIFYING AND APPROVING AND ADOPTING, AS MODIFIED, THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING RELIEF IN PART IN THE MATTER OF THE PETITION OF DISTRICT BOARD 17 FOR REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS IN DISTRICT 17 AND FOR CHANGES IN CERTAIN MARKET AREAS THEREIN

This proceeding was instituted upon a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 17. The petition requested the following relief:

1. Changes in the classification and minimum prices of certain mines.
2. Revision of certain market area boundaries.
3. Changes in Price Instructions and Exceptions in the Schedule of Effective Minimum Prices for District No. 17 for All Shipments in the following respects:
(a) Paragraph (d), relating to screen descriptions.
(b) Paragraph (h), relating to chemical, oil, or wax treatment.
(c) Paragraph (1), relating to certain types of consumers at given destinations.
(d) Proposed additional paragraph to provide seasonal discounts.
4. Revision of certain size groups.
5. Revision of minimum prices for rail shipment.
6. Revision of footnote exceptions to minimum prices.
7. Revision of minimum prices for railroad locomotive fuel.
8. Revision of minimum prices for truck shipment.

District Board 22 filed a petition for leave to intervene, indicating opposition to the granting of seasonal discounts for shipments to Market Areas 200, 201, 213, 214, 237 to 239, and 252. District Board 16 filed an answer to the original petition, indicating opposition to changes in paragraphs (h) and (l) of the Price Instructions and Exceptions, the addition of a proposed paragraph thereto, and certain proposed minimum prices for shipment by rail and truck. Bear Canon Coal Company, a code member producer in District 17, filed an intervening petition in part supporting and in part opposing portions of the original petition relating to minimum prices for Subdistrict 8 of District 17 for rail shipment. District Board 18 filed a petition of intervention, opposing the proposed seasonal discounts, certain of the proposed size group changes, and most of the proposed changes in minimum prices for rail shipment. District Boards 19 and 20 also filed petitions of intervention, indicating opposition to the price relationships proposed for market areas in which the coals of Districts 17 and 19 and 17 and 20 compete. District Board 10 also filed a petition of intervention. The Receiver of the Rio Grande Southern Railroad Company filed an application for temporary relief with a supporting affidavit. The Consumers' Counsel Division filed a notice of appearance.

Pursuant to Order of the Director and notice to interested persons, a hearing in this matter was held before Thurlow G. Lewis, a duly designated Examiner of the Division, at a hearing room thereof in Denver, Colorado. Thereafter the Director ordered C. Rollin Larrabee to prepare and submit to the Director Proposed Findings of Fact and Conclusions of Law and the recommendation of an appropriate order vice Lewis.

On August 23, 1941, Examiner Larrabee submitted Proposed Findings of Fact and Conclusions of Law in this matter, recommending that relief be granted with respect to 1 and 3 (c), above, and denied in all other respects. An opportunity was afforded all parties to file exceptions thereto and supporting briefs. On September 15 District Board 16 and on September 16 the Office of the Bituminous Coal Consumers' Counsel filed exceptions, and arguments in support thereof, to the Proposed Findings of Fact and Conclusions of Law of the Examiner. On September 22, 1941, District Board 17 filed an application for extension of time for filing exceptions.

The exceptions of the Office of the Bituminous Coal Consumers' Counsel are concerned in part with the Examiner's recommendation of denial of relief with respect to items 3 (b) and 3 (d) above. These exceptions are directed primarily to the sufficiency of the evidence to support the Proposed Findings of Fact and Conclusions of Law and indicate a disagreement with the Examiner as to the effect the granting of the sought for relief would have upon the coordination of District 17 prices with those of competing districts. A review of the record leads me to conclude, as did the Examiner, that insufficient evidence was introduced to show the necessity for granting the relief sought in items 3 (b) and 3 (d). On the other hand, it is clear that such a reduction in the treatment charge as is sought by District Board 17 in item 3 (b) would disturb the coordination of the prices of District 17 with those of competing districts and the fair competitive opportunities of producers in competing districts. Similarly, the granting of the seasonal discounts sought for District 17 in item 3 (d) would materially alter the fair competitive opportunities of competing coals from other districts and upset the coordination of such coals in common consuming markets.

The Office of the Bituminous Coal Consumers' Counsel also excepts, as does District Board 16, to the relief recommended by the Examiner to be granted with respect to item 3 (c), above. As indicated above, item 3 (c) is concerned with paragraph (1) of the Price Instructions and Exceptions of the District 17 price schedule which provides for 30 cents per ton price reductions on coal shipped to con-

ECTIVE MINIMUM PRICES FOR DISTRICT No. 14

sifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum

SHIPMENTS

code members—Supplement R

cation by size group for all uses except railroad locomotive fuel]

	Frt. origin group No.	Price classification by size group																		
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
	12			D											B				Q		
	12			E											B				Q		
	12			D											B				Q		
	30	A	A											C	A	A	A		A		
	16			F											B				Q		
	15			D											B				Z		
	14			C											B				N		
	14			C											B						

CK SHIPMENTS

nt into all market areas—Supplement T

b- t. o.	Prices and size group Nos.																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
7			370											135				270		
7			355											135				270		
1	450	425											250	200	200	200		450		
5			335											135				270		
6			370											135				270		
3			385											135				325		
3			385											135				325		

d, January 2, 1942; 11:41 a. m.]

si- he ain w- he an- ing ve- ned ur- lis- ter, ws:

Commencing forthwith, § 335.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

No relief is granted herein as to the coals of the Gray Eagle Mine (Mine Index No. 1539) operated by Ralph Dunlap for the reason that those coals were classified heretofore in Docket No. A–1159 under the mine name, Dunlap and Cooper, and the name of Dunlap and Cooper as its operator.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 18, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

FFECTIVE MINIMUM PRICES FOR DISTRICT No. 15

assifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum

UCK SHIPMENT

sumers, for consumption at Brush and Sterling, Colorado, who satisfy given conditions. In the petition it was proposed to add to paragraph (1) the following destinations:

Brighton, Eaton, Fort Collins, Fort Lupton, Fort Morgan, Greeley, Johnstown, Longmont, Loveland, Ovid, and Windsor, Colorado, and Wheatland, Wyoming.

The Examiner recommended that those destinations be added to paragraph (1). The Office of the Bituminous Coal Consumers' Counsel would extend this relief to the consumers who comply with the specified conditions at all destinations rather than limit it to such consumers at certain specified destinations. District Board 16 would deny relief with respect to item 3 (c) entirely.

A review of the record herein convinces the undersigned, as it did the Examiner, that such a broadening of Price Instruction and Exception (1) as is sought by the Consumers' Counsel does not appear warranted on the present record and would unduly disturb the coordination of District 17 minimum prices with those of competing districts. On the other hand, I find that the 12 destinations that the Examiner recommended should be added to paragraph (1) of the Price Instructions and Exceptions of the District 17 price schedule, which destinations are included in a similar price exception enjoyed by District 16 producers, should be added in order to preserve the fair competitive opportunities of District 17 producers.

District Board 16 has also excepted to the Examiner's recommendation that a motion made at the hearing by District Board 16 to dismiss certain portions of the original petition should be denied. This motion requested dismissal on the grounds, *inter alia*, that the coordination of prices between Districts 16 and 17 relating to shipments into Market Area 218 had been accomplished pursuant to an arbitration proceeding under section 6 (a) of the Act and that, therefore, the establishment of District 17 minimum prices on coals for shipment into Market Area 218 had not taken place under section 4 II (b) of the Act and that, therefore, section 4 II (d) of the Act was not applicable. It is the opinion of the undersigned that, as stated by the Examiner, effective minimum prices, whether or not the coordination thereof is arrived at through arbitration proceeding pursuant to section 6 (a) of the Act, are established solely by the Division under section 4 II (b) and are always subject to review in a proceeding brought pursuant to section 4 II (d).

A review of the record in the light of the Examiner's Report and the exceptions thereto is convincing that the exceptions are not well taken.

With respect to item 1 above, the Examiner found, *inter alia*, that to express accurately the classification of coals in subdistrict price groups of District 17 and to reflect the relative market value of such coals, the Hunter and McGinley Mines of N. H. Halcumb and Ernest Hicks, respectively (Mine Index Nos. 281 and 291, respectively), originally placed in Subdistrict 16 of District 17, should be allocated to Subdistrict 15 and should have the same minimum prices applicable to their coals as are applicable to the coals of the Hidden Treasure Mine (Mine Index No. 314) in Subdistrict 15. The Examiner's finding as to this was based upon evidence which was adduced to show that the coals of the Hunter and McGinley Mines are substantially of the same quality as the coals of the Hidden Treasure Mine. The Examiner recommended the reclassification of the Hunter and McGinley Mines accordingly. This recommendation was in accord with temporary relief issued herein by the Director on May 28, 1941, 6 F.R. 2659.

On November 21, 1941, District Board 17 filed a motion requesting termination of said temporary relief, in so far as it pertains to the Hunter and McGinley Mines, praying that the minimum prices and classification of the Hunter and McGinley Mines be permitted to remain as they were prior to the Director's Order of May 28, 1941, and asking leave to file an affidavit of Douglas Millar in support of said motion and to have said affidavit made a part of the record herein. Said motion by the petitioner was accompanied, in addition to said affidavit of Millard, by proof of service thereof upon the Bituminous Coal Consumers' Counsel, the Statistical Bureau for District 17, District Boards 16, 18, 19, 20, and 22, and code members in Subdistricts 15 and 16 of District 17.

In its motion filed on November 21, the petitioner set forth that subsequent to the hearing herein, District Board 17 received new and additional information revealing that erroneous conclusions had theretofore been reached and presented at the hearing relative to the Hunter and McGinley Mines; that the prayer contained in the original petition herein to reclassify said mines from Subdistrict 16 to Subdistrict 15 was based solely on the proximity of the Hunter and McGinley Mines to mines classified in Subdistrict 15 and did not give due regard to classifications according to kinds, qualities, and sizes of coals; that the two code members involved objected to the reclassification of their mines as proposed in the original petition herein; that following the hearing herein a truck mine investigator for the Statistical Bureau for District 17 concluded, following an investigation by him, that the Hunter and McGinley Mines should be classified in Subdistrict 16 with no changes in prices; that an investigation by a coal mine inspector for the State of Colorado reveals that the Hidden Treasure coal is far superior to the coals of the Hunter and McGinley Mines; and that further investigation by District Board 17 led it to conclude that it had erred in reclassifying these two mines from Subdistrict 16 to Subdistrict 15.

Douglas Millard, chairman of District Board 17, was a witness on behalf of said Board at the hearing herein. In his affidavit, submitted together with its motion by District Board 17, the witness Millard states that the evidence offered at the hearing herein relative to the minimum prices and subdistrict classification of the Hunter and McGinley Mines was based upon incorrect advice received by the District Board; that the information presently set out in the motion of District Board 17 is true; that said information has been established as correct evidence; and that the evidence with reference to the Hunter and McGinley Mines introduced at the hearing herein, although introduced in good faith and to the best knowledge and belief of District Board 17 at that time, was based upon misleading information, is not correct, and does not reflect true conditions.

The motion of District Board 17 for leave to file the affidavit of the witness Millard and to make same a part of the record is hereby granted. Upon the basis thereof, I find that the relief prayed for in the original petition filed herein by District Board 17 concerning the Hunter and McGinley Mines should be denied and that said mines should be classified as mines in Subdistrict 16 of District 17 and should have the same prices applicable to their coals as were applicable thereto prior to the Director's Order of May 28, 1941. I further find that such disposition of the petition with respect to the Hunter and McGinley Mines is required in order to effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and to comply in all respects with the standards of the Act. In these respects the Proposed Findings of Fact and Conclusions of Law of the Examiner should be and they hereby are modified.

In one other respect, also, it appears that the Proposed Findings of Fact and Conclusions of Law of the Examiner should be modified. The Examiner found that G. G. Hart & Sons' James Mine (Mine Index No. 283), erroneously allocated to Subdistrict 17, should be allocated to Subdistrict 5, and should have the same minimum prices applicable to its coals as are applicable to the coals of C. W. Jones' Wise Hill Pinnacle Mine (Mine Index No. 305) in Subdistrict 5. Accordingly, the Examiner recommended that the following prices be established for the James Mine, which prices were, at the time the Examiner issued his Proposed Findings of Fact and Conclusions of Law herein, in effect for the Wise Hill Pinnacle Mine by virtue of an Order granting temporary relief in Docket No. A–174:

Size Groups											
1	2	3	4	5	6	7	9	10	11	13	17
455	445	425	425	400	370	360	315	285	260	170	315

On October 22, 1941, 6 F.R. 5466, the Director issued a Memorandum Opinion and Order in Docket No. A–174, withdrawing and revoking said temporary relief and denying certain prayers for relief contained in the petition filed in that proceeding, which resulted in reducing the prices of the Wise Hill Pinnacle Mine to those originally established for that mine in the Schedule of Effective Minimum Prices for District No. 17 for All Shipments. The evidence in this record indicated that the James Mine should have the same prices as the Wise Hill Pinnacle Mine, which prices are the same as those of other Moffat County Mines in Subdistrict 5 of District 17. I therefore find that the prices which should be established for the James Mine are those which are presently in effect for the Wise Hill Pinnacle Mine. I further find that such disposition of the petition with respect to the James Mine is required in order to effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and to comply in all respects with the standards of the Act. In this respect the Proposed Findings of Fact and Conclusions of Law of the Examiner should be, and they hereby are, modified.

On the basis of the above opinion and for the reasons stated therein, I conclude that the Proposed Findings of Fact of the Examiner and the Conclusions of Law based thereon should, as modified, be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

Now, therefore, it is ordered, That the Proposed Findings of Fact and Conclusions of Law of the Examiner, as modified, be and they hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That § 337.4 (*Code member price index*), and § 337.21 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 17 for All Shipments Except Truck and for Truck Shipments be, and they hereby are, amended, effective 15 days from the date hereof, as follows, in the sections indicated:

§ 337.4 *Code member price index.* The following shall be listed in alphabetical order:

Producer	Mine	Mine index No.	County	Subdistrict price group	Prices section	
					Rail	Truck
Hart & Sons, G. G.	James	283	Moffat	No. 5	[337.5	[337.21
Hubbard, Frank D.	Postal	297	Routt	No. 4	[337.5	[337.21
Linn, David D. and R. F. Hutton	Daves Grand Baby	26	Routt	No. 4	[337.5	[337.21
McDowell, Sipe and Martin	Riverside Farmers	336	Mesa	No. 13	[337.5	[337.21
Mary, Vera Pierce (Miss) (Sunshine Coal Co.)	Sunshine	324	La Plata	No. 19	[337.5	[337.21
Staples, S. L.	K. D. (O. C.)	305	Gunnison	No. 11	[337.5	[337.21

In lieu of the minimum prices and other designations for the mines, the mine index numbers for which are listed above, now appearing in the Schedule of Effective Minimum Prices for District No. 17 for All Shipments, and Supplements thereto, the following minimum prices and designations shall be substituted in said Schedule and Supplements.

Code member index	Mine	County	Size groups										
			1	2	3	4	5	6	7	9	10	11	13	17
SUBDISTRICT NO. 4														
Hubbard, Frank D., Linn, David D. and R. F. Hutton.	Postal, Daves Grand Baby.	Routt	480	470	450	450	425	390	375	325	285	260	170	315
SUBDISTRICT NO. 5														
Hart & Sons, G. G	James	Moffat	355	345	335	325	300	270	260	250	240	225	170	315

§ 337.21 *General prices in cents per net ton for shipment into all market areas.* Insert the following code member name (in alphabetical order), mine name and county, under Subdistrict No. 11, and the following prices:

Code member index	Mine	County	Size groups										
			1	2	3	4	5	6	7	9	10	11	13	17
SUBDISTRICT NO. 11														
Staples, S. L.	K. D. (O. C.)	Gunnison	490	470	450	450	425	390	375	325	290		195	315

§ 337.21 *General prices in cents per net ton for shipment into all market areas.* Insert the following code member name (in alphabetical order), mine name and county, under Subdistrict No. 15, and the following prices:

Code member index	Mine	County	Size groups										
			1	2	3	4	5	6	7	9	10	11	13	17
SUBDISTRICT NO. 15														
McDowell, Sipe & Martin	Riverside Farmers	Mesa	465	450	450	425				400	325	285	235	335

§ 337.21 *General prices in cents per net ton for shipment into all market areas.* Insert the following code member name (in alphabetical order), mine name and county, under Subdistrict No. 19, and the following prices:

Code member index	Mine	County	Size groups										
			1	2	3	4	5	6	7	9	10	11	13	17
SUBDISTRICT NO. 19														
Mary, Vera Pierce (Miss) (Sunshine Coal Company).	Sunshine	La Plata	375	375	375	375				375	285		190	300

NOTE: The material set forth above is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Price Schedule No. 1 for District No. 17 and Supplements thereto.

It is further ordered, That, effective 15 days from the date hereof, paragraph (1) in § 337.1 (*Price instructions and exceptions*) in the Schedule of Effective Minimum Prices for District No. 17 for All Shipments Except Truck be, and it hereby is, amended to read as follows:

(1) Prices listed in this schedule for sizes included in Size Group No. 13 for all subdistricts shall be reduced 30 cents per net ton when such coal is shipped to a consumer for consumption at Brush, Brighton, Eaton, Fort Collins, Fort Lupton, Fort Morgan, Greeley, Johnstown, Longmont, Loveland, Ovid, Sterling, or Windsor, Colorado, or Wheatland, Wyoming; and the prices listed for such sizes for all subdistricts shall be reduced 15 cents per net ton when such coal is shipped to a consumer for consumption at Delta, Colorado; *Provided*, That such consumer:

(1) Uses coal during a limited season of the year;

(2) Has storage facilities sufficient to accommodate 30 per centum or more of its total annual coal requirements at such destination;

(3) Places such storage facilities at the sole disposal of coal producers and permits them to make shipments to such storage facilities at their convenience throughout the year; and

(4) Receives from coal producers of District No. 17 not less than 30 per centum of the consumer's total annual coal requirements at such destinations except when such producers are prevented from shipping that quantity by strikes or other conditions beyond the control of either party.

It is further ordered, That the prayers for relief contained in the several petitions filed herein are granted to the extent set forth above and in all other respects denied.

It is further ordered, That, effective 15 days from the date hereof, the temporary relief heretofore granted by Order of the Director dated May 28, 1941, be and it hereby is, terminated and revoked.

Dated: January 1, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-27; Filed, January 2, 1942; 11:38 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

PART 626—REOPENING AND CONSIDERING ANEW REGISTRANT'S CLASSIFICATION

AMENDMENT TO SELECTIVE SERVICE REGULATIONS, SECOND EDITION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 626,[1] in the following respects:

1. By deleting § 626.1 and substituting therefor the following:

§ 626.1 *Classification not permanent.* (a) No classification is permanent.

(b) Each classified registrant shall, within 10 days after it occurs, and any other person should, within 10 days after knowledge thereof, report to the local board in writing any fact that might result in such registrant being placed in a different classification.

(c) The local board shall keep informed of the status of classified registrants. Registrants may be questioned or physically or mentally re-examined, employers may be required to furnish information, police officials or other agencies may be requested to make investigations, and other steps may be taken by the local board to keep currently informed concerning the status of classified registrants.

2. By deleting § 626.2 and substituting therefor the following:

§ 626.2 *When registrant's classification may be reopened and considered anew.* (a) The local board may reopen and consider anew the classification of a registrant (1) upon the written request of the registrant, the government appeal agent, any person who claims to be a dependent of the registrant, or any interested party in a case involving occupational deferment, if such request is accompanied by written information presenting facts not considered when the registrant was classified and which, if true, would justify a change in the registrant's classification; or (2) upon its own motion; provided, in either event, the classification of a registrant shall not be reopened after the local board has mailed to such registrant an Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A) unless the local board first specifically finds that there has been a change in the registrant's status resulting from circumstances over which the registrant had no control.

(b) At any time before the induction of a registrant, the local board shall reopen and consider anew such registrant's classification upon the written request of the State Director of Selective Service or the Director of Selective Service. (54 Stat. 885; 50 U.S.C., Sup., 301-318 inclusive, E.O. No. 8545, 5 F.R. 3779.)

Effective January 1, 1942.

LEWIS B. HERSHEY,
Director.

DECEMBER 31, 1941.

[F. R. Doc. 42-52; Filed, January 2, 1942; 3:28 p. m.]

[1] 6 F.R. 6843.

PART 633—DELIVERY AND INDUCTION

Correction

Section 633.10 (c) in F.R. Doc. 41-9835 appearing at page 6850 of the issue for Wednesday, December 31, 1941, is corrected to read as follows:

(c) The local board, upon receipt of the Report of Physical Examination and Induction (Form 221) from the induction station will transcribe all information thereon in Series VI to the copy thereof held in its files and shall then forward one copy of the Report of Physical Examination and Induction (Form 221) to the State Director of Selective Service. The remaining copy of the Report of Physical Examination and Induction (Form 221) and in the case of a rejected man, the original thereof, shall be retained in the registrant's Cover Sheet (Form 53).*

PART 642—DELINQUENCY

Effective February 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; by adding three new sections; and by publishing such rearranged, renumbered, amended paragraphs, and such new sections as the sections of Part 642 of the Second Edition of the Selective Service Regulations:

Paragraph 389 as amended becomes § 642.1.
Paragraph 390 as amended becomes § 642.3.
Paragraph 391 as amended becomes § 642.4.
Paragraph 392 as amended becomes § 642.8.
Paragraph 393 as amended becomes § 642.6.
New Section 642.2.
New Section 642.5.
New Section 642.7.

PART 642—DELINQUENCY

Sec.
642.1 Mailing notice of delinquency.
642.2 Investigation of delinquency.
642.3 Disposition of delinquencies.
642.4 Reporting delinquents to United States district attorney.
642.5 Local board action subsequent to reporting a delinquent to United States district attorney.
642.6 Suspected delinquents found in military service.
642.7 Procedure upon release of delinquents.
642.8 Procedure following release of delinquent from imprisonment.

§ 642.1 *Mailing notice of delinquency.* (a) When a local board has reason to believe that a nonregistrant under its jurisdiction is a delinquent or that a registrant under its jurisdiction has become a delinquent, the board shall prepare, in quadruplicate, a Notice of Delinquency (Form 281).

(b) The local board shall mail the original of the Notice of Delinquency (Form 281) to the suspected delinquent at his last-known address. It shall mail a copy to the State Director of Selective Service. It shall post a copy in a conspicuous place for public inspection, and, whenever practicable, it shall give the information contained thereon to the press and radio and shall encourage them to give such information the widest possible publicity. It shall file the fourth copy with the date of mailing noted thereon.

(c) If the suspected delinquent is a registrant under the jurisdiction of the local board, the local board shall note in the "Remarks" column of the Classification Record (Form 100) the fact that the notice was mailed and file the fourth copy of the Notice of Delinquency (Form 281) in the registrant's Cover Sheet (Form 53).*

*§§ 642.1 to 642.8, inclusive, issued under the authority contained in 54 Stat. 885; 50 U. S. C., Sup., 301-318, inclusive, E.O. No. 8545, 5 F.R. 3779.

§ 642.2 *Investigation of delinquency.* (a) After mailing the Notice of Delinquency (Form 281), the local board shall wait 5 days before taking further action.

(b) If it does not hear from the suspected delinquent during the 5-day period, the local board shall take the following steps:

(1) Communicate with the person "who will always know" the registrant's address whose name and address appear on lines 7 and 8 of the Registration Card (Form 1).

(2) Communicate with the "employer" whose name and address appear on lines 10 and 11 of the Registration Card (Form 1).

(c) If as a result of these contacts the local board acquires any information which will enable it, with a reasonable amount of effort, to locate the suspected delinquent, it should make that effort.

(d) In trying to locate the suspected delinquent the local board may use the voluntary assistance of local or State police officials, as well as the press and radio. In no event, however, will the local board order or participate in the arrest of a suspected delinquent.*

§ 642.3 *Disposition of delinquencies.* If a suspected delinquent has been located as a result of the local board's efforts under § 642.2 or a suspected delinquent has reported voluntarily to a local board, the local board shall carefully investigate the delinquency. If the board finds that the suspected delinquent is innocent of any wrongful intent, the local board shall proceed to consider his case just as if he were never suspected of being a delinquent. The local board shall report its decision to the State Director of Selective Service and shall note its decision in its records.*

§ 642.4 *Reporting delinquents to United States district attorney.* (a) If the local board is convinced that a delinquent is not innocent of wrongful intent or if it is unable to locate a suspected delinquent (§ 642.2), the local board shall report him to a United States district attorney for prosecution under section 11 of the Selective Training and Service Act of 1940, as amended.

(b) In reporting a delinquent to a United States district attorney, the local board shall fill out a Report of Delinquents to United States District Attorney (Form 279), in quadruplicate. The local board shall mail the original to the United States district attorney. It shall mail a copy to the State Director of Selective Service. It shall post a copy in a conspicuous place for public inspection, and, whenever practicable, it shall give the information contained thereon to the press and radio and shall encourage them to give such information the widest possible publicity. It shall note the date of mailing on the fourth copy and shall place it in the registrant's cover sheet (Form 53), if the delinquent is a registrant, or in an alphabetical file of nonregistrant delinquents, if the delinquent is not a registrant.

(c) If the delinquent is a registrant, the local board shall note its action in the "Remarks" column of the Classification Record (Form 100).

§ 642.5 *Local board action subsequent to reporting a delinquent to United States district attorney.* When a delinquent who has been reported to a United States district attorney later offers to comply with the law, the United States district attorney should be immediately notified and given a complete statement of the facts concerning such offer of compliance. The decision of whether such a delinquent should be prosecuted or his prosecution continued, in case it has already been undertaken, rests entirely with the United States district attorney. The local board, when requested to do so by the United States district attorney, may offer a suggestion as to the advisability of discontinuing the prosecution of a delinquent who has complied or is willing to comply with the law. If it is determined that the delinquency is not wilful, or that substantial justice will result, the local board should encourage the delinquent to comply with his obligations under the law and, if he does so or offers to do so, should urge that any charge of delinquency against him or any prosecution of him for delinquency be dropped.*

§ 642.6 *Suspected delinquents found in military service.* (a) If a registrant is suspected of being delinquent only because he failed to report to the board that he had enlisted in the land or naval forces of the United States or has joined (1) the armed forces of the Canadian or British Governments, (2) the British Civilian Technical Corps, (3) the Royal Army Medical Corps, (4) the British Emergency Medical Service, (5) the armed forces of the Polish Government, (6) the armed forces of the Netherlands Government, or (7) any other service designated by the Director of Selective Service as aiding in the common cause, the local board, upon receipt of competent evidence that the registrant is actually in one of such services, shall remove any charge of delinquency made against such registrant. The board shall make an appropriate report of this action to any officials who were notified that the registrant was a delinquent.*

§ 642.7 *Procedure upon release of delinquents.* (a) Provided they have not already been accomplished, the following steps shall be taken in connection with every delinquent at the time of his release from confinement:

(1) He shall be registered in accordance with § 613.42.

(2) His Selective Service Questionnaire (Form 40) shall be executed.

(3) His Special Form for Conscientious Objectors (Form 47), where applicable, shall be executed.

(4) He shall be physically examined.

(b) If a delinquent is unable or refuses to fill out his Selective Service Questionnaire (Form 40) or his Special Form for Conscientious Objectors (Form 47), where applicable, they shall be filled out by the superintendent or warden acting as registrar from information gained from interviewing the delinquent and from other sources.

(c) If a delinquent is unable or refuses to sign his name or make his mark, the superintendent or warden acting as registrar shall sign such delinquent's name and indicate that he has done so by signing his own name followed by the word "Registrar" beneath the name of such delinquent. The act of the superintendent or warden in so doing shall have the same force and effect as if such delinquent had signed his name to the Selective Service Questionnaire (Form 40) or the Special Form for Conscientious Objectors (Form 47).

(d) The institution physician shall act as the examining physician and shall examine the delinquent in accordance with the provisions of § 623.33, using Report of Physical Examination and Induction (Form 221) and List of Defects (Form 220). If the delinquent claims to be a conscientious objector, he shall be further physically examined in accordance with the provisions of part 651.

(e) The delinquent's Registration Card (Form 1); Selective Service Questionnaire (Form 40), Special Form for Conscientious Objectors (Form 47), where applicable, and Report of Physical Examination and Induction (Form 221) shall be mailed to the State Director of Selective Service for the State in which the place of residence of the delinquent is located, and the State Director of Selective Service shall forward such documents to the local board having jurisdiction over the delinquent.*

§ 642.8 *Procedure following release of delinquent from imprisonment.* Imprisonment for violation of the selective service law, or during prosecution therefor, does not exempt a delinquent from complying with the selective service law after the delinquent is released from imprisonment. When a delinquent is released from imprisonment, the local board shall require him to perform the duties and shall accord him the rights and privileges of other registrants.*

LEWIS B. HERSHEY,
Director.

DECEMBER 30, 1941.

[F. R. Doc. 42-53; Filed, January 2, 1942; 3:28 p. m.]

PART 652—ASSIGNMENT AND DELIVERY OF PERSONS TO WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

Effective February 1, 1942, the Selective Service Regulations and Camp Regulations are hereby amended by assigning new numbers to the paragraphs hereinafter listed; by changing the context of those paragraphs which are followed by the words "as amended"; by adding one new section; and by publishing such renumbered and amended paragraphs and the new section as the sections of Part 652 of the Second Edition of the Selective Service Regulations:

SELECTIVE SERVICE REGULATIONS

Paragraph 365 *c* and *d* as amended becomes § 652.1.
Paragraph 365 *e* as amended becomes § 652.2.
Paragraph 365 *f* as amended becomes § 652.11.
Paragraph 365 *f* as amended becomes § 652.12.
New section § 652.13.

CAMP REGULATIONS

Paragraph 21 as amended becomes § 652.14.

PART 652—ASSIGNMENT AND DELIVERY OF PERSONS TO WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

ASSIGNMENT TO WORK OF NATIONAL IMPORTANCE

Sec.
652.1 Report of conscientious objector to Director of Selective Service.
652.2 Assignment by Director of Selective Service.

DELIVERY OF PERSONS WHO HAVE BEEN ASSIGNED TO WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

652.11 Order to report for work of national importance.
652.12 Transportation to camp.
652.13 Jurisdiction of local board while registrant is engaged in work of national importance.
652.14 Period of service.

ASSIGNMENT TO WORK OF NATIONAL IMPORTANCE

§ 652.1 *Report of conscientious objector to Director of Selective Service.*

(a) When a registrant in Class IV–E has been found to be acceptable for work of national importance under civilian direction, the local board shall immediately notify the Director of Selective Service on a Conscientious Objector Report (Form 48) that the registrant is so acceptable and is available for assignment to work of national importance under civilian direction.

(b) Four copies of the Conscientious Objector Report (Form 48) shall be filled out and signed by a member of the local board. Under "Remarks" the local board should add any additional information that might aid in the proper assignment of the registrant. The original and two copies of the Conscientious Objector Report (Form 48) shall be mailed to the State Director of Selective Service and the remaining copy retained in the registrant's Cover Sheet (Form 53). The State Director of Selective Service shall immediately transmit the original and one copy of the Conscientious Objector Report (Form 48) to the Director of Selective Service and shall file the remaining copy.

(c) Until such time as his defects have been corrected, no Conscientious Objector Report (Form 48) shall be filled out or used for a registrant who, according to the report of the examining physician, will be qualified for general service after satisfactory correction of specified remedial defects.*

*§§ 652.1 to 652.14, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive, E.O. No. 8545, 5 F.R. 3779.

§ 652.2 *Assignment by Director of Selective Service.* (a) The Director of Selective Service, upon receipt of the Conscientious Objector Report (Form 48), shall assign the registrant to a camp. Such assignment will be made on an Assignment to Work of National Importance (Form 49), which shall be made out in triplicate. Two copies will be mailed to the State Director of Selective Service, who shall forward one copy to the registrant's local board and file the other copy. The remaining copy will be filed in Camp Operations Division.

(d) Persons paroled for assignment to work of national importance under civilian direction or other special service under Part 643 shall be assigned to such work by the Director of Selective Service in such manner as he may determine.*

DELIVERY OF PERSONS WHO HAVE BEEN ASSIGNED TO WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

§ 652.11 *Order to report for work of national importance.* (a) Upon receipt of an Assignment to Work of National Importance (Form 49) for a registrant in Class IV–E, the local board shall prepare six copies of an Order to Report for Work of National Importance (Form 50). The original shall be mailed to the registrant at least 10 days before the date set for him to report. At the time the registrant leaves the local board for the camp, the local board shall mail five copies of the Order to Report for Work of National Importance (Form 50), together with the original and one copy of the registrant's Report of Physical Examination and Induction (Form 221), to the camp director at such camp. The remaining two copies of such registrant's Report of Physical Examination and Induction (Form 221) shall be retained in his Cover Sheet (Form 53).

(b) The issuance of an Order to Report for Work of National Importance (Form 49) may be delayed or delivery under such an order may be postponed to the extent and in the manner provided in § 633.1.

(c) If for any reason an Order to Report for Work of National Importance (Form 50) is not sent to a registrant for whom an Assignment to Work of National Importance (Form 49) has been received from the Director of Selective Service or in the event a registrant in Class IV–E who has been sent an Order to Report for Work of National Importance (Form 50) does not report to the local board pursuant to such order, the local board shall send the Assignment to Work of National Importance (Form 49) together with a statement of the facts concerning the case to the State Director of Selective Service for transmittal to the Director of Selective Service.*

§ 652.12 *Transportation to camp.* (a) When a registrant in Class IV–E reports to the local board for transportation to a camp for work of national importance under civilian direction, the local board shall prepare the necessary Government Requests for Transportation (Standard Form 1030) and Government Request for Meals and Lodgings for Civilian Registrants (Form 256) for use by the registrant between the local board and the camp. Except as otherwise provided herein, the local board will follow the same procedure in delivering the registrant to work of national importance under civilian direction as is followed in the case of a registrant delivered for induction into the land or naval forces.

(b) The delivery of a person paroled to work of national importance under civilian direction will be accomplished by the proper prison officials.*

§ 652.13 *Jurisdiction of local board while registrant is engaged in work of national importance.* A registrant in Class IV–E who has reported for work of national importance pursuant to this part shall be retained in Class IV–E by the local board. Such registrant after he has left the local board in accordance with § 652.12 for work of national importance under civilian direction is under the jurisdiction of the camp to which he is assigned. The local board shall take no further steps with regard to such registrant without instructions from the Director of Selective Service, but should report any information to the Director of Selective Service which might affect the registrant's status.*

§ 652.14 *Period of service.* (a) A registrant in Class IV–E who has been assigned to a camp shall be engaged in work of national importance under civilian direction during the existence of any war in which the United States is engaged and during the six months immediately following the termination of any such war, unless sooner released under the same conditions as pertain in the armed forces.

(b) A person assigned to a camp on parole pursuant to Part 643 shall be engaged in work of national importance under civilian direction for the length of the term of his sentence less deductions for good conduct as provided in Part 643.*

LEWIS B. HERSHEY,
Director.

DECEMBER 24, 1941.

[F. R. Doc. 42–54; Filed, January 2, 1942; 3:29 p. m.]

[Order No. 23]

COSHOCTON CAMP PROJECT

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of Section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Coshocton Camp project to be work of national importance, to be known as Civilian Public Service Camp No. 23. Said camp, located at Coshocton, Coshocton County, Ohio, will be the base of operations for soil conservation work in the State of Ohio, and registrants under the Selective Training and Service Act, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV–E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Coshocton Camp will consist of the establishment of a program tending to develop sound land use practices which will prevent the spread of erosion and the analysis of the changes and hydrologic conditions brought by such a program, and shall be under the technical direction of the Soil Conservation Service of the United States Department of Agriculture insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Service Act and Regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

DECEMBER 31, 1941.

[F. R. Doc. 42–55; Filed, January 2, 1942; 3:29 p. m.]

[Order No. 24]

WASHINGTON COUNTY CAMP PROJECT

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of Section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Washington County Camp project to be work of national importance, to be known as Civilian Public Service Camp No. 24. Said camp, located at Hagerstown, Washington County, Maryland, will be the base of operations for soil conservation work in the State of Maryland, and registrants under the Selective Training and Service Act, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV–E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Washington County Camp will consist of the establishment of a program tending to develop sound land use practices which will prevent the spread of erosion, and shall be under the technical direction of the Soil Conservation Service of the United States Department of Agriculture insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Service Act and Regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

DECEMBER 31, 1941.

[F. R. Doc. 42–56; Filed, January 2, 1942; 3:30 p. m.]

[No. 39]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of paragraph 163 and Appendix A to Volume One[1] of the Selective Service Regulations, I hereby prescribe the following changes in DSS forms:

1. Addition of a new form designated as DSS Form 10A, effective immediately upon the filing hereof with the Division of the Federal Register.[2]

2. Addition of a new form designated as DSS Form 100A, effective immediately upon the filing hereof with the Division of the Federal Register.

[1] 5 F.R. 3779.
[2] Filed with the original document.

The foregoing additions shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

DECEMBER 18, 1941.

[F. R. Doc. 42–72; Filed, January 3, 1942; 11:36 a. m.]

[No. 40]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of paragraph 163 and Appendix A to Volume One[1] of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 152, entitled "Order on State for Delivery of Men for Physical Examination by the Armed Forces," effective immediately upon the filing hereof with the Division of the Federal Register.[2]

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

DECEMBER 29, 1941.

[F. R. Doc. 42–73; Filed, January 3, 1942; 11:36 a. m.]

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER C—BOARD OF ECONOMIC WARFARE

EXPORT CONTROL SCHEDULE NO. 27

By virtue of Executive Order No. 8712,[1] of March 15, 1941, Executive Order No. 8900,[2] of September 15, 1941, and Order No. 1,[3] of the Economic Defense Board, of September 15, 1941, I, Milo Perkins, Executive Director, Board of Economic Warfare, have determined that effective January 2, 1942, the forms, conversions, and derivatives of Petroleum Products (Item 1, Proclamation No. 2417[4]) as listed in Export Control Schedule No. 15, under Reference B, is amended to read as follows:

Unit of quantity	Ref.	Commodity description	Dept. o. Commerce No.
		PETROLEUM PRODUCTS	
Long ton...	B	Crude Oils or any other materials except lubricating oils, from which, by commercial distillation there can be produced, as distillate or residuum, products having a viscosity of more than 60 seconds Saybolt Universal at 210° F. with a viscosity index of over 60, and lubricating oils from which by commercial distillation there can be produced, as distillate or residuum, 10% or more of products having a viscosity of more than 60 seconds Saybolt Universal at 210° F. with a viscosity index of over 60.	5011.07

MILO PERKINS,
Executive Director.

JANUARY 2, 1941.

[F. R. Doc. 42–50; Filed, January 1, 1942; 1:46 p. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 931—DEFENSE SUPPLIES RATING ORDER

Amendment No. 2 to Supplementary Order No. P–6–a Assigning a Preference Rating to Deliveries of Civil Aircraft, Repair Parts and Accessories

Section 931.2 (*Supplementary Order No. P–6–a*) is hereby amended to read as follows:

§ 931.2 *Supplementary Order P–6–a.* (a) For the purpose of Part 931—Defense Supplies Rating Order (Priorities Division Order No. P–6), deliveries of Civil Aircraft and repair parts and accessories for such Aircraft, by the producer thereof, to persons purchasing the same for use in the following activities, or to dealers who will dispose of such Aircraft, repair parts or accessories, to persons purchasing the same for use in such activities, are hereby assigned a preference rating of A–10:

(1) Civil air patrol.

(2) Civilian pilot training program schools.

(3) Airline instrument training schools.

(4) Other schools approved by the Civil Aeronautics Administration.

(5) Official State guard units.

(6) Official State, county, and city police.

(7) Pipe line patrol.

(8) Power line patrol.

(9) Patrol activities by or for the account of any governmental agency.

(10) Experimental projects approved by the Civil Aeronautics Administration.

(b) For the purposes of Part 931—Defense Supplies Rating Order (Priorities Division Order No. P–6), deliveries of repair parts for Civil Aircraft and for accessories for such aircraft, by the producer thereof, to persons purchasing the same for use in the maintenance and

[1] 6 F.R. 1501.
[2] 6 F.R. 5795.
[3] 6 F.R. 4828.
[4] 5 F.R. 2677.

repair of registered and certificated Civil Aircraft, or to dealers who will dispose of such repair parts to persons purchasing the same for use in such maintenance and repair, are hereby assigned a preference rating of A–10.

(c) This Order shall take effect on the 21st day of July 1941, and, unless sooner revoked, shall expire on the 31st day of March, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

This Amendment shall take effect immediately. Issued this 3d day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–62; Filed, January 3, 1942; 10:19 a. m.]

PART 933—DOMESTIC ICE REFRIGERATORS

Supplementary General Limitation Order L–7–a Further Restricting the Production of Domestic Ice Refrigerators

It is hereby ordered, That: In accordance with the provisions of § 993.1 (*General Limitation Order L–7*)[1] which the following order supplements, it is hereby ordered that:

§ 993.2 *Supplementary General Limitation Order L–7–a*—(a) *January, February and March restrictions.* (1) Except as provided in subparagraph (2), during each of the months of January, February and March 1942, no manufacturer of domestic ice refrigerators shall use in the production of such refrigerators more steel than the greater of the following two limits:

(i) 60% of the monthly average of steel used by him during the twelve months' period ending June 30, 1941.

(ii) 60% of the monthly average of steel used by him during the three years' period ending June 30, 1941.

(2) Nothing in this Order shall limit, and each manufacturer is specifically authorized to use in addition to the quota set forth above, any amount of steel required in the production of domestic ice refrigerators under specific contracts or orders placed by or for the account of, or to fulfill a contract with:

(i) The United States Government or any department or agency thereof;

(ii) The government of any of the following countries: The United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia, and Yugoslavia;

(iii) Any agency of the United States government for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act); or

(iv) Any public authority owning or operating a project financed in whole or in part by the United States Government or any agency thereof, and certified by the authority to be devoted in whole or in part to the housing of persons engaged in defense activity, *Provided*, That the contracts or orders involved were obtained as a result of competitive bidding.

(b) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work may apply for relief by addressing a letter to the Office of Production Management setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(c) *Effective date.* This Order shall take effect on the date of its issuance. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F. R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 6th day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42–88; Filed, January 5, 1942; 10:44 a. m.]

PART 971—ETHYL ALCOHOL AND RELATED COMPOUNDS

Amendment No. 2 to General Preference Order No. M–30 To Conserve the Supply and Direct the Distribution of Ethyl Alcohol and Related Compounds

Section 971.1 (*General Preference Order No. M–30*) is hereby amended to read as follows:

Whereas the national defense requirements have created shortages of Ethyl Alcohol and Related Compounds for defense, for private account, and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof:

Now, therefore, it is hereby ordered, That:

§ 971.1 *General Preference Order M–30*—(a) *Definitions.* For the purposes of this Order:

(1) "Ethyl Alcohol" means ethyl alcohol from whatever source derived, having a proof of 160° or more, and shall include tax-paid and denatured alcohol produced in industrial alcohol plants classified as such under regulations No. 3 of the Bureau of Industrial Alcohol of the U. S. Treasury Department under sections 3070 to 3124 inclusive of the Internal Revenue Code.

(2) "Related Compounds" means acetic acid, acetic anhydride, acetone, ethyl ether, ethyl acetate, butyl alcohol, butyl acetate, isopropyl alcohol and isopropyl acetate, from whatever source derived.

(3) "Producer" means any person engaged in the production of Ethyl Alcohol or Related Compounds, and includes any person who has Ethyl Alcohol or any Related Compounds produced for him pursuant to toll agreement.

(4) "Distributor" means any person who has purchased or purchases Ethyl Alcohol or any Related Compounds for purposes of resale.

(b) *Applicability of Priorities Regulation No. 1.* This Order and all transactions in Ethyl Alcohol or Related Compounds are subject to the provisions of Priorities Regulation No. 1 as amended from time to time except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(c) *Restrictions on deliveries of ethyl alcohol.* Anything in Priorities Regulations No. 1 to the contrary notwithstanding:

(1) Unless otherwise directed by the Director of Priorities, no Producer shall, during any calendar month commencing with the month of January, 1942, use or deliver Ethyl Alcohol for any purpose not specified in subparagraphs (c) (2), and (3) hereof, in excess of 100% of the quantity of Ethyl Alcohol which he used or delivered, respectively, for such purpose during the corresponding month in the twelve months' period ended June 30, 1941.

(2) Unless otherwise directed by the Director of Priorities, no Producer shall, during any calendar month commencing with the month of January, 1942, use or deliver Ethyl Alcohol for a purpose set forth below in excess of that percentage, set opposite such purpose, of the quantity of Ethyl Alcohol which he used or delivered, respectively, for such purpose during the corresponding month in the twelve months' period ended June 30, 1941.

Purpose	*Percentage*
Hair and scalp preparations Bay rum Shampoos Face and hand lotions Body deodorants Toilet waters Perfume and perfume tinctures Toilet soaps (including shaving cream) Mouth washes Tooth cleaning preparations Perfume materials and fixatives Rubbing alcohol Witch hazel Deodorant sprays (nonbody) Vinegar Candy glazes	85% during month of January 1942; 70% during each month thereafter.

(3) Producers may, subject to Priorities Regulation No. 1, make deliveries of Ethyl Alcohol for the purposes set forth below without limitation:

Military explosives.
Acetic acid (except vinegar for food use).
Ethyl acetate.
Ethyl chloride.
Other ethyl esters.
Resins and plastics.
Acetaldehyde.
Ethyl ether.
Health supplies (as defined in Preference Rating Order P–29 as amended to September 30, 1941).
Ethers, glycol and other ethylene Dibromide.
Xanthates.
Fulminate of mercury.
Ethylene gas and ethylene oxide.
Dyes and intermediates.
Nitrocellulose (dehydration).

(4) Unless otherwise directed by the Director of Priorities, no person shall, during any month commencing with the month of January 1942, use (distribute in the case of a Distributor) or accept delivery of Ethyl Alcohol for any purpose referred to, either specifically or otherwise, in subparagraphs (c) (1) and (2) hereof in excess of that percentage, specified in subparagraphs (c) (1) and (2) hereof with respect to such purpose, of the quantity of Ethyl Alcohol which he used (distributed in the case of a Distributor) or delivery of which he accepted for such purpose during the corresponding month in the twelve months' period ended June 30, 1941. The restrictions in this subparagraph (c) (4) contained shall not apply to the use, or acceptance of delivery, of Ethyl Alcohol for the purposes set forth in subparagraph (c) (3) hereof. No Producer or Distributor shall deliver any Ethyl Alcohol to any person unless prior to such delivery, the deliveree shall certify to the deliveror that such delivery will not, taking into consideration deliveries made and to be made to him during such months from all sources, be in violation of the provisions of this subparagraph.

(d) *Restrictions on production of ethyl and butyl alcohol.* Except as may be otherwise directed by the Director of Priorities, no Producer shall, after January 15, 1942, produce Ethyl or Butyl Alcohol from Molasses (as defined in General Preference Order No. M–54) unless his equipment and facilities capable of producing Ethyl or Butyl Alcohol from corn or grain are being utilized to the fullest extent possible in the production of Ethyl or Butyl Alcohol from corn or grain.

(e) *Deliveries of isopropyl alcohol.* (1) Unless a higher preference rating has been, or is hereafter, assigned thereto, deliveries of Isopropyl Alcohol for the uses set forth below are hereby assigned the preference rating set opposite each such use as follows:

Use	*Preference rating*
Acetone	B–1
Chemicals, chemical products and chemical processing	B–3
Drugs and pharmaceuticals	B–5
Anti-freeze	B–7

(2) All the provisions of paragraph (c) hereof with respect to restrictions on deliveries of Ethyl Alcohol shall be applicable to deliveries of Isopropyl Alcohol.

(f) *Reports.* Reports shall be made at such times, on such forms and with respect to such matters as shall be prescribed by the Chemicals Branch of the Office of Production Management.

(g) *Notification of customers.* Producers shall as soon as practicable notify each of their regular customers of the requirements of this Order, but the failure to give such notice shall not excuse any person from the obligation of complying with the terms hereof.

(h) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(i) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Ethyl Alcohol and Related Compounds conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Office of Production Management, references: M–30, attention Chemicals Branch, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(j) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; Sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 31st day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42–93; Filed, January 5, 1942; 10:46 a. m.]

PART 971—ALCOHOL

Amendment No. 3 to General Preference Order No. M–31 as Amended To Conserve the Supply and Direct the Distribution of Methyl Alcohol

(a) Section 971.2 (*General Preference Order M–31*) as amended[1] is hereby further amended in the following particulars.

(1) Present subparagraph (d) (4) is hereby amended to read as follows:

§ 971.2 *General Preference Order M–31.*

* * * * * * *

(d) * * *

(4) Deliveries of Methyl Alcohol to persons who require the same for general denaturant and solvent uses, and who, prior to delivery thereof, shall have certified to the Producer or the Distributor (a) that the Methyl Alcohol sought will be used (sold, in the case of a Distributor) for such purposes only, and (b) that the quantities sought, in any month, together with all quantities on order with other Producers or Distributors for delivery during such month, do not exceed one-twelfth of the quantity of Methyl Alcohol used by such persons for such purposes during the 12-month period ended September 30, 1941, are hereby assigned preference rating B–8.

(2) Present paragraphs (e), (f) and (g) are hereby relettered and made paragraphs (f), (g) and (i), respectively.

(3) A new paragraph (e) is hereby added to read as follows:

(e) *Restrictions on use.* Except as may be otherwise directed by the Director of Priorities, on and after January 1, 1942, no person shall use or deliver Methyl Alcohol for manufacture into, or packaging as, an anti-freeze agent. The provisions of this paragrapl. shall apply with respect to stocks of Methyl Alcohol on hand as of January 1, 1942. Persons who have stocks of Methyl Alcohol on hand on said date, which said stocks were intended for manufacture into, or packaging as, an anti-freeze agent, shall forwith report such fact (and the details thereof) to the Chemicals Branch of the Office of Production Management and shall hold such Methyl Alcohol for disposition by the Director of Priorities: *Provided, however*, That nothing herein contained contained shall prevent any person from using or delivering Methyl Alcohol for manufacture into, or packaging as, an anti-freeze agent to fill actual orders received for delivery to or for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission, the Coast and Geodetic Survey, the Coast Guard;

(ii) The government of any of the following countries: The United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, Russia, Yugoslavia; and

(iii) The government of any country, including those in the Western Hemisphere, comprehended in the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act).

(4) A new paragraph (h) is hereby added to read as follows:

(h) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon

[1] 6 F.R. 5534.

[1] 6 F.R. 5750, 6614.

him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Methyl Alcohol conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Office of Production Management, Reference: M-31, attention Chemicals Branch, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(b) This Order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6580; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; Sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 31st day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-94; Filed, January 5, 1942; 10:47 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Supplementary General Limitation Order L-3-e Further Restricting Sale and Delivery of Light Motor Trucks

In accordance with the provisions of § 976.3 (*General Limitation Order L-3*) issued September 13, 1941, which the following Order supplements.

It is hereby ordered, That:

§ 976.9 *Supplementary General Limitation Order L-3-e*—(a) *Prohibition of sales of light motor trucks.* Until January 15, 1942 no producer, dealer or other authorized channel of distribution of light motor trucks, as defined in § 976.1 (1) of General Limitation Order L-3, issued September 13, 1941, shall sell, lease, trade, lend, deliver, ship, or transfer any light truck, except to other producers, dealers or other authorized channels of distribution for resale; and no person (with the exception of other producers, dealers, or other authorized channels of distribution for resale) shall accept any such sale, lease, trade, loan, delivery, shipment or transfer of any light truck. For the purposes of this Order "light truck" means a 1942 model light truck or any light truck which has been used less than one thousand miles (1,000 miles).

(b) All communications concerning this Order shall be addressed to:

Office of Production Management
Washington, D. C. Ref: L-3-e

(c) *Effective date.* This order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 1st day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-91; Filed, January 5, 1942; 10:45 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Supplementary General Limitation Order L-1-c Restricting Sale and Delivery of Medium and Heavy Motor Trucks & Truck Trailers

In accordance with the provisions of § 976.1 (*General Limitation Order L-1-a*),[1] which the following order supplements. *It is hereby ordered*, That:

§ 976.10 *Supplementary General Limitation Order L-1-c*—(a) *Prohibition of sales of medium and heavy motor trucks and truck trailers.* Until January 15, 1942, no producer, dealer or other authorized channel of distribution of medium and heavy motor trucks and truck trailers, shall sell, lease, trade, lend, deliver, ship, or transfer any medium and heavy motor trucks and truck trailers, except to other producers, dealers, or other authorized channels of distribution for resale; and no person (with the exception of other producers, dealers, or other authorized channels of distribution for resale) shall accept any such sale, lease, trade, loan, delivery, shipment or transfer of any medium and heavy motor trucks and truck trailers. For the purposes of this Order "Medium and Heavy Motor Trucks and Truck Trailers" mean 1942 Models or any such vehicles which have been used less than one thousand miles (1000 miles).

(b) All communications concerning this Order shall be addressed to:

Office of Production Management
Washington, D. C. Ref. L-1-c

(c) *Effective date.* This order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 1st day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-85; Filed, January 5, 1942; 10:44 a. m.]

PART 981—PASSENGER AUTOMOBILES

Supplementary General Limitation Order L-2-f Restricting Sale and Delivery of Passenger Automobiles

In accordance with the provisions of § 981.1 (*General Limitation Order L-2*)[1] issued September 13, 1941, which the following Order supplements, *It is hereby ordered*, That: .

§ 981.7 *Supplementary General Limitation Order L-2-f*—(a) *Prohibition of sales of passenger automobiles.* Until January 15, 1942, no producer, dealer or other authorized channel of distribution of passenger automobiles, as defined in § 981.1 (a) (1) of General Limitation Order L-2, issued September 13, 1941, shall sell, lease, trade, lend, deliver, ship, or transfer any passenger automobile, except to other producers, dealers, or other authorized channels of distribution for resale; and no person (with the exception of other producers, dealers, or other authorized channels of distribution for resale) shall accept any such sale, lease, trade, loan, delivery, shipment or transfer of any passenger automobile. For the purposes of this Order "Passenger Automobile" means a 1942 Model passenger automobile or any automobile which has been used less than one thousand miles (1,000 miles).

(b) All communications concerning this Order shall be addressed to:

Office of Production Management
Washington, D. C. Ref: L-2-f

(c) *Effective date.* This Order shall take effect immediately. (P. D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 1st day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-85; Filed, Jauary 5, 1942; 10:44 a. m.]

PART 989—DOMESTIC MECHANICAL REFRIGERATORS

Amendment No. 1 to Supplementary General Limitation Order L-5-a

It is hereby ordered, That:

Section 989.2 (*Supplementary General Limitation Order L-5-a*)[1] is hereby

him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Methyl Alcohol conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Office of Production Management, Reference: M-31, attention Chemicals Branch, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(b) This Order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6580; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; Sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 31st day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-94; Filed, January 5, 1942; 10:47 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Supplementary General Limitation Order L-3-e Further Restricting Sale and Delivery of Light Motor Trucks

In accordance with the provisions of § 976.3 (*General Limitation Order L-3*)[1] issued September 13, 1941, which the following Order supplements.

It is hereby ordered, That:

§ 976.9 *Supplementary General Limitation Order L-3-e—(a) Prohibition of sales of light motor trucks.* Until January 15, 1942 no producer, dealer or other authorized channel of distribution of light motor trucks, as defined in § 976.1 (1) of General Limitation Order L-3, issued September 13, 1941, shall sell, lease, trade, lend, deliver, ship, or transfer any light truck, except to other producers, dealers or other authorized channels of distribution for resale; and no person (with the exception of other producers, dealers, or other authorized channels of distribution for resale) shall accept any such sale, lease, trade, loan, delivery, shipment or transfer of any light truck. For the purposes of this Order "light truck" means a 1942 model light truck or any light truck which has been used less than one thousand miles (1,000 miles).

(b) All communications concerning this Order shall be addressed to:

Office of Production Management
Washington, D. C. Ref. L-3-e

(c) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6580; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 1st day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-91; Filed, January 5, 1942; 10:45 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Supplementary General Limitation Order L-1-c Restricting Sale and Delivery of Medium and Heavy Motor Trucks & Truck Trailers

In accordance with the provisions of § 976.1 (*General Limitation Order L-1-a*),[1] which the following order supplements. *It is hereby ordered*, That:

§ 976.10 *Supplementary General Limitation Order L-1-c—(a) Prohibition of sales of medium and heavy motor trucks and truck trailers.* Until January 15, 1942, no producer, dealer or other authorized channel of distribution of medium and heavy motor trucks and truck trailers, shall sell, lease, trade, lend, deliver, ship, or transfer any medium and heavy motor trucks and truck trailers, except to other producers, dealers, or other authorized channels of distribution for resale; and no person (with the exception of other producers, dealers, or other authorized channels of distribution for resale) shall accept any such sale, lease, trade, loan, delivery, shipment or transfer of any medium and heavy motor trucks and truck trailers. For the purposes of this Order "Medium and Heavy Motor Trucks and Truck Trailers" mean 1942 Models or any such vehicles which have been used less than one thousand miles (1000 miles).

(b) All communications concerning this Order shall be addressed to:

Office of Production Management
Washington, D. C. Ref. L-1-c

(c) *Effective date.* This order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session, sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 1st day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F.R. Doc. 42-90; Filed, January 5, 1942; 10:45 a. m.]

PART 981—PASSENGER AUTOMOBILES

Supplementary General Limitation Order L-2-f Restricting Sale and Delivery of Passenger Automobiles

In accordance with the provisions of § 981.1 (*General Limitation Order L-2*)[1] issued September 13, 1941, which the following Order supplements, *It is hereby ordered*, That:

§ 981.7 *Supplementary General Limitation Order L-2-f—(a) Prohibition of sales of passenger automobiles.* Until January 15, 1942, no producer, dealer or other authorized channel of distribution of passenger automobiles, as defined in § 981.1 (a) (1) of General Limitation Order L-2, issued September 13, 1941, shall sell, lease, trade, lend, deliver, ship, or transfer any passenger automobile, except to other producers, dealers, or other authorized channels of distribution for resale; and no person (with the exception of other producers, dealers, or other authorized channels of distribution for resale) shall accept any such sale, lease, trade, loan, delivery, shipment or transfer of any passenger automobile. For the purposes of this Order "Passenger Automobile" means a 1942 Model passenger automobile or any automobile which has been used less than one thousand miles (1,000 miles).

(b) All communications concerning this Order shall be addressed to:

Office of Production Management
Washington, D. C. Ref: L-2-f

(c) *Effective date.* This Order shall take effect immediately. (P. D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 1st day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-85; Filed, Jauary 5, 1942; 10:44 a. m.]

PART 989—DOMESTIC MECHANICAL REFRIGERATORS

Amendment No. 1 to Supplementary General Limitation Order L-5-a

It is hereby ordered, That:

Section 989.2 (*Supplementary General Limitation Order L-5-a*)[1] is hereby amended by inserting therein a new paragraph (c) as follows:

§ 989.2 *Supplementary General Limitation Order L-5-a.*

* * * * *

(c) Nothing in this Order shall limit, and each manufacturer is specifically authorized to produce, in addition to the quota set forth above, any domestic mechanical refrigerators required to fulfill specific contracts or orders placed by or for the account of, or to fulfill a contract with:

(1) The United States Government or any department or agency thereof;

(2) The government of any of the following countries: The United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of Netherlands, Norway, Poland, Russia, and Yugoslavia;

(3) Any agency of the United States Government for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act); or

(4) Any public authority owning or operating a project financed in whole or in part by the United States Government or an agency thereof, and certified by the authority to be devoted in whole or in part to the housing of persons engaged in defense activity: *Provided*, That the contracts or orders involved were obtained as a result of competitive bidding.

This amendment shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4403; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 6th day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-87; Filed, January 5, 1942; 10:44 a. m.]

PART 1008—ELECTRIC POWER

Revocation of Limitation Order L-16

Section 1008.1 (*Limitation Order L-16 amended*)[1] is hereby revoked. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 5th day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-86; Filed, January 5, 1942; 10:44 a. m.]

PART 1012—DOMESTIC VACUUM CLEANERS

Supplementary General Limitation Order L-18-a Further Restricting the Production of Domestic Vacuum Cleaners

It is hereby ordered, That: In accordance with the provisions of § 1012.1 (*General Limitation Order L-18*)[1] which the following order supplements, it is hereby ordered that:

§ 1012.2 *Supplementary General Limitation Order L-18-a—(a) January, February and March restrictions.* During the three months' period from January 1, 1942, to March 31, 1942, inclusive:

(1) No Class "A" Manufacturer shall produce more domestic vacuum cleaners than the greater of the following two limits:

(i) 11,700 of such vacuum cleaners, or

(ii) three times 60% of the monthly average of his factory sales of such vacuum cleaners in the twelve months ending June 30, 1941.

(2) No Class "B" Manufacturer shall produce more domestic vacuum cleaners than three times 75% of the monthly average of his factory sales of such vacuum cleaners in the twelve months ending June 30, 1941.

(3) In complying with the quotas under subparagraph (1) or (2) each manufacturer of domestic vacuum cleaners shall produce such vacuum cleaners in the same proportion of floor cleaners to hand cleaners as in his factory sales of all domestic vacuum cleaners in the twelve months ending June 30, 1941, except that for any four hand cleaners which he would be entitled to produce he may substitute one floor cleaner.

(b) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the Office of Production Management setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(c) *Communications.* All appeals and other communications concerning this Order shall be addressed to the Office of Production Management, Washington, D. C., Ref. L-18. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 amended, Sept. 2, 1941; 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

This Order shall take effect on January 1, 1942.

DONALD N. NELSON,
Director of Priorities.

[F. R. Doc. 42-92; Filed, January 5, 1942; 10:46 a. m.]

PART 1031—MOLASSES

General Preference Order No. M-54 To Conserve The Supply and Direct The Distribution of Molasses

Whereas the national defense requirements have created a shortage of Molasses, as hereinafter defined, for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 1031.1 *General Preference Order M-54—(a) Definitions.* For the purposes of this Order:

(1) "Molasses" means any molasses, sirup, sugar solution, or any form of fermentative sugar (derived from sugar cane or sugar beets) other than direct-consumption sugar (as defined in General Preference Order No. M-55) or sugar intended for and used for manufacture into direct-consumption sugar.

(2) "Producer" means any person engaged in the production of Molasses and includes any person who has Molasses produced for him pursuant to toll agreement.

(3) "Importer" means any person who transports Molasses in any manner into the continental United States. Release from the bonded custody of the United States Bureau of Customs shall be deemed a transportation.

(4) "Distributor" means any person who sells Molasses of which he is not either the Producer or the Importer.

(5) "Class 1 Purchaser" means any person who requires Molasses in the manufacture of, or for sale to manufacturers of, any one or more of the following products:

(i) Yeast
(ii) Citric Acid
(iii) Edible Molasses
(iv) Insecticides

and any person who requires Molasses for, or for sale for, dust extraction purposes.

(6) "Class 2 Purchaser" means any person who requires Molasses in the manufacture of, or for sale to manufacturers of, feed (other than for the barrel trade).

(7) "Class 3 Purchaser" means any person who requires Molasses for, or for sale for, foundry purposes.

(8) "Class 4 Purchaser" means any person who requires Molasses in the manufacture of, or for sale to manufacturers of, vinegar.

(9) "30 day supply" means a quantity of Molasses not in excess of 1/12 of the quantity used by a Purchaser listed above (distributed in case of a Distributor) during the 12 month period ended June 30, 1941 (a 15 day supply shall be one-half of a 30 day supply). Purchasers shall determine a 30 day supply with respect to each use specified in subparagraphs (a) (5), (6, (7) and (8) above. Quantity shall in all cases be computed in terms of sugar content.

(b) *Applicability of Priorities Regulation No. 1.* This Order and all trans-

[1] 6 F.R. 4733.

[1] 6 F.R. 4732, 5676, 6256.

[1] 6 F.R. 4735.
[1] 6 F.R. 6256.

[1] 6 F.R. 5564, 6145.

[1] 6 F.R. 6063.

actions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(c) *Restrictions on deliveries.* Anything in Priorities Regulation No. 1 to the contrary notwithstanding:

(1) No Class 1, Class 2, Class 3 or Class 4 Purchaser shall accept deliveries of Molasses in excess of the quantity set forth below less any quantity in excess of a 15 day supply on hand on the first day of the month in which delivery is to be made:

(i) Class 1 Purchaser—during any calendar month, a 30-day supply.

(ii) Class 2 Purchaser—during month of January 1942, 75% of a 30 day supply; during any calendar month thereafter, 50% of a 30 day supply.

(iii) Class 3 Purchaser—during any calendar month, 110% of a 30 day supply.

(iv) Class 4 Purchaser—during month of January 1942, 85% of a 30 day supply; during any calendar month thereafter, 70% of a 30 day supply.

(2) Prior to delivery of Molasses, within the limitations of subparagraph (c) (1) hereof, the prospective deliveree thereof shall submit to the deliverer a certificate in substantially the following form, manually signed by a duly authorized official:

The undersigned is a Class ____ Purchaser. During the 12 month period ended June 30, 1941, the undersigned used as a Class ____ Purchaser ____ gallons of Molasses (of ____ sugar content). The delivery of Molasses, in connection with which this certificate is furnished, will not be, taking into consideration Molasses received and to be received during this month from all other sources, in excess of that to which the undersigned is entitled pursuant to General Preference Order No. M-54 with the terms of which Order the undersigned is familiar.

Dated

(Name of Consumer)

By---

(Duly Authorized Official)

(3) Purchasers specified in paragraph (a) hereof may make application to the Director of Priorities for deliveries of Molasses in addition to those set forth in paragraph (c) hereof if they own, possess or control facilities for the storage of the same.

(4) No person shall knowingly deliver Molasses to any Class 1, Class 2, Class 3 or Class 4 Purchaser in violation of the terms of subparagraphs (c) (1) and (2) hereof.

(5) After January 15, 1942, no person shall deliver, use or accept delivery of Molasses for the manufacture of beverage spirits.

(6) On and after January 1, 1942, except with respect to deliveries within the limitations of subparagraphs (c) (1) and (2) hereof, deliveries originating and completed outside of the continental United States, deliveries to an Importer originating outside of the continental United States and deliveries specifically authorized by the Director of Priorities, no deliveries of Molasses shall be made by any Producer, Distributor or Importer; and no person shall accept delivery of Molasses made in violation of the foregoing clause. At the beginning of each calendar month the Director of Priorities will issue to all Producers, Distributors and Importers specific directions covering deliveries of Molasses which may be made by such Producers, Distributors and Importers during such month. Such directions will be primarily to insure the satisfaction of all defense requirements and to provide an adequate supply for essential civilian uses, and they may be made at the discretion of the Director of Priorities without regard to any preference rating assigned to particular contracts or orders.

(d) *Restrictions on consumption.* Unless otherwise authorized by the Director of Priorities, no Purchaser specified in paragraph (a) hereof shall, during any month commencing with the month of January, 1942, use or consume more Molasses than he would be permitted to receive during such month (if he had no Molasses on hand) pursuant to the provisions of paragraph (c) hereof.

(e) *Intra-Company transactions.* The prohibitions or restrictions contained in this Order with respect to deliveries shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise owned or controlled by the same person.

(f) *Reports.* Reports shall be made at such times, on such forms and with respect to such matters as shall be prescribed by the Chemicals Branch of the Office of Production Management. Persons who have stocks of Molasses on hand which they are forbidden by the terms of this Order to deliver or use shall forthwith report such fact (and the details thereof) in writing to the Chemicals Branch of the Office of Production Management and shall hold the said stocks until further order of the Director of Priorities.

(g) *Notification of customers.* Producers, Distributors and Importers shall, as soon as practicable, notify each of their regular customers of the requirements of this Order, but the failure to give such notice shall not excuse any person from the obligation of complying with the terms of this Order.

(h) *Violations or false statements.* Any person who violates this Order or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(i) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Molasses conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Office of Production Management, Reference: M-54, attention Chemicals Branch, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(j) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 31st day of December 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-95; Filed, January 5, 1942; 10:48 a. m.]

PART 1040—VENDING MACHINES

Limitation Order L-27 To Restrict the Production of Vending Machines

Whereas the demands of national defense have created a shortage of iron and steel and other materials used in the manufacture of vending machines; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the manufacture of vending machines is curtailed and the use of critical materials for such manufacture thereby reduced;

Now, therefore, it is hereby ordered That:

§ 1040.1 *General Limitation Order L-27*—(a) *Definitions.* For the purpose of this Order:

(1) "Vending Machines" means those vending machines or devices customarily (although not necessarily) coin-operated from which merchandise is sold, including (but not limited to) cigarette vending machines, food vending machines, candy vending machines, chewing-gum and nut vending machines, and bulk and bottled beverage vending machines. However, this Order shall not cover United States postage stamp vending machines or automatic restaurants (so-called "automats").

(2) "Manufacturers of Vending Machines" means any manufacturers who manufacture parts for such machines as well as manufacturers who produce finished vending machines whether or not they manufacture any parts therefor.

(3) "Iron and Steel Used" means the aggregate weight of iron and steel (other than that contained in the materials listed in subparagraph (4)) contained in the finished products manufactured.

(4) "Prohibited Metals" means copper, copper base alloys, aluminum, lead, tin, stainless steel, nickel, and chromium.

(5) "Other Metals Used" means the aggregate weight of all other metals not included in subparagraphs (3) and (4), contained in the finished products manufactured.

(b) *General restrictions.* (1) During the first calendar month following the date of issuance of this Order no manufacturer of vending machines shall use in the production of such machines:

(i) More iron and steel than 75% of the monthly average of iron and steel used by him in the manufacture of such machines in the twelve months ending June 30, 1941;

(ii) More alnico magnets than 75% of the monthly average number of alnico magnets used by him in the manufacture of such machines in the twelve months ending June 30, 1941;

(iii) More prohibited metals for the conduction of electricity serving a functional purpose, or for refrigeration units, than 50% of the monthly average of such use of prohibited metals by him during the twelve months ending June 30, 1941, (except for prohibited metals used in the manufacture of alnico magnets); or

(iv) More other metals than 50% of the monthly average of other metals used by him in the manufacture of such machines during the twelve months ending June 30, 1941.

(2) During the second calendar month following the date of issuance of this Order, and during each month thereafter until otherwise ordered, no manufacturer of vending machines shall use in the production of such machines

(i) More iron and steel than 50% of the monthly average of iron and steel used by him in the manufacture of such machines in the twelve months ending June 30, 1941;

(ii) More alnico magnets than 50% of the monthly average number of alnico magnets used by him in the manufacture of such machines in the twelve months ending June 30, 1941;

(iii) More prohibited metals for the conduction of electricity serving a functional purpose, or for refrigeration units, than 25% of the monthly average of such use of prohibited metals by him during the twelve months ending June 30, 1941 (except for prohibited metals used in the manufacture of alnico magnets); or

(iv) More other metals than 25% of the monthly average of other metals used by him in the manufacture of such machines during the twelve months ending June 30, 1941.

(3) Beginning thirty days after the effective date of this Order no manufacturer of vending machines shall use any prohibited metals in the manufacture of vending machines (except as permitted in subparagraphs (b) (1) (ii), (b) (1) (iii), (b) (2) (ii) and (b) (2) (iii).

(c) *Avoidance of excessive inventories.* From the effective date of this Order manufacturers of vending machines shall not accumulate for use in the manufacture of such machines inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of vending machines at the rates permitted by this Order.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(f) *Reports.* Each manufacturer to whom this Order applies shall file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request.

(g) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(h) *Application of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision thereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(i) *Routing of correspondence.* All communications concerning this Order should be addressed to the Office of Production Management, Washington, D. C., Ref: L-27.

(j) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the Office of Production Management setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(k) *Effective date.* This Order shall take effect on the date of issuance. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 31st day of December 1941.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-61; Filed, January 3, 1942; 10:19 a. m.]

PART 1046—PLUMBING, HEATING AND ELECTRICAL SUPPLIES

SUPPLIERS' ORDER NO. M-67

Whereas, the interests of the national defense require that Plumbing, Heating and Electrical Supplies be made available for the maintenance and repair of farms, homes, retail stores and commercial concerns, and in order to insure the availability of such supplies it is necessary to prevent undue accumulation of inventories in the hands of Suppliers;

Now, therefore, it is hereby ordered, That

§ 1046.1 *Suppliers' Order M-67*—(a) *Definitions.* (1) "Supplier" means any person (other than a Producer) whose business consists, in whole or in part, of the sale from stock or inventory of Plumbing, Heating or Electrical Supplies. "Supplier" includes wholesalers, distributors, jobbers, dealers, retailers and other persons performing a similar function.

(2) "Producer" means any person who manufactures, processes, fabricates, assembles, or otherwise physically changes any Material.

(3) "Sales" means sales from stock and does not include direct factory shipments.

(4) "Maximum Permissible Inventory" of Plumbing, Heating and Electrical Supplies means

(i) in the case of a Supplier located in the Eastern or Central Standard Time Belts, an inventory (owned or consigned to him) of Plumbing, Heating and Electrical Supplies of a total dollar value at cost equal to two twelfths of the total dollar value at cost of such Supplier's sales (as defined above) of such supplies during the calendar year of 1941;

(ii) in the case of any other Supplier, an inventory (owned or consigned to him) of Plumbing, Heating and Electrical Supplies of a total dollar value at cost equal to three twelfths of the total dollar value at cost of such Supplier's sales (as defined above) of such supplies during the calendar year of 1941;

Provided, That no provision of this Order shall be construed to permit the accumulation of inventories of any item of Material in contravention of the provisions of any other applicable Order or Orders issued by the Director of Priorities.

(b) *Limitation of suppliers' inventories.* (1) Except as provided in paragraphs (b) (3) and (4), no Supplier, Producer or other Person shall make to any Supplier any delivery of Plumbing, Heating or Electrical Supplies which the Person making the delivery knows, or has reason to believe, will effect an increase in the Supplier's inventory of Plumbing, Heating and Electrical Supplies above the Supplier's Maximum Permissible Inventory; and

(2) Except as provided in paragraphs (b) (3) and (4), no Supplier shall accept any delivery of Plumbing, Heating or Electrical Supplies from any Person which will effect an increase in inventory in the hands of the Supplier of Plumbing, Heating and Electrical Supplies above the Supplier's Maximum Permissible Inventory;

(3) A Supplier may accept delivery of Plumbing, Heating or Electrical Supplies, and Suppliers, Producers and other Persons may make deliveries of such Supplies to him, if

(i) such Supplier's inventory of Plumbing, Heating and Electrical Supplies is at the time of delivery less than his Maximum Permissible Inventory, and

(ii) the delivery is of the minimum quantity of such Material that can be commercially procured.

(4) The Director of Priorities may, from time to time, exempt specified Suppliers or classes of Suppliers from the provisions of this Order, subject to such restrictions as the Director of Priorities may impose.

(c) *Communications.* All communications concerning this Order shall be addressed to "Office of Production Management, Washington, D. C., Ref. M-67."

(d) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1 as Amended December 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 3d day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-81; Filed, January 3, 1942; 12:27 p. m.]

PART 1055—WOOL

Conservation Order No. M-73 Curtailing the Use of Wool

Whereas the fulfillment of requirements for the defense of the United States has created a shortage of Wool for the combined needs of defense, private account, and export; and the supply is, and may continue to be, insufficient for defense and essential civilian requirements, unless its use is curtailed or prohibited as hereinafter provided; and it is necessary in the public interest and to promote the national defense to allocate wool in the manner hereinafter in this Order provided.

Now, therefore, it is hereby ordered, That:

§ 1055.1 *Wool Conservation Order M-73*—(a) *Restrictions on use of wool*—(1) *Curtailment to April 4, 1942.* Except as provided in paragraph (e) hereof, during the period from January 4, 1942, to April 4, 1942, both inclusive;

(i) *Curtailment for total use.* No person shall put in process or cause to be put in process by others for his account on the worsted, woolen or any other single system, for the aggregate of defense and non-defense orders, more wool than 80% of his basic quarterly poundage, unless specifically authorized by the Director of Priorities: *Provided, however,* That the foregoing limitation shall not affect the requirements of Section 944.2 of Priorities Regulation No. 1 for compulsory filling and acceptance of defense orders and other orders bearing preference ratings. Any person with whom such orders are placed shall accept and fill the same regardless of the foregoing limitation, but unless specifically authorized by the Director of Priorities, shall not put or cause to be put in process any Wool for orders other than defense orders or other rated orders if his total for all orders exceeds such 80% limitation.

(ii) *Curtailment for non-defense use on worsted system.* No person shall put in process, or cause to be put in process by others for his account for non-defense orders, on the worsted system, more wool than 50% of his basic quarterly poundage.

(iii) *Curtailment for non-defense use on woolen, cotton or felt system.* No person shall put in process or cause to be put in process by others for his account for non-defense orders, on the woolen, cotton or felt system, more wool than 40% of his basic quarterly poundage, except as provided in paragraph (a) (1) (iv) hereof.

(iv) *Curtailment on use for floor covering.* No person shall put in process or cause to be put in process by others for his account for the manufacture of floor covering, or any component part thereof, more wool than 50% of his basic quarterly poundage.

(v) *Curtailment for non-defense use on methods of manufacture not otherwise covered.* No person shall put in process or cause to be put in process by others for his account for non-defense orders for manufacture on any system not covered above, more wool than 40% of his basic quarterly poundage.

(b) *Prohibitions against sales or deliveries.* No person shall hereafter sell or deliver any wool to any person if he knows, or has reason to believe, such material is to be used in violation of this Order.

(c) *Limitation of inventories.* No person shall receive delivery of Wool or products thereof in the form or raw materials, semi-processed wool materials or finished goods containing wool, in quantities which shall result in an inventory of such material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the use of wool by this Order: *Provided, however,* That nothing herein contained shall be deemed to restrict the purchase or delivery of any imported grease wool to the person importing the same either directly or through an agent or to the person to whom such wool may be sold prior to landing in this country.

(d) *Fair distribution of products.* In making sales or deliveries of Wool yarns, fabrics, styles, or patterns, no person shall make discriminatory cuts in amounts or quantities in acceptance of orders or deliveries between former customers who meet such person's regularly established prices and terms, or between such former customers and his own consumption.

(e) *Miscellaneous provisions*—(1) *Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Wool conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Office of Production Management by letter or telegram setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(3) *Applicability of order.* The prohibitions and the restrictions contained in this Order shall apply to the use of wool in all articles hereafter manufactured. Insofar as any other Order of the Director of Priorities may have the effect of limiting or curtailing to a greater extent than herein provided the use of Wool in the production of any article, the limitation of such other Order shall be observed.

(4) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or who otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(5) *Definitions.* For the purposes of this Order:

(i) "Wool" means the fiber from the fleece of the sheep or lamb, or hair of the Angora or Cashmere goat or camel or of the alpaca, llama, or vicuna, and related fibers, including wools known as carpet wools, but, (except for the purposes of paragraph (d)) shall not include noils, waste, reprocessed or reused wool, or yarn or cloth.

(ii) "Inventory" of a person includes the Inventory of affiliates and subsidiaries of such person, and the Inventory of others where such Inventory is under the control of or under common control with or available for the use of such person.

(iii) "Manufacture" means any and all processing on any system beyond the scouring operation, excepting only the carding and combing operations on the worsted system.

(iv) "Put into Process" means:

(*a*) On the worsted system, the first process of drawing after combing;

(*b*) On any other system using tops, the first change in form from tops;

(*c*) On the woolen, felt, or any other system not using tops, the first step after scouring, dusting or similar cleaning process.

(v) "Basic Quarterly Poundage" for any single system of manufacture shall mean one half of the number of pounds of wool put into process on that system by a manufacturer or for his account during the period from December 29, 1940 to June 28, 1941, both inclusive, or for the period from January 1, 1941 to June 30, 1941, both inclusive, according to the method of keeping production records maintained by such manufacturer during such period. Such poundage shall be determined as follows:

(*a*) On the worsted system or any other system using tops, the weight of tops put into process at 15% moisture regain, 3¼% oil and natural fats;

(*b*) On the woolen system, scoured wool at 12% moisture;

(*c*) On the felt or any other system, the weight of wool in the stage immediately preceding putting into process.

(vi) "Person" means any individual, partnership, association business trust, corporation, governmental corporation or agency or any organized group of persons, whether incorporated or not.

(6) *Reports and records.* (i) Each person who puts wool into process shall file with the Textile Branch, Office of Production Management, reports or forms to be prescribed by the Director of Priorities.

(ii) All persons who put wool into process shall keep and preserve such records as will clearly and adequately show their methods and amounts of consumption hereunder.

(7) *Reports and correspondence.* All applications, statements, or other communications filed pursuant to this Order or concerning the subject matter hereof should be addressed to the Office of Production Management, Washington, D. C., Ref.: M-73.

(8) *Effective date.* This Order shall take effect immediately and shall continue in effect until April 4, 1942. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 3d day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-89; Filed, January 5, 1942; 10:45 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 1 TO SUPPLEMENTARY ORDER NO. M-15-C[1] TO RESTRICT TRANSACTIONS IN NEW RUBBER TIRES, CASINGS, AND TUBES

Section 940.4 (c) is hereby amended by adding thereto the following subparagraph (7):

§ 940.4 *Supplementary Order M-15-c.*

* * * * * * *

(c) *Prohibition on deliveries of new rubber tires, casings, and tubes except to persons possessing certificates.*

* * * * * * *

(7) Anything in this paragraph (c) to the contrary notwithstanding, any manufacturer of new rubber tires, casings or tubes may sell, transfer or deliver, with the written approval of the Director of Priorities of the Office of Production Management, any new rubber tire, casing or tube to a manufacturer of new vehicles to be used as part of the original equipment of such vehicles. Records of such transfers shall be kept and reports in connection therewith shall be made as may from time to time be required by the Office of Production Management. (6 F.R. 6792)

This amendment No. 1 shall become effective January 3, 1942.

Issued this 2d day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-60; Filed, January 3, 1942; 9:14 a. m.]

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 2[2] TO SUPPLEMENTARY ORDER NO. M-15-C TO RESTRICT TRANSACTIONS IN NEW RUBBER TIRES, CASINGS, AND TUBES

Section 940.4 (c) is hereby amended by adding thereto the following subparagraph (8):

§ 940.4 *Supplementary Order M-15-c.*

* * * * * * *

(c) *Prohibition on deliveries of new rubber tires, casings and tubes except to persons possessing certificates.*

* * * * * * *

(8) Anything in this paragraph (c) to the contrary notwithstanding, any person possessing a certificate issued pursuant to paragraph (e) authorizing such person to purchase new rubber tires, casings, or tubes may lease from a manufacturer of new rubber tires, casings, or tubes (and the manufacturer is authorized to lease) the number and size of new rubber tires, casings, or tubes specified in such certificate: *Provided,* That the lease is made in pursuance of an agreement to lease such tires, casings or tubes which was in effect on December 11, 1941 or which is made in pursuance of an agreement in renewal of such an agreement in effect on December 11, 1941 (6 F.R. 6792).

This Amendment No. 2 shall become effective January 5, 1942.

Issued this 3d day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-114; Filed, January 5, 1942; 11:36 a. m.]

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

CORRECTION TO AMENDMENT NO. 4 TO PRICE SCHEDULE NO. 7[1]—COMBED COTTON YARNS

In § 1307.7 (a), *Maximum prices for combed yarn covered by contract of sale prior to December 24, 1941,* the word "goods" is corrected to read "yarns." (Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

Issued this 2d day of January 1942.

This correction shall be effective as of December 24, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-113; Filed, January 5, 1942; 11:36 a. m.]

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

AMENDMENT NO. 5 TO PRICE SCHEDULE NO. 7[1]—COMBED COTTON YARNS

Section 1307.7 (b) (3), *Maximum Price Tables,* is hereby amended in the following respects:

Tables I and II are amended by appending the following footnote number 1 to the captions of each:

[1] Yarns of numbers 120 and below but not specifically listed in Tables I or II shall be subject to maximum prices bearing the usual relationship to the prices of numbers for which maximum prices are listed herein.

Table III is amended to read as follows:

TABLE III

(1) In addition to the applicable maximum prices as set forth in Table II above, the premiums set forth below may be charged for yarn of the following constructions: *Provided,* (a) that the yarn is made for use in the manufacture of cloth

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[1] 6 F.R. 6792.

[2] See also amendment 1, *supra.*

[1] 6 F.R. 2561, 3010, 3066, 3593.

to meet the specification named below opposite the construction of the yarn sold; and (b) that the purchaser of the yarn shall certify in writing to the seller, before any delivery is made, that the yarn is to be so used.

Yarn construction	When made for use in cloth to meet	Allowable Premium (cents per pound)
17/1	Army Specification P. Q. D. No. 1 (wind Resistant cotton cloth), Dec. 13, 1940.	5.25
20/1	----do----	5.25
40/2	----do----	8.75
12/1	Type I or II, Army Specification P. Q. D. No. 33-A (cloth, cotton, uniform, twill), Dec. 9, 1941.	5.25
24/2	----do----	13.00
36/2	----do----	10.25

(2) Pending establishment of other premiums, yarns (except those subject to (1) above) which are in special put-ups, of twists higher than knitting twist, or made of cotton other than American cotton or of American cotton of staple lengths greater than those set out below,[1] may be sold or delivered without agreement between the parties as to the specific price to be paid therefor if the parties agree that the buyer's obligation will be discharged at prices not in excess of those permissible under any revision of this Schedule becoming effective prior to January 15, 1942.

(Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

Issued this 5th day of January 1942.

This Amendment No. 5 shall be effective as of December 24, 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-112; Filed, January 5, 1942; 11:36 a. m.]

PART 1316—COTTON TEXTILES

AMENDMENT NO. 3 TO PRICE SCHEDULE NO. 35[1]—CARDED GREY AND COLORED-YARN COTTON GOODS

Section 1316.61, *Appendix A, Maximum Prices for Cotton Goods,* is hereby amended in the following respects:

Footnote 1 to Table V of paragraph (b) (4) *Maximum Price Tables,* is amended to read as follows:

[1] The maximum prices set forth herein are for fabrics 36 or more inches in width. The maximum price for a fabric of any lesser width shall be that price which stands in the same relation to the applicable price set forth herein (i. e., for the same cloth of 36-inch width) as does its width to 36 inches.

[1] Yarn numbers:	Staple
Up to 24s, inclusive	1 1/16
25s to 30s, inclusive	1 3/32
31s to 44s, inclusive	1 1/8
45s to 55s, inclusive	1 3/16
56s to 70s, inclusive	1 1/4
71s to 80s, inclusive	1 5/16
81s to 90s, inclusive	1 3/8
91s to 100s, inclusive	1 7/16
Over 100s	1 1/2

[1] 6 F.R. 5335, 6047, 6048.

Maximum prices for cloths of weights other than those listed herein (for the same type of cloth) shall be determined, in proportion to weight, from the maximum price for the cloth of that type and of the nearest weight. (Second paragraph of this footnote, effective November 27, 1941).

Paragraph (c) (1) is amended to read as follows:

(1) In addition to the maximum prices set forth in paragraphs (a) and (b) a premium may be demanded, charged, paid or accepted for cotton goods (other than those named in subparagraphs (4) and (5) below) made pursuant to specifications furnished by the buyer establishing special physical requirements which cannot be met by the most nearly comparable goods of commercial quality: *Provided,* That, except in accordance with permission granted under § 1316.61 (c) (3):

(i) The premium shall not exceed the highest differential in price charged (in cents over the then prevailing market price of the most nearly comparable goods of commercial quality) by the seller for goods of the same specifications during the 12 months immediately prior to June, 1941, or, if no such goods have been sold by the seller during that period, 5 percent of the otherwise applicable maximum price;

(ii) No premium shall be charged hereunder, unless the specifications to which the goods are made were issued by the buyer prior to July 21, 1941.

Paragraph (c) (3) is amended to read as follows:

(3) Application may be made by any buyer, or, where goods have been sold but not delivered prior to the applicable ceiling date, by any seller, to the Office of Price Administration for permission to pay or accept, in addition to the maximum prices appearing in paragraphs (a) or (b), a premium for (i) cotton goods made to such buyer's specifications issued on or after July 21, 1941; (ii) specification goods of a kind not manufactured by a seller during the 12 months immediately prior to June 1941, and for which the buyer considers it fair to pay such seller a premium of more than 5 per cent over the otherwise applicable maximum price; (iii) specification goods of a kind manufactured and sold by a seller during the 12 months immediately prior to June 1941 under such circumstances that the highest differential in price charged (in cents over the then prevailing market price of the most nearly comparable goods of commercial quality) by such seller during said 12-month period does not represent a fair and equitable return for the additional manufacturing cost entailed in meeting the specifications for such goods; or (iv) cotton goods of a quality demonstrably superior to that of the same goods of staple commercial grade. Such application, which shall be sworn to before a notary public, shall be accompanied by a yard-long sample of the fabric in its full width and shall state in detail (i) the construction of the cloth, including the width, thread count, and weight, and, with respect to both the warp and filling yarns, the yarn number and the staple, grade, and kind of cotton used; (ii) the specifications, if any, to which the goods are made; (iii) the use to which the goods are to be put; (iv) the reasons, if any, why goods of staple commercial quality would not be satisfactory for such use; and (v) the person or persons, if any, from whom the goods were purchased and the premiums, if any, paid (in cents over the prevailing market prices of the most nearly comparable goods of commercial quality) for such goods during the 3 years preceding the application. Upon receipt of any such application the Office of Price Administration will permit any person affected by such application to file a written statement setting forth facts pertinent to the issue of whether permission to pay a premium should be granted, and if so, in what amount; and will conduct such further investigation as it deems necessary and proper. No permission will be granted hereunder unless it is shown that it is essential to the buyer's business to obtain goods of the type for which he seeks to pay a premium and that the seller is entitled to receive a premium for such goods, and unless the Administrator finds that production of such goods would not be inconsistent with the interests of national defense. Permission granted to any buyer or to any seller hereunder will constitute authority for the other to accept or pay, as the case may be, the premium approved therein. In granting any permission hereunder the Office of Price Administration will require appropriate reports to be filed by the buyer and seller.

Subparagraph (4) is added to paragraph (c):

(4) For window-shade or book cloth of the same constructions as print cloth of Class A or Class B, a premium of 6 cents per pound may be charged. Where any or all of such premium is charged, no premium is allowable for feeler motion. The premium permissible hereunder is not applicable to selected print cloth but only to goods manufactured for use in high quality window shades or for other uses requiring cloth equally free of imperfections.

On or before January 15, 1942 and on or before the 10th day of each month thereafter every person who has sold window-shade or book cloth at all or part of the premium permissible hereunder shall submit to the Office of Price Administration a report on Form 135:6 of all such sales. The first report shall cover all sales, contracts of sale, or deliveries made between October 21 and December 31, 1941, inclusive; subsequent reports shall cover all sales or contracts of sale made during the calendar month preceding that in which the report is due.

Subparagraph (5) is added to paragraph (c):

(5) The provisions of subparagraphs (1), (2), and (3) above are not applicable to the fabrics described below, for which the premiums set forth herein may be charged in addition to the otherwise applicable maximum price as set forth in paragraph (b): *Provided,* (i) that the fabrics are made for use in the manufacture of cloth to meet the specifications named below opposite the premium charged; and (ii) that the purchaser shall certify in writing to the seller, before any delivery is made, that the fabric is to be so used.

Grey goods made for use in producing cloth to meet—	Premium allowable
U. S. Army Specification No. 6-247 (July 12, 1937) and Amendment No. 1 (July 10, 1940) for cloth, drill, unbleached (fully shrunk)	1¢ per lb.
U. S. Army Specification No. 6-261 (January 7, 1939) and Amendment No. 1 May 24, 1940) for cloth, cotton herringbone twill[1]	1¢ per lb.[2]

[1] Grey goods made for use in meeting this specification are classified under this Schedule as Class A drills.

[2] Subparagraph (5), effective January 6, 1942.

This Amendment, No. 3, shall become effective January 6, 1942. (Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

Issued this 5th day of January 1942.

LEON HENDERSON,
Administrator.

[F.R. Doc. 42-115; Filed, January 5, 1942; 11:36 a. m.]

PART 1334—SUGAR

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 16—RAW CANE SUGARS

Section 1334.9 (*Appendix A; maximum prices for raw cane sugars*[1]) is hereby amended to read as follows:

§ 1334.9 *Appendix A; maximum prices for raw cane sugars.* (a) Maximum prices per pound for raw cane sugars from offshore producing areas of 96 degrees polarization duty paid cost and freight basis shall be as follows:

(1) United States Atlantic ports north of Cape Hatteras to and including New York, 3.74 cents.

(2) United States Atlantic ports north of New York, 3.76 cents.

(3) United States Atlantic ports south of Cape Hatteras and United States Gulf of Mexico ports, 3.73 cents.

(4) United States Pacific Coast ports, 3.74 cents less the customary deduction. Such deduction must be submitted to and approved by the Office of Price Administration as to amount before deliveries may be accepted.

(5) In the event that two or more ports of loading shall be used in Cuba, .01 cent per pound may be added to the above maximum prices.

(b) Maximum prices per pound for continental United States raw cane sugars of 96 degrees polarization shall be as follows:

The maximum prices for such sugars are established at the raw sugar mill and shall be calculated by deducting from the maximum price duty paid cost and freight basis payable for Cuban sugars of like test at the nearest customs port of entry in the area in which the raw sugar mill is located the transportation charge per pound based on the published freight rate from such raw sugar mill to the refinery nearest freightwise to such raw sugar mill. This maximum price is f. o. b. the conveyance for delivery to the refinery from the raw sugar mill. The maximum price delivered to the refinery shall be this maximum raw sugar mill price plus actual transportation charges from said raw sugar mill to the refinery processing such sugar.

(c) Adjustment for polarization:

The maximum prices specified herein shall be adjusted by making allowances per pound for each degree of polarization above or below 96 degrees (fractions of a degree in proportion) in accordance with the method customarily used prior to August 14, 1941. It is not required that such method be used. However, the maximum prices for the various tests shall not exceed the prices obtained by applying such method for sugars of like test. (Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 2 shall become effective January 5, 1942. Issued this 3d day of January, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-82, Filed, January 5, 1942; 9:16 a. m.]

[1] 6 F.R. 5469.

PART 1335—CHEMICALS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 31[1]—ACETIC ACID

Sections 1335.203, 1335.208, and 1335.210 are hereby amended to read as follows:

§ 1335.203 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer, of acetic acid, or in connection with a purchase, sale, delivery, or transfer, of any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of grades of acetic acid, or by unreasonable charges for containers or otherwise.

§ 1335.208 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Acetic Acid" means the various grades of acetic acid listed in Appendix A of § 1335.210 hereof.

(c) "Eastern Territory" means the states of New Mexico, Colorado, Wyoming and Montana and all states east thereof and the term "Western Territory" means all other states of the United States.

(d) "Seller's Shipping Point" means the point of manufacture or other point of distribution maintained by a manufacturer or seller from which actual shipment is made.

§ 1335.210 *Appendix A; maximum prices for acetic acid*—(a) *Eastern and western territory*—(1) *Tank cars.* The maximum price of $6.93 per hundred pounds f. o. b. works, in tank cars is established for glacial acetic acid (99.5% or over) and for weaker acetic acid of commercial grade in terms of 100% acid content in Eastern and Western Territory.

(b) *Eastern territory.* The following maximum prices are established for concentrations of technical and pure acetic acid of any origin, f. o. b. seller's shipping point in Eastern Territory:

(1) *Carload lots*—(i) *Barrels and drums.*

	Per hundred pounds
Technical:[1]	
28 percent	$3.38
56 percent	5.56
70 percent	6.68
80 percent	7.47
84 percent	7.79
Glacial	9.15
Pure:[1]	
30 percent	4.44
36 percent	4.86
60 percent	7.60
80 percent	9.26
United States Pharmacopoeia	10.95
Chemically pure	14.20

[1] Specifically designated percentages include all approximations thereof.

(ii) *Carboys and cases.* The maximum prices established in subdivision (i) of this subparagraph (1) plus 50 cents per hundred pounds.

(2) *Less than carload lots*—(i) *Barrels and drums.* The maximum prices established in subparagraph (1), subdivision (i) of this paragraph (b) plus 25 cents per hundred pounds.

(ii) *Carboys and cases.* The maximum prices established in subparagraph (1), subdivision (i) of this paragraph (b) plus 75 cents per hundred pounds.

(c) *Western territory.* The following maximum prices are established for concentrations of technical and pure acetic acid of any origin, f. o. b. seller's warehouse in Western Territory:

(1) *Carload lots*—(i) *Barrels and drums.*

	Per hundred pounds
Technical:[1]	
56 percent	$7.29
60 percent	7.69
80 percent	9.20
Glacial	11.05
Pure:[1]	
56 percent	8.88
60 percent	9.07
80 percent	11.00
Glacial	16.00

(ii) *Carboys and cases.* The maximum prices established in subdivision (i) of this subparagraph (1) plus 50 cents per hundred pounds.

(2) *Less than carload lots*—(i) *Barrels and drums.* The maximum prices established in subparagraph (1), subdi-

[1] 6 F.R. 4886.

vision (i) of this paragraph (c) plus 25 cents per hundred pounds.

(ii) *Carboys and cases.* The maximum prices established in subparagraph (1), subdivision (i) of this paragraph (c) plus 75 cents per hundred pounds.

(d) *Export sales.* The maximum prices for acetic acid of any origin on export sales to persons in foreign countries other than Canada or Mexico are as follows:

(1) *3,000 pounds or more but less than 5,000 pounds.* The maximum prices established in subparagraph (2) of paragraph (b) or subparagraph (2) of paragraph (c), whichever the case may be, plus 3 cents per pound.

(2) *5,000 pounds or more but less than 25,000 pounds.* The maximum prices established in subparagraph (2) of paragraph (b) or subparagraph (2) of paragraph (c), whichever the case may be, plus one and one half cents per pound.

(3) *25,000 pounds or more.* The maximum prices established in subparagraph (2) of paragraph (b) or subparagraph (2) of paragraph (c), whichever the case may be, plus one cent per pound.

(e) *Containers.* For acetic acid sold in containers, a reasonable charge for such containers may be added to the maximum prices established by paragraph (b), (c) and (d). (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective January 2, 1942. Issued this second day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-59; Filed, January 3, 1942; 9:15 a. m.]

PART 1346—BUILDING MATERIALS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 45[1]—ASPHALT OR TARRED ROOFING PRODUCTS

Section 1346.60 is hereby amended to read as follows:

§ 1346.60 *Appendix B; maximum prices for asphalt and tarred roofing products*—(a) *Application.* The provisions of Appendix B apply to all sales of asphalt or tarred roofing products in which the point of destination is within the states of Oregon, Washington, Idaho, Utah, California, Nevada or Arizona or the Territories of Hawaii or Alaska.

(b) *Maximum prices.* The maximum prices in such states and territories on and after December 12, 1941, shall be such that the cost to the purchaser shall not be in excess of what it was or would have been to such purchaser on July 2, 1941 (upon the basis of the prices, discounts, charges, and allowances, whether published or unpublished, then listed or quoted by the manufacturer), for like quantities, grades, types, shapes, sizes, kinds or colors of asphalt or tarred roofing products, exclusive of any premiums or charges for advanced delivery or any other inducement that may then have been offered by the buyer or demanded by the seller to negotiate the sale: *Provided*, That on and after January 6, 1942, the maximum prices in the states of Washington, Oregon, and that part of Idaho north of and including Idaho County, shall be such that the cost to the purchaser shall not be in excess of what it was or would have been to such purchaser on August 1, 1941 (upon the basis of the prices, discounts, charges, and allowances, whether published or unpublished, then listed or quoted by the manufacturer), for like quantities, grades, types, shapes, sizes, kinds or colors of asphalt or tarred roofing products, exclusive of any premiums or charges for advanced delivery or any other inducement that may then have been offered by the buyer or demanded by the seller to negotiate the sale. (E.O. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 1 shall become effective January 6, 1942. Issued this 2d day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-58; Filed, January 2, 1942; 3:42 p. m.]

PART 1352—FLOOR COVERINGS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 57[1]—WOOL FLOOR COVERINGS

Section 1352.1 is hereby amended to read as follows:

§ 1352.1 *Maximum prices for wool floor coverings.* On and after January 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any unit of wool floor covering at a price higher than the maximum price.

(a) The maximum price for any unit of wool floor covering, in his price list in effect on October 13, 1941, or for any unit differing therefrom only in color or pattern, shall be 105% of the price quoted therein for such unit to the same person or to a person in the same general class.

(b) The maximum price for any unit of wool floor covering, not in his price list in effect on October 13, 1941, but sold (or contracted to be sold) by him during the period January 1–October 13, 1941, inclusive, or for any unit differing therefrom only in color or pattern, shall be 105% of the highest net price, f. o. b. manufacturer's point of shipment at which such unit was sold (or contracted to be sold) by him during such period to the same person or to a person in the same general class, or, if there is no such person, to any person.

(c) The maximum price for any unit of wool floor covering differing in specifications (except for such changes in specifications as are authorized in § 1352.4) from any unit referred to in (a) and (b) above, shall be the price approved in writing by the Office of Price Administration after submission of a report to it by the manufacturer in accordance with § 1352.7 (c); and no sale, offer to sell, delivery, or transfer of such unit shall be made until such approval shall have been given. (E.O. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 1 shall become effective January 2, 1942. Issued this 31st day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-49; Filed, January 2, 1942; 12:49 p. m.]

PART 1352—FLOOR COVERINGS

PRICE SCHEDULE NO. 65—RESALE OF FLOOR COVERINGS

The outbreak of hostilities in the Far East, which is the source of all jute, much wool, and most imported floor coverings, has a critical impact on the floor covering industry at all levels. In addition, the Office of Production Management announced on December 30 that a plan would shortly be put into effect which, for the first quarter of 1942, would considerably limit the amount of wool that could be used by manufacturers of floor coverings. Price Schedule No. 57[1] fixes the price of wool floor coverings at the manufacturer's level at 105% of prices prevailing on October 13, 1941. At the distributor's level, the decrease in supply is likely to result in inflationary price increases in all types of floor covering unless preventive steps are taken by this Office.

After careful investigation, it has been determined that the most effective action for the present is to set maximum distributors' prices on wool floor coverings and imported floor coverings at approximately existing levels. As inflationary pressures affecting other types of floor coverings appear, both manufacturers' and distributors' ceilings will be extended to include them.

A ceiling at October 13, 1941, prices is placed on distributor's sales of wool floor coverings. Although Price Schedule No. 57 places a ceiling upon the manufacturer of 105% of October 13 prices, the existence of inventories adequate for the present will prevent unfair pressure upon distributors. Following the issuance of this Schedule, which is to be effective only for sixty days, conferences will be held with distributors of wool and imported floor coverings with a view toward setting up a more permanent price control program. Meanwhile, any distributor whose present inventory becomes depleted may apply for relief under § 1352.58 of the Schedule.

Imported floor coverings may, under the Schedule, be sold at existing levels. Since insignificant imports are now being received, no problem of higher than current cost inventories is presented.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1352.51 *Maximum distributors' prices for wool and imported floor coverings.* On and after January 5, 1942, and until March 5, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no distributor shall sell, offer to sell, deliver, or transfer any unit of wool or imported floor covering at a price higher than the maximum price.

(a) *Wool floor coverings.* (1) The maximum price for any unit of wool floor covering shall be the highest net price received by the distributor for the sale, delivery or transfer during the period October 1–October 13, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person, or to a person in the same general class, or if there is no such person, to any person.

(2) If no sale, delivery or transfer of an identical unit (or of a unit differing therefrom only in color or pattern) was made during such period, the maximum price shall be the highest net price received by the distributor for the sale, delivery or transfer during the period January 1–September 30, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person, or to a person in the same general class, or if there is no such person, to any person.

(3) If no sale, delivery, or transfer of an identical unit (or of a unit differing therefrom only in color or pattern) was made during either of such periods, the maximum price shall be a price in line with the maximum price for related types, qualities and grades of wool floor coverings sold by such distributor during the period January 1–October 13, 1941, inclusive, to the same person, or to a person in the same general class, or if there is no such person, to any person.

(b) *Imported floor coverings.* (1) The maximum price for any unit of imported floor covering shall be the highest net price received by the distributor for the sale, delivery or transfer during the period December 1–December 31, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person, or to a person in the same general class, or if there is no such person, to any person.

(2) If no sale, delivery or transfer of an identical unit (or of a unit differing therefrom only in color or pattern) was made during such period, the maximum price shall be the highest net price received by the distributor for the sale, delivery or transfer during the period January 1–November 30, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person, or to a person in the same general class, or if there is no such person, to any person.

(3) If no sale, delivery or transfer of an identical unit (or of a unit differing therefrom only in color or pattern) was made during either of such periods, the maximum price shall be a price in line with the maximum price for related types, qualities and grades of imported floor coverings sold by such distributor during the period January 1—December 31, 1941, inclusive, to the same person, or to a person in the same general class, or if there is no such person, to any person.*

§ 1352.52 *Less than maximum prices.* Lower prices than those established by this Schedule may be charged, demanded, paid or offered.*

§ 1352.53 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of wool or imported floor coverings, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or by way of discount, premium, or other privilege, or by way of tying-agreement or other trade understanding, or by any other means.*

§ 1352.54 *Records.* Every distributor making sales of wool or imported floor coverings on or after January 5, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale showing the date thereof, the name and address of the buyer, the name, number or other designation of each unit, the net price received for each unit, and the quantity sold.*

§ 1352.55 *Reports.* On or before January 15, 1942, and on or before the fifteenth day of February and March thereafter, every distributor of wool or imported floor coverings shall submit to the Office of Price Administration a report on Form 165:1 showing in the detail required by such form, a complete schedule of his inventories. Copies of Form 165:1 may be procured from the Office of Price Administration.

Persons affected by this Schedule shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1352.56 *Affirmations of compliance.* Within 20 days after February 1, 1942, and within 10 days after March 5, 1942, every distributor of wool or imported floor coverings who is required to keep records of sales under § 1352.55 hereof shall submit to the Office of Price Administration an affirmation of compliance on Form 165:2 containing a sworn statement that during the designated period all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 165:2 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½ inch paper, it may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1352.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the receipt or demand of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of wool or imported floor coverings or of the hoarding or accumulation of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1352.58 *Modification of Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That, no application under this section will be considered unless filed by persons complying with the Schedule.*

§ 1352.59 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, corporation, association or other business entity;

(b) "Distributor" means a person who resells floor coverings to any person other than the ultimate consumer, whether as distributor, jobber, agent, broker or importer;

(c) "Wool floor covering" means a floor covering in a manufactured state, the pile of which consists in whole or in part of wool, used as a rug, mat, carpet or other floor decoration;

(d) "Imported floor covering" means a floor covering in a manufactured state, imported from without the territorial limits of the United States, excluding hand knotted rugs;

(e) "Unit" means a floor covering offered for sale as a distinct item.*

§ 1352.60 *Effective date of the schedule.* This Schedule shall become effective January 5, 1942.*

Issued this 2d day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-57; Filed, January 2, 1942; 3:42 p. m.]

PART 1356—COOKERS AND HEATERS

PRICE SCHEDULE NO. 64—DOMESTIC COOKING AND HEATING STOVES

Domestic cooking and heating stoves are essential household appliances. During the first ten months of 1941, stove manufacturers' prices have advanced approximately ten per cent on a weighted average basis. The increases on some items have amounted to more than thirty per cent. After a meeting with an industry panel on October 24, the Office of Price Administration on November 4 requested all stove manufacturers to forego increases in prices beyond the levels of October 24 pending the formulation of an industry-wide program. In general, members of the industry pledged their support to this request.

[1] 6 F.R. 6146.

[1] 6 F.R. 6459.

[1] 6 F.R. 6459.

*§§ 1352.51 to 1352.60, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

On December 13, 1941, the Office of Production Management issued General Limitation Order L–23[1] restricting the quantity of iron and steel which may be used for cooking stoves during the first four months of 1942. This order imposes an average cut of 35% below the monthly average of iron and steel used in the twelve months ended June 30, 1941. With further restriction of supply threatened, it becomes necessary to issue a price schedule at this time to prevent inflationary price increases.

It is the custom for stove manufacturers to announce their new lines and sales programs in January of each year. The issuance of a price schedule at this time will enable manufacturers to follow this custom. The maximum price level permitted by this Schedule is 112% of the lowest prices prevailing during the period January 15–June 1, 1941. The Schedule, which takes into consideration cost adjustments, substantially reflects mid-October prices, which represent an increase over January 15–June 1 prices. January 15–June 1 prices are used as a base because price relationships of the various manufacturers were then in more normal equilibrium. The Schedule, while requiring some prices to be adjusted downward, has been determined after industry-wide studies of price, cost, and profit trends, and after consultation with members of an industry panel on December 27.

In order to prevent nullification of the Schedule, changes in specification are restricted as an emergency measure. The restrictions, however, are subject to liberalization by this Office if experience shows the need.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1356.1 *Maximum prices for stoves.* On and after January 5, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any stove, at a price higher than the maximum price.

(a) *Stoves offered for sale during the period January 15–June 1, 1941, inclusive.* The maximum price for any stove, other than a private brand stove, identical with a stove offered for sale by the manufacturer during the period January 15–June 1, 1941, inclusive (or differing therefrom only by such changes in specifications as are authorized in § 1356.4), shall be 112% of the lowest net price quoted by him during such period for the sale of such stove, to the same purchaser or to a purchaser in the same general class.

(b) *Private brand stoves delivered during the period January 15–June 1, 1941, inclusive.* The maximum price for any private brand stove identical with a private brand stove delivered by the manufacturer during the period January 15–June 1, 1941, inclusive (or differing therefrom only by such changes in specifications as are authorized in § 1356.4) shall be 112% of the lowest net price charged by him for such stove during such period to the same purchaser or to a purchaser in the same general class, or if there was no such purchaser, to any purchaser.

(c) *Private brand stoves sold or delivered under cost-plus contracts*—(1) *Completion of outstanding cost-plus contracts.* The maximum price for any private brand stove delivered by the manufacturer after January 5, 1942, in order to complete a cost-plus contract outstanding on January 2, 1942, shall be determined by the terms of such contract.

(2) *Future cost-plus contracts.* On and after January 5, 1942, no private brand stove shall be sold, delivered, or transferred under a cost-plus contract not outstanding on January 2, 1942, until the manufacturer has submitted such contract to the Office of Price Administration, and the Office of Price Administration has approved such contract in writing.

(d) *Other stoves.* The maximum price for any stove (other than a stove sold or delivered pursuant to a cost-plus contract) which differs in specifications from any stove referred to in paragraphs (a) or (b) above, and which may be offered for sale under § 1356.4 hereof, shall be the price approved in writing by the Office of Price Administration after the manufacturer has submitted to it an application containing (1) the proposed price and specifications of such stove, and (2) such other data as the Office of Price Administration may request; and no sale, offer to sell, delivery, or transfer of such stove shall be made until such approval shall have been given.*

*§§ 1356.1 to 1356.12, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1356.2 *Stoves from which cover tops have been eliminated.* A manufacturer who at any time after June 1, 1941, eliminates the cover top from any stove manufactured by him shall adjust the maximum price established by § 1356.1 of this Schedule for such stove, in order to reflect decreases in cost which result from the elimination of the cover top, and shall report such adjustment to the Office of Price Administration in accordance with § 1356.6 (g).*

§ 1356.3 *Less than maximum prices.* Lower prices than those established by this Schedule may be charged, demanded, paid, or offered.*

§ 1356.4 *Provisions for changes in specifications of stoves, and new models.* On and after January 5, 1942, and until December 31, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any stove differing in specifications (a) from any stove referred to in § 1356.1 (a) or (b) hereof; and (b) from any stove manufactured or in process of manufacture by him during the period January 15–December 31, 1941, inclusive:

Provided, That the following changes in specifications may be made:

(1) *Non-substantial changes.* (i) Changes in details of frame construction which do not alter quality or over-all dimensions;

(ii) Changes in exterior colors, provided that (a) the type of finish is not changed and (b) stipple or ground coat is not substituted for other porcelain enamel finishes;

(iii) Substitution of porcelain enamel or synthetic finishes for bright finishes, such as chrome, nickel, or copper plating;

(iv) Changes, additions, or elimination of non-structural decorative mouldings, strips, surface paneling or hardware;

(v) Changes in oil or gas piping, electric wiring, thermostats, switches, or gas valves which do not reduce the efficiency, convenience of operation, or safety of the stove;

(vi) Changes in the shape, size, or materials of oil or gas burners, provided that quality, efficiency, and B. t. u. output are not reduced;

(vii) Changes in electric heating elements: *Provided,* That quality is preserved and open type units are not substituted for enclosed types.

(2) *Changes in stoves manufactured for the Federal Government, etc.* Any manufacturer may make such further changes in specifications as are necessary to enable him to manufacture any stove for sale to (i) the United States Government or any department or agency thereof; (ii) the government of any of the following countries: The United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of Netherlands, Norway, Poland, Russia, and Yugoslavia; (iii) any agency of the United States Government for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act); or (iv) any public authority owning or operating a project financed in whole or in part by the United States Government or an agency thereof, and certified by the authority to be devoted in whole or in part to the housing of persons engaged in defense activity: *Provided,* That the contracts or orders involved were obtained as a result of competitive bidding. Any such sale shall be reported to the Office of Price Administration in accordance with § 1356.6 (h).

(3) *Necessary substitutions calculated to preserve quality.* Additional changes in specifications, including those which result in an entirely new model stove, may be made with the written approval of the Office of Price Administration after the manufacturer has submitted to it an application containing (i) the specifications and proposed price of such stove, and (ii) satisfactory evidence that (a) the material previously used is unavailable or prohibitive in cost, or (b) its use in stoves is so restricted by a priority or allocation order or other regulation of a federal agency as to require the proposed change, or (c) the proposed change will result in the substantial conservation of strategic materials, and (d) the change is one calculated to preserve quality.*

§ 1356.5 *Records.* Every manufacturer making sales of stoves on or after January 5, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale showing the date of billing, the name and address of the buyer, the name, number or other designation and the price received for each stove, the quantity of each stove sold, and discounts and allowances of any nature given.*

§ 1356.6 *Reports*—(a) *Stoves offered for sale during the period January 15–June 1, 1941, inclusive.* On or before February 1, 1942, every manufacturer shall submit to the Office of Price Administration a report of all stoves whose maximum prices are determined by § 1356.1 (a), showing (1) the maximum price established by § 1356.1 (a), including the computations used in determining such maximum price, (2) the specifications for each such stove, and (3) if the base price was not shown in a price list, the means by which it was quoted to the trade. In case any of the changes in specifications authorized in § 1356.4 were made in any of such stoves prior to January 5, 1942, the report shall include a statement of each such change. Manufacturers who have already submitted any of the foregoing information need not duplicate it, but shall make reference to the information already submitted.

(b) *Private brand stoves delivered during the period January 15–June 1, 1941, inclusive.* On or before February 1, 1942, every manufacturer shall submit to the Office of Price Administration a report of all private brand stoves whose maximum prices are determined by § 1356.1 (b), showing (1) the maximum price established by § 1356.1 (b), including the computations used in determining such maximum price, and (2) the specifications for each such stove. In case any of the changes in specifications authorized in § 1356.4 were made in any of such stoves prior to January 5, 1942, the report shall include a statement of each such change.

(c) *Cost-plus contracts.* On or before February 1, 1942, every manufacturer shall submit to the Office of Price Administration a copy of each of his cost-plus contracts for the sale of stoves outstanding on January 5, 1942.

(d) *Non-substantial changes in specifications.* Within 10 days after any stove, the specifications of which are changed in any of the respects permitted by § 1356.4 is first offered for sale, the manufacturer shall submit a report to the Office of Price Administration showing each such change made.

(e) *Discontinued stoves.* (1) On or before February 1, 1942, every manufacturer who has discontinued production of any stove offered for sale during the period January 1, 1941–January 31, 1942, inclusive, shall submit a report to the Office of Price Administration containing a description of the stove, the date of and the reason for discontinuing production, and the total number of completed units of such stove produced by him during such period.

(2) Within 10 days after any manufacturer discontinues production of any stove after January 31, 1942, he shall submit a report to the Office of Price Administration containing a description of the stove, the date of and the reason for discontinuing production, and the total number of completed units of such stove produced by him from January 1, 1941, to the date of discontinuance.

(f) *Monthly output of stoves.* On or before February 20, 1942, and on or before the twentieth day of each month thereafter, every manufacturer shall report to the Office of Price Administration the total number of completed units of each model stove produced by him in the preceding month. Such report shall refer to the model number or other appropriate designation of each such stove. If a report containing such information is required to be submitted to any other Federal agency, a copy thereof may be filed with the Office of Price Administration instead of a separate report.

(g) *Stoves from which cover tops have been eliminated.* (1) On or before February 1, 1942, every manufacturer who at any time after June 1, 1941, eliminated the cover top from any stove manufactured by him shall submit to the Office of Price Administration a report containing (i) the maximum price established for such stove by § 1356.1, (ii) the maximum price for such stove after adjustment pursuant to § 1356.2, and (iii) cost figures showing the actual decreases in cost and indicating the method used in computing them.

(2) Within 10 days after any manufacturer has eliminated the cover top, after January 31, 1942, from any stove manufactured by him, he shall submit to the Office of Price Administration a report containing the information required by subparagraph (1) above.

(h) *Stoves manufactured for the Federal Government, etc.* On or before February 1, 1942, or in the case of a sale made after January 31, 1942, within ten days after such sale, every manufacturer who has sold any stove referred to in § 1356.4 (2) shall submit to the Office of Price Administration a report containing a description of the stove, the specifications thereof, the date of sale, the name of the purchaser, the net sale price, and the quantity sold.

(i) *Other reports.* Persons affected by this Schedule shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1356.7 *Evasion.* The limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with the manufacturing or assembling of stoves by deterioration of quality or performance thereof, or in connection with a purchase, sale, or transfer of stoves, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by decreasing cash discounts, allowances for or absorption of transportation costs, or by any other means.*

§ 1356.8 *Affirmation of compliance.* Within 10 days after January 31, 1942, and within 10 days after the end of every three-month period thereafter, every manufacturer who is required to keep records of sales under § 1356.5 hereof shall submit to the Office of Price Administration an affirmation of compliance on Form 164: 1 containing a sworn statement that during such period all such sales were made in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 164: 1 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½ inch paper, it may be prepared by persons required to submit affirmations of compliance thereunder.*

§ 1356.9 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of stoves, or of the hoarding or accumulation of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1356.10 *Modification of Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That, no application under this Section will be considered unless filed by persons complying with this Schedule.*

§ 1356.11 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, corporation, association or other business entity;

(b) "Manufacturer" means a person operating a factory, plant, or mill which manufactures or assembles stoves;

(c) "Stoves" mean stoves of the type commonly used in the household, camps, or trailers, for cooking or heating purposes (irrespective of the fuel or power

[1] 6 F.R. 6425.

used) except (1) those intended to be built into or permanently attached to the premises, and (2) electric stoves under 2½ k.w.;

(d) "Private brand stove" means a stove not offered for sale to the general trade, but manufactured for a particular person or persons irrespective of whether such person's name or brand name appears thereon;

(e) "Net price quoted" means the price shown in the manufacturer's price list or catalogue (or in case he has none, the price disseminated by him to the trade in any other manner) less all discounts except for cash;

(f) "A stove in process of manufacture" means a stove for which the manufacturer has obtained or contracted for patterns, tools, dies or parts, not otherwise useable by him.*

§ 1356.12 *Effective date of the Schedule.* This Schedule shall become effective January 5, 1942.*

Issued this 31st day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-83; Filed, January 5, 1942; 9:16 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

[No. 49]

CHAPTER II—BUREAU OF RECLAMATION

PART 402—ANNUAL WATER CHARGES[1]

SHOSHONE IRRIGATION PROJECT, WILLWOOD DIVISION[2]

DECEMBER 15, 1941.

1. The minimum water-rental charge for all lands under public notice in the Willwood Division for the season of 1942 and thereafter until further notice, whether water is used or not, shall be $1.35 per acre for each irrigable acre of land, which will entitle the water user to 2½ acre-feet of water per irrigable acre for each irrigation season. Additional water will be furnished during any of the irrigation seasons at the rate of seventy-five cents ($0.75) per acre-foot.

2. The minimum charge shall become due and payable in advance on January 1 of each year, and no water will be delivered until such charge is paid in full. The charge for additional water will become due and payable on December 1 of the irrigation season in which used.

3. If payment of the minimum charge is made on or before January 1, a discount of 10 per centum will be allowed. If payment is made after January 1 of any year a penalty of one-half of one per centum of the amount unpaid shall be added thereto, and thereafter an additional penalty of one-half of one per centum of the amount unpaid shall be added on the first day of each calendar month so long as such default shall continue. If the charge for additional water is unpaid on March 1 of the year subsequent to the year in which the additional water is used a penalty of one-half of one per centum of the amount unpaid shall be added thereto, and thereafter an additional penalty of one-half of one per centum of the amount unpaid shall be added on the first day of each calendar month so long as such default shall continue.

4. No water shall be delivered to the lands of any entryman or owner in subsequent years until all charges for past years with penalties thereon have been paid in full.

5. Payment of water rental charges shall be made to the Bureau of Reclamation, Powell, Wyoming.

JOHN J. DEMPSEY,
Under Secretary.

[F. R. Doc. 42-102; Filed, January 5, 1942; 11:07 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

[Order No. 193]

PART 1—DOCUMENTATION OF VESSELS

JANUARY 5, 1942.

Section 1.4 is amended to read as follows:

§ 1.4 *Provisional registers.* (a) Consular officers of the United States and such other persons as may be designated by the President for the purpose are authorized to issue provisional certificates of registry to vessels abroad which have been purchased by citizens of the United States, including corporations, as defined in section 4132, Revised Statutes, as amended (46 U.S.C. 11), and which at the time of such purchase are not documented as vessels of the United States.

(b) Such provisional certificates shall entitle the vessel to the privileges of a vessel of the United States in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila until the expiration of six months from the date thereof or until 10 days after the vessel's arrival in a port of the United States, whichever first happens,

(2) The vendee will execute an affidavit as to the bona fides of the transfer of title and the citizenship of the vendee, which the consul will file with the bill of sale.

(3) If the vendor or his duly authorized representative be present, he should also sign the affidavit.

(4) The consul will then communicate with the Director of the Bureau of Marine Inspection and Navigation through the State Department (by telegraph at the expense of those concerned, if desired) advising him that a bill of sale and the affidavit required by subparagraph (2) of this paragraph have been filed with him, giving names, and, if a corporation, particulars of the vendor and of the vendee, respectively, and of the vessel (giving rig, name, gross and net tonnage). He shall also state whether or not, in his opinion, the transfer is made in good faith.

(5) On receipt of such a communication, if the transfer appears to be in good faith and the documentation of the vessel is not contrary to the policy of this Government, the Director of the Bureau of Marine Inspection and Navigation will award signal letters to the vessel and, through the usual channels, will promptly authorize the State Department to instruct the consul to issue a provisional certificate to the vessel. The State Department will then cable to the consul at the expense of the parties concerned instructions and data for the issue of the provisional register.

(d) When bills of sale covering such transfers are presented to persons designated by the President for the purpose of issuing provisional certificates of registry, the procedure outlined in paragraph (c) of this section will be followed. Communications in such cases will be made through the appropriate Departments.

(e) If bills of sale covering such transfers are presented to a collector of customs, the procedure outlined in paragraph (a) (1), (2), (3), and (4) of this section will be followed, except that the collector will communicate directly with the Director of the Bureau of Marine Inspection and Navigation. Thereafter, if the transfer appears to be in good faith and it is not contrary to the policy of this Government, the Director of the Bureau of Marine Inspection and Navigation will award signal letters to the vessel, and through the usual channels, will promptly request the State Department to authorize the appropriate consul to issue a provisional certificate to the vessel. The State Department will then cable to the consul at the expense of the parties concerned instructions and data for the issue of the provisional register.

used) except (1) those intended to be built into or permanently attached to the premises, and (2) electric stoves under 2½ k.w.;

(d) "Private brand stove" means a stove not offered for sale to the general trade, but manufactured for a particular person or persons irrespective of whether such person's name or brand name appears thereon;

(e) "Net price quoted" means the price shown in the manufacturer's price list or catalogue (or in case he has none, the price disseminated by him to the trade in any other manner) less all discounts except for cash;

(f) "A stove in process of manufacture" means a stove for which the manufacturer has obtained or contracted for patterns, tools, dies or parts, not otherwise useable by him."

§ 1356.12 *Effective date of the Schedule.* This Schedule shall become effective January 5, 1942."

Issued this 31st day of December 1941.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-83; Filed, January 5, 1942; 9:16 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

[No. 49]

CHAPTER II—BUREAU OF RECLAMATION

PART 402—ANNUAL WATER CHARGES[1]

SHOSHONE IRRIGATION PROJECT, WILLWOOD DIVISION[2]

DECEMBER 15, 1941.

1. The minimum water-rental charge for all lands under public notice in the Willwood Division for the season of 1942 and thereafter until further notice, whether water is used or not, shall be $1.35 per acre for each irrigable acre of land, which will entitle the water user to 2½ acre-feet of water per irrigable acre for each irrigation season. Additional water will be furnished during any of the irrigation seasons at the rate of seventy-five cents ($0.75) per acre-foot.

2. The minimum charge shall become due and payable in advance on January 1 of each year, and no water will be delivered until such charge is paid in full. The charge for additional water will become due and payable on December 1 of the irrigation season in which used.

3. If payment of the minimum charge is made on or before January 1, a discount of five per centum of such charge will be allowed. A discount of five per centum of the charge for additional water will be allowed if payment is made on or before December 1 of the season in which used. If the minimum charge for any year is unpaid on April 1 of that year a penalty of one-half of one per centum of the amount unpaid shall be added thereto, and thereafter an additional penalty of one-half of one per centum of the amount unpaid shall be added on the first day of each calendar month so long as such default shall continue. If the charge for additional water is unpaid on March 1 of the year subsequent to the year in which the additional water is used a penalty of one-half of one per centum of the amount unpaid shall be added thereto, and thereafter an additional penalty of one-half of one per centum of the amount unpaid shall be added on the first day of each calendar month so long as such default shall continue.

4. No water shall be delivered to the lands of any entryman or owner in subsequent years until all charges for past years with penalties thereon have been paid in full.

5. Payment of water rental charges shall be made to the Bureau of Reclamation, Powell, Wyoming.

JOHN J. DEMPSEY,
Under Secretary.

[F. R. Doc. 42-102; Filed, January 5, 1942; 11:07 a. m.]

[1] Act of June 17, 1902, 32 Stat. 388, as amended and supplemented.
[2] Affects tabulation in § 402.2d.

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

[Order No. 193]

PART 1—DOCUMENTATION OF VESSELS

JANUARY 5, 1942.

Section 1.4 is amended to read as follows:

§ 1.4 *Provisional registers.* (a) Consular officers of the United States and such other persons as may be designated by the President for the purpose are authorized to issue provisional certificates of registry to vessels abroad which have been purchased by citizens of the United States, including corporations, as defined in section 4132, Revised Statutes, as amended (46 U.S.C. 11), and which at the time of such purchase are not documented as vessels of the United States.

(b) Such provisional certificates shall entitle the vessel to the privileges of a vessel of the United States in trade with foreign countries or with the Philippine Islands and the islands of Guam and Tutuila until the expiration of six months from the date thereof or until 10 days after the vessel's arrival in a port of the United States, whichever first happens, and no longer. On arrival at a port of the United States the vessel shall become subject to the laws relating to officers, inspection, and measurement.

(c) When bills of sale covering such transfers are presented to an American consul, he will proceed as follows:

(1) The bill of sale will be filed with him.

(2) The vendee will execute an affidavit as to the bona fides of the transfer of title and the citizenship of the vendee, which the consul will file with the bill of sale.

(3) If the vendor or his duly authorized representative be present, he should also sign the affidavit.

(4) The consul will then communicate with the Director of the Bureau of Marine Inspection and Navigation through the State Department (by telegraph at the expense of those concerned, if desired) advising him that a bill of sale and the affidavit required by subparagraph (2) of this paragraph have been filed with him, giving names, and, if a corporation, particulars of the vendor and of the vendee, respectively, and of the vessel (giving rig, name, gross and net tonnage). He shall also state whether or not, in his opinion, the transfer is made in good faith.

(5) On receipt of such a communication, if the transfer appears to be in good faith and the documentation of the vessel is not contrary to the policy of this Government, the Director of the Bureau of Marine Inspection and Navigation will award signal letters to the vessel and, through the usual channels, will promptly authorize the State Department to instruct the consul to issue a provisional certificate to the vessel. The State Department will then cable to the consul at the expense of the parties concerned instructions and data for the issue of the provisional register.

(d) When bills of sale covering such transfers are presented to persons designated by the President for the purpose of issuing provisional certificates of registry, the procedure outlined in paragraph (c) of this section will be followed. Communications in such cases will be made through the appropriate Departments.

(e) If bills of sale covering such transfers are presented to a collector of customs, the procedure outlined in paragraph (a) (1), (2), (3), and (4) of this section will be followed, except that the collector will communicate directly with the Director of the Bureau of Marine Inspection and Navigation. Thereafter, if the transfer appears to be in good faith and it is not contrary to the policy of this Government, the Director of the Bureau of Marine Inspection and Navigation will award signal letters to the vessel, and through the usual channels, will promptly request the State Department to authorize the appropriate consul to issue a provisional certificate to the vessel. The State Department will then cable to the consul at the expense of the parties concerned instructions and data for the issue of the provisional register.

(f) A copy of every provisional certificate shall be forwarded as soon as practicable by the issuing officer through the usual channels to the Director of the Bureau of Marine Inspection and Navigation.

(g) No provisional certificate of registry shall be issued by any consul or any other person unless authorized by this Department.

(h) No provisional certificate will be issued to any vessel abroad which at the time of its transfer to a citizen of the United States was documented as a vessel of the United States. Such a vessel is entitled to all the privileges and benefits of a vessel of the United States for the period provided in Section 4166 R. S. (Sec. 1, 38 Stat. 1193; R. S. 4166, 161; 46 U.S.C. 11, 35; 5 U.S.C. 22)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 42-111; Filed, January 5, 1942; 11:34 a. m.]

TITLE 50—WILDLIFE

CHAPTER I—FISH AND WILDLIFE SERVICE

PART 27—SOUTHEASTERN REGION NATIONAL WILDLIFE REFUGES

CAROLINA SANDHILLS NATIONAL WILDLIFE REFUGE, SOUTH CAROLINA

Pursuant to section 84 of the act of March 4, 1909, as amended by the act of April 15, 1924 (43 Stat. 98—16 U.S.C. 145), and section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222—16 U.S.C. 715i), as amended, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, in accordance with Reorganization Plan No. II[1] (53 Stat. 1431), and in extension of regulation 12.9 of the regulations of December 19, 1940,[2] for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service, the following regulations governing the hunting of quail in the Carolina Sandhills National Wildlife Refuge, South Carolina, are prescribed:

§ 27.142a *Carolina Sandhills National Wildlife Refuge, South Carolina; quail hunting.* Until further notice the controlled public hunting of quail is permitted during the period December 1 of any year to February 15, inclusive, of the following year in such maximum numbers and at such times and under such conditions as the Director of the Fish and Wildlife Service may determine will effect the harvesting of surplus quail on those areas of the Carolina Sandhills National Wildlife Refuge herein or hereafter designated as open to public hunting, in accordance with State law and the provisions of the regulations dated December 19, 1940, for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service, and subject to the following special provisions, conditions, restrictions, and requirements:

(a) *Area open to hunting.* All the lands of the United States within the following described area of the Carolina Sandhills National Wildlife Refuge shall be open to the controlled hunting of quail:

That part of the refuge that is bounded on the northwest and west by South Carolina State Highway No. 85, on the south and southeast by U. S. Highway No. 1, on the southeast by Scott's Road, and on the east and northeast by the Ruby-Hartsville Road.

(b) *State game laws.* Any person while hunting within any areas of the refuge open to hunting must comply with the applicable State laws and regulations.

(c) *Hunting licenses and permits.* Any person who hunts within the refuge shall be in possession of a valid State hunting license and a permit, if such license and permit are required, and when requested to do so shall exhibit them to any State or Federal officer authorized to enforce the game laws of South Carolina or of the United States. Upon request of any such officer, the licensee must also exhibit for inspection all birds killed by him or in his possession.

(d) *Entry upon refuge; firearms.* No permit from the officer in charge of the refuge shall be necessary for entry thereupon for the purpose of hunting in compliance with this order, but the having or carrying of firearms on the refuge without permit from the officer in charge, except on highways, thoroughfares, and hunting areas, or on routes of travel to and from such areas designated by such officer, or when appropriate to the object for which any special permit may have been issued, will not be permitted. Persons entering or crossing the refuge for the purpose of hunting, as permitted by this order, shall use only such routes of travel as shall be designated by suitable posting by the officer in charge.

(e) *Guides.* Each person, or party of persons, hunting on an open area of the refuge under appropriate State license and permit shall be accompanied by a guide who has been previously designated as such and shall be subject to the supervision and direction of such guide while so hunting on the refuge. The designation of qualified guides for service on the refuge shall be made by the officer in charge of the refuge or, in the event of a cooperative agreement covering the regulation, management, and operation of such public shooting, by the appropriate officer of the cooperator, subject to the approval of the officer in charge of the refuge. No person shall be designated as a guide unless he is a citizen of the United States, has had experience in hunting and in handling guns and bird dogs, is familiar with the territory comprised within the refuge, is able to identify and distinguish the various species of wildlife that resort to said refuge, is familiar with the State and Federal laws governing hunting, is in possession of such guide license as may be required by the laws of South Carolina, and is equipped as required for service as a guide. No guide shall charge for his services as a guide a fee or other compensation in excess of amounts approved as reasonable by the officer in charge of the refuge, or in accordance with the terms of the cooperative agreement. No guide shall hunt any quail or other wildlife on the refuge or be in possession of a gun thereon while employed as a guide. The designation of any person as a guide shall be suspended or canceled upon failure of such guide promptly to report any violation of Federal or State laws or regulations of which he has knowledge.

(f) *Disorderly conduct; intoxication.* No person who is visibly intoxicated will be permitted to enter upon the refuge for the purpose of hunting, and any person who indulges in any disorderly conduct on the refuge will be removed therefrom by the officer in charge and dealt with as prescribed by law.

(g) *Penalties.* Failure of any person hunting on the refuge to comply with any of the provisions, conditions, restrictions, or requirements of these regulations or the violation by him of any of the provisions of State or Federal laws or regulations applicable to hunting on the refuge will be sufficient cause for removing such person from the refuge and for refusing him further hunting privileges on the refuge.

(h) *State cooperation in management of shooting areas.* State cooperation may be enlisted in the regulation, management, and operation of the public shooting area or areas designated herein or hereinafter, in which event the provisions of this order shall be incorporated in any cooperative agreement entered into by the Director of the Fish and Wildlife Service and the appropriate State officials for such purposes.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

DECEMBER 19, 1941.

[F. R. Doc. 42-96; Filed, January 5, 1942; 11:08 a. m.]

[1] 4 F.R. 2731.
[2] 5 F.R. 5284; 50 CFR 12.

PART 27—SOUTHEASTERN REGION NATIONAL WILDLIFE REFUGES

PIEDMONT NATIONAL WILDLIFE REFUGE, GEORGIA

Pursuant to section 84 of the act of March 4, 1909, as amended by the act of April 15, 1924 (43 Stat. 98, 16 U.S.C. 145), and section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222, 16 U.S.C. 715i), as amended, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, in accordance with Reorganization Plan No. II[1] (53 Stat. 1431), and in extension of regulation 12.9 of the regulations of December 19, 1940,[2] for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service, the following regulations governing the hunting of quail in the Piedmont National Wildlife Refuge, Georgia, are prescribed:

§ 27.732 *Piedmont National Wildlife Refuge, Georgia; quail hunting.* Until further notice the controlled public hunting of quail is permitted during the period December 1 of any year to February 15, inclusive, of the following year, in such maximum numbers and at such times and under such conditions as the Director of the Fish and Wildlife Service may determine will effect the harvesting of surplus quail on those areas of the Piedmont National Wildlife Refuge

[1] 4 F.R. 2731.
[2] 5 F.R. 5284; 50 CFR Part 12.

herein or hereafter designated as open to public hunting, in accordance with State law and the provisions of the regulations dated December 19, 1940, for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service, subject to the following special provisions, conditions, restrictions, and requirements:

(a) *Areas open to hunting.* All the lands of the United States within the following described areas of the Piedmont National Wildlife Refuge shall be open to the controlled hunting of quail:

That part of the refuge included within tracts 15b, 54d, e, f, 91, 92, 118, 124, a, 131d, 158, 174a, 181a, 211a, 213, 227, a, 233, 238, 246, 253, 266b, 267, 268, 269, 275, 282, 303, 321, 335, a, 338, 340, 342 north of road, 350, a, 354, 382c, 729, 896.

(b) *State game laws.* Any person while hunting within any areas of the refuge open to hunting must comply with the applicable State laws and regulations.

(c) *Hunting licenses and permits.* Any person who hunts within the refuge shall be in possession of a valid State hunting license and a permit, if such license and permit are required, and when requested to do so shall exhibit them to any State or Federal officer authorized to enforce the game laws of Georgia or of the United States. Upon request of any such officer, the licensee must also exhibit for inspection all birds killed by him or in his possession.

(d) *Entry upon refuge; firearms.* No permit from the officer in charge of the refuge shall be necessary for entry thereupon for the purpose of hunting in compliance with this order, but the having or carrying of firearms on the refuge without permit from the officer in charge, except on highways, thoroughfares, and hunting areas, or on routes of travel to and from such areas designated by such officer, or when appropriate to the object for which any special permit may have been issued, will not be permitted. Persons entering or crossing the refuge for the purpose of hunting, as permitted by this order, shall use only such routes of travel as shall be designated by suitable posting by the officer in charge.

(e) *Guides.* Each person, or party of persons, hunting on an open area of the refuge under appropriate State license and permit shall be accompanied by a guide who has been previously designated as such and shall be subject to the supervision and direction of such guide while so hunting on the refuge. The designation of qualified guides for service on the refuge shall be made by the officer in charge of the refuge or, in the event of a cooperative agreement covering the regulation, management, and operation of such public shooting, by the appropriate officer of the cooperator, subject to the approval of the officer in charge of the refuge. No person shall be designated as a guide unless he is a citizen of the United States, has had experience in hunting and in handling guns and bird dogs, is familiar with the territory comprised within the refuge, is able to identify and distinguish the various species of wildlife that resort to said refuge, is familiar with the State and Federal laws governing hunting, is in possession of such guide license as may be required by the laws of Georgia, and is equipped as required for service as a guide. No guide shall charge for his services as a guide a fee or other compensation in excess of amounts approved as reasonable by the officer in charge of the refuge, or in accordance with the terms of the cooperative agreement. No guide shall hunt any quail or other wildlife on the refuge or be in possession of a gun thereon while employed as a guide. The designation of any person as a guide shall be suspended or canceled upon failure of such guide promptly to report any violation of Federal or State laws or regulations of which he has knowledge.

(f) *Disorderly conduct; intoxication.* No person who is visibly intoxicated will be permitted to enter upon the refuge for the purpose of hunting, and any person who indulges in any disorderly conduct on the refuge will be removed therefrom by the officer in charge and dealt with as prescribed by law.

(g) *Penalties.* Failure of any person hunting on the refuge to comply with any of the provisions, conditions, restrictions, or requirements of these regulations or the violation by him of any of the provisions of State or Federal laws or regulations applicable to hunting on the refuge will be sufficient cause for removing such person from the refuge and for refusing him further hunting privileges on the refuge.

(h) *State cooperation in management of shooting areas.* State cooperation may be enlisted in the regulation, management, and operation of the public shooting area or areas herein or hereafter designated, in which event the provisions of this order shall be incorporated in any cooperative agreement entered into by the Director of the Fish and Wildlife Service and the appropriate State official for such purposes.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

DECEMBER 19, 1941.

[F. R. Doc. 42-97; Filed, January 5, 1942; 11:06 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. D-8]

IN THE MATTER OF THE APPLICATION OF REPUBLIC COAL AND COKE COMPANY FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS ON COAL SOLD TO CERTAIN RETAIL YARDS OWNED BY IT

NOTICE OF AND ORDER FOR HEARING

The Republic Coal and Coke Company, a corporation organized under the laws of Illinois with is principal offices in Chicago, Illinois, being registered with the Division as a Distributor, No. 7662, and acting as sales agent for certain producers, filed its petition praying:

1. For a determination that its "ownership" or "control" over four retail yards (two in Chicago, Illinois, one in Milwaukee, Wisconsin and one in Minneapolis, Minnesota) operated by it is bona fide, is not established to secure an indirect price reduction, and is not within the prohibition of Paragraphs 11 and 12 of section 4, Part II (1) of the Bituminous Coal Act.

2. That it be given permission to accept and retain sales agents' commissions on all coal, heretofore and hereafter, sold to such retail yards.

It is ordered, That a hearing on such matter be held on March 2, 1942, at 10 a. m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given To such petitioner and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before February 26, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified That the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: January 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-104; Filed, January 5, 1942; 11:21 a. m.]

[Docket No. D-9]

IN THE MATTER OF THE APPLICATION OF THE STERLING LUMBER AND INVESTMENT COMPANY FOR PERMISSION TO RECEIVE DISTRIBUTORS' DISCOUNTS ON COAL PURCHASED FOR RESALE AND RESOLD TO CERTAIN RETAIL YARDS IN WHICH IT IS FINANCIALLY OR OTHERWISE INTERESTED

NOTICE OF AND ORDER FOR HEARING

The Sterling Lumber and Investment Company, a corporation organized under the laws of Colorado, with its principal offices in Denver, Colorado, and registered with the Division as a Distributor, No. 8714, filed its petition praying:

1. For a determination that its "ownership" or "control" over the seventeen retail yards, listed below, is bona fide, is not established to secure an indirect price reduction, and is not within the prohibition of Paragraphs 11 and 12 of section 4, Part II (1) of the Bituminous Coal Act.

2. That it be given permission to accept and retain distributors' discounts on all coal, heretofore and hereafter, purchased for resale and resold to each of the following retailers:

Names and Addresses

The Albin Lumber Co., Albin, Wyo.
Brush Lumber & Coal Co., Brush, Colo.
Center Lumber, Co., Center, Colo.
Crook Lumber Co., Crook, Colo.
Elbert Lumber Co, Elbert, Colo.
Morgan Lumber Co., Fort Morgan, Colo.
Hooper Lumber & Hardware Co., Hooper, Colo.
The Iliff Lumber Co., Iliff, Colo.
Conejos County Lumber Co., LaJara, Colo.
The Lewellen Lumber Co., Lewellen, Nebr.
The McCook Lumber Co., McCook, Nebr.
Valley Lumber & Supply Co., Mone Vista, Colo.
Garden County Lumber Co., Oshkosh, Nebr.
Ovid Lumber Co., Ovid, Colo.
Wyoming Lumber & Implement Co., Pine Bluffs, Wyo.
Sedgwick Lumber Co., Sedgwick, Colo.
Cheyenne County Lumber Co., Sidney, Nebr.

It is ordered, That a hearing on such matter be held on March 11, 1942, at 10 a. m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioner and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before March 9, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: January 3, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-105; Filed, January 5, 1942; 11:21 a. m.]

[Docket No. 1761-FD]

IN THE MATTER OF ALLEN PAYTON, DEFENDANT

ORDER CORRECTING CEASE AND DESIST ORDER

An error occurred in the Order Approving and Adopting the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner, and Order to Cease and Desist, dated December 13, 1941,[1] in the above-entitled matter, as follows:

In the sixth line of the third paragraph and in the tenth line of the seventh paragraph, the words "For All Shipments Except Truck" should be omitted and the words "For Truck Shipments" substituted therefor.

Now, therefore, it is ordered, That in the sixth line of the third paragraph and in the tenth line of the seventh paragraph of said Order, the words "For All Shipments Except Truck" be and the same are hereby deleted and the words "For Truck Shipments" substituted therefor;

And it is further ordered, That as thus corrected the seventh paragraph of said Order read as follows:

It is further ordered, That the defendant, Allen Payton, his representatives, agents, servants, employees, and attorneys and all persons acting or claiming to act on his behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal produced by the defendant at less than the applicable effective minimum prices established therefor, contrary to the provisions of section 4 II (e) of the Act and any rules and regulations promulgated thereunder, the Bituminous Coal Code, the Marketing Rules and Regulations, and the schedule of Effective Minimum Prices for District 11 for Truck Shipments.

Dated: January 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-106; Filed, January 5, 1942; 11:22 a. m.]

[1] 6 F.R. 6462.

[Docket No. B-115]

IN THE MATTER OF E. H. WASSON, REGISTERED DISTRIBUTOR, REGISTRATION No. 9455, RESPONDENT

ORDER EXTENDING TIME TO FILE APPLICATION BASED UPON ADMISSIONS FOR DISPOSITION OF PROCEEDING WITHOUT HEARING, EXTENDING TIME TO FILE ANSWER, AND POSTPONING HEARING

Notice of and Order for Hearing having been entered herein on November 22, 1941, and said Notice of and Order for Hearing having been served upon respondent on the 11th day of December 1941; and

Respondent by her Attorney, John D. Wilson, having filed with the Division a motion dated December 22, 1941, setting forth that respondent desires to avail herself of the procedure contemplated in § 301.132 prescribing Rules and Regulations governing applications based upon admissions for the disposition without formal hearings of compliance proceedings, and praying that the time for filing such application under § 301.132 be extended, and also praying that respondent's time to file her answer herein be extended, and that the hearing of this matter be postponed; and

The Acting Director deeming it advisable to grant in all respects the motion of respondent herein;

It is therefore ordered, That the time within which respondent may file her application based upon admissions for the disposition of this proceeding without formal hearing pursuant to § 301.132 prescribing Rules and Regulations governing applications based upon admissions for the disposition without formal hearing of compliance proceedings, be and the same is hereby extended to and including the 10th day of January 1942.

It is further ordered, That the time within which the respondent is required to file her answer herein be and the same is hereby extended to and including January 10, 1941: *Provided, however,* That if the respondent shall on or before January 10, 1942, file with the Division her application based upon admissions for the disposition of the proceeding herein without formal hearing, the time for the filing by respondent of said answer herein shall be and is hereby extended to and including the 31st of January 1942.

It is further ordered, That the hearing herein be and the same is hereby postponed to a date and at a place to be hereinafter designated by an appropriate order of the Division.

Dated: January 2, 1942.

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 41-107; Filed January 5, 1942; 11:22 a. m.]

General Land Office.

STOCK DRIVEWAY WITHDRAWAL NO. 144, WYOMING NO. 18, MODIFIED; STOCK DRIVEWAY WITHDRAWAL NO. 189, WYOMING NO. 32, REDUCED

Under the authority of section 7 of the act of June 28, 1934, as amended by the act of June 26, 1936, 49 Stat. 1272, 49 Stat. 1976, 43 U.S.C. 315f, the following-described public land in Wyoming is hereby classified as necessary and suitable for the purpose and, under the provisions of section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, such land, excepting any mineral deposits therein, is withdrawn from all disposal under the public-land laws and reserved for the use of the general public as an addition to Stock Driveway Withdrawal No. 144, Wyoming No. 18, subject to valid existing rights:

SIXTH PRINCIPAL MERIDIAN

T. 37 N., R. 84 W.,
Sec. 34, SW¼NE¼ and N½SE¼, 120 acres.

Any mineral deposits in the land shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

And the departmental orders of withdrawal of April 20, 1921 and February 9, 1928, creating Stock Driveway Withdrawals Nos. 144 and 189, are hereby revoked so far as they affect the following-described lands:

T. 36 N., R. 84 W.,
Sec. 2, W½SW¼ and SE¼SW¼;
T. 37 N., R. 84 W.,
Sec. 34, E½SW¼ and S½SE¼,
Sec. 35, SW¼NE¼ and S½NW¼;
aggregating 400 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

DECEMBER 19, 1941.

[F. R. Doc 42-98; Filed, January 5, 1942; 11:09 a. m.]

AIR NAVIGATION SITE WITHDRAWAL NO. 171, ALASKA

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U. S. C. 214, that the following-described public lands near Homer, Alaska, be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air-navigation facilities:

SEWARD MERIDIAN

T. 6 S., R. 13 W.,
sec. 21, lots 1 and 2, S½NE¼
sec. 22, lot 3, and NW¼.
aggregating 399.41 acres.

HAROLD L. ICKES,
Secretary of the Interior.

DECEMBER 24, 1941.

[F. R. Doc. 42-99; Filed, January 5, 1942; 11:09 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS—NEBRASKA

JANUARY 3, 1942.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Administration Order 259 of the Farm Security Administration, issued thereunder, and upon the basis of the recommendation of the Farm Security Advisory Committee for the State of Nebraska, Boone and Butler Counties are hereby designated as additional counties in which loans, pursuant to said Title, may be made hereafter.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-101; Filed, January 5, 1942; 11:13 a. m.]

Sugar Division of the Agricultural Adjustment Administration.

NOTICE OF HEARINGS AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (b) and (d) of section 301 and section 511 of the Sugar Act of 1937 (Public Law No. 414, 75th Congress), as amended, notice is hereby given that public hearings for districts in which beet sugar factories are located will be held as follows:

For the lower peninsula of Michigan, Ohio, and Indiana, at Detroit, Michigan, in room 859, Federal building, on January 12, 1942, at 9:30 a. m.

For Minnesota, Iowa, Wisconsin, and the upper peninsula of Michigan, at St. Paul, Minnesota, in the Auditorium, University Farm, on January 14, 1942, at 9:30 a. m.

For Montana and Northern Wyoming, at Billings, Montana, in the Commercial Club Hall, on January 16, 1942, at 9:30 a. m.

For Utah, Idaho, Oregon, and Washington, at Pocatello, Idaho, in the Dormon Room, Bannock Hotel, on January 19, 1942, at 9:30 a. m.

For South Dakota, Nebraska, Southern Wyoming, Colorado, and Kansas, at Denver, Colorado, in the House Chamber, State Capitol, on January 22, 1942, at 9:30 a. m.

For California, at Sacramento, California, in the Supervisor's Room, County Court House, on January 26, 1942, at 9:30 a. m.

The purpose of such hearings is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of section 301 (b) of the said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1942 crop of sugar beets on farms with respect to which applications for payments under the act are made, and (2), pursuant to the provisions of section 301 (d) of the said act, fair and reasonable prices for the 1942 crop of sugar beets to be paid under either purchase or toll agreements, by processors who, as producers, apply for payments under the act; and to receive evidence likely to be of assistance to the Secretary of Agriculture in making recommendations, pursuant to the provisions of section 511 of the said act, with respect to the terms and conditions of contracts between producers and processors of sugar beets and with respect to the terms and conditions of contracts between laborers and producers of sugar beets.

O. E. Mulliken, C. R. Oviatt, H. H. Simpson, J. C. Bagwell, and H. V. Campbell are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearings.

Done at Washington, D. C., this 2d day of January 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-81; Filed, January 2, 1942; 2:49 p. m.]

ALLOTMENTS OF 1942 SUGAR QUOTAS FOR THE MAINLAND CANE SUGAR AREA, HAWAII, PUERTO RICO, THE VIRGIN ISLANDS AND FOREIGN COUNTRIES

NOTICE OF HEARING

Pursuant to the authority contained in section 205 (a) of the Sugar Act of 1937 (Public Law No. 414, 75th Congress), as amended, and on the basis of the information now before me, I Robert H. Shields, Assistant to the Secretary of Agriculture, do hereby find that allotments of the 1942 sugar quotas for the mainland cane sugar area, Hawaii, Puerto Rico, the Virgin Islands, Cuba, and foreign countries other than Cuba (excluding any sugar imported or brought into, or marketed in, the continental United States as direct-consumption sugar), are necessary to assure an orderly and adequate flow of sugar in the channels of interstate and foreign commerce and to maintain a continuous and stable supply of sugar, and hereby give notice that a public hearing will be held at Washington, D. C., in the West Ballroom, Shoreham Hotel, on January 16, 1942, at 10:00 a. m.

The purpose of such hearing is to receive evidence to enable the Secretary of Agriculture to make a fair, efficient, and equitable distribution of the 1942 sugar quotas for the mainland cane sugar area, Hawaii, Puerto Rico, the Virgin Islands, Cuba, and foreign countries other than Cuba (excluding any sugar imported or brought into, or marketed in, the continental United States as direct-consumption sugar), among persons who refine such mainland cane sugar or otherwise improve its quality, and among persons who import or bring such offshore sugar into the continental United States.

Joshua Bernhardt, Robert B. Tyler, and John C. Bagwell are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearing.

Done at Washington, D. C., this 3d day of January 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture.[1]

[F. R. Doc. 42-100; Filed, January 5, 1942; 11:13 a. m.]

Surplus Marketing Administration.

ORDER TERMINATING THE LICENSE FOR MILK—LOUISVILLE, KENTUCKY, SALES AREA

R. G. Tugwell, Acting Secretary of Agriculture of the United States of America, pursuant to the provisions of Public Act No. 10, 73d Congress, as amended, issued on May 31, 1934, effective June 1, 1934, the license for milk—Louisville, Kentucky, sales area, which license was last amended August 16, 1935, effective August 17, 1935. On March 27, 1940, the aforementioned license, as amended, was suspended, effective March 31, 1940.

It appearing that, under present conditions, the regulation of the handling of milk in the Louisville, Kentucky, sales area under said license, is no longer necessary, it is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by section 8c (16) (A) of such act, that the license for milk—Louisville, Kentucky, sales area, as amended, does not tend to effectuate the declared policy of the act and that such license shall be, and the same hereby is, terminated as of 11:59 p. m., c. s. t., January 1, 1942.

Done at Washington, D. C., this 3rd day of January 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-103; Filed, January 5, 1942; 11:13 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

[1] Acting Pursuant to Authority Delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192)

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3962).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective January 5, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Advance Neckwear Company, 1007 Commerce Street, Dallas, Texas; Neckties; 5 learners (T); July 5, 1942.

Master Coat Front and Shoulder Pad Company, 111–119 West 19th Street, New York, New York; Coat Fronts and Shoulder Pads; 5 learners (T); April 20, 1942.

Royal Manufacturing Company, Coopersburg, Pennsylvania; Shorts and Union Suits; 5 learners (T); January 5, 1943.

A. B. Zuckert Company, 109 North Water Street, Milwaukee, Wisconsin; Vulcanized Raincoats; 10 percent (T); July 1, 1942.

Single Pants, Shirts and Allied Garments and Women's Apparel

Anthracite Overall Manufacturing Company, 430 Penn Avenue, Scranton, Pennsylvania; Trousers and Breeches, Overalls and Coveralls; 10 percent (T); January 5, 1943.

Bellgrade Manufacturing Company, Winder, Georgia; Single Pants and Overalls; 10 percent (T); January 5, 1943.

Clara Bishop, Incorporated, 7 West 36th Street, New York, N. Y.; Corsets and Brassieres; 4 learners (T); April 20, 1942.

Cotton Products, Inc., 2 Johnson Street, Newark, New Jersey; Ladies' Cotton Wash Dresses; 10 learners (T); January 5, 1943.

Dennis Uniform Manufacturing Company, 1109 S. W. Fourth Avenue, Portland, Oregon; Cotton Uniforms; 4 learners (T); January 5, 1943; 25 cents an hour for the first 200 hours, 30 cents an hour for the next 200 hours, and 35 cents an hour for the remaining 80 hours.

Clarence E. Head, 122 East Seneca Street, Ithaca, New York; Shirts and Pajamas; 5 learners (T); July 5, 1942.

Hershey Garment Company, Paradise, Pennsylvania; Slips and Gowns; 10 percent (T); January 5, 1943.

Kenwood Manufacturing Corporation, 15 Sawyer Street, New Bedford, Massachusetts; Overalls, Shirts, Boys Knickers; 10 percent (T); January 5, 1943.

National Pants Company, Butler Avenue Ext., New Castle, Pennsylvania; Trousers, Sport Shirts; 10 percent (T); January 5, 1943.

Piedmont Shirt Company, New Buncombe Road, Greenville, South Carolina; Shirts; 10 percent (T); January 5, 1943. (This certificate replaces one issued to you bearing expiration date of December 15, 1942.)

Piedmont Shirt Company, New Buncombe Road, Greenville, South Carolina; Shirts 100 learners (E); May 25, 1942.

Shelburne Shirt Comany, Inc., 69 Alden Street, Fall River, Massachusetts; Men's Shirts; 10 percent (T); January 5. 1943.

Topkis Brothers Company, 217 French Street, Wilmington, Delaware; Sport Shirts and Pajamas; 10 percent (T); January 5, 1943.

V. H. C. Manufacturing Company, 1017 South Grand Avenue, Los Angeles, California; Dresses; 7 learners (T); July 5, 1942.

Van Horn and Son, Inc., 811 Chestnut Street, Philadelphia, Pennsylvania; Theatrical Costumes; 3 learners (T); January 5, 1943.

Gloves

Model Glove Company, 404 East Harris Street, Greenville, Illinois; Knit Fabric and Work Gloves; 3 learners (T); January 5, 1943.

Monte Glove Company, 34 East Jackson Street, Shelbyville, Indiana; Work Gloves; 5 learners (T); January 5, 1943.

Hosiery

Best Made Silk Hosiery Company, Fifth Street, Quakertown, Pennsylvania; Full Fashioned Hosiery; 5 learners (T); January 5, 1943.

Dixie Hosiery Mills, Inc., Mount Gilead, North Carolina; Seamless Hosiery; 5 learners (T); January 5, 1943.

Knit Sox Hosiery Mills, Hickory, North Carolina; Seamless Hosiery; 5 learners (T); January 5, 1943.

Independent Branch of the Telephone Industry

Central Iowa Telephone Company, Cedar Rapids, Iowa; to employ learners as commercial switchboard operators at its

Tama Exchange, Tama, Iowa; until January 5, 1943.

Central Iowa Telephone Company, Cedar Rapids, Iowa; to employ learners as commercial switchboard operators at its Rolfe Exchange, Rolfe, Iowa; until January 5, 1943.

The Harrison Telephone Company, 114 Walnut Street, Harrison, Ohio; to employ learners as commercial switchboard operators at its Harrison Exchange, Harrison, Ohio; until January 5, 1943.

Knitted Wear

Laros Textiles Company, Broad and Wood Streets, Bethlehem, Pennsylvania; Knitted Underwear; 5 learners (T); January 5, 1943.

Malone Knitting Company, 296 Main Street, Springfield, Massachusetts; Knitted Underwear; 5 percent (T); January 5, 1943.

H. L. Miller and Son,, Coal Street, Port Carbon, Pennsylvania; Knitted Underwear; 5 percent (T); January 5, 1943.

The National Garment Company, 47 Lincoln Way, W., Massillon, Ohio; Knitted Underwear; 5 learners (T); January 5, 1943.

Trenton Mills, Inc., Factory Street, Trenton, Tennessee; Commercial Knitting; 3 learners (T); January 5, 1943.

Textile

Luray Textile Corporation, Hawksbill Street, Luray, Virginia; Thrown Rayon and Synthetic Yarns; 37 learners (E); April 6, 1942.

Luray Textile Corporation, Hawksbill Street, Luray, Virginia; Thrown Rayon and Synthetic Yarns; 3 percent (T); January 5, 1943.

Nalven and Son, Inc., Clifton Forge, Virginia; Ribbon Hat Bands and Narrow Fabrics; 6 learners (T); January 5, 1943.

Suncook Mills, China Road, Allenstown, New Hampshire; Rayon and Cotton Fabrics; 3 percent (T); January 5, 1943.

Trio Braid Company, Inc., 1238 Callowhill Street, Philadelphia, Pennsylvania; Braided Yarns, Knitted Braids; 3 learners (T); January 5, 1943.

Woolen

Robert E. Pent, Coll Street, New Braunfels, Texas; Wool Top; 4 learners (E); May 4, 1942.

Signed at Washington, D. C., this 5th day of January 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-123; Filed, January 5, 1942; 12:01 p. m.]

[Administrative Order No. 136]

APPOINTMENT OF INDUSTRY COMMITTEE No. 39 FOR THE TEXTILE INDUSTRY

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Thomas W. Holland, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the textile industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the Public: Alexander Hamilton Frey, Chairman, Philadelphia, Pennsylvania; Harry D. Wolfe, Chapel Hill, North Carolina; Amy Hewes, South Hadley, Massachusetts; Malcolm Keir, Hanover, New Hampshire; Elizabeth Brandeis Raushenbush, Madison, Wisconsin; Robert Preston Brooks, Athens, Georgia; Edward Everett Hale, Austin, Texas; Jennings Perry, Nashville, Tennessee;

For the Employees: Emil Rieve, New York, New York; Edward Doolan, Fall River, Massachusetts; Roy Lawrence, Charlotte, North Carolina; Elizabeth Hord, Manchester, Connecticut; Horace White, Greensboro, Georgia; Anthony Valente, Washington, D. C.; Francis J. Gorman, Washington, D. C.; George Baldanzi, New York, New York;

For the Employers: Donald Comer, Birmingham, Alabama; Charles A. Cannon, Kannapolis, North Carolina; W. Harrison Hightower, Thomaston, Georgia; Sam H. Swint, Graniteville, South Carolina; Rudolph C. Dick, Salem, Massachusetts; Allan Barrows, New Bedford, Massachusetts; Henry E. Stehli, New York, New York; Carl E. Steiger, Oshkosh, Wisconsin.

Such representatives having been appointed with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the term "textile industry" means:

(a) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs containing any wool) from cotton, flax, jute, other vegetable fiber, silk, grass, or any synthetic fiber, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in clauses (g) and (h); except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber;

(b) The manufacturing of batting, wadding, or filling and the processing of waste from the fibers enumerated in clause (a);

(c) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics or cords (except carpets and rugs containing any wool) from any fiber or yarn;

(d) The processing of any textile fabric, included in this definition of this industry, into any of the following products: bags; bandages and surgical gauze; bath mats and related articles; bedspreads; blankets; diapers, dish-cloths; scrubbing cloths and wash-cloths; sheets and pillow cases; table-cloths, luncheloths and napkins; towels; window curtains; shoe laces and similar laces;

(e) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(f) The manufacturing of cordage, rope or twine from any fiber or yarn including the manufacturing of paper yarn and twine;

(g) The manufacturing, or processing of yarn (except carpet yarn containing any carpet wool) or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in clause (a), containing not more than 45 per cent by weight of wool or animal fiber (other than silk);

(h) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 per cent by weight of wool or animal fiber (other than silk), with any of the fibers designated in clause (a), with a margin of tolerance of 2 per cent to meet the exigencies of manufacture;

(i) The manufacturing, dyeing, finishing or processing of rugs or carpets from grass, paper, or from any yarn or fiber except yarn containing any wool but not including the manufacturing by hand of such products.

3. The definition of the textile industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however*, That this definition does not include employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale: *And provided further*, That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. The industry committee herein created shall meet on January 21, 1942, in Room 3229, U. S. Department of Labor Building, Washington, D. C., and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at Washington, D. C., this 5th day of January, 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-124; Filed, January 5, 1942; 12:01 p. m.]

PROPOSED AMENDMENT TO REGULATIONS DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECTIVE, ADMINISTRATIVE, PROFESSIONAL, OR LOCAL RETAILING CAPACITY, OR IN THE CAPACITY OF OUTSIDE SALESMAN" PURSUANT TO SECTION 13 (a) (1) OF THE FAIR LABOR STANDARDS ACT

The following amendment to Regulations, Part 541, (Regulations Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, Professional, or Local Retailing Capacity, or in the Capacity of Outside Salesman" Pursuant to section 13 (a) (1) of the Fair Labor Standards Act) is hereby proposed. This amendment would amend § 541.2, defining the term "employee employed in a bona fide * * * administrative * * * capacity," as used in section 13 (a) (1) of the Fair Labor Standards Act. The Administrator will afford interested parties an opportunity to present their views either in support of or in opposition to the proposed amendment for a period of ten days after the date this proposed amendment appears in the FEDERAL REGISTER. Unless cause is shown why such amendment should not be promulgated, the Administrator will then make it effective.

§ 541.2 *Administrative.*

The term "employee employed in a bona fide * * * administrative * * * capacity" in section 13 (a) (1) of the act shall mean any employee—

(A) who is compensated for his services on a salary or fee basis at a rate of not less than $200 per month (exclusive of board, lodging, or other facilities), and

(B) (1) who regularly and directly assists an employee employed in a bona fide executive or administrative capacity (as such terms are defined in these regulations), where such assistance is nonmanual in nature and requires the exercise of discretion and independent judgment; or

(2) who performs under only general supervision, responsible nonmanual office or field work, directly related to management, policies or general business operations, along specialized or technical lines requiring special training, experience, or knowledge, and which requires the exercise of discretion and independent judgment; or

(3) whose work involves the execution under only general supervision of special nonmanual assignments and tasks directly related to management policies or general business operations involving the exercise of discretion and independent judgment; or

(4) who is engaged in transporting goods or passengers for hire and who performs, under only general supervision, responsible outside work of a specialized or technical nature requiring special training, experience, or knowledge, and whose duties require the exercise of discretion and independent judgment.

Signed at Washington, D. C., this 3d day of January 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-125; Filed, January 5, 1942; 12:02 p. m.]

CIVIL SERVICE COMMISSION

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS WEDNESDAY, DECEMBER 31, 1941

Important. Although the apportioned classifid Civil Service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his state of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico	1,149	51
2. Virgin Islands	15	1
3. Hawaii	260	24
4. Alaska	45	14
5. California	4,247	1,402
6. Louisiana	1,454	655
7. Michigan	3,232	1,513
8. Texas	3,944	2,075
9. Arizona	307	164
10. Georgia	1,921	1,141
11. South Carolina	1,168	719
12. Kentucky	1,750	1,095
13. Alabama	1,742	1,109
14. Mississippi	1,343	896
15. Ohio	4,247	2,911
16. North Carolina	2,196	1,534
17. New Mexico	327	230
18. Arkansas	1,199	874
19. New Jersey	2,538	1,890
20. Tennessee	1,763	1,450
21. Nevada	68	56
22. Florida	1,167	976
23. Indiana	2,108	1,798
24. Illinois	4,856	4,293
25. Delaware	164	145
26. Oregon	670	601
27. Wisconsin	1,929	1,763
28. Connecticut	1,051	962
29. Idaho	323	297
30. Vermont	221	212
31. Rhode Island	439	422
32. Pennsylvania	6,088	5,853
IN EXCESS		
33. Washington	1,068	1,091
34. New Hampshire	302	314
35. West Virginia	1,170	1,221
36. Massachusetts	2,654	2,809
37. Missouri	2,327	2,484
38. Maine	521	558
39. Oklahoma	1,437	1,579
40. Utah	338	384
41. Colorado	691	820
42. Wyoming	154	184
43. Iowa	1,561	1,914
44. Minnesota	1,717	2,107
45. New York	8,288	10,372
46. Montana	344	468
47. Kansas	1,107	1,570
48. North Dakota	395	591
49. Virginia	1,647	2,226
50. South Dakota	395	607
51. Nebraska	809	1,475
52. Maryland	1,120	2,744
53. District of Columbia	408	9,518

GAINS	
By appointment	1,025
By transfer	51
Total	1,076

LOSSES	
By separation	101
By transfer	67
By correction	4
	172
Total appointments	82,432

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of Augst 25, 1934, 30,012.

By direction of the Commission.

[SEAL] L. A. MOYER,
Executive Director and Chief Examiner.

[F. R. Doc. 42-71; Filed, January 3, 1942; 11:17 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5701]

IN THE MATTER OF CAROLINA POWER & LIGHT COMPANY

ORDER POSTPONING HEARING

JANUARY 2, 1942.

It appearing to the Commission that on December 31, 1941, the hearing in the above-entitled proceeding was ordered to be resumed at Raleigh, North Carolina, on January 6, 1942;

The Commission *finds* that: Good cause exists for postponement of the hearing;

The Commission *orders* that: The hearing in this proceeding heretofore set to reconvene on January 6, 1942, be and it is hereby postponed to January 12, 1942, at 9:45 a. m., in the Federal Court Room of the Federal Building, Raleigh, North Carolina.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-84; Filed, January 5, 1942; 9:40 a. m.]

[Docket No. G-223]

IN THE MATTER OF NEW YORK STATE NATURAL GAS CORPORATION

ORDER FIXING DATE OF HEARING AND SUSPENDING RATE SCHEDULE

DECEMBER 30, 1941.

It appearing to the Commission that: (a) On September 3, 1938, New York State Natural Gas Corporation filed with the Commission an agreement, dated July 1, 1932, with New York State Electric and Gas Corporation, designated in the files of the Commission as New York State Natural Gas Corporation Rate Schedule FPC No. 3; on September 3, 1938, and on subsequent dates said New York State Natural Gas Corporation filed certain supplemental agreements with New York State Electric and Gas Corporation, respectively designated in the files of the Commission as Supplements Nos. 1, 3, and 4 to said Rate Schedule FPC No. 3, which said schedule as supplemented provides for the sale of natural gas to New York State Electric and Gas Corporation for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(b) On December 1, 1941, New York State Natural Gas Corporation filed with

the Commission an agreement dated December 24, 1940, with the New York State Electric and Gas Corporation, designated in the files of the Commission as Supplement No. 5 to New York State Natural Gas Corporation Rate Schedule FPC No. 3, providing that increased rates or charges for such sales of natural gas by New York State Natural Gas Corporation to New York State Electric and Gas Corporation be made effective as of January 1, 1942;

(c) Unless suspended by order of the Commission, Supplement No. 5 to New York State Natural Gas Corporation Rate Schedule FPC No. 3 will become effective as of January 1, 1942, pursuant to the provisions of the Natural Gas Act and the amended Provisional Rules of Practice and Regulations thereunder;

(d) In purported justification of said proposed increased rates, New York State Natural Gas Corporation stated that it proposes to eliminate the special rate provided for "unaccounted for gas," because there is no equitable reason why it should receive a lesser price for gas which the New York State Electric and Gas Corporation receives but cannot account for; that the larger part of the gas resold by the New York State Natural Gas Corporation is sold to the Central New York Power Corporation under a contract which does not provide a special price for "unaccounted for gas"; and that New York State Natural Gas Corporation has no other similar contract under which a special rate is made for "unaccounted for gas";

(e) The schedule of increased rates or charges contained in Supplement No. 5 to New York State Natural Gas Corporation Rate Schedule FPC No. 3 may result in excessive rates or charges to New York State Electric and Gas Corporation or place an undue burden upon ultimate consumers of natural gas, and said increased rates or charges have not been shown to be justified;

The Commission *finds* that: It is necessary, desirable, and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges, and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon;

The Commission, upon its own motion, *orders* that: (a) A public hearing be held on February 16, 1942, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates of charges, subject to the jurisdiction of the Commission, contained in said Supplement No. 5 to New York State Natural Gas Corporation Rate Schedule FPC No. 3, for the sale of natural gas to New York State Electric and Gas Corporation for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(b) Pending such hearing and decision thereon, the schedule of increased rates or charges contained in said Supplement No. 5 to Rate Schedule FPC No. 3, except in so far as it may provide for the sale of natural gas for resale for ultimate public consumption for industrial use, be and it is hereby suspended until June 1, 1942, or until such time thereafter as said schedule shall have been made effective in the manner prescribed by section 4 (e) of the Natural Gas Act;

(c) During the said period of suspension, the rates or charges collected and received by New York State Natural Gas Corporation from New York State Electric and Gas Corporation, as provided in New York State Natural Gas Corporation Rate Schedule FPC No. 3 and Supplements Nos. 1, 3, and 4 thereto, except in so far as they may be for the sale of natural gas for resale for industrial use, shall remain and continue in full force and effect;

(d) At such hearing, the burden of proof to show that any of the aforesaid proposed increased rates or charges are just and reasonable shall be upon the New York State Natural Gas Corporation.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretray.*

[F. R. Doc. 42-120; Filed, January 5, 1942; 11:53 a. m.]

[Docket No. G-224]

IN THE MATTER OF NEW YORK STATE NATURAL GAS CORPORATION

ORDER FIXING DATE OF HEARING AND SUSPENDING RATE SCHEDULE

DECEMBER 30, 1941.

It appearing to the Commission that: (a) On September 3, 1938, New York State Natural Gas Corporation filed with the Commission an agreement dated July 1, 1934, with the Keuka Construction Corporation, designated in the files of the Commission as New York State Natural Gas Corporation Rate Schedule FPC No. 4; on June 19, 1941, said New York State Natural Gas Corporation filed a supplemental agreement dated June 9, 1941, with Keuka Construction Corporation designated in the files of the Commission as Supplement No. 1 to New York State Natural Gas Corporation Rate Schedule FPC No. 4 which said schedule as supplemented provides for the sale of natural gas to Keuka Construction Corporation for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(b) On December 1, 1941, New York State Natural Gas Corporation filed with the Commission an agreement dated November 20, 1941, with Keuka Construction Corporation, designated in the files of the Commission as Supplement No. 2 to New York State Natural Gas Corporation Rate Schedule FPC No. 4, providing that increased rates or charges for such sales of natural gas by New York State Natural Gas Corporation to Keuka Construction Corporation be made effective as of January 1, 1942;

(c) Unless suspended by order of the Commission, said Supplement No. 2 to New York State Natural Gas Corporation Rate Schedule FPC No. 4 will become effective as of January 1, 1942, pursuant to the provisions of the Natural Gas Act and the amended Provisional Rules of Practice and Regulations thereunder;

(d) In purported justification of said proposed increased rates, New York State Natural Gas Corporation stated that the proposed increased rates arise out of a proposed change in the division of the amounts received by Keuka Construction Corporation upon the sale of natural gas to New York State Electric and Gas Corporation; that New York State Natural Gas Corporation now transports the natural gas substantially the same distance it was formerly transported by Keuka Construction Corporation; and that the proposed increased rates involve no change in the final selling price to New York State Electric and Gas Corporation;

(e) The schedule of increased rates or charges contained in Supplement No. 2 to New York State Natural Gas Corporation Rate Schedule FPC No. 4 may result in excessive rates or charges to Keuka Construction Corporation or place an undue burden upon ultimate consumers of natural gas, and said increased rates or charges have not been shown to be justified;

(f) New York State Natural Gas Corporation and Keuka Construction Corporation are affiliated through common control by Standard Oil Company of New Jersey;

The Commission *finds* that: It is necessary, desirable, and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges, and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon;

The Commission, upon its own motion, *orders* that: (a) A public hearing be held on February 16, 1942, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates or charges, subject to the jurisdiction of the Commission, contained in said Supplement No. 2 to New York State Natural Gas Corporation Rate Schedule FPC No. 4, for the sale of natural gas to Keuka Construction Corporation for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(b) Pending such hearing and decision thereon, the schedule of increased rates or charges contained in said Supplement No. 2 to Rate Schedule FPC No. 4, except insofar as it may provide for the sale of natural gas for resale for ultimate public consumption for industrial use, be and it is hereby suspended until June 1, 1942, or until such time thereafter as said schedule shall have been made effective in the manner prescribed by section 4 (e) of the Natural Gas Act;

(c) During the said period of suspension, the rates or charges collected and received by New York State Natural Gas Corporation from Keuka Construction Corporation, as provided in New York State Natural Gas Corporation Rate Schedule FPC No. 4 and Supplement No. 1 thereto, except insofar as they may be for the sale of natural gas for resale for industrial use, shall remain and continue in full force and effect;

(d) At such hearing, the burden of proof to show that any of the aforesaid proposed increased rates or charges are just and reasonable shall be upon the New York State Natural Gas Corporation.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 42-121; Filed, January 5, 1942; 11:53 a. m.]

[Docket No. G-225]

IN THE MATTER OF KEUKA CONSTRUCTION CORPORATION

ORDER FIXING DATE OF HEARING AND SUSPENDING RATE SCHEDULE

DECEMBER 30, 1941.

It appearing to the Commission that: (a) On January 28, 1939, Keuka Construction Corporation filed with the Commission an agreement dated March 23, 1934, with New York State Electric and Gas Corporation (successor to Empire Gas and Electric Company) designated in the files of the Commission as Keuka Construction Corporation Rate Schedule FPC No. 2, and on January 28, 1939, and subsequent dates said Keuka Construction Corporation filed certain supplemental agreements with New York State Electric and Gas Corporation, respectively designated in the files of the Commission as Supplements Nos. 1, 2, 3, 4, 5, 6, and 8 to said Rate Schedule FPC No. 2, which said schedule as supplemented provides for the sale of natural gas to New York State Electric and Gas Corporation for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(b) On December 1, 1941, Keuka Construction Corporation filed with the Commission agreements dated December 24, 1940, and December 27, 1940, respectively designated in the files of the Commission as Supplement No. 9 to Keuka Construction Corporation Rate Schedule FPC No. 2 and Supplement No. 1 to Supplement No. 9, providing that increased rates or charges for such sales of natural gas by Keuka Construction Corporation to New York State Electric and Gas Corporation shall be made effective as of January 1, 1942;

(c) Unless suspended by order of the Commission, said Supplement No. 9 to Keuka Construction Corporation Rate Schedule FPC No. 2 and Supplement No. 1 to Supplement No. 9 will become effective as of January 1, 1942, pursuant to the provisions of the Natural Gas Act and the amended Provisional Rules of Practice and Regulations thereunder;

(d) In purported justification of said proposed increased rates, Keuka Construction Corporation stated that there is no equitable reason why it should receive a lesser price for gas which the New York State Electric and Gas Corporation receives but cannot account for, and, therefore, proposes to eliminate the special rate provided for "unaccounted for gas";

(e) The schedule of increased rates or charges contained in Supplement No. 9 to Keuka Construction Corporation Rate Schedule FPC No. 2 and Supplement No. 1 to Supplement No. 9 may result in excessive rates or charges to New York State Electric and Gas Corporation or place an undue burden upon ultimate consumers of natural gas, and said increased rates or charges have not been shown to be justified;

(f) Keuka Construction Corporation and New York State Natural Gas Corporation are affiliated through common control by Standard Oil Company of New Jersey;

The Commission *finds* that: It is necessary, desirable, and in the public interest that the Commission enter upon a hearing concerning the lawfulness of the proposed increased rates or charges, and that said proposed increased rates or charges be suspended pending such hearing and the decision thereon;

The Commission, upon its own motion, *orders* that: (a) A public hearing be held on February 16, 1942, at 9:45 a. m., in the Hearing Room of the Federal Power Commission, 1800 Pennsylvania Avenue NW., Washington, D. C., concerning the lawfulness of the rates or charges, subject to the jurisdiction of the Commission, contained in said Supplement No. 9 to Keuka Construction Corporation Rate Schedule FPC No. 2 and Supplement No. 1 to Supplement No. 9, for the sale of natural gas to New York State Electric and Gas Corporation for resale for ultimate public consumption for domestic, commercial, industrial, or any other use;

(b) Pending such hearing and decision thereon, the schedule of increased rates or charges contained in said Supplement No. 9 to Rate Schedule FPC No. 2 and Supplement No. 1 to Supplement No. 9, except in so far as it may provide for the sale of natural gas for resale for ultimate public consumption for industrial use, be and it is hereby suspended until June 1, 1942, or until such time thereafter as said schedule shall have been made effective in the manner prescribed by section 4 (e) of the Natural Gas Act;

(c) During said period of suspension, the rates or charges collected and received by Keuka Construction Corporation from New York State Electric and Gas Corporation, as provided in Keuka Construction Corporation Rate Schedule FPC No. 2 and Supplements Nos. 1, 2, 3, 4, 5, 6, and 8 thereto, except in so far as they may be for the sale of natural gas for resale for industrial use, shall remain and continue in full force and effect;

(d) At such hearing, the burden of proof to show that any of the aforesaid proposed increased rates or charges are just and reasonable shall be upon the Keuka Construction Corporation.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 42-122; Filed, January 5, 1942; 11:53 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION TO THE DIRECTOR OF THE DIVISION OF PLACEMENT AND UNEMPLOYMENT INSURANCE OF THE NEBRASKA DEPARTMENT OF LABOR

The Director of the Division of Placement and Unemployment Insurance of the Department of Labor of the State of Nebraska having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Nebraska Placement and Unemployment Insurance law, as amended; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) The said law provides for the maintenance of reserve accounts as defined in section 1602 (c) (1) of the Internal Revenue Code, and

(2) Reduced rates of contributions under said law to such reserve accounts are allowable only in accordance with the provisions of section 1602 (a) (3) of the Internal Revenue Code, as effective January 1, 1942.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Director of the Division of Placement and Unemployment Insurance of the Department of Labor of the State of Nebraska.

[SEAL] SOCIAL SECURITY BOARD, GEORGE E. BIGGE, *Chairman.*

DECEMBER 31, 1941.

Approved:

PAUL V. MCNUTT, *Administrator.*

DECEMBER 31, 1941.

[F. R. Doc. 42-109; Filed, January 5, 1942; 11:32 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4453]

IN THE MATTER OF UNITED DIATHERMY, INC., A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2d day of January, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Lewis C. Russell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, January 21, 1942, at ten o'clock in the forenoon of that day (Eastern Standard Time) in the Hotel St George, Brooklyn, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-108; Filed, January 5, 1942; 11:28 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 811-281]

IN THE MATTER OF CENTRAL NEW YORK UTILITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3d day of January, A. D. 1942.

An application having been duly filed by the above named applicant under and pursuant to the provisions of the Investment Company Act of 1940 for an order under section 8 (f) of the said Act declaring that the applicant has ceased to be an investment company.

It is ordered, That a hearing on the matter of the application of the above named applicant under and pursuant to section 8 (f) of the Investment Company Act of 1940 be held on January 13, 1942 at 10:00 o'clock in the forenoon of that day in Room 1102 of the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-74; Filed, January 3, 1942; 11:38 a. m.]

[File No. 812-82]

IN THE MATTER OF AMERICAN RAILWAYS CORPORATION

NOTICE OF AND ORDER FOR RESUMPTION OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of January, A. D. 1942.

Application having been duly filed by the above named applicant for an order of the Commission under and pursuant to the provisions of section 3 (b) (2) of the Investment Company Act of 1940 declaring it to be excepted from the definition of an investment company contained in this Act on the ground that it is primarily engaged in a business other than that of investing, reinvesting, owning, holding, or trading in securities or in the alternative for an order under and pursuant to the provisions of section 6 (c) exempting it from all of the provisions of this title.

A hearing having been held in Washington, D. C. on May 6th, May 19th and May 27th of 1941, and said hearing having been continued until an indefinite future time;

It is ordered, That the hearing on the matter of this application be resumed on January 9, 1942 at 10:15 o'clock in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue Northwest, Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of the investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-75; Filed, January 3, 1942; 11:38 a. m.]

[File No. 54-43]

IN THE MATTER OF GREAT LAKES UTILITIES COMPANY

NOTICE OF FILING; NOTICES OF AND ORDERS FOR HEARINGS; ORDER OF CONSOLIDATION

I

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of December, A. D. 1941.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Great Lakes Utilities Company. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed which are summarized as follows:

Great Lakes Utilities Company (herein sometimes referred to as "Great Lakes"), a registered holding company, proposes to consummate a plan pursuant to section 11 (e) of the Public Utility Holding Company Act for the purpose of enabling Great Lakes and its subsidiaries to comply with the provisions of section 11 (b) of said Act. The steps proposed in such plan are as follows:

1. The Ohio Gas, Light & Coke Company, Gas Corporation of Michigan, Paxton Gas Company, Rochelle Gas Company, Martinsville Gas Company, Virginia Gas & Utilities Company and Watertown Gas Company, (all of which are wholly-owned subsidiaries of Great Lakes) will be recapitalized so that the authorized and issued capital stock of each will consist of 22,018 shares of common stock with par of $1 per share.

2. Gas Corporation of Michigan (herein sometimes referred to as "Michigan") will, in addition, issue $316,500 principal amount of First Mortgage 4% Bonds.

3. Each of the above subsidiaries will deliver all of said stock and Michigan in addition will deliver said bonds to Great Lakes and Great Lakes will surrender all outstanding securities of and claims against such subsidiaries held by it.

4. Great Lakes will sell the abovementioned First Mortgage Bonds issued by Michigan to non-affiliated interests, if such bonds can be sold at or above their face amount.

5. Great Lakes will distribute all shares of stock so received and the above bonds issued by Michigan (or cash of an equal amount if such bonds are sold) among the holders of First Lien Collateral Trust Bonds and the holders of Voting Trust Certificates (representing Common Stock) of Great Lakes and all rights arising from such First Lien and Collateral Trust Bonds and Voting Trust Certificates will be extinguished. It is proposed that this distribution be effected as follows:

(a) Holders of the First Lien Collateral Trust Bonds will receive, with respect to each $500 principal amount thereof, $100 principal amount of the bonds of Michigan (or $100 in cash if said bonds are sold) and 6 shares of the common stock of each subsidiary of Great Lakes.

(b) Holders of Voting Trust Certificates will receive one share of the common stock of each subsidiary with respect to each 50 shares of Common Stock represented by such Voting Trust Certificate.

6. Each subsidiary of Great Lakes will eliminate from its books of account all amounts appearing thereon representing increases through revaluation of fixed assets.

7. Great Lakes will pay all of its liabilities (other than the claims of holders of First Lien Collateral Trust Bonds) and all costs, fees and expenses in connection with the consummation of the plan of reorganization. All remaining cash will be paid to The Ohio Gas, Light & Coke Company and Great Lakes will thereafter be dissolved.

If this Commission should approve the above plan, Great Lakes requests that, pursuant to sections 11 (e) and 18 (f) of the Act, the Commission apply to a United States District Court to carry out the terms and provisions of such plan. No provision is made in the above plan for securing the consent thereto of any of the security holders of Great Lakes.

II

The Commission's official files disclose that:

1. Great Lakes is a registered holding company, organized under the laws of Delaware, maintaining its principal offices for the doing of business in Philadelphia, Pennsylvania.

2. The following companies are wholly-owned subsidiaries of Great Lakes and are engaged in the business of supplying gas to the communities (and the vicinities thereof) indicated below:

Company	*Communities served*
The Ohio Gas, Light & Coke Co.	Bryan, Napoleon and Millersburg, Ohio.
Gas Corporation of Michigan.	Ludington, Mt. Pleasant and Greenville, Mich.
Paxton Gas Co.	Paxton, Ill.
Rochelle Gas Co.	Rochelle, Ill.
Martinsville Gas Co.	Martinsville, Va.
Virginia Gas & Utilities Co.	Pulaski and Radford, Va.
Watertown Gas Co.	Watertown, S. Dak.

3. Great Lakes, through Gas Corporation of Michigan, controls Gas Transportation of Michigan, a corporation engaged in the construction and ownership of gas transmission lines in the State of Michigan and the transmission of gas from local fields to Mt. Pleasant and Greenville.

4. The outstanding securities of Great Lakes as of September 30, 1941, were as follows:

First Lien Collateral Trust Gold Bonds, 5½% Series due 1942, $1,582,500.

Common stock (all held by voting trustees under a trust dated January 4, 1937, and represented by outstanding Voting Trust Certificates), par value $1 per share, 151,431 shares.

5. Great Lakes as of September 30, 1941 owned securities and held claims against its various subsidiaries, as follows:

The Ohio Gas, Light and Coke Company

First mortgage 6% bonds	$650,000
8% note due 6/30/35	272,229
6% demand notes	170,044
Open account	168,987
Interest to 9/30/41 on above indebtedness	378,006
Total debt	1,639,266
Common stock ($100 par) (shares)	1,900

Gas Corporation of Michigan

6% demand notes	$65,328
7% note due 7/1/35	500,000
Interest to 9/30/41 on above indebtedness	11,440
Total debt	576,768
Common Stock (no par) (shares)	25,000

Paxton Gas Company

6% note due 5/31/34	$144
6% demand notes	148,965
Interest to 9/30/41 on above Notes	41,129
Total debt	190,238
Common stock ($100 par) (shares)	552

Rochelle Gas Company

Open account	$3,400
Common stock ($100 par) (shares)	600

Martinsville Gas Company

Open account	$1,013
Common stock (no par) (shares)	671

Virginia Gas and Utilities Company

6% demand notes	$111,516
Open account	10,800
Interest to 9/30/41 on above indebtedness	57,919
Total debt	180,237
Common stock (no par) (shares)	260

Watertown Gas Company

6% note due 4/1/34	$114
6% demand notes	120,045
Interest to 9/30/41 on said notes	40,679
Total debt	160,838
Common stock ($100 par) (shares)	800

III

The Commission having been advised by its Public Utilities Division that the information set out in section II hereof and other and further information contained in the Commission's public and official files tend to show that:

1. No two, or more, of the companies listed in paragraph 2 of section II hereof are operated as a single coordinated system confined to a single area or region or derive natural gas from a common source of supply.

2. The properties of the Ohio Gas, Light, & Coke Company located at Millersburg, Ohio, and vicinity, and the properties of the same company located at Bryan, Ohio, and vicinity, are not operated as a single coordinated system confined in its operations to a single area or region, and do not derive natural gas from a common source of supply.

3. The properties of the Gas Corporation of Michigan located at Ludington, Michigan, and vicinity, and the properties of the same company located at Mt. Pleasant and Greenville, Michigan, and vicinity, are not operated as a single coordinated system confined in its operations to a single area or region, and do not derive natural gas from a common source of supply.

4. Great Lakes and its subsidiary companies constitute more than a single integrated public utility system and systems additional thereto, control of which may be retained by Great Lakes under section 11 (b) (1) of the Act.

5. The corporate structure of the holding company system of Great Lakes is unduly and unnecessarily complicated.

6. Voting power is unfairly and inequitably distributed among security holders of the Great Lakes holding company system.

IV

It being the duty of the Commission, pursuant to section 11 (b) (1) of the Act, to require, by order, after notice and opportunity for hearing, that each registered holding company, and each subsidiary company thereof, shall take such action as the Commission shall find necessary to limit the operations of the holding company system, of which said company is a part, to a single integrated public utility system and to such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such an integrated public utility system and to such additional integrated public utility system or systems which the Commission finds to be in compliance with the standards of subsections (A), (B) and (C) of section 11 (b) (1); and

It further being the duty of the Commission, pursuant to section 11 (b) (2) of said Act, to require by order, after notice and opportunity for hearing, that each registered holding company, and each subsidiary company thereof, shall take such steps as the Commission shall find necessary to ensure that the corporate structure or continued existence of any company in a holding company system does not unduly or unnecessarily complicate the corporate structure, or unfairly or inequitably distribute voting power among security holders, of such holding-company system; and

The Commission being required by the provisions of section 11 (e) of said Act, before approving any plan thereunder, to find, after notice and opportunity for hearing, that such plan, as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11, and is fair and equitable to the persons affected by such plan;

It therefore appearing appropriate to the Commission that notice be given and a hearing be held for the purpose of determining what action should be ordered under sections 11 (b) (1) and 11 (b) (2), and with respect to the proposed plan filed under section 11 (e), and that said proceedings should be consolidated and heard together, subject to the provisions hereinafter contained in this order;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on January 26, 1942 at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. at such time the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both), regarding a plan filed pursuant to section 11 (e) of said Act, shall become effective or shall be granted,

and why an order should not be entered pursuant to section 11 (b) (1) and section 11 (b) (2) of said Act requiring Great Lakes to limit the operations of its holding company system to a single integrated public utility system and to such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such integrated public utility system, and why an order should not be entered requiring the simplification of the corporate structure of the Great Lakes holding company system and an equitable distribution of voting power among the security holders of such system. Notice is hereby given of said hearing to the above-named declarants and applicants, to all security holders of Great Lakes and to any other interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by a general release of this Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication in the FEDERAL REGISTER; and

It is further ordered, That Great Lakes give notice to each holder of Voting Trust Certificates and to each holder of First Lien and Collateral Trust Bonds of Great Lakes (in so far as the identity of such security holders is known or available to Great Lakes) by mailing to each of said persons a copy of this notice at their last-known place of address at least twenty days prior to the date of this hearing.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions.

1. Whether the proposed plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 is necessary and appropriate to effectuate the provisions of section 11 of said Act.

2. Whether such proposed plan is fair and equitable to the persons affected thereby, including consideration of the proposed allocation of assets of Great Lakes between the holders of First Lien and Collateral Trust Bonds and holders of Voting Trust Certificates.

3. Whether consent to such plan by part or all of the security holders of Great Lakes should be required.

4. Whether transactions incidental to consummation of the proposed plan filed under section 11 (e) of the Public Utility Holding Company Act comply with the requirements of all other applicable provisions of said Act, particularly sections 7, 10 and 12 thereof.

5. Whether revaluations of assets or other inflationary items are reflected in the books of account of the subsidiaries of Great Lakes and whether the books of account and financial statements of Great Lakes and its subsidiaries accurately reflect the facts with regard to these companies and are in accord with sound accounting and financial practice.

6. Whether the allegations of sections II and III hereof are true and accurate.

7. What order, if any, should be entered pursuant to section 11 (b) (1) of the Act, requiring Great Lakes to limit its operations to a single integrated public utility system, and systems or businesses additional thereto control of of which may be retained under section 11 (b) (1) of the Act.

8. Whether Great Lakes should be required by order of the Commission promulgated pursuant to section 11 (b) (1) of the Act to divest itself of any interest in any or all of its subsidiaries or the properties thereof.

9. What order, if any, should be entered pursuant to section 11 (b) (2) of the Act, requiring Great Lakes to take such steps as the Commission shall find necessary to ensure that the corporate structure or continued existence of any company in the holding-company system does not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute the voting power among the security holders of such holding company system.

It is further ordered, That jurisdiction be and it is hereby reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, the proceedings instituted by this order under sections 11 (b) (1) and 11 (b) (2) and concerning the application for approval of said plan filed under section 11 (e).

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-76; Filed, January 3, 1942; 11:38 a. m.]

[File No. 70-448]

IN THE MATTER OF THE HAMPTON WATER-WORKS COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of December, A. D. 1941.

The Hampton Water-Works Company, a subsidiary of Northeastern Water and Electric Corporation, a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof, regarding a modification of such company's First Mortgage Bonds, Series A, 4¼%, due January 1, 1964, and amendment of the Indenture securing said Bonds so that the interest accruing on said Bonds from and after January 1, 1942, shall be at the rate of 3¼% per annum instead of 4¼% per annum as at present, and the premium on the principal amount of the Bonds payable on redemption thereof (otherwise than a redemption arising through the acquisition of all or substantially all of the property of the company by a municipal corporation or other governmental subdivision or any governmental body; the terms and conditions with respect thereto remaining as stated in the Indenture) shall be increased, as indicated, in the following table:

If redemption date occur within period:	*Present percent*	*Proposed percent*
Jan. 2, 1942–Jan. 1, 1944	5	7
Jan. 2, 1944–Jan. 1, 1949	4	6
Jan 2, 1949–Jan. 1, 1954	3	5
Jan. 2, 1954–Jan. 1, 1959	2	3
Jan. 2, 1959–Jan. 1, 1962	1	2
Jan. 2, 1962–Jan. 1, 1963	½	½
Jan. 2, 1963–Dec. 31, 1963	¼	¼

Said application having been filed on November 28, 1941, and certain amendments having been filed thereto, the last of such amendments having been filed on December 16, 1941, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the said application under section 6 (b) of the said Act that the requirements of section 6 (b) have been satisfied;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be granted forthwith.

By the Commission (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-77; Filed, January 3, 1942; 11:39 a. m.]

[File Nos. 59-17; 59-11; and 54-25]

IN THE MATTERS OF THE UNITED LIGHT AND POWER COMPANY, THE UNITED LIGHT AND RAILWAYS COMPANY, AMERICAN LIGHT & TRACTION COMPANY, CONTINENTAL GAS & ELECTRIC CORPORATION, UNITED AMERICAN COMPANY, AND IOWA-NEBRASKA LIGHT AND POWER COMPANY, RESPONDENTS; THE UNITED LIGHT AND POWER COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS; AND THE UNITED LIGHT AND POWER COMPANY, APPLICANT

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE; APPLICATION NO. 5

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of December 1941.

The United Light and Power Company, The United Light and Railways Company and Continental Gas & Electric Corporation, registered holding companies, and Muscatine, Davenport and Clinton Bus Company, Iowa-Illinois Gas and Electric Company, United Power Manufacturing Company, Cedar Rapids Gas Company, Fort Dodge Gas and Electric Company, Iowa City Light and Power Company, Ottumwa Gas Company, Moline-Rock Island Manufacturing Company, Peoples Light Company, Peoples Power Company, Tri-City Railway Company (Illinois) and Tri-City Railway Company (Iowa), all subsidiaries of registered holding companies in The United Light and Power Company holding-company system, having jointly and severally filed applications and declarations, designated as Application No. 5, with the Commission pursuant to the provisions of sections 6, 7, 9, 10, 11 and 12 of the Public Utility Holding Company Act of 1935 and the applicable rules thereunder and Instruction 8C of the Uniform System of Accounts for Public Utility Holding Companies prescribed by the Commission regarding a series of transactions designed to enable The United Light and Power Company to proceed with its liquidation and dissolution as required by the order of the Commission entered March 20, 1941 (Holding Company Act Release No. 2636) and which involve the consolidation of nine of the ten directly owned subsidiaries of The United Light and Power Company with two additional affiliated companies to constitute a single operating public utility company and also a number of collateral transactions, all as are more particularly hereinafter described in paragraphs 1 to 9, inclusive.

Said Application No. 5 having been filed on November 24, 1941 and a public hearing having been held after appropriate notice, and the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein; and

The applicants having consented to the reservation of jurisdiction hereinafter provided for; and The United Light and Power Company having consented to the entry of an order requiring it to dispose of all of its interests in Mason City and Clear Lake Railroad Company within one year from the date of this order; and The United Light and Railways Company having consented to the entry of an order requiring it to dispose of all of its interests in Muscatine, Davenport and Clinton Bus Company within one year from the date of this order; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said applications and to permit said declarations to become effective pursuant to the applicable sections of the Act and the Rules thereunder; and

The Commission finding with respect to said applications and declarations under sections 9 and 10 of said Act that no adverse findings are necessary under section 10 (b) and section 10 (c) (1) of said Act; and

The Commission finding that the transactions and exchanges of securities hereinafter described are necessary to effectuate the provisions of section 11 of the Public Utility Holding Company Act of 1935, 49 Stat. 820, and to comply with the applicable provisions of our Order of March 20, 1941 (Holding Company Act Release No. 2636), and are fair and equitable to the persons affected thereby;

It is hereby ordered, pursuant to the applicable provisions of said Act and the applicable Rules thereunder, subject to the terms and conditions prescribed in Rule U-24, that the applications and declarations thereof by, The United Light and Railways Company for $13,375,000 in cash.

2. The acquisition by Iowa-Illinois Gas and Electric Company from, and the transfer by, The United Light and Railways Company of all the securities and indebtedness of United Power Manufacturing Company owned by The United Light and Railways Company at December 31, 1941, and the issuance therefor by Iowa-Illinois Gas and Electric Company of 53,250 shares of its common stock to, and the acquisition thereof by, The United Light and Railways Company.

3. The acquisition by Iowa-Illinois Gas and Electric Company from, and the transfer by, The United Light and Power Company of all the securities and indebtedness of Cedar Rapids Gas Company, Fort Dodge Gas and Electric Company, Iowa City Light and Power Company, Ottumwa Gas Company, Moline-Rock Island Manufacturing Company, Peoples Light Company, Peoples Power Company, Tri City Railway Company (Illinois) and Tri City Railway Company (Iowa), owned by The United Light and Power Company at December 31, 1941, for $13,375,000 in cash and the assumption of the First Lien and Consolidated Mortgage Bonds, as set forth in paragraph 4 below.

4. The execution by Iowa-Illinois Gas and Electric Company of a Supplemental Indenture, dated December 31, 1941, supplemental to the First Lien and Consolidated Mortgage of The United Light and Power Company, to evidence, among other things, the assumption by Iowa-Illinois Gas and Electric Company of such mortgage and the due and punctual payment of the principal of and interest on, $10,578,000 principal amount of 6% Bonds, due 1952 (non-callable until 1947) and $6,678,600 principal amount of 5½% Bonds, due 1959, all issued under such mortgage and outstanding in the hands of the public: *Provided, however*, That at December 31, 1941, The United Light and Power Company shall have deposited irrevocably in trust with the Corporate Trustee of such mortgage, (a) an amount of cash sufficient to effect the redemption on February 10, 1942, of $1,256,000 principal amount of such 5½% Bonds, and (b) an amount of cash sufficient to pay all interest accrued to January 1, 1942, on $10,578,000 principal amount of the 6% Bonds and $5,422,000 principal amount of 5½% Bonds; such Supplemental Indenture to specifically subject to the direct lien of the mortgage the physical properties (with certain minor exceptions) to be acquired by Iowa-Illinois Gas and Electric Company as described in paragraph 5 below.

5. The acquisition by Iowa-Illinois Gas and Electric Company on December 31, 1941, of the business, property and assets of United Power Manufacturing Company, Cedar Rapids Gas Company, Fort Dodge Gas and Electric Company, Iowa City Light and Power Company, Ottumwa Gas Company, Moline-Rock Island Manufacturing Company, Peoples Light Company, Peoples Power Company, Tri City Railway Company (Illinois) and Tri-City Railway Company (Iowa), and the assumption of all their liabilities and contractual obligations at December 31, 1941, by Iowa-Illinois Gas and Electric Company; and the transfer on December 31, 1941, by such companies, in complete liquidation, of all their business, property and assets to Iowa-Illinois Gas and Electric Company; and the surrender of all securities and the cancellation of all indebtedness of the such companies and their subsequent dissolution.

6. The transfer by The United Light and Power Company as a contribution to the paid-in surplus of The United Light and Railways Company, and the acquisition by The United Light and Railways Company, of the following described securities:

	Number of shares or principal amount
The United Light and Railways Company:	
Prior preferred stock, cumulative, $100 par value:	
7% first series	[1] 876
6.36% series of 1925	[1] 794
6% series of 1928	[1] 1,318
Total	[1] 2,988
Debentures, 5½% series of 1927, due August 1, 1952	$479,000
Continental Gas & Electric Corporation:	
7% prior preference stock, $100 par value	[1] 1,848
Debentures, 5% series A, due February 1, 1958	$607,500
The United Light and Power Service Company:	
Common Stock, $50 par value	[1] 4,972
Iowa-Illinois Gas and Electric Company:	
Common Stock, $100 par value	[1] 50
Miscellaneous Investments:	
Common Stocks:	
Cedar Rapids Amusement Association	[1] 20
Iowa State Bank and Trust Company	[1] 40
La Porte Hotel Company	[1] 10
Mason City Hotel Company	[1] 100
The Mission Oil Company	[1] 1,067
Trojan Oil and Gas Company	[1] 117
Membership certificate, Press Club of Chicago.	

[1] Shares.

7. The acquisition by Continental Gas & Electric Corporation of $607,500 principal amount of its 5% Debentures, due 1958, for $573,069 in cash from, and the transfer thereof by, The United Light and Railways Company.

8. The issuance by Muscatine, Davenport and Clinton Bus Company of 207 shares of its common stock to, and the acquisition thereof by, The United Light and Railways Company for $20,700; the acquisition by The United Light and Railways Company from the incorporators of Muscatine, Davenport and Clinton Bus Company of 3 shares of the common stock of that company for $300 in cash; the transfer by Tri City Railway Company (Iowa) of the equipment and assets used in the operation of its interurban bus line to, and the acquisition thereof by, Muscatine, Davenport and Clinton Bus Company, for $18,150 in cash and the assumption by the latter company of the liabilities of Tri City Railway Company (Iowa) at December 31, 1941 pertaining to the operation of such interurban bus line: *Provided, however*, That The United Light and Railways Company shall dispose of the common stock of Muscatine, Davenport and Clinton Bus Company within one year from the date of this order.

9. The purchase by The United Light and Power Company of all or any part of the following described series of debentures:

Six Per Cent Debenture Bonds, Series A, due January 1, 1973, issued by The United Light and Railways Company (Maine) and assumed February 20, 1924 by The United Light and Power Company;

Debentures, Series of 1924, 6½%, due May 1, 1974, issued by The United Light and Power Company; and

Debentures, 6% Series of 1925, due November 1, 1975, issued by The United Light and Power Company;

in the open market, by private sale or pursuant to a call for tenders, at the principal amount thereof (exclusive of commissions) plus accrued interest.

It is further ordered, That The United Light and Power Company be and it is hereby directed to dispose of all of its interests in Mason City and Clear Lake Railroad Company within one year from the date of this order;

It is further ordered, That Iowa-Illinois Gas and Electric Company and Muscatine, Davenport and Clinton Bus Company be and are hereby made parties to these proceedings to the extent necessary to enable them to join in said Application No. 5 and for the purpose of obtaining authority to consummate the transactions in which they have an interest and that to the extent necessary for Iowa-Illinois Gas and Electric Company to carry out the transactions hereinabove authorized, Iowa-Illinois Gas and Electric Company is hereby exempted from the applicable sections of the Act and Rules thereunder in so far as such company may temporarily be a holding company.

It is further ordered, That jurisdiction be and is hereby reserved to enter such further orders as may be necessary or appropriate with respect to any of the issues which are undetermined in these proceedings respecting Application No. 5, and particularly for the purpose of considering what action should be taken by Iowa-Illinois Gas and Electric Company to bring about compliance with the requirements of section 11 (b) (1); and for the further purpose of passing on such accounting entries on the books of The United Light and Power Company and The United Light and Railways Company and Iowa-Illinois Gas and Electric Company as may require the approval of the Commission pursuant to Instruction 9C of the Uniform System of Accounts for Public Utility Holding Companies.

The stocks and securities and other properties which are herein ordered to be transferred and received upon the exchanges and transfers hereinabove set forth are specified and itemized in Applicants' Exhibit 5–11, made a part hereof by reference.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–78; Filed, January 3, 1942; 11:39 a. m.]

[File No. 70–456]

IN THE MATTER OF GAS SERVICE COMPANY AND CITIES SERVICE COMPANY

ORDER PERMITTING WITHDRAWAL

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 31st day of December, A. D. 1941

Gas Service Company and Cities Service Company having filed a declaration and application regarding the issuance by Gas Service Company of a Common Stock dividend in the form of no par Common Stock in the stated amount of $750,000 to be delivered to Cities Service Company; and

The declarants and applicants having requested that the Commission permit the declaration and application to be withdrawn;

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–79; Filed, January 3, 1942; 11:39 a. m.]

[File No. 31–497]

IN THE MATTER OF THE NATIONAL CITY BANK OF NEW YORK

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION UNDER PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 PURSUANT TO REQUEST OF APPLICANT

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2d day of January, A. D. 1942.

Upon the request of the applicant, The National City Bank of New York, the Commission consents to the withdrawal of the application for exemption filed pursuant to Section 3 (a) (3) and (4) of the Public Utility Holding Company Act of 1935 by said applicant, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–80; Filed, January 3, 1942; 11:39 a. m.]

[File No. 70–474]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY, HOOSIER PUBLIC UTILITY COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of January, A. D. 1942.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than January 17, 1942 at 1:15 p. m., E. S. T. request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Consolidated Electric and Gas Company, a registered holding company, proposes to sell to Public Service Company of Indiana, Inc. all of the issued and outstanding securities of Hoosier Public Utility Company consisting of 17,270 shares of Common Stock, no par value; a 6% 10-year note dated July 1, 1935 and due July 1, 1945 in the principal amount of $318,750; and $150,000 principal amount of First Mortgage 5% Sinking Fund Bonds due December 1, 1954 for a consideration of $1,100,000 plus accrued interest on the Bonds and Note aforesaid and plus an amount equal to net earnings applicable to the Common Stock aforesaid for the period from January 1, 1941 to the date of closing after deducting dividends paid during the said period. The proceeds will be used by Consolidated Electric and Gas Company to acquire and retire Central Gas and Electric Company Collateral Trust Bonds, 5½% and 6% Series, due 1946 (assumed by Consolidated Electric and Gas Company).

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–116; Filed, January 5, 1942; 11:43 a. m.]

[File No. 70–355]

IN THE MATTER OF NORTHERN INDIANA PUBLIC SERVICE COMPANY; GARY ELECTRIC AND GAS COMPANY; GARY HEAT, LIGHT & WATER COMPANY; AND CLARENCE A. SOUTHERLAND, AND JAY SAMUEL HARTT, TRUSTEES OF THE ESTATE OF MIDLAND UTILITIES COMPANY

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2d day of January, A. D. 1942.

Northern Indiana Service Company (hereinafter referred to as "Northern"), Gary Electric and Gas Company (hereinafter referred to as "Gary Electric"), Gary Heat, Light & Water Company (hereinafter referred to as "Gary Heat") and Clarence A. Southerland and Jay Samuel Hartt, Trustees of the Estate of Midland Utilities Company (hereinafter referred to as "Utilities") having filed declarations and applications pursuant to sections 6 (b), 7, 10 and 12 of the Public Utility Holding Company Act of 1935 with respect to the sale by Gary Electric of the common stock of Gary Heat to Northern; and

Gary Electric having filed declarations: (1) Pursuant to section 12 (c) of the Act and Rule U-42 adopted thereunder with respect to the acquisition of its common stock as a step in its liquidation; (2) Pursuant to sections 12 (c), 12 (d) and 12 (f) of the Act and Rules U-43, U-44 and U-46 with respect to the distribution in liquidation of the common stock of Northern, received in part payment for the Gary Heat common stock, to Gary Electric stockholders, including Utilities; and (3) Pursuant to sections 6 (a) (2) and 7 of the Act with respect to reducing its capital from $5,000,000 to $2,000,000; and

Utilities having filed an application pursuant to sections 9 (a) and 10 of the Act with respect to the acquisition by it of common stock of Northern as a liquidating dividend on the dissolution of Gary Electric; and

The Commission by its order of November 25, 1941 having granted and permitted to become effective the various applications and declarations pursuant to sections 6 (b), 7, 10 and 12 of the Act with respect to the sale by Gary Electric to Northern of the stock of Gary Heat; and

The Commission in its said order of November 25, 1941, having reserved jurisdiction as to Gary Electric's declarations pursuant to sections 12 (c), 12 (d) and 12 (f) of the Act and Rules U-42, U-43, U-44 and U-46 and having reserved jurisdiction as to Utilities' application pursuant to sections 9 (a) and 10 of the Act because no definitive plan for the dissolution and liquidation of Gary Electric had been filed; and

The parties having since filed a definitive plan for the dissolution and liquidation of Gary Electric; and

The Commission having considered the record in this matter and having found that the said declarations of Gary Electric should be treated as a plan filed under sections 11 (e) and 11 (g) of the Act, and having made and filed a supplemental Findings and Opinion herein;

It is ordered, That jurisdiction is hereby released as to the said declarations of Gary Electric and the said application of Utilities; that the said declarations of Gary Electric be, and they hereby are, declared effective forthwith; that the said application of Utilities be, and it hereby is, granted; and that the plan of dissolution of Gary Electric is approved, all subject to the conditions contained in our Order herein of November 25, 1941, and subject to the further condition that Gary Electric, in lieu of a report by the Commission pursuant to section 11 (g), shall accompany its invitation for tenders of its publicly held common stock with a copy of our Findings and Opinion attached to our Order of November 25, 1941, and a copy of this supplemental Findings and Opinion.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–117; Filed, January 5, 1942; 11:43 a. m.]

[File No. 70–418]

IN THE MATTER OF KENTUCKY UTILITIES COMPANY; KENTUCKY POWER & LIGHT COMPANY; THE MIDDLE WEST CORPORATION; AND UNITED PUBLIC SERVICE CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of January, A. D. 1942.

The Commission having heretofore on December 30, 1941, issued its Findings, Opinion and Order in the above matter approving, among other things, the sale by United Public Service Corporation of the securities of Kentucky Power & Light Company for cash in the amount of $1,200,000; and

United Public Service Corporation having filed an amendment requesting an order of the Commission which will (a) permit payment by United Public Service Corporation to its stockholders, according to their respective rights, of a liquidating dividend in the aggregate amount of $1,200,000 and (b) permit the reduction of the par value of its outstanding stock from $1 to 25¢ per share and the reduction of the capital stock and also the capital of the corporation to $76,498.50; and

The Commission, in its order of December 30, 1941, having provided that United Public Service Corporation should make no distribution to its stockholders except upon further order of the Commission;

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said proposed distribution to stockholders and reduction of capital, and that said proposed distribution to stockholders and reduction of capital shall not be effected except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth:

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the Rules of the Commission thereunder be held on January 16, 1942, at 10 o'clock A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why the declarations as filed shall become effective;

It is further ordered, That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose, shall preside in the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That without limiting the scope of issues presented by said applications and declarations as filed or as amended, particular attention will be directed at said hearing to the following matters and questions:

1. Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers or to prevent the circumvention of the provisions of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders thereunder, to impose any conditions regarding the participation of any stockholders, including The Middle West Corporation in the liquidation of United Public Service Corporation.

2. The facts and circumstances concerning the ownership of the common stock of United Public Service Corporation by The Middle West Corporation.

3. The facts and circumstances concerning the joint operation of Kentucky Utilities Company and Kentucky Power & Light Company, including all facts in respect of the sale of power by Kentucky Utilities Company to Kentucky Power & Light Company.

4. Whether the accounting entries to be made in connection with any or all of such proposed transactions comply with the requirements of the Public Utility Holding Company Act of 1935 and all rules and regulations promulgated thereunder.

5. Whether the terms and conditions of any or all of the proposed transactions are detrimental to the public in-

terest or the interest of investors or consumers.

6. Whether terms and conditions are necessary to be imposed to insure compliance with the requirements of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders promulgated thereunder.

7. Whether all actions proposed to be taken comply with the requirements of such Act and rules, regulations or orders promulgated thereunder.

Notice of such hearing is hereby given to such declarants or applicants and The Middle West Corporation and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors and consumers, and it is particularly given to the stockholders of United Public Service Corporation.

It is further ordered, That such notice shall be given further by general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935. Further notice shall be given to all persons by publication in the FEDERAL REGISTER, not later than ten days prior to the date hereinbefore fixed for the hearing, of a copy of this Notice of and Order for Hearing.

It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect to the Commission on or before the twelfth day of January, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-118; Filed, January 5, 1942; 11:56 a. m.]

JAN 5 -1942

JAN 5 -1942

FEDERAL REGISTER

VOLUME 7 NUMBER 4

Washington, Wednesday, January 7, 1942

The President

EXECUTIVE ORDER

PRESCRIBING REGULATIONS GOVERNING THE MANNER OF EXPENDING AND ACCOUNTING FOR FUNDS APPROPRIATED FOR THE ARMY OF THE PHILIPPINES

By virtue of and pursuant to the authority vested in me by the act of December 17, 1941, Public Law 353, 77th Congress, I hereby prescribe the following regulations governing the manner of expending and accounting for funds appropriated for the Army of the Philippines:

DISBURSEMENTS MADE BY DISBURSING OFFICERS OF THE ARMY OF THE UNITED STATES

1. (a) Necessary expenditures, except as provided for in Paragraph 1 (b), for the purposes authorized by the act of December 17, 1941, may be made by disbursing officers of the Army of the United States notwithstanding any restrictive provision of law, but will be accounted for in accordance with present procedures governing the accounting for Government funds.

(b) Advances or reimbursements made to the Government of the Commonwealth of the Philippines by disbursing officers of the Army of the United States, as authorized by the Commanding General, United States Army Forces in the Far East, for necessary expenses authorized by the act of December 17, 1941, will be accounted for on vouchers evidencing the amounts advanced to or paid as reimbursement to the Government of the Commonwealth of the Philippines, but such vouchers need not be supported by vouchers paid by disbursing officers of the Army of the Philippines.

DISBURSEMENTS MADE BY DISBURSING OFFICERS OF THE ARMY OF THE PHILIPPINES

2. (a) Necessary expenditures from funds in the Philippine Treasury for the purposes authorized by the act of December 17, 1941, will be made by disbursing officers of the Army of the Philippines on the approval or authority of the Commanding General, United States Army Forces in the Far East, and for such purposes as he may deem proper, and his determination thereon shall be final and conclusive upon the accounting officers of the Philippine Government, and such expenditures will be accounted for in accordance with procedures established by Philippine Commonwealth laws and regulations.

(b) Accounts of disbursing officers of the Army of the Philippines after audit by the Auditor, Army of the Philippines and administrative examination by the Agency designated by the Commanding General, United States Army Forces in the Far East, to determine reimbursement due the Government of the Commonwealth of the Philippines, will be submitted to the Auditor General of the Philippine Commonwealth Government for preservation and safe keeping in accordance with provisions of Philippine law.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 3, 1942.

[No. 9011]

[F. R. Doc. 42-129; Filed, January 5, 1942; 3:13 p. m.]

[POSSESSION RELINQUISHED OF PLANT OF FEDERAL SHIPBUILDING & DRY DOCK COMPANY]

EXECUTIVE ORDER

WHEREAS by Executive Order No. 8868,[1] dated the 23rd day of August, 1941, the Secretary of the Navy was directed by the President to take possession of and operate the plant of The Federal Shipbuilding & Dry Dock Company, to produce the vessels, facilities, material and equipment called for by the company's contracts with the United States or otherwise and do all things necessary or incidental to that end; and

WHEREAS on the 25th day of August, 1941, the Secretary of the Navy, acting pursuant to said direction, took possession of and is now in possession of the said plant of The Federal Shipbuilding & Dry Dock Company; and

[1] 6 F.R. 4349.

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FEDERAL REGISTER

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WHEREAS said Executive order provides that possession and operation thereunder shall be terminated by the President as soon as he determines that the plant will be privately operated in a manner consistent with the needs of national defense; and

WHEREAS it now appears, and I so determine, that the plant will be privately operated in a manner consistent with the needs of national defense:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, as President of the United States and as Commander-in-Chief of the Army and Navy of the United States, hereby direct the Secretary of the Navy immediately to relinquish possession of the said plant of The Federal Shipbuilding & Dry Dock Company, and to issue the necessary orders for carrying out the aforesaid direction.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 5, 1942.

[No. 9012]

[F. R. Doc. 42-132; Filed, January 6, 1942; 10:14 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

PART 1121—COTTON STAMP PLAN

COMPLIANCE

Section 1121.200 *Eligibility to accept cotton stamps*[1] (section 200, Article II of the "Cotton Stamp Plan Regulations", made and prescribed by the Secretary of Agriculture on May 3, 1941, effective May 3, 1941, as amended) is hereby amended to read as follows:

§ 1121.200 *Privilege of accepting cotton stamps.* The privilege of accepting cotton stamps may be granted to a retail dry goods store upon compliance with such conditions as to eligibility to participate as, in the judgment of the Administration, will effectuate the purposes of the Cotton Stamp program. The Administration may, at any time, place such restrictions upon participation, or upon the duration of the participation of any retail dry goods store, as it deems proper.

Section 1121.301 *Collection agents*[1] (section 301, Article III of the "Cotton Stamp Plan Regulations", made and prescribed by the Secretary of Agriculture on May 3, 1941, effective May 3, 1941, as amended) is hereby amended to read as follows:

§ 1121.301 *Collection agents.* Wholesalers and banks may act as collection agents for retail dry goods stores, only when expressly authorized by the Administration. The privilege of acting as collection agents may, at any time, be conditioned upon compliance with such requirements and restricted as to such duration, as, in the judgment of the Administration, will effectuate the purposes of the Cotton Stamp program.

Done at Washington, D. C., this 3rd day of January 1942. Witness my hand and the seal of the Department of Agriculture.

Effective date: January 3, 1942.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-146; Filed, January 6, 1942; 11:31 a. m.]

[1] 6 F.R. 2323.

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER III—CLAIMS AND ACCOUNTS

PART 36—CLAIMS AGAINST THE UNITED STATES[1]

§ 36.32 *Expenses for the apprehension and delivery of enlisted men absent without leave.* When the civil authorities are requested to hold an enlisted man under the provisions of AR 615-290,[2] they will in every case be informed that reward is not payable, but that payment of expenses in an amount not to exceed $25 is authorized, actual payment being subject in each case to approval by the Secretary of War of the claim submitted. They will be instructed to submit a statement of expenses, in connection with the detention, for delivery by the guard to the commanding officer of the station to which the enlisted man is taken. (47 Stat. 1575; 10 U.S.C. 1431) [Par. 3, AR 35-2620, Sept. 16, 1941, as amended by Cir. 272, W.D., Dec. 30, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-131; Filed, January 6, 1942; 9:25 a. m.]

PART 77—MEDICAL AND DENTAL ATTENDANCE[1]

§ 77.21 *Laundry*—(a) *General.*

* * * * * *

(6) Linens used in guest rooms of the American Red Cross social service and recreation building when under the administrative control of the commanding officer of the hospital. (R.S. 161; 5 U.S.C. 22) [Par. 15a (6), AR 40-590 as added by Cir. 261, W.D., Dec. 17, 1941]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-130; Filed, January 6, 1942; 9:25 a. m.]

[1] § 36.32 is superseded.

[2] Administrative regulations of the War Department relative to absence without leave.

[1] § 77.21 (a) (6) is added.

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 79, UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

JANUARY 5, 1942.

§ 131.79 *General License No. 79.* A general license is hereby granted authorizing banking institutions within the United States to make payments from blocked accounts of the Philippine Islands, or any national thereof, of checks and drafts drawn or issued prior to January 1, 1942 and to accept and pay and debit to such accounts drafts drawn prior to January 1, 1942, under letters of credit: *Provided,* That each banking institution making any payment or debit authorized by this general license shall file promptly with the appropriate Federal Reserve Bank weekly reports showing the details of such transactions. This license shall expire at the close of business on February 1, 1942. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 42-142; Filed, January 6, 1942; 11:54 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 80 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

JANUARY 5, 1942.

§ 131.80 *General License No. 80.* (a) A general license is hereby granted licensing as a generally licensed national any individual who is a citizen of the Commonwealth of the Philippine Islands and residing only in the United States or in the generally licensed trade area, as defined in General License No. 53.

(b) Reports on Form TFR-300 are not required to be filed with respect to the property interests of any individuals licensed herein as generally licensed nationals. (Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 42-143; Filed, January 6, 1942; 11:54 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 81 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

JANUARY 5, 1942.

§ 131.81 *General License No. 81.* A general license is hereby granted licensing as generally licensed nationals:

(a) The New York office of the Philippine National Bank; and

(b) The offices within the United States and the generally licensed trade area, as defined in General License No. 53, of the Hong Kong and Shanghai Banking Corporation. (Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941; E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 42-144; Filed, January 6, 1942; 11:55 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 82 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

JANUARY 5, 1942.

§ 131.82 *General License No. 82.* The Government of the Commonwealth of the Philippine Islands, the United States High Commissioner to the Philippine Islands, and all officers of the United States Government within the Philippine Islands, are hereby licensed as generally licensed nationals; and all persons to the extent that they are acting for and on behalf of the foregoing are hereby licensed as generally licensed nationals. The term "generally licensed national" as applied to the Government of the Commonwealth of the Philippine Islands shall mean that such government may be regarded as though the Philippine Islands were not a blocked country. (Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 42-145; Filed, January 6, 1942; 11:54 a. m.]

PARTS 130 AND 131—APPENDIX

PUBLIC CIRCULAR NO. 11 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JANUARY 5, 1942.

(1) Attention is directed to the fact that pursuant to Executive Order No. 8998, the provisions of Executive Order No. 8389, as amended, have been automatically extended to the Philippine Islands to the same extent as the provisions of the Order apply to any other blocked country.

(2) For the purpose of administering the Order and complying with the provisions thereof, the Philippine Islands shall be deemed to be a foreign country separately designated in the Order and specifically named in section 3 thereof. The effective date of the Order as applied to the Philippine Islands shall be deemed to be January 1, 1942. The definition of the term "national" as applied to the Philippine Islands shall be that specified in paragraph E of section 5 of the Order.

(3) Reports on Form TFR-300 shall be filed with respect to all property subject to the jurisdiction of the United States in which the Philippine Islands or any national thereof has any interest. Details concerning this requirement and information regarding the dates as of which reports are to be filed will be the subject of a future Public Circular.

(4) General License No. 13 is hereby amended by the deletion of the word "Manila" from subdivision (1) of paragraph (a) thereof.

(5) General Licenses Nos. 63 and 65 are hereby revoked.

(6) Subdivision (2) of paragraph (f) of General License No. 75 is hereby amended to read as follows:

"(2) the term 'designated agent of the Central Bank of China' shall mean the Bank of China."

(7) Attention is directed to the fact that as used in the Order, and Regulations, licenses and other documents issued thereunder, the term "United States" does not include the Philippine Islands and does not include any other territory controlled or occupied by the military, naval, or police forces or other authority of any blocked country.

(8) All general licenses, specific licenses, and authorizations of whatsoever character issued pursuant to the Order

[1] This public circular affects Parts 130 and 131 and will be included in appendices to those parts.

Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress, E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

on or before January 1, 1942 by the United States High Commissioner to the Philippine Islands are hereby revoked.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 42-147; Filed, January 6, 1942; 11:55 a. m.]

CHAPTER II—FISCAL SERVICE

SUBCHAPTER B—BUREAU OF THE PUBLIC DEBT

[1942 First Amendment to Dept. Circ. No. 675]

PART 310—EXCHANGES OF INTERIM CERTIFICATES OF 2½% TREASURY BONDS OF 1967–72 FOR DEFINITIVE COUPON BONDS

To Holders of full-paid interim certificates of 2½ percent Treasury Bonds of 1967–72, banks and trust companies incorporated in the United States under Federal or State law, and any others concerned

JANUARY 2, 1942.

Section 310.3 of Department Circular No. 675,[1] dated December 15, 1941, is hereby amended to read as follows:

§ 310.3 *Special arrangements for banks and trust companies.* It is expected that incorporated banks and trust companies within the United States, generally will offer their services to their customers in effecting exchanges of interim certificates for definitive bonds without expense to the holders, and, accordingly, any holders of interim certificates who avail themselves of any such offer should, of course, present and surrender their interim certificates through such institutions. Any such bank or trust company may arrange with the Federal Reserve Bank of its district for the transportation of interim certificates to the Federal Reserve Bank by registered mail at the expense and risk of the United States. Full information concerning such arrangements will be furnished by Federal Reserve Banks to incorporated banks and trust companies upon application. The interim certificates forwarded by incorporated banks and trust companies to the Federal Reserve Banks for exchange pursuant to such arrangements must be clearly stamped on the face, in indelible ink, with a legend reading as follows: "Presented for exchange for definitive coupon bonds by_____ (Name of bank or trust company)", or in lieu of such stamp, the legend may be typed or written in which case it must be signed by an officer of the remitting bank or trust company. All such interim certificates so stamped or endorsed shall thenceforth be deemed nonnegotiable and will be accepted by the Federal Reserve Bank only when presented for exchange by or for account of the bank or trust company named thereon. Such arrangements may not be made with the Treasury Department, nor may they be made by individuals or institutions except as herein provided. Deliveries of definitive bonds issued upon such exchanges will be made to the incorporated bank or trust company presenting the interim certificates for exchange, and will be made at the expense and risk of the United States. Incorporated banks and trust companies, in effecting exchanges pursuant to this paragraph, act as agents of the holders of the interim certificates and not as agents of the United States, and the United States will not be responsible for the receipt or custody of the interim certificates or for the custody or delivery of the definitive bonds by the banks or trust companies. The provisions of this section may be extended to private banks doing a recognized banking business and approved by the Federal Reserve Bank of the district in which located. (40 Stat. 288, 46 Stat. 375, 52 Stat. 447)

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 42-148; Filed, January 6, 1942; 11:55 a. m.]

[1] 6 F.R. 6680.

TITLE 32—NATIONAL DEFENSE

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER C—BOARD OF ECONOMIC WARFARE

PART 850—GENERAL PROVISIONS

§ 850.2 *Delegation of authority regarding requisitioning and disposal of property.* By virtue of the authority vested in me, as Executive Director of the Board of Economic Warfare, by Executive Order 8942, dated November 19, 1941, authority is hereby delegated to the Assistant Director in Charge of Operations, or, in his absence, the officer designated by said Assistant Director to act for him:

(a) To make the determinations prescribed by sub-paragraphs 4 a, b, and c, of the aforesaid Executive Order, and to execute and submit to the Office of Production Management proposals for the requisitioning and disposal of property, pursuant to paragraph 4 of said Executive Order; and

(b) To exercise and perform all other powers and functions vested in me by said Executive Order, and to delegate, and provide for the redelegation of, such of said powers and functions as may from time to time be required. (E.O. 8942, 6 F.R. 5909)

MILO PERKINS,
Executive Director.

JANUARY 3, 1942.

[F. R. Doc. 42-128; Filed, January 5, 1942; 12:18 p. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 997—PRODUCTION AND DELIVERY OF MACHINE TOOLS, GAGES AND CHUCKS

General Preference Order No. E–1–a

Whereas, on July 7, 1941, the Director of Priorities issued Supplementary Order No. 1 to General Preference Order No. E–1[1] to direct the distribution of Machine Tools, and

Whereas, Supplementary Order No. 1 contained a Master Preference Numerical List (Exhibit A thereto) for the use of manufacturers of such Machine Tools, in scheduling their deliveries of critical Machine Tools required for the Defense Contracts specified on such List, and

Whereas, the state of War now existing makes revision of such Master Preference Numerical List necessary, in order to insure the delivery of Machine Tools to the most important needs,

Now, therefore, it is hereby ordered that:

§ 997.1 *General Preference Order E–1–a*—(a) *Definitions.* (1) "Machine Tools", "Gages" and "Chucks" include the following grouped as indicated for the purposes of this Order:

Group I

Chucks.
Engine lathes.
External grinding machines.
Jig borers.
Planers.
Profiling machines.
Radial drills.
Sensitive drills.
Shapers.
Surface grinding machines.
Toolroom lathes.
Upright drills.
All other Machine tools not specifically mentioned in group II.

Group II

Gages.
Automatic lathes.
Chucking machines.
Gear machines.
Horizontal boring, milling and drilling machines.
Internal grinding machines.
Milling machines.
Multiple spindle screw machines.
Precision boring machines.
Reaming machines.
Rifle barrel chambering machines.
Rifle barrel drilling machines.
Rifle barrel reaming machines.
Rifle barrel rifling machines.
Rifling machines.
Thread grinding machines.
Thread milling machines.
Turret lathes.
Vertical boring mills.
Vertical turret lathes.
All machine tools individually engineered for special operations.
Also any other tools or equipment which may specifically be added hereto by the Director of Priorities.

(2) "Producer" means any individual, partnership, association, corporation or other form of enterprise engaged in producing any items listed in Group I or Group II above.

(b) *Revocation of previous order.* Supplementary Order No. 1 to General Preference Order E–1 is revoked as of January 10, 1942, and shall thereafter be of no further force or effect except as present schedules are continued by paragraph (c) (1) below.

(c) *Periods for continuance of present schedules.* (1) Present Schedules of production and delivery of those Machine Tools and Chucks specified in Group I above shall be maintained until 30 days after January 10, 1942. Present schedules of those Machine Tools and Gages specified in Group II above shall be maintained as they now stand until 60 days after January 10, 1942.

(2) Production and delivery schedules until February 28, 1942, under purchase orders bearing no preference rating, placed by the United Kingdom, Canada and other Dominions, shall be maintained as they now are unless other instructions relating thereto are received from Chief of the Tools Branch, Office of Production Management. Separate instructions governing the scheduling of such orders after February 28, 1942, will hereafter be issued.

(3) No provisions of this Order shall effect the terms of any Special Allocation Order No. 1, now or hereafter issued to any Producer, nor the production schedules relating thereto.

(d) *Production and delivery of machine tools, gages and chucks.* After the periods specified in paragraph (c) (1) above every Producer shall schedule his production and delivery of Machine Tools, Gages and Chucks according to the following instructions:

(1) *Operation of preference ratings.* (i) Preference Ratings, in order of precedence are: AA, A–1–a, A–1–b, etc. * * * A–1–j; A–2, A–3, etc., * * * A–10; BB, B–1, B–2, etc., * * * B–8, AA being the highest rating presently assigned.

(ii) Subject to paragraph (d) (3) hereof, every delivery under a rated contract or order shall be made in preference to deliveries under all other contracts or purchase orders, whenever, but only to the extent necessary to meet the required delivery date or dates specified in the preference rating certificate covering such delivery.

(iii) Subject to paragraph (d) (3) hereof, deliveries bearing no preference rating or lower preference ratings shall be deferred to the extent necessary, and only to that extent, to assure meeting required delivery date or dates specified in certificates bearing higher preference ratings, even though such deferment may cause defaults under other contracts or purchase orders.

(iv) After the effective date of this Order no delivery shall be given priority standing in production and delivery schedules except upon receipt by the Producer of the preference rating certificate covering such delivery.

(2) *Operations of Master Preference List. Revision No. 1.* (i) Deliveries bearing a preference rating of A–1–a under purchase orders for Machine Tools, Gages and Chucks placed by another producer thereof, or by producers of Cranes, Cutting Tools, or Micrometers, shall be preferred to, and take precedence over *all* other deliveries bearing an A–1–a preference rating, including deliveries to any purchaser appearing on the Master Preference Numerical List, Revision No. 1, hereinafter referred to.

(ii) The Master Preference Numerical List, Revision No. 1, (Exhibit A attached to this Order, hereinafter called the "List") shall, after the respective dates specified in paragraph (c) (1) above, control the sequence of deliveries of Machine Tools, Gages and Chucks as follows:

(a) As between conflicting deliveries bearing the *same* preference rating, deliveries to purchasers who are *on* the List shall be preferred to, and shall take precedence over deliveries to purchasers *not* on the List.

(b) As between conflicting deliveries bearing the *same* preference rating, to be made to two or more purchasers *both* on the List, deliveries shall be made according to the Urgency Standing of the respective purchasers, specified in such List. The highest Urgency Standing in each preference rating classification is No. 1.

(c) As between conflicting deliveries, a delivery to a purchaser *not* on the List, bearing a *higher* preference rating, shall be preferred to and shall take precedence over a delivery to a purchaser who *is* on the List, bearing a lower preference rating.

(d) A delivery to a subcontractor who is not specifically named on the List does not take the Urgency Standing of his prime contractor: *Provided*, That if the Priorities Committee, of the Army and Navy Munitions Board has endorsed in writing a subcontractor's preference rating certificate with the Urgency Standing of the prime contractor then the particular machine or machines specified in such certificate shall be scheduled for delivery in accordance therewith. The Director of Priorities, or other official duly authorized by him, may hereafter also designate an Urgency Standing for any subcontractor whose prime contractor does not appear on the list.

(iii) Where two or more purchasers do not appear on the List, and their contracts or purchase orders for Machine Tools, Gages or Chucks have returned delivery dates which conflict, and which bear the *same* preference rating, the sequence of deliveries shall be determined by the date of a machine tool Producer's receipt of the preference rating certificates, deliveries under certificates received earlier to have preference.

(iv) Additions to, withdrawals from, and other changes may be made in the Master Preference Numerical List from time to time by the Director of Priorities or other duly authorized official.

(3) *Suspension of new preference rated orders.* Unless the Director of Priorities specifically orders otherwise, and notwithstanding any other provision of this Order, deliveries under contracts or purchase orders for those Machine Tools and Chucks specified in Group I above, bearing a higher Preference Rating or Urgency Standing shall not be preferred over those bearing a lower Preference Rating or Urgency Standing, until 30 days after the Producer of such tools receives the preference rating certificate covering such delivery. Likewise, higher rated deliveries of those Machine Tools and Gages specified in Group II shall not be preferred until 60 days after the Producer thereof receives the preference rating certificate covering such deliveries.

(e) *Specific modifications of schedules.* Notwithstanding any other provision of this Order the Director of Priorities, or other official duly authorized by him, may specifically allocate to another purchaser, or otherwise divert, any machine tool, gage or chuck scheduled for production and delivery pursuant to this Order.

(f) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provision of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(g) *Reports and other communications.* All reports which may be required to be filed, and all other communications concerning this Order should be addressed to the Tools Branch, Office of Production Management, Washington, D. C., Ref: E–1–a.

(h) This Order shall take effect January 10, 1942 and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4439; O.P.M. Reg. 3 Amended, Sept. 2, 1941; 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a) Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 6th day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-137; Filed, January 6, 1942; 11:09 a. m.]

[1] 6 F.R. 1676.

PART 1016—SHEET STEEL

Amendment No. 1 of General Preference Order M–45 To Reserve an Inventory of Sheet Steel for Steel Drums

General Preference Order M–45[1] is hereby amended to read as follows:

Whereas, it is found that demands for steel drums for the shipment of gasoline, oil, and other products overseas, are recurringly creating temporary and local shortages of such drums and of the sheet steel necessary for the manufacture of such drums; and

Whereas, it is further found that the best interests of the national defense require the reservation of a stock of sheet steel to be immediately available for the manufacture of steel drums required for such shipment;

[1] 6 F.R. 5850.

Now, therefore, it is hereby ordered:

§ 1016.1 *General Preference Order M-45*—(a) *Definitions.* For the purposes of this Order:

(1) "A steel drum" means a drum made of hot rolled sheet steel of any gauge.

(2) "Producer' means any fabricator of steel drums.

(b) *Reservation of sheet steel for specific allocation.* The Director of Priorities will, from time to time, by specific order to each Producer, direct the reservation of a designated quantity of hot rolled sheet steel of any gauge in the Producer's possession or ownership. In addition, all sheet steel acquired by application of a preference rating pursuant to Preference Rating Order No. P–76, as amended to December 31, 1941, shall be likewise reserved. Thereafter the Director will, from time to time, specifically authorize the sale, delivery, or processing of quantities of sheet steel so reserved. Except pursuant to such an authorization, no Producers shall sell, deliver or process any such reserved sheet steel.

(c) *Records.* Each Producer shall keep and preserve for a period of not less than two years accurate and complete records concerning inventories and stocks on hand of, and deliveries to such Producer, and by such Producer, of hot rolled sheet steel of all gauges and steel drums.

(d) *False statements and penalties.* Any person who willfully violates any of the terms and provisions of this Order, or willfully falsifies records required to be kept or information to be furnished pursuant to this Order, or who obtains a delivery of material by means of a material and willful misstatement may be prohibited from obtaining further deliveries of material under allocation and be deprived of any other priorities assistance. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under Section 35 (a) of the Criminal Code (18 U. S. C. 80).

(e) *Effective date.* This Order shall take effect immediately, and shall continue in force until further amended or revoked by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489, O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session, sec. 9, Public No. 783, 76th Congress, Third Session)

Amendment issued and effective this 31st day of December, 1941.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42–138; Filed, January 6, 1942; 11:10 a. m.]

RATING PLAN FOR CONTAINER STEEL—PREFERENCE RATING ORDER No. P–76 AS AMENDED TO DECEMBER 31, 1941

Preference Rating Order No. P–76, and All Serial Numbered Copies Thereof Heretofore Issued, Are Hereby Amended to Read as Follows:

Preference Rating Order P–76. For the purpose of facilitating the acquisition of hot rolled sheet steel of all gauges for the production of steel containers, in the interest of the defense of the United States, a preference rating is hereby assigned to certain deliveries to the above-named producer, upon the following terms:

(a) *Definitions.* (1) "Producer" means the specific person to whom this Order is addressed above.

(2) "A Steel Drum" means a drum made of hot rolled sheet steel of any gauge.

(3) "Container Steel" means hot rolled sheet steel of any gauge which will be physically incorporated into a steel drum.

(4) "Supplier" means any person with whom a contract or purchase order has been placed for delivery to the Producer of Container Steel.

(b) *Assignment of preference rating.* Preference rating A–4 is hereby assigned to deliveries to the Producer by his Supplier of those quantities of Container Steel specifically authorized for rating from time to time by the Director of Priorities.

(c) *Application of rating and restrictions on its use.* The preference rating hereby assigned may be applied only by the Producer. The Producer may apply said rating only to those quantities of Container Steel specifically authorized for rating by the Director of Priorities from time to time. Such authorization will be based on information furnished by the Producer on Form PD–156A.[1] The extent of the authorization will be indicated on one copy of Form PD–156A which will be returned to the Producer. This Order will be terminated immediately if the Producer is found to have applied the rating to deliveries in excess of his specific authorization.

(d) *Application of preference rating.* The Producer who has been furnished with a signed copy of this Order, to apply the preference rating to deliveries to him, must:

(1) Execute, by signing, the acceptance at the end hereof, and file such signed acceptance with the Division of Priorities of the Office of Production Management; and

(2) Furnish one additional copy of this Order to each of his Suppliers with whom he has placed a contract or purchase order for Container Steel to the delivery of which he elects to apply the preference rating. After he has furnished one such copy to a particular Supplier, he need furnish no additional copy to that Supplier to cover any subsequent deliveries of Container Steel. The Producer shall endorse the following statement on the original and all copies of each purchase order or contract for Container Steel, the delivery of which is rated pursuant to this Order:

Purchase order for Container Steel, Preference Rating A–4 pursuant to Preference Rating Order No. P–76, as amended to December 31, 1941, not extendable

and deliver the original or a copy thereof to the seller of such Container Steel. Such endorsement shall constitute a certification to the Office of Production Management that the Producer is entitled to apply the rating to such delivery pursuant to this Order. Such purchase order or contract shall not include any material the delivery of which is not rated pursuant to this Order.

(e) *Records, audits and reports.* The Producer shall—

(1) Keep and preserve for a period of at least two years accurate and complete records and information concerning purchases (including orders and deliveries), stocks on hand, and sales of Container Steel covered by each application of the rating;

(2) Submit from time to time for audit and inspection to representatives of the Office of Production Management concerning the matters referred to in paragraph (e) (1);

(3) File such reports with the Office of Production Management as may from time to time be required. Until further order, the Producer and each such Supplier shall file with the Director of Priorities, on or before the fifteenth day of each month, Form PD–81,[1] a copy of which is attached hereto.

(f) *False statements and penalties.* Any person who applies the preference rating hereby assigned in willful violation of the terms and provisions of this Order, or willfully falsifies records required to be kept or information to be furnished pursuant to this Order, or who obtains a delivery of material by means of a material and willful misstatement may be prohibited from obtaining further deliveries of material under allocation and be deprived of any other priorities assistance. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(g) *Revocation or modification.* This Order may be revoked or amended by the Director of Priorities at any time as to the Producer. In the event of revocation, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the Producer affected by such revocation.

(h) *Effective date.* This Order, as amended, shall take effect immediately and shall continue in force until further amended or revoked by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Amendment issued and effective this thirty-first day of December 1941.

DONALD M. NELSON,
Director of Priorities.

ACCEPTANCE OF PREFERENCE RATING ORDER No. P–76

To be detached from the foregoing Order, signed by an authorized agent, and returned to the Division of Priorities, Office of Production Management, Washington, D. C., by the Producer, before he applies the preference rating assigned by the foregoing Order.

(Before signing this Acceptance, read carefully sections (c), (d) and (e) of the foregoing Order.)

The Producer named below hereby accepts Preference Rating Order No. P–76, and certifies to the Director of Priorities of the Office of Production Management that he is entitled to apply the preference rating assigned by said Order in accordance with its terms.

Dated this ------ day of ----------, 194---.

(Legal Name of Producer)

By ---
(Name and title of Authorized Agent)

(Address of Producer)

(Section 35A of the Criminal Code, 18 U.S.C. 80, makes it a criminal offense to make a false statement or representation to any Department or Agency of the United States as to any matter within its jurisdiction.)

Exact copies, including name and serial number, may be made by the Producer by the photo-offset or similar photographic process, for delivery to Suppliers. These copies must be identical in size and in every other respect with the order issued. In addition, other copies of this Order may be secured from the Division of Priorities, Office of Production Management, Washington, D. C.

[F. R. Doc. 42–140; Filed, January 6, 1942; 11:10 a. m.]

[1] Filed as part of the original document.

[1] Not filed as part of the original document

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 203—BRIDGE REGULATIONS[1]

Pursuant to the provisions of section 5 of the River and Harbor act of August 18, 1894 (28 stat. 362; 33 U.S.C. 499), paragraph (b) (13) Napa River—Southern Pacific Bridge at Brazos, is hereby amended by adding the causeway between Vallejo and Mare Island and the Sears Point bridge, the headnote and subparagraphs to read as follows:

§ 203.170 *State of California; bridge regulations for all navigable waterways of the United States within California, including San Francisco Bay and connected bays and river systems tributary thereto.*

* * * * *

(b) *Special regulations.*

* * * * *

(13) *Napa River and Mare Island Strait*—(i) *Southern Pacific Bridge at Brazos.* (a) The owner of, or agency controlling, this bridge will not be required to keep a draw tender in constant attendance except when the swing span remains closed for the passage of railroad traffic. At all other times the swing span may remain in open position and unattended.

(b) During foggy weather a bell shall be tolled continuously when the swing span is in open position.

(ii) *Sears Point Highway Bridge—Causeway across Mare Island Strait between Vallejo and Mare Island.* Closed periods: Between the hours of 7:00 a. m. and 8:00 a. m. and 4:00 p. m. and 5:00 p. m. The drawspans of the Sears Point bridge and the Mare Island Strait bridge shall not be required to be opened for the passage of vessels other than vessels owned, operated or controlled by the United States. (28 Stat. 362; 33 U.S.C. 499) [Regs. Jan. 11, 1939. (E.D. 6371 (Southern Pacific R. R. Napa River-Brazos) 5/5) and Regs. Dec. 24, 1941 (E.D. 6371 (Navy Dept.—Mare Island Strait)—4/4)]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–127; Filed, January 5, 1942; 2:07 p. m.]

[1] § 203.710 (b) (13) is amended.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B–127]

IN THE MATTER OF J. A. WILLIAMSON, J. W. GILLIAM, R. L. BEARE, JR., INDIVIDUALLY, AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF BEARE FUEL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 0554, RESPONDENTS

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of January 7, 1942, at a hearing room of the Bituminous Coal Division at Room 339, Post Office Building, Memphis, Tennessee; and

It appearing to the Acting Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter, be and the same is hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate order.

Dated: January 3, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–133; Filed, January 6, 1942; 10:18 a. m.]

[Docket No. B–72]

IN THE MATTER OF THE B & B COAL COMPANY, A CORPORATION, REGISTERED DISTRIBUTOR, REGISTRATION NO. 0339, RESPONDENT

ORDER OF SUSPENSION OF REGISTRATION

A Notice of and Order for Hearing having been made by the Division on October 28, 1941, pursuant to the provisions of Section 304.14 of the Rules and Regulations for the Registration of Distributors promulgated by the Division, to determine whether the respondent has violated the Act, the Bituminous Coal Code (the "Code"), the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors and the Agreement ("Distributor's Agreement") dated April 19, 1940, executed by the respondent pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Division on July 1, 1939, or any orders or regulations of the Division and to determine whether or not the registration of said respondent as a distributor should be revoked or suspended by reason of said violations; and said Notice of and Order for Hearing having been duly served on the respondent on November 8, 1941;

The respondent by its admission and agreement dated December 20, 1941, the original of which is on file with the Division: (a) having admitted the truth of the allegations of said Notice of and Order for Hearing and the facts set out in said stipulation; (b) having consented to the making and entry of this order of suspension; (c) having agreed that forthwith upon the entry of this Order, it will refund to the Rawalt Coal Company, a corporation of Canton, Illinois, code member in District No. 10, the sum of $658.57 being a part of the discounts received and accepted by respondent from said Rawalt Coal Company upon the purchase by it of the coal hereinabove described, said sum of $658.57 to be used by said Rawalt Coal Company in part payment of the sum of $1,317.14 stipulated by said Rawalt Coal Company in Docket No. 1737–FD to be the amount of tax required to be paid by said Rawalt Coal Company, pursuant to section 5 (c) of the Act, as a condition to reinstatement of its membership in the Code; (d) respondent having further agreed that during said period of suspension neither it nor any of its officers, representatives, agents, servants, employees or attorneys will act as a registered distributor and that

neither it nor they will accept or receive as a registered distributor, either directly or indirectly, any discounts on coal purchased by it or them from code members during said period of suspension for resale which would reduce the price thereof below the effective minimum price therefor; and (e) respondent having agreed that during the period of said suspension, it will observe and faithfully abide by all the provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, the Distributor's Agreement hereinabove referred to and all applicable orders of the Division;

1. *It is hereby found*, That:

(a) Respondent is a corporation duly organized and existing under and by virtue of the laws of the State of Illinois, with its principal place of business located at 1209 Jefferson Building, Peoria, Illinois, and at all times herein mentioned, respondent was and now is engaged under the powers granted to it by its corporate charter in the business of buying, selling and distributing coal.

(b) That on April 22, 1940, pursuant to the order of the Commission dated March 24, 1939, entered in General Docket No. 12, and adopted on July 1, 1939 as an Order of the Division, respondent filed with the Division its application dated April 19, 1940, for registration as a registered distributor which was accompanied by respondent's distributor's agreement; that said application was approved by the Division on April 24, 1940 and Certificate No. 0339 was issued to the respondent, authorizing it to act as a registered distributor; and that the respondent has been ever since said last mentioned date, and is now acting as a registered distributor.

2. *It is hereby further found*, That the respondent has violated paragraph (a) of its Distributor's Agreement during the period commencing January 1, 1941, and ending April 30, 1941, as alleged in the Notice of and Order for Hearing herein, by accepting distributor's discounts in excess of the maximum allowable discounts as set forth in the Order entered June 19, 1940 in General Docket No. 12, prescribing due and reasonable maximum discounts and establishing Rules and Regulations for the Registration of Distributors, upon 2205.05 tons of 6" lump coal and 467.94 tons of 1¼" x 6" egg coal purchased by respondent from the Rawalt Coal Company, a corporation of Canton, Illinois, code member in District No. 10, which coal was produced at the said code member's Rawalt Mine, Mine Index No. 716, and was resold by respondent to various retailers located in Peoria, Illinois, and in Bloomington, Illinois.

Now, therefore, based upon the above Findings and upon respondent's agreement that within five days after the date of service of this order upon respondent, it will refund to the Rawalt Coal Company the sum of $658.57, as and for the purpose hereinabove more fully set forth; and upon respondent's agreement that during the period of suspension of its registration neither it nor any of its officers, representatives, agents, servants, employees or attorneys will act as registered distributor and that neither it nor they will accept or receive as a registered distributor, either directly or indirectly, any discounts on coal purchased by it from code members during said period of suspension for resale which would reduce the price thereof below the effective minimum price therefor.

It is ordered, That the registration of the respondent, The B & B Coal Company, as a distributor, is hereby suspended for a period of thirty (30) days from the date of service hereof upon the respondent, and that the respondent, its officers, representatives, agents, servants, employees, and attorneys and all affiliates of the respondent, shall be and they are hereby prohibited from acting as registered distributors during said period of suspension and from receiving or accepting any discounts from the effective minimum prices either directly or indirectly on coal purchased by it, them, or any of them during the said period of suspension, provided, however, that if the respondent shall not have complied with the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors, at least five (5) days prior to the expiration of said suspension period, said suspension shall continue in full force and effect until five (5) days after the affidavit required by said § 304.15 shall have been filed with the Division.

It is further ordered, That the respondent during such period of suspension shall continue fully to observe, abide by, and remain in all respects, subject to all pertinent and applicable provisions of the Act, the Code, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, the Distributor's Agreement, and all applicable orders of the Division.

It is further ordered, That in the event that the respondent shall hereafter violate any of its agreements set forth in said agreement dated December 20, 1941, this matter may be reopened, and such action taken and orders entered herein as to the Division may seem just and proper under the circumstances and jurisdiction of this matter is hereby expressly reserved for such purposes.

Dated: January 5, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-134; Filed, January 6, 1942; 10:18 a. m.]

[Docket No. 1737-FD]

IN THE MATTER OF RAWALT COAL COMPANY, A CORPORATION, CODE MEMBER, DEFENDANT

ORDER TERMINATING CODE MEMBERSHIP, DETERMINING THE AMOUNT OF TAX REQUIRED TO BE PAID AS A CONDITION FOR REINSTATEMENT AND DIRECTING DEFENDANT TO CEASE AND DESIST FROM FURTHER VIOLATIONS

A complaint dated May 1, 1941, in the above-entitled matter pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been filed by the Bituminous Coal Producers Board for District No. 10, complainant, with the Bituminous Coal Division (the "Division") alleging that the defendant willfully violated the provisions of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder, and the complaint herein having been duly served upon the defendant on August 28, 1941;

A hearing in this matter having been held on October 2, 1941, at a hearing room of the Division in the Federal Courthouse, Peoria, Illinois, before W. A. Shipman, Trial Examiner of the Division, and the complaint having been amended at said hearing; and the defendant at said hearing having made certain offers and admissions in respect to the complaint and having confirmed the same by agreement dated December 20, 1941, the original of which is on file with the Division; and pursuant thereto having waived (a) oral argument and filing of briefs before the Division or Trial Examiner, (b) the preparation and submission of any report, Findings of Fact or Recommendations by the Division or Trial Examiner, (c) the presentation of oral argument before the Division or Trial Examiner and (d) the preparation and submission of tentative Findings of Fact or proposed Order by the Division or Trial Examiner; and

The defendant by said agreement having consented to the making and entry of this Order revoking the defendant's membership in the Code, and directing the defendant, its officers, representatives, agents, servants, employees, attorneys, and all persons acting or claiming to act in its behalf or interest, to cease and desist, and permanently enjoining and restraining them, respectively, from violating the Code, the Act, the Marketing Rules and Regulations, and the effective minimum prices; and

The defendant by said agreement dated December 20, 1941, having further agreed and consented that neither said agreement nor this Order shall constitute a waiver by or on behalf of any person entitled to file a complaint under sections 4 II (j) and 5 (b) of the Act, or either of them, of any right, penalty or forfeiture which they may respectively have against the defendant by reason of any violation other than that alleged in the complaint herein as amended, or a waiver by or on behalf of any code member of any right which he may have against the defendant pursuant to section 5 (d) of the Act in respect to the violations alleged in the complaint herein as amended, and the defendant having agreed that upon the entry of the Order hereinabove referred to, it will pay to the United States Government within ten (10) days after the date of service of copy of this Order the amount of the tax, namely $1,317.14, agreed by it to be the amount required to be paid by section 5 (b) and (c) of the Act on the coal hereinafter referred to, sold during the period commencing February 18, 1941, and ending April 30, 1941, as a condition to its reinstatement to membership in the Code, and having further agreed that in the event of its failure to pay

said tax within ten (10) days after date of service of a copy of this Order on the defendant, the Division, in its discretion, may immediately vacate and revoke, cancel and annul this Order and thereupon take such further steps or action in this proceeding as it may deem fit; and the Bituminous Coal Producers Board for District No. 10, complainant herein having recommended and urged the Division to accept the agreements made by the defendant and to enter an Order in accordance therewith.

Now, therefore, pursuant to the authority vested in the Division by section 4 II (j) of the Act, authorizing it to adjust complaints of violations, and to compose the differences of the parties thereto;

1. *It is hereby found*, as follows:

(a) The defendant is a corporation duly organized and existing under and by virtue of the laws of the State of Illinois, with its principal office located at 506 E. Elm Street, Canton, Illinois, and at all times hereinafter mentioned was and now is engaged under the powers granted to it by its corporate charter in the business of producing and selling bituminous coal.

(b) That on June 24, 1937, the defendant filed with the National Bituminous Coal Commission (the "Commission") its Acceptance of the Code, dated June 21, 1937, and that said Acceptance was approved by the Commission on July 1, 1937, to take effect as of June 24, 1937; that defendant has been since the last-mentioned date and is now a code member in District No. 10 operating the Rawalt Mine, Mine Index No. 716, located at Norris, Illinois.

(c) That The B & B Coal Company ("B & B"), is a corporation duly organized and existing under and by virtue of the laws of the State of Illinois with its principal office located at 1209 Jefferson Building, Peoria, Illinois, and at all times hereinafter mentioned was and now is engaged under the powers granted to it by its corporate charter in the business of buying, selling and distributing coal.

(d) That on April 22, 1940, pursuant to the Order of the Commission dated March 24, 1939, entered in General Docket No. 12, and adopted on July 1, 1939, as an Order of the Division, B & B filed its application dated April 19, 1940, for registration as a registered distributor which was accompanied by its Distributor's Agreement; that said application was approved by the Division on April 24, 1940 and Certificate No. 0339 was issued to said B & B authorizing it to act as a registered distributor; and that said B & B has been ever since said last mentioned date, and is now, acting as a registered distributor.

2. *It is hereby further found*, That the defendant willfully violated the provisions of the Act, the Code and the effective minimum prices established thereunder, during the period commencing February 18, 1941 and ending April 30, 1941, by selling to B & B and delivering in trucks owned or controlled by defendant to the customers of B & B at Peoria, Illinois, and at Bloomington, Illinois, 1100.63 tons of 6" lump coal and 253.64 tons of 1¼" x 6" egg coal produced at said Rawalt Mine, at prices below the effective minimum prices of $2.55 per ton f. o. b. the mine for 6" lump coal and $2.25 per ton f. o. b. the mine for 1¼" x 6" egg coal, knowing that the prices at which defendant sold said coal was below the effective minimum prices therefor, as follows:

	6" lump	1¼" x 6" egg
	Tons	Tons
Feb. 18 to Feb. 28 1941, both inclusive	372.70	67.55
Month of March 1941	630.73	152.49
Month of April 1941	97.20	33.60
Total	1,100.63	253.64

3. *It is hereby further found*, That the amount of tax imposed by section 5 (b) and (c) of the Act and required to be paid by the defendant as a condition to its reinstatement to membership in the Code on the tonnage referred to in paragraph 2 hereof is $1,317.14, which amount is 39 percent of the effective minimum price of $3,377.29 for said coal willfully sold by the defendant to B & B during the period commencing February 18, 1941 and ending April 30, 1941 in violation of the Code, and the corresponding provisions of the Act and the effective minimum prices as aforesaid.

4. *It is hereby further found*, That the defendant willfully violated the provisions of the Act and the effective minimum prices established thereunder during the period commencing January 1, 1941 and ending February 17, 1941, by selling to B & B and delivering in trucks owned or controlled by defendant to the customers of B & B at Peoria, Illinois, and at Bloomington, Illinois, 1104.475 tons of 6" lump coal and 214.30 tons of 1¼" x 6" egg coal, knowing that the prices at which defendant sold said coal were below the effective minimum prices therefor, as follows:

Period	6" lump	1¼" x 6" egg
	Tons	Tons
Month of Jan. 1941	759.955	134.16
Feb. 1 to Feb. 17, 1941, both inclusive	344.52	80.14
Total	1,104.475	214.30

Now, therefore, based upon the above Findings and upon the agreement of the defendant consenting to the entry of an Order herein cancelling and revoking its membership in the Code by reason of said violations and directing the defendant, its officers, representatives, agents, servants, employees and attorneys and all persons acting or claiming to act in its behalf or interest, to cease and desist, and permanently enjoining and restraining them, respectively, from violating the Code, the Act, the Marketing Rules and Regulations and the effective minimum prices, and providing that the restraining provisions of said Order shall continue in full force and effect upon any restoration of the defendant's code membership pursuant to section 5 (c) of the Act; and also based upon the agreement of the defendant that it will within ten (10) days after date of service of copy of this Order on the defendant, pay to the United States Government the amount of the tax, namely $1,317.14 herein found to be the amount required to be paid by the defendant pursuant to section 5 (c) of the Act as a condition to its reinstatement to membership in the Code.

It is ordered, That the membership of the above-named defendant in the Code be, and the same is, hereby cancelled and revoked.

It is further ordered, That said cancellation and revocation of the defendant's code membership shall become effective ten (10) days after service of this Order upon the defendant.

It is further ordered, That the defendant, its officers, representatives, agents, servants, employees and attorneys and all persons acting or claiming to act in its behalf or interest, cease and desist, and they hereby are permanently enjoined and restrained, from violating the regulations and the effective minimum prices, and that the provisions hereof shall continue in full force and effect in respect to the defendant, its officers, representatives, agents, servants, employees and attorneys, and all persons acting or claiming to act in its behalf, upon any restoration of the defendant's code membership pursuant to section 5 (c) of the Act.

It is further ordered, That the Division, in its discretion, may apply to the Circuit Court of Appeals of the United States within any Circuit where the defendant resides and carries on business for the enforcement hereof.

It is further ordered, That this matter shall be terminated and closed by the entry of this Order: *Provided, however*, That in the event that the defendant shall fail within ten (10) days after service of this Order upon the defendant, to pay to the United States Government the sum of $1,317.14 herein found to be the amount of the tax imposed by section 5 (b) and (c) of the Act and required to be paid by the defendant as a condition to its reinstatement to membership in the Code, this matter may be reopened and such action taken and orders entered herein as to the Division may seem just and proper under the circumstances, and jurisdiction of this matter is hereby expressly reserved for such purposes.

Dated: January 5, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-135; Filed, January 6, 1942; 10:16 a. m.]

INTERSTATE COMMERCE COMMISSION.

NOTICE TO THE PUBLIC

REASSIGNMENT OF DUTIES OF COMMISSIONERS

JANUARY 2, 1942.

The designation by the President of Chairman Joseph B. Eastman of the In-

terstate Commerce Commission as Director of the Office of Defense Transportation will make it impossible for Mr. Eastman to continue with many of his duties as Commissioner and Chairman while acting as Director of Defense Transportation. For the present Mr. Eastman will continue as a member of the Commission and no change will be made in his designation as Chairman.

The Commission has therefore made the following reassignment of duties, effective immediately:

Commissioner Clyde B. Aitchison, the senior Commissioner in service, will function as Acting Chairman.

Commissioner Charles D. Mahaffie is substituted for Chairman Eastman as a member of Division One, the administrative division, and as Chairman thereof.

Commissioner Mahaffie is relieved as Chairman and member of Division Three, rates and service division, and in his stead Commissioner William J. Patterson is designated as a member of that division. Commissioner Carroll Miller becomes Chairman of Division Three.

The Legislative Committee of the Commission has been reconstituted to consist of Commissioner Walter M. W. Splawn, Chairman, and Commissioners Mahaffie and John L. Rogers.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-136; Filed, January 6, 1942; 11:00 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-467]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION AND COLUMBIA CORPORATION

ORDER GRANTING APPLICATION AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Security and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of December, A. D. 1941.

The above-named parties having filed an application and declarations pursuant to the Public Utility Holding Company Act of 1935 particularly sections 10, 12 (c) and 12 (f) of the Act and Rules U-42 and U-43 promulgated thereunder regarding the following transactions; Columbia Gas & Electric Corporation, a registered holding company and subsidiary of The United Corporation, also a registered holding company, proposes to acquire and Columbia Corporation, a subsidiary of said companies, proposes to sell (a) 900 shares of Cumulative 6% Preferred Stock, Series A, $100 Par Value of Columbia Gas & Electric Corporation for a cash consideration of $90,236; (b) 126 shares of Cumulative Preferred Stock, 5% Series, $100 Par Value of Columbia Gas & Electric Corporation for a cash consideration of $10,604.36; and (c) $3,000 principal amount of General Mortgage 5% Bonds of Binghamton Gas Works, a subsidiary of Columbia Gas & Electric Corporation, for a cash consideration of $2,895; Columbia Gas & Electric Corporation proposing to cancel the shares of its Preferred Stock and to retire the Mortgage Bonds to Binghamton Gas Works at cost within three months from the date of this order.

Said application and declarations having been filed on December 19, 1941 and an amendment thereto having been filed on December 29, 1941, a notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for hearing with respect to said application or declarations within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above parties having requested that said application be granted and said declarations become effective on or before December 31, 1941; and

The Commission finding with respect to said application under section 10 of said Act that no adverse findings are necessary under sections 10 (b) or 10 (c) (1), and that the transaction involved has the tendency required by section 10 (c) (2) of said Act; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declarations, pursuant to sections 12 (c) and 12 (f) of the Act and Rule U-42 and U-43 promulgated thereunder, to become effective and being satisfied that the effective date of such declarations, and the date of granting said application should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be and the same hereby is granted forthwith and that the aforesaid declarations be and the same hereby are permitted to become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-139; Filed January 6, 1942; 11:36 a. m.]

[File Nos. 70-352, 70-353, 59-36]

IN THE MATTERS OF INTERBOROUGH GAS COMPANY AND CONEWAGO GAS COMPANY; PENNSYLVANIA GAS & ELECTRIC COMPANY AND PENNSYLVANIA GAS & ELECTRIC CORPORATION; YORK COUNTY GAS COMPANY AND PENNSYLVANIA GAS & ELECTRIC CORPORATION

NOTICE OF AND ORDER INSTITUTING PROCEEDINGS AND SETTING DATE FOR HEARING AND ORDER OF CONSOLIDATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3rd day of January, A. D. 1942.

I

Pennsylvania Gas & Electric Corporation, a registered holding company, and its subsidiary, York County Gas Company (formerly known as Pennsylvania Gas & Electric Company), having filed declarations under Section 12 of the Public Utility Holding Company Act of 1935 and the Rules and Regulations promulgated thereunder, regarding (a) the donation by Pennsylvania Gas & Electric Corporation to York County Gas Company of all of the latter's outstanding common stock consisting of 120,000 shares of the par value of $10.00 each, (b) the acquisition and cancellation of said stock by York County Gas Company, (c) the solicitation by Pennsylvania Gas & Electric Corporation of the consent of its stockholders to such donation and (d) the sale by Interborough Gas Company and Conewago Gas Company, both of which are wholly owned subsidiaries of York County Gas Company, of all of their assets to the latter company; and

II

The Commission having data in its official files relating to York County Gas Company, Conewago Gas Company, Interborough Gas Company and Pennsylvania Gas & Electric Corporation which tend to show:

1. York County Gas Company (formerly known as Pennsylvania Gas & Electric Company) is a corporation organized under the laws of the Commonwealth of Pennsylvania, having its principal office in the City of York, Pennsylvania.

2. York County Gas Company is a subsidiary of Pennsylvania Gas & Electric Corporation, which is a registered holding company.

3. York County Gas Company is a gas utility company serving the City of York, Pennsylvania. It has three wholly-owned subsidiary companies, Interborough Gas Company, Conewago Gas Company and Peoples Light Company of Pittston, and is a holding company within the meaning of sections 2 (a) (4) and 2 (a) (7) of the Public Utility Holding Company Act of 1935.

4. The declarations hereinbefore referred to were filed for the stated purpose of complying with the provisions of certain stipulations entered into on April 23, 1941 by and between the respondents herein and the Pennsylvania Public Utility Commission in a proceeding before that Commission, Securities Certificate No. 236—Application Docket No. 60133. Said stipulations read as follows:

Pennsylvania Gas & Electric Corporation agrees, subject to approval of stockholders and any Commission having jurisdiction, to surrender to Pennsylvania Gas & Electric Company for cancellation all the common capital stock of the Pennsylvania Gas & Electric Company owned by Pennsylvania Gas & Electric Corporation. Pennsylvania Gas & Electric Corporation will, within 90 days from April 23, 1941, file with any commission having jurisdiction, necessary papers to obtain approval of the transaction.

Pennsylvania Gas & Electric Company agrees within 90 days from the 23rd day of April, 1941, to file with any Commission having jurisdiction, all necessary papers to obtain approval of acquisition by the Company of all of the physical assets and franchises of Interborough Gas Company and Conewago Gas Company.

III

5. The capitalization, including surplus, of York as at June 30, 1941 was as follows:

	Amount	Percent
Long-term debt:		
First lien and refunding mortgage bonds:		
5½% Series A, due 1955	$1,701,500	------
5% Series due 1958	1,195,000	------
4½% Series due serially 1942 to 1951	550,000	------
	3,446,500	54.34
Preferred stock:		
7% cumulative, par value $100 per share, outstanding 15,000 shares	1,500,000	23.65
Common stock and surplus:		
Common stock par value $10 per share outstanding 120,000 shares	1,200,000	22.01
Earned surplus	196,441	
Total capitalization	6,342,941	100.00

6. Dividends on the preferred stock of York have not been paid in full since January 2, 1936 and no dividends have been paid on such stock since April 1, 1938. Arrearages on the preferred stock of York at June 30, 1941 aggregated $442,500 or $29.50 per share.

7. The condensed consolidated balance sheet of York County Gas Company and its subsidiaries as of June 30, 1941 was as follows:

ASSETS AND OTHER DEBITS

Utility plant	$6,375,770
Excess of carrying value of investments in subsidiaries over underlying book values at dates of acquisition	376,579
Investment in preferred stock of North Penn Gas Co.	666,992
Other investments	1,305
Sinking funds and special deposits	6,785
Current assets	591,591
Unamortized debt discount and expense	181,216
Other deferred charges	51,989
	8,252,227

LIABILITIES, RESERVES AND CAPITAL

Funded debt	$3,446,500
Current and deferred liabilities	165,529
Reserves for depreciation	1,649,291
Miscellaneous reserves	21,564
Contributions for construction	9,808
Preferred stock	1,500,000
Common stock	1,200,000
Earned surplus	259,535
	8,252,227

8. Omitting the excess of carrying value of investments in subsidiaries over underlying book values at dates of acquisition and unamortized debt discount and expense from the balance sheet, the remaining assets of York and its subsidiaries, less liabilities and reserves, as at June 30, 1941 would have a book value of $5,848,240. Giving effect to these omissions and to the dividend arrearages on the preferred stock, the outstanding securities of York would have the following book values:

	Amount	Percent
Funded debt	$3,446,000	58.98
Preferred stock, plus dividend arrearages	1,942,500	33.22
Common stock	459,240	7.85
	5,848,240	100.00

9. The book values of utility plants of York and its subsidiaries at June 30, 1941 and the adjustment accounts reported to the Pennsylvania Public Utility Commission by these companies as of December 31, 1938, are shown in the following table:

	Book value	Utility plant acquisition adjustments	Utility plant adjustments
York County Gas Co.	$4,055,358	$1,011,764	$81,637
Peoples Light Company of Pittston	863,547	79,016	
Conewago Gas Co.	743,467	303,033	17,700
Interborough Gas Co.	668,398	(22,453)	(27,121)
	6,375,770	1,371,380	72,216

10. On April 25, 1941 the Pennsylvania Public Utility Commission issued an order in the proceeding hereinabove referred to in paragraph 4 which indicated that the securities of York presently outstanding were about $1,600,000 in excess of the company's capitalizable assets, stated at what appeared to be approximately cost less reserve for depreciation of the utility plant.

11. The gross income of York, corporate and consolidated, exclusive of dividends received from its investment in preferred stock of North Penn Gas Company, amounting to $46,620 annually, and, exclusive of income from The Petersburg & Hopewell Gas Company, which was sold by York on April 29, 1941, for each of the years 1938 to 1940, and for the twelve months ended June 30, 1941 was as follows:

Year	Adjusted corporate gross income	Adjusted consolidated gross income
1938	$236,077	$245,793
1939	253,982	270,382
1940	266,743	282,790
12 months ended June 30, 1941	266,290	306,297

12. For the year ended December 31, 1940 the net income of York and the net income of York and its subsidiaries, consolidated, were $107,495 and $106,148, respectively. Giving effect to the sale of York's investment in the common stock of The Petersburg & Hopewell Gas Company and the refunding of part of its first mortgage bonds, both of which transactions occurred in 1941, the net income of York and the net income of York and its subsidiaries, consolidated, for the year ended December 31, 1940 would have been $114,502 and $111,470, respectively.

13. Annual dividend requirements on the 15,000 shares of 7% cumulative preferred stock of York now outstanding are $105,000.

14. Normally the entire voting control of York is vested in the common stock, each share of which is entitled to one vote.

15. As a result of dividend arrearages, the preferred stock of York now has 11.11% of the voting rights and the common stock has 88.89% of the voting rights.

IV

16. Pennsylvania Gas & Electric Corporation now owns 2,253 shares of the 7% cumulative preferred stock of York. Said shares were acquired during the period from February, 1939 to May, 1941, inclusive, at an approximate cost of $50,704, or $22.50 per share.

17. During the period in which Pennsylvania Gas & Electric Corporation was acquiring its present holdings in the preferred stock of York County Gas Company, the financial condition of the latter company was such that a revision of its capital structure was necessary.

V

It appearing to the Commission in the light of the foregoing that it is appropriate and in the public interest and in the interest of investors and consumers to institute proceedings against York County Gas Company and Pennsylvania Gas & Electric Corporation under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 in order to determine whether certain orders should be entered pursuant to the provisions of said section; and

York County Gas Company and Pennsylvania Gas & Electric Corporation having filed declarations pursuant to sections 12 (c), 12 (d), 12 (e) and 12 (f) of the Public Utility Holding Company Act of 1935 and Interborough Gas Company and Conewago Gas Company having filed declarations pursuant to 12 (f) of said Act as more particularly described hereinbefore, which declarations are now pending; and

It further appearing that all of the foregoing matters are related and involve common questions of law and fact and that evidence offered in respect of each of said matters may have a bearing on the other; and that substantial savings in time, effort and expense will result if the hearings on said matters are consolidated so that they may be heard as one matter and so that evidence adduced in each matter may stand as evidence in the others for all purposes;

It is hereby ordered, That the said proceedings be consolidated for hearing and that a hearing be held thereupon on January 29, 1942 at 10:00 A. M. at the offices of the Securities and Exchange

Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Lobingier or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the Public Utility Holding Company Act of 1935 and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That particular attention will be directed at said consolidated hearing to the following matters and questions:

1. Whether, with respect to all transactions referred to in the declarations which are to be effected between the associate companies it is necessary or appropriate in the public interest or for the protection of investors or consumers or to prevent the circumvention of the provisions of the Act or any rule or regulation thereunder to enter any order or impose any term or condition pursuant to the provisions of sections 12 (c), 12 (d) or 12 (f) of the Act.

2. What disposition should be made of the excess of the cost of the common stocks of Interborough Gas Company, and Conewago Gas Company to York County Gas Company over the underlying book value of the assets represented thereby as ultimately determined.

3. The accuracy and sufficiency of the proxy statement proposed to be issued by Pennsylvania Gas & Electric Corporation.

4. Whether or not the fees and expenses expected to be incurred in connection with the consummation of the proposed transactions are reasonable and whether the proposed allocation of the same by the companies involved is fair and equitable.

5. Whether the allegations set forth in paragraphs 1 to 17 are true and accurate.

6. Whether the corporate structure of York County Gas Company does not unduly or unnecessarily complicate the structure of the holding company system, or unfairly or inequitably distribute voting power among security holders of such holding company system.

7. Whether, for the purpose of fairly and equitably distributing voting power among security holders of York County Gas Company pursuant to the provisions of section 11 (b) (2) of the Public Utility Holding Company Act of 1935, it is necessary or appropriate to require that York County Gas Company shall revise and simplify its stock structure so as to cause the same to consist of common stock only.

8. Whether, and the extent to which, the property and investment accounts of York County Gas Company, Interborough Gas Company, Conewago Gas Company and Peoples Light Company of Pittston reflect intangibles, write-ups, properties not used or useful, or other inflationary items; and what dispositions should be made of such items.

9. Whether the claim of Pennsylvania Gas & Electric Corporation to participate in a new common stock of York by reason of its holdings in the present preferred stock should be accorded the same treatment as the claim of other preferred stockholders so to participate.

10. Whether further action may be required by York County Gas Company in order to effect complete compliance with section 11 (b) (2) of the Public Utility Holding Company Act of 1935.

It is further ordered, That York County Gas Company and Pennsylvania Gas & Electric Corporation, the respondents herein, file with the Secretary of the Commission on or before January 19, 1942, answers in the form prescribed by Rule U-25 to the allegations of paragraphs 1 to 17, inclusive, hereof.

It is further ordered, That notice of said hearing is hereby given to York County Gas Company, Pennsylvania Gas & Electric Corporation, Interborough Gas Company, Conewago Gas Company, Peoples Light Company of Pittston, to their respective security holders, and to all consumers of York County Gas Company and its subsidiaries, all states, municipalities and political subdivisions of states within which are located any of the physical assets of said companies or under the laws of which any of said companies are incorporated, all state commissions, state securities commissions and all agencies, authorities or instrumentalities of one or more states, municipalities or other political subdivisions having jurisdiction over York County Gas Company or over any of said companies, or over any of the businesses, affairs or operations of any of them; that the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order by registered mail to York County Gas Company, Pennsylvania Gas & Electric Corporation, Interborough Gas Company, Conewago Gas Company, Peoples Light Company of Pittston and the Pennsylvania Public Utility Commission not less than fifteen days prior to the date hereinbefore fixed as the date of hearing; that such notice shall be given further by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935; and that further notice shall be given to all persons by publication of this order in the FEDERAL REGISTER not less than fifteen days prior to the date hereinbefore fixed as the date of hearing; and

It is further ordered, That any person proposing to intervene in these proceedings shall file with the Secretary of the Commission on or before the 19th day of January 1942, his request for application therefor as provided by Rule XVII of the Rules of Practice of the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-140; Filed, January 6, 1942; 11:36 a. m.]

[File No. 70-472]

IN THE MATTER OF MAINE SEABOARD PAPER COMPANY AND THE WRIGHT COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of January, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Maine Seaboard Paper Company and The Wright Company, subsidiary companies of New England Public Service Company, a registered holding company. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

The Wright Company, a wholly owned subsidiary of Maine Seaboard Paper Company, proposes to acquire the S. S. *Malang*, a steamship of approximately 3754 tons gross for $350,000 from the Estate of Clifford D. Mallory. The S. S. *Malang* has been chartered by the Maine Seaboard Paper Company since 1930 and has been used to transport newsprint manufactured by that company from its plant at Bucksport, Maine, to various points of delivery, including Boston, New York, and Baltimore. The Wright Company is the distributor of Maine Seaboard Paper Company's newsprint.

The Wright Company also proposes to issue and sell 1,750 shares of common stock at $100 per share and its $175,000 4% note to Maine Seaboard Paper Company, secured by a first preferred ship mortgage on the S. S. *Malang*, and to amend its charter to change its $100 par stock to no par value stock.

The Maine Seaboard Paper Company proposes to acquire from The Wright Company the above mentioned common stock and 4% note.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on January 21, 1942, at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given

to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Effect of the acquisition of the S. S. *Malang* on the New England Public Service Company system, with particular reference to the cash position and earnings of the industrial subsidiaries and the New England Public Service Company.

2. Present cost of chartering the S. S. *Malang* by the Maine Seaboard Paper Company and the proposed savings contemplated by the acquisition of such vessel.

3. Whether or not the approval or concurrence of the Maritime Commission and other agencies, if any, necessary to effectuate this acquisition have been obtained.

4. Agency agreement with Maine Transport Company for the operation of the S. S. *Malang*.

5. Necessity for the change by The Wright Company of its $100 par stock to no par value stock.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-141; Filed, January 6, 1942; 11:37 a. m.]

JAN 9 1942

FEDERAL REGISTER

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Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER V—MILITARY RESERVATIONS AND NATIONAL CEMETERIES

PART 53—NATIONAL CEMETERIES[1]

§ 53.4 *Burials in national cemeteries.*

• • • • •

(c) *Interment of members of families.* (1) The wives of both officers and enlisted men may be buried with their husbands in a national cemetery. The wife may be interred prior to the death and burial of her husband provided the officer or enlisted man gives assurance that regardless of whether or not he remarries he will eventually be buried in the adjacent grave site reserved for the purpose. In those cemeteries where lots are assigned to an individual, the burial of his minor children and unmarried adult daughters (this includes daughters who have never married, widows, and divorcees) is permitted under the following conditions, provided there is room in the lot:

(i) That the fact of the interment shall be entered on the records of the cemetery, but the name shall not appear on any monument on the lot.

(ii) That the grave shall be marked, if so desired, at private expense, only with a footstone sunk flush with the ground, not exceeding 10 by 20 inches at the top, with a suitable identifying inscription and dates of birth and death.

(iii) That the written concurrence in the above conditions by the legal next of kin be forwarded to The Quartermaster General.

(2) No lots or grave sites will be assigned in advance of their actual requirement for burial purposes. (R.S. 4878; 41 Stat. 552; 49 Stat. 339; 24 U.S.C. 281) [Par. 8 b (4), AR 30–1840, Oct. 6, 1941, as amended by Cir. 261, W.D., Dec. 17, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–155; Filed, January 7, 1942; 9:37 a. m.]

[1] § 53.4 (c) is amended.

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS[1]

§ 81.33 *Open market procurement; authorizations.*

• • • • •

(f) *Purchases made without advertising in order to expedite the building up of the national defense.*

• • • • •

(2) *Expediting procurement; decentralization.* (i) Purchases made under the authority of this section are, in general, referred to as "negotiated purchases." This authority will be utilized in all cases where this method of procurement will expedite the accomplishment of the war effort. In order further to decentralize procurement—

(*a*) *Awards of contracts.* Awards of defense contracts, whether for supplies or construction, when the amount of the contract (or the estimated amount in the case of a cost-plus-a-fixed-fee contract) is $5,000,000 or more, will be made only after approval of the Under Secretary of War, on recommendation of the chief of the supply arm or service concerned. Awards of contracts of less amount, whether for supplies or construction, and including defense aid contracts, except as hereafter provided otherwise, may be made with the approval of the chief of supply arm or service concerned or under such further decentralization and safeguards as the chief of supply arm or service may prescribe. Contracts will be negotiated on a cost-plus-a-fixed-fee basis only when the use of that form of contract is essential.

(*b*) *Change orders and supplemental agreements.* Change orders and supplemental agreements will be submitted through the chief of supply arm or service to the Under Secretary of War for approval in cases where there is an increase in the contract price (or in the estimated cost if a cost-plus-a-fixed-fee contract) amounting to $5,000,000 or more. Change orders or supplemental

[1] § 81.33 (f) (2) (i) is amended.

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agreements of less amount may be made by the chief of the supply arm or service concerned or under such safeguards and conditions as such chief of supply arm or service may prescribe. The foregoing does not authorize the making, without reference to the Under Secretary of War, through the chief of supply arm or service, of material changes in the character of an award or contract previously approved by him, or in the terms or conditions thereof, nor does it authorize in any case deviations to be made from standard or approved contract provisions without such reference to him.

(c) *Procurements in theaters of operations.* Nothing contained in this subparagraph will be construed to abridge the powers of commanders in theaters of operations to make necessary procurements. (Sec. 1, 54 Stat. 712 as continued in effect by sec. 9, Act June 30, 1941, Public Law 139, 77th Cong.) [Par. 6a AR 5-240, Feb. 11, 1936, as amended by Proc. cir. 91, W.D., Dec. 29, 1941]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-150; Filed, January 6, 1942; 2:44 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER II—NATIONAL GUARD AND STATE GUARD

PART 211—STATE GUARD REGULATIONS[1]

§ 211.10 *Training texts and regulations.* The Chief of the National Guard Bureau has available a limited number of sets of the manuals listed below, and such other manuals as may be required, for distribution to State guards. The following list includes manuals relating to subjects which are fundamental for State guards and to subjects which may be found desirable for study:

Manual No.	Title
FM 21-6	List of Publications for Training (Consult this publication for the latest published manual).
FM 21-10	Military Sanitation and First Aid.
FM 21-15	Equipment, Clothing, and Tent Pitching.
FM 21-20	Physical Training.
FM 21-25	Map and Aerial Photograph Reading.
FM 21-40	Defense Against Chemical Attack.
FM 21-45	Scouting and Patrolling, Dismounted.
FM 21-50	Military Courtesy, Salutes, Honors, and Discipline.
FM 21-100	Soldier's Handbook.
FM 23-5	Infantry Drill Regulations.
FM 23-10	U. S. Rifle, Caliber .30, M1903
FM 23-50	Browning Machine Gun, Caliber .30 HB, M1919 A 4 (Mounted in Combat Vehicles).
FM 26-5	Interior Guard Duty.
FM 27-15	Domestic Disturbances.
FM 29-5	Military Police.

(Sec. 61, Act of June 3, 1916, 39 Stat. 198; 32 U.S.C. 194) [Par. 11, AR 850-250, Apr. 21, 1941, as amended by Cir. 266, W.D., Dec. 24, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-151; Filed, January 6, 1942; 2:44 p. m.]

[1] § 211.10 is amended.

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 921—ALUMINUM

Supplementary Order No. M-1-d To Conserve the Supply and Direct the Distribution of Aluminum Scrap

Whereas national defense requirements have created a shortage of aluminum; and

Whereas aluminum scrap of acceptable quality for reprocessing for use for defense purposes is not coming forward in sufficient volume, due, for the most part, to the fact that under prevailing practices the scrap generated in the course of industrial processes is not being appropriately segregated by alloy content; and

Whereas this can only be remedied by the institution, in all plants generating aluminum scrap, of effective scrap collection programs designed to effect such segregation; and

Whereas the restrictions and requirements relating to the use of aluminum hereinafter set forth are necessary to conserve the supply and direct the distribution thereof in the interest of national defense;

Now, therefore, it is ordered, That:

§ 921.6 *Supplementary Order M-1-d*—(a) *Definitions.* For the purposes of this Order:

(1) "Aluminum" means any material the principal individual ingredient of which by either weight or volume is metallic aluminum.

(2) "Scrap" means all materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescense, failure or other reason, the principal ingredient of which by either weight or volume is metallic aluminum.

(3) "Plant scrap" means that Scrap which is generated in the course of manufacture, including also drosses, skimmings, and defective or rejected material the principal metallic ingredient of which is aluminum.

(4) "Segregated scrap" means Scrap which has been segregated and otherwise handled in such manner as to be acceptable for reprocessing into Aluminum of the original specifications, without the necessity for other than routine examination by the processor.

(5) "Mixed scrap" means all Scrap other than Segregated Scrap.

(6) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(7) "Producer" means the Aluminum Company of America, the Reynolds Metals Company and any other Person who may be so designated by the Director of Priorities.

(8) "Approved smelter" means any Person whose name appears on Schedule A attached to this Order, as the same may be amended from time to time by the Director of Priorities.

(9) "Dealer" means any Person regularly engaged in the business of buying and selling Scrap.

(b) *Contamination.* No person shall contaminate Scrap or other Aluminum with any other metal or material unless specifically authorized by the Director of Priorities, whether by allocation of aluminum for the purpose or otherwise. The foregoing provision shall not prevent a Producer or Approved Smelter from mixing Aluminum with other metals in the production of Aluminum alloys.

(c) *Restrictions on use of scrap.* No Person other than a Producer or Approved Smelter may melt, reprocess, smelt or otherwise use Aluminum Scrap unless specifically authorized by the Director of Priorities: *Provided, however,* That a Person who in normal course of operations melts Aluminum Scrap in fabricating Aluminum products may use his Plant Scrap in the plant in which it is generated in the production of those products (and only those products) for which he is currently obtaining allocations of Aluminum from the Director of Priorities, if in applying for such allocations he shall have reduced his requirements by a reasonable amount in anticipation of the amount of recoverable Plant Scrap.

(d) *Segregation of plant scrap.* (1) After March 1, 1942, no Person who at any one plant generates 1,000 pounds, or more, of Aluminum Scrap per month may sell or otherwise dispose of any Scrap generated in such plant unless he is carrying out the Aluminum Scrap Segregation Program set forth as Schedule B attached to this Order and made a part hereof.

(2) The Director of Priorities may at any time terminate the right of a plant to dispose of Aluminum Scrap if he is not satisfied with the manner in which such Segregation Program is being carried out.

(e) *Sale of plant scrap.* Unless specifically authorized by the Director of Priorities, no Person generating Plant Scrap may sell or deliver any such Scrap that he is not entitled to use in accordance with paragraph (c), except as follows:

(1) *17S, 24S and 52S solids.* Segregated Scrap consisting of 17S, 24S and 52S Aluminum alloys in solid form, respectively, shall be sold and shipped directly to a Producer.

(2) *All other segregated scrap.* All other Segregated Scrap shall be sold and shipped directly to a Producer or Approved Smelter: *Provided, however,* That where the amount of Segregated Scrap of any one alloy specification and form type does not amount to 1,000 pounds or more per month, it may be sold to a Dealer.

(3) *Mixed scrap.* Mixed Scrap shall be sold to an Approved Smelter or Dealer.

(f) *All other scrap.* No person who owns or originates any Scrap, (other than a Person generating Plant Scrap or a Dealer) may sell or deliver such Scrap except to a Producer, Approved Smelter or Dealer; he shall not use or dispose of such Scrap in any other way.

(g) *Dealer's operations.* No Dealer may sell or deliver any Scrap or other Aluminum owned or accumulated by him except to a Producer or Approved Smelter, and shall not use or dispose of such Scrap or other Aluminum except by such a sale: *Provided, however,* That he may sell any Scrap to another Dealer if, in the regular course of business, he does not currently collect sufficient Scrap to make it practicable for him to sell directly to a Producer or an Approved Smelter.

(h) *Designation of segregated scrap.* The seller of Segregated Scrap shall see that it is clearly marked as such, showing also the alloy specification, form and source, and each party to the transaction shall keep records so designating the Scrap involved in each transaction. No Scrap other than Segregated Scrap shall be so designated by any Person.

(i) *Tolling prohibited.* Except as the Director of Priorities may specifically authorize, no Scrap shall be delivered for processing or returned under any toll, repurchase, or similar arrangement.

(j) *No acquisition or delivery in violation of order.* No Person shall hereafter acquire or deliver Aluminum Scrap or products made therefrom if he has reason to believe such material has been or is to be used in violation of the terms of this or of any other Order of the Director of Priorities: *Provided,* That for any purpose permitted by this Order, any Producer or Approved Smelter may freely acquire Aluminum Scrap at any time, irrespective of the status under this Order of the Person disposing of the same.

(k) *Record and reports.* Each Person who participates in any transaction to which this Order applies (except an individual originating Scrap other than Plant Scrap) shall keep and preserve for at least two years complete and accurate records as to all transactions in Scrap, which shall be subject to inspection by the Office of Production Management. Each such Person shall file such reports and questionnaires as the Director of Priorities may require.

(l) *Specific authorizations.* Where this Order calls for specific authorization by the Director of Priorities, an allocation or other written authorization to carry out the particular action proposed is required; and Preference Rating Orders or Certificates do not constitute such specific authorization.

(m) *Revocation.* Supplementary Order M-1-c, all Serially numbered Orders of Preference Rating Order No. P-12, and all authorizations and directions issued pursuant thereto are hereby terminated, effective immediately, except that the following, if operative immediately prior to the effective date of this Order shall constitute valid authorization hereunder:

(1) Any approval issued by the Director of Priorities subsequent to October 31, 1941, of any toll arrangement;

(2) Any approval on the basis of a Form PD-1 application issued by the Director of Priorities subsequent to September 30, 1941; and

(3) Insofar as concerns Scrap which is in transit as of the effective date of this Order, any other applicable authorization from the Director of Priorities issued prior to the effective date of this Order.

(n) *Effective date.* This Order shall take effect immediately upon its issuance and unless sooner terminated by the Director of Priorities shall expire on the 31st day of December 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 7th day of January 1942.

DONALD M. NELSON,
Director of Priorities.

SCHEDULE "A"—APPROVED ALUMINUM SMELTERS

State, smelter and address

California: Federated Metals Div. (Am. Smelting & Refining), Los Angeles, Calif.; Federated Metals Div. (Am. Smelting & Refining), San Francisco, Calif.; Berg Metal Company, 2652 Long Beach Avenue, Los Angeles, Calif.; Morris P. Kirk and Sons, Inc., 2717 So. Indiana Street, Los Angeles, Calif.

Illinois: Apex Smelting Company, 2537 W. Taylor Street, Chicago, Ill.; Aurora Refining Company, P. O. Box 88, Aurora, Ill.; Wm. F. Jobbins Inc., Chicago, Ill.; R. Lavin & Sons, Inc., 3426 S. Kedzie Avenue, Chicago, Ill.; U. S. Reduction Company, East Chicago and Melville Aves., Chicago, Ill.

Indiana: Federated Metals Div. (Am. Smelting and Refining), Whiting, Ind.

Kansas: Sonken-Galamba, Riverview at 2nd Street, Kansas City, Kans.

Michigan: Federated Metals Div. (Am. Smelting & Refining), Detroit, Mich.; Bohn Aluminum and Brass Corporation, Detroit, Mich.

Missouri: Federated Metals Div. (Am. Smelting & Refining), St. Louis, Mo.

New Jersey: Federated Metals Div. (Am. Smelting & Refining), Barber, N. J.

New York: Alloys and Products, Inc., Oak Point Avenue and Barry Street, Bronx, N. Y.; Electro Refractories and Alloys Co., Willet Road, Lackawanna, N. Y.; Samuel Greenfield Co., Inc., 31 Stone Street, Buffalo, N. Y.; Niagara Falls Smelt. & Ref. Co., 2204 Elmwood Avenue, Buffalo, N. Y.

Ohio: Aluminum Smelting and Refinery Co., 5463 Dunham Road, Maple Heights, Ohio; Aluminum & Magnesium, Inc., 1 Huron Street, Sandusky, Ohio; Cleveland Electro Metals Company, 2391 West 38th St., Cleveland, Ohio; National Bronze & Aluminum Foundry, Cleveland, Ohio; National Smelting Company, P. O. Box 1791, Cleveland, Ohio.

Pennsylvania: General Smelting Company, 2901 E. Westmoreland St., Philadelphia, Pa.; North American Smelting Co., Edgemont and Tioga Sts., Philadelphia, Pa.; George Sall Metals Company,

Westmoreland and Tulip Sts., Philadelphia, Pa.

SCHEDULE "B"—ALUMINUM SCRAP SEGREGATION PROGRAM

I. *Segregation by alloy content and form*—(1) *By alloy content.* Scrap of each individual alloy (for example 17S, 24S, 52S, 112, 645, etc., also 2S pure Aluminum) shall be segregated from Scrap of other alloys.

Exception. In any division of a plant devoted to any one phase of operations, no more than the three most important alloys need be segregated.

NOTE: Scrap from coated material (Alclad or Pureclad sheet) may be included with uncoated material of the same alloy specification; but Scrap from painted material shall not be included with unpainted material of the same alloy specification except in very minor amounts.

(2) *By form.* In addition to the above segregation on the basis of alloy content, the Scrap of each alloy shall be segregated into two form types:

(i) *"Solids"*—generated by shearing, clipping, cutting, blanking, or similar process, also defective or rejected wrought Aluminum parts, defective or rejected castings and gates, sprues, risers or similar foundry Scrap;

(ii) *"Machinings"*—generated by machining, drilling, boring, turning, milling or like operations.

In no event shall Solids and Machinings be combined.

NOTE: Grindings, sawings or other fines, drosses, skimmings and sweepings need not be segregated as to alloy specification but shall be treated as Mixed Scrap as provided below.

II. *Mixed scrap.* All Scrap which is not required to be segregated as to alloy content as above provided, or which cannot be identified as to alloy content, shall be classified as Mixed Scrap. However, Mixed Scrap consisting of (i) drosses and skimmings, (ii) Solids, and (iii) Machinings shall be handled separately from each other and from all other Mixed Scrap.

III. *General provisions*—(1) *Official responsible for handling scrap.* Each Person operating a plant shall appoint a responsible employee to supervise the collection, segregation and handling of all Scrap generated in the plant. The name of such employee shall be forwarded to the Aluminum and Magnesium Branch, Office of Production Management, Washington, D. C. All such functions shall be performed by employees in the plant acting under direction of such supervisory employee. No Dealer or other Person not a regular employee of the plant shall perform any such functions except as the Director of Priorities may specifically authorize.

(2) *Collection and identification.* Segregation shall be effected by collection at the machine where the Scrap is generated. Separate containers for collection and bins for storage shall be provided for Scrap of each alloy as distinct from other alloys, and also for the Solid Scrap and for the Machining Scrap of the same alloy. All containers and bins shall be clearly marked to identify the alloy and the form of Scrap for which they are intended, and they shall be kept clean, dry and in good condition, so that their contents shall be protected from contamination and the weather. Each container and bin shall be used only as a receptacle for the alloy and form of Scrap for which it is designated and marked.

(3) *Identification of segregated scrap for shipment.* Each unit of Segregated Scrap shall, upon shipment, be clearly marked or labelled as to alloy specification, form, and source, i. e., the plant where generated.

(4) *Obligation as regards subcontractors.* Each Person operating a plant, as part of his arrangement with any subcontractor to whom he furnishes Aluminum, shall impose an obligation upon, and otherwise make every effort to see to it that, such subcontractor institutes and carries out an adequate Scrap collection and segregation program.

[F. R. Doc. 42-162; Filed, January 7, 1942; 10:28 a. m.]

PART 933—COPPER

General Preference Order No. M-9-a as Amended January 7, 1942—To Conserve the Supply and Direct the Distribution of Copper and Copper Base Alloys and Products Thereof

Section 933.2 (*General Preference Order M-9-a*) as extended December 31, 1941 is hereby amended to read as follows:

Whereas the national defense requirements have created a shortage of Copper, Copper Base Alloys and products thereof, as hereinafter defined, for defense, for private account, and for export, and it is necessary in public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered:

§ 933.2 *General Preference Order M-9-a*—(a) *Priorities Regulation No. 1 incorporated.* All of the provisions and definitions of Priorities Regulation No. 1 issued by the Director of Priorities (Part 944) as amended from time to time, are hereby included as a part of this Order with the same effect as if specifically set forth herein, except as otherwise specifically provided herein.

(b) *Definitions.* For the purpose of this Order:

(1) "Copper" means Copper metal which has been refined by any process of electrolysis or fire refining to a grade and in a form suitable for fabrication such as cathodes, wire bars, ingot bars, ingots, cakes, billets, wedge bars or other refined shapes, or Copper shot or other forms produced by a Refiner.

(2) "Copper base alloy" means any alloy in the composition of which the percentage of Copper metal by weight equals or exceeds the percentage of all other metals.

(3) "Copper products" means fabricated products made of Copper or Copper Base Alloys.

(4) "Refiner" means any Person who produces Copper, as hereinbefore defined, from Copper-bearing material or scrap by any process of electrolysis or fire refining; "Refiner" also includes any Person who has such Copper produced for him under toll agreement.

(5) "Dealer" means one who receives physical delivery of Copper and sells or holds the same for sale without change in form.

(6) "Brass mill products" means sheet, wire, rod or tube made from Copper or Copper Base Alloy.

(7) "Wire mill products" means bare or insulated wire for electrical conduction made from Copper or Copper Base Alloy.

(8) "Warehouse" means any Person regularly engaged in the wholesale business who maintains stocks of Brass Mill or Wire Mill Products and sells or holds the same for sale without change in form.

(c) *Allocation of copper*—(1) *Deliveries of copper by refiners.* No deliveries of Copper shall be made by any Refiner except as specifically authorized by the Director of Priorities (hereinafter called the "Director") pursuant hereto. The Director will for each month allocate all Copper which Refiners will be permitted to deliver during each month. Persons (including Dealers) who require Copper directly from Refiners may make application to the Office of Production Management, Ref. M-9-a, for Allocation Certificates entitling them to specified amounts of Copper to be delivered by Refiners. Notwithstanding the foregoing, Copper of Foreign origin imported under bond or drawback agreement may be reexported by a Refiner pursuant to an Export License duly issued by the Office of Export Control, Board of Economic Warfare.

(2) *Basis of allocation.* Allocations of Copper, will be made by the Director to assure the satisfaction of all military requirements. After the satisfaction of all such military requirements, the residual supply will be allocated by the Director for essential and other civilian uses to the extent possible. In making such allocations, the Director may take into consideration possible dislocation of labor and resulting unemployment and the necessity of keeping a plant in operation so that it may be able to fill future Defense Orders.

(3) *Obtaining copper from dealers.* Persons who customarily obtain their Copper from Dealers may obtain their Copper from Dealers without the necessity of such allocation certificates: *Provided, however,* That no Dealer shall sell or deliver Copper to any Person who has received an Allocation Certificate entitling such Person to a specified amount of Copper from Refiners during the same month.

(4) *Acceptance of delivery.* No Person shall accept delivery of any Copper except as provided for above or pursuant to other specific authorization of the Director of Priorities.

(d) *Deliveries by all others except refiners.* Except as otherwise specifically authorized by the Director, deliveries of Copper by Dealers, and of Copper Base Alloys and Copper Products by any Person shall be made only in accordance with Priorities Regulation No. 1.

(e) *Toll agreements.* (1) No Person shall, after January 15, 1942, process any Copper, Copper Base Alloy, or Copper Product under any existing or future toll agreement, conversion agreement, or other form of agreement by which title remains vested in a Person other than the one processing the material, or which agreement is contingent upon repurchase of Copper, Copper Base Alloy or Copper Product in any quantities equivalent or otherwise by the Person delivering the material, unless and until such an agreement shall have been approved by the Director of Priorities. Any Person desiring to have such an agreement approved must file with the Office of Production Management a statement setting forth the names of the parties to such agreement, the material involved as to kind and grade (except Copper Scrap for which provision is made under Supplementary Copper Order No. M-9-b), the form of the same, the estimated tonnage involved, the estimated rate of delivery, the length of time such agreement or other similar agreement has been in force, the duration of the agreement, the purpose for which the Copper, Copper Base Alloy or Copper Product is to be used, and any other pertinent data that would justify such approval.

(2) All Refiners who are parties to toll agreements for the refining of Copper (who have not already filed the information with the Director of Priorities) must file with the Office of Production Management, a statement setting forth the names of the parties to such agreements, the material involved, whether blister, scrap or in other form, the estimated tonnage involved, the estimated rate of delivery, and the duration of the contract. A like statement must be filed with reference to any new agreement or amendment to existing or new agreements within ten days after the effective date of such new agreement or amendment respectively.

(f) *Assignment of preference rating to deliveries to warehouses.* A Preference Rating of A-9 is hereby assigned to deliveries of Brass Mill or Wire Mill Products to Warehouses, as defined herein, for deliveries after February 28, 1942, where and to the extent that such deliveries are within the provisions of paragraph (g) below.

(g) *Limitation on deliveries of brass mill or wire mill products to warehouses.* After February 28, 1942:

(1) No Warehouse shall in any calendar month accept delivery of either Brass Mill Products or Wire Mill Products, respectively, by weight of Copper or Copper Base Alloy content in excess of the total weight of either class of such products by weight of Copper or Copper Base Alloy content delivered by such Warehouse to fill Defense Orders as defined by Priorities Regulation No. 1 during the second month preceding the month in which delivery is accepted.

(2) No Person shall deliver to a Warehouse and no Warehouse shall accept delivery of Brass Mill Products or Wire Mill Products, respectively, by weight of Copper or Copper Base Alloy content in any calendar month in excess of 1/12 of the total weight of either class of such products by weight of Copper or Copper Base Alloy content delivered by such Person to such Warehouse during the calendar year 1941.

(3) No Warehouse shall accept delivery of Brass Mill Products or Wire Mill Products in any calendar month unless such Warehouse shall have filed Form PD-227 with the Office of Production Management, Ref.: M-9-a, and with each of its Suppliers on or before the 10th day of the previous month.

(h) *Addressing of communications.* All applications, statements, or other communications filed pursuant to this Order or concerning the subject matter hereof should be addressed "Office of Production Management, Ref: M-9-a, Washington, D. C."

(i) *Duration of order.* This Order may be revoked or modified by the Director at any time; shall take effect immediately; and, unless previously terminated, shall expire on the 30th day of June, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629; Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2(a) Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 7th day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-161; Filed, January 7, 1942; 10:27 a. m.]

PART 1003—TITANIUM PIGMENTS

Amendment No. 2 to General Preference Order M-44 to Conserve the Supply and Direct the Distribution of Titanium Pigments

(a) Section 1003.1 (*General Preference Order M-44*[1]) is hereby amended in the following respects:

(1) Paragraph (b) (4) is amended to read as follows:

(b) *Additional definitions.*

* * * * * *

(4) "Producer" means any person producing titanium pigments by processing Ilmenite or other ores containing titanium dioxide.

* * * * * *

(2) Paragraph (e) (2) is amended by adding the following sentence at the end thereof:

(e) *Directions with respect to residual supply.*

* * * * * *

(2) * * * All such certificates shall be filed with the producer or jobber on or before the twentieth day of the month prior to the month the requirements whereof are covered by such certificate.

* * * * * *

(3) Paragraph (e) (4) is amended to read as follows:

(4) (i) Except as provided in (ii) below, no producer shall refuse to accept an order from a manufacturer, who is a former customer of such producer and who meets such producer's regularly established credit terms, for delivery in any one month of an amount of titanium dioxide in pigment form equal to or less than said manufacturer's basic monthly poundage calculated solely upon his previous purchases from such producer.

(ii) If, in any month, beginning with the year 1942, such producer's previous deliveries in the calendar year to such customer shall have been equal to, or in excess of, the total amount of titanium dioxide in pigment form which such customer would be eligible to order during the entire calendar year under (i) above, assuming that the Reserved Quota Percentage were to remain unaltered for the remainder of the calender year, then, and in such event, such producer may refuse to accept such orders from such customer.

* * * * * *

(b) *Effective date.* Paragraphs (a) (1) and (a) (2) of this Amendment shall take effect immediately. Paragraph (a) (3) shall take effect with respect to certificates to be filed covering monthly requirements for the month of February, 1942, and succeeding months. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941; 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 7th day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-163, Filed, January 7, 1942; 10:28 a. m.]

PART 1024—PIGS' AND HOGS' BRISTLES

Supplementary Order M-51-a To Conserve the Supply and Direct the Distribution of Pigs' and Hogs' Bristles

Pursuant to § 944.17 of Priorities Regulation No. 1,[1] which is incorporated in General Preference Order M-51 by paragraph (a) of that Order, all Persons affected by General Preference Order M-51 shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request;

Now, therefore, it is hereby ordered, That:

§ 1024.2 *Supplementary Order M-51-a.* (a) Each person having title to any Pigs' or Hogs' Bristles, as defined by General Preference Order M-51, shall complete

[1] 6 F.R. 5934, 5996.

[1] 6 F.R. 6682.

and file in duplicate Form PD–217 with the Bureau of the Census, Washington, D. C., as tabulating agent for the Office of Production Management, on or before January 15, 1942. Failure to make such a report on the part of any person shall be deemed a representation to the Government, subject to the penalties of Section 35A of the United States Criminal Code, that such person does not have title to any Pigs' or Hogs' Bristles.

(b) This Order shall take effect immediately. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session.)

Issued this 7th day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42–160; Filed, January 7, 1942; 10:27 a. m.]

CHAPTER XIII—OFFICE OF PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

[Recommendation No. 28]

PART 1503—PRODUCTION

AVIATION GRADE PETROLEUM

To the Governors and people of all oil-producing States, to the State regulatory agencies having jurisdiction with respect to the exploration, development, production, or conservation of petroleum, to the Production Committee of District Five, to all producers of crude petroleum and to all producers of liquid and gaseous hydrocarbons from condensate pools:

It is essential, in the national interest, that the supplies of all grades of aviation gasoline for military, defense, and essential civilian uses be increased immediately to the maximum. A vast program of expansion of the facilities for manufacturing aviation grades of gasoline has been undertaken jointly by various agencies of the Government, together with the oil industry. The Petroleum Coordinator for National Defense has issued several Recommendations in furtherance of this program, viz. Recommendations Nos. 8, 8 supplement, 13, 16, and 23. To assure the successful accomplishment of this program it is necessary that there be ready and adequate supplies of aviation grade crude petroleum and aviation grade gasoline components from the natural gas, condensate and oil fields of each State to fill the demand of existing facilities and of additional facilities as they become available.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

§ 1503.20 *Production of aviation grade petroleum.* Within the recommended production rates certified to the various States each month by the Petroleum Coordinator for National Defense, production allowables to fields and pools shall be fixed in such a manner as will efficiently:

(a) provide aviation grade crude petroleum, to the full extent that such petroleum can be utilized for the production of aviation gasoline, to refineries that are actually utilizing their aviation gasoline refining facilities and their current supplies of aviation grade crude petroleum principally for the production of aviation grade gasoline for military purposes;

(b) provide increased allowables to the extent that the production can be utilized by additional aviation grade gasoline refinery capacity as it becomes available, to those fields capable of supplying such additional refinery capacity with aviation grade crude petroleum;

(c) encourage the efficient recovery of additional quantities of aviation grade gasoline components from natural gas, condensate and oil fields of each State.*

*§§ 1503.20 to 1503.21, inclusive, issued under the authority contained in the President's letter of May 28, 1941 to the Secretary of the Interior (6 F.R. 2760).

§ 1503.21 *Definitions.* For the purposes of this Recommendation:

(a) "Aviation grade crude petroleum" shall be defined as a crude petroleum which will yield, by normal distillation processes, at least 5 percent by volume of a debutanized naphtha having the requisite qualities of "aviation grade naphtha" as defined herein. The quantity of such "aviation grade naphtha" contained in the crude shall be sufficient to permit its separation from the crude by means of existent distillation facilities in a manner consistent with normal refinery practices.

(b) "Aviation grade naphtha" shall be defined as a naphtha having the following characteristics:

(1) The temperature at the 90 percent point by ASTM distillation shall not be less than 240 degrees F.

(2) The octane number shall not be less than 90 after addition of 4 milliliters of tetraethyl lead per gallon.

(3) The Reid vapor pressure shall not be greater than 7 pounds per square inch.

(4) The distillation and testing specifications and methods shall be as required by Army–Navy specifications AN–VV–F–776.*

R. K. DAVIES,
Acting Petroleum Coordinator for National Defense.

JANUARY 1, 1942.

[F. R. Doc. 42–153; Filed, January 7, 1942; 9:37 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER E—LOAD LINES

[Order No. 194]

PART 43—FOREIGN VOYAGES DURING THE NATIONAL EMERGENCY[1]

JANUARY 7, 1942.

Section 43.4 (*Freeboard*) is amended to read as follows:

§ 43.4 *Freeboard.* Vessels referred to in § 43.3 of this part, which the Bureau of Marine Inspection and Navigation shall find are in proper condition, and shall so certify to the assigning authority, may load, when engaged on ocean voyages:

(a) When in a summer zone or season, to the tropical load line.

(b) When in a tropical zone or season, to the tropical fresh water line.

(Vessels operating at timber load lines determined by Part 43 of this Subchapter shall operate at such load lines.)

Vessels engaged in voyages in seasonal winter zones shall comply with the requirements of Part 43 of this subchapter, except that a vessel certified for deeper loading that shall leave a United States port in the winter season bound southerly on a course that will bring her to a summer zone within 30 hours of departure may depart when loaded to her tropical load line; *Provided*, That the voyage under consideration will not be commenced during or when anticipating dangerous weather conditions during the next 30 hours: *Provided, also*, That vessels certified for deeper loading bound for ports located on the east coast of North America west of long. 60° W. that leave south of lat. 20° N. and north of or from South America may cross lat. 36° N., west of long. 60° W., during the winter season without regard to the position of their seasonal winter load line. (Sec. 2, 45 Stat. 1493, 46 U.S.C., 85a; Proc. 2487, 6 F.R. 2617; Proc. 2500, 6 F.R. 3999)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 42–173; Filed, January 7, 1942; 11:52 a. m.]

CHAPTER II—UNITED STATES MARITIME COMMISSION

PART 241—SHIP WARRANT REGULATIONS

SHIP WARRANT REGULATIONS, AMENDED

DECEMBER 16, 1941.

Subject to, and effective immediately upon approval by the President, the Ship Warrant Regulations issued by the Commission on August 14, 1941,[2] pursuant to the authority contained in the Act, approved July 14, 1941 (Public Law 173, 77th Congress), and Executive Order of August 26, 1941 (No. 8871), are amended as follows:

The respective phrases "Class A–1", "Class A–2" and "Class A–3" wherever they appear in the Ship Warrant Regulations are deleted and in lieu thereof are inserted the respective phrases "Class SW–1", Class SW–2" and "Class SW–3".

All outstanding Merchant Ship Warrants bearing the respective class symbols "Class A–1" or "Class A–2" are to be honored until their expiration, revocation, modification, surrender or withdrawal, but warrants hereafter issued shall bear the class symbols "Class SW–1" or "Class SW–2" whichever may be appropriate.

By order of the Commission.

[SEAL] W. C. PEET, JR.,
Secretary.

Approved:

FRANKLIN D ROOSEVELT
The White House, January 2, 1942.

[F. R. Doc. 42–152; Filed, January 6, 1942; 3:02 p. m.]

[1] 6 F.R. 5297.
[2] 6 F.R. 4537.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A–1247]

PETITION OF MITCHELL-JONES CORPORATION, A CODE MEMBER IN DISTRICT NO. 6, FOR TEMPORARY REDUCTION IN THE EFFECTIVE MINIMUM PRICES FOR SIZE GROUP 3 COALS OF MINE INDEX NO. 192 FOR RAILROAD FUEL USE

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

An orginal petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with this Division by the above-named party, for a temporary reduction in the effective minimum prices for the Size Group 3 coals of its Standard No. 2 strip mine, Mine Index No. 192, for railroad fuel use.

The original petitioner alleges that on December 3, 1941, it erroneously shipped 6 cars of 2-inch first-cut lump coals in Size Group No. 3 to Pennsylvania Railroad scales at Mingo Junction, Ohio, for the account of The Cleveland-Cliffs Iron Company, its exclusive sales agent; that the applicable minimum price for such coal for railroad fuel use is 220 cents per net ton f. o. b. the mine; that first-cut coals of the said mine are customarily crushed to a 2-inch top size and sold as Size Group No. 12 coals; that the said sales agent has been unable to sell such first-cut 2-inch lump coal at not less than the effective minimum prices for Size Group No. 3 coals; that the cost of returning the said 6 cars to the mine for unloading and crushing is prohibitive and that considerable demurrage charges have and are accruing against such cars; and that Pennsylvania Railroad offered to purchase the said 6 cars at 165 cents per net ton for railroad fuel use, and that such offer is the best that the original petitioner has received for such cars.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth, that no petitions of intervention have been filed with the Division in the above-entitled matter, and that such action is necessary in order to effectuate the purposes of the Act.

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, Mitchell-Jones Corporation, a code member in District No. 6, is granted permission to sell six (6) cars, Nos. PRR 136187, PRR 171646, PRR 743322, PRR 160823, PRR 900431, and PRR 196652, of 2-inch lump coals in Size Group No. 3, produced at its Standard No. 2 Mine, Mine Index No. 192, to Pennsylvania Railroad for railroad fuel use at 165 cents per net ton f. o. b. the said mine.

It is further ordered, That when such cars have been so sold the original petitioner shall file with the Division a verified statement that such sale has been completed, and shall serve copies thereof upon all persons previously served in this proceeding; and

It is further ordered, That applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: January 3, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–159; Filed, January 7, 1942; 10:34 a. m.]

[Docket No. A–1194]

PETITION OF DISTRICT BOARD NO. 7 FOR A CHANGE IN SHIPPING POINTS OF MINE INDEX NO. 612

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party, alleging that in Docket No. A–1044 District Board No. 7 erroneously proposed price classifications and minimum prices for the coals of the Thompson Mine (Mine Index No. 612) of C. J. Thompson, a code member in District No. 7, for rail shipments on the Norfolk & Western Railroad from Springton, West Virginia, instead of from Matoaka, West Virginia; that the railway loading facilities of the Thompson Mine are and have been at Matoaka, West Virginia, which is four (4) miles nearer to this mine than Springton. The petition requests that the price classifications and minimum prices established for the coals of the Thompson Mine be made applicable to shipments from Matoaka, West Virginia.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention have been filed with the Division in the above-entitled matter; and

The following action is deemed necessary in order to effectuate the purposes of the Act;

It is therefore ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices established for the coals of the Thompson Mine (Mine Index No. 612) of C. J. Thompson, for rail shipments, shall be applicable only for shipments on the Norfolk & Western Railway from Matoaka, West Virginia, and shall no longer be applicable for shipments from Springton, West Virginia. All allowances or adjustments required or permitted mines in Freight Origin Group No. 20 shall be applicable for shipments of the coals of the Thompson Mine on the Norfolk & Western Railway from Matoaka, West Virginia.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–158; Filed, January 7, 1942; 10:33 a. m.]

[Docket No. A–1214]

PETITION OF N. T. JENKINS FOR CHANGE IN SHIPPING POINT OF HIS SNIDER #2 MINE, MINE INDEX NO. 1242, IN DISTRICT NO. 3, FOR ALL SHIPMENTS EXCEPT TRUCK

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Division by the above-named party, requesting a change in the shipping point of the Snider #2 Mine, Mine Index No. 1242, of N. T. Jenkins, in District No. 3, from Webster, West Virginia, on Baltimore & Ohio Railroad to Grafton, West Virginia, on the said railroad, for rail shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled proceeding, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the Snider #2 Mine, Mine Index No. 1242, of N. T. Jenkins, for rail shipments, shall be applicable only for shipments on Baltimore & Ohio Railroad from Grafton, West Virginia, and shall no longer be applicable for shipments on Baltimore & Ohio Railroad from Webster, West Virginia. All allowances or adjustments required or permitted mines in Freight Origin Group No. 50 shall be applicable for all shipments of the coals of the said mine from Grafton, West Virginia, on the said railroad.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to Section II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-157; Filed, January 7, 1942; 10:33 a. m.]

[Docket No. B-132]

IN THE MATTER OF DEXTER-CARPENTER COAL CO., INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 2304, RESPONDENT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore set for hearing on January 12, 1942, in a hearing room of the Bituminous Coal Division at Room D, Washington Hotel, Washington, D. C.; and

It appearing to the Acting Director that it is advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same hereby is, postponed to a date and place to be hereafter designated by appropriate Order.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-156; Filed, January 7, 1942; 10:33 a. m.]

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

ORDER AUTHORIZING ASSISTANTS TO THE SECRETARY OF AGRICULTURE TO AUTHENTICATE DOCUMENTS OF THE DEPARTMENT

1. The employees of the Department of Agriculture who are designated by the Secretary of Agriculture from time to time as Assistants to the Secretary are hereby authorized, while holding such positions, severally to authenticate, under the seal of the Department of Agriculture, pursuant to section 882 of the Revised Statutes, as amended by section 6 (a) of the act approved June 19, 1934 (48 Stat. 1109; 28 U.S.C., sec. 661), copies of any books, records, papers, or other documents, or any books or records of account in whatever form, or minutes (or portions thereof) of proceedings, or copies of such books or records of account, or copies of such minutes of proceedings, in the Department of Agriculture. It is directed that, upon each such authenticated copy or original, as the case may be, there shall appear a recital that such copy or original has been authenticated and the seal of the Department of Agriculture affixed thereto by the direction of the Secretary of Agriculture. It is further directed that each certificate of authentication shall bear the genuine signature of the person executing such certificate.

2. The order dated December 3, 1936, authorizing Paul H. Appleby, J. D. LeCron, and R. M. Evans to authenticate documents is hereby revoked.

3. Except as indicated in paragraph 2 above, this order shall not be construed as affecting in any way other orders authorizing officials or employees of the Department of Agriculture to authenticate documents.

Done at Washington, D. C., this 7th day of January 1942.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-167; Filed, January 7, 1942; 11:03 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862), and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective January 8, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Green Star Manufacturing Company, Sharptown, Maryland; Men's Underwear; 5 percent (T); January 8, 1943.

Michaels, Stern and Company, Inc., Liberty Street, Penn Yan, New York; Men's and Boys' Clothing; 5 percent (T); January 8, 1943.

National Pad and Binding Company, 1932 Arch Street, Philadelphia, Pennsylvania; Canvas Fronts, Sleeve and Shoulder Pads; 5 percent (T); January 8, 1943.

Pullman Wholesale Tailors, 132 South West Temple Street, Salt Lake City, Utah; Men's Suits and Overcoats; 14 learners (E); May 7, 1942.

Red Bank Clothing Manufacturing Company, 210 West Front Street, Red Bank, New Jersey; Men's and Student's Clothing; 5 percent (T); January 8, 1943.

Single Pants, Shirts, and Allied Garments and Women's Apparel Industries

Consolidated Garment Manufacturing Company, 225 North Market Street, Galion, Ohio; Cotton Slips, Nightwear, Slacks and Blouses; 10 learners (T); January 8, 1943.

Coronet Manufacturing Company, 1000 Broadway, Kansas City, Missouri; Slack Suits, Sport Shirts; 10 learners (T); July 1, 1942. (This certificate replaces one issued bearing expiration date of December 22, 1942.)

G. W. Pants Company, 76 Mechanic Street, Norwich, Connecticut; Men's and Boys' Trousers; 10 percent (T); January 8, 1943.

Grantham Manufacturing Company, Grantham, Pennsylvania; Ladies' and Junior Wash Dresses; 10 percent (T); January 8, 1943.

Her Majesty Underwear Company, Leola, Pennsylvania; Slips: 10 learners (T); January 8, 1943.

S. Liebovitz and Sons, Inc., Mont Alto, Pennsylvania; Men's Shirts; 10 learners (T); January 8, 1943.

Magnolia Garment Company, Jefferson Street, Laurel, Mississippi; Work Shirts, Work Pants; 10 percent (T); January 8, 1943.

New England Overall Company, 560 Harrison Avenue, Boston, Massachusetts; Overalls and Work Pants; 10 percent (T); January 8, 1943.

Queen City Dress Manufacturing Company, Inc., Third and Chew Streets, Allentown, Pennsylvania; Dresses; 10 percent (T); January 8, 1943.

Gloves

Wells Lamont Smith Corporation, Louisiana, Missouri; Work Gloves; 5 percent (T); January 8, 1943.

Knitted Wear

Bestok Underwear Company, 9th and Wiconisco, Tower City, Pennsylvania; Underwear; 10 learners (T); January 8, 1943.

Oneita Knitting Mills, 851 Broad Street, Utica, New York; Knit Underwear; 5 percent (T); January 8, 1943.

Millinery

Simon Millinery Company, 989 Market Street, San Francisco, California; Custom-Made Millinery; 5 learners (T); January 8, 1943.

Woolen

Lincolnsfield Mills, West Broadway, Lincoln, Maine; Worsted Menswear and Uniform Cloth; 14 learners (E); May 7, 1942.

Signed at Washington, D. C., this 7th day of January 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-171; Filed, January 7, 1942; 11:47 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective January 8, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Fredwill Manufacturing Company, 13th and Bushkill Drive, Easton, Pennsylvania; Textile, Converted Paper Products; 10 learners; 6 weeks for any one learner; 30 cents an hour; Sewing Machine Operator, Fancy Box Maker; May 28, 1942.

Signed at Washington, D. C., this 7th day of January 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-172; Filed, January 7, 1942; 11:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6230]

IN RE APPLICATION OF JAMES F. HOPKINS, INC. (NEW)

NOTICE OF HEARING

Application dated July 26, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Ann Arbor, Michigan; operating assignment specified: Frequency, 1050 kc.; power, 1 kw. day; hours of operation, daytime.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with application of Washtenaw Broadcasting Company, Inc. (New), Docket No. 6231, for the following reasons:

1. To determine the qualifications of the applicant to construct and operate a station at Ann Arbor, Michigan.

2. To determine the areas and populations now receiving primary service from Station WJBK (licensed to this applicant) which would receive primary service from the operation of the proposed station.

3. To determine the character of the proposed program service.

4. To determine the areas and populations which would gain primary service from the operation of the station proposed herein, and what other broadcast service is available to these areas and populations.

5. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radiobroadcast service as contemplated by Section 307 (b) of the Communications Act of 1934, as amended.

6. To determine whether there are other assignments available for the Ann Arbor, Michigan area which would permit unlimited time operation in accordance with the Standards of Good Engineering Practice.

7. To determine whether public interest, convenience and necessity would be served through the granting of this application, the application of Washtenaw Broadcasting Company, Inc., Docket No. 6231, or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

James F. Hopkins, Inc., 6559 Hamilton Avenue, Detroit, Michigan.

Dated at Washington, D. C., January 5, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-164; Filed, January 7, 1942; 10:44 a. m.]

[Docket No. 6231]

IN RE APPLICATION OF WASHTENAW BROADCASTING COMPANY, INC. (NEW)

NOTICE OF HEARING

Application dated September 6, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Ann Arbor, Michigan; operating assignment specified: Frequency, 1,050 kc.; power, 1 kw. day; hours of operation, daytime.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with application of James F. Hopkins, Inc. (New), Docket No. 6230, for the following reasons:

1. To determine the qualifications of the applicant to construct and operate a station at Ann Arbor, Michigan.

2. To determine the character of the proposed program service.

3. To determine the areas and populations which would gain primary service from the operation of the station proposed herein and what other broadcast service is available to these areas and populations.

4. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio broadcast service, as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

5. To determine whether there are other assignments available for the Ann Arbor, Michigan area which would permit unlimited time operation in accordance with the Standards of Good Engineering Practice.

6. To determine whether public interest, convenience and necessity would be served through the granting of this application, the application of James F. Hopkins, Inc., Docket No. 6230, or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Washtenaw Broadcasting Co., Inc., % Edward F. Baughn, 1890 Lakeland, Sylvan Village, Pontiac, Michigan.

Dated at Washington, D. C., January 5, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42–165; Filed, January 7, 1942; 10:44 a. m.]

[Docket No. 6236]

IN RE APPLICATION OF S. BRAD HUNT (NEW)

NOTICE OF HEARING

Application dated July 28, 1941; for construction permit; class of service, broadcast; class of station, broadcast; location, Alton, Illinois; operating assignment specified: Frequency, 1,030 kc.; power, 1 kw.; hours of operation, daytime.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To obtain full information with respect to the relationships between applicant, Ronald V. Cochran and Robert W. Nickles, including all agreements and understandings, written or oral, and the effect thereof upon the operation of the proposed station and applicant's finances, should this application be granted.

2. To determine whether operation of the proposed station would provide primary service to (a) the business districts, (b) the residential districts, and (c) the metropolitan district of St. Louis, Missouri, as contemplated by the Standards of Good Engineering Practice.

3. To determine the areas and populations which would receive primary service from the operation of the proposed station and what other broadcast service is available to these areas and populations.

4. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radiobroadcast service as contemplated by section 307 (b) of the Communications Act of 1934 as amended.

5. To determine whether there are other assignments available which would permit the rendition of service by the applicant to Alton, Illinois, and the areas contiguous thereto during unlimited hours or daytime hours only, in accordance with the Standards of Good Engineering Practice.

6. To determine whether in view of the facts adduced under the foregoing issues public interest, convenience, and necessity would be served by the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

S. Brad Hunt, 3805 Lindell Boulevard, St. Louis, Missouri.

Dated at Washington, D. C., January 5, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42–166; Filed, January 7, 1942; 10:45 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT–5760, Project No. 309]

IN THE MATTERS OF PENNSYLVANIA ELECTRIC COMPANY; AND THE CLARION RIVER POWER COMPANY AND PENNSYLVANIA ELECTRIC COMPANY

NOTICE OF APPLICATIONS

JANUARY 6, 1942.

Notice is hereby given that on January 5, 1942, an application was filed with the Federal Power Commission, pursuant to sec. 203 of the Federal Power Act, by Pennsylvania Electric Company, a corporation organized under the laws of the State of Pennsylvania and doing business in said State, with its principal office at Johnstown, Pennsylvania, seeking an order authorizing it to acquire all the utility assets and facilities of Solar Electric Company, Erie Lighting Company, The Clarion River Power Company, and Logan Light, Heat & Power Company, each of said companies being a corporation organized under the laws of the State of Pennsylvania and doing business in said State, and the utility assets and facilities of Youghiogheny Hydro-Electric Corporation, a corporation organized under the laws of, and doing business in, the State of Maryland, including utility assets and facilities of Associated Maryland Power Corporation proposed to be transferred first to Youghiogheny Hydro-Electric Corporation, by which acquisition the said Pennsylvania Electric Company will acquire such assets of Youghiogheny Hydro-Electric Corporation and the franchises and assets of each of the other named companies and, in the case of Solar Electric Company, will issue to said company 6,894 shares of Pennsylvania Electric Company common stock with an aggregate par value of $172,350; in the case of Erie Lighting Company, will surrender for cancellation all outstanding capital stock of Erie Lighting Company; in the case of The Clarion River Power Company, will cancel an open account indebtedness of The Clarion River Power Company to Pennsylvania Electric Company to the extent of $5,184,075.83; in the case of Logan Light, Heat & Power Company, will pay a cash consideration of $22,784.90 (subject to adjustments due to operations in the ordinary course of business between December 31, 1940, and the date of closing); and in the case of Youghiogheny Hydro-Electric Corporation, will issue to said corporation 184,488 shares of Pennsylvania Electric Company common stock with an aggregate par value of $4,612,200; and in addition to the foregoing considerations, Pennsylvania Electric Company will assume the payment of all of the debts and liabilities of the selling Companies except Youghiogheny Hydro-Electric Corporation, and except, in the case of Solar Electric Company, an open account indebtedness to Associated Electric Company, a corporation; all as more fully appears in the application on file with the Commission.

An application simultaneously filed by said The Clarion River Power Company and said Pennsylvania Electric Company requests approval of the transfer to Pennsylvania Electric Company of a license issued by the Federal Power Commission to said The Clarion River Power Company for Project No. 309, constituting a portion of the assets of said The Clarion River Power Company.

Any person desiring to be heard or to make any protest in reference to said application shall, on or before the 23d day of January 1942, file with the Federal Power Commission a petition or protest in accordance with the Commission's Rules of Practice and Regulations.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 42–154; Filed, January 7, 1942; 9:37 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC–23]

IN THE MATTER OF PROPOSALS TO AMEND THE DEFINITIONS AND STANDARDS OF IDENTITY FOR CANNED APRICOTS, CANNED CHERRIES, CANNED PEACHES, AND CANNED PEARS

The above-entitled hearing having been duly held pursuant to notice thereof issued by the Federal Security Administrator on August 16, 1940,[1] on proposals to amend the regulations fixing and establishing definitions and standards of identity for canned peaches,[2] canned apricots,[3] canned pears,[4] and canned cherries,[5] and the further proposal that certain editorial revisions of said regulations be made, it is proposed that the order hereinafter set forth be promulgated.

As used in the proposed findings, the term "canned fruits" means canned peaches, canned apricots, canned pears, and canned cherries. The designations after such findings, with accompanying page numbers and exhibit numbers, refer to the records in the several hearings on proposed definitions and standards of identity for such canned fruits and proposed amendments thereto as follows: R. 5 I–A, canned peaches, held April 10–12, 1939; R. 5, II–A, canned apricots, held April 14, 1939; R. 5 III–A, canned pears, held April 15, 1939; R. 5 IV–A, canned cherries, held April 17–18, 1939; R. 5, canned peaches, canned apricots, canned pears, and canned cherries, consolidated, held May 1–2, 1939; and R. 23, canned peaches, canned apricots, canned pears, and canned cherries, consolidated, held September 16–30, 1940.

[1] 5 F.R. 2679.
[2] 4 F.R. 4921.
[3] 5 F.R. 94.
[4] 5 F.R. 104.
[5] 5 F.R. 99.

PROPOSED FINDINGS OF FACT[*]

Finding 1. One of the factors on the basis of which the different kinds of each of the canned fruits is differentiated is the packing medium used (R. 5, I–A, pp. 29, 36–38, 43, 91–92, 99, 120–122; II–A, pp. 88–89; III–A, pp. 73–74; IV–A, pp. 141–142, 163; R. 23, pp. 443–444, 686–687).

Finding 2. Until comparatively recently the sweetened packing media used in canned fruits have been water solutions of sugar within four different density ranges. Each density range of sugar solution was designed to contribute a particular degree of sweetness. The density range in which each such solution falls has, therefore, become the basis on which consumers identify such solutions as to sweetness (R. 5, I–A, pp. 36–41, 120–122, 126, 131–132, 218, 229, 297, 369, 400, 424–425, 442, 472; R. 23, pp. 325, 372, 452, 466–468).

Finding 3. The density of any such packing medium is usually changed when it is mixed with the fruit by reason of its commingling with the fruit juice present. If the density of the medium is greater than that of the juice, the density becomes less; if the density of the medium is less than that of the juice, the density becomes greater. It is customary to refer to the liquid drained from the finished canned fruit as the "cut-out" liquid and to the liquid before canning as "ingoing" liquid (R. 5, I–A, pp. 136–137, 352–353, 505; R. 23, pp. 440–443, 491–492).

Finding 4. Such a change in the density of the packing medium in the sealed and heat-processed can progresses until the density reaches an equilibrium which is normally reached within about fifteen days from the date of canning (R. 5, I–A, pp. 136–137; R. 23, pp. 491–492, 1646; Govt. Ex's. 15–20).

Finding 5. In the existing regulations fixing definitions and standards of identity for canned fruits the densities of the various sweetened packing media are specified for the ingoing liquid; but it has been the commercial practice over a long period to buy and sell canned fruits on the basis of the density of the cut-out liquid. Consumers generally are acquainted with the density of such packing media only at the time of opening the can (R. 5, I–A, pp. 141–142; R. 23, pp. 440–441, 465–468, 686–687, 829).

Finding 6. By following accepted commercial practices in preparing sweetened liquid packing media, the desired degree of density of the cut-out liquid can be obtained with a reasonable degree of certainty (R. 5, I–A, pp. 141–142; R. 23, pp. 442, 829, 1595).

Finding 7. The degree of sweetness of different kinds of canned fruits packed in sweetened packing media of a like density sometimes various because of the difference in the acidity and other characteristics of the kind or variety of fruits used. However, consumers and the trade desire a substantially equivalent degree of sweetness in different kinds of canned fruits packed in sweetened packing media. Therefore it is the practice of canners to vary the densities of such packing media on the basis of the kind and variety of fruit being canned. (See finding 10.) For example, the cut-out density of heavy sirup from canned peaches is not less than 19° Brix and such density of heavy sirup from red sour cherries is not less than 22° Brix and that from sweet cherries not less than 20° Brix (R. 5, I–A, pp. 37–39, 131; II–A, pp. 25–26; III–A, p. 25; IV–A, pp. 30, 154).

Finding 8. The term "sirup", as applied to packing media for canned fruits and irrespective of qualifying terms, connotes to consumers a liquid that is characterized primarily by a certain minimum degree of density and sweetness (R. 5, I–A, pp. 163, 470; IV–A, p. 1741; R. 23, pp. 497–498, 624–625, 567, 1549–1553).

Finding 9. The optional packing media specified in subparagraphs (A) and (B) of paragraph (2) of subsection (a) of each of the existing definitions and standards of identity for canned fruit and therein designated as "light sirup" are not of sufficient density so that the cut-out liquid will have a density and sweetness normally associated with the word "sirup", and they are, therefore, not sirups but slightly sweetened water, or slightly sweetened fruit juice, as the case may be. The packing media therein designated as "medium sirup" are of the lightest density and sweetness of the sugar solutions regarded by consumers as sirups and they are, therefore, in fact light sirups or light fruit juice sirups, as the case may be, and not medium sirups (R. 5, I–A, pp. 162–163, 470; IV–A, p. 174; R. 23, pp. 497–498, 567, 1549–1553).

Finding 10. The sweetened packing media which are suitable for use and are used in canned fruits are the aqueous solutions of saccharin substances, slightly sweetened water, light sirup, heavy sirup, extra heavy sirup, and the corresponding fruit-juice solutions of saccharin substances in the juice of the fruit being canned, such solutions having the same densities as the water solutions. The respective densities of such packing media are such that, fifteen days or more after canning, the densities fall within the ranges shown in the following tables:

Kinds of Packing Media and Brix Measurements

Peaches

Slightly sweetened water, or slightly sweetened peach juice, as the case may be: Less than 14°.

Light sirup, or light peach juice sirup, as the case may be: 14° or more, but less than 19°.

Heavy sirup, or heavy peach juice sirup, as the case may be: 19° or more, but less than 24°.

[*] The page references to certain relevant portions of the record are for the convenience of the reader. However, the findings are based upon a consideration of all the evidence of record at the hearing and not solely on that portion of the record to which reference is made.

Extra heavy sirup, or extra heavy peach juice sirup, as the case may be: 24° or more, but not more than 35°.

Apricots

Slightly sweetened water, or slightly sweetened apricot juice, as the case may be: Less than 16°.

Light sirup, or light apricot juice sirup, as the case may be: 16° or more, but less than 21°.

Heavy sirup, or heavy apricot juice sirup, as the case may be: 21° or more, but less than 25°.

Extra heavy sirup, or extra heavy apricot juice sirup, as the case may be: 25° or more, but not more than 35°.

Pears

Slightly sweetened water, or slightly sweetened pear juice, as the case may be: Less than 14°.

Light sirup, or light pear juice sirup, as the case may be: 14° or more, but less than 18°.

Heavy sirup, or heavy pear juice sirup, as the case may be: 18° or more, but less than 22°.

Extra heavy sirup, or extra heavy pear juice sirup, as the case may be: 22° or more, but not more than 35°.

Sweet Cherries

Slightly sweetened water, or slightly sweetened sweet cherry juice, as the case may be: Less than 16°.

Light sirup, or light sweet cherry juice sirup, as the case may be: 16° or more, but less than 20°.

Heavy sirup, or heavy sweet cherry juice sirup, as the case may be: 20° or more, but less than 25°.

Extra heavy sirup, or extra heavy sweet cherry juice sirup, as the case may be: 25° or more, but not more than 35°.

Red Sour Cherries

Slightly sweetened water, or slightly sweetened red sour (or red tart) cherry juice, as the case may be: Less than 18°.

Light sirup, or light red sour (or red tart) cherry juice sirup, as the case may be: 18° or more, but less than 22°.

Heavy sirup, or heavy red sour (or red tart) cherry juice sirup, as the case may be: 22° or more, but less than 28°.

Extra heavy sirup, or extra heavy red sour (or red tart) cherry juice sirup, as the case may be: 28° or more, but not more than 45°.

Each of such packing media is an optional ingredient in canned fruits and the term whereby each is designated above is its common name (R. 5, I–A, pp. 120–121, 126, 131, 163–164, 184, 191, 229–230, 297, 238–239, 425; II–A, p. 69; III–A, p. 72; IV–A, pp. 140, 163; R. 23, pp. 630–640, 1172–1173; Govt. Ex's. 2 to 7 incl. and 14 to 21 incl.).

Finding 11. Since about 1937 certain additional packing media (findings 12 and 13) have been used in relatively small portions of the annual pack of canned fruit. (See references to record under findings 12 and 13.)

Finding 12. Sometimes fruit juice, and sometimes fruit juice mixed with water, is used in preparing a packing medium, but whenever any quantity of water is introduced into fruit juice, directly or indirectly, the entire liquid of the packing medium is considered to be water and not fruit juice when used as a packing medium in canned fruit, because of the inherent opportunity for fraud in introducing water into fruit juices (R. 23, pp. 630–638, 649–651, 659, 694, 695–697).

Finding 13. On the basis of recent limited commercial and experimental packing of canned fruits, water solutions of fruit juice solutions of sugar and dextrose, or corn sirup, or dried corn sirup, or any mixture of those, in which the quantity of dextrose, corn sirup, and dried corn sirup are limited, are regarded as suitable packing media for canned fruits (R. 5, I–A, pp. 182–183, 205, 227, 234, 250–251, 274–275, 292, 294, 300, 304, 308, 312, 313; R. 23, pp. 476–477, 501, 531, 539, 609, 613, 638–639, 695, 978, 1843).

Finding 14. Sugar is the refined product in crystallized form commonly obtained from sugar cane or sugar beet; it is chemically known as sucrose (R. 5, I–A, pp. 53, 132, 177, 350, 360, 397, 404, 416, 424, 442, 453, 461, 465, 472; R. 5, p. 48; R. 23, pp. 128 1089–1090).

Finding 15. When sugar in solution is subjected to certain treatments with the enzyme invertase or certain acids, it is wholly or partly converted into levulose and dextrose, the quantities of levulose and dextrose produced being equal. This chemical reaction is commonly known as the inversion of sugar (R. 5, I–A, pp. 160, 341, 371; R. 23, 1013).

Finding 16. Invert sugar sirup is an aqueous solution of refined or partly refined sugar which has been wholly or in large part inverted with the enzyme invertase or with hydrochloric or other acid, and which, if acid is used, has been neutralized with a carbonate (R. 23, pp. 1012–1014, 1041).

Finding 17. The quantity of ash present in invert sugar sirup is in general indicative of the degree of refinement of such sirup (R. 23, pp. 1026–1027, 1059–1066, 1071).

Finding 18. An invert sugar sirup which is insufficiently refined and which has an abnormally high ash content contributes a characteristic flavor, odor, and color which render it unsuitable for use as a saccharin substance in preparing packing media for canned fruit (R. 23, pp. 1026–1027, 1059–1066, 1071).

Finding 19. An invert sugar sirup which is sufficiently refined to be suitable for use as a saccharin substance in preparing a packing medium for canned fruit contains not more than 0.3 percent of ash in its solids, and is colorless, odorless, and flavorless except for sweetness (R. 23, pp. 1064–1068, 1070–1071, 1536–1537).

Finding 20. Dextrose is the refined anhydrous or hydrated monosaccharide obtained from hydrolized starch (R. 5, I–A, p. 322; R. 23, pp. 97–113).

Finding 21. Corn sirup is the product prepared by incompletely hydrolizing cornstarch and is a concentrated aqueous solution of the reducing sugars dextrose and maltose, and the non-sugar substance dextrin. When suitably refined for use as a saccharin substance in a packing medium for canned fruit, its solids contain not less than 58 percent of reducing sugars calculated as dextrose (R. 5, I–A, p. 322; R. 23, pp. 97, 191–192, 247–250, 617–618, 837–838, 851, 1093, 1143, 1218–1219).

Finding 22. Dried corn sirup differs from corn sirup only in that water has been removed from it by drying. When suitably refined for use as a saccharin substance in a packing medium for canned fruit, its solids contain not less than 58 percent of reducing sugars calculated as dextrose (R. 23, pp. 100–101, 106–109, 247–248, 399–400, 851, 838–839).

Finding 23. Important factors on the basis of which packing media of canned fruits are differentiated from each other are their density, flavor, food value, and sweetness; each of such factors is a significant element in the production cost and sale price of canned fruits, and in consumers' preference (R. 5, I–A, pp. 41, 61–62, 120–121, 131, 424; R. 23, pp. 38–40, 370–371, 452, 465–468, 1723).

Finding 24. The density, and hence the degree of sweetness, of a sweetened packing medium is not fixed precisely but only within a specified range. Therefore the same kind of packing medium may vary in density and sweetness within its own range to a noticeable degree irrespective of the saccharin substance from which it is made (R. 5, I–A, pp. 503, 511–512; see also finding 10).

Finding 25. Different varieties of the same fruit, and fruits of the same variety of different degrees of maturity, and fruits of the same variety and substantially the same degree of maturity but obtained from different localities or from different parts of the same tree, frequently differ in acidity, sugar content, and other properties, and such differences affect the sweetness of the sweetened packing media in which fruits are packed, so that even though a packing medium of a fixed density made from the same saccharin substance is used for each of such fruits there is some detectable difference in sweetness between such finished canned fruits (R. 5, I–A, pp. 56–57, 69–70, 86; R. 23, pp. 129, 133–134, 217–221, 251–252, 550).

Finding 26. One of the differences, among others, between the saccharin substances used in the preparation of the packing media for canned fruits is a difference in their degree of sweetness, sugar being the sweetest, dextrose being about two-thirds as sweet as sugar, and corn sirup being about one-half as sweet as sugar (R. 5, I–A, pp. 66–67, 174–175, 217, 260–261, 499–500, 513–517; R. 23, pp. 211–213, 253–256, 429, 780–781, 878, 1133–1134, 1379–1380, 1630).

Finding 27. When equal weights of the solids of sugar (whether inverted or not), of dextrose, and of corn sirup (whether added as corn sirup or as dried corn sirup), are each dissolved in water to make solutions of the same volume, the densities and calorific food values of such solutions are not materially different from each other (R. 5, I–A, pp. 153–154, 156, 172–175, 214–215, 229–230, 266, 269, 276, 289, 334–335; R. 23, pp. 143–157, 358–362, 372–375, 903–904).

Finding 28. There are slight differences in the cost of the different saccharin substances from which sweetened packing media are made, but such differences are not of material significance to consumers (R. 23, pp. 1253–1254, 1871–1872).

Finding 29. By reason of their lesser sweetening properties, dextrose or corn sirup, or any mixture of these, are always used in combination with sugar when used in preparing sweetened packing media for canned fruits, and the quantity of dextrose or corn sirup used is always limited to such amounts that the packing medium in the finished canned fruits is substantially of the same degree of sweetness as one of like density prepared from sugar alone (R. 5, I–A, pp. 183, 194, 205, 227–228, 234, 250–251, 258, 266–267, 274–275, 312, 438–440, 475–480, 501–502, 516, 531–533, 542–544, 609–611, 729–734, 868–881, 889–892).

Finding 30. The degree of sweetness of any packing medium in which dextrose or corn sirup, or any mixture of these, is used in combination with sugar becomes progressively less in relation to the density of such packing medium as the quantity of dextrose or corn sirup, or any mixture of these, is increased, so that, in the absence of a limitation of such quantity, the density within the range specified for any given packing medium would cease to provide a basis for identifying such packing medium as to sweetness (R. 5, I–A, pp. 66–67, 174–176, 217–218, 260–261, 264–268; R. 23, pp. 260–278, 443–444).

Finding 31. A sweetened packing medium prepared from a mixture of sugar and dextrose in a proportion of two parts of sugar and one part of dextrose, or from a mixture of sugar and corn sirup in a proportion of three parts of sugar and one part of corn sirup, or from a mixture of sugar, dextrose, and corn sirup in such proportion that the weight of the dextrose multiplied by two plus the weight of the corn sirup multiplied by three equals the weight of the sugar, is substantially as sweet as a finished packing medium of like density prepared from sugar alone (R. 5, I–A, pp. 182–183, 194, 205, 227–228, 250–251, 264–265, 274–276, 293–294, 300, 304, 306, 312, 314; R. 23, pp. 439–440, 477–478, 500–501, 532, 539, 542–544, 638–639, 695, 729–734, 851, 868, 877–881, 889–892).

Finding 32. There is no substantial difference in the degree of sweetness between a fruit packed in any one of the packing media specified in finding 31 and the same kind of fruit packed in any one of the other packing media therein specified. Such difference as may exist between such packing media is ordinarily not noticeable to consumers in the finished canned fruits unless they make comparative tasting tests and some consumers cannot distinguish between them when making such tests (R. 5, I–A, pp. 268–269, 289; R. 23, pp. 438–440, 479–480, 516, 533, 609–611, 871–872, 889, 892, 1807; Govt. Ex. Nos. 8 to 14 incl.; O. P.'s Ex. Nos. 19 to 24 incl., 29 to 32 incl., 74 to 76 incl.).

Finding 33. When sugar is replaced with dextrose or corn sirup, or any mixture of these, in proportions greater than those specified in finding 31, so as to produce a packing medium equivalent in sweetness to one prepared from sugar alone, as is provided in the existing regulations, the relationship between density and sweetness normally expected in sweetened packing media is destroyed (R. 5, I–A, pp. 264–268; R. 23, pp. 260–278, 443–444, 482–483, 542–544, 547–549, 710–712).

On the basis of the foregoing findings of fact it is found and concluded—

(a) That the regulations fixing and establishing definitions and standards of identity for canned peaches, canned apricots, canned pears, and canned cherries, respectively, should be amended in the following respects:

(1) By repealing paragraph (a)–(2) of each of said regulations and promulgating in lieu thereof a new paragraph (c) as contained in each of the amended regulations hereinafter set forth;

(2) By promulgating a new paragraph (d) as contained in each of the amended regulations hereinafter set forth;

(3) By repealing paragraph (b) of each of said regulations and promulgating in lieu thereof a new paragraph (e) as contained in each of the amended regulations hereinafter set forth; and

(4) By making certain editorial revisions in each of said regulations.

(b) That promulgation of regulations so amending and revising said existing regulations will promote honesty and fair dealing in the interest of consumers and that said regulations as so amended and revised are reasonable definitions and standards of identity for such foods.

Each of the said regulations, therefore, is hereby amended and revised to read, respectively, as follows:

§ 27.000 *Canned peaches, identity; label statement of optional ingredients.* (a) Canned peaches is the food prepared from one of the optional peach ingredients specified in paragraph (b) and one of the optional packing media specified in paragraph (c). Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice;

(2) flavoring, other than artificial flavoring;

(3) a vinegar;

(4) peach pits, except in the cases of peeled whole peaches and unpeeled whole peaches, in a quantity not more than 1 peach pit to each 8 ounces of finished canned peaches; and

(5) peach kernels, except in the cases of peeled whole peaches and unpeeled whole peaches, and except when optional ingredient (4) is used.

Such food is sealed in a container and is so processed by heat as to prevent spoilage.

(b) The optional peach ingredients referred to in paragraph (a) are prepared from mature peaches of the yellow clingstone, yellow freestone, white clingstone, or white freestone varietal group, and are in the following forms of units: peeled whole, unpeeled whole, peeled halves, peeled quarters, peeled slices, peeled dice, peeled mixed pieces of irregular sizes and shapes. Each such form of units prepared from each such varietal group is an optional peach ingredient. Each such ingredient, except in the case of peeled whole peaches and unpeeled whole peaches, is pitted. For the purpose of paragraph (e), the names of such optional peach ingredients are the words "Yellow Cling" or "Yellow Clingstone", "White Cling" or "White Clingstone," "Yellow Free" or "Yellow Freestone," or "White Free" or "White Freestone," as the case may be, preceded or followed by the word or words "whole," "Unpeeled Whole," "Halves" or "Halved," "Unpeeled Halves" or "Unpeeled Halved," "Quarters" or "Quartered," "Slices" or "Sliced," "Dice" or "Diced," or "Mixed Pieces of Irregular Sizes and Shapes," as the case may be.

(c) The optional packing media referred to in paragraph (a) are:

(1) water,
(2) peach juice,
(3) slightly sweetened water,
(4) light sirup,
(5) heavy sirup,
(6) extra heavy sirup,
(7) slightly sweetened peach juice,
(8) light peach juice sirup,
(9) heavy peach juice sirup, and
(10) extra heavy peach juice sirup.

As used in this paragraph the term "water" means, in addition to water, any mixture of water and peach juice; and the term "peach juice" means the fresh or canned expressed juice of mature peaches, of any varietal group specified in paragraph (b), to which no water is added, directly or indirectly.

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and peach juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10), inclusive, are prepared is one of the following: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup. A packing medium prepared with peach juice and any invert sugar sirup or corn sirup other than dried corn sirup, is considered to be prepared with water as the liquid ingredient.

The densities of packing media (3) to (10) inclusive, as measured on the Brix

hydrometer fifteen days or more after the peaches are canned, fall within the range prescribed after each in the following list:

Number of packing medium:	*Brix measurement*
(3) and (7)	Less than 14°.
(4) and (8)	14° or more but less than 19°.
(5) and (9)	19° or more but less than 24°.
(6) and (10)	24° or more but not more than 35°.

(d) For the purposes of this section—

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 56 percent by weight of reducing sugars calculated as dextrose.

(e) The label shall bear the name of the optional peach ingredient used, as specified in paragraph (b), and the name whereby the optional packing medium used is designated in paragraph (c), preceded by "In" or "Packed in". When any of the optional ingredients permitted by one of the following specified subparagraphs of paragraph (a) is used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice", or, in lieu of the word "Spice", the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring", or, in lieu of the word "Flavoring", the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with _____ Vinegar", the blank being filled in with the word showing the kind of vinegar used;

(4) "Seasoned with Peach Pits";

(5) "Seasoned with Peach Kernels".

When two or more of the optional ingredients specified in paragraph (a) (1), (2), (3), and (4) or (5) are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon oil, and Peach Kernels".

(4) Wherever the name "peaches" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the peaches may so intervene.

§ 27.010 *Canned apricots, identity; label statement of optional ingredients.* (a) Canned apricots is the food prepared from one of the optional apricot ingredients specified in paragraph (b) and one of the optional packing media specified in paragraph (c). Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice;

(2) flavoring, other than artificial flavoring;

(3) a vinegar;

(4) apricot pits, except in the cases of unpeeled whole apricots and peeled whole apricots, in a quantity not more than 1 apricot pit to each 8 ounces of finished canned apricots;

(5) apricot kernels, except in the cases of unpeeled whole apricots and peeled whole apricots, and except when optional ingredient (4) is used.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional apricot ingredients referred to in paragraph (a) are prepared from mature apricots and are in the following forms of units: unpeeled whole, peeled whole, unpeeled halves, peeled halves, unpeeled quarters, peeled quarters, unpeeled slices, peeled slices, unpeeled mixed pieces of irregular sizes and shapes, peeled mixed pieces of irregular sizes and shapes. Each such form of units is an optional apricot ingredient. Each such ingredient, except in the cases of unpeeled whole apricots and peeled whole apricots, is pitted. For the purposes of paragraph (e), the names of such optional apricot ingredients are "Whole", "Halves" or "Halved", "Quarters" or "Quartered", "Slices" or "Sliced", "Mixed Pieces of Irregular Sizes and Shapes," as the case may be, preceded or followed by "Unpeeled" or "Peeled," as the case may be.

(c) The optional packing media referred to in paragraph (a) are:

(1) water,
(2) apricot juice,
(3) slightly sweetened water,
(4) light sirup,
(5) heavy sirup,
(6) extra heavy sirup,
(7) slightly sweetened apricot juice,
(8) light apricot juice sirup,
(9) heavy apricot juice sirup, and
(10) extra heavy apricot juice sirup.

As used in this paragraph the term "water" means, in addition to water, any mixture of water and apricot juice; and the term "apricot juice" means the fresh or canned expressed juice of mature apricots, of any varietal group specified in paragraph (b), to which no water is added, directly or indirectly.

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and apricot juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10), inclusive, are prepared is one of the following: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup. A packing medium prepared with apricot juice and any invert sugar sirup or corn sirup other than dried corn sirup, is considered to be prepared with water as the liquid ingredient.

The densities of packing media (3) to (10), inclusive, as measured on the Brix hydrometer fifteen days or more after the apricots are canned, fall within the range prescribed after each in the following list:

Number of packing medium:	*Brix measurement*
(3) and (7)	Less than 16°.
(4) and (8)	16° or more but less than 21°.
(5) and (9)	21° or more but less than 25°.
(6) and (10)	25° or more but not more than 40°.

(d) For the purposes of this section—

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 56 percent by weight of reducing sugars calculated as dextrose.

(e) The label shall bear the name of the optional apricot ingredient used, as specified in paragraph (b), and the name whereby the optional packing medium used is designated in paragraph (c), preceded by "In" or "Packed in". When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (a) is used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice", or, in lieu of the word "Spice", the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring", or, in lieu of the word "Flavoring", the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with _____ Vinegar", the blank being filled in with the word showing the kind of vinegar used;

(4) "Seasoned with Apricot Pits";

(5) "Seasoned with Apricot Kernels".

When two or more of the optional ingredients specified in paragraph (a) (1), (2), (3), and (4) or (5) are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon oil, and Peach Kernels".

(4) Wherever the name "apricots" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the peaches may so intervene.

§ 27.020 *Canned pears, identity; label statement of optional ingredients.* (a) Canned pears is the food prepared from one of the optional pear ingredients specified in paragraph (b) and one of the optional packing media specified in paragraph (c). Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice;

(2) flavoring, other than artificial flavoring; and

(3) a vinegar.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional pear ingredients referred to in paragraph (a) are prepared from mature pears and are in the following forms of units: peeled whole, unpeeled whole, peeled halves, unpeeled halves, peeled quarters, peeled slices, peeled dice, peeled mixed pieces of irregular sizes and shapes. Each such form of units is an optional pear ingredient. Each such ingredient, except in the cases of peeled whole pears and unpeeled whole pears, is cored. For the purposes of subsection (e), the respective names of such optional pear ingredients are "Whole", "Halves" or "Halved", "Quarters" or "Quartered", "Slices" or "Sliced", "Dice" or "Diced", "Mixed Pieces of Irregular Sizes and Shapes", preceded or followed, in case the units are whole or halves and are unpeeled, by the word "Unpeeled".

(c) The optional packing media referred to in paragraph (a) are:

(1) water,
(2) pear juice,
(3) slightly sweetened water,
(4) light sirup,
(5) heavy sirup,
(6) extra heavy sirup,
(7) slightly sweetened pear juice,
(8) light pear juice sirup,
(9) heavy pear juice sirup, and
(10) extra heavy pear juice sirup.

As used in this paragraph the term "water" means, in addition to water, any mixture of water and pear juice; and the term "pear juice" means the fresh or canned expressed juice of mature pears, of any varietal group specified in paragraph (b), to which no water is added, directly or indirectly.

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and pear juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10), inclusive, are prepared is one of the following: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup. A packing medium prepared with pear juice and any invert sugar sirup or corn sirup other than dried corn sirup, is considered to be prepared with water as the liquid ingredient.

The densities of packing media (3) to (10), inclusive, as measured on the Brix hydrometer fifteen days or more after the pears are canned, fall within the range prescribed after each in the following list:

Number of packing medium:	*Brix measurement*
(3) and (7)	Less than 14°.
(4) and (8)	14° or more but less than 18°.
(5) and (9)	18° or more but less than 22°.
(6) and (10)	22° or more but not more than 35°.

(d) For the purposes of this section—

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 56 percent by weight of reducing sugars calculated as dextrose.

(e) The label shall bear the name of the optional pear ingredient used, as specified in paragraph (b), and the name whereby the optional packing medium used is designated in paragraph (c), preceded by "In" or "Packed in." When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (a) is used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice," or, in lieu of the word "Spice," the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring," or, in lieu of the word "Flavoring," the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with _____ Vinegar," the blank being filled in with the word showing the kind of vinegar used.

When two or all of the optional ingredients specified in paragraph (a) (1), (2), and (3) are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, and Cinnamon Oil."

(4) Wherever the name "pears" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the pears may so intervene.

§ 27.030 *Canned cherries, identity; label statement of optional ingredients.* (a) Canned cherries is the food prepared from one of the optional cherry ingredients specified in paragraph (b) and one of the optional packing media specified in paragraph (c). Such food may be seasoned with one or more of the following optional ingredients:

(1) Spice;

(2) flavoring, other than artificial flavoring;

(3) a vinegar.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional cherry ingredients referred to in paragraph (a) are prepared from mature, pitted or unpitted cherries of the red sour, light sweet, or dark sweet varietal group. Pitted cherries of each such group and unpitted cherries of each such group are an optional cherry ingredient. For the purposes of paragraph (c), the names of such optional cherry ingredients are the words "Red Sour" or "Red Tart", "Light Sweet", or "Dark Sweet", as the case may be, preceded or followed by the word "Pitted" in case such ingredients are pitted.

(c) The optional packing media referred to in paragraph (a) are:

(1) Water;
(2) cherry juice;
(3) slightly sweetened water;
(4) light sirup;
(5) heavy sirup;
(6) Extra heavy sirup;
(7) slightly sweetened cherry juice;
(8) light cherry juice sirup;
(9) heavy cherry juice sirup; and
(10) extra heavy cherry juice sirup.

As used in this paragraph the term "water" means, in addition to water, any

mixture of water and cherry juice; and the term "cherry juice" means the fresh or canned expressed juice of mature cherries, of any varietal group specified in paragraph (b), to which no water is added, directly or indirectly.

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and cherry juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to 10), inclusive, are prepared is one of the following: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup. A packing medium prepared with cherry juice and any invert sugar sirup or corn sirup other than dried corn sirup, is considered to be prepared with water as the liquid ingredient.

The densities of packing media (3) to (10), inclusive, as measured on the Brix hydrometer fifteen days or more after the peaches are canned, fall within the range prescribed after each in the following list:

Number of packing medium and Brix measurement

Sweet cherries:
(3) and (7)-- Less than 16°.
(4) and (8)-- 16° or more but less than 20°.
(5) and (9)-- 20° or more but less than 25°.
(6) and (10)- 25° or more but not more than 35°.

Red sour cherries:
(3) and (7)-- Less than 18°.
(4) and (8)-- 18° or more but less than 22°.
(5) and (9)-- 22° or more but less than 28°.
(6) and (10)- 28° or more but not more than 45°.

(d) For the purposes of this section—

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less that 56 percent by weight of reducing sugars calculated as dextrose.

(e) The label shall bear the name of the optional cherry ingredient used, as specified in paragraph (b), and the name whereby the optional packing medium used is designated in paragraph (c), preceded by "In" or "Packed in". When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (a) is used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice," or, in lieu of the word "Spice," the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring," or, in lieu of the word "Flavoring," the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with ---------- Vinegar," the blank being filled in with the word showing the kind of vinegar used.

When two or all of the optional ingredients specified in paragraph (a) (1), (2), and (3) are used, such words may be combined as for example, "Seasoned with Cider Vinegar, Cloves, and Cinnamon Oil."

(4) Wherever the name "cherries" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the cherries may so intervene.

Any interested person whose appearance was filed at the hearing may, within 20 days from the date of publication of this proposed order in the FEDERAL REGISTER, file with the Hearing Clerk of the Federal Security Agency, Office of the Assistant General Counsel, Room 2240, South Building, 14th Street and Independence Avenue SW., Washington, D. C., written exceptions thereto. Exceptions shall point out with particularity the alleged errors in the proposed order, and shall contain specific references to the pages of the transcript of the testimony or to the exhibits on which each exception is based. Such exceptions may be accompanied with a memorandum or brief in support thereof.

[SEAL] PAUL V. MCNUTT,
Administrator.

JANUARY 6, 1942.

[F. R. Doc. 42-170; Filed, January 7, 1942; 11:34 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-475]

IN THE MATTER OF ELECTRIC BOND AND SHARE COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of January, A. D. 1942.

A declaration having been filed with this Commission by the above-named party, pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 thereunder, and

The said declaration concerning the following:

Electric Bond and Share Company, (hereinafter termed "Bond and Share"), a registered holding company, proposes to utilize $5,000,000 cash out of a total of approximately $24,000,000 cash and cash items on hand to reacquire shares of its outstanding preferred stock.

At December 31, 1941, Bond and Share had outstanding 1,101,955 shares of $6 Preferred Stock of no par value, entitled to $100 per share plus accrued dividends upon liquidation, and 280,300 shares of $5 Preferred Stock of no par value, entitled to $100 per share plus accrued dividends upon liquidation. These two classes of preferred stock are *pari passu* as to dividends and in liquidation.

Pursuant to an order of the Commission dated September 2, 1941, authorizing an expenditure of up to $5,000,000 towards the reacquisition of its outstanding preferred stock, Bond and Share had reacquired at the close of business December 31, 1941, 53,700 shares of its $6 Preferred Stock and 19,700 shares of its $5 Preferred Stock at a total cost of $4,426,123.50.

It is presently proposed that Bond and Share will continue to acquire shares of its $6 and $5 Preferred Stocks through the expenditure of the additional $5,000,000.

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors that a hearing be held with respect to such declaration and that said declaration shall not become effective except pursuant to the further order of the Commission.

It is ordered, That a hearing on such matters under the applicable provisions of the Public Utility Holding Company Act of 1935 be held on January 12, 1942 at 10:00 A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in room 1102 will advise as to the room in which such hearing shall be held. At such hearing cause shall be shown why the aforesaid declaration shall become effective;

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by the Commission for that purpose shall preside at the hearing in such matter. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of the said Act, and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That, without limiting the scope of the issues presented by the aforesaid declaration, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed reacquisition by Bond and Share of shares of its outstanding $5 and $6 Preferred Stocks is in the public interest and the interest of investors.

2. Whether the method proposed by Bond and Share for the reacquisition of said shares is appropriate and in the public interest and the interest of investors.

3. Whether it is necessary or appropriate to impose any other terms or conditions in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-168; Filed, January 7, 1942; 11:29 a. m.]

IN THE MATTER OF JACK GOLDBERG, ROOM 7, LASALLE NATIONAL BANK BUILDING, LASALLE, ILLINOIS

ORDER REVOKING REGISTRATION AND EXPELLING RESPONDENT FROM NATIONAL SECURITIES ASSOCIATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of January, A. D. 1942.

The Commission having instituted proceedings pursuant to sections 15 (b) and 15A (*l*) (2) of the Securities Exchange Act of 1934 to determine whether the registration of Jack Goldberg as a broker and dealer should be suspended or revoked; and whether he should be suspended or expelled from the National Association of Securities Dealers, Inc., a registered securities association;

A hearing having been held, and the Commission being fully advised in the premises, and having this day issued and filed its Findings and Opinion herein;

It is ordered, On the basis of the said Findings and Opinion and pursuant to sections 15 (b) and 15A (*l*) (2) of the Securities Exchange Act of 1934:

1. That the registration of the said Jack Goldberg as a broker and dealer be, and the same hereby is, revoked; and

2. That Jack Goldberg be, and he hereby is, expelled from the National Association of Securities Dealers, Inc.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-169; Filed, January 7, 1942; 11:29 a. m.]

Reference

JAN 12 1942

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES — 1934

FEDERAL REGISTER

VOLUME 7 NUMBER 6

Washington, Friday, January 9, 1942

The President

THIRD REGISTRATION DAY

BY THE PRESIDENT OF THE UNITED STATES

A PROCLAMATION

WHEREAS the Selective Training and Service Act of 1940, approved September 16, 1940 (54 Stat. 885), declares that it is imperative to increase and train the personnel of the armed forces of the United States and that in a free society the obligation and privileges of military training and service should be shared generally in accordance with a fair and just system of selective compulsory military training and service;

WHEREAS the Act amending the said Selective Training and Service Act of 1940, approved December 20, 1941 (Public Law 360, 77th Cong.), provides for the extension of liability for military service and for the registration of the man power of the Nation;

WHEREAS the said Act, as amended, contains, in part, the following provisions:

SEC. 2. Except as otherwise provided in this Act, it shall be the duty of every male citizen of the United States, and of every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and sixty-five, to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder.

* * * * *

SEC. 5. (a) Commissioned officers, warrant officers, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Public Health Service, the federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, and the Marine Corps Reserve; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Coast Guard Academy; men who have been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as cadets, to the United States Naval Academy as midshipmen, or to the United States Coast Guard Academy as cadets, but only during the continuance of such acceptance; cadets of the advanced course, senior division, Reserve Officers' Training Corps or Naval Reserve Officers' Training Corps; and diplomatic representatives, technical attaches of foreign embassies and legations, consuls general, consuls, vice consuls, and consular agents of foreign countries, and persons in other categories to be specified by the President, residing in the United States, who are not citizens of the United States, and who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 2 and shall be relieved from liability for training and service under section 3 (b).

* * * * *

SEC. 10. (a) The President is authorized—

(1) to prescribe the necessary rules and regulations to carry out the provisions of this Act;

* * * * *

(4) to utilize the services of any or all departments and any and all officers or agents of the United States and to accept the services of all officers and agents of the several States, Territories, and the District of Columbia and subdivisions thereof in the execution of this Act;

* * * * *

SEC. 14. (a) Every person shall be deemed to have notice of the requirements of this Act upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 2.

* * * * *

WHEREAS section 208 of the Coast Guard Auxiliary and Reserve Act of 1941, approved February 19, 1941 (Public Law 8, 77th Cong.), provides, in part, as follows:

Members of the (Coast Guard) Reserve, other than temporary members as provided for in section 207 hereof, shall receive the same exemption from registration and liability for training and service as members of the Naval Reserve * * *;

WHEREAS the first registration under the Selective Training and Service Act of 1940 took place in the continental United States October 16, 1940, in the Territory of Hawaii on October 26, 1940, in Puerto Rico on November 20, 1940, and in the Territory of Alaska on January 22, 1941, pursuant to proclamations issued by me

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on September 16, 1940,[1] October 1, 1940,[2] October 8, 1940,[3] and November 12, 1940,[4] respectively;

WHEREAS the second registration under the Selective Training and Service Act of 1940 took place in the United States, the Territories of Alaska and Hawaii, and in Puerto Rico on July 1, 1941, pursuant to proclamation issued by me on May 26, 1941;[5]

WHEREAS a state of war now exists between the United States of America and the Empire of Japan, Germany, and Italy; and

WHEREAS this and other registrations under the Selective Training and Service Act of 1940 and the amendments thereto will be required to insure victory, final and complete, over the enemies of the United States:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the Selective Training and Service Act of 1940, as amended, do proclaim the following:

1. Pursuant to the Selective Training and Service Act of 1940, as amended, the registration of male citizens of the United States and other male persons who were born on or after February 17, 1897, and on or before December 31, 1921, shall take place in the United States and the Territories of Alaska and Hawaii, and in Puerto Rico on Monday, the 16th day of February, 1942, between the hours of 7:00 a. m. and 9:00 p. m.

2. (a) Every male citizen of the United States, and every other male person residing in the continental United States or in the Territory of Alaska or in the Territory of Hawaii or in Puerto Rico, other than persons excepted by Section 5 (a) of the Selective Training and Service Act of 1940, as amended, and by Section 208 of the Coast Guard Auxiliary and Reserve Act of 1941, is required to and shall on February 16, 1942, present himself for and submit to registration before a duly designated registration official or selective service local board having jurisdiction in the area in which he has his permanent home or in which he may happen to be on that day if such male citizen or other male person on December 31, 1941, has attained the twentieth anniversary of the day of his birth and on February 16, 1942, has not attained the forty-fifth anniversary of the day of his birth, and has not heretofore been registered under the Selective Training and Service Act of 1940 and the regulations thereunder: Provided, That the duty of any person to present himself for and submit to registration in accordance with any previous proclamation issued under said Act shall not be affected by this proclamation.

(b) A person subject to registration may be registered before the day set herein for his registration if arrangements therefor are made by the local board under rules and regulations prescribed by the Director of Selective Service. Whenever such arrangements are made, public notice thereof will be given by the local board.

(c) A person subject to registration may be registered after the day fixed for his registration in case he is prevented from registering on that day by circumstances beyond his control or because he is not present in continental United States or the Territory of Alaska or the Territory of Hawaii, or Puerto Rico on that day. If he is not in the continental United States or the Territory of Alaska or the Territory of Hawaii, or Puerto Rico on the day fixed for his registration but subsequently enters any of such places, he shall as soon as possible after such entrance present himself for and submit to registration before a duly designated registration official or selective service local board. If he is in the continental United States or in the Territory of Alaska or the Territory of Hawaii, or Puerto Rico on the day fixed for his registration but because of circumstances beyond his control is unable to present himself for and submit to registration on that day, he shall do so as soon as possible after the cause for such inability ceases to exist.

3. The registration under this proclamation shall be in accordance with the Selective Service Regulations governing registration. Every person subject to registration is required to familiarize himself with such regulations and to comply therewith.

4. I call upon the Governor of each of the several States and the Territories of Alaska and Hawaii, and of Puerto Rico, and the Board of Commissioners of the District of Columbia, and all officers and agents of the United States and all officers and agents of the several States, Territories, Puerto Rico, and the District of Columbia, and political subdivisions thereof, and all local boards and agents thereof appointed under the provisions of the Selective Training and Service Act of 1940, as amended, or the Selective Service Regulations prescribed thereunder, to do and perform all acts and services necessary to accomplish effective and complete registration.

5. In order that there may be full cooperation in carrying into effect the purposes of the Selective Training and Service Act of 1940, as amended, I urge all employers and Government agencies of all kinds—Federal, State, territorial, and local—to give those under their charge sufficient time in which to fulfill the obligations of registration incumbent upon them under the said Act and this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 5th day of January, in the year of our Lord nineteen hundred and forty-two and of the Independence of the United States the one hundred and sixty-sixth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2535]

[F. R. Doc. 42-166; Filed, January 8, 1942; 10:51 a. m.]

EXECUTIVE ORDER

WITHDRAWING PUBLIC LAND FOR USE OF THE WAR DEPARTMENT

WASHINGTON

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the following-described public land be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department for aviation purposes:

WILLAMETTE MERIDIAN

T. 21 N., R. 26 E., Sec. 14, SW¼;
containing 160 acres.

This order shall take precedence over, but shall not rescind or revoke, Executive Order No. 6964 of February 5, 1935, as amended, so far as such order affects the above-described land.

Whenever it shall be found that the above-described land is not needed for the purpose for which it is reserved, it shall be returned, by appropriate order, to the administration of the Department of the Interior.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 6, 1942.

[No. 9014]

[F. R. Doc. 42-179; Filed, January 7, 1942; 3:40 p. m.]

[1] 5 F.R. 3699.
[2] 5 F.R. 3897.
[3] 5 F.R. 4061.
[4] 5 F.R. 4477.
[5] 6 F.R. 2599.

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS[1]

§ 81.34 *Applicability of basic law.*

* * * * * *

(f) *Purchases in the Atlantic bases.* The basic law ("Buy American" act) is not applicable to purchases made in the Atlantic bases located on land leased to the United States pursuant to the London agreement dated March 27, 1941. (R.S. 161; 5 U.S.C. 22) [Par. 2b (6) AR 5-340, Aug. 10, 1936, as added by Proc. Cir. 92, Dec. 30, 1941]

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-181; Filed, January 7, 1942; 3:50 p. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 259—FORMS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

ADOPTION OF REVISED FORM U5S FOR ANNUAL SUPPLEMENT TO REGISTRATION STATEMENT FILED UNDER THE ACT

Acting pursuant to the Public Utility Holding Company Act of 1935, particularly sections 14 and 20 (a) thereof, and finding that such action is necessary and appropriate in the public interest and for the protection of investors and consumers and necessary to carry out the provisions of the Act, the Securities and Exchange Commission hereby adopts a revised Form U5S designated by the caption "Adopted December 31, 1941,"[2] and rescinds Form U5S previously adopted.

The table of forms accompanying the rules and regulations under the Public Utility Holding Company Act of 1935 is hereby amended so that the date opposite the description of Form U5S shall read 12-31-41 instead of 12-28-40.

Effective January 7, 1942.

By the Commission.

[SEAL]

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-178; Filed, January 7, 1942; 3:26 p. m.]

[1] § 81.34 (f) is added.
[2] Filed with the original document.

TITLE 24—HOUSING CREDIT

CHAPTER II—FEDERAL SAVINGS AND LOAN SYSTEM

[Resolution, Jan. 5, 1942]

PART 204—MERGER, REORGANIZATION, DISSOLUTION, AND LIQUIDATION

AMENDING § 204.13 (C) RELATING TO FORMS AND REPORTS

Be it resolved, That the first two sentences of paragraph (c) of § 204.13 of the Rules and Regulations for the Federal Savings and Loan System are hereby amended, effective January 7, 1942, to read as follows:

§ 204.13 *Inventories, examinations and reports.*

* * * * * *

(c) *Forms and reports.* The receiver may, from time to time, prescribe the accounting practices to be followed. The receiver shall close its books as of June 30 of each year, and shall make an annual report of its affairs as of June 30 of each year to the Board on forms prescribed by the Board or the receiver, and such other reports as may be from time to time required by the Board or the receiver and shall accompany each recommendation for the declaration and payment of a liquidating dividend with a report showing the available assets.

Be it further resolved, That this amendment is deemed to be of a procedural character within the provisions of paragraph (c) of § 201.2 of the Rules and Regulations for the Federal Savings and Loan System.

(Sec. 5 (a), (d), of H. O. L. C. of 1933, 48 Stat. 132, 133, sec. 406 (d) of N.H.A., 48 Stat. 1260, as amended by sec. 26, 49 Stat. 299; 12 U.S.C. 1464 (a), (d), 12 U.S.C. and Sup. 1729 (b))

[SEAL]

J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 42-175; Filed, January 7, 1942; 1:15 p. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

[T. D. 5106]

PART 191—IMPORTATION OF DISTILLED SPIRITS AND WINES

Amending Regulations 21[1]

1. Sections 533 and 534 of the Revenue Act of 1941 (Public Law 250—77th Congress), approved September 20, 1941, provide in part as follows:

SEC. 533. DISTILLED SPIRITS.

(a) *Rate on Distilled Spirits.* Section 2800 (a) (1) of the Internal Revenue Code is amended by striking out "at the rate of $2.25 (and on brandy at the rate of $2)" and by inserting in lieu thereof "at the rate of $4", and by striking out "(except brandy)".

(b) *Rate on Imported Perfumes Containing Alcohol.* Section 2800 (a) (3) of the Internal Revenue Code is amended by striking out "$2.25" and inserting in lieu thereof "$4".

[1] 5 F.R. 4123.

SEC. 804. WINES.

(a) *Rate on Still Wines.* Section 3030 (a) (1) (A) of the Internal Revenue Code is amended by striking out "5 cents" and inserting in lieu thereof "8 cents"; by striking out "15 cents" and inserting in lieu thereof "30 cents"; and by striking out "25 cents" and inserting in lieu thereof "65 cents".

(b) *Rate on Sparkling Wines, Liqueurs, Cordials, Etc.* Section 3030 (a) (2) of the Internal Revenue Code is amended by striking out "2½ cents" and inserting in lieu thereof "7 cents"; and by striking out "1¼ cents" and inserting in lieu thereof "3½ cents".

2. Pursuant to the foregoing provisions of law and sections 2803, 2871, and 3176 of the Internal Revenue Code, § 191.10 of Regulations 21 (Title 26, part 191, Code of Federal Regulations, 1940 Sup.) is hereby revoked, and §§ 191.3 (k), 191.5, 191.6, 191.7, 191.8, 191.9, 191.28, 191.35 (b), and 191.55 of such regulations are hereby amended to read as follows:

§ 191.3 *Definitions.*

* * * * *

(k) "Wine" shall mean (1) still wine, including vermouth, artificial or imitation wines or compounds sold as still wine, champagne or sparkling wine, and artificially carbonated wine, and (2) flavored or sweetened fortified or unfortified wines, by whatever name sold or offered for sale, containing not over 24 per centum of alcohol by volume.

* * * * *

§ 191.5 *Distilled spirits.* Distilled spirits in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn, at the rate of $4 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon. (Secs. 2800 as amended, 3176, I.R.C.)

§ 191.6 *Perfumes containing distilled spirits.* Imported perfumes containing distilled spirits are subject to an internal revenue tax, when withdrawn, at the rate of $4 per wine gallon and a proportionate tax at a like rate on all fractional parts of such wine gallon (Secs. 2800 as amended, 3176, I.R.C.).

§ 191.7 *Wines*—(a) *Still wines.* All still wines, including vermouth, and all artificial or imitation wines or compounds sold as still wine, in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn from customs custody, as follows:

On wines containing not more than 14 per centum of absolute alcohol, 8 cents per wine gallon, the per centum of alcohol under this section to be reckoned by volume and not by weight;

On wines containing more than 14 per centum and not exceeding 21 per centum of absolute alcohol, 30 cents per wine gallon;

On wines containing more than 21 per centum and not exceeding 24 per centum of absolute alcohol, 65 cents per wine gallon;

All such wines containing more than 24 per centum of absolute alcohol by volume shall be classed as distilled spirits and shall be taxed accordingly.

(b) *Sparkling wines.* All sparkling wines and artificially carbonated wines in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn from customs custody, as follows:

On each bottle or other container of champagne or sparkling wine, 7 cents on each one-half pint or fraction thereof;

On each bottle or other container of artificially carbonated wine, 3½ cents on each one-half pint or fraction thereof.

(c) *Wines containing over 24 per centum of alcohol.* Champagne and other sparkling wines, still wines, artificially carbonated wines, and vermouth, containing over 24 per centum of alcohol by volume, in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn, at the rate of $4 per proof gallon, or wine gallon when below proof, and a proportionate tax at like rate on all fractional parts of such proof or wine gallon (Secs. 2800 as amended, 3030 as amended, 3176, I.R.C.).

§ 191.8 *Liqueurs, cordials, and similar compounds.* Liqueurs, cordials, and similar compounds in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn, at the rate of $4 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon: *Provided*, That such products containing not over 24 per centum of alcohol by volume made with distilled spirits of any kind and wine fortified with brandy made from the same fruit as the wine are subject to an internal revenue tax, on each bottle or other container, at the rate of 3½ cents on each one-half pint or fraction thereof. Fortified or unfortified wines containing not over 24 per centum of alcohol by volume to which sweetening or flavoring materials have been added are not classified as liqueurs, cordials, or similar compounds, but are considered to be flavored wines only and are subject to internal revenue tax at the rates applicable to wines (Secs. 2800 as amended, 3030 as amended, 3176, I.R.C.).

§ 191.9 *Rate of tax on compounds and preparations.* Compounds and preparations containing distilled spirits, which are fit for beverage purposes, in customs bonded warehouse or imported into the United States are subject to internal revenue tax at the rate of $4 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon (Secs. 2800 as amended, 3030 as amended, 3176, I.R.C.).

§ 191.28 *Exemption from stamping, marking, bottling, and labeling requirements.* The provisions of these regulations relating to the affixing of red strip stamps, the indicia requirements of containers prescribed by Regulations 13 (26 CFR, Part 175), and the labeling of containers as prescribed by regulations promulgated under the Federal Alcohol Administration Act (27 CFR, Part 5) are not applicable to imported distilled spirits (a) not for sale or for any other commercial purpose whatever; (b) for use as ship stores; or (c) for personal use. Samples of distilled spirits imported for any purpose are not exempt from the stamping, marking, bottling, and labeling requirements. Exemptions from the requirement that imported distilled spirits and wines be marked to indicate the country of origin are set forth in customs regulations (19 CFR, 9.10) (secs. 2803, 2871, 3176, I.R.C.).

§ 191.35 (b) *Diversion of spirits to other than specified port.* In the event of diversion of all or part of the spirits to a port or ports other than the port specified in Form 1627 filed with the Form 428, the importer shall submit a supplemental statement in duplicate on Form 1627A, "Application for Diversion of Red Strip Stamps for Imported Distilled Spirits," for each such port. He shall submit them to the collector of customs who approved the Form 428, who will retain the copy and transmit the original to the collector of customs at the designated port. Where a warehouse or consumption entry is filed at a specified port other than the port where the requisition was approved, the collector of customs of the port at which the warehouse or consumption entry is filed will promptly notify, on Form 1627A, the collector of customs who approved the Form 428 of the number and denomination of stamps shown by the usual customs examination to have been attached to the containers. The collector of customs who approved the requisition will credit the Form 428 accordingly. He will stamp on the copy of Form 1627A "Strip stamps credited", and send the copy to the importer who filed the application. Such importer may then take credit for the stamps on Form 96. Such diverted spirits may not be released from customs custody until Form 1627A has been received at the port of diversion or the Collector of Customs who approved Form 428 has authorized such release (Secs. 2803, 3176, I.R.C.).

§ 191.55 *Monthly report, Parts II and III, Form 96.* At the close of the month, importers shall prepare Parts II and III of Form 96, in triplicate, reporting on Part II the red strip stamps purchased and used during the month, and on Part III the stamps shipped abroad to importers' agents. Two copies shall be forwarded, on or before the 10th day of the succeeding month, to the District Supervisor, Alcohol Tax Unit, in charge of the district in which the business of the importer is conducted. One copy shall be retained in bound form with the importer's copies of Part I, Form 96, for the same month, available for inspection by Government officers (Secs. 2803, 3176, I.R.C.).

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.
W. R. JOHNSON,
Commissioner of Customs.

Approved January 7, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-180; Filed, January 7, 1942; 3:48 p. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1149]

PART 321—MINIMUM PRICE SCHEDULE DISTRICT NO. 1

ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1 PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

An Order Granting Temporary Relief and Conditionally Providing for Final Relief having been issued in the above-entitled matter on November 17, 1941, 6 F.R. 6534; and

It appearing that by error the change in shipping points in the said Order does not conform to the relief requested in the original petition in the above-entitled matter, and that it should be corrected so to conform; and

It appearing that by typographical error in the note in § 321.7 (*Alphabetical list of code members*) in the Schedule marked "Supplement R," annexed thereto and thereby made a part of the said Order, the erroneous reference to Mine Index No. 3138 should be corrected to refer to Mine Index No. 3188;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, the temporary relief heretofore granted be, and it hereby is, amended as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the Fairview Mine, Mine Index No. 1047, of Barron & Jones, for rail shipments, shall be applicable only for shipments on Baltimore & Ohio Railroad from Stoyestown, Pennsylvania, and shall no longer be applicable for shipments on Baltimore & Ohio Railroad from Coleman Station, Pennsylvania. All allowances or adjustments required or permitted mines in Freight Origin Group No. 100 shall be applicable to all shipments of the coals of the Fairview Mine, Mine Index No. 1047, of Barron & Jones, from Stoyestown, Pennsylvania.

It is further ordered, That the note in § 321.7 (*Alphabetical list of code members*) in the Schedule marked "Supplement R," annexed to and made a part of the said Order, be, and it hereby is, amended, effective forthwith, as follows:

If coals of the following groups: Mine Index Nos. 3163 and 3164; 3194 and 3195; and 1972 and 3188 are loaded into the same car, the price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the higher price classification.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Acting Director shall otherwise order; and

It is further ordered, That, except as to the change in shipping points of the said Fairview Mine, Mine Index No. 1047, and to the loading of the coals of Mine Index Nos. 1972 and 3188 into the same car, the said Order of November 17, 1941, Granting Temporary Relief and Conditionally Providing for Final Relief in the above-entitled matter, be, and it hereby is, continued in full force and effect unless it shall otherwise be ordered.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-202; Filed, January 8, 1942; 11:01 a. m.]

[Docket No. A-843]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT No. 9

ORDER AMENDING PREVIOUS ORDER OF CONSOLIDATION AND GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF SO AS TO CORRECT MINE INDEX NUMBER AND SEAM DESIGNATION OF THE B & H MINE OF BIVIN AND HOLLMAN IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 9 FOR RAIL SHIPMENT

An original petition having been duly filed with the Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9 for rail shipment; and

Temporary and conditionally final relief having been granted on September 5, 1941, 6 F.R. 4995, in an Order of Consolidation and Order Granting Temporary Relief and Conditionally Providing for Final Relief, as provided in the Schedule in Supplement R, § 329.5 (*Alphabetical list of code members*), annexed to the foregoing order and made a part thereof; and

Reference having been made to the Mine Index of B & H Mine of Bivin and Hollman (C. W. Bivin) as No. 373 and the Seam as No. 11; and

It appearing that at the time of the issuance of the foregoing order Mine Index No. 373 had already been assigned to another mine;

It further appearing that the B & H Mine is located in Seam No. 9 instead of Seam No. 11;

Now, therefore, it is ordered, That the Order of Consolidation and Order Granting Temporary Relief and Conditionally Providing for Final Relief in Docket No. A-843 is amended to revise the Mine Index of the B & H Mine to Mine Index No. 967, instead of No. 373, and to show the Seam designation for this mine as No. 9, instead of No. 11.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-203; Filed, January 8, 1942; 11:02 a. m.]

[Docket No. A-1225]

PART 336—MINIMUM PRICE SCHEDULE, DISTRICT NO. 16

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 16 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE BUSY BEE MINE NO. 2 (MINE INDEX NO. 151) IN DISTRICT NO. 16

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Busy Bee Mine No. 2 (Mine Index No. 151) in District No. 16; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 336.21 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 16 for all shipments is amended to include, for the coals in their respective size groups, for shipment by truck, produced at the Busy Bee Mine No. 2 (Mine Index No. 151) of Code Members Frank Ausec and Ben Cimino located in El Paso County, Colorado, in Subdistrict 9 in District No. 16, the following effective minimum prices f. o. b. the mine in cents per net ton:

Size groups	1	2	3	4	5	6	7	8	9	10	11	12	13
Prices	455	405	405	430	405	385	350	340	265	215	205	185	345

No price classifications or minimum prices are established herein for the coals of Mine Index No. 151 for rail shipments, since both the original petition herein and the records of this Division indicate that the coals of that mine are shipped only via truck.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pur-

suant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-201; Filed, January 8, 1942; 11:01 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[No. 41]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of Paragraph 163 and Appendix A to Volume One of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 151, entitled "Delivery List," effective immediately upon the filing hereof with the Division of the Federal Register.[1] Upon receipt of the revised DSS Form 151, the use of the original DSS Form 151 will be discontinued and all unused copies thereof will be destroyed.

The foregoing revision and discontinuance shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One[1] Selective Service Regulations.

Lewis B Hershey,
Director

December 16, 1941.

[F. R. Doc. 42-170; Filed, January 7, 1942; 3:50 p. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

[Priorities Regulation No. 1, Supp. Order P-72]

PART 944—PRIORITIES DIVISION

Regulation No. 1. All of the provisions and definitions of Priorities Regulation No. 1, issued by the Director of Priorities on August 27, 1941, are hereby included in this Order to the extent that they are not inconsistent herewith.

(b) *Additional definitions.* For the purposes of this Order:

(1) "Tung Oil" shall mean that oil pressed from the Tung Nut, native of China, frequently referred to as China Wood Oil, whether raw, filtered, or refined, and whether produced or pressed from nuts grown in this country or abroad.

(2) "Dealer" shall mean any person selling tung oil.

(c) *Restrictions on use and deliveries of tung oil.* Notwithstanding anything contained in Priorities Regulation No. 1 to the contrary, after the effective date of this Order no dealer shall sell or deliver and no person shall buy or accept delivery of tung oil, and no person shall hereafter use or process any tung oil, except upon the following categories of orders:

(1) Defense orders having preference ratings of A-2 or better.

(2) Orders placed by Defense Supplies Corporation.

(3) Orders for the manufacture of can linings for cans to contain food products for human consumption.

(4) Orders for the manufacture of outside can coatings where wood oil is essential to withstand normal food processing.

(5) Orders for uses to comply with Underwriters' Regulations, Health, Sanitary or Safety Regulations or laws issued by Governmental authority: *Provided*, The pertinent provisions of such laws or regulations were in effect both on December 1, 1941, and on the date of such use and specifically require the use of tung oil or a product required specifically to be made from tung oil.

(d) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unnecessary disproportionate compared with the amount of harm to be prevented, or that compliance [illegible] a program of conversion from noncritical [illegible] work, may appeal to the Office [illegible]

671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 8th day of January 1942.

J. S. KNOWLSON,
Deputy Director of Priorities.

[F. R. Doc. 42-222; Filed, January 8, 1942; 11:48 a. m.]

PART 1054—LEAD AND TIN SCRAP

General Preference Order No. M-72 to Conserve the Supply and Direct the Distribution of Lead and Tin Scrap and Scrap Containing Alloys Thereof

Whereas the national defense requirements have created a shortage of lead and tin, as defined in General Preference Orders M-38[1] and M-43,[2] respectively, heretofore issued by the Director of Priorities, for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States to conserve the supply and direct the distribution of scrap material of which lead or tin or scrap containing alloys thereof are ingredients.

Now, therefore, it is hereby ordered, That:

§ 1054.1 *General Preference Order M-72*—(a) *Definitions.* For the purposes of this Order:

(1) "Scrap" means all materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure, or other reason and which contain lead or tin or alloys containing lead or tin in a form making such scrap suitable for industrial use.

(2) "Producer" means any person who generates scrap in the conduct of any industrial enterprise.

(3) "Scrap dealer" means any person regularly engaged in the business of buying and selling scrap.

(4) "Consumer" means any person who melts or otherwise processes scrap.

(b) *Priorities Regulation No. 1 incorporated.* All of the provisions and definitions of Priorities Regulation No. 1 issued by the Director of Priorities on August 27, 1941 (Part 944) as amended [illegible] as a part of this order with the same effect as if specifically set forth herein

ment such reports as may from time to time be required by the Office of Production Management.

(d) *Special directions.* The Director of Priorities may from time to time issue specific directions to any scrap dealer, producer or consumer as to the source, destination or amount of scrap to be delivered or acquired by such person, and the Director may also specifically direct the manner and quantities in which such scrap may be processed. Any such directions will be made to insure the satisfaction of all defense requirements, and they may be made, in the discretion of the Director of Priorities, without regard to any preference ratings which may be assigned to particular contracts or purchase orders.

(e) *Reports.* All scrap dealers, and consumers shall file with the Office of Production Management, Reference M-72, on or before January 20, 1942, and on before the 10th day of each month thereafter, on forms to be prescribed for the purpose, reports showing scrap inventory, production, purchases, sales and the consumption and such other information as the Tin and Lead Branch of the Office of Production Management may require.

(f) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to the Office of Production Management, Social Security Building, Washington, D. C., Reference: M-72.

(g) *Violations.* Any person who wilfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the United States Criminal Code (18 U.S.C. 80).

(h) *Effective dates.* This order shall take effect immediately upon issuance and unless sooner terminated by direction of the Director of Priorities, shall expire on the [illegible] day of June 1942.

(P.D. Reg. 1, Amended Jan. 23, 1941, 6 F.R. [illegible]; O.P.M. Reg. 3 Amended Sept. 1, 1941, 6 F.R. [illegible]; E.O. 8629 Jan. 7, 1941, 6 F.R. [illegible]; E.O. 8875 Aug. 28, 1941, 6 F.R. 4483, sec. 2 (a); Public No. 671, 76th Congress, Third Session, sec. 9, Public No. 89, 77th Congress, First Session; Public No. 783, 76th Congress, Third Session)

Issued this 8th day of January 1942.

J. S. KNOWLSON,
Deputy Director of Priorities.

[F. R. Doc. 42-223; Filed, January 8, 1942; 11:48 a. m.]

PART 1352—WOOL AND WOOL MANUFACTURES

Maximum Prices for Wool Floor Coverings and Imported Floor Coverings

§ 1352.51 *Maximum distributors' prices for wool and imported floor coverings.* * * *

(a) *Wool floor coverings.* (1) The maximum price for any unit of wool floor covering shall be the highest net price received by the distributor for the sale, delivery or transfer during the period October 1–October 13, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person, or to a person in the same general class, or if there is no such person, to any person.

(2) If no sale, delivery or transfer of an identical unit (or of a unit differing therefrom only in color or pattern) was made during such period, the maximum price shall be the highest net price received by the distributor for the sale, delivery or transfer during the period January 1–September 30, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person, or to a person in the same general class, or if there is no such person, to any person.

(3) If no sale, delivery, or transfer of an identical unit (or of a unit differing therefrom only in color or pattern) was made during either of such periods, the maximum price shall be a price in line with the maximum price for related types, qualities and grades of wool floor coverings sold by such distributor during the period January 1–October 13, 1941, inclusive, to the same person, or to a person in the same general class, or if there is no such person, to any person.

(4) If the distributor purchased a wool floor covering unit after January 2, 1942, the maximum price for that unit shall be the price quoted by the manufacturer of such unit in his price list to the retailer effective on January 7, 1942. (E.O. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective January 7, 1942. Issued this 7th day of January 1942.

Leon Henderson,
Administrator.

[F. R. Doc. 42-221; Filed, January 8, 1942; 11:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

NEVADA

Mount Diablo Meridian

T. 21 S., R. 62 E.,
sec. 25, N½NE¼, SE¼NE¼, NE¼NW¼; SW¼SE¼; SE¼SW¼;
sec. 31, SW¼NE¼; NW¼NW¼; SE¼NW¼; SE¼SE¼;
sec. 32, NE¼; SE¼NW¼;
sec. 33, NW¼;
sec. 34, NW¼SE¼; S½SE¼; W½;
sec. 35, NE¼; N½NW¼; N½SE¼; E½SE¼SE¼; W½SW¼SE¼; NE¼SW¼; S½SW¼;
sec. 36, All;
T. 22 S., R. 62 E.,
sec. 2, All;
sec. 3, All;
sec. 4, All;
sec. 9, NW¼SE¼;
T. 21 S., R. 63 E.,
sec. 30, N½; S½S½;
sec. 31, All;
T. 22 S., R. 63 E.,
secs. 5 to 8, inclusive, All;
secs. 17 to 21, inclusive, All;
secs. 27 to 29, inclusive, All;
sec. 33, All;
sec. 34, All.

E. K. BURLEW,
Acting Secretary of the Interior.

OCTOBER 16, 1941.

[F. R. Doc. 42-183; Filed, January 8, 1942; 10:10 a. m.]

Notices

WAR DEPARTMENT.

RESTRICTIONS ON CERTAIN TRANSACTIONS INVOLVING PROPERTY IN WHICH CERTAIN FOREIGN COUNTRIES, OR ANY NATIONAL THEREOF, MAY HAVE AN INTEREST[1]

SECTION I. 1. *Executive Orders and Treasury Department Regulations.* Section I is amended by adding, in proper alphabetical order, to the list of countries contained in paragraph 1 the following country:

Executive order numbered and Federal Register reference	Property and date effective
[illegible] (6 F.R. 6597) ...	Vested, June 14, 1941

(E.O. 101, 3 U.S.C. Cum. Supp. 231; Proc. No. 88, W.D., Dec. 27, 1941, amending Proc. No. 81, W.D., Oct. 17, 1941)

[illegible]
Major General,
The Adjutant General.

SEC. 534. WINES.

(a) *Rate on Still Wines.* Section 3030 (a) (1) (A) of the Internal Revenue Code is amended by striking out "5 cents" and inserting in lieu thereof "8 cents"; by striking out "15 cents" and inserting in lieu thereof "30 cents"; and by striking out "25 cents" and inserting in lieu thereof "65 cents".

(b) *Rate on Sparkling Wines, Liqueurs, Cordials, Etc.* Section 3030 (a) (2) of the Internal Revenue Code is amended by striking out "2½ cents" and inserting in lieu thereof "7 cents"; and by striking out "1¼ cents" and inserting in lieu thereof "3½ cents".

2. Pursuant to the foregoing provisions of law and sections 2803, 2871, and 3176 of the Internal Revenue Code, § 191.10 of Regulations 21 (Title 26, part 191, Code of Federal Regulations, 1940 Sup.) is hereby revoked, and §§ 191.3 (k), 191.5, 191.6, 191.7, 191.8, 191.9, 191.28, 191.35 (b), and 191.55 of such regulations are hereby amended to read as follows:

§ 191.3 *Definitions.*

* * * * *

(k) "Wine" shall mean (1) still wine, including vermouth, artificial or imitation wines or compounds sold as still wine, champagne or sparkling wine, and artificially carbonated wine, and (2) flavored or sweetened fortified or unfortified wines, by whatever name sold or offered for sale, containing not over 24 per centum of alcohol by volume.

* * * * *

§ 191.5 *Distilled spirits.* Distilled spirits in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn, at the rate of $4 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon. (Secs. 2800 as amended, 3176, I.R.C.)

§ 191.6 *Perfumes containing distilled spirits.* Imported perfumes containing distilled spirits are subject to an internal revenue tax, when withdrawn, at the rate of $4 per wine gallon and a proportionate tax at a like rate on all fractional parts of such wine gallon (Secs. 2800 as amended, 3176, I.R.C.).

§ 191.7 *Wines*—(a) *Still wines.* All still wines, including vermouth, and all artificial or imitation wines or compounds sold as still wine, in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn from customs custody, as follows:

On wines containing not more than 14 per centum of absolute alcohol, 8 cents per wine gallon, the per centum of alcohol under this section to be reckoned by volume and not by weight;

On wines containing more than 14 per centum and not exceeding 21 per centum of absolute alcohol, 30 cents per wine gallon;

On wines containing more than 21 per centum and not exceeding 24 per centum of absolute alcohol, 65 cents per wine gallon;

All such wines containing more than 24 per centum of absolute alcohol by volume shall be classed as distilled spirits and shall be taxed accordingly.

(b) *Sparkling wines.* All sparkling wines and artificially carbonated wines in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn from customs custody, as follows:

On each bottle or other container of champagne or sparkling wine, 7 cents on each one-half pint or fraction thereof;

On each bottle or other container of artificially carbonated wine, 3½ cents on each one-half pint or fraction thereof.

(c) *Wines containing over 24 per centum of alcohol.* Champagne and other sparkling wines, still wines, artificially carbonated wines, and vermouth, if containing over 24 per centum of alcohol by volume, in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn, at the rate of $4 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon (Secs. 2800 as amended, 3030 as amended, 3176, I.R.C.).

§ 191.8 *Liqueurs, cordials, and similar compounds.* Liqueurs, cordials, and similar compounds in customs bonded warehouse or imported into the United States are subject to an internal revenue tax, when withdrawn, at the rate of $4 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon: *Provided,* That such products containing not over 24 per centum of alcohol by volume made with distilled spirits of any kind and wine fortified with brandy made from the same fruit as the wine are subject to an internal revenue tax, on each bottle or other container, at the rate of 3½ cents on each one-half pint or fraction thereof. Fortified or unfortified wines containing not over 24 per centum of alcohol by volume to which sweetening or flavoring materials have been added are not classified as liqueurs, cordials, or similar compounds, but are considered to be flavored wines only and are subject to internal revenue tax at the rates applicable to wines (Secs. 2800 as amended, 3030 as amended, 3176, I.R.C.).

§ 191.9 *Rate of tax on compounds and preparations.* Compounds and preparations containing distilled spirits, which are fit for beverage purposes, in customs bonded warehouse or imported into the United States are subject to internal revenue tax at the rate of $4 per proof gallon, or wine gallon when below proof, and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon (Secs. 2800 as amended, 3030 as amended, 3176, I.R.C.).

§ 191.28 *Exemption from stamping, marking, bottling, and labeling requirements.* The provisions of these regulations relating to the affixing of red strip stamps, the indicia requirements of containers prescribed by Regulations 13 (26 CFR, Part 175), and the labeling of containers as prescribed by regulations promulgated under the Federal Alcohol Administration Act (27 CFR, Part 5) are not applicable to imported distilled spirits (a) not for sale or for any other commercial purpose whatever; (b) for use as ship stores; or (c) for personal use. Samples of distilled spirits imported for any purpose are not exempt from the stamping, marking, bottling, and labeling requirements. Exemptions from the requirement that imported distilled spirits and wines be marked to indicate the country of origin are set forth in customs regulations (19 CFR, 9.10) (secs. 2803, 2871, 3176, I.R.C.).

§ 191.35 (b) *Diversion of spirits to other than specified port.* In the event of diversion of all or part of the spirits to a port or ports other than the port specified in Form 1627 filed with the Form 428, the importer shall submit a supplemental statement in duplicate on Form 1627A, "Application for Diversion of Red Strip Stamps for Imported Distilled Spirits," for each such port. He shall submit them to the collector of customs who approved the Form 428, who will retain the copy and transmit the original to the collector of customs at the designated port. Where a warehouse or consumption entry is filed at a specified port other than the port where the requisition was approved, the collector of customs of the port at which the warehouse or consumption entry is filed will promptly notify, on Form 1627A, the collector of customs who approved the Form 428 of the number and denomination of stamps shown by the usual customs examination to have been attached to the containers. The collector of customs who approved the requisition will credit the Form 428 accordingly. He will stamp on the copy of Form 1627A "Strip stamps credited", and send the copy to the importer who filed the application. Such importer may then take credit for the stamps on Form 96. Such diverted spirits may not be released from customs custody until Form 1627A has been received at the port of diversion or the Collector of Customs who approved Form 428 has authorized such release (Secs. 2803, 3176, I.R.C.).

§ 191.55 *Monthly report, Parts II and III, Form 96.* At the close of the month, importers shall prepare Parts II and III of Form 96, in triplicate, reporting on Part II the red strip stamps purchased and used during the month, and on Part III the stamps shipped abroad to importers' agents. Two copies shall be forwarded, on or before the 10th day of the succeeding month, to the District Supervisor, Alcohol Tax Unit, in charge of the district in which the business of the importer is conducted. One copy shall be retained in bound form with the importer's copies of Part I, Form 96, for the same month, available for inspection by Government officers (Secs. 2803, 3176, I.R.C.).

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.
W. R. JOHNSON,
Commissioner of Customs.

Approved January 7, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-180; Filed, January 7, 1942; 3:48 p. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1149]

PART 321—MINIMUM PRICE SCHEDULE DISTRICT NO. 1

ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1 PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

An Order Granting Temporary Relief and Conditionally Providing for Final Relief having been issued in the above-entitled matter on November 17, 1941, 6 F.R. 6534; and

It appearing that by error the change in shipping points in the said Order does not conform to the relief requested in the original petition in the above-entitled matter, and that it should be corrected so to conform; and

It appearing that by typographical error in the note in § 321.7 (*Alphabetical list of code members*) in the Schedule marked "Supplement R," annexed thereto and thereby made a part of the said Order, the erroneous reference to Mine Index No. 3138 should be corrected to refer to Mine Index No. 3188;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, the temporary relief heretofore granted be, and it hereby is, amended as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the Fairview Mine, Mine Index No. 1047, of Barron & Jones, for rail shipments, shall be applicable only for shipments on Baltimore & Ohio Railroad from Stoyestown, Pennsylvania, and shall no longer be applicable for shipments on Baltimore & Ohio Railroad from Coleman Station, Pennsylvania. All allowances or adjustments required or permitted mines in Freight Origin Group No. 100 shall be applicable to all shipments of the coals of the Fairview Mine, Mine Index No. 1047, of Barron & Jones, from Stoyestown, Pennsylvania.

It is further ordered, That the note in § 321.7 (*Alphabetical list of code members*) in the Schedule marked "Supplement R," annexed to and made a part of the said Order, be, and it hereby is, amended, effective forthwith, as follows:

If coals of the following groups: Mine Index Nos. 3163 and 3164; 3194 and 3195; and 1972 and 3188 are loaded into the same car, the price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the higher price classification.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless the Acting Director shall otherwise order; and

It is further ordered, That, except as to the change in shipping points of the said Fairview Mine, Mine Index No. 1047, and to the loading of the coals of Mine Index Nos. 1972 and 3188 into the same car, the said Order of November 17, 1941, Granting Temporary Relief and Conditionally Providing for Final Relief in the above-entitled matter, be, and it hereby is, continued in full force and effect unless it shall otherwise be ordered.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-202; Filed, January 8, 1942; 11:01 a. m.]

[Docket No. A-843]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER AMENDING PREVIOUS ORDER OF CONSOLIDATION AND GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF SO AS TO CORRECT MINE INDEX NUMBER AND SEAM DESIGNATION OF THE B & H MINE OF BIVIN AND HOLLMAN IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 9 FOR RAIL SHIPMENT

An original petition having been duly filed with the Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9 for rail shipment; and

Temporary and conditionally final relief having been granted on September 5, 1941, 6 F.R. 4995, in an Order of Consolidation and Order Granting Temporary Relief and Conditionally Providing for Final Relief, as provided in the Schedule in Supplement R, § 329.5 (*Alphabetical list of code members*), annexed to the foregoing order and made a part thereof; and

Reference having been made to the Mine Index of B & H Mine of Bivin and Hollman (C. W. Bivin) as No. 373 and the Seam as No. 11; and

It appearing that at the time of the issuance of the foregoing order Mine Index No. 373 had already been assigned to another mine;

It further appearing that the B & H Mine is located in Seam No. 9 instead of Seam No. 11;

Now, therefore, it is ordered, That the Order of Consolidation and Order Granting Temporary Relief and Conditionally Providing for Final Relief in Docket No. A-843 is amended to revise the Mine Index of the B & H Mine to Mine Index No. 967, instead of No. 373, and to show the Seam designation for this mine as No. 9, instead of No. 11.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-203; Filed, January 8, 1942; 11:02 a. m.]

[Docket No. A-1225]

PART 336—MINIMUM PRICE SCHEDULE, DISTRICT NO. 16

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 16 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE BUSY BEE MINE NO. 2 (MINE INDEX NO. 151) IN DISTRICT NO. 16

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Busy Bee Mine No. 2 (Mine Index No. 151) in District No. 16; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 336.21 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 16 for all shipments is amended to include, for the coals in their respective size groups, for shipment by truck, produced at the Busy Bee Mine No. 2 (Mine Index No. 151) of Code Members Frank Ausec and Ben Cimino located in El Paso County, Colorado, in Subdistrict 9 in District No. 16, the following effective minimum prices f. o. b. the mine in cents per net ton:

Size groups	1	2	3	4	5	6	7	8	9	10	11	12	13
Prices	455	405	405	430	405	385	350	340	265	215	205	185	345

No price classifications or minimum prices are established herein for the coals of Mine Index No. 151 for rail shipments, since both the original petition herein and the records of this Division indicate that the coals of that mine are shipped only via truck.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pur-

suant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-201; Filed, January 8, 1942; 11:01 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[No. 41]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of Paragraph 163 and Appendix A to Volume One of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 151, entitled "Delivery List," effective immediately upon the filing hereof with the Division of the Federal Register.[1] Upon receipt of the revised DSS Form 151, the use of the original DSS Form 151 will be discontinued and all unused copies thereof will be destroyed.

The foregoing revision and discontinuance shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One,[2] Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

DECEMBER 16, 1941.

[F. R. Doc. 42-176; Filed, January 7, 1942; 2:02 p. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 1034—TUNG OIL

General Preference Order M-57 to Conserve the Supply and Direct the Distribution of Tung Oil

The national defense requirements having created a shortage of tung oil for defense, for private account, and for export, and it being necessary in the interest of defense and in the public interest to allocate the supply of tung oil in the manner and to the extent hereinafter in this Order provided;

Now, therefore, it is hereby ordered, That:

§ 1034.1 *General Preference Order M-57*—(a) *Applicability of Priorities Regulation No. 1.* All of the provisions and definitions of Priorities Regulation No. 1, issued by the Director of Priorities on August 27, 1941, are hereby included in this Order to the extent that they are not inconsistent herewith.

(b) *Additional definitions.* For the purposes of this Order:

(1) "Tung Oil" shall mean that oil pressed from the Tung Nut, native of China, frequently referred to as China Wood Oil, whether raw, filtered, or refined, and whether produced or pressed from nuts grown in this country or abroad.

(2) "Dealer" shall mean any person selling tung oil.

(c) *Restrictions on use and deliveries of tung oil.* Notwithstanding anything contained in Priorities Regulation No. 1 to the contrary, after the effective date of this Order no dealer shall sell or deliver and no person shall buy or accept delivery of tung oil, and no person shall hereafter use or process any tung oil, except upon the following categories of orders:

(1) Defense orders having preference ratings of A-2 or better.

(2) Orders placed by Defense Supplies Corporation.

(3) Orders for the manufacture of can linings for cans to contain food products for human consumption.

(4) Orders for the manufacture of outside can coatings where wood oil is essential to withstand normal food processing.

(5) Orders for uses to comply with Underwriters' Regulations, Health, Sanitary or Safety Regulations or laws issued by Governmental authority: *Provided*, The pertinent provisions of such laws or regulations were in effect both on December 1, 1941, and on the date of such use and specifically require the use of tung oil or a product required specifically to be made from tung oil.

(d) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of tung oil conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Office of Production Management, Reference: M-57, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(e) *Reports and correspondence.* All reports to be filed, appeals and other communications concerning this Order, should be addressed to the Office of Production Management, Washington, D. C., Reference M-57.

(f) *Effective date.* This Order shall take effect immediately, and shall expire February 15, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941; 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 8th day of January 1942.

J. S. KNOWLSON,
Deputy Director of Priorities.

[F. R. Doc. 42-222; Filed, January 8, 1942; 11:48 a. m.]

PART 1054—LEAD AND TIN SCRAP

General Preference Order No. M-72 to Conserve the Supply and Direct the Distribution of Lead and Tin Scrap and Scrap Containing Alloys Thereof

Whereas the national defense requirements have created a shortage of lead and tin, as defined in General Preference Orders M-38[1] and M-43,[2] respectively, heretofore issued by the Director of Priorities, for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States to conserve the supply and direct the distribution of scrap material of which lead or tin or scrap containing alloys thereof are ingredients.

Now, therefore, it is hereby ordered, That:

§ 1054.1 *General Preference Order M-72*—(a) *Definitions.* For the purposes of this Order:

(1) "Scrap" means all materials or objects which are the waste or by-product of industrial fabrication, or which have been discarded on account of obsolescence, failure, or other reason and which contain lead or tin or alloys containing lead or tin in a form making such scrap suitable for industrial use.

(2) "Producer" means any person who generates scrap in the conduct of any industrial enterprise.

(3) "Scrap dealer" means any person regularly engaged in the business of buying and selling scrap.

(4) "Consumer" means any person who melts or otherwise processes scrap.

(b) *Priorities Regulation No. 1 incorporated.* All of the provisions and definitions of Priorities Regulation No. 1,[3] issued by the Director of Priorities on August 27, 1941 (Part 944) as amended from time to time, are hereby included as a part of this order with the same effect as if specifically set forth herein, except as otherwise specifically provided herein.

(c) *Limitation on delivery of scrap.* No scrap dealer shall hereafter accept delivery of scrap unless:

(1) Such scrap dealer shall, during the preceding 60 days, have sold or otherwise disposed of scrap to an amount at least equal in weight to the scrap inventory of such scrap dealer on the date of such acceptance of delivery of scrap (which inventory shall exclude such delivery); and

(2) Such scrap dealer shall have filed with the Office of Production Management such reports as may from time to time be required by the Office of Production Management.

(d) *Special directions.* The Director of Priorities may from time to time issue specific directions to any scrap dealer, producer or consumer as to the source, destination or amount of scrap to be delivered or acquired by such person, and the Director may also specifically direct the manner and quantities in which such scrap may be processed. Any such directions will be made to insure the satisfaction of all defense requirements, and they may be made, in the discretion of the Director of Priorities, without regard to any preference ratings which may be assigned to particular contracts or purchase orders.

(e) *Reports.* All scrap dealers, and consumers shall file with the Office of Production Management, Reference M-72, on or before January 20, 1942, and on before the 10th day of each month thereafter, on forms to be prescribed for the purpose, reports showing scrap inventory, production, purchases, sales and the consumption and such other information as the Tin and Lead Branch of the Office of Production Management may require.

(f) *Communications.* All reports to be filed, appeals and other communications concerning this order should be addressed to the Office of Production Management, Social Security Building, Washington, D. C., Reference: M-72.

(g) *Violations.* Any person who willfully violates any provision of this order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the United States Criminal Code (18 U.S.C. 80).

(h) *Effective dates.* This order shall take effect immediately upon issuance and unless sooner terminated by direction of the Director of Priorities, shall expire on the 30th day of June 1942. (P.D. Reg. 1, Amended Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 8th day of January 1942.

J. S. KNOWLSON,
Deputy Director of Priorities.

[F. R. Doc. 42-223; Filed, January 8, 1942; 11:49 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1352—FLOOR COVERINGS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 65[1]—RESALE OF FLOOR COVERINGS

Paragraph (a) of § 1352.51 is hereby amended to read as follows:

§ 1352.51 *Maximum distributors' prices for wool and imported floor coverings.* * * *

(a) *Wool floor coverings.* (1) The maximum price for any unit of wool floor covering shall be the highest net price received by the distributor for the sale, delivery or transfer during the period October 1–October 13, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person, or to a person in the same general class, or if there is no such person, to any person.

(2) If no sale, delivery or transfer of an identical unit (or of a unit differing therefrom only in color or pattern) was made during such period, the maximum price shall be the highest net price received by the distributor for the sale, delivery or transfer during the period January 1–September 30, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person, or to a person in the same general class, or if there is no such person, to any person.

(3) If no sale, delivery, or transfer of an identical unit (or of a unit differing therefrom only in color or pattern) was made during either of such periods, the maximum price shall be a price in line with the maximum price for related types, qualities and grades of wool floor coverings sold by such distributor during the period January 1–October 13, 1941, inclusive, to the same person, or to a person in the same general class, or if there is no such person, to any person.

(4) If the distributor purchased a wool floor covering unit after January 2, 1942, the maximum price for that unit shall be the price quoted by the manufacturer of such unit in his price list to the retailer effective on January 7, 1942. (E.O. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective January 7, 1942. Issued this 7th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-185; Filed, January 8, 1942; 10:39 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER III—GRAZING SERVICE

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

NEVADA GRAZING DISTRICT NO. 5

Modification[1]

Under and pursuant to the provisions of the act of June 26, 1934 (48 Stat. 1269), as amended, Departmental order of November 3, 1936, establishing Nevada Grazing District No. 5,[2] is hereby revoked as far as it affects the following described lands, such revocation to be effective upon the withdrawal of the lands for classification:

NEVADA

Mount Diablo Meridian

T. 21 S., R. 62 E.,
sec. 25, N½NE¼, SE¼NE¼, NE¼NW¼; SW¼SE¼; SE¼SW¼;
sec. 31, SW¼NE¼; NW¼NW¼; SE¼NW¼; SE¼SE¼;
sec. 32, NE¼; SE¼NW¼;
sec. 33, NW¼;
sec. 34, NW¼SE¼; S½SE¼; W½;
sec. 35, NE¼; N½NW¼; N½SE¼; E½SE¼SE¼; W½SW¼SE¼; NE¼SW¼; S½SW¼;
sec. 36, All;
T. 22 S., R. 62 E.,
sec. 2, All;
sec. 3, All;
sec. 4, All;
sec. 9, NW¼SE¼;
T. 21 S., R. 63 E.,
sec. 30, N½; S½S½;
sec. 31, All;
T. 22 S., R. 63 E.,
secs. 5 to 8, inclusive, All;
secs. 17 to 21, inclusive, All;
secs. 27 to 29, inclusive, All;
sec. 33, All;
sec. 34, All.

E. K. BURLEW,
Acting Secretary of the Interior.

OCTOBER 16, 1941.

[F. R. Doc. 42-183; Filed, January 8, 1942; 10:10 a. m.]

Notices

WAR DEPARTMENT.

RESTRICTIONS ON CERTAIN TRANSACTIONS INVOLVING PROPERTY IN WHICH CERTAIN FOREIGN COUNTRIES, OR ANY NATIONAL THEREOF, MAY HAVE AN INTEREST[1]

SECTION I. 1. *Executive Orders and Treasury Department Regulations.* Section I is amended by adding, in proper alphabetical order, to the list of countries contained in paragraph 1 the following country:

Executive order number and Federal Register reference:	*Country and date effective*
8963 (6 F.R. 6348)	Thailand; June 14, 1941.

(R.S. 161; 5 U.S.C. 22) [Proc. Cir. 88, W.D., Dec. 22, 1941, amending Proc. Cir. 81, W.D., Oct. 27, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-182; Filed January 7, 1942; 3:50 p. m.]

DEPARTMENT OF THE INTERIOR.

[Docket No. B-60]

IN THE MATTER OF E. H. TURPIN AND J. H. TURPIN, ALSO KNOWN AS E. H. TURPIN AND J. H. TURPIN, INDIVIDUALLY, AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF E. H. & J. H. TURPIN, CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore, by Order of the Acting Di-

[1] Filed with the original document.
[2] 5 F.R. 3785.

[1] 6 F.R. 5090.
[2] 6 F.R. 6519.
[3] 6 F.R. 6680.

[1] 7 F.R. 124.

[1] Affects tabulation in § 502.1e.
[2] 1 F.R. 1748.

[1] See 6 F.R. 5701.

rector dated December 6, 1941, scheduled for hearing at 10 o'clock in the forenoon of January 12, 1942, at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky; and

It appearing to the Acting Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed from 10 o'clock in the forenoon of January 12, 1942, to 10 o'clock in the forenoon of January 15, 1942, at the place aforesaid and before the officer or officers previously designated to preside.

Dated: January 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-187; Filed, January 8, 1942; 10:56 a. m.]

[Docket No. D-6]

IN THE MATTER OF THE APPLICATION OF ST. BERNARD COAL COMPANY FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBUTORS' DISCOUNTS ON COAL SOLD TO WEST KENTUCKY COAL COMPANY (N. J.) AND PEOPLES COAL COMPANY

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

The above-entitled matter having been scheduled for hearing on February 23, 1942, by Order dated December 24, 1941; and

It appearing appropriate and necessary that said hearing be postponed to a later date:

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from 10:00 in the forenoon of February 23, 1942 until 10:00 in the forenoon of February 24, 1942, at the place and before the officers heretofore designated.

Dated: January 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-188; Filed, January 8, 1942; 10:56 a. m.]

[Docket No. D-7]

IN THE MATTER OF THE APPLICATION OF WEST KENTUCKY COAL COMPANY, INC., FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBUTORS' DISCOUNTS ON COAL SOLD TO ST. BERNARD COAL COMPANY, PEOPLES COAL COMPANY, AND WEST KENTUCKY COAL COMPANY (DEL.)

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

The above-entitled matter having been scheduled for hearing on February 23, 1942, by Order dated December 24, 1941; and

It appearing appropriate and necessary that said hearing be postponed to a later date:

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from 10:00 in the forenoon of February 23, 1942 and it hereby is postponed from 10:00 in the forenoon of February 23, 1942 until 10:00 in the forenoon of February 24, 1942, at the place and before the officers heretofore designated.

Dated: January 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-189; Filed, January 8, 1942; 10:57 a. m.]

[Docket No. B-77]

IN THE MATTER OF SAMSON HART AND CLYDE HARRIS, ALSO KNOWN AS SAMSON HART AND CLYDE HARRIS, INDIVIDUALS, TRADING AS HART AND HARRIS, A PARTNERSHIP, CODE MEMBER, DEFENDANTS

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore, by Order of the Director dated November 22, 1941, scheduled for hearing at 10 o'clock in the forenoon of January 14, 1942, at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky; and

It appearing to the Acting Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same is, hereby postponed from 10 o'clock in the forenoon of January 14, 1942 to 10 o'clock in the forenoon of January 15, 1942, at the place aforesaid and before the officer or officers previously designated to preside.

Dated: January 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-190; Filed, January 8, 1942; 10:57 a. m.]

[Docket Nos. 1682-FD, 1683-FD, 1685-FD, 1687-FD]

IN THE MATTERS OF C. T. NORMAN, ED SHEELOR, K. D. ABNEY, AND LONG & EARLY, DEFENDANTS

ORDER POSTPONING HEARINGS

The above-entitled matters having been heretofore scheduled for hearings at Birmingham, Alabama, on October 16, 1941, by Orders of the Acting Director dated July 28, 1941, and subsequently having been rescheduled for hearing at Birmingham, Alabama, on January 12, 1942, by Order dated December 2, 1941; and

The Acting Director deeming it advisable that said hearings should be postponed;

Now, therefore, it is ordered, That the hearings in the above-entitled matters be and the same are hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate order.

Dated: January 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-191; Filed, January 8, 1942; 10:57 a. m.]

[Docket No. A-1144 Part II]

PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF AN ADDITIONAL RAIL LOADING POINT FOR THE COALS OF THE DARBY MINE (MINE INDEX NO. 891) OF ROBERT JAMISON, A PRODUCER IN DISTRICT NO. 8

ORDER CANCELLING HEARING AND DISMISSING PETITION IN PART

The original petition in the above-entitled matter filed with the Division on November 1, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 requested among other matters, the establishment of an additional rail loading point for the coals of the Darby Mine (Mine Index No. 891) of Robert Jamison at Cumberland, Kentucky. That part of the docket relating to the coals of this mine was separated from the rest of the docket and scheduled for hearing at Washington, D. C. at 10 a. m. in the forenoon of January 7, 1942 by Order dated November 27, 1941.

Subsequently District Board 8 filed a motion to amend its original petition and eliminate from it the request for the additional shipping point for Mine Index No. 891. The hearing heretofore scheduled on this matter, therefore, is no longer required or necessary.

Now, therefore, it is ordered, That the hearing heretofore scheduled for 10 a. m. in the forenoon of January 7, 1942, on the petition of District Board 8 in the above-entitled matter be, and the same hereby is cancelled, and the original petition in this docket, in so far as it relates to the coals of Mine Index No. 891, dismissed without prejudice.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-192; Filed, January 8, 1942; 10:57 a. m.]

[Docket No. B-7]

IN THE MATTER OF J. F. MARLOWE AND CO., REGISTERED DISTRIBUTOR, REGISTRATION NO. 5972, RESPONDENT

ORDER CANCELLING REGISTRATION AS DISTRIBUTOR AND CANCELLING HEARING

A Notice of and Order for Hearing in this matter having been entered herein on October 9, 1941, and having been duly served on the respondent, and an Order Amending and Supplementing said Notice of and Order for Hearing having been entered herein on November 7, 1941, and having been duly served on the respondent; and this matter having been rescheduled for hearing on January 8, 1942, by Order of the Acting Director dated December 5, 1941; and

Respondent by letter dated December 17, 1941, having offered voluntarily to surrender his certificate of registration as a distributor and having requested that the hearing herein be dismissed and by letter dated December 31, 1941, having returned his certificate of registration as a registered distributor, No. 5972, for cancellation effective as of January 5, 1942, and having represented that on January 5, 1942, the respondent would cease being actively engaged in business as a distributor.

Now, therefore, it is hereby ordered, That the registration of the respondent herein as a distributor be and the same is hereby cancelled: *Provided, however,* That in the event that the respondent at any time subsequent hereto, makes application for registration as a distributor, the Division may require, as a condition precedent to the granting of such application, the repayment by the respondent of all distributors' discounts from the effective minimum prices, unlawfully accepted and retained by respondent prior to the date hereof.

It is further ordered, That the hearing in this matter heretofore scheduled on January 8, 1942, be and the same is hereby cancelled.

It is further ordered, That in the event the respondent shall hereafter make such application for registration, this matter may be reopened for the purpose of determining the amount of the discounts to be repaid by the respondent and for the purpose of taking such other action in this proceeding as may be appropriate, and jurisdiction is hereby reserved for such purposes.

Dated: January 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-193; Filed, January 8, 1942; 10:57 a. m.]

[Docket No. A-1105 Part II]

PETITION OF DISTRICT BOARD 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 2870, 306, 2907, 310, 4, AND 200, IN DISTRICT 4

MEMORANDUM OPINION AND ORDER AMENDING ORDER GRANTING, IN PART, TEMPORARY RELIEF

By an Order Granting, in part, Temporary Relief, dated November 21, 1941, in the above-entitled matter, price classifications and minimum prices were temporarily established, pending a final hearing, for coals produced at certain mines in District No. 2, including the Brilliant No. 2 Mine (Mine Index No. 306) of C. C. Fay (Fay Collieries Company) for rail shipments on the Wheeling & Lake Erie Railroad from Jewett, Ohio.

Petitioner subsequently filed a motion requesting an amendment of the temporary relief heretofore granted as to the Brilliant No. 2 Mine by making the price classifications and minimum prices established for rail shipments of coal from that mine applicable to rail shipments on the Pennsylvania Railroad from Jewett, Ohio, and no longer applicable to such shipments on the Wheeling & Lake Erie Railroad from Jewett, Ohio.

It appears from petitioner's motion that the Brilliant No. 2 Mine has no shipping facilities for rail shipments on Wheeling & Lake Erie Railroad from Jewett, Ohio, but does have such facilities for rail shipments on Pennsylvania Railroad from Jewett, Ohio, and that it is, therefore, proper to amend the Order of November 21, 1941, as requested in petitioner's motion.

Now, therefore, it is ordered, That, pending final disposition of the above matter, the temporary relief heretofore granted by the Order of November 21, 1941, is amended as follows: Commencing forthwith, the price classifications and minimum prices established for coals of the Brilliant No. 2 Mine (Mine Index No. 306) of C. C. Fay for rail shipment shall be applicable only for shipments on the Pennsylvania Railroad from Jewett, Ohio, and shall no longer be applicable for rail shipments on the Wheeling & Lake Erie Railroad from Jewett, Ohio. The allowances or adjustments required or permitted mines in Freight Origin Group No. 15 shall be applicable to all such shipments on the Pennsylvania Railroad from Jewett, Ohio.

It is further ordered, That in all other respects the Order of November 21, 1941, granting, in part, temporary relief in the above-entitled matter be, and it hereby is, continued in full force and effect, until otherwise ordered.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-194; Filed, January 8, 1942; 10:58 a. m.]

[Docket No. A-1192]

PETITION OF THE BITUMINOUS COAL CONSUMERS' COUNSEL FOR AN AMENDMENT OF RULE 2, SECTION VI OF THE MARKETING RULES AND REGULATIONS, AND FOR TEMPORARY RELIEF

MEMORANDUM OPINION AND ORDER DENYING TEMPORARY RELIEF

Bituminous Coal Consumers' Counsel ("Consumers' Counsel") filed with the Bituminous Coal Division ("Division") a petition in the above entitled matter on December 5, 1941, pursuant to the provisions of the Bituminous Coal Act of 1937 ("The Act"), requesting that temporary and permanent orders be entered modifying Rule 2 of section VI of the Marketing Rules and Regulations ("Marketing Rules") so as to provide that contracts may be entered into on or after November 1 of any year for coal to be shipped as lake cargo during the following lake season. The petition requested that an immediate informal conference be called on notice to all interested parties and that after such conference an immediate temporary order be entered amending Rule 2 of section VI of the Marketing Rules as hereinabove proposed.

Pursuant to the request for the holding of the informal conference, the Acting Director notified Consumers' Counsel that such conference would be held and requested Consumers' Counsel to notify all persons interested. At the same time the Acting Director sent notices of the holding of such conference to all statistical bureaus with the request that the notice be posted conspicuously in each office.

Accordingly an informal conference was held in Washington, D. C., in this matter on December 15, 1941, at which all interested parties were afforded an opportunity to appear and be heard. Consumers' Counsel; District Boards Nos. 1, 2, 3, 4, 7, 8, and 10; Hamilton By-Product Coke Ovens, Limited, a consumer; Carter Coal Company, a code member in District 7; and, United Electric Coal Companies and Truax-Traer Coal Company, code members in District 10, appeared and participated. The record of the informal conference was submitted to the undersigned for his consideration.

Rule 2, section VI, of the Marketing Rules provides:

No contract for the sale of coal shall provide for delivery to commence at a date later than ninety (90) days from the date upon which such contract is entered into.

The petitioner requested that this rule be amended by adding thereto the following language:

Provided, however, That contracts may be entered into on or after November 1 of any year for coal to be shipped as lake cargo during the following lake season.

The petitioner requested that such amendment be made effective temporarily, pending final disposition of the petition. District Boards 1, 2, 7, 8, and Carter Coal Company, opposed the granting of temporary relief. District Board 10, United Electric Coal Companies and Truax-Traer Coal Company, opposed the granting of temporary relief generally but had no objection to temporary relief to the Hamilton By-Products Coke Ovens, Limited, or by-product users.

At the informal conference Consumers' Counsel stated that while it had requested temporary relief of general application it would not object if temporary relief were granted only to Hamilton By-Products Coke Ovens, Limited.

Mr. T. P. Pinckard, general manager of the Hamilton By-Products Coke Ovens, Limited, testified in support of the petition for temporary relief. While the information submitted by Pinckard related to Hamilton By-Products Coke Ovens, Limited, Consumers' Counsel urged that the information was sufficient to form a basis for the granting of temporary relief of general application.

It was testified that Hamilton By-Products Coke Ovens, Limited, operates a by-products plant at Hamilton, Ontario, consuming annually approximately 400,000 tons of bituminous coal which it receives over the lakes. Pinckard stated that because of unsettled conditions in the coal industry and in water transportation, due to war conditions, his company was experiencing difficulty in obtaining contracts for its requirements of coal for movement over the lakes during the 1942 navigation season. He stated that contracts for coal and for vessel transportation were closely allied and that the company was handicapped in executing transportation contracts without at the same time consummating coal

contracts, and, that if the ninety (90) days provided were liberalised, it would facilitate the consummation of both contracts. Pinckard further stated that his company had 180,000 tons of coal at the plant, sufficient to assure operation until June 15, 1942.

With respect to coal contracts, it appears that coal may be shipped by rail to the lake loading ports and stand for thirty days without demurrage charge. It further appears that Rule 2, Section IV, of the Marketing Rules, authorizes options and quotations for the sale of coal by code members, sales agents, or distributors for a period not exceeding fourteen days. When the witness' attention was called to the option rule and demurrage privileges, Pinckard stated that while he preferred to provide for his annual coal supply by means of firm contracts, he could reach the same result by availing himself of the option provision and the demurrage rule and in that manner immediately assure himself of a coal supply without the necessity of temporary relief.

It appears that the lake navigation season begins April 15. Under Rule 2, section VI, of the Marketing Rules, contracts for lake movement to begin April 15 would have to be executed on or after January 15. The petition was filed December 5, 1941, 135 days prior to April 15, 1942, the opening date for lake navigation. The 90 days provided in Rule 2, section VI of the Marketing Rules plus 30 days free demurrage plus the 14 days for options, aggregates 134 days. It thus appears that within one day of the time the petition was filed, Pinckard could have been consummating options anticipatory to making firm contracts.

The district boards opposing the granting of temporary relief urged that there was thus no necessity therefor, either generally or for specific application to the Hamilton By-Products Coke Ovens, Limited,[1] since the option technique, the period during which demurrage would not occur, and the 90 days delivery period are ample time for the accumulation of its requirements during the 1942 lake navigation season.

There is no showing that injury has been suffered by consumers generally, or by Hamilton By-Products Coke Ovens, Limited, or that such injury is imminent. The record is not sufficient to warrant or require a relaxation of the 90-day period set forth in Rule 2 which the petition seeks in this proceeding. No clear showing has been made that substantial, irreparable injury would result if temporary relief were not granted. The issues involved in the petition are complex and controversial and should be decided only upon a full hearing on the merits.

Now, therefore, it is ordered, That the temporary relief requested by the petitioner be and the same hereby is denied.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-195; Filed, January 8, 1942; 11:00 a. m.]

[1] The record of the informal conference contains no information with respect to any consumers other than Hamilton By-Products Coke Ovens, Limited.

[Docket No. A-1182]

PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4

[Docket No. A-1182 Part II]

PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE DAVIS MINE, MINE INDEX NO. 1285, OF THE L. & R. COAL CO. (JOHN R. LANDERS) AND THE CHARTER OAK #2 MINE, MINE INDEX NO. 14, OF THE CHARTER OAK COAL CO. (M. L. FRENCH)

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1182, PART II FROM DOCKET NO. A-1182, ORDER GRANTING TEMPORARY RELIEF, IN PART, IN DOCKET NO. A-1182 PART II, AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1182 PART II

The original petition in the above-entitled matter which was filed with this Division requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 4.

As found in an order issued in Docket No. A-1182, a reasonable showing of necessity has been made for the granting of relief prayed for by the petitioner except as to the establishment of price classifications and minimum prices of the coals produced by the Davis Mine, Mine Index No. 1285 of L. & R. Coal Co. (John R. Landers), and the Charter Oak #2 Mine, Mine Index No. 14, of the Charter Oak Coal Co. (M. L. French), for all shipments except truck.

The petition of District No. 4 proposes that two shipping points be established for the Davis Mine, Mine Index No. 1285, for all shipments except truck, namely, Pomeroy and Hobson, Ohio. While it appears that an adequate showing of necessity has been made for temporary relief, by establishing temporary price classifications and minimum prices for the Davis Mine for all shipments except truck from one shipping point, it does not appear that the original petitioner has set forth sufficient facts to warrant the establishment of an additional shipping point for the coals of this mine for all shipments except truck, without a hearing. The shipping point hereinafter established for the coals of this mine is Pomeroy, which appears to be nearer the mine than Hobson, Ohio, and more appropriate, therefore, for the granting of temporary relief.

The petitioner also proposes the establishment of an additional shipping point at Hobson, Ohio, for the coals of the Charter Oak #2 Mine of the Charter Oak Coal Co. (M. L. French) for all shipments except truck, heretofore classified and priced for shipment from Pomeroy, Ohio, in General Docket No. 15. It does not appear that the original petitioner has set forth sufficient facts to warrant establishment of an additional shipping point for the coals of this mine for all shipments except truck, without a hearing.

Now, therefore, it is ordered, That the portion of Docket No. A-1182 relating to the coals of the Davis Mine, Mine Index No. 1285 of L. & R. Coal Co. (John R. Landers), and the Charter Oak #2 Mine, Mine Index No. 14, of the Charter Oak Coal Co. (M. L. French), respectfully, be and the same hereby is severed from the remainder of Docket No. A-1182 and designated as Docket No. A-1182, Part II.

It is further ordered, That a hearing in Docket No. A-1182, Part II under the applicable provisions of said Act and the Rules of the Division be held on February 6, 1942, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the undersigned proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 2, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 4 for the establishment of price classifications and minimum prices for the coals of the Davis Mine, Mine Index No. 1285 of L. & R. Coal Co. (John R. Landers) and the Charter Oak #2 Mine, Mine Index No. 14, of the Charter Oak Coal Co. (M. L. French), for all shipments except truck.

It is further ordered, That pending final disposition of Docket No. A-1182 Part II, temporary relief is granted as follows: Commencing forthwith Price Schedule No. 1 for District No. 4 for All Shipments Except Truck, is supplemented to include the price classifications and minimum prices set forth in the Schedule marked "Supplement R", annexed hereto and made a part hereof.[1]

Notice is hereby given that applications to stay, terminate or modify the temporary relief granted herein may be filed pursuant to Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4 II (d) of the Bituminous Coal Act 1937.

Dated: January 6, 1942.

[SEAL] DAN G. WHEELER,
Acting Director.

[F. R. Doc. 42-196; Filed, January 8, 1942; 11:00 a. m.]

[Docket No. 1791-FD]

IN THE MATTER OF A. C. (CLYDE) ROUNSAVILL, CODE MEMBER, DEFENDANT

ORDER GRANTING LEAVE TO FILE AMENDED AND SUPPLEMENTAL COMPLAINT

The Bituminous Coal Producers Board for District No. 13, complainant in the above-entitled matter, having by letter dated November 12, 1941, requested leave to file its amended and supplemental complaint herein; and

Said amended and supplemental complaint, dated November 12, 1941, having been received by the Division on November 15, 1941; and

The Acting Director deeming it advisable that said request for leave to file said amended and supplemental complaint should be granted;

Now, therefore, it is ordered, That leave be, and the same hereby is, granted to the complainant herein to file its amended and supplemental complaint, dated November 12, 1941, in the above-entitled matter.

Dated: December 19, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-197; Filed, January 8, 1942; 11:00 a. m.]

[Docket No. 1795-FD]

IN THE MATTER OF TENNESSEE RIVER COAL COMPANY, CODE MEMBER, DEFENDANT

ORDER GRANTING LEAVE TO FILE AMENDED AND SUPPLEMENTAL COMPLAINT

The Bituminous Coal Producers Board for District No. 13, complainant in the above-entitled matter, having by letter dated November 12, 1941, requested leave to file its amended and supplemental complaint herein; and

Said amended and supplemental complaint, dated November 12, 1941, having been received by the Division on November 15, 1941; and

The Acting Director deeming it advisable that said request for leave to file said amended and supplemental complaint should be granted;

Now, therefore, it is ordered, That leave be, and the same hereby is, granted to the complainant herein to file its amended and supplemental complaint, dated November 12, 1941, in the above-entitled matter.

Dated: December 19, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-198; Filed, January 8, 1942; 11:00 a. m.]

[1] Not filed with the original document.

[Docket No. A-1197]

PETITION OF KRAY COAL COMPANY, INC., A CODE MEMBER IN DISTRICT NO. 3, FOR A CHANGE IN SHIPPING POINTS OF MINE INDEX NO. 948

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party, alleging that price classifications and minimum prices have been established for the coals of the Stony Ridge Mine, Mine Index No. 948, of Kray Coal Company, Inc., a code member in District No. 3, for rail shipments on the Baltimore & Ohio Railroad from Manown, West Virginia, and on the West Virginia Northern Railroad from Mattingly, West Virginia, and that Freight Origin Group Nos. 70 and 71 have been assigned to this mine for such shipments; and that conditions beyond the producer's control have made it necessary to discontinue rail shipments from both Manown and Mattingly, West Virginia. Petitioner requests that the price classifications and minimum prices established for the coals produced at its Stony Ridge Mine be made applicable to rail shipments from Howesville, West Virginia, on the West Virginia Northern Railroad.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention have been filed with the Division in the above-entitled matter; and

The following action is deemed necessary in order to effectuate the purposes of the Act;

It is, therefore, ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices established for the coals of the Stony Ridge Mine, Mine Index No. 948, of the Kray Coal Company, Inc., for rail shipments shall be applicable only for shipments on the West Virginia Northern Railroad from Howesville, West Virginia, and shall no longer be applicable for shipments on the Baltimore & Ohio Railroad from Manown or for shipments on the West Virginia Northern Railroad from Mattingly, West Virginia. All allowances or adjustments required or permitted mines in Freight Origin Group No. 71 shall be applicable for such shipments of the coals of the Stony Ridge Mine on the West Virginia Northern Railroad from Howesville, West Virginia.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-199; Filed, January 8, 1942; 11:00 a. m.]

[Docket No. A-1195]

PETITION OF DISTRICT BOARD NO. 7 FOR A CHANGE IN SHIPPING POINTS OF MINE INDEX NO. 607

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party, alleging that price classifications and minimum prices have been established for the coals of the Stanley Mine (Mine Index No. 607) of E. E. Stanley (E. E. Stanley Coal Company), a code member in District No. 7, for rail shipments on the Chesapeake & Ohio Railroad, from Royal, West Virginia, and that conditions beyond the producer's control have made it impossible for this producer to make shipments from Royal, West Virginia. The petition requests that the price classifications and minimum prices established for coals of this mine be made applicable to shipments on the Chesapeake & Ohio Railroad, from Glen Junction, West Virginia;

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention have been filed with the Division in the above-entitled matter; and

The following action is deemed necessary in order to effectuate the purposes of the Act;

It is therefore ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices established for the coals of the Stanley Mine (Mine Index No. 607), of E. E. Stanley (E. E. Stanley Coal Company) shall be applicable only for shipments on the Chesapeake & Ohio Railroad from Glen Junction, West Virginia, and shall no longer be applicable for shipments on the Chesapeake & Ohio Railroad from Royal, West Virginia. All allowances or adjustments required or permitted mines in Freight Origin Group No. 10 shall be applicable for such shipments of the coals of the Stanley Mine on the Chesapeake

& Ohio Railroad from Glen Junction, West Virginia.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-200; Filed, January 8, 1942; 11:01 a. m.]

DEPARTMENT OF AGRICULTURE.

Office of the Secretary.

ORDER AUTHORIZING SOLICITOR AND ASSISTANT SOLICITORS OF THE DEPARTMENT OF AGRICULTURE TO AUTHENTICATE DOCUMENTS OF THE DEPARTMENT

The Solicitor (and, in the absence of the Solicitor, the Acting Solicitor) and the Assistant Solicitors of the Department of Agriculture are hereby authorized severally to authenticate, under the seal of the Department of Agriculture, pursuant to Section 882 of the Revised Statutes, as amended by section 6 (a) of the act approved June 19, 1934 (48 Stat. 1100; 28 U.S.C., sec. 661), copies of any books, records, papers, or other documents, or any books or records of account in whatever form, or minutes (or portions thereof) of proceedings, or copies of such books or records of account, or copies of such minutes of proceedings, in the Department of Agriculture. It is directed that, upon each such authenticated copy or original, as the case may be, there shall appear a recital that such copy or original has been authenticated and the seal of the Department of Agriculture affixed thereto by the direction of the Secretary of Agriculture. It is further directed that each certificate of authentication shall bear the genuine signature of the person executing such certificate.

This order supersedes the order dated November 7, 1939 (4 F.R. 4535), authorizing the Solicitor and Assistant Solicitor to authenticate documents.

Done at Washington, D. C., this 8th day of January 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-209; Filed, January 8, 1942; 11:07 a. m.]

Surplus Marketing Administration.

[Docket No. AO 28-A3]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 13, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE KANSAS CITY, MISSOURI, MARKETING AREA

Notice is hereby given of a hearing to be held in Room 664, United States Court House, 811 Grant Avenue, Kansas City, Missouri, beginning at 10 a. m., c. s. t., January 14, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and to Order No. 13, as amended, regulating the handling of milk in the Kansas City, Missouri, marketing area.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), and in accordance with the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (7 CFR 900.4).

This public hearing is for the purpose of receiving evidence on proposed amendments submitted by the Pure Milk Producers Association of Greater Kansas City, Bates County Milk Producers Association, and the Dairy Division, Surplus Marketing Administration, United States Department of Agriculture, to (1) revise the class prices of milk by basing the price of Class I and Class II milk on the price of Class III milk; (2) clarify the provisions with respect to interhandler sales of milk and cream, and the provisions relative to milk of a handler's own production; (3) provide that Class I and Class II milk sold outside the marketing area should be priced at the order Class I and Class II prices; (4) revise the provisions for location differentials; (5) provide for the suspension of payments pursuant to the base rating scheme under certain circumstances; and (6) add a provision defining emergency milk and cream and a provision that the definitions of "producer" and "handler" shall not include persons supplying or handling such emergency milk or cream.

Copies of the proposed amendments may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., in Room 0312, South Building, or may be there inspected.

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture.[1]

JANUARY 7, 1942.

[F. R. Doc. 42-177; Filed, January 7, 1942; 2:28 p. m.]

[1] Acting Pursuant to Authority Delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 61; 6 F.R. 5192)

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative order No. 137]

APPOINTMENT OF INDUSTRY COMMITTEE NO. 40 FOR THE GLOVES AND MITTENS INDUSTRY

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Thomas Holland, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the gloves and mittens industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the public:

John P. Troxell, Chairman, Hanover, New Hampshire; Mildred Fairchild, Bryn Mawr, Pennsylvania; Elmo Hohman, Evanston, Illinois; Robert H. Wettach, Chapel Hill, North Carolina; John A. Fitch, New York, New York.

For the employees:

Florence Nolan, Gloversville, New York; Blanche Fritcher, Gloversville, New York; Thomas Durian, Milwaukee, Wisconsin; Agnes Nestor, Chicago, Illinois; Frank McMaster, Gloversville, New York.

For the employers:

Elmer E. Little, Johnstown, New York; T. H. Mueller, New York, New York; Ralph O. Collins, Gloversville, New York; W. O. Wells, Chicago, Illinois; A. L. Shuford, Conover, North Carolina.

Such representatives having been appointed with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the term "gloves and mittens industry" means:

"The production of gloves and mittens from any material or combination of materials, except athletic gloves and mittens: *Provided, however*, That the definition shall not include any product the manufacture of which is covered by an order of the Administrator defining an industry, and approving the recommendation of an industry committee or appointing an industry committee for such industry, issued prior to the signing of Administrative Order No. 137 appointing Industry Committee No. 40 for the Gloves and Mittens Industry, except the products included in the wage orders issued for the 'Work Gloves and Mittens' and the 'Gloves and Mittens Other Than Work Gloves and Mittens' Divisions of the Apparel Industry."

3. The definition of the gloves and mittens industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition including clerical, maintenance, shipping, and selling occupations: *Provided, however*, That such clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale, shall not be deemed to be covered by this definition: *And provided further*, That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. The industry committee herein created shall meet at 10:00 A. M. on January 27, 1942, in Room 3229, U. S. Department of Labor Building, Washington, D. C., and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at Washington, D. C., this 6th day of January 1942.

THOMAS HOLLAND,
Administrator.

[F. R. Doc. 42-224; Filed, January 8, 1942; 11:54 a .m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 713]

IN THE MATTER OF THE APPLICATION OF PAN AMERICAN AIRWAYS, INC., FOR AMENDMENT OF ITS EXISTING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING SCHEDULED AIR TRANSPORTATION OF PERSONS, PROPERTY, AND MAIL BETWEEN THE UNITED STATES AND EUROPE

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Sections 401, and 1001 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on January 9, 1942, at 3 p. m. (eastern standard time) in Room 5044 Commerce Building, 14th Street and Constitution Ave. NW., Washington, D. C., before the Board.

Dated Washington, D. C., January 7, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-184; Filed, January 8, 1942; 10:19 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION OF STATE UNEMPLOYMENT COMPENSATION LAWS TO THE SECRETARY OF THE TREASURY

Whereas, pursuant to section 1603 (a) of the Internal Revenue Code as amended, the Social Security Board has heretofore approved the unemployment compensation laws of the following States:

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, Georgia, Hawaii, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Utah, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, Vermont, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

Now, therefore, pursuant to the provisions of section 1603 (c) of the Internal Revenue Code, the Social Security Board hereby certifies the foregoing States to the Secretary of the Treasury for the taxable year 1941.

[SEAL] SOCIAL SECURITY BOARD,
GEORGE E. BIGGE,
Acting Chairman.

DECEMBER 31, 1941.

Approved:

PAUL V. MCNUTT,
Administrator.

DECEMBER 31, 1941.

[F. R. Doc. 42-207; Filed, January 8, 1942; 11:03 a. m.]

CERTIFICATION OF STATE LAWS TO THE SECRETARY OF THE TREASURY PURSUANT TO SECTION 1602 (b) (1) OF THE INTERNAL REVENUE CODE

Whereas the Social Security Board has heretofore certified to the Secretary of the Treasury the unemployment compensation laws of the States hereinafter enumerated with respect to the taxable year 1941, as provided in section 1603 of the Internal Revenue Code, as amended; and

Whereas the Social Security Board hereby finds that reduced rates of contributions were allowable under the laws of each of said States with respect to the taxable year 1941 only in accordance with the provisions of subsection (a) of section 1602 of said Code:

Now therefore, pursuant to section 1602 (b) (1) of said Code, the Social Security Board hereby certifies to the Secretary of the Treasury the unemployment compensation law of each of the following States for the taxable year 1941:

Alabama, California, Connecticut, Hawaii, Indiana, Kansas, Kentucky, Minnesota, Nebraska, New Hampshire, Oregon, South Dakota, Texas, Vermont, Virginia, West Virginia, and Wisconsin.

[SEAL] SOCIAL SECURITY BOARD,
GEORGE E. BIGGE,
Acting Chairman.

DECEMBER 31, 1941.

Approved:

PAUL V. MCNUTT,
Administrator.

DECEMBER 31, 1941.

[F. R. Doc. 42-206; Filed, January 8, 1942; 11:13 a. m.]

CERTIFICATION TO THE DIRECTOR OF THE DIVISION OF PLACEMENT AND UNEMPLOYMENT INSURANCE OF THE NEBRASKA DEPARTMENT OF LABOR PURSUANT TO SECTION 1602 OF THE INTERNAL REVENUE CODE

The Director of the Division of Placement and Unemployment Insurance of the Department of Labor of the State of Nebraska having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Nebraska Placement and Unemployment Insurance Law, as amended; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) The said law provides for the maintenance of reserve accounts as defined in section 1602 (c) (1) of the Internal Revenue Code, and

(2) Reduced rates of contributions under said law to such reserve accounts are allowable only in accordance with the provisions of section 1602 (a) (3) of the Internal Revenue Code, as effective January 1, 1942.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Director of the Division of Placement and Unemployment Insurance of the Department of Labor of the State of Nebraska.

[SEAL] SOCIAL SECURITY BOARD,
GEORGE E. BIGGE,
Acting Chairman.

DECEMBER 31, 1941.

Approved:

PAUL V. MCNUTT,
Administrator.

DECEMBER 31, 1941.

[F. R. Doc. 42-205; Filed, January 8, 1942; 11:02 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 74-477]

IN THE MATTER OF LOUISVILLE GAS AND ELECTRIC COMPANY (KY.), LOUISVILLE TRANSMISSION CORPORATION (KY.), AND LOUISVILLE TRANSMISSION CORPORATION (IND.)

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of January, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Louisville Gas and Electric Company (Ky.), Louisville Transmission Corporation (Ky.), and Louisville Transmission Corporation (Ind.). All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Louisville Gas and Electric Company, a Kentucky corporation (hereinafter referred to as "the Electric Company"), a public utility company, proposes (a) to acquire for cash 985 shares of the capital stock at par, having an aggregate par value of $9,850, of its subsidiary Louisville Transmission Corporation, a Kentucky corporation (hereinafter sometimes referred to as "the Kentucky Transmission Company"); and (b) to guarantee the payments to be made by the Kentucky Transmission Company to the Reconstruction Finance Corporation hereinafter described.

Louisville Transmission Corporation, an Indiana corporation (hereinafter referred to as "the Indiana Transmission Company"), a subsidiary of the Electric Company, proposes (a) to issue and sell at par to the Kentucky Transmission Company for cash, 1,000 shares of its capital stock having an aggregate par value of $10,000; and (b) to borrow from the Kentucky Transmission Company not to exceed $400,000 and to execute its note or notes therefor, secured by a first mortgage on the transmission line to be constructed with the proceeds of the loan and the sale of stock referred to above. The terms of the note or notes will be substantially the same as the notes to be executed by the Kentucky Transmission Company, described below.

The Kentucky Transmission Company proposes (a) to acquire for cash at par 1,000 shares of the capital stock having an aggregate par value of $10,000 of the Indiana Transmission Company; (b) to issue and sell for cash at par to the Electric Company 985 shares of its capital stock having an aggregate par value of $9,850 and to its directors 15 shares having an aggregate par value of $150; (c) to borrow approximately $3,850,000 from the Reconstruction Finance Corporation and execute its note or notes therefor, secured by a first mortgage on its transmission lines to be constructed. The note or notes will bear interest at the rate of 4% per annum. The Kentucky Transmission Company will be required to repay the loan in the following manner: (1) Annual payments beginning one year after the date of execution of the notes in an amount equal to 5½% of the unpaid balance at the time of each payment, such payment to be applied first to interest and the balance on principal, (2) additional annual payments on principal in an amount equal to the balance of the Kentucky Transmission Company's net earnings after deducting the 5½% annual payment, (3) such additional payments on principal as the Kentucky Transmission Company may choose to make, (4) at the end of 20 years the remaining amount of unpaid principal. The proceeds of the loan and of the sale of stock to the Electric Company will be used to finance the construction of transmission lines; (d) to lend the Indiana Transmission Company not to exceed $400,000 evidenced by a note or notes secured by a first mortgage on the transmission line to be constructed by the Indiana Transmission Company. The terms of the note or notes will be substantially the same as those of the note or notes given to the Reconstruction Finance Corporation by the Kentucky Transmission Company; (e) to pledge with the Reconstruction Finance Corporation the note or notes acquired from the Indiana Transmission Company.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on January 22, 1942, at 10:00 o'clock A. M., at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-174; Filed, January 7, 1942; 12:09 p. m.]

[File No. 4-29-5]

IN THE MATTER OF PROCEEDING UNDER RULE II (e) OF THE RULES OF PRACTICE, TO DETERMINE WHETHER THE PRIVILEGE OF KENNETH N. LOGAN TO PRACTICE AS AN ACCOUNTANT BEFORE THE SECURITIES AND EXCHANGE COMMISSION SHOULD BE DENIED, TEMPORARILY OR PERMANENTLY

ORDER SUSPENDING PRIVILEGE OF APPEARING OR PRACTICING BEFORE THIS COMMISSION FOR SIXTY DAYS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of January, A. D. 1942.

The Commission having instituted a proceeding pursuant to Rule II (e) of the Rules of Practice to determine whether Kenneth N. Logan should be disqualified or denied, temporarily or permanently, the privilege of appearing or practicing before it; and

A hearing having been held after appropriate notice; an advisory report having been filed by the trial examiner; exceptions thereto, and briefs in support of such exceptions, having been filed; the record in this matter having been duly considered; and the Commission having this day filed its Findings and Opinion;

It is ordered, on the basis of such Findings and Opinion, pursuant to Rule II (e) of the Commission's Rules of Practice, that Kenneth N. Logan be, and he hereby is, denied, for a period of sixty days from the date hereof, the privilege of appearing or practicing in any way before this Commission.

By the Commission.

[SEAL] FRANCES P. BRASSOR,
Secretary.

[F. R. Doc. 42-220; Filed, January 8, 1942; 11:42 a. m.]

[File No. 70-268]

IN THE MATTER OF EASTERN SHORE PUBLIC SERVICE COMPANY (DEL.)

ORDER MODIFYING CONDITIONS AND GRANTING EXTENSION OF TIME

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1941.

The Commission, having by order dated April 17, 1941, permitted a declaration filed by Eastern Shore Public Service Company (Del.) pursuant to Rule U-12B-1 to become effective, subject to the terms and conditions contained in Rule U-9 of the General Rules and Regulations; and the Commission, by order dated June 4, 1941, having extended the time within which the advances set forth in the said declaration may be made to December 31, 1941; and

Eastern Shore Public Service Company (Del.) having requested a further extension of the time within which the said advances may be made to June 30, 1942;

It is ordered, That the conditions contained in the said order of April 17, 1941 be and hereby are modified to the extent necessary to extend the time within which such advances may be made to June 30, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-221; Filed, January 8, 1942; 11:42 a. m.]

[File No. 70-465]

IN THE MATTER OF PENNSYLVANIA ELECTRIC COMPANY, THE CLARION RIVER POWER COMPANY, ERIE LIGHTING COMPANY, SOLAR ELECTRIC COMPANY, YOUGHIOGHENY HYDRO-ELECTRIC CORPORATION, ASSOCIATED MARYLAND ELECTRIC POWER CORPORATION, AND CENTRAL U. S. UTILITIES COMPANY

ORDER DESIGNATING NEW TRIAL EXAMINER AND AMENDMENT TO NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2d day of January, A. D. 1942.

The above named parties, having filed applications and declarations with the Commission, pursuant to various sections of the Public Utility Holding Company Act of 1935, covering proposed transactions that are part of a general program for the acquisition by Pennsylvania Electric Company, a subsidiary of Central U. S. Utilities Company, a registered holding company, of the assets of The Clarion River Power Company, Erie Lighting Company, Solar Electric Company, Youghiogheny Hydro-Electric Corporation, Logan Light, Heat & Power Company and Associated Maryland Electric Power Corporation, and the issuance by Pennsylvania Electric Company of $32,500,000 principal amount of First Mortgage Bonds and $3,400,000 par value of Preferred Stock, proceeds of which are to be used in part for the redemption and retirement of the long term indebtedness and bank loans presently outstanding and to be assumed by Pennsylvania Electric Company, and the reclassification by Pennsylvania Electric Company of its Common Stock and the making of certain accounting and other adjustments;

The Commission by an Order dated December 22, 1941, having set said matter down for a hearing on January 6, 1942, at 10:00 A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C.; and the trial examiner designated to preside at said hearing now being unable to preside at said hearing;

It is ordered, That William W. Swift, an officer of the Commission, be and hereby is designated to preside at such hearing in the place and stead and with the same powers and duties as the trial examiner hereinbefore designated to preside at such hearing;

It is further ordered, That without limiting the scope of issues presented by said applications and declarations that particular attention will be directed at said hearing to the following matters and questions in addition to those set forth in the Commission's Order dated December 22, 1941:

(13) Whether and to what extent the open account indebtedness owed Pennsylvania Electric Company by The Clarion River Power Company should be subordinated to the publicly held participating stock of The Clarion River Power Company;

(14) Whether the acquisition by Pennsylvania Electric Company of the assets of The Clarion River Power Company should be conditioned in the public interest and for protection of investors and consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-210; Filed, January 8, 1942; 11:42 a. m.]

[File No. 812-250]

IN THE MATTER OF GM SHARES, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of January, A. D. 1942.

An application having been duly filed by the above named applicant under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order of temporary exemption from the provisions of section 8 (b) of the said Act pending determination of its application made pursuant to section 6 (c) of the Act for an order declaring that it is exempt from the provisions of the said Act.

It is ordered, That a hearing in the matter under and pursuant to the provisions of section 6 (c) of the Act be held on January 15, 1942, at 10:00 in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue Northwest, Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any officer or officers of the Commission designated by it for that purpose, shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-211; Filed, January 8, 1942; 11:42 a. m.]

[File Nos. 812-192, 812-193, 812-194]

IN THE MATTER OF PROVIDENTIA, LTD., THE NINETEEN CORPORATION, AND INSTORIA, INCORPORATED

NOTICE OF AND ORDER FOR HEARING; AND ORDER CONSOLIDATING PROCEEDINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day January, A. D. 1942.

Applications having been filed by the above named applicants for an order granting an exemption from all of the provisions of the Investment Company Act of 1940 under section 6 (c) of the Act;

It appearing to the Commission that said applications are related and present questions of law and fact common to each of said applications;

It is ordered, That the proceedings on the three applications be and the same hereby are consolidated;

It is further ordered, That a hearing on the consolidated matter under the applicable provisions of said Act and the rules of the Commission for exemption from all of the provisions of the Investment Company Act of 1940 be held on January 14, 1942, at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any other officer or officers of the Commission designated for that purpose shall preside at the hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons concerned or to any person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-212; Filed, January 8, 1942; 11:44 a. m.]

[File No. 54-27]

IN THE MATTER OF DERBY GAS & ELECTRIC CORPORATION AND OGDEN CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of January, A. D. 1942.

The Commission having on September 4, 1941 entered an order herein approving, pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935, a plan for corporate simplification of Derby Gas & Electric Corporation, a

subsidiary of Ogden Corporation, upon certain conditions including the following:

No fees or expenses incurred or to be incurred in connection with the plan may be paid until thirty (30) days after applicants file a notification with this Commission as to the proposed amount of such fees and expenses, with a detailed statement as to the services and expenses for which any such amounts are to be paid. Similar statements shall be filed as to all such fees and expenses which have already been paid. Jurisdiction is reserved as to all fees and expenses, and further hearings thereon may be required prior to approval of payment if such action is deemed by this Commission necessary or appropriate in the public interest or for the protection of investors or consumers.

Derby Gas & Electric Corporation and Ogden Corporation having filed, on December 8, 1941, pursuant to the above quoted condition, a notification as to fees and expenses; and

The Commission having on December 30, 1941 entered an order authorizing the payment of $25,000 to Messrs. Simpson, Thacher & Bartlett in full payment and discharge of their claim and of $7,500 to Messrs. Matthews, Harmon, Karr & Springer as an interim payment; and

It appearing to the Commission that evidence should be received with respect to the reasonableness of the remaining claimed fees, compensation and expenses;

It is ordered, That a hearing for the purpose of receiving such evidence be held on January 27, 1942, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the claimants, to Derby Gas & Electric Corporation, to Ogden Corporation, and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-213; Filed, January 8, 1942; 11:44 a. m.]

[File No. 70-369]

IN THE MATTER OF AMERICAN UTILITIES SERVICE CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 6th day of January, A. D. 1942.

Notice is hereby given that a supplemental declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by American Utilities Service Corporation. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

American Utilities Service Corporation proposes to acquire additional shares of common stock of Southeastern Telephone Company, its subsidiary company, in the number of 802 shares through the conversion of 568 shares of Convertible Preferred Stock.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on January 19th, 1942, at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 1778 Pensylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18(c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether said acquisitions meet the requirements of section 10 of said Act?

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-214; Filed, January 8, 1942; 11:44 a. m.]

[File No. 59-35]

IN THE MATTER OF NEW YORK WATER SERVICE CORPORATION AND FEDERAL WATER AND GAS CORPORATION, RESPONDENTS

ORDER EXTENDING TIME WITHIN WHICH TO ANSWER AND POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of January, A. D. 1942.

The Commission having instituted proceedings with respect to Federal Water and Gas Corporation, a registered holding company, and New York Water Service Corporation, one of its subsidiaries, to determine whether, for the purpose of fairly and equitably distributing voting power among security holders of New York Water Service Corporation pursuant to the provisions of section 11 (b) (2) of the Public Utility Holding Company Act of 1935, it is necessary or appropriate to require that said corporation shall revise and simplify its capital structure and what further action may be required by New York Water Service Corporation to effect complete compliance with section 11 (b) (2) of the Public Utility Holding Company Act of 1935; and

The time for answering having been heretofore extended at the request of the respondents to and including January 12, 1942, and, such hearing having been heretofore postponed at the request of the respondents to January 21, 1942; and

The respondents having requested that the time for answering be further extended and that such hearing be further postponed; and

It appearing to the Commission that the time for answering should be further extended to and including February 11, 1942 and that such hearing should be further postponed to February 25, 1942;

It is ordered, That the time for answering be and it hereby is further extended to and including February 11, 1942, and that such hearing be and it hereby is further postponed to February 25, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-217; Filed, January 8, 1942; 11:45 a. m.]

[File No. 54-27]

IN THE MATTER OF DERBY GAS & ELECTRIC CORPORATION AND OGDEN CORPORATION

ORDER PERMITTING PAYMENT OF CERTAIN ATTORNEYS' FEES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of December, A. D. 1941.

This Commission having heretofore by order dated September 4, 1941, reserved jurisdiction relative to the payment of fees and expenses incurred by the applicants in connection with the subject matter of this proceeding; and having, by said order, directed that said applicants file with this Commission a notification and itemized statement of such fees and expenses;

Such notification having been now filed by said applicants, and Messrs. Simpson Thacher & Bartlett, attorneys for Ogden Corporation herein, having indicated that they would accept in lieu of the $30,000 claimed by said firm for legal services rendered in connection with the subject matter of this proceeding, the sum of $25,000, in full payment for such services, and the Commission having examined the itemized statement of expenses and fees of said firm and having considered the reduction in amount of said fees so consented to by said attorneys, and it appearing to the Commission that no adverse findings are required in respect to the payment of such expenses and fees, as so reduced; and

The applicants herein having requested authorization to pay to Messrs. Matthews, Harmon, Karr & Springer such an amount in addition to that heretofore paid to said firm on account of legal services rendered as the Commission may find to be proper at this time, pending a full hearing upon the reasonableness of all fees and expenses covered by said reservation of jurisdiction, and it appearing to the Commission that said firm of attorneys have requested an aggregate amount of $40,500 for legal services rendered in connection with the subject matter of this proceeding and in connection with the subject matter of that proceeding, also involving Derby Gas & Electric Corporation, designated as File No. 58-50, and that said firm has heretofore been paid upon account of said services the aggregate amount of $15,000, leaving a balance claimed and unpaid of $25,500, and it appearing to the Commission that an additional interim payment of $7,500 may be presently allowed to said firm, pending the final determination of the question of the reasonableness of all fees and expenses involved:

It is ordered: (1) That Ogden Corporation be, and it is hereby, authorized to pay forthwith to Messrs. Simpson Thacher & Bartlett the sum of $25,000 in full payment and discharge of the claim of said attorneys for services in connection with the subject matter of this proceeding, and to pay to said firm the further sum of $4,511.96 representing expenses incurred herein by said attorneys;

(2) That Ogden Corporation be, and it is hereby authorized to pay forthwith to Messrs. Matthews, Harmon, Karr & Springer as an interim payment of attorneys' fees the sum of $7,500 in addition to the sums heretofore paid to said firm as set forth in the notification of fees and expenses filed by the applicants herein; and

(3) That, except as herein otherwise expressly provided, jurisdiction be, the same is hereby reserved in respect to all those matters and things, concerning which jurisdiction was reserved in the order of this Commission herein dated September 4, 1941, pending the further orders of this Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-218; Filed, January 8, 1942; 11:45 a. m.]

[File No. 70-384]

IN THE MATTER OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION

NOTICE REGARDING SUPPLEMENTAL FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 8th day of January, A. D. 1942.

The Commission, having in an Order, dated August 23, 1941, exempted, pursuant to sections 9 (c) (3) and 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-100, promulgated thereunder, the initial delivery to New England Gas and Electric Association of $55,000, in cash, and 4,147 shares of its $5.50 Preferred Stock, in accordance with a Settlement Agreement entered between it, the Trustees of Associated Gas and Electric Company and of Associated Gas and Electric Corporation, and certain other parties and Howard C. Hopson, et al.; and

New England Gas and Electric Association having filed an application for exemption of certain supplementary transactions in connection with the transactions exempted by the Commission in its Order, dated August 23, 1941;

Notice is hereby given that such supplementary filing has been made with this Commission by New England Gas and Electric Association; and

Notice is further given that any interested person may, not later than January 22, 1942, at 4:45 p. m., E. S. T., request the Commission in writing that a hearing be held on such supplementary matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application, as filed or as amended, may be granted, as provided in Rule U-23 of the Rules and Regulations, promulgated pursuant to the Public Utility Holding Company Act of 1935, or the Commission may exempt such transactions, as provided in Rule U-29 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said supplementary filing, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

New England Gas and Electric Association proposes

(1) to pay from its general funds into the escrow account, in which the $55,000 has already been deposited, $58,058 for said 4,147 shares of its $5.50 Preferred Stock, being at the rate of $14.00 per share (such value being the figure used in the Settlement Agreement and the estimated value of the shares at May 31, 1941, and such figure also having been used as the basis for Federal tax purposes for these shares in an agreement entered into between the Trustees of Associated Gas and Electric Company and of Associated Gas and Electric Corporation and the Commissioner of Internal Revenue), making a total of $113,058 held in escrow; and

(2) after the payment out of said $113,058 of the expenses in connection with the settlement, to distribute to itself and its various subsidiaries the balance upon the same percentage as the gross payments made by New England Gas and Electric Association and its various subsidiaries to Howard C. Hopson and the Hopson service companies.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-215; Filed, January 8, 1942; 11:46 a. m.]

[File No. 70-476]

IN THE MATTER OF WISCONSIN FUEL AND LIGHT COMPANY AND NATIONAL GAS & ELECTRIC CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of January, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than January 23, 1942, at 4:45 p. m. E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

Ref.

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All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

National Gas & Electric Corporation, a registered holding company, proposes to cancel and forgive the following securities and obligations (and the accrued interest thereon to the date of the consummation of this transaction) of its subsidiary, Wisconsin Fuel and Light Company, which are presently held by National Gas & Electric Corporation:

7 percent debentures	$101,500.00
Notes	469,250.00
Open account	44,294.60
Accrued interest on $101,500 principal amount 7 percent debentures to Oct. 31, 1941	56,713.10
Accrued interest on notes to Oct. 31, 1941	78,061.26
7 percent preferred stock—6100 par	140,900.00
Total	879,709.05

Wisconsin Fuel and Light Company proposes to reacquire the securities and obligations to be forgiven and donated to it by National Gas & Electric Corporation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-216; Filed, January 8, 1942; 11:47 a. m.]

[File No. 32-12]

IN THE MATTER OF YORK RAILWAYS COMPANY

ORDER CONSENTING TO WITHDRAWAL OF APPLICATION

At a regular session of the Securities and Exchange Commission held at its offices in the City of Washington, D. C. on the 5th day of January, A. D. 1942.

The above-named applicant having filed with the Commission on February 2, 1939, an application for approval of a plan of reorganization under section 11 (f) of the Public Utility Holding Company Act of 1935 and Rule 11-F-1 of the Rules and Regulations promulgated thereunder;

Said applicant having on December 16, 1941, requested permission to withdraw said application, reserving the right to refile an application for approval of the aforementioned plan either in its original form as heretofore filed or modified in such respects as may appear to be appropriate and in the interest of the holders of securities of said applicant;

It appearing to the Commission that said request for withdrawal may appropriately be granted;

It is ordered, That said application be and is hereby permitted to be withdrawn.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-219; Filed, January 8, 1942; 11:47 a. m.]

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FEDERAL REGISTER

VOLUME 7 NUMBER 7

Washington, Saturday, January 10, 1942

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Wheat 507,[1] Supplement 3]

PART 728—WHEAT

SUBPART C—1941

Supplement 3

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938, 52 Stat. 31, 7 U.S.C. 1940 ed. 1301 *et seq.*), as amended, and Public Law No. 74, 77th Congress, approved May 26, 1941, 55 Stat. 203, as amended by Public Law No. 384, 77th Congress, approved December 26, 1941, the regulations pertaining to wheat marketing quotas for the 1941 crop of wheat (form Wheat 507), prescribed May 31, 1941, as amended on July 15 and September 8, 1941, are hereby further amended as follows:

Paragraph (a) of § 728.235 is amended to read as follows:

§ 728.235 *Adjusted farm marketing excess*—(a) *Farm marketing excess adjusted for actual production.* The initial farm marketing excess as determined pursuant to § 728.233 shall not be adjusted until an application for an adjustment in the amount of the farm marketing excess is made to the county committee. When it is determined by the Secretary of Agriculture, through the county committee, pursuant to such an application, that the total number of bushels of wheat produced on the farm in 1941 is less than the normal yield times the acreage of wheat on the farm, the farm marketing excess shall be adjusted to the amount by which the total number of bushels of wheat produced on the farm is in excess of the normal production of the farm acreage allotment for the farm.

Paragraph (b) of § 728.235, is amended to read as follows:

[1] 6 F.R. 2698.

(b) *Procedure in connection with an application for an adjustment in the farm marketing excess.* An application for an adjustment of the amount of the farm marketing excess on the basis of actual production may be made by any producer having an interest in the wheat produced in 1941 on the farm. The application shall be made to the county committee not later than February 28, 1942. The county committee shall keep a record of each application so made and the time it was made. The county committee shall fix a time at which each application will be considered and shall notify the applicant thereof. Insofar as practicable, applications shall be considered in the order in which made. The county committee shall consider each application on the basis of facts known by or made available to it and on the basis of evidence presented to it by the applicant. The evidence presented by the applicant may be in the form of written statements or other documentary evidence or of oral testimony in a hearing before the county committee during its consideration of the application. In order to expedite the consideration of applications, the county committee shall receive, in advance of the time fixed for consideration of the application, any written statement or documentary evidence offered by or on behalf of the applicant, and the application may be disposed of upon the basis of such statement or evidence, together with other information bearing on or establishing the facts which is available to the county committee, unless the applicant appears before the county committee at the time fixed for considering the application and requests a hearing for the purpose of offering documentary evidence or oral testimony or argument in support of the application. Any such hearing shall be open to the public. The consideration of any application shall be confined to the determination of the amount of wheat actually produced in 1941 on the farm and the applicant shall have the burden of proof. The county committee shall make its determination in connection with each application not later than five calendar days next succeeding the day on which the consideration of the application was concluded. The determination of the county committee shall be in writing and shall con-

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tain (1) a concise statement of the grounds upon which the applicant sought an adjustment of the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon each question of fact, and (3) the determination of the county committee as to the farm marketing quota and the farm marketing excess. A notice on form Wheat 513–A, showing the result of the determination made as aforesaid, shall be mailed to the operator of the farm and also to the applicant if he is not such operator. Such notice shall contain 1941 farm information consisting of the State and county code and farm serial number, the name and address of the farm operator, total wheat production, the acreage of wheat, the actual average yield of wheat, the 1941 wheat acreage allotment, the normal yield, the normal production of the allotted acreage, and the adjusted farm marketing excess. The notice shall contain also a brief statement of the procedure whereby application for a review of the farm marketing quota, as affected by the determination of the farm marketing excess, may be made under section 363 of the Act.

A copy of each notice, showing the date of mailing, shall be filed, together with such determination, among the records of the county committee, and upon request a copy of the notice or of the determination, or both, duly certified as true and correct, shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the wheat produced in 1941 on the farm. (Sec. 335 (c), 375 (b), 52 Stat. 54, 66, 53 Stat. 1126, 7 U.S.C. 1335 (c), 1375 (b), par. 3, 12, 55 Stat. 203).

Done at Washington, D. C., this 9th day of January 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42–251; Filed, January 9, 1942; 11:30 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS[1]

§ 81.3 *Taxes*—(a) *Information to be included in invitations for bids, bids, contracts, and instructions to bidders.*

* * * * * * *

(3) *State taxes.* Instructions to bidders will include the following:

(i) To facilitate evaluation of bids no State or local taxes charged directly on the sale of goods should be included in bid prices, but whether or not included, the amount of such taxes should be shown in detail so that appropriate computation may be made to determine the low bid and whether exemption certificates should be issued, etc. The evaluation of bids will be on a tax-exclusive basis since such State or local sales tax is not chargeable to the Federal Government, and if the bid as submitted does not clearly show that any such tax is excluded or that the bidder consents to the deduction thereof in a stated amount or amounts, it will be presumed that the amount of the tax is included in the bid price, the bid will be evaluated accordingly, and if the bid is accepted no exemption certificate will be issued.

(ii) Exception: Lump sum construction contracts, regardless of whether awarded after advertising for bids, by negotiation, or otherwise, including those for construction of vessels and those for improvement, conversion, alteration, or repair of buildings or vessels, will include, without separate statement, the amounts of all State and local taxes payable by the bidder. (41 Stat. 764, 765; 10 U.S.C. 1193) [Par. 7*a* (3), AR 5–100, Aug. 7, 1940, as amended by Proc. Cir. 89, Dec. 23, 1941]

* * * * * * *

§ 81.10 *Invitations for bids.*

* * * * * * *

(f) *Special conditions authorized or required to be included.*

* * * * * * *

(20) *Federal, State, and local taxes.*

* * * * * * *

(ii) *State or local taxes.* For the furnishing of all supplies, bidder will indicate which one of the following statements is applicable to his bid:

(*a*) Prices herein do not include any State or local taxes imposed directly on the sale of the supplies.

(*b*) Prices herein include all State and local taxes imposed directly on the sale of the supplies, but consent is hereby given to the deduction of said taxes and the acceptance of a tax exemption certificate in lieu thereof.

(*c*) Prices herein include all State and local taxes imposed directly on the sale of the supplies, but no deduction of said taxes will be permitted nor will a tax exemption certificate be accepted in lieu thereof.

[1] §§ 81.3 (a) (3) and 81.10 (f) (20) (ii) are amended.

(*d*) Whether State or local taxes charged directly on the sale of goods are included or are not included, the amount of such taxes should be shown in detail.

(*e*) Exception: In bidding on lump sum construction contracts, including those for construction of vessels and those for improvement, conversion, alteration, or repair of building or vessels, the bidder will not refer to State or local taxes, and the bid price will include, without separate statement, the amounts of all State and local taxes payable by the bidder. (R.S. 3709; 31 Stat. 905, 32 Stat. 514; 41 U.S.C. 5, 10 U.S.C. 1201) [Par. 10*m* (2), AR 5–140, May 22, 1940, as amended by Proc. Cir. 89, Dec. 23, 1941]

* * * * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–239; Filed, January 8, 1942; 4:29 p. m.]

TITLE 15—COMMERCE

CHAPTER I—BUREAU OF THE CENSUS, DEPARTMENT OF COMMERCE

[Order No. 195]

PART 30—FOREIGN TRADE STATISTICS

FOREIGN COMMERCE STATISTICAL DECISION—20

Pursuant to the authority contained in R.S. 161, and in section 4, 32 Stat. 826; 5 U.S.C. 22 and 601, Part 305—Foreign Trade Statistics (§§ 305.1 to 305.47 inclusive), Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce, Subtitle B—Regulations Relating to Commerce, Title 15—Commerce, CFR, is transferred to Part 30—Foreign Trade Statistics (§§ 30.1 to 30.47 inclusive), Chapter I—Bureau of the Census, Department of Commerce, Subtitle B—Regulations Relating to Commerce, Title 15—Commerce, CFR.

Section 30.1 (a) is amended to read as follows:

§ 30.1 *Compilation and publication.* (a) Statistics of United States imports and exports are collected, tabulated, and published by the Bureau of the Census of the Department of Commerce from data supplied by Collectors of Customs as hereinafter provided. Correspondence relating to the collection, tabulation, and publication of such data on the foreign trade of the United States should be addressed to the Division of Foreign Trade Statistics, Bureau of the Census, Washington, D. C. Correspondence relating to analyses of United States foreign trade should be addressed to the Bureau of Foreign and Domestic Commerce, Washington, D. C. (R.S. 161, sec. 4, 32 Stat. 826; 5 U.S.C. 22, 601)

Section 30.5 is amended to read as follows:

§ 30.5 *Confidential information.* (a) The contents of the statistical copies of the import entries and withdrawals must be treated as confidential and may not be used for other than statistical purposes. (b) The contents of all copies of the export declarations must be treated as confidential and may not be disclosed to others than the parties in interest by employees of the Customs Service, the Department of Commerce, and other United States Government Agencies without the written consent of the Secretary of Commerce. (R.S. 161, sec. 4, 32 Stat. 826; 5 U.S.C. 22, 601)

Section 30.16 is amended to read as follows:

§ 30.16 *Reports, forwarding of.* The reports prescribed by §§ 30.17 to 30.21 will be prepared by Collectors at headquarters ports in accordance with the detailed instructions printed on the blank forms and forwarded to the Division of Foreign Trade Statistics, Bureau of the Census at Washington, D. C., as early as possible after the close of the month and in no case later than the time specified for the various reports. (R.S. 161, sec. 4, 32 Stat. 826; 5 U.S.C. 22, 601)

Section 30.37 is amended to read as follows:

§ 30.37 *Reporting in transit shipments.* Foreign merchandise entered for shipment in transit through the United States, or for transshipment in ports of the United States, will not be reported as importations when received, nor will export declarations (commerce form 7525) be required therefor when shipped out. Such merchandise will be reported to the Section of Customs Statistics at New York on customs form 7513, giving the aggregate quantity and value of each of the various classes of merchandise and the countries to which destined, as prescribed in §§ 30.29 and 30.34. (R.S. 161, sec. 4, 32 Stat. 826; 5 U.S.C. 22, 601)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

JANUARY 8, 1942.

[F. R. Doc. 42–226; Filed, January 8, 1942; 3:29 p. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

ADOPTION OF REGISTRATION FORM UNDER THE ACT FOR UNIT INVESTMENT TRUSTS CURRENTLY ISSUING SECURITIES; AMENDMENT OF RULES RELATING TO REGISTRATION AND THE ADOPTION OF A RULE PROVIDING FOR THE FILING UNDER THE ACT OF MATERIAL ALREADY FILED UNDER OTHER STATUTES ADMINISTERED BY THE COMMISSION IN LIEU OF A REGISTRATION STATEMENT ON THE ADOPTED FORM

The Securities and Exchange Commission, acting pursuant to the authority conferred upon it by the Investment Company Act of 1940, particularly sections 8 (b), 8 (c), 8 (d), 38 (a) and 45 (a) thereof, and deeming such action appropriate in the public interest and for the protection of investors, hereby takes the following action:

I. Section 270.8b–2 [Rule N–8B–2] is amended to read as follows:

§ 270.8b–2 *Forms for registration statements of registered investment companies.* The following forms are hereby prescribed as the forms of registration statements which shall be filed by registered investment companies pursuant to section 8 (b) of the Investment Company Act of 1940 (Sec. 8 (b), 54 Stat. 804; 15 U.S.C. 80a–8)

(a) *Form N–8B–1 for management investment companies.* This form shall be used by management investment companies other than companies which issue periodic payment plan certificates or which are sponsors or depositors of companies issuing such certificates.

(b) *Form N–8B–2*[1] *for unit investment trusts currently issuing securities.* This form shall be used by unit investment trusts which are currently issuing securities, except any unit investment trust of which a management company is the sponsor or depositor.

II. Section 270.45a–1 [Rule N–45A–1] is amended to read as follows:

§ 270.45a–1 *Confidential treatment of names and addresses of dealers of registered investment company securities.* (a) Exhibits calling for the names and addresses of dealers to or through whom principal underwriters of registered investment companies are currently offering securities and which are required to be furnished with registration statements filed pursuant to section 8 (b) of the Act (sec. 8 (b), 54 Stat. 804; 15 U.S.C. 80a–8), or periodic reports filed pursuant to section 30 (a) or section 30 (b) (1) of the Act (sec. 30 (a) and (b), 54 Stat. 836; 15 U.S.C. 80a–30), shall be the subject of confidential treatment and shall not be made available to the public, except that the Commission may by order make such exhibits available to the public if, after appropriate notice and opportunity for hearing, it finds that public disclosure of such material is necessary or appropriate in the public interest or for the protection of investors.

(b) The exhibits referred to in paragraph (a) of this section shall be filed in quadruplicate with the Commission at the time the registration statement or periodic report is filed. Such exhibits shall be enclosed in a separate envelope, marked "Confidential" and addressed to the Director of the Investment Company Division, Securities and Exchange Commission, Washington, D. C.

III. Section 270.8c–2 [Rule N–8C–2] is adopted to read as follows:

§ 270.8c–2 *Use of currently effective registration statements under the Securities Act of 1933 in lieu of Form N–8B–2.* A registered unit investment trust which has securities registered under the Securities Act of 1933, in lieu of filing a registration statement on Form N–8B–2, may

[1] Filed with the original document.

file four copies of a registration statement consisting of the following:

(a) A facing page clearly indicating that such registration statement is filed pursuant to this rule.

(b) Copies of its most recent currently effective registration statement under the Securities Act of 1933 (48 Stat. 74 et seq.; 15 U.S.C. 77a–aa).

(c) Copies of any reports filed pursuant to section 15 (d) of the Securities Exchange Act of 1934 (sec. 3, 49 Stat. 1377; 15 U.S.C. 780) and the rules and regulations thereunder, which have been filed subsequent to the registration statement referred to in paragraph (b).

(d) If annual reports pursuant to Section 15 (d) of the Securities Exchange Act of 1934 (Sec. 3, 49 Stat. 1377; 15 U.S.C. 780) have not been filed by the trust for every year following the filing of the registration statement referred to in paragraph (b), a separate report on the form appropriate for reports under section 15 (d) covering the entire period, describing any material changes in the information contained in the registration statement referred to in paragraph (b).

(e) The answers to the following items of Form N–8B–2: 14 to 17, inclusive; 18 (a) and (b); 19; 26 to 36, inclusive; 38 (c); 39 (b); 40 to 43, inclusive; 52 to 54, inclusive, and 56 to 58, inclusive.

(f) Any financial statements or exhibits required by Form N–8B–2 which are not included in the documents filed pursuant to paragraphs (b), (c) and (d) of this section.

(g) The most recent prospectus filed pursuant to § 230.800 [Rule 800] under the Securities Act of 1933; and

(h) The signature page required by Form N–8B–2 duly executed in accordance with the instructions to such form. [§ 270.8c–2, effective January 9, 1942] (Section 8 (b), (c) and (d), 54 Stat. 804; 15 U.S.C. 80a–8; Sec. 38 (a), 54 Stat. 841; 15 U.S.C. 80a–38; Sec. 45 (a), 54 Stat. 845; 15 U.S.C. 80a–45)

Effective January 9, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–262; Filed, January 9, 1942; 11:48 a. m.]

TITLE 24—HOUSING CREDIT

CHAPTER V—FEDERAL HOUSING ADMINISTRATION

SUBCHAPTER H—DEFENSE HOUSING INSURANCE

PART 576—ADMINISTRATIVE RULES FOR DEFENSE HOUSING INSURANCE UNDER TITLE VI OF THE NATIONAL HOUSING ACT [1]

Section 576.20 is hereby amended to read as follows:

§ 576.20 *Amortization provisions.* The mortgage must contain complete amortization provisions satisfactory to the Administrator, requiring monthly payments by the mortgagor not in excess of his reasonable ability to pay as determined by the Administrator. The sum of the principal and interest payments in each month shall be substantially the same. (Sec. 607 of Public No. 24, approved March 28, 1941)

This amendment is effective as to all mortgages on which a commitment is issued on or after January 15, 1942.

Issued at Washington, D. C., this fifth day of January, 1942.

ABNER H. FERGUSON,
Federal Housing Administrator.

[F. R. Doc. 42–226; Filed, January 8, 1942; 12:10 p. m.]

[1] 6 F.R. 1746.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A–1015, Part II]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF HUBER STREET COAL COMPANY, MINE INDEX NO. 1540, LEROY HUBLER (ALDER RUN MINING CO.), MINE INDEX NO. 878, AND F. J. TROUTMAN, MINE INDEX NO. 848 IN DISTRICT NO. 1

A petition having been filed with the Bituminous Coal Division on August 16, 1941 by District Board 1, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that temporary and permanent relief be granted by the establishment of effective price classifications for shipment by rail of certain coals produced in District 1;

Temporary relief having been granted in part by Orders of the Director dated October 7 and 28, 1941, 6 F.R. 5351, and 6 F.R. 5573, respectively;

Pursuant to Orders of the Director, and after due notice to interested persons, a hearing in this matter having been held before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That commencing fifteen (15) days from the date of this Order, § 321.7 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck be and it hereby is amended in accordance with the Schedule marked "Supplement R" attached hereto and made a part hereof.

It is further ordered, That the prayer of the original petition is granted to the extent set forth above and in all other respects is denied.

Dated: December 24, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

PERMANENT SUPPLEMENT—DISTRICT NO. 1

NOTE: The material contained in this permanent supplement is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine Index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
1540	Huber Street Coal Company.	Huber Street..	29	C′	Johnstown, Pa..	C & BL. RR.	47	(†)	(†)	E	(†)	(†)
878	Hubler, Leroy (Alder Run Mining Co.).	Shannon #2....	8	B	Bigler, Pa.....	P. R. R....	45	(†)	(†)	E	E	E
848	Troutman, F. J.....	Salem.....	11	E	Hawthorn, Pa..	P. R. R....	75	(†)	(†)	G	(†)	(†)

†Indicates no classifications effective for these size groups.

NOTE.—If coals within each of the following groups are loaded into the same car the price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the higher price classification: Mine Index Nos. 863 and 864 of Brown & Lawrence (Melvin L. Brown); Mine Index Nos. 207 and 877 of Hastings Fuel Company; Mine Index Nos. 880 and 2428 of Producers Economy Coal, Inc. c/o C. E. Lovejoy.

[F. R. Doc. 42–205; Filed, January 8, 1942; 11:02 a. m.]

[Dockets Nos. A–1191 and A–1215]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTERS OF THE PETITIONS OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

It appearing that the above-entitled matters raise analogous issues; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be, and they hereby are, consolidated.

It is further ordered, That pending final disposition of the above-entitled matters, temporary relief is granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R–II, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplement R–III, and § 323.33 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 27, 1941.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine Index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1240	Adams & Gulliland Coal Co. (C. E. Adams).	Brookside #3.....	Bakerstown.....	Newburg, W. Va.....	B&O.....	70	C	C	C	C	C	C	C	C	C	C	----	----	----	----	----	----
1235	Bogues, E. C.....	Winchester #2 (Strip).	Pitts.....	Bingamon Junction, W. Va.	WM.....	65	F	F	F	F	F	F	F	F	F	H	----	----	----	----	----	----
1190	Burgess, G. E. (Crown Coal & Timber Company).	Crown #3.....	H. V. Kit.....	Buckhannon, W. Va.....	B&O.....	31	F	F	F	F	F	H	H	H	H	H	----	----	----	----	----	----
911	Burgess, G. E. (Crown Coal & Timber Company).	Quick.....	Sewell.....	Buckhannon, W. Va.....	B&O.....	31	A	A	A	A	A	A	A	A	A	A	----	----	A	A	----	----
1283	Hoffman, H. B.....	Whitehall #2.....	Pittsburgh.....	Kingmont, W. Va.....	B&O.....	50	F	F	F	F	F	F	F	F	F	F	----	----	----	----	----	----
1251	Hunter, C. E.....	Shannon #1.....	Pittsburgh.....	Button, W. Va.....	WM.....	33	F	F	F	F	F	F	F	F	F	F	----	----	----	----	----	----
1260	King Coal Co. (W. S. Long)	Pittsburgh #1.....	Pittsburgh.....	Redstone.....	B&O.....	33	F	F	F	F	F	F	F	F	F	F	----	----	----	----	----	----
1288	Miller Coal Co. (E. M. Miller)	Helen and H. Brake.	Redstone.....	Weston, W. Va.....	B&O.....	33	F	F	F	F	F	F	F	F	F	F	----	----	----	----	----	----
1289	Showalter, Brock.....	York #1 (Strip).....	Pittsburgh.....	Josephine, W. Va.....	WM.....	65	F	F	F	F	F	F	F	F	F	F	----	----	----	----	----	----
1290	Showalter, Brock.....	York #2 (Strip).....	Pittsburgh.....	Josephine, W. Va.....	WM.....	65	F	F	F	F	F	F	F	F	F	F	----	----	----	----	----	----
868	Swiger, Boddie.....	Swiger.....	Pittsburgh.....	Dola, W. Va.....	B&O.....	63	F	F	F	F	F	F	F	F	F	F	----	----	----	----	----	----

The Administrative Committee consisting of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

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tain (1) a concise statement of the grounds upon which the applicant sought an adjustment of the amount of the farm marketing excess, (2) a concise statement of the findings of the county committee upon each question of fact, and (3) the determination of the county committee as to the farm marketing quota and the farm marketing excess. A notice on form Wheat 513-A, showing the result of the determination made as aforesaid, shall be mailed to the operator of the farm and also to the applicant if he is not such operator. Such notice shall contain 1941 farm information consisting of the State and county code and farm serial number, the name and address of the farm operator, total wheat production, the acreage of wheat, the actual average yield of wheat, the 1941 wheat acreage allotment, the normal yield, the normal production of the allotted acreage, and the adjusted farm marketing excess. The notice shall contain also a brief statement of the procedure whereby application for a review of the farm marketing quota, as affected by the determination of the farm marketing excess, may be made under section 363 of the Act.

A copy of each notice, showing the date of mailing, shall be filed, together with such determination, among the records of the county committee, and upon request a copy of the notice or of the determination, or both, duly certified as true and correct, shall be furnished without charge to any person who as operator, landlord, tenant, or sharecropper is interested in the wheat produced in 1941 on the farm. (Sec. 335 (c), 375 (b), 52 Stat. 54, 66, 53 Stat. 1126, 7 U.S.C. 1335 (c), 1375 (b), par. 3, 12, 55 Stat. 203).

Done at Washington, D. C., this 9th day of January 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-251; Filed, January 9, 1942; 11:30 a. m.]

(i) To facilitate evaluation of bids no State or local taxes charged directly on the sale of goods should be included in bid prices, but whether or not included, the amount of such taxes should be shown in detail so that appropriate computation may be made to determine the low bid and whether exemption certificates should be issued, etc. The evaluation of bids will be on a tax-exclusive basis since such State or local sales tax is not chargeable to the Federal Government and if the bid as submitted does not clearly show that any such tax is excluded or that the bidder consents to the deduction thereof in a stated amount or amounts, it will be presumed that the amount of the tax is included in the bid price, the bid will be evaluated accordingly, and if the bid is accepted no exemption certificate will be issued.

(ii) *Exception:* Lump sum construction contracts, regardless of whether awarded after advertising for bids, by negotiation, or otherwise, including those for construction of vessels and those for improvement, conversion, alteration, or repair of buildings or vessels, will include, without separate statement, the amounts of all State and local taxes payable by the bidder. (41 Stat. 764, 765; 10 U.S.C. 1193) [Par. 7*a* (3), AR 5-100, Aug. 7, 1940, as amended by Proc. Cir. 89, Dec. 23, 1941]

* * * * *

§ 81.10 *Invitations for bids.*

* * * * *

(f) *Special conditions authorized or required to be included.*

* * * * *

(20) *Federal, State, and local taxes.*

* * * * *

(ii) *State or local taxes.* For the furnishing of all supplies, bidder will indicate which one of the following statements is applicable to his bid:

(*a*) Prices herein do not include any State or local taxes imposed directly on the sale of the supplies.

(*b*) Prices herein include all State and local taxes imposed directly on the sale of the supplies, but consent is hereby given to the deduction of said taxes and the acceptance of a tax exemption certificate in lieu thereof.

(*c*) Prices herein include all State and local taxes imposed directly on the sale of the supplies, but no deduction of said taxes will be permitted nor will a tax exemption certificate be accepted in lieu thereof.

[1] §§ 81.3 (a) (3) and 81.10 (f) (20) (ii) are amended.

[Par. 10*m* (2), AR 5-140, May 22, 1940, as amended by Proc. Cir. 89, Dec. 23, 1941]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-239; Filed, January 8, 1942; 4:29 p. m.]

TITLE 15—COMMERCE

CHAPTER I—BUREAU OF THE CENSUS, DEPARTMENT OF COMMERCE

[Order No. 195]

PART 30—FOREIGN TRADE STATISTICS

FOREIGN COMMERCE STATISTICAL DECISION—20

Pursuant to the authority contained in R.S. 161, and in section 4, 32 Stat. 826, 5 U.S.C. 22 and 601, Part 305—Foreign Trade Statistics (§§ 305.1 to 305.47 inclusive), Chapter III—Bureau of Foreign and Domestic Commerce, Department of Commerce, Subtitle B—Regulations Relating to Commerce, Title 15—Commerce, CFR, is transferred to Part 30—Foreign Trade Statistics (§§ 30.1 to 30.47 inclusive), Chapter I—Bureau of the Census, Department of Commerce, Subtitle B—Regulations Relating to Commerce, Title 15—Commerce, CFR.

Section 30.1 (a) is amended to read as follows:

§ 30.1 *Compilation and publication.* (a) Statistics of United States imports and exports are collected, tabulated, and published by the Bureau of the Census of the Department of Commerce from data supplied by Collectors of Customs as hereinafter provided. Correspondence relating to the collection, tabulation, and publication of such data on the foreign trade of the United States should be addressed to the Division of Foreign Trade Statistics, Bureau of the Census, Washington, D. C. Correspondence relating to analyses of United States foreign trade should be addressed to the Bureau of Foreign and Domestic Commerce, Washington, D. C. (R.S. 161, sec. 4, 32 Stat. 826; 5 U.S.C. 22, 601)

Section 30.5 is amended to read as follows:

§ 30.5 *Confidential information.* (a) The contents of the statistical copies of the import entries and withdrawals must be treated as confidential and may not reports prescribed by §§ 30.17 to 30.21 will be prepared by Collectors at headquarters ports in accordance with the detailed instructions printed on the blank forms and forwarded to the Division of Foreign Trade Statistics, Bureau of the Census at Washington, D. C., as early as possible after the close of the month and in no case later than the time specified for the various reports. (R.S. 161, sec. 4, 32 Stat. 826; 5 U.S.C. 22, 601)

Section 30.37 is amended to read as follows:

§ 30.37 *Reporting in transit shipments.* Foreign merchandise entered for shipment in transit through the United States, or for transshipment in ports of the United States, will not be reported as importations when received, nor will export declarations (commerce form 7525) be required therefor when shipped out. Such merchandise will be reported to the Section of Customs Statistics at New York on customs form 7513, giving the aggregate quantity and value of each of the various classes of merchandise and the countries to which destined, as prescribed in §§ 30.29 and 30.34. (R.S. 161, sec. 4, 32 Stat. 826; 5 U.S.C. 22, 601)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

JANUARY 8, 1942.

[F. R. Doc. 42-226; Filed, January 8, 1942; 3:29 p. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

ADOPTION OF REGISTRATION FORM UNDER THE ACT FOR UNIT INVESTMENT TRUSTS CURRENTLY ISSUING SECURITIES; AMENDMENT OF RULES RELATING TO REGISTRATION AND THE ADOPTION OF A RULE PROVIDING FOR THE FILING UNDER THE ACT OF MATERIAL ALREADY FILED UNDER OTHER STATUTES ADMINISTERED BY THE COMMISSION IN LIEU OF A REGISTRATION STATEMENT ON THE ADOPTED FORM

The Securities and Exchange Commission, acting pursuant to the authority conferred upon it by the Investment Company Act of 1940, particularly sections 8 (b), 8 (c), 8 (d), 38 (a) and 45 (a) thereof, and deeming such action

(a) *Form N-8B-1 for management investment companies.* This form shall be used by management investment companies other than companies which issue periodic payment plan certificates or which are sponsors or depositors of companies issuing such certificates.

(b) *Form N-8B-2*[1] *for unit investment trusts currently issuing securities.* This form shall be used by unit investment trusts which are currently issuing securities, except any unit investment trust of which a management company is the sponsor or depositor.

II. Section 270.45a-1 [Rule N-45A-1] is amended to read as follows:

§ 270.45a-1 *Confidential treatment of names and addresses of dealers of registered investment company securities.* (a) Exhibits calling for the names and addresses of dealers to or through whom principal underwriters of registered investment companies are currently offering securities and which are required to be furnished with registration statements filed pursuant to section 8 (b) of the Act (sec. 8 (b), 54 Stat. 804; 15 U.S.C. 80a-8), or periodic reports filed pursuant to section 30 (a) or section 30 (b) (1) of the Act (sec. 30 (a) and (b), 54 Stat. 836; 15 U.S.C. 80a-30), shall be the subject of confidential treatment and shall not be made available to the public, except that the Commission may by order make such exhibits available to the public if, after appropriate notice and opportunity for hearing, it finds that public disclosure of such material is necessary or appropriate in the public interest or for the protection of investors.

(b) The exhibits referred to in paragraph (a) of this section shall be filed in quadruplicate with the Commission at the time the registration statement or periodic report is filed. Such exhibits shall be enclosed in a separate envelope, marked "Confidential" and addressed to the Director of the Investment Company Division, Securities and Exchange Commission, Washington, D. C.

III. Section 270.8c-2 [Rule N-8C-2] is adopted to read as follows:

§ 270.8c-2 *Use of currently effective registration statements under the Securities Act of 1933 in lieu of Form N-8B-2.* A registered unit investment trust which has securities registered under the Securities Act of 1933, in lieu of filing a registration statement on Form N-8B-2, may

[1] Filed with the original document.

file four copies of a registration statement consisting of the following:

(a) A facing page clearly indicating that such registration statement is filed pursuant to this rule.

(b) Copies of its most recent currently effective registration statement under the Securities Act of 1933 (48 Stat. 74 et seq.; 15 U.S.C. 77a–aa).

(c) Copies of any reports filed pursuant to section 15 (d) of the Securities Exchange Act of 1934 (sec. 3, 49 Stat. 1377; 15 U.S.C. 780) and the rules and regulations thereunder, which have been filed subsequent to the registration statement referred to in paragraph (b).

(d) If annual reports pursuant to Section 15 (d) of the Securities Exchange Act of 1934 (Sec. 3, 49 Stat. 1377; 15 U.S.C. 780) have not been filed by the trust for every year following the filing of the registration statement referred to in paragraph (b), a separate report on the form appropriate for reports under section 15 (d) covering the entire period, describing any material changes in the information contained in the registration statement referred to in paragraph (b).

(e) The answers to the following items of Form N–8B–2: 14 to 17, inclusive; 18 (a) and (b); 19; 26 to 36, inclusive; 38 (c); 39 (b); 40 to 43, inclusive; 52 to 54, inclusive, and 56 to 58, inclusive.

(f) Any financial statements or exhibits required by Form N–8B–2 which are not included in the documents filed pursuant to paragraphs (b), (c) and (d) of this section.

(g) The most recent prospectus filed pursuant to § 230.800 [Rule 800] under the Securities Act of 1933; and

(h) The signature page required by Form N–8B–2 duly executed in accordance with the instructions to such form. [§ 270.8c–2, effective January 9, 1942] (Section 8 (b), (c) and (d), 54 Stat. 804; 15 U.S.C. 80a–8; Sec. 38 (a), 54 Stat. 841; 15 U.S.C. 80a–38; Sec. 45 (a), 54 Stat. 845; 15 U.S.C. 80a–45)

Effective January 9, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42–262; Filed, January 9, 1942; 11:48 a. m.]

TITLE 24—HOUSING CREDIT

CHAPTER V—FEDERAL HOUSING ADMINISTRATION

SUBCHAPTER H—DEFENSE HOUSING INSURANCE

PART 576—ADMINISTRATIVE RULES FOR DEFENSE HOUSING INSURANCE UNDER TITLE VI OF THE NATIONAL HOUSING ACT[1]

Section 576.20 is hereby amended to read as follows:

§ 576.20 *Amortization provisions.* The mortgage must contain complete amortization provisions satisfactory to the Administrator, requiring monthly payments by the mortgagor not in excess of his reasonable ability to pay as determined by the Administrator. The sum of the principal and interest payments in each month shall be substantially the same. (Sec. 607 of Public No. 24, approved March 28, 1941)

This amendment is effective as to all mortgages on which a commitment is issued on or after January 15, 1942.

Issued at Washington, D. C., this fifth day of January, 1942.

ABNER H. FERGUSON, *Federal Housing Administrator.*

[F. R. Doc. 42–225; Filed, January 8, 1942; 12:10 p. m.]

[1] 6 F.R. 1746.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A–1015, Part II]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF HUBER STREET COAL COMPANY, MINE INDEX NO. 1540, LEROY HUBLER (ALDER RUN MINING CO.), MINE INDEX NO. 878, AND F. J. TROUTMAN, MINE INDEX NO. 848 IN DISTRICT NO. 1

A petition having been filed with the Bituminous Coal Division on August 16, 1941 by District Board 1, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that temporary and permanent relief be granted by the establishment of effective price classifications for shipment by rail of certain coals produced in District 1;

Temporary relief having been granted in part by Orders of the Director dated October 7 and 28, 1941, 6 F.R. 5351, and 6 F.R. 5573, respectively;

Pursuant to Orders of the Director, and after due notice to interested persons, a hearing in this matter having been held before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That commencing fifteen (15) days from the date of this Order, § 321.7 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck be and it hereby is amended in accordance with the Schedule marked "Supplement R" attached hereto and made a part hereof.

It is further ordered, That the prayer of the original petition is granted to the extent set forth above and in all other respects is denied.

Dated: December 24, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

PERMANENT SUPPLEMENT—DISTRICT NO. 1

NOTE: The material contained in this permanent supplement is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
1540	Huber Street Coal Company.	Huber Street	29	C'	Johnstown, Pa.	C & BL. RR.	47	(†)	(†)	E	(†)	(†)
878	Hubler, Leroy (Alder Run Mining Co.).	Shannon #2	8	B	Bigler, Pa.	P. R. R.	45	(†)	(†)	E	E	E
848	Troutman, F. J.	Salem	11	E	Hawthorn, Pa.	P. R. R.	75	(†)	(†)	G	(†)	(†)

†Indicates no classifications effective for these size groups.

NOTE.—If coals within each of the following groups are loaded into the same car the price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the higher price classification: Mine Index Nos. 853 and 864 of Brown & Lawrence (Melvin L. Brown); Mine Index Nos. 202 and 877 of Hastings Fuel Company; Mine Index Nos. 880 and 2428 of Producers Economy Coal, Inc. c/o C. E. Lovejoy.

[F. R. Doc. 42–205; Filed, January 8, 1942; 11:02 a. m.]

[Dockets Nos. A–1191 and A–1215]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTERS OF THE PETITIONS OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

It appearing that the above-entitled matters raise analogous issues; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be, and they hereby are, consolidated.

It is further ordered, That pending final disposition of the above-entitled matters, temporary relief is granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R–II, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplement R–III, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: December 27, 1941.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classifications, prices, instructions, exceptions and other provisions, by size group Nos.]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1240	Adams & Gilliatt Coal Co. (C. E. Adams).	Brookside #3	Bakerstown	Newburg, W. Va.	B&O	70	C	C	C	C	C	C	C	C	C	C	----	----	----	----	----	----
1305	Boggess, H. C.	Winchester #2 (Strip)	Pitts.	Bingamon Junction, W. Va.	W.M.	65	F	F	F	F	F	F	F	F	F	F	----	----	----	----	----	----
1105	Burton Coal Company	Crown #6	H. V. Kitt.	Buckhannon, W. Va.	B&O	31	A	A	A	A	A	A	A	A	A	A	----	----	----	A	A	A
911	Burgess, G. E. (Crown Coal & Timber Company).	Quick	Sewell	Buckhannon, W. Va.	B&O	31	A	A	A	A	A	A	A	A	A	A	----	----	----	----	----	----
1362	Huffman, H. B.	Whitehall #2	Pittsburgh	Kingmont, W. Va.	B&O	50	F	F	F	F	F	F	F	F	F	F	----	----	----	----	----	----
1361	Hunt Coal Company (W. R. Long)	Dr. Fake #1	Pittsburgh	Sutton, W. Va.	B&O	335	F	F	F	F	F	F	F	F	F	F	----	----	----	----	----	----
1360	Miller Coal Co. (S. M. Miller)	Helen and H. Brake	Redstone	Weston, W. Va.	W.M.	311	F	F	F	F	F	F	F	F	F	F	----	----	----	----	----	----
1326	Showalter, Brock	York #1 (Strip)	Pittsburgh	Josephine, W. Va.	W.M.	62	F	F	F	F	F	F	F	F	F	F	----	----	----	----	----	----
1329	Showalter, Brock	York #2 (Strip)	Pittsburgh	Josephine, W. Va.	W.M.	62	F	F	F	F	F	F	F	F	F	F	----	----	----	----	----	----
865	Swiger, Biddle	Swiger	Pittsburgh	Dola, W. Va.	B&O	62	F	F	F	F	F	F	F	F	F	F	----	----	----	----	----	----

§ 323.8 *Special prices—(b) Railroad fuel prices for all movements except via lakes*—Supplement R–II. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule. Group No. 1: 863, 1258, 1259, 1262, 1263, 1265. Group No. 2: 1260. Group No. 3: 1186, 1261. Group No. 5: 911. Group No. 6: 1248.

§ 323.8 *Special prices—(c) Railroad fuel prices for movement via all lakes ports*—Supplement R–III. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 863, 1258, 1259, 1262, 1263, 1265. Group No. 2, 1260. Group No. 3: 1186, 1261. Group No. 5: 911. Group No. 6: 1248.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups: Lump over 2", egg over 2", bottom size (1)	Lump 2", egg 2", bottom size but over 1¼" (2)	Lump 1¼" and under, egg 1¼" and under, bottom size (3)	All nut and pea 2" and under (4)	Run of mine resultant over 2" (5)	1¼" and 2" slack (6)	¾" slack (7)
Adams & Guiliani Coal Co. (C. E. Adams).	1248	Brookside #3	Bakerstown	Preston	235	235	235	210	210	200	190
Boggess H. C.	1265	Winchester #2 (Strip).	Pittsburgh	Harrison	223	218	218	193	193	178	168
Croston, Esker	1249	Croston	H. V. Kit	Barbour	208	203	203	178	178	168	158
Dalton, Mace & H. L. Winters (Mace Dalton).	1256	Brown #1	M. V. Freeport	Monongalia	225	225	225	200	200	190	180
Emerson, J. E.	1263	Emerson	M. V. Freeport	Preston	225	225	225	200	200	190	180
Hasel Run Coal Company (Charles M. Paulin).	1257	Hasel Run	M. V. Freeport	Preston	225	225	225	200	200	190	180
Hunter, C. E.	1261	Shannoti #1	H. V. Kit	Randolph	208	203	203	178	178	168	158
Huffman, H. B.	1262	Whitehall #2	Pittsburgh	Marion	223	218	218	193	193	178	168
Long Coal Company (W. S. Long).	1263	Dr. Eakle	Pittsburgh	Braxton	223	218	218	193	193	178	168
Miller, Archie	1216	Miller	M. V. Freeport	Preston	225	225	225	200	200	190	180
Miller Coal Co. (S. M. Miller).	1260	Helen & H. Brake.	Redstone	Upshur	223	218	218	193	183	178	168
McKinley, F. M.	1250	McKinley #1	Pittsburgh	Harrison	223	218	218	193	193	178	168
Nestor, S. K.	1255	Nestor	Pittsburgh	Barbour	223	218	218	193	193	178	168
Ozier, G. A. & T. C. (T. C. Ozier).	1240	Irvin.	H. V. Kit	Upshur	208	203	203	178	178	168	158
Perri & Ventura William Ventura).	371	Dawson Slate Dump.	Pittsburgh	Harrison	223	218	218	193	193	178	168
Showalter, Brock	1258	York #1 (Strip).	Pittsburgh	Harrison	223	218	218	193	193	178	168
Showalter, Brock	1259	York #2 (Strip).	Pittsburgh	Harrison	223	218	218	193	193	178	168
Uphold, J. J.	1252	Uphold	M. V. Freeport	Preston	225	225	225	200	200	190	180
Ward, W. D.	1254	Elk	Redstone	Harrison	223	218	218	193	183	178	168
Wentz & Osburn (Orvid Wentz).	1264	Wentz & Osburn.	H. V. Kit	Upshur	208	203	203	178	178	168	158

[F. R. Doc. 42-204; Filed, January 8, 1942; 11:02 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

PART 612—REGISTRATION DUTIES

Effective February 1, 1942, the Selective Service Regulations are hereby amended by assigning new numbers to the paragraphs hereinafter listed; by changing the context of those paragraphs which are followed by the words "as amended"; by adding a new section; and by publishing such renumbered and amended paragraphs and the new section as the sections of Part 612 of the Second Edition of the Selective Service Regulations:

Paragraph 211 as amended becomes § 612.1.
Paragraph 212 as amended becomes § 612.2.
Paragraph 221 becomes § 612.11.
Paragraph 222 becomes § 612.12.
Paragraph 223 as amended becomes § 612.13.
Paragraph 224 as amended becomes § 612.14.
Paragraph 231 as amended becomes § 612.21.
Paragraph 232 becomes § 612.22.
New section § 612.31.

PART 612—REGISTRATION DUTIES

Sec.

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NATIONAL DUTIES

612.1 *Authority of President.* "The President is authorized—(1) to prescribe the necessary rules and regulations to carry out the provisions of this Act"; and "(4) to utilize the services of any or all departments and any and all officers or agents of the United States and to accept the services of all officers and agents of the several States, Territories, and the District of Columbia and subdivisions thereof in the execution of this Act" (sec. 10 (a) (1) and (4), Selective Training and Service Act of 1940, as amended).*

*§§ 612.1 to 612.31, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301–318, inclusive, E.O. No. 8545, 5 F.R. 3779.

§ 612.2 *Responsibility of Director of Selective Service.* Whenever the President by proclamation or other public notice fixes a day for registration, the Director of Selective Service shall take the necessary steps to prepare for registration in the several States of the United States, the District of Columbia, Alaska, Hawaii, and Puerto Rico and, on the day fixed and on such preceding days as may be authorized for advance registration, shall supervise the registration of those men required to present themselves for and submit to registration. The Director of Selective Service shall also arrange for and supervise the registration of men who present themselves for registration before local boards after the day fixed for registration.*

STATE DUTIES

§ 612.11 *Governor's proclamation.* The Governor of each State, Alaska, Hawaii, and Puerto Rico, and the Board of Commissioners of the District of Columbia should issue a proclamation to supplement the Presidential proclamation fixing a registration day, especially enjoining all officials of such State, Alaska, Hawaii, or Puerto Rico, and the counties and municipalities therein, and all officials of the District of Columbia to give full cooperation in effecting registration.*

§ 612.12 *Notice to public.* The Governor of each State, Alaska, Hawaii, and Puerto Rico, and the Board of Commissioners of the District of Columbia, for the purpose of insuring the widest possible notice of the date when and the places where registration will take place, should call upon the great news disseminating agencies of the press and radio to lend their utmost efforts to publicize the proclamation of the President, the proclamation of the Governor or Board of Commissioners, and these regulations in every newspaper and periodical and over every broadcasting facility within their respective jurisdictions.*

§ 612.13 *Responsibility of State Director of Selective Service.* Whenever the President by proclamation or other public notice fixes a day for registration, the Director of Selective Service for each State of the United States, the District of Columbia, Alaska, Hawaii, and Puerto Rico, under the general supervision and direction of the Director of Selective Service, shall take the necessary steps to prepare for registration in each of the local board areas in his jurisdiction and, on the day fixed, shall supervise the registration of those men who present themselves for registration in each such local board area. Each State Director of Selective Service shall also arrange for and supervise the registration of men within his State who present themselves for registration before local boards after the day fixed for registration. Each State Director of Selective Service, with the approval of the Director of Selective Service, may make such modification of the procedure outlined in these regulations as may be necessary in order to accomplish effective and complete registration in his State.*

§ 612.14 *Duties of State Director of Selective Service.* (a) Each State Director of Selective Service, subject to such instructions as he may receive from the Director of Selective Service, shall:

(1) Distribute to the chairman of each local board in his jurisdiction, not less than 10 days before the time registration is to commence, or, if received thereafter, immediately upon receipt thereof, an adequate supply of Registration Cards (Form 1), Registration Certificates (Form 2), the parts of these regulations providing for registration, and any other printed materials which are to be used in the registration, utilizing any and all necessary methods to insure delivery on time.

(2) Incur and authorize chairmen of local boards to incur any expense deemed necessary and unavoidable to accomplish effective and complete registration, provided that any unusual expense shall be first approved by the Director of Selective Service. (See § 612.21 (b).)

(3) Keep up to date a chart resembling that shown below.

Registration Progress Chart, State of _____

Local board	Registration regulations; Forms 1 and 2; and other necessary material: Date shipped to local board chairman	Registration regulations; Forms 1 and 2; and other necessary material: Date received by local board chairman	Date local board chairman reported ready	Number of persons reported registered

(4) Take whatever steps are necessary to correct the situation if the chairman of any local board fails to report a state of readiness in his local board area at least 5 days before the day when registration is to commence.

(5) Report by telegram to the Director of Selective Service, at least 3 days before registration is to commence, the day on which advance registration will commence within his State and a state of readiness for registration in all local board areas under his jurisdiction.

(6) Supervise registration in all local board areas in his jurisdiction.

(7) Report to the Director of Selective Service the total number of persons in his jurisdiction who were registered and the largest number of persons in any single local board area who were registered immediately after receiving from all his local board chairmen their reports as to the number of persons registered in their respective local board areas.*

LOCAL BOARD DUTIES

§ 612.21 *Duties of chairman of local board.* (a) Whenever the President by proclamation or other public notice fixes a day for registration, the chairman of the local board, under the general supervision and direction of the State Director of Selective Service, shall take the necessary steps to prepare for registration in his local board area. On the day fixed for registration and on such preceding days as the State Director of Selective Service may authorize for advance registration, he shall supervise the registration of those men who present themselves for registration in his local board area.

(b) No expense may be incurred in connection with registration unless and until such expense is specifically approved by the State Director of Selective Service in the manner authorized in § 612.14.

(c) In preparing for and supervising registration, the local board chairman shall:

(1) Establish such places of registration as he deems necessary when he can secure such places without incurring any expense to the Government, provided that such places shall conform to any uniform plan prescribed by the State Director of Selective Service.

(2) Establish places of registration in plants, factories, buildings, Army posts, and Navy or Marine Corps stations, when instructed to do so by the State Director of Selective Service or the Director of Selective Service.

(3) See that each place of registration is prepared and ready to open and is opened on registration day at the hour specified in the Presidential proclamation and on such preceding days and at such hours on said days as the State Director of Selective Service may authorize for advance registration and that it is equipped with:

One table for each registrar.
Two chairs for each table (one for registrar, one for registrant).
Pens, ink, and blotters for each registrar.
An adequate supply of Registration Cards (Form 1), Registration Certificates (Form 2), and any other printed materials which are to be used in the registration.

(4) Appoint a chief registrar for each place in his local board area where registration will be conducted, utilizing other members and employees of the local board, when practicable, and appoint persons already engaged in selective service work or familiar with the regulations and such other qualified persons as he deems necessary to promptly and properly register all men who will present themselves for and submit to registration in his local board area.

(5) Appoint any reliable person he deems qualified as a special registrar to register men who are located in places within his local board area, such as hospitals, ships, national parks, Indian reservations, camps, schools, colleges, or similar places when it would be a great inconvenience or an impossibility for such men to present themselves for and submit to registration in the usual manner.

(6) Appoint any reliable person he deems qualified as a special registrar to register an individual who is in his local board area when he is satisfied that such individual is prevented from presenting himself for and submitting to registration in the usual manner by reason of illness or other incapacity.

(7) Advise each person he appoints as a chief registrar, registrar, or special registrar that no compensation will be paid for such services and, unless such person has already signed an Oath of Office and Waiver of Pay or Compensation (Form 21) or is a full-time paid employee of the Selective Service System, require such person to sign an Oath of Office and Waiver of Pay or Compensation (Form 21) before being sworn or undertaking any duties as a registrar.

(8) Require that the following oath be administered to each chief registrar, each registrar, and each special registrar before he enters upon his duties hereunder:

I, _____, do solemnly swear (or affirm) that I will faithfully perform the duties of registrar of Local Board No. _____; that I will correctly record the answers given me by persons registered; that I will indicate on every Registration Card (Form 1) answers that I know to be untrue; and that I will truthfully answer and record matters charged to my own observation.

The oath may be administered by any person qualified to administer oaths or by a member of the local board, and, after

the chief registrar is sworn, he may swear the rest of his registrars and any special registrars. No person shall undertake the duties of a registrar at any time during the registration until the oath has been taken.

(9) Instruct all chief registrars, registrars, and special registrars in their duties and be certain that each of them is familiar with the portion of these regulations providing for registration of registrants.

(10) Receive from State Headquarters for Selective Service and give a receipt for Registration Cards (Form 1), Registration Certificates (Form 2), and any other materials which are sent to him for use in connection with the registration in his area.

(11) Distribute to each chief registrar such Registration Cards (Form 1), Registration Certificates (Form 2), and other materials as such chief registrar will need to complete his part of the registration and take a receipt therefor.

(12) Report promptly to the State Director of Selective Service any shortage of materials or any other difficulty which arises in preparing for registration.

(13) Report by telegram to the State Director of Selective Service, at least 5 days before registration is to commence, the state of readiness of his board.

(14) Require each chief registrar to deliver to him promptly upon completion of the registration all completed, unused, or spoiled Registration Cards (Form 1) and all unused or spoiled Registration Certificates (Form 2) and to account to him for all the Registration Cards (Form 1) and Registration Certificates (Form 2) originally received.

(d) The chairman of the local board shall deliver to the entire local board at its meeting the day following the close of registration all completed, unused, or spoiled Registration Cards (Form 1) and all unused or spoiled Registration Certificates (Form 2) and account to it for all of the Registration Cards (Form 1) and Registration Certificates (Form 2) originally received by him from the State Director of Selective Service.

(e) The chairman of the local board, before the adjournment of the meeting held by the local board on the day following the close of registration, shall report to the State Director of Selective Service by telegram (1) the total number of Registration Cards (Form 1) in Group 3 which show on line 2 a place of residence within the local board area and (2) the total number of Registration Cards (Form 1) in Group 3 which show on line 2 a place of residence outside the local board area that have been forwarded to the proper local board or a State Director of Selective Service.[6]

§ 612.22 *Care and custody of Registration Cards and Registration Certificates.* The chairman of the local board is charged with the care and custody of the Registration Cards (Form 1) and the Registration Certificates (Form 2) received by him from the State Director of Selective Service. He shall guard against their loss or destruction and shall require all persons to give and take receipts when delivering them to another. He shall not permit anyone to tamper with them and shall warn all concerned against entrusting them to the custody of any unauthorized persons.[6]

CHIEF REGISTRARS

§ 612.31 *Duties of chief registrar.* (a) It shall be the duty of the chief registrar to prepare for and supervise registration at the place of registration to which he is assigned by the chairman of the local board.

(b) In preparing for and supervising registration at the place to which he is assigned, the chief registrar shall:

(1) Assist in carrying out any of the duties of the chairman of the local board, if the chairman requests him to do so.

(2) Carry out and require all registrars and special registrars working in his place of registration to carry out the instructions given in these regulations or by the chairman of the local board.

(3) Appoint special registrars when authorized to do so by the chairman of the local board: *Provided*, That such special registrars shall sign an Oath of Office and Waiver of Pay or Compensation (Form 21) and shall take the oath required in § 612.21 before entering upon their duties.

(4) Be responsible for the prompt and proper registration of all men who present themselves for registration at his place of registration.

(5) Keep the place of registration open on the days and during the hours when registration is authorized.

(6) Receive from the chairman of the local board and give a receipt for Registration Cards (Form 1), Registration Certificates (Form 2), and any other materials distributed to him for use at his place of registration.

(7) Distribute to each registrar and each special registrar such Registration Cards (Form 1), Registration Certificates (Form 2), and other materials as each such person will need to complete his part of the registration and take a receipt therefor.

(8) Report promptly to the chairman of the local board any shortage of materials or any other difficulty which arises in connection with his duties.

(9) Require each registrar and each special registrar to deliver to him promptly upon the completion of the registration all completed, unused, or spoiled Registration Cards (Form 1) and all unused or spoiled Registration Certificates (Form 2) and to account to him for all Registration Cards (Form 1) and Registration Certificates (Form 2) originally received.

(10) Immediately following the close of registration, deliver to the chairman of the local board the report prepared in the manner set out in § 613.31 and the packages of Registration Cards (Form 1) and Registration Certificates (Form 2) prepared in the manner set out in § 613.32.

LEWIS B. HERSHEY,
Director.

JANUARY 6, 1942.

[F. R. Doc. 42-230; Filed, January 8, 1942; 3:39 p. m.]

PART 633—DELIVERY AND INDUCTION

AMENDMENT TO SELECTIVE SERVICE REGULATIONS, SECOND EDITION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 633, by deleting paragraph (b) of § 633.13[1] and substituting therefor the following:

§ 633.13 *Classification after man is inducted or is found not acceptable.*

* * * * *

(b) Upon receiving notice from the induction station that a selected man has not been accepted, the local board shall take the following action:

(1) If in item 85 of Section VI of the Report of Physical Examination and Induction (Form 221) it is indicated that the selected man was rejected for some reason other than his being physically disqualified, the local board shall reopen his classification and classify him in Class IV–F.

(2) If in item 85 of Section VI of the Report of Physical Examination and Induction (Form 221) it is indicated that the selected man was not accepted either because he was "qualified for limited military service" or "disqualified for any military service" because of a physical defect listed therein and in Item 86 of Section VI of the Report of Physical Examination and Induction (Form 221) it is indicated that the selected man was rejected because of being physically disqualified, the local board will again forward such registrant to the examining station of the armed forces for a correction of Item 65 of Section III of Report of Physical Examination and Induction (Form 221) and upon the return of such report shall proceed in the manner outlined in § 629.31 (54 Stat. 885; 50 U.S.C., Sup., 301–318, inclusive, E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 6, 1942.

[F. R. Doc. 42-228; Filed, January 8, 1942; 3:39 p. m.]

PART 642—DELINQUENCY

AMENDMENT TO SELECTIVE SERVICE REGULATIONS, SECOND EDITION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 642, by deleting paragraph (b) of § 642.2[2] and substituting therefor the following:

§ 642.2 *Investigation of delinquency.*

* * * * *

(b) If it does not hear from the suspected delinquent during the 5-day period, the local board shall take the following steps:

(1) Communicate with the person "who will always know" the registrant's address whose name and address appear on the Registration Card (Form 1).

[1] 6 F.R. 6849.
[2] 7 F.R. 110.

(2) Communicate with the "employer" whose name and address appear on the Registration Card (Form 1) (in 54 Stat. 885; 50 U.S.C., Sup., 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779).

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 6, 1942.

[F. R. Doc. 42-229; Filed, January 8, 1942; 3:39 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF PUERTO RICO TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Puerto Rico to direct any local board in Puerto Rico to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Puerto Rico will be guided by the provisions of Section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved, and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in Paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Puerto Rico shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

JANUARY 8, 1942.

[F. R. Doc. 42-235; Filed, January 8, 1942; 3:39 p. m.]

[No. 42]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Paragraph 163 and Appendix A to Volume One[1] of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

1. Addition of a new form designated as DSS Form 70, entitled "College and University Report," effective immediately upon the filing hereof with the Division of the Federal Register.[2]

2. Addition of a new form designated as DSS Form 71, entitled "Student Report on Selective Service Status," effective immediately upon the filing hereof with the Division of the Federal Register.[2]

The foregoing additions shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One of the Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

NOVEMBER 21, 1941.

[F. R. Doc. 42-231; Filed, January 8, 1942; 3:39 p. m.]

[No. 43]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Paragraph 163 and Appendix A to Volume One[1] of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 156 "Order for Transferred Man to Report for Induction," effective immediately upon the filing hereof with the Division of the Federal Register.[2] The supply of original DSS Form 156 on hand will be used until exhausted.

The foregoing revision shall, effective immediately upon the filing hereof with the Divison of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

DECEMBER 2, 1941.

[F. R. Doc. 42-232; Filed, January 8, 1942; 3:40 p. m.]

[No. 44]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Paragraph 163 and Appendix A to Volume One[1] of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 260–F, entitled "Obligation Report," effective immediately upon the filing hereof with the Division of the Federal Register.[2]

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

DECEMBER 10, 1941.

[F. R. Doc. 42-233; Filed, January 8, 1942; 3:40 p. m.]

[No. 45]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Paragraph 163 and Appendix A to Volume One[1] of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 151A, entitled "Physical Examination List," effective immediately upon the filing hereof with the Division of the Federal Register.[2]

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

DECEMBER 16, 1941.

[F. R. Doc. 42-234; Filed, January 8, 1942; 3:40 p. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

[Amendment No. 1 to General Preference Order E–1–a]

PART 997—PRODUCTION AND DELIVERY OF MACHINE TOOLS, GAGES AND CHUCKS

Postponement of Effective Date of General Preference Order No. E–1–a

Paragraph (h) of § 997.1 (*General Preference Order E–1–a*[1]) is hereby amended to read as follows:

(h) *Effective date.* This Order, and Master Preference Numerical List Revision No. 1 (Exhibit A thereto), shall not take effect until such time as the Director of Priorities hereafter designates. Notwithstanding any provisions of this Order to the contrary, Supplementary Order No. 1 to General Preference Order No. E–1, together with the previous Master Preference Numerical List (Exhibit A thereto) shall continue in full force and effect until hereafter revoked. (P.D. Reg. 1, Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; Sec. 2 (a),

[1] 5 F.R. 3785.

[2] Filed with the original document.

[1] 7 F.R. 148.

Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

This amendment shall take effect immediately. Issued this 8th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-237; Filed, January 8, 1942; 4:22 p. m.]

PART 1027—SULPHITE PULP

General Preference Order M-52 To Conserve the Supply and Direct the Distribution of Sulphite Wood Pulp

Whereas the fulfillment of requirements for the defense of the United States has resulted in a shortage in the supply of sulphite wood pulp for defense, private account and export, and

Whereas a large proportion of the sulphite wood pulp producing capacity of certain plants has already been and will in an increasing measure be diverted to the requirements of the defense of the United States including Lend-Lease and Export requirements, thereby depriving the consumers heretofore supplied by such plants of any assured source of supply, and

Whereas the shortage of sulphite wood pulps and the dislocation of channels of distribution thereof caused by the requirements of the defense of the United States including Lend-Lease and Export requirements have made it necessary and appropriate in the public interest and to promote National Defense, to require each producer of sulphite wood pulp to contribute for allocation in the manner and to the extent in this order provided a percentage of its production thereof for use in paper manufacture in the ratio of its total production thereof for use in paper manufacture to the total supply available for all producers thereof for use in paper manufacture, and

Now, therefore, it is hereby ordered, That:

§ 1027.1 *General Preference Order M-52—(a) Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* For the purposes of this Order:

(1) "Sulphite wood pulp" means any wood pulp which is produced by the sulphite pulping process or any modification of such process, whether such wood pulp is bleached, unbleached or subsequently treated by caustic or other agents and regardless of the species of wood utilized.

(2) "Producer" means any individual, partnership, association, corporation or other form of business enterprise engaged in the production of sulphite wood pulp.

(3) "Government Supplier" means a producer of sulphite wood pulp under a defense order (as defined in § 944.1 of Priorities Regulation No. 1), or for Export at the written request of any agency of the United States.

(4) "Base Tonnage" means the average monthly production of sulphite wood pulp by a producer during the six month period ending June 30, 1941.

(5) "Allocated Tonnage" means the sulphite wood pulp of the quantity and grade specified in the attached allocation schedule, or any amendment thereof, required to be set aside by each producer each month pursuant to (c) hereof to be disposed of in accord with (d) hereof. The allocated tonnage of each producer represents its pro rata contribution of sulphite wood pulp for allocation to the customers of the government suppliers as provided in (d) hereof and, as specified in the attached allocation schedule, represents approximately 2% of each producer's base tonnage.

(6) "Month" means any calendar month.

(c) *Directions to producers with respect to setting aside allocated tonnage.* (1) Each producer during each month shall set aside as allocated tonnage, to be disposed of during that month in accordance with (d) hereof, the quantities and grades of sulphite wood pulp specified in the attached allocation schedule or any amendment thereof established by the Office of Production Management, subject to the following conditions and exemptions:

(i) In cases where the allocated tonnage of a specific grade directed by the attached schedule or any amendment thereof to be set aside in any month is less than a carload, a producer may set aside its allocated tonnage of such grade over a period greater than one month, provided written notice is given in advance to the Office of Production Management of the period required for such allocation tonnage to amount to a carload.

(ii) With the written consent of the Office of Production Management a producer may substitute for its allocated tonnage of any specific grade produced by such producer, sulphite wood pulp of equivalent grade purchased by such producer, and government suppliers may negotiate with producers and other government suppliers for the purchase, sale or exchange of allocated tonnage and of tonnage substituted therefor, provided that no government supplier shall dispose of any sulphite wood pulp procured pursuant to this Order unless it shall make available to its regular domestic customers an equal amount of sulphite wood pulp of comparable grade.

(iii) In cases where a producer, because of plant breakdown, inability to obtain raw material or other cause beyond its control, shall fail to produce during any one month its base tonnage, it may, upon written notice to the Office of Production Management, set aside in lieu of its allocated tonnage that proportion of its actual production during such month which its allocated tonnage bears to its base tonnage.

(2) No producer shall sell, deliver or otherwise dispose of its allocated tonnage except as provided in (d) hereof.

(d) *Allocation of allocated tonnage to government suppliers.* (1) During each month, beginning with January, 1942, a government supplier shall have the right to purchase the allocated tonnage of sulphite wood pulp of the grades and amounts specified and from the producers designated in the attached allocation schedule, at prices no higher than those established as ceiling prices by the Office of Price Administration for the sale of sulphite wood pulp of the grades involved. Such rights to purchase shall be assigned by each government supplier to such of its regular domestic customers as it shall specify in writing to the producers designated as supplying allocated tonnage for it in the attached allocation schedule.

(2) During each month, beginning with January, 1942, each producer shall ship from its allocated tonnage, upon the order of the customer or customers specified by the government supplier as its assignee or assignees in accordance with subparagraph (1) of this paragraph, the quantity of allocated tonnage specified and the grade specified in the attached allocation schedule or in any amendment thereof, provided such assignee or assignees meet the established credit terms of such producer who shall bill the assignee or assignees directly for sulphite wood pulp shipped pursuant to this paragraph; and shall be entitled to receive for each such shipment the ceiling price for such grade established by the Office of Price Administration, subject to the conditions established by the Office of Price Administration respecting such price, or such lower price as shall have been agreed upon by such producer and such assignee or assignees.

(3) Any allocated tonnage set aside pursuant to the attached allocation schedule or any amendment thereof to be available for shipment in a particular month (except that retained for accumulation over a period longer than one month pursuant to (c) (1) (i) hereof) which has not by the end of such month been ordered by the assignee of the government supplier entitled to purchase it in accordance with (d) hereof, may be disposed of as the producer thereof may wish.

(e) *Directions with respect to price and to the equitable distribution of sulphite wood pulp among regular customers.* (1) Each government supplier shall assign its supply of sulphite wood pulp procured pursuant to this order only to its regular domestic customers and without profit to it or mark up on any account.

(2) Each government supplier and each producer shall insofar as possible, sell or assign to each of its regular domestic customers manufacturing paper the grade or grades of sulphite wood pulp most nearly comparable to the grade or grades thereof heretofore supplied by such government supplier or producer to such regular domestic customers, unless any such customer shall indicate a preference for a grade of sulphite wood pulp of an inferior grade to that heretofore supplied by such government supplier or producer to such regular customer.

(3) In cases where a producer consumes part of its own sulphite wood pulp and sells the remainder, it shall make available for sale each month, after setting aside its allocated tonnage, not less than that proportion of its total residual production during that month which its total of sales thereof during the six months ending June 30, 1941 bears to its total production thereof during the same period.

(f) *Records.* (1) Each government supplier shall keep and preserve for not less than two years, accurate and complete records on a monthly basis of:

(i) Its production of sulphite wood pulp by grades.

(ii) Sulphite wood pulp by grades purchased and assigned for shipment during the particular month, showing separately that sulphite wood pulp assigned in accordance with (d) hereof, and all other sulphite wood pulp procured, together with the producers thereof.

(iii) Shipments of sulphite wood pulp by grades to each customer.

(2) Each producer shall keep and preserve for not less than two years accurate, and complete records on a monthly basis of:

(i) Its production of sulphite wood pulp by grades.

(ii) Shipments of sulphite wood pulp by grades to each assignee of a government supplier under paragraph (d) hereof, showing separately that sulphite wood pulp shipped as allocated tonnage, and all other sulphite wood pulp shipped.

(iii) Allocated tonnage of sulphite wood pulp by grades remaining each month and not ordered by the assignee of the government supplier entitled to it by virtue of this Order.

(g) *Reports.* All persons affected by this Order shall execute and file with the Office of Production Management, such reports and questionnaires as the Office of Production Management shall from time to time require. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the Office of Production Management.

(h) *Audit and inspection.* All records required to be kept by this Order shall upon request be submitted to audit and inspection by a duly authorized representative of the Office of Production Management.

(i) *Violations.* Any person who willfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(j) *Appeal.* Any person affected by this Order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the Office of Production Management by addressing a letter to the Office of Production Management, Reference M-52, Social Security Building, Washington, D. C., setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Office of Production Management may thereupon take such action as is deemed appropriate.

(k) *Effective date and expiration.* This order shall take effect upon its date of issuance and shall expire at the close of business on March 31, 1942 unless extended by the Director of Priorities. (P.D. Reg. 1, Amended Dec. 23, 1941, 6 F.R. 6680; OPM, Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629 Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 9th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

Allocation schedule of sulphite wood pulp

Government supplier	Total scheduled allocated tonnage per month	Producer	Individual producers' scheduled allocated tonnage per month	Designation of brand or grade used commercially by producer
Brown Co.	625	Algonquin Paper Corp.	34	Unbl. Sulphite.
		Brown Company	257	Bl. & Unbl. Sulphite.
		Consolidated Water Power	145	Bl. Sulphite.
		Detroit Sulphite	48	Unbl. Sulphite.
		Dexter Sulphite	38	Bl. Sulphite.
		Hammermill Paper Co.	103	Do.
Total			625	
Eastern Corp.	432	Eastern Corp.	120	Bl. & Unbl. Sulphite.
		Great Northern Paper Co.	60	Unbl. Sulphite.
		Groveton Paper Co.	40	Bl. Sulphite.
		International Paper Co.	137	Do.
		Mount Tom Sulphite Pulp Co.	21	Do.
		Parker-Young Co.	34	Do.
		J. & J. Rogers & Co.	20	Do.
Total			432	
Rayonier, Inc.	3143	Anacortes Pulp Co.[1]	39	Raybook.
		Badger Paper Mills	31	Wet Lap Bond Bleached.
		Castanea Paper Co.	42	Wet Lap Soft Book Bl.
		Champion Paper & Fibre Co.	75	Aspen Bl. Sulphite.
		Columbia River Paper Mills	42	Col. River Unbl. Rolls.
		Coos Bay Pulp Corp.[1]	37	Raybook.
		Crown Zellerbach Corp.	267	Cannas Strong Unbl. and West Lynn Unbl.
		Falls Pulp & Paper Co.	21	Wet Lap Newsgrade Unbl.
		Fibreboard Products, Inc.	34	Fibreboard Unbl. Rolls.
		Flambeau Paper Co.	34	Wet Lap Soft Book Bl. and Wet Lap Easy Bleaching Unbl.
		Gould Paper Co.	13	Wet Lap Newsgrade Unbl.
		Hawley Pulp & Paper Co.	55	Newsgrade Unbl. Rolls.
		Hoberg Paper Mills	53	Wet Lap Hardwood Unbl.
		Hollingsworth & Whitney	82	Weyerhaeuser Strong Unbl. & Wet Lap Strong Unbl.
		Inland Empire Paper Co.	17	Newsgrade Unbl. Wolls.
		Kennebec Pulp & Paper Co.	27	Wet Lap Easy Bl. Unbl.
		Kimberly Clark Corp.	112	Wet Lap Strong Unbl.
		Maine Seaboard Paper Co.	45	Wet Lap Newsgrade Unbl.
		Marathon Paper Mills Co.	57	Soundview Bond Bl.
		Minnesota & Ontario Paper Co.	74	Wet Lap Newsgrade Unbl.
		Munising Paper Co.	33	Wet Lap Book Bl.
		Nekoosa Edwards Paper Co.	56	Wet Lap Bl.
		Northern Paper Mills	65	Wet Lap Book Bl. and Wet Lap Newsgrade Unbl.
		Northwest Paper Co.	36	Wet Lap Book Bl. and Wet Lap Easy Bl. Unbl.
		Oregon Pulp & Paper Co.	149	Col. River Unbl. Rolls.
		Oxford Paper Company	107	Soft Book Bl.
		Penobscot Chemical Fibre Co.	43	Penobscot Bond Bl.
		Port Huron Sulphite & Paper Co.	25	
		Puget Sound Pulp & Timber Co.	198	Puget Sound Strong Unbl.
		Racquette River Paper Co.	16	Wet Lap Strong Unbl.
		Rayonier, Inc.	518	Bl. & Unbl.
		Rhinelander Paper Co.	28	Wet Lap Bl. and Wet Lap Unbl.
		St. Croix Paper Co.	23	Wet Lap Newsgrade Unbl.
		St. Regis Paper Co.	148	Raybond or other.
		Soundview Pulp Co.	283	Soundview Bond Bl. and Soundview Book Bl.
		Spaulding Pulp & Paper Co.	41	Strong Unbl.
		Sterling Pulp & Paper Co.	37	"Slush" Bl. and Unbl.
		Watsaui Paper Mills Co.	29	Wet Lap Bl. and Wet Lap Unbl.
		West Virginia Pulp & Paper Co.	175	Canadian Unbl. and Wet Lap Bl.
		Weyerhaeuser Timber Co.	286	Weyerhaeuser Bond Bl. & Weyerhaeuser Book Bl.
		Wolf River Paper & Fibre Co.	14	Wet Lap Newsgrade Unbl.
Total			3,143	

[1] Contribution made by releasing pulp purchased from other producer.

[F. R. Doc. 42-252; Filed, January 9, 1942; 11:35 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

Amendment to General Imports Order M–63

(a) Section 1042.1 (*General Imports Order M–63* [1]) is hereby amended as follows:

(1) By striking out the commodity number "5930.5" listed after "Graphite or Plumbago, Crystalline Flake" on List A and inserting in lieu thereof the commodity number 5730.5.

(2) By adding to List A the following materials:

Material	Ec. class	Commodity No.
Lead	7	6505.0
	7	6506.1
	7	6506.5
	7	6507.0
	9	6509.0

(b) This Amendment shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 9th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–253; Filed, January 9, 1942; 11:35 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1306—IRON AND STEEL

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 43—USED STEEL BARRELS OR DRUMS

Paragraphs (d) and (e) of § 1306.210 [2] are hereby amended to read as follows:

§ 1306.210 *Appendix A; maximum prices for used steel barrels or drums.*

* * * * *

(d) *Maximum price for raw used drums in case of purchases from the person who empties the barrel or drum.* The maximum prices for raw used steel barrels or drums, size 50 to 55 gallons, 18 gauge, purchased by any person from the person who empties the barrels or drums, shall be $1.25 per barrel or drum f. o. b. point where barrel or drum is emptied: *Provided*, That in the States of California, Washington, and Oregon, the sum of 40 cents per barrel or drum may be added.

(e) *Maximum price for other reconditioned drums.* The maximum delivered price for reconditioned steel barrels or drums, other than those covered by paragraphs (a) and (b) above, shall be 80% of the delivered price on October 1, 1941, excluding extras, quoted by the Rheem Manufacturing Company, a corporation, or by the Wheeling Corrugating Company, a corporation, whichever quoted prices are lower, when delivered in carload lots, of new, black, hot-rolled steel barrels or drums of the same type and size: *Provided*, That for each 75 miles or fraction thereof in excess of 50 miles from the plant where the barrel or drum was reconditioned, all actual charges for transportation or the sum of ten cents per barrel or drum, whichever is lower, may be added. (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective January 8, 1942. Issued this 8th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–236; Filed, January 8, 1942; 4:04 p. m.]

[1] 6 F.R. 6796.
[2] 6 F.R. 5961.

PART 1315—RUBBER

PRICE SCHEDULE NO. 63—RETAIL PRICES FOR NEW RUBBER TIRES AND TUBES

Correction

F.R. Doc. 41–9873, appearing in the issue for January 1, 1942, is corrected as follows:

On page 37, column 3, the line reading:

7.50—24 (38 x 7) ---------- 6.60

is corrected to read:

7.50—24 (38 x 7) ---------- 9.60

On page 40, column 3, the lines reading:

True Test Marketing & Merchandising Corporation, Standard Red, ————.

are corrected to read:

Tru Test Marketing & Merchandising Corporation, Standard Red, ————.

On page 40, column 3, the subparagraph beginning with the lines:

The maximum retail prices for 8.25—20 truck tubes carrying the brand names of certain distributors shall be as follows:

is corrected to begin with the lines:

(2) The maximum retail prices for 8.25—20 truck tubes carrying the brand names of certain distributors shall be as follows:

TITLE 34—NAVY

CHAPTER I—DEPARTMENT OF THE NAVY

PART 16—USE, CONTROL, SUPERVISION, INSPECTION OR CLOSURE ON ALL VESSELS UNDER THE JURISDICTION OF THE UNITED STATES

Pursuant to the authority conferred upon the Secretary of the Navy by Order No. 1 of the Defense Communications Board, issued December 26, 1941, under the authority of the Executive Order of December 10, 1941, promulgated under the power vested in the President by section 606 of the Communications Act of 1934, as amended, and by virtue of the authority residing in the Secretary of the Navy to ensure the protection of shipping and to promote the successful conduct of the war; I hereby prescribe that from and after this date the use, control, supervision, inspection, or closure of radio stations on all vessels as defined in Title 1, section 3, of the United States Code, domestic and foreign, under the jurisdiction of the United States shall be subject to the following regulations:

§ 16.1 *Prohibition in harbors, ports, etc.* Radio and signal apparatus (including broadcast receivers), on board all vessels as defined in Title 1, Section 3, of the United States Code, domestic and foreign, shall not be used in the harbors, ports, roadsteads, or waters subject to the jurisdiction of the United States, except in accordance with such instructions as may be issued from time to time by naval authority.

§ 16.2 *Prohibition against use by vessels subject to the jurisdiction of the United States, wherever located.* Radio and signal apparatus (including broadcast receivers), on board all vessels as defined in Title 1, section 3, of the United States Code, operating under the laws of the United States and all foreign vessels, owned or operated by citizens of the United States, wherever they may be, shall not be used, except in accordance with such instructions as may be issued from time to time by naval authority. Radio receiving equipment required for the operation of a vessel which complies with the rules of the Federal Communications Commission limiting receiver radiation may, however, be operated under the direction of the master. Foreign vessels which are routed or protected by armed forces of the United States must comply with this regulation.

§ 16.3 *Sealing of radio.* The radio apparatus, of any vessel as defined in Title 1, section 3, of the United States Code, domestic or foreign, may, while in the harbors, ports, roadsteads or waters subject to the jurisdiction of the United States, be sealed by naval authority, and such seals shall not be broken within the jurisdiction of the United States except when authorized by naval authority.

§ 16.4 *Removal of radio apparatus.* The radio and signal apparatus, of any vessel as defined in Title 1, section 3, of the United States Code, operating under the laws of the United States or of any foreign vessel, owned or operated by a citizen of the United States, may be removed by naval authority where retention on board is deemed prejudicial to the national security and defense and the successful conduct of the war.

§ 16.5 *Exceptions, when granted.* Exceptions to any of the provisions of these regulations, may be made by naval authority in cases where it may be found that the use of radio and signal apparatus will not endanger the national security and defense or the successful conduct of the war.

§ 16.6 *Public vessels exempted.* These regulations have no application to vessels operated by the Navy Department or other departments or agencies of the United States Government. The use of radio by such vessels is regulated by instructions issued by proper authority in each such case.

§ 16.7 *Applicability of rules and regulations of Federal Communications Commission.* These regulations and such instructions as may be issued by naval authority under them shall, until amended or revoked, be effective in lieu of any rules or regulations of the Federal Communications Commission inconsistent therewith. Nothing in these regulations or any instructions as may have been issued under them shall be construed to render ineffective such rules or regulations of the Federal Communications Commission as are not inconsistent therewith.

§ 16.8 *Effectiveness.* These regulations shall take effect immediately and shall continue in effect until the termination of the present conflict, unless sooner modified or revoked by proper authority.

Issued this 6th day of January 1942.

FRANK KNOX.

[F. R. Doc. 42–240; Filed, January 8, 1942; 4:33 p. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER A—DOCUMENTATION, ENTRANCE, AND CLEARANCE OF VESSELS, ETC.

[Order No. 196]

PART 2—ENTRY OF VESSELS

JANUARY 8, 1942.

Section 2.10 (*Record of entrance and clearance of vessels*) is amended to read as follows:

§ 2.10 *Record of entrance and clearance of vessels.* Permanent records will be kept at every customhouse of the entrance and clearance of vessels in the foreign trade (Commerce Forms 1400 and 1401) and of the clearance of vessels in trade with noncontiguous United States territory (Commerce Form 1401) and shall be open to public inspection: *Provided, however*, That during any period covered by a proclamation of the President that a state of war exists between foreign nations no records with regard to the entrance and clearance of vessels in the foreign trade shall be open to public inspection: *Provided further*, That during any such period, contents of such records may be disclosed to others than parties in interest upon written consent of the Secretary of Commerce. (Sec. 2, 23 Stat. 118, R.S. 161; 46 U.S.C. 2, 5 U.S.C. 22)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 42–227; Filed, January 8, 1942; 3:28 p. m.]

Notices

WAR DEPARTMENT.

EXAMINATION FOR APPOINTMENT OF WARRANT OFFICERS (JUNIOR GRADE)

Paragraph 2 of the notice of examination for appointment as warrant officer (junior grade), published in the FEDERAL REGISTER December 2, 1941,[1] as amended,[2] is further amended as follows:

Under *Judge Advocate General's Department, Administrative*, change the word "required" to "optional."

Under *Quartermaster Corps, Technician specialists*, change to read: "*Technician specialists.* Motor transport." (Act of Aug. 21, 1941, Public Law 230, 77th Congress) [Cir. 273, W.D., Dec. 31, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–238; Filed, January 8, 1942; 4:29 p. m.]

[1] 6 F.R. 6152.
[2] 6 F.R. 6311.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. D–10]

IN THE MATTER OF THE APPLICATION OF HICKMAN, WILLIAMS AND COMPANY FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBUTORS' DISCOUNTS ON COAL SOLD TO ITS RETAIL DIVISION OR DEPARTMENT KNOWN AS REEVES COAL AND DOCK CORPORATION

NOTICE OF AND ORDER FOR HEARING

Hickman, Williams and Company, a corporation organized under the laws of Delaware, having its principal place of business in Cincinnati, Ohio, acting as sales agent for certain producers and registered with the Division as a Distributor, No. 4308, filed its petition in the above-entitled matter praying that it be given permission to receive sales agents' commissions and distributors' discounts on all coal sold to its retail division or department known as Reeves Coal and Dock Corporation, Minneapolis, Minnesota.

It is therefore ordered, That a hearing on such matter be held on March 18, 1942, at 10 a. m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioner and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before March 16, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: January 8, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–246; Filed, January 9, 1942; 10:54 a. m.]

[Docket No. B–148]

IN THE MATTER OF STINEMAN COAL & COKE CO., REGISTERED DISTRIBUTOR, REGISTRATION NO. 8745, RESPONDENT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on January 9, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at U. S. Board of Tax Appeals, Washington, D. C.; and

It appearing to the Acting Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to January 16, 1942 at 10 a. m. at the place and before the officer heretofore designated.

Dated: January 8, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–247; Filed, January 9, 1942; 10:54 a. m.]

[Docket No. A–1189]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF TEMPORARY PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 22, IN DISTRICT NO. 11, FOR RAIL SHIPMENTS ORIGINATING AT THE TIPPLE OF MINE INDEX NO. 54 IN DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party. The petition states that the washing plant and tipple of Mine Index No. 22, over which the coals of that mine have customarily been prepared and loaded, have been destroyed by fire; that a new washing plant and tipple are being constructed to replace the facilities which were de-

stroyed; that it is estimated that such construction will require approximately sixty (60) days; and that during the pendency of such construction it desires to prepare and load the coals of Mine Index No. 22 over the nearby facilities of Mine Index No. 54. The petition requests the establishment of temporary price classifications and minimum prices for the coals of Mine Index No. 22 in District No. 11 for rail shipments originating at the tipple of Mine Index No. 54 in District No. 11.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth.

No petitions of intervention have been filed with the Division in the above-entitled matter.

The following action is deemed necessary in order to effectuate the purposes of the Act.

Now, therefore, it is ordered, That temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices for the coals of Ayrshire Patoka Collieries Corporation, Clinton Mine, Mine Index No. 22, as presently set forth in the Schedule of Effective Minimum Prices for District No. 11, For All Shipments Except Truck, shall apply f. o. b. transportation facilities at the Lone Eagle Mine, Mine Index No. 54; *Provided*, That such price classifications and minimum prices shall be subject to the same adjustments in f. o. b. mine prices on account of differences in freight rates as are required or permitted in said Schedule in the case of coals produced at the Lone Eagle Mine, Mine Index No. 54; *And provided further*, That the relief granted herein shall terminate upon completion of the construction of a new tipple and washing plant at the Clinton Mine, Mine Index No. 22, and in any event not later than ninety (90) days from the date of this Order, and that upon the completion of the aforementioned new facilities at Mine Index No. 22 the petitioner herein shall promptly file a verified statement to that effect indicating the date of the completion thereof and the date when shipments were resumed from transportation facilities f. o. b. Mine Index No. 22.

It is further ordered, That pleadings in opposition to the original petition, in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: January 8, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-248; Filed, January 9, 1942; 10:54 a. m.]

IN THE MATTER OF THE REVOCATION OF REGISTRATIONS AS DISTRIBUTORS OF * * *, E. J. DEROCHIE, ET AL.

ORDER DELETING NAME OF E. J. DE ROCHIE FROM EXHIBIT "A" OF ORDER REVOKING CERTAIN REGISTRATIONS, DATED, DECEMBER 6, 1941

Pursuant to the provisions of the Order entered herein on December 6, 1941, E. J. DeRochie, one of the respondents, named therein, having adequately shown, within the time prescribed, that his registration should not be revoked for the reasons assigned in said Order,

It is, therefore, ordered, That the name of E. J. DeRochie be, and the same is hereby deleted from the list of names set forth in Exhibit "A", attached to and made a part of the Order entered herein on December 6, 1941, and

It is further ordered, That the said Order of December 6, 1941 shall not become effective with respect to the said E. J. DeRochie, as provided therein, but that in all other respects the said Order of December 6, 1941, shall remain in full force and effect, unless otherwise ordered.

Dated: January 8, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-249; Filed, January 9, 1942; 10:54 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Acting Director:

Name and address	Date application filed
L. V. Corry, Corry Coal Co., Oakman, Ala.	Dec. 20, 1941
Eastern Gas & Fuel Assoc. (Koppers Coal Division), Koppers Bldg., Pittsburgh, Pa.	Jan. 2, 1942
Gould Coal Co., 2430 N. Leavitt St., Chicago, Ill.	Dec. 31, 1941
Henry L. Harrington, F. R. & H. L. Harrington, Adams, Mass.	Dec. 29, 1941
Red Ash Elkhorn Coal Co., 703 Mercantile Library Bldg., Cincinnati, Ohio	Dec. 31, 1941
United Collieries Inc., 3204 Carew Tower, Cincinnati, Ohio	Dec. 20, 1941

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before February 9, 1942. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: Jan. 8, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-250; Filed, January 9, 1942; 10:54 a. m.]

General Land Office.

STOCK DRIVEWAY WITHDRAWAL NO. 9, NEW MEXICO NO. 3, REDUCED

JANUARY 1, 1942.

The departmental order of February 28, 1918, creating Stock Driveway Withdrawal No. 9, New Mexico No. 3, under section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, is hereby revoked so far as it affects the following-described lands, which are within New Mexico Grazing District No. 2, established March 27, 1936:

NEW MEXICO PRINCIPAL MERIDIAN

T. 1 N., R. 17 W.,
Sec. 12, W½SE¼,
Sec. 13, NW¼NE¼, S½NE¼, NW¼, and S½.
Sec. 14, S½.
Secs. 19 to 23, inclusive,
Sec. 24, N½ and SW¼;
T. 1 N., R. 18 W.,
Sec. 23, E½.
Secs. 24, 25, 26, 33, 34, and 35;
T. 3 S., R. 8 W.,
Sec. 13, all,
Sec. 14, NE¼, N½NW¼, SE¼NW¼, N½SE¼, and SE¼SE¼,
Sec. 15, N½N½;
T. 4 S., R. 12 W.,
Sec. 29, N½,
Sec. 30, N½N½,
Sec. 31, W½E½ and E½W½;
T. 5 S., R. 12 W.,
Sec. 6, W½E½ and W½,
Sec. 7, W½E½ and W½,
Sec. 18, W½NE¼ and NW¼;
T. 4 S., R. 14 W.,
Sec. 33, S½,
Sec. 34, S½,
Sec. 35, S½N½ and SW¼;
T. 4 S., R. 15 W., sec. 35, all;
T. 1 S., R. 18 W.,
Secs. 4 and 5, all,
Sec. 6, E½;
T. 1 S., R. 19 W.,
Secs. 7, 8, 9, 10, 11, and 18;
aggregating 19,424.02 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 42-241; Filed, January 9, 1942; 9:56 a. m.]

STOCK DRIVEWAY WITHDRAWAL NO. 144, WYOMING NO. 18, REDUCED

DECEMBER 30, 1941.

Departmental order of September 26, 1940, withdrawing the following-described lands in Wyoming as an addition to Stock Driveway Withdrawal No. 144, Wyoming No. 18, under section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, is hereby revoked:

SIXTH PRINCIPAL MERIDIAN

T. 38 N., R. 76 W.,
Sec. 6, S½SE¼; 80 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 42-242; Filed, January 9, 1942; 9:56 a. m.]

AIR NAVIGATION SITE WITHDRAWAL NO. 172

ALASKA

DECEMBER 31, 1941.

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U.S.C. 214, that the public lands in Alaska lying within the following described boundaries be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air-navigation facilities: *Provided*, That the withdrawal of the tract at Galena shall be subject to the right of the natives to cross the reserve, except the actual landing area, in going to and from their hunting grounds, and subject also to their right to place and operate fishing wheels along the banks of the Yukon River within the reserve.

Beginning at corner No. 3 of the U. S. School reserve, U. S. Survey No. 2023 at Galena, in the 4th Judicial District, Alaska, in approximate latitude 64°49' N., longitude 157°15' W. Thence by metes and bounds,
N. 82°00' W., 297 feet, along north boundary of U. S. Survey No. 2023 to corner No. 2 thereof;
N. 82°00' W., 133 feet;
S. 8°00' W., 780 feet, to right bank of Yukon River;
Southwesterly, and northwesterly, downstream along right bank of Yukon River 9,200 feet (approximately);
N. 23°25' E., 10,260 feet;
S. 66°35' E., 20,000 feet;
N. 23°25' E., 5,000 feet;
S. 66°35' E., 12,000 feet;
S. 23°25' W., 8,500 feet (approximately), to right bank of Yukon River;
Northwesterly, westerly, and southwesterly downstream 24,570 feet (approximately), along right bank of Yukon River, to the east side of the unsurveyed town of Galena;
N. 8°00' E., 410 feet (approximately);
N. 82°00' W., 840 feet, to point of beginning, containing approximately 5,264 acres.

Beginning at a point on the west shore of Lake Minchumina at mean high water elevation, in approximate latitude 63°53' 51" North, approximate longitude 152° 12' 45" West, about 100 feet southeasterly from the Herman Olson cabin. Thence by metes and bounds,
N. 50°48' E., 5,826.2 feet to point No. 2;
S. 39°14' E., 400.0 feet to point No. 3 on shore of Lake Minchumina at mean high water elevation.
Thence, southwesterly, westerly, and northwesterly along shore of Lake Minchumina at mean high water elevation to the point of beginning,

containing 335 acres.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-243; Filed, January 9, 1942; 9:58 a. m.]

AIR NAVIGATION SITE WITHDRAWAL NO. 173

ALASKA

DECEMBER 31, 1941.

It is ordered under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U. S. C. 214, that the public land within the following-described boundaries, in the vicinity of Juneau, Alaska, be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air navigation facilities:

Beginning at corner No. 5 of U. S. Survey No. 2080, Survey No. 2080 being located within U. S. Survey No. 1536, Mendenhall Valley elimination from Tongass National Forest, in approximate latitude 58°24' N., longitude 134°34'30" W.
Thence by metes and bounds:
East, 1642.6 feet;
South, 859.32 feet; to a point on the north boundary of U. S. Survey No. 1529;
West, 1642.6 feet, along north boundaries of U. S. Surveys No. 1529 and No. 1799 to corner No. 4 of U. S. Survey No. 2080;
North, 859.32 feet, along east boundary of U. S. Survey No. 2080 to corner No. 5 and point of beginning, containing approximately 32.40 acres.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-244; Filed, January 9, 1942; 9:59 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ORAL ARGUMENT BEFORE THE ADMINISTRATOR AND OPPORTUNITY TO SUBMIT WRITTEN BRIEFS IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 32 FOR A MINIMUM WAGE RATE IN THE KNITTED OUTERWEAR INDUSTRY AND THE PROHIBITION, RESTRICTION, OR REGULATION OF HOME WORK IN THE INDUSTRY

Whereas a public hearing was held on November 5–6, 1941, before Major Robert N. Campbell as presiding officer at which all interested persons were given an opportunity to be heard and to offer evidence on the following questions:

1. Whether the recommendation of Industry Committee No. 32 shall be approved or disapproved; and

2. In the event an order is issued approving the recommendation, what, if any, prohibition, restriction, or regulation of home work in this Industry is necessary to carry out the purpose of such order, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rate established therein.

Now, therefore, Notice is hereby given:

That the Administrator will receive briefs (not fewer than twelve copies) on or before January 23, 1942, at the Department of Labor Building, Washington, D. C., from any person who entered an appearance at such hearing and will hear oral argument upon the complete record of said hearing on January 28, 1942 at 10 A. M. in Room 7129, Department of Labor Building, Fourteenth Street and Constitution Avenue, Washington, D. C. by any person who entered an appearance at said hearing provided that on or before January 26, 1942, such person informs the Wage and Hour Division of his intention to offer oral argument and the amount of time he will require to make his presentation.

Signed at Washington, D. C. this 9th day of January 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-258; Filed, January 9, 1942; 11:55 a. m.]

NOTICE OF ORAL ARGUMENT BEFORE THE ADMINISTRATOR AND OPPORTUNITY TO SUBMIT WRITTEN BRIEFS IN THE MATTER OF THE RECOMMENDATIONS OF INDUSTRY COMMITTEE NO. 34 FOR A MINIMUM WAGE RATE IN THE PROPERTY MOTOR CARRIER INDUSTRY

Whereas, a hearing has been held from December 1, to December 5, 1941, inclusive before Major Robert N. Campbell, as Presiding Officer, at which all persons interested in the report and recommendation of Industry Committee No. 34 for the fixing of a minimum wage rate in the property motor carrier industry were given an opportunity to be heard and to offer evidence bearing thereon; and

Whereas, the complete record of said hearing has been transmitted to the Administrator;

Now, therefore, notice is hereby given:

That the Administrator will receive written briefs (not fewer than twelve copies) on or before January 26, 1942, at the Department of Labor, Washington, D. C., from any person who entered an appearance at said hearing, and will hear oral argument upon the complete record of said hearing on January 30, 1942, at 10:00 a. m., in Room 7129, Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., by any person who entered an appearance at said hearing: *Provided*, That on or before January 26, 1942, such person notifies the Wage and Hour Division of his intention to offer oral argument and of the amount of time he will require to make his presentation.

Signed at Washington, D. C., this 9th day of January 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-259; Filed, January 9, 1942; 11:55 a. m.]

LUCKENBACH STEAMSHIP CO., INC.

NOTICE OF GRANTING OF EXCEPTION

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted the Luckenbach Steamship Company, Inc., New York, N. Y. relief from the necessity of entering in their records the home addresses of their longshoremen and seamen as required by § 516.2 or other applicable sections of those Regulations.

This authority is subject to voidance for misrepresentation and revocation for cause.

Signed at Washington, D. C., this 9th day of January 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-260; Filed, January 9, 1942; 11:56 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4617]

IN THE MATTER OF L. E. WATERMAN COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of January, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Andrew B. Duvall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, January 29, 1942, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 900, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-245; Filed, January 9, 1942; 10:07 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-2590]

IN THE MATTER OF WILLIAM J. LEMP BREWING COMPANY $5 PAR VALUE CAPITAL STOCK

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 7th day of January, A. D. 1942

The St. Louis Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the $5 Par Value Capital Stock of William J. Lemp Brewing Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Monday, February 9, 1942, at the office of the Securities & Exchange Commission, 105 West Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-254; Filed, January 9, 1942; 11:47 a. m.]

[File No. 70-415]

IN THE MATTER OF NEWPORT WATER CORPORATION

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of January, A. D. 1942.

Newport Water Corporation, a subsidiary of Ogden Corporation, which is a registered holding company, having filed a declaration and application under sections 11 and 12 (c) of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, regarding the proposed dissolution of Newport Water Corporation and the distribution of its remaining assets, consisting principally of cash, to the holders of its 10,000 shares of preferred stock; and

The Commission having ordered that a hearing in the above entitled matter be held on January 14, 1942; and

It appearing to the Commission that it is desirable that such hearing be postponed to February 3, 1942, at 10:00 A. M. and that such postponement is satisfactory to all parties hereto.

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-255; Filed, January 9, 1942; 11:47 a. m.]

[File No. 31-375]

IN THE MATTER OF MIDDLE WEST UTILITIES COMPANY OF CANADA LIMITED

ORDER EXTENDING ORDER OF EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 8th day of January, A. D. 1942.

Middle West Utilities Company of Canada Limited having applied for an extension of an order heretofore granted on May 24, 1939, exempting it and its subsidiaries from certain specified sections of the Public Utility Holding Company Act of 1935 pursuant to sections 3 (a) (5) and 3 (b) thereof, such order providing that the exemption granted thereby should expire December 31, 1941, without prejudice to the right of Middle West Utilities Company of Canada Limited to apply on behalf of it and its subsidiary companies for an extension of the time during which such order should be effective, such subsidiary companies being Great Lakes Power Company Limited, International Transit Company, Lake Superior Power Company, Northern Public Service Corporation Limited and Winnipeg Heating Company Limited;

The Commission having considered such application and the record herein, and it appearing that no substantial changes have occurred in the position of applicant and its subsidiaries since the issuance of the said order of May 24, 1939, and that the granting of an extension of said order would not be detrimental to the public interest or the interest of investors or consumers;

It is hereby ordered, That the time during which such order of exemption shall be effective be and the same hereby is extended until December 31, 1943, without prejudice to the right of Middle West Utilities Company of Canada Limited to apply on behalf of it and its subsidiary companies for an extension of the time during which such order shall be effective and also without prejudice to the right of said Middle West Utilities Company of Canada Limited to apply at any time for such enlargement of any of the provisions of such order as it may deem appropriate.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-256; Filed, January 9, 1942; 11:47 a. m.]

[File No. 59-34]

IN THE MATTER OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION, RESPONDENT

ORDER DENYING INTERVENTION BUT PERMITTING LIMITED PARTICIPATION IN HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 8th day of January A. D. 1942.

The Commission having by its order of September 30, 1941 directed its Notice of and Order for Hearing pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935 to the above named respondent; and

Utilities Employees Securities Company having filed an application to intervene in these proceedings representing that it is the owner of $118,000 principal amount of Convertible 5% Gold Debentures, Series due 1948, and $401,000 principal amount of Convertible 5% Gold Debentures, Series due 1950 of the above named respondent; and

The Commission having considered said application and the affidavit in support thereof;

It is ordered, That said application for leave to intervene be, and the same hereby is, denied, without prejudice, however, to the right of the said Utilities Employees Securities Company to renew its application for leave to intervene and to be made a party to these proceedings at a future date;

It is further ordered, That the said Utilities Employees Securities Company shall be entitled to participate in said proceedings to the extent of cross examining witnesses, introducing evidence, filing of briefs, and the making of oral argument.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-257; Filed, January 9, 1942; 11:48 a. m.]

JAN 14 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 8

Washington, Tuesday, January 13, 1942

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[Tobacco 603 (Flue-cured) Sup. 1, Part I]

PART 727[1]—FLUE-CURED TOBACCO

SUBPART E—1942

Amendment to Marketing Quota Regulations

The Marketing Quota Regulations, Flue-cured Tobacco, 1942–43 Marketing Year—Part I, "Procedure for the Determination of Acreage Allotments for 1942," is hereby amended by adding at the end thereof the following new section:

§ 727.423 *Increase of allotments.* Farm acreage allotments established for old farms as provided in §§ 727.411 through 727.422 of this procedure shall be increased 10 percent. For the purposes of this section, the amount of the increase calculated for any farm having an allotment of five-tenths acre or less shall be rounded upward to one-tenth acre.

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938), as amended, he does make, prescribe, and publish the foregoing amendment to the Marketing Quota Regulations, Flue-cured Tobacco, 1942–43 Marketing Year, designated Tobacco–603 (Flue-cured), Part I, issued by the Secretary on November 12, 1941, which regulations as amended, shall be in full force and effect until amended or superseded by regulations hereafter made by the Secretary of Agriculture.

Done at Washington, D. C., this 10th day of January 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42–273; Filed, January 10, 1942; 11:21 a. m.]

[1] 6 F.R. 5745.

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VI—ORGANIZED RESERVES

PART 64—ENLISTED RESERVE CORPS

SUSPENSION OF ENLISTMENTS AND REENLISTMENTS IN THE ENLISTED RESERVE CORPS WITH CERTAIN EXCEPTIONS[1]

§ 64.5 *Enlistments.* Enlistment and reenlistments in the Enlisted Reserve Corps are suspended with the following exceptions:

* * * * * *

(c) (1) Corps area commanders are authorized to enlist specialists in the Enlisted Reserve Corps for assignment to inactive affiliated units located within their corps areas, when such enlistments are requested by commanding officers to fill existing vacancies in affiliated organizations scheduled for active service within six months.

(2) Six months after enlistment in the Enlisted Reserve Corps, the enlisted reservist will be eligible for call to active service and assignment to the arm or service for which enlisted, provided that he had not been placed on active service through activation of the affiliated unit. (39 Stat. 195; 41 Stat. 780; 44 Stat. 705; 10 U.S.C. 421, 423–427) [Cir. 204, W.D., Sept. 30, 1941, and letter AGO dated Jan. 6, 1942, AG 341 (12–24–41) RP–A]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–265; Filed, January 10, 1942; 9:26 a. m.]

[1] 6 F.R. 5165.

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

PART 285—RULES OF PRACTICE

[Amendment No. 4 of Part 285 of the Economic Regulations]

PROCEDURE IN MAIL RATE PROCEEDINGS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C. on the 8th day of January 1942.

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FEDERAL REGISTER

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The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, particularly sections 205 (a), 406 and 1001 thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

Effective January 8, 1942, Part 285 of the Economic Regulations[1] is amended by adding thereto § 285.11 [Rule 11] to read as follows:

§ 285.11 *Procedure in mail rate proceedings.* (a) Proceedings for the determination of rates of compensation for the transportation of mail may be commenced by the filing of a petition by an air carrier or the Postmaster General, or upon the issuance of an order by the Board.

(b) (1) Proceedings commenced by the Board will normally be instituted by the issuance of an order directing the parties to show cause why a specified rate or rates set out in such order should not be fixed and determined by the Board.

(2) In proceedings instituted upon petition of a carrier or the Postmaster General the Board, before proceeding further with the disposition of the petition, will normally issue an order in the proceeding directing the parties to show cause why a specified rate or rates set out in such order should not be fixed and determined by the Board.

(3) The rate or rates specified in any order provided for in paragraphs (b) (1) and (b) (2) of this Rule will represent a tentative rate or rates which appear to the Board to be fair and reasonable on the basis of the monthly and annual reports made by the carrier to the Board, and other information available to the Board. Such order will be accompanied by an exhibit or exhibits setting forth the basis upon which the tentative rate or rates have been formulated, and such exhibits shall be a part of such order.

(4) Orders issued hereunder will be served upon the carrier concerned, and any other parties to the proceeding, and public notice thereof will be given. Copies of such orders will be transmitted to the Postmaster General.

(c) (1) After the issuance of an order of the Board pursuant to paragraph (b) of this Rule, any party having objections to the tentative rate or rates specified in such order or to the admissibility in evidence of the exhibits accompanying such order and information specified therein shall file with the Board, within such periods of time as may be prescribed in such order:

(i) Notice of the fact that such objections exist; and

(ii) After the notice provided for in subdivision (i) of this paragraph has been filed, a written answer setting out the objections of the party to the tentative rate or rates.

(2) The objections stated in the answer shall be specific, and the answer shall be accompanied by exhibits in support of the objections and by a statement of the effect of such objections upon the tentative rate or rates.

(d) (1) If no notice, or if after notice no answer, is filed as provided in paragraph (c) of this Rule within the periods of time prescribed in the order, the proceeding will be assigned for public hearing. The statutory public hearing thus assigned will be expected to require nothing more than the introduction in evidence of the exhibits provided for in paragraph (b) (3) of this Rule and the information specified therein.

(2) The Board, upon the close of such hearing, will make the tentative rate or rates specified in its order pursuant to paragraph (b) of this Rule final by the issuance of its further order.

(e) (1) If an answer is filed as provided in paragraph (c) of this Rule a conference will be held. The conference will be attended by representatives of the Board assigned to the particular case and representatives of the parties, and will be presided over by an examiner of the Board.

(2) If a party desires to introduce evidence in the proceeding, he shall file written notice with the examiner at the time of such conference; if a party desires an opportunity to file briefs with, or present oral argument to, the Board, he shall file a written request therefor with the examiner not later than the close of the hearing hereinafter provided for.

(3) The examiner, at the close of the conference, will prepare and serve upon the parties a report stating the issues raised by the objections of the parties with respect to the tentative rate or rates. Any party may file exceptions to such report.

(4) After service of the report provided for in paragraph (e) (3) of this Rule, the proceeding will be assigned for public hearing before an examiner of the Board.

(5) The exhibits provided for in paragraph (b) (3) of this Rule and the information specified therein, and any exhibits filed by any party in support of any objections filed pursuant to paragraph (c) of this Rule, shall constitute evidence of record in the proceeding, subject to the right of any party to object to the admissibility of such exhibits and information. Additional evidence may be presented by the parties at such hearing only if the notice provided for in paragraph (e) (2) has been filed, and such evidence shall be limited to evidence relating to the issues as defined in the conference report issued by the examiner and exceptions filed thereto pursuant to paragraph (e) (3). A member (or members) of the Board's staff will be available at the hearing for examination by the parties on the evidence with respect to such issues.

(6) The proceeding will be deemed submitted to the Board for final decision, without the issuance of an examiner's report, upon the close of the hearing, the filing of briefs, or the presentation of oral argument, or may be in order pursuant to requests made in accordance with the provisions of paragraph (e) (2) of this Rule. [Rule 11]

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-300; Filed, January 12, 1942; 11:52 a. m.]

[1] 4 F.R. 1998, 5 F.R. 2480, 4660, 4892.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 210—REGULATION S–X UNDER SECURITIES ACT, SECURITIES EXCHANGE ACT AND INVESTMENT COMPANY ACT

AMENDMENT NO. 8 TO REGULATION S–X[1]

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 7 and 19 (a) thereof, the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23 (a) thereof, and the Investment Company Act of 1940, particularly sections 8, 30 and 38 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said Acts, hereby amends Part 210 [Regulation S–X] as follows:

I. Paragraphs (a) and (d) of § 210.1–01 [Rule 1–01] are amended to read as follows:

§ 210.1–01 *Application of Regulation S–X.* (a) Registration statements under the Securities Act of 1933 (48 Stat. 74 et seq., 15 U.S.C. 77a–aa), filed on form A–2 or C–1.

* * * * *

(d) Supplemental or periodic reports under section 15 (d) of the Securities Exchange Act of 1934 (section 3, 49 Stat. 1377, 15 U.S.C. 780), filed on form 1–MD, 2–MD or 4–MD.

II. There is inserted immediately following article 6 a new article 6A, reading as follows:

Article 6A—Unit Investment Trusts

§ 210.6–10 *Application of Article 6A.* This article shall be applicable to financial statements filed by unit investment trusts including unit investment trusts which are issuers of periodic payment plan certificates.* [Rule 210.6–10, effective January 9, 1942]

*§§ 210.6–10 to 210.6–13, inclusive, and §§ 210.12–33, 210.12–34, issued under the authority contained in sec. 7, 48 Stat. 78; 15 U.S.C. 77g: sec. 19, 48 Stat. 85; sec. 209, 48 Stat. 906; 15 U.S.C. 77s: sec. 12, 48 Stat. 892; sec. 1, 49 Stat. 1375; 15 U.S.C. 781: sec. 13, 48 Stat. 894; 15 U.S.C. 78m: sec. 15, 48 Stat. 895; sec. 3, 49 Stat. 1377; 15 U.S.C. 78o: sec. 23, 48 Stat. 901; sec. 8, 49 Stat. 1379; 15 U.S.C. 78w: sec. 8, 54 Stat. 803; 15 U.S.C. 80a–8: sec. 30, 54 Stat. 836; 15 U.S.C. 80a–30; sec. 38, 54 Stat. 841; 15 U.S.C. 80a–38.

§ 210.6–11 *Statements of condition.* Statements of condition filed for unit investment trusts shall comply with the following provisions:

(a) *Trust property*—(1) *Investment in securities.* The aggregate cost and the aggregate value of investments included under this subparagraph and subparagraph (2) of this paragraph shall be shown in the statement of condition parenthetically or otherwise. The method used in determining the "cost" shall be stated. For the purpose of this section, "value" has the meaning defined in section 2 (a) (39) (B) of the Investment Company Act of 1940 (section 2 (a) (39), 54 Stat. 796; 15 U.S.C. 80a–2). State in the statement of condition for each caption the basis of determining the amount at which investments are carried.

(i) *Securities of investment companies.* State separately (a) trust shares in unit trusts created or serviced by the depositor or sponsor of this trust; (b) trust shares in other unit trusts; and (c) securities of other investment companies.

(ii) *Securities of other companies.* State separately (a) marketable securities and (b) other securities.

(2) *Investments other than securities.* State separately each major class. See instructions to subparagraph (1) of this paragraph.

(3) *Dividends and interest receivable.*

(4) *Cash.*

(5) *Other property.* State separately each significant item. State the basis of determining the amounts.

(b) *Liabilities, trust shares and distributable funds*—(1) *Liabilities.* State separately amounts payable to (i) trustee and custodian; and (ii) depositor, sponsor, and their associates. State separately any other significant items.

(2) *Reserves not shown elsewhere.* State separately each significant item. If the caption used for each reserve stated separately is not clearly indicative of the purpose for which the reserve was created, explain the purpose in a note referred to under this subparagraph.

(3) *Trust shares.* State for each class of trust shares (i) the title of issue, the number of trust shares outstanding and the total cost to the investors of such trust shares; (ii) the adjustment for market depreciation or appreciation; (iii) other deductions from the total cost to the investors for fees, loads and other charges; and (iv) the net amount credited to the investors. Explain in a note referred to under this subparagraph the deductions for fees, loads and other charges from the total cost to the investors. If the amounts called for by subdivisions (i), (ii) and (iii) of this subparagraph are not reasonably determinable a statement to that effect shall be made and in such case there shall be stated for each class of trust shares the title of issue, the number of trust shares outstanding and the net amount credited to the investors.

(4) *Distributable funds accrued to trust shares.* The amount shown here shall agree with that shown in paragraph (c) (6), of the related statement of income and other distributable funds.* [Rule 6–11, effective January 9, 1942]

§ 210.6–12 *Statement of income and other distributable funds.* The statements of income and other distributable funds filed for unit investment trusts shall comply with the following provisions:

(a) *Income*—(1) *Distribution and dividends.* State separately (i) distributions received on shares of investment trusts, and (ii) dividends on other securities. If there is included herein any distribution received on shares of investment trusts which are known to represent the return of any portion of the amount invested in the shares upon which such distribution was paid, indicate in a footnote herein referred to the justification alleged for such treatment and the amounts involved if known or reasonably available. Also indicate the basis upon which dividends and distributions are taken into income (e. g., "cash" or "accrual"; and if accrual whether as of declaration or record date); and, as to any distributions and dividends other than cash, the basis on which they have been taken up as income.

(2) *Interest.* State separately interest from (i) securities and (ii) other sources.

(3) *Other income.* State separately by class of income each significant amount.

(4) *Total income.*

(b) *Expenses*—(1) *Taxes.*

(2) *Fees of the trustee and custodian.*

(3) *Fees of the depositor and sponsor.*

(4) *Legal fees and expenses.* State separately each significant amount.

(5) *Auditing fees and expenses.* State separately each significant amount.

(6) *Other expenses.* State separately by class of expense each significant amount.

(7) *Total expenses.*

(c) *Distributable funds*—(1) *Net distributable income for the period.* (Paragraph (a) (4) less paragraph (b) (7))

[1] 5 F.R. 954.

(2) *Distributable funds accrued to trust shares at the beginning of the period.*

(3) *Other additions to distributable funds.* State separately (i) that portion from the sale of trust shares which represents payments for participation in accrued distributable funds; and (ii) any other significant amounts.

(4) *Deductions other than distributions.* State separately (i) amounts withheld (a) for reserves and (b) for investments, and (ii) any other significant amounts.

(5) *Distributions to shareholders.* For each class of trust shares state the amount per share and in the aggregate. State, as to any distributions other than cash, the nature of the distributions and the basis of determining the amount charged to distributable funds. Indicate here or in a note herein referred to the aggregate distributions made upon the surrender and cancellation of trust shares which represent distributable funds accrued at the date of surrender and cancellation.

(6) *Distributable funds accrued to trust shares at close of the period.** [Rule 6–12, effective January 9, 1942]

§ 210.6–13 *What Schedules are to be filed.* (a) Schedule IV, specified below, shall be filed as of the date of the most recent statement of condition filed. The other schedules specified shall be filed for each period for which a statement of income and other distributable funds is filed. All schedules shall be certified.

(b) Reference to the schedules shall be made against the appropriate captions of the statement of condition and the statement of income and other distributable funds.* [Rule 6–13, effective January 9, 1942]

Schedule I—Investment in securities. The schedule prescribed by § 210.12–33 [Rule 12–33] shall be filed in support of caption 1 of each statement of condition and of captions 1 and 2 of each statement of income and other distributable funds.

Schedule II—Trust shares—Other than periodic payment plan certificates. If the trust shares are other than periodic payment plan certificates the schedule prescribed by § 210.12–34 [Rule 12–34] shall be filed in support of caption 8 of each statement of condition.

Schedule III—Gain or loss from transactions in trust property. (For unit investment trusts other than those issuing periodic payment plan certificates.) A schedule shall be submitted showing for each investment set forth in Schedule I in which there were any sales or redemptions during the period: (a) the aggregate amount received from sale; (b) the aggregate cost of the investment sold; and (c) the realized gain or loss thereon.

Schedule IV—Allocation of trust assets to series of trust shares. If the trust assets are specifically allocated to different series of trust shares, and if such allocation is not shown in the statement of condition in columnar form or by the submission of separate statements for each series of trust shares, a schedule shall be submitted showing the amount of trust assets, indicated by each statement of condition filed, which is applicable to each series of trust shares.

Schedule V—Allocation of trust income and distributable funds to series of trust shares. If the trust income and distributable funds are specifically allocated to different series of trust shares and if such allocation is not shown in the statement of income and other distributable funds in columnar form or by the submission of separate statements for each series of trust shares, a schedule shall be submitted showing the amount of income and distributable funds, indicated by each statement of income and other distributable funds filed, which is applicable to each series of trust shares.

§ 210.12–33 *Investment in security.*[1]

[For unit investment trusts only]

Part 1					Part 2					
Col. A	Col. B	Col. C	Col. D	Col. E	Col. F	Col. G	Col. H	Col. I	Col. J	Col. K
Name of issuer and title of issue [2]	Balance held at beginning of period. Number of shares—principal amount of bonds and notes	Gross purchases and additions as to each issue during period. Number of shares—principal amount of bonds and notes [3]	Gross sales and reductions as to each issue during period. Number of shares—principal amount of bonds and notes	Balance held at close of period. Number of shares—principal amount of bonds and notes	Cost of items included in column E [4] [5]	Amount at which each issue was carried at close of period	Market value of each issue at close of period [6] [7]	Distribution received on trust shares	Dividends on other shares [8]	Interest

[1] The required information is to be given as to each issue of securities held at any time during the period.

[2] Group separately (a) shares of investment companies; and (b) other securities. As to securities set forth in group (a) list separately (1) trust shares in unit trusts created or serviced by the depositor or sponsor of this trust; (2) trust shares in other investment trusts; and (3) securities of other investment companies. As to securities set forth in group (b) list separately (1) evidences of indebtedness; (2) preferred shares; (3) common shares; and (4) other securities. Within each of these subdivisions classify according to type of business, insofar as practicable, e. g., railroads, utilities, banks, insurance companies, industrials. Give totals of each group, subdivision and class.

[3] Describe briefly the nature of any additions otherwise than through cash purchases.

[4] State the basis upon which cost has been determined. State in a footnote to this column the aggregate cost for purposes of the Federal income tax.

[5] Columns F, G and H shall be totaled. The total of column G at the close of the most recent period shall agree with the related caption in the statement of condition. If the amount shown in column G differs from the amount shown in either column F or H, state the basis of determining the amount in column G. If the amounts to be shown in column G are identical with the amounts to be shown in columns F or H, a statement to that effect will suffice.

[6] If market value is determined on any basis other than closing prices reported on any national securities exchange, explain such other basis in a note.

[7] Identify all dividends other than cash taken up in income, and state the basis on which so taken up.

* [Rule 12–13, effective January 9, 1942]

§ 210.12–34 *Trust shares—other than periodic payment plan certificates.*

(For Unit Investment Trusts only)

1. Amount at which ____ trust shares were carried at beginning of period [1] [2]		$____
2. Additions during period resulting from:		
(a) Creation of ____ trust shares [3]	$____	
(b) Allocations of trust income for reinvestment	____	
(c) Other additions [3]	____	
3. Total additions	____	____
4. Deductions during period resulting from:		
(a) Surrender and cancellation of ____ trust shares [4]	$____	
(b) Other distributions (or transfers to distributable funds) of amounts credited to trust shares	____	
(c) Other deductions [4]	____	
5. Total deductions	____	____
6. Amount at which ____ trust shares were carried at end of period [5] [6]	____	____

[1] Insert the applicable number of trust shares.

[2] State the basis of determining the amount.

[3] State separately all significant items. If market appreciation of underlying trust property is included the amount thereof shall be shown separately. Expenses required to be set forth in the statement of income and other distributable funds shall not be set forth here.

[4] State separately all significant items. If market depreciation of underlying trust property is included, the amount thereof shall be shown separately. Expenses required to be set forth in the statement of income and other distributable funds shall not be set forth here.

[5] The balance at the close of the most recent period shall agree with caption 8 of the related statement of condition.

* [Rule 12–34, effective January 9, 1942]

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42–261; Filed January 9, 1942; 11:49 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A–1223]

PART 343—MINIMUM PRICE SCHEDULE, DISTRICT NO. 23

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT NO. 23 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS, FOR SHIPMENT BY RAIL, PRODUCED AT THE JONESVILLE NO. 3 AND NO. 4 MINES OF THE JONESVILLE COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 23

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals, for shipment by rail, produced at the Jonesville No. 3 and No. 4 Mines of the Jonesville Coal Company, a code member in District No. 23; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith (1) § 343.4 (*Code member price index*) in the Schedule of Effective Minimum Prices for District No. 23 For All Shipments Except Truck is supplemented to include within Sub-district "A" Roslyn in that district the Jonesville No. 4 Mine (Mine Index No. 159) of the Jonesville Coal Company in Kittatas County, Washington; and (2) the price classifications and minimum prices set forth in § 343.5 (*General prices; minimum prices for shipment via rail transportation*) in that Schedule for the coals, for shipment via rail transportation, produced in Sub-district "A" Roslyn are applicable and effective as to the coals produced at the Jonesville No. 4 Mine (Mine Index #159) in Freight Origin Group #60 for shipment via Northern Pacific Railroad from Ronald, Washington, into all market areas.

No relief is granted herein as to the coals of the Jonesville No. 3 Mine (Mine Index #143) of the Jonesville Coal Company for the reason that these coals were heretofore classified and priced for shipment by both rail and truck in the Division's General Docket No. 15, as reflected in the Schedule of Effective Minimum Prices for District No. 23 For All Shipments.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 9, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42–285; Filed, January 12, 1942; 9:26 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 955—MATERIAL ENTERING INTO THE CONSTRUCTION OF DEFENSE PROJECTS

Preference Rating Order No. P–55[1] *Amended—Material Entering Into the Construction of Defense Housing Projects*

§ 955.4 *Preference Rating Order P–55.* For the purpose of facilitating the acquisition of Material for the construction of the Defense Housing Project hereinafter described, a preference rating is hereby assigned to deliveries to the above named Builder and to deliveries to his Suppliers upon the following terms:

(a) *Definitions.* (1) "Builder" means the specific person to whom this Order is addressed above.

(2) "Defense housing project" means the housing project described in the Builder's Application on Form PD–105, No. ------, dated ----------, comprising ---------- units, as finally approved.

(3) "Supplier" means any person (i) Who supplies Defense Housing Material *which he has not in whole or in part manufactured, processed, assembled or otherwise physically changed,* and

(ii) With whom a contract or purchase order has been placed for delivery, to the Builder or to another Supplier, of Defense Housing Material which will enter into the construction of the Defense Housing Project.

(4) "Defense housing material" means any material included in the Defense Housing Critical List, *and only such Material.*

(b) *Assignment of preference rating.* Preference Rating ---------- is hereby assigned (1) to deliveries to the Builder of those quantities and kinds of Defense Housing Material which may be specifically authorized for such rating by the Director of Priorities on the copy of Form PD–105, No. ------, dated ---------- ----------, returned to the Builder.

(2) to deliveries to a Supplier of Defense Housing Material the delivery of which to the Builder has been authorized by the Director of Priorities on said Form or which will be used within the limitations of paragraph (d) (2) hereof to replace in such Supplier's inventory Defense Housing Material so delivered.

(c) *Persons entitled to apply preference rating.* The preference rating hereby assigned may be applied by:

(1) The Builder;

(2) Any Supplier of Defense Housing Material to the delivery of which a preference rating has been applied as provided in paragraph (e), *Provided, however, That such Supplier may only apply said preference rating to deliveries of Defense Housing Material which he will resell without change in form to fill a specific purchase order or contract rated hereunder or which he will use within the limitations of paragraph* (d) (2) *hereof, to replace in his inventory Defense Housing Material so resold.*

(d) *Restrictions on use of preference rating.*—(1) *Restrictions on the Builder.* (i) The Builder may apply said preference rating only to those quantities and kinds of Defense Housing Material specifically authorized for such rating by the Director of Priorities as indicated on the copy of Form PD–105, No. ------, dated ----------, returned to the Builder. This Order will be cancelled immediately if the Builder is found to have applied the rating to deliveries in excess of his specific authorization.

(ii) The Builder may not apply said preference rating to obtain delivery of Defense Housing Material in greater quantities or on earlier dates than required to enable him to maintain his construction schedule on the Defense Housing Project.

(2) *Restrictions on supplier.* (i) No Supplier may apply said preference rating to obtain Defense Housing Material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or, within the limitations of (ii) below, to replace in his inventory Defense Housing Material so delivered. He shall not be deemed to require such Defense Housing Material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(ii) A Supplier may defer applications of a rating hereunder to purchase orders or contracts to be placed by him for Defense Housing Material until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided,* That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(e) *Application of preference rating.* (1) The Builder or any Supplier in order to apply said preference rating to deliveries of Defense Housing Material to him must endorse on each purchase order or contract which is covered by a rating assigned thereunder a statement in the following form manually signed by an official duly authorized for such purpose and must submit each such purchase order or contract in duplicate to be countersigned by an authorized agent of the Federal Housing Administrator:

Preference Rating ---------- is applied hereto under Preference Rating Order No. P–55 Amended, Serial No.(s) ----------, with the terms of which Order the undersigned Builder (Supplier) is familiar. This rating may be extended only upon the terms of said Order, copies of which may be obtained from

[1] 6 F.R. 4842.

the undersigned Builder (Supplier), from the Division of Priorities or from any Priorities Field Service Office of the Office of Production Management.

(Name of builder or supplier)

(Duly Authorized Official)

(Name of Authorized Agent of Federal Housing Administrator)

(Title)

(Location of Office of Federal Housing Administration)

Such endorsement shall constitute a representation to the Office of Production Management and the person with whom the purchase order or contract is placed that such purchase order or contract is duly rated in accordance herewith. Such person shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Any such purchase order or contract shall be restricted to Defense Housing Material the delivery of which is rated in accordance herewith.

(2) A Supplier who has received from two or more Builders or Suppliers endorsed purchase orders or contracts for Defense Housing Material to the delivery of which the same rating has been applied in accordance with this Order may (within the limitations of paragraph (d) hereof) include in a single purchase order or contract any or all of the Defense Housing Material to which he is entitled to apply the rating assigned by this Order but must specify in the endorsement on such single purchase order or contract all of the Serial Numbers contained in the purchase orders or contracts which have been so received by him and to fill which he is applying said preference rating.

(3) In addition to the foregoing requirements a Supplier (but not a Builder) before he first applies a preference rating assigned by this Order to deliveries to him must accept Preference Rating Order P–55, Amended, by executing an acceptance in the form attached at the end hereof and file it with the Office of Production Management. No additional acceptance need be filed for any subsequent application of the Order regardless of the Serial Number under which and of the name of the Builder to whom it is issued.

(f) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, as amended from time to time, the Builder and each Supplier placing or receiving any purchase order or contract rated hereunder, shall each retain, for a period of two years, for inspection by representatives of the Office of Production Management, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such a manner that they can be readily segregated for such inspection.

(g) *Communication to Office of Production Management.* Acceptances of this Order, all reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to:

OFFICE OF PRODUCTION MANAGEMENT
Washington, D. C.
Ref: P–55

(h) *Violations.* Any Person who willfully violates any provisions of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further delivery of any Material subject to allocation, and such further action may be taken as is deemed appropriate including a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(i) *Revocation or amendment.* This Order may be revoked or amended at any time as to the Builder or any Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the Builder or Supplier affected by such revocation or expiration.

(j) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(k) *Effective date.* This Order shall take effect when countersigned by the District Manager, Priorities Field Service, Office of Production Management, and unless sooner revoked shall expire on the ---------- day of ---------- 1942.[1] (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, 3d session; as amended by Public No. 89, 77th Congress, 1st session; sec. 9, Public No. 783, 76th Congress, 3d session)

Issued this 12th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

SUPPLIER'S ACCEPTANCE OF PREFERENCE RATING ORDER NO. P–55, AMENDED

To: OFFICE OF PRODUCTION MANAGEMENT,
Washington, D. C.

Ref: P–55

The undersigned has received a purchase order or contract containing an endorsement in the form provided in Preference Rating Order No. P–55, Amended. For the purpose of applying to deliveries to the undersigned ratings assigned by said Order, the undersigned hereby accepts said Order and agrees to be bound by the terms and conditions thereof.

Dated this ---------- day of ---------- 194--

(Legal Name of Supplier)

By ---
(Signature and title of duly authorized official)

(Address of Supplier)

---

[1] Revocation date will be determined for each individual case.

(Section 35 (A) of the Criminal Code (18 U.S.C. 80), makes it a criminal offense to make a false statement or representation to any Department or Agency of the United States as to any matter within its jurisdiction.)

Instructions

Before a Supplier applies a preference rating pursuant to Preference Rating Order No. P–55, Amended, he must file the foregoing acceptance with the Office of Production Management. Only one acceptance of said Order need be filed by any one Supplier.

Extension of ratings must be made by endorsement on purchase orders or contracts in the manner prescribed in Preference Rating Order No. P–55. Copies of the Order and blank acceptance forms may be obtained from the Division of Priorities or any Priorities Field Service Office of the Office of Production Management.

A Builder in whose name Preference Rating Order No. P–55, Amended, is issued is not required to execute an acceptance form.

[F. R. Doc. 42–296; Filed, January 12, 1942; 11:27 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 1 to Supplementary General Limitation Order L–3–e[1] Further Restricting Sales and Delivery of Light Motor Trucks

Section 976.9 (*Supplementary General Limitation Order L–3–e*) is hereby amended by adding to paragraph (a) thereof the following subparagraph:

§ 976.9 *Supplementary General Limitation Order L–3–e—(a) Prohibition of sale of light motor trucks.* * * *

(1) *Sales to the Army, Navy, designated governments, and designated governmental agencies.* Nothing in this order shall prevent any person from making a sale, lease, trade, loan, delivery, shipment, or transfer of light motor trucks to or for the account of the following:

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(ii) Any person who has been assigned an A–1–j or higher preference rating by a certificate or order signed by the Director of Priorities and issued to and naming the specific person seeking to purchase the vehicle;

(iii) Any person (a) who is a prime contractor with the United States Army or United States Navy for the construction of a Defense Project described in a Preference Rating Order P–19, P–19–a, or P–19–b, issued to and naming as the builder of such Defense Project an official or agency of the United States Army or United States Navy; and (b) to whom such official or agency has extended an A–1–j or higher preference rating assigned by such Order; *Provided*, That such prime contractor shall also obtain a signed statement from the Army or Navy officer in charge of the construction of the Defense Project to the effect that the acquisition of the vehicle is necessary for such construction, and shall deliver such statement to the seller thereof. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F. R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress; First Session)

Issued this 8th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–271; Filed, January 10, 1942; 9:35 a. m.]

[1] 7 F.R. 116.

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 1 to Supplementary General Limitation Order L–1–c[1] Restricting Sale and Delivery of Medium and Heavy Motor Trucks and Truck Trailers

Section 976.10 (*Supplementary General Limitation Order L–1–c*) is hereby amended by adding to paragraph (a) thereof the following subparagraph:

§ 976.10 *Supplementary General Limitation Order L–1–c—(a) Prohibition of sales of medium and heavy motor trucks and truck trailers.* * * *

(1) *Sales to the Army, Navy, designated governments, and designated governmental agencies.* Nothing in this order shall prevent any person from making a sale, lease, trade, loan, delivery, shipment, or transfer of medium or heavy motor trucks or truck trailers to or for the account of the following:

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(ii) Any person who has been assigned an A–1–j or higher preference rating by a certificate or order signed by the Director of Priorities and issued to and naming the specific person seeking to purchase the vehicle;

(iii) Any person (a) who is a prime contractor with the United States Army or United States Navy for the construction of a Defense Project described in a Preference Rating Order P–19, P–19–a, or P–19–b, issued to and naming as the builder of such Defense Project an official or agency of the United States Army or United States Navy; and (b) to whom such official or agency has extended an A–1–j or higher preference rating assigned by such Order; *Provided*, That such prime contractor shall also obtain a signed statement from the Army or Navy officer in charge of the construction of the Defense Project to the effect that the acquisition of the vehicle is necessary for such construction, and shall deliver such statement to the seller thereof. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 8th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–270; Filed, January 10, 1942; 9:35 a. m.]

[1] 7 F.R. 116.

PART 981—PASSENGER AUTOMOBILES

Amendment No. 1 to Supplementary General Limitation Order L–2–f[1] Restricting Sale and Delivery of Passenger Automobiles

Section 981.7 (*Supplementary General Limitation Order L–2–f*) is hereby amended by adding to paragraph (a) thereof the following subparagraph:

§ 981.7 *Supplementary General Limitation Order L–2–f—(a) Prohibition of sales of passenger automobiles.* * * *

(1) *Sales to the Army, Navy, designated governments, and designated governmental agencies.* Nothing in this order shall prevent any person from making a sale, lease, trade, loan, delivery, shipment, or transfer of passenger automobiles to or for the account of the following:

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(ii) Any person who has been assigned an A–1–j or higher preference rating by a certificate or order signed by the Director of Priorities and issued to and naming the specific person seeking to purchase the vehicle;

(iii) Any person (a) who is a prime contractor with the United States Army or United States Navy for the construction of a Defense Project described in a Preference Rating Order P–19, P–19–a, or P–19–b, issued to and naming as the builder of such Defense Project an official or agency of the United States Army or United States Navy; and (b) to whom such official or agency has extended an A–1–j or higher preference rating assigned by such Order; *Provided*, That such prime contractor shall also obtain a signed statement from the Army or Navy officer in charge of the construction of the Defense Project to the effect that the acquisition of the vehicle is necessary for such construction, and shall deliver such statement to the seller thereof. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 8th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–269; Filed, January 10, 1942; 9:35 a. m.]

[1] 7 F.R. 116.

PART 984—LEAD

Conservation Order No. M–38–c Curtailing the Use of Lead in Certain Items

Whereas, national defense requirements have created a shortage of lead for the combined needs of defense, private account, and export; and the supply now is and will be insufficient for defense and essential civilian requirements unless its use in the manufacture of many products where such use is not absolutely necessary for the defense or essential civilian requirements is curtailed or prohibited as hereinafter provided;

Now, therefore, it is hereby ordered that:

§ 984.4 *Conservation Order No. M–38–c—(a) Prohibition on use of lead in articles appearing on List "A".* (1) Any person using lead or lead base alloy in any item on List "A" shall reduce his use of lead or lead base alloy for such product between January 1 and March 31, 1942 to 50% of his use in the base period.

(2) Effective April 1, 1942, no lead or lead base alloy shall be used in the production of any item on List "A."

(b) *Limitation on all other uses of lead.* Effective January 1, 1942, any person using lead or lead base alloy in any article not covered by paragraph (a) or (c) of this section shall reduce his use of lead for such products during each calendar quarter to 90% of his use in the base period.

(c) *General exception.* Where and to the extent the use of any less scarce material is impracticable, the prohibitions, limitations and restrictions contained in paragraphs (a) and (b) of this section shall not apply to the use of lead or lead base alloy in the manufacture of any item on, or for any of the uses set forth on, List B attached, nor in the manufacture of any item which is being produced.

(1) under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development or for any foreign country pursuant to the Act of

March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act) if in any such case the use of Lead or Lead Base Alloy to the extent employed is required by the specifications of the prime contract; or

(2) to comply with underwriters regulations, or safety regulations issued under Governmental authority, provided the pertinent provisions of such regulations were, in either case, in effect both on December 1, 1941, and on the date of such use, and specifically and exclusively require the use of lead or lead base alloy to the extent employed; or

(3) with the assistance of a preference rating of A–1–j or higher; or

(4) for use in equipment in manufacturing plants to the extent that corrosive action makes necessary the use of lead; or

(5) for use in scientific and industrial laboratories and hospitals where and to the extent that the physical and chemical properties of lead make its use necessary.

(d) *Prohibitions against sales or deliveries.* No person shall hereafter sell or deliver lead or lead base alloy to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this section.

(e) *Limitation of inventories.* No manufacturer shall receive delivery of lead or lead base alloy (including scrap) or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, nor shall he put into process any raw materials in quantities, which in any case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory.

(f) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation No. 1.* This section and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this section shall govern.

(2) *Appeal.* Any person affected by this section who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of lead or lead base alloy conserved, or that compliance with this section would disrupt or impair a program of conversion from non-defense work to defense work, may appeal to the Office of Production Management, Ref: M–38 c, on such forms as may be prescribed, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(3) *Applicability of section.* The prohibitions and restrictions contained in this section shall apply to the use of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other order of the Director of Priorities may have the effect of limiting or curtailing to a greater extent than herein provided, the use of lead or lead base alloy in the production of any article, the limitations of such other order shall be observed.

(4) *Violations.* Any person who wilfully violates any provision of this section, or who by any Act or omission falsifies records to be kept or information to be furnished pursuant to this section may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(5) *Definitions.* For the purposes of this section:

(i) "Lead" means and includes lead metal whether produced from domestic or foreign ores, which has been refined by any recognized method, in all forms and shapes current in the trade; antimonial lead, and lead metal produced from scrap and drosses.

(ii) "Lead base alloy" means any alloy containing 50 percent or more of lead metal by weight.

(iii) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control or under common control with or available for the use of such person.

(iv) "Manufacture" means to fabricate, assemble, melt, cast, extrude, roll, turn, spin, produce, coat or process in any other way, but does not include installation of a finished product for the ultimate consumer.

(v) "Item" means any article or any component part thereof.

(vi) "Use" means both the act of putting lead or lead base alloy into process in the manufacture of any item and the act of completing the manufacture of any such item. (Where a person is limited to a percentage of the material used in a base period this limitation applies respectively to (a) the amount of material put into process during the base period and (b) the total amount of material contained in a completed item or article multiplied by the number of such items or articles completed during the base period. Each restriction must be applied separately.)

(vii) "Base period" means either (a) the 3rd quarter of 1941, or (b) the 4th quarter of 1941, at the election of the manufacturer: *Provided*, That a single method of computation shall be used throughout the calendar year.

(viii) "Put into process" means the first change by a Manufacturer in the form of material from that form in which it is received by him.

(6) *Effective date.* This section shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875; Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 10th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

List "A" of Order M–38–c

The use of lead or lead base alloy in the items listed below and in all component parts thereof is prohibited except to the extent permitted by the foregoing Conservation Order, and except to the extent that the use of solder may be required in the assembly of two or more component parts of such items.

Automobile Body Solder
Ballast, Keels for pleasure boats
Blocks for Cutting Leather
Building Supplies (except as required in latest Defense Housing Critical List).
  cames
  doors
  flashings, more than 2½ lb. hard lead
  gutters
  leaders
  ornamental work
  puttyless frames
  roofing
  safety treads
  sash weights
  sheets under tile flooring
  shower pans, over 4 lbs. per sq. ft.
  sky lights and windows
  spandrels
  stair-treads
Caskets and Casket Hardware
Foil (except as specified on list "B")
Glass for Ornamental Purposes
Regalia, Badges, Emblems
Statuary and Art Goods
Tennis Court Markers
Toys
Weights for:
  bats
  clocks
  decoys
  dresses
  golf clubs
  jockey's saddle

List "B" of Order M–38–c

The items listed below and parts thereof are excepted from the prohibitions and restrictions contained in paragraphs (a) and (b) of the foregoing Conservation Order M–38–c, but only to the extent indicated below and only to the extent that the use of any less scarce material is impractical.

Anodes and Cathodes in electroplating processes
Baths for the heat treatment of steel
Bearings, Bushings, and Thrust Washers
Fire fighting and other protective equipment where and to the extent Lead or Lead Base Alloy is essential to the proper functioning of the parts.
Foil for:
  condensers
  electrotyping
  moulding lead
Glass for Optical and Scientific Purposes
Lead Arsenate for Agricultural Insecticides and Fungicides
Solder
X-ray Equipment
Pigments and Driers

[F. R. Doc. 42–268; Filed, January 10, 1942; 9:35 a. m.]

PART 997—PRODUCTION AND DELIVERY OF MACHINE TOOLS, GAGES AND CHUCKS

General Preference Order No. E–1–a,[1] Revised

Whereas on July 7, 1941, the Director of Priorities issued Supplementary Order No. 1 to General Preference Order E–1,[2] to direct the distribution of Machine tools, and

Whereas Supplementary Order No. 1 contained a Master Preference Numerical List (Exhibit A thereto) for the use of manufacturers of such Machine Tools, in scheduling their deliveries of cricital Machine Tools required for the Defense Contracts specified on such List, and

Whereas the state of War now existing makes revision of such Master Preference Numerical List necessary, in order to insure the delivery of Machine Tools to the most important needs, and

Whereas General Preference Order No. E–1–a was issued January 6, 1942 but the operation thereof has been temporarily suspended,

Now, therefore, it is hereby ordered, That: § 997.1, *General Preference Order E–1–a,* be amended and revised as follows:

§ 997.1 *General Preference Order E–1–a*—(a) *Definitions.* (1) "Machine Tools," "Gages" and "Chucks" include the following products grouped as indicated for the purposes of this Order:

Group I

Chucks.
Engine lathes.
External grinding machines.
Jig borers.
Planers.
Profiling machines.
Radial drills.
Sensitive drills.
Shapers.
Surface grinding machines.
Toolroom lathes.
Upright drills.
All other machine tools not specifically mentioned in Group II.

Group II

Gages.
Automatic lathes.
Chucking machines.
Gear machines.
Horizontal boring, milling and drilling machines.
Internal grinding machines.
Milling machines.
Multiple spindle screw machines.
Precision boring machines.
Reaming machines.
Rifle barrel chambering machines.
Rifle barrel drilling machines.
Rifle barrel reaming machines.
Rifle barrel rifling machines.
Rifle machines.
Thread grinding machines.
Thread milling machines.
Turret lathes.
Vertical boring mills.
Vertical turret lathes.
All machine tools individually engineered for special operations.

Also any other tools or equipment which may specifically be added hereto by the Director of Priorities.

(2) "Producer" means any individual, partnership, association, corporation or other form of enterprise engaged in producing any items listed in Group I or Group II above.

(b) *Revocation of previous order.* Supplementary Order No. 1 to General Preference Order E–1 is revoked as of January 15, 1942, and shall thereafter be of no further force or effect except as present schedules are continued by paragraph (c) (1) below.

(c) *Periods for continuance of present schedules.* (1) Present schedules of production and delivery of those Machine Tools and Chucks specified in Group I above shall be maintained until February 15, 1942. Present schedules of those Machine Tools and Gages specified in Group II above shall be maintained as they now stand until March 15, 1942.

(2) Production and delivery schedules under purchase orders placed by the United Kingdom, Canada and other Dominions, bearing no preference rating, shall be maintained as they now are unless other instructions relating thereto are received from the Director of Priorities or other official duly authorized by him. Separate instructions governing the deliveries to the United Kingdom after April 1, 1942 have been heretofore issued.

(3) No provision of this Order shall affect the terms of any Special Allocation Order No. 1, now or hereafter issued to any Producer, nor the production schedules relating thereto.

(d) *Production and delivery of machine tools, gages and chucks.* After the periods specified in paragraph (c) (1) above every Producer shall schedule his production and delivery of Machine Tools, Gages and Chucks according to the following instructions:

(1) *Operation of preference ratings.* (i) Preference Ratings, in order of precedence are: AA, A–1–a, A–1–b, etc * * * A–1–j; A–2, A–3, etc * * * A–10; BB, B–1, B–2, etc. * * * B–8, AA being the highest rating presently assigned.

(ii) Subject to paragraph (d) (3) hereof, every delivery under a rated contract or order shall be made in preference to deliveries under all other contracts or purchase orders, whenever, but only to the extent necessary to meet the required delivery date or dates specified in the preference rating certificate covering such delivery.

(iii) Subject to paragraph (d) (3) hereof, deliveries bearing no preference rating or lower preference ratings shall be deferred to the extent necessary, and only to that extent, to assure meeting the required delivery date or dates specified in certificates bearing higher preference ratings, even though such deferment may cause defaults under other contracts or purchase orders.

(iv) After the effective date of this Order no delivery shall be given priority standing in production and delivery schedules except upon receipt by the Producer of the preference rating certificate covering such delivery.

(2) *Operation of numerical master preference list, Revision No. 1.* (i) Deliveries bearing a preference rating of A–1–a under purchase orders for Machine Tools, Gages and Chucks placed by another producer thereof, or by producers of Cranes, Cutting Tools, or Micrometers, shall be preferred to, and take precedence over *all* other deliveries bearing an A–1–a preference rating, including deliveries to any purchaser appearing on the Numerical Master Preference List, Revision No. 1, hereinafter referred to.

(ii) The Numerical Master Preference List, Revision No. 1 (Exhibit A attached to this Order, hereinafter called the "List") shall, after the respective dates specified in paragraph (c) (1) above, control the sequence of deliveries of Machine Tools, Gages and Chucks as follows:

(*a*) As between conflicting deliveries bearing the *same* preference rating, deliveries to purchasers who are on the List shall be preferred to, and shall take precedence over deliveries to purchasers *not* on the List.

(*b*) As between conflicting deliveries bearing the *same* preference rating, to be made to two or more purchasers *both* on the list, deliveries shall be made according to the Urgency Standing of the respective purchasers, specified in such List. The highest Urgency Standing in each preference rating classification is No. 1. In those instances where the List assigns to a purchaser more than one Urgency Standing for the same defense contract, a Producer, in scheduling purchase orders which are *on hand at the effective date of this Order*, shall use the highest of such Urgency Standings, unless a Preference Rating Certificate shall have been issued to him requiring him to use one of the lower Urgency Standings so assigned; and in scheduling purchase orders received *after the effective date of this Order*, shall use the particular one of such Urgency Standings specified in a Preference Rating Certificate which will be issued with respect to each such Purchase order.

(*c*) As between conflicting deliveries, a delivery to a purchaser *not* on the List, bearing a *higher* preference rating, shall be preferred to and shall take precedence over a delivery to a purchaser who is on the List, bearing a lower preference rating.

[1] 7 F.R. 148.
[2] 6 F.R. 1676.

(d) A delivery to a subcontractor who is not specifically named on the List does not take the Urgency Standing of his prime contractor; provided that if the Priorities Committee, of the Army and Navy Munitions Board has endorsed in writing a subcontractor's preference rating certificate with the Urgency Standing of the prime contractor when the particular machine or machine specified in such certificate shall be scheduled for delivery in accordance therewith. The Director of Priorities, or other official duly authorized by him, may hereafter also designate an Urgency Standing for any subcontractor whose prime contractor does not appear on the List.

(iii) Where two or more purchasers do not appear on the List, and their contracts or purchase orders for Machine Tools, Gages or Chucks have required delivery dates which conflict, and which bear the same preference rating, the sequence of deliveries shall be determined by the dates of the machine tool producer's receipt of the preference rating certificates, deliveries under certificates received earlier to have preference.

(iv) Additions to, withdrawals from, and other changes may be made in the Numerical Master Preference List from time to time by the Director of Priorities or other duly authorized official.

(3) *Suspension of new preference rated orders.* Unless the Director of Priorities specifically orders otherwise, and notwithstanding any other provision of this Order, a higher preference rating or Urgency Standing shall not operate to postpone or in any way affect any delivery under a purchase order already scheduled where such delivery, in the case of Tools or Chucks in Group I, is to be made within 30 days of receipt of such higher preference rating or Urgency Standing or, in the case of Machine Tools or Gages in Group II, is to be made within 60 days of receipt of such higher preference rating or Urgency Standing.

(e) *Specific modifications of schedules.* Notwithstanding any other provision of this Order the Director of Priorities, or other official duly authorized by him, may specifically allocate to another purchaser, or otherwise divert, any machine tool, gage or chuck scheduled for production and delivery pursuant to this Order.

(f) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(g) *Reports and other communications.* All reports which may be required to be filed, and all other communications concerning this Order should be addressed to the Tools Branch, Office of Production Management, Washington, D. C., Ref: E-1-a.

(h) This Order shall take effect January 15, 1942, and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session).

Issued this 12th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-295; Filed, January 12, 1942; 11:26 a. m.]

PART 1015—CELLOPHANE AND SIMILAR TRANSPARENT MATERIALS DERIVED FROM CELLULOSE

Amendment No. 1 to Limitation Order L-20[1] To Limit the Use of Cellophane and Similar Transparent Materials Derived From Cellulose

Section 1015.1 (*Limitation Order L-20*) is hereby amended to read as follows:

Whereas, the manufacture of Cellophane and similar transparent materials derived from cellulose requires the use of essential materials required for national defense; and

Whereas, National Defense requirements have created a shortage in such materials for defense, private account and export; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense requirements; and

Whereas, present supplies of these materials will be insufficient for defense and essential civilian requirements;

Now, therefore, it is hereby ordered that:

§ 1015.1 *General Limitation Order L-20*—(a) *Definitions.* For the purposes of this section:

(1) "Person" means any individual, partnership, association, corporation or other form of enterprise.

(2) "Supplier" means any manufacturer, converter, jobber, dealer, printer and other person who directly or indirectly delivers Cellophane or similar transparent materials derived from cellulose to the users enumerated in paragraph (b) of this section.

(3) "Cellophane or similar transparent materials derived from cellulose" means Cellophane or similar transparent materials derived from cellulose having a gauge of less than .005".

(b) *Restrictions on use.* Subject to the provisions of paragraph (d) of this section, no person shall use Cellophane or similar transparent materials derived from cellulose, or packages or boxes containing windows of such material, for packaging or manufacture of the materials included in the following categories:

(1) Razor blades and sets, except for export purposes.

(2) Cosmetics and soaps, including but not limited to soap and soap flakes, face powder and creams, perfumes, lotions, shampoos, beauty aids, bath salts, hair tonics and bay rum.

(3) Textiles, including but not limited to hosiery, men's shirts and haberdashery, men's, women's and children's underwear, infants' wear (except infants' garments sterilized and so marked on the package), garters, suspenders, girdles, elastic goods, shoe laces, dolls' clothes, lingerie, sweaters, household goods (such as sheets, pillow cases, towels, dish and wash clothes, table linen, doilies, curtains), bedspreads, blankets, narrow fabrics, bolt and piece goods, notions, threads, yarn, polishing and dust cloths, lace, sanitary belts, ribbons and hair bows, cotton batting, string, and twine; but not including bandages, sanitary swabs, and typewriter ribbons.

(4) Rubber and rubber products, including but not limited to rubber gloves, bathing caps, water bags, rubber bands, erasers, garden hose, tires, jar rings, and dress shields; but not including use as a substitute for Holland Cloth in the backing of retreading stocks for tires, as a protective cover for cement on tire reliners and patches, and as a wrapping on friction and rubber tape, and on nipples.

(5) Hardware, metals, and sporting goods, including but not limited to tools, builders hardware, screws, tacks, and other small count goods, lock parts, bearings, kitchenware, cutlery, auto supplies, zippers, hairpins, pins and needles, bathroom scales, fishing tackle and accessories, golf and tennis items, silverware and cordage; but not including use as a protection for metals and metal parts in export trade or as a protection for precision metal parts.

(6) Paper and paper products, including but not limited to books and periodicals, labels, tags, index cards, advertising and display material, carbon paper, facial tissues, stationery, greeting cards, playing cards, matchbook covers, school supplies, fly paper, mats, punch boards, fibre waste baskets, jig-saw puzzles, lunch accessories (such as napkins, table cloths, plates and cups) and specialty papers; but not including scotch tape, or window correspondence envelopes.

(7) Fountain pens, penciles and leads.

(8) Jewelry, clocks, watches and cameras.

(9) Laundry and dry cleaning.

(10) Candles and wax products.

(11) Electrical equipment, including but not limited to switch plates, batteries and flashlights, washing machines, refrigerators, vacuum cleaners, stoves, bulbs, flat irons, toasters, heating pads, lamp cords and radios; but not including any use in the manufacture of the equipment.

(12) Wood and wood products, including but not limited to clothes pins, matches, wooden ware and dishes, forks and spoons, but not including medical tongue depressers and swabs.

(13) Leather and leather products, including but not limited to shoes, belts, and wrist bands.

(14) Brushes and combs, except tooth brushes.

(15) Bottled beverages, including but not limited to alcoholic beverages, carbonated beverages, and etracts, but not including special transparent caps for protection of government seals to cover revenue stamps or spots or seals on bottles containing fluids which normally leak or evaporate.

(16) Bottled foods, including but not limited to sauces, salad dressings, fruit juices, pickles, olives, preserves, honey, flavorings, and food specialties.

(17) Canned goods of all sorts.

(18) Flowers, florists' plants, wreaths and garlands, natural and artificial.

(19) Decorations and novelties, including but not limited to molded paper hats, molded Christmas bells, molded flower pot covers, bows and rosettes, soda straws, shelf edgings, household rolls, gift wrappings, Christmas snow, seasonal bands, streamers, Easter grass, Easter egg dyes, decalcomanias and cigarette tips.

(20) Cleaning material, including but not limited to soap powder, cleaning compounds, polishes, metal sponges, mops, brushes, shoe polish kits and brooms.

(21) Cigar box and candy box overwraps, where used as a secondary wrap to protect box or carton rather than the product.

(22) Bowl covers, household dyes, sewing supplies, coat hangers, shoulder bags and other garment covers, dolls, cake decorations, toys and games, pipe filters, coin wrappings, natural and cellulose sponges, powder puffs, hair nets, printed doilies, hair waving equipment, brake linings, moldings, paints, molding clay and clay products, but not including photographic films.

(23) Cigarettes except where foil is omitted from the package either by order of the Office of Production Management or at the option of the producer.

(24) Plastic products.

Provided, however, That no person prohibited from using Cellophane or similar transparent materials derived from cellulose under the terms of this paragraph shall secure such materials in gauges of 0.005" or greater as a substitute for prohibited thinner gauges.

(c) *Restrictions on deliveries.* No supplier shall knowingly, directly or indirectly, deliver or cause to be delivered any Cellophane or similar transparent materials derived from cellulose, and no person shall accept the same to be used for packaging or manufacture of any of the materials listed in paragraph (b) of this section.

(d) *Nonapplicability to existing stocks.* The terms of paragraph (b) of this section shall not apply to stocks of Cellophane or similar transparent materials derived from cellulose in the hands of users on or before January 8, 1942, and the terms of paragraphs (b) and (c) of this section shall not apply to stocks of Cellophane or similar transparent materials derived from cellulose in the hands of suppliers and which have been, prior to January 8, 1942, so cut, processed or printed as to render impracticable use by persons other than those prohibited from using such materials under paragraph (b) of this section.

(e) *Notification of customers.* Any person who is prohibited from, or restricted in, making deliveries of Cellophane or similar transparent materials derived from cellulose by the terms of this section shall, as soon as practicable, notify each of his regular customers of the requirements of this section, but the failure to give such notice shall not excuse any customer from the obligation of complying with the terms of this section.

(f) *Exemption of defense orders.* The limitations of paragraphs (b), (c), and (d) of this section shall not apply to defense orders, as defined in Priorities Regulation No. 1, as amended and supplemented from time to time.

(g) *Exemption of waste material.* Nothing in this section contained shall prohibit the sale or delivery of off-grade or waste Cellophane or similar transparent materials derived from cellulose (known as roll and trim and rejected or defective rolls); *Provided, however,* That producers of Cellophane or similar transparent materials derived from cellulose shall report by the 10th day of each month the quantities of such material sold or delivered.

(h) *Violations.* Any person who violates any provision of this section may be prohibited by the Office of Production Management from obtaining any further deliveries of materials subject to allocation, and the Office of Production Management may also take any other action deemed appropriate.

(i) *Appeals.* Any person affected by this section who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of essential materials, used in the manufacture of Cellophane or similar transparent materials derived from cellulose, conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Office of Production Management, Reference: L-20, attention Chemicals Branch, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(j) *Effective date.* This section shall take effect immediately and shall continue in effect until February 15, 1942. (P. D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 10th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-266; Filed, January 10, 1942; 9:30 a. m.]

PART 1042—IMPORTS OF STRATEGIC MATERIALS

Amendment No. 2 of General Imports Order M-63[1]

Section 1042.1 (*General Imports Order M-63*) is hereby amended as follows:

In paragraph (b) by inserting a comma and the words "Defense Supplies Corporation" after the words "Metals Reserve Company."

In paragraph (d) (1) by inserting a comma and the words "Defense Supplies Corporation" after the words "Metals Reserve Company."

By striking out the words "Metals Reserve Company" where said words appear in paragraph (e) (1) and inserting in lieu thereof the words "Federal Loan Agency."

By amending paragraph (e) (2) to read as follows:

(e) *Reports.*

* * * * * *

(2) *Reports to collectors of customs.* No Strategic Material which is imported after the effective date of this Order, other than Strategic Materials imported by or for the account of Metals Reserve Company, Defense Supplies Corporation, or any other United States Governmental department, agency or corporation, shall be entered for consumption or withdrawn from warehouse for consumption unless the Person making the entry or withdrawal shall file with the entry or withdrawal a statement of proposed disposition on Form PD-222B, attached hereto. Such statement shall be filed in duplicate; both copies shall be transmitted by the Collector of Customs to Federal Loan Agency, Ref: M-63, Washington, D. C., which will transmit one copy to the Office of Production Management.

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By adding to List A the following:

Material	Ec. class	Commodity No.
Hides and Skins	0	0201.0
	0	0202.0
	0	0203.0
	0	0203.1
	0	0205.0
	0	0206.0
	0	0207.0
	0	0208.0
Asbestos originating in Rhodesia or the Union of South Africa	1	5500.0
	1	5500.1
	7	5501.0
	7	5501.1
	7	5501.9
	7	5502.1
Rapeseed oil	6	2233.0
Coconut oil	6	2242.5
Copra	0	2222.0
Palm oil	6	2243.0
Tung oil	6	2241.0

This amendment shall take effect at 12:01 a. m. of the day after the date of issuance. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 12th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-294; Filed, January 12, 1942; 11:26 a. m.]

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[1] 6 F.R. 5730.

[1] 6 F.R. 6796, 7 F.R. 206.

PART 1050—DISTILLED SPIRITS

General Preference Order No. M-69 To Conserve the Supply and Direct the Distribution of Distilled Spirits

Whereas, the national defense requirements have created a shortage of Distilled Spirits, as hereinafter defined, for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, that:

§ 1050.1 *General Preference Order M-69*—(a) *Definitions.* For the purposes of this section:

(1) "Distilled spirits" means ethyl alcohol of 190 proof or higher produced from corn or grain.

(2) "Producer" means any person engaged in the operation of a distillery.

(3) "Distillery" means any distillery which has equipment and facilities to convert corn or grain into spirits for the manufacture of, or for blending with, whiskey, gin or other alcoholic beverages.

(b) *Applicability of Priorities Regulation No. 1.* This section and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this section shall govern.

(c) *Restrictions on operations of distilleries.* Except as may be otherwise directed by the Director of Priorities, on and after January 15, 1942, no producer whose distillery has equipment and facilities for the production of distilled spirits shall use such equipment and facilities except in the production of distilled spirits.

(d) *Restrictions on deliveries of distilled spirits.* On or before the 15th day of each calendar month, commencing with the month of January, 1942, the Director of Priorities will direct each producer to deliver specified quantities of distilled spirits, either denatured or in bond, to certain designated persons; and no distilled spirits shall, after January 15, 1942, be delivered to any person by a producer until all deliveries required to be made by the Director of Priorities have been provided for by such producer. No person shall accept delivery of distilled spirits if the said delivery is made in violation of the foregoing.

(e) *Intra-company transactions.* The prohibitions or restrictions contained in this section with respect to deliveries, shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise owned or controlled by the same person.

(f) *Alterations of existing equipment and facilities.* After the effective date of this section, no producer whose distillery has equipment and facilities for the production of distilled spirits shall alter such equipment and facilities in any way so as to impair the capacity of such distillery to produce distilled spirits without giving 15 days advance notice to the Director of Priorities of his intention so to do.

(g) *Reports.* Each producer shall forthwith report to the Chemicals Branch of the Office of Production Management the quantity of distilled spirits which his distillery is capable of producing. Additional reports shall be made at such times, on such forms and with respect to such matters as shall be prescribed by the said Chemicals Branch.

(h) *Violations or false statements.* Any person who violates this section, or who wilfully falsifies any records which he is required to keep by the terms of this section, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(i) *Appeals.* Any person affected by this section who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of distilled spirits conserved, or that compliance with this section would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Office of Production Management, Reference: M-69, attention Chemicals Branch, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(j) *Effective date.* This section shall take effect immediately and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 10th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-267; Filed, January 10, 1942; 9:30 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1302—ALUMINUM

AMENDMENT NO. 6 TO PRICE SCHEDULE NO. 2 [1]—ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT

Section 1302.3 is hereby deleted and §§ 1302.10 and 1302.11 are hereby amended to read as follows:

§ 1302.10 *Appendix A; maximum prices for aluminum scrap.*

[F. o. b. point of shipment]

Grade of aluminum scrap	Column I: Maximum price (cents per pound) in lots less than 1,000 pounds	Column II: Maximum price (cents per pound) in lots of 1,000 to 20,000 pounds (if shipped by truck) or in lots of 1,000 to 30,000 pounds (if shipped by rail)	Column III: Maximum price (cents per pound) in lots of 20,000 pounds or more (if shipped by truck) or minimum carload (if shipped by rail)
Plant scrap:			
Segregated 2S:			
Clips or other 2S solids	10	11	11½
Mixed clips or other mixed solids	8½	9½	10
Segregated borings and turnings	7½	8½	9
Mixed borings and turnings	6½	7½	8
Obsolete scrap:			
Pure cable	10	11	11½
Old sheet and utensils	9½	10½	11
Old castings and forgings	10	10½	11
Pistons free of struts	10	10½	11
Pistons with struts	8	8½	9

NOTE 1. *Segregated solid plant scrap other than 2S.* Maximum prices are not established for solid plant scrap other than 2S which is segregated, identified, handled, sold, and delivered in accordance with Supplementary Order M-1-d (7 F.R. 160) or other instructions and regulations issued by the Director of Priorities, Office of Production Management; scrap of this description is therefore not subject to the Price Schedule. "Plant Scrap" means scrap which is generated in the course of fabrication or manufacture and includes new material or parts rejected or discarded because defective, damaged in processing, or otherwise unfit for use. The terms "Solids" and "Solid Plant Scrap" mean plant scrap generated by shearing, clipping, cutting, blanking, or similar process, also defective or rejected wrought aluminum parts, defective or rejected castings and gates, sprues, risers or similar foundry scrap. Scrap shall not be deemed "Segregated", whether in the form of solids or in the form of borings, turnings or other machinings, unless it consists of one alloy only and is so identified and handled as to be acceptable for reprocessing into aluminum of the original alloy specifications without the necessity for other than routine examination by the processor.

NOTE 2. *Low-grade or contaminated scrap.* Maximum prices may be charged and paid only for scrap of the respective grades which meets generally accepted maximum standards of the trade. Low-grade scrap, scrap which is not clean and dry or which is otherwise contaminated, and scrap which for any other reason fails to meet such maximum standards, must be sold at prices proportionately below the established maximum prices. It is particularly important that proper deduction be made for oil, water and other forms of contamination contained in borings, turnings and similar machinings.

NOTE 3. *Quantity differentials.* The requisite quantities for which premiums are provided in Columns II and III, above, may consist of various grades of aluminum scrap, but other metals may not be included for the purpose of making up such quantities. It will be considered that the requisite quantity has been sold and shipped, in case delivery is made by truck, if such quantity is sold in one lot and delivery is made within a period of seventy-two consecutive hours. A minimum carload is the minimum quantity required to obtain the railroad carload rate from the point of shipment to the destination.

NOTE 4. *Aluminum foil.* Aluminum foil and light gauge aluminum sheet which does not exceed 0.006 of an inch in thickness is not considered within this Price Schedule.

§ 1302.11 *Appendix B; maximum prices for secondary aluminum ingot.*

[F. o. b. Point of Shipment]

Grade of secondary aluminum ingot:	*Maximum price (cents per pound) in quantities of 30,000 pounds or more*
96 percent pure aluminum ingot	15
Silicon alloys	15
Piston alloys	14½
No. 12 aluminum	14½
Deoxidizing aluminum, notch-bar, granulated, or shot (2¢ extra for Special Shapes)	13½

Quantity Differentials

The following premiums may be charged, in addition to the maximum prices set forth above, where sales are in the quantities specified:

Quantity:	*Premium (cents per pound)*
10,000 to 30,000 pounds	¼
1,000 to 10,000 pounds	½
Less than 1,000 pounds	1

This amendment No. 6 shall become effective January 13, 1942. (E.O. Nos. 8734, 8875; 6 F.R. 1917, 4483.)

Issued this 9th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-272; Filed, January 10, 1942; 10:43 a. m.]

PART 1334—SUGAR

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 60 [1]—DIRECT-CONSUMPTION SUGARS

Sections 1334.51, 1334.52, and 1334.55 are hereby amended to read as follows, and paragraph (g) of § 1334.59 is hereby deleted:

§ 1334.51 *Maximum prices for sales of direct-consumption sugars by primary distributors.* On and after January 9, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no primary distributor shall sell, offer to sell, deliver or transfer direct-consumption sugars at prices higher than the maximum prices established by this section. These maximum prices are gross prices and shall include prevailing commissions, discounts, and all other charges.

(a) (1) The maximum basis price for fine granulated sugar processed by continental United States cane sugar refineries shall be $5.45 per one hundred pounds f. o. b. refinery.

(2) The maximum basis price for fine granulated beet sugar manufactured in the continental United States shall be $5.35 per one hundred pounds f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(3) (i) The maximum basis price for fine granulated sugar delivered to the continental United States from offshore areas shall be $5.40 per one hundred pounds duty-paid basis, f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(ii) The maximum price for turbinado, washed-white, or similar sugar for direct consumption delivered to the continental United States from offshore areas shall be $5.20 per one hundred pounds duty-paid basis f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(4) The maximum basis price for direct-consumption sugars other than those sugars provided for in subparagraphs (a) (1), (a) (2), (a) (3), and (b) (1) of this section, processed from United States mainland sugar cane, including but not limited to turbinado, plantation white and high-washed sugars, shall be $5.35 per one hundred pounds f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(5) The respective maximum basis prices established in subparagraphs (a) (1), (a) (2), (a) (3) (i), and (a) (4), of this section shall each be adjusted for grade and package differentials in accordance with the seller's differentials therefor published or in effect on December 1, 1941.

(6) The maximum delivered price for each of the sugars provided for in subparagraphs (a) (1), (a) (2), (a) (3), and (a) (4) of this section, respectively, shall be determined by adding to the respective maximum basis f. o. b. prices, as adjusted for grades and packages, the transportation charges per one hundred pounds on a shipment of identical quantity from the refinery from which the lowest established transportation rate applies to the point of delivery. Such transportation rate shall be based on the mode of transportation and routing employed by the basing point refinery on December 1, 1941, in calculating the "freight application" or "selling prepay" to the point of delivery; provided, for deliveries in a refinery city metropolitan area, the maximum delivered price shall be determined by adding to the respective maximum basis f. o. b. prices, as adjusted for grades and packages, the delivery charge per one hundred pounds on an identical shipment based on the cartage rates employed by the seller on December 1, 1941.

(b) (1) The maximum price for direct-consumption raw cane sugar of 96 degrees, polarization, of domestic or foreign origin, shall be $4.60 per one hundred pounds United States mainland shipping point, including all taxes and duty.

(2) The maximum prices specified in subparagraph (b) (1) of this section, shall be adjusted by making allowances per pound for each degree of polarization above or below 96 degrees (fractions of a degree in proportion) in accordance with the method customarily used prior to the effective date of this Schedule.

§ 1334.52 *Maximum prices for sales of direct consumption sugars at wholesale by persons other than primary distributors.* On and after January 9, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer direct-consumption sugars at wholesale, and no person shall buy, offer to buy, or accept delivery of direct-consumption sugars at wholesale at prices higher than the maximum prices established by this section. These maximum prices are gross prices and include prevailing commissions, discounts, and all other charges.

(a) The basic maximum price shall be the highest price at which the seller sold such sugars of similar grade, package, and amount to a similar purchaser during either the period October 6, 1941 to October 11, 1941, inclusive, or the period December 1, 1941, to December 6, 1941, inclusive. The seller may select either period at his option. However, once having selected a period, the seller must use the period selected for all purposes of this section. The maximum price for sugars acquired subsequently at a higher net purchase cost shall be determined by adding to the basic maximum price the amount, if any, by which the said higher net purchase cost exceeds the net purchase cost of the sugars upon which the basic maximum price was based, provided the seller has first sold his entire inventory of lower cost sugars, and provided further, in calculating said maximum prices, the amount by which any net purchase cost exceeds the maximum prices established by § 1334.51 shall not be included.

(b) These maximum prices shall include at least the same absorption of transportation costs, and other charges, and at least the same rendition of services, as were or would have been absorbed or rendered by the seller on comparable shipments to the same place of destination during the period selected by the seller as provided for in paragraph (a) of this section.

(c) In cases where a person makes sales of such sugars through more than one selling unit, other than salesmen making sales at uniform prices, each such unit shall be deemed to be a separate entity for the purpose of determining the maximum prices established by this section.

§ 1334.55 *Evasion.* The price limitations established by this Schedule shall not be evaded whether by direct or indirect methods in connection with a pur-

[1] 6 F.R. 5568.

[1] 6 F.R. 6651.

chase, sale, delivery, or transfer of direct-consumption sugars alone or in conjunction with any other commodity or material or by way of any commission, service, transportation, or other charge or by a tying-agreement or other trade understanding or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 1, 1941, for purchasers from primary distributors or during the period selected by the seller as provided for in paragraph (a) of § 1334.52, or by any other means. (Executive Orders Nos. 8734, 8875, 6 Fed. Reg. 1917, 4483)

This amendment No. 1 shall become effective January 9, 1942. Issued this 9th day of January, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-263; Filed, January 9, 1942; 3:09 p. m.]

PART 1354—WOOL AND WOOL PRODUCTS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 58—WOOL AND WOOL TOPS AND YARNS

Section 1354.1 of Price Schedule No. 58[1] is hereby amended by adding thereto the following new subparagraph (4) to paragraph (b) thereof:

§ 1354.1 *Maximum prices for wool and wool tops and yarns.*

• • • • • •

(b) • • •

(4) The maximum price for wool sold by the importer thereof shall be increased or decreased by an amount equal to the actual increase or decrease in war risk insurance rates and freight rates over those prevailing for wool of the same class, kind, type, condition and grade during said period: *Provided*, That in all cases where the price is so increased, the invoice or similar document delivered to the purchaser shall show the amount of such increase.

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This Amendment No. 1 shall become effective January 10, 1942.

Issued this 10th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-289; Filed, January 12, 1942; 10:44 a. m.]

PART 1358—TOBACCOS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 62[1]—CIGARETTES

Section 1358.1 is hereby amended to read as follows and § 1358.8 is hereby amended by adding thereto the following new paragraph (d):

§ 1358.1 *Maximum prices for cigarettes.* On and after December 30, 1941, regardless of the terms of any contract of sale or purchase or other commitment, no person manufacturing cigarettes shall sell, offer to sell, deliver or transfer any brand of cigarettes at prices higher than those charged for such brand by said person for a similar quantity to a similar purchaser on December 26, 1941, or, in the event no sale was made on said date, at prices higher than the prices he would have charged on said date for a similar quantity to a similar purchaser; *except*, that any manufacturer of regular size economy cigarettes may sell such cigarettes at a price not higher than $5.15 per thousand less 10 percent and 2 percent.

§ 1358.8 *Definitions.*

• • • • • •

(d) "Economy cigarettes" means cigarettes frequently referred to as ten-cent brands including Avalons, Dominos, Marvels, Paul Jones, Sensations, and Twenty Grands (but not including "king size" economy cigarettes) which are commonly sold for less than such so-called popular brands as Camels, Chesterfields, Lucky Strikes, Old Golds, Philip Morris, and Raleighs.

(Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective January 9, 1942.

Issued this 9th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-264; Filed, January 9, 1942; 4:34 p. m.]

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[1] 6 F.R. 6551.
[1] 6 F.R. 6854.

TITLE 34—NAVY

CHAPTER I—DEPARTMENT OF THE NAVY

Correction

The caption of Part 16 in F.R. Doc. 42-240 appearing in the issue for January 10, 1942 at page 206, is corrected to read as follows:

PART 16—USE, CONTROL, SUPERVISION, INSPECTION OR CLOSURE OF RADIO STATIONS ON ALL VESSELS UNDER THE JURISDICTION OF THE UNITED STATES

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

ORDER IN THE MATTERS OF ANNUAL REPORTS FROM STEAM RAILWAY COMPANIES AND THE CORRESPONDING SECTION OF THE CODE OF FEDERAL REGULATIONS

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 18th day of December A. D. 1941.

§ 120.11a *Supplement to form prescribed for large and medium steam roads.* (a) That in addition to and separately from annual reports of individual operating companies, those steam railway companies which had railway operating revenues of $10,000,000.00 or more for the year 1941 (except such steam railway companies as are subsidiaries of other steam railway companies) shall file consolidated statistical statements for the year ended December 31, 1942, and annually thereafter in the form of a balance sheet, income statement, and profit and loss account, in accordance with Schedules A to C, inclusive, attached hereto, which are hereby approved and made a part of this order,[1] and shall as early as practicable after January 1, 1942, maintain their books of account and other records in such manner as may be necessary for the elimination of intercompany transactions and the preparation of the aforesaid consolidated statistical statements.

(b) The first column of each of these schedules shall show the book figures of the respondent before eliminations followed by (a) columns showing the same data for each subsidiary company as defined in paragraph (c) of this section, except that the accounts of all companies proprietary to the respondent may be combined in a single column, (b) a column showing the group totals before eliminations, (c) a column showing eliminations, and (d) a column showing net consolidated totals after eliminations.

(c) Such consolidated statistical statements shall be a summation portraying the combined accounts of respondent and all subsidiary companies before and after eliminating intercompany transactions. For this purpose the term "subsidiary companies" shall be construed as including (1) all lessor transportation companies, regardless of the extent of stock ownership, the properties of which are operated by either the respondent or other controlled companies within the group consolidated, and (2) all other corporations more than 50 percent of the voting securities of which is directly or indirectly controlled within the group, except that switching and terminal companies which are operated as joint facilities with companies outside the group shall be excluded from such consolidated statistical statements.

(d) The consolidated statistical statements shall be accompanied by (1) a list of subsidiary companies, as defined in paragraph (c) of this section, which are included within the group consolidated, and (2) a list of subsidiary companies, as so defined, which are excluded from such group. These statements shall be in the form shown by Schedules D and E attached hereto, which are hereby approved and made a part of this order.

(e) If in the judgment of the respondent, it appears that the application of the definition of the term "subsidiary companies", as defined in paragraph (c) of this section, will result in including in the consolidated statistical statements any subsidiary which should be omitted from, or in excluding therefrom any subsidiary which should be included in, such statements under sound accounting principles governing the preparation of consolidated statements, respondent shall apply to the Commission for a ruling as to their inclusion or exclusion, stating the relevant facts[2] and the accounting principles regarding consolidated statements which it believes applicable thereto.

(f) In preparing the consolidated statistical balance sheet statement the following procedure shall be observed:

(1) The assets and liabilities as stated on the books of account of the respondent and its subsidiary companies shall be used in making the consolidated statistical balance sheet statement except as provided in paragraph (f) (2).

(2) All intercompany items within the consolidated group shall be eliminated from the net assets and liabilities as stated on the books of account. The amounts of such eliminations shall be entered in the eliminations column on Schedule A, and the net totals after eliminations entered in the column provided therefor on that schedule. Differences arising from such eliminations shall be variously disposed of as follows:

(i) Differences between intercompany investments in capital stock and the book equity (par value of capital stock, or recorded value of no par stock, plus the proportion, based on equity accruing to respondent both direct and indirect, of surplus and unreleased premium, or minus the proportion of deficit and unextinguished discount applicable thereto as stated in the subsidiary's accounts) shall be entered opposite "(a) Investments in capital stock" under the item of "Consolidation excess" or "Consolidation surplus" dependent upon whether the cost was in excess of or less than, respectively, the book equity. The offset to the amounts of surplus or deficit considered as "Consolidation excess" or "Consolidation surplus" shall be shown as an elimination opposite the item "Appropriated Surplus—Equity of—A. Stockholders of respondent" or "Profit and Loss Balance—Equity of—A. Stockholders of respondent", as appropriate. This computation shall be made as of the first date that control by respondent became effective. For this purpose the balance reflected in the surplus accounts of the issuing company at date of acquisition of control, without regard to items audited in the current period which have not been cleared to those accounts, may be used.

(ii) Differences arising from additional purchases of capital stock in the open market after the initial acquisition of control shall be computed in a manner similar to that prescribed in paragraph (f) (2) (i), the amount of surplus or deficit to be considered as "Consolidation excess" or "Consolidation surplus" being the percentage proportion of the additional stock purchased to the total stock outstanding.

(iii) Differences arising from additional purchases of capital stock direct from a subsidiary shall be predicated on the difference between the cost and the par value of the stock (plus unreleased premium or minus unextinguished discount applicable thereto) acquired and the difference between the respondent's equity in the surplus or deficit immediately prior and subsequent to such additional purchases, these differences being treated in the manner prescribed in paragraphs (f) (2) (i) and (ii).

(iv) In the event of issuance by a subsidiary company of additional capital stock to outsiders, the respondent's equity in the surplus or deficit immediately prior and subsequent to such additional issuance shall be computed and the difference treated as an adjustment of "Consolidation excess" or "Consolidation surplus", the offset being shown as an elimination opposite "Appropriated Surplus—Equity of—A. Stockholders of respondent" or "Profit and Loss Balance—Equity of—A. Stockholders of respondent", as appropriate.

(v) In computing the elimination of surplus incident to the acquisition of initial control or to additional acquisitions consideration shall be given to any preference therein inherent in any preferred stock which might be involved.

(vi) Differences between the accumulated funded indebtedness (face amount plus the proportion of any unreleased premium or less the proportion of any unamortized discount stated in the accounts applicable thereto at date of acquisition) on the books of a debtor subsidiary company and the costs thereof stated in the accounts of the creditor company shall be treated as "Consolidation excess" or "Consolidation surplus", as appropriate, and shown opposite "(b) Investments in funded indebtedness," under those items on the consolidated statistical balance sheet statement.

(vii) Differences resulting from instances where securities or other assets of respondent or subsidiary companies within the group consolidated have been acquired by other companies in the group, or advances have been made by one company within the group to another company therein and the amounts originally stated in the accounts of the creditor company have later been written down without a like reduction having been made in the accounts of the debtor company the amounts of such write-downs shall be shown on the consolidated statistical balance sheet statement opposite the item "Adjustments for write-downs of assets." Amounts of liabilities such as interest and rents payable, etc., recorded in the accounts of a debtor subsidiary but not recorded in the accounts of the creditor company for the reason that payment was not reasonably assured shall also be shown opposite that item, or treated as an elimination from profit and loss as may be desired.

(viii) Differences resulting from the elimination of intercompany items (other than capital stock and funded debt specifically dealt with in paragraphs (f) (2) (i) to (vi), inclusive, and items of the class referred to in paragraph (f) (2) (vii)) occasioned by amounts being stated in the accounts of one company within the consolidated group without contra accounting being stated in the accounts of another company therein, such as bills collectible of one company not vouchered or otherwise taken into account by the other company; items vouchered and accounted for by the debtor company in advance of contra accounting by the creditor company, etc., shall be shown on the consolidated statistical balance sheet statement opposite the item "Adjustments of group assets (Delayed accounting)" or "Adjustments of group liabilities (Delayed accounting)", as appropriate, preceding "Consolidation excess" and "Adjustments for write-downs of assets", respectively.

(3) All shares of respondent's capital stock owned by a subsidiary company included in the consolidated group, other than such stock owned by a noncontrolled lessor company, shall be treated in the consolidated statistical balance sheet statement as treasury stock in the same manner as though reacquired by the respondent.

(4) (i) The appropriated surplus and profit and loss balance on the consolidated statistical balance sheet statement shall be subdivided to show (a) equity of stockholders of respondent and (b) equity of stockholders of subsidiaries other than respondent. The equity of stockholders of respondent shall be confined to the accumulated balance in the respondent's surplus account from date of its inception plus their interest in the surplus of subsidiaries arising since the dates of acquisition of control. The equity of stockholders of subsidiaries other than respondent shall be their interest in the accumulated surplus of the subsidiaries from the dates of their inception.

(ii) The equity of the stockholders of respondent in the appropriated surplus and profit and loss balances of subsidiaries subsequent to acquisition of control shall be the percentage of their direct ownership interest in the stock of such subsidiaries plus the percentage of their indirect interest through any other subsidiary, appropriate consideration being given to its equity inherent in any preferred stock which might be involved. The equity of stockholders of subsidiaries other than respondent in the appropriated surplus and profit and loss balances of the subsidiaries from the dates of their inception shall be computed in a similar manner. The equities so computed shall be shown opposite the items provided therefor on the consolidated statistical balance sheet statement.

(iii) A statement showing a detail of the interest of stockholders of respond-

[1] Filed with the original document.

[2] The following situations are intended for illustration only and are not a part of this order: Facts relevant to such exclusion, for example, might be: Operations are unrelated to those of respondent or any subsidiary; subsidiary is about to be disposed of; subsidiary, because of receivership, etc., is not controlled; and a foreign subsidiary involving conditions which would preclude the practicability of including in the consolidated group. Facts relevant to inclusion might be: Ability to obtain proxies from other stockholders; inactivity of other stockholders who take no part in meetings; ownership of voting stock by persons having subordinated interests; contractual relationship as a creditor or otherwise substantially limiting control through stock ownership.

ent and of stockholders of subsidiaries other than respondent in the voting capital stock and in the total surplus of subsidiary companies, in the form of Schedule F, which is hereby approved and made a part of this order, shall accompany the consolidated statistical statements.

(5) In the event that the accounts of noncontrolled lessor transportation companies contain assets and liabilities, such as cash, security investments, etc., which are not subject to the direct control of or use by the respondent, appropriate footnotes shall be inserted on the consolidated statistical balance sheet statement to show the extent to which the amounts thereon include such assets and liabilities. Related income and profit and loss items shall be accorded similar treatment on the consolidated statistical income and profit and loss statements.

The amount of funded debt of noncontrolled lessor companies not guaranteed as to principal by the respondent or by a subsidiary company controlled directly or indirectly by the respondent shall be shown as a separate item opposite the captions provided therefor on the consolidated statistical balance sheet statement.

(g) In preparing the consolidated statistical income and profit and loss statements the income and profit and loss accounts of the respondent and of its subsidiaries for the year shall be combined and all intercompany transactions within the consolidated group relating to accounts not included in determining net railway operating income, except accounts relating to miscellaneous rent income and miscellaneous rents, shall be eliminated. The amounts of such eliminations shall be shown in the eliminations column on the consolidated statistical income and profit and loss statements, and the net totals after eliminations entered in the column provided therefor on those statements. The net elimination differences shall be shown on those statements opposite the item "Equity of—Stockholders of respondent", except that the elimination of profit and loss items for the year incident to the acquisition during the year by the respondent or by a subsidiary company within the group of capital stock of another subsidiary, shall be shown opposite the item "Consolidation excess" or "Consolidation surplus", as appropriate, on the consolidated statistical profit and loss statement, the contra being shown as an elimination opposite "Equity of—Stockholders of respondent."

(h) The consolidated statistical statements for the year ended December 31, 1942, shall be filed in triplicate in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31, 1943, and all requests for the inclusion or exclusion of companies under the terms of paragraph (e) of this section shall be addressed to the said Bureau. (Sec. 20, 24 Stat. 386, sec. 7, 34 Stat. 593, 35 Stat. 649, sec. 1, 36 Stat. 555, sec. 1, 38 Stat. 1196, 39 Stat. 441, secs. 434–438, 41 Stat. 493, 494; 49 U.S.C. 20 (1)–(10)).

EXPLANATORY NOTE: Copies of this supplement to Annual Report Form A are supplied to carriers specified in paragraph (a) of this section.

The following are the statistical and/or accounting schedules contained in the report form: Schedule A, Consolidated Statistical Statement of Balance Sheet; Schedule B, Consolidated Statistical Statement of Income Account; Schedule C, Consolidated Statistical Statement of Profit and Loss Account; Schedule D, List of Subsidiary Companies Included in Consolidated Statistical Statements; Schedule E, List of Subsidiary Companies Excluded from Consolidated Statistical Statements; and Schedule F, Detail of Interest of Stockholders of Respondent and of Minority Stockholders of Subsidiaries in the Voting Capital Stock and in the Total Surplus of Subsidiary Companies.

By the Commission, Division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 42-301; Filed, January 12, 1942; 12:02 p. m.]

Notices

TREASURY DEPARTMENT.

Fiscal Service: Bureau of the Public Debt.

[1942, Department Circular No. 676]

2 PERCENT TREASURY BONDS OF 1949–51: DATED AND BEARING INTEREST FROM JANUARY 15, 1942, DUE JUNE 15, 1951, REDEEMABLE AT THE OPTION OF THE UNITED STATES AT PAR AND ACCRUED INTEREST ON AND AFTER JUNE 15, 1949, INTEREST PAYABLE JUNE 15 AND DECEMBER 15

JANUARY 12, 1942.

I. OFFERING OF BONDS AND INVITATIONS FOR TENDERS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par, from the people of the United States for 2 percent bonds of the United States, designated Treasury Bonds of 1949–51, the amount of the offering to be limited to the amount of securities tendered and accepted as provided in the following subparagraphs:

(a) *Treasury Notes of Series A–1942.* Treasury Notes of Series A–1942, maturing March 15, 1942, will be accepted in payment for Treasury bonds subscribed for hereunder.

(b) *3 Percent Federal Farm Mortgage Corporation Bonds of 1942–47.* The Secretary of the Treasury offers to apply the proceeds of payment of 3 percent Federal Farm Mortgage Corporation bonds of 1942–47, called for redemption on January 15, 1942, tendered for payment in accordance with sections III and IV of this circular, to payment for Treasury bonds subscribed for hereunder. Tenders of 3 percent Federal Farm Mortgage Corporation bonds of 1942–47 for that purpose are invited.

(c) *2¾ Percent Federal Farm Mortgage Corporation Bonds of 1942–47.* The Secretary of the Treasury, on behalf of the Federal Farm Mortgage Corporation, offers to purchase on January 15, 1942, at par and accrued interest, 2¾ percent Federal Farm Mortgage Corporation bonds of 1942–47, called for redemption on March 1, 1942, to the extent to which the holders thereof subscribe for Treasury bonds hereunder. Tenders of 2¾ percent Federal Farm Mortgage Corporation bonds of 1942–47 for that purpose are invited.

(d) *Reconstruction Finance Corporation Notes of Series R.* The Secretary of the Treasury offers to apply the proceeds of payment of Reconstruction Finance Corporation notes of Series R, maturing January 15, 1942, tendered for payment in accordance with Sections III and IV of this circular, to payment for Treasury bonds subscribed for hereunder. Tenders of Series R notes for that purpose are invited.

II. DESCRIPTION OF BONDS

1. The bonds will be dated January 15, 1942, and will bear interest from that date at the rate of 2 percent per annum, payable on a semiannual basis on June 15 and December 15 in each year until the principal amount becomes payable. They will mature June 15, 1951, but may be redeemed at the option of the United States on and after June 15, 1949, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds shall be subject to all Federal taxes, now or hereafter imposed. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege and will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $50, $100, $500, $1,000, $5,000, $10,000, and $100,000. Provision will be made for the interchange of bonds of different denominations and of coupon and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury.

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington, and should be accompanied by securities of one or more of the issues enumerated in section I hereof, tendered for payment or purchase as the case may be, to an aggregate par amount equal to the par amount of Treasury Bonds of 1949–51 subscribed for hereunder. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, all subscriptions will be allotted in full. Allotment notices will be sent out promptly upon allotment.

IV. PAYMENT

1. Payment at par for bonds allotted hereunder must be made on or before January 15, 1942, or on later allotment and may be made only in Treasury Notes of Series A–1942 or through application of the principal proceeds of payment of 3 percent Federal Farm Mortgage Corporation bonds of 1942–47, 2¾ percent Federal Farm Mortgage Corporation bonds of 1942–47, or Reconstruction Finance Corporation notes of Series R, in an aggregate par amount equal to the amount of bonds allotted hereunder. Coupons dated March 15, 1942, must be attached to Treasury Notes of Series A–1942 when surrendered, and accrued interest from September 15, 1941, to January 15, 1942 ($5.89779 per $1,000) will be paid following acceptance of the notes. Coupons dated March 1, 1942, must be attached to 2¾ percent Federal Farm Mortgage Corporation bonds of 1942–47 in coupon form and accrued interest from September 1, 1941, to January 15, 1942 ($10.33149 per $1,000) will be paid following acceptance of the bonds. In the case of registered bonds of either issue, checks in payment of final interest will be drawn in accordance with the assignments on the bonds surrendered.

V. SURRENDER OF CALLED BONDS

1. *Coupon bonds.* 3 percent and 2¾ percent Federal Farm Mortgage Corporation bonds of 1942–47 in coupon form tendered hereunder should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Treasurer of the United States, Washington, D. C. Coupons dated July 15, 1942, and March 1, 1942, respectively, and all coupons bearing subsequent dates, should be attached to such bonds when surrendered, and if any such coupons are missing, the subscription must be accompanied by cash payment equal to the face amount of the missing coupons. The bonds must be delivered at the expense and risk of the holder. Facilities for transportation of bonds by registered mail insured may be arranged between incorporated banks and trust companies and the Federal Reserve Banks, and holders may take advantage of such arrangements when available, utilizing such incorporated banks and trust companies as their agents.

2. *Registered bonds.* 3 percent and 2¾ percent Federal Farm Mortgage Corporation bonds of 1942–47 in registered form tendered hereunder should be assigned by the registered payees or assignees thereof in one of the forms hereafter set forth, and thereafter should be presented and surrendered with the subscription to a Federal Reserve Bank or Branch or to the Treasury Department, Division of Loans and Currency, Washington, D. C. The bonds must be delivered at the expense and risk of the holder. The proper forms of assignment are

(a) *Where 3 percent bonds are surrendered.* If the new bonds are desired registered in the same name as the bonds surrendered, "Federal Farm Mortgage Corporation for payment, the proceeds to be applied to payment for Treasury Bonds of 1949–51"; if the new bonds are desired registered in another name, "Federal Farm Mortgage Corporation for payment, the proceeds to be applied to payment for Treasury Bonds of 1949–51 in the name of_____"; if the new bonds are desired in coupon form, "Federal Farm Mortgage Corporation for payment, the proceeds to be applied to payment for Treasury Bonds of 1949–51 in coupon form to be delivered to_____."

(b) *Where 2¾ percent bonds are surrendered.* If the new bonds are desired registered in the same name as the bonds surrendered, "Federal Farm Mortgage Corporation for purchase, the principal proceeds to be applied to payment for Treasury Bonds of 1949–51"; if the new bonds are desired registered in another name, "Federal Farm Mortgage Corporation for purchase, the principal proceeds to be applied to payment for Treasury Bonds of 1949–51 in the name of_____"; if the new bonds are desired in coupon form, "Federal Farm Mortgage Corporation for purchase, the principal proceeds to be applied to payment for Treasury Bonds of 1949–51 in coupon form to be delivered to_____."

VI. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, JR., *Secretary of the Treasury.*

[F. R. Doc. 42-291; Filed, January 12, 1942; 11:16 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket Nos. B–64, B–67, B–71, B–84, B–125]

IN THE MATTERS OF LEFT FORK FUEL COMPANY, INCORPORATED, PARIS MARTIN, A. H. ENGLAND, JAMES R. FOLEY, AND J. T. DANIELS, CODE MEMBERS, DEFENDANTS

ORDER POSTPONING HEARINGS

The above entitled matters having been heretofore scheduled for hearings by Orders of the Director dated November 22, 1941, at the following times and places:

(1) In the Matter of Left Fork Fuel Company, Incorporated, Docket No. B–64, at 10:00 o'clock in the forenoon of January 21, 1942, at a hearing room of the Bituminous Coal Division at the Daniel Boone Hotel, Charleston, West Virginia;

(2) In the Matter of Paris Martin, Docket No. B–67, and

(3) In the Matter of A. H. England, Docket No. B–71, at 10:00 o'clock in the forenoon of January 13, 1942, at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky;

(4) In the Matter of James B. Foley, Docket No. B–84, at 10:00 o'clock in the forenoon of January 15, 1942, at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky; and

(5) In the Matter of J. T. Daniels, Docket No. B–125, at 10:00 o'clock in the forenoon of January 19, 1942, at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky; and

The Acting Director deeming it advisable that said hearings should be postponed;

Now, therefore, it is ordered, That the hearings in the above entitled matters be and the same hereby are postponed to dates and at hearing rooms to be hereafter designated by an appropriate order, or orders, of the Division.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-276; Filed, January 12, 1942; 9:23 a. m.]

[Docket No. A-1193]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 11 FOR ALL SHIPMENTS EXCEPT TRUCK

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, duly filed with the Division by the above-named party on December 5, 1941, requests the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11 for all shipments except truck.

The petition requests the establishment of both Brazil and Staunton, Indiana as shipping points for the coals of Mine Index No. 189 of J. F. Durkin and the establishment of Catlin, Indiana as a shipping point for the coals of the Catlin Mine of the Catlin Coal Company.

Sufficient facts have not been set forth in the petition to warrant the establishment of two shipping points for the coals of Mine Index No. 189 and the matter of an additional shipping point should be set down for a hearing. No freight rates have been published for Catlin, Indiana and therefore no price classifications and minimum prices should be established for the coals of the Catlin Mine of the Catlin Coal Company for rail shipments originating at Catlin, Indiana without a hearing.

It appears, however, that a reasonable showing of necessity has been made for the granting of temporary relief for Mine Index No. 189 in the manner hereinafter set forth.

No petitions of intervention have been filed with the Division in the above-entitled matter and the following action is deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck is supplemented to include price classifications and minimum prices set forth in the Schedule marked "Supplement" annexed hereto and hereby made a part hereof.[1]

It is further ordered, That a hearing in Docket No. A-1193 under the applicable provisions of said Act and the rules of the Division be held on February 17, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day, the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 12, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 11 for the establishment of price classifications and minimum prices for the coals of the Catlin Mine of the Catlin Coal Company in District No. 11 for rail shipments originating in Catlin, Indiana and for the establishment of Brazil, Indiana as an additional shipping point for the coals of Mine Index No. 189 in District No. 11.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-277; Filed, January 12, 1942; 9:23 a. m.]

[Docket No. A-1180]

PETITION OF DISTRICT BOARD NO. 22 FOR REVISION OF CERTAIN PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE MILLS MINE (MINE INDEX NO. 202) IN DISTRICT NO. 22 AND FOR THE ESTABLISHMENT OF A MINIMUM PRICE OF 95 CENTS PER TON FOR ¾" SLACK COAL OF THE A. C. M. #4 MINE (MINE INDEX NO. 1) IN THAT DISTRICT FOR SALE IN CARLOAD LOTS TO THE GREAT NORTHERN RAILWAY COMPANY

ORDER DENYING TEMPORARY RELIEF

The original petition in the above-entitled matter, filed with this Division by District Board No. 22, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests revision of the effective price classifications and minimum prices for the coals, in certain size groups, produced from the Mills Mine (Mine Index No. 202) for shipment by truck; and a reduction from $1.00 per ton to 95 cents per ton in the effective minimum price for the ¾" slack coals produced from Mine Index No. 1 of the Gerber Coal Company where such coals are sold in carload lots to the Great Northern Railway Company for railway use.

The petitioner, in an amendment to its petition filed on December 26, 1941, reiterates its prayer that an order be immediately entered granting the temporary relief requested for the coals of Mine Index No. 1 of the Gerber Coal Company. It alleges that the need for such relief is urgent and that if the relief be not granted, the Gerber Coal Company will be unable to sell the ¾" slack coal produced from its Mine Index No. 1 to the Great Northern Railway Company.

An answer to the original petition in this matter was filed by the Bituminous Coal Consumers' Counsel on December 11, 1941, (1) denying the allegations of fact set forth in paragraph 3 (B) of the original petition, (2) alleging that such allegations of fact do not support the request for a special minimum price of 95 cents per ton for shipment from the Gerber Coal Company, Mine Index No. 1, to the Great Northern Railway Company for railway use; and (3) praying that any price established for ¾" x 0 slack coal produced in Subdistrict 1 of District No. 22 be made applicable to shipments of such sizes from all mines in that subdistrict and to shipments to all market areas for all uses, with no greater price adjustments among areas than necessary to be consistent with those for comparable size groups.

Petitioner's request for immediate temporary relief, together with the reasons relied upon by petitioner for the granting thereof, have been given careful consideration and it appears that the granting of such relief would unduly prejudice other interested persons in advance of the hearing, and further, that no sufficiently clear showing has been made that petitioner is entitled to the relief sought. The hearing in this matter is scheduled to be held on January 12, 1942 at Washington, D. C. at which time the question of granting temporary relief pending final determination can be thoroughly explored.

Now, therefore, it is ordered, That the prayer of the petitioner in this matter for the granting of immediate temporary relief for the coals of the Mills Mine (Mine Index No. 202) and for the ¾" slack coals of the Gerber Coal Company, Mine Index No. 1, in District No. 22, be and the same hereby is denied.

Nothing herein contained shall be construed as an expression of the Division in regard to the final disposition of the issues presented by the original petition as amended.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-278; Filed, January 12, 1942; 9:23 a. m.]

[1] Not filed with the original document.

[Docket No. 1668-FD]

IN THE MATTER OF H. & H. COAL COMPANY, EMERY HOUGHTON, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATION OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on April 18, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 12, alleging that the H. & H. Coal Company (Emery Houghton), the defendant, a code member in District 12, had wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder by shipping by truck during the months of February and March 1941, 100 or more tons of screenings produced at its mine (Mine Index No. 532), located near Hamilton, Iowa, to the Iowa Power and Light Company at delivered prices of $2.30 to $2.40 per ton, whereas the effective delivered rail price for such coal is $2.54 per ton, and praying that the Division either cancel and revoke the defendant's code membership, or, in its discretion, direct the defendant to cease and desist from violation of the Code and rules and regulations thereunder;

A hearing in this matter having been held on September 16, 1941, before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Des Moines, Iowa;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation in this matter, dated November 19, 1941, in which it was recommended that the defendant's code membership be revoked and cancelled;

An opportunity having been afforded to all parties to file exceptions to the Examiner's Report and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having determined after a consideration of the record that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is, therefore, ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of the defendant, the H. & H. Coal Company (Emery Houghton), operating Mine Index No. 532, located near Hamilton, Iowa, be and it is hereby revoked and cancelled;

And it is further ordered, That prior to any reinstatement of the defendant, H. & H. Coal Company, or any of the individual partners thereof, Harley E. Houghton or Emery Houghton, to membership in the Code, the defendant or any of the partners therein shall pay to the United States a tax in the amount of $51.80, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: January 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-279; Filed, January 12, 1942; 9:24 a. m.]

[Docket No. 1751-FD]

IN THE MATTER OF MELVIN FOSTER, DEFENDANT

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATION OF THE EXAMINER AND CEASE AND DESIST ORDER

A complaint pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 having been filed with the Bituminous Coal Division on May 28, 1941, by District Board No. 11, alleging that Melvin Foster, defendant, a code member in District No. 11, had willfully violated the provisions of the Bituminous Coal Code, or rules and regulations thereunder and praying that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violations of the Code, and rules and regulations thereunder;

A hearing having been held before W. A. Shipman, a duly designated Examiner of the Division at a hearing room thereof in Shoals, Indiana, on September 29, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated November 19, 1941, recommending that an Order be entered directing the defendant to cease and desist from violations of the Code and rules and regulations thereunder;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions and supporting briefs having been filed;

The undersigned having considered this matter and having determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and they hereby are adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That the defendant, Melvin Foster, his representatives, agents, servants, employees, attorneys, and all persons acting or claiming to act in his behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the prescribed minimum price therefor, and from violating the Bituminous Coal Act, the Code, the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments, the Marketing Rules and Regulations, and appropriate orders of the Division.

It is further ordered, That the Division may upon the failure of the defendant herein to comply with this Order, forthwith apply to the Circuit Court of Appeals of the United States within any Circuit where the defendant carries on business for enforcement thereof or take any other appropriate action.

Dated: January 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-280; Filed, January 12, 1942; 9:24 a. m.]

[Docket No. B-46]

IN THE MATTER OF HOWARD COAL AND COKE COMPANY, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 4541, CODE MEMBER, RESPONDENT

ORDER GRANTING EXTENSION OF TIME IN WHICH TO FILE APPLICATION FOR DISPOSITION OF COMPLIANCE PROCEEDINGS WITHOUT FORMAL HEARING

The above-entitled matter having been scheduled for hearing at a hearing room of the Bituminous Coal Division (the "Division"), in Room 906, Walker Building, Washington, D. C., on December 13, 1941, pursuant to an Order of the Director dated October 24, 1941, as amended by Order dated November 22, 1941, and subsequently postponed by Order of the Acting Director dated December 4, 1941, to a date and a hearing room to be thereafter designated by an appropriate Order; and

The respondent having requested an extension of time in which to file a verified application pursuant to § 301.132 of the Rules and Regulations of the Division Governing Disposition of Compliance Proceedings Without Formal Hearing;

It is ordered, That the time within which the respondent is required to file such verified application for disposition hereof without formal hearing be, and the same is, hereby extended for a period of fifteen (15) days from the date hereof; and

It is further ordered, That Orders of the Division dated October 24, 1941, November 22, 1941, and December 4, 1941, except as heretofore modified, shall in all other respects remain in full force and effect.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-281; Filed, January 12, 1942; 9:25 a. m.]

General Land Office.

AIR NAVIGATION SITE WITHDRAWALS NOS. 157 AND 170 ENLARGED

ALASKA

It appearing that the boundaries of Air Navigation Site Withdrawal No. 157

at Iliamna, as defined by departmental orders of April 19 and October 28, 1941, should be extended to include an area of 2,500 acres, and the boundaries of Air Navigation Site Withdrawal No. 170 at Tanacross, Alaska, as defined by a departmental order of November 28, 1941, extended to include an area of 1,610 acres, it is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U.S.C. 214, that such areas be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce as additions to the sites, the boundaries of the sites as so enlarged being described as follows:

Beginning at a wooden post 4 in. square on the north shore of Iliamna Lake, from which a wooden post 4 in. square marked corner No. 1 bears N. 19°12' W., 764.3 feet and N. 86°32' W., 500 feet, in approximate latitude 59°44'30" N., longitude 154°51' W. Thence by metes and bounds:

S. 15°48' W., 400.0 feet;
N. 1°12' W., 560.0 feet;
S. 70°00' W., 17,100.0 feet;
N. 20°00' W., 5,280.0 feet;
N. 70°00' E., 24,000.0 feet;
S. 20°00' E., 3,200.0 feet; to north shore of Iliamna Lake;

Southwesterly, 8,500.0 feet, along north bank of Iliamna Lake to point of beginning, containing 2,820 acres;

Beginning at a spruce post 4 in. square on the left bank of the Tanana River at the north end of the center line of the constructed runway of the existing landing field, approximately ½ mile southwest of the village of Tanacross, Alaska, in approximate latitude 63°23' North, longitude 143°21' West. Thence by metes and bounds:

N. 57°45' E., 600.0 feet;
S. 77°15' E., 353.6 feet;
S. 32°15' E., 1,300.0 feet;
N. 57°45' E., 4,000.0 feet;
S. 32°15' E., 19,400.0 feet;
S. 57°45' W., 6,650.0 feet;
N. 32°15' W., 21,750.0 feet; to the left bank of the Tanana River; thence along the left bank of the Tanana River, upstream 2,040 feet to place of beginning, containing approximately 3,025 acres.

HAROLD L. ICKES,
Secretary of the Interior.

JANUARY 5, 1942.

[F. R. Doc. 42-287; Filed, January 12, 1942; 10:04 a. m.]

REGULATIONS FOR THE SALE OF LOTS IN FORD AND FIRST ADDITION TO FORD TOWNSITES, CALIFORNIA

[Circular No. 1501]

1. *Statutory authority.* The unreserved and undisposed of lots in the original Ford and First Addition to Ford Townsites, California, will be disposed of under Section 2381, Revised Statutes. The plat of survey of Ford Townsite was accepted April 3, 1924 and that of the First Addition to Ford was accepted May 15, 1926.

2. *Area and price.* The area and minimum price of the lots which will be offered for sale are as follows:

ORIGINAL FORD TOWN SITE

Block	Lot	Area in square feet	Reappraisal
4	11	7,000	$325.00

FIRST ADDITION TO FORD

1	4	7,000	$210.00
1	13	7,000	340.00
2	4	7,000	260.00
2	13	7,000	350.00
3	14	7,000	345.00
4	23	7,000	230.00
5	24	7,000	240.00
9	9	7,000	225.00
9	8	6,440	350.00
11	7	6,467	540.00
12	9	6,473	750.00
12	10	6,476	950.00
12	6	7,000	220.00
13	11	7,000	250.00
14	4	7,000	240.00
15	12	7,000	220.00
16	5	7,000	240.00
17	6	7,000	240.00
17	13	7,000	240.00
17	14	7,000	240.00
17	16	7,000	250.00
17	7	7,000	250.00
22	6	7,000	250.00
23	1	6,483	960.00
25	2	6,486	760.00
25	4	6,492	950.00

3. *Public sale.* On Saturday, February 21, 1942, at 10 a. m., a sale at public auction to the highest bidder of the lots enumerated above will be held in front of the Jefferson School on block 15 of the original Ford Townsite. Notices of the sale will be posted for thirty days on each lot to be offered, in the District Land Office at Sacramento and in the post offices at Taft and Ford, California. The sale will be conducted from day to day under the supervision of the Commissioner of the General Land Office or his representative until all the lots shall be offered.

4. *Terms of sale.* No lot shall be sold for less than the appraised price. Full payment for the lots may be made in cash on the date of sale, or one-fourth of the purchase price in cash and the balance in not to exceed three annual installments with interest at 4 per cent per annum on the deferred payments. The deferred payments are to be made to the Register, District Land Office at Sacramento, California.

5. *Authority of Superintendent.* The Commissioner's representative conducting the sale is hereby authorized to reject any and all bids for any lots and after all lots have been offered, he will close the sale. If any person who has made partial payment on the lot purchased fails to make any succeeding payment, required under these regulations, at the date such payment becomes due, the money deposited by such person for such lot will be forfeited and the lot after forfeiture is declared will be subject to disposition. Lots remaining unsold at the close of the sale, or thereafter declared forfeited will be subject to private entry for cash at the District Land Office at Sacramento, California.

6. *Reservations.* By the terms of the Orders eliminating the lands embraced in these town sites from Naval Petroleum Reserve No. 2, all oil and gas deposits therein are retained in the Naval Reserve for the use and benefit of the Navy. Therefore, patent will be issued subject to the conditions and limitations of the act of July 17, 1914 (38 Stat. 509; 30 U.S.C. 121-123).

7. *Warning.* All persons are warned against forming any combination or agreement which will prevent any lot from selling advantageously or which will, in any way, hinder or embarrass the sale. Any persons so offending will be prosecuted under Section 59 of the Criminal Code of the United States (U.S.C., title 18, sec. 113).

FRED W. JOHNSON,
Commissioner.

Approved: December 31, 1941.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-288; Filed, January 12, 1942; 10:05 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 139]

NOTICE OF CHANGE OF DATE OF CONVENING OF INDUSTRY COMMITTEE No. 39 FOR THE TEXTILE INDUSTRY

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Thomas W. Holland, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby postpone the date of the convening of Industry Committee No. 39 for the Textile Industry from January 21, 1942 to January 22, 1942, at 10:00 A. M.

Signed at Washington, D. C., this 9th day of January 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-297; Filed, January 12, 1942; 11:53 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and part 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective January 12, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Atlantic Rug Manufacturing Company, 34 East 29th Street, New York, N. Y.; Carpet and Rug; 16 learners; 6 weeks for any one learner; 30 cents per hour; Rug Hooking Machine Operator; March 9, 1942.

Eaton Paper Corporation, S. Church Street, Pittsfield, Massachusetts; Converted Paper Products; 15 learners; 160 hours for any one learner; 33 cents per hour; Machine Operators, Hand Operations; March 23, 1942.

Florida Cigar Company, E. Jefferson Street, Quincy, Florida; Cigar Industry; 10 percent; 6 months for any one learner; 75% of the applicable minimum; Cigar Making (Rolling); January 12, 1943.

I. Lewis Cigar Manufacturing Company, Morgan Street, Selma, Alabama; Cigar Industry; 25 learners; 320 hours, 160 hours, 320 hours respectively for any one learner; 75% of the applicable minimum wage; Cigar Machine Operating, Machine Stripping, Packing (Machine); May 16, 1942. (This certificate effective January 10, 1942.)

The New England Guild, 252 Spring Street, Portland, Maine; Carpet and Rug; 5 learners; 6 weeks for any one learner; 30 cents per hour; Rug Hooking Machine Operator; March 9, 1942.

Wilson Memindex Company, 163 St. Paul Street, Rochester, New York; Luggage and Leather, Converted Paper Products; 1 learner; 8 weeks for any one learner; 30 cents per hour; Making leather pocket card cases, feeding and operating printing presses, automatic card cutting machines, leather folding machines, round-cornering machines and hand presses, and assembling orders for shipment and other operations in the manufacture of "Memindex" products; April 2, 1942. (This certificate effective January 8, 1942, and omitted from Register of that date.)

Sport Products, Incorporated, 1820 John Street, Cincinnati, Ohio; Athletic Equipment; 10 learners; 320 hours for any one learner; 30 cents per hour; Sewing Machine Operator on Athletic Equipment; March 23, 1942.

Valley Falls Hill Rug and Carpet, 69 Leedham Street, South Attleboro, Massachusetts; Textiles; 1 learner; 6 weeks for any one learner; 30 cents per hour; Sewing Machine Operator; March 9, 1942.

Signed at Washington, D. C., this 12th day of January 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-298; Filed, January 12, 1942; 11:53 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Cerificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective January 12, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Cable Raincoat Company, 72 Northampton Street, Boston, Massachusetts; Raincoats; 5 percent (T); January 12, 1943.

Cohen-Fein Company, Inc., 199 South Washington Street, Wilkes-Barre, Pennsylvania; Jackets, Mackinaws and Sportswear; 5 learners (T); January 12, 1943.

The Drybak Corporation, 67 Frederick Street, Binghamton, New York; Coats; 24 learners (E); May 11, 1942.

E. Gutman and Sons, 26th and Reed Streets, Philadelphia, Pennsylvania; Men's Clothing; 5 percent (T); January 12, 1943.

H. B. Levens Manufacturing Company, 417 Hennepin Avenue, Minneapolis, Minnesota; Trousers; 5 learners (T); July 12, 1942.

National Sportswear Company, 139 Main Street, Reedsburg, Wisconsin; Slack Suits and Skirts; 5 learners (T); January 12, 1943.

Pioneer Coat Front Company, 1027 Callowhill Street, Philadelphia, Pennsylvania; Coat Fronts; 5 percent (T); January 12, 1943.

Sabel and Schaps, Inc., 87 Richardson Street, Brooklyn, New York; Men's Slack Coats; 5 percent (T); April 27, 1942.

Sport Products, Inc., 1820 John Street, Cincinnati, Ohio; Sportswear; 5 learners (T); January 12, 1943.

Single Pants, Shirts, and Allied Garments and Women's Apparel Industries

American Pants Manufacturing Company, 306 E. Main Street, Carbondale, Illinois; Trousers; 10 percent (T); January 12, 1943.

Angelica Jacket Company, 1421 Olive Street, St. Louis, Missouri; Washable Service Apparel; 50 learners (E); June 1, 1942.

Alpheus Aughinbaugh, Etters P. O., Goldsboro, Pennsylvania; Flannel Shirts; 10 percent (T); January 12, 1943.

B. C. Undergarment Company, Strawberry Avenue, Bloomsburg, Pennsylvania; Ladies' Gowns; 4 learners (T); April 27, 1942.

The Bayly-Underhill Manufacturing Company, 1319 S. E. Union Avenue, Portland, Oregon; Overalls; 10 percent (T); 25 cents an hour for the first 200 hours, 30 cents an hour for the next 200 hours, and 35 cents an hour for the remaining 80 hours; January 12, 1943.

The Bloomfield Company, 115 Schroyer Avenue, S. W., Canton, Ohio; Ladies' Dresses; 10 percent (T); January 12, 1943.

H. Bomze and Brother, Laurel, Delaware; Women's and Misses' Rayon and Cotton Dresses; 10 percent (T); January 12, 1943.

Brook Manufacturing Company, 300 Brook Street, Scranton, Pennsylvania; Pants and Knickers; 10 percent (T); January 12, 1943.

Brownstein-Louis Company, 1228 San Julian Street, Los Angeles, California; Shirts, Pants and Overalls; 10 Percent (T); January 12, 1943.

Clinton Garment Company, 906 S. 3rd Street, Clinton, Iowa; Dresses; 10 percent (T); January 12, 1943.

J. W. Coon, 1126 S. Western Avenue, Los Angeles, California; Ladies' & Children's Sportswear; 3 learners (T); January 12, 1943.

Crimi's Dress Shop, Main Street, Highland, New York; Dresses; 3 learners (T); January 12, 1943.

The Drybak Corporation, 67 Frederick Street, Binghamton, New York; Trousers; 10 percent (T); January 12, 1943. (This certificate replaces one issued bearing expiration date of February 13, 1942.)

Fuller Uniform Company, 2009½ Main Street, Dallas, Texas; Uniforms; 4 learners (T); January 12, 1943.

Gainesville Dress Manufacturing Company, Gainesville, Texas; Dresses and Slacks; 10 learners (T); January 12, 1943.

The Industrial Garment Manufacturing Company, Logan Street, Middleport, Ohio; Coveralls; 5 learners (T); January 12, 1943.

Iron King Overall Company, 113 South Hanover Street, Baltimore, Maryland; Overalls and Pants; 5 learners (T); January 12, 1943.

Juniors, Incorporated, 800 S. Los Angeles Street, Los Angeles, California; Children's Sportswear; 1 learner (T); January 12, 1943.

A. F. Keating Company, 304 N. Franklin Street, Decatur, Illinois; Dresses; 10 learners (T); January 12, 1943.

S. Kellner and Sons, 361 Stagg Street, Brooklyn, New York; Men's and Boys' Sleeping Wear; 10 percent (T); June 1, 1942.

Mar-Ann Dress Company, Inc., 120 N. State Street, Ephrata, Pennsylvania; Children's Dresses; 10 percent (T); January 12, 1943.

Marshall Clothing Manufacturing Company, 501 S. Broadway, Butler, Indiana; Basketball Pants, Jackets, Ladies' Blouses; 4 learners (T); January 12, 1943.

Mary Emma Manufacturing Company, Second Avenue, Kingston, Pennsylvania; Aprons, Dresses; 2 learners (T); January 12, 1943.

Milady Brassiere and Corset Company, Inc., 6 East 32nd Street, New York, N. Y.; Corsets and Brassieres; 10 learners (T); April 27, 1942.

Mitchell Garment Factory, Farmville, Virginia; Children's Wash Dresses; 10 percent (T); January 12, 1943.

Russell-Newman Manufacturing Company, Denton, Texas; Ladies' & Children's Underwear; 6 learners (T); January 12, 1943.

Saint Clair Garment Company, 201 S. Morris Street, Saint Clair, Pennsylvania; Dresses; 10 percent (T); January 12, 1943.

Snelbaker Manufacturing Company, Adams County, York Springs, Pennsylvania; Work Shirts; 10 learners (T); January 12, 1943.

Strauber Brothers, 483 Broadway, New York, N. Y.; Slips and Pajamas; 8 learners (T); April 27, 1942.

Williamstown Shirt Manufacturing Company, Poplar Street, Williamstown New Jersey; Blouses; 5 learners (T) January 12, 1943.

Gloves

James Churchill Glove Company, 113 W. Maple Street, Centralia, Washington; Work Gloves; 5 learners (T); January 12, 1943.

Jasper Glove Company, Inc., 611 Main Street, Jasper, Indiana; Work Gloves; 10 learners (E); July 12, 1942.

Van Raalte Company, Inc., 416 Main Street, Dunkirk, New York; Knit Fabric Gloves; 5 percent (T); January 12, 1943.

Hosiery

H. W. Anthony Company, Strausstown, Pennsylvania; Full Fashioned Hosiery; 5 learners (T); January 12, 1943.

Browning Hosiery Mills, Inc., Bridgeport, Alabama; Seamless Hosiery; 20 learners (E); September 12, 1942.

Claussner Hosiery Company, 2nd and Tennessee Street, Paducah, Kentucky; Full Fashioned Hosiery; 30 learners (E); July 12, 1942.

Claussner Hosiery Company, 28th and Adams, Paducah, Kentucky; Full Fashioned Hosiery; 5 percent (T); January 12, 1943.

Claussner Hosiery Company, Second and Tennessee Street, Paducah, Kentucky; Full Fashioned Hosiery; 5 percent (T); January 12, 1943.

Fleetwood Hosiers Ltd., 1238 Locust Street, Reading, Pennsylvania; Seamless Hosiery; 5 learners (T); January 12, 1943.

Glen Raven Knitting Mills, Altamahaw, North Carolina; Full Fashioned Hosiery; 10 learners (E); September 12, 1942.

Glen Raven Knitting Mills, Altamahaw, North Carolina; Full Fashioned Hosiery; 5 percent (T); January 12, 1943.

Norris Hosiery Mill, Bell Buckle, Tennessee; Seamless Hosiery; 4 learners (T); January 12, 1943.

Silver Knit Hosiery Mills, Inc., 401 S. Hamilton Street, High Point, North Carolina; Seamless Hosiery; 10 percent (T); January 12, 1943. (This certificate replaces one issued bearing expiration date of November 24, 1942.)

Strutwear Knitting Company, 1015 6th Street, S., Minneapolis, Minnesota; Full Fashioned Hosiery; 5 percent (T); January 12, 1943.

Veitel Hosiery Company, 26 West Main Street, Le Roy, New York; Full Fashioned Hosiery; 9 learners (E); September 12, 1942.

West Chester Hosiery Mills, Inc., Lincoln and Garfield Streets, West Chester, Pennsylvania; Full Fashioned Hosiery; 5 learners (T); January 12, 1943.

Independent Branch of the Telephone Industry

The Osage Telephone Company, Osage City, Kansas; to employ learners as commercial switchboard operators at its Osage City Exchange, Osage City, Kansas, until January 12, 1943.

Rhinelander Telephone Company, 45 North Stevens Street, Rhinelander, Wisconsin; to employ learners as commercial switchboard operators at its Rhinelander Exchange, Rhinelander, Wisconsin, until January 12, 1943.

Knitted Wear

Robinhold and Company, Penn Street, Port Clinton, Pennsylvania; Knitted Underwear; 2 learners (T); January 12, 1943.

Sport Products, Inc., 1820 John Street, Cincinnati, Ohio; Knitted Underwear; 5 learners (T); January 12, 1943.

Utica Knitting Company, Mill No. 1, 1712 Erie Street, Utica, New York; Knitted Underwear; 5 percent (T); January 12, 1943.

Utica Knitting Company, Mill No. 2, 607 Schuyler Street, Utica, New York; Knitted Underwear; 5 percent (T); January 12, 1943.

Utica Knitting Company, Mill No. 3, Oriskany Falls, New York; Knitted Underwear; 5 percent (T); January 12, 1943.

Utica Knitting Company, Mill No. 6, 700 Whitesboro Street, Utica, New York; Knitted Underwear; 5 percent (T); January 12, 1943.

Utica Knitting Company, Mill No. 9, Anniston, Alabama; Knitted Underwear; 5 percent (T); January 12, 1943.

Millinery

Adler Manufacturing Company, 19 Townsend Street, Port Chester, New York; Popular-Priced Millinery; 5 learners (E); July 12, 1942.

Textile

Claussner Hosiery Company, 11th and Jefferson Streets, Paducah, Kentucky; Silk, Cotton, Nylon; 5 learners (T); January 12, 1943.

Quissett Mill, 56 Prospect Street, New Bedford, Massachusetts; Cotton and Rayon Yarn and Thread; 3 percent (T); January 12, 1943.

The Rhode Island Mills Company, 68 Hadwin Street, Central Falls, Rhode Island; Bath Mats; 3 learners (T); January 12, 1943.

Signed at Washington, D. C., this 12th day of January 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-299; Filed, January 12, 1942; 11:53 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 709, 423]

IN THE MATTER OF (1) THE TEMPORARY AMENDMENT OF THE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY OF EASTERN AIR LINES, INC., FOR ROUTE NOS. 10 AND 40, AND OF PENNSYLVANIA-CENTRAL AIRLINES CORPORATION FOR ROUTE NO. 55, TO INCLUDE HUNTSVILLE, ALABAMA AS AN INTERMEDIATE POINT UNDER SECTION 401 (h) OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED; *and* (2) THE APPLICATION OF EASTERN AIR LINES, INC., FOR A PERMANENT OR TEMPORARY CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 401 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

NOTICE OF HEARING

Please take notice, pursuant to the Civil Aeronautics Act of 1938, as amended particularly Sections 401 and 1001 of said Act, in the above-entitled proceeding, that public hearing is hereby assigned to be held January 12, 1942, at 10 a. m. (eastern standard time) in Conference Room C, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D. C., before Examiner Berdon M. Bell.

Dated Washington, D. C., January 9, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-286; Filed, January 12, 1942; 10:08 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 30-107]

IN THE MATTER OF THE WESTERN PUBLIC SERVICE COMPANY, A MARYLAND CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of January A. D. 1942

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Western Public Service Company, a Maryland corporation and a subsidiary company of Engineers Public Service Company. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

The Western Public Service Company, a registered holding company, has filed an application pursuant to section 5 (d) of said Act for an order that it has ceased to be a holding company. The Application states that Applicant no longer has any assets and was dissolved and entirely liquidated on January 2, 1942. On December 29, 1941 this Commission issued its findings and order concerning the disposition by Engineers Public Service Company of the greater part of its interest in The Western Public Service Company to Consumers Public Power District, The Western Public Service Company and Engineers Public Service Company, File No. 70-453, Holding Company Act releases nos. 3230 and 3245, and in connection with such disposition Applicant was dissolved.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on January 19, 1942 at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue, N.W., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

Whether or not The Western Public Service Company, a Maryland corporation, is entitled to such order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-274; Filed, January 10, 1942; 11:50 a. m.]

[File No. 70-454]

CONTINENTAL GAS & ELECTRIC CORPORATION AND IOWA-NEBRASKA LIGHT AND POWER COMPANY, APPLICANTS

ORDER PERMITTING WITHDRAWAL OF APPLICATION AND DECLARATION PURSUANT TO REQUEST

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 9th day of January 1942.

Continental Gas & Electric Corporation and Iowa-Nebraska Light and Power Company having filed on December 8, 1941 a combined application and declaration regarding the sale by Iowa-Nebraska Light and Power Company of $544,000 principal amount of 5% First Mortgage Bonds of The Lincoln Traction Company to Continental Gas & Electric Corporation for the sum of $275,000 in cash; and

The Commission having issued its Notice of Filing pursuant to Rule U-23 on December 12, 1941; and no request having been received for a public hearing thereon; and

Continental Gas & Electric Corporation and Iowa-Nebraska Light and Power Company having on January 7, 1942 requested a withdrawal of said combined application and declaration,

It appearing to the Commission that said request for withdrawal may appropriately be granted;

The Commission hereby consents to the withdrawal of said application and declaration, and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-275; Filed January 10, 1942; 11:50 a. m.]

IN THE MATTER OF STANDARD ASSOCIATED INTERESTS, INC., 100 EAST 42D STREET, NEW YORK, NEW YORK

FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of January, A. D. 1942.

Standard Associated Interests, Inc., a New York corporation, hereinafter called the registrant, being registered with the Commission as an over-the-counter broker and dealer pursuant to section 15 of the Securities Exchange Act of 1934; and

The Commission having issued an order stating that information had been reported to the Commission tending to show that registrant was permanently enjoined by a decree of the Supreme Court of the State of New York, held in and for the County of New York, entered on or about August 7, 1941, from engaging in and continuing certain acts and practices in connection with the purchase and sale of securities, and setting a hearing on the question whether the registration of the registrant should be suspended or revoked; and

The registrant, through its president, George S. Caplan, having acknowledged receipt and service of adequate notice of the proceeding, having admitted the truth of the material allegations set forth in the Commission's order, and having consented in writing to the revocation of its registration; and the Commission having duly considered the matter and being fully advised in the premises, and having found that Standard Associated Interests, Inc., and George S. Caplan, its president, were permanently enjoined by a decree of the Supreme Court of the State of New York, held in and for the County of New York, entered on August 7, 1941, from engaging in and continuing certain acts and practices in connection with the purchase and sale of securities, and that revocation of the registration of the registrant is in the public interest;

It is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of Standard Associated Interests, Inc., be, and the same hereby is, revoked.

By the Commission (Chairman Eicher, Commissioners Healy, Pike, Purcell, and Burke).

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-292; Filed, January 12, 1942; 11:31 a. m.]

JAN 15 1942

[File No. 70-462]

IN THE MATTER OF CUPPLES STATION LIGHT, HEAT AND POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its offices in the City of Washington, D. C., on the 10th day of January, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than January 26, 1942 at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Cupples Station Light, Heat and Power Company, the Applicant, is a wholly owned subsidiary company of Union Electric Company of Missouri, which is a registered holding company under the Public Utility Holding Company Act of 1935. The Applicant proposes, after the completion of the sale of its distribution system to Union Electric Company of Missouri and the reduction in par value of its 10,000 shares of capital stock from $100 per share to 50¢ per share, to declare a partial liquidating dividend to Union Electric Company of Missouri in the amount of $565,599.07, which is equal to the sum of (a) $90,996.66, the price to be received from the sale of the distribution system, (b) $435,054.76, the amount which the Applicant now has as an account receivable from Union Electric Company of Missouri (repayment of which will be made just prior to the payment of such dividend), and (c) $42,547.65, the amount of cash which the Applicant has on hand and in bank exclusive of $3,000, which is estimated to be required by it for taxes and other expenses incident to its final disposition.

The Applicant states that after the consummation of the proposed transaction, its remaining assets will consist of a small amount of cash and a parcel of real estate in St. Louis County, Missouri, suitable for residential purposes and that its corporate name and its purposes will be changed so that it will then be merely a real estate company which could be disposed of when a suitable opportunity occurs.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-293; Filed, January 12, 1942; 11:31 a. m.]

JAN 15 1942

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 7 NUMBER 9

Washington, Wednesday, January 14, 1942

The President

EXECUTIVE ORDER

ESTABLISHMENT OF THE NATIONAL WAR LABOR BOARD

WHEREAS by reason of the state of war declared to exist by joint resolutions of the Congress, approved December 8, 1941 and December 11, 1941, respectively, (Public Laws Nos. 328, 331, 332, 77th Congress), the national interest demands that there shall be no interruption of any work which contributes to the effective prosecution of the war; and

WHEREAS as a result of a conference of representatives of labor and industry which met at the call of the President on December 17, 1941, it has been agreed that for the duration of the war there shall be no strikes or lockouts, and that all labor disputes shall be settled by peaceful means, and that a National War Labor Board be established for the peaceful adjustment of such disputes:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and the statutes of the United States, it is hereby ordered:

1. There is hereby created in the Office for Emergency Management a National War Labor Board, hereinafter referred to as the Board. The Board shall be composed of twelve special commissioners to be appointed by the President. Four of the members shall be representative of the public; four shall be representative of employees; and four shall be representative of employers. The President shall designate the Chairman and Vice-Chairman of the Board from the members representing the public. The President shall appoint four alternate members representative of employees and four representative of employers, to serve as Board members in the absence of regular members representative of their respective groups. Six members or alternate members of the Board, including not less than two members from each of the groups represented on the Board, shall constitute a quorum. A vacancy in the Board shall not impair the right of the remaining members to exercise all the powers of the Board.

2. This Order does not apply to labor disputes for which procedures for adjustment or settlement are otherwise provided until those procedures have been exhausted.

3. The procedures for adjusting and settling labor disputes which might interrupt work which contributes to the effective prosecution of the war shall be as follows: (a) The parties shall first resort to direct negotiations or to the procedures provided in a collective bargaining agreement. (b) If not settled in this manner, the Commissioners of Conciliation of the Department of Labor shall be notified if they have not already intervened in the dispute. (c) If not promptly settled by conciliation, the Secretary of Labor shall certify the dispute to the Board, provided, however, that the Board in its discretion after consultation with the Secretary may take jurisdiction of the dispute on its own motion. After it takes jurisdiction, the Board shall finally determine the dispute, and for this purpose may use mediation, voluntary arbitration, or arbitration under rules established by the Board.

4. The Board shall have power to promulgate rules and regulations appropriate for the performance of its duties.

5. The members of the Board (including alternates) shall receive necessary traveling expenses, and, unless their compensation is otherwise prescribed by the President, shall receive in addition to traveling expenses $25.00 per diem for subsistence expense on such days as they are actually engaged in the performance of duties pursuant to this Order. The Board is authorized to appoint and fix the compensation of its officers, examiners, mediators, umpires, and arbitrators; and the Chairman is authorized to appoint and fix the compensation of other necessary employees of the Board. The Board shall avail itself, insofar as practicable, of the services and facilities of the Office for Emergency Management and of other departments and agencies of the Government.

6. Upon the appointment of the Board and the designation of its Chairman, the

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National Defense Mediation Board established by Executive Order No. 8716[1] of March 19, 1941, shall cease to exist. All employees of the National Defense Mediation Board shall be transferred to the Board without acquiring by such transfer any change in grade or civil service status. All records, papers, and property, and all unexpended funds and appropriations for the use and maintenance of the National Defense Mediation Board shall be transferred to the Board. All duties with respect to cases certified to the National Defense Mediation Board shall be assumed by the Board for discharge under the provisions of this Order.

7. Nothing herein shall be construed as superseding or in conflict with the provisions of the Railway Labor Act (Act of May 20, 1926, as amended, 44 Stat. 577; 48 Stat. 926, 1185; 49 Stat. 1189; 45 U. S. Code 151), the National Labor Relations Act (Act of July 5, 1935, 49 Stat. 457; 29 U. S. Code 151 et seq.), the Fair Labor Standards Act (Act of June 25, 1938; 52 Stat. 1060; 29 U. S. Code 201 et seq.), and the Act to provide conditions for the purchase of supplies, etc., approved June 30, 1936 (49 Stat. 2036; 41 U. S. Code, sections 35–45), or the Act amending the Act of March 3, 1931, relating to the rate of wages for laborers and mechanics, approved August 30, 1935 (49 Stat. 1011; 40 U. S. Code, section 276 et seq.).

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 12, 1942.

[No. 9017]

[F. R. Doc. 42-326; Filed, January 13, 1942; 10:44 a. m.]

[1] 6 F.R. 1532.

EXECUTIVE ORDER

SUSPENSION OF THE PROVISIONS OF THE ACT OF MARCH 3, 1931, AS TO THE WAR AND NAVY DEPARTMENTS AND THE COAST GUARD

By virtue of the authority vested in me by section 5 (a) of the act of June 28, 1940, 54 Stat. 678, and finding such action necessary in the interest of national defense, I hereby suspend for the War and Navy Departments and for the Coast Guard and their field services, during the period of the existing national emergency, the provisions of the act of March 3, 1931, 46 Stat. 1482 (U.S.C., title 5, sec. 26 (a)); and during such period the hours of employment of civil personnel in the War and Navy Departments and the Coast Guard and in their field services shall, subject to the provisions of the said section 5 (a) of the act of June 28, 1940, be in accordance with such regulations as the Secretary of War and the Secretary of the Navy may respectively prescribe, such regulations, so far as they relate to the working hours of employees in the District of Columbia, to be subject, in the interest of uniformity as contemplated by the said act of June 28, 1940, to the coordination and approval of the Director of the Bureau of the Budget.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 12, 1942.

[No. 9018]

[F. R. Doc. 42-328; Filed, January 13, 1942; 10:44 a. m.]

EXECUTIVE ORDER

REVOKING IN PART AND MODIFYING EXECUTIVE ORDER NO. 8578 OF OCTOBER 29, 1940, AND RESERVING PUBLIC LAND FOR USE OF THE WAR DEPARTMENT AS AN AERIAL MACHINE-GUN RANGE

NEVADA

By virtue of the authority vested in me by section 1 of the act of July 9, 1918, c. 143, 40 Stat. 845, 848 (U.S.C., title 10, sec. 1341), it is ordered as follows:

1. Executive Order No. 8578[1] of October 29, 1940, reserving public land in the State of Nevada for the use of the War Department as an aerial bombing and gunnery range, is hereby revoked as to any land not included in the following-described area:

MOUNT DIABLO MERIDIAN

Beginning at the northwest corner of T. 1 S., R. 46 W.;
Thence east along the Mount Diablo Base Line approximately 38 miles to the southeast corner of T. 1 N., R. 51½ E.;
Thence north approximately 1 mile to the southwest corner of T. 1 N., R. 52 E.;
Thence east along the Mount Diablo Base Line approximately 15 miles to the northeast corner of sec. 4, T. 1 S., R. 54 E.;
Thence southerly along section lines approximately 24 miles to the southeast corner of sec. 33, T. 4 S., R. 54 E.;
Thence east along the 1st Standard Parallel South approximately 5 miles;
Thence southerly approximately 18 miles;
Thence east approximately 10 miles to the point for corner of Tps. 7 and 8 S., Rs. 56 and 57 E.;
Thence southerly approximately 42 miles to the southeast corner of T. 14 S., R. 56 E.;
Thence westerly to the southwest corner of T. 14 S., R. 50 E.;
Thence north to the northwest corner of T. 13 S., R. 50 E.;
Thence west along the 3rd Standard Parallel South to the southwest corner of T. 12 S., R. 49 E.;
Thence northerly approximately 48 miles to the point for the northwest corner of T. 5 S., R. 49 E.;
Thence west on the 1st Standard Parallel South approximately 18 miles to the southwest corner of T. 4 S., R. 46 E.;
Thence north along the line between ranges 45 and 46 east approximately 24 miles to the northwest corner of T. 1 S., R. 46 E., and the place of beginning;
containing approximately 2,617,300 acres.

2. The said Executive Order No. 8578 is hereby modified to the extent that the public land in the above-described area lying north of the 1st Standard Parallel South is reserved for the use of the War Department as a general bombing range, and the public land in the above-described area lying south of the 1st Standard Parallel South is reserved for the use of the War Department as an aerial machine-gun range: *Provided, however,* that the Secretary of the Interior shall have authority to relocate the boundary between the foregoing ranges in accordance with such mutual understanding as may be reached by the Secretary of the Interior and the Secretary of War.

3. Subject to valid existing rights, the public land in the following-described area is hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as an aerial machine-gun range:

MOUNT DIABLO MERIDIAN

Beginning at the point for corner of Tps. 7 and 8 S., Rs. 56 and 57 E.;
Thence southerly approximately 42 miles to the southeast corner of T. 14 S., R. 56 E.;
Thence east to the point for the corner of Tps. 14 and 15 S., Rs. 59 and 60 E.;
Thence northerly approximately 42 miles to the point for Tps. 7 and 8 S., Rs. 59 and 60 E.;
Thence west approximately 18 miles to the point for corner of Tps. 7 and 8 S., Rs. 56 and 57 E., and the place of beginning;
containing approximately 483,840 acres.

4. This order, so far as it affects land in the area last described above, shall take precedence over, but shall not rescind or revoke, (1) Executive Order No. 7373[2] of May 20, 1936, reserving certain lands for wildlife and other purposes, (2) the Executive order of February 23, 1916, withdrawing land as Public Water Reserve No. 33, Nevada No. 2, (3) the order of the Secretary of the Interior of November 3, 1936,[3] establishing Grazing District No. 5, Nevada, and (4) the order of the Secretary of the Interior of December 2, 1937, withdrawing certain public lands for a proposed grazing district, so far as such orders affect any of the land in the area last described above.

5. In connection with the use by the War Department of any of the land described herein reserved by Executive Order No. 7373 of May 20, 1936, the local army commandant shall, after consultation with the local representatives of the Fish and Wildlife Service and the Grazing Service, Department of the Interior, and to enable the field personnel of such services to carry out their normal patrol and maintenance activities, designate not less than two days a month, exclusive of Saturdays, Sundays, and legal holidays, on which there shall be no firing; and the representatives of said services shall have the right to use the Alamo road in Sheep Valley when on official business.

6. It is intended that the land described herein shall be returned to the administration of the Department of the Interior when it is no longer needed for the purposes for which it is reserved.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 12, 1942.

[No. 9019]

[F. R. Doc. 42-327; Filed, January 13, 1942; 10:44 a. m.]

[1] 5 F.R. 4313.

EXECUTIVE ORDER

TRANSFERRING CONTROL OF THE AIRPORT NEAR TONOPAH, NEVADA, TO WAR DEPARTMENT

Under authority of section 2 (c) of the act of May 24, 1928, c. 726, 45 Stat. 728; 49 U.S.C. 212 (c), there is hereby transferred to the Secretary of War for military purposes, until otherwise ordered, full control of the airport on the lands described below, now leased, subject to the provisions of the said act, to the Board of County Commissioners of Nye County, Nevada:

MOUNT DIABLO MERIDIAN

T. 2 N., R. 44 E.,
Sec. 6, Lots 3, 4, 5, 6, 7, SE¼NW¼, E½SW¼
Sec. 7, Lot 1, NE¼NW¼;
T. 3 N., R. 44 E.,
Sec. 31, Lots 2, 3, 4, E½SW¼, SE¼NW¼;
containing 617.87 acres.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 12, 1942.

[No. 9020]

[F. R. Doc. 42-330; Filed, January 13, 1942; 10:46 a. m.]

[1] 1 F.R. 427.
[2] 1 F.R. 1748.

EXECUTIVE ORDER

MODIFYING CERTAIN EXECUTIVE ORDERS TO PERMIT THE LEASING OF CERTAIN LANDS FOR AIRPORT PURPOSES

WYOMING

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497, Executive Orders No. 4685 of July 7, 1927, and No. 4857 of April 16, 1928, withdrawing certain public lands in Wyoming in aid of proposed legislation, and Executive Orders No. 5040 of February 4, 1929, and No. 7680[1] of July 30, 1937, withdrawing certain public lands in the same State for elk-refuge purposes, are hereby modified to the extent necessary to permit the leasing of the following-described lands for use as a public airport under the terms of the act of May 24, 1928, 45 Stat. 728, as amended by the act of August 16, 1941, Public Law 205, 77th Congress:

SIXTH PRINCIPAL MERIDIAN

T. 42 N., R. 116 W.,
sec. 10, SE¼SE¼;
sec. 11, S½SW¼, SE¼;
sec. 14, NW¼, S½;
sec. 15, E½NE¼, NW¼NE¼;
containing 880 acres.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 12, 1942.

[No. 9021]

[F. R. Doc. 42-329; Filed, January 13, 1942; 10:46 a. m.]

[1] 6 F.R. 3960.

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B. E. P. Q. 503, 4th revision]

PART 301—DOMESTIC QUARANTINE NOTICES

WHITE-FRINGED BEETLE ADMINISTRATIVE INSTRUCTIONS MODIFIED, TREATMENTS AUTHORIZED

Effective January 9, 1942.

Introductory note. Recent investigational work has shown that it is possible to destroy all stages of the white-fringed beetles (*Pantomorus* spp.) in soil, with either carbon disulphide or methyl bromide applied as a liquid, provided the temperature of the soil is sufficiently high and the period of exposure is long enough. The administrative instructions in this circular, specifying the various authorized methods of treatment of plants in soil, and of potting soil, are therefore hereby revised by authorizing the above treatment for soil plots, plunging beds, and potting soil (see paragraph (c)).

All treatments apply to the various species of white-fringed beetles.

[1] 2 F.R. 1360.

This circular supersedes all instructions in Circulars B. E. P. Q. 486, 489, and previous issues of 503.[1]

§ 301.72-5c[2] *Administrative instructions; treatments authorized.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by paragraph (a) of § 301.72-5, Chapter III, Title 7, Code of Federal Regulations [Regulation 5 of Notice of Quarantine No. 72 on account of the white-fringed beetle], the following methods of treatment are hereby authorized effective January 9, 1942, when carried out under the supervision of an authorized inspector of the United States Department of Agriculture.

(a) *Plants in pots or in soil balls*—(1) *Methyl bromide fumigation at atmospheric pressures.* (i) Fumigation must be done with methyl bromide at a dosage of 1 pound per 1,000 cubic feet, including the space occupied by the plants, for a period of 4 hours, the soil masses and the air in the fumigation chamber to be at a temperature of not less than 85° F.

(ii) Such fumigation shall apply only to those plants in 3-inch pots or smaller, or in soil balls not greater than 3 inches in diameter when spherical or thicker than 3 inches if not spherical, and the plants shall be stacked on racks so that the gas mixture can have access to all sides of the pots or the soil balls.

(iii) The fumigation shall be done in a tight chamber with gas-tight doors.

(iv) After the chamber is loaded and closed, the appropriate amount of methyl bromide shall be volatilized therein, and the air-gas mixture shall be circulated by means of a fan or blower throughout the entire 4-hour fumigation period.

(v) The use of a fumigation chamber, lined with sheet metal throughout and with a metal-covered door closing against gaskets and held tightly in place by refrigerator door fasteners, is recommended.

(2) *Methyl bromide fumigation under partial vacuum.* (i) Fumigation under partial vacuum equivalent to at least 24.5 inches of mercury must be done with a dosage of 4 pounds of methyl bromide per 1,000 cubic feet of chamber space, including the space occupied by the commodity, with an exposure of 1½ hours, the vacuum to be maintained throughout the entire period.

(ii) The temperature of the soil balls shall be 75° F. or above, and the diameter of the soil balls shall be not greater than 11 inches if spherical, or thicker than 11 inches if not spherical.

(iii) The fumigant-air mixture shall be circulated in the fumigation chamber by means of a fan the first 15 minutes of the exposure period to mix the vaporized fumigant thoroughly with the air in the chamber and bring it in contact with the surface of the soil balls. The soil balls shall be washed with one or more changes of air at the end of the exposure period.

(iv) A standard vacuum fumigation chamber which can be closed tight and will withstand an external pressure of at least one atmosphere is required. A vacuum pump of sufficient capacity to reduce the pressure within the vacuum chamber to the equivalent of 3 inches of mercury (a 27-inch vacuum at sea level) in not more than 20 minutes is necessary.

(3) *Methyl bromide solution*—(i) *Treatment method.* (Applicable to all regulated areas). (a) The soil balls around the roots of plants must be buried in sand and plunged in boxes or trays which are watertight and approximately 1 foot deep.

(b) A 2-inch space filled with sand shall be provided between the soil balls, also above and beneath them.

(c) Such soil balls shall be treated with a solution of methyl bromide and alcohol at a concentration of 0.3 percent methyl bromide and 0.6 percent denatured ethyl alcohol by volume in water. The solution is to be prepared by first mixing the methyl bromide and alcohol together and then adding this mixture to the water and mixing thoroughly.

(d) The aqueous solution of methyl bromide and alcohol shall then be applied evenly over the surface of the sand around the plants at the rate of 40 gallons per 100 square feet of surface area by means of a sprinkling can or sprayer.

(ii) *Type of material, exposure, and temperature.* (a) In Orleans Parish, including the city of New Orleans, Saint Bernard Parish, and regulated parts of Jefferson and Plaquemines Parishes, La., the treatment shall be applied only to plants in soil balls not greater than 7 inches in diameter, nor greater than 7 inches in thickness when not spherical. After the required dosage has been applied, the soil balls shall remain embedded in the sand for a period of 8 hours. The temperature of the soil balls during the treatment shall not be lower than 65° F.

(b) In all regulated areas other than Orleans Parish, including the city of New Orleans, Saint Bernard Parish, and regulated parts of Jefferson and Plaquemines Parishes, La., the treatment shall be applied to soil balls not greater than 8 inches in diameter nor greater than 8 inches in thickness when not spherical. After the required dosage has been applied, the soil balls shall remain embedded in the sand for a period of 6 hours. The temperature of the soil balls during the treatment shall not be lower than 62° F.

(b) *Potting soil*—(1) *Carbon disulphide fumigation.* (i) Potting soil shall be treated in a container with carbon disulphide at a dosage of 2 pounds per cubic yard of soil for a period of 48 hours.

(ii) The grade of carbon disulphide shall be comparable to U.S.P. grade having a specific gravity of 1.25 at 68° F.

(iii) The container shall be tight, preferably lined with sheet metal, and shall have a tight cover or be covered with a tarpaulin immediately after the fumigant is applied. The container shall not be more than 36 inches deep.

(iv) The soil shall be friable, and wet soil shall not be treated by this method. The fumigant shall be applied to the soil in holes 3 inches deep, the dosage to be evenly divided among holes 1 foot apart over the surface of the soil, and the fumigant shall be covered with soil as soon as it is applied.

(v) The temperature of the soil shall not be lower than 40° F. during the entire time of treatment.

(vi) The condition of the soil and the apparatus used and the method of application of the fumigant must meet with the approval of an authorized inspector of the United States Department of Agriculture.

(2) *Methyl bromide fumigation.* (i) Potting soil must be treated in a container with methyl bromide in a dosage of 40 cubic centimeters of methyl bromide per cubic yard of soil for a period of 48 hours.

(ii) The sides, bottom, and seams of the container shall be tight, preferably lined with sheet metal, and shall have a tight cover or be covered with a tarpaulin immediately after the fumigant is applied.

(iii) The temperature of the soil shall not be lower than 40° F. during the entire time of treatment.

(iv) The condition of the soil and the apparatus used and the method of application of the fumigant must meet the approval of an authorized inspector of the United States Department of Agriculture.

(3) *Heat treatment.* (i) Live steam, under pressure of 80 pounds or more per square inch, shall be applied through a grid of perforated pipes at the bottom of the sterilizing box or truck body containing the soil, for a period of 45 minutes or until all parts of the load reach a temperature of 200° F.

(ii) The grids shall be constructed of 1-inch pipes, perforated with holes 1-32 inch in diameter on the upper side and connecting at one end to a manifold into which the steam is introduced.

(iii) The layer of soil in the sterilizing box shall not be more than 2 feet, 6 inches deep.

(4) *Methyl bromide and carbon disulphide.* (See instructions in paragraph (c).)

(c) *Soil plots, plunging beds, and potting soil.*

(1) *Methyl bromide.* (i) Inject the liquid methyl bromide into the soil at a depth of 6 inches by means of a hollow needle or other suitable injector at the rate of 4.7 milliliters per square foot or 7 milliliters per 1½ square feet of soil surface.

(ii) After treatment has been applied to the plot the soil should be covered with 10- or 15-pound building paper, lapped 4 inches and weighted down so that it will not be blown off.

(iii) The soil must be at a temperature not lower than 45° F. at a depth of 6 inches when the treatment is applied. At temperatures from 45° to 62° inclusive the soil must be kept covered for a period of 6 days to insure complete mortality of all eggs, larvae, pupae, and adults of the insect which may be present in the soil under treatment. At temperatures above 62° the soil must be kept so covered for a period of not less than 4 days.

(2) *Carbon disulphide.* (i) The insecticide shall be applied at the rate of 33 milliliters per square foot of soil surface, the liquid to be poured into holes at least 6 inches deep and 1 inch in diameter at the top, and covered immediately with earth.

(ii) After application the plot should be covered with 10- to 15-pound building paper which shall remain in position for at least 4 days in order to insure complete mortality of any eggs, larvae, pupae, or adults of white-fringed beetles that may be present.

(iii) The treatment shall not be applied to soil which is below 80° F. in temperature at a depth of 6 inches.

(d) *Disclaimer.* There has been opportunity to test these treatments on only relatively few varieties of plants and in authorizing the movement of potted plants, nursery stock, or soil treated according to the requirements stated above, it is understood that no liability shall attach either to the United States Department of Agriculture or to any of its employees in the event of injury to either plants or operators.

(e) *Caution*—(1) *Methyl bromide.* (i) Methyl bromide is a gas at ordinary temperatures. It is colorless and practically odorless in concentrations used for fumigation of plants or potting soil. It is a poison and the operators should use gas masks approved by the United States Bureau of Mines for use with methyl bromide, when exposed to the gas in concentrations used in fumigation, or while preparing the solution. The plants in the fumigation chamber should be well aerated by blowing air through them, and the room adequately ventilated before it is entered. After fumigating the potting soil by methyl bromide the cover should be removed and the soil allowed to become aerated.

(ii) The method for application of methyl bromide described in paragraph (c) provides a closed system in which the operator is not exposed to a dangerous concentration of the gas provided there is no leakage in any exposed portion of the equipment. Extreme care should be exercised to keep all joints of such apparatus tight and replace any defective parts to prevent accident. The operator should avoid getting any liquid methyl bromide on his clothing or his body at any time.

(2) *Carbon disulphide.* (i) The vapor of carbon disulphide is inflammable and explosive. At a temperature of 297° F. it may take fire spontaneously and in the presence of certain metals, particularly copper, it may ignite at considerably lower temperatures. It must be kept away from fire, and from hot objects such as electric light bulbs, unprotected brush-type motors, steam pipes, etc. Lighted cigars, cigarettes, or pipes must never be brought near carbon disulphide.

(ii) Carbon disulphide is a blood poison, but poisoning by this chemical is rare. Exposure to the vapor may cause giddiness and headache. When these symptoms develop, the individual should get into the open air. (7 C.F.R. § 301.72-5; sec. 8.39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161.)

[1] 6 F.R. 4663.

[2] Superseding §§ 301.72-5a and b.

Done at Washington, D. C., this 6th day of January 1942.

[SEAL] P. N. ANNAND, *Chief.*

[F. R. Doc. 42-331; Filed, January 13, 1942; 11:18 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER II—RAILROAD RETIREMENT BOARD

PART 210—EXECUTION AND FILING OF AN APPLICATION

AMENDING § 210.02 OF THE REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j), the proviso in § 210.02 of the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477) is amended by Board Order 42-19 dated January 8, 1942, to read as follows:

§ 210.02 *Application to be filed.* • • • *Provided, however,* That a claim or application filed with the Social Security Board, whether before or after the adoption of this Regulation, for a lump sum payment under Sec. 204(a) of Title II of the Social Security Act as approved August 14, 1935 or for primary insurance benefits under Sec. 202(a) of the Social Security Act as amended August 10, 1939 based in whole or in part on service with an employer under the Railroad Retirement Act of 1935 or 1937 which service had not at the time of such filing been determined by the Board to be with an employer shall be an application for an annuity filed with the Railroad Retirement Board as of the date on which such claim or application was filed with the Social Security Board. (Secs. 2, 10, 50 Stat. 309, 314; 45 U.S.C. Sup. III, 228b, 228j)

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON, *Secretary of the Board.*

JANUARY 13, 1942.

[F. R. Doc. 42-332; Filed, January 13, 1942; 11:29 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-892]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2

An Order Granting Temporary Relief and Conditionally Providing for Final Relief was issued in the above-entitled matter on June 18, 1941, 6 F.R. 3149, establishing price classifications and minimum prices for the coals of certain mines in District No. 2, including the establishment of minimum prices for the coals of the Christner Mine with Mine Index No. 3069, for truck shipments.

It now appears that this mine is, in fact, located in District No. 1, and that the minimum prices established in Supplement T, § 322.23 (*General prices*) in the said order for the said mine should be revoked. Price classifications and minimum prices have been proposed for the coals of the Christner Mine by District Board No. 1 in its petition in Docket No. A-1236 and an order will be entered in that proceeding establishing price classifications and minimum prices for the coals of the Christner Mine, with Mine Index No. 3069, for all shipments except truck and for truck shipments.

Now, therefore, it is ordered, That the said Order Granting Temporary Relief and Conditionally Providing For Final Relief, dated June 18, 1941, in the above-entitled matter be, and it hereby is, amended by revoking the minimum prices established therein for the coals of the Christner Mine, with Mine Index No. 3069, of Thomas A. O. Beer, for truck shipments; and

It is further ordered, That in all other respects the said Order of June 18, 1941, be, and it hereby is, continued in full force and effect, until otherwise ordered.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-324; Filed, January 13, 1942; 10:40 a. m.]

[Docket No. A-1241]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS PRODUCED AT MINE INDEX NO. 528 OPERATED BY THE KELLY COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 14

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting revision, both temporary and permanent, of the effective price classifications and minimum prices for the coals produced at the Kelly Mine (Mine Index No. 528) of the Kelly Coal Company, a code member in District No. 14; and

It appearing that the price classifications and minimum prices presently effective as to the coals of the Kelly Mine reflect their relative market values when mined by the solid shot method, but that the Kelly Coal Company now proposes to mine those coals by the machine-cutting method, and that the revisions now requested by the petitioner are necessary in order to reflect properly the relative market values of those coals when mined by the latter method; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 334.5 (*Alphabetical list of code members*) and § 334.24 (*General prices for shipment into all market areas*) in the Schedules of Effective Minimum Prices for District No. 14 for All Shipments Except Truck and for Truck Shipments are amended by revising the effective minimum prices contained therein for the coals produced at the Kelly Mine (Mine Index No. 528) of code member Kelly Coal Company in Production Group 2 in District No. 14 as follows:

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 *Alphabetical list of code members*

	Size groups													
	3	4	6	7	8	9	10	11	13	14	15	16	17	18
From: Classifications	C									B				O
To: Classifications		J	K	K	K	L	K	I	D	B	B	B	A	M

FOR TRUCK SHIPMENTS

§ 334.24 *General prices for shipment into all market areas*

	Size groups													
	3	4	6	7	8	9	10	11	13	14	15	16	17	18
From: Prices	385		405	405	405	380	340	315	200	135	115	105	185	270
To: Prices		405								135				330

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER, *Acting Director*.

[F. R. Doc. 42-325; Filed, January 13, 1942; 10:39 a. m.]

[Docket No. A-1050 Part II]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF ADDITIONAL RAIL LOADING POINTS FOR THE COALS OF MINE INDEX NOS. 1417, 604 AND 721 AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 1023, 919, 870, 860, 2619 AND 2093, IN DISTRICT NO. 1 FOR ALL SHIPMENTS EXCEPT TRUCK

A petition having been filed with the Bituminous Coal Division on September 5, 1941, by District Board 1, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that temporary and permanent relief be granted by the establishment of effective price classifications and minimum prices for the coals of certain code members in District 1 for shipment by rail;

A petition of intervention having been filed herein by District Board 2, on November 7, 1941;

Temporary relief having been granted, in part, by Order of the Director dated October 8, 1941, 6 F.R. 5435;

Pursuant to Orders of the Director, and after due notice to interested parties, a hearing in this matter having been held before Floyd McGown, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That commencing fifteen (15) days from the date of this Order § 321.7 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck be and it hereby is amended in accordance with the Schedule marked "Supplement R" attached hereto and made a part hereof, and the shipping points designated in said Supplement for the mines specified therein shall be in lieu of all shipping points previously designated therefor.

It is further ordered, That the prayers of the original petition are granted to the extent set forth above and in all other respects are denied.

Dated: December 31, 1941.

[SEAL] DAN H. WHEELER, *Acting Director*.

PERMANENT SUPPLEMENT, DISTRICT NO. 1

NOTE: The material contained in this permanent supplement is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine Index No.	Code member	Mine name	Subdist. No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
1023	Armstrong, Paul J.	Armstrong	6	E	Juneau, Pa.	B&O	112	(†)	(†)	F	(†)	(†)
919	Bailey, Robert	Bailey #4	8	D & E	Morrisdale, Pa.	NYC	44	(†)	(†)	D	(†)	(†)
870	Card, Grant	Card #1	2	E	Sabula, Pa.	PRR	120	H	(†)	H	J	J
1417	Garzoni, Chinto A.	Garzoni	6	E	Adrian, Pa.	B&O	112	(†)	(†)	F	F	F
604	P & G Coal Company (A. D. Grasso).	P & G	1	B	Holden, Pa. / Sutton, Pa.	LEV&C / NYC	32	F	F	*F	*F	*F
860	Reiter, V. M.	Laurel Run #3.	2	B	Penfield, Pa.	PRR	120	(†)	(†)	H	(†)	(†)
2619	Staley, James H.	Staley	6	D	Anita, Pa.	PRR	50	(†)	(†)	E	E	E
2093	Stear Bros. (C. M. Stear).	Dennison	6	D	Sprankles Mills, Pa.	P&S	119	(†)	(†)	E	E	E
721	Thomas, Floyd	Thomas	4	E	Eddyville, Pa.	P&S	119	G	G	G	H	H

*Subject to Temporary Relief in Docket Nos. A-63 to A-68.
†Indicates no classifications effective for these size groups.

[F. R. Doc. 42-283; Filed, January 12, 1942; 9:25 a. m.]

[Docket No. A-1221]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 3, 1942.

[SEAL] DAN H. WHEELER, *Acting Director*.

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 322.9 (*Special prices—(c) Railroad fuel*) is amended by adding thereto Supplement R-II, § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are herein after set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER, *Acting Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine Index No.	Code member	Mine name	Seam	Shipping point	Subdist. No.	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2270	Belchy, Geo. W. Sr.	Manganese	Pittsburgh	Martin, Pa.	3	Monon	20	E	E	E	E	E	E	E	E	E							
2268	C. & C. Coal Co.	Campbells #6 (Strip)	Brookville	Zelienople, Pa.	1	B&LE	20	E	E	E	E	E	E	E	E	E							
2269	Central Iron & Coal Co. (J. P. MacKay).	Hamilton #3 (Strip)	Kittanning	Harrisville, Pa.	3	B&LE	20	E	E	E	E	E	E	E	E	E							
2271	Dearth Coke Corporation (% Lawrence Marshall).	Messmore (Strip)	Pittsburgh	S. Union, Pa.	3	PRR	112	F	F	F	F	F	F	F	F	F							
1050	Donham, Paul H.	Blackthorn	Sewickley	Dilliner, Pa.	3	Monon	30																
1676	Fress & Sowers	Fress & Sowers #6 (Deep)	Pittsburgh	Masontown, Pa.	3	Monon	30	J	J	H	H	H	H	H	H	H							
1675	Fress & Sowers	Fress & Sowers #6 (Deep)	Pittsburgh	Grays Landing, Pa.	3	Monon	30																
2278	Fress & Sowers	Fress & Sowers #6 (Strip)	Pittsburgh	Masontown, Pa.	3	Monon	20																
2273	Fress & Sowers	Fress & Sowers #6 (Strip)	Pittsburgh	Grays Landing, Pa.	3	Monon	20																
2266	Geer, Fred S., Inc.	Mt. Nebo (Strip)	Pittsburgh	Darlington, Pa.	1	P.LAW	121																
2264	Geer, Fred S., Inc.	Mt. Nebo (Strip)	[illegible]	Darlington, Pa.	1	P.LAW	121																
2034	Geer, Fred S., Inc.	Sunnyside (Strip)	Pittsburgh	Darlington, Pa.	1	P.LAW	121																
2225	Geer, Fred S., Inc.	Sunnyside (Strip)	[illegible]	Darlington, Pa.	1	P.LAW	121																
2281	Grimm & Loucks (Geo. H. Grimm).	C. & L. (Strip)	Pittsburgh	Tarrs, Pa.	3	PRR	31	E	E	E	E	E	E	E	E	E							
2273	Harton, Robert G.	Ward #3	Pittsburgh	Chauncey, Pa.	9	PRR	74																
885	Hovis, Harry E.	Chrisley	M. Kittanning	Annandale, Pa.	1	B&LE	20	E	E	E	E	E	E	E	E	E							
1358	John, Fred (D. John Coal Co.).	D. John #6 (Strip)	Pittsburgh	Latrobe, Pa.	5	PRR	74																
1042	Lemont Coal Co. (B. H. Madera).	Lemont #8	Sewickley	Lemont, Pa.	3	PRR	74																
2277	Lynch, H. W.	Lynch (Deep)	Pittsburgh	Bells Mills, Pa.	3	Monon	30																
2277	Lynch, H. W.	Lynch (Strip)	Pittsburgh	Bells Mills, Pa.	3	Monon	20																
2281	M. & S. Coal Co. (Avon R. McAuley).	M. & S. (Strip)	Pittsburgh	Millvale, Pa.	3	PRR	74																
2266	Mammoth Coal & Coke Company.	Mammoth (Deep)	Pittsburgh	Mammoth, Pa.	3	Monon	30	E	E	E	E	E	E	E	E	E							
2276	Mammoth Coal & Coke Company c/o A. B. Kelley.	Mammoth (Strip)	Pittsburgh	Mammoth, Pa.	3	Monon	20	E	E	E	E	E	E	E	E	E							
2248	Martin & Wolfe (Thomas J. Wolfe).	Big Chief	Pittsburgh	Martin, Pa.	3	Monon	20	E	E	E	E	E	E	E	E	E							
821	Phillips, Lindsey	Atlantic	Pittsburgh	New Geneva, Pa.	3	PRR	74																
823	Rosner & Sons, Gust (Gust Rosner).	Rosner	Brookville	Grove City, Pa.	3	B&LE	20	E	E	E	E	E	E	E	E	E							
2262	Shaw, William J.	Bakerstown	L. Freeport	Wallenburg, Pa.	2	PRR	74																
2280	Shiel, M. J.	Katherine	Freeport	Apollo, Pa.	2	PRR	74																
2267	Sigmund Coal Co. (Sigmund Anna (Sigmund Coal Co.).	Sigmund (Strip)	Pittsburgh	Burgettstown, Pa.	7	PRR	74																
1403	Solis & Sons, S. P.	Solis	Freeport	Kingston, Pa.	6	LE.Val.	10	G	G	H	H	H	H	H	H	H							
2274	Weel, W. W. (Bill Neal Coal Co.).	Neal #3 (Strip)	Waynesburg	Aleaburg, Pa.	7	PRR	74	G	G	H	H	H	H	H	H	H							
2272	Wynn Coal & Coke Company (Martin W. Runne).	Roderick (Strip)	Pittsburgh	(Wynn, Pa. / Pt. Marion, Pa.	3	PRR / Monon River	31	E	E	E	E	E	E	E	E	E							

[1] All mines in Freight Origin Group No. 67 will take the same necessary and permissible adjustments as Freight Origin Group No. 74 for shipments into Market Areas 10, 11, 12, 13, 14 or 15 and for movements via Lake Erie ports.

§ 322.9 *Special prices — (c) Railroad fuel*—Supplement R-II. In § 322.9 (c) Minimum Price Schedule, add the

Group No. 6: 2261, 2262, 2271, 2272. | 1405. Group No. 15: 823, 865, 2269.
Group No. 7: 1676, 2248, 2270, 2276. | Group No. 20: 2280.
Group No. 8: 1042, 1050. Group No. 14:

mine index numbers in groups shown.
Group No. 1: 2266, 2273, 2276, 2281.
Group No. 2: 1356, 2252, 2268, 2274.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes: Lump over 4" (1)	Lump 4" (2)	Lump 3" (3)	Lump 2" (4)	Egg 2" x 4" (5)	Stove 1" x 4" (6)	Pea ¾" x 1¼" (7)	Run of mine (8)	2" N/S (9)	1¼" slack (10)	¾" slack (11)
ALLEGHENY COUNTY														
Klein, S. (Klein Coal Company)	2232	Port View (Strip)	Pittsburgh	295	285	275	260	225	225	220	220	195	185	180
M. & S. Coal Co. (Avon R. McAnulty).	2281	M. & S. (Strip)	Pittsburgh	290	280	270	255	225	225	225	225	205	195	185
ARMSTRONG COUNTY														
Katunich, John	2280	Katunich	Kittanning	280	270	260	240	235	225	205	215	195	185	175
Reges Bros. Coal Co. (Joseph S. Reges).	2231	Reges Bros	L. Kittanning	250	270	260	240	235	225	205	215	195	185	175
Shiel, M. J	2280	Katherine	Freeport	275	265	255	235	225	220	215	215	195	185	175
BEAVER COUNTY														
Allison, W. Lee	2289	Allison	U. Freeport	300	290	280	265	250	245	225	225	185	175	165
C. & S. Coal & Clay Co	2268	Cunningham #2 (Strip).	Freeport	300	290	280	255	250	245	225	225	185	175	165
Central Iron & Coal Co. (J. P. MacKay).	2269	Hamilton #3 (Strip)	Kittanning	325	305	285	265	260	245	245	230	190	180	170
Mittica & Pugh (C. W. Mittica)	2275	M. & P	U. Freeport	275	265	255	240	220	230	210	220	180	170	165
FAYETTE COUNTY														
Betchy, Geo. W., Sr	2270	Manganese	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Corristan Bros. (Hugh Corristan)	2264	Potter	L. Freeport	265	255	245	235	215	205	205	205	190	185	170
Dearth Coke Corporation c/o Lawrence Parshall.	2271	Mossmore (Strip)	Pittsburgh	275	265	255	240	220	210	210	210	195	190	175
Martin & Wolfe (Thomas J. Wolfe).	2248	Big Chief	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Shaw, William J	2262	Bakerstown	L. Freeport	280	270	260	245	225	210	210	210	200	195	175
Wyne Coal & Coke Company (Martin W. Ruane).	2272	Roderick (Strip)	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Yahoda, J. A	2249	Pearl	Sewickley	265	255	245	235	215	205	205	205	190	185	170
GREENE COUNTY														
Sprost, Noah R	2260	Sprost	Waynesburg	265	255	245	235	215	205	205	200	180	170	150
LAWRENCE COUNTY														
Bountag, Adam E	2263	Dacko	M. Kittanning	300	290	280	255	250	245	225	225	185	175	165
WASHINGTON COUNTY														
Brown, Clarence	2263	Brown	Redstone	275	265	255	230	220	205	195	205	180	170	160
Burya, Rudolph	2279	Burya	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160
Darulla, John	2265	Darulla	Pittsburgh	290	270	260	235	230	215	205	215	180	170	160
Hague, Robert G	2273	Ward #3	Pittsburgh	310	300	290	270	250	240	235	240	210	200	175
Sigesmund, Anna (Sigesmund Coal Co.).	2252	Sigesmund (Strip)	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160
Weel, W. W. (Bill Neal Coal Co.)	2274	Neal #3 (Strip)	Waynesburg	265	255	245	230	205	195	190	195	175	165	155
WESTMORELAND COUNTY														
Grimm & Loucks (Geo. H. Grimm).	2281	G. & L. (Strip)	Pittsburgh	300	290	280	260	240	230	220	235	210	200	175
Lynch, H. W	2251	Lynch (Deep)	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175
Lynch, H. W	2277	Lynch (Strip)	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175
Mammoth Coal & Coke Company c/o A. B. Kelley.	2266	Mammoth (Deep)	Pittsburgh	290	280	270	260	240	230	230	225	205	195	175
Mammoth Coal & Coke Company c/o A. B. Kelley.	2276	Mammoth (Strip)	Pittsburgh	290	280	270	260	240	230	230	225	205	195	175
McKetta, John, Sr (McKetta Coal Co.).	2267	McKetta	Pittsburgh	290	280	270	250	230	220	215	225	205	195	175

[F. R. Doc. 42-264; Filed, January 12, 1942; 9:26 a. m.]

[Docket No. A-1234]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R–II, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplement R–III, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No relief is granted herein with respect to the coals of H. C. Boggess, Winchester No. 2 (strip) Mine, Mine Index No. 1265, as it appears that minimum prices were established for the coals of this mine for All Shipments Except Truck and for Truck Shipments in Docket No. A–1215, which was consolidated with Docket No. A–1191 by an Order of Consolidation and Order Granting Temporary Relief and Conditionally Providing for Final Relief dated December 27, 1941, issued in Dockets Nos. A–1191 and A–1215.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 3, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.: 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
1266	Bailey, Cecil A	Bailey #1	Redstone	Weston, W. Va	B&O	31	F	F	F	F	H	F	F	F	F							
1270	Bowden Coal Company	Big Knob #1(6)	Sewell	Bowden, W. Va	WM	33	A	A	A	A	A	A	A	A	A					A	A	A
1277	Bowden Coal Company	Big Knob #2	Sewell	Bowden, W. Va	WM	33	A	A	A	A	A	A	A	A	A					A	A	A
1266	Sherrodaville Mining Company c/o H. Glavina.	Meadowbrook (Strip)	Pittsburgh	Meadowbrook, W. Va	B&O	61	A	A	A	A	A	A	A	A	A					A	A	A
331	Vincent, E. K	Marion	Pittsburgh	Fairmont, W. Va	Mon	22	A	A	A	A	A	A	A	A	A	B	B	B	B	B	B	A
1272	Walker Coal Mining Company	Big Sewell #2	Sewell	Bemis, W. Va	WM	23	A	A	A	A	A	A	A	A	A	A				A	A	A

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via lakes*—Supplement R–II. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule. Group No. 1: 1269. Group No. 2: 1266. Group No. 3: 1272, 1276, 1277.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R–III. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 1269. Group No. 2: 1266. Group No. 5: 1272, 1276, 1277.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups: Lump over 3", egg over 3", bottom size (1)	Lump 3", egg 3", bottom size but over 1¼" and under, egg 1¼" and under, bottom size (2)	All nut and pea 3" and under (4)	Run of mine, treatment over 3" (5)	1¼" and 3" slack (6)	¾" slack (7)
B. & B. Coal Company (Beasley, John A.).	1275	Black Betty #1	Waynesburg	Marion	208	203	208	178	168	158
Bailey, Cecil A	1266	Bailey #1	Redstone	Lewis	223	218	198	183	178	168
Bolyard, Roy D	1268	Brown #2	L. V. Kit	Preston	233	228	235	210	200	190
Bowden, R. T	1269	Bowden #2	Sewell	Randolph	243	238	218	193	178	168
Bowden Coal Company.	1270	Big Knob #(6)	Sewell	Randolph	253	248	228	203	223	213
Bowden Coal Company.	1277	Big Knob #2 (Strip)	Sewell	Randolph	253	248	246	223	223	213
Sherrodaville Mining Company, c/o H. Glavina.	1266	Meadowbrook (Strip)	Pittsburgh	Harrison	223	218	218	193	178	168
Tenney, Leben	1267	Tenney	H. V. Freeport	Upshur	223	218	218	198	193	183
Walker Coal Mining Company	1272	Big Sewell #2	Sewell	Randolph	253	248	248	223	223	213
Zickefoose, Minter J	1273	Hoffman	H. V. Klt	Upshur	208	203	208	178	178	168

[F. R. Doc. 42-262; Filed, January 12, 1942; 9:26 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

PART 613—PROCEDURE ON REGISTRATION DAY

Effective February 1, 1942, the Selective Service Regulations are hereby amended by assigning new numbers to the paragraphs hereinafter listed; by changing the context of those paragraphs which are followed by the words "as amended"; and by publishing such renumbered and amended paragraphs as the sections of Part 613 of the Second Edition of the Selective Service Regulations:

Paragraph 241 as amended becomes § 613.1.
Paragraph 242 as amended becomes § 613.11.
Paragraph 243 as amended becomes § 613.12.
Paragraph 244 as amended becomes § 613.13.
Paragraph 245 as amended becomes § 613.14.
Paragraph 246 as amended becomes § 613.15.
Paragraph 247 as amended becomes § 613.16.
Paragraph 248 as amended becomes § 613.17.
Paragraph 249 as amended becomes § 613.18.
Paragraph 250 as amended becomes § 613.19.
Paragraph 251 as amended becomes § 613.20.
Paragraph 252 as amended becomes § 613.21.
Paragraph 253 as amended becomes § 613.31.
Paragraph 254 as amended becomes § 613.32.

PART 613—PROCEDURE ON REGISTRATION DAY

REGISTRATION HOURS

Sec.
613.1 Hours of duty.

INTERVIEW OF REGISTRANT

613.11 Procedure for interviewing registrant.
613.12 Need for careful work in making out Registration Card.
613.13 Serial number; order number.
613.14 Instructions concerning answers on front of Registration Card.
613.15 Instructions concerning answers on back of Registration Card.
613.16 Registrant's signature.
613.17 Warning to report change of address.
613.18 Certification by registrar.
613.19 Registration Certificate.
613.20 Interpreters.
613.21 Recalcitrants.

REPORTS AND DISPOSITION OF FORMS

613.31 Report.
613.32 Disposition of Registration Cards and Registration Certificates.

REGISTRATION HOURS

§ 613.1 *Hours of duty.* (a) Chief registrars shall keep all registration places open on the day and during the hours specified in the Presidential proclamation and on such preceding days during such hours as the State Director of Selective Service may authorize for advance registration. On those days and during those hours there must be at least one registrar always on duty.

(b) All persons waiting to register at the closing hour on the day specified in the Presidential proclamation shall be registered.*

*§§ 613.1 to 613.32, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C. Sup., 301–318 inclusive, E.O. No. 8545, 5 F.R. 3779.

INTERVIEW OF REGISTRANT

§ 613.11 *Procedure for interviewing registrant.* (a) Only one registrant shall be permitted to approach the registration table at any one time.

(b) All persons who present themselves for registration shall be registered on a Registration Card (Form 1). The Director of Selective Service will specify the color of card to be used for each registration. All persons who present themselves for registration, including persons who should have registered on a previous registration day, shall be registered on the card of the color so specified.

(c) The registrar shall ask the registrant to answer the questions in the order in which they appear on the Registration Card (Form 1), and each answer shall be entered by the registrar in the proper space. If the registrant's answer to any question is not clear, the question shall be explained carefully and asked again.

(d) The registrar shall be patient and take plenty of time. The registrar shall enter into no argument with the registrant. Proceedings shall not be rushed.*

§ 613.12 *Need for careful work in making out Registration Card.* (a) All entries on the Registration Card (Form 1) must be made by the registrar and shall be in ink, clear and readable. Two kinds of questions are asked: (1) Those on the front of the card, answers to which are given by the registrant and written down by the registrar, and (2) those on the back, which are both answered and written down by the registrar. The registrar shall not permit anyone other than himself to write on the Registration Card (Form 1), except when the registrant signs the completed card. In an unusual case, a registrant may insist on making a special notation on the Registration Card (Form 1) before he will sign it. The registrar should explain to such a registrant that his notation will have no legal effect and that the registrant will be given a full opportunity to make any claim he desires at a later time. If the registrant still insists on making a special notation, he may be permitted to do so. He shall limit such notation to the margin of the Registration Card (Form 1) and shall in no event write on any portion of the card designed for normal entries.*

§ 613.13 *Serial number; order number.* The spaces on the Registration Card (Form 1) for serial number and order number shall be left blank.*

§ 613.14 *Instructions concerning answers on front of Registration Card—*(a) *Question 1: Name of the registrant.* The registrar shall ask the registrant to spell out his full name (including full middle name). If the registrant has no given name but only initials, or has only an initial for a middle name, this may be shown thus:

J. B. (initials only) Thompson.
John B. (initial only) Thompson.

As the registrant spells out his name, the registrar shall record it on a scrap of paper and then ask the registrant to verify it and, if possible, give some identification showing it to be his true name. When satisfied that the registrant's name on the scrap of paper is correct, the registrar shall carefully print the name on line 1 of the Registration Card (Form 1). Remember this is the record upon which all subsequent selective service records are based, and it is extremely important that the name be legible.

(b) *Question 2: Place of residence.* The registrar shall then ask the registrant the place of his residence in the continental United States, in the Territory of Alaska, in the Territory of Hawaii, or in Puerto Rico. No registrant shall be permitted to give a place of residence outside of these areas, and no place of residence not within these areas shall be entered on line 2 of any Registration Card (Form 1). The registrant, in describing the place of his residence, shall identify its location. Where a street number is used, he shall give each number separately and spell out the name of the street. In every case he shall give the name of the town, township, village, or city, and the county and State in which it is located. No. R. F. D. number shall be sufficient unless it is supplemented by more particular information showing where the registrant's residence is located on the R. F. D. route. As the registrant gives the numbers and spells the names constituting the place of his residence, the registrar shall record them on a scrap of paper and then have the registrant verify the description as written. The registrant shall be permitted to determine what place he desires to give as his residence when he is not located in the same place all of the time. The registrar shall make no effort to dictate or interfere with this choice. However, the registrant shall be carefully advised by the registrar that the place he gives as his residence will determine, once and for all, the local board which has jurisdiction over him and that after he is registered that jurisdiction will never be changed. For the same reason, the registrar should be very careful to satisfy himself that the place he has recorded on the scrap of paper clearly describes the location of the registrant's place of residence. When the registrar is satisfied that it is correct, he shall very carefully print the description of the place of the registrant's residence on line 2 of the Registration Card (Form 1). The local board for the area in which the residence of the registrant (the place described on line 2 of the Registration Card (Form 1)) is located will always have jurisdiction of the registrant. It is therefore important that the description of the place of residence be printed legibly and that it be as complete as possible.

(c) *Question 3: Mailing address if other than place described on line 2.* The registrar shall ask the registrant if his mailing address and the description of the place of his residence entered on line 2 are the same. If they are, the registrar shall write in the word "same" on line 3. If they are not, the registrar shall secure and enter the registrant's present mailing address on line 3 of the Registration Card (Form 1), using the same method and the same care as was used in securing and entering the place of residence on line 2. Remember that the mailing address is very important because it is the address to which all notices to the registrant will be sent.

(d) *Remaining questions.* In a similar manner the registrar shall ask the registrant for the answers to the remaining questions on the Registration Card (Form 1) and with the same care check each answer before it is entered.

(e) In making all entries on the Registration Card (Form 1), remember the importance of legibility and thoroughness. This record is the foundation upon which all selective service records are built, and an error, or an illegible entry, can cause great trouble both to the registrant and those whose duty it is to administer the Selective Training and Service Act of 1940, as amended.*

§ 613.15 *Instructions concerning answers on back of Registration Card.* After the registrant has answered all questions and the registrar has entered his answers on the front of the card, and before the registrant signs the Registration Card (Form 1), it shall be turned over and the registrar's report on the back shall be completed. The registrar shall indicate the race, color of eyes, color of hair, and complexion of the registrant by a check mark (√), and shall record an estimate of his height, in feet and inches, and his weight, in pounds. If the registrant has any obvious physical characteristics which will aid in identification, these shall be recorded by the registrar in the space provided therefor. If he has no such obvious physical characteristics, the registrar shall write the word "none" in such space.*

§ 613.16 *Registrant's signature.* (a) When the provisions of §§ 613.14 and 613.15 have been carried out, the registrar shall have the registrant verify the correctness of the entries.

(b) The registrant should then sign his name, exactly as he usually signs it, in the proper place on the front of the Registration Card (Form 1) in the space provided for his signature. If he cannot sign his name, he should make his mark, and the registrar shall then write in after the mark the words "the mark of ---------- made in my (Name of registrant) presence" and shall sign his own name thereunder, followed by the word "Registrar."

(c) If the registrant is unable or refuses to sign the Registration Card (Form 1), or to make a mark in lieu of such signature, the registrar shall sign such registrant's name and indicate that he has done so by signing his own name, followed by the word "Registrar," beneath the name of such registrant, and the act of the registrar in so doing shall have the same force and effect as if such registrant had signed the Registration Card (Form 1), and such registrant shall thereby be registered.*

§ 613.17 *Warning to report change of address.* At this point, the registrar should instruct the registrant that he must keep in touch with his local board and especially that he must report immediately to the local board if he wishes notices sent to some address other than that indicated by the answer on line 3 of the Registration Card (Form 1).*

§ 613.18 *Certification by registrar.* (a) After the Registration Card (Form 1) is signed, the registrar shall note, in the space provided therefor on the back thereof, the registrant's answers which he believes to be incorrect or false, if any. If he does not believe any of the registrant's statements to be incorrect or false, he shall write the words "None to my knowledge" in such space. It is the sworn duty of the registrar to report on the Registration Card (Form 1) any statements of the registrant he believes to be incorrect or false.

(b) The registrar shall then sign the certification and fill in the local board number, city or county and State, and the date of registration on the back of the Registration Card (Form 1). The registrar should then carefully check the completed Registration Card (Form 1) to be sure that every question is correctly answered and that all the answers are complete and legible.*

§ 613.19 *Registration Certificate.* After the Registration Card (Form 1) is completed and signed, the registrar shall prepare, from information taken from the Registration Card (Form 1), the Registration Certificate (Form 2) and give it to the registrant. The Registrar shall never fill out the Registration Certificate (Form 2) until after completely finishing the Registration Card (Form 1). The registrant should be warned that he must have his Registration Certificate (Form 2) in his personal possession at all times and that, upon request, he must exhibit it to any law-enforcement officer, any official of National Headquarters for Selective Service or of a State Headquarters for Selective Service, or any member of the local board or board of appeal.*

§ 613.20 *Interpreters.* Registrars may accept the gratuitous assistance of such interpreters as are necessary, provided such interpreters shall first execute an Oath of Office and Waiver of Pay or Compensation (Form 21) and shall be sworn to correctly interpret the questions asked by the registrar and the answers given by the registrant.*

§ 613.21 *Recalcitrants.* If a registrant refuses to cooperate or is inclined to evade, refuse to answer, or to answer falsely, his attention should be called to the penal provision of the Selective Training and Service Act of 1940, as amended. If he is still refractory, witnesses should be called, and after the penalty of the law has been explained again to him in the presence and hearing of witnesses, a full opportunity should be given him to reconsider his actions and answer the questions. If he is still refractory, his name and the names of the witnesses should be noted and the case immediately reported to the chairman of the local board, who may report the case to the United States district attorney. The registration should not be obstructed or delayed. Persons attempting to obstruct or delay it should be dealt with promptly and firmly.*

REPORTS AND DISPOSITION OF FORMS

§ 613.31 *Report.* When the registration is completed, each chief registrar must immediately prepare and sign a written report of the number of completed registrations in the form shown below:

The undersigned hereby certifies that he was duly sworn to perform the duties of a chief registrar and that the number of persons registered by the registrars and special registrars working at his registration place was ----------.

Place where registration was conducted:

(Address)

Signature----------

The report shall be delivered to the chairman of the local board as soon as possible after registration is completed.*

§ 613.32 *Disposition of Registration Cards and Registration Certificates.* (a) The completed Registration Cards (Form 1) shall be tied in a neat package by the chief registrar. He shall mark on the wrapper:

---- completed Registration Cards (Form 1)
(Number of)
delivered by ----------
(Name of chief registrar)
to the Chairman of Local Board No. ---------
of ----------, State of ----------

(b) All unused Registration Cards (Form 1) and Registration Certificates (Form 2) shall be tied into another package.

(c) All Registration Cards (Form 1) and Registration Certificates (Form 2) which have been spoiled and not completed and are unfit for further use shall be fastened into a third package.

(d) As soon as possible after registration is completed, each chief registrar shall deliver (1) the marked package of completed Registration Cards (Form 1), (2) the package of unused Registration Cards (Form 1) and Registration Certificates (Form 2), and (3) the package of spoiled Registration Cards (Form 1) and Registration Certificates (Form 2) to the chairman of the local board, who shall give him a receipt therefor.*

LEWIS B. HERSHEY,
Director.

JANUARY 9, 1942

[F. R. Doc. 42-304; Filed, January 12, 1942; 1:36 p. m.]

PART 653—WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

Effective February 1, 1942, the Selective Service Regulations and Camp Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs which are followed by the words "as amended"; and by publishing such rearranged, renumbered, and amended paragraphs as the sections of Part 653 of the Second Edition of the Selective Service Regulations:

SELECTIVE SERVICE REGULATIONS

Paragraph 365*f* as amended becomes § 653.11.
Paragraph 365*g* as amended becomes § 653.15.
Paragraph 365*h* as amended becomes § 653.4.
Paragraph 365*h* as amended becomes § 653.14.
Paragraph 365*h* as amended becomes § 653.16.

CAMP REGULATIONS

Paragraph 1 as amended becomes § 653.1.
Paragraph 2 as amended becomes § 653.1.
Paragraph 2 as amended becomes § 653.2.
Paragraph 3 as amended becomes § 653.2.
Paragraph 4*a* as amended becomes § 653.3.
Paragraph 4*b* as amended becomes § 653.2.
Paragraph 5 as amended becomes § 653.5.
Paragraph 5 as amended becomes § 653.11.
Paragraph 8 as amended becomes § 653.12.
Paragraph 14 as amended becomes § 653.3.
Paragraph 15 as amended becomes § 653.3.
Paragraph 16 as amended becomes § 653.3.
Paragraph 21*a* as amended becomes § 653.13.
Paragraph 21*a* as amended becomes § 653.15.
Paragraph 21*b* as amended becomes § 653.16.
Paragraph 21*c* as amended becomes § 653.4.
Paragraph 21*c* as amended becomes § 653.14.
Paragraph 21*c* as amended becomes § 653.16.
Paragraph 21.1 as amended becomes § 653.4.

PART 653—WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

DESIGNATION AND ADMINISTRATION

Sec.
653.1 Work projects.
653.2 Camps.
653.3 Property and finance.
653.4 Special provisions concerning travel and subsistence expenses.
653.5 Communications concerning assignees.

ASSIGNEES

653.11 Reception at camps.
653.12 Duties.
653.13 Transfer.
653.14 Final release.
653.15 Release for induction into the land or naval forces.
653.16 Release for some reason other than for induction into the land or naval forces.

DESIGNATION AND ADMINISTRATION

§ 653.1 *Work projects.* (a) The Director of Selective Service is authorized to establish, designate, or determine work of national importance under civilian direction. He may establish, designate, or determine, by an appropriate order, projects which he deems to be work of national importance. Such projects will be identified by number and may be referred to as "civilian public service camps."

(b) Each work project will be under the civilian direction of United States Department of Agriculture, United States Department of the Interior, or such other Federal, State, or local governmental or private agency as may be designated by the Director of Selective Service. Each such agency will hereinafter be referred to as the "technical agency."

(c) The responsibility and authority for supervision and control over all work

projects is vested in the Director of Selective Service.*

*§§ 653.1 to 653.16, inclusive, issued under the authority contained in 54 Stat. 895; 50 U.S.C., Sup., 301–318, inclusive, E.O. No. 8545, 5 F.R. 3779 and E.O. No. 8675, 6 F.R. 831.

§ 653.2 *Camps.* (a) The Director of Selective Service may arrange for the establishment of a camp at any project designated as work of national importance under civilian direction.

(b) Government-operated camps may be established in which the work of national importance and camp operations will both be under the civilian direction of a Federal technical agency using funds provided by the Selective Service System and operating under such camp rules as may be prescribed by the Director of Selective Service.

(c) The Director of Selective Service may authorize the National Service Board for Religious Objectors, a voluntary unincorporated association of religious organizations, to operate camps. The work project for assignees of such camps will be under the civilian direction of a technical agency. Such camps and work projects shall be operated under such camp rules as may be prescribed by the Director of Selective Service.*

§ 653.3 *Property and finance.* (a) The Director of Selective Service will allot funds to each technical agency having supervision over a work project. Such funds may be obligated and expended by such technical agencies in accordance with the laws, rules, and regulations governing expenditures by the Selective Service System, except in cases where the Director of Selective Service specifically authorizes the technical agency to obligate and expend such funds for a particular purpose in accordance with the laws, rules, and regulations governing the usual activities of such technical agency. Not later than the 10th day of each month the representative, designated for such purpose by each technical agency receiving funds allotted by the Director of Selective Service, shall prepare a Report of Obligations (Form 260 and supplements) showing all funds obligated by such agency during the preceding month and shall distribute the original and copies of such forms in accordance with instructions thereon.

(b) The technical agency receiving property or equipment purchased from funds allotted by the Director of Selective Service shall designate a representative who shall be the responsible and the accountable officer.

(c) The National Service Board for Religious Objectors shall designate a representative as the responsible and accountable officer for and shall post a sufficient bond to indemnify the United States against loss of or damage to all camp buildings, camp-operating equipment, and other Government-owned property loaned to the non-Federal group in connection with the operation of any of its camps.

(d) When the National Service Board for Religious Objectors has been authorized to operate a camp, it shall assume the entire financial responsibility for the wages of the camp director and other employees, the clothing, feeding, housing, medical care, hospitalization, welfare, and recreation of assignees and all other costs of operating the camp.

(e) The Director of Selective Service is authorized to pay assignees in Government-operated camps. The pay of assignees shall not be more than $5 per month except that not to exceed 6 percent of the assignees may be paid not more than $7.50 per month. The Director of Selective Service is also authorized to provide subsistence, proper clothing for the performance of their duties, and such other personal supplies or equipment as he deems necessary for assignees in Government-operated camps, without expense to such assignees.

(f) The purchase and procurement of food, supplies, clothing, and equipment; the maintenance and repair of buildings and equipment; the pay of administrative personnel; the pay of assignees; the incurring of other obligations; and other expenditures in connection with Government-operated camps will be made (1) in accordance with the laws, rules, and regulations governing such transactions within the Selective Service System or (2) when specifically authorized for a particular purpose by the Director of Selective Service, in accordance with the laws, rules, and regulations governing the usual activities of such technical agency.*

§ 653.4 *Special provisions concerning travel and subsistence expenses.* (a) Books of Government Requests for Transportation (Standard Form No. 1030) and Government Request for Meals or Lodgings for Civilian Registrants (Form 256) shall be supplied by the Director of Selective Service to the National Service Board for Religious Objectors or to the technical agency operating the camp, which in turn shall supply camp directors with such books as are necessary. Upon receiving from the Director of Selective Service an order of transfer or release of an assignee, the camp director shall issue requests to the assignee to provide for necessary transportation, meals, or lodging between the camp (or other place of release) and (1) the local board from which the assignee was assigned; or (2) the assignee's home, if the distance thereto is equal to or less than the distance to the local board of assignment; or (3) any other place chosen by the assignee if the distance thereto is equal to or less than the distance to the local board of assignment; *Provided*, That if an assignee has been transferred to the camp (or other place of release) for the convenience of the assignee, he shall not be provided with requests in excess of the requests that would have been required had such transfer not taken place. Government Requests for Transportation (Standard Form No. 1030) and Government Request for Meals or Lodgings for Civilian Registrants (Form 256) shall be issued in accordance with the provisions of §§ 608.44 and 608.45.

(b) An assignee or person connected with the staff of the technical agency may be authorized by the Director of Selective Service to accompany any physically incapacitated assignee who is being transported to his home or to a place where he is to receive medical care or treatment and when so authorized shall receive the allowances provided for by paragraph (c) of this section.

(c) Travel by employees of the technical agency will be accomplished in the manner provided in the rules and regulations of the technical agency, except that no allowance for travel or subsistence shall be paid in excess of that provided for in Standardized Government Travel Regulations.*

§ 653.5 *Communications concerning assignees.* In no event will the camp director communicate with the local board or the State Director of Selective Service concerning assignees, but all such communications shall be directed to the Director of Selective Service, Washington, D. C.*

ASSIGNEES

§ 653.11 *Reception at camps.* (a) When the assignee has reported to camp, the camp director shall complete the Order to Report for Work of National Importance (Form 50). Four copies of the completed Order to Report for Work of National Importance (Form 50) shall be sent to the Director of Selective Service; one copy will be retained by the camp director. The Director of Selective Service will forward two copies of the Order to Report for Work of National Importance (Form 50) to the appropriate State Director of Selective Service, who will retain one copy for his files and mail the other copy to the local board for filing in the registrant's Cover Sheet (Form 53).

(b) In the event an assignee does not report to the camp at the time prescribed in his Order to Report for Work of National Importance (Form 50) or pursuant to the instructions of the local board, the camp director will report such fact to the Director of Selective Service.

(c) If the assignee has indicated in Item 84, Section VI, of the Report of Physical Examination and Induction (Form 221) that his physical condition has changed since his final-type physical examination for registrants in Class IV–E, the finding of the camp physician with reference thereto shall be entered in Item 85, Section VI, of the Report of Physical Examination and Induction (Form 221). If the assignee is not accepted for work of national importance, the camp director will indicate the reason therefor, and the assignee, pending instructions from the Director of Selective Service, will be retained in the camp or hospitalized where necessary.

(d) The camp director shall complete Section VI of the Report of Physical Examination and Induction (Form 221), changing such parts thereof as may be required. The camp director shall retain the Armed Forces' Original of the Report of Physical Examination and Induction (Form 221) and shall forward the Surgeon General's Copy and the National Headquarters' Copy thereof to the Director of Selective Service.

(e) Upon receiving notice that a registrant has been accepted for work of national importance, the local board shall not change his classification but shall note the fact of his acceptance for such work in the Classification Record (Form 100). Upon receiving notice that a registrant has been rejected for work of national importance, the local board shall take the action outlined in § 633.13 (b) and shall either retain the registrant in Class IV–E or change his classification to Class IV–E–LS or Class IV–F as the circumstances may require.*

§ 653.12 *Duties.* Assignees will remain in camp until released by proper authority; perform their assigned duties promptly and efficiently; keep their persons, clothing, equipment, and quarters neat and clean; conserve and protect Government property; conduct themselves both in and outside of the camp so as to bring no discredit to the individual or the organization; and comply with such camp rules as may be prescribed from time to time by the Director of Selective Service.*

§ 653.13 *Transfer.* (a) No assignee shall be transferred from one camp to another except upon the written authority and direction of the Director of Selective Service.

(b) If an assignee is transferred from one camp to another for the convenience of the assignee, such transfer shall be made at the expense of the assignee or of the religious organization desiring such transfer.*

§ 653.14 *Final release.* (a) Each assignee who completes his period of active participation in work of national importance under civilian direction shall receive a Certificate of Release from Active Participation in Work of National Importance under Civilian Direction (Form 45). Four copies of the Certificate of Release from Active Participation in Work of National Importance under Civilian Direction (Form 45) will be prepared by the Director of Selective Service and distributed as follows: The original will be transmitted to the camp director for delivery to the released assignee; two copies will be sent to the appropriate State Director of Selective Service, who will retain one copy for his file and transmit the other copy to the assignee's local board; and the remaining copy will be filed in the assignee's file in National Headquarters for Selective Service.

(b) Each such assignee after the completion of his period of service shall be transferred to a reserve until he attains the age of 45, or until the expiration of 10 years after he is transferred to such reserve, or until he is discharged from such reserve, whichever shall occur first, and shall, during such period, be deemed to be a member of such reserve and shall be subject to such additional participation in work of national importance under civilian direction as may now or hereafter be prescribed by law. Such assignee will be retained in Class IV–E by the local board.

(c) Each assignee who has completed his period of active participation in work of national importance under civilian direction and has received a Certificate of Release from Active Participation in Work of National Importance under Civilian Direction (Form 45) shall be furnished with necessary Government Requests for Transportation (Standard Form No. 1030) and Government Request for Meals or Lodgings for Civilian Registrants (Form 256) as provided in § 653.4.*

§ 653.15 *Release for induction into the land or naval forces.* (a) The Director of Selective Service may release an assignee from active participation in work of national importance under civilian direction prior to the completion of his period of service for the purpose of permitting him to be inducted into the land or naval forces.

(b) An assignee's local board is authorized to change the classification of an assignee prior to his release from work of national importance under civilian direction upon receiving a request from the Director of Selective Service that the assignee's classification be reopened.

(c) When (1) an assignee makes an application to the Director of Selective Service to volunteer for induction into the land or naval forces either for combatant or noncombatant service or (2) an assignee's conduct indicates that he may have been improperly classified, the Director of Selective Service may request that the assignee's classification be reopened and that the assignee be classified anew.

(d) An assignee's application to volunteer for induction into the land or naval forces either for combatant or noncombatant service shall be submitted to the Director of Selective Service through his camp director. Such application need not be in any particular form but shall contain the following information: The assignee's name, residence address at the time of assignment, order number, local board number and location, and the name of the camp to which he is assigned. The camp director is not required to approve or disapprove such request, but if he sees fit, he may submit a report concerning the assignee to the Director of Selective Service. Such assignee shall retain his status as an assignee and will remain in camp until released by the Director of Selective Service.

(e) Upon receipt of the request of the Director of Selective Service that the classification of the assignee be reopened, the local board shall consider the case under the provisions of Part 626.

(f) If the classification of the assignee is changed by the local board to Class I–A or Class I–A–O, arrangements will be made by the Director of Selective Service for the assignee to be delivered to his local board or to a local board of transfer for physical examination by the armed forces and for induction into the land or naval forces. Such assignee shall remain in camp until released by the Director of Selective Service. Such assignee shall be furnished with necessary Government Requests for Transportation (Standard Form No. 1030) and Government Request for Meals or Lodgings for Civilian Registrants (Form 256) for travel between the camp and his local board or a local board of transfer.*

§ 653.16 *Release for some reason other than for induction into the land or naval forces.* (a) The Director of Selective Service may release an assignee from active participation in work of national importance under civilian direction prior to the completion of his period of service under conditions which would warrant release by the Secretary of War or the Secretary of the Navy of a registrant who has been inducted into the land or naval forces.

(b) Each assignee released from active participation in work of national importance under civilian direction prior to the completion of his period of service for any reason other than for induction into the land or naval forces shall receive an Interim Certificate of Release from Active Participation in Work of National Importance under Civilian Direction (Form 46) stating the reasons for such release.

(c) The Director of Selective Service shall prepare an Interim Certificate of Release from Active Participation in Work of National Importance under Civilian Direction (Form 46), in quadruplicate, and instructions to the local board for the disposition of the assignee's case, in triplicate. He shall distribute them as follows: The original of the Interim Certificate of Release from Active Participation in Work of National Importance under Civilian Direction (Form 46) will be transmitted to the camp director for delivery to the assignee; two copies of the Interim Certificate of Release from Active Participation in Work of National Importance under Civilian Direction (Form 46) and the original and one copy of the instructions will be sent to the appropriate State Director of Selective Service who will transmit one copy of each to the assignee's local board and retain the other copy for his file; the remaining copy of each will be filed in the assignee's file in National Headquarters for Selective Service.

(d) Each such assignee shall be furnished with necessary Government Requests for Transportation (Standard Form No. 1030) and Government Request for Meals or Lodgings for Civilian Registrants (Form 256) as provided in § 653.4.

(e) Upon receiving a copy of the assignee's Interim Certificate of Release from Active Participation in Work of National Importance under Civilian Direction (Form 46) and the instructions of the Director of Selective Service, the local board shall take such action as may be necessary in order to carry out the instructions of the Director of Selective Service.*

LEWIS B. HERSHEY,
Director.

JANUARY 9, 1942.

[F. R. Doc. 42–303; Filed, January 12, 1942; 1:36 p. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 933—COPPER

Amendment to Conservation Order No. M–9–c as Amended December 10, 1941 Curtailing the Use of Copper in Certain Items

Section 933.4 (*Conservation Order No. M–9–c*[1]) is hereby amended as follows:

By adding at the end of List "B" the following:

§ 933.4 *Conservation Order No. M–9–c.*

* * * * *

Health Supplies, as defined in Preference Rating Order No. P–29 as the same may be amended, to the extent a preference rating of A–10, or higher, is assigned under said Order for the delivery of Copper or Copper Base Alloy in the manufacture of any of such items.

(P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

This Amendment shall take effect immediately.

Issued this 13th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–313; Filed, January 13, 1942; 10:13 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

Priorities Regulation No. 3—To Provide for the Use of Revised Preference Rating Certificates and Prescribe the Manner of Application of Ratings Assigned Thereby

The following Regulation is issued by the Director of Priorities to promote the defense of the United States and for the purpose of improving and facilitating the operation of the Priorities System.

§ 944.23 *Priority Regulation No. 3*—(a) *Adoption of revised forms of Preference Rating Certificates.* On and after February 2, 1942, preference ratings to be assigned by Preference Rating Certificates *may* be assigned and on and after March 1, 1942, *shall* be assigned, in the manner and subject to the provisions hereinafter set forth, by revised forms of Preference Rating Certificates hereby designated as Preference Rating Certificate PD–1A and Preference Rating Certificate PD–3A, copies of which are hereto attached and made a part hereof,[2] and hereby adopted in place of the Preference Rating Certificates Forms PD–1, PD–2, PD–3, PD–4 and PD–5; *Provided*, That all Preference Rating Certificates Forms PD–1, PD–2, PD–3, PD–4 and PD–5 duly issued prior to March 1, 1942, are valid and shall continue valid in effect until termination or expiration by the terms thereof or by the circumstances or conditions of their application, or until hereafter cancelled, modified, changed or amended by the Director of Priorities.

(b) *Categories of use of prescribed Preference Rating Certificates.* (1) Preference Rating Certificate PD–3A shall be used to assign preference ratings, where appropriate, to deliveries under contracts or purchase orders of the Army, Navy, Coast Guard, Maritime Commission, Coast and Geodetic Survey, Panama Canal, National Advisory Committee on Aeronautics, Civil Aeronautics Authority, Office of Scientific Research and Development, Procurement Division of the Department of the Treasury and Surplus Marketing Administration of the Department of Agriculture; contracts or purchase orders of foreign governments; and such other contracts or purchase orders as may be prescribed from time to time.

(2) Preference Rating Certificate PD–1A shall be used to assign, where appropriate, preference ratings to deliveries under all other contracts and purchase orders.

(c) *Extension of preference ratings to deliveries under contracts and purchase orders and subcontracts and suborders.* (1) Preference ratings assigned by Preference Rating Certificates PD–1A and PD–3A may be extended to deliveries under contracts and purchase orders and subcontracts and suborders by endorsing on the purchase order or other equivalent document furnished to the Supplier or Subsupplier a Certification in the form prescribed by the appropriate certificate, filled in and manually signed by an official of the purchasing company duly authorized for such purpose.

(2) In cases where Preference Rating Certificates PD–3A issue under letters of intent and therefore no contract number can be inserted in the space provided in the Certification form, reference to a footnote addition shall be inserted and in such footnote the Supply Arm or Bureau of the Army or Navy or other government agency issuing the letter of intent and the date of such letter, together with any identification symbol on such letter, shall be stated.

(3) A Supplier or Subsupplier who has received two or more contracts or purchase orders bearing ratings of the same grade originally assigned by Preference Rating Certificates PD–1A and PD–3A, may include in a single contract or purchase order, and (within the limitations of (e) hereof) may extend such rating to, any or all of the material which he in turn requires to make delivery in accordance with such contracts or purchase orders or to replace in inventory material so delivered, but must specify in the Certification endorsed on such single purchase order or equivalent document all of the Preference Rating Certificate Form Numbers and corresponding Serial Numbers of the ratings which have been so received by him and pursuant to which he is extending the rating. All spaces must be filled in where applicable.

(d) *False statements.* The execution and transmission of the Certification above set forth to a Supplier or Subsupplier shall be deemed a representation to the Office of Production Management for the purpose of Section 35 (A) of the Criminal Code (18 U.S.C. 80), which makes it a criminal offense to make a false statement or representation to any Department or Agency of the United States as to any matter within its jurisdiction.

(e) *Restrictions on extension of ratings assigned by a Preference Rating Certificate PD–1A or PD–3A.* (1) A Supplier or Subsupplier may extend the preference rating only to:

(i) Deliveries of material which will be physically incorporated into material to be ultimately delivered by him or by another Supplier to the original recipient of the preference rating, or to deliveries of material which will itself be ultimately delivered by him or by another Supplier to the original recipient of the preference rating, or which will be used, within the limitations of paragraphs (e) (1), (2) and (3) hereof, to replace in inventory material so delivered;

(ii) Material which is neither greater in quantity nor to be delivered on dates earlier than required to make on schedule a rated delivery or, within the limitations of (2) and (3) below, to replace in inventory material so delivered. Material shall not be deemed to be so required if the rated delivery may be made and a practicable working minimum inventory thereof still retained; and if, in making such delivery, the inventory is reduced below such minimum, the rating may be extended only to the extent necessary to restore the inventory to such minimum.

(2) A Supplier or Subsupplier who supplies material which he has in whole or in part manufactured, processed, assembled or otherwise physically changed, may not extend the rating to restore his inventory to a practicable working minimum unless he extends the rating before completing the rated delivery which reduces his inventory below such minimum.

(3) A Supplier or Subsupplier who supplies material which he has not in whole or in part manufactured, processed, assembled or otherwise physically changed may, in restoring his inventory to a practicable working minimum, defer extensions of the rating originally assigned by a Preference Rating Certificate PD–1A or PD–3A for such material until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided*, That he shall not defer the extension of any rating for more than three months after he becomes entitled to apply it.

(4) The extension of preference ratings assigned by Preference Rating Certificate PD–3A may be made subject to such additional provisions and conditions as may from time to time be prescribed by the appropriate Supply Arm or Bureau of the Army or Navy, with the approval of the Army and Navy Munitions Board and of the Director of Priorities.

(5) Any Supplier or Subsupplier who extends the preference rating shall be subject to all of the terms and conditions of this Regulation.

(f) *Records, audit and inspection, and reports.* Any person who applies for or extends a preference rating or to whom a preference rating certificate is issued, and any Supplier or Subsupplier who receives a contract or purchase order bearing a rating, shall maintain such records and shall be subject to such audit and inspection as are provided by Priorities Regulation No. 1 as the same may be amended or supplemented from time to time; and shall make such reports as may be required by the Director of Priorities from time to time hereafter.

(g) *Violations.* Any person who wilfully violates any provision of this Regulation or of Preference Rating Certificates PD–1A or PD–3A or who, by any act or omission, falsifies records to be kept or information to be furnished pursuant to this Regulation, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Reproduction of forms.* Preference Rating Certificate Form PD–1A may be reproduced in blank by or for the user thereof but Preference Rating Certificate Form PD–3A may not be reproduced. Preference Rating Certificate Form PD–1A may be procured from the Priorities Division of the Office of Production Management or any of the field offices thereof; Preference Rating Certificates Form PD–3A may be procured from the duly authorized contracting and procurement officers and inspectors of the Army and Navy.

(i) *Effective date.* This Regulation shall take effect the 2nd day of February, 1942. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 12th day of January, 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–306; Filed, January 12, 1942; 4:30 p. m.]

PART 949—CHROMIUM

Amendment No. 1 to General Preference Order M–18–a To Conserve the Supply and Direct the Distribution of Chromium

Section 949.2 (*General Preference Order M–18–a*[1]), issued November 28, 1941, is hereby amended as follows:

Paragraph (e) of said section is hereby amended to read as follows:

[1] 6 F.R. 6142.

§ 949.2 *General Preference Order M–18–a.*

* * * * *

(e) *Restrictions on melting and directions for deliveries.* Hereafter no person shall melt more than two tons of ferro-chromium in any month except as specifically authorized by the Director of Priorities. The Director may from time to time specifically direct the manner and quantities in which deliveries of ferro-chromium or any other chromium shall be made or withheld for particular uses or for particular persons. Such directions will be made to insure the satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made in the discretion of the Director of Priorities without regard to any preference ratings assigned to particular contracts or purchase orders. The Director of Priorities may also take into consideration the possible dislocation of labor, and the necessity of keeping a plant in operation so that it may be able to fulfill defense orders and essential civilian requirements. In making any deliveries of chromium with respect to which no specific directions have been issued by the Director of Priorities, each producer, processor, and dealer must give preference to defense orders as required by the provisions of Priorities Regulation No. 1, as amended from time to time, and must be governed by any preference ratings assigned to particular contracts or purchase orders. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

This amendment shall take effect immediately. Issued this 13th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–314; Filed, January 13, 1942; 10:12 a. m.]

PART 1001—TIN

Amendment No. 1 to General Preference Order M–43 To Conserve the Supply and Direct the Distribution of Tin

Section 1001.1 (*General Preference Order M–43*),[1] issued December 17, 1941, is hereby amended as follows:

Paragraph (a) (3) is hereby amended to read as follows:

§ 1001.1 *General Preference Order M–43*—(a) *Definitions.*

* * * * *

(3) "Distributor" means any person regularly engaged in the business of buying and selling tin, and includes warehousemen and jobbers.

Paragraph (d) of said order is hereby amended to read as follows:

(d) *General restrictions on deliveries; reports*—(1) *Deliveries.* No person shall deliver any tin imported into the United States prior to the effective date of this order, or any tin otherwise obtained by him, either prior or subsequent to the effective date of this order, except as specifically authorized by the Director of Priorities. Any distributor, however, in the absence of a contrary direction by the Director of Priorities, is hereby authorized to deliver such tin to his regular customers in lots of three long tons or less up to but not exceeding a total of five long tons to any one customer in the same calendar month: *Provided*, That the aggregate of such deliveries which any person may receive from all distributors pursuant to this authorization shall in no event exceed five long tons in any one calendar month; and *Provided further*, That any person seeking such a delivery shall at the time of placing his purchase order, file with the distributor a statement substantially in the following form, manually signed by an official duly authorized for such purpose:

The undersigned hereby certifies:

(i) That no allocation of tin has been made to the undersigned by the Director of Priorities during the calendar month in which delivery of the tin covered by the accompanying purchase order is specified.

(ii) That such tin if delivered will not cause the undersigned's total receipts of tin from all distributors during the same calendar month pursuant to the authorization of paragraph (d) of General Preference Order M–43, as amended, to exceed five long tons, and

(iii) That such tin will not be used or disposed of by the undersigned in violation of any order, rule or regulation issued by the Director of Priorities.

(Name of Purchaser)

by ---
(Duly Authorized Official)

(2) *Reports.* On or before February 10, 1942, and on or before the 10th day of each succeeding month, each distributor shall report to the Office of Production Management in such form and detail as the Tin and Lead Branch of said Office may from time to time prescribe, his transactions in all tin during the previous month. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a) Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

This amendment shall take effect immediately. Issued this 13th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–311; Filed, January 13, 1942; 10:13 a. m.]

PART 1014—BURLAP AND BURLAP PRODUCTS

Interpretation No. 1 of Conservation Order M–47

The following official interpretation is hereby issued by the Director of Priorities with respect to § 1014.1, para-

[1] 6 F.R. 6354.
[2] Filed as part of the original document.

[1] 6 F.R. 6519.

graph (b) (1), Conservation Order No. M-47,[1] as amended December 31, 1941.

Any Importer or Importing Bag Manufacturer shall be deemed to have accepted delivery of Burlap from any cargo imported to the Continental United States before December 22, 1941, the effective date of Conservation Order M-47, within the meaning of the words "hereafter accepting delivery" in paragraph (b) (1) of the said Order if the vessel carrying such burlap arrived at any port of discharge prior to December 22, 1941. The date of arrival at a port of discharge is the date on which the captain of the vessel files his entry papers to the Custom House at the port of arrival. Any vessel which arrived at any port in Continental United States prior to December 22 shall be considered to have arrived with respect to its entire cargo prior to December 22 although part of the cargo is subsequently discharged at a second port of entry.

Issued this 13th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-312; Filed, January 13, 1942; 10:13 a. m.]

PART 1046—CASHEW NUT SHELL OIL

General Preference Order M-66 To Conserve the Supply and Direct the Distribution of Cashew Nut Shell Oil

Whereas the national defense requirements for Cashew Nut Shell Oil and products made therefrom have created a shortage of the supply thereof for defense, for private account, and for export, and it is necessary in the public interest and to promote the national defense to allocate the supply thereof in the manner and to the extent hereinafter in this Order provided;

Now, therefore, it is hereby ordered, That

§ 1045.1 *General Preference Order M-66*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* For the purposes of this Order (1) "Cashew Nut Shell Oil" shall mean that oil extracted by any means from the shell of the Cashew Nut and containing approximately 80% of Phenol with a molecular weight of 288 and approximately 20% of higher molecular weight Phenol, and whether extracted from nuts in this country or abroad.

(2) "Dealer" shall mean any person heretofore selling Cashew Nut Shell Oil in liquid form.

(c) *Restrictions on deliveries and uses of cashew nut shell oil.* Notwithstanding the requirements of Section 944.2 of Priorities Regulation No. 1 as to the acceptance and filling of Defense Orders and other rated orders, no person shall hereafter deliver, use, or accept delivery of Cashew Nut Shell Oil except to fulfill defense orders bearing a preference rating of A-2 or better for the following end products.

(1) Brake linings.

(2) Molding resins to be used for insulating aviation ignitions.

(3) Resin solutions for impregnating electrical coils.

(4) Such products as may from time to time be specifically designated by the Director of Priorities.

Provided, however, That nothing contained herein or in Priorities Regulation No. 1 shall prohibit deliveries of Cashew Nut Shell Oil to a dealer.

(d) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Cashew Nut Shell Oil conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Office of Production Management, Reference M-66, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(e) *Reports and correspondence.* All reports to be filed, appeals and other communications concerning this Order, should be addressed to the Office of Production Management, Washington, D. C., Reference M-66.

(f) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 13th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-310; Filed, January 13, 1942; 10:12 a. m.]

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[1] 6 F.R. 6648.

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

PRICE SCHEDULE NO. 66—RETREADED AND RECAPPED RUBBER TIRES, THE RETREADING AND RECAPPING OF RUBBER TIRES, AND BASIC TIRE CARCASSES

The war being waged with the Japanese Empire makes uncertain the future shipment of rubber from the Far East, which has hitherto been supplying this country with the greatest part of its crude rubber. In order to conserve for military and essential civilian purposes the rubber stockpile already accumulated in this country, it has been necessary to curtail sharply the consumption of rubber in the manufacture of products not essential to the immediate national defense. The production and sale of new rubber tires and tubes for ordinary civilian use have been greatly curtailed by Supplementary General Limitation Orders M-15-b[1] and M-15-c[2] of the Office of Production Management. The maximum prices for which new rubber tires and tubes may be sold at retail have been fixed by Price Schedule No. 63.[3]

A result of the regulation of the manufacture, sale and price of new rubber tires has been a sudden, greatly increased demand for basic tire carcasses, retreaded and recapped rubber tires and for the retreading and recapping of rubber tires. In a number of instances, in the last few weeks, prices, excited by the demand, have shot upward without regard to reason and with pot even a claim of justification. Indeed, the price of camelback, the principal material used in the retreading and recapping process, was stabilized by action taken by the Office of Price Administration on December 3, 1941. To halt such flagrant profiteering and pending the outcome of a thorough investigation now in process of completion, the Office of Price Administration finds it necessary to issue a Price Schedule establishing as maximum prices the prices presently prevailing. These prices have been established after independent investigation and conferences with the industry.

Accordingly under the authority vested in me by Executive Order No. 8734 it is hereby directed that:

§ 1315.1201 *Maximum prices for retreaded and recapped rubber tires, the retreading and recapping of rubber tires, and basic tire carcasses.* On and after January 19, 1942, regardless of the terms of any contract of sale or other commitment: (a) no person shall sell, offer to sell, deliver or transfer any retreaded or recapped tire or any basic tire carcass at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1315.1210; and (b) no person shall retread or recap any tire at prices higher than the maximum prices set forth in Appendix A hereof.*

*§§ 1315.1201 to 1315.1210, inclusive, issued pursuant to authority contained in Executive Order Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1315.1202 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged or demanded.*

§ 1315.1203 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with the sale, delivery or transfer of a tire carcass or retreaded or recapped rubber tire, alone or in conjunction with any other article or material, or in connection with the retreading or recapping of any rubber tire, by way of any commission, service, transportation or other charge, or by tying-agreement, or other trade understanding, or by increasing the charges for the extension of credit, or for the demounting or mounting of a tire on a vehicle, or rim or for any other service over those in effect on January 9, 1942, or by making the terms and conditions of sale more onerous to purchasers than those available or in effect on January 9, 1942, or by any other means. The purchaser shall always have the option of paying at the time of the purchase the full cash price for any basic tire carcass or retreaded or recapped rubber tire or for retreading or recapping any rubber tire. When a purchaser has a tire retreaded or recapped he shall have the option of bringing it to the seller's place of business without having it demounted from a vehicle or rim by the seller or having any other service performed, and of receiving delivery of any basic tire carcass or retreaded or recapped rubber tire at the seller's place of business without having it mounted on a vehicle or rim or having any other service performed.*

§ 1315.1204 *Posting of prices.* Every person engaged in the business of retreading or recapping rubber tires or of selling retreaded or recapped rubber tires or basic tire carcasses shall keep posted in a conspicuous place in each establishment at which such tires are offered for sale, or at which such retreading or recapping is contracted for, a statement setting forth the maximum prices which he is permitted to charge under this Schedule for such basic tire carcasses, retreaded or recapped rubber tires, and for retreading or recapping such rubber tires. For this purpose it shall be permissible to employ a copy of the printed list of maximum prices published by the Office of Price Administration if a copy of such list is then in the hands of such person. Such statement or list shall be posted not later than 8 AM on January 19, 1942.

If, on January 9, 1942, the seller made special charges for the extension of credit or for the demounting or mounting of tires or tubes on a rim or vehicle, or for any other service, and if he desires to continue such charges after January 19, 1942, such seller shall prepare a notarized statement listing the prices charged on January 9, 1942 for such extra service and shall post such statement not later than 8 AM on January 19, 1942, along with the statement or list of maximum prices required to be posted by this section.*

§ 1315.1205 *Records and reports.* (a) Every person engaged in the business of selling retreaded or recapped rubber tires or of retreading or recapping rubber tires shall furnish the purchaser with a written statement reciting (1) whether the tire has been retreaded, full capped, or top capped; (2) the market price of the camelback used; and (3) the depth of the nonskid tread at the center of the tire after the completion of the retreading or recapping.

(b) Every person engaged in the business of selling basic tire carcasses or retreaded or recapped rubber tires or of retreading or recapping rubber tires shall keep for inspection by the Office of Price Administration, for a period of not less than two years, complete and accurate records of every sale of such articles or of every retreading or recapping operation performed including the date thereof, the name and address of the purchaser, the price per unit, the quantity and size of tires sold, retreaded or recapped, specifying whether the work was retreading, full capping or top capping, the market price of the camelback used, and the depth of the nonskid tread at the center of the tire after the completion of the retreading or recapping.

(c) Every person engaged in the business of retreading or recapping rubber tires shall keep for inspection by the Office of Price Administration, for a period of not less than two years, complete and accurate records of his entire inventory of camelback, showing the date of each purchase or acquisition, the name of the seller, or source, the price paid and the stocks on hand as of the 19th and 31st days of January 1942 and of the last day of each succeeding month thereafter.

(d) Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1315.1206 *Enforcement.* In the event of refusal or failure to abide by the price limitations, posting or record requirements, or other provisions of this Schedule, or in the event of evasion or attempt to evade the price limitations, or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with the Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county and local government by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits, and (d) that the Rubber Reserve Company and the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of basic tire carcasses, retreaded or recapped rubber tires or retreading or recapping rubber tires, or the hoarding or accumulating of unnecessay inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1315.1207 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1315.1208 *Definitions.* When used in this Schedule the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Retreading" means the process of reconditioning a tire by removing all the original tread rubber from the worn tire down to the fabric and applying new rubber to the tread surface and side walls;

(c) "Recapping" means the process of applying a top cap or full cap to a used rubber tire;

(d) "Top cap" means a tread renewal where the worn tread of the tire is buffed off the top surface of the tire and new rubber is applied to the tread surface only;

(e) "Full cap" means a tread renewal where in addition to buffing off the worn tread the shoulders of the tire also are buffed below the shoulder design and new rubber is applied to both the tread surface and tire shoulders;

(f) "Purchaser" means a person who buys or offers to buy a basic tire carcass or retreaded or recapped tire, or who has any tire retreaded or recapped;

(g) "Seller" means a person who sells or offers to sell a basic tire carcass or retreaded or recapped rubber tire, or who retreads or recaps or offers to retread or recap used tires;

(h) "Basic tire carcass" means a used rubber tire retaining a maximum of 2/32 inch of the original tread when measured at the shallowest point of the center circumference;

(i) "Tire" means any rubber tire of the size and type described in Appendix A to this Schedule;

(j) "Camelback" means the uncured rubber compound applied to the worn tire to make the new tread in the process of retreading.*

§ 1315.1209 *Effective date of this Schedule.* This Schedule shall become effective on January 19, 1942.

§ 1315.1210 *Appendix A; maximum prices for retreaded and recapped rubber tires, the retreading and recapping of rubber tires, and basic tire carcasses*—(a) *Retreading and recapping (tire carcass furnished by purchaser).* The maximum prices for retreading or recapping a tire are the prices set forth for such retreading or recapping in the following tables.

(b) *Retreaded and recapped tires (tire carcass furnished by seller).* The maximum prices for a retreaded or recapped tire, where the tire carcass is furnished by the seller are, regardless of the thickness of rubber on the tread of such tire carcass, the sum of the price for the retreading or recapping plus the price for the tire carcass as set forth herein under the designation "Basic tire carcasses."

(c) *Basic tire carcasses.* The maximum prices for basic tire carcasses are the prices set forth herein under the designation "Basic tire carcasses."

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[1] 6 F.R. 6406.
[2] 6 F.R. 6792, 7 F.R. 121.
[3] 7 F.R. 35.

TABLE I.—*Maximum prices for retreading, full capping or top capping passenger-car tires and for basic tire carcasses* [1]

Tire size	Maximum prices: When using camelback the market price of which, exclusive of Federal excise tax, is 26 cents per lb. or over. Tread design depths [2]			Maximum prices: When using camelback the market price of which, exclusive of Federal excise tax, is 21 to 26 cents per lb. Tread design depths [2]			Basic tire carcasses. Add this price whenever any tire carcass is furnished by seller.
	12/32" or more	10–11/32"	Less than 10/32"	12/32" or more	10–12/32"	Less than 10/32"	
4.50—20	$5.26	$4.90	$4.55	$4.80	$4.45	$4.10	$1.60
4.50—21	5.70	5.30	4.90	5.15	4.80	4.45	1.80
4.75—19	5.80	5.40	5.00	5.25	4.90	4.55	1.80
5.00—19	5.95	5.55	5.15	5.45	5.05	4.65	1.80
5.25—17	6.55	6.10	5.65	5.95	5.55	5.15	1.80
5.25—18	6.85	6.40	5.95	6.20	5.85	5.40	1.80
5.25—19	6.90	6.45	6.00	6.25	5.90	5.45	1.80
5.50—16	6.95	6.50	6.05	6.30	6.05	5.50	1.80
5.50—17	7.10	6.60	6.10	6.50	6.05	5.60	1.80
5.50—18	7.10	6.60	6.10	6.50	6.05	5.60	1.80
5.50—19	7.95	7.40	6.85	7.20	6.80	6.45	1.80
6.00—16	7.50	7.00	6.50	6.95	6.45	5.95	1.80
6.00—17	8.45	7.90	7.35	7.65	7.30	6.75	1.80
6.00—18	9.10	8.50	7.90	8.45	7.85	7.35	1.80
6.00—19	9.55	8.90	8.25	8.85	8.25	7.65	1.80
6.25—16	8.25	7.70	7.15	7.65	7.10	6.55	1.80
6.50—16	8.70	8.10	7.50	8.05	7.50	6.95	1.80
6.50—17	10.10	9.40	8.70	9.35	8.70	8.05	1.80
6.50—18	10.26	9.55	8.85	9.80	8.85	8.20	1.80
6.50—19	10.35	9.65	8.95	9.60	8.95	8.30	1.80
7.00—15	10.15	9.45	8.75	9.40	8.75	8.10	1.80
7.00—16	10.35	9.65	8.95	9.60	8.95	8.30	1.80
7.00—17	11.45	10.65	9.85	10.65	9.90	9.15	1.80
7.00—18	11.55	10.75	9.95	10.75	10.00	9.26	1.80
7.00—19	11.90	11.10	10.30	11.15	10.35	9.55	1.80
7.50—15	11.45	10.65	9.85	10.65	9.90	9.15	1.80
7.50—16	11.60	10.80	10.00	10.80	10.05	9.30	1.80
7.50—17	12.00	11.20	10.40	11.25	10.45	9.65	1.80
7.50—18	12.20	11.35	10.50	11.35	10.55	9.75	1.80
7.50—19	12.45	11.60	10.75	11.60	10.80	10.00	1.80
8.25—16	13.25	14.30	13.25	14.40	13.40	12.40	1.80

Tire size	Maximum prices: When using camelback the market price of which, exclusive of Federal excise tax, is 17 to 21 cents per lb. Tread design depths [2]			Maximum prices: When using camelback the market price of which, exclusive of Federal excise tax, is less than 17 cents per lb. Tread design depths [2]			Basic tire carcasses. Add this price whenever any tire carcass is furnished by seller
	12/32" or more	10–12/32"	Less than 10/32"	12/32" or more	10–12/32"	Less than 10/32"	
4.50—20	$4.15	$3.85	$3.55	$3.85	$3.20	$3.05	$1.80
4.50—21	4.45	4.15	3.85	3.90	3.65	3.40	1.80
4.75—19	4.80	4.20	3.90	4.10	3.80	3.50	1.80
5.00—19	4.70	4.35	4.00	4.40	4.10	3.80	1.80
5.25—17	5.10	4.75	4.40	4.70	4.35	4.00	1.80
5.25—18	5.45	5.05	4.65	4.70	4.35	4.00	1.80
5.25—19	5.80	5.10	4.70	4.75	4.40	4.05	1.80
5.50—16	5.80	5.10	4.70	4.85	4.50	4.15	1.80
5.50—17	5.80	5.20	4.80	5.25	4.90	4.55	1.80
5.50—18	6.15	5.70	5.25	5.45	5.05	4.65	1.80
5.50—19	6.20	5.85	5.40	5.10	4.75	4.40	1.80
6.00—16	5.95	5.55	5.15	5.80	5.40	5.00	1.80
6.00—17	6.75	6.30	5.85	6.25	5.80	5.35	1.80
6.00—18	7.25	6.75	6.25	6.55	6.10	5.65	1.80
6.00—19	7.65	7.10	6.55	6.85	6.40	5.95	1.80
6.25—16	6.55	6.10	5.65	5.95	5.55	5.15	1.80
6.50—16	6.95	6.45	5.95				

See footnotes at end of table.

TABLE I.—*Maximum prices for retreading, full capping or top capping passenger-car tires and for basic tire carcasses* [1]—Continued

Tire size	Maximum prices: When using camelback the market price of which, exclusive of Federal excise tax, is 17 to 21 cents per lb. Tread design depths [2]			Maximum prices: When using camelback the market price of which, exclusive of Federal excise tax, is less than 17 cents per lb. Tread design depths [2]			Basic tire carcasses. Add this price whenever any tire carcass is furnished by seller
	12/32" or more	10–12/32"	Less than 10/32"	12/32" or more	10–12/32"	Less than 10/32"	
6.50—17	$8.05	$7.80	$6.95	$5.85	$6.45	$6.95	$1.80
6.50—18	8.15	7.80	7.05	6.85	6.55	6.05	1.80
6.50—19	8.20	7.70	7.10	7.10	6.80	6.10	1.80
6.50—20	8.10	7.55	7.00	7.00	6.70	6.00	1.80
7.00—16	8.15	7.70	7.10	7.10	6.80	6.10	1.80
7.00—17	9.15	8.80	7.85	7.85	7.60	6.85	1.80
7.00—18	9.25	8.90	7.95	7.95	7.60	6.95	1.80
7.00—19	9.55	8.90	8.25	8.20	7.85	7.15	1.80
7.00—20	9.15	8.80	7.85	7.90	7.55	6.90	1.80
7.50—15	9.20	8.65	8.00	8.00	7.65	7.15	1.80
7.50—16	9.30	8.65	8.00	8.35	7.75	7.15	1.80
7.50—17	9.30	8.65	8.00	8.35	7.75	7.15	1.80
7.50—18	9.30	8.65	8.00	8.35	7.75	7.15	1.80
7.50—19	10.00	9.20	8.60	8.60	8.05	7.40	1.80
7.50—20	12.35	11.80	10.65	10.65	9.90	9.15	1.80

[1] When the tire carcass is furnished by the purchaser, the maximum prices for retreading or recapping such tire are the prices shown in any applicable column to the left of the last column. When the tire carcass is furnished by the seller, the maximum prices for a retreaded or recapped tire are (regardless of the thickness of the rubber on the tread of the tire carcass before it was retreaded or recapped), the sum of the price for the retreading or recapping, shown in any applicable column to the left of the last column, plus the tire carcass price indicated in the last column.

[2] Figures expressed in terms of 32d inches are the depths of the tread design imposed by the retreading or recapping process at the center circumference of the tire.

TABLE II.—*Maximum prices for retreading and full capping truck and bus tires and for truck and bus basic tire carcasses*

Tire size	Maximum prices: When using camelback the market price of which, exclusive of Federal excise tax, is 17 to 21 cents per lb. Tread design depths [2]			Maximum prices: When using camelback the market price of which, exclusive of Federal excise tax, is less than 17 cents per lb. Tread design depths [2]			Basic tire carcasses. Add this price whenever any tire carcass is furnished by seller
	12/32" or more	10–12/32"	Less than 10/32"	12/32" or more	10–12 32"	Less than 10/32"	
4.50—20	$4.15	$3.85	$3.55	$3.85	$3.20	$3.05	$1.80
4.50—21	4.45	4.15	3.85	3.90	3.65	3.40	1.80
4.75—19	4.80	4.20	3.90	4.10	3.80	3.50	1.80
5.00—19	4.70	4.35	4.00	4.40	4.10	3.80	1.80
5.25—17	5.10	4.75	4.40	4.70	4.35	4.00	1.80
5.25—18	5.45	5.05	4.65	4.70	4.35	4.00	1.80
5.25—19	5.80	5.10	4.70	4.75	4.40	4.05	1.80
5.50—16	5.80	5.20	4.80	4.85	4.50	4.15	1.80
5.50—17	5.80	5.20	4.80	5.25	4.90	4.55	1.80
5.50—18	6.15	5.70	5.25	5.45	5.05	4.65	1.80
5.50—19	6.20	5.85	5.40	5.10	4.75	4.40	1.80
6.00—16	5.95	5.55	5.15	5.80	5.40	5.00	1.80
6.00—17	6.75	6.30	5.85	6.25	5.80	5.35	1.80
6.00—18	7.25	6.75	6.25	6.55	6.10	5.65	1.80
6.00—19	7.65	7.10	6.55	6.85	6.40	5.95	1.80
6.25—16	6.55	6.10	5.65	5.95	5.55	5.15	1.80
6.50—16	6.95	6.45	5.95				

TABLE II.—*Maximum prices for retreading and full capping truck and bus tires and for truck and bus basic tire carcasses*—Continued

Tire size	Maximum prices: When using camelback the market price of which, exclusive of Federal excise tax, is 26 cents per lb. or over. Tread design depths [2]		Maximum prices: When using camelback the market price of which, exclusive of Federal excise tax, is under 26 cents per lb. Tread design depths [2]		Basic tire carcasses. Add this price whenever any tire carcass is furnished by seller
	12/32" or more	Less than 12/32"	12/32" or more	Less than 12/32"	
8.25—24	$24.10	$22.30	$22.95	$21.20	$10.80
9.00—15	23.85	22.05	22.65	20.95	12.00
9.00—18	25.70	23.75	24.40	22.60	12.00
9.00—20 36—8	26.35	24.35	25.05	23.15	12.00
9.00—22	26.95	24.95	25.60	23.65	12.00
9.00—24 40—8	27.60	25.55	26.25	24.30	12.00
10.00—15	25.45	23.55	24.20	22.40	13.20
10.00—18 (9.75—18)	28.55	26.40	27.15	25.10	13.20
10.00—20 (9.75—20), 38—9	29.15	26.95	27.70	25.65	13.20
10.00—22 (9.75—22)	29.65	27.45	28.20	26.10	13.20
10.00—24 (9.75—24), 42—9	30.45	28.20	28.90	26.75	13.20
11.00—20 (10.50—20)	31.60	29.25	30.00	27.80	14.40
11.00—22 (10.50—22)	33.80	31.25	32.10	29.70	14.40
11.00—24 (10.50—24)	35.10	32.45	33.35	30.85	14.40
12.00—20 (11.25—20)	43.95	40.65	41.75	38.60	16.80
12.00—22 (11.25—22)	45.70	42.25	43.40	40.15	16.80
12.00—24 (11.25—24)	47.45	43.95	45.10	41.75	16.80
13.00—20 (12.75—20)	59.60	55.15	56.60	52.35	18.00
13.00—24 (12.75—24)	65.30	60.40	62.05	57.40	18.00
14.00—20 (13.50—20)	69.75	64.50	66.25	61.25	19.20
14.00—24 (13.50—24)	74.15	68.00	70.45	65.15	19.20

[1] When the tire carcass is furnished by the purchaser, the maximum prices for retreading or recapping such tire are the prices shown in any applicable column to the left of the last column. When the tire carcass is furnished by the seller, the maximum prices for a retreaded or recapped tire are (regardless of the thickness of the rubber on the tread of the tire carcass before it was retreaded or recapped), the sum of the price for the retreading or recapping, shown in any applicable column to the left of the last column, plus the tire carcass price indicated in the last column.

[2] Figures expressed in terms of 32d inches are the depths of the tread design imposed by the retreading or recapping process at the center circumference of the tire.

TABLE III.—*Maximum prices for top capping truck and bus tires and for truck and bus basic tire carcasses* [1]

Tire size	Maximum prices: When using camelback the market price of which, exclusive of Federal excise tax, is 26 cents per lb. or over. Tread design depths [2]		Maximum prices: When using camelback the market price of which, exclusive of Federal excise tax, is under 26 cents per lb. Tread design depths [2]		Basic tire carcasses. Add this price whenever any tire carcass is furnished by seller.
	12/32" or more	Less than 12/32"	12/32" or more	Less than 12/32"	
6.00—20 30—5, 6 ply	$6.50	$6.00	$6.15	$5.70	$4.20
6.00—20 30—5, 8 ply	7.50	6.90	7.10	6.55	6.00
6.50—20 6 ply	8.50	7.85	8.05	7.45	4.50
6.50—20 32—6, 8 ply	10.55	9.75	10.00	9.30	6.00
7.00—17 8 ply	9.65	8.95	9.15	8.45	4.80

TABLE III.—*Maximum prices for top capping truck and bus tires and for truck and bus basic tire carcasses* [1]—Continued

Tire size	Maximum prices: When using camelback the market price of which, exclusive of Federal excise tax, is 26 cents per lb. or over. Tread design depths [2]		Maximum prices: When using camelback the market price of which, exclusive of Federal excise tax, is under 26 cents per lb. Tread design depths [2]		Basic tire carcasses. Add this price whenever any tire carcass is furnished by seller.
	12/32" or more	Less than 12/32"	12/32" or more	Less than 12/32"	
7.00—18	$10.45	$9.65	$9.95	$9.20	$5.40
7.00—20 8 ply	10.90	10.05	10.35	9.60	6.00
7.00—20 32—6, 10 ply	11.30	10.45	10.70	9.95	8.40
7.00—24 36—6, 10 ply	12.35	11.40	11.75	10.85	7.20
7.50—16 8 ply	11.00	10.15	10.40	9.65	5.80
7.50—17 8 ply	11.45	10.60	10.90	10.05	6.00
7.50—18 8 ply	11.70	10.80	11.10	10.30	6.00
7.50—18 32—7, 10 ply	12.30	11.40	11.70	10.80	6.00
7.50—20 8 ply	12.95	12.00	12.30	11.40	7.20
7.50—20 34—7, 10 ply	13.80	12.75	13.10	12.10	9.60
7.50—24 38—7	14.60	13.50	13.90	12.85	7.20
8.25—15	16.20	14.95	15.40	14.25	7.20
8.25—18	17.90	16.55	17.00	15.75	10.80
8.25—20	18.55	17.15	17.65	16.30	10.80
8.25—22	19.45	18.05	18.50	17.10	10.80
8.25—24	20.50	18.95	19.45	18.05	10.80
9.00—15					12.00
9.00—18	21.80	20.15	20.70	19.15	12.00
9.00—20 36—8	22.35	20.70	21.25	19.70	12.00
9.00—22	22.95	21.25	21.85	20.20	12.00
9.00—24 40—8	23.50	21.75	22.30	20.65	12.00
10.00—15	21.65	20.05	20.55	19.05	13.20
10.00—18 (9.75—18)	24.25	22.40	23.00	21.30	13.20
10.00—20 (9.75—20) 38—9	24.75	22.95	23.55	21.80	13.20
10.00—22 (9.75—22)	25.20	23.30	23.95	22.15	13.20
10.00—24 (9.75—24) 42—9	25.90	24.00	24.60	22.75	13.20
11.00—20 (10.50—20)	26.85	24.85	25.55	23.65	14.40
11.00—22 (10.50—22)	28.65	26.50	27.20	25.15	14.40
11.00—24 (10.50—24)	29.95	27.70	28.45	26.30	14.40
12.00—20 (11.25—20)	37.35	34.55	35.55	32.85	16.80
12.00—22 (11.25—22)	38.85	35.95	36.95	34.15	16.80
12.00—24 (11.25—24)	40.30	37.30	38.30	35.40	16.80
13.00—20 (12.75—20)	50.60	46.80	48.10	44.50	18.00
13.00—24 (12.75—24)	55.50	51.35	52.75	48.85	18.00
14.00—20 (13.50—20)	59.35	54.90	56.40	52.15	19.20
14.00—24 (13.50—24)	63.05	58.30	59.90	55.40	19.20

[1] When the tire carcass is furnished by the purchaser, the maximum prices for retreading or recapping such tire are the prices shown in any applicable column to the left of the last column. When the tire carcass is furnished by the seller, the maximum prices for a retreaded or recapped tire are (regardless of the thickness of the rubber on the tread of the tire carcass before it was retreaded or recapped), the sum of the price for the retreading or recapping, shown in any applicable column to the left of the last column, plus the tire carcass price indicated in the last column.

[2] Figures expressed in terms of 32d inches are the depths of the tread design imposed by the retreading or recappin process at the center circumference of the tire.

TABLE IV.—*Maximum prices for retreading, full capping or top capping truck airwheel tires and for truck airwheel basic tire carcasses* [1]

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
6.00—16	$5.00	$1.92
6.50—16	5.75	1.92
7.00—15 (TA-15)	6.75	1.92
7.00—16	6.85	1.92
7.50—15	7.55	1.92
7.50—16	7.70	1.92
9.00—13	12.80	

TABLE V.—*Maximum prices for retreading, full capping or top capping stop-start tires and for stop-start basic tire carcasses* [1]

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
No. 10	$8.10	$1.92
No. 13	8.95	1.92
No. 15	10.70	1.92
No. 16	12.30	1.92
No. 17	15.65	1.92
No. 11	7.95	2.20
No. 14	11.60	2.20
No. 17	14.20	4.12
No. 19	18.50	5.50
No. 20	18.10	4.40
No. 22	23.15	7.70
No. 26	26.50	8.80
No. 34	36.00	9.90
No. 40	44.30	11.00
No. 42	46.85	11.00
No. 48	49.90	13.20
No. 50	52.75	13.20
No. 52	54.95	13.20

TABLE VI.—*Maximum prices for retreading, full capping or top capping studded ground grip types and for studded ground grip type basic tire carcasses* [1]

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
5.25—17	$5.25	$1.37
5.50—17	5.85	1.37
6.00—16	6.15	1.37
6.25—16	6.80	1.37
6.50—16	7.10	1.37
7.00—15	8.40	1.37
7.00—16	8.60	1.37

[1] When the tire carcass is furnished by the purchaser, the maximum prices for retreading or recapping such tire are the prices shown in any applicable column to the left of the last column. When the tire carcass is furnished by the seller, the maximum prices for a retreaded or recapped tire are (regardless of the thickness of the rubber on the tread of the tire carcass before it was retreaded or recapped), the sum of the price for the retreading or recapping, shown in any applicable column to the left of the last column, plus the tire carcass price indicated in the last column.

TABLE VII.—*Maximum prices for retreading, full capping or top capping grader tires and for grader tire basic tire carcasses* [1]

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
[illegible]—20	$10.55	$3.85
[illegible]—20	12.40	3.85
[illegible]—20	22.10	5.50
[illegible]—24	26.50	6.60
[illegible]—24	29.05	7.70
[illegible]—20	30.40	8.80
[illegible]—24	32.70	8.80
[illegible]—24	34.95	9.90
11.00—24 (9.75—24)	36.60	11.00
11.00—24 (10.50—24)	37.65	13.20
11.00—24 (11.25—24)	40.00	15.40
11.00—20 (12.75—20)	41.70	16.50
12.00—24 (12.75—24)	45.15	16.50
13.00—20 (13.50—20)	62.95	17.60

TABLE VIII.—*Maximum prices for retreading, full capping or top capping motorcycle types and for motorcycle type basic tire carcasses* [1]

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
[illegible].00—18	$4.50	$1.10
[illegible].00—19	4.65	1.10
[illegible].50—18	4.95	1.10
[illegible].50—19	5.10	1.10
[illegible].00—16	5.40	1.10

TABLE IX.—*Maximum prices for retreading, full capping or top capping ground grip type tires and for ground grip type basic tire carcasses* [1]

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
6.00—20 6 ply	$6.75	$1.92
6.00—20/30 x 5 6 ply	9.80	3.85
6.00—20/30 x 5 8 ply	11.35	5.50
6.50—20 6 ply	11.45	4.12
6.50—20/32 x 6 8 ply	14.40	5.50
7.00—17 8 ply	12.45	4.40
7.00—20 8 ply	14.95	5.50
7.00—20/32 x 6 10 ply	18.35	7.70
7.25—15 8 ply	11.20	4.00
7.50—16 8 ply	16.05	4.40
7.50—17 8 ply	17.70	5.50
7.50—20 8 ply	18.70	6.60
7.50—20/34 x 7 10 ply	20.60	8.80
8.25—20	27.60	9.90
8.25—24	31.20	9.90
9.00—18	29.95	10.00
9.00—20/36 x 8	22.95	11.00
9.00—24/40 x 8	36.00	11.00
10.00—20/38 x 9	41.75	12.10
10.00—24/42 x 9	45.25	12.10
11.00—16	45.20	12.10
11.00—20	49.10	12.10
11.00—24	53.90	12.10
12.00—20	64.25	15.40
12.00—24	68.80	15.40
14.00—24	104.10	19.80
18.00—24	214.20	55.00

TABLE IX.—*Maximum prices for retreading, full capping or top capping ground grip type tires and for ground grip type basic tire carcasses* [1]—Continued.

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
18.00—40	$478.75	$55.00
21.00—24 16 ply	333.70	72.50
21.00—24 20 ply	367.45	93.50
24.00—32 24 ply	844.45	137.50
24.00—32 34 ply	1,044.40	192.50
30.00—40 28 ply	1,655.00	220.00
30.00—40 34 ply	2,013.40	330.00
36.00—40 34 ply	2,584.95	440.00

TABLE X.—*Maximum prices for retreading, full capping or top capping truck and bus tires, off-the-road types, and for basic tire carcasses* [1]

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
EARTH MOVER TIRES		
7.50—20	$17.80	$6.60
8.25—20	22.25	9.90
9.00—20	29.95	11.00
10.00—20 (9.75—20)	37.35	12.10
11.00—20 (10.50—20)	42.55	13.20
12.00—20	51.00	15.40
13.00—20	58.75	16.50
14.00—20 (13.50—20)	66.60	17.60
16.00—20	139.15	22.00
16.00—24	152.05	27.50
18.00—24	178.15	55.00
21.00—24	333.70	82.50
24.00—32	844.50	137.50
HARD ROCK TIRES		
7.00—20 (32 x 6)	22.45	7.70
7.50—20 (34 x 7)	29.85	8.80
8.25—20	31.90	9.90
9.00—20	38.00	11.00
9.00—24	41.50	11.00
10.00—20 (9.75—20)	48.10	12.10
10.00—24 (9.75—24)	52.10	12.10
11.00—20 (10.50—20)	56.54	13.20
11.00—24 (10.50—24)	62.05	13.20
12.00—20	74.05	14.00
12.00—24 (11.25—24)	79.30	15.40
13.00—24 (12.00—24)	91.90	16.50
14.00—24 (13.50—24)	119.85	27.50
16.00—24	245.15	33.00
18.00—24	276.00	55.00
21.00—24	350.35	82.50

TABLE XI.—*Maximum prices for retreading, full capping or top capping tractor tires and for tractor tire basic tire carcasses* [1]

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
FRONT WHEEL		
4.00—9	$4.40	$1.37
4.00—15	4.75	1.37
4.00—19	5.10	1.37
4.75—15	5.95	1.37
5.00—15	6.25	1.37

TABLE XI.—*Maximum prices for retreading, full capping or top capping tractor tires and for tractor tire basic tire carcasses* [1]—Continued.

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
FRONT WHEEL—continued		
5.25—21	$7.00	$1.37
5.50—16	6.90	1.10
6.00—9	10.50	2.10
6.00—12	7.85	1.37
6.00—16	7.90	1.37
6.00—20	8.60	2.75
6.50—16	8.90	1.37
7.50—10	11.60	2.20
7.50—16	10.05	1.37
7.50—18	10.80	2.20
7.50—20	12.00	3.30
9.00—10	14.85	3.30
REAR WHEEL		
6.00—22	8.85	3.30
6.50—32	17.95	3.85
6.50—40	22.45	4.15
7.00—22	12.95	4.15
7.00—24 (8—24)	16.35	4.40
7.00—40	24.95	4.40
7.50—22	13.50	4.40
7.50—24 (9—24)	18.70	4.95
7.50—36 (9—36)	32.05	6.60
7.50—40 (9—40)	34.35	6.60
8.25—36 (10—36)	31.90	6.60
9.00—24 (11—24)	30.95	6.60
9.00—28 (11—28)	33.25	6.60
9.00—36 (11—36)	34.50	9.90
9.00—40 (11—40)	35.60	10.45
10.00—36 (12—36)	43.30	11.00
10.00—40 (12—40)	46.70	11.00
11.25—24 (13—24)	38.40	12.20
11.25—28 (13—28)	42.00	12.65
11.25—36 (13—36)	47.45	13.20
11.25—40 (13—40)	53.10	13.75
12.75—24 (14—24)	46.55	14.30
12.75—28 (14—28)	51.50	14.85
12.75—32 (14—32)	56.65	15.40
13.50—24 (15—24)	52.00	15.40
13.50—28 (15—28)	57.70	15.95
13.50—32 (15—32)	62.40	16.50

[1] When the tire carcass is furnished by the purchaser, the maximum prices for retreading or recapping such tire are the prices shown in any applicable column to the left of the last column. When the tire carcass is furnished by the seller, the maximum prices for a retreaded or recapped tire are (regardless of the thickness of the rubber on the tread of the tire carcass before it was retreaded or recapped), the sum of the price for the retreading or recapping, shown in any applicable column to the left of the last column, plus the tire carcass price indicated in the last column.

Issued this 10th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-290; Filed, January 12, 1942; 10:50 a. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIAL OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 1 TO TIRE RATIONING REGULATIONS [1]

Section 1315.151 (n) is hereby amended as follows:

§ 1315.151. *Definitions.*

* * * * *

(n) "Truck" means any vehicle designed for use on the highways to carry freight, including raw materials, semi-finished goods and finished products, farm products and foods.

[1] 7 F.R. 72.

This amendment No. 1 shall become effective January 12, 1942. Issued this 12th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-340; Filed, January 13, 1942; 11:45 a. m.]

PART 1335—CHEMICALS

PRICE SCHEDULE NO. 68—HIDE GLUE STOCK

Hide Glue Stock consists of a group of animal materials, which are waste products of the meat packing, tanning and fur cutting industries. From these materials hide glue, an important adhesive with essential defense and civilian uses, is manufactured.

As a result of economic activity induced by the national defense program, the demand for hide glue stock has increased greatly in recent months. Inadequacy of the supply of hide glue stock has forced glue manufacturers to curtail hide glue production. The prices of nearly all kinds of hide glue stock have risen sharply as a result of competition among hide glue manufacturers in attempting to retain their customary raw material suppliers and to obtain new sources of supply. One material, for instance, which sold for $1.75 per cwt. in 1940, is now commanding as much as $6.50 per cwt. Such price advances have contributed to a 40% increase in hide glue prices since 1940. Further increases in the prices of hide glue stock are threatened.

After investigation and conferences with members of the hide glue stock industry and representatives of other government agencies, the Office of Price Administration has found that maximum prices should be established for hide glue stock to prevent inflationary trends not only in the price of such stock but also in the prices of hide glue and other related commodities.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.501 *Maximum prices for hide glue stock.* On and after January 20, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer hide glue stock in quantities of 100 pounds or more, and no person shall buy, offer to buy, or accept delivery of hide glue stock in quantities of 100 pounds or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.510.*

*§§ 1335.501 to 1335.510, inclusive, issued under the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.502 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1335.503 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of hide glue stock, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1335.504 *Records and reports.* Every person making purchases or sales of hide glue stock in quantities of 100 pounds or more after January 20, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the specifications and quantity, including the size of the containers, of the hide glue stock purchased or sold.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.505 *Affirmations of compliance.* On or before March 20, 1942, and on or before the 20th day of each month thereafter, every person, who during the preceding calendar month has purchased hide glue stock in quantities of 100 pounds or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 168:1 containing a sworn statement that during such month all such purchases were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 168:1 can be procured from the Office of Price Administration, or, *Provided*, That no change is made in the style and content of the Form and that it is reproduced on 8 x 10½ paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1335.506 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to, or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices

higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of hide glue stock, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.[6]

§ 1335.507 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom; *Provided*, That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with this Schedule.[6]

§ 1335.508. *Definitions.* When used in this Schedule the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Hide glue stock" means the materials listed in Appendix A hereof, regardless of the uses to which such materials are to be put;

(c) "Seller's shipping point" means point of production or other point of distribution maintained by a producer or seller.

§ 1335.509 *Effective date of the Schedule.* This Schedule shall become effective January 20, 1942.

§ 1335.510 *Appendix A; maximum prices for hide glue stock.* (a) The following maximum prices are established for hide glue stock, f. o. b. seller's shipping point:

	Per cwt.
1. Green salted hide trimmings (including green salted pates, green salted tips, cattle tail pieces)	$1.10
2. Limed cattle trimmings (including limed hide trimmings, limed cattle pieces)	.90
3. Goat trimmings and pieces (including long haired, short haired, de-haired)	.45
4. Limed calf trimmings (including calf trimmings, green limed calf)	1.00
5. Chrome stock (including chrome splits, chrome shavings, chrome trimmings)	.50
6. Coney stock	3.50
7. Goat and sheep fleshings	.125
8. Packers trimmings (including green salted ears, lips, snouts and tails, green salted sinews and pizzles)	1.00
9. Sheep trimmings (including limed sheep trimmings, limed sheep tails, pickled sheep)	.60
10. Horse fleshings	.30
11. Calf fleshings	.40
12. Horse and Beam trimmings (including green salted horse trimmings, limed horse trimmings, beam trimmings, horse tail pieces)	.50
13. Sole leather fleshings	1.00
14. Common and #2 fleshings	60.75
15. Other cattle fleshings including sulfide fleshings, kip fleshings	.65

(b) The above maximum prices do not apply to hide glue stock which is imported into the United States.[6]

Issued this 13th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-341; Filed, January 13, 1942; 11:45 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER E—SEAMEN

[Order No. 198]

INVESTIGATION OF MARINE CASUALTIES

Order Waiving Compliance With Certain of the Provisions of Section 4450, R.S., as Amended[1]

JANUARY 12, 1942.

By virtue of the authority vested in me by the provisions of Executive Order No. 8976, dated December 12, 1941 (6 F.R. 6441), I hereby waive compliance with the provisions of section 4450, R.S., as amended (46 U.S.C. 239), to the extent and upon the terms hereinafter set forth:

(1) No investigation of a marine casualty shall be made unless the Director of the Bureau of Marine Inspection and Navigation deems that the conduct of such investigation would not be contrary to the interests of the United States.

(2) In any such investigation conducted the Director shall take such steps as may be necessary to assure that no information shall be divulged, the disclosure of which would be contrary to the public interests. No officer, seaman, or other employee of any public vessel controlled by the Army or Navy of the United States, or its allies, shall be summoned or otherwise required to appear as a witness before an investigation board without the consent of the department of the Government which is concerned.

(3) Records of proceedings, of the reports, findings, and recommendations of the boards, the actions of the Director of the Bureau of Marine Inspection and Navigation, and of the Secretary of Commerce in cases classified by the Director as confidential shall not be open to public inspection except as authorized by the Secretary of Commerce in specific cases.

[SEAL] ROBERT H. HINCKLEY,
Acting Secretary of Commerce.

[F. R. Doc. 42-309; Filed, January 12, 1942; 4:31 p. m.]

[1] Affects 46 CFR Parts 136 and 137.

Notices

TREASURY DEPARTMENT.

Bureau of Internal Revenue.

NOTICE OF HEARING WITH REFERENCE TO PROPOSED AMENDMENT OF REGULATIONS No. 5, RELATING TO LABELING AND ADVERTISING OF DISTILLED SPIRITS

JANUARY 13, 1942.

Pursuant to the provisions of section 5 of the Federal Alcohol Administration Act as amended:

Notice is hereby given of a public hearing to be held on Friday, January 23, 1942, at 10:00 A. M., in Room 3601 of the Internal Revenue Building, 10th and Pennsylvania Avenue, Washington, D. C., for the purpose of taking evidence with reference to the following proposed amendment to Regulations No. 5 (27 CFR Part 5), Relating to Labeling and Advertising of Distilled Spirits:

To amend section 21, Class 1, of said regulations (27 CFR 5.21(a)) in such manner as to modify the standards of identity for "neutral spirits" or "alcohol" so as to include all distilled spirits distilled at more than 160° proof from a fermented mash of grain, which are unaged and which are so treated in the process of original and continuous distillation as to lack the taste, aroma, and characteristics generally attributed to whiskey.

[SEAL] STEWART BERKSHIRE,
Deputy Commissioner.

[F. R. Doc. 42-334; Filed, January 13, 1942; 11:27 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1757-FD]

IN THE MATTER OF KIEFFNER COAL COMPANY, A PARTNERSHIP, DEFENDANT

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER AND CEASE AND DESIST ORDER

A complaint, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 having been filed with the Bituminous Coal Division on May 28, 1941, by District Board 11, alleging that Kieffner Coal Company, a partnership, defendant, a code member in District No. 11, had wilfully violated the provisions of the Bituminous Coal Code, or rules and regulations thereunder, and praying that the Division either cancel or revoke the defendant's code membership or in its discretion direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder;

A hearing having been held before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Shoals, Indiana, on September, 26, 1941:

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated November 19, 1941, recommending that an order be entered directing the defendant to cease and desist from violations of the Act, the Code, and rules and regulations thereunder;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions or supporting briefs having been filed;

The undersigned having considered this matter and having determined that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation of the Examiner be and they hereby are adopted as the Findings of Fact and Conclusions of Law of the undersigned.[1]

It is further ordered That the defendant, Kieffner Coal Company, a partnership composed of Harry Kieffner and August Kieffner, its representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in its behalf or interest, or in behalf or interest of Harry Kieffner and August Kieffner, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the prescribed minimum price therefor, and from violating the Bituminous Coal Act, the Code, the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments, the Marketing Rules and Regulations, and all appropriate orders of the Division.

It is further ordered, That the Division may upon failure of the defendant herein to comply with this Order, forthwith apply to the Circuit Court of Appeals of the United States within any Circuit where the defendant carries on business for the enforcement thereof or take any other appropriate action.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-314; Filed, January 13, 1942; 10:35 a. m.]

[Docket No. A-1218]

IN THE MATTER OF THE REVISION OF THE EFFECTIVE MINIMUM PRICES APPLICABLE TO SALES OR DELIVERIES OF COAL BY NORTH WESTERN FUEL COMPANY SO AS TO PERMIT THE PERFORMANCE OF CERTAIN OUTSTANDING CONTRACTS AND SPOT ORDERS IN ACCORDANCE WITH THEIR TERMS PURSUANT TO SECTION 4 II (b) OF THE BITUMINOUS COAL ACT OF 1937

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

This matter was instituted by the Bituminous Coal Division pursuant to section 4 II (b) of the Bituminous Coal Act of 1937 at the request of the North Western Fuel Company ("North Western"), a registered distributor (Registration No. 6897). The relief sought by North Western was a revision in the minimum prices presently effective for sales or deliveries of coal by it from its docks at Milwaukee and Superior, Wisconsin, and Duluth, Minnesota, or from the docks located on the west bank of Lake Michigan or the south bank of Lake Superior to certain purchasers in Market Areas 42, 43 and 44 in fulfillment of contracts or spot orders previously entered into.

After telegraphic notice to all interested parties, an informal conference in this matter was held on December 22, 1941. Appearances at the conference were entered by District Boards 2, 7 and 8.[1]

North Western Fuel Company, a corporation organized under the laws of Wisconsin with principal offices in St. Paul, Minnesota, is a registered distributor (Registration No. 6897). It appears that the coal unloading and reloading bridge serving its dock at Menominee, Michigan, has been damaged by a gale and that the rebuilding thereof will require from three to four months. North Western seeks permission to ship from its docks at Milwaukee, Wisconsin, Duluth, Minnesota, Superior, Wisconsin, or docks of its competitors located at the American head of the Great Lakes from whom it can purchase coal in order to fulfill contract and spot order obligations to customers normally served by its dock at Menominee at such prices that the purchaser will pay no more for the coal delivered than it would pay for coal delivered from Menominee. It appears that in order to be able to sell these coals at such prices, the North Western may have to absorb certain freight differentials or dock charges, the result of which absorptions may be a sale below the minimum prices f. o. b. dock for such coals unless the relief sought here is granted.

Lack of objection was signified by District Boards 10 and 11. District Boards 2, 7 and 8 also stated that they had no objection to the granting of relief, but qualified their approval upon the condition that the f. o. b. mine prices should not be reduced.

The undersigned finds that a reasonable showing has been made of the necessity for granting the temporary relief and that no competitor of North Western will be injured by the granting of relief here whereas the failure to grant relief will result in injury to North Western. The recognition of the emergency nature of the relief by interested district boards is shown by their lack of objection thereto, although with the qualification by some that f. o. b. mine prices should not be reduced. Since, however, North Western does not seek any reduction of f. o. b. mine prices, the concern of these district boards has no basis; the request of North Western is rather one for permission to absorb transportation charges and dock charges between the docks and the consumer. Permission must be sought not because of the effect the relief will have on f. o. b. mine prices but instead its effect on minimum prices f. o. b. dock.[2] However, in view of the special nature of the request, I will restrict the relief to April 1, 1942, by which time it appears that the Menominee bridge will be repaired.

It is, therefore, ordered, That the North Western Fuel Company, a registered distributor (Registration No. 6897), may, until April 1, 1942, ship coals from its docks at Milwaukee, Wisconsin, Duluth, Minnesota, or Superior, Wisconsin, or from other docks located on the west bank of Lake Michigan or the south bank of Lake Superior, to its customers in Market Areas 42, 43, and 44 normally served by the dock at Menominee, Michigan, at the delivered prices applicable to such coals when shipped over the Menominee dock; *Provided, however*, That no reductions of f. o. b. mine prices shall be taken, and *provided, further*, That not later than the fifteenth day subsequent to the last day of each month, the North Western Fuel Company shall file with the Division reports showing at least the following: (a) the names and addresses of the customers to whom such shipments are made; (b) the tonnage and size of coal sold; (c) the price f. o. b. dock; (d) the applicable freight rate and (e) the amount of freight absorption. Such reports shall be identified as being filed pursuant to the terms of this relief; and

It is further ordered, That the relief herein granted shall expire on March 31, 1942, unless otherwise ordered.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-315; Filed, January 13, 1942; 10:35 a. m.]

[Docket No. A-1204]

PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS, MINIMUM PRICES AND ADDITIONAL SHIPPING POINTS FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 9 FOR ALL SHIPMENTS EXCEPT TRUCK

[Docket No. A-1204, Part II]

PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF AN ADDITIONAL SHIPPING POINT FOR THE COALS OF MINE INDEX NO. 579 AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 831 IN DISTRICT NO. 9 FOR ALL SHIPMENTS EXCEPT TRUCK

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1204 PART II FROM DOCKET NO. A-1204 AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1204, PART II

The original petition in the above-entitled matter, filed with this Division

[1] In adopting the Proposed Findings of Fact of the Examiner, the Acting Director desires to correct a statement made by the Examiner to the effect that one Erb, a witness who testified at the hearing, is a compliance officer of the Division. The record indicates and I find that Erb is engineer for District Board 11.

[1] North Western did not attend but filed a statement in support of the requested relief.

[2] Paragraph (b) of the applicant's Distributor's Agreement provides that it will not contract to sell or will not sell coals below the effective minimum prices therefor. Section 4 II (g) of the Act provides: "The price provisions of this Act shall not be evaded or violated by or through the use of docks * * * or by or through the absorption, directly or indirectly, of any transportation or incidental charge of whatsoever kind or character, or any part thereof."

on December 8, 1941 and amended December 26, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, prays for the establishment of temporary and permanent price classifications, minimum prices and additional shipping points for the coals of certain mines in District No. 9 for all shipments except truck.

As indicated in a separate order issued in Docket No. A–1204, a reasonable showing of necessity has been made for the granting of the relief prayed for by the petitioner except with respect to the establishment of price classifications and minimum prices for the coals of the Hughes Mine of Robert R. Rehm (Mine Index No. 831) and the establishment of an additional shipping point for the coals of the Jim Bob Mine (Mine Index No. 579) of C. L. Lile. The original petition does not contain sufficient facts to warrant the establishment of an additional shipping point for the coals of Mine Index No. 579. Additional facts concerning this proposal should be developed at a hearing.

The original petition prays for the establishment of price classifications and minimum prices for the coals of Mine Index No. 831 for all shipments except truck and designates this mine as a new one; the prices sought are those comparable to the prices established for mines in the number 9 seam, though the petition states that Mine Index No. 831 is in the number 6 seam. Records of the Division indicate that Mine Index No. 831 is the same mine as Mine Index No. 622 for which prices have already been established for truck shipment. It appears that a hearing is necessary to develop additional facts concerning the prices proposed for this mine, and to determine whether Mine Index Nos. 831 and 622 are the same mine.

Now, therefore, it is ordered, That the portion of Docket No. A–1204 relating to the coals of Mine Index Nos. 579 and 831 be and the same hereby is severed from the remainder of Docket No. A–1204 and designated as Docket No. A–1204 Part II.

It is further ordered, That a hearing in Docket No. A–1204 Part II under the applicable provisions of said Act and the rules of the Division be held on February 10, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 5, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 9 for the establishment of Central City, Kentucky, as an additional rail loading point for the coals of the Jim Bob Mine (Mine Index No. 579); the establishment of price classifications and minimum prices for the coals of the Hughes Mine (Mine Index No. 831) of Robert R. Rehm, for all shipments except truck, and to determine whether Mine Index Nos. 831 and 622 are the same mine.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–316; Filed, January 13, 1942; 10:36 a. m.]

[Docket No. B–175]

IN THE MATTER OF J. BRUCE MEYER, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 18, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Room 323, Altoona, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 5, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

(a) That the defendant, J. Bruce Meyer of Clearfield, Pennsylvania, whose code membership became effective as of June 21, 1937, operator of the Peters No. 2 Mine (Mine Index No. 1760) located in Clearfield County, Pennsylvania, District No. 1, sold and delivered to or through R. S. Walker, operating as the Bradford Coal Company, at its siding on the B. & O. Railroad, which is designated as Shannon No. 1, during the period from October 1 to December 9, 1940, quantities of run of mine coal at $2.20 per ton (less any discount or commission and 20 cents per ton for the use of the Bradford Coal Company siding), which is less than the effective minimum price f. o. b. the mine therefor of $2.20 per ton, plus the actual cost of transportation thereof from the mine to said point of delivery, such distance being approximately 2½ miles; or

(b) The aforesaid defendant during the period from October 14, 1940 to December 9, 1940, both dates inclusive, sold substantial quantities of run of mine coal produced at the aforesaid Peters No. 2 Mine, Mine Index No. 1760, to R. S. Walker, trading under the name and style of the Bradford Coal Company, Bigler, Pennsylvania. Said coal was delivered by said defendant to the Shannon No. 1 Railroad siding located on the Baltimore & Ohio Railroad, a distance of approximately 2½ miles from said mine at the delivered price of $2.20 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940 in General Docket No. 19.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–317; Filed, January 13, 1942; 10:36 a. m.]

[Docket No. B–174]

IN THE MATTER OF FRANK W. ALBERT, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 18, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 323, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

(a) The defendant, Frank W. Albert of Philipsburg, Pennsylvania, whose code membership became effective as of January 6, 1928, operator of the Albert Strip Mine, Mine Index No. 1006, located in Clearfield County, Pennsylvania, District No. 1,

1. Has violated the effective minimum price schedule for District No. 1, truck shipments, by selling and delivering from the above-mentioned mine, from September 30, 1940, to January 1, 1941, approximately eight cars of run of mine coal to the Bradford Coal Company at its siding at Morrisdale, Pennsylvania, at a price less than the effective minimum f. o. b. mine price of $2.30 per ton established therefor as set forth in the Schedule of Effective Minimum Prices For District No. 1 for Truck Shipments; and

2. The aforesaid defendant has violated Price Instruction No. 6 of said effective minimum price schedule for District No. 1, for truck shipments, by selling and delivering approximately eight cars of run of mine coal from the above-mentioned mine to the Bradford Coal Company at its siding at Morrisdale, Pennsylvania, from September 20, 1940, to January 1, 1941, and failing to add to the effective minimum price established therefor the estimated actual transportation, handling or incidental costs from transportation facilities at the mine to the point from which all such costs were assumed and directly paid by the purchaser; and

3. The aforesaid defendant has violated the Director's Orders Nos. 156, 293, and 288 by failing to file the reports, data and information requested by these orders.

(b) The aforesaid defendant during the period from October 14, 1940, to January 1, 1941, both dates inclusive, sold a substantial quantity of run of mine coal produced at the aforesaid Albert Strip Mine, Mine Index No. 1006, to R. S. Walker, trading under the name and style of Bradford Coal Company, Bigler, Pennsylvania. Said coal was delivered for railroad shipment at a railroad siding of said Bradford Coal Company, located in Morrisdale, Pennsylvania, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the order of the Director dated October 9, 1940, in General Docket No. 19.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–318; Filed, January 13, 1942; 10:36 a. m.]

[Docket No. B–158]

IN THE MATTER OF W. D. WALKER AND C. A. WALKER, INDIVIDUALLY AND AS PARTNERS DOING BUSINESS UNDER THE NAME AND STYLE OF W. D. WALKER AND BROTHER, REGISTERED DISTRIBUTOR, REGISTRATION NO. 9371, RESPONDENTS

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division (the "Division") finds it necessary, in the proper administration of the Bituminous Coal Act of 1937 (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder, to determine

(a) whether or not W. D. Walker and C. A. Walker, individually and as partners doing business under the name and style of W. D. Walker and Brother, Registered Distributor, Registration No. 9371, whose address is Bigler, Pennsylvania, the respondents in the above-entitled matter, have violated any provisions of the Act, the Code, any orders or regulations of the Division, including the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, and the Distributor's Agreement (the "Agreement"), executed October 7, 1940, by the respondents, pursuant to Order of the Bituminous Coal Division, dated June 19, 1940, in General Docket No. 12; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed;

and for said purposes gives notice that the Division has information to the effect that:

2. Respondents are W. D. Walker and C. A. Walker, individually and as partners doing business under the name and style of W. D. Walker and Brother, Bigler, Pennsylvania.

3. Respondents acting in the capacity of sales agents, pursuant to an agreement dated March 28, 1941, with H. C. Burnsworth, code member principal, operating the Burnsworth Mine (Mine Index No. 1169), located at Clearfield County, Pennsylvania, District No. 1, during the period March 28, 1941, to June 27, 1941, both dates inclusive, sold on behalf of said code member approximately 241.89 net tons of run of mine coal produced at the aforesaid mine. Respondents accepted and retained commissions ranging from 27 cents per net ton to 67 cents per net ton, which were substantially in excess of the maximum discounts allowable to a registered distributor on sales of such coals, as established by Order of the Director dated June 19, 1940, in General Docket No. 12, although during the aforesaid period no application had been filed by the said code member principal for permission to pay commissions in excess of the maximum discounts allowable to a registered distributor. Respondents, in accepting and retaining said excessive commissions, participated in violations of Rule 13 of section II of the Marketing Rules and Regulations and thereby violated paragraph (e) of the Agreement referred to in paragraph 1 (a) hereof.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on February 17, 1942, at 10 a. m., in a hearing room of the Bituminous Coal Division at the Post Office Building, Room 323, Altoona, Pennsylvania.

It is further ordered, That W. A. Culp or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondents, and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to the charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the respondents, and that any respondent failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-319; Filed, January 13, 1942; 10:36 a. m.]

[Docket No. B-87]

IN THE MATTER OF SNOWDEN COAL CO., A PARTNERSHIP, ALSO KNOWN AS LEE SNOWDEN, LUTHER BRYAN, JAMES BUTLER, NEWTON LANE, MILTON HALL, CHARLES DRAKE, SPENCER M. LOWE, RAYMOND ROUATT, LOUIE ROBERTS, MIKE TOPPAS, WILLIAM DRAKE, AND WILLIAM BIGG, CO-PARTNERS, TRADING AND DOING BUSINESS UNDER THE NAME AND STYLE OF SNOWDEN COAL CO. (LEE SNOWDEN) CODE MEMBER, DEFENDANTS

ORDER POSTPONING HEARING

The above entitled matter, by Order dated December 6, 1941, having been heretofore scheduled for hearing at 10 a. m. on January 12, 1942 at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana; and

The Acting Director deeming advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above entitled matter be postponed from 10 a. m. January 12, 1942, to 9 a. m. January 19, 1942, at a hearing of the Bituminous Coal Division, at the Post Office Building, Terre Haute, Indiana, before the officers previously designated to preside at said hearing.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-320; Filed, January 13, 1942; 10:36 a. m.]

[Docket No. A-276]

PETITION OF DISTRICT BOARD NO. 20 FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES FOR COALS PRODUCED IN THAT DISTRICT FOR SHIPMENT INTO MARKET AREAS 200 AND 201

ORDER POSTPONING AND CHANGING PLACE OF HEARING

A hearing in the above-entitled matter having been scheduled to be held in Rawlins, Wyoming, on January 23, 1942, and it now being deemed advisable to postpone such hearing from January 23, 1942, until January 28, 1942, and to change the place of said hearing from Rawlins, Wyoming to Cheyenne, Wyoming;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed from January 23, 1942, until 10 o'clock in the forenoon on January 28, 1942, before the officers previously designated to preside at such hearing, and the place of such hearing is changed from Rawlins, Wyoming to a hearing room of the Division, at the Plains Hotel, Cheyenne, Wyoming.

The time for filing petitions of intervention in this matter is hereby extended to and including January 23, 1942.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-321; Filed, January 13, 1942; 10:36 a. m.]

[Docket No. A-1180]

PETITION OF DISTRICT BOARD NO. 22 FOR REVISION OF CERTAIN PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE MILLS MINE (MINE INDEX NO. 202) IN DISTRICT NO. 22 AND FOR THE ESTABLISHMENT OF A MINIMUM PRICE OF 95 CENTS PER TON FOR 3/4" SLACK COAL OF THE A. C. M. #4 MINE (MINE INDEX NO. 1) IN THAT DISTRICT FOR SALE IN CARLOAD LOTS TO THE GREAT NORTHERN RAILWAY COMPANY

ORDER POSTPONING HEARING, CHANGING PLACE OF HEARING AND REDESIGNATING EXAMINER

The above-entitled matter having been scheduled for hearing before Examiner Joseph A. Huston at 10 o'clock in the forenoon of January 12, 1942, at a hearing room of the Bituminous Coal Division, in Washington, D. C.; and

The Acting Director deeming it advisable to postpone said hearing until January 30, 1942, to change the place of hearing from Washington, D. C., to Cheyenne, Wyoming, and to designate D. C. McCurtain as the trial examiner to preside at said hearing vice Joseph A. Huston;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed until 10 o'clock in the forenoon of January 30, 1942.

It is further ordered, That the place of hearing in the above-entitled matter be changed from Washington, D. C., to a hearing room of the Division, at the Plains Hotel, Cheyenne, Wyoming.

It is further ordered, That D. C. McCurtain or any other duly designated officer of the Division shall preside at the hearing in the above-entitled matter vice Joseph A. Huston.

It is further ordered, That the time within which petitions of intervention may be filed in this matter be, and it hereby is, extended to and including January 24, 1942.

In all other respects the Notice of and Order for Hearing entered in this matter on December 19, 1941, shall remain in full force and effect.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-322; Filed, January 13, 1942; 10:39 a. m.]

[Docket No. B-77]

IN THE MATTER OF SAMSON HART AND CLYDE HARRIS, KNOWN AS SAMSON HART AND CLYDE HARRIS, INDIVIDUALS, TRADING AS HART & HARRIS, A PARTNERSHIP, CODE MEMBER, DEFENDANTS

ORDER CORRECTING ERROR IN THE NOTICE OF AND ORDER FOR HEARING

A complaint dated October 9, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 10, 1941, by the Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division, alleging wilful violation by the defendants of the Bituminous Coal Code or rules and regulations issued thereunder; and

A Notice of and Order for Hearing having been issued in the above-entitled matter on November 22, 1941; and

It appearing that in the third line of the last paragraph of said Notice of and Order for Hearing the alleged violations are stated to have commenced April 29, 1941, whereas the said complaint alleges that the violations commenced April 16, 1941;

Now, therefore, it is ordered, That the date "April 29" appearing in the third line of the last paragraph of the aforesaid Order be and the same is hereby corrected to read "April 16, 1941."

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-323; Filed, January 13, 1942; 10:39 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF CHANGE OF TIME AND PLACE OF HEARING

IN THE MATTER OF THE APPLICATIONS FOR THE EXEMPTION OF THE DEHYDRATING OF CITRUS PULP AND WASTE FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938, AS AN INDUSTRY OF A SEASONAL NATURE PURSUANT TO SECTION 7 (b) (3) OF THE ACT AND PART 526, AS AMENDED, OF THE REGULATIONS ISSUED THEREUNDER

Whereas notice has been previously given, and published in the FEDERAL REGISTER for December 23, 1941,[1] that public hearings would be held for the purpose of determining:

Whether the dehydrating of citrus pulp and waste is an industry of a seasonal nature within the meaning of section 7 (b) (3) of the act and Part 526, as amended, of the Regulations issued thereunder, and if so the appropriate limits of said industry; and

Whereas notice was previously given that these public hearings were to be held at the following places and dates:

(1) Tampa, Florida, January 12, 1942, at 10 a. m., in the Federal Building,

(2) San Antonio, Texas, January 20, 1942, at 10 a. m., in the Federal Building,

(3) Los Angeles, California, January 26, 1942, at 10 a. m., in the Federal Building; and

Whereas it is deemed advisable to change the places and dates of such hearings;

Now, therefore, notice is hereby given that the above-scheduled hearings are cancelled, and that testimony for the purpose of determining the above-entitled matter will be taken in Washington, D. C., on January 16, 1942, at 2 p. m., in Room 5144, Department of Labor Building, before James G. Johnson as authorized representative of the Administrator of the Wage and Hour Division.

Signed at Washington, D. C., this 12th day of January 1942.

THOMAS W. HOLLAND, *Administrator.*

[F. R. Doc. 42-333; Filed, January 13, 1942; 11:25 a. m.]

[1] 6 F.R. 6668.

FEDERAL DEPOSIT INSURANCE CORPORATION.

ORDER FOR FILING OF CERTIFIED STATEMENT

Pursuant to the provisions of paragraph (1) of subsection (h) of section 12B of the Federal Reserve Act, as amended (sec. 101 (h) (1), 49 Stat. 688; 12 U. S. C., Sup., 264 (h) (1), *It is ordered*, That each insured bank file with the Corporation on or before January 15, 1942, the following described certified statement forms;[1] (1) Certified Statement, Part One, Based on Deposits for the Six Months Ending December 31, 1941, Form 545M in quadruplicate; and (2) Recapitulation of the Monthly Totals of Certified Statement, Part Two, for the Six Months Ending December 31, 1941, Form 555M, in triplicate.

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,
By E. F. DOWNEY, *Secretary.*

[F. R. Doc. 42-306; Filed, January 12, 1942; 3:46 p. m.]

[1] Filed with the original document.

RESOLUTION AUTHORIZING CALL FOR REPORT OF CONDITION AND ANNUAL REPORT OF EARNINGS AND DIVIDENDS

Pursuant to the provisions of paragraph (3) of subsection (k) of section 12B of the Federal Reserve Act, as amended (sec. 101 (k) (3), 49 Stat. 693; 12 U.S.C., Sup., 264 (k) (3)), be it resolved that each insured nonmember mutual savings bank be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Wednesday, December 31, 1941, on Form 64 (Savings) [1] and a report of earnings and dividends for the year ending December 31, 1941, on Form 73. Said report of condition and report of earnings and dividends shall be prepared in accordance with the booklet entitled "Instructions for the Preparation of Reports of Condition on Form 64 (Savings) and Reports of Earnings and Dividends on Form 73 (Savings) by Insured Mutual Savings Banks," issued as of December 1940.

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,
By E. F. DOWNEY, *Secretary.*

[F. R. Doc. 42-307; Filed, January 12, 1942; 3:46 p. m.]

[1] Filed with the original document.

RESOLUTION AUTHORIZING CALL FOR REPORT OF CONDITION AND ANNUAL REPORT OF EARNINGS AND DIVIDENDS

Pursuant to the provisions of paragraph (3) of subsection (k) of Section 12B of the Federal Reserve Act, as amended (Sec. 101 (k) (3), 49 Stat. 693; 12 U.S.C., Sup., 264 (k) (3)), be it resolved that each insured nonmember mutual savings bank be, and hereby is, required to submit to the Federal Deposit Insurance Corporation within ten days after receipt of notice of this resolution a report of its condition as of the close of business Wednesday, December 31, 1941, on Form 64—Call No. 16,[1] and a report of earnings and dividends for the year ending December 31, 1941, on Form 73. Said report of condition shall be prepared in accordance with the booklet entitled, "Instructions for the Preparation of Reports of Condition on Form 64," and said annual report of earnings and dividends shall be prepared in accordance with the instruction booklet issued as of December 1937.

[SEAL] FEDERAL DEPOSIT INSURANCE CORPORATION,
By E. F. DOWNEY, *Secretary.*

[F. R. Doc. 42-305; Filed, January 12, 1942; 3:46 P. M.]

[1] Filed with the original document.

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-471]

IN THE MATTER OF AMERICAN POWER & LIGHT COMPANY AND SUPERIOR WATER, LIGHT AND POWER COMPANY

ORDER GRANTING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 10th day of January, A. D. 1942.

American Power & Light Company, a registered holding company, and its subsidiary, Superior Water, Light and Power Company, having filed an application

and declaration under the Public Utility Holding Company Act of 1935, particularly sections 6 (b) and 12 (b) thereof, and Rule U-45 thereunder, regarding the issuance and sale by Superior Water, Light and Power Company to Guaranty Trust Company of New York, of not to exceed $1,600,000 of Superior Water, Light and Power Company's unsecured notes, and regarding the subordination by American Power & Light Company to the indebtedness to Guaranty Trust Company thus created of $1,636,000 of open-account indebtedness owing by Superior Water, Light and Power Company to American Power & Light Company; and

A public hearing having been held on said application and declaration after appropriate notice and the Commission having examined the record and having this day issued and filed its Memorandum Opinion herein:

It is ordered, That said application and declaration be, and the same hereby are, granted and permitted to become effective forthwith, subject to the following terms and conditions:

1. That jurisdiction is expressly reserved to require by supplemental order, after appropriate further hearings (which shall be resumed and brought to completion as soon as conveniently possible), that all or any portion of the open-account indebtedness owed, or to be owing, by Superior Water, Light and Power Company to American Power & Light Company shall be converted into common stock, to the extent such conversion appears necessary under applicable requirements and standards of the Act.

2. That no dividends shall be declared or paid by Superior Water, Light and Power Company on its common stock until entry of such further order or orders as may be appropriate pursuant to said reservation of jurisdiction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-335; Filed, January 13, 1942; 11:32 a. m.]

[File Nos. 70-245; 70-264; 70-266; 70-267; 70-292]

IN THE MATTER OF CENTRAL STATES POWER & LIGHT CORPORATION

NOTICE AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 10th day of January, A. D. 1942.

Central States Power & Light Corporation, a public utility company which is also a registered holding company in the Ogden Corporation holding company system, having filed declarations with respect to the sale of certain of its assets, assets of its subsidiaries and securities of its subsidiaries under section 12 (d) of the Public Utility Holding Company Act of 1935 and having also filed declarations under section 12 (c) of the Act with respect to the utilization of proceeds derived from the sale of such assets and securities to purchase a portion of its First Mortgage and First Lien Gold Bonds, 5½% Series, due 1953; and

The Commission having permitted such declarations to become effective subject, however, to certain conditions including reservation of jurisdiction with respect to fees to be paid in connection with such transactions; and

Central States Power & Light Corporation having filed applications for authority to pay claimed fees aggregating approximately $63,500; and

The Commission having on December 30, 1941, entered an order authorizing the making of a partial payment to Matthews, Harmon, Karr & Springer in the sum of $15,000; and

It appearing to the Commission that evidence should be received with respect to the reasonableness of the remaining claimed fees including the balance of fees claimed by Matthews, Harmon, Karr & Springer amounting to $20,450;

It is ordered, That a hearing for the purpose of receiving such evidence be held on January 29, 1942, at 10:00 in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the claimants, to Central States Power & Light Corporation, and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-336; Filed, January 13, 1942; 11:32 a. m.]

[File No. 70-479]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of January, A. D. 1942.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than January 23, 1942, at 4:45 p. m., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20(a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

International Utilities Corporation, a registered holding company, proposes to pay out of capital or unearned surplus a regular quarterly dividend on its $3.50 Prior Preferred Stock at the rate of 87½¢ per share on the 98,967 shares of such stock presently outstanding. The aggregate amount of this dividend will be $86,596.13.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-337; Filed, January 13, 1942; 11:32 a. m.]

[File Nos. 70-352, 70-353, 59-36]

IN THE MATTERS OF INTERBOROUGH GAS COMPANY AND CONEWAGO GAS COMPANY; PENNSYLVANIA GAS & ELECTRIC COMPANY AND PENNSYLVANIA GAS & ELECTRIC CORPORATION; YORK COUNTY GAS COMPANY AND PENNSYLVANIA GAS & ELECTRIC CORPORATION

ORDER AMENDING ORDER OF THE COMMISSION ISSUED JANUARY 3, 1942

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 12th day of January, A. D. 1942.

The Commission, having on January 3, 1942, issued an order instituting proceedings under section 11 (b) (2) of the Public Utility Holding Company Act of 1935;

It appearing that the words "sections 2 (a) (4) and" appearing in paragraph numbered 3 on page 2 of said order should be deleted therefrom and the word "section" substituted in their place;

It is ordered, That said order be, and it hereby is, amended by deleting the words "sections 2 (a) (4) and" appearing in paragraph numbered 3 of page 2 thereof, and substituting therefor the word "section".

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-338; Filed, January 13, 1942; 11:33 a. m.]

[File Nos. 59-17, 59-11, and 54-25]

IN THE MATTERS OF THE UNITED LIGHT AND POWER COMPANY, THE UNITED LIGHT AND RAILWAYS COMPANY, AMERICAN LIGHT & TRACTION COMPANY, CONTINENTAL GAS & ELECTRIC CORPORATION, UNITED AMERICAN COMPANY, AND IOWA-NEBRASKA LIGHT AND POWER COMPANY, RESPONDENTS; THE UNITED LIGHT AND POWER COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS; AND THE UNITED LIGHT AND POWER COMPANY, APPLICANT

NOTICE OF FILING OF RESPONDENTS' APPLICATION NUMBER 7 PROVIDING FOR THE LIQUIDATION AND DISSOLUTION OF MILWAUKEE SOLVAY COKE COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of January 1942.

The Commission having previously by order entered in these proceedings on August 5, 1941, ordered, among other things, that The United Light and Power Company and The United Light and Railways Company shall eliminate from their respective holding company systems their interests in Milwaukee Solvay Coke Company, and said order having provided that the respondents should make application to the Commission for the entry of such further orders as were necessary or appropriate for that purpose, and the Commission having reserved jurisdiction to enter such further orders as might be necessary or appropriate with respect to other matters in this proceeding;

Notice is hereby given that The Milwaukee Coke & Gas Company and Milwaukee Solvay Coke Company have filed on January 9, 1942, an application designated as "Application Number 7" pursuant to Sections 11 and 12 of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43, and U-46 thereunder, or any other applicable section of the Act or rules thereunder with respect to the proposed transactions which will accomplish the dissolution of Milwaukee Solvay Coke Company, a wholly owned subsidiary of The Milwaukee Coke & Gas Company, which in turn is a wholly owned subsidiary of American Light and Traction Company, a registered holding company. Applicants represent that Milwaukee Solvay Coke Company is a non-utility company which operated as a non-profit selling agency of The Milwaukee Coke & Gas Company prior to June 1, 1938 but subsequently ceased to conduct any business and at the present time is inactive and has no present revenue or plant. The proposed transactions are briefly described as follows:

1. The surrender by The Milwaukee Coke & Gas Company to Milwaukee Solvay Coke Company of all its outstanding capital stock in the amount of 100 shares with a par value of $50 each.

2. The acquisition by Milwaukee Solvay Coke Company of its own capital stock for cancellation and in consideration therefor to release and discharge the open account indebtedness in the amount of $5,000 owed to it by The Milwaukee Coke & Gas Company.

3. The cancellation of such capital stock and the dissolution of Milwaukee Solvay Coke Company.

Applicants represent that the proposed liquidation and dissolution of Milwaukee Solvay Coke Company is an appropriate step in compliance by The United Light and Power Company and its subsidiary holding companies with the order entered by the Commission in the above entitled proceeding on August 5, 1941.

Notice is further given that The Milwaukee Coke & Gas Company and Milwaukee Solvay Coke Company have requested that an order be entered granting said application pursuant to the procedure prescribed by Rule U-23.

Notice is further given that any interested person may, not later than February 2, 1942, at 4:45 P. M. Eastern Standard Time, request the Commission in writing that a hearing be held on such matter stating the reasons for such request and the nature of his interest or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such application as filed or as amended may be granted as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to such Act, or the Commission may exempt such transaction as provided in Rule U-20 (a) and Rule U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said application, which is on file in the office of the Commission, for a statement of the transactions therein proposed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-339; Filed, January 13, 1942; 11:36 a. m.]

FEDERAL REGISTER

VOLUME 7 NUMBER 10

Washington, Thursday, January 15, 1942

The President

EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 6957 OF FEBRUARY 4, 1935, WITHDRAWING CERTAIN PUBLIC LANDS

ALASKA

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, Executive Order No. 6957 of February 4, 1935, temporarily withdrawing certain lands in Alaska from appropriation under the public-land laws, is hereby revoked as to the following-described tracts, in order to validate homestead entry No. 08352, Anchorage series, of Lannah Z. Scott:

SEWARD MERIDIAN

T. 18 N., R. 2 E., sec. 30, lots 3, 4, E½SW¼.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 13, 1942

[No. 9022]

[F. R. Doc. 42-353; Filed, January 14, 1942; 10:06 a. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

PART 12—CONDITIONAL PAYMENTS BY BORROWERS

Part 12 of Title 6, Code of Federal Regulations, is amended by adding §§ 12.3112–50 to 12.3112–52, as follows:

§ 12.3112–50 *Acceptance of conditional payments.* The Federal Farm Mortgage Corporation has authorized the acceptance of conditional payments for subsequent credit upon indebtedness to the Corporation under first mortgage Commissioner loans (C–1 loans) or under purchase mortgages and real estate contracts arising out of sale of real property securing such loans. Conditional payments accepted under this authorization shall be held for subsequent credit upon indebtedness to the Corporation, in accordance with the provisions of §§ 12.3112–51 and 12.3112–52.*

*§§ 12.3112–50 to 12.3112–52, inclusive, issued under the authority contained in 48 Stat. 344, 345; 12 U.S.C. §§ 1020, 1020a.

§ 12.3112–51 *Interest; application of conditional payments on indebtedness; disposition of unapplied conditional payments after payment of indebtedness in full.* The provisions of §§ 10.387–51, 10.387–52, and 10.387–53,[1] Part 10 of Title 6, Code of Federal Regulations, dealing with "Interest", "Application of conditional payments on indebtedness", and "Disposition of unapplied conditional payments after payment of indebtedness in full", shall be applicable to conditional payments accepted by the Corporation in the same manner as though the word "bank" wherever it appears in said section were the word "corporation".*

§ 12.3112–52 *Evidence of acceptance of conditional payments.* The evidence of acceptance of conditional payments accepted by the Corporation shall be subject to the provisions of § 10.387–54,[1] Part 10 of Title 6, Code of Federal Regulations, insofar as applicable, and the form of receipt used shall have the approval of the Federal Farm Mortgage Corporation.*

[SEAL] HARRIS E. WILLINGHAM,
Executive Vice-President, Federal Farm Mortgage Corporation.

[F. R. Doc. 42-381; Filed, January 14, 1942; 11:33 a. m.]

[Amendment No. 2]

PART 50—RULES AND REGULATIONS FOR PRODUCTION CREDIT ASSOCIATIONS PROMULGATED BY THE FARM CREDIT ADMINISTRATION

LOANS BY PRODUCTION CREDIT ASSOCIATIONS: CHARGES TO BORROWERS

Section 50.13 of Title 6, Code of Federal Regulations (as amended, 4 F.R. 4807) is amended to read as follows:

[1] 6 F.R. 4506.

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§ 50.13 *Charges to borrowers.* Subject to the approval of the president of the corporation the association may prescribe charges and other fees to be charged applicants in connection with loans. Inspection fees in excess of $3 shall not exceed 1 percent of the amount of the loan commitment. Except when an exemption has been approved by the president of the corporation the cost of title and/or mortgage abstracts and searches, fees for filing or recording mortgages, fees in connection with releases, notarial fees in connection with the execution of loan papers, and other expenses incurred in closing loans must be paid by the borrower. (Sec. 60, 48 Stat. 266, 12 U.S.C. 1138)

[SEAL] C. R. ARNOLD,
Production Credit Commissioner.

[F. R. Doc. 42-382; Filed, January 14, 1942; 11:33 a. m.]

TITLE 7—AGRICULTURE

CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FARMING PRACTICES TO BE CARRIED OUT IN CONNECTION WITH THE PRODUCTION OF SUGARCANE DURING THE CROP YEAR 1941–42 FOR PUERTO RICO, PURSUANT TO THE SUGAR ACT OF 1937, AS AMENDED

Pursuant to the provisions of section 301 (e) of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.43d *Farming practices to be carried out in connection with the production of sugarcane during the crop year 1941–2*—(a) *For all farms, except in the Island of Vieques.* The requirements of section 301 (e) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to a farm in Puerto Rico, except in the Island of Vieques, if there are carried out prior to April 30, 1942, the following farming practices:

(1) *Farms containing more than 400 acres of sugarcane.* For farms on which more than 400 acres of sugarcane are growing at any time during 1941:

(i) The application to land on which sugarcane is planted during 1941 of sufficient chemical fertilizer to provide an average quantity of plant food per acre fertilized equal to not less than the greater of either 150 pounds or 80 percent of the average quantity of plant food contained in the chemical fertilizer applied to similar land in 1937 or 1938, whichever was smaller.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1941 of sufficient chemical fertilizer to provide an average of not less than 100 pounds of plant food per acre fertilized.

(2) *Farms containing more than 100, but not more than 400, acres of sugarcane.* For farms on which more than 100, but not more than 400, acres of sugarcane are growing at any time during 1941:

(i) The application to land on which sugarcane is planted during 1941 of chemical fertilizer in an amount averaging not less than 400 pounds per acre fertilized.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1941 of chemical fertilizer in an amount averaging not less than 265 pounds per acre fertilized.

(3) *Farms containing more than 10, but not more than 100, acres of sugarcane.* For farms on which more than 10, but not more than 100, acres of sugarcane are growing at any time during 1941:

(i) The application to land on which sugarcane is planted during 1941 of chemical fertilizer in an amount averaging not less than 250 pounds per acre fertilized.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1941 of chemical fertilizer in an amount averaging not less than 165 pounds per acre fertilized.

(iii) In lieu of the provisions of subdivisions (i) and (ii) of this subparagraph, the carrying out on the farm of any of the soil building practices contained in the 1941 Agricultural Conservation Program Bulletin for the Insular Region as originally approved on March 13, 1941, for which payment would be made in an amount equal to at least $1 per acre of land on which sugarcane is planted or a ratoon crop of sugarcane is started during 1941.

(4) *Farms containing not more than 10 acres of sugarcane.* For farms on which not more than 10 acres of sugarcane are growing at any time during 1941:

(i) The application during the 1941 harvest season to the land from which sugarcane is harvested of the tops and trash cut from such sugarcane; or

(ii) The application of fertilizer in the amounts, and to the types of land, set forth in subparagraph (3) (i) and (ii) of this paragraph; or

(iii) The carrying out on the farm of any of the soil building practices contained in the 1941 Agricultural Conservation Program Bulletin for the Insular Region as originally approved on March 13, 1941, for which payment would be made in an amount equal to at least $0.50 per acre of land on which sugarcane is planted or a ratoon crop of sugarcane is started during 1941.

(b) *For farms in the Island of Vieques.* The requirements of section 301 (e) of the said act shall be deemed to have been met with respect to a farm in Puerto Rico in the Island of Vieques if there are carried out prior to April 30 1942, the following farming practices:

(1) *Farms containing more than 400 acres of sugarcane.* For farms on which more than 400 acres of sugarcane are growing at any time during 1941:

(i) The application to land on which sugarcane is planted during 1941 of sufficient chemical fertilizer to provide an average quantity of plant food per acre fertilized equal to not less than the greater of either 75 pounds or 80 percent of the average quantity of plant food contained in the chemical fertilizer applied to similar land in 1937 or 1938, whichever was smaller.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1941 of sufficient chemical fertilizer to provide an average of not less than 50 pounds of plant food per acre fertilized.

(2) *Farms containing more than 100, but not more than 400, acres of sugarcane.* For farms on which more than 100, but not more than 400, acres of sugarcane are growing at any time during 1941:

(i) The application to land on which sugarcane is planted during 1941 of chemical fertilizer in an amount averaging not less than 200 pounds per acre fertilized.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1941 of chemical fertilizer in an amount averaging not less than 135 pounds per acre fertilized.

(3) *Farms containing more than 10, but not more than 100, acres of sugarcane.* For farms on which more than 10, but not more than 100, acres of sugarcane are growing at any time during 1941:

(i) The application to land on which sugarcane is planted during 1941 of chemical fertilizer in an amount averaging not less than 125 pounds per acre fertilized.

(ii) The application to land on which a ratoon crop of sugarcane is started during 1941 of chemical fertilizer in an amount averaging not less than 85 pounds per acre fertilized.

(iii) In lieu of the provisions of subdivisions (i) and (ii) of this subparagraph, the carrying out on the farm of any of the soil building practices contained in the 1941 Agricultural Conservation Program Bulletin for the Insular Region as originally approved on March 13, 1941, for which payment would be made in an amount equal to at least $1.00 per acre of land on which sugarcane is planted or a ratoon crop of sugarcane is started during 1941.

(4) *Farms containing not more than 10 acres of sugarcane.* For farms on which not more than 10 acres of sugarcane are growing at any time during 1941:

(i) The application, during the 1941 harvest season, to the land from which sugarcane is harvested of the tops and trash cut from such sugarcane; or

(ii) The application of fertilizer in the amounts, and to the types of land, set forth in subparagraph (3) (i) and (ii) of this paragraph; or

(iii) The carrying out on the farm of any of the soil building practices contained in the 1941 Agricultural Conservation Program Buiietin for the Insular Region as originally approved on March 31, 1941, for which payment would be made in an amount equal to at least $0.50 per acre of land on which sugarcane is planted or a ratoon crop of sugarcane is started during 1941.

(c) *Minimum acreage requirements for the application of fertilizer.* In every case in which the application of fertilizer is required as aforesaid, the number of acres on which fertilizer is to be applied prior to April 30, 1942, shall not be less than 100 percent of the number of acres on which sugarcane is planted during 1941, and not less than 80 percent of the number of acres on which a ratoon crop of sugarcane is started during 1941.

(d) *Additional credit in connection with 1941 Agricultural Conservation Program.* Where there is reference to payments which would be made under the terms of the 1941 Agricultural Conservation Program, Puerto Rico, in subparagraphs (3) (iii) and (4) (iii) of paragraph (a) of this section, and in the corresponding subparagraphs of paragraph (b) of this section, credit is to be allowed, in calculating the payment per acre, for chemical fertilizer applied, if any, at the rate of $0.50 per hundred pounds gross weight.

(e) *Standards of performance.* The foregoing practices shall be carried out on the farm in accordance with farming methods commonly used in the community in which the farm is located.

(f) *Definitions.* Wherever used in this section, except in paragraph (d), chemical fertilizer and plant food are to be defined as follows: "Chemical fertilizer" means commercial chemical fertilizer of which not less than 15 percent of the gross weight consists of plant food. "Plant food" means the aggregate amount of nitrogen, available phosphoric acid, and water soluble potash. (Sec. 301, 50 Stat. 909; 7 U.S.C. 1131)

Done at Washington, D. C. this 14th day of January 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary.

[F. R. Doc. 42-361; Filed, January 14, 1942; 11:17 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VI—ORGANIZED RESERVES

PART 61—OFFICERS' RESERVE CORPS[1]

§ 61.1 *Age and citizenship requirements.* (a) A Reserve officer must at the time of his appointment be a citizen of the United States or a citizen of the Philippine Islands in the military service of the United States, between the ages of 21 and 60 years, except that the minimum age for appointment as second lieutenant, Air Corps Reserve, is 18 years.

(b) The minimum ages for original appointment will be as follows:

To the grade of—	*Years*
Second lieutenant, Air Corps Reserve	18
Second lieutenant, except Air Corps Reserve (see subparagraph (1) below)	21
First lieutenant (see subparagraph (2) below)	24
Captain (see subparagraphs (3) and (5) below)	28
Major	33
Lieutenant colonel	39
Colonel (see subparagraph (4) below)	46

(1) No appointments in Chaplains and Medical Department (except Medical Administrative Corps) are made in the grade of second lieutenant.

(2) Appointments in the grade of first lieutenant of the Dental, Veterinary, and Medical Corps may be made at the age of 21 years.

(3) No appointments in the Judge Advocate General's Department are made below the grade of captain. No appointments in the Medical Administrative Corps are made above the grade of captain.

(4) No appointments in Military Intelligence are made in the grade of colonel.

(5) The minimum age for appointment in the grade of captain in the Adjutant

[1] § 61.1 a and b is amended (6 F.R. 3717).

General's Department Reserve will be 30 years. (Sec. 37, 39 Stat. 189, 40 Stat. 73, Sec. 3, 48 Stat. 939; 10 U.S.C. 353) [Par. 13, AR 140–5, June 17, 1941, as amended by Cir. 180, W.D., Aug. 26, 1941, Cir. 184, W.D., Aug. 29, 1941, and Cir. 3, W.D., Jan. 5, 1942.]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–352; Filed, January 13, 1942; 4:22 p. m.]

CHAPTER VII—PERSONNEL

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS AND CHAPLAINS[1]

OFFICERS APPOINTED IN THE ARMY OF THE UNITED STATES UNDER THE PROVISIONS OF THE ACT OF SEPTEMBER 22, 1941

§ 73.218 *Waiver of physical defects.* (a) Deviations from normal physical standards (§ 73.216) that will not interfere with nor prevent the full and satisfactory performance of the duty for which the individual is being appointed, or is being ordered to active duty, and that are not of a nature likely to be aggravated to a disabling degree by active military service, may be waived in the manner and under the conditions authorized in current War Department instructions applicable to members of the Officers' Reserve Corps ordered to extended active duty.

(b) Because of the urgent necessity of expanding the officer personnel of the supply arms and services to meet the needs of the procurement load now devolving upon the War Department, it will be the policy of the Secretary of War to approve for appointment or for extended active duty individuals qualified for limited assignments who have minor physical defects which would disqualify them under current physical standards, but which will not interfere with the satisfactory performance of the duties contemplated provided the defects are stationary in character and are not likely to be aggravated as a result of active military service. (In examining individuals for limited service great care will be exercised to elicit any history, symptoms, or objective evidence of constitutional disease, cardiovascular degeneration, or mental disorder which may be present).

(c) Reports of Physical Examination (W.D., A.G.O. Form No. 63) of individuals examined for appointment or for assignment to extended active duty for limited service will have typed in capital letters immediately above the instructions near the top of the form the words Limited Service and will be accompanied by prescribed affidavits from the individuals concerned. (Act of Sept. 22, 1941, Public Law 252, 77th Congress) [Par. 29, AR 605–10, Oct. 27, 1941, and letter AGO dated Jan. 7, 1942, AG 210.31 (12–9–41) RP–A]

[1] § 73.216 is amended. Part 73 appears at 6 F.R. 5660.

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–342; Filed, January 13, 1942; 1:55 p. m.]

PART 74—ENLISTMENT OF AVIATION CADETS[1]

§ 74.1 *Eligibility*—(a) *General.* Civilians are eligible for appointment as aviation cadets. Candidates must be at time of application unmarried male citizens of the United States who have been citizens of the United States for not less than 10 years immediately preceding appointment; between the ages of 18 and 26 years, inclusive; individuals who have satisfactorily completed at least one-half the credits required for a degree at a recognized college or university, or who can pass an examination covering such work; of excellent character; and of sound physique and in excellent health. No candidates will be appointed as aviation cadets after they have reached their 27th birthday. (41 Stat. 765; 10 U.S.C. 42) [Par. 1b, AR 615–160, July 20, 1938, as amended by Cir. 111, W.D., June 10, 1941, and Cir. 3, W.D., Jan. 5, 1942]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–351; Filed, January 13, 1942; 4:22 p. m.]

PART 75—ADMISSION TO THE UNITED STATES[2] MILITARY ACADEMY[3]

§ 75.3 *Course as a cadet.* (a) Upon admission to the academy, he enters upon a 4-year course of study and training. The academic year extends from September 1 to June 4, the greater part of the remainder of the year being spent in camp and devoted to military training. At the end of his second year at the academy he is granted a furlough of about 10 weeks, which, with the exception of a few days during Christmas week of his second, third and fourth years, is the only extended vacation which he receives. During the time he remains a cadet, he is paid $780 per annum and allowed 1 ration per day. Upon graduation he may be commissioned as a second lieutenant in one of the arms or services of the army.

[1] § 74.1 (a) is amended (6 F.R. 3085).

[2] 6 F.R. 613.

[3] §§ 75.3, 75.5, 75.6 (b), 75.7 (d) and (e), 75.10, 75.12 (b) (5), 75.13, 75.14 (a) (1) and (b), 75.18 (a) and (j), 75.22 (d), and 75.25 (a) are amended. The regulations contained in these sections are also contained in Information Relative to the Appointment and Admission of Cadets to the United States Military Academy, West Point, N. Y., November 15, 1941, the particular paragraphs being shown in brackets at the end of sections.

(b) The points brought out briefly in the paragraphs above are explained in detail in the following pages.* [Par. 4]

*§§ 75.3, 75.5, 75.6 (b), 75.7 (d) and (e), 75.10, 75.12 (b) (5), 75.13, 75.14 (a) (1) and (b), 75.18 (a) and (j), 75.22 (d) and 75.25 (a) as amended are issued under authority contained in R.S. 161; 5 U.S.C. 22.

§ 75.5 *Filipino cadets.* (a) In addition to the 1,960 mentioned above, the Secretary of War is authorized to permit not exceeding four Filipinos, to be designated one for each class by the President of the Commonwealth of the Philippine Islands, to receive instruction at the United States Military Academy, under the provision of the act of Congress approved May 28, 1908, as amended.

These students execute an agreement to comply with all regulations for the police and discipline of the Academy, to be studious, and to give their utmost efforts to accomplish the courses in various departments of instruction.

(b) The act of Congress approved June 30, 1941, making appropriations for the Military Establishment for the fiscal year ending June 30, 1942, contains a proviso which reads as follows:

* * * That no part of this or any other appropriation contained in this Act shall be available for the pay of any person, civil or military, not a citizen of the United States, unless in the employ of the Government or in a pay status on July 1, 1937, under appropriations for the War Department * * *.

* [Par. 6]

§ 75.6 *Appointments, how made.*

* * * * *

(b) All appointments are made by the President as follows:

* * * * *

(7) In 1942, from among the enlisted men of the National guard of the States eral service, upon the recommendations and Territories, now inducted in the Fed- of the commanding generals of the respective corps areas and territorial departments.

(8) From among the enlisted men of the Regular Army, upon the recommendations of the commanding generals of the respective corps areas and territorial departments.

(9) Appointments from the United States at large (excepting those from "honor military schools," those chosen from among the sons of deceased World War veterans, and those appointed upon the recommendation of the Vice President) are made by the President upon his own selection, and as the result of a competitive examination, identical in every respect with the regular entrance examination.

(10) Only such candidates as are fully qualified may be nominated subsequently to the holding of the scheduled examinations, and no nomination for appointment will be accepted if received in the War Department later than midnight on June 30th, preceding the regular date of admission to the Military Academy on July 1st. Letters whose post office marks clearly show that they were placed in the mail prior to midnight of June 30th are held to meet the foregoing requirement.* [Par. 7]

§ 75.7 *Selection of candidates.*

* * * * *

(d) *From the National Guard.* (1) To be eligible for appointment from the National Guard, an applicant must be an enlisted man in an active or inactive status of a unit recognized by the Federal Government and must, at date of admission, be a member of the National Guard and between the ages of 19 and 22 years, and have served as an enlisted man in an active status in the National Guard not less than one year. It is not essential that the service shall have been continuous; therefore, former service in the National Guard may be counted in determining an applicant's eligibility. Similarly, service with a National Guard organization prior to its recognition by the Federal Government may be considered, the date of enlistment of the soldier governing, and not that of the recognition of the unit.

(2) As the National Guard has been inducted and is now in Federal service, appointments from this source in 1942 will be made upon the recommendations of the commanding generals of the respective corps areas and territorial departments in a manner similar to those of enlisted men of the Regular Army. (See paragraph (e) of this section.)

(3) National Guard candidates will be chosen from successful competitors in a preliminary examination of a scope and nature similar to the regular Military Academy entrance examination, instituted and conducted by the respective commanding generals and to be held between December 1 and December 15, annually.

(4) Each candidate thus selected will be authorized by the War Department to report for the regular Military Academy entrance examination, which he must undergo in competition with the entire number of National Guard candidates, the available vacancies being awarded to those physically qualified candidates making the highest proficient averages in the order of merit established at the last-mentioned examination.

(5) The law requires that the service of a National Guard candidate shall have been in a National Guard unit for a full year, and Army service cannot be substituted therefor, in whole or in part.

(e) *From the Regular Army.*

* * * * *

(4) The law requires that the service of an Army candidate shall have been in the Regular Army for a full year, and National Guard service cannot be substituted therefor, in whole or in part.* [Pars. 11 and 12]

§ 75.10 *Entrance examination where held.* (a) The board before which a candidate is directed to appear will be convened at the place nearest or most convenient to his home or to the school at which he is in regular attendance.

(b) Following is a list of the places at which the examination is held:

Army and Navy General Hospital, Hot Springs National Park, Ark.
Army Medical Center, Washington, D. C.
Army Base, Boston, Mass.
William Beaumont General Hospital, El Paso, Tex.
Fort Benning, Ga.
Fort Bragg, N. C.
Canal Zone (such place as the Commanding General, Panama Canal Department, may designate).
Alaska (post to be designated).
Federal Office Bldg., 90 Church St., New York City, N. Y.
Fitzsimons General Hospital, Denver, Colo.
Fort Douglas, Salt Lake City, Utah.
Fort Benjamin Harrison, Ind.
Fort Hayes, Columbus, Ohio.
Fort Sam Houston, Tex.
Jefferson Barracks, Mo.
Fort Knox, Ky.
Fort Leavenworth, Kans.
Letterman General Hospital, Presidio of San Francisco, Calif.
Fort Lewis, Wash.
March Field, Calif.
Fort McPherson, Ga.
Fort Omaha, Nebr.
Jackson Barracks, New Orleans, La.
San Juan, P. R.
Fort Sheridan, Ill.
Fort Sill, Okla.
Fort Snelling, Minn.
Schofield Barracks, Honolulu, Hawaii.
Fort Wm. McKinley, P. I.

* [Par. 15]

§ 75.12 *Admission by regular mental examination (see § 75.8(a)).*

* * * * *

(b) *Subjects.*

* * * * *

(5) *History.*

* * * * *

(ii) The examination in United States history will cover: Early discovery and settlements; the forms of government in the Colonies; the birth and development of a constitutional form of government; the causes, leading events, and results of wars; import events in the political and economic history of the Nation from its foundation to and including the national election of 1936; the location of places, areas, boundaries, and routes of outstanding historical significance.* [Par. 22]

* * * * *

§ 75.13 *Admission by certificate and validating examinations.*

(Footnote 3 under this section (6 F.R. 613) is amended to read as follows:)

* In the case of candidates from schools so organized as to offer only 1½ years of algebra, the 1½ units of credit so earned will be accepted as meeting the requirements in that subject if the certificate shows completion of all subject matter listed in § 75.16 (a).

§ 75.14 *Admission by certificate (see § 75.8 (c)).* (a) The academic board will consider and may accept without other mental requirement:

(1) A properly attested college certificate that the candidate is, or was upon leaving, a regularly enrolled student in good standing without condition in a university, college, or technical school accredited by the United States Military Academy, provided that he entered college with the secondary school credits prescribed in § 75.13 (a), and provided further that he has completed successfully at least one semester in college. If he lacks not more than 2 units of the prescribed secondary school credits, required or optional, he may make up this deficiency in college at the rate of one semester of college work to one year of secondary school study.

A full record of academic work at college, giving subjects taken and grades attained in each, should be presented on form I, which must be submitted in all cases where college work covers one semester or more.

If the college certificate covers less than 1 full year's work in college, it must be accompanied by a certificate covering work in secondary school, and the two certificates will be considered together in determining the candidate's mental qualifications.

* * * * *

(b) * * *

(2) The academic board may reject any certificate for low grades, or upon any evidence, whether contained in the certificate or not, that creates a reasonable doubt as to the candidate's mental qualifications for admission. A record in the entrance examination of a former year is considered excellent evidence of mental qualifications for admission and is given great weight when certificates are being evaluated. Taking the examination, when unprepared, merely for practice and failing on the same may, therefore, have an adverse effect if entrance by certificate is sought in a later year.

(3) A candidate whose certificate has been accepted unconditionally under § 75.14 (a) is excused from the mental examination but must appear for the physical examination.

(4) A candidate whose certificate is approved under § 75.14 (a) (4) subject to later passing of the College Entrance Examination Board's Scholastic Aptitude and Mathematics Attainment Tests[4] is accepted as mentally qualified for admission if his record in these tests proves satisfactory. He is rejected as mentally unqualified if it proves unsatisfactory.* [Pars. 24 and 25]

§ 75.18 *General information as to certificates.*

* * * * *

(b) Paragraph (b) of this section was omitted in revision of Information Relative to the Appointment and Admission of Cadets.

(c) Certificates should be submitted not later than February 15. A certificate received between February 15 and the examination will receive consideration, but, in view of the short time left to the academic board to investigate its value, no assurance will be given that such certificate can be acted on in time to exempt the candidate from the regular mental examination. Certificates received at West Point too late for full

[4] In cases where the Scholastic Aptitude Test taken includes a mathematical section the Mathematics Attainment Test is not required. These tests, prepared by the College Entrance Examination Board, 431 West One Hundred Seventeenth Street, New York, N. Y., are the only such tests accepted for exemption from entrance examinations. General information concerning such examinations may be obtained from the College Entrance Examination Board. Tests prepared by State or other testing agencies are not accepted.

investigation and appraisal before 9 a. m. on the first Tuesday in March of each year will be filed without action thereon. Candidates will be notified of the time and date of the receipt of such certificates.

(j) A certificate which is accepted as satisfactory for one examination will be regarded as satisfactory for any other examination which may be set for entrance with the same class, unless it has been voided in the meantime by failure in the first examination, in which event it will be reconsidered in connection with the results of that examination, should the candidate be reappointed with a view to admission the same year.* [Par. 39]

* * * * *

§ 75.22 *Physical requirements.*

* * * * *

(d) *Physical exercises.* Due to the nature of the new cadets' training during their first 2 months at the academy, the physical requirements must, of necessity, be rather strenuous and exacting. Experience has indicated that those cadets who, prior to admission, have hardened themselves physically meet these requirements best. The cooperation of parents is enjoined to encourage future cadets to participate in some form of physical exercise prior to their arrival at the academy.

(Paragraphs (d) and (e) of this section (6 F.R. 613) are redesignated (e) and (f) respectively, as follows:)

(e) *Physical proportions for height, weight, and chest measurement for all candidates except Filipinos.* * * *

(f) *Minimum standards for Filipino applicants only.* * * *

* [Par. 43, 44 and 45]

§ 75.25 *Pay of cadets.* The pay of a cadet is $780 per year plus 1 ration per day, to commence with the admission to the academy.* [Par. 51]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-343; Filed, January 13, 1942; 1:55 p. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

PART 01—AIRWORTHINESS CERTIFICATES

[Regulations, Serial Number 200]

SPECIAL REGULATION CONTINUING EFFECTIVENESS OF CERTAIN AIRWORTHINESS CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 12th day of January 1942.

It appearing that:

Aircraft airworthiness certificates are issued to continue in effect indefinitely unless suspended, revoked, or canceled, except that each such certificate immediately expires at the end of one year after the date of issuance or after the date of the last endorsement thereof, whichever is later, if the holder of such certificate fails to secure within such period an examination or inspection by an authorized inspector of the Administrator;

By reason of the numerous additional duties placed upon the inspectors of the Administrator because of the existing state of war it will be physically impossible to endorse all airworthiness certificates prior to their expiration;

Now, therefore, the Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 603 of said Act, makes and promulgates the following special regulation:

Notwithstanding the provisions of Part 01 of the Civil Air Regulations, all airworthiness certificates the endorsement period of which would expire between January 1, 1942, and July 1, 1942, shall continue in effect and shall not require endorsement until six months after the date upon which the endorsement period would otherwise expire: *Provided,* That this special regulation shall not apply to scheduled air carrier aircraft.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-348; Filed, January 13, 1942; 11:01 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4289]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF E. R. DAVIS PRESCRIPTION COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondent's "Davis Formula No. 7895," or other similar medicinal preparation, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of his said preparation, which advertisements represent, directly or through inference (1) that respondent's preparation is a cure or remedy for asthma or has any therapeutic value in the treatment thereof, in excess of furnishing temporary relief from the paroxysms of asthma; (2) that respondent's preparation is a cure or remedy for hay fever, or that it has any substantial therapeutic value in the treatment of such disorder; (3) that the use of respondent's preparation will prevent attacks of asthma or hay fever, or prevent any recurrence of such attacks; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, E. R. Davis Prescription Company, Docket 4289, January 7, 1942]

In the Matter of E. R. Davis, an Individual Trading Under the Name of E. R. Davis Prescription Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of January, A. D. 1942.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence taken before William C. Reeves, a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiner upon the evidence, and brief in support of the complaint filed herein; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, E. R. Davis, an individual trading under the name of E. R. Davis Prescription Company, or trading under any other name, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of his medicinal preparation known as Davis' Formula No. 7895, or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from, directly or indirectly:

(1) Disseminating, or causing to be disseminated, any advertisement by means of United States mails, or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference,

(a) That respondent's preparation is a cure or remedy for asthma or has any therapeutic value in the treatment thereof, in excess of furnishing temporary relief from the paroxysms of asthma;

(b) That respondent's preparation is a cure or remedy for hay fever, or that it has any substantial therapeutic value in the treatment of such disorder;

(c) That the use of respondent's preparation will prevent attacks of asthma or hay fever, or prevent any recurrence of such attacks;

(2) Disseminating, or causing to be disseminated, any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of respondent's preparation, which advertisement contains any of the representations prohibited in paragraph (1) hereof and respective subdivisions thereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-364; Filed, January 14, 1942; 11:56 a. m.]

[1] 6 F.R. 2182.

[Docket No. 4466]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF ARTHUR JACOBSON

§ 3.6 (j 10) *Advertising falsely or misleadingly—History of product or offering:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondent's system for the treatment of defects of the human eye or conditions resulting therefrom, consisting of devices designated as an "eye tester" and as an "eye adjuster" and the charts and courses of instruction designated as "Better Eyesight System" and as "Training the Eyes to See Correctly", or of any other substantially similar system, devices or courses of instruction, disseminating, etc., any advertisements by means of the United States mails or in commerce or by any means, to induce, etc., directly, or indirectly, purchase in commerce, etc., of his said devices and courses, which advertisements represent, directly or through inference (1) that respondent's devices or courses of instruction are a new or revolutionary system for the treatment of defects of human vision; (2) that the use of respondent's devices or courses of instruction, either separately or in conjunction with one another, will eliminate headaches or nervousness, overcome tired feeling, cause the eyes to become clear and strong, enable the user to discard glasses, or result in perfect eyesight; (3) that the use of respondent's devices or courses of instruction, either separately or in conjunction with one another, will correct nearsightedness or astigmatism, or eliminate the need of drugs, glasses, or surgery in the treatment of poor eyesight; and (4) that respondent's devices or courses of instruction, either separately or in conjunction with one another, constitute a competent or effective treatment of, or remedy for, defects of vision or conditions resulting therefrom, or have any therapeutic value in the treatment of defects of vision or conditions resulting therefrom in excess of possibly assisting toward the correction of strabismus in cases where the particular exercise recommended is adapted to the needs of the particular case; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Arthur Jacobson, Docket 4466, January 7, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of January, A. D. 1942.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner, and briefs filed herein by counsel for the Commission and counsel for the respondent, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act.

It is ordered, That respondent Arthur Jacobson, an individual, his agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of his system for the treatment of defects of the human eye or conditions resulting therefrom, which system consists of devices designated as an "eye tester" and as an "eye adjuster" and charts and courses of instruction designated as "Better Eyesight System" and as "Training the Eyes to See Correctly," or of any other system, devices, or courses of instruction which are substantially similar in character to the present system, devices, or courses of instruction, whether sold under the same or any other names, do forthwith cease and desist from directly or indirectly:

(1) Disseminating, or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or through inference:

(a) That respondent's devices or courses of instruction are a new or revolutionary system for the treatment of defects of human vision;

(b) That the use of respondent's devices or courses of instruction, either separately or in conjunction with one another, will eliminate headaches or nervousness, overcome tired feeling, cause the eyes to become clear and strong, enable the user to discard glasses, or result in perfect eyesight;

(c) That the use of respondent's devices or courses of instruction, either separately or in conjunction with one another, will correct nearsightedness or astigmatism, or eliminate the need of drugs, glasses, or surgery in the treatment of poor eyesight;

(d) That respondent's devices or courses of instruction, either separately or in conjunction with one another, constitute a competent or effective treatment of, or remedy for, defects of vision or conditions resulting therefrom, or have any therapeutic value in the treatment of defects of vision or conditions resulting therefrom in excess of possibly assisting toward the correction of strabismus in cases where the particular exercise recommended is adapted to the needs of the particular case;

(2) Disseminating, or causing to be disseminated, by any means, any advertisement for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said devices and courses of instruction, which advertisement contains any of the representations prohibited in paragraph (1) hereof.

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-363; Filed, January 14, 1942; 11:53 a. m.]

[1] 6 F.R. 1737.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket Nos. A-1210, A-1211]

PART 339—MINIMUM PRICE SCHEDULE, DISTRICT NO. 19

ORDER OF CONSOLIDATION AND GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTERS OF THE PETITIONS OF ROCK SPRINGS FUEL COMPANY, A CODE MEMBER IN DISTRICT NO. 19, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT THE PREMIER MINE IN THAT DISTRICT; AND OF DISTRICT BOARD NO. 19 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT CERTAIN MINES IN DISTRICT NO. 19

Original petitions, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named parties, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 19; and

It appearing that the issues raised in those petitions are analogous; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matters; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be and they hereby are consolidated; and

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief is granted as follows: Commencing forthwith, § 339.5 (*General prices; minimum prices for shipment via rail transportation*) and § 339.21 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 19 for All Ship-

ments Except Truck and for Truck Shipments are amended as follows: (1) to include, within Subdistrict 2 of District No. 19, the Premier Mine (Mine Index No. 19) of code member Rock Springs Fuel Company, located in Sweetwater County, Wyoming; (2) the coals produced at that mine, for shipment via rail transportation from Superior, Wyoming, in Freight Origin Group No. 70, shall take and be subject to the price classifications and minimum prices set forth in § 339.5 in that Schedule, as amended, for the mines of all other code members in Subdistrict 2 of District No. 19; (3) the coals produced at that mine, for truck shipment, shall take and be subject to the following minimum prices in cents per net ton f. o. b. the mine:

Size groups	1	2	3	4	5	6	7	8	9	10	11	12	13	15	16	17
Prices	365	365	335	335	335	335	310	290	275	225	210	240	210	185	185	90

and (4) the coals, for truck shipment, produced at the Burn Right Mine (Mine Index No. 228) of code member Franklin C. Andrews in Subdistrict 3 of District No. 19 in Carbon County, Wyoming, shall take and be subject to the following minimum prices in cents per net ton f. o. b. the mine:

Size groups	1	2	3	4	5	6	7	8	9	10	12	13	15	16	17
Prices	300	300	300	300	275	275	275	275	200	175	200	200	150	150	75

No relief is extended herein as to the coals of the Seahorn Mine in Subdistrict 3 of District No. 19 for the reason that it does not appear that Ben A. Seahorn, the proposed operator, has presently obtained a sufficient legal or equitable right or interest in that mine to permit its operation by him.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-375; Filed, January 14, 1942; 11:23 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

PART 629—PHYSICAL EXAMINATION BY THE ARMED FORCES

Effective February 1, 1942, the Selective Service Regulations are hereby amended by adding thereto a new part reading as follows:

MAKING ARRANGEMENTS FOR PHYSICAL EXAMINATION BY THE ARMED FORCES AND PREPARING NECESSARY FORMS

Sec.
629.1 State Director of Selective Service to arrange for physical examination by the armed forces.
629.2 Order on local board to deliver men for physical examination by the armed forces.
629.3 Order to appear for physical examination by the armed forces.
629.4 Checking report of physical examination.
629.5 Records of mailing of order to report for physical examination by the armed forces
629.6 Preparation of physical examination list.

TRANSFER FOR PHYSICAL EXAMINATION

629.11 Transfer for physical examination by the armed forces.

PHYSICAL EXAMINATION BY THE ARMED FORCES

629.21 Registrant to report for and submit to physical examination by the armed forces.
629.22 Records returned by examining station for the armed forces.

COMPLETING CLASSIFICATION FOLLOWING REPORT OF PHYSICAL EXAMINATION BY THE ARMED FORCES

629.31 Action of local board upon receiving the report of physical examination from the armed forces.

MAKING ARRANGEMENTS FOR PHYSICAL EXAMINATION BY THE ARMED FORCES AND PREPARING NECESSARY FORMS

§ 629.1 *State Director of Selective Service to arrange for physical examination by the armed forces.* (a) When the Director of Selective Service has received a requisition from either the Secretary of War or the Secretary of the Navy for a number of specified men to report for physical examination by the armed forces, he shall allocate among the States the number of specified men which each State will be required to deliver for such physical examination. He shall then issue, in quadruplicate, an Order on State for Delivery of Men for Physical Examination by the Armed Forces (Form 152). He shall send the original of such order to the proper State Director of Selective Service, forward two copies thereof to the Secretary who issued the requisition, and file the remaining copy.

(b) The State Director of Selective Service, upon receiving the Order on State for Delivery of Men for Physical Examination by the Armed Forces (Form 152), shall confer with the Corps Area Commander (or representative of the Navy or Marine Corps) for the purpose of arranging the details as to the time or times and place or places where the specified men who are selected and ordered to report for physical examination by the armed forces will be delivered.*

*§§ 629.1 to 629.31, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779.

§ 629.2 *Order on local board to deliver men for physical examination, by the armed forces.* After conference with the Corps Area Commander (or representative of the Navy or Marine Corps), the State Director of Selective Service shall issue, in quadruplicate, to each local board concerned an Order on Local Board to Deliver Men for Physical Examination by the Armed Forces (Form 10A). The State Director of Selective Service shall send the original of each such order to the local board concerned, shall forward a copy to the Corps Area Commander (or to the representative of the Navy or Marine Corps), shall forward a copy to the commanding officer at the armed forces examining station concerned, and shall file the remaining copy. These orders shall be numbered consecutively without regard to the service for which the order is issued and should be issued in sufficient time to permit the local board to mail out the Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A) and to allow the specified men a reasonable notice of such order.*

§ 629.3 *Order to appear for physical examination by the armed forces.* (a) Upon receipt of the Order on Local Board to Deliver Men for Physical Examination by the Armed Forces (Form 10A), the local board shall proceed to select the required number of specified men, selecting first those specified men who have volunteered for induction and selecting next the required additional number of specified men according to the sequence of order numbers: *Provided, however*, That any such specified man who has been found to have one or more disqualifying defects on a previous physical examination by the armed forces shall not again be ordered to report for a further physical examination by the armed forces unless the local board, with the assistance of the examining physician, examining dentist, or medical advisory board, has satisfied itself that such defects have been remedied. The local board shall send each specified man selected an Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A), which order shall fix the date, time, and place for the specified man to report. Such date will normally be 5 days after the mailing of such order.

(b) An Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A) shall be sent only to a specified man classified in Class I-A or Class I-A-O (or Class I-B or Class I-B-O if requested by the armed forces) whose classification is not under consideration on appearance, reopening, or appeal and whose time in which to request an appearance or take an appeal has expired. Class IV-E and Class IV-E-LS registrants shall not be sent to the examining station for the armed forces for physical examination but shall be physically examined as provided in Part 651.

(c) If a registrant classified in Class I-A (1) is engaged in an activity that does not entitle him to a Class II-A or Class II-B deferment but such activity is useful or productive and contributes to the

employment or well-being of the community or the nation and his induction without immediate replacement will cause unnecessary dislocation of such activity, (2) is quarantined because of a communicable disease, (3) is sick, (4) has some temporary ailment, or (5) is awaiting an operation, the local board may postpone the time such registrant shall report for physical examination by the armed forces either before or after the Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A) has been mailed. The period of postponement shall not exceed 30 days from the date of postponement. One additional postponement, not to exceed 30 days, may be granted, provided imperative cause for such additional postponement is shown.*

§ 629.4 *Checking report of physical examination.* Before the local board mails an Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A) to a specified man, it shall carefully check the original and all copies of his Report of Physical Examination and Induction (Form 221) to be certain that the portions thereof to be completed by the local board and the examining physician of the local board have been completed.*

§ 629.5 *Record of mailing of order to report for physical examination by the armed forces.* The date of the mailing of the Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A) and the date upon which the registrant reports for physical examination by the armed forces shall be entered on the Classification Record (Form 100) and on the registrant's Selective Service Questionnaire (Form 40).*

§ 629.6 *Preparation of physical examination list.* (a) Before the time set for the selected men to report pursuant to the Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A), the local board shall prepare a Physical Examination List (Form 151A), in quadruplicate.

(b) If a selected man fails to report as ordered, his absence shall be noted on the Physical Examination List (Form 151A).

(c) The local board shall forward to the examining station for the armed forces the original and two copies of the Physical Examination List (Form 151A), together with the original and all copies of the Report of Physical Examination and Induction (Form 221) of each selected man delivered. The remaining copy of the Physical Examination List (Form 151A) will be kept by the local board.*

TRANSFER FOR PHYSICAL EXAMINATION

§ 629.11 *Transfer for physical examination by the armed forces.* (a) Any registrant who has received an Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A) and who is so far from his own local board that reporting to his own local board would be a hardship may be transferred for examination by the armed forces to the local board having jurisdiction of the area in which he is at that time located.

(b) Any such registrant desiring to be so transferred shall immediately report to the local board having jurisdiction of the area in which he is at that time located; present his Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A); and file, in triplicate, a Request for Transfer for Physical Examination by the Armed Forces (Form 208), in which he shall state the circumstances of his absence from his own local board area.

(c) The local board with which such registrant filed his Request for Transfer for Physical Examination by the Armed Forces (Form 208) shall investigate the circumstances of his absence from his own local board area. If it finds that he does not have a good reason for his absence, it shall endorse its disapproval upon the original and all copies of the request; mail the original to the registrant's own local board; mail a copy to the registrant who has requested such transfer; and file the remaining copy. Such registrant will then be required to report in accordance with the instructions contained in the Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A) which he received from his own local board.

(d) If the local board with which such registrant filed his Request for Transfer for Physical Examination by the Armed Forces (Form 208) finds that he has a good reason for his absence from his own local board area, it shall endorse its approval upon the original and all copies of the request; mail the original, via air mail (unless ordinary mail is as expeditious), to the registrant's own local board; mail a copy to the registrant who has requested such transfer; and file the remaining copy.

(e) Immediately upon receipt of the approved Request for Transfer for Physical Examination by the Armed Forces (Form 208), the registrant's own local board shall transfer the registrant, preparing, in duplicate, an order of Transfer of Registrant for Physical Examination by the Armed Forces (Form 209). It shall mail the original to the local board to which the registrant is being transferred for physical examination by the armed forces and file the copy in the registrant's Cover Sheet (Form 53). It shall also mail to the local board to which the registrant is being transferred for physical examination by the armed forces the original and all copies of the Report of Physical Examination and Induction (Form 221).

(f) The local board to which such registrant is transferred for delivery for physical examination by the armed forces shall prepare and mail to the registrant a new Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A).

(g) The local board to which such registrant is transferred shall include the transferred registrant on its Physical Examination List (Form 151A) and shall forward such registrant to the examining station of the armed forces in addition to and not as a substitute for any of its own registrants.

(h) When all of the papers pertaining to such transferred registrant are returned by the examining station of the armed forces, the local board to which such registrant was transferred for physical examination by the armed forces shall forward all such papers to the registrant's own local board.*

PHYSICAL EXAMINATION BY THE ARMED FORCES

§ 629.21 *Registrant to report for and submit to physical examination by the armed forces.* The selected man shall report on the day and at the time and place fixed in the Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A) and shall follow the instructions of the local board as to the manner in which he will be transported or will transport himself to the location where the physical examination will take place. Upon arriving there, he shall appear for and submit to the physical examination by the armed forces. He shall then follow the orders and directions of the local board in returning from the place of physical examination to his home. Where necessary, Government Requests for Transportation (Standard Form No. 1030) and Government Request for Meals or Lodgings for Civilian Registrants (Form 256) shall be supplied for men ordered to report for physical examination by the armed forces.*

§ 629.22 *Records returned by examining station for the armed forces.* (a) Each State Director of Selective Service will receive from the officer in charge of the examining station for the armed forces a copy of each Physical Examination List (Form 151A) from local boards within his State.

(b) Each local board delivering men to an examining station for the armed forces will receive from the officer in charge of the examining station the original of the Physical Examination List (Form 151A) and the original and all copies of each man's Report of Physical Examination and Induction (Form 221).

(c) The Physical Examination List (Form 151A) should be returned by the officer in charge of the examining station for the armed forces within 24 hours after completion of the examination. The officer in charge should make the appropriate entries under Item 5.*

COMPLETING CLASSIFICATION FOLLOWING REPORT OF PHYSICAL EXAMINATION BY THE ARMED FORCES

§ 629.31 *Action of local board upon receiving the report of physical examination from the armed forces.* (a) After the Report of Physical Examination and Induction (Form 221) has been returned from the examining station for the armed forces, the following action shall be taken based upon the information contained in Item 65, Section III, of such report:

(1) If in (a) of Item 65 it is indicated that the registrant is physically and men-

tally qualified for general military service, the registrant is acceptable for training and service in the land or naval forces, and the local board clerk should mail him a Notice to Registrant of Result of Physical Examination by the Armed Forces (Form 202).

(2) If in (b) of Item 65 it is indicated that the registrant will be physically and mentally qualified for general military service after satisfactory correction of the remediable defects set forth therein, the local board shall not change his classification, but shall take the necessary steps for the correction of his remediable defects as outlined in Part 661. The local board clerk should mail such registrant a Notice to Registrant of Result of Physical Examination by the Armed Forces (Form 202).

(3) If in (c) of Item 65 it is indicated that the registrant is physically qualified for limited military service only or if in (d) of Item 65 it is indicated that the registrant will be physically qualified for limited military service after the satisfactory correction of the remediable defects set forth therein, the local board shall reopen the classification of the registrant and classify him in Class I–B or Class I–B–O.

(4) If in (e), (f), or (g) of Item 65 it is indicated that the registrant is physically, mentally, or otherwise disqualified for military service, the local board shall reopen the classification of the registrant and classify him in Class IV–F.

(5) If in (h) of Item 65 it is indicated that the registrant is physically and mentally qualified for general military service except that the result of his serological test is not negative, the local board will make arrangements for the examining physician to take necessary blood of the registrant for such additional serological tests as may be necessary in order to determine if the blood is truly negative or truly positive. When the local board examining physician has satisfied himself by one or more tests that the blood of the registrant is truly negative or truly positive, he shall so report to the local board. In a doubtful case the local board examining physician may recommend to the local board that the Report of Physical Examination and Induction (Form 221) of the registrant and the laboratory reports on the blood of the registrant be referred to the medical advisory board for its opinion as to whether the registrant's blood is truly negative or truly positive. When the local board is satisfied that the blood of the registrant is truly negative, it shall resubmit the Report of Physical Examination and Induction (Form 221) and the laboratory reports on the blood of the registrant to the examining board of the armed forces for reconsideration and correction of Item 65, Section III, of the Report of Physical Examination and Induction (Form 221). When the examining board of the armed forces indicates in its correction that the registrant is physically and mentally qualified for general military service, the registrant is acceptable for training and service in the land or naval forces, and the local board clerk should mail the registrant a Notice to Registrant of Result of Physical Examination by the Armed Forces (Form 202). If the blood of the registrant is truly positive, the local board shall not change the classification of the registrant but shall take the necessary steps for the correction of his condition as outlined in part 661. The local board clerk should mail such a registrant a Notice to Registrant of Result of Physical Examination by the Armed Forces (Form 202).

(b) The local board shall complete Section V of the Report of Physical Examination and Induction (Form 221) by filling in the applicable items. It shall then check pages 1, 2, 3, and 4 through Section V to make certain that all entries have been completed on the original of the Report of Physical Examination and Induction (Form 221) and that all such information has been correctly transcribed on the copies thereof.

(c) When the examining station of the armed forces finds that the registrant is physically and mentally qualified for general military service or that he is physically and mentally qualified for general military service after correction of remediable defects or that he is physically and mentally qualified for general military service except that his serological test is not negative, it will return the original and all copies of the Report of Physical Examination and Induction (Form 221) to the local board. The original and all copies of the Report of Physical Examination and Induction (Form 221) will be retained by the local board in the registrant's Cover Sheet (Form 53) until the registrant is forwarded for induction into the land or naval forces in the manner provided in Part 633.

(d) When the examining station of the armed forces finds that the registrant is physically qualified for limited military service only or that he is physically qualified for limited military service after the satisfactory correction of remediable defects or that he is physically, mentally, or otherwise disqualified for military service, it will retain the Surgeon General's Copy of the Report of Physical Examination and Induction (Form 221) and will return the Armed Forces' Original, the National Headquarters' Copy, and the Local Board's Copy of such report to the local board. The local board shall then file the Armed Forces' Original and the Local Board's Copy in the registrant's Cover Sheet (Form 53) and transmit the National Headquarters' Copy to the State Director of Selective Service, who shall forward such copy to the Director of Selective Service.*

LEWIS B. HERSHEY,
Director.

JANUARY 12, 1942.

[F. R. Doc. 42-346; Filed, January 13, 1942; 2:57 p. m.]

PART 651—DETERMINATION OF ACCEPTABILITY OF PERSONS FOR WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

Effective February 1, 1942, the Selective Service Regulations are hereby amended by assigning a new number to and changing the context of paragraph 365d; by adding five new sections; and by publishing such renumbered and amended paragraph and the five new sections as the sections of Part 651 of the Second Edition of the Selective Service Regulations:

Paragraph 365d as amended becomes § 651.1.
New section, § 651.2.
New section, § 651.3.
New section, § 651.4.
New section, § 651.5
New section, § 651.6.

PART 651—DETERMINATION OF ACCEPTABILITY OF PERSONS FOR WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

SELECTION OF CLASS IV–E REGISTRANTS FOR FINAL-TYPE PHYSICAL EXAMINATION AND PREPARATION OF NECESSARY FORMS

Sec.
651.1 Selection of registrants for assignment to work of national importance.
651.2 Ordering Class IV–E registrants to report for final-type physical examination.
651.3 Preparing report of physical examination.

REFERENCE FOR FINAL-TYPE PHYSICAL EXAMINATION OF CLASS IV–E REGISTRANTS

651.11 Procedure for referring Class IV–E registrants to another local board for final-type physical examination.

FINAL-TYPE PHYSICAL EXAMINATION FOR CLASS IV–E REGISTRANTS

651.21 Class IV–E registrant to be examined under MR 1–9 by local board examining physician.

COMPLETING CLASSIFICATION FOLLOWING FINAL-TYPE PHYSICAL EXAMINATION OF CLASS IV–E REGISTRANTS

651.31 Action of local board following final-type physical examination of Class IV–E registrants.

SELECTION OF CLASS IV–E REGISTRANTS FOR FINAL-TYPE PHYSICAL EXAMINATION AND PREPARATION OF NECESSARY FORMS

§ 651.1 *Selection of registrants for assignment to work of national importance.* Every registrant who is classified in Class IV–E (or in Class IV–E–LS if and when Class I–B and Class I–B–O registrants are ordered to report for physical examination by the armed forces), before he is assigned to work of national importance under civilian direction, shall be given a final-type physical examination for registrants in Class IV–E. Each such registrant shall be ordered to report for such examination when his order number is reached in the process of selecting Class I–A and Class I–A–O registrants (or Class I–B and Class I–B–O registrants if and when such registrants are being selected) to report to the armed forces for physical examination, provided his classification is not under consideration on appearance, reopening, or appeal, and the time in which he is entitled to request an appearance or take an appeal has expired.*

*[§§ 651.1 to 651.31, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301–318, inclusive, E.O. No. 8545, 5 F.R. 3779.

§ 651.2 *Ordering Class IV–E registrants to report for final-type physical examination.* (a) When the order number of a registrant placed in Class IV–E (or Class IV–E–LS) has been reached under the circumstances set out in § 651.1, the local board shall mail to the registrant a Notice to Registrant to Appear for Physical Examination (Form 201). The Notice to Registrant to Appear for Physical Examination (Form 201) shall indicate that the registrant is to report for final-type physical examination for registrants in Class IV–E (or Class IV–E–LS) and shall fix the date, time, and place for the registrant to report for such final-type physical examination. Such date will normally be 5 days after the date of mailing such notice.

(b) On the day and at the time and place fixed in the Notice to Registrant to Appear for Physical Examination (Form 201), the registrant shall appear before the local board examining physician and submit to final-type physical examination for registrants in Class IV–E (or Class IV–E–LS).

(c) If a registrant classified in Class IV–E (or Class IV–E–LS) (1) is engaged in an activity that does not entitle him to a Class II–A or Class II–B deferment but such activity is useful or productive and contributes to the employment or well-being of the community or the nation in such a manner that his assignment to work of national importance under civilian direction without immediate replacement will cause unnecessary dislocation of such activity, (2) is quarantined because of a communicable disease, (3) is sick, (4) has some temporary ailment, or (5) is awaiting an operation, the local board may postpone the time such registrant shall report for final-type physical examination for registrants in Class IV–E (or Class IV–E–LS), either before or after the Notice to Registrant to Appear for Physical Examination (Form 201) has been mailed. The period of postponement shall not exceed 30 days from the date of postponement. One additional postponement, not to exceed 30 days, may be granted provided imperative cause for such additional postponement is shown.*

§ 651.3 *Preparing report of physical examination.* (a) Before the local board mails to the registrant a Notice to Registrant to Appear for Physical Examination (Form 201), it shall carefully check the original and all copies of his Report of Physical Examination and Induction (Form 221) to be certain that all necessary entries have been made on the first page thereof.

(b) The local board shall deliver the registrant's prepared original Report of Physical Examination and Induction (Form 221) to the local board examining physician before the date on which the registrant is to appear for final-type physical examination for registrants in Class IV–E (or Class IV–E–LS). The copies will all be retained in the registrant's Cover Sheet (Form 53) by the local board.

(c) The date of mailing of the Notice to Registrant to Appear for Physical Examination (Form 201) and the date on which the registrant reports for final-type physical examination for registrants in Class IV–E (or Class IV–E–LS) shall be entered on the Classification Record (Form 100) and on the registrant's Selective Service Questionnaire (Form 40).*

REFERENCE FOR FINAL-TYPE PHYSICAL EXAMINATION OF CLASS IV–E REGISTRANTS

§ 651.11 *Procedure for referring Class IV–E registrants to another local board for final-type physical examination.* A registrant in Class IV–E (or Class IV–E–LS) may be referred to another local board for final-type physical examination only for the reasons set forth in § 623.41 and by the procedure set forth in § 623.42, except that each form used in making such reference shall indicate that the registrant is being referred for the final-type physical examination for registrants in Class IV–E (or Class IV–E–LS) and that the final-type physical examination conducted shall be in accordance with § 651.21.*

FINAL-TYPE PHYSICAL EXAMINATION FOR CLASS IV–E REGISTRANTS

§ 651.21 *Class IV–E registrant to be examined under MR 1–9 by local board examining physician.* (a) The physical standards governing the final-type physical examination for registrants in Class IV–E (or Class IV–E–LS) shall be those applicable to physical examinations conducted at the examining station for the armed forces, as set forth in MR 1–9.

(b) The local board examining physician shall conduct the final-type physical examination for registrants in Class IV–E (or Class IV–E–LS) in accordance with instructions issued by the Director of Selective Service.

(c) The local board examining physician shall fill in the Physical Examination Results in Section III of the Report of Physical Examination and Induction (Form 221), and if he finds the registrant to be qualified for general service and has entered the registrant's name in (a) or (b) of Item 65 of Section III, he shall fill out Section IV of the Report of Physical Examination and Induction (Form 221).

(d) The local board examining physician shall report to the local board any information coming to his attention which might indicate that a registrant is malingering (*see* § 623.34). In such a case the local board will follow the procedure outlined in § 623.34, and the Director of Selective Service may, if he sees fit, waive the defect and order that the registrant be assigned to work of national importance under civilian direction.*

COMPLETING CLASSIFICATION FOLLOWING FINAL-TYPE PHYSICAL EXAMINATION OF CLASS IV–E REGISTRANTS

§ 651.31 *Action of local board following final-type physical examination of Class IV–E registrants.* (a) After the Report of Physical Examination and Induction (Form 221) has been returned from the examining physician, the following action shall be taken based upon the information contained in Item 65, Section III, of such report:

(1) If in (a) of Item 65 it is indicated that the registrant is physically and mentally qualified for general service, he is acceptable for work of national importance under civilian direction, and the local board clerk should notify him of the result of the final-type physical examination for registrants in Class IV–E.

(2) If in (b) of Item 65 it is indicated that the registrant will be physically and mentally qualified for general service after satisfactory correction of the remediable defects set forth therein, the local board shall not change his classification but shall take the necessary steps for the correction of his remediable defects as outlined in Part 661. The local board clerk should notify such registrant of the result of the final-type physical examination for registrants in Class IV–E.

(3) If in (c) of Item 65 it is indicated that the registrant is physically qualified for limited service only or if in (d) of Item 65 it is indicated that the registrant will be physically qualified for limited service after the satisfactory correction of the remediable defects set forth therein, the local board shall reopen his classification and classify him in Class IV–E–LS.

(4) If in (e), (f), or (g) of Item 65 it is indicated that the registrant is physically, mentally, or otherwise disqualified for service, the local board shall reopen his classification and classify him in Class IV–F.

(5) If in (h) of Item 65 it is indicated that the registrant is physically and mentally qualified for general service in work of national importance under civilian direction except that the result of his serological test is not negative, the local board will make arrangements for the examining physician to take such additional blood of the registrant as may be necessary for additional serological tests in order to determine if the blood is truly negative or truly positive. In a doubtful case the local board examining physician may recommend to the local board that the Report of Physical Examination and Induction (Form 221) and the laboratory reports on the blood of the registrant be referred to the medical advisory board for its opinion as to whether the registrant's blood is truly negative or truly positive. When the local board examining physician is satisfied that the blood of the registrant is truly negative, he will correct Item 65, Section III, of the Report of Physical Examination and Induction (Form 221) to show that the registrant is physically and mentally qualified for work of national importance under civilian direction. When such correction is made, the registrant is acceptable for work of national importance under civilian direction and the local board clerk should notify him of the result of the final-type physical examination for registrants in Class IV–E. If the blood of the registrant is truly positive, the local board shall not change the classification of the registrant but shall take the necessary steps for the correction of his condition as outlined in Part 661. The local board clerk should notify such registrant of the result of the final-type physical examination for registrants in Class IV–E.

(b) The local board shall complete Section V of the Report of Physical Examination and Induction (Form 221) by

filling in the applicable items. It shall then check pages 1, 2, 3, and 4 through Section V to make certain that all entries have been completed on the original of the Report of Physical Examination and Induction (Form 221) and that all such information has been correctly transcribed on the copies thereof.

(c) When the local board examining physician on final-type physical examination of a registrant in Class IV–E finds that the registrant is physically and mentally qualified for general service in work of national importance under civilian direction, or will be physically and mentally qualified for general service in work of national importance under civilian direction after correction of remediable defects, or is physically and mentally qualified for general service in work of national importance under civilian direction except that his serological test is not negative, the original and all copies of the Report of Physical Examination and Induction (Form 221) will be retained by the local board in the registrant's Cover Sheet (Form 53) until the registrant is forwarded for work of national importance under civilian direction in the manner provided in Part 652.

(d) When the local board examining physician on final-type physical examination of a registrant in Class IV–E finds that the registrant is physically qualified for limited service only in work of national importance under civilian direction, or that he is physically qualified for limited service in work of national importance under civilian direction after the satisfactory correction of remediable defects, or that he is physically, mentally, or otherwise disqualified for service in work of national importance under civilian direction, the local board shall transmit the Surgeon General's Copy and the National Headquarters' Copy of the Report of Physical Examination and Induction (Form 221) of each such registrant to the State Director of Selective Service, who shall forward both copies to the Director of Selective Service. The local board shall file the Armed Forces' Original and the Local Board's Copy of the Report of Physical Examination and Induction (Form 221) in the registrant's Cover Sheet (Form 53).*

LEWIS B. HERSHEY,
Director.

JANUARY 12, 1942.

[F. R. Doc. 42–347; Filed, January 13, 1942; 2:57 p. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 1023—JEWEL BEARINGS

Conservation Order No. M–50 To Conserve the Supply and Direct the Distribution of Jewel Bearings and Jewel Bearing Material

Whereas National Defense requirements have created a shortage of Jewel Bearings (as hereafter defined) for the combined needs of defense and private account, and the supply of Jewel Bearings now is and will be insufficient for defense and essential civilian requirements, unless the supply of Jewel Bearings and Jewel Bearing Material (as hereinafter defined) is conserved and their use in certain products manufactured for civilian use is curtailed; and it is necessary in the public interest to promote the defense of the United States, to conserve the supply and direct the distribution and use thereof.

Now, therefore, it is hereby ordered, That:

§ 1023.1 *Conservation Order No. M–50*—(a) *Definitions.* For the purpose of this Order:

(1) "Jewel Bearing Material" means any natural or synthetic sapphire or ruby of industrial quality or any other material of similar chemical composition and physical properties.

(2) "Jewel Bearing" means any jewel bearing material which has been processed in any manner for use where friction occurs.

(3) "Large Ring Jewel Bearing" means any round disk made from jewel bearing material and which has a diameter greater than 0.040 inch, and a thickness greater than 0.016 inch, and which has a hole pierced through it of a diameter greater than 0.016 inch.

(4) "Vee Jewel Bearing" means any round disk made from Jewel bearing material and which has a conically shaped cavity cut into one of the flat surfaces.

(5) "Supplier" means any person who engages in the importation, manufacture or processing of jewel bearings or jewel bearing material.

(6) "Manufactured" means fabricated or processed in any manner.

(b) *Restrictions on the sale, purchase and use of jewel bearings and jewel bearing material after March 1, 1942.* On and after March 1, 1942, each supplier is hereby directed to set aside his entire stock of jewel bearings and his entire stock of jewel bearing material as a reserve for the fulfillment of present and future defense orders and such other orders and uses as may be authorized from time to time by the Director of Priorities. No deliveries or withdrawals shall be made from this reserve either for customers of such supplier or for purposes of manufacture or process by such supplier except pursuant to specific directions hereafter issued by the Director of Priorities. Not later than March 1, for the month of March, 1942, and thereafter prior to the first day of each subsequent calendar month, the Director of Priorities will issue to each supplier a monthly allocation schedule covering the use of jewel bearings by such supplier and deliveries of jewel bearings which may be made by such supplier to his customers during such month, and further directing the kinds and quantities of jewel bearing material which may be delivered, manufactured or processed by such supplier. The use, process to final product and delivery by such supplier of jewel bearings and jewel bearing material shall be made as directed in such monthly allocation schedules.

(c) *Restrictions on the sale, purchase and use of jewel bearings and jewel bearing material until March 1, 1942.* (1) Unless otherwise specifically authorized by the Director of Priorities, after the effective date of this Order and until March 1, 1942, no person shall sell, purchase, transfer, deliver or receive (including deliveries and receipts under toll agreements) jewel bearings of any type or description manufactured within the United States of America, its territories and possessions, except jewel bearings to be delivered under a defense order bearing a preference rating of A–1–j or higher.

(2) Unless otherwise specifically authorized by the Director of Priorities, after the effective date of this order and until March 1, 1942, no person shall use large ring jewel bearings in the manufacture of any article other than articles to be delivered under a defense order bearing a preference rating of A–1–j or higher.

(3) Unless otherwise specifically authorized by the Director of Priorities, after the effective date of this Order and until March 1, 1942, no person shall use Vee jewel bearings in the manufacture of any article other than articles to be delivered under a defense Order bearing a preference rating of A–1–j or higher.

(d) *Reports.* (1) Each supplier shall file with the Office of Production Management, Ref: M–50, on or before the fifteenth day of February, 1942, and on or before the fifteenth day of each calendar month thereafter all the information required by Form PD–235.

(2) Any person using jewel bearings in the manufacture of any article shall file with the Office of Production Management, Ref: M–50, on or before the fifteenth day of February, 1942, and on or before the fifteenth day of each calendar month thereafter all the information required by Form PD–236.

(e) *Miscellaneous provisions.* (1) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *Communications to Office of Production Management.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to:

Office of Production Management
Washington, D. C. Ref: M–50

(3) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept on information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(4) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4665; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session as amended by Public No. 89, 77th Congress, First Session)

Issued this 14th day of January, 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–356; Filed, January 14, 1942; 10:46 a. m.]

PART 1041—PRODUCTION, REFINING, TRANSPORTATION, AND MARKETING OF PETROLEUM

Preference Rating Order No. P–98

§ 1041.1 *Preference Rating Order P–98.* For the purpose of facilitating the acquisition of Material for the Production, Refining, Transportation and Marketing of Petroleum, preference ratings are hereby assigned to deliveries of necessary Material upon the terms hereinafter set forth:

(a) *Definitions.* (1) "Person" means any individual, partnership, association, corporation, or other form of enterprise.

(2) "Petroleum" means petroleum, petroleum products and associated hydrocarbons, including but not limited to natural gas.

(3) "Production" means the discovery, development and depletion of Petroleum Pools, including without limitation the operation of cycling plants and plants for the extraction of natural gasoline and associated hydrocarbons.

(4) "Refining" means the operation of a plant or plants, other than those specified in paragraph (a) (3), for the production of finished or unfinished Petroleum (including but not limited to hydrocarbon oils or gases).

(5) "Transportation" means (i) Except in the case of natural gas, the operation of all Petroleum terminal and terminal storage facilities and the operation of all pipe lines and stationary gathering systems for the transportation of Petroleum from facilities where Petroleum is first gauged to any Refining facility and from any Refining facility to any Marketing facility; and

(ii) In the case of natural gas, the operation of all pipe lines and stationary gathering systems for the transportation of natural gas from the wellhead connection to the initial input meter on any trunk pipe line or to any facility for the processing of natural gas by means of a natural gasoline extraction plant, cycling plant, dehydration plant, or desulphurization plant and the transportation of natural gas from any such processing facility to the first gate valve on the discharge side thereof.

(6) "Marketing" means the operation of all stationary facilities, other than those specified in paragraph (a) (5), for the distribution of Petroleum (not including natural gas) to service stations or to consumers, including without limitation service stations, substations, bulk plants, warehouses, and wholesale depots.

(7) "Petroleum enterprise" means any facility used in the Production, Refining, Transportation or Marketing of Petroleum.

(8) "Operator" means any Person engaged in operating a Petroleum Enterprise.

(9) "Supplier" means any Person with whom a contract or purchase order has been placed for delivery of Material which such Supplier has not in whole or in part manufactured, processed, assembled or otherwise physically changed and which is to be used in a Petroleum Enterprise.

(10) "Material" means any commodity, equipment, accessories, parts, assemblies, or products of any kind.

(11) Subject to subparagraph (14), "Maintenance" means the minimum quantity of Material necessary to maintain the sound working condition of equipment used by an Operator in and essential to the operation of a Petroleum Enterprise.

(12) Subject to subparagraph (14), "Repair" means the restoration of an Operator's property or equipment to a sound working condition when such property or equipment has been rendered unsafe or unfit for further service by wear and tear, damage, destruction or failure of parts or similar causes.

(13) Subject to subparagraph (14), "Operating supplies" means any material which is essential to and consumed in the operation of a Petroleum Enterprise and which is generally charged to the operating expense account of an Operator: *Provided,* That the term "Operating supplies" shall not include:

(i) Material which is physically incorporated in whole or in part into any product of an Operator (other than reagents, additives or compounding Material) or into any Material which an Operator manufactures, distributes, sells, stores, or transports; or

(ii) Any Material which is to be used as a fuel; or

(iii) Any non-ferrous Material which is to be used as packaging supplies.

(14) The terms "Maintenance", "Repair", and "Operating supplies" do not include Material:

(i) For the replacement of an item carried on the Operator's books as a fixed asset; or

(ii) For the improvement of an Operator's property or equipment through the replacement of Material in the existing installation, unless the property or equipment which is replaced is beyond economic Repair or has been rendered unusable by fire or other hazard or natural cause and is scrapped or junked by the Operator effecting the replacement; or

(iii) For additions to or expansion of an Operator's property or equipment; or

(iv) Which is of a type which could not be carried on an operator's books under "Maintenance", "Repair", "Operating Supplies" or the equivalent in the Operator's established method of bookkeeping.

(15) Subject to subparagraph (16), "Alterations" means any change in the physical arrangements of an existing facility used in Refining or Transportation which is made for the purpose of increasing the operating efficiency of such facility and which does not involve an expenditure of more than one thousand dollars for Material.

(16) The term "Alterations" does not include:

(i) Material to be used as "Maintenance", "Repair", or "Operating Supplies"; or

(ii) Any change in the physical arrangements of an existing facility in which the amount of Material necessary to effect a proper Alteration would ordinarily involve an expenditure of greater than one thousand dollars or in which an ordinary Alteration in the facility has been subdivided for the purpose of making available to an Operator the provisions of subparagraph (15).

(17) "Exploratory well" means any well located not less than two miles from any well capable of producing Petroleum.

(18) "Pool" means any underground accumulation of crude petroleum or associated hydrocarbon substances, including but not limited to natural gas, constituting a single and separate reservoir or source of supply within a field, area, or horizon whether or not presently discovered or developed.

(b) *Assignment of preference ratings.* Subject to the terms of this Order and of any Conservation Order issued by the Director of Priorities, the following preference ratings are hereby assigned to deliveries to an Operator and to his Suppliers of Material required for use in a Petroleum Enterprise:

(1) *Production.* (i) A–1–e to deliveries of material, to an Operator engaged in Production, which is to be used exclusively for operations directly involved in the search for and discovery of a previously unknown Pool or part thereof by means of geological, geophysical or geochemical prospecting.

(ii) A–2 to deliveries of Material, to an Operator engaged in Production, which is to be used exclusively for carrying out by means of an existing research laboratory investigations into more efficient or more effective methods of conducting Production operations.

(iii) A–2 to deliveries of Material, to an Operator engaged in Production, which is to be used exclusively for operations directly involved in the search for and discovery of a previously unknown Pool by means of the drilling and completion of any Exploratory Well, including but not limited to the drilling of "slim holes."

(iv) A–8 to deliveries of Material, to an Operator engaged in Production, which is to be used for the Maintenance or Repair of the Operator's property or equipment or which is required as Operating Supplies.

(v) A–8 to deliveries of Material, to an Operator engaged in Production, which is to be used exclusively in the development and depletion of any Pool, including but not limited to Material to be used in facilities necessary to or incorporated in well drilling or well completion operations; pumping or other ar-

tificial lifting operations; oil treating operations; salt water disposal or injection operations; artificial water drive, gas drive, or air drive operations; or primary gas cycling or pressure maintenance operations.

(2) *Refining.* (i) A–1–a to deliveries of Material, to an Operator engaged in Refining, which is to be used for the Repair of the Operator's property or equipment when there has been an actual breakdown or suspension of operations and the essential Material for effecting the Repair is not otherwise available.

(ii) A–1–c to deliveries of that minimum quantity of Material, to an Operator engaged in Refining, which is necessary to make reasonable advance provisions for averting an actual breakdown or suspension of operations.

(iii) A–2 to deliveries of the following Materials, to an Operator engaged in Refining, which are required as Operating Supplies: acetone, activated alumina, activated silica jell, aluminum paste, aluminum powder, aluminum chloride, ammonia, carbon tetrachloride, chlorine, copper sulphate, crysallic acid, dichlorethyal ether, diethanolamine, ethylene dichloride, foamite, glycerine, hydrachloric acid, hydrofluoric acid, mercury, metal deactivator, (including orthocresol), methalbutal ketone, methalethyal ketone, methyl alcohol, nitro benzine, phenol, phosphoric acid, potassium bichromade, sodium hypochlorite, toluene, triethanol amine, tripotassium phosphate, trisodium phosphate, and zinc chloride.

(iv) A–2 to deliveries of Material, to an Operator engaged in Refining, which is to be used exclusively in carrying out by means of an existing research laboratory investigations into more efficient or more effective methods of conducting Refining operations.

(v) A–8 to deliveries of Material, to an Operator engaged in Refining, which is required as Operating Supplies, other than Material acquired as Operating Supplies as specified in paragraph (b) (2) (iii).

(vi) A–8 to deliveries of Material, to an Operator engaged in Refining, which is to be used for the Maintenance or Repair of the Operator's property or equipment, other than Material acquired for Maintenance or Repair purposes as specified in paragraph (b) (2) (i) or (b) (2) (ii).

(vii) A–8 to deliveries of Material, to an Operator engaged in Refining, which is to be used in effecting Alterations.

(3) *Transportation.* (i) A–2 to deliveries of Material, to an Operator engaged in Transportation, which is to be used for the Repair of the Operator's property or equipment when there has been an actual break-down or suspension of operations and the essential Material for effecting the Repair is not otherwise available.

(ii) A–8 to deliveries of Material, to an Operator engaged in Transportation, which is to be used for the Maintenance or Repair of the Operator's property or equipment, other than Material acquired for Maintenance or Repair purposes as specified in paragraph (b) (3) (i).

(iii) A–8 to deliveries of Material, to an Operator engaged in Transportation, which is required as Operating Supplies.

(iv) A–8 to deliveries of Material, to an Operator engaged in Transportation, which is to be used in effecting Alterations.

(4) *Marketing.* (i) A–9 to deliveries of Material, to an Operator engaged in Marketing, which is to be used for the Maintenance or Repair of the Operator's property or equipment.

(ii) A–10 to deliveries to an Operator engaged in Marketing of Material required as Operating Supplies.

(c) *Persons entitled to apply preference ratings.* The Preference ratings hereby assigned may, in the manner and to the extent hereby authorized, be applied by:

(1) Any Operator.

(2) Any Supplier of Material to the delivery of which a preference rating has been applied as provided in paragraph (e): *Provided, however,* That no Supplier may apply a rating to deliveries of Material which such Supplier will himself process or physically change.

(d) *Restrictions on use of ratings—*(1) *Restrictions on operator.* No Operator may apply a rating:

(i) to obtain scarce Material the use of which could be eliminated without serious loss of efficiency by substitution of less scarce Material or by change of design; or

(ii) to obtain Material in greater quantities or on earlier dates than required to enable him to fulfill the authorized purposes for which the rating is assigned; or

(iii) to obtain Material in excess of a minimum practicable inventory of such Material. Except as provided in paragraph (d) (2), such minimum practicable inventory shall in no event exceed the amount of such Material in inventory or stores on December 31, 1940, (or, at the purchaser's option, on the last day of any taking inventory during 1940) increased (in no event to exceed an increase of 10%) or diminished in proportion as the purchaser's operations necessitating the use of such Material have increased or diminished; or

(iv) to obtain Material for any use which is restricted, prohibited or in any way limited by any Order issued by the Director of Priorities, other than Material to be used in conformity with the provisions of such Order.

(2) From time to time the Director of Priorities may determine that any Operator or class of Operators is exempt, in whole or in part, from the restrictions contained in paragraph (d) (1) (iii).

(3) *Restrictions on suppliers.* (i) No Supplier may apply a rating to obtain Material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or, within the limitations of paragraph (d) (3) (ii) below, to replace in his inventory Material so delivered. He shall not be deemed to require such Material if he can make his rated delivery and still retain a minimum practicable working inventory thereof; and if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(ii) A Supplier, in restoring his inventory to a minimum practicable working inventory, may defer applications of the ratings hereunder to purchase orders or contracts for such Material to be placed by him until such time as he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided,* That he shall not defer the applications of the rating for more than three months after he becomes entitled to apply such rating.

(e) *Application of preference ratings.* (1) The Operator or any Supplier in order to apply a preference rating to deliveries of Material to him must endorse the following statement on the original and all copies of the purchase order or contract for such Material, manually signed by a responsible official duly designated for such purpose by such Operator or Supplier:

Material for [state purpose] ------, rating in ------ accordance with paragraph ------, authorized by Preference Rating Order F–98, with the terms of which I am familiar.

Legal Name of Operator or Supplier

Signature of Designated Official

Such endorsement shall constitute a representation to the Office of Production Management and the Supplier with whom the purchase order or contract is placed that such purchase order or contract is duly rated in accordance with all the provisions and limitations of this Order. Such Supplier shall be entitled to rely on such representation, unless he knows, or has reason to believe, it to be false. Any such purchase order or contract will be restricted to Material the delivery of which is rated in accordance herewith.

(2) In addition to the requirements of paragraph (e) (1), the Operator, (but not a Supplier) in order to apply the preference ratings assigned by paragraphs (b) (1) (i), (b) (2) (i), (b) (2) (ii), (b) (2) (iii) and (b) (3) (i), must communicate with the Office of Petroleum Coordinator, Washington, D. C., Ref: F–98, supplying in detail the following information:

(i) date of actual breakdown or suspension of operations (if applicable);

(ii) the equipment to be repaired and its operating importance (if applicable);

(iii) the Material and quantity thereof necessary to effectuate the Repair or to initiate or maintain operations;

(iv) the supply of the necessary Material which the Operator has on hand or available; and

(v) the names and addresses of Suppliers from whom the Material is to be obtained and the earliest delivery dates assured by any such Supplier for delivery of the minimum necessary quantity of Material.

The Director of Priorities will notify the Operator whether, and to what extent, the application is approved. A copy of such notification shall be furnished by the Operator to any Supplier to evidence the proper rating granted pursuant to the provisions of this Order.

(3) In addition to the requirements of paragraph (e) (1), the Operator (but not a Supplier), in order to apply the preference ratings assigned by paragraphs (b) (1) (ii), (iii), (iv) or (v); (b) (2) (iv), (v), (vi) or (vii); (b) (3) (ii), (iii) or (iv); or (b) (4) (i) or (ii), must obtain the countersignature of the Director in Charge of the nearest District Office of the Office of Petroleum Coordinator upon the purchase order which such Operator has endorsed and signed pursuant to paragraph (e) (1).

(f) *Restrictions on use of material obtained under a rating.* When an Operator has applied a rating authorized by this Order, he must use the Material delivered pursuant to the rating, or an equivalent amount of Material, for the purpose stated in his endorsement pursuant to paragraph (e). In no event shall any Operator use Material delivered to him pursuant to a preference rating assigned by this Order in violation of the provisions of any Conservation Order issued by the Director of Priorities.

(g) *Exception of operators from provisions of Preference Rating Orders Nos. P–43 and P–100.* No Operator engaged in operating a Petroleum Enterprise shall be entitled to apply the preference rating assigned by Preference Rating Orders Nos. P–43 or P–100, and no such Operator shall be subject to the provisions of such Orders.

(h) *Preference rating assistance other than that granted by the terms of this order.* Any Operator engaged in operating a Petroleum Enterprise may request preference rating assistance for deliveries of Material to him by filing with the Office of Petroleum Coordinator applications for preference rating assistance on any appropriate preference rating or project rating application form issued pursuant to the authority of the Director of Priorities.

(i) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, the Operator and each Supplier receiving any purchase order or contract rated hereunder shall each retain for a period of at least two years, for inspection by representatives of the Office of Production Management, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such manner that they can be readily segregated for such inspection.

(j) *Communications to Office of Petroleum Coordinator.* All reports which may be required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to:

Office of Petroleum Coordinator
Washington, D. C. Ref: P–98

(k) *Violations.* Any Person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(l) *Revocation or amendment.* This Order may be revoked or amended at any time as to any Operator or Supplier. In the event of revocation, deliveries already rated pursuant to the provisions of this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by any Operator or Supplier affected by such revocation.

(m) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision of this Order may be inconsistent therewith, in which case such provision shall govern.

(n) *Effective date.* This Order shall take effect on the date of issuance and shall continue in effect until February 28, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 14th day of January 1942.

J. S. KNOWLSON,
Director of Priorities.

[F. R. Doc. 42–357; Filed, January 14, 1942; 10:47 a. m.]

PART 1047—CONSERVATION OF PRODUCTION MATERIAL FOR THE OIL INDUSTRY

Amendment No. 1 to Conservation Order M–68

Section 1047.1 (*Conservation Order M–68* [1]) is hereby amended to read as follows:

§ 1047.1 *Conservation Order M–68—*(a) *Definitions.* (1) "Person" means any individual, partnership, association, corporation, or other form of enterprise.

(2) "Production" means the discovery, development, and depletion of Petroleum Pools, including without limitation the operation of cycling plants and plants for the extraction of natural gasoline and associated hydrocarbons.

(3) "Petroleum" means petroleum, petroleum products, and associated hydrocarbons including but not limited to natural gas.

(4) "Operator" means any Person engaged in Production.

(5) "Material" means any commodity, equipment, accessories, parts, assemblies, or products of any kind.

(6) "Exploratory well" means any well located not less than two miles from any well capable of producing Petroleum.

(7) "Condensate field" means any condensate, distillate, naphtha, or retrograde Pool or Pools in which the liquid and gaseous hydrocarbons recovered at the surface occur in a single phase under original reservoir conditions or any gas-cap Pool in which commercial oil occurs in the liquid phase and in which there exist a gas-cap or gas-caps of an appreciable size having the essential characteristics of a condensate Pool.

(8) "Pool" means any underground accumulation of crude petroleum or associated hydrocarbon substances, including but not limited to natural gas, constituting a single and separate reservoir or source of supply within a field, area, or horizon whether or not presently discovered or developed.

(b) *Conservation of material used in production.* Subject to the exceptions in paragraph (c) hereof, no Operator shall order, purchase, accept delivery of, withdraw from inventory or in any other manner, directly or indirectly, secure or use Material for construction, reconstruction, expansion, remodeling, replacement, or improvement of facilities used in Production. Subject to the exceptions in paragraph (c) hereof, no Person shall deliver or otherwise supply, or cause to be delivered or otherwise supplied, any Material which he knows, or has reason to believe, is intended for such use.

(c) *Exceptions.* The provisions of paragraph (b) hereof shall not apply in the following instances:

(1) To any case where Material is to be used by an Operator for the Maintenance or Repair of the Operator's property or equipment or is required as Operating Supplies, as these terms are defined in Preference Rating Order P–98.

(2) To any case where Material is to be used by an Operator exclusively for carrying out by means of an existing research laboratory investigations into more efficient or effective methods of conducting Production operations.

(3) To any case where Material is to be used by an Operator exclusively for operations directly involved in the search for and discovery of a previously unknown Pool by means of geological, geophysical or geochemical prospecting or the drilling or completion of any Exploratory Well.

(4) To any case where Material is to be used by an Operator exclusively for carrying out secondary recovery operations by means of artificial water drive, gas drive, or air drive operations, but not including Material to be used in Production operations by means of primary gas cycling or pressure maintenance.

(5) To any case where Material is to be used by an Operator for lease equipment, including oil treating equipment and salt water disposal or injection equipment, but not including Material to be

[1] 6 F.R. 6687.

used for pumping or other artificial lifting equipment.

(6) To any case where Material is to be used by an Operator for pumping, or other artificial lifting equipment to be installed on a well located on any single lease or tract in any field on which lease or tract the number of wells to which pumping or other artificial lifting equipment has been or is to be attached does not at any time exceed an average of one well to every 10 surface acres of that part or parts of such lease or tract as are contained within the productive limits of the field; or to any case where Material is to be used by an Operator for pumping or other artificial lifting equipment to be installed on a well located on any single lease or tract of 10 acres or less in any field on which lease or tract no other wells are located to which pumping or other artificial lifting equipment is attached.

(7) To any case where Material is to be used by an Operator to drill, complete, or provide additions to any well in any discovered or undiscovered oil field, other than a Condensate Field, where such well conforms to a uniform well-spacing pattern of not more than one single well to each 40 surface acres: *Provided*, That no well shall be drilled unless, prior to the actual commencement of development operations at the designated drilling location of such well, there has been a consolidation of all separate property interests within the appropriate 40 acre area surrounding such designated drilling location.

(8) To any case where Material is to be used by an Operator to drill, complete, or provide additions to any well in any discovered or undiscovered natural gas field, other than a Condensate Field, where such well conforms to a uniform well-spacing pattern of not more than one single well to each 640 surface acres: *Provided*, That no well shall be drilled unless, prior to the actual commencement of development operations at the designated drilling location of such well, there has been a consolidation of all separate property interests within the appropriate 640 acre area surrounding such designated drilling location.

(9) To any case where Material is to be used by an Operator to complete or provide surface connections for any well in any discovered or undiscovered oil or gas field or Condensate Field where such well has actually been "spudded" on or before December 23, 1941.

(10) To any case where the Director of Priorities, Office of Production Management, has determined that construction, reconstruction, expansion, remodeling, replacement, or improvement of any facility used in Production is as to any Operator or as to any field, fields or area necessary and appropriate in the public interest and to promote the war effort. Application for such a determination shall be made by letter and filed with the Petroleum Coordinator for National Defense, Department of the Interior, Washington, D. C. Information to be submitted in such application shall be in accordance with OPC Form PD-214a, O.P.C. Form PD-214b, or O.P.C. Form PD-214c, issued by the Office of Petroleum Coordinator.

(c) *Restriction on subdivision.* No single lease or tract existing as such as of the effective date of this Order shall be subdivided or otherwise rearranged for the purpose of making available to any Person the provisions of paragraph (c) (6).

(e) *Violations.* Any Person affected by this Order who violates any of its provisions or a provision of any other Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(f) *Revocation or amendment.* This Order may be revoked or amended at any time as to any Person. In the event of revocation, deliveries shall be made in accordance with the provisions of any applicable Preference Rating Order without further restrictions unless such deliveries have been specifically restricted.

(g) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision of this Order may be inconsistent therewith, in which case such provision shall govern.

(h) *Effective date.* This Order shall take effect on the date of issuance and shall continue in effect until revoked. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3, Amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 14th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

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PART 1047—CONSERVATION OF PRODUCTION MATERIAL FOR THE OIL INDUSTRY

Conservation Order M-68-c

Whereas the Congress of the United States has declared a "state of war between the United States and the Imperial Japanese Government," and has further adopted Joint Resolutions "declaring that a state of war exists between" the Government of Germany and the Government of Italy "and the Government and people of the United States"; and

Whereas the prosecution of this war requires the immediate increased use in emergency activities of vast quantities of steel, non-ferrous metals, rubber, and other critical materials; and

Whereas it is imperative, in the public interest and to prosecute the war effort, to conserve the supply of such materials and direct the distribution thereof into vital emergency operations; and

Whereas conservation of material by means of the restrictions hereinafter ordered on the use of such material in the marketing of petroleum is necessary in order to maintain the distribution of petroleum and petroleum products to the military and naval forces and to certain essential defense facilities;

Now, therefore, it is ordered, That:

§ 1047.4 *Conservation Order M-68-c*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, corporation, or other form of enterprise.

(2) "Marketing" means the operation of all stationary facilities, other than Petroleum terminal and terminal storage facilities, for the distribution of Petroleum (not including natural gas) to service stations or to consumers, including without limitation service stations, substations, bulk plants, warehouses, and wholesale depots.

(3) "Petroleum" means petroleum, petroleum products and associated hydrocarbons including but not limited to natural gas.

(4) "Operator" means any Person engaged in Marketing.

(5) "Material" means any commodity, equipment, accessories, parts, assemblies, or products of any kind.

(b) *Conservation of material used in marketing.* Subject to the exceptions in paragraph (c) hereof, no Operator shall order, purchase, accept delivery of, withdraw from inventory or in any other manner, directly or indirectly, secure or use Material for construction, reconstruction, expansion, remodeling, replacement, or improvement of facilities used in Marketing. Subject to the exceptions in paragraph (c) hereof, no Person shall deliver or otherwise supply, or cause to be delivered or otherwise supplied, any Material which he knows, or has reason to believe, is intended for such use.

(c) *Exceptions.* The provisions of paragraph (b) hereof shall not apply in the following instances:

(1) To any case where Material is to be used by an Operator for the Maintenance or Repair of the Operator's property or equipment or is required as Operating Supplies, as these terms are defined in Preference Rating Order P-98.

(2) To any case where prior to the effective date of this Order actual physical work of construction, reconstruction, expansion, remodeling, replacement, or improvement has commenced at the location, or upon equipment then at the location, of any facility used in Marketing: *Provided*, That the work of construction, reconstruction, expansion, remodeling, replacement, or improvement must be scheduled for completion and actually completed within 60 days subsequent to the effective date of this Order.

(3) To any case where the Director of Priorities, Office of Production Management, has determined that construction, reconstruction, expansion, remodeling, replacement, or improvement of any facility used in Marketing is necessary and appropriate in the public interest and to promote the war effort. Application for such a determination shall be made by letter and filed with the Petroleum Coordinator for National Defense, Department of the Interior, Washington, D. C. Information to be submitted in such application shall be in accordance with OPC Form PD-215, issued by the Office of Petroleum Coordinator.

(d) *Violations.* Any person affected by this Order who violates any of its provisions or a provision of any other Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate including a recommendation for prosecution under section 35 (a) of the Criminal Code (18 U.S.C. 80).

(e) *Revocation or amendment.* This Order may be revoked or amended at any time as to any Person. In the event of revocation, deliveries shall be made in accordance with the provisions of any applicable Preference Rating Order without further restrictions, unless such deliveries have been specifically restricted.

(f) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision of this Order may be inconsistent therewith, in which case such provision shall govern.

(g) *Effective date.* This Order shall take effect on the date of issuance and shall continue in effect until revoked. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 14th day of January 1942.

J. S. KNOWLSON,
Director of Priorities.

[F.R. Doc. 42-355; Filed, January 14, 1942; 10:46 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1309—COPPER AND COPPER ALLOYS

AMENDMENT NO. 2 OF PRICE SCHEDULE NO. 15—COPPER[1]

The preamble and §§ 1309.51 to 1309.60, inclusive, are hereby amended and renumbered so that Price Schedule No. 15 shall read as follows:

The Office of Price Administration is charged with the maintenance of price

[1] Revised to February 1, 1942.

stability and the prevention of undue price rises and price dislocation. Copper is a basic material for the production of many defense products and as such has been subjected to a method of complete control of its distribution by a General Preference Order of the Office of Production Management, No. M-9-a, effective August 2, 1941. In order to equalize the price to all consumers under that preference order and in the interest of national defense and of the public, the establishment of maximum prices for copper is necessary. On the basis of information furnished by the Trade and secured by independent investigation by the Office of Price Administration, I find that the maximum prices set forth below constitute reasonable limitations on the price of copper.

Therefore, under the authority vested in me by Executive Order 8734, it is hereby directed that:

§ 1309.51 *Maximum prices for copper.* (a) On and after February 1, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1309.53 of this chapter, no person shall sell, offer to sell, deliver or transfer copper and no person shall buy, offer to buy, or accept delivery of copper at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1309.60: *Provided*, That any person may sell, offer to sell, deliver or transfer copper to Metals Reserve Company or any other government department, agency or corporation previously approved in writing by the Office of Price Administration, and Metals Reserve Company or any other government department, agency or corporation so approved by the Office of Price Administration, may buy, offer to buy, or accept delivery of copper at prices higher than the maximum prices set forth in § 1309.60.

(b) Except as otherwise provided in § 1309.60, the prices established by this Schedule are delivered prices at the buyer's place of business and are gross prices before the deduction of any discounts and include all commissions.*

*§§ 1309.51 to 1309.60, inclusive, issued pursuant to the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1309.52 *Less than maximum prices.* Lower prices than those set forth in § 1309.60 may be charged, demanded, paid or offered.*

§ 1309.53 *Permission to carry out contracts entered into prior to August 12, 1941.* Any person who has, prior to August 12, 1941, entered into a contract of sale or other firm commitment calling for delivery or transfer, after that date, of copper at prices higher than the maximum prices established by this Schedule may make application, upon forms available upon request, to the Office of Price Administration for permission to carry out such contract or commitment at the contract price. Such permission will be granted only:

(a) Where the applicant has entered into a firm commitment with a purchaser prior to August 12, 1941, at a price not more than ½¢ per pound in excess of the maximum prices established by this Schedule, and where such firm commitment is actually carried out prior to December 31, 1941, or such later date as may be permitted in each case upon application to the Office of Price Administration, or

(b) Where the applicant is a dealer, the permission is necessary to protect the applicant against loss, the contract or firm commitment was entered into prior to August 12, 1941, and the copper, or the purchase contract for the copper, to fulfill such contract or firm commitment was acquired prior to April 25, 1941.*

§ 1309.54 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of copper, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying agreement or other trade understanding or otherwise.*

§ 1309.55 *Records and reports.* Every person making purchases or sales of copper after August 12, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of:

(a) Each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity in pounds or tons of each kind or grade purchased or sold; and

(b) The quantity, in pounds or tons, of copper (1) on hand, and (2) on order, as of the close of each calendar month. Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1309.56 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of copper, or of the hoarding or accumulating of un-

necessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1309.57 *Modification of the Price Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless the person making such application shall have, to the satisfaction of the Office of Price Administration, complied with this Schedule.*

§ 1309.58 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, corporation, association, partnership, or other business entity.

(b) "Copper" means all copper metal refined by any process of electrolysis or fire refining to a grade and in a form suitable for fabrication, and shall include all such metal produced from domestic or imported ores, concentrates, or other copper bearing material, or scrap.

(c) "Carload lot" means the minimum quantity of copper required to obtain railroad carload rates from the point of shipment to the point of destination.

(d) "Dealer" means a person who receives physical delivery of copper and sells or holds the same for resale without change in form.*

§ 1309.59 *Effective date of the Schedule.* This Schedule, as amended, shall become effective February 1, 1942. Deliveries of copper made prior thereto shall be governed by the terms of this Schedule which were in effect on the date of such delivery.*[1]

§ 1309.60 *Appendix A; maximum prices*—(a) *Maximum base prices for copper, except casting copper, sold by a refiner or producer.*

Amount of shipment	*Price*
Carload	12¢ per pound delivered Connecticut Valley points.
Less than carload	12½¢ per pound f. o. b. refinery.

These maximum base prices are for electrolytic, lake or other fire refined copper in the shape of wire bars or ingot bars made to meet either the American Society of Testing Materials Standard specifications B 5–27 for electrolytic copper or B 4–27 for lake copper and sold by a refiner or producer.

(b) *Maximum base prices for casting copper.*

Amount of shipment	*Price (f. o. b. shipping point)*
More than 20,000 pounds	11¾¢ per pound.
Less than 20,000 pounds	12¢ per pound.

These maximum base prices are for casting copper in the shape of ingot bars or small ingots made by fire refining to a standard of 99.5 per cent pure including silver as copper.

(c) *Differentials for copper of other kinds or grades or in other shapes or forms.* For copper of any other kind or grade or in any other shape or form than that set forth in paragraph (a) or (b) of this section, the maximum price shall be the applicable maximum base price set forth in paragraph (a) or (b) of this section plus or minus the premium or discount for copper of such kind or grade, or in such shape or form which would customarily have been added to or subtracted from the base price on August 11, 1941.

(d) *Differentials for delivery of copper in carload lots at points other than Connecticut Valley points.* For copper, except casting copper, delivered in carload lots at any point other than a Connecticut Valley point the maximum price shall be the maximum base price set forth in paragraph (a) of this section, as adjusted pursuant to paragraph (c) of this section, plus or minus the delivery differential which on August 11, 1941 would customarily have been added to or subtracted from the base price.

The same delivery differentials shall apply to lake or other fire refined copper, except casting copper, as were applied to electrolytic copper on August 11, 1941.

(e) *Premiums on sales of copper in less than carload lots by other than refiners or producers.* Sales of copper in less than carload lots by other than a producer or refiner may be made f. o. b. shipping point but the maximum price f. o. b. shipping point shall not exceed the maximum base price as set forth in paragraph (a) of this section, after the adjustments for the kind or grade, shape or form and delivery differentials provided for in paragraphs (c) and (d) of this section, plus the applicable one of the following quantity premiums:

Quantity	*Price per pound*
1–499 pounds	2¢
500–999 pounds	1½¢
1000–4999 pounds	1¢
5000 pounds to carload	¾¢

The premiums provided in this subsection shall not apply to casting copper.

Issued this 13th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–350; Filed, January 13, 1942; 4:04 p. m.]

[1] Price Schedule No. 15—Copper, issued August 12, 1941, effective August 12, 1941, 6 F.R. 4008. August 12, 1941; amended August 28, 1941, effective August 12, 1941, 6 F.R. 4685, September 3, 1941.

PART 1355—LEAD

PRICE SCHEDULE NO. 69—PRIMARY LEAD

The Office of Price Administration is charged with the maintenance of price stability and the prevention of undue price rises and price dislocations.

Military and essential civilian demands upon the supply of lead have become increasingly heavy. The present supply of lead will not suffice to meet these needs, and imports are threatened. The combination of increased demand and insufficient supply threatens a bidding up of the price of lead, which will materially increase the cost of the war effort and tend to create an inflationary price spiral.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1355.1 *Maximum prices for primary lead.* On and after January 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer primary lead, and no person shall buy, offer to buy, or accept delivery of primary lead, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1355.9.*

*§§ 1355.1 to 1355.9, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1355.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1355.3 *Evasion.* (a) The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of primary lead, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium or other trade understanding, or otherwise.

(b) Any purchase, sale, delivery or transfer of primary lead in quantities less than requested by the buyer in order to enable the seller to obtain a higher less-than-carload-lot differential shall be considered to be an evasion of this Schedule, provided that the buyer is willing to accept delivery thereof in a single shipment.*

§ 1355.4 *Records and reports.* Every person making purchases or sales of primary lead after January 15, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each grade or type purchased or sold, and (b) the quantity of primary lead (1) on hand, and (2), on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1355.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule; and (e) that the Supply Priorities and Allocations Board is requested to direct the withholding of priority ratings and the allocation of materials to any person failing to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of primary lead, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1355.6 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom; *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule and other Schedules issued by the Office of Price Administration.*

§ 1355.7 *Definitions.* When used in this Schedule, the term

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Primary lead" means the grades and types of primary lead set forth in Appendix A of this Schedule; and

(c) "Point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but, where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.*

§ 1355.8 *Effective date of the Schedule.* This Schedule shall become effective January 15, 1942.*

§ 1355.9 *Appendix A, maximum prices for primary lead*—(a) *Sold or shipped, delivered, or carried away in carload lots.*

Grade or type	Maximum price per pound (delivered buyer's rail receiving point)		
	St. Louis	New York	Other points
FOB			
(1) Common lead	6.35¢	6.50¢	Base price.
(2) Corroding lead	6.45¢	6.60¢	Base price plus .10¢.
(3) Chemical lead	6.45¢	6.60¢	Base price plus .10¢.
(4) Copperized lead made from:			
(a) Common lead	6.40¢	6.55¢	Base price plus .05¢.
(b) Corroding lead	6.50¢	6.65¢	Base price plus .15¢.
INGOTS, LINKED INGOTS, OR OTHER SPECIAL SHAPES			
(1) Common lead	6.85¢	7.00¢	Base price plus .50¢.
(2) Corroding lead	6.95¢	7.10¢	Base price plus .60¢.
(3) Chemical lead	6.95¢	7.10¢	Base price plus .60¢.
(4) Copperized lead made from:			
(a) Common lead	6.90¢	7.05¢	Base price plus .55¢.
(b) Corroding lead	7.00¢	7.15¢	Base price plus .65¢.

When used in paragraph (a) of this section, in reference to carload lots, the term "Base Price" means the price quoted in paragraph (c) of this section at the point of delivery. If the point of delivery is not listed, the price listed for the nearest point in distance to the point of delivery shall prevail.

The above grades of primary lead are to be determined in accordance with the specifications of the American Society for Testing Materials. Primary lead which fails to meet such standards should be sold at normal differentials below the established maximum prices.

The minimum quantity making up a carload lot for the purposes of this Schedule shall be the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination.

(b) *Sold and shipped, delivered, or carried away in less than carload lots.* The term "Carload maximum price" referred to in subparagraphs (i) and (ii) below means the maximum price as determined in paragraph (a) of this Section, except that for the purposes of subparagraphs (i) and (ii) below the maximum price shall be determined at the point of shipment instead of at the point of delivery. In this determination, the term "Base Price" means the price quoted in paragraph (c) of this Section at the point of shipment. If the point of shipment is not listed, the price listed for the nearest point in distance to the point of shipment shall prevail.

(i) *Sales by producers of primary lead.*

For sales in lots of:	*Maximum price, per pound (f. o. b. point of shipment)*
20,000 lb. and less than a carload	Carload maximum price plus .15¢.
10,000 lb. and less than 20,000 lb	Carload maximum price plus .25¢
2,000 lb. and less than 10,000 lb	Carload maximum price plus .40¢
Less than 2,000 pounds	Carload maximum price plus .50¢

(ii) Sales by distributors, dealers, jobbers and all other persons except producers and plumbing supply houses.

For sales in lots of:	*Maximum price, per pound (f. o. b. point of shipment)*
20,000 lb. and less than a carload	Carload maximum price plus .65¢.
10,000 lb. and less than 20,000 lb	Carload maximum price plus .75¢.
2,000 lb. and less than 10,000 lb	Carload maximum price plus 1.00¢.
Less than 2,000 pounds	Carload maximum price plus 1.50¢.

(iii) *Sales by plumbing supply houses.* No plumbing supply house shall sell, offer to sell, deliver, or transfer primary lead at prices in excess of the maximum prices established in paragraph (a) of this section plus an amount not to exceed the difference between the highest price received by such supply house in a sale of a similar quantity of the same grade of lead on October 1, 1941, or on the last date previous thereto on which such a sale took place, and the price paid by such supply house for such lead in the last purchase prior to such sale.

(iv) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Primary lead in less than carload lots may, however, be sold, offered for sale, delivered, or transferred at a price delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by this Schedule, in all price quotations (1) the transportation charge must be shown as a separate item and (2) the price f. o. b. point of shipment, obtained by subtracting the transportation charge from the total delivered price, must not exceed the maximum f. o. b. point of shipment price set forth in this Schedule.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases the transportation charge must be shown as a separate item in all price quotations.

When used in this Schedule, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but, where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.

(c) *Table of base prices.*

Basing point	*Price per lb. in cents*
Alabama:	
Birmingham	6.55
Fairfield	6.55
California:	
Los Angeles	6.50
Melrose	6.50
Oakland	6.50
San Francisco	6.50
Colorado:	
Denver	6.50
Connecticut:	
Bridgeport	6.55
New Haven	6.55
New London	6.55
Torrington	6.55
Waterbury	6.55
Waterville	6.55
Georgia:	
Atlanta	6.55
Macon	6.90
Idaho:	
Silver King	6.50
Illinois:	
Aurora	6.40
Chicago	6.40
Cicero	6.40
Dixon	6.40
East Alton	6.35
Evanston	6.40
Granite City	6.40
Greenville	6.40
Greenwood Blvd	6.40

Basing point	Price per lb. in cents
Illinois—Continued.	
Joliet	6.40
Kensington	6.40
Peoria	6.40
Waukegan	6.40
W. Pullman	6.40
Indiana:	
Charlestown	6.50
Gary	6.40
Grasselli	6.40
Hammond	6.40
Indianapolis	6.50
Kokomo	6.50
Marion	6.50
Muncie	6.50
Whiting	6.40
Iowa:	
Keokuk	6.35
Kansas:	
Topeka	6.35
Kentucky:	
Louisville	6.50
Louisiana:	
Baton Rouge	6.50
New Orleans	6.60
Maryland:	
Baltimore	6.50
Massachusetts:	
Boston	6.55
Cambridge	6.55
Springfield	6.55
Worcester	6.55
Michigan:	
Detroit	6.50
Port Huron	6.50
River Rouge	6.50
Minnesota:	
Duluth	6.40
Minneapolis	6.40
St. Paul	6.40
Mississippi:	
Hattiesburg	6.75
Missouri:	
Joplin	6.40
Kansas City	6.35
Neosho	6.50
St. Louis	6.35
Montana:	
Anaconda	6.50
Black Eagle	6.50
Nebraska:	
Omaha	6.35
New Hampshire:	
Portsmouth	6.55
New Jersey:	
Bayonne	6.50
Bloomfield	6.50
Carney's Point	6.50
Dundee	6.50
Elizabeth	6.50
Grasselli	6.50
Irvington	6.50
Jersey City	6.50
Kearny	6.50
Newark	6.50
New Brunswick	6.50
Passaic	6.50
Paterson	6.50
Perth Amboy	6.50
Phillipsburg	6.50
Roebling	6.50
Trenton	6.50
New York:	
Albany	6.50
Brooklyn	6.55
Buffalo	6.50
Glendale, L. I.	6.50
Green Island	6.50
Hastings	6.55
Long Island City	6.55
Maspeth, L. I.	6.55
New York	6.55
Niagara Falls	6.55
New York—Continued.	
Richfield Springs	6.50
Rochester	6.50
Rome	6.50
Schenectady	6.50
Syracuse	6.50
West Albany	6.50
Yonkers	6.50
North Carolina:	
Charlotte	6.80
Durham	6.80
Raleigh	6.80
Winston Salem	6.50
North Dakota:	
Fargo	6.50
Ohio:	
Akron	6.50
Canton	6.50
Cincinnati	6.50
Cleveland	6.50
Delta	6.50
E. Liverpool	6.55
Lorain	6.50
Martins Ferry	6.55
Niles	6.50
Portsmouth	6.55
Reading	6.50
Oklahoma:	
Oklahoma City	6.50
Pennsylvania:	
Allentown	6.50
Ambridge	6.55
Crescentville	6.50
Donora	6.55
E. Pittsburgh	6.55
Erie	6.50
Fort Washington	6.50
Monessen	6.50
New Castle	6.55
New Brighton	6.50
Philadelphia	6.50
Pittsburgh	6.55
Rankin	6.55
Reading	6.50
Scranton	6.50
Wilkes-Barre	6.50
Rhode Island:	
Bristol	6.55
Pawtucket	6.55
Phillipsdale	6.55
Providence	6.55
South Carolina:	
Spartanburg	6.75
Tennessee:	
Lenoir City	6.70
Memphis	6.50
Texas:	
Dallas	6.50
El Paso	6.50
Houston	6.50
San Antonio	6.50
Virginia:	
Norfolk	6.50
Richmond	6.50
Washington:	
Seattle	6.50
West Virginia:	
Charleston	6.50
Weirton	6.55
Wheeling	6.55
Wisconsin:	
Burlington	6.40
Kenosha	6.40
Milwaukee	6.40
New Glarus	6.40
New London	6.40

Issued this 13th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-949; Filed, January 13, 1942; 4:02 p. m.]

PART 1355—LEAD

PRICE SCHEDULE NO. 70—LEAD SCRAP MATERIALS; SECONDARY LEAD INCLUDING CALKING LEAD; BATTERY LEAD SCRAP; AND PRIMARY AND SECONDARY ANTIMONIAL LEAD

The Office of Price Administration is charged with the maintenance of price stability and the prevention of undue price rises and price dislocations.

Lead is a basic requirement for military and essential civilian needs. A considerable portion of the lead supply comes from secondary materials. The increased demands upon the supply of lead, together with threatened reduction in imports, have created a critical situation in the secondary lead field. Prices have advanced beyond those of primary lead, and further increases will raise the direct cost of the war effort, and tend to create an inflationary price spiral.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1355.51 *Maximum prices for lead scrap materials other than battery lead scrap.* On and after January 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer lead scrap materials, and no person shall buy, offer to buy, or accept delivery of lead scrap materials, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1355.64.*

*§§ 1355.51 to 1355.69, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875; 6 F.R. 1917, 4483.

§ 1355.52 *Maximum prices for secondary lead including calking lead.* On and after January 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer secondary lead, and no person shall buy, offer to buy, or accept delivery of secondary lead at prices higher than the maximum prices set forth in Appendix B hereof, incorporated herein as § 1355.65.*

§ 1355.53 *Maximum prices for battery lead plates purchased and sold by brokers.* On and after January 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, in the execution of a brokerage sale (a) no broker shall sell, offer to sell, deliver or transfer battery lead plates, and no broker shall buy, offer to buy, or accept delivery of battery lead plates, and (b) no person shall sell, offer to sell, deliver or transfer battery lead plates to a broker, and no person shall buy, offer to buy, or accept delivery of battery lead plates from a broker, at prices higher than the maximum prices set forth in Appendix C hereof, incorporated herein as § 1355.66.*

§ 1355.54 *Maximum prices for battery lead scrap purchased by smelters or battery manufacturers.* On and after January 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, (a) no smelter or battery manufacturer shall buy, offer to buy, or accept delivery of battery lead scrap, and (b) no person shall sell, offer to sell, deliver or transfer battery lead scrap to such smelter or battery manufacturer, at prices higher than the maximum prices set forth in Appendix D hereof, incorporated herein as § 1355.67.*

§ 1355.55 *Maximum prices for primary and secondary antimonial lead.* On and after January 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer antimonial lead, and no person shall buy, offer to buy, or accept delivery of antimonial lead, at prices higher than the maximum prices set forth in Appendix E hereof, incorporated herein as § 1355.68.*

§ 1355.56 *Less than maximum prices.* Lower prices than those set forth in Appendices A, B, C, D, E, and F may be charged, demanded, paid, or offered.*

§ 1355.57 *Evasion.* (a) The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of lead scrap materials, secondary lead, battery lead scrap, or antimonial lead, alone or in conjunction with any other material, or by way of any commission except as provided in § 1355.66 hereof, or by way of any service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) Any purchase, sale, delivery or transfer of secondary lead or antimonial lead in quantities less than requested by the buyer in order to enable the seller to obtain a higher less-than-carload-lot differential shall be considered to be an evasion of this Schedule, provided that the buyer is willing to accept delivery thereof in a single shipment.

(c) Any agreement or transaction in connection with which a smelter processes lead scrap materials or battery lead scrap for any person on toll shall be considered to be an evasion of this Schedule, unless such agreement or transaction has first been approved in writing by the Office of Price Administration.*

§ 1355.58 *Records and reports.* (a) Any broker or smelter completing a contract for brokerage sales as defined in § 1355.62 of this Schedule shall submit under oath to the Office of Price Administration not later than the 10th day after the completion of delivery thereunder a complete and accurate record of such contract showing:

(1) The date of the contract,

(2) The names and addresses of the contracting parties,

(3) The dates of the first and last shipments thereunder made to and received by the smelter,

(4) The quantity contracted for and the quantity delivered, and

(5) The broker's commission paid, if any.

(b) Every person making purchases or sales of lead scrap materials, secondary lead, battery lead scrap, or antimonial lead after January 15, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each kind or grade purchased or sold, and (2) the quantity of lead scrap materials, secondary lead, battery lead scrap, or antimonial lead (i) on hand, and (ii) on order, as of the close of each calendar month.

(c) In addition to fulfilling the other requirements of this Schedule, every smelter or battery manufacturer making purchases of battery lead plates after January 15, 1942, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each such purchase, including the date of purchase, the name and address of the seller, the price paid, the quantity received, and the results of the sample assay made thereof in accordance with the requirements of this Schedule.

(d) All records recording the purchase, sale, or transfer after January 15, 1942, of lead scrap material, secondary lead, battery lead scrap, or antimonial lead shall refer thereto, in addition to such other classifications as may be employed by the maker or keeper of said records, in the terms in which they are respectively classified in this Schedule.

(e) Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1355.59 *Affirmations of compliance by smelters of battery lead plates or battery manufacturers purchasing battery lead plates.* On or before February 10, 1942, and on or before the 10th day of each month thereafter, every smelter of battery lead plates or battery manufacturer purchasing battery lead plates shall submit to the Office of Price Administration an affirmation of compliance on Form 170:1, containing a sworn statement that during the preceding month in compliance with this Schedule an assay has been made in the manner prescribed in § 1355.67 of this Schedule of every shipment and delivery of battery lead plates received by said smelter or purchased by said battery manufacturer. Copies of Form 170:1 can be procured from the Office of Price Administration, or, provided no change is made in the style and content of the Form and that it is reproduced on 8" x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1355.60 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule; and (e) that the Supply, Priorities and Allocations Board is requested to direct the withholding of priority ratings and the allocation of materials to any person failing to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of lead scrap materials, secondary lead, battery lead scrap, or antimonial lead, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1355.61 *Modification of the Schedule.* (a) Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule and other Schedules issued by the Office of Price Administration.

(b) Any person producing from scrap materials corroding lead of the specifications established by the American Society for Testing Materials may apply to the Office of Price Administration for permission to sell such materials at a premium to be established by the Office of Price Administration. Such permission will be granted only when it is proved to the satisfaction of the Office of Price Administration that the material for which such application is made meets the required specifications.*

§ 1355.62 *Definitions.* When used in this Schedule, the term:

(a) "Antimonial lead" includes both primary and secondary antimonial lead and means any lead-antimony alloy in the form of pigs or special shapes containing not less than 98% antimony and lead combined, not less than 2% antimony, and not more than ½% tin;

(b) "Base price" means the price listed in Appendix F hereof at the point of shipment. If the point of shipment is not listed therein, the price listed for the nearest point in distance to the point of shipment shall prevail;

(c) "Battery lead plates" means scrap battery lead plates either with or without lugs, liners, separators, and/or battery mud;

(d) "Battery lead scrap" means the kinds, types, and grades of battery lead scrap set forth in Appendices C and D of this Schedule;

(e) "Broker" means any person who (1) contracts to supply a smelter with not less than 300 tons gross (wet) weight

of battery lead plates to be delivered within a period of 30 days and (2) routes all shipments under such contracts from a point of shipment other than the broker's plant, warehouse, or yard, directly to the smelter;

(f) "Brokerage sale" means a sale under a firm contract in which any person agrees (1) to supply a smelter with not less than 300 tons gross (wet) weight of battery lead plates to be delivered within a thirty-day period, and (2) routes all shipments under such contract from a point of shipment other than the broker's plant, warehouse, or yard, directly to the smelter.

(g) "Carload lot" means the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination;

(h) "Hard lead scrap" means any scrap containing not less than 98% lead and antimony combined, and not less than 2% antimony;

(i) "Lead scrap materials" means the kinds, types, and grades of lead scrap materials set forth in Appendix A of this Schedule;

(j) "On toll" means under an arrangement whereby the smelter is paid a servicing charge for processing the materials;

(k) "Person" means an individual, partnership, association, corporation, or other business entity;

(l) "Point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment;

(m) "Sample assay" means an assay performed according to the requirements set forth in Appendix D of this Schedule;

(n) "Secondary lead" includes calking lead and means the kinds, types, and grades of secondary lead set forth in Appendix B of this Schedule;

(o) "Single shipment" means all deliveries made to a buyer by any one seller within a period of 48 consecutive hours, excluding Sundays and legal holidays;

(p) "Smelter" means any person who melts or fuses lead scrap materials including, but in no way limiting the generality thereof, battery lead plates.*

§ 1355.63 *Effective date of the Schedule.* This Schedule shall become effective January 15, 1942.*

§ 1355.64 *Appendix A; maximum prices for lead scrap materials other than battery lead scrap*—(a) *Maximum prices.* "Base price" means the price listed in Appendix F hereof at the point of shipment. If the point of shipment is not listed therein, the price listed for the nearest point in distance to the point of shipment shall prevail.

Grade or type of lead scrap material	Maximum price per pound (f. o. b. point of shipment)
Soft lead scrap	Base price less .55¢
Hard lead scrap	Base price less .55¢
Battery lugs	Base price less .60¢
Lead content of lead-covered copper cable	Base price less .65¢
Cable lead scrap	Base price less .85¢

The maximum prices established herein are the maximum prices to be paid for the lead scrap materials enumerated above in a clean condition after the free iron, rubber, and other foreign materials are removed.

Hard lead scrap shall be considered to include any scrap containing not less than 98% lead and antimony combined, and not less than 2% antimony.

(b) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Lead scrap materials may, however, be sold, offered for sale, delivered, or transferred at a price delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by this Schedule, in all price quotations (1) the transportation charge must be shown as a separate item, and (2) the price f. o. b. point of shipment obtained by subtracting the transportation charge from the total delivered price must not exceed the maximum f. o. b. point of shipment price set forth in this Schedule.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in this Schedule, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.*

§ 1355.65 *Appendix B; maximum prices for secondary lead, including calking lead*—(a) *Maximum prices.* "Base price" means the price listed in Appendix F hereof at the point of shipment. If the point of shipment is not listed therein, the price listed for the nearest point in distance to the point of shipment shall prevail.

(1) *Sold or shipped, delivered, or carried away in carload lots.*

Grade or type	Maximum price, per pound (f. o. b. point of shipment)
Low-grade secondary pig lead (containing less than 99.73% lead)	Base price less .15¢.
Low-grade secondary lead ingots, linked ingots, and other special shapes (containing less than 99.73% lead).	Base price plus .10¢.
High-grade secondary pig lead (certified to contain not less than 99.73% lead).	Base price
High-grade secondary lead ingots, linked ingots, and other special shapes (certified to contain not less than 99.73% lead).	Base price plus .50¢

The minimum quantity making up a carload lot for the purposes of this Schedule will be the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination.

(2) *Sold and shipped, delivered, or carried away in less than carload lots*—(i) *Sales by producers of secondary lead.*

For sales of secondary lead in lots of	Maximum price, per pound (f. o. b. point of shipment)
20,000 lbs. and less than a carload	Carload price as determined in Paragraph (a) (1) of this Section plus .15¢
10,000 lbs. and less than 20,000 lbs.	Carload price as determined in Paragraph (a) (1) of this Section plus .25¢
2,000 lbs. and less than 10,000 lbs.	Carload price as determined in Paragraph (a) (1) of this Section plus .40¢
Less than 2,000 pounds	Carload price as determined in Paragraph (a) (1) of this Section plus .50¢

(ii) *Sales by distributors, dealers, jobbers, and all other persons except producers and plumbing supply houses.*

For sales of secondary lead in lots of	Maximum price, per pound (f. o. b. point of shipment)
20,000 lbs. and less than a carload	Carload price as determined in Paragraph (a) (1) of this Section plus .65¢
10,000 lbs. and less than 20,000 lbs.	Carload price as determined in Paragraph (a) (1) of this Section plus .75¢
2,000 lbs. and less than 10,000 lbs.	Carload price as determined in Paragraph (a) (1) of this Section plus 1.00¢
Less than 2,000 pounds	Carload price as determined in Paragraph (a) (1) of this Section plus 1.50¢

When used in this Schedule, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.

(iii) *Sales by plumbing supply houses.* No plumbing supply house shall sell, offer to sell, deliver, or transfer secondary lead at prices in excess of the maximum prices established in paragraph (a) (1) of this section plus an amount not to exceed the difference between the highest price received by such supply house in a sale of a similar quantity of the same grade of lead on October 1, 1941, or on the last date previous thereto on which such a sale took place, and the price paid by such supply house for such lead in the last purchase prior to such sale.

(b) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Secondary lead may, however, be sold, offered for sale, delivered, or transferred at a price delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by this Schedule, in all price quotations (1) the transportation charge must be shown as a separate item, and (2) the price f. o. b. point of shipment obtained by subtracting the transportation charge from the total delivered price must not exceed the maximum f. o. b. point of shipment price set forth in this Schedule.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in this Schedule, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.*

§ 1355.66 *Appendix C; maximum prices for battery lead plates purchased and sold by brokers*—(a) *Maximum prices for brokerage sales*—(1) *Single shipments of 8,000 pounds or more.* The maximum price per pound of the gross (wet) weight, f. o. b. point of shipment, shall be determined for each such shipment according to the following formula:

6.65¢
multiplied by
the percentage of metal content in the plates as determined by the smelter-purchaser thereof by a sample wet assay upon receipt of the shipment at his plant
less
1.10¢

(2) *Single shipments of less than 8,000 pounds.* For a single shipment of less than 8,000 pounds, not less than $3.00 shall be subtracted from the maximum price for the entire shipment as determined in accordance with subparagraph (a) (1) of this section.

(3) *Single shipment.* For the purposes of this Schedule the term "single shipment" means all deliveries made to a buyer by any one seller within a period of 48 consecutive hours, excluding Sundays and legal holidays.

(4) *Lugs.* The above prices for battery lead plates are applicable whether said plates are sold with or without lugs attached.

(b) *Commission on brokerage sales.* Any person who (1) contracts to supply a smelter with not less than 300 tons gross (wet) weight of battery lead plates to be delivered within a 30-day period and (2) routes all shipments under such contracts from a point of shipment other than the broker's plan, warehouse, or yard, directly to the smelter may receive from the smelter-purchaser, upon completion of each such contract, a commission not exceeding $1.00 a ton of the gross (wet) weight received under each contract provided all of the following requirements are fulfilled:

(1) Complete delivery of all the material called for in the contract is made to the smelter-purchaser within a period of 30 days;

(2) The commission is shown as a separate charge on all records;

(3) The broker does not split or divide the commission with any other person;

(4) The contract is fully performed before the commission, or any portion thereof, is received by the broker; and

(5) Complete and accurate records of each such sale are submitted to the Office of Price Administration as are required by § 1355.58 of this Schedule.

(c) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Battery lead plates may, however, be sold, offered for sale, delivered, or transferred at a price delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by this Schedule, in all price quotations (1) the transportation charge must be shown as separate item, and (2) the price f. o. b. point of shipment obtained by subtracting the transportation charge from the total delivered price must not exceed the maximum f. o. b. point of shipment price set forth in this Schedule.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in this Schedule, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.*

§ 1355.67 *Appendix D, maximum prices for battery lead scrap purchased by smelters or battery manufacturers*—(a) *Battery lead plates, with or without lugs attached*—(1) *Single shipments of 8,000 pounds or more.* The maximum price per pound of the gross (wet) weight, f. o. b. point of shipment, shall be determined for each such shipment according to the following formula:

6.65¢
multiplied by
the percentage of metal content in the plates as determined by the smelter-purchaser or battery manufacturer thereof by a sample wet assay upon receipt of the shipment at his plant
less
1.10¢

(2) *Single shipments of less than 8,000 lbs.* For a single shipment of less than 8,000 pounds, not less than $3.00 shall be subtracted from the maximum price for the entire shipment as determined in accordance with subparagraph (a) (1) of this section.

(3) *Single shipment.* For the purposes of this Schedule, the term "single shipment" means all deliveries made to a buyer by any one seller within a period of 48 consecutive hours, excluding Sundays and legal holidays.

(b) *Used storage batteries (in boxes), drained of liquid.* The maximum price per cwt., f. o. b. point of shipment, is $2.39.

Used storage batteries (in boxes) may be shipped to a smelter or battery manufacturer in an undrained condition, but the weight and price thereof shall be determined after the boxes are drained.

The maximum prices for used storage batteries (in boxes) set forth herein do not apply to rebuilders of used storage batteries.

(c) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Battery lead scrap may, however, be sold, offered for sale, delivered, or transferred at a price delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by this Schedule, in all price quotations (1) the transportation charge must be shown as a separate item, and (2) the price f. o. b. point of shipment obtained by subtracting the transportation charge from the total delivered price must not exceed the maximum f. o. b. point of shipment price set forth in this Schedule.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in this Schedule, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.

(d) *Sample assay.* Every sample assay of battery lead plates required to be made pursuant to this Schedule shall satisfy the following requirements:

(1) A wet or chemical assay shall be made of the metal and dross derived from the sample.

(2) The sample shall be selected at random from the shipment in a manner

consistent with the past practice of the trade and shall be of a size not smaller than is consistent with such past practice.

(3) The assay in every other respect shall be performed in a manner consistent with the purpose of determining accurately the metal content of the shipment of battery lead plates.*

§ 1355.68 *Appendix E; maximum prices for primary and secondary antimonial lead*—(a) *Maximum prices.* When used in this Schedule, the term "base price" means the price quoted in Appendix F hereof at the point of shipment. If the point of shipment is not listed therein, the price listed for the nearest point in distance to the point of shipment shall prevail.

(1) *Sold or shipped, delivered, or carried away in carload lots.* The maximum price per pound, f. o. b. point of shipment, for any grade or type of antimonial lead sold in pigs shall be equal to 14 cents a pound for the antimony content plus the base price of lead for the remainder.

(2) *Sold and shipped, delivered, or carried away in less than carload lots.*

For sales of antimonial lead in lots of	Maximum price, per pound (f. o. b. point of shipment)
20,000 lbs. and less than a carload	Carload price as determined by Paragraph (a) (1) of this Section plus .15¢
10,000 lbs. and less than 20,000 lbs.	Carload price as determined by Paragraph (a) (1) of this Section plus .25¢
2,000 lbs. and less than 10,000 lbs.	Carload price as determined by Paragraph (a) (1) of this Section plus .40¢
Less than 2,000 pounds	Carload price as determined by Paragraph (a) (1) of this Section plus .50¢

(3) *Differentials for sales in special shapes.* For sales of antimonial lead in ingots, billets, or other special shapes, there may be added to the maximum prices set forth above a differential of .30 cents a pound.

(b) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Antimonial lead may, however, be sold, offered for sale, delivered, or transferred at a price delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by this Schedule, in all price quotations (1) the transportation charge must be shown as a separate item, and (2) the price f. o. b. point of shipment obtained by subtracting the transportation charge from the total delivered price must not exceed the maximum f. o. b. point of shipment price set forth in this Schedule.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in this Schedule, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.

(c) *Antimonial lead.* When used in this Schedule, the term "antimonial lead" means any lead-antimony alloy in the form of pigs or special shapes, containing not less than 98% antimony and lead combined, not less than 2% antimony, and not more than ½% tin.*

§ 1355.69 *Appendix F; list of base prices.*

Basing point	Price per lb. in cents
Alabama:	
Birmingham	6.55
Fairfield	6.55
California:	
Los Angeles	6.50
Melrose	6.50
Oakland	6.50
San Francisco	6.50
Colorado:	
Denver	6.50
Connecticut:	
Bridgeport	6.55
New Haven	6.55
New London	6.55
Torrington	6.55
Waterbury	6.55
Waterville	6.55
Georgia:	
Atlanta	6.55
Idaho:	
Silver King	6.50
Illinois:	
Aurora	6.40
Chicago	6.40
Cicero	6.40
Dixon	6.40
E. Alton	6.35
Evanston	6.40
Granite City	6.40
Greenville	6.40
Greenwood Blvd	6.40
Joliet	6.40
Kensington	6.40
Peoria	6.40
Waukegan	6.40
West Pullman	6.40
Indiana:	
Charlestown	6.50
Gary	6.40
Grasselli	6.40
Hammond	6.40
Indianapolis	6.50
Kokomo	6.50
Marion	6.50
Muncie	6.50
Whiting	6.40
Iowa:	
Keokuk	6.35
Kansas:	
Topeka	6.35
Kentucky:	
Louisville	6.50
Louisiana:	
Baton Rouge	6.50
New Orleans	6.50
Maryland:	
Baltimore	6.50
Massachusetts:	
Boston	6.55
Cambridge	6.55
Springfield	6.55
Worcester	6.55
Michigan:	
Detroit	6.50
Port Huron	6.50
River Rouge	6.50
Minnesota:	
Duluth	6.40
Minneapolis	6.40
St. Paul	6.40
Missouri:	
Joplin	6.40
Kansas City	6.35
Neosho	6.50
St. Louis	6.35
Montana:	
Anaconda	6.50
Black Eagle	6.50
Nebraska:	
Omaha	6.35
New Hampshire:	
Portsmouth	6.55
New Jersey:	
Bayonne	6.50
Bloomfield	6.50
Carney's Point	6.50
Dundee	6.50
Elizabeth	6.50
Grasselli	6.50
Irvington	6.50
Jersey City	6.50
Kearny	6.50
Newark	6.50
New Brunswick	6.50
Passaic	6.50
Paterson	6.50
Perth Amboy	6.50
Phillipsburg	6.50
Roebling	6.50
Trenton	6.50
New York:	
Albany	6.50
Brooklyn	6.50
Buffalo	6.50
Glendale, L. I.	6.50
Green Island	6.50
Hastings	6.50
Long Island City	6.50
Maspeth, L. I.	6.50
New York	6.50
Niagara Falls	6.50
Richfield Springs	6.50
Rochester	6.50
Rome	6.50
Schenectady	6.50
Syracuse	6.50
West Albany	6.50
Yonkers	6.50
North Carolina:	
Winston-Salem	6.50
North Dakota:	
Fargo	6.50
Ohio:	
Akron	6.50
Canton	6.50
Cincinnati	6.50
Cleveland	6.50
Delta	6.50
E. Liverpool	6.55
Lorain	6.50
Martins Ferry	6.55
Niles	6.50
Portsmouth	6.55
Reading	6.50
Oklahoma:	
Oklahoma City	6.50
Pennsylvania:	
Allentown	6.50
Ambridge	6.55
Crescentville	6.50
Donora	6.55
E. Pittsburgh	6.55
Erie	6.50
Fort Washington	6.50
Monessen	6.55
New Castle	6.55
New Brighton	6.50
Philadelphia	6.50
Pittsburgh	6.55
Rankin	6.55
Reading	6.50
Scranton	6.50
Wilkes-Barre	6.50
Rhode Island:	
Bristol	6.55
Pawtucket	6.55
Phillipsdale	6.55
Providence	6.55
Tennessee:	
Memphis	6.50
Texas:	
Dallas	6.50
El Paso	6.50
Houston	6.50
San Antonio	6.50
Virginia:	
Norfolk	6.50
Richmond	6.50
Washington:	
Seattle	6.50
West Virginia:	
Charleston	6.50
Weirton	6.55
Wheeling	6.55
Wisconsin:	
Burlington	6.40
Kenosha	6.40
Milwaukee	6.40
New Glarus	6.40
New London	6.40

Issued this 13th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-380; Filed, January 14, 1942; 11:45 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Order No. 87-A]

PART 12—RULES GOVERNING AMATEUR RADIO: STATIONS AND OPERATORS

CANCELLATION OF SPECIAL AUTHORIZATIONS

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the eighth day of January 1942;

Whereas considerations of national defense require the complete cessation of all amateur radio operation;

It is ordered, That all special authorizations granted pursuant to Order No. 87[1] be, and they are hereby, cancelled.

By order of the Commission.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-344; Filed, January 13, 1942; 2:10 p. m.]

[1] 6 F.R. 6378.

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

PART 75—REGULATIONS APPLYING TO SHIPPERS

IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of December, A. D. 1941.

It appearing that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921 (41 Stat. 1444), the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles applying to carriers engaged in interstate or foreign commerce by land and water, in freight, express, or baggage service by rail, or by water, or highway;

And it appearing that by application of the Office of Production Management dated October 31, 1941, we are asked to order the temporary and limited amendment of our regulations for transportation of explosives and other dangerous articles so as to permit emergency shipments to be made of liquefied chlorine gas in single-unit tank cars of capacity not to exceed 55 tons, 110,000 pounds, of liquid chlorine, the tanks to be manufactured in accordance with current I. C. C. shipping container specification No. 105A500, limited in application as herein further specified;

It further appearing that the matter of the efficiency of the said tank-car tanks has been considered, and that tank-car tanks constructed and used as herein authorized will be in accord with the best-known practicable means for securing safety in the transportation of liquefied chlorine gas;

It further appearing, That the said tank-car tanks will be constructed by manufacturers considered to be competent to fully carry out the provisions of the applicable specification and this order for cars used for the transportation of liquefied chlorine gas;

It further appearing, That section 303 (q) (7) of the aforesaid regulations provides that the maximum quantity of any liquefied gas, except crude nitrogen fertilizer solution and fertilizer ammoniating solution containing free ammonia, loaded into tanks mounted on one car structure must not exceed 60,000 pounds (30 tons);

And it further appearing, That by no means other than by modification of existing regulations for the transportation of liquefied chlorine gas may the proposed emergency shipments be made:

It is ordered, That the regulations for transportation of explosives and other dangerous articles be, and they are hereby amended as follows:

§ 303 (q) (7) *Compressed gases in tank cars and motor vehicles.* (Add) NOTE: Until further order of the Commission, the maximum quantity of liquefied chlorine gas loaded into a single-unit tank-car tank mounted on one car structure must not exceed 110,000 pounds (55 tons), subject to the following further limitations:

(i) Tanks must be constructed in full compliance with current I. C. C. shipping container specification 105A500, be forge welded, lagged with 4 inches of corkboard, and equipped with safety valves set to open at a pressure of 225 pounds per square inch, and have riveted anchors; cars to be registered as of ICC–105A300 type.

(ii) Discharge areas of safety valves to be increased, if possible, so as to be suitable for protection against damage to the larger-capacity tanks herein authorized.

(iii) This authority shall be effective on and after date of service thereof, and in all respects and for all shipments, except only those made thereunder, the aforesaid regulations herein amended shall be and remain in full force and effect.

(iv) All effective car construction and safety appliance requirements must be served. (Sec. 233, 41 Stat. 1445)

And it is further ordered, That copies of this order be served upon all parties of record herein, and that notice to the public be given by posting in the office of the Secretary of the Commission at Washington, D. C.

By the Commission, Division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-388; Filed, January 14, 1942; 11:48 a. m.]

Notices

WAR DEPARTMENT.

RESTRICTIONS ON CERTAIN TRANSACTIONS INVOLVING PROPERTY IN WHICH CERTAIN FOREIGN COUNTRIES, OR ANY NATIONAL THEREOF, MAY HAVE AN INTEREST[1]—HONG KONG

SECTION I

1. *Executive Orders and Treasury Department Regulations.* Section I, as amended,[2] is further amended by adding, in proper alphabetical order to the list of countries contained in paragraph 1 the following country:

Executive Order No. and Federal Register reference, 8998 (6 F.R. 6785); country, Hong Kong; date effective, June 14, 1941. (R.S. 161; 5 U.S.C. 22) [Proc. Cir. 3, W.D., Jan. 8, 1942, amending Proc. Cir. 81, W.D., Oct. 27, 1941]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-358; Filed, January 14, 1942; 10:55 a. m.]

[1] 6 F.R. 5701.
[2] 7 F.R. 183.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1242]

PETITION OF DISTRICT BOARD No. 11 FOR THE ESTABLISHMENT OF AN ADDITIONAL RAIL LOADING POINT FOR THE COALS OF THE R. & G. MINE (MINE INDEX No. 104) OF HENRY W. STRIETELMEIER, A CODE MEMBER IN DISTRICT No. 11

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on February 11, 1942, at 10:00 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 6, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervenors or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to petition of District Board No. 11 for the establishment of Linton, Indiana, on the I. C. Railroad as an additional rail loading point for the coals of the R. & G. Mine (Mine Index No. 104) of Henry W. Strietelmeier, a code member in District No. 11.

Dated: January 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-363; Filed, January 14, 1942; 11:20 a. m.]

[Docket No. B-145]

IN THE MATTER OF A. J. BRIMER, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 24, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 29, 1941, by the Bituminous Coal Producers Board for District No. 13, district board complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder,

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 24, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Tutwiler Hotel, Birmingham, Alabama.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorised by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition of intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, A. J. Brimer, R. F. D. No. 4, Haleyville, Alabama, sold subsequent to July 1, 1941, a substantial quantity of mine run and 1½" x 0 steam coal produced at his Sahara No. 2 Mine (Mine Index No. 1192), which is located at or near Haleyville, Alabama, to J. O. Springer, operating the Sheffield Coal Company, Sheffield, Alabama, at $2.50 per ton for run of mine coal and $1.25 for the 1½" x 0 steam coal, f. o. b. said mine, whereas the effective minimum prices were $2.90 and $2.20 per ton f. o. b. said mine, respectively, as stated in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipment.

Dated: January 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-363; Filed, January 14, 1942; 11:20 a. m.]

[Docket No. B-133]

IN THE MATTER OF ISAAC COLLINS, BRYANT MOORE, THOMAS WILLIAMS, SR., AND THOMAS WILLIAMS, JR., (MAMMOTH BLOCK COAL COMPANY), ALSO KNOWN AS ISAAC COLLINS, BRYANT MOORE, THOMAS WILLIAMS, SR., AND THOMAS WILLIAMS, JR., INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF MAMMOTH BLOCK COAL COMPANY, CODE MEMBER, DEFENDANTS

ORDER ADVANCING HEARING

The above entitled matter having been heretofore, by Order of the Acting Director dated December 3, 1941, scheduled for hearing at 10 o'clock in the forenoon of January 19, 1942, at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky; and

It appearing to the Acting Director that it is advisable to advance said hearing;

Now, therefore, it is ordered, That the hearing in the above entitled matter, be and the same is hereby advanced from 10 o'clock in the forenoon of January 19, 1942, to 10 o'clock in the forenoon of January 17, 1942, at the place aforesaid, and before the officer or officers previously designated to preside.

Dated: January 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-364; Filed, January 14, 1942; 11:20 a. m.]

[Docket No. B-50]

IN THE MATTER OF ELFGEN COAL CO. (BERT F. ELFGEN), REGISTERED DISTRIBUTOR, REGISTRATION No. 2712, RESPONDENT

ORDER RESCHEDULING HEARING AND REDESIGNATING TRIAL EXAMINER

The above-entitled matter having been scheduled for hearing on December 9, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 516, Federal Building, St. Louis, Missouri, by Order of the Director dated October 9, 1941; and the matter having come on for hearing on December 9, 1941, before Joseph D. Dermody, Trial Examiner, designated by said Order of October 9, 1941, to preside at said hearing, and the respondent having moved for a postponement of said hearing; and said Trial Examiner having thereupon granted said motion and entered an order postponing the hearing herein to a date to be later designated; and

The undersigned deeming it advisable to redesignate the time and place of said hearing and the Trial Examiner to preside at said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby set for February 2, 1942, at 10 a. m., at a hearing room of the Coronado Hotel, St. Louis, Missouri, and that W. A. Shipman, or any other officer of the Bituminous Coal Division that may be designated, shall preside at said hearing vice Joseph D. Dermody.

Dated: January 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-365; Filed, January 14, 1942; 11:20 a. m.]

[Docket No. 1759-FD]

IN THE MATTER OF MORRIS & CAMPBELL, A PARTNERSHIP, DEFENDANT

ORDER POSTPONING HEARING

The hearing in the above entitled matter, by Order dated December 24, 1941, having been reopened and scheduled for hearing at 10 o'clock in the forenoon of January 13, 1942, at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana; and

The Acting Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above entitled matter be postponed from 10 o'clock in the forenoon of January 13, 1942, until 10 o'clock in the forenoon of January 19, 1942, at a hearing room of the Bituminous Coal Division, at the Post Office Building, Terre Haute, Indiana, before the officers previously designated to preside at such hearing.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-366; Filed, January 14, 1942; 11:21 a. m.]

[Docket No. B-126]

IN THE MATTER OF MATERIAL SERVICE CORPORATION, A CORPORATION, REGISTERED DISTRIBUTOR, REGISTRATION No. 6031, AND CONSUMERS COMPANY OF ILLINOIS, A CORPORATION, REGISTERED DISTRIBUTOR, REGISTRATION No. 1611, RESPONDENTS

ORDER POSTPONING HEARING

The above-entitled matter having been scheduled, by order dated November 22, 1941, for hearing at 10 a. m. on January 19, 1942, at a hearing room of the Bituminous Coal Division, at the Custom Court House, Room 709, U. S. Custom Building, 610 South Canal Street, Chicago, Illinois; and Examiner W. A. Shipman having been designated by order dated December 2, 1941, to preside at said hearing vice Examiner Edward J. Hayes; and

The respondent, Material Service Corporation, having filed with the Division its motion, dated January 6, 1942, requesting that the hearing in this matter be postponed from January 19, 1942, to February 3, 1942;

And good reason appearing for the postponement of the hearing in this matter to January 27, 1942, instead of to February 3, 1942, as requested by said respondent;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 a. m. on January 19, 1942, to 10 a. m. on January 27, 1942, at a hearing room of the Bituminous Coal Division at Room 705, U. S. Custom Court Building, Chicago, Illinois, before the officers previously designated to preside at said hearing.

Dated: January 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-367; Filed, January 14, 1942; 11:21 a. m.]

[Docket No. A-800]

PETITION OF DISTRICT BOARD 11 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR COALS PRODUCED FOR RAIL SHIPMENT BY ROBERT RANEY (R. & G. COAL COMPANY), R. & G. MINE, MINE INDEX No. 113, BY PROVIDING FOR DEDUCTIONS FROM SAID PRICES BASED UPON DIFFERENCES IN FREIGHT RATES BETWEEN SAID MINE AND OTHER MINES IN DISTRICT No. 11, ON SHIPMENTS TO MARTINSVILLE, INDIANA, MARKET AREA No. 32

ORDER OF DISMISSAL

The original petitioner having moved that the proceedings in the above-entitled matter be dismissed, and it appearing that there is no objection thereto:

Now, therefore, it is ordered, That the petition in the above-entitled matter be, and it hereby is dismissed.

Dated: January 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-368; Filed, January 14, 1942; 11:21 a. m.]

[Docket No. A-776]

PETITION OF DISTRICT BOARD 11 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR COALS PRODUCED FOR RAIL SHIPMENT BY THE AYRSHIRE PATOKA COLLIERIES CORPORATION, PATOKA MINE, MINE INDEX No. 41, BY PROVIDING FOR DEDUCTIONS FROM SAID PRICES BASED UPON DIFFERENCES IN FREIGHT RATES BETWEEN SAID MINE AND OTHER MINES IN DISTRICT No. 11, ON SHIPMENTS TO PAOLI, INDIANA, MARKET AREA 32

ORDER OF DISMISSAL

The original petitioner having moved that the proceedings in the above-entitled matter be dismissed, and it appearing that there is no objection thereto:

Now, therefore, it is ordered, That the petition in the above-entitled matter be, and it hereby is dismissed.

Dated: January 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-369; Filed, January 14, 1942; 11:21 a. m.]

[Docket No. A-762]

PETITION OF DISTRICT BOARD 11 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES ESTABLISHED FOR COALS PRODUCED FOR RAIL SHIPMENT BY SUNLIGHT COAL COMPANY, SUNLIGHT No. 11 MINE, MINE INDEX No. 87 AND BY TECUMSEH COAL CORPORATION, TECUMSEH MINE, MINE INDEX No. 105, BY PROVIDING FOR DEDUCTIONS FROM SAID PRICES BASED UPON DIFFERENCES IN FREIGHT RATES BETWEEN SAID MINES AND OTHER MINES IN DISTRICT No. 11, ON SHIPMENTS TO MARTINSVILLE, INDIANA, MARKET AREA 32

ORDER OF DISMISSAL

The original petitioner having moved that the proceedings in the above-entitled matter be dismissed, and it appearing that there is no objection thereto:

Now, therefore, it is ordered, That the petition in the above-entitled matter be, and it hereby is dismissed.

Dated: January 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-370; Filed, January 14, 1942; 11:22 a. m.]

[Docket No. 1686-FD]

IN THE MATTER OF J. W. BENNETT, CODE MEMBER, DEFENDANT

ORDER GRANTING PERMISSION TO WITHDRAW COMPLAINT AND DISCONTINUING MATTER

The Bituminous Coal Producers Board for District No. 13, complainant herein, having by motion filed December 9, 1941, requested permission to withdraw its complaint against the above-named defendant filed with the Division on May 1, 1941, on the ground that the coal described in said complaint was not produced at the mine alleged therein but was produced at another mine; and

The Acting Director deeming it advisable to grant said motion;

Now therefore it is ordered, That the complainant herein be and it is hereby granted permission to withdraw its said complaint dated December 5, 1941, which was filed with the Division on December 9, 1941, by said complainant; and

It is further ordered, That the matter herein, Docket No. 1686-FD, be and the same is hereby discontinued.

Dated: January 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-371; Filed, January 14, 1942 11:22 a. m.]

[Docket No. 1795-FD]

IN THE MATTER OF TENNESSEE RIVER COAL COMPANY, CODE MEMBER, DEFENDANT

ORDER AMENDING AND SUPPLEMENTING NOTICE OF AND ORDER FOR HEARING AND RESCHEDULING HEARING

A complaint dated July 1, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed on July 5, 1941, by Bituminous Coal Producers Board for District No. 13, a district board, as complainant, and an amended and supplemental complaint dated November 12, 1941, alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder, having been filed with the Division by the complainant herein pursuant to Order of the Acting Director dated December 19, 1941;

The above-entitled matter having been scheduled for hearing on September 30, 1941, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Chancery Court Room, County Court House, Chattanooga, Tennessee, by Order of the Director dated August 19, 1941, and, subsequently, having been postponed by an Order of the Director dated September 11, 1941, to a date and at a hearing room to be thereafter designated by an appropriate order; and

Said Order of the Director dated August 19, 1941, having designated Travis Williams or any other officer or officers of the Bituminous Coal Division to preside at the hearing in such matter; and

It appearing to the Acting Director that the place and date of such hearing should now be designated;

Now, therefore, it is ordered, That the Notice of and Order for Hearing dated August 19, 1941, in the above-entitled matter, be, and the same is hereby amended and supplemented by inserting after the last paragraph thereof, the following: "That during April and May, 1941, the defendant sold and delivered for rail shipment to Williams Coal Company, Chattanooga, Tennessee, approximately 639.5 tons of mine run coal and 108.8 tons of nut and slack (1½" x 0) coal produced at its Cumberland Mine, Mine Index No. 728, located in Rhea County, Tennessee, in District No. 13, at a price of $2.10 per ton delivered into railroad cars at Dayton, Tennessee, whereas minimum prices for rail shipment, temporary or final, had not been established by the Division for the coal produced at said mine, which sales therefore constituted violations of the Order of the Director entered in General Docket No. 19, dated October 9, 1940."

It is further ordered, That the hearing in the above-entitled matter be held at 10 a. m. on February 18, 1942, in a hearing room of the Bituminous Coal Division at the Chancery Court Room, Chattanooga, Tennessee.

It is further ordered, That the Notice of and Order for Hearing herein dated August 19, 1941, shall in all other respects remain in full force and effect.

Dated: January 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-372; Filed, January 14, 1942; 11:22 a. m.]

[Docket No. 1786-FD]

IN THE MATTER OF ANTON MANZAGOL, DEFENDANT

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATION OF THE EXAMINER AND CEASE AND DESIST ORDER

A complaint, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on July 10, 1941, by District Board No. 11, alleging that Anton Manzagol, the defendant, a code member in District 11, had wilfully violated the provisions of the Bituminous Coal Act, the Code, and the effective minimum prices thereunder and praying that the Division either cancel and revoke the defendant's code membership or in its discretion direct the defendant to cease and desist from violation of the Code and effective minimum prices thereunder;

A hearing having been held before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Crawfordsville, Indiana, on October 3, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation in this matter dated October 18, 1941, recommending that an order be entered directing the defendant to cease and desist from violations of the Act, the Code, and the effective minimum prices and rules and regulations thereunder;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions and supporting briefs having been filed;

The undersigned having considered this matter and having determined that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.[1]

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and they hereby are adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That the defendant, Anton Manzagol, his representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in his behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the prescribed minimum prices therefor, and from violating the Bituminous Coal Act, the Code, the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments, the Marketing Rules and Regulations, and all appropriate orders of the Division.

It is further ordered, That the Division may upon failure of the defendant to comply with this Order, forthwith apply to the Circuit Court of Appeals of the United States within any circuit where the defendant carries on business for the enforcement thereof or take any other appropriate action.

Dated: January 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-373; Filed, January 14, 1942; 11:22 a. m.]

[Docket No. 1816-FD]

IN THE MATTER OF MILLER COAL COMPANY (H. P. MILLER, OWNER), DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on August 4, 1941, by the Bituminous Coal Producers Board for District No. 3, the complainant, against the Miller Coal Company (H. P. Miller, owner), defendant, a code member in District 3, alleging wilful violation by the defendant of the Bituminous Coal Code, and rules and regulations thereunder, and requesting that the defendant's code membership be cancelled and revoked or that the Division, in its discretion, direct the defendant to cease and desist from violations of the Code and the rules and regulations thereunder;

A hearing having been held before Charles O. Fowler, a duly designated Examiner of the Division, in Clarksburg, West Virginia;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in the above proceedings, dated November 28, 1941, recommending that an order be entered revoking and cancelling the code membership of the defendant, Miller Coal Company (H. P. Miller, owner), and providing that prior to any reinstatement of the defendant to membership in the Code, the defendant shall pay to the United States a tax in the amount of $163.16, as provided in section 5 (c) of the Act;

An opportunity having been afforded the parties to file exceptions thereto and supporting briefs; no such exceptions or supporting briefs having been filed;

The undersigned having considered this matter and having determined that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and they are hereby adopted as the Findings of Fact and Conclusions of Law of the Acting Director;

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of the defendant, Miller Coal Company (H. P. Miller, owner), be and the same hereby is revoked and cancelled, effective fifteen (15) days from the date of this Order;

It is further ordered, That, prior to any reinstatement of the defendant, Miller Coal Company, (H. P. Miller, owner), to membership in the Code, the defendant shall pay to the United States a tax in the amount of $163.16, as provided in Section 5 (c) of the Bituminous Coal Act of 1937.

Dated: January 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-374; Filed, January 14, 1942; 11:23 a. m.]

[1] While the Acting Director agrees with the Examiner's Proposed Findings of Fact and Proposed Conclusions of Law and concurs in his recommendation that a cease and desist order should be entered herein, the Acting Director does not subscribe to the reasoning stated in the Proposed Findings of Fact which led the Examiner to recommend entry of a cease and desist order rather than one providing for code membership revocation. By adopting the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner and entering a cease and desist order herein, the Acting Director is neither approving nor adopting the aforesaid reasoning of the Examiner.

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

[Docket No. AO 161]

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER REGULATING THE HANDLING OF MILK IN THE SPRINGFIELD, MASSACHUSETTS, MARKETING AREA, PREPARED AND PROPOSED BY THE NEW ENGLAND MILK PRODUCERS' ASSOCIATION, UPON WHICH SAID ORGANIZATION HAS REQUESTED THE SECRETARY OF AGRICULTURE TO HOLD A HEARING UNDER THE AGRICULTURAL MARKETING AGREEMENT ACT OF 1937, AS AMENDED

Notice is hereby given of a hearing to be held at the auditorium of the Hampden County Improvement League Building, Eastern States Exposition Grounds, West Springfield, Massachusetts, at 10:00 a. m., e. s. t., January 23, 1942, with respect to a proposed marketing agreement and proposed order regulating the handling of milk in the territory included within the boundary lines of the cities and towns of Agawam, Chicopee, East Longmeadow, Holyoke, Longmeadow, Ludlow, South Hadley, Springfield, West Springfield, Westfield, and Wilbraham, Massachusetts (which territory is known and hereinafter referred to as the Springfield, Massachusetts, marketing area). The proposed marketing agreement and proposed order have been prepared and proposed by the New England Milk Producers' Association.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 1940 ed. 601 et seq.) and to the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (Title 7, Chapter IX, Part 900, § 900.4 of the Code of Federal Regulations).

At this public hearing, representatives of the Secretary will receive factual evidence (1) as to whether marketing conditions for such handling of milk in the Springfield, Massachusetts, marketing area as is in the current of interstate commerce or which directly burdens, obstructs or affects interstate commerce are so disorderly as to necessitate regulation of the handling of such milk in order that the declared policy of the act may be effectuated, and (2) as to the specific provisions which a marketing agreement or order should contain.

The proposed marketing agreement and proposed order provide, among other things, for: (a) selection of a market administrator, (b) classification of milk, (c) minimum prices, (d) reports of handlers, (e) payments to producers through the use of an individual-handler pool, (f) deductions for marketing services, and (g) expenses of administration.

Evidence will also be received as to (a) the feasibility of a provision in the proposed marketing agreement and proposed order substituting a market-wide pool for the individual-handler pool, and (b) whether the administrative assessment should be 2 cents or 3 cents per hundredweight.

It is hereby determined that an emergency exists which requires a shorter period of notice than that specified in Section 900.4 of the General Regulations of the Surplus Marketing Administration (Title 7, Chapter IX, § 900 of the Code of Federal Regulations), United States Department of Agriculture and that the notice herewith given is reasonable under the circumstances.

Copies of the proposed marketing agreement and proposed order may be obtained from the Hearing Clerk, Office of the Solicitor, United Staes Department of Agriculture, in Room 9312 South Building, Washington, D. C., or may be there inspected.

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture.[1]

JANUARY 13, 1942.

[F. R. Doc. 42-359; Filed, January 14, 1942; 11:17 a. m.]

[Docket No. AO 14-A 9]

NOTICE OF HEARING WITH RESPECT TO PROPOSALS TO AMEND THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 4, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA

Notice is hereby given of a hearing to be held at the House of Representatives, State House, Montpelier, Vermont, at 10:00 a. m., e. s. t., January 19, 1942, and at the Gardiner Auditorium, State House, Boston, Massachusetts, at 10:00 a. m., e. s. t., January 20, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 4, as amended, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area.

This notice is given pursuant to the Agricultural Marketing Agreement Act, as amended (7 U.S.C. 1940 ed. 601 et seq.), and in accordance with the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (7 CFR 900.4).

This public hearing is for the purpose of receiving evidence with respect to the amendments which are hereinafter set forth in detail. These amendments have not received the approval of the Secretary of Agriculture, and, at the hearing, evidence will be received relative to all aspects of the marketing conditions which are dealt with by the provisions to which such amendments relate. The amendments which have been proposed are as follows:

[1] Acting Pursuant to Authority Delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192)

1. *Classification.* (a) Revise § 904.3 (b) (2) to result in the classification, as Class I, milk disposed of in the form of buttermilk and cultured skim milk.

(b) Eliminate the present provision of charging the Class I price for shrinkage (§ 904.3 (b) (2)).

(c) Provide for shrinkage allowances to be made applicable at every plant based on the general experience records in the possession of the administrator, and applying generally to all Class I sales by all handlers, and that there be no allocation of shrinkage from one classification to another.

2. *Class I price.* (a) Delete § 904.4 (a) (1) and substitute therefor the following: "For milk delivered from producers' farms to such handler's plant located not more than 40 miles from the State House in Boston, the price per hundredweight shall be $3.63 during the delivery periods of April, May, and June, and $4.10 during other delivery periods of the year."

(b) Delete § 904.4 (a) (1) and substitute therefor the following: "For milk delivered from producers' farms to such handler's plant located not more than 40 miles from the State House in Boston, the price per hundredweight shall be $3.63 during delivery periods prior to October 1, 1942, and thereafter $3.93 per hundredweight."

3. *Class I freight allowance.* (a) Amend § 903.4 (a) (1) to permit a freight allowance equivalent to the rail tariffs actually applicable to a handler's business.

(b) In § 904.4 (a) (3), delete, "• • • then, that milk that was shipped from the nearest plant located more than 40 miles • • •," and substitute therefore: "• • • then, that milk that was *received from producers* at the nearest plant located more than 40 miles • • •".

4. *Allowances for country receiving plant costs.* (a) Amend § 904.4 (a) (2) to provide the following creamery station allowances.

Stations handling (pounds of milk per month)	*Allowance (cents per hundredweight)*
Less than 450,000	34
450,001–650,000	26
650,001–1,250,000	20
Over 1,250,000	16

(b) Adjust the plant allowance to 2[illegible] cents per hundredweight for both Class I and Class II milk.

5. *Class I price outside the marketing area.* (a) Revise § 904.4 (c) (1) to read: "Prices to be paid producers in the manner set forth in § 904.8, by each handler for milk utilized as Class I milk, outside the marketing area, shall be the Class I price set forth in this section: *Provided, however,* That if the market administrator ascertains that the prevailing price for milk of equivalent use being paid by dealers in the area in which the milk is sold is lower, then the price ascertained to be the prevailing price shall be paid.

(b) Consider sales outside the marketing area at the Boston Class I price.

6. *Class II price.* (a) Revise the Class II price formula, § 904.4, to increase the price 14 cents per hundredweight for milk delivered at plants located not more than 40 miles from the State House in Boston.

(b) Revise the Class II formula to provide for the increase of 5.5 cents per hundredweight for milk delivered at plants located between 40 and 200 miles from the State House in Boston.

(c) Revise the Class II formula to provide for the use of prices far casein and skim milk powder that are quoted by the United States Department of Agriculture or the present quotations for casein taken from the *Oil, Paint, and Drug Reporter*, and the casein prices reported by the *Producers' Price Current*, whichever is higher.

7. *Handlers with less than 10 percent of their milk as Class I in the marketing area* (§§ *904.6 (d) and 904.8 (g)*). Revise the percentage in this provision from 10 to 25 or 30, or provide a fluctuation of the percentage between the seasons of high and low production.

8. *New producers.* Delete § 904.8 (b) (2).

9. *Butterfat differential* (§ *904.8 (d)*). Change the method of calculating the butterfat differential by providing that the price be based upon the price of 92-score butter as reported by the Department for the period involved plus 4 cents, divided by 10.

10. *Allowance for use of cans.* Under § 904.8 (f), allow handlers to deduct from payments to producers 2 cents per hundredweight for the use of cans.

11. *Payments to cooperative associations (section 9 and related parts of section 7).* (a) Delete section 9.

(b) Amend the provisions relating to payments to cooperatives as follows:

(1) In § 904.7 (b) (6), change the reference from "payments" to "payments and reserves."

(2) Qualify § 904.9 (a) (1) to prevent the possibility of this provision being construed to mean that payments at the rate of 1.5 cents per hundredweight are not available to operating cooperatives.

(3) Revise § 904.9 (a) (2) with respect to the language "under the exclusive control of member producers" to indicate that the term "member" shall mean an individual producer or a group of producers who are organized as a cooperative which is a member unit of a larger cooperative.

(4) Provide that the cooperative association receiving payments at the rate of 5 cents per hundredweight shall be the handler who accounts to the market administrator under § 904.8 (b) (3).

(5) Revise § 904.9 (a) (2) to indicate that milk which is not eligible for the payment because of being sold to a handler which is partly or completely owned by the cooperative shall include handlers which are wholly or partly owned by member units of the cooperative.

(6) In § 904.9 (e), change the language "receiving payment pursuant to this section" to "qualified to receive payment pursuant to this section."

12. *Assessment for cost of administration.* Increase the maximum rate of assessment from 2 to 2.5 cents per hundredweight.

Additional copies of this notice of hearing and copies of Order No. 4, as amended, now in effect, may be procured from the market administrator, 80 Federal Street, Boston, Massachusetts, or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0312, South Building, Washington, D. C.

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture.[1]

JANUARY 14, 1942.

[F. R. Doc. 42-360; Filed, January 14, 1942; 11:17 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective January 15, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Aldine Manufacturing Company, Philadelphia, Pennsylvania; Silk and Rayon Lamp Shades; 5 learners; 240 hours for any one learner; 35 cents per hour; Hand Sewing; April 15, 1942.

Signed at Washington, D. C., this 14th day of January 1942.

MERLE D. VINCENT,
Authorized Representative, of the Administrator.

[F. R. Doc. 42-387; Filed, January 14, 1942; 11:49 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective January 15, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

William Bradford Company, 8th and Harrison Street, Davenport, Iowa; Men's Clothing; 5 percent (T); January 15, 1943.

National Academic Cap and Gown Company, 821–23 Arch Street, Philadelphia, Pennsylvania; Caps and Gowns for Graduation, Choir Gowns; 3 learners (T); January 15, 1943.

Single Pants, Shirts, and Allied Garments and Women's Apparel Industries

The Barbizon Corporation, 468 Totowa Avenue, Paterson, New Jersey; Lingerie; 10 percent (T); January 15, 1943.

Jack Goldson Company, 1212 Stanford Avenue, Los Angeles, California; Slack Suits, Play Suits, Housecoats, Dresses; 10 percent (T); January 15, 1943. (This certificate replaces one issued to Jack Goldson, Inc., bearing expiration date of March 6, 1942.)

Pauline Gordon, Inc., 112 Madison Avenue, New York, New York; Brassieres and Corsets; 10 percent (T); April 30, 1942.

Mitchell Brothers, Inc., 1730 State Street, Bridgeport, Connecticut; Ladies' Nightgowns and Pajamas; 10 percent (T); January 15, 1943.

M. Nirenberg Sons, Inc., Fair Haven, Vermont; Shirts; 10 learners (T); January 15, 1943.

The Reliance Manufacturing Company, 1102 Twelfth Street, Bedford, Indiana; Work Shirts, Work Pants; 10 percent (T); January 15, 1943.

Rita Apparel, 114 S. Spruce Street, Lititz, Pennsylvania; Blouses and Dresses; 40 learners (T); July 15, 1942.

Rivoli Shirt Company, 395 James Street, Bridgeport, Connecticut; Men's Dress and Sport Shirts; 10 learners (T); January 15, 1943.

F. Silverman and Sons, Inc., 85 Coggeshall Street, New Bedford, Massachusetts; Children's Dresses, Children's Sunsuits; 10 percent (T); January 15, 1943.

Southeastern Shirt Corporation, LaFollette, Tennessee; Dress Shirts; 10 percent (T); January 15, 1943. (This certificate replaces the one issued bearing expiration date of October 27, 1942.)

Artificial Flowers and Feathers

California Artificial Flower Company, Providence, Rhode Island; Decorative Flowers; 110 learners (E); February 26, 1942.

Gloves

Eagle Glove and Garment Company, 215 N. Franklin Street, Muncie, Indiana; Work Gloves; 5 learners (T); January 15, 1943.

Eagle Glove and Garment Company, Conner Street, Noblesville, Indiana; Work Gloves; 5 learners (T); January 15, 1943.

Hosiery

Acme Hosiery Dye Works, Inc., Pulaski, Virginia; Full Fashioned Hosiery; 10 percent (T); January 15, 1943.

Carroll Silk Hosiery Mills, Inc., Hillsville, Virginia; Full Fashioned Hosiery; 10 percent (T); January 15, 1943.

Homestead Manufacturing Company, Inc., Bankhead Farms, Jasper, Alabama; Full Fashioned Hosiery; 10 learners (T); January 15, 1943.

J. H. Kissinger Knitting Company, Inc., Market Street, Millersburg, Pennsylvania; Seamless Hosiery; 10 learners (T); January 15, 1943. (This certificate replaces one issued bearing expiration date of November 20, 1942.)

McLaurin Hosiery Mills, 150 M. Park Street, Asheboro, North Carolina; Seamless Hosiery; 10 percent (T); January 15, 1943.

Orange Knitting Mills, Inc., Orange, Virginia; Full Fashioned Hosiery; 15 learners (E); September 15, 1942.

Virginia Maid Hosiery Mills, Inc., Pulaski, Virginia; Full Fashioned Hosiery; 10 percent (T); January 15, 1943.

Wallner Silk Hosiery Mills, Inc., Pulaski, Virginia; Full Fashioned Hosiery; 10 percent (T); January 15, 1943.

Telephone

The United Telephone Company, Washington Street, St. Marys, West Virginia; to employ learners as commercial switchboard operators at its St. Marys Exchange, St. Marys, West Virginia, until January 15, 1943.

Knitted Wear

Bristol Knitting Mills, Inc., Pierce Street, Bristol, Virginia; Knitted Underwear; 5 percent (T); January 15, 1943.

Winsted Hosiery Company, Holabird Avenue, Winsted, Connecticut; Knitted Underwear; 5 percent (T); January 15, 1943.

Textile

Bristol Knitting Mills, Incorporated, Pierce Street, Bristol, Virginia; Cotton; 2 learners (T); January 15, 1943.

J and C Cottons, Ellijay, Georgia; Tufting Yarn; 6 percent (T); January 15, 1943. (This certificate replaces one issued bearing expiration date of April 7, 1942.)

Prime Needle Art Company, 220 W. Huron Street, Chicago, Illinois; Sheets and Pillow Cases, Table Cloths, Towels, etc., 1 learner (T); July 15, 1942.

Sellers Manufacturing Company, Saxapahaw, North Carolina; Cotton Yarn; 3 percent (T); January 15, 1943. (This certificate replaces one issued bearing expiration date of January 27, 1942.)

Signed this 14th day of January 1942, at Washington, D. C.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-386; Filed, January 14, 1942; 11:49 a. m.]

ADMINISTRATIVE ORDER No. 138

APPOINTMENT OF INDUSTRY COMMITTEE NO. 41 FOR THE LUGGAGE, LEATHER GOODS, AND WOMEN'S HANDBAG INDUSTRY

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Thomas W. Holland, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the luggage, leather goods, and women's handbag industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the Public: Joseph A. McClain, Jr., Chairman, St. Louis, Missouri; George Thomas Brown, Washington, D. C.; Tipton R. Snavely, Charlottesville, Virginia; Malcolm Sharp, Chicago, Illinois; Leland M. Goodrich, Providence, Rhode Island; Harold Egbert van Delden, New York, New York.

For the Employees: Samuel Laderman, Chicago, Illinois; Philip Lubliner, New York, New York; Louis Rooney, Chicago, Illinois; Charles Mutter, Jersey City, New Jersey; Jack Weiselberg, Brooklyn, New York; A. M. Reuter, St. Louis, Missouri.

For the Employers: George S. Bernard, Petersburg, Virginia; Stanley Klein, Cin-

[1] Acting Pursuant to Authority Delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192).

cinnati, Ohio; Robert H. Rolfs, West Bend, Wisconsin; Milton W. Daub, New York, New York; George Meyers, Norwalk, Connecticut; Leopold J. Sneider, New York, New York.

Such representatives having been appointed with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the term "luggage, leather goods, and women's handbag industry" means: (a) The manufacture from any material of luggage including, but not by way of limitation, trunks, suitcases, traveling bags, brief cases, sample cases; the manufacture of instrument cases covered with leather, imitation leather, or fabric including, but not by way of limitation, portable radio cases; the manufacture of small leather goods and like articles from any material except metal; the manufacture of women's, misses', and children's handbags, pocketbooks, purses, and mesh bags from any material except metal; but not the manufacture of bodies, panels, and frames from metal, wood, fibre, or paper board for any of the above articles.

(b) The manufacture from leather, imitation leather, or fabric of cut stock and parts for any of the articles covered in section (a).

3. The definition of the luggage, leather goods, and women's handbag industry covers all occupations in the industry which are necessary to the production of the articles within the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That this definition does not include employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale: *And provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. The industry committee herein created shall meet at 10:00 A. M. on February 3, 1942, in Room 3229, U. S. Department of Labor Building, Washington, D. C., and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at Washington, D. C., this 10th day of January 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-385; Filed, January 14, 1942; 11:49 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket Nos. 6233, 6234]

IN RE APPLICATION OF HOT SPRINGS CHAMBER OF COMMERCE (KTHS), (ASSIGNOR) AND SOUTHLAND RADIO CORP., (ASSIGNEE), AND IN RE APPLICATION OF SOUTHLAND RADIO CORP. (KTHS)

NOTICE OF HEARING

Application [Hot Springs Chamber of Commerce (KTHS), (Assignor) and Southland Radio Corp., assignee] dated May 26, 1941, for assignment of license; class of service, broadcast; class of station, broadcast; location, Hot Springs Natl. Park, Arkansas; operating assignment: Frequency, 1,090 kc.; power, 5 kw. night, 10 kw. day; hours of operation, shares equally with KRLD.

Application [Southland Radio Corporation (KTHS)] dated, May 27, 1941; for, construction permit; class of service, broadcast; class of station, broadcast; location, Hot Springs Natl. Park, Arkansas; operating assignment specified: Frequency, 1,090 kc.; power, 50 kw. (DA-Night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described applications and has designated the matter for a *consolidated* hearing for the following reasons:

1. To determine whether station operation pursuant to the provisions of the proposed contract between the assignor and the assignee, particularly sections 7 and 8 thereof, would be in the public interest.

2. To determine the reasons and purposes for the proposed assignment and the character of the changes, if any, contemplated by the assignee as to the service of the station or otherwise.

3. To determine the relationships existing between the proposed assignee, its officers, directors and stockholders and the licensees of Stations KARK and KELD.

4. To determine the areas and populations now receiving primary service, from Stations KARK and KELD which would receive primary service from Station KTHS, operating as proposed in the application for construction permit.

5. To determine whether the operation of this station by the proposed assignee would be in the public interest, particularly in view of the relationships between said assignee and the licensees of Stations KARK and KELD.

6. To determine whether the operation of Station KTHS as proposed in the application for construction permit, would be consistent with the Standards of Good Engineering Practice, particularly as to the population residing within the predicted 250 mv/m ("blanket area") contour.

7. To determine the areas and populations which may be expected to gain primary service from Station KTHS operating as proposed in the application for construction permit and what other broadcast service is available to these areas and populations.

8. To determine the areas and populations now receiving primary service from Station KTHS which would lose such service should Station KTHS operate as proposed in the application for construction permit, and what other broadcast service is available to these areas and populations.

9. To determine the extent of the interference which would result from simultaneous operation of the main transmitter and the synchronous amplifier as proposed in the application for construction permit.

10. To determine whether the simultaneous operation of the main transmitter and the synchronous amplifier, as proposed in the application for construction permit, would deprive any areas and populations of secondary service from Station WBAL, and if so, what other broadcast service is available to those areas and populations.

11. To determine whether the granting of the application for construction permit would tend toward a fair, efficient and equitable distribution of radiobroadcast sevice as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

12. To determine whether the granting of both applications would serve public interest, convenience and necessity.

The applications involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicants on the basis of a record duly and properly made by means of a formal hearing.

The applicants are hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicants who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicants' addresses are as follows:

Hot Springs Chamber of Commerce, Radio Station KTHS, 135 Benton St., Hot Springs National Park, Ark.

Southland Radio Corporation, Att: T. H. Barton, Exchange Bldg., El Dorado, Arkansas.

Dated: January 12, 1942.
By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-345; Filed, January 13, 1942; 2:10 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 31-516]

IN THE MATTER OF THE APPLICATION OF COMPANIA ELECTRICA DE MATAMOROS S. A. AND COMPANIA ELECTRICA DE OJINAGA S. A.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of January, A. D. 1942.

An application having been duly filed with this Commission by Compania Electrica de Matamoros S. A. and Compania Electrica de Ojinaga S. A. for exemption as subsidiary companies, as such, of Central Power and Light Company pursuant to section 3 (b) of the Public Utility Holding Company Act of 1935;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on January 30, 1942, at 10 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before January 26, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-376; Filed, January 14, 1942; 11:42 a. m.]

[File No. 70-481]

IN THE MATTER OF SOUTHERN NATURAL GAS COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of January, A. D. 1942.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than January 30, 1942, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized below:

Southern Natural Gas Company, a subsidiary of Federal Water and Gas Corporation, a registered holding company, proposes to issue and sell to The Northwestern Mutual Life Insurance Co. $970,000 principal amount of First Mortgage Pipe Line Sinking Fund Bonds, 3¼% Series, Due 1956, such sale to be for a cash consideration equivalent to 102.78% of the principal amount thereof, plus accrued interest from October 1, 1941.

The declarant, Southern Natural Gas Company, proposes to sell said bonds in order to reimburse its treasury for the cost of property additions comprised in its 1941 construction program, thereby securing funds for its general corporate purposes, including further property additions to be made during 1942. Of the proceeds of the sale of said bonds an amount ($970,000) equal to the principal amount thereof will be deposited with the trustee under the indenture of said applicant dated as of April 1, 1941, thereafter to be withdrawn by the company for its corporate purposes, pursuant to the terms and conditions in said indenture set forth. The remaining portion of said purchase price will be paid forthwith to said company for said purposes, except such portion thereof as may be necessarily expended in expenses incident to said transaction. It is stated that no fees, commissions, or other remuneration will be paid in connection with said sale other than legal fees and other miscellaneous expenses incident to said issue which declarant estimates will aggregate approximately $6,127.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-377; Filed, January 14, 1942; 11:41 a. m.]

[File No. 1-1689]

IN THE MATTER OF PROCEEDING TO DETERMINE WHETHER THE REGISTRATION OF MONTANA CONSOLIDATED MINES CORPORATION COMMON CAPITAL STOCK, 10¢ PAR VALUE, NON-ASSESSABLE, SHOULD BE SUSPENDED OR WITHDRAWN

FINDINGS AND ORDER OF THE COMMISSION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of January, A. D. 1942.

Appearances. Donald J. Stocking, of the Seattle Regional Office, for the Registration Division.

Montana Consolidated Mines Corporation, a corporation organized under the laws of the State of Montana, has its common capital stock, 10¢ par value, non-assessable, listed and registered on the Standard Stock Exchange of Spokane, a national securities exchange. These securities were effectively registered under the Securities Exchange Act of 1934 on October 1, 1935.

On October 17, 1941, the Commission instituted this proceeding, pursuant to section 19 (a) (2) of the Securities Exchange Act of 1934, to determine whether it is necessary or appropriate for the protection of investors to suspend for a period not exceeding 12 months, or to withdraw, the registration and listing of registrant's common capital stock. The order instituting the proceeding set forth the issues to be determined at the hearing as follows:

1. Whether the registrant has failed to comply with section 13 (a) of the Act and the Commission's rules thereunder in failing to file its annual report for the fiscal year ended December 31, 1940; and

2. If so, whether it is necessary or appropriate for the protection of investors to suspend, or to withdraw, the registration of its common capital stock.

After appropriate notice to the registrant, the Standard Stock Exchange of Spokane, and the public, a hearing was held before a trial examiner in Seattle, Washington. Both the registrant and the Exchange acknowledged receipt of notice of the proceeding, but neither desired to be represented at the hearing. The trial examiner filed an advisory report in which he found that, in contravention of section 13 (a) of the Act and the Commission's rules thereunder, the registrant failed to file its annual report for the fiscal year ended December 31, 1940. No exceptions to the trial examiner's report have been filed, and no objection to the withdrawal of listing and registration has been made either by the registrant or the Standard Stock Exchange of Spokane.

Under Rule X-13A-1, the registrant is required to file its annual reports not more than 120 days after the close of its fiscal year. The registrant's fiscal year ends on December 31 and the annual report for the fiscal year ended December 31, 1940, was therefore due to be filed not later than April 30, 1941. At the registrant's request, it was granted extensions of time within which to file its report. However, the extensions of time requested have expired, and the report has not yet been filed.

On April 17, 1940, the registrants' properties were transferred to a receiver appointed in the course of a mortgage foreclosure proceeding. It appears that all of these properties have now been taken over by the mortgagee and that the period for redemption has expired. In a letter to the Commission dated August 25, 1941, the registrant stated that there are no funds in its treasury and that "it will be impossible to file the annual report."

Since May 1940 there has been no trading in the registrant's stock on the Standard Stock Exchange of Spokane.

We find that the registrant has failed to comply with section 13 (a) of the Act and the Commission's rules thereunder in failing to file its annual report for the fiscal year ended December 31, 1940, and that it is necessary and appropriate for the protection of investors that the listing and registration of its common capital stock be withdrawn. Cf. *Mayflower-Old Colony Copper Company,* 10 S. E. C.—

(1941), Securities Exchange Act Release No. 3075.

Accordingly, it is ordered, That the listing and registration of the common capital stock, 10¢ par value, non-assessable, of Montana Consolidated Mines Corporation on the Standard Stock Exchange of Spokane, a national securities exchange, be withdrawn as of January 26, 1942.

By the Commission (Chairman Eicher, Commissioners Healy, Pike, Purcell, and Burke).

[SEAL] FRANCIS A. BRASSOR, *Secretary.*

[F. R. Doc. 42-378; Filed, January 14, 1942; 11:41 a. m.]

[File No. 54-42]

IN THE MATTER OF CENTRAL STATES POWER & LIGHT CORPORATION, CENTRAL STATES UTILITIES CORPORATION, AND OGDEN CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of January, A. D., 1942.

Notice is hereby given that a declaration or application (or both) pursuant to the Public Utility Holding Company Act of 1935, including a plan dated as of December 1, 1941 for liquidation of Central States Power & Light Corporation and Central States Utilities Corporation under section 11 (e) of said Act has been filed with this Commission by said corporations and their parent company, Ogden Corporation. The same are on file in the office of this Commission where all interested persons are referred thereto for a statement of the transactions therein proposed, which are summarized as follows:

Proceeds of sales of assets of Central States Power & Light Corporation are from time to time to be made available to the holders of that corporation's outstanding First Mortgage and First Lien Gold Bonds, 5½% Series, due 1953, by way of partial payments thereon until the principal amount and accrued interest (but no premium) shall have been paid. The plan contemplates that as and when the amounts of such partial payments shall be made available, interest shall proportionately cease to accrue. Under certain circumstances funds may be utilized for the retirement of bonds pursuant to tenders at their unpaid principal amount and accrued interest instead of being distributed ratably by way of part payment.

Applicants expect that the proceeds of such sales will be more than sufficient to pay the principal of and accrued interest on the above mentioned First Mortgage and First Lien Gold Bonds, 5½% Series, due 1953. Any balance of such proceeds remaining and any additional assets of Central States Power & Light Corporation are to be paid to the holders of securities of that corporation junior to said bonds, in accordance with their rights as the same shall be determined by this Commission, or if an appeal be taken, in accordance with such determination as finally affirmed or modified.

Following completion of sales of assets of Central States Power & Light Corporation that corporation and Central States Utilities Corporation are to be dissolved.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on February 3, 1942 at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether it is appropriate that amounts be made available as proposed by way of partial payments upon the above mentioned bonds of Central States Power & Light Corporation and that interest proportionately cease to accrue as and when such amounts are so made available.

2. Whether it is appropriate that said bonds and the indenture securing the same be discharged as proposed without payment of premium.

3. Whether the provisions of the plan with respect to solicitations of tenders of said bonds are appropriate.

4. To whom and in what proportions should any assets of Central States Power & Light Corporation remaining after discharge of said bonds be distributed.

5. Whether the plan filed under section 11 (e) of the Public Utility Holding Company Act of 1935, is necessary to effectuate the provisions of section 11 (b) of said Act and is fair and equitable to the persons affected thereby.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-379; Filed, January 14, 1942; 11:41 a. m.]

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FEDERAL REGISTER

VOLUME 7 NUMBER 11

Washington, Friday, January 16, 1942

The President

ESTABLISHING THE CRISTOBAL AND THE GULF OF PANAMA MARITIME CONTROL AREAS AND PRESCRIBING REGULATIONS FOR THE CONTROL THEREOF

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the United States is now at war, and the establishment of the maritime control areas hereinafter described is essential in the interests of national defense; and

WHEREAS the Government of the Republic of Panama has requested the cooperation of the Government of the United States in exercising control in Panamanian waters adjacent to the Panama Canal, in accordance with the joint obligation of the two countries under their General Treaty of March 2, 1936, and otherwise, to insure the effective protection of the said Canal:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, by virtue of the authority vested in me as President of the United States and as Commander-in-Chief of the Army and Navy of the United States, and in accordance with the principle of self-defense of the Law of Nations, do hereby establish and proclaim the following-described areas as the Cristobal Maritime Control Area and the Gulf of Panama Maritime Control Area for the purposes of safeguarding the Panama Canal and for national and hemispheric defense, and prescribe the following regulations for the control thereof:

CRISTOBAL MARITIME CONTROL AREA

All waters contained within the seaward limit of an arc described with the western breakwater entrance light at Cristobal, Canal Zone, as a center, a radius of 36 sea miles, and meeting the shore line in the east in the vicinity of position Latitude 90°35' North, Longitude 79°21' West, and in the west in the vicinity of position Latitude 09°08' North, Longitude 80°29' West.

GULF OF PANAMA MARITIME CONTROL AREA

All waters of the Gulf of Panama to the north of Latitude 8° North.

REGULATIONS FOR THE CONTROL OF THE CRISTOBAL AND THE GULF OF PANAMA MARITIME CONTROL AREAS

1. A vessel not proceeding under United States naval or other United States authorized supervision shall not enter or navigate the waters of the above-described Maritime Control Areas except during daylight, when good visibility conditions prevail, and then only after specific permission has been obtained. Advance arrangements for entry into or navigation through or within the said Areas must be made, preferably by application at a United States Naval District Headquarters in advance of sailing, or by radio or visual communication on approaching the seaward limits of either Area. If radio telegraphy is used, the call "NQO" shall be made on a frequency of 500 kcs, and permission to enter the port requested. The name of the vessel, purpose of entry, and name of master must be given in the request. If visual communications are used, the procedure shall be essentially the same.

2. Even though permission has been obtained, it is incumbent upon a vessel entering the said Areas to obey any further instructions received from the United States Navy, or other United States authority.

3. A vessel may expect supervision of its movements within the said Areas, either through surface craft or aircraft. Such controlling surface craft and aircraft shall be identified by a prominent display of the Union Jack.

4. These regulations may be supplemented by regulations of the local United States naval authority as necessary to meet local circumstances and conditions.

5. Should any vessel or person within the said Areas disregard these regulations, or regulations issued pursuant hereto, or fail to obey an order of the United States naval authority, or perform any act threatening the efficiency of mine or other defenses, or take any action therein inimical to the defense of the United States, such vessel or person may be subjected to the force necessary to require compliance, and may be liable to detention or arrest, or penalties or forfeiture, in accordance with law.

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The Secretary of the Navy is charged with the enforcement of these regulations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 13th day of January in the year of our Lord nineteen hundred and forty-two, and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2536]

[F. R. Doc. 42-402; Filed, January 15, 1942; 10:16 a. m.]

EXECUTIVE ORDER

EXTENSION OF THE PROVISIONS OF EXECUTIVE ORDER NO. 9001 OF DECEMBER 27, 1941, TO CONTRACTS OF THE TREASURY DEPARTMENT, THE DEPARTMENT OF AGRICULTURE, THE FEDERAL WORKS AGENCY, THE PANAMA CANAL, THE GOVERNMENT PRINTING OFFICE, AND THE NATIONAL ADVISORY COMMITTEE FOR AERONAUTICS

By virtue of the authority vested in me by the act of Congress entitled "An Act to expedite the prosecution of the war effort" approved December 18, 1941, and as President of the United States, and deeming that such action will facilitate the prosecution of the war, I hereby extend the provisions of Executive Order No. 9001 of December 27, 1941[1] to the Treasury Department, the Department of Agriculture, The Panama Canal, the Federal Works Agency, the Government Printing Office, the National Advisory Committee for Aeronautics, and such other agencies as I may from time to time designate, with respect to all contracts made or to be made by such agencies; and subject to the limitations and regulations contained in such Executive Order, I hereby authorize the Secretary of the Treasury, the Secretary of Agriculture, the Governor of The Panama Canal, the Administrator of the Federal Works Agency, the Public Printer, the Chairman of the National Advisory Committee for Aeronautics, and the heads of such other agencies as may be designated, and such officers, employees, and agencies as each of them may designate, to perform and exercise, as to their respective agencies, all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive Order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 14, 1942.

[No. 9023]

[F. R. Doc. 42-394; Filed, January 14, 1942; 3:32 p. m.]

[1] 6 F.R. 6787.

Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4601]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF NATURE'S HERB COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondent's medicinal preparation advertised as "Sterling Capsules", or any similar product, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or by implication, that said preparation constitutes a competent or effective cure or remedy for arthritis, rheumatism, sciatica, lumbago, neuralgia, or neuritis; or that said preparation is of any therapeutic value in excess of a mild analgesic which may afford temporary relief from pain associated with the aforesaid diseases or conditions, and in excess of a laxative or cathartic which will temporarily evacuate the bowels; or which advertisements fail to reveal (a) that said preparation may be injurious to health unless its dosage is limited to a period of two or three days; and (b) that said preparation should not be used by persons suffering from nausea, vomiting, abdominal pains, or other symptoms of appendicitis; prohibited, subject to the provision, however, that if the directions for use of said preparation, wherever they appear on the label, in the labeling, or both on the label and in the labeling, contain warnings of the potential dangers in the use of said preparation as hereinabove set forth, such advertisements need contain only the cautionary statement: Caution, Use Only As Directed. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Nature's Herb Company, Docket 4601, January 9, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of January, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, and a stipulation as to the facts entered into between the respondent herein and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondent herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Nature's Herb Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its medicinal preparation advertised as Sterling Capsules, or any product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

(1) Disseminating or causing to be disseminated any advertisement by means of the United States mails, or by any means in commerce, as commerce is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that said preparation constitutes a competent or effective cure or remedy for arthritis, rheumatism, sciatica, lumbago, neuralgia, or neuritis; or that said preparation is of any therapeutic value in excess of a mild analgesic which may afford temporary relief from pain associated with the aforesaid diseases or conditions, and in excess of a laxative or cathartic which will temporarily evacuate the bowels; or which advertisement fails to reveal (a) that said preparation may be injurious to health unless its dosage is limited to a period of two or three days; and (b) that said preparation should not be used by persons suffering from nausea, vomiting, abdominal pains, or other symptoms of appendicitis: *Provided, however,* That if the directions for use of said preparation, wherever they appear on the label, in the labeling, or both on the label and in the labeling, contain warnings of the potential dangers in the use of said preparation as hereinabove set forth, such advertisement need contain only the cautionary statement: Caution, Use Only As Directed.

(2) Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph (1) hereof, or which fails to comply with the affirmative cautionary requirements as set forth in said paragraph.

It is further ordered, That respondent shall, within ten (10) days after service upon it of this order, file with the Commission an interim report in writing, stating whether it intends to comply with this order, and if so, the manner and form in which it intends to comply; and that within sixty (60) days after service upon it of this order, said respondent shall file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL]

OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-430; Filed, January 15, 1942; 11:42 a. m.]

[Docket No. 4222]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF STEPHEN RUG MILLS

§ 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Foreign, in general:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Nature:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Source or origin—Place—Foreign, in general:* § 3.96 (a) *Using misleading name—Goods—Nature:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Place—Foreign, in general.* In connection with the offering, etc., in commerce, of respondents' rugs, and among other things, as in order set forth, (1) using the word "Bombay" or any other word indicative of the Orient, or any pictorial representation of a typically Oriental scene, to designate or describe rugs which are not in fact made in the Orient and which do not possess all of the essential characteristics of Oriental rugs; and (2) using the words "Manchu" or "Chinese" or any other words indicative of Chinese origin, or any pictorial representation of a typically Oriental or Chinese scene, to designate or describe rugs which are not in fact made in China and which do not possess all of the essential characteristics of Chinese Oriental rugs; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Stephen Rug Mills, Docket 4222, January 7, 1942]

§ 3.66 (c20) *Misbranding or mislabeling—Manufacture:* § 3.66 (d) *Misbranding or mislabeling—Nature.* In connection with the offering, etc., in commerce, of respondents' rugs, and among other things, as in order set forth, using the word "Replica" or any other word of similar import to designate or describe rugs which are not in fact reproductions in all respects of the type named, including material; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Stephen Rug Mills, Docket 4222, January 7, 1942]

§ 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Imported product or parts as domestic:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Source or origin—Place—Imported product or parts as domestic:* § 3.96 (a) *Using misleading name—Goods—Source of origin—Place—Foreign product as domestic.* In connection with the offering, etc., in commerce, of respondents' rugs, and among other things, as in order set forth, using the words "New Bedford" or any other distinctively American name to designate or describe rugs which are not in fact made in the United States; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Stephen Rug Mills, Docket 4222, January 7, 1942]

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections — Producer status of dealer:* § 3.96 (b) *Using misleading name—Vendor—Producer or laboratory*

status of dealer or seller. In connection with the offering, etc., in commerce, of respondents' rugs, and among other things, as in order set forth, using the word "Mills" as a part of respondents' trade name, or otherwise representing that respondents manufacture the rugs sold by them; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Stephen Rug Mills, Docket 4222, January 7, 1942]

In the Matter of Nathan E. Herzfeld and Saul S. Herzfeld, Individuals Trading and Doing Business Under the Name Stephen Rug Mills

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 7th day of January, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, and a stipulation as to the facts entered into between the respondents and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondents findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Nathan E. Herzfeld and Saul S. Herzfeld, individually and trading as Stephen Rug Mills, or trading under any other name, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of their rugs in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the word "Bombay" or any other word indicative of the Orient, or any pictorial representation of a typically Oriental scene, to designate or describe rugs which are not in fact made in the Orient and which do not possess all of the essential characteristics of Oriental rugs;

(2) Using the words "Manchu" or "Chinese" or any other words indicative of Chinese origin, or any pictorial representation of a typically Oriental or Chinese scene, to designate or describe rugs which are not in fact made in China and which do not possess all of the essential characteristics of Chinese Oriental rugs;

(3) Using the word "Replica" or any other word of similar import to designate or describe rugs which are not in fact reproductions in all respects of the type named, including material;

(4) Using the words "New Bedford" or any other distinctively American name to designate or describe rugs which are not in fact made in the United States;

(5) Using the word "Mills" as a part of respondents' trade name, or otherwise representing that respondents manufacture the rugs sold by them.

It is further ordered, That the respondents shall within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-431; Filed, January 15, 1942; 11:43 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50547]

PART 4—APPLICATION OF CUSTOMS LAWS TO AIR COMMERCE

AIRPORT OF ENTRY—CALEXICO MUNICIPAL AIRPORT, CALEXICO, CALIFORNIA, REDESIGNATED AS AN AIRPORT OF ENTRY FOR A PERIOD OF ONE YEAR[1]

JANUARY 12, 1942.

The Calexico Municipal Airport, Calexico, California, is hereby redesignated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of one year from January 10, 1942. (Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b))

[SEAL] HERBERT E. GASTON, *Acting Secretary of the Treasury.*

[F. R. Doc. 42-391; Filed, January 14, 1942; 12:46 p. m.]

[T.D. 50548]

PART 26—RESTRICTIONS ON IMPORTS AND EXPORTS SUBJECT TO PROCLAMATION NO. 2497, AND THE PROCLAIMED LIST OF BLOCKED NATIONALS

RESTRICTED EXPORTATIONS AND IMPORTATIONS—T. D. 50433 AMENDED

JANUARY 14, 1942.

Section 2 (19 CFR 26.2) of T.D. 50433 issued on July 22, 1941 (6 F.R. 3672) is hereby amended to read as follows:

§ 26.2 *Presentation of license before acceptance of entries for consumption, etc.* With respect to importations of merchandise in which any person named in the Proclaimed List appears to have an interest as consignor, seller, shipper or otherwise, the acceptance of entries for consumption and withdrawals from warehouse for consumption in respect of such merchandise tendered after July 27, 1941, shall be withheld pending presentation of a license issued pursuant to Executive Order No. 8389, as amended,[2] or instructions from the Treasury Department authorizing the transaction. (Executive Order No. 8389, dated April 10, 1940, as amended, and in Proclamation No. 2497, dated July 17, 1941 (6 F.R. 3555).

E. H. FOLEY, JR., *Acting Secretary of the Treasury.*

[F. R. Doc. 42-445; Filed, January 15, 1942; 11:56 a. m.]

[1] This document affects the tabulation in 19 CFR 4.13.

[2] 6 F.R. 2697, 3715, 6348, 6785.

TITLE 24—HOUSING CREDIT

CHAPTER III—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

[Resolution, Dec. 22, 1941]

PART 301—INSURANCE OF ACCOUNTS

RESOLUTION RELATING TO FORMS OF ANNUAL REPORTS TO BE FILED BY INSURED INSTITUTIONS UNDER § 301.15 OF THE REGULATIONS

Be is resolved, That any annual report form heretofore or hereafter approved by the Federal Home Loan Bank Board for use by Federal Home Loan Bank members is hereby approved for use by insured institutions; and

Be it further resolved, That the Governor's office of the Federal Home Loan Bank Board is authorized and directed to require the information called for in the form approved by the Federal Home Loan Bank Board on September 24, 1941, entitled "Report of Members' and Investors' Accounts with Balances in Excess of $5,000 Located More Than Fifty Miles from the Home Office (Supplement to Schedule 14 of the Annual Report)" to be submitted to that office when it appears that a disproportionate part of the capital of an association is or has been obtained from members or investors located beyond the radius of fifty (50) miles from the association's home office. (Effective date December 22, 1941) (Sec. 402 (a) of N.H.A., 48 Stat. 1256, sec. 403 (b) of N.H.A., 48 Stat. 1257, sec. 23, 49 Stat. 298; 12 U.S.C. 1725 (a), 1726 (b) and Sup.)

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 42-401; Filed, January 15, 1942; 9:59 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1089]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER CORRECTING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT CERTAIN MINES IN DISTRICT NO. 13

An Order Granting Temporary Relief and Conditionally Providing for Final Relief having been issued in the above matter on November 4, 1941, 6 F.R. 6512; and

It appearing that Mine Index No. 601 was inadvertently assigned to the Mine of Gothard, Elsea & Alexander, which appears in Supplement R-IV, § 333.24 (*General prices*) and Supplement R-V, § 333.25 (b) (*Special prices—prices for shipment to all railroads for locomotive fuel, station heating, power plants and other uses*); and

It further appearing that Mine Index No. 701 should properly have been assigned to this mine;

It is, therefore, ordered, That the Order of November 4, 1941, herein be, and it is hereby, corrected by assigning Mine Index No. 701 in lieu of Mine Index No. 601 to the mine of Gothard, Elsea & Alexander.

Dated: January 13, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-425; Filed, January 15, 1942; 11:14 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSE UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

AMENDMENT OF GENERAL LICENSE NO. 68A UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

JANUARY 14, 1942.

Paragraphs (3) and (4) of General License No. 68A[1] are hereby amended to read as follows:

§ 131.68a *General License No. 68A.*

* * * * *

(c) A report on Series J of Form TFR-300 shall be filed with the appropriate Federal Reserve Bank on or before February 15, 1942, with respect to the property interests of every person licensed herein as a generally licensed national if the total value of the property interests to be reported is $1,000 or more.

(d) Every business enterprise licensed herein as a generally licensed national shall also file with the appropriate Federal Reserve Bank on or before February 15, 1942, an affidavit setting forth the information required by Form TFBE-1, if the total value of all property interests of such business enterprise is in excess of $5,000. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, JR., *Acting Secretary of the Treasury.*

[F. R. Doc. 42-432; Filed, January 15, 1942; 11:43 a. m.]

[1] 6 F.R. 6454.

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL LICENSE NO. 83 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

JANUARY 14, 1942.

§ 131.83 *General License No. 83.* A general license is hereby granted authorizing the detachment of coupons from securities of the type referred to in General Ruling No. 10, the presentation of such coupons for collection, and the performance of such other acts and effecting of such other transactions as may be necessarily incident to such collection, notwithstanding the fact that Treasury Department Form TFEL-2 may not have been previously attached to the securities from which such coupons are detached.

This general license shall not be deemed to authorize any transaction prohibited by reason of any provision (or ruling or regulation thereunder) of the Order other than General Ruling No. 10.

This license shall expire at the close of business on February 1, 1942. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, JR., *Acting Secretary of the Treasury.*

[F. R. Doc. 42-433; Filed, January 15, 1941; 11:43 a. m.]

APPENDIX TO PART 131

GENERAL RULING NO. 10 UNDER EXECUTIVE ORDER NO. 8389, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

JANUARY 14, 1942.

(1) The acquisition, disposition or transfer of, or other dealing in, or with respect to, any of the following is hereby prohibited except as authorized by license expressly referring to this general ruling:

(a) Any Philippine paper currency;

(b) Any security issued by, or the obligation of, either the Government of the Commonwealth of the Philippines, including political subdivisions thereof, or any corporation or other organization organized under the laws of the Philippine Islands, unless Form TFEL-2 has been previously attached to such security by, or under the direction of, the Treasury Department.

Form TFEL-2 will be attached to any security referred to herein if presented to any Federal Reserve Bank on or before February 1, 1942, accompanied by a description thereof on Form TFR-10. Subsequent to February 1, 1942, Form TFEL-2 will be attached to such securities only in the discretion of the Secretary of the Treasury and only upon the filing of appropriate application with a Federal Reserve Bank tracing the ownership of such security since January 1, 1942 and satisfactorily explaining the reasons the security was not presented to a Federal Reserve Bank on or before February 1, 1942, for the attachment of Form TFEL-2. Such form will be attached to stamped securities of the type referred to in section 2A (1) of the Order only pursuant to existing procedure relating to stamped securities.

(2) Except as authorized by license expressly referring to this general ruling:

(a) All Philippine paper currency held within the United States is hereby required to be deposited on or before February 1, 1942, in a blocked currency account with either a domestic bank or with the New York office of the Philippine National Bank.

(b) The bank of deposit shall hold such currency for the account, or pursuant to the instructions, of the depositor.

(c) On or before February 15, 1942, every bank holding any blocked currency accounts shall file a report on Form TFR-110 in triplicate with the appropriate Federal Reserve Bank.

As used in this general ruling and in any other rulings, licenses, instructions, etc., the term "blocked currency account" shall mean an account from which no payments, transfers, or withdrawals may be made, and no other transaction or dealing may be effected with respect thereto, except pursuant to a license expressly referring to such account.

(3) Philippine paper currency which prior to January 1, 1942 was of recognized special value to collectors of rare and unusual currency, or which is held as part of any collection of rare and unusual currency, is hereby excluded from the provisions of this general ruling.

By direction of the President.

[SEAL] E. H. FOLEY, JR., *Acting Secretary of the Treasury.*

[F. R. Doc. 42-446; Filed, January 15, 1942; 11:43 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER III—BUREAU OF MINES

PART 301—CONTROL OF EXPLOSIVES AND THEIR INGREDIENTS IN TIME OF WAR OR NATIONAL EMERGENCY

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301.1 Effect and operation of regulations.
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301.17 Instructions for storage.
301.18 Special instructions for vendors.
301.19 Special instructions for manufacturers.
301.20 Special instructions for manufacture and sale of fireworks.
301.21 Special instructions for industries using explosives.
301.22 Instructions for Explosives Investigators.

The regulations in this part, promulgated under the act of Congress of December 26, 1941 (Public Law 381, 77th Cong.), supersede the Wartime Regulations for Explosives and Their Ingredients issued as "General information and rulings for enforcement of the law regulating the manufacture, distribution, storage, use, or possession of explosives and their ingredients, Bureau of Mines, 1918," and published in 32 CFR, Part 301.

§ 301.1 *Effect and operation of regulations.* The regulations in this part have the force and effect of law. Any person violating them is guilty of a misdemeanor which is punishable by a fine of not more than $5,000, or by imprisonment for not more than one year, or by both such fine and imprisonment. They are in operation during the existence of a state of war declared by Congress or proclaimed by the President or of a national emergency proclaimed by the President as requiring the application of the provisions of the Federal Explosives Act and remain in operation until the termination of the war or revocation of any such proclamation.*

*§§ 301.1 to 301.22, inclusive, issued under the authority contained in sec. 18, Public Law 381, 77th Cong.

§ 301.2 *Definitions.* (a) The terms "Act" or "Federal Explosives Act" mean that certain act of October 6, 1917 (40 Stat. 385), as amended by the act of December 26, 1941 (Pub. Law 381, 77th Cong.).

(b) The terms "explosive" and "explosives" mean any chemical compound or mechanical mixture that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing that ignition by fire, by friction, by concussion, by percussion, or by detonation of the compound or mixture or any part thereof may cause an explosion, including the following:

Ammonium nitrate.
Blasting powder.
Blasting caps.
Caps, blasting, detonating, percussion—all classes.
Chlorate powders.
Detonating fuse, or cordeau detonant.
Detonators.
Dynamites.
Electric blasting machines.
Electric blasting caps.
Fireworks.
Flashlight powders.
Fulminates.
Fuse of all varieties.
Guncotton.
Gunpowder and gunpowder mixtures (except small arms or shotgun cartridges).
Nitrocellulose exceeding 10.18 percent nitrogen.
Nitroglucose.
Nitroglycerin (except in official U. S. Pharmacopoeia solution, or in form of pills, or granules, containing not more than one-fiftieth of a grain each).
Nitroglycol.
Nitromannite.
Nitrostarch.
Nitrosugar.
Permissible explosives.
Ammonium picrate.
Picrates.
Picric acid.
Smokeless powder (except small arms or shotgun cartridges).
Squibs.
Trinitrotoluol (triton).
Trinitrocresol.
Trinitronaphthaline.
Tetranitroanaline.
Tetranitromethylanaline.

This list may be altered if experience indicates that this is desirable.

(c) The term "ingredients" means phosphorous and active oxidizing chemicals that can be combined with one or more reducing materials to produce an explosive including the following:

Chlorates: Barium, Potassium, Sodium, Strontium.
Nitrates: Ammonium.
Oxygen (liquid).
Perchlorates: Perchloric acid and salts.
Phosphorus: white, yellow.

This list may be altered if experience indicates that this is desirable.

(d) The term "person" shall include executive departments, independent establishments, and other agencies of the United States, the District of Columbia, Territories, and insular possessions of the United States, States, and municipalities and other political subdivisions thereof; and individuals, partnerships, associations, societies, and corporations.

(e) The term "Director" means the Director of the Bureau of Mines.

(f) The term "Licensing Agent" means a person authorized to administer oaths who has been designated by the Director and authorized to issue certain licenses in accordance with the act and regulations.

(g) The term "Explosives Investigator" means an employee of the Bureau of Mines authorized by the Director to investigate compliance with the act and the causes of explosions and fires in all places in which explosives are manufactured, transported, stored or used or in which there is reason to believe explosives were involved.

(h) The term "Regional Officer" means an official of the Bureau of Mines designated by the Director and stationed in the field to act in a supervisory capacity and to review on appeal rejected applications for licenses, in accordance with the act and regulations.

(i) The term "foreman" means any employee whose duties include the sale or issuance of explosives or ingredients for and on behalf of his employer to other employees, agents, or independent contractors of his employer.*

§ 301.3 *Application of act and regulations; exceptions.* The act and regulations require the licensing of all persons and establishments for operations relating to explosives or ingredients, with the exceptions following:

(a) *Persons and establishments excepted*—(1) *Establishments of the United States.* Arsenals, navy yards, depots, or other establishments owned by or operated wholly by or on behalf of the United States.

(2) *Employees dealing with foreman.* Employees in any industry using explosives may purchase or accept explosives or ingredients from a licensed foreman, in accordance with the act and regulations, without themselves obtaining licenses.

(b) *Operations excepted*—(1) *For military and related purposes.* Manufacture under the authority of the United States of explosives wholly for, or their sale to or possession by, the military or naval service of the United States or the Federal Bureau of Investigation.

(2) *Exportation or importation.* Exportation or importation of explosives or ingredients pursuant to or under the terms of the acts following: act of January 31, 1922 (42 Stat. 361), prohibiting unrestricted export of arms to certain countries where domestic violence occurs; the Neutrality Act of November 4, 1939 (54 Stat. 4); the National Defense Act of July 2, 1940 (54 Stat. 712); and the "lend-lease" act of March 11, 1941 (Pub. Law 11, 77th Cong.).

(c) *Explosives and ingredients excepted*—(1) *Ingredients in small quantities.* Ingredients in small quantities and not used or intended to be used in the manufacture of explosives. The term "small quantities" as used in this subsection, means quantities of one ounce or less, except as modified by the Director as to any particular ingredient.

(2) *Explosives or ingredients in transit.* Explosives or ingredients which are in transit upon vessels, railroad cars, or conveyances in conformity with statutory provisions pertaining to, or rules and regulations of, the Interstate Commerce Commission, or regulations of the Secretary of Commerce.

(3) *Cartridges, fireworks, signals.* Cartridges for small arms or shotguns, ships' signal or emergency equipment, and such fireworks or signalling devices as are designated by the Director.*

CROSS REFERENCE: For special regulations on fireworks, see § 301.20.

§ 301.4 *Licenses, kind and scope*—(a) *Kind of licenses.* Five different kinds of licenses are issued under the Federal Explosives Act, as follows: manufacturer's license, vendor's license, purchaser's license, foreman's license, analyst's-educator's-inventor's-investigator's license.

(b) *Scope of licenses.* Generally one license will fit all of the needs of any particular applicant, although this will not always be the case. If the applicant conducts enterprises or operations distinct from one another, which would require separate licenses if conducted by different persons, separate licenses will be required. The scope of each license is briefly as follows:

(1) *Manufacturer's license.* This license authorizes the manufacture, possession, and sale of explosives and ingredients. It covers the purchase of ingredients for manufacture into explosives, and the sale of manufactured products in the usual course of trade to jobbers, dealers, or users. It does not cover the purchase and sale of explosives or ingredients purchased for resale.

(2) *Vendor's license.* This license authorizes the purchase, possession, and sale of explosives and ingredients. It is required of jobbers, wholesalers, dealers, and retailers, whether or not they physically handle, store, or have possession of the explosives or ingredients dealt in. A vendor's license will cover the immediate clerks or other employees of the vendor who handle the goods as employees of the licensee; but the licensee will remain responsible and liable for the acts of all such employees.

(3) *Purchaser's license.* This license authorizes the purchase, possession, and use of explosives and ingredients. It permits no disposition of the explosives or ingredients purchased except the use thereof by the licensee.

(4) *Foreman's license.* This license authorizes the purchase and possession of explosives and ingredients and the sale and issuance thereof to other employees of the licensee's employer, for use on the operating premises. (See definition of "foreman", § 301.2.)

(5) *Analyst's-educator's-inventor's-investigator's license.* This license authorizes the purchase, manufacture, possession, testing, and disposal of explosives and ingredients for scientific, educational, and testing purposes only. It is required of schools, laboratories, and other institutions and persons who use explosives or ingredients in the manner indicated by the title of the license. It will not be required of a manufacturer who customarily conducts such operations.*

§ 301.5 *Licenses, term and transferability*—(a) *Term of licenses.* All licenses are good for a maximum term of one year from date of issuance, unless sooner revoked or terminated for cause or by reason of the termination of the war or national emergency. Licenses are not renewable, but application may be made for a new license when necessary or desired.

(b) *Transferability of licenses.* Licenses cannot be assigned or in any way transferred, nor can any person operate under, or have the benefit of, another person's license.

(c) *Death, discharge, dissolution, etc., of licensee.* In the event of the death of any licensee, the license becomes immediately void, and the personal representative or heirs of the decedent (except in the case of a deceased foreman) must apply for a license to cover remaining explosives or ingredients or incompleted operations requiring a license. If the decedent is a foreman, or if a licensed foreman resigns or is discharged, his employer must at once take possession and charge of any explosives or ingredients for which the foreman was accountable, and make certain that a suitable license is secured for them. In the event of the dissolution or transfer of the business of any licensee, the successor in interest of the licensee shall immediately apply for a license to cover any explosives, ingredients, or operations relating to same.

(d) *Bankruptcy and involuntary transfers.* In the event of the bankruptcy of a licensee, the trustee of his bankrupt estate shall immediately apply for a license to cover any remaining explosives, ingredients, or operations relating thereto. The license does not pass with any forced sale or other forced transfer of explosives, ingredients, or operations covered by it, and the transferee must immediately apply for a license to cover same.*

§ 301.6 *Qualifications of applicants for license*—(a) *Age.* All persons executing applications and all individual licensees must be at least twenty-one years old, except as follows: Individuals who are engaged in mining, agriculture, or other work requiring the use of explosives, who are personally qualified to use explosives, and who accompany their application with satisfactory evidence of these facts, may apply for a Purchaser's License although less than twenty-one years old.

(b) *Reliability and experience.* All applicants must show affirmatively, to the satisfaction of the Licensing Agent, that they are sufficiently reliable and experienced to have the license applied for. Individual applicants who are unknown to the Licensing Agent must support their applications in this respect by the affidavits of two reputable citizens of the United States.*

§ 301.7 *Applications for licenses; forms*—(a) *Forms for applications.* Applications for licenses must be made on Bureau of Mines forms which may be secured from Licensing Agents or from the Bureau of Mines. The form applicable to the particular license desired must be used. There are two forms of applications, as follows:

Application for Vendor's, Purchaser's, or Foreman's License.
Application for Manufacturer's or Analyst's, Educator's, Inventor's and Investigator's License.

(b) *Filling out application forms.* All blanks in the application forms should be filled in or a line drawn through them. Incomplete applications will not be accepted. If additional space is needed, additional sheets shall be used and securely attached.

(c) *Execution and oath.* If the application is by an individual for a vendor's or purchaser's license for himself, the application and the oath must be made by the individual. If the application is for a foreman's license, the application and the oath must be made by the foreman, and the application must bear the written endorsement of his employer (see definition of "foreman," § 301.2). The application of a firm, corporation, or other organization should ordinarily be executed by its regularly appointed and authorized officer or officers, evidence of whose official capacity and authority must accompany the application; and if made by any other person, the authority of that person to represent the organization must be shown by a certificate executed by its officers.

(d) *Proof of citizenship.* Applicants who are not native-born citizens, but who claim citizenship, must give satisfactory evidence of citizenship. This evidence should be the production of the applicant's certificate of naturalization, or the certificates of his parents; but if this cannot be done, the applicant must produce satisfactory secondary evidence of citizenship, showing the essential facts. In all cases, the citizenship of the persons executing applications must be shown.

(e) *Applications of partnerships.* Applications of partnerships must disclose the name, address, and citizenship of every partner, whether his interest is limited or otherwise.*

§ 301.8 *Filing of applications*—(a) *Purchaser's, vendor's, or foreman's applications.* Ordinarily applications for purchaser's, vendor's, and foreman's licenses should be filed with the Licensing Agent most convenient to the vicinity to which the license is to apply.

(b) *Manufacturer's, analyst's, etc., applications.* Manufacturer's, analyst's, etc., applications may be filed with any convenient Licensing Agent, who will forward them to the Director, or they may be sent directly to the Director.

(c) *Appearance by applicant.* In all cases where licenses are issued by Licensing Agents, the applicant or representative of applicant (in the case of a firm, corporation, or other organization) to whom the license is to be issued, should appear personally before the Licensing Agent, either when the application is filed or when the license is issued. It is preferable, but not required, that the oath on applications filed with Licensing Agents should be made before the Licensing Agent; but if the personal appearance above referred to is not made at the time of filing the application and making the oath, it should be made when the license is issued.*

§ 301.9 *Issuance of original licenses*—(a) *Issuing officers and offices.* Licensing Agents are authorized to issue only three kinds of licenses, to wit: Vendor's, Purchaser's, and Foreman's. Only the Director may issue Manufacturer's, Analyst's, etc., licenses, but the Director may receive applications for and issue all forms of licenses.

(b) *Time of issuance of licenses.* In the case of licenses issued by Licensing Agents, if the applicant or the applicant's representative (in the case of firms, corporations, or other organizations) appears in person when the application is filed, and the application is fully and correctly completed and executed, and the Licensing Agent is satisfied with the qualifications of the applicant, and that all of the requirements of the act and of these regulations have been fully complied with, the license applied for will ordinarily be issued and delivered to the applicant forthwith. However, the Licensing Agent has full discretion to defer the issuance of a license on any application to make such investigation as he deems necessary or proper.

(c) *Countersigning of licenses.* All licenses must be countersigned by the licensees in whose names they are issued, on the form for countersigning provided on the face of the license; and do not become effective for any purpose until so countersigned.

(d) *Refusal to issue license.* The Director or a Licensing Agent may refuse a license when in his opinion, based on facts of which he has knowledge or re-

liable information, the applicant is not sufficiently reliable and experienced to be authorized to manufacture or handle explosives and ingredients; or is disloyal or hostile to the United States, or, if the applicant is a firm, association, society, corporation, or other organization, its officers, directors, or controlling shareholders or members are disloyal or hostile to the United States. Except as may be determined by the Director in particular cases upon the showing of special circumstances, no license shall be issued to enemy aliens or to subjects of a country allied with an enemy of the United States, or to a firm, corporation, or other organization of which the controlling members or stockholders are enemy aliens or subjects of a country allied with an enemy of the United States.

(e) *Notice of refusal to issue license.* Whenever issuance of a license is refused, the Licensing Agent or other officer who makes the refusal should give notice thereof in writing to the applicant on a Bureau of Mines form, a duplicate copy of which must be kept among the office records. The notice may be given personally to the applicant, or sent by mail to the applicant at the address given on the application. If the notice is given personally to the applicant, it is deemed to have been given at the time of delivery; if mailed to the applicant, it is deemed to have been given five days after mailing.*

§ 301.10 *Issuance of duplicates and certified copies*—(a) *Licenses lost, destroyed, defaced or stolen.* Application for a duplicate license may be made by the holders of licenses that are lost, destroyed, defaced, or stolen. Such application should be made ordinarily to the officer that issued the original license. No form is provided for this application. It must state all of the facts and circumstances known to the applicant concerning the loss, destruction, defacement, or theft of the original license; must refer to the original application upon which the original license was issued; and must be executed and sworn to in all respects in the manner of an application for an original license. If a defaced license is available or if a lost or stolen license is afterward recovered, it must be surrendered to the officer issuing the duplicate. A fee of 25 cents must be paid with the application. If the officer applied to is satisfied with the showing made by the application he shall issue a duplicate. The duplicate will bear a new serial number, the same as if it were an original, and shall bear the date of its issuance; but the issuing officer shall write upon the face of the duplicate license and upon the stub thereof the words "duplicate of license No. _____, dated _____," with the serial number and date of the original license filled in.

(b) *Certified copies of licenses.* Licensees needing certified copies of their licenses in the conduct of their business may apply for them. Such applications should be made ordinarily to the officer that issued the license, a copy of which is to be certified. No form is provided for this application. It must be in writing, executed by the licensee; must state the number of certified copies desired, and the purpose for which they are sought. The officer applied to may issue the copies applied for on special unnumbered forms which will be supplied and which will bear upon their face a special form for certification. The certified copies will bear the same serial number and date as the original license.

(c) *Photostatic copies of licenses.* Photostatic copies of an original license, clear and distinct, and of a size not less than that of the original, may be made by licensees and used by them in lieu of duplicate or certified copies, without any application to or certification by any issuing officer. Licensees themselves shall number all such photostatic copies serially, in ink, beginning with the number "1", and shall themselves certify same as copies by writing upon the face thereof, in ink, the words following: "Photostatic copy No. _____," with the signature of the licensee, as appearing on the face of the license (by its proper officers if a firm, corporation, or other organization), under the certificate.

(d) *Unauthorized copies of licenses.* No unauthorized copies of licenses shall be made or kept. Any extra copies of any sort, not certified by a licensing officer, and photostatic copies not numbered and certified by the licensee, shall be immediately destroyed.*

§ 301.11 *Licensing agents; instructions*—(a) *Qualifications of licensing agents.* Licensing Agents must be persons qualified by law to administer oaths and must be citizens of the United States. They should be reputable, well-known residents of the communities in which they are to officiate, and in a position to know personally or to know of as many as possible of the persons who will apply to them for licenses.

(b) *Passing upon application.* Licensing Agents should personally consider each application presented to them, and should carefully weigh the qualifications of the applicant before issuing a license. In many cases where the applicant is personally known to the Licensing Agent, the decision will be easy. In many other cases, evidence accompanying the application will suffice to satisfy the Licensing Agent. (See § 301.6, re qualification of applicants.) The Licensing Agent should not hesitate to defer issuing the license until he has had time to make such investigation as he deems proper. No explanation whatever need be given to the applicant of any such deferment, nor of rejection of the application; and in no case will the Licensing Agent be liable for exercising his discretion in these respects. If in doubt, the Licensing Agent should reject the application. The applicant will have a right to appeal to a Regional Officer.

(c) *Forms and records.* Upon being appointed, Licensing Agents will be supplied with all necessary forms, including the following:

Application for Vendor's, Purchaser's, or Foreman's license.
Vendor's, Purchaser's, Foreman's license—form for original and certified copies.
Notice of rejection of application.
Reports to Director.

Applications should be numbered serially by the Licensing Agent, in the order in which the completed applications are filed with him, beginning with the number one (1). Licenses, on the other hand, will be machine numbered when they are printed, with the same number on both license and stub, and must be issued under the number which they bear. If for any reason a license form is defaced or damaged, it should be destroyed, and a notation to this effect made on the stub. Applications filed and the stubs of issued licenses must be kept safely by Licensing Agents as part of their records, until called for by the Director.

Upon receipt of forms and supplies from the Director, Licensing Agents should make and keep in some safe separate place a notation of the serial numbers of license forms supplied to them, so that they can report promptly to the Director the loss or theft of any such forms, together with their serial numbers. License forms and other records should be kept as securely and safely as possible to guard against loss, theft, or destruction. Records of Licensing Agents, to be kept by them until called for by the Director, include the following:

Original applications filed.
Stubs of licenses issued, both original and certified copies.
Copies of rejections of applications.
Copies of correspondence.

(d) *Reports to the Director.* Licensing Agents shall make monthly reports to the Director, which will include a record of licenses issued during the period, date of issuance, name and address of licensees, and a report containing a summary of the kind of licenses issued and other data on forms supplied for this purpose. These reports should be mailed not later than the 10th of the following month.

(e) *Publicity.* As soon as appointed, Licensing Agents should notify the local newspapers and radio stations of that fact and of their authority to receive applications for and issue licenses under the Act. These are practical ways of notifying the public of its duties under the Act, and of how these duties may be discharged.

(f) *Cooperation with State and local officials.* Licensing Agents should seek help and information from state and local officials and public and private agencies. To this end, they should cooperate with such officials and agencies and maintain cordial relations with them and with the public. Local officials should be informed of the identity of licensing agents and where they may be found.*

§ 301.12 *Appeals, procedure*—(a) *Appeals from Licensing Agents.* An applicant to whom a license is refused by a Licensing Agent may appeal to a Regional Officer for such license. An appeal from a Licensing Agent to a Regional Officer is taken by filing with the Regional Officer an original, and with the Licensing Agent a copy, of a notice of appeal, within thirty days after notice of the rejection of his application by the Licensing Agent. Said notice of appeal shall be a simple statement to the effect that the applicant appeals from the rejection of his application by the Licensing Agent. Within five days after the filing of said copy of notice of appeal with him, the Licensing Agent shall transmit to the Regional Officer the Applicant's original application together with a copy of the notice of rejection thereof, and all endorsements, affidavits, and documents relative thereto and used and considered by the Licensing Agent in passing upon the application. The Licensing Agent may also transmit to the Regional Officer such statement relating to the application as he sees fit.

(b) *Action on appeal by Regional Officer.* The Regional Officer shall review the application and all of the facts and circumstances connected therewith, and within thirty days after the receipt of the appeal papers from the Licensing Agent, shall either grant or withhold the license. If the Regional Officer decides to grant the license, he shall forthwith issue same under his own signature, upon the original application theretofore made, sending a notice of his action, and a duplicate copy of the license issued, to the Licensing Agent appealed from. If the Regional Officer decides to withhold the license, he shall give notice to the applicant in the same manner and to the same effect as provided in § 301.9 (e) with regard to the original rejection by the Licensing Agent, and shall send a duplicate copy of the notice of rejection to the Licensing Agent appealed from.

In considering such appeals, Regional Officers should carefully review the matter. They may in their discretion interview the Licensing Agent appealed from, the applicant appealing, and any other witnesses, without any formal hearing. They may make such general and further investigation of the facts as they see fit. If reasonably convinced that the license applied for should be issued, Regional Officers appealed to should issue same; but if in doubt, they should uphold the Licensing Agent, and reject the application.

(c) *Appeals from Regional Officers.* An applicant to whom a license is refused by a Regional Officer may appeal to the Director. An appeal from a Regional Officer to the Director is taken by filing with the Director an original, and with the Regional Officer a copy, of a notice of appeal, within thirty days after notice of the rejection of his application by the Regional Officer. Said notice of appeal shall be a simple statement to the effect that the applicant appeals from the rejection of his application by the Regional Officer. Within five days after the filing of said notice of appeal with him, the Regional Officer shall transmit to the Director the applicant's original application together with a copy of his notice of rejection and all papers sent up by the Licensing Agent and all documents relative to the matter and considered by the Regional Officer in passing upon the application. The Regional Officer may also transmit to the Director such statement relating to the application as he sees fit.

(d) *Appeals from the Director.* An applicant to whom a license is refused by the Director or any licensee whose license is revoked by the Director may within thirty days after notification of the rejection of his application or the revocation of his license apply to the Council of National Defense for such license or the cancellation of such revocation.

(e) *Hearing, briefs, evidence, on appeal.* The Director may, in his discretion, upon suitable notice, order that a hearing be had upon any appeal, either before the Director or before any officer or referee the Director may appoint, including any Regional Officer, under such regulations as the Director may prescribe. Ordinarily, appeals will be decided upon the appeal papers in the file, accompanied by such briefs or points and authorities, together with affidavits, depositions, and other documentary evidence as the applicant may wish to submit, all of which make up the record on appeal. All papers other than the original or copies of notices of rejection and applications rejected, must be filed with the officer appealed to within twenty days after the appeal is taken, unless an extension of time is secured. Upon appeals to the Director or to the Council of National Defense, evidence, documentary or otherwise, not previously submitted below, need not be considered. Upon all appeals the Director or the United States, by any branch or division of the Federal Government, may be represented, and may submit such briefs and evidence as may be deemed fit.*

§ 301.13 *Records and information not public.* Except for licenses issued and stubs of licenses evidencing their issuance, none of the records provided for under the Act or in these Regulations are public records which may be inspected or used by the general public. All of the records are open to inspection by officers of the Bureau of Mines, officers of the Federal Bureau of Investigation, and of other Federal agencies that may be designated by the Director, and by State, county, and city police officers when authorized by the Director or by one of his personal representatives.

Licensing Agents and Regional Officers shall not make public information which they may receive in connection with applications or appeals on applications, but may divulge any such information to any of the officers referred to above to whom the records are open for inspection.*

§ 301.14 *Licensees; duties and obligations*—(a) *Protection and exhibition of licenses.* Licensees must take every reasonable precaution to protect their licenses from loss, theft, defacement, destruction, or unauthorized duplication. In the event of loss or theft, immediate report must be made to the Director, or the nearest Licensing Agent, Regional Officer, or Explosives Investigator, who will report to the Director. Licensees must not place their licenses or copies thereof in the hands of persons other than their own agents, officers, or persons with whom they are dealing in explosives or ingredients, and must know at all times where and in whose hands their licenses or any copies thereof, may be. Licenses must be exhibited at all times upon demand of any officer of the Bureau of Mines, the Federal Bureau of Investigation, the Department of Justice, the United States Navy Intelligence, the United States Army Intelligence, and upon demand of a Licensing Agent and of State, county, and city police officers.

(b) *Accidents, explosions, and reports thereon.* Licensees must report at once to the Director or to the nearest Explosives Investigator all fires, explosions, accidents and disasters caused by explosives, ingredients, or the use thereof; and thereafter shall make such detailed report thereof and provide such information as the Director, and Explosives Investigator, or any other officer of the Bureau of Mines may call for; and shall admit such officers upon demand to the premises and scene of the occurrence.

(c) *Inspections, investigations, and safety orders.* Explosives Investigators and other officers of the Bureau of Mines may enter at all times the premises where explosives or ingredients are being used, stored, or handled, for the purpose of inspecting the premises and any operations thereon involving the use, storage, or handling of explosives; and licensees shall admit such officers upon demand. All reasonable instructions of said officers regarding the storage, safe-keeping, handling, or use of explosives or ingredients, shall be followed and observed by licensees, unless they appeal within twenty-four hours from the receipt thereof to the Director, Bureau of Mines, Washington, D. C. The maintaining of guards by the licensee at any magazine or place of storage may be a suitable safety order.

(d) *Records of transactions.* One purpose of the Act is to make it possible at all times to know or ascertain the source and the ultimate disposition of all explosives and ingredients covered by the act. To this end licensees must keep full and detailed reports of the acquisition, manufacture, sale, use, or other disposition of explosives and ingredients handled by them. Licensees should keep records adequate and suitable with reference to the nature of their operations and the extent of their transactions. The records of Manufacturers, Vendors, and Foreman must include tabulation of the persons to whom, the amounts in which, and the dates on which explosives or ingredients were sold or issued. The records of Purchasers and Analysts, Educators, Inventors and Investigators must include a showing of the persons from whom, and the dates on which, and the amounts in which explosives or ingredients were purchased or otherwise acquired, and the dates on which, the amounts in which, and the purposes for which they were used. Copies of records must be sworn to and furnished to the Director of the Bureau of Mines or his authorized representative whenever requested.

(e) *Compliance with other laws and regulations.* Licensees should realize that the holding of a license under the Fed-

eral Explosives Act and these Regulations does not relieve them of the necessity and duty of complying with all other laws and regulations, local, State and Federal, pertaining to the same matter.*

§ 301.15 *Instructions for sales.* These instructions apply to sales made by every manufacturer, vendor, dealer, or other person selling explosives or ingredients of explosives.

(a) *Sale to purchaser in person.* No sale shall be made to a purchaser who appears in person (except a sale by a foreman) unless he presents his license or a certified or photostatic copy thereof.

(b) *Sales by mail.* No sale shall be made by mail, telegraph, etc., unless a certified or photostatic copy of the purchaser's license is on file in the seller's office.

(c) *Sales by traveling salesmen.* If the purchaser presents his license to a traveling salesman at the time of the placing of the order, it will not be necessary for him to have a copy on file with the vendor. Such salesman must, however, in forwarding the order to his employer, state that a proper license has been presented to him and give its class and number upon the order.*

§ 301.16 *Instructions for shipments*—(a) *Evidence of license on shipping papers.* (1) The vendor must plainly stamp or mark the number of the consignee's license on the bill of lading and shipping order or on whatever other receipts may be given by the carrier, describing the license as "United States Explosive License No. _____."

(2) The representative of the carrier accepting any such shipment of explosives or ingredients shall cause to be indorsed on the waybill covering the shipment the information as to license number. This information must also be shown on all waybills covering such shipments issued or used by connecting carriers.

(3) Before making delivery to the consignee the agent of any carrier as the final destination of any shipment shall require the consignee to file with him a certified or photostatic copy or to exhibit the original license or a certified or photostatic copy thereof, authorizing such consignee to purchase, accept or receive such explosives or ingredients, and such license must correspond with the waybill as to name and number.

(b) *Authority for hauling.* Truckers, teamsters or other persons hauling explosives to or from delivery stations must be properly authorized by the licensee to accept and haul such material.*

§ 301.17 *Instructions for storage*—(a) *Place of storage.* All explosives or ingredients must be stored in safely locked buildings or they must at all times be otherwise protected against theft.

All explosives to the extent of 25 pounds or less may be stored in strongly constructed wooden boxes which must be kept securely locked at all times, except when being filled or emptied, and which should, whenever possible, be placed in a securely locked building.*

All explosives, except when in process of manufacture, when stored in quantities greater than 25 pounds must be kept in magazines which are properly constructed, safely located, and securely locked, or otherwise protected against theft.

All hasps, staples, and hinges on magazines or storage boxes must be attached by rivets or by bolts properly washered and with the nuts on the inside, or by other equally secure methods.

(b) *Marking of premises.* The premises on which explosives or ingredients that are in themselves explosive are stored must be conspicuously defined and marked by signs containing the words "Explosives—Keep Off."

(c) *Inspection.* The explosives Investigators are authorized to inspect all places where explosives or ingredients are stored, and to require the making of whatever changes in construction, location or safeguarding may be necessary for the proper protection of the contents and of surrounding property. (See § 301.14 (c) relative to guarding of magazines or places of storage.)*

§ 301.18 *Special instructions for vendors*—(a) *Necessity for license.* Every person who purchases explosives or ingredients for resale must obtain a vendor's license except in the case of foremen who obtain foremen's licenses in accordance with the act and regulations. Jobbers, even though they do not themselves physically handle the explosives or ingredients dealt in, shall be considered vendors under these regulations.

(b) *Responsibility for proper sales.* Vendors must satisfy themselves that the customer is the legal owner of the license presented in connection with each sale. Vendors must refuse to sell explosives or ingredients to persons known to them to be disloyal or hostile to the United States, or to be incompetent to possess and use such substances, even though a license may be presented by such persons, and they should make full report at once to the nearest Explosives Investigator or to the Director.*

§ 301.19 *Special instructions for manufacturers*—(a) *Licenses needed.* Every manufacturer of explosives or ingredients, except in the case of manufacture under the authority of the United States Government wholly for the use of the military or naval forces of the United States or the Federal Bureau of Investigation, will require:

(1) A manufacturer's license.

(2) A vendor's license in case a part of the sales made by the manufacturer consists of explosives or ingredients which he has purchased for the purpose of resale.

(b) *Copies of licenses.* A certified copy of each license of the manufacturer must be furnished to every branch office and shipping magazine and to every salesman who actually handles or demonstrates explosives or ingredients. (See § 301.10 re duplicate and certified copies of licenses.)

(c) *Responsibility in disposition of explosives.* Manufacturers. Must satisfy themselves that the customers to whom explosives or ingredients are sold and the employees permitted to sell, handle or have access to explosives or ingredients, are persons qualified to use them properly, who have a legitimate use for them, and are not disloyal or hostile to the United States.*

§ 301.20 *Special Instructions for the manufacture and sale of fireworks*—(a) *Varieties permitted to be manufactured.* None but the following varieties of fireworks may be manufactured:

Firecrackers—imported and domestic (not over 5 inches by ¾ inch).
Roman candles—not over 20 balls.
Rockets—not over 3-pound size.
Wheels of all kinds at present manufactured.
Railroad fuses, colored lights, and all safety signals.
Serpents.
Sparklers.
Toy torpedoes (including "Vesuvius" and "Son-of-a-Gun" torpedoes).
Fountains.
Jack-in-the-box.
Colored shells (up to 6 inches in diameter) not containing detonating compound.
Mines.
Lances.
Paper caps.

(b) *Authority to sell existing stock.* All stock manufactured prior to January 1, 1942, larger in size than that specified in paragraph (a) of this section and stored at factories or in the hands of jobbers or retailers may be sold under license.

(c) *Compliance with other laws.* Nothing in the regulations in this part will permit the manufacture or sale of any fireworks prohibited by local or State laws or by any other Federal law or regulation.

(d) *Purchase of fireworks in small quantities.* No license will be required for the purchase at retail of Chinese firecrackers, American firecrackers, toy torpedoes, serpents, sparklers, or toy paper caps when costing not more than 10 cents per single package.*

§ 301.21 *Special instructions for industries using explosives*—(a) *Licenses needed.* Every owner or operator of a mine, quarry or other industry using explosives or ingredients will require:

(1) A purchaser's license when explosives are bought for use only by his employees and for delivery to them at the mine or operating premises.

(2) A vendor's license where explosives are bought for resale away from the mine or operating premises.

(b) *License needed by employees.* Each employee charged with the custody or distribution of explosives must possess a foreman's license. No unlicensed employee shall issue or distribute explosives. No license is required for employees who purchase or receive from the foreman explosives for use in the mine or on the operating premises for the conduct of their work.

(c) *Care of explosives.* The premises upon which each magazine is located must be marked "Explosives—Keep Off." The magazine shall be securely locked except when explosives are being put into storage in it or issued from it. A magazine shall be in charge of one person, but sufficient authorized persons should be licensed in order to insure constant supervision of the magazine without interruptions. When going off shift the records should be checked and the stock

counted, checked and receipted for by the proper licensee of the succeeding shift.

Foremen shall not issue or sell to any employee in any one day explosives or ingredients in excess of the amount reasonably needed by that employee in his current operations for that work day. Any portion remaining unused by the employee at the end of the day, shall be returned to the custody of the issuing foreman, or his successor, for safekeeping for the employee, to be delivered to him for use on his next work day.

(d) *Records and inventory.* A complete record must be kept of all explosives issued or returned and the name of the licensee issuing or receiving them. If there is more than one magazine at the mine or on the premises separate records must be kept for every one. Daily reports must be made to the office of the owner, operator or superintendent and compiled into a general record. A daily inventory must be taken of the amount and kind of explosives remaining in every magazine and reported to the office of the owner, operator or superintendent, where a daily balance should be struck to determine whether any explosives have been lost or stolen.

(e) *Report of losses or unlawful removal.* If it is found that any explosives have been lost or stolen, such information shall be promptly reported to the nearest Explosives Investigator or to the Director. If there is a series of such losses or if more than 10 pounds are lost within the period of a week, the person in charge shall without delay notify the Explosives Investigator and wire the Director of the Bureau of Mines, Washington, D. C., at Government rate, collect.

Should it come to the knowledge of any person that any employee of the operator or owner of any quarry or mine has unlawfully removed explosives from the place where he is employed, such person shall immediately report such knowledge to the local authorities, to the nearest Explosives Investigator, and by wire to the Director, Bureau of Mines, Washington, D. C., Government rate, collect, and should he fail to do so he shall be deemed to have violated the act under the authority of which this rule has been made.

(f) *Posting regulations.* Every owner or operator shall be responsible for posting conspicuously upon the premises where explosives are used or stored the regulations providing instructions for storage and special instructions for industries using explosives. These instructions and the act must be explained to each employee whose duties may require him to use, sell, issue or transport explosives.*

§ 301.22 *Instructions for Explosives Investigators*—(a) *Purpose and nature of supervision.* The regulations promulgated under the Federal Explosives Act contemplate such supervision of explosives and ingredients as will keep them out of the hands of those who might use them illegally, and by a series of checks and counter-checks the following up of such materials continuously from their origin to final consumption, thus insuring legitimate use. The Explosives Investigators will act as personal representatives of the Director in the respective States to which accredited, keeping him informed at all times of matters coming within their purview which relate to the manufacture, shipment, storage handling, sale and use of explosives and ingredients thereof.

(b) *Violations of the act, discovery, etc.* Explosives investigators are charged with the investigation of all phases of the administration of the Federal Explosives Act, and the discovery of violations thereof or of these regulations. They shall investigate thefts of explosives or ingredients, and explosions, fires, accidents, and other incidents connected with explosives, ingredients, or their use, to determine whether violations of the act or any other offense or crime is involved, and to discover how such occurrences could be prevented. They shall investigate fraud or suspected fraud in the proceedings for securing licenses under the act and in the use to which licenses are put after they are issued.

(c) *Power to enter and inspect premises and operations.* Explosives Investigators are authorized to enter at all reasonable times in or upon the premises or scene of operations of all licensees under the act or any persons who handle, manufacture, store, deal in, or use explosives or ingredients; and to inspect, investigate, or observe such operations.

Licensees shall admit Explosives Investigators or other officers of the Bureau of Mines upon demand, and will be guilty of interfering with the duties of such officers and of violating the act if they fail, neglect, or refuse to admit them or to afford facilities for their entry.

(d) *Cooperation with Government agencies.* Explosives Investigators shall cooperate with and aid other law enforcement agencies, local, State and Federal, police or otherwise, including other officers of the Bureau of Mines, Licensing Agents, Regional Officers, the Federal Bureau of Investigation, the Department of Justice, the United States Army Intelligence, and United States Navy Intelligence. They should make themselves known to all such officers and agencies to the end that such cooperation may be secured.

(e) *Reports.* Explosives Investigators shall report to the Director their activities and all occurrences and events which require their observation or investigation. If they deem it advisable, Explosives Investigators may report also to State or local police or other authorities in matters requiring immediate observation, arrest, or other police action.*

R. R. SAYERS,
Director.

Approved: December 27, 1941.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-403; Filed, January 15, 1942; 10:48 a. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 2 to Supplementary General Limitation Order L-3-e Further Restricting Sale and Delivery of Light Motor Trucks

Section 976.9,[1] as amended (*Supplementary General Limitation Order L-3-e*) is hereby further amended by changing the expiration date thereof from "January 15, 1942" to "February 2, 1942."

This amendment shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 14th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-399; Filed, January 15, 1942; 9:50 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 2 to Supplementary General Limitation Order L-1-c Restricting Sale and Delivery of Medium and Heavy Motor Trucks and Truck Trailers

Section 976.10,[2] as amended (*Supplementary General Limitation Order L-1-c*) is hereby further amended by changing the expiration date thereof from "January 15, 1942" to "February 2, 1942".

This amendment shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 14th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

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PART 981—PASSENGER AUTOMOBILES

Amendment No. 2 to Supplementary General Limitation Order L-2-f Restricting Sale and Delivery of Passenger Automobiles

Section 981.7,[2] as amended (*Supplementary General Limitation Order*

[1] 7 F.R. 116, 218.
[2] 7 F.R. 116, 219.

L–2–f) is hereby further amended by changing the expiration date thereof from "January 15, 1942" to "February 2, 1942."

This amendment shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 14th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–397; Filed, January 15, 1942; 9:50 a. m.]

PART 1018—TIN FOIL AND LEAD FOIL

Revocation of Limitation Order L–25

Whereas § 1001.2[1] (Priorities Division, *Conservation Order No. M–43* (a) Curtailing the Use of Tin in Certain Items) limits or forbids the use of tin in foil for many purposes, and

Whereas § 984.4[2] (Priorities Division, *Conservation Order No. M–38* (c) Curtailing the Use of Lead in Certain Items) limits or forbids the use of lead in foil for many purposes,

Now, therefore, it is hereby ordered, That § 1018.1[3] (Priorities Division, *Limitation Order L–25* To Limit the Use of Tin Foil and Lead Foil), as amended, is hereby revoked.

This Order shall be effective immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 15th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–443; Filed, January 15, 1942; 11:52 a. m.]

PART 1039—SODIUM NITRATE

General Preference Order No. M–62 to Conserve the Supply and Direct the Distribution of Sodium Nitrate

Whereas, the national defense requirements have created a shortage of Sodium Nitrate, as hereinafter defined, for defense, for private account, and for export and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 1039.1 *General Preference Order M–62—(a) Definitions.* For the purposes of this Order:

(1) "Sodium nitrate" means the commercial material containing up to 16.47% nitrogen, from whatever source derived, known as nitrate of soda.

(2) "Producer" means any person engaged in the production of sodium nitrate and includes any person who has sodium nitrate produced for him pursuant to toll agreement.

(3) "Distributor" means any person who has purchased or purchases sodium nitrate for purposes of resale or acts as a sales agent for any person engaged in the production or sale of sodium nitrate.

(b) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(c) *Assignment of preference rating to certain defense orders.* Deliveries under all defense orders which have not been assigned a higher preference rating are hereby assigned a preference rating of A–10.

(d) *Restrictions on deliveries.* On and after February 1, 1942, no sodium nitrate may be delivered to any person by a producer or a distributor, except as may be specifically directed by the Director of Priorities; and no person shall accept delivery of sodium nitrate in violation of the foregoing clause. At the beginning of each calendar month the Director of Priorities will issue to all producers and distributors specific directions covering deliveries of sodium nitrate which may be made by such producers or distributors during such month. Such directions will be made primarily to insure the satisfaction of all defense requirements and to provide an adequate supply for essential civilian uses as for agricultural purposes, meat processing and preservation, industrial nitric acid, potassium nitrate and industrial explosives for governmental projects, mining (metallic and non-metallic), quarrying, petroleum exploration and development, production of forest products, railroad and highway construction and agriculture, and they may be made at the discretion of the Director of Priorities without regard to any preference ratings assigned to particular contracts or orders. If the Director of Priorities shall not have issued, by the first day of the month, specific directions covering deliveries of sodium nitrate which may be made during such month, producers and distributors may, subject to the provisions of Priorities Regulation No. 1, make deliveries of sodium nitrate without limitation.

(e) *Reports.* Reports shall be made by producers and distributors at such times on such forms and with respect to such materials as shall be prescribed by the Chemicals Branch of the Office of Production Management. In addition persons who order or receive sodium nitrate from a producer or distributor shall furnish to the said Chemicals Branch information with respect to requirements and use of such material at such times and on such forms as the said Chemical Branch shall prescribe. All persons shall furnish such other and further information as the said Chemicals Branch may deem necessary for the orderly and effective operation of this Order.

(f) *Notification of customers.* Producers shall, as soon as practicable, notify each of their regular customers of the requirements of this Order, but the failure to give such notice shall not excuse any person from the obligation of complying with the terms of this Order.

(g) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining further deliveries and materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (a) of the Criminal Code (18 U.S.C. 80).

(h) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of sodium nitrate conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Office of Production Management, Reference: N–62, attention Chemicals Branch, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(i) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6630; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 15th day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42–400; Filed, January 15, 1942; 9:50 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1335—CHEMICALS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 21—FORMALDEHYDE[1]

Sections 1335.58 and 1335.60 are hereby amended to read as follows:

[1] 7 F.R. 33.
[2] 7 F.R. 219.
[3] 6 F.R. 5954, 6766.

[1] 6 F.R. 4254.

§ 1335.58 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Formaldehyde" means (1) U. S. P. solution of formaldehyde (37% formaldehyde by weight) and (2) any other solution of formaldehyde;

(c) "Producer's shipping point" means any of the following points: Garfield, N. J.; Perth Amboy, N. J.; West Haverstraw, N. Y.; or Tallant, Oklahoma.

§ 1335.60 *Appendix A—(a) Maximum prices for formaldehyde shipped from producers' shipping points—(1) Maximum prices for U. S. P. solution of formaldehyde (37% formaldehyde by weight).*

Quantity in pounds and containers	Price per pound f. o. b. New York, N. Y., or West Haverstraw, N. Y., or Garfield, N. J., or Perth Amboy, N. J., or Tallant, Okla.	
	Carload lots	Less than carload lots
Tank cars (70,000–72,000 lbs.)	$.0425	
Tank truck or wagon		$.0450
Drums (475 lbs.)	.0540	.0590
Barrels (450 lbs.)	.0575	.0625
Kegs (225 lbs.)	.0675	.0725
Half barrel (225 lbs.)	.0675	.0725
Barrels (200 lbs.)		.0725
Keg (125 lbs.)	.0700	.0750
Carboys (100 lbs.)	.0600	.0650
Kegs (90 lbs.)	.0750	.0900
Kegs (60 lbs.)	.0800	.0850
Carboys (45 lbs.)	.0700	.0750
Drums (45 lbs.)		.0850
Kegs (45 lbs.)	.0900	.0950

(2) *Maximum prices for solutions of formaldehyde, other than U. S. P. (37% formaldehyde by weight).* The maximum prices for solutions of formaldehyde, other than U. S. P. solution (37% formaldehyde by weight), shall be the maximum prices set forth above, multiplied by the number of pounds of formaldehyde by weight contained in 100 pounds of any such solution (for which the price is to be determined) and divided by 37.

The maximum price which a purchaser may pay under this Schedule for any solution of formaldehyde shipped to him from a producer's shipping point shall not exceed the maximum price established by subparagraphs (1) and (2) above plus freight to destination from New York, N. Y.; West Haverstraw, N. Y.; Garfield, N. J.; Perth Amboy, N. J.; or Tallant, Oklahoma, whichever is less.

In no case shall the price of any quantity of formaldehyde sold in containers holding 45 pounds or more, but not listed above, exceed the maximum price set forth above for a container holding the next greater quantity.

(b) *Maximum prices for formaldehyde delivered from local stocks.* The maximum price for formaldehyde delivered from local stocks maintained at points other than producers' shipping points shall not exceed a price ex seller's warehouse equal to the maximum prices established by paragraph (a) above plus freight to seller's warehouse from New York, N. Y.; West Haverstraw, N. Y.; Garfield, N. J.; Perth Amboy, N. J.; or Tallant, Oklahoma, whichever is less, plus one cent per pound.

(c) *Containers.* For formaldehyde shipped in carboys or drums, a reasonable charge for the respective containers may be added to the above maximum prices. No charge for containers may be added to the maximum prices established above for formaldehyde shipped in barrels or kegs. E.O. 8734, 8875, 6FR-1917, 4483)

Issued this 15th day of January 1942.

This amendment No. 1 shall become effective January 15, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–440; Filed, January 15, 1942; 11:53 a. m.]

PART 1346—BUILDING MATERIALS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 40—BUILDERS' HARDWARE AND INSECT SCREEN CLOTH[1]

Section 1346.9, classifications entitled *"Miscellaneous Door Hardware"*, *"Miscellaneous"*, and *"Insect Screen Cloth"* are hereby amended to read as follows:

§ 1346.9 Appendix A; *products subject to the Schedule:*

* * * * *

Miscellaneous door hardware. Door closers, door holders, door bumpers, door stays, square spring bolts, door pulls, door-bell plates and -pushbuttons, door bolts, door checks (screen), door fasteners (chain), thumb latches, push and kick plates, panic bolts, exit bolts, door stops.

* * * * *

Miscellaneous. Letter box plates, number plates, name plates, house numbers, snap catches, closet locks, thumb latches, transom and sash pivots, transom chains, transom lifters, transom catches, spring window bolts.

Insect screen cloth. Commercial bronze, hand-drawn copper, koolshade fabric. (Executive Order Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective January 15, 1942.

Issued this 15th day of January, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–442; Filed, January 15, 1942; 11:53 a. m.]

PART 1347—PAPER AND PAPER PRODUCTS

AMENDMENT NO. 4 TO PRICE SCHEDULE NO. 30[1]—WASTEPAPER SOLD EAST OF THE ROCKY MOUNTAINS

Section 1347.10, Appendix A, (a) is hereby amended by striking the words and numbers "Old Kraft Corrugated Containers"——$27.00" from the list of grades and prices set forth therein, and by striking therefrom Footnote 9 and amending Footnote 8 to read as follows:

§ 1347.10 *Appendix A: maximum prices for wastepaper sold east of the Rocky Mountains.*

* * * * *

[8] "Old Corrugated Containers" shall consist of used corrugated or solid fibre containers of Kraft or any other paper substance free from foreign materials, mixed and objectionable papers, and packed in large machine compressed bales weighing 650 pounds or more. (Executive Orders Nos. 8734, 8875; 6 F.R. 1917, 4483)

This amendment No. 4 shall become effective January 19, 1942.

Issued this 15th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–441; Filed, January 15, 1942; 11:54 a. m.]

CHAPTER XIII—OFFICE OF PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

[Recommendation No. 16, Amendment]

PART 1504—PROCESSING AND REFINING

AVIATION GASOLINE

Pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, §§ 1504.15, 1504.16 and 1504.17 (Recommendation No. 16, dated December 9, 1941[1]) are hereby amended to read as follows:

§ 1504.15 *Terms of existing contracts to be filed.* Within 30 days from the date hereof there shall be filed in the Office of Petroleum Coordinator for National Defense a full statement of the terms of existing contracts and agreements for the storage, use, sale, or other disposition of all grades of aviation gasoline and all grades of aviation gasoline base stocks and blending agents.*

*§§ 1504.15 to 1504.17, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1504.16 *Prior review of action affecting aviation gasoline.* Except where in accordance with the provisions of an approved plan formulated under the provisions of § 1504.11, after the date hereof no action shall be taken by any producer or refiner of any grade of aviation gasoline, aviation gasoline base stocks or aviation gasoline blending agents with respect to the use, sale, or other disposition thereof without giving antecedent advice thereof to the Petroleum Coordinator for National Defense in order that he may have an opportunity to make specific recommendation with respect thereto: *Provided*, That notice shall not be required with respect to the production, storage, use, sale or other disposition of those grades of aviation gasoline which fulfil the requirements of § 1504.4 of this chapter (Recommendation No. 8, Supplement): *And*

[1] 6 F.R. 5765, 5851.
[2] 6 F.R. 4822, 5842, 5885, 6457.

[1] 6 F.R. 6433.

provided further, That subsequent notice shall be sufficient with respect to:

(a) any increase in the production or storage of aviation gasoline base stocks and aviation gasoline blending agents; and

(b) emergency deliveries to the War or Navy Departments."

§ 1504.17 *Meetings.* Meetings of the Committees or Subcommittees and representatives of the petroleum industry shall be held from time to time for the purpose of preparing the plans provided for in § 1504.11, and the Committee or Subcommittees shall meet from time to time with any Committees or Subcommittees established by the Office of Production Management or other Federal agency to study the problems involved in the production of all grades of aviation gasoline, aviation gasoline base stocks or aviation gasoline blending agents. Where it is found by any Committee or Subcommittee to be necessary or appropriate that the plans provided for in § 1504.11 of this chapter apply to more districts than one, joint meetings of the Committees or Subcommittees and representatives of the petroleum industry shall be held for the purpose of preparing any plan or plans covering more than one district. The Committees or Subcommittees and representatives of the petroleum industry shall, upon the approval of any of the aforesaid plans by the Chief Counsel of the Office of Petroleum Coordinator for National Defense, and pursuant to the direction of the Petroleum Coordinator for National Defense, meet from time to time, jointly, where the plan applies to more than one district, for the purpose of doing all things necessary to carry into effect any such plan in accordance with the foregoing provisions of this Recommendation."

R. K. DAVIES,
Deputy Petroleum Coordinator for National Defense.

[F. R. Doc. 42-392; Filed, January 14, 1942; 1:24 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER II—BUREAU OF RECLAMATION

[No. 29]

PART 402—ANNUAL WATER CHARGES[1]

BOISE IRRIGATION PROJECT—PUBLIC NOTICE OF ANNUAL WATER CHARGES[2]

DECEMBER 29, 1941.

1. *Annual water charges.* The annual operation and maintenance charges for the irrigation season of 1942, and thereafter until further notice, against all lands of the Arrowrock division, Boise irrigation project, Idaho-Oregon, within the Settlers Irrigation District, and other lands of the Arrowrock division not included in the Boise-Kuna, Wilder, Nampa and Meridian, New York and Big Bend irrigation districts shall be one dollar and fifteen cents ($1.15) for the first three (3) acre-feet of water and thirty (30) cents for each additional acre-foot; but a minimum charge of one dollar and fifteen cents ($1.15) will be made against each irrigable acre and must be paid as toll before any water is delivered. The minimum operation and maintenance charge will be due and payable to the Board of Control, Boise, Idaho, on April 1 preceding the irrigation season. Charges for additional water will be payable to the Board of Control, upon demand.

JOHN J. DEMPSEY,
Under Secretary.

[F. R. Doc. 42-396; Filed, January 15, 1942; 9:25 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

PART 122—MONTHLY OPERATING REPORTS

NOTICE

JANUARY 2, 1942.

In copies of the Commission's order entered November 25, 1941, in the matter of selected income and balance sheet items, the date of the order cancelled therein was incorrectly shown as November 4, 1941, instead of November 4, 1940.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-426; Filed, January 15, 1942; 11:20 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-141]

IN THE MATTER OF WASSON COAL COMPANY, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 10, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 12, 1941, by Bituminous Coal Producers Board for District No. 10, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 20, 1942, at 9 a. m., at a hearing room of the Bituminous Coal Division at the County Court House, Harrisburg, Illinois.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That said defendant, whose address is Harrisburg, Illinois, during the period October 1, 1940, to July 1, 1941, both dates inclusive, disposed of substantial quantities of reject or gob (refuse) coal, produced by said defendant at its Wasson No. 1 Mine, Mine Index No. 184, located in Saline County, Illinois, District No. 10, to T. O. Endicott, Harrisburg, Illinois, in exchange for the services of hauling away such coal from said mine, which disposition constituted a sale of coal for which no minimum prices, either temporary or final, had been established, in violation of the Order of the Director entered in General Docket No. 19, dated October 9, 1940; or

That said defendant, during said period, disposed of substantial quantities of various sizes of coal produced at said mine to said T. O. Endicott, in exchange for the services of hauling such coal from said mine, the value of which services were in effect less than the applicable minimum prices for such coal as set forth in the Schedule of Effective Minimum Prices for District No. 10 for Truck Shipments;

That said defendant, during the aforesaid period, permitted the said T. O. Endicott, Harrisburg, Illinois, to reclaim marketable or gob (refuse) coal for sale, and by means of this device extended a privilege to the said T. O. Endicott which was not extended to all purchasers under like terms and conditions, which constituted a violation of section 4 II (i) 6 of the Act, Part II (i) 6 of the Code, and Rule 6 of section XIII of the Marketing Rules and Regulations.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-404; Filed, January 15, 1942; 11:07 a. m.]

[Docket No. B-178]

IN THE MATTER OF WILMER FRENCH AND LEWIS FRENCH, INDIVIDUALLY AND AS COPARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF FRENCH & SON, (FRENCH & SON, (LEWIS FRENCH)), CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 2, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 5, 1942, by The Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 17, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Bedford, Indiana.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That defendants, whose addresses are R. F. D. #1, Shoals, Indiana, during the period June 2, 1941, to August 11, 1941, both dates inclusive, sold, delivered, and offered to sell to the French Lick Hotel, French Lick, Indiana, approximately 280.84 net tons of 1" x 0 screenings coal, produced by defendants at defendants' French Mine, Mine Index No. 412, located in Halbert Township, Martin County, Indiana, in District No. 11, at $1.35 per net ton f. o. b. said French Lick Hotel, French Lick, Indiana, whereas this coal is classified as Size Group 14 and is priced at $1.55 per net ton f. o. b. said mine in the Schedule of Effective Minimum Prices for District No. 11 For Truck Shipments; that the distance from the said mine to said hotel is approximately 14 miles.

That said defendants, during the period October 1, 1940, to March 31, 1941, both dates inclusive, failed to maintain and file tickets, sales slips, invoices, other memoranda and records, and data as required by Order No. 296, dated September 25, 1940, and Order No. 307, dated December 11, 1940.

Notice is also hereby given that upon determination that the defendants have committed any one or more of the violations as alleged in the complaint, an order may be entered either revoking the code membership of the defendants or directing the defendants to cease and desist from violating the Code and regulations made thereunder.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-405; Filed, January 15, 1942; 11:07 a. m.]

[Docket No. B-160]

IN THE MATTER OF ROBERT VAAL, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated December 4, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on December 8, 1941, by Bituminous Coal Producers Board for District No. 11, a district board, complainant, and complainant herein, pursuant to an Order of the Acting Director dated January 14, 1942, having duly filed herein an amendment dated December 6, 1941 to the complaint dated December 4, 1941, heretofore filed with the Bituminous Coal Division, alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 17, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Bedford, Indiana.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendations of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the

[1] Affects tabulation in § 402.2e.

[2] Act of June 17, 1902, 32 Stat., 388, as amended or supplemented.

Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the said defendant, whose address is St. Meinrad, Indiana, sold coal produced by said defendant at his Vaal Mine, Mine Index No. 623, located in Harrison Township, Spencer County, Indiana, District No. 11, as follows:

(a) TO ARTHUR HICKS

Date of sales 1941	Number of tons	Size of coal	Size group No.	Selling price per net ton f. o. b. mine	Minimum price per net ton f.o.b. mine
Jan. 1 to Aug. 11	413	1¼" x 0 slack	14	$0.50	$1.40

(b) TO VARIOUS PURCHASERS

July 2 to Aug. 11	108.85	2½" lump	3	$2.20	$2.40
	4	2½" x 1"	6	1.80	2.20
Aug. 12 to Oct. 10	288.88	2½" lump	3	2.25	2.40
	167.18	2½" lump	3	2.20	2.40
	4.8	2½" lump	3	1.70	2.40
	11.49	2½" x 1" nut	6	1.85	2.20
	44.92	1¼" x 0 screenings	14	.50	1.40

That said defendant incorrectly billed a portion of the coal sold to various purchasers, as stated in paragraph (b) above, as follows:

Actual size	Size group number	Billing size	Tons
2½" lump	3	1¼" lump	44.5
2½" lump	3	1¼" lump	474.80
2½" x 1" nut	6	1½" x 1" nut	7.2
2½" x 1" nut	6	2" x 1" nut	4.20
1¼" slack	14	1" slack	38.92
1¼" slack	14	1¼" slack	6.00

That said defendant has failed to maintain and keep on file truck tickets, sales slips, invoices, other memoranda or records, and data relating to sales and shipments of 1¼" x 0 slack coal produced by said defendant at his said mine, and sold by him for shipment by truck, during the period January 1, 1941 to August 11, 1941, inclusive, as required by Order No. 307, dated December 11, 1940, and Order No. 312, dated February 24, 1941.

Notice is also hereby given that upon determination that the defendant has committed any one or more of the violations as alleged in the complaint, an order may be entered either revoking the code membership of the defendant or directing the defendant to cease and desist from violating the Code and regulations made thereunder.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-406; Filed, January 15, 1942; 11:08 a. m.]

[Docket No. B-123]

IN THE MATTER OF JOHN L. NAPIER AND SHELBY HENSLEY, INDIVIDUALLY, AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF NAPIER AND HENSLEY, [JOHN L. NAPIER AND SHELBY HENSLEY, (NAPIER AND HENSLEY)], CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 13, 1941, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 14, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 17, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendants, John L. Napier and Shelby Hensley, co-partners, doing business under the name of Napier and Hensley, Pineville, Kentucky, code member in District No. 8, operating mines designated as Mine Index No. 1516 and Mine Index No. 1542, located in Bell County, Kentucky, on or about July 10, 1941, wilfully violated the provisions of the Bituminous Coal Act, the Code and the effective minimum prices and regulations established thereunder, by selling, delivering and offering to sell to the United States Government at the price of $2.15 per net ton delivered to the United States Post Office at Pineville, Kentucky, approximately 12½ tons of high volatile mine run coal, Size Group No. 6, produced by the defendants at their mine, Mine Index No. 1542, located approximately 2½ miles from Pineville, Bell County, Kentucky, thereby failing to add to the effective minimum price of $2.15 per net ton f. o. b. said mine for said coal, as set forth in the Schedule of Effective Minimum Prices for District No. 8, for Truck Shipments, an amount at least equal, as nearly as practicable, to the actual cost of transportation charges, handling charges, or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operation) from the transportation facilities at the mine to the point from which all such charges were assumed and directly paid by the purchaser as required by Price Instruction (A) 5 of said schedule.

Between October 15, 1940, and June 1, 1941, wilfully violated the provisions of the Bituminous Coal Act, the Code, and the effective minimum prices and regulations established thereunder, by selling, delivering and offering to sell to the County of Bell, Kentucky, at the price of $2.15 per net ton delivered to the United States Post Office at Pineville, Kentucky, approximately 86.5 tons of high volatile mine run coal, Size Group No. 6, and approximately 84.75 tons of high volatile stoker coal, Size Group No. 5, produced by the defendants at their mine, Mine Index No. 1542, located approximately 2½ miles from Pineville, Bell County, Kentucky, thereby failing to add to the effective minimum price of $2.15 per net ton f. o. b. said mine for said coal, as set forth in the Schedule of Effective Minimum Prices for District No. 8, for Truck Shipments, an amount at least equal, as nearly as practicable, to the actual cost of transportation charges, handling charges, or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operation) from the transportation facilities at the mine to the point from which all such charges were assumed and directly paid by the purchaser as required by Price Instruction (A) 5 of said schedule.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-407; Filed, January 15, 1942; 11:08 a. m.]

[Docket No. B-124]

IN THE MATTER OF JOHN L. NAPIER AND SHELBY HENSLEY, INDIVIDUALLY, AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF NAPIER AND HENSLEY [JOHN L. NAPIER AND SHELBY HENSLEY (NAPIER AND HENSLEY)], CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 14, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 17, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room City Hall, Middlesboro, Kentucky.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendants, John L. Napier and Shelby Hensley, co-partners, doing business under the name of Napier and Hensley, Pineville, Kentucky, code member in District No. 8, operating mines designated as Mine Index No. 1516 and Mine Index No. 1542, located in Bell County, Kentucky, on or about July 10, 1941, wilfully violated the provisions of the Bituminous Coal Act, the Code and the effective minimum prices and regulations established thereunder, by selling, delivering and offering to sell to the United States Government at the price of $2.15 per net ton delivered to the United States Post Office at Pineville, Kentucky, approximately 12½ tons of high volatile mine run coal, Size Group No. 6, produced by the defendants at their mine, Mine Index No. 1516, located approximately 2½ miles from Pineville, Bell County, Kentucky, thereby failing to add to the effective minimum price of $2.15 per net ton f. o. b. said mine for said coal, as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments, an amount at least equal, as nearly as practicable, to the actual cost of transportation charges, handling charges, or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operation) from the transportation facilities at the mine to the point from which all such charges were assumed and directly paid by the purchaser as required by Price Instruction (A) 5 of said schedule.

Between October 15, 1940, and June 1, 1941, wilfully violated the provisions of the Bituminous Coal Act, the Code, and the effective minimum prices and regulations established thereunder, by selling, delivering and offering to sell to the County of Bell, Kentucky, at the price of $2.15 per net ton delivered to the United States Post Office at Pineville, Kentucky, approximately 86.5 tons of high volatile mine run coal, Size Group No. 6, and approximately 84.75 tons of high volatile stoker coal, Size Group No. 5, produced by the defendants at their mine, Mine Index No. 1516, located approximately 2½ miles from Pineville, Bell County, Kentucky, thereby failing to add to the effective minimum price of $2.15 per net ton f. o. b. said mine for said coal, as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments, an amount at least equal, as nearly as practicable, to the actual cost of transportation charges, handling charges, or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operation) from the transportation facilities at the mine to the point from which all such charges were assumed and directly paid by the purchaser as required by Price Instruction (A) 5 of said schedule.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-408; Filed, January 15, 1942; 11:09 a. m.]

[Docket No. B-126]

IN THE MATTER OF EVANS AND ROWELL, A PARTNERSHIP, ALSO KNOWN AS LANDY EVANS AND AMOS ROWELL, CO-PARTNERS, TRADING AND DOING BUSINESS UNDER THE NAME AND STYLE OF EVANS AND ROWELL, CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 24, 1941, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 30, 1941, by Bituminous Coal Producers Board for District No. 13, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 24, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Tutwiler Hotel, Birmingham, Alabama.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows:

That said defendants whose mine postoffice address is R. F. D. No. 2, Delmar, Alabama, subsequent to July 1, 1941, violated the provisions of the Code and effective minimum prices by selling a quantity of mine run coal produced by defendants at their Bell No. 1 Mine, Mine Index No. 426, located at Delmar, Marion County, Alabama, District No. 13, to J. O. Springer, Sheffield Coal Company, Sheffield, Alabama, for transportation by truck at $2.25 per net ton f. o. b. the mine, whereas this coal is classified as Size Group No. 13, and is priced at $2.90 per net ton f. o. b. the mine, in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipment.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-409; Filed, January 15, 1942; 11:09 a. m.]

[Docket No. B-154]

IN THE MATTER OF C. E. FADDIS, A CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 25, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 26, 1941, by the Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 17, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937; may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendant, C. E. Faddis, Corbin, Kentucky, during the period August 14, 1941 to August 28, 1941, both dates inclusive, sold to T. P. Bailey, Purchasing Agent, Corbin Central Repair Shop, Civilian Conservation Corps, approximately 40 tons of ½" x 0 slack coal, Size Group No. 8, and 25 tons of run of mine coal, Size Group No. 6, produced at defendant's C. E. Faddis Mine (Mine Index No. 1846), located in Whitley County, Kentucky, Subdistrict No. 6 of District No. 8, at prices of 15 cents per net ton f. o. b. the mine for ½" x 0 slack coal and $1.50 per net ton f. o. b. the mine for the run of mine coal, whereas the applicable minimum prices established for said coal were $1.50 per net ton f. o. b. the mine for the ½" x 0 slack coal and $2.15 per net ton f. o. b. the mine for the run of mine coal, as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-410; Filed, January 15, 1942; 11:09 a. m.]

[Docket No. 1646-FD]

IN THE MATTER OF E. R. ELLINGTON, DEFENDANT

ORDER RESCHEDULING HEARING

The above-entitled matter having been originally scheduled for hearing at Birmingham, Alabama, on May 27, 1941, pursuant to Order of the Director dated April 25, 1941, and subsequently postponed pursuant to the Order of the Director dated October 16, 1941, to a date and hearing room to be thereafter designated by appropriate order; and

It appearing to the Acting Director that the date and place of hearing should now be designated;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held on February 24, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Tutwiler Hotel, Birmingham, Alabama; and

It is further ordered, That the provisions of the Notice of and Order for Hearing dated April 25, 1941, shall in all other respects remain in full force and effect.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-411; Filed, January 15, 1942; 11:09 a. m.]

[Docket No. B-140]

IN THE MATTER OF WASSON COAL COMPANY, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 10, 1941, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 12, 1941, by Bituminous Coal Producers Board for District No. 10, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 20, 1942, at 9 a. m., at a hearing room of the Bituminous Coal Division at the County Court House, Harrisburg, Illinois.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That said defendant, whose address is Harrisburg, Illinois, during the period November 18, 1940 to May 27, 1941, both dates inclusive, sold substantial quantities of reject or gob (refuse) coal, produced by said defendant at its Wasson Mine, Mine Index No. 183, located in Saline County, Illinois, District 10, to H. A. Foster, whose address is Muddy, Illinois, at two (2) cents per net ton, whereas minimum prices, either temporary or final, had not been established by the Division for said coal; or

That said defendant, during said period, disposed of substantial quantities of various sizes of coal produced by said defendant at its said mine, to the said H. A. Foster at two (2) cents per net ton, which price was below the effective minimum price established for said coal as set forth in the Schedule of Effective Minimum Prices for District No. 10 For Truck Shipments.

That said defendant, during the aforesaid period, permitted the said H. A. Foster, Muddy, Illinois, to reclaim marketable coal from reject or gob (refuse) coal for resale, in local competition and by means of this device extended a privilege to the said H. A. Foster which was not extended to all purchasers under like terms and conditions.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-412; Filed, January 15, 1942; 11:10 a. m.]

[Docket No. B-144]

IN THE MATTER OF THE LIVINGSTON-MT. OLIVE COAL COMPANY, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 10, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 12, 1941, by the Bituminous Coal Producers Board for District No. 10, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 21, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Broadview Hotel, East St. Louis, Illinois.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service

thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the said defendant, whose address is Livingston, Illinois, sold to Model Glove Company, Greenville, Illinois, during the period August 1 to August 25, 1941, both dates inclusive, approximately 276.85 net tons of 4" x 0 coal (mine run) produced by said defendant at its Livingston Mine No. 1, Mine Index No. 88, located in Madison County, Illinois, District No. 10, at $1.25 per net ton f. o. b. said mine, whereas this coal is classified as Size Group 7 and is priced at $1.65 per net ton f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 10 For Truck Shipments, which transactions constituted sales of coal at prices below the minimum therefor established by the Division, and violations of section 4 II (e) of the Act and Part II (e) of the Code.

That said defendant, in selling the aforesaid coal, failed to invoice said coal under the size, price classification and other designations therefor in said Schedule, which failure constituted a violation of Rule 2 of Section XII of the Marketing Rules and Regulations.

That said defendant, in selling the aforesaid coal intentionally misrepresented the size thereof by representing its size to be 1½" screenings, which constituted a violation of section 4 II (i) of the Act, Part II (i) of the Code, and Rule 8 of Section XIII of the Marketing Rules and Regulations.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-413; Filed, January 15, 1942; 11:10 a. m.]

[Docket No. B-142]

IN THE MATTER OF SAHARA COAL COMPANY, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 10, 1941 pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 12, 1941, by the Bituminous Coal Producers Board for District No. 10, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 27, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 705, U. S. Custom Court Building, Chicago, Illinois.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the said defendant, whose address is 59 E. Van Buren Street, Chicago, Illinois, sold as washed, dried 1" stoker screenings approximately 97.7 tons of coal to Wright and Company, 407 South Dearborn St., Chicago, Illinois, on or about February 1, 1941, and approximately 94.45 tons to J. W. Peterson Coal Company, 800 West Division St., Chicago, Illinois, on or about February 3, 1941; and sold as washed, dried 1½" stoker screenings approximately 47.65 tons of coal to Everhard Coal Company, 5619 Broadway, Chicago, Illinois, on or about February 3, 1941, at the effective minimum price of $1.80 per net ton established for Size Group 24 in the Schedule of Effective Minimum Prices For District No. 10 For All Shipments Except Truck, whereas the size dimensions of said coal did not warrant that designation. This coal should have been classified in a larger size group and sold at a correspondingly higher price than that at which it was sold. The transactions, therefore, constituted sales of coal at sizes which were intentionally misrepresented and at prices which were below the effective minimum prices therefor, and were therefore in violation of sections 4 II (e) and 4 II (i) 8 of the Act, and Part II (e) and Part II (i) 8 of the Code, and Rule 8 of Section XIII of the Marketing Rules and Regulations.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-414; Filed, January 15, 1942; 11:10 a. m.]

[Docket No. B-156]

IN THE MATTER OF Q. E. SEXTON, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 25, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 26, 1941, by Bituminous Coal Producers Board for District No 8, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 17, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Court Room, City Hall, Middlesboro, Kentucky.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental or related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, whose address is R. F. D. No. 1, Habersham, Tennessee, on or about August 19, 1941, sold, delivered or offered to sell to Claude Hatmaker and A. D. Terry of Vasper, Tennessee, for truck shipment, approximately 6.29 tons of ¾" and under, high volatile slack coal, Size Group 8, produced at defendant's mine designated as Mine Index No. 2755, located in Campbell County, Tennessee, District No. 6, at a price of approximately 32 cents per net ton f. o. b. said mine, whereas the effective minimum price for said coal was $1.65 per net ton f. o. b. the mine as set forth in the Schedule of Effective Minimum Prices for District No. 8, for Truck Shipment.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-415; Filed, January 15, 1942; 11:11 a. m.]

[Docket No. B-48]

IN THE MATTER OF SUN COAL COMPANY, CODE MEMBER, DEFENDANT

ORDER CORRECTING ERROR IN NOTICE OF AND ORDER FOR HEARING

A complaint dated September 9, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 24, 1941, by the Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division, alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder; and

A Notice of and Order for Hearing having been issued in the above-entitled matter on December 6, 1941; and

It appearing that in the last paragraph of said order the period during which the alleged violations occurred is stated to be from October 21, 1940, to March 10, 1941, both dates inclusive, whereas the complaint alleges that the period during which the alleged violations occurred extended from October 21, 1940, to March 17, 1941, both dates inclusive;

Now, therefore, it is ordered, That the date "March 10, 1941" appearing in the second line of the last paragraph of the aforesaid Notice of and Order for Hearing be and the same is hereby corrected to read "March 17, 1941;" and

It is further ordered that the said Notice of and Order for Hearing dated December 6, 1941,[1] shall in all other respects remain in full force and effect.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-416; Filed, January 15, 1942; 11:11 a. m.]

[General Docket No. 25]

IN THE MATTER OF AMENDING RULE 10 OF SECTION II OF THE MARKETING RULES AND REGULATIONS, AS PRESCRIBED IN GENERAL DOCKET NO. 15, AND SECTION 304.19 (c) OF THE RULES AND REGULATIONS FOR THE REGISTRATION OF DISTRIBUTORS, AS PRESCRIBED IN GENERAL DOCKET NO. 12

ORDER POSTPONING HEARING

A Notice of and Order for Hearing having been issued in this matter on December 19, 1941, providing that a hearing be held on January 26, 1942; and

A motion having been filed by the American Coal Distributors Association for a postponement of that hearing to March 16, 1942; and

The Acting Director finding that a reasonable showing of necessity for a postponement has been made by the movant, but that a postponement of the hearing for a period of two weeks, rather than for the time requested by movant, would afford movant sufficient time to adequately prepare for said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is postponed from January 26, 1942, at 10:00 a. m. until February 9, 1942, at 10:00 a. m. at the place and before the Examiner heretofore designated.

Dated: January 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-417; Filed, January 15, 1942; 11:11 a. m.]

[1] 6 F.R. 6338.

[Docket No. B-129]

IN THE MATTER OF R. B. MORPHEW, CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on January 16, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Tutwiler Hotel, Birmingham, Alabama; and

It appearing to the Acting Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to January 22, 1942, at 10 a. m. at the place and before the officer heretofore designated.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-418; Filed, January 15, 1942; 11:11 a. m.]

[Docket No. B-8]

IN THE MATTER OF TONY CAPUTO, CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on January 17, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Clarksburg, West Virginia; and

It appearing to the Acting Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to a date and place to be hereafter designated by an appropriate order.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-419; Filed, January 15, 1942; 11:12 a. m.]

[Docket No. 1681-FD]

IN THE MATTER OF A. E. BONDS, CODE MEMBER, DEFENDANT

ORDER AMENDING AND SUPPLEMENTING NOTICE OF AND ORDER FOR HEARING AND RESCHEDULING HEARING

A complaint dated April 29, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed on May 1, 1941, by Bituminous Coal Producers Board for District No. 13, a district board, as complainant, and an amended and supplemental complaint, dated December 5, 1941, alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder, having been filed with the Division by the complainant herein, pursuant to Order of the Acting Director dated January 14, 1942; and

The above-entitled matter having been scheduled for hearing on October 16, 1941, at 10 a. m., at a hearing room of

the Bituminous Coal Division at Room 903, Jefferson County Court House, Birmingham, Alabama, pursuant to the Order of the Acting Director dated July 28, 1941, and subsequently postponed pursuant to the Order of the Director dated September 12, 1941, to a date and place to be thereafter designated by an appropriate order; and

It appearing to the Acting Director that the place and date of such hearing should now be designated;

Now, therefore, it is ordered, That a hearing in the above-entitled matter be held on February 24, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Tutwiler Hotel, Birmingham, Alabama.

It is further ordered, That the Notice of and Order for Hearing dated July 28, 1941, in the above-entitled matter, be and the same is hereby amended and supplemented by the deletion of the last paragraph, page 2 thereof, and the insertion in lieu thereof of the following paragraph:

The matter concerned herewith is in regard to the complaint filed by said complainant alleging violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendant, whose address is R. F. D. No. 3, Birmingham, Alabama, sold during the period February 1, 1941, to May 31, 1941, both dates inclusive, to Republic-Pratt Coal Company, located at Republic, Alabama, approximately 290 tons of 1" x 0 coal produced at defendant's Blue Diamond Mine, Mine Index No. 287, located in Jefferson County, Alabama, in District No. 13, at prices of $1.50, $1.85, and $2.00 per ton, delivered by truck to Republic, Alabama, whereas the applicable minimum price f. o. b. the mine, established for said coal, is $2.40 per net ton, as contained in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments.

It is further ordered, That the Notice of and Order for Hearing herein dated July 28, 1941, shall in all other respects remain in full force and effect.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-420; Filed, January 15, 1942; 11:12 a. m.]

[Docket No. A-1222]

PETITION OF SILAS CASE & SONS FOR CHANGE IN SHIPPING POINT OF THE CASE COAL COMPANY MINE, MINE INDEX NO. 373, IN DISTRICT NO. 3, FOR ALL SHIPMENTS EXCEPT TRUCK

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting a change in the shipping point of the Case Coal Company Mine, Mine Index No. 373, in District No. 3, to Camden-On-Gauley, West Virginia, on Baltimore & Ohio Railroad to Tioga, West Virginia, on Strouds Creek & Muddlety Railroad, for rail shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the Case Coal Company Mine, Mine Index No. 373, of Silas Case & Sons, for rail shipments, shall be applicable only for shipments on Strouds Creek & Muddlety Railroad from Tioga, West Virginia, and shall no longer be applicable for shipments on Baltimore & Ohio Railroad from Camden-On-Gauley, West Virginia. All allowances or adjustments required or permitted mines in Freight Origin Group No. 11 shall be applicable for all shipments of the coals of the said mine from Tioga, West Virginia, on Strouds Creek & Muddlety Railroad.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-421; Filed, January 15, 1942; 11:12 a. m.]

[Docket No. A-1143]

PETITION OF P. H. BURNELL, A CODE MEMBER OF DISTRICT 19, REQUESTING THAT MINIMUM PRICES BE ESTABLISHED ON SIZE GROUPS 10, 11, AND 17 FOR SHIPMENTS INTO ALL MARKET AREAS

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

This proceeding was instituted upon petition filed with the Bituminous Coal Division (the "Division") by P. H. Burnell, a code member in District 19, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 (the "Act"), requesting the establishment of price classifications and corresponding minimum prices for coals in Size Groups 10, 11, and 17 produced at petitioner's Gebo #2, Gebo #3, Gebo #4 and Gebo #5 Mines, Mine Index Nos. 114, 225, 192, and 226, respectively, in District 19, for which price classifications and corresponding minimum prices have not heretofore been proposed and established, for shipment to all market areas. Temporary relief was requested.[1]

Pursuant to the request for temporary relief and pursuant to the Order of the Director, and notice to all interested persons, an informal conference was held on November 22, 1941. All interested persons were afforded an opportunity to be present and to participate in the conference. The petitioner, District Board No. 19 and Sheridan-Wyoming Coal Company, Inc., appeared and participated.

The record of the conference was submitted to the undersigned for consideration.

Minimum f. o. b. mine prices were established for the coals produced at petitioner's mines in Size Groups Nos. 1 to 9, inclusive, 12, 13, 15, and 16. Such prices were not established in Size Groups 10, 11, and 17 for the reason that theretofore there was little or no demand for coal in these size groups and petitioner did not request the establishment of prices therefor. On occasion, when the petitioner has marketed coals in the pea sizes (Size Groups 10 and 11) it was sold at the applicable effective minimum f. o. b. mine prices for Size Group 9 (a pea coal), the next larger size, in accordance with the provisions of Price Instruction 5 of the District 19 price schedule. This practice, while permissible, it is said, is burdensome upon the petitioner.

It is advanced here that, subsequent to the establishment of minimum f. o. b. mine prices for petitioner's coals, a substantial demand has developed for the coals in Size Groups 10, 11, and 17, produced by the petitioner. It further appears that if prices are established for Size Groups 10, 11, and 17, the petitioners will thereby be enabled more readily to market substantial tonnages, particularly in the fines, the accumulation of which has on several occasions caused a closing down of his mines.

It appears from the participation of District Board 19 in the conference that the District Board maintains an executive committee, composed of three board members, with authority to pass on matters between regular meetings of the Board. Two members of the executive committee have no objection to the temporary relief requested, provided the minimum f. o. b. mine price for Size Group 11 is increased from $2.15 per net ton requested by the petitioners to $2.35 per net ton to conform to modifications previously ordered in Docket No. A-448.

Sheridan-Wyoming Coal Company, Inc., a code member operating mines in District 19 did not oppose the granting of temporary relief, but expressed dissatisfaction with the level of prices requested by the petitioner on the ground that such levels might tend to decrease realization and further objected to the differentials which would exist between Size Groups 9 and 11.

It appears that a satisfactory showing has been made for the granting of temporary relief and that the petitioner will be injured unless the same is granted. It further appears that the granting of temporary relief prayed for (with the modification of the price for coals in Size Group 11 for shipment to Market Areas 237-240 and 247-254 from $2.15 to $2.35 per net ton f. o. b. mine,) will not unduly injure or prejudice any code member in District 19.

It further appears that the minimum f. o. b. mine prices shown in Supplement R attached hereto, are expressed in the terms of the symbols of and in conformity with the effective minimum prices for analogous and comparable coals heretofore established by the Director in General Docket No. 15 are proper and should be established temporarily pending final disposition of the original petition.

It is therefore ordered, That pending final disposition of the above-entitled matter, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 19 for All Shipments is supplemented to include the price classifications and minimum prices set forth in the Schedule marked "Supplement R" annexed hereto and hereby made a part hereof.

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Nothing contained herein shall be construed to constitute an expression of opinion regarding the granting of final or permanent relief in this proceeding.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-422; Filed, January 15, 1942; 11:13 a. m.]

[1] The prices requested in the size groups indicated are as follows:

Market areas	Size groups		
	10	11	17
45 through 50, 52, 53, 54, 56 through 59, 63 through 70, and 75 through 78	200	190	90
200	200	185	90
201	200	185	90
202 and 203	200	185	90
204 and 207	225	210	90
205, 206, 208, and 210	225	210	90
209 and 211	225	210	145
213 and 214	250	240	150
234 and 241	225	215	150
237 through 240 and 247 through 254	225	210	90
All other market areas			

[Docket No. 1791-FD]

IN THE MATTER OF A. C. (CLYD) ROUNSAVILL, CODE MEMBER, DEFENDANT

ORDER AMENDING AND SUPPLEMENTING NOTICE OF AND ORDER FOR HEARING AND RESCHEDULING HEARING

A complaint dated July 1, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed on July 5, 1941, by Bituminous Coal Producers Board for District No. 13, a district board, as complainant, and an amended and supplemental complaint dated November 12, 1941, alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder, having been filed with the Division by the complainant herein pursuant to Order of the Acting Director dated December 19, 1941;

The above-entitled matter having been scheduled for hearing on October 1, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Chancery Court Room, County Court House, Chattanooga, Tennessee, by Order of the Director dated August 20, 1941, and, subsequently, having been postponed by an Order of the Director dated August 20, 1941, and, subsequently, having been postponed by an Order of the Director dated September 11, 1941, to a date and at a hearing room to be thereafter designated by an appropriate order; and

Said Order of the Director dated August 20, 1941, having designated Travis Williams or any other officer or officers of the Bituminous Coal Division to preside at the hearing in such matter; and

It appearing to the Acting Director that the place and date of such hearing should now be designated;

Now, therefore, it is ordered, That the Notice of and Order for Hearing dated August 20, 1941, in the above-entitled matter be and the same is hereby amended and supplemented by inserting, in lieu of the last paragraph thereof, the following:

"That the said defendant, whose address is Jasper, Tennessee, (a) sold during May 1941 to H. A. Griffith, South Pittsburg, Tennessee, a registered distributor, Registration No. 3738, approximately 174.06 net tons of coal produced by said defendant at his No. 2 or Big Ridge Mine, although minimum prices, temporary or final, had not been established by the Division for coal produced at this mine, which sales constituted violations of the Order of the Director entered in General Docket No. 19, dated October 9, 1940; and

"(b) Wilfully violated the provisions of the Code and the effective minimum prices by failing to report within ten (10) days any change in the operation, management, or control of any of his mines, as required by Paragraph 1 of Order No. 288, and by failing to report immediately contemplated production or production of coal from a mine, for which no price classifications had been proposed or established as required by Paragraph 2 of the said Order No. 288."

It is further ordered, That the hearing in the above-entitled matter be held at 10 a. m. on February 18, 1942, in a hearing room of the Bituminous Coal Division at the Chancery Court Room, Chattanooga, Tennessee.

It is further ordered, That the Notice of and Order for Hearing herein dated August 20, 1941, shall in all other respects remain in full force and effect.

Dated: January 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-424; Filed, January 15, 1942; 11:14 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

[Docket No. AO 83-A 4]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND THE MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 34, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA

Notice is hereby given of a hearing to be held in the Auditorium, 11 Haverhill Street, Shawsheen Village, Andover, Massachusetts, beginning at 10:00 a. m., e. s. t., on January 21, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 34, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), and in accordance with the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (7 CFR 900.4).

This public hearing is for the purpose of receiving evidence with respect to the amendments which are hereinafter set forth in detail. These amendments have not received the approval of the Secretary of Agriculture, and, at the hearing, evidence will be received relative to all aspects of the marketing conditions

which are dealt with by the provisions to which such amendments relate. The amendments which have been proposed are as follows:

1. *Allowance for plant shrinkage.* Revise § 934.3 (b) (2) (ii) to allow for plant shrinkage up to 2 percent of the quantity of milk purchased from producers at the Class II price.

2. *Class I price.* Delete § 934.4 (b) (1) and substitute therefor the following:

For milk delivered from producers' farms to such handlers' plants located within 20 miles of the City Hall in Lowell or Lawrence, Massachusetts, the price per hundredweight shall be $3.63 for delivery periods prior to October 1, 1942, and thereafter $3.93.

Delete § 934.4 (b) (1) and substitute therefor the following:

For milk delivered from producers' farms to such handlers' plants located within 20 miles of the City Hall in Lowell or Lawrence, Massachusetts, the price per hundredweight shall be $3.63 for the delivery periods of April, May, and June, and $4.10 for other delivery periods.

3. *Class I price for milk sold outside the marketing area.* Delete § 934.4 (d) and substitute therefor the following:

For milk disposed of in areas outside of the marketing area, the applicable price shall be the price ascertained by the market administrator as the prevailing price paid by handlers for milk of equivalent use in the market where such Class I milk is utilized.

4. *Price qotations in the skim value formula.* Revise § 934.4 (c) (2) to provide for the use of "dry skim milk" quotations from either the *Producers' Price-Current* or the United States Department of Agriculture, wholesale, at New York, whichever is higher; and for the use of "domestic 20–30 mesh casein" quotations from either the *Oil, Paint, and Drug Reporter* or the United States Department of Agriculture, wholesale, at New York, whichever is higher.

5. *Type of pool.* Revise § 934.7 to provide for computation of a single composite price to be paid producers, based on the class use value of the milk of all handlers, and revise § 934.8 as necessary to provide for equalization of sales value of milk among handlers through the market administrator (market-wide pool).

6. *Allowance for cost of operating receiving plants.* Provide an allowance for cost of operating country receiving plants of 23 cents per hundredweight.

7. *Butter class.* Add in § 934. 3 (b) a third class for milk manufactured into butter.

8. *Definition of Class I milk.* Revise § 934.3 (a) (2) to result in the classification, as Class I milk, of milk disposed of in the form of buttermilk and cultured skim milk.

9. *Class II freight allowance.* Revise § 934.4 (c) (2) to provide for an increase of 5.5 cents per hundredweight in the Class II price for milk delivered at plants located between 20 and 200 miles from the City Hall in Lowell or Lawrence, Massachusetts.

Additional copies of this notice of hearing and copies of Order No. 34, as amended, now in effect, may be procured from the Market Administrator, Room 16, Administration Building, Shawsheen Village, Andover, Massachusetts, or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0312, South Building, Washington, D. C.

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture.[1]

JANUARY 14, 1942.

[F. R. Doc. 42–390; Filed, January 14, 1942; 12:44 p. m.]

[Docket No. AO 113–A 2]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 47, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA

Notice is hereby given of a hearing to be held at Watuppa Grange Hall, Westport, Massachusetts, beginning at 10:00 a. m., e. s. t., January 22, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 47, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), and in accordance with the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (7 CFR 900.4).

This public hearing is for the purpose of receiving evidence with respect to the amendments which are hereinafter set forth in detail. These amendments have not received the approval of the Secretary of Agriculture, and, at the hearing, evidence will be received relative to all aspects of the marketing conditions which are dealt with by the provisions to which such amendments relate. The amendments which have been proposed are as follows:

1. *Classification of milk transferred to Providence, Rhode Island.* Revise § 947.3 (c) to allow as Class II, milk transferred from Fall River to Providence.

2. *Class I price.* Delete § 974.4 (a) and substitute therefor the following:

Each handler shall pay producers or associations of producers for their milk, in the manner set forth in § 947.9, not less than $4.25 per hundredweight for milk containing 3.7 percent butterfat.

3. *Class I price for milk sold outside of the marketing area.* Delete § 947.4 (d) (1) (ii) and substitute therefor the following:

For milk disposed of in areas outside of the marketing area, other than those specified pursuant to (i) of this subparagraph, the applicable price shall be the price ascertained by the market administrator as the prevailing price paid by dealers for milk of equivalent use in the market where such Class I milk is utilized.

4. *Class II price.* Delete § 947.4 (b) and substitute therefor the following:

Each handler shall pay producers or associations of producers in the manner set forth in § 947.9, for Class II milk delivered by them, containing 3.7 percent butterfat, not less than that price per hundredweight, calculated for each delivery period by the market administrator, as follows: divide by 33 the weighted average price per 40-quart can of bottling quality cream in the Boston, Massachusetts, market, as reported by the United States Department of Agriculture for the delivery period during which such milk is delivered, or the last such price reported for a delivery period if no such price is reported for the delivery period during which such milk is delivered, and multiply the result by 3.7.

5. *Base-rating plan.* Revise § 947.8 (a) (3) to provide that bases shall not be increased as long as the total of allotted bases equals or exceeds 115 percent of Class I sales in the marketing area.

6. *New producer provision.* Delete § 947.9 (a) (2) (iii).

Additional copies of this notice of hearing and copies of Order No. 47, as amended, now in effect, may be procured from the Market Administrator, Room 4, Jennings Building, 103 Pleasant Street, Fall River, Massachusetts, or from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0312, South Building, Washington, D. C.

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture.[1]

JANUARY 14, 1942.

[F. R. Doc. 42–389; Filed, January 14, 1942; 12:44 p. m.]

DEPARTMENT OF COMMERCE.

Bureau of Marine Inspection and Navigation.

[Order No. 199]

PROPOSED AMENDMENTS TO THE GENERAL RULES AND REGULATIONS OF THE BOARD OF SUPERVISING INSPECTORS

NOTICE OF PUBLIC HEARINGS

JANUARY 14, 1942.

The statutory annual session of the Board of Supervising Inspectors will convene in Room 1851, Department of Commerce, Washington, D. C., on January 21, 1942, at which session a public hearing on the proposed amendments to the General Rules and Regulations for Tank Vessels will begin at 9 a. m., January 22, 1942, and a public hearing on proposals with respect to amending other classes of the General Rules and Regulations will commence at 1:30 p. m., January 22, 1942.

The proposed amendments have been published and distributed to all known parties in interest. Any other persons interested may secure a copy of such proposed amendments by addressing the Director, Bureau of Marine Inspection and Navigation, Department of Commerce, Washington, D. C.

[SEAL] SOUTH TRIMBLE, Jr.,
Acting Secretary of Commerce.

[F. R. Doc. 42–393; Filed, January 14, 1942; 3:11 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NATIONAL CASH REGISTER CO.

NOTICE OF GRANTING OF EXCEPTION

Notice is hereby given that pursuant to Section 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted the National Cash Register Company, Dayton, Ohio, relief from the necessity of preserving their employee piecework tickets as required by § 516.15 of the Record Keeping Regulations.

This authority is granted on the representation of petitioner and is subject to revocation for cause.

Signed at Washington, D. C. this 13 day of January 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42–439; Filed, January 15, 1942; 11:47 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6228]

IN RE APPLICATION OF BERNARD N. WALKER (NEW)

NOTICE OF HEARING

Application dated March 27, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Concord, North Carolina; operating assignment specified: Frequency, 1,400 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the technical and other qualifications of the applicant to construct and operate the proposed station.

2. To determine the character of the proposed program service.

3. To determine the extent of the interference which would result from simultaneous operation of the proposed station and Station WHKY.

4. To determine the areas and population which may be expected to lose primary service, particularly from Station WHKY, Hickory, North Carolina, as a result of the operation of the station proposed herein, and what other broadcast service is available to these areas and populations.

5. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and stations proposed by Lexington Broadcasting Company in application No. B3–P–3122 and R. B. Terry, G. A. Rawley, C. M. Waynick and H. A. Cecil, doing business as the High Point Broadcasting Company, in Docket No. 5958, as well as the areas and populations affected thereby, and what other broadcast service is available to these areas and populations.

6. To determine whether the operation of the station proposed herein would be consistent with the Standards of Good Engineering Practice, particularly as to the population residing within the "blanket area" (250 mv/m contour).

7. To determine the areas and populations which may be expected to gain primary service from the operation of the proposed station and what other broadcast service is available to these areas and populations.

8. To determine whether the granting of this application and the operation of the station proposed herein would serve public interest, convenience and necessity better than the operation of a station by permittee, Wayne M. Nelson, as authorized in the grant of application B3–P–3007.

9. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

10. To determine whether in view of the facts adduced under the foregoing issues, the granting of this application will serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Bernard N. Walker, 418 Professional Building, Charlotte, North Carolina.

Dated at Washington, D. C., January 13, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42–427; Filed, January 15, 1942; 11:23 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4493]

IN THE MATTER OF MARSHALL FIELD & COMPANY, A CORPORATION, TRADING AND DOING BUSINESS UNDER THE NAME KARASTAN RUG MILLS

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of January, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceedings and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, February 19, 1942, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42–428; Filed, January 15, 1942; 11:42 a. m.]

[Docket No. 4645]

IN THE MATTER OF NU-TONE LABORATORIES, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of January, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, February 26, 1942, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

[1] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192).

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F R. Doc. 42-429; Filed, January 15, 1942; 11:42 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

IN THE MATTER OF ERNST O. HOPF AND JOCHEM VON WIMMERSPERG DOING BUSINESS AS YORKVILLE KANZLEI, HOPF & VON WIMMERSPERG, 208 EAST 86TH STREET, NEW YORK, NEW YORK; AND ERNST O. HOPF AND JOCHEM VON WIMMERSPERG DOING BUSINESS AS DEUTSCHER HANDELS UND WIRTSCHAFTSDIENST, 17 BATTERY PLACE, NEW YORK, NEW YORK

ORDER CANCELLING REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 14th day of January 1942.

I

The Commission's public official files disclose that:

A. Ernst O. Hopf and Jochem von Wimmersperg filed application on January 7, 1936, under the name of Yorkville Kanzlei, Hopf & von Wimmersperg, hereinafter referred to as Yorkville Kanzlei, for registration pursuant to section 15 of the Securities Exchange Act of 1934 as a dealer transacting business on over-the-counter markets. Registration became effective January 14, 1936. The said application, as amended by a supplemental statement filed on August 10, 1940, discloses the address of the principal office of Yorkville Kanzlei and the business address of Hopf to be 208 East 86th Street, New York City, the residence address of Hopf to be 230 East 86th Street, New York City, and the business address and the residence address of von Wimmersperg to be, respectively, 17 Battery Place, New York City and 3900 Greystone Avenue, Riverdale, New York.

B. Ernst O. Hopf and Jochem von Wimmersperg filed application on January 7, 1936, under the name of Deutscher Handels and Wirtschaftsdienst, hereinafter referred to as Deutscher Handels, for registration pursuant to Section 15 of the Securities Exchange Act of 1934 as a dealer transacting business on over-the-counter markets. Registration became effective January 14, 1936. The said application, as amended by a supplemental statement filed on April 26, 1941, discloses the address of the principal office of Deutscher Handels and the business address of von Wimmersperg to be 17 Battery Place, New York City, the residence address of von Wimmersperg to be 3900 Greystone Avenue, Riverdale, New York, and the business address and the residence address of Hopf to be, respectively, 17 Battery Place, New York City, and 5400 Fieldston Road, Riverdale, New York.

II

Members of its staff have reported to the Commission that for some time mail addressed to Yorkville Kanzlei and Deutscher Handels and to their members has been returned unclaimed with a notation "Removed. Left no address"; that, accordingly, a diligent search has been made to determine whether said firms are still engaged in business as brokers or dealers, and to determine their present whereabouts and the whereabouts of their members; that in such search the following information has been obtained: 208 East 86th Street, New York, New York, is no longer the business address of Yorkville Kanzlei or of Hopf; although Hopf occupied space at said address during the past six years, while acting as agent for a steamship company he vacated the premises in July or August, 1941, and has not returned; that 17 Battery Place, New York, New York, is no longer the business address of Deutscher Handels, von Wimmersperg, or Hopf; that von Wimmersperg occupied a portion of the suite of the German Consulate General at 17 Battery Place, New York, New York, but that said premises were vacated by the German Consulate General on or about July 10, 1941; that von Wimmersperg no longer resides at 3900 Greystone Avenue, Riverdale, New York; that he moved from said address to the residence of Hopf in the fall of 1940, but left soon thereafter; that Hopf vacated the premises at 5400 Fieldston Road, Riverdale, New York, some time in September, 1941; and that diligent search has failed to locate either of said firms or either of their members, although information has been obtained which tends to show that von Wimmersperg, at least, has returned to Germany.

III

Accordingly, we find that Hopf and von Wimmersperg have ceased to transact business as brokers and dealers under the name of Yorkville Kanzlei, Hopf & von Wimmersperg and also under the name of Deutscher Handels und Wirtschaftsdienst.

IV

It is therefore ordered, That the registration of Ernst O. Hopf and Jochem von Wimmersperg, under the name of Yorkville Kanzlei, Hopf & von Wimmersperg, and the registration of Ernst O. Hopf and Jochem von Wimmersperg, under the name of Deutscher Handels und Wirtschaftsdienst, be and they are hereby cancelled pursuant to section 15 (b) of the Securities Exchange Act of 1934, said cancellation, in each case, to be effective thirty days from the date hereof.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-434; Filed, January 15, 1942; 11:45 a. m.]

[File Nos. 59-32, 70-455]

IN THE MATTERS OF DENIS J. DRISCOLL AND WILLARD L THORP, TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, DEBTOR, RESPONDENTS; AND NORTHEASTERN WATER AND ELECTRIC CORPORATION, DENIS J. DRISCOLL AND WILLARD L THORP, TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, DEBTOR, APPLICANTS-DECLARANTS

ORDER GRANTING PETITIONS TO INTERVENE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of January A. D. 1942.

Northeastern Water and Electric Corporation, et al., a registered holding company and a subsidiary of the Trustees of Associated Gas and Electric Corporation, having filed an application (File No. 70-455) with this Commission with respect to various matters, including, among others, the disposition by said corporation of the securities which it owns of certain electric properties operating in the State of Ohio to the Trustees of Associated Gas and Electric Corporation, said proposed transaction being in connection with a proposed sale by said Trustees of their interest in the common stock of Northeastern Water and Electric Corporation to John H. Ware, Jr., and Penn-Jersey Water Company; and

The Commission by Order dated December 26, 1941 having consolidated said proceedings with certain matters in proceedings pending before the Commission under section 11 (b) (1) of said Act (File No. 59-32);

Norway Water District, a municipal corporation of Norway, Maine, and Presque Isle Water District, a municipal corporation of Presque Isle, Maine, having filed petitions to intervene in these proceedings;

It is ordered, That said petitions for leave to intervene be, and the same hereby are, granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-435; Filed, January 15, 1942; 11:45 a. m.]

IN THE MATTER OF HASKELL, SCOTT AND JENNINGS, INC., 120 SO. LASALLE STREET, CHICAGO, ILLINOIS

FINDINGS AND ORDER REVOKING REGISTRATION AS BROKER AND DEALER AND EXPELLING RESPONDENT FROM NATIONAL SECURITIES ASSOCIATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of January, A. D. 1942.

Appearances: Abe L. Hoffman and George W. Reutell, of the Chicago Regional Office of the Commission, for the Trading and Exchange Division; John Weaver, for the respondent.

Haskell, Scott and Jennings, Inc., is registered with the Commission as a broker and dealer under section 15 of the Securities Exchange Act of 1934 and is also a member of the National Association of Securities Dealers, Inc., a registered national securities association under section 15A of the Act. We instituted this proceeding under sections 15 (b) and 15A (*l*) (2) to determine whether respondent's registration as a broker and dealer should be suspended or revoked, and whether respondent should be suspended or expelled from membership in the National Association of Securities Dealers, Inc.

The order for hearing recited that the staff had reported to the Commission information obtained as a result of an investigation of the respondent which tended to show that:

(a) During the past year, respondent has been transacting business in securities as a broker-dealer through the medium of a member of a national securities exchange;

(b) During the period since on or about May 1, 1941, respondent has had no net capital employed in its business and, at the same time, in the ordinary course of its business as a broker, respondent has owed substantial sums to various customers and banks;

(c) During this same period, respondent, directly and indirectly, hypothecated and arranged for and permitted the continued hypothecation of securities carried for the account of customers under circumstances (1) which permitted the commingling of such securities with securities carried for the account of other customers without first obtaining the written consent of each of such customers to such hypothecation, and (2) which permitted such securities to be commingled with the respondent's own securities under liens for loans made to the respondent;

(d) During the past year, respondent has not made, kept current, or preserved a complete set of books and records relating to its business and respondent falsified and made fictitious entries with respect to certain of the records it did keep, so that such records fail to indicate the actual financial condition of the respondent and the actual status of the accounts of various customers of the respondent.

A hearing was ordered to determine whether the facts reported by the staff are true; whether these facts, if they are true, require a finding that respondent wilfully violated sections 8 (b), 8 (c), 15 (c) (2), and 17 (a) of the Securities Exchange Act, and Rules X-8C-1, X-15C2-1, X-17A-3, and X-17A-4 of the Commission's Rules under the Act; and whether it is necessary or appropriate in the public interest or for the protection of investors to suspend or revoke respondent's registration as a broker and dealer and to suspend or expel respondent from membership in the National Association of Securities Dealers, Inc.

The respondent has not contested any of the allegations made in the order instituting the proceeding; it has filed an "Answer and Consent" which acknowledges receipt and service of adequate notice of the proceeding, states that respondent has ceased the transaction of business as a broker and dealer in securities and is liquidating its business, admits "for the purpose of this proceeding, and for said purpose only, the existence of the facts set forth in the Commission's order for proceedings," and consents to the entry of an order by the Commission revoking its registration as a broker-dealer and expelling it from the National Association of Securities Dealers, Inc.

The trial examiner found that the facts are as stated in the order for hearing; and that the respondent has wilfully violated the above-noted provisions of the statute and of the Commission's Rules. Upon an independent review of the record, we adopt these findings of the trial examiner and we further find that it is necessary and appropriate in the public interest and for the protection of investors to revoke respondent's registration as an over-the-counter broker and dealer, and to expel respondent from the National Association of Securities Dealers, Inc.

It is therefore ordered, Pursuant to sections 15 (b) and 15A (*l*) (2) of the Securities Exchange Act of 1934, that the registration of Haskell, Scott and Jennings, Inc., as a broker and dealer be, and it hereby is, revoked, and that Haskell, Scott and Jennings, Inc., be, and it hereby is, expelled from the National Association of Securities Dealers, Inc., a registered national securities association.

By the Commission (Chairman Eicher, Commissioners Healy, Pike, Purcell, and Burke).

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-436; Filed, January 15, 1942; 11:46 a. m.]

[File No. 70-480]

IN THE MATTER OF KANSAS CITY GAS COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of January A. D., 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may not later than January 26, 1942, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Kansas City Gas Company, a subsidiary of Cities Service Company, a registered holding company, proposes to issue to Commerce Trust Company, Kansas City, Missouri, its promissory note in the principal amount of $1,200,000 to evidence a bank loan from said trust company to applicant in like principal amount. The note will bear interest at the rate of 2% per annum, will be dated on or prior to January 31, 1942 and will mature nine months from its date.

The proceeds of the above described loan, namely, $1,200,000, together with $1,066,000 of the applicant's cash funds available for the purpose, are to be used by applicant to pay at maturity its First Mortgage Gold Bonds, Series A, 6% due February 1, 1942, presently outstanding in the aggregate principal amount of $2,266,000.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-437; Filed, January 15, 1942; 11:46 a. m.]

[File No. 59-34]

IN THE MATTER OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION, RESPONDENT

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 14th day of January, A. D. 1942.

The Commission by Order dated September 30, 1941 having instituted proceedings under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 with respect to New England Gas and Electric Association and set said matter down for hearing on October 29, 1941; and the Commission by Order dated October 22, 1941 having postponed said hearing to November 24, 1941; and the Commission by Order dated November 25, 1941 having postponed said hearing to December 17, 1941, and said hearing having been held on that date and continued to January 9, 1942, at which time the hearing was adjourned to January 27, 1942 at the request of the respondent; and

The First National Bank of Boston, Old Colony Trust Company and State Street Trust Company, Trustees under certain indentures securing bonds of New England Gas and Electric Association, having filed requests through their counsel for a postponement of 60 days of the hearing scheduled for January 27, 1942; and

It appearing to the Commission that in view of the fact that the hearing in this matter has already been postponed numerous times as aforesaid, and that all security holders and other interested per-

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] ORVIS B. JOHNSON,
Secretary.

[F R. Doc. 42-429; Filed, January 15, 1942; 11:42 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

IN THE MATTER OF ERNST O. HOPF AND JOCHEM VON WIMMERSPERG DOING BUSINESS AS YORKVILLE KANZLEI, HOPF & VON WIMMERSPERG, 208 EAST 86TH STREET, NEW YORK, NEW YORK; AND ERNST O. HOPF AND JOCHEM VON WIMMERSPERG DOING BUSINESS AS DEUTSCHER HANDELS UND WIRTSCHAFTSDIENST, 17 BATTERY PLACE, NEW YORK, NEW YORK

ORDER CANCELLING REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 14th day of January 1942.

I

The Commission's public official files disclose that:

A. Ernst O. Hopf and Jochem von Wimmersperg filed application on January 7, 1936, under the name of Yorkville Kanzlei, Hopf & von Wimmersperg, hereinafter referred to as Yorkville Kanzlei, for registration pursuant to section 15 of the Securities Exchange Act of 1934 as a dealer transacting business on over-the-counter markets. Registration became effective January 14, 1936. The said application, as amended by a supplemental statement filed on August 10, 1940, discloses the address of the principal office of Yorkville Kanzlei and the business address of Hopf to be 208 East 86th Street, New York City, the residence address of Hopf to be 230 East 86th Street, New York City, and the business address and the residence address of von Wimmersperg to be, respectively, 17 Battery Place, New York City and 3900 Greystone Avenue, Riverdale, New York.

B. Ernst O. Hopf and Jochem von Wimmersperg filed application on January 7, 1936, under the name of Deutscher Handels und Wirtschaftsdienst, hereinafter referred to as Deutscher Handels, for registration pursuant to section 15 of the Securities Exchange Act of 1934 as a dealer transacting business on over-the-counter markets. Registration became effective January 14, 1936. The said application, as amended by a supplemental statement filed on August 10, 1940, discloses the address of the principal office of Deutscher Handels and the business address of Hopf to be 208 East 86th Street, New York City, the residence address of Hopf to be 230 East 86th Street, New York City, and the business address and the residence address of von Wimmersperg to be, respectively, 17 Battery Place, New York City, and 5400 Fieldston Road, Riverdale, New York.

II

Members of its staff have reported to the Commission that for some time mail addressed to Yorkville Kanzlei and Deutscher Handels and to their members has been returned unclaimed with a notation "Removed. Left no address"; that, accordingly, a diligent search has been made to determine whether said firms are still engaged in business as brokers or dealers, and to determine their present whereabouts and the whereabouts of their members; that in such search the following information has been obtained: 208 East 86th Street, New York, New York, is no longer the business address of Yorkville Kanzlei or of Hopf; although Hopf occupied space at said address during the past six years, while acting as agent for a steamship company he vacated the premises in July or August, 1941, and has not returned; that 17 Battery Place, New York, New York, is no longer the business address of Deutscher Handels, von Wimmersperg, or Hopf; that von Wimmersperg occupied a portion of the suite of the German Consulate General at 17 Battery Place, New York, New York, but that said premises were vacated by the German Consulate General on or about July 10, 1941; that von Wimmersperg no longer resides at 3900 Greystone Avenue, Riverdale, New York; that he moved from said address to the residence of Hopf in the fall of 1940, but left soon thereafter; that Hopf vacated the premises at 5400 Fieldston Road, Riverdale, New York, some time in September, 1941; and that diligent search has failed to locate either of said firms or either of their members, although information has been obtained which tends to show that von Wimmersperg, at least, has returned to Germany.

III

Accordingly, we find that Hopf and von Wimmersperg have ceased to transact business as brokers and dealers under the name of Yorkville Kanzlei, Hopf & von Wimmersperg and also under the name of Deutscher Handels und Wirtschaftsdienst.

IV

[File Nos. 59-32, 70-455]

IN THE MATTERS OF DENIS J. DRISCOLL AND WILLARD L. THORP, TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, DEBTOR, RESPONDENTS; AND NORTHEASTERN WATER AND ELECTRIC CORPORATION, DENIS J. DRISCOLL AND WILLARD L. THORP, TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, DEBTOR, APPLICANTS-DECLARANTS

ORDER GRANTING PETITIONS TO INTERVENE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 14th day of January A. D. 1942.

Northeastern Water and Electric Corporation, et al., a registered holding company and a subsidiary of the Trustees of Associated Gas and Electric Corporation, having filed an application (File No. 70-455) with this Commission with respect to various matters, including, among others, the disposition by said corporation of the securities which it owns of certain electric properties operating in the State of Ohio to the Trustees of Associated Gas and Electric Corporation, said proposed transaction being in connection with a proposed sale by said Trustees of their interest in the common stock of Northeastern Water and Electric Corporation to John H. Ware, Jr., and Penn-Jersey Water Company; and

The Commission by Order dated December 26, 1941 having consolidated said proceedings with certain matters in proceedings pending before the Commission under section 11 (b) (1) of said Act (File No. 59-32);

Norway Water District, a municipal corporation of Norway, Maine; and Presque Isle Water District, a municipal corporation of Presque Isle, Maine, having filed petitions to intervene in these proceedings;

It is ordered, That said petitions for leave to intervene be, and the same hereby are, granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-435; Filed, January 15, 1942; 11:45 a. m.]

IN THE MATTER OF HASKELL, SCOTT AND JENNINGS, INC., 120 SO. LASALLE STREET,

sons have had ample notice of said proceedings and have had adequate opportunity for the preparation of evidence and to be heard in these proceedings; and that a postponement for 60 days as requested would unduly delay said proceedings, but that it is appropriate that said request be granted to the extent hereinafter ordered;

It is ordered, That the requests for a postponement for a period of 60 days of the said adjourned hearing scheduled for January 27, 1942, be, and hereby are, denied.

It is further ordered, That the said adjourned hearing scheduled for January 27, 1942, be, and hereby is, postponed to February 10, 1942 at the same time and place and before the same trial examiner heretofore designated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-438; Filed, January 15, 1942; 11:46 a. m.]

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JAN 18 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 12

Washington, Saturday, January 17, 1942

The President

REGULATIONS PERTAINING TO ALIEN ENEMIES

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS section 21 of title 50 of the United States Code provides as follows:

Whenever there is a declared war between the United States and any foreign nation or government, or any invasion or predatory incursion is perpetrated, attempted, or threatened against the territory of the United States by any foreign nation or government, and the President makes public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being of the age of fourteen years and upward, who shall be within the United States and not actually naturalized, shall be liable to be apprehended, restrained, secured, and removed as alien enemies. The President is authorized in any such event, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the United States, toward the aliens who become so liable; the manner and degree of the restraint to which they shall be subject and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those who, not being permitted to reside within the United States, refuse or neglect to depart therefrom; and to establish any other regulations which are found necessary in the premises and for the public safety.

WHEREAS by sections 22, 23, and 24 of title 50 of the United States Code further provision is made relative to alien enemies;

WHEREAS by Proclamation No. 2525 [1] of December 7, 1941, and Proclamations Nos. 2526 [2] and 2527 [3] of December 8, 1941, I prescribed and proclaimed certain regulations governing the conduct of alien enemies; and

WHEREAS I find it necessary in the interest of national defense to prescribe regulations additional and supplemental to such regulations:

[1] 6 F.R. 6321.
[2] 6 F.R. 6323.
[3] 6 F.R. 6324.

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the Constitution of the United States and the aforesaid sections of the United States Code, do hereby prescribe and proclaim the following regulations, additional and supplemental to those prescribed by the aforesaid proclamations of December 7, 1941, and December 8, 1941:

All alien enemies within the continental United States, Puerto Rico, and the Virgin Islands are hereby required, at such times and places and in such manner as may be fixed by the Attorney General of the United States, to apply for and acquire certificates of identification; and the Attorney General is hereby authorized and directed to provide, as speedily as may be practicable, for the receiving of such applications and for the issuance of appropriate identification certificates, and to make such rules and regulations as he may deem necessary for effecting such identifications; and all alien enemies and all other persons are hereby required to comply with such rules and regulations. The Attorney General in carrying out such identification procedure, is hereby authorized to utilize such agents, agencies, officers, and departments of the United States and of the several states, territories, dependencies, and municipalities thereof and of the District of Columbia as he may select for the purpose, and all such agents, agencies, officers, and departments are hereby granted full authority for all acts done by them in the execution of this regulation when acting by the direction of the Attorney General. After the date or dates fixed by the Attorney General for completion of such identification procedure, every alien enemy within the limits of the continental United States, Puerto Rico, or the Virgin Islands shall at all times have his identification card on his person.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 14th day of January in the year of our Lord nineteen hundred and forty-two, and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL,
Secretary of State.

[No. 2537]

[F. R. Doc. 42-452; Filed, January 16, 1942; 10:49 a. m.]

Contents appears on last page

EXECUTIVE ORDER

ESTABLISHING THE WAR PRODUCTION BOARD IN THE EXECUTIVE OFFICE OF THE PRESIDENT AND DEFINING ITS FUNCTIONS AND DUTIES

By virtue of the authority vested in me by the Constitution and statutes of the United States, as President of the United States and Commander in Chief of the Army and Navy, and in order to define further the functions and duties of the Office for Emergency Management with respect to the state of war declared to exist by Joint Resolutions of the Congress, approved December 8, 1941, and December 11, 1941, respectively, and for the purpose of assuring the most effective prosecution of war procurement and production, it is hereby ordered as follows:

1. There is established within the Office for Emergency Management of the Executive Office of the President a War Production Board, hereinafter referred to as the Board. The Board shall consist of a Chairman, to be appointed by the President, the Secretary of War, the Secretary of the Navy, the Federal Loan Administrator, the Director General and the Associate Director General of the Office of Production Management, the Admin-

FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

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istrator of the Office of Price Administration, the Chairman of the Board of Economic Warfare, and the Special Assistant to the President supervising the defense aid program.

2 The Chairman of the War Production Board, with the advice and assistance of the members of the Board, shall:

a. Exercise general direction over the war procurement and production program.

b. Determine the policies, plans, procedures, and methods of the several Federal departments, establishments, and agencies in respect to war procurement and production, including purchasing, contracting, specifications, and construction; and including conversion, requisitioning, plant expansion, and the financing thereof; and issue such directives in respect thereto as he may deem necessary or appropriate.

c. Perform the functions and exercise the powers vested in the Supply Priorities and Allocations Board by Executive Order No. 8875[1] of August 28, 1941.

d. Supervise the Office of Production Management in the performance of its responsibilities and duties, and direct such changes in its organization as he may deem necessary.

e. Report from time to time to the President on the progress of war procurement and production; and perform such other duties as the President may direct.

3. Federal departments, establishments, and agencies shall comply with the policies, plans, methods, and procedures in respect to war procurement and production as determined by the Chairman; and shall furnish to the Chairman such information relating to war procurement and production as he may deem necessary for the performance of his duties.

4. The Army and Navy Munitions Board shall report to the President through the Chairman of the War Production Board.

5. The Chairman may exercise the powers, authority, and discretion conferred upon him by this Order through such officials or agencies and in such manner as he may determine; and his decisions shall be final.

6. The Chairman is further authorized within the limits of such funds as may be allocated or appropriated to the Board to employ necessary personnel and make provision for necessary supplies, facilities, and services.

7. The Supply Priorities and Allocations Board, established by the Executive Order of August 28, 1941, is hereby abolished, and its personnel, records, and property transferred to the Board. The Executive Orders No. 8629[2] of January 7, 1941, No. 8875[3] of August 28, 1941, No. 8891[4] of September 4, 1941, No. 8942[5] of November 19, 1941, No. 9001[6] of December 27, 1941, and No. 9023[7] of January 14, 1942, are hereby amended accordingly, and any provisions of these or other pertinent Executive Orders conflicting with this Order are hereby superseded.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 16, 1942

[No. 9024]

[F. R. Doc. 42-482; Filed, January 16, 1942; 1:45 p. m.]

[1] 6 F.R. 4483.

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VI—ORGANIZED RESERVES

PART 64—ENLISTED RESERVE CORPS[1]

§ 64.13 *Separation from service*—(a) *Discharge before expiration of enlistment.* When on inactive status or active status for training, a member of the Enlisted Reserve Corps will not be discharged before the expiration of his term of enlistment, except—

(1) By order of the President or of the Secretary of War.

(2) By direction of the commander of a corps area, or such officers as may be designated by him for that purpose:

(i) On account of physical disability;

(ii) Upon acceptance of a commission in the Regular Army, Officers' Reserve Corps, or National Guard;

(iii) For the purpose of enlisting in the Regular Army, Navy, Marine Corps, National Guard or Coast Guard;

(iv) On account of absence beyond the continental limits of the United States for a period of six months or longer;

(v) Upon application in writing forwarded through channels 90 days before the discharge is to take effect in cases of those authorized to be enlisted for one year;

(vi) On account of sentence of imprisonment by a civil court whether suspended or not;

(vii) Under the provisions of paragraph 25, AR 150–5; or

(viii) On account of minority, action in such cases to be as provided for the Regular Army under the provisions of paragraph 33, AR 615–360.[2]

(3) Pursuant to sentence of a general court-martial, the enlisted man being in an active duty status.

(4) In compliance with an order of one of the United States courts or a justice or judge thereof on a writ of habeas corpus.

When on active duty in a national emergency (§ 64.2 (b)), the discharge of a member of the Enlisted Reserve Corps will be governed by the provisions of Army Regulations applicable to enlisted men of the Regular Army. (39 Stat. 195, 41 Stat. 780, 44 Stat. 705; 10 U.S.C. 421, 423–427) [Par. 22, AR 150–5 Sept. 30, 1931, amendments in Cir. 167, W.D., Aug. 13, 1941 (6 F.R. 4360) having been rescinded by Cir. 6, W.D., Jan. 9, 1942]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-447; Filed, January 15, 1942; 2:19 p. m.]

CHAPTER VII—PERSONNEL

PART 71—ENLISTMENT IN THE REGULAR ARMY[1]

§ 71.5 *Enlistments in the Regular Army requiring special authority from the War Department.* The following classes of personnel will not be enlisted or reenlisted in the Regular Army without special authority in each case from The Adjutant General:

* * * * *

(b) Former enlisted men over 45 years of age who were last discharged as privates and failed to reenlist within 3 months thereafter. In such cases the application must show that the reenlistment will be for the interests of the service. (41 Stat. 765; 10 U.S.C. 42) [Par. 16b, AR 600–750, April 10, 1939, as amended by Cir. 5, W.D., January 8, 1942]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-448; Filed, January 15, 1942; 2:22 p. m.]

[1] § 71.5 (b) is amended.
[2] Administrative regulations of the War Department relative to discharge of enlisted man.

[1] 6 F.R. 191.
[2] 6 F.R. 4623.
[3] 6 F.R. 5909.
[4] 6 F.R. 6787.
[5] 7 F.R. 302.
[6] § 64.13 (a) is amended.

PART 75—ADMISSION TO THE UNITED STATES MILITARY ACADEMY

Correction

Two lines of type were transposed in subparagraph (7) of paragraph (b) of § 75.6 appearing in the third column on page 270 of the issue for Thursday, January 15, 1942. The subparagraph should read as follows:

(7) In 1942, from among the enlisted men of the National guard of the States and Territories, now inducted in the Federal service, upon the recommendations of the commanding generals of the respective corps areas and territorial departments.

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Orders, Serial Number 1490]

PART 66—FOREIGN AIR CARRIER REGULATIONS

ORDER POSTPONING EFFECTIVE DATE OF AMENDMENT NO. 66–0[1]

At a session of the Civil Aeronautics Board held at its office in Washington, D. C. on the 16th day of January 1942.

Whereas the Civil Aeronautics Board at a regular session held at its office in Washington, D. C., on December 9, 1941, by Amendment to the Civil Air Regulations No. 66–0, adopted a new Part, Part 66—Foreign Air Carrier Regulations; and

Whereas such amendment became effective January 15, 1942; and

It appearing that: Additional time is necessary in order to conduct the investigations and make the determinations required by this amendment for the issuance of Operations Specifications to foreign air carriers operating aircraft in scheduled service within the United States;

Now, therefore, the Civil Aeronautics Board, acting pursuant to sections 205 (a), 402, and 601 of the Civil Aeronautics Act of 1938, as amended:

Orders, that Part 66 of the Civil Air Regulations be, and hereby is, suspended until 12:01 a. m., March 1, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-475; Filed, January 16, 1942; 11:49 a. m]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4101]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF HIRAM CARTER, INC., ET AL.

§ 3.6 (r) *Advertising falsely or misleadingly—Prices—Usual as reduced, special, etc.:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondents' "Old Surgeon's" medicinal or other similar preparations, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said medicinal preparations, which advertisements represent, directly or through inference, (1) that respondents' medicinal preparations constitute a cure or remedy, or a competent or effective treatment, for impotence, lost energy, indigestion, asthenia, or neurasthenia, or will prevent premature old age, or will restore or beneficially affect the functioning of exhausted glands, nerves, or organs, or will rejuvenate those who have been overcome by the vicissitudes of old age; (2) that respondents' medicinal preparations constitute a cure or remedy for rheumatism, neuritis, polyneuritis, or arthritis, or have any therapeutic value in the treatment of such conditions in excess of affording temporary partial relief from the symptoms of pain; (3) that respondents' medicinal preparations have any therapeutic value in excess of that afforded by a laxative or analgesic in the treatment of any other diseases or conditions, except in cases of anemia due to iron deficiency or in certain conditions resulting from a deficiency of thiamin chloride, riboflavin, or nicotinic acid where such deficiency is adequately supplied by respondents' preparations under conditions of use; and (4) that the usual and customary prices at which respondents offer for sale or sell their medicinal preparations in the regular course of business are special or reduced prices, or less than the prices at which said preparations are customarily offered for sale or sold in the regular course of business; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Hiram Carter, Inc., et al., January 12, 1942]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantage or connections of advertiser—Size.* In connection with offer, etc., of respondents' "Old Surgeon's" medicinal or other similar preparations, and among other things, as in order set forth, representing pictorially, or otherwise, that the physical plant, equipment, and facilities owned, used, or occupied by respondents are greater than is the fact, prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Hiram Carter, Inc., et al., January 12, 1942]

In the Matter of Hiram Carter, Inc., a Corporation, and S. Fred Griffin, an Individual

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of January, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner and exceptions thereto, briefs in support of the complaint and in opposition thereto, and oral argument of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Hiram Carter, Inc., a corporation, its officers, agents, representatives, and employees, and S. Fred Griffin, an individual, his agents, representatives, and employees, jointly or severally, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of the medicinal preparations designated as "Old Surgeon's," or any other medicinal preparation or preparations which are substantially similar in composition or possess substantially similar properties, whether sold under the same name or any other name or names, do forthwith cease and desist from directly or indirectly:

(1) Disseminating or causing to be disseminated, by means of the United States mails, or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or through inference—

(a) That respondents' medicinal preparations constitute a cure or remedy, or a competent or effective treatment, for impotence, lost energy, indigestion, asthenia, or neurasthenia, or will prevent premature old age, or will restore or beneficially affect the functioning of exhausted glands, nerves, or organs, or will rejuvenate those who have been overcome by the vicissitudes of old age;

(b) That respondents' medicinal preparations constitute a cure or remedy for rheumatism, neuritis, polyneuritis, or arthritis, or have any therapeutic value in the treatment of such conditions in excess of affording temporary partial relief from the symptoms of pain;

(c) That respondents' medicinal preparations have any therapeutic value in excess of that afforded by a laxative or analgesic in the treatment of any other diseases or conditions, except in cases of anemia due to iron deficiency or in certain conditions resulting from a deficiency of thiamin chloride, riboflavin, or nicotinic acid where such deficiency is adequately supplied by respondents' preparations under conditions of use;

(d) That the usual and customary prices at which respondents offer for sale or sell their medicinal preparations in the regular course of business are special or reduced prices, or less than the prices at which said preparations are customarily offered for sale or sold in the regular course of business.

(2) Disseminating or causing to be disseminated, by any means, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as

[1] 6 F.R. 6348, 6452.

"commerce" is defined in the Federal Trade Commission Act, of said medicinal preparations, which advertisement contains any of the representations prohibited in Paragraph (1) hereof;

(3) Representing pictorially, or otherwise, that the physical plant, equipment, and facilities owned, used, or occupied by respondents are greater than is the fact.

It is further ordered, That respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-465; Filed, January 16, 1942; 11:29 a. m.]

[Docket No. 4423]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF THE POWERINE COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of petroleum products, or any other merchandise, (1) supplying retail dealers or others with promotion booklets and stamps, or any other sales plans or devices which are to be used, or may be used, in the sale or distribution of petroleum products, or any other merchandise, to the public by means of a game of chance, gift enterprise, or lottery scheme; (2) selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, The Powerine Company, Docket 4423, January 13, 1942]

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 13th day of January, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence taken before William C. Reeves, a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiner upon the evidence, and brief filed in support of the complaint; and the Commission having made its findings as to the facts and its conclusion that said respondent, The Powerine Company, a corporation, has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, The Powerine Company, a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of petroleum products, or any other merchandise, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Supplying to, or placing in the hands of, retail dealers or others, sales promotion booklets and stamps, or any other sales plans or devices which are to be used, or may be used, in the sale or distribution of petroleum products, or any other merchandise, to the public by means of a game of chance, gift enterprise, or lottery scheme;

(2) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-481; Filed, January 16, 1942; 12:07 p. m.]

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 541—REGULATIONS DEFINING AND DELIMITING THE TERMS "ANY EMPLOYEE EMPLOYED IN A BONA FIDE EXECUTIVE, ADMINISTRATIVE, PROFESSIONAL, OR LOCAL RETAILING CAPACITY, OR IN THE CAPACITY OF OUTSIDE SALESMAN" PURSUANT TO SECTION 13 (a) (1) OF THE FAIR LABOR STANDARDS ACT

The following amendment to Regulations, Part 541[1] (Regulations Defining and Delimiting the Terms "Any Employee Employed in a Bona Fide Executive, Administrative, Professional, or Local Retailing Capacity, or in the Capacity of Outside Salesman" Pursuant to section 13 (a) (1) of the Fair Labor Standards Act) is hereby issued. This amendment amends § 541.2, defining the term "employee employed in a bona fide * * * administrative * * * capacity," as used in section 13 (a) (1) of the Fair Labor Standards Act. Said amendment shall become effective upon my signing the original and upon the publication thereof in the FEDERAL REGISTER, and shall be in force and effect until repealed by regulations hereafter made and published.

§ 541.2 *Administrative.* The term "employee employed in a bona fide * * * administrative * * * capacity" in section 13 (a) (1) of the act shall mean any employee:

(a) Who is compensated for his services on a salary or fee basis at a rate of not less than $200 per month (exclusive of board, lodging, or other facilities), and

(b) (1) Who regularly and directly assists an employee employed in a bona fide executive or administrative capacity (as such terms are defined in these regulations), where such assistance is nonmanual in nature and requires the exercise of discretion and independent judgment; or

(2) Who performs under only general supervision, responsible nonmanual office or field work, directly related to management policies or general business operations, along specialized or technical lines requiring special training, experience, or knowledge, and which requires the exercise of discretion and independent judgment; or

(3) Whose work involves the execution under only general supervision of special nonmanual assignments and tasks directly related to management policies or general business operations involving the exercise of discretion and independent judgment; or

(4) Who is engaged in transporting goods or passengers for hire and who performs, under only general supervision, responsible outside work of a specialized or technical nature requiring special training, experience, or knowledge, and whose duties require the exercise of discretion and independent judgment.

Signed at Washington, D. C., this 16th day of January 1942.

THOMAS W. HOLLAND, *Administrator.*

[F. R. Doc. 42-480; Filed, January 16, 1942; 11:58 a. m.]

[1] 5 F.R. 4077.

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

[1942 Department Circular No. 1]

PART 129—VALUES OF FOREIGN MONEYS

JANUARY 1, 1942.

§ 129.5 *Calendar year 1942*—(a) *Quarter beginning January 1, 1942.* Pursuant to section 522, title IV, of the Tariff Act of 1930, reenacting section 25 of the act of August 27, 1894, as amended, the following estimates by the Director of the Mint of the values of foreign monetary units are hereby proclaimed to be the values of such units in terms of the money of account of the United States that are to be followed in estimating the value of all foreign merchandise exported to the United States during the quarter beginning January 1, 1942, expressed in any such foreign monetary units: *Provided, however*, That if no such value has been proclaimed, or if the value so proclaimed varies by 5 per centum or more from a value measured by the buying rate in the New York market at noon on the day of exportation, conversion shall be made at a value measured by such buying rate, as determined and certified by the Federal Reserve Bank of New York and published by the Secretary of the Treasury pursuant to the provisions of section 522, title IV, of the Tariff Act of 1930.

[SEAL] D. W. BELL, *Acting Secretary of the Treasury.*

Values of Foreign Monetary Units

[At par as regards gold units; nongold units have no fixed par with gold]

Country	Monetary unit	Value in terms of U. S. money	Remarks
Argentina Republic	Peso	$1.6335	Given valuation is of gold peso. Paper nominally controlled at 44% of face value. Conversion suspended Dec. 17, 1929.
Australia	Pound	8.2397	Control of gold stocks and exports authorized Dec. 17, 1929.
Belgium	Belga	.1905	By decree of Mar. 31, 1936. One belga equals 5 Belgian francs. The Anglo-Belgian financial agreement of June 7, 1940, fixed the rate of exchange of the Belgian franc and the pound sterling at 176.70 francs to the pound sterling.
Bolivia	Boliviano	.0180	Conversion of notes into gold suspended Sept. 23, 1931.
Brazil	Milreis	.0606	Based upon official rate for milreis in terms of the dollar as announced by the Bank of Brazil. Conversion of Stabilization-Office notes into gold suspended Nov. 22, 1930.
British Honduras	Dollar	1.6631	Exchange control established Oct. 15, 1931.
Bulgaria	Lev	.0122	Embargo on export of gold, Oct. 19, 1931; redemption of Dominion notes in gold suspended Apr. 10, 1933.
Canada	Dollar	1.0631	Given valuation is of gold peso. Gold pesos not received for customs. Paper peso at present rate of exchange one gold peso.
Chile	Peso	.2090	Conversion of notes suspended July 30, 1931.
China	Yuan		Silver standard abandoned by decree of Nov. 3, 1935; bank notes made legal tender under Currency Board control; change in par for British currency, primarily fixed at 29 7/16 pence per yuan, effective Nov. 4, 1935. Treasury notes and notes of the three banks of issue made legal tender by silver nationalization ordinance of Dec. 6, 1935; exchange fund created to control exchange rate.
Hong Kong	Dollar		Obligation to sell gold suspended Sept. 24, 1931. New gold monetary unit established at par of 369 grains of fine gold by monetary law of Nov. 10, 1935, effective Nov. 30, 1935.
Colombia	Peso	.5714	Conversion of notes into gold suspended Sept. 13, 1914; exchange control established Jan. 16, 1932.
Costa Rica	Colon	.7679	Conversion of notes into gold suspended Sept. 20, 1931.
Cuba	Peso	1.0000	By law of May 25, 1934.
Czechoslovakia	Koruna	.4537	Conversion of notes into gold suspended Sept. 20, 1931.
Denmark	Krone	.2836	U. S. money is principal circulating medium.
Dominican Republic	Dollar	1.0631	Conversion of notes into gold suspended Feb. 9, 1932.
Ecuador	Sucre	6.3936	Conversion of notes into gold suspended Sept. 21, 1931.
Estonia	Kroon	.4537	Conversion of notes into gold suspended Sept. 28, 1931.
Finland	Markka	.0436	Conversion of notes into gold suspended Oct. 12, 1931.

Country	Monetary unit	Value in terms of U. S. money	Remarks
France	Franc		Provisions of monetary law of Oct. 1, 1936, providing for control of gold stocks and exports authorized Dec. 17, 1929, which stated that the gold content of the franc, fixed in June, 1937, which stated that the gold content of the franc shall be fixed ultimately by a decree adopted by the Council of Ministers. Until issuance of such decree a stabilization fund shall regulate the relationship between the franc and the pound sterling.
Germany	Reichsmark	$0.4033	Exchange control established July 13, 1931.
Great Britain	Pound Sterling	3.2397	Obligation to sell gold at legal monetary par suspended Sept. 21, 1931.
Greece	Drachma	.0220	Conversion of notes into gold suspended Apr. 26, 1932.
Guatemala	Quetzal	1.0000	Conversion of notes into gold suspended Dec. 17, 1929.
Haiti	Gourde	.2000	National bank notes redeemable on demand in U. S. dollars.
Honduras	Lempira	.5466	Gold exports prohibited Mar. 27, 1931; lempira circulates as equivalent of half of U. S. dollar.
Hungary	Pengö	.2961	Exchange control established July 17, 1931.
India [British]	Rupee	.3160	Obligation to sell gold at legal monetary par suspended Sept. 21, 1931.
Indo-China	Piaster		Piaster pegged to French franc at the rate of 1 piaster = 10 French francs; conversion of notes into gold suspended Oct. 2, 1936.
Ireland	Pound	3.2397	Conversion of notes into gold suspended Sept. 21, 1931.
Italy	Lira	.0526	New gold content of 46.77 milligrams of fine gold per lira established by monetary law of Oct. 5, 1936.
Japan	Yen	.3440	Embargo on gold exports Dec. 13, 1931.
Latvia	Lat		Currency pegged to sterling Sept. 26, 1936, at 2.022 lats = £1 sterling. By act of Sept. 26, 1936, the Bank of Latvia is at the pound sterling should depreciate by more than 5 per cent with respect to the United States dollar, or the Swedish krona, the Bank of Latvia shall take steps to keep the rate of exchange of the lat stable by basing it on the dollar, the pound sterling, or the krona.
Liberia	Dollar	1.0631	British money is principal circulating medium.
Lithuania	Litas	.1603	Free export of gold suspended Oct. 1, 1935.
Mexico	Peso		Decree of Aug. 29, 1936, left the monetary unit, the peso, to be made effective by subsequent decree.
Netherlands and colonies	Gulden (florin)	.5806	Suspension of obligation to sell gold and restrictions placed on free gold exports—Sept. 26, 1936; gold export prohibition repealed by decree June 26, 1938; prohibition restored by Act of Nov. 25, 1938. The Anglo-Netherlands financial agreement of June 14, 1940, established the Netherlands guilder at 7.07 guilders = £1 sterling. The Netherlands Indies guilder and the pound sterling at 7.00 guilders for £1 sterling. By act of September 20, 1940, the Netherlands Indies Volksraad decided, subject to later ratification by Queen Wilhelmina, to peg the Netherlands Indies florin to the value of its stock of gold coin and bullion at Fl. 2.101 per kilogram fine.
Newfoundland	Dollar	1.6631	Newfoundland and Canadian notes legal tender.
New Zealand	Pound	3.2397	Conversion of notes into gold suspended and export of gold prohibited Mar. 1, 1936.
Nicaragua	Cordoba	1.0833	Embargo on gold exports, Nov. 13, 1931; regulations Dec. 1931.
Norway	Krone	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Panama	Balboa	1.0000	U. S. money is principal circulating medium.
Paraguay	Peso (Argentine)	1.6335	Paraguayan paper currency is used; exchange control established July 1, 1931.
Persia (Iran)	Rial	.0624	Obligation to pay out gold deferred Mar. 13, 1932; exchange control established Mar. 1, 1936.
Peru	Sol	.4740	Conversion of notes into gold suspended May 18, 1932.
Philippine Islands	Peso	1.0000	By act approved Mar. 16, 1934.
Poland	Zloty	.1890	Embargo on gold exports, Nov. 13, 1936; regulations Dec. 1936.
Portugal	Escudo	.0749	Conversion of notes into gold suspended Sept. 29, 1931.
Rumania	Leu	.0101	Gold exchange standard suspended Dec. 31, 1931.
Salvador	Colon	.4166	Exchange control established May 18, 1932.
Spain	Peseta		Conversion of notes into gold suspended Oct. 7, 1931.
Straits Settlements	Dollar	.5613	British pound sterling and Straits dollar and half dollar legal tender.
Sweden	Krona	.4537	Conversion of notes into gold suspended Sept. 29, 1931.
Switzerland	Franc		Order of Federal Council enacted Sept. 27, 1936, instructed the Swiss National Bank to maintain the gold parity of the franc at a value ranging between 190 and 215 milligrams of fine gold.
Thailand (Siam)	Baht (Tical)	.7491	Conversion of notes into gold suspended May 11, 1932.
Turkey	Piaster	.0744	100 piasters equal to the Turkish £; conversion of notes into gold suspended 1916; exchange control established Dec. 1, 1931.
Union of South Africa	Pound	3.2397	Conversion of notes into gold suspended Dec. 28, 1932.

Values of Foreign Monetary Units—Continued

Country	Monetary unit	Value in terms of U. S. money	Remarks
Union of Soviet Republics	Chervonets	$3.7123	
Uruguay	Peso	.6583	Conversion of notes into gold suspended Aug. 2, 1914; exchange control established Sept. 7, 1931. New gold content of .583018 grams of pure gold per peso established by monetary law of Jan. 12, 1938.
Venezuela	Bolivar	.3267	Exchange control established Dec. 12, 1936.
Yugoslavia	Dinar	.0296	Exchange control established Oct. 7, 1931.

(Sec. 25, 28 Stat. 552; sec. 403, 42 Stat. 17; sec 522, 42 Stat. 974; sec. 522, 46 Stat. 739; 31 U.S.C. 372)

JANUARY 1, 1942.

[F. R. Doc. 42-450; Filed, January 15, 1942; 2:53 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

JANUARY 14, 1942.

PUBLIC CIRCULAR NO. 12 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

Supplement No. 7,[2] January 14, 1942, to "The Proclaimed List of Certain Blocked Nationals" promulgated pursuant to the Proclamation of July 17, 1941,[3] contains the names of persons within Portugal, Spain, Sweden, Switzerland and Turkey.

Attention is directed to the fact that these persons, as well as all other persons whose names appear on "The Proclaimed List of Certain Blocked Nationals", shall be treated for all purposes as though they were nationals of Germany or Italy. Accordingly, General Licenses Nos. 49,[3] 50,[3] 52,[4] and 70,[5] relating respectively to Sweden, Switzerland, Spain and Portugal, as well as all other licenses which do not authorize transactions by, on behalf of, or for the benefit of nationals of Germany or Italy, do not authorize transactions by, on behalf of, or for the benefit of persons whose names appear on such list. The mere fact that the name of a particular individual or concern is not contained on this list shall not be construed to mean that such individual or concern is not a national of Germany or Italy or to authorize transactions in which any national of Germany or Italy may have an interest.

[SEAL] E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 42-444; Filed, January 15, 1942; 11:46 a. m.]

[1] This public circular affects Parts 130 and 131 and will be included in appendices to those parts. Issued under the authority contained in sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

[2] Title 32, Chapter VIII, *infra*.

[3] 6 F.R. 3555.

[4] 6 F.R. 3057.

[5] 6 F.R. 3404.

[6] 6 F.R. 4046.

TITLE 32—NATIONAL DEFENSE

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER B—PROCLAIMED LIST OF CERTAIN BLOCKED NATIONALS

[Administrative Order—Supp. 7, Jan. 14, 1942]

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Board of Economic Warfare, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President, promulgated July 17, 1941 (6 F.R. 3555), the following Supplement No. 7 containing certain additions to, and deletions from "The Proclaimed List of Certain Blocked Nationals", promulgated July 17, 1941, is hereby promulgated.

Date: January 14, 1942.

By direction of the President.

CORDELL HULL,
Secretary of State.
D. W. BELL,
Acting Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
JESSE H. JONES,
Secretary of Commerce.
MILO PERKINS,
Executive Director,
Board of Economic Warfare.
NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

ADDITIONS

MEXICO

Wenner-Gren, Axel.

PERU

Wenner-Gren, Axel.

PORTUGAL AND POSSESSIONS

Portugal

A. E. G. Lusitana de Electricidade; Rua dos Fanqueiros 12, Lisbon; and Rua Sa da Bandeira 211, Oporto.

A. L. M. A. Ltda. Soc., Editorial; Rua do Alecrim 65, Lisbon.

Abreu, Augusto Vieira Lopes de (Agencia Abreu); Rua do Loureiro 40, Oporto.

Abrunhosa, Cesar Augusto; Margueira, Lisbon.

Acos Finos Roechling S. A.; Lisbon, and all branches in Portugal.

Adragna, Francesco; Olhao.

Afincao, Domingos do O.; Largo Prainhas, 92, Olhao.

Africana Ltda., Soc. Geral; Lisbon.

Agencia Comercial Portuguesa Ltda.; Rua dos Sapateiros 39, Lisbon.

Agencia de Representacoes Agricolas, Ltda.; Rua José Falcao 185, Oporto.

Agria & Carvalho Ltda.; Rua da Madalena 85, and Rua da Assuncao 99, Lisbon.

Aguiar & Cia. Ltda., Marques de; Ave. dos Aliados 22, Oporto.

Ala Littoria; Lisbon.

Albuquerque, Oscar de; Travessa Nova de S. Domingos 9, Lisbon, and Queluz Sintra.

Alcobia, José; Ave. Antonio Augusto de Aguiar 191, Lisbon.

Aldag, Otto; Avenida Palace Hotel, Lisbon.

Alegria, Francisco Marques; Campo 24 de Agosto 208, Oporto.

Alexandrino Ltda.; Ave. dos Aliados 22, Oporto.

Alianca Agricola e Comercial Ltda.; C. do Duque 3, Lisbon.

Alianca Fabril Lacobrigense Ltda.; Lagos.

Alonso Lamberte, Leopoldo; Cais das Pedras 18, Massarelos, Oporto.

Amaral, José A. do; Rua Formosa 333, Oporto; and Rua Dr. José Falcao 54, Ovar.

America, Carlo; Rua Dr. Alves da Veiga 634, Matozinhos, Oporto.

America, Giuseppe; Rua da Nova Alfandega 27, Oporto.

Amram, Joshua; Praca do Municipio 32, Lisbon.

Amram, S. & Filhos Ltda.; Praca do Municipio 32, Lisbon.

Andrade, Cordeiro & Mesquita Ltda.; Travessa do Forno do Torel 1, Lisbon.

Anilinas Ltda., Soc. de; Travessa das Pedras Negres, Lisbon, and all branches in Portugal.

Araujo, Eduardo Caldeira Borja de; Calcada do Sacramento 14, Lisbon.

Araujo & Bastos Ltda., Calcada do Sacramento 14, Lisbon.

Astoria Ltda., Soc.; Regueirao dos Anjos 68, Lisbon.

Aurino, Giacomo; Rua Sampaio Pina 50, Lisbon.

Auto-Material Ltda.; Calcada do Carmo 25, Lisbon.

Avelar, Manuel; Margueira, and Rua da Prata 40, Lisbon.

Azevedo, M. Sequeira; Rua de Traz 10, Oporto.

Barabino, Emanuele; Avenida Palace Hotel, Lisbon.

Barata, Alberto Cortes; Rua do Ferregial 46-48, and Rua das Lusiadas 5, Lisbon.

Barbosa, Eduardo F. (Casa das Loucas); Rua Formosa 361-333, Oporto.

Barbosa, Joaquim Alves; Rua Alexandre Braga 28-36, Oporto.

Barros, Arnoldo Dias Monteiro de; Largo Dr. Alfonso Pena 14, Lisbon.

Barros, Pedro Amor-Monteiro de; Rua Infantaria Dezaseis 77, Lisbon.

Bastos, Joao Burnay; Rua de Mocambique 30, Lisbon.

Bayer, Ltda.; Lisbon and Oporto.

Beken, Wolfgang; Vila Edith, Monte Estoril, and Rua dos Douredores 7, Lisbon.

Belard, Arthur Mantero; Rua de S. Nicolau 26, Lisbon.

Belard, Carlos Mantero; Rua de S. Nicolau 26, Lisbon.

Belard, Francisco Mantero; Rua de S. Nicolau 26, Lisbon.

Belard, Henrique Mantero; Rua de S. Nicolau 26, Lisbon.

Benzinho Ltda.; Estrada de Viso, Caixa Postal 14, Setubal.

Berghaeger, Erwin; Praca Luis de Camoes 36, Lisbon.

Biener Ltda., Hermann; Rua Ferreira Borges 175, Coimbra.

Bitetti, Olindo; Frankfurt Hotel, Lisbon.

Bock, August; Largo 13 de Fevereiro 4, Oporto.

Bodoni, Ladislau Winter; Rua Dr. Silva Teles 11, Lisbon.

Bordan, Dr. Octave; Hotel Miramar, Monte Estoril, Lisbon.

Bornhöft, Rudolf; Calcada do Combro 129, Lisbon.

Botelho, Joaquim Serrano de Sousa; Rua Alexandre Herculano 111, Lisbon.

Bracinhas & Silva Ltda.; Rua dos Douradores 80, Lisbon.

Brandao, Alfredo de Sousa; Colmeias, Leiria.

Brehm, Hans; Ave. Antonio Augusto Aguiar 122, Lisbon.

Brinett, Ltda.; Praca Duque da Terceira 24, Lisbon.

Brito, Antonio Batista; Travessa do Carvalho 15, Lisbon.

Bruno, Augusto; Olhao.

Burguette, Antonio Serrao; S. Pedro de Alverca, Vila Franca de Xira.

Burmester, J. W. & Cia. Ltda.; Rua de Belomonte 39, Oporto.

Burmester & Cia. Ltda.; Rua da Reboleira 49, Oporto.

Burmester, Ltda., Vasco; Rua dos Sapateiros 219, Lisbon; and Rua de Belomonte 39, Oporto.

C. I. D. I. E. (Comercio Internacional de Importacao e Exportacao Ltda.); Rua da Madalena 66, Lisbon.

Cabral, Antonio Roque de Costa; Rua Gilberto Rola 10, and Rua de Fabrica de Polvora 145, Lisbon.

Cabrita, A. J.; Rua do Amparo 25, and Ave. Manuel da Maia 26, Lisbon; and at Albufeira, Algarve.

Cabrita, Joaquim Vinhas; Rua do Amparo 25, Lisbon; and at Albufeira, Algarve.

Caiado, Andre Martins; Rua da Prata 198, Lisbon; and at Faro.

Calderia, Luiz Correia; Sobral da Lourinha.

Calderoni, Renato; Hotel Tivoli, Ave. da Liberdade 179, Lisbon.

Cale, José; Merzilhoeira da Carregacao, Portimao.

Camara, Joao Gago da; Calcada da Estrella 29, Lisbon.

Camponovo, Alberto; Rua da Angola 5, Lisbon.

Camponovo & Camara Ltda.; Rua Gomes Freire 136, Lisbon.

Carbonati, Viuva de Angelo; Rua da Prata 145, Lisbon.

Carneiro & Filho (Fabrica de Curtumes de Ponte de Pedra); Ponte de Pedra, Sao Mamede de Infesta, Oporto.

Carpalhosa, Manuel de Sousa; Colmeias, Leiria.

Carpalhosa & Filhos, Manuel de Sousa; Rua da Madalena 133, Lisbon; and at Colmeias, Leiria.

Carvalho, Antonio de; Rua do Arco do Cego 21, Lisbon.

Casimiro, J.; Rua Heliodoro Salgado 5, Lisbon.

Casimiro & Nascimento, Sucrs; Largo Antonio Joaquim Correira, Setubal.

Castelos Ltda., Soc. dos; Ave. dos Aliados 64, Oporto.

Cavaglio, Michele; Rua do Açúcar 36-48, Lisbon.

Cazalis, Pierre (Herdeiro); Rua de S. Nicolau 26, Lisbon.

Cereais e Farinhas Ltda., Soc. de; Travessa da Fabrica 2, Oporto.

Cerqueira, Francisco José; Rua Pinto Ferreira 8, Quinta do Almargem, Lisbon.

Cerqueira Jnr., Francisco José; Rua Pinto Ferreira 8, Quinta do Almargem, Lisbon.

Chiarpotto, Nino; Olhao.

Chocolates Camarana Ltda., Soc. de; Rua Pinto Ferreira 8, Quinta do Almargem, Lisbon.

Clarfeld & Preussner Ltda.; Largo do Caldas 8, Lisbon.

Claussen, Julius; Rua Joaquim Antonio de Aguiar 19, and Rua Sampaio Pina, M. F. C., Lisbon.

Cobo Ltda., Antonio; Travessa do Corpo Santo 29, Caixa Postal 294, Lisbon.

Cocco, Francesco; Olhao.

Cocco, Francisco & Paolo; Rua Andrade 4, Lisbon; and Rua Sousa Aroso 24, Matozinhos, Oporto.

Cocco, Michele, Dr.; Rua Garrett 17, Lisbon.

Cocco, Paolo; Rua Andrade 4, Lisbon.

Cocco, Salvatore; Olhao.

Cocco di Michele, Francisco; Rua Roberto Ivens 66, Matozinhos, Oporto.

Cocco fu Giuseppe, Francisco; Rua Sousa Aroso 24, Matozinhos, Oporto.

Coelho, Antonio Pinto; Rua dos Sapateiros 219, Lisbon.

Cohen, Werner A.; Rua da Madalena 215, Lisbon.

Colombo, E., Ltda.; Rua dos Sapateiros 219, Lisbon.

Comercial de Resinas Ltda., Soc.; Rua do Ouro 140, Lisbon.

Comercio Internacional de Importacao e Exportacao Ltda.—C. I. D. I. E.; Rua da Madalena 66, Lisbon.

Comercio Tejo Ltda., Soc.; Rua de Sao Julião 67, Lisbon; and at Trafaria.

Conciato, Mario; Rua Renato Batista 92, Lisbon.

Conservas Alimenticias a Boa Nova, Fabrica de—José Rodrigues Serrano & Filhos Ltda.; Rua Conselheiro Costa Braga 279, Matozinhos, Oporto.

Conservas Belamar Ltda., Soc. de.; Largo Prainhas 92, Olhao.

Consorcio Tecnico Industrial Ltda.; Rua S. Nicolau 42, Lisbon, and all branches in Portugal.

Construtora e Comercial Ltda., Soc.; Ave. Almirante Reis 1, Lisbon.

Cordeiro, J. & Cia., Ltda.; Doca do Alcantara, Lisbon.

Corticas de Portugal Ltda.; Travessa da Praia da Mutela Caramujo, Almada; and Rua do Ouro 236, Lisbon.

Cortumes da Povoa, Fabrica de—Cia. National Mercantil; Rua de Santo Ildefonso 41-45, and Travessa da Povoa 399, Oporto, and all branches in Portugal.

Cosp & Co. Ltda., Antonio; Faro.

Costa, José Luiz; Caixa Postal 238, Lisbon.

Couto, Ltda., Oliveira; Rua Firmeasa 312, Oporto.

Cristovao, J. Ltda.; Rua da Boa Vista 18, Lisbon.

Cruz, Francisco Nabaes da; Rua Aurea 265, Lisbon.

Cruz & Cia. Ltda., Lopes do (Fabrica Oceano); Rua Brito e Cunha 541, Matozinhos, Oporto.

Cudell, Roberto; Largo do Directorio 14, Lisbon; and Rua Passos Manuel 41, Oporto.

Cudell Ltda., Roberto, Escritorio Tecnico; Rua Passos Manuel 41, Oporto.

Cudell & Weltzien Ltda.; Rua de S. Paulo 117-121, Lisbon.

Cunse Ltda., August; Rua dos Fanqueiros 44, Lisbon.

Cupertino de Miranda & Cia.; Rua Sa da Bandeira 56, Oporto, and all branches in Portugal.

Curto, Joaquim Joao; Sobral da Lourinha.

Curtumes de Ponte de Pedra, Fabrica de—Carneiro & Filho; Ponte de Pedra, Sao Mamede de Infesta, Oporto.

Custodio & Cia., Ltda.; Rua Miguel Bombarda 7, Cacilhas, Lisbon; and at Setubal.

Da Costa, Afredo José; Rua Miguel Paes, Barreiro.

Da Fonseca, José Antonio; Rua da Sociedade Farmaceutica 56, Lisbon, and all branches in Portugal.

Da Palma, José Afonso; Ave. Almirante Reis 230, and Rua Carvalho Araujo 159, Lisbon.

Da Silva, E. Torres Pinto; Faro.

Daehnhardt, Hans Wilhelm; Rua da Victoria 42, Lisbon.

De Brito, Eduardo Faria; Campo 28 de Maio 180, Lisbon; and Rua Herois de Chaves 806, Oporto.

Dias, Narciso; Encarnacao, nr. Santarem.

Dias, Ventura Henriques; Rua do Comercio 42, Lisbon.

Diederichs, Carl; Chalet Castim, Paco d'Arcos; and at Lisbon.

Diego, Gregorio; Rua Fernanda Palha 47, and Rua Rodrigo da Fonseca 149, Caixa Postal 514, Lisbon; and at Guarda.

Dobler, Herbert; Rua Santa Marta 232, Lisbon.

Dobling, Heinz; Calcada do Carmo 25, Lisbon.

D'Oliveira, F. Ltda.; Rua Arco do Bandeira 112, Lisbon.

D'Oliveira, F. H. & Cia., Ltda.; Calcada Marques de Abrantes 42, and Rua Vasco da Gama 34, Lisbon.

D'Oliveira, Francisco Henriques; Calcada do Carmo 25, and Rua Antero do Quintal 37, Lisbon.

D'Oliveira, Jnr., Francisco Henrique; Calcada Marques de Abrantes 42, Lisbon.

D'Oliveira, Snr., Francisco Henrique; Calcada Marques de Abrantes 42, Lisbon.

Duarte, Americo Hasse; Rua S. Nicolau 42, Lisbon.

"Editorial do Foro Ltda."; Rua do Crucifixo 50–2, Lisbon.

Ehrenfest, Frederic; Rua da Victoria 53, and Ave. Trouville Villa das Acacias, Monte Estoril, Lisbon.

"Electro-Rayd", Pedro Aires Gomes, Rua da Trindade 13–15, Oporto.

Ell, Josef; Rua da Prata 184, Lisbon.

Elmo Ltda.; Rua da Victoria 53, Lisbon.

Empresa Comercial de Maquinas e Electricidade Ltda.; Rua da Palma 225, Lisbon.

Empresa Comercial Jurgens Ltda.; Travessa da Fabrica 2, Oporto.

Empresa de Conservas Sagrada Familia (José da Silva Torres); Rua Brito Capelo 960–970, Matosinhos, Oporto.

Empresa Fornecedora de Mantimentos, Safari Ltda.; Rua Cais de Santarem 24, Lisbon.

Empresa Resineira do Centro do Portugal Ltda.; Rua da Madalena 133, Lisbon; and at Colmeias, Leiria.

"Escol", Escritorio de Comercio Geral Ltda.; Rua Sa da Bandeira 510, Oporto.

Eter Ltda.; Rua da Victoria 53, Lisbon.

Eximport; Caixa Postal 511, Lisbon.

Exploracoes Florestaes Ltda., Soc. de; Rua dos Fanqueiros 234, Lisbon.

Exportadora de Corticas Ltda., Soc.; S. Pedro de Alverca, Vila Franca de Xira.

Fabrica Portuguesa de Curtumes—Monteiro, Bessa-Ribas & Cia., Ltda.; Estrada da Circunvalaçao, Ameal, Oporto.

Fabricius, Hans Joachim; Rua da Imprensa Nacional 40, Lisbon.

Fenollar, Fernando M.; Rua da Misericordia 20, Lisbon.

Fernandes, Antonio José; Travessa de Cima 300, Oporto.

Fernandes & Cia. Ltda., Abel; Rua Augusta 176, Lisbon.

Ferrao, Fernando de Oliveira Abranches (Dr.); Rua do Crucifixo 50–2, Lisbon.

Ferreira, Francisco; Rua Aurea 165, Lisbon.

Ferreira Filipe Ltda.; Rua da Madalena 18, Lisbon; and Quinta da Maceda, Barreiro.

Ferreira Ltda. Ernesto; Rua da Madalena 40–44, Lisbon, and all branches in Portugal.

Ferrero, Egon Giulio; Avenida Palace Hotel, Lisbon.

Feu, Manuel; Mexilhoeira da Carregacao, Portimao.

Feu Hermanos, Soc. de Resp. Ltda.; Mexilhoeira da Carregacao, Portimao.

Feu Marchena, Caetano; Mexilhoeira da Carregacao, Portimao.

Feu Marchena, Ernesto; Mexilhoeira da Carregacao, Portimao.

Feu Marchena, José Antonio; Mexilhoeira da Carregacao, Portimao.

Fiat Portuguesa S. A.; Rua St. Catarina 122, Oporto, and all branches in Portugal.

Fibra Comercial Lusitana Ltda.; Ave. da Boa Vista 1904, Oporto.

Fidrmuc, Paul; Hotel do Parque, Parque Estoril, Lisbon.

Filacchioni, Bruno; Avenida Palace Hotel, Lisbon.

Fischer, Karl; Rua S. Joao da Mata 117, Lisbon.

Florentino, Joaquim Abelha; Rua Barao de Cao Cosmo 28, Oporto.

Fraga Rodrigues, Candido; Rua dos Pedroucos 75A, Lisbon.

Fragoso, Antonio R.; Rua dos Fanqueiros 65, Lisbon.

Franchi, Alcino; Rua Nova do Desterro 34, Lisbon.

Frederico, C. Ltda.; Rua dos Douradores 32, Lisbon.

Freitas, Jaime Lancastre de; Rua Padre Antonio Vieira 6, Lisbon.

Freitas Ltda., de; Rua da Prata 8, Lisbon.

Friebel, Werner; Hotel das Duas Nacoes, Rua da Victoria, Lisbon.

Funghini, Goffredo; Hotel Tivoli, Ave. da Liberdade 179, Lisbon.

Gallicani, Dino; Rua Arco do Bandeira 219, Lisbon.

Galuppo, Giuseppe (fu Carlo); Estrada do Circunvalacao, Olhao.

Garagem Dafundo; Rua Policarpo Anjos 70, Dafundo, Lisbon.

Garagem Grandella (Guilherme Pereira, Jnr.); Rua Tomaz Ribeiro 83, Lisbon.

Garcia, David Benito; Rua do Comercio 8, Lisbon.

Garcia, Ilidio; Rua dos Sapateiros 39, Lisbon.

Garcia, Natalio; Rua do Comercio 8, Lisbon.

Garcia Ltda., Benito; Rua do Comercio 8, Lisbon.

Gawrisch, Heinz; Rua Goncalo Cristovao 68, Oporto.

Gellweiler, Joao José Vierira; Travessa do Alcerim 3, Lisbon.

Gellweiler, Joseph; Travessa do Alecrim 3, Lisbon.

Georgieff, Ansen; Hotel Tivoli, Lisbon.

Godinho, Joao Pedro; Figueiro dos Vinhos.

Godinho e Cunha, Pedro; Rua Aurea 265, Lisbon.

Goeben, Gustav F.; Rua dos Correeiros 134, Lisbon.

Gomes, Pedro Aires "Electro-Rayd"; Rua da Trinidade 13–15, Oporto.

Goni, Andres; Rua do Comercio, 95–107, Lisbon.

Gonzales, Artur; Ginjal 41, Almada.

Gonzales & Nascimento Ltda.; Ginjal 41, Almada.

Gottlieb, Egon; Rua do Arsenal 108, Lisbon.

Greiner Ltda.; Faro.

Grimeisen, Herman; Rua do Ouro 110–116, Lisbon.

Gruen & Bilfinger S. A.; Rua da Madalena 163, Lisbon.

Guerin, Carlos; Rua do Arsenal 108, Lisbon.

Guerin Ltda.; Carlos (Transportes Internacionas); Rua do Arsenal 108, Lisbon; and Rua Santa Catarina 304–308, Oporto.

Guimaraes, Antonio Henrique de Sousa; Rua Mousinho de Albuquerque 349, Matozinhos, Oporto.

Guimaraes, Eduardo de Sousa; Rua Mousinho de Albuquerque 349, Matozinhos, Oporto.

Guimaraes, Olivio d'Almeida Antao; Vivenda Guimaraes, Ave. Central 40, Telheiras de Cima.

Guimaraes & Neves; Torres-Vedras, Lisbon.

Hamann, Frederico Willy; Rua José de Carvalho 68, Foz; and Rua da Alegria 617, Oporto.

Hans, Otto; Praca do Municipio 32, Lisbon.

Hansa Ltda.; Praca Luis de Camoes 36, Lisbon.

Henriques, Artur; Rua do Arsenal 94, Lisbon.

Henriques Irmaos Ltda.; Rua do Arsenal 94, Lisbon.

Henzler, Fritz; Faro.

Hingst, Hermann zum; Rua da Madalena 18, Lisbon.

Hipolito, Antonio; Lisbon.

Hipolito & Casa; Rua Serpa Pinto, Torres-Vedras, Lisbon.

Hitzemann & Cia. Ltda.; Rua Sa da Bandeira 5?–6, Oporto.

Hofle, Adolfo & Queiroz; Rua Sa de Bandeira 257A, Oporto.

Hollmueller, Alfred; c/o J. Wimmer & Co., Ave. 24 de Julho 34, Lisbon.

Hubert, Alberto; Caxias, Apartado 321, Lisbon.

Hungria, Antonio; Rua Bernardino Costa 50, Lisbon.

I. C. A. Portuguesa Ltda.; Largo do Conde Barao 27, Lisbon.

Ilari, Carlos; Olhao.

Imperial Ltda.; Rua Aurea 265, Lisbon.

Imprensa Barreiro; Rua Victor Bastos 51, Lisbon.

Industria Nacional de Artigos para Escritorio Helius Ltda.; Lisbon.

Industrial e Mercantil dos Olivais Ltda., Soc., "SIMOL"; Rua Augusta 280, Lisbon.

Insulana de Transportes Maritimos Ltda., Soc.; Praca Duque da Terceira 24, Lisbon.

Intasco Ltda.; Rua Rodrigues Sampaio 4, Lisbon.

Isser, Fritz; Rua das Pedras Negras 30, Lisbon.

Italcable, Comp. Italiana Delcavi-Telegrafici Sottomarini; Rua da Conceicao 124–130, Lisbon; and at Oporto.

Jacinto, José Viegas; Faro.

Jacinto Jnr., Manuel Viegas; Estrada da Sephora da Saude, Faro.

Jordao, Joaquim Magalhaes; Rua Arco do Bandeira, Lisbon; and at Valado, Alcobaca.

Jurgens, Heinrich; Travessa da Fabrica 2, Oporto.

Kalmar, Hugo; Avenida Palace Hotel, Lisbon.

Karl, Ltda., Walther; Rua do Comercio 42, Lisbon.

Katzenstein, Eduardo; Travessa da Amoreira 20, Pampulha, Lisbon.

Knigge, Baron Otal; Rua Joaquim Antonio de Aguiar 73, Lisbon.

Kohlhoff, Erich; Rua Jardim do Regedor 2, Lisbon.

Kores Ltda.; Rua de S. Nicolau 13, Lisbon.

Kosaroff, Theodor (Dr.); Hotel Tivoli, Lisbon.

Kramer Ltda. (Farmac); Galeria de Paris 102, Oporto.

Krebs, Karl Heinrich; Rua do Cativo 22, Oporto.

Kuienkampff, Helmut; Rua Joao Anastacio Rosa 12, Lisbon.

Lacasta, Manuel José Stichaner; Largo Prainhas 92, Olhao.

Lans, Humberto, Hotel Tivoli, Lisbon.

Lanzani, Miguel; Hotel Universo, Lisbon.

Lassen & Cia., Ltda.; Rua da Prata 89, Lisbon; and at Oporto.

Lauterbach, Paulo Kunst; Largo do Conde Barao 27, Lisbon.

Lavandeira, Alvaro; Rua Rodrigues Sampaio 4, Lisbon.

Lazaro, Bonifacio; Rua da Saude, Setubal.

Lazzara, Carlo; Olhao.

Lazzara, Niccolo; Olhao.

Lazzari, Emmanuele; Rua dos Sapateiros 219, Lisbon.

Leal, Antonio do Carmo; Lagos.

Leal, Joaquim do Carmo; Lagos.

Ledo, Mario; Parque Escolas, Setubal.

Leichsenring, Erich; Rua do Almada 539, Oporto.

Leichsenring Ltda.; Rua de Belomonte 59, Oporto.

Leitao & Lilienthal Ltda.; Praca dos Restauradores 13, Lisbon.

Lepori, Luigi; Rua Victor Cordon 1–E & 1–G, Lisbon.

Lesser, Bruno; Rua Cais de Santarem 32, Lisbon.

Lewandowsky, Georg; Caixa Postal 360, Lisbon.

Lima, Paulo Pinto; Praca Duque da Terceira 24, Lisbon.

Lisboa Filme Ltda.; Quinta dos Ulmeiros, Al. das Linhas de Torres, Lumiar, Lisbon.

Lobar-Grupo Portuguese Importador e Exportador Ltda.; Rua do Ouro 191, Caixa Postal 366, Lisbon.

Lobe & Cia., Albrecht; Rua Antonio Barroso 299, Oporto.

Loesch, Hermann; Rua do Comercio 42, Lisbon.

Lopes & Cia. Ltda., Joao Manuel; Galeria de Paris 102, Oporto.

Lopes, Valeiras Hnos; Rua Camilo Castelo Branco, Setubal.

Loucas, Casa das—Eduardo F. Barbosa; Rua Formosa 331–333, Oporto.

Lourenco & Charneca Ltda.; Faro.

Lovios, Carlo Guiseppe; Avenida Palace Hotel, Lisbon.

Loy, Karl; Rua de Cedofeita 103, Oporto.

Luso-Exportadora Ltda.; Praca dos Restauradores 13, Lisbon.

Luso-Hungara Ltda., Soc.; Rua Serpa Pinto 14, Lisbon.

Luso-Italiana Ltda., Soc. Comercial; Travessa das Salgadeiras 7, Lisbon.

M. O. T. O. P.—Motores a Oleos Pesados; 88 Rua da Victoria 30, Lisbon.

Macedo, Joao Maria da Costa Cabral de; Rua da Victoria 53, Lisbon; and Quinta de Santa Sofia Cruz, Quebrada.

Machado & Nunes Ltda.; Rua dos Fanqueiros 38, Lisbon.

Madureira e Rego Ltda. (Owners of A. S. V. "Nina" [ex "Dina"]); Rua da Conceicao 125, Lisbon.

Mainto, Riccardo; Avenida Palace Hotel, Lisbon.

Malato, Vittorio Emmanuele; Rua Policarpo Anjos 70, Dafundo, Lisbon.

Mantero, Ltda., Francisco; Rua de S. Nicolau 36, Lisbon.

Marcomina Ltda.; Rua da Assuncao 57, Lisbon.

Marcus y Harting, Ltda., Rocio 50, Lisbon.

Marin, José Olivares; Rua de S. Nicolau 36, Lisbon.

Marques, Afonso de Oliveira; Rua Camilo Castelo Branco, Setubal.

Marques Jnr., Afonso de Oliveira; Rua Camilo Castelo Branco, Setubal.

Marques, José de Oliveira; Rua Camilo Castelo Branco, Setubal.

Marques, Neves and Cia. Ltda.; Rua Camilo Castelo Branco, Setubal; and at Matosinhos, Oporto.

Martinez de Prado, Frederico; Hotel das Duas Nacoes, Rua da Victoria, Lisbon.

Martino, Mario di; Rua Capitao Nobre, Olhao.

Martins, Augusto; Rua Almirante Barroso 1, Lisbon.

Martins, Vasco Burmester; Rua José Falcao 185, Oporto.

Matos Jnr., Joaquim Ferreira Silva; Rua da Alegria 617, Oporto.

Matos, Leontino José de (Dr.); Ave. Todi 156, Setubal.

Matos, M. Pereira de; Largo do Carmo 18, Lisbon.

Mauler, Josef; Rua de S. Nicolau 13, Lisbon.

Medeiros e Camara, Segesmundo Pereira de; Rua Gomes Freire 136, Lisbon.

Mendes Correia Jnr., Joaquim; Rua Filipe Folque 42, Lisbon.

Mendes Ltda.; Rossio 59, Lisbon.

Menegani, Giovanni; Ave. da Liberdade 234, Lisbon.

Menendez, Fernando; Rua de S. Juliao 50, Lisbon.

Metalurgica da Bemfica, Estrada das Garridas, Lisbon.

Metropolitana e Colonial de Construcoes, Ltda., Soc., (S. O. M. E. C.); Rua da Madalena 163, Lisbon.

Meyer, Frida; Lisbon.

Meyer, Hans; Rua Dr. Silva Teles 9, Lisbon.

Meyer, Herbert; Rua Dr. Silva Teles 9, Lisbon.

Meyer Ltda.; Rua dos Fanqueiros 267, Caixa Postal 32, Lisbon.

Meyer Ltda., Fritz W.; Rua Vasco da Gama 1–5, Esquina de Praca D. Luis 27, Lisbon.

Mickley, Ewald; Praca Luis de Camoes 36, Lisbon.

Minero Silvicola, Ltda.; Rua Cais de Santarem 32, Lisbon.

Ministro, Tenente Joaquim Figueiredo; Rua da Madalena 215, Lisbon.

Minnemann, W. (Wolfram Anthime Ludwig Marques Minnemann); Rua Cimo de Vila 5, Oporto.

Miranda, José Pereira; S. Pedro de Alverca, Vila Franca de Xira.

Moita, F.; Rossio 3, Lisbon.

Montefior Ltda.; Rua do Ferregial 46–48, Lisbon.

Monteiro, Antonio de Sousa; Rua Almeida e Sousa 13, and Chalet Noemia Estoril, Lisbon.

Monteiro, Bessa-Ribas & Cia., Ltda. (Fabrica Portuguesa de Curtumes); Estrada da Circunvalaçao, Ameal, Oporto.

Monteiro & Cia., Ltda., Manuel J.; Rua dos Correeiros 134, Lisbon.

Moraes, Jnr., Eduardo Victorino de; Rua Santana a Lapa, Lisbon, and all branches in Portugal.

Moreira, Manuel A. C.; Rua da Madalena 215, Lisbon.

Moreno, Edelmiro; Rua San Juliao 48, and Hotel Suisso Atlantico, Rua da Gloria 3, Lisbon.

Mota, José S. M.; c/o J. Wimmer & Co., Ave. 24 de Julho 34, Lisbon.

Motores a Oleos Pesados (M. O. T. O. P.); 88 Rua da Victoria 30, Lisbon.

Nacional da Industria Mineira Ltda., Soc.—Sonimi; Azinhaga dos Ameixials, Lisbon.

Nacional Mercantil Cia. (Fabrica de Cortumes da Povoa); Rua de Santo Ildefonso 41–45, and Travessa da Pavoa 390, Oporto, and all branches in Portugal.

Nagy, Bartolomeu de; Alto Estoril, Lisbon.

Nascimento, Alvaro do; Estrada de Vizo, Caixa Postal 14, Setubal.

Nascimento, Americo do; Estrada de Vizo, Caixa Postal 14, Setubal.

Nascimento, Joao; Ginjal 41, Almada.

Nascimento, Joao Manuel; Ginjal 41, Almada.

Nascimento, Manoel do; Largo Antonio Joaquim Correira, Setubal.

Nascimento, Mario do; Estrada de Vizo, Caixa Postal 14, Setubal.

Neumann, Hans; Rua do Arsenal 108, Lisbon.

Niepoort, Soc. de Representacoes; Ave. dos Aliados 188–200, Oporto.

Nogueiro, Ermando Borges; Rua de S. Damaso 51, Guimaraes.

Oceano, Fabrica—Lopes do Cruz & Cia. Ltda.; Rua Brito e Cunha 541, Matozinhos, Oporto.

Oliveira, José Belmonte Pereira de; Rua do Ferregial 46–48, and Rua da Polvora 12, Lisbon.

Oliveira, Manoel; Rua Dr. Julio de Matos 490, Oporto.

Olst, Otto; Rua dos Sapateiros 139, Lisbon.

Optica Técnica Optec, Ltda., Soc.; Rua 1st de Dezembro 101, Lisbon.

Ornelas e Oliveira, M. A.; Rua da Victoria 38, Lisbon.

Oswald, Ernst; Rua Herois de Chaves 892, Oporto.

Pais & Coelho; Pacos de Brandao, Oporto.

Palau, Luis; English Bar, Monte Estoril, Caixa Postal 521, Lisbon.

Palha, Carlos Vanzeller Pereira; Quinta das Areias, Vila Franca de Xira.

Palha, Francisco Vanzeller Pereira; Quinta das Areias, Vila Franca de Xira.

Pankow, Werner; Ave. de Berne 120, Lisbon.

Parodi, Angelo; Vilareal, and all branches in Portugal.

Parreira, Vasco; Rua Serpa Pinto, Torres Vedras, Lisbon.

Patatel, Artur; Lisbon and Oporto.

Pena, Joaquin; Lisbon.

Pereira, Alexandre Marques; Rua Sampaio Bruno 49, and Largo da Anunciada 9, Lisbon.

Pereira, Augusto Paulo; Ave. Almirante Reis 70, Lisbon.
Pereira, Diamantino Nunes; Rua Arco do Bandeira 38, Lisbon.
Pereira, Maria Theresa; Rua Sampaio Bruno 49, and Largo da Anunciada 9, Lisbon.
Pereira Junr., Guilherme—Garagem Grandella; Rua Tomaz Ribeiro 89, Lisbon.
Perola do Rocio Ltda.; Rocio 106, Lisbon.
Pescoller, Heinrich; Lisbon.
Pestana, Victor Rodrigues; Ave. Sacadura Cabral 21, Lisbon; and at Alpiarca.
"Pfaff" Maquinas de Costura—Santos & Araujo Ltda.; Rua Garrett 49–51, Lisbon.
Piano, Alvaro A. C.; Rua Aurea 103–105, Lisbon.
Piano Jnr., A. & Co.; Lisbon.
Piano Jnr., José; Lisbon.
Picao, Antonio da Silveira; Praca D. Joao da Camara 19, Lisbon.
Pimenta, Francisco Bethencourt; Calcada do Desterro 11, and Rua Rodrigues Sampaio 76, Lisbon.
Pimenta, Vicente Bethencourt; Rua Saudade 23, Lisbon.
Pinto & Cia., Ltda., Alvaro; Rua das Arameiros 11, Lisbon.
Pinto Marques & Cia.; Vila Meã, Amarante.
Pires, Carmolino Ferreira; Rua da Madalena 91 and 113, Lisbon.
Poehner, Egon; Avenida Palace Hotel, Lisbon.
Porst, Kurt; Rua da Prata 59, Lisbon.
Portugal Previdente; Rua do Alecrim 10, Lisbon; and at Oporto.
Portuguesa Bodoni Ltda., Soc.; Rua de S. Nicolau 23–4, and Travessa Nova de S. Domingo 9, Lisbon.
Portuguesa Ltda. Soc., Comercial; Rua dos Sapateiros 39, Lisbon.
Potthoff, Francisco; Rua da Luta 26, Lisbon.
Produtos Africanos, Soc. de; Rua de S. Nicolau 26, Lisbon.
Puls, Helmuth; Lisbon.
Quimico - Farmaceutica Ltda.; Rua Gomes Freire 96, Lisbon.
Rabenau, Walter; Rua dos Fanqueiros 136, Lisbon.
Rasmini, Giovanni; Olhao.
Reich, Bruno; Ave. Ressano Garcia 37, Lisbon.
Resinagem Nacional Ltda.; Alcobaca.
Ribeiro, Joao Correia (Dr.); Rua Nova do Almada 53, Lisbon.
Ribeiro & Lopes Ltda.; Rua Aurea 103–105, Lisbon.
Rober, Wilhelm; Ave. Elias Gracia 172, Lisbon.
Rocha, Celestino Malo; Rua dos Fanqueiros 221, Lisbon.
Rodrigues, Diego d'Oliveira; Ave. Almirante Reis 50, Lisbon.
Rodrigues, Maria Piedade; Rua de D. Estefania 105, Lisbon.
Rodrigues & Cia. Ltda., Oliveira; Ave. Julio Graca, Vila do Conde, Oporto.
Rodrigues & Mira Ltda.; Rua Centieira, Olivais, Lisbon.
Rothes, Fancisco Lopes; Rua Val Formoso 210, Oporto.
Rouhau, Nicollaus; Club Alemao, Carcavelos, Casais.
Ryck & Warneke Ltda.; Praca do Municipio 19, Lisbon.
Sala & Irmao; Galeria de Paris 97–99, Oporto.
Sancho, Rafael Dias; Faro.
Santos, Alberto da Silva; Rua Dr. R. Soares Martins 6, Lisbon.
Santos, Jnr., José dos; Alfaiataria Mariposa, Rua dos Fanqueiros 87–91, and Ave. Barbosa dos Bocage 21, Lisbon.
Santos & Araujo Ltda. (Maquinas de Costura "Pfaff"); Rua Garrett 49–51, Lisbon.
Saul, Gustav; Hotel Victoria, and Atlantic Hotel, Monte Estoril, Lisbon.
Schering S. A. Portuguesa S. A. R. L.; Largo da Anunciada 9, Lisbon.
Scheyer, Paul; Rua Passos Manuel 174–178, Oporto.
Schimkel, Herbert; Rua do Arsenal 108, and Ave. Antonio Augusto de Aginar 187, Lisbon.
Schmidt, August; Praca dos Restauradores 13, Lisbon.
Schneider, Walter; Rua Fialho d'Almeida 26, Lisbon.
Schodt, Wolfgang; Praca Duque da Terceira 24, Lisbon.
Schoeppen, Alfred; Rua Sampaio Bruno 12, Oporto.
Schoeppen, Alfredo José Maria; Rua Sampaio Bruno 12, Oporto.
Scholz, Hans; Rua da Victoria 41, Lisbon, and all branches in Portugal.
Schrader, Julius; Rua de Santa Marta 141–143, Lisbon.
Schuebel, Georg W.; Lisbon.
Schuette & Cia. Ltda.; Praca Luiz de Camoes 36, Lisbon.
Schuldt, Carl; Rua da Prata 59, Lisbon.
Schwair, Max; Rua da Agra 435, Oporto.
Schwarz, Hans; Rua dos Fanqueiros 15, Lisbon.
Schwarz & Co.; Rua dos Fanqueiros 15, Lisbon.
Seguradora International Ltda.; Rua da Prata 81, Lisbon.
Sepulveda, Afonso Carlos; Ave. Almirante Reis 199, Lisbon.
Sequeira, F. J. Armando; Rua Nova do Loureiro 37, Lisbon.
Serra, Eduardo da Silva; Rua Mousinho da Silveira 283, Oporto.
Serrador, Antonio dos Santos; Rua da Madalena 133, Lisbon.
Serrano & Filhos Ltda., José Rodrigues (Fabrica de Conservas Alimenticias a Boa Nova); Rua Conselheiro Costa Braga 279, Matozinhos, Oporto.
Siegel, Wilhelm Hörske; Largo do Conde Barao 27, Lisbon.
Siemens, Cia. de Electricidade, Rua Augusta 118, Lisbon; and Rua das Carmelitas 12, Oporto.
Siemens Reiniger S. A. R. L.; Rua de Santa Marta 141–143, Lisbon; and Rua Candido dos Reis 120, Oporto.
Silva, Artur Rodrigues da; Rua Luciano Cordeiro 98, Lisbon.
Silva, J. & Ledo Ltda.; Parque Escolas, Setubal.
Silva, José Santos; Rua das Muzas 110, Oporto.
Silva, Laurentino Martins da; Travessa da Fabrica 2, Oporto.
Silva, Luciano Rodrigues; Vila Verde, Paranhos, Seia.
"SIMOL"—Sociedade Industrial e Mercantil dos Olivais Ltda.; Rua Augusta 280, Lisbon.
Siraguza, Giuseppe; Olhao.
Sobralense Ltda.; Sobral da Lourinha.
Sociedade Financiera Industriale—Sofindus; Rua Augusta 47, Lisbon.
Sofindus (Sociedade Financiera Industriale); Rua Augusta 47, Lisbon.
Sonimi (Soc. Nacional da Industria Mineira Ltda.); Aminhaga dos Ameixiais, Lisbon.
Soriano, José Jorge Alves; Rua da Junqueira 29, Lisbon.
Sousa Gomes, Ltda.; Calcada do Carmo 6, Lisbon.
Spinola Guadalupi, Ugo; Lisbon.
Stehn, Kuno; Rua dos Fanqueiros 15, Lisbon.
Stern, Eduard (Dr.); Travessa Enviado da Inglaterra 20, Lisbon; and at Vila Verde, Paranhos.
Stransky, Otto M.; Rua Nova do Almada 80, Caixa Postal 511, Lisbon.
Strazzera, Andrea; Olhao.
Strzellewicz, H.; Rua da Conceicáo 67, Oporto.
Stuve, W. & Co.; Rua de S. Fransisco 4, Oporto.
Suhl, Henry; Lisbon.
Tavares, Arnaldo Martins; Rua dos Fanqueiros 221, Lisbon.
Tavares, Ernesto Eduardo; Rua dos Fanqueiros 221, Lisbon.
Tavares & Rocha, Ltda.; Rua dos Fanqueiros 221, Lisbon.
Textil Artificial do Porto Ltda.; Travessa das Andrezas 90, Oporto.
Thobe, Hans Carl Walter, Rua Fonte da Luz 147, Foz do Douro, Oporto.
Toesca, Chiaffredo; Ave. da Liberdade 253, Lisbon.
Torres, José da Silva—Empresa de Conservas Sagrada Familia; Rua Brito Capelo 960–970, Matozinhos, Oporto.
Transportes Internacionas—Carlos Guerin Ltda.; Rua do Arsenal 108, Lisbon; and Rua Santa Catarina 304–308, Oporto.
Transportes Mecanicos Mario Silva (owners of A. S. V. "Pescador"); Rua Coelho da Rocha 44, Lisbon.
Trevisan, Giuseppe; Rua Joaquim Antonio de Aguiar 46, Oporto.
Trombetta, Fabrisio; Lisbon.
Uebele, Christian; Lisbon.
Uhlfelder, Fritz; Rua Duque de Loule 112, Oporto.
Ulrich, Huller; Lisbon.
Vallet & Bohm; Rua da Alfandega 108, Lisbon.
Vasconcellos & Vasconcellos Ltda.; Rua do Cura 24, Lisbon.
Vasques, José Mesquita; Travessa do Formo do Torel 1, Lisbon.
Veiga, Vasco Soares da; Rua da Madalena 133, Lisbon.
Veith, August; Rua da Palma 146, Lisbon.
Viale, Mario; Rua Duarte Galvao 44, Lisbon.
Viana, A. Rocha; Rua dos Correiros 92–3, and Rua da Condessa 80, Lisbon.
Viegas, Carlos Bernardino; Ave. 5 de Outubro 23, Setubal.
Viegas, Francisco; Ave. Antonio Serpa 38, Lisbon.
Viegas, José; Setubal.

Viegas, Dias & Cia. Ltda.; Calcada do Sacramento 14, Lisbon; and Estrada Graca 256, Fontainhas, Setubal.
Viegas & Colombo Ltda.; Setubal.
Viegas & Lopes; Ave. 5 de Outubro 23, Setubal.
Viegas Irmaos Ltda.; Rua dos Fanqueiros 38, Lisbon.
Vieira, Antonio Alves; Rua do Arsenal 108, Lisbon.
Vilaca, José Julio; Rua Dr. Sousa Viterbo 87, Oporto.
Volz, Kurt; Vila Carlos Costa 9, Santa Amaro de Oeiras.
Wagner, Ludwig; Rua Candido dos Reis 74, Oporto.
Waldhausen, C. Herbert; Rua do Ouro 191, Lisbon.
Weber & Cia.; Galeria de Paris 82, Oporto.
Weigel, Kurt; Rua de Santa Marta 141–143, Lisbon.
Wendt & Bydekarken Ltda.; Rua dos Sapateiros 70, Lisbon.
Wicander C. G. Ltda.; Quinta Santa Maria, Seixal.
Wiedau, Arend; Rua da Palma 219, Lisbon.
Wieprecht, Horst; Praca Luiz de Camoes 36, Lisbon.
Wieprecht Ltda., Horst; Praca Luiz de Camoes 36, Lisbon.
Wilhelm, Carl; Rua da Boa Vista 56, Lisbon.
Wilhelm & Cia., Carl; Rua da Boa Vista 56, Lisbon.
Wilms, Willy; Rua do Castanheiro 25, Oporto.
Wimmer, J. & Co.; Ave. 24 de Julho 34, Lisbon; and Rua Mousinho da Silveira 18, Oporto.
Winkler, Ludwig; Regueirao dos Anjos 68, Lisbon.
Wirges, Wilhelm; Rua Victor Cordon 34, Lisbon.
Wirges & Simoes Ltda.; Rua Victor Cordon 34, Lisbon.
Wischmann, Otto; Rua de Santa Marta 169, Lisbon.
Wittenburg, Helmut; Calcada do Carmo 25, Lisbon.
Wuensche, Alex; Rua da Prata 51, Lisbon.
Zickermann Soc. S. A. R. L.; Rossio 3, Caixa Postal 115, Lisbon; and Ave. dos Aliados 64, Oporto.

Angola

Agricola Kiskerhof Ltda., Soc.; Cubal.
Aguiar, José; Dondo and Porto Amboim.
Alves, José; Mossamedes.
Bagdahn, Herbert; Nova Sintra, Bie.
Brock, Arnold; Loanda.
Comercio Geral Ltda., Soc. de; Caixa Postal 74, Nova Lisboa.
Faria Ltda., A. Lopes; Mossamedes.
Fazenda Agricola Lundungo — Ernst March; Caixa Postal 33, Vila Machado Ganda.
Fazenda Canata; Andulo.
Fazenda Cantana; Nova Sintra, Bie.
Fazenda Entre-Rios; Catamba, Vila Mariano Machado, Lobito.
Fazenda Franconia; Chicuma, Benguela.
Fazenda Kalubunda; Golungo Alto.
Fazenda Lombongo; Dala Cachibo, Libolo, Cuanza-Sul.
Fazenda Longwe; Longwe.
Fazenda Lucipa; Chicuma, Benguela.
Fazenda Lunda; Chicuma, Benguela.
Fazenda N'Danga; Dala Cachibo, Libolo, Cuanza-Sul.
Fazenda Tuma Samba; Calulo, Libolo.
Gaertner, Leopold (Luzogaert Ltda.); Caixa Postal 74, Nova Lisboa.
Gartner, Margarethe; Chicuma, Benguela.
Goldschmidt, Louis; Rua Farinha Leitas, Caixa Postal 366, Loanda.
Gomes, Jaime Martins; Caixa Postal 22, Nova Lisboa.
Guttzeit, Harald; Catamba, Vila Mariano Machado, Lobito.
Hachmeister, Richard; Caixa Postal 33, Mossamedes; and Caixa Postal 131, Benguela.
Hachmeister & Milewski; Caixa Postal 33, Mossamedes; and Caixa Postal 131, Benguela.
Holman, Werner; Gamba, Alto Andulo, Bie.
Industrial do Chinguar Ltda., Soc.; Chinguar, Bie.
Kath, Alfred Hugo Walter; Dembos.
Kisker, Alexander, Cubal.
Kisker, Hans Oscar; Cubal.
Klein, Hans; Loanda.
Klinker, Ernest Karl; Quiculungo, Calandula, Malange.
Kroel, Franz Ludwig (Dr.); Libolo.
Krueger, Georg; Dondo and Porto Amboim.
Kuhn, Auri; Roca Montes Herminios, Dembos, Loanda.
Lanaro, Tina Maria; Chinguar, Bie.
Lange, M. G. & Cia. Ltda.; Rue Pereira Forjaz, Caixa Postal 211, Loanda; and Caixa Postal 33, Benguela.
Longa Agricola Ltda.; Cachibo, Libolo, Cuanza-Sul.
Luckner, Graf Ulrich Ferdinand; Lunge, Dala Cachibo.
Luzo-Alema Ltda., Soc.; Caixa Postal 1222, Loanda.
Luzogaert Ltda.—Leopold Gaertner; Caixa Postal 74, Nova Lisboa.
March, Ernst (Fazenda Agricola Lundungo); Caixa Postal 33, Vila Machado Ganda.
Massano, Carlo Lodovico; Chinguar, Bie.
Milewski, Hans; Caixa Postal 33, Mossamedes; and Caixa Postal 131, Benguela.
Monteiro, Serafin; Ave. 5 de Outobro, Nova Lisboa.
N'Hia Agricola Ltda.; Caixa Postal 33, Gabela.
Oesterlen, Richard; Dala Cachibo, Libolo, Cuanza-Sul.
Plantacao Alto Cubal Ltda.; Alto Cubal.
Plantacao Cahombo; Rampa, nr. Lucala.
Plantacoes da Pamba Ltda.; Lucala, Cazengo, Cuanza-Norte.
Plantacoes de Angola Ltda.; Roca Montes Herminios, Dembos, Loanda.
Plantacoes de Mucozo Ltda.; Dondo, Cambambe, Cuanza-Norte.
Plantacoes de Quisocolo Ltda.; Pango-Aluquem, Dembos.
Reich, Hellmutt; Catamba, Vila Mariano Machado, Lobito.
Reiss, Bruno; Caixa Postal 5, Nova Lisboa.
Riehle, Emil; Angola.
Roca Bango; Quiculungo.
Roca Canzele Ltda.; Quiculungo, Calandula, Malange.
Roca Vale de Loma; Dembos.
Rouselle, Oscar; Dala Cachibo, Libolo, Cuanza-Sul.
Santos, Carlos; Rua Pereira Forjaz, Loanda.
Sauer, Friedrich Wilhelm Albert; Loanda.
Schoen, Fritz; Gabela, Amboim.
Schreiber, Emil; Lobito.
Smidt, Reiner; Luati, Libolo, Cuanza-Sul.
Stevenson, Maximo (Dr.); Chinguar, Bie.
Stiehl, Werner; Fazenda Canata, Andulo.
Tappe, Franz; Catamba, Vila Mariano Machado, Lobito.
Toscano, Mario; Caixa Postal 88, Nova Lisboa.
Ullerich, Otto; Pango-Aluquem, Dembos.
Van Linde Siden, H.; Dondo and Porto Amboim.
Von Krosighk, Volrat; Libolo, Cuanza-Sul.
Von Larisch, Nicolaus; Quiculungo.
Von Loen, Baron; Libolo, Cuanza-Sul.
Von Rischtofen, Baron Gerhardt; Dala Cachibo, Libolo, Cuanza-Sul.
Woermann, Brock & Co.; Ambrizette and Loanda.
Woermann, Linie; Lobito.
Zilger, Wilhelm; Caixa Postal 3, Salombinga, Vila Mariano Machado.

Azores

Auto-Electrigia de Tavares & Cia., Ltda.; Rua Joao Chagas 56–8, Ponta Delgada, Sao Miguel.
Azevedo & Cia., Sucrs.; Ponta Delgada, Sao Miguel.
Camponovo & Cia., Ltda.; Rua Dr. Caetano de Andrade, Ponta Delgada, Sao Miguel.
De Freitas, Ernesto Soares; Papelaria Ambar, Ponta Delgada, Sao Miguel.
Italcable; Horta, Fayal Is.
Neppach, Oscar; Caixa Postal 20, Ponta Delgada, Sao Miguel.

Cape Verde Islands

Faustino, Joao Antonio (owner of S. S. "Rapido"); St. Vincent.
Italcable; St. Vincent.
Santos, José dos; Caixa Postal 27, Mindello, St. Vincent.
Santos Ltda., Albino dos; Caixa Postal 27, Mindello, St. Vincent.

Góa

Desai, Venctexa; Panjim.
Dias, Victor (Dr.); Nova Góa.
Drogaria Luso-Indiana (Venctexa Desai); Panjim.
Kcch, Robert; Mesquito Hotel, Campbel, Panjim.
Pereira & Sons, Elesbao; Marmagao.

Madeira

Empresa Forneced D'Agua a Navegacao; Funchal.
Franca, Manuel de Jesus; Funchal.
Gesche, Emil; Rua Dr. Costa Ferreira 37, Funchal.
Hoffmann, Wilhelm; Funchal.
Insulana de Transportes Maritimos Ltda., Soc.; Funchal.

Kiekeben, Max; Rua do Conselheiro 39, Funchal.
Madeira Embroidery Co. Ltd.; Rua do Conselheiro 39, Caixa Postal 52, Funchal.
Moro e Figli, Tomaso; Funchal.
Rier, Maria Helena; Rua do Conselheiro 39, Funchal.

Mozambique

Africana Ltda., Soc. Geral; Caixa Postal 47, Lourenco Marques; and Caixa Postal 291, Beira.
Agricola de Muaguide Ltda., Cia.; Porto Amelia.
Agricola de Nametoria Ltda., Soc.; Angoche Is.
Arndt & Cohn Ltda.; Lourenco Marques.
Baumann, Adolf; Porto Amelia.
Buccellato, Giuseppe Buffa; Lourenco Marques.
Buccellato, Ignacio; Lourenco Marques.
Buccellato & Miguel—Soc. Metalurgica Portuguesa; Lourenco Marques.
Buccellato & Valentim & Cia.; Lourenco Marques.
Carvalho, Francisco Nobre de; Caixa Postal 130, Mozambique.
Colonial de Nangororo, Cia.; Caixa Postal 24, Porto Amelia.
Correia & Martins Ltda.; Caixa Postal 373, Lourenco Marques.
Derfuss, Hans; Lourenco Marques.
Deutsche Ost Afrika Linie (Beira) Ltda.; Beira.
Diabekir, Kurt; Lourenco Marques.
Dieckman, Ernst; Lourenco Marques and Beira.
"Eadom" Monapo; Monapo, Mozambique.
East African Trading Co. Ltd.; Caixa Postal 47, Lourenco Marques; and Caixa Postal 291, Beira.
Empresa Agricola de Mezerepane; Mozambique.
Emprêsa Agricola do Monapo Ltda.; Monapo, Mozambique.
Empresa Grafica de Mocambique Ltda.; Mozambique.
Exploracoes Mineiras (Niassa) Ltda.; Caixa Postal 18, Porto Amelia.
Garlipp & Bene; Beira.
Goertz, Helmuth; Mozambique.
Gomann, H. & Co.; Mozambique.
Gomann, Irene; Mozambique.
Gouveia, José Luzia Fernandes; Caixa Postal 103, Mozambique.
Hieronymus, Hermann; Mozambique.
Janssen, John Henri Gustav; Caixa Postal 316, Beira.
Junge, Heinrich; Porto Amelia.
Koencke, Rudolfo; % Cia. Agricola de Muaguide Ltda., Porto Amelia.
Kohl, Jacob; Lourenco Marques.
Leidenberg, Justus; Caixa Postal 50[illegible], Lourenco Marques.
Marunga Ltda., Soc.; Metuge, Porto Amelia.
Metalurgica Portuguesa, Soc. (Buccellato & Miguel); Lourenco Marques.
Meyer, Frida; Mozambique.
Pechner, Erna; Lourenco Marques and Beira.
Pechner Ltda; Caixa Postal 47, Lourenco Marques; and Caixa Postal 29[illegible], Beira.
Philippi & Co., Wilhelm; Mozambique, and all branches in Mozambique.
Plantacao Namanje; Porto Amelia.
Raabe, H.; Beira.
Ridi Sisal Ltda; Quelimaquito, Porto Amelia.
Roessler, Friedrich; Porto Amelia.
Rufijya Pflanzungs G. m. b. H.; Porto Amelia.
Schroeder, Georg and Leidenberg; Lourenco Marques.
Sisal A. G.; Porto Amelia.
Sisal S. A.; Porto Amelia.
Stegmann, Rudolf; Pebane.
Stern, Eduard (Dr.); Mozambique.
Stockigt, Arthur; Ave. 5 de Outubre 41, Caixa Postal 373 and 826, Lourenco Marques.
Von Burchard, Joachim; Metuge, Porto Amelia.
Von Hirschfeld, Alexander Wilhelm Adolf Ludwig; Elvas Siding, and Chimezi Estate, Macequece, Zambezia.
Webendorfer, Kurt; Lourenco Marques and Beira.
Woermann, Hans; Monapo, Mozambique.

Portuguese China

Agria & Carvalho Ltda; Chao de Lopes Grande, Macao.
Waibel & Cia; Macao.

Portuguese Guinea

Agricola e Fabril da Guiné, Cia.; Bubaque, Bissagos Islands.
Brandao, Manual de Pinho; Bolama.
Loehndorf, August; Geba.
Nienhaber, Paul; Caixa Postal 79, Bissau.
Pereira, Julio Lopes; Bolama.
Ringel Ltda., Soc. Comercial; Caixa Postal 79, Bissau
Seifert, Paul; Caixa Postal 79, Bissau.

SPAIN AND POSSESSIONS

Spain

A. E. G. Iberica de Electricidad S. A.; Madrid, and all branches in Spain.
Abello Oxigeno Linde S. A.; Barcelona.
Aceros Boehler; Rodriguez Arias 6, Bilbao.
Aceros Finos Phoenix; Rodriguez Arias 8, Bilbao.
Aceros Finos Roechling; Barcelona, and all branches in Spain.
Aceros Marathon, S. A.; Henao 64, Bilbao.
Adriatica, S. A. de Navigacione; Alcala 45, Madrid, and all branches in Spain.
Adriatica de Seguros, Cia; Layetana 47, Barcelona, and all branches in Spain.
Aduanas & Consignaciones Maritimas S. A., Cia. General de (formerly Agencia Maritima P. Pannocchia); Pasaje Comercio 1–3, Barcelona.
Agencia Alemana de Prensa D. N. B.; Al. Urquijo 74, Bilbao.
Agfa Foto S A.; Rambla Cataluna 347, Barcelona, and all branches in Spain.
Agro S. A.; Gravina 53, Seville.
Aguilar, M—La Comercial Maritima S. A.; Ancha 13, Barcelona.
Ala Littoria; Paseo Gracia 13, Barcelona, and all branches in Spain.
Alimbau Codina, M.; Calle San Lorenzo 36, Reus.
Alimbau Minguell, Hijo de Miguel; Calle de San Carlos y San José 50, Reus.
Aller, Eyl y Stiegler; Casanova 30, Barcelona.
Alvarez Tome, Manuel; Pablo Murillo 4, Vigo.
Alvargonzalez, Erhardt y Cía.; Instituto 25, Gijon.
Amann, José Maria; Ave. Generalisimo 13, Madrid.
Amann, Juan; Borrell 128, Barcelona, and Mira Cruz 4, San Sebastian.
Amann, Victor; Borrell 128, Barcelona, and Mira Cruz 4, San Sebastian.
Amerex Soc. Itda.; Via Layetana 13, Barcelona.
Anilinas S. A.; Calle Ausias March 16–18, Barcelona.
Anso y Cía.; Pasajes.
Arana, Domingo; Espartero 3, Bilbao.
Areizaga, Adolfo; Urazurrutia 1, Bilbao.
Arrancudiaga, Rafael; Ave. Generalisimo 1, Madrid.
Bakumar, Agencia de Viajes; Plaza Queipo de Llano 1, Malaga and all branches in Spain.
Banca Nazionale del Lavoro (Delegation de); Alcala 62, Madrid, and all branches in Spain.
Banco Aleman Transatlantico (Deutsche Uberseeische Bank); Madrid, and all branches in Spain.
Banco di Roma (España); Madrid.
Banco Germanico de la America del Sud S. A.; Madrid.
Banco Vitalicio de Espana; Rambla Cataluna 18, Barcelona.
Baquera Kusche & Martin S. A. ("Bakumar"); Plaza de las Cortes 3, Madrid, and all branches in Spain.
Barabino, Emanuele; Palace Hotel, Madrid.
Barale y Bergese; Serrano 25, Madrid.
Barletti, Paolo; Ave. Generalisimo 51, Ave. José Antonio 27, and Castellana 51, Madrid.
Barreras, Gaspar Masso; Colon 6, Vigo.
Bassas, Ferando Ernesto; Via Layetana 45, Barcelona.
Bavastro & Raimondi; Calle Junqueras 2, Barcelona.
Bayarri, José; Barcelona.
Bayer, La Quimica Com. Farm; Lepanto 2, Vigo.
Bayo, José Luis; Ave. Generalisimo 13, Madrid.
Bela, Jorge; Castello 93, Madrid.
Benito, Tomas; Pintor Sorolla 23, Valencia.
Bernhardt, Johann; Gran Via 62, Bilbao.
Biermann, Rudolf; Lagasca 121, Madrid.
Bilbaina de Minerales y Metales, Soc.; Buenos Aires 4, Bilbao.
Bilbao Industrial S. A.; Rodriguez Arias 8, Bilbao.
Bjorge, Bjorn Rock; Paseo de Colon 16, Seville.
Blass S. A.; Núnez de Balboa 25, Madrid.
Bodegas Levantinas Espanolas S. A.; Valencia.
Boehme, Franz; Felipe Sanchez 24, Vigo.
Boehringer Productos Quimicos-Farmaceuticos S. A.; Copernico 6, Barcelona.
Bofill, Juan; Ave. José Antonio 752, Barcelona.
Bofill, Ramiro; Palafrugell.
Bofill, Raúl; Seville.
Bosch Equipo S. A.; Mallorca 281, Barcelona.
Brauns Ltda., Especialidades Domesticas; Barcelona.
Brendle, Juan; Calabria 31, Barcelona.

Broemme, Anton; Pavillon Citoren Ave. de Francia, Irun.
Buch, Carlos; Calle Cuarte 138, Valencia.
Buch, Maximo; Calle Cuarte 138, Valencia.
Buckau, Wolf; Barquillo 47, Madrid.
Busseti, Pier; Calle Velazquez 71, Madrid.
Bustamente, Luis Crovetto; Calle de Jardines 18, Granada.
C. I. D. S. A.—Comercial Ibero Danesa S. A.; Calle Sarria 7, Barcelona, and Calle Moreto 15, Madrid.
C. I. M. S. A.—Comercial Industrial Mediterranea S. A.; Paseo de Gracia 46, Barcelona; and Ave. José Antonio 67, Madrid.
Cabella, Alexandro; Calle de Principe 14, Madrid.
Cabezon Bergasa, Fernando; Calle Valencia 300, Barcelona.
Cabre Pibernat, Andres; Calle Albareda 13, and Luna 10, Barcelona.
Campi y Jove; Ave. José Antonio 671, Barcelona.
Campofiori, Vittorio Sirito; Ave. José Antonio 27, Madrid.
Candina, José Maria; Berastegui 2, Bilbao.
Carandini, Emilio; Via Layetana 7, Barcelona, and all branches in Spain.
Carey Hermanos y Cía; Tarragona.
Carranza, Fernando; Ave. Generalisimo 13, Madrid.
Clauss, Luis; Huelva.
Clols, Pablo; Calle Ali-Bey 138, Barcelona.
Coll & Soriano S. L.; Rambla Santa Monica 8–12, Barcelona.
Comatra (Cía. Comercial Maritima de Transportes S. A.); Ave. Generalisimo 1, Madrid.
Comercial Andaluza Extremena S. A.; Peligros 9, Apartado 240, Madrid, and Santiago 25, Seville.
Comercial Centro Iberica S. A.; Via Layetana 45, Barcelona.
Comercial Ibero Danesa S. A. (C. I. D. S. A.); Calle Sarria 7, Barcelona, and Calle Moreto 15, Madrid.
Comercial Industrial Mediterranea S. A. (C. I. M. S. A.); Paseo de Gracia 46, Barcelona, and Ave. José Antonio 67, Madrid.
Comercial Italo Espanola S. A.; Via Layetana 45, Barcelona.
Comercial Maritima de Transportes S. A. Cía. (Owners of S. S. "Adeje", "Isora", "San Isidro Labrador", "San Juan II", "Sebastian", and "Tercio Montejurra"); Ave. Generalisimo 1, Madrid.
Consorcio Hispano-Italiano S. L.; Conde Aranda 22, Madrid.
Continental Fabrica Espanola del Caucho; Segasta 15, Madrid, and all branches in Spain.
Corchos de Andalucia S. A.; Castelar 22, Seville.
Corchos zum Hingste, S. A.; Castelar 22, Seville.
Covadonga S. A. de Seguros; Alarcón 7, Madrid, and Vitoria 16, Burgos.
Cristobal Colon, S. A. (Owners of Aux "Industrial" and "Marina"); Genova 7, Madrid.
Cupini, Luigi; Ave. Generalisimo 51, and Ave. José Antonio 27, Madrid.
D'Errico, Enrico; Ave. Generalisimo 51, Ave. José Antonio 27, and Castellana 51, Madrid.
Dalmaso, Tito; Granada.
Delleani, Guido; Malaga.
Del Manzano Parody, Antonio; Auxiliadora 15, Seville.
Demag, Maquinaria Soc. Ltda.; Iparraguire 2, Bilbao.
Deposito de Carbones de Tenerife S. A.; M. de Cubas 12, Madrid, and all branches in Spain.
Deromedis, Carlo; Ave. José Antonio 27, Madrid.
Deutsche Luft-Hansa A. G.; Fernanflor 6, Madrid, and all branches in Spain.
Deutz, Otto; Serrano 16, Madrid.
Diego, Gregorio; Pozo Amarillo 24, Salamanca, and Ave. José Antonio 38, Madrid.
Dietze, Max; Calle Cornet y Mas 6, Barcelona.
Dominguez Sierra, Carlos; Calle Velazquez 98, Madrid, and Costa 11, Apartado 11, Zaragoza.
Drumen, S. A.; Rue de l'Universite 17, Barcelona.
Eggenberger, Urbano; Calle de Paz 5, Bilbao.
Eickhoff, Guillermo; Plaza M. Ensanche 9, Bilbao.
Einhart & Co.; Ave. José Antonio 31, Madrid.
Electro-Quimica de Flix, S. A.; Flix, Tarragona.
Erhardt, Eugenio; Plaza M. Ensanche, 9, Bilbao.
Erhardt, Otto; Plaza M. Ensanche 9, Bilbao.
Erhardt y Cía., Ltda.; Plaza M. Ensanche 9, Bilbao, and all branches in Spain.
Espanola de Exportaciones y Importaciones S. A., Soc.; Calle Salvatierra 20, Valencia.
Espanola de Talcos S. A., Soc.; Alcazar de Toledo 8, Leon.
Estudios y Exploraciones Mineras Santa Tecla, S. A. de.; Policarpo Sanz 35, Vigo.
Estudios y Explotaciones Mineros Montana; Gran Via 62, Bilbao.
Etchart, Alejo; Muelle Uribitarte 6, Bilbao.
Euwens, Joseph; Rue de l'Universite 17, Barcelona.
Exportadora de Pieles S. A. Soc.; Pozo Amarillo 24, Salamanca, and Ave. José Antonio 38, Madrid.
Fabricacion Nacional de Colorantes y Explosivos S. A.; Rambia Cataluna 102 *bis*, Barcelona.
Faust y Kamman S. A.; Paseo de Gracia 45, Barcelona.
Fiat Hispania, S. A.; Paseo Ramon y Cajal 23, Madrid, and all branches in Spain.
Fibra Comercial de Espana, S. A.; Via Layetana 23, Barcelona.
Foerschler, Pablo; Montalban 10, Juan Padillo 8, Madrid.
Fomento Imobiliaro S. A.; Genova 7, Madrid.
Fricke, Enrique; Calle Carros 6, Malaga, and at Cartagena.
Frutos Secos, S. A.; Reus, Tarragona.
Fuchs Medam, Ewald, Calle Almargo 46, Apartado 6074, Madrid.
Funghini, Goffredo; Calle José Anselmo Clave 9, Barcelona.
Gaertner Zavala y Cía., Ltda.; Plaza Centenario 6, San Sebastian.
Gairoli; Alcazar de Toledo 6, Leon.
Gante, Francisco Perez; Al. Mazarredo 17, Bilbao.
Ganz Iberica S. A. E.; Almirante 15, Madrid.
Garcia Blay, Marcelino; Calle Apodaca 13, Tarragona.
Garcia Cazana, Jacinto; Calle Ramon y Cajal 1, San Sebastian, and Francos Rodriguez 100, Madrid.
Geathom, AEG–ALS–THOM–I. G. E., Co. S. A.; Paseo de Recoletos 17, Madrid, and all branches in Spain.
Gebhard y Cía; Ave. José Antonio 11, Madrid.
Gebhard Reina, Hermann; Ave. José Antonio 11, Madrid.
Gehe y Cía., A. G.; Calle Moncada 21, Barcelona.
General de Lanas, S. A., Cía.; Ayala 10, Madrid.
Georgi, Curt; Aragon 92, Barcelona.
Gerdtzen, Otto; Calle Urzaiz 16, Vigo.
Giebel Ltda., Herbert; Ave. Queipo de Llano 44, Apartado 12, Seville, and Ave. José Antonio 31, Apartado 288, Madrid.
Giner, Pascual; Calle de Gerona 22, Barcelona.
Gomes Monche, José; Genova 7, Madrid.
Gonzalez Blanco, J.; San Jeronimo 36, Madrid.
Grau y Moreno; Santa Monica 19, Barcelona.
Greiner, C. A. y Hijos S. A.; Calle Pecher y Santa, San Feliu de Guixols.
Greiner, J. A.; Calle Pecher y Santa, San Feliu de Guixols.
Guilliet Hijos y Cía.; Fernando VI. 23, Madrid, and all branches in Spain.
Guzman, Domingo; Al. Mazarredo 8, Bilbao.
Hamburg-Amerika Line; Alcalá 43, Madrid.
Hansa y Cía., Ricardo C.; Serrano 17, Madrid.
Heine, George; Rue de l'Universite 17, Barcelona.
Herbeck, J. Mv.; Ave. Generalisimo 13, Madrid.
Herranz y Lipperheide; Gran Via 36, Bilbao.
Hielscher, Adolf; San Augustin 2, and Sebastian Herrera 8, Madrid.
Hiller, Carlos; Pasajes.
Hinderer y Cía., S.L., Carlos; Calle Piamonte 10, Madrid.
Hingste, Hermann zum; Castelar 22, Seville.
Hisma; Madrid, and all branches in Spain.
Hispania Tobis S.A.; Marques de Valdeiglesias 8, Madrid, and all branches in Spain.
Hoffman, Andres Martin; Ave. José Antonio 27, Madrid.
Holzhausen, Karl F.; Ciscar 27, Valencia.
Hoppe, Alfredo; Al. Mazarredo 17, Bilbao.
Hoppe, Herman; Al. Mazarredo 17, Bilbao, and Paseo de Pereda 29, Santander.

Hoppe y Cía., Ltda.; Al. Mazarredo 17, Bilbao, and Paseo de Pereda 29, Santander.

Huber, Hans (Dr.); Paseo de Gracia 51, Barcelona, and Grijalva 1, Madrid.

"Ibero Caribiana"; Ave. José Antonio 31, Madrid.

Iglesias, Eloy; Martires de Guadalupe 19, Irun.

Industria y Comerció del Automobil, Ltda.; Manuel Silvela 1, Madrid and at Vigo.

Intercambio Comercial Espanol; Pintor Sorolla 23, Valencia.

Intercambio Comercial Iberico; Alarcon 7, Madrid.

"Interco", Cía. Internacional de Industria y Comercio de Andorra; Antonio Maura 7, Madrid, and Calle Fontanella 15, Barcelona.

Internacional de Industria y Comercio de Andorra, Cía. "Interco"; Antonio Maura 7, Madrid, and Calle Fontanella 15, Barcelona.

Italcable; Ave. José Antonio 5, Madrid, and all branches in Spain.

Italia, S. A. de Navigacion; Alcalá 45, Madrid, and all branches in Spain.

Italia Seguros Maritimas; Plaza Cataluna 7, Barcelona, and Calle Martin 6, Seville.

Italiana di Turismo, Cía; Paseo Gracia 13, Barcelona, and all branches in Spain.

Jannone, Armando; Pajes del Corro 108, Seville.

Jobal, Angel Finestres; Vilamari 53, Barcelona.

Kahl, J. A.; Plaza del Caudillo 26, Ed. Equitativa, Valencia.

Kaufmann, Harold F. N.; Salvador 10, Valladolid.

Keusses, A. J.; Pasco de Colon 3, Barcelona.

Kindling, Richard; Felipe Sanchez 24, Apartado 43, Vigo.

Kopp, Exclusivas; Aragon 266, Barcelona.

Koreska, W.; Calle Encina 6, Barcelona, and all branches in Spain.

Krabbe Knudesen, Federico; Alfonso XII 7, Madrid.

Kruckenberg, Gustavo; Lepanto 2, Vigo.

Krusse, Ewald, Pozo Amarillo 24, Salamanca, and Ave. José Antonio 38, Madrid.

Krutwing, Federico; Rodriguez Arias 1, Bilbao.

Kusche, Ernest; Plaza Queipo de Llano 1, Malaga.

L. A. T. I. (Linea Aerea Transcontinental Italiana); Seville.

L'Assicuratrice Italiana; Via Layetana 47, Barcelona, and all branches in Spain.

La Comercial Maritima S. A. (M. Aguilar); Ancha 13, Barcelona.

La Constancia Cía., An. de Seguros; Universidad 4, Barcelona.

La Electrica Industrial, S. A.; San Isidro 56, Tarrasa.

La Hispanense Industrial y Comercial S. A.; Paseo de Recoletos 21, Madrid, and Calle Bruch 42, Barcelona.

La Quimica Comercial y Farmaceutica S. A. (Bayer); Barcelona, and at Madrid.

La Radiologia; Barquillo 22, Madrid.

Laboratorios E. F. E.; Menendez Pelayo 10, Seville.

Lamaignere, J. & A.; Esplanada Espana 3, Alicante, and all branches in Spain.

Lancia, Automoviles S. A. E.; Ave. Gen. Franco 437, Barcelona.

Lanzani, Miguel; San Jeronimo 36, Madrid.

Lemmel S. A.; Ave. Generalisimo 309, Barcelona, and all branches in Spain.

Leopold, Hijo de Guillermo; Ave. José Antonio 642, Barcelona.

Lepori, Luigi; Cardenal Vives y Tuto G. & H., Barcelona.

Leuthold, Pablo; Conde Xiquena 6, Apartado 44, Madrid.

Liesau, Francisco Oficina Tecnica; Alcalá 60, Madrid, and all branches in Spain.

Lindemann, Ricardo; Ave. Gen. Franco 400, Barcelona.

Lipperheide y Guzman, S. A.; Al. Mazarredo 7, Bilbao.

Llorente y von Jess Ltda.; G. Olloqui 19, Vigo.

Lloyd Norte Aleman Viajes; Al. Mazarredo 17, Bilboa.

Loeck y Cia. Ltda.; Gardoqui 9, Bilbao.

Lohse, Edgar; Al. Mazarredo 17, Bilbao.

Lohse, Juan; Calle Fuenterrabia 42, San Sebastian.

Lowe, F.; Tarragona.

Luca de Tena, Eduardo; Ave. Queipo de Llano 44, Seville.

Luca de Tena, S. en C., Hijos de; Almirante Espinosa 1, Apartado 12, Seville.

Madert, Bruno; Calle Cucurulla 2, Barcelona.

Mallet, Wilhelm F. (formerly "Pahama", S. A.); Calle Alarcon 7, Madrid.

Mannos S. A., Cuchilleria; Calle Muntaner 178, Barcelona.

Marelli, Soc. Espanela de Maquinera; Prim 5, Madrid, and all branches in Spain.

Martinez Almeida, Pablo, Genova 7, Madrid.

Martini & Rossi S. A.; Reina 27, Madrid, and all branches in Spain.

Maus, Lothar; Pozo Amarillo 24, Salamanca, and Ave. José Antonio 38, Madrid.

Mayer, Bruno; Hotel New York, Ave. José Antonio, Madrid.

Melia Ballester, José; Calle del Mar 75, Valencia.

Melia Sinisterra, José; Calle del Mar 75, Valencia.

Melia y Cia., Josè; Calle de La Paz 41, and Calle del Mar 76, Valencia.

Mengel, Willy; Plaza del Caudillo 7, Valencia.

Merello Cosmelli, Vittorio; Alcalá 62, Madrid.

Meyer, Conrado F.; Calle Carrero 11, and Pi y Margall 64, Vigo.

Minas del Çarpio Soc. Ltda.; Huelva.

Minerales de Espana, S. A.; Gran Via 62, Bilbao.

Minerva, S. A.; Calle Mendivil 5, Apartado 119, Malaga.

Mojedano, Juan; Prim 34, San Sebastian.

Mompo, Hijo de J. Antonio; Pintor Sorolla 23, Valencia.

Mompo, Luis; Pintor Sorolla 23, Valencia, and Hotel Capitol, Madrid.

Montanas del Sur S. A.; Seville.

Moreno, Edelmiro; Rambla Santa Monica 19, Barcelona.

Morera, José Maria; Via Layetana 13, Barcelona.

"Moro" S. A., Etablecimientos; Paseo Tilos, Apartado 186, Malaga.

Motores Deutsche Werke S. A.; Calle Provenza 314, Barcelona.

Muller, Carlos E. A. (Karl Heinrich Anton Muller); Calle Urgel 45, and Calle Nueva de San Francisco 27, Barcelona.

Muller de Goupille, J; Tarragona.

Naruva S. A.; Plaza del Caudillo 26, Ed. Equitativa, Valencia.

Navarrete del Pino; Rafael de la Viesca 5, Cadiz.

Naviera Levantina, Ltda., Cía. (Owners of S. S. "Carmen" and "Vicente"); Calle del Mar 75, Valencia.

Neumaticos-Continental S. A.; Segasta 15, Madrid, and all branches in Spain.

Niemeyer, Dr.; Plaza Canalejas 3, Madrid.

Norddeutscher Lloyd Bremen; Carrera San Jeronimo 33, Madrid.

Noresco—Cía. Noruega Espanola de Comercio Ltda.; Ave. de la Republica Argentina 13, Barcelona.

Norsk Spansk Handelskompani; Ave. de la Republica Argentina 13, Barcelona.

Noruega Espanola de Comercio Ltda., Cia. (Noresco); Ave. de la Republica Argentina 13, Barcelona.

Nova S. A.; Ave. Generalisimo 13, Madrid; and Gral Concha 12, Bilbao.

Nuzzo & Cía., Guillermo; Ave. José Antonio 27, Madrid; and Plaza Uribitarte 3, Bilbao.

Ocimex (Oficina Comercial Importadora y Exportadora); Ave. José Antonio 27, Apartado 701, Madrid.

Omnipol Barcelona—Alberto Suess; Calle Diputacion 320, Barcelona.

Orenstein y Koppel, Arthur Koppel S. A.; Rambla Cataluna 66, Barcelona, and all branches in Spain.

Orenstein & Koppel S. A.; Carrera San Jeronimo 36, Madrid.

Orphanides N. G.; Reus, Tarragona.

Osram; Madrid.

Palmieri, Adolfo; Calle Duque de la Victoria, Barcelona.

Pannocchia, P.; Pasaje Comercio 1–3, Barcelona.

Pareras, P. & Cía.; Palafrugell.

Parvis, Taurino—"Voz de Espana" S. A.; Ave. Tibidabo 18, Barcelona.

Pasch, Guillermo; Gran Via 62, and Plaza Galdor 4, Bilbao.

Pasch y Hermanos, G.; Al. Recalde 36, Bilbao.

Pavesio, Cesare; Ave. Gen. Franco 407, Barcelona.

Pena, Joaquin; Alfredo Calderon 10, Valencia.

Pernigotti, Ernesto; Hotel Gaylords, Madrid.

Petricca; Calle de la Montera 53, Madrid.

Piastra, Attila Augusto; Calle del Sil 28, Madrid.

Pinna, Niceo; Conde Aranda 22, Madrid.

Platte, Federico; Al. Recalde 45, Bilbao.

Plus Ultra Cía. An. de Seguros Generales; Place de las Cortes 8, Madrid.

Poehner, Egon; Madrid.

Poldi Fundiciones de Acero S. A.; Barcelona, and all branches in Spain.

Portillo & Co.; Rafael de la Viesca 5, Cadiz.

Portillo Ruiz, Fernando; Canova Castillo 11, Cadiz.

Prinz, Bohlmann & Remmers; Almeria.

Prinz, Hugo; Almeria.

Productos Agricolas S. A.; Plaza del Caudillo 5, Valencia, and all branches in Spain.

Productos Quimico Farmaceuticos S. A.; Paseo Pujadas 9, Barcelona, and all branches in Spain.

Pujol Xicoy, E. y J.; Via Layetana 167, Barcelona.

Raab, Francisco; Ave. Pearson 9, Pedralbes, Barcelona.

Radeke, Alfred E.; Maestro Gonzalvo 18, Valencia.

Rava, Oscar; Ave. Gen. Franco 437, Barcelona; and Palace Hotel, Madrid.

Reali, Hijo de Camilo; De la Reina 7, Grao-Valencia.

Reder, Gustavo; Calle Zorilla 17, Madrid.

Reder, Juan; Calle Zorilla 17, Madrid.

Reimex; Calle de Principe 14, Madrid.

Resch, Karl; Santa Marina 17, Zarauz.

Resinas Sinteticas Espanolas, S. A.; Buenos Aires 4, Bilbao.

Rewir, Luis; Al. Mazarredo 17, Bilbao.

Rheinmetall Aceros y Metales, S. A.; Valencia 372, Barcelona.

Rimoldi, Angelo; Via Layetana 45, Barcelona.

Ripoll, Guillermo; Genova 7, Madrid.

Roessner, Federico; Ave. Generalisimo 30, Madrid.

Rubinos, Antonio; Alcalá 104, Madrid.

Rubira, Boehme y Cía. Ltda.; Felipe Sanchez 24, Vigo.

Rueckauer, Juan; Rodrigues Arias 8, Bilbao.

S. A. E. M. A. R. (S. A. Esp de Empresas Maritimes); Alcalá 45, Madrid.

S. A. F. N. I., S. A. Fertilizzanti Nazionali Italiani; Marques de Riscal 10, Madrid.

S. N. I. A. C. E.—Sociedad Nacional de Industrias y Aplicaciones de Celulosa Espanola; Alcalá 23, Madrid; and at Torrelavega, Santander.

Sanchez Saugar, F.; Calle Goya 77, Madrid.

Schering S. A. Productos Quimicos; Lope de Rueda 16, Madrid.

Schmidt, H.; Tarragona.

Schmidt, Herman; Rue de l'Universite 17, Barcelona.

Schmitz, Rodolfo; Ave. de Recalde 7, Bilbao.

Schneider de Duve, Federico; Paseo de Las Acacias, Malaga.

Scholtz Hermanos, S. A.; Don Christian 9, Malaga.

Schuebel, Georg W.; Plaza Cataluna 22, Apartado 380, Barcelona.

Schutte y Cía. S. L., Alfred H.; Calle Lauria 18, Barcelona, and all branches in Spain.

Sciunnach, Angel; Legazpi 11, San Sebastian.

Servicio de Publicidad; Fernanflor 6, Madrid.

Siemens Industria Electrica S. A.; Barquilla 38, Madrid, and all branches in Spain.

Siemens Reineger Veifa S. A.; Paseo de Gracia 48, Barcelona.

Siemens-Halske S. A.; Barquilla 38, Madrid.

Siemens-Schuckert S. A.; Barquilla 38, Madrid.

Skala, Jaroslav; Alcalá 32, Madrid.

Skotecky, Dr.; Plaza de Bilbao 6, Madrid.

Sociedad Financiera Industrial S. A.—Sofindus; Ave. Generalisimo, Madrid.

Sociedad Nacional de Industrias y Aplicaciones de Celulosa Espanola (S. N. I. A. C. E.); Alcalá 23, Madrid, and at Torrelavega, Santander.

Sofindus (Sociedad Financiera Industrial S. A.); Ave. Generalisimo, Madrid.

Soler Canet, Miguel; Calle Albareda 13, Barcelona.

Soler Duran, Antonio; Carmen 38, Barcelona.

Soler Ferrer, José; Bailen 68, Barcelona.

Soler Miralles, J.; Calle Albareda 13, Barcelona.

Soriano, Eduardo; Calle Del Manso 70, Barcelona.

Spagnolo de Luciano, Alfonso; Calle Balmes 145, Barcelona.

Spieler, Erwin; Al. Urquijo 20, Bilbao.

Spinola Guadalupi, Ugo; Serrano 106, Madrid.

Stabile, Nicolas; Serreria 9, Grao-Valencia.

Stamer, Theodore; Instituto 25, Gijon.

Sturm, Juan Federico; Fernanflor 8, Madrid.

Suess, Alberto (Omnipol Barcelona); Calle Diputacion 320, Barcelona.

Tamburini, Luigi; Nicolas Mario Rivero 4, Madrid.

Tarnow, Arriaga & Cía.; Espartero 11–13, Bilbao.

Tarnow y Cía., Ltda.; Espartero 11–13, Bilbao.

Tenbergen, G.; Penota 9, Santurce, Bilbao.

Teschendorff y Cía.; Calle Peana 11, Grao-Valencia.

Textilma S. A.; Via Layetana 23, Barcelona.

Thim, Cenek; Hermanos Becquer 10, Madrid.

Transcomar (Cía. Comercial Maritima de Transportes S. A.); Ave. Generalisimo 1, Madrid.

Transmar S. A.; Via Layetana 7, Barcelona.

Transportes Marion S. A.; Van Dyck 6, Salamanca, and all branches in Spain.

Tungsram S. L.; Ave. José Antonio 27, Madrid, and Caspe 12, Barcelona.

Uebele, Christian; Calle Bailen 150, and Calle Consejo de Ciento 263, Barcelona.

Unicolor S. A.; Paseo de Gracia 51, Barcelona, and all branches in Spain.

Union Quimica del Norte de Espana, S. A.; Buenos Aires 4, Bilbao.

Vasquez, Alberto; Guzman el Beno 19, Madrid.

Vinicola Iberica, S. A.; Tarragona.

Von Boddien, Joaquim; Calle Madrazo 51, Barcelona.

Von Jess, E. E.; Colon 8, Vigo.

Vorkauf, Carlos A.; Cmdte. Felipe Sanchez 9, Calvario, Vigo.

"Voz de Espana", S. A. Taurino Parvis; Ave. Tibidabo 18, Barcelona.

Wagner, Gunther Productos Pelikan S. A.; Padre Claret 264, Barcelona.

Wilmer, H. & O. (Sucrs. to H. Toennies); Peligros 24, Madrid, and all branches in Spain.

Wuelfing, Federico; Calle Pecher y Santa, San Feliu de Guixols.

Zanquitu, Hijo de Miguel de; Al. Urquijo 82, Bilbao.

Zeiss, Carl; Plaza Canalejas 3, Madrid.

Zenker, Pablo; Sebastian Elcano 3, and Mariana Pineda 5, Madrid.

Ziesler, Carlos; Fernanflor 8, Madrid.

Zillmann, G.; Ave. Gen. Franco 580, Barcelona.

Zupan, Emilio José; Via Layetana 13, Barcelona.

Balearic Islands

Geathom, AEG-ALS-THOM.-I. G. E., Co. S. A.; Palma Majorca.

Naviera Mallorquina (owned by Damian Ramis) (owners of Aux "Cala Antio", "Cala Contesa", "Cala Falco", "Cala Fornello", "Cala Galiota", "Cala Llamp", "Cala Llonga", "Cala Marsal", "Cala Mondrago", "Cala Morlanda", "Cala Murta", "Cala Pi", "Cala Gat", "Cala Tuent", "Juanot Colom", "Manuel Guasp", "Piedad", and "Cala Virgili"); Ave. Antonio Maura 50, Palma Majorca.

Ramis, Damian (owner of Naviera Mallorquina); Ave. Antonio Maura 50, Palma Majorca.

Canary Islands

Ahlers, Jacob; San José, Santa Cruz, Teneriffe.

Bata S. A. Tanger; Calle Castillo 21, Santa Cruz, Teneriffe; and Triana 89, Las Palmas, Grand Canary.

Bossi, José Jess; Alvareda 10, Puerto de la Luz, Las Palmas, Grand Canary.

Castellano, José María; Piazoleta Peroja 49, Las Palmas, Grand Canary.

Ceballos, Andres S. (owner of S. S. "San Miguel"); Las Palmas, Grand Canary.

Chicote, Manuel de Luque; San José 10, Santa Cruz, Teneriffe.

Deposito de Carbones de Tenerife, S.A.; Las Palmas, and all branches in Canary Islands.

Diaz Navarro, Maximiliano; San José 20, Santa Cruz, Teneriffe.

Fiess, Alberto; General Moscardo 3, Santa Cruz, Teneriffe.

Grimm, Karl; Grau Basas 27, Las Palmas, Grand Canary.

Guanarteme, Almacenes; Chile Road 81, Puerto de la Luz, Las Palmas, Grand Canary.

Henning, Paul V. (Pablo); Arena 24, Apartado 248, Las Palmas, Grand Canary.

Hisma, Ltda.; Pi y Margall 15, Santa Cruz, Teneriffe; and Alavareda 153, Las Palmas, Grand Canary.

Hispania Tobis S.A.; Las Palmas, Grand Canary.

Isasi Castresana, Maximo; Quintana 4, Las Palmas, Grand Canary.

"Italcable"; Parque, Sta. Catalina, Las Palmas, Grand Canary.

Jablonowski, Walter; Calle Triana 126, Apartado 236, Las Palmas, Grand Canary.

Kaehler C.H.E.-H.K. Schmidt Sucrs; Perdomo 16, Las Palmas, Grand Canary.
Kahl, J. A.; Las Palmas, Grand Canary.
La Quimica Comercia y Farmaceutica S.A.; Canalejas 16, Las Palmas, Grand Canary; and at Teneriffe.
Lindemann, Ricardo; V. y Clavijo 15, Las Palmas, Grand Canary.
Martin, Julio Gonzalez (owner of M. V. "Delfin" and "Maria Bonmatti"); Las Palmas, Grand Canary.
Mayer, Bruno; Las Palmas, Grand Canary.
Molowny Gomez, Andres Eugenio; Seris 8, Santa Cruz, Teneriffe.
Molowny Perez, Andres; Seris 8, Santa Cruz, Teneriffe.
Paugner, A.; Marina 9, Santa Cruz, Teneriffe.
Sauermann, Walther; Albareda 153, Las Palmas, Grand Canary.
Schmidt, H. K. Sucrs. (C. H. E. Kaehler); Perdomo 16, as Palmas, Grand Canary.
Siemens, Enrique; Pta. Canseco 55, Santa Cruz, Teneriffe; and Buenos Aires 7, Las Palmas, Grand Canary.
Siemens Industria Electrica S.A.; San Francisco 25, Santa Cruz, Teneriffe.
Vannucci Ciomei, Saverio; Via Bethencour 4, Santa Cruz, Teneriffe.
Woermann Line; Las Palmas, Grand Canary.

Fernando Po and Spanish Guinea

Betancor Bermudez, Enriquez; Fernando Po.
Dekage Colonial Cía.; Bata, and all branches in Spanish Guinea
Drumen, S. A.; Fernando Po, and all branches in Spanish Guinea.
Fortuny, Juan; Fernando Po and Spanish Guinea.
Franco, Jacin Navarro; Bata.
Heid, Rudolf; Rio Benito.
Intercambio Comercial Iberico; Bata.
Luhr, Heinrich (Casa Lua); Apartado 73, Santa Isabel, Fernando Po.
Macias, Antonio; San Carlos.
Martinez, Francisco; Fernando Po.
Moritz, W. A.; Fernando Po and Spanish Guinea.
Perez Villanueva, Lisardo; Fernando Po, and all branches in Spanish Guinea.
Sempere, R.; Fernando Po and Spanish Guinea.
Serra, José Rius; Bata.
Vasquez, Lola; Santa Isabel, Fernando Po.
Von Boddien, Joaquim; Kogo.
Woermann & Co.; Bata, and all branches in Spanish Guinea.

SWEDEN

A. E. G. Elektriska A/B; Sveavägen 21–23, Stockholm.
Agfa Foto A/B; Malmtorgsgatan 5, Stockholm.
Albrecht, F. W., Dr.; Furusundsgatan 16, Stockholm.
Anilinkompaniet A/B; Gothenburg, and all branches in Sweden.
Appelquist Kolimport A/B, A. R.; Regeringsgatan 5, Stockholm.
Arafart A/B; Regeringsgatan 5, Stockholm.
Arania Rederi A/B; Stureplan 19, Stockholm.
Arto A/B; Sodra Forstadsgatan 2, Malmo, and all branches in Sweden.
Autoropa A/B; Exercisgatan 12, Malmo.
Bata Handels A/B; Klarabgsgatan 40, Stockholm, and all branches in Sweden.
Becker, Eitel; Nybrokajen 7, Stockholm.
Behm, Kare; Norrmalmstorg 1, Stockholm.
Belgo Baltic Co. A/B; Norrmalmstorg 1 Stockholm.
Berg A/B, Victor; Kungsgatan 4, Stockholm.
Branslecentral; Sannegardshamnen, Gothenburg.
Broderna Sjunneson, A/B; Drottningatan 30, Stockholm.
Coal and Oil Trading Co. A/B; Jörgen, Kocksgatan 2, Malmo.
Continental-Caoutchouc Compagnie A/B; Torsgatan 41, Stockholm.
Dahlöf, Linné & Co. A/B; Kanaltorget 1, Tga Dahloo, Gothenburg.
Däumichen, Max; Karlevägen 48, Stockholm.
Dralle, Parfumerie Georg; Karlav 83, Stockholm.
Durkopp A/B; Gothenburg.
Ericsson, Eric Siegfried; Norrmalmsborg 1, Stockholm.
Fallai A/B; Birger Jarlsgatan 38, Stockholm.
Ferrania S. A. Milano; Vasagatan 48, Stockholm.
Fiat Svenska A/B; Nybrokajen 7, Stockholm.
Garvamnes Weibull A/B; Landskrona.
Haksbergs Nya Gruf A/B; Haksberg-Grasberg, nr. Ludvika.
Helios Kemisk Tekniska Fabrika A/B; Nybrokajen 7, Stockholm.
Henkel Kemiskt Tekniskt A/B; Nybrokajen 7, Stockholm.
Henzel, Carl Heinz, Dr.; Banergatan 44, Stockholm.
Heumann, L. and Co. A/B; Lindhagensgatan 132, Stockholm.
Hoffmeister, Wilhelm; Abacksgatan 8, Molndal, Gothenburg.
Hydraulisk Paltryckning A/B; Folkungagatan 3, and Sodra Vulkan 1 and 8, Gothenburg.
Igefa Svenska A/B; Norrlandsgatan 18, Stockholm.
Jansson, P. & Co. A/B; N. Stromsgatan 15, Norrkoping.
Jönköpings Kol A/B; Ostra Storgatan 3, Jönköping.
Kontors and Skrivmaskiner A/B; Regeringsgatan 20, Stockholm.
Kores A/B; Nybrokajen 3, Stockholm.
Kullager, F. A. G. A/B; Upplandsgatan 33, Stockholm.
Landsverk, A/B; Landskrona.
Latex A/B; Birger Jarlsgatan 22, Stockholm.
Lavens Kolimport A/B; Kungsgatan 4, Stockholm.
Lekomberg Gruf A/B; Sorvik, nr. Ludvika.
Lickfett, Herbert (Dr.); Bost, Djursholm 376, Stockholm.
Mülhens, Eau de Cologne & Parfymerifabriks (i Köln) fils., Ferd; Sundybyberg.
Norddeutscher Lloyd Svenska A/B; Jakobstorg 1, Stockholm.
Nordiska Ror A/B; Kungsgatan 16–18, Stockholm.
Nordring A/B; Bibliotekgatan 3, Stockholm.
Norrkopings Bransle A/B; N. Stromsgatan 15, Norrkoping.
Nya Noragruvorna A/B; Nora.
Osram Elektraverken A/B; Stockholm, and all branches in Sweden.
Pennco, Bensin A/B; Drottinggatan 1, Norrkoping.
Rylander & Asplund A/B; Kungsgatan 34, Stockholm.
Scana A/B; Jörgen, Kocksgatan 2, Malmo.
Schau, R. L. M. Georg; Wollmar Yxkullsgatan 50, Stockholm.
Schering Nordiska A/B; Wahrendorffsgatan 6, Stockholm.
Schuchardt & Schütte A/B; Drottnigg 11, Stockholm.
Semda A/B; Kyrkogatan 20, Gothenburg; and Svartensgatan 12, Stockholm.
Siemens, Elektriska A/B; Kungsgatan 36, Stockholm, and all branches in Sweden.
Sjofart & Kol A/B; Tradgardsgatan 17, Stockholm.
Skandinaviska Montanindustri A/B; Striberg, Nora.
Smalands Taberg A/B; Stockholm, and at Smalands Taberg.
Stahlunion A/B; Kungsgatan 33, Stockholm.
Stollbergs Grufvor och Anrikningsverk A/B; Haksberg.
Stora Langviks Gruv A/B; Hedemora.
Svecia Exportkompaniet A/B; Kungsgatan 30, Stockholm.
Svenska Instrument A/B; Sveavagen 21–23, Stockholm.
Svenska Strebelverken A/B; Vastervik.
Svenska Tradlos Telegrafi A/B; Sveavagen 21, Stockholm.
"Tudor" Ackumulatorfabriks A/B; Bibliotekgatan 3, Stockholm.
Ufafilm A/B; Kungsgatan 44. Stockholm.
Vulcanus Bergverks A/B; Blotberget, nr. Ludvika.
Wagner's Nederlag, Guenther; Stockholm.
Weibull, John G. E.; Landskrona.
Weibull, W. A/B; Landskrona.
Weist & Co., Fritz A/B; Regeringsgatan 32. Stockholm.
Werner & Pfleiderer A/B; Kungsgatan 33, Stockholm.
Witte & Co., Export A/B, Franz; Barargatan 14, Gothenburg.
Zeiss, Svenska A/B; Kungsgatan 33, Stockholm.
Ziegiers Kol & Koks A/B; Karlstad.
Ziegiers Speditions A/B; Sannegardshamnen, Gotheburg.

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A. G. T. Maschinenbau A. G.; Uetlibergstrasse 113, Zurich.
Aarewerke A. G.; Obere Vorstadt 37, Brugg.
Adrema A. G.; Talstrasse 11, Zurich.
Aero-Metall A. G.; Theaterstrasse 20, Zurich.
Agfa Photo A. G.; Bleicherweg, 10, Zurich.
Akomfina A. G. für Kommerzielle und Finanzielle Angelegenheiten; Gotthardstrasse 61, Zurich.

Aktiengesellschaft für aetherische Oele; Glarus.
Albert, Marianna; Stampfenbachstrasse 67, Zurich.
Albiswerk Zurich A. G.; Albisriederstrasse 245, Zurich.
Alfa Romeo, S. A. per il Commercio dei Proddit; via Nassa 29, Lugano.
Alfermann, Clemens; Lausanne.
Allgemeine Depositen A. G.; Talstr. 11, Zurich.
Alliahce Aluminum Cie.; Aeschenbraben 22, Basle.
Aluminum Industrie A. G.; Chippis.
Aluminum Rolling & Press Works, Ltd.; Tramstrasse 56, Münchenstein, Basle.
Aluminum-Verkaufstelle Münchenstein A. G.; Tramstrasse 56, Münchenstein, Basle.
"Amag" Automobil & Motoren A. G.; Kreuzstrasse 4, Zurich.
Amann, Alois, in Hohenems Filiale St. Gallen; Webergasse 5, St. Gallen.
Ammann, August; Au, St. Gallen.
Ammonia Casale S. A.; Massagno.
Amor Skin Corpn. A. G. Zurich; Werdmuhlestrasse 5, Zurich.
Appareillage Gardy S. A.; La Jonction, Geneva.
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Arpic, S. A., Etablissements; Rue St. Leger 6, Geneva.
"Astra" Beteiligungs und Verwaltungs G. m. b. H.; Bondastrasse, Chur.
Atlantis, S. A.; Aeschenvorstadt 1, P. O. Box 17350, Basle.
"Atlas," Speditions & Transport-Kontor; Bulerstrasse 59, Basle.
Attenberger H. Hapag-Reisebureau A. G.; Bahnhofstrasse 90, Zurich.
Augsbourg & Co., Maurice; Kannenfeldstrasse 36, Basle.
Aussenhande: A. G., Gesellschaft für; Elisabethenstrasse 2, Basle.
Autol A. G.; Neuhausstr. 15, Basle.
Autoservizi, S. A.; Lugano.
Badel, Leon E.; Rue Diday 6, Geneva.
Bally, Alfred; St. Alban-Anlage 2A, Aeschenplatz, Basle.
Bally-Rochling, Alfred; St. Alban-Anlage 2A, Aeschenplatz, Basle.
Banca della Svizmera Italiana; Lugano, and all branches in Switzerland.
Banco di Roma; Lugano.
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Baszanger, Lucien; Rue du Rhone 6, Geneva.
Bat'a-Schuh-A. G.; Möhlin, and all branches in Switzerland.
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Baumwollspinnerei & Wirkwaren A. G.; Bahnhofstrasse 32, Zurich.
Benninger, R.; Oberer Graben 35, St. Gallen.
Berchtold, Hans; Bahnhofstr. 10 and Borsenstr. 18, Zurich.
Berndorfer Kruppmetallwerke A. G.; Murbachstrasse 3, Lucerne.
Bestgen, Frederic Henry Joseph; Ch. de Contamines 11, Geneva.
Bianca & Co.; Hafnerstrasse 10, Zurich.
Bianchi, Carlo; Gartenstrasse 12, Zurich.
Billian, L. & Co. A. G.; Limmatquai 104, Zurich.
Blatter, Josef; Au, St. Gallen.
Blaufriesveem A. G.; Voltastrasse 104, Basle.
Boehringer, Robert A. G.; Oetenbachgasse 28, Zurich.
Boehringer, C. F. & Sohne A. G.; Zollikofen, nr. Berne.
Bohler, Gebr. & Co., A. G.; Bahnhofstrasse 45, Zurich.
Bohn, Andre; Rue de la Servette 96, Geneva.
Bohnenberger, Friedrich, Verlag Stuttgart Filiale Zurich; Tödistrasse 67, Zurich.
Boismines S. A.; Via Canova 7, Lugano.
Bosch, Robert A. G.; Badenstrasse 329, Zurich, and at Geneva.
Boshard & de Vries; Wila, Zurich.
Boy, A. G.; Bahnhofstrasse 57c, Zurich.
Brandt vorm Apotheker Rich A. G.; Finsterwaldstrasse 95, Schaffhausen.
Braus-Riggenbach (vorm. Henning Oppermann); Baumleingasse 18, Basle.
Brevette Scott A. G.; Birchstr. 155, Zurich.
Bronner & Cie. A. G.; Aeschengraben 33, Basle.
Brugge, Rodolphe; Geneva.
Bruhin, Karl; Sternenstr. 16, Zurich.
Buchhandlung Zum Elsässer A. G.; Limmatquai 12, Zurich.
Bührle, Emil Georg; Birchstr. 155, Zurich.
Bulgari, Sotirio; Via Pretoria 2, Lugano.
Buss A. G.; Aeschengraben 24, Basle.
C. I. T., Cia. Italiana di Turismo; Bahnhofstrasse 74, Zurich.
Caesar u Loretz, Halle a S., Zweigniederlassung Zurich; Limmatstrasse 45, Zurich.
Campari, Davide, Lugano; Via Vincenso D'Alberti 12, Lugano.
Cece-Graphit Werke A. G.; Wehntalerstrasse 600, Zurich.
Celluloidwarenfabrik Zollikofen A. G.; Zollikofen, Berne.
Cementia Holding A. G.; Pelikanstrasse 6, Zurich.
Cerevisia A. G.; Limmatquai 1, Zurich.
"Chepha", A. G. Fuer Chemische und Pharmaceutische Unternehmungen; Lausanne.
Coffee Trading Company Kaiser Ltd.; Guterstrasse 311, Basle, and all branches in Switzerland.
Cofinco, Compagnie Financière Commerciale S. A.; Muri.
Commissia, S. A.; Rue de la Tour de l'Ile 1, Geneva.
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Commissionaria di Esportazione e di Importazione, Soc. "S. C. E. I." (Kommissiongesellschaft für Aus-und-Einfuhr. K. A. E.); Nueschelerstrasse 30, Zurich.
Comptoir de Specialites Pharmaceutiques S. A. (formerly André Junod S. A.); Rue de la Scie 4–6, Geneva.
Connstein, Wilhelm (Dr); Rue de l'Athenee 8, Geneva.
Continental Caoutchouc Co. A. G.; Talstrasse 15, Zurich, and all branches in Switzerland.
Contraves A. G.; Bahnhofstr. 92, and Dreikonigstr. 18, Zurich.
Corti & Co. Dr. Ch., Agostino; Lugano.
Credit Commercial et Industrial Trust; Via Al Forte 2, Lugano.
Cuprum, A. G.; Glarus.
Daeschner, A. C.; Villa Roccolo, Viganello, Lugano.
De Bac, André; Rue de la Tour de l'Ile 1, Geneva.
Degle; Hofwiesenstrasse 96, Zurich.
Demierre, Jean A.; Montet, Freiburg.
Deutsche Buch-Gemeinschaft C. A. Koch's Verlag Nachf. Berlin, Filiale Zurich; Stampfenbachstrasse 67, Zurich.
Diamants et Carbones S. A.; Thonex, Geneva.
Diamantschleiferei Vogeli & Wirz, A. G.; Gurzelenstrasse 7, Biel, Berne.
Diamantwerkzeuge, A. G.; Gurzelenstrasse 7, Biel, Berne.
Dornier Werke A. G.; Altenrhein, St. Gallen.
Dralle, Georg A. G.; Basle.
Drholec, Franz; Seefeldstrasse 14, and Uraniastrasse 35, Zurich.
Drott, Max Raimund; Feldeggstrasse 43, Zurich.
Duerkoppwerke, A. G.; Albisstrasse 28, Zurich.
Duncan, Sir Oliver, Bart.; Grand Hotel Dolder, Zurich.
Ehni & Co., Geo.; Pelikanstrasse 2, and Fraumünsterstrasse 15, Zurich.
Eilers Jr., Wilhelm, Bielefeld, Zweigniederlassung Zurich; Sternhaldenstrasse 63, Zurich.
Eisen und Metall A. G.; Utoquai 29, Zurich.
Electrische und Industrielle Unternehmungen im Orient, A. G. für; Bahnhofstrasse 23A, Zurich.
"Elfa" Elektro-Chemische, Fabrik Francke; Rohrerstrasse 64, Aarau.
Elna S. A.; Rue de la Tour de l'Ile 1, Geneva.
Engel, C. & Co.; Egnacherweg.
Entreprises et Travaux de Construction S. A.; Bahnhofstrasse 89, Zurich.
Etablissements Arpic, S. A.; Rue St. Leger 6, Geneva.
Europa Press; Lausanne.
Ewel & Co.; Brandschenkestrasse 20, Zurich.
Export Transithandels A. G.; Sihlstrasse 34, Zurich.
Extraktion A. G.; Hirzbrunnenallee 28, Basle.
Fabrique de Machines a Tricoter de Schaffhouse—Schaffhauser Strickmaschinenfabrik; Moserstrasse 23, Schaffhausen.
Fanto-Benzin Import A. G.; Bahnhofstrasse 44, Zurich.
Fayaud, W. Adriano; Chiasso.
Feinweberei Murg-Baden (Deutschland) A. G. für; Flawil, St. Gallen.
Feisst, Walter O.; Casa Ville 1184, Lausanne.
Fiat Automobil-Handels A. G. Verkaufstelle Zurich; Wiesenstrasse 7–9, Zurich.
Fibroplast, A. G.; Fronwagplatz 7, Schaffhausen.
Financiere de Banque et de Change a Geneva Soc. S. A.; Rue de la Tour de l'Ile 1, Geneva.
Finanziaria Assicurativa Milano, Succursale di Zurigo Soc.; Stadthausquai 7, Zurich.
"Finelectra" Finanzgesellschaft für Elektrizitats-Beteiligungen A. G.; Bahnhofstrasse 70, Aarau.
Fischer & Rechsteiner Sucr.; Chiasso.
Fonda A. G.; Industriestrasse 25, Arlesheim, and at Munchenstein.
Foresta Romena Holding, S. A.; Jenatschstrasse 1, Zurich.

"Forinvent" Gesellschaft für auswärtige Anlagen und Erfindungen A. G.; Aeschenvorstadt 1, Basle.
Gans & Co.; Bahnhofstrasse 40, Zurich.
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Gas-Industrie, A. G. für; Loewenstrasse 2, Zurich.
Gasner-Zaull, Erwin; St. Gallen.
Gelbert, Heinrich—Pfaff Nahmaschinenfabrik; Bahnhofstrasse 100, Zurich.
Georgi, Curt; Stampfenbachplatz 2, Zurich.
Getreide Import A. G.; Bleicherweg 47, Zurich.
Globag A. G.; Schaffhausen.
Golay et Fils, Louis; Rue du Rhone 57, Geneva.
Golvag A. G. Goliath-Vertrieb; Oberdorfstrasse 3, Zurich.
Graf, Theo; Fraumünsterstrasse 14, Zurich.
Grodtmann, Johann; La Tour de Peilz, Vevey.
Grunauer, A. & Co. A. G.; Basle.
Gunzburger, S. & Cie. A. G.; St. Johannesvorstadt 90, Basle.
Gütermanns Nähseiden A. G.; Stampfenbachstrasse 12, Zurich.
Haas'sche Schriftgiesserei A. G.; Münchenstein.
Haff Gebruder C., H. & F., A. G. Handel in Reisszeugen und Mathematischen Instrumenten; Bahnhofplatz 5, Zurich.
Hagmann & Co.; Loewenstrasse 20, Zurich.
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Haubensack, Emanuel; Nürensdorf, Zurich.
Hauff-Fabrikate-Verkaufs A. G.; Loewenstrasse 19, Zurich.
Hauff-Photo-Vertretung; Loewenstrasse 19, Zurich.
Haymann, J. Konstanz Filiale Kreuzlingen; Hafenstrasse 111, Kreuzlingen.
Heer & Co., A. G.; Oberuzwil.
Heilmuth, Fritz; Mattenstrasse 76, Basle.
Heilmuth, Hans; Mattenstrasse 76, Basle.
Heilmuth & Cie., Loerrach, Filiale Basel; Matenstrasse 76, Basle.
Henkel & Co. A. G.; Kirschgartenstrasse 12, Basle.
Henkels Persilwerke A. G.; Prattein, Basle.
Hepp Gebruder; Bahnhofstrasse 79, Zurich.
Hering-Rad A. G.; Blumlisalpstrasse 18, Zurich.
Hevaloid A. G.; Talstrasse 15, Zurich.
Hilb, Siegfried Konstanz Filiale Kreuzlingen; Bahnhofstrasse 31, Kreuzlingen.
Hispano Suiza, S. A.; Rue du Rhone 29, Geneva.
Hochstrasser & Co.; Hornweg 20, Kusnacht, Zurich.
Hoff, B. (late of Riga); Schweizerhof Hotel, Zurich.
Holzveredlung, A. G. für; Loewenstrasse 11, Zurich.
Homann, Franz, Bregenz Zweigniederlassung St. Margrethen; St. Margrethen, St. Gallen.
Hösli & Co., Georg; Bahnhofstrasse 79, Zurich.
Hostmann-Steinberg Farben A. G. Chr.; Bederstrasse 103A, Zurich.
Husler, J. & Co.; Beinwil a. See.
"Imbert-Gas" A. G.; Rohrerstrasse 76, Aarau.
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Incosa A. G. Winterthur.
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Internationale Gesellschaft der Stickstoff Industrie A. G.; St. Jakobstrasse 22, Basle.
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Isiaseide; Breganzona.
"Italelvetica" di Partecipazione Finanziarie ed Industriali S. A.; Chur.
Jenschik Reisedienst Urania; Heimatweg 1, Lucerne.
Justa, S. A.; Lugano.
Kadus-Werk; Molkenstrasse 8, Zurich.
Kagann, Salomon; Ave. W.-Favre 24, Geneva.
Kahl, Siegfried Hermann; Bvd. du Theatre 12, Geneva.
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Kast & Ehringer G. m. b. H.; Hornergasse 12, Zurich.
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Klaiber, Richard; Birsigstrasse 58, Basle.
Klement & Spaeth, Parfumerie & Seifenfabriken Ravensburg Zweigniederlassung Romanshorn; Romanshorn.
Klepper-Sporterzeugnisse, A. G. für; Uraniastrasse 14, Zurich.
Klingelnberg Sohne, W. Ferd. Remscheid, Zweigniederlassung Zurich; Hotzestrasse 45, Zurich.
Königer & Sohn, Karl, G. m. b. H. Kattowitz Zweigniederlassung Zurich; Torgasse 2, Zurich.
Kores-Bureaubedarf A. G.; Todistrasse 68, Zurich.
Kosmos A. G. für Internationale Transporte; Basle.
Kotva-Export-Import A. G.; Bahnhofquai 7, Zurich.
Krebs, Dr., Strebel-Kessel & Radiatoren; Fluelastrasse 19, Zurich.
Kristallglaswerk, A. G. (formerly A. Pfeiffer & Co.); Schuetzenstrasse 191, Feuerthalen, Schaffhausen.
Krupp, Arthur, Dr.; Lucerne.
Kuisel, G. & Co.; Bahnhofstrasse 89, Zurich.
Lackfarben A. G. Berlin Filiale Kreuzlingen; Unterseestrasse 32, Kreuzlingen.
Lacour, J. T.; Ave. Ermitage 59, Geneva.
L'Aluminium, S. A. pour l'Industrie de; Ave. D'Ouchy, Lausanne.
Lambercier, Georges; Rue des Bains 11, Geneva.
Landesprodukte A. G.; Erlenstr. 15, Basle.
Langbein Pfanhauser Werke A. G., Schweizerische Filiale der; Schaffhauserstrasse 228, Zurich.
Latinalux—Impresa Elettriche dell'-America Latina; Mesocco.
Leader A. G.; Aronstrasse; St. Moritz.
Leder & Schuh A. G.; Talstrasse 11, Zurich.
Lengweiler, Walter; St. Gallen.
Leukon A. G.; Freigutstrasse 7, Zurich.
Liguna S. A.; Pelikanstrasse 1, Zurich.
"Limmat" Industrie und Handels A. G.; Talstrasse 11, Zurich,
Lloyd-Reiseburo R. Kündig A. G.; Bahnhofstrasse 80, Zurich.
Lonza A. G.; Aeschenvorstadt 72, Basle.
Lorenz, C., A. G. Berlin, Zweigniederlassung Bern; Bubenbergplatz 10, Berne.
Lorenzoni, Valeriano Ditta in Verona Filiale di Chiasso; Chiasso.
Luzi, Hermann; Stampfenbachplatz 2, Zurich.
Magerle Gebr. G. m. b. H.; Effretikon.
Mannhart, J. C., Konstanz Filiale Kreuzlingen; Hauptstrasse 61A, Kreuzlingen.
Manometer A. G.; Andreasstrasse 9, Zurich.
Marabuwerke A. G. Tamm, Zweigniederlassung Seebach; Andreasstrasse 7-9, Zurich.
Marathon Edelstahl A. G.; Klaustrasse 19, Zurich.
Marelli, S. A. Aeromeccanica; Rue de la Fontaine 7, Geneva.
Marelli, S. A. Machines; Rue du Rhone 59, Geneva.
Masstabfabrik, A. G.; Gewerberstrasse 6, Schaffhausen.
Meckes-Dreher, Wilhelm; Grenzacherweg 77, Riehen.
Meier, Karl Arnold; Kusnacht-Tugermoos, nr. Zurich.
Melitta A. G.; Waldmannstrasse 12, Zurich.
Mercedes-Benz-Automobil A. G.; Badenerstrasse 119, Zurich.
Merck Produkten A. G. für den Handel in; Bahnhofstrasse 23, Zug.
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Merk, Jean; Bahnhofstrasse 57B, Zurich.
Merk, Max. Roh-Produkten-Kontor; Stampfenbachstrasse 70, Zurich.
Merk & Co., Max; Stampfenbachstrasse 70, Zurich.
Merz & Co., Chemische Fabrik; Dufourstrasse 176 and Froehlichstrasse 28, Zurich.
Meta, S. A.; Leimenstrasse 51, Basle.
Metallwerke A. G.; Dornach.
Metallwerke Refonda A. G.; Zurich.
Metzger & Cie. Robert, Location de Wagons-Reservoirs S. A.; Place et Rue des Grottes 1, Geneva.
Mezritz, Denis; Rue de la Navigation 11-13, Geneva.
Mineral & Metall A. G. (Mineral & Metal S. A.); Bahnhofplatz 225, Chur, and Talstrasse 15, Zurich.

Minerva-Auto-Mobilen, A. G. für den Verkauf in der Schweiz von; Utoquai 29, Zurich.
Minimax, A. G.; Muhlenbachstrasse 28, Zurich.
Mobiliare Verkehrs A. G.; Pelikanstrasse 8, Zurich.
Moebius, H. & Sohn; Neuhasstr. 15, Basle.
Moje, Heinrich; Todistrasse 16, Zurich.
Montaner, Juan; Rue du vieux-College, Geneva.
Moos, Gebruder & Söhne; Kreuzlingen.
Morf, Ernst; Nuerensdorf.
Movag Editions de Mode; Stadtelhoferstrasse 42, Zurich.
Mueller, Albert P.; Monbijoustrasse 91, Berne.
"Mundus" Allgemeine Handels und Industrie A. G.; Bahnhofstrasse 38, Zug.
Naruva S. A.; Place de Cornavin, Geneva.
Neuss, Johann; Seefeldstrasse 14, and Uraniastrasse 35, Zurich.
Noerpel C. E., Friedrichshafen, Filiale St. Gallen; Postrasse 22, St. Gallen.
"Non Ferrum" Gesellschaft zur Finanzierung von Unternehmungen des Bergbaues und der Industrie der Nichteisenmetalle A. G.; Bahnhofstrasse 45, Zurich.
Nordisk Films Co. S. A.; Uraniastrasse 33, Zurich.
Nur, Mahomet Thabit Abdul; Zurich and Geneva.
Oberrhein Reederei & Kohlenhandels A. G.; Nauenstrasse 63A, Basle.
Officine del Gottardo S. A. für Elektro-Chemische Industria; Bodio, Tessin.
Olivieri S. A. Giuseppe; Chiasso.
Orbis S. A.; Feldeggweg 1, Berne.
Orenstein & Koppel, A. G. für Feld und Kleinbahnen Bedarf; Weinbergstrasse 15, Zurich.
Orion-Automobil-Werkstatten; Hardturmstrasse 105, Zurich.
"Osa" Industrielle Beteiligungen A. G.; Fasenstaubstrasse 30, Schaffhausen.
Osram, A. G.; Limmatquai 3, Zurich, and all branches in Switzerland.
Pagani, Butti e Basilico Trasporti Internazionali Globus, Succ. ad Oscar Negri et Cie; Via Internazionale 8, Chiasso.
Parisi, Francesco; Paradeplatz 5, Zurich.
Paukner, Emil; Repfergasse 13, Schaffhausen.
Pauly, Walther; Gotthardstrasse 61, Zurich.
Pauly Jnr., Walther; Oberrieden, Zurich.
Pelikan A. G.; Bachofnerstrasse 8, Zurich.
"Petrowag" Petroleumwerke A. G.; Poststrasse 2, Chur.
Pfaff Nahmaschinenfabrik (Heinrich Gelbert); Bahnhofstrasse 100, Zurich.
Pfeiffer, A. & Co.; Feuerthalen, Schaffhausen.
Pfister, A.; Gessneralleee 34, Zurich.
Pfister, Carl; Wohlen.
Pfrunder, Oscar; Loewenstrasse 59, Zurich.
Picard, Roger Gaston; Rue de Hesse 8-10, Geneva.
"Pila" A. G.; Bahnhofstrasse, Zurich.
Pilatus Flugzeugfabrik; Stans, Nidwalden.
Platter, Hans; Rutistrasse 15, Winterthur.
Plesch, Arpad; Ave. Victor-Ruffey 2, Lausanne.
Poldi Prague, Aciéres (Poldihütte Prag. Zweigniederlassung Genf.); Rue des Terreaux du Temple 3-7, Geneva.
Poldihütte Prag. Zweigniederlassung Zurich; Limmatstrasse 23, Zurich.
Polizza Immobili S. A.; Via Pretorio 2, Lugano.
Ponti, Gennari et Cie; Rue des Vieux Grenadiers 7, Geneva.
"Pragma" A. G.; Bankstr., Glarus.
Processi Palazzo S. A.; Mesocco.
Proditti Brioschi S. A.; Balerna.
Produits Cirio, S. A.; Rue de la Tour de l'Ile 1, Geneva.
Produits Magnesiens S. A., des; Viaduktstrasse 60, Basle.
Raab, M.; Sihlstrasse 34, Zurich.
Raviola, Adolphe; Rue de la Scie 4-6, Geneva.
Reclam & Cie; Im Eisenen Zeit 8, Zurich.
Resinelli, Dionigi; Bellinzona.
Ressort A. G., für Patentverwertung; Bahnhofstrasse 23, Zug.
Rhein und See Transport A. G.; Riehenstrasse 145, Basle.
"Rhenus" A. G. für Schiffahrt & Spedition ("Rhenus" S. A. de navigation et d'expédition); Hafenstrasse 13, Basle.
Rhone-Poulenc, Soc. des Usines Chimiques; Dardagny, nr. Geneva.
Risso, Oddone-Roberto, Dott; Tobelhofstrasse 227, Zurich.
Rivoire e Milano C. A. Succursale di Chiasso; Chiasso.
"Roba" Schiffahrtsagentur und Lagerhaus A. G.; Muenchenstein and Basle.
Roch, Karl; Spluegenstrasse 4, Zurich.
Röchling & Co., Bank; St. Alban-Anlage 2A, Aeschenplatz, Basle.
Rodopia, Societe de Gestion; Geneva.
Roechling & Cie. A. G.; Seevogelstrasse 1, Basle.
Roechling Stahl A. G.; Hardstrasse 225, Zurich, and at Basle.
Rohner A. G., Chemische Fabrik; Pratteln.
Röhren-Handels-Gesellschaft Zurich; Limmatquai 72, Zurich.
Rotopulsor A. G.; Pronwagplatz 9, Schaffhausen.
Rubber Investment A. G.; Bahnhofstrasse 55, Zurich.
Ruhr-und-Saar Kohle A. G.; Basle.
Rupp & Co., Chs.; Talstrasse 11, Zurich, and Bahnhofstrasse 22, Erlenbach.
S. A. I. M. A. Societe Anonima Innocente Mangili Adriatica; Palazzo Bankverein, via Internazionale, Chiasso.
"S. C. E. L." Soc. Commissionaria di Esportazione e di Importazione (Kommissiongesellschaft für Aus-und Einfuhr, K. A. E.); Nueschelerstrasse 30, Zurich.
S. Serumwerk A. G.; Mittlerestrasse 19, Basle.
Sacaf (S. A. pour le commerce des Automobiles Fiat en Suisse); Route de Lyon 100, Geneva, and all branches in Switzerland.
Sachsische Metallwarenfabrik A. G.; Zurich.
Sacom—Commissionaria S. A.; Via Nassa 29, Lugano.
Salamander Schuh A. G. Zurich; Bahnhofstrasse 72, Zurich.
Sander A. G., Ernst; Freigutstrasse 7, Zurich.
Saprochi S. A.; Rue la Navigation 13, Geneva.
"Saten", S. A. Tessuti Novita; Corso San Gottardo, Chiasso.
Sauerstoff under Wasserstoffwerk A. G.; Lucerne.
Saurenhaus & Co., Max; Gundeldingerstr. 190, Basle.
Schaerer, M., A. G.; Wallgasse 2, Berne, and all branches in Switzerland.
Schaffhauser Strickmaschinenfabrik (Fabrique de Machines a Tricoter de Schaffhouse); Moserstrasse 23, Schaffhausen.
Schaffner, Emil A.; Stampfenbachstrasse 67, Zurich.
Schairer, Gottlieb; Liestal.
Schenker & Co. A. G.; Buchs, St. Gallen.
Schenker-Unternehmungen Holding A. G.; Mythenquai 20, Zurich.
Schmucki, Max A.; Elisabethenstr. 1, Basle.
Schmucki-Schlageter, Max; Elisabethenstr. 1, Basle.
Schneider, Alexander; Via Nassa 29, Lugano.
Schneider, Ernst, Photographische Kunstanstalt Berlin Zweigniederlassung Zurich; Möhrlistrasse 101, Zurich.
Schoeller, Bleckmann, & Cie. Stahlhaus; Limmatstrasse 183, Zurich.
Schoellkopf, Hermann A. G.; Beethovenstrasse 38, Zurich.
Schriesheimers Sohn, Max; Bahnhofstrasse 31, Kreuzlingen.
Schroder, Hans (Dr.); Habsburgstrasse 19, Berne, and at Muri.
Schwabenland & Co. A. G. Zurich; Nueschelerstrasse 44, Zurich.
Schweiz, Italien A. G.; Bahnhofstrasse 80, Zurich.
Schweizerische Filiale der Langbein Pfanhauser Werke, A. G.; Schaffhauserstrasse 228, Zurich.
Schweizerische National Versicherungs Gesellschaft; Steinengraben 39-41, and Leimenstrasse 30, Basle.
Seiden Textile A. G.; Talstrasse 14, Zurich.
Seligman, Schurch & Co., Hans; Kaufhausgasse 7, Basle.
"Semperit" Central Agentur für Gummiwaren A. G.; Hirschgasse 6, Basle.
Senking, A., A. G.; Walchestrasse 34, and Stampfenbachstrasse 69, Zurich.
Siemens & Halske; Zurich.
Siemens Elektrizitats Erzeugnisse A, G.; Loewenstrasse 35, Zurich, and at Berne.
Siemens S. A. des Produits Electrotechniques; Place de la Gare 12, Lausanne.
Sigolin A. G.; Reinacherstrasse 131, Basle.
Sisal A. G. ("Sisal" S. A.); Platz 13, Schaffhausen.
Societé de Crédits Internationaux S. A.; Rue de la Tour de l'Ile 1, Geneva.
Soennecken, F. Bonn Zweigniederlassung Zurich; Loewenstrasse 17, Zurich.
"Soltec", Soc. Financière et Technique; Basle.

Sola S. A.; Chemin de Ruth 41, Cologny, Geneva.
Somatra Umschlags-und Transport A. G.; St. Jakobstrasse 1, Basle.
Sosico A. G.; Konkordiastrasse 22, Zurich.
"Sotag" Automobil Handels A. G.; Kreuzstrasse 4, Zurich.
Spahn, Carl Alfred (Dr.); Bahnhofstr. 1, Zurich.
Spiesshofer & Braun; Zurzach.
Springer & Möller A. G.; Neugasse 55 & 61, Zurich.
Stadler, Theodor; Dornach, and Industriestrasse 25, Arlesheim.
Stahl-Holding Co. A. G.; Schansengraben 27, Zurich
Stallmann Gebruder; Heiden.
Steckborn Kunitseide A. G.; Steckborn.
Steyr Solothurn Waffen A. G.; Bahnhofstrasse 89, Zurich.
Steyr-Automobile A. G Generalvertretung für: Albisriederplatz 3, Zurich.
Steyr-Daimler-Puch A. G. Vertriebsaktiengesellschaft der; Albisriederplatz 3, Zurich.
Stockwerkzeuge und Maschinen Verkaufs A G.; Gütterstrasse 88, Basle.
Storz, Hans; St. Moritzstrasse 21, Zurich.
Strachl & Co., Friedrich; Nationalstrasse 19, Kreuzlingen.
Strassberger, Paul; Via Canova 7, Lugano.
Straub, Ernst, Konstanz Filiale Zurich; Limmatstrasse 45, Zurich.
Stromeyer, L. & Cie.; Poststrasse 50, Kreuzlingen.
Stromeyer M. Kohlenhandel A. G.; Nauenstrasse 63, Basle and all branches in Switzerland.
Stürzenegger, H. & Co.; St. Jakobstrasse 22, Basle.
Styria Stahl A. G.; Ausstellungstrasse 104, Zurich.
Tabacchi, Soc. Commerciale di; Lugano.
Tarex S. A.; La Jonction, Geneva.
Tavaro S. A.; Ave.-d'Aire 44, Geneva.
Technik & Finanz A. G.; St. Jakobstrasse 22, Basle.
Teerfarben A. G.; Bahnhofstrasse 55, Zurich.
Telefunken Gesellschaft fuer Drahtlose Telegraphie G m. b. H. Berlin; Stampfenbachstrasse 12, Zurich
Telefunken Zurich A G.; Stampfenbachstrasse 13, Zurich.
Tessuti Novita S. A. "Saten"; Corso San Gottardo, Chiasso.
Themis Finanz-Gesellschaft; Bahnhofstrasse 23, Zug.
Thonet-Moebel A. G.; Hebelstrasse 5, Basle.
Tillmanns-Schmidt Riloga - Werk; Wängi.
"Tobis" Film-Verleih A. G.; Talstrasse 15, Zurich.
Togal A. G.; Stradelhoferstrasse 40, Zurich.
Togalwerk Gerhard F. Schmidt A. G.; Via Morella 2, Massagno.
Transit Transportgesellschaft m. b. H. Singen a. H. Filiale Schaffhausen; Bahnhofstrasse 54, Schaffhausen.
Travaux Publics et Constructions en Generale; Bahnhofstrasse 89, Zurich.
"Tungsram" Elektrizitats, A. G.; Bederstrasse 1, Zurich.
Uhren A. G. vormals Mauthe Uhren G.; Uraniabrucke 6, Zurich.
Ultramar A. G.; Schwanden, Glarus.
Uma A. G.; Poststrasse 2 (Bureau Dr. Mettier), Chur.
Union Rückversicherungs Gesellschaft (L'Union Societe de Reassurances); Alpenquai 8, Zurich.
Universale Rückversicherungs A. G.; Bahnhofstrasse 1, Zurich.
Valmobil S. A.; Rue de la Tour de l'Ile, Geneva.
Vannay & Fils S. A., Paul; Rue du Lieux College, Geneva.
Vapor, A. G.; Alpenstrasse 14, Zug.
Veenendaal, J. C.; Nueschelerstrasse 30, Zurich.
Verkaufsgesellschaft der Mielewerke A. G. in Zurich; Schaffhauserstrasse 472, Zurich.
Veron, J., Grauer and Cie. S. A.; Rue de Mont Blann 22, Geneva, and Hochstr. 55, Basle.
Vinci & Bischler; Ave. de Champel 19, Geneva.
Viscose Suisse A. G., Soc. de la; Emmenbruecke.
Vlasov, Alexander; Lausanne.
"Vulkan" Kohlenhandels A. G.; Peterstrasse 1, Zurich.
Waffenfabrik Solothurn A. G.; Solothurn.
Wagner A. G., Gunther; Bachofnerstrasse 8, Zurich.
Wagner, Alfred; Loewenstrasse 11, Zurich.
Webendoerfer Gebr. Hamburg Zweigniederlassung; Zurich.
Weiss, Gebrüder; Buchs, St. Gallen, and all branches in Switzerland.
Werkzeug-Union G. m. b. H.; Zurich.
Werkzeugmaschinenfabrik Oerlikon, Bührle & Co.; Birchstr. 155, Zurich.
Wiegering, Gottfried; Dolderstrasse 111, Zurich.
Willach & Söhne, Hugo; Konstanzerstrasse 40, Kreuzlingen.
Winterstein & Co.; Zurich.
Wiskemann, Otto & Albin; Seefeldstrasse 222, Zurich.
Wittkop & Co.; Beckenried.
Wolff, F. and Son, G. m. b. H.-Karlsruher Parfumerie & Tolletteseifenfabrik; Grenzacherstrasse 63, Basle.
Wys Müller & Co. Amsterdam Zweigniederlassung Zurich; Paradeplatz 5, Zurich.
Zapp, Robert A. G.; Konradstrasse 78, and Schansengraben 27, Zurich.
Zeitungs A. G.; Aeschenvorstadt 50, Basle.
Zeller, Emil; Dolderstrasse 96, Dolderburg, Zurich.
Ziegler & Cie.; St. Gallerstrasse 152, Winterthur.
Zuest & Bachmeier S. A.; Chiasso.

TURKEY

A. E. G. (A. E. G. Turk A. Elektrik S. Umumiyesi); Galata, Istanbul.
Aachener & Munchener Feuer V. A. G.; Ahen-Munih Han, Istanbul.
Aboresi, Bohor M.; Yusufyan Han 28, Fincancilar Cad., Istanbul.
Aciman ve Ortaklari, Mois; Istanbul.
Adler Dikis Makineleri K. ve A. Valasakis; Risapasa Yokusu 48, Istanbul.
Adriatica S. Vapur Agentasi; Galata, Istanbul.
Ahotti Biraderler E. K. Sti; Kazim Dirik Cad., Izmir.
Allianz und Stuttgarter Verein V. A. G.; Anadolu Han, P. O. Box 79, Istanbul.
Aperio, Pol J.; Ataturk Cad. 92, Izmir.
Arev, Mamigon V.; Aslan Han 4–5, Persembepazar, Istanbul.
Assicurazioni General; Sigorta Han, Galata, Istanbul, and all branches in Turkey.
Austro-Turk, Tutun Sirketi; Corakkapi 1264, Izmir.
Azer, Abdullah Teknik Buro; Yenishehir Konur Sok, 20, Angora.
Azer, Muhendis Abdullah; Yenishehir Konur Sok, 20, Angora.
Badetti, Emilio A.; Ismailpasa Han, Sirkeci P.O. Box 357, Istanbul.
Badetti, Umberto; Ismailpasa Han, Sirkeci P. O. Box 357, Istanbul.
Badische Assekuranz Ges. A. G.; Hudavendigar Han, Istanbul.
Balhause, Fritz; Kerasund.
Banca Commerciale Italiana; Istanbul and Izmir.
Banco di Roma S. A.; Istanbul and Izmir.
Behar, Jules; Kurucesme, Istanbul.
Behr, Werner; Izmir.
Berghaus, Walter (H. Hartel); Yusufides Han, Istanbul.
Bertamini, Edward; Mersin.
Biller, Carol; Yogurtcu Sok. 19, Bebek and Eski Gumruk 40, Istanbul.
Buchtele, Alfred; Unyon Han 64, Istanbul.
Burghard, P.; Divanyolu Emin Vafi Evi Yaninda Yeni, Istanbul.
C. I. T., Cia. Italiana di Turismo; Quais de Galata 157–159, Hudavendigar Han, P O. Box 1030, Istanbul, and all branches in Turkey.
Caino, Albert C.; Eminbey Han 12, Sultanhaman, P. O. Box 162, Istanbul, and all branches in Turkey.
"Cay Is" Tecim Evi (Ed. Bertamini); Mersin.
Cifci Zade (Export Turk Sirketi Ltd.); Mersin and Istanbul.
Cololyan, Kerope; Antreposu 4 Cu Kat 15, Sirkeci, Istanbul.
Comptoir de Representations; Birinci Kordon, Izmir.
Cuhaci, Mirza Ali; Tahtakale, Menase Han 45, Istanbul.
D. K. W.; Istiklal Cad. 28, Istanbul.
Dabkovic ve Sur; Frekyan Han 3, Galata, Istanbul.
Danielsen, P. P.; Trebizond, and all branches in Turkey.
Danon Fils, Heskia; Asirefendi Cad. 37, Imar Han 4, Istanbul.
Deutsche Bank; Istanbul.
Deutsche Levante Linie; Havagimyan Han 3, Galata, Istanbul, and all branches in Turkey.
Deutsche Lufthansa A. G., Berlin; Kefeli Huseyin Han, Istanbul.
Deutsche Orientbank (Filiale der Dresdner Bank); Istanbul and Izmir.
Deutscher Lloyd V. A. G.; Istanbul.
Donau Allgemeine V. A. G.; Danub-Sigorta Han, Galata, Istanbul.
Dumani, Edward B.; Mersin.
Egolf, J.; Buyuk Kardicali Han 21–22, Izmir.
Ehrengruber, Richard; Yogurcu Han 6, Persembepazar, Galata, Istanbul.
Ekrem, Ural; Sultanhamam, Yesilderek, Setvan Han 25, Istanbul.

Elektron T. A. S.; Voyvoda Cad. 58–62, Galata, Istanbul.
Erses, Necip; Cemberlitas, Istanbul.
Faraggi, Leon (Faraci); Nisantasiyan Han, Galata, Istanbul.
Felemenk Turk Anon, Tutun S.; P. O. Box 1296, Galata, Istanbul, and at Izmir.
Feustel, Hans Walter; Kefeli Han alt. 45, Galata, Istanbul.
Fiat Otomobil Sirketi Istanbul Subesi; Taksim, Koatebek S., Istanbul.
Fink, Otto; Izmir.
Flottmann; Viz a Vis, Karakoy Palas, Istanbul.
Fonzi, Carlo; Trebizond.
"Fratelli Aliotti"; Kazim Dirik Cad., Izmir.
Frey, Adolf; Istanbul.
Froehlich C., Halefi Dr. Ernest Ruff ve Sirketi y Topuzoglu; Manhayim Han, Galata, Istanbul.
Frohlich, C; Kendros Han 6, Istanbul.
Galadini, Commandant E. Bucci; Galata, Istanbul.
Gallerini, Vittorio; Katircioglu Han, Istanbul.
Gassner, Hans G.; Kuto Han 12, Galata, Istanbul.
Giudici, Umberto; Bornova Sok. 86, Alsancak, Izmir.
Grunstein, L.; Nisamtasiyan Han, Galata, Istanbul.
Hausmann, Kurt; Ortakoy, Divanyolu 105, Emin Vafikkosku, Istanbul.
Hermann, Hugo; Kredi Liyone Han, Istanbul.
Hohstrasser ve Sti; Istanbul, and all branches in Turkey.
Hohtif, A. G. (Hoch & Tiefbauten); Istiklal Cad. 209, Galata, Istanbul.
Hollenbach - Boeck; Abdulhakhamit Cad. 72, Taksim, P. O. Box 1481, Istanbul.
"Holtab" Hollandsche Tabak Mij; P. O. Box 1295, Galata, Istanbul, and at Izmir.
Holzmann, A. G. Philipp; Galata, Istanbul.
Ilkbasan, Osman; Cemberlitas, Istanbul.
Inderau, Dimitri; Voyvoda Cad. 32, Galata, Istanbul.
Inderau, F. & D.; Voyvoda Cad. 32, Galata, Istanbul.
Inderau, Friederich; Voyvoda Cad. 32, Galata, Istanbul.
Inkisaf Ticaret, Anadolu Sirketi Ltd.; Yenigun 1329 ncu S, Izmir, and all branches in Turkey.
Instituto Nazionale Delle Assicurazioni; Karakoy Palas, Galata, Istanbul.
Jansen, Helmuth; Ayazpasa, Kunt Palace 8, Beyoglu, P. O. Box 2222, Istanbul.
Jogna, Emilio; Rihtimi Kefeli Han 13, Galata, Istanbul.
Kadlec; Unyon Han 64, Istanbul.
Kapps, Andreas; Istiklal Cad. 390, Istanbul.
Karlman, Pasaji (Carlmann); Istiklal Cad. 290, Beyoglu, Istanbul.
Kaslowski, Luigi; Asirefendi Cad., Basiret Han, Istahbul.
Kastoryano, Marko; Istanbul.
Kimya ve Ecza Maddeleri, T., Sirketi Ltd.; Imar Han, Istanbul.
Kraft, Fred W.; Marmara Han, Galata, Istanbul.
Kraft ve Ostrowsky (Fred W. Kraft); Marmara Han, Galata, Istanbul.
Krupp Germanya Verft A. G. (Fried Krupp A. G. Essen); Kasimpasa, Istanbul.
Ksantopulo, A.; Canakkale.
Kumbaracilar, Dr. Sedad; Erenkoy Etem Efendi Cad. 23, Istanbul.
Latif, Akif; Fatih, Tramvay Duragi Yerinde 84, Istanbul.
Leonardi, Ulisse; Tahtakale Cedid Han, Istanbul.
Levant Marine Ingurance & Reinsurance Co. (Levant Soc. Italiana di Assicurazioni e Riassicurazioni); Istanbul.
Levante, Emilo; Mersin.
Levante & Co.; Iskenderun.
Lipovatz, Constantine; P. O. Box 283, Izmir.
Lochner, Heinrich; Izmir.
L'Orient d'Assurances S. A.—Sark Sigorta Anonim Sirketi; Sark Han, Galata, Istanbul.
Magdeburger Feuer V. G.; Bahtiyar Han, Voyvoda Cad. Galata, Istanbul, and at Izmir.
Mainetti, Maurice; Ataturk Cad. 62, Izmir.
Mannheimer V. G.; Rue Kurekciler, Manhaym Han, Istanbul.
Marinelli, Giuino; Izmir.
Mayer, Evald; Istanbul.
Medina, Cav. Giulio de; Hacopulo Han 42–43, Istanbul.
Medina do Ogiist (August de Medina); Hacopulo Han 42–43, Istanbul.
Meissner, Heinrich; Boafor Han, Galata, Istanbul.
Menger, Ahmet Veli; Assikurazione Generali Han, Galata, Istanbul.
Mercedes; Voyvoda Cad., Istanbul.
Metaxas, N. Z.; Frenkyan Han, Galata, Istanbul.
Missir, Emil; Cumhuriyet Medani, P. O. Box 219, Izmir.
Moscovitz, Rubin; Nisantasiyan Han, Galata, Istanbul.
Motola, Yusuf; Menase Han 37, Tahtakale, Istanbul.
Müller, C. A. ve Sür; Minerva Han 2, Galata, Istanbul.
Musacco, Domenico; Izmir.
Naumann Makineleri Satis Turk Ltd. S.; Hezeran Sok. 132–143, Galata, Istanbul.
Nigri, Francisco (Sucr. R. Casaretto & Figli); Sark Han, Galata, Istanbul.
Nord Deutsche V. G.; Vitol Han 8, P. O. Box 282, Istanbul, and at Izmir.
Nordstern Allgemeine V. A. G.; Voyvoda Cad., Danub-Sigorta Han, Galata, Istanbul.
Ohanyan, Margyros; Mahmudpasa, Kurkcu Han 1 and 5, Istanbul.
Ohanyan, Mihran M.; Mahmudpasa, Kurkcu Han 1 and 5, Istanbul.
Ohanyan, Mihran M. "Beyaz Tiliki"; Kurk Ticarethanesi, Istiklal Cad. 395, Beyoglu, Istanbul.
Ojalvo, Jacques; Cicekpazar, Ostratyadi Han 3, Istanbul.
Omnipol Turk Sirketi Ltd., (formerly Omnipol Mahmut Mesuliyetli, Ticaret Sirketi); Guven Han 55, Galata, Istanbul, and all branches in Turkey.
Orak, Suha Fazli; Bozkurt Han, Istanbul, and at Angora.
Orenstein und Koppel A. G. (Berlin); Sazmas S. Bahcekapi Tas Han, Istanbul.
Orient Export Ltd.; Sultanhamam, Vakif Han, Istanbul.
Papagno, A. & Co.; Izmir.
Parisi, Francesco (Representative Ermanno Rappaport); Taksim, Lamartin Cad. 9, P. O. Box 1304, Istanbul and at Izmir.
Parnia, A.; Sultanhamam, Selvelli Han 9–11, Istanbul, and Kardicali Han 57. Izmir.
Paykuric, H.; Frenkyan Han, Galata, Istanbul.
Perpignani, Carlo; Persembepazar, Arslan Han 4, Galata, Istanbul.
Perpinyani, Karlos; Persembepazar, Arslan Han 4, Galata, Istanbul.
Pesah, Ilya I. Levi & Yzevulum; Emniyet Ticaret Evi, Cicek Pazar, Altiparmak Han 10, Istanbul.
Petrini, Michel; Erler 895, nci Sokak 25, Izmir.
Pinarsoy, Haydar; Cemberlitas, Istanbul.
Pinarsoy, Haydar ve Necip Erses, Cemberlitas, Istanbul.
Pisani, K Aleksandr; Anadolu Han 23, Istanbul.
Platner, Otto; Nordstern Han, Galata, Istanbul.
Praga Eksport Mühendis Abdullah Azer ve Ortak, Kollek; Unyon Han 64, Istanbul.
Rappaport; Ermanno (Francesco Parisi); Taksim, Lamartir Cad. 9, P. O. Box 1304, Istanbul, and at Izmir.
"Reemtsma"; Galata, Istanbul, and all branches in Turkey.
Reggio & Musacco, D.; Izmir.
Reppen, Theodore; Frenkyan Han, Galata, Istanbul.
Rheydt Kablwerk; Vis a Vis Karakoy Palas, Istanbul.
Ritunione Adriatica di Sicurta; Sark Han, Galata, Istanbul, and at Izmir.
Riza Dervis ve Ortagi; Imar Han, Istanbul.
Rocchi, Gaetano de (Gaytano di Roki); Tahmisonu Trifonidis Han 20, Tacir, Istanbul.
Romano, G.; Atatürk Cad. 144, Izmir.
Rosenfeldt, Charles; Alasa Appt., Ayas Pasa, Istanbul.
Ruff, Edmund; Manhayim Han, Galata, Istanbul.
Ruff, Ernest (Dr.); Manhayim Han, Galata, Istanbul.
Ruff, Heda; Manhayim Han, Galata, Istanbul.
Russo, Salamia; Canakkale.
Sadikoglu, Aslan ve Mahdumu (owners of S. S. "Sakarya" and S. S. "Galatasaray"); Kucu Han, Galata, Istanbul.
Sark Sigorta Anonim Sirketi (L'Orient d'Assurances S. A.); Sark Han, Galata, Istanbul.
Schenker & Co., A. G.; Turkye Milli Han, Galata, Istanbul.
Schering Kahlbaum A. G. (Berlin); Imar Han, Istanbul.
Schnur, Livio; Cicek Pazar, Altiparmak Han 15, Istanbul.
Serattaroglu Kardaslar (Aktarlar); Istanbul.

Sari Mekik Mensucat Fabrikasi; Kurucesme, Istanbul.

Silberman, S.; Nisantastyan Hani, Galata, Istanbul.

Societe pour le Developpement de Commerce en Orient Ltd.; Yenigun 1329 ncu S, Izmir, and all branches in Turkey.

"Sodor"; Yenigun 1329 ncu S, Izmir, and all branches in Turkey.

Solari, F., Ltd.; Ataturk Cad. 2, Izmir, and all branches in Turkey.

Sonmez, Sadeddin ve Logothati, Mihal; Striezi, Korsancyan Han 36, Istanbul.

Sovelli, Alfredo; Mumbane, Muradiye Han, Galata, Istanbul.

Sperco, Fratelli (Sucrs. of Enrico Sperco Figli); Hudavendigar Han. P. O. Box 1030, Galata, Istanbul, and at Izmir.

Sperco, R. J.; Izmir.

Stinnes Rederay A. G., Hugo; Vakif Han 6 ci, Galata, Istanbul.

Strakosch, Francesco; Hovagimyan Han, Galata, Istanbul.

Sud-Ost Spedition G. m. b. H.; Istanbul.

Telefonbeau & Normalzeit; Vis a Vis, Karakoy Palas, Istanbul.

Telefunken Radyolari; Voyvoda Cad. 58–62, Galata, Istanbul.

Theodorides (Teadoridi ve Sirketi); Prenkyan Han, Galata, Istanbul.

Trakas, Francesco; Angora.

Treves, Joseph; Nisantasiyan Han, Galata, Istanbul.

Tselepides; Istanbul.

"Turk Isi" (Ed. Bartamini); Mersin.

Türk Klöckner-Humboldt Deutz Ltd. S.; Cinar Han, Galata, Istanbul.

Turk Macar Ticaret Sirketi (Turkish Hungarian Commercial Co.); Yeni Sehir Cad., Angora.

"Turkanil," Sabri Atayolu ve Sirketi; Minerva Han, Galata, Istanbul.

U. M. N. A. K.—Umumi Nakliyat ve Komisyon Ltd.; Vakif Han 6, Galata, Istanbul.

Uns, Eugen; Dr. Mustafabey Cad. 16, Izmir.

Uns, Max; Ahen-Munih Han, Galata, Istanbul and Izmir.

Vedasz, E.; P. O. Box 1047, Galata, Istanbul.

Vesco (Vesko), G.; Mumbane Cad. Yildiz Han 1, Galata, Istanbul.

Victoria zu Berlin Allgemeine V. A. G. Kurekdjiler-Sok, Manhaym Han, Galata, Istanbul.

Voigtlander, u Sohn A. G. (Braunschweig); Astrefendi Cad. Iman Han, Istanbul.

Weiss & Prettag A. G.; Sirkeci Palas 3, Istanbul.

Weischaeupl, Ernst Rudolf; Beatrix, Cihannuma, Tekselvi Sok 3, Istanbul.

Werthelm; Minerva Han, Istanbul.

Westdeutsche Sell Indust; Vis a Vis, Karakoy Palas, Istanbul.

Widmann, Marius; Mithatpasa Han, Istanbul.

Widmann ve Serikl; Mithatpasa Han, Istanbul, and all branches in Turkey.

Zandonati de R.; Bornova Kasaknsu S. 22, Izmir.

Zeckser, Heinrich; Ahen-Munih Han, Galata, Istanbul.

DELETIONS

ARGENTINA

Cordes, Robert; Aguilar 2306, Buenos Aires.

Panamerica Touring & Camping, S. R. L. (Panamerican Trade Service); Rivadavia 499, Buenos Aires.

Ramondenc, Eduardo (Hijo); Moreno 1441, Buenos Aires.

BRAZIL

Blume, Otto; 15 de Novembro 387, Curityba.

Cervejaria Atlantica, S. A.; Rua Iguassu 153, Curitiba, Paraná.

Cervejaria Brahma, Companhia (Companhia Hanseatica); M. Sapucai 200, Rio de Janeiro, and all branches in Brazil.

Cervejaria Moravia, Companhia; Rua Rio Grande 561, São Paulo.

Costa Neto, Benedito (Dr.); São Paulo.

Hanseatica, Companhia (Companhia Cervejaria Brahma); 115 Jose Higino, Rio de Janeiro, and all branches in Brazil.

Van Mastwyk B., y Cia. Ltda.; Ave. Rodriques Alves 145, Rio de Janeiro, and all branches in Brazil.

CHILE

Pincas, Bernhard; Morande 322, and Lota 2250, Santiago.

COLOMBIA

Arrazola, Manuel; Bogotá

Cine "Isaacs" (Bohmer y Cia., S. A.)[1]

Gallo & Co., Miguel; 72 Calle del Porvenir, Cartagena.

Gomez, Grantiniano (S. D. C. Henriquez y Cia.)[2]

ECUADOR

Merchán, Nicanor; c/o El Mercurio, Cuenca.

MEXICO

Bremer, S. A., Casa; Avenida Morelos y Escobedo, Monterrey.

[F. R. Doc. 42-395; Filed, January 14, 1942; 4:32 p. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 4 TO SUPPLEMENTARY ORDER NO. M–15–C[3] TO RESTRICT TRANSACTIONS IN NEW RUBBER TIRES, CASINGS AND TUBES

Section 940.4 (c) (2), 940.4 (e) and 940.4 (f) are hereby amended to read as follows and § 940.4 (c) (3) is hereby revoked:

§ 940.4 *Supplementary Order M–15–c.*

* * * * * *

(c) *Prohibition on deliveries of new rubber tires, casings, and tubes except to persons possessing certificates.*

* * * * * *

(2) Except as provided in subparagraph (4) of this paragraph, a person selling new rubber tires, casings or tubes at a retail store, outlet, or premises, which for purposes of this Order shall mean a store, outlet or premises from which transfers or deliveries are made predominantly direct to consumers, may sell, lease, trade, lend, deliver, ship, or transfer any new rubber tire, casing, or tube from such premises to a person possessing a certificate authorising such purchase issued by the Office of Price Administration.

* * * * * *

(e) *Acquisition of new rubber tires, casings, tubes by persons in the categories enumerated in List A attached hereto.* Any person who believes that the vehicle for which he wishes to acquire new rubber tires, casings, or tubes is included in one of the categories enumerated in List A attached hereto may apply to the Office of Price Administration for a certificate permitting him to purchase, lease, trade, borrow, or accept delivery, shipment or transfer of new rubber tires, casings, or tubes. Such permission may be granted by the Office of Price Administration upon a showing by the applicant of the following facts:

(1) That the vehicle on which the new rubber tire, casing, or tube is to be mounted is included in one of the categories enumerated in List A, and thus constitutes an "eligible" vehicle.

(2) That the vehicle on which the new rubber tire, casing, or tube is to be mounted cannot be replaced by a vehicle owned or operated by or subject to the control of the applicant, which is equipped with serviceable tires and tubes and which is not fully employed for a use specified in one or more of the categories enumerated in List A.

(3) That the new rubber tire, casing, or tube is to be installed at once on a wheel or rim, to replace a tire, casing, or tube no longer serviceable.

(4) That the tire, casing, or tube, when added to all other tires, casings, and tubes in the applicant's possession whether unmounted or mounted on a vehicle, and when that total is applied only to eligible vehicles, does not add up to more than one spare tire, casing, or tube of a given size for each eligible vehicle.

(5) That the existing tire, casing, or tube cannot be recapped, retreaded or repaired for safe use at speeds at which the applicant may reasonably be expected to operate, or that such recapping, retreading or repairing cannot be obtained without inordinate delay.

(6) That the applicant agrees to trade in replaced tires, casings, and tubes on new tires, casings, and tubes purchased under this Order, or to dispose of replaced tires, casings, and tubes as may otherwise be directed by the Office of Price Administration.

(7) That, if the applicant desires authority to purchase a passenger car type new tire of over four-ply construction, the vehicle upon which the new tire is to be mounted cannot be satisfactorily operated in the use to which it is to be put with a tire of four-ply construction.

Upon being satisfied that all of these facts exist, the Office of Price Administration may issue to the applicant a certificate stating the number, size, construction and type of new rubber tires, casings, and tubes which the applicant is authorized to acquire. Such certificate shall be recognized by any person having new rubber tires, casings, or tubes for sale, and no sale, lease, trade, loan, delivery, shipment or transfer of new rubber tires, casings, or tubes (except as provided in paragraphs (c), (g), and (h) of this section) shall be made except on the basis of such certificate.

(f) *Acquisition of "obsolete" type new rubber tires, casings, and tubes.* Any person wishing to acquire "obsolete" type new rubber tires, casings, or tubes may apply to the Office of Price Administration for permission to purchase, lease, trade, borrow, or accept delivery, shipment or transfer of such "obsolete" type new rubber tires, casings, or tubes. Such permission may be granted by the Office of Price Administration upon a showing by the applicant of items (3) and (6) of paragraph (e) hereof. Upon being satisfied that all of the facts required by items (3) and (6) exist, the Office of Price Administration may issue to the applicant a certificate stating the number and types of "obsolete" type new rubber tires, casings, and tubes which the applicant is authorized to acquire. Such certificate shall be recognized by any person having "obsolete" type new rubber tires, casings, or tubes for sale, and no sale, lease, trade, loan, delivery, shipment, or transfer of "obsolete" type new rubber tires, casings, or tubes (except as provided in paragraphs (c), (g), and (h) of this section) shall be made except on the basis of such a certificate.

As here used the word "obsolete" refers to passenger car type tires, casings, and tubes of the following sizes, and no others:

525—19	450—21
525—550—19	475—21
550—19	500—21
600—19	525—21
600—650—19	600—21
650—19	650—21
700—19	700—21
750—19	500—22
450—20	600—22
475—20	750—14
450—475—500—20	30 x 3
500—20	30 x 3½
525—20	31 x 4
550—20	32 x 4
600—20	33 x 4
600—650—20	32 x 4½
650—20	33 x 4½
440—450—21	34 x 4½
440—21	

(Supp. Order M–15–c; 6 F. R. 6792)

This amendment No. 4 shall become effective January 16, 1942. Issued this 15th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-476; Filed, January 16, 1942; 11:51 a. m.]

PART 1334—SUGAR

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 80—DIRECT-CONSUMPTION SUGAR

Correction

The headnote for § 1334.52 of F.R. Doc. 42-263 appearing at page 225 of the issue for Tuesday, January 13, 1942 should read as follows:

§ 1334.52 *Maximum prices for sales of direct-consumption sugars at wholesale by persons other than primary distributors.*

[1] This deletion refers only to Cine "Isaacs" and not to Bohmer y Cia, S. A.

[2] This deletion refers only to Grantiniano Gomes and not to Henriques y Cia., S. D. C.

[3] 6 F.R. 6792, 7 F.R. 121.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B–151]

IN THE MATTER OF CHARLES PRATER, A CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 27, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 28, 1941, by the Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 21, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint is must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendant, Charles Prater, whose address is Rush, Carter County, Kentucky, sold during the period July 6, 1941 to July 18, 1941, to E. M. Hammonds, Olive Hill, Kentucky, approximately 36,775 tons of high volatile mine run coal, Size Group No. 6, produced at defendant's Hedrick Mine (Mine Index No. 1068), located in Carter County, Kentucky, in District No. 8, at a price of $2.00 per net ton f. o. b. the mine, and the defendant thereafter allowed and paid to the said Hammonds a cash rebate of 30 cents per net ton from the aforesaid price, in violation of the effective minimum prices established for such coal as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments, the rules and regulations established by the Division, and Rule 6 of Section XIII of the Marketing Rules and Regulations.

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-455; Filed, January 16, 1942; 11:16 a. m.]

[Docket No. B–184]

IN THE MATTER OF ERNEST MOORE & SON, A PARTNERSHIP, AND THE MEMBERS THEREOF, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF ERNEST MOORE & SON, CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendants of the Bitu-

minous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 20, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint hereto, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows:

(a) The defendants, Ernest Moore & Son, of Oak Ridge, Pennsylvania, whose code membership became effective as of January 7, 1936, operator of the Moore Mine, Mine Index No. 1793, located in Armstrong County, Pennsylvania, District No. 1, sold and delivered to the Pittsburg and Shawmut Coal Company by truck to the Colwell Siding of the Freebrook Company, an affiliate of the Pittsburg and Shawmut Coal Company, 219.15 net tons of run of mine coal produced at the aforesaid mine during the months of January and February 1941, at a price below the effective minimum price established therefor, as set forth in the Schedule of Effective Minimum Prices for District No. 1 For Truck Shipments, of $3.15 per net ton, plus at least the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character from the transportation facilities at the mine to said point of delivery; or

(b) The aforesaid defendants sold during the period from January 1, 1941 to February 28, 1941, both dates inclusive, approximately 219.15 net tons of run of mine coal produced at the aforesaid mine, to the Pittsburg and Shawmut Coal Company for rail shipment and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of $1.50 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940, in General Docket No. 19.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-456; Filed, January 16, 1942; 11:16 a. m.]

[Docket No. B-181]

IN THE MATTER OF WESLEY CONLEY, AN INDIVIDUAL, DOING BUSINESS UNDER THE NAME AND STYLE OF KILGORE COAL COMPANY, (WESLEY CONLEY, (KILGORE COAL COMPANY)), CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 27, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 29, 1941, by Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 20, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That defendant, whose address is Rush, Kentucky, sold, delivered and offered for sale to one E. M. Hammonds, of Olive Hill, Kentucky, during the period June 1, 1941 to August 31, 1941, both dates inclusive, approximately 849.495 net tons of High Volatile Size Group 6 or mine run coals produced by said defendant at his Kilgore No. 2 mine, Mine Index No. 676, located at Rush, Carter County, Kentucky, in District No. 8, at the price of $2.00 per net ton f. o. b. said mine, and thereafter allowed and paid to the said Hammonds a cash rebate of 30 cents per net ton on each ton so sold, this coal being classified as Size Group 6, and priced at $2.00 per net ton f. o. b. said mine in the Schedule of Effective Minimum Prices for District No. 8 For Truck Shipments, in violation of the effective minimum prices established therefor and the rules and regulations of the Division, and particularly Section XIII, Rule 6 of the Marketing Rules and Regulations.

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-457; Filed, January 16, 1942; 11:16 a. m.]

[Docket No. A-1143]

PETITION OF P. H. BURNELL, A CODE MEMBER IN DISTRICT NO. 19 FOR THE ESTABLISHMENT OF CERTAIN MINIMUM PRICES FOR THE COALS IN SIZE GROUPS 10, 11 AND 17, PRODUCED FROM THE GEBO MINES NOS. 2, 3, 4 AND 5 FOR RAIL SHIPMENT TO ALL MARKET AREAS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on January 28, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division at the Plains Hotel, Cheyenne, Wyoming.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 23, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of P. H. Burnell, a code member in District No. 19, for the establishment of the following minimum prices in cents per ton for the coals, in Size Groups 10, 11 and 17, produced from Gebo Mines Nos. 2, 3, 4 and 5 (Mine Index Nos. 114, 225, 192 and 226, respectively) for rail shipment to all market areas:

Market area:	Size group 10	Size group 11	Size group 17
45 and 46	200	190	90
47 through 50, 52, 53, 54, 56 through 59, 63 through 70 and 75 through 78	200	190	90
200	200	185	90
201	200	185	90
202 and 203	200	185	90
204 and 207	225	210	90
205, 206, 208 and 210	225	210	90
209 and 211	225	210	90
213 and 214	225	210	145
234 and 241	250	240	150
237 through 240 and 247 through 254	225	215	150
All other market areas	225	210	90

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-458; Filed, January 16, 1942; 11:17 a. m.]

[Docket No. A-36, Part III]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE DITNEY HILL MINE (MINE INDEX NO. 115) OF THE INGLE COAL CO.

ORDER EXTENDING TEMPORARY RELIEF

This proceeding was instituted upon a petition, as amended, filed with the Bituminous Coal Division on October 11, 1940, by District Board 11, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The Board in its petition requested the establishment of price classifications and minimum prices for the coals of the Ditney Hill Mine (Mine Index No. 115) of the Ingle Coal Co., a code member in District 11.

In accordance with this prayer for relief and in absence of opposition thereto, the Director, in an Order dated October 28, 1940, granted temporary relief as requested for the coals of the Ditney Hill Mine.

Pursuant to orders of the Director and after notice to all interested persons, hearings in this matter were held on January 29, 1941, July 2, 1941, and September 18, 1941, before duly designated Examiners of the Division. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board 11 appeared. The preparation and filing of a report by the Examiner was waived.

On October 17, 1941, the Director issued Findings of Fact and Conclusions of Law and rendered an Opinion in this matter and entered an Order in accordance therewith. The Director found that the coals of the Ditney Hill Mine should be given the same permanent price classifications as the coals of the mines in Price Group 10 and Freight Origin Group No. 71 of the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck, except that the prices in Size Groups Nos. 1, 2, and 3 should be increased 15 cents per ton. However, in view of the facts that the raw screenings produced at the Ditney Hill Mine appeared to be of an inferior quality, that dedusting equipment had been installed on August 22, 1941, in an effort to enhance their marketability, and that the ability of this equipment to improve the quality of the screenings was still unknown, the Director found that, as a temporary measure, minimum prices for dry dedusted screenings in Size Groups Nos. 26 and 27 should be established for a period of 90 days from the date of the Order at prices 10 cents per ton less than the established minimum prices for the same sizes of coal produced at other mines producing Standard Fifth Vein coals. The Director stated that the purpose of this was to afford District Board 11 an opportunity to study the effect of the use of the dry dedusted screenings produced at the Ditney Hill Mine and determine whether it cares to propose new prices for those coals.

On December 29, 1941, District Board 11 filed a Motion for Extension of Temporary Relief. The motion alleged that although the Engineer for District Board 11 had visited the Ditney Hill Mine on December 9, 1941, to make arrangements to secure samples of the dry dedusted screenings for analyses, he had found that no satisfactory method of preparing the dry dedusted screenings had yet been obtained and that certain changes in the method employed were necessary. The District Board further alleges that other changes, including the rearrangement of screens and installation of others, are being made; that the dry dedusted screenings currently being prepared at the Ditney Hill Mine are not representative of the product that will be produced under the normal operating efficiency of the dry dedusting equipment. District Board 11 accordingly requests that the temporary relief granted in the order of October 17, 1941, be extended for a period of 60 days.

It appears to the undersigned that a reasonable showing of necessity has been made for the 60-day extension of the temporary relief prayed for. No opposition to the requested relief has been made and it appears that the granting of such relief will not prejudice other persons pending final disposition of the matter of the proper price classification for the coals in Size Groups 26 and 27.

Now, therefore, it is ordered, That the Order granting relief entered herein on October 17, 1941, be and it hereby is amended by striking therefrom the words "provided, however, that the prices established for Size Groups Nos. 26 and 27 shall be reduced 10 cents per ton for a period of not more than ninety days from the date of this order" and substituting in lieu thereof the following: "provided, hoyever, that the prices established for Size Groups Nos. 26 and 27 shall be reduced 10 cents per ton for a period of not more than 150 days from the date of this order."

It is further ordered, That Supplement R, annexed to and made part of the Order dated October 17, 1941, be and it hereby is amended by striking therefrom the words, "Size Groups 26 and 27 shall be reduced ten cents per ton for a period of ninety days only commencing with the effective date of this Order" and by substituting in lieu thereof the following: "Size Groups 26 and 27 shall be reduced ten cents per ton for a period of 150 days only commencing with the effective date of this Order."

Jurisdiction is hereby retained to enter any further order with respect to said coals during or subsequent to said 150 day period beginning October 17, 1941.

Dated: January 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-459; Filed, January 16, 1942; 11:17 a. m.]

[Docket No. A-1281]

PETITION OF DISTRICT BOARD NO. 19, FOR REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT MINE INDEX NOS. 7 AND 203, FOR SHIPMENT BY TRUCK, IN DISTRICT NO. 19

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party. The petitioner requests revision, both temporary and permanent, of the price classifications and minimum prices for the coals, for shipment by truck, produced at the Elkol Mine (Mine Index No. 7) of the Kemmerer Coal Company and at the Twin Creeks Mine (Mine Index No. 203) of Mike Mecca, both mines being located in Subdistrict Price Group No. 1 of District No. 19.

Although it appears that an adequate showing of necessity has been made for the granting of the temporary relief requested, as hereinafter set forth, it does not appear that the petitioner has set forth sufficient facts to warrant the granting of permanent relief in this connection without a hearing.

Now, therefore, it is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act, and the rules of the Division be in the forenoon of that day at a hearing room of the Bituminous Coal Division, Plains Hotel, Cheyenne, Wyoming.

It is further ordered, That D. C. McCurtain, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Acting Director proposed findings of fact and conclusions of law and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before January 23, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 19 for revision of the effective price classifications and minimum prices, for shipment by truck, for the coals produced at Mine Index No. 7 of Kemmerer Coal Company, and Mine Index No. 203 of Mike Mecca, located in Subdistrict Price Group No. 1 in District No. 19, by reducing those prices as follows:

	Size groups														
	1	2	3	4	5	6	7	8	9	10	11	12	15	16	17
From: Prices	400	400	355	370	370	370	310	275	225	225	210	275	185	185	125
To: Prices	325	325	335	310	310	310	275	235	185	185	185	175	175	175	100

It is further ordered, That, pending final disposition of this matter, temporary relief is granted, making effective forthwith the reductions in the price classifications and minimum prices outlined in the immediately preceding paragraph and, to that extent, amending the Schedule of Effective Minimum Prices for District No. 19 for All Shipments.

Notice is hereby given that all applications to stay, terminate or modify the temporary relief granted herein, may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-460; Filed, January 16, 1942; 11:17 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Acting Director:

Name and address	*Date application filed*
Dapburn Fuel, Inc., Room 1202, 21 East 40th St., New York, N. Y.	Dec. 24, 1941
L. F. Murphy, Mid-State Coal Co., 913 Pioneer Bldg., St. Paul, Minn.	Jan. 5, 1942
Moreland Coke Co., (A. C. Speyer & E. Sunstein), Bessemer Bldg., Pittsburgh, Pa.	Jan. 6, 1942

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before February 16, 1942. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-461; Filed, January 16, 1942; 11:17 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 656]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 10, 1942.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation	*Amount*
Nebraska 2044E1 Eastern Nebraska District Public	$88,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-473; Filed, January 16, 1942; 11:44 a. m.]

[Administrative Order No. 657]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 10, 1942.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation	*Amount*
Indiana 2001G1 Greene	$370,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-474; Filed, January 16, 1942; 11:44 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration, Dairy Division.

[Docket No. AO 33-A 8]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 32, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE FORT WAYNE, INDIANA, MARKETING AREA

Notice is hereby given of a hearing to be held in the St. Paul Auditorium, Barr and Madison Streets, Fort Wayne, Indiana, beginning at 9:30 a. m., c. s. t., January 23, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 32, as amended, regulating the handling of milk in the Fort Wayne, Indiana, marketing area.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), and in accordance with the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (Code of Federal Regulations, Title 7, Chapter IX, Part 900, Section 900.4).

This public hearing is for the purpose of receiving evidence with respect to the following amendments proposed by the Fort Wayne Local Milk Committee and by the Dairy Division, Surplus Marketing Administration, United States Department of Agriculture:

A

Amendments proposed by the Fort Wayne Local Milk Committee:

1. Delete § 932.1 (a) (6) and substitute therefor the following:

(6) The term "delivery period" means the current marketing period from the first to and including the fifteenth day of each month, and the sixteenth day to and including the last day of each month.

2. Delete that part of § 932.4 (a) (3) prior to the proviso and substitute therefor the following:

(3) *Class III milk.* Except as set forth in subparagraph (4) of this paragraph, the price per hundredweight for Class III milk shall be the price resulting from the following computation by the market administrator: determine the average of the prices per hundredweight ascertained to have been paid for milk of 4 percent butterfat content received during the half-month pay period preceding the delivery period at the following plants, and subtract 3 cents:

Concern:	*Location of plant*
Defiance Milk Products Company.	Defiance, Ohio.
Van Camp Milk Company.	Garret, Indiana.
Van Camp Milk Company.	Angola, Indiana.
Kraft Cheese Company.	Kendallville, Indiana.

3. Delete § 932.8 (a)

4. Delete that part of § 932.8 (b) prior to subparagraph (1) and substitute therefor the following:

On or before the 15th day after the end of each delivery period each handler shall make payment, subject to the butterfat differential set forth in paragraph (d) of this section, for the total value of milk received from producers during such delivery period, computed according to § 932.7 (a) as follows:

5. Renumber paragraphs (b), (c), and (d) of § 932.8 as paragraphs (a), (b), and (c) of such section.

B

Amendments proposed by the Dairy Division:

1. Add as § 932.3 (d) and (e) the following:

(d) Computation of milk in each class. For each delivery period each handler shall compute, in the manner and on forms prescribed by the market administrator, the amount of milk in each class, as defined in paragraph (b) of this section, as follows:

(1) Determine the total pounds of milk (a) received from producers; (b) produced by him, if any; (c) received from other handlers, if any; (d) received from other sources, if any; (e) add together the resulting amounts.

(2) Determine the total pounds of butterfat received as follows: (a) multiply the weight of the milk received from producers by its average butterfat test; (b) multiply the weight of the milk produced by him, if any, by its average butterfat test; (c) multiply the weight of the milk received from other handlers, if any, by its average butterfat test; (d) multiply the weight of the milk received from other sources, if any, by its average butterfat test; and (e) add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows: (a) convert to quarts the quantity of milk disposed of in the form of milk and multiply by 2.15; (b) multiply the result by the average butterfat test of such milk; and (c) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk, computed pursuant to subparagraphs (4) (b) and (5) (b) of this paragraph, is less than the total pounds of butterfat received, computed in accordance with subparagraph (2) of this paragraph, an amount equal to the difference shall be divided by 4.0 percent and added to the quantity of milk determined pursuant to (a) of this subparagraph.

(4) Determine the total pounds of milk in Class II as follows: (a) multiply the actual weight of each of the several products of Class II milk by its average butterfat test, (b) add together the resulting amounts, and (c) divide the result obtained in (b) of this subparagraph by 4.0 percent.

(5) Determine the total pounds of milk in Class III as follows: (a) multiply the actual weight of each of the several products of Class III milk by its average butterfat test; (b) add together the resulting amounts; (c) subtract the total pounds of butterfat in Class I milk and Class II milk, computed pursuant to subparagraphs (3) (b) and (4) (b) of this paragraph, and the total pounds of butterfat computed pursuant to (b) of this subparagraph, from the total pounds of butterfat computed pursuant to subparagraph (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purpose of this paragraph (but in no event shall such plant shrinkage allowance exceed 3 percent of the total receipts of butterfat from producers by the handler) and shall be added to the result obtained in (b) of this subparagraph; and (d) divide the result obtained in (c) of this subparagraph by 4.0 percent.

(6) Determine the classification of milk received from producers as follows:

(i) Subtract from the total pounds of milk in each class the total pounds of milk which were received from other handlers and used in such class.

(ii) Subtract from the total pounds of milk in each class the total pounds of milk which were received from sources other than producers and handlers and used in such class.

(iii) Subtract pro rata out of the remaining milk in each class the quantity of milk received from the handler's own farm.

(e) In the event of a difference between the total quantity of milk utilized

in several classes as computed pursuant to paragraph (d) of this section and the quantity of milk received from producers, such difference shall be reconciled as follows:

(1) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (d) of this section, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (d) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler.

2. Reconsider § 932.4 in its entirety in view of classification of milk amendment proposed above.

3. Delete subparagraphs (1), (2), (3) (4), (5), (6), and (7) of § 932.7 (a).

4. Add to § 932.7 (a) the following:

Multiply the hundredweight of milk in each class, computed pursuant to § 932.5 (e), by the respective class price, and add together the resulting amounts: *Provided*, That if the hundredweight of milk computed pursuant to § 932.3 (d) is less than the hundredweight of milk received from producers, multiply such difference by the Class III price and include such amount in the value of milk for such handler: *And provided further*, That if the hundredweight of milk computed pursuant to § 932.3 (d) is greater than the hundredweight of milk received from producers, multiply such difference by the Class III price, and deduct such amount from the value of milk for such handler.

5. Delete subparagraphs (2) and (3) of § 932.7 (b).

6. Renumber subparagraphs (4), (5), (6), and (7) of § 932.7 (b) as subparagraphs (2), (3), (4), and (5) of such paragraph.

Additional copies of this notice of hearing and copies of Order No. 32, as amended, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0312, South Building, Washington, D. C., or may be there inspected.

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture.[1]

JANUARY 15, 1942.

[F. R. Doc. 42-449; Filed, January 15, 1942; 2:38 p. m.]

[1] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5191).

FEDERAL POWER COMMISSION.

[Docket No. IT-5714]

IN THE MATTER OF THE CALIFORNIA OREGON POWER COMPANY

ORDER POSTPONING HEARING

JANUARY 15, 1942.

It appearing to the Commission that: Good cause has been shown for the postponement of the hearing in the above-entitled matter.

The Commission orders that: The hearing in this proceeding, heretofore set to commence on January 19, 1942, be and it is hereby postponed to February 23, 1942.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-451; Filed, January 16, 1942; 10:18 a. m.]

[Docket Nos. G-223, G-224, G-225]

IN THE MATTERS OF NEW YORK STATE NATURAL GAS CORPORATION, NEW YORK STATE NATURAL GAS CORPORATION, AND KEUKA CONSTRUCTION CORPORATION

ORDER POSTPONING HEARINGS

JANUARY 15, 1942.

It appearing to the Commission that: Good cause has been shown for the postponement of the hearings in the above-entitled matters.

The Commission orders that: The hearings in these proceedings heretofore set to commence on February 16, 1942, be and they are hereby postponed to February 18, 1942, at the same time and place as heretofore fixed.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-477; Filed, January 16, 1942; 12:01 p. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION TO THE DIRECTOR OF THE INDIANA EMPLOYMENT SECURITY DIVISION PURSUANT TO SECTION 1602 OF THE INTERNAL REVENUE CODE

The Director of the Indiana Employment Security Division having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Indiana Employment Security Act, as amended; and

The Social Security Board having considered the provisions of said Act to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) The said Act provides for the maintenance of reserve accounts as defined in section 1602 (c) (1) of the Internal Revenue Code, and

(2) Reduced rates of contributions under said Act to such reserve accounts are allowable only in accordance with the provisions of section 1602 (a) (3) of the Internal Revenue Code, as effective January 1, 1942.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Director of the Indiana Employment Security Division.

[SEAL] SOCIAL SECURITY BOARD,
A. J. ALTMEYER, *Chairman.*

JANUARY 13, 1942.

Approved:

PAUL V. MCNUTT,
Administrator.

JANUARY 15, 1942.

[F. R. Doc. 42-453; Filed, January 16, 1942; 11:10 a. m.]

CERTIFICATION TO THE NORTH CAROLINA UNEMPLOYMENT COMPENSATION COMMISSION PURSUANT TO SECTION 1602 OF THE INTERNAL REVENUE CODE

The North Carolina Unemployment Compensation Commission having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the North Carolina Unemployment Compensation Law; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) The said law provides for the maintenance of reserve accounts as defined in section 1602 (c) (1) of the Internal Revenue Code, and

(2) Reduced rates of contributions under said law to such reserve accounts are allowable only in accordance with the provisions of section 1602 (a) (3) of the Internal Revenue Code, as effective January 1, 1942.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the North Carolina Unemployment Compensation Commission.

[SEAL] SOCIAL SECURITY BOARD,
A. J. ALTMEYER, *Chairman.*

JANUARY 13, 1942.

Approved:

PAUL V. MCNUTT,
Administrator.

JANUARY 15, 1942.

[F. R. Doc. 42-454; Filed, January 16, 1942; 11:10 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4525]

IN THE MATTER OF THE RUDOLPH WURLITZER COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of January, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Webster Ballinger, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, January 28, 1942, at ten o'clock in the forenoon of that day (Central Standard Time) in Room 325, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-463; Filed, January 16, 1942; 11:29 a. m.]

[Docket No. 4526]

IN THE MATTER OF AMERICAN ASSOCIATION OF LAW BOOK PUBLISHERS, ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of January, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Randolph Preston, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, February 10, 1942, at ten o'clock in the forenoon of that day (central standard time), in Room 516, Federal Building, St. Louis, Missouri.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-462; Filed, January 16, 1942; 11:30 a. m.]

[Docket No. 4541]

IN THE MATTER OF BATTLE CREEK DRUGS, INC., A CORPORATION, AND CONSOLIDATED ROYAL CHEMICAL CORPORATION, A CORPORATION, TRADING AND DOING BUSINESS AS CONSOLIDATED DRUG TRADE PRODUCTS, AND AS BONKORA COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 14th day of January, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That James A. Purcell, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, January 26, 1942, at ten o'clock in the forenoon of that day (central standard time) in Room 718, Sherman Hotel, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-464; Filed, January 16, 1942; 11:31 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-463]

IN THE MATTER OF PANHANDLE EASTERN PIPE LINE COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 15th day of January, A. D. 1942.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than January 29, 1942, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

Panhandle Eastern Pipe Line Company, a subsidiary of both Columbia Gas & Electric Corporation, a registered holding company, and Columbia Oil & Gasoline Corporation, which is also a subsidiary company of Columbia Gas & Electric Corporation, proposes to extend the time within which any shares of its Class A preferred stock may be redeemed without payment of a premium of $10 per share to and including April 1, 1942; such extension being in accordance with an agreement, dated December 15, 1941, between Panhandle Eastern Pipe Line Company and Columbia Oil & Gasoline Corporation, beneficial owner of the entire issue of the Class A preferred stock. By an agreement dated July 30, 1941, between the same parties, the time to redeem as aforesaid had been extended to and including January 1, 1942.

Panhandle Eastern Pipe Line Company requests an order issue so that such application or declaration (or both) be granted or become effective not later than February 5, 1942.

Panhandle Eastern Pipe Line Company designates sections 6 (a) and 7 of the Act as applicable to the proposed transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-466; Filed, January 16, 1942; 11:31 a. m.]

[File No. 70-473]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of January, A. D. 1942.

A declaration or application (or both) having been filed with this Commission by the above named party pursuant to the Public Utility Holding Company Act of 1935 and notice having been given of the filing thereof by publication in the FEDERAL REGISTER and otherwise provided by Rule U-23 under said Act; and

The said declaration or application concerning the following:

Public Service Company of Indiana, Inc. ("Public Service") proposes to issue and sell to Indianapolis, Columbus and Southern Traction Company ("Columbus") Public Service's Serial Promissory Notes dated December 7, 1941, in the aggregate principal amount of $1,520,000 bearing interest at the rate of 4% per annum and maturing serially, each six months from date, over a period of twenty years. Said serial notes are to be issued under an agreement dated December 1, 1941, between Public Service and Columbus, whereby

(1) The matter of rights and obligations of Public Service and Columbus under a certain lease dated September 7, 1912, covering the leasing of an interurban railway line between Indianapolis and Seymour, Indiana, by Columbus to Public Service will be settled, and

(2) Public Service is to acquire the property covered by the lease.

It appearing to the Commission that it is appropriate and in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration or application (or both) and that said declaration shall not become effective or said application be granted except pursuant to further order of the Commission and that at said hearing there be considered, among other things, the various matters hereinafter set forth;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on January 28, 1942, at 10:00 a. m., in the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in room 1102 will advise as to the room in which such hearing will be held. At such hearing, if in respect of any declaration, cause should be shown why such declaration should become effective; and

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice; and

It is further ordered, That without limiting the scope of issues presented by said application or declaration particular attention be directed at said hearing to the following matters and questions:

(1) Whether the issue and sale of said proposed Serial Promissory Notes by Public Service are solely for the purpose of financing its business and have been expressly authorized by the Indiana Public Service Commission.

(2) Whether the proposed Serial Promissory Notes of Public Service are reasonably adapted to the earning power of Public Service.

(3) Whether the proposed Serial Promissory Notes are reasonably adapted to the security structure of Public Service.

(4) Whether the said settlement of the said disputes arising under that certain lease dated September 7, 1912 is fair and equitable to all parties affected by the settlement.

(5) Whether it is necessary or appropriate for Public Service to issue the said Serial Promissory Notes in settlement of the alleged dispute.

(6) Whether the issuance and sale of the said Serial Promissory Notes by Public Service is subject to Rule U-50, and, if so, whether Public Service is entitled to an exemption as provided by said Rule.

(7) Whether it is necessary or appropriate to impose any terms or conditions in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-467; Filed, January 16, 1942; 11:31 a. m.]

[File Nos. 59-33, 70-263, 70-371, 70-387, 70-430, 70-431]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION, COLUMBIA OIL & GASOLINE CORPORATION, PANHANDLE EASTERN PIPE LINE COMPANY, MICHIGAN GAS TRANSMISSION CORPORATION, INDIANA GAS DISTRIBUTION CORPORATION, AND THE OHIO FUEL GAS COMPANY, RESPONDENTS

ORDER DIRECTING PROCEDURE AND RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 15th day of January, A. D. 1942.

The Commission by its order of October 15, 1941 in the above-entitled proceeding having directed that evidence be introduced with respect to the 11 (b) (1) issues involved in the said proceeding prior to the introduction of evidence with respect to the remaining issues therein; and

"Subsequent filings" having been made during the course of said hearing and prior to the completion thereof and the Commission having by its order of November 14, 1941 consolidated said "subsequent filings" with the said proceeding and having directed that evidence with respect to said "subsequent filings" be introduced prior to the completion of the record with respect to the 11 (b) (1) issues; and

The hearing with respect to the said "subsequent filings" having been completed and it appearing that it is appropriate to resume the hearing on the 11 (b) (1) issues insofar as they relate to Panhandle Eastern Pipe Line Company; and

It further appearing desirable that evidence be taken with respect to the 11 (b) (2) issues relating to the Class B Preferred Stock of Panhandle Eastern Pipe Line Company, prior to the taking of evidence with respect to the remaining issues involved in the said consolidated proceeding;

It is ordered, That the hearing in the above-entitled proceeding be reconvened on January 29, 1942 at 10:00 A. M. in Room 1102 of the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW.;

It is further ordered, That at such time and place the hearing will be reconvened for the purpose of receiving evidence with respect to the issues involving the retainability by Columbia Gas & Electric Corporation and Columbia Oil & Gasoline Corporation of their interest, direct or indirect, in Panhandle Eastern Pipe Line Company under section 11 (b) (1); and with respect to the issues involving the distribution of voting rights in Panhandle Eastern Pipe Line Company with reference to the Class B Preferred Stock under section 11 (b) (2);

Notice of such hearing is hereby given to the Respondents, to the other interested parties and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors and consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-468; Filed, January 16, 1942, 11:31 a. m.]

[File No. 70-426]

IN THE MATTER OF NORTHWESTERN ILLINOIS UTILITIES AND AMERICAN UTILITIES SERVICE CORPORATION

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 15th day of January, A. D. 1942.

The above named parties having filed applications and a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 10, and 12 (d) of said Act and Rule U-44 promulgated thereunder regarding the following transactions: Northwestern Illinois Utilities proposes to issue to its parent, American Utilities Service Corporation, a registered holding company, 30,000 shares of common stock at par value of $5 per share in exchange for $150,000 aggregate principal amount of one-year promissory notes heretofore issued by said Northwestern Illinois Utilities and held by said American Utilities Service Corporation; and American Utilities Service Corporation proposes to acquire said stock and to pledge the same with Continental Illinois National Bank and Trust Company of Chicago, Trustee, as a part of the collateral securing its Collateral Trust 6% Bonds, Series A; and

Said applications and declaration having been filed on November 6, 1941 and an amendment thereto having been filed on January 13, 1942, a notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for hearing with respect to said applications or declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above parties having requested that said applications be granted and said declaration become effective forthwith; and

The Commission finding with respect to said application under section 6 (b) of said Act that the requirements of section 6 (b) are satisfied; and

The Commission finding with respect to said application under section 10 of said Act that no adverse findings are necessary under section 10 (b) or section 10 (c) (1), and that the transaction involved has the tendency required by section 10 (c) (2) of said Act; and

The Commission finding with respect to said declaration under section 12 (d) and Rule U-44 that the requirements of said Section and Rule are satisfied; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said applications and permit such declaration to become effective, and that the date of granting said applications and the effective date of such declaration should be advanced:

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid applications be and the same hereby are granted forthwith and that the aforesaid declaration be and the same hereby is permitted to become effective forthwith.

By the Commission, Commissioner Healy being absent and not participating.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-469; Filed, January 16, 1942; 11:32 a. m.]

[File No. 37-24]

IN THE MATTER OF THE UNITED LIGHT AND POWER SERVICE COMPANY

ORDER APPROVING AMENDMENT NO. 6 TO DECLARATION

At a regular session of the Securities and Exchange Commisison, held at its office in the City of Washington, D. C., on the 12th day of January 1942.

The United Light and Power Service Company (formerly The United Light and Power Engineering and Construction Company) having on December 11, 1940 filed an amendment to its declaration as a service company in which it proposed the making of certain changes in its method of organization and operations; and

The Commission having issued its order on March 7, 1941 approving such amendment to the declaration pursuant to section 13 of the Public Utility Holding Company Act of 1935; and

It appearing that in the afore-described order the Commission granted a temporary exemption from the provisions of section 13 (a) in permitting an arrangement whereby the salaries of Messrs. William G. Woolfolk and Frank L. Conrad, executive officials of The United Light and Power Service Company, could continue to be paid partly by Michigan Consolidated Gas Company, an operating utility company, it having been found that such exemption was consistent with the public interest and the protection of investors and consumers; and

It appearing that this arrangement as to Frank L. Conrad was terminated on December 31, 1941; and

It appearing that by Amendment No. 6 to the above declaration a request has been made that the arrangement as to William G. Woolfolk be further extended until June 30, 1942 because of unusual circumstances; and

It appearing to the Commission that it is appropriate to permit the temporary arrangement to be continued until March 1, 1942;

It is ordered, That said arrangement by which Michigan Consolidated Gas Company pays a portion of the salary of William G. Woolfolk be and is hereby exempted from the provisions of section 13 (a) for an additional sixty days commencing January 1, 1942 and expiring on March 1, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-470; Filed, January 16, 1942; 11:32 a. m.]

[File Nos. 70-469, 70-474]

IN THE MATTERS OF PUBLIC SERVICE COMPANY OF INDIANA, INC.; AND CONSOLIDATED ELECTRIC AND GAS COMPANY, AND HOOSIER PUBLIC UTILITY COMPANY

NOTICE OF AND ORDER FOR CONSOLIDATED HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 15th day of January, A. D. 1942.

Public Service Company of Indiana, Inc. having filed (File No. 70-469) a declaration or application (or both) with this Commission pursuant to the Public Utility Holding Company Act of 1935 and notice having been given of the filing thereof by publication in the Federal Register and otherwise provided by Rule U-23 under said Act; and

Consolidated Electric and Gas Company and Hoosier Public Utility Company, neither of which is presently affiliated with Public Service Company of Indiana, Inc., having filed (File No. 70-474) a joint application or declaration (or both) with this Commission pursuant to the Public Utility Holding Company Act of 1935 and notice having been given of the filing thereof by publication in the Federal Register and otherwise provided by Rule U-23 under said Act; and

The said declarations or applications concerning the following:

Public Service Company of Indiana, Inc. ("Public Service") proposes to purchase from Consolidated Electric and Gas Company ("Consolidated") and Consolidated proposes to sell to Public Service, all of the outstanding securities of Hoosier Public Utility Company ("Hoosier"). These securities consist of:

(a) 17,270 shares of the common capital stock of no par value of Hoosier,

(b) $318,750 principal amount of 6% 10-Year Note due July 1, 1945 of Hoosier, and

(c) $150,000 principal amount of the First Mortgage 5% Sinking Fund Bonds due December 1, 1954 of Hoosier.

The proposed purchase price for the securities of Hoosier is to be as follows:

(a) $1,100,000 in cash,

(b) Interest on Hoosier's 10-Year Note and First Mortgage Bonds referred to above to the date of closing, and

(c) The net earnings of Hoosier applicable to its common stock for the period from January 1, 1941 to date of closing, less the total amount of all payments made by Hoosier to Consolidated during the same period as dividends.

It is proposed that the proceeds of the sale will be used by Consolidated to acquire and retire approximately $1,100,000 principal amount of Central Gas and Electric Company Collateral Trust Bonds (assumed by Consolidated).

It is further proposed that, following the sale, Hoosier will be liquidated through the transfer to Public Service of all of the properties, rights, and assets of Hoosier, the surrender by Public Service to Hoosier of all of its outstanding securities, and the dissolution of Hoosier Public Utility Company.

It appearing to the Commission that it is appropriate and in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declarations or applications (or both) and that said declarations shall not become effective or said applications be granted except pursuant to further order of the Commission and that at said hearing there be considered, among other things, the various matters hereinafter set forth; and

It appearing to the Commission that the matters are related and involve common questions of law and fact; that evidence offered in respect to each of said matters may have a bearing on the other matters; and that substantial savings in time, effort and expense will result if the hearings on these matters are consolidated so they may be heard as one matter, and so that evidence adduced in each matter may stand as evidence in the others for all purposes;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and the rules of the Commission thereunder be held on January 27, 1942, at 10:00 a. m., in the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On each day the hearing room clerk in room 1102 will advise as to the room in which such hearing will

be held. At such hearing, if in respect of any declaration, cause should be shown why such declaration should become effective; and

It is further ordered, That the hearings on the said matters be, and they hereby are, consolidated. The Commission reserves the right, if at any time it may appear conducive to an orderly and economic disposition of any proceeding or proceedings herein, to order a separate hearing concerning such proceeding or proceedings, to close the record with respect to any of the matters, or to take action on any of the matters prior to the closing of the record in the other matters; and

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by it for that purpose shall preside at the consolidated hearing in such matters. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice; and

It is further ordered, That without limiting the scope of issues presented by said application or declaration particular attention be directed at said hearing to the following matters and questions:

(1) Whether the acquisition by Public Service of the securities and assets of Hoosier will serve the public interest by tending towards the economical and efficient development of an integrated public utility system.

(2) Whether the payment by Public Service for the assets of Hoosier will affect the financial integrity and working capital of Public Service.

(3) Whether or not the terms and conditions of such sale of securities with respect to the consideration to be received, the maintenance of competitive conditions, fees and considerations, accounts, disclosure of interest, and similar matters are detrimental to the public interest or the interest of investors and consumers.

(4) Whether or not the sale by Consolidated of the Hoosier securities is entitled to be exempted from the provisions of Rule U-50.

(5) Whether or not the sale by Public Service to Hoosier of Hoosier's outstanding securities in return for the assets of Hoosier is entitled to be exempted from the provisions of Rule U-50.

(6) Whether or not the proposed acquisition of its own securities by Consolidated Electric and Gas Company is detrimental to the public interest or the interest of investors and consumers.

(7) Whether it is necessary or appropriate in connection with the approval of any of the transactions to impose any terms or conditions in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-471; Filed, January 16, 1942; 11:34 a. m.]

[File No. 70-476]

IN THE MATTER OF NORTHEASTERN WATER AND ELECTRIC CORPORATION, GENERAL GAS & ELECTRIC CORPORATION, ASSOCIATED ELECTRIC CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of January, A. D. 1942.

Notice is hereby given that a declaration and an application have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named companies. All interested persons are referred to said document which is on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Northeastern Water and Electric Corporation proposes to sell and General Gas & Electric Corporation proposes to acquire, for a cash consideration of $75,600, 4,200 shares of $6 Cumulative Preferred Stock of Georgia Power and Light Company, these shares being no par with a liquidating value of $100 per share, the dividend arrearages thereon on November 30, 1941 being $46.75 per share.

Northeastern Water and Electric Corporation proposes to use the proceeds from the sale of the above mentioned securities to acquire from Associated Electric Company the total outstanding capitalization of Clarion Water Company consisting of 600 shares of common stock and an open account indebtedness which as at November 30, 1941 amounted to $172,236.53 principal amount.

Applicants-declarants have designated sections 9 (a), 10, 12 (d), 12 (f) and Rules U-43 and U-44 as being applicable to the proposed transactions;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on February 4, 1942, at 10:00 o'clock A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why such declaration and application shall become effective or shall be granted;

Notice is hereby given of said hearing to the above named applicants-declarants and to all interested persons, said Notice to be given to said applicants-declarants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said declaration and application otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the consideration proposed to be paid by General Gas & Electric Corporation for the Preferred Shares of Georgia Power and Light Company is fair and reasonable;

(2) Whether the proposed consideration to be paid Associated Electric Company for Clarion Water Company is fair and reasonable;

(3) Whether the books of Clarion Water Company adequately and properly reflect the facts with respect to its property account, maintenance and depreciation; whether the present open account indebtedness from Clarion Water Company to Associated Electric Company arose under circumstances which make it reasonable that such account be forgiven at this time; and whether Clarion Water Company should be required to restate its accounts to provide for the elimination of a deficit presently existing in its earned surplus account;

(4) Whether the acquisition by General Gas & Electric Corporation of the said preferred stock of Georgia Power and Light Company is in accordance with the applicable standards of the Act, particularly section 10 thereof.

(5) Whether and to what extent the public interest or the interests of investors or consumers requires that action should be taken, at this time or within a specified time, by General Gas & Electric Corporation, either pursuant to a condition upon the consummation of the proposed transaction or otherwise, for the purpose of rehabilitating the corporate structure of Georgia Power and Light Company.

(6) Whether the terms and conditions of the proposed transactions are detrimental to the public interest or the interests of investors or consumers, or will tend to circumvent the provisions of the Act, rules, regulations or orders thereunder, and the extent to which action should be taken and terms and conditions imposed to insure adequate protection of the public interest and compliance with the applicable provisions of the Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-472; Filed, January 16, 1942; 12:02 p. m.]

[File No. 70-484]

IN THE MATTER OF LOUISVILLE GAS AND ELECTRIC COMPANY (KENTUCKY) AND STANDARD GAS AND ELECTRIC COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of January, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Louisville Gas and Electric Company (Ky.) and Standard Gas and Electric Company. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed which are summarized below:

Pursuant to the approval of this Commission (Holding Company Act Release No. 3086), Louisville Gas and Electric Company (Kentucky) offered for sale to the public 150,000 shares of its no par value common stock of which, the Application states, 126,205 shares of such stock remain unsold as of January 12, 1942.

Louisville Gas and Electric Company (Kentucky), a public utility company and a subsidiary of Standard Gas and Electric Company, a registered holding company, proposes to issue and sell for cash to the latter company each month and Standard Gas and Electric Company proposes to purchase commencing with the month of January, 1942, such number of shares of its common stock, without par value at $22.75 per share, as will enable said Louisville Gas and Electric Company to meet its requirements for new money in order to complete its construction program, but not in any month in excess of such number of shares as will, with such shares of stock as may be sold by the said company to the public or to dealers or brokers during such month, yield to the said company an aggregate amount exceeding $500,000.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on January 27, 1942, at 10:00 o'clock, A. M., at the office of the of said Act and rules of the Commission 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-473; Filed, January 16, 1942; 12:02 p. m.]

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JAN 21 1942

THE NATIONAL ARCHIVES
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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 7 NUMBER 18

Washington, Tuesday, January 20, 1942

The President

EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS A CANTONMENT SITE

ALASKA

By virtue of the authority vested in me as President of the United States, it is ordered, subject to valid existing rights, that the public lands in the following-described area be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as a cantonment site:

Beginning at the point of intersection on the line of the right-of-way of the Alaska Railroad with the common boundary of U. S. Surveys Nos. 242 and 149, in section 34, T. 1 N., R. 1 W., Seward Meridian, in approximate latitude 60°07'30" North, longitude 149°26'15" West.

Thence by metes and bounds:

N. 0°02' E., 1,320.41 feet to corner No. 2 of U. S. Survey No. 149 and corner No. 4 of U. S. Survey No. 242;

S. 89°59'30" W., 536.0 feet, along the north boundary of U. S. Survey No. 242 to corner No. 4 of U. S. Survey No. 1759;

S. 0°03' W., 2,638.79 feet to the south boundary of U. S. Survey No. 242 and corner No. 1 of U. S. Survey No. 1759;

E. 113.98 feet, along south boundary of U. S. Survey No. 242 to intersection of the right-of-way of the Alaska Railroad;

N. 29°06' E., 868.53 feet, along the right-of-way to the point of beginning, containing approximately 29.50 acres.

This order shall take precedence over, but shall not rescind or revoke, Executive Order No. 3264 of April 29, 1920, reserving lands for townsite and other purposes.

It is intended that this order shall be revoked when the lands reserved thereby are no longer needed for military purposes.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 16, 1942.

[No. 9026]

[F. R. Doc. 42-512; Filed, January 19, 1942; 9:43 a. m.]

EXECUTIVE ORDER

AMENDING SUBDIVISION XL OF SCHEDULE A OF THE CIVIL SERVICE RULES

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 404), Subdivision XL[1] of Schedule A of the Civil Service Rules is hereby amended by adding thereto a third paragraph reading as follows:

3. One general counsel.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 16, 1942.

[No. 9027]

[F. R. Doc. 42-513; Filed, January 19, 1942; 9:43 a. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 334]

PART 114—LOANS IN HAWAII[2]

LOAN LIMITATION AND INTEREST RATE

Section 114.5 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 114.5 *Loan limitation and interest rate.* No loan made to any borrower shall exceed an amount determined by multiplying the appropriate maximum allowances per acre approved by the Director of the Emergency Crop and Feed Loan Section by the number of acres to be financed. No loan will be made for an amount less than $25. All loans will be made in multiples of $5. Notes will bear interest, from maturity until paid, at the rate of 4 percent per annum; and interest to the maturity date at the same rate will be deducted at the time the loan is made. (Sec. 1, 50 Stat. 5; 12 U.S.C., Sup.

[1] 7 F.R. 8.
[2] 4 F.R. 4913.

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[SEAL] A. G. BLACK, *Governor.*

[F. R. Doc. 42-467; Filed, January 16, 1942; 3:59 p. m.]

TITLE 7—AGRICULTURE

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

PART 920—MILK IN LA PORTE COUNTY, INDIANA, MARKETING AREA

ORDER SUSPENDING CERTAIN PROVISIONS OF ORDER NO. 20, AS AMENDED,[1] REGULATING THE HANDLING OF MILK IN THE LA PORTE COUNTY, INDIANA, MARKETING AREA

Pursuant to the powers conferred upon the Secretary of Agriculture by section 8c (16) (A) of the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 1940 ed. 608a (16) (A)), it is hereby found that the provisions of the order, as amended, regulating the handling of milk in the La Porte County, Indiana, marketing area, which are set forth below, obstruct and do not tend, under present conditions, to effectuate the declared policy of such act, and such provisions are suspended effective as of 11:59 p. m., c. s. t., December 1, 1941.

The provisions of said order, as amended, which are herewith suspended are as follows:

(1) Section 920.1 (a) (9);

(2) The phrase in § 920.5 (a) (1) "and the quantity of such receipts which represents the total of all milk received from producers in excess of their respective bases";

(3) The phrase in § 920.5 (a) (1) "and (c) the portion of such delivery which was in excess of the base of such producer";

(4) Section 920.7 (b) (1);

(5) The words "June, July, August, and September" in § 920.7 (b) (2) and in § 920.8 (a) (2);

(6) Section 920.7 (c);

(7) Section 920.7 (d);

(8) Section 920.8 (a) (1).

Issued at Washington, D. C., on this 16th day of January 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] RALPH H. SHIELDS,
Assistant to the Secretary of Agriculture.[2]

[F. R. Doc. 42-483; Filed, January 16, 1942; 2:55 p. m.]

[1] 6 F.R. 4432, 6166, 6167.

[2] Acting pursuant to authority delegated by the Secretary of Agriculture under the act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192).

PART 959—IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, AND KLAMATH IN THE STATE OF OREGON, AND MODOC AND SISKIYOU IN THE STATE OF CALIFORNIA

ORDER REGULATING THE HANDLING OF IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, AND KLAMATH IN THE STATE OF OREGON, AND MODOC AND SISKIYOU IN THE STATE OF CALIFORNIA[1]

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It is provided in Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities, including Irish potatoes, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities.

The Acting Secretary, having reason to believe that the execution of a marketing agreement and the issuance of an order would tend to effectuate the declared policy of the act with respect to the establishment and maintenance of such orderly marketing conditions for Irish potatoes grown in the counties of Crook, Deschutes, and Klamath in the State of Oregon, and Modoc and Siskiyou in the State of California, as would establish prices to the producers of such Irish potatoes at a level that would give such Irish potatoes a purchasing power, with respect to articles that the producers thereof buy, equivalent to the purchasing power of such Irish potatoes during the base period, August 1919–July 1929, conducted a public hearing in Klamath Falls, Oregon, on July 10, 1941, pursuant to notice duly given to all interested parties, on a proposed marketing agreement and a proposed order regulating such handling of such Irish potatoes as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce in such Irish potatoes; and at the aforesaid hearing all interested persons in attendance were afforded due opportunity to be heard concerning the proposed marketing agreement and the proposed order. The aforesaid hearing held in Klamath Falls, Oregon, on July 10, 1941, was reopened, pursuant to notice duly given by the Under Secretary on August 1, 1941, and said hearing thus reopened was held in San Francisco, California, on August 18, 1941, pursuant to the aforesaid notice given by the Under Secretary on August 1, 1941, with respect to the proposed marketing agreement and the proposed order regulating such handling of said Irish potatoes as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce in said Irish potatoes; and at the aforesaid hearing in San Francisco, California, on August 18, 1941, all interested persons in attendance were afforded due opportunity to be heard concerning the proposed marketing agreement and the proposed order.

Upon the basis of the evidence introduced at the aforesaid hearing in Klamath Falls, Oregon, on July 10, 1941, and the aforesaid hearing in San Francisco, California, on August 18, 1941, and the record thereof, it is hereby found that:

§ 959.1 *Findings.* (a) The terms and provisions of this part prescribe, so far as practicable, such different terms, applicable to different production areas, as are necessary in order to give due recognition to the difference in production and marketing of such Irish potatoes;

(b) This part is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of said production area specified herein would not effectively carry out the declared policy of the act; and

(c) This part and all of the terms and conditions of this part will tend to effectuate the declared policy of the act with respect to Irish potatoes produced in said production area, specified in this order, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish prices to the producers thereof at a level that will give such Irish potatoes a purchasing power, with respect to the articles that the producers thereof buy, equivalent to the purchasing power of such Irish potatoes in the base period, August 1919–July 1929, and by protecting the interest of the consumer by (1) approaching the level of prices which it is declared in the act

[1] See also Department of Agriculture, Surplus Marketing Administration, *infra*.

to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (2) by authorizing no action which has for its purpose the maintenance of prices to producers of such Irish potatoes above the level which it is declared in the act to be the policy of Congress to establish.

The marketing agreement, drafted subsequent to, and upon the basis of the evidence adduced at, the aforesaid hearing in Klamath Falls on July 10, 1941, and the hearing in San Francisco, California, on August 18, 1941, was tentatively approved by the Acting Secretary on September 16, 1941. Subsequent to the tentative approval of the marketing agreement on September 16, 1941, handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping Irish potatoes grown in the aforesaid area) of more than fifty (50) per centum of the volume of such Irish potatoes, produced in said production area, refused or failed to sign such tentatively approved marketing agreement. It was determined on the 13th day of January 1942, in accordance with the provisions of the act, and such determination was approved by the President of the United States on the 14th day of January 1942, that:

(d) The aforesaid refusal or failure of said handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act with respect to such Irish potatoes;

(e) The issuance of this part, which regulates the handling of such Irish potatoes in the same manner as the tentatively approved marketing agreement and is applicable only to persons in the respective classes of industrial or commercial activity specified in the tentatively approved marketing agreement, is the only practical means, pursuant to such act, of advancing the interests of the producers of such Irish potatoes; and

(f) The issuance of this part is approved or favored by at least two-thirds of the producers who participated in the referendum conducted by the Acting Secretary and who, during the representative period determined by the acting Secretary, were engaged, within the production area specified herein, in the production for market of the commodity specified herein.*

*§§ 959.1 to 959.20, inclusive, issued under the authority contained in 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246, 52 Stat. 215, 53 Stat. 782; 7 U.S.C. and Sup., 601 et seq.

§ 959.2 *Order relative to handling.* It is, therefore, ordered, pursuant to the findings and determinations set forth in § 959.1 and pursuant to the aforesaid act, that such handling of Irish potatoes produced in the counties of Crook, Deschutes, and Klamath in the State of Oregon and Modoc and Siskiyou in the State of California, as is in the current of interstate or foreign commerce between the aforesaid area and any point outside thereof in continental United States, Alaska, or Canada, or so as directly to burden, obstruct, or affect such commerce, shall, from and after the time hereinafter specified, be in conformity to and in compliance with the terms and conditions of this part.*

§ 959.3 *Definitions.* As used in this part, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States, or the Under Secretary of Agriculture of the United States, or the Assistant Secretary of Agriculture of the United States, or any employee of the United States Department of Agriculture who is authorized to perform the duties of the Secretary under the act.

(b) "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937), 7 U.S.C. § 601 et seq., Sup. V, 1939), as amended.

(c) "Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit of individuals.

(d) "Area" means and includes the counties of Crook, Deschutes, and Klamath in the State of Oregon, and Modoc and Siskiyou in the State of California.

(e) "Potatoes" means and includes all varieties of Irish potatoes grown within the aforesaid area.

(f) "Handler" is synonymous with "shipper" and means any person (except a common carrier of potatoes owned by another person) who first ships potatoes in fresh form.

(g) "Ship" means to transport, sell, or in any other way to ship or place potatoes in the current of interstate or foreign commerce between the aforesaid area and any point outside thereof in continental United States, Alaska, or Canada, or so as directly to burden, obstruct, or affect such commerce.

(h) "Producer" means any person engaged in the production of potatoes for market.

(i) "Fiscal period" means the period beginning on July 1 of each year and ending on June 30 of the following year.

(j) "U. S. Standards for Potatoes" means the United States Standards for Potatoes issued by the Secretary on April 30, 1940, effective on May 15, 1940, and such modification thereof as may hereafter be issued by the Secretary.

(k) "Culls" means potatoes which do not meet the requirements set forth in § 959.4 or a modification thereof made effective by the Secretary.*

§ 959.4 *General cull regulation*—(a) *Limitation of shipments.* The Secretary shall issue an order, whenever he determines that the initial committee herein provided for is prepared to exercise its powers and perform its duties herein assigned, which will provide for the regulation pursuant to this section being and becoming effective at the time specified in said order. After the effective time specified in said order issued pursuant to the provisions of this paragraph, no handler shall, except as provided herein, ship potatoes which do not meet the requirements of the U. S. No. 2 or better grade, as such grades are defined in said U. S. Standards for Potatoes, except that a mixture of varieties may be shipped: *Provided*, That no potatoes of the U. S. No. 2 grade or better grades, as defined in said U. S. Standards for Potatoes, which are less than 1½ inches in diameter, may be shipped in addition to the tolerance by weight for undersize as specified for the respective grade in said U. S. Standards for Potatoes.

(b) *Suspension or modification.* The Administrative Committee may recommend to the Secretary the suspension or modification of paragraph (a) of this section, and each such recommendation should be accompanied by supporting information. If the Secretary finds, upon the basis of such recommendation and information submitted by said committee, or upon the basis of other available information, that to do so will tend to effectuate the declared policy of the act, he shall suspend the operation of paragraph (a) of this section, or modify the regulation thereof, so as to permit the shipment of potaoes, the shipment of which otherwise would be prohibited pursuant to paragraph (a) of this section. Such suspension or modification may be made applicable, during a specified period, to any or all varieties of potatoes. In like manner and upon the same basis, the Secretary may terminate any such suspension or modification.

(c) *Notice.* No regulation issued by the Secretary, pursuant to the provisions of this section, shall become effective within less than two days subsequent to the day of issuance thereof. A copy of each regulation, issued by the Secretary pursuant to the provisions of this section, shall be forwarded promptly to the Administrative Committee; and said Administrative Committee shall give such notice thereof as may be reasonably calculated to bring each such regulation to the attention of all interested parties.*

§ 959.5 *Grade, size, and quality regulations*—(a) *Marketing policy.* The Administrative Committee shall, prior to making any recommendation pursuant to this section or § 959.4, submit to the Secretary a detailed report setting forth the marketing policy with respect to the shipment of potatoes which the committee deems advisable for the ensuing shipping season. Additional reports shall be submitted, from time to time, in the event that it is deemed advisable by the committee to adopt a new marketing policy in view of changed demand and supply conditions with respect to potatoes. The committee shall publicly announce the submission of each such marketing policy report, and copies thereof shall be made available at the office of the committee for inspection by any producer or handler. In determining each such marketing policy the committee shall give due consideration to the following factors relating to potatoes produced in the area and in other States: (1) the available crop of potatoes, including the grades and sizes thereof, in the area and in other States; (2) probable shipments of potatoes from other States which compete with potato shipments from the area; (3) the level and trend in consumer income; and (4) other pertinent factors bearing on the marketing of potatoes.

(b) *Committee recommendations.* (1) Whenever the Administrative Committee deems it advisable, in order to effectuate the declared policy of the act, to regulate the shipment of potatoes, grown in the area, by grades, sizes, or qualities, or combinations thereof, during any specified period, it shall so recommend to the Secretary. In making such recommendations such committee shall give due consideration to the following factors: (i) market prices, including prices by grades and sizes of potatoes for which regulation is recommended; (ii) potatoes on hand in the market areas as manifested by supplies en route and on track at the principal markets; (iii) available supply, maturity, and conditions of potatoes in the area, including the grades and sizes of potatoes remaining in the area; (iv) supplies from competitive regions producing potatoes; and (v) the trend in consumer income.

(2) At the time of submitting such recommendation the Administrative Committee shall furnish to the Secretary the pertinent data and information upon which it acted in making such recommendation; and, also, the committee shall submit such other data and information as the Secretary may request.

(c) *Establishment of regulations.* Whenever the Secretary shall find, from the recommendation and information submitted by the Administrative Committee, or from other available information, that to limit the shipment of potatoes would tend to effectuate the declared policy of the act, he shall, during the period specified in the regulation thus issued by the Secretary, limit the shipments of potatoes grown in such area to potatoes of specified grades, sizes, or qualities, or combinations thereof, and any such limitation may apply to any or all varieties and may specify tolerances for particular defects in quality.

(d) *Exemption certificates.* (1) Before the institution of any limitation of shipments pursuant to this section, the Administrative Committee shall adopt procedural rules pursuant to which exemption certificates will be issued to producers; and such procedural rules shall become effective upon approval by the Secretary. The Administrative Committee shall, after the procedural rules have been approved by the Secretary, give such notice thereof as may be reasonably calculated to bring such rules to the attention of all interested persons. In the event the Secretary issues a regulation pursuant to this section, the committee shall determine the percentage which the quantity of grades, sizes, and qualities of potatoes permitted to be shipped under such regulation is of the total quantity of such potatoes, except culls, which would be available for shipment in the area in the absence of such regulation; and the committee shall forthwith announce such percentage. An exemption certificate shall thereafter be issued to any producer in the area who furnishes proof, satisfactory to the Administrative Committee, that he will be prevented, because of the regulation established, from shipping as large a percentage of any specified variety or varieties, except culls, as the percentage for all producers of the variety or varieties in the area. Such exemption certificate shall permit the respective producer to whom the certificate is issued to ship or have shipped a quantity of the restricted or prohibited grades, sizes, and qualities sufficient to permit the respective producer to ship or have shipped as large a proportion of his crop, except culls, of each such variety of potatoes, grown in such area, as the average for all producers of the particular variety, except culls, in the area. The Administrative Committee shall maintain a record of all applications submitted for exemption certificates, pursuant to the provisions of this section; and the committee shall maintain a record of all certificates issued, including the information used in determining in each instance the quantity of potatoes thus to be exempted, together with a record of all shipments of exempted potatoes; and such additional information shall be recorded in the records of the committee as the Secretary may specify. The committee shall, from time to time, submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of potatoes thus exempted, and such additional information as may be requested by the Secretary.

(2) The Administrative Committee may authorize an employee to receive applications for exemption certificates, make the necessary investigation with regard to whether an exemption certificate should be issued and, if so, the quantity of potatoes which should be thus exempted, and issue for and on behalf of the committee an exemption certificate: *Provided*, That the committee shall not authorize an employee or employees (i) to determine the grades, sizes, and qualities, or combinations thereof, of potatoes grown in such area which would be available for shipment in the absence of any regulation, or (ii) to determine the percentage that the quantity of a particular variety or varieties of potatoes, grown in such area, permitted to be shipped, pursuant to regulation, is of the quantity which would have been shipped in the absence of regulation.

(3) If any producer is dissatisfied with the determination of an employee or employees who have exercised jurisdiction with regard to the application submitted by the respective producer, such producer may appeal to the committee: *Provided*, That such appeal must be taken promptly after the decision by the respective employee or employees. If any producer is dissatisfied with the determination by the committee with respect to the producer's application for an exemption certificate or with regard to an appeal, as aforesaid, by said producer from the determination of an employee or employees, such producer may appeal to the Secretary: *Provided*, That such appeal shall be taken promptly after the determination by the committee. The Secretary may, upon an appeal as aforesaid, modify or reverse the action of the committee from which such appeal was taken. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any determination by the Secretary with respect to an exemption certificate, the application for an exemption certificate, or an appeal from the action of the committee with respect to an application for an exemption certificate shall be final and conclusive.

(e) *Notice.* No regulation issued by the Secretary pursuant to the provisions of this section shall become effective within less than two days subsequent to the day of issuance thereof. A copy of each regulation, issued by the Secretary pursuant to this section, shall be forwarded promptly to the Administrative Committee, and thereupon the committee shall give such notice thereof as may be reasonably calculated to bring such regulation to the attention of all interested parties.*

§ 959.6 *Inspection and certification.* During any period in which the shipment of potatoes is regulated pursuant to the provisions of § 959.4 or § 959.5, each handler shall, prior to making each shipment of potatoes, cause each such shipment to be inspected by a Federal or Federal-State Inspector: *Provided*, That this requirement shall not be applicable (a) to any shipment of potatoes which has been so inspected, (b) to any shipment of potatoes for seed purposes in containers bearing the official seed certification tag of the State from which the respective shipment is made, or (c) to any shipment of potatoes for consumption by a charitable institution or institutions or for distribution for relief purposes or for distribution by a relief agency or agencies. Each handler shall, promptly after making each shipment of potatoes, submit to the Administrative Committee a copy of the certificate or memorandum issued by the Federal-State Inspection Service with regard to the respective shipment of potatoes, and such certificate or memorandum shall state the grade, size, and quality of the potatoes in such shipment.*

§ 959.7 *Compliance.* Except as provided in this part no handler shall ship potatoes, the shipment of which has been prohibited in accordance with this part; and no handler shall ship potatoes except in conformity with the provisions of this part, and the provisions of the regulations, if any, issued by the Secretary pursuant to the provisions of this part.*

§ 959.8 *Shipments which are exempt*—(a) *Certified seed potatoes.* Potatoes officially certified as seed potatoes by the official seed potato certification agency of the State from which the respective shipment is made shall be exempt, when shipped for seed purposes in containers bearing the official State seed certification tag of the respective State, from regulation under the provisions of § 959.4 or § 959.5. The Secretary may prescribe, on the basis of the recommendation and information submitted by the Administrative Committee, or on the basis of other available information, adequate safeguards to prevent such seed potatoes, shipped as aforesaid, from entering the commercial channels of trade other than as seed potatoes for use as seed.

(b) *Potatoes for charitable, relief, or by-product purposes.* Potatoes shipped for consumption by a charitable institution or institutions or for distribution for relief purposes or for distribution by a relief agency or agencies, or potatoes shipped for manufacturing purposes for conversion into by-products shall be exempt from the provisions of § 959.4 and exempt from the provisions of any regulation issued pursuant to § 959.5. The Secretary may prescribe, on the basis of the recommendation and the information submitted by the Administrative Committee, or on the basis of other available information, adequate safeguards to prevent potatoes shipped to charitable institutions or for distribution by relief agencies or for manufacturing purposes for conversion into by-products from entering the commercial channels of trade for any other purpose.

(c) *Potatoes for feed for livestock.* The Secretary may prescribe, on the basis of the recommendation and information submitted by the Administrative Committee, or on the basis of other available information, that potatoes shipped for feed for livestock shall be exempt from the provisions of any regulation issued pursuant to § 959.5(c). The Secretary may prescribe, on the basis of the recommendation and information submitted by the committee, or on the basis of other available information, adequate safeguards to prevent potatoes thus shipped for feed for livestock from entering commercial channels of trade for any other purpose.*

§ 959.9 *Administrative Committee—*(a) *Membership and organization.* (1) The Administrative Committee, consisting of nine members, is hereby established to administer the terms and provisions of this part; and the members of said Administrative Committee and their respective alternates shall be selected in accordance with the provisions of this part. The initial members of the Administrative Committee and their respective alternates shall be selected by the Secretary as soon as reasonably possible after the effective date of this part. In thus selecting the initial members and their respective alternates, the Secretary may consider such nominations or suggestions, if any, as may be submitted by producers and handlers, respectively, and such nominations or suggestions may be by virtue of elections conducted by groups of producers and groups of handlers prior to, or immediately subsequent to, the effective date of this part. The members of the Administrative Committee and their respective alternates selected subsequent to the initial members and their alternates shall be selected in accordance with the provisions hereinafter set forth. Each of the initial members and his respective alternate shall serve for a term ending on June 30, 1942, and, in the event that the respective person's successor has not been selected and qualified by June 30, 1942, such person shall serve until his successor has been selected and qualified.

(2) The Administrative Committee shall, subsequent to the period ending on June 30, 1942, have the following number of members who shall be selected from the indicated districts of the area:

(i) District 1: Two producers and one handler from the counties of Crook and Deschutes in the State of Oregon;

(ii) District 2: Two producers and one handler from Klamath County in the State of Oregon; and

(iii) District 3: Two producers and one handler from Modoc and Siskiyou counties in the State of California.

(3) There shall be an alternate member for each member of the Administrative Committee; and each such alternate member shall have the same qualifications and shall be selected in the same manner as the respective member for whom such individual serves as an alternate. The alternate for a member of the committee shall, in the event of the respective member's absence, act in the place of said member; and in the event of such member's removal, resignation, disqualification, or death, the alternate for said member shall, until a successor for the unexpired term of said member has been selected, act in the place of said member.

(4) The producers who may be selected as members of the Administrative Committee, subsequent to the period ending on June 30, 1942, shall be individuals who are producers of potatoes in the respective district for which selected or officers or employees of a corporate producer or corporate producers in such district: *Provided*, That no producer shall be eligible for selection on said committee if such producer has been, during the then current fiscal period, engaged in handling potatoes other than potatoes of his own production, except as an officer or employee of a producers' cooperative marketing association. The handlers who may be selected as members of the Administrative Committee, subsequent to the period ending on June 30, 1942, shall be individuals who are handlers of potatoes in the respective district for which selected or officers or employees of a handler or handlers in such district.

(b) *Nomination and selection of succeeding members of Administrative Committee.* (1) The Administrative Committee shall, after the year 1941, hold or cause to be held prior to June 15 of each year a meeting of producers and a meeting of handlers, in each of the districts designated in paragraph (a) of this section, for the purpose of designating nominees from among whom the Secretary shall select members and alternates of the committee; and at each such meeting at least two nominees shall be designated for each position as member and at least two nominees shall be designated for each position as alternate member on the committee as representative or representatives of the respective district. Each producer is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for membership on the committee for the respective district in which such producer is engaged in producing potatoes: *Provided*, That in the event a producer is engaged in producing potatoes in more than one district, such producer shall elect the district within which he shall participate in designating nominees as aforesaid. Each producer shall be entitled to cast only one vote regardless of the number of districts in which he produces potatoes. Only producers may participate in designating producer nominees. Only handlers may participate in designating nominees for handler members and alternates. Each handler is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for membership on the committee for the respective district in which such handler is engaged in handling potatoes: *Provided*, That in the event a handler is engaged as a handler in more than one district, such handler shall elect the district within which he may participate in designating nominees. Each handler shall be entitled to cast only one vote regardless of the number of districts in which he may be engaged as a handler. The Secretary shall select the producer members of the Administrative Committee and their respective alternates, subsequent to the initial members and alternates, from nominations made by producers as provided in this section. The Secretary shall select the handler members of the Administrative Committee and their respective alternates, subsequent to the initial members and alternates, from nominations, made by handlers as provided in this section.

(2) In the event nominations are not made for membership on the committee, pursuant to the provisions of subparagraph (1) of this paragraph, by June 15 of the respective year, the Secretary may select such members and their respective alternates without waiting for nominees to be designated. To fill any vacancy occasioned by the failure of any person, selected as a member of the Administrative Committee or as an alternate member thereof, to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term shall be selected by the Secretary.

(3) Each person selected as a member of the Administrative Committee, or as an alternate member thereof, shall promptly qualify by filing with the Secretary a written acceptance of the appointment.

(4) The members of the Administrative Committee and their respective alternates shall be selected to serve for a fiscal period and, if their successors have not been selected and qualified prior to the end of the respective fiscal period, each such member or alternate shall continue to serve until his respective successor shall have been selected and qualified.

(c) *Compensation.* Each member and each alternate serving in place of a member of the Administrative Committee may receive compensation in an amount not in excess of five ($5.00) dollars per day for attendance at each meeting of the committee; and, in addition to said per diem, the aforesaid member and alternate may be reimbursed for necessary expenses actually incurred in attending each such meeting.

(d) *Procedure.* (1) The Administrative Committee may, upon the selection and qualification of a majority of its members, organize and commence to function. A majority of all members shall be necessary to constitute a quorum of the committee.

(2) For any decision of the Administrative Committee to be valid, a majority of the votes of all members shall be necessary. Except as provided herein, each member, or alternate member when acting as a member, shall vote in person.

(3) The Administrative Committee may provide for the members thereof, including the alternate members when acting as members, to vote by mail, telegraph, or radiograph; and any such vote which is not cast in person at a meeting shall be confirmed promptly in writing.

(4) The Administrative Committee shall select a chairman, a secretary, and such other officers as it may deem advisable; and the committee shall adopt such rules, not inconsistent with the provisions of this part, relative to the method of conducting its business, as it may deem advisable. The Administrative Committee shall give to the Secretary the same notice of its meetings as is given to the members thereof.

(e) *Powers.* The Administrative Committee shall have the following powers:

(1) To administer, as herein specifically provided, the terms and provisions of this part;

(2) To make, in accordance with the provisions of this part, administrative rules and regulations;

(3) To receive, investigate, and report to the Secretary complaints of violations of the provisions of this part; and

(4) To recommend to the Secretary amendments to this part.

(f) *Duties.* The Administrative Committee shall have the following duties:

(1) To act as intermediary between the Secretary and any producer or handler;

(2) To keep minutes, books, and records which will clearly reflect all of its acts and transactions, and such minutes, books, and records shall at all times be subject to examination by the Secretary or his authorized agent or representative;

(3) To furnish the Secretary such available information as may be requested by the Secretary;

(4) To select such employees as it may deem necessary, and to determine the salaries and define the duties of such employees;

(5) To cause its books to be audited by one or more competent accountants at least once each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary a copy of each such audit report;

(6) To prepare from time to time statements of the financial operations of the committee and to make such statements, together with the minutes of the meetings of said committee, available for inspection by any producer or handler at the office of the committee;

(7) To perform such duties in connection with the administration of section 32 of the Act to Amend the Agricultural Adjustment Act, and for other purposes, Public Act No. 320, 74th Congress (August 24, 1935), as amended, as may from time to time be assigned to the respective committee by the Secretary;

(8) To submit to the Secretary such available information as may be requested by the Secretary; and

(9) To consult with any other committee established under any marketing agreement and order program, pursuant to the aforesaid act, with respect to the handling of potatoes grown in any region outside of the area.

(g) *Funds.* All funds received by the Administrative Committee pursuant to any provision of this part shall be used solely for the purposes herein specified and shall be accounted for in the following manner: (1) The Secretary may, at any time, require the committee and its members to account for all receipts and disbursements; and (2) whenever any person ceases to be a member of the committee, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member.*

§ 959.10 *Right of the Secretary.* The members of the Administrative Committee provided for herein, including successors and alternates thereof, and any agent or employee appointed or employed by the committee shall be subject to removal or suspension at any time by the Secretary. Each and every order, regulation, determination, decision, or other act of the committee shall be subject to the continuing right of the Secretary to disapprove of such order, regulation, decision, determination, or other act; and, upon such disapproval at any time, such action by a committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.*

§ 959.11 *Expenses and assessments—*(a) *Expenses.* The Administrative Committee is authorized to incur such expenses as the Secretary finds may be necessary to enable the committee to perform its functions, in accordance with the provisions of this part, during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments, as herein provided, upon handlers.

(b) *Assessments.* (1) Each handler who ships potatoes shall pay, upon demand, to the Administrative Committee such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the committee for its maintenance and functioning during each fiscal period: *Provided*, That no assessment shall be paid for a shipment or shipments of potatoes for consumption by a charitable institution or institutions or for distribution for relief purposes or for distribution by a relief agency or agencies. Such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of potatoes shipped by such handler, during the applicable fiscal period, and the total quantity of potatoes shipped by all handlers during the same fiscal period. The Secretary shall specify the rate of assessment to be paid by such handlers: *Provided*, That the assessment rate shall not be in excess of $1.00 for each carload or each truckload weighing more than 20,000 pounds; and the assessment rate shall not be in excess of 50 cents for each carload, part carload, truckload, or part truckload weighing 20,000 pounds or less.

(2) The Secretary may, at any time during or after a fiscal period, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the respective committee. Any such increase in the rate of assessment shall be applicable to all potatoes shipped during the specified fiscal period. In order to provide funds to enable the Administrative Committee to perform its functions hereunder, handlers may make advance payment of assessments.

(c) *Accounting.* (1) If, at the end of any fiscal period, the assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund shall be credited with such refund, unless such handler demands payment thereof, in which case such sum shall be paid to the respective handler.

(2) The Administrative Committee may, with the approval of the Secretary, maintain in its own name or in the name of its members a suit against any handler for the collection of such handler's pro rata share of expenses.

(d) *Funds.* All money collected by the Administrative Committee pursuant to the provisions of this part shall be used solely for the purposes herein specified and shall be accounted for in the manner herein provided. The Secretary may, at any time, require the Administrative Committee and the members thereof, including alternate members when serving as members, to account for all receipts and disbursements.*

§ 959.12 *Reports.* For the purpose of enabling the Administrative Committee to perform its functions pursuant to the provisions of this part, each handler shall furnish to the committee, in such form and at such times and substantiated in such manner as shall be prescribed by the committee and approved by the Secretary, such information as may thus be requested by the committee, subject to approval by the Secretary, with regard to each shipment of potatoes.*

§ 959.13 *Effective time and termination—*(a) *Effective time.* The provisions of this part shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions of this part whenever he finds that such provision or provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the then preceding fiscal period, have been engaged in the production of potatoes for market: *Provided*, That such majority has, during such period, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before June 30 of the then current fiscal period.

(4) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions of this part, the then functioning members of the Administrative Committee shall continue as trustees, for the purpose of liquidating the affairs of the said committee, of all the funds and property then in the possession of or under control of such committee, including claims for any funds unpaid or property not delivered at the time of such termination. The procedural rules governing the activities of said trustees, including but not being limited to the determination as to whether action shall be taken by a majority vote of the trustees, shall be prescribed by the Secretary.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the Administrative Committee and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person the right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the Administrative Committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said trustees.*

§ 959.14 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of the regulation in this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.*

§ 959.15 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.*

§ 959.16 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.*

§ 959.17 *Personal liability.* No member or alternate of said committee, nor any employee thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such members, alternates, or employees, except for acts of dishonesty.*

§ 959.18 *Separability.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing, shall not be affected thereby.*

§ 959.19 *Amendments.* Amendments to this part may be proposed, from time to time, by the Administrative Committee or by the Secretary.*

§ 959.20 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen prior thereto, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any right or remedy of the United States, or the Secretary, or of any other person with respect to any such violation.*

Issued at Washington, D. C., this 17th day of January 1942, to be effective on and after 12:01 a. m., P. s. t., January 26, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-500; Filed, January 17, 1942; 11:39 a. m.]

PART 960—IRISH POTATOES GROWN IN THE STATES OF MICHIGAN, WISCONSIN, MINNESOTA, AND NORTH DAKOTA

ORDER REGULATING THE HANDLING OF IRISH POTATOES GROWN IN THE STATES OF MICHIGAN, WISCONSIN, MINNESOTA, AND NORTH DAKOTA [1]

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[1] See also Department of Agriculture, Surplus Marketing Administration, *infra*.

It is provided in Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), that the Secretary of Agriculture of the United States (hereinafter referred to as the "Secretary") shall, subject to the provisions of the act, issue orders regulating such handling of certain agricultural commodities, including Irish potatoes, as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodities.

The Under Secretary, having reason to believe that the execution of a marketing agreement and the issuance of an order would tend to effectuate the declared policy of the act with respect to the establishment and maintenance of such orderly marketing conditions for Irish potatoes grown in the States of Michigan, Wisconsin, Minnesota, and North Dakota, as would establish prices to the producers of such Irish potatoes at a level that would give such Irish potatoes a purchasing power, with respect to articles that the producers thereof buy, equivalent to the purchasing power of such Irish potatoes during the base period, August 1919–July 1929, conducted a public hearing in Cadillac, Michigan, on August 11 and 12, 1941, Grand Forks, North Dakota, on August 11, 1941, Antigo, Wisconsin, on August 14, 1941, and St. Paul, Minnesota, on August 14, 1941, pursuant to notice duly given to all interested parties, on a proposed marketing agreement and a proposed order regulating such handling of such Irish potatoes as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce in such Irish potatoes; and at the aforesaid hearing all interested persons in attendance were afforded due opportunity to be heard concerning the proposed marketing agreement and the proposed order.

Upon the basis of the evidence introduced at the aforesaid hearing and the record thereof, is it hereby found that:

§ 960.1 *Findings.* (a) The terms and provisions of this part prescribe, so far as practicable, such different terms, applicable to different production areas, as are necessary in order to give due recognition to the difference in production and marketing of such Irish potatoes;

(b) This part is limited in its application to the smallest regional production area that is practicable, consistently with carrying out the declared policy of the act, and the issuance of several orders applicable to any subdivision of said production area specified herein would not effectively carry out the declared policy of the act; and

(c) This part and all of the terms and conditions of this part will tend to effectuate the declared policy of the act with respect to Irish potatoes produced in said production area, specified in this order, by establishing and maintaining such orderly marketing conditions therefor as will tend to establish prices to the producers thereof at a level that will give such Irish potatoes a purchasing power, with respect to the articles that the producers thereof buy, equivalent to the purchasing power of such Irish potatoes in the base period, August 1919–July 1929, and by protecting the interest of the consumer by (1) approaching the level of prices which it is declared in the act to be the policy of Congress to establish by a gradual correction of the current level of prices at as rapid a rate as the Secretary deems to be in the public interest and feasible in view of the current consumptive demand in domestic and foreign markets, and (2) by authorizing no action which has for its purpose the maintenance of prices to producers of such Irish potatoes above the level which it is declared in the act to be the policy of Congress to establish.

The marketing agreement, drafted subsequent to, and upon the basis of the evidence adduced at, the aforesaid hearing, was tentatively approved by the Acting Secretary on October 2, 1941. Subsequent to the tentative approval of the marketing agreement on October 2, 1941, handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping Irish potatoes grown in the aforesaid area) of more than fifty (50) per centum of the volume of such Irish potatoes, produced in said production area, refused or failed to sign such tentatively approved marketing agreement. It was determined on the 13th day of January 1942, in accordance with the provisions of the act, and such determination was approved by the President of the United States on the 14th day of January 1942, that:

(d) The aforesaid refusal or failure of said handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act with respect to such Irish potatoes;

(e) The issuance of this part, which regulates the handling of such Irish potatoes in the same manner as the tentatively approved marketing agreement and is applicable only to persons in the respective classes of industrial or commercial activity specified in the tentatively approved marketing agreement, is the only practical means, pursuant to such act, of advancing the interests of the producers of such Irish potatoes; and

(f) The issuance of this part is approved or favored by at least two-thirds of the producers who participated in the referendum conducted by the Acting Secretary and who, during the representative period determined by the Acting Secretary, were engaged, within the production area specified in this part, in the production for market of the commodity specified in this part.*

*§§ 960.1 to 960.21, inclusive, issued under the authority contained in 48 Stat. 31, 670, 675, 49 Stat. 750, 50 Stat. 246, 52 Stat. 215, 53 Stat. 762; 7 U.S.C. 1940 ed. 601 et seq.

§ 960.2 *Order relative to handling.* It is, therefore, ordered, pursuant to the findings and determinations set forth in § 960.1 and pursuant to the aforesaid act, that such handling of Irish potatoes produced in the States of Michigan, Wisconsin, Minnesota, and North Dakota, as is in the current of commerce between any State in the aforesaid area and any point outside of the respective State, or so as directly to burden, obstruct, or affect such commerce, shall from and after the time hereinafter specified, be in conformity to and in compliance with the terms and conditions of this part.*

§ 960.3 *Definitions.* As used in this part, the following terms have the following meanings:

(a) "Secretary" means the Secretary of Agriculture of the United States; the Under Secretary of Agriculture of the United States; the Assistant Secretary of Agriculture of the United States; or any officer or employee of the United States Department of Agriculture to whom the Secretary of Agriculture of the United States has heretofore lawfully delegated, or to whom the Secretary of Agriculture of the United States may hereafter lawfully delegate, the authority to act in his stead.

(b) "Act" means Public Act No. 10, 73d Congress (May 12, 1933), as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937 (50 Stat. 246 (1937), 7 U.S.C. § 601 et seq., Supp. V, 1939), as amended.

(c) "Person" means an individual, partnership, corporation, association, legal representative, or any organized group or business unit of individuals.

(d) "Area" means and includes the States of Michigan, Wisconsin, Minnesota, and North Dakota.

(e) "Potatoes" means and includes all varieties of Irish potatoes grown within the aforesaid area.

(f) "Handler" is synonymous with "shipper" and means any person (except a common carrier of potatoes owned by another person) who first ships potatoes in fresh form.

(g) "Ship" or "handle" means to transport, sell, or in any other way to ship or place potatoes in the current of commerce between any State in the aforesaid area and any point outside of the respective State, or so as directly to burden, obstruct, or affect such commerce: *Provided*, That the act of any producer in transporting potatoes, grown by the respective producer, to the nearest customary grading, storing, or loading point for the purpose of having said potatoes thus graded, stored, or loaded for shipment, shall not constitute an act of shipping.

(h) "Producer" means any person engaged in the production of potatoes for market.

(i) "Fiscal period" means the period beginning on July 1 of each year and ending on June 30 of the following year.

(j) "U. S. Standards for Potatoes" means the United States Standards for Potatoes issued by the Secretary on April 30, 1940, effective on May 15, 1940, and such modification thereof as may hereafter be issued by the Secretary.

(k) "Culls" means potatoes which do not meet the requirements set forth in § 960.4 or a modification thereof made effective by the Secretary.*

§ 960.4 *General cull regulation—(a) Limitation of shipments.* The Secretary shall issue an order, whenever he determines that the initial committees herein provided for are prepared to exercise their powers and perform their duties herein assigned, which will provide for the regulation pursuant to this section being and becoming effective at the time specified in said order. After the effective time specified in said order issued pursuant to the provisions of this paragraph, no handler shall, except as provided herein, ship potatoes which do not meet the requirements of the U. S. No. 2 or better grade, as such grades are defined in said U. S. Standards for Potatoes, except that a mixture of varieties may be shipped: *Provided*, That no potatoes of the U. S. No. 2 grade or better grades, as defined in said U. S. Standards for Potatoes, which are less than 1½ inches in diameter, may be shipped in addition to the tolerance by weight for undersize as specified for the respective grade in said U. S. Standards for Potatoes.

(b) *Suspension or modification.* The North Central Potato Committee may recommend to the Secretary the suspension or modification of paragraph (a) of this section, and each such recommendation should be accompanied by supporting information. If the Secretary finds, upon the basis of such recommendation and information submitted by said committee, or upon the basis of other available information, that to do so will tend to effectuate the declared policy of the act, he shall suspend the operation of paragraph (a) of this section, or modify the regulation thereof, so as to permit the shipment of potatoes, the shipment of which otherwise would be prohibited pursuant to paragraph (a) of this section. Such suspension or modification may be made applicable, during a specified period, to any or all varieties of potatoes, in any portion or all of the production area. In like manner and upon the same basis, the Secretary may terminate any such suspension or modification.

(c) *Notice.* No regulation issued by the Secretary, pursuant to the provisions of this section, shall become effective within less than two days subsequent to the day of issuance thereof. A copy of each regulation, issued by the Secretary pursuant to the provisions of this section, shall be forwarded promptly to the North Central Potato Committee; and said North Central Potato Committee shall give such notice thereof as may be reasonably calculated to bring each such regulation to the attention of all interested parties.*

§ 960.5 *Grade, size, and quality regulations*—(a) *Marketing policy.* The State Committee for each of the States included in the production area and the North Central Potato Committee, severally, shall, prior to making any recommendation pursuant to this section or § 960.4, submit to the Secretary a detailed report setting forth the marketing policy with respect to the shipment of potatoes which the respective committee deems advisable for the ensuing shipping season. Additional reports shall be submitted, from time to time, in the event that it is deemed advisable by the respective committee to adopt a new marketing policy in view of changed demand and supply conditions with respect to potatoes. The committee shall publicly announce the submission of each such marketing policy report, and copies thereof shall be made available at the office of the respective committee for inspection by any producer or handler. In determining each such marketing policy the respective committee shall give due consideration to the following factors relating to potatoes produced in the area and in other States: (1) the available crop of potatoes, including the grades and sizes thereof, in the area and in other States; (2) probable shipments of potatoes from other States which compete with potato shipments from the area; (3) the level and trend in consumer income; and (4) other pertinent factors bearing on the marketing of potatoes.

(b) *Committee recommendations.* (1) Whenever the North Central Potato Committee deems it advisable, in order to effectuate the declared policy of the act, to regulate the shipment of potatoes, grown in the area, by grades, sizes or qualities, or combinations thereof, during any specified period, it shall so recommend to the Secretary. In making such recommendations such committee shall give due consideration to the following factors: (i) market prices, including prices by grades and sizes of potatoes for which regulation is recommended; (ii) potatoes on hand in the market areas as manifested by supplies en route and on track at the principal markets; (iii) available supply, maturity, and conditions of potatoes in the area, including the grades and sizes of potatoes remaining in the area; (iv) supplies from competitive regions producing potatoes; and (v) the trend in consumer income.

(2) At the time of submitting such recommendations, the North Central Potato Committee shall furnish to the Secretary the pertinent data and information upon which it acted in making such recommendation; and, also, the committee shall submit such other data and information as the Secretary may request.

(c) *Establishment of regulations.* Whenever the Secretary shall find, from the recommendation and information submitted by the North Central Potato Committee, or from other available information, that to limit the shipment of potatoes would tend to effectuate the declared policy of the act, he shall, during the period specified in the regulation thus issued by the Secretary, limit the shipments of potatoes grown in such area, or any portion thereof, to potatoes of specified grades, sizes, or qualities, or combinations thereof, and any such limitation may apply to any or all varieties and may specify tolerances for particular defects in quality.

(d) *Exemption certificates.* (1) Before the institution of any limitation of shipments pursuant to this section, the North Central Potato Committee shall adopt procedural rules pursuant to which exemption certificates will be issued to producers; and such procedural rules shall become effective upon approval by the Secretary. The North Central Potato Committee shall, after the procedural rules have been approved by the Secretary, give such notice thereof as may be reasonably calculated to bring such rules to the attention of all interested persons. In the event the Secretary issues a regulation pursuant to this section, the committee shall determine the percentage which the quantity of grades, sizes, and qualities of potatoes permitted to be shipped under such regulation is of the total quantity of such potatoes, except culls, which would be available for shipment in the area, or portion thereof included in the regulation issued by the Secretary, in the absence of such regulation; and the committee shall forthwith announce such percentage. An exemption certificate shall thereafter be issued to any producer in the area, or the aforesaid portion included in the regulation, who furnishes proof, satisfactory to the North Central Potato Committee, that he will be prevented, because of the regulation established, from shipping as large a percentage of any specified variety or varieties, except culls, as the percentage for all producers of the variety or varieties in the area or portion thereof included in the regulation. Such exemption certificate shall permit the respective producer to whom the certificate is issued to ship or have shipped a quantity of the restricted or prohibited grades, sizes, and qualities sufficient to permit the respective producer to ship or have shipped as large a proportion of his crop of each such variety of potatoes, grown in such area, as the average for all producers of the particular variety in the area or portion thereof included in the regulation. The North Central Potato Committee shall maintain a record of all applications submitted for exemption certificates, pursuant to the provisions of this section; and the committee shall maintain a record of all certificates issued, including the information used in determining in each instance the quantity of potatoes thus to be exempted, together with a record of all shipments of exempted potatoes; and such additional information shall be recorded in the records of the committee as the Secretary may specify. The committee shall, from time to time, submit to the Secretary reports stating in detail the number of exemption certificates issued, the quantity of potatoes thus exempted, and such additional information as may be requested by the Secretary.

(2) The North Central Potato Committee may authorize an employee to receive applications for exemption certificates, make the necessary investigation with regard to whether an exemption certificate should be issued and, if so, the quantity of potatoes which should be thus exempted, and issue for and on behalf of the committee an exemption certificate: *Provided*, That the committee shall not authorize an employee or employees (i) to determine the grades, sizes, and qualities, or combinations thereof, of potatoes grown in such area or any portion thereof which would be available for shipment in the absence of any regulation or (ii) to determine the percentage that the quantity of a particular variety or varieties of potatoes, grown in such area, permitted to be shipped pursuant to regulation, is of the quantity which would have been shipped in the absence of regulation.

(3) If any producer is dissatisfied with the determination of an employee or employees who have exercised jurisdiction with regard to the application submitted by the respective producer, such producer may appeal to the committee: *Provided*, That such appeal must be taken promptly after the decision by the respective employee or employees. If any producer is dissatisfied with the determination by the committee with respect to the producer's application for an exemption certificate or with regard to an appeal, as aforesaid, by said producer from the determination of an employee or employees, such producer may appeal to the Secretary: *Provided*, That such appeal shall be taken promptly after the determination by the committee. The Secretary may, upon an appeal as aforesaid, modify or reverse the action of the committee from which such appeal was taken. The authority of the Secretary to supervise and control the issuance of exemption certificates is unlimited and plenary; and any determination by the Secretary with respect to an exemption certificate, the application for an exemption certificate, or an appeal from the action of the committee with respect to an application for an exemption certificate shall be final and conclusive.

(e) *Notice.* No regulation issued by the Secretary pursuant to the provisions of this section shall become effective within less than two days subsequent to the day of issuance thereof. A copy of each regulation, issued by the Secretary pursuant to this section, shall be forwarded promptly to the North Central Potato Committee and thereupon the committee shall give such notice thereof as may be reasonably calculated to bring such regulation to the attention of all interested parties.*

§ 960.6 *Inspection and certification.* During any period in which the shipment of potatoes is regulated pursuant to the provisions of § 960.4 or § 960.5, each handler shall, prior to making each shipment of potatoes, cause each such shipment to be inspected by a Federal or Federal-State Inspector: *Provided*, That this requirement shall not be applicable (a) to any shipment of potatoes which has been so inspected, (b) to any shipment of potatoes for seed purposes in containers bearing the official seed certification tag of the State from which the respective shipment is made, or (c) to any shipment of potatoes for consumption by a charitable institution or

institutions or for distribution for relief purposes or for distribution by a relief agency or agencies. Each handler shall, promptly after making each shipment of potatoes, submit to the North Central Potato Committee a copy of the certificate or memorandum issued by the Federal-State Inspection Service with regard to the respective shipment of potatoes, and such certificate or memorandum shall state the grade, size, and quality of the potatoes in such shipment.*

§ 960.7 *Compliance.* Except as provided in this part, no handler shall ship potatoes, the shipment of which has been prohibited in accordance with this part; and no handler shall ship potatoes except in conformity to the provisions of this part, and the provisions of the regulations, if any, issued by the Secretary pursuant to the provisions of this part.*

§ 960.8 *Shipments which are exempt.* (a) Potatoes officially certified as seed potatoes by the official seed potato certification agency of the State from which the respective shipment is made shall be exempt, when shipped for seed purposes in containers bearing the official State seed certification tag of the respective State, from regulation under the provisions of § 960.4 (a) or § 960.5 (c) The Secretary may prescribe, on the basis of the recommendation and information submitted by the North Central Potato Committee, or on the basis of other available information, adequate safeguards to prevent such seed potatoes, shipped as aforesaid, from entering the commercial channels of trade other than as seed potatoes for use as seed.

(b) Potatoes shipped for consumption by a charitable institution or institutions or for distribution for relief purposes or for distribution by a relief agency or agencies or potatoes shipped for manufacturing purposes for conversion into by-products shall be exempt from the provisions of § 960.4 (a) and exempt from the provisions of any regulation issued pursuant to § 960.5 (c). The Secretary may prescribe, on the basis of the recommendation and the information submitted by the North Central Potato Committee, or on the basis of other available information, adequate safeguards to prevent potatoes shipped to charitable institutions or for distribution by relief agencies or for manufacturing purposes for conversion into by-products from entering the commercial channels of trade for any other purpose.

(c) The Secretary may prescribe, on the basis of the recommendation and information submitted by the North Central Potato Committee, or on the basis of other available information, that potatoes shipped for feed for livestock shall be exempt from the provisions of any regulation issued pursuant to § 960.5 (c). The Secretary may prescribe, on the basis of the recommendation and information submitted by the committee, or on the basis of other available information, adequate safeguards to prevent potatoes thus shipped for feed for livestock from entering commercial channels of trade for any other purpose.*

§ 960.9 *North Central Potato Committee*—(a) *Membership and organization.* (1) The North Central Potato Committee, consisting of twelve producers and four handlers, is hereby established to administer the terms and provisions of this part; and the members of said North Central Potato Committee and their respective alternates shall be selected in accordance with the provisions of this part. The initial members of the North Central Potato Committee and their respective alternates shall be selected by the Secretary as soon as reasonably possible after the effective date of this part. In thus selecting the initial members and their respective alternates the Secretary may consider such nominations or suggestions, if any, as may be submitted by producers and handlers, respectively, and such nominations or suggestions may be by virtue of elections conducted by groups of producers and groups of handlers prior to, or immediately subsequent to, the effective date of this part. The members of the North Central Potato Committee and their respective alternates selected subsequent to the initial members and their alternates shall be selected in accordance with the provisions hereinafter set forth. Each of the initial members and his respective alternate shall serve for a term ending on June 30, 1942, and, in the event that the respective person's successor has not been selected and qualified by June 30, 1942, such person shall serve until his successor has been selected and qualified.

(2) The North Central Potato Committee shall, subsequent to the period ending on June 30, 1942, have the following number of members who shall be selected from the respective States and the indicated subdivision thereof, as follows:

(i) Three producers and one handler shall be selected from the State of North Dakota, as follows: Two producers shall be selected from the counties of Rolette, Pierce, Wells, Kidder, Logan, McIntosh, and all counties lying east of said counties; one producer shall be selected from the remaining counties in North Dakota; and one handler shall be selected from the State of North Dakota;

(ii) Three producers and one handler shall be selected from the State of Minnesota, as follows: One producer shall be selected from the counties of Kittson, Marshall, Polk, Pennington, Red Lake, Norman, Mahnomen, Clay, and Wilkin, in the State of Minnesota; one producer shall be selected from the counties of Big Stone, Swift, Kandiyohi, Meeker, Wright, Hennepin, Ramsey, Washington, and all counties lying south thereof in the State of Minnesota; and one producer shall be selected from the remaining counties in the State of Minnesota; and one handler shall be selected from the State of Minnesota;

(iii) Three producers and one handler shall be selected from the State of Wisconsin, as follows:

One producer shall be selected from the counties of Trempealeau, Eau Claire, Chippewa, Rusk, Sawyer, Bayfield, and all counties lying west thereof, in the State of Wisconsin; one producer shall be selected from the counties of Clark, Marathon, Shawano, Oconto, and all counties lying north thereof, in the State of Wisconsin; one producer shall be selected from the remaining counties in Wisconsin; and one handler shall be selected from the State of Wisconsin;

(iv) Three producers and one handler shall be selected from the State of Michigan, as follows: One producer shall be selected from the counties in the Upper Peninsula of Michigan; one producer shall be selected from the counties of Oceano, Newaygo, Mecosta, Isabella, Midland, Bay, and all counties lying north thereof, in Michigan, but not including Upper Peninsula; one producer shall be selected from the remaining counties in Michigan; and one handler shall be selected from the State of Michigan.

(3) There shall be an alternate member for each member of the North Central Potato Committee; and each such alternate member shall have the same qualifications and shall be selected in the same manner as the respective member for whom such individual serves as an alternate. The alternate for a member of the committee shall, in the event of the respective member's absence, act in the place of said member; and in the event of such member's removal, resignation, disqualification, or death, the alternate for said member shall, until a successor for the unexpired term of said member has been selected, act in the place of said member.

(4) The producers who may be selected as members of the North Central Potato Committee, subsequent to the period ending on June 30, 1942, shall be individuals who are producers of potatoes in the respective district or subdivision for which selected or officers or employees of a corporate producer or corporate producers in such district or subdivision: *Provided*, That no producer shall be eligible for selection on said committee if such producer has been, during the then current fiscal period, engaged in handling potatoes other than potatoes of his own production, except as an officer or employee of a producers' cooperative marketing association. The handlers who may be selected as members of the North Central Potato Committee, subsequent to the period ending on June 30, 1942, shall be individuals who are handlers of potatoes in the respective State for which selected or officers or employees of a handler or handlers in such State.

(b) *Nomination and selection of succeeding members of North Central Potato Committee.* (1) The North Central Potato Committee shall, after the year 1941, hold or cause to be held prior to June 15 of each year a meeting of producers, in each of the districts or subdivisions designated in paragraph (a) of this section, and a meeting of handlers in each of the States included in the area for the purpose of designating nominees from among whom the Secretary shall select members and alternates of the committee; and at each such meeting at least two nominees shall be designated by producers for each position as member and at least two nominees shall be designated by producers for each position as alternate member on the committee as representative or representatives of the respective district or subdivision, and at least two nominees shall

be designated by handlers, in each of the States in the area, for each position as member and at least two nominees shall be designated by handlers, in each of the States in the area, for each position as alternate member on the committee. Each producer is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for membership on the committee for the respective district or subdivision in which such producer is engaged in producing potatoes: *Provided*, That in the event a producer is engaged in producing potatoes in more than one district or subdivision, such producer shall elect the district or subdivision within which he shall participate in designating nominees as aforesaid. Each producer shall be entitled to cast only one vote regardless of the number of districts or subdivisions in which he produces potatoes. Only producers may participate in designating producer nominees. Only handlers shall participate in designating nominees for handler members and alternates. Each handler is entitled to cast only one vote on behalf of himself, his agents, subsidiaries, affiliates, and representatives, in designating nominees for membership on the committee for the respective State in which such handler is engaged in handling potatoes: *Provided*, That in the event a handler is engaged as a handler in more than one State, within the production area, such handler shall elect the State within which he may participate in designating nominees. Each handler shall be entitled to cast only one vote regardless of the number of States in which he may be engaged as a handler. The Secretary shall select the producer members of the North Central Potato Committee and their respective alternates, subsequent to the initial members and alternates, from nominations made by producers as provided in this section. The Secretary shall select the handler members of the North Central Potato Committee and their respective alternates, subsequent to the initial members and alternates, from nominations made by handlers as provided in this section.

(2) In the event nominations are not made for membership on the North Central Potato Committee, pursuant to the provisions of subparagraph (1) of this paragraph, by June 15 of the respective year, the Secretary may select such members and their respective alternates without waiting for nominees to be designated. To fill any vacancy occasioned by the failure of any person, selected as a member of the North Central Potato Committee or as an alternate member thereof, to qualify, or in the event of the death, removal, resignation, or disqualification of any qualified member or alternate, a successor for his unexpired term shall be selected by the Secretary.

(3) Each person selected as a member of the North Central Potato Committee, or as an alternate member thereof, shall promptly qualify by filing with the Secretary a written acceptance of the appointment.

(4) The members of the North Central Potato Committee and their respective alternates shall be selected to serve for a fiscal period and, if their successors have not been selected and qualified prior to the end of the respective fiscal period, each such member or alternate shall continue to serve until his respective successor shall have been selected and qualified.

(c) *Compensation.* Each member and each alternate serving in place of a member of the North Central Potato Committee may receive compensation in an amount not in excess of five dollars per day for attendance at each meeting of the committee; and, in addition to said per diem, the aforesaid member and alternate may be reimbursed for necessary expenses actually incurred in attending each such meeting.

(d) *Procedure.* (1) The North Central Potato Committee may, upon the selection and qualification of a majority of its members, organize and commence to function. A majority of all members shall be necessary to constitute a quorum of the committee.

(2) For any decision of the North Central Potato Committee to be valid, a majority of the votes of all members shall be necessary. Except as provided herein, each member, or alternate member when acting as a member, shall vote in person.

(3) The North Central Potato Committee may provide for the members thereof, including the alternate members when acting as members, to vote by mail, telegraph, or radiograph; and any such vote which is not cast in person at a meeting shall be confirmed promptly in writing.

(4) The North Central Potato Committee shall select a chairman, a secretary, and such other officers as it may deem advisable; and the committee shall adopt such rules, not inconsistent with the provisions of this part, relative to the method of conducting its business, as it may deem advisable. The North Central Potato Committee shall give to the Secretary the same notice of its meetings as is given to the members thereof.

(e) *Powers.* The North Central Potato Committee shall have the following powers:

(1) To administer, as herein specifically provided, the terms and provisions of this part;

(2) To make, in accordance with the provisions of this part, administrative rules and regulations;

(3) To receive, investigate, and report to the Secretary complaints of violation of the provisions of this part; and

(4) To recommend to the Secretary amendments to the provisions of this part.

(f) *Duties.* The North Central Potato Committee shall have the following duties:

(1) To act as intermediary between the Secretary and any producer or handler;

(2) To keep minutes, books, and records which will clearly reflect all of its acts and transactions, and such minutes, books, and records shall at all times be subject to examination by the Secretary or his authorized agent or representative;

(3) To furnish the Secretary such available information as may be requested by the Secretary;

(4) To select such employees as it may deem necessary, and to determine the salaries and define the duties of such employees;

(5) To cause its books to be audited by one or more competent accountants at least once each fiscal period, and at such other times as it deems necessary or as the Secretary may request, and to file with the Secretary a copy of each such audit report;

(6) To prepare from time to time statements of the financial operations of the committee and to make such statements, together with the minutes of the meetings of said committee, available for inspection by any producer or handler at the office of the committee;

(7) To perform such duties in connection with the administration of section 32 of the Act to Amend the Agricultural Adjustment Act, and for other purposes, Public Act No. 320, 74th Congress (August 24, 1935), as amended, as may from time to time be assigned to the respective committee by the Secretary;

(8) To submit to the Secretary such available information as may be requested by the Secretary;

(9) To consult with any other committee established under any marketing agreement and order program, pursuant to the aforesaid act, with respect to the handling of potatoes grown in any region outside of the area.

(g) *Funds.* All funds received by the North Central Potato Committee pursuant to any provision of this part shall be used solely for the purposes herein specified and shall be accounted for in the following manner: (1) the Secretary may, at any time, require the committee and its members to account for all receipts and disbursements; and (2) whenever any person ceases to be a member of the committee, he shall account for all receipts and disbursements and deliver all property and funds in his hands, together with all books and records in his possession, to his successor in office or to such person as the Secretary may designate, and shall execute such assignments and other instruments as may be necessary or appropriate to vest in such successor or in such designated person the right to all the property, funds, or claims vested in such member.*

§ 960.10 *State Committees.* The producer members and the handler member representing Michigan on the North Central Potato Committee shall constitute the State Committee for Michigan. Likewise the producer members and the handler member representing each of the other States on the North Central Potato Committee shall for the respective State which they represent constitute the State Committee for such State. Each State Committee may, upon the selection and qualification of a majority of its members, organize and commence to function; and a majority of all members of the respective State Committee shall be necessary to constitute a quorum of the respective committee. Each State Committee shall select a chairman and a secretary. The alternate for each

member of a State Committee shall be the person who serves as alternate for such member on the North Central Potato Committee. The alternate for a member of a State Committee shall, in the event of the respective member's absence, act in the place of said member; and in the event of such member's removal, resignation, disqualification, or death, the alternate for said member shall, until a successor for the unexpired term of said member has been selected, act in the place of said member. Each State Committee shall function in accordance with the provisions of this part, and each committee shall submit to the North Central Potato Committee such reports and recommendations as the State Committee deems to be proper, pursuant to the provisions of this part, with respect to the administration of the provisions of this part, in the respective State for which such committee is organized.*

§ 960.11 *Right of the Secretary.* The members of the North Central Potato Committee provided for in this part, including successors and alternates thereof, and any agent or employee appointed or employed by the committee shall be subject to removal or suspension at any time by the Secretary. Each and every order, regulation, determination, decision, or other act of the North Central Potato Committee or any State Committee shall be subject to the continuing right of the Secretary to disapprove of such order, regulation, decision, determination, or other act; and, upon such disapproval at any time, such action by a committee shall be deemed null and void, except as to acts done in reliance thereon or in compliance therewith prior to such disapproval by the Secretary.*

§ 960.12 *Expenses and assessments*—(a) *Expenses.* The North Central Potato Committee is authorized to incur such expenses as the Secretary finds may be necessary to enable the North Central Potato Committee and each of the State Committees to perform their functions, in accordance with the provisions hereof, during each fiscal period. The funds to cover such expenses shall be acquired by the levying of assessments, as herein provided, upon handlers.

(b) *Assessments.* (1) Each handler who ships potatoes shall pay, upon demand, to the North Central Potato Committee such handler's pro rata share of the expenses which the Secretary finds will be necessarily incurred by the North Central Potato Committee for the maintenance and functioning of such committee and the State Committees, during each fiscal period: *Provided*, That no assessment shall be paid for a shipment or shipments of potatoes for consumption by a charitable institution or institutions or for distribution for relief purposes or for distribution by a relief agency or agencies. Such handler's pro rata share of such expenses shall be equal to the ratio between the total quantity of potatoes shipped by such handler, during the applicable fiscal period, and the total quantity of potatoes shipped by all handlers during the same fiscal period. The Secretary shall specify the rate of assessment to be paid by such handlers.

(2) The Secretary may, at any time during or after a fiscal period, increase the rate of assessment in order to secure sufficient funds to cover any later finding by the Secretary relative to the expenses of the respective committees. Any such increase in the rate of assessment shall be applicable to all potatoes shipped during the specified fiscal period. In order to provide funds to enable the North Central Potato Committee to perform its functions hereunder, handlers may make advance payment of assessments.

(c) *Accounting.* (1) If, at the end of any fiscal period, the assessments collected are in excess of expenses incurred, each handler entitled to a proportionate refund shall be credited with such refund, unless such handler demands payment thereof, in which case such sum shall be paid to the respective handler.

(2) The North Central Potato Committee may, with the approval of the Secretary, maintain in its own name or in the name of its members a suit against any handler for the collection of such handler's pro rata share of expenses.

(d) *Funds.* All money collected by the North Central Potato Committee pursuant to the provisions of this part shall be used solely for the purposes herein specified and shall be accounted for in the manner herein provided. The Secretary may, at any time, require the North Central Potato Committee and the members thereof, including alternate members when serving as members, to account for all receipts and disbursements.*

§ 960.13. *Reports.* For the purpose of enabling the North Central Potato Committee to perform its functions pursuant to the provisions of this part, each handler shall furnish to the committee, in such form and at such times and substantiated in such manner as shall be prescribed by the committee and approved by the Secretary, such information as may thus be requested by the committee, subject to approval by the Secretary, with regard to each shipment of potatoes.*

§ 960.14 *Effective time and termination*—(a) *Effective time.* The provisions of this part shall become effective at such time as the Secretary may declare above his signature attached hereto, and shall continue in force until terminated in one of the ways hereinafter specified.

(b) *Termination.* (1) The Secretary may, at any time, terminate the provisions of this part by giving at least one day's notice by means of a press release or in any other manner which he may determine.

(2) The Secretary may terminate or suspend the operation of any or all of the provisions of this part whenever he finds that such provisions do not tend to effectuate the declared policy of the act.

(3) The Secretary shall terminate the provisions of this part at the end of any fiscal period whenever he finds that such termination is favored by a majority of producers who, during the then preceding fiscal period, have been engaged in the production of potatoes for market: *Provided*, That such majority has, during such period, produced for market more than fifty percent of the volume of such potatoes produced for market; but such termination shall be effective only if announced on or before June 30 of the then current fiscal period.

(4) The provisions of this part shall, in any event, terminate whenever the provisions of the act authorizing them cease to be in effect.

(c) *Proceedings after termination.* (1) Upon the termination of the provisions of this part, the then functioning members of the North Central Potato Committee, shall continue as trustees, for the purpose of liquidating the affairs of the said committee, of all the funds and property then in the possession of or under control of such committee, including claims for any funds unpaid or property not delivered at the time of such termination. The procedural rules governing the activities of said trustees, including but not being limited to the determination as to whether action shall be taken by a majority vote of the trustees, shall be prescribed by the Secretary.

(2) The said trustees shall continue in such capacity until discharged by the Secretary; shall, from time to time, account for all receipts and disbursements and deliver all property on hand, together with all books and records of the North Central Potato Committee, each State Committee, and of the trustees, to such person as the Secretary may direct; and shall, upon request of the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person the right to all of the funds, property, and claims vested in the committee or the trustees pursuant hereto.

(3) Any person to whom funds, property, or claims have been transferred or delivered by the North Central Potato Committee or its members, pursuant to this section, shall be subject to the same obligations imposed upon the members of said committee and upon the said trustees.*

§ 960.15 *Duration of immunities.* The benefits, privileges, and immunities conferred upon any person by virtue of the regulations in this part shall cease upon the termination of this part, except with respect to acts done under and during the existence of this part.*

§ 960.16 *Agents.* The Secretary may, by designation in writing, name any person, including any officer or employee of the Government, or name any bureau or division in the United States Department of Agriculture, to act as his agent or representative in connection with any of the provisions of this part.*

§ 960.17 *Derogation.* Nothing contained herein is, or shall be construed to be, in derogation or in modification of the rights of the Secretary or of the United States to exercise any powers granted by the act or otherwise, or, in accordance with such powers, to act in the premises whenever such action is deemed advisable.*

§ 960.18 *Personal liability.* No member or alternate of said committee, nor

any employee thereof, shall be held personally responsible, either individually or jointly with others, in any way whatsoever, to any handler or to any person for errors in judgment, mistakes, or other acts, either of commission or omission, as such member, alternate, or employee, except for acts of dishonesty.*

§ 960.19 *Separability.* If any provision of this part is declared invalid, or the applicability thereof to any person, circumstance, or thing is held invalid, the validity of the remainder hereof, or the applicability thereof to any other person, circumstance, or thing shall not be affected thereby.*

§ 960.20 *Amendments.* Amendments to this part may be proposed, from time to time, by the North Central Potato Committee, a State Committee, or by the Secretary.*

§ 960.21 *Effect of termination or amendment.* Unless otherwise expressly provided by the Secretary, the termination of this part or of any regulation issued pursuant to this part, or the issuance of any amendment to either thereof, shall not (a) affect or waive any right, duty, obligation, or liability which shall have arisen prior thereto, or (b) release or extinguish any violation of this part or of any regulation issued under this part, or (c) affect or impair any right or remedy of the United States, or the Secretary, or of any other person with respect to any such violation.*

Issued at Washington, D. C., this 17th day of January 1942, to be effective on and after 12:01 a. m., c. s. t., January 26, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-499; Filed, January 17, 1942; 11:38 a. m.]

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[General Order C-36, Sup. 2]

PART 175—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

ALIENS ENTERING

Pursuant to the authority contained in Proclamation No. 2523[1] issued by the President on November 14, 1941, under the act of May 22, 1918 (40 Stat. 559), as amended by the act of June 21, 1941 (55 Stat. 252), § 175.47 of the regulations promulgated on November 19, 1941, is hereby amended by changing the designation of present paragraph (i) to (j) and inserting a new paragraph (i) reading as follows:

[1] 6 F. R. 5821, 5869.

§ 175.47 *Classes of aliens whose entry is deemed to be prejudicial to the public interest.*[2]

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(i) An alien enemy in the United States as defined or contemplated by any proclamation of the President issued after December 1, 1941, or an alien who, if admitted into the United States, would be an alien enemy under any such proclamation: *Provided*, That such alien may be excepted from this provision in the discretion of the Secretary of State, on a recommendation by the board of appeals to be made after consideration of the case by the interdepartmental committee and the committee of review.

[SEAL] CORDELL HULL,
Secretary of State.

Concurred in by:

FRANCIS BIDDLE,
Attorney General.

JANUARY 14, 1942.

[F. R. Doc. 42-560; Filed, January 19, 1942; 12:17 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER II—AIRCRAFT

PART 21—ASSISTANCE TO CIVIL AIRCRAFT[1]

§ 21.3 *Passengers in aircraft-authorization.*

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(b) • • •

(8) Applicants for a position as civilian pilot in the Army Air Corps, for the purpose of undergoing the flight test prescribed for such a position. (R.S. 161; 5 U.S.C. 22) [Par. 1b (8), AR 95-90, May 19, 1941, as added in Cir. 8, W.D., Jan. 13, 1942]

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§ 21.4 *Release from claim for injury or death.* (a) Persons specified in § 21.3 (a) (12), (b) (4), (5), (7), and (8), and (c) (4) will be required to sign the release form specified in paragraph (c) of this section, unless otherwise, under the provisions of these regulations, they are not required to sign same. Persons specified in § 21.3 (c) (8) will, when practicable, be required to sign the release form specified in paragraph (c) of this section, unless otherwise, under the provisions of these regulations, they are not required to sign same. (R.S. 161; 5 U.S.C. 22) [Par. 5a, AR 95-90, May 19, 1941, as amended by Cir. 8, W.D., Jan. 13, 1942]

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[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-548; Filed, January 19, 1942; 11:29 a. m.]

[1] § 21.3 (b) (8) is added and § 21.4 (a) is amended.
[2] 6 F.R. 5914.

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS[1]

§ 81.3 *Taxes*—(a) *Information to be included in invitations for bids, bids, contracts, and instructions to bidders.*

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(2) *Inapplicable Federal taxes.* Instructions to bidders will include the following:

Chapter 29, Sub-chapter A, Internal Revenue Code (26 U.S.C. 3400-15) as amended, imposes Federal taxes upon certain specified articles sold in the United States by the manufacturer or producer, or imported into the United States, to be paid by the manufacturer, producer, or importer, but provides that no tax under this title shall be imposed with respect to the sale of any article for the exclusive use of the United States, and that a credit against the tax or a refund may be allowed or made with respect to the sale of any article if such article was resold for the exclusive use of the United States and the manufacturer, producer, or importer has such evidence as the regulations of the Commissioner of Internal Revenue may prescribe.

Bids will be evaluated on a Federal-tax-exclusive basis, except that when this is not practicable they will be evaluated on a Federal-tax-inclusive basis. Therefore, bids are requested exclusive of Federal taxes from which exemption is granted or as to which a credit or refund is provided for by Chapter 29, section 3442 (tax free sales) and section 3443 (credits and refunds), Internal Revenue Code, as amended. If the bid prices are exclusive of such taxes, or are inclusive of such taxes and the bidder agrees to the deduction of the amount thereof from the contract price and acceptance of tax-exemption certificates in lieu thereof, the bidder must show upon the face of his bid the amount of each such tax so included or excluded as to each item, so that a tax exemption certificate can be furnished him if his bid is accepted. If the bid as submitted does not show that such taxes are excluded and the bidder does not agree to their deduction if included, it will be presumed that the amount of all such taxes is included in the bid price, the bid will be evaluated accordingly, and if the bid is accepted no exemption certificate will be issued.

Purchases under the Lend-Lease and Defense Aid Acts will be considered the same as sales for the exclusive use of the United States, and tax exemption certificates (Standard Form 1094) may be executed by duly authorized purchasing officers of the War Department for the

[1] §§ 81.3 (a) (2) and (c) (2), 81.10 (f) (20), and 81.33 (f) are amended and § 81.16 (l) is added.

exemption from taxes due or credit for taxes paid in the case of such purchases.

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(c) *Federal taxes.*

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(2) *Use of tax-exemption certificates.* When any of those items are purchased at a price which is exclusive of any such tax, the purchasing officer will execute and deliver to the vendor, if the latter so desires, a tax-exemption certificate to be used by the latter in securing exemption from or refund of such tax.

The tax exemption certificates (Standard Form 1094) will also be used for purposes of exemption or refund when purchases are made under the Lend-Lease and Defense Aid Acts. (Sec. 5, 41 Stat. 764, 765; 10 U.S.C. 1193) [Par. 7a (2) and 7c (2), AR 5-100, Aug. 7, 1940, as amended by Proc. Cir. 78, W.D., Oct. 13, 1941, and Proc. Cir. 4, W.D. Jan. 12, 1942]

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§ 81.10 *Invitations for bids.*

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(f) *Special conditions authorized or required to be included.*

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(20) *Federal, State, and local taxes.* • • •

(i) *Federal taxes.* For the furnishing of items covered by Chapter 29, Subchapter A, Internal Revenue Code (26 U.S.C. 3400-15), as amended, bidder will indicate which one of the following statements is applicable to his bid:

Prices herein do not include any Federal taxes imposed by Chapter 29, Subchapter A, Internal Revenue Code (26 U.S.C. 3400-15), as amended.

Prices herein include the Federal taxes imposed by Chapter 29, Subchapter A, Internal Revenue Code (26 U.S.C. 3400-15), as amended, but consent is hereby given to the deduction of said taxes and the acceptance of a tax exemption certificate in lieu thereof.

Prices herein include the Federal taxes imposed by Chapter 29, Subchapter A, Internal Revenue Code (26 U.S.C. 3400-15), as amended.

Whenever either of the first two of the three statements immediately preceding is applicable, bidder will state the amount of the taxes involved as to each item for which a tax exemption certificate will be required.

These instructions are also applicable to purchases made under the provisions of the Lend-Lease and Defense Aid Acts. See § 81.3 (a) (2) and (c) (2). (R.S. 3709; 31 Stat. 905, 32 Stat. 514; 41 U.S.C. 5, 10 U.S.C. 1201) [Par. 10m (1), AR 5-140, May 22, 1940, as amended by Proc. Cir. 4, W.D., Jan 12, 1942]

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§ 81.16 *Use of standard contract forms.*

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(l) *Federal taxes; purchases under the Lend-Lease and Defense Aid Acts.* See § 81.3 (a) (2) and (c) (2) and 81.10 (f) (20) (i). (R.S. 3709; 31 Stat. 905; 10 U.S.C. 1201) [Par. 7i, AR 5-200, Jan. 2, 1940, as added by Proc. Cir. 4, W.D., Jan. 12, 1942]

§ 81.33 *Open market procurement; authorizations.*

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(f) *Purchases made without advertising in order to expedite the building up of the national defense.*

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(3) *Subcontracts.* (i) The following provision will be included in all future requests for estimates or quotations for critical items:

A list of components which the contractor has not the facilities to produce in the required quantity and time will be submitted with this estimate (or quotation). Such list will indicate—

(a) The components for which he has already determined adequate subcontracting facilities; and

(b) Those for which sources of supply must still be located.

(ii) Contracting officers will furnish copies of the lists called for by subdivision (f) (3) (i) of this section to the appropriate District Procurement Office.

(iii) Procurement agencies will examine the possibilities of breaking up orders into smaller contracts when production can be expedited thereby without detriment to quality requirement.

(iv) These instructions do not alter the instructions contained in § 81.10 (f) (2) (ii), relative to technical material and supplies.

(4) *Federal taxes; purchases under the Lend-Lease and Defense Aid Acts.* See § 81.3 (a) (2) and (c) (2) and § 81.10 (f) (20) (i).

(g) Paragraph (g) of this section is superseded by subparagraph (f) (3). (R.S. 3709; 31 Stat. 905; 10 U.S.C. 1201) [Par. 9, AR 5-240, Feb. 11, 1936 as amended by Proc. Cir. 54, W.D., Jan. 11, 1941 and Proc. Cir. 4, W.D., Jan. 12, 1942]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-490; Filed, January 17, 1942; 9:49 a. m.]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS[1]

§ 81.10 *Invitation for bids.*

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(f) *Special conditions authorized or required to be included.*

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(13) *Wages of laborers and mechanics employed on the construction alteration, and repair of public buildings and public works: invitation for bids.* In conformity with § 81.10 (a) (8) invitations for bids in applicable cases will contain the wording of Article 17, Standard Form No. 23, revised September 17, 1938, Contract (Construction), in case that revised form is not to be used for the contract, and in either case the following provisions concerning minimum wages will be added:

The minimum wages to be paid laborers and mechanics on this project, as determined by the Secretary of Labor to be prevailing for the corresponding classes of laborers and mechanics employed on projects of a character similar to the contract work in the pertinent locality, are as follows:

Classification of laborers and mechanics	Minimum rates of wages per hour

Any class of laborers and mechanics not listed in the preceding paragraph, which will be employed on this contract, shall be classified or reclassified conformably to the foregoing schedule. In the event the interested parties cannot agree on the proper classification or reclassification of a particular class of laborers and mechanics to be used, the question, accompanied by the recommendation of the contracting officer, shall be referred to the Secretary of Labor for final determination. (49 Stat. 1011, 54 Stat. 399; 40 U.S.C. 276a) [Proc. Cir. 6, W.D., Jan. 14, 1942]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-549; Filed, January 19, 1942; 11:29 a. m.]

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS[1]

§ 81.10 *Invitations for bids.*

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(f) *Special conditions authorized or required to be included.*

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(23) *Wire or air mail notice of shipments.* The following provision will be included in all future invitations for bids which require shipment of equipment or supplies to any activity or officer of the War Department:

In connection with any shipment hereunder of one carload or equivalent or more consigned to any unit or officer of the War Department, the shipper, at the time the equipment or supplies are ordered for loading for rail, motor, or water transport, will send consignee notice thereof by prepaid telegraph or teletype, including date, route, size of shipment, and brief general description of the equipment or supplies comprising the shipment. When authorized by the

[1] §§ 81.10 (f) (23) and 81.16 (g) are amended.

purchasing and contracting officer, such notice may be sent by air mail, in lieu of telegraph or teletype, where secrecy is essential and where the use of air mail is practicable. This provision is not to be substituted for any other requirement, such as mailing bills of lading. (R.S. 3709; 31 Stat. 905; 41 U.S.C. 5, 10 U.S.C. 1201) [Par. 10P, AR 5–140, May 22, 1940, as amended by Proc. Cir. 40, W.D., June 5, 1941, and Proc. Cir. 5, W.D., Jan. 13, 1942]

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§ 81.16 *Use of standard contract forms.*

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(g) *Wire or mail notice of shipments.* (1) The following provision will be included in all future contracts (or purchase orders) which require shipment of equipment or supplies to any activity or officer of the War Department:

In connection with any shipment hereunder of one carload or equivalent or more consigned to any unit or officer of the War Department, the shipper, at the time the equipment or supplies are ordered for loading for rail, motor, or water transport, will send consignee notice thereof by prepaid telegraph or teletype, including date, route, size of shipment, and brief general description of the equipment or supplies comprising the shipment. When authorized by the purchasing and contracting officer, such notice may be sent by air mail, in lieu of telegraph or teletype, where secrecy is essential and where the use of air mail is practicable. This provision is not to be substituted for any other requirement, such as mailing bills of lading.

(2) As to contracts in process of award or already in force, the following procedure is prescribed:

(i) In cases where a Government inspector is on duty at the contractor's plant, that inspector will take the necessary action to notify consignees of shipments by collect telegraph or teletype, or by air mail as indicated in subparagraph (g) (1) of this section.

(ii) In cases where there is no Government inspector on duty at the contractor's plant, the contractor will be requested by letter to furnish the information indicated by wire, or by air mail as indicated in subparagraph (g) (1) of this section. It should be clearly indicated in the letter to the contractor that this notice by wire or air mail is necessary in the prosecution of the war effort and is not to be substituted for any other requirement such as mailing bills of lading. (R.S. 3709; 31 Stat. 905; 41 U.S.C. 5, 10 U.S.C. 1201) [Par. 7g, AR 5–200, Jan. 2, 1940, as amended by Proc. Cir. 46, W.D., June 14, 1941 and Proc. Cir. 5, W.D., Jan. 13, 1942]

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[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–550; Filed, January 19, 1942; 11:30 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER II—ADMINISTRATOR OF CIVIL AERONAUTICS, DEPARTMENT OF COMMERCE

PART 601—DESIGNATION OF CONTROL AIRPORTS AND AIRWAY TRAFFIC CONTROL AREAS AND REPEAL OF CERTAIN CONTROL ZONES OF INTERSECTION

JANUARY 14, 1942.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation of the Civil Aeronautics Board Serial No. 197[1] and finding that this action is necessary in the interest of safety and for the proper control of air traffic, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics to read as follows:

§ 601.1 *Airway traffic control areas.* The following portions of the civil airways are designated as airway traffic control areas:

§ 601.100 *Extent of area.* Wherever a point hereinafter prescribed for the purpose of the designating of an airway traffic control area coincides with a point specified by the Administrator in designating the center line of an airway, such airway traffic control area shall include all of the airway within a 10-mile radius of such point.

§ 601.1001 *Green civil airway No. 1 airway traffic control areas (U. S.-Canadian Border to Danforth, Maine).* All of green civil airway No. 1.

§ 601.1002 *Green civil airway No. 2 airway traffic control areas (Seattle, Wash, to Boston, Mass.).* Those portions of green civil airway No. 2: From Boeing Field, Seattle, Wash., to a line extended at right angles across such airway through a point on the center line thereof 25 miles northwest of Superior, Mont.; from a line extended at right angles across such airway through a point on the center line thereof 25 miles southeast of the La Crosse, Wis., radio range station, to the intersection of the center line of the on course signal of the east leg of the Detroit, Mich. (Wayne County Airport), radio range and the U. S.-Canadian Border; from the intersection of the center line of the on course signal of the west leg of the Buffalo, N. Y., radio range and the U. S.-Canadian Border, to the Boston, Mass., radio range station.

§ 601.1003 *Green civil airway No. 3 airway traffic control areas (San Francisco, Calif., to New York, N. Y.).* Those portions of green civil airway No. 3: From the Municipal Airport, San Francisco, Calif., to a line extended at right angles across such airway through a point on the center line thereof 25 miles west of the Parco, Wyo., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Des Moines, Iowa, radio range station, to the New York Municipal Airport, La-Guardia Field, New York, N. Y.

§ 601.1004 *Green civil airway No. 4 airway traffic control areas (Los Angeles, Calif., to Philadelphia, Pa.).* Those portions of green civil airway No. 4: From the Municipal Airport, Los Angeles, Calif., to a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Ashfork, Ariz., radio range station from a line extended at right angles across such airway through a point on the center line thereof 25 miles northeast of the Wichita, Kans., radio range station, to the Municipal Airport, Philadelphia, Pa.

§ 601.1005 *Green civil airway No. 5 airway traffic control areas (Los Angeles, Calif., to Washington, D. C.).* Those portions of green civil airway No. 5: From the Los Angeles, Calif., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles south of the Phoenix, Ariz., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Big Spring, Tex., radio range station to the Washington National Airport, Washington, D. C.

§ 601.1006 *Green civil airway No. 6 airway traffic control areas (Corpus Christi, Tex., to Richmond, Va.).* All of green civil airway No. 6.

§ 601.1011 *Amber civil airway No. 1 airway traffic control areas (San Diego, Calif., to the U. S.-Canadian Border).* All of amber civil airway No. 1.

§ 601.1012 *Amber civil airway No. 2 airway traffic control areas (Daggett, Calif., to U. S.-Canadian Border).* That portion of amber civil airway No. 2: From the Daggett, Calif., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles south of the Dillon, Mont., radio range station.

§ 601.1013 *Amber civil airway No. 3 airway traffic control areas (El Paso, Tex., to Great Falls, Mont.).* No designation.

§ 601.1014 *Amber civil airway No. 4 airway traffic control areas (Brownsville, Tex., to Bismarck, N. Dak.).* Those portions of amber civil airway No. 4: From the Municipal Airport, Brownsville, Tex., to a line extended at right angles across such airway through a point on the center line thereof 25 miles south of the Omaha, Nebr., radio range station.

§ 601.1015 *Amber civil airway No. 5 airway traffic control areas (New Orleans, La., to Milwaukee, Wis.).* All of amber civil airway No. 5.

§ 601.1016 *Amber civil airway No. 6 airway traffic control areas (Jacksonville, Fla., to U.S.-Canadian Border).* All of amber civil airway No. 6.

§ 601.1017 *Amber civil airway No. 7 airway traffic control areas (Key West, Fla., to Caribou, Maine).* Those portions of amber civil airway No. 7: From the Key West, Fla., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles northeast of the Florence, S. C., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles north of the Raleigh, N. C., radio range station, to the Caribou, Maine, radio range station.

§ 601.10201 *Red civil airway No. 1 airway traffic control areas (Portland, Oreg., to Salt Lake City, Utah).* All of red civil airway No. 1.

§ 601.10202 *Red civil airway No. 2 airway traffic control areas (Whitehall, Mont., to Belgrade, Mont.).* No designation.

§ 601.10203 *Red civil airway No. 3 airway traffic control areas (Philadelphia, Pa., to New York, N. Y.)* All of red civil airway No. 3.

§ 601.10204 *Red civil airway No. 4 airway traffic control areas (Dallas, Tex., to Shreveport, La.)* All of red civil airway No. 4.

§ 601.10205 *Red civil airway No. 5 airway traffic control areas (Sioux Falls, S. Dak., to Minneapolis, Minn.).* No designation.

§ 601.10206 *Red civil airway No. 6 airway traffic control areas (Parco, Wyo., to Grand Island, Nebr.).* No designation.

§ 601.10207 *Red civil airway No. 7 airway traffic control areas (Spartanburg, S. C., to Greensboro, N. C.).* All of red civil airway No. 7.

§ 601.10208 *Red civil airway No. 8 airway traffic control areas (Concord, N. H., to Portland, Maine).* All of red civil airway No. 8.

§ 601.10209 *Red civil airway No. 9 airway traffic control areas (Tallahassee, Fla., to Alma, Ga.).* All of red civil airway No. 9.

§ 601.10210 *Red civil airway No. 10 airway traffic control areas (Amarillo, Tex., to Charleston, S. C.).* Those portions of red civil airway No. 10: From a line extended at right angles across such airway through a point on the center line thereof 25 miles northwest of the Clarendon, Tex., radio range station, to the Charleston, S. C., radio range station.

§ 601.10211 *Red civil airway No. 11 airway traffic control areas (Tulsa, Okla., to St. Louis, Mo.).* All of red civil airway No. 11.

§ 601.10212 *Red civil airway No. 12 airway traffic control areas (Kansas City, Mo., to Detroit, Mich.).* All of red civil airway No. 12.

§ 601.10213 *Red civil airway No. 13 airway traffic control areas (Westfield, Mass., to Boston, Mass.).* All of red civil airway No. 13.

§ 601.10214 *Red civil airway No. 14 airway traffic control areas (Lone Rock, Wis., to Louisville, Ky.).* All of red civil airway No. 14.

§ 601.10215 *Red civil airway No. 15 airway traffic control areas (Las Vegas, Nev., to Phoenix, Ariz.).* All of red civil airway No. 15.

§ 601.10216 *Red civil airway No. 16 airway traffic control areas (Augusta, Ga., to Charleston, S. C.).* All of red civil airway No. 16.

§ 601.10217 *Red civil airway No. 17 airway traffic control areas (Martinsburg, W. Va., to Baltimore, Md.).* All of red civil airway No. 17.

§ 601.10218 *Red civil airway No. 18 airway traffic control areas (Indianapolis, Ind., to Washington, D. C.).* All of red civil airway No. 18.

§ 601.10219 *Red civil airway No. 19 airway traffic control areas (Dayton, Ohio, to Grand Rapids, Mich.).* All of red civil airway No. 19.

§ 601.10220 *Red civil airway No. 20 airway traffic control areas (Detroit, Mich., to Washington, D. C.).* All of red civil airway No. 20.

§ 601.10221 *Red civil airway No. 21 airway traffic control areas (Detroit, Mich., to Woodward, Pa.).* All of red civil airway No. 21.

§ 601.10222 *Red civil airway No. 22 airway traffic control areas (Roanoke, Va., to Gordonsville, Va.).* All of red civil airway No. 22.

§ 601.10223 *Red civil airway No. 23 airway traffic control areas (Buffalo, N. Y., to New York, N. Y.).* All of red civil airway No. 23.

§ 601.10224 *Red civil airway No. 24 airway traffic control areas (Amarillo, Tex., to Oklahoma City, Okla.).* That portion of red civil airway No. 24: From a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Amarillo, Tex., radio range station, to the Oklahoma City, Okla., radio range station.

§ 601.10225 *Red civil airway No. 25 airway traffic control areas (Daytona Beach, Fla., to Miami, Fla.).* All of red civil airway No. 25.

§ 601.10226 *Red civil airway No. 26 airway traffic control areas (New York, N. Y., to Syracuse, N. Y.).* All of red civil airway No. 26.

§ 601.10227 *Red civil airway No. 27 airway traffic control areas (Dayton, Ohio, to Detroit, Mich.).* All of red civil airway No. 27.

§ 601.10228 *Red civil airway No. 28 airway traffic control areas (Chicago, Ill., to Grand Rapids, Mich.).* All of red civil airway No. 28.

§ 601.10229 *Red civil airway No. 29 airway traffic control areas (Baltimore, Md., to Elmira, N. Y.).* All of red civil airway No. 29.

§ 601.10230 *Red civil airway No. 30 airway traffic control areas (Mobile, Ala., to Jacksonville, Fla.).* All of red civil airway No. 30.

§ 601.10231 *Red civil airway No. 31 airway traffic control areas (Huron, S. Dak., to Minneapolis, Minn.).* No designation.

§ 601.10232 *Red civil airway No. 32 airway traffic control areas (San Antonio, Tex., to Houston, Tex.).* All of red civil airway No. 32.

§ 601.10233 *Red civil airway No. 33 airway traffic control areas (Harrisburg, Pa., to New York, N. Y.).* All of red civil airway No. 33.

§ 601.10234 *Red civil airway No. 34 airway traffic control areas (Raleigh, N. C., to Pulaski, Va.).* That portion of red civil airway No. 34: From a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Greensboro, N. C., radio range station, to the Pulaski, Va., radio range station.

§ 601.10301 *Blue civil airway No. 1 airway traffic control areas (Pendleton, Oreg., to Spokane, Wash.).* All of blue civil airway No. 1.

§ 601.10302 *Blue civil airway No. 2 airway traffic control areas (Birmingham, Ala., to Erie, Pa.).* All of blue civil airway No. 2.

§ 601.10303 *Blue civil airway No. 3 airway traffic control areas (Memphis, Tenn., to Tampa, Fla.).* All of blue civil airway No. 3.

§ 601.10304 *Blue civil airway No. 4 airway traffic control areas (Boston, Mass., to Rouses Point, N. Y.).* All of blue civil airway No. 4.

§ 601.10305 *Blue civil airway No. 5 airway traffic control areas (Galveston, Tex., to Wichita, Kans.).* Those portions of blue civil airway No. 5: From the Municipal Airport, Galveston, Tex., to a line extended at right angles across such airway through a point on the center line thereof 25 miles north of the Oklahoma City, Okla., radio range station.

§ 601.10306 *Blue civil airway No. 6 airway traffic control areas (Abilene, Tex., to Oklahoma City, Okla.).* All of blue civil airway No. 6.

§ 601.10307 *Blue civil airway No. 7 airway traffic control areas (Springfield, Ill., to Morse, Ill.).* All of blue civil airway No. 7.

§ 601.10308 *Blue civil airway No. 8 airway traffic control areas (Fargo, N. Dak., to U. S.-Canadian Border).* No designation.

§ 601.10309 *Blue civil airway No. 9 airway traffic control areas (Columbia, Mo., to La Crosse, Wis.).* That portion of blue civil airway No. 9: From the Columbia, Mo., radio range station, to a line extended at right angles across such airway through a point on the center line thereof 25 miles south of the Des Moines, Iowa, radio range station.

§ 601.10310 *Blue civil airway No. 10 airway traffic control areas (Modesto, Calif., to Williams, Calif.).* All of blue civil airway No. 10.

§ 601.10311 *Blue civil airway No. 11 airway traffic control areas (Muscle Shoals, Ala., to Nashville, Tenn.).* All of blue civil airway No. 11.

§ 601.10312 *Blue civil airway No. 12 airway traffic control areas (Northdallas, Wash., to Ellensburg, Wash.).* All of blue civil airway No. 12.

§ 601.10313 *Blue civil airway No. 13 airway traffic control areas (Lake Charles, La., to Texarkana, Ark.).* All of blue civil airway No. 13.

§ 601.10314 *Blue civil airway No. 14 airway traffic control areas (Riverside, Calif., to Bakersfield, Calif.).* All of blue civil airway No. 14.

§ 601.10315 *Blue civil airway No. 15 airway traffic control areas (Columbus, Ohio, to Erie, Pa.).* All of blue civil airway No. 15.

§ 601.10316 *Blue civil airway No. 16 airway traffic control areas (Dillon, Mont., to Helena, Mont.).* No designation.

§ 601.10317 *Blue civil airway No. 17 airway traffic control areas (Blythe, Calif.,*

[1] 6 F.R. 6348.

to Kingman, Ariz.). All of blue civil airway No. 17.

§ 601.10318 *Blue civil airway No. 18 airway traffic control areas (Newark, N. J., to Burlington, Vt.).* All of blue civil airway No. 18.

§ 601.10319 *Blue civil airway No. 19 airway traffic control areas (Melbourne, Fla., to Orlando, Fla.).* All of blue civil airway No. 19.

(For a list of airway traffic control areas, see *Air Navigation Radio Aids* published periodically by the Administrator.)

§ 601.2 *Control zones of intersection designation.* The radio range station of the Civil Aeronautics Administration located at each of the following cities is designated as the center of a control zone of intersection: Albuquerque, N. Mex., Amarillo, Tex.; Belgrade, Mont.; Billings, Mont.; Bismarck, N. Dak.; Cheyenne, Wyo.; Denver, Colo.; Des Moines, Iowa; El Paso, Tex.; Fargo, N. Dak.; Grand Island, Nebr.; Great Falls, Mont.; Helena, Mont.; Huron, S. Dak.; La Crosse, Wis.; Laramie, Wyo.; Minneapolis, Minn.; Omaha, Nebr.; Raleigh, N. C.; Sioux Falls, S. Dak.; Whitehall, Mont.; Wichita, Kans. (For a list of control zones of intersection, see *Air Navigation Radio Aids* published periodically by the Administrator.)

§ 601.3 *Control airport designation.* The following airports are designated as control airports:

City	Name of Airport
Akron, Ohio	Akron Airport.
Albany, Ga	Albany New Municipal Airport.
Albany, N. Y	Albany Airport.
Albuquerque, N. Mex.	Albuquerque Municipal Airport.
Amarillo, Tex	English Field.
Anchorage, Alaska	Anchorage Municipal Airport (Merrill Field).
Atlanta, Ga	Atlanta Airport.
Augusta, Ga	Augusta Municipal Airport (Daniel Field).
Austin, Tex	Austin Municipal Airport (Robert Mueller Field).
Bakersfield, Calif	Bakersfield—Kern County Airport.
Baltimore, Md	Baltimore Municipal Airport.
Bangor, Maine	Bangor Municipal Airport.
Billings, Mont	Billings Airport.
Birmingham, Ala	Birmingham Airport.
Bismarck, N. Dak	Bismarck Airport.
Boise, Idaho	Boise Municipal Airport.
Boston, Mass	Boston Airport.
Bristol, Tenn	Tri-City Airport.
Buffalo, N. Y	Buffalo Airport.
Butte, Mont	Butte Airport.
Charleston, S. C	Charleston Airport.
Charlotte, N. C	Charlotte Municipal Airport.
Chattanooga, Tenn	Lovell Field.
Cheyenne, Wyo	Cheyenne Airport.
Chicago, Ill	Chicago Airport.
Cincinnati, Ohio	Cincinnati Airport.
Cleveland, Ohio	Cleveland Airport.
Columbia, S. C	Owens Field.
Columbus, Ohio	Port Columbus.
Corpus Christi, Tex	Corpus Christi Municipal Airport (Cliff Maus Field).
Dallas, Tex	Love Field.
Dayton, Ohio	Dayton Airport.
Daytona Beach, Fla	Daytona Beach Airport.
Denver, Colo	Denver Airport.
Des Moines, Iowa	Des Moines Airport.
Detroit, Mich	Detroit City Airport.
Detroit, Mich	Detroit Wayne County Airport.
Dothan, Ala	Dothan Airport.
East Baton Rouge, La.	East Baston Rouge Airport.
El Paso, Tex	El Paso Airport.
Everett, Wash	Snohomish County Airport.
Fairbanks, Alaska	Fairbanks Municipal Airport (Weeks Field).
Fargo, N. Dak	Hector Field.
Fort Myers, Fla	Lee County Airport.
Fort Wayne, Ind	Fort Wayne Municipal Airport.
Fort Worth, Tex	Meacham Field.
Fresno, Calif	Fresno Municipal Airport (Chandler Field).
Galveston, Tex	Galveston Airport.
Grand Rapids, Mich	Kent County Airport.
Greensboro, N. C	Greensboro-High Point Airport.
Greenville, S. C	Greenville Airport.
Greenwood, Miss	Greenwood Airport.
Harrisburg, Pa	Harrisburg State Airport.
Hartford, Conn	Brainard Field.
Helena, Mont	Helena Airport.
Houlton, Maine	Houlton Airport.
Houston, Tex	Howard Hughes Airport.
Indianapolis, Ind	Indianapolis Airport.
Jackson, Miss	Jackson Airport.
Jacksonville, Fla	Jacksonville Airport.
Kansas City, Mo	Kansas City Airport.
Key West, Fla	Meacham Field.
Knoxville, Tenn	Knoxville (McGhee-Tyson) Airport.
Lansing, Mich	Capitol City Airport.
Las Vegas, Nev	Las Vegas Airport.
Little Rock, Ark	Adams Field.
Long Beach, Calif	Long Beach Airport.
Los Angeles, Calif	Los Angeles Municipal Airport.
Los Angeles (Burbank), Calif.	Lockheed Air Terminal.
Los Angeles (Glendale), Calif.	Grand Central Air Terminal.
Louisville, Ky	Bowman Field.
Macon, Ga	Herbert Smart Airport.
Manchester, N. H	Manchester Airport.
Medford, Oreg	Medford Airport.
Memphis, Tenn	Memphis Airport.
Meridian, Miss	Key Airport.
Miami, Fla	Miami Airport.
Miami, Fla	Pan American Thirty-sixth Street Airport.
Milwaukee, Wis	Gen. Mitchell Field (Milwaukee County Airport).
Minneapolis, Minn.	Minneapolis Airport.
Mobile, Ala	New Mobile Municipal Airport.
Montgomery, Ala	Montgomery Municipal Airport.
Muscle Shoals, Ala.	Muscle Shoals Airport.
Nashville, Tenn	Berry Field.
Newark, N. Y	Newark Airport.
New York City, N. Y. (Brooklyn).	New York Airport (Floyd Bennett Field).
New York, N. Y	New York Airport, (La-Guardia Field).
New Orleans, La	New Orleans Airport.
Oakland, Calif	Oakland Airport.
Oklahoma City, Okla.	Oklahoma City Air Terminal.
Omaha, Nebr	Omaha Airport.
Orlando, Fla	Orlando Airport.
Pendleton, Oreg	Pendleton Airport.
Pensacola, Fla	Pensacola Airport.
Phoenix, Ariz	Sky Harbor Airport.
Philadelphia, Pa	Philadelphia Airport.
Pittsburgh, Pa	Pittsburgh-Allegheny County Airport.
Portland, Oreg	Portland (Portland-Columbia) Airport.
Presque Isle, Maine	Presque Isle Airport.
Providence, R. I	Theodore Francis Green Airport (Rhode Island Airport).
Raleigh, N. C	Raleigh Airport.
Richmond, Va	Richard E. Byrd Field.
Rochester, N. Y	Rochester Airport.
Sacramento, Calif	Sacramento Airport.
St. Louis (Robertson), Mo.	Lambert-St. Louis Airport.
St. Paul, Minn	Holman Airport.
Salinas, Calif	American Legion Airport.
Salt Lake City, Utah.	Salt Lake City Airport.
San Antonio, Tex	Stinson Field.
San Diego, Calif	Lindbergh Field.
San Francisco, Calif.	San Francisco Airport.
Santa Monica, Calif.	Clover Field.
Savannah, Ga	Savannah Airport.
Seattle, Wash	Boeing Field.
Shreveport, La	Shreveport Municipal Airport.
South Bend, Ind	St. Joseph County Airport.
Spartanburg, S. C.	Memorial Airport.
Spokane, Wash	Felts Field.
Tallahassee, Fla	Dale Mabry Field.
Tampa, Fla	Peter O. Knight Airport.
Toledo, Ohio	Toledo Airport.
Troy, N. Y	Troy Airport.
Tucson, Ariz	Tucson Airport.
Tulsa, Okla	Tulsa Airport.
Washington, D. C	Washington National Airport.
West Palm Beach, Fla.	Morrison Field.
Wichita, Kans	Wichita Airport.
Wichita Falls, Tex	Wichita Falls Airport.
Youngstown, Ohio	Youngstown Airport.

(For a list of control airports, see *Air Navigation Radio Aids* published periodically by the Administrator.)

§ 601.4 *Radio fix designation.* (To be designated.)

The foregoing designations shall become effective and all other designations of airway traffic control areas, control zones of intersection, and control airports heretofore made shall be repealed at 12:01 A. M., E. S. T., January 15, 1942.

DONALD H. CONNOLLY,
Administrator of Civil Aeronautics.

[F. R. Doc. 42-494; Filed, January 17, 1942; 9:49 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER II—RAILROAD RETIREMENT BOARD

PART 250—REPORTS, INFORMATION, HEARINGS AND WITNESSES

AMENDING REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937 [1]

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j), § 250.03 (b) of the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477) is amended, effective immediately, by Board Order 42-22 dated January 13, 1942, to read as follows:

§ 250.03 *Employers' reports of monthly compensation of employees.*

* * * * *

(b) For the purpose of providing a test of annual reporting, the director of wage and service records is authorized to approve, with the consent of the chief executive officer, agreements with employers whereby, for the calendar year 1941 or 1942, or both of such years, there shall be filed by such employers in lieu of the reports required under (a) above and of the notices of death required under § 250.02, such reports and notices as the director of wage and service records may prescribe. Agreements shall be approved only with employers whose accounting facilities and practices are adapted to the making of such test. (Secs. 8, 10, 50 Stat. 313, 314; 45 U.S.C. Sup. III, 228h, 228j)

Dated: January 19, 1942.
By Authority of the Board.

[SEAL] JOHN C. DAVIDSON,
Secretary.

[1] 4 F.R. 1495.

TITLE 22—FOREIGN RELATIONS

CHAPTER I—DEPARTMENT OF STATE

PART 58—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

ALIENS ENTERING

Pursuant to the authority contained in Proclamation No. 2523 [1] issued by the President on November 14, 1941, under the act of May 22, 1918 (40 Stat. 559), as amended by the act of June 21, 1941 (55 Stat. 252), § 58.47 (6 F.R. 5931) of the regulations promulgated on November 19, 1941, is hereby amended by changing the designation of present paragraph (i) to (j) and inserting a new paragraph (i) reading as follows:

§ 58.47 *Classes of aliens whose entry is deemed to be prejudicial to the public interest.*

* * * * * *

(i) An alien enemy in the United States as defined or contemplated by any proclamation of the President issued after December 1, 1941, or an alien who, if admitted into the United States, would be an alien enemy under any such proclamation: *Provided*, That such alien may be excepted from this provision in the discretion of the Secretary of State, on a recommendation by the board of appeals to be made after consideration of the case by the interdepartmental committee and the committee of review.

[SEAL] CORDELL HULL,
Secretary of State.

Concurred in by:
FRANCIS BIDDLE,
Attorney General.
JANUARY 14, 1942.

[F. R. Doc. 42-560; Filed, January 19, 1942; 12:17 p. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T. D. 5108]

PART 182—INDUSTRIAL ALCOHOL

Amendment of Regulations No. 3

By virtue of and pursuant to sections 3070, 3105, 3108 (a), 3109, 3114 (a), 3124 (a) (6), and 3176, Internal Revenue Code, Regulations No. 3 is amended by inserting a new article, reading as follows:

Optional Use of Withdrawal Permits on Form 1485, in Lieu of Form 1477, by Users of Specially Denatured Alcohol

ART. 144-A. In view of the present shortage of alcohol and certain denaturants, and the consequent difficulty of denaturers in filling orders for specially denatured alcohol, any person holding permit, Form 1481, to use specially denatured alcohol, may, upon the surrender of his outstanding withdrawal permits on Form 1477 to the district supervisor, be issued a new withdrawal permit on Form 1485, in accordance with the following procedure:

Application and withdrawal permit, Form 1485—(a) *Application.* Where it is desired to use the new withdrawal permit, Form 1485, application will be made on Part I thereof, in duplicate, with the district supervisor. The permittee shall state on his application the names, registry numbers (in the case of denaturing plants) or basic permit numbers (in the case of dealers in specially denatured alcohol) and addresses of the denaturing plants or bonded dealers from which he proposes to purchase specially denatured alcohol. The proof and formulas of specially denatured alcohol to be withdrawn, and, in the case of optional or substitute denaturants, the kind and quantity of the denaturants approved on Form 1479-A, must be stated in the application. The applicant shall also specify the total quantity, in wine gallons, of each formula of specially denatured alcohol to be withdrawn during the term of the withdrawal permit, and the quantity of each formula to be withdrawn during a calendar month, which amount shall not be in excess of one-twelfth (or similar proportionate quantity where the withdrawal permit is for a period of other than 1 year) of the total quantity of the specified formula to be withdrawn during the term of the withdrawal permit. Such quantities shall in no case exceed those specified in the applicant's basic permit, Form 1481. If withdrawals are to be made in drums or barrel lots, the application shall be in multiples of 55 wine gallons. The district supervisor may approve or disapprove the application in whole or in part, according to his findings as to the legitimaate needs of the applicant.

(b) *Withdrawal permit.* If the application is approved by the district supervisor, he shall issue withdrawal permit on Part II of Form 1485. The permit shall specify the quantity that may be procured during any calendar month and the total quantity that may be procured during the period for which the withdrawal permit is issued. The quantity of each formula authorized by the withdrawal permit shall not exceed the quantity of such formula fixed in the basic permit, Form 1481. If withdrawals are to be made in drums or barrels, the permit shall be in multiples of 55 wine gallons. The withdrawal permit shall specify the date when the same shall be available for withdrawal purposes. The district supervisor will forward the original copy of the withdrawal permit to the permittee and will retain the duplicate copy for his files. If any denaturer or bonded dealer named as vendor in the withdrawal permit is located in another supervisory district, a copy of the withdrawal permit and any renewals or amendments thereof, will be prepared on the prescribed form and transmitted by the district supervisor issuing the same to the district supervisor of the

[1] 4 F.R. 4370.

[1] 6 F.R. 5821, 5869.

district from which shipments are to be made.

(1) *Withdrawals under permit.* When the permittee desires to procure specially denatured alcohol, he will forward the original of the withdrawal permit to the denaturer or bonded dealer named therein from whom he desires to procure the specially denatured alcohol. Upon shipment, the denaturer or bonded dealer will enter the shipment on the withdrawal permit and return it to the permittee, unless he has been authorized by the permittee to retain the permit for the purpose of making future shipments. No specially denatured alcohol may be shipped by a vendor named in the withdrawal permit until such permit is in his possession. Except as provided in paragraph (e), further like shipments may be made under such permit during the term for which it is issued.

(2) *Exception.* Withdrawals must be so regulated by the permittee that he will not have on hand, in transit, and unaccounted for during any calendar month more than the quantity of specially denatured alcohol, plus the quantity of recovered or restored denatured alcohol, and recovered or restored articles (which are in the form of denatured alcohol) so authorized by his basic permit, Form 1481: *Provided*, That the district supervisor may, in his discretion, pursuant to application on Part I of Form 1485, and upon proper showing of necessity therefor, (i) in the case of a seasonal business, amend the applicant's withdrawal permit to authorize withdrawal during any calendar month of not to exceed a two months' allowance, or (ii) issue to the permittee, in lieu of an annual permit, Form 1485, one or more withdrawal permits for a specified quantity or period subject to the above restrictions as to the maximum quantity that may be withdrawn during any one month, but the total quantity authorized under (i) and (ii) shall not exceed the quantity specified in the withdrawal permit, Form 1485, to be withdrawn during the period for which it is issued: *Provided further*, That such additional withdrawals shall not be authorized unless the bond of the permittee is in a sufficient penal sum to cover the increased quantity in addition to the regular withdrawal allowance.

(c) *Special permit.* Where new permittees qualify within a calendar month a special withdrawal permit, Form 1485, should be issued for the proportionate quantity of specially denatured alcohol to which the permittee may be entitled for the balance of the month, which permit shall be void at the end of such month, and must be at once returned by the permittee to the district supervisor.

(d) *Carrier to be furnished copy of Form 1485.* Where the specially denatured alcohol is to be delivered to the manufacturer by a person other than the vendor, the manufacturer shall procure from the district supervisor a certified copy (or copies, if delivery is to be made by more than one carrier), on the prescribed form, of the withdrawal permit, Form 1485, issued to him, and file the same with the delivering carrier's agent at destination. Application for such certified copy or copies shall be made by the permittee to the district supervisor by letter, specifying the name of the delivering carrier. Where such delivering carrier is known at the time Form 1485 is filed, the application should accompany such form.

(e) *Expiration or termination of permit.* Upon expiration of a withdrawal permit, it shall be returned to the district supervisor for cancellation. Where the withdrawal permit is in the possession of a vendor on the date of expiration, such vendor shall return it to the permittee for surrender to the district supervisor. Should a basic permit, Form 1481, held by a person to whom withdrawal permit, Form 1485, was issued, be terminated, surrendered, or revoked, each denaturer or dealer named as vendor in such withdrawal permit, shall, upon notice from the district supervisor, make no further shipments thereunder, and if such withdrawal permit is in his possession, he shall return it to the district supervisor for cancellation.

Quantity procurable under withdrawal permits, Form 1485. In procuring specially denatured alcohol the permittee shall deduct the quantity of specially denatured alcohol, plus the quantity of recovered or restored denatured alcohol, and recovered or restored articles (which are in the form of denatured alcohol) on hand, in transit, and unaccounted for from the quantity procurable under the withdrawal permit during the calendar month, and give his order for an amount not exceeding the available balance. For this purpose, specially denatured alcohol, recovered or restored denatured alcohol, and recovered or restored articles (which are in the form of denatured alcohol) shall be deemed to be unaccounted for when used or disposed of otherwise than as provided in these regulations. Failure on the part of permittees to observe the foregoing requirements concerning withdrawals will be regarded as sufficient ground for citation for revocation of their basic permits.

Withdrawal permits on Form 1477 shall continue in effect, except where superseded by withdrawal permits on Form 1485, or where otherwise terminated in accordance with present regulations.

A supply of the new Forms 1485 will be furnished to district supervisors.

Applications by the United States or governmental agency for permit to procure specially denatured alcohol will hereafter be made on Part I of Form 1486, revised December, 1941, in lieu of Form 1485.

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: January 15, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-486; Filed, January 16, 1942; 3:40 p. m.]

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

PART 316—EXCISE TAXES ON SALES BY THE MANUFACTURER

[T. D. 5107]

Section 316.150 of Regulations 46 (1940 Edition), Added by Treasury Decision 5099, approved November 28, 1941, Amended

Regulations 46[1] (1940 Edition) [Part 316, Title 26, Code of Federal Regulations, 1940 Sup.], as amended by Treasury Decision 5099,[2] approved November 28, 1941 [Part 316 of such Title 26, 1941 Sup.], relating to excise taxes on sales by the manufacturer under the Internal Revenue Code, as amended, are hereby amended as follows:

The first paragraph of § 316.150 is amended to read as follows:

§ 316.150 *Scope of tax.* Subsection (a) (7) of section 3406, as added by section 551 of the Revenue Act of 1941, imposes a tax on the sale by the manufacturer of any article of which rubber is the component material of chief weight, except articles of footwear such as shoes, rubbers and boots; articles especially designed for hospital or surgical use; and articles taxable under any other section of Chapter 29 of the Code, as amended.

* * * * *

(This Treasury decision is issued under the authority contained in section 551 of the Revenue Act of 1941 (Public Law 250, Seventy-seventh Congress), and section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U. S. C., Sup. V, 3791).)

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: January 15, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-485; Filed, January 16, 1942; 3:40 p. m.]

SUBCHAPTER E—INCOME, ESTATE, AND GIFT TAXES

[T.D. 5109]

PART 471—ACCEPTANCE OF TREASURY NOTES IN PAYMENT OF INCOME, ESTATE, AND GIFT TAXES

§ 471.1 *Acceptance of Treasury Notes of Tax Series A-1943, B-1943, A-1944, and B-1944 in payment of income, estate, and gift taxes.* Notes of the United States designated as Treasury Notes of Tax Series A-1943, Treasury Notes of Tax Series B-1943, Treasury Notes of Tax Series A-1944, and Treasury Notes of Tax Series B-1944 may be accepted in payment of income taxes (current and back personal and corporation taxes, and excess-profits taxes) and estate and gift taxes (current and back, at par and interest accrued to the month, inclusive, in which presented (but no accrual beyond the maturity date). Collectors of internal revenue are authorized and directed to accept the notes if at least one full calendar month intervenes between the month of acceptance and the month of purchase (as shown by the issuing agent's dating stamp on each note). For example, a note of Tax Series A-1944 purchased in January 1942 may be accepted in March 1942 but such a note purchased in February 1942 may not be accepted until April 1942. The notes may be accepted only in payment of income, estate, and gift taxes (current and back) due from the original purchaser thereof or his estate. The notes shall be in the name of the taxpayer (individual, corporation, or other entity) and may be presented for tax payment by the taxpayer, his agent, or his estate. Not more than $1,200 in principal amount of notes of Tax Series A-1943, or of Tax Series A-1944, or of the two in combination, plus the amount of the accrued interest thereon, may be accepted on account of any one taxpayer's liability for income taxes (including excess-profits taxes), or gift taxes, for any taxable year or on account of any one taxpayer's liability for estate tax; but in the case of the income tax this limitation shall apply separately to husband and wife on a joint return and also to an owner before death and to his estate for the balance of the same year.

Collectors of internal revenue shall not in any case allow credit to a taxpayer on account of notes, or accept notes, for an amount greater than their principal amount plus accrued interest, nor shall notes be accepted in an amount (including accrued interest) greater than the unpaid liability of the taxpayer. The notes shall be forwarded to the collector of internal revenue with whom the tax return is filed, at the risk and expense of the taxpayer, and, for the taxpayer's protection, should be forwarded by registered mail, if not presented in person. (Secs. 3657 and 3791 of the Internal Revenue Code (53 Stat. 447, 467, 26 U.S.C. 1940 ed., 3657, 3791) and sec. 18 of the Second Liberty Bond Act of 1917, as amended (40 Stat. 1309, 31 U.S.C. 1940 ed., 753))

§ 471.2 *Procedure with respect to Treasury Notes of Tax Series A-1943, B-1943, A-1944, and B-1944.* Deposits of Treasury Notes of Tax Series A-1943, B-1943, A-1944, and B-1944 received in payment of income, estate, and gift taxes shall be made by the collector of internal revenue in a Federal Reserve Bank or a branch Federal Reserve Bank. Prior to deposit the collector of internal revenue will certify on the reverse side of the notes that they were received in payment of income, estate, or gift tax, as the case may be, and will show in the endorsement stamp the date of deposit. (Secs. 3657 and 3791 of the Internal Revenue Code (53 Stat. 447, 467, 26 U.S.C. 1940 ed., 3657, 3791) and sec. 18 of the Second Liberty Bond Act of 1917, as amended (40 Stat. 1309, 31 U.S.C. 1940 ed., 753))

§ 471.3 *Prior Treasury Decision superseded.* Treasury Decision 5064[3] is hereby superseded. (Secs. 3657 and 3791 of the Internal Revenue Code (53 Stat. 447, 467, 26 U.S.C. 1940 ed., 3657, 3791) and sec. 18 of the Second Liberty Bond Act of 1917, as amended (40 Stat. 1309, 31 U.S.C. 1940 ed., 753))

[SEAL] GUY T. HELVERING,
Commissioner of Internal Revenue.

Approved: January 16, 1942.

D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 42-511; Filed, January 17, 1942; 12:48 p. m.]

[1] 5 F.R. 142.
[2] 6 F.R. 6129.
[3] 6 F.R. 3883.

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 130—REGULATIONS RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, PAYMENTS, AND THE EXPORT AND WITHDRAWAL OF COIN, BULLION AND CURRENCY; AND TO REPORTS OF FOREIGN PROPERTY INTERESTS IN THE UNITED STATES—APPENDIX

PUBLIC CIRCULAR NO. 4A[1] UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED AND REGULATIONS ISSUED PURSUANT THERETO JANUARY 16, 1942

Instructions for Preparation of Reports of Foreign-owned Property by Certain Nationals of Japan

Instructions relating to reports to be filed on Form TFR-300, Series J, with respect to all property subject to the jurisdiction of the United States on the opening of business on June 1, 1940, and with respect to all property subject to the jurisdiction of the United States on the opening of business on January 1, 1942, in which, on the respective dates, certain nationals of Japan had any interest of any nature whatsoever, direct or indirect.

SECTION I—*General Instructions*

A. *Reading instructions.* Read this Circular in full before beginning to prepare Series J.

B. *Persons required to report*—(1) *Basic requirement.* Except as provided in Instruction D hereof, reports on Series J of Form TFR-300 shall be filed by all nationals of Japan within the United States and its territories and possessions, except Hawaii and the Philippine Islands, who under General License No. 68 have hitherto been excused from filing reports on Form TFR-300. General License No. 68 is hereby revoked so far as it would exempt nationals of Japan from reporting on Series J. Paragraph (3) of General License No. 68A with respect to reports on Form TFR-300 by nationals of Japan shall be deemed to require reports only on Series J.

(2) *Corporations and other organizations, including trusts and estates.* A corporation or other organization which is a national because of control by or an interest of a person or persons now required to report under Sub-instruction (1) hereof shall report its property on Series J. In addition to all other organizations, this requirement shall extend to trusts and estates and partnerships. In any event, report shall be made concerning a trust or an estate if the interests of nationals who themselves come within the provisions of Sub-instruction (1) exceed 25 per centum of comparable interests in the trust, regardless of the value of the interests, and a partnership shall report if the interests of such nationals who are partners exceed 25 per centum of comparable interests in the partnership. Organizations, including trusts and estates and partnerships, are not required to file reports in the names of their stockholders, members, or beneficiaries concerning the stock, membership, or beneficial interests.

(3) *Definition of "person" and of "national."* The terms "person" and "national" are defined as follows in Section 5 of Executive Order No. 8389, as amended:

C. The term "person" means an individual, partnership, association, corporation, or other organization.

* * * * *

E. The term "national" shall include,

(i) Any person who has been domiciled in, or a subject, citizen or resident of a foreign country at any time on or since the effective date of this Order,

(ii) Any partnership, association, corporation or other organization, organized under the laws of, or which on or since the effective date of this Order had or has had its principal place of business in such foreign country, or which on or since such effective date was or has been controlled by, or a substantial part of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of which, was or has been owned or controlled by, directly or indirectly, such foreign country and/or one or more nationals thereof as herein defined,

(iii) Any person to the extent that such person is, or has been, since such effective date, acting or purporting to act directly or indirectly for the benefit or on behalf of any national of such foreign country, and

(iv) Any other person who there is reasonable cause to believe is a "national" as herein defined.

In any case in which by virtue of the foregoing definition a person is a national of more than one foreign country, such person shall be deemed to be a national of each such foreign country. In any case in which the combined interests of two or more foreign countries designated in this Order and/or nationals thereof are sufficient in the aggregate to constitute, within the meaning of the foregoing, control or 25 per centum or more of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of a partnership, association, corporation or other organization, but such control or a substantial part of such stock, shares, bonds, de-

[1] 6 F.R. 3883.
[2] Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; Ex. Order 8389, April 10, 1940, as amended by Ex. Order 8785, June 14, 1941, Ex. Order 8832, July 26, 1941, Ex. Order 8963, December 9, 1941, and Ex. Order 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

bentures, notes, drafts, or other securities or obligations is not held by any one such foreign country and/or national thereof, such partnership, association, corporation or other organization shall be deemed to be a national of such foreign countries. The Secretary of the Treasury shall have full power to determine that any person is or shall be deemed to be a "national" within the meaning of this definition, and the foreign country of which such person is or shall be deemed to be a national. Without limitation of the foregoing, the term "national" shall also include any other person who is determined by the Secretary of the Treasury to be, or to have been, since such effective date, acting or purporting to act directly or indirectly for the benefit or under the direction of a foreign country designated in this Order or national thereof, as herein defined.

It should be noted that the definition of "national" in subdivisions (i) and (iv) of subsection E of the Executive Order includes a citizen of the United States who has been or has purported to be a subject or citizen of a foreign country at any time on or since the effective date of the Order.

The effective date specified in Section 3 (k) of the Executive Order with respect to Japan and nationals thereof is June 14, 1941.

(4) *Doubt concerning nationality.* No person who is a national of Japan and who is required to report on Series J is excused from reporting because of any doubt he may have as to his status as a national.

(5) *Nationals who should have filed reports previously.* Nationals of Japan who have not been entitled to the benefits of General License No. 68, but who nevertheless have failed to file reports of their property on Form TFR–300 should do so at once. Such persons shall report on Series A or Series B, as appropriate, and on Series I, in accordance with the instructions contained in Public Circular No. 4, and shall not report on Series J.

(6) *Nationals who have previously reported their own property.* Nationals of Japan who have reported their own property on Series I, and on Series A or Series B, when appropriate, as required by Public Circular No. 4, should not report on Series J.

C. *Property to be reported*—(1) *General requirement.* Every national required to report on Series J shall report with respect to *all property* subject to the jurisdiction of the United States on the opening of business on June 1, 1940, and with respect to *all property* subject to the jurisdiction of the United States on the opening of business on January 1, 1942, in which on the respective dates the national had any interest of any nature whatsoever, direct or indirect. Property located in *any* of the territories and possessions of the United States, including Hawaii and the Philippine Islands, must be entered. The report must be made whether or not the property is or has been blocked or subjected to any other restriction whatever by or under Executive Order No. 8389, as amended. Section II of this Circular provides a classification of property for the purpose of reporting.

(2) *Property jointly owned.* Every national required to report on Series J who has any interest in any reportable property shall report the full amount of such property and not merely his interest. For example, if the person reporting owns a parcel of real estate jointly, he should report the entire value of the real estate. Appropriate provision is made on Series J for an indication of the existence of other interests. Any duplication by reason of several persons reporting the same property shall not excuse anyone from rendering the report required from him with respect to the property.

(3) *Doubt concerning ownership of property.* No national of Japan who had an interest in any property required to be reported on Series J is excused from reporting because of any doubt he may have as to the existence of the interest or of the property.

D. *When no report need be filed*—(1) *Total value of property less than $1,000.* No report need be filed if the total value of all property which a national would otherwise be required to report was on both June 1, 1940, and January 1, 1942, less than $1,000: *Provided*, That this exemption shall not apply to employment and agency agreements, understandings, and contracts, to patents, trade-marks, copyrights and franchises, to interests in partnerships and profit-sharing agreements, nor to property the value of which cannot be readily determined. If a person had property of a kind which must be reported without exemption, by virtue of the proviso in the preceding sentence, he must include in his report all other property in which he had an interest, regardless of the value of such other property. In arriving at the value of $1,000, no deduction shall be made for offsets, liens, or other deductions from gross value.

(2) *General License No. 28.* The requirement for reporting contained in Instruction B above does not extend to nationals of Japan entitled to the benefits of General License No. 28, applying to citizens of the United States who are nationals of foreign countries only by reason of domicile or residence therein.

E. *Time and place of filing report*—(1) *General.* Reports must be executed and filed *in quadruplicate* on or before February 15, 1942 with the Federal Reserve Bank of the district, or the Governor of the territory or possession of the United States, in which the person filing the report resides or has a principal place of business or principal office or agency. Each person reporting should retain, for himself, an additional copy of his report.

(2) *Extension of time under General License No. 68A.* The time for filing reports required under paragraphs (3) and (4) of General License No. 68A has been extended to February 15, 1942.

F. *Penalties.* (1) Section 5 (b) of the Act of October 6, 1917 (40 Stat. 415), as amended, applicable hereto, provides in part:

> • • • Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than $10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

(2) Section 130.4 (c) (1) of the Regulations of April 10, 1940, as amended, issued under Executive Order No. 8389, as amended, provides:

> All spaces in the report must be properly filled in. Reports found not to be in proper form, or lacking in essential details, shall not be deemed to have been filed in compliance with the Order.

G. *Information regarding preparation of reports*—Anyone desiring information concerning Series J may apply to any Federal Reserve Bank.

SEC. II—*Property Classes*

Before preparing your report read this Section in detail. This Circular requires reports on Form TFR–300, Series J, of all property subject to the jurisdiction of the United States, in which certain nationals of Japan, as specified in Instruction B under Section I of this Circular, had any interest on either or on both June 1, 1940, and January 1, 1942. In this Section property is classified for purposes of reporting. It is imperative that all property be entered under the correct type upon Series J, which requires that the person reporting state whether or not he has reported the value of all property he is called upon to report therein, including property held in the name of another in which he had any interest whatsoever.

Class A: Bullion, currency, and deposits. (1) Bullion, both gold and silver; (2) Currency and coin, United States and foreign; (3) Demand deposits payable in the United States in United States dollars or foreign currency, including any and all demand deposits or accounts maintained with any bank or broker, or others, in the national's own name or jointly with one or more other persons, or on which he has authority to draw, or maintained in some other name for the present or future benefit of the national, or in which the national has an interest, whether or not he has the right to draw thereon; (4) Other deposits payable in the United States in United States dollars or foreign currency, maintained with any bank, broker, or others, including savings accounts, compound interest accounts, accounts represented by certificates of deposit, postal savings accounts, and any and all other accounts, other than demand deposits, maintained in the national's own name or jointly with one or more other persons, or on which he has authority to draw, or maintained in some other name for the present or future benefit of the national, or in which the national has an interest, whether or not he has the right to draw thereon.

Class B: Financial securities. (5) United States Government obligations, including all United States bonds, registered or bearer, notes, bills, certificates of indebtedness, savings stamps, matured coupons, attached or detached, and every other such direct obligation of the United States Government, and all obligations evidenced by financial securities guaranteed as to principal or interest by the United States Government, but not obligations not so guaranteed as to principal or interest; (6) State, municipal, and other local government obligations, including bonds, registered or bearer, matured coupons, attached or detached, notes, certificates of indebtedness, and any other such obligations of any state, territory, district, or possession of the United States, and of any agency or instrumentality or subdivision thereof, and of all municipal corporations, including, without limitation, cities, towns, townships, counties, parishes, irrigation districts, school, water, drainage, and tax districts, special authorities, and any other similar obligations and including certificates of deposit with respect to any of the foregoing; (7) Bonds of domestic corporations, including mortgage bonds, registered or bearer, and matured coupons, attached or detached, debentures, notes, income bonds, and any other evidences of funded debt, past due or to become due, and all receiver's or trustee's certificates and similar instruments, and any other obligation evidenced by an instrument, negotiable or otherwise, representing funded corporate debt, executed or issued by or in the name of any corporation organized under the laws of the United States or of any state, territory, district, or possession thereof, including all such obligations of any agency or instrumentality of the United States not guaranteed as to principal or interest by the United States Government and including certificates of deposit with respect to any of the foregoing; (8) Common stocks of domestic corporations, of whatever class, voting or nonvoting, including debenture stock, participating stock, and any other type or kind of stock [other than preferred stock], interests in voting trusts, stock pools, and similar interests, and any trustee's certificates, by whatever name called, representing shares or beneficial interests in any business trust or other type of unincorporated business organization except a partnership; (9) Preferred stocks of domestic corporations, including all stock, voting or nonvoting, issued by any domestic corporation, to which any preference of any kind attaches, over any other issue of stock of that same corporation; (10) Foreign securities held in the United States, including mortgage and other bonds, registered or bearer, and matured coupons, attached or detached, debentures, notes, and any other evidences of funded debt, past due or to become due, negotiable or otherwise, executed or issued either within or without the United States by a foreign government or any subdivision, instrumentality, or agency thereof, whether or not incorporated, or by any corporation or other association or organization, business or otherwise, organized and existing under the laws of any country other than the United States, representing funded debt thereof, and all stock, common or preferred of all types or kinds, and any other instrument by whatever name called, representing shares or beneficial interests in any such corporation, organization, or association and including certificates of deposit with respect to any of the foregoing; (11) Warrants, scrip, rights, and options; other securities, warrants, scrip, rights, options, or other instruments evidencing the right to receive, purchase, or acquire any financial security or interest therein, absolutely or upon contingency, and all other contracts relating to the purchase or sale of financial securities, issued or unissued; and any other financial securities whatsoever or rights therein, commonly dealt in by bankers, brokers, and investment houses in the United States or elsewhere.

Class C: Notes and drafts; debts to and claims by national. (12) Checks, drafts, acceptances, and notes, including all checks, cashier's or official bank checks, sight drafts, time drafts, banker's acceptances, trade acceptances, promissory notes, and any and all other notes, drafts, or bills of exchange, and payment orders and remittances; (13) Letters of credit, including all similar instruments or agreements, wherein the obligation of any bank thereunder arises directly or indirectly at the request of, or for the account of, a national or extends to any national named in the letter of credit, or otherwise known, who has any rights, contingent or absolute, to receive any payments in any amount pursuant to the terms of the letter of credit or in reimbursement for any unused portion thereof; (14) Debts, claims, demands, and contracts, including book accounts, accounts receivable, judgments, awards; indebtedness and claims arising under contracts, policies of insurance, and surety and indemnity bonds; draw-backs, rebates, and refunds; and including all other debts, claims, and demands due or past due for the payment of money whether or not secured in any manner whatsoever [other than any represented by an instrument evidencing funded debt, or classified under some other type], due or claimed to be due to a national from any person or corporation residing or doing business in the United States or subject to the jurisdiction thereof, except where the debt was payable only on special demand and the place where due demand therefor could be made is not within the United States; and any and all contracts and rights under contracts, not otherwise classified, to which a national was a party or in which a national had any interest whatever, present or future, vested or contingent, executory or partly executed, liquidated or unliquidated, regardless of the nature of the contract or the nature and extent of the national's interest therein.

Class D: Miscellaneous personal property; personal property liens. (15) Warehouse receipts, bills of lading, and any and all other instruments, negotiable or otherwise, representing claims to or on personal property; (16) Options and futures in commodities, traded on any commodity exchange, including any interest in, or present or future claims to, any commodities or the proceeds of the sale of any commodities; (17) Goods and merchandise for business use, except jewelry, etc., including stocks of raw materials, agricultural products, goods in process, finished goods in stock or on consignment, goods on vessels or otherwise in transit, other than jewelry, precious stones, and precious metals; (18) Jewelry, precious stones, and precious metals, other than bullion, whether held for personal use, or as stock in trade, or for other commercial purposes; (19) Machinery, equipment, and livestock, for business use, all machinery or equipment on hand, stored, or in use, automobiles [business], trucks, automotive or otherwise, and other vehicles, office equipment and furnishings, and whatever else of like or similar type, customarily classified as machinery and equipment, vessels of any type and tonnage, charter parties, and all other interests represented by instrument or otherwise in the ownership, rights to possession, use, or control of any vessel [other than maritime or other liens thereon]; farm machinery and equipment, livestock; and all other tangible personal property used in the operation of any business or occupation; (20) Objects of art and furnishings for personal use, including all art objects, coin and stamp collections, household furniture and furnishings, automobiles [personal], and all other tangible personal property not used for commercial purposes; (21) Liens on and claims to personal property, not otherwise classified, including trust receipts, bills of sale, contracts for conditional sale or resale, lease-sale arrangements, repurchase agreements, chattel mortgages, pledges; maritime, cattle, timber, and crop liens; and all other instruments not otherwise classified evidencing any lien on, or claim to, personal property, and all other liens on or claims to personal property, not represented by any instrument by whatever name called, arising by agreement or by operation of law.

Class E: Real property; mortgages; other rights to land. (22) Lands and buildings for personal use, including only property used exclusively as a dwelling by the national and his family and not more than one other family; (23) Lands and buildings other than for personal use, including all property used as a dwelling other than that classified under type 22 preceding, all lands and the buildings, structures, and other improvements thereon used for commercial, manufacturing, mercantile, agricultural, and other business purposes, and interests therein; ground rents, leaseholds, together with rents, accrued or to accrue, tax warrants, easements, mineral rights, oil rights, timber and other rights in or to land or the products thereof or a share therein, royalties, and any other rights in the lands of another; (24) Mortgages on real property; other rights to land, mortgage bonds, mortgage notes [other than corporate mortgage bonds or notes represented by financial securities], mortgage participation certificates, guaranteed or otherwise, deeds of trust, and any other bond, note, or other instrument secured by a lien on any real property or interest therein; contracts for the purchase and sale of real property, whether or not partially executed, options, and any and all other rights or interests in or liens, vested or contingent, upon real property or upon an interest in real property.

Class F: Patents, trade-marks, and copyrights; franchises. (25) Patents, trade-marks, copyrights, and inventions, including patents, trade-marks, registered or unregistered, copyrights, inventions, and secret processes, or any present, future, or contingent interest therein, and agreements pertaining thereto; all rights incidental to the ownership of patents, trade-marks, or copyrights, including applications therefor and licenses, by definition or otherwise, immunities, and assignments, relating thereto, and any other contracts affecting or involving the foregoing, such as, but not by way of limitation, the right to receive royalties, including any royalties due and unpaid, royalties paid in advance, reciprocal licensing arrangements and contracts by which any information in the nature of technical data, know-how, or otherwise, is transmitted or exchanged, or any right therein by which any license or privilege is granted or may be exercised, to examine the operations of any plant, factory, or other productive unit, to examine or supervise the books thereof, to inspect any finished product, or to have the right of visitation or any other such right incidental to or separate from the right to receive royalties or other compensation; (26) Franchises, concessions, licenses, and permits, by any of which any special right or privilege may be exercised affecting the commencement, continuation, or conduct of a business, or as an incident thereto.

Class G: Estates and trusts. (27) Interests in estates and trusts, each and every right or interest, present or future, absolute or contingent, in or to any of the property or estate of a deceased person, which may belong to the national or in which he has an interest, whether the same exists by reason of the provisions of a last will and testament or by operation of law in case of the intestacy of the deceased, and all other rights or interests, present or future, absolute, revocable or contingent, belonging to the national or in which he has an interest, in or to any property or fund held or controlled by a trustee or other fiduciary by whatever name described.

Class H: Partnership and profit-sharing agreements. (28) Interests under partnership and profit-sharing agreements, all partnership agreements, general, special, limited, or other type, agreements for joint adventures; profit-pooling and profit-sharing agreements and any and all other rights to receive, or share in, profits of partnerships, business trusts, or other nonincorporated business organizations [not represented by a financial security], whether or not the rights granted under such agreement are security for a debt due, or as a manner or method of liquidating such debt or otherwise.

Class I: Insurance policies; annuities. (29) Surrender value of insurance policies; present value of annuities, of all types, including pensions and endowments and pension and endowment contracts, determined in accordance with standard actuarial practice.

Class J: Other property. (30) Other property, not classifiable under types 1 to 29, including any and all other property, real, personal, or mixed, tangible or intangible, or interest or interests therein, present, future, or contingent; debts due or to become due, claims, demands, actions, causes or things in action, or interest therein, not specified, mentioned, or referred to in any of the foregoing property classes designated "Class A" to "Class I", inclusive.

SEC. III—*Detailed Instructions for Filling Out Form*

1. *Persons required to report.* Series J is to be used by certain nationals of Japan to report for themselves, as provided in Instruction B under Section I of this Circular.

2. *Instructions applicable to entire Series*—(a) *Reading Circular.* Read this Circular in full before beginning to prepare Series J. If you have not already read Sections I and II of this Circular, do so before reading this Section.

(b) *Answers required.* Each question on the Series must be answered and all the specific information called for must be given. When there is nothing to report under any question or if information is lacking, state "No," "None," or "Unknown," as the case may be, with an explanation if required, except that in Part B spaces not needed for reporting should be left blank. You are not excused from furnishing any information you reasonably should have.

(c) *Number of copies required.* File your report *in quadruplicate.* You should retain, for yourself, an additional copy of the report.

(d) *Language to be used.* All reports must be filled out in *English.*

3. *Nationality*—(a) *In general.* In this space state the name of each country, other than Japan, of which you are a national, as defined in Section 5E of Executive Order No. 8389, as amended. If you are a national of a foreign country by reason of any fact other than that you have been a subject or citizen of a foreign country, Question 5 in Part D requires you to state the facts determining your nationality.

(b) *Trusts and estates.* Reports for trusts and estates, other than business trusts in which the interests of the beneficiaries were represented by financial securities, shall state the country or countries of which the trust itself is a national, and in any event shall state the country or countries of which each beneficiary of the trust is a national.

4. *Part A*—(a) *Name.* A person doing business under a trade name should give that name in addition to his actual name.

(b) *Address.* A person having more than one address should state his principal address within the United States.

(c) *Type of organization.* Individuals not engaged in business may insert a dash (—). Other persons should indicate the legal nature of their organization, e. g., individual proprietorship, partnership, corporation, business trust, etc.

(d) *Citizenship.* A person other than an individual should enter the name of the state, district, territory, or possession under the laws of which it is incorporated, or if unincorporated, in which it has its principal place of business. Persons who are citizens of more than one country must state the name of each country, including the United States when that is one of the countries.

5. *Part B: Schedule I*—(a) *General.* This Schedule requires the valuation of all your property within each property type contained in the classification of Section II of this Circular, which must be followed strictly, but property not falling under any of the other types of the classification must be reported under type 30. No property shall be reported under type 30 if it constitutes property reportable as any other type.

(b) *Shares in building and loan associations.* Shares in building and loan associations, savings and loan associations, and similar organizations shall be reported under property type 4, which for the purpose shall be deemed to designate such shares.

(c) *Valuation.* Enter in Column (a) the total value of the items of each type of property held on January 1, 1942, at the market price at the close of business on December 31, 1941, or, if such price is not available, at the estimated value on January 1, 1942. In estimating value, the last sale price or bid, if reasonably close to January 1, may be used as a basis. Enter in Column (b) the total value of the items of each type of property reported as being held on June 1, 1940. The January 1, 1942 unit value shall be used in both Column (a) and Column (b). In other words, if the same number of units of a particular kind of property was held on both June 1, 1940, and January 1, 1942, enter the same amount in Column (b) as in Column (a). If the number of units of a kind of property held on June 1, 1940, was different from the number held on January 1, 1942, use the same per unit value with respect to Column (b) as is used regarding Column (a), but apply the unit value to the number of units actually held on June 1, 1940. In any case where property was held only on June 1, 1940, none of it being held on January 1, 1942, the value should still be reported on the basis of the unit value on January 1, 1942, unless such value is not determinable, in which event the value of the property on June 1, 1940, should be entered in Column (b). When the June 1, 1940, value is used, an appropriate notation should be made.

All amounts reported should be given in dollars, to the nearest dollar. Do not enter fractions of a dollar on the report. However, in determining the value of a property item consisting of more than one unit, fractions of a dollar in the unit value should not be disregarded. For example, if you held ten shares of a particular stock and the value of each share was $116¾, so that the exact value was $1,163.75, you should enter $1,164 on the report.

(d) *Value expressed in foreign currency.* Property, the value of which was expressed in a foreign currency, or which was to be paid or liquidated in a foreign currency, shall be valued at the dollar value if dollar market value existed for such property itself; if not, the foreign currency value thereof shall be converted into dollars, in accordance with the instructions relating to exchange rates given in Section IV of this Circular.

(e) *Property of indeterminable value.* In reporting property of indeterminable value, enter "indeterminable" under the appropriate property type in Schedule I and describe the property in Schedule III, as required by Instruction 7, below. When property of determinable value and property of indeterminable value are to be reported under one property type in Schedule I, the determinable amount should be entered under the property type without indication of the property having indeterminable value, but descriptions of the items should be given in Schedule III in accordance with Instruction 7.

(f) *Inventories.* If in the regular course of its business, a national engaged in business prepared inventories of merchandise, and machinery and equipment, or either, between July 1, 1941, and January 1, 1942, and between December 31, 1939, and July 1, 1940, or during either of the foregoing periods, and if the information required to be furnished in Schedule I is not available from other existing records of the national, such inventories prepared nearest to the respective reporting dates and the values indicated thereon may be used in preparing Schedule I, with appropriate notation of such use, including the dates of the inventories.

(g) *Orders for goods.* You must report all unfilled orders for goods or merchandise, whether given by or to you, except that any order specifying a total price of less than $1,000 may be disregarded. Such orders required to be reported may be shown as of indeterminable value.

(h) *Foreign patents.* A patent issued by a foreign government need not be reported, nor need any license issued under the patent to a person not within the United States but any license issued to a person within the United States must be reported, except when all obligations of any sort on the part of the licensee had been fully performed or discharged, or except when all payments under the license were to be made solely in a foreign currency from funds held abroad. Moreover, licensing arrangements or contracts in relation to such a patent involving the exchange of information or data of any sort, or providing for the future issuance of licenses which themselves would have been reportable must be reported.

6. *Part B: Schedule II*—(a) *Indebtedness.* This Schedule requires a statement of your indebtedness payable to persons in the United States, within each indebtedness type as classified and described in the Schedule. State under each type number only the total amount of indebtedness of each type being reported. All amounts should be given in dollars, to the nearest dollar. Do not enter fractions of a dollar. Indebtedness payable in foreign currency should be converted into dollars in accordance with the instructions relating to exchange rates given in Section IV of this Circular.

(b) *Financial statement.* A national other than an individual not engaged in business must file a financial statement (consisting wherever possible of balance sheet, profit-and-loss statement, and surplus reconciliations) for each of its fiscal years ending nearest to January 1, 1942, and June 1, 1940, respectively, if such statements have been prepared by or for the national in the course of its business.

7. *Part B: Schedule III*—(a) *Property items to be listed.* List in this Schedule, in the order in which the property types are given in Schedule I of this Part, each item of property of the value of $1,000 or more either on June 1, 1940, or on January 1, 1942, or both, concerning which report is being made. Employment and agency contracts (including agreements and understandings), patents, trade-marks, copyrights, and franchises, and partnership and profit-sharing agreements, shall be listed even though valued at less than $1,000. However, no reference whatever should be made to any invention with respect to which a secrecy order has been issued by the Commissioner of Patents pursuant to the Act of October 6, 1917 (40 Stat. 394), as amended. Also list all items of property, the value of which is not readily determinable. Except as provided in this paragraph, property items of a value less than $1,000 should not be listed in this Schedule, although the value of each must be included in the total value of property of each type in Schedule I.

(b) *Definition of property item.* A property item is any unit of property commonly bought, sold, assigned, released, or alienated, except that the total of wholly similar units of the same kind is regarded as one item, such as a number of certificates each for shares of stock of the same issue, or a number of bonds of the same issue, or several head of cattle. The total number of units of such property shall be stated, but in other respects the property may be treated entirely as one item. Several bank accounts with the same institution, or several debts payable by the same debtor, shall be itemized separately in this Schedule if the aggregate amount thereof exceeds $1,000, even though each individual item is less than $1,000.

(c) *Method of listing.* Enter in Column (a) the number of the property type in which the item is included. Enter in Column (b) a short description or identification of the property item. In case of property, such as a patent, commonly referred to by number or other similar designation, state briefly the object or nature of the property in addition to the number or other designation. With regard to property other than debts and claims, enter in Column (c) the name and address of the person with whom the property was deposited or by whom it was held, and give the number or other designation of any safe deposit box or similar receptacle in which the property was kept. Respecting debts owed to and claims made by you, state the name and address of the debtor and disregard the location of the evidence of indebtedness. If the property was in your immediate possession, it will suffice to state "Person reporting" in place of the name and address. Enter in Columns (d) and (e) the value of each property item on January 1, 1942, and June 1, 1940, as determined in accordance with the provisions for valuation contained in Instruction 5, above.

(d) *Continuation sheets.* Continuation sheets identical in form with Schedule III are provided for the use of persons reporting who find the space in Schedule III insufficient.

8. *Part C.* All the information called for in the questions under this part must be given as of both June 1, 1940, and January 1, 1942, for each of the property items listed in Part B, Schedule III. If a property item was held on only one date, give the information as of that date. In the answers each item of property shall be designated by the number of its type and by its description in Part B, Schedule III.

9. *Part D*—(a) *Trustees.* Trustees and other representatives of trusts and estates should answer the questions in this Part only with respect to the trusts or estates and not with respect to the trustees or representatives themselves in their individual capacities.

(b) *Form TFBE–1.* In addition to answering the questions in Part D, every business enterprise reporting property of a total gross value in excess of $5,000 must file with the appropriate Federal Reserve Bank, on or before the date of filing for this report, an affidavit setting forth the information required by Form TFBE–1.

10. *Affidavit*—(a) *Necessity and manner of execution.* The report must be signed and sworn (affirmed) to before an officer authorized to administer oaths, whose seal must be affixed. Reports will not be accepted unless properly executed. The affidavit need be attested only on the original of the report, but the affidavits on copies must be fully conformed except as to the notarial seal.

(b) *Who shall execute.* Affidavits in behalf of partnerships shall be executed by a partner. Affidavits in behalf of any other organization shall be executed by the president, vice president, secretary, or some other principal officer authorized to make the report on behalf of the organization.

SEC. IV—*Table of Exchange Rates*

Where the value of property is expressed in terms of foreign currency, such values should be converted into dollars at the rates of exchange set forth below. Where no rate is given for a country, the latest rate next before January 1, 1942, as generally quoted by foreign exchange dealers or other recognized sources of information shall be used. Such rate should be clearly stated in the report. The exchange rates given in this table are for use only in preparing reports on Form TFR–300, Series J, and are not intended

to be used or relied upon in any other connection or for any other purpose whatsoever.

Country	Monetary unit	United States cents per unit
Argentina	Peso	23.
Australia	Pound	323.
Belgium	Belga	17.
Bolivia	Boliviano	2.
Brazil	Milreis	5.
British India	Rupee	30.
Bulgaria	Lev	1.
Canada	Dollar	91.
Chile	Peso	3.
China	Yuan	5.
Colombia	Peso	57.
Cuba	Peso	100.
Denmark	Krone	19.
Ecuador	Sucre	6.
Egypt	Pound	415.
Eire	Pound	404.
Finland	Markka	2.
France	Franc	2.
French Indo China	Piaster	23.
Germany	Reichsmark	40.
Greece	Drachma	.
Hong Kong	Dollar	26.
Hungary	Pengo	19.
Italy	Lira	5.
Japan	Yen	28.
Mexico	Peso	20.
Netherlands	Guilder	53.
Netherlands East Indies		
Netherlands West Indies		
New Zealand	Pound	323.
Norway	Krone	23.
Panama	Balboa	100.
Peru	Sol	15.
Philippine Islands	Peso	50.
Poland	Zloty	20.
Portugal	Escudo	4.
Rumania	Leu	
Russia	Ruble	19.
South Africa	Pound	386.
Spain	Peseta	9.
Straits Settlements	Dollar	47.
Sweden	Krona	23.
Switzerland	Franc	23.
Turkey	Pound	75.
United Kingdom	Pound	403.
Uruguay	Peso	52.
Venezuela	Bolivar	29.
Yugoslavia	Dinar	2.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

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TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

PART 614—GROUPING AND SERIAL NUMBERING REGISTRATION CARDS

Effective February 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; by adding ten new sections; and by publishing such rearranged, renumbered, and amended paragraphs and the ten new sections as the sections of Part 614 of the Second Edition of the Selective Service Regulations:

Paragraph 301a as amended becomes § 614.1.
Paragraph 301b as amended becomes § 614.2.
Paragraph 301c as amended becomes § 614.3.
Paragraph 301c as amended becomes § 614.4.
Paragraph 301d as amended becomes § 614.5.
Paragraph 301d as amended becomes § 614.6.
Paragraph 301e as amended becomes § 614.25.
Paragraph 302 as amended becomes § 614.25.
Paragraph 303 as amended becomes § 614.25.
Paragraph 303 as amended becomes § 614.41.
Paragraph 304 as amended becomes § 614.41.
Paragraph 305 as amended becomes § 614.42.
Paragraph 306 as amended becomes § 614.45.
Paragraph 307 as amended becomes § 614.46.
Paragraph 308 as amended becomes § 614.44.
Paragraph 309 as amended becomes § 614.43.
Paragraph 311 as amended becomes § 614.26.
Paragraph 312 as amended becomes § 614.27.
New sections: § 614.7; § 614.8; § 614.11; § 614.12; § 614.21; § 614.22; § 614.23; § 614.24; § 614.31, and § 614.32.

PART 614—GROUPING AND SERIAL NUMBERING REGISTRATION CARDS

ACTION OF LOCAL BOARD AT MEETING THE DAY AFTER REGISTRATION DAY

Sec.

614.1 Chairman's registration report to local board.
614.2 Local board's registration report to State Director of Selective Service.
614.3 Destruction of spoiled Registration Cards and Registration Certificates.
614.4 Disposition of unused Registration Cards and Registration Certificates.
614.5 Registrants residing outside local board area: Disposition of Registration Cards.
614.6 Registrants residing within the local board area: Grouping of Registration Cards.
614.7 Reporting number of persons registered.
614.8 Care in keeping Registration Cards.

DISPOSITION OF REGISTRATION CARDS RECEIVED AFTER THE CLOSE OF REGISTRATION AND BEFORE MEETING OF MARCH 9, 1942

614.11 Registration Cards received from another local board.
614.12 Registration Card of man registering after close of registration and before meeting of March 9, 1942.

ACTION OF LOCAL BOARD AT MEETING OF MARCH 9, 1942

614.21 Chairman to call meeting.
614.22 Arranging groups of Registration Cards.
614.23 Disposition of Registration Cards in Group 1.
614.24 Disposition of Registration Cards in Group 2.
614.25 Serial numbering Registration Cards in Group 3.
614.26 Preparing lists of registerants in Group 3.
614.27 Report of serial numbering.

DISPOSITION OF REGISTRATION CARDS RECEIVED AFTER COMMENCEMENT OF MEETING OF MARCH 9, 1942, AND BEFORE COMMENCEMENT OF THE THIRD NATIONAL LOTTERY

614.31 Registration Card received from another local board.
614.32 Registration Card of man registering before national lottery.

SERIAL NUMBERING REGISTRATION CARDS

614.41 Putting serial numbers on Registration Cards.
614.42 Serial numbering a skipped Registration Card.
614.43 Correcting a serial number which is not legible.
614.44 Correcting a Registration Card with two serial numbers.
614.45 Registration Cards of two registrants with same serial number.
614.46 Serial numbering when local board has two Registration Cards for the same registrant.

ACTION OF LOCAL BOARD AT MEETING THE DAY AFTER REGISTRATION DAY

§ 614.1 *Chairman's registration report to local board.* The chairman of each local board shall convene a meeting of his local board on the day after the day fixed by the President for each registration. At this meeting, he shall place before the local board all packages of completed Registration Cards (Form 1), unused Registration Cards (Form 1), unused Registration Certificates (Form 2), spoiled Registration Cards (Form 1), and spoiled Registration Certificates (Form 2). The local board shall complete at this meeting the steps set forth in §§ 614.2 to 614.7 inclusive.*

*§§ 614.1 to 614.46, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779.

§ 614.2 *Local board's registration report to local board.* The chairman of the local board shall check each group of cards and shall prepare and mail to the State Director of Selective Service a report as follows:

REPORT OF REGISTRATION

We, the undersigned, members of Local Board No. ------, County of ----------, State of ----------, make our report of the registration held ----------, as follows:

1. Registration Cards (Form 1)

	Number
(a) Received by the chairman of the local board	------
(b) Completed	------
(c) Unused	------
(d) Spoiled	------
(e) Total accounted for ((b)+(c)+(d)) (Should equal (a))	------

2. Registration Certificates (Form 2)

(a) Received by the chairman of the local board	------
(b) Issued to registrants (should be the same number as 1 (b) above)	------
(c) Unused	------
(d) Spoiled	------
(e) Total accounted for ((b) + (c) + (d)) (Should equal (a))	------

Date ----------

(Chairman)

(Members of Local Board)

§ 614.3 *Destruction of spoiled Registration Cards and Registration Certificates.* The spoiled Registration Cards (Form 1) and Registration Certificates (Form 2) shall be destroyed in the presence of the members of the local board.*

§ 614.4 *Disposition of unused Registration Cards and Registration Certificates.* The local board shall deliver to the clerk of the local board all unused Registration Cards (Form 1) and Registration Certificates (Form 2) to be retained by the local board in the custody of the clerk for future use.*

§ 614.5 *Registrants residing outside local board area—Disposition of Registration Cards.* The local board shall carefully check each completed Registration Card (Form 1) to determine whether the place of residence as shown on line 2 of such card is within its local board area. If the place of residence shown on line 2 of any Registration Card (Form 1) is outside of the local board area, the local board shall immediately mail such card to the proper local board if it is absolutely sure of the local board which has jurisdiction over such registrant. If it has any doubt about the proper local board, it shall mail such Registration Card (Form 1) to the State Director of Selective Service having jurisdiction over the place of residence shown on line 2 of such card, using air mail whenever it will result in a more expeditious delivery.*

§ 614.6 *Registrants residing within the local board area: Grouping of Registration Cards.* (a) When the local board has mailed all of the Registration Cards (Form 1) of registrants whose places of residence as shown on line 2 of such cards are outside its local board area, it shall then place in separate groups in the manner hereinafter provided all of the Registration Cards (Form 1) of those registrants whose places of residence as shown on line 2 of such cards are within its local board area.

(b) The local board shall place in Group 1 the Registration Card (Form 1) of each registrant whose date of birth as given on line 5 of such card shows that he is within the age group required to be registered by the first proclamation of the President. Each succeeding proclamation added a new age group. The local board shall place in Group 2 the Registration Card (Form 1) of each registrant in the new age group added by the second proclamation of the President and shall place in Group 3 the Registration Cards (Form 1) of each registrant in the age group added by the third proclamation of the President. After carefully checking the date of birth of the registrant as set out in answer to question 5 on the face of the Registration Card (Form 1), the local board shall place each card in the group in which it belongs. The following table will assist the local board to determine the group in which each Registration Card (Form 1) should be placed:

TABLE OF AGE GROUPS

Group 1

Registrants born on or after October 17, 1904, and born on or before October 16, 1919.

Group 2

Registrants born on or after October 17, 1919, and born on or before July 1, 1920.

Group 3

Registrants born on or after July 2, 1920, and born on or before December 31, 1921;

and

Registrants born on or after February 17, 1897, and born on or before October 16, 1904.

These regulations will hereinafter provide for the placing of serial and order numbers on Registration Cards (Form 1) and will refer to such cards as being in "Group 1," "Group 2," or "Group 3." Wherever such reference is made, it is intended that the determination of the group in which a particular Registration Card (Form 1) belongs will be made by using the foregoing table.

(c) If any Registration Cards (Form 1) are found which indicate a date of birth not included within the dates of birth of registrants required to be registered under any proclamation, the person who has registered shall be called before the local board and his true age ascertained. If the Registration Card (Form 1) incorrectly states the date of birth of such registrant, the date shall be corrected and the card then placed in the proper group. If the Registration Card (Form 1) correctly states the date of birth of the registrant and he is of an age not required to be registered, that fact shall be noted on the Registration Card (Form 1), and it shall be canceled by writing on the face thereof "Canceled—Not Within Ages Required to Register."*

§ 614.7 *Reporting number of persons registered.* (a) For the purpose of determining the total registration in the nation, the chairman of each local board before he adjourns the meeting on the day after registration day shall report to the State Director of Selective Service by telegram the total number of completed Registration Cards (Form 1) of registrants who registered within his local board area during the period of the third registration. All Registration Cards (Form 1) of registrants who registered in the local board area shall be counted without regard to the group to which they belong and without determining whether they will remain under the jurisdiction of the local board where they registered or will be forwarded to some other local board.

(b) As soon as possible after he receives such telegraphic advices from the local boards within his State, the State Director of Selective Service shall telegraph the Director of Selective Service the total number of completed Registration Cards (Form 1) of persons who registered in his State during the period of the third registration.*

§ 614.8 *Care in keeping Registration Cards.* When the local board has taken all of the steps provided for in §§ 614.1 to 614.7, inclusive, it shall place the Registration Cards (Form 1) in a safe place until the meeting provided for in § 614.21, being careful to keep each of the groups of cards separate.*

DISPOSITION OF REGISTRATION CARDS RECEIVED AFTER THE CLOSE OF REGISTRATION AND BEFORE MEETING OF MARCH 9, 1942

§ 614.11 *Registration Cards received from another local board.* (a) When a local board receives a Registration Card (Form 1) after the close of registration and before the commencement of its meeting on March 9, 1942, the clerk of the local board shall first check the place of residence indicated on line 2 of such card.

(b) If such place of residence is not within the local board area, the clerk shall immediately mail the card to the proper local board or State Director of Selective Service as provided in § 614.5.

(c) If the place of residence is within the local board area, the card shall be held for disposition under the provisions of § 614.22 at the March 9, 1942 meeting of the local board.*

§ 614.12 *Registration Card of man registering after close of registration and before meeting of March 9, 1942.* (a) If a person required to be registered presents himself for registration at any local board after the close of registration and before the commencement of the meeting of such local board on March 9, 1942, he shall be registered.

(b) If the place of residence on line 2 of the Registration Card (Form 1) of such registrant is outside of the local board area, the local board clerk shall immediately mail the card to the proper local board or to the proper State Director of Selective Service as provided in § 614.5.

(c) If the place of residence on line 2 of the Registration Card (Form 1) of such registrant is within the local board area, the card shall be held for disposition under the provisions of § 614.22 at the March 9, 1942 meeting of the local board.*

ACTION OF LOCAL BOARD AT MEETING OF MARCH 9, 1942

§ 614.21 *Chairman to call meeting.* The chairman of the local board shall convene a meeting of his local board on March 9, 1942. At this meeting, the local board shall complete the steps set forth in §§ 614.22 to 614.27 inclusive.*

§ 614.22 *Arranging groups of Registration Cards.* At the meeting of the local board provided for in § 614.21, the Registration Cards (Form 1) that were put away for safe-keeping, under the provisions of § 614.8, shall be placed before the local board. All Registration Cards (Form 1) received after the close of registration, either from places of registration outside of the local board area or as a result of late registrations, shall be carefully checked to determine whether the place of residence, as shown on line 2 of such Registration Cards (Form 1), is within the local board area. All such cards showing on line 2 a place of residence within the local board area shall be sorted in the manner provided in § 614.6 and added to the proper groups of Registration Cards (Form 1). All such cards showing on line 2 a place of residence not within the local board area shall be mailed to the proper local board as provided in § 614.5.*

§ 614.23 *Disposition of Registration Cards in Group 1.* (a) A strip shall be cut from an unused white Registration Card (Form 1) and pasted across the top of the face of each Registration Card (Form 1) in Group 1.

(b) The Registration Cards (Form 1) in Group 1 shall then be given late-registrant serial and order numbers in the manner provided in Part 616.*

§ 614.24 *Disposition of Registration Cards in Group 2.* (a) A strip shall be cut from an unused melon-colored Reg-

istration Card (Form 1) and pasted across the top of the face of each Registration Card (Form 1) in Group 2.

(b) The Registration Cards (Form 1) in Group 2 shall then be given late-registrant serial and order numbers in the manner provided in Part 616.*

§ 614.25 *Serial numbering Registration Cards in Group 3.* (a) The local board shall thoroughly shuffle and mix all of the Registration Cards (Form 1) in Group 3 in such a manner that the location of any individual card with respect to the other cards and the number any such card later receives will be purely a matter of chance.

(b) The local board shall then place on each Registration Card (Form 1) in Group 3 a serial number. Each serial number in Group 3 shall be preceded by the prefix "T." The first card in the pile shall be numbered "T–1," the next card "T–2," and so on until all cards are numbered consecutively. The general rules for serial numbering Registration Cards (Form 1) set out in §§ 614.41 to 614.44, inclusive, shall be carefully followed.*

§ 614.26 *Preparing lists of registrants in Group 3.* (a) During or after serial numbering of Registration Cards (Form 1) in Group 3, the local board shall make up a list of Registrants (Form 3) for such group. Registrants shall be listed in the order of their serial numbers with the registrant having number "T–1" at the top of the list. All serial numbers from "T–1" to the largest "T" serial number used shall be listed, whether or not each number was given to a registrant. Serial numbers shall be placed in column 2 of the List of Registrants (Form 3) opposite the name of the registrant to whom such number has been assigned. One copy of such List of Registrants (Form 3) shall be maintained at all times in the files of the local board, and one copy shall be sent to the State Director of Selective Service.

(b) The local board should, but shall not be required to, prepare a second list of Registrants (Form 3), with the last names of the registrants arranged in alphabetical order. One copy of such alphabetical list of Registrants (Form 3) should be maintained at all times in the files of the local board.

(c) One copy of the List of Registrants (Form 3), preferably the one arranged in alphabetical order, shall then be posted in a public place in or near the office of the local board and as many copies thereof as possible should be prepared for and distributed to the press, radio, and other mediums of publication.*

§ 614.27 *Report of serial numbering.* (a) Before the meeting provided for in § 614.21 is adjourned, the local board shall telegraph the following report to the State Director of Selective Service:

Registration Cards (Form 1) for the third registration shuffled and serial numbered. Largest serial number used by Local Board No. ------ is T– -------.

(b) As soon as possible, the State Director of Selective Service shall telegraph the Director of Selective Service the largest serial number used by any local board in his State in the third registration.*

DISPOSITION OF REGISTRATION CARDS RECEIVED AFTER COMMENCEMENT OF MEETING OF MARCH 9, 1942, AND BEFORE COMMENCEMENT OF THE THIRD NATIONAL LOTTERY

§ 614.31 *Registration Card received from another local board.* (a) When a local board receives a Registration Card (Form 1) after the commencement of its meeting on March 9, 1942, and before the commencement of the third national lottery, it shall first check the place of residence indicated on line 2 of such card.

(b) If such place of residence is not within its local board area, the clerk of the local board shall immediately mail the card to the proper local board or State Director of Selective Service, as provided in § 614.5.

(c) If the place of residence is within its local board area, the card shall be disposed of in the manner provided in § 614.23 if it belongs in Group 1; or in the manner provided in § 614.24 if it belongs in Group 2; or, if it belongs in Group 3, it shall be given a serial number in the manner provided in § 614.42, and the name of the registrant shall be added to the List of Registrants (Form 3).

(d) If another local board has erroneously placed a serial number on such a card belonging in Group 3, the proper local board, upon receiving the card, shall draw a line through and cancel the serial number erroneously placed upon the card, place a new serial number on the card in the manner provided in § 614.42, and add the name of the registrant to the List of Registrants (Form 3).*

§ 614.32 *Registration Card of man registering before national lottery.* (a) If a person required to be registered presents himself for registration at any local board after the commencement of the meeting of such local board on March 9, 1942, and before the commencement of the third national lottery, he shall be registered.

(b) If the place of residence on line 2 of the Registration Card (Form 1) of such a registrant is outside of the local board area, the clerk of the local board shall immediately mail the card to the proper local board or State Director of Selective Service, as provided in § 614.5.

(c) If the place of residence is within the local board area, the card shall be disposed of in the manner provided in § 614.23 if it belongs in Group 1; or in the manner provided in § 614.24 if it belongs in Group 2; or, if it belongs in Group 3, it shall be given a serial number in the manner provided in § 614.42, and the name of the registrant shall be added to the List of Registrants (Form 3).*

SERIAL NUMBERING REGISTRATION CARDS

§ 614.41 *Putting serial numbers on Registration Cards.* The serial numbers shall be placed on the Registration Cards (Form 1) in black ink, either in pen and ink or by rubber stamp. Each Registration Card (Form 1) shall have one, and only one, whole serial number, such as "T–367." No letter or fraction shall be used after the number. Each serial number shall be used only once. If either the serial number or the Registration Card (Form 1) bearing the serial number is canceled for any reason, the serial number shall not be used again.*

§ 614.42 *Serial numbering a skipped Registration Card.* If a check of Registration Cards (Form 1) shows that a Registration Card (Form 1) has not been given a serial number, the local board, if any serial numbers in the group to which such card belongs were skipped, shall give the card one of the skipped numbers picked by lot; or if no such numbers were skipped, the local board shall give the card the serial number following the largest serial number already used by the local board in the group to which such card belongs.*

§ 614.43 *Correcting a serial number which is not legible.* If a Registration Card (Form 1) has on it a serial number that cannot be read, the local board shall try to find out what the serial number is by looking for gaps in the serial numbers of clearly numbered cards of the group to which the card belongs. If by this method the local board can tell what the serial number is, it shall print that number clearly. If the local board cannot tell what the serial number is, it shall cancel the illegible serial number by drawing a line through it and shall renumber the card with a new serial number in the manner provided in § 614.42.*

§ 614.44 *Correcting a Registration Card with two serial numbers.* If a Registration Card (Form 1) has been erroneously given two serial numbers and neither of the serial numbers has been placed on another Registration Card (Form 1) of the same group, the local board shall give the card the smaller of the two numbers and shall draw a line through the larger of the two numbers. If either of the two numbers is on another Registration Card (Form 1) of the same group, the number which is not on another card shall be retained, and the number which is on another card shall be crossed out by drawing a line through it. If both of the serial numbers are on other Registration Cards (Form 1) of the same group, the local board shall cancel both numbers by drawing a line through both numbers and shall then renumber the card with a new serial number in the manner provided in § 614.42.*

§ 614.45 *Registration Cards of two registrants with same serial number.* If the Registration Cards (Form 1) of two different registrants in the same group have the same serial number, the local board shall pick one of the cards by lot to keep that number. The other card shall be renumbered in the manner provided in § 614.42*

§ 614.46 *Serial numbering when local board has two Registration Cards for the same registrant.* (a) If two Registration Cards (Form 1) for the same registrant are received, it shall first be determined if the date of birth is the same on both cards. If the date of birth is not the same on both cards, the registrant shall be called before the local board and his true age determined. Any card which does not properly show the date of birth of the registrant shall be corrected. A serial number shall then be assigned to such Registration Card (Form 1) in the manner hereinafter in this section provided.

(b) When a local board has two cards in the same group for the same registrant:

(1) If such fact is ascertained before the applicable national lottery, whether before or after serial numbering the cards, the local board shall select one card by lot and cancel the other card by marking it "Canceled—Duplicate."

(2) If such fact is not ascertained before the applicable national lottery, the local board shall treat the cards just as if they were cards for two different registrants, so far as serial numbering is concerned, and the card having the serial number which comes first in the applicable national lottery shall be given its proper order number, and the other card shall be marked "Canceled—Duplicate."

(c) If a registrant is registered with more than one local board, each local board with which he registered shall put a serial number on the Registration Card (Form 1) which it has. Before the applicable national lottery, the registrant may select any local board with which he registered and request such local board to record his selection. If the registrant makes such a selection, he shall be given a receipt and sufficient copies thereof to supply one to each local board with which he has registered, which receipt shall show the date and hour of the request. The receipt and all copies thereof shall be signed by a member of the local board which the registrant has selected. The registrant shall send a copy of such receipt to each local board with which he has registered. Upon receiving a copy of such a receipt, each local board with which the registrant registered which was not selected by him shall mark his Registration Card (Form 1) "Canceled—Double Registration." If the registrant does not make such a selection before the applicable national lottery or if he does make such a selection but fails to send a copy of the receipt he receives from the local board he selects to any other local board with which he has registered, he shall report for induction to the local board that calls him first.*

LEWIS B. HERSHEY,
Director.

JANUARY 16, 1942.

[F. R. Doc. 42–501; Filed, January 17, 1942; 11:58 a. m.]

PART 615—ASSIGNMENT OF ORDER NUMBERS

Effective February 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; by adding three new sections; and by publishing such rearranged, renumbered, and amended paragraphs and the new sections as the sections of Part 615 of the Second Edition of the Selective Service Regulations:

Paragraph 313a as amended becomes § 615.1.
Paragraph 313b as amended becomes § 615.2.
Paragraph 314c as amended becomes § 615.21.
Paragraph 317b as amended becomes § 615.41.
Paragraph 317c as amended becomes § 615.42.
Paragraph 317d as amended becomes § 615.43.
Paragraph 317e as amended becomes § 615.44.
New Sections: § 615.3, § 615.11, and § 615.31.

PART 615—ASSIGNMENT OF ORDER NUMBERS

NATIONAL LOTTERIES AND NATIONAL MASTER LISTS

Sec.
615.1 First national lottery and First National Master List.
615.2 Second national lottery and Second National Master List.
615.3 Third national lottery and Third National Master List.

ASSIGNING ORDER NUMBERS FROM FIRST NATIONAL MASTER LIST

615.11 Regulations governing.

ASSIGNING ORDER NUMBERS FROM SECOND NATIONAL MASTER LIST

615.21 Regulations governing.

ASSIGNING ORDER NUMBERS FROM THIRD NATIONAL MASTER LIST

615.31 Procedure.

RECORDS

615.41 Placing order numbers on list of registrants.
615.42 Placing registrants' names in classification record.
615.43 Cover sheet to be prepared for each registrant.
615.44 Registration cards to be filed alphabetically.

NATIONAL LOTTERIES AND NATIONAL MASTER LISTS

§ 615.1 *First national lottery and First National Master List.* On October 29–30, 1940, the first national lottery was held in Washington, D. C. The list of serial numbers, arranged in the order drawn in that lottery, was called the "National Master List—First Drawing, October 29–30, 1940," and was issued as Form 169. This national master list is hereafter referred to as the "First National Master List." It will be used exclusively for determining order numbers of registrants whose Registration Cards (Form 1) are in Group 1. Each local board has a copy of the First National Master List (Form 169).*

*§§ 615.1 to 615.44, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301–318, inclusive, E.O. 8545, 5 F.R. 3779.

§ 615.2 *Second national lottery and Second National Master List.* On July 17, 1941, the second national lottery was held in Washington, D. C. The list of serial numbers, arranged in the order drawn in that lottery, was called the "Second National Master List of 'S' Serial Numbers" and was issued as Form 172. This national master list is hereinafter referred to as the "Second National Master List." It will be used exclusively for determining order numbers of registrants whose Registration Cards (Form 1) are in Group 2. Each local board has a copy of the Second National Master List (Form 172).*

§ 615.3 *Third national lottery and Third National Master List.* On a date to be fixed by the Director of Selective Service, a third national lottery will be held in Washington, D. C. A set of serial numbers, each preceded by the letter "T," from "T–1" to include the largest number used by any local board in assigning "T" serial numbers to Group 3 will be drawn by lot. The list of these "T" serial numbers, arranged in the order drawn in the third national lottery, will be called the "Third National Master List" and will be issued as Form 174. The Third National Master List (Form 174) will be used exclusively in assigning order numbers to registrants in Group 3. A copy of the Third National Master List (Form 174) will be sent through the State Director of Selective Service to each local board.*

ASSIGNING ORDER NUMBERS FROM FIRST NATIONAL MASTER LIST

§ 615.11 *Regulations governing.* (a) The regulations which governed the assignment of order numbers from the First National Master List (Form 169) to registrants properly registered on white Registration Cards (Form 1), i. e., registrants in Group 1, provided that:

(1) Upon receiving the First National Master List (Form 169), the local board shall give each such registrant an order number. The greatest care must be used in the assignment of order numbers because the order numbers establish the order in which the registrants will be selected for service. The registrant whose serial number appears at the top, or nearest the top, of the First National Master List shall get Order Number 1. The registrant whose serial number is next closest to the top of the First National Master List shall get Order Number 2. The registrant whose serial number is third closest to the top of the First National Master List shall get Order Number 3, and so on until each registrant has an order number.

(2) Order numbers must be assigned in sequence; no order number shall be skipped. Serial numbers on the First National Master List which are not held by any registrant of the particular local board are simply crossed off the First National Master List and ignored.

(3) It is suggested that the local board, as its first step in the assignment of order numbers, shall mark the order numbers opposite the applicable serial numbers on the First National Master List.

(4) When the local board is sure that its assignment of order numbers is correct, it shall enter such order numbers in red ink in the place designated on the Registration Cards (Form 1) of registrants in Group 1.*

ASSIGNING ORDER NUMBERS FROM SECOND NATIONAL MASTER LIST

§ 615.21 *Regulations governing.* (a) The regulations which governed the assignment of order numbers from the Second National Master List (Form 172) to registrants properly registered on melon-colored Registration Cards (Form 1),

i. e., registrants in Group 2: *Provided*, That:

(1) When the local board receives the Second National Master List (Form 172), it shall assign to each such registrant a sequence number. The registrant whose serial number appears at the top, or nearest the top, of the Second National Master List will be given Sequence Number 1. The registrant whose serial number is next closest to the top of the Second National Master List will be given Sequence Number 2. The registrant whose serial number is third closest to the top will be given Sequence Number 3, and so on until each registrant has a sequence number. It will be noted that the sequence numbers are determined in the same manner as order numbers were determined in the first national lottery. Sequence numbers must be assigned consecutively; no sequence number shall be skipped. Serial numbers on the Second National Master List which are not held by any registrant of the particular local board shall be crossed off the Second National Master List and ignored. The local board shall mark the sequence number in the first space opposite the applicable serial number on the Second National Master List. These sequence numbers will determine the order in which these new registrants, as between themselves, will be given order numbers, i. e., the registrant with Sequence Number 1 will receive the smallest order number assigned to the group, and the registrant with the largest sequence number will receive the largest order number assigned to the group.

(2) Having entered the sequence numbers of its registrants in Group 2 on the Second National Master List, the local board shall determine the key number. The key number shall be the order number of the last man inducted by the local board in the usual and ordinary course of classification, selection, and induction from the group which was required to be registered on October 16, 1940 (registrants in Group 1). It shall not be the order number of a volunteer for induction. This key number shall be determined as of midnight, June 30, 1941. The key number shall be placed at the top of each page of the List of Registrants (Form 3) in the following words:

"Key Number ——" (in the blank shall be inserted this key number).

(3) Example: Suppose a local board's last inductions ran as follows:

Order No. 1213. Class I–A: Inducted.
Order No. 1214. Deferred.
Order No. 1215. Class I–A: Induction postponed.
Order No. 1216. Class I–A: Inducted.
Order No. 1217. Deferred.
Order No. 1218. Deferred.
Order No. 1219. Class I–A: Order number not reached for induction.
Order No. 1220. Deferred.
Order No. 1221. Class I–A: Order number not reached for induction.
Order No. 1222. Volunteer: Inducted.
Order No. 1223. Deferred.

In the example, the key number would be 1216. It is the order number of the last man inducted in the usual process of the local board. The man who was selected but his induction postponed Order No. 1215) is disregarded. The man who volunteered and who was therefore inducted out of order (Order No. 1222) is disregarded.

(4) Having determined the key number, the local board shall assign order numbers to the new registrants (registrants in Group 2) and shall determine where such order numbers will be inserted among the order numbers of the old registrants (registrants in Group 1) in that portion of the Classification Record (Form 100) which follows the key number. To do this, the local board shall first subtract the key number from the largest order number assigned by the local board to any registrant properly registered on a white Registration Card (Form 1) (registrant in Group 1) received prior to midnight, July 8, 1941; divide the figure so obtained by the largest sequence number assigned to a new registrant properly registered on a melon-colored Registration Card (Form 1) (registrant in Group 2) received prior to midnight, July 8, 1941; and using as a yardstick the nearest whole number to the figure so obtained, place the new registrants (registrants in Group 2) among the old registrants (registrants in Group 1) whose order numbers are listed in the portion of the Classification Record (Form 100) following the key number, so that the order number of the new registrant (registrant in Group 2) with Sequence Number 1 will be separated from the key number by that number of old registrants' (registrants in Group 1) order numbers (including order numbers followed by a letter) equal to the number used as a yardstick and so that each new registrant (registrant in Group 2) will be separated from each succeeding new registrant (registrant in Group 2) (in the order of their sequence numbers) by the same number of old registrants' (registrants in Group 1) order numbers. The order number given each such new registrant (registrant in Group 2) shall be the same as the order number of the old registrant (registrant in Group 1) immediately above the place where the order number of the new registrant (registrant in Group 2) is inserted and shall be preceded by the letter "S."

(5) Example: Assume that in a local board 1740 is the key number; 4329 is the largest order number assigned to any registrant properly registered on a white Registration Card (registrant in Group 1) received prior to midnight, July 8, 1941; and 216 is the largest sequence number assigned to a new registrant properly registered on a melon-colored Registration Card (Form 1) (registrant in Group 2) received prior to midnight, July 8, 1941. Under such circumstances, the number to be used as a yardstick is 12, obtained by subtracting 1740 from 4329, leaving 2589; and dividing 2589 by 216, which gives a result of 11.98; 12 is then the nearest whole number and is the number to be used as a yardstick.

(6) An example of the procedure used by each local board in assigning the first few sequence numbers and order numbers to registrants properly registered on melon-colored cards (registrants in Group 2) appeared on page 11 of Volume Three, Classification and Selection, Selective Service Regulations, as revised September 3, 1941.

(7) The local board shall mark the order numbers thus determined opposite the applicable sequence numbers (and serial numbers) on the Second National Master List, and carefully check to be sure no errors have been made.

(8) When the local board is sure that its assignment of order numbers is correct, it shall enter such order numbers in red ink in the place designated on Registration Cards (Form 1) of registrants in Group 2."

ASSIGNING ORDER NUMBERS FROM THIRD NATIONAL MASTER LIST

§ 615.31 *Procedure.* (a) The registrants in Group 3 will receive order numbers following the order numbers assigned to registrants in Group 1 and Group 2. Order numbers assigned to registrants in Group 1 and Group 2 will be less than order number 10,000 in every case. Therefore, the order numbers for registrants in Group 3 will start with 10,001. This will, in most cases, leave a gap in order numbers between the highest order number given to a registrant in Group 1 and Group 2 and the lowest order number given to a registrant in Group 3 and will serve to keep order numbers assigned to Group 1 and Group 2 separated from order numbers assigned to Group 3.

(b) The registrant in Group 3 whose "T" serial number appears at the top, or nearest the top, of the Third National Master List (Form 174) will be given Order Number 10,001. The registrant in Group 3 whose "T" serial number is next nearest the top of the Third National Master List will be given Order Number 10,002. The registrant in Group 3 whose "T" serial number is third nearest the top of the Third National Master List will be given Order Number 10,003, and so on until each registrant in Group 3 has an order number.

(c) Example: Suppose the Third National Master List begins:

T–258
T–7
T–3226
T–119
T–634

and that a certain local board's largest "T" serial number is T–2,104 and that for some reason it has no card serial numbered T–119. Then:

Serial Number T–258 is assigned Order Number 10,001.
Serial Number T–7 is assigned Order Number 10,002.
Serial Number T–3225.
Serial Number T–119.
Serial Number T–634 is assigned Order Number 10,003.

(d) Before the order numbers are placed on the Registration Cards (Form 1), the local board must be sure that its assignment of order numbers, without exception, agrees with the order in which the "T" serial numbers on its cards appear on the Third National Master List (Form 174). The oversight of one "T" serial number will upset every order number below it, and if the order numbers have been placed on the cards before the mistake is found, blotched cards will be the result.

(e) Order numbers must be assigned in sequence. No order numbers shall be skipped. Serial numbers on the national master list which are not held by any registrant are simply crossed off and ignored. It is suggested that in assigning order numbers, the local board enter the order numbers opposite the applicable serial number on the applicable national master list.

(f) When the local board is sure that its assignment of order numbers is correct, it shall enter such order numbers in red ink in the place designated on the Registration Cards (Form 1) of registrants in Group 3."

RECORDS

§ 615.41 *Placing order numbers on List of Registrants.* As soon as it completes the assigning of order numbers to the Registration Cards (Form 1), the local board shall place the order numbers in the first column of both the publicly posted and the file copy of the List of Registrants (Form 3). It should also furnish as many copies as possible of the List of Registrants (Form 3) with the order numbers in the first column to the press, radio, and other mediums of publication."

§ 615.42 *Placing registrants' names in Classification Record.* The Classification Record (Form 100) was started at the time order numbers were assigned to registrants in Group 1 following the first national lottery. The names and order numbers of registrants in Group 1 commenced on page 1 of the Classification Record (Form 100). When order numbers were assigned to registrants in Group 2 immediately following the second national lottery, the names and order numbers of such registrants were placed in the Classification Record (Form 100) commencing on a new page numbered 2,001. This was done in order to keep the list of registrants in Group 2 separated from the list of registrants in Group 1 in the Classification Record (Form 100). In a similar manner, when the registrants in Group 3 are listed in the Classification Record (Form 100) numerically, according to their order numbers, with Order Number 10,001 at the top, such list will be commenced upon a new page numbered 3,001."

§ 615.43 *Cover Sheet to be prepared for each registrant.* After each registrant is listed in the Classification Record (Form 100), the local board shall open an individual file for him by preparing a Cover Sheet (Form 53). These Cover Sheets (Form 53) shall be maintained in a file in the local board. Every paper pertaining to the registrant except his Registration Card (Form 1) shall be filed in his Cover Sheet (Form 53)."

§ 615.44 *Registration Cards to be filed alphabetically.* After entering the name and order number of a registrant in the Classification Record (Form 100), the local board shall file his Registration Card (Form 1) in its alphabetical file of Registration Cards (Form 1)."

LEWIS B. HERSHEY,
Director.

JANUARY 16, 1942.

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PART 616—LATE REGISTRATION

Effective February 1, 1942, the Selective Service Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new members to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; by adding four new sections; and by publishing such rearranged, renumbered, and amended paragraphs and the four new sections as the sections of Part 616 of the Second Edition of the Selective Service Regulations:

Paragraph 261 as amended becomes § 616.1.
Paragraph 261 as amended becomes § 616.2.
Paragraph 261 as amended becomes § 616.3.
Paragraph 261 as amended becomes § 616.4.
Paragraph 262 as amended becomes § 616.11.
Paragraph 262 as amended becomes § 616.12.
Paragraph 310 as amended becomes § 616.23.
Paragraph 310 as amended becomes § 616.24.
Paragraph 316a as amended becomes § 616.31.
Paragraph 316b as amended becomes § 616.32.
Paragraph 316b as amended becomes § 616.41.
Paragraph 316c as amended becomes § 616.42.
Paragraph 316d as amended becomes § 616.43.
Paragraph 316e as amended becomes § 616.45.
New Sections: § 616.21, § 616.22, § 616.33, and § 616.44.

PART 616—LATE REGISTRATION

LATE REGISTRANTS MAY BE REGISTERED AT ANY LOCAL BOARD

Sec.
616.1 Who may perform duties of registrar of late registrants.
616.2 Registration of late registrants in Group 1.
616.3 Registration of late registrants in Group 2.
616.4 Registration of late registrants in Group 3.

REGISTRATION OF INMATES OF INSTITUTIONS

616.11 Registration by superintendent or warden.
616.12 Disposition of Registration Cards of inmates of institutions.

DISPOSITION OF REGISTRATION CARDS OF LATE REGISTRANTS

616.21 Checking place of residence of late registrant.
616.22 Disposition of Registration Card of late registrant whose place of residence is not within local board area.
616.23 Serial numbering Registration Card of late registrant whose place of residence is within local board area.
616.24 Serial numbering Registration Card received from another local board or a State Director of Selective Service.

ORDER NUMBERING LATE REGISTRATION CARDS

616.31 Assigning order numbers to Group 1 registrants whose Registration Cards are received late.

Sec.
616.32 Assigning order numbers to Group 2 registrants whose Registration Cards are received late.
616.33 Assigning order numbers to Group 3 registrants whose Registration Cards are received late.

RECORDS OF REGISTRANTS WHOSE REGISTRATION CARDS ARE RECEIVED LATE

616.41 Entries on List of Registrants.
616.42 Entries in Classification Record.
616.43 Preparing Cover Sheet.
616.44 Filing Registration Card.
616.45 When Selective Service Questionnaire is mailed immediately.

LATE REGISTRANTS MAY BE REGISTERED AT ANY LOCAL BOARD

§ 616.1 *Who may perform duties of registrar of late registrants.* Any member or clerical assistant of the local board to which a person presents himself for registration as hereinafter provided may perform the duties of the registrar."

"§§ 616.1 to 616.45 inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301–318, inclusive, E.O. No. 8545, 5 F.R. 3779.

§ 616.2 *Registration of late registrants in Group 1.* Any person in the age group required to be registered on October 16, 1940, the day fixed by the President for the first registration (registrants in Group 1), who has not heretofore registered or who, by reason of a change of status, is hereafter required to be registered may present himself for and submit to registration before any local board. Each such person shall be registered on a white Registration Card (Form 1) and shall be issued a Registration Certificate (Form 2)."

§ 616.3 *Registration of late registrants in Group 2.* Any person in the age group required to be registered for the first time on July 1, 1941, the day fixed by the President for the second registration (registrants in Group 2), who has not heretofore registered or who, by reason of a change of status, is hereafter required to be registered may present himself for and submit to registration before any local board. Each such person shall be registered on a melon-colored Registration Card (Form 1) and shall be issued a Registration Certificate (Form 2)."

§ 616.4 *Registration of late registrants in Group 3.* Any person in the age group required to be registered for the first time on February 16, 1942, the day fixed by the President for the third registration (registrants in Group 3), who does not register prior to the commencement of the third national lottery or who, by reason of a change of status, is required to be registered after the commencement of the third national lottery, may present himself for and submit to registration before any local board. Each such person shall be registered on a Registration Card (Form 1) of the color specified for the third registration by the Director of Selective Service and shall be issued a Registration Certificate (Form 2)."

REGISTRATION OF INMATES OF INSTITUTIONS

§ 616.11 *Registration by superintendent or warden.* (a) When an inmate of

an insane asylum, jail, penitentiary, reformatory, or similar institution is registered on the day he leaves such institution, the superintendent or warden shall perform the duties of the registrar.

(b) In filling out the Registration Card (Form 1) and the Registration Certificate (Form 2), the superintendent or warden, acting in his capacity as registrar, shall be careful not to indicate that the inmate was registered in an institution or by an official thereof. If the inmate does not have a permanent place of residence or an address where he intends to be or where he can be located, the address of the local board of the area in which the institution is located shall be entered on line 2 of the Registration Card (Form 1). Under no circumstances shall the address of the institution be given as the place of residence or as the mailing address of the inmate who is being registered.

(c) If the inmate is not able to sign his name or make his mark, or if he refuses to do so, the superintendent or warden acting as registrar shall sign such inmate's name and indicate that he has done so by signing his own name, followed by the word "Registrar," beneath the name of such inmate, and the act of the superintendent or warden acting as registrar in so doing shall have the same force and effect as if such inmate had signed his name to the Registration Card (Form 1), and such inmate shall thereby be registered.

(d) The superintendent or warden acting as registrar shall then (1) explain to the registrant his obligations under the Selective Training and Service Act of 1940, as amended; (2) prepare and sign the Registration Certificate (Form 2), entering on the line commencing "Registrar for Local Board" the number of the local board of the area in which the institution is located; and (3) give the Registration Certificate (Form 2) to the inmate.*

§ 616.12 *Disposition of Registration Cards of inmates of institutions.* The superintendent or warden shall mail the Registration Card (Form 1) of a person registered under the provisions of § 616.11 to the State Director of Selective Service for the State in which the place of residence described on line 2 of such card is located, with a receipt therefor to be executed and returned to him. The State Director of Selective Service shall forward such Registration Card (Form 1) to the local board having jurisdiction of the place of residence described on line 2 thereof.*

DISPOSITION OF REGISTRATION CARDS OF LATE REGISTRANTS

§ 616.21 *Checking place of residence of late registrant.* When a person is registered by a member or a clerical assistant of a local board under the provisions of §§ 616.2, 616.3, or 616.4, the clerk of the local board shall carefully check the place of residence of such registrant as indicated on line 2 of his Registration Card (Form 1).*

§ 616.22 *Disposition of Registration Card of late registrant whose place of residence is not within local board area.* If the clerk of the local board finds that the place of residence of the registrant as shown on line 2 of his Registration Card (Form 1) is not within the area of the local board where he registered, the clerk of the local board shall immediately mail the Registration Card (Form 1) of such registrant to the proper local board if he is absolutely sure of the local board that has jurisdiction over such registrant. If he has any doubt about the proper local board, he shall mail such card to the State Director of Selective Service having jurisdiction over the place of residence shown on line 2 of such card.*

§ 616.23 *Serial numbering Registration Card of late registrant whose place of residence is within local board area.* If the clerk of the local board finds that the place of residence of the registrant as shown on line 2 of his Registration Card (Form 1) is within the local board area where he registered, a serial number shall be placed on the late Registration Card (Form 1) in the manner provided in § 614.5.*

§ 616.24 *Serial numbering Registration Card received from another local board of a State Director of Selective Service.* (a) When at any time hereafter the local board receives from another local board or a State Director of Selective Service a Registration Card (Form 1) of a registrant in Group 1 or Group 2 and the place of residence on line 2 of such card is within the local board area, the local board shall place a serial number on such late Registration Card (Form 1) in the manner provided in § 614.5.

(b) When at any time after the commencement of the third national lottery the local board receives from another local board or a State Director of Selective Service a Registration Card (Form 1) of a registrant in Group 3 and the place of residence on line 2 of such card is within the local board area, the local board shall place a serial number on such late Registration Card (Form 1) in the manner provided in § 614.5.

(c) If any late Registration Card (Form 1) referred to in paragraph (a) or (b) of this section already has a serial number on it when it is received, the local board shall not change such serial number. If, however, the local board has already assigned an order number to another registrant having the same serial number, the registrant whose card has been received late will be given the preceding order number followed by a letter.*

ORDER NUMBERING LATE REGISTRATION CARDS

§ 616.31 *Assigning order numbers to Group 1 registrants whose Registration Cards are received late.* When a late Registration Card (Form 1) in Group 1 has been given a serial number under the provisions of §§ 616.23 or 616.24, the local board shall find from the First National Master List what the registrant's order number would have been if his card had been received prior to the commencement of the first national lottery. The local board shall then assign such registrant the order number which precedes the order number which would have been assigned to such registrant had his card been received prior to the commencement of the first national lottery and shall add a letter to it. For example: If his order number would have been 84 had his card been received prior to the commencement of the first national lottery, the local board will assign him Order Number 83A.*

§ 616.32 *Assigning order numbers to Group 2 registrants whose Registration Cards are received late.* When a late Registration Card (Form 1) in Group 2 has been given a serial number under the provisions of §§ 616.23 or 616.24, the local board shall find from the Second National Master List what the registrant's sequence number would have been if his card had been received before midnight, July 8, 1941. The local board shall then assign to such registrant the sequence number which would have been assigned to him had his card been received prior to midnight, July 8, 1941, and shall assign to him the order number immediately preceding the order number assigned to the registrant having the same sequence number and shall add a letter to it. For example: If the registrant having the same sequence number receives Order Number S–123, the local board will assign him Order Number S–122A, if the preceding order number is 122.*

§ 616.33 *Assigning order numbers to Group 3 registrants whose Registration Cards are received late.* When a late Registration Card (Form 1) in Group 3 has been given a serial number under the provisions of §§ 616.23 or 616.24, the local board shall find from the Third National Master List what the registrant's order number would have been if his card had been received before the commencement of the third national lottery. The local board shall then assign such registrant the order number which precedes the order number which would have been assigned to such registrant had his card been received prior to the commencement of the third national lottery and shall add a letter to it. For example: If his order number would have been 11,271, the local board will give him 11,270A.*

RECORDS OF REGISTRANTS WHOSE REGISTRATION CARDS ARE RECEIVED LATE

§ 616.41 *Entries on List of Registrants.* The local board shall add the name, serial number, and order number of each registrant whose Registration Card (Form 1) is received late on the office file copy and the publicly posted copy of the List of Registrants (Form 3) for the age group to which such registrant belongs and shall report such addition to the State Director of Selective Service by letter.*

§ 616.42 *Entries in Classification Record.* The local board shall enter the name, serial number, and order number of each registrant whose Registration Card (Form 1) is received late in the Classification Record (Form 100) following the name, serial number, and order numbers of the registrants in the age group to which such registrant belongs. To make certain that the case of such registrant is handled in its proper turn, the local board shall insert an "R", followed by the page on which his name appears in the Classification Record (Form 100), in the column of order numbers in the Classification Record (Form 100) at the place where the order number of such registrant would have appeared in the Classification Record (Form 100) had his Registration Card (Form 1) been received on time. For example: If the registrant is in Group 1, his order number is 83A, and his name appears on page 30 of the Classification Record (Form 100), print "R page 30" between Order Numbers 83 and 84.*

§ 616.43 *Preparing Cover Sheet.* For each registrant whose Registration Card (Form 1) is received late, the local board shall prepare and file a Cover Sheet (Form 53).*

§ 616.44 *Filing Registration Card.* When a registrant's Registration Card (Form 1) is received late, it shall be filed in the alphabetical file of Registration Cards (Form 1).*

§ 616.45 *When Selective Service Questionnnaire is mailed immediately.* If Selective Service Questionnaires (Form 40) have been mailed to registrants who have larger order numbers than the registrant whose Registration Card (Form 1) is received late, the local board shall immediately mail to the registrant whose Registration Card (Form 1) is received late his Selective Service Questionnaire (Form 40).*

LEWIS B. HERSHEY,
Director.

JANUARY 16, 1942.

[F. R. Doc. 42–503; Filed, January 17, 1942; 11:56 a. m.]

PART 617—REGISTRATION CERTIFICATES

Effective February 1, 1942, the Selective Service Regulations are hereby amended by assigning new numbers to the paragraphs hereinafter listed; by changing the context of those paragraphs which are followed by the words "as amended"; and by publishing such renumbered and amended paragraphs as the sections of Part 617 of the Second Edition of the Selective Service Regulations.

Paragrah 262 f as amended becomes § 617.12.
Paragraph 263 as amended becomes § 617.1.
Paragraph 264 as amended becomes § 617.11.

PART 617—REGISTRATION CERTIFICATES

MUST BE IN PERSONAL POSSESSION OF PERSONS REQUIRED TO REGISTER

Sec.
617.1 Effect of failure to have Registration Certificate in personal possession.

ISSUING A DUPLICATE OF OR EXCHANGING A REGISTRATION CERTIFICATE

617.11 Issuing a duplicate of a lost, mislaid, stolen, or destroyed Registration Certificate.
617.12 Issuing a new Registration Certificate in exchange for one issued by a superintendent or warden of an institution.

MUST BE IN PERSONAL POSSESSION OF PERSONS REQUIRED TO REGISTER

§ 617.1 *Effect of failure to have Registration Certificate in personal possession.* Every person required to present himself for and submit to registration must have a Registration Certificate (Form 2) in his personal possession at all times and, upon request, must exhibit it to any law-enforcement officer, any official of National Headquarters for Selective Service or of a State Headquarters for Selective Service, or any member of the local board or board of appeal. The failure of any such person to have such Registration Certificate (Form 2) in his personal possession or to exhibit it upon the request of any officer, official, or board member authorized by this section to make such request shall constitute a violation of these regulations. The failure of any such person to have such Registration Certificate (Form 2) in his personal possession shall also be prima facie evidence of his failure to register.*

*§§ 617.1 to 617.12, inclusive, issued under the authority contained in 54 Stat. 885; 50 U. S. C. Sup., 301–318, inclusive, E. O. 8545, 5 F. R. 3779.

ISSUING A DUPLICATE OF OR EXCHANGING A REGISTRATION CERTIFICATE

§ 617.11 *Issuing a duplicate of a lost, mislaid, stolen, or destroyed Registration Certificate.* A duplicate Registration Certificate (Form 2) may be issued to a registrant by the local board having jurisdiction of the registrant upon written application, made on Application for Issuance of Duplicate Registration Certificate (Form 14), and the presentation of proof satisfactory to the local board that the Registration Certificate (Form 2) of the registrant has been lost, mislaid, stolen, or destroyed and that the registrant has made a diligent search for the Registration Certificate (Form 2) and has been unable to find it. If the local board issues a duplicate Registration Certificate (Form 2) to the registrant, it shall mark it "Duplicate" and note the issuance of such Registration Certificate (Form 2) upon the application, which shall be filed in the registrant's Cover Sheet (Form 53).*

§ 617.12 *Issuing a new Registration Certificate in exchange for one issued by a superintendent or warden of an institution.* Any registrant receiving a Registration Certificate (Form 2) issued by the superintendent or warden of an insane asylum, jail, penitentiary, reformatory, or similar institution may exchange it for a Registration Certificate (Form 2) issued by the local board having jurisdiction of the place of residence described on line 2 of his Registration Card (Form 1), provided such local board has in its records the original Registration Card (Form 1) of such registrant. Upon the request of a registrant for such an exchange and upon the surrender of the Registration Certificate (Form 2) issued by a superintendent or warden, the local board shall write "Canceled" across the face thereof and file such certificate. The local board shall then issue a new Registration Certificate (Form 2) to the registrant. The date of registration entered on the new Registration Certificate (Form 2) shall be the same as that shown on the "Canceled" certificate.*

LEWIS B. HERSHEY,
Director.

JANUARY 16, 1942.

[F. R. Doc. 42–506; Filed, January 17, 1942; 11:56 a. m.]

[No. 46]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Paragraph 163 and Appendix A to Volume One of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 1,[1] entitled "Registration Card," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing revision shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A* to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

JANUARY 6, 1942.

[F. R. Doc. 42–504; Filed, January 17, 1942; 11:56 a. m.]

[No. 47]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President, thereunder, and more particularly the provisions of Paragraph 163 and Appendix A to Volume One of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 173,[1] entitled "Report of Discharge or Separation From Active Service," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register become a part of Appendix A* to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

DECEMBER 18, 1941.

[F. R. Doc. 42–505; Filed, January 17, 1942; 11:56 a. m.]

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[1] Filed with original document.
* 5 F.R. 3785.

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 943—MATERIALS ENTERING INTO THE PRODUCTION OF HEAVY BOMBERS

PART 948—MATERIALS ENTERING INTO THE PRODUCTION OF ELECTRICAL RELAYS AND SOLENOID ASSEMBLIES

Notice of Extension[1] of Preference Rating Orders Nos. P–3, P–4, P–9–a, P–9–b, P–9–c, P–9–d, P–9–e, P–9–f, P–9–g,[2] P–13,[3] P–15 and P–16

Preference Rating Orders Nos. P–3, P–4, P–9–a, P–9–b, P–9–c, P–9–d, P–9–e, P–9–f, P–9–g, P–13, P–15 and P–16 have been extended to expire March 31, 1942.

Dated: January 19, 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–515; Filed, January 19, 1942; 10:02 a. m.]

PART 1014—BURLAP AND BURLAP PRODUCTS

Amendment No. 2 to Order M–47[1] To Conserve the Supply and Direct the Distribution of Burlap and Burlap Products

Section 1014.1 (c) and (d) are hereby amended to read as follows:

§ 1014.1 *Conservation Order M–47.*

* * * * *

(c) *Restrictions on delivery or processing.* (1) Except as provided in paragraphs (c) (2) and (c) (3) below or upon express authorization of the Office of Production Management, no Importer, Importing Bag Manufacturer, or other Person shall knowingly sell, deliver, or in any manner distribute, and no Person shall purchase, accept delivery of, or in any manner receive Burlap for any use other than for the manufacture of Agricultural Bags, and no Person shall process or use any Burlap other than for the manufacture of Agricultural Bags. The prohibition against processing or use hereinabove mentioned shall apply only to full bales unbroken, at the date of issue of this order. The term "full bales unbroken" means any bale not fully opened so that the content could not readily be restored to the same bale, and includes bales which have been sampled.

(2) Persons prohibited from processing or using Burlap by the provisions of paragraph (c) (1), who possessed stocks of Burlap on December 22, 1941 may use or process such stocks on hand on December 22, 1941 in the following quantities:

(i) Persons who possessed ten or less full bales unbroken may use or process all such bales.

(ii) Persons who possessed more than ten full bales unbroken may use or process no more than ten bales.

(3) Stocks of Burlap in full bales unbroken in the possession of Persons who are prohibited from processing or using such Burlap by the provisions of paragraph (c) (1) and who do not manufacture Agricultural Bags, may be disposed of without further authorization of the Office of Production Management in the following instances:

(i) Stocks of Burlap of ten ounces or heavier construction may be sold, delivered, or distributed to, and purchased, received, processed, or used by:

(a) The Army or Navy of the United States,

(b) The Defense Supplies Corporation or other corporation, affiliate or other form of enterprise under control of the Reconstruction Finance Corporation,

(c) Any Importing or Non-Importing Bag Manufacturer to fill any order placed by the Army or Navy of the United States for Burlap to be used for sandbags or camouflaged cloth.

(ii) Stocks of Burlap of constructions lighter than ten ounces may be sold, delivered, or distributed to, and purchased, received, processed, or used by any Importing or Non-Importing Bag Manufacturer for the manufacture of Agricultural Bags: *Provided, however,* That such Importing or Non-Importing Bag Manufacturer shall distribute bags manufactured from such Burlap in accordance with the provisions of paragraph (i) of this Order.

(d) *Prohibition of transactions in excess of quotas.* No Person shall, in any manner, buy or acquire Burlap or Agricultural Bags in excess of his quota as determined pursuant to this Oredr, and no Person shall knowingly, in any manner, deliver or sell to any other Person Burlap or Agricultural Bags in excess of such other Person's quota as so determined: *Provided, however,* That the limitations of such quota shall not apply to deliveries of Burlap pursuant to the provisions of paragraph (c) (3) hereof. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; Sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

This order shall take effect immediately. Issued this 19th day of January, 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42–514; Filed, January 19, 1942; 10:02 a. m.]

PART 1044—CADMIUM

General Preference Order M–65 To Conserve the Supply and Direct the Distribution of Cadmium

Whereas the national defense requirements have created a shortage of Cadmium for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution of Cadmium;

Now, therefore, it is hereby ordered, That:

§ 1044.1 *General Preference Order M–65*—(a) *Definitions.* For the purposes of this Order:

(1) "Cadmium" means the following in any forms suitable for industrial use:

(i) Metallic cadmium in such forms as anodes, balls, cakes, discs, foil, ingots, moss, pencils, pigs, plates, powder, rods, sheets, shot, slabs, sticks, strips, wire, or other refined shapes; or

(ii) Any cadmium-containing chemical compound, salt or mixture, including cadmium-bearing materials such as oxides or other forms available for electroplating purposes; or

(iii) Any scrap, residues, dross, alloys, or other materials containing commercially recognized amounts of cadmium, or of metal or compounds produced therefrom.

(2) "Producer" means any Person who produces Cadmium as primary or secondary metal or as a by-product in the conduct of any enterprise.

(3) "Distributor" means any Person regularly engaged in the business of buying Cadmium and selling the same in forms suitable for general fabrication or electroplating.

(4) "Consumer" means any Person who uses Cadmium in any fabricating or electroplating process.

(b) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(c) *Restrictions on deliveries.* (1) Notwithstanding any provision in Priorities Regulation No. 1, no Person may deliver Cadmium except as follows:

(i) to a Distributor; or

(ii) pursuant to preference rating of A–10 or higher; or

(iii) pursuant to a specific authorization by the Director of Priorities.

(2) No Person shall accept delivery of Cadmium made in violation of the provisions of (c) (1) above.

(3) No Distributor shall hereafter accept delivery of Cadmium unless:

(i) such Distributor shall during the preceding sixty days have sold or otherwise disposed of Cadmium to an amount at least equal in weight to the Cadmium Inventory of such Distributor on the date of such acceptance of delivery of Cadmium (which Inventory shall exclude such delivery), and

(ii) such Distributor shall have filed with the Office of Production Management such reports as may from time to time be required by the Office of Production Management.

(d) *Reports.* All Producers, Distributors and Consumers shall file reports with the Office of Production Management at such times and in such manner and form as it may prescribe, showing inventory, production, purchases, sales, and consumption and such other information as the Office of Production Management may from time to time require.

(e) *Communications.* All reports to be filed, appeals and other communications concerning this Order should be addressed to the Office of Production Management, Washington, D. C., Ref: M–65.

(f) *Violations.* Any Person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of Cadmium or any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(g) *Effective date.* This Order shall take effect immediately upon the date of issuance and shall continue in effect until June 30, 1942. (P.D. Reg. 1, Aug. 27, 1941, 6 F.R. 4499; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 17th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–491; Filed, January 17, 1942; 9:56 a. m.]

PART 1044—CADMIUM

Conservation Order M–65–a Curtailing the Use of Cadmium in Certain Items

Whereas, national defense requirements have created a shortage of Cadmium for the combined needs of defense, private account, and export; and the supply now is and will be insufficient for defense and essential civilian requirements unless its use in the manufacture of many products where such use is not absolutely necessary for the defense or essential civilian requirements is curtailed or prohibited as hereinafter provided;

Now, therefore, it is hereby ordered, That:

§ 1044.2 *Conservation Order M–65–a*—(a) *Prohibition on use of cadmium in articles appearing on List "A".* (1) Any Person using Cadmium in any Item on List "A" shall limit his use of Cadmium in any such Item between January 1 and January 31, 1942 to an amount not exceeding his use in January 1941.

(2) Effective February 1, 1942, no Cadmium shall be put into process in the production of any Item on List "A".

(b) *Limitation on all other uses of cadmium.* Any person using Cadmium in any article not covered by paragraphs (a) or (c) of this Order shall reduce his use of Cadmium in any such article between January 1 and March 31, 1942 to 70% of his use in the first calendar quarter of 1941. Effective April 1, 1942, no Cadmium shall be used in the production of any article not covered by paragraph (c) of this Order.

(c) *General exception.* Where and to the extent the use of any less scarce material is impracticable, the prohibitions, limitations and restrictions contained in paragraphs (a) and (b) shall not apply to the use of Cadmium in the manufacture of any Item, or for any of the uses, set forth on List "B" attached, or which is being produced:

(1) for delivery under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act) if in any such case the use of Cadmium to the extent employed is required by the specifications of the prime contract, or

(2) to comply with Underwriters Regulations or Safety Regulations issued under Governmental authority, provided the pertinent provisions of such Regulations were, in either case, in effect both on December 1, 1941, and on the date of such use, and specifically and exclusively require the use of Cadmium to the extent employed; or

(3) with the assistance of a preference rating higher than A–2.

(d) *Prohibitions against sales or deliveries.* No Person shall hereafter sell or deliver Cadmium to any Person if he knows, or has reason to believe, such material is to be used in violation of the terms of this Order.

(e) *Limitation of inventories.* No manufacturer shall receive delivery of Cadmium (including scrap) or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of Cadmium products by this Order.

(f) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, (Part 944) as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *Appeal.* Any Person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Cadmium conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense work to defense work, may appeal to the Office of Production Management, Washington, D .C., setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(3) *Addressing of communications.* All applications, statements, or other communications filed pursuant to this Order or concerning the subject matter hereof should be addressed "Office of Production Management, Ref: M–65–a, Washington, D. C."

(4) *Applicability of Order.* The prohibitions and restrictions contained in this Order shall apply to the use of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other Order of the Director of Priorities may have the effect of limiting or curtailing to a greater extent than herein provided, the use of Cadmium in the production of any article, the limitations of such other Order shall be observed.

(5) *Violations or false statements.* Any Person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or who otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(6) *Definitions.* For the purposes of this Order:

(i) "Cadmium" means the following in any forms suitable for industrial use:

(a) metallic cadmium in such forms as anodes, balls, cakes, discs, foil, ingots, moss, pencils, pigs, plates, powder, rods, sheets, shot, slabs, sticks, strips, wire or other refined shapes; or

(b) any cadmium-containing chemical compound, salt or mixture, including cadmium-bearing materials such as oxides or other forms available for electro-plating purposes; or

(c) any scrap, residues, dross, alloys, or other materials containing commercially recognised amounts of cadmium, or metal or compounds produced therefrom.

(ii) "Inventory" of a Person includes the inventory of affiliates and subsidiaries of such Person, and the inventory of others where such Inventory is under the control of or under common control with or available for the use of such Person.

(iii) "Manufacture" means to fabricate, assemble, mix or process in any other way, but does not include installa-

[1] Previous notice of extension of preference rating orders appears at 7 F.R. 26.

[2] Original Preference Rating Order P–13 was not filed with this Division.

[3] 6 F.R. 6648, 7 F.R. 34.

tion of a finished product for the ultimate consumer.

(iv) "Item" means any article or any component part thereof.

(v) "Use" means both (1) the act of putting Cadmium into process in the manufacture of any item and (2) the act of completing the manufacture of any such item. (Where a person is limited to a percentage of the material used in a base period of this limitation applies respectively to (1) the amount of material put into process during the base period and (2) to the total amount of material contained in a completed item or article multiplied by the number of such items or articles completed during the base period. Each restriction must be applied separately.

(vi) "Put into process" means the first change by a Manufacturer in the form of material from that form in which it is received by him.

(7) *Effective date.* This Order shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan 7, 1941, 6 F.R. 191; E.O. 8875; Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress. Third Session.)

Issued this 17th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

List "A" of Order M–65–a

The use of Cadmium in the items listed below and in all component parts thereof is prohibited except to the extent permitted by the foregoing Conservation Order.

Automotive, trailer, and tractor equipment:
- Bearings.
- Fasteners.
- Fittings and trim.
- Hardware.
- Lamps, all kinds.
- Hub and gas-tank caps.
- Mouldings.
- Plating for decorative uses.

Building Supplies and Hardware:
- Air conditioning equipment (except where cadmium plating is essential to the proper functioning of the parts).
- Builders' finish hardware.
- Conduits.
- Hardware.
- Lighting fixtures.
- Ornamental metal work.
- Plating for decorative purposes.
- Screens and screening.
- Springs.
- Staples and fasteners.
- Window fixtures.

Home Furnishings and Equipment:
- Decorative hardware.
- Furniture, all kinds.
- Furniture hardware or plating.

Home Furnishings and Equipment—Con.
- Hardware.
- Plating for decorative purposes.
- Portable heaters.
- Stoves and ranges (except valves and controls).
- Tableware.
- Upholsterers' supplies, including nails and tacks.
- Utensils, all kinds.
- Washing tubs and machines.

Textile Equipment:
- Bobbin rings.
- Truck fittings, all kinds.
- Plating non-essential to fabrication of fabrics.

Miscellaneous:
- All Plating primarily for decorative purposes.
- Beauty parlor equipment and barber shop supplies.
- Beverage dispensing units and parts thereof.
- Bicycles, motorcycles, and similar vehicles.
- Casket handles and trim.
- Electrical fittings (except where cadmium plating is essential because of corrosive action or to the proper functioning of the parts).
- Fire fighting apparatus (except where cadmium plating is essential to the proper functioning of the parts).
- Hardware.
- Harness fittings.
- Ladders and fittings.
- Livestock and poultry equipment.
- Luggage fittings.
- Metal containers.
- Name, identification, and medal plates.
- Pole-line hardware.
- Radios, commercial sets.
- Reflectors.
- Shoe nails.
- Slot, game, and vending machines.
- Stationery supplies, desk accessories, and office supplies.
- Saddlery hardware.

List "B" of Order M–65–a

The uses, and the Items listed below, and parts thereof are excepted from the prohibitions and restrictions contained in paragraphs (a) and (c) of the foregoing Conservation Order, but only to the extent indicated below and only to the extent that the use of any less scarce material is impractical.

Chemicals.

Electrical fittings and contacts to the extent that corrosive action or the proper functioning of the parts makes the use of any other material impractical.

Electroplating of heddles and pin boards used in textile plants to the extent that corrosive action makes the use of any other material impractical.

Fusible alloys used in fire protection systems and electrical fuses, to the extent that any other material is impractical.

Measuring, recording and control instruments, systems or equipment for use in industrial processes, such as pyrometers, thermometers, flow meters, pressure gauges, gas analysers and their associated control valves.

Solders to the extent that they cannot be replaced by other solders not containing cadmium.

[F. R. Doc. 42–492; Filed, January 17, 1942; 9:56 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1335—CHEMICALS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 21—FORMALDEHYDE

Correction

Section 1335.60 (a) (1) in F.R. Doc. 42–440, appearing at page 313 of the issue for January 16, 1942, is corrected as follows:

In the tenth line under the box head "Less than carload lots" the figure ".0900" is corrected to read ".0800".

PART 1340—FUEL

PRICE SCHEDULE NO. 72—BUNKER C AND NO. 6 GRADE FUEL OILS, EAST AND GULF COASTS

Bunker C and No. 6 grade fuel oils are the heavy residual oils used extensively for fueling both merchant vessels and the navies of the United States and the United Nations. They are also used in large quantities by industrial plants, many of which are engaged in war production. Some is imported, some is shipped from the Gulf to the East Coast by tanker, and some is produced on the East Coast from crude petroleum shipped there by tanker. The bulk of the deliveries of bunker C and No. 6 fuel oils is controlled by companies owning their own tanker fleets or producing these fuel oils at their own refineries.

Requests have been received from certain companies engaged in the sale of bunker C fuel oil for approval of a higher price than the base price of $1.35 per barrel f. o. b. New York Harbor, which was the prevailing maximum contract price in the second half of 1941. After consideration of all pertinent factors, including the actual cost of ocean transportation, maximum time charter rates, handling charges, and the supply position and financial status of the companies in the trade, it was found that $1.35 per barrel f. o. b. New York Harbor is a proper maximum price on which to base the prices of bunker C and No. 6 grade fuel oils.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1340.101 *Maximum prices for Bunker C and No. 6 grade fuel oils on the East and Gulf Coasts.* On and after January 9, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer bunker C and No. 6 grade fuel oils and no person shall buy, offer to buy or accept delivery of bunker C and No. 6 grade fuel oils at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1340.109.*

*§§ 1340.101 to 1340.109, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1340.102 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1340.103 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of bunker C and No. 6 grade fuel oils, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discounts, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1340.104 *Records and reports.* Persons affected by this Schedule shall keep such records and submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1340.105 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement and other services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of bunker C and No. 6 grade fuel oils, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1340.106 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1340.107 *Definitions.* When used in this Schedule, the term "person" means an individual, partnership, association, corporation or other business entity.*

§ 1340.108 *Effective Date of the Schedule.* This Schedule shall be effective as of January 9, 1942.*

§ 1340.109 *Appendix A; maximum prices for Bunker C and No. 6 grade Fuel Oils on the East and Gulf Coasts, f. o. b. refineries and terminals (ex lighterage).*

Location of refineries or terminals:	Maximum price per barrel
Albany, N. Y.	$1.55
New York, N. Y.	1.35
Philadelphia, Pa.	1.35
Baltimore, Md.	1.35
Norfolk, Va.	1.35
Portland, Me.	1.35
Boston, Mass.	1.35
Providence, R. I.	1.35
Charleston, S. C.	1.30
Savannah, Ga.	1.30
Jacksonville, Fla.	1.30
Tampa, Fla.	1.25
New Orleans, La.	.85
Gulf Coast points not specified above	.85

Maximum differentials for ports on the East Coast not specified above shall be based on the low quotations for such ports in Platt's *Oilgram* on January 9, 1942.*

Issued this seventeenth day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–508; Filed, January 17, 1942; 12:02 p. m.]

PART 1354—WOOL AND WOOL PRODUCTS

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 58—WOOL AND WOOL TOPS AND YARNS

Price Schedule No. 58[1] is hereby amended by adding a new paragraph (d) to § 1354.1 and adding a new § 1354.10 as follows:

§ 1354.1 *Maximum prices for wool and wool tops and yarns.*

* * * * * * *

(d) On and after January 16, 1942, no person shall sell, offer to sell, deliver or transfer wools of the types and grades enumerated in Appendix A hereof, incorporated herein as § 1354.10, and no person shall buy, offer to buy, or accept delivery or transfer of such wools at prices higher than the maximum prices set forth in Appendix A.

* * * * * * *

§ 1354.10 *Appendix A; maximum prices for South American wools.*

Table I

The prices set forth below are maximum prices per pound for wools of the types and grades enumerated on a clean basis, duty paid, ex dock or ex warehouse. The maximum prices for such wools scoured or otherwise processed in the United States shall be the prices set forth increased by the customary differentials in effect on December 6, 1941. Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

Charges for war risk insurance actually paid by the seller in excess of one-half of one per cent may be added to the maximum prices set forth below: Provided, That the invoice or similar document delivered to the purchaser shall show the amount of such charges.

[1] 6 F.R. 6551, 7 F.R. 226.

(a) *Montevideo Greasy Shorn Combing Fleece Wools*

Grade	Super Skirted	Good to Super
64's	$1.10	$1.07
60–64's	1.08	1.06
60's	1.07	1.05
58–60's	1.05	1.03
1's	.99	.97
2's	.96	.95
3's	.92	.90
4's	.76	.70
5's	.70	.65
	Lambs	Second Clip
50–60's	$0.85	$0.87
46–50's	.78	.80
40–44's	.63	.65

(b) *Buenos Aires Greasy Shorn Wools*

Grade:	Combing Fleece
64's (Australian Type)	$1.08
60–64's (Regular Type)	1.03
56–58's	.96
50's	.93
46–48's	.86
44's	.66
36–40's	.49
Low Cotts	.42
	Second Clip
56–58's	.70
50–56's	.73
46–50's	.70
44's	.62
36–40's	.45

(c) *Second Clip Greasy Shorn Wools*

Grade	Pampa	Paisaconia and Bahia Blanca
58–60's	$0.85	$0.87
50–56's	.77	.83
46–50's	.72	.75
44–46's	.55	.55

(d) *Greasy Shorn Chubut Combing Fleece Wools*

Grade:	
64–70's	$1.05
60–64's	1.03
60's	.99
58's	.97

(e) *Greasy Shorn Combing Fleece Wools*

Grade	Brazil	Entre Rios and Corrientes	Santa Cruz	Punta		Peruvian
				Super	Average	
60–64's	$1.02	$1.03	$1.03			
58–60's	.97	1.00	1.00			
56–58's	.94	.96	.96			
50's	.92	.92	.94			
46–48's	.88	.86	.88			
60's				$1.02		
56–58's				.98	$0.96	
50–56's				.96	.94	
46–48's				.92	.90	
Central 60–64's						$1.00
Central 56–60's						.95
Central 56's						.90
Central 50's						.88
Central 46–48's						.83
Regular Merino:						
#1						.86
#2						.73
Gray						.75

Table II

The prices set forth below are maximum prices per pound for wools of the types and grades enumerated in scoured condition, including all scouring costs, free or nearly free of burrs, duty paid, ex dock or ex warehouse. Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

Charges for war risk insurance actually paid by the seller in excess of one half of one percent may be added to the maximum prices set forth below: *Provided*, That the invoice or similar document delivered to the purchaser shall show the amount of such charges.

(a) *Scoured Foreign Pulled Wool—Montevideo, Buenos Aires, and Brazil*

Grade:	
60–64's Super Clothing & Lambs	$1.08
58–60's Super Clothing & Lambs	1.00
56's Super Clothing & Lambs	.98
50–56's Super Clothing & Lambs	.93
48–50's Super Clothing & Lambs	.88
46–48's Super Clothing & Lambs	.82
44's Super Clothing & Lambs	.68
40's Super Clothing & Lambs	.60
60–64's Super Shearling	.88
58–60's Super Shearling	.85
56's Super Shearling	.80
50–56's Super Shearling	.80
48–50's Super Shearling	.70
46–48's Super Shearling	.68
44's Super Shearling	.60
36–40's Super Shearling	.55

Combing—Montevideo, Buenos Aires and Brazil

60–64's Super Combing	$1.05
58–60's Super Combing	1.02
56's Super Combing	1.00
50–56's Super Combing	.96
48–50's Super Combing	.88
46–48's Super Combing	.85
44's Super Combing	.72
40's Super Combing	.61

Super Lustre Spring Lambs, 44's quality 4¢ above list, 40's quality 8¢ above list. Inferior and Defective wools proportionately less.

Santa Cruz, Rio Gallegos, Punta, and Chubut

For 50–56's and finer grades, value, 2¢ premium.

All other grades below 50–56's, 7¢ premium. Above comparative grades Montevideo, Buenos Aires, and Brazil List.

Chilean

Grade:	
Lambs & Sheep 56–58's up	$.90
Lambs & Sheep 50–56's	.87
Lambs & Sheep 44–50's	.78

Cape

64's Choice	$1.05
60–62's	1.00
56–58's	.96

(b) *Wools Imported in the Scoured State Buenos Aires*

Grade	Fleeces	November or March Second Clip	Lambs	Grey
56–58's	$0.96	$0.91		
56–50's	.93	.87	$0.82	$0.78
50–48's	.86	.86	.80	.75
46–48's	.85	.85	.78	.73
46–44's	.63	.89	.85	.82
40–36's	.85	.81		.82

Chubut, Cordillera, Santa Cruz, Punta, Patagonia

Grade	Fleeces	Best pieces	Pieces and bellies
64's	$1.15		
60–64's	1.13	$0.97	$0.93
56–58's	1.06	.95	.90
56–58's	1.03	.92	.89
50's	1.00	.90	.86
50's	.98	.88	.85
46–48's	.94	.84	.82

Peruvian

Grade	Scoured	Washed
Merino	$1.00	$0.77
#1	.93	.72
#2	.83	.64
Grey	.80	.60

Chilean

56's and up	$0.96
50–56's	.94
46–48's	.88

(Executive Orders Nos. 8734, 8875, 6 F. R. 1917, 4483)

This Amendment No. 2 shall become effective January 16, 1942. Issued this 15th day of January, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-489; Filed, January 16, 1942; 4:21 p. m.]

PART 1354—WOOL AND WOOL PRODUCTS

AMENDMENT NO. 3 TO PRICE SCHEDULE NO. 88 [1]—WOOL AND WOOL TOPS AND YARNS

Paragraph (d) of § 1354.1 is hereby amended and §§ 1354.11 and 1354.12 are hereby added as follows:

§ 1354.1 *Maximum prices for wool and wool tops and yarns.*

* * * * *

(d) On and after January 17, 1942, notwithstanding the provisions of paragraphs (a) and (b) above, no person shall sell, offer to sell, deliver or transfer wools or wool tops or yarns of the types and grades enumerated in Appendices A, B and C hereof, incorporated herein as §§ 1354.10, 1354.11 and 1354.12, and no person shall buy, offer to buy, or accept delivery or transfer of such wools or wool tops or yarns at prices higher than the maximum prices set forth in Appendices A, B and C.

§ 1354.11 *Appendix B; maximum prices for oil combed wool tops.* The prices set forth below are maximum prices per pound, f. o. b. combing plant, for oil combed wool tops (15% regain, 3¼% oil) of the types and grades enumerated below of qualities to meet Quartermaster Corps specifications. The maximum prices for dry combed tops shall be the maximum prices set forth below plus 2¼%.

Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

[1] 6 F.R. 6561.

Grade	Price per lb.
64s and finer, Domestic	1.44
64s and finer, Foreign	1.32
64s and finer, Blend (50% domestic and 50% foreign)	1.38
60s–62s Domestic	1.40
60s–62s Foreign	1.30
60s–62s Blend (50% domestic and 50% foreign)	1.35

§ 1354.12 *Appendix C; maximum prices for yarns for military fabrics.* The prices set forth below are maximum prices per pound, f. o. b. mill, for wool yarns of the types and grades enumerated below of quality, color and size to meet Quartermaster Corps specifications.

Terms of sale shall be cash less 2% up to 10 days or 60 days net cash.

(a) Serge O. D. 18 oz. (light and dark shades):	Price per lb.
Bradford Spun Domestic	2.20
Bradford Spun Foreign	2.06
Bradford Spun 50% Foreign, 50% Domestic	2.13
French Spun Domestic	2.28
French Spun Foreign	2.14
French Spun 50% Foreign, 50% Domestic	2.19
(b) Shirting flannel 10½ oz.:	
French Spun Domestic	1.92
French Spun Foreign	1.82
French Spun 50% Foreign, 50% Domestic	1.87
(c) Underwear:	
Merino Yarns, 50% wool, 50% Cotton Spun on Woolen System	1.30
Spun on Cotton System	1.20

(Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 3 shall become effective January 17, 1942. Issued this 17 day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-507; Filed, January 17, 1942; 12:02 p. m.]

PART 1357—CADMIUM

PRICE SCHEDULE NO. 71—PRIMARY & SECONDARY CADMIUM

The Office of Price Administration, being charged with the maintenance of price stability and the prevention of undue price rises and price dislocations, has determined that the establishment of maximum prices for primary and secondary cadmium is essential in order to accomplish these purposes and is in the interest of national defense and the national welfare.

Cadmium is required for both military and essential civilian needs. Increased demands upon the supply of cadmium have created a critical situation in the secondary cadmium field. Prices of secondary cadmium have advanced far beyond those of primary cadmium and tend to make it impossible for persons in the trade to cooperate with the Government in maintaining price stability and in preventing excessive and speculative price increases. Such increases in the price of secondary cadmium impose an unfair burden on producers of primary cadmium who have refrained from selling at prices higher than those approved by the Office of Price Administration.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1357.1 *Maximum prices for primary and secondary metallic cadmium.* On and after January 19, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer metallic cadmium, and no person shall buy, offer to buy, or accept delivery of metallic cadmium, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1357.9.*

*§§ 1357.1 to 1357.9, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8675; 6 F.R. 1917, 4483.

§ 1357.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A of this Schedule may be charged, demanded, paid, or offered.*

§ 1357.3 *Evasion.* (a) The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of metallic cadmium, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) Any agreement or transaction in connection with which any material containing cadmium is processed or treated on toll to obtain metallic cadmium therefrom shall be considered to be an evasion of this Schedule, unless the total of the cost of materials, the charge for processing or treating the material, and all other charges in connection with the processing, treatment, handling, and delivery of said material in order to obtain metallic cadmium therefrom, does not exceed, on a per pound basis, the maximum prices established by this Schedule.*

§ 1357.4 *Records and reports.* Every person making purchases or sales of metallic cadmium after January 19, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each type or shape purchased or sold; and (b) the quantity of metallic cadmium (1) on hand and (2) on order as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1357.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the government interest and the interests of those persons who comply with this Schedule, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of metallic cadmium, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1357.6 *Modification of the Price Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom, provided that no application under this section will be considered unless filed by persons complying with this Schedule and all other Schedules issued by the Office of Price Administration.*

§ 1357.7 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Metallic cadmium" means the types and shapes of metallic cadmium set forth in Appendix A, § 1357.9, of this Schedule, regardless of the materials from which they are produced; and

(c) "On toll" means an arrangement whereby a servicing charge is paid for processing or treating material containing cadmium.*

§ 1357.8 *Effective date of the Schedule.* This Schedule shall become effective January 19, 1942.*

§ 1357.9 *Appendix A; maximum prices for primary and secondary metallic cadmium.*

Type or Shape	Maximum Price, per pound (Delivered)
Anodes, balls, discs, and all other special or patented shapes	95¢
Bars, ingots, pencils, pigs, plates, rods, slabs, sticks, and all other "regular" straight or flat forms	90¢

The prices quoted above are delivered prices before discounts of any nature have been deducted. Deductions for percentage and character of impurities should be made according to customary trade practices.*

Issued this 16th day of January 1942.

LEON HENDERSON.
Administrator.

[F. R. Doc. 42-495; Filed, January 17, 1942; 11:22 a. m.]

PART 1363—FEEDINGSTUFFS

PRICE SCHEDULE NO. 73—FISH MEAL

The Office of Price Administration is charged with maintaining price stability and preventing unwarranted price increases. An adequate supply of food products can be obtained only by maintaining feed prices at levels consonant with the prices received for eggs, poultry and livestock. Sharp increases in the prices of certain essential feed ingredients have occurred since the outbreak of war. The prices of fish meal have risen approximately $16.00 per ton during the past two months. This price increase of approximately 26 percent indicates that supplies are being withheld in the expectation of further price increases, since the 1941 catch of fish was probably the largest on record. To prevent this withholding and to assure adequate food supplies it is evident that immediate action to prevent further increases in the prices of these ingredients is necessary. This Schedule temporarily establishes the general level of prices prevailing on January 17, 1942, as the maximum prices for fish meal. Upon the completion of studies now in progress, a permanent schedule of maximum prices for fish meal will be established.

Should unwarranted price rises occur at stages of distribution not covered by this Schedule appropriate action will be taken by this Office.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1363.1 *Maximum prices for fish meal.* On and after January 20, 1942, no person shall sell, offer to sell, deliver, or transfer fish meal at prices higher than the maximum prices set forth in Appendix A, incorporated herein as Section 1363.10, except that contracts entered into prior to January 20, 1942, providing for a higher price than the maximum prices may be carried out at the contract price. The maximum prices shall include commissions and all other charges.*

*§§ 1363.1 to 1363.10, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8675, 6 F.R. 1917, 4483.

§ 1363.2 *Exempt sales.* Sales at retail are excepted from the operation of this Schedule.*

§ 1363.3 *Less than maximum prices.* Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid or offered.*

§ 1363.4 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of fish meal or by way of premium, commission, service, transportation or other charge, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on January 17, 1942, or by any other means.*

§ 1363.5 *Records and reports.* On and after January 20, 1942, every manufacturer of fish meal making any sale of

fish meal and every person purchasing fish meal from a manufacturer of fish meal shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such purchase or sale, including the date thereof, the name of the seller or purchaser, the amount purchased or sold, and the price paid or received.

Every person affected by this Schedule shall submit such reports to The Office of Price Administration as it may from time to time require.*

§ 1363.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government, both State and Federal, are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule.

Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of the prices of fish meal, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1363.7 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom; *Provided*, That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1363.8 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Fish meal" means clean, dry, ground tissues of undecomposed whole fish, fish cuttings, or fish scraps with or without the extraction of part of the oil.

(c) "Grade" refers to the percentage of protein content per ton of fish meal.

(d) "Sales at retail" means a sale to the ultimate user: *Provided*, That no manufacturer, processor, or purchaser for resale shall be deemed to be an ultimate user.

(e) "Commercial distributors" means persons performing a recognized function in the physical distribution of fish meal.

(f) In the phrase "similar amount to a similar purchaser" the word "similar" means that amount and that type of purchaser with respect to which the same mark-up applied or would have applied under the seller's trade practices on January 17, 1942.*

§ 1363.9 *Effective date of the Schedule.* This Schedule shall become effective on January 20, 1942.*

Issued this 17th day of January 1942.

LEON HENDERSON,
Administrator.

§ 1363.10 *Appendix A: maximum prices for sales of fish meal*—(a) *Maximum prices for sales of fish meal, f. o. b. conveyance, at coastal shipping points*—(1) *Maximum prices for sales of fish meal in new bags.*

Guaranteed minimum percentage of protein per ton (percent)	Shipping point price per ton	
	Pacific coast	Atlantic and Gulf coast
	Dollars	*Dollars*
58	63.50	66.00
59	67.00	70.00
60	69.50	72.50
62	73.50	76.00
64	75.00	77.50
67	77.50	80.00
70	81.00	83.50

(2) *Maximum prices for sales of fish meal in used bags.* To determine the maximum price per ton for fish meal sold in used bags, subtract $1.00 in each instance from the prices specified in subparagraph (1) above.

(3) *Maximum prices for sales of fish meal shipped in bulk.* To determine the maximum price per ton for fish meal shipped in bulk, subtract $3.00 in each instance from the prices specified in subparagraph (1) above.

(b) *Maximum delivered prices for sales of fish meal.* The maximum delivered price per ton to any point shall be the maximum shipping point price determined under subparagraph (a) (1), (2), or (3) above, plus the transportation charge at the lowest established rate available for an identical shipment to such point.

(c) *Maximum prices for sales of fish meal manufactured at points other than coastal points.* (1) The maximum shipping point price per ton, f. o. b. conveyance, for fish meal manufactured at points other than coastal points shall be the maximum delivered price at the point of manufacture for the same type of fish meal shipped from the nearest coastal point where such type is manufactured, as determined under paragraph (b) above.

(2) The maximum delivered price per ton for fish meal manufactured at points other than coastal points shall be the shipping point price established under subparagraph (c) (1) above, plus the transportation charge at the lowest established rate available for an identical shipment to the point of delivery.

(d) *Maximum price for sales of fish meal by commercial distributors.* The maximum price for sales of fish meal by commercial distributors shall be the maximum price established under paragraph (a) (b) or (c) above, or the price paid under this Schedule to another commercial distributor of fish meal, plus the mark-up in terms of dollars per ton charged or that would have been charged by the seller on January 17, 1942, in selling in the same locality the same kind and grade of fish meal in a similar amount to a similar purchaser. Fish meal purchased by a commercial distributor from a manufacturer or a commercial distributor of fish meal located outside the several States of the United States shall not be sold at prices higher than the maximum prices established under this paragraph for sales of fish meal purchased from a manufacturer or a commercial distributor of fish meal located within the several states of the United States.*

[F. R. Doc. 42-556; Filed, January 19, 1942; 11:44 a. m.]

PART 1363—FEEDINGSTUFFS

PRICE SCHEDULE NO. 74—ANIMAL PRODUCT FEEDINGSTUFFS

The Office of Price Administration is charged with maintaining price stability and preventing unwarranted price increases. An adequate supply of food products can be obtained only by maintaining feed prices at levels consonant with the prices received for eggs, poultry, and livestock. Sharp increases in the prices of certain essential feed ingredients have occurred since the outbreak of war. The prices of animal product feedingstuffs have risen approximately $12.50 per ton. This price increase of approximately 20 percent indicates that supplies are being held in expectation of further price increases. To prevent this withholding and to assure adequate food supplies it is evident that immediate action to prevent further increases in the prices of animal product feedingstuffs is necessary. This Schedule temporarily establishes the prices prevailing on January 17, 1942, as the maximum prices. Upon the completion of studies now in progress a permanent Schedule of maximum prices for animal product feedingstuffs will be established.

Should unwarranted price rises occur at stages of distribution not covered by this Schedule appropriate action will be taken by this Office.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1363.51 *Maximum prices for animal products used as feedingstuffs.* On and after January 20, 1942, no person shall sell, offer to sell, deliver or transfer animal product feedingstuffs at prices higher than the maximum prices, except that contracts entered into prior to January 20, 1942, providing for prices higher than the maximum prices may be carried out at the contract prices. The maximum prices shall include commissions and all other charges.

(a) The maximum shipping point price for any kind and grade of animal product feedingstuff shall be:

(1) The highest shipping point price (or delivered price converted to a shipping point price) at which the seller sold at such shipping point such kind and grade on January 17, 1942, for delivery within thirty days, in a similar amount to the same type of purchaser; or

(2) If the seller did not sell such grade on January 17, 1942, for delivery within thirty days in a similar amount to the same type of purchaser, the maximum shipping point price shall be the highest shipping point price (or delivered price converted to a shipping point price) at which the seller sold at such shipping point the same kind of animal product feedingstuff of a different grade or in a different amount or to a different type of purchaser on January 17, 1942, for delivery within thirty days, making the necessary adjustments for differences in grade, amount, or type of purchaser, in accordance with the seller's practice for determining price differentials existing on January 17, 1942; or

(3) If the seller did not sell such kind of animal product feedingstuff on January 17, 1942, for delivery within thirty days, the seller's maximum shipping point price for any one of the various grades of such kind of animal product feedingstuff shall be the shipping point price (or delivered price converted to a shipping point price) at which such grade was sold in the market nearest the seller's shipping point on January 17, 1942, for delivery within thirty days, in a similar amount to the same type of purchaser, making adjustment for the normal differential, if any, between the seller's shipping point price and the shipping point price in such market.

(b) The maximum delivered price to any point shall be the maximum shipping point price determined under paragraph (a) plus the transportation charge at the lowest available established rate available for an identical shipment to such point.*

*§§ 1363.51 to 1363.59, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1363.52 *Exempt sales.* Sales at retail are excepted from the operation of this Schedule.*

§ 1363.53 *Less than maximum prices.* Lower prices than those established in this Schedule may be charged, demanded, paid, or offered.*

§ 1363.54 *Evasion.* The price limitations established by this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of animal product feedingstuffs alone or in conjunction with any other commodity or material or by way of any commission, service, transportation, or other charge or by a tying-agreement or other trade understanding or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on January 17, 1942, or by any other means.*

§ 1363.55 *Records and reports.* Every person making sales, except sales at retail, of animal product feedingstuffs on and after January 20, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such sale, including the date thereof, the name of the purchaser, the price paid or received, and the kind and grade of animal product feedingstuff sold.

Every person affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1363.56 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government, both State and Federal, are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule.

Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of animal product feedingstuffs, or of the hoarding or accumulating of unnecessary inventories, are urged to communicate with the Office of Price Administration.*

§ 1363.57 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modifications thereof or exception therefrom: *Provided*, That no applications under this Section will be considered unless filed by persons complying with this Schedule.*

§ 1363.58 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Feedingstuffs" means commodities used as such or as ingredients in the manufacture of mixed feeds for the feeding of livestock and poultry. The term "animal product feedingstuff" includes the following:

Blood meal, Blood flour, Meat, Meat by-products, Meat meal, Meat scraps, Digester tankage, meat meal tankage or feeding tankage, Digester tankage with bone, meat and bone meal digester tankage, Meat and bone meal tankage, or feeding tankage with bone, Raw bone meal, Steamed bone meal, Special steamed bone meal, Bone charcoal or bone black, Spent bone black.

(c) "Grade" refers to the percentage of protein content per ton of feedingstuff.

(d) "Sale at retail" means a sale to the ultimate user: *Provided*, That, no manufacturer, processor, or purchaser for resale shall be deemed to be an ultimate user.

(e) In the phrase "similar amount to the same type of purchaser," the word "similar" means that amount, and the word "same" means that type of purchaser with respect to which the same price did apply or would have applied under the seller's trade practices on January 17, 1942.*

§ 1363.59 *Effective date of the schedule.* This Schedule shall become effective January 20, 1942.*

Issued this 17th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-557; Filed, January 19, 1942; 11:44 a. m.]

CHAPTER XIII—OFFICE OF PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

[Recommendation No. 25]

PART 1512—NATURAL GAS AND NATURAL GASOLINE

PRODUCTION OF CERTAIN PRODUCTS ESSENTIAL FOR AVIATION GASOLINE

To the Natural Gas and Natural Gasoline Committees of the several Districts, to all persons, natural or artificial, who own or operate natural gasoline extraction plants, cycling plants, pressure maintenance plants or repressuring plants and to all persons who propose to construct such plants:

The successful prosecution of the nation's war effort requires that the production of all grades of aviation gasoline be increased to the maximum.

In order to assure maximum production of all grades of aviation gasoline, it is essential that there be maximum production of those products which are vital to the manufacture of aviation gasoline, viz; butane, isobutane and isopentane.

Existing and proposed natural gasoline extraction plants, cycling plants, pressure maintenance plants and repressuring plants are prime sources of butane, isobutane and isopentane and should be so constructed and operated as to facilitate the maximum production of aviation gasoline.

Therefore, pursuant to the President's letter of May 28, 1941,[1] establishing the

[1] 6 F.R. 2760.

Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

§ 1512.1 *Survey to be made.* The Natural Gas and Natural Gasoline Committees for the several Districts shall obtain, compile and analyze all pertinent and available facts, figures and data with respect to the extraction, production, sale or disposition of butane, isobutane and isopentane by natural gasoline extraction plants, cycling plants, pressure maintenance plants and repressuring plants. Such survey should include, without limitation, information concerning the number, type and location of such plants, the present daily capacities of such plants and the possibilities of expansion thereof, the percentage and amount of butane, isobutane and isopentane extracted from the gas processed at such plants, the percentage and amount of butane, isobutane and isopentane saved and sold during the calendar year 1941 at or by such plants.*

*§§ 1512.1 to 1512.4, inclusive, issued under the authority contained in the President's letter of May 28, 1941 to the Secretary of the Interior (6 F. R. 2760).

§ 1512.2 *Terms of existing contracts to be filed.* Within 30 days from the date hereof each owner or operator of a natural gasoline extraction plant, cycling plant, pressure maintenance plant, or repressuring plant shall file in the Office of Petroleum Coordinator for National Defense a statement of the terms of existing contracts and agreements relating to the sale or other disposition of butane, isobutane, or isopentane either as free products or as they may be included in any other product.*

§ 1512.3 *Extraction and production at existing plants to be increased.* All persons, natural or artificial, presently owning or operating any natural gasoline extraction plant, cycling plant, pressure maintenance plant or repressuring plant shall increase the percentage of butane and isobutane extracted from the gas processed at such plant, or plants, to the maximum quantity economically possible and shall increase the production of butane and isobutane in liquid form at such plant, or plants, to the maximum quantity economically possible.*

§ 1512.4 *Construction of new plants.* All new natural gasoline extraction plants, cycling plants, pressure maintenance plants or repressuring plants shall be designed and constructed so as to make the most efficient use of scarce materials, to provide for the extraction of the maximum amount of butane and isobutane contained in the gas to be processed at such plants, and to assure the maximum production of butane and isobutane in liquid form at such plants.*

R. K. DAVIES,
Acting Petroleum Coordinator for National Defense.

JANUARY 10, 1942.

[F. R. Doc. 42-493; Filed January 17, 1942; 9:49 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 203—BRIDGE REGULATIONS [1]

Pursuant to the provisions of section 5 of the River and Harbor Act approved August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the following regulations are prescribed to govern the operation of the South Carolina State Highway Department bridge across Harbor River, a tidal estuary in St. Helena Sound, on State Highway No. 285, at Hunting Island, South Carolina:

§ 203.392 *Harbor River, a tidal estuary in St. Helena Sound, S. C.; highway bridge at Hunting Island, S. C.* (a) The owner of, or agency controlling, the bridge will not be required to keep a draw tender in constant attendance at the abovenamed bridge.

(b) Whenever a vessel, unable to pass under the closed bridge, desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of, or agency controlling, the bridge.

(c) Upon receipt of such notice, the authorized representative of, or agency controlling, the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of, or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that it can easily be read at any time, a copy of these regulations together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw opened and closed frequently enough to make certain that the machinery is in proper order for satisfactory operation. (Sec. 5, River and Harbor Act, Aug. 18, 1894 (28 Stat. 362; 33 U.S.C. 499)) [Regs. Jan. 6, 1942 (W. D. 6371 (Beaufort Co. (S. C.)—Harbor R.)—3/6)]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-484; Filed, January 16, 1942; 3:28 p. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

[Order No. 201]

PART 5—FOREIGN CLEARANCES

JANUARY 17, 1942.

Section 5.85 (*Foreign vessels*) is hereby amended to read as follows:

[1] § 203.392 is added.

§ 5.85 *Passengers and crew.* (a) Final clearance shall not be granted to any foreign vessel (watercraft or aircraft), wherever bound, until the master has filed with the collector a list of all the members of the crew of the vessel, together with the nationality of each member, which list shall be sworn to by the master.

(b) No clearance shall be granted to any vessel (watercraft or aircraft) while having on board any citizen of the United States whether as a passenger or member of the crew, except in accordance with the rules and regulations prescribed by the Secretary of State pursuant to Proclamation 2523 issued by the President on November 14, 1941. (R.S. 161; 5 U.S.C. 22)

[SEAL] ROBERT H. HINCKLEY,
Acting Secretary of Commerce.

[F. R. Doc. 42-509; Filed, January 17, 1942; 12:32 p. m.]

[Order No. 203]

ORDER WAIVING COMPLIANCE WITH CERTAIN OF THE PROVISIONS OF SECTION 27 OF THE MERCHANT MARINE ACT, 1920, AS AMENDED

JANUARY 19, 1942.

Upon the recommendation of the Director General of the Office of Production Management and by virtue of the authority vested in me by the provisions of Executive Order No. 8976, dated December 12, 1941 (6 F.R. 6441), I hereby waive compliance with the provisions of section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. 883), to such extent as to permit the transportation of tungsten concentrates on Canadian steamships between Stewart, B. C., and Prince Rupert, B. C., as a portion of the transportation of those concentrates between Hyder, Alaska, and Cleveland, Ohio.

[SEAL] SOUTH TRIMBLE, JR.,
Acting Secretary of Commerce.

[F. R. Doc. 42-517; Filed, January 19, 1942; 10:58 a. m.]

SUBCHAPTER K—SEAMEN

[Order No. 202]

ORDER WAIVING COMPLIANCE WITH CERTAIN OF THE PROVISIONS OF SECTION 4511 R.S., AS AMENDED

JANUARY 17, 1942.

By virtue of the authority vested in me by the provisions of Executive Order No. 8976, dated December 12, 1941 (6 F.R. 6441), I hereby waive compliance with the provisions of section 4511 R.S. as amended (46 U.S.C. 564), to the extent and upon the terms hereinafter set forth.

(a) So much of section 4511 R.S., as amended, as requires shipping articles to contain particulars of the amount of wages which each seaman is to receive is waived to the extent necessary to permit the omission from shipping articles of particulars with regard to the amount of wages which each seaman is to receive as a bonus under Maritime War Emergency Board Decision No. 2, dated January 10, 1942, with its attachments Nos. 1, 2, and 3: *Provided,* That

(1) Said Decision with its attachments is incorporated in the shipping articles by reference thereto by name.

(2) Said Decision and its attachments Nos. 1, 2, and 3, together with the shipping articles, is read by the Shipping Commissioner or his deputy to every person signing such articles.

(3) A copy of said Maritime War Emergency Board Decision No. 2 dated January 10, 1942, with its attachments Nos. 1, 2, and 3, is filed in the office of the shipping commissioner before whom the shipping articles are entered into.

[SEAL] ROBERT H. HINCKLEY,
Acting Secretary of Commerce.

[F. R. Doc. 42-510; Filed, January 17, 1942; 12:32 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

PART 75—REGULATIONS APPLYING TO SHIPPERS

ORDER IN THE MATTER OF REGULATIONS FOR TRANSPORTATION OF EXPLOSIVES AND OTHER DANGEROUS ARTICLES

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 18th day of December, A. D. 1941.

It appearing, that pursuant to section 233 of the Transportation of Explosives Act approved March 4, 1921 (41, Stat. 1444), the Commission has formulated and published certain regulations for transportation of explosives and other dangerous articles applying to carriers engaged in interstate or foreign commerce by land and water, in freight, express, or baggage service by rail, or by water, or highway;

And it appearing, that by application of the Phillips Petroleum Company, dated October 6, 1941, we are asked to order the temporary and limited amendment of the aforesaid regulations so as to permit experimental shipments to be made of liquefied petroleum gas in not to exceed 5,000 test cylinders manufactured in accordance with an additional type of specification 4B alloy steel construction for which specification is included herein and made part hereof;

It further appearing, that the efficiency of the test type of cylinders has been considered and such construction is in accord with the best-known practicable means for securing safety in the transportation of liquefied petroleum gas;

It further appearing, that the test type cylinders will be constructed by manufacturers considered by the Bureau of Explosives to be competent to fully carry out the provisions of the test specification;

It further appearing, that paragraph 22 of shipping container specification 4B provides that additional type alloy steel cylinders are not authorized for construction under this specification, although authorized under master specification 3A which with certain exceptions must also be complied with in the construction of cylinders under specification 4B;

And it further appearing, that by no means other than by modification of existing regulations for the transportation of liquefied petroleum gas may the proposed tests be made of the additional type cylinders:

It is ordered, That the regulations for transportation of explosives and other dangerous articles be, and they are hereby amended as follows:

Temporary and limited amendment of section 303 (n) (2) and paragraph 22 of shipping container specification 4B to permit applicant Phillips Petroleum Company to offer for transportation, and carriers subject to said regulations to accept and transport, for the purposes of test a total of not to exceed 5,000 cylinders of additional specification 4B type, in accordance with said regulations and as amended herein: *Provided,* That applicant shall keep an exact record of all of the test cylinders, shall furnish the Commission at a reasonably early date after construction the letters and numerical designations which identify the cylinders, and shall report in detail from time to time to the Bureau of Explosives for transmission to the Commission with comments concerning the success or failure of the tests, together with explanations and probable reasons therefor, and recommendations for appropriate final disposition of the pending application: *Provided further,* That this authority shall apply only to the shipments herein specified, shall be effective on and after the date of service of this authority, and shall remain in effect until further order of the Commission: *And provided further,* That in all respects and for all shipments, except only those made under this authority, the aforesaid regulations herein modified be and shall remain in full force and effect.

SEC. 303 (n) (2). *Liquified petroleum gas—packing.* Spec. 3, 3A, 3B, 3E, 4, 4A, 4B, 4B-240X, 25, 26, or 38—Cylinders authorized under sec. 303 (p) (2) to 303 (p) (6) may be used.

APPENDIX—SHIPPING CONTAINER SPECIFICATIONS SPECIFICATION 4B ALLOY STEEL CYLINDERS [1]

22. *Additional type.* Cylinders without longitudinal welded seam when made for service pressure at least 150 pounds to not over 500 pounds per square inch are authorized when complying with this specification with exceptions and additional requirements as follows:

(a) *Exceptions:* (1) Yield point not over 75 percent of tensile strength is acceptable.

(2) Wall thickness is acceptable, subject to the additional requirement specified in par. 22 (b) (1), as follows:

[1] Diagram filed as part of the original document.

Inside diameter of cylinders (inches):	Minimum thickness (inch) [1]
13 or less	0.078
Over 13 to 14	.081
Over 14 to 14½	.084
Over 14½ to 15	.087
Over 15 to 16	.092
Over 16	.100

[1] Excluding galvanizing or other protective coating.

(3) Elongation percentages as prescribed in par. 16 (a) may be reduced by 2 percent for 2-inch specimens, and 1 percent in other cases, for each 7,500 pounds per square inch increment of tensile strength above 50,000 pounds per square inch up to the maximum of 80,000 pounds per square inch.

(b) *Additional requirements:* (1) Wall stress at test pressure, as calculated under par. 9 (b), must not exceed 50 percent of the minimum tensile strength of the steel.

(2) Ratio of length of cylinder to its diameter must not exceed 3.5 when wall thickness is less than 0.10 inch.

(3) Each cylinder, except when braced throughout, must be thermally stress relieved after all welding operations have been completed and prior to the hydrostatic test.

(4) Weld test specimens must be cut from one cylinder taken at random from each lot of 200 or less cylinders after stress relieving as prescribed and must pass satisfactorily the following tests:

(*a*) *Tensile test.* Without preparation other than finishing the edges parallel for a distance of approximately 2 inches on each side of the weld, the specimen must be fractured in a tensile test; the unit breaking load must be at least equal to the minimum unit breaking load in the tensile tests made under the requirements of par. 15.

(*b*) *Guided bent test.* A specimen 1½ inches wide, on which the edges have been machined parallel and rounded with a file, but without other preparation, shall be bent to refusal in the guided bent jig shown in drawing as an appendix attachment made part hereof. The root of the weld (inside surface of cylinder) shall be located away from the ram of the jig. Any specimen which shows a crack exceeding ⅛ inch in any direction upon completion of the test shall be considered unsatisfactory.

(5) All markings must be applied on a plate of ferrous material attached to the top end of the cylinder or permanent part thereof; sufficient space must be left on the plate to provide for stamping at least six retest dates; the plate must not be attached to the side wall of the cylinders; the plate must be at least 1/16 inch thick and it must be attached by welding, or by brazing at a temperature of at least 1,400° F., throughout all edges of the plate: *Provided,* That marks may be stamped into the metal of the valve boss or valve protecting sleeve or similar part permanently attached to the top end of the cylinder: *Provided further,* That marks other than those prescribed in par. 19 may be stamped into the foot ring. Stamping of letters, figures or

other marks into the metal of the cylinder for any purpose whatever, except as above authorized, is expressly prohibited.

(6) Reports of manufacture shall include percentage of each alloying element in the steel and shall state that the cylinders are made under the provisions of par. 22 of this specification.

(7) Carbon content of steel must not exceed 0.20 percent.

(c) Marking requirements of paragraph 19 (b) of specification No. 4 must be complied with. The marking of cylinders must be as follows:

I. C. C.—4B—240 X

And it is further ordered, that copies of this order be served upon all parties of record herein, and that notice to the public be given by posting in the office of the Secretary of the Commission at Washington, D. C. (Sec. 233, 41 Stat. 1445)

By the Commission, Division 3.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 42-518; Filed, January 19, 1942; 11:27 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-139]

IN THE MATTER OF PERRY COAL COMPANY, A CORPORATION, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 10, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 12, 1941, by the Bituminous Coal Producers Board for District No. 10, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 24, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Broadview Hotel, East St. Louis, Illinois.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

1. The defendant, 1409 Boatmen's Bank Building, St. Louis, Missouri, code member in District No. 10, operating the St. Ellen Mine, Mine Index No. 153, in St. Clair County, Illinois, offered for sale to the Dewey Portland Cement Company, Kansas City, Missouri, during the period from April 14, 1941, to April 19, 1941, both dates inclusive, upon the basis of a guaranteed analysis, approximately 2527 net tons of 3/8" x 0 washed coal, Size Group No. 25, produced at the aforesaid mine, and accepted an order from said Dewey Portland Cement Company for said coal, upon a penalty basis, without filing a report of the analysis used with the Field Office for District No. 10, in violation of Rules 1 and 5 of section VIII of the Marketing Rules and Regulations.

2. The defendant allowed to the Dewey Portland Cement Company, with respect to the coal sold as indicated in paragraph 1 hereof, a penalty adjustment of 19½ cents per net ton from the effective minimum price of $1.00 per net ton f. o. b. the mine for F. A. S. delivery as established in Supplement No. 1 to the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck, said penalty adjustment amounting to $492.78, thereby reducing the aggregate contract price below the applicable minimum price established by the Division for said coal, as indicated above, in violation of section 4 II (e) of the Act, Part II (e) of the Code, and Rule 6 of Section VIII of the Marketing Rules and Regulations.

3. The defendant failed to file with the Field Office for District No. 10, as required by said Rule, the analysis made by Dewey Portland Cement Company of the coal referred to in Paragraph 2 hereof, and accepted by code member as the basis for the adjustment made on said coal, in violation of Rule 4 of Section VIII of the Marketing Rules and Regulations.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-519; Filed, January 19, 1942; 11:21 a. m.]

[Docket No. B-166]

IN THE MATTER OF GEORGE HANEY, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated December 23, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on December 24, 1941, by the Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 24, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to adminster oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed revelant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, That the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That said defendant, whose address is R. R. #1, Rush, Kentucky, during the period March 22, 1941 to July 11, 1941, both dates inclusive, sold, delivered and offered to sell to E. M. Hammonds of Olive Hill, Kentucky, approximately 526.570 net tons of High Volatile mine run Size Group 6 coal, produced by said defendant at his Haney Mine, Mine Index No. 1050, located in Rush, Carter County, Kentucky, in District No. 8, at the price of $2.00 per net ton f. o. b. said mine, and thereafter said defendant allowed and paid to the said E. M. Hammonds a cash rebate of 30 cent per net ton on each ton of coal so sold; that the allowance and payment of said cash rebate constituted a violation of the Code, the Effective Minimum Price established thereunder, and the rules and regulations made pursuant thereto, and particularly Rule 6 of section XIII of the Marketing Rules and Regulations.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-520; Filed, January 19, 1942; 11:21 a. m.]

[Docket No. B-161]

IN THE MATTER OF WESLEY CONLEY, LEONARD CONLEY, ARTHUR BATES AND RISOM FANKELL, INDIVIDUALLY, AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF KILGORE COAL COMPANY, (WESLEY CONLEY, LEONARD CONLEY, ARTHUR BATES AND RISOM FANKELL, (KILGORE COAL COMPANY)), CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated December 20, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on December 22, 1941, by Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 20, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Joseph A. Huston, or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows: That defendants, whose addresses are R. F. D. #1, Rush, Carter County, Kentucky, during the period December 20, 1940, to July 15, 1941, both dates inclusive, sold, delivered, and offered to sell to E. M. Hammonds, Olive Hill, Kentucky, approximately 1388.51 net tons of High Volatile Size Group 6 or mine-run coal produced by defendants at their Kilgore Mine, Mine Index No. 3139, located at Rush, Carter County, Kentucky, in District No. 8, at a price of $2.00 per net ton f. o. b. said mine, and thereafter allowed and paid to said Hammonds a cash rebate of $.30 per net ton on each ton so sold, this coal, being classified as Size Group 6 and priced at $2.00 per net ton f. o. b. said mine in the Schedule of Effective Minimum Prices for District No. 8, For Truck Shipments, in violation of the effective minimum prices established therefor and the rules and regulations of the Division, and particularly section XIII, Rule 6 of the Marketing Rules and Regulations.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-521; Filed, January 19, 1942; 11:21 a. m.]

[Docket No. B-172]

IN THE MATTER OF O. E. HOUSER, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 19, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties

in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

(a) That the defendant, O. E. Houser, of New Bethlehem, Pennsylvania, whose code membership became effective as of November 1, 1938, operator of the Houser Mine, Mine Index No. 1537, Subdistrict No. 4 of District No. 1, Armstrong County, Pennsylvania, sold and delivered to the Pittsburg and Shawmut Coal Company by truck to the Colwell Siding of the Freebrook Company, an affiliate of the Pittsburg and Shawmut Coal Company, 385.90 net tons of run of mine coal during the months of December 1940 and January and February 1941, at a price below the effective minimum prices therefor of $2.15 per net ton, plus at least the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character from the transportation facilities at the mine to said point of delivery; or

(b) That the aforesaid defendant sold during the months of December 1940, January and February, 1941, approximately 385.90 net tons of run of mine coal produced at the aforesaid Houser Mine, Mine Index No. 1537, to the Pittsburg & Shawmut Coal Company for rail shipment and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of approximately $1.50 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940 in General Docket No. 19.

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-522; Filed, January 19, 1942; 11:21 a. m.]

[Docket No. B-167]

IN THE MATTER OF SCOTT L. REARICK, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 20, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

(a) The defendant, Scott L. Rearick, Distant, Pennsylvania, whose code membership became effective as of November 18, 1938, operator of the Rearick Mine, Mine Index No. 1930, Subdistrict No. 11 of District No. 1, Armstrong County, Pennsylvania sold and delivered at approximately $1.50 per net ton to the Pittsburg and Shawmut Coal Company, a registered distributor, Registration No. 7349, whose address is Kittanning, Pennsylvania, during December 1940 and January 1941, approximately 933 tons of run of mine coal produced at said mine. Said coal was classified as Size Group 3 and priced at $2.10 per net ton f. o. b. said mine as set forth in the Schedule of Effective Minimum Prices for District No. 1, For Truck Shipments. Said code member allowed Pittsburg and Shawmut Coal Company unauthorized excessive discounts in the form of commissions, deductions for reject coal, amounts for railroad car stop-over, railroad car transfer, cleaning and sizing charges upon the sale of said coal. This coal was purchased for resale, by said Pittsburg and Shawmut Coal Company and physically handled by said vendee. The "discounts" above-mentioned were paid contrary to the provisions of Rule 1 Section III of the Marketing Rules and Regulations and the above transactions constituted sales below the minimum price established for said mine and, therefore, in violation of section 4 Part II (e) of the Act and Part II (e) of the Code.

(b) The aforesaid defendant sold and delivered the above-mentioned coal in his own trucks or in trucks under his control to a railroad loading dock located at Colwell, Pennsylvania, situated on the Pittsburg and Shawmut Railroad, contrary to the provisions of Price Instruction No. 6 of the schedule referred to in (a) hereof as amended by Supplement No. 2 to said schedule in that said code member evaded and/or violated the price provisions of the Act through the use of transportation facilities through the absorption, directly or indirectly, of the transportation costs of said coal to said loading dock, which was located at a point other than the transportation facilities at the mine, without adding to the applicable minimum f. o. b. mine price provided in the schedule referred to herein, an amount at least equal, as nearly as practicable, to the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character, from the transportation facilities at the mine to the point from which all such charges were assumed and directly paid by the purchaser in violation of section 4 Part II (g) of the Act and Part II (g) of the Code; or

The aforesaid defendant sold during the months of December 1940 and January 1941, approximately 933 net tons of run of mine coal produced at the aforesaid Rearick Mine, Mine Index No. 1930 to Pittsburg & Shawmut Coal Company for rail shipment and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of approximately $1.50 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940, in General Docket No. 19.

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-523; Filed, January 19, 1942; 11:22 a. m.]

[Docket No. B-181]

IN THE MATTER OF M. L. SHUMAKER AND CHARLES SHUMAKER, INDIVIDUALLY AND AS CO-PARTNERS DOING BUSINESS UNDER THE NAME AND STYLE OF M. L. & CHARLES SHUMAKER (M. L. SHUMAKER) CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 20, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

(a) The defendants, M. L. Shumaker and Charles Shumaker, individually and as co-partners, of Seminole, Pennsylvania, whose code membership became effective as of August 1, 1939, operator of the Shumaker Mine, Mine Index No. 2569, District No. 1, Armstrong County, Pennsylvania, sold and delivered to the Pittsburg & Shawmut Coal Company by truck to the Colwell Siding of the Freebrook Company, an affiliate of the Pittsburg & Shawmut Coal Company, 140.50 net tons of run of mine coal during the months of January and February, 1941, at a price below the effective minimum price established therefor, as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, of $2.15 per net ton, plus at least the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character from the transportation facilities at the mine to said point of delivery; or

(b) The aforesaid defendants, individually and as co-partners, sold during the months of January and February 1941, approximately 140.50 net tons of run of mine coal produced at the Shumaker Mine, Mine Index No. 2569, to the Pittsburg & Shawmut Coal Company for rail shipment and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of approximately $1.50 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940, in General Docket No. 19.

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-524; Filed, January 19, 1942; 11:22 a. m.]

[Docket No. B-169]

IN THE MATTER OF LOYAL T. HENDERSON, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 24, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such pro-

ceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

(a) The defendant, Loyal T. Henderson, R. D. 5, New Bethlehem, Pennsylvania, whose code membership became effective on September 18, 1937, operator of the Loyal T. Henderson Mine, Mine Index No. 1491, located in Clarion County, Pennsylvania, District No. 1, sold and delivered to the Pittsburg and Shawmut Coal Company by truck to the Colwell Siding of the Freebrook Company, an affiliate of the Pittsburg and Shawmut Coal Company, approximately 307.275 net tons of run of mine coal produced at said mine, during the months of December 1940, January and February 1941, at a price below the effective minimum price established therefor, as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, of $2.15 per net ton, plus at least the actual transportation charges, handling charges or incidental charges of whatsoever kind or character from the transportation facilities at the mine to said point of delivery; or

(b) The aforesaid defendant sold during the period from January 1, 1941, to February 28, 1941, both dates inclusive, approximately 307.275 net tons of run of mine coal, produced at the aforesaid Loyal T. Henderson Mine, Mine Index No. 1491, to the Pittsburg and Shawmut Coal Company for rail shipment and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of approximately $1.50 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940, in General Docket No. 9.

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-525; Filed, January 19, 1942; 11:22 a. m.]

[Docket No. B-171]

IN THE MATTER OF F. J. ADAMS, COAL MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 25, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: The defendant, F. J. Adams, of New Bethlehem, Pennsylvania, whose code membership become effective as of January 7, 1938, operator of the Adams Mine, Mine Index No. 1001, located in Subdistrict No. 4 of District No. 1, Armstrong County, Pennsylvania, sold and delivered to the Pittsburg and Shawmut Coal Company by truck to the Colwell Siding of the Freebrook Company, an affiliate of the Pittsburg and Shawmut Coal Company, 777.275 net tons of run of mine coal during the months of December 1940 and January and February 1941, at a price below the effective minimum price therefor, as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, of $2.15 per net ton, plus at least the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character from the transportation facilities at the mine to said point of delivery; or

The aforesaid defendant sold during the months of December, 1940, January and February, 1941, approximately 777.275 net tons of run of mine coal produced at the aforesaid Adams Mine, Mine Index No. 1001, to the Pittsburg & Shawmut Coal Company for rail shipments and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of approximately $1.50 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940, in General Docket No. 9.

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-526; Filed, January 19, 1942; 11:22 a. m.]

[Docket No. B-117]

IN THE MATTER OF ANDREW J. FRY AND J. C. FRY, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF J. C. FRY AND A. J. FRY, (ALSO KNOWN AS CAMP CREEK COAL CO.) CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 14, 1941, by Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division, alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 25, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact, and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answers to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendants, whose addresses are East Lynn, Wayne County, West Virginia, during the period May 25, 1941 to June 8, 1941, both dates inclusive, sold, delivered and offered to sell to the Ann Arbor Railroad Company, Norman B. Pitcairn and Frank C. Micodemus, Jr., Receivers, for use as railway locomotive fuel, approximately 350 tons of 2" x 5" egg coal produced by the defendants at their mine designated as Mine Index No. 2421, located in Wayne County, West Virginia, in District No. 8, at $1.85 per net ton f. o. b. said mine, whereas this coal is classified as Size Group 7 and is priced at $2.30 per net ton f. o. b. said mine in the Schedule of Effective Minimum Prices for District No. 8, For All Shipments Except Truck.

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-527; Filed, January 19, 1942; 11:23 a. m.]

[Docket No. B-162]

IN THE MATTER OF GEORGE STEPHENS, AN INDIVIDUAL DOING BUSINESS UNDER THE NAME OF MOORE BRANCH COAL COMPANY (GEORGE STEPHENS, (MOORE BRANCH COAL COMPANY)), DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 29, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on December 2, 1941, by Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 21, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant ,alleging willful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: (a) That the defendant during the months of October, November and December 1940, sold, delivered and offered to sell approximately 4,669.43 net tons of coal produced at defendant's Moore Branch Coal Company Mine No. 1, Mine Index No. 1071, located in Carter County, Kentucky, in District No. 8, in various sizes and quantities, to General Refractories Company, Lee Clay Products Company and Morehead State Teachers College, delivered by truck to General Refractories Company at Hitchens, Kentucky, to Morehead State Teachers College at Morehead, Kentucky, and to Lee Clay Products Company at Clearfield, Kentucky, at the effective minimum f. o. b. mine prices for said coal as set forth in the Schedule of Effective Minimum Prices for District No. 8 For Truck Ship-

ment. In said transactions the defendant failed to add to the applicable minimum f. o. b. mine prices for said coal, as required by Price Instruction No. 5 of said Schedule, amounts at least equal, as nearly as practicable, to the actual transportation charges from the transportation facilities at said mine to the points of delivery to the purchasers, which charges were approximately 39 cents per net ton for coal sold and delivered to the General Refractories Company at Hitchens, Kentucky, and approximately $1.00 per net ton for coal sold and delivered to the Morehead State Teachers College at Morehead, Kentucky, and the Lee Clay Products Company at Clearfield, Kentucky. (b) That the defendant, whose address is Hitchens, Carter County, Kentucky, during the period October 2, 1940, to February 17, 1941, both dates inclusive, sold, delivered and offered to sell approximately 3,174 net tons of coal produced at defendant's Moore Branch Coal Company Mine No. 1, Mine Index No. 1071, located in Carter County, Kentucky, in District No. 8, to General Refractories Company, Appalachian Power Company, Kentucky Fire Brick Company, and Lee Clay Products Company, for rail shipment, in various quantities and sizes, delivered to railroad cars at Hitchens, Kentucky, although at the time of said transactions no minimum prices, temporary or final, had been established by the Division for the coal so sold, delivered and offered for sale, and thereby violated the Order of the Director in General Docket No. 19.

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-528; Filed, January 19, 1942; 11:23 a. m.]

[Docket No. B-170]

IN THE MATTER OF C. F. MILLER, FRED MILLER AND WARREN MILLER, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF C. F., FRED & WARREN MILLER (C. F. MILLER), CODE MEMBERS, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 25, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

(a) The above-named defendants, C. F. Miller, Fred Miller and Warren Miller, individually and as co-partners of R. F. D., New Bethlehem, Pennsylvania, whose code membership became effective August 28, 1940, operators of the mine designated as Mine Index No. 2533, District No. 1, Clarion County, Pennsylvania, sold and delivered to the Pittsburg and Shawmut Coal Company by truck to the Colwell Siding of the Freebrook Company, an affiliate of the Pittsburg and Shawmut Coal Company, 458.887 net tons of run of mine coal during the months of December 1940 and January and February 1941, at a price below the effective minimum price established therefor, as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, of $2.15 per net ton, plus at least the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character from the transportation facilities at the mine to said point of delivery; or

(b) The aforesaid defendants, individually and as co-partners, sold during the months of December 1940, January and February 1941, approximately 458.887 net tons of run of mine coal produced by said defendants at their mine designated as Mine Index No. 2533, to the Pittsburg & Shawmut Coal Company for rail shipment and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of approximately $1.50 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940, in General Docket No. 19.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-529; Filed, January 19, 1942; 11:23 a. m.]

[Docket No. A-1192]

PETITION OF BITUMINOUS COAL CONSUMERS' COUNSEL TO AMEND RULE 2 OF SECTION VI OF THE MARKETING RULES AND REGULATIONS

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on February 12, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 7, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Bituminous Coal Consumers' Counsel to amend Rule 2 of section VI of the Marketing Rules and Regulations; and, more particularly, to amend the said Rule by adding thereto a provision reading substantially as follows:

Provided, however, That contracts may be entered into on or after November 1 of any year for coal to be shipped as lake cargo during the following lake season.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-530; Filed, January 19, 1942; 11:23 a. m.]

[Docket No. B-118]

IN THE MATTER OF ANDREW J. FRY, (ALSO KNOWN AS ANDREW J. FRY DOING BUSINESS AS CAMP CREEK COAL COMPANY), CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 13, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 14, 1941, by Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 25, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at the hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant of material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That defendant, whose address is East Lynn, Wayne County, West Virginia, during the period May 25, 1941 to June 8, 1941, both dates inclusive, sold, delivered and offered to sell to the Ann Arbor Railroad Company, Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers, for use as railway locomotive fuel, approximately 350 net tons of 2" x 5" egg coal, produced by the defendant at his Camp Creek Coal Co. Mine, Mine Index No. 2420, located in Wayne County, West Virginia, in District No. 8, at $1.85 per net ton f. o. b. said mine, whereas this coal is classified as Size Group 7, and is priced at $2.30 per net ton f. o. b. said mine in the Schedule of Effective Minimum Prices for District No. 8 For All Shipments Except Truck.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-531; Filed, January 19, 1942; 11:23 a. m.]

[Docket No. B-173]

IN THE MATTER OF JOHN PRIESTER AND CHARLES PRIESTER, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF JOHN AND CHARLES PRIESTER, CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 25, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, That answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty

(20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, That the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

(a) The defendants, John Priester and Charles Priester, individually and as co-partners, of Distant, Pennsylvania, whose code membership became effective as of October 1, 1938, operators of the Priester Mine, Mine Index No. 1910, Subdistrict No. 11 of District No. 1, Armstrong County, Pennsylvania, sold and delivered to the Pittsburg & Shawmut Coal Company by truck to the Colwell Siding of the Freebrook Company, an affiliate of the Pittsburg and Shawmut Coal Company, 156.625 net tons of run of mine coal during the month of December 1940 and January and February 1941, at a price below the effective minimum price established therefor, as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, of $2.15 per net ton, plus at least the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character from the transportation facilities at the mine to said point of delivery; or

(b) The aforesaid defendants, individually and as co-partners, sold during the months of December 1940, January and February 1941, approximately 156.625 net tons of run of mine coal produced at the aforesaid Priester Mine, Mine Index No. 1910, to the Pittsburg and Shawmut Coal Company, for rail shipment and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of approximately $1.50 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940, in General Docket No. 19.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-532; Filed, January 19, 1942; 11:24 a. m.]

[Docket No. B-176]

IN THE MATTER OF C. O. SHICK, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 24, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

(a) The defendant, C. O. Shick, R. F. D., New Bethlehem, Pennsylvania, whose code membership became effective on September 21, 1940, operator of the Shick Mine, Mine Index No. 2599, Clarion County, Pennsylvania, District No. 1, sold and delivered to the Pittsburg and Shawmut Coal Company by truck to the Colwell Siding of the Freebrook Company, an affiliate of the Pittsburg and Shawmut Coal Company, 309.35 net tons of run of mine coal during the months of January and February, 1941, at a price below the effective minimum price established therefor, as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, of $2.15 per net ton, plus at least the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character from the transportation facilities at the mine to said point of delivery; or

(b) The aforesaid defendant sold during the period from January 1, 1941 to February 28, 1941, both dates inclusive, approximately 309.35 net tons of run of mine coal, produced at the aforesaid Shick Mine, Mine Index No. 2599, to the Pittsburg and Shawmut Coal Company for rail shipment and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of approximately $1.50 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940, in General Docket No. 19.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-533; Filed, January 19, 1942; 11:24 a. m.]

[Docket No. B-179]

IN THE MATTER OF C. H. GATHERS, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 24, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date hereinset for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

(a) The defendant, C. H. Gathers of R. F. D. Brookville, Pennsylvania, whose code membership became effective on November 20, 1940, operator of the Thompson Mine (Mine Index No. 2783), located in Clarion County, Pennsylvania, District No. 1, sold and delivered to the Pittsburg and Shawmut Coal Company by truck to the Colwell Siding of the Freebrook Company, an affiliate of the Pittsburg and Shawmut Coal Company, 109.30 net tons of run of mine coal during the month of February 1941, at a price below the effective minimum price established therefor as set forth in the Schedule of Effective Minimum Prices for District No. 1 For Truck Shipments, of $2.15 per net ton, plus at least the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character from the transportation facilities at the mine to said point of delivery; or

(b) The aforesaid defendant sold during the month of February 1941 approximately 109.30 net tons of run of mine coal produced at the aforesaid Thompson Mine, Mine Index No. 2783, to the Pittsburg and Shawmut Coal Company for rail shipment and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of approximately $1.50 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940, in General Docket No. 19.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-534; Filed, January 19, 1942; 11:24 a. m.]

[Docket No. B-180]

IN THE MATTER OF JOHN WEBB, A CODE MEMBER, DEFENDANT

NOTICE AND ORDER FOR HEARING

A complaint dated November 28, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on December 2, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 21, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or by adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendant, John Webb, whose address is Webbville, Kentucky, during the period March 31, 1941, to July 18, 1941, sold to Deer Creek Coal Company, Olive Hill, Kentucky, approximately 552.32 tons of high volatile mine run coal, Size Group No. 6, produced at defendant's Webb Mine, Mine Index No. 2872, located in Lawrence County, Kentucky, in District No. 8, at a price of $1.50 per net ton f. o. b. the mine, whereas the effective

minimum price established for such coal was $2.00 per net ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments.

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-535; Filed, January 19, 1942; 11:24 a. m.]

[Docket No. B-169]

IN THE MATTER OF FRANK B. MORRISON, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 27, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 28, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 24, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That said defendant, whose address is R. F. D. No. 1, Rush, Carter County, Kentucky, during the period January 6, 1941, to February 7, 1941, both dates inclusive, sold, delivered and offered to sell to E. M. Hammonds, whose address is Olive Hill, Kentucky, approximately 86.075 net tons of High Volatile mine run Size Group 6 coal, produced by the said defendant at his Morrison Mine, Mine Index No. 1066, located in Rush, Carter County, Kentucky, in District No. 8, at the price of $2.00 per net ton f. o. b. said mine, and thereafter, said defendant allowed and paid to the said E. M. Hammonds a cash rebate of 30 cents per net ton on said coal; that the allowance and payment of said cash rebate constituted a violation of the Code, the effective minimum prices established thereunder, and the rules and regulations made pursuant thereto, and particularly Rule 6 of Section XIII of the Marketing Rules and Regulations.

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-536; Filed, January 19, 1942; 11:25 a. m.]

[Docket No. B-168]

IN THE MATTER OF R. W. DUNCAN, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 21, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

(a) The defendant, R. W. Duncan, Rimer, Pennsylvania, code member, whose code membership became effective October 28, 1938, operator of the Duncan Mine, Mine Index No. 1308, located in District No. 1, Armstrong County, Pennsylvania, sold and delivered to the Pittsburg and Shawmut Coal Company, by truck to the Colwell Siding of the Freebrook Company, an affiliate of the Pittsburg and Shawmut Coal Company, 8.65 net tons of run of mine coal produced at said mine during the month of February 1941, at a price below the effective minimum price established therefor, as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, of $2.15 per net ton, plus at least the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character from the transportation facilities at the mine to said point of delivery; or

(b) The aforesaid defendant sold during the month of February 1941, approximately 8.65 tons of run of mine coal produced at the aforesaid Duncan Mine, to the Pittsburg and Shawmut Coal Company for rail shipment and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of approximately $1.50 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940, in General Docket No. 19.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-537; Filed, January 19, 1942; 11:25 a. m.]

[Docket No. B-155]

IN THE MATTER OF HOBERT L. FELTY AND JESS RUCKER, INDIVIDUALLY, AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF HOBERT L. FELTY AND JESS RUCKER, CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 27, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 28, 1941, by Bituminous Coal Producers Board for District No. 8, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 20, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answers to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows: That defendants, whose addresses are R. F. D. #1, Rush, Kentucky, during the period June 22, 1941 to July 18, 1941, both dates inclusive, sold, delivered and offered to sell to E. M. Hammonds, Olive Hill, Kentucky, approximately 69.6 net tons of High Volatile Size Group 6 or mine-run coal produced by said defendants at their Feltz Mine, Mine Index No. 2475, located near Rush, Carter County, Kentucky, in District No. 8, at a price of $2.00 per net ton f. o. b. said mine and thereafter allowed and paid to said Hammonds a cash rebate of 30 cents per net ton on each ton so sold, this coal being classified as Size Group 6 and priced at $2.00 per net ton f. o. b. said mine in the Schedule of Effective Minimum Prices for District No. 8, For Truck Shipments, in violation of the effective minimum prices established therefor and the rules and regulations of the Division, and particularly Section XIII, Rule 6 of the Marketing Rules and Regulations.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-538; Filed, January 19, 1942; 11:25 a. m.]

[Docket No. B-177]

IN THE MATTER OF CHARLES REDDINGER AND TERRY REDDINGER, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF CHARLES & TERRY REDDINGER (TERRY REDDINGER) CODE MEMBERS, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 6, 1942, by Bituminous Coal Producers Board, No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 21, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and

orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

(a) The defendants, Charles Reddinger and Terry Reddinger, individually, and as co-partners, of Distant, Pennsylvania, whose code membership became effective on October 22, 1940, sold and delivered to the Pittsburg and Shawmut Coal Company by truck to the Colwell Siding of the Freebrook Company, an affiliate of the Pittsburg and Shawmut Coal Company, 987.975 net tons of run of mine coal during the months December 1940 and January and February, 1941, at a price below the effective minimum price therefor, as set forth in the Schedule of Effective Minimum Prices for Truck Shipments of $2.15 per net ton, plus at least the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character from the transportation facilities at the mine to said point of delivery; or

(b) Sold during the period from December 1, 1940 to February 28, 1941, both dates inclusive, approximately 987.975 net tons of run of mine coal, produced at the aforesaid Doverspike Mine, Mine Index No. 1303, to the Pittsburg and Shawmut Coal Company, for rail shipments and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of approximately $1.50 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940 in General Docket No. 19.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-539; Filed, January 19, 1942; 11:25 a. m.]

[Docket No. B-182]

IN THE MATTER OF WILLIAM HANEY, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated December 23, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on December 24, 1941, by the Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 24, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Federal Building, Cattlettsburg, Kentucky.

It is further ordered, That Joseph A. Huston, or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That said defendant, whose address is R. R. #1, Rush, Kentucky, during the period January 8, 1941 to August 22, 1941, both dates inclusive, sold, delivered and offered to sell to E. M. Hammonds of Olive Hill, Kentucky, approximately 555.495 net tons of High Volatile mine run Size Group 6 coal, produced by said defendant at his Haney Mine, Mine Index No. 2517, located at Rush, Carter County, Kentucky, in District No. 8, at the price of $2.00 per net ton f. o. b. said mine, and thereafter said defendant allowed and paid to the said E. M. Hammonds a cash rebate of 30 cents per net ton on each ton of coal so sold; that the allowance and payment of said cash rebate constituted a violation of the Code, the Effective Minimum Price established thereunder, the rules and regulations made pursuant thereto and particularly Rule 6 of Section XIII of the Marketing Rules and Regulations.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-540; Filed, January 19, 1942; 11:25 a. m.]

[Docket No. B-3]

IN THE MATTER OF C. E. WERNER, JR., REGISTERED DISTRIBUTOR, REGISTRATION NO. 9584, RESPONDENT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing at Nashville, Tennessee, on December 3, 1941, by Order of the Director dated October 9, 1941, as amended by Order of the Director dated November 4, 1941, and subsequently having been rescheduled for hearing on January 21, 1942, at 10:00 a. m. at the Chancery Court Room, 7th and Georgia Avenue, Chattanooga, Tennessee, before Travis Williams, Trial Examiner, by Order of the Acting Director dated December 2, 1941; and

It appearing to the Acting Director that it is advisable to further postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same is hereby, further postponed to January 23, 1942, at 10:00 a. m. at the place and before the officer heretofore designated by Order of the Acting Director dated December 2, 1941.

It is further ordered, That the Notice of and Order for Hearing herein dated October 9, 1941, as amended by Order dated November 4, 1941, shall in all other respects remain in full force and effect.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-541; Filed, January 19, 1942; 11:25 a. m.]

[Docket No. 1793-FD]

IN THE MATTER OF HERMAN SANDERS, CODE MEMBER, DEFENDANT

ORDER AMENDING AND SUPPLEMENTING NOTICE OF AND ORDER FOR HEARING AND RESCHEDULING HEARING AND REDESIGNATING EXAMINER

A complaint dated July 1, 1941, pursuant to the provisions of sections 4 II (j) and (5) (b) of the Bituminous Coal Act of 1937, having been filed on July 5, 1941, by Bituminous Coal Producers Board for District No. 13, a district board, as complainant, and an amended and supplemental complaint dated December 15, 1941, alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder, having been filed with the Division by the complainant herein, pursuant to Order of the Acting Director dated January 16, 1942; and

The above-entitled matter having been scheduled for hearing on October 2, 1941, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Chancery Court Room, County Court House, Chattanooga, Tennessee, pursuant to the Order of the Director dated August 20, 1941, and subsequently postponed pursuant to the Order of the Director dated September 11, 1941, to a date and place to be thereafter designated by an appropriate order; and

It appearing to the Acting Director that the place and date of such hearing should now be designated;

Now, therefore, it is ordered, That a hearing in the above-entitled matter be held on February 18, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Chancery Court Room, 7th and Georgia Avenue, Chattanooga, Tennessee.

It is further ordered, That Scott A. Dalquist be and he is hereby designated to preside at such hearing vice Travis Williams.

It is further ordered, That the Notice of and Order for Hearing dated August 20, 1941, in the above-entitled matter be and the same is hereby amended and supplemented by adding to the last paragraph thereof the following:

By selling and delivering during the period December 13, 1940, through June 30, 1941, to Penn-Dixie Cement Company, Richard City, Tennessee, approximately 782.83 tons of slack coal produced at defendant's Sanders Mine, Mine Index No. 1070, at a price of not more than $1.65 per net ton delivered to the Penn-Dixie Cement Company, at Richard City, Tennessee, whereas the effective minimum price established for such coal was and is $2.05 per net ton f. o. b. the mine as contained in the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments to which was required to be added an amount at least equal as nearly as practicable to the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operation) from the transportation facilities at the mine to said point of delivery as provided in Price Instruction 7, Supplement No. 1 of the aforesaid Schedule.

By selling during the period November 23, 1940, to December 13, 1940, to Penn-Dixie Cement Company, Richard City, Tennessee, approximately 257 tons of slack coal produced by the defendant at his Sanders Mine, Mine Index No. 1070, at a price of $1.65 per net ton f. o. b. the mine, whereas minimum prices, temporary or final, had not been established by the Division for the coal produced at said mine during said period.

It is further ordered that the Notice of and Order for Hearing dated August 20, 1941, shall in all other respects remain in full force and effect.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-542; Filed, January 19, 1942; 11:26 a. m.]

[Docket No. A-702]

PETITION OF WEST VIRGINIA COAL AND TRANSPORTATION COMPANY, A CODE MEMBER OF DISTRICT NO. 8 FOR PRELIMINARY, OR TEMPORARY, AND PERMANENT ORDER FOR ESTABLISHMENT OF FREE ALONGSIDE PRICES FOR COAL PRODUCED IN DISTRICT NO. 8 BY CODE MEMBERS AND SHIPPED IN RIVER BARGES TO THE NORTHERN STATES POWER COMPANY, ST. PAUL AND MINNEAPOLIS, MINNESOTA

MEMORANDUM OPINION AND ORDER REOPENING THE HEARING FOR LIMITED PURPOSES

This proceeding was instituted upon petition filed with the Bituminous Coal Division by West Virginia Coal and Transportation Company (the "Petitioner"), a code member in District No. 8, in behalf of the Northern States Power Company (the "Power Company"), pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, seeking an Order permitting certain District No. 8 coals to be sold at free alongside prices to the Power Company for consumption at its plants located at Minneapolis and St. Paul, Minnesota.

A hearing in this matter was held on May 14, 1941, before Floyd McGown, a duly designated Examiner of the Division, at a hearing room of the Division in Washington, D. C. At the conclusion of the hearing, all parties waived the preparation and filing of a report by the Examiner, and the record was thereupon submitted to the Director.

Pursuant thereto the Director made and entered Findings of Fact and Conclusions of Law, and rendered an Opinion which were filed herein. On October 8, 1941, a final Order was entered denying relief.

On November 7, 1941, Petitioner filed herein its petition for reconsideration of the final Order denying relief. The petition further requested that, in the event reconsideration should not be granted, the hearing be reopened for the taking of additional and new evidence. District Board No. 7 opposed the petition.

Reconsideration of the final Order denying relief is urged by Petitioner on the alleged ground that the Director erred in finding, on the evidence, that the barge rate in question approximated $3.625 per net ton. The evidence on this point was discussed in the Opinion of the Director in the light of the Special Case provision relating to transportation charges. It is not necessary to repeat that discussion at this time. There is no occasion to upset the Director's finding in the present state of the record.

The Petitioner alternatively requested that an Order be entered reopening the hearing in order to take further evidence with respect to the barge rates applicable to coals produced in District No. 8 when shipped by river to the Power Company.

In support of this request, the Petitioner urged that additional evidence would disclose that the cost of transporting coals produced in District No. 8 by river to the Power Company is materially less than that found by the Director. Upon consideration of the record and the petition to reopen the hearing, I conclude that the petition should be granted and opportunity should be afforded to the Petitioner and any other parties or interested persons to adduce evidence with respect to the cost of barge transportation from District No. 8 to the Power Company plant.

The reopened hearing should be limited, however, to evidence relating to the cost of transporting coal produced in District No. 8 by river to the Power Company plant and to the prospect that Power Company will purchase river-shipped District No. 8 coals from the Petitioner.

It is therefore ordered, That the hearing in the above matter be reopened for the limited purpose of taking additional evidence not available at the prior hearing herein and not cumulative of evidence already adduced with respect to:

(1) The transportation charges for shipping coal produced in District No. 8 by river to the Northern States Power Company, for consumption at its plants located at Minneapolis and St. Paul, Minnesota.

(2) The prospect that coals produced in District No. 8 would be purchased from the West Virginia Coal and Transportation Company by the Northern States Power Company for shipment by river, for consumption at its plants located at Minneapolis and St. Paul, Minnesota.

It is further ordered, That such hearing be held on February 24, 1942, at 10 o'clock in the forenoon of that day, before Examiner Floyd McGown, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That the Examiner shall submit supplementary Findings of Fact and Conclusions of Law and the Recommendation of an appropriate Order in the premises upon the basis of the entire record in this proceeding.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-543; Filed, January 19, 1942; 11:26 a. m.]

[Docket No. A-1242]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF AN ADDITIONAL RAIL LOADING POINT FOR THE COALS OF THE R. & G. MINE (MINE INDEX NO. 104) OF HENRY W. STRIETELMEIER, A CODE MEMBER IN DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with this Division by the above-named party on December 26, 1941, requesting the establishment of Linton, Indiana, as an additional shipping point for the coals of the R. & G. Mine (Mine Index No. 104) of Henry W. Strietelmeier, a code member in District No. 11.

Price classifications and minimum prices have already been established for the coals of Mine Index No. 104 and Midland, Indiana, via the CI&L Railroad and Dugger, Indiana, via the IC Railroad have already been established as shipping points for the coals of this mine.

It appears that Linton, Indiana, the additional shipping point now requested for Mine Index No. 104 is the shipping point for the Pleasantville No. 6 Mine (Mine Index No. 119) of Henry W. Strietelmeier and is located within Freight Origin Group No. 62 for shipment via the IC Railroad. Freight rates via the IC Railroad from both Dugger and Linton, Indiana, are the same.

It further appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth. No petitions of intervention have been filed with the Division in the above-entitled matter. The following action being deemed necessary in order to effectuate the purposes of the Act:

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices for the R. & G. Mine (Mine Index No. 104) of Henry W. Strietelmeier heretofore established in Supplement No. 2 to the Schedule of Effective Minimum Prices for District No. 11, For All Shipments Except Truck, shall be applicable to shipments from this mine originating at Linton, Indiana, via the I. C. Railroad.

It is further ordered, That, pending final disposition of the above-entitled matter, the price classifications and minimum prices heretofore applicable to the coals of Mine Index No. 104 for rail shipments from Dugger, Indiana, be and the same hereby are suspended.

Notice is hereby given that all applications to stay, terminate or modify the temporary relief granted herein may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-544; Filed, January 19, 1942; 11:26 a. m.]

[Docket No. 1758-FD]

IN THE MATTER OF JASPER NICHELSON, DEFENDANT

ORDER APPROVING AND ADOPTING EXAMINER'S REPORT AND REVOKING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board No. 11, alleging willful violation by Jasper Nichelson, a code member in District 11, the defendant, of the Bituminous Coal Code and rules and regulations thereunder as follows:

That the defendant with full knowledge of the requirements contained in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments and with intent to violate the same and in violation thereof, during the period from October 1, 1940 to May 13, 1941, sold for truck shipments, coal produced at his French Lick Mine, Indiana, (Mine Index No. 941) in District No. 11, as follows: an unknown quantity of mine run coal to the Homestead Hotel, West Baden, Indiana, at a delivered price of $2.15 per net ton, the effective minimum f. o. b. mine price applicable thereto being $2.15 per net ton; and an unknown quantity of 1½" x 0 to Hise Brothers, Orleans, Indiana, at a price of $1.65 per ton delivered a distance of 23 miles from the mine, when the effective minimum f. o. b. mine price applicable thereto was $1.55 per net ton, without adding to the applicable minimum f. o. b. mine prices an amount equal, as nearly as practicable, to the actual transportation charge from the mine to the points of delivery; and failed to comply with the Division's Orders Nos. 296, 297 and 307, by not maintaining and filing the records required by said Orders.

Pursuant to an Order of the Director, and after notice to all interested persons, a hearing having been held in this matter on September 15, 1941, before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Shoals, Indiana;

All interested persons having been afforded an opportunity to be present at the hearing, to adduce evidence, cross-examine witnesses, and otherwise be heard;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in the above proceeding, dated November 19, 1941, recommending that the code membership of the defendant be revoked and cancelled;

An opportunity having been afforded to the defendant to file exceptions thereto and supporting briefs, and no such exceptions and supporting briefs having been filed;

The undersigned having considered this matter and having determined that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is, therefore, ordered, That the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner be and they are hereby adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Code, the code membership of the defendant, Jasper Nichelson, be and the same is hereby revoked and cancelled, effective fifteen (15) days from the date of this Order;

It is further ordered, That prior to any reinstatement of the defendant, Jasper Nichelson, to membership in the Code, he shall pay to the United States a tax in the amount of $881.08 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: January 17, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-545; Filed, January 19, 1942; 11:26 a. m.]

[Docket No. 1793-FD]

IN THE MATTER OF HERMAN SANDERS, CODE MEMBER, DEFENDANT

ORDER GRANTING LEAVE TO FILE AMENDED AND SUPPLEMENTAL COMPLAINT

The Bituminous Coal Producers Board for District No. 13, complainant herein, having on December 19, 1941, filed its motion herein dated December 15, 1941, for leave to file an amended and supplemental complaint herein dated December 15, 1941, submitted therewith; and

The Acting Director deeming it advisable that said motion for leave to file said amended and supplemental complaint should be granted;

Now, therefore, it is ordered, That leave be and the same is hereby granted to the complainant herein to file its said amended and supplemental complaint dated December 15, 1941, in the above-entitled matter.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-546; Filed, January 19, 1942; 11:27 a. m.]

[Docket No. A-1248]

PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 10 FOR THE ISSUANCE OF A TEMPORARY ORDER PERMITTING THE FRANKLIN COUNTY COAL CORPORATION, MINE INDEX NO. 151, TO REDUCE THE MINIMUM PRICE ON APPROXIMATELY 14,000 TONS OF STORAGE SCREENINGS

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

This proceeding was instituted upon a petition filed by District Board 10 with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the issuance of a temporary order permitting the Franklin County Coal Corporation, a code member producer in District 10, to sell approximately 14,000 tons of screenings of its Royalton #7 Mine (Mine Index No. 151) at a price of $1.40 per ton.

Pursuant to § 301.236 of the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, and notice to all interested persons, an informal conference was held on January 6, 1942, at Washington, D. C. District Board 10 and the Franklin County Coal Corporation appeared.

The petition sets forth that Franklin County Coal Corporation (hereinafter called the "Company") is a code member in District 10 operating the Royalton #7 Mine in the Southern Illinois Subdistrict of District 10; that the Company now has in storage approximately 14,000 tons of 2" washed screenings which were mined during June, July, August, and September 1941; that these screenings were mined from a section of the vein containing coals substantially inferior to the coals usually marketed from the Company's mine and substantially inferior to the base coals of Southern Illinois; that the Company believed that by washing the coal could be brought up to a quality that would make it merchantable at existing minimum prices but that this did not prove to be the case; that the Company has been unable to dispose of the coal although it has made a diligent effort so to do; that the coals of the Company's mine are mostly competitive with the coals produced in the Southern Illinois Subdistrict of District 10; and that it is the opinion of the petitioner that a minimum price of $1.40 per ton limited to destinations which would not involve the dislocation of competitive tonnage will permit the sale of such substandard screenings. Accordingly, the petitioner requests that a price be established of $1.40 per ton[1] on approximately 14,000 tons of Royalton #7 substandard 2" washed screenings for sale to four large named consumers:

Commonwealth Edison Company Chicago, Illinois, Lehigh Portland Cement Company, Mason City, Iowa, North western States Portland Cement Co., Mason City, Iowa, and Universal Atlas Cement Company, Buffington, Indiana.

No one appeared at the conference or otherwise indicated a desire to oppose the requested relief.

From statements by J. R. Henderson, chairman of District Board 10, and Herbert H. Taylor, vice president of the Franklin County Coal Corporation, made at the informal conference, the following facts appear:

A portion of the Royalton #7 Mine has rock bands disseminated through the coal. While the Company has known that this coal was inferior to the other coal in the mine, beginning in June 1941, it made a serious attempt to recover it because it was easily workable. It is of this coal that the 14,000 tons in question of 2" washed screenings consist.

Proximate analyses of samples taken from these 14,000 tons, made by Commercial Testing and Engineering Co., engineers who make tests and analyses for District Board 10, indicate that the coals as to which the petition herein was filed have a moisture content of 10.45 per cent, an ash content, on a dry basis, of 12.29 per cent, a B. t. u. content, as received, of 11,248, and a B. t. u. content, on a dry basis, of 12,562. These analyses indicate that the coals are substandard.

A comparison of these analyses with an analysis of Price Group 29 coals of District 10, which deliver into Chicago at a price 75 cents below Royalton #7 washed screenings, indicates that the Price Group 29 coals have 6 per cent dry ash and 11,578 B. t. u. on an as received basis. Similarly, Price Group 17 coals of District 10, which deliver into Chicago at a price 60 cents below the Royalton #7 coals, have 100 B. t. u. as received more than the Royalton coals and 1½ per cent lower dry ash. Similarly, Price Group 18 coals of District 10, which have a 60-cent lower delivered price than the Royalton #7 coals, have 100 B. t. u. more than the latter coals and 2 per cent lower dry ash. Similarly, Price Group 8 coals of District 11, which have a 55-cent lower delivered price into Chicago than the Royalton coals, have 500 B. t. u. more than the Royalton coals and 3 per cent lower dry ash.

Similarly, also, the raw screenings of the Royalton #7 Mine have a B. t. u. content approximately 700 higher than the substandard coals in question, and a dry ash content approximately 2½ per cent lower.

The Company has made many efforts, by re-washing, resizing, and otherwise, to bring these substandard 2" washed screenings up to standard, but to no avail. The Company also attempted to market this substandard coal by applying it to each of the railroads that serve the Company's properties—the Chicago, Burlington, and Quincy, the Illinois Central, and the Missouri Pacific. However, the use of this coal on the Illinois Central resulted in an engine failure. Nor would it work successfully on the Missouri Pacific. Altogether, the Company sold the three railroads about 1,000 tons, but they refused to purchase any more. Thereafter, the Company knew that it could not possibly apply this coal on any commercial orders at the effective minimum price.

It thus appears that the washed screenings in question are of substandard quality, cannot be improved, and cannot be disposed of at the effective minimum prices. As a result, unless the Company receives some sort of relief affording it an opportunity to sell this coal, the Company will have to dispose of the coal at a considerable cost, as the Company cannot leave the coal where it is.

It appears, on the other hand, that the granting of relief herein will not seriously affect the competitors of the Company. No one has seen fit to oppose the petition herein. District Board 10 believes that the sale of the substandard screenings in question to the four consumers named in the petition will not interfere with the normal flow of tonnage of other mines.

Commonwealth Edison Company uses principally Central Illinois coals, which it obtains exclusively from Peabody Coal Company. Peabody has indicated its consent to the granting of relief herein. Indeed, if and when sales of this coal are made to Commonwealth Edison Company, they will probably be made through Peabody as a distributer. Lehigh Portland Cement Company and Northwestern States Portland Cement Company use Southern Illinois coals almost exclusively and obtain the greater portion thereof from Franklin County Coal Corporation. Universal Atlas Cement Company is also a regular customer of Franklin County Coal Corporation. The two other Southern Illinois producers who also ship to Universal Atlas have indicated to the Company their consent to the granting of relief herein. District Board 11 has also indicated its consent to the granting of relief herein.

While the Company has no assurance of being able to sell its substandard screenings, even at the requested reduced price, to the four named consumers, all these consumers would pulverize this coal and could therefore use it and Commonwealth Edison has indicated that it would be willing to buy 10 or 15 cars of it to see how it works.

The Company does not intend to mine any more of this substandard coal, Taylor, vice president of the Company, stating, "this thing was not done with any foresight in getting to this point [of having] to get rid of these screenings, and this is nothing that we intend to repeat and repeat * * * we are not trying to establish a precedent here at all. I want that clearly understood * *. As soon as we ran into trouble and realized we were up against something we stopped the operation * * *."

From the foregoing, it appears that unless the Company is afforded an opportunity to market the 14,000 tons of 2" washed screenings it now has in storage, it will suffer a considerable and irreparable loss and that affording the Company such an opportunity by means of the relief here sought will not affect substantially the fair competitive opportunities of other producers, particularly since once the coal now in storage is disposed of the problem will not recur. In these circumstances, and in view of the lack of expressed opposition to the petition herein, I find that the requested relief should be granted.

Now, therefore, it is ordered, That the Franklin County Coal Corporation is hereby permitted to sell approximately 14,000 tons of 2" washed screenings (Size Group 23) of substandard quality, now in storage at the Royalton #7 Mine (Mine Index No. 151) in District 10, for shipment to any or all of the following:

Commonwealth Edison Company, Chicago, Illinois, Lehigh Portland Cement Company, Mason City, Iowa, Northwestern States Portland Cement Co., Mason City, Iowa, Universal Atlas Cement Company, Buffington, Indiana.

at a minimum price of $1.40 per net ton f. o. b. the mine: *Provided, however,* That any and all such sales shall be consummated within six months from the date hereof: *And provided, further,* That Franklin County Coal Corporation shall file with the Division copies of all in-

[1] The existing f. o. b. mine price for Royalton #7, 2" x 0 washed screenings is $1.90 per ton.

voices covering such sales and shall file with the Division, six months from the date hereof or at such time within such six months' period as the entire 14,000 tons of 2" storage screenings have been disposed of, a report consisting of a summary of such invoices, showing the consumers to whom such coal was shipped, the number of tons shipped to such consumers, the dates when the shipments were made, and the price at which the coal was sold. The copies of invoices and the report filed pursuant to this Order shall indicate on their face that they are being filed pursuant thereto.

Applications to stay the effect of, terminate, or modify this Order may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-547; Filed, January 19, 1942; 11:26 a. m.]

DEPARTMENT OF AGRICULTURE.

Commodity Credit Corporation.

PUBLIC ANNOUNCEMENT WITH RESPECT TO THE EXPANSION OF PRODUCTION OF NON-BASIC AGRICULTURAL COMMODITIES

Section 4 of the Act approved July 1, 1941 (Public Law 147—77th Congress) provides as follows:

(a) Whenever during the existing emergency the Secretary of Agriculture finds it necessary to encourage the expansion of production of any non-basic agricultural commodity, he shall make public announcement thereof and he shall so use the funds made available under section 3 of this Act or otherwise made available to him for the disposal of agricultural commodities, through a commodity loan, purchase, or other operation, taking into account the total funds available for such purpose for all commodities, so as to support a price for the producers of any such commodity with respect to which such announcement was made of not less than 85 per centum of the parity or comparable price therefor. The comparable price for any such commodity shall be determined and used by the Secretary for the purposes of this section if the production or consumption of such commodity has so changed in extent or character since the base period as to result in a price out of line with parity prices for basic commodities. Any such commodity loan, purchase, or other operation which is undertaken shall be continued until the Secretary has given sufficient public announcement to permit the producers of such commodity to make a readjustment in the production of the commodity. For the purposes of this section, commodities other than cotton, corn, wheat, tobacco, and rice shall be deemed to be non-basic commodities.

Pursuant to the foregoing provisions of law, public announcement is hereby made that I have found it necessary, as a result of the existing emergency, to encourage the expansion of production of the commodities named below, and that Department of Agriculture will, during the period ending June 30, 1943, through loans, purchases, or other operations, support a price for eligible producers of each of these commodities at not less than the price level stated opposite such commodity, with adjustments, where applicable, for location, type, grade, and class:

Commodity and Level at Which Price Will Be Supported

Hogs, Eggs, Evaporated Milk, Dry Skim Milk, Cheese, and Chickens (excluding broilers); 85% of the parity price.

The 1942 crop of Dry Peas of the following varietal types: Alaska, Bluebell, First and Best, White Canada, Alderman, Perfection, Surprise, and Thomas Laxton; 85% of the comparable price as of the beginning of the marketing year (August 1), but in no event less than $5.25 per hundred weight for U. S. No. 1 peas, and $5.00 per hundred weight for U. S. No. 2 peas, in bags f. o. b. cars at country shipping points.

The 1942 crop of Dry Edible Beans of the following varietal types: Pea and Medium White, Great Northern, California Small White, Pink, and Pinto; 85% of the parity price as of the beginning of the marketing year (September 1), but in no event less than $4.75 per hundred weight for U. S. No. 1 beans, and $4.60 per hundred weight for U. S. No. 2 beans, in bags f. o. b. cars at country shipping points.

The 1942 crop of Peanuts for Oil; 85% of the comparable price as of the beginning of the marketing year (August 1), but in no event less than $82 per ton for U. S. No. 1 White Spanish type peanuts, $78 per ton for U. S. No. 1 Runner type peanuts, and $70 per ton for U. S. Class A Virginia type peanuts, delivered to an approved local receiving agency.

The 1942 crop of Soybeans for Oil; 85% of the comparable price as of the beginning of the marketing year (October 1), but in no event less than $1.60 per bushel, farm basis, for U. S. No. 2 Yellow soybeans of recognized varieties of high oil content designated by the State Agricultural Experiment Station with the approval of the U.S.D.A. State War Board.

The 1942 crop of Flaxseed for Oil; 85% of the parity price as of the beginning of the marketing year (June 1), but in no event less than $2.10 per bushel, farm basis.

Inasmuch as the production and consumption of dry peas, peanuts for oil, and soybeans for oil have so changed in extent and character since the base period as to result in parity prices for such commodities out of line with parity prices for basic agricultural commodities, comparable prices therefor have been used for the purpose of this announcement. Such prices shall be determined by multiplying the following base prices by the index of prices paid by farmers for commodities purchased, including interest and taxes payable per acre, as published by the Department of Agriculture: Dry Peas $2.07 per hundred weight; Soybeans $0.96 per bushel; Spanish type peanuts 2.4 cents per pound; Runner type peanuts 2.3 cents per pound; and Virginia type peanuts 2.0 cents per pound. These base prices bear the same relation to the average base prices of corn, cotton, wheat, rice, and tobacco as the actual prices of the same commodities were to the average actual prices of these five basic commodities in the sixty months, August 1934 through July 1939.

This announcement supersedes the announcement dated August 29, 1941.[1]

Done at Washington, D. C., this 15th day of January 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-518; Filed, January 19, 1942; 11:09 a. m.]

Rural Electrification Administration.

[Administrative Order No. 664]

MODIFICATION OF PROJECT DESIGNATIONS

JANUARY 5, 1942.

I hereby amend the administrative orders specified below to change the project designations therein mentioned as follows:

[1] 6 F.R. 4644.

Administrative order		Change project designation	
No.	Date	From—	To—
294	September 27, 1939	Arizona 0014W1 Cochise	Arizona 001481 Cochise.
466	May 28, 1940	Arizona 0014U1 Cochise	Arizona 001482 Cochise.
326	April 18, 1939	Illinois R9033W1 Hancock	Illinois R903381 Hancock.
471	June 7, 1940	Illinois 0-R9033R1 Hancock	Illinois 0-R903382 Hancock.
544	December 6, 1940	Illinois 1033W2 Hancock	Illinois 103383 Hancock.
635	November 5, 1941	Illinois 203383 Hancock	Illinois 203384 Hancock.
313	December 12, 1938	Mississippi 9029W1 Oktibbeha	Mississippi 902981 Oktibbeha.
390	September 21, 1939	Mississippi 0029R1 Oktibbeha	Mississippi 002982 Oktibbeha.
390	September 21, 1939	Mississippi 0029W2 Oktibbeha	Mississippi 002983 Oktibbeha.
597	June 6, 1941	Mississippi-1-0029R2 Oktibbeha	Mississippi 1-002984 Oktibbeha.
318	January 31, 1939 Amended by—	New Mexico 9004W1 Eddy	New Mexico 900481 Eddy.
530	November 13, 1940		
530	November 13, 1940	New Mexico 9004U1 Eddy	New Mexico 900482 Eddy.
322	February 20, 1939 Amended by—	New Mexico R9004U2 Eddy	New Mexico R900483 Eddy.
405	October 26, 1939		
530	November 13, 1940		
506	August 15, 1940 Amended by—	New Mexico 1004U3 Eddy	New Mexico 100484 Eddy.
530	November 13, 1940		
506	August 15, 1940	New Mexico 1004W3 Eddy	New Mexico 100485 Eddy.
393	June 30, 1939 Amended by—	New Mexico 9-0003W1 Roosevelt	New Mexico 9-000381 Roosevelt.
457	May 10, 1940		

Administrative order		Change project designation	
No.	Date	From—	To—
441	March 11, 1940	New Mexico 0-R9006U1 Roosevelt	New Mexico 0-R906U2 Roosevelt.
826	August 15, 1940	New Mexico 1006U2 Roosevelt	New Mexico 100683 Roosevelt.
268	July 7, 1939	Ohio 9001R1 Miami	Ohio 900181 Miami.
	Amended by—		
437	February 28, 1940		
310	December 3, 1938	Ohio R9001R2 Miami	Ohio R900182 Miami.
	Amended by—		
437	February 28, 1940		
313	January 31, 1939	Ohio R9001W1 Miami	Ohio R900183 Miami.
	Amended by—		
437	February 28, 1940		
827	March 21, 1941	Ohio 1001R3 Miami	Ohio 100184 Miami.
124	September 8, 1937	Oklahoma 8006AW Caddo	Oklahoma 800681 Caddo.
	Amended by—		
268	June 12, 1939		
284	September 1, 1939	Oklahoma 9-8006W3 Caddo	Oklahoma 9-800683 Caddo.
	Amended by—		
446	April 22, 1940		
457	May 10, 1940		
343	May 19, 1939	Oklahoma R9006W1 Caddo	Oklahoma R900683 Caddo.
441	March 11, 1940	Oklahoma 0006R1 Caddo	Oklahoma 000684 Caddo.
348	May 19, 1939	Oklahoma R9022W1 Cotton	Oklahoma R902281 Cotton.
	Amended by—		
446	April 22, 1940		
480	April 22, 1940	Oklahoma 0-R9022U1 Cotton	Oklahoma 0-R902282 Cotton.
352	June 9, 1939	South Carolina R9014W1 Aiken	South Carolina R901481 Aiken.
	Amended by—		
361	June 19, 1939		
428	December 26, 1939	South Carolina 0-7014R1 Aiken	South Carolina 0-701482 Aiken.
	Amended by—		
457	May 10, 1940		
463	May 22, 1940	South Carolina 0014W2 Aiken	South Carolina 001483 Aiken.
564	March 14, 1941	South Carolina 1014R2 Aiken	South Carolina 101484 Aiken.
162	November 24, 1937	Texas 9047W1 Deaf Smith	Texas 904781 Deaf Smith.
	Amended by—		
570	March 26, 1941		
570	March 26, 1941	Texas 9047U1 Deaf Smith	Texas 904782 Deaf Smith.
331	March 31, 1939	Texas R9047U2 Deaf Smith	Texas R904783 Deaf Smith.
	Amended by—		
408	October 26, 1939		
570	March 26, 1941		
326	April 12, 1939	Texas R9054W1 Wood	Texas R905481 Wood.
381	August 16, 1939	Texas 9054R1 Wood	Texas 905482 Wood.
610	July 25, 1941	Texas 2054W2 Wood	Texas 205483 Wood.
318	January 31, 1939	Texas R9055W1 Floyd	Texas R905581 Floyd.
538	November 5, 1940	Texas 1055U1 Floyd	Texas 105582 Floyd.
635	November 5, 1941	Alabama 202282 Butler	Alabama 202283 Butler.
366	June 30, 1939	Wyoming 0-0014W1 Laramie	Wyoming 0-001481 Laramie.
	Amended by—		
457	May 10, 1940		
449	April 22, 1940	Wyoming 0-R9014U1 Laramie	Wyoming 0-R901482 Laramie.
556	January 28, 1941	Wyoming 1014W2 Laramie	Wyoming 101483 Laramie.
610	July 25, 1941	Wyoming 2014U2 Laramie	Wyoming 201484 Laramie.
610	July 25, 1941	Wyoming 2014W3 Laramie	Wyoming 201485 Laramie.
160	November 11, 1937	Nebraska 8076W1 Southern Nebraska District Public.	Nebraska 807681 Southern Nebraska District Public.
	Amended by—		
464	May 28, 1940		
553	October 26, 1940		
322	February 20, 1939	Nebraska R9076W2 Southern Nebraska District Public.	Nebraska R907682 Southern Nebraska District Public.
	Amended by—		
553	October 26, 1940		
329	March 22, 1939	Nebraska R9076W3 Southern Nebraska District Public.	Nebraska R907683 Southern Nebraska District Public.
	Amended by—		
553	October 26, 1940		
358	June 19, 1939	Nebraska 0076W4 Southern Nebraska District Public.	Nebraska 007684 Southern Nebraska District Public.
	Amended by—		
447	April 22, 1940		
457	May 10, 1940		
553	October 26, 1940		
449	April 22, 1940	Nebraska 0-R9076U1 Southern Nebraska District Public.	Nebraska 0-R907685 Southern Nebraska District Public.
	Amended by—		
553	October 26, 1940		
466	May 28, 1940	Nebraska 0076U2 Southern Nebraska District Public.	Nebraska 007686 Southern Nebraska District Public.
	Amended by—		
553	October 26, 1940		
291	September 16, 1938	Nebraska R9078W1 Dawson District Public.	Nebraska R907881 Dawson District Public.
	Amended by—		
573	April 7, 1941		
338	April 18, 1939	Nebraska R9078U1 Dawson District Public.	Nebraska R907882 Dawson District Public.
	Amended by—		
405	October 26, 1939		
406	October 26, 1939		
573	April 7, 1941		
389	September 11, 1939	Nebraska 0078W2 Dawson District Public.	Nebraska 007883 Dawson District Public.
	Amended by—		
469	June 4, 1940		
573	April 7, 1941		
409	November 6, 1939	Nebraska 0-7078U2 Dawson District Public.	Nebraska 0-707884 Dawson District Public.
	Amended by—		
457	May 10, 1940		
571	March 26, 1941		
573	April 7, 1941		
569	March 25, 1941	Nebraska 1078W3 Dawson District Public.	Nebraska 107885 Dawson District Public.
	Amended by—		
573	April 7, 1941		

[SEAL]

HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-472; Filed, January 16, 1942; 11:44 a. m.]

Surplus Marketing Administration.

DETERMINATION PURSUANT TO 7 U.S.C. 1940 ED. § 608c (9), WITH RESPECT TO THE ISSUANCE OF AN ORDER REGULATING THE HANDLING OF IRISH POTATOES GROWN IN THE STATES OF MICHIGAN, WISCONSIN, MINNESOTA, AND NORTH DAKOTA [1]

The Under Secretary of Agriculture of the United States, having reason to believe that the execution of a marketing agreement and the issuance of an order would tend to effectuate the declared policy of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), with respect to the establishment and maintenance of such orderly marketing conditions for Irish potatoes grown in the States of Michigan, Wisconsin, Minnesota, and North Dakota as would establish prices to the producers of such Irish potatoes at a level that would give such Irish potatoes a purchasing power, with respect to the articles that the producers of such Irish potatoes buy, equivalent to the purchasing power of such Irish potatoes during the base period, August 1919–July 1929, conducted a public hearing in Cadillac, Michigan, on August 11 and 12, 1941, in Grand Forks, North Dakota, on August 21, 1941, in St. Paul, Minnesota, on August 14, 1941, and in Antigo, Wisconsin, on August 14, 1941, pursuant to notice duly given to all interested parties, on a proposed marketing agreement and a proposed order regulating such handling of such Irish potatoes as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce in such Irish potatoes; and at the aforesaid hearing all interested persons in attendance were afforded due opportunity to be heard concerning the proposed marketing agreement and the proposed order.

The marketing agreement, drafted subsequent to, and upon the basis of the evidence adduced at, the aforesaid hearing, was tentatively approved on October 2, 1941, by the Acting Secretary of Agriculture of the United States. Subsequent to the tentative approval of the marketing agreement on October 2, 1941, handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping Irish potatoes grown in the aforesaid area) of more than fifty (50) percentum of the volume of such Irish potatoes, produced in the production area defined in such order, refused or failed to sign the aforesaid tentatively approved marketing agreement.

Now, therefore, pursuant to the provisions of said act, it is hereby determined that:

(1) the aforesaid refusal or failure of said handlers to sign the aforesaid tentatively approved marketing agreement tends to prevent the effectuation of the

[1] See also Title 7, Chapter IX, *supra*.

declared policy of the act with respect to such Irish potatoes;

(2) the issuance of an order, which will regulate the handling of such Irish potatoes in the same manner as the tentatively approved marketing agreement and which will be applicable only to persons in the respective classes of industrial or commercial activity specified in the tentatively approved marketing agreement, is the only practical means, pursuant to said act, of advancing the interests of the producers of such Irish potatoes; and

(3) the issuance of the aforesaid order is approved or favored by at least two-thirds of the producers who participated in a referendum, conducted pursuant to an order signed by the Acting Secretary of Agriculture of the United States, and who, during the representative period determined by the Acting Secretary of Agriculture of the United States, were engaged, within the production area specified in said tentatively approved marketing agreement and the aforesaid order, in the production for market of the commodity specified in said tentatively approved marketing agreement and the aforesaid order.

Issued at Washington, D. C., this 13th day of January 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

Approved:

FRANKLIN D. ROOSEVELT,
The President of the United States.

JANUARY 14, 1942.

[F. R. Doc. 42-497; Filed, January 17, 1942; 11:36 a. m.]

DETERMINATION, APPROVED BY THE PRESIDENT OF THE UNITED STATES, WITH RESPECT TO AN ORDER REGULATING THE HANDLING OF IRISH POTATOES GROWN IN THE COUNTIES OF CROOK, DESCHUTES, AND KLAMATH IN THE STATE OF OREGON, AND MODOC AND SISKIYOU IN THE STATE OF CALIFORNIA[1]

The Acting Secretary of Agriculture of the United States, having reason to believe that the execution of a marketing agreement and the issuance of an order would tend to effectuate the declared policy of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (hereinafter referred to as the "act"), with respect to the establishment and maintenance of such orderly marketing conditions for Irish potatoes grown in the counties of Crook, Deschutes, and Klamath in the State of Oregon, and Modoc and Siskiyou in the State of California, as would establish prices to the producers of such Irish potatoes at a level that would give such Irish potatoes a purchasing power, with respect to the articles that the producers of such Irish potatoes buy, equivalent to the purchasing power of such Irish potatoes during the base period August 1919–July 1929, conducted a public hearing in Klamath Falls, Oregon, on June 10, 1941, pursuant to notice duly given to all interested parties, on a proposed marketing agreement and a proposed order regulating such handling of such Irish potatoes as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce in such Irish potatoes; and at the aforesaid hearing all interested persons in attendance were afforded due opportunity to be heard concerning the proposed marketing agreement and the proposed order. The aforesaid hearing held in Klamath Falls, Oregon, on July 10, 1941, was reopened, pursuant to notice duly given in August 1, 1941, by the Under Secretary of Agriculture of the United States and said hearing thus reopened was held in San Francisco, California, on August 18, 1941, pursuant to the aforesaid notice dated August 1, 1941, with respect to the proposed marketing agreement and the proposed order regulating such handling of said Irish potatoes as is in the current of interstate or foreign commerce, or which directly burdens, obstructs, or affects such commerce in said Irish potatoes; and at the aforesaid hearing in San Francisco, California, on August 18, 1941, all interested persons in attendance were afforded due opportunity to be heard concerning the proposed marketing agreement and the proposed order.

The marketing agreement, drafted subsequent to, and upon the basis of the evidence adduced at, the aforesaid hearings in Klamath Falls, Oregon, on July 10, 1941, and the hearing in San Francisco, California, on August 18, 1941, was tentatively approved on September 16, 1941, by the Acting Secretary of Agriculture of the United States. Subsequent to the tentative approval of the marketing agreement on September 16, 1941, handlers (excluding cooperative associations of producers who are not engaged in processing, distributing, or shipping Irish potatoes grown in the aforesaid area) of more than fifty (50) per centum of the volume of such Irish potatoes, produced in the production area defined in such order, refused or failed to sign the aforesaid tentatively approved marketing agreement.

Now, therefore, pursuant to the provisions of said act, it is hereby determined that:

(1) the aforesaid refusal or failure of said handlers to sign the aforesaid tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act with respect to such Irish potatoes;

(2) the issuance of an order, which will regulate the handling of such Irish potatoes in the same manner as the tentatively approved marketing agreement and which will be applicable only to persons in the respective classes of industrial or commercial activity specified in the tentatively approved marketing agreement, is the only practical means, pursuant to said act, of advancing the interests of the producers of such Irish potatoes; and

(3) the issuance of the aforesaid order is approved or favored by at least two-thirds of the producers who participated in a referendum, conducted pursuant to an order signed by the Acting Secretary of Agriculture of the United States, and who, during the representative period determined by the Acting Secretary of Agriculture of the United States, were engaged, within the production area specified in said tentatively approved marketing agreement and the aforesaid order, in the production for market of the commodity specified therein.

Issued at Washington, D. C., this 13th day of January, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

Approved:

FRANKLIN D ROOSEVELT,
The President of the United States.

JANUARY 14, 1942.

[F. R. Doc. 42-499; Filed, January 17, 1942; 11:36 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3962).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2448).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective January 19, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

I. Mausner Company, 22 Jeanette Street, Carteret, New Jersey; Men's & Boys' Clothing; 5 learners (T); January 19, 1943.

Single Pants, Shirts, and Allied Garments and Women's Apparel

Co-Ed Frocks, Incorporated, Hillsboro, Illinois; Women's Wear, Washable Service Apparel; 100 learners (E); July 15, 1942. (This certificate effective January 15, 1942, and omitted from FEDERAL REGISTER of that date.)

Doylestown Manufacturing Company, Doylestown, Pennsylvania; Children's Dresses; 4 learners (T); January 19, 1943.

Israel Feather, 88 Kingston Street, Boston, Massachusetts; Cotton Dresses; 10 percent (T); January 19, 1943.

Morris Freezer and Company, Inc., Wytheville, Virginia; Boys' Shirts; 10 percent (T); January 19, 1943.

Hospital Clothing Company, 1107 Walnut Street, Philadelphia, Pennsylvania; Nurses' Uniforms; 5 learners (T); January 19, 1943.

H. Lang Company, Branch No. 2, 3rd and Vine Streets, Des Moines, Iowa; Work Suits; 10 percent (T); January 19, 1943.

Night Comfort, Inc., Cressona, Pennsylvania; Men's Pajamas, Men's Night Shirts; 10 percent (T); January 19, 1943.

Penn State Manufacturing Company, 268 Broadway, Mauch Chunk, Pennsylvania; Children's Overalls and Play Suits; 10 learners (E); July 19, 1942.

Piedmont Shirt Company, 2202 N. Howard Avenue, Tampa, Florida; Men's Sport Shirts, Slacks; 10 percent (T); August 1, 1942.

S. L. Robinson Company, 119 South 9th Street, Omaha, Nebraska; Trousers; 5 learners (T); January 19, 1943.

The Star Union Company, Inc., Lumberton, North Carolina; Pajamas; 10 learners (T); January 19, 1943.

Taunton Dress Company, 42 Adams Street, Taunton, Massachusetts; Dresses; 10 percent (T); January 19, 1943.

Union Manufacturing Company, 901 E. Missouri Street, El Paso, Texas; Men's Cotton Pants and Cotton Shirts; 5 percent (T); January 19, 1943.

Wolens Trouser Company, 4th and Water Street, Kankakee, Illinois; Single Trousers; 42 learners (E); June 8, 1942.

Gloves

Baus Manufacturing Company, 410 East First Street, Hopkinsville, Kentucky; Work Gloves; 5 learners (T); January 19, 1943.

The Boss Manufacturing Company, 70 Washington Street, Brooklyn, New York; Work Gloves; 25 learners (E); July 19, 1942.

The Boss Manufacturing Company, 901 Hawley, Toledo, Ohio; Work Gloves; 35 learners (E); July 19, 1942.

The Boss Manufacturing Company, 3012 S. Adams Street, Peoria, Illinois; Work Gloves; 25 learners (E); July 19, 1942.

The Boss Manufacturing Company, 1512 Fairfield Avenue, Fort Wayne, Indiana; Work Gloves; 45 learners (E); July 19, 1942.

The Boss Manufacturing Company, 100–116 Walnut Street, Peoria, Illinois; Work Gloves; 30 learners (E); July 19, 1942.

The Boss Manufacturing Company, 320 Ballard Street, Lebanon, Indiana; Work Gloves; 15 learners (E); July 19, 1942.

The Boss Manufacturing Company, Bluffton, Ohio; Work Gloves; 20 learners (E); July 19, 1942.

The Boss Manufacturing Company, 319 W. Main Cross, Findlay, Ohio; Work Gloves; 25 learners (E); July 19, 1942.

The Boss Manufacturing Company, 701-3-5 Broadway, Kansas City, Missouri; Work Gloves; 120 learners (E); July 19, 1942.

The Boss Manufacturing Company, 107 N. Boss, Kewanee, Illinois; Work Gloves; 50 learners (E); July 19, 1942.

Krupp Manufacturing Company, 3849 W. Grand Avenue and 2007 W. Division Street, Chicago, Illinois; Leather Dress and Work Gloves; 5 learners (T); January 19, 1943.

Hosiery

Baker-Mebane Hosiery Mills, Inc., Highway 103, Mebane, North Carolina; Seamless Hosiery; 13 learners (T); September 19, 1942.

Moreland Knitting Mills, Moreland, Georgia; Seamless Hosiery; 5 percent (T); January 19, 1943.

S. and F Hosiery Mills, Incorporated, Dayton, Tennessee; Full Fashioned Hosiery; 10 learners (T); January 19, 1943.

Tower Hosiery Mills, Inc., Broad Street, Burlington, N. C.; Full Fashioned Hosiery; 10 percent (T); January 19, 1943.

Knitted Wear

Walnut Dye Works, 409 Franklin Street, Utica, New York; Bleaching and Dyeing and Scouring Knit Goods; 5 learners (T); January 19, 1943.

Textile

Charles Horn Silk Company, North Brown Street, Titusville, Pennsylvania; Narrow Fabrics; 3 percent (T); January 19, 1943.

Lane Cotton Mills Company, 434 Cadis Street, New Orleans, Louisiana; Ticking, Cotton Bagging; 6 percent (T); January 19, 1943. (This certificate replaces one issued bearing expiration date of August 4, 1942.)

Strasburg Silk Mills, Inc., Strasburg, Virginia; Weaving Rayon Piece Goods; 3 learners (T); January 19, 1943.

Signed at Washington, D. C., this 19th day of January 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-554; Filed, January 19, 1942; 11:36 a. m.]

NOTICE OF POSTPONEMENT OF FURTHER HEARING ON THE HOME WORK PROBLEM IN THE WOMEN'S APPAREL INDUSTRY

To be held February 17, 1942, at Washington, D. C.

Whereas in accordance with a notice published in the FEDERAL REGISTER for December 30, 1941,[1] the public hearing originally scheduled to be held on January 13, 1942, was postponed until February 16, 1942, for the purpose of taking further evidence on the following question:

What, if any prohibition, restriction or regulation of home work in the women's apparel industry is necessary to carry out the purposes of the wage order effective September 29, 1941, to prevent the circumvention or evasion of such order, and to safeguard the 40-cent minimum wage rate established therein; and

Whereas it is deemed advisable further to postpone such hearing;

Now, therefore, notice is hereby given that the hearing on the home work problem in the women's apparel industry is postponed to February 17, 1942, at 10 a. m., in room 3229, United States Department of Labor Building, at Washington, D. C.

Signed at Washington, D. C., this 13th day of January 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-555; Filed, January 19, 1942; 11:36 a. m.]

FEDERAL POWER COMMISSION.

[Project No. 120]

IN THE MATTER OF SOUTHERN CALIFORNIA EDISON COMPANY, LTD.

ORDER POSTPONING HEARING

JANUARY 16, 1942.

It appearing that: (a) By order dated November 8, 1941, the Commission, upon request therefor of Southern California Edison Company Ltd., postponed the rehearing on this proceeding to January 19, 1942;

(b) Counsel for said Southern California Edison Company, Ltd., on January 16, 1942, orally requested that said rehearing be further continued for approximately three weeks;

It is *ordered*, That the rehearing on this proceeding now set for January 19, 1942, is hereby postponed to February 17,

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[1] See also Title 7, Chapter IX, *supra*.

[1] 6 F.R. 6610.

1942, beginning at 9:45 a. m., in the Hearing Room of the Commission, 1200 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEONE M. FUQUAY, *Secretary.*

[F. R. Doc. 42-516; Filed, January 19, 1942; 10:39 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-2279]

IN THE MATTER OF THE STANDARD COMMERCIAL TOBACCO CO., INC. COMMON STOCK, $1 PAR VALUE

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of January A. D., 1942

The New York Stock Exchange having made application to the Commission pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 of the General Rules and Regulations promulgated thereunder, to strike from listing and registration the shares of the common stock, $1 par value, of the Standard Commercial Tobacco Co.; and

A hearing having been held on said application, the Commission being fully advised in the premises and having this day issued and filed its Findings and Opinion herein;

It is ordered, That said application be, and it hereby is granted, provided, however, that this Order shall not become effective until ten days after the date hereof.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-496; Filed, January 17, 1942; 11:45 a. m.]

[File Nos. 54-40, 59-40]

IN THE MATTERS OF CONSOLIDATED ELECTRIC AND GAS COMPANY, APPLICANT; AND CENTRAL PUBLIC UTILITY CORPORATION, AND CONSOLIDATED ELECTRIC AND GAS COMPANY, RESPONDENTS

ORDER EXTENDING TIME FOR FILING ANSWERS AND POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of January, A. D. 1942.

The Commission having on December 27, 1941, issued its Notice of and Order for Hearing on a plan filed under section 11 (e) of the Public Utility Holding Company Act of 1935, Notice of and Order instituting proceedings and setting date for hearing under sections 11 (b) (1) and 11 (b) (2) of said Act, and Order consolidating such proceedings for purposes of hearing wherein it was ordered that Central Public Utility Corporation and Consolidated Electric and Gas Company, respondents herein, file with the Secretary of the Commission on or before January 15, 1942, their respective answers admitting or denying the allegations of paragraphs II, III, IV, and V of said Order and wherein the date of such hearing was fixed as January 20, 1942; and

Central Public Utility Corporation and Consolidated Electric and Gas Company, respondents herein, having requested that the time for filing their respective answers be extended and that the hearing therein be postponed;

It is hereby ordered, That the time within which Central Public Utility Corporation and Consolidated Electric and Gas Company, respondents herein, shall file with the Secretary of the Commission their respective answers admitting or denying the allegations of paragraphs II, III, IV, and V of the Commission's Order aforesaid be, and the same hereby is, extended to January 22, 1942.

It is further ordered, That the time within which any person desiring to be heard in connection with these proceedings shall file with the Secretary of the Commission a written statement relative thereto and the time within which any person proposing to intervene shall file with the Secretary of the Commission his application therefor as provided in Rule XVII of the Commission's Rules of Practice, be and the same hereby is, extended to January 28, 1942;

It is further ordered, That the date of the hearing in the above-entitled matter be, and the same hereby is, postponed to February 2, 1942, at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., in such room as may be designated on such day by the hearing room clerk in Room 1102 at 10:00 o'clock a. m., on said day.

It is further ordered, That in all other respects the Commission's Order of December 27, 1941, above referred to, be and the same hereby is, affirmed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-501; Filed, January 19, 1942; 11:35 a. m.]

[File No. 70-355]

IN THE MATTER OF NORTHERN INDIANA PUBLIC SERVICE COMPANY, GARY ELECTRIC AND GAS COMPANY, GARY HEAT, LIGHT & WATER COMPANY, AND CLARENCE A. SOUTHERLAND AND JAY SAMUEL HARTT, TRUSTEES OF THE ESTATE OF MIDLAND UTILITIES COMPANY

SECOND SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington D. C., on the 17th day of January, A. D. 1942.

The Commission by its Order of November 25, 1941 (Holding Company Act Release No. 3146), having approved the sale by Gary Electric and Gas Company (hereinafter referred to as "Gary Electric") of its principal asset, the common stock of Gary Heat, Light & Water Company (hereinafter referred to as "Gary Heat") to Northern Indiana Public Service Company (hereinafter referred to as "Northern") for a consideration amounting to $10,000,000 payable as follows:

A. $7,042,000 in cash.

B. $2,268,000 in Common Stock of Northern (278,000 shares at a stated value of $8.1575 per share).

C. The balance $756,000 at the option of Gary Electric either in cash or additional shares of Northern (maximum of 92,675 at a stated value of $8.1575 per share), the amount of cash to be determined by the cash required by Gary Electric to pay holders of its publicly held common stock who accept Gary Electric's invitation to tender common stock of Gary Electric at $6.50 a share.

The Commission in its said order having imposed a condition that Gary Electric shall notify Northern within 60 days from the date of said order as to how it would exercise the said option; and

The Commission in its said Order of November 25, 1941, having also granted an exemption pursuant to Section 6 (b) of the Act with respect to the issue and sale by Northern to the Prudential Insurance Company of America (hereinafter referred to as "Prudential") under an agreement dated September 12, 1941, of $5,000,000 principal amount of its serial notes dated October 1, 1941, bearing interest at 2.75%, in order to raise part of the cash required to purchase the Gary Heat common stock; and

The said Agreement dated September 12, 1941 having provided that Prudential would pay Northern a premium of $15,500 and accrued interest from October 1, 1941 to the date of the issuance and sale of the said notes; and

The commitment, as extended, of Prudential to purchase the said notes, having been about to expire on January 15, 1942, and, through unavoidable delay, Northern being unable to avail itself of the commitment of Prudential by January 15, 1942; and

Northern and Prudential having negotiated a modification of the agreement of September 12, 1941, by a supplemental agreement dated January 9, 1942, which extends the commitment of Prudential to February 16, 1942 but provides that no premium shall be paid by Prudential and that Northern shall pay accrued interest to Prudential from October 1, 1941, to the date of the issuance and sale of Northern's serial notes; and

Northern having filed a supplemental amendment herein requesting that the exemption granted for the issuance and sale if its serial notes by our Order of November 25, 1941, be extended to the issuance and sale of the notes as modified by the said supplemental agreement of January 9, 1942; and

Gary Electric having filed a supplemental amendment herein requesting that the date on which it must notify Northern of how it will exercise its option referred to above be extended for at least 60 days from the date of this Second Supplemental Order; and

It appearing to the Commission that the issuance and sale of Northern's serial notes pursuant to the said agreement dated September 12, 1941, as modified by the said supplemental agreement dated January 9, 1942, is entitled to the exemption set forth in the third sentence of section 6 (b) and that a reasonable extension of the date on which Gary shall notify Northern as to how it will exercise the option referred to above should be granted;

It is ordered, That the exemption pursuant to section 6 (b) granted in our said Order of November 25, 1941, for the issuance and sale of Northern's serial notes pursuant to the said agreement dated September 12, 1941 between Prudential and Northern be and the same hereby is extended to the issuance and sale of Northern's serial notes pursuant to the said agreement dated September 12, 1941, as modified by the said supplemental agreement dated January 9, 1942; and that the period in which Gary Electric shall notify Northern as to how it will exercise its option to obtain the balance, $756,000, of the purchase price of Gary Heat common stock either in cash, or in Northern common stock at $8.1575 per share, or partly in cash and partly in Northern common stock, be and the same hereby is extended to and including February 16, 1942, all subject, however, to the conditions contained in our Order herein dated November 25, 1941 and our Supplemental Order herein dated January 2, 1942, and subject to the further condition that Gary Electric shall accompany its invitation for tenders of its publicly-held common stock with a copy of our Findings and Opinion attached to our Order herein of November 25, 1941, a copy of our Supplemental Findings and Opinion attached to our Supplemental Order herein dated January 2, 1942, and a copy of this Second Supplemental Order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-522; Filed, January 19, 1942; 11:35 a. m.]

Library JAN 22 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 14

1934 THE UNITED STATES

Washington, Wednesday, January 21, 1942

Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3396]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF BOULEVARD CANDY COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of candy, or any other merchandise, (1) selling, etc., candy or any other merchandise so packed or assembled that sales of such candy or other merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise, or lottery scheme; (2) supplying, etc., others with push or pull cards, punch boards, or other lottery devices, either with assortments of candy or other merchandise, or separately, which said push or pull cards, punch boards, or other lottery devices are to be used, or may be used, in selling or distributing said candy or other merchandise to the public; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 39 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Boulevard Candy Company, Docket 3396, January 15, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 15th day of January, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiner upon the evidence and exceptions filed thereto, briefs filed in support of the complaint and in opposition thereto, and oral arguments of counsel; and the Commission having made its findings as to the facts and its conclusion that said respondent, Boulevard Candy Company, a corporation, has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Boulevard Candy Company, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of candy, or any other merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, to forthwith cease and desist from:

(1) Selling or distributing candy or any other merchandise so packed or assembled that sales of such candy or other merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise, or lottery scheme;

(2) Supplying to, or placing in the hands of, others, push or pull cards, punch boards, or other lottery devices, either with assortments of candy or other merchandise, or separately, which said push or pull cards, punch boards, or other lottery devices are to be used, or may be used, in selling or distributing said candy or other merchandise to the public;

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-573; Filed, January 20, 1942; 11:44 a. m.]

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FEDERAL REGISTER

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wrappers, if any, on the apples. (Sec. 507, 46 Stat. 732; 19 U.S.C. 1507)

[SEAL] W. R. JOHNSON, *Commissioner of Customs.*

Approved: January 14, 1942.

HERBERT E. GASTON, *Acting Secretary of the Treasury.*

[F. R. Doc. 42-572; Filed, January 20, 1942; 11:33 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1244]

PART 336—MINIMUM PRICE SCHEDULE, DISTRICT NO. 16

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 16 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE NEW BUDDY MINE IN DISTRICT NO. 16

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals, for shipment by truck, of the New Buddy Mine (Mine Index No. 152) of code member A. (Bud) Early in Subdistrict 12 in District No. 16; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 336.21 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 16 is amended to include for the coals, for shipment by truck, produced at the New Buddy Mine (Mine Index No. 152) of code member A. (Bud) Early located in Weld County, Colorado, in Subdistrict 12 in District No. 16, the following effective minimum prices f. o. b. the mine in cents per net ton:

	Size groups											
	1	2	3	4	5	6	8	9	10	11	12	13
Prices	350	300	300	325	300	280	235	130	130	130	130	240

registrar, and each special registrar before he enters upon his duties hereunder:

I, ..., do solemnly swear (or affirm) that I will faithfully perform the duties of registrar of Local Board No. .....; that I will correctly record the answers given me by persons registered; that I will indicate on every Registration Card (Form 1) answers that I believe to be untrue; and that I will truthfully answer and record matters charged to my own observation.

The oath may be administered by any person qualified to administer oaths or by a member of the local board, and, after the chief registrar is sworn, he may swear the rest of his registrars and any special registrars. No person shall undertake the duties of a registrar at any time during the registration until the oath has been taken. (54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive, E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY, *Director.*

JANUARY 17, 1942.

[F. R. Doc. 42-581; Filed, January 20, 1942; 11:58 a. m.]

PART 624—VOLUNTEERS

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 624,[1] by deleting § 624.1 and substituting therefor the following:

§ 624.1 *Who may volunteer.* Men between the ages of 18 and 45 may volunteer at the local board for induction into

[1] 6 F.R. 6475.

ulations, Second Edition, Part 633,[1] by deleting paragraph (a) of § 633.5 and substituting therefor the following:

§ 633.5 *Records sent to induction center.* (a) The following records shall be turned over to the leader for delivery to the commanding officer of the induction station:

(1) For the group: Three copies of the Delivery List (Form 151).

(2) For each selected man: The Armed Forces' Original, the Surgeon General's Copy, and the National Headquarters' Copy of the Report of Physical Examination and Induction (Form 221); and

The original and one copy of the Order to Report for Induction (Form 150), or, in the case of a man transferred for delivery, the original and one copy of the Order for Transferred Man to Report for Induction (Form 156).

(3) For each selected volunteer under 21 years of age who has been ordered to report for induction before his order number is reached or who, because of his age, has not been given an order number: Written consent of his parents (or guardian), dated not more than 30 days before induction, or the statement prescribed in § 624.1. (54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

* * * * *

Effective February 1, 1942.

LEWIS B. HERSHEY, *Director.*

JANUARY 17, 1942.

[F. R. Doc. 42-583; Filed, January 20, 1942; 11:59 a. m.]

PART 633—DELIVERY AND INDUCTION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 633,[1] by deleting paragraph (e) of § 633.11 and substituting therefor the following:

§ 633.11 *Transferring man for delivery.*

* * * * *

(e) Immediately upon receipt of the Report of Physical Examination and Induction (Form 221) from the induction station, will transcribe all information thereon in Series VI to the Local Board's Copy thereof held in its files and shall then forward the National Headquarters' Copy of the Report of Physical Examination and Induction (Form 221) to the State Director of Selective Service. The Local Board's Copy of the Report of Physical Examination and Induction (Form 221) and in the case of a rejected man, the Armed Forces' Original thereof, shall be retained in the registrant's Cover Sheet (Form 53). (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY, *Director.*

JANUARY 17, 1942.

[F. R. Doc. 42-584; Filed, January 20, 1942; 11:59 a. m.]

PART 633—DELIVERY AND INDUCTION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 633,[1] by deleting paragraph (e) of § 633.11 and substituting therefor the following:

§ 633.11 *Transferring man for delivery.*

* * * * *

(e) Immediately upon receipt of the Report of Physical Examination and Induction (Form 221) from the induction station, will transcribe all information thereon in Series VI to the Local Board's Copy thereof held in its files and shall then forward the National Headquarters' Copy of the Report of Physical Examination and Induction (Form 221) to the State Director of Selective Service. The Local Board's Copy of the Report of Physical Examination and Induction (Form 221) and in the case of a rejected man, the Armed Forces' Original thereof, shall be retained in the registrant's Cover Sheet (Form 53). (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY, *Director.*

JANUARY 17, 1942.

[F. R. Doc. 42-584; Filed, January 20, 1942; 11:59 a. m.]

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TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50649]

PART 24—DUTIES OF INSPECTORS

SCHEDULE TARE FOR APPLE BOXES

Article 1369 (d) of the Customs Regulations of 1937, as amended by (1938) T. D. 49543, (1939) T. D. 49784, (1939) T. D. 50000, and (1941) T. D. 50435 [§ 24.10 (d)] is further amended by adding thereto the following paragraph:

§ 24.10 *Tare.*

* * * * *

(d) *Schedule tare.* * * *

Apple boxes: Eight pounds per box. This schedule tare includes the paper

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-566; Filed, January 20, 1942; 10:41 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER IV—SECRET SERVICE

[1942 Dept. Circ. No. 677]

PART 404—FILM RECORDATION OF GOVERNMENT CHECKS AND WARRANTS BY BANKING INSTITUTIONS

JANUARY 19, 1942.

§ 404.0 *Authority for regulations.* These regulations are prescribed and issued under authority of section 150 of the Act of March 4, 1909, 35 Stat. 1116 (U.S.C., title 18, sec. 264).

§ 404.1 *Film recordation of Government checks and warrants.* To facilitate the identification of lost Government checks and warrants, banking institutions which in the ordinary course of business handle such checks and warrants are hereby authorized to make film records thereof, and to project such film records upon a screen. This authorization shall not be construed to permit such film records to be used in any other manner or for any purpose other than to facilitate the identification of lost Government checks and warrants. (Sec. 150, 35 Stat. 1116; 18 U.S.C. 264)

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 42-571; Filed, January 20, 1942; 11:33 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

PART 612—REGISTRATION DUTIES

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 612,[1] by deleting paragraph (c) (8) of § 612.21 and substituting therefor the following:

§ 612.21 *Duties of chief registrar.*

* * * * *

(8) Require that the following oath be administered to each chief registrar, each

[1] 7 F.R. 200.

PART 633—DELIVERY AND INDUCTION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 633,[1] by deleting § 633.10 and substituting therefor the following:

§ 633.10 *Records returned by induction station commander.* (a) The State Director of Selective Service of each State from which selected men are delivered to an induction station will receive from the induction station commander a copy of each Delivery List (Form 151).

(b) Each local board delivering selected men to an induction station will receive from the induction station commander the following records:

(1) The original of each Order to Report for Induction (Form 150) or, in the case of a man transferred for delivery, the original of each Order for Transferred Man to Report for Induction (Form 156).

(2) The original Delivery List (Form 151).

(3) The National Headquarters' Copy of the Report of Physical Examination and Induction (Form 221).

(4) As to each man found not acceptable to the land or naval forces, in addi-

[1] 6 F.R. 6849.

approved request, the man's own local board shall transfer him. It shall prepare a Transfer of Registrant for Delivery (Form 155), in duplicate, filing the copy and mailing the original to the local board to which the man is being transferred, together with the following papers:

(1) Copy of Order to Report for Induction (Form 150).

(2) The Armed Forces' Original, the Surgeon General's Copy, and the National Headquarters' Copy of the Report of Physical Examination and Induction (Form 221).

(3) In the event only that the man is a volunteer under 21 years of age who has been ordered to report for induction before his order number is reached or who, because of his age, has not been given an order number, there shall be forwarded also the written consent of his parents (or guardian), dated not more than 30 days before induction, or the statement prescribed in § 624.1. (54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

* * * * *

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 17, 1942.

[F. R. Doc. 42-585; Filed, January 20, 1942; 12:00 m.]

[1] 6 F.R. 6849.

PART 652—ASSIGNMENT AND DELIVERY OF PERSONS TO WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 652,[1] by deleting paragraph (a) of § 652.2 and substituting therefor the following:

§ 652.2 *Assignment by Director of Selective Service.* (a) The Director of Selective Service, upon receipt of the Conscientious Objector Report (Form 48), shall assign the registrant to a camp. Such assignment will be made on an Assignment to Work of National Importance (Form 49), which shall be made out in triplicate. The original and one copy will be mailed to the State Director of Selective Service, who shall forward the original to the registrant's local Board and file the copy. (54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive, E.O. No. 8545, 5 F.R. 3779)

* * * * *

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 17, 1942.

[F. R. Doc. 42-587; Filed, January 20, 1942; 12:00 m.]

PART 652—ASSIGNMENT AND DELIVERY OF PERSONS TO WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

AMENDMENT TO SELECTIVE SERVICE REGULATIONS, SECOND EDITION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 652, by deleting § 652.11 and substituting therefor the following:

§ 652.11 *Order to report for work of national importance.* (a) Upon receipt of an Assignment to Work of National Importance (Form 49) for a registrant in Class IV-E, the local board shall prepare six copies of an Order to Report for Work of National Importance (Form 50). The original shall be mailed to the registrant at least 10 days before the date set for him to report. At the time the registrant leaves the local board for the camp, the local board shall mail five copies of the Order to Report for Work of National Importance (Form 50), together with the Armed Forces' Original, the Surgeon General's Copy and the National Headquarters' Copy of the registrant's Report of Physical Examination and Induction (Form 221), to the camp director at such camp. The Local Board's Copy of such registrant's Report of Physical Examination and Induction (Form 221) shall be retained in his Cover

(c) If for any reason an Order to Report for Work of National Importance (Form 50) is not sent to a registrant for whom an Assignment to Work of National Importance (Form 49) has been received from the Director of Selective Service or in the event a registrant in Class IV-E who has been sent an Order to Report for Work of National Importance (Form 50) does not report to the local board pursuant to such order, the local board shall send the Assignment to Work of National Importance (Form 49), together with a statement of the facts concerning the case, to the State Director of Selective Service for transmittal to the Director of Selective Service. (54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive, E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.
Dated: January 17, 1942.

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 42-586; Filed, January 20, 1942; 12:01 p. m.]

PART 661—PHYSICAL REHABILITATION

Effective February 1, 1942, the Selective Service Regulations are hereby amended by adding thereto a new part reading as follows:

PART 661—PHYSICAL REHABILITATION

REHABILITATION PROCEDURE

Sec.
661.1 Determination that registrant's defects are to be remedied.
661.2 Notice to registrant to appear for consultation.
661.3 Conference with registrant and selection of physician, dentist, or facility.
661.4 Use of Government facilities.
661.5 Inquiry for undertaking of services to physician, dentist, or facility.
661.6 Order to registrant to have defects remedied.
661.7 Procedure when registrant desires to have his defects remedied at his own expense.

DISPOSITION OF REHABILITATED REGISTRANT AND REGISTRANT WHO REFUSES TO HAVE DEFECTS REMEDIED

661.11 Submission of rehabilitated registrant for further physical examination by the armed forces.
661.12 Procedure when registrant refuses or fails to have his defects remedied.

DESIGNATION AND PAYMENT OF PHYSICIANS, DENTISTS, AND FACILITIES

661.21 Designated physicians, dentists, and facilities.
661.22 Schedule of fees for the Selective Service System.
661.23 Procedure for payment of fees.

REHABILITATION PROCEDURE

specified remediable defects, and when the specified remediable defects are of the type which the Director of Selective Service has determined shall be remedied, the local board, in accordance with instructions issued and subject to limitations imposed by the Director of Selective Service, and with one or more of its examining physicians or dentists present as advisers, will consider whether it is practicable to remedy such defects of the registrant within a reasonable time and at a reasonable cost. If at this time or at any subsequent time there is not an agreement between the examining physician or dentist and the local board concerning the practicability of correcting such remediable defects of a registrant within a reasonable time and at a reasonable cost, the local board may send the record of the registrant or, if necessary, may send the registrant to the medical advisory board for an opinion from the appropriate member or members of that board and, giving consideration to such opinion but not being bound thereby, shall determine the course to be followed.*

*§§ 661.1 to 661.23 inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive, E.O. No. 8971, 6 F.R. 6419.

§ 661.2 *Notice to registrant to appear for consultation.* If the local board decides that the remediable defects of any registrant are of a type which the Director of Selective Service has determined should be remedied and that such defects can be remedied within a reasonable time and at a reasonable cost, the local board will issue a Notice to Registrant to Appear for Consultation (Form 225) which will state the hour, date, and place the registrant shall report for a conference with the local board.*

§ 661.3 *Conference with registrant and selection of physician, dentist, or facility.* (a) When the registrant reports in accordance with a Notice to Registrant to Appear for Consultation (Form 225), at least one member of the local board and one or more of the examining physicians or dentists will confer with him for the purpose of making arrangements for his rehabilitation. If the registrant desires to have his defects remedied at his own expense, see § 661.7.

(b) The registrant will be advised that he has certain remediable defects which may be remedied at Government expense. He will also be advised that, if the defects are remedied, he will be returned to the examining station of the armed forces and, if found acceptable to them, will be forwarded for induction in the usual manner. He will be further advised that if he refuses to have his defects remedied, his defects may be

ply: *And provided further*, That if the registrant desires and requests the services of a physician, dentist, or facility that has not been designated, the procedure prescribed in § 661.21 will be followed, and the registrant must name a designated physician, dentist, or facility as his second choice to perform the necessary services if the first-named physician, dentist, or facility is not accepted for designation. The local board, acting for the registrant, must name a designated physician, dentist, or facility for the purpose of undertaking to remedy the registrant's defects (1) if the registrant fails or refuses to name a designated physician, dentist, or facility, or (2) if the registrant names a physician, dentist, or facility not designated but fails or refuses to name as his second choice one already designated and the one not designated named by the registrant fails to qualify for designation. When the local board is required to name a designated physician, dentist, or facility as above, it shall do so in the following manner: The record of designated physicians, dentists, or facilities furnished the local board by the State Director of Selective Service shall be consulted and the first designated and qualified physician, dentist, or facility whose name appears on that record with an office in or near the community in which the registrant lives shall be the first-named, the second shall be the second-named, the third shall be the third-named, and so on consecutively until all such designated and qualified physicians, dentists, or facilities have been used, and then the process shall start over again.

(d) The registrant shall execute, in triplicate, a Registrant's Rehabilitation Statement (Form 226). If he refuses to have his defects remedied, he shall state the reason for such refusal.

(e) The signature of the registrant upon the Registrant's Rehabilitation Statement (Form 226) shall be witnessed by a member of the local board and the examining physician or dentist.

(f) If the registrant names a designated physician or dentist who practices, or a designated facility which operates, outside the community in which he lives, and there is a designated physician, dentist, or facility in the community in which he lives capable of rehabilitating him, authorization may be granted for the designated physician, dentist, or facility so named: *Provided*, That such authorization shall not be made if it results in unnecessary delay in the rehabilitation of such registrant, and *Provided further*, That the expense of transportation to and from the designated physician, dentist, or facility shall be borne by the registrant. If there is no designated physician, dentist, or facility in the community in which the registrant lives who is qualified and willing to

Meals or Lodgings for Civilian Registrants (Form 256) may be issued.*

§ 661.4 *Use of Government facilities.* If the Director of Selective Service determines that the facilities of any department, bureau, or agency of the Government of the United States should be used in rehabilitating the registrants in any community, such facility shall be used to the extent that the Director of Selective Service may direct.*

§ 661.5 *Inquiry for undertaking of services to physician, dentist, or facility.* After the Registrant's Rehabilitation Statement (Form 226) is completed by a registrant who is to have his defects remedied, an Inquiry for Undertaking of Service (Form 227) shall be prepared by the local board, in quadruplicate. It shall be addressed to the designated physician, dentist, or facility selected to render the service for a given registrant. It shall set forth the facts relevant to the defects of the registrant and the maximum fees allowable for the correction of such defects. It shall contain an inquiry as to the desire of the physician, dentist, or facility to undertake the service indicated. If the physician, dentist, or facility offers to perform the services, one copy of the Inquiry for Undertaking of Service (Form 227) will be retained by the physician, dentist, or facility addressed, and the original and two remaining copies will be signed and returned to the local board. The local board will forward the original and both copies of Inquiry for Undertaking of Service (Form 227), together with the Armed Forces' Original of the Report of Physical Examination and Induction (Form 221), to the State Director of Selective Service. The State Director of Selective Service shall indicate his approval, disapproval, or desired modification on the original and both copies of the Inquiry for Undertaking of Service (Form 227), retain the original, and return both copies, together with the Armed Forces' Original of the Report of Physical Examination and Induction (Form 221), to the local board. If the State Director of Selective Service has indicated his approval on the copies of the Inquiry for Undertaking of Service (Form 227), the local board shall forward the approved copy bearing the signature of the State Director of Selective Service to the designated physician, dentist, or facility, and such approved copy will constitute authority to render the indicated service. If modifications are made by the State Director of Selective Service, the Inquiry for Undertaking of Service (Form 227), with such modifications, will be resubmitted to the designated physician, dentist, or facility concerned for approval.*

§ 661.6 *Order to registrant to have defects remedied.* When the local board

pense, he may do so without reference to the foregoing procedure; *Provided*, That a program for remedying the defects is presented which is satisfactory to the local board. In such a case the program will be outlined in the Registrant's Rehabilitation Statement (Form 226) and will include arrangements to keep the local board advised of the registrant's progress. If at any time after making such an arrangement, the registrant fails or refuses to have his defects remedied in the manner agreed upon, the local board may take the steps outlined in § 661.12.*

DISPOSITION OF REHABILITATED REGISTRANT AND REGISTRANT WHO REFUSES TO HAVE DEFECTS REMEDIED

§ 661.11 *Submission of rehabilitated registrant for further physical examination by the armed forces.* (a) The local board will keep informed as to the progress of the registrant while his defects are being remedied. When the registrant's rehabilitation will take more than 30 days, the local board will furnish the physician, dentist, or facility with sufficient Progress Reports of Rehabilitation (Form 229) so that one of such forms can be completed and returned to the local board each 30 days after the commencement of rehabilitation. A Report of Completion of Rehabilitation (Form 230) shall be filled out and forwarded to the local board by the physician, dentist, or facility when the registrant's rehabilitation has been completed. When the physician, dentist, or facility which has undertaken to remedy the registrant's defects has forwarded the local board a Report of Completion of Rehabilitation (Form 230), the local board will direct the registrant to appear before the examining physician or dentist of the local board and, in doubtful cases, to appear before the medical advisory board. When the local board is satisfied, from the report of the examining physician or dentist or the medical advisory board, that the remediable defects which were specified in the certificate of the examining station of the armed forces have been remedied, it shall again forward the registrant for physical examination by the armed forces in the manner provided in Part 629; provided that if the effective period for the former physical examination by the armed forces has expired, but not otherwise, it shall prepare a new Report of Physical Examination and Induction (Form 221), the Armed Forces' Original and all copies of which shall be forwarded with the registrant in addition to the Armed Forces' Original of the former Report of Physical Examination and Induction (Form 221). Upon the return from the examining station of the armed forces of the Armed Forces' Original and all copies of the corrected or new Report of Physical Examination and In-

Sheet (Form 53).

(b) The issuance of an Order to Report for Work of National Importance (Form 50) may be delayed or delivery under such an order may be postponed to the extent and in the manner provided in § 633.1.

[1] 7 F.R. 111.

trant's defects are to be remedied. When the Report of Physical Examination and Induction (Form 221) is received by the local board from the examining station of the armed forces with the certification that the registrant is physically and mentally qualified for military service after the satisfactory correction of certain

subject to induction into the armed forces.

(c) If a registrant agrees to have his defects remedied, he shall name a designated physician, dentist, or facility to undertake his rehabilitation: *Provided*, That the provisions of § 661.4 do not apply

costs to and from the nearest community in which there is a designated physician, dentist, or facility qualified and willing to undertake the registrant's rehabilitation will be borne by the Selective Service System, and Government Requests for Transportation (Standard Form No. 1030) and Government Request for

quiry for Undertaking of Service (Form 227), it shall complete and mail to the registrant an Order to Registrant to Have Defects Remedied (Form 228)."

§ 661.7 *Procedure when registrant desires to have his defects remedied at his own expense.* If a registrant desires to have his defects remedied at his own ex-

duction (Form 221), or both, the local board will proceed in the manner provided by § 629.31.

(b) The local board will forward all completed Reports of Completion of Rehabilitation (Form 230) to the State Director of Selective Service for transmittal to the Director of Selective Service."

§ 661.12 *Procedure when registrant refuses or fails to have his defects remedied.* If the registrant refuses or fails to have his defects remedied, the local board will forward to the State Director of Selective Service the original and one copy of the Registrant's Rehabilitation Statement (Form 226), the Armed Forces' Original of the registrant's Report of Physical Examination and Induction (Form 221), and its recommendation as to the disposition of the matter. Upon receipt thereof, the State Director of Selective Service will either return the file to the local board with further instructions or forward the file, together with his own recommendation, to the Director of Selective Service, or, if so instructed by the Director of Selective Service, to the Corps Area Commander (or representative of the Navy or Marine Corps)."

DESIGNATION AND PAYMENT OF PHYSICIANS, DENTISTS, AND FACILITIES

§ 661.21 *Designated physicians, dentists, and facilities.* (a) The Director of Selective Service shall prepare and maintain a record of designated physicians, dentists, and facilities for the nation. The State Director of Selective Service shall maintain a record of designated physicians, dentists, and facilities for his State. He shall furnish each local board with a record of designated physicians, dentists, and facilities in or near the community in which each local board is located. If a physician, dentist, or facility whose name is not included in the record of designated physicians, dentists, and facilities is named by a registrant or makes a request to be designated, the local board shall endeavor to secure a written application from such physician, dentist, or facility. The local board shall forward any application it receives, together with its recommendation thereon, to the State Director of Selective Service.

(b) When the application is received by the State Director of Selective Service, he shall make a thorough investigation as to the applicant's professional and ethical standing in the community. If, after investigation, he is of the opinion that the applicant is qualified, he shall add the name of the applicant to the record of designated physicians, dentists, or facilities and so advise the local boards affected. The name and address of each such physician, dentist, or facility, together with the application, report of investigation made, and the action taken thereon by the State Director of Selective Service, shall be forwarded to the Director of Selective Service. In the absence of comment by the Director of Selective Service, such physician, dentist, or facility shall thereafter be a designated physician, dentist, or facility. The Director of Selective Service will notify the State Director of Selective Service in the event of nonconcurrence in the designation of a given physician, dentist, or facility.

(c) Nothing herein contained shall prohibit any physician or dentist who is now or may hereafter be appointed an examining physician or dentist or a member of a medical advisory board from applying to the State Director of Selective Service to have his name placed in the record of designated physicians or dentists. Upon the receipt of such an application, the procedure prescribed in (b) above will be followed. If the name of such examining physician or dentist or member of a medical advisory board is placed in such record, he shall receive payment for authorized rehabilitation services in the same manner as any other designated physician or dentist, and the Waiver of Pay or Compensation portion of the Oath of Office and Waiver of Pay or Compensation (Form 21) executed by the examining physician or dentist or member of the medical advisory board shall not operate to prohibit such physician or dentist or member of the medical advisory board from receiving compensation from remedying the defects of a registrant. His services as a designated physician or dentist will be apart from, and in addition to, his present duties as an examining physician or dentist or member of a medical advisory board, which latter duty will remain on an uncompensated basis.

(d) Any designated physician, dentist, or facility may be utilized by any local board in the Selective Service System. (*See, however*, § 661.3 (f).)

(e) A State Director of Selective Service who has reason to believe that a designated physician, dentist, or facility does not have the necessary qualifications will suspend such physician, dentist, or facility and will report the reason therefor and his recommendation thereon to the Director of Selective Service.

(f) The name of any physican, dentist, or facility may be added to or removed from the record of designated physicians, dentists, or facilities by the Director of Selective Service, either with or without a recommendation from a State Director of Selective Service."

§ 661.22 *Schedule of fees for the Selective Service System.* The Director of Selective Service, from time to time, will publish and circulate schedules of fees which will state the maximum amounts allowable for the services of any physician, dentist, or facility in remedying the defects of a registrant. These amounts will in no case be exceeded unless specifically authorized under instructions issued by the Director of Selective Service. When services not contained in the schedule of fees are necessary, such services may be authorized and the fees to be paid therefor in each instance fixed by the Director of Selective Service. Payment will not be authorized for any services rendered in remedying the defects of a registrant which are not authorized in accordance with instructions contained in this part, unless payment for such services is specifically approved by the Director of Selective Service either prior to or subsequent to the performance of such services."

§ 661.23 *Procedure for payment of fees.* Bills for payment of fees authorized to be charged for services rendered in remedying the defects of a registrant should be certified in the manner prescribed in § 608.5 and presented, in triplicate, to the local board, which, if it finds that the authorized services have been performed, will indicate its approval on the original and both copies of the bill, retain one copy thereof, and forward the original and second copy thereof to the State procurement officer. In vouchering such bills, the State procurement officer shall use Public Voucher for Purchases and Services Other Than Personal (Standard Form No. 1034), which will be prepared in the manner prescribed in § 608.31."

LEWIS B. HERSHEY,
Director.

JANUARY 17, 1942.

[F. R. Doc. 42-580; Filed, January 20, 1942; 11:58 a. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE OF HAWAII TO ORDER ADDITIONAL OR ALTERNATIVE PHYSICAL EXAMINATIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Section XLVIII of the Selective Service Regulations, I hereby authorize the State Director of Selective Service of Hawaii to direct any local board in the Territory of Hawaii to order registrants to appear for and submit to a physical examination by an Examining Board of the armed forces, either in addition to or in lieu of the physical examination provided for in Volume Three, "Classification and Selection."

In proceeding under this authorization, the State Director of Selective Service of Hawaii will be guided by the provisions of Section XLVIII of the Selective Service Regulations. The right of all registrants to an appeal shall be preserved, and no registrant shall be ordered to report for induction on less than 10 days' notice, as provided in Paragraph 415 of the Selective Service Regulations, as amended.

The State Director of Selective Service of Hawaii shall submit to the Director of Selective Service copies of plans, forms, and directives prescribed for use by him in carrying out this authorization.

LEWIS B. HERSHEY,
Director.

JANUARY 16, 1942.

[F. R. Doc. 42-588; Filed, January 20, 1942; 12:01 p. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

Amendment No. 3 of Supplementary Order No. M-15-c[1] to Restrict Transactions in New Rubber Tires, Casings and Tubes

Paragraph (g) of § 940.4 is hereby amended to read as follows:

[1] F.R. 6792, 7 F.R. 121.

§ 940.4 *Supplementary Order M-15-c.*

• • • • •

(g) *Exemption of certain transactions.* Nothing in this Order shall prevent any person from making (without a certificate or other authority of the Office of Price Administration, but subject to the provisions of Priorities Regulation No. 1 and any other applicable rules, regulations or orders of the Director of Priorities heretofore or hereafter issued) a sale, lease, trade, loan, delivery, shipment or transfer of new rubber tires, casings or tubes:

(1) To or for the account of the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, or the Office of Scientific Research and Development; but not to or for the account of any officer, member or employee of any of the foregoing for use on a privately owned vehicle, regardless of the extent to which such vehicle is used on official business, nor to or for the account of any post exchange, ship's store, commissary or similar agency or organization except for use on vehicles operated by it.

(2) To or for the account of the government of any foreign country, including those in the Western Hemisphere, pursuant to a contract or order placed by any agency of the United States Government under the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), but subject in each case to such quotas, allocations or other restrictions as may be prescribed by the Office of Production Management.

(3) For export to any foreign country, for government or private account, otherwise than as provided in (2) above, but only as may be expressly permitted by the Office of Production Management.

Any person, government or governmental agency acquiring a new rubber tire, casing or tube, under this paragraph (g) shall execute and deliver to the person from whom such tire, casing, or tube was acquired a receipt evidencing the transaction, the receipt to be in such form as the Office of Price Administration may direct.

No preference rating heretofore or hereafter assigned by any PD-3 certificate or by any other preference rating certificate or by any order of the Director of Priorities shall entitle any person to receive any new rubber tire, casing, or tube except in a transaction specified in subparagraph (1), (2), or (3) above. Persons to whom such ratings have been issued and who wish to acquire such tires, casings or tubes for vehicles included in the categories enumerated in List A may apply therefor as provided in paragraph (e) hereof.

This amendment shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 26, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9, Public No. 783, 76th Congress, Third Session)

Issued this 20th day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-574; Filed, January 20, 1942; 11:27 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 3 to Supplementary General Limitation Order L-3-e[1] Further Restricting Sales and Delivery of Light Motor Trucks

Section 976.9 (*Supplementary General Limitation Order L-3-e*) is hereby amended by adding to paragraph (a) thereof, immediately following subparagraph (1), the following subparagraph:

§ 976.9 *Supplementary General Limitation Order L-3-e*—(a) *Prohibition of sales of light motor trucks.*

• • • • •

(2) *Transfer of title and retaking of possession under conditional sale, chattel mortgage sale, bailment lease or similar installment contracts.* Nothing in this Order shall prevent:

(i) The transfer of title to a vehicle pursuant to the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract, entered into prior to 6 P. M. Eastern Standard Time, January 1, 1942.

(ii) The retaking, repossession or redelivery of any vehicle upon default, breach or other contingency under the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract entered into prior to 6 P. M. Eastern Standard Time, January 1, 1942. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; Sec. 2 (a), Public No. 671, 76th Congress; Third Session, as amended by Public No. 89, 77th Congress, First Session)

This Amendment shall take effect immediately. Issued this 20th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-577; Filed, January 20, 1942; 11:26 a. m.]

[1] 7 F.R. 116, 218, 311.

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 3 to Supplementary General Limitation Order L-1-c[1] Restricting Sale and Delivery of Medium and Heavy Motor Trucks and Truck Trailers

Section 976.10 (*Supplementary General Limitation Order L-1-c*) is hereby amended by adding to paragraph (a) thereof, immediately following subparagraph (1), the following subparagraph:

§ 976.10 *Supplementary General Limitation Order L-1-c*—(a) *Prohibition of sales of medium and heavy motor trucks and truck trailers.*

• • • • •

(2) *Transfer of title and retaking of possession under conditional sale, chattel mortgage sale, bailment lease or similar installment contracts.* Nothing in this Order shall prevent:

(i) The transfer of title to a vehicle pursuant to the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract, entered into prior to 6 P. M. Eastern Standard Time, January 1, 1942.

(ii) The retaking, repossession or redelivery of any vehicle upon default, breach or other contingency under the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract entered into prior to 6 P. M. Eastern Standard Time, January 1, 1942. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

This Amendment shall take effect immediately. Issued this 20th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-576; Filed, January 20, 1942; 11:26 a. m.]

PART 981—PASSENGER AUTOMOBILES

Amendment No. 3 to Supplementary General Limitation Order L-2-f[1] Restricting Sale and Delivery of Passenger Automobiles

Section 981.7 (*Supplementary General Limitation Order L-2-f*) is hereby amended by adding to paragraph (a) thereof, immediately following subparagraph (1), the following subparagraph:

§ 981.7 *Supplementary General Limitation Order L-2-f*—(a) *Prohibition of sales of passenger automobiles.*

• • • • •

(2) *Transfer of title and retaking of possession under conditional sale, chattel mortgage sale, bailment lease or similar installment contracts.* Nothing in this Order shall prevent:

(i) The transfer of title to a vehicle pursuant to the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract, entered into prior to 6 P. M. Eastern Standard Time, January 1, 1942.

(ii) The retaking, repossession or redelivery of any vehicle upon default, breach or other contingency under the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract entered into prior to

[1] 7 F.R. 116, 219, 311.

6 P. M. Eastern Standard Time, January 1, 1942. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

This Amendment shall take effect immediately. Issued this 20th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-578; Filed, January 20, 1942; 11:26 a. m.]

PART 1064—ASBESTOS

Conservation Order M-79 Curtailing the Use of Certain Types of Asbestos

Whereas national defense requirements have created a shortage of certain types of asbestos for the combined needs of defense, private account, and export; and the supply now is and will be insufficient for defense and essential civilian requirements unless their use in certain products manufactured for civilian use is curtailed; and it is necessary in the public interest, to promote the defense of the United States, to conserve the supply and direct the distribution thereof:

Now, therefore, it is hereby ordered, That:

§ 1064.1 *Conservation Order M-79—(a) Restrictions on the use of certain types of asbestos.* (1) Unless otherwise specifically authorized by the Director of Priorities, after February 1, 1942, no person shall fabricate, spin, or process in any other way asbestos fibre imported from South Africa except where such fabrication, spinning or processing is necessary to fill Defense Orders as defined in Priorities Regulation No. 1, as amended from time to time.

(2) In addition to the above limitation, unless otherwise specifically authorized by the Director of Priorities, after February 1, 1942, no person shall fabricate, spin or process in any other way:

(i) Chrysotile asbestos fibre (Rhodesian) Grade C and G-1 and 2 except where such fabricating, spinning or processing is necessary to fill Defense Orders for:

(a) core rovings to meet Navy specification Number 17-I-29 (INT); (Insulation, electrical, asbestos fibre, treated and untreated, dated October 1, 1941, or as same may be amended.)

(b) tapes and cloth which are required by specification to be of a non-ferrous nature;

(c) non-ferrous lapps.

(ii) Amosite asbestos fibre (Grade B-3 or amosite asbestos having a fibre length equivalent to that of Grade B-1 except where such fabricating, spinning or processing is necessary to fill Defense Orders for Amosite woven felt blankets and mattresses for turbine insulation for use on naval and maritime ships.

(iii) Amosite asbestos fibre (Grade B-3, D-3 or amosite asbestos having a fibre length equivalent to that of Grade B-3 or D-3) except where such fabricating spinning or processing is necessary to fill Defense Orders for:

(a) Woven felt blankets and mattresses and fittings for turbine insulation for use on naval and maritime ships;

(b) Fire proof board;

(c) Sprayed Amosite;

(d) Eighty-five percent magnesia pipe covering and blocks;

(e) Molded Amosite pipe covering and blocks;

(f) Flexible amosite pipe insulations.

(g) Dry pack insulation.

(3) In addition to the above limitations unless otherwise specifically authorized by the Director of Priorities, after February 1, 1942, no person shall install eighty-five per cent magnesia or other high temperature pipe covering except in installations where temperatures of 200° Fahrenheit or over occur.

(b) *Reports.* (1) Any person who manufactures or processes asbestos fibre shall, on or before the 10th day of February 1942, and on or before the 10th day of each calendar month thereafter, file with the Office of Production Management, Ref: M-79, all of the information required by Forms PD-251 and PD-252, whichever is applicable.

(2) In addition, any person who manufactures or processes asbestos fibre shall, when requested, file with the Office of Production Management, Ref: M-79 all the information required by Form PD-253.

(c) *Prohibitions against sales or deliveries.* No person shall hereafter sell or deliver asbestos fibre to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this Order.

(d) *Limitation of inventories.* No manufacturer shall receive delivery of asbestos fibre or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw-semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of asbestos fibre products by this Order.

(e) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of asbestos fibre conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense work to defense work, may appeal to the Office of Production Management, Ref: M-79, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(3) *Applicability of order.* The prohibitions and restrictions contained in this Order shall apply to the use of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other Order of the Director of Priorities may have the effect of limiting or curtailing to a greater extent than herein provided, the use of asbestos fibre in the production of any article, the limitations of such other Order shall be observed.

(4) *Correspondence and communication.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: Office of Production Management, Washington, D. C. Ref: M-79.

(5) *Violations.* Any Person who willfully violates any provision of this Order, or who by any Act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 A of the Criminal Code (18 U.S.C. 80).

(6) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked. (P.D. Reg. 1, Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 20th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-575; Filed, January 20, 1942; 11:26 a. m.]

PART 1082—NICKEL

Conservation Order M-6-b Curtailing the Use of Nickel in Certain Items

Whereas national defense requirements have created a shortage of nickel for the combined needs of defense, private account, and export; and the supply now is and will be insufficient for defense and essential civilian requirements unless its use in the manufacture of many products where such use is not absolutely necessary for the defense or essential civilian requirements is curtailed or prohibited as hereinafter provided;

Now, therefore, it is hereby ordered, That:

§ 1082.3 *Conservation Order M-6-b—(a) Prohibition of use of nickel in articles appearing on List A.* (1) Any person using nickel in any item on List A shall reduce his use of nickel in any such item between January 1 and March 31, 1942 to 50% of his use in the base period.

(2) Effective April 1, 1942, no nickel shall be used in the production of any item on List A.

(b) *Limitation on all other uses of nickel.* Until further action by the Director of Priorities, any person may use nickel in the manufacture of any article not included under the classifications on List A attached, or of any article not specifically exempted under paragraph (c) hereof, but only to the extent that such material may be allocated to him for such purposes pursuant to General Preference Order M-6-a, and subject to any specific directions which may be issued by the Director of Priorities with respect to such allocation.

(c) *General exceptions.* Where and to the extent the use of any less scarce material is impracticable, the prohibitions, limitations and restrictions contained in paragraphs (a) and (b) shall not apply to the use of nickel in the manufacture of any item which is being produced:

(1) for delivery under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act) if in any such case the use of nickel to the extent employed is required by the specifications of the prime contract, or

(2) to comply with Safety Regulations issued under governmental authority, provided the pertinent provisions of such Regulations, were in effect both on December 1, 1941, and on the date of such use, and specifically and exclusively require the use of nickel to the extent employed, or

(3) with the assistance of a Preference Rating of A-1-k or higher.

(d) *Prohibitions against sales or deliveries.* No person shall hereafter sell or deliver nickel to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this order.

(e) *Limitation of inventories.* No manufacturer shall receive delivery of nickel (including scrap) or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, nor shall he put into process any nickel in the form of raw material, in quantities which in either case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of nickel products by this order.

(f) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Appeals.* Any person affected by this order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of nickel conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense work to defense work, may appeal to the Office of Production Management by letter or on such form as the Nickel Branch of the Office of Production Management may prescribe, reference: M-6-b, setting forth the pertinent facts, including a statement of such person's inventory of nickel, his production and employment, together with the reasons he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(3) *Applicability of Order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other order of the Director of Priorities may have the effect of limiting or curtailing to a greater extent than herein provided the use of nickel in the production of any article, the limitations of such other order shall be observed.

(4) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or who otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining any further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(5) *Definitions.* For the purposes of this Order:

(i) "Nickel" means any metallic nickel, either primary or produced from or contained in scrap, or nickel matte, or any non-ferrous alloy, when nickel has been specified or added to produce a desired alloying effect. It also includes special-purpose alloys, such as those for heat or corrosion resistance or electrical use, but does not cover such steel and iron alloys as are covered by Supplementary Order M-21-a.

(ii) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(iii) "Manufacture" means to fabricate, assemble, melt, cast, extrude, roll, turn, spin, produce, or process in any other way, but does not include installation of a finished product for the ultimate consumer.

(iv) "Item" means any article or any component part thereof.

(v) "Use" means both the act of putting nickel into process in the manufacture of any item and the act of completing the manufacture of any such item. (Where a person is limited to a percentage of the material used in a base period this limitation applies respectively to (a) the amount of material put into process during the base period and (b) to the total amount of material contained in a completed item or article multiplied by the number of such items or articles completed during the base period. Each restriction must be applied separately.)

(vi) "Base Period" means, at the option of the manufacturer, either (a) the corresponding quarterly period in 1940, or (b) the first calendar quarter in 1941, provided that the same option shall be used throughout the calendar year.

(vii) "Put into Process" means the first change by a manufacturer in the form of materials from that form in which it is received by him.

(6) *Effective date.* This order shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1, as amended Dec. 23, 1941, 6 F.R. 4489; O.P.M. Reg. 3 Amended, September 2, 1941; 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875; Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a) Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session, sec. 9, Pub. No. 783, 76th Congress, Third Session)

Issued this 20th day of January 1942.

DONALD M. NELSON,
Director of Priorities.

List A of Conservation Order M-6-b

The use of nickel in the items classified below and in all component parts thereof is prohibited except to the extent permitted by the foregoing Conservation Order.

Transportation equipment.[1]

Building supplies, hardware, and ornamental metal work.

Plumbing, heating and air conditioning supplies (excluding valve seats and thermostatic controls).

[1] Except where necessary for operational purposes.

Clothing accessories.

Furnishings, furniture, appliances, and equipment (domestic, office and institutional).[2]

Commercial and industrial appliances and equipment and parts thereof unless covered by General Exception Clause, paragraph (c) of this order.[2]

Jewelry, toilet articles, accessories, souvenirs, novelties, games, toys, art objects, and musical instruments.

Plating.[2]

Containers of all types.[2]

Branding, marking and labeling devices.

Fire fighting apparatus and equipment.[2]

Lighting equipment.[2]

Non-operating or decorative uses or parts of installations and mechanical equipment, including frames, bases, standards and supports.

Photographic and art equipment and supplies.

Sporting goods and pleasure boat fittings and hardware.

Saddlery and harness hardware and fittings.

[F. R. Doc. 42-579; Filed, January 20, 1942; 11:27 a. m.]

[2] With the exception of heating elements for replacement purposes or for use in the manufacture of electric ranges, portable heaters, and storage type water heaters.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-180]

IN THE MATTER OF R. H. BLYSTONE, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 20, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on December 31, 1941, by Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 26, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

(a) The defendant, R. H. Blystone, an individual, of Elderton, Pennsylvania, whose code membership became effective as of June 18, 1937, operator of the Keeler Mine (Mine Index No. 1118), located in Armstrong County, Pennsylvania, Subdistrict 10 of District No. 1, sold to various purchasers at approximately $2.12 per net ton f. o. b. the mine, during the period of October 11, 1940 to December 3, 1940, both dates inclusive, approximately 97.6 tons of run of mine coal produced at said mine, whereas said coal was classified as Size Group 3 and priced at $2.15 per net ton f. o. b. said mine as set forth in the Schedule of Effective Minimum Prices for District No. 1 For Truck Shipments. Said sales price was approximately 3 cents per net ton below the f. o. b. mine price established for said coal by the Division, therefore, said code member violated section 4 Part II (e) of the Act and Part II (e) of the Code.

(b) The aforesaid defendant sold to various purchasers at approximately $1.25 per net ton f. o. b. the mine, on or about July 1, 1941, approximately 7.6 tons of 1¼" Forked Nut and Slack coal, produced at the aforesaid Keeler Mine, whereas said coal was classified as Size Group No. 4 and priced at $1.95 per net ton f. o. b. said mine as set forth in the Schedule of Effective Minimum Prices for District No. 1 For Truck Shipments. Therefore, said code member violated section 4 Part II (e) of the Act and Part II (e) of the Code.

Dated: January 19, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-562; Filed, January 20, 1942; 10:37 a. m.]

[Docket No. B-64]

IN THE MATTER OF LEFT FORK FUEL COMPANY, INCORPORATED, CODE MEMBER, DEFENDANT

ORDER RESCHEDULING HEARING AND REDESIGNATING EXAMINER

The above-entitled matter having been scheduled for hearing at Charleston, West Virginia, on January 21, 1942, by Order of the Director dated November 22, 1941, and having been subsequently postponed by Order of the Acting Director dated January 10, 1942, to a date and at a hearing room to be thereafter designated by an appropriate order; and

It appearing to the Acting Director that the time and place of said hearing should now be designated;

Now, therefore, it is ordered, That a hearing in the above-entitled matter be held on February 25, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Joseph A. Huston be and is hereby designated to preside at such hearing vice Charles S. Mitchell; and

It is further ordered, That the Notice of and Order for Hearing herein dated November 22, 1941, shall in all other respects remain in full force and effect.

Dated: January 19, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-563; Filed, January 20, 1942; 10:38 a. m.]

[Docket No. 1778-FD]

IN THE MATTER OF MT. PERRY COAL COMPANY, DEFENDANT

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATION OF THE EXAMINER AND CEASE AND DESIST ORDER

A complaint pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 having been filed with the Bituminous Coal Division on June 28, 1941, by District Board No. 4, alleging that Mt. Perry Coal Company, defendant, a code member in District 4, had wilfully violated the provisions of the Bituminous Coal Code, or rules and regulations thereunder and praying that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violations of the Act, the Code and rules and regulations thereunder;

A hearing having been held before W. A. Cuff, a duly designated Examiner of the Division at a hearing room thereof in Canton, Ohio, on October 7, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated November 19, 1941, recommending that an Order be entered directing the defendant to cease and desist from violations of the Act, the Code and rules and regulations thereunder;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions and supporting briefs having been filed;[1]

The undersigned having considered this matter and having determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and they hereby are adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That the defendant, Mt. Perry Coal Company, its representatives, agents, servants, employees, attorneys, and all persons acting or claiming to act in its behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from violating the Bituminous Coal Act, the Code, and rules and regulations thereunder.

It is further ordered, That the Division may upon the failure of the defendant herein to comply with this Order, forthwith apply to the Circuit Court of Appeals of the United States within any circuit where the defendant carries on business for the enforcement thereof or take any other appropriate action.

Dated: January 19, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-564; Filed, January 20, 1942; 10:38 a. m.]

[1] The defendant filed exceptions stating, however, that they were to be disregarded in the event the sanction imposed upon the defendant did not exceed the recommendation of the Examiner that the defendant be required to cease and desist from violations of the Act, the Code and regulations thereunder.

[Docket No. A-1040]

PETITION OF THE BOVARD COAL CO., A CODE MEMBER IN DISTRICT NO. 1, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR ALL SHIPMENTS FOR COALS PRODUCED AT ITS RIMER MINE

MEMORANDUM OPINION AND ORDER MODIFYING ORDER GRANTING TEMPORARY RELIEF

This proceeding was instituted upon petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by Bovard Coal Company ("Bovard"), a code member in District 1. Bovard requests the establishment of price classifications and effective minimum prices for the coals of its Rimer Mine (Mine Index No. 902), in District 1 for rail shipment on the Western Allegheny Railroad from Brady's Bend, Pennsylvania.

Pursuant to a Notice of and Order for Hearing dated September 24, 1941, a hearing in this matter was held on October 23, 1941, before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard.

On November 14, 1941, the Director issued an Order granting temporary relief by establishing effective minimum prices for the coals of Bovard's Rimer Mine when shipped via the Pennsylvania Railroad from Rimersburg, Pennsylvania. The Director thereby denied Bovard's request for permission to make shipments on the Western Allegheny Railroad from Brady's Bend. The Director found that Bovard's crusher and loading facilities are at Brady's Bend and that Bovard desired to make shipments on the Western Allegheny Railroad from that point in order to serve certain customers in Market Area 10. The Director further found that Brady's Bend is in District 2, approximately 10 miles from the Rimer Mine. The Director noted that there are several nearer loading points which Bovard might use, Rimersburg, Pennsylvania, in District 1, for example, being located approximately 3.7 miles from the Rimer Mine, and that while the freight rates to destinations in Market Area 10 are higher from Rimersburg than from Brady's Bend, which results in a delivered differential in favor of District 2 producers, in General Docket No. 15 it had been decided that District 1 producers had no such existing fair competitive opportunities in Market Area 10 as necessitated the allowance to them of freight rate absorptions on shipments into that market area. The Director noted that Bovard's request represented a sharp break with the coordination established in General Docket No. 15 and should not be granted as a matter of temporary relief in the absence of a strong showing, and that such a showing had not been made. Noting further that if Bovard's request were granted, it would receive preferential treatment over other District 1 producers, who must ship into Market Area 10 at the higher freight rate, the Director concluded that the record does not reveal any reason for giving the Rimer Mine such special treatment as a matter of temporary relief.

On November 28, 1941, Bovard Coal Company filed a petition for reconsideration and modification of the Order granting temporary relief. On December 3, 1941, the Office of the Bituminous Coal Consumers' Counsel also filed a motion to modify the temporary relief and a statement in support thereof. On December 12, 1941, the Bituminous Coal Consumers' Counsel filed a supplementary statement in support of its motion.

The Bituminous Coal Consumers' Counsel asks that the Order granting temporary relief be modified by permitting shipments from the Rimer Mine to be made on the Western Allegheny Railroad from Brady's Bend, Pennsylvania, at the same time preserving the competitive opportunities of District 2 producers. In the alternative, the Consumers' Counsel requests that effective minimum prices be established for the coals of the Rimer Mine for additional size groups, sizes which the Rimer Mine can produce but for which it does not now have prices.

The Consumers' Counsel contends that the Act contains no prohibition against any mine's shipping through any shipping point it chooses, and that the Congress has expressed no intention to prevent shipment by the most economical route. The Consumers' Counsel points out that permitting Bovard to ship from a District 2 loading point would not interfere with the competitive opportunities of District 1 producers since Market Area 10, the market which Bovard seeks to reach, is not a market to which District 1 producers normally ship coal; nor would it impair the existing fair competitive opportunities of District 2 producers since Bovard merely seeks to continue to sell coal to the customers of its closed mine in District 2. The Consumers' Counsel states that District 2 producers merely "stand to gain new business" if Bovard's request is denied.

In its petition for reconsideration, Bovard Coal Company requests that the temporary order should be modified so as to grant its original prayer for relief, permitting it to ship coal from Brady's Bend. Bovard further requests, that, in any event, it should be allowed to ship from Brady's Bend on the Western Allegheny Railroad at least until May 1, 1942, which it submits is the earliest date at which it will be possible for it to produce coals at its Rimer Mine for shipments via the Pennsylvania Railroad. Bovard states that there are no loading facilities presently available at Rimersburg for shipments via the Pennsylvania Railroad, and that the difficulties in securing construction materials will delay the construction of such facilities. Bovard submits that in the meantime,

unless it is permitted to ship from Brady's Bend, the Rimer Mine will remain inactive, and Bovard will lose its entire investment and will suffer irreparable loss, damage, and injury.

An examination of the record here indicates that substantial injury will result to the Bovard Coal Company if the Order granting temporary relief is not modified by granting it permission to ship coals of its Rimer Mine over the Western Allegheny Railroad from the available loading point at Brady's Bend, Pennsylvania. Such relief is necessary if the Rimer Mine is to be able for some time to market its coals since it appears that there are no presently available loading facilities at Rimersburg, Pennsylvania, for shipments over the Pennsylvania Railroad. It further appears that the classifications and prices provided for the coals of the Rimer Mine in the Order granting temporary relief herein will not enable those coals to be delivered into Market Area 10, although shipped from Brady's Bend, at prices lower than those at which District 2 producers can deliver their coals into that market area.[1]

The relief granted herein, permitting Bovard to ship its Rimer Mine coals over the Western Allegheny Railroad from Brady's Bend, will be limited in point of time to May 1, 1942, which should be ample time to enable Bovard to provide itself with loading facilities at Rimersburg. Accordingly, on May 1, 1942, the relief hereinafter granted will automatically terminate. The relief will be further limited so as to permit Bovard to ship coals from Brady's Bend only to those customers in Market Area 10 to whom Bovard formerly shipped the coals of its closed mine in District 2.

It is, therefore, ordered, That the Order of the Director dated November 14, 1941, granting temporary relief herein, be, and it hereby is, modified and supplemented by adding to the sentence therein reading "Such shipments shall be made on the Pennsylvania Railroad from Rimersburg, Pennsylvania, and all adjustments required or permitted mines in Freight Origin Group 90 shall be applicable thereto" the following: "*Provided, however*, That until May 1, 1942, such shipments may be made on the Western Allegheny Railroad from Brady's Bend, Pennsylvania; *Provided, further, however*, That such shipments may be made on the Western Allegheny Railroad from Brady's Bend only to those customers in Market Area 10 to whom Bovard Coal Company formerly shipped the coals of its mine in District 2."

It is further ordered, That Bovard Coal Company shall file with the Division within twenty (20) days from the date of this Order, a statement under oath listing the names of the customers in Market Area 10 to whom it formerly sold coals. Such statement shall indicate on its face that it is filed pursuant to the terms of this Order.

[1] The coals of the Rimer Mine shipped into Market Area 10 from Brady's Bend will, at the classifications and minimum prices presently effective for such coals, deliver into that Market Area at a price one cent higher than the coals of District 2 producers shipping from Brady's Bend.

Nothing herein contained shall be taken or construed as an expression of opinion concerning the final disposition of this proceeding.

Dated: January 19, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-565; Filed, January 20, 1942; 10:38 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF LOCALITIES IN COUNTIES IN WHICH LOANS, PURSUANT TO TITLE I OF THE BANKHEAD-JONES FARM TENANT ACT, MAY BE MADE

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, loans made in the counties mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

Region II, Minnesota

Ottertail county. Locality I—Consisting of the townships of Aurdal, Norwegian Grove, Pelican, Trondhjem, Oscar, Carlisle, Fergus Falls, Orwell, Buse, Western, Aastad, Dane Prairie, Tumuli, St. Olaf; Fergus Falls City; and Villages of Pelican Rapids and Dalton, $6,328. Locality II—Consisting of the townships of Amor, Compton, Deer Creek, Eastern, Effington, Henning, Inman, Leaf Lake, Oak Valley, Otter Tail, Parkers Prairie, and Woodside; and Villages of Deer Creek, Henning, Otter Tail, and Parkers Prairie, $4,486. Locality III—Consisting of the townships of Blowers, Bluffton, Butler, Candor, Clitherall, Corliss, Dead Lake, Dora, Dunn, Eagle Lake, Edna, Elizabeth, Elmo, Erhards Grove, Everts, Folden, Friberg, Girard, Gorman, Hobart, Homestead, Leaf Mountain, Lida, Maine, Maplewood, Newton, Nidaros, Otto, Paddock, Perham, Pine Lake, Rush Lake, Scambler, Star Lake, Sverdrup, Tordenskjold and Villages of Battle Lake, Clitherall, Dent, Elizabeth, New York Mills, Perham, Richville, Underwood, Vergas, and Vining, $3,675.

Region VI, Arkansas

Prairie County. Locality I—Consisting of the townships of Belcher, Roc Roe, and Tyler, $8,110. Locality II—Consisting of the townships of Bullard, Calhoun, Center, Des Arc, Hazen, Hickory Plain, Lower Surrounded Hill, Union, Upper Surrounded Hill, Watensaw, White River, $2,678.

Randolph County. Locality I—Consisting of the townships of Bristow, Current River, O'Kean, Reyno, Running Lake, Wiley, $4,184. Locality II—Consisting of the townships of Butler, Davidson, Jackson, Janes Creek, Spring River, Water Valley, $2,358. Locality III—Consisting of the townships of Baker, Columbia, Demun, Eleven Points, Elm Store, Foster, Ingram, Little Black, Richardson, Roanoke, Shiloh, Siloam, Union, Warm Springs, $1,782.

The purchase price limits previously established for the counties abovementioned are hereby canceled.

Approved January 13, 1941.

[SEAL] C. B. BALDWIN, *Administrator.*

[F. R. Doc. 42-569; Filed, January 20, 1942; 11:35 a. m.]

Rural Electrification Administration.

[Administrative Order No. 653]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 3, 1942.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Louisiana 2021GT2 Webster	$2,500,000

[SEAL] ROBERT B. CRAIG, *Acting Administrator.*

[F. R. Doc. 42-570; Filed, January 20, 1942; 11:35 a. m.]

CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS THURSDAY, JANUARY 15, 1942

Important. Although the apportioned classified Civil Service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his state of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico	1,148	51
2. Virgin Islands	15	1
3. Hawaii	260	24
4. Alaska	44	14
5. California	4,243	1,425
6. Louisiana	1,452	657
7. Michigan	3,229	1,498
8. Texas	3,940	2,076
9. Arizona	307	165
10. Georgia	1,919	1,140
11. South Carolina	1,167	713
12. Kentucky	1,748	1,097

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS—Continued		
13. Alabama	1,740	1,114
14. Mississippi	1,341	880
15. Ohio	4,243	2,999
16. New Mexico	327	226
17. North Carolina	2,194	1,526
18. New Jersey	2,555	1,875
19. Arkansas	1,197	879
20. Nevada	98	55
21. Tennessee	1,791	1,479
22. Florida	1,166	978
23. Indiana	2,106	1,792
24. Illinois	4,851	4,243
25. Oregon	689	591
26. Delaware	164	147
27. Wisconsin	1,927	1,749
28. Connecticut	1,050	957
29. Idaho	322	294
30. Vermont	221	209
31. Rhode Island	438	419
32. Pennsylvania	6,081	5,943
IN EXCESS		
33. Washington	1,066	1,082
34. New Hampshire	302	314
35. West Virginia	1,168	1,216
36. Massachusetts	2,652	2,785
37. Missouri	2,325	2,459
38. Maine	520	557
39. Oklahoma	1,435	1,595
40. Utah	338	380
41. Wyoming	154	184
42. Colorado	699	836
43. Minnesota	1,715	2,092
44. Iowa	1,559	1,912
45. New York	8,280	10,384
46. Montana	344	465
47. Kansas	1,196	1,570
48. North Dakota	394	589
49. South Dakota	395	603
50. Virginia	1,645	2,524
51. Nebraska	808	1,462
52. Maryland	1,119	2,734
53. District of Columbia	407	9,516
GAINS		
By appointment		562
By transfer		28
By reinstatement		1
Total		591
LOSSES		
By separation		377
By transfer		296
By correction		3
Total		676
Total appointments		82,347

NOTE. Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 20,093.

By direction of the Commission.

[SEAL] L. A. MOYER, *Executive Director and Chief Examiner.*

[F. R. Doc. 42-561; Filed, January 19, 1942; 3:18 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 30-107]

IN THE MATTER OF THE WESTERN PUBLIC SERVICE COMPANY, A MARYLAND CORPORATION

ORDER TERMINATING REGISTRATION AS HOLDING COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 19th day of January, A. D. 1942.

The Western Public Service Company, a Maryland corporation, having filed an application pursuant to section 5 (d) of the Public Utility Holding Company Act of 1935 requesting an order declaring that applicant has ceased to be a holding company:

It is ordered, That said applicant has ceased to be a holding company and that the registration of said company cease to be in effect.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-567; Filed, January 20, 1942; 11:41 a. m.]

[File No. 70-470]

IN THE MATTER OF COMMONWEALTH UTILITIES CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of January, A. D. 1942.

Commonwealth Utilities Corporation, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 7 and 12 (c) thereof and Rules U-42 and U-46 thereunder regarding the following transactions:

(1) To apply proceeds of $1,667,000, received from the sale of its former ice and cold storage subsidiaries, to the redemption of all its outstanding 12,338 shares of $6.50 Preferred Stock of Series C (redeemable at $105 per share), and all its outstanding 3,840 shares of $6 Preferred Stock of Series B (redeemable at $102 per share), on March 1, 1942, and April 1, 1942, respectively;

(2) To eliminate the deficit resulting from the loss of approximately $1,905,000 sustained in the sale of said properties by charging said deficit to earned surplus and contingent reserve aggregating $767,012, and the balance to capital surplus of $2,058,377 which is proposed to be created by the reduction in the stated value of the company's outstanding 288,873 shares of common stock of Class B from the present average stated value of $24.626 per share to $17.50 per share;

(3) To further charge said capital surplus with the premium on the proposed redemption of both series of preferred stock, the excess of liquidating value over the stated value of said stocks, accrued and unpaid dividends on said stocks to the dates of redemption, and redemption expense, leaving a balance in said capital surplus of $648,056.57 to provide for possible losses which may be sustained in the sale of any of the company's remaining assets; and

Said declaration having been filed on December 23, 1941, and amendments thereto having been filed, the last amendment having been filed on January 16, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said declaration under section 7 of said Act that the requirements of section 7 (g) are satisfied and that no adverse findings are necessary under section 7 (e), and finding with respect to the declaration pursuant to section 12 (c) of said Act, and Rules U-42 and U-46 thereunder, that the requirements of section 12 (c) are satisfied:

It is hereby ordered, Pursuant to Rule U-23 of said Act and subject to the terms and conditions prescribed in Rule U-24 that the declaration, as amended, be and hereby is permitted to become effective forthwith.

By the Commission. (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940)

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-568; Filed, January 20, 1942; 11:41 a. m.]

FEDERAL REGISTER

VOLUME 7 NUMBER 15

Washington, Thursday, January 22, 1942

The President

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LANDS FOR LOOKOUT STATION FOR USE IN COOPERATIVE FOREST PROTECTION

CALIFORNIA

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 360, 37 Stat. 497, it is ordered as follows:

SECTION 1. Executive Order No. 6910 of November 26, 1934, as amended, temporarily withdrawing all public lands in California and certain other States for classification and other purposes, is hereby revoked as to the following-described tract of public land in California:

MOUNT DIABLO MERIDIAN

T. 23 S., R. 9 E.
sec. 4, E½SE¼SE¼SW¼, W½SW¼SW¼SE¼. 10 acres.

SECTION 2. Subject to valid existing rights, the lands described in section 1 of this order are hereby temporarily withdrawn from settlement, location, sale, or entry, and reserved and set apart under the jurisdiction of the Department of the Interior for use as a lookout station site for Federal and State cooperative forest-protection work.

SECTION 3. The land herein reserved being within the area included in the unit plan agreement for the Williams Hill area, Monterey County, approved by the Secretary of the Interior on June 2, 1937, its reservation as a lookout station is subject to its use for the purpose of oil and gas development pursuant to the act of February 25, 1920, c. 85, 41 Stat. 437, as amended, and for purposes incidental thereto.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 20, 1942.

[No. 9028]

[F. R. Doc. 42-625; Filed, January 21, 1942; 12:10 p. m.]

EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS A GENERAL BOMBING RANGE

NEW MEXICO

By virtue of the authority vested in me by section 1 of the act of July 9, 1918, c. 143, 40 Stat. 845, 848 (U.S.C., title 10, sec. 1341) it is ordered that, subject to valid existing rights, the public lands in the following-described areas be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as a general bombing range:

NEW MEXICO PRINCIPAL MERIDIAN

Tps. 6 S. to 10 S., R. 3 E., inclusive.
Tps. 6 S. to 16 S., Rs. 4 E. to 7 E., inclusive.
Tps. 11 S. to 16 S., R. 8 E., inclusive.

The areas described, including both public and non-public lands, aggregate 1,249,904.36 acres.

This order shall take precedence over, but shall not rescind or revoke, (1) the Executive Order of April 27, 1926, creating Public Water Reserve No. 107, and (2) the order of the Secretary of the Interior of April 8, 1935, establishing Grazing District No. 4, New Mexico, so far as such orders affect any of the lands in the above-described areas.

In connection with the use by the War Department of the lands described herein, the local army commandant shall consult with such local representatives of the Department of the Interior as may be designated by the Secretary of the Interior as to the location of bomb-target sites, for the purpose of minimizing the effect of demolition bombing in areas valuable for scientific purposes.

It is intended that the lands reserved by this order shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 20, 1942.

[No. 9029]

[F. R. Doc. 42-626; Filed, January 21, 1942; 12:10 p. m.]

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FEDERAL REGISTER

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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER III—BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

[B. E. P. Q. 521]

PART 301—DOMESTIC QUARANTINE NOTICES

MEXICAN FRUITFLY REGULATIONS MODIFIED HARVESTING SEASON EXTENDED

§ 301.64–5d *Administrative instructions modifying the restrictions of the Mexican fruitfly quarantine by extending the harvesting season on oranges and grapefruit.* Pursuant to the authority conferred upon the Chief of the Bureau of Entomology and Plant Quarantine by the third proviso of § 301.64 [Notice of Quarantine No. 64], it having been determined by me that a modification may be safely made without increasing the risk of spread of the Mexican fruitfly, § 301.64–5 (a) [paragraph (a) of regulation 5 supplemental to this quarantine] is hereby modified effective January 20, 1942, to extend the harvesting season for oranges and grapefruit for the Texas Counties of Brooks, Cameron, Hidalgo, and Willacy to the close of May 31 for the year 1942, provided conditions of infestation do not necessitate an earlier closing date.

The host-free period for oranges and grapefruit, under this modification, will begin June 1 and continue through August 31, 1942, inclusive, in the above-named counties.

In the counties of Dimmit, La Salle, and Webb, the grapefruit harvesting season closes on February 28, 1942, under the regulations, and the orange harvesting season closes on April 30 as to these three counties and the portion of Jim Wells County which is under regulation. No modification is made as to the harvesting seasons in these counties (7 C.F.R. § 301.64–5; sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161)

Done at Washington, D. C., this 17th day of January 1942. Effective January 20, 1942.

[SEAL] P. N. ANNAND, *Chief.*

[F. R. Doc. 42–590; Filed, January 20, 1942; 2:51 p. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50555]

PART 6—INVOICES, ENTRY, AND ASSESSMENT OF DUTY

INVOICES—LUMBER [1]

T.D. 50498,[2] dated October 17, 1941, publishing the notice of the requirement of additional data on customs invoices of lumber (including sawed timber), is hereby amended by adding the following paragraph between item (4) and the last paragraph:

§ 6.1 *Invoices; contents.*

* * * * * * *

(c) * * *

The information provided for in items (3) and (4) shall not be required to be set forth on invoices of Northern white pine (pinus strobus) and Norway pine (pinus resinosa). (Sec. 481 (a) (10), 48 Stat. 719; 19 U.S.C. 1481 (a) (10))

[SEAL] W. R. JOHNSON, *Commissioner of Customs.*

Approved: January 19, 1942.

HERBERT E. GASTON, *Acting Secretary of the Treasury.*

[F. R. Doc. 42–599; Filed, January 21, 1942; 11:12 a. m.]

[1] This document affects 19 CFR 6.1 (c).
[2] 6 F.R. 5446.

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T.D. 5110]

PART 3—INCOME TAX UNDER THE REVENUE ACT OF 1936

PART 9—INCOME TAX UNDER THE REVENUE ACT OF 1938

REGULATIONS 94 AND 101 AMENDED—STOCK DIVIDENDS AND STOCK RIGHTS

Article 115–7 of Regulations 94 [§ 3.115–7, Title 26, Code of Federal Regulations] and article 115–7 of Regulations 101 [1] [§ 9.115–7, Title 26, Code of Federal Regulations, 1939 Sup.] are each amended by striking out all of the matter appearing after the first sentence thereof. (Section 62 of the Revenue Act of 1936 (49 Stat. 1673, 26 U.S.C., Sup. 62) and section 62 of the Revenue Act of 1938 (52 Stat. 480, 26 U.S.C., Sup. 62))

[SEAL] GUY T. HELVERING, *Commissioner of Internal Revenue.*

Approved: January 19, 1942.

JOHN L. SULLIVAN, *Acting Secretary of the Treasury.*

[F. R. Doc. 42–591; Filed, January 20, 1942; 3:58 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 929—MATERIAL FOR THE PRODUCTION OF CRANES AND HOISTING EQUIPMENT

Extension No. 1 of Preference Rating Order No. P–5–b

It is hereby ordered, That Preference Rating Order No. P–5–b,[2] issued November 1, 1941, shall continue in effect until May 1, 1942 unless sooner revoked by the Director of Priorities. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 21st day of January 1942.

J. S. KNOWLSON, *Acting Director of Priorities.*

[F. R. Doc. 42–600; Filed, January 21, 1942; 11:21 a. m.]

[1] 4 F.R. 623, 700, 802.
[2] 6 F.R. 5531.

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1301—MACHINE TOOLS

PRICE SCHEDULE NO. 67—NEW MACHINE TOOLS

Machine tools are the equipment by which countless manufacturers produce vitally needed war materials essential to the fulfillment of the War Program.

Pyramiding up from the machine tool industry are all of the manufacturing organizations of the country. The market for machine tools therefore is dependent upon the demand for the products of other manufacturers. The War Program has placed billions of dollars of new orders with manufacturers of all types of military products and the impact of these orders has fallen, with concentrated effect, upon the manufacturers of machine tools. The demand for these products has been so great and so urgent that machine tool builders were given the first and one of the highest priority ratings of any industry.

Machine tool makers have been unable to keep pace with the orders for machine tools. The back-log of unfilled orders has steadily grown. Under such pressure the importance of price as a controlling force has been minimized. The time of delivery has become more important to buyers of machine tools than the price. Under such circumstances the inflationary danger is apparent.

Although the industry was asked, by a letter of May 6, 1941, to hold firm the prices quoted on that date, there have been increases since May which are not entirely reflected in the general index of machine tool prices as prepared by the Bureau of Labor Statistics. A substantial number of these increases have taken place without the approval of the Office of Price Administration.

Today, the War Program has placed upon this industry demands which far exceed anything experienced before. The Office of Price Administration believes that the voluntary program has not been adequate to meet the demands of the situation which has already developed.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1301.51 *Maximum prices for new machine tools and extras.* (a) On and after January 20, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, except as set forth in paragraph (b) of this section, no person shall sell, offer to sell, deliver or transfer any new machine tool or extra, and no person shall buy, offer to buy, or accept delivery of any new machine tool or extra (1) at a price higher than the list price of such machine tool or extra in effect on October 1, 1941; or,

(2) if there were no list price in effect on October 1, 1941, the maximum price shall be the last price at which such new machine tool or extra was sold from January 1, 1941 to October 1, 1941; or

(3) if the new machine tool or extra had no list price on October 1, 1941 and was not sold within the period from January 1, 1941 to October 1, 1941, the maximum price shall be the price on October 1, 1941 of the most nearly comparable machine tool or extra produced by the same manufacturer, adjusted to reflect increases or decreases in cost resulting from significant mechanical differences. If the maximum price is to be determined under this subparagraph, the proposed price and a description of such new machine tool or extra together with an indication of the machine tool or extra deemed by the manufacturer to be most nearly comparable and cost estimates indicating the changes in cost resulting from significant mechanical differences shall be submitted on Form 167:1 to the Office of Price Administration not less than 30 days before the date of delivery of such machine tool or extra and such price shall be the maximum price unless an objection is made by this Office within 15 days after the receipt of such information.

(b) The provisions of this section shall not apply to deliveries under contracts entered into by the Army, Navy, Defense Plant Corporation, Procurement Division of the Treasury or any other agency of the United States prior to the effective date of this Schedule.

(c) Nothing in this section shall prevent the inclusion, in any contract for the sale of any new machine tool or extra of a provision for adjustment of the original contract price on deliveries actually made more than nine months after the date of execution of the contract, if such provision expressly limits payments made under the contract to the maximum price established by the Office of Price Administration or its successor and in effect on the date of delivery of any such new machine tool or extra.*

*§§ 1301.51 to 1301.59, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1301.52 *Less than maximum prices.* Lower prices than those set forth herein may be charged, demanded, paid or offered.*

§ 1301.53 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of new machine tools or extras, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other special charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise, as a result of which the net price received by the seller of a machine tool or extra will exceed the net price which would have been received by such seller if such machine tool or extra had been sold on October 1, 1941. The provisions of this section shall not apply to discounts, allowances or concessions on sales by a manufacturer of new machine tools to a dealer in new machine tools.*

§ 1301.54 *Records and reports.* (a) Every manufacturer of and every dealer in new machine tools making any sale after January 20, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the list price on the date of sale, the gross price on the date of sale if there is not list price, the net price received, and the number and description of each type of new machine tool or extra sold.

(b) On or before February 15, 1942, every manufacturer of new machine tools shall file a statement on Form 167:2 with the Office of Price Administration setting forth (1) the list price on October 1, 1941 of each type and size of machine tool and extra offered for sale by such manufacturer on such date, any special charges, discounts, allowances or concessions in effect on October 1, 1941, and the last price between January 1, 1941, and October 1, 1941 on every machine tool or extra for which there was no price list in effect on October 1, 1941; and (2) the list price on May 6, 1941 of any type of machine tool or extra on which the price has been increased and the amount of any such increase, and on Form 167:3 the names and addresses of all dealers in new machine tools to whom such manufacturer has sold new machine tools since January 1, 1941.

(c) On or before April 1, 1942, every manufacturer of new machine tools shall file with the Office of Price Administration a certified balance sheet as of December 31, 1941, and a certified profit and loss statement for the year, 1941. All balance sheets and profit and loss statements shall be duplicates of the statements filed with the Bureau of Internal Revenue in making income tax returns. Any corporation whose fiscal year does not coincide with the calendar year shall file a certified balance sheet and a profit and loss statement within three months of the close of such fiscal year in the same form as is required for corporations whose fiscal year coincides with the calendar year.

(d) Persons affected by this Schedule shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1301.55 *Affirmations.* On or before April 10, 1942, and on or before the 10th day of each third month thereafter, every manufacturer of and every dealer in new machine tools who, during the preceding three calendar months has sold new machine tools or extras, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 167:4 containing a sworn statement that during the preceding three months all offers to sell, sales, deliveries and transfers were made at prices in compliance with this Schedule. Copies of Form 167:4 can be procured from the Office of Price Administration, or, provided

that no change is made in the style and content of the Form and that it is reproduced on 8" x 10½" paper, they may be prepared by persons required to submit affirmations hereunder.*

§ 1301.56 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule, and (e) that the War Production Board is requested to direct the withholding of priority ratings and the allocation of materials to any person failing to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or attempt to evade the provisions hereof, or of speculation, or manipulation of prices of new machine tools, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1301.57 *Modification of the Schedule.* Persons claiming hardship or inequity in the operation of this Schedule as a result of subcontracting or for any other reason may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1301.58 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation or other business entity;

(b) "Price" means the price for a machine tool or extra f. o. b. manufacturer's plant and before adjustment for any special charges, discounts, allowances or concessions;

(c) "Net price" means the price for a new machine tool or extra plus any applicable special charges and less any applicable discounts, allowances or concessions;

(d) "Manufacturer of new machine tools" includes any agent of such manufacturer and does not include any person whose work on machine tools is restricted solely to the reconditioning or repair of used machine tools;

(e) "Dealer in new machine tools" means any person engaged in the business of purchasing new machine tools for resale;

(f) "User" means any purchaser of a new machine tool or extra other than a dealer in new machine tools;

(g) "Certified" referring to a balance sheet or profit and loss statement means a balance sheet or profit and loss statement sworn to be a correct statement of the financial condition of a corporation by the principal accounting officer of the corporation or other person having knowledge of the relevant facts and authorized by the corporation to certify in its behalf;

(h) "Machine tool" means all machines for the cutting, abrading, shaping and forming of metals;

(i) "Extra" means standard supplementary equipment furnished by the manufacturer at added cost above the price of any machine tool.*

§ 1301.59 *Effective date of the Schedule.* This Schedule shall become effective January 20, 1942.*

Issued this 20th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-593; Filed, January 20, 1942; 3:59 p. m.]

PART 1353—VEGETABLE FIBERS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 59[1]—KAPOK

Section 1353.1 is hereby amended by adding thereto the following subparagraph (b) (4):

§ 1353.1 *Maximum prices for kapok.*

* * * * *

(4) Notwithstanding the foregoing provisions of this section, any person selling for the account of a Netherlands East Indies seller, or for the account of an agent of such seller, may sell kapok at prices not in excess of the following:

Prime Japara: 14.75¢ per pound, c. & f. Atlantic Coast; 13.00¢ per pound, c. & f. Pacific Coast.

Average Java: 14.25¢ per pound, c. & f. Atlantic Coast; 12.50¢ per pound, c. & f. Pacific Coast.

(Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective January 21, 1942.

Issued this 20th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-595; Filed, January 21, 1942; 10:23 a. m.]

[1] 6 F.R. 6616.

PART 1354—WOOL AND WOOL PRODUCTS

AMENDMENT NO. 4 TO PRICE SCHEDULE NO. 58[1]—WOOL AND WOOL TOPS AND YARNS

Section 1354.12, paragraphs (a) and (c) are hereby amended to read as follows:

§ 1354.12 *Appendix C; maximum prices for yarns for military fabrics*—(a) *Serge O. D. 18 oz. (light and dark shades).*

	Price per lb.
Bradford Spun Domestic	$2.20
Bradford Spun Foreign	2.06
Bradford Spun 50% Foreign, 50% Domestic	2.13
French Spun Domestic	2.26
French Spun Foreign	2.14
French Spun 50% Foreign, 50% Domestic	2.21

* * * * *

(c) *Underwear.* Merino Yarns, 50% Wool, 50% cotton.

Domestic wool:	
Spun on woolen system	$1.36
Spun on cotton system	1.26
Foreign wool:	
Spun on woolen system	1.30
Spun on cotton system	1.20
50% Foreign wool, 50% Domestic wool:	
Spun on woolen system	1.33
Spun on cotton system	1.23

(Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 4 shall become effective January 20, 1942. Issued this 20th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-592; Filed, January 20, 1942; 3:59 p. m.]

PART 1362—CERAMIC PRODUCTS

PRICE SCHEDULE NO. 75—DEAD-BURNED GRAIN MAGNESITE

The most widely employed basic refractory material is dead-burned magnesite which is used in brick form largely to line basic open hearth steel and other metallurgical furnaces, and in grain form to maintain these furnaces by providing a protective covering for the refractory brick, principally on the furnace bottom. This Price Schedule establishes maximum prices only for the maintenance grades of domestic dead-burned grain magnesite.

Dead-burned magnesite is made by calcining crude magnesite (magnesium carbonate) or brucite (magnesium hydroxide) at high temperatures or by chemically processing brines or seawater bitterns. In the past the United States has imported substantial quantities of dead-burned magnesite, but the spread of war has almost entirely shut off foreign sources of supply. Existing domestic facilities are inadequate to satisfy expanded demands arising from increased output of steel, copper, and other materials required by the war effort. As a consequence, capacities of the domestic producers of dead-burned grain magnesite have been subject to vigorous competing demands of steel companies seeking maintenance material, and of refiners and smelters of non-ferrous metals and metallurgical products, and of brick manufacturers requiring other grades of grain magnesite.

The Office of Price Administration has determined that the establishment of maximum prices for maintenance grades of domestic dead-burned grain magnesite is essential to preserve price stability and prevent undue price rises and is necessary to protect consumers, the industry, and the national economy. Adoption of the prevailing market price as the maximum contained in this Schedule was determined to be fair and reasonable after extensive investigation, discussions with the Office of Production Management, and full consideration of all relevant factors, including the need of encouraging domestic production, and after a conference with the industry.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1362.1 *Maximum prices for maintenance grades of dead-burned magnesite.* (a) On and after January 28, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no person shall sell, offer to sell, deliver, or transfer, and no person shall buy, offer to buy, or accept delivery of maintenance grades of domestic dead-burned grain magnesite in carload quantities at prices higher than the maximum price.

(b) The maximum price for maintenance grades of domestic dead-burned grain magnesite in bulk shall be $22.00 a ton f. o. b. Chewelah, Washington. A delivered price in excess of the maximum f. o. b. Chewelah price may be charged, consisting of such maximum price plus railroad freight from Chewelah to the point of delivery designated by the purchaser.

(c) The maximum price for maintenance grades of domestic dead-burned grain magnesite in bags or sacks shall be the maximum price stated in paragraph (b) above, plus $4.00 a ton to cover the cost of packaging.*

*§§ 1362.1 to 1362.9, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1362.2 *Less than maximum prices.* Lower prices than those established by this Schedule may be charged, demanded, paid, or offered.*

§ 1362.3 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of maintenance grades of domestic dead-burned grain magnesite, alone or in conjunction with any other material; or by way of any commission, service, transportation or other charge; or by a tying-agreement or other trade understanding; or by making terms and conditions of sale more onerous to the purchaser than those available or in effect on January 6, 1942; or by any other means.*

§ 1362.4 *Records and reports.* Every person who, during any calendar month after January 1942, shall purchase or sell one carload or more of maintenance grades of domestic dead-burned grain magnesite, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, a complete and accurate record of each such purchase or sale showing (a) the date thereof, (b) the name and address of the buyer and the seller, (c) the point of delivery to the buyer, (d) the price paid or received, (e) whether the grain magnesite was shipped in bulk or in bags or sacks, and (f) the quantities sold or purchased.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1362.5 *Affirmation of compliance.* On or before April 10, 1942, and on or before the tenth day of April, July, September, and January thereafter, every seller required by section 1362.4 to keep records, shall submit to the Office of Price Administration, Washington, D. C., an affirmation of compliance on Form 175:1, containing a sworn statement that during such months all sales governed by this Schedule were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 175:1 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1362.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof, and (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement and other services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of maintenance grades of domestic dead-burned grain magnesite, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1362.7 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1362.8 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Delivered price" means the price including all commissions and freight to the railroad siding nearest the location designated by the purchaser;

(c) "Carload quantity" means a shipment of maintenance grades of domestic dead-burned grain magnesite the weight of which is sufficient to constitute a carload shipment or on which the charges would be collected at the car load rate under the tariffs of the railroad furnishing the car.*

§ 1362.9 *Effective date of the Schedule.* This Schedule (§§ 1362.1 to 1362.9, inclusive) shall become effective January 28, 1942.*

Issued this 21st day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-594; Filed, January 21, 1942; 10:23 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-11]

IN THE MATTER OF WALTER V. BEISSER, DOING BUSINESS AS TEN X COAL COMPANY, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore set for hearing on January 22, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Muskingum County Court House, Zanesville, Ohio; and

It appearing to the acting Director that it is advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same hereby is, postponed to a date and place to be hereafter designated by appropriate order.

Dated: January 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-601; Filed, January 21, 1942; 11:26 a. m.]

[Docket No. D-12]

IN THE MATTER OF THE APPLICATION OF VANDERBILT COAL AND COKE COMPANY, INC., FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBUTORS' DISCOUNTS ON COAL SOLD TO FAYWEST COAL COMPANY

NOTICE OF AND ORDER FOR HEARING

The Vanderbilt Coal and Coke Company, Inc., a corporation organized under the laws of Delaware, with its principal offices in Connellsville, Pennsylvania, being registered with the Division as a distributor, No. 9222, and acting as a sales agent for certain producers, filed its petition praying:

1. That it be determined that Faywest Coal Company does not own or financially or otherwise control the petitioner.

2. That it be determined that the ownership by mutual stockholders of the capital stock of Faywest Coal Company and the petitioner is bona fide, is not established to secure indirect price reductions and is not within the prohibition of paragraphs 11 and 12 of section 4, Part II (i) of the Act.

3. That on transactions made prior and subsequent to the requested determinations set forth in 1 and 2 above, the petitioner be permitted to accept and retain distributors' discounts on coal purchased and resold by it to the Faywest Coal Company.

4. That on transactions made prior and subsequent to the requested determinations set forth in 1 and 2 above, the petitioner be permitted to secure commissions on coal sold by it as sales agent for code member producers to the Faywest Coal Company.

5. For such further and alternative relief as may appear just and equitable.

It is, therefore, ordered, That a hearing on such matter be held on March 4, 1942, at 10 a. m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street, NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioner and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before February 23, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: January 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-602; Filed, January 21, 1942; 11:26 a. m.]

[Docket No. A-1238]

PETITION OF BITUMINOUS COAL CONSUMERS' COUNSEL FOR THE ESTABLISHMENT OF A PRICE INSTRUCTION CONCERNING TRUCK AND RIVER SHIPMENTS OF 30,000 TONS OF COAL OF CERTAIN MINES IN SUBDISTRICT NO. 4 OF DISTRICT NO. 13 TO THE WILSON DAM STEAM PLANT OF TENNESSEE VALLEY AUTHORITY

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on February 16, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street, NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 11, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Bituminous Coal Consumers' Counsel for the temporary establishment of a price instruction concerning truck and river shipments of 30,000 tons of coal of certain mines in Subdistrict No. 4 of District No. 13 to the Wilson Dam Steam Plant of Tennessee Valley Authority; and, more particularly, for the temporary establishment of a price instruction in the Schedule of Effective Minimum Prices for District No. 13, For Truck Shipments, reading substantially as follows:

Any producer in Subdistrict 4 may ship coal at the prices herein established for truck shipment when the shipments are made by truck from the mine to a loading point on the Tennessee River for shipment thence by river to the Wilson Dam, Alabama, steam plant of the Tennessee Valley Authority: *Provided,* That such minimum prices shall be applicable f. o. b. mine, and the provisions of Price Instruction 7 shall be fully applicable to the transportation from the mine to the river loading point: *And, provided further,* That this instruction shall only remain effective until January 30, 1942: *And provided further,* That this instruction shall become ineffective from and after such time as the producers in Subdistrict 4 may be notified by the Bituminous Coal Division that 30,000 tons of coal have been shipped pursuant to this Price Instruction 8.

This proceeding may also concern other matters affecting the minimum price structure for District No. 13, and all persons are cautioned to be guided accordingly.

Dated: January 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-603; Filed, January 21, 1942; 11:26 a. m.]

[Docket No. D-13]

IN THE MATTER OF THE APPLICATION OF HOLMES-DARST COAL CORPORATION FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBUTORS' DISCOUNTS OF COAL SOLD TO CERTAIN RETAIL YARDS IN WHICH IT IS FINANCIALLY OR OTHERWISE INTERESTED

NOTICE OF AND ORDER FOR HEARING

The Holmes-Darst Coal Corporation, a corporation organized under the laws of Delaware, with its principal offices in Knoxville, Tennessee, and registered with the Division as a distributor, No. 4454, filed its petition praying:

1. For a determination that its "ownership" or "control" over the eight retail yards, listed below, is bona fide, is not established to secure an indirect price reduction, and is not within the prohibition of paragraphs 11 and 12 of section 4, Part II (i) of the Bituminous Coal Act.

2. That it be given permission to accept and retain sales agents' commissions and distributors' discounts on all coal sold to each of the following retailers:

Name and address	
Wm. M. Coady Coal Co.	Kokomo, Ind.
Horne Coal Co.	Atlanta, Ga.
North State Fuel Co.	Charlotte, N. C.
J. F. Phillips Coal Co.	Anderson, Ind.
Claude M. Trawick Coal Co.	Macon, Ga.
Wright Coal Co.	Des Moines, Iowa.
Yadkin Fuel Co.	Salisbury, N. C.
C. L. Bolton Coal Co., Inc.	Johnson City, Tenn.

It is, therefore, ordered, That a hearing on such matter be held on March 16, 1942, at 10 a. m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street, N. W., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Michell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioner and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before March 6, 1942 setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: January 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-604; Filed, January 21, 1942; 11:26 a. m.]

[Docket No. B-143]

IN THE MATTER OF OLD BEN COAL CORPORATION, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 10, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 12, 1941, by Bituminous Coal Producers Board for District No. 10, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 2, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 705, U. S. Custom Court Building, Chicago, Illinois.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue such hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That said defendant, whose address is 230 South Clark Street, Chicago, Illinois, subsequent to October 1, 1940, delivered to Bauer and Black, whose address is Chicago, Illinois, approximately 3,800 net tons of 1½" dedusted screenings produced by said defendant at its Old Ben Mine No. 11, Mine Index No. 119, located in Franklin County, Illinois, in District No. 10, at $1.15 per net ton f. o. b. said mine, whereas said coal is classified as Size Group No. 27 and priced at $1.70 per net ton f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck. This coal was purchased by Bauer and Black between October 1939 and April 11, 1940, payment was made upon purchase, but delivery was not made until after October 1, 1940, which was contrary to the Director's ruling dated September 25, 1940, to the effect that where the code member has retained an interest in or control over the coal or remains under an obligation to perform a further act in order to make the coal available for use by the purchaser the effective minimum prices are applicable to such coal.

Dated: January 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-605; Filed, January 21, 1942; 11:27 a. m.]

[Docket No. D-11]

IN THE MATTER OF THE APPLICATION OF ASSOCIATED PRODUCERS COAL COMPANY FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBUTORS' DISCOUNTS ON COAL SOLD TO ASSOCIATED SALES COMPANY

NOTICE OF AND ORDER FOR HEARING

The Associated Producers Coal Company, a Business Trust organized under the laws of Oklahoma, having its principal place of business in Oklahoma City, Oklahoma, acting as sales agent for certain producers and registered with the Division as a distributor, No. 0295, filed its petition in the above-entitled matter praying that it be given permission to

accept and retain sales agents' commissions and distributors' discounts on all coal, heretofore and hereafter, sold to Associated Sales Company, Oklahoma City, Oklahoma.

It is, therefore, ordered, That a hearing on such matter be held on March 24, 1942, at 10:00 in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day, the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioners and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before March 20, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: January 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-606; Filed, January 21, 1942; 11:27 a. m.]

[Docket No. A-1186]

PETITION OF DISTRICT BOARD NO. 7 FOR A CHANGE IN SHIPPING POINT FOR THE COALS OF THE SPADE MINE, MINE INDEX NO. 606, W. L. SPADE, A CODE MEMBER IN DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting a change in shipping point for the coals of the Spade Mine, Mine Index No. 606, W. L. Spade, a code member in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the Spade Mine, Mine Index No. 606 of W. L. Spade, for rail shipments, shall be applicable only for shipments on Chesapeake & Ohio Railway from Beaver, West Virginia, and shall no longer be applicable for shipments on Chesapeake & Ohio Railway at Hinton, West Virginia. All allowances or adjustments required or permitted mines in Freight Origin Group No. 10 shall be applicable to all shipments of the coals of the Spade Mine, Mine Index No. 606 of W. L. Spade, from Beaver, West Virginia.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-607; Filed, January 21, 1942; 11:27 a. m.]

[Docket No. B-12]

IN THE MATTER OF E. H. FANNIN, CODE MEMBER, DEFENDANT

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A complaint dated September 3, 1941, having been filed herein by the Bituminous Coal Producers Board for District No. 8, complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by E. H. Fannin, R. F. D. No. 1, Rush, Kentucky, of the Bituminous Coal Code and rules and regulations thereunder; and

An Order having been made herein on December 1, 1941, by the Acting Director pursuant to stipulation of the defendant and said district board, dated October 15, 1941, terminating the code membership of the defendant and determining that the amount of tax required to be paid by the defendant as a condition to defendant's reinstatement to membership in the Code was $18.29, and providing that cancellation and revocation of the defendant's code membership shall become effective ten (10) days after service of said Order upon the defendant; and

Said Order having been duly served on the defendant on December 4, 1941; and

Said defendant having filed with the Division as provided in section 5 (c) of the Act his application dated January 3, 1942, for restoration to code membership; and

It appearing from said application that the defendant on December 5, 1941, paid to the Collector of Internal Revenue at Louisville, Kentucky, the sum of eighteen dollars and twenty-nine cents ($18.29) pursuant to said Order made December 1, 1941, as a condition precedent to restoration of his code membership.

Now, therefore, it is ordered, That said application of the defendant dated January 3, 1942, for restoration of his code membership be granted.

It is further ordered, That said restoration of the code membership of the defendant shall become effective simultaneously with the effective date of said cancellation and revocation of code membership.

Dated: January 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-608; Filed, January 21, 1942; 11:27 a. m.]

[Docket No. B-50]

IN THE MATTER OF ELFGEN COAL CO. (BERT F. ELFGEN), REGISTERED DISTRIBUTOR, REGISTRATION NO. 2712, RESPONDENT

ORDER FURTHER AMENDING AND SUPPLEMENTING NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division (the "Division") having issued a Notice of and Order for Hearing dated October 9, 1941, in the above entitled matter to determine whether or not the Elfgen Coal Company, registered distributor, has violated certain provisions of the Bituminous Coal Act (the "Act"), the Marketing Rules and Regulations, the Rules and Regulations for Registration of Distributors, and the Distributor's Agreement executed April 8, 1940, or any orders or regulations of the Division, and whether or not the registration of said distributor should be revoked or suspended or other penalty imposed; and

An Order dated November 6, 1941, Amending and Supplementing said Notice of and Order for Hearing having been entered herein; and

Additional evidence relating to the transactions involved herein having come into the possession of the Division;

It is ordered, That paragraph No. 2 of said Notice of and Order for Hearing as heretofore Amended and Supplemented be and the same is hereby further Amended and Supplemented to read as follows:

2. The respondent, during the period from October 1, 1940, to October 31, 1941, both dates inclusive, purchased in carload lot quantities approximately 51,368.75 net tons of coal of various sizes from Walter Bledsoe & Co., St. Louis, Missouri, acting as sales agent for various code member producers; Sahara Coal Company, code member, Chicago, Illinois; Binkley Coal Company, St. Louis, Missouri, acting as sales agent for various code member producers; Truax-Traer Coal Company, code member, Cincinnati, Ohio; Franklin County Coal Corporation, code member, Chicago, Illinois; Old Ben Coal Corporation, code member, Chicago, Illinois; Perry Coal Company, code member, St. Louis, Missouri; and Lumaghi Coal Company, code member, St. Louis, Missouri; and during said period resold in carload lot quantities approximately 51,059.6 net tons of said coal to the City Fuel and Supply Company, Alton, Illinois, and approximately 309.15 net tons of said coal to the Bluff City Coal Company, Alton, Illinois. The acceptance of discounts from the effective minimum prices in these transactions was in violation of paragraph (d) of the Distributor's Agreement, since the respondent did not purchase such coal for bona fide resale.

It is further ordered, That the Notice of and Order for Hearing dated October 9, 1941, as heretofore Amended and Supplemented, remain in full force and effect in all other respects.

Dated: January 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-609; Filed, January 21, 1942; 11:27 a. m.]

[Docket No. 1741-FD]

IN THE MATTER OF SOLDIER CANYON COAL COMPANY, A PARTNERSHIP, (CARL NYMAN), DEFENDANT

CEASE AND DESIST ORDER

District Board 20 having filed a complaint with the Bituminous Coal Division on June 16, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by Soldier Canyon Coal Company, a partnership in which Carl Nyman is one of the partners, a code member in District 20, of the Bituminous Coal Code and the rules and regulations thereunder as follows:

That the defendant on or about January 20, 1941, substituted approximately 490.511 tons of 3" (Size Group 3) lump coal, produced at the National Mine (Mine Index No. 179), on an order for coal from the Soldier Canyon Mine (Mine Index No. 27), District 20, at a price of 95 cents below the effective minimum price for such coal;

Pursuant to an order of the Director and after due notice to all interested persons, a hearing in this matter having been held on September 3, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Price, Utah, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard; the defendant and complainant having referred to the undersigned their joint recommendation that a cease and desist order be entered;

The undersigned having made Findings of Fact and Conclusions of Law, and having rendered an Opinion in this matter which are filed herewith;

Now therefore, it is ordered, That the defendant Soldier Canyon Coal Company (as organized on January 20, 1941) its representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in its behalf, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal produced by the defendant at less than the applicable effective minimum prices established therefor, contrary to the Bituminous Coal Act of 1937 or any rules and regulations promulgated thereunder, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 20 for Truck Shipments, and the Marketing Rules and Regulations.

It is further ordered, That if the defendant fails to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States within any circuit where the defendant carries on business for the enforcement hereof or take any other appropriate action.

Dated: January 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-610; Filed, January 21, 1942; 11:28 a. m.]

[Docket No. A-1178]

PETITION OF DISTRICT BOARD NO. 12 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 12

[Docket No. A-1178 Part II]

PETITION OF DISTRICT BOARD NO. 12 FOR THE ESTABLISHMENT OF MINIMUM PRICES FOR THE COALS OF THE JOANNIE MINE (MINE INDEX NO. 797) OF JOHN C. JORDAN, A CODE MEMBER IN DISTRICT NO. 12, FOR TRUCK SHIPMENT

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1178 PART II FROM DOCKET NO. A-1178 AND GRANTING TEMPORARY RELIEF IN DOCKET NO. A-1178 PART II

The original petition in the above-entitled matter filed with this Division on November 25, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 12. The original petition also prays for the establishment of temporary minimum prices for the coals of the Joannie Mine (Mine Index No. 797) of John C. Jordan, for truck shipments.

As indicated in a separate order in Docket No. A-1178, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except with respect to the establishment of the temporary minimum prices sought for the coals of the Joannie Mine (Mine Index No. 797) of John C. Jordan for truck shipments, and except for the coals of Mine Index Nos. 489, 670, 537, and 448, for which coals price classifications and minimum prices had already been established.

In an Order of December 11, 1941, Granting Temporary and Permanent Relief in Docket No. A-1026, temporary relief in the form of price reductions ranging from 8 to 15 cents per ton, for Size Groups 1 to 7 and 9, was granted to certain mines located in Appannose County, Iowa, in Production Group 1-A for truck shipments. This relief was granted for the purpose of more properly coordinating the price of these coals with the prices of competing coals produced in Putnam County, Missouri, in District 15, which were reduced temporarily 25 cents per ton by orders entered in Docket No. A-179 on December 7, 1940, 5 F.R. 4872, and February 13, 1941, 6 F.R. 1005.

It appears that the Joannie Mine (Mine Index No. 797) of John C. Jordan, is also located in Production Group 1-A in Appannose County, Iowa, and should be granted temporarily the same reduction that was granted to other coals in Production Group 1-A in Docket No. A-1026 for truck shipment.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That the portion of Docket No. A-1178 relating to the minimum prices sought for the coals of the Joannie Mine (Mine Index No. 797) of John C. Jordan for truck shipment be, and the same hereby is, severed from the remainder of Docket No. A-1178 and designated as Docket No. A-1178 Part II.

It is further ordered, That, pending further Order of the Acting Director, the Schedule of Effective Minimum Prices for District No. 12, For Truck Shipments, be and it hereby is amended in accordance with the Schedule marked "Temporary Supplement T" attached hereto[1] and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to make permanent, stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-611; Filed, January 21, 1942; 11:30 a. m.]

[1] Filed as part of the original document.

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

FLORIDA

JANUARY 9, 1942.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Administration Order 259 of the Farm Security Administration, issued thereunder, and upon the basis of the Recommendation of the Farm Security Advisory Committee for the State of Florida, the following counties are hereby designated as additional counties in which loans, pursuant to said Title may be made hereafter.

Calhoun, Gilchrist, Hamilton, and Walton.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-580; Filed, January 20, 1942; 2:51 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 149]

RECOGNITION AND REPLACEMENT OF EMPLOYEE MEMBERS AND ALTERNATES OF INDUSTRY COMMITTEE NO. 49 FOR THE SAW LOGGING AND SHINGLE INDUSTRY

By virtue of and pursuant to the authority vested in me by the Fair Labor

N. Campbell, as Presiding Officer, at which all persons interested in the report and recommendation of Industry Committee No. 37 for the fixing of minimum wages in the Cigar Industry were given an opportunity to be heard and to offer evidence bearing thereon; and

Whereas the complete record of said hearing has been transmitted to the Administrator,

Now, therefore, notice is hereby given: That the Administrator will receive written briefs (not fewer than twelve copies) on or before February 10, 1942, at the Department of Labor, Washington, D. C., from any person who entered an appearance at said hearing, and will hear oral argument upon the complete record of said hearing on February 17, 1942, at 10:00 a. m., in Room 7129, Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., by any person who entered an appearance at said hearing: *Provided*, That on or before February 17, 1942, such person notifies the Wage and Hour Division of his intention to offer oral argument and of the amount of time he will require to make his presentation.

Signed at Washington, D. C., this 19th day of January 1942.

THOMAS W. MOLLAND,
Administrator.

[F. R. Doc. 42-582; Filed, January 21, 1942; 11:04 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that special certificates authorizing the employment of learners at hourly wage rates lower than the minimum rate applicable under section 6 of the Fair Labor Standards Act of 1938 have been issued to the firms listed below. The certificates were issued on the industry committee recommendations as indicated in the Administrator's orders listed below, pursuant to Part 522 of the Regulations, Governing the Employment of Learners, Student-Learners, Apprentices, and Messengers (6 F.R. 3753).

The employment of learners under these certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These certificates become effective January 22, 1942. The certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Beau Brummell Ties, Inc., 440 E. McMillan Street, Cincinnati, Ohio; Men's Neckties; 5 percent (T); January 22, 1943.

Harris Pants Shop, 35-37 S. Liberty Street, Baltimore, Maryland; Men's Pants; 2 learners (T); January 22, 1943.

Mario Ranieri, 32nd and Arch Streets, Philadelphia, Pennsylvania; Back Coats, Overcoats, Topcoats; 5 learners (T); January 22, 1943.

Single Pants, Shirts and Allied Garments and Women's Apparel Industries

DuBeray Undergarment, Inc., 102 Madison Avenue, New York, New York; Ladies Underwear; 6 learners (T); May 7, 1942.

Royal Oak Hosiery Mills, Inc., Marion, Virginia; Full Fashioned Hosiery; 5 percent (T); January 22, 1943.

Knitted Wear

Broadway Undergarment Company, 627 Broadway, New York, New York; Knitted Underwear; 4 learners (T); May 7, 1942.

Quality Knitting Company, Inc., Stowe, Pennsylvania; Knitted Underwear; 5 percent (T); January 22, 1943.

Woolen

Cen-Tex Wool and Mohair Company, Austin Highway, San Marcos, Texas; Blankets; 10 learners (E); July 22, 1942.

Signed at Washington, D. C., this 21st day of January 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-621; Filed, January 21, 1942; 11:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6241]

IN RE APPLICATION OF BROADCASTERS, INC. (NEW)

NOTICE OF HEARING

Application dated December 9, 1941 for construction permit; class of service, broadcast; class of station, broadcast; location, San Jose, California; operating assignment specified: Frequency 1500 kc (1500 at NARBA) power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has designated the above-entitled application for hearing at a time and place to be hereafter fixed by the Commission.

6. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radiobroadcast service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

7. To determine whether the granting of this application, the application of San Jose Broadcasting Company (Docket No. 6242) and the application of Luther E. Gibson (Docket No. 6243), or any of them, would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Broadcasters Inc., Att: Frank Quemont, 154 West San Fernando St., San Jose, California.

Dated January 20, 1942.
By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-622; Filed, January 21, 1942; 11:04 a. m.]

4. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Station KYOS, as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

5. To determine whether the operation of the proposed station would provide service to the metropolitan district of San Jose, California, as contemplated by the Standards of Good Engineering Practice.

6. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radiobroadcast service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

7. To determine whether the granting of this application, the application of Broadcasters, Inc. (Docket No. 6241) and the application of Luther E. Gibson (Docket No. 6243), or any of them, would serve public interest, convenience, and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102

accept and retain sales agents' commissions and distributors' discounts on all coal, heretofore and hereafter, sold to Associated Sales Company, Oklahoma City, Oklahoma.

It is, therefore, ordered, That a hearing on such matter be held on March 24, 1942, at 10:00 in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day, the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioners and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before March 20, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: January 19, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-606; Filed, January 21, 1942; 11:27 a. m.]

[Docket No. A-1186]

PETITION OF DISTRICT BOARD NO. 7 FOR A CHANGE IN SHIPPING POINT FOR THE COALS OF THE SPADE MINE, MINE INDEX NO. 606, W. L. SPADE, A CODE MEMBER IN DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting a change in shipping point for the coals of the Spade Mine, Mine Index No. 606, W. L. Spade, a code member in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the Spade Mine, Mine Index No. 606 of W. L. Spade, for rail shipments, shall be applicable only for shipments on Chesapeake & Ohio Railway from Beaver, West Virginia, and shall no longer be applicable for shipments on Chesapeake & Ohio Railway at Hinton, West Virginia. All allowances or adjustments required or permitted mines in Freight Origin Group No. 10 shall be applicable to all shipments of the coals of the Spade Mine, Mine Index No. 606 of W. L. Spade, from Beaver, West Virginia.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 20, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-607; Filed, January 21, 1942; 11:27 a. m.]

[Docket No. B-12]

IN THE MATTER OF E. H. FANNIN, CODE MEMBER, DEFENDANT

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A complaint dated September 3, 1941, having been filed herein by the Bituminous Coal Producers Board for District No. 8, complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by E. H. Fannin, R. F. D. No. 1, Rush, Kentucky, of the Bituminous Coal Code and rules and regulations thereunder; and

An Order having been made herein on December 1, 1941, by the Acting Director pursuant to stipulation of the defendant and said district board, dated October 15, 1941, terminating the code membership of the defendant and determining that the amount of tax required to be paid by the defendant as a condition to defendant's reinstatement to membership in the Code was $18.29, and providing that cancellation and revocation of the defendant's code membership shall become effective ten (10) days after service of said Order upon the defendant; and

Said Order having been duly served on the defendant on December 4, 1941; and

Said defendant having filed with the Division as provided in section 5 (c) of the Act his application dated January 3, 1942, for restoration to code membership; and

It appearing from said application that the defendant on December 5, 1941, paid to the Collector of Internal Revenue at Louisville, Kentucky, the sum of eighteen dollars and twenty-nine cents ($18.29) pursuant to said Order made December 1, 1941, as a condition precedent to restoration of his code membership.

Now, therefore, it is ordered, That said application of the defendant dated January 3, 1942, for restoration of his code membership be granted.

It is further ordered, That said restoration of the code membership of the defendant shall become effective simultaneously with the effective date of said cancellation and revocation of code membership.

Dated: January 19, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-608; Filed, January 21, 1942; 11:27 a. m.]

[Docket No. B-50]

IN THE MATTER OF ELFGEN COAL CO. (BERT F. ELFGEN), REGISTERED DISTRIBUTOR, REGISTRATION NO. 2712, RESPONDENT

ORDER FURTHER AMENDING AND SUPPLEMENTING NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division (the "Division") having issued a Notice of and Order for Hearing dated October 9, 1941, in the above entitled matter to determine whether or not the Elfgen Coal Company, registered distributor, has violated certain provisions of the Bituminous Coal Act (the "Act"), the Marketing Rules and Regulations, the Rules and Regulations for Registration of Distributors, and the Distributor's Agreement executed April 8, 1940, or any orders or regulations of the Division, and whether or not the registration of said distributor should be revoked or suspended or other penalty imposed; and

An Order dated November 6, 1941, Amending and Supplementing said Notice of and Order for Hearing having been entered herein; and

Additional evidence relating to the transactions involved herein having come into the possession of the Division;

It is ordered, That paragraph No. 2 of said Notice of and Order for Hearing as heretofore Amended and Supplemented be and the same is hereby further Amended and Supplemented to read as follows:

2. The respondent, during the period from October 1, 1940, to October 31, 1941, both dates inclusive, purchased in carload lot quantities approximately 51,368.75 net tons of coal of various sizes from Walter Bledsoe & Co., St. Louis, Missouri, acting as sales agent for various code member producers; Sahara Coal Company, code member, Chicago, Illinois; Binkley Coal Company, St. Louis, Missouri, acting as sales agent for various code member producers; Truax-Traer Coal Company, code member, Cincinnati, Ohio; Franklin County Coal Corporation, code member, Chicago, Illinois; Old Ben Coal Corporation, code member, Chicago, Illinois; Perry Coal Company, code member, St. Louis, Missouri; and Lumaghi Coal Company, code member, St. Louis, Missouri; and during said period resold in carload lot quantities approximately 51,059.6 net tons of said coal to the City Fuel and Supply Company, Alton, Illinois, and approximately 309.15 net tons of said coal to the Bluff City Coal Company, Alton, Illinois. The acceptance of discounts from the effective minimum prices in these transactions was in violation of paragraph (d) of the Distributor's Agreement, since the respondent did not purchase such coal for bona fide resale.

It is further ordered, That the Notice of and Order for Hearing dated October 9, 1941, as heretofore Amended and Supplemented, remain in full force and effect in all other respects.

Dated: January 20, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-609; Filed, January 21, 1942; 11:27 a. m.]

[Docket No. 1741-FD]

IN THE MATTER OF SOLDIER CANYON COAL COMPANY, A PARTNERSHIP, (CARL NYMAN), DEFENDANT

CEASE AND DESIST ORDER

District Board 20 having filed a complaint with the Bituminous Coal Division on June 16, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by Soldier Canyon Coal Company, a partnership in which Carl Nyman is one of the partners, a code member in District 20, of the Bituminous Coal Code and the rules and regulations thereunder as follows:

That the defendant on or about January 20, 1941, substituted approximately 490.511 tons of 3" (Size Group 3) lump coal, produced at the National Mine (Mine Index No. 179), on an order for coal from the Soldier Canyon Mine (Mine Index No. 27), District 20, at a price of 95 cents below the effective minimum price for such coal;

Pursuant to an order of the Director and after due notice to all interested persons, a hearing in this matter having been held on September 3, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Price, Utah, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard; the defendant and complainant having referred to the undersigned their joint recommendation that a cease and desist order be entered;

The undersigned having made Findings of Fact and Conclusions of Law, and having rendered an Opinion in this matter which are filed herewith;

Now therefore, it is ordered, That the defendant Soldier Canyon Coal Company (as organized on January 20, 1941) its representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in its behalf, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal produced by the defendant at less than the applicable effective minimum prices established therefor, contrary to the Bituminous Coal Act of 1937 or any rules and regulations promulgated thereunder, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 20 for Truck Shipments, and the Marketing Rules and Regulations.

It is further ordered, That if the defendant fails to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States within any circuit where the defendant carries on business for the enforcement hereof or take any other appropriate action.

Dated: January 19, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-610; Filed, January 21, 1942; 11:28 a. m.]

[Docket No. A-1178]

PETITION OF DISTRICT BOARD NO. 12 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 12

[Docket No. A-1178 Part II]

PETITION OF DISTRICT BOARD NO. 12 FOR THE ESTABLISHMENT OF MINIMUM PRICES FOR THE COALS OF THE JOANNIE MINE (MINE INDEX NO. 797) OF JOHN C. JORDAN, A CODE MEMBER IN DISTRICT NO. 12, FOR TRUCK SHIPMENT

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1178 PART II FROM DOCKET NO. A-1178 AND GRANTING TEMPORARY RELIEF IN DOCKET NO. A-1178 PART II

The original petition in the above-entitled matter filed with this Division on November 25, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 12. The original petition also prays for the establishment of temporary minimum prices for the coals of the Joannie Mine (Mine Index No. 797) of John C. Jordan, for truck shipments.

As indicated in a separate order in Docket No. A-1178, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except with respect to the establishment of the temporary minimum prices sought for the coals of the Joannie Mine (Mine Index No. 797) of John C. Jordan for truck shipments, and except for the coals of Mine Index Nos. 489, 670, 537, and 448, for which coals price classifications and minimum prices had already been established.

In an Order of December 11, 1941, Granting Temporary and Permanent Relief in Docket No. A-1026, temporary relief in the form of price reductions ranging from 8 to 15 cents per ton, for Size Groups 1 to 7 and 9, was granted to certain mines located in Appannoose County, Iowa, in Production Group 1-A for truck shipments. This relief was granted for the purpose of more properly coordinating the price of these coals with the prices of competing coals produced in Putnam County, Missouri, in District 15, which were reduced temporarily 25 cents per ton by orders entered in Docket No. A-179 on December 7, 1940, 5 F.R. 4872, and February 13, 1941, 6 F.R. 1005.

It appears that the Joannie Mine (Mine Index No. 797) of John C. Jordan, is also located in Production Group 1-A in Appannoose County, Iowa, and should be granted temporarily the same reduction that was granted to other coals in Production Group 1-A in Docket No. A-1026 for truck shipment.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That the portion of Docket No. A-1178 relating to the minimum prices sought for the coals of the Joannie Mine (Mine Index No. 797) of John C. Jordan for truck shipment be, and the same hereby is, severed from the remainder of Docket No. A-1178 and designated as Docket No. A-1178 Part II.

It is further ordered, That, pending further Order of the Acting Director, the Schedule of Effective Minimum Prices for District No. 12, For Truck Shipments, be and it hereby is amended in accordance with the Schedule marked "Temporary Supplement T" attached hereto[1] and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to make permanent, stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-611; Filed, January 21, 1942; 11:30 a. m.]

[1] Filed as part of the original document.

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF COUNTIES FOR TENANT PURCHASE LOANS

FLORIDA

JANUARY 9, 1942.

Pursuant to the provisions of Title I of the Bankhead-Jones Farm Tenant Act, and Administration Order 259 of the Farm Security Administration, issued thereunder, and upon the basis of the Recommendation of the Farm Security Advisory Committee for the State of Florida, the following counties are hereby designated as additional counties in which loans, pursuant to said Title may be made hereafter.

Calhoun, Gilchrist, Hamilton, and Walton.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-589; Filed, January 20, 1942; 2:51 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

[Administrative Order No. 140]

RESIGNATION AND REPLACEMENT OF EMPLOYER MEMBER AND APPOINTMENT OF THREE ADDITIONAL MEMBERS TO INDUSTRY COMMITTEE NO. 40 FOR THE GLOVES AND MITTENS INDUSTRY

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, as amended, I, Thomas W. Holland, Administrator of the Wage and Hour Division, Department of Labor,

(1) hereby accept the resignation of Mr. T. H. Mueller as an employer member of Industry Committee No. 40 for the Gloves and Mittens Industry, and appoint Mr. Hans Meinig of Reading, Pennsylvania, in his stead on the committee; and

(2) hereby increase the representation on Industry Committee No. 40 for the Gloves and Mittens Industry by three additional members, and appoint Colonel John J. Hannan of Madison, Wisconsin, to represent the public, Mr. Louis Schultz of Milwaukee, Wisconsin, to represent the employees, and Mr. Richard G. Fried of Milwaukee, Wisconsin, to represent the employers.

Signed at Washington, D. C., this 20th day of January, 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-623; Filed, January 21, 1942; 11:54 a. m.]

NOTICE OF ORAL ARGUMENT BEFORE THE ADMINISTRATOR AND OPPORTUNITY TO SUBMIT WRITTEN BRIEFS IN THE MATTER OF THE RECOMMENDATIONS OF INDUSTRY COMMITTEE NO. 37 FOR MINIMUM WAGES IN THE CIGAR INDUSTRY

Whereas a hearing was held on January 13 and 14, 1942, before Major Robert N. Campbell, as Presiding Officer, at which all persons interested in the report and recommendation of Industry Committee No. 37 for the fixing of minimum wages in the Cigar Industry were given an opportunity to be heard and to offer evidence bearing thereon; and

Whereas the complete record of said hearing has been transmitted to the Administrator,

Now, therefore, notice is hereby given: That the Administrator will receive written briefs (not fewer than twelve copies) on or before February 10, 1942, at the Department of Labor, Washington, D. C., from any person who entered an appearance at said hearing, and will hear oral argument upon the complete record of said hearing on February 17, 1942, at 10:00 a. m., in Room 7129, Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington, D. C., by any person who entered an appearance at said hearing: *Provided*, That on or before February 17, 1942, such person notifies the Wage and Hour Division of his intention to offer oral argument and of the amount of time he will require to make his presentation.

Signed at Washington, D. C., this 19th day of January 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-622; Filed, January 21, 1942; 11:54 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under Section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3302, 3303).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective January 22, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Beau Brummell Ties, Inc., 440 E. McMillan Street, Cincinnati, Ohio; Men's Neckties; 5 percent (T); January 22, 1943.

Harris Pants Shop, 35-37 S. Liberty Street, Baltimore, Maryland; Men's Pants; 2 learners (T); January 22, 1943.

Mario Ranieri, 22nd and Arch Streets, Philadelphia, Pennsylvania; Sack Coats, Overcoats, Topcoats; 5 learners (T); January 22, 1943.

Single Pants, Shirts, and Allied Garments and Women's Apparel Industries

DuBenay Undergarment, Inc., 102 Madison Avenue, New York, New York; Ladies' Underwear; 6 learners (T); May 7, 1942.

Economy Dress Company, Fairbury, Illinois; Dresses; 5 learners (T); January 22d, 1943.

Ely and Walker Dress Factory, Vandalia, Missouri; Ladies' Dresses; 10 percent (T); January 22, 1943.

Hicks-Hayward Company, 309 South Santa Fe Street, El Paso, Texas; Work Clothing, Pants and Jackets; 54 learners (E); June 11, 1942.

Smoler Brothers, Inc., 318 E. Colfax Street, South Bend, Indiana; Wash Dresses; 50 learners (E); July 22, 1942.

The Sterling Company, 629 Tenth Street, Huntington, West Virginia; Dresses; 10 percent (T); January 22, 1943. (This certificate replaces the one issued bearing expiration date of October 2, 1942.)

H. Vaniver and Company, Inc., 240 Market Street, Philadelphia, Pennsylvania; Trousers, Aprons, Ladies' Uniforms; 5 learners (T); July 22, 1942.

Hosiery

Blue Ridge Hosiery Mills Company, Depot Street, Marion, North Carolina; Seamless Hosiery; 6 learners (T); January 22, 1943.

Grayson Full Fashioned Hosiery Mills, Inc., Independence, Virginia; Full Fashioned Hosiery; 5 percent (T); January 22, 1943.

William L. Hyman Hosiery Mill, Locust Street, Ephrata, Pennsylvania; Seamless Hosiery; 5 learners (T); January 22, 1943.

Royal Oak Hosiery Mills, Inc., Marion, Virginia; Full Fashioned Hosiery; 5 percent (T); January 22, 1943.

Knitted Wear

Broadway Undergarment Company, 627 Broadway, New York, New York; Knitted Underwear; 4 learners (T); May 7, 1942.

Quality Knitting Company, Inc., Stowe, Pennsylvania; Knitted Underwear; 5 percent (T); January 22, 1943.

Woolen

Cen-Tex Wool and Mohair Company, Austin Highway, San Marcos, Texas; Blankets; 10 learners (E); July 22, 1942.

Signed at Washington, D. C., this 21st day of January 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-621; Filed, January 21, 1942; 11:54 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6241]

IN RE APPLICATION OF BROADCASTERS, INC. (NEW)

NOTICE OF HEARING

Application dated December 9, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, San Jose, California; operating assignment specified: Frequency, 1500 kc. (1490 kc. NARBA) power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of San Jose Broadcasting Co., Docket No. 6242 and Luther E. Gibson, Docket No. 6243, for the following reasons:

1. To determine the qualifications of the applicant to construct and operate the proposed station.

2. To determine the character of the proposed program service.

3. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and the operation of Station KSAN as proposed in Docket No. 6200; and a station proposed by Luther E. Gibson, for Vallejo, California (Docket No. 6243), as well as the areas and populations affected thereby and what other broadcast service is available to those areas and populations.

4. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Station KYOS, as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

5. To determine whether the operation of the proposed station would provide service to the metropolitan district of San Jose, California, as contemplated by the Standards of Good Engineering Practice.

6. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radiobroadcast service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

7. To determine whether the granting of this application, the application of San Jose Broadcasting Company (Docket No. 6242) and the application of Luther E. Gibson (Docket No. 6243), or any of them, would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Broadcasters, Inc., Att: Frank Quemont, 156 West San Bernando St., San Jose, California.

Dated: January 20, 1942.
By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-596; Filed, January 21, 1942; 11:04 a. m.]

[Docket No. 6242]

IN RE APPLICATION OF SAN JOSE BROADCASTING CO. (NEW)

NOTICE OF HEARING

Application dated March 6, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, San Jose, California; operating assignment specified: Frequency, 1490 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of Broadcasters, Inc., Docket No. 6241 and Luther E. Gibson, Docket No. 6243, for the following reasons:

1. To determine the qualifications of the applicant to construct and operate the proposed station.

2. To determine the character of the proposed program service.

3. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and the operation of Station KSAN as proposed in Docket No. 6200; and a station proposed by Luther E. Gibson for Vallejo, California (Docket No. 6243), as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

4. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Station KYOS, as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

5. To determine whether the operation of the proposed station would provide service to the metropolitan district of San Jose, California, as contemplated by the Standards of Good Engineering Practice.

6. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radiobroadcast service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

7. To determine whether the granting of this application, the application of Broadcasters, Inc. (Docket No. 6241) and the application of Luther E. Gibson (Docket No. 6243), or any of them, would serve public interest, convenience, and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

San Jose Broadcasting Co., % Joe E. Levitt, 266 S. First St., San Jose, California.

Dated: January 20, 1942.
By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-597; Filed, January 21, 1942; 11:04 a. m.]

[Docket No. 6243]

IN RE APPLICATION OF LUTHER E. GIBSON (NEW)

NOTICE OF HEARING

Application dated February 26, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Vallejo, California; operating assignment specified: Frequency, 1,490 kc.; power, 250 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the applications of Broadcasters, Inc., Docket No. 6241, and San Jose Broadcasting Company, Docket No. 6242, for the following reasons:

1. To determine applicant's qualifications to construct and operate the proposed station.

2. To determine the character of the proposed program service.

3. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and the operation of any of the following: (a) Station KSAN as proposed in Docket No. 6200; (b) the station proposed by Broadcasters, Inc. for San Jose, California in Docket No. 6241; and (c) the station proposed by San Jose Broadcasting Company for San Jose, California in Docket No. 6242, as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

4. To determine whether the operation of the station proposed herein would provide service to the metropolitan district of San Francisco, California, as contemplated by the Standards of Good Engineering Practice.

5. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radiobroadcast service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

6. To determine whether the granting of this application, the application of San Jose Broadcasting Company (Docket No. 6242) and the application of Broadcasters, Inc. (Docket No. 6241) or any of them, would serve public interest, convenience, and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Luther E. Gibson, 516 Marin Street, Vallejo, California.

Dated: January 20, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-586; Filed, January 21, 1942; 11:04 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-495]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA, INC.

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 21st day of January, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested party may not later than February 3, 1942, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reason for such request and the nature of his interest, or he may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested parties are referred to said declaration or application which is on file at said Commission for a statement of the transactions therein proposed, which are sumarrized below:

Public Service Company of Indiana, Inc. (Public Service) owns all of the outstanding securities of West Indiana Utilities Company (West Indiana) which in turn owns all of the outstanding securities of Brazil Electric Company (Brazil). The properties, rights, and assets of West Indiana and Brazil are leased to and operated by Public Service. Public Service proposes to acquire title to the properties, rights, and assets of West Indiana and Brazil by causing West Indiana and Brazil to be dissolved and liquidated.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-616; Filed, January 21, 1942; 11:47 a. m.]

[File No. 70-415]

IN THE MATTER OF NEWPORT WATER CORPORATION

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of January, A. D. 1942.

Newport Water Corporation, a subsidiary of Ogden Corporation, which is a registered holding company, having filed a declaration and application under sections 11 and 12 (c) of the Public Utility Holding Company Act of 1935 and the rules and regulations promulgated thereunder, regarding the proposed dissolution of Newport Water Corporation and the distribution of its remaining assets, consisting principally of cash, to the holders of its 10,000 shares of preferred stock; and

The Commission having ordered that a hearing in the above-entitled matter be held on February 3, 1942; and

It appearing to the Commission that it is desirable that such hearing be postponed to February 17, 1942, at 10:00 A. M. and that such postponement is satisfactory to all parties hereto.

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-619; Filed, January 21, 1942; 11:47 a. m.]

[File No. 70-332]

IN THE MATTER OF ALABAMA POWER COMPANY, THE COMMONWEALTH & SOUTHERN CORPORATION (DELAWARE), AND THE GENERAL CORPORATION

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of January 1942.

Alabama Power Company, a subsidiary of The Commonwealth & Southern Corporation, a registered holding company, having filed an application and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof and Rule U-50 thereunder regarding, among other things, the issue and sale of $30,000,000 principal amount of its First Mortgage Bonds, Series due 1972, the applicant publicly to invite proposals for the purchase of the Bonds in accordance with Rule U-50; and

The Commission having on December 29, 1941 granted such application pursuant to section 6 (b) subject to the condition that applicant report to the Commission the results of the competitive bidding as required by Rule U-50 (c) and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby; and

The applicant having made such report to the Commission in the form of a further amendment to the application herein specifying the proposal which had been received for the purchase of said Bonds pursuant to the invitation of competitive bids therefor and stating that applicant had accepted a bid from a group of eighty-one underwriters, headed by The First Boston Corporation and Bonbright & Company of 100.40% of the principal amount for bonds having a coupon rate of 3½% per annum, plus accrued interest from the first day of January 1942 to the date of delivery of said bonds, said bonds to be resold to the public at 101.75% of the principal amount, representing a spread to the underwriters of 1.35%; and

The Commission having examined the record, and finding that the terms for sale of said bonds at such prices and with such spread are not unreasonable;

It is ordered, That said application, as amended, be and it is hereby granted in regard to the price to the issuer, spread and distribution thereof applicable to said bonds, subject however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-620; Filed, January 21, 1942; 11:47 a. m.]

[File No. 59-38]

IN THE MATTER OF UNITED PUBLIC UTILITIES CORPORATION AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

ORDER POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of January 1942.

The Commission having on October 31, 1941, issued its Notice of and Order for Hearing instituting proceedings under Section 11 (b) (1) of the Public Utility Holding Company Act of 1935 in the above entitled matter; said order having required that respondents file their answer herein on or before November 30, 1941, and having directed that a hearing be held on such matter on December 22, 1941, at 10 o'clock A. M., at the office of the Securities and Exchange Commission, Washington, D. C.; and the Commission having by order entered on November 28, 1941, postponed the date of said hearing until January 22, 1942; and

Respondents having requested that said date of hearing be further postponed from January 22, 1942, to February 5, 1942, and the Commission being of the opinion that said request may appropriately be granted;

It is ordered, That the date of the hearing in this matter be and is hereby postponed to February 5, 1942, at 10 o'clock A. M., at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., in such room as may be designated on said day by the Hearing Room Clerk in Room 1102 before the officer of the Commission previously designated herein; and

It is further ordered, That the Secretary of this Commission serve notice of the entry of this order by mailing a copy thereof by registered mail to the respondents and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-624; Filed, January 21, 1942; 12:02 p. m.]

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FEDERAL REGISTER

VOLUME 7 NUMBER 16

Washington, Friday, January 23, 1942

The President

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LAND FOR USE AS AN ADMINISTRATIVE SITE IN CONNECTION WITH THE PALMER-RICHARDSON HIGHWAY

ALASKA

By virtue of the authority vested in me as President of the United States, it is ordered that the following-described public lands in Alaska be, and they are hereby, withdrawn and reserved for the use of the Alaska Road Commission as a site for a supply base and repair shop in connection with the construction and maintenance of the Palmer-Richardson highway:

COPPER RIVER MERIDIAN

T. 4 N., R. 2 W.,
sec. 22, E½SE¼ (unsurveyed);
sec. 23, W½SW¼ (unsurveyed);
aggregating 160 acres.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 21, 1942.

[No. 9035]

[F. R. Doc. 42-652; Filed, January 22, 1942; 11:24 a. m.]

Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3911]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF RETAIL COAL MERCHANTS ASSOCIATION, ET AL.

§ 3.24 (d10) *Coercing and intimidating—Suppliers and sellers—To cut off supplies of price cutters:* § 3.24 (d10) *Coercing and intimidating—Suppliers and sellers—To limit sale and distribution to member distributors:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (h) *Combining or conspiring—To restrain and monopolize trade:* § 3.33 (e) *Cutting off competitors' supplies—Threatening withdrawal of patronage.* In connection with the purchase by members of respondent Retail Coal Merchants Association of coal in commerce and on the part of said association, certain individuals as officers thereof and certain corporations individually and as members thereof and on the part of all other members, and among other things, as in order set forth, (1) carrying out any understanding, etc., with wholesale coal dealers, and entering into any future understanding, etc., with wholesale coal dealers, for the purpose or with the effect of restricting, restraining, suppressing or eliminating competition in, or monopolizing, the retail sale of coal in the trade area in and around Richmond, Virginia; (2) agreeing or carrying out any agreement through respondent Association, or through any other cooperative agency, with wholesale coal dealers, that such wholesale coal dealers will not ship coal from mines located in States of the United States other than the State of Virginia, or coal from or through States other than the State of Virginia, to retail coal dealers in Richmond, Virginia, who are not members of said respondent Association, or any other association of which respondents may be members, or to retailers in Richmond, Virginia, whose prices for coal in the trade area in and around said city do not conform to those agreed upon by the members of such Association; (3) calling upon wholesale coal dealers and urging such wholesale coal dealers, under threat of boycott, to cooperate with the said respondents by refusing to sell coal to any non-member of said Association, or to any dealer underselling the prices fixed by said Association; (4) arranging joint meetings between the members of said Association and wholesale coal dealers, and there seeking such cooperation of such wholesale coal dealers, under threat of boycott; (5) soliciting non-members of said respondent Association to join said Association, under threat that no supply of coal will be obtainable by such non-members unless they join said Association;

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FEDERAL REGISTER

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(6) attempting, through the secretary of said Association, or by any other person or means, to induce wholesale coal dealers shipping coal from or through States other than the State of Virginia into the city of Richmond, Virginia, to insert in their contracts with retail dealers a clause to the effect that if the retail dealer fails to conduct his business in conformity with the price standards approved by respondents in his locality, the shipper shall have the right to discontinue supplying coal under such contracts; (7) using any other collective or collusive means or methods to effectuate any understanding, etc., for the purpose of or with the effect of restraining, restricting, suppressing and eliminating competition in, or monopolizing, the importation from States other than the State of Virginia of coal to be sold at retail in the trade area in and around Richmond, Virginia; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Retail Coal Merchants Association, et al., Docket 3911, January 19, 1942]

§ 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (h) *Combining or conspiring—To restrain and monopolize trade.* In connection with offer, etc., in commerce of coal and on the part of respondent Cabell Co., Inc., three other corporate respondents and four individuals, partners, engaged as wholesalers of coal or sales agents for operators of coal mines, and among other things, as in order set forth, (1) carrying out any understanding, etc., among themselves, or with respondent Association or the officers or members thereof, and entering into any future understanding, etc., for the purpose or with the effect of restricting, restraining, suppressing or eliminating competition in, or monopolizing, the retail sale of coal in the trade area in and around Richmond, Virginia; (2) agreeing or carrying out any agreement among themselves, or with respondent Association or the officers or members thereof, or with any other cooperative agency, that respondents will not ship coal from mines located in States of the United States other than the State of Virginia, or coal from or through States other than the State of Virginia, to retail coal dealers in Richmond, Virginia, who are not members of said Association, or to retailers in Richmond, Virginia whose prices for coal in the trade area in and around said city do not conform to those agreed upon by the members of said Association; and (3) using any other collective or collusive means or methods to effectuate any understanding, etc., for the purpose of or with the effect of restraining, restricting, suppressing and eliminating competition in, or monopolizing, the importation from States other than the State of Virginia, of coal to be sold at retail in the trade area in and around Richmond, Virginia; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Retail Coal Merchants Association, et al., Docket 3911, January 19, 1942]

In the Matter of Retail Coal Merchants Association, a corporation; D. Walton Mallory, individually and as President of Retail Coal Merchants Association; Edwin D. Newmann, individually and as Vice President of Retail Coal Merchants Association; A. Holland White, individually and as Treasurer of Retail Coal Merchants Association; Charles H. Hall, Jr., individually and as Secretary of Retail Coal Merchants Association; L. D. Wingfield and James L. Hatcher, as co-owners of Wingfield-Hatcher Coal Company; A. M. Hungerford, doing business as Hungerford Coal Company; Massey-Wood & West, a corporation; Sydnor-Howey & Company, Inc., a corporation; D. W. Mallory & Company, Inc., a corporation; Ellison & Hawes, Inc., a corporation; W. E. Seaton & Sons, Inc., a corporation; and Gill Fuel Company, Inc., a corporation, members of Retail Coal Merchants Association; Bluefield Coal and Coke Company, a corporation; Cabell Coal Company, Inc., a corporation; Cabin Creek Consolidated Sales Company, a corporation; A. T. Massey Coal Company, a corporation; Red Jacket Coal Sales Company, a corporation; George W. St. Clair, Robert Henry Moore, Mrs. Robert Henry Moore, Katherine St. Clair Santori, and Houston St. Clair, partners, doing business under the partnership name of Virginia Smokeless Coal Company; White Oak Coal Company, a corporation; and Wyatt Coal Sales Company, a corporation

At the regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of January, A. D. 1942.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answers of the respondents, including the answer of respondent Association and the officers and members thereof admitting all the material allegations of fact in said complaint, testimony and other evidence taken before trial examiners of the Commisison theretofore duly designated by it, in support of and in opposition to the allegations of said complaint, report of the trial examiners upon the evidence and the exceptions thereto, briefs in support of and in opposition to the complaint, and oral argument, and the Commission having made its findings as to the facts and its conclusion that certain of the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That respondent Retail Coal Merchants Association, a corporation; and D. Walton Mallory, Edwin D. Newmann, A. Holland White and Charles H. Hall, Jr., individually and as officers of said Association; and L. D. Wingfield and James L. Hatcher, trading as Wingfield-Hatcher Coal Company, A. M. Hungerford, trading as Hungerford Coal Company, Massey-Wood & West, a corporation, Sydnor-Howey & Company, Inc., a corporation, D. W. Mallory & Company, Inc., a corporation, Ellison & Hawes, Inc., a corporation, W. E. Seaton & Sons, Inc., a corporation, and Gill Fuel Company, Inc., a corporation, individually and as members of said Association; and all other members of said Association, as representatives for whom the said members named above were made respondents herein; and the officers, representatives, agents and employees of all of the respective members of said Association; directly or through any corporate or other device, in connection with the purchase by such members, or any of them, of coal in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Carrying out any understanding, agreement, combination or conspiracy with wholesale coal dealers, and from entering into any future understanding, agreement, combination or conspiracy with wholesale coal dealers, for the purpose or with the effect of restricting, restraining, suppressing or eliminating competition in, or monopolizing, the retail sale of coal in the trade area in and around Richmond, Virginia;

(2) Agreeing or carrying out any agreement through respondent Association, or through any other cooperative agency, with wholesale coal dealers, that such wholesale coal dealers will not ship coal from mines located in states of the United States other than the State of Virginia, or coal from or through states other than the State of Virginia, to retail coal dealers in Richmond, Virginia, who are not members of said respondent Association, or any other association of which respondents may be members, or to retailers in Richmond, Virginia, whose prices for coal in the trade area in and around said city do not conform to those agreed upon by the members of such Association;

(3) Calling upon wholesale coal dealers and urging such wholesale coal dealers, under threat of boycott, to cooperate with the said respondents by refusing to sell coal to any non-member of said Association, or to any dealer underselling the prices fixed by said Association;

(4) Arranging joint meetings between the members of said Association and wholesale coal dealers, and there seeking such cooperation of such wholesale coal dealers, under threat of boycott;

(5) Soliciting non-members of said respondent Association to join said Association, under threat that no supply of coal will be obtainable by such non-members unless they join said Association;

(6) Attempting, through the secretary of said Association, or by any other person or means, to induce wholesale coal dealers shipping coal from or through states other than the State of Virginia into the City of Richmond, Virginia, to insert in their contracts with retail dealers a clause to the effect that if the retail dealer fails to conduct his business in conformity with the price standards approved by respondents in his locality, the shipper shall have the right to discontinue supplying coal under such contracts;

(7) Using any other collective or collusive means or methods to effectuate any understanding, agreement, combination or conspiracy for the purpose of or with the effect of restraining, restricting, suppressing and eliminating competition in, or monopolizing, the importation from states other than the State of Virginia of coal to be sold at retail in the trade area in and around Richmond, Virginia.

It is further ordered, That respondents Cabell Coal Company, Inc., a corporation; A. T. Massey Coal Company, a corporation; White Oak Coal Company, a corporation; and Robert Henry Moore, Mrs. Robert Henry Moore, Katherine St. Clair Santori, and Houston St. Clair, individually and doing business under the name Virginia Smokeless Coal Company or under any other name; and respondents' officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of coal in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Carrying out any understanding, agreement, combination or conspiracy among themselves, or with the respondent Association or the officers or members thereof, and from entering into any future understanding, agreement, combination or conspiracy, for the purpose or with the effect of restricting, restraining, suppressing or eliminating competition in, or monopolizing, the retail sale of coal in the trade area in and around Richmond, Virginia;

(2) Agreeing or carrying out any agreement among themselves, or with respondent Association or the officers or members thereof, or with any other cooperative agency, that respondents will not ship coal from mines located in states of the United States other than the State of Virginia, or coal from or through States other than the State of Virginia, to retail coal dealers in Richmond, Virginia, who are not members of said Association, or to retailers in Richmond, Virginia whose prices for coal in the trade area in and around said city do not conform to those agreed upon by the members of said Association;

(3) Using any other collective or collusive means or methods to effectuate any understanding, agreement, combination or conspiracy for the purpose of or with the effect of restraining, restricting, suppressing and eliminating competition in, or monopolizing, the importation from states other than the State of Virginia, of coal to be sold at retail in the trade area in and around Richmond, Virginia.

It is further ordered, That all of the respondents against whom this order is directed shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That this proceeding be, and it hereby is, dismissed as to respondents Bluefield Coal and Coke Company, a corporation; Cabin Creek Consolidated Sales Company, a corporation; Red Jacket Coal Sales Company, a corporation; and Wyatt Coal Sales Company, a corporation.

The respondent George W. St. Clair having died subsequent to the institution of this proceeding: *It is further ordered*, That this proceeding be, and it hereby is, dismissed as to said respondent.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 42-641; Filed, January 22, 1942; 11:13 a. m.]

[1] 5 F.R. 302.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

AMENDMENT TO RULES RELATING TO THE SOLICITATION OF PROXIES UNDER THE SECURITIES EXCHANGE ACT OF 1934

The Securities and Exchange Commission, deeming it necessary and appropriate in the public interest and for the

protection of investors and necessary for the execution of the functions vested in it so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 14 (a) and 23 (a) thereof (Sec. 14, 48 Stat. 895; 15 U.S.C. 78n: Sec. 23, 48 Stat. 901; Sec. 8, 49 Stat. 1379; 15 U.S.C. 78w), hereby amends paragraph (b) of § 240.14a–1 [Rule X–14a–1] to read as follows:

§ 240.14a–1 *Proxy statement.*

* * * * *

(b) Any information required to be included in the proxy statement as to terms of securities or other subject matter which from a standpoint of practical necessity must be determined in the future, or from a standpoint of the application of sound business judgment ought to be so determined, may be stated in terms of present knowledge and intention: *Provided, however,* That in such a case a brief statement of the circumstances rendering it necessary or advisable that such matters be determined in the future shall be made and, to the extent reasonably practicable, the authority to be conferred concerning each such matter shall be confined within limits reasonably related to the need for discretionary authority. Subject to the foregoing provision, information which is not known to the persons making the solicitation and which it is not reasonably within the power of such persons to ascertain or procure may be omitted, if a brief statement of the circumstances rendering such information unavailable is made.

Effective January 22, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42–665; Filed, January 22, 1942; 11:34 a. m.]

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

AMENDMENT TO RULES REQUIRING THE MAINTENANCE OF CERTAIN RECORDS AND THE PENDING OF WRITTEN CONFIRMATIONS BY BROKERS AND DEALERS OF SECURITY TRANSACTIONS SO AS TO MAKE IT UNNECESSARY FOR THE MAINTENANCE OF SUCH RECORDS WITH RESPECT TO TRANSACTIONS IN DEFENSE SECURITIES

The Securities and Exchange Commission deeming it necessary for the execution of the functions vested in it and necessary and appropriate in the public interest so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, as amended, particularly sections 15 (c) (1), 17 (a) and 23 (a) thereof (Sec. 15 (c), 52 Stat. 1075; 15 U.S.C. 78o: Sec. 17, 48 Stat. 897; Sec. 4, 49 Stat. 1379; Sec. 5, 52 Stat. 1076; 15 U.S.C. 78q: Sec. 23, 48 Stat. 901; Sec. 8, 49 Stat. 1379; 15 U.S.C. 78w) hereby takes the following action:

I. Section 240.17a–3 [Rule X–17a–3] is hereby amended by adding thereto the following paragraph:

§ 240.17a–3 *Reports of certain stabilizing activities.*

* * * * *

(c) This section shall not be deemed to require a member of a national securities exchange, or a broker or dealer registered pursuant to section 15 of the Securities Exchange Act of 1934 (Sec. 15, 48 Stat. 895; Sec. 3, 49 Stat. 1377; 15 U.S.C. 78o) as amended, to make or keep such records as are required by paragraph (a) reflecting the sale of United States Tax Savings Notes, United States Defense Savings Stamps, or United States Defense Savings Bonds, Series E, F and G.

II. Section 240.15c1–4 [Rule X–15C1–4] is hereby amended to read as follows:

§ 240.15c1–4 *Confirmation of transactions.* The term "manipulative, deceptive, or other fraudulent device or contrivance," as used in section 15 (c) (1) of the Act (Sec. 2, 52 Stat. 1075; 15 U.S.C. 78o) is hereby defined to include any act of any broker or dealer designated to effect with or for the account of a customer any transaction in, or to induce the purchase or sale by such customer of, any security (other than United States Tax Savings Notes, United States Defense Savings Stamps, or United States Defense Savings Bonds, Series E, F and G) unless such broker or dealer, at or before the completion of each such transaction, gives or sends to such customer written notification disclosing (a) whether he is acting as a broker for such customer, as a dealer for his own account, as a broker for some other person, or as a broker for both such customer and some other person; and (b) in any case in which he is acting as a broker for such customer or for both such customer and some other person, either the name of the person from whom the security was purchased or to whom it was sold for such customer and the date and time when such transaction took place or the fact that such information will be furnished upon the request of such customer, and the source and amount of any commission or other remuneration received or to be received by him in connection with the transaction.

Effective January 21, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42–664; Filed, January 22, 1942; 11:34 a. m.]

TITLE 21—FOOD AND DRUGS

CHAPTER I—FOOD AND DRUG ADMINISTRATION

[Docket No. FDC–30]

PART 145—CERTAIN CHEMICAL DERIVATIVES OF SUBSTANCES NAMED IN SECTION 502 (d) OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT DESIGNATED AS HABIT FORMING

FINDINGS OF FACT AND REGULATION

By virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act (Secs. 502 (d), 52 Stat. 1050, 21 U.S.C., 352 (d); 701 (e), 52 Stat. 1055, 21 U.S.C., 371 (e)); the Reorganization Act of 1939 (53 Stat. 561 ff.; 5 U.S.C., secs. 133–133t); Reorganization Plan No. I, Part 2, (53 Stat. 1423, 5 U.S.C. 82); and Reorganization Plan No. IV, (54 Stat. 1234, 5 U.S.C. 97); and upon the basis of evidence of record at the above-entitled hearing duly held pursuant to notice thereof issued by the Administrator on January 27, 1941 (6 F.R. 680), the following order is hereby promulgated:

FINDINGS OF FACT

Finding 1

The principal factors which govern formation of a drug habit are the nature of the individual who takes the drug and the pharmacologic action produced by the drug.

Finding 2

The effect of a drug which may give rise to habit formation is pleasurable stimulation or escape from unpleasant experience, such as insomnia, fear, grief, pain, etc.

Finding 3

Such effects are produced by the administration of drugs which have depressant or stimulant properties.

Finding 4

Desire to obtain such effects is likely to cause frequently repeated use of such drugs.

Finding 5

Frequently repeated use of such drugs is likely to induce, and in certain persons does induce, psychic dependence and, in the case of some drugs, psychic and physical dependence on such drugs.

Finding 6

Psychic dependence on a drug is habituation to that drug, and psychic and physical dependence on a drug is addiction to that drug, so that addiction to a drug includes habituation to that drug. A drug which is likely to induce, and in certain persons does induce, habituation to such drug is a habit-forming drug, although repeated use of that drug may not necessarily induce addiction to that drug.

Finding 7

The fundamental nucleus of a drug which possesses the habit-forming properties is in no way modified by the addition of the basic or acidic ion, so that the habit-forming properties of a drug are substantially the same whether it be a free base, or acid, or a salt formed by its combination with an acidic or basic ion. The principal differences between these forms are only in their physical properties, such as solubility, which may affect the mode of administration of the drug or its rate of absorption by the human body; but once absorbed their effects are identical.

Finding 8

A chemical derivative is a substance so related to another substance by modification or partial substitution as to be regarded as theoretically derivable from it, even when not obtainable from it in practice.

Finding 9

Each of the following drugs is theoretically derivable or is actually derived from a parent substance specified in section 502 (d) of the Federal Food, Drug, and Cosmetic Act, as hereinafter indicated:

Parent substance	Chemical derivative	Chemical description of derivative
Barbituric Acid	Alurate	(5-allyl-5-isopropyl-barbituric acid.)
	Amytal	(5-ethyl-5-isoamyl-barbituric acid.)
	Barbital	(5,5-diethyl-barbituric acid.)
	Butisol	(5-ethyl-5-sec-butyl-barbituric acid.)
	Cyclopal, cyclopen	(5-allyl-5-cyclopentenyl-barbituric acid.)
	Delvinal	(5-ethyl-5-(1-methyl-1-butenyl)-barbituric acid.)
	Dial	(5,5-diallyl-barbituric acid.)
	Ethamoral	(5-ethyl-5-(1-methylbutyl)-barbituric acid.)
	Eunarcon	(5-(2-bromoallyl)-5-isopropyl-1-methyl-barbituric acid.)
	Evipal	(1,5-dimethyl-5-(1-cyclohexenyl)-barbituric acid.)
	Ipral	(5-ethyl-5-isopropyl-barbituric acid.)
	Nebarbital	(5-ethyl-5-isopropyl-1-methyl-barbituric acid.)
	Neonal	(5-allyl-5-isopropyl-1-methyl-barbituric acid.)
	Nostal	(5-ethyl-5-butyl-barbituric acid.)
	Ortal	(5-ethyl-5-hexyl-barbituric acid.)
	Pentobarbital	(5-ethyl-5-(1-methylbutyl)-barbituric acid.)
	Penthiobarbital	(5-ethyl-5-(1-methylbutyl)-2-thiobarbituric acid.)
	Pentothal	(5-ethyl-5-(1-methylbutyl)-2-thiobarbituric acid.)
	Permoston	(5-sec-butyl-5-(2-bromallyl)-barbituric acid.)
	Phanodorn	(5-ethyl-5-(1-cyclohexenyl)-barbituric acid.)
	Phenobarbital	(5-ethyl-5-phenyl-barbituric acid.)
	Proponal	(5,5-dipropyl-barbituric acid.)
	Rutonal	(5-methyl-5-phenyl-barbituric acid.)
	Sandoptal	(5-ethyl-5-isobutyl-barbituric acid.)
	Sigmodal, Reaction	(5-allyl-5-(1-methylbutyl)-barbituric acid.)
	Alkali salts, Barium salts	(sodium-5-allyl-5-(1-methylbutyl)-barbiturate.)
	Barium, calcium, potassium, magnesium, lithium, calcium, strontium, and ammonium salts of the foregoing chemical derivatives of barbituric acid.	
	Salts	All salts of the foregoing chemical derivative formed by replacing the sodium with lithium, potassium, magnesium, calcium, strontium, or mercurial.
Bromal	Bromal Hydrate	(tribromoacetaldehyde hydrate.)
	Bromotone	(2-(tribromomethyl)-2-propenol.)
	Bromoform	(tribromomethane.)
Cannabis Marihuana	Extract of Cannabis	
	Fluidextract of Cannabis	
	Tincture of Cannabis	

On the basis of the evidence of record at the hearing and the foregoing findings of fact it is hereby found, after investigation, that each of the derivatives specified in finding 9 is habit forming.

It is therefore ordered, That the following regulation be and it hereby is promulgated:

REGULATION

§ 145.1 *Habit forming drugs which are chemical derivatives of substances specified in section 502 (d) of the Federal*

Parent substance	Chemical derivative	Chemical description of derivative
Carbromal	Acetylcarbromal	(α-bromo-α-ethylbutyryl-acetyl-urea.)
	Bromural	(α-bromoisovaleryl-urea.)
	Neuronal	(α-bromo-α, α-diethyl-acetamide.)
	Sedormid	(α-allyl-isovaleryl-urea.)
Chloral	Chloralformamide	(α-allyl-isovaleryl-(trichloromethyl)-d-glucoside.)
	Chloralformamide	(N-d-trichloro-α-hydroxyethyl)-formamide.)
	Chloral Hydrate	(trichloroacetaldehyde hydrate.)
	Chloralimide	(trichloroethylidenemine.)
	Chlorobutanol	(2-(trichloromethyl)-2-propanol.)
Cocaine	All salts of cocaine obtained by combining cocaine with any acid.	
Codeine	Dicodid	(dihydro-codeinone.)
	Eucodal	(dihydrohydroxy-codeinone.)
	All salts of the foregoing chemical derivatives of codeine, obtained by combining any such derivative or codeine with any acid.	
Heroin	Eucodin	(codeine methyl bromide.)
	All salts of heroin obtained by combining heroin with any acid.	
Morphine	Dilaudid	(dihydro-morphinone.)
	Ethylmorphine	(dihydro-morphine.)
	Paramorphan	
	All salts of the foregoing chemical derivatives of morphine, and all salts of morphine, obtained by combining any such derivative or morphine with any acid.	
Opium	Extract of Opium	
	Fluidextract of Opium	
	Tincture of Opium	
Paraldehyde	Metaldehyde	
Sulphonmethane	Sulfonal	(2,2-diethylsulfonyl-butane.)
	Sulfonethylmethane	(3,3-diethylsulfonyl-pentane.)

Each of such drugs is a chemical derivative of the parent substance indicated.

Finding 10

Each of the derivatives specified in finding 9 has been investigated, and it has been found that each possesses depressant or stimulant properties, and that its frequently repeated use is likely to induce, and in certain persons does induce, psychic dependence on such derivative and in some cases physical dependence.

Food, Drug, and Cosmetic Act. Each of the following chemical derivatives of a substance named in section 502 (d) of the Federal Food, Drug, and Cosmetic Act is hereby designated as habit forming:

Parent substance	Chemical derivative	Chemical description of derivative
Barbituric Acid	Alurate	(5-allyl-5-isopropyl-barbituric acid.)
	Amytal	(5-ethyl-5-isoamyl-barbituric acid.)
	Barbital	(5,5-diethyl-barbituric acid.)
	Butisol	(5-ethyl-5-sec-butyl-barbituric acid.)
	Cyclopal, cyclopen	(5-allyl-5-cyclopentenyl-barbituric acid.)
	Delvinal	(5-ethyl-5-(1-methyl-1-butenyl)-barbituric acid.)
	Dial	(5,5-diallyl-barbituric acid.)
	Eidoral	(5-ethyl-5-(1-piperidyl)-barbituric acid.)
	Eunarcon	(5-(2-bromoallyl)-5-isopropyl-1-methyl-barbituric acid.)
	Evipal	(1,5-dimethyl-5-(1-cyclohexenyl)-barbituric acid.)
	Ipral	(5-ethyl-5-isopropyl-barbituric acid.)
	Mebaral	(5-ethyl-5-phenyl-1-methyl-barbituric acid.)
	Narconumal	(5-allyl-5-isopropyl-1-methyl-barbituric acid.)
	Neonal	(5-ethyl-5-butyl-barbituric acid.)
	Nostal	(5-isopropyl-5-(2-bromoallyl)-barbituric acid.)
	Ortal	(5-ethyl-5-hexyl-barbituric acid.)
	Pantasal	(5-ethyl-5-cyclopentenyl-barbituric acid.)
	Pentobarbital	(5-ethyl-5-(1-methylbutyl)-barbituric acid.)
	Pernoston	(5-sec-butyl-5-(2-bromoallyl)-barbituric acid.)
	Phanodorn	(5-ethyl-5-(1-cyclohexenyl)-barbituric acid.)
	Phenobarbital	(5-ethyl-5-phenyl-barbituric acid.)
	Proponal	(5,5-dipropyl-barbituric acid.)
	Rutonal	(5-methyl-5-phenyl-barbituric acid.)
	Sandoptal	(5-allyl-5-isobutyl-barbituric acid.)
	Sigmodal, Recidon	(5-(2-bromoallyl)-5-(1-methylbutyl)-barbituric acid.)
	All lithium, sodium, potassium, magnesium, calcium, strontium, and ammonium salts of the foregoing chemical derivatives of barbituric acid.	
	Seconal	(sodium-5-allyl-5-(1-methylbutyl)-barbiturate.)
	All salts of the foregoing chemical derivative formed by replacing the sodium with lithium, potassium, magnesium, calcium, strontium, or ammonium radical.	
Bromal	Bromal Hydrate	(tribromoacetaldehyde hydrate.)
	Brometone	(2-(tribromomethyl)-2-propanol.)
	Bromoform	(tribromomethane.)
Cannabis Marihuana.	Extract of Cannabis.	
	Fluidextract of Cannabis.	
	Tincture of Cannabis.	
Carbromal	Acetylcarbromal	(α-bromo-α-ethylbutyryl-acetyl-urea.)
	Bromural	(α-bromoisovaleryl-urea.)
	Neuronal	(α-bromo-α, α-diethyl-acetamide.)
	Sedormid	(α-allylisovaleryl-urea.)
Chloral	Alpha-Chloralose	(α-(β-trichloro-α-hydroxyethyl)-d-glucoside.)
	Chloralformamide	(N-(β-trichloro-α-hydroxyethyl)-formamide.)
	Chloral Hydrate	(trichloroacetaldehyde hydrate.)
	Chloralimide	(trichloroethylidenimine.)
	Chlorobutanol	(2-(trichloromethyl)-2-propanol.)
Cocaine	All salts of cocaine obtained by combining cocaine with any acid.	
Codeine	Dicodid	(dihydro-codeinone.)
	Eucodal	(dihydrohydroxy-codeinone.)
	All salts of the foregoing chemical derivatives of codeine, and all salts of codeine, obtained by combining any such derivative or codeine with any acid.	
	Eucodin	(codeine methyl bromide.)
Heroin	All salts of heroin obtained by combining heroin with any acid.	
Morphine	Dilaudid	(dihydro-morphinone.)
	Ethylmorphine	
	Paramorphan	(dihydro-morphine.)
	All salts of the foregoing chemical derivatives of morphine, and all salts of morphine, obtained by combining any such derivative or morphine with any acid.	
Opium	Extract of Opium.	
	Fluidextract of Opium.	
	Tincture of Opium.	
Paraldehyde	Metaldehyde.	
Sulphonmethane	Sulfonethylmethane	(3,3-diethylsulfonyl-butane.)
	Sulfondiethylmethane	(3,3-diethylsulfonyl-pentane.)

This regulation shall become effective on the ninetieth day following the date of publication of this order in the FEDERAL REGISTER. (502 (d) and 701 (e) of the Federal Food, Drug, and Cosmetic Act. [52 Stat. 1050, 1055; 21 U.S.C. secs. 352 (d), 371 (e)], the Reorganization Act of 1939 (53 Stat. 561; 5 U.S.C. secs. 133–133t), Reorganization Plan No. I. Part 2 (53 Stat. 1423; 5 U.S.C. 82), and Reorganization Plan No. IV (54 Stat. 1234; 5 U.S.C. 97))

PAUL V. MCNUTT,
Administrator.

JANUARY 20, 1942.

[F. R. Doc. 42–617; Filed, January 21, 1942; 11:31 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A–1182]

PART 324.—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 4; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 324.8 (*Numerical list of mines*) is amended by adding thereto Supplement R–II, § 324.2 (*Seasonal discounts*) is amended by adding thereto Supplement R–III, § 324.9 (*Recapitulation of price classifications*) is amended by adding thereto Supplement R–IV, § 324.11 (*Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) is amended by adding thereto Supplement R–V, and § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

The prices established herein for the coals of the Spires Mine (Mine Index No. 2929) of Spires Coal Co., as shown in Supplement T, annexed hereto, are higher than those prayed for by the petitioner. The increase was effected in order to relate these coals properly to analogous and comparable coals produced in District No. 4.

No relief is granted herein as to the coals of the Davis Mine, Mine Index No. 1285, of L. & R. Coal Co. (John R. Landers) or the Charter Oak #2 Mine, Mine Index No. 14, of the Charter Oak Coal Co. (M. L. French) for all shipments except truck, for the reasons set forth in an order designating that portion of Docket No. A–1182 which relates to them as Docket No. A–1182 Part II, granting temporary relief therein as to Mine Index No. 1285, and scheduling a hearing therein.

No relief is granted herein as to the coals of the Bradford No. 1 Mine (Mine Index No. 2927) of the Bradford Collieries Corporation, c/o A. G. Newcomb, such coals having been heretofore classified and priced in Docket No. A–1176; the coals of Lewis & Dixon Mine (Mine Index No. 2462) of Lewis & Dixon, heretofore classified and priced in Docket No. A–260 under the mine name of Cambridge Hill—D; the coals of the Trout Mine (Mine Index No. 937) of Herbert Trout & Son (Herbert Trout), heretofore classified and priced in General Docket No. 15; or the coals of The Foraker #1 Mine (Mine Index No. 1003) of Clyde M. Foraker (Foraker Coal Company), heretofore classified and priced in Docket No. A–856.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[1] By a communication of December 8, 1941, the original petitioner indicated that it concurred in this departure from the relief sought in its petition.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Subdist. No.	Seam	Type	Shipping points in Ohio	Railroad	Freight origin group Nos.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12
2901	Bocon Mining Company (Harry L. Bord).	Boettler	4	4	Strip	Aultman	B&O	61	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	------	Q
324	Crescent Valley Mining Corp.	Lois #2	1	8	Strip	Maynard	W&LE	18	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	------	Q
326	Gray Brothers (Roy T. Gray)	Gray Brothers	4	6	Strip	Lisbon	Erie	71	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	------	Q
2900	Merrill, Bert	Merrill	7	4	Deep	Wellston	B&O	41	K	K	O	O	O	O	O	O	O	------	------	O
573	Tohol, D. J.	Tohol	1	8	Deep	Nelts	W&LE	18	O	O	O	O	O	O	Q	Q	Q	Q	------	Q
318	Van Fossan Bros. (Omar O. Van Fossan).	Van Fossan	7	1	Strip	Jackson	DT&I	42	O	O	O	------	------	------	------	------	------	------	------	------

§ 324.11 *Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*—Supplement R–V

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown. See Schedule of Effective Minimum Prices, § 324.11 (a)]

Name of railroad	Mine index Nos.	Additional mine index Nos.
Baltimore & Ohio Railroad Co.	10, 21, 30, 33, 38, 49, 59, 71, 72, 78, 81, 83, 87, 95, 96, 103, 104, 105, 115, 121, 124, 129, 136, 138, 144, 146, 147, 151, 154, 157, 158, 161.	Add Mine Index No. 2880.
Detroit, Toledo & Ironton Railroad Co.	8, 25, 133, 153, 181.	Add Mine Index No. 2901.
Erie Railroad		Add Mine Index No. 318.
Wheeling & Lake Erie Railway Co.	9, 24, 26, 32, 34, 45, 46, 52, 61, 66, 108, 132, 141, 142, 145, 148, 154.	Add Mine Index No. 573.
Akron, Canton & Youngstown Railway Co.	5, 12, 27, 43, 110, 119, 164.	Add Mine Index No. 324.
Ann Arbor Railroad Co.	From all Mine Index Nos. except those shown below. From Mine Index Nos. 2, 5, 7, 8, 12, 27, 43, 110, 119, 164.	Add Mine Index Nos. 573, 2880.
Canadian National Railways		
and		
Grand Trunk Railway System		
Canadian Pacific Railway Co.		
Detroit and Mackinac Railway Co.		
Detroit & Toledo Shore Line Railroad Co.	From all Mine Index Nos. except those shown below. From Mine Index Nos. 3, 5, 7, 8, 12, 101, 164.	Add Mine Index Nos. 573, 2880.
Erie Railroad		
New York, Chicago & St. Louis Railroad (New York, Chicago & St. Louis Railroad Co.)		Add Mine Index Nos. 318, 324, 326, 2901.
Pere Marquette Railway Co.		
For all railroads not shown above.		

[1] Prices as shown for Mine Index No. 133 in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to additional Mine Index Nos. 318 and 326 hereinabove noted.

Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

FOR TRUCK SHIPMENTS

Code member index	Mine	Mine index No.	Beam	Base sizes							
				6" lump	3", 4", 5" lump	2" lump	2" x 6" egg, 2" x 5" egg	1¼" lump, 1¼" x 6" egg	Mine run, nut and pea	2" x 0 slack	¾" x 0 slack
				1	2	3	4	5	6	7	8
SUBDISTRICT No. 1—EASTERN OHIO											
BELMONT COUNTY											
Crescent Valley Mining Corp.	Lois #2		224								
HARRISON COUNTY											
Fulton Coal Company, The, c/o H. J. Nelms.	Fulton No. 1		2696								
			8	275	265	260	225	220	210	190	180
			7							190	180
			6						210		
			5					220			
			4				225				
			3			265					
			2	285	265						
			1	275							

§ 324.2 *Seasonal discounts*—Supplement R–III

[On all shipments of coal in Size Groups 1 or 2 the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 12, inclusive, 98 and 99 (Great Lakes). River Shipments, Vessel Fuel and Railroad Fuel]

Mine index No.	Mine name	Code member	Freight origin district	Sub-District No.	Rail group No.	Railroad	Discount for shipments during the month of—				
							April	May	June	July	August
318	Van Fossan	Van Fossan Bros. (Omar O. Van Fossan)	Jackson	7	42	DT&I	30	20	10		
324	Lois #2	Crescent Valley Mining Corp.	Ohio No. 8	7	71	Erie					
326	Gray Brothers	Gray Brothers (Roy T. Gray)	Lestonia	7	71	Erie					
573	Tobol	Tobol, D. J.	Ohio No. 8	7	18	W&LE					
2901	Boetler	Boocon Mining Company (Harry L. Bord)	Middle	7	61	B&O					
2930	Merrill	Merrill, Bert	Jackson	7	41	B&O					

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19.		10, 21, 26, 30, 33, 34, 38, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add Mine Index No. 573.
Jackson	12, 14, 17, 18		12, 16, 37, 45, 68, 92, 110, 161	Add Mine Index No. 324.
	41	Add 42	133	Add Mine Index No. 318.
	41, 42, 43		2, 131, 134	Add Mine Index No. 2930.
Middle	52	Add 61	13, 108	Add Mine Index No. 2901.
Lestonia	72, 74	Add 71	3, 77, 159, 166	Add Mine Index No. 326.

Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.9 *Recapitulation of price classifications*—Supplement R–IV

Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas—See Schedule of Effective Minimum Prices, § 324.9, § 324.10. Also applies to Market Areas 98 and 99 (Great Lakes), § 324.11(b), and § 324.11(c), and Vessel Fuel, § 324.11(d)]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19.		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add Mine Index No. 573.
Jackson	12, 14, 17, 18		12, 16, 37, 45, 68, 92, 110, 161	Add Mine Index No. 324.
	41, 42, 43	Add 42	133	Add Mine Index No. 318.
			2, 131, 134	Add Mine Index No. 2930.
Middle	52	Add 61	13, 108	Add Mine Index No. 2901.
Lestonia	72, 74	Add 71	3, 77, 159, 166	Add Mine Index No. 326.

Prices as shown in § 324.9, § 324.10, § 324.11 (b), § 324.11 (c) and § 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T—Continued

Code member index	Mine	Mine index No.	Beam	Base sizes							
				6" lump	3", 4", 5" lump	2" lump	2" x 6" egg, 2" x 5" egg	1¼" lump, 1¼" x 6" egg	Mine run, nut and pea	2" x 0 slack	¾" x 0 slack
				1	2	3	4	5	6	7	8
SUBDISTRICT No. 1—EASTERN OHIO—Continued											
JEFFERSON COUNTY											
Gregory, John	Gregory # 2	325	8	275	265	260	225	220	210	190	180
SUBDISTRICT No. 2—CAMBRIDGE											
GUERNSEY COUNTY											
Hilton, Rose	Hilton	322	7	270	260	245	220	220	200	190	180
NOBLE COUNTY											
Frisbee Brothers (Howard Frisbee)	Frisbee Bros.	2926	9	270	260	245	220	220	200	190	180
Germantown Coal Co. (Grover C. Henderbot)	Germantown	315	8	270	260	245	220	220	200	190	180
SUBDISTRICT No. 4—MIDDLE											
COLUMBIANA COUNTY											
Gray Brothers (Roy T. Gray)	Gray Brothers	326	6	290	280	275	260	245	225	205	195
Ungaro, Dominic	Ungaro	327	6	300	290	275	260	245	225	205	195
COSHOCTON COUNTY											
Israel, Clyde	Israel	2880	5	290	280	270	245	240	195	185	185
Thomas, Fred	Thomas	2945		280	270	260	235	220	195	185	185
Valley View Coal Company (Robert Stubbs)	Valley View	2937	5	290	270	260	235	220	195	185	185
HOLMES COUNTY											
Blue Crystal Mines (W. Harrington)	Blue Crystal Mine #3	329	7	275	265	250	235	230	210	190	180
STARK COUNTY											
Paova Coal Company (W. R. Taylor)		2938	5 & 6	275	265	250	235	235	210	190	180
TUSCARAWAS COUNTY											
Blue Crystal Mines (W. Harrington)	Blue Crystal Mine #2	328	5	275	265	250	235	235	210	190	180
Fanti, Joe	Fanti	321	6	275	265	250	235	235	220	190	180
Scott Coal Company, The, c/o Earl L. Scott	Scott	2932	6	275	265	250	235	235	220	190	180
Windy Hollow Coal Co. (B. V. Riggs)	Windy Hollow	2933	6	275	265	250	235	235	220	190	180
SUBDISTRICT No. 5—HOCKING											
HOCKING COUNTY											
Howell Coal Company (R. R. Johnson)		317	6	295	285	275	260	245	195	185	185
VINTON COUNTY											
Power Coal Co. (Clarence Power)	Power Coal Co	316	6	295	285	275	250	245	195	185	185
SUBDISTRICT No. 6—CROOKSVILLE											
MUSKINGUM COUNTY											
Abbott, Lee		330	6	280	270	260	235	230	195	185	185
Orwig, C. A. (Orwig Coal Co.)	Hydraulic	322	6	290	270	260	235	230	195	185	185
SUBDISTRICT No. 7—JACKSON											
JACKSON COUNTY											
Franklin, Leo & James Denney (Leo Franklin)	West	2946	4	295	285	275	250	245	195	175	165
Gillen Coal Company (Wilford Gillen)	Gillen Coal Co	2933	2	295	285	275	250	245	195	175	165
Jenkins, John F	Bayre	319	4	295	285	275	260	245	195	175	165
Merrill, Bert	Merrill	2930	4	295	285	275	260	245	195	175	165
Spires Coal Co. (Clyde Spires)	Spires	2929	5	295	285	275	250	245	195	175	165
Van Fossan Bros. (Omar O. Van Fossan)		318	1	295	285	275	250	245	195	175	165
LAWRENCE COUNTY											
Edwards Mining Co., David C. (David C. Edwards)	Edwards, D. C	2934	4	295	285	275	260	245	195	175	165
VINTON COUNTY											
McArthur Brick Company, The (c/o L. W. Pilcher)	McArthur Brick Co	2940	4	295	285	275	260	245	195	165	155
SUBDISTRICT No. 8—POMEROY											
GALLIA COUNTY											
Harding, Ross	Harding	2931	8	295	285	275	260	245	195	140	140
MEIGS COUNTY											
F. & E. Coal Co. (Clarence Folmer)	F. & E	320	8	295	285	275	260	245	195	140	140

[F. R. Doc. 42-612; Filed, January 21, 1942; 11:28 a. m.]

[Docket No. A-1161]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT No. 10

SUPPLEMENTAL ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT 10 FOR TRUCK SHIPMENT

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Division by the above-named party requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District 10; and

An Order of Consolidation and Order Granting Temporary Relief and Conditionally Providing for Final Relief having been issued by the undersigned on December 4, 1941, 6 F.R. 6640, which granted no price classifications or minimum prices for the coals of the Pioneer Mine (Mine Index No. 1537) of the Pioneer Coal Co., because it did not appear at the time that the Pioneer Coal Co. was a member of the Bituminous Coal Code; and

It now being established that the Pioneer Coal Co. is a member of the Bituminous Coal Code; and

It further appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petition of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matters, temporary relief be and the same hereby is granted as follows: Commencing forthwith § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																						
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
Pioneer Coal Co., The	1637	Pioneer	6	255	230	245	230	230	235	145	170							185	180	180	180	180	170	170	160	130					

[F. R. Doc. 42-616; Filed, January 21, 1942; 11:29 a. m.]

[Docket No. A-1166]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER AMENDING ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT 10

In an Order of Consolidation and Order Granting Temporary Relief and Conditionally Providing for Final Relief, dated December 4, 1941, 6 F.R. 6640, in the above-entitled matters, minimum prices were established for the coals of the Putcreek Mine (Mine Index No. 1492) of Melvin Peak, for truck shipment, in accordance with those prayed in the original petition and alleged to be the same as those heretofore established for analogous and comparable coals.

Now, therefore, it is ordered, That pending final disposition of the above-entitled matter temporary relief is granted as follows: Commencing fifteen (15) days from the date hereof, the Order of Consolidation and Order Granting Temporary Relief and Conditionally Providing for Final Relief dated December 4, 1941, in the above-entitled matters, is amended to include the price classifications and minimum prices set forth in the schedule marked "Supplement T", § 330.25 (*General prices in cents per net ton for shipment into all market areas*), annexed hereto and hereby made a part hereof: and that, commencing fifteen (15) days from the date hereof, the price classifications and minimum prices previously established by the aforesaid Order of December 4, 1941, for the coals of Mine Index No. 1492 for truck shipment be, and they hereby are rescinded.

It is further ordered, That pleadings in opposition to the original petition, in so far as it relates to Mine Index No. 1492, in the above-entitled matter, and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																						
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION NO. 4, FULTON COUNTY																										
Peak, Melvin	1492	Putcreek	1	280	275	270	260	255	230	185	165	160	155	155	155	125	115	60													

[F. R. Doc. 42-615; Filed, January 21, 1942; 11:29 a. m.]

[Docket No. A-1208]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT MINE INDEX NO. 1087 IN DISTRICT NO. 10, FOR ALL SHIPMENTS EXCEPT TRUCK

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced at Mine Index No. 1087 in District No. 10, for all shipments except truck; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.2 (*Mine index numbers*) is amended by adding thereto Supplement R-I, and § 330.10 (*Special prices—(a) Railroad locomotive fuel prices*) is amended by adding thereto Supplement R-II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.2 *Mine index numbers*—Supplement R-I

Price group No.	Producer	Mine	Mine index No.	Freight origin group No.	Shipping point	Railroad
19	Geisel, Leo M. (Prairie State Coal Co.)	Mary Kay	1087	21	Marion, Ill.	IC.

§ 330.10 *Special prices*—(a) *Railroad locomotive fuel prices*—Supplement R-II. The f. o. b. mine prices for Mine Index No. 1087 shall be the same as the prices provided for the mines in Price Group 19 and Freight Origin Group 21 in Price Schedule No. 1 for District No. 10 for All Shipments Except Truck: *Provided, however*, That these prices apply f. o. b. shipping point as listed above. The railroad locomotive fuel prices shall be: 6" x 1¼" egg, $1.75; mine run, $1.70; screenings, $1.40.

[F. R. Doc. 42-614; Filed, January 21, 1942; 11:29 a. m.]

[Docket No. A-1178]

PART 332—MINIMUM PRICE SCHEDULE, DISTRICT NO. 12

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 12 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 12

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 12; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 332.2 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 332.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No relief is granted herein for the coals of Mine Index Nos. 489, 670, 537, and 448 because price classifications and minimum prices have been previously established for the coals of these mines.

No minimum prices are established herein for the coals of Mine Index No. 797 for truck shipment for the reasons set forth in an Order designating that portion of Docket No. A-1178 relating to such prices for these coals as Docket No. A-1178 Part II and granting temporary relief.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 12

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 332, Minimum Price Schedule for District No. 12 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 332.2 *Alphabetical list of code members*—Supplement R

[Listing of code members, mines, mine index numbers and mine origin groups (for delivery by railroad)]

Mine Index No.	Code member	Mine	Mine origin group	Originating railroad	Mine origin group No.
651	Barnett Coal Co. (John M. Barnett).	*Barnett Coal Co.	Flagler	CB&Q	26
779	Burk, Harold (H. B. Coal Company)	*H. B.	Hamilton	WAB-CB&Q	36
787	Deitrick, M.	*The Original Dunreath	Dunreath	WABASH	6
786	Diamond Block Coal Company	*Diamond Block Coal Co.	Pella	CRI&P	73
700	Evans, J. H. (J. H. Evans & Son Coal Co.).	*J. H. Evans & Son	Eddyville	M&StL-CRI&P	74
797	Jordan, John C.	*Joannie	Cincinnati	CB&Q	61
768	Lee-Z Coal Company (Arlen Amsberry).	*Lee-Z	Hamilton	WAB-CB&Q	36
486	Marlin, James (Marlin Coal Co.)	*Marlin Coal Co.	Bussey	WAB-CB&Q	31
420	Peerless Coal Co. (S. H. Vanderyl)	*Peerless	Monroe	CRI&P	54
518	Pewee Coal Company, %Chas. Brady.	*Pewee No. 3	Bussey & Hamilton.	WAB-CB&Q	56
801	Simpson, M. H. (Simpson Coal Co.).	*Simpson Coal Co.	Kirkville & Ottumwa.	CRI&P	72
636	Strother J. P.	*Laddsdale Coal Co.	Eldon	CRI&P	7
478	Superior Coal Co. (Nellie M. Curran).	*Superior	Kirkville & Ottumwa.	CRI&P	72
740	Wilkinson & Evans Coal Co. (John G. Evans).	*Wilkinson-Evans Coal Co.	Albia	M&StL-WAB-CB&Q	55

*Indicates mines shipping via public sidings and ramps to railway delivery.

FOR TRUCK SHIPMENTS

§ 332.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine name	Mine No.	Group No.	County	Chunk	Standard lump	Egg 8 x 2", 6 x 2"	Small egg 4 x 2", 3 x 1¼"	Mine run	Nut 2 x 1¼", 1¼ x ¾"	Dom. stoker ¾", 1 x ¾"	Screenings 2", ¼ x 0	Ind. stoker Cr. 2", 1¼", ¼" x 0	¾6" x 0
					1	2	3	4	5	6	7	8	9	10
Anderson-Whitehurst Mining Co., Inc. c/o R. J. Anderson.	Anderson-Whitehurst	793	18	Marion	300	290	280	270	270	270	270	160	220	100
Big 3 Coal Co. (C. W. Roberts).	Big 3 Coal Co.	792	19A	Marion	305	295	285	275	270	270	270	160	220	100
Blue Diamond Coal Co. (John Dursky).	Blue Diamond Coal Co.	795	23	Mahaska	318	308	298	288	273	273	273	166	228	100
Burk, Harold (H. B. Coal Company).	H. B.	779	18	Marion	300	290	280	270	270	270	270	160	220	100
Deitrick, M.	The Original Dunreath.	787	20	Marion	316	306	296	286	276	276	276	166	226	100
Marlin, James (Marlin Coal Co.)	Marlin Coal Co.	796	18	Marion	295	285	275	265	265	265	265	158	218	100
Premium Coal Co. (Glen A. Beebout).	Premium Coal Co.	796	19	Marion	305	295	285	275	275	265	265	166	226	100
Pure Coal Company (Lee B. Test).	Pure Coal	799	18	Marion	300	290	280	270	270	270	270	160	220	100
Saner & Easton Coal Company (W. R. Saner).	Saner & Easton Coal Co.	794	8	Davis	295	285	275	265	270	270	270	180	240	100
Seeley, Louis	Airdale	791	2	Appanoose	265	275	265	255	275	265	275	200	275	100
Simpson, M. H. (Simpson Coal Co.).	Simpson Coal Co.	801	11	Wapello	300	290	280	270	270	270	270	185	245	100

[F. R. Doc. 42-613; Filed, January 21, 1942; 11:26 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PARTS 130 AND 131—APPENDIX

PUBLIC CIRCULAR NO. 13 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JANUARY 20, 1942.

General Licenses Nos. 13,[2] 14,[3] 15,[4] 19,[5] 21[6] and 27[7] are hereby amended by deleting the final paragraph of each such general license.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 42-628; Filed, January 21, 1942; 12:37 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

AMENDMENT OF GENERAL LICENSE NO. 42A UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

JANUARY 20, 1942.

Paragraph (b) of General License No. 42A is hereby amended to read as follows:

§ 131.42a *General License No. 42A.*

* * * * * * *

(b) Every person licensed herein as a generally licensed national shall file with the appropriate Federal Reserve Bank a report under oath in triplicate setting forth (1) the name, address and nationality of such person; (2) a statement that such person is licensed as a generally licensed national under this general license; and (3) a statement that such person has filed a report on Form TFR-300 or that such person was not required to file such report because the total value of all property interests of such person to be reported was less than $1,000. Such report shall be filed on or before February 15, 1942, or within thirty days after the date upon which such person avails himself of the privileges of this general license, whichever is later. Any person not complying with this reporting requirement is not authorized to engage in any transaction under this general license. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 42-627; Filed, January 21, 1942; 12:37 p. m.]

[1] This public circular affects Parts 130 and 131 and will be included in appendices to those parts. Issued under the authority contained in section 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

[2] 6 F.R. 2788, 6792.

[3] 6 F.R. 2789.

[4] 6 F.R. 2790.

[5] 6 F.R. 3214.

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

PART 614—GROUPING AND SERIAL NUMBERING REGISTRATION CARDS

Correction

The headnote of § 614.2 of F.R. Doc. 42-501 appearing on page 388 of the issue for Tuesday, January 20, 1942 should read as follows:

§ 614.2 *Local board's registration report to State Director of Selective Service.*

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 971—ETHYL ALCOHOL AND RELATED COMPOUNDS

Amendment No. 3 to General Preference Order No. M-30 to Conserve the Supply and Direct the Distribution of Ethyl Alcohol and Related Compounds

Section 971.1 (*General Preference Order No. M-30*) is hereby amended to read as follows:

Whereas the national defense requirements have created shortages of Ethyl Alcohol and Related Compounds for defense, for private account, and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof:

Now, therefore, it is hereby ordered, That:

§ 971.1 *General Preference Order M-30*—(a) *Definitions.* For the purposes of this Order:

(1) "Ethyl Alcohol" means ethyl alcohol of 160 degrees proof or more produced in industrial alcohol plants, established under Regulation 3 of the Bureau of Internal Revenue issued pursuant to provisions of sections 3100 to 3124 inclusive, Internal Revenue Code, and withdrawn, denatured or undenatured, for industrial purposes pursuant to the provisions of such regulation; and distilled spirits of 160 degrees proof or more produced in registered distilleries, established under Internal Revenue Laws, and withdrawn therefrom or from Internal Revenue bonded warehouses for industrial purposes pursuant to the provisions of section 2883, Internal Revenue Code, as amended by the Act of January —,[1] 1942, and regulations prescribed thereunder, and shall include proprietary solvent.

(2) "Related Compounds" means acetic acid, acetic anhydride, acetone, ethyl ether, ethyl acetate, butyl alcohol, butyl acetate, isopropyl alcohol and isopropyl acetate, from whatever source derived.

(3) "Producer" means any person engaged in the production of Ethyl Alcohol or Related Compounds, and includes any person who has Ethyl Alcohol or any Related Compounds produced for him pursuant to toll agreement.

(4) "Distributor" means any person who has purchased or purchases Ethyl Alcohol or any Related Compounds for purposes of resale.

(5) "Calendar Quarter" means the several three month periods of the year, commencing January 1, April 1, July 1 and October 1.

(b) *Applicability of Priorities Regulation No. 1.* This Order and all transactions in Ethyl Alcohol and Related Compounds affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(c) *Restrictions on use and deliveries of ethyl and isopropyl alcohol.* Anything in Priorities Regulation No. 1 to the contrary notwithstanding, and except as hereafter may be otherwise directed by the Director of Priorities:

(1) No person shall, during any Calendar Quarter commencing January 1, 1942, accept delivery of Ethyl Alcohol for any purpose not specified in subparagraphs (c) (2) and (4) hereof in excess of 100% of the quantity of Ethyl Alcohol which he used (distributed in the case of a Distributor) for such purpose during the corresponding Calendar Quarter in the twelve months' period ended June 30, 1941.

(2) No person shall, during any Calendar Quarter commencing January 1, 1942, accept delivery of Ethyl Alcohol for a purpose set forth below in excess of that percentage, set opposite such purpose, of the quantity of Ethyl Alcohol which he used (distributed in the case of a Distributor) for such purpose during the corresponding Calendar Quarter in the twelve months' period ended June 30, 1941.

Purpose	Percentage
Hair and Scalp Preparations	75% during the calendar quarter commencing January 1, 1942.
Bay Rum	
Shampoos	
Face and Hand Lotions	
Body Deodorants	
Toilet Waters	
Perfume and Perfume Tinctures	
Toilet Soaps (including Shaving Cream)	
Mouth Washes	70% during each calendar quarter thereafter.
Tooth Cleaning Preparations	
Perfume Materials and Fixatives	
Rubbing Alcohol	
Witch Hazel	
Deodorant Sprays (nonbody)	
Vinegar	
Candy Glazes	

(3) The provisions of subparagraphs (c) (1) and (2) hereof shall be applicable with respect to the quantities of Isopropyl Alcohol, delivery of which, during any Calendar Quarter, a person may accept.

(4) Persons may, subject to Priorities Regulation No. 1, accept delivey of Ethyl or Isopropyl Alcohol for the purposes set forth below without limitation.

Acetone.
Military Explosives.
Acetic Acid (except Vinegar for food use).
Ethyl and Isopropyl Acetate.
Ethyl Chloride.
Other Ethyl Esters.
Plastics and Resins.
Acetaldehyde.
Ethyl Ether.
Health Supplies (as defined in Preference Rating Order P-29, as amended to September 30, 1941).
Ethers, Glycol and Other Fulminate of Mercury.
Ethylene Dibromide.
Xanthates.
Ethylene Gas and Ethylene Oxide.
Dyes and Intermediates.
Nitrocellulose (dehydration).
Diethylamine (for the manufacture of synthetic rubber).

(5) No Producer shall, during any Calendar Quarter commencing January 1, 1942, use either Ethyl or Isopropyl Alcohol in excess of the quantity of Ethyl or Isopropyl Alcohol, respectively, delivery of which he may accept pursuant to subparagraphs (c) (1), (2) and (3) above.

(6) No Producer or Distributor shall deliver any Ethyl or Isopropyl Alcohol to any person during any Calendar Quarter unless, prior to such delivery, the deliveree shall have submitted to the deliveror a certificate, properly filled out and manually signed by a duly authorized official, in substantially the following form:

The delivery, during this Calendar Quarter, of ——— gallons of ——————— alcohol, which the undersigned requires for a purpose set forth, either specifically or otherwise, in subparagraph (c) ( ) of General Preference Order No. M-30, as amended, and in connection with which this certificate is submitted, will not be, taking into consider-

[1] Omitted on original document.

§ 324.11 *Special prices—(a) Railroad fuel prices for all movements except cargo railroad fuel*—Supplement R-V

[Railroad to client prices for all movements exclusive of take cargo railroad fuel movements as shown in Group Nos. 1 to railroads as shown in the Schedule of Effective Minimum Prices in § 324.11 (a)]

Name of railroad	Mine index Nos.	Additional mine index Nos.
Baltimore & Ohio Railroad Co	10, 21, 30, 31, 34, 35, 42, 49, 56, 71, 72, 78, 81, 85, 87, 90, 101, 104, 106, 116, 121, 122, 123, 124, 127, 128, 134, 135, 144, 145, 147, 151, 152, 153, 157, 164	Add Mine Index No. 573.
Detroit, Toledo & Ironton Railroad Co	9, 21, 26, 37, 42, 43, 53, 81, 90, 102, 122, 123, 124, 127, 128, 134, 135, 144, 145, 147, 151, 152, 164	Add Mine Index No. 573.
Erie Railroad	A, 12, 37, 45, 110, 119	Add Mine Index No. 324.
Wheeling & Lake Erie Railway Co		Add Mine Index No. 573.
Akron, Canton & Youngstown Railway Co.	A, 12, 37, 45, 110, 119	Add Mine Index No. 324.
Ann Arbor Railroad Co	From all Mine Index Nos. except those shown below	Add Mine Index No. 324.
Canadian National Railways	From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 26, 37, 45, 48, 68, 77, 79, 97, 108, 110, 119, 133, 151, 156, 161, 166	Add Mine Index No. 2801
Grand Trunk Railway System		
Canadian Pacific Railway Co.		
Detroit and Mackinac Railway Co.		
Detroit & Toledo Shore Line Railroad Co.	From all Mine Index Nos. except those shown below	Add Mine Index No. 324.
Erie Railroad	From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 26, 37, 45, 48, 68, 77, 79, 97, 108, 110, 119, 133, 151, 156, 161, 166	Add Mine Index No. 2801
Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.)		
Pere Marquette Railway Co.		
For all railroads not shown above		

[1 Prices as shown for Mine Index No. 133 in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to additional Mine Index Nos. 318 and 324 hereinabove noted. Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to additional mine index numbers hereinabove noted.

FOR TRUCK SHIPMENTS

§ 324.24 *General prices in cents per net ton for shipment into all market areas*

Supplement T

Subdistrict No.	Mine	Mine index No.	Size	Prices for shipment during the month of—											
				April		May		June		July		August			
				1	2	3	4	5	6	7	8	9	10	11	12
SUBDISTRICT NO. 1—EASTERN OHIO—Continued															
JEFFERSON COUNTY															
Gregory, John	Gregory #2	3425	Lump			265	280	225	220	210	190	180			
SUBDISTRICT NO. 2—CAMBRIDGE															
GUERNSEY COUNTY															
Hilton, Rose	Hilton	3372	Lump			270	260	240	230	220	200	200	190		
NOBLE COUNTY															
Frisbee Brothers (Howard Frisbee)	Frisbee Bros.	2926	Lump			270	260	245	230	220	220	200	190		
Germantown Coal Co. (Grover C. Heidenreich)	Germantown	3115	Lump			270	260	245	230	220	220	200	190		
SUBDISTRICT NO. 4—MIDDLE															
COLUMBIANA COUNTY															
Gray Brothers (Roy T. Gray)	Gray Brothers	329	Lump			300	260	275	250	245	225	205	195		
Ungaro, Dominic	Ungaro	327	Lump			300	260	275	250	245	225	205	195		
COSHOCTON COUNTY															
Israel, Clyde	Israel	2939	Lump			290	280	270	245	240	195	165	155		
Thomas, Fred	Thomas	3341	Lump			290	270	260	235	230	195	165	155		
Valley View Coal Company (Robert Stutts)	Valley View	2937	Lump			290	270	260	235	230	195	165	155		
HOLMES COUNTY															
Blue Crystal Mines (W. Harrington)	Blue Crystal Mine #3	329	Lump			275	265	250	235	235	210	190	180		
STARK COUNTY															
[illegible]	[illegible]	3438	Lump			275	265	250	235	225	210	190	180		
TUSCARAWAS COUNTY															
Blue Crystal Mines (W. Harrington)	Blue Crystal Mine #2	328	Lump			275	265	250	235	225	210	190	180		
Fanti, Joe	Fanti	321	Lump			275	265	250	235	225	210	190	180		
Scott Coal Company, The, c/o Earl L. Scott	Scott	2932	Lump			275	265	250	235	225	210	190	180		
Windy Hollow Coal Co. (B. V. Riggs)	Windy Hollow	2933	Lump			275	265	250	235	225	210	190	180		
SUBDISTRICT NO. 5—HOCKING															
HOCKING COUNTY															
Howell Coal Company (R. R. Johnson)		317	Lump			295	285	275	250	245	195	165	155		
VINTON COUNTY															
Power Coa. Co. (Clarence Power)	Power Coal Co	316	Lump			295	285	275	250	245	195	165	155		
SUBDISTRICT NO. 6—CROOKSVILLE															
MUSKINGUM COUNTY															
Abbott, Lee		330	Lump			280	270	260	235	230	195	165	165		
Orwig, C. A. (Orwig Coal Co.)	Hydraulic	323	Lump			280	270	260	235	230	195	165	165		
SUBDISTRICT NO. 7—JACKSON															
JACKSON COUNTY															
Franklin, Leo & James Denney (Leo Franklin)	West	2946	Lump			295	285	275	250	245	195	175	165		
Gillen Coal Company (Wilford Gillen)	Gillen Coal Co	2935	Lump			295	285	275	250	245	195	175	165		
Jenkins, John F	Sayre	319	Lump			295	285	275	250	245	195	175	165		
Merrill, Bert	Merrill	2930	Lump			295	285	275	250	245	195	175	165		
Spires Coal Co. (Clyde Spires)	Spires	2929	Lump			295	285	275	250	245	195	175	165		
Van Fossan Bros. (Omar O. Van Fossan)		318	Lump			295	285	275	250	245	195	175	165		
LAWRENCE COUNTY															
Edwards Mining Co., David C. (David C. Edwards)	Edwards, D. C	2934	Lump			295	285	275	250	245	195	175	165		
VINTON COUNTY															
McArthur Brick Company, The (c/o L. W. Pilcher)	McArthur Brick Co	2940	Lump			295	285	275	250	245	195	165	155		
SUBDISTRICT NO. 8—POMEROY															
GALLIA COUNTY															
Harding, Ross	Harding	2931	Lump			295	285	275	250	245	195	140	140		
MEIGS COUNTY															
F. & E. Coal Co. (Clarence Folmer)	F. & E	320	Lump			295	285	275	250	245	195	140	140		

[F. R. Doc. 42-612; Filed, January 21, 1942; 11:28 a. m.]

ING FOR FINAL RELIEF IN THE MATTER OF THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT 10 FOR TRUCK SHIPMENT

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with the Division by the above-named party requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District 10; and

An Order of Consolidation and Order Granting Temporary Relief and Conditionally Providing for Final Relief having been issued by the undersigned on December 4, 1941, 6 F.R. 6640, which granted no price classifications or minimum prices for the coals of the Pioneer Mine (Mine Index No. 1537) of the Pioneer Coal Co., because it did not appear at the time that the Pioneer Coal Co. was a member of the Bituminous Coal Code; and

It now being established that the Pioneer Coal Co. is a member of the Bituminous Coal Code; and

It further appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petition of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matters, temporary relief be and the same hereby is granted as follows: Commencing forthwith § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

§ 324.8 *Numerical list of mines*—Supplement R-II

Mine index No.	Mine name	Code member	Freight origin district	Freight origin group No.	Rail-road	Sub-district No.
313	Van Fossan	Van Fossan Bros. (Omar O. Van Fossan)	Jackson	42	DT&I	7
324	Lola #2	Crescent Valley Mining Corp.	Ohio No. 8	18	W&LE	7
326	Gray Brothers	Gray Brothers (Roy T. Gray)	Leetonia	71	W&LE	7
573	Tobol	Tobol, D. J.	Ohio No. 8	18	B&O	7
2931	Boettler	Boettler Mining Company (Harry L. Boettler)	Middle	61	B&O	4
2960	Merrill	Merrill, Bert	Jackson	41	B&O	7

§ 324.2 *Seasonal discounts*—Supplement R-III

[On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 13, inclusive, 98 and 99 (Great Lakes). River Shipments, Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin group Nos.	Addl. (small) freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Discount for shipments during the month of— April	May	June	July	August
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19.		10, 21, 26, 30, 31, 34, 35, 42, 43, 56, 57, 65, 78, 81, 85, 87, 90, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add Mine Index No. 573.	30	20	10		
Jackson	41	Add 42	12, 16, 37, 45, 68, 92, 119, 161	Add Mine Index No. 324. Add Mine Index No. 2931.	30	20	10		
	41, 42, 43		133		50	40	30	20	10
			2, 131, 134	Add Mine Index No. 2930.					
Middle	52	Add 61	13, 108	Add Mine Index No. 2931.	30	20	10		
Leetonia	72, 74	Add 71	3, 77, 159, 166	Add Mine Index No. 326.	30	20	10		

Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.9 *Recapitulation of price classifications*—Supplement R-IV

Prices for all rail shipment from mined indexed below into market areas as shown. For shipment into all market areas—See Schedule of Effective Minimum Prices in § 324.10. Also applies to Market Areas 98 and 99 (Great Lakes). [§ 324.11(b), and § 324.11(c), and Vessel Fuel, § 324.11(d)]

Freight origin districts	Freight origin group Nos.	Addl. (small) freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19.		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 85, 92, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add Mine Index No. 573.
Jackson	12, 14, 17, 18	Add 42	12, 16, 37, 45, 68, 92, 119, 161	Add Mine Index No. 324. Add Mine Index No. 2931.
	41, 42, 43		133	
			2, 131, 134	Add Mine Index No. 2930.
Middle	52	Add 61	13, 108	Add Mine Index No. 2931.
Leetonia	72, 74	Add 71	3, 77, 159, 166	Add Mine Index No. 326.

Prices as shown in § 324.9, § 324.10, § 324.11 (b), § 324.11 (c) and § 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																								
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
			6	265	260	245	235	230	225	185	170									185	180	180	180	170	170	160	130				
Pioneer Coal Co., The	1637	Pioneer																												

[F. R. Doc. 42-616; Filed, January 21, 1942; 11:30 a. m.]

[Docket No. A-1166]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER AMENDING ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION FOR RELIEF IN THE MATTER OF THE ESTABLISHMENT OF DISTRICT BOARD 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT 10

In an Order of Consolidation and Order Granting Temporary Relief and Conditionally Providing for Final Relief, dated December 4, 1941, 6 F.R. 6640, in the above-entitled matters, minimum prices were established for the coals of the Putcreek Mine (Mine Index No. 1492) of Melvin Peak, for truck shipment, in accordance with those prayed in the original petition and alleged to be the same as those heretofore established for analogous and comparable coals.

Thereafter, on December 19, 1941, District Board 10 filed a motion to modify the prices thus established for the coals of Mine Index No. 1492 for truck shipment on the ground that they conform with those heretofore established for mines working the No. 5 Seam, whereas the mine in question actually operates in the No. 1 Seam.

No petitions of intervention have been filed with the Division in the above-entitled matter.

It appears that the minimum prices now temporarily effective for the coals of Mine Index No. 1492, for truck shipment, should be modified to conform with those heretofore established for mines working the No. 1 Seam in the same locality, and that the following action is necessary in order to effectuate the purposes of the Act:

Now, therefore, it is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing fifteen (15) days from the date hereof, the Order of Consolidation and Order Granting Temporary Relief and Conditionally Providing for Final Relief dated December 4, 1941, in the above-entitled matters, is amended to include the price classifications and minimum prices set forth in the schedule marked "Supplement T", § 330.25 (*General prices in cents per net ton for shipment into all market areas*), annexed hereto and hereby made a part hereof; and that, commencing fifteen (15) days from the date hereof, the price classifications and minimum prices previously established by the aforesaid Order of December 4, 1941, for the coals of Mine Index No. 1492 for truck shipment be, and they hereby are rescinded.

It is further ordered, That pleadings in opposition to the original petition, in so far as it relates to Mine Index No. 1492, in the above-entitled matters, and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 10, 1942.

DAN H. WHEELER,
Acting Director.

[SEAL]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																								
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION NO. 4, FULTON COUNTY																												
Peak, Melvin	1492	Putcreek	1	280	275	270	260	235	230	185	165	160	155	165	155	125	115	60												

[F. R. Doc. 42-615; Filed, January 21, 1942; 11:29 a. m.]

[Docket No. A-1207]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT MINE INDEX NO. 1067 IN DISTRICT NO. 10, FOR ALL SHIPMENTS EXCEPT TRUCK

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced at Mine Index No. 1067 in District No. 10, for all shipments except truck; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.2 (*Mine index numbers*) is amended by adding thereto Supplement R–I, and § 330.10 (*Special prices*—(a) *Railroad locomotive fuel prices*) is amended by adding thereto Supplement R–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 10

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.2 *Mine index numbers*—Supplement R–I

Price group No.	Produce:	Mine	Mine Index No.	Freight origin group No.	Shipping point	Railroad
19	Geisal, Leo M. (Prairie State Coal Co.)	Mary Kay	1087	21	Marissa, Ill.	IC.

§ 330.10 *Special prices*—(a) *Railroad locomotive fuel prices*—Supplement R–II. The f. o. b. mine prices for Mine Index No. 1087 shall be the same as the prices provided for the mines in Price Group 19 and Freight Origin Group 21 in Price Schedule No. 1 for District No. 10 for All Shipments Except Truck: *Provided, however*, That these prices apply f. o. b. shipping point as listed above. The railroad locomotive fuel prices shall be: 6" x 1¼" egg, $1.75; mine run, $1.70; screenings, $1.40.

[F. R. Doc. 42-614; Filed, January 21, 1942; 11:20 a. m.]

[Docket No. A-1178]

PART 332—MINIMUM PRICE SCHEDULE, DISTRICT NO. 12

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 12 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 12

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 12; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 332.2 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 332.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No relief is granted herein for the coals of Mine Index Nos. 489, 670, 537, and 448 because price classifications and minimum prices have been previously established for the coals of these mines.

No minimum prices are established herein for the coals of Mine Index No. 797 for truck shipment for the reasons set forth in an Order designating that portion of Docket No. A–1178 relating to such prices for these coals as Docket No. A–1178 Part II and granting temporary relief.

Dated: January 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 12

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 332, Minimum Price Schedule for District No. 12 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 332.2 *Alphabetical list of code members*—Supplement R

[Listing of code members, mines, mine index numbers and mine origin groups (for delivery by railroad)]

Mine index No.	Code member	Mine	Mine origin group	Originating railroad	Mine origin group No.
651	Barnett Coal Co. (John M. Barnett).	*Barnett Coal Co.	Flagler	CB&Q	26
779	Burk, Harold (H. B. Coal Company).	*H. B.	Hamilton	WAB-CB&Q	36
787	Deitrick, M.	*The Original Dunreath	Dunreath	WABASH	6
586	Diamond Block Coal Company	*Diamond Block Coal Co.	Pella	CRI&P	73
500	Evans, J. H. (J. H. Evans & Son Coal Co.).	*J. H. Evans & Son	Eddyville	M&StL-CRI&P	74
597	Jordan, John C.	*Joannie	Cincinnati	CB&Q	61
563	Lee-Z Coal Company (Arlen Amsberry).	*Lee-Z	Hamilton	WAB-CB&Q	36
586	Marlin, James (Marlin Coal Co.).	*Marlin Coal Co.	Bussey	WAB-CB&Q	31
420	Peerless Coal Co. (S. H. Vanderzyl)	*Peerless	Monroe	CRI&P	54
518	Peewee Coal Company, %Chas. Brady.	*Peewee No. 3	Bussey & Hamilton.	WAB-CB&Q	56
501	Simpson, M. H. (Simpson Coal Co.).	*Simpson Coal Co.	Kirkville & Ottumwa.	CRI&P	72
636	Strother J. P.	*Laddsdale Coal Co.	Eldon	CRI&P	7
478	Superior Coal Co. (Nellie M. Curran).	*Superior	Kirkville & Ottumwa.	CRI&P	72
740	Wilkinson & Evans Coal Co. (John G. Evans).	*Wilkinson-Evans Coal Co.	Albia	M&StL-WAB-CB&Q	55

*Indicates mines shipping via public sidings and ramps for railway delivery.

FOR TRUCK SHIPMENTS

§ 332.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine name	Mine No.	Group No.	County	Chunk	Standard lump	Egg 3" x 2", 6" x 2"	Small egg 4" x 2", 3" x 1¼"	Mine run	Nut 2" x 1¼", 1¼" x ¾"	Dom. stoker 1¼" x ¾", ¾" x 0	Screenings 2", 1¼" x 0	Ind. stoker 1¼", 1¼" x 0	Cr. 2", ¾" x 0
					1	2	3	4	5	6	7	8	9	10
Anderson-Whitehurst Mining Co., Inc. c/o R. J. Anderson.	Anderson-Whitehurst	793	18	Marion	300	290	280	270	270	270	270	160	220	100
Big 3 Coal Co. (C. W. Roberts).	Big 3 Coal Co.	792	19A	Marion	305	295	285	275	270	270	270	160	220	100
Blue Diamond Coal Co. (John Dursky).	Blue Diamond Coal Co.	795	23	Mahaska	318	308	298	288	273	273	273	168	228	100
Burk, Harold (H. B. Coal Company).	H. B.	779	18	Marion	300	290	280	270	270	270	270	160	220	100
Deitrick, M.	The Original Dunreath.	787	20	Marion	316	306	296	286	276	276	276	166	226	100
Marlin, James (Marlin Coal Co.)	Marlin Coal Co.	786	18	Marion	286	286	278	268	268	268	268	158	218	100
Premium Coal Co. (Glen A. Beebout).	Premium Coal Co.	796	19	Marion	306	296	286	276	266	266	266	166	226	100
Pure Coal Company (Lee B. Test).	Pure Coal	789	18	Marion	300	290	280	270	270	270	270	160	220	100
Saner & Easton Coal Company (W. R. Saner).	Saner & Easton Coal Co.	794	6	Davis	295	285	275	265	270	270	270	180	240	100
Seeley, Louis	Airdale	791	2	Appanoose	285	275	265	255	275	265	275	200	275	100
Simpson, M. H. (Simpson Coal Co.).	Simpson Coal Co.	801	11	Wapello	300	290	280	270	270	270	270	185	245	100

[F. R. Doc. 42-613; Filed, January 21, 1942; 11:28 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PARTS 130 AND 131—APPENDIX

PUBLIC CIRCULAR NO. 13 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JANUARY 20, 1942.

General Licenses Nos. 13,[2] 14,[3] 15,[4] 19,[5] 21[6] and 27[7] are hereby amended by deleting the final paragraph of each such general license.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 42-628; Filed, January 21, 1942; 12:37 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

AMENDMENT OF GENERAL LICENSE NO. 42A UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

JANUARY 20, 1942.

Paragraph (b) of General License No. 42A is hereby amended to read as follows:

§ 131.42a *General License No. 42A.*

* * * * *

(b) Every person licensed herein as a generally licensed national shall file with the appropriate Federal Reserve Bank a report under oath in triplicate setting forth (1) the name, address and nationality of such person; (2) a statement that such person is licensed as a generally licensed national under this general license; and (3) a statement that such person has filed a report on Form TFR-300 or that such person was not required to file such report because the total value of all property interests of such person to be reported was less than $1,000. Such report shall be filed on or before February 15, 1942, or within thirty days after the date upon which such person avails himself of the privileges of this general license, whichever is later. Any person not complying with this reporting requirement is not authorized to engage in any transaction under this general license. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 42-627; Filed, January 21, 1942; 12:37 p. m.]

[1] This public circular affects Parts 130 and 131 and will be included in appendices to those parts. Issued under the authority contained in section 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

[2] 6 F.R. 2788, 6792.

[3] 6 F.R. 2789.

[4] 6 F.R. 2790.

[5] 6 F.R. 3214.

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

PART 614—GROUPING AND SERIAL NUMBERING REGISTRATION CARDS

Correction

The headnote of § 614.2 of F.R. Doc. 42-501 appearing on page 388 of the issue for Tuesday, January 20, 1942 should read as follows:

§ 614.2 *Local board's registration report to State Director of Selective Service.*

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 971—ETHYL ALCOHOL AND RELATED COMPOUNDS

Amendment No. 3 to General Preference Order No. M-30 to Conserve the Supply and Direct the Distribution of Ethyl Alcohol and Related Compounds

Section 971.1 (*General Preference Order No. M-30*) is hereby amended to read as follows:

Whereas the national defense requirements have created shortages of Ethyl Alcohol and Related Compounds for defense, for private account, and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof:

Now, therefore, it is hereby ordered, That:

§ 971.1 *General Preference Order M-30*—(a) *Definitions.* For the purposes of this Order:

(1) "Ethyl Alcohol" means ethyl alcohol of 160 degrees proof or more produced in industrial alcohol plants, established under Regulation 3 of the Bureau of Internal Revenue issued pursuant to provisions of sections 3100 to 3124 inclusive, Internal Revenue Code, and withdrawn, denatured or undenatured, for industrial purposes pursuant to the provisions of such regulation; and distilled spirits of 160 degrees proof or more produced in registered distilleries, established under Internal Revenue Laws, and withdrawn therefrom or from Internal Revenue bonded warehouses for industrial purposes pursuant to the provisions of section 2883, Internal Revenue Code, as amended by the Act of January —,[1] 1942, and regulations prescribed thereunder, and shall include proprietary solvent.

(2) "Related Compounds" means acetic acid, acetic anhydride, acetone, ethyl ether, ethyl acetate, butyl alcohol, butyl acetate, isopropyl alcohol and isopropyl acetate, from whatever source derived.

(3) "Producer" means any person engaged in the production of Ethyl Alcohol or Related Compounds, and includes any person who has Ethyl Alcohol or any Related Compounds produced for him pursuant to toll agreement.

(4) "Distributor" means any person who has purchased or purchases Ethyl Alcohol or any Related Compounds for purposes of resale.

(5) "Calendar Quarter" means the several three month periods of the year, commencing January 1, April 1, July 1 and October 1.

(b) *Applicability of Priorities Regulation No. 1.* This Order and all transactions in Ethyl Alcohol and Related Compounds affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(c) *Restrictions on use and deliveries of ethyl and isopropyl alcohol.* Anything in Priorities Regulation No. 1 to the contrary notwithstanding, and except as hereafter may be otherwise directed by the Director of Priorities:

(1) No person shall, during any Calendar Quarter commencing January 1, 1942, accept delivery of Ethyl Alcohol for any purpose not specified in subparagraphs (c) (2) and (4) hereof in excess of 100% of the quantity of Ethyl Alcohol which he used (distributed in the case of a Distributor) for such purpose during the corresponding Calendar Quarter in the twelve months' period ended June 30, 1941.

(2) No person shall, during any Calendar Quarter commencing January 1, 1942, accept delivery of Ethyl Alcohol for a purpose set forth below in excess of that percentage, set opposite such purpose, of the quantity of Ethyl Alcohol which he used (distributed in the case of a Distributor) for such purpose during the corresponding Calendar Quarter in the twelve months' period ended June 30, 1941.

Purpose	Percentage
Hair and Scalp Preparations	75% during the calendar quarter commencing January 1, 1942.
Bay Rum	
Shampoos	
Face and Hand Lotions	
Body Deodorants	
Toilet Waters	70% during each calendar quarter thereafter.
Perfume and Perfume Tinctures	
Toilet Soaps (including Shaving Cream)	
Mouth Washes	
Tooth Cleaning Preparations	
Perfume Materials and Fixatives	
Rubbing Alcohol	
Witch Hazel	
Deodorant Sprays (nonbody)	
Vinegar	
Candy Glazes	

(3) The provisions of subparagraphs (c) (1) and (2) hereof shall be applicable with respect to the quantities of Isopropyl Alcohol, delivery of which, during any Calendar Quarter, a person may accept.

(4) Persons may, subject to Priorities Regulation No. 1, accept delivey of Ethyl or Isopropyl Alcohol for the purposes set forth below without limitation.

Acetone.
Military Explosives.
Acetic Acid (except Vinegar for food use).
Ethyl and Isopropyl Acetate.
Ethyl Chloride.
Other Ethyl Esters.
Plastics and Resins.
Acetaldehyde.
Ethyl Ether.
Health Supplies (as defined in Preference Rating Order P-29, as amended to September 30, 1941).
Ethers, Glycol and Other Fulminate of Mercury.
Ethylene Dibromide.
Xanthates.
Ethylene Gas and Ethylene Oxide.
Dyes and Intermediates.
Nitrocellulose (dehydration).
Diethylamine (for the manufacture of synthetic rubber).

(5) No Producer shall, during any Calendar Quarter commencing January 1, 1942, use either Ethyl or Isopropyl Alcohol in excess of the quantity of Ethyl or Isopropyl Alcohol, respectively, delivery of which he may accept pursuant to subparagraphs (c) (1), (2) and (3) above.

(6) No Producer or Distributor shall deliver any Ethyl or Isopropyl Alcohol to any person during any Calendar Quarter unless, prior to such delivery, the deliveree shall have submitted to the deliveror a certificate, properly filled out and manually signed by a duly authorized official, in substantially the following form:

The delivery, during this Calendar Quarter, of ------ gallons of ---------- alcohol, which the undersigned requires for a purpose set forth, either specifically or otherwise, in subparagraph (c) ( ) of General Preference Order No. M-30, as amended, and in connection with which this certificate is submitted, will not be, taking into consider-

[1] Omitted on original document.

ation ---------- alcohol received and to be received during this Calendar Quarter from all sources, in excess of ------ percent of the quantity of alcohol which the undersigned used for the same purpose during the corresponding Calendar Quarter in the twelve months' period ended June 30, 1941, and will not be in excess of the quantity of ---------- alcohol to which the undersigned is entitled pursuant to said Order, with the terms of which the undersigned is familiar.

Dated ----------

(Name of Deliveree)

By----------

(Duly Authorized Official)

If a delivery is for one of the purposes specified in subparagraph (c) (4) hereof, it will be sufficient to certify to that fact alone.

(7) The restrictions and requirements hereinabove set forth with respect to the use and Delivery of Ethyl and Isopropyl Alcohol shall not apply to delivery to, or for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development.

(ii) The government of any of the following countries: The United Kingdom, Canada and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia; and

(iii) The government of any country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(iv) Persons holding permits issued by the Bureau of Internal Revenue permitting them to acquire such Ethyl Alcohol tax free.

(v) Fill orders bearing a preference rating of A-1-j or higher for such Ethyl Alcohol.

Quantities permitted hereunder shall be in addition to quantities permitted under subparagraphs (c) (1), (2) and (3) hereof.

(d) *Small order exemption.* The restrictions and requirements set forth in paragraph (c) hereof shall not be applicable with respect to deliveries of Ethyl or Isopropyl Alcohol to any one person during any one month in quantities aggregating fifty-four gallons or less of either.

(e) *Preference ratings assigned to deliveries of isopropyl alcohol.* Unless a higher preference rating has been, or is hereafter, assigned thereto, deliveries of Isopropyl Alcohol for the uses set forth below are hereby assigned the preference rating set opposite each such use as follows:

Use	Preference rating
Acetone	B-1
Chemicals, Chemical Products and Chemical Processing	B-3
Drugs and Pharmaceuticals (not including Rubbing Alcohol)	B-5
Anti Freeze	B-7

(f) *Restrictions on production of ethyl and butyl alcohol.* Except as may be otherwise directed by the Director of Priorities, no Producer shall, after January 15, 1942, produce Ethyl or Butyl Alcohol from Molasses (as defined in General Preference Order No. M-54) unless his equipment and facilities capable of producing Ethyl or Butyl Alcohol from corn or grain are being utilized to the fullest extent possible in the production of Ethyl or Butyl Alcohol from corn or grain.

(g) *Reports.* Reports shall be made at such times, on such forms and with respect to such matters as shall be prescribed by the Chemicals Branch of the Office of Production Management.

(h) *Notification of customers.* Producers shall, as soon as practicable, notify each of their regular customers of the requirements of this Order, but the failure to give such notice shall not excuse any person from the obligation of complying with the terms hereof.

(i) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(j) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Ethyl Alcohol and Related Compounds conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Office of Production Management, Reference: M-30, attention Chemicals Branch, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(k) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 22nd day of January, 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-648; Filed, January 22, 1942; 11:18 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Limitation Order L-35—To Restrict the Production of Replacement Parts for Medium and Heavy Motor Trucks, Truck Trailers, Passenger Carriers and School Bus Bodies

Whereas, the manufacture of replacement parts for medium and heavy motor trucks, truck trailers, passenger carriers and school bus bodies, requires the utilization of large quantities of aluminum, chromium, copper, nickel, nickel steel, tin, tungsten and other critical materials, and national defense requirements have created a shortage of these materials for the combined needs of defense, private account and export; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and for essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the manufacture of replacement parts for medium and heavy motor trucks, truck trailers, passenger carriers and school bus bodies is curtailed and the use of critical materials for such manufacture thereby reduced.

Now, therefore, it is hereby ordered, That:

§ 976.11 *General Limitation Order L-35—(a) Definitions.* For the purposes of this order:

(1) "Medium and/or Heavy Motor Truck" means a complete motor truck or truck tractor with a maximum gross vehicle weight rating of 9,000 pounds or more (as certified to the Office of Production Management by the Producer's Engineering Department and as specified in a published rating in effect prior to August 1, 1941) or the chassis therefor.

(2) "Truck Trailer" means a complete semi-trailer or full trailer having a cargo-carrying capacity (as advertised by the Producer prior to August 1, 1941) of five tons or more, designed exclusively for the transportation of property, or the chassis or body therefor.

(3) "Passenger Carrier" means a complete motor or electrical coach for passenger transportation, having a seating capacity of not less than fifteen persons, or the chassis or (except in the case of a school bus body) the body therefor.

(4) "School Bus Body" means a complete body designed and constructed primarily to transport children of school age.

(5) "Replacement Parts" means only the following parts (including components entering into such parts) used for the repair or maintenance of heavy trucks, medium trucks, truck trailers, passenger carriers, and school bus bodies: engine, clutch, transmission, power dividers and take offs, transfer cases, propeller shafts, universal joints, axles, braking system, wheels, starting apparatus, frame and spring suspension assemblies, shock absorbers, speedometers, fusees and flares, directional signals, driving mirrors, windshield wiper assemblies, steering apparatus, coupling devices, trailer landing gears; exhaust, cooling, fuel, lubricating and electrical systems, including generators, starters, motors, lights, reflectors, signal horns, batteries; fenders, hoods, doors and door hardware, radiator guards, defroster heaters; truck refrigeration units, liquid measuring gauges; and, but only as to parts for passenger carriers and school bus bodies, body structural repair parts, sash, seats, destination signs, fare boxes, guards and grab rails, door operating mechanisms, signaling devices, heating and ventilating equipment.

(6) "Producer" means any individual, partnership, association, corporation or other form of business enterprise engaged in the manufacture of Replacement Parts.

(b) *General restrictions.* (1) Notwithstanding the provisions of Extension No. 2 of Limitation Order L-1-a, issued November 6, 1941, during the period commencing January 1, 1942 and ending March 31, 1942, a producer shall not manufacture more than 60% of that number of each of the replacement parts named in § 976.11 (a) (5) hereinabove, sold by him for replacement purposes during the base period from July 1, 1941 to December 31, 1941. The Director of Priorities may from time to time change the limitations imposed by this section to the extent deemed necessary by him to offset such curtailment in production as may result from conversion of facilities from non-defense to defense work or from other cause or to assure an available supply of replacement parts.

(2) The determination of authorized quotas established by this Order shall exclude, and the limitations on production imposed by this Order shall not apply to any replacement parts for medium and/or heavy motor trucks, truck trailers, passenger carriers and school bus bodies produced under contracts for delivery to or for the account of:

(i) the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(ii) the government of any of the following countries: the United Kingdom, Canada and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia, and Yugoslavia;

(iii) any agency of the United States Government for material or equipment to be delivered to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend-Lease Act).

(c) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(d) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorised representatives of the Office of Production Management.

(e) *Reports.* All persons affected by this Order, shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the Office of Production Management.

(f) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries or any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(g) *Appeal.* Any person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him or would curtail the available supply of Replacement Parts by reason of a Producer's conversion from non-defense to defense work, may appeal to "Office of Production Management, Washington, D. C. Ref: L-35" setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(h) *Communications to Office of Production Management.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: "Office of Production Management, Washington, D. C., Ref: L-35"

(i) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(j) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 22d day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-650; Filed, January 22, 1942; 11:18 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Limited Preference Rating Order P-107—Material Entering Into the Production of Replacement Parts for Medium and Heavy Trucks, Truck Trailers, Passenger Carriers and School Bus Bodies

§ 976.12 *Preference Rating Order P-107.* For the purpose of facilitating the acquisition of material for the production of Replacement Parts for medium and heavy trucks, truck trailers, passenger carriers and school bus bodies, a preference rating is hereby assigned to deliveries for such purposes upon the following terms:

(a) *Definitions.* For the purposes of this order:

(1) "Medium and/or Heavy Motor Truck" means a complete motor truck or truck tractor with a maximum gross vehicle weight rating of 9,000 pounds or more (as certified to the Office of Production Management by the Producer's Engineering Department and as specified in a published rating in effect prior to August 1, 1941) or the chassis therefor.

(2) "Truck Trailer" means a complete semi-trailer or full trailer having a cargo-carrying capacity (as advertised by the Producer prior to August 1, 1941) of five tons or more, designed exclusively for the transportation of property, or the chassis or body therefor.

(3) "Passenger Carrier" means a complete motor or electrical coach for passenger transportation, having a seating capacity of not less than fifteen persons, or the chassis or (except in the case of a school bus body) the body therefor.

(4) "School Bus Body" means a complete body designed and constructed primarily to transport children of school age.

(5) "Replacement Parts" means only the following parts (including components entering into such parts) used for the repair or maintenance of heavy trucks, medium trucks, truck trailers, passenger carriers, and school bus bodies: engine, clutch, transmission, power dividers and take-offs, transfer cases, propellor shafts, universal joints, axles, braking system, wheels, starting apparatus, frame and spring suspension assemblies, shock absorbers, speedometers, fusees and flares, directional signals, driving mirrors, windshield wiper assemblies, steering apparatus, coupling devices, trailer landing gears; exhaust, cool-

ing, fuel, lubricating and electrical systems, including generators, starters, motors, lights, reflectors, signal horns, batteries; fenders, hoods, doors and door hardware, radiator guards, defroster heaters; truck refrigeration units, liquid measuring gauges; and, but only as to parts for passenger carriers and school bus bodies, body structural repair parts, sash, seats, destination signs, fare boxes, guards and grab rails, door operating mechanisms, signaling devices, heating and ventilating equipment.

(6) "Producer" means any individual, partnership, association, corporation or other form of business enterprise engaged in the manufacture of Replacement Parts.

(7) "Supplier" means any person with whom a contract or purchase order has been placed for delivery, to the Producer or to another Supplier, of Material which will be physically incorporated into the Replacement Parts.

(8) "Material" means any commodity, equipment, accessories, parts, assemblies or products of any kind.

(b) *Assignment of preference rating.* Subject to the terms of this Order preference rating A-3 is hereby assigned:

(1) to deliveries to a Producer by his suppliers of Materials to be physically incorporated by him in Replacement Parts, *Provided, however,* That when his production of the Replacement Parts is limited by Limitation Order No. L-35, or by any other order or direction of the Director of Priorities, no materials shall be obtained in quantity greater than required for this production as so limited.

(2) to deliveries to any Supplier of Material which will ultimately be delivered by him or another Supplier to the Producer under the rating assigned above, or will be physically incorporated into material which will be so delivered.

(c) *Persons entitled to apply preference rating.* The Preference Rating hereby assigned may be applied by (1) a Producer; and (2) a Supplier, provided that he requires the Material so purchased in order to make deliveries which have been duly rated in the manner specified in paragraph (d).

(d) *Application of preference rating.* (1) A Producer in order to apply the preference rating to a delivery of material to him must endorse the following statement on the original and all copies of the purchase order or contract for such Material, signed by a responsible official duly designated for such purpose by such Producer.

CERTIFICATE OF PRODUCER APPLYING RATING

An A-3 preference rating is assigned to this purchase order pursuant to Limited Preference Rating Order P-107. This application of the rating is made by the Producer upon the conditions set forth in said order, with which we are familiar.

Authorized Signature for Producer.

Such endorsement shall constitute a certification to the Office of Production Management that such Material is required to the extent ordered in order to produce the number of Replacement Parts within the limits authorized.

(2) A Supplier in order to apply the preference rating to a delivery of Material to him must endorse the following statement on the original and all copies of the purchase order or contract for such Material signed by a responsible official duly designated for such purpose by such Supplier:

CERTIFICATE OF SUPPLIER APPLYING RATING

An A-3 preference rating is assigned to this purchase order pursuant to Limited Preference Rating Order P-107. This application of the rating is made by the Supplier upon the conditions set forth in said Order, with which we are familiar.

Authorized Signature for Supplier.

Such endorsement shall constitute a certification to the Office of Production Management that such Material is required to the extent ordered in order to fill a purchase order placed by a Producer or Supplier duly rated in accordance herewith. Any such Supplier's purchase order or contract shall be restricted to Material the delivery of which is rated in accordance herewith.

(3) A Producer or Supplier placing any such rated purchase orders or contracts and the Supplier selling the Material covered thereby, must each retain endorsed copies of such purchase orders or contracts segregated from all other purchase orders or contracts for a period of two years from the date thereof for inspection by authorized representatives of the Office of Production Management.

(e) *Restrictions on application of rating.* The preference rating hereby assigned shall not be applied:

(1) By a Producer to obtain deliveries of materials in excess of the amount needed for the production of the Replacement Parts, taking into consideration existing inventories of the Producer, and subject to any limitation contained in Limitation Order L-35, or in any other Order or direction issued by the Director of Priorities. If a Producer has sufficient Material to produce the authorized number of Replacement Parts and still have a practical minimum working inventory, he shall not make use of the rating to obtain delivery of such Material.

(2) By a Supplier to obtain Material in excess of the amount necessary to make rated deliveries, taking into consideration existing inventories of the Supplier. If a Supplier has sufficient Material to enable him to make his rated deliveries and still have a practicable minimum working inventory, he shall not make use of the rating to obtain delivery of such Materials.

(3) By a Producer or a Supplier (i) unless the Material to be delivered cannot be obtained when required without such rating,

(ii) to obtain deliveries earlier than required,

(iii) to deliveries of Materials on purchase orders placed after March 1, 1942,

(iv) to deliveries of materials on purchase orders calling for delivery after March 31, 1942.

(f) *Violations.* Any person who willfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries or any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(g) *Reports.* Each Producer and Supplier who in any month applies the preference rating in the manner herein provided to any deliveries to him, shall, on or before the 15th day of the following month file with the Office of Production Management, Washington, D. C., Ref. L-35 a report on form to be prescribed by the Director of Priorities, setting forth the number of items or amount of materials to which the preference rating has been assigned in the preceding month, the stock of such items and amount of such materials on hand, and the number or amount used in production by him during the period from July 1 through December 31, 1941, and such other reports as the Director of Priorities may require.

(h) *Revocation or modification.* This Order may be revoked or amended by the Director of Priorities at any time in whole or in part or in its application to any Producer or any Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked. No additional applications of this rating to any other deliveries shall thereafter be made by any Producer or Supplier affected by said revocation or expiration.

(i) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(j) *Communications to Office of Production Management.* Acceptance of this Order, all reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: "Office of Production Management, Washington, D. C. Ref: P-107."

(k) *Effective date.* This Order shall take effect immediately, and unless sooner revoked shall expire on the 31st day of March, 1942. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 22d day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-649; Filed, January 22, 1942; 11:18 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Supplementary General Limitation Order L-3-f To Prohibit Production of Light Motor Trucks

In accordance with the provisions of § 976.3,[1] (*General Limitation Order L-3*) which the following order supplements, *It is hereby ordered,* That:

§ 976.13 *Supplementary General Limitation Order L-3-f*—(a) *Prohibition of light motor truck production after February 1, 1942.* Except to the extent that operations are permitted under paragraph (b) of this section, effective February 1, 1942 producers of light motor trucks shall not manufacture any such light motor trucks, either for civilian or for military use or for export, and either with or without tires, regardless of the provisions of any order heretofore issued by the Office of Production Management and regardless of the provisions of any contracts heretofore or hereafter entered into by such producers.

(b) *Completion during February, 1942 of operations on quotas for the month of January, 1942.* Any producer of light motor trucks who, on January 31, 1942, has not completed his January, 1942, quota of light motor trucks may apply to the Office of Production Management for permission to complete such January quota during the month of February, 1942: *Provided, however,* That in no event shall permission be granted to continue production after February 10, 1942 in order to complete such January quotas.

(c) *Effective date.* This order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 21st day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-637; Filed, January 21, 1942; 3:22 p. m.]

PART 981—PASSENGER AUTOMOBILES

Supplementary General Limitation Order L-2-g To Prohibit the Production of Passenger Automobiles

In accordance with the provisions of § 981.1[2] (*General Limitation Order L-2*), which the following order supplements, and notwithstanding the provisions of § 981.5[3] (*Supplementary General Limitation Order L-2-d*) which the following order supersedes, *It is hereby ordered,* That:

§ 981.8 *Supplementary General Limitation Order L-2-g*—(a) *Prohibition of passenger car production after February 1, 1942.* Except to the extent that operations are permitted under paragraph (b) of this section, effective February 1, 1942, producers of passenger automobiles shall not manufacture any such passenger automobiles, either for civilian or for military use or for export, and either with or without tires, regardless of the provisions of any order heretofore issued by the Office of Production Management and regardless of the provisions of any contracts heretofore or hereafter entered into by such producers.

(b) *Completion during February, 1942 of operations on quotas for the month of January, 1942.* Any producer of passenger automobiles who, on January 31, 1942, has not completed his January, 1942 quota of passenger automobiles may apply to the Office of Production Management for permission to complete such January quota during the month of February, 1942. *Provided, however,* That in no event shall permission be granted to continue production after February 10, 1942 in order to complete such January quotas.

(c) *Effective date.* This order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 21st day of January 1942.

DONALD M. NELSON,
Director of Priorities.

[F. R. Doc. 42-636; Filed, January 21, 1942; 3:22 p. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

Amendment No. 5 to Supplementary Order No. M-15-c to Restrict Transactions in New Rubber Tires, Casings, and Tubes

Paragraph (b) of § 940.4 is amended by adding thereto subparagraphs (5), (6), (7), (8), (9) and (10), and paragraphs (c) and (e) of § 940.4 are amended to read as follows:

§ 940.4 *Supplementary Order M-15-c.*

* * * * *

(b) *Definitions.*

* * * * *

(5) "Consumer" means any person who operates vehicles using tires.

(6) "Retailer" means a person selling new rubber tires, casings, or tubes exclusively to consumers, including commercial accounts.

(7) "Wholesaler" means a person selling new rubber tires, casings, or tubes exclusively to persons buying for purposes of resale and to commercial accounts.

(8) "Distributor" means a person selling new rubber tires, casings, or tubes both to consumers, including commercial accounts, and to persons who buy for purposes of resale.

(9) "Manufacturer" means a person who manufactures new rubber tires, casings, or tubes.

(10) "Commercial accounts" means a person who operates five or more vehicles using tires.

(c) *Prohibition on deliveries of new rubber tires, casings and tubes, except to persons possessing certificates.* (1) Except as provided in this paragraph and in paragraphs (g) and (h) of this section, or in regulations hereafter issued by the Office of Price Administration, no person shall sell, lease, trade, lend, deliver, ship, or transfer new rubber tires, casings, or tubes, and no person shall accept any such sale, lease, trade, loan, delivery, shipment or transfer of any such new rubber tires, casings, or tubes. (The provisions of this paragraph shall apply to all new rubber tires, casings and tubes, whether such new rubber tires, casings, and tubes are at the date of issuance of this Order already manufactured, or whether such new rubber tires, casings, and tubes are manufactured in the future.)

(2) No retailer, distributor, wholesaler or manufacturer possessing new rubber tires, casings, or tubes, or otherwise acquiring such tires, casings, or tubes shall mount such tires, casings, or tubes on vehicles owned by him or otherwise subject to his control unless he holds a certificate issued by the Office of Price Administration: *Provided,* That a manufacturer may mount new tires, casings or tubes on a vehicle owned by him or otherwise subject to his control used exclusively for testing purposes and not in connection with any other use.

(3) Any person, except a retailer, distributor, wholesaler, or manufacturer may sell, lease, trade, lend, deliver, ship, or transfer new rubber tires, casings, or tubes to a retailer, distributor, wholesaler, or manufacturer.

(4) A retailer may sell, lease, trade, lend, deliver, ship, or transfer any new rubber tire, casing, or tube (i) to any consumer in exchange for a certificate authorizing such purchase issued by the Office of Price Administration; (ii) to any other retailer; (iii) to any distributor; (iv) to any wholesaler; or (v) to any manufacturer.

Any retailer making a sale, lease, trade, loan, delivery, shipment or transfer pursuant to subdivisions (ii), (iii), (iv), and (v) of this subparagraph shall keep records showing the name of the person acquiring the new rubber tires, casings or tubes, the number and type of tires, casings or tubes acquired, the sales price and the date of the transfer.

(5) Any distributor may sell, lease, trade, lend, deliver, ship, or transfer any new rubber tire, casing, or tube (i) to any consumer in exchange for a certificate authorizing such purchase issued by the Office of Price Administration; (ii) to

[1] 6 F.R. 4733.
[2] 6 F.R. 4735.
[3] 6 F.R. 6358.

any retailer or distributor, but only in exchange for the appropriate part of the certificate issued pursuant to paragraph (e) of this section or the receipt issued pursuant to paragraph (g) of this section; (iii) to any wholesaler; or (iv) to any manufacturer.

Any distributor making a sale, lease, trade, loan, delivery, shipment or transfer pursuant to subdivisions (ii), (iii), and (iv) of this subparagraph shall keep records showing the name of the person acquiring the new rubber tires, casings or tubes, the number and type of tires, casings or tubes acquired, the sales price and the date of the transfer.

(6) Any wholesaler may sell, lease, trade, lend, deliver, ship, or transfer any new rubber tire, casing, or tube (a) to a consumer in exchange for a certificate authorizing such purchase issued by the Office of Price Administration: *Provided*, That such consumer purchased or leased new rubber tires, casings, or tubes direct from such wholesaler's warehouse during the calendar year 1941; (ii) to any retailer, distributor or wholesaler, but only in exchange for the appropriate part of the certificate issued pursuant to paragraph (e) of this section or the receipt issued pursuant to paragraph (g) of this section; or (iii) to any manufacturer.

Any wholesaler making a sale, lease, trade, loan, delivery, shipment or transfer pursuant to subdivisions (ii) and (iii) of this subparagraph shall keep records showing the name of the person acquiring the new rubber tires, casings or tubes, the number and type of tires, casings or tubes acquired, the sales price and the date of the transfer.

(7) Any manufacturer may sell, lease, trade, lend, deliver, ship, or transfer any new rubber tires, casings, or tubes (i) to a consumer in exchange for a certificate authorizing such purchase issued by the Office of Price Administration: *Provided*, That such consumer purchased or leased new rubber tires, casings, or tubes direct from such manufacturer's factory or warehouse during the calendar year 1941; or (ii) to any retailer, distributor, wholesaler, or manufacturer, but only in exchange for the appropriate part of the certificate issued pursuant to paragraph (e) of this section or the receipt issued pursuant to paragraph (g) of this section: *Provided*, That during each quarter of every calendar year commencing January 1, 1942 no manufacturer shall sell, lease, trade, lend, deliver, ship or transfer to retailers and distributors owned, operated or controlled by such manufacturer a wholesale dollar value of new rubber tires and tubes in excess of the ratio which the wholesale dollar value of new rubber tires and tubes sold, leased, traded, delivered, or transferred to all retailers or distributors owned, operated or controlled by such manufacturer bore to its total wholesale dollar value of new rubber tires and tubes sold, leased, traded, loaned, shipped, or transferred for each quarter in 1941.

Any manufacturer making a sale, lease, trade, loan, delivery, shipment or transfer, pursuant to subdivision (ii) of this subparagraph shall keep records showing the name of the person acquiring the new rubber tires, casings, or tubes, the number and type of tires, casings or tubes acquired, the sales price and the date of the transfer.

(8) Any retailer or distributor may deliver, ship or transfer new rubber tires, casings or tubes to any warehouse or premise owned, operated or controlled by such person, provided there is no change in ownership or control involved in this delivery, shipment or transfer. Records of such delivery, shipment or transfer shall be kept and reports in connection therewith shall be made as may be required by the Office of Price Administration.

(9) Any wholesaler or manufacturer may deliver, ship or transfer new rubber tires, casings, or tubes to any warehouse or premise owned, operated or controlled by such person and not used in performing the functions of a distributor or retailer provided there is no change in ownership or control involved in this delivery, shipment or transfer. Records of such delivery, shipment or transfer shall be kept and reports in connection therewith shall be made as may be required by the Office of Price Administration.

(10) Any common carrier which on December 11, 1941 was in possession of shipments of new rubber tires, casings, and tubes consigned to a consignee may (without certificates) deliver such tires, casings, and tubes to such consignee.

(11) Any manufacturer may sell, transfer or deliver, with the written approval of the Director of Priorities of the Office of Production Management, any new rubber tire, casing or tube to a manufacturer of new vehicles to be used as part of the original equipment of such vehicles. Records of such transfers shall be kept and reports in connection therewith shall be made as may from time to time be required by the Office of Production Management.

* * * * *

(e) *Acquisition of new rubber tires, casings, and tubes by persons in the categories enumerated in List A attached hereto.*

* * * * *

(4) That the tire, casing or tube for which application is made when added to all other tires, casings or tubes of whatever condition in the applicant's possession whether unmounted or mounted on a vehicle, will not add up to more than one spare tire of a given size for each eligible vehicle: *Provided, however*, That, when the applicant is a retailer, distributor, wholesaler, or manufacturer of new rubber tires, casings, or tubes this subparagraph of paragraph (e) can be satisfied by showing that the applicant operates only eligible vehicles and that none of his vehicles is equipped with more than one spare tire and tube of a given size. (Supplementary Order M–15–c, 6 F.R. 6792)

This amendment No. 5 shall become effective January 28th, 1942. Issued this 21st day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–640; Filed, January 22, 1942; 10:55 a. m.]

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

AMENDMENT NO. 6 TO PRICE SCHEDULE NO. 7 [1]—COMBED COTTON YARNS

Table III of § 1307.7 (b) (3) is hereby amended to read as follows:

§ 1307.7 *Appendix A; maximum prices for combed yarn.*

* * * * *

(b) *Combed yarns not covered by contract prior to December 24, 1941.*

* * * * *

(3) *Maximum price tables.*

* * * * *

TABLE III

(1) In addition to the applicable maximum prices as set forth in Table II above, the premiums set forth below may be charged for yarn on the following constructions: *Provided*, (a) that the yarn is made for use in the manufacture of products to meet the specification named below opposite the construction of the yarn sold; and (b) that the purchaser of the yarn shall certify in writing to the seller, before any delivery is made, that the yarn is to be so used.

Yarn construction	When made for use in products to meet	Allowable premium (cents per pound)
17/1	Army Specification P. Q. D. No. 1 (Wind Resistant Cotton Cloth), December 18, 1940	5.25
20/1	do	5.25
40/2	do	8.75
12/1	Type I or II, Army Specification P. Q. D. No. 33–A (Cloth, Cotton, Uniform, Twill), December 9, 1941	5.25
24/2	do	13.00
30/2	do	10.25
55/1	Type II, Quartermaster Corps Tentative Specification P. Q. D. No. 62 (Netting, Mosquito, Cotton, D. D.), July 30, 1941	10.50

(2) Pending establishment of other premiums, yarns (except those subject to (1) above) which are in special put-ups, of twists higher than knitting twist, or made of cotton other than American cotton or of American cotton of staple lengths greater than those set out below,[2] may be sold or delivered without agreement between the parties as to the specific price to be paid therefor if the parties agree that the buyer's obligation will be discharged at prices not in excess of those permissible under any revision of this Schedule becoming effective prior to February 1, 1942. (Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

[1] 6 F.R. 2561, 3010, 3066, 3593.

[2] Yarn numbers: *Staple*

Up to 24s, inclusive	1 1/16
25s to 30s, inclusive	1 3/32
31s to 44s, inclusive	1 1/8
45s to 55s, inclusive	1 5/32
56s to 70s, inclusive	1 3/16
71s to 80s, inclusive	1 7/32
81s to 90s, inclusive	1 1/4
91s to 100s, inclusive	1 5/16
Over 100s	1 3/8

This Amendment No. 6 shall become effective as of January 14, 1942. Issued this 21st day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–631; Filed, January 21, 1942; 1:53 p. m.]

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 33 [1]—CARDED COTTON YARN

Section 1307.51 is hereby amended by adding thereto the following paragraph (c):

§ 1307.51 *Maximum prices for carded cotton yarn.*

* * * * *

(c) The provisions of this Schedule are not applicable to carded cotton yarn when sold, by persons other than the producer thereof, for use as wrapping twine or for resale for ultimate use as wrapping twine. (Executive Orders No. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 2 shall be effective as of October 6, 1941. Issued this 21st day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–630; Filed, January 21, 1942; 1:53 p. m.]

PART 1316—COTTON TEXTILES

AMENDMENT NO. 4 TO PRICE SCHEDULE NO. 35 [1]—CARDED GREY AND COLORED-YARN COTTON GOODS

Section 1316.61 (b) (4) is hereby amended in the following respects:

Table I of § 1361.61 (b) (4) is hereby amended so that the first two sentences, the feeler motion premium, and footnote 1 will read as set forth below;

Table III of § 1316.61 (b) (4) is hereby amended so that the maximum prices for osnaburgs will read as set forth below; and

Table III–A of § 1316.61 (b) (4) is amended to read as set forth below:

§ 1316.61 *Appendix A; maximum prices for cotton goods.*

* * * * *

(b) * * *

(4) *Maximum price tables.*

TABLE I

In addition to the maximum prices set forth in the following tables, the following premiums for special manufacturing processes may be charged. None of the premiums allowable hereunder is applicable, however, to osnaburgs delivered against contracts entered into prior to January 23, 1942, or to print cloths of Class B or C; or to any fabric accepted below; or to any fabric which, in its standard construction, is normally manufactured by means of the process on which such premium is predicated.

Name of manufacturing process:	*Premium*
Feeler motion	1/4¢ per yd.[2]

* * * * *

[2] This premium, which is not applicable to cloths other than sheetings, osnaburgs, carded broadcloth, and Class A print cloths, is effective January 23, 1942. In connection with deliveries against contracts entered into between October 21, 1941, and January 22, 1942, inclusive, a premium of one cent per pound is allowable for feeler motion when used in the production of sheetings and Class A print cloths.

TABLE III—*Sheeting yarn group*

[Specifications for the types and classes of cloth listed herein are set forth in Table III–A]

Type and class of cloth	Spot cotton price—Cents per pound												
	14.94 to 14.67 incl.	14.68 to 15.11 incl.	15.12 to 15.54 incl.	15.55 to 15.98 incl.	15.99 to 16.42 incl.	16.43 to 16.85 incl.	16.86 to 17.29 incl.	17.30 to 17.73 incl.	17.74 to 18.17 incl.	18.18 to 18.60 incl.	18.61 to 19.04 incl.	19.05 to 19.48 incl.	19.49 to 19.91 incl.	19.92 to 20.35 incl.
	Cents per pound [1]												
Osnaburgs:													
Class A	27.00	27.50	28.00	28.50	29.00	29.50	30.00	30.50	31.00	31.50	32.00	32.50	33.00	33.50
Class B	28.00	28.50	29.00	29.50	30.00	30.50	31.00	31.50	32.00	32.50	33.00	33.50	34.00	34.50
Class C	29.00	29.50	30.00	30.50	31.00	31.50	32.00	32.50	33.00	33.50	34.00	34.50	35.00	35.50
Class D	30.00	30.50	31.00	31.50	32.00	32.50	33.00	33.50	34.00	34.50	35.00	35.50	36.00	36.50
Class E	30.50	31.00	31.50	32.00	32.50	33.00	33.50	34.00	34.50	35.00	35.50	36.00	36.50	37.00

[1] For seconds and short lengths of all fabrics listed in this table, the prices appearing herein shall be discounted by 5 percent.

* * * * * * *

[2] The maximum prices appearing above for osnaburgs are effective January 23, 1942. For part-waste osnaburgs delivered pursuant to contracts entered into between October 21, 1941 and January 22, 1942, inclusive, the maximum prices are as follows:

Class	Description of class	Maximum prices
A	Yarn numbers up to 6s, inclusive	Same as for Class A, above.
B	Yarn numbers above 6s	Same as for Class D, above.

[6 F.R. 5335, 5338–5339, October 21, 1941; 6 F.R. 6047, 6048, November 27, 1941]

[1] The maximum prices set forth in the table above are for part-waste osnaburgs. Maximum prices for clean osnaburgs shall be the above prices plus the following differentials:

For clean osnaburgs made of tinged cotton, 1½ cents per lb.
For clean osnaburgs made entirely of white cotton, 2 cents per lb.

No osnaburg shall be classed, for the purposes of this Schedule, as a clean osnaburg unless it is wholly free from card strips and other waste material.

For any osnaburg with 32 or more picks per inch, a premium of ½ cent per pound over the otherwise applicable maximum price may be charged.

TABLE III–A—*Key to types and classes of cloth listed in Table III*

Type and class of cloth	Yarn numbers (all numbers inclusive)	Weights (yards per pound—all numbers inclusive) [1]
Sheetings (under 42" in width):		
Class A	Up to 15s	
Class B	16s to 21s	
Class C	Above 21s	
Drills (under 42" in width):		
Class A		2.00 and under.
Class B		2.01 to 2.80.
Class C		2.81 to 3.00.
Class D		3.01 to 3.50.
Class E		3.51 and over.
Three-leaf Jeans (under 42" in width)	All	All.
Four-leaf Twills (under 42" in width):		
Class A		1.50 and under.
Class B		1.51 to 2.00.
Class C		2.01 to 2.85.
Class D		2.86 and over.
Osnaburgs (under 42" in width):		
Class A		2.35 and under.
Class B		2.36 to 2.70.
Class C		2.71 to 3.05.
Class D		3.06 to 3.50.
Class E		3.51 and over.

[1] Weights for sheetings, drills, three-leaf jeans, and four-leaf twills are for all widths pro-rated to 37"; weights for osnaburgs are for all widths pro-rated to 40".

(Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment, No. 4, shall become effective January 23, 1942. Issued this 21st day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–639; Filed, January 21, 1942; 1:53 p. m.]

[1] 6 F.R. 5091, 6047.

[2] 6 F.R. 5335, 6047, 6048.

CHAPTER XIII—OFFICE OF PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

[Recommendation No. 39.]

PART 1508—MARKETING

PACIFIC COAST AREA

To the Marketing Committee of District 5, to the Pacific Northwest Products Subcommittee, the Products Subcommittee for the State of Washington, the Products Subcommittee for the State of Oregon, and to each marketer or other person engaged in, or having an interest in, the marketing and distribution of petroleum or petroleum products in District 5:

The Congress of the United States has declared the existence of a state of war between the Government and the people of the United States and the Imperial Japanese Government, the Government of Germany and the Government of Italy.

The diversion of a part of the American tanker fleet for war purposes has resulted in a shortage of tanker tonnage available for the transportation of petroleum and petroleum products on the Pacific Coast. Because of the exigencies of warfare in the Pacific, the efficiency of operation of the tankers remaining in this service is necessarily reduced and the regularity of sailing schedules seriously impaired. These factors will, unless abated, result in intermittent periods of scarcity of petroleum and petroleum products in areas of the Pacific Coast states dependent on tanker transportation for petroleum, particularly the States of Washington and Oregon.

It is essential in the national interest that all possible steps be taken to avert or alleviate the serious adverse effects on the progress of the war effort and the public generally which such periods of scarcity of petroleum and petroleum products in the Pacific Northwest would occasion.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

§ 1508.3 *Subcommittees authorized.* The following Subcommittees shall be designated by the Marketing Committee for District 5:

(a) a Products Subcommittee for the State of Washington;

(b) a Products Subcommittee for the State of Oregon;

(c) a Pacific Northwest Products Subcommittee to be composed of a chairman, a vice-chairman, a representative for Eastern Washington, and the chairman of the Products Subcommittees for the States of Washington and Oregon.*

*§§ 1508.3 to 1508.9, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1508.4 *Inventory and demand survey.* The said subcommittees shall obtain, analyze and keep current all pertinent and available facts, figures, and other data with respect to stock inventories and demand for petroleum and petroleum products in the Pacific Northwest.*

§ 1508.5 *Sale, exchange, and loan of petroleum products.* The said subcommittees shall coordinate, arrange for, and, after approval by the Chief Counsel of the Office of Petroleum Coordinator for National Defense and subject to the direction of the Petroleum Coordinator for National Defense or the Deputy Petroleum Coordinator, carry into effect the sale, exchange, or loan of petroleum and petroleum products among the various marketers in the areas subject to their jurisdiction wherever and to whatever extent may be necessary to facilitate and assure the distribution of the available supply of petroleum and petroleum products to meet, in the order of statement, the needs of the military forces of the United States, the needs of war industries, essential civilian needs and all other reasonable civilian requirements.*

§ 1508.6 *Distribution and division of available petroleum.* In cases of an emergency character, where the District Director of Marketing for District 5 of the Office of Petroleum Coordinator for National Defense finds that immediate measures are essential to accomplish the objectives of this Recommendation and that, because of the need for speed, the procedure provided in § 1508.5 is inadequate, the appropriate subcommittee or subcommittees shall, subject to the direction of the said Director, make temporary arrangements for the distribution and division of incoming supplies and existing inventories of petroleum and petroleum products among the several marketers in such a manner, at such times, and in such amounts, as will result in the most efficient method of assuring a continuous supply of petroleum and petroleum products to meet war, defense, and essential civilian demands as they arise, while, at the same time and so far as is not inconsistent therewith, providing equal treatment for all marketers affected thereby. The said District Director of Marketing shall promptly submit to the Chief Counsel of the Office of Petroleum Coordinator for National Defense a full report on any action taken under the provisions of this section.*

§ 1508.7 *Plans.* The Pacific Northwest Products Subcommittee shall, in the event the Director of Marketing for District 5 finds that the methods provided in §§ 1508.5 and 1508.6 are inadequate to assure the efficient and equitable distribution of petroleum and petroleum products to meet essential demands in the affected areas, devise and present to the Marketing Committee for District 5 plans to accomplish the objectives of this Recommendation. Without limitation as to other necessary or appropriate provisions, such plans may provide for the exchange, loan, sale, lease, or pooling of petroleum and petroleum products, and of production, transportation, refining and storage facilities wherever and to whatever extent may be necessary for the purpose of this Recommendation. If approved by the Marketing Committee such plans shall be submitted to the Chief Counsel of the Office of Petroleum Coordinator for National Defense for his approval before being carried into effect.*

§ 1508.8 *Meetings.* Meetings of the several subcommittees, the Marketing Committee for District 5, and representatives of the several marketers in the affected areas may be held from time to time for the purpose of preparing the plans provided for in § 1508.7. The said committees and representatives may, upon the approval of any of the aforesaid plans by the Chief Counsel of the Office of Petroleum Coordinator for National Defense and pursuant to the direction of the Petroleum Coordinator for National Defense or the Deputy Petroleum Coordinator, meet from time to time for the purpose of doing all things necessary to carry into effect any such plan in accordance with the purposes of this Recommendation.*

§ 1508.9 *Effectuating plans.* The subcommittees and all persons affected by any plan formulated in accordance with § 1508.7 shall, upon the approval by the Chief Counsel of the Office of Petroleum Coordinator for National Defense of any such plan, and pursuant to the direction of the Petroleum Coordinator for National Defense or the Deputy Petroleum Coordinator, carry into effect such plan according to its terms, conditions and intent.

R. K. DAVIES,
Deputy Petroleum Coordinator for National Defense.

JANUARY 14, 1942.

[F. R. Doc. 42-632; Filed, January 21, 1942; 2:53 p. m.]

TITLE 46—SHIPPING

CHAPTER II—UNITED STATES MARITIME COMMISSION

SUBCHAPTER D—UNITED STATES MARITIME SERVICE AND NAUTICAL SCHOOLS

[General Order No. 28, Revised]

PART 294—REGULATIONS GOVERNING THE APPOINTMENT AND TRAINING OF CADETS AND CADET OFFICERS

Emergency Regulations Governing the Appointment and Training of Cadets and Cadet Officers in the United States Maritime Commission Cadet Corps[1]

Under authority of the Merchant Marine Act, 1936, as amended, the following revised regulations governing the appointment and training of Cadets and Cadet Officers in the United States Maritime Commission Cadet Corps are prescribed and issued for the duration of the emergency proclaimed by the President May 27, 1941. All previous regulations which may conflict with the following are hereby cancelled.[1]

All communications relating to matters connected with the appointment and training of Cadets and Cadet Officers in the United States Maritime Commission Cadet Corps should be addressed to: Supervisor of Cadet Training, United States Maritime Commission, Washington, D. C.

[1] General Order No. 28, United States Maritime Commission, December 13, 1938, effective January 1, 1939, which is hereby superseded, was codified as Part 261 of this chapter.

SUBPART A—CADETS

Sec.
294.1 General requirements.
294.2 Physical requirements.
294.3 Scholastic requirements.
294.4 Applications; submission of applications.
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SUBPART A—CADETS

§ 294.1 *General requirements*—(a) *Citizenship.* A candidate must be a male citizen of the United States. If naturalized, a candidate must have been a citizen of the United States for ten years previous to the date of application.

(b) *Age.* A candidate must be not less than 18 years of age nor more than 23 years of age on the date of application. If the candidate has not reached his eighteenth birthday or if he has reached his twenty-third birthday on or before that date, he will be ineligible for appointment. If under 21 years of age, he will be required to furnish the written consent of parent or guardian as a part of his application.

(c) *Character.* A candidate must satisfy the Supervisor of Cadet Training as to his good moral character.

(d) *Education.* A candidate must satisfy the Supervisor of Cadet Training that he has sufficient educational qualifications to pursue the prescribed courses of study for Cadets.

(e) *Marital status.* A candidate must be unmarried. Any Cadet who shall marry or who shall be found to be married before completion of training shall be requested to resign, and, failing to do so, shall be dismissed by the Supervisor of Cadet Training.

(f) *Ineligible persons.* No person who has been dismissed or compelled to resign from a Federal Service Academy or a State Maritime Academy for improper conduct, or who has been dishonorably discharged from the armed forces of the United States or who has been dismissed for cause or has resigned with prejudice as a civil employee of the United States is eligible for appointment as a Cadet in the United States Maritime Commission Cadet Corps.

(g) *Reappointment.* No person who has resigned from a cadetship in the United States Maritime Commission Cadet Corps will be reappointed unless his previous service record has been approved as satisfactory by the Supervisor of Cadet Training.

(h) *False application.* If it should be determined at any time during a Cadet's course of training, that he had purposely falsified his application or supporting papers, he shall be dismissed.* [1]

*§§ 294.1 to 294.25 and 294.51 to 294.70 issued under the authority contained in Sec. 216 (b) 52 Stat. 965; 68 Stat. 1182; 46 U.S.C. Supp. 1126.

§ 294.2 *Physical requirements*—(a) *Freedom from physical defects or disease; height.* A candidate must be of normal size, sound constitution, and free from physical defects or disease, especially those of vision, color perception, (Ishihara or other plate tests), speech, and hearing. He must be not less than 5 feet 5 inches and not more than 6 feet 4 inches in height. Candidates must have vision of 20/20 in each eye uncorrected.

(b) *Certification of application by physician.* The application of a candidate must be signed by a physician who has examined the candidate and certified that, in his opinion, the candidate meets the physical standards set by the Navy for appointment as an officer of the Naval Reserve and should be able to pass such a physical examination without a recommendation for waiver of defects.

(c) *Physical examination by Naval Medical Officer.* A candidate for appointment as Cadet must pass a physical examination for appointment as Cadet, Merchant Marine Reserve, United States Naval Reserve, conducted by a medical officer of the United States Navy or Naval Reserve. A candidate for whom a waiver has been recommended will not receive an appointment as a Cadet and will not be assigned to a Cadet School until the Navy Department has approved the waiver and the Supervisor of Cadet Training has been so informed.

(d) *Discharge for physical defects or disease.* Any defect or disease developed by a Cadet during training, which would result in his discharge from the United States Naval Reserve, will be sufficient cause for the Supervisor of Cadet Training to terminate the training of a Cadet.

(e) *Reexamination by Public Health Service Medical Officer.* A Cadet may be required to be reexamined by a medical officer of the United States Public Health Service before assignment to Cadet School for his advanced course of shore training.* [2]

§ 294.3 *Scholastic requirements*—(a) *Authority of Supervisor of Cadet Training.* The Supervisor of Cadet Training is authorized to prescribe the scholastic requirements for appointment as Cadet for the duration of the emergency.

(b) *Minimum units; required and elective groups.* A candidate for appointment as Cadet (Deck) or Cadet (Engineer) during the emergency must possess at least 12 units from accredited schools, except as hereinafter changed by the Supervisor of Cadet Training. Lists of subjects and their corresponding weights in units, which must be submitted, except as hereinafter changed by the Supervisor of Cadet Training, are as follows:

Required Group (5 Units)

3 units in English.
1 unit in Mathematics from any of the following:
- Algebra.
- Plane Geometry.
- Intermediate Algebra.
- Solid Geometry.
- Advanced Algebra.
- Plane Trigonometry.
- Spherical Trigonometry.
- Calculus.
- Shop Mathematics (for Cadet Engineers only).

1 unit in Science from any of the following group:
- Physics.
- Chemistry.
- General Science.
- Biology.
- Mechanic Arts Subjects.
- Vocational and Workshop Subjects (for Cadet Engineers only).

Elective Group (7 Units)

The remaining 7 units may be supplied from other subjects completed in accredited schools.

(c) *English units.* If a candidate has four or more units in English or more than the one unit in subjects above mentioned in "Required Group", such excess units may be credited to elective group.

(d) *Credit for studies being undertaken at school.* A candidate may be given credit for studies being undertaken at school, provided the principal of the school or a tutor approved by the Super-

[1] The material in brackets at the end of each section identifies the section as contained in the printed regulations issued by the United States Maritime Commission.

visor of Cadet Training submits a statement that, in his opinion, the candidate will complete subject or subjects with a satisfactory grade at the end of the term.

(e) *Rejection for inability to pursue study courses.* The Supervisor of Cadet Training may reject any candidate whose grades in required or elective subjects create doubt as to his ability to pursue the study courses prescribed for cadets.* [3]

§ 294.4 *Applications; submission of application.* Application for appointment as Cadet, fully completed, together with all supporting papers, shall be submitted to the Supervisor of Cadet Training, United States Maritime Commission, Washington, D. C.* [4]

§ 294.5 *Certificates.* A candidate must submit the following:

(a) *Certificates of studies and grades.* Properly attested certificates, on the forms prescribed and furnished by the Supervisor of Cadet Training, showing subjects studied and grades and units received from accredited schools. The school certificates shall be forwarded by the respective accredited schools direct to the Supervisor of Cadet Training, United States Maritime Commission, Washington, D. C.

(b) *Birth certificate or proof of citizenship.* Birth certificate or proof of citizenship with application. In cases where birth certificates are not available, the proof of citizenship submitted must be of a nature acceptable to the Navy Department for establishing citizenship for appointment as an officer in the United States Naval Reserve. (See § 294.25, Appendix A, for acceptable proofs to the Navy.)

(c) *Passport photograph.* One full face passport photograph attached to application.

(d) *Certificate of good moral character.* Three letters from responsible American citizens certifying to the good moral character of the applicant, attached to application.

None of the above papers, with the exception of (b), will be returned to a candidate after review of his application. Birth certificate, or other proof of citizenship, will be promptly returned to the candidate and must be in his possession when he reports to the office of the District Instructor.* [5]

§ 294.6 *Scholastic tests—*(a) *Waiver during emergency.* Scholastic tests for appointment as Cadet shall be waived for the duration of the emergency.

(b) *Approval of applications and supporting papers.* Applications and supporting papers will be carefully examined by a board of three officers of the Section of Cadet Training, United States Maritime Commission, and if the candidate is acceptable, his application will be approved and notice sent him accordingly by the District Instructor at either New York, New Orleans or San Francisco.

(c) *Reimbursement for travel from home to Cadet School; conditions.* A Cadet successfully passing his physical examination for appointment as Cadet, Merchant Marine Reserve, United States Naval Reserve, shall be reimbursed by the United States Maritime Commission at the rate of five cents per mile, based upon official distance tables of the War Department, from his home to Cadet School and receive such remuneration after satisfactory completion of preliminary training and basic Naval Science courses at Cadet Schools. Cadets failing to successfully complete the preliminary and basic Naval Science course shall not be reimbursed for their traveling expenses.* [6]

§ 294.7 *Eligible lists—*(a) *Order of eligibility.* During the emergency the names of candidates will be placed on either Deck or Engineer eligible lists in accordance with the dates their applications and supporting papers were approved.

(b) *Coastal areas and Cadet School assignments.* The lists of eligible Deck candidates and Engineer candidates will be divided into coastal areas by the Supervisor of Cadet Training and assignments will be made to the Cadet Schools as indicated below:

To Atlantic Coast Cadet School

Candidates from—
Connecticut.
Delaware.
Illinois.
Indiana.
Maine.
Maryland.
Massachusetts.
Michigan.
Minnesota.
New Hampshire.
New Jersey.
New York.
North Carolina.
Ohio.
Pennsylvania.
Rhode Island.
Vermont.
Virginia.
West Virginia.
Wisconsin.
District of Columbia.
Puerto Rico.

To Gulf Coast Cadet School

Candidates from—
Alabama.
Arkansas.
Florida.
Georgia.
Iowa.
Kansas.
Kentucky.
Louisiana.
Mississippi.
Missouri.
Nebraska.
Oklahoma.
South Carolina.
Tennessee.
Texas.
Canal Zone.

To Pacific Coast Cadet School

Candidates from—
Arizona.
California.
Colorado.
Idaho.
Montana.

*To Pacific Coast Cadet School—*Con.

Candidates from—
Nevada.
New Mexico.
North Dakota.
Oregon.
South Dakota.
Utah.
Washington.
Wyoming.
Alaska.
Hawaii.

(c) *Assignment upon exhaustion of coastal eligible list.* In the event the eligible list for a coast becomes exhausted, the Supervisor of Cadet Training may make assignments from other coastal lists.

(d) *Notification of standing on eligible list.* A candidate will on request be advised of his standing on the eligible lists, by the District Instructors on the Atlantic Coast (New York), Pacific Coast (San Francisco) and Gulf Coast (New Orleans).

(e) *Request for removal from eligible list.* A candidate on the eligible list must advise the Supervisor of Cadet Training promptly when he ceases to be available for assignment and wishes his name removed from list. Such a candidate must inform the Supervisor of Cadet Training, in writing, of the reasons for his withdrawal.* [7]

§ 294.8 *Appointments and assignments—*(a) *Successful candidate.* A successful candidate, who has passed his Naval Reserve physical examination, shall be appointed a Cadet by the Supervisor of Cadet Training and assigned by the District Instructor to preliminary training and basic Naval Science classes at a designated United States Maritime Commission Cadet School.

(b) *Maintenance and designation of Cadet Schools.* Cadet Schools for preliminary training, Naval Science courses, observation of aptitude, and continuation of studies while awaiting reassignment, shall be maintained by the Maritime Commission, one each on the Atlantic, Gulf and Pacific coasts. The advanced classroom work will be conducted at the Atlantic Coast and Pacific Coast Cadet Schools only. Advanced Cadets of the Gulf Coast District will be assigned to either the Atlantic Coast or the Pacific Coast Cadet Schools. The official designation of the Cadet Schools shall be United States Maritime Commission Academy of the (Atlantic, Pacific, or Gulf) Coast.

(c) *Observation for aptitude.* During periods at Cadet Schools, Cadets will be observed for aptitude. A Cadet found not adaptable for a career as an officer in the Merchant Marine shall be requested to resign, and failing to do so, shall be dismissed by the Supervisor of Cadet Training.

(d) *Orders to home pending assignment to vessel.* The Supervisor of Cadet Training, the District Instructor, or, when directed by the Supervisor of Cadet Training, the Commanding Officer of the Cadet School, may order any Cadet to his home after a period at Cadet School, there to await assignment to a vessel.

In such cases a Cadet will be reimbursed for transportation from school to home and from home to vessel, but will not receive pay or any other allowance from the Maritime Commission during period away from school or vessel.

(e) *Assignments to vessels.* Assignments to vessels shall be made by the Supervisor of Cadet Training or the District Instructors after due consideration is given to the standing of Cadets at Cadet School and the recommendations of its Commanding Officer.

(f) *Instructions to report for Naval Reserve physical examination and acknowledgment thereof.* Candidates on eligible lists will be informed of the date to report to the District Instructor for their Naval Reserve physical examination, at San Francisco, New York, or New Orleans, by the Supervisor of Cadet Training or the District Instructor. Candidates must acknowledge receipt of instructions to report, by telegram within 24 hours, and must report to the office of the District Instructor on the date instructed.

(g) *Effect of failure to acknowledge instructions or reject assignment.* The name of an eligible will be removed from the list if he fails to acknowledge receipt of instructions, fails to report, or rejects assignment without acceptable reason. The Supervisor of Cadet Training shall decide whether reason offered is acceptable.

(h) *Selection of vessel, etc.* Candidates or Cadets shall not be permitted to select vessel or steamship company employer, and steamship companies shall not be permitted to select candidates or Cadets.

(i) *Arrangements by District Instructors.* The District Instructor, or when directed by the Supervisor of Cadet Training, the Commanding Officer of the Cadet School will arrange for:

(1) Submission of applications for appointment as Cadet, Merchant Marine Reserve, United States Naval Reserve;
(2) Physical examination by a medical officer of the United States Navy or Naval Reserve for appointment as Cadet, Merchant Marine Reserve, United States Naval Reserve;
(3) Oath of office as United States Maritime Commission Cadet and taking of finger prints;
(4) The Division of Purchase and Supply to furnish uniforms and textbooks prescribed by the Supervisor of Cadet Training;
(5) The Division of Finance to commence pay of Cadet on date he reports to Cadet School;
(6) Furnishing of prescribed study assignments, quizzes, circular letters, and supplementary study material;
(7) Assignment to Cadet School;
(8) Detachment from Cadet School upon satisfactory completion of preliminary training and basic Naval Science courses, and assignment to a vessel;
(9) The Division of Finance to reimburse for balance of pay and deposit due while at Cadet School and travel allowance, after satisfactory completion of preliminary training and basic Naval Science courses, and after deductions for uniforms, textbooks and equipment furnished while at the Cadet Schools;
(10) Sea service papers from the Bureau of Marine Inspection and Navigation of the United States Department of Commerce;
(11) Introduction to proper shore official of steamship company to which assigned.

(j) *Instructions by steamship company.* The shore official of the steamship company will instruct cadets relative to:

(1) Company regulations.
(2) Approval of Master.
(3) Signing of ship's articles and commencement of pay from steamship company.

(k) *Certificates of appointment.* Certificates of appointment signed by the Secretary of the United States Maritime Commission and the Supervisor of Cadet Training shall be issued to all Cadets after their assignment to Cadet Schools.

(l) *Requests upon Local Selective Service Boards for deferment of Cadets.* The Supervisor of Cadet Training or District Instructors will request of Local Selective Service Boards the deferment of successful candidates until their oath of office is taken as Cadet in the United States Naval Reserve. Local Selective Service Boards will be promptly advised by the District Instructors of:

(1) Date oath as Cadet, Merchant Marine Reserve, is taken;
(2) Failure of a Cadet to satisfactorily complete preliminary training, with consequent withdrawal of request for deferment;
(3) Subsequent loss of status as Cadet because of resignation, dismissal or any other reason except promotion, with consequent discharge from the United States Naval Reserve and the withdrawal of request for deferment.

(m) *Notification to Commandants of Naval Districts of loss of Cadet status.* The Supervisor of Cadet Training will promptly inform the Commandants of Naval Districts relative to Cadets who have lost their status in the Cadet Corps of the United States Maritime Commission.* [8]

§ 294.9 *Courses of training—*(a) *Training periods.* For the duration of the duration of the emergency the courses of training for Cadets shall be at least two months at Cadet Schools for preliminary training and basic Naval Science, followed by at least ten months aboard ships and at least ten months at Cadet Schools for advanced study in preparation for licensed officer examination. Exceptions are those Cadets (E) holding engineering degrees which permit them to sit for their Third or Second Assistant Engineer Licenses after three to twelve months as Cadets (E) aboard ship. Such excepted Cadets (E) shall be required to complete preliminary training course and basic Naval Science, but will be designated Cadets (E) First Class (Special) and follow special courses of study, outlined by the Commanding Officer of the Cadet School, in preparation for their examination for license. The maximum training for Cadets (E) First Class (Special) will be one year aboard ships subsequent to completion of preliminary training at Cadet Schools.

(b) *Period of preliminary training.* The period of preliminary training at Cadet Schools shall be not less than two months. During this period Cadets (D) shall qualify for visual signaling proficiency certificates.

(c) *Continuation of studies while waiting transfers between ships.* While waiting transfers between ships, Cadets shall report to Cadet Schools for continuation of studies or may be granted leave without pay or allowances at the discretion of the District Instructor.

(d) *Courses during emergency.* The courses during the emergency shall be as follows, except as hereinafter changed by the Supervisor of Cadet Training:

FIRST YEAR OF TRAINING

(A)

AT LEAST TWO MONTHS PRELIMINARY TRAINING AND BASIC NAVAL SCIENCE AT CADET SCHOOL

(A) *Naval Science—Classroom for Cadets (D–2) and Cadets (E–2).*

	Periods
U. S. Naval History—Traditions and Customs	27
U. S. Navy Regulations—Administration	22
Ordnance and Gunnery	38
Naval Communications	14
Total	101

(B) *Naval Science—Drill for Cadets (D–2) and Cadets (E–2).*

	Periods
Infantry, Gunnery, Small Arms Practice, and any other drill which the Naval Science Instructor may consider necessary	35

(C) *Merchant—Classroom.*

Cadets (D–2)

	Periods
Seamanship	16
General Knowledge[1]	8
Navigation	8
Mathematics (D)	16
Elementary Marine Engineering	8
Cargo	8
Ship Construction	8
Total	72

Cadets (E–2)

	Periods
General Knowledge[1]	8
Marine Steam Engineering	16
Electrical Engineering	16
Mathematics (E)	8
Machine Shop	8
Ship Construction	8
Diesel Engineering	8
Total	72

[1] Cadets will be quizzed in all rules, regulations, notebook instructions and circular letters until the Commanding Officer is satisfied that they have a thorough understanding of same.

(D) *Merchant—Drills and Practical Work.*

Cadets (D–2)

	Periods
Boat Drill (Pulling and Sail)	32
Inspection and General Drills (Collision, Fire, Abandon Ship, Fire and Rescue, etc.)	16
Visual Signaling (All Cadets (D–2) must be qualified for proficiency certificate before detachment from the School. Cadets (D–2) who have secured visual signaling proficiency certificates will continue in preparation for "expert" certificate. The Commanding Officer is authorized to give final tests and grant certificates if found qualified)	48
Practical Seamanship and Work (Marlinspike seamanship, knots, splices, cargo gear, and upkeep of boats. Chipping, painting, cleaning, polishing, and typing. When practicable visits will be made to ships, docks, rope, and paint factories and shipyards)	24

Cadets (E–2)

	Periods
Boat Drill (Pulling and Sail)	32
Inspection and General Drills (Collision, Fire, Abandon Ship, Fire and Rescue, etc.)	16
Practical Work (It is more desirable that this time be spent in machine shops, on repairs, or other mechanical work. If facilities are not available, Cadets (E–2) should be given (a) study periods in Marine Steam Engineering II, or (b) visits to machine shops, shipyards, and engine rooms of ships when practicable. Cadets (E–2) should also be given practical work in chipping, painting, cleaning, polishing, overhaul of boat engines and typing)	72

FIRST YEAR OF TRAINING

(B)

ABOARD SHIPS

(At least 10 months self study aboard ships with assistance from District Instructors while in certain U. S. Ports.)

Cadets (D–2)

	Hours
Mathematics	180
Seamanship	180
Cargo	90
Elementary Marine Engineering	90
Ship Construction	72
Navigation	108
Communications (Radio)	36
Total	756

Cadets (E–2)

	Hours
Mathematics	108
Steam Engineering	234
Electrical Engineering	180
Ship Construction	72
Diesel Engineering	90
Machine Shop	72
Total	756

SECOND YEAR OF TRAINING AT CADET SCHOOLS

(At last 10 months of advanced course at Cadet Schools on Atlantic or Pacific coast.)

Courses for Cadets assigned to the School for advanced classroom training shall be for a period of about thirty-six weeks. Minimum periods shall be:

	Periods
Classroom work (recitations and lectures)	936
Drills, practical work and inspections	432
Study (Day and Evening)	1,060
Total	2,304

The minimum number of classroom periods for each subject shall be:

(A) *Advanced Naval Science—Classroom for Cadets (D–1) and Cadets (E–1).*

	Periods
Naval Regulations and Administration	22
Military Law	22
Ordnance and Gunnery	36
Naval Leadership	16
Naval Communications	16
International Law	16
Elementary Tactics	27
Total	157

(B) *Advanced Naval Science—Drills for Cadets (D–1) and Cadets (E–1).*

	Periods
Infantry, Gunnery, Small Arms Practice, Gas Protection, and any other drill which the Naval Science Instructor may consider necessary	32

(C) *Merchant—Classroom.*

Cadets (D–1)

	Periods
Navigation	144
Ship Construction	72
Meteorology	36
Seamanship	108
Communications (Radio)	72
Mechanical Drawing	36
First Aid	36
Elem. Electrical Eng.	108
Review for License [1]	36
Total	648

Cadets (E–1)

	Periods
Diesel Engineering	108
Ship Construction	72
Electrical Engineering	144
Steam Engineering and Refrigeration	180
Mechanical Drawing	36
Machine Shop	36
First Aid	36
Review for License [1]	36
Total	648

(D) *Merchant—Drills and Practical Work.*

Cadets (D–1)	Periods
Boat Drill	108
Inspection and General Drills	72
Visual Signaling	72
Radio Code Practice	36
Practical Seamanship and Practical Work	119
Total	407

Cadets (E–1)	
Boat Drill	108
Inspection and General Drills	72
Practical Work	227
Total	407

SUMMARY

(a) Naval Science Classroom	157
(b) Naval Science Drills	32
(c) Merchant—Classroom	648
(d) Merchant—Drills and Practical Work	407
	1,244
Study	1,060
Total	2,304

[1] To be given during last 18 weeks. The requirements for license should be summarized and each Cadet's weaknesses and strengths determined in order that the work mentioned in paragraph (E) shall be guided most efficiently. The time to be devoted to each subject under (E) should be outlined for each Cadet.

(E) The remaining time at Cadet School shall be devoted to study, attendance at classes with other Cadets to review instruction, or as the Commanding Officer may direct to prepare most efficiently for the examination for license. The District Instructor may assign Cadets (D) to Gyro School during this period if such Cadets are believed fully prepared for their license examinations Boat Drill must be attended during this time and effort must be made to maintain the physical well-being of Cadets during this time of highly concentrated review and study.

(e) *Furnishing of study assignments, etc.* Study assignments, quizzes, problems, and supplementary material will be furnished gratis to Cadets.

(f) *Texts, equipment and class rings.* All prescribed texts and necessary equipment will be sold to Cadets by the Division of Purchase and Supply of the United States Maritime Commission at cost to the government. Cadets will be furnished with prescribed texts and equipment on entering Cadet Schools for preliminary and advanced courses. The costs of such texts and equipment will be deducted from their pay accrued while at Cadet School. Class rings, approved by the Supervisor of Cadet Training, will be furnished to Cadets during their advanced courses at Cadet Schools. The cost of rings to the government shall be deducted from the Cadet's accrued pay while at Cadet School. Miniature rings may be purchased by Cadets directly from suppliers.

(g) *Preparation and grading of assignments, quizzes, etc.* Assignments, quizzes, problems, and supplementary material shall be prepared and graded by the Educational Unit of the Section of Cadet Training and the staff of instructors at Cadet Schools. Outside sources may be contracted and utilized by the Supervisor of Cadet Training, in accordance with law and within budget limitations, when, in his judgment, the facilities or staff of the Educational Unit or Cadet Schools are not sufficient to properly prepare courses and grade papers in all prescribed subjects.

(h) *Notification of changes in curricula.* Cadets shall be advised by circular letters of any changes made in curricula by the Supervisor of Cadet Training.

(i) *Preparation for examination for license.* The District Instructors and Commanding Officers at Cadet Schools shall direct Cadets, relative to review of subjects and the purchase of reference textbooks considered necessary in preparation for the examination to secure their licenses.

(j) *Contract instructors.* The Supervisor of Cadet Training is authorized, in accordance with law and within budget limitations, to employ instructors on a contract basis for detail to Cadet Schools, Offices of District Instructors and the Educational Unit for the Section of Cadet Training. All such contracts must be approved by the Commission.

(k) *Purchase of Cadet School equipment and supplies.* The Supervisor of Cadet Training is authorized to arrange with the Division of Purchase and Supply for the purchase of berthing, messing, recreational and instructional equipment and supplies for Cadet Schools and attached floating equipments, within the limitations of budget approved for operating expenditures.* [9]

§ 294.10 *Pay*—(a) *Rate ashore.* Cadets will receive pay at the rate of $65.00 per month from the United States Maritime Commission while at Cadet Schools or place of special shore training. Pay while at Cadet School will commence on the date of reporting to the Commanding Officer and will terminate on the date of detachment from Cadet School. Periods spent at places of special shore training shall be considered the same as time spent at Cadet Schools.

(b) *Rate aboard ship.* While attached to ships Cadets will receive minimum pay at a rate of $65 per month from their steamship company employers.

(c) *Suspension of pay.* No pay will be received from the Maritime Commission when not attached to Cadet Schools or assigned to places of special shore training, except as hereinafter changed by the Supervisor of Cadet Training.

(d) *War or other bonuses.* In addition to the minimum rates of pay, steamship companies shall grant to Cadets, attached to their ships, the same percentage of increase in pay for war or other emergency bonuses as has been granted to their Third Officers.

(e) *Cadets initially assigned to Cadet Schools.* Cadets initially assigned to Cadet Schools for preliminary training and basic Naval Science shall not receive their balance of pay until after the date of their detachment from Cadet School for assignments to ships or places of special shore training.

(f) *Cadets assigned to advanced courses and special training.* Cadets assigned to Cadet Schools for advanced courses and places of special shore training shall receive their pay at the end of each calendar month and on the date of their detachment from Cadet School or place of special shore training.

(g) *Suspension of pay for disciplinary reasons.* The Supervisor of Cadet Training is authorized to place any Cadet on a no-pay basis for disciplinary reasons while assigned to Cadet School or place of special shore training.* [10]

§ 294.11 *Transportation*—(a) *Rate of reimbursement.* The Maritime Commission shall reimburse Cadets at the rate of 5 cents per mile, based on official mileage tables of the War Department, for their traveling expenses:

(1) From home town to port wherein Cadet School is located, after passing Naval Reserve physical examination, reporting to the Commanding Officer of Cadet School, execution of oath of office as Cadet of the United States Maritime Commission Cadet Corps, and satisfactory completion of preliminary training and basic Naval Science courses.

(2) From port wherein Cadet School is located to the port where vessel, to which the Cadet is assigned or where place of special shore training, is located.

(3) From port where detached from vessel to port wherein Cadet School or place of special shore training is located.

(4) Between ports of Cadet Schools and between locations of places of special shore training.

(5) From port of Cadet School to home and from home to port where vessel to which assigned or place of special shore training is located, after having been ordered by the District Instructor to his home to await assignment to a vessel or place of special shore training.

(b) *Requests for reimbursement.* Requests from Cadets for transportation reimbursement properly endorsed and approved by the District Instructor will be submitted to the District Auditors of the United States Maritime Commission at either San Francisco, New York, or New Orleans for their action. When Cadets are transferred from one District to another, the mileage voucher will be prepared, approved, certified, and paid in the District to which the Cadet has been transferred.

(c) *No reimbursement during leave status; exception.* Cadets will not be reimbursed by the Maritime Commission for travel expenses to and from Cadet Schools or locations of special training ashore or ships, while they are on leave, unless ordered home by the District Instructor, to await assignment to ships or places of special training ashore.* [11]

§ 294.12 *Allowances; quarters and subsistence*—(a) *At Cadet School.* Cadets, while assigned to Cadet School, will be furnished with quarters and subsistence by the United States Maritime Commission. Laundry service, not to exceed $1.00 per week for any one Cadet, will also be paid by the United States Maritime Commission.

(b) *On special assignments ashore.* Cadets, while on special assignments away from Cadet School and when so authorized by the Supervisor of Cadet Training or District Instructors, will receive an allowance of $45 per month for quarters, subsistence, and other living expenses, in addition to their pay from the United States Maritime Commission, provided steamship companies, shipyards, or others to whom Cadets are assigned for special training ashore do not pay such wages and allowances.

(c) *Aboard ship.* Cadets, while assigned to ships, will be furnished with quarters and subsistence gratis by the steamship company employer.

(d) *When traveling or not quartered aboard ship.* Cadets, while traveling on the orders of a steamship company, or when quarters or subsistence are not furnished aboard ship, shall receive the same allowances for transportation, quarters and subsistence as Third Officers of the steamship company.* [12]

§ 294.13 *Deposit*—(a) *For uniforms, textbooks and equipment.* Cadets assigned to Cadet School for preliminary training and basic Naval Science course, prior to their original assignment to ships, shall make a deposit of at least $75 with the District Auditor of the Maritime Commission, to cover the cost of the initial issue of prescribed uniforms, textbooks and equipment furnished by the Division of Purchase and Supply of the United States Maritime Commission. The cost of additional prescribed uniforms and textbooks shall be deducted from pay earned while at Cadet School.

(b) *For spending money and personal items.* Cadets must provide themselves with a minimum of $25 for spending money and personal items during the period of preliminary training.

(c) *Not required for advanced courses.* Cadets assigned to Cadet Schools for advanced courses or to wait reassignment to ships shall not be required to make a deposit unless directed by the District Instructor.* [13]

§ 294.14 *Quarters and mess*—(a) *Berth.* Cadets aboard ship shall be berthed in rooms with other Cadets or Cadet Officers in that part of the vessel designated as Officers' or First Class passenger quarters.

(b) *Mess.* Cadets shall mess with licensed deck and engineer officers.* [14]

§ 294.15 *Annual leave.* Effective January 1, 1942, and for the duration of the emergency no annual leave with pay shall be granted to Cadets by the Maritime Commission or steamship companies. However, a District Instructor or a Commanding Officer of a Cadet School is authorized to grant a Cadet leave, without pay, while waiting assignment or reassignment to ships or Cadet Schools as circumstances dictate. During the emergency District Instructors shall endeavor to have Cadets serve at least 10 months aboard ship and at least 12 months total at Cadet Schools or places of special training ashore with the minimum of deduction for time on leave.* [15]

§ 294.16 *Uniforms, insignia, textbooks, equipment*—(a) *Requirements and method of payment.* Cadets shall possess uniforms, insignia, textbooks, and equipment as prescribed by the Supervisor of Cadet Training in "Uniform Regulations for United States Maritime Commission Cadet Corps" and circular letters. Cadets assigned to Cadet Schools will be furnished uniforms, insignia, textbooks, and equipment by the Division of Purchase and Supply, and the costs of same shall be deducted from their pay while at Cadet Schools: *Provided*, That the total cost of uniforms, insignia, textbooks, and equipment furnished to Cadets shall not exceed their deposit plus accrued pay.

(b) *Items to be prescribed by Supervisor of Cadet Training.* The Supervisor of Cadet Training shall designate those items of uniform, insignia, textbooks, and equipment that shall be possessed and maintained during the period of training, or made optional, in accordance with the following groups:

Group 1 shall include personal items, such as underwear, shirts, shaving kit, etc., that must be possessed by a candidate or Cadet upon reporting to Cadet School.

Group 2 shall include items of uniform, insignia, textbooks and equipment designated by the District Instructor, which

shall be furnished by the Division of Purchase and Supply, during the period at Cadet School, and charged against the Cadet's deposit plus accrued pay.

Group 3 shall include those additional items of uniform, insignia, textbooks, and equipment which Cadets shall purchase after leaving Cadet Schools and while serving in ships.

Group 4 shall include those items of uniform and equipment which shall be optional with Cadets until reporting to Cadet School for advanced course:

Group 5 shall include those items of uniform and equipment which shall be optional for Cadets during the entire period of training.

(c) *Cadets in advanced courses.* Uniforms, insignia, textbooks, class rings for Cadets in advanced courses and equipment shall be furnished to Cadets at Cadet School by the Division of Purchase and Supply, the value of which shall not, at any time, exceed the deposit plus accrued pay.* [16]

§ 294.17 *Awards*—(a) *Required grades for scholastic awards.* Cadets receiving an average grade of 85 percent or higher, with a mark of at least 70% in every subject, in quizzes, lessons and problems submitted during their first 12 months of service shall be awarded a blue and white ribboned service pin with a small gold anchor or propeller, as appropriate, in the white center. Scholastic award pins shall be presented to Cadets, at the expense of the Maritime Commission, by District Managers, District Instructors or Commanding Officers of Cadet Schools.

(b) *By steamship companies.* Steamship companies may select one Cadet (D) and one Cadet (E) by February 1st of each year as outstanding Cadets in their service for the preceding year. The reports of the District Instructor may be consulted for the purpose of comparison or the steamship companies may make awards based on their own records. Cadets selected by steamship companies shall be presented with a gold and blue ribboned pin with gold anchors or propellers, as appropriate, on the blue center, by an executive of the steamship company.

(c) *Combination pins.* If an outstanding Cadet has also won a pin for high scholastic grades, such pin shall be worn as a continuation of the other. In such cases a combination pin shall be presented to Cadets, at the expense of the United States Maritime Commission, by either the District Manager, the District Instructor, the Commanding Officer of a Cadet School or an executive of the steamship company.

(d) *Presentation of special awards by Chairman of Maritime Commission.* Cadets who have rendered distinguished service, or, for some other reason have won special awards shall be ordered to Washington by the Supervisor of Cadet Training, to receive such award from the Chairman of the United States Maritime Commission or other government official. In such cases the Cadet shall receive pay at the rate of $85 per month from the Maritime Commission during period absent from Cadet School or ship and will travel on regular government travel request issued by the District Manager with a per diem allowance of $6.00 per day. If assigned to Cadet School, the Cadet shall receive pay due on the day ordered to depart from school for Washington. The period of stay in Washington shall be five days.* [17]

§ 294.18 *Diploma.* Cadets will receive a diploma signed by the Chairman, the Commissioner in charge of Training, the Director of the Division of Training, and the Supervisor of Cadet Training of the United States Maritime Commission, after satisfactory completion of prescribed course of study and training. The Secretary of the United States Maritime Commission also will sign the diploma and affix the seal of the United States Maritime Commission. In addition to the diploma, Cadets will be furnished with a statement of grades received in each subject during their course of training and any notations relative to distinguished service.* [18]

§ 294.19 *Promotion to and Assignment as Cadet Officer*—(a) *Loss of Cadet status.* Cadets shall lose their status as such when the Supervisor of Cadet Training determines that they are either ineligible and qualified to take their examinations for or have received a license as Third Mate or Third Assistant Engineer (steam and/or motor) from the Bureau of Marine Inspection and Navigation of the United States Department of Commerce. For Cadets (E), First Class (Special), who possess certain degrees from approved colleges and are permitted to sit for Third or Second Assistant Engineer licenses at the end of 3, 6, and 12 months' service aboard ships, the maximum service as Cadet (E) aboard ships shall be one year.

(b) *Request for assignment as Cadet Officer.* If after securing their licenses, Cadets are not promptly promoted by steamship companies to licensed officer positions, they may submit a request to the Supervisor of Cadet Training for promotion to and prompt assignment as Cadet Officer and shall, if approved by the Supervisor of Cadet Training, receive appointments and assignments to vacancies aboard ships, preferably to steamship companies with which they last served as Cadets.* [19]

§ 294.20 *Resignations*—(a) *Method of submission.* Cadets who for various reasons find that they must terminate their training, shall submit their written resignations to the Supervisor of Cadet Training, via the Master or Commanding Officers of their vessels and the District Instructor. Resignations of Cadets assigned to a vessel must be made effective at the termination of the voyage in a United States port and shall be submitted to the Master or Commanding Officer at least 10 days before arrival in port. Resignations of Cadets at Cadet Schools must be made effective at least 10 days from date and shall be submitted to the Commanding Officer of the Cadet School.

(b) *Statement of reasons.* Detailed reasons for terminating training must be stated in resignation.* [20]

§ 294.21 *Active duty in Navy as Midshipman, MMR*—(a) *Request for appointment.* Cadets who have served in vessels taken over by the Navy will request appointment as Midshipman, MMR, and active duty with pay and allowance of that rank, during the emergency. Other Cadets will request such appointments and active duty when so directed by the Supervisor of Cadet Training or the Navy Department.

(b) *Continuation of prescribed study courses.* During active duty in the Navy, Cadets will, as Midshipmen, MMR, carry on with the prescribed courses of study in preparation for their licenses as Third Mate or Third Assistant Engineer (steam and motor). Midshipmen, MMR, will not be detached from active duty and assigned to Cadet Schools for advanced course. During the emergency they will be eligible to sit for their licenses after a total of twenty-two months as either Cadet or Midshipman aboard merchant or Naval vessels.* [21]

§ 294.22 *Maximum number of Cadet Officers or Cadets*—(a) *Limitations on assignments.* During the emergency there shall be no limit in the total number of Cadets or Cadet Officers under training. Two Cadets shall be assigned to all emergency built vessels and at least two Cadets to all other new vessels aboard which rooms existed for Cadets at the time of delivery.

(b) *Placement by District Instructors.* Endeavor shall be made by District Instructors to fill all vacancies for Cadets or Cadet Officers aboard existing ships in offshore trades and aboard the new vessels to be delivered during the emergency. District Instructors shall promptly advise the Supervisor of Cadet Training of the reasons why any vessel in offshore trades failed to carry Cadets or Cadet Officers.* [22]

§ 294.23 *Distribution of regulations.* The regulations in this subpart shall be published in the FEDERAL REGISTER and distributed to all Cadets, applicants for appointment as Cadets, and others concerned with or interested in the training of Cadets ashore and afloat.* [23]

§ 294.24 *Instructions supplementing regulations.* The Supervisor of Cadet Training is hereby authorized and directed to prescribe and issue instructions, supplementing the regulations in this subpart, for the training of Cadet Officers and Cadets assigned to Cadet Schools, locations of special training, and aboard ships. Copies of such instructions will be distributed to Cadet Training Instructors, offices of steamship companies providing for the training of Cadet Officers and Cadets, Cadet Officers and Cadets, and others concerned.* [24]

§ 294.25 *Evidence of citizenship.*

APPENDIX A

REQUIREMENTS OF NAVY DEPARTMENT RELATIVE TO EVIDENCE OF CITIZENSHIP

(*Article H–3106 (2) (c) Bureau Manual*)

(2) All applications must show and be signed with the full legal names of applicants. They must be accompanied by or include the following:

(a) Evidence of citizenship as shown below.

If native born:

(1) A duly verified copy of a public or church record of birth, or

(2) The affidavit, under oath, of the physician, midwife, or other persons present at the birth.

(3) In cases where neither (1) nor (2) can be obtained by the candidate, the affidavit of either parent.

(4) In cases where the candidate certifies that no one of the above is obtainable, the affidavits (under oath) of two reputable citizens acquainted with him. Each of these affidavits should state the facts within the knowledge of the deponent upon which he bases his statements as to the citizenship of the candidate, as for example, that he has known the candidate since birth, that he knew his parents, or as the case may be.

If foreign born:

(5) Certificate of naturalization, under the seal of the court in which naturalized.

(6) Certificate of naturalization, under the seal of the court in which naturalized, of the parent during the minority of the candidate, together with the affidavit of a parent that the candidate is the child of the parent whose certificate of naturalization is submitted.

(7) In special cases where the candidate certifies that neither (5) nor (6) is obtainable, the affidavits of two reputable citizens acquainted with him (see par. 4, under native-born citizens). As every naturalization is a matter of record in some court, these affidavits will be accepted only in very exceptional cases, and on the understanding that the candidate shall later submit a proper certificate of naturalization.

NOTE: In the cases of naturalized citizens, the Navy Department requires a period of ten years citizenship before it will approve an application for Cadet MMR, U.S.N.R.* [25]

SUBPART B—CADET OFFICERS

§ 294.51 *General requirements*—(a) *Age.* A candidate must be not less than 19 nor more than 25 years of age on the date application is received. If less than 21 years of age, the application shall contain written consent of a parent or guardian.

(b) *Possession of license.* He must possess a license, under which he has not served, as Third Mate—Ocean, or original Second Mate—Ocean, or Third Assistant Engineer—Unlimited, or original Second Assistant Engineer—Unlimited, issued by the Bureau of Marine Inspection and Navigation of the United States Department of Commerce.

(c) *Character.* A candidate must satisfy the Supervisor of Cadet Training as to his good moral character.

(d) *Education.* A candidate must satisfy the Supervisor of Cadet Training that he has sufficient educational qualifications to pursue courses of study which are prescribed for Cadet Officers.

(e) *Marital status.* A candidate must be unmarried. Any Cadet Officer who shall marry or who shall be found to be married before completion of training shall be requested to resign and, failing to do so, shall be dismissed by the Supervisor of Cadet Training.

(f) *Ineligible persons.* No person who has been dismissed or compelled to resign from the United States Maritime Commission Cadet Corps, a Government Service Academy or a State Maritime Academy, for improper conduct, or who has been dishonorably discharged from the armed forces of the United States, or who has been dismissed for cause or has resigned with prejudice as a civil employee of the United States is eligible for an appointment as a Cadet Officer in the United States Maritime Commission Cadet Corps.

(g) *Enrollment in Merchant Marine Reserve.* A candidate must enroll or be enrolled, as a Cadet, Merchant Marine Reserve, or hold a commission in the United States Naval Reserve, to be eligible for appointment as Cadet Officer.* [1]

§ 294.52 *Physical requirements*—(a) *Naval Reserve physical examination.* No physical examination will be required of candidates who are enrolled in the Naval Reserve. Candidates who are not enrolled in the Naval Reserve will be required to pass the Naval Reserve physical examination for appointment as Cadet, Merchant Marine Reserve, without waiver. If waiver is recommended, candidates cannot be appointed until after waiver is approved by the Navy Department.

(b) *Termination of training for physical defect or disease.* Any defect or disease developed by a Cadet Officer during training, which would result in his discharge from the United States Naval Reserve, will be sufficient cause for the Supervisor of Cadet Training to terminate his training as a Cadet Officer.* [2]

§ 294.53 *Applications*—(a) *Submission to Supervisor of Cadet Training.* Application for appointment as Cadet Officer, fully completed, together with all supporting papers, shall be submitted to the Supervisor of Cadet Training.

(b) *Graduates of Cadet Corps.* Graduates of the United States Maritime Commission Cadet Corps may submit requests for promotion to Cadet Officers in lieu of new applications.* [3]

§ 294.54 *Certificates*—(a) *Subjects and grades at accredited schools or colleges.* A candidate who is not a graduate of an approved State Maritime Academy or the United States Maritime Commission Cadet Corps, but has attended other schools, shall submit a properly attested certificate listing subjects and grades received at accredited schools or colleges. The school certificates shall be forwarded by the respective accredited schools direct to the Supervisor of Cadet Training, United States Maritime Commission, Washington, D. C., on the form prescribed and furnished by the Supervisor of Cadet Training.

(b) *Graduates of State Maritime Academies or Cadet Corps.* A candidate who is a graduate of an approved State Maritime Academy shall submit a properly attested certificate from his State Maritime Academy in which shall be listed subjects studied, grades received, and class standing on graduation. No certificates will be required of graduates of the United States Maritime Commission Cadet Corps.

(c) *Rejection for inability to pursue self-study courses.* The Supervisor of Cadet Training shall reject any candidate whose school certificates cause doubt as to his ability to pursue the self-study courses prescribed for Cadet Officers.

(d) *Passport photograph.* A candidate must submit one full face photograph of passport size.

(e) *Certificate of good moral character.* A candidate, except a graduate of the United States Maritime Commission Cadet Corps, must submit a letter from the Superintendent of an approved State Maritime Academy or last employer (if not a graduate of an approved State Maritime Academy), certifying good moral character.* [4]

§ 294.55 *Eligible list*—(a) *Eligible candidates.* A candidate shall be placed on the eligible list after it is determined that the qualifications herein prescribed have been met.

(b) *Coastal areas and Cadet School or other assignments.* The lists of eligible deck Cadet Officers and Engineer Cadet Officers will be divided into coastal areas by the Supervisor of Cadet Training. Successful candidates will be assigned to the Cadet Schools indicated below, or direct to ships, or to locations of special training ashore:

Atlantic Coast Cadet School:
- Connecticut.
- Delaware.
- Illinois.
- Indiana.
- Maine.
- Maryland.
- Massachusetts.
- Michigan.
- Minnesota.
- New Hampshire.
- New Jersey.
- New York.
- North Carolina.
- Ohio.
- Pennsylvania.
- Rhode Island.
- Vermont.
- Virginia.
- West Virginia.
- Wisconsin.
- District of Columbia.
- Puerto Rico.

Gulf Coast Cadet School:
- Alabama.
- Arkansas.
- Florida.
- Georgia.
- Iowa.
- Kansas.
- Kentucky.
- Louisiana.
- Mississippi.
- Missouri.
- Nebraska.
- Oklahoma.
- South Carolina.
- Tennessee.
- Texas.
- Canal Zone.

Pacific Coast Cadet School:
- Arizona.
- California.
- Colorado.
- Idaho.
- Montana.
- Nevada.

Pacific Coast Cadet School—Continued.
New Mexico.
North Dakota.
Oregon.
South Dakota.
Utah.
Washington.
Wyoming.
Alaska.
Hawaii.

(c) *Assignment upon exhaustion of coastal eligible list.* In the event the eligible list for a coast becomes exhausted, the Supervisor of Cadet Training may make assignments from other coastal lists.

(d) *Notification of standing on eligible list.* A candidate will be advised of his standing on the coastal desk or engineer eligible lists on request to the Supervisor of Cadet Training.

(e) *Acceptance of shipboard position pending assignment.* An eligible candidate who accepts another shipboard position, pending assignment as Cadet Officer, must advise the Supervisor of Cadet Training of the name of the vessel on which he is serving and the dates, his capacity, and United States ports of call of such vessel. Failure to observe this regulation will result in removal of name from eligible list.

(f) *Request for removal from eligible list.* A candidate on the eligible list must advise the Supervisor of Cadet Training promptly when he ceases to be available for assignment and wishes his name removed from list. Such a candidate shall inform the Supervisor of Cadet Training, in writing, with the reasons for his withdrawal.* [5]

§ 294.56 *Appointments and assignments*—(a) *By Supervisor of Cadet Training.* Selected candidates shall be assigned by the Supervisor of Cadet Training to the Cadet Schools or direct to ship or location of special training as vacancies occur.

(b) *Preference.* The Supervisor of Cadet Training may give preference to those eligible candidates who have completed the courses for Cadets in the United States Maritime Commission Cadet Corps or in an unlicensed capacity with the steamship company to which a Cadet Officer is to be assigned; provided the eligible candidate is recommended by the steamship company.

(c) *Seniority.* If the steamship company employer with a vacancy for Cadet Officer does not recommend an eligible candidate under the provisions of paragraph (b) of this section, the Supervisor of Cadet Training shall make assignments from amongst those cadidates on the eligible lists who have been on such eligible lists the longest in point of time.

(d) *Selection for post graduate training.* The Supervisor of Cadet Training may select qualified eligibles for post graduate training in vessels of the United States Coast and Geodetic Survey and other Government agencies and at locations of special training ashore.

(e) *Procurement of textbooks and uniforms.* After appointment and assignment to Cadet School, Cadet Officers shall arrange to procure textbooks for the first year course of study, and the uniforms designated by District Instructors or Commanding Officers of Cadet Schools.

(f) *Orders to home pending assignment to vessel.* The Supervisor of Cadet Training, the District Instructor, or when authorized by the Supervisor of Cadet Training, the Commanding Officer of the Cadet School may order any Cadet Officer to his home after a period at Cadet School and there await assignment to a vessel. In such cases a Cadet Officer will be reimbursed for transportation, at the rate of 5 cents per mile from school to home and from home to vessel, but will not receive pay or allowances during period away from school or vessel.

(g) *Prompt report for duty.* Candidates high on the eligible lists must be prepared to report promptly to Cadet School or locations of special training ashore, or direct to ships on short notice.

(h) *Removal from eligible list.* The name of an eligible will be removed from the list if he fails to acknowledge receipt of instructions by telegram within 24 hours of receipt of same, fails to report, or rejects assignment without acceptable reason. The Supervisor of Cadet Training shall decide whether reason offered is acceptable.

(i) *Selection of vessel, etc.* Candidates or Cadet Officers shall not be permitted to select vessel or steamship company employer, and steamship companies shall not be permitted to select candidates or Cadet Officers except as provided in paragraph (b) of this section.

(j) *Arrangements by District Instructor or Commanding Officer.* The District Instructor, or, when directed by the Supervisor of Cadet Training, the Commanding Officer of the Cadet School will arrange for:

(1) Oath of office as United States Maritime Commission Cadet Officer and taking of fingerprints;

(2) The Division of Finance to commence pay of Cadet Officer on date he reports to Cadet School;

(3) Furnishing of prescribed study assignments, quizzes, circular letters, and supplementary study material;

(4) Assignment to Cadet School;

(5) Detachment from Cadet School and assignment to a vessel;

(6) The Division of Finance to reimburse for pay due while at Cadet School and travel allowance, upon detachment from Cadet School;

(7) Introduction to proper shore official of steamship company to which assigned.

(k) *Instructions by steamship company.* The shore official of the steamship company will instruct Cadet Officers relative to:

(1) Company regulations.
(2) Approval of Master.
(3) Signing of ship's articles and commencement of pay from steamship company.

(l) *Certificates of appointment.* Certificates of appointment signed by the Secretary of the United States Maritime Commission and the Supervisor of Cadet Training shall be issued to all Cadet Officers after appointment.* [6]

§ 294.57 *Course of training.*—(a) *Proof of diligence.* Cadet Officers must prove to the District Instructor, who will visit their vessels while in United States ports, that they have been applying themselves diligently.

(b) *Regulations, instructions and circular letters.* Cadet Officers shall be supplied with Regulations, instructions, and circular letters, before sailing on their first voyage, or before assignment to Cadet School.

(c) *Naval Reserve Correspondence Courses.* Cadet Officers shall make application for the Naval Reserve Correspondence Courses listed below, prior to assignment to Cadet School or vessel.

(d) *Courses of study.* The courses of study shall be as follows, except as may be changed by direction of the Supervisor of Cadet Training:

Cadet Officers (D)

Naval Reserve Correspondence Course in: Navigation (A).

Cadet Officers (E)

Naval Reserve Correspondence Course in: Engineering.

(e) *Detail to shore or specialized vessel training.* In addition to the foregoing, Cadet Officers may be detailed to shore training at shipyards, plants, educational institutions or specialized training aboard vessels of the United States Coast and Geodetic Survey and other Government agencies.

(f) *Purchase of prescribed textbooks.* Cadet Officers must purchase all prescribed textbooks excepting texts loaned by the Navy.

(g) *Notification of changes in curricula.* Cadet Officers shall be advised by circular letters of any change made in their curricula by the Supervisor of Cadet Training.* [7]

§ 294.58 *Pay*—(a) *Rate.* Cadet Officers will receive pay at the rate of $100 per month from the United States Maritime Commission while at Cadet Schools and while serving aboard United States Coast and Geodetic Survey vessels for special training. Pay while at Cadet School will commence on the date of reporting to the Commanding Officer and will terminate on the date of detachment from Cadet School.

(b) *Reimbursement for transportation; assisting instructors.* A candidate who receives an appointment as Cadet Officer and is assigned to a Cadet School will be expected to serve as Cadet Officer on board ship to which assigned, in order to receive reimbursement for transportation and pay while at Cadet School. While at Cadet Schools, Cadet Officers shall assist the instructors, as directed by the Commanding Officer of the Cadet School.

(c) *Cadet Officers initially assigned to Cadet Schools.* Cadet Officers initially assigned to the Cadet Schools shall not receive their pay or transportation allowances until after the date of their detachment from Cadet School for assignment to ships or places of special shore training.

(d) *Cadet Officers aboard merchant vessels.* Cadet Officers will receive minimum pay at a rate of $100 per month during their first year aboard merchant vessels and $120 per month during their second year aboard merchant vessels, from their steamship company employers.

(e) *War or other emergency bonuses.* In addition to minimum rates of pay, steamship companies shall grant to Cadet Officers the same percentage of increases for war or other emergency bonuses as is granted to Third Officers.* [8]

§ 294.59 *Transportation*—(a) *Rate of reimbursement.* The Maritime Commission shall reimburse Cadet Officers at the rate of 5 cents per mile, based on the official mileage tables of the War Department, for their traveling expenses:

(1) From home town to port wherein Cadet School is located, after reporting to the Commanding Officer of Cadet School, execution of oath of office as Cadet Officer of the United States Maritime Commission, and detachment from Cadet School for assignment to vessel or places of special shore training.

(2) From port wherein Cadet School is located to port where vessel to which Cadet Officer is assigned, or where place of special shore training is located.

(3) From port where detached from vessel to port wherein Cadet School or place of special shore training is located.

(4) From port of Cadet School to home and from home to port where vessel to which assigned or a place of special shore training is located, after having been ordered by the District Instructor to his home to await assignment to a vessel or place of special shore training.

(b) *Requests for reimbursement.* Requests from Cadet Officers for transportation reimbursement, properly endorsed and approved by the District Instructor, will be submitted to the District Auditors of the United States Maritime Commission a either San Francisco, New York, or New Orleans for their actfon. When Cadet Officers are transferred from one District to another, the mileage voucher will be prepared, approved, certified, and paid in the District to which the Cadet Officer has been transferred.

(c) *No reimbursement during leave status; exception.* Cadet Officers will not be reimbursed by the Maritime Commission for travel expenses to and from Cadet Schools or ships or place, of special shore training while they are on leave, unless ordered home from the Cadet School by the Supervisor of Cadet Training or the District Instructor to wait for assignment to ships or places of special shore training.* [9]

§ 294.60 *Allowances; Quarters and Subsistence*—(a) *At Cadet Schools.* Cadet Officers, while assigned to Cadet Schools, will be furnished with quarters and subsistence by the United States Maritime Commission. Laundry service, not to exceed $1.00 per week for any one Cadet Officer, will also be paid by the United States Maritime Commission.

(b) *On special assignments ashore.* Cadet Officers, while on special assignments ashore away from the Cadet School and when so authorized by the Supervisor of Cadet Training, or District Instructors, will receive an allowance of $45 per month for quarters, subsistence, and other living expenses, in addition to their pay from the United States Maritime Commission, provided steamship companies, shipyards, or others to whom Cadet Officers are assigned for special training ashore do not pay such wages or allowances.

(c) *Aboard ship.* Cadet Officers, while assigned to merchant vessels will be furnished quarters and subsistence gratis by the steamship company employer.

(d) *When traveling.* Cadet Officers, while traveling on orders of a steamship company, or when quarters and subsistence are not furnished aboard ship, shall receive the same allowances for transportation, quarters and allowance as Third Officers of the steamship company.* [10]

§ 294.61 *Quarters and mess*—(a) *Berth.* Cadet Officers aboard ship shall be berthed in rooms with other Cadet Officers or Cadets in that part of the vessel designated as Officers' or First Class passenger quarters.

(b) *Mess.* Cadet Officers shall mess with licensed deck and engineer officers.* [11]

§ 294.62 *Annual leave.* Cadet Officers shall receive the same annual leave with pay as is granted by employers to their licensed officers.* [12]

§ 294.63 *Deposit—Uniforms and textbooks.* Cadet Officers assigned to Cadet School, before their first assignment to ships, shall make a deposit sufficient to cover the cost of uniforms and textbooks designated by the District Instructor or Commanding Officer of Cadet School and furnished by the Division of Purchase and Supply of the United States Maritime Commission. The cost of such uniforms and textbooks shall be deducted from this deposit plus pay earned while at Cadet School.* [13]

§ 294.64 *Uniforms, insignia, textbooks, equipment*—(a) *Purchase.* Cadet Officers shall purchase uniforms, insignia, textbooks, and equipment as prescribed by the Supervisor of Cadet Training in "Uniform Regulations for United States Maritime Commission Cadet Corps", circular letters, and designated by the District Instructor or Commanding Officer of Cadet Schools.

(b) *Items to be prescribed by Supervisor of Cadet Training.* The Supervisor of Cadet Training shall prescribe those items of uniform, insignia, textbooks, and equipment that shall be possessed and maintained during the period of training, or made optional, in accordance with the following groups:

Group 1 shall include personal items, such as underwear, shirts, etc., that must be possessed upon reporting to the Cadet School.

Group 2 shall include items of uniform, insignia, textbooks, and equipment in designated quantities, which may be furnished by the Division of Purchase and Supply, and the costs deducted from pay while at Cadet School.

Group 3 shall include those additional items of uniforms, insignia, textbooks, and equipment which Cadet Officers shall purchase after leaving the Cadet School and/or while serving in ships or locations of special training ashore.

Group 4 shall include those items of uniform and equipment that will be optional for Cadet Officers during the entire period of training.

(c) *Deposit to cover.* Uniforms, insignia, textbooks, and equipment as designated by the District Instructor or Commanding Officer of Cadet School, shall be furnished to each Cadet Officer at Cadet School by the Division of Purchase and Supply only after such Cadet Officers have deposited sufficient funds with the District Auditor to pay for all items to be furnished by the Division of Purchase and Supply during period at Cadet School.* [14]

§ 294.65 *Certificates*—(a) *Completion certificate.* Cadet Officers, upon satisfactory completion of prescribed courses, shall be awarded a certificate of completion signed by the Chairman of the United States Maritime Commission.

(b) *Post graduate certificate.* Cadet Officers assigned to United States Coast and Geodetic Survey vessels for post graduate course shall, upon satisfactory completion of post graduate training, be awarded a certificate signed by the Rear Admiral-Director of the United States Coast and Geodetic Survey, and by the Chairman of the United States Maritime Commission.* [15]

§ 294.66 *Length of service*—(a) *Extension of status as Cadet Officer.* Cadet Officers shall not remain in such grade for a period longer than one year, except that the status shall not be impaired until the conclusion of the last voyage begun within this year of service, and that the status as Cadet Officer may be extended in the discretion of the Supervisor of Cadet Training, on the request of the Cadet Officer, provided:

(1) The extension of status is recommended by the Master.

(2) The employer agrees to promote the Cadet Officer to licensed position when the opportunity presents itself.

(3) The progress record of the Cadet Officer is satisfactory.

(b) *Limit of extension.* The limit of extension of service as Cadet Officer shall be one year. If not promoted within that time, the Cadet Officer shall lose his status as such at the end of the extended year.* [16]

§ 294.67 *Promotion and future opportunities.* The Supervisor of Cadet Training shall have no jurisdiction over promotions to licensed officer positions. This matter is one for employers to decide.* [17]

§ 294.68 *Resignations*—(a) *Method of submission.* Cadet Officers who for various reasons find that they must terminate their training, shall submit their written resignations to the Supervisor of Cadet Training, via the Master or Commanding Officer of their vessels and the District Instructor. Resignations of Cadet Officers assigned to vessels must

be made effective at the termination of the voyage in a United States port and shall be submitted to the Master or Commanding Officer at least 10 days before arrival in port.

(b) *Statement of reasons.* Detailed reasons for terminating training, especially whether promoted or resigned to accept licensed position in another vessel, must be stated in resignation.* [18]

§ 294.69 *Distribution of regulations.* The regulations in this subpart shall be published in the FEDERAL REGISTER and distributed to all Cadet Officers, applicants for appointment as Cadet Officers, and others concerned with the training of Cadet Officers and Cadets ashore and afloat.* [19]

§ 294.70 *Instructions supplementing regulations.* The Supervisor of Cadet Training is hereby authorized and directed to prescribe and issue instructions supplementing the regulations in this subpart, for the training of Cadet Officers and Cadets assigned to Cadet Schools, locations of special training, and aboard ships. Copies of such instructions or rules will be distributed to Cadet Training Instructors, Officials of steamship companies, ship's officers, Cadet Officers, and others concerned.* [20]

By Order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
Assistant Secretary.

JANUARY 8, 1942.

[F. R. Doc. 42-638; Filed, January 22, 1942; 9:43 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1248]

PETITION OF DISTRICT BOARD NO. 10 FOR A REDUCTION IN THE EFFECTIVE MINIMUM PRICES FOR 14,000 TONS OF SIZE GROUP NO. 23 COALS OF THE ROYALTON NO. 7 MINE (MINE INDEX NO. 151) OF THE FRANKLIN COUNTY COAL CORPORATION, A CODE MEMBER IN DISTRICT NO. 10, FOR ALL SHIPMENTS EXCEPT TRUCK

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party,

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on February 18, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 13, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 10 for a reduction from 190 to 140 cents per net ton in the effective minimum prices for 14,000 tons of Size Group No. 23 coals, allegedly substandard and now in storage at the Royalton No. 7 Mine (Mine Index No. 151) of the Franklin County Coal Corporation, a code member in District No. 10, for all shipments except truck, to the Commonwealth Edison Company at Chicago, Illinois, the Lehigh Portland Cement Company at Mason City, Iowa, and the Universal Atlas Cement Company at Buffington, Indiana.

Dated: January 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-642; Filed, January 22, 1942; 11:20 a. m.]

[Docket No. A-1229]

PETITION OF ALABAMA BY-PRODUCTS CORPORATION, CODE MEMBER IN DISTRICT 13, FOR REVISION OF THE MINIMUM PRICES AND PRICE CLASSIFICATIONS ESTABLISHED FOR THE SAMOSET MINE, MINE INDEX NO. 37, IN DISTRICT 13 TO PERMIT A MOISTURE ALLOWANCE ON SHIPMENTS OF COAL FOR RAILROAD LOCOMOTIVE FUEL USE

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 2, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 24, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Alabama By-Products Corporation, a code member in District 13, for revision of the minimum prices and price classifications applicable to the coals of the petitioner's Samoset Mine, Mine Index No. 37, to permit a moisture allowance of 7.5 per cent on washed coal shipped to the Illinois Central Railroad Company for railroad locomotive fuel use.

Dated: January 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-643; Filed, January 22, 1942; 11:20 a. m.]

[Docket No. B-146]

IN THE MATTER OF ZIMMERMAN COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 9985, RESPONDENT

NOTICE OF AND ORDER FOR HEARING

1. The Bituminous Coal Division (the "Division") finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder, to determine:

(a) whether or not Zimmerman Coal Company, Registered Distributor, Registration No. 9985, whose address is 609 Tribune Building, Terre Haute, Indiana, rsepondent in the above-entitled matter, has violated any provisions of the Act, the Code, any orders or regulations of the Division including the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, (the "Distributor's Regulations"), and the Distributor's Agreement, (the "Agreement") executed September 24, 1940, by respondent, pursuant to Order of the Bituminous Coal Division dated June 19, 1940, in General Docket No. 12; and

(b) whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties should be imposed; and for said purposes gives notice that the Division has information to the effect that:

2. Respondent is a corporation, incorporated in the State of Indiana in the year 1916, and is engaged as a distributor, pursuant to the Distributor's Regulations, in the business of purchasing and reselling bituminous coal.

3. Respondent entered into a sales agency agreement, with the Lone Star Coal Co., Inc., of Terre Haute, Indiana, as principal. Said agreement was dated October 4, 1940 and filed with the Division on October 9, 1940, and a modification thereof dated July 1, 1941, was filed with the Division on July 15, 1941.

4. The Lone Star Coal Co., Inc., is a code member operating the Lone Star No. 3 Mine, Mine Index No. 118, Vigo County, Indiana, and the Lone Star Mine, Mine Index No. 55, Clay County, Indiana, both located in District No. 11.

5. Respondent acting in behalf of said code member pursuant to said sales agency agreement sold and delivered by rail to the Columbian Enameling and Stamping Co., Inc., at Terre Haute, Indiana, 22 cars of 3/8" carbon coal, Size Group No. 15, produced at the Lone Star Mine, Mine Index No. 55, during the period from November 9, 1940, to March 28, 1941, both dates inclusive; and 12 cars of 3/8" carbon coal, Size Group No. 15, produced at the Lone Star No. 3 Mine, Mine Index No. 118, during the period from April 7, 1941 to July 15, 1941, both dates inclusive.

6. Respondent prepaid the freight charges of 53 cents per net ton on the coal sold and delivered as indicated in paragraph 5 hereof, with the intent to and having the effect of granting a discriminatory credit allowance, and thereby violated section 4 II (1) (3) of the Act, Part II (i) (3) of the Code, Rule 3 of section XIII and Rule 1 (J) of section VII of the Marketing Rules and Regulations and paragraphs (c) and (e) of the Agreement.

7. During the period from May 6, 1941 to May 8, 1941, both dates inclusive, respondent purchased from the F. C. Morgan Coal Company, a code member, 2 cars of 2" screenings, Size Group No. 26, produced by said code member at its Butler Mine, Mine Index No. 16, located in Clay County, Indiana, in District No. 11. Respondent during said period resold and shipped said coal by rail to the Columbian Enameling and Stamping Co., Inc., at Terre Haute, Indiana, and prepaid the freight charges of 63 cents per net ton thereon with the intent to, and having the effect of granting a discriminatory credit allowance, thereby violating section 4 II (1) (3) of the Act, Part II (i) (3) of the Code, Rule 3 of Section XIII and Rule 1 (J) of Section VII of the Marketing Rules and Regulations and paragraphs (c) and (e) of the Agreement.

8. On or about May 14, 1941, respondent purchased from Goodman Coal Corporation of Chicago, Illinois, sales agent for Big Bend Collieries, Inc., a code member, 1 car of 2" screenings, Size Group No. 26, produced by said code member at its Big Bend Mine, Mine Index No. 7, located in Clay County, Indiana, in District No. 11. Respondent on or about said date resold and shipped said coal by rail to the Columbian Enameling and Stamping Co., Inc., at Terre Haute, Indiana, and prepaid the freight charges of 63 cents per net ton thereon with the intent to, and having the effect of granting a discriminatory credit allowance, thereby violating section 4 II (1) (3) of the Act, Part II (i) (3) of the Code, Rule 3 of Section XIII and Rule 1 (J) of Section VII of the Marketing Rules and Regulations and paragraphs (c) and (e) of the Agreement.

9. Respondent subsequent to September 30, 1940, failed to file its invoices currently as rendered with the field office for District No. 11 as required by Order No. 295 of the Director dated June 14, 1940, and Order No. 313 of the Director dated February 24, 1941, resulting in the violation of paragraph (e) of the agreement.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on March 5, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said respondent and to all other parties herein and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer to charges contained herein must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service thereof on the respondent; and that any respondent failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted said charges and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: January 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-644; Filed, January 22, 1942; 11:20 a. m.]

[General Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4 PART II (h) OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT IN RE PETITION OF AMERICAN COAL DISTRIBUTORS ASSOCIATION FOR AMENDMENT OF § 304.14 (a) OF THE RULES AND REGULATIONS FOR REGISTRATION OF DISTRIBUTORS

NOTICE OF AND ORDER FOR HEARING

The Director of the Bituminous Coal Division, United States Department of the Interior, having on June 19, 1940, established Rules and Regulations for the Registration of Distributors in General Docket No. 12; and

Jurisdiction having been reserved in said order to entertain proceedings to

modify any of the determinations made therein; and

American Coal Distributors Association having filed its petition to reopen said General Docket No. 12, praying:

1. That § 304.14 (a) of said Rules and Regulations for the Registration of Distributors be amended by deleting the second paragraph of said section and inserting in lieu thereof substantially the following:

The registration of such distributor may be revoked or suspended for such period of time as the Division may deem proper, after hearing upon reasonable notice and upon proof that such registered distributor has wilfully violated any provisions of the Act or any orders or regulations made thereunder: *Provided*, That the Division, in its discretion, may issue an order directing such distributor to cease and desist violating the Act and regulations made thereunder, and upon failure of such distributor to comply with such order the Division may reopen the case upon ten (10) days' notice to the distributor affected and proceed in a hearing thereon as above provided.

2. That such other and further relief be granted as may seem just and equitable.

It is, therefore, ordered, That said General Docket No. 12 be reopened for the purpose of receiving evidence with respect to the modification of § 304.14 (a) of the Rules and Regulations for the Registration of Distributors, as requested by the petitioner, and that a hearing on such matter be held on February 16, 1942, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where the hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at such hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioner and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before February 10, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders, rules or regulations prescribed pursuant thereto, may concern, in addition to the specific proposal made by petitioner, other matters germane to the subject matter thereof which may be raised by amendment, proposal or otherwise, or which may be necessary corollaries of said subject matter.

Dated: January 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-645; Filed, January 22, 1942; 11:21 a. m.]

[Docket No. 1745-FD]

IN THE MATTER OF JOHN ARRONCO, JR., DEFENDANT

CEASE AND DESIST ORDER

District Board 20 having filed a complaint with the Bituminous Coal Division on June 16, 1941, pursuant to the provisions of sections 5 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by John Arronco, Jr., (Arronco Coal Company Mine), a code member in District 20, of the Bituminous Coal Code and the rules and regulations thereunder as follows:

That the defendant, subsequent to September 30, 1940, sold approximately 1,585.25 tons of 4⅜" lump coal and 581.50 tons of 1⅜" x 4⅜" egg coal, produced by the defendant at his mine (Mine Index No. 104) located in Carbon County, Utah, at prices 34 cents and 35 cents below the effective minimum prices for such coals;

Pursuant to an order of the Director and after due notice to all interested persons, a hearing in this matter having been held on September 2, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Price, Utah, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The undersigned having made Findings of Fact and Conclusions of Law, and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That the defendant, his representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in his behalf, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal produced by the defendant at less than the applicable effective minimum prices established therefor, contrary to the Bituminous Coal Act of 1937 or any rules and regulations promulgated thereunder, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 20 for Truck Shipments, and the Marketing Rules and Regulations.

It is further ordered, That if the defendant fails to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States in any circuit where the defendant carries on business for the enforcement hereof or take any other appropriate action.

Dated: January 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-646; Filed, January 22, 1942; 11:21 a. m.]

[Dockets Nos. 506-FD, 524-FD, 606-FD, 1163-FD, 1188-FD, 1323-FD, 1462-FD]

IN THE MATTER OF THE APPLICATIONS OF PUBLIC SERVICE COMPANY OF INDIANA FOR EXEMPTION UNDER SECTION 4-A OF THE BITUMINOUS COAL ACT OF 1937

ORDER DENYING APPLICATIONS FOR EXEMPTION

These proceedings were instituted upon applications for exemption filed by the Public Service Company of Indiana, an Indiana corporation, on December 30, 1937, October 28, 1938, and February 8, 1939, with the National Bituminous Coal Commission, and on November 21, 1939, February 5, 1940, June 14, 1940, and October 4, 1940, with the Bituminous Coal Division, pursuant to section 4-A of the Bituminous Coal Act of 1937. The applications sought the entry of orders exempting the coals of certain mining properties in District 11 from the provisions of section 4 of the Act.

Pursuant to Notice of and Order for Hearing, a consolidated hearing in Dockets Nos. 506-FD, 524-FD, 606-FD, 1163-FD, 1188-FD, was held from June 18 to June 20, 1940, before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof in Indianapolis, Indiana.

On September 18, 1940, pursuant to a stipulation entered into on August 30, 1940, by counsel for the applicant and counsel for the Division, the Director ordered the application for exemption in Docket No. 1323-FD consolidated with the applications for exemption in Dockets Nos. 506-FD, 524-FD, 606-FD, 1163-FD, and 1188-FD, and further ordered the application for exemption in Docket No. 1323-FD and the aforesaid stipulation incorporated into the record made on the applications for exemption in Dockets Nos. 506-FD, 524-FD, 606-FD, 1163-FD, and 1188-FD.

On December 7, 1940, pursuant to a stipulation entered into on November 29, 1940, by counsel for the applicant and counsel for the Division, the Director ordered the application for exemption in Docket No. 1462-FD consolidated with the applications for exemption in Dockets Nos. 506-FD, 524-FD, 606-FD, 1163-FD, 1188-FD, and 1323-FD, and further ordered the application for exemption in Docket No. 1462-FD and the stipulation entered into in respect thereto incorporated into the record made on the applications for exemption in Dockets Nos. 506-FD, 524-FD, 606-FD, 1163-FD, 1188-FD, and 1323-FD.

On January 28, 1941, the Director entered an Order permitting briefs to be filed within 20 days from the date thereof. Thereafter, counsel for the applicant requested that the Order of January 28, 1941, be set aside and that

the date for filing briefs be indefinitely postponed, pending the decision of the Supreme Court of the United States in the matter of *H. A. Gray, as Director of the Bituminous Coal Division of the Department of the Interior, et al.*, vs. *Legh R. Powell, Jr., and Henry W. Anderson, as Receivers of Seaboard Air Line Railway Company*, as to which certiorari was granted to the aforementioned H. A. Gray, et al., on January 6, 1941, by the Supreme Court of the United States. Accordingly, on February 18, 1941, the Order of January 28, 1941, was set aside and the date for filing briefs indefinitely postponed.

On February 28, 1941, counsel for the applicant and the General Counsel of the Division entered into a stipulation providing that "(a) In the event that the Supreme Court of the United States affirms the order of the Director entered on June 14, 1940 denying the application for exemption of Legh R. Powell, Jr. and Henry W. Anderson, as receivers of Seaboard Air Line Railway, Docket 49-FD, the applicant agrees to waive further hearing on the above-entitled applications for exemption [Dockets Nos. 506-FD, 524-FD, 606-FD, 1163-FD, 1188-FD, 1323-FD, and 1462-FD] and consents to the entry of an order of the Director denying, on the merits, the above-entitled applications; and (b) in the event that the Supreme Court of the United States, in the aforementioned litigation, affirms the decision of the United States Circuit Court of Appeals, Fourth Circuit, No. 4671, reversing and setting aside the order of the Director denying the application for exemption of Legh R. Powell, Jr. and Henry W. Anderson, receivers of Seaboard Air Line Railway Company, Docket 49-FD, both applicant and the Bituminous Coal Division may wish to resume the proceedings in the above-entitled applications for exemption [Dockets Nos. 506-FD, 524-FD, 606-FD, 1163-FD, 1188-FD, 1323-FD, and 1462-FD] and accordingly reserve to themselves the right to file briefs with the Director and to avail themselves of other and proper relief as may be allowed under the rules of practice before the Bituminous Coal Division and the provisions of the Bituminous Coal Act of 1937."

On December 15, 1941, the Supreme Court of the United States, by its decision in *H. A. Gray, as Director of the Bituminous Coal Division of the Department of the Interior, et al., Petitioners*, vs. *Legh R. Powell, Jr., and Henry W. Anderson, as Receivers of Seaboard Air Line Railway Company* (No. 18—October Term, 1941), reversed the decree of the United States Circuit Court of Appeals for the Fourth Circuit, entered on September 26, 1940, No. 4671, and upheld the Order of the Director, dated June 14, 1940, denying the application for exemption of the Receivers of the Seaboard Air Line Railway in Docket No. 49-FD.

It appears, therefore, that the applications for exemption heretofore filed in these dockets by Public Service Company of Indiana should be denied. An order to this effect will be entered, effective so soon as temporary or final minimum prices are established for the mines in question, but in no event later than 60 days from the date hereof. It is expected that District Board 11 will promptly apply for the establishment of minimum prices for the mines in question.

Now, therefore, it is ordered, That, pursuant to the aforesaid stipulation of February 28, 1941, pursuant to the decision of the Supreme Court of the United States of December 15, 1941, in *H. A. Gray, as Director of the Bituminous Coal Division of the Department of the Interior, et al., Petitioners* vs. *Legh R. Powell, Jr. and Henry W. Anderson, as Receivers of Seaboard Air Line Railway Company* (No. 18—October Term, 1941), and pursuant to Section 4-A of the Bituminous Coal Act of of 1937, the applications for exemption heretofore filed by Public Service Company of Indiana in Dockets Nos. 506-FD, 524-FD, 606-FD, 1163-FD, 1188-FD, 1323-FD, and 1462-FD, be and they hereby are, denied, effective so soon as temporary or final minimum prices are established for the mines concerning which such applications for exemption were filed, but in no event later than 60 days from the date hereof.

Dated: January 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-647; Filed, January 22, 1942; 11:21 a. m.]

General Land Office.

AIR NAVIGATION SITE WITHDRAWAL NO. 147 REVOKED

IDAHO

Departmental order of November 26, 1940, withdrawing the following-described land in Idaho under the provisions of the act of May 24, 1928, for the use of the Department of Commerce in the maintenance of air navigation facilities, is hereby revoked.

BOISE MERIDIAN

T. 6 S., R. 14 E.
Sec. 11, SE¼NE¼.
40 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

JANUARY 13, 1942.

[F. R. Doc. 42-634; Filed, January 21, 1942; 2:53 p. m.]

AIR NAVIGATION SITE WITHDRAWAL NO. 174

CALIFORNIA

It is ordered, under and pursuant to the provisions of Section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U.S.C. 214, that the following-described public lands be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Defense Plant Corporation in the construction and maintenance of air-navigation facilities.

SAN BERNARDINO MERIDIAN

T. 1 N., R. 9 E., sec. 4, NW¼;
T. 2 N., R. 9 E., sec. 33, W½, SE¼;
containing 640 acres.

HAROLD L. ICKES,
Secretary of the Interior.

JANUARY 7, 1942.

[F. R. Doc. 42-635; Filed, January 21, 1942; 2:53 p. m.]

Office of Indian Affairs.

ORDER AMENDING THE ORDER OF RESTORATION DATED DECEMBER 11, 1937

Pursuant to authority contained in Sections 3 and 7 of the Act of June 18, 1934 (48 Stat. 984), Departmental Order of December 11, 1937, published in the FEDERAL REGISTER January 4, 1938, Pages 5-7, inclusive (D. I.), restoring certain undisposed of vacant town site and villa site lots on the Flathead Reservation to tribal ownership, is hereby amended by adding thereto the following villa site lots:

	Block	Lot
Pollard Villa Site	4	6
Orchard Villa Site	3	8

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

DECEMBER 12, 1941.

[F. R. Doc. 42-633; Filed, January 21, 1942; 2:48 p. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 658]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 16, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Kansas 2032C3 Reno	$12,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-639; Filed, January 22, 1942; 11:08 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES FOR THE CLOCK AND WATCH MANUFACTURING INDUSTRY

NOTICE OF HEARING AND OPPORTUNITY TO SHOW CAUSE

All interested parties are hereby notified that they are given until February 3, 1942, to show cause why the Secretary

of Labor should not determine that 45 cents per hour or $18.00 per week of 40 hours, arrived at either upon a time or piece work basis, is the prevailing minimum wage to be paid by the Clock and Watch Manufacturing Industry, under section 1 (b) of the Public Contracts Act (49 Stat. 2036; 41 U.S.C. Sup. III 35), otherwise known as the Walsh-Healey Public Contracts Act and hereinafter called the Act, in the performance of contracts with agencies of the United States let subject to the provisions of the Act: *Provided*, That apprentices may be employed at lower rates of pay if their employment conforms to the standards of the Federal Committee on Apprenticeship.

The Clock and Watch Manufacturing Industry is that industry engaged in the manufacture, assembly and casing of clocks, chronometers, watches, time recorders, mechanical time fuses, and similar timing mechanisms; and parts thereof.

Excluded from the definition are watch cases, watch crystals, and those timing mechanisms which constitute an integral part of a product primarily manufactured or assembled outside the Clock and Watch Manufacturing Industry, such as traffic control systems, and complete day-night thermostats and other scientific industrial and laboratory instruments.

The minimum wage proposal is predicated upon a tabulation of wage schedules voluntarily submitted by members of the industry through special committees designated by the Administrator, Division of Public Contracts, and collated by the Research Section of the Division of Public Contracts, Department of Labor. Copies of this wage tabulation may be had on application to the Administrator, Division of Public Contracts, Washington, D. C.

Briefs for or against the proposed determination must be filed with the Administrator, Division of Public Contracts, Department of Labor, on or before February 3, 1942. No form for the brief is prescribed but an original and four copies must be submitted.

On February 3, 1942, at 10:00 a. m. a hearing will be held in Room 3125, Department of Labor Building, Fourteenth Street and Constitution Avenue Northwest, Washington, D. C., before the Public Contracts Board at which interested persons will be given opportunity to be heard in opposition to or in favor of the proposed determination.

The entire record will be considered by the Secretary of Labor before the wage determination is made.

Dated: January 19, 1942.

[SEAL] L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-651; Filed, January 22, 1942; 11:30 a. m.]

FEDERAL SECURITY AGENCY.

Food and Drug Administration.

[Docket No. FDC-86]

IN THE MATTER OF REGULATIONS TO PROVIDE FOR THE CERTIFICATION OF BATCHES OF DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

NOTICE OF HEARING ON PROPOSED REGULATIONS

The Federal Security Administrator, pursuant to section 506 of the Federal Food, Drug, and Cosmetic Act, as amended by Public Law 366, 77th Cong., 1st Sess. (1941), will hold an informal hearing on proposed regulations to provide for the certification of batches of insulin-containing drugs, commencing at 10 o'clock in the morning of January 30, 1943, in Room 3106, South Building, United States Department of Agriculture, Independence Avenue between 12th and 14th Street SW., Washington, D. C. The proposed regulations are as follows:

GENERAL REGULATION

§ 2.1065 For the purposes of sections 502 (k) and 506 of the Act, the term "insulin" as used therein means the active principle of pancreas which affects the metabolism of carbohydrate in the animal body and which is of value in the treatment of diabetes mellitus.

INSULIN REGULATIONS

§ 144.00 *Definitions and interpretations of terms.* For the purpose of these regulations—

(a) The term "insulin", except when used in "insulin U. S. P." and in "protamine zinc insulin", means the active principle of pancreas, which affects the metabolism of carbohydrate in the animal body and which is of value in the treatment of diabetes mellitus.

(b) The term "master lot" means a quantity, which is purified and which has been mixed in one container so as to be homogeneous, of (1) a concentrated solution of insulin, or (2) the insulin-containing solids, in amorphous or crystalline form, derived from such a solution.

(c) The term "batch" means a quantity of a drug, of uniform composition and intended for administration without further change, in which the sole insulin-containing ingredient is a single dilution (which has been mixed in one container so as to be homogeneous) of (1) a single master lot or part thereof, or (2) a homogeneous mixture of two or more master lots or parts thereof; except that such term means a portion of such quantity when certification of such portion is requested.

(d) The term "master lot mark" means an identifying mark or other identifying device assigned to a master lot by the manufacturer thereof.

(e) The term "batch mark" means an identifying mark or other identifying device assigned to a batch by the manufacturer thereof.

(f) The definitions and interpretations of terms contained in section 201 of the Act shall be applicable to such terms when used in these regulations.

§ 144.01 *Requests for certification; samples; storage; approvals preliminary to certification.* (a) A request for certification of a batch shall be addressed to the Food and Drug Administration, Federal Security Agency, Washington, D. C. A request from a foreign manufacturer shall be signed by such manufacturer and by an agent of such manufacturer who resides in the United States.

(b) The initial request for certification submitted by any person shall be preceded or accompanied by a full statement of the facilities and controls used to maintain the identity, strength, quality, and purity of each batch, including a description of (1) the equipment, methods, and processes used in diluting master lots and parts thereof, and in maintaining the identity, strength, quality, and purity of master lots and dilutions therefrom; (2) the tests and assays made on master lots and mixtures thereof, on dilutions and batches therefrom, and on ingredients used in such dilutions and batches; and (3) the laboratory facilities used in such controls. Such initial request shall also be preceded or accompanied by the keys to the master lot marks and batch marks used by such person. When any change is made in such facilities or controls, or in such keys, the next request for certification thereafter shall be accompanied by a full statement of such change.

(c) A person who requests certification of a batch shall submit in connection with his request statements showing—

(1) The master lot mark of each master lot used or to be used wholly or partly as an ingredient or component of an ingredient of the batch;

(2) The quantity of each such master lot so used;

(3) The original quantity of each such master lot (unless such information has been submitted with a previous request);

(4) The name, quality, and quantity of each ingredient used, other than master lots, in preparing the batch;

(5) The quantity of the batch; and

(6) The batch mark.

(d) Except as otherwise provided in paragraphs (g) and (h), a person who requests certification of a batch shall submit in connection with his request and in the quantities indicated, accurately representative samples of the following:

(1) The single master lot or the mixture of two or more master lots or parts thereof, to be used as an ingredient of the batch; in a quantity containing approximately 10,000 U. S. P. units of insulin.

(2) A trial dilution from such master lot or mixture, which dilution conforms to the standards of identity, strength, quality, and purity for insulin U. S. P. containing 20 U. S. P. units or 40 U. S. P. units of insulin per cubic centimeter; in a quantity containing approximately 10,000 U. S. P. units of insulin.

(3) In case the batch is to be insulin U. S. P., the bulk dilution from such master lot or mixture, which dilution, without further change, is intended to be filled into the containers of the finished batch; in a quantity containing approximately 2,500 U. S. P. units of insulin.

(4) In case the batch is to be protamine zinc insulin, the bulk dilution from such master lot or mixture, containing protamine, zinc chloride, glycerin, and phenol or cresol, which dilution is the sole insulin-containing ingredient intended to be filled into the containers of the finished batch, and which is intended to be so filled without further change; in a quantity containing approximately 2,500 U. S. P. units of insulin.

(5) In case the batch is to be protamine zinc insulin, the lot of protamine used as an ingredient of the bulk dilution referred to in subparagraph (4) of this paragraph; in a quantity of approximately 2 grams.

(6) In case the batch is to be protamine zinc insulin, the buffer solution which, without further change, is intended to be filled into the containers of the finished batch; in a quantity not less in volume than the volume of the sample submitted pursuant to subparagraph (4).

(7) In case the batch is to be protamine zinc insulin, a trial mixture of the bulk dilution and the buffer solution referred to in subparagraphs (4) and (6) of this paragraph, which mixture is intended to be accurately representative of the mixture which will constitute the finished batch; in a quantity containing approximately 2,500 U. S. P. units of insulin.

(8) The finished batch; in a quantity not less than 5 packages.

(e) Except as otherwise provided by paragraphs (g) and (h), a person who requests certification shall submit in connection with his request results of tests and assays, made by him on a sample of each of the following materials, which are listed below for each sample after the designation of the material from which the sample was taken:

(1) The master lot or mixture, referred to in paragraph (d) (1): nitrogen, reaction, and sterility, if such master lot or mixture is a solution; or ash, moisture, nitrogen, and zinc, if such master lot or mixture is a solid.

(2) A trial dilution from such master lot or mixture (which may be the trial dilution referred to in paragraph (d) (2): ash, nitrogen, reaction, potency, sterility, and zinc.

(3) In case the batch is to the insulin U. S. P., the bulk dilution referred to in paragraph (d) (3): ash, nitrogen, reaction, sterility.

(4) In case the batch is to be protamine zinc insulin, the bulk dilution referred to in paragraph (d) (4): nitrogen, reaction, and sterility.

(5) In case the batch is to be protamine zinc insulin, the protamine referred to in paragraph (d) (5): moisture, nitrogen, and sulfate.

(6) In case the batch is to be protamine zinc insulin, the buffer solution referred to in paragraph (d) (6): reaction and sterility.

(7) In case the batch is to be protamine zinc insulin, the trial mixture referred to in paragraph (d) (7): nitrogen, reaction, sterility, zinc, and biological reactions (by the tests prescribed in section 144.09 (a) and (b), except that, if the batch is to be of 80 unit strength, the test prescribed in § 144.09 (a) may be made, in lieu of the test prescribed in § 144.09 (b), on a trial mixture of 40 unit strength prepared from the same materials and in the same manner as such 80 unit batch is to be made).

(8) The finished batch: identity, nitrogen, reaction, and sterility.

(f) The results of tests and assays for the following shall be reported in the terms indicated:

Ash—milligrams per 1,000 U. S. P. units of insulin.

Moisture—percent by weight.

Nitrogen (except in protamine)—milligrams per cubic centimeter in the cases of solutions and suspensions, and percent by weight in the case of solids.

Nitrogen in protamine—percent by weight, calculated to a moisture-free basis.

Potency—U. S. P. units of insulin per cubic centimeter.

Reaction—hydrogen ion concentration (pH).

Sulfate—percent by weight, as SO_4.

Zinc—milligrams per cubic centimeter in the cases of solutions and suspensions, and percent by weight in the case of solids.

(g) The samples referred to in paragraph (d) (1) to (7), inclusive, or the results referred to in paragraph (e) (1) to (7), inclusive, are not required if such samples or results have been submitted in connection with a previous request. Each sample submitted pursuant to this section shall be so packaged as to maintain its representative character, and in the case of any solution or suspension, shall be collected and packaged under aseptic conditions. Each package shall be clearly identified as to its contents and shall bear the name and post office address of the person submitting the request. Except when such information has been submitted pursuant to paragraph (c), each sample submitted pursuant to paragraph (d) (2), (3), (4), (6), (7), and (8) shall be accompanied by a statement showing the identity and quantity of each substance used as an ingredient or as a component of an ingredient in the material from which such sample was taken. If the tests and assays, results of which are submitted pursuant to paragraph (e) (2), were not made on the same material as that from which the sample submitted pursuant to paragraph (d) (2) was taken, such statement shall show such information with respect to the material, results upon which are so submitted. The information submitted pursuant to paragraph (e) (1) shall include a statement of the potency of the master lot or mixture, calculated from an assay of a trial dilution thereof. The packages constituting the sample submitted pursuant to paragraph (d) (8) shall be collected at such intervals that the quantities packaged between collections are approximately equal and that the collections cover the entire period of packaging.

(h) The person who requests certification shall submit such information additional to that submitted pursuant to paragraphs (b), (c), (e), and (g), such additional samples of any substance referred to in paragraph (d), and such samples of any other substance used or to be used as an ingredient or as a component of an ingredient in the batch, as the Food and Drug Administration may require for the purpose of its investigations to determine whether or not such batch complies with the requirements set forth by § 144.02 for the issuance of a certificate.

(i) After a sample required by paragraph (d) is taken from any master lot or mixture of parts of two or more master lots, such master lot or master lots and all parts thereof (except such as are solids), and all dilutions and batches and all parts thereof in which any such master lot is used as an ingredient or as a component of an ingredient, shall be stored at the establishment where manufactured until used up or shipped or otherwise delivered, at a temperature above freezing but not above 10° C. (50° F.), and under such other conditions as prevent, so far as practicable, any change in composition.

(j) As promptly as practicable after the samples submitted pursuant to paragraph (d) (1) and (2), and any other material or information relative thereto that may be required under this section, are received by the Food and Drug Administration, it shall notify the person who submitted such samples of its approval or refusal to approve the use of the master lot or mixture for the making of bulk dilutions. In case of a refusal to approve, the Food and Drug Administration shall state its reasons therefor.

(k) In like manner, the Food and Drug Administration shall notify the person who submits samples pursuant to paragraph (d) (3) to (7), inclusive, of its approval or refusal to approve the use of the materials represented by the samples in completing the manufacture of the batch. In case of a refusal to approve, the Food and Drug Administration shall state its reasons therefor.

(l) If, under the provisions of paragraph (j) or (k), the Food and Drug Administration has refused to approve any material for use in a subsequent operation, it shall examine no other sample required hereunder which includes such material as an ingredient or com-

ponent of an ingredient, unless and until the person requesting certification makes an adequate showing that the cause for such refusal no longer exists.

§ 144.02 *Certifications.* (a) If the Food and Drug Administration determines, after such investigation as it considers necessary, that—

(1) The information submitted pursuant to § 144.01 appears to contain no untrue statement of a material fact;

(2) The batch conforms to the standards of identity, strength, quality, and purity for insulin U. S. P. or for protamine zinc insulin; and

(3) the batch appears to comply otherwise with these regulations;

the Food and Drug Administration shall issue to the person who requested it a certificate showing that such batch, subject to the conditions and restrictions prescribed by § 144.03, is certified as safe and efficacious for use.

(b) If the Food and Drug Administration determines, after such investigation as it considers to be necessary, that the information submitted pursuant to § 144.01, or the batch covered by such request, does not comply with the requirements set forth by paragraph (a) of this section for the issuance of a certificate, the Food and Drug Administration shall refuse to certify such batch and shall give notice thereof to the person who requested certification, stating its reasons for refusal.

(c) For the purposes of its investigations under the authority of this section, the Food and Drug Administration shall accept, when it is satisfied as to the completeness and accuracy thereof, the results of any tests or assays made by a laboratory, not under control of such manufacturer, in carrying out an effective contract entered into before December 22, 1941.

§ 144.03 *Limitations on the effectiveness of certificates.* (a) A certificate shall not become effective if it is obtained through fraud or misrepresentation of a material fact.

(b) A certificate on insulin U. S. P. shall cease to be effective with respect to the batch covered thereby or any part thereof 2 years after such batch or part is removed from the storage required by § 144.01 (i).

(c) A certificate on protamine zinc insulin shall cease to be effective 18 months after the batch covered thereby was filled into retail containers, but in no case shall such certificate remain effective with respect to such batch or any part thereof more than 12 months after such batch or part is removed from the storage required by § 144.01 (i).

(d) A certificate shall not be effective with respect to any batch or part thereof unless the labels and labeling of such batch or part bears all words, statements, and other information, and the packages are distinguished by the color or colors, required by § 144.04.

(e) A certificate shall not become effective with respect to any package from a certified batch until such package has been so sealed that the immediate container cannot be opened without destroying such package or seal; such certificate shall cease to be effective if such package, seal, or container is broken.

(f) A certificate shall cease to be effective with respect to the batch covered thereby or any part thereof when such batch or part so changes that it fails to meet the standards of identity, strength, quality, and purity upon the basis of which such batch was certified; except that those minor changes in potency (not exceeding 10 percent from the potency stated on the label, in the case of insulin U. S. P.) which occur before the expiration date, and which are normal and unavoidable in good storage and distribution practice, shall be disregarded.

§ 144.04 *Labeling.* (a) Each package of a batch shall bear on its label or labeling, as indicated in the following, and in addition to other words, statements, and information required by or under authority of the Act to appear on such label or labeling—

(1) The batch mark of such batch, on the label;

(2) The strength of the drug, on the label, in terms of U. S. P. units of insulin per cubic centimeter;

(3) The statement "Expiration date ----------", on the labeling, the blank being filled in with the date on which the certificate ceases to be effective, as specified by paragraph (b) or (c) of § 144.03;

(4) The statement "Keep in a cold place; avoid freezing", on the labeling; and

(5) If the batch is protamine zinc insulin, the statement "Shake carefully", "Shake before using", or "Shake well", on the label.

[Further labeling requirements relevant to the safety and efficacy of the use of insulin-containing drugs will be considered at the hearing.]

(b) The packages of each strength of insulin U. S. P., and of each strength of protamine zinc insulin, shall be distinguished by a color or colors as follows:

(1) Insulin U. S. P.—

Yellow, if it contains 20 U. S. P. units of insulin per cubic centimeter;

Red, if it contains 40 U. S. P. units of insulin per cubic centimeter;

Green, if it contains 80 U. S. P. units of insulin per cubic centimeter;

Orange, if it contains 100 U. S. P. units of insulin per cubic centimeter.

However, if the master lot used was in crystalline form, the distinguishing color, instead of those prescribed above, may be—

Blue and gray, or blue, gray, and yellow, if it contains 20 U. S. P. units of insulin per cubic centimeter;

Red and gray, if it contains 40 U. S. P. units of insulin per cubic centimeter;

Green and gray, if it contains 80 U. S. P. units of insulin per cubic centimeter.

(2) Protamine zinc insulin—

Red and white, if it contains 40 U. S. P. units of insulin per cubic centimeter;

Green and white, if it contains 80 U. S. P. units of insulin per cubic centimeter.

§ 144.05 *Records of distribution.* (a) The person to whom a certificate is issued shall keep complete records showing each shipment or other delivery of each batch or part thereof, by the person requesting certification or by any person under his control, including records showing the date and quantity of each such shipment or delivery and the name and post office address of the person to whom such shipment or delivery was made.

(b) Upon the request of any officer or employee of the Food and Drug Administration or of any other officer or employee of the United States, acting on behalf of the Administrator, the person to whom a certificate is issued, at all reasonable hours within three years after disposal of all the batch covered by such certificate, shall make such records available to any such officer or employee, and shall accord to such officer or employee full opportunity to make inventory of stocks of such batch on hand and otherwise to check the correctness of such records.

§ 144.06 *Authority to refuse certification service.* When the Administrator finds, after giving notice and opportunity for hearing, that a person has—

(a) Obtained or attempted to obtain a certificate through fraud or misrepresentation of a material fact;

(b) Falsified the records required to be kept by § 144.05; or

(c) Failed to keep such records or to make them available, or to accord full opportunity to make an inventory of stocks on hand or otherwise to check the correctness of such records, as required by such section,

the Administrator may immediately suspend service to such person under these regulations and may continue such suspension unless and until such person shows adequate cause why such suspension should be terminated.

§ 144.07 *Fees.* (a) Fees for the services rendered under these regulations shall be such as are necessary to provide, equip, and maintain an adequate certification service.

(b) Each request for certification submitted, or the initial sample or samples submitted in connection therewith pursuant to § 144.01 (d), whichever is sent first to the Food and Drug Administration, shall be accompanied by an advance deposit of $100 to cover the fee; except that, if the results of an assay made for potency on a sample of the trial dilution by a laboratory referred to in § 144.02 (c) are not submitted and are not to be submitted, such advance deposit shall be $1,000.

(c) Each sample of trial mixture submitted pursuant to § 144.01 (d) (7) shall be accompanied by an advance deposit of $350 to cover the fee, unless the results of the biological tests prescribed in § 144.08 (c), made on a sample from the trial mixture by a laboratory referred to in § 144.02 (c), are submitted or are to be submitted.

(d) Whenever necessary to prevent arrears in payment of the fee, such additional advance deposits covering such fee shall be made as the Food and Drug Administration estimates to be necessary to prevent arrears in payment thereof.

(e) Advance deposits made pursuant to paragraphs (b), (c), and (d) shall be charged with the fee for the service rendered. If the total of such advance deposits made by any persons exceeds the fee for service to such person, the excess shall be returned to such person upon the completion of such service.

(f) All advance deposits required by these regulations shall be paid by money order, bank draft, or certified check drawn to the order of the Treasurer of the United States, collectible at par, at Washington, D. C.

(g) All earned fees shall be deposited in the Treasury of the United States to the credit of Miscellaneous Receipts, Federal Security Agency.

§ 144.08 *Standards of identity, strength, quality, and purity for protamine zinc insulin.* Protamine zinc insulin is a preparation, in a buffered medium, of insulin modified by the addition of protamine and zinc chloride. The quantity of insulin used is such that each cubic centimeter of the finished modified preparation, when the precipitate therein is brought into uniform suspension, contains either 40 or 80 U. S. P. units of insulin. The quantity of protamine used is such that the concentration of insulin in each cubic centimeter of the supernatant liquid, obtained by centrifuging the preparation, is not more than 1 U. S. P. unit for the 40 unit preparation nor more than 1.5 U. S. P. units for the 80 unit preparation; but in no case is the quantity of protamine used (calculated on a moisture-free basis) less than 1.0 milligram or more than 1.5 milligrams for each 100 U. S. P. units of insulin used. The preparation also contains, for each 100 U. S. P. units of insulin used, not less than 0.20 milligram and not more than 0.25 milligram zinc, and not more than 1.25 milligrams total nitrogen. The quantity of disodium phosphate (dried sodium phosphate U. S. P., Na_2HPO_4) used is not less than 0.15 nor more than 0.25 percent (w/v). If necessary, either hydrochloric acid or sodium hydroxide may be added so that the pH of the finished modified preparation is not less than 7.1 and not more than 7.4. The finished preparation also contains not less than 1.40 and not more than 1.80 percent (w/v) glycerin U. S. P. and either cresol U. S. P. in a quantity not less than 0.18 and not more than 0.22 percent (w/v), or phenol U. S. P. in a quantity not less than 0.22 and not more than 0.28 percent (w/v). The preparation must be sterile. The protamine used is prepared from the sperm or mature testes of fish belonging to the family *Salmonidae*, genus *Oncorhynchus, Salmo*, or *Trutta*. When protamine is dried to constant weight at 100° C. its total nitrogen content is 22.5 to 25.5 percent, and its sulfate content, calculated as SO_4, is 16 to 19 percent.

§ 144.09 *Tests and methods of assay.* The following tests and methods of assay are prescribed for the purposes of these regulations. (All reagents specified herein shall be of U. S. P. quality or better.)

(a) *Biological reaction for protamine zinc insulin containing 40 U. S. P. units of insulin per cubic centimeter.* The rate, amount, and duration of effect in lowering the blood sugar of rabbits by protamine zinc insulin is determined by comparing the average blood sugar concentrations at various intervals during not less than an 11-hour observation period following the administration of protamine zinc insulin into rabbits with those similarly obtained by administration of protamine zinc insulin reference material.

(1) *Protamine zinc insulin reference material.* Prepare the protamine zinc insulin reference material to contain 40 U. S. P. units of insulin per cubic centimeter from the following component solutions (or solutions of the same proportionate composition per cubic centimeter) by adding a suitable volume of Solution 4, accurately measured at room temperature, to an equal volume of Solution 2 with gentle shaking. Test the pH and if it is not within the limits of 7.1 to 7.4 discard and prepare a new mixture using a freshly prepared sample of Solution 2 in which the hydrogen ion concentration has been suitably adjusted by the addition of a solution of either sodium hydroxide or hydrochloric acid. Store in a refrigerator and do not use in less than 2 days nor more than 6 months after preparation.

(i) Solution 1. Dissolve 0.307 gram zinc chloride, 16 grams glycerin, and 2.5 grams phenol (or 2 grams cresol) in distilled water. Add 40.0 cubic centimeters of approximately tenth-normal hydrochloric acid and sufficient distilled water to make the final volume 1,000 cubic centimeters.

(ii) Solution 2. Dissolve 4 grams sodium phosphate, 16 grams glycerin, and 2.5 grams phenol (or 2 grams cresol) in sufficient distilled water to make the final volume 1,000 cubic centimeters.

(iii) Solution 3. Dissolve in Solution 1 not less than 100 milligrams of the reference protamine in the proportion of 1 milligram cubic centimeter. Preserve this solution in a cold place and do not use after 6 months.

(iv) Solution 4. Weigh accurately a suitable quantity of U. S. P. Zinc-Insulin Crystals Reference Standard and dissolve in a sufficient quantity of Solution 3 to yield a concentration of 80 U. S. P. units of insulin per cubic centimeter. If necessary add 1 drop of dilute hydrochloric acid to effect complete solution. Store this solution in a refrigerator and do not use after 3 months.

(2) *Test animal.* The test animal shall be the same as that described for the assay of Insulin U. S. P.

(3) *Volume of the protamine zinc insulin reference material to be injected.* The volume of the preparation to be injected shall be determined as described for the assay of Insulin U. S. P.

(4) *Conduct of the test.* Divide the animals into 2 similar groups of approximately equal size. With the rabbits in individual cages withhold all food, except water, approximately 24 hours before the test. Weigh the rabbits on the morning of the day of the test and deprive them of water until after the final sample of blood has been taken. Handle the rabbits with care in order to avoid undue excitement. Obtain for the determination of the initial blood sugar concentration slightly more than 1 cubic centimeter of blood from a small incision in the marginal ear vein. Collect the blood in a suitable vessel containing about 3 milligrams of potassium or sodium oxalate. After obtaining this sample of blood, inject subcutaneously, without dilution, into the rabbits of one group the appropriate dose of protamine zinc insulin reference material and into the rabbits of the other group the same volume of the preparation to be tested. In the same manner as for the determination of the initial blood sugar concentration, obtain at least 5 samples of blood (in addition to the initial sample) from each rabbit at intervals of 2 to 3 hours, over a period of not less than 11 hours after the injection. Determine the blood sugar concentration in each sample of blood. About 1 week later inject the preparation to be tested into each rabbit of the group which received the protamine zinc insulin reference material; in a similar manner inject the protamine zinc insulin reference material into each rabbit of the group which received the preparation to be tested. Obtain samples of blood in the same manner as described above and determine the concentration of sugar in each of them. All rabbits shall be injected with the same volume of either the protamine zinc insulin reference material or of the preparation to be tested. Results on a total of not less than 30 rabbits shall constitute a test.

(5) *Blood sugar determination.* The method shall be that described for the assay of Insulin U. S. P.

(6) *Interpretation of the data.* The index of the relative effect at each bleeding time of the preparation to be tested compared with that of the protamine zinc insulin reference material is calculated from the formula:

$$\text{Index at time } x = \frac{\text{Average blood sugar concentration obtained at time } x \text{ by the preparation to be tested}}{\text{Average blood sugar concentration obtained at time } x \text{ by the protamine zinc insulin reference material}}$$

The preparation to be tested is satisfactory if the index for each bleeding time except the last is between 0.92 and 1.08 and the average of all of the indexes is between 0.95 and 1.05.

(b) *Biological reaction for protamine zinc insulin containing 80 U. S. P. units of insulin per cubic centimeter.* Protamine zinc insulin containing 80 U. S. P. units of insulin per cubic centimeter is

tested according to the method outlined in these regulations for the assay of protamine zinc insulin containing 40 U. S. P. units of insulin per cubic centimeter except, that—

(1) The protamine zinc insulin reference material is so prepared as to contain 80 U. S. P. units of insulin per cubic centimeter with the same relative proportions of zinc and protamine per unit of insulin; and

(2) in the interpretation of the data the index for each bleeding time other than the last is between 0.85 and 1.15 and the average of the indexes is between 0.90 and 1.10.

(c) *Biological reaction for the activity of the supernatant liquid.* Centrifuge the protamine zinc insulin under test and remove a sample of the clear supernatant liquid.

(1) *Standard solution* The standard solution is the same as that described in the U. S. P. for the assay of Insulin U. S. P.

(2) *Dilution of the standard solution.* Dilute the standard solution using a distilled water solution of between 0.1 and 0.25 percent (w/v) of either phenol or cresol, between 1.4 and 1.8 percent (w/v) of glycerin and sufficient hydrochloric acid to produce a pH of 2.5 to 3.5 such that 0.25 cubic centimeter of the dilution will be sufficient to cause convulsions in approximately 50 percent of the animals but in no case less than 30 percent nor more than 70 percent. Use 4 groups of mice of 10 to 20 animals each. Inject into the tail vein of each mouse of the first group 0.25 cubic centimeter of the standard solution; into each mouse of the second group 0.5 cubic centimeter of the standard solution; into each mouse of the third group 0.75 cubic centimeter of the standard solution; and into each mouse of the fourth group 1.0 cubic centimeter of the standard solution. Observe the mice for a period of 60 to 90 minutes after injection and record the number which are in collapse or show convulsions.

(3) *Interpretation of results.* When the number of mice in which collapse or convulsions are observed following the injection of the dilution of the supernatant liquid to be tested does not exceed the number of mice in which collapse or convulsions occurred following the injection of the dilution of the standard solution, the preparation is satisfactory from the standpoint of the insulin content of the supernatant liquid.

(d) *Identification.* Acidify protamine zinc insulin to a pH of from 2.5 to 3.5. The precipitate dissolves giving a clear colorless liquid. Using this liquid proceed as directed in the U. S. P. for the identification of Insulin U. S. P.

(e) *Sterility.* Protamine zinc insulin shall be tested for sterility by the following procedure, using one or both of the media described:

Fluid thioglycollate medium (Brewer). Prepare broth base from the following ingredients, in the proportions indicated:

	Grams
Ground fresh beef (freed of fat)	300
Sodium chloride	5
Dipotassium phosphate (K_2HPO_4, anhydrous)	2
Peptone	10
	Cubic centimeters
Distilled water	1,000

Mix the ground meat thoroughly in the distilled water and allow to stand overnight in the refrigerator. Remove the fat and filter the meat extract through paper. Add the remaining ingredients and heat in a steam bath until solution is complete. Adjust the pH to 7.3 to 7.4 with sodium hydroxide solution. Heat in a steam bath for 1 hour, cool, and filter through paper. Distribute in 10 cubic centimeter portions in test tubes and sterilize in an autoclave at 15 to 17 pounds pressure (121° C. to 123° C.) for 20 minutes. Test tubes 150 by 20 millimeters are suitable.

Fluid thioglycollate medium (Brewer). Prepare broth base from the following ingredients, in the proportions indicated:

	Grams
Peptone	20.0
Dextrose (anhydrous)	5.0
Yeast extract (dehydrated)	2.0
Sodium thioglycollate	1.0
Sodium chloride	5.0
Agar (less than 15 percent moisture by weight)	0.5
Dipotassium phosphate (K_2HPO_4, anhydrous)	2.5
	Cubic centimeters
Distilled water	1,000.0
Methylene blue (certified by Commission on Standardization of Biological Stains), 0.2 percent solution	1.0

Dissolve the agar in half the volume of distilled water by boiling or heating in flowing steam. Dissolve the remaining ingredients, except the methylene blue, in the remaining water with the aid of heat and mix the two solutions. So adjust the reaction with sodium hydroxide solution that the pH of the completed and sterile medium is 7.5±0.1. Filter clear while hot and add the methylene blue solution.

In the preparation of these media avoid all contamination with calcium. Do not use sodium thioglycollate which is yellow or yellowish-brown or has an abnormal odor.

Conduct of the test. Place 15 cubic centimeters of the medium to be used for the sterility test in straight-walled, slender tubes of appropriate size and sterilize in an autoclave at 15 to 17 pounds pressure (121° C. to 123° C.) for 20 minutes. Test tubes 150 by 20 millimeters are suitable. Inoculate each of 10 tubes with 0.1 cubic centimeter of the protamine zinc insulin to be tested. Incubate 5 tubes at 20° C. to 25° C. and 5 tubes at 30° C. to 35° C. for 7 days. Any evidence of growth of bacteria or fungi shall be considered as indicating lack of sterility.

(f) *Determination of zinc.* Transfer 10 cubic centimeters of the protamine zinc insulin to a 50 cubic centimeter beaker, add 10 cubic centimeters of distilled water and 4 cubic centimeters of 95 percent (w/v) solution of acetone in distilled water. Allow to stand for 10 minutes and filter through a 5 or 6-centimeter ash-free filter paper fitted into a small funnel. Wash the beaker and precipitate with 15 cubic centimeters of the 95 percent acetone, using five 1 cubic centimeter portions to wash the beaker, the remainder to wash the precipitate on the filter paper. Loosen the filter paper from the funnel and after some of the acetone has evaporated, transfer it and the precipitate to the vessel in which the benzidine sulfate was precipitated. Treat the precipitate with 10 cubic centimeters of water and heat on a water bath until the odor of acetone disappears. Introduce 1 drop of phenolphthalein test solution U. S. P. and titrate the solution while hot with fiftieth-normal sodium hydroxide to the first faint permanent pink, observing carefully that all particles of the benzidine sulfate precipitate have dissolved and reheating if necessary to bring the last traces into solution. Use a burette graduated into divisions of not more than 0.05 cubic centimeter so that readings can be estimated to 0.01 cubic centimeter.

Each cubic centimeter of fiftieth-normal sodium hydroxide and evaporate carefully to dryness. Heat over a flame until a grayish-white ash results. Add 10 cubic centimeters of distilled water and neutralize to litmus with approximately tenth-normal hydrochloric acid. To the neutral solution add 2 cubic centimeters of benzidine test solution and 4 cubic centimeters of 95 percent (w/v) solution of acetone in distilled water. Allow to stand for 10 minutes and filter through a 5 or 6-centimeter ash-free filter paper fitted into a small funnel. Wash the beaker and precipitate with 15 cubic centimeters of the 95 percent acetone, using five 1 cubic centimeter portions to wash the beaker, the remainder to wash the precipitate on the filter paper. Loosen the filter paper from the funnel and after some of the acetone has evaporated, transfer it and the precipitate to the vessel in which the benzidine sulfate was precipitated. Treat the precipitate with 10 cubic centimeters of water and heat on a water bath until the odor of acetone disappears. Introduce 1 drop of phenolphthalein test solution U. S. P. and titrate the solution while hot with fiftieth-normal sodium hydroxide to the first faint permanent pink, observing carefully that all particles of the benzidine sulfate precipitate have dissolved and reheating if necessary to bring the last traces into solution. Use a burette graduated into divisions of not more than 0.05 cubic centimeter so that readings can be estimated to 0.01 cubic centimeter.

Each cubic centimeter of fiftieth-normal sodium hydroxide is equivalent to 0.001 gram of zinc. Multiply the number of cubic centimeters of fiftieth-normal sodium hydroxide used in the titration by 0.1 to obtain the milligrams of zinc per cubic centimeter of protamine zinc insulin.

(g) *Determination of protamine.* Transfer 10 cubic centimeters of the protamine zinc insulin to a 50 cubic centimeter beaker, add 10 cubic centimeters of distilled water and 4 cubic centimeters of 95 percent (w/v) solution of acetone in distilled water. Allow to stand for 10 minutes and filter through a 5 or 6-centimeter ash-free filter paper fitted into a small funnel. Wash the beaker and precipitate with 15 cubic centimeters of the 95 percent acetone, using five 1 cubic centimeter portions to wash the beaker, the remainder to wash the precipitate on the filter paper. Loosen the filter paper from the funnel and after some of the acetone has evaporated, transfer it and the precipitate to the vessel in which the benzidine sulfate was precipitated. Treat the precipitate with 10 cubic centimeters of water and heat on a water bath until the odor of acetone disappears. Introduce 1 drop of phenolphthalein test solution U. S. P. and titrate the solution while hot with fiftieth-normal sodium hydroxide to the first faint permanent pink, observing carefully that all particles of the benzidine sulfate precipitate have dissolved and reheating if necessary to bring the last traces into solution. Use a burette graduated into divisions of not more than 0.05 cubic centimeter so that readings can be estimated to 0.01 cubic centimeter.

Each cubic centimeter of fiftieth-normal sodium hydroxide is equivalent to 0.0005 gram of protamine. Multiply the number of cubic centimeters of fiftieth-normal sodium hydroxide used in the titration by 0.05 to obtain the milligrams of protamine per cubic centimeter of protamine zinc insulin.

(h) *Determination of nitrogen.* Determine the nitrogen content of the protamine zinc insulin by the method described in the U. S. P. for the assay of Insulin U. S. P.

(i) *Determination of glycerin.* Determine the glycerin content of the protamine zinc insulin by the method described in the U. S. P. for the assay of Insulin U. S. P.

(j) *Determination of phenol or cresol.* Determine the phenol or cresol content of the protamine zinc insulin by the method described in the U. S. P. for the assay of Insulin U. S. P.

(k) *Tests and methods of assay for Insulin U. S. P.* The tests and methods of assay for Insulin U. S. P. shall be those set forth therefor in the United States Pharmacopoeia.

All interested persons are invited to attend the hearing in person or by representative, and to offer comments (subject to such restrictions as to scope and length as to the Presiding Officer seem reasonable and proper) upon the whole or any part of the proposed regulations. Written statements may be presented to the Presiding Officer at or prior to the opening of the hearing and may be delivered to him at the hearing room or may be addressed to him at Room 2242, South Building, Independence Avenue between 12th and 14th Streets SW., Washington, D. C.

The proposed regulations are subject to adoption, rejection or amendment, in whole or in part.

Mr. Edward B. Williams is hereby designated as Presiding Officer to conduct the hearing in the place of the Administrator.

[SEAL] PAUL V. McNUTT,
Administrator.

JANUARY 22, 1942.

[F. R. Doc. 42-663; Filed, January 22, 1942; 11:49 a. m.]

ing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice, and

It is further ordered, That the operation of the provisions of section 10 of the Act, insofar as the composition of the applicant's board of directors does not comply with the provisions of such section, shall be and the same hereby is suspended pending the determination of the aforesaid application.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-653; Filed, January 22, 1942; 11:34 a. m.]

[File Nos. 59-33, 70-263, 70-371, 70-387, 70-430, 70-431]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION, COLUMBIA OIL & GASOLINE CORPORATION, PANHANDLE EASTERN PIPE LINE COMPANY, MICHIGAN GAS TRANSMISSION CORPORATION, INDIANA GAS DISTRIBUTION CORPORATION, AND THE OHIO FUEL GAS COMPANY

(3) *Dilution of the supernatant liquid to be tested.* Dilute the sample of the supernatant liquid, using a distilled water solution of between 0.1 and 0.25 percent (w/v) of either phenol or cresol, between 1.4 and 1.8 percent (w/v) of glycerin and sufficient hydrochloric acid to produce a pH of 2.5 to 3.5. On the assumption that 1 cubic centimeter of the sample of the supernatant liquid contains 1 U. S. P. unit of insulin for the 40 unit preparation and 1.5 U. S. P. units of insulin for the 80 unit preparation, make the dilution such that the final concentration of insulin is the same as that of the dilution of the standard solution.

(4) *Test animal.* Select for test purposes healthy white mice weighing between 17 and 21 grams and otherwise suitable. Withhold all food, except water, for at least 5 hours before the test. Divide the mice into 2 groups and identify by an appropriate mark all the mice of one group.

(5) *Conduct of the test.* Inject subcutaneously 0.25 cubic centimeter of the dilution of standard solution into each mouse of one group and 0.25 cubic centimeter of the dilution of the supernatant liquid to be tested into each mouse of the other group. Inject a total of not less than 100 mice with each dilution. Upon injection place the mice in containers, suitably ventilated and maintained at a uniform temperature of 32° C. to 38° C., so that each container will have an equal number of mice from each group. During the test the temperature should not fluctuate more than plus or minus 1° C. Observe the mice during a uniform period not less than 72 hours nor more than 75 percent of the mice injected.

(3) *Dilution of the supernatant liquid to be tested.* Dilute the sample of the supernatant liquid, using a distilled water solution of between 0.1 and 0.25 percent (w/v) of either phenol or cresol, between 1.4 and 1.8 percent (w/v) of glycerin and sufficient hydrochloric acid to produce a pH of 2.5 to 3.5. On the assumption that 1 cubic centimeter of the sample of the supernatant liquid contains 1 U. S. P. unit of insulin for the 40 unit preparation and 1.5 U. S. P. units of insulin for the 80 unit preparation, make the dilution such that the final concentration of insulin is the same as that of the dilution of the standard solution.

(4) *Test animal.* Select for test purposes healthy white mice weighing between 17 and 21 grams and otherwise suitable. Withhold all food, except water, for at least 5 hours before the test. Divide the mice into 2 groups and identify by an appropriate mark all the mice of one group.

(5) *Conduct of the test.* Inject subcutaneously 0.25 cubic centimeter of the dilution of standard solution into each mouse of one group and 0.25 cubic centimeter of the dilution of the supernatant liquid to be tested into each mouse of the other group. Inject a total of not less than 100 mice with each dilution. Upon injection place the mice in containers, suitably ventilated and maintained at a uniform temperature of 32° C. to 38° C., so that each container will have an equal number of mice from each group. During the test the temperature should not fluctuate more than plus or minus 1° C. Observe the mice during a uniform period not less than 72 hours nor more than 75 percent of the mice injected.

To 1000 cubic centimeters of this broth base add the following ingredients:

	Grams
Dextrose (anhydrous)	10.0
Sodium thioglycollate	1.0
Agar (less than 15 percent moisture by weight)	0.5
	Cubic centimeter
Methylene blue (certified by Commission on Standardization of Biological Stains), 0.2 percent solution	1.0

Add the agar to the broth base, mix well and dissolve by heating gradually to the boiling point. Cool to approximately 50° C. and add the remaining ingredients. Stir until solution is completed and ingredients are uniformly distributed. So adjust the reaction with sodium hydroxide solution that the pH of the completed and sterile medium is 7.5±0.1.

Fluid thioglycollate medium (Linden). Prepare this medium from the following ingredients, in the proportions indicated:

To 1000 cubic centimeters of this broth base add the following ingredients:

	Grams
Dextrose (anhydrous)	10.0
Sodium thioglycollate	1.0
Agar (less than 15 percent moisture by weight)	0.5
	Cubic centimeter
Methylene blue (certified by Commission on Standardization of Biological Stains), 0.2 percent solution	1.0

Add the agar to the broth base, mix well and dissolve by heating gradually to the boiling point. Cool to approximately 50° C. and add the remaining ingredients. Stir until solution is completed and ingredients are uniformly distributed. So adjust the reaction with sodium hydroxide solution that the pH of the completed and sterile medium is 7.5±0.1.

Fluid thioglycollate medium (Linden). Prepare this medium from the following ingredients, in the proportions indicated:

distilled water and allow to stand at 5° C. for 24 hours. Collect the liquid by straining through cloth and heat it for one hour in flowing steam, then for 30 minutes at 15 pounds pressure (121° C.). Filter while hot through moistened filter paper and make up to the original volume with distilled water. Add the remaining ingredients and stir until solution is completed. So adjust the reaction with sodium hydroxide solution that the pH of the completed broth base is 7.5. Heat in flowing steam for 30 minutes and clear by filtration. If the broth base is to be stored, it is then sterilized at 15 pounds pressure (121° C.) for 20 minutes.

To 1000 cubic centimeters of this broth base add the following ingredients:

	Grams
Dextrose (anhydrous)	10.0
Sodium thioglycollate	1.0
Agar (less than 15 percent moisture by weight)	0.5
	Cubic centimeter
Methylene blue (certified by Commission on Standardization of Biological Stains), 0.2 percent solution	1.0

Add the agar to the broth base, mix well and dissolve by heating gradually to the boiling point. Cool to approximately 50° C. and add the remaining ingredients. Stir until solution is completed and ingredients are uniformly distributed. So adjust the reaction with sodium hydroxide solution that the pH of the completed and sterile medium is 7.5±0.1.

Fluid thioglycollate medium (Linden). Prepare this medium from the following ingredients, in the proportions indicated:

meters are satisfactory for this purpose.

After removal of the tubes from the autoclave, allow to cool to below 25° C. in order to set the agar. Store, protected from excessive light, at 15° C. to 30° C. (storage at low temperatures increases absorption of atmospheric oxygen). If more than 20 percent of the uppermost portion of the medium has changed to a green color, it is not suitable for use. Under such circumstance one reheating in flowing steam to drive off the absorbed oxygen is permissible.

Test each lot of medium for its growth-promoting qualities by a trial run. Discard the medium unless it supports growth when inoculated with 1 cubic centimeter of a 1:100,000 dilution of a 24-hour broth culture of *Clostridium novyi* and also when inoculated with 1 cubic centimeter of a 1:100,000 dilution of a 24-hour broth culture of *Escherichia coli.*

Test sterility of protamine zinc insulin injection by inoculating 1 cubic centimeter thereof into each tube of medium used, under strict aseptic precautions. Incubate all tubes at 37° C. for seven days and examine on the second, fourth, and seventh days after inoculation. Agitate only after 48 hours' incubation to insure initial anacrobiosis. If at the end of the seven days 50 percent or more of the medium in any tube has changed from the color of the fresh medium to a green color, discard the test.

(f) *Sulfate in protamine*—(1) *Conduct of test.* Weigh accurately about 10 milligrams of protamine into a small casserole or beaker, add 0.2 cubic centimeter of

mal sodium hydroxide is equivalent to 0.636 milligram of sulfate (SO_4). Calculate the results on a moisture-free basis.

(2) *Reagent.* Benzidine test solution. Dissolve 4 grams of benzidine in 45 cubic centimeters of normal hydrochloric acid and dilute to 250 cubic centimeters with distilled water. Before use, remove by filtration through ash-free filter paper any brown residue that may form.

(g) *Sulfate in protamine zinc insulin.* Transfer 5 to 10 cubic centimeters of well mixed protamine zinc insulin from the container to a small casserole or beaker. Add 0.2 cubic centimenter of normal sodium hydroxide and evaporate carefully to dryness. Proceed from this point with the test as described in these regulations for sulfate in protamine beginning with the sentence "Heat over a flame * * *".

(h) *Total nitrogen.* (1) The total nitrogen content of protamine zinc insulin is determined by the method described in the U. S. P. for Insulin U. S. P.

(2) The total nitrogen content of protamine is determined by the method described in the U. S. P. for Insulin U. S. P., except that the sample taken for analysis is approximately 25 milligrams of protamine.

(i) *Zinc in insulin-containing solutions and in protamine zinc insulin.* The method shall be that described in the U. S. P. under the test for zinc in Insulin U. S. P.

(j) *Zinc in insulin-containing solids.* Dissolve 10 to 20 milligrams, accurately weighed, of insulin-containing solids in 5 to 10 cubic centimeters of distilled

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-252]

IN THE MATTER OF THE LEHMAN CORPORATION

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of January, A. D. 1942.

Application having been filed by the above named applicant for an order of the Commission under and pursuant to the provisions of section 10 (e) of the Investment Company Act of 1940 for an order suspending until February 19, 1942, the operation of the provisions of section 10 of said Act so that the applicant might have this additional time in which to fill a vacancy on its board of directors due to the resignation of one of such directors;

It is ordered, That a hearing on the matter of this application be held on Saturday, January 31, 1942, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing;

It is further ordered, That a hearing on the matter of this application be held on Saturday, January 31, 1942, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing;

It is further ordered, That a hearing on the matter of this application be held on Saturday, January 31, 1942, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing;

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 21st day of January, A. D. 1942.

The above-named parties having filed applications or declarations pursuant to sections 6, 7, 9, 10, 12 (c) and 12 (f) of the Public Utility Holding Company Act of 1935 and rules and regulations thereunder with respect to the following transactions:

(1) The disposition by Columbia Oil & Gasoline Corporation to Panhandle Eastern Pipe Line Company and the acquisition by the latter of the Class A preferred stock of Panhandle Eastern Pipe Line Company in the par value of $10,000,000;

(2) The sale by Columbia Gas & Electric Corporation to Panhandle Eastern Pipe Line Company and the acquisition by the latter of the stock and debt of Michigan Gas Transmission Corporation and of Indiana Gas Distribution Corporation at the alleged investment cost of those companies to Columbia Gas & Electric Corporation plus undistributed surpluses at the date of the transaction, such prices being, as of September 30, 1941, $10,780,840.59 for Michigan Gas Transmission Corporation, and $153,698.20 for Indiana Gas Distribution Corporation; and the sale by The Ohio Fuel Gas Company, a subsidiary of Columbia Gas & Electric Corporation, to Panhandle Eastern Pipe Line Company and the acquisition by the latter of certain pipe lines

and other properties owned by The Ohio Fuel Gas Company in the states of Indiana and Ohio at a price of $439,226.00, which is based on the amount received for the sale of similar property to a non-associated purchaser;

(3) The disposition by Columbia Gas & Electric Corporation to Columbia Oil & Gasoline Corporation and the acquisition by the latter, at principal amount, of $11,000,000 face amount of debentures of Columbia Oil & Gasoline Corporation held by Columbia Gas & Electric Corporation;

(4) The issue and sale by Panhandle Eastern Pipe Line Company of First Mortgage 3% Bonds in the principal amount of $10,000,000 and of Cumulative Preferred Stock having a par value of $15,000,000 to obtain the funds necessary to carry out the transactions described in paragraphs (1) and (2) above as well as for certain additional construction. The issuer will publicly invite proposals for the purchase of these securities pursuant to Rule U-50; and

The Commission by its order dated November 14, 1941 having consolidated said applications or declarations with a pending consolidated proceeding and having directed that hearings be held with respect to said applications or declarations prior to the continuance of hearings with respect to the remainder of the said consolidated proceeding; and

The hearing with respect to the said applications or declarations having been held and completed after appropriate notice to all persons interested therein; and arguments and briefs having been waived by all persons interested in the proceedings; and the Commission having considered the record of the proceedings and having entered its findings and opinion herein;

It is hereby ordered, That the aforesaid declarations be and hereby are permitted to become effective forthwith and the aforesaid applications be and hereby are granted forthwith subject, however, to the terms and conditions prescribed in Rule U-24 and to the following further terms and conditions:

(1) That there be excluded from the price to be paid by Panhandle Eastern Pipe Line Company to Columbia Gas & Electric Corporation for the stock and debt of Michigan Gas Transmission Corporation the undepreciated portion of the item of $139,424 representing the fee paid by the Michigan Gas Transmission Corporation to The Columbia Gas Construction Company;

(2) That Panhandle Eastern Pipe Line Company report to the Commission the results of the competitive bidding as required by Rule U-50 (c) and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby.

Jurisdiction is hereby reserved to pass upon the facts disclosed by the report of Panhandle Eastern Pipe Line Company to the Commission with respect to the results of the competitive bidding as required by Rule U-50 (c) and for the issuance of a supplemental order with respect thereto.

Jurisdiction is further reserved to pass upon the legal fees to be paid by Columbia Gas & Electric Corporation, Columbia Oil & Gasoline Corporation and Panhandle Eastern Pipe Line Company in connection with the above-mentioned transactions, and for the issuance of appropriate supplemental orders with respect thereto.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-654; Filed, January 22, 1942; 11:34 a. m.]

[File Nos. 59-17, 59-11, and 54-26]

IN THE MATTER OF THE UNITED LIGHT AND POWER COMPANY, THE UNITED LIGHT AND RAILWAYS COMPANY, AMERICAN LIGHT & TRACTION COMPANY, CONTINENTAL GAS & ELECTRIC CORPORATION, UNITED AMERICAN COMPANY, AND IOWA-NEBRASKA LIGHT AND POWER COMPANY, RESPONDENTS; AND THE UNITED LIGHT AND POWER COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS; AND THE UNITED LIGHT AND POWER COMPANY, APPLICANT

NOTICE OF FILING OF APPLICATION NO. 8 AND ORDER RECONVENING HEARING FOR PURPOSE OF CONSIDERING SAID APPLICATION NO. 8

At a regular meeting of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 22d day of January 1942.

The Commission having previously by order entered in these proceedings on March 20, 1941 ordered, among other things, the liquidation and dissolution of The United Light and Power Company, and said order having provided that respondents should make application to the Commission for the entry of such further orders as were necessary and appropriate for that purpose and the Commission having reserved jurisdiction to enter such further orders as might be necessary or appropriate with respect to the matters in this proceeding;

Notice is hereby given that The United Light and Power Company has filed on January 20, 1942, an application designated as Application No. 8 pursuant to section 11 (b) (2) with respect to a Plan providing for the payment and retirement of the principal amount ($15,-093,800) of its outstanding debentures. The Plan as proposed by the applicant may be summarized as follows:

(a) All of the outstanding debentures of each series will become due and payable at the office of The New York Trust Company, 120 Broadway, Borough of Manhattan, City and State of New York, on May 1, 1942, at their principal amount plus accrued interest thereon to May 1, 1942. Interest on all the debentures shall cease to accrue on and after May 1, 1942;

(b) Within three days after the date of the Commission's order approving this Plan, The United Light and Power Company will deposit with The New York Trust Company, as Trustee under the debenture agreements, cash in an amount equal to the principal amount of all debentures then outstanding plus accrued interest thereon to May 1, 1942;

(c) At any time after The United Light and Power Company shall have deposited the cash as above provided, the holders of the outstanding debentures will be entitled to receive out of the funds so deposited with The New York Trust Company the principal amount of the debentures plus interest accrued thereon to May 1, 1942, upon the surrender of their debentures together with all coupons apertaining thereto maturing on or after May 1, 1942;

(d) After the Commission has entered an order approving the Plan, The United Light and Power Company will publish a notice in two daily newspapers of general circulation published in the Borough of Manhattan, City and State of New York, and in one daily newspaper of general circulation published in the City of Chicago, Illinois, at least once in each calendar week (in each instance on any day of the week) for four successive weeks and once during the calendar week ending April 25, 1942, the first publication to be not less than sixty days nor more than seventy-five days before May 1, 1942. A similar notice will be mailed by said company not less than sixty days prior to May 1, 1942, to The New York Trust Company and to the registered owners of registered debentures without coupons and coupon debentures registered as to principal at their addresses as shown by the books kept by the registrar;

(e) On May 1, 1942, The United Light and Power Company will be released and fully discharged from all liability with respect to its debentures, whether for principal, interest, or otherwise, and with respect to the debenture agreements, except that (1) all interest coupons maturing prior to May 1, 1942, which have not theretofore been presented for payment, will continue to be payable by said company upon presentation in the usual manner, and (2) said company will perform its covenants with respect to the payment or refund of Federal and state taxes to the extent provided in the debenture agreements;

(f) Within three days after the date of the Commission's order approving the Plan providing for the payment of the principal amount of the debentures plus accrued interest to May 1, 1942, The United Light and Power Company will deposit in escrow, with a bank or trust company to be selected by said company, cash in an amount equal to 9% of the principal amount of all debentures than outstanding. These funds will be deposited under an escrow agreement which in substance provides that the funds so deposited (a) will be repaid to said company or its assigns in case it shall be finally determined that the debenture holders are not entitled to receive the redemption premium, and (b) will be deposited with The New York Trust Company, as trustee under the debenture agreements, for distribution to the de-

benture holders in case it shall be finally determined that the debenture holders are entitled to receive such premium. A final determination that the debenture holders are not entitled to receive such premium shall be deemed to have been made if no review of the Commission's order approving the Plan shall be applied for in the manner and within the time prescribed in Section 24 (a) of the Act. If such a review shall be applied for, a final determination of the question shall be deemed to have been made when a final judgement and decree shall have been entered in such proceedings for review and shall be no longer subject to review;

(g) The United Light and Power Company will cause The New York Trust Company, as trustee under the debenture agreements, to deliver a written receipt to the persons surrendering their debentures for payment. In case it shall be finally determined, as above provided, that the debenture holders are entitled to the redemption premium, payment thereof will be made to the persons entitled thereto upon presentation and surrender of such receipts;

(h) Debenture holders who surrender their debentures as above provided will not waive their right to receive the redemption premium, in case it shall be finally determined as above provided that they are entitled to receive such premium;

Notice is further given that The United Light and Power Company has, in its Application No. 8, requested the Commission to enter an order:

A. Finding that the Plan is necessary to effectuate the provisions of section 11 (b) (2) of the Act and to enable the company to liquidate and dissolve in accordance with the Commission's order of March 20, 1941, and is fair and equitable to the security holders of the company;

B. Finding that the holders of the debentures are not entitled to any premium on payment of the debentures in accordance with the provisions of the Plan;

C. Providing that the debentures of the company shall become due and payable in accordance with the provisions of the Plan on May 1, 1942, at the principal amount thereof plus accrued interest to that date, and that interest shall cease to accrue on the debentures on and after May 1, 1942; and

D. Approving the Plan and authorizing and directing the company to consummate it.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that the hearing herein be reconvened for the purpose of considering said Application No. 8;

It is ordered, That the hearing in this proceeding shall be reconvened at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., in such room as may be designated on said date by the Hearing Room Clerk in Room 1102, at 10:00 A. M. on the 6th day of February 1942. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by our Rules of Practice, Rule XVII, on or before February 3, 1942. At said reconvened hearing on that day the issues will be limited to a consideration of the issues presented by said Application No. 8.

All interested persons are referred to said Application No. 8 which is on file in the office of said Commission for a full statement of the transaction therein proposed.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission, designated by it for that purpose, shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to assert all powers granted to the Commission under section 18 (c) of the Act and to the trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said application, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether or not The United Light and Power Company, in discharging its obligation on its debentures, shall be required to pay the premium of 9% of the principal amount, in addition to the principal amount and accrued interest on all outstanding debentures;

(2) Whether the Plan proposed by The United Light and Power Company is necessary to effectuate the provisions of section 11 (b) (2) of the Act and to comply with the Commission's order of March 20, 1941;

(3) Whether the Plan is fair and equitable to the security holders of The United Light and Power Company;

It is further ordered, That the Secretary of this Commission serve notice of the entry of this order by mailing a copy thereof by registered mail to the respondent and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-656; Filed, January 22, 1942; 11:58 a. m.]

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JAN 26 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 17

Washington, Saturday, January 24, 1942

The President

EXECUTIVE ORDER

RESERVING A TRACT OF LAND FOR USE BY THE DEPARTMENT OF COMMERCE AS A BEACON SITE

WASHINGTON

By virtue of the authority vested in me as President of the United States, it is ordered that the following-described tract of land within the exterior boundaries of the Wenatchee National Forest, in the State of Washington, claim to which has been released by the Northern Pacific Railway Company in accordance with section 321 (b) of the Transportation Act of 1940 (54 Stat. 898, 954), be, and it is hereby, reserved and set apart for the use of the Department of Commerce as a beacon site:

Willamette Meridian

T. 22 N., R. 11 E., sec. 21, lot 3, containing 41.60 acres.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 22, 1942.

[No. 9036]

[F. R. Doc. 42-675; Filed, January 23, 1942; 10:38 a. m.]

Rules, Regulations, Orders

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Regulations, Serial Number 201]

PART 202[1]—ACCOUNTS, RECORDS AND REPORTS

AMENDMENT OF THE ECONOMIC REGULATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of January 1942.

The Civil Aeronautics Board acting pursuant to the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 407 (a) thereof and deeming its action necessary to carry out the provisions of said Act, and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

1. Section 202.1 of the Economic Regulations is hereby amended to read as follows:

§ 202.1 *Forms of monthly reports of financial and operating statistics.* Financial and statistical reports shall be made by the air carriers as follows:

(a) Each air carrier engaged in regularly scheduled interstate air transportation within the continental limits of the United States and each air carrier engaged in regularly scheduled operations within the territory of Hawaii shall for the month of January 1942 and each month thereafter make a financial and statistical report to the Board in accordance with the provisions of the Monthly Report of Financial and Operating Statistics of Domestic Air Carriers, dated January 1, 1942, C.A.B. Form 2780 and such amendments thereto as may hereafter be approved by the Board, and shall file such report in duplicate with the Secretary of the Board on or before the 25th day of the month following that for which the report is made.

(b) Each other air carrier engaged in regularly scheduled air transportation (not including, however, foreign air carriers) shall make its reports with respect to such matters in accordance with the provisions of the Monthly Report—Financial and Operating Statistics (Form No. 2380) heretofore issued by the Post Office Department, and such report form is hereby adopted by the Board for such purposes until further action by the Board. Whenever Form No. 2380 refers to the Postmaster General, any Assistant Postmaster General, the United States Post Office Department, or any division or section thereof, they shall hereafter be deemed to refer to the Civil Aeronautics Board.

2. This regulation, as amended, shall become effective on January 21, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-667; Filed, January 22, 1942; 12:14 p. m.]

[1] 3 F.R. 2474.

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[Regulations, Serial Number 202]

PART 202 [1]—ACCOUNTS, RECORDS AND REPORTS

SPECIAL REGULATION AMENDING § 202.2—FORM OF ACCOUNTS OF AIR CARRIERS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of January 1942.

The Civil Aeronautics Board acting pursuant to the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 407 (d) thereof and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

1. Section 202.2 of the Economic Regulations is hereby amended to read as follows:

§ 202.2 *Form of accounts of air carriers.* Air carriers engaged in scheduled air transportation shall keep any and all accounts, records and memoranda, including accounts, records, and memoranda of the movement of traffic, as well as of the receipts and expenditures of money, as follows:

(a) Each air carrier engaged in regularly scheduled interstate air transportation within the continental limits of the United States and each air carrier engaged in regularly scheduled operations within the territory of Hawaii, shall keep its accounts records, and memoranda in accordance with the Uniform System of Accounts for Domestic Air Carriers issued by the Civil Aeronautics Board, dated January 1, 1942, and such amendments thereto as may hereafter be prescribed by the Board; and shall bring its accounts, records and memoranda for the period January 1, 1942 to the effective date of this regulation into conformity with such Uniform System of Accounts.

(b) Each other air carrier engaged in regularly scheduled air transportation (not including, however, foreign air carriers) shall keep its accounts, records, and memoranda with respect to such transactions in accordance with the provisions of a so-called "Uniform System of Accounts for Foreign Carriers by Air" which was heretofore issued by the Post Office Department and such Uniform System of Accounts is hereby adopted by the Board for such purposes until further action by the Board. Wherever such Uniform System of Accounts for Foreign Carriers by Air refers to the Postmaster General, any Assistant Postmaster General, the United States Post Office Department, or any Division thereof, they shall hereafter be deemed to refer to the Civil Aeronautics Board.

2. This regulation, as amended, shall become effective January 21, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN, *Secretary.*

[F. R. Doc. 42-696; Filed, January 23, 1942; 11:41 a. m.]

[1] 2 F.R. 2474.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-964]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF SWANTON BIG VEIN COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 1, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS OF THE SWANTON NO. 1 MINE (MINE INDEX NO. 837) OF THE SWANTON BIG VEIN COAL COMPANY

An original petition and amended petitions having been filed with the Bituminous Coal Division on July 10, 1941, July 18, 1941, and July 22, 1941, respectively, by Swanton Big Vein Coal Company, a code member producer in District 1, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of price classifications for coals in Size Groups 1, 2, 3, 4, and 5 of certain of the petitioner's leased coal lands in Garrett County, Maryland, in Subdistrict 44 of District 1 (Mine Index No. 837);

A petition of intervention having been filed by District Board 1, requesting that the petitioner's coals be given a classification of "D";

Temporary relief having been granted by an Order of the Director dated July 30, 1941, 6 F. R. 3847, establishing temporary price classifications of "D" for the above-mentioned sizes of the petitioner's coal for shipment by rail and corresponding prices for shipment by truck;

A hearing in this matter having been held on September 5, and October 6, 1941, pursuant to Orders of the Director, before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which the petitioner and District Board 1 appeared;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;[1]

Now, therefore, it is ordered, That § 321.7 (*Alphabetical list of code members*) and § 321.24 (*General prices*) in the Schedules of Effective Minimum Prices for District No. 1 for All Shipments Except Truck and for Truck Shipments be and they hereby are amended in accordance with Supplements R and T annexed hereto and made a part hereof.

It is further ordered, That in all other respects the prayers for relief contained in the petition, as amended, filed herein, be, and they hereby are, denied.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[1] Not filed with the original document.

PERMANENT SUPPLEMENT, DISTRICT NO. 1

NOTE: The material contained in these permanent supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
837	Swanton Big Vein Coal Company, c/o R. C. Clark.	Alta	44	Big Vein	Altamont, Md.	B&O	65	D	D	D	D	D

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdist. No.	County	Seam	All lump coal double screened, top size 2" and over	Double screened, top size 2" and under	Run of mine, modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Swanton Big Vein Coal Company, c/o R. C. Clark.	837	Alta	44	Garrett	Big Vein	265	220	230	220	210

[F. R. Doc. 42-658; Filed, January 22, 1942; 11:22 a. m.]

[Docket No. A-1101]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An Order Granting Temporary Relief and Conditionally Providing for Final Relief having been issued in the above-entitled matter on November 12, 1941, 6 F. R. 6201, and

It appearing that by typographical error in Supplement R, § 321.7 (*Alphabetical list of code members*), of the above-mentioned Order, Price Classification "F" was established in Size Groups Nos. 4 and 5 for the coals of the Jas. F. Rolley #2 Mine, Mine Index No. 880, of the Producers Economy Coal, Inc., a code member in District No. 1, and that Price Classification "E" should be established in Size Groups Nos. 4 and 5 for the coals of that mine for all shipments except truck; and

It further appearing that it was stated in the said Order of November 12, 1941, that no relief was granted therein as to the Watts Mine of Glenn L. Watts on the ground that it appeared that minimum prices had previously been established for the coals of the said mine under the name of Susie #3 Mine, Mine Index No. 1304, and that the Watts Mine is not the same mine as the Susie #3 Mine, and that the minimum prices proposed in the original petition in the above-entitled matter for the coals of the Watts Mine, Mine Index No. 3307, for truck shipments are proper and should be established;

Now, therefore, it is ordered, That pending final disposition of the above-entitled matter, the temporary relief heretofore granted in the above-entitled matter be, and it hereby is, amended as follows: Commencing forthwith, § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pending final disposition of the above-entitled matter, the temporary relief heretofore granted in the above-entitled matter be, and it hereby is, amended as follows: Commencing fifteen (15) days from the date of this order, § 321.7 (*Alphabetical list of code members*) is the Schedule of Effective Minimum Prices for District No. 1 For All Shipments Except Truck is supplemented to include the price classifications and minimum prices set forth in the Schedule marked "Supplement R" annexed hereto and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless otherwise ordered; and

It is further ordered, That, except as to the coals of the Jas. F. Rolley #2 Mine, Mine Index No. 880, and the Watts Mine, Mine Index No. 3307, the said Order of November 12, 1941, Granting Temporary Relief and Conditionally Providing For Final Relief in the above-entitled matter, be and it hereby is, continued in full force and effect, unless otherwise ordered.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine index No.	Code member	Mine name	Subdist No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
880	Producers Economy Coal, Inc., c/o C. E. Lovejoy.	Jas. F. Rolley #2.	8	C'	Karthaus, Pa.	NYC RR.	44	(†)	(†)	(*)	E	E

*Indicates coal in this size group previously classified and priced.
†Indicates no classifications effective for these size groups.

the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 10, 1942.

DAN H. WHEELER,
Acting Director.

[SEAL]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group No.]

Code member	Mine index No.	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight order group No. 1	2	3	4	5
Anderson, J. Bruce (Helen Jennings Coal Co.)	3310	Jennings #3	36	Pittsburgh	Boswell, Pa.	B&O	100	(†)	(‡)	E	(†)	(†)	(†)
Anderson, J. Bruce (Helen Jennings Coal Co.)	3311	Jennings #4	29	B	Johnstown, Pa.	C&BI	47	(†)	(†)	F	(†)	(†)	(†)
Argyle Coal Company	3312	Argyle #4	30	B	South Fork, Pa.	PRR	49	(†)	(†)	C	(†)	(†)	(†)
Barlar, Fred	3313	Barlar #2	6	D	Anita, Pa.	PRR	20	(†)	(†)	E	E	E
Brick, Charles P. (Ideal Coal & Supply Co.)	3264	Ideal #1	37	D	Friedens, Pa.	B&O	100	(†)	(†)	B	(†)	(†)	(†)
Copeland & Copeland Coal Co. (Lawrence Copeland)	3290	Fire Hill	44	Big Vein	Shaw, W. Va.	W. Md.	68	(†)	(†)	D	(†)	(†)	(†)
Elk Garden Big Vein Coal Company (R. D. Roy)	3287	Christner	35	B	Indian Head, Pa.	B&O	100	(†)	(†)	F	(†)	(†)	(†)
Geary & Warrick (T. S. Geary)	3244	Priscilla #1	30	C'	South Fork, Pa.	PRR	40	E	(†)	(*)	E	(†)	(†)
Priscilla Coal Co. (Faux M. Boucher)	661	Climax #1	8	B	Osceola Mills, Pa.	PRR	45	(†)	(†)	E	(†)	(†)	(†)
Redding, J. A., & E. G. Sankey (John A. Redding)	3265	R. W. Whipkey	40	B	Ohiopyle, Pa.	W. Md.	102	(†)	(†)	G	(†)	(†)	(†)
Whipkey, R. W.	3289												

*Indicates coal in this size group previously classified and priced.
†Indicates no classifications effective for these size groups.

NOTE: If coals of Mine Index Nos. 323 and 3277 of Bennier Coal Mining Co. (Rene D. Bennier), are loaded into the same car the price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the higher price classification.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Watts, Glenn L.	2207	Watts	44	Mineral	Big Vein			250		

[F. R. Doc. 42-662; Filed, January 22, 1942; 11:23 a. m.]

[Docket No. A-1236]

PART 321—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Minimum prices for truck shipments were established by an Order Granting Temporary Relief and Conditionally Providing For Final Relief, dated June 18, 1941, 6 F.R. 3149, in Docket No. A-892, for the coals of certain mines in District No. 2, including the coals of the Christner Mine, with Mine Index No. 3069, for truck shipments. It now appears that this mine is, in fact, located in District No. 1, and, accordingly, that price classifications and minimum prices should be established herein for the coals of the Christner Mine, with Mine Index No. 3287, in District No. 1, for all shipments except truck and for truck shipments. An order amending the said Order of June 18, 1941, by revoking the prices established for the coals of Mine Index No. 3069, in District No. 2, has been entered today in Docket No. A-892.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter should be revoked, as to Mine Index No. 1224.

Now, therefore, it is ordered, That the prices established in Supplement T, § 323.23 (*General prices*), by the said Order of November 28, 1941, in the above-entitled matter for the coals of the Sims Mine (Mine Index No. 1224) for truck shipments be, and they hereby are, revoked.

And it is further ordered, That in all other respects the said Order of November 28, 1941, in the above-entitled matter be, and it hereby is, continued in full force and effect, unless otherwise ordered.

Dated: January 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-655; Filed, January 22, 1942; 11:21 a. m.]

[Docket No. A-1163]

PART 323—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 3

ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF DATED NOVEMBER 28, 1941, IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3, PURSUANT TO SECTION 4 II (D) OF THE BITUMINOUS COAL ACT OF 1937

In an Order, dated November 28, 1941, 6 F.R. 6636, Granting Temporary Relief and Conditionally Providing for Final Relief in the above-entitled matter, price classifications and minimum prices were established for the coals of certain mines in District No. 3, including the Sims Mine (Mine Index No. 1224) of M. H. Sims.

District Board No. 8 subsequently filed an original petition in Docket No. A-1196 requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8, including therein the Sims Mine of M. H. Sims, and by a letter dated December 18, 1941, District Board No. 3 has indicated that a subsequent investigation discloses that this mine is located in District No. 8.

In an Order Granting Temporary Relief and Conditionally Providing for Final Relief Issued in Docket No. A-1196, on January 15, 1942, price classifications and minimum prices are established for the coals of certain mines in District No. 8, including the Sims Mine (Mine Index No. 1224) and it thus appears that the said Order of November 28, 1941, in the

[Docket No. A-1163]

PART 323—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 3

ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF DATED NOVEMBER 28, 1941, IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3

In an Order, dated November 28, 1941, 6 F.R. 6636, Granting Temporary Relief and Conditionally Providing for Final Relief in the above-entitled matter, price classifications and minimum prices were established for the coals of certain mines in District No. 3, including the Sims Mine (Mine Index No. 1224) of M. H. Sims.

District Board No. 8 subsequently filed an original petition in Docket No. A-1196 requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8, including therein the Sims Mine of M. H. Sims, and by a letter dated December 18, 1941, District Board No. 3 has indicated that a subsequent investigation discloses that this mine is located in District No. 8.

In an Order Granting Temporary Relief and Conditionally Providing for Final Relief Issued in Docket No. A-1196, on January 15, 1942, price classifications and minimum prices are established for the coals of certain mines in District No. 8, including the Sims Mine (Mine Index No. 1224) and it thus appears that the said Order of November 28, 1941, in the above-entitled matter should be revoked, as to Mine Index No. 1224.

Now, therefore, it is ordered, That the prices established in Supplement T, § 323.23 (*General prices*), by the said Order of November 28, 1941, in the above-entitled matter for the coals of the Sims Mine (Mine Index No. 1224) for truck shipments be, and they hereby are, revoked.

And it is further ordered, That in all other respects the said Order of November 28, 1941, in the above-entitled matter be, and it hereby is, continued in full force and effect, unless otherwise ordered.

Dated: January 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-655; Filed, January 22, 1942; 11:21 a. m.]

[Docket No. A-1163]

PART 323—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 3

ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF DATED NOVEMBER 28, 1941, IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3

In an Order, dated November 28, 1941, 6 F.R. 6636, Granting Temporary Relief and Conditionally Providing for Final Relief in the above-entitled matter, price classifications and minimum prices were established for the coals of certain mines in District No. 3, including the

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Anderson, J. Bruce (Helen Jennings Coal Co.)	3310	Jennings #3	36	Somerset	Pittsburgh			225		
Anderson, J. Bruce (Helen Jennings Coal Co.)	3311	Jennings #4	29	Cambria	B			220		
Argyle Coal Company	3312	Argyle #4	30	Cambria	B			225		
Barlar, Fred	3313	Barlar #2	6	Jefferson	D			225	215	205
Brick, Charles P. (Ideal Coal & Supply Co.)	3264	Ideal #1	37	Somerset	D			240		
Copeland & Copeland Coal Co. (Lawrence Copeland)	3290	Copeland & Copeland.	44	Mineral	Big Vein			230		
Elk Garden Big Vein Coal Company (R. D. Roy)	3287	Fire Hill	44	Mineral	Big Vein			230		
Geary & Warrick (T. S. Geary)	3244	Christner	35	Fayette	B			220		
Priscilla Coal Co. (Faux M. Boucher)	661	Priscilla #1	30	Cambria	C'	250		(*)	215	
Redding, J. A., & E. G. Sankey (John A. Redding)	3265	Climax #1	8	Centre	B			225		
Robinson, P. L.	3263	Robinson	18	Cambria	B			230		
Whipkey, R. W.	3289	R. W. Whipkey	40	Fayette	B			215		

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 42-657; Filed, January 22, 1942; 11:22 a. m.]

[Docket No. A-1220]

PART 327—MINIMUM PRICE SCHEDULE,
DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment*

into any market area) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine nam.	Subdistrict No.	Low volatile seam	Shipping point.	Railroad	Freight origin group No.	Price classification by size group No. 1	2	3	4	5	6	7	8	9	10
262	Brown, J. B.	J. B. Brown	3	Poca. 3	Squire, W. Va.	N&W	20	B	(†)	(†)	(†)	(†)	B	B	D	D	(†)
263	Murphy, A. S.	Murphy	4	Edge	Bandy, Va.	N&W	20	B	(†)	(†)	(†)	(†)	B	B	(†)	C	(†)

†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump ¾" or larger, all egg and stove 1	All nut or pea 1¼" top size or smaller 2	Screened M/R 3	Straight mine run 4	1¼" screenings 5	¾" screenings 6
Brown, J. B.	262	J. B. Brown	3	McDowell	Poca. 3	315	------	280	215	185	180
Murphy, A. S.	263	Murphy	4	Wasewell	Edge	315	------	280	215	----	185

[F. R. Doc. 42-689; Filed, January 22, 1942; 11:22 a. m.]

[Docket No. A-1204]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS, MINIMUM PRICES AND ADDITIONAL SHIPPING POINTS FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 9 FOR ALL SHIPMENTS EXCEPT TRUCK

An original petition, as amended December 27, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications, minimum prices, and additional shipping points for the coals of certain mines in District No. 9 for all shipments except truck.

A petition of intervention has been filed December 18, 1941, by District Board No. 10 alleging that the establishment of more than one shipping point as requested for the coals of certain of these mines would affect the fair competitive opportunities of code members in District No. 10. The petition of intervention does not, however, appear to oppose the establishment of the price classifications and minimum prices proposed for the coals of those mines for which only one shipping point is proposed, nor does it appear to oppose the establishment of price classifications and minimum prices for the coals of the remaining mines: *Provided*, That only one shipping point be established for each of them.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth, and that the following action is necessary in order to effectuate the purposes of the Act;

Now, therefore, it is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No relief is granted herein for the coals of Mine Index Nos. 579, and 831 for the reasons appearing in the Order separating that portion of Docket No. A-1204 which relates to these coals from the remainder of the Docket, designating such portion as Docket No. A-1204 Part II and scheduling Docket No. A-1204 Part II for hearing.

Dated: January 10, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 *Alphabetical list of code members*—Supplement R

Mine index No.	Code member	Mine	Seam	Freight origin group No.	Shipping point	Railroad
[1] 237	Alvey Bros. (Bernard Alvey)	Alvey	9	----	Owensboro	River.
738	Babb, B. E.	Pennywinkle	9	50	Providence	L&N-IC.
[1] 963	Belville Coal Co. (V. E. Teague)	Belville	9	50	Providence	L&N-IC.
[1] 964	Capps, Spurgeon	Capps	9	30	Morton	L&N.
[1] 960	Cowan, Boyd	Cowan #2	9	10	Greenville	IC.
[1] 725	Evitts & Howard (Forest Evitts)	Evitts	9	30	Owensboro	L&N.
[1] 253	Rafferty, E. D.	Rafferty	9	30	Owensboro	L&N.
[1] 937	Rafferty, E. D.	Rafferty #2	9	30	Nebo	L&N.
[1] 953	Rich, W. M.	Blue Bird	9	10	Greenville	IC.
[1] 684	Rolley & Dukes (H. L. Rolley)	R. & D.	9	30	Morton	L&N.
[1] 975	Stokes, Noble	Military	9		(Morgantown	River.
					(Drakesboro	L&N.
[1] 484	Johnson & Romans (A. V. Johnson)	Baize & Baize	Stray	30		

[1] The f. o. b. mine prices for coal shipped by Mine Index Nos. 237, 963, 964, 960, 725, 738, 253, 937, 953, 684, 975 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck.

[2] The f. o. b. mine prices for coal shipped by Mine Index No. 484 to any market area for any use, including Railroad Locomotive Fuel, for size group 1 to 4, Inclusive, shall be the same as the prices shown for Sentry Coal Mining Co., Sentry Mine, Mine Index No. 72, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck; for size groups 5 to 29, Inclusive, the prices shall be the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Price Schedule No. 1 for District No. 9 for All Shipments Except Truck.

[F. R. Doc. 42-660; Filed, January 22, 1942; 11:23 a. m.]

[Docket No. A-1224]

PART 343—MINIMUM PRICE SCHEDULE, DISTRICT NO. 23

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 23 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT THE HYDE MINE OF HYDE MINES, INC., A CODE MEMBER IN DISTRICT NO. 23

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced at the Hyde Mine of Hyde Mines, Inc., a code member in District No. 23; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 343.4 (*Code member price index*) is amended by adding thereto Supplement R-I, § 343.5 (*General prices; minimum prices for shipment via rail transportation*) is amended by adding thereto Supplement R-II, and § 343.21 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

The original petition identifies the mine as to which relief is sought by the name "Hyde Mine" and as being located in the same field and adjacent to the Hyde Mine (Mine Index #148), presently operated by Hyde Mines, Inc., and the coals of which, for shipment by truck, were heretofore classified and priced as reflected in Supplement No. 2 of the Schedule of Effective Minimum Prices for District No. 23. In order to distinguish between the two mines, the mine as to which relief is sought in this proceeding is identified as Hyde Mine #2 in the attached schedule.

The original petition alleges that the coals of the Hyde Mine #2 are superior in quality to the coals of the Hyde Mine presently being operated and should be classified in Sub-District "E" in District No. 23 for the reason that their marketing factors are similar to those of the coals presently produced in that subdistrict. Since it appears, however, that the Hyde Mine #2 is actually located in the producing field which has been designated as Sub-district "G" in District No. 23, this Order classifies it in the latter sub-district although the price classifications and minimum prices established hereby for its coals are similar to those which have been heretofore established for the other mines producing coals in Sub-district "E".

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 9, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 23

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 343, Minimum Price Schedule for District No. 23 and supplements thereto.

FOR ALL SHIPMENTS

The following price classification and minimum prices shall be inserted in Price Schedule No. 1 for District No. 23:

§ 343.4 *Code member price index*—Supplement R-I. Insert the following listing in proper alphabetical order:

Producer	Mine	Mine index No.	County	Shipping point	Subdistrict price group	Railroad	F. O. B. No.	Prices Rail	Prices Truck
Hyde Mines, Inc.	Hyde #2	161	King	Cumberland	G	NP	11	§ 343.5	§ 343.21

§ 343.5 *General prices; minimum prices for shipment via rail transportation*—Supplement R-II

[Minimum f. o. b. mine prices in cents per net ton for shipments via rail transportation into market areas shown. Subdistrict G, Hyde Mines, Inc., Hyde #2 Mine, King County]

Market area	Size groups 2	8	9	10	12	15	17	18	21	22	24	25
238	515	525	500	500	490	490	385	360	375	350	285	------
239, 251, & 252	500	475	465	465	465	465	360	335	340	325	285	------
240 & 253	500	475	450	450	440	440	335	310	325	300	285	------
243	490	525	500	500	490	490	385	360	375	350	265	------
247-249	550	525	500	500	490	490	385	360	375	350	265	160
250	550	525	500	500	490	490	360	335	350	325	285	------
254	500	475	450	450	440	440	360	335	350	325	285	------
All others	550	525	500	500	490	490	385	360	375	350	285	------

§ 343.21 *General price*—Supplement T

Insert the following code member name, mine name and county under Subdistrict G, and the following prices:

Code member and mine name	County	Size groups										
		2	8	9	10	12	15	17	18	21	22	24
SUBDISTRICT G												
Hyde Mines, Inc.: Hyde #2 Mine.	King	600	575	560	550	540	540	435	410	425	400	335

[F. R. Doc. 42-661; Filed, January 22, 1942; 11:23 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

PART 633—DELIVERY AND INDUCTION

AMENDMENT TO SELECTIVE SERVICE REGULATIONS, SECOND EDITION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 633,[1] by deleting paragraph (a) of § 633.14 and substituting therefor the following:

§ 633.14 *Classification after separation from land or naval forces.* (a) Upon receiving a report that a registered man has been separated from the land or naval forces (1) by resignation or dismissal; (2) by discharge prior to December 8, 1941; or (3) by discharge after December 8, 1941, for a cause other than physical disability, the local board shall reopen his classification and classify him anew. (54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

* * * * *

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 17, 1942.

[F. R. Doc. 42-672; Filed, January 23, 1942; 10:00 a. m.]

PART 653—WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

AMENDMENT TO SELECTIVE SERVICE REGULATIONS, SECOND EDITION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 653,[2] by deleting paragraph (e) of § 653.11 and substituting therefor the following:

§ 653.11 *Reception at camps.*

* * * * *

(e) Upon receiving notice that a registrant has been accepted for work of national importance, the local board shall not change his classification but shall note the fact of his acceptance for such work in the Classification Record (Form 100). Upon receiving notice that a registrant has been rejected for work of national importance, the local board shall take the action outlined in § 633.13 (b), except that the local board examining physician shall be used in lieu of the examining station of the armed forces, and shall either retain the registrant in Class IV-E or change his classification to Class IV-E-LS or Class IV-F as the circumstances may require. (54 Stat. 885; 50 U. S. C., Sup., 301-318, inclusive, E.O. No. 8545, 5 F.R. 3779.)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 20, 1942.

[F. R. Doc. 42-671; Filed, January 23, 1942; 10:01 a. m.]

[1] 6 F.R. 6849.
[2] 7 F.R. 247.

PART 691—RULES FOR CAMPS OPERATED BY THE NATIONAL SERVICE BOARD FOR RELIGIOUS OBJECTORS

Effective February 1, 1942, the Camp Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; and by publishing such rearranged, renumbered, and amended paragraphs as the sections of Part 691 of the Second Edition of the Selective Service Regulations.

Paragraph 4 as amended becomes § 691.1.
Paragraph 6 as amended becomes § 691.13.
Paragraph 7 as amended becomes § 691.13.
Paragraph 8 as amended becomes § 691.17.
Paragraph 9 as amended becomes § 691.21.
Paragraph 10 as amended becomes § 691.22.
Paragraph 11 as amended becomes § 691.16.
Paragraph 12 as amended becomes § 691.23.
Paragraph 13 as amended becomes § 691.2.
Paragraph 14 as amended becomes § 691.12.
Paragraph 15 as amended becomes § 691.11.
Paragraph 17 as amended becomes § 691.15.
Paragraph 18 as amended becomes § 691.14.
Paragraph 19 as amended becomes § 691.24.
Paragraph 20 as amended becomes § 691.25.

PART 691—RULES FOR CAMPS OPERATED BY THE NATIONAL SERVICE BOARD FOR RELIGIOUS OBJECTORS

ORGANIZATION

Sec.
691.1 Camp responsibility.
691.2 Camp overhead.

CARE, WELFARE, AND DISCIPLINE OF ASSIGNEES

Sec.
691.11 Subsistence.
691.12 Clothing.
691.13 Medical care and hospitalization.
691.14 Welfare and recreation.
691.15 Education.
691.16 Furloughs and liberty.
691.17 Discipline.

WORK PROGRAM

691.21 Allowable project work.
691.22 Hours of work.
691.23 Assignees in supervisory positions.
691.24 Records and reports.
691.25 Safety program and accident reports.

ORGANIZATION

§ 691.1 *Camp responsibility.* The National Service Board for Religious Objectors will appoint the camp director. The camp director will be responsible for all phases of camp operations, including maintenance of the camp and its environs and watchman service in accordance with standards acceptable to the technical agency directing the work project. He shall also be responsible for the reception, feeding, housing, clothing, recreation, education, health, and camp life of the assignees.

The technical agency responsible for the work project shall provide a project superintendent and such other personnel as may be necessary. Such personnel will be governed by the laws and regulations governing the personnel of such agency. The project superintendent of the technical agency shall be responsible for all phases of job planning and direction, the direction of technicians detailed to the camp, job training, and the safety program while the assignees are under his direction. The project superintendent of the technical agency will issue drivers' permits in accordance with the regulations established by his agency.*

*§§ 691.1 to 691.25, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive, E.O. No. 8545, 5 F.R. 3779 and E.O. No. 8675, 6 F.R. 831.

§ 691.2 *Camp overhead.* Assignees may be relieved from project work and retained to assist the camp director in performing administrative duties at the camp. The number of such assignees will be limited under ordinary circumstances to the following maximum:

Camp strength:	*Authorized overhead*
Below 50	8
50-75	12
76-100	18
101-125	22
126-150	23
151-205	24

The camp director and the project superintendent of the technical agency may agree that in special cases additional men may be assigned to wood details, camp repairs, and similar work. Assignee-foremen may be appointed by the camp director out of the authorized camp overhead.*

CARE, WELFARE, AND DISCIPLINE OF ASSIGNEES

§ 691.11 *Subsistence.* The mess at camp is the responsibility of the camp director. Standard specifications for foods as supplied in the Army or Navy will be applicable. Balanced rations will be provided. Menus will be prepared and posted for at least 10 days in advance. Representatives of the technical agency personnel and of the Director of Selective Service using the camp mess will pay the camp director for meals but not to exceed a maximum of $15 per month or 25 cents for a single meal.*

§ 691.12 *Clothing.* (a) No uniforms for assignees are prescribed.

(b) The camp director will see that every assignee is provided with sufficient and proper clothing to perform his duties. The project superintendent of the technical agency will refuse to take men for work who are not properly protected against the weather and the hazards of the work. Unsatisfactory conditions as to clothing will be reported by the project superintendent of the technical agency through his official channel to the Director of Selective Service.*

§ 691.13 *Medical care and hospitalization.* (a) In each camp, a physician will be provided by the religious organization operating the camp who will be responsible for the health and medical care of the assignees. There must also be an arrangement with the nearest suitable local hospital where assignees will be sent on order of the camp physician.

(b) All assignees will be inoculated against typhoid and vaccinated against smallpox within 48 hours after reporting to camp. These inoculations and vaccinations will be given by the camp physician. Upon completion, proper notations will be placed in the assignee's record at the camp headquarters. The standards of vaccination and inoculation shall be those prescribed by the Medical Department of the United States Army.

(c) The camp director, with the camp physician present, shall be responsible for holding the daily sick call, and the camp physician shall be available for emergency calls at all times. The camp director is responsible for the preparation, accuracy, and submission of such medical reports relating to the illness or injury of assignees as may be required from time to time by the Director of Selective Service. The camp director, with the advice of the camp physician, shall be responsible for camp sanitation, and the camp shall be subject to inspections from time to time by representatives of the United States Public Health Service or of the Director of Selective Service. The minimum standards of camp sanitation shall be the same as are applicable to camps operated under the direction of the Civilian Conservation Corps.*

§ 691.14 *Welfare and recreation.* The welfare and recreation of assignees is the direct responsibility of the camp director. Motor vehicles assigned to the camp, if available, may be used to provide transportation of the assignees for educational, recreational, or religious purposes.*

§ 691.15 *Education.* The educational program for assignees will be the responsibility of the camp director. He may avail himself of such volunteer services as may be provided by members of the technical agency staff attached to the camp. On-the-job training will be a definite responsibility of the project superintendent of the technical agency.*

§ 691.16 *Furloughs and liberty.* (a) The camp director, with the concurrence of the project superintendent of the technical agency, may grant furloughs to an assignee at such times as he may be spared from his duties. No assignee may receive a furlough or furloughs in excess of a total of 30 days in any one year, including furloughs for special religious holidays and periods of convalescence following illness or injury. Such furloughs shall include week ends and holidays falling within the period of furlough. The camp director may temporarily restrict or suspend the granting of furloughs to any or all men assigned to a project whenever in his opinion circumstances render such restrictions or suspensions desirable. The number of assignees on furlough at any one time will in no event exceed 15 percent of the total number of assignees in such camps.

(b) Liberty or leave regulations covering the hours outside of work hours may be issued from time to time by the camp director who may prescribe hours assignees may be away from the camp and how far they may go from camp. Week-end leave must be confined between noon on Saturday and 6 a. m., Monday. A sufficient number of assignees will be maintained at the camp to provide for watchmen service and fire protection at all times.*

§ 691.17 *Discipline.* (a) An assignee who fails to perform the duties outlined in § 653.42 or whose conduct amounts to a violation of local, State, or Federal criminal statutes, or to violation of the rules and regulations herein set forth, will be subject to such fines, restriction of privileges, extra duty, additional service, reclassification under the Selective Service Regulations, or prosecution under the Selective Training and Service Act of 1940, as amended, as the case may warrant.

(b) If an assignee is sought by local, State, or Federal criminal statutes, he will be delivered to the appropriate authority upon proper warrant for his arrest being exhibited to the camp director. The camp director will make a full and immediate report to the Director of Selective Service through regular channels on all such arrests and the disposition thereof. Upon receipt of the full facts concerning such arrests and disposition thereof, the Director of Selective Service will determine whether to submit such information to the assignee's local board with a request that the assignee's case be reopened and his classification considered anew under the Selective Service Regulations.

(c) If an assignee who has reported to his local board for work of national importance pursuant to an Order to Report for Work of National Importance (Form 50) and has been furnished with the necessary instructions and transportation to the camp fails to report to the camp at the time and place designated, he will be carried as absent without leave for 10 days and, unless there is a change in status, will be deemed to be a deserter on the 11th day. Such failure to report to camp will constitute a violation of these regulations and may subject the assignee to prosecution under the Selective Training and Service Act of 1940, as amended. The Director of Selective Service will be notified of such failure to report to camp through regular channels on the 11th day and may take the necessary action to report the assignee to the proper United States attorney as a violator of the Selective Training and Service Act of 1940, as amended.

(d) If, after reporting to the camp, an assignee is absent without leave for a continuous period of 10 days, he will be deemed to be a deserter. On the 11th day the Director of Selective Service will be notified through regular channels and may take the necessary steps to report the assignee to the proper United States attorney as a violator of the Selective Training and Service Act of 1940, as amended.

(e) Refusal to work or perform other assigned duties, inciting others to refuse to work or perform assigned duties, or failure to abide by the rules and regulations promulgated by the camp director, will constitute a violation of these rules and regulations.

A full and immediate report of such violation of these rules and regulations will be made to the Director of Selective Service through regular channels. If the reported conduct indicates that the assignee may have been improperly classified, the Director of Selective Service may take the necessary steps to submit the information to the assignee's local board with a request that the assignee's case be reopened and his classification considered anew under the Selective Service Regulations. The Director of Selective Service may also report the assignee to the proper United States attorney as a violator of the Selective Training and Service Act of 1940, as amended.

(f) Loss of time over 24 hours because of the assignee's absence without leave, sickness or injury due to his own misconduct, confinement by civil authorities following conviction, or wilful failure to perform duties, must be made up: *Provided*, That no assignee may be retained in camp longer than his maximum period of service as prescribed by law.

(g) The camp director may make and enforce such rules as he may deem appropriate for the operation of his camp and the carrying out of these regulations, and he has wide latitude in imposing such disciplinary action as he may deem necessary.

(h) Representatives of the technical agency having difficulties with assignees will refer all such cases to the camp director for appropriate action as provided in this section.*

WORK PROGRAM

§ 691.21 *Allowable project work.* An assignee at a camp may be employed on

any authorized work of the technical agency involved in the work program of the camp. Work priority shall be determined by such technical agency.*

§ 691.22 *Hours of work.* The hours of work on the project will be determined by the technical agency. No limitation is set on the number of hours that an assignee may be required to work in any given day or week. Forty-four hours per week shall be the minimum that any assignee shall work. Travel time shall not be included in computing the 44-hour minimum, except the portion thereof which exceeds 1 hour in any one day. In case the camp director of a camp does not agree as to the hours of work on the project, all facts in the case will be reported through the National Service Board for Religious Objectors to the Director of Selective Service for final decision. Assignees will be subject to emergency calls by the project superintendent of the technical agency on any day or night at any hour for the purpose of fighting forest fires or other emergencies affecting life or property.*

§ 691.23 *Assignees in supervisory positions.* The designation of not to exceed one assignee foreman or assignees occupying key positions for every 25 assignees is authorized. Should particular projects demand additional assignee foremen or assignees in key positions, they may be appointed after agreement between the project superintendent of the technical agency and the camp director. These men will be carefully selected from the assignees, will be exempt from any rotation of duty system, will be trained to act as supervisors of other assignees, and will be responsible for carrying out the orders of the project superintendent of the technical agency. The project superintendent of the technical agency has the responsibility of requiring that all assignee foremen and assignees in key positions perform their duties and, upon his filing a written statement of his reason therefor, he may require the camp director to replace any such assignee foreman or assignee in a key position.*

§ 691.24 *Records and reports.* The project superintendent of the technical agency will prepare a monthly Work Report (Form 52) and send it to the Director of Selective Service, through the technical agency concerned. His report shall be prepared so as to enable the Director of Selective Service to have available a record of work accomplishments. The instructions issued by the Civilian Conservation Corps covering the method of reporting work on its Work Progress Report (Form 7) will be followed.*

§ 691.25 *Safety program and accident reports.* The applicable provisions of the Safety Manual now in use by the Civilian Conservation Corps with such modifications and additions as the Director of Selective Service may prescribe, will be adopted for use as a safety program within the camp. A safety committee shall be organized as soon as a camp has been placed in operation. This committee shall consist of the camp director, the project superintendent of the technical agency or his representative, and a member of the assignee group selected by them. The safety committee will hold meetings at stated intervals and will be responsible for the safety program.

Any death or serious personal injury and any serious damage to either public or private property shall, within 24 hours of its occurrence, be reported by telegram to the Director of Selective Service, Selective Service System, Washington, D. C. This report will be made by the person charged with the duty of investigating and reporting the incident. The project superintendent of the technical agency is charged with the duty of investigating and reporting all such incidents involving assignees while under his supervision, and all other such incidents connected with the work project or Government-owned vehicles. The camp director is charged with the duty of reporting all other such incidents.*

LEWIS B. HERSHEY,
Director.

JANUARY 20, 1942.

[F. R. Doc. 42-673; Filed, January 23, 1942; 10:00 a. m.]

PART 692—RULES FOR GOVERNMENT-OPERATED CAMPS

Effective February 1, 1942, the Camp Regulations are hereby amended by rearranging the order in which the paragraphs hereinafter listed will appear; by assigning new numbers to such rearranged paragraphs; by changing the context of those paragraphs hereinafter listed which are followed by the words "as amended"; and by publishing such rearranged, renumbered, and amended paragraphs as the sections of Part 692 of the Second Edition of the Selective Service Regulations:

Paragraph 4 as amended becomes	§ 692.1.
Paragraph 6 as amended becomes	§ 692.13.
Paragraph 7 as amended becomes	§ 692.13.
Paragraph 8 as amended becomes	§ 692.17.
Paragraph 9 as amended becomes	§ 692.21.
Paragraph 10 as amended becomes	§ 692.22.
Paragraph 11 as amended becomes	§ 692.16.
Paragraph 12 as amended becomes	§ 692.23.
Paragraph 13 as amended becomes	§ 692.2.
Paragraph 14 as amended becomes	§ 692.12.
Paragraph 15 as amended becomes	§ 692.11.
Paragraph 17 as amended becomes	§ 692.15.
Paragraph 18 as amended becomes	§ 692.14.
Paragraph 19 as amended becomes	§ 692.24.
Paragraph 20 as amended becomes	§ 692.25.

PART 692—RULES FOR GOVERNMENT-OPERATED CAMPS

ORGANIZATION

Sec.
692.1 Camp responsibility.
692.2 Camp overhead.

CARE, WELFARE, AND DISCIPLINE OF ASSIGNEES

692.11 Subsistence.
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WORK PROGRAM

692.21 Allowable project work.
692.22 Hours of work.
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692.24 Records and reports.
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ORGANIZATION

§ 692.1 *Camp responsibility.* The camp director will be appointed by the technical agency operating the camp. The camp director will be responsible for all phases of camp operations; the work program, including maintenance of the camp and its environs; the protection of Government property; the maintenance of discipline; and the reception, pay, food, clothing, shelter, recreation, health, education, and welfare of assignees.*

*§§ 692.1 to 692.25, inclusive, issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup., 301-318, inclusive, E.O. No. 8545; 5 F.R. 3779 and E.O. No. 8675, 6 F.R. 831.

§ 692.2 *Camp overhead.* Assignees will be relieved from project work and assigned to administrative duties at the camp according to tables prescribed by the Director of Selective Service.*

CARE, WELFARE, AND DISCIPLINE OF ASSIGNEES

§ 692.11 *Subsistence.* Food will be provided without cost to the assignee. Basically, the ration will be the Army ration and its allowable substitutes as prescribed in AR 30-2210 (March 15, 1940) with such modifications as the Director of Selective Service may prescribe. Standard specifications for food as supplied to the Army or Navy will be applicable to such modifications. Ration-savings privileges may be allowed, the value of the ration being determined monthly by the Director of Selective Service. The mess is the responsibility of the camp director, who will operate the mess under such instructions as to balance, variety, and preparation as the Director of Selective Service may prescribe.

Representatives of the technical agency and of the Director of Selective Service using the camp mess will be charged for meals but not to exceed the value of the camp ration on a monthly basis or more than 25 cents for a single meal.*

§ 692.12 *Clothing.* (a) No uniforms for assignees are prescribed.

(b) Each assignee will be provided with such sufficient and proper clothing to perform his duties as the Director of Selective Service may determine.*

§ 692.13 *Medical care and hospitalization.* (a) The camp director is responsible for the health and medical care of the assignees. The agency operating such camp will provide a physician on a contract basis, whose duties will be to make health and sanitary inspections of men and camp, to make recommendations for correcting the deficiencies found, to give surgical and medical treatment to assignees, and to make such records and reports as may be required. The technical agency will also make arrangements for the hospitalization of assignees.

(b) All assignees will be inoculated against typhoid and vaccinated against smallpox within 48 hours after reporting to camp. These inoculations and vaccinations will be given by the camp physician. Upon completion, proper notations will be placed in the assignee's record at the camp headquarters. The standards of vaccination and inoculation shall be those prescribed by the Medical Department of the United States Army.*

§ 692.14 *Welfare and recreation.* The welfare and recreation of assignees is the direct responsibility of the camp director. Recreation at the camp in the form of athletics, entertainments, and similar activities is preferred to outside forms of amusement, but a reasonable amount of the latter should also be provided.

Ministers or other recognized representatives of religious organizations having members at the camp, as well as friends and relatives of assignees, should be allowed to visit freely, subject only to such restrictions as the proper operation of the camp or work project may require.

A Chaplain or educational advisor, selected and financed through the National Service Board for Religious Objectors and approved by the Director of Selective Service, is authorized to live at the camp and to assist and supplement the educational, welfare, and recreational program. He may be provided with quarters and subsistence at no greater cost than that paid by the administrative personnel attached to the camp. His activities must have the approval of the camp director, and he must conform to the general rules for the conduct of the camp.

Motor vehicles assigned to the camp may be used to provide transportation of the assignees for educational, recreational, or religious purposes under such rules as the technical agency operating the camp and the Director of Selective Service may prescribe.*

§ 692.15 *Education.* The camp director, under such instructions as the technical agency operating the camp and the Director of Selective Service may prescribe, will be responsible for training in first-aid, health and sanitation, safety, disaster and rescue work, and job training. All technical-agency personnel will be available for use in connection with the educational program. All assignees will be required to take part, and the services of qualified assignees may be used.

In addition to the above, the camp director should assist and encourage the formation of volunteer classes according to the needs and desires of the assignees.*

§ 692.16 *Furloughs and liberty.* (a) The camp director may grant furloughs to an assignee at such times as he may be spared from his duties. No assignee may receive a furlough or furloughs in excess of a total of 30 days in any one year, including furloughs for special religious holidays and periods of convalescence following illness or injury. Such furloughs shall include week ends and holidays falling within the period of furlough. The camp director may temporarily restrict or suspend the granting of furloughs to any or all men assigned to a project whenever in his opinion circumstances render such restrictions or suspensions desirable. The number of assignees on furlough at any one time will in no event exceed 15 percent of the total number of assignees in such camps.

(b) Liberty or leave regulations covering the hours outside of work hours may be issued from time to time by the camp director, who may prescribe hours assignees may be away from the camp and how far they may go from camp. Week-end leave must be confined between noon on Saturday and 6 a. m., Monday. A sufficient number of assignees will be maintained at the camp to provide for watchman service and fire protection at all times.*

§ 692.17 *Discipline.* (a) An assignee who fails to perform the duties outlined in § 653.42 or whose conduct amounts to a violation of local, State, or Federal criminal statutes or to a violation of the rules and regulations herein set forth, will be subject to such fines, restriction of privileges, extra duty, additional service, reclassification under the Selective Service Regulations, or prosecution under the Selective Training and Service Act of 1940, as amended, as the case may warrant.

(b) If an assignee is sought by local, State, or Federal criminal statutes, he will be delivered to the appropriate authority upon proper warrant for his arrest being exhibited to the camp director. The camp director will make a full and immediate report to the Director of Selective Service through regular channels on all such arrests and the disposition thereof. Upon receipt of the full facts concerning such arrests and disposition thereof, the Director of Selective Service will determine whether to submit such information to the assignee's local board with a request that the assignee's case be reopened and his classification considered anew under the Selective Service Regulations.

(c) If an assignee who has reported to his local board for work of national importance pursuant to an Order to Report for Work of National Importance (Form 50) and has been furnished with the necessary instructions and transportation to the camp fails to report to the camp at the time and place designated, he will be carried as absent without leave for 10 days and, unless there is a change in status, will be deemed to be a deserter on the 11th day. Such failure to report to camp will constitute a violation of these regulations and may subject the assignee to prosecution under the Selective Training and Service Act of 1940, as amended. The Director of Selective Service will be notified of such failure to report to camp through regular channels on the 11th day and may take the necessary action to report the assignee to the proper United States attorney as a violator of the Selective Training and Service Act of 1940, as amended.

(d) If, after reporting to the camp, an assignee is absent without leave for a continuous period of 10 days, he will be deemed to be a deserter. On the 11th day the Director of Selective Service will be notified through regular channels and may take the necessary steps to report the assignee to the proper United States attorney as a violator of the Selective Training and Service Act of 1940, as amended.

(e) Refusal to work or perform other assigned duties, inciting others to refuse to work or perform assigned duties, or failure to abide by the rules and regulations promulgated by the camp director, will constitute a violation of these rules and regulations. A full and immediate report of such violation of these rules and regulations will be made to the Director of Selective Service through regular channels. If the reported conduct indicates that the assignee may have been improperly classified, the Director of Selective Service may take the necessary steps to submit the information to the assignee's local board with a request that the assignee's case be reopened and his classification considered anew under the Selective Service Regulations. The Director of Selective Service may also report the assignee to the proper United States attorney as a violator of the Selective Training and Service Act of 1940, as amended.

(f) Loss of time over 24 hours because of the assignee's absence without leave, sickness or injury due to his own misconduct, confinement by civil authorities followed by conviction, or willful failure to perform duties, must be made up, provided that no assignee may be retained in camp longer than the maximum period of service as prescribed by law.

(g) Subject to such restrictions as may be hereinafter imposed, the camp director has the following punitive powers which he may exercise singly or in combination:

(1) Admonition.
(2) Reprimand.
(3) Suspension of privileges for not to exceed 1 week for any one offense.
(4) Assignment of extra work within the camp on nonworking days but not in excess of 8 hours per day for 2 such days for any one offense.
(5) Reduction of assignee-foremen.
(6) Forfeiture of cash allowance but not less than 50 cents or not more than 50 percent of monthly allowance in multiples of 25 cents in any one month, subject to approval of the Director of Selective Service.
(7) Cancelation of furlough privileges, not to exceed more than 20 days in any 12-month period, subject to approval of the Director of Selective Service.
(8) Imposition of additional service, not to exceed more than 40 days in any 12-month period, subject to approval of the Director of Selective Service.
(9) Take action as prescribed under (b) through (f) of this section.

(h) Table of offenses and appropriate punishments:

Offense	Punishment may be singly or in combination. Letters refer to (1) through (9) of (g) of this section
(1) Minor infractions of camp or work project rules or these regulations.	(1), (2), (3).
(2) Infraction of rules or regulations...	(1), (2), (3), (4), (5), (6), (7), but not to exceed 01 under (6) or more than 2 days under (7) for any one offense.
(3) Inexcusable failure to perform assigned duties.	(1), (2), (3), (4), (5), (6), (7), (8), but not both (7) and (8) or not to exceed 2 days for each day or fraction thereof on which duties were not performed or for each infraction of the regulations.
(4) Refusal to perform duties, insubordination, disorderly or disgraceful conduct in or out of camp, refusal to obey a lawful order.	(1), (2), (3), (4), (5), (6), (7), (8), but not to exceed a total of 10 days under (7) and (8) for any one offense. May be applied singly or in combination.
(5) Absent without leave.....	(1), (2), (3), (4), (5), (6), (7), (8), not to exceed 50 cents for each day of absence or a total of 50 percent of allowance under (6). Not to exceed 1 day for each day of absence or a total of 10 days under (7) and (8) which may be applied singly or in combination. If absence is for over 24 hours, the provisions of (f) of this section are mandatory.
(6) Continued or serious misconduct...	(6), (7), (8), (9). Any one or combination of (6), (7), and (8) subject to the limitations set forth, or (9) when offense is very serious or there has been two or more previous punishments covered by records of hearing.
(7) Persistent refusal to work or perform other assigned duties, or inciting others to refuse to work or perform other assigned duties.	(9).
(8) Failure to report to camp or desertion.	(9).
(9) Violation of criminal statutes, local, State, or Federal.	(9).

(i) The following disciplinary records will be required:

(1) When the punishment for an offense falls within (1), (2), (3), (4), or (5) of (g) of this section, a record of hearing is not required unless requested by the assignee. Such punishments will be entered and initialed by the camp director in a Camp Punishment Book. Such entry will show the date and nature of the offense, and date and nature of punishment.

(2) With the exception of the offenses committed under (b), (c), or (d) of this section, a record of hearing must be made when the offense is of such a serious nature that the offender, if found guilty, would be subject to punishment under (6), (7), (8), or (9) of (g) of this section. The accused shall have a right to be informed of the charge, choose counsel from the available assignees or technical personnel, question witnesses, make a statement in his own behalf, call any reasonably available witness, and appeal the decision of the camp director to the Director of Selective Service in writing within 10 days of the imposition of punishment. However, he may not refuse to undergo the punishment pending the outcome of an appeal.

(3) Records of hearing are subject to review and approval by the Director of Selective Service who may decrease but not increase a penalty.*

WORK PROGRAM

§ 692.21 *Allowable project work.* An assignee at a camp may be employed on any authorized work of the technical agency involved in the work program of the camp. Work priority shall be determined by such technical agency.*

§ 692.22 *Hours of work.* The hours of work on the project will be determined by the technical agency. No limitation is set on the number of hours that an assignee may be required to work in any given day or week. Forty-four hours per week shall be the minimum that any assignee shall work. Travel time shall not be included in computing the 44-hour minimum except the portion thereof which exceeds 1 hour in any one day. Assignees will be subject to emergency calls by the camp director on any day or night at any hour for the purpose of fighting forest fires or other emergencies affecting life or property.*

§ 692.23 *Assignees in supervisory positions.* The designation of assignees for supervisory positions shall be made by the camp director. The method of designation, number authorized, rates of pay, duties, authority, and titles of such assignee shall be prescribed by the Director of Selective Service.*

§ 692.24 *Records and reports.* The camp director will be responsible for the preparation and forwarding of such records and reports governing the operation of the camp as may be required from time to time by either the technical agency operating the camp or by the Director of Selective Service. Normally, these reports will be made through the regular channels of such technical agency with such exceptions as the Director of Selective Service may find necessary.*

§ 692.25 *Safety program and accident reports.* The applicable provisions of the Safety Manual now in use by the Civilian Conservation Corps with such modifications and additions as the Director of Selective Service may prescribe shall be used in the safety program. Duties and responsibilities assigned to the Company Commander or Camp Superintendent under the Civilian Conservation Corps setup are combined in the camp director who is responsible for the safety program. A safety committee composed of the camp director, the two chief administrative assistants, the camp physician, and one assignee will be organized in lieu of that provided for in the Civilian Conservation Corps but with the same duties and responsibilities. The Director of Selective Service will be substituted for Director, Civilian Conservation Corps, and, unless specifically stated, only those reports forwarded through the technical agency will be used.*

LEWIS B. HERSHEY,
Director.

JANUARY 20, 1942.

[F. R. Doc. 42-674; Filed, January 23, 1942; 10:00 a. m.]

ORDER WAIVING LOCAL BOARD PHYSICAL EXAMINATIONS OF LOCAL BOARD NO. 1, GUADALUPE COUNTY, SANTA ROSA, NEW MEXICO

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885), as amended, and the authority vested in me by the rules and regulations prescribed thereunder, and more particularly the provisions of § 623.35 of the Selective Service Regulations, I hereby waive the requirement that certain registrants who are now being classified or who may hereafter be classified by Local Board No. 1, Guadalupe County, Santa Rosa, New Mexico, be physically examined by an examining physician in the manner provided in Part 623,[1] Selective Service Regulations, and I hereby direct that the classification of such registrants be completed in the manner provided in § 623.51 (f), Selective Service Regulations, without such physical examination by a local board examining physician.

LEWIS B. HERSHEY,
Director.

JANUARY 20, 1942.

[F. R. Doc. 42-676; Filed, January 23, 1942; 10:01 a. m.]

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 933—COPPER

Supplementary Conservation Order M-9-c-1

Whereas national defense requirements have created a shortage of Copper for the combined needs of defense, private account, and export; action has already been taken to increase and conserve the supply and to direct the distribution of Copper to insure deliveries for defense and essential civilian requirements; and the supply of Copper now is and will be insufficient for defense and essential civilian requirements unless the use of Copper in the manufacture of many products where such use is not absolutely necessary for the defense or essential civilian requirements is curtailed or prohibited;

Now, therefore, it is hereby ordered, That:

§ 933.6 *Supplementary Conservation Order M-9-c-1*—(a) *Curtailment of manufacture.* During the period between January 1 and March 31, 1942, no Manufacturer of Shoe Findings may manufacture a greater number of such Findings containing any Copper than that number which, when added to stocks on hand, in process and in transit on the effective date hereof, will fill all purchase orders from customers caling for deliveries before April 1, 1942.

(b) *Curtailment of use of copper.* In addition to the limitation contained in paragraph (a) hereof, during the period between January 1 and March 31, 1942, no Manufacturer may use in the manufacture of all Shoe Findings more Copper than the greatest of the following three limits:

(1) 50% of the total amount of copper used by him in the manufacture of all Shoe Findings during the last three months of 1940, or

(2) 12½% of the total amount of Copper used by him in the manufacture of all Shoe Findings during the year 1940, or

(3) 35% of the total amount of Copper used by him in the manufacture of all Shoe Findings during the period between July 1 and September 30, 1941;

plus, in each such case, as much Copper as is used by him in the manufacture of however many Shoe Findings as are being produced pursuant to paragraph (f) hereof.

(c) *Prohibition of manufacture after March 31, 1942.* Except as provided in paragraph (f) hereof, after March 31, 1942, no Manufacturer may use any Copper in the manufacture of Shoe Findings.

(d) *Prohibition of delivery after March 31, 1942.* Except as provided in paragraph (f) hereof, after March 31, 1942, no manufacturer of Shoe Findings may deliver any such Findings containing Copper, and no Person may accept delivery of Shoe Findings containing any Copper from any Manufacturer of Shoes or of Shoe Findings.

(e) *Prohibition of use after April 30, 1942.* Except as provided in paragraph (f) hereof, after April 30, 1942, no Manufacturer may attach any Shoe Findings containing Copper to any type of Shoes.

(f) *Exceptions.* Where and to the extent that the use of any less scarce material is impracticable, the prohibitions and limitations contained in paragraphs (a), (b), (c), (d), (e) and (h) hereof shall not apply to Shoe Findings being produced for filling contracts or subcontracts for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, and the Coast Guard, or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), if in any such case the use of Copper to the extent employed is required by the specifications of the prime contract.

(g) *Reports.* Each Manufacturer of Shoe Findings containing Copper shall:

(1) Immediately file with the Office for Production Management the information called for on Form PD-259, and

(2) On or before April 15, 1942, file with the Office for Production Management the information called for on Form PD-260.

(h) *Limitation on inventories.* No Manufacturer of Shoes shall receive delivery of any Shoe Findings containing Copper which, when added to such Findings on hand or in transit on the effective date hereof, shall result in its having a greater number of Shoe Findings than that number which it estimates it will attach to Shoes before May 1, 1942.

(i) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(j) *Communications to Office for Production Management.* All reports required to be filed hereunder, and all communications concerning this Order shall, unless otherwise directed, be addressed to: Office for Production Management, Washington, D. C., Ref. M-9-c-1.

(k) *Violations.* Any Person who willfully violates any provision of this Order, or who by an act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(l) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Copper conserved, or that compliance with this Order would impair defense work, may appeal to the Office of Production Management on Form PD-261, Ref. M-9-c-1, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(m) *Effect on other orders.* With respect to the use of Copper and Copper Base Alloy, as defined in Copper Conservation Order M-9-c, in the manufacture of Shoe Findings and with respect to the use of such Findings containing Copper or Copper Base Alloy in the manufacture of Shoes, this Order shall, on and after the effective date hereof, control to the exclusion of all other Orders curtailing or prohibiting such specific use.

(n) *Definitions.* For the purposes of this Order;

(i) "Copper" means Copper metal which has been refined by any process of electrolysis, or fire refining, to a grade and in a form (cathodes, wire bars, ingot bars, ingots, cakes, billets, wedge bars, or other refined shapes) suitable for fabrication or in any subsequent stage of fabrication. It shall include Copper contained in any alloy and shall include metal produced from scrap.

(ii) "Shoe findings" means eyelets, hooks, tacks, nails, hob nails, screws, spikes, plates, snaps, slide fasteners, rivets, wires, slugs, studs, and other findings for any kind of Shoes.

(iii) "Shoes" means all kinds of boots, shoes, slippers, overshoes and other footwear of whatever material made, and overgaiters and leggings, but not including leggings made as a part of children's clothing.

(o) *Effective date.* This Order shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 23d day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-681; Filed, January 23, 1942; 10:50 a. m.]

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

Amendment No. 3 to Supplementary Order No. M-15-b, To Restrict the Use and Sale of Rubber

Supplementary Order No. M-15-b is hereby amended to read as follows:

Whereas the further importation of crude rubber is imperiled; national defense requirements have created a shortage of rubber for the combined needs of defense, private account, and export; action has already been taken to conserve the supply and to direct the distribution of rubber to insure deliveries for defense and essential civilian requirements; and the supply now is and will be insufficient for defense and essential civilian requirements unless its use in the manufacture of products where such use is not absolutely necessary for the defense or essential civilian requirements is prohibited as hereinafter provided;

Now, therefore, it is hereby ordered, That:

§ 940.3 *Supplementary Order M-15-b*—(a) *Definitions.* For the purposes of this Order:

(1) "Rubber" means all forms and types of crude rubber (including crepe rubber for soles or any other purpose) and all crude rubber (including scraps and trimmings) contained in any compound which has not been vulcanized, but does not include balata, gutta-percha,

[1] 6 F.R. 6611, 6643.

gutta siak, gutta jelutong, pontianac, reclaimed rubber, cured or vulcanized scrap rubber and Latex.

(2) "Latex" means the rubber solids contained in liquid latex in crude form, and in compounded liquid latex, which on December 11, 1941, had not been processed or mixed in such manner that further processing is necessary to prevent early spoilage.

(3) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(4) "War Order" means:

(i) Any contract or purchase order for material or equipment to be delivered to, or for the acocunt of:

(*a*) The Army or Navy of the United States, the United States Maritime Commission, The Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development.

(*b*) The government of any of the following countries: The United Kingdom, Canada and other Dominions; Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia.

(ii) Any contract or purchase order placed by any agency of the United States Government for material or equipment to be delivered to, or for the account of, the Government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(iii) Any contract or purchase order for material or equipment required by the Person placing the same to fill his contracts or purchase orders on hand, provided such material or equipment is to be physically incorporated in material or equipment to be delivered under contracts or purchase orders included under (i) and (ii) above.

(5) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(6) "Consume" means to use, process, stamp, cut, or in any manner change the form, shape or chemical composition of any rubber or latex.

(b) *General restriction on the use of rubber.* From the effective date of this Order until otherwise ordered by the Office of Production Management, no Person shall consume any Rubber for any purpose, except (subject to the provisions of paragraph (d)) one or more of the following:

(1) To manufacture products to fill War Orders; *Provided*, That no person shall consume any rubber to fill any such order until he has forwarded to the Rubber and Rubber Products Branch, Office of Production Management, a report showing:

(i) The name of the person placing the order and his purchase order number.

(ii) The name of the person to whom delivery is to be made.

(iii) The article to be manufactured and the quantities thereof.

(iv) The preference rating (if any), and how assigned.

(v) The respective quantities, by weight, of rubber, latex, and reclaimed rubber required.

(vi) The specifications (by number, if any).

(vii) The delivery schedules of the articles, in quantities, by months.

(viii) Such other information as may be required from time to time by the Office of Production Management.

(2) To manufacture products of the groups listed in List A; *Provided*, That no person shall consume more rubber during any calendar month, beginning with February, 1942, in the production of any such groups of products than a percentage of his average monthly consumption of rubber in producing the same group of products during the twelve months' period commencing on April 1, 1940, and ending on March 31, 1941, the percentage for each group of products being that set forth opposite the heading of such group.

(3) To manufacture products of the groups listed in List B; provided that no Person shall consume Rubber for such purpose without the prior approval of the Office of Production Management.

(c) *General restriction on the use of latex.* From the effective date of this Order until otherwise ordered by the Office of Production Management, no Person shall consume any latex for any purpose, except (subject to paragraph (d)) one or more of the following:

(1) To manufacture products to fill War Orders: *Provided*, That no Person shall consume any latex to fill any such order until he has forwarded a report complying with the requirements of subparagraph (b) (1).

(2) To manufacture products of the groups listed in List C attached: *Provided*, That no Person shall consume more latex during any calendar month, beginning with February, 1942, in the production of any such groups of products than a percentage of his average monthly consumption of latex in producing the same group of products during the twelve months' period commencing on April 1, 1940, and ending on March 31, 1941, the percentage for each group of products being that set forth opposite the heading of such group.

(3) To Manufacture products of the groups listed in List D: *Provided*, That no Person shall consume latex for such purpose without the prior approval of the Office of Production Management.

(d) *Manufacture according to specifications.* Any of the products or materials whose manufacture is permitted by paragraphs (b) and (c) may be manufactured only in conformity with such specifications as may be issued from time to time by the Office of Production Management: *Provided*, That until specifications for particular products or groups of products are issued by the Office of Production Management, the rubber or latex content by weight of any such products manufactured by any Person shall not exceed the rubber or latex content by weight of identical products manufactured by such Person on December 31, 1941, or on the most recent date prior to December 31, 1941, on which he manufactured that product or group of products.

(e) *General restriction on the sale of rubber and latex.* Until otherwise ordered by the Office of Production Management, no Person shall sell, trade or transfer the ownership of any rubber or latex, and no Person shall accept any such sale, trade or transfer of ownership, except (1) as expressly permitted by regulations prescribed by Rubber Reserve Company, or (2) in those cases in which specific authorizations may be issued by the Office of Production Management; *Provided*, That nothing in this paragraph shall be deemed to prohibit the sale of unvulcanized rubber products which were in finished and marketable form on December 11, 1941 or which have become finished and marketable at any time after that date pursuant to processing not prohibited by any orders or other instructions issued by the Office of Production Management.

(f) *Reports of stocks of rubber and latex.* Every Person who owns or has in his possession or under his control on the effective date of Amendment No. 3 of this Order any rubber or latex shall within fifteen days from such effective date file with the Rubber and Rubber Products Branch of the Office of Production Management a complete report setting forth by grades the amount of Rubber and the amount of Latex so owned, possessed or controlled by him, and the location and ownership thereof.

(g) *Distribution of rubber among plants.* Each Company (which term when used in this paragraph shall include any corporation together with all other corporations controlling, and all other corporations controlled by, such corporation), which is a processor of rubber or latex and which operates plants in more than one community (all plants operated by the same Company in the same community being herein collectively referred to as a "Unit") shall immediately upon any distribution of rubber or latex for any calendar month among its Units which is at a ratio which differs materially from the ratio of processing or consumption by such Units during July, 1941, file with the Rubber and Rubber Products Branch of the Office of Production Management, a full report thereof showing clearly the reasons for such departure in ratio of distribution. In any case in which it appears that such change in ratio was not justified or proper, the Office of Production Management will take such action as it may deem appropriate.

(h) *Limitation of inventories.* No person shall receive delivery of rubber or latex, or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, in quantities which shall result in an inventory of such material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of rubber or latex products by this Order.

(i) *Miscellaneous provisions*—(1) *Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Office of Production Management by addressing a letter to the Rubber and Rubber Products Branch, Office of Production Management, Washington, D. C., setting forth the pertinent facts. The Office of Production Management may thereupon take such action as it deems appropriate.

(3) *Applicability of Order.* The prohibitions and restrictions contained in this Order shall apply to the use of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other Order of the Office of Production Management may have the effect of limiting or curtailing to a greater extent than herein provided the use of Rubber or Latex in the production of any article, the limitation of such other Order shall be observed.

(4) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (a) of the Criminal Code (18 U.S.C. 80).

(5) *Communications.* All reports required to be filed under this Order, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: Office of Production Management, Washington, D. C., Ref: M–15–b.

(j) *Effective date.* This Order shall take effect on February 1, 1942. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 23d day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

LIST A TO SUPPLEMENTARY ORDER NO. M–15–b
AS AMENDED

Group 1	140%
Conveyor Belts and Belting.	
Elevator Belts and Belting.	
Flat Transmission Belts and Belting.	
Concentrator Belts and Belting.	
Hog Beater Belts and Belting.	
Industrial V Belts and Belting.	
Chute Lining.	
Cleats and Bucket Pads.	
Pulley Lagging.	
Screen Diaphragms.	
Belt Splicing Material.	
Group 2	100%
Polishing Belts and Belting.	
Street Sweeper Belts and Belting.	
Hatters' Belts and Belting.	
Round Belts and Belting.	
Group 3	140%
Acid Hose.	
Air Drill Hose.	
Chemical Hose.	
Dredging Sleeves.	
High Pressure Wired Hose.	
Industrial Vacuum Hose.	
Oil Suction and Discharge Hose.	
Paper Mill Hose.	
Pneumatic Hose.	
Railroad Hose (all types).	
Rotary Drillers' Hose.	
Sand-Blast Hose.	
Steam Hose.	
Suction Hose.	
Welding Hose.	
Group 4	100%
Spray Hose.	
Brewers' Hose.	
Creamery Hose.	
Gasoline Tank Wagon Hose.	
Rubber-lined Tanks, Pipes, and Fittings (Hard & Soft).	
Group 5	140%
Sheet and Strip Packing.	
Rubber Covered Rolls (except printing & business machines).	
Car Diaphragms.	
Switchboard Mats and Matting.	
Group 6	25%
Gaskets, except for consumers' goods.	
Molded, Extruded, and Lathe-Cut Goods, except for consumers' goods.	
Tubing, except for consumers' goods.	
Chemically Blown Sponge Rubber Goods, except for consumers' goods.	
Group 7	80%
Printers' Rollers.	
Engraving and Printing Plates.	
Offset Blankets.	
Cutting Rubbers.	
Suction Cups for Printers' Equipment.	
Group 8	180%
Fire Hose.	
Mill Hose.	
Washers and Gaskets for Fire Fighting Equipment.	
Tubing for Fire Fighting Equipment.	
Group 9	100%
Acoustic Aids.	
Anaesthesia Equipment.	
Plaster Bowls.	
Dental Dam.	
Chip Blower Bulbs.	
Tubes, Tubing and Stopples (biological, laboratory, and medical).	
Urinals.	
Surgeons' Gloves.	
Colostomy Outfits.	
Pilcher Bags.	
Orsat Bags.	
Pessaries.	
Umbilical Belts.	
Dilators.	
Tourniquets.	
Cautery Bulb Sets	
Blood Pressure Equipment.	
Evacuators.	
Irrigators.	
Sinus Bulb Sets.	
Catheters.	
Invalid Rings.	
Operating Cushions.	
Bedpans.	
Surgeons' Aprons.	
Surgical Tape and Bandages.	
Vaccine Caps.	
Medicine Droppers.	
Hospital Sheeting (hospital use).	
Trusses, maternity girdles, surgical stockings, and abdominal supports.	
Group 10	75%
Water Bottles.	
Fountain Syringes.	
Ice Bags.	
Bulb Syringes (ear, ulcer, nasal, rectal, vaginal, infant, politzer air).	
Metatarsal Pads.	
Group 11	100%
Nipples.	
Nursing Bottle Caps.	
Breast Pumps.	
Breast Shields.	
Group 12	70%
Quarter Lining.	
Cements for the manufacture and repair of shoes.	
Group 13	100%
Electricians' and Industrial Gloves (without fabrics), with or without rubberized fabric gauntlets.	
Group 14	100%
Deep-Sea Diving Equipment.	
Occupational Protective Clothing, other than footwear and gloves.	
Group 15	60%
Rubberized Fabric for Firemen's and Policemen's Clothing.	
Group 16	80%
Plain Oxfords and Laced-to-toe Gym Bals with black toes, foxings, and toe caps only.	
Group 17	40%
Waterproof Boots, Pacs, Arctics, Gaiters, and Overshoes made of cloth and black rubber.	
Group 18	80%
Hollow Tank Balls and Floats.	
Washers, including fuller balls and valves, which are used to control the flow of liquids.	
Group 19	100%
Vulcanizing Materials, patches, cements, blow-out shoes and similar items for the repair of tires, tire casings, and tubes.	

LIST B TO SUPPLEMENTARY ORDER NO. M–15–b
AS AMENDED

Group 1:
- Jar Rings.
- Container Sealing Compounds.

Group 2:
- Toplifts and Toplifting Material.
- Soles and Tops.
- Soling Material.

Group 3:
- Compounds for insulating Wire and Cable (except for building wire types R. P. and R. H., and Flexible cord types S., S. J., S. V., and P. O. S. J., either 64 or 32).

Group 4:
- Tires, Tire Casings, and Tubes:
  - Truck and Bus.
  - Passenger.
  - Airplane.
  - Bicycle.
  - Motorcycle.
  - Farm Implement.
  - Industrial.
  - Highway Maintenance Equipment.
  - Off the Road.

Group 5:
- Cements for Retreading and Recapping Tires.
- Capping Stock.
- Filler Strip.
- Stripping Stock.
- Cushion Stock.

LIST C TO SUPPLEMENTARY ORDER No. M–15–b AS AMENDED

Group 1	120%
Industrial V Belts and Belting.	
Group 2	100%
Anaesthesia Equipment.	
Dental Dam.	
Tubes and Tubing (biological, laboratory, medical).	
Surgeons' Gloves.	
Pessaries.	
Prophylactics.	
Group 3	100%
Electricians' and Industrial Gloves (without fabric) with or without rubberized fabric gauntlets.	
Group 4	70%
Cement to be used in the manufacture of new shoes.	

LIST D TO SUPPLEMENTARY ORDER No. M–15–b AS AMENDED

Group 1:	
Container Sealing Compounds.	
Group 2:	
Tires, Tire Casings, and Tubes.	

[F. R. Doc. 42–679; Filed, January 23, 1942; 10:52 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 3 to Limitation Order L–1–a To Restrict the Production of Medium and Heavy Motor Trucks

Section 976.1 (*General Limitation Order L–1–a*) as last amended by Amendment No. 2, issued December 31, 1941 is hereby amended to read as follows:

Whereas, the manufacture of medium and heavy motor trucks requires the utilization of large quantities of aluminum, chromium, copper, nickel, nickel steel, rubber, steel, tin, tungsten and other critical materials, and national defense requirements have created a shortage of these materials for the combined needs of defense, private account and export; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and for essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the manufacture of medium and heavy motor trucks is curtailed and the use of critical materials for such manufacture thereby reduced;

Now, therefore, it is hereby ordered, That:

§ 976.1 *General Limitation Order L–1–a*—(a) *Definitions.* For the purposes of this order:

(1) "Medium and/or Heavy Motor Truck" means a complete motor truck or truck tractor with a maximum gross vehicle weight rating of 9,000 pounds or more (as certified to the Office of Production Management by the Producer's Engineering Department and as specified in a published rating in effect prior to August 1, 1941) or the chassis therefor.

(2) "Producer" means any individual, partnership, association, corporation or other form of business enterprise engaged in the manufacture of medium and/or heavy motor trucks.

(b) *General restrictions.* (1) During the period commencing March 1, 1942 and ending March 31, 1942, Producers named below shall manufacture not more than the number of medium and/or heavy trucks set opposite their names:

Name of producer	Number of medium and/or heavy motor trucks
Ford Motor Company	20,000
Chevrolet Division, General Motors Corp.	18,000
Chrysler Corporation	2,500
International Harvester Company	5,945
Yellow Truck & Coach Manufacturing Co.	3,320
The White Motor Company	1,000
Mack Manufacturing Corporation	875
Federal Motor Truck Company	400
Diamond T Motor Car Company	400
Reo Motors, Incorporated	600
The Studebaker Corporation	480
Autocar Company	310
Brockway Motor Company	250
Divco-Twin Truck Company	245
Four Wheel Drive Auto Company	90
Sterling Motor Truck Company	80
Euclid Road Machinery Company	65
Kenworth Motor Truck Corporation	35
Walter Motor Truck Company	30
Oshkosh Motor Truck Company	20
Dart Truck Company	15
Hendrickson Motor Truck Company	7
The Corbitt Company	10
Available Truck Company	4
Duplex Truck Company	6
Walker Vehicle Company	6
Hahn Motors, Incorporated	3
Stewart Motor Corporation	4
The Hug Company	3
Coleman Motors Corporation	3
Federal Le Moon Truck Company	1
De Martini Motor Truck Company	1
Doane Motor Truck Company	1
MacDonald Truck & Mfg. Co.	1

(2) No Producer for whom this Order does not establish an authorized quota of production shall during the periods for which quotas are authorized by this Order, manufacture any product covered by the definition set forth in § 976.1 (a) hereof. Such a Producer may, however, apply for such authorization to the Director of Priorities of the Office of Production Management.

(3) Effective March 1, 1942 no Producer of Heavy and/or Medium Trucks shall equip any such vehicle with any tires, casings, or tubes: *Provided, however,* That Producer may temporarily equip such vehicle with tires, casings, or tubes, for the express purpose of assisting in the delivery of such vehicles to the purchaser to whom such vehicles are shipped if, but only if, the tires, casings, or tubes are removed from such vehicle upon the delivery to such person and are returned to the producer of the vehicle.

(4) The determination of authorized quotas established by this Order shall exclude, and the limitations on production imposed by this Order shall not apply to any medium and/or heavy motor trucks, produced under contracts or orders for delivery to or for the account of:

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development;

(ii) The government of any of the following countries: the United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia;

(iii) Any agency of the United States Government for material or equipment to be delivered to, or for the account of, the government of any country listed above, or any other country, including any in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend-Lease Act.)

(c) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(d) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(e) *Reports.* All persons affected by this Order, shall execute and file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request. No reports or questionnaires are to be filed by any person until forms therefor are prescribed by the Office of Production Management.

(f) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries or any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(g) *Appeal.* Any person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him or would disrupt or impair a program of conversion from non-defense work, may appeal to "Office of Production Management, Washington, D. C. Ref: L–1–a" setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(h) *Communications to Office of Production Management.* All reports required to be filed hereunder, and all communications concerning this Order shall, unless otherwise directed, be addressed to: Office of Production Management, Washington, D. C. Ref: L–1–a.

(i) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(j) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public, No. 671, 76th Congress, Third Session, as amended by Public, No. 89, 77th Congress, First Session)

Issued this 23d day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–678; Filed, January 23, 1942; 10:49 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 2 and Extension No. 3 to Limited Preference Rating Order P–54 as Amended—Material Entering Into the Production of Defense Products

Amendment No. 2 to Limited Preference Rating Order P–54 as Amended. § 976.2[1] (*Limited Preference Rating Order P–54*), issued September 12, 1941, amended by Amendment No. 1 thereto, issued December 31, 1941 is hereby further amended in the following particulars:

Paragraph (b) (*Assignment of preference rating*) is hereby amended to read as follows:

§ 976.2 *Limited Preference Rating Order P–54.*

* * * * *

(b) *Assignment of preference rating.* Subject to the terms of this Order preference rating A–3 is hereby assigned:

(1) to deliveries to a Producer by his Suppliers of Materials (other than rubber tires, casings and tubes for Medium and/or Heavy Motor Trucks) to be physically incorporated by him in Defense Products; *Provided, however,* That when his production of the Defense Products is limited by Limitation Order No. L–1–a, or by any other order or direction of the Director of Priorities, no materials shall be obtained in quantity greater than required for this production as so limited.

(2) to deliveries to any Supplier of Material which will ultimately be delivered by him or another Supplier to the Producer under the rating assigned above, or will be physically incorporated into material which will be so delivered.

* * * * *

Extension No. 3 to Limited Preference Rating Order P–54 as amended. It is also hereby ordered that § 976.2 shall continue in effect until the 31st day of March, 1942, unless sooner revoked by the Director of Priorities. In order to make this extension effective it is hereby ordered that § 976.2 (e) (3) be amended to read as follows:

(e) *Restrictions on application of rating.*

* * * * *

(3) *By a producer or a supplier.* (i) unless the Material to be delivered cannot be obtained when required without such rating,

(ii) to obtain deliveries earlier than required,

(iii) to deliveries of Materials on purchase orders placed after March 1, 1942,

(iv) to deliveries of Materials on purchase orders calling for delivery after March 31, 1942. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session.)

* * * * *

This order shall take effect immediately. Issued this 23d day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–686; Filed, January 23, 1942; 10:49 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 1 to Supplementary General Limitation Order L–3–d, Further Restricting the Production of Light Motor Trucks During the Months of December 1941 and January 1942

Section 976.8[1] (*Supplementary General Limitation Order L–3–d*), paragraph (a), is hereby amended to read as follows:

§ 976.8 *Supplementary General Limitation Order L–3–d*—(a) *Further restricting the production of light motor trucks in December 1941 and January 1942.* Anything contained in the above-mentioned Orders to the contrary notwithstanding, and subject to the qualifications provided for in Paragraph (b) below, during the period commencing December 1, 1941 and ending December 31, 1941, the manufacture of light motor trucks by each Producer thereof is hereby restricted to a number equal to three-fourths of seven per cent (¾ of 7%) of such Producer's average annual production of light motor trucks during the three years commencing August 1, 1938 and ending July 31, 1941, and no Producer shall manufacture light motor trucks during said month of December 1941 in excess of such number. Anything contained in the above-mentioned Orders to the contrary notwithstanding, and subject to the qualifications provided in Paragraph (b) below, during the period commencing January 1, 1942 and ending January 31, 1942, the manufacture of light motor trucks by each Producer thereof is hereby restricted to a number equal to seven per cent (7%) of such Producer's average annual production of light motor trucks during the three years commencing August 1, 1938 and ending July 31, 1941, and no Producer shall manufacture light motor trucks during said month of January 1942 in excess of such number. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session) and as so amended said Order shall continue in full force and effect. This amendment shall take effect immediately.

Issued this 23d day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–688; Filed, January 23, 1942; 10:50 a. m.]

PART 981—PASSENGER AUTOMOBILES

Amendment No. 1 to Supplementary General Limitation Order L–2–e, Further Restricting the Production of Passenger Automobiles During the Months of December 1941 and January 1942

Section 981.8[1] (*Supplementary General Limitation Order L–2–e*) is hereby amended by striking from paragraph (b) thereof the following:

Name of producer:	Number of passenger automobiles
General Motors	45,284
Chrysler Corporation	23,636
Ford Motor Company	19,004
Studebaker	4,417
Hudson	3,238
Nash	2,750
Packard	2,885
Willys-Overland	972
Crosley	238

and substituting therefor the following:

Name of producer:	Number of passenger automobiles
General Motors	90,567
Chrysler Corporation	47,271
Ford Motor Company	38,009
Studebaker	8,834
Hudson	6,476
Nash	5,500
Packard	5,771
Willys-Overland	1,944
Crosley	476

And the said Order is further amended by striking from paragraph (c) thereof the following:

Name of make	Number under option A	Number under option B
Chevrolet	------	22,590
Buick	------	8,201
Pontiac	------	7,179
Oldsmobile	------	5,877
Cadillac	------	1,437
Plymouth	12,592	------
Dodge	5,932	------
Chrysler	3,014	------
DeSoto	2,098	------
Ford	16,153	------
Mercury	2,213	------
Lincoln-Zephyr	638	------

and substituting therefor the following:

Name of make	Number under option A	Number under option B
Chevrolet	------	45,180
Buick	------	16,402
Pontiac	------	14,358

[1] 6 F.R. 6738.

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[1] 6 F.R. 4731, 7 F.R. 30.

[1] 7 F.R. 30.

Name of make	*Number under option A*	*Number under option B*
Oldsmobile	------	11,758
Cadillac	------	2,874
Plymouth	26,194	------
Dodge	11,863	------
Chrysler	6,026	------
Desoto	4,196	------
Ford	32,307	------
Mercury	4,496	------
Lincoln-Zephyr	1,276	------

And as so amended said Order is continued in full force and effect. This amendment shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 23d day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-687; Filed, January 23, 1942; 10:49 a. m.]

PART 983—MATERIAL ENTERING INTO THE PRODUCTION OF REPLACEMENT PARTS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS

Amendment No. 2 to Limitation Order L-4—To Restrict the Production of Replacement Parts Used in the Repair of Passenger Automobiles and Light Trucks

Section 983.1[1] (a) (3) (*General Limitation Order L-4*), issued September 18, 1941 defining "Replacement Parts" is hereby amended to read as follows:

§ 983.1 *General Limitation Order L-4*—(a) *Definitions.*

* * * * *

(3) "Replacement parts" means only the following functional parts, (including components entering into such parts) used for the repair of light motor trucks or passenger automobiles: engine, clutch, transmission, propeller shaft, axles, brakes, wheels, hubs, drums, starting apparatus, spring suspension, brackets and shackles; also the exhaust, cooling, fuel, lubricating and electrical systems, including generators, lights, reflectors and batteries; also gauges, speedometers, motors, fusees, flares, directional signals, rear-view mirrors, windshield wipers, control mechanisms, steering apparatus, driving gears. Replacement parts do not include parts entering into the production or assembly of new light motor trucks or passenger automobiles. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

[1] 6 F.R. 4819, 5054.

This order shall take effect immediately. Issued this 23d day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-689; Filed, January 23, 1942; 10:47 a. m.]

PART 983—MATERIAL ENTERING INTO THE PRODUCTION OF REPLACEMENT PARTS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS

Extension No. 2 and Amendment No. 1 of Limited Preference Rating Order P-57—Material Entering into the Production of Replacement Parts for Passenger Automobiles and Light Trucks

It is hereby ordered, That § 983.2[1] (*Limited Preference Rating Order P-57*) issued September 18, 1941 shall continue in effect as herein amended until June 30, 1942, unless sooner revoked or otherwise modified by the Director of Priorities. In order to make this extension effective: *It is hereby ordered*, That § 983.2 (e) (3) of said Order, "Restrictions on Application of Rating", be amended as follows:

§ 983.2 *Limited Preference Rating Order P-57.*

* * * * *

(e) *Restrictions on application of rating.*

* * * * *

(3) By a Producer or a Supplier:

(i) Unless the material to be delivered cannot be obtained when required without such rating,

(ii) To obtain deliveries earlier than required,

(iii) To deliveries of materials on purchase orders placed after June 1, 1942,

(iv) To deliveries of materials on purchase orders calling for delivery after June 30, 1942.

* * * * *

It is hereby further ordered, That § 983.2 (a) (3) of said Order, "Replacement Parts" be hereby re-defined to read as follows:

(a) *Definitions.*

* * * * *

(3) "Replacement Parts" means only the following functional parts (including components entering into such parts) used for the repair of light motor trucks or passenger automobiles: engine, clutch, transmission, propeller shaft, axles, brakes, wheels, hubs, drums, starting apparatus, spring suspension, brackets and shackles; also the exhaust, cooling, fuel, lubricating and electrical systems, including generators, lights, reflectors and batteries; also gauges, speedometers, motors, fuses, flares, directional signals, rear-view mirrors, windshield wipers, control mechanisms, steering apparatus, driving gears. Replacement parts do not include parts entering into the production or assembly of new light motor trucks or passenger automobiles.

* * * * *

Section 983.2 (b) be amended to read as follows:

(b) *Assignment of preference rating.* Subject to the terms of this Order, preference rating A-10 is hereby assigned:

(1) to deliveries to a Producer by his suppliers of materials to be physically incorporated by him in replacement parts: *Provided, however*, That no materials shall be obtained in quantity greater than required for his production as limited by Limitation Order No. L-4, L-4-a, or any amendments thereof, or by any other order or direction of the Director of Priorities.

(2) to deliveries to any Supplier, of Material which will ultimately be delivered by him or another Supplier to the Producer under the rating assigned above, or will be physically incorporated into Material which will be so delivered.

Effective date. This Order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; Sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 23d day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-685; Filed, January 23, 1942; 10:47 a. m.]

PART 983—MATERIAL ENTERING INTO THE PRODUCTION OF REPLACEMENT PARTS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS

Amendment No. 1 to Limitation Order L-4-a To Restrict the Production of Replacement Parts Used in the Repair of Passenger Automobiles and Light Trucks

In accordance with the provisions of § 983.1 (*General Limitation Order L-4*), issued September 18, 1941, § 983.3[1] (*Supplementary General Limitation Order No. L-4-a*), issued November 14, 1941, restricting production of Replacement Parts is hereby amended to read as follows:

§ 983.3 *General Limitation Order L-4-a*—(a) *Restrictions for the first half of 1942.* Notwithstanding the provisions of Supplementary General Limitation Order L-4-a issued November 14, 1941, during the period commencing January 1, 1942 and ending June 30, 1942, a producer shall not manufacture more than one hundred fifty percent (150%) of that number of each of the replacement parts named in § 983.1 (a) (3) hereinabove, sold by him for replacement purposes during the calendar year 1941. The Director of Priorities may from time to time change the limitation imposed by this section to the extent deemed necessary by him to offset such curtailment in production as may result from conversion of facilities from non-defense to defense work or from other cause or to secure an available supply of replacement parts.

(b) The determination of authorized quotas established by this Order shall exclude, and the limitations on production imposed by this Order shall not apply to any replacement parts produced under contracts or orders for delivery to or for the account of any of the persons, governments or agencies enumerated in § 983.1 (b) (2) of Limitation Order No. L-4. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

This order shall take effect immediately. Issued this 23d day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-684; Filed, January 23, 1942; 10:47 a. m.]

[1] 6 F.R. 5809.

PART 1027—SULPHITE PULP

Amendment to General Preference Order M-52[1]

(a) The "Allocation Schedule of Sulphite Wood Pulp" attached to § 1027.1 (*General Preference Order M-52*) is hereby amended to read as follows:

[1] 7 F.R. 204.

Allocation Schedule of Sulphite Wood Pulp

Government supplier	Total scheduled allocated tonnage per month	Producer	Individual producers' scheduled allocated tonnage per month	Designation of brand or grade used commercially by producer
Rayonier, Inc..	4,200	Algonquin Paper Corp	34	Unbl. Sulphite.
		Brown Company	257	Bl. & Unbl. Sulphite.
		Consolidated Water Power	145	Bl. Sulphite.
		Detroit Sulphite	48	Unbl. Sulphite.
		Dexter Sulphite	38	Bl. Sulphite.
		Hammermill Paper Company	103	Do.
		Eastern Corp	120	Do.
		Great Northern Paper Co	60	Unbl. Sulphite.
		Goveton Paper Co	40	Bl. Sulphite.
		International Paper Co	137	Do.
		Mount Tom Sulphite Pulp Co	21	Do.
		Parker-Young Company	34	Do.
		J. & J. Rogers & Co	20	Do.
		Anacortes Pulp Co.[1]	30	Raybook.
		Badger Paper Mills	31	Wet Lap Bond Bleached.
		Castanea Paper Co	42	Wet Lap Soft Book Bl.
		Champion Paper & Fibre Co	75	Aspen Bl. Sulphite.
		Columbia River Paper Mills	42	Col. River Unbl. Rolls.
		Coos Bay Pulp Corp.[1]	37	Raybook.
		Crown Zellerbach Corp	267	Canas Strong Unbl. and West Lynn Unbl.
		Falls Pulp & Paper Co	21	Wet Lap Newsgrade Unbl.
		Fibreboard Products, Inc	34	Fibreboard Unbl. Rolls.
		Flambeau Paper Co	24	Wet Lap Soft Book Bl. and Wet Lap Easy Bleaching Unbl.
		Gould Paper Co	13	Wet Lap Newsgrade Unbl.
		Hawley Pulp & Paper Co	55	Newsgrade Unbl. Rolls.
		Hoberg Paper Mills	53	Wet Lap Hardwood Unbl.
		Hollingsworth & Whitney	82	Weyerheauser Strong Unbl. and Wet Lap Strong Unb—
		Inland Empire Paper Co	17	Newsgrade Unbl. Rolls.
		Kennebec Pulp & Paper Co	27	Wet Lap Easy Bl. Unbl.
		Kimberly Clark Corp	112	Wet Lap Strong Unbl.
		Maine Seaboard Paper Co	45	Wet Lap Newsgrade Unbl.
		Marathon Paper Mills Co.[1]	57	Soundview Bond Bl.
		Minnesota & Ontario Paper Co	74	Wet Lap Newsgrade Unbl.
		Munising Paper Co	38	Wet Lap Book Bl.
		Nekoosa Edwards Paper Co	56	Do.
		Northern Paper Mills	65	Wet Lap Book Bl. and Wet Lap Newsgrade Unbl.
		Northwest Paper Co	36	Wet Lap Book Bl. and Wet Lap Easy Bl. Unbl.
		Oregon Pulp & Paper Co	[1] 49	Col. River Unbl. Rolls.
		Oxford Paper Company	107	Soft Book Bl.
		Penobscot Chemical Fibre Co	43	Penobscot Bond Bl.
		Port Huron Sulphite & Paper Co	25	
		Puget Sound Pulp & Timber Co	198	Puget Sound Strong Unbl.
		Racquette River Paper Co	16	Wet Lap Strong Unbl.
		Rayonier, Inc	518	Bl. and Unbl.
		Rhinelander Paper Co	25	Wet Lap Bl. and Wet Lap Unbl.
		St. Croix Paper Co	23	Wet Lap Newsgrade Unbl.
		St. Regis Paper Co	[1] 48	Raybond or other.
		Soundview Pulp Co	282	Soundview Bond Bl. and Soundview Book Bl.
		Spaulding Pulp & Paper Co	41	Strong Unbl.
		Sterling Pulp & Paper Co	87	"Slush" Bl. and Unbl.
		Wausau Paper Mills Co	20	Wet Lap Bl. and Wet Lap Unbl.
		West Virginia Pulp & Paper Co	[1] 75	Canadian Unbl. and Wet Lap Bl.
		Weyerhaeuser Timber Co	208	Weyerhaeuser Bond Bl. and Weyerhaeuser Book Bl.
		Wolf River Paper & Fibre Co	14	Wet Lap Newsgrade Unbl.
			4,200	

[1] Contribution made by releasing pulp purchased from other producer.

(b) This amendment shall take effect immediately. (P.D. Reg. 1, Amended Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3, Amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public, No. 671, 76th Cong., Third Session as amended by Public, No. 89, 77th Cong., First Session; sec. 9, Public, No. 783, 76th Cong., Third Session)

Issued this 22d day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-670; Filed, January 22, 1942; 4:27 p. m.]

PART 1031—MOLASSES

Amendment No. 1 to General Preference Order No. M-54 To Conserve the Supply and Direct the Distribution of Molasses

Section 1031.1 (*General Preference Order No. M-54*) is hereby amended to read as follows:

Whereas the national defense requirements have created a shortage of Molasses, as hereinafter defined, for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof:

Now, therefore, it is hereby ordered, That:

§ 1031.1 *General Preference Order M-54*—(a) *Definitions.* For the purposes of this Order:

(1) "Molasses" means any molasses, sirup, sugar solution, or any form of fermentative sugar (derived from sugar cane or sugar beets) other than direct-consumption sugar (as defined in General Preference Order No. M-55) or sugar intended for and used for manufacture into direct-consumption sugar. Blackstrap Molasses is any final Molasses produced in the manufacture of sugar from sugar cane or from the refining of raw sugar and includes all beet Molasses produced in the manufacture of sugar from sugar beets. Invert Molasses is any Molasses made from sugar cane without extraction of sugars. For the purpose of this Order one gallon of invert Molasses is to be construed as 1½ gallons of blackstrap Molasses.

(2) "Producer" means any person engaged in the production of Molasses and includes any person who has Molasses produced for him pursuant to toll agreement.

(3) "Importer" means any person who transports Molasses in any manner into the continental United States. Release from the bonded custody of the United States Bureau of Customs shall be deemed a transportation.

(4) "Distributor" means any person who sells Molasses of which he is not either the Producer or the Importer.

(5) "Class 1 Purchaser" means any person who requires Molasses in the

manufacture of any one or more of the following products:

(i) Yeast.
(ii) Citric acid.
(iii) Molasses or Sirup for Human Consumption.
(iv) Insecticides, Lactic Acid or Graphite Paste.
(v) Sugar for Human Consumption (produced from beet molasses).

and any person who requires Molasses for dust extraction purposes or leather tanning.

(6) "Class 2 Purchaser" means any person who requires Molasses in the manufacture of feed (other than for the barrel trade).

(7) "Class 3 Purchaser" means any person who requires Molasses for foundry purposes.

(8) "Class 4 Purchaser" means any person who requires Molasses in the manufacture of vinegar.

(9) "Calendar Quarter" means the several three month periods of the year commencing January 1, April 1, July 1, and October 1.

(10) "Calendar Quarterly Supply" means a quantity of molasses not in excess of the quantity used by a Purchaser listed above during a corresponding Calendar Quarter in the 12 months' period ended June 30, 1941. Purchasers shall determine a Calendar Quarterly Supply with respect to each used specified in subparagraphs (a) (5) (6) (7) and (8) above. Quantity shall in all cases be computed on a blackstrap Molasses basis.

(11) "15 Day Supply" means a quantity of Molasses not in excess of one-twenty-fourth of the quantity used by a Purchaser listed above during the 12 months' period ended June 30, 1941. Purchasers shall determine a 15 Day Supply with respect to each use specified in subparagraphs (a) (5) (6) (7) and (8) above. Quantity shall in all cases be computed on a blackstrap Molasses basis.

(b) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(c) *Restrictions on deliveries.* Anything in Priorities Regulation No. 1 to the contrary notwithstanding:

(1) No Class 1, Class 2, Class 3 or Class 4 Purchaser shall, during any calendar Quarter, accept deliveries of Molasses in excess of the quantity set forth below less any quantity in excess of a 15 day supply on hand on the first day of the Calendar Quarter in which delivery is to be made:

(i) Class 1 Purchaser—during any Calendar Quarter, 100% of a Calendar Quarterly Supply.

(ii) Class 2 Purchaser—during Calendar Quarter commencing January, 1942, 55% of a Calendar Quarterly Supply; during any Calendar Quarter thereafter, 50% of a Calendar Quarterly Supply.

(iii) Class 3 Purchaser—during any Calendar Quarter, 110% of a Calendar Quarterly Supply.

(iv) Class 4 Purchaser—during Calendar Quarter commencing January, 1942, 75% of a Calendar Quarterly Supply; during any Calendar Quarter thereafter, 70% of a Calendar Quarterly Supply.

(2) Prior to delivery of Molasses, within the limitations of subparagraph (c) (1) hereof, the prospective deliveree thereof shall submit to the deliveror a certificate in substantially the following form, properly filled out and manually signed by a duly authorized official:

The delivery of ..... gallons of Molasses (blackstrap Molasses basis), in connection with which this certificate is furnished, will not be, taking into consideration Molasses received and to be received during this Calendar Quarter from all other sources and inventory on hand on the first day of this Calendar Quarter, in excess of ..... per cent of a Calendar Quarterly Supply to which the undersigned as a Class ..... Purchaser is entitled pursuant to General Preference Order No. M–54, with the terms of which Order the undersigned is familiar.

Dated .....

.....
(Name of Purchaser)

By .....
(Duly Authorized Official)

(3) Purchasers specified in paragraph (a) hereof may make application to the Director of Priorities for deliveries of Molasses in addition to those set forth in paragraph (c) hereof if they own, possess or control facilities for the storage of the same.

(4) No person shall knowingly deliver Molasses to any Class 1, 2, 3 or 4 Purchaser in violation of the terms of subparagraphs (c) (1) and (2) hereof.

(5) Producers, Distributors and Importers may, during any Calendar Quarter, make deliveries of Molasses to persons who require the same for ensilage or feed or for sale to persons who require the same for ensilage or feed (the barrel trade) provided such deliveries do not exceed in quantity (on blackstrap Molasses basis) the deliveries made by such Producers, Distributors and Importers, respectively, for such purposes during the corresponding Calendar Quarter of the 12 months' period ended June 30, 1941.

(6) After January 15, 1942, no person shall deliver, use or accept delivery of Molasses for the manufacture of beverage spirits.

(7) On and after January 1, 1942, except with respect to deliveries permitted by subparagraphs (c) (1) (2) and (5) hereof, deliveries originating and completed outside of the continental United States, deliveries to an Importer originating outside of the continental United States, deliveries to a Distributor (deliveries to a Distributor coming within the provisions of subparagraph (c) (5) hereof shall be governed by such subparagraph) and deliveries specifically authorized by the Director of Priorities, no deliveries of Molasses shall be made by any Producer, Distributor or Importer; and no person shall accept delivery of Molasses made in violation of the foregoing clause. At the beginning of each calendar month the Director of Priorities will issue to all Producers, Distributors and Importers specific directions covering deliveries of Molasses which may be made by such Producers, Distributors and Importers during such month. Such directions will be primarily to insure the satisfaction of all defense requirements and to provide an adequate supply for essential civilian uses, and they may be made at the discretion of the Director of Priorities without regard to any preference rating assigned to particular contracts or Orders.

(d) *Restrictions on consumption.* Unless otherwise authorized by the Director of Priorities, no Purchaser specified in paragraph (a) hereof shall, during any Calendar Quarter commencing with the month of January 1942, use or consume more Molasses than he would be permitted to receive during such Calendar Quarter (if he had no Molasses on hand) pursuant to the provisions of paragraph (c) hereof.

(e) *Intra-company transactions.* The prohibitions or restrictions contained in this Order with respect to deliveries shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise owned or controlled by the same person.

(f) *Reports.* Reports shall be made at such times, on such forms and with respect to such matters as shall be prescribed by the Chemicals Branch of the Office of Production Management. Persons who have stocks of Molasses on hand which they are forbidden by the terms of this Order to deliver or use shall forthwith report such fact (and the details thereof) in writing to said Chemicals Branch and shall hold the said stocks until further order of the Director of Priorities. In addition, Producers, Distributors and Importers shall forthwith report to said Chemicals Branch the storage facilities (and the location thereof) which they own, possess or control.

(g) *Notification of customers.* Producers, Distributors and Importers shall, as soon as practicable, notify each of their regular customers of the requirements of this Order, but the failure to give such notice shall not excuse any person from the obligation of complying with the terms of this Order.

(h) *Violations or false statements.* Any person who violates this Order or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Priorities, or otherwise wilfully furnishes false information to the Director of Priorities or to the Office of Production Management may be deprived of priorities assistance or may be prohibited by the Director of Priorities from obtaining further deliveries of materials subject to allocation. The Director of Priorities may also take any other action deemed appropriate, including the making of a recommendation for prosecution under Section 35 (A) of the Criminal Code. (18 U.S.C. 80)

(i) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Molasses conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Office of Production Management, Reference: M–54, attention Chemicals Branch, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(j) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public, No. 671, 76th Congress, Third Session, as amended by Public, No. 89, 77th Congress, First Session)

Issued this 23d day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–680; Filed, January 23, 1942; 10:50 a. m.]

PART 1063—MERCURY

Conservation Order No. M–78 Curtailing the Use of Mercury in Certain Items

Whereas, it is found that the present and increasing future demand for mercury in the United States seriously threatens national defense requirements for Mercury, and it is further found that the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of Mercury for defense and private account, and it is further found that this situation imperils the obtaining of priority for deliveries of such materials under present and future Army and Navy contracts and orders and related subcontracts and suborders unless the supply of Mercury is conserved and its use in certain products manufactured for civilian use is curtailed; and it is necessary in the public interest, to promote the defense of the United States, to conserve the supply and direct the distribution thereof:

Now, therefore, it is hereby ordered, That:

§ 1063.1 *Conservation order M–78.*—(a) *Definitions.* For the purpose of this Order:

(1) "Mercury" means:

(i) Metallic mercury (quicksilver) of any quality and from whatever source derived, and

(ii) Any mercury-containing chemical compound, salt or mixture.

(2) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(3) "Manufacture" means to amalgamate, assemble, mix or process in any other way, but does not include installation or sale of a completely finished product for the ultimate customer.

(4) "Item" means any article or any component part thereof.

(5) "Use" means and includes

(i) the act of amalgamating, mixing, processing or compounding mercury.

(ii) the act of putting mercury into any item and

(iii) the act of manufacturing any item containing mercury.

(Where a person is limited to a percentage of mercury used in a base period, this limitation applies respectively to (i), (ii) and (iii) above. Each limitation must be applied separately.)

(6) "Base Period" means at the option of the manufacturer either (1) the corresponding quarterly period in 1940, or (2) the first calendar quarter in 1941, provided that the same option shall be used throughout the calendar year.

(b) *Prohibition on use of mercury in articles appearing on list "A".* (1) Unless otherwise specifically authorized by the Director of Priorities, any person using mercury in the manufacture of any item or in any manufacturing process on List "A" shall limit his use of mercury in the manufacture of any such item or in any such process between January 15, and March 31, 1942, to 50% of his use in the base Period (as hereinbefore defined).

(2) Unless otherwise specifically authorized by the Director of Priorities, effective April 1, 1942, no mercury shall be used in the manufacture of any item on List "A".

(c) *Restriction on use of mercury in article on list "B."* Unless otherwise specifically authorized by the Director of Priorities, any person using mercury in the manufacture of any item or in any manufacturing process on List "B" shall limit his use of mercury in the manufacture of any such item or in any such manufacturing process between January 15, 1942, and March 31, 1942, and during each calendar quarter thereafter to the percentage of such use in the Base Period indicated opposite such item or such manufacturing process on List "B."

(d) *Limitation on other uses of mercury.* Unless otherwise specifically authorized by the Director of Priorities, any person using mercury in any item or in any manufacturing process not covered by paragraph (b), (c), or (e) of this Order shall limit his use of mercury in any such item or in any such manufacturing process between January 15, 1942, and March 31, 1942, and during each calendar quarter thereafter to 80% of his use of mercury in such item or in such manufacturing process in the Base Period.

(e) *General exception.* The prohibitions and restrictions contained in paragraphs (b), (c), and (d) shall not apply to the use of mercury in the manufacture of any item which is being produced

(1) for delivery under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act) if in any such case the use of mercury to the extent employed is required by the specifications of the prime contract; or

(2) to comply with Underwriters Regulations or Safety Regulations issued under Governmental authority, provided that pertinent provisions of such Regulations were, in either case, in effect both on December 1, 1941, and on the date of such use, and specifically and exclusively require the use of mercury to the extent employed; or

(3) with the assistance of a preference rating of A–1–j or higher.

(f) *Prohibitions against sales or deliveries.* No person shall hereafter sell or deliver mercury to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this Order.

(g) *Limitation of inventories.* No manufacturer shall receive delivery of mercury (including scrap) or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw-semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of mercury products by this Order.

(h) *Miscellaneous provisions.*—(1) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of mercury conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense work to defense work, may appeal to the Office for Production Management, Ref:

M–78, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(3) *Applicability of order.* The prohibitions and restrictions contained in this Order shall apply to the use of material in all items hereafter manufactured irrespective of whether such items are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other Order of the Director of Priorities may have the effect of limiting or curtailing to a greater extent than herein provided, the use of mercury in the production of any item, the limitations of such other Order shall be observed.

(4) *Communications to Office of Production Management.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: Office of Production Management, Washington, D. C. Ref: M–78

(5) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under Section 35 A of the Criminal Code. (18 U.S.C. 80)

(6) *Effective date.* This Order shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865, E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public, No. 671, 76th Congress, Third Session, as amended by Public, No. 89, 77th Congress, First Session)

Issued this 23d day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

LIST "A" OF ORDER M–78

Carroting of hat fur.
Marine anti-fouling paint.
Thermometers (except industrial and scientific).
Treating of green lumber (except Sitka Spruce).
Turf fungicides.
Vermilion.
Wall switches for non-industrial use.
Wood preservation.

LIST "B" OF ORDER M–78

Fluorescent lamps	100%
Health supplies (as defined in Preference Rating Order P-29, as the same may be amended)	100%
Mercuric fulminate for commercial blasting caps	125%
Mercuric fulminate for ammunition	100%
Thermometers (industrial and scientific)	100%

[F. R. Doc. 42–662; Filed, January 23, 1942; 10:47 a. m.]

PART 1077—RADIO RECEIVERS AND PHONOGRAPHS

General Limitation Order No. L–44 To Restrict the Production of Radio Receivers and Phonographs

Whereas the demands of national defense have created a shortage of copper, aluminum, nickel and other critical materials used in the manufacture of radio receivers and phonographs; action has already been taken to conserve the supply and direct the distribution of these materials to insure deliveries for defense and essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the manufacture of radio receivers and phonographs is curtailed and the use of critical materials for such manufacture is thereby reduced;

Now, therefore, it is hereby ordered, That:

§ 1077.1 *General Limitation Order L–44—(a) Definitions.* For the Purposes of this Order:

(1) "Set" means (i) any type of apparatus designed for the reception of radio broadcasts except apparatus produced under a specific order, contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development, any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act), or for any police department or similar agency of any public authority in the United States, or produced with the assistance of a Preference Rating of A–1–j or higher; or

(ii) any phonograph or other record player; or

(iii) any combination of (i) and (ii).

(2) "Factory Sales Value" means the aggregate net value of all sales of sets from factory or branches to distributors, dealers or consumers, including both domestic sales and sales for export.

(3) "Put into Production" means

(i) begin the assembly of component parts on the chassis of a set after rivet and eyelet operations have been completed; or

(ii) begin the first assembly operation on a set, when the provisions of (i) are inapplicable.

(4) "Class A Manufacturers" means those manufacturers of sets whose factory sales value during the nine months ending September 30, 1941, was $1,000,000.00 or more.

(5) "Class B Manufacturers" means those manufacturers of sets whose factory sales value during the nine months ending September 30, 1941, was less than $1,000,000.00.

(b) *General restrictions.* (1) During the period of ninety days beginning with the effective date of this Order, no Class A Manufacturer shall put into production more sets than 55% of ½ of the number of sets completed by him during the nine months ending September 30, 1941, and shall not install in sets put into production by him during the above ninety-day period more tube sockets than 55% of ½ of the number of such sockets installed in the sets completed by him during the nine months ending September 30, 1941.

(2) During the period of ninety days beginning with the effective date of this Order, no Class B Manufacturer shall put into production more sets than 65% of ½ of the number of sets completed by him during the nine months ending September 30, 1941, and shall not install in sets put into production by him during the above ninety-day period more tube sockets than 65% of ½ of the number of such sockets installed in the sets completed by him during the nine months ending September 30, 1941.

(c) *Avoidance of excessive inventories.* No manufacturer of radio receivers and phonographs shall accumulate for use in the manufacture of such radio receivers and phonographs inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of radio receivers and phonographs at the rates permitted by this Order.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(f) *Reports.* Each manufacturer to whom this Order applies shall file with the Office of Production Management such reports and questionnaires as said Office shall from time to time request.

(g) *Violations.* Any person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code. (18 U.S.C. 80)

(h) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the Office for Production Management setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(i) *Applicability of other orders.* Insofar as any other Order issued by the Director of Priorities, or to be issued hereafter, limits the use of any material to a greater extent than the limits imposed by this Order, the restrictions in such other Order shall govern unless otherwise specified therein.

(j) *Application of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(k) *Communications.* All reports to be filed, appeals and other communications concerning this Order should be addressed to the Office for Production Management, Washington, D. C., Ref: L–44.

(l) *Effective date.* This Order shall take effect on the date of its issuance, and shall continue in effect until revoked. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public, No. 671, 76th Congress, Third Session, as amended by Public, No. 89, 77th Congress, First Session)

Issued this 23d day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–677; Filed, January 23, 1942; 10:53 a. m.]

PART 1079—HEMP SEED

General Preference Order No. M–82 to Conserve the Supply and Direct the Distribution of Domestically Produced Hemp Seed

Whereas the uncertainty of future shipments of hemp from abroad and national defense requirements for hemp have created a shortage of the supply thereof for defense, for private account, and for export, and it is necessary in the public interest and to promote the national defense to conserve and allocate the existing supply of domestically produced hemp seed in the manner and to the extent hereinafter in this Order provided:

Now, therefore, it is hereby ordered, That:

§ 1079.1 *General Preference Order M–82—(a) Applicability of Priorities Regulation No. 1.* This Order and all transactions affected hereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* As used in this Order (1) "Domestically produced hemp seed" shall mean the seed of the hemp plant Cannabis Sativa grown in the Continental United States of America; and not heretofore packaged for retail distribution as seed nor heretofore so processed as to be rendered unfit for seed for the growing of hemp plants.

(c) *Restrictions on the use of domestically produced hemp seed.* No person shall hereafter use any domestically produced hemp seed, except for the growing of hemp fiber or for the growing and producing of additional hemp seed.

(d) *Restrictions on deliveries and assignment of preference ratings.* Notwithstanding anything in Priorities Regulation No. 1 to the contrary, no person shall hereafter sell or otherwise transfer title to, or many any deliveries, and no person shall purchase or accept delivery of domestically produced hemp seed, except upon the following categories of orders:

(1) Orders placed by the Commodity Credit Corporation which are hereby assigned a preference rating of A–10, and acceptance thereof is required.

(2) Orders placed by persons engaged in the growing of hemp which are hereby assigned a preference rating of B–1, and acceptance thereof is required.

(3) Such other orders as may from time to time be specifically authorized by the Director of Priorities, and acceptance thereof may be required.

(e) *Application of preference rating.* Any person entitled to a preference rating under this Order may apply the same by endorsing on such person's purchase order for domestically produced hemp seed the following, manually signed by such person or by a responsible official thereof.

This order for hemp seed carries a preference rating of ----, assigned under General Preference Order M–82.

Such endorsement shall constitute a representation to the Office of Production Management that such person was entitled to the rating under the provisions of this Order.

(f) *Reports.* (1) Each person, other than a person of one of the classes referred to in paragraph (d) hereof, having title, on the effective date of this Order, to two or more bushels of domestically produced hemp seed, shall, on or before the close of business on the tenth day after the effective date of this Order, report in writing to the Office of Agricultural Defense Relations, Department of Agriculture, Washington, D. C., as tabulating agent for the Office of Production Management, setting forth the number of bushels of such hemp seed owned by such person and the location thereof. Failure to make such a report on the part of any person shall be deemed a representation to the Government, subject to the penalties of section 35 (A) of the United States Criminal Code, that such person does not have title to such quantities of hemp seed.

(2) Each person delivering or accepting delivery of domestically produced hemp seed, in accordance with paragraph (d) hereof, or as specifically authorized by the Director of Priorities, shall, on or before the close of the next business day following such delivery or acceptance, report in writing to the Office of Agricultural Defense Relations, Department of Agriculture, Washington, D. C., as tabulating agent for the Office of Production Management, the number of bushels of hemp seed so delivered or accepted, the names and addresses of the persons delivering and accepting delivery, and the place where such hemp seed is to be stored after such delivery.

(g) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of hemp seed conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Office of Production Management, Reference M–82, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(h) *Communications to the Office of Production Management.* Except as provided in paragraph (f), all reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: Office of Production Management, Washington, D. C., Ref.: M–82.

(i) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(j) *Effective date.* This Order shall take effect upon the date of issuance hereof. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 23d day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–663; Filed, January 23, 1942; 10:49 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

CHAPTER I—VETERANS' ADMINISTRATION

PART 5—ADJUDICATION: DEPENDENTS' CLAIMS

PENSIONABLE AND COMPENSABLE SERVICE FOR DEATH PENSION AND COMPENSATION PURPOSES

§ 5.2520 *Death of veteran due to service; general law.* (a) For the purposes of sections 4702 and 4707, Revised Stat-

utes, as amended, the widow, child or children, or dependent mother or dependent father of any person embraced within sections 4692 and 4693, Revised Statutes, or the remarried widow of any such person who served in the Civil War, or in an Indian War, who died of a disability contracted in the service in line of duty, regardless of the character of discharge, shall be entitled to receive pension at the monthly rates specified in §§ 5.2620, 5.2622 (b), or 5.2624, except that in no event shall the rates provided in § 5.2620 (c) be allowed for any period prior to July 1, 1938, except further, that in no event shall the rates provided in § 5.2622 (b) or § 5.2624 be allowed for any period prior to December 19, 1941. (December 19, 1941.) [Public No. 359, 77th Congress]

* * * * *

§ 5.2532 *Death of veteran due to peace-time service; Public No. 2, 73d Congress as amended and accessory acts.*[1]

* * * * *

(d) For the purposes of Public No. 497, 71st Congress (Act of July 2, 1930), and Public No. 182, 77th Congress (Act of July 18, 1941), the surviving widow, child or children, or dependent mother or father of any deceased officer or enlisted man of the United States Coast Guard, who died as a result of injury or disease incurred in or aggravated by active service in line of duty, on or after January 28, 1915 (except service during the World War), shall be entitled to receive pension at the monthly rates specified in § 5.2622 (c) or (d) (See A. D. 200). For the purposes of Public No. 359, 77th Congress (Act of December 19, 1941) if death resulted from injury or disease received in active service under the conditions indicated in § 5.2533, the dependents shall be entitled to the war-time rates specified in § 5.2622 (b) or § 5.2624. (December 19, 1941.) [Public No. 359, 77th Congress]

§ 5.2533 *Death of veteran: As a direct result of armed conflict; or while engaged in extra hazardous service, including such service under conditions simulating war; or while the United States is engaged in war (Public No. 359, 77th Congress.)* If death resulted from an injury or disease received in active service subsequent to March 4, 1861, in line of duty, (a) as a direct result of armed conflict, or (b) while engaged in extra hazardous service, including such service under conditions simulating war, or (c) while the United States is engaged in war, the dependents shall be entitled to the war-time rates specified in § 5.2622 (b) or § 5.2624 (§ 35.012 (a) (3), [paragraph I (c)] as amended by the Act of December 19, 1941, Public No. 359, 77th Congress.) (December 19, 1941.) [Public No. 359, 77th Congress]

§ 5.2536 *Death while performing duty in the transportation of the mails by air, Public No. 140, 73d Congress.* (a) For the purposes of section 4, Public No. 140, 73d Congress (Act of March 27, 1934) in case any officer (including warrant and reserve officers), or enlisted man was killed while performing duty in the transportation of the mails by air during the period from February 10, 1934 to March 26, 1935, inclusive, a pension shall be paid to his dependents at the rate prescribed in § 5.2622 (a) and/or (b), or § 5.2624. (December 19, 1941.) [Public No. 359, 77th Congress]

* * * * *

COMMENCEMENT OF ORIGINAL AWARDS OF DEATH PENSION OR COMPENSATION

§ 5.2574 *Public, No. 2 and sections 28 and 31, Title III, Public, No. 141, 73d Congress, section 3, Public, No. 304, and section 3, Public, No. 514, 75th Congress, and section 5, Public, No. 198, 76th Congress.*[2]

* * * * *

(b) *Section 35.012 as amended by Publics No. 159 and 732, 75th Congress, and Publics No. 182, 193, and 359, 77th Congress.* Original awards of death pension under § 35.012, as amended by Publics No. 159 and 732, 75th Congress, and Publics No. 182, 193, and 359, 77th Congress, shall commence as follows: (December 19, 1941) [Pub. No. 359, 77th Congress]

* * * * *

EFFECTIVE DATES OF INCREASE OF DEATH PENSION OR COMPENSATION

§ 5.2581 *General law.*

* * * * *

(b) Where a person was on the rolls December 19, 1941 under the provisions of the General Pension Law, pension at the rate provided in § 5.2622 (b) or § 5.2624 (Public No. 359, 77th Congress) shall be authorized effective December 19, 1941, provided entitlement thereto is otherwise established. (December 19, 1941) [Pub. No. 359, 77th Congress]

§ 5.2582 *Public No. 2 and sections 28 and 31, Title III, Public No. 141, 73d Congress, section 3, Public No. 304, 75th Congress, section 5, Public No. 198, 76th Congress, or Publics 242, and 359, 77th Congress.*[3] The effective date of an award of increased pension or compensation payable under Public No. 2, 73d Congress, sections 28 and 31, Title III, Public No. 141, 73d Congress, section 3, Public No. 304, 75th Congress, section 5, Public No. 198, 76th Congress, Public No. 242, 77th Congress ,or Public No. 359, 77th Congress, shall be fixed in accordance with the facts found, except that:

* * * * *

(December 19, 1941) [Public No. 359, 77th Congress]

(g) Awards of service-connected benefits for periods beginning on or after December 19, 1941, to widows, children, or parents of veterans whose death resulted from service since March 4, 1861, as comprehended by § 35.012 (a) (3) [paragraph I (c)], as amended by the Act of December 19, 1941. (Public No. 359, 77th Congress)

(1) The rates provided by section 5, Public No. 198, 76th Congress, as amended, are payable to the widows, children, and parents of veterans whose death resulted from service since March 4, 1861, as comprehended by § 35.012 (a) (3) [paragraph I (c)], as amended by Public No. 359, 77th Congress (Act of December 19, 1941) subject to the limitations of subparagraphs (2) and (3) of this paragraph.

(2) On and after December 19, 1941 the rates payable under section 5, Public No. 198, 76th Congress, as amended, shall not be payable while the combined monthly rates of compensation or pension and of yearly renewable term, or automatic insurance, or National Service Life Insurance payable equal or exceed the rates prescribed in section 5, supra (§ 5.2624).

(3) On and after December 19, 1941, if the combined monthly rates of compensation or pension and insurance do not equal or exceed the rates prescribed in section 5 of Public No. 198, 76th Congress, as amended, the amount of compensation or pension payable while the insurance is payable shall be that which equals the difference between the amount of the monthly instalment of insurance and the rate of compensation or pension otherwise payable under section 5, Public No. 198, 76th Congress, as amended, subject to the increase at the full rate prescribed therein from the date following the ending date of the insurance award. In no event, however, will the rates payable be less than those authorized by § 35.011 (a), [paragraph I]. (December 19, 1941) [Pub. No. 359, 77th Congress]

APPORTIONMENT OF DEATH PENSION OR COMPENSATION

§ 5.2591 *Prior apportionment not to be disturbed.*

* * * * *

(c) (1) *Rates payable.* (a) Apportionment of death compensation or pension under any law administered by the Veterans Administration, except as provided in paragraphs (b) (c) and (d) of this section, shall be computed as follows: The share for all children for whom claim is filed will be that amount to which they would be entitled if there were no widow. The widow's share will be the difference between the children's share and the total amount payable on account of the widow and all children for whom claim is filed. In all instances, the amount payable to or for the children will be divided equally among the children, regardless of their ages. The share for any children in the widow's custody will be added to the widow's share. If, in the application of this rule, the widow's share would be reduced to an amount lower than 50 percent of that to which she would be entitled if there were no children, then her share will be 50 percent of the amount to which she would be entitled if there were no children, and the difference between the amount of such widow's share and the entire amount payable for the widow and children will be the children's share. (December 19, 1941) [Public No. 359, 77th Congress]

* * * * *

RATES OF DEATH PENSION AND COMPENSATION FOR WIDOWS, REMARRIED WIDOWS, CHILDREN AND DEPENDANT PARENTS

§ 5.2620 *General law; veteran's death due to service.*[4] The following rates of pension are payable under the General Law, subject to the conditions and limitations set forth in Regulations. (R. S. 4695 as amended) (Public No. 758, 75th Congress, Act of June 28, 1938.) Public No. 359, 77th Congress, (Act of December 19, 1941)

* * * * *

(d) The rates payable on and after December 19, 1941 to persons entitled under the General Law as amended by the Act of December 19, 1941 (Public No. 359, 77th Congress) for death resulting from service since March 4, 1861, shall be the same as in § 5.2622 (b) or, subject to the limitations contained in § 5.2582 (g) shall be the same as in § 5.2624.

(e) Remarried widows of Civil War veterans.[5] The rates payable are the same as those provided in paragraphs (a) and (b) or (c) of this section.

(f) *Children of officers and enlisted men of the Army, Navy and Marine Corps.* The rates for children, except as provided in paragraph (c) of this section, are the same as the widow's rates in paragraphs (a) and (b) of this section, plus $2.00 per month additional for each child, equally divided. Children are not entitled to the $25 rate awarded only to widows of veterans of the Civil War, War with Spain and Philippine Insurrection by the Act of October 6, 1917. (4703 R.S. and 40 Stat. 408)

(g) *Dependent mother or father of officer or enlisted man in the Army, Navy or Marine Corps.* The rate for a dependent mother or father, except as provided in paragraph (c) of this section, is the same as for the widow as shown in paragraphs (a) and (b) of this section, except that the minimum rate was increased by the Act of September 1, 1922, to a dependent mother or father of a veteran who served during the War with Spain, Boxer Rebellion or Philippine Insurrection, to $20 per month. (4707 R.S. and 42 Stat. 834)

(h) *Repeal and reinstatement of Spanish American War pension laws.* All public laws granting pensions to veterans and dependents of veterans of the War with Spain, Boxer Rebellion and Philippine Insurrection were repealed March 20, 1933, by act of that date, but persons then on the rolls were continued thereon to include June 30, 1933. Seventy-five percent of the rates formerly being paid was restored by provisions of section 30, Title III, Public, No. 141, 73d Congress, (Act of March 28, 1934) from the date of the Act to August 13, 1935. On February 8, 1935, under § 35.015, seventy-five per centum of the rates formerly payable was restored to widows and dependents of veterans who left the continental United States for service in Cuba, Puerto Rico or Guam, between August 13, 1898, and July 4, 1902, both dates inclusive. The full rates formerly payable were restored from August 13, 1935, by Act of that date. (December 19, 1941) [Public, No. 359, 77th Congress]

§ 5.2624[6] *Rates under Public No. 198, 76th Congress (Act of July 19, 1939) World War, and Public, No. 242, 77th Congress (Act of August 21, 1941) Spanish-American War, Philippine Insurrection and Boxer Rebellion, and Public, No. 359, 77th Congress (Act of December 19, 1941) for death due to service rendered subsequent to March 4, 1861, as defined in section 5.2533.* The following rates are payable for periods on and after July 19, 1939, under the provisions of section 5, Public, No. 198, 76th Congress, for death resulting from active military or naval service rendered during the World War as defined in § 5.2538 and in accordance with the conditions and limitations specified in §§ 5.2574 and 5.2582; and for periods on and after September 1, 1941, under the provisions of section 1, Public, No. 242, 77th Congress for death resulting from active military or naval service rendered during the Spanish-American War, Philippine Insurrection and Boxer Rebellion as defined in § 35.011 (a) [paragraph I], and in accordance with the conditions and limitations specified in §§ 5.2573, and 5.2582, and for death resulting from service as defined in § 35.012 (a) (3), [paragraph I (c)], and in accordance with the conditions and limitations as specified in §§ 5.2532 (c) and 5.2582; and for periods on and after December 19, 1941, under the provisions of Public, No. 359, 77th Congress (Act of December 19, 1941) for death resulting from active military or Naval service rendered subsequent to March 4, 1861, as defined in § 5.2533, subject to the limitations contained in § 5.2582 (g).

	Per month
Widow under 50 years of age	$38.00
Widow 50 years of age or over	45.00
Widow with one child, $10 additional for such child up to 10 years of age, increased to $15 from age 10 (with $8 for each additional child up to 10 years of age, increased to $13 from age 10).	
No widow but one child	20.00
No widow but two children	[1] 33.00
No widow but three children (with $8 for each additional child; total amount to be equally divided)	[1] 46.00
Dependent mother or father	45.00
(Or both) (each)	25.00

[1] Equally divided.

As to the widow, child or children, the total compensation payable under this subparagraph shall not exceed $33.00.

As to a widow, and child or children not in her care and custody, any amount payable under this paragraph may be apportioned as prescribed in Secs. 5.2591 and 5.2592. (December 19, 1941.) [Public No. 359, 77th Congress]

[SEAL] FRANK T. HINES, *Administrator.*

[F. R. Doc. 42-668; Filed, January 22, 1942; 3:13 p. m.]

PART 10—INSURANCE

DETERMINATION OF LIABILITY UNDER SECTION 302, WORLD WAR VETERANS ACT, 1924, AND UNDER SECTION 607, NATIONAL SERVICE LIFE INSURANCE ACT, 1940.

§ 10.3190 *Establishment of committee on extra hazards of service (Section 302 World War Veterans Act, 1924, and Section 607, National Service Life Insurance Act, 1940).* There is hereby established in the insurance service, central office, a committee on extra hazards of service (section 302, World War Veterans Act, 1924, and section 607, National Service Life Insurance Act, 1940), hereafter referred to as the committee, which will be in charge of a chairman who shall be responsible to the director of insurance for the proper functioning of such committee. The committee shall be composed of the chairman and such regular members, alternate members and other personnel as may be found necessary for the purpose of executing the duties and functions assigned thereto. (January 22, 1942) [43 Stat. 625; 38 U.S.C. 513 and 54 Stat. 1008–1014; 38 U.S.C.A. 807]

§ 10.3191 *Jurisdiction of the committee.* The committee is vested with exclusive jurisdiction in determining liability under section 302, World War Veterans Act, 1924, and under section 607, National Service Life Insurance Act, 1940. (January 22, 1942) [43 Stat. 625; 38 U.S.C. 513 and 54 Stat. 1008–1014; 38 U.S.C.A. 807]

[SEAL] FRANK T. HINES, *Administrator.*

[F. R. Doc. 42-669; Filed, January 22, 1942; 3:13 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1212]

PETITION OF DISTRICT BOARD NO. 11 FOR REVISION OF THE SCHEDULES OF MINIMUM PRICES APPLICABLE TO COALS SHIPPED FROM DISTRICT NO. 9 AND DISTRICT NO. 11 TO CHARLESTOWN AND SPEEDS, INDIANA, MARKET AREA NO. 31, FOR A RECOORDINATION OF THE DELIVERED PRICE RELATIONSHIPS OF SUCH COALS AT SAID DESTINATIONS

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 3, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in

[1] 6 F.R. 5294.

[2] 6 F.R. 5295.

[3] 8 F.R. 1758.

[4] The minimum rate to widows of veterans of the Civil War, War with Spain, and Philippine Insurrection was increased to $25 per month October 6, 1917, the minimum rate for a widow of a veteran of the Boxer Rebellion remaining at $12 per month. (40 Stat. 408)

[5] The minimum rate to widows, children and dependent parents, was increased to $12 per month commencing March 19, 1886, by Act of that date (24 Stat. 5).

[6] 6 F.R. 5296.

room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 25, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 11 for revision of the Schedules of Minimum Prices applicable to coals shipped from District No. 9 and District No. 11 to Charlestown and Speeds, Indiana, Market Area No. 31, for the purpose of effecting the same delivered price relationships of such coals at said destinations as currently exist between such coals in Market Area No. 29.

Dated: January 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-690; Filed, January 23, 1942; 11:00 a. m.]

[Docket Nos. B-48, B-34]

IN THE MATTER OF SUN COAL COMPANY, CODE MEMBER, DEFENDANT, AND IN THE MATTER OF HIGH POINT COAL COMPANY, CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARINGS AND GRANTING EXTENSIONS OF TIME WITHIN WHICH TO FILE ANSWERS AND APPLICATIONS BASED UPON ADMISSIONS

The above-entitled matters having been heretofore scheduled for hearings on January 26, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 214, United States Post Office, Knoxville, Tennessee, by Orders of the Acting Director dated December 6, 1941, and December 8, 1941, respectively; and

The above-named defendants having filed a motion with the Bituminous Coal Division (the "Division") on January 6, 1942, requesting (1) that the hearings in each of said matters be postponed to March 23, 1942, at Knoxville, Tennessee, or to such other time as may meet with the convenience of the parties hereto; (2) that the time within which said defendants may file answers herein be extended to and including February 2, 1942; and (3) that the time within which said defendants may file applications pursuant to § 301.132 of the Rules of Practice and Procedure Before the Division be extended to and including March 1, 1942, and the defendants subsequently, by telegram dated January 14, 1942, having advised the Acting Director that applications pursuant to said § 301.132 were in the course of preparation and would be submitted to the Division promptly; and

The Acting Director deeming it advisable that said motion should be granted in part and denied in part;

Now, therefore, it is ordered, That the hearings in each of the above-entitled matters be and the same hereby are postponed from 10:00 a. m. on January 26, 1942, to a date and place to be hereafter designated by appropriate orders; and

It is further ordered, That the time within which the Sun Coal Company, defendant in the matter designated above as Docket No. B-48, and the High Point Coal Company, defendant in the matter designated above as Docket No. B-34, may respectively file applications based upon admissions for the disposition thereof without formal hearing pursuant to § 301.132 of the Rules of Practice and Procedure Before the Division be and the same hereby is extended to and including January 21, 1942, and that the time within which the said defendants may respectively file answers in said matters be and it hereby is extended to and including February 10, 1942; and

It is further ordered, That the said motion is granted to the extent herein set forth and is in all other respects denied; and

It is further ordered, That the Order of the Acting Director In the Matter of Sun Coal Company, dated December 6, 1941, and the Order of the Acting Director In the Matter of High Point Coal Company, dated December 8, 1941, shall in all other respects remain in full force and effect.

Dated: January 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-691; Filed, January 23, 1942; 11:00 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF CANCELLATION OF SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that a special certificate for the employment of learners not to exceed at any one time five workers issued to the Bronstein Candy Company, 1201 Jackson Street, Philadelphia, Pennsylvania, for the effective period from September 9, 1941 to November 18, 1941, has been ordered cancelled as of the first date of violation because of violations of its terms.

The order of cancellation shall not become effective and enforceable until after the expiration of a fifteen-day period following the date on which this Notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any directly interested and aggrieved party pursuant to Section 522.13 of the Regulations. If a petition is properly filed, the effective date of the order of cancellation shall be postponed until final action is taken on the petition.

Signed at Washington, D. C., this 22d day of January 1942.

ALEX G. NORDHOLM,
Duly Authorized Representative of the Administrator.

[F. R. Doc. 42-699; Filed, January 23, 1942; 11:52 a. m.]

FIRST NATIONAL STORES, INC.

NOTICE OF GRANTING OF EXCEPTION FROM RECORD-KEEPING REGULATIONS

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted First National Stores, Inc., Somerville, Massachusetts, relief from the necessity of preserving their store orders, store invoices, delivery receipts, receiving sheets, merchandise adjustment sheets, weekly merchandise recapitulation sheets, fish orders, delicatessen orders, meat orders, fruit orders, and weekly merchandise reports for two years as required by § 516.15, paragraph (b) of the Record Keeping Regulations, Part 516.

This relief has been granted on the condition that First National Stores, Inc., Somerville, Massachusetts, will continue to preserve their merchandise purchase records and merchandise shipment records covering deliveries from warehouses to their stores in accordance with paragraph (b) of § 516.15 of those Regulations.

This authority is granted on the representations of the petitioner and is subject to revocation for cause.

Signed at Washington, D. C., this 22d day of January 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-700; Filed, January 23, 1942; 11:52 a. m.]

NOTICE OF SUBSTITUTION OF MERLE D. VINCENT FOR GUSTAV PECK AS PRESIDING OFFICER AT THE HEARING TO DETERMINE THE REASONABLE COST TO THE PIEDMONT COTTON MILLS, INCORPORATED AND TO ANY AFFILIATED PERSONS OF BOARD, LODGING AND OTHER FACILITIES CUSTOMARILY FURNISHED TO THE EMPLOYEES OF THE PIEDMONT COTTON MILLS, INCORPORATED

Notice is hereby given that Merle D. Vincent will serve as Presiding Officer in place of Gustav Peck as the authorized representative of the Administrator at the public hearing to be held pursuant to § 531.2 of Regulations, Part 531, as amended, Title 29, Chapter V, Code of Federal Regulations, on January 30, 1942 at 10:00 a. m. in the Henry Grady Hotel, Atlanta, Georgia, at which the testimony of interested persons will be taken and pertinent data received to determine the reasonable cost to the Piedmont Cotton Mills, Incorporated and to any affiliated persons within the meaning of § 531.1 (a) of said regulations of lodging or other facilities customarily furnished by said company and affiliated persons to employees of the Piedmont Cotton Mills, Incorporated.

Notices of intention to appear may be filed with Mr. J. R. McLeod, Regional Director, Witt Building, 249 Peachtree Street, N. E., Atlanta, Georgia not later than January 29, 1942.

Signed at Washington, D. C., this 21st day of January 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-701; Filed, January 23, 1942; 11:52 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 405, 406, 443, 457, 559, 568]

IN THE MATTER OF THE APPLICATIONS OF ALASKA AIR LINES, INC., PACIFIC ALASKA AIRWAYS, INC., AND WOODLEY AIRWAYS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND AMENDMENT OF EXISTING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING AIR TRANSPORTATION TO AND FROM ANCHORAGE, ALASKA; ALASKA AIR LINES, INC., FOR APPROVAL OF CERTAIN INTERLOCKING RELATIONSHIPS, AND APPROVAL OF THE PURCHASE OF CERTAIN PROPERTIES OF LAVERY AIRWAYS BY PACIFIC ALASKA AIRWAYS, INC., AND A CONSOLIDATION OF ALASKA AIR LINES, INC. WITH WOODLEY AIRWAYS

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 408, 409, and 1001 of said Act, in the above-entitled proceeding that oral argument before the Board is hereby assigned for January 29, 1942, 10 o'clock a. m. (Eastern Standard Time), in Room 5042, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C.

Dated Washington, D. C., January 23, 1942.

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-697; Filed, January 23, 1942; 11:41 a. m.]

Reference

JAN 28 1942

THE NATIONAL ARCHIVES
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1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 7 NUMBER 18

Washington, Tuesday, January 27, 1942

The President

EXECUTIVE ORDER

DEFINING ADDITIONAL FUNCTIONS AND DUTIES OF THE WAR PRODUCTION BOARD

By virtue of the authority vested in me by the Constitution and the statutes, as President of the United States and Commander in Chief of the Army and Navy, and for the purpose of assuring the most effective prosecution of war procurement and production, it is hereby ordered as follows:

1. In addition to the responsibilities and duties described in paragraph 2 of Executive Order No. 9024,[1] of January 16, 1942, the Chairman of the War Production Board, with the advice and assistance of the members of the Board, shall:

a. Perform the functions and exercise the powers heretofore vested in the Office of Production Management.

b. Perform the functions and exercise the powers vested in the Supply Priorities and Allocations Board, by Executive Order No. 8942,[2] of November 19, 1941.

c. Perform the functions and exercise the authority vested in the President by Section 120 of the National Defense Act of 1916, (39 Stat. 213).

2. Paragraph 1 of said Executive Order No. 9024 of January 16, 1942, is amended to provide that the Lieutenant General in charge of War Department Production, and the Director of the Labor Division of the War Production Board shall be members of the War Production Board vice the Director General and Associate Director General of the Office of Production Management.

3. The Chairman of the War Production Board may exercise the powers, authority, and discretion conferred upon him by this or any other Order through such officials or agencies and in such manner as he may determine; and his decisions shall be final.

4. The Office of Production Management, established by Executive Order No. 8629[3] of January 7, 1941, is abolished and its personnel, records, property, and funds are transferred to the War Production Board.

5. Executive Order No. 8629, of January 7, 1941, is rescinded, and Executive Order No. 9024, of January 16, 1942, and any other Executive Orders the provisions of which are inconsistent with the provisions of this Order, are amended accordingly.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 24, 1942.

[No. 9040]

[F. R. Doc. 42-735; Filed, January 26, 1942; 12:53 p. m.]

[1] 7 F.R. 329.
[2] 6 F.R. 5909.

EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER NO. 9017 OF JANUARY 12, 1942, TO PROVIDE FOR THE APPOINTMENT OF ASSOCIATE MEMBERS OF THE NATIONAL WAR LABOR BOARD

By virtue of the authority vested in me by the Constitution and the statutes of the United States, it is hereby ordered that Executive Order No. 9017[1] of January 12, 1942, entitled "Establishment of the National War Labor Board", be, and it is hereby, amended so as to provide for the appointment of associate members of the National War Labor Board. Such associate members shall be authorized to act as Mediators in any labor dispute pursuant to the direction of the Board.

Associate members shall receive compensation and expenses during any period of service in like manner as regular members of the Board.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 24, 1942.

[No. 9038]

[F. R. Doc. 42-738; Filed, January 26, 1942; 12:53 p. m.]

[1] 7 F.R. 237.
[2] 6 F.R. 191.

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EXECUTIVE ORDER

AUTHORIZING SICK AND REST LEAVE FOR ALIEN EMPLOYEES OF THE PANAMA CANAL AND THE PANAMA RAILROAD COMPANY

By virtue of the authority vested in me by section 81 of title 2 of the Canal Zone Code, as amended by section 3 of act July 9, 1937, c. 470, 50 Stat. 487, the Governor of The Panama Canal is hereby authorized to grant, under such regulations as he may prescribe, sick and rest leave to alien employees of The Panama Canal and the Panama Railroad Company who are not entitled to leave privileges under the conditions of employment prescribed by Executive Order No. 1888 of February 2, 1914, as amended by Executive Order No. 2514 of January 15, 1917, and Executive Order No. 3232 of February 20, 1920: *Provided, however,* that the combined sick and rest leave which may be granted to any such alien employee shall not exceed 15 days in any one year, and that such leave shall not be cumulative in excess of 60 days.

Executive Order No. 2993 of November 14, 1918, authorizing the granting of sick leave to alien employees of The Panama Canal and the Panama Railroad Company, is hereby revoked.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 24, 1942.

[No. 9039]

[F. R. Doc. 42-734; Filed, January 26, 1942; 12:23 p. m.]

Rules, Regulations, Orders

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendments 60-51, 60-52 and 60-53, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

EMERGENCY REGULATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 8th day of January 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 15, 1942, Part 60 of the Civil Air Regulations is amended as follows:

1. By adding at the end thereof the following new section:

§ 60.95 *Emergency regulations.*

§ 60.950 *Definitions.* (a) As used in this section (§ 60.95, the term "aircraft" means all aircraft other than those operated by scheduled air carriers while on their certificated routes, the United States Army or Navy, the Civil Aeronautics Administration or the Civil Aeronautics Board.

(b) As used in this section (§ 60.95) a "designated landing area" is a landing area designated by the Administrator for the landing and take-off of aircraft during the period of national emergency.

(c) As used in this section (§ 60.95) a "local flying area" is an area adjacent to a designated landing area, including any channel leading thereto, which has been set aside by the Administrator, or his authorized representative, for local flying and a "local flight" is a flight wholly within such area.

(d) As used in this section (§ 60.95) a "vital defense area" is an area set aside by the Secretary of War, or the Administrator upon the request or approval of the Secretary of War, within which the operation of aircraft is prohibited or is authorized only subject to prescribed conditions.

(e) As used in this section (§ 60.95) a "zone of military operations" is an area designated as such by the Secretary of War, or the Administrator upon the request or with the approval of the Secretary of War.

§ 60.951 *Flight rules.* (a) Except upon the prior approval of the Administrator, or his authorized representative, no person shall (1) take off any aircraft from a place other than a designated landing area, or (2) land any aircraft at any place other than a designated landing area except where such landing is caused by unforseeable circumstances beyond the control of such person in which event the pilot of the aircraft shall make a report to the Administrator or his designee at the landing area to which he was cleared as soon as possible, and in no case more than 24 hours after such landing, setting forth fully the reasons therefor.

(b) No person shall take off any aircraft from a designated landing area unless, immediately prior to such take-off, he shall have submitted to the Administrator or a person designated by him at such landing area, sufficient information to identify adequately the pilot, occupants, and the aircraft, and to describe the route, duration, nature, and purpose of the proposed flight: *Provided,* That if a continuous series of local flights with the same occupants in the airplane is contemplated, such information need be submitted only once for such series.

(c) No person shall take off any aircraft from a designated landing area unless, immediately prior to such take-off, he shall have secured a clearance for take-off, issued in accordance with this section, from the Administrator or a person designated by him: *Provided,* That one clearance only need be secured for a continuous series of local flights with the same occupants in the airplane. No clearance shall be granted (1) unless the applicant for clearance demonstrates to the Administrator, or person designated by him, that the applicant is the holder of a currently effective pilot certificate and, after January 8, 1942, presents the identification card required by § 60.322, (2) unless the route proposed to be flown by the applicant permits compliance with § 60.951 (h) with respect to vital defense areas and zones of military operation, (3) unless the aircraft proposed to be flown is equipped with functioning two-way radio if the flight is other than a local flight, and (4) unless the issuance of such clearance is consistent with instructions issued by the Civil Aeronautics Administration: *Provided,* That with the special permission of the Administrator, or a person designated by him for this purpose, a flight may be cleared to operate in daylight in accordance with daylight contact flight rules beyond the local flying area of the landing area from which take-off is made notwithstanding that the aircraft flown is not equipped with functioning two-way radio. No clearance under this section shall be deemed to authorize the violation of any regulation.

(d) No person shall take off any aircraft from a designated landing area unless, immediately prior to such take-off, if the flight be to another landing area and requires operation into or within a vital defense area or a zone of military operations, he shall have transmitted to such landing area, through the person granting clearance, a message by telephone or telegraph identifying the aircraft to be flown and stating the estimated time of arrival: *Provided,* That this requirement need not be met if a flight plan has been filed with Airway Traffic Control for the flight.

(e) No person shall take off any aircraft from a designated landing area unless, immediately prior to such take-off, he shall have familiarized himself with all available current flight information relating to the area proposed to be traversed on his flight.

(f) Immediately after landing an aircraft upon a designated landing area, the pilot of such aircraft shall submit to the Administrator, or person designated by him at such landing area, a copy of his clearance and such other information as may be required: *Provided,* That if a series of local flights is being made with the same occupants in the aircraft, such information need be submitted only after the final landing in such series.

(g) Immediately after landing upon a designated landing area after a flight from another designated landing area which involved operation into or within a vital defense area or zone of military operation, the pilot shall transmit to the landing area from which he was cleared for the flight, through the Administrator's designee at the landing area on which the landing was made, a message by telephone or telegraph identifying the aircraft flown and stating the time of arrival: *Provided,* That this requirement need not be met if a flight plan has been filed for the flight with Airway Traffic Control.

(h) No person shall operate an aircraft otherwise than in accordance with the description of the flight submitted to the Administrator or his designee at the landing area from which take-off was made, except in case of emergency in which event the pilot of the aircraft shall make a report to the Administrator, or his designee at the landing area of departure or arrival, as soon as possible after such deviation, describing the deviation and setting forth fully the reasons therefor.

(i) No person shall operate aircraft into or within a vital defense area or zone of military operations otherwise than in accordance with the conditions specified for such operation.

(j) No person shall leave an aircraft unattended under circumstances which would permit its operation by an unauthorized person without rendering the aircraft incapable of operation in a manner consistent with any instructions issued by the Administrator for this purpose.

§ 60.952 *Aircraft basing.* (a) No person shall base an aircraft at any place within the United States other than a designated landing area without first obtaining specific permission from the Administrator issued upon such conditions as he deems necessary.

(b) Immediately upon basing at a designated landing area, the owner of an aircraft shall submit to the Administrator or person designated by him at such landing area sufficient information to identify the aircraft, its owner, and the last previous base. In the event that the aircraft is to be absent from its base at any time for more than 72 hours, the owner shall submit to the Administrator's designee at such base such information as may be necessary to permit him to locate the aircraft promptly in case of necessity. Prior to changing the base, the owner of an aircraft shall notify the Administrator or his designee at his present base of his intention, stating the name and location of the landing area to which the aircraft is to be transferred.

§ 60.953 *Landing area rules.* (a) Every designated landing area shall provide means by which all available current flight information bearing upon flights from the landing area may be secured by persons operating aircraft on the landing area.

(b) Every designated landing area shall maintain adequate records of landings and take-offs in accordance with § 60.951 (b) and (f) and shall furnish such reports, summaries of operations, and records as may be required by the Administrator. Any authorized representative of the Army, Navy, Civil Aeronautics Administration or Civil Aeronautics Board shall be permitted to inspect the landing area and have access to all records, buildings, and equipment.

(c) The Administrator may, at any time, cancel the designation of a landing area if he deems such action necessary to the public safety or in the interest of national defense.

§ 60.954 *False statements and alteration of documents.* No person shall forge, counterfeit, alter, or mutilate any record or document required by or pursuant to this section (§ 60.95) or make any false or misleading statements of information required by or pursuant to this section (§ 60.95).

2. By adding at the end of the table of contents the following:

60.95 Emergency regulations.

3. By striking § 60.3305.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-732; Filed, January 26, 1942; 11:51 a. m.]

CHAPTER II—ADMINISTRATOR OF CIVIL AERONAUTICS, DEPARTMENT OF COMMERCE

[Amendment No. 1 of Part 601]

PART 601 [1]—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

DESIGNATION OF RADIO FIXES [2]

JANUARY 19, 1942.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation of the Civil Aeronautics Board Serial No. 197, and finding that this action is necessary in the interest of safety and for the proper control of air traffic, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics which became effective January 15, 1942, as follows:

1. By amending § 601.4 to read as follows:

§ 601.4 *Radio fix designation.* The following locations are designated as radio fixes:

§ 601.4001 *Green civil airway No. 1 (U. S.-Canadian border to Danforth, Maine.).* Millinocket, Maine, radio range station.

§ 601.4002 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).* Seattle, Wash., radio range station; Easton, Wash., radio marker station; Ellensburg, Wash., radio range station; Ephrata, Wash., radio range station; Spokane, Wash., radio range station; Coeur D'Alene, Idaho, radio range station; Mullan Pass, Idaho, radio range station; Superior, Mont., radio range station; Missoula, Mont., radio range station; Drummond, Mont., radio range station; Helena, Mont., radio range station; Belgrade, Mont., radio range station; Livingston, Mont., radio range sta-

[1] The headnote for Part 601, appearing at 7 F.R. 378, is corrected as indicated above.

[2] For a list of radio fixes see *Air Navigation Radio Aids,* published periodically by the Administrator.

tion; Billings, Mont., radio range station; Custer, Mont., radio range station; Miles City, Mont., radio range station; Golva, N. Dak., radio range station; Dickinson, N. Dak., radio range station; Bismarck, N. Dak., radio range station; Jamestown, N. Dak., radio range station; Fargo, N. Dak., radio range station; Alexandria, Minn., radio range station; Minneapolis, Minn., radio range station; La Crosse, Wis., radio range station; Lone Rock, Wis., radio range station; Madison, Wis., radio range station; Milwaukee, Wis., radio range station; Muskegon, Mich., radio range station; Grand Rapids, Mich., radio range station; Lansing, Mich., radio range station; Wixom, Mich, fan type radio marker station; or the intersection of the center lines of the on course signals of the north leg of Detroit, Mich., (Wayne County Airport) radio range and the east leg of the Lansing, Mich., radio range; Detroit, Mich., (Wayne County Airport), radio range station; Buffalo, N. Y., radio range station; the intersection of the center lines of the on course signals of the east leg of the Buffalo, N. Y., radio range and the southwest leg of the Rochester, N. Y. radio range; Syracuse, N. Y., radio range station; Utica, N. Y., radio range station; Albany, N. Y., radio range station; Westfield, Mass., radio range station; the intersection of the center lines of the on course signals of the east leg of the Westfield, Mass., radio range and the southwest leg of the Boston, Mass., radio range; Boston, Mass., radio range station.

§ 601.4003 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).* San Francisco, Calif., radio range station; Oakland, Calif., radio range station; Sacramento, Calif., radio range station; Donner Summit, Calif., radio range station; Reno, Nev., radio range station; Humboldt, Nev., radio range station; Buffalo Valley, Nev., radio range station; Elko, Nev., radio range station; Wendover, Utah, radio range station; Salt Lake City, Utah, radio range station; Ogden, Utah, radio range station; Fort Bridger, Wyoming, radio range station; Rock Springs, Wyo., radio range station; Wamsutter, Wyo., radio range station; Parco, Wyo., radio range station; Cheyenne, Wyo., radio range station; Sidney, Nebr., radio range station; North Platte, Nebr., radio range station; Grand Island, Nebr., radio range station; Omaha, Nebr., radio range station; Des Moines, Iowa, radio range station; Iowa City, Iowa, radio range station; Moline, Ill., radio range station; Newark, Ill., fan type radio marker station, or the intersection of the center lines of the on course signals of the southwest leg of the Chicago, Ill., radio range and the east leg of the Moline, Ill., radio range; Chicago, Ill., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Chicago, Ill., radio range and the west leg of the Goshen, Ind., radio range; McCool, Ind., fan type radio marker station, or the McCool, Ind., radio marker station; Goshen, Ind., radio range station; Toledo, Ohio, radio range station; Cleveland, Ohio, radio range station; the intersection of the center lines of the on course signals of the east leg of the Cleveland, Ohio, radio range and the northeast leg of the Akron, Ohio, radio range; Mercer, Pa., radio range station; Bellefonte, Pa., radio range station; the intersection of the center lines of the on course signals of the north leg of the Harrisburg, Pa., radio range and the east leg of the Bellefonte, Pa., radio range; Allentown, Pa., radio range station; the intersection of the center lines of the on course signals of the east leg of the Allentown, Pa., radio range and the southwest leg of the Newark, N. J., radio range; the intersection of the center lines of the on course signals of the east leg of the Allentown, Pa., radio range and the southwest leg of the New York (New York, LaGuardia Field) radio range; the intersection of the center lines of the on course signals of the southeast leg of the Newark, N. J., radio range and the southwest leg of the New York, N. Y. (New York, LaGuardia Field) radio range; New York, N. Y. (New York, LaGuardia Field) radio range station.

§ 601.4004 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).* Los Angeles, Calif., radio range station; the intersection of the center lines of the on course signals of the north leg of the Los Angeles, Calif., radio range and the southwest leg of the Palmdale, Calif., radio range; or the Newhall, Calif., radio range station; Palmdale, Calif., radio range station; the intersection of the center lines of the on course signals of the west leg of the Daggett, Calif., radio range and the north leg of the Riverside, Calif., radio range; Daggett, Calif., radio range station; Kingman, Ariz., radio range station; the intersection of the center lines of the on course signals of the east leg of the Kingman, Ariz., radio range and the southeast leg of the Ashfork, Ariz., radio range; Winslow, Ariz., radio range station; El Morro, N. Mex., radio range station; Acomita, N. Mex., radio range station; Albuquerque, N. Mex., radio range station; Otto, N. Mex., radio range station; Tucumcari, N. Mex., radio range station; Amarillo, Tex., radio range station; Gage, Okla., radio range station; the intersection of the center lines of the on course signals of the south leg of the Hutchinson, Kans., radio range and the southwest leg of the Wichita, Kans., radio range; Wichita, Kans., radio range station; the Cassody, Kans., radio marker station, or the intersection of the center lines of the on course signals of the east leg of the Hutchinson, Kans., radio range and the northeast leg of the Wichita, Kans., radio range; Lebo, Kans., radio range station; Desota, Kans., fan type radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Chanute, Kans., radio range and the southwest leg of the Kansas City, Mo., radio range; Kansas City, Mo., radio range station; Columbia, Mo., radio range station; New Florence, Mo., radio marker station; St. Louis, Mo., radio range station; Effingham, Ill., radio range station; Terre Haute, Ind., radio range station; Indianapolis, Ind., radio range station; Dayton, Ohio, radio range station; the intersection of the center lines of the on course signals of the north leg of the Dayton, Ohio, radio range and the west leg of the Columbus, Ohio, radio range; Columbus, Ohio, radio range station; Cambridge, Ohio, radio marker station; Hickory, Pa., fan type radio marker station, or the intersection of the center lines of the on course signals of the west leg of the Pittsburgh, Pa., radio range and the southeast leg of the Akron, Ohio, radio range; Pittsburgh, Pa., radio range station; New Alexandria, Pa., fan type radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Pittsburgh, Pa., radio range and the west leg of the Cove Valley, Pa., radio range; Summerhill, Pa., fan type radio marker station, or the intersection of the center lines of the on course signals of the north leg of the Buckstown, Pa., radio range and the west leg of the Cove Valley, Pa., radio range; Cove Valley, Pa., radio range station; Harrisburg, Pa., radio range station; the intersection of the center lines of the on course signals of the east leg of the Harrisburg, Pa., radio range and the southwest leg of the Allentown, Pa., radio range; Boothwyn fan type radio marker station or the intersection of the center lines of the on course signals of the east leg of the Harrisburg, Pa., radio range and the southwest leg of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station.

§ 601.4005 *Green civil airway No. 5 (Los Angeles, Calif., to Washington, D. C.).* Los Angeles, Calif., radio range station; La Habra, Calif., fan type radio marker station, or the intersection of the center lines of the on course signals of the east leg of the Los Angeles, Calif., radio range, and the northeast leg of the Long Beach, Calif., radio range; Riverside, Calif., radio range station; the intersection of the center lines of the on course signals of the east leg of the Riverside, Calif., radio range and the north leg of the Indio, Calif., radio range; Blythe, Calif., radio range station; Phoenix, Ariz., radio range station; Cochise, N. Mex., radio range station; Rodeo, N. Mex., radio range station; Columbus, N. Mex., radio range station; El Paso, Tex., radio range station; Salt Flat, Tex., radio range station; Wink, Tex., radio range station; Big Spring, Tex., radio range station; Abilene, Tex., radio range station; the intersection of the center lines of the on course signals of the west leg of the Fort Worth, Tex., radio range and the northwest leg of the Waco, Tex., radio range; Fort Worth, Tex., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Fort Worth, Tex., radio range and the north leg of the Dallas, Tex., radio range; the intersection of the center lines of the on course signals of the north leg of the Tyler, Tex., radio range and the southwest leg of the Texarkana, Ark., radio range; Texarkana, Ark., radio range station; Little Rock, Ark., radio range station; Brinkley, Ark., radio range station; Memphis, Tenn., radio range station; Fisherville, Tenn., fan type radio marker station; or the intersection of the center lines of the on course signals of the northwest leg of the Muscle Shoals, Ala., radio range and the northeast leg of the Memphis, Tenn., radio range; Jacks Creek, Tenn., radio range station; Fairview, Tenn., fan type radio marker station, or the intersection of the center lines of the on course signals of the southwest leg of the Nashville, Tenn., radio range and the northeast leg of the Muscle Shoals, Ala., radio range; Nashville, Tenn., radio range station; Smithville, Tenn., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Chattanooga, Tenn., radio range and the west leg of the Knoxville, Tenn., radio range; Knoxville, Tenn., radio range station; Bristol, Tenn., radio range station; Pulaski, Va., radio range station; Roanoke, Va., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Roanoke, Va., radio range and the northwest leg of the Lynchburg, Va., radio range; Gordonsville, Va., radio range station; Mason Springs, Md., fan type radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Gordonsville, Va., radio range and the south leg of the Washington, D. C., radio range; Washington, D. C., radio range station.

§ 601.4006 *Green civil airway No. 6 (Corpus Christi, Tex., to Richmond, Va.).* Corpus Christi, Tex., radio range station; Palacios, Tex., radio range station; the Arcola, Texas, fan type radio marker station or the intersection of the center lines of the on course signals of the east leg of the Yoakum, Tex., radio range and the southwest leg of the Houston, Tex., radio range; Houston, Tex., radio range station; Beaumont, Tex., radio range station; Lake Charles, La., radio range station; New Orleans, La., radio range station; Mobile, Ala., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Atlanta, Ga., radio range and the northwest leg of the Augusta, Ga., radio range; Spartanburg, S. C., radio range station; the intersection of the center lines of the on course signals of the southwest leg of the Greensboro, N. C., radio range and the north leg of the Charlotte, N. C., radio range; Greensboro, N. C., radio range station; South Boston, Va., radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Greensboro, N. C., radio range and the southeast leg of the Lynchburg, Va., radio range; Richmond, Va., radio range station.

§ 601.4011 *Amber civil airway No. 1 (San Diego, Calif., to U. S.-Canadian border).* San Diego, Calif., radio range station; Oceanside, Calif., fan type radio marker station, or the intersection of the center lines of the on course signals of the northwest leg of the San Diego, Calif., radio range and the southeast leg of the Long Beach, Calif., radio range; Long Beach, Calif., radio range station; Bakersfield, Calif., radio range station; Fresno, Calif., radio range station; Modesto, Calif., radio range station; Williams, Calif., radio range station; Red Bluff, Calif., radio range station; Fort Jones, Calif., radio range station; Medford, Oreg., radio range station; Eugene, Oreg., radio range station; Portland, Oreg., radio range station; Toledo, Wash., radio range station; Everett, Wash., radio range station; Bellingham, Wash., radio range station.

§ 601.4012 *Amber civil airway No. 2 (Daggett, Calif., to U. S.-Canadian border).* Silver Lake, Calif., radio range station; Las Vegas, Nev., radio range station; Mormon Mesa, Nev., radio range station; Enterprise, Nev., radio range station; Milford, Utah, radio range station; Delta, Utah, radio range station; Tintic, Utah, radio range station; Riverton, Utah, fan type radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Tintic Utah, radio range and the south leg of the Salt Lake City, Utah, radio range; Plymouth, Utah, radio range station; Pocatello, Idaho, radio range station; Idaho Falls, Idaho, radio range station; Dubois, Idaho, radio range station; Dillon, Mont., radio range station; Whitehall, Mont., radio range station; the intersection of the center lines of the on course signals of the north leg of the Helena, Mont., radio range, and the southwest leg of the Great Falls, Mont., radio range; Great Falls, Mont., radio range station.

§ 601.4013 *Amber civil airway No. 3 (El Paso, Texas, to Great Falls, Mont.).* The Harrington Ranch, fan type radio marker station, or the intersection of the center lines of the on course signals of the west leg of the El Paso, Tex., radio range and the south leg of the Engle, N. Mex., radio range; Engle, N. Mex., radio range station; the intersection of the center lines of the on course signals of the east leg of the Otto, N. Mex., radio range and the southwest leg of the Las Vegas, N. Mex., radio range; Las Vegas, N. Mex., radio range station; Maxwell, N. Mex., fan type radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Las Vegas, N. Mex., radio range and the south leg of the Trinidad, Colorado, radio range; Trinidad, Colo., radio range station; Pueblo, Colorado, radio range station; Denver, Colorado, radio range station; Dacono, Colo., fan type radio marker station, or the intersection of the center lines of the on course signals of the southeast leg of the Laramie, Wyo., radio range and the north leg of the Denver, Colo., radio range; the intersection of the center lines of the on course signals of the northeast leg of the Laramie, Wyo., radio range and the north leg of the Cheyenne, Wyo., radio range; Douglas, Wyo., radio range station; Casper, Wyo., radio range station; Sheridan, Wyo., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Billings, Mont., radio range and the southeast leg of the Lewistown, Mont., radio range; Lewistown, Mont., radio range station.

§ 601.4014 *Amber civil airway No. 4 (Brownsville, Tex., to Bismarck, N. Dak.).* Brownsville, Tex., radio range station; the intersection of the center lines of the on course signals of the north leg of the Brownsville, Tex., radio range and the southwest leg of the Corpus Christi, Tex., radio range; the Losoya, Tex., fan type radio marker station, or the intersection of the center lines of the on course signals of the west leg of the Yoakum, Tex., radio range and the southeast leg of the San Antonio, Tex., radio range; San Antonio, Tex., radio range station; Austin, Tex., radio range station; Waco, Tex., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Waco, Tex., radio range and the south leg of the Fort Worth, Tex., radio range; the intersection of the center lines of the on course signals of the north leg of the Fort Worth, Tex., radio range and the southeast leg of the Wichita Falls, Tex., radio range; Marietta, Tex., fan type radio marker station, or the intersection of the center lines of the on course signals of the north leg of the Fort Worth, Tex., radio range and the south leg of the Oklahoma City, Okla., radio range; Oklahoma City, Okla., radio range station; the intersection of the center lines of the on course signals of the east leg of the Oklahoma City, radio range and the southwest leg of the Tulsa, Oklahoma, radio range; Tulsa, Oklahoma, radio range station; the intersection of the center lines of the on course signals of the southwest leg of the Chanute, Kansas, radio range and the northwest leg of the Tulsa, Oklahoma, radio range; Chanute, Kans., radio range station; St. Joseph, Missouri, radio range station; Sioux City, Iowa, radio range station; Sioux Falls, S. Dak., radio range station; Huron, S. Dak., radio range station; Aberdeen, S. Dak., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Aberdeen, S. Dak., radio range and the southeast leg of the Bismarck, N. Dak., radio range.

§ 601.4015 *Amber civil airway No. 5 (New Orleans, La., to Milwaukee, Wis.).* Tylertown, Miss., radio range station; Jackson, Miss., radio range station; Greenwood, Miss., radio range station; Advance, Mo., radio range station; the intersection of the center lines of the on course signals of the north leg of the St. Louis, Mo., radio range and the southwest leg of the Springfield, Ill., radio range; Springfield, Ill., radio range station; Joliet, Ill., radio range station.

§ 601.4016 *Amber civil airway No. 6 (Jacksonville, Fla., to U. S.-Canadian border.).* Jacksonville, Fla., radio range station; Alma, Ga., radio range station; Macon, Ga., radio range station; Chattanooga, Tenn., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Nashville, Tenn., radio range and the southwest leg of the Smiths Grove, Ky., radio range; Smiths Grove, Ky., radio range station; Louisville, Ky., radio range station; Cincinnati, Ohio, radio range station; the intersection of the center lines of the on course signals of the Northwest leg of the Cincinnati, Ohio, radio range and the southwest leg of the Dayton, Ohio, radio range; Hayesville, Ohio, radio marker station; Erie, Pa., ra-

dio range station; Dunkirk, N. Y., radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Erie, Pa., radio range and the southwest leg of the Buffalo, N. Y., radio range.

§ 601.4017 *Amber civil airway No. 7 (Key West, Fla., to Caribou, Maine).* Key West, Fla., radio range station; Miami, Fla., radio range station; Melbourne, Fla., radio range station; Daytona Beach, Fla., radio range station; Savannah, Ga., radio range station, Charleston, S. C., radio range station; Florence, S. C., radio range station; Raleigh, N. C., radio range station; Baltimore, Md., radio range station; Newark, N. J., radio range station; Port Chester, N. Y., fan type radio marker station, or the intersection of the center lines of the on course signals of the south leg of the New Hackensack, N. Y., radio range and the northeast leg of the Newark, N. J., radio range; Hartford, Conn., radio range station; Portland, Maine, radio range station; Augusta, Maine, radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Augusta, Maine, radio range and the southwest leg of the Bangor, Maine, radio range; Bangor, Maine, radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Bangor, Maine, radio range, and the southwest leg of the Millinocket, Maine, radio range; Presque Isle, Maine, radio range station; Caribou, Maine, radio range station.

§ 601.40201 *Red civil airway No. 1 (Portland, Oreg., to Salt Lake City, Utah).* The intersection of the center lines of the on course signals of the northeast leg of the Northdalles, Wash., radio range and the west leg of the Arlington, Oreg., radio range; Arlington, Oreg., radio range station; Pendleton, Oreg., radio range station; Baker, Oreg., radio range station; Boise, Idaho, radio range station; Burley, Idaho, radio range station; Locomotive Springs, Utah, radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Locomotive Springs, Utah, radio range and the west leg of the Ogden, Utah, radio range.

§ 601.40202 *Red civil airway No. 2 (Whitehall, Mont., to Belgrade, Mont.).* No radio fix designation.

§ 601.40203 *Red civil airway No. 3 (Philadelphia, Pa., to New York, N. Y.).* No radio fix designation.

§ 601.40204 *Red civil airway No. 4 (Dallas, Tex., to Shreveport, La.).* Tyler, Tex., radio range station.

§ 601.40205 *Red civil airway No. 5 (Sioux Falls, S. Dak., to Minneapolis, Minn.).* The intersection of the center lines of the on course signals of the south leg of the Willmar, Minnesota, radio range and the northeast leg of the Sioux Falls, S. Dak., radio range.

§ 601.40206 *Red civil airway No. 6 (Parco, Wyo., to Grand Island, Nebr.).* Laramie, Wyo., radio range station; Akron, Colo., radio range station; Hayes Center, Nebr., radio range station.

§ 601.40207 *Red civil airway No. 7 (Spartanburg, S. C., to Greensboro, N. C.).* Charlotte, N. C., radio range station.

§ 601.40208 *Red civil airway No. 8 (Concord, N. H., to Portland, Maine.).* Concord, N. H., radio range station.

§ 601.40209 *Red civil airway No. 9 (Tallahassee, Fla., to Alma, Ga.).* No radio fix designation.

§ 601.40210 *Red civil airway No. 10 (Amarillo, Tex., to Charleston, S. C.).* The intersection of the center lines of the on course signals of the east leg of the Amarillo, Tex., radio range and the northwest leg of the Clarendon, Tex., radio range; Clarendon, Tex., radio range station; Wichita Falls, Tex., radio range station; Dallas, Tex., radio range station; the intersection of the center lines of the on course signals of the east leg of the Dallas, Tex., radio range and the northwest leg of the Tyler, Tex., radio range; the intersection of the center lines of the on course signals of the north leg of the Tyler, Tex., radio range and the west leg of the Shreveport, La., radio range; Shreveport, La., radio range station; Monroe, La., radio range station; Meridian, Miss., radio range station; Birmingham, Ala., radio range station; Augusta, Ga., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Columbia, S. C., radio range and the northwest leg of the Charleston, S. C., radio range.

§ 601.40211 *Red civil airway No. 11 (Tulsa, Okla., to St. Louis, Mo.).* Neosho, Mo., radio range station; Springfield, Mo., radio range station; Spring Bluff, Mo., radio range station.

§ 601.40212 *Red civil airway No. 12 (Kansas City, Mo., to Detroit, Mich.).* Kirksville, Mo., radio range station; Burlington, Iowa., radio range station; the intersection of the center lines of the on course signals of the north leg of the Peoria, Illinois, radio range and the southwest leg of the Chicago, Ill., radio range; South Bend, Ind., radio range station; the intersection of the center lines of the on course signals of the south leg of the Lansing, Mich., radio range and the west leg of the Detroit, Mich. (Wayne County Airport), radio range.

§ 601.40213 *Red civil airway No. 13 (Westfield, Mass., to Boston, Mass.).* The intersection of the center lines of the on course signals of the south leg of the Westfield, Mass., radio range and the northwest leg of the Hartford, Conn., radio range; Providence, R. I., radio range station.

§ 601.40214 *Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.).* Rockford, Ill., radio range station; Lafayette, Ind., radio range station.

§ 601.40215 *Red civil airway No. 15 (Las Vegas, Nev., to Phoenix, Ariz.).* No radio fix designation.

§ 601.40216 *Red civil airway No. 16 (Augusta, Ga., to Charleston, S. C.).* Columbia, S. C., radio range station.

§ 601.40217 *Red civil airway No. 17 (Martinsburg, W. Va., to Baltimore, Md.).* No radio fix designation.

§ 601.40218 *Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.).* Huntington, W. Va., radio range station; Charleston, W. Va., radio range station; Elkins, W. Va., radio range station; Front Royal, Va., radio range station.

§ 601.40219 *Red civil airway No. 19 (Dayton, Ohio, to Grand Rapids, Mich.).* Fort Wayne, Ind., radio range station; the intersection of the center lines of the on course signals of the east leg of the Goshen, Ind., radio range and the northwest leg of the Fort Wayne, Ind., radio range; the intersection of the center lines of the on course signals of the north leg of the Goshen, Ind., radio range and the east leg of the South Bend, Ind., radio range.

§ 601.40220 *Red civil airway No. 20 (Detroit, Mich., to Washington, D. C.).* Akron, Ohio, radio range station; Scottdale, Pa., fan type radio marker station, or the intersection of the center lines of the on course signals of the west leg of the Buckstown, Pa., radio range, and the southeast leg of the Pittsburgh, Pa., radio range; the intersection of the center lines of the on course signals of the south leg of the Buckstown, Pa., radio range and the southeast leg of the Pittsburgh, Pa., radio range; Martinsburg, W. Va., radio range station; Herndon, Va., fan type radio marker station, or the intersection of the center lines of the on course signals of the east leg of the Front Royal, Va., radio range and the northwest leg of the Washington, D. C., radio range.

§ 601.40221 *Red civil airway No. 21 (Detroit, Mich., to Woodward, Pa.).* The intersection of the center lines of the on course signals of the southeast leg of the Detroit, Mich. (Wayne County Airport), radio range and the east leg of the Toledo, Ohio, radio range; the intersection of the center lines of the on course signals of the west leg of the Cleveland, Ohio, radio range and the northwest leg of the Akron, Ohio, radio range; the intersection of the center lines of the on course signals of the northwest leg of the Pittsburgh, Pa., radio range and the south leg of the Mercer, Pa., radio range; the intersection of the center lines of the on course signals of the northeast leg of the Pittsburgh, Pa., radio range and the north leg of the Buckstown, Pa., radio range.

§ 601.40222 *Red civil airway No. 22 (Roanoke, Va., to Gordonsville, Va.).* Lynchburg, Va., radio range station.

§ 601.40223 *Red civil airway No. 23 (Buffalo, N. Y., to New York, N. Y.).* The East Pembroke, N. Y. fan type radio marker station, or the intersection of the center lines of the on course signals of the east leg of the Bualo, N. Y., radio range and the northwest leg of the Elmira, New York, radio range; Elmira, N. Y., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Elmira, N. Y., radio range and the south leg of the Syracuse, N. Y., radio range; the intersection of the center lines of the on course signals of the northeast leg of the Allentown, Pa., radio range and the northwest leg of the New York, N. Y. (New York, LaGuardia Field), radio range; the intersection of the center lines of the on course signals of the

northeast leg of the Newark, N. J., radio range and the northwest leg of the New York, N. Y., (New York, LaGuardia Field) radio range.

§ 601.40224 *Red civil airway No. 24 (Amarillo, Tex., to Oklahoma City, Okla.).* The intersection of the center lines of the on course signals of the east leg of the Amarillo, Tex., radio range and the northeast leg of the Clarendon, Tex., radio range; the intersection of the center lines of the on course signals of the west leg of the Oklahoma City, Okla., radio range and the southeast leg of the Gage, Oklahoma, radio range.

§ 601.40225 *Red civil airway No. 25 (Daytona Beach, Fla., to Miami, Fla.).* Orlando, Fla., radio range station; Tampa, Fla., radio range station; Fort Myers, Fla., radio range station.

§ 601.40226 *Red civil airway No. 26 (New York, N. Y., to Syracuse, N. Y.).* No radio fix designation.

§ 601.40227 *Red civil airway No. 27 (Dayton, Ohio, to Detroit, Mich.).* No radio fix designation.

§ 601.40228 *Red civil airway No. 28 (Chicago, Ill., to Grand Rapids, Mich.).* The Bangor, Mich., fan type radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Chicago, Ill., radio range and the southwest leg of the Grand Rapids, Mich., radio range.

§ 601.40229 *Red civil airway No. 29 (Baltimore, Md., to Elmira, N. Y.).* Williamsport, Pa., radio range station.

§ 601.40230 *Red civil airway No. 30 (Mobile, Ala., to Jacksonville, Fla.).* Crestview, Fla., radio range station; the intersection of the center lines of the on course signals of the east leg of the Crestview, Fla., radio range and the northwest leg of the Tallahassee, Fla., radio range; Tallahassee, Fla., radio range station.

§ 601.40231 *Red civil airway No. 31 (Huron, S. Dak., to Minneapolis, Minn.).* Watertown, S. Dak., radio range station; Willmar, Minn., radio range station; the intersection of the center lines of the on course signals of the east leg of the Willmar, Minn., radio range and the northwest leg of the Minneapolis, Minn., radio range.

§ 601.40232 *Red civil airway No. 32 (San Antonio, Tex., to Houston, Tex.).* Yoakum, Tex., radio range station.

§ 601.40233 *Red civil airway No. 33 (Harrisburg, Pa., to New York, N. Y.).* No radio fix designation.

§ 601.40234 *Red civil airway No. 34 (Raleigh, N. C., to Pulaski, Va.).* No radio fix designation.

§ 601.40301 *Blue civil airway No. 1 (Pendleton, Oreg., to Spokane, Wash.).* Walla Walla, Wash., radio range station.

§ 601.40302 *Blue civil airway No. 2 (Birmingham, Ala., to Erie, Pa.).* The intersection of the center lines of the on course signals of the east leg of the Birmingham, Ala., radio range and the southwest leg of the Chattanooga, Tenn., radio range; the intersection of the center lines of the on course signals of the northeast leg of the Bristol, Tenn., radio range and the south leg of the Charleston, W. Va., radio range.

§ 601.40303 *Blue civil airway No. 3 (Memphis, Tenn., to Tampa, Fla.).* Muscle Shoals, Ala., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Muscle Shoals, Ala., radio range and the north leg of the Birmingham, Ala., radio range; Dothan, Ala., radio range station; the intersection of the center lines of the on course signals of the east leg of the Tallahassee, Fla., radio range and the northwest leg of the Cross City, Fla., radio range; Cross City, Fla., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Cross City, Fla., radio range and the north leg of the Tampa, Fla., radio range.

§ 601.40304 *Blue civil airway No. 4 (Boston, Mass., to Rouses Point, N. Y.).* The intersection of the center lines of the on course signals of the southeast leg of the Burlington, Vt., radio range and the southwest leg of the Montpelier, Vt., radio range; Burlington, Vt., radio range station.

§ 601.40305 *Blue civil airway No. 5 (Galveston, Tex., to Wichita, Kans.).* Galveston, Tex., radio range station; Navasota, Tex., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Waco, Tex., radio range and the south leg of the Dallas, Tex., radio range.

§ 601.40306 *Blue civil airway No. 6 (Abilene, Tex., to Oklahoma City, Okla.).* The intersection of the center lines of the on course signals of the northeast leg of the Wichita Falls, Tex., radio range and the south leg of the Oklahoma City, Okla., radio range.

§ 601.40307 *Blue civil airway No. 7 (Springfield, Ill., to Morse, Illinois).* Peoria, Ill., radio range station.

§ 601.40308 *Blue civil airway No. 8 (Fargo, N. Dak., to U. S.-Canadian border).* Grand Forks, N. Dak., radio range station; Pembina, N. Dak., radio range station.

§ 601.40309 *Blue civil airway No. 9 (Columbia, Mo., to LaCrosse, Wis.).* The intersection of the center lines of the on course signals of the northwest leg of the Kirksville, Mo., radio range and the south leg of the Des Moines, Iowa, radio range; the intersection of the center lines of the on course signals of the north leg of the Des Moines, Iowa, radio range, and the southwest leg of the LaCrosse, Wis., radio range.

§ 601.40310 *Blue civil airway No. 10 (Modesto, Calif., to Williams, Calif.).* The intersection of the center lines of the on course signals of the southeast leg of the Sacramento, Calif., radio range and the northwest leg of the Modesto, Calif., radio range.

§ 601.40311 *Blue civil airway No. 11 (Muscle Shoals, Ala., to Nashville, Tenn.).* No radio fix designation.

§ 601.40312 *Blue civil airway No. 12 (Northdalles, Wash., to Ellensburg, Wash.).* Northdalles, Wash., radio range station; Yakima, Wash., radio range station.

§ 601.40313 *Blue civil airway No. 13 (Lake Charles, La., to Texarkana, Ark.)* The intersection of the center lines of the on course signals of the north leg of the Lake Charles, La., radio range and the southeast leg of the Shreveport, La., radio range; the intersection of the center lines of the on course signals of the northwest leg of the Shreveport, La., radio range and the southwest leg of the Texarkana, Ark., radio range.

§ 601.40314 *Blue civil airway No. 14 (Riverside, Calif., to Bakersfield, Calif.).* The intersection of the center lines of the on course signals of the north leg of the Riverside, Calif., radio range and the southeast leg of the Palmdale, Calif., radio range; the intersection of the center lines of the on course signals of the northwest leg of the Palmdale, Calif., radio range and the southeast leg of the Bakersfield, Calif., radio range.

§ 601.40315 *Blue civil airway No. 15 (Columbus, Ohio, to Erie, Pa.).* The North Springfield, Pa., fan type radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Akron, Ohio, radio range and the southwest leg of the Erie, Pa., radio range.

§ 601.40316 *Blue civil airway No. 16 (Dillon, Mont., to Helena, Mont.).* Butte, Mont., radio range station.

§ 601.40317 *Blue civil airway No. 17 (Blythe, Calif., to Kingman, Ariz.).* Needles, Calif., radio range station; the intersection of the center lines of the on course signals of the north leg of the Needles, Calif., radio range, and the west leg of the Kingman, Ariz., radio range.

§ 601.40318 *Blue civil airway No. 18 (Newark, N. J., to Burlington, Vt.).* New Hackensack, N. Y., radio range station.

§ 601.40319 *Blue civil airway No. 19 (Orlando, Fla., to Melbourne, Fla.).* No radio fix designation.

The foregoing designations shall become effective, and all other designations of radio fixes heretofore made shall be repealed at, 00:01, E. S. T., January 20, 1942.

CHARLES I. STANTON,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 42-705; Filed January 24, 1942; 11:14 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Order No. 335]

PART 308—REPORTS AND RECORDS

AN ORDER PROVISIONALLY RELIEVING CODE MEMBERS FROM CERTAIN REQUIREMENTS OF §§ 308.15–308.19 IN PART 308 WITH RESPECT TO TRANSACTIONS DESCRIBED HEREIN

Section 308.15 of Part 308 requires each code member, and others, to make and file with the Division an invoice or other memorandum evidencing each sale, consignment, shipment, movement; or transfer of bituminous coal, and §§ 308.16–308.19 in Part 308 require that certain specific information respecting such transactions be filed with such invoices or memoranda.

These requirements are applicable to all transactions where the coal is shipped from the mine, except when shipment is made by truck. (Truck shipments are governed by § 308.12, and § 308.8.) They apply whether or not the coal shipped

from the mine has been exempted from the provisions of section 4 of the Act, by order of the Division or by automatic temporary exemption pursuant to section 4–A of the Act.

Several code members have requested that they be relieved from such requirements with respect to transactions hereinafter described, and especially with respect to such of those shipments where invoices are not rendered in the producer's ordinary accounting procedure. As to such transactions, there appears to be no need for the making and filing of detailed invoices or memoranda, and the Acting Director is of the opinion that the Division's purposes would be served if general reports, such as those required from non-code members by § 308.10, were filed with respect to the hereinafter described transactions, in lieu of the invoices or memoranda required by §§ 308.15–308.19.

Now, therefore, it is ordered, That § 308.15 (a) is supplemented by adding thereto the following:

§ 308.15 *Invoices, other memoranda, etc.; shipments via rail or water from mines, storage facilities, docks, etc.*— (a) *Invoices, debit, credit, or other memoranda and copies of journal entries.*

* * * * *

(4) In lieu of the invoices or other memoranda required to be filed by §§ 308.15–308.19, with respect to the transactions hereinafter described, code members may file monthly summaries of such transactions setting forth therein the same information as is required from non-code members by § 308.10. For this purpose, code members may report such transactions on and in conformity with Form B. C. D. No. 351, (prescribed for non-code members), provided a proper notation is made thereon indicating that said form is being used by the code member as authorized by this Section, or such report may be made on any other convenient form, if the information called for on Form B. C. D. No. 351 is reported.

Such monthly report shall be filed with the Statistical Bureau of the Division for the district in which the coal is produced, for each mine from which any of the said coal shall be shipped, within twenty days after the end of the reporting calendar month.

The transactions which may be reported as provided by the terms of this Order, in lieu of filing the detailed information required by §§ 308.15–308.19 are as follows:

(i) Coal shipped, transferred, or consigned from the mine to the producer of such coal when no sale of, or no transfer in title to, the coal has been made or will be made, and the coal is intended for use by the producer thereof in any business, facility, operation or other enterprise, owned, operated or maintained by the producer. (In such case, the consumer shall be designated as "Self.")

(ii) Coal shipped, transferred, or consigned from the mine to a corporation or other entity which is wholly owned by, or which wholly owns, the producing company, or where the corporation or other entity, to which the coal is consigned or shipped, and the producer are under common ownership, and when the coal is intended for use in any business, facility, operation or other enterprise owned, operated or maintained by the said corporation or other entity to which the coal is shipped, transferred or consigned. (In such case, the consumer shall be designated by name, and the code member producer shall file with the Division a list of such affiliated corporations or entities, setting forth the exact nature of the affiliation between the producer and the consumer.)

(iii) In cases where the relationship between the producer and the consumer is not within the relationships described in (i) and (ii) above, and the transactions between the producer and the consumer are, for other reasons, deemed by the producer to be not at arms' length, code members may make application to the Division for permission to report such transactions in accordance with the terms of this Order, and such permission may be granted by the Division in appropriate cases.

Except as herein otherwise provided the provisions of §§ 308.15–308.19 are in full force and effect. This section does not, in any respect, amend or modify §§ 308.8–308.10, and the reports required by said §§ 308.8 and 308.9 (Forms B. C. D. No. 349 and B. C. D. No. 350) must be filed in conformity with and at the places designated in said §§ 308.8 and 308.9. (Sec. 2 (a), 4 II (a), 4 II (g) and 10 (a); 50 Stat. 72, 77, 81, 88; 15 U.S.C. Sup. 829 (a), 833 (a), 833 (g), 840 (a))

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42–717; Filed, January 26, 1942; 11:01 a. m.]

[Docket No. A–1205]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1 and for a change in the shipping point for the coals of W. F. and A. A. O'Donnell Mine, Mine Index No. 2979, and the Fox Mine, Mine Index No. 2989; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the W. F. and A. A. O'Donnell Mine, Mine Index No. 2979, of W. F. and A. A. O'Donnell (W. F. O'Donnell), for rail shipments, shall be applicable only for shipment on the Erie Railroad from Blossburg, Pennsylvania. All allowances or adjustments required or permitted mines in Freight Origin Group No. 130 shall be applicable to all shipments of the coals of the W. F. and A. A. O'Donnell Mine, Mine Index No. 2979, of W. F. and A. A. O'Donnell (W. F. O'Donnell), from Blossburg, Pennsylvania.

It is further ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of the Fox Mine, Mine Index No. 2989, of Rimersburg Coal Mining Company, Inc., for rail shipments, shall be applicable only for shipment on the Pennsylvania Railroad from Rimersburg, Pennsylvania. All allowances or adjustments required or permitted mines in Freight Origin Group No. 90, shall be applicable to all shipments of the coals of the Fox Mine, Mine Index No. 2989 of Rimersburg Coal Mining Company, Inc., from Rimersburg, Pennsylvania.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 13, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine Index No.	Code member	Mine name	Sub-district No.	Seam	Size group 1	Size group 2	Size group 3	Size group 4	Size group 5
2643	Beulah Coal Company (Dalphon Landis)	Beulah Coal Co.	41	Pittsburgh					
3270	Forsberg, Theodore	Forsberg #2	6	D					
3235	Kasab, Michael	Drain #1	14	E					
3271	Kasab, Michael	Drain #2	14	D					
3272	Kasab, Michael	Drain #3	14	C					
3273	McCombie, Frank C. (McCombie Coal Mining Co.)	Navy Smokeless	14	D					
3236	Mills, William	Mills #4	18	D					
3274	Saxman Coal & Coke Company, The	Miller	6	D					
3275	Sherry, D. F	Saxman D	38	D					
		Riverside	8	B					

†Indicates no classifications effective for these size groups.

Note: H coals of Mine Index Nos. 3225, 3271 and 3272 of Michael Kasab, are loaded into the same car, the price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the highest price classification.

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

FOR TRUCK SHIPMENTS

Code member index	Mine Index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened, top size 3" and over	Double screened, top size 3" and under	Run of mine, modified R/M	3" and under slack	¾" and under slack
						1	2	3	4	5
Campbell & Walley (Robert Campbell)	3238	Campbell #1	8	Clearfield	E			225		
Drifting Coal Co. (Elizabeth V. Kelley)	3269	Drifting #2	8	Clearfield	B			210		
Fenton, Theodore	3287	Fenish #1	8	Clearfield	A			210	205	205
Forsberg, Theodore	3270	Forsberg #2	6	Jefferson	D			225	215	
Geist, Blake N	3200	Geist	6	Jefferson	B			220	220	
Hutzell, Christ O	963	Hutzell	41	Somerset	D			220	220	
Kasab, Michael	3235	Drain #1	14	Clearfield	E			220	220	
Kasab, Michael	3271	Drain #2	14	Clearfield	D			220	220	
Kasab, Michael	3272	Drain #3	14	Clearfield	C			220	220	
McCombie, Frank C. (McCombie Coal Mining Co.)	3273	Navy Smokeless	24	Cambria	B			230		

No. 18——2

Code member index	Mine Index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened, top size 3" and over	Double screened, top size 3" and under	Run of mine, modified R/M	3" and under slack	¾" and under slack
						1	2	3	4	5
McGuirk, J. A	3223	McGuirk	4	Clarion	B	240	215	200	190	
Morra Coal Company (John Marra)	3280	Dean #6	18	Cambria	C		220			
Matthews & Yount (H. E. Matthews)	2235	Nulton	10	Armstrong	E	250	215	210	195	185
Nicholas, G. Nicholas (Richard G. Nicholas)	3181	H. J. Myers	6	Jefferson	D	220			215	
Saxman Coal & Coke Company, The	3274	Saxman D	38	Somerset	D			200		
Sherry, D. F	3275	Riverside	8	Clearfield	B				220	
Warner, Orner & Kenneth (Orner Weiner)	2231	White Hill	40	Somerset	B				215	

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 42–696; Filed, January 26, 1942; 11:01 a. m.]

[Docket No. A-1206]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 13, 1942.

[SEAL] DAN H. WHEELER, *Acting Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3276	Antes, C. L.	Antes #2	7	D	Grampian, Pa.	PRR	45	(†)	(†)	F	(†)	(†)
3277	Beunier Coal Mining Co. (Rene D. Beunier)	Miller Run #6E	17	E	Hastings, Pa.	PRR	50	(†)	(†)	E	(†)	E
3249	Bowers, W. A., Jr.	Drummond	6	D	Walston, Pa.	B&O	112	(†)	(†)	E	(†)	(†)
3224	Cowfer, David	Cowfer	14	D & E	Osceola Mills, Pa.	PRR	45	(†)	(†)	E	(†)	(†)
3278	Freebrook Corporation	Pittshaw #30	14	E	Shelocta, Pa.	B&O	112	(†)	(†)	H	(†)	H
895	Johnstown Coal & Coke Co. (Del.) c/o C. T. McCormick	Manor #3	44	B	Vindex, Md.	W. Md.	68	H	H	H	(†)	(†)
3160	Kerr, Frederick B., Receiver of Boardman Coal Mining Co.	Boardman #4	13	A	Boardman, Pa.	NYC	44	(†)	(†)	G	H	H
3279	Potomac Big Vein Georges Creek Coal Co., The	New Bethlehem #1	4	B	New Bethlehem, Pa.	PRR	75	G	G	G	H	H
3280	Potomac Big Vein Georges Creek Coal Co., The	New Bethlehem #2	4	D	New Bethlehem, Pa.	PRR	75	G	G	G	H	H
3281	Potomac Big Vein Georges Creek Coal Co., The	New Bethlehem #3	4	E	New Bethlehem, Pa.	PRR	75	G	G	G	H	H
3282	Potomac Big Vein Georges Creek Coal Co., The	Potomac B	43	Big Vein	Barton, Md.	C&P	66	(†)	(†)	D	(†)	(†)
3239	White, Samuel J.	White	10	E	Colwell, Pa.	P&S	119	(†)	(†)	H	(†)	(†)
3243	Williams, J. M.	Williams #1	5	B	Stanton, Pa.	P&S	119	(†)	(†)	E	(†)	(†)

†Indicates no classifications effective for these size groups.

NOTE: If coals of Mine Index Nos. 3279, 3280 and 3281, of The Potomac Big Vein Georges Creek Coal Co. are loaded into the same car, the price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the highest price classification.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened, top size 2" and over	Double screened, top size 2" and under	Run of mine, modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Antes, C. L.	3276	Antes #2	7	Clearfield	D	----	----	220	----	----
Beunier Coal Mining Co. (Rene D. Beunier).	3277	Miller Run #6E	17	Cambria	E	----	----	225	----	----
Bowers, W. A., Jr.	3249	Drummond	6	Jefferson	D	----	----	225	215	205
Cowfer, David	3224	Cowfer	14	Clearfield	D & E	----	----	225	----	----
Duling, E. A.	901	Duling	44	Mineral	Bakerstown	----	----	210	----	----
Freebrook Corporation	3278	Pittshaw #30	11	Armstrong	E	----	----	210	----	----
Giacomelli, Arlo	3267	St. Clair	26	Indiana	E	----	----	210	----	----
Hoover, John	3252	Hoover	14	Centre	A	----	----	210	----	----
Johnstown Coal & Coke Co. (Del.) c/o C. T. McCormick.	895	Manor #3	44	Garrett	B	235	210	210	200	190
Jordan & Hensel (Roy Jordan)	3166	Mar-Min #1	13	Clearfield	D	----	----	230	----	----
Kerr, Frederick B., Receiver of Boardman Coal Mining Co.	3160	Boardman #4	13	Clearfield	A	----	----	210	----	----
Potomac Big Vein Georges Creek Coal Co., The.	3279	New Bethlehem #1.	4	Clarion	B	240	215	215	200	190
Potomac Big Vein Georges Creek Coal Co., The.	3280	New Bethlehem #2.	4	Clarion	D	240	215	215	200	190
Potomac Big Vein Georges Creek Coal Co., The.	3281	New Bethlehem #3.	4	Clarion	E	240	215	215	200	190
Potomac Big Vein Georges Creek Coal Co., The.	3282	Potomac B	43	Allegany	Big Vein	----	----	230	----	----
Tasker Coal Company (Edward J. Tasker).	3266	Julia Moon	44	Garrett	C'	----	----	210	----	----
White, Samuel J.	3239	White	10	Armstrong	E	----	----	215	----	----
Williams, J. M.	3243	Williams #1	5	Jefferson	B	----	----	225	----	----

[F. R. Doc. 42-694; Filed, January 23, 1942; 11:01 a. m.]

[Docket No. A-1226]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 13, 1942.

[SEAL] DAN H. WHEELER, *Acting Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3293	Acey, Mike	Penn #10	14	D	Osceola Mills, Pa.	PRR	45	(†)	(†)	E	(†)	(†)
3294	Acey, Mike	Penn #11	14	E	Osceola Mills, Pa.	PRR	45	(†)	(†)	F	(†)	(†)
3268	Beechnut Coal Co. (George A. Phillips)	Beechnut C. Co	33	B	Windber, Pa.	PRR	49	(†)	(†)	A	(†)	(†)
3295	Big Vein Coal Company of Lonaconing, Md., Inc	Castle G #3	43	Big Vein	Lonaconing, Md.	W. Md.	67	(†)	(†)	D	(†)	(†)
3256	C. & K. Coal Co. (George Colborn)	C. & K. Coal Co	35	D	White Bridge, Pa.	B&O	100	(†)	(†)	F	(†)	(†)
3241	Lyda, W. J. (Lyda Coal Co.)	Lyda #2	28	B	Bolivar, Pa.	PRR	82	(†)	(†)	G	(†)	(†)
2718	McCollough, I. G	Harvey	1	A'	Reidsburg, Pa.	NYC	30	G	G	G	G	G
272	Walker, John D	Leland #1	19	D	Beccaria, Pa.	PRR	48	(†)	(†)	(*)	B	B

†Indicates no classifications effective for these size groups.
*Indicates coal in this size group previously classified and priced.

[Docket No. A-1240]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 1051 FOR TRUCK SHIPMENT

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of Mine Index No. 1051 in District No. 10 for truck shipments:

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 15, 1942.

DAN H. WHEELER,
Acting Director.

[SEAL]

FOR TRUCK SHIPMENTS

§ 321.24 *General prices—Supplement T*

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened, top size 2" and over	Run of mine, mod. size 2" and under	Double screened, top size 2" and under	2" and under slack	¾" and under slack
						1	2	3	4	5
Acey, Mike	3293	Penn #10	14	Clearfield	D		225			
Acey, Mike	3294	Penn #11	14	Clearfield	E		220			
Beechnut Coal Co. (George A. Hill)	3295	Beechnut C. Co.	33	Somerset	B		240			
Big Vein Coal Company of Lonaconing, Md., Inc.	3296	Castle G #3	43	Allegany	Big Vein		220			
O. & K. Coal Co. (Henry Orlebal)	3297	O. & K. Coal Co.	35	Fayette	D		220			
Orlebal, & Luts Coal Co. (James Orlebal)	3301	O. & L.	1	Clarion	A'	240	215	200	195	
Huntington, R. W.	3251	Huntington	4	Clarion	B	240	215	200	190	
Leahey Brothers (Harry M. Leahey)	3250	Leahey Bros. #1	31	Cambria	B		240			
Loper, Hayward & Clearance (Edward Loper)	3302	Loper	3	Tioga	E		200			
Lyda, W. J. (Lyda Coal Co.)	3241	Lyda #2	28	Indiana	Bakerstown		215			
Miller, H. O.	3258	Miller #2	18	Carbon	Buck		220			
Scott Brothers Coal Co.	3299	Scott Bros. #2	19	Clearfield	D		220	220	220	
Walker, John D.	3276	Leland #1	20	Cambria	E		220	(*)		
Wertz, J. E. & Frank Malloy (J. E. Wertz)	3257	Arbutus								
Zaccari Coal Co.	3300	Servey #7	1	Clarion	B	245	220	220	210	200

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 42-695; Filed, January 23, 1942; 11:00 a. m.]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipments into all market areas*—Supplement T

Code member index, name	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION No. 8																																
MADISON COUNTY																																
Sunset Hill Coal Company	1051	Sunset Hill	6																	185	180	180	180	180	170	170	160	125				

The above f. o. b. mine prices apply loaded in transportation facilities f. o. b. Midwest mine washer, Mine Index No. 69, of the Midwest Radiant Corporation, located at Millstadt, Illinois.

[F. R. Doc. 42-696; Filed, January 23, 1942; 11:01 a. m.]

[Docket No. A-1049]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 13

An Order Granting Temporary Relief and Conditionally Providing for Final Relief was issued in the above matter on October 17, 1941, 6 F.R. 5672, establishing a minimum price, for truck shipments, of $2.20 per net ton for coals in Size Group 23 produced from certain mines in the Black Creek Seam in Cullman, Marion, and Walker Counties, Alabama, and a minimum price, for truck shipments, of $2.10 per net ton for coals in Size Group 23 produced from certain mines in the Pratt and Corona Seams in Walker County, Alabama, and a minimum price for truck shipments of $1.80 per net ton for coals in Size Group 23 produced from certain mines in the American Seam in Walker County, Alabama.

By Order of the Director dated October 17, 1941, 6 F.R. 5837, in Docket No. A-504, a minimum price of $2.25 per net ton was established, for truck shipments, for the coals in Size Group 23 of all mines in the Black Creek Seam in Cullman, Marion, and Walker Counties, Alabama, and a minimum price of $2.20 per net ton, for truck shipments, for the coals in Size Group 23 of all mines in the Pratt, Corona, and American Seams in Walker County, Alabama.

It appears that the minimum prices established in this proceeding for coals in Size Group 23, for truck shipments, produced from certain mines in the Black Creek Seam in Cullman, Marion, and Walker Counties, Alabama, and for coals in Size Group 23, for truck shipments, produced from certain mines in the Pratt, Corona, and American Seams in Walker County are improper and should be the same as those established in Docket No. A-504 for analogous coals.

It further appears that it is necessary to make such changes immediately in order to maintain the fair competitive opportunities of all code members in District No. 13.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof, Supplement T-I, § 333.34 (*General prices in cents per net ton for shipment into all market areas*) in the Order of October 17, 1941, in the above-entitled matter (Docket No. A-1049) is amended as follows:

A minimum price of $2.25 per net ton is hereby established for truck shipments of the coals in Size Group 23 of all mines listed in such Order operating in the Black Creek Seam in Cullman, Marion, and Walker Counties, Alabama, and the minimum prices established in the Order of October 17, 1941, herein for coals in Size Group 23 produced at such mines are hereby rescinded; and

A minimum price of $2.20 per net ton is hereby established for truck shipments of the coals in Size Group 23 of all mines listed in such Order operating in the Pratt, Corona, and American Seams in Walker County, Alabama, and the minimum prices established in the Order of October 17, 1941, herein for coals in Size Group 23 produced at such mines are hereby rescinded.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 22, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-692; Filed, January 23, 1942; 11:00 a. m.]

[Docket No. A-1261]

PART 336—MINIMUM PRICE SCHEDULE, DISTRICT NO. 18

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF FERRO AND TROSSELLO, A CODE MEMBER IN DISTRICT NO. 18, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS, IN SIZE GROUPS 14 AND 15, OF THE FERRO MINE (MINE INDEX NO. 139) FOR SHIPMENT BY TRUCK

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals in Size Groups 14 and 15, for shipment by truck, of the Ferro Mine (Mine Index No. 139) in District No. 18; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 338.21 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 18 for Truck Shipments is supplemented to include for the coals, for shipment by truck, produced from the Ferro Mine (Mine Index No. 139) in Subdistrict 9 in District No. 18 of code member Chas. J. Ferro and M. P. Trossello, the following price classifications and minimum prices f. o. b. the mine in cents per net ton:

Size groups	14	15
Prices	350	325

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unles it shall otherwise be ordered.

Dated: January 23, 1942.

[SEAL]

DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-716; Filed, January 26, 1942; 11:02 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT

SUBCHAPTER B—PRIORITIES DIVISION

PART 921—ALUMINUM

Conservation Order—Supplementary Order No. M-1-e

Whereas national defense requirements have created a shortage of aluminum; and

Whereas the restrictions and requirements relating to the use of aluminum hereinafter set forth are necessary to conserve the supply in the interest of national defense;

Now, therefore, it is ordered, That:

§ 921.7 *Supplementary Order M-1-e*—(a) *Definitions.* For the purposes of this Order:

(1) "Aluminum" means any material the principal individual ingredient of which by either weight or volume is metallic aluminum, in ingot or similar raw form or in the form of finished or semi-finished parts, assemblies or products of any kind.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(3) "Use aluminum in manufacture" means to fabricate, melt, cast, extrude, forge, turn, spin, produce or process in any other way, to assemble or incorporate in assemblies or other products, or to consume or otherwise use in the course of manufacture, any Aluminum; but does not include the installation of a finished product or repair part for the ultimate consumer.

(b) *Use of aluminum prohibited except in the manufacture of items, or for the*

uses, specified. No Person shall Use Aluminum in Manufacture except in production of the items (and the necessary material therefor), or for the uses, specified below, and then only where the use of alternate material is impracticable:

(1) *Anhydrous aluminum chloride. Provided,* That the customer certifies in writing to the manufacturer that such chloride will be used in the production of dyes for defense textiles, or in the production of high-octane gasoline, tear gas, nylon, or pharmaceuticals. Only low-grade Aluminum which has not been debased shall be used for this purpose.

(2) *Chemical processing equipment for use in manufacturing plants. Provided,* That the customer certifies in writing to the manufacturer that chemical action makes the use of other material impracticable.

(3) *Commercial aircraft. Provided,* That the customer certifies to the manufacturer that such aircraft are being produced in the fulfillment of orders bearing A–10 or higher priority ratings.

(4) *Containers for intravenous solutions and blood.*

(5) *Fixed electrolytic and paper condensers, excluding cans. Provided,* That the customer certifies in writing to the manufacturer that such condensers will not be used in new radio receiving sets. They may be used to replace defective condensers in existing radio receiving sets.

(6) *Match plates, patterns and snap flasks. Provided,* That the customer certifies in writing to the manufacturer that they will be used as an aid to manufacture where light weight and strength are essential in production in the fulfillment of orders bearing priority ratings higher than A–2. Only low-grade Aluminum which has not been debased shall be used for this purpose.

(7) *Orthopedic equipment. Provided,* That light weight is vital to the operation of the equipment.

(8) *Pistons for engines of trucks* (1½ tons or over), heavy duty tractors, diesel engines, and engines in portable fire fighting equipment. Only low-grade Aluminum which has not been debased shall be used for this purpose.

(9) *Repair and maintenance parts* for mechanical or electrical equipment used domestically or in industry: *Provided,* That the manufacturer certifies in writing to the Office of Production Management, Ref: M–1–e, that parts made of other material cannot be used and that an equivalent weight of similar defective Aluminum parts has been returned by the ultimate consumer and disposed of as provided in Supplementary Order M–1–d. Only low-grade Aluminum which has not been debased shall be used for this purpose.

(10) *Welding rods.*

(11) *X-ray tube housings.*

(12) *Steel industry.* Aluminum may be used as a de-oxidizer or alloying agent in the manufacture of steel. The total amount so used during any month shall not exceed .03 of 1% by weight of the amount of carbon steel, and .1 of 1% by weight of the amount of alloy steel, produced during such month. Also, the amount used in deep drawing steel shall in no case exceed .1 of 1% by weight of any such steel produced. Only low-grade Aluminum which has not been debased may be used for de-oxidizing purposes.

(13) *Thermit reaction.* Aluminum may be used in the manufacture of thermit powders and ferroalloys where and to the extent that the use of any other material is not possible.

(14) *Manufacture of zinc base alloy.* Aluminum may be used in the manufacture of zinc base alloy but only to the extent of 2% by weight of the amount of zinc base alloy produced during any month. Only low-grade Aluminum which has not been debased may be used for this purpose.

(15) *Manufacture of other alloys.* Aluminum may be used in the manufacture of other alloys, but the amount so used in any month shall not exceed 12% by weight of the amount of such alloys produced during such month. Only low-grade Aluminum which has not been debased may be used for this purpose.

(c) *General exception.* The prohibitions and restrictions contained in (b) above shall not apply to the Use of Aluminum in the Manufacture of any item (or the necessary material therefor) which is being produced under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, Coast Guard, Civil Aeronautics Authority, National Advisory Committee for Aeronautics, the Office for Scientific Research and Development, or any foreign country pursuant to the Act of March 11, 1941, "An Act to Promote the Defense of the United States" (Lease-Lend Act), if, but only if, in any such case, the use of Aluminum to the extent employed is required by the specifications of the prime contract.

(d) *Limited exemption for uses of aluminum in manufacture specifically authorized.* Notwithstanding the provisions of (b) above, Aluminum, which has been or is received pursuant to an allocation or other specific authorization issued by the Director of Priorities subsequent to October 31, 1941, and prior to the effective date of this Order, may be Used in Manufacture for the particular purpose so authorized.

(e) *Relief.* Any Person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Aluminum conserved, or that compliance with this Order would disrupt and impair a program of conversion from non-defense to defense work, may appeal to the Office of Production Management, Ref: M–1–e. Such appeal shall be made by letter, marked "Appeal. Ref: M–1–e," identifying the answers to the following points by number corresponding to the numbers specified as follows:

(1) Applicant's name, address, and general type of business.

(2) Quantity, form, grade, and specific alloy of Aluminum covered by appeal, valued at $-----

(3) Whether he has the Aluminum on hand, from whom and when obtained, or his prospective source of supply and when delivery is required.

(4) If the applicant has pending or intends to file application for other material for the same part or use for which the Aluminum is required, list for such application:

(i) Name of supplier.
(ii) Name and description of material.
(iii) Name and date of application.

(5) The part to be fabricated out of, or other use to be made of the Aluminum by the applicant, and the promised delivery date, and value.

(6) If a preference rating has been assigned to the part, state the preference rating, certificate number, and identify the contract or order and the customer.

(7) The product into which such part will be incorporated and the end use to be made thereof, by others.

(8) The reasons in detail why alternate material cannot be used; identifying any Government specification which may be involved;

(9) Total amount of Aluminum on hand, and the amount of Aluminum on hand of the particular type covered by appeal;

(10) Specific substitutions for Aluminum accomplished to date, the amount of Aluminum saved per month with relation to former consumption, further substitutions and savings in prospect and when to be made effective; and results of contact with the Bureau of Industrial Conservation of the Office of Production Management;

(11) (i) Total number of workers and total number of man hours worked in the last full week preceding the date of appeal;

(ii) Number of man hours, in total, that would be furnished by use of material covered by the appeal, and that could not be furnished if appeal is denied.

The granting of any appeal shall constitute sufficient authorization for the use of Aluminum in question.

(f) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(g) *Violations.* Any Person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Effective date.* This Order shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941; 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 23rd day of January, 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–721; Filed, January 26, 1942; 11:27 a. m.]

PART 1026—PRODUCTION OF CHEMICALS; MAINTENANCE, REPAIR AND OPERATING SUPPLIES

Preference Rating Order, P–89

Preference Rating Order. For the purpose of facilitating the acquisition of Materials, in the public interest and to promote the national defense, for the Maintenance, Repair and Operation of plants and equipment used by Producers of Chemicals, preference ratings are hereby assigned to deliveries of such Materials on the terms hereinafter set forth.

§ 1026.1 *Preference Rating Order P–89—(a) Definitions.* For the purposes of this Order:

(1) "Producer" means any person (provided he shall have received a serial number from the Chemicals Branch, Office of Production Management, in accordance with the provisions of paragraph (d) (1) hereof) operating a plant physically situated within the limits of the United States, its territories and possessions, and actually engaged in the production of chemicals.

(2) "Material for Repair, Maintenance and Operation" means Material (including any commodity, equipment, accessories, parts, assemblies, or products of any kind) which is generally carried as Producer's stores and charged to operating expense accounts and which is required for repair or maintenance of the Producer's plant, or operating supplies, consumed in the production of chemicals, in the amounts required to sustain the Producer's level of operation.

(3) "Supplier" means any person with whom a contract or purchase order has been placed for delivery, to the Producer or to another Supplier, of Material for Repair, Maintenance and Operation.

(4) "Maintenance" means the minimum upkeep necessary to continue the working condition of the Producer's plant at its present rate of production.

(5) "Repair" means the restoration of the Producer's plant to a sound working condition after wear and tear, damage, destruction or failure of parts, or the like, have made it unfit or unsafe for service.

(b) *Assignment of preference rating.* Subject to the terms of this Order, the following preference ratings are hereby assigned, but nothing herein contained shall prevent the use of any other or higher rating to which any Person shall be entitled by reason of any other preference rating certificate or Order:

(1) A–1–a to deliveries to the Producer of Material for Repair when and only when there has been an actual breakdown or suspension of operations in the Plant;

(2) A–1–c to deliveries to the Producer of Material for Repair up to the minimum required to make reasonable advance provision to avert an immediately threatened breakdown or suspension of operations in the Plant;

(3) A–3 to deliveries to the Producer, of other Material for Repair, Maintenance or Operation;

(4) A–3 to deliveries, to a Supplier, of any Material for Repair, Maintenance or Operation which is to be delivered by him or by another Supplier to the Producer under a rating assigned above, or which will be used within the limitations of paragraph (e) to replace in a Supplier's inventory Materials so delivered.

(c) *Persons entitled to apply preference rating.* The preference ratings hereby assigned may, in the manner and to the extent hereby authorized, be applied by:

(1) the Producer;

(2) any Supplier of Material to the delivery of which a preference rating has been applied as provided in paragraph (f).

(d) *Restrictions upon application of ratings by the producer.* (1) A Producer shall not apply any preference rating assigned by paragraph (b) until (i) he shall have filed with the Chemicals Branch, Office of Production Management, a statement in the form prescribed by said Branch, setting forth, among other things, amounts of Material used for Repair, Maintenance and Operation for the first six months of the calendar year 1941, inventories of such Material on December 31, 1940, and on June 30, 1941, and further stating that he accepts the terms and conditions of this Order.

(ii) he shall have received from the Chemicals Branch, Office of Production Management, a Serial number which shall thereafter be endorsed on all purchase orders or contracts for Material by him or for his account which are rated pursuant to this Order.

(2) The Producer shall not apply any preference rating assigned by (b) (1) or (2) above to deliveries of Material to replace other Material withdrawn from his inventory or stores for Maintenance, Repair, or Operation.

(3) The Producer shall not apply any preference rating assigned by (b) (3) above if, in view of the current rate of consumption of his inventory and stores for Repair and Maintenance or Operation, the delivery of the Material to be rated would increase such inventory or stores above the minimum permitted as provided in (g) below.

(4) The Producer shall not apply any preference rating hereunder unless the Material to be delivered cannot be secured when required without such rating.

(5) The Producer shall not apply any preference rating hereunder to obtain scarce Material, the use of which can be eliminated without serious loss of efficiency by the substitution of less scarce Material or by simplification of design.

(e) *Restrictions upon application of ratings by the supplier.* (1) No Supplier shall extend any preference rating hereunder assigned by (b) (1), (2), or (3) above. A Supplier may extend the preference rating hereunder assigned by (b) (4) above under the following conditions:

(i) No Supplier may apply the rating to obtain Material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder, or, within the limitations of (ii) and (iii) below, to replace in his inventory Material so delivered. He shall not be deemed to require such Material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(ii) A Supplier who supplies Material which he has in whole or in part manufactured, processed, assembled or otherwise physically changed may not apply the rating to restore his inventory to a practicable working minimum unless he applies the rating before completing the rated delivery which reduces his inventory below such minimum.

(iii) A Supplier who supplies Material which he has not in whole or in part manufactured, processed, assembled or otherwise physically changed may, in restoring his inventory to a practicable working minimum defer applications of the rating hereunder to purchase orders or contracts for such Material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided,* That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(f) *Application of preference rating.* (1) The Producer or any Supplier, in order to apply a preference rating assigned hereunder to deliveries to him must (i) furnish one copy of Preference Rating Order No. P–89 with the attached form of acceptance thereof unsigned, to each of his Suppliers with whom he places a contract or purchase order for Material to the delivery of which he elects to apply the preference rating. After one such copy, regardless of Serial Number, has been furnished to a particular Supplier, no additional copy need be furnished to that Supplier to cover any subsequent application of any preference rating assigned hereunder; and

(ii) Endorse on each purchase order or contract which is covered by the rating assigned hereunder, a statement in the following form, manually signed by an

official duly authorized for such purpose, specifying the rating assigned and the appropriate Serial Number or Numbers:

Preference Rating A-------- is applied hereto under Preference Rating Order No. P-89, Serial No.(s). --------, with the terms of which Order the undersigned is familiar.

(Name of Producer or Supplier)

By ---

(Duly Authorized Official)

(2) A Supplier who has received from two or more Producers or Suppliers endorsed purchase orders or contracts for Material to the delivery of which the same rating has been applied in accordance with this Order, may (within the limitations of paragraph (e) hereof) include in a single purchase order or contract any or all of the Material which he in turn requires to make such rated deliveries, but must specify in the endorsement on such single purchase order or contract all of the Serial Numbers contained in the purchase orders or contracts which have been so received by him and to fill which he is applying the preference rating.

(3) In addition to the foregoing requirements, the Producer shall not apply any preference rating assigned by (b) (1) or (2) above unless he shall have communicated with the Office of Production Management, Ref: P-89, describing the Material needed for Repair, the facilities involved, the nature of the emergency, and shall have received from the Director of Priorities a specific authorization to apply such rating. Such application for authorization may be made by telegram.

(4) In addition to the foregoing requirements, a Supplier (but not a Producer), before he first applies the preference rating assigned hereunder to deliveries to him, must accept Preference Rating Order No. P-89, by executing the form of acceptance attached at the end hereof, and file it with the Office of Production Management. No additional acceptance need be filed for any subsequent application of Preference Rating Order No. P-89, regardless of the Serial Number under which or of the name of the Producer to whom it is issued.

(g) *Inventory provisions.* The Producer shall not accept deliveries (whether rated hereunder or not) of Material for Repair and Maintenance or Operation which will increase the inventory or stores available to the Producer for such purposes to an amount greater than the minimum necessary for Repair and Maintenance and to sustain the current level of operations of the Producer, and the ratio of such inventory and stores to current operations shall in no event exceed the ratio of average inventory to average operation for the years 1938, 1939, and 1940.

(h) *Resale of material prohibited.* Except with specific permission of the Office of Production Management, a Producer shall not resell any Material acquired for Repair, Maintenance or Operating supplies (whether or not obtained pursuant to rating assigned by this Order): *Provided,* That nothing herein contained shall prohibit sale by the Producer of used material acquired prior to the effective date of this Order.

(i) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, the Producer and each Supplier, placing or receiving any purchase order or contract rated hereunder, shall each retain, for a period of two years, for inspection by representatives of the Office of Production Management, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such manner that they can be readily segregated for such inspection.

(j) *Reports.* The Producer and each Supplier who in any month applies a preference rating assigned hereunder, shall, on or before the 15th day of each month, file on forms to be prescribed hereafter, such reports as may be required by the Office of Production Management. Until further notice, the Producer and each Supplier shall file Form PD-81 (or at his election, Form PD-81-a, accompanied by copies of all endorsed purchase orders or contracts for material to which the preference rating has been applied by him during the preceding month) on or before the 15th day of each month.

(k) *Communications to Office of Production Management.* Acceptances of this Order, all reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: Office of Production Management, Washington, D. C., Ref: P-89.

(l) *Violations.* Any person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(m) *Revocation or amendment.* This Order may be revoked or amended at any time as to the Producer or any Supplier. In the event of revocation, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the Producer or Supplier affected by such revocation.

(n) *Conservation and standardization.* Every person affected by this Order shall use his best efforts to effectuate conservation of materials by elimination, simplification or standardization of types, sizes or forms or otherwise, and shall cooperate in any program developed for such purpose by the Office of Production Management. The Director of Priorities may from time to time issue specific directions as to conservation, elimination and standardization.

(o) *Relief.* If the sound working condition of a Producer is adversely affected by any provision or application of this Order or by inability to obtain Material essential for Maintenance or Repair, the Producer may apply for relief to the Director of Priorities. The Director of Priorities may thereupon take such action as he deems appropriate.

(p) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provision of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(q) *Effective date.* This Order shall take effect on the date specified in the heading hereof, and shall continue in effect until revoked. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 23d day of January, 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

SUPPLIER'S ACCEPTANCE OF PREFERENCE RATING ORDER NO. P-89—MATERIAL FOR REPAIR, MAINTENANCE, AND OPERATION OF PRODUCERS OF CHEMICALS

(Before signing this acceptance, read carefully the terms of the foregoing Order.)

To: Office of Production Management, Washington, D. C. Ref: P-89.

The undersigned has received a purchase order or contract containing an endorsement in the form provided in Preference Rating Order No. P-89. For the purpose of applying to deliveries to the undersigned the rating assigned by said Order, the undersigned hereby accepts said Order and agrees to be bound by the terms and conditions thereof.

Dated this ------ day of ---------- 1942.

Legal Name of Supplier

By ---

Signature of Duly Authorized Official

Title

Address of Supplier

(Section 35 (A) of the Criminal Code (18 U.S.C. 80) makes it a criminal offense to make a false statement or representation to any Department or Agency of the United States as to any matter within its jurisdiction.)

INSTRUCTIONS

The requirements for furnishing copies of the foregoing Order to Suppliers and for execution of the above form of acceptance by Suppliers are set out in detail in paragraph (f) of the Order. Copies may be obtained for such purpose from the Office of Production Management, Washington, D. C.; or Producers or Suppliers required to furnish the copies may make them by photo-offset or similar photographic process. Such copies must be identical in size and every other respect with the Order and acceptance as issued by the Office of Production Management.

Copies furnished to Suppliers by Producers or other Suppliers, pursuant to the requirements of paragraph (f) of the foregoing Order, should have the form of acceptance left blank for execution by the Suppliers to whom they are furnished.

[F. R. Doc. 42-720; Filed, January 26, 1942; 11:26 a. m.]

PART 1053—FATS AND OILS

Amendment No. 1 to General Preference Order M-71[1] to Conserve the Supply and Direct the Distribution of Fats and Oils

Section 1053.1 (*General Preference Order M-71*) is hereby amended in the following respects:

(1) Paragraph (b) is hereby amended to read as follows:

§ 1053.1 *General Preference Order M-71.*

* * * * *

(b) *Additional definitions.* For the purposes of this Order:

(1) "Fats and oils" means all the raw, crude and refined fats and oils, their by-products and derivatives, including all fat or oil bearing material, whether vegetable or animal, and greases, except essential oils, mineral oils, butter, cake, meals, hulls and linters.

(2) "Manufacturer" means any person who purchases any fats or oils for use in the manufacture of any finished fat or oil product, other than products produced in the home for home consumption, and shall also include, but solely for the purposes of paragraph (c), all other persons directly controlling or controlled by such person, and all persons under direct or indirect common control with such person, but the term shall not include any person engaged solely in the crushing of any seed, bean, nut or corn, or other vegetable oil bearing material, or any person rendering any fat bearing animal material, except as to any such person's operations which result in the direct production of a finished fat or oil product in the form sold through wholesale or retail channels for individual consumption.

(3) The "Inventory" of a manufacturer at any time shall include all fats and oils held or controlled by him and all fats and oils purchased by him for future delivery.

(4) The "Finished inventory" of a manufacturer shall include all finished fats and oil products held or controlled by the manufacturer.

(5) "Finished fats and oil products" mean all the products of a manufacturer produced for sale as his finished products and carried on his books as his finished products.

(2) Paragraph (c) is hereby repealed and a new paragraph (c) substituted therefor reading as follows:

(c) *Restrictions on processing and inventories.* (1) Unless specifically authorized by the Director of Priorities, no manufacturer shall hereafter change the condition of any fat or oil in his raw materials inventory, or add any additional materials thereto, except to the extent necessary to store any such fat or oil in his raw materials inventory in a form necessary to prevent deterioration thereof or except to put such fats or oils into process for the manufacture of his finished fats and oils products, subject to the limitations of paragraph (c) (2). Nothing contained in this paragraph shall be construed to limit the amount of fats and oils which may be held by any manufacturer in his raw materials inventory.

(2) Unless specifically authorized by the Director of Priorities, no manufacturer shall hereafter increase the rate at which fats and oils are put into process by him, except to the extent necessary to meet the required deliveries of his finished fats or oils products and to maintain only a practicable minimum working inventory of such finished fats or oils products. The term, "practicable minimum working inventory" is to be strictly construed. The mere fact that the turn-over has increased, or that materials are difficult to obtain, does not justify maintaining inventories above the minimum at which his operations can be continued.

(3) Paragraph (d) is hereby repealed and a new paragraph (d) is substituted therefor reading as follows:

(d) *Control of stocks of fats and oils.* Control is hereby taken of the distribution and use of fats and oils. Any fat or oil at any time hereafter in the raw materials inventory of any manufacturer, or in the inventory of any other Person, shall be sold and delivered by such manufacturer or other Person as specifically directed in any Order of the Chairman of the War Production Board or the Director of Priorities, which may be issued whenever the Chairman of the War Production Board or the Director of Priorities, as the case may be, shall determine that a shortage of such particular fat or oil for defense, for private account, and for export, renders it necessary or appropriate so to allocate such fat or oil, in the public interest or to promote the national defense, by so directing its sale and delivery by such manufacturer or other Person. Any such sale shall be made at a price determined in accordance with the applicable provisions relating to such specific Orders in the appropriate Price Schedule of the Office of Price Administration. No manufacturer or other Person shall dispose of or use any fats or oils in a manner incopsistent with any such Orders.

* * * * *

(4) Paragraph (e) is hereby repealed.

(5) Paragraph (f) is hereby repealed and a new paragraph (f) is substituted therefor reading as follows:

(f) *Reports.* Every manufacturer or other Person owning any fats or oils shall report to the Office of Production Management his inventories of each such fat or oil, and every manufacturer shall report his inventories of finished fats and oils products, at such times and upon such form or forms as the Director of Priorities or the Chairman of the War Production Board hereafter may prescribe.

* * * * *

(6) Paragraph (j) is hereby amended by striking out the date "January 31, 1942," and substituting therefor the date "July 31, 1942."

(7) This Amendment shall take effect immediately, and shall terminate at the close of business on July 31, 1942. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 24th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-716; Filed, January 26, 1942; 11:26 a. m.]

PART 1055—WOOL

Interpretation No. 1 of Conservation Order No. M-73[1]

The following official interpretation is hereby issued by the Director of Priorities with respect to § 1055.1 (*Conservation Order M-73*) issued January 3, 1942.

(a) The phrase, "and related fibers" as used in paragraph (e) (5) (i) of Conservation Order No. M-73, means related fibers of a fineness comparable to the fibers from the fleece of a sheep or lamb, or hair of the Angora or Cashmere goat, or camel or of the alpaca, llama, or vicuna. The phrase, therefore, does not include such fibers as common goat hair, Kempy Cape, Cabretta and Djeddah hair, cattle hair, horse hair, or furs.

(b) The phrase, "wools known as carpet wools," as used in the said paragraph (e) (5) (i), shall mean: Donskoi, Smyrna, Cordova, Valparaiso, Ecuadorean, Syrian, Aleppo, Georgian, Turkestan, Arabian, Bagdad, Persian, Sistan, East Indian, Thibetan, Chinese, Manchurian, Mongolian, Egyptian, Sudan, Cyprus, Sardinian, Pyrenean, Oporto, Iceland, Scotch Blackface, Black Spanish, Kerry, Haslock, and Welsh Mountain; similar wools without merino or English bloods; all other wools of whatever blood or origin not finer than 40s; and the hair of the camel.

Issued this 24 day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-719; Filed, January 26, 1942; 11:26 a. m.]

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[1] 6 F.R. 6797.

[1] 7 F.R. 120.

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1334—SUGAR

AMENDMENT NO. 3 TO PRICE SCHEDULE NO. 16 [1]—RAW CANE SUGARS

Sections 1334.1 and 1334.9 are hereby amended and § 1334.12 is hereby added to read as follows:

§ 1334.1 *Maximum prices for raw cane sugars.* On and after August 14, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, except as may be provided in a supplement or supplements to this Schedule, no person shall sell, offer to sell, deliver or transfer raw cane sugars to any person, and no person shall buy, offer to buy, or accept delivery of raw cane sugars from any person, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1334.9. These prices are gross prices before discounts of any nature are deducted, and they include all commissions and all other charges.

* * * * *

§ 1334.9 *Appendix A; maximum prices for raw cane sugars.* (a) Maximum prices per pound for raw cane sugars from offshore producing areas of 96 degrees polarization duty paid cost and freight basis shall be as follows:

(1) United States Atlantic ports north of Cape Hatteras to and including New York, 3.74 cents.

(2) United States Atlantic ports north of New York, 3.76 cents.

(3) United States Atlantic ports south of Cape Hatteras and United States Gulf of Mexico ports, 3.73 cents.

(4) United States Pacific Coast ports, 3.74 cents less the customary deduction. Such deduction must be submitted to and approved by the Office of Price Administration as to amount before deliveries may be accepted.

(5) In the event that two or more ports of loading shall be used in Cuba, 0.01 cent per pound may be added to the above maximum prices.

(6) With respect to any sale of the sugars included in this paragraph (a) for forward delivery, a contract may provide for the payment of an adjusted price not to exceed the maximum price in effect at the time of arrival at quarantine at the port of destination, except that an annual or other similar long-term contract providing for several deliveries during the term of such contract may employ a method of averaging prices during such term: *Provided*, That (i) the average price for such term does not exceed a price obtained by averaging the maximum prices in effect during such term in accordance with the method employed in such contract; (ii) such contracts customarily were made between the parties thereto and such method of averaging prices was customarily used therein; and (iii) such contracts and evidence of the applicability of this exception thereto are submitted to and approved by the Office of Price Administration prior to the commission of any act in performance of such contracts.

(b) Maximum prices per pound for continental United States raw cane sugars of 96 degrees polarization shall be as follows:

(1) The maximum prices for such sugars are established at the raw sugar mill and shall be calculated by deducting from the maximum price duty paid cost and freight basis payable for Cuban sugars of like test at the nearest customs port of entry in the area in which the raw sugar mill is located the transportation charge per pound based on the published freight rate from such raw sugar mill to the refinery nearest freightwise to such raw sugar mill. This maximum price is f. o. b. the conveyance for delivery to the refinery from the raw sugar mill. The maximum price delivered to the refinery shall be this maximum raw sugar mill price plus actual transportation charges from said raw sugar mill to the refinery processing such sugar.

(2) With respect to any sale of the sugars included in this paragraph (b):

(i) A contract may provide for averaging the prices during the season in accordance with the customary method: *Provided*, That (a) the average price for the season does not exceed a price obtained by averaging the maximum prices in effect during the season in accordance with such method; and (b) the season used in determining the average price commences not later than the date fixed by the United States Department of Agriculture pursuant to the Sugar Act of 1937, as amended, as the beginning of the sugarcane marketing season and terminates not later than the date fixed by the United States Department of Agriculture pursuant to said Act as the termination of said season.

(ii) A contract may provide for the payment of an adjusted price not to exceed the maximum price in effect at the time of arrival at the buyer's warehouse or place of business. In the event that more than one delivery is made pursuant to the same contract, the adjustment of the price and the payment thereof shall be made in respect to each delivery separately.

(c) Adjustment for polarization:

The maximum prices specified herein shall be adjusted by making allowances per pound for each degree of polarization above or below 96 degrees (fractions of a degree in proportion) in accordance with the method customarily used prior to August 14, 1941. It is not required that such method be used. However, the maximum prices for the various tests shall not exceed the prices obtained by applying such method for sugars of like test.

* * * * *

§ 1334.12 *Evasion.* The price limitations established by this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of raw cane sugars, alone or in conjunction with any other commodity or material, or by way of any commission, service, transportation, or other charge, or discounts, premium, or other privilege, or by tying-agreement, or other trade understanding, or by shifting the incidence of a cost which customarily has been borne by the buyer or the seller to the other party to the contract, or by any other means.

(Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 3 shall become effective January 26, 1942.

Issued this 26th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-730; Filed, January 26, 1942; 11:46 a. m.]

[1] 6 F.R. 4063, 4371, 4843, 5469; 7 F.R. 123.

PART 1335—CHEMICALS

PRICE SCHEDULE NO. 76—HIDE GLUE

Hide glue is an essential adhesive used in the production of abrasives, furniture, printing press rollers, paper products, gum tape, rayon and matches. Abrasives produced from hide glue play an important part in the grinding and polishing of metals required in the manufacture of armaments.

As a direct consequence of expanded economic activity induced by the armament program, the demand for hide glue has risen greatly in recent months. In spite of increased production in 1941, there is a shortage of this commodity which is reflected in a sharp reduction in producers' inventories. The price of hide glue (251 gram jelly strength) in bags, carlot quantities, has increased from less than 17¢ per pound at the end of 1940 to 23¢ per pound at the close of 1941. This advance in price is only partly due to increased costs of production. Further price increases are threatened.

A major item in the cost of producing hide glue has recently been stabilized by the issuance of Price Schedule No. 68, establishing maximum prices for hide glue stock, from which hide glue is manufactured.

After investigation and conferences with members of the hide glue industry and representatives of other government agencies, the Office of Price Administration has found that maximum prices should be established for hide glue to prevent inflationary trends in the prices of hide glue and many other related commodities.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.701 *Maximum prices for hide glue.* On and after January 28, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer hide glue in quantities of 100 pounds or more, and no person shall buy, offer to buy or accept delivery of hide glue in quantities of 100 pounds or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.709.*

*§§ 1335.701 to 1335.709, inclusive issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875; 6 F.R. 1917, 4483.

§ 1335.702 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1335.703 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of hide glue, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1335.704 *Records and reports.* (a) Every person making purchases or sales of hide glue in quantities of 100 pounds or more after January 27, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the kind and size of the containers of the hide glue purchased or sold.

(b) On or before March 10, 1942, and on or before the 10th day of each month thereafter, every jobber, who during the preceding calendar month has sold hide glue in containers of 100 pounds or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affidavit sworn to by such jobber showing for such previous calendar month (1) the aggregate amounts in pounds of his purchases and sales of hide glue; (2) the aggregate amount in pounds of his sales of hide glue for which he charged prices in excess of the maximum prices for sales by producers established by this Schedule; (3) and such other information as the Office of Price Administration shall require.

(c) Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.705 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of hide glue, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.706 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with this Schedule.*

§ 1335.707 *Definitions.* When used in this Schedule, the term

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Hide glue" means hide glue, including chrome glue and coney glue, of the grades listed in Appendix A hereof;

(c) "Jobber" means a person engaged in the warehousing and reselling of hide glue, but does not include a producer of hide glue, or any person controlled by or under common control with a producer, or a person consuming hide glue in the production of materials other than adhesives.*

§ 1335.708 *Effective date of the Schedule.* This Schedule shall become effective January 28, 1942.*

§ 1335.709 *Appendix A; maximum prices for Hide Glue*—(a) *Carload lots*—(1) *Hide glue other than chrome glue and coney glue.* The following maximum prices are established for hide glue, other than chrome and coney glue, in carload lots:

[Dollars per pound, delivered]

Grade of hide glue (jelly test in grams)	Sold by producers		Sold by jobbers	
	Bags (100 lbs. or more)	Barrels	Bags (100 lbs. or more)	Barrels
100–121	$.14	$.145	$.16	$.165
122–149	.15	.155	.17	.175
150–177	.16	.165	.185	.19
178–206	.17	.175	.195	.20
207–236	.18	.185	.205	.21
237–266	.19	.195	.22	.225
267–298	.20	.205	.225	.23
299–330	.21	.215	.235	.24
331–362	.22	.225	.25	.255
363–394	.23	.235	.26	.265
395–427	.24	.245	.27	.275
428–460	.25	.255	.28	.285
461–494	.26	.265	.29	.295
495–529	.27	.275	.305	.31

(2) *Chrome glue and coney glue.* (i) The maximum prices for chrome glue and coney glue (jelly test in grams 267 or higher), in carload lots, are the maximum prices established in sub-paragraph (1) of this paragraph (a), plus 2¢ per pound.

(ii) The maximum prices for chrome glue and coney glue (jelly test in grams less than 267), in carload lots, are the maximum prices established in sub-paragraph (1) of this paragraph (a) plus 1¢ per pound.

(b) *Less than carload lots.* The maximum prices for hide glue, chrome glue and coney glue, in less than carload lots, are the maximum prices established in paragraph (a) above, plus 1¢ per pound.

(c) *Grinding of 30 mesh or finer.* The maximum prices for hide glue, chrome glue and coney glue, when ground to 30 mesh or finer, are the maximum prices established by paragraph (a) or (b) above, whichever the case may be, plus ½¢ per pound.

(d) *Containers.* No charges for containers may be added to the maximum prices established above.

Issued this 26th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-729; Filed, January 26, 1942; 11:46 a. m.]

PART 1345—COKE

PRICE SCHEDULE NO. 77—BEEHIVE OVEN FURNACE COKE PRODUCED IN PENNSYLVANIA

Maximum prices have already been established for pig iron (Price Schedule No. 10 [1]) and iron and steel scrap (Price Schedule No. 4 [2]), as well as by-product furnace and foundry coke (Price Schedule No. 29 [3]), vital elements of iron and steel costs. In the increased production of iron and steel necessitated by war requirements, beehive oven furnace coke becomes an essential raw material. Without question, the tremendous steel production achieved in 1941 would have been impossible without the greatly expanded use of beehive ovens located principally in Pennsylvania.

With only partial control of coke prices, the bidding of consumers is being diverted from by-product furnace and foundry coke now covered by a ceiling price regulation, with the creation of a constantly increasing pressure on prices of beehive oven furnace coke. A further upward movement of beehive oven furnace coke prices would unquestionably exert undue pressure on the costs and therefore the prices of iron and steel products which constitute the backbone of the war requirements. Prices of beehive oven furnace coke produced in Pennsylvania have risen during the 8-months period from January 1941 to October 1941 approximately 80¢ per ton, or about 15% of the market price. Since October 1, 1941, its price has been maintained with difficulty at $6.00 per ton f. o. b. cars ovens, Connellsville, Pennsylvania.

After full investigation and conferences with representatives of the coke industry, it has been determined that the

[1] 6 F.R. 3100.
[2] 6 F.R. 6668, 6766.
[3] 6 F.R. 4821.

establishment at this time of maximum prices for beehive oven furnace coke produced in Pennsylvania is in the interest of our national defense and the public welfare.

Accordingly, under the authority vested in me by Executive Order 8734, it is hereby directed that:

§ 1345.51 *Maximum delivered prices for beehive oven furnace coke produced in Pennsylvania.* On and after January 26, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, beehive oven furnace coke produced in Pennsylvania to any consumer, and no consumer shall buy, offer to buy or accept delivery of beehive oven furnace coke produced in Pennsylvania at a delivered price higher than $6.80 per net ton f. o. b. cars ovens Connellsville, Pennsylvania, plus the transportation charges from Connellsville, Pennsylvania, to the place of delivery as customarily computed.*

*§§ 1345.51 to 1345.59, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1345.52 *Less than maximum prices.* Lower prices than those set forth in § 1345.51 may be charged, demanded, paid or offered.*

§ 1345.53 *Evasion.* The price limitations set forth in this Schedule shall not be evaded either by direct or indirect methods in connection with a purchase, sale, barter, delivery or transfer of beehive oven furnace coke produced in Pennsylvania, alone or in conjunction with any other material, or by way of any commission, cross-billing, service, transportation, or other charge, or by way of discount, premium, or other privilege, or by way of tying agreement or other trade understanding, or otherwise.*

§ 1345.54 *Records and reports.* Every person making purchases or sales of beehive oven furnace coke produced in Pennsylvania after February 2, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price f. o. b. cars ovens at Connellsville, Pennsylvania, the price paid or received at the place of delivery and the quantity purchased or sold, and (b) the quantity of beehive oven furnace coke produced in Pennsylvania (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1345.55 *Affirmations of compliance.* On or before February 2, 1942, and on or before the 10th day following each calendar quarter thereafter, every person selling beehive oven furnace coke produced in Pennsylvania shall submit to the Office of Price Administration an affirmation of Compliance on Form 177:1 containing a sworn statement that during such quarter all sales of beehive oven furnace coke produced in Pennsylvania were made at prices in compliance with this Schedule or with any exceptions thereto or modifications therefrom. Copies of Form 177:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, such forms may be prepared by the producer submitting it.*

§ 1345.56 *Enforcement.* In the event of refusal or failure to abide by the terms and provisions of this Price Schedule, the Office of Price Administration will use its full powers of enforcement to compel remedial action and future compliance by any such violator. These powers may include steps in an appropriate court of law, such administrative remedies as may be proper, as well as the informing of the Congress and the public, and the enlisting of the cooperation of the various state or federal governmental agencies, including the procurement services of the Government. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of the price of beehive oven furnace coke produced in Pennsylvania, or of the hoarding or accumulation of unnecessary inventories of such product, are urged to communicate with the Office of Price Administration.*

§ 1345.57 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no applications will be considered unless filed by persons complying with this Schedule and other Schedules issued by the Office of Price Administration. Such applications shall be submitted in a separate letter captioned "Application for Relief from Price Schedule No. 77—Beehive Oven Furnace Coke Produced in Pennsylvania," and shall not be contained in any filing of information or prices required to be filed under this Schedule.*

§ 1345.58 *Definitions.* When used in this Schedule the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity, as well as executors, trustees in bankruptcy, receivers, and other court-appointed officers;

(b) "Beehive oven furnace coke produced in Pennsylvania" means coke produced in Pennsylvania in beehive ovens and commonly used for smelting in the ferrous and non-ferrous industries, and for other industrial purposes: *Provided*, That foundry coke when used in an iron foundry shall not be deemed beehive oven furnace coke within the meaning of this section.

§ 1345.59 *Effective date of the schedule.* This Schedule shall become effective January 26, 1942.*

Issued this 26th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-731; Filed, January 26, 1942; 11:47 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1855-FD]

IN THE MATTER OF DAVID JOPLING (CODE MEMBER), DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated August 8, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 and having been duly filed on August 11, 1941, and an amended complaint dated November 20, 1941, having been duly filed on November 25, 1941, by the Bituminous Coal Producers Board for District No. 12, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint, as amended, be held on March 10, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the State Capitol Building, Des Moines, Iowa.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint, as amended.

Notice is hereby given that answer to the complaint, as amended, must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered shall be deemed to have admitted the allegations of the complaint herein, as amended, and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, as amended, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint, as amended, filed by said complainant, alleging wilful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, David Jopling, of Runnells, Iowa, (1) during the period October 1, 1940, to January 31, 1941, both dates inclusive, sold approximately 71.48 tons of 2" x 0 coal (Size Group 8); produced at his Joplin Mine, Mine Index No. 354, located in Polk County, in District No. 12, to the Des Moines Electric Light Company, Des Moines, Iowa, at truck delivered prices ranging from $2.26 to $2.30 per net ton whereas the effective minimum price for said coal was $1.80 per net ton f. o. b. the mine. The sale and delivery of said coal was at a sales price less than the said effective minimum price, plus an amount at least equal to the actual transportation charges and other incidental handling charges from the transportation facilities at the Joplin Mine, to the point from which all such charges were assumed and directly paid by the purchaser, as set forth in the Schedule of Effective Minimum Prices for District No. 12 For Truck Shipments, and Price Instruction No. 5 as amended and contained in Supplement No. 2 in said Schedule; and (2) during the period February 19, 1941, to July 21, 1941, both dates inclusive, sold approximately 330 tons of 2" x 0 coal (Size Group 8) produced at the above-mentioned mine, to the Des Moines Electric Light Company, Des Moines, Iowa, at a truck delivered price ranging from $2.00 to $2.50 per ton, whereas the effective minimum price for said coal was $2.54 per net ton delivered to said purchaser as provided in the Schedule of Effective Minimum Prices for District No. 12, For Truck Shipments and Price Exception No. 5 of said Schedule, as amended, pursuant to Order Granting Temporary Relief in Docket No. A-69, effective February 4, 1941, and further amended and made permanent by Order of July 1, 1941, in said docket.

Dated: January 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-717; Filed, January 26, 1942; 10:59 a. m.]

IN THE MATTER OF J. W. BENNETT, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated December 5, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on December 8, 1941, by Bituminous Coal Producers Board for District No. 13, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on February 25, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Tutwiler Hotel, Birmingham, Alabama.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, whose address is Watson, Alabama, sold during the period from October 1, 1940, through December 1940 to the Tombrello Coal Company, Inc., Cardiff, Alabama, approximately 889 tons of 1½" x 0 coal produced at his McCormack Mine 13 at a price of $2.05 per ton delivered to Cardiff, Alabama, although minimum prices, temporary or final, had not been established by the Division for coal produced at that mine, resulting in violations of the Order of the Director entered in Docket No. 19 dated October 9, 1940.

Dated: January 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-712; Filed, January 26, 1942; 10:59 a. m.]

[Docket No. B-41]

IN THE MATTER OF CARL WHITTINGTON, CODE MEMBER, DEFENDANT

ORDER CANCELLING HEARING

This matter having come on for hearing on November 10, 1941 before a duly designated Examiner of the Division at a hearing room thereof at Charleston, West Virginia; and appearance having been entered for the defendant; and the cause having been continued subject to the further Order of the Director; and a Cease and Desist Order having been entered in the above-entitled matter on January 23, 1942, pursuant to the stipulation of the defendant dated November 4, 1941;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same is hereby cancelled.

Dated: January 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-714; Filed, January 26, 1942; 11:00 a. m.]

[Docket No. B-41]

IN THE MATTER OF CARL WHITTINGTON, CODE MEMBER, DEFENDANT

CEASE AND DESIST ORDER

A complaint, dated September 17, 1941, in the above-entitled matter having been filed with the Bituminous Coal Division (the "Division") pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, (the "Act") by the Bituminous Coal Producers Board for District No. 8, complainant, alleging that Carl Whittington, the defendant herein, wilfully violated the provisions of the Bituminous Coal Code (the "Code") and the effective minimum prices by selling, delivering and offering to sell, during the period October 1, 1940, to March 1, 1941, both dates inclusive, approximately 130 tons of high volatile Size Group 1, or lump over 2" coal produced by the defendant at his Haynes Mine, Mine Index No. 1429, located in the Tuppers Creek Section of Kanawha County, West Virginia, District No. 8, to various persons at prices ranging from $1.50 to $2.00 per net ton f. o. b. the said mine, whereas the effective minimum price for such coal was $2.65 per

net ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments; and the complaint herein and Notice of and Order for Hearing thereon having been duly served on the defendant on October 10, 1941; and

This matter having come on for hearing on November 10, 1941 before a duly designated Examiner of the Division at a hearing room thereof at Charleston, West Virginia; and

Appearance having been entered for the defendant; and the cause having been continued by said Examiner subject to the further Order of the Director; and

The defendant, by stipulation made November 4, 1941, the original of which is on file with the Division, having admitted the truth of the allegation contained in the complaint herein and the facts set out in said stipulation and having consented to the making and entry of this Order;

It is hereby found, That: 1. On July 1, 1938, the defendant filed with the Division his acceptance of the Code dated June 22, 1938. Said acceptance was approved by the Division to take effect as of June 30, 1938, and defendant has been ever since last mentioned date, and is now a code member in District No. 8.

2. The defendant wilfully violated the provisions of the Code and the effective minimum prices established by the Division by offering to sell, selling and delivering 130 tons of high volatile Size Group 1 or lump over 2" coal during the period October 1, 1940, to March 1, 1941, both dates inclusive, produced at his Haynes Mine, Mine Index No. 1429, located in the Tuppers Creek Section of Kanawha County, West Virginia, District No. 8, to various persons at prices ranging from $1.50 to $2.00 per net ton f. o. b. the mine, whereas this coal is classified as Size Group No. 1 and priced at $2.65 per net ton f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments.

Now, therefore, based upon the above findings and the defendant's above stipulation:

It is ordered, That the defendant, his representatives, agents, servants, employees and attorneys, and all persons acting or claiming to act in his behalf or interest, cease and desist, and they hereby are permanently enjoined and restrained from violating the Code, rules and regulations promulgated thereunder, and the effective minimum prices established by the Division;

It is further ordered, That the Division, in its discretion, may apply to the Circuit Court of Appeals of the United States within any circuit where such defendant resides and carries on business for the enforcement hereof; and

It is further ordered, That this Order shall not constitute a waiver by or in behalf of any person entitled to file a complaint under Sections 4 II (j) and 5 (b) of the Act, or either of them, or of any right which they or any of them or which the Division may have against the defendant for any penalty or forfeiture to which the defendant may be subjected by reason of any violation other than those referred to in paragraph 2 of the Findings herein, or a waiver by or in behalf of any code member of any right which he may have against the defendant under Section 5 (d) of the Act in respect to said violations.

Dated: January 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-713; Filed, January 26, 1942; 11:00 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Acting Director:

Name and Address	Date Application Filed
Fidelity Fuel Co., Inc., 2237 Bryn Mawr Ave., Philadelphia, Pa.	Jan. 14, 1942
Majestic Fuel Co., 517 Chamber of Commerce Bldg., Indianapolis, Ind.	Jan. 12, 1942
Sebald Grain & Coal Co., Curtis St. & Girard Ave., Middletown, Ohio	Jan. 16, 1942

Any district board, code member, distributor the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before February 24, 1942. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: January 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-715; Filed, January 26, 1942; 11:01 a. m.]

Office of Indian Affairs

PROCLAMATION CREATING AN INDIAN RESERVATION FOR THE INHABITANTS OF THE NATIVE VILLAGE OF UNALAKLEET, ALASKA

Pursuant to authority vested in the Secretary of the Interior by Section 2 of the Act of May 1, 1936 (49 Stat. 1250), there is reserved and designated as an Indian reservation, for the use and occupancy of the native inhabitants of the Native Village of Unalakleet, Alaska, and vicinity, the following described land, which includes 40 acres previously reserved by Executive Order of March 30, 1901, for educational purposes:

Beginning at a point in the center of the mouth of the Unalaklett River thence following the coast line of Norton Sound in a Northerly direction one (1) mile, thence due east one (1) mile, thence due south two (2) miles, thence due west to the coast line of Norton Sound, thence following the coast line of Norton Sound in a northerly direction to the mouth of the Unalakleet River and the point of beginning, except all lands claimed by The Evangelical Mission Covenant Church of America. The area described, including public and non-public lands and waters of Unalakleet River, aggregates 670 acres.

Provided, That this order shall be subject to any valid existing rights or claims acquired prior to the date hereof, and that said order shall become effective only upon its approval by a majority vote of the natives residing in the above described area, voting in the manner prescribed by the said Section 2 of the Act of May 1, 1936, supra.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

DECEMBER 10, 1941.

[F. R. Doc. 42-704; Filed, January 24, 1942; 11:14 a. m.]

DEPARTMENT OF AGRICULTURE.

Sugar Division of the Agricultural Adjustment Administration.

SUGARCANE WAGE RATES AND PRICES, PUERTO RICO

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (b) and (d) of section 301 and section 511 of the Sugar Act of 1937 (Public, No. 414, 75th Congress), as amended, notice is hereby given that a public hearing will be held at San Juan, Puerto Rico, in the Auditorium of the Ateneo, on February 3, 1942, at 9:30 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of subsection (b) of section 301 of the said act, fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1941–42 crop of sugarcane on farms with respect to which applications for payment under the act are made, and (2), pursuant to the provisions of subsection (d) of section 301 of the said act, fair and reasonable prices for the 1941–42 crop of sugarcane to be paid, under either purchase or toll agreements, by processors who, as producers, apply for payments under the said act; and to receive evidence likely to be of assistance to the Secretary of Agriculture in making recommendations, pursuant to the provisions of section 511 of the said act, with respect to the terms and conditions of contracts between producers and processors of sugarcane.

Such hearing, after being called to order at the time and place mentioned above, may, for convenience, be adjourned to such other place in the same city as the presiding officers may designate and may be continued from day to day within the discretion of the presiding officers.

G. Laguardia, John C. Bagwell, C. M. Nicholson, and J. B. Frisbie are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearing.

Done at Washington, D. C., this 24th day of January 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-708; Filed, January 24, 1942; 11:62 a. m.]

Surplus Marketing Administration.

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED MARKETING ORDER AND A PROPOSED MARKETING AGREEMENT REGULATING THE HANDLING OF MILK IN THE PHILADELPHIA, PENNSYLVANIA, MILK MARKETING AREA, PREPARED BY THE ADMINISTRATOR OF THE SURPLUS MARKETING ADMINISTRATION

Pursuant to § 900.12 (a), General Regulations, Surplus Marketing Administration, Department of Agriculture, notice is hereby given of the filing with the Hearing Clerk, in the Solicitor's Office of the Department, of this report of the Administrator of the Surplus Marketing Administration of the Department with respect to a proposed marketing order and a proposed marketing agreement regulating the marketing of milk in the Philadelphia, Pennsylvania, milk marketing area. Interested parties may file exceptions to this report with the Hearing Clerk, Room 0312, South Building, Department of Agriculture, Washington, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER.

PART I. HISTORY, ISSUES, AND CONCLUSIONS

This proceeding formally began with a petition, dated September 27, 1941, from the Interstate Milk Producers Cooperative, Inc., asking that the Secretary hold a hearing on proposed provisions of a marketing agreement and order for the Philadelphia, Pennsylvania, area. This formal request had been preceded by informal conferences and an effort on the part of the cooperative to make use of the mediation or arbitration provisions of the Agricultural Marketing Agreement Act of 1937, as amended, to meet the problems of the Philadelphia market.

On September 22, the Pennsylvania Milk Control Commission held a hearing to determine whether or not it should join with the Secretary in holding a hearing. The Commission made no formal order after this hearing, but, subsequent to the Secretary's notice of hearing, gave notice of joining in the hearing which was conducted as a joint hearing throughout.

Notice of hearing was issued, October 10, 1941, and the hearing formally convened October 23, pursuant to the notice.

It then appearing that the Pennsylvania Milk Control Commission had held a hearing for the same area during the previous week, and that a number of witnesses and interested parties among the distributors of milk were out of the city attending their International Convention, the taking testimony started October 28. The hearing proceeded during the periods October 28–October 31, November 10–November 14, November 17–19, November 28, and December 1–December 5. During the remainder of the elapsed time in the period October 28–December 5, the hearing was recessed. The total elapsed time was 42 days, during which the hearing was in session 18 days and covered 3,110 typewritten pages of transcript of testimony, with about 200 separate exhibits.

The hearing was marked by extensive argument. Milk dealers were represented by counsel, all of whom took the position that the Secretary had no jurisdiction to issue an order, and, at the end of the hearing, moved for the dismissal of the petition.

Time for filing briefs was set at the closing of the hearing, to expire at the close of business December 22. The Pennsylvania Milk Control Commission filed a brief in opposition to the initiation of a program by the Secretary for the whole Philadelphia market, but expressed a desire for an order which would regulate that part of the Philadelphia supply originating in States other than Pennsylvania. The brief notified the Department of the approval by the Governor of Order No. A–79, to become effective January 1, 1942. This order is based on the hearing held by the Commission October 15, 1941, and was issued by the Commission November 18, 1941. Each of the groups of milk dealers filed briefs summarizing their positions and arguments against regulation, and the Interstate Milk Producers' Cooperative, Inc., filed an extensive brief urging the granting of its petition.

The underlying issue in this proceeding is whether the Secretary shall issue an order. Directly subordinate to that issue is the question of whether an order should be issued which is concurrent with, displaces, or is complementary to the regulation of the Pennsylvania Milk Control Commission.

It is concluded from the record that an order be issued and a marketing agreement offered to the handlers which will regulate all persons who sell milk in an area prescribed as the Philadelphia marketing area, irrespective of whether such milk originates in the Commonwealth of Pennsylvania or elsewhere. By this means, orderly marketing conditions will be promoted and preserved and the policy of the act be effectuated.

From the conclusion on the overlying issue, several principal issues assume prominence from the record, with respect to the content of the order that might be made by the Secretary as follows:

1. What constitutes the most practical marketing area, and what constitutes its supply of fluid milk which should be regulated?
2. At what level shall minimum class prices be fixed?
3. By what method shall the proceeds of these minimum class prices be distributed to producers?

On these issues, it is concluded from the record as follows:

1. The marketing area should be the city of Philadelphia and contiguous townships into which the residential and urban development runs without intervening rural areas, and that the supply of milk is that delivered by farmers to plants shown to have been the principal sources up to now, unless the plant is later withdrawn by the operator, and any other plant which ships milk for as much as 20 days during a particular month.

2. Parity prices calculated from some part or all of the period August 1919–July 1929, the period for which there is far more information and greater comparability than for the period 1910–1914, are unreasonable in view of present conditions and make it necessary to fix prices, under section 8c (18) of the act, such that farmers will receive a price for milk produced for the fluid milk market sufficient to maintain an adequate quantity of pure and wholesome milk for the market, and be in the public interest.

3. The reserve supplies of milk are sufficiently well proportioned among the handlers of milk so that equity as between farmers and as between handlers may be achieved by requiring such handler to distribute the proceeds of his own utilization of milk among the farmers who supply him, without impeding his drawing upon additional sources of supply occasionally when actually needed.

4. The purchasing power for milk in the Philadelphia, Pennsylvania, marketing area specified in section 2 of the act cannot be satisfactorily determined from available statistics of the Department of Agriculture, but can be satisfactorily determined from available statistics of the Department of Agriculture for the post-war period, August 1919–July 1929, and that post-war period is the base period used in determining the purchasing power of milk sold in the Philadelphia, Pennsylvania, marketing area.

The proposed marketing order and proposed marketing agreement are recommended as the detailed means by which these conclusions may be carried out.

This report filed at Washington, D. C., the 23d day of January 1942.

[SEAL] E. W. GAUMNITZ,
Administrator,
Surplus Marketing Administration.

Approved by:

ROY F. HENDRICKSON,
Administrator,
Agricultural Marketing Administration.

PROPOSED MARKETING ORDER REGULATING THE HANDLING OF MILK IN THE PHILADELPHIA, PENNSYLVANIA, MILK MARKETING AREA PREPARED BY THE ADMINISTRATOR OF THE SURPLUS MARKETING ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE

This proposed marketing order is prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, Surplus Marketing Administration, and has not received the approval of the Secretary of Agriculture.

Findings

It is found upon the evidence introduced at the public hearing held in Philadelphia, Pennsylvania, on October 28 through October 31, November 10 through November 14, November 17

through November 19, November 20, and December 1 through December 5:

1. That the prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to section 2 and section 8 (c) of said act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and that the minimum prices set forth in this order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

2. That all handling of milk sold or disposed of by handlers as defined in section 1 (a) (5) of this order is in the current of interstate commerce or directly burdens, obstructs or affects interstate commerce in milk or its products, and that handlers as defined in such section are engaged in the handling of milk which is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk or its products;

3. That the order regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement upon which a hearing has been held;

4. That a pro rata assessment on handlers as set forth in section 9 of this order at a rate not to exceed two cents per hundredweight on all milk received from producers or an association of producers or produced by them during each delivery period will provide funds necessary to pay such expenses while such order is in effect as will necessarily be incurred by the market administrator under such order for the maintenance and functioning of said market administrator's office.

5. That orderly conditions for milk flowing into the Philadelphia, Pennsylvania, marketing area are so disrupted as to result in the impairment of the purchasing power of such milk and that the issuance of this order, and all of its terms and conditions, will tend to effectuate the declared policy of the act.

Provisions

SECTION 1. *Definitions*—(a) *Terms.* The following terms shall have the following meanings:

(1) The term "act" means Public Act No. 10, 73d Congress, as amended, and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(2) The term "Secretary" means the Secretary of Agriculture of the United States.

(3) The term "Philadelphia, Pennsylvania, milk marketing area," hereinafter called "the marketing area," means all the territory in the Commonwealth of Pennsylvania which is located within the boundaries of Philadelphia County; of Lower Merion, Whitemarsh, Springfield, Cheltenham, Abington, Upper Moreland, and Lower Moreland townships in Montgomery County; and of Haverford, Ridley, Tinicum, Darby, and Upper Darby townships in Delaware County.

(4) The term "person" includes an individual, partnership, corporation, association, or any other business unit.

(5) The term "producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received directly at (1) a plant listed below except during such period of time as any such plant may have been stopped by the Pennsylvania Department of Health from shipping milk for consumption as milk, or (2) a pasteurizing and bottling plant from which milk is disposed of as Class I milk in the marketing area, or (3) a plant from which milk is shipped during at least 20 days of the delivery period to a plant where some of it is disposed of as Class I milk in the marketing area, determined pursuant to section 3: *Provided, however,* That producers delivering to a plant listed below may be excluded if no milk or cream has been shipped from it to the marketing area during the preceding three delivery periods and if the handler notifies the market administrator five days prior to the start of a delivery period that any such plant is no longer part of his supply for the marketing area and if he disposes of no milk or cream in the marketing area from such plants during the delivery period: *And provided further,* That this definition shall not include any person defined as a producer under an order of the Secretary regulating the handling of milk in the New York metropolitan milk marketing area.

Plants. Bedford, Pa., Boiling Springs, Pa., Brandtsville, Pa., Byers, Pa., Carlisle, Pa., Centerville, Pa., Chambersburg, Pa., Clayton, Del., Coudersport, Pa., Curryville, Pa., Delta, Pa., Denton, Md., Easton, Md., Fairdale, Pa. Glenroy, Pa., Goldsboro Md., Goshen, Pa., Hagerstown, Md., Harrington, Del., Honeybrook, Pa., Huntington, Pa., Hurlock, Md., Kelton, Pa., Kimberton, Pa., Lansdale, Pa., Leaman Place, Pa., Lewistown, Pa., Mainland, Pa., Massey, Md., Mercersburg, Pa., Millville, Pa., Mt. Pleasant, Del., Nassau, Del., New Holland, Pa., Oxford, Pa., Port Allegany, Pa., Pottstown, Pa., Princess Anne, Md., Quakertown, Pa., Reedsville, Pa., Richlandtown, Pa., Snow Hill, Md., Spring Creek, Pa., Sudlersville, Md., Townsend, Del., Waynesboro, Pa., Worton, Md.

(6) The term "handler" means any person, irrespective of whether such person is also a producer or association of producers, wherever located or operating, who engages in the handling of milk which is disposed of in the marketing area.

(7) The term "market administrator" means the person designated pursuant to section 2 as the agency for the administration hereof.

SEC. 2. *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have power:

(1) To administer the terms and provisions hereof; and

(2) To receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein and shall surrender the same to his successor or to such other person as the Secretary may designate;

(2) Submit his books and records to examination by the Secretary at any and all times;

(3) Furnish such information and verified reports as the Secretary may request;

(4) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(5) Publicly diclose to handlers and to producers, unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (a) made reports pursuant to section 5 (a), or (b), made payments pursuant to section 8;

(6) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(7) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(8) Pay, out of the funds provided by section 9 (a) the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, (b) his own compensation, and (c) all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties; and

(9) Promptly verify the information contained in the reports submitted by handlers.

SEC. 3. *Classification of milk*—(a) *Basis of classification.* Milk received by each handler, including milk produced by him, if any, shall be classified by the market administrator in the classes set forth in pragraph (b) of this section in accordance with its utilization by such handler, subject to paragraphs (c) and (d) of this section.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk (i) sold, distributed or disposed of as or in milk, including skim milk and flavored milk drinks, containing not more than 16 percent butterfat, and (ii) all other milk received from producers not accounted for as Class II.

(2) Class II milk shall be all milk (i) accounted for in products other than those included in section 3 (b) (1) (i), and (ii) an amount of milk equal to the percentage of the milk received from producers not accounted for in either section 3 (b) (1) (i) or (i) of this paragraph, but in no case more than two percent, times the pounds of milk accounted for under (i) of this paragraph.

(c) *Transfers of milk.* (1) Milk or skim milk received at a plant from another plant at both of which milk is received from producers shall be classified as Class I milk: *Provided,* That if a different classification is agreed upon in writing between such receiving handler and such selling handler and is submitted to the market administrator, then the milk or skim milk shall be classified according to such written agreement: *And provided further,* That the amount so reported in any class shall not be greater than the amount used in that class by the receiving handler after deduction of any milk pursuant to subparagraph (2) of this paragraph.

(2) Milk received at a plant at which milk is received from producers from a plant at which no milk is received from producers shall be allocated to Class II, except that any of this milk in excess of the amount of Class II milk used by the receiving handler shall be Class I and except as provided in subparagraph (3) of this paragraph.

(3) Milk received at a plant at which milk is received from producers from a plant under another Federal milk marketing agreement or order shall be classified as Class I milk or Class II milk in accordance with its use as determined by the market administrator under the latter order.

(4) Milk moved directly from a plant at which milk is received from producers to a plant at which no milk is received from producers shall be Class II milk if less than 20 percent of the milk received at the latter plant is moved as fluid milk and Class I milk if more than 20 percent of the milk received is moved from the latter plant, except that any of this milk in excess of the amount of fluid milk moved from the latter plant during the delivery period shall be classified as Class II milk: *And provided further,* That all milk moved as fluid milk more than 400 miles under such conditions shall be classified as Class I milk.

(5) Milk disposed of from a handler's plant to retail establishments which dispose of milk for both fluid and other uses shall be Class I milk.

(d) *Transfers of cream.* Cream received or disposed of shall be considered Class II.

SEC. 4. *Minimum prices*—(a) *Class prices.* Except as set forth in subparagraph (d) of this section, each handler shall pay, at the time and in the manner set forth in section 8 for milk received during each month from producers or an association of producers not less than the following prices subject to the differentials set forth in paragraphs (b) and (c) of this section:

(1) Class I milk—$3.70 per hundredweight.

(2) Class II milk—The price per hundredweight calculated by the market administrator as follows: add all weekly market quotations (using midpoint of any weekly range as one quotation) of prices reported during the delivery period by the United States Department of Agriculture for a 40-quart can of sweet cream approved for Pennsylvania only, and for Pennsylvania, Newark, and Lower Merion Township, divide by the number of quotations and divide by 33.48, multiply by 4, subtract 28 cents, and add any plus amount which is equal to the average of all the hot roller process dry skim milk quotations for "other brands, animal feed" and for "other brands, human consumption," carlots, bags, or barrels, in both cases (using midpoint of any range as one quotation) as published during such delivery period in the "Producer's Price Current," less 4.5 cents, and multiply by 7.5.

(b) *Butterfat differential.* The Class I and Class II prices shall be subject to a butterfat differential for each one-tenth of 1 percent variation above or below 4.0 percent calculated as follows: divide the average of the cream quotations used in calculating the Class II price by 334.8, and subtract 0.7 cent.

(c) *Differentials for place of receipt of milk.* In the case of milk received from producers by any handler at plants 31 miles or more from the City Hall in Philadelphia there shall be deducted from the prices set forth in paragraph (a) of this section the following amounts:

(1) Class I milk—31 cents per hundredweight at plants 31 to 40 miles from the City Hall in Philadelphia and for each additional 10 miles in excess of 40 miles an additional 1 cent, provided the total amount does not exceed 64 cents per hundredweight. For the purposes of this subparagraph the Class I milk shall be considered to have been, first, that milk received from producers' farms at such handler's plant located less than 31 miles from the City Hall in Philadelphia, then that milk which was shipped from the nearest plant located 31 miles and farther from the City Hall in Philadelphia: *And provided,* That Class I milk moved directly from a plant at which milk is received from producers to a plant at which no milk is received from producers, both of which are outside the marketing area and Class I milk distributed for fluid consumption from a plant at which milk is received from producers shall be allocated for the purpose of determining these differentials to the plant at which it is received from producers.

(2) Class II milk—4 cents per hundredweight at plants 31 to 70 miles from the City Hall in Philadelphia, and for each additional 70 miles an additional 1 cent.

The distance of any plant from the City Hall in Philadelphia shall be that recognized by the Interstate Commerce Commission for rate making purposes on highways over which the Highway Department of the State permits milk tank trucks to move.

(d) *Class I milk disposed of outside the marketing area.* The Class I price set forth in this section shall apply to Class I milk sold outside the marketing area: *Provided,* That when sold in an area regulated by another marketing order of the Secretary the price effective under such other order shall apply.

SEC. 5. *Reports of handlers*—(a) *Periodic reports.* On or before the 5th day after the end of each month each handler, with respect to milk or cream which was, during such delivery period, (i) received from producers, handlers, or other sources; and (ii) produced by such handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) The receipts at each plant from producers who are not handlers;

(2) The receipts at each plant from any other handler, including any handler who is also a producer;

(3) The quantity, if any, produced by such handler;

(4) The receipts at each plant from any other source;

(5) The respective quantities of milk and milk products disposed of or on hand with the butterfat content thereof; and

(6) The shipments of milk to the marketing area from each plant.

(b) *Reports of handlers who receive no milk from producers.* Handlers who receive no milk from producers shall make reports to the market administrator at such time and in such manner as the market administrator may require.

(c) *Reports as to producers.* Each handler shall report to the market administrator:

(1) Within 10 days after the market administrator's request, with respect to any producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (a) the name and address, (b) the total pounds of milk received, (c) the average butterfat test of milk received, and (d) the number of days upon which milk was received; and

(2) As soon as possible after first receiving milk from any producer, (a) the name and address of such producer, (b) the date upon which such milk was first received, and (c) the plant at which such milk was received.

(d) *Reports of payments to producers.* Each handler shall submit to the market administrator on or before the 20th day after the end of each month his producer pay roll for such month which shall show for each producer (i) the net amount of such producer's payment with the prices, deductions, and charges involved, and (ii) the total delivery of milk with the average butterfat test thereof.

(e) *Outside cream purchases.* Each handler shall report as requested by the market administrator his purchases, if any, of sweet cream showing the quan-

tity and source of each such purchase and the cost thereof at Philadelphia.

(f) *Verification of reports.* Each handler shall permit the market administrator or his agent, or such other person as the Secretary may designate, during the usual hours of business, to (i) verify the information contained in reports submitted in accordance with this section, and (ii) weigh milk received from each producer and sample and test milk for butterfat.

SEC. 6. *Application of provisions*—(a) *Handlers who receive no milk from producers.* The provisions hereof, except those set forth in section 5, shall not apply to a producer-handler who receives no milk from producers nor to a handler whose sole source of milk supply consists of receipts from other handlers.

SEC. 7. *Determination of uniform prices to producers*—(a) *Computation of the value of milk for each handler.* For each delivery period the market administrator shall compute, subject to the provisions of section 6, the value of milk of producers disposed of by each handler, by (a) multiplying the hundredweight of such milk in each class, computed pursuant to section 3, by the prices applicable pursuant to section 4, plus or minus the applicable differentials in section 4; and (b) adding together the resulting values.

(b) *Computation and announcement of uniform price for each handler.* The market administrator shall compute and announce for each handler the uniform price per hundredweight of milk received by him at all plants from producers during each delivery period as follows:

(1) Add to the value computed pursuant to paragraph (a) of this section the amount of the adjustment to be made pursuant to section 8 (d), and add or subtract the amount to be subtracted or added respectively, by the handler pursuant to section 8 (e);

(2) Divide the amount computed in paragraph (1) of this subsection by the total quantity of milk received from producers, including milk of his own production;

(3) On or before the 10th day after the end of each delivery period, notify each handler of the uniform price computed for him; and

(4) On or after the 15th day after the end of each delivery period, publicly announce the uniform price computed for each handler pursuant to this section with the differentials applicable pursuant to section 8 (d).

SEC. 8. *Payments for milk*—(a) (1) *Semimonthly payments.* On or before the 25th day of each month each handler shall make a payment to producers for milk delivered during the first 15 days of such month at not less than a rate per hundredweight which he estimates will be his uniform price for such month.

(2) *Final payment.* On or before the 15th day after the end of each delivery period, each handler shall make full payment, subject to the butterfat differential set forth in paragraph (c) of this section, to each producer, for the total value of milk received from such producer during such delivery period, at not less than the uniform price per hundredweight computed for such handler pursuant to section 7, subject to the location differentials set forth in paragraph (d) of this section and after taking credit for payment made pursuant to section 8 (a) (1).

(b) *Errors in payment.* Errors in making payments for milk shall be corrected not later than the date for making payments next following the determination of such errors.

(c) *Butterfat differential.* If any handler has received from any producer, during the delivery period, milk having an average butterfat content other than 4.0 percent, such handler, in making payments pursuant to paragraph (a) of this section, shall add to the uniform price for such producer for each one-tenth of 1 percent of average butterfat content in milk above 4.0 percent not less than, or shall deduct from the uniform price for such producer for each one-tenth of 1 percent of average butterfat content in milk below 4.0 percent not more than, $.04 per hundredweight.

(d) *Location differentials.* In making payments pursuant to paragraph (a) of this section, each handler shall deduct, with respect to milk received from producers at a plant located 31 miles or more from the City Hall in Philadelphia, the respective Class I differentials specified in section 4 (c).

(e) *Additional deductions.* With respect to milk received at plants located outside the marketing area but less than 31 miles of the City Hall in Philadelphia, the handler may deduct 15 cents per hundredweight from the payments otherwise specified in this section to be paid. With respect to milk received at plants 31 miles or more from the City Hall in Philadelphia, a handler may deduct from the uniform price otherwise specified in this section to be paid at such plant receiving less than an average of 20,000 pounds per day during the delivery period, an amount not to exceed 6 cents per hundredweight of the milk moved to the marketing area from such plant.

(f) *Flat price payments.* Any handler may in lieu of the requirements of paragraphs (a) and (b) of this section elect to pay producers not later than the 15th day of each month at not less than the per quart equivalent (considering 46.5 quarts per hundredweight) of the Class I price for all milk delivered during the preceding month in which event such handler may report only his total receipts from each producer and his total payment to each producer.

SEC. 9. *Expense of administration*—(a) *Payments by handlers.* As his pro rata share of the expense of the administration hereof, each handler, on or before the 15th day after the end of each delivery period, shall pay to the market administrator, with respect to all milk received by him from producers or an association of producers, or produced by him during such delivery period, an amount not exceeding 2 cents per hundredweight, the exact amount to be determined by the market administrator. Each handler, who is a cooperative association of producers shall pay such pro rata share of expense only on that milk received from producers at any plant of such association.

PROPOSED MARKETING AGREEMENT REGULATING THE HANDLING OF MILK IN THE PHILADELPHIA, PENNSYLVANIA, MILK MARKETING AREA PREPARED BY THE ADMINISTRATOR OF THE SURPLUS MARKETING ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE

This proposed marketing agreement is prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, Surplus Marketing Administration, and has not reecived the approval of the Secretary of Agriculture.

Whereas, the parties hereto, in order to effectuate the declared policy of the said act, desire to enter into this marketing agreement.

Now, therefore, the parties hereto agree as follows:

1. The terms and provisions of section 1 through section 9 of Order No. ----, Regulating the Handling of Milk in the Philadelphia, Pennsylvania, Milk Marketing Area, issued ----------, 1942, shall be the terms and provisions of section 1 through section 9 of the marketing agreement with the exception that wherever the word "order" is used the words "marketing agreement" shall be substituted therefor; and

2. The following sections shall also be a part of the marketing agreement in addition to sections 1 through 9 of said order:

SEC. 10. *Termination.* The Secretary may terminate this agreement whenever he finds that this agreement obstructs or does not tend to effectuate the declared policy of the act.

Any handler signatory to this agreement may withdraw as a party to it upon 30 days' written notice to the Secretary effective at midnight on the last day of the month first succeeding the expiration of such 30 days. Such notice of withdrawal may be given to the Secretary by sending it by postpaid, registered mail addressed to the Secretary of Agriculture, Washington, D. C. Such termination shall not release such handler from any obligations under this agreement in respect of transactions occurring prior to the effective date of withdrawal.

Such handler has signed this agreement on the express condition, and the Secretary agrees and confirms, that the execution of this agreement and compliance therewith and with the order of the Secretary for the period that the agreement remains in effect shall be without prejudice to any and all rights of the handler, and shall not constitute an admission by the handler of the validity of the Agricultural Marketing Agreement Act of 1937 or of the order of the Secretary or any of its terms, or any obligation imposed in connection therewith, or any waiver by such handler or estoppel of his rights to question the validity of the Agricultural Marketing Agreement Act of 1937 or the order of the Secretary or any provision thereof, on any and all grounds; all of which rights are hereby expressly reserved to any such handler upon and after withdrawal from the agreement with the same force and effect as if the handler had never become party hereto.

This agreement shall, in any event terminate whenever the provisions of the act authorizing it cease to be in effect.

SEC. 11. *Liability*—(a) *Handlers.* The liability of the handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

SEC. 12. *Antitrust laws.* Any exemption from the antitrust laws and any validation of any acts or things, which otherwise would have been unlawful, resulting from the execution of this agreement by the Secretary, shall not extend or be construed to extend further than is absolutely necessary for the purpose of carrying out the provisions of this agreement.

SEC. 13. *Duration of immunities.* The benefits, privileges, and immunities conferred by virtue of this agreement shall cease upon its termination, except with respect to acts done under and during the existence of this agreement, and the benefits, privileges, and immunities conferred by this agreement upon any parties signatory hereto shall cease upon its termination as to such party, except with respect to acts done under and during the existence of this agreement.

SEC. 14. *Counterparts and additional parties*—(a) *Counterparts.* This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument, as if all such signatures were obtained in one original.

(b) *Additional parties.* After this agreement first takes effect, any handler may become a party to this agreement if a counterpart thereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

SEC. 15. *Authorization to correct typographical errors and record of milk handled during the month of* ----------—(a) *Authorization to correct typographical errors.* The undersigned hereby authorizes O. M. Reed, Chief, Dairy Division, Surplus Marketing Administration, to correct any typographical errors which may have been made in this marketing agreement.

(b) *Record of milk handled during the month of* ----------. The undersigned certifies that he handled during the month of ----------, ------ hundredweight of milk covered by this agreement and disposed of within the marketing area.

SEC. 16 *Signature of parties.* In witness whereof, the contracting handlers, acting under the provisions of the act, for the purposes and subject to the limitations herein contained and not otherwise, have hereunto set their respective hands and seals.

[F. R. Doc. 42-703; Filed, January 23, 1942; 3:19 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

APPLICATION FOR EXEMPTION OF PROCURING, HAULING, HANDLING, COOLING, CANDLING, GRADING, PACKING AND SHIPPING OF EGGS IN STATES OF IOWA, MINNESOTA, NORTH DAKOTA, AND SOUTH DAKOTA FROM MAXIMUM HOUR PROVISIONS OF FAIR LABOR STANDARDS ACT OF 1938 AS A BRANCH OF AN INDUSTRY AND OF A SEASONAL NATURE

NOTICE OF HEARING

Whereas an application has been filed by sundry parties engaged in procuring, hauling, handling, cooling, candling, grading, packing and shipping of eggs in the states of Iowa, Minnesota, North Dakota and South Dakota for exemption of such operations from the maximum hours provisions of the Fair Labor Standards Act of 1938 as a branch of an industry and of a seasonal nature pursuant to section 7 (b) (3) of the Act and Part 526 as amended of the Regulations issued thereunder.

Now, therefore, notice is hereby given of a public hearing to be held pursuant to §§ 526.5 and 526.6 of said Regulations at Hotel Nicollet, Minneapolis, Minnesota, to commence at 10 o'clock a. m. on February 10, 1942 before Mr. Marshall S. Spaulding, a duly authorized representative of the Administrator hereby authorized to conduct said hearing, take testimony, hear arguments and determine whether the procuring, hauling, handling, cooling, candling, grading, packing and shipping of eggs in the states of Iowa, Minnesota, North Dakota and South Dakota constitutes a separate branch of the egg industry and is of a seasonal nature within the meaning of section 7 (b) (3) of the Act and Part 526 as amended of the Regulations issued thereunder, and if so the appropriate limits of that branch of the industry.

Any person interested in supporting or opposing the application for exemption may appear at the hearing or file a written statement in lieu of personal appearance on his own behalf or on the behalf of any other person or persons. Written statements should be filed with the Administrator, Wage and Hour Division, Department of Labor, Washington, D. C., not later than February 10, 1942, or with the Presiding Officer at the time of the hearing.

Notice of intention to appear and furnish information or data at the hearing should be filed with Mr. L. A. Hill, Regional Director, 406 Pence Building, 730 Hennepin Avenue, Minneapolis, Minnesota, not later than February 9, 1942. Any such notice of intention to appear shall state the following:

1. Name and address of person who will appear,
2. Name and address of person or persons he is representing, and
3. Whether he is appearing in support of or in opposition to the application for exemption.

Signed at Washington, D. C. this 24th day of January 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-723; Filed, January 26, 1942; 11:52 a. m.]

NOTICE OF CHANGE IN DATE OF ORAL ARGUMENT IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 32 FOR A MINIMUM WAGE RATE IN THE KNITTED OUTERWEAR INDUSTRY AND THE PROHIBITION, RESTRICTION OR REGULATION OF HOME WORK IN THE INDUSTRY

Whereas, the notice of oral argument upon the complete record of the hearing on the recommendation of Industry Committee No. 32 for a minimum wage rate in the knitted outerwear industry (Wage and Hour Division release R-1711) provided that the Administrator of the Wage and Hour Division would hear oral argument upon the complete record of the hearing on said recommendation on January 28, 1942, at 10:00 A. M. in room 7129, Department of Labor Building, Washington, D. C.; and

Whereas it now appears appropriate to change the date of said hearing;

Now, therefore, notice is hereby given:

That oral argument upon the complete record of the hearing on the recommendation of Industry Committee No. 32 for a minimum wage rate in the knitted outerwear industry and the prohibition, restriction or regulation of home work in the industry is changed to February 2, 1942, at 10:00 A. M. in room 7129, Department of Labor Building, 14th Street and Constitution Avenue, Washington, D. C. before the Administrator of the Wage and Hour Division, and oral argument may be presented by any person who entered an appearance at the public hearing held on the recommendation provided that on or before January 31, 1942, such person informs the Wage and Hour Division of his intention to offer oral argument and the amount of time he will require to make his presentation.

Signed at Washington, D. C. this 26th day of January 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-727; Filed, January 26, 1942; 11:53 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940,

5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feather Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3962).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective January 26, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Single Pants, Shirts, and Allied Garments and Women's Apparel Industries

Mary Dean Manufacturing Company, 210 West 8th Street, Kansas City, Missouri; Ladies' Slack Suits, Sport Dresses; 10 percent (T); January 26, 1943.

Ely and Walker Factory, Paragould, Arkansas; Work and Dress Shirts; 10 percent (T); January 26, 1943.

Nathan N. Gorchov Company, 140 North 13th Street, Philadelphia, Pennsylvania; Shirts and Pajamas; 10 percent (T); January 26, 1943.

May Shirt Company, Ridgely, Maryland; Shorts, Shirts and Blouses; 40 learners (E); July 26, 1942.

The Powers Manufacturing Company, 1340 Sycamore Street, Waterloo, Iowa; Athletic Wear; 10 percent (T); January 26, 1943.

Puritan Mills, Inc., 330 West Campbell Avenue, Roanoke, Virginia; Nightwear; 10 percent (T); January 26, 1943.

Rite Form Corset Company, Inc., 635 Sixth Avenue, New York, New York; Corselettes, Girdles, Brassieres; 10 percent (T); May 11, 1942.

S & B Manufacturing Company, Andalusia and Brantley, Alabama; Work Pants; 35 learners (E); July 26, 1942.

Wide Awake Shirt Company, Inc., 2047 Kutztown Road, Reading, Pennsylvania; Shirts; 5 percent (T); January 26, 1943.

Gloves

C. D. Osborn Company, 2201 Wabansia Avenue, Chicago, Illinois; Leather Dress and Knit Fabric Gloves; 5 percent (T); January 26, 1943.

C. D. Osborn Company, 2201 Wabansia Avenue, Chicago, Illinois; Leather Dress and Knit Fabric Gloves; 25 learners (E); July 26, 1942.

Sonn Gloves, Incorporated, 7 West 30th Street, New York, New York; Knit Fabric Gloves; 5 learners (T); January 26, 1943.

Hosiery

Bridgeton Hosiery Mill, E. Commerce Street, Bridgeton, New Jersey; Full Fashioned Hosiery; 5 learners (T); January 26, 1943.

Chancellor Hosiery Mills, Inc., 1110 Mose Street, Reading, Pennsylvania; Seamless Hosiery; 4 learners (T); January 26, 1943.

Gray Line Hosiery Company, Inc., Coldbrook Avenue, Chambersburg, Pennsylvania; Full Fashioned Hosiery; 10 percent (T); January 26, 1943. (This certificate replaces one issued to you bearing expiration date of October 13, 1942.)

Park Hosiery Dyeing and Finishing Company, Inc., Pottstown, Pennsylvania; Finishes Full Fashioned; 5 percent (T); September 26, 1942.

Union Manufacturing Company, Union Point, Georgia; Seamless Hosiery; 10 percent (T); January 26, 1943. (This certificate replaces one issued bearing expiration date of October 9, 1942.)

Knitted Wear

Ace Undergarment Company, 255 Classon Avenue, Brooklyn, New York; Knitted Underwear; 2 learners (T); May 11, 1942.

Dover Knitting Mills, Inc., 441 East Second Street, Dover, Ohio; Knitted Outerwear; 35 learners (E); May 25, 1942.

Fae Manufacturing Company, Rear 31 N. Railroad Street, Palmyra, Pennsylvania; Knitted Underwear; 5 learners (T); January 26, 1943.

Millinery

Walter Fiorell, 29 E. 53rd Street, New York, New York; Custom-Made Millinery; 1 learner (T); January 22, 1943. (This certificate effective January 22, 1942 and omitted from FEDERAL REGISTER of that date.)

Textile

Kahn and Feldman, Inc., 360 Suydam Street, Brooklyn, New York; Rayon Throwing; 6 percent (T); January 26, 1943. (This certificate replaces one issued to you bearing expiration date of May 19, 1942.)

Signed at Washington, D. C., this 26th day of January 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-725; Filed, January 26, 1942; 11:52 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under Section 6 of the Act are issued under Section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective January 26, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Oxford Cabinet Company, Oxford, Pennsylvania; Wood Kitchen Cabinets; 9 learners; 6 weeks for any one learner; 30 cents per hour; Wood working machine operator, Paint sprayer; April 22, 1942. (Effective 1-22-42)

Oxford Cabinet Company, Oxford, Pennsylvania; Wood Kitchen Cabinets; 20 learners; 4 weeks for any one learner; 30 cents per hour; Lumber grader, Cabinet assembler, Sander, Hinger; April 22, 1942. (Effective 1-22-42)

Oxford Furniture Company, Oxford, Pennsylvania; Wood Kitchen Cabinets; 7 learners; 6 weeks for any one learner; 30 cents per hour; Paint Sprayer, Wood Working Machine Operator, Sink Builder; April 22, 1942. (Effective 1-22-42 and omitted from FEDERAL REGISTER of that date.)

Oxford Furniture Company, Oxford, Pennsylvania; Wood Kitchen Cabinets; 27 learners; 4 weeks for any one learner; 30 cents per hour; Assembler, Sander, Striper, Upholsterer, Hinger; April 22, 1942. (Effective 1-22-42 and omitted from FEDERAL REGISTER of that date.)

Signed at Washington, D. C., this 26th day of January 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-726; Filed, January 26, 1942; 11:52 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-218]

IN THE MATTER OF INTERSTATE NATURAL GAS COMPANY, INCORPORATED

ORDER POSTPONING HEARING

JANUARY 22, 1942.

It appearing to the Commission that: (a) On January 21, 1942, the Interstate Natural Gas Company, Incorporated, filed an application requesting that the hearing heretofore ordered to be held in this matter commencing on January 26, 1942, at 9:45 a. m., in the hearing room of the Commission at 1800 Pennsylvania Avenue NW., Washington, D. C., be postponed to a later date;

(b) Good cause has been shown for the postponement of such hearing;

The Commission *orders* that: The hearing in this proceeding be and it is hereby postponed to February 9, 1942, at the same hour and place as heretofore fixed.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-702; Filed, January 23, 1942; 3:09 p. m.]

[Docket No. G-227]

IN THE MATTER OF CABOT GAS CORPORATION

ORDER FIXING DATE OF PUBLIC HEARING

JANUARY 23, 1942.

Upon application filed January 21, 1942, by Cabot Gas Corporation, under section 7 (b) of the Natural Gas Act, for permission and approval of the Commission to transfer that portion of its property located in Monroe County, State of New York, and utilized by it in the transmission of natural gas and the rendering of natural gas service to the Rochester Gas and Electric Corporation;

The Commission *orders* that: (A) A public hearing on said application be held beginning at 9:45 a. m., February 2, 1942, in the hearing room of the Commission, 1800 Pennsylvania Avenue NW., Washington, D. C.;

(B) Interested state commissions may participate in said hearing, pursuant to Section 67.4 of the Commission's Provisional Rules of Practice and Regulations Under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-709; Filed, January 26, 1942; 10:18 a. m.]

[Docket No. G-217]

PUBLIC SERVICE COMMISSION OF INDIANA V. PANHANDLE EASTERN PIPE LINE COMPANY, MICHIGAN GAS TRANSMISSION CORPORATION, AND NORTHERN INDIANA PUBLIC SERVICE COMPANY

ORDER POSTPONING HEARING

JANUARY 23, 1942.

It appearing to the Commission that: (a) On January 22, 1942, counsel for the Panhandle Eastern Pipe Line Company filed an application requesting that the hearing heretofore ordered to be held in this matter commencing on January 26, 1942, at 9:45 a. m., in Room 353, Federal Building at Fort Wayne, Indiana, be postponed to a later date;

(b) Good cause has been shown for the postponement of such hearing;

The Commission *orders* that: The hearing in this proceeding be and it is hereby postponed to February 12, 1942, at the same hour and place as heretofore fixed.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-710; Filed, January 26, 1942; 10:18 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 811-275]

IN THE MATTER OF CHARTERED INVESTORS, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 23rd day of January, A. D. 1942.

An application having been duly filed by the above named applicant under and pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that the applicant has ceased to be an investment company within the meaning of that Act;

It is ordered, That a hearing on such matter under the applicable provisions of the Act and the rules and Regulations of the Commission thereunder be held on January 30, 1942, at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-707; Filed, January 24, 1942; 11:28 a. m.]

[File No. 70-418]

IN THE MATTER OF KENTUCKY UTILITIES COMPANY, KENTUCKY POWER & LIGHT COMPANY, THE MIDDLE WEST CORPORATION, AND UNITED PUBLIC SERVICE CORPORATION

ORDER APPROVING PLAN

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23rd day of January, A. D. 1942.

United Public Service Corporation having filed an amendment requesting a supplemental order of the Commission which will (a) permit payment by United Public Service Corporation to its stockholders, according to their respective rights, of a liquidating dividend in the aggregate amount of $1,223,380 and (b) permit the reduction of the par value of its outstanding stock from $1 to 25c per share and the reduction of the capital stock and also the capital of the corporation to $76,498.50;

Public notice and opportunity for hearing with respect to said transactions having been duly given; a hearing having been held with respect thereto and the Commission having this day made and filed its Findings and Opinion herein;

It is therefore ordered, That such transactions are approved as part of a plan filed pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935;

It is further ordered, That sale or distribution of the remaining assets of United Public Service Corporation shall not be made except upon order of the Commission as to which matters the Commission reserves complete jurisdiction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-706; Filed, January 24, 1942; 11:28 a. m.]

[File No. 70-487]

IN THE MATTER OF THE NORTH AMERICAN COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of January, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than Febru-

ary 7, 1942 at 1:15 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The North American Company, a registered holding company under the Public Utility Holding Company Act of 1935, proposes to sell to certain investment dealers for distribution to the public up to and not exceeding 2,695,000 shares of the Common Stock, without par value, of its subsidiary company, Union Electric Company of Missouri, such maximum number of shares being the entire interest owned by the parent company in the subsidiary company and being all of the issued and outstanding common stock of the subsidiary company. Union Electric Company of Missouri has outstanding $80,000,000 of First Mortgage and Collateral Trust Bonds, 3⅜% Series due 1971, and 130,000 shares of $5 Preferred Stock, and 150,000 shares of Preferred Stock, $4.50 Series.

The declaration states that Union Electric Company of Missouri will file in the near future a Registration Statement under the Securities Act of 1933 with respect to the proposed sale of its Common Stock and that there will be no commitment to The North American Company to purchase all or any specified portion of the shares of Common Stock, the obligation of the investment dealers to purchase such shares being limited to shares sold by them. The agreement to be entered into by and between The North American Company and the investment dealers will provide, among other things, that a Selling Group will be formed, the Selling Group will be managed by Dillon, Read & Co. and may include any or all of the investment dealers; that the period during which the agreement is to be operative may be terminated at any time or suspended from time to time by The North American Company in its sole discretion; and that The North American Company will have the right from time to time in its discretion to change the public offering price.

The initial public offering price of the Common Stock to be sold and the period during which the agreement above referred to will be operative have not been supplied and such information, among other things, will be supplied by amendment to the declaration.

The net proceeds from the sale of the Common Stock will be applied by The North American Company, from time to time, to the retirement of its presently outstanding Debentures in the following amounts and order: (1) $4,813,000 principal amount of 4% Series due 1959, at 103.26, the present redemption price; (2) $24,813,000 of 3¾% Series due 1954 at 102.25; and (3) $19,850,000 of 3½% Series due 1949 at 102.25. Any net proceeds received after the above mentioned debentures have been retired will be held or used by The North American Company for its general corporate purposes. Such use of the net proceeds from the proposed sale of the Common Stock, it is stated, is in furtherance of a retirement program already adopted by The North American Company.

The North American Company requested that the Commission, by order, permit the declaration to become effective prior to February 16, 1942 and that the Commission find that the proposed sale of the Common Stock is exempt from the competitive bidding requirement of Rule U-50 under said Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-722; Filed, January 26, 1942; 11:49 a. m.]

[File Nos. 70-463, 70-486]

IN THE MATTERS OF NY PA NJ UTILITIES COMPANY AND ASSOCIATED ELECTRIC COMPANY

NOTICE REGARDING FILING AND ORDER OF CONSOLIDATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 24th day of January, A. D. 1942.

Notice is hereby given that a declaration has been filed by Associated Electric Company with this Commission.

All interested persons are referred to said declaration, which is on file in the office of the Commission for a statement of the transactions therein proposed, which are summarized below:

Associated Electric Company proposes to reacquire $3,015,000 principal amount of its 4½% Gold Bonds, Refunding Series, due 1956, from NY PA NJ Utilities Company, and to deliver and exchange therefor $1,356,700 principal amount of The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1961, presently owned by NY PA NJ Utilities Company, together with $50 in cash, representing an adjustment to the next lowest issuable denomination of said bonds, with a net cash adjustment with respect to the accrued interest on the respective securities to the date of closing.

Notice is further given that NY PA NJ Utilities Company has filed an amendment to its application and declaration with this Commission. Certain transactions covered by the application and declaration have been disposed of, pursuant to an order of the Commission, dated December 30, 1941. The present amendment covers other phases of the plan originally proposed by NY PA NJ Utilities Company.

Such amendment is on file in the office of the Commission and all interested persons are referred to such amendment to the declaration and application for a statement of the transactions therein proposed at the present time, which are summarized below:

As part of the plan heretofore described in the Commission's findings and opinion attached to the order dated December 30, 1941, NY PA NJ Utilities Company, a registered holding company and subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, now proposes to transfer and deliver $3,015,000 principal amount of Associated Electric Company 4½% Gold Bonds, Refunding Series, due 1956, now owned by it, to Associated Electric Company in exchange for $1,356,700 principal amount of The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1961, together with $50 in cash, and with a cash adjustment for accrued interest credited to the respective transferrers to the date of exchange.

The Commission, having determined that such matters as are contained in the amendment to the application and declaration of NY PA NJ Utilities Company and in the declaration of Associated Electric Company, are inter-related and can most adequately be treated by consolidating the same;

It is therefore ordered, That the above-entitled proceedings, namely, In the Matter of NY PA NJ Utilities Company, File No. 70-463 and In the Matter of Associated Electric Company, File No. 70-486, be and the same hereby are consolidated.

Notice is given that any interested persons may, not later than February 7, 1942, at 1:15 P. M., E. S. T., request the Commission, in writing, that a hearing be held on such consolidated matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration and application of NY PA NJ Utilities Company, as amended, may become effective or may be granted, to the extent of the transactions included in such amendment, and such declaration of Associated Electric Company may become effective as filed or as amended, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to the Public Utility Holding Company Act of 1935, or the Commission may exempt such transactions as provided in Rule U-20 (a) and Rule U-100, thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-723; Filed, January 26, 1942; 11:49 a. m.]

[File No. 68-6]

IN THE MATTER OF LEE S. BUCKINGHAM, FRANK GINSBERG AND STANLEY STANGER (SUCCEEDING LEE S. BUCKINGHAM, WILLIAM J. HUDSON, THOMAS KEOGH AND STANLEY STANGER) PROPOSED BONDHOLDERS' PROTECTIVE COMMITTEE FOR FIRST LIEN AND GENERAL MORTGAGE BONDS OF WASHINGTON GAS AND ELECTRIC COMPANY

ORDER AMENDING DECLARATION AND PERMITTING IT TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 23d day of January 1942.

A declaration and amendments thereto having been filed by the above named parties pursuant to Rule U-62 adopted pursuant to the Public Utility Holding Company Act of 1935 with respect to the solicitation of authorizations to represent the holders of the First Lien and General Mortgage Bonds of Washington Gas and Electric Company in proceedings pursuant to Chapter X of the Bankruptcy Act and before this Commission; and

Public hearing having been duly held after appropriate notice; and

The Commission having considered the record in this matter and having made and filed its findings and opinion herein;

It is ordered, That said declaration as amended be and it hereby is permitted to become effective forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-724; Filed, January 26, 1942; 11:49 a. m.]

Reference.

JAN 29 1942

Reference

JAN 29 1942

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 7 NUMBER 19

Washington, Wednesday, January 28, 1942

The President

EXECUTIVE ORDER

PRESCRIBING REGULATIONS GOVERNING THE GRADES AND RATINGS OF ENLISTED MEN OF THE ARMY OF THE UNITED STATES

By virtue of and pursuant to the authority vested in me by the act of June 20, 1936, 49 Stat. 1554, it is hereby ordered that, effective on and after the date hereof, the grades and ratings of the enlisted men of all components of the Army of the United States in active Federal service shall be as set forth herein, and the number of such enlisted men in the several grades and ratings shall not exceed the percentages specified herein of the authorized active duty enlisted strength of the Army of the United States.

1. The several grades and maximum percentages of enlisted men therein shall be as follows:

	Percentage
1st Grade—Master Sergeants	1.5
2nd Grade—First and Technical Sergeants	3.0
3rd Grade—Staff Sergeants and Technicians 3rd Grade	7.0
4th Grade—Sergeants and Technicians 4th Grade	18.0
5th Grade—Corporals and Technicians 5th Grade	27.0
6th Grade—Privates First Class	27.0
7th Grade—Privates, the number of whom will be such that when added to the number of enlisted men above Grade Seven and to the authorized number of aviation cadets, the total will not exceed the authorized active duty enlisted strength of the Army of the United States.	

2. Specialists' ratings and the maximum percentages of enlisted men therein shall be as follows:

Specialists' Ratings:	*Percentage*
1st Class	1.0
2nd Class	1.5
3rd Class	5.0
4th Class	8.0
5th Class	8.0
6th Class	13.0

3. During the time that any enlisted men hold specialists' ratings, reductions in the authorized maximum numbers in the first six grades will be effected. These reductions will equal in cost, the cost of specialists' ratings held.

4. Executive Order No. 8824[1] of July 18, 1941, prescribing regulations governing the grades and ratings of enlisted men of the Regular Army for the fiscal year 1942, is hereby revoked.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 26, 1942.

[No. 9041]

[F. R. Doc. 42-742; Filed, January 27, 1942; 10:15 a. m.]

EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT FOR AVIATION PURPOSES

OREGON

By virtue of the authority vested in me by the act of July 9, 1918, c. 143, 40 Stat. 845, 848 (U. S. C., title 10, sec. 1341), it is ordered that, subject to valid existing rights, the following-described public lands be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department for aviation purposes:

WILLAMETTE MERIDIAN

T. 4 N., R. 24 E., Sec. 20;
T. 4 N., R. 30 E., Sec. 6, E½;
containing 950.86 acres.

This order shall take precedence over, but shall not rescind or revoke, (1) Executive Order No. 6910, of November 26, 1934, as amended, and (2) the order of December 18, 1936, of the Secretary of the Interior, establishing Grazing District No. 7, Oregon, so far as such orders affect any of the above-described lands.

It is intended that the lands reserved by this order shall be returned to the administration of the Department of the Interior when they are no longer needed

[1] 6 F.R. 3577.

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for the purposes for which they are reserved.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 26, 1942.

[No. 9042]

[F. R. Doc. 42-743; Filed, January 27, 1942; 10:16 a. m.]

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VII—PERSONNEL

PART 75—ADMISSION TO THE UNITED STATES MILITARY ACADEMY [1]

§ 75.22 *Physical requirements.*

* * * * *

(b) *Vision.* (1) Vision as determined by the official test types (without a cycloplegic) must not fall below 20/30 in either eye without glasses, corrected with glasses to 20/20 in each eye, when no organic disease in either eye exists. Errors of refraction, if considered by the Board to be excessive, may be a cause for rejection even though the visual acuity falls within acceptable limits. Total hyperopia of more than two diopters or total myopia of more than three-quarters (.75) diopter in any meridian in either eye is cause for rejection.

(2) * * * (R.S. 161; 5 U.S.C. 22)

[Par. 43*b*, Information Relative to the Appointment and Admission of Cadets to the United States Military Academy, Nov. 28, 1941, and Par. 1*a* (3) (*a*), AR 40-100, Sept. 10, 1940, as amended by Cir. 17, W.D., Jan. 21, 1942]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-744; Filed, January 27, 1942; 10:25 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1263]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF A PRICE CLASSIFICATION FOR SIZE GROUP NO. 10 COALS OF MINE INDEX NO. 73, IN DISTRICT NO. 7, FOR ALL SHIPMENTS EXCEPT TRUCK, PURSUANT TO SECTION 4 II (D) OF THE BITUMINOUS COAL ACT OF 1937 AND ORDERS NOS. 303 AND 305 OF THE DIRECTOR

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by District Board No. 7 for the establishment of Price Classification "C" for Size Group No. 10 coals of Mine Index No. 73, in District No. 7, and the granting of temporary relief pending the final disposition of the subject matter; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; that no petitions of intervention have been filed with the Division in the above-entitled matter; and that the following action is necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 7 for All Shipments Except Truck is supplemented to include the establishment of Price Classification "C" for the coals of the Glen Rogers Mine, Mine Index No. 73, of Raleigh-Wyoming Mining Company, a code member in District No. 7, for all shipments except truck.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-759; Filed, January 27, 1942; 10:41 a. m.]

[Docket No. A-1094]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER CORRECTING TYPOGRAPHICAL ERRORS AND INSERTING OMISSIONS IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

In an Order of November 5, 1941, 6 F.R. 6035, Granting Temporary Relief and Conditionally Providing for Final Relief in the above-entitled matter, the following errors occurred:

The twelfth paragraph of the Order on page 6035 of the FEDERAL REGISTER reads as follows:

"No price classification and no minimum prices are established herein for the coals of the Hodge Mine (Mine Index No. 3603) of Osborn Mining Co., (Clifford J. Osborn) for *rail* shipment because the records of the Division indicate that prices were previously established for this mine for *rail* shipment in Docket No. A-795 under the name of Mine No. 2 of C. J. Osborn."

No price classifications and no minimum prices were established for the coals of the Hodge Mine for *truck* shipment because they had been previously established. The word "truck" therefore should appear in the above-quoted paragraph instead of "rail." The mine is listed as Mine Index No. 3603; the correct Mine Index No. for this mine is 3606.

In the original petition, Mine Index Nos. 3806 and 544 were listed as belonging to J. W. Patrick (By-Product Elkhorn Coal Company). Because the Code Acceptance was signed J. W. Patrick, prices for these mines were established under the code member name of J. W. Patrick. It appears that "By-Product Elkhorn Coal Company" is also desired as part of the code member name.

The original petition listed the Stone Mine of J. A. Williams as Mine Index No. 4104 and for that reason it was so listed in the Order. It appears that this was a typographical error in the original petition and that this mine is designated Mine Index No. 4014.

In the Schedule marked "Supplement T", § 328.4 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*), annexed to and made a part of the Order, under Pike County, Kentucky, Mine Index No. 3803 is listed as belonging to Conaway Fuel Company, Inc. It appears that "c/o Landon Elswick" was omitted as part of this code member's name.

It appearing that these typographical errors should be corrected and the omissions inserted;

Now, therefore, it is ordered, That the twelfth paragraph of the Order Granting Temporary Relief and Conditionally Providing for Final Relief, dated November 5, 1941, 6 F.R. 6035, be and the same hereby is amended to read:

"No price classifications and no minimum prices are established herein for the coals of the Hodge Mine (Mine Index No. 3606) of Osborn Mining Co., (Clifford J. Osborn) for truck shipment because the records of the Division indicate that prices were previously established for this mine for truck shipment in Docket No. A-795 under the name of Mine No. 2 of C. J. Osborn"; and

That in the Schedule marked "Supplement R" § 328.11 (*Alphabetical list of code members*), and in the Schedule marked "Supplement T", § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*), annexed to and made a part of the Order, there appear after the name J. W. Patrick, the following: (By-Product Elkhorn Coal Company); and

That Mine Index No. 4104 of the Stone Mine of J. A. Williams in the aforementioned "Supplement R", § 328.11 (*Alphabetical list of code members*), be changed to read Mine Index No. 4014; and

That there appear in the aforementioned "Supplement T", § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*), under Pike County, Kentucky, after the name Conaway Fuel Company, Inc., the following: (c/o Landon Elswick).

Dated: January 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-758; Filed, January 27, 1942; 10:40 a. m.]

[1] Subparagraphs under § 75.22 (b) are designated (1) and (2) and subparagraph (b) (1) is amended.

[1] 6 F.R. 613.

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER A—GENERAL PROVISIONS

[Regulation No. 1]

DELEGATING POWERS WITH RESPECT TO PRIORITIES TO THE DIRECTOR OF THE DIVISION OF INDUSTRY OPERATIONS; AND RATIFYING ACTIONS OF THE DIRECTOR OF PRIORITIES OF THE OFFICE OF PRODUCTION MANAGEMENT

Pursuant to the authority vested in me by Executive Order No. 9024 [1] of January 16, 1942 and Executive Order No. 9040, [2] of January 24, 1942, the following Regulation is hereby issued:

(a) (1) The Director of the Division of Industry Operations, who shall be known as the Director of Industry Operations, shall perform the functions and exercise all the powers, authority and discretion conferred upon the President by section 2 (a) of the Act of June 28, 1940 (Public No. 671, 76th Cong.; 54 Stat. 676) as amended by the Act of May 31, 1941 (Public No. 89, 77th Cong.; 55 Stat. 236), except the power to ration products at the retail level conferred upon the Office of Price Administration by Directive No. 1 of the Chairman of the War Production Board, issued January 26, 1942.

(2) The Director of Industry Operations shall review, clear and approve for execution all requests or proposals originating from other Federal agencies, private industry, or other sources for priority action with respect to the procurement, production, transmission or transportation of materials, articles, power, fuel and other commodities; issue or provide for the issuance of all priority orders, warrants, certificates or ratings with respect to the supply, production, transmission, or transportation of materials, articles, power, fuel, and other commodities; and, with reference to specific priority authorities vested by law in established departments and agencies of the Government, certify to such departments and agencies, when he deems such action necessary to the most effective prosecution of war procurement and production, that preferential treatment is essential for certain materials, commodities, facilities or services.

(3) The Director of Industry Operations shall, in consultation with the United States Maritime Commission, determine when, to what extent, and in what manner, priorities shall be accorded to deliveries of material as provided in section 2 (a) (3) of Public No. 46, 77th Congress, First Session, entitled "An Act to Make Emergency Provision for Certain Activities of the United States Maritime Commission, and for Other Purposes", approved May 2, 1941. Deliveries of material shall take priority as provided in said Act in accordance with such determinations and the orders issued in pursuance thereof by the Director of Industry Operations.

(b) The Director of Industry Operations may exercise the powers, authority and discretion conferred upon him by this regulation through such officers of the Division of Industry Operations, and such other officials of the government (including the contracting and procurement officers and inspectors of the War and Navy Departments), and in such manner as he may determine.

(c) All existing rules, regulations, orders, directions, certificates and other actions of the Director of Priorities of the Office of Production Management are hereby ratified and confirmed and shall remain in full force and effect until they expire by their terms or are revoked or amended. (E.O. 9024, Jan. 16, 1942, 7 F.R. 329, E.O. 9040, Jan. 24, 1942, 7 F.R. 527; Sec. 2 (a), Public, No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

January 26, 1942.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 42-738; Filed, January 26, 1942; 2:51 p. m.]

[Regulation No. 2]

PART 902—REGULATIONS UNDER REQUISITIONING ACTS [1]

Amending and Ratifying Regulations Under the Requisitioning Acts Approved by the Supply Priorities and Allocations Board December 8, 1941, and Delegating Certain Power Thereunder

Pursuant to the authority vested in me by Executive Order No. 9024 [1] of January 16, 1942 and Executive Order No. 9040 [2] of January 24, 1942, the following Regulation is hereby issued:

(a) (1) The Regulations under Requisitioning Acts approved by the Supply Priorities and Allocations Board, December 8, 1941, are hereby amended as follows:

(i) Wherever "Office of Production Management" appears in said Regulations, "Chairman of the War Production Board" shall be substituted.

(ii) Wherever "General Counsel of the Supply Priorities and Allocations Board" appears in said Regulations, "General Counsel of the War Production Board" shall be substituted.

(2) Said Regulations, as amended by subparagraph (1) of this paragraph are hereby confirmed and continued in effect.

(3) In accordance with paragraph (f) of § 1600.1 of said Regulations, the Director of Industry Operations is hereby authorized and directed to exercise the powers, duties and discretion vested in the Chairman of the War Production Board by said Regulations, as amended by subparagraph (1) of this paragraph.

(b) The Director of Industry Operations may exercise the powers, authority and discretion conferred upon him by this regulation through such officers of the Division of Industry Operations, and such other officials of the government (including the contracting and procurement officers and inspectors of the War and Navy Departments), and in such

[1] 7 F.R. 329.

[2] 7 F.R. 527.

[1] These regulations appear under Part 1600 at 6 F.R. 6376.

[2] 7 F.R. 329.

[3] 7 F.R. 527.

manner as he may determine. (E.O. 9024, Jan. 16, 1942, 7 F.R. 329, E.O. 9040, Jan. 24, 1942, 7 F.R. 527; Public No. 829, 76th Congress, Third Session; Public No. 274, 77th Congress, First Session)

January 26, 1942.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 42-739; Filed, January 26, 1942; 2:51 p. m.]

[Directive No. 1]

DELEGATION OF AUTHORITY TO THE OFFICE OF PRICE ADMINISTRATION WITH RESPECT TO RATIONING

Pursuant to the authority vested in me by Executive Order No. 9024 of January 16, 1942, and Executive Order No. 9040 of January 24, 1942, and in order to delegate to the Office of Price Administration authority to provide for the equitable rationing of products at the retail level, it is hereby ordered that:

(a) The Office of Price Administration is authorized and directed to perform the functions and exercise the power, authority and discretion conferred upon the President by section 2 (a) of the Act of June 28, 1940 (Pub. No. 671, 76th Cong., 54 Stat. 676) as amended by the Act of May 31, 1941 (Pub. No. 89, 77th Cong., 55 Stat. 236) with respect to the exercise of rationing control over (1) the sale, transfer or other disposition of products by any person who sells at retail to any person, and (2) the sale, transfer or other disposition of products by any person to an ultimate consumer. The term "ultimate consumer," as used by this Directive, means a person acquiring products for the satisfaction of personal needs as distinguished from one acquiring products for industrial or other business purposes. The term "person", as used in this Directive, includes an individual, partnership, association, business trust, corporation or any organized group of persons, whether incorporated or not: *Provided*, That in no event shall this paragraph (a) be deemed to authorize the Office of Price Administration to control the acquisition of products by or for the account of any of the following:

(1) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics and the Office of Scientific Research and Development; or

(2) Government agencies or other persons acquiring such products for export to and consumption or use in any foreign country.

(b) The authority of the Office of Price Administration under this Directive shall include the power to regulate or prohibit the sale, transfer or other disposition of products to any retailer who has acted in violation of any rationing regulation or order prescribed by the Office of Price Administration hereunder, and shall include the power to regulate or prohibit the sale, transfer or other disposition of products to any wholesaler or other supplier of any retailer, directly or indirectly, if such wholesaler or other supplier has acted in violation of any rationing regulation or order prescribed by the Office of Price Administration hereunder. The Office of Price Administration is likewise authorized to require such reports and the keeping of such records, and to make such investigations, as it may deem necessary or appropriate for the administration of the rationing powers conferred herein; and it may take such measures as it may deem necessary or appropriate for the enforcement of any rationing regulation or order prescribed by it pursuant to this Directive.

(c) The Office of Price Administration may exercise the power, authority and discretion conferred upon it by this Directive through such officials, including part time and uncompensated special agents, and in such manner as it may determine.

(d) The Chairman of the War Production Board will, on request of the Office of Price Administration, advise the Office of Price Administration as to the portion of existing products available for rationing by the Office of Price Administration under this Directive.

(e) The Chairman of the War Production Board may from time to time delegate to the Office of Price Administration such additional powers with respect to the exercise of rationing control, or amend the delegation herein in such manner and to such extent, as he may determine to be necessary or appropriate.

(f) Nothing herein shall be construed to limit or modify any order heretofore issued by the Director of Priorities of the Office of Production Management, nor to delegate to the Office of Price Administration the power to extend, amend or modify any such order. (E.O. 9024, Jan. 16, 1942, 7 F.R. 329, E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public, No. 671, 76th Congress, Third Session, as amended by Public, No. 89, 77th Congress, First Session)

January 24, 1942.

DONALD M. NELSON,
Chairman.

Approved:

FRANKLIN D ROOSEVELT
January 24, 1942.

[F. R. Doc. 42-740; Filed, January 26, 1942; 4:47 p. m.]

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

Priorities Regulation No. 4—To Validate Certain Forms of Preference Rating Certificates

The following Regulation is issued by the Director of Industry Operations to promote the war effort of the United States and for the purpose of facilitating the functioning of the Division of Industry Operations.

§ 944.24 *Priorities Regulation No. 4—(a) Certain forms of preference rating certificate validated.* All preference rating certificates which have been or which may hereafter be duly issued over the facsimile signature of Donald M. Nelson as Director of Priorities are valid and shall continue valid in effect until termination or expiration by the terms thereof or by the circumstances or conditions of their application, or until hereafter cancelled, modified, changed, or amended by the Director of Industry Operations.

(b) *Effective date.* This Regulation shall take effect at once. (W.P.B. Reg. 1, Jan. 26, 1942, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Congress, Third Session, as amended by Pub. No. 89, 77th Congress, First Session)

J. S. KNOWLSON,
Director of Industry Operations.

JANUARY 26, 1942.

[F. R. Doc. 42-750; Filed, January 27, 1942; 10:21 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER I—GENERAL LAND OFFICE

[Circular No. 1502]

PART 185—GENERAL MINING REGULATIONS

SUBPART C—AREAS SUBJECT TO SPECIAL LAWS

Regulations to Permit Mining Within the Organ Pipe Cactus National Monument in Arizona

JANUARY 20, 1942.

§ 185.33h *Statutory authority.* By the Act of Congress approved October 27, 1941 (Public Law 281—77th Congress), all mineral deposits of the classes and kinds then subject to location, entry and patent under the United States mining laws within the Organ Pipe Cactus National Monument in Arizona, were made, exclusive of the land containing them, subject to disposal under such laws, with right of occupation and use of so much of the surface of the land as may be required for all purposes reasonably incident to the mining or removal of the minerals and under such general regulations as may be prescribed by the Secretary of the Interior.*

*§§ 185.33h to 185.33o, inclusive, issued under the authority contained in Public Law 281, 77th Congress, Oct. 27, 1941.

§ 185.33i *Mining locations.* The lands within the Organ Pipe Cactus National Monument as established by Proclamation No. 2232 dated April 13, 1937 (50 Stat. 1827), are open to prospecting for the kinds of mineral subject to location under the United States mining laws and upon discovery of any such mineral, locations may be made in accordance with the provisions of the mining laws and regulations thereunder. Such locations duly made will carry all the rights and incidents of mining locations, except that they will give to the locator no title to the land within their boundaries, or claim thereto, except the right to occupy and use so much of the surface of the land as required for all purposes reasonably necessary to mine and remove the minerals.*

§ 185.33j *Occupation and use of surface.* Occupation and use of the surface of a mining claim is restricted by the Act to such as is reasonably incident to the exploration, development and extraction of the minerals in the claim. Accordingly, any locator or patentee of a mining claim located under this Act will be entitled to such right. Prospectors and miners shall at all times conform to any rules now prescribed or which may be made applicable by the Secretary of the Interior to this monument. Special attention is directed to those regulations prohibiting hunting, trapping, and the carrying of firearms within the boundaries of the monument.*

CROSS REFERENCE: For regulations of the Secretary of the Interior affecting this monument, see 36 CFR, Chapter 1, Part 2 (FEDERAL REGISTER, March 26, 1941, Vol. 6, pp. 1626-1634).

§ 185.33k *Termination of right to use of surface of mining claims.* The right of occupation and use of the surface of the land embraced in the boundaries of a location, entry or patent pursuant to this Act will terminate when the minerals are mined out or the claim is abandoned.*

§ 185.33l *Title to minerals only.* Applications for patents and final certificates issued thereon for mining claims located under the Act should be noted "Organ Pipe Cactus National Monument Lands," and all patents issued for such claims will convey title to the minerals only, and contain appropriate reference to the Act and these regulations.*

§ 185.33m *Destroying vegetation prohibited.* The locator of a mining claim within the monument area shall refrain from destroying or disturbing vegetation within the boundaries of his claim except as is necessary for the proper development thereof for mining purposes.*

§ 185.33n *Construction of trails and roads.* Prospectors or miners shall not open or construct roads or vehicle trails without first obtaining a permit from the Director of the National Park Service. Applications for such permits may be made through the officer in charge of the monument upon submitting a map or sketch showing the location of the mining property to be served and the location of the proposed road or vehicle trail. The permit may be conditioned upon the permittee maintaining the road or trail in a passable condition, satisfactory to the officer in charge, so long as it is used by the permittee or his successors.*

§ 185.33o *Lands containing certain features not subject to location.* Lands containing springs, wells, water holes, other sources of water supply, monument headquarters, and recreation areas are not subject to location.*

FRED W. JOHNSON,
Commissioner.

I concur:

NEWTON B. DRURY,
Director, National Park Service.

Approved: January 20, 1942.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-760; Filed, January 27, 1942; 10:24 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-185]

IN THE MATTER OF OLD BEN COAL CORPORATION, REGISTERED DISTRIBUTOR, REGISTRATION NO. 6983

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder to determine

(a) Whether or not the Old Ben Coal Corporation, Registered Distributor, Registration No. 6983, whose address is 230 South Clark St., Chicago, Illinois, has violated any provisions of the Act, the Code, and Orders and regulations of the Division, including the Marketing Rules and Regulations, and Regulations for the Registration of Distributors, and the Distributor's Agreement (the "Agreement") dated July 21, 1939, executed and filed by the Old Ben Coal Corporation, pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939;

(b) Whether or not the Old Ben Coal Corporation during the period subsequent to September 30, 1940, accepted and retained commissions as sales agent for the Hart Coal Company, a code member in District No. 9, although a certified copy of the contract of agency between the aforesaid parties was not on file with the Statistical Bureau for District No. 9, including commissions amounting to $1228.59 on approximately 9307.30 tons of coal produced at the Hart Coal Company's Moss Hill Mine, Mine Index No. 58, which were sold to the Louisville and Nashville Railroad Company for locomotive use during the period October 1, 1940, to May 31, 1941, both dates inclusive, resulting in a violation of Rule 9 (a) of Section II of the Marketing Rules and Regulations and, therefore, Paragraph (e) of its Agreement; and

(c) Whether or not the registration of Old Ben Coal Corporation should be revoked or suspended or other appropriate penalties should be imposed.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether or not the aforementioned Old Ben Coal Corporation has committed violations in the respects heretofore described and whether or not the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on March 2, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 705, U. S. Custom Court Building, Chicago, Illinois.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Old Ben Coal Corporation and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer setting forth the position of the aforementioned Old Ben Coal Corporation with reference to the matters hereinbefore described, must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service hereof on the Old Ben Coal Corporation; and that failure to file an answer herein within such period, unless the presiding officer shall otherwise order, shall be deemed to be an admission by Old Ben Coal Corporation of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: January 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-751; Filed, January 27, 1942; 10:38 a. m.]

[Docket No. 1729-FD]

IN THE MATTER OF BLUE LABEL COAL COMPANY, A PARTNERSHIP, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND CANCELLING AND REVOKING CODE MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 15, alleging that Blue Label Coal Company, a code member, the defendant, wilfully violated the provisions of the Bituminous Coal Code or the rules and regulations thereunder, by allowing excess weights on coal sold to the Farrington Coal Company, Kansas City, Missouri, and praying that the Division either can-

cel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violation of the Code or the rules and regulations thereunder;

The defendant having filed an answer denying generally the allegations of the complaint;

Pursuant to a Notice of and Order for Hearing, a hearing in this matter having been held on September 11, 1941, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Kansas City, Missouri, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard, and at which the defendant appeared;

The Examiner having filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations, dated November 7, 1941, recommending that an order be entered revoking and cancelling the code membership of the defendant;

The defendant having filed exceptions thereto;

The undersigned having made Findings of Fact herein and having rendered an Opinion, which are filed herewith; [1]

Now, therefore, it is ordered, That the exceptions of the defendant, Blue Label Coal Company, to the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner be and they are hereby severally overruled.

It is further ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and they hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That the code membership of the defendant, Blue Label Coal Company, be, and it is hereby revoked and cancelled, effective 15 days from the date hereof.

It is further ordered, That prior to any reinstatement of the defendant, or any partner therein, to membership in the Code, the defendant, or any partner therein, shall pay to the United States a tax in the amount of $1,075.93, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: January 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-752; Filed, January 27, 1942; 10:38 a. m.]

[Docket Nos. 1591-FD, 1592-FD]

IN THE MATTER OF E. P. WHITED, DEFENDANT, AND IN THE MATTER OF J. B. WHITED, DEFENDANT

ORDER APPROVING AND ADOPTING EXAMINER'S REPORT AND REVOKING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 8, complainant, alleging wilful voilation by E. P. Whited and J. B. Whited, code members in District 8, defendants, of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendants with full knowledge of the requirements contained in the Schedule of Effective Minimum Prices For District No. 8 For Truck Shipments and with intent to violate the same and in violation thereof, sold for truck shipments, between October 1, 1940 and February 24, 1941, inclusive, coals produced at the defendants' mine (Mine Index No. 2260), in District 8, at prices lower than the effective minimum f. o. b. mine prices for such coals.

Pursuant to Orders of the Director and after notice to all interested persons, a hearing having been held in this matter on April 4, 1941, before Charles O. Fowler, a duly designated Examiner of the Division at a hearing room thereof;

All interested persons having been afforded an opportunity to be present at the hearing, to adduce evidence, cross-examine witnesses and otherwise be heard;

The Examiner having made and entered his Proposed Findings of Fact, Conclusions of Law and Recommendations in the above proceedings dated December 17, 1941, recommending that the code membership of the defendants be revoked and cancelled;

An opportunity having been afforded to the defendants to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having considered the matter and having determined that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the Director;

It is, therefore, ordered, That the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner be and they are hereby adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of the defendant, E. P. Whited, and the code membership of the defendant, J. B. Whited, be and the same are hereby revoked and cancelled, effective fifteen (15) days from the date of this Order.

It is further ordered, That, prior to any reinstatement of the defendants, E. P. Whited and J. B. Whited, or either of them, to membership in the Code, they shall pay to the United States a tax in the amount of $431.43 as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: January 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-753; Filed, January 27, 1942; 10:39 a. m.]

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[1] Not filed as part of the original.

[Docket No. A-1238]

IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL CONSUMERS' COUNSEL FOR AN ORDER ESTABLISHING PRICES FOR THE SALE OF 30,000 TONS OF COAL SHIPPED BY RIVER FROM THE MINES OF SUBDISTRICT 4 OF DISTRICT 13 TO THE WILSON DAM STEAM PLANT OF THE TENNESSEE VALLEY AUTHORITY, AND FOR TEMPORARY RELIEF

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with the Bituminous Coal Division ("Division") on December 24, 1941, by the Bituminous Coal Consumers' Counsel ("Consumers' Counsel"). The petition states that the Consumers' Counsel is dissatisfied with certain coordinated minimum prices and rules and regulations contained in the price schedules for District 13; that the minimum prices now applicable to producers in Subdistrict 4 of District No. 13 (Tennessee-Georgia truck mines) are apparently applicable only for shipment by truck, whereas the minimum prices now applicable to producers in Subdistrict 3 of District No. 13 (Tennessee-Georgia rail-connected mines) similarly situated with respect to the Tennessee River, cover coal shipped by river; and that the mines in Subdistrict 4 of District 13 are located within reasonable trucking distance of the Tennessee River, a majority of them being within 30 miles of that river.

The petitioner avers that a considerable portion of the Tennessee River is now provided with one of the best navigation channels in the inland waterways system as a result of the improvements made by the Tennessee Valley Authority ("Authority"); that the Authority maintains a large steam plant for the generation of electricity at Wilson Dam, Alabama, in Market Area No. 117, which consumes approximately 1,500 tons of bituminous coal per day, and which is equipped to receive free alongside deliveries of coal; and that prior to the completion of the recent navigation improvements on the Tennessee River, the Authority purchased coal exclusively from producers operating mines in Subdistrict 1 of District 13 (Alabama rail-connected mines); and that the Authority has been purchasing up to 700 tons of coal per day for shipment by truck from producers in Subdistrict 4 of District 13 for consumption in another steam plant which it operates at Hales Bar, Tennessee, on the Tennessee River. It is further alleged that the Authority has recently purchased and consumed 1000 tons of Subdistricts 3 and 4 coals in its Wilson Dam plant in a successful test of their burning qualities. The petitioner contends that the Authority has found the coal produced by Subdistricts 3 and 4 (Tennessee-Georgia rail and truck) mines to be of equal or better quality than the coals produced by the rail-connected mines in Subdistrict 1 (Alabama), and believes that such coals will give satisfactory service at its plant at Wilson Dam.

The petitioner further states that the Authority desires to arrange for barge transportation of 30,000 tons of coal from South Pittsburg, Tennessee, and other points on the Tennessee River accessible by truck from the mines of Subdistrict 4, to Wilson Dam, for the purpose of determining feasability of regular purchases of coal from Subdistrict 4 mines for barge delivery to its Wilson Dam plant. According to the petition, the Authority is willing to pay the minimum f. o. b. mine prices now applicable for shipment by truck for this movement of coal, plus the costs of transportation from the mine tipple to the Wilson Dam steam plant.

An informal conference, upon notice to interested parties, was held on January 8, 1942, pursuant to the Rules and Regulations Governing Practice and Procedure in section 4 II (d) proceedings, for the purpose of affording interested parties the opportunity of expressing their views concerning the temporary relief prayed for.

Represented at the conference in support of the requested relief were Consumers' Counsel; Blaine Buchanan, appearing for certain producers in Subdistrict 4 of District 13; and the Tennessee Valley Authority. Parties at the conference opposing the requested relief were: District Board 7; District Board 13; W. H. Saddler, appearing on behalf of certain companies in District 13; H. McDermott, appearing for the Stith Coal Company; B. G. Jordan, appearing for the A B C Coal and Coke Company; James C. Stephenson, appearing for the Cane Creek Mining Company and the National Coal and Coke Company; J. M. Chapman, appearing for the Chapman Coal Sales Company; A. W. Vogtle, appearing for the DeBardeleben Coal Corporation; and J. H. Moore, appearing for the Brookside-Pratt Mining Company, all code members in Subdistrict 1 of District 13 or their sales agents.

Representations made at the informal conference disclose the following information:

The Tennessee Valley Authority, an instrumentality of the United States, operates a number of hydro plants generating electricity. Its system of transmission lines runs throughout the State of Tennessee as well as through parts of four other southeastern states. As auxiliary to the hydro plants, this agency also operates six steam plants, one of which is located at the Wilson Dam on the Tennessee River (Sheffield, Alabama, Market Area No. 117). At present, the generating plants at Wilson Dam are a source of power for essential defense industries. Due to an unprecedented demand for power, the steam generating facilities at Wilson Dam have been operating at maximum capacity.

All the requirements of coal for the steam plant at Wilson Dam are now supplied by producers in the Alabama field (Subdistrict 1) of District 13, pursuant to formal agreements between the Authority and the producers or their sales representatives.[2] The coal supplied from the Alabama field is chiefly washed screenings, with some run of mine. It delivers at Wilson Dam at approximately $3.98 or $4.00 per ton.

There seems to be no doubt that the present Alabama producers can supply the maximum coal needs of the Authority at the steam plant at Wilson Dam and the nitrate plant nearby. However, representatives of the Authority contend that the steam plant here should have available an alternative supply in the event there is an interruption in shipments from the Alabama field. Though the factors they cited as giving rise to the fear that there might be a cessation in shipments from the Alabama fields seem remote, representatives of the Authority stressed the necessity of being prepared for any and all eventualities in these times of national emergency. Further, it is contended that, pursuant to congressional direction, the Authority has improved the Tennessee River for navigation purposes. The mines of Subdistrict No. 4 have access to the developed part of this waterway at South Pittsburg, Tennessee, where the Authority proposes to provide loading facilities for barge shipment of coal to the steam plant at Wilson Dam in the event that the requested relief is granted.[3]

It was contended that a large group of mines in the Whitwell Area of Subdistrict 4 could truck coal to the river at South Pittsburg, where the coal could be loaded on barges for shipment to Wilson Dam. These barges would be unloaded just above Wilson Dam by a derrick now owned and operated by the Authority; the coal then would be transferred to railroad cars for switching over their own lines for a distance of about two miles to the steam plant. On the ground that the Authority is obligated to secure its coal requirements at the lowest possible cost, its representatives stated that the purpose of the proposed movement of 30,000 tons, as set forth in the petition, was to determine whether sufficient savings could be obtained by the purchase of coal from Subdistrict 4 to warrant more extensive movement of such coals in the future. According to the petition, the Authority is willing to pay the f. o. b. mine prices now applicable for shipment by truck for this movement and to assume all the costs of transporting this coal from the mine tipple to the steam plant at Wilson Dam.

While the Alabama suppliers are now furnishing in most cases, washed screenings, the truck mines of Subdistrict 4 would supply mine run coal for this movement. The f. o. b. mine price for this coal for truck shipment is now $2.35 per ton. The truck mines from whom the Authority desires to purchase this coal are located in the area of approximately 30 miles from the proposed loading point at South Pittsburg. Most of this coal is likely to come from mines located at an average distance of 22 to 25 miles from South Pittsburg.

It is estimated that average trucking charge or expense for trucking coal from these truck mines to South Pittsburg would be about 60 cents.[4] To these charges must be added an estimated 10 cents per ton loading charge, a barge rate of 60 cents per ton and a lifting cost of 15 cents per ton at Wilson Dam.

Strong contentions are made against the advisability of this proposed relief, by the Alabama producers, District Boards 7 and 13.[5] It was contended that there never has been any failure on the part of these producers to meet all the coal requirements of the Tennessee Valley Authority at Wilson Dam; that the Authority has never required the maximum amounts stipulated in its agreements with the producers; and that a full time operation of the steam plant throughout the remainder of the contract period would not exhaust the maximum requirements under the contracts. In view of the recent new wage contract with the miners in Alabama, it was urged that it is not likely that there would be a stoppage of work due to labor trouble; for various reasons, it was also argued that an interruption of transportation due to car shortage, strikes or sabotage was unlikely. Finally, the argument was made that the truck coals of Subdistrict 4 have not been coordinated with the coals of the Alabama field.

The foregoing representations were considerably amplified in the course of the informal conference.

The Acting Director has carefully considered the conflicting contentions here advanced. The situation seems to be that the Tennessee Valley Authority, owing to the wartime demand on its facilities, believes itself to be in need of an alternative source of supply in order to ensure a continuing supply of coal. This supply it seeks from an area from which it has not previously purchased coal. The undersigned is not able to conclude that there is any objection to this so long as the prices established for such coal do not give it a competitive

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[2] These agreements are on file with the Division and the undersigned has been requested to take notice of their provisions. A great deal was said about their probable legal effect during the course of the conference. The Counsel for certain Alabama producers, in an informal brief submitted to the undersigned, endeavors to substantiate his contentions at the conference that these writings obligated the Authority to buy all its coal requirements for the Wilson Dam steam plant from the Alabama suppliers. I find it unnecessary to attempt to interpret these agreements in passing upon the merits of the proposal for prices of the coals of Subdistrict 4 for movement into Market Area 117. Their interpretation and legal effect is entirely a matter for the parties to the agreements.

[3] At present certain mines in the Tennessee-Georgia field, like those in the central Alabama field, have rail prices for shipments to Sheffield, Alabama. However, these prices result in a delivered price at Wilson Dam in excess of $4 per ton.

[4] This trucking charge or expense may be sufficient to include a weighing charge of 10 cents for each truck load.

[5] The coals of District 7 are not involved in this proceeding. District Board 7 objected to the requested relief principally on the ground that it might serve as a precedent for similar relief elsewhere.

advantage over other coal now moving to the Authority. As has been pointed out the price of central Alabama coal delivered to the Authority at Wilson Dam is from $3.98 to $4.00 per ton. The charges incident to moving coal from the loading point at South Pittsburg, Tennessee, in Subdistrict 4, to Wilson Dam include a charge of 60 cents per ton for river transportation and 15 cents per ton for lifting. These charges amount to 75 cents per ton. Therefore, if the Authority is required to pay $3.25 per ton for the coal f. o. b. the barges at South Pittsburg, the coal from Subdistrict 4 will reach it at a delivered price of $4.00, which is the same delivered price at which it receives coal from the central Alabama fields.[6] Under such circumstances it cannot be said that the central Alabama producers will be unduly prejudiced. The Acting Director therefore finds and concludes that a reasonable showing has been made of the necessity for granting temporary relief here.

The relief granted will be limited as requested to June 30, 1942, unless otherwise ordered. And jurisdiction will be reserved to enter such further order or orders affecting this movement of coal as is found to be necessary.[6] The order will set a base price of $3.25 per ton f. o. b. the barge. This base price will be subject to an adjustment in the event a producer sells the coal for such shipment f. o. b. the mine and the coal is trucked to the loading facilities at South Pittsburg by an independent trucker. In such case the f. o. b. mine price will be adjusted so that such price plus the actual cost of transportation to the loading facilities will be not less than $3.25 per ton.[7]

Now therefore it is ordered, That temporary relief pending final disposition of this proceeding is hereby granted by adding to the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments (at p. 24 thereof; Subdistricts 3 and 4 Subsections) the following Price Exception:

Any code member producer whose mine is located in Subdistrict 4 and which mine is located within a radius of 30 miles of river loading facilities at South Pittsburg, Tennessee, may ship by truck run-of-mine (Size Group 7) coal from such mine to river loading facilities at South Pittsburg, Tennessee, for shipment by river to Market Area 117 at a minimum price of not less than $3.25 per net ton loaded into barges;

Provided, however, That when such producers sell or transport such coal for transportation to the South Pittsburg loading facilities by an independent trucker, they may if the actual transportation costs exceed 60 cents per net ton reduce the effective minimum price of $3.25 by an amount no greater than the excess of such costs over said 60 cents; and they shall, if the actual transportation costs are less than 60 cents per net ton for such shipment, add to the effective minimum f. o. b. price of $3.25, an amount not less than the difference between said 60 cents and their actual costs;

Provided further, That the relief herein granted shall apply only to coal shipped subsequent to the date hereof; and

Provided further, That the effectiveness of this price exception will expire on June 30, 1942, unless otherwise ordered.

And it is further ordered, That jurisdiction is reserved to enter such further order or orders as is found necessary in the premises.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the applicable rules and regulations.

Nothing contained herein shall be deemed to constitute a ruling or expression of the Acting Director's views concerning the final disposition of this proceeding or the nature of the relief which may hereafter be granted.

Dated: January 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-754; Filed, January 27, 1942; 10:39 a. m.]

[Docket No. 1508-FD]

IN THE MATTER OF THE APPLICATION OF INDIANA COALS CORPORATION FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

MEMORANDUM OPINION AND ORDER

By an Order of May 27, 1941, the Director, pursuant to and in accordance with Section 12 of the Bituminous Coal Act of 1937, provisionally approved Indiana Coals Corporation, the applicant, as a "marketing agency." On January 16, 1942, the applicant filed a motion for leave to amend its Producer and Sub-Agent contracts as set forth below and for leave to enter into contracts with Princeton Mining Company and Black Hawk Coal Corporation, code members in District 11.

The applicant seeks leave to amend Clause Ninth (b) and (c) of its Producer contracts, in order to reduce the commission charges to 2½ mills per ton and to permit an allowance of discounts to registered farmers' cooperative organizations, so as to read as follows:

Ninth: (b) Where the producer appoints a sub-agent for the sale of its coal, the commission to the Selling Agent shall be ------ Per Cent (------%) to the Sub-Agent and such amount not exceeding One Cent (1¢) per ton to the Selling Agent as may be fixed from time to time by agreement between the Selling Agent and the Producer. Until changed by subsequent agreement, the commission to Selling Agent shall be two and one-half (2½) mills per ton.

(c) Where the coal is sold through registered distributors or registered farmers' co-operative organizations at the discounts authorized by the Selling Agent to such distributors or organizations, the commission shall be not in excess of ----- Per Cent (------%) to the Sub-Agent and such amount not exceeding one cent (1¢) per ton to the Selling Agent as may be fixed from time to time by agreement between the Selling Agent and the Producer. Until changed by subsequent agreement, the commission to Selling Agent shall be two and one-half (2½) mills per ton.

The applicant further seeks leave to amend Clause Nineteenth of its Producer contracts, so as to read as follows:

Nineteenth: This agreement shall become effective ----------, 1942. This agreement shall continue in force until March 24, 1942, and unless notice of cancellation is given on or before ----------, 1942, this agreement shall continue in force for succeeding one year periods, unless either party gives written notice sixty (60) days previous to ---------- of any year of its intention of cancellation.

The applicant further seeks to amend section Six (b) of its Sub-Agency contracts, in order to permit the allowance of discounts to registered farmers' co-operatives, to as to read as follows:

Section Six: (b) Where coal is sold through registered distributors or registered farmers' co-operatives at the discounts authorized by the Selling Agent to such distributors or organizations, the commission shall be ------ Per Cent (------%), and in no case in excess of ------ Per Cent (------%), based on the f. o. b. mine price after deducting such discounts and allowances properly chargeable to the Selling Agent or Producer as hereinbefore provided.

On January 23, 1942, the Bituminous Coal Consumers' Counsel filed a Statement concerning the applicant's motion of January 16. In this Statement the Consumers' Counsel represents that the proposed amendments to Clause Ninth (c) of the applicant's Producer contracts and Section Six (b) of its Sub-Agency contracts substitute for the word "wholesalers", presently appearing in said clauses, the words "registered distributors or registered farmers' cooperative organizations." The Consumers' Counsel claims that these amendments do not clearly conform said contracts to condition numbered 3 of the Order Granting Provisional Approval herein dated May 27, 1941. That condition provides that "The form of sub-agency contract submitted for approval should be modified so as to permit sales by sub-agents to registered farmers' cooperative organizations and to permit such sub-agents to allow such organizations the same discounts which are permitted to be allowed on sales to registered distributors."

The undersigned has considered the proposed amendments in the light of the Statement by the Consumers' Counsel and is of the opinion that the amendments to Clause Ninth (c) of the Producer contracts and section Six (b) of the Sub-Agency contracts as proposed by the applicant do comply with the Order Granting Provisional Approval dated May 27, 1941, and that the contract as so amended will permit sales to registered farmers' cooperative organizations and will permit the allowance to such organizations of the same discounts as are permitted to be allowed on sales to registered distributors.

With respect to the applicant's request that it be permitted to enter into contracts with Princeton Mining Company and Black Hawk Coal Corporation, the applicant sets forth that these two producers operate rail shipping mines in District 11; that they produce coal in the 5th seam and not Brazil Block coal; that the addition of these two producers will not bring the tonnage covered by the applicant's Producer contracts beyond 80 percent of the estimated annual production of District 11 and will not change the status of the applicant with respect to General Order No. 6; and that entering into contracts with said producers will not tend to restrict coal in interstate commerce or cause the public to receive coal at unreasonable prices.

The undersigned has considered the applicant's motion for leave to amend the Producers' and Sub-Agents' contracts and for leave to enter into contracts with additional producers and the Statement of the Consumers' Counsel concerning said motion and finds that said motion should be granted.

Now, therefore, it is ordered, That Clause Ninth (b) and (c) and Clause Nineteenth of the contracts between producers and the applicant and Section Six (b) of the Sub-Agency contracts entered into by applicant be, and they hereby are, amended to read as is set forth above.

It is furthered ordered, That applicant may enter into Producer contracts with Princeton Mining Company and Black Hawk Coal Coporation.

Dated: January 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-755; Filed, Janary 27, 1942; 10:39 a. m.]

[Docket No. 1737-FD]

IN THE MATTER OF RAWALT COAL COMPANY, A CORPORATION, DEFENDANT

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint having been filed on May 7, 1941, by the Bituminous Coal Producers Board for District No. 10, as complainant pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by the Rawalt Coal Company, defendant in the above-entitled matter, of the Act, the Bituminous Coal Code (the "Code") and the effective minimum prices established thereunder, by selling during the period February 6 to February 21, 1941, approximately 864 tons of coal at prices less than the effective minimum prices therefor; and

A hearing in this matter having been held on October 2, 1941, at Peoria, Illinois, before a duly designated examiner of the Division, and the complaint having been amended at said hearing, and the defendant at said hearing having made certain offers and admissions in respect to the amended complaint and having confirmed the same by agreement dated December 20, 1941, the original of which is on file with the Division; and

An order having been entered herein on December 9, 1941, cancelling and revoking the code membership of the Rawalt Coal Company effective ten (10) days from the date of service thereof upon the defendant; and

Said Order of Cancellation and Revocation having been duly served January 12, 1942, upon the Rawalt Coal Company; and

The Rawalt Coal Company having filed with the Division its application dated January 13, 1942, for restoration of its code membership, to become effective simultaneously with the effective date of said cancellation and revocation of its code membership; and

It appearing from said application that the Rawalt Coal Company has paid to the Collector of Internal Revenue at Peoria, Illinois, on January 13, 1942, the sum of $1,317.14 pursuant to said Order dated January 5, 1942, as a condition precedent to restoration of its code membership.

Now, therefore, it is ordered, That said application of the Rawalt Coal Company dated January 13, 1942, for restoration of its code membership to become effective simultaneously with the effective date of said cancellation and revocation of code membership be, and the same hereby is granted.

It is further ordered, That said restoration of the code membership of the Rawalt Coal Company shall become effective simultaneously with the effective date of said cancellation and revocation of code membership.

Dated: January 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-756; Filed, January 27, 1942; 10:40 a. m.]

[Docket No. 1818-FD]

IN THE MATTER OF SMITH & LAMBERT, A PARTNERSHIP, DEFENDANT

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint having been filed on July 25, 1941, by the Bituminous Coal Producers Board for District No. 3, as complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by Smith and Lambert, a partnership, composed of Harry B. Smith and Gus J. Lambert, Defendant in the above-entitled matter, of the Act, the Bituminous Coal Code (the "Code") and the effective minimum prices established thereunder by selling a substantial tonnage of bituminous coal produced at its Taylor (Cover) Mine (Mine Index No. 841) during the period subsequent to October 1, 1940, at prices less than the effective minimum prices established therefor; and

An Order having been made herein on December 31, 1941, cancelling and revoking the code membership of Smith and Lambert, a partnership, effective fifteen (15) days from the date thereof; and

Said order of cancellation and revocation having been duly served on January 9, 1942, upon Smith and Lambert, a partnership; and

Smith and Lambert having filed with the Division its application dated January 16, 1942, for restoration of its code membership to become effective simultaneously with the effective date of said cancellation and revocation of its code membership; and

It appearing from said application that Smith and Lambert, a partnership, has paid to the Collector of Internal Revenue at Parkersburg, West Virginia, on January 13, 1942, the sum of $68.02, pursuant to said Order dated December 31, 1941, as a condition precedent to the restoration of its code membership.

Now, therefore, it is ordered, That said application of Smith and Lambert, a partnership, dated January 16, 1942, for restoration of its code membership be, and the same hereby is, granted.

It is further ordered, That said restoration of the code membership of Smith and Lambert, a partnership, be effective as of the effective date of said cancellation and revocation of code membership.

Dated: January 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-757; Filed, January 27, 1942; 10:40 a. m.]

Bureau of Reclamation.

FIRST FORM RECLAMATION WITHDRAWAL

COLORADO RIVER STORAGE PROJECT, ARIZONA

DECEMBER 3, 1941.

The SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269) as amended, it is recommended that the following described lands be withdrawn from public entry under the first form withdrawal, as provided in Section 3, Act of June 17, 1902 (32 Stat. 388) and that Departmental

[6] The coals shipped to Wilson Dam from the central Alabama fields are chiefly washed screenings, whereas the coal sought to be purchased from the Subdistrict 4 mines is mine-run.

[6] Of course producers, their sales agents and distributors, selling coal pursuant to the relief herein granted are subject to all the requirements of the Division regarding reporting, and to the provisions of all other applicable rules and regulations.

[7] Cf. Docket No. A-130.

Order of March 6, 1936, including the said lands in Grazing District No. 2, Arizona, be modified and made subject to the withdrawal effected by this order.

COLORADO RIVER STORAGE PROJECT

Gila and Salt River Meridian, Arizona

Township 21 North, Range 20 West:
Sec. 15, Lots 1, 2, NE¼, E½NW¼, S½;
Sec. 16, Lots 1, 2, 3, 4, SW¼NE¼, NW¼, S½;
Sec. 21, All; Sec. 22, All.

Respectfully.

JOHN C. PAGE,
Commissioner.

I concur: December 5, 1941.

ARCHIE D. RYAN,
Acting Director of Grazing Service.

I concur: December 23, 1941.

FRED W. JOHNSON,
Commissioner, General Land Office.

JANUARY 15, 1942.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

JOHN J. DEMPSEY,
Under Secretary.

[F. R. Doc. 42-745; Filed, January 27, 1942; 10:22 a. m.]

FIRST FORM RECLAMATION WITHDRAWAL

PROVO RIVER PROJECT, UTAH

DECEMBER 16, 1941.

THE SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following described lands be withdrawn from public entry under the first form withdrawal, as provided in Section 3, Act of June 17, 1902 (32 Stat. 388), and that Departmental Order of April 8, 1935, establishing Grazing District No. 2, Utah, be modified and made subject to the reclamation withdrawal effected by this order.

PROVO RIVER PROJECT

Salt Lake Meridian, Utah

Township 5 South, Range 3 East, Sec. 33, S½NE¼.
Township 6 South, Range 3 East, sec. 6, SW¼NE¼.

Respectfully.

JOHN C. PAGE,
Commissioner.

I concur: January 5, 1942.

ARCHIE D. RYAN,
Acting Director of the Grazing Service.

I concur: January 7, 1942.

FRED W. JOHNSON,
Commissioner, General Land Office.

JANUARY 15, 1942.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

JOHN J. DEMPSEY,
Under Secretary.

[F. R. Doc. 42-746; Filed, January 27, 1942; 10:22 a. m.]

FIRST FORM RECLAMATION WITHDRAWAL

PROVO RIVER PROJECT, UTAH

DECEMBER 10, 1941.

THE SECRETARY OF THE INTERIOR.

SIR: In connection with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following described lands be withdrawn from public entry under the first form withdrawal as provided in Section 3 of the Act of June 17, 1902 (32 Stat. 388).

PROVO RIVER PROJECT, UTAH

Salt Lake Meridian

Township 6 South, Range 3 East: Sec. 4, NW¼SW¼.

Respectfully,

JOHN C. PAGE,
Commissioner.

I concur: January 7, 1942.

FRED W. JOHNSON,
Commissioner, General Land Office.

JANUARY 15, 1942.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

JOHN J. DEMPSEY,
Under Secretary.

[F. R. Doc. 42-747; Filed, January 27, 1942; 10:23 a. m.]

FIRST FORM RECLAMATION WITHDRAWAL

NASHVILLE RESERVOIR SITE, CALIFORNIA

NOVEMBER 28, 1941.

THE SECRETARY OF THE INTERIOR.

SIR: In connection with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following described lands be withdrawn from public entry under the first form withdrawal as provided in Section 3 of the Act of June 17, 1902 (32 Stat. 388).

NASHVILLE RESERVOIR SITE, CALIFORNIA

Mount Diablo Meridian

Township 8 North, Range 10 East:
Sec. 2, Lots 2, 6, 8, 14;
Sec. 11, Lots 3, 8, E½SE¼;
Sec. 12, Lots 5, 6, 7, NE¼NE¼, SW¼NE¼, NW¼SW¼, SE¼SW¼, S½SE¼;
Sec. 15, E½SE¼.
Township 9 North, Range 10 East:
Sec. 12, Lots 19, 20, 21;
Sec. 23, SE¼NE¼, NE¼SE¼;
Sec. 24, SE¼SW¼;
Sec. 25, Lot 6, N½NW¼;
Sec. 26, E½NE¼, NE¼SE¼;
Sec. 35, Lot 2.
Township 9 North, Range 11 East:
Sec. 18, Lot 4;
Sec. 19, Lots 2, 3, 4, W½SE¼, NE¼NW¼, E½SW¼;
Sec. 20, NE¼, SE¼NW¼, NE¼SW¼, SW¼SW¼, N½SE¼.

Respectfully.

JOHN C. PAGE,
Commissioner.

I concur: January 7, 1942.

FRED W. JOHNSON,
Commissioner, General Land Office.

JANUARY 15, 1942.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

JOHN J. DEMPSEY,
Under Secretary.

[F. R. Doc. 42-748; Filed, January 27, 1942; 10:23 a. m.]

General Land Office.

AIR NAVIGATION SITE WITHDRAWAL NO. 176

ALASKA

It is ordered, Under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U.S.C. 214, that the public land within the following-described boundaries, near Cold Bay, Alaska, be, and it is hereby, withdrawn from all appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce in the maintenance of air navigation facilities:

Beginning at a point on the west boundary of the Naval Reserve established by Executive Order No. 5214 of October 30, 1929, from which the U.S.C. & G.S. monument "Cow", located at latitude 55°12'10.71" N., and longitude 162°41'57.76" W. bears N. 85° 52'50" E., 7,086.5 feet.
Thence by metes and bounds:
N. 24°57'30" W., 22,580.0 feet;
East, 9,506.8 feet; to a point on the west boundary of the Naval Reserve;
South, 20,426.1 feet, along west boundary of the Naval Reserve, to the point of beginning, containing 2,229 acres.

HAROLD L. ICKES,
Secretary of the Interior.

JANUARY 19, 1942.

[F. R. Doc. 42-749; Filed, January 27, 1942; 10:23 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 709, 423]

IN THE MATTER OF (1) THE TEMPORARY AMENDMENT OF THE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY OF EASTERN AIR LINES, INC., FOR ROUTES NOS. 10 AND 40, AND OF PENNSYLVANIA-CENTRAL AIRLINES CORPORATION FOR ROUTE NO. 55, TO INCLUDE HUNTSVILLE, ALABAMA, AS AN INTERMEDIATE POINT: AND (2) THE APPLICATION OF EASTERN AIR LINES, INC., FOR A PERMANENT OR TEMPORARY CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, that oral argument is hereby assigned to be held on January 30, 1942, at 10 a. m. (Eastern Standard Time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated: January 26, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-761; Filed, January 27, 1942; 10:57 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6129]

APPLICATION OF DROVERS JOURNAL PUBLISHING COMPANY (WAAF) CHICAGO, ILLINOIS FOR CONSTRUCTION PERMIT

ORDER REGARDING PROPOSED SIMULTANEOUS OPERATION OF STATIONS WAAF AND KFEL

It is ordered, On the Commission's own motion, this 23d day of January 1942, that the notice of issues heretofore released on the application in Docket No. 6129, be, and it is hereby, supplemented, as follows:

1. To determine the extent of any interference which would result from the simultaneous operation of Station WAAF, as proposed, and Station KFEL.

2. To determine the areas and populations which may be expected to lose primary nighttime service, particularly from Station KFEL, should Station WAAF operate as proposed, and what other broadcast service is available to these areas and populations.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-741; Filed, January 27, 1942; 10:13 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4673]

IN THE MATTER OF THE CURTISS CANDY COMPANY, A CORPORATION

COMPLAINT AND NOTICE OF HEARING, ETC.

The Federal Trade Commission having reason to believe that the party respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, section 13), and section 3 of the Clayton Act (U.S.C. Title 15, section 14), hereby issues its complaint, stating its charges with respect thereto as follows:

Count I

PARAGRAPH ONE. Respondent, The Curtiss Candy Company, is a corporation organized and existing under and by virtue of the laws of the State of Illinois, and has its office and principal place of business located in the Curtiss Building, 622 Diversey Parkway, Chicago, Illinois.

PAR. TWO. Respondent is now, and has been since June 19, 1936, engaged in the business of manufacturing, distributing and selling confectionery products, principally candy bars sold in wrappers bearing the names Baby Ruth, Butterfinger, Jolly Jack, Ko Ko Nut Roll, Curtiss Butter Toffey, Moon Spoon, and Nickaloaf for resale within the various states of the United States and in the District of Columbia. In the course and conduct of its said business respondent sells the aforesaid confections to purchasers located in the City of Chicago and in the various states of the United States and causes substantial quantities of said confections when sold to be shipped and transported from its place of business in the State of Illinois across state lines to the respective purchasers thereof in each of the several states of the United States and in the District of Columbia. Pursuant to an agreement between respondent and Automatic Canteen Company of America, large quantities of such confections have been and are being delivered to Automatic Canteen Company of America in Chicago, Illinois, intended to be, and which are, distributed by Automatic Canteen Company of America throughout the United States.

PAR. THREE. Respondent, in the course and conduct of its business, as aforesaid, is now and since June 19, 1936, has been, competitively engaged with other persons, firms and corporations who similarly manufacture, distribute and sell candy and confectionery products. Respondent, which was organized in 1923, has, however, grown until its distribution of such products is larger than any one of its competitors and the volume of its advertising is almost equal to all of its competitors.

PAR. FOUR. Among those purchasers to whom respondent sells large quantities of candy bars are some who dispose of the candy bars which they buy from respondent through the medium of vending machines. Such machines are located largely in moving picture houses and in factories. Today one such customer, Automatic Canteen Company of America, owns approximately one hundred thousand such candy vending machines, which in one year vend in excess of two hundred million candy bars, of which number several million are bars manufactured by respondent. Such candy vending machine distributors are generally competitively engaged in commerce with each other in efforts to obtain locations for these machines and in the distribution of goods sold to each by respondent. Competition for locations between these distributors is intense and the locations are generally obtained by those whose rental bid for space is the highest, although frequently efforts by highly paid pressure salesmen have been an important factor.

PAR. FIVE. In the course and conduct of its said business, the respondent, since June 19, 1936, has sold candy bars of like grade, quality and weight at the same time to vending machine distributors located in the same trade areas at different prices. To illustrate: some customers, such as Automatic Sales Company, were sold such bars in 60 count packages at a price of $1.35 delivered; other customers, such as Confection Cabinet Company, have purchased from respondent such 60 count packages at a price of $1.20 delivered. Automatic Canteen Company has sold such bars in 100 count packages at a price of $1.96, f. o. b. Chicago.

PAR. SIX. In many factories and plants in which vending machines dispense goods purchased from respondent are also located restaurants and candy counters distributing like candy and operated by competitors of the vending machine operators. In the course and conduct of its said business, since June 19, 1936, and while selling candy bars to the purchasers mentioned in Paragraph Five and at the prices set forth therein, the respondent sold in the same trade areas goods of like grade, quality and weight at a price of 24 bars for 64¢ to jobbers supplying candy vending machine operators and other retailers competitive with such favored candy vending machine operators as those mentioned in Paragraph Five:

PAR. SEVEN. In the course and conduct of its said business the respondent, since June 19, 1936, has discriminated in price by granting rebates, bonuses, or discounts dependent upon the quantities of candy bars purchased in specified size shipments within specified periods of time. To illustrate: In 1939 on two shipments of 100 boxes of candy each to the same buyer, a 2¢ per box rebate was granted on the second shipment; similarly, if the shipments contain 250 boxes each, a 3¢ per box rebate is granted; if the shipments contain 500 boxes each, a 4¢ per box rebate is granted; if the shipments contain 1,000 boxes each, a 5¢ per box rebate is granted on the second shipment.

PAR. EIGHT. In the course and conduct of its said business, the respondent, since June 19, 1936, has frequently discriminated in price in connection with the sale of its various candy bars through the use of so-called "deals" available to some but not all purchasers. Such deals have been variously designated, a few of which were designated as two for one, three for two and one-half, and Fall Plans. At times and in some local areas the respondent, since June 19, 1936, has sold, for instance, one Baby Ruth carton with one Butterfinger carton both for 85¢, and a deal whereby one 24-count package of Baby Ruth candy, one package containing 16 Butterfinger bars and 8 Jolly Jack bars, and an additional small box containing 5 bars of Baby Ruth candy was billed at a price of $1.28 per deal.

PAR. NINE. The effect of the discriminations in price alleged in Paragraphs Five, Six, Seven and Eight has been and may be substantially to lessen competition in the line of commerce in which respondent is engaged and to injure competition with respondent and with such customers of respondent who receive the benefit of such discriminations.

Such discriminations in price by respondent between different purchasers or

commodities of like grade and quality in interstate commerce in the manner and form aforesaid is in violation of the provisions of subsection (a) of section 2 of the Act described in the preamble hereof.

Count II.

PARAGRAPH ONE. Paragraphs One, Two and Three of Count I are hereby adopted and made a part of this Count as fully as if herein set out verbatim.

PAR. TWO. In the course and conduct of its business in commerce, respondent since June 19, 1936, has secretly paid and contracted to pay sums of money to some of its customers as compensation and in consideration for promotional services and facilities furnished by such customers in connection with the sale and offering for sale of candy bars manufactured and sold by it to such customers while such payments were not available on proportional terms and on any terms to all competing customers selling such goods. To illustrate:

(a) A number of its largest customers, such as Walgreen Drug Company, Cunningham Drug Stores, Inc., Liggett Drug Company, Kats Drug Company, Peoples Drug Stores, and United Cigar Whelan Stores, were paid an amount calculated at 5% of the dollar volume of such customers' purchases, while customers competitive with those mentioned and others receiving such 5% were not advised of or allowed such payments as compensation for promotional services.

(b) Cunningham Drug Stores, Inc., Detroit, Michigan, received from respondent the following promotional allowances not made available to its competitors:

During 1936:	
Billboards	$1,000.00
Special dinner for store managers	150.00
Demonstrator salaries	30.00
Soda fountain newspaper campaign	300.00
During 1939:	
Soda fountain newspaper campaign	700.00
Golden anniversary allowance	1,000.00

PAR. THREE. The aforesaid acts of respondent are in violation of subsection (d) of section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U. S. C. Title 15, Section 13).

Count III

PARAGRAPH ONE. Paragraphs One, Two and Three of Count I are hereby adopted and made a part of this Count as fully as if herein set out verbatim.

PAR. TWO. In the course and conduct of its business in commerce, respondent since June 19, 1936, has secretly contracted to furnish and has furnished to some purchasers advertising and promotional services or facilities connected with the sale and offering for sale of respondent's candy bars upon terms not accorded to all purchasers on proportionally equal terms. To illustrate: respondent has paid and is paying the sum of $470.00 each 28-day period to the Independent Grocers Alliance of America as compensation for services which it renders to Independent Grocers Alliance jobber members in promoting the resale of respondent's goods purchased by such jobber members from respondent. Such promotion is by means of suggestive handbills, window posters, store displays and other promotional methods in the retail stores sponsored by the Independent Grocers Alliance jobbers.

PAR. THREE. The above-described acts and practices of respondent are in violation of sub-section (e) of section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, Section 13).

Count IV

The Federal Trade Commission, having reason to believe that said respondent, The Curtiss Candy Company, has violated, and is now violating, the provisions of Section 3 of the Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes", approved October 15, 1914, commonly known as the Clayton Act, hereby issues this, its complaint, against respondent and states its charges in respect thereto as follows:

PARAGRAPH ONE. Paragraphs One, Two and Three of Count I are hereby adopted and made a part of this Count as fully as if herein set out verbatim.

PAR. TWO. The respondent, in the course and conduct of its said business hereinabove described in Paragraph One, has sold and contracted to sell candy bars to various retail drug chain customers, such as Cunningham Drug Stores, Inc., and Walgreen Drug Company, for resale within the United States and the District of Columbia, and granted a discount of 5% of the dollar volume of purchases of respondent's candy bars on the agreement that the purchaser thereof shall not deal in the commodities of a competitor of respondent.

PAR. THREE. The purchasers with whom respondent agreed, as set forth in Paragraph Two, ceased to deal in the products of competitors of respondent so long as such agreements were in effect. The effect of the agreement set forth in Paragraph Two hereof may be substantially to lessen competition or tend to create a monopoly in respondent and in the purchasers with whom respondent entered into such contracts in the sale of candy bars in commerce between and among the several states of the United States and in the District of Columbia.

PAR. FOUR. The aforesaid acts of respondent constitute a violation of the provisions of Section 3 of the hereinabove mentioned Act of Congress entitled "An Act to supplement existing laws against unlawful restraints and monopolies and for other purposes", approved October 15, 1914, and commonly known as the Clayton Act.

Wherefore, the premises considered, the Federal Trade Commission, on this 21st day of January, A. D. 1942, here issues its complaint against said respondent.

NOTICE

Notice is hereby given you, The Curtiss Candy Company, respondent herein, that the 27th day of February, A. D. 1942, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 21st day of January, A. D. 1942.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-736; Filed, January 26, 1942; 1:14 p. m.]

[Docket No. 4677]

IN THE MATTER OF WALTER H. JOHNSON CANDY COMPANY, A CORPORATION

COMPLAINT AND NOTICE OF HEARING, ETC.

The Federal Trade Commission having reason to believe that the party respondent named in caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U. S. C. Title 15, section 13), hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH ONE. Respondent, Walter H. Johnson Candy Company, is a corporation organized and existing under and by virtue of the laws of the State of Illinois with its office and place of business located at 341 West Superior Street, Chicago, Illinois.

PAR. TWO. Respondent is now, and has been since June 19, 1936, engaged in the business of manufacturing, distributing and selling confectionery products, principally candy bars sold in wrappers bearing the names Heavyweight Champ, Big Bonus, Power House, Brazil Fudge, and Money's Worth Fudge, which are generally sold in 24-count packages at a price of 64¢ less 2% cash discount. In the course and conduct of its said business respondent sells the aforesaid confections to purchasers located in the City of Chicago and in the various states of the United States and causes substantial quantities of said confections when sold to be shipped and transported from its place of business in the State of Illinois across state lines to the respective purchasers thereof in each of the several states of the United States and in the District of Columbia. Pursuant to an agreement between respondent and Automatic Canteen Company of America, large quantities of such confections have been and are being delivered to Automatic Canteen Company of America in Chicago, Illinois, intended to be, and which are, distributed by Automatic Canteen Company of America throughout the United States.

PAR. THREE. Respondent, in the course and conduct of its business, as aforesaid, is now, and since June 19, 1936, has been, competitively engaged with other persons, firms and corporations who similarly manufacture, distribute and sell candy and confectionery products.

PAR. FOUR. Among those purchasers to whom respondent sells large quantities of candy bars are some who dispose of the candy bars which they buy from respondent through the medium of vending machines. Such machines are located largely in moving picture houses and in factories. Today one such customer, Automatic Canteen Company of America, owns approximately one hundred thousand such candy vending machines, which in one year vend in excess of two hundred million candy bars, of which number approximately one million are bars manufactured by respondent. Such candy vending machine distributors are generally competitively engaged in commerce with each other in efforts to obtain locations for these machines and in the distribution of goods sold to each by respondent. Competition for locations between these distributors is intense and the locations are generally obtained by those whose rental bid for space is the highest, although frequently efforts by highly paid pressure salesmen have been an important factor.

PAR. FIVE. In the course and conduct of its said business, the respondent, since June 19, 1936, has sold candy bars of like grade, quality and weight at the same time to vending machine distributors located in the same trade areas at different prices. To illustrate: Customers generally who operate candy vending machines have been and are sold Heavyweight Champ bars in 100-count packages at a price of $2.50 delivered; other customers have purchased such goods at a price of $2.25 or $2.40, the customary cash discount being 2%. Automatic Canteen Company of America was sold such bars in 100-count packages at a net price of $1.99 f. o. b. Chicago, Illinois, and in addition many drop shipments were made elsewhere for such customer.

PAR. SIX. In many factories and plants in which vending machines dispense goods purchased from respondent are also located restaurants and candy counters distributing like candy and operated by competitors of the vending machine operators. In the course and conduct of its said business, since June 19, 1936, and while selling candy bars to the purchasers mentioned in Paragraph Five and at the prices set forth therein, the respondent sold in the same trade areas goods of like grade, quality and weight at a price of 24 bars for 64¢ to jobbers supplying candy vending machine operators and other retailers competitive with such favored candy vending machine operators as those mentioned in Paragraph Five.

PAR. SEVEN. The effect of the discriminations in price alleged in Paragraph Five has been and may be substantially to lessen competition in the line of commerce in which respondent is engaged and to injure competition with respondent and with such customers of respondent who receive the benefit of such discriminations.

Such discriminations in price by respondent between different purchasers of commodities of like grade and quality in interstate commerce in the manner and form aforesaid is in violation of the provisions of subsection (a) of section 2 of the Act described in the preamble hereof.

Wherefore, the premises considered, the Federal Trade Commission, on this 22nd day of January, A. D. 1942, here issues its complaint against said respondent.

NOTICE

Notice is hereby given you, Walter H. Johnson Candy Company, respondent herein, that the 27th day of February, A. D. 1942, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the Complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and

its official seal to be hereto affixed, at Washington, D. C., this 22nd day of January, A. D. 1942.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-737; Filed, January 26, 1942; 1:14 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

IN THE MATTER OF R. P. CLARKE & CO., LTD., 122 FEDERAL BUILDING, 85 RICHMOND STREET, TORONTO, ONTARIO, CANADA

FINDINGS AND ORDER REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of January, A. D. 1942.

R. P. Clarke & Co., Ltd., hereinafter called the registrant, being registered with the Commission as an over-the-counter broker-dealer pursuant to section 15 of the Securities Exchange Act of 1934; and

The Commission having issued an order stating that information had been reported to the Commission tending to show that Roy Percy Clarke, president of the registrant, was convicted on March 7, 1941, of divers felonies or misdemeanors involving the purchase or sale of securities or arising out of the conduct of the business of a broker or dealer, and setting a hearing on the question whether the registration of the registrant should be suspended or revoked; a hearing having been held after due notice; and the Commission having duly considered the matter and being fully advised in the premises, and having found that Roy Percy Clarke, president of the registrant, was convicted on March 7, 1941, by a duly constituted court at Kingston, in the County of Frontenac, Ontario, Canada, of violations of the Canadian Securities Act and the Canadian Criminal Code in transactions involving the purchase or sale of securities and arising out of the conduct of the business of a broker or dealer, and that revocation of the registration of the registrant is in the public interest;

It is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of R. P. Clarke & Co., Ltd., be, and the same hereby is, revoked.

By the Commission (Chairman Purcell, Commissioners Healy, Eicher, Pike, and Burke).

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-762; Filed, January 27, 1942; 11:36 a. m.]

JAN 30 1942

FEDERAL REGISTER

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Rules, Regulations, Orders

TITLE 8—ALIENS AND NATIONALITY

CHAPTER I—IMMIGRATION AND NATURALIZATION SERVICE

[1st Sup. to General Order No. C-31]

REPEAL OF SECTION OF THE IMMIGRATION RULES AND REGULATIONS OF JANUARY 1, 1930, EDITION OF DECEMBER 31, 1936

JANUARY 26, 1942.

Pursuant to the authority contained in section 23 of the Act of February 5, 1917 (39 Stat. 892; 8 U.S.C. 102); sections 14, 15, and 24 of the Act of May 26, 1924 (43 Stat. 162, 8 U.S.C. 214; 43 Stat. 162, 47 Stat. 524, 54 Stat. 711, 8 U.S.C. 215; 43 Stat. 166, 8 U.S.C. 222); section 1 of Reorganization Plan No. V (5 F.R. 2223); section 37(a) of the Act of June 28, 1940 (54 Stat. 675; 8 U.S.C. 458); § 90.1, Title 8, Chapter I, Code of Federal Regulations (5 F.R. 3503) and all other authority conferred by law, Paragraph 2 of Subdivision I of Rule 7 of the Immigration Rules and Regulations of January 1, 1930, Edition of December 31, 1936, is canceled.

LEMUEL B. SCHOFIELD,
Special Assistant to the Attorney General.

Approved:

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 42-781; Filed, January 28, 1942; 10:55 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER V—MILITARY RESERVATIONS AND NATIONAL CEMETERIES

PART 52—REGULATIONS AFFECTING MILITARY RESERVATIONS[1]

POST COMMANDER

§ 52.18 *General duties.*

* * * * *

(b) *Mess attendants and janitors*—(1) *Mess attendants.* Post commanders may authorize the hire of civilian personnel as permanent mess attendants in messes of companies, detachments, or similar units, including hospitals and general messes, and are authorized the use of enlisted men as permanent mess attendants. The use of civilian mess attendants on the same post where enlisted mess attendants are used, either permanently or by detail, will not be permitted without approval of the army or similar higher echelon commander. See paragraph 15b, AR 210-50.[2] (R.S. 161; 5 U.S.C. 22) [Par. 16a, AR 210-10, Dec. 20, 1940, as amended by Cir. 18, W.D., Jan. 22, 1942]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-767; Filed, January 28, 1942; 10:22 a. m.]

[1] § 52.18 (b) (1) is amended.

CHAPTER IX—TRANSPORT

PART 94—PRIORITIES FOR AIR TRANSPORTATION[3]

Pursuant to the authority vested in the Secretary of War by Executive Order No. 8974,[4] the following regulations are issued for the guidance of all air carriers in determining priorities for air transportation:

§ 94.1 *Order of priorities on air carriers.* (a) Transportation priorities shall be provided in the following order:

(1) Personnel of the White House upon personal request and identification.

(2) Army, Navy, and Marine Corps airplane pilots of their respective Ferrying Commands traveling under orders, upon presentation of such identifying orders.

(3) Military personnel (War, Navy, and Marine Corps, including the allied military personnel) who present travel orders directing travel by air.

[2] Administrative regulations of the War Department relative to unit and similar funds.

[3] § 94.1 is added.

[4] 6 F.R. 6441.

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FEDERAL REGISTER

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(4) Army and Navy equipment, ammunition, supplies, and materials essential to the war effort ordered for air movement by the War Department (Assistant Chief of Staff, G–4). Requests for such movements will be made upon the Air Transport Priority and Assignment Section (Office of the Assistant Chief of Staff, G–4, Department of Commerce Building, Room 5317, Telephone Executive 2460, Extension 1240).

(5) Personnel of government departments and agencies and personnel whose activities are essential to the war effort, other than military personnel, traveling on specific orders for priority travel by air which certifies such travel is necessary to the successful prosecution of the war effort.

(i) The Air Transport Industry Representative may route on any airline or any flight consistent with the required arrival at destination and availability of the passenger for departure.

(ii) Clearing of space for passengers or cargo of higher priority classifications than "other than military" may require displacement of passengers in this classification.

(iii) Use of the certificate below makes it mandatory upon air carriers to provide space for transportation stated, removing passengers and cargo if necessary.

(iv) Airline office should be contacted for reservation and to register priority as soon as possible, because priority passengers in the same classification will be carried in order of the time reservation was made and priority established, if a schedule cannot accommodate all priority requests made for it.

(v) This form must be surrendered to the air carrier on which flight originates and passenger should be required to present it in advance to establish priority classification clearly. If trip consists of several stops, carrier will stamp tickets "Priority" to insure proper handling at other cities.

(vi) This form must bear the signature of an approved executive of the issuing Federal Department or Agency. When necessary, a telegram addressed to the person requiring priority, worded as below, and signed by an approved executive will suffice, and the form will be completed by the passenger at an airline office.

FORM OF CERTIFICATE

_____
(Department or Agency of Federal Government)

_____
(Place)

Date _____

To: Air Transport Industry Representative

_____
(City of origin of flight)

I certify that air transportation from _____ to _____ for _____ is necessary to the successful prosecution of the war effort and is hereby granted priority under classification "other than military."

_____
(signed)

_____
(title)

(It is suggested that each Department or Agency duplicate this form on its own stationery to be distributed to those persons authorized to certify the necessity for priority air travel.)

(b) Compliance with the regulations in this section shall be mandatory when an emergency need arises. (Sec. 1, 39 Stat. 645; 10 U.S.C. 1361) [Directives No. 1 and No. 2. Priorities for Air Transportation, Headquarters, Army Air Forces, W.D., dated Jan. 15, 1942 and Jan. 23, 1942, respectively]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–766; Filed, January 28, 1942; 10:22 a. m.]

TITLE 22—FOREIGN RELATIONS

CHAPTER I—DEPARTMENT OF STATE

PART 58—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

RULES AND REGULATIONS OF THE INTERDEPARTMENTAL VISA REVIEW COMMITTEE

Adopted at Washington, January 26, 1942, Effective January 27, 1942

Pursuant to the provisions of the act of Congress approved on May 22, 1918 (40 Stat. 559) as amended by the act of Congress approved on June 21, 1941 (55 Stat. 252), to Proclamation 2523 of November 14, 1941 (6 F.R. 5821), and to the Code of Federal Regulations, title 22, chapter I, part 58, entitled Control of Persons Entering and Leaving the United States, the interdepartmental committee of review provided for in § 58.57 (c) of the Code (6 F.R. 5933) to consider the advisory opinions of the interdepartmental committee regarding approval or disapproval of applications filed by, or on behalf of, aliens for the issuance of visas, has been established and hereby promulgates the following rules and regulations.

Interdepartmental Visa Review Committee.

WILLIAM ROY VALLANCE,
Chairman.

Sec.
58.101 Name.
58.102 Force and effect.
58.103 Composition of the Review Committee.
58.104 Quorum.
58.105 Secretary and assistant secretaries of the Review Committee.
58.106 Administration of oaths and affirmations.
58.107 Intermediaries.
58.108 Admission to practice.
58.109 Substitution or withdrawal of attorneys: Application for appearance.
58.110 Personal representation permitted.
58.111 Sponsors, agents, or other intermediaries.
58.112 Application for appearance by alien in the United States, or by attorney, sponsor, agent, or other intermediary.
58.113 Compensation.
58.114 Notice of review desired by the Secretary of State or by a member of the interdepartmental committee.
58.115 Copies of notice of review or copies of application for appearance.
58.116 Docketing cases.
58.117 Calendars.
58.118 Place of hearing.
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58.120 Persons to be notified.
58.121 Good and sufficient notice.
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58.125 Consolidation of two or more analogous cases, or of two or more cases involving members of the same family.
58.126 Nature of evidence.
58.127 Interrogatories by members of the Review Committee.
58.128 False or misleading statements.
58.129 Opinion of the Review Committee.
58.130 Confidential records.
58.131 Inquiries regarding cases.
58.132 Change of address.
58.133 Definition of "United States".
58.134 Computation of time.
58.135 Changes in rules and regulations.
58.136 Effective date.

§ 58.101 *Name.* The interdepartmental committee of review shall be known as the "Interdepartmental Visa Review Committee" and is referred to herein as the Review Committee.*

*§§ 58.101 to 58.136, inclusive, issued under the authority contained in 40 Stat. 559, 55 Stat. 252, 22 U.S.C. 223–226; Proc. 2523, 6 F.R. 5821; 22 C.F.R. 58.57 (c), 6 F.R. 5933.

§ 58.102 *Force and effect.* The Review Committee shall be governed by the rules and regulations now or hereafter prescribed, which shall continue in force and effect except as provided for in § 58.135.*

§ 58.103 *Composition of the Review Committee.* (a) The Review Committee shall be composed of representatives of each of the following agencies: Department of State; War Department; Federal Bureau of Investigation, Department of Justice; Immigration and Naturalization Service, Department of Justice; and Navy Department.

(b) The Review Committee shall exercise its functions through Divisions now or hereafter created, each of which shall be composed of a representative from each of the agencies mentioned in § 58.103 (a). The senior representative of the Department of State shall be chairman of the Review Committee. The representative of the Department of State shall be chairman of the Division of which he is a member. In his absence the representative of each of the other agencies shall act as chairman in the order stated in § 58.103 (a).

(c) Any of the agencies referred to in § 58.103 (a) may appoint an alternate.*

§ 58.104 *Quorum.* (a) Three members of the Review Committee shall constitute a quorum at any regular or special meeting of a Division for the purpose of conducting a hearing: *Provided,* That no final opinion shall be entered without obtaining the advisory opinion of a representative of each of the agencies designated in § 58.103 (a).

(b) In the absence of a quorum any attending member of the Review Committee may adjourn the Division.*

§ 58.105 *Secretary and assistant secretaries of the Review Committee.* (a) The secretary of the Review Committee shall be in charge of the office and shall be responsible for the conduct thereof, including the recording, calendaring, and filing of cases. The secretary shall also prepare and keep the minutes of the meetings; enter standing orders; attend to the correspondence; and have custody of the records and the seal of the Review Committee. The secretary of the Review Committee, or one of the assistant secretaries thereof as designated, may certify appropriate documents under the seal of the Review Committee.

(b) The secretary of the Review Committee, or one of the assistant secretaries thereof as assigned, shall attend the meetings and hearings of the Divisions and shall be responsible for the correspondence, records, and minutes of the Divisions; for the recording of testimony; and for the recording, calendaring, and filing of cases.*

§ 58.106 *Administration of oaths and affirmations.* The secretary of the Review Committee, an assistant secretary thereof, or a member of the Review Committee, authorized by law to administer an oath, shall administer oaths or affirmations to witnesses.*

§ 58.107 *Intermediaries.* A person having a legitimate interest in a case may act as an intermediary, but no person who has received or has been promised remuneration for his services in a particular case shall be allowed to act as an intermediary unless he is an attorney of record. The statement of an intermediary may be oral or written.*

§ 58.108 *Admission to practice.* (a) If the intermediary is an attorney at law, he shall file an application on form IVRC–1. Such application shall be considered a representation on his part that he has been admitted to the practice of law before a court of record in a state, territory, or insular possession of the United States, or in the District of Columbia; however, such attorney shall state, in his application for appearance, the name and place of any court of record before which he has been admitted to practice, and shall state whether he has ever been disbarred (see § 58.108 (b)).

(b) An attorney, while under disbarment or suspension by any court of record or by the Attorney General under the provisions of rule 28 of the Immigration Rules and Regulations of the Department of Justice (8 CFR 167.5 as revised in 6 F.R. 229), shall not be permitted to practice before the Review Committee.

(c) The Review Committee may suspend an attorney for misconduct during the course of, or in connection with, any proceeding before the Review Committee: *Provided,* That an early opportunity for a hearing shall be afforded.*

§ 58.109 *Substitution or withdrawal of attorneys: Application for appearance.* (a) An attorney of record appearing in a case before the Review Committee, who desires to withdraw, must give prompt notice of his intended withdrawal to the Review Committee and to his client, stating to the Review Committee the reasons for such withdrawal.

(b) When an attorney of record has withdrawn, an attorney subsequently appearing shall immediately file an application for appearance on form IVRC–1.*

§ 58.110 *Personal representation permitted.* Any alien within the United States, or a citizen thereof, whether or not the citizen is in the United States, may appear in person before the Review Committee if he has a legitimate interest in a case.*

§ 58.111 *Sponsors, agents, or other intermediaries.* A sponsor, agent, or other intermediary, who is not appearing as an attorney of record in the case pending before the Review Committee, may appear as a witness at a hearing of the Review Committee (see § 58.124) or may submit affidavits.*

§ 58.112 *Application for appearance by alien in the United States, or by attorney, sponsor, agent, or other intermediary.* (a) A sponsor, agent, or other intermediary of an alien in the United States or abroad, or the attorney for such sponsor, agent, or other intermediary, who desires to file an application for appearance before the Review Committee, shall file such application on form IVRC–1. An application for appearance may also be filed by an alien who is in the United States as defined in § 58.133 or by his attorney (see § 58.115).

(b) The application shall be verified by the person who signs it.*

§ 58.113 *Compensation.* Any individual executing an application for appearance shall state therein the total compensation, received or to be received, for all his services, rendered or to be rendered, in connection with the visa sought, setting forth in full any agreement concerning compensation. If the agreement is in writing, a copy thereof shall be attached to the application for appearance (form IVRC–1).*

§ 58.114 *Notice of review desired by the Secretary of State or by a member of the interdepartmental committee.* (a) When a review is desired by the Secretary of State a notice thereof shall bear a caption in the following form:

INTERDEPARTMENTAL VISA REVIEW COMMITTEE—NOTICE OF REVIEW

Docket No. ---------

Re: ----------
Applicant for visa

(Here insert name of visa applicant concerned. If the applicant is a married woman her given name (not the given name of her husband) shall be used, preceded by "Mrs.")

(b) If a member of the interdepartmental committee is not in accord with the opinion of the majority of that committee and desires that the case be presented for review by the Review Committee, he should request the secretary of the interdepartmental committee to prepare and file a notice of review. The notice of review shall read as follows:

INTERDEPARTMENTAL VISA REVIEW COMMITTEE—NOTICE OF REVIEW

Docket No. ---------

Re: ----------
Applicant for visa

(Here insert name of visa applicant concerned. If the applicant is a married woman her given name (not the given name of her husband) shall be used preceded by "Mrs.")

This case was presented to Interdepartmental Committee No. --------- on ---------- 19----, at which time it was {approved / disapproved}. This opinion was believed improper by a member of that committee, who has requested that the opinion be reviewed by the Interdepartmental Visa Review Committee.

Secretary of Committee No. ---------

§ 58.115 *Copies of notice of review or copies of application for appearance.* (a) A notice of review under § 58.114 shall be filed in sextuplicate.

(b) An application for appearance under § 58.112 shall be filed in duplicate original copies.*

§ 58.116 *Docketing cases.* (a) Upon receipt of a notice of review or of an application for appearance, the case shall be docketed and assigned a docket number.

(b) All parties concerned in the case are required to place the docket number assigned under § 58.116 (a) on all written statements, papers, or documents, relating to the case which are thereafter filed with the Review Committee.*

§ 58.117 *Calendars.* (a) General calendar: Each case shall be placed upon the general calendar of the Review Committee.

(b) Hearing calendar: The secretary shall prepare a hearing calendar. A case will be placed upon this calendar for good cause shown.*

§ 58.118 *Place of hearing.* Hearings of all cases will be held at the hearing rooms of the Review Committee in Washington, D. C.*

§ 58.119 *Notice of hearing.* (a) When a case has been placed upon the hearing calendar the secretary shall, not less than ten days in advance, send notice of the day assigned for the hearing to all persons entitled to such notice pursuant to §§ 58.111, 58.112, and 58.120.

(b) Upon receipt of such a notice the person notified, if he is unable to appear on the day fixed, shall, as soon as possible, so inform the Review Committee by registered letter or by telegraph, giving the reasons for such inability to appear.

(c) If the Review Committee considers such reasons valid, the secretary shall place the case upon a subsequent hearing calendar.

(d) If the Review Committee considers the reasons inadequate, the secretary shall so notify the person concerned; and if such person fails to appear, the Review Committee may consider the case without a hearing.

(e) The Review Committee may, on its own motion, change the date of hearing. In such event the secretary shall notify the person or persons concerned of the change and place the case on a subsequent hearing calendar.*

§ 58.120 *Persons to be notified.* All notices prescribed by these rules, shall be sent to the following persons, except as otherwise prescribed for in the rules:

(a) The attorney of record or other intermediary for an alien in the United States or, in the absence of such attorney, the said alien; and

(b) The attorney of record or other intermediary for the sponsor or, in the absence of such attorney, the sponsor who signs part B of form BC of the Visa Division, Department of State.*

§ 58.121 *Good and sufficient notice.* Any notice prescribed by these rules, when directed to the address furnished by any person entitled to receive it, shall be deemed good and sufficient notice.*

§ 58.122 *Call of calendar and assignment for hearing.* The calendar of hearings will be called at 9:30 a. m., or at such other time as may be designated by the Review Committee, and hearings will be assigned.*

§ 58.123 *Failure to appear.* When an applicant for appearance fails to appear at the time set for the hearing of any case, the Review Committee may proceed to consider the case without his testimony or, if he is the only applicant for appearance in such case, without a hearing.*

§ 58.124 *Limitation of time and of appearance.* (a) A period not exceeding thirty minutes shall be allowed for the hearing of a case. In the discretion of the Review Committee, this period may be extended upon request to be made at the time of the hearing.

(b) The Review Committee may grant such limited time as in its discretion it may deem to be appropriate for the appearance of an alien who is in the United States and/or for the appearance of an alien's sponsors or other interested persons, who may submit oral or written statements. The term "other interested persons" includes attorneys, agents, or other intermediaries.*

§ 58.125 *Consolidation of two or more analogous cases, or of two or more cases involving members of the same family.* In the discretion of the Review Committee, or upon written application setting forth the grounds in support thereof duly verified by the person or persons concerned and filed with the Review Committee at least five days before the date set for a hearing, two or more analogous cases, or two or more cases involving members of the same family, may be consolidated by the Review Committee and heard or considered at the same time as if they were one case.*

§ 58.126 *Nature of evidence.* (a) Evidence may, in the discretion of the Review Committee, be received at the hearing even if inadmissible under the rules of evidence applicable to court procedure.

(b) Any written statement, paper, or document in a foreign language, submitted to the Review Committee, shall have attached thereto a translation thereof in the English language, sworn to by the translator to be a complete and accurate translation of such statement, paper, or document. The translator's qualifications shall be recorded on one or more separate sheets of paper and enclosed with the translation.*

§ 58.127 *Interrogatories by members of the Review Committee.* A member of the Review Committee may, during any part of the proceeding, interrogate any person appearing before the Review Committee.*

§ 58.128 *False or misleading statements.* Any false or misleading statement of fact made during the course of, or in connection with, any case pending before the Review Committee, may result in prosecution of the person or persons responsible for making such false or misleading statement.*

§ 58.129 *Opinion of the Review Committee.* Subsequent to the hearing, the Review Committee shall proceed to consider the case in accordance with the following procedure:

(a) Each member of the Review Committee shall, while the case of an applicant for a visa is under consideration, express his opinion of the applicant's eligibility for a visa, and such opinion shall be made of record.

(b) The record of the opinion of each member of the Review Committee shall be confidential.

(c) The opinion of a majority, duly recorded, shall constitute the opinion of the Review Committee (see § 58.104 (a)).*

§ 58.130 *Confidential records.* Confidential records in the possession of the Review Committee shall not be disclosed under any circumstances.*

§ 58.131 *Inquiries regarding cases.* Except as otherwise provided for by these rules, all inquiries concerning a case or its disposition by the Review Committee, and all requests for forms mentioned herein, should be addressed to the Visa Division, Department of State, Washington, D. C.*

§ 58.132 *Change of address.* Notice of a change in the address of an attorney appearing in a case pending before the Review Committee, or of an applicant for appearance, shall be sent promptly to the Interdepartmental Visa Review Committee, Department of State, Washington, D. C. A separate notice of a change of address shall be sent for each case in which said attorney or said applicant appears.*

§ 58.133 *Definition of "United States".* Except as otherwise provided for by these rules, the term "United States" includes the individual States, the District of Columbia, Alaska, the Panama Canal Zone, the Philippine Islands, Hawaii, Puerto Rico, the Virgin Islands, Guam, American Samoa, and all territory and waters, continental or insular, subject to the jurisdiction of the United States.*

§ 58.134 *Computation of time.* Whenever these rules prescribe a time for the performance of any act, Sundays and the holidays enumerated below shall count as other days, except that when the time prescribed for the performance of an act expires on a Sunday or on a legal holiday such time shall extend to and include the next succeeding day that is not such a Sunday or such a legal holiday. The holidays envisaged herein are: New Year's Day, January 1; Washington's Birthday, February 22; Inauguration Day, January 20 every fourth year; Decoration Day, May 30; Fourth of July; Labor Day, first Monday in September; Armistice Day, November 11; Thanksgiving day, fourth Thursday in November; and Christmas Day, December 25.*

§ 58.135 *Changes in rules and regulations.* The Review Committee may, from time to time, by a majority vote, add to, amend, modify, repeal, or suspend its rules and regulations.*

§ 58.138 *Effective date.* These rules shall become effective on January 27, 1942.*

[F. R. Doc. 42-763; Filed, January 27, 1942; 12:09 p. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER A—INCOME AND EXCESS-PROFITS TAXES

[T. D. 5113]

PART 3—INCOME TAX UNDER THE REVENUE ACT OF 1936

PART 9—INCOME TAX UNDER THE REVENUE ACT OF 1938

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

Gain or Loss Upon Repossession of Real Property Upon Default Under Deferred Payment Sale Not on the Installment Sale, Where Title Had Previously Passed to the Purchaser

PARAGRAPH 1. Section 19.44-4 of Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] and article 44-4 of Regulations 101 [§ 9.44-4, Title 26, Code of Federal Regulations, 1939 Sup.] are amended by striking from the second paragraph the last four sentences and by inserting in lieu thereof the following:

If the vendor has previously transferred title to the purchaser, and the purchaser defaults in any of his payments, and the vendor accepts a voluntary reconveyance of the property, in partial or full satisfaction of the unpaid portion of the purchase price, the receipt of the property so reacquired, to the extent of its fair market value at that time, including the fair market value of fixed improvements placed on the property by the purchaser, shall be considered as the receipt of payment on the obligations satisfied. If the fair market value of the property is greater than the basis of the obligations of the purchaser so satisfied (generally, such basis being the fair market value of such obligations previously recognized in computing income), the excess constitutes ordinary income, and if the value of such property is less than the basis of such obligations, the difference may be deducted as a bad debt if ascertained to be worthless and charged off within the taxable year, except that if the obligations satisfied are securities (as defined in section 23 (k) (3) and section 117 (f)), any gain or loss resulting from the transaction is a capital gain or loss subject to the provisions of section 117. If the property reacquired is subsequently sold, the basis for determining gain or loss is the fair market value of the property at the date of reacquisition including the fair market value of the fixed improvements placed on the property by the purchaser. See § 19.23 (k)-3 [article 23 (k)-3 of Regulations 101] with respect to property reacquired in a foreclosure proceeding.

PAR. 2. Articles 44-4 of Regulations 94 [§ 3.44-4, Title 26, Code of Federal Regulations] and of Regulations 86 are amended by striking from the second paragraph the last four sentences and by inserting in lieu thereof the following:

If the vendor has previously transferred title to the purchaser, and the purchaser defaults in any of his payments, and the vendor accepts a voluntary reconveyance of the property, in partial or full satisfaction of the unpaid portion of the purchase price, the receipt of the property so reacquired, to the extent of its fair market value at that time, including the fair market value of fixed improvements placed on the property by the purchaser, shall be considered as the receipt of payment on the obligations satisfied. If the fair market value of the property is greater than the basis of the obligations of the purchaser so satisfied (generally, such basis being the fair market value of such obligations previously recognized in computing income), the excess constitutes ordinary income, and if the value of such property is less than the basis of such obligations, the difference may be deducted as a bad debt if ascertained to be worthless and charged off within the taxable year, except that if the obligations satisfied are of the class specified in section 117 (f), any gain or loss resulting from the transaction is a capital gain or loss subject to the provisions of section 117. If the property reacquired is subsequently sold, the basis for determining gain or loss is the fair market value of the property at the date of reacquisition including the fair market value of the fixed improvements placed on the property by the purchaser. See article 193 [153 of Regulations 69] with respect to property reacquired in a foreclosure proceeding.

(This Treasury decision is issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32, 26 U.S.C., Sup. V, 62), section 62 of the Revenue Acts of 1938, 1936, 1934, 1932, and 1928 (52 Stat. 480, 26 U.S.C., Sup. IV, 62; 49 Stat. 1673, 26 U.S.C., Sup. II, 62; 48 Stat. 700, 26 U.S.C. 62; 47 Stat. 191; 45 Stat. 810), and section 1101 of the Revenue Act of 1926 (44 Stat. 111).)

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: January 26, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-783; Filed, January 28, 1942; 11:00 a. m.]

[T. D. 5112]

PART 30—REGULATIONS UNDER EXCESS PROFITS TAX ACT OF 1940

Regulations Amended

Regulations 109 [Part 30, Title 26, Code of Federal Regulations, 1941 Sup.] are amended as follows:

PARAGRAPH 1. Section 30.734-1 (b), as added by Treasury Decision 5045,[1] approved May 3, 1941, is amended by strik-

[1] 6 F. R. 2303.

ing out subdivision (2) and inserting in lieu thereof the following:

(2) The term "predecessor" means a person (other than the taxpayer) who has transferred property (i) which, for income tax purposes for any taxable year, has at any time been treated, or (ii) which is treated for excess profits tax purposes, as having, in the hands of the taxpayer (or in the hands of a predecessor of the taxpayer under the definition contained in this subparagraph, but without regard to subdivision (i) of that definition) a substituted basis determined directly or indirectly by reference to the basis in the hands of such person.

PAR. 2. Section 30.734–2 (c), as added by Treasury Decision 5045, is amended by inserting immediately after the second paragraph the following new paragraphs:

Neither the Commissioner nor the taxpayer is required to adopt an inconsistent position with respect to the treatment of an item or transaction in the determination of the excess profits credit because of the fact that such item or transaction was incorrectly treated in the determination of the income tax liability of the taxpayer, or a predecessor, for a prior taxable year or years, under the law applicable to such year or years. Such item or transaction may, in the determination of the excess profits credit, be treated in a manner consistent with the incorrect treatment accorded in the determination of the income tax liability if neither the Commissioner nor the taxpayer objects. Either the Commissioner or the taxpayer, however, may insist upon the correct treatment of such item or transaction in the determination of the excess profits credit under the law applicable to the excess profits tax taxable year, but such action constitutes the maintenance of an inconsistent position and will result in an adjustment under section 734, if the party insisting upon such treatment is the party who would be adversely affected by such adjustment.

A taxpayer which has taken an inconsistent position with respect to an item or transaction affecting the determination of its excess profits credit may, upon notice to the Commissioner in writing, withdraw from such position.

(This Treasury decision is issued under the authority contained in section 62 of the Internal Revenue Code (53 Stat. 32; 26 U.S.C., Sup. V, 62), as made applicable by section 729 of the Internal Revenue Code, added by the Second Revenue Act of 1940 (Public, No. 801, 76th Congress, third session), and section 734 of the Internal Revenue Code as added by section 11 of the Excess Profits Tax Amendments of 1941 (Public Law 10—77th Congress).)

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue

Approved: January 26, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42–782; Filed, January 28, 1942; 11:00 a. m.]

SUBCHAPTER E — ADMINISTRATIVE PROVISIONS COMMON TO VARIOUS TAXES

[T.D. 5114]

PART 470—TAX-FREE SALES OF ARTICLES FOR USE OF UNITED STATES, ANY STATE, TERRITORY OF THE UNITED STATES, OR ANY POLITICAL SUBDIVISION OF THE FOREGOING, OR THE DISTRICT OF COLUMBIA

Sec.

470.0 Introductory.
470.1 Definitions.
470.2 Sales for the use of the United States.
470.3 Proof of exemption.
470.4 Records.
470.5 Application of regulations.

§ 470.0 *Introductory.* The regulations in this part deal with the application of the statutory exemptions from excise taxes imposed under Chapters 25 and 29 of the Internal Revenue Code to articles sold for use of the United States.

Section 2700 (b) (1) of the Internal Revenue Code, which relates to the tax imposed by Subchapter A of Chapter 25 on sales of pistols and revolvers, reads as follows:

SEC. 2700. TAX.

* * * * * *

(b) *Exemptions.*

(1) *Sales for use of federal government or states.* Pistols and revolvers sold for the use of the United States, any State, Territory, or possession of the United States, any political subdivision thereof, or the District of Columbia, shall be exempt from the tax imposed by subsection (a).

* * * * * *

SEC. 2721. EXEMPTIONS.

(a) *Transfers Exempt.* This subchapter and Part VIII of subchapter A of chapter 27 shall not apply to the transfer of firearms (1) to the United States Government, any State, Territory, or possession of the United States, or to any political subdivision thereof, or to the District of Columbia * * *.

Section 3442 (3) of the Internal Revenue Code, which relates to the manufacturers' excise taxes imposed by Chapter 29, reads as follows:

SEC. 3442. TAX-FREE SALES.

Under regulations prescribed by the Commissioner with the approval of the Secretary, no tax under this chapter shall be imposed with respect to the sale of any article—

* * * * * *

(3) for the exclusive use of the United States, any State, Territory of the United States, or any political subdivision of the foregoing, or the District of Columbia. * * *

*§§ 470.0 to 470.5, inclusive, issued under authority contained in sections 2732, 3442 and 3791 of the Internal Revenue Code (53 Stat. 294, 416, 467; 26 U.S.C., 1940 Ed., 2732, 3791).

§ 470.1 *Definitions.* As used in the regulations in this part—

(a) The term "prime contract" means a contract made by the United States; and the term "prime contractor" means the party contracting with the United States in a prime contract.

(b) The term "purchase article" means any article purchased as such by the United States under a prime contract.

(c) The term "construction article" means any article for use as equipment, material, or supplies, by a prime contractor in performing a prime contract: *Provided, however,* That payment for the article is made by the United States.

(d) The term "subsidiary article" means any article, which by itself or after being combined by any person with other articles, is incorporated in a purchase article or a construction article.

(e) The term "incorporated in" refers to any process whereby a subsidiary article enters into the production of another subsidiary article, a purchase article, or construction article, so as to become a part thereof, and not be merely consumed in such production.

(f) The term "subcontract" means a contract for the purchase of subsidiary articles; and the term "subcontractor" means any party to a subcontract other than a prime contractor.*

§ 470.2 *Sales for the use of the United States.* Under the regulations in this part, all sales and transfers of purchase articles and construction articles are deemed to be exempt from the excise taxes imposed by Chapters 25 and 29 of the Internal Revenue Code, if they are to be utilized by the United States or to be disposed of by the United States to a foreign government: *Provided however,* That the price of the purchase article or construction article does not include a tax on the sale or transfer of such article under Chapter 25 or 29 of the Internal Revenue Code.

Subject to the provisions of § 470.3 (b), the exemptions also apply to all subsidiary articles, irrespective of whether the subcontractor is dealing with a prime contractor or with another subcontractor: *Provided, however,* That (a) the price of the article does not include a tax on the sale or transfer thereof under Chapter 25 or 29 of the Internal Revenue Code, and (b) the article is included at such tax-free basis in the price of the purchase article, construction article, or other subsidiary article in which it is incorporated.

The exemptions do not apply in any case where an article is sold or transferred at a price including a tax imposed under Chapter 25 or 29 on the sale or transfer of such article. However, the inclusion of a subsidiary article, which was sold or transferred by the producer thereof at a price including tax, in another subsidiary article, purchase article or construction article will not defeat the exemption applicable with respect to such other subsidiary article, purchase article, or construction article, if the price of such latter articles does not include a tax on the sale or transfer thereof.

The application of these exemptions is illustrated, in part, by the following examples:

Example 1. A prime contractor producing automobiles for the United States orders the tires needed for such automobiles from subcontractor A, the producer thereof, and also orders generators from subcontractor B, who for the production of the generators orders rubber insulated wire from the producer or subcontractor C. The sales by the prime contractor and all the subcontractors are exempt, if in each case the sale price does not include a tax imposed under Chapter 29 of the Internal Revenue Code on the sale of the article. In this example, the exemption would not apply to the rubber insulated wire if sold at a price including tax. But the fact that such wire is included at that price in the cost of the generator and the automobile would not defeat the exemption applicable to the generator and the automobile, if they are sold at a price not including a tax on the sale or transfer thereof.

Example 2. A prime contractor engaged in the alteration and repair of a warehouse leased by the United States purchases certain refrigerating components for installation in the warehouse. The sale of the refrigerating components by the producer to the prime contractor is exempt if made at a price not including tax. In this example, the exemption would not be defeated merely because the use of the refrigerating components might ultimately inure to the lessor upon termination of the lease.*

§ 470.3 *Proof of exemption*—(a) *Purchase articles and construction articles.* In the case of purchase articles and construction articles, the exemption shall be evidenced by a properly executed certificate, Form 1094. Such form may be modified, in so far as necessary, with respect to transactions involving construction articles.

In all cases, the exemption certificate, Form 1094, shall be executed by an authorized officer or representative of the United States, and shall be furnished to the prime contractor, where the purchase article, or construction article, or any subsidiary article to be incorporated in such article is to be purchased on a tax-free basis. Where the prime contract contemplates that only the purchase article or the construction article is to be purchased on a tax-free basis, the exemption certificate shall include an appropriate statement limiting its application to such article. Where the prime contract contemplates that not only the purchase article or construction article (whether or not taxable) but one or more subsidiary articles to be incorporated therein are to be purchased on a tax-free basis, the exemption certificate shall include an appropriate statement authorizing the prime contractor to issue certificates of exemption with respect to such subsidiary articles.

A single certificate of exemption, Form 1094, may be given with respect to all the purchase articles and construction articles coming within the subject matter of a single contract.

(b) *Subsidiary articles.* In the case of tax exempt sales or transfers of subsidiary articles coming within the scope of these regulations, the exempt character of the sale or transfer shall be evidenced by a certificate of exemption executed by the vendee and furnished to his vendor substantially in whichever of the following forms is applicable:

EXEMPTION CERTIFICATE

(For use by prime contractor)

_____ 19___
(Date)

The undersigned hereby certifies that the articles specified in the accompanying order or on the reverse side hereof are purchased from _____ for the United
(Name of vendor)
States under government contract _____
(Number
_____; that he now has in
or other identification)
his possession a certificate of exemption furnished by the United States with respect to such contract; and that such certificate authorizes him to issue this exemption certificate.

It is understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution.

_____
(Name)

_____
(Address)

EXEMPTION CERTIFICATE

(For use by subcontractor)

_____ 19___
(Date)

The undersigned hereby certifies that the articles specified in the accompanying order or on the reverse side hereof are purchased from _____ for incorporation
(Name of vendor)
in _____ which are to be
(Subsidiary articles)
delivered to _____; that
(Subcontractor's vendee)
the price to be charged said vendee contemplates that the aforesaid articles and the subsidiary articles are to be purchased on a tax-free basis; and that the undersigned now has in his possession an exemption certificate furnished by said vendee certifying that the above-named subsidiary articles are to be incorporated ultimately in other articles for use of the United States under government contract _____
(Number or other identification)

It is understood that the fraudulent use of this certificate to secure exemption will subject the undersigned and all guilty parties to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution.

_____
(Name)

_____
(Address)

An exemption certificate shall not be issued by a prime contractor with respect to any subsidiary article to be incorporated in the purchase article or construction article covered by his prime contract unless he is so authorized by the exemption certificate, Form 1094, issued to him by the United States.

An exemption certificate shall not be issued by a subcontractor with respect to any subsidiary article coming within the subject matter of the subcontract with his vendee unless (1) the subsidiary article is purchased on a tax-free basis and will be included at such basis in the price charged by the subcontractor to his vendee and (2) the subcontractor has received a certificate of exemption from his vendee certifying that the subsidiary article is destined for use of the United States under a specified government contract.

The exemption certificate shall be executed by an officer of the corporation, where the prime contractor or subcontractor is incorporated, a member of the firm, where the prime contractor or subcontractor is not incorporated, or in any case, by an individual specifically designated and authorized for that purpose by the prime contractor or subcontractor.

A single certificate of exemption may be given with respect to all subsidiary articles to be purchased under a single subcontract. The certificate of exemption shall be given in all cases by the prime contractor or subcontractor purchasing the subsidiary article to the vendor subcontractor, where such article or another subsidiary article to be incorporated therein is to be purchased on a tax-free basis.*

§ 470.4 *Records.* Every person making tax-free sales or transfers of purchase articles, construction articles, and subsidiary articles under these regulations shall maintain accurate and complete records with respect to all such transactions. The records of a prime contractor shall include a copy of the contract made with the United States, the exemption certificate furnished to the prime contractor under such contract, and copies of all exemption certificates furnished by him to his subcontractors. The records of a subcontractor shall include the exemption certificate furnished him by his vendee and copies of all exemption certificates furnished by him to his vendors. Such records shall at all times be open for inspection by internal revenue officers, and shall be maintained for a period of at least four years from the last day of the month following the month in which the tax-free sale or transfer was made.*

§ 470.5 *Application of regulations.* For the period of the emergency and until further notice, the regulations in this part may be followed, in lieu of existing regulations, with respect to prime contracts and subcontracts in effect on, or made on or after, the effective date of the regulations in this part; but with respect to a contract in effect on such date, the regulations in this part shall apply only to purchase articles, construction articles and subsidiary articles, delivered on or after such date by the manufacturer, producer, or importer thereof to his vendee.

The regulations in this part may, in so far as applicable, also be followed with respect to sales and transfers of articles taxable under Chapters 25 and 29 of the Internal Revenue Code for the exclusive use of any State, Territory of the United States, political subdivision of the foregoing such as a county, city, town, or other municipality, or the District of Columbia.*

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: January 27, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42–784; Filed, January 28, 1942; 11:00 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1260]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES IN SIZE GROUPS 24-29, INCLUSIVE, FOR THE COALS OF THE RIO GRANDE MINE (MINE INDEX NO. 271) OF THE RIO GRANDE COAL CORPORATION, A CODE MEMBER IN DISTRICT NO. 11, FOR TRUCK SHIPMENT AND FOR CORRECTION OF THE LOCATION OF SAID MINE AS SHOWN IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11 FOR TRUCK SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Rio Grande Mine (Mine Index No. 271) of the Rio Grande Coal Corporation, a code member in District No. 11 for Truck Shipment and the correction of the location of this mine, shown in the Schedule of Effective Minimum Prices for District No. 11 For Truck Shipment, as being situated in Clay County, Indiana, to Vigo County, Indiana; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 331.24 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 11 For Truck Shipments is supplemented to include the following price classifications and minimum prices:

Truck Shipments[1]

[Prices in cents per net ton for shipment into all market areas]

Code member name	Mine Index No.	Mine	Seam	Prices and size group Nos.														
				1-16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
VIGO COUNTY**																		
Rio Grande Coal Corp.	271	Rio Grande	M	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	1.65	1.55	1.00	(†)	(†)	(†)	(†)

[1] The foregoing prices are to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in the Schedule of Effective Minimum Prices for District No. 11, For Truck Shipments.

* Prices previously established for Size Groups, 1-16, inclusive.

** Previously shown in error as Clay County.

(†) Indicates no prices sought for these Size Groups.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-776; Filed, January 28, 1942; 10:41 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—OFFICE OF PRODUCTION MANAGEMENT[1]

SUBCHAPTER A—GENERAL PROVISIONS

[Regulation No. 12]

INDUSTRY ADVISORY COMMITTEES—AUTHORIZING THEIR FORMATION AND REGULATING THEIR OPERATION; ESTABLISHING A BUREAU OF INDUSTRY ADVISORY COMMITTEES AND PRESCRIBING ITS DUTIES AND FUNCTIONS; AND SUPERSEDING REGULATIONS NOS. 7 AND 7-A

By virtue of the authority vested in the Office of Production Management by Executive Order No. 8629,[2] dated January 7, 1941, and Executive Order No. 8875,[3] dated August 28, 1941, it is hereby ordered that:

(a) Industry Advisory Committees and subcommittees thereof (hereinafter referred to as Committees) shall be formed in the Office of Production Management and meetings and conferences between officials of the Office of Production Management and representatives of industry shall be held in accordance with such procedure as may be prescribed from time to time by the Director General, acting in association with the Associate Director General.

(b) There shall be in the Office of Production Management a Bureau of Industry Advisory Committees, hereinafter referred to as the Bureau, which shall serve as a central point of clearance in connection with the formation and operation of Committees. There shall be a Chief of the Bureau, appointed by and responsible to the Director General, acting in association with the Associate Director General. The Chief of the Bureau shall appoint such personnel as he shall deem necessary to carry out the duties assigned to the Bureau herein.

(c) Each Committee shall be presided over by a Government Presiding Officer who shall be selected by the Branch Chief concerned with the approval of the Director of the Division or such official as the Director General may designate.

(d) The functions of a Committee shall be:

(1) To discuss any subject pertinent to the war program at meetings duly called in accordance with this Regulation.

(2) To collect and furnish information, to render advice and to make recommendations to the Government Presiding Officer when requested by him to do so.

(3) To be continuously available to provide information, to advise and consult with the Government Presiding Officer.

(e) A Committee shall not undertake to determine policies for the industry nor shall it attempt to compel or coerce any person to comply with any request or order made by the Government Presiding Officer or any public authority nor shall the members of a Committee reach any agreement or understanding among themselves or with the Government Presiding Officer regarding specific action to be taken by the industry: *Provided, however*, That agreement on the part of Committee members with respect to recommendations shall not be prohibited.

(f) All decisions as to what action shall be taken by the industry or by any particular company within the industry shall be made by the Government Presiding Officer with the approval of the appropriate Branch Chief. No such actions shall be taken until formally requested. All requests for action shall be made in writing and directed to each company which is to participate in such action over the name of the Government Presiding Officer. Each such request for action shall be submitted through the appropriate Assistant General Counsel to the General Counsel for approval prior to issuance. The General Counsel shall, whenever he deems it necessary, clear such a request with the Attorney General.

(g) It shall be the duty of the Chief of the Bureau:

(1) To pass upon the membership of all Committees and to issue all letters inviting persons to serve as members of a Committee.

(2) To issue all notices of meetings of Committees.

(3) To maintain a complete and up-to-date record of the personnel of all Committees and of all conference groups which have held meetings at the invitation of an official of the Office of Production Management.

(4) To make a report each month to the Director General and the Associate Director General concerning the formation of Committees and such other matters as may be designated.

(5) To perform such other duties as may be required by him to be performed by such procedure as may be prescribed from time to time by the Director General, acting in association with the Associate Director General.

(h) Regulations Nos. 7 and 7-A and any provision of a regulation or of an order of the Office of Production Management which may be inconsistent with this Regulation, are hereby superseded and amended accordingly.

W. S. KNUDSEN,
Director General.
SIDNEY HILLMAN,
Associate Director General.
ROBERT P. PATTERSON,
Under Secretary of War.
FORRESTAL,
Under Secretary of the Navy.

Approved:
JOHN LORD O'BRIAN,
General Counsel.

Attest:
HERBERT EMMERICH,
Executive Secretary.

JANUARY 14, 1942.

[F. R. Doc. 42-773; Filed, January 26, 1942; 10:37 a. m.]

[1] The Office of Production Management was abolished by E.O. 9040, 7 F.R. 527, and its functions transferred to the War Production Board.

[2] 6 F.R. 191.

[3] 6 F.R. 4483.

SUBCHAPTER B—PRIORITIES DIVISION

PART 1003—TITANIUM PIGMENTS

Amendment No. 3 to General Preference Order M-44[1] *To Conserve the Supply and Direct the Distribution of Titanium Pigments*

Section 1003.1 (*General Preference Order No. M-44*) is hereby amended in the following respect:

Paragraph (b) (6) is hereby amended to read as follows:

(b) *Additional definitions.* For the purposes of this Order

* * * * * * *

(6) "Reserved quota percentage" * * *. Until further prescription such percentage shall be 25%.

* * * * * * *

Effective date. This Amendment shall take effect on February 1, 1942. (P.D. Reg. 1 Amended Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 24th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-772; Filed, January 27, 1942; 3:42 p. m.]

[1] 6 F.R. 5934, 5996; 7 F.R. 163.

PART 1032—DIRECT-CONSUMPTION SUGAR

General Preference Order No. M-55 as Amended January 24th, 1942—To Conserve the Supply and Direct the Distribution of Direct-Consumption Sugar

General Preference Order No. M-55 is hereby amended to read as follows:

Whereas it appears that the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of direct-consumption sugar for the combined needs of defense, private account and export, and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution of direct-consumption sugar.

Now, therefore, it is hereby ordered, That:

§ 1032.1 *General Preference Order M-55*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Definitions.* For the purposes of this Order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Sugar" means any grade or type of saccharine product derived from sugar-cane or sugar beets, containing sucrose, dextrose, or levulose.

(3) "Raw sugar" means any sugars which are to be further refined or improved in quality.

(4) "Direct-consumption sugar" means any sugar which is not to be further refined or otherwise improved in quality and includes raw sugar delivered to any Receiver; but sugar in liquid form which contains non-sugar solids (excluding any foreign substance that may have been added) equal to more than 6 percentum of the total soluble solids, and sirup of cane juice produced from sugarcane grown in continental United States are not included.

(5) "Primary distributor" means any person who manufactures or imports into continental United States (excluding Alaska) direct-consumption sugar or the agent of any such person.

(6) "Secondary distributor" means any Receiver who, in 1941 sold or delivered sugar to another Receiver.

(7) "Receiver" means any person who in 1941 bought or accepted delivery of direct-consumption sugar from any Primary Distributor, or who in 1941 bought or accepted delivery from any source of raw sugar to use it in the manufacture of any product for human consumption, other than Direct-Consumption sugar.

(8) "Frozen sugar" means any sugar which a Receiver has been prohibited from using or reselling by paragraph (c) (4) of General Preference Order M-55, dated December 13, 1941, or by any other order of the Director of Priorities.

(c) *General restrictions.* (1) No Primary Distributor shall deliver Direct-Consumption Sugar to any person with knowledge or reason to believe that such person is not entitled to accept delivery thereof pursuant to this Order.

(2) Except as provided in paragraph (d) hereof, no person other than a Receiver shall receive delivery of any Direct-Consumption Sugar from a Primary Distributor; and no Receiver shall accept delivery of Direct-Consumption Sugar from any source, except as permitted by this Order.

(3) Any Receiver who, in the usual course of his business, resells to purchasers other than ultimate household consumers more than 50 percent of the Direct-Consumption sugar he buys shall resell sugar equitably among such purchasers and shall not favor purchasers who purchase other products from him nor discriminate against purchasers who do not purchase other products from him.

(d) *Quota restrictions and exceptions thereto*—(1) *Persons in business in corresponding period in 1941.* In any period specified by the Director of Priorities, any Receiver may accept delivery of a quota constituting such percentage of his use or resale of Direct-Consumption Sugar in the corresponding period of 1941 as the Director of Priorities may from time to time determine. Any such quota must be adjusted pursuant to paragraph (f) of this Order.

(2) *Persons not in business in corresponding period in 1941.* Any Receiver who was not in business during the whole of the corresponding period of 1941, but was in business during the whole of the months of October, November, and December, 1941, may in any one month in 1942 accept delivery of a quota of Direct-Consumption Sugar equal to such percentage of the average of his use and resales in such months of 1941 as the Director of Priorities may determine; or if he was not in business during the whole of such months of 1941,

he may use as a basis to determine his quota that percentage of the average of his monthly use or resale during each of such months of 1941 in which he was in business during the entire month. Any such quota must be adjusted pursuant to paragraph (f) of this Order.

(3) *Advance or deferred delivery.* Nothing in this Order shall be construed to prohibit acceptance of any delivery constituting part of the quota of any Receiver for any period within ten days prior to the beginning of such period. To avoid rail deliveries in less than carload lots (defined for the purposes of this Order as less than four hundred bags East of Chicago, less than six hundred bags Chicago and West of Chicago) a Receiver may receive by rail the carload lot or lots nearest his quota for any period, and adjust the excess or deficiency in determining his quota for the next ensuing period.

(4) *Quota of receivers having frozen sugar.* The quota of any Receiver shall be reduced according to the amount of any Frozen Sugar in his possession or control.

(5) *Deliveries not charged against quota.* Notwithstanding the foregoing limitations, any primary distributor may deliver Direct-Consumption Sugar to any person, and any Receiver may accept delivery of Direct-Consumption Sugar without charging it against his quota, if such delivery or acceptance is specifically authorized by the Director of Priorities, or if such sugar is to be used or to be physically incorporated in materials to be used to fill actual orders by or contracts with:

(i) The Defense Supplies Corporation.
(ii) The War and Navy Departments.
(iii) The United States Maritime Commission.
(iv) The government of any of the following countries: the United Kingdom, Canada, and other dominions; Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia.
(v) Any Agency of the United States Government for materials, supplies, or equipment to be delivered to, or for the account of, the government of any country listed above or any other country, including those in the Western Hemisphere, pursuant to the act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend Lease Act.)
(vi) The American Red Cross.
(vii) Any person requiring supplies necessary to manufacture health supplies as defined in preference rating order No. P-29 as it may be amended from time to time.
(viii) Any person, for retail sale, on military or naval reservations or naval vessels, to military or naval personnel.
(ix) Any person operating an ocean going vessel, documented under the laws of the United States and engaged in transportation of cargo or passengers in the foreign, coastwise, or inter-coastal trade, for necessary supplies for such vessels.
(x) Any canner or processor, to furnish supplies to enable him to pack fruits or vegetables, provided that he has complied with all orders of the Office of Production Management with reference to the conservation of Sugar, and further provided that any such canner or processor must file with his Supplier, from whom he is accepting delivery of Direct-Consumption Sugar, a written statement in substantially the following language, manually signed by a responsible official.

The undersigned intends to pack (quantity) of (——).

To do this ( ) bags of sugar are needed. I have in my possession or under my control ( ) bags of Direct-Consumption Sugar. I request delivery of ( ) bags of Direct-Consumption Sugar representing the difference between the quantity of Direct-Consumption Sugar in my possession or under my control and the quantity I need in order to pack the commodity referred to above. I further represent that I have complied with all orders of the Office of Production Management with reference to the conservation of sugar and that I intend to comply with all future orders of the Office of Production Management with reference to such matters.

Name ——————————
By ——————————

A copy of such writing must be filed with the Director of Priorities. Such statement shall constitute a representation to the Office of Production Management and the Supplier that the signer is entitled to receive the amount stated. The Supplier shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false.

Any Receiver using or reselling Direct-Consumption Sugar pursuant to this subparagraph (5), shall at the end of such quota period notify the Director of Priorities in writing of the amount of such use or resale and the person or persons to whom he has sold.

(e) *Frozen sugar.* Sugar frozen by General Preference Order M-55 or by any other Order of the Director of Priorities, may be used or resold:

(i) For the purposes set forth in paragraph (d) (5) above.
(ii) By any Receiver, to the extent that his quota has been reduced as prescribed by paragraph (d) (4) above.

But such frozen sugar shall not be otherwise used or resold and shall remain subject to disposition by order of the Director of Priorities.

(f) *Election between primary and secondary distributors*—(1) *Election required.* After March 1, 1942, no person shall accept delivery of Direct-Consumption Sugar from both Primary Distributors and Secondary Distributors. Any Receiver who in 1941 purchased or accepted delivery of sugar from both Primary Distributors and from Secondary Distributors must elect prior to February 20, 1942, whether during the period from March 1, 1942, to December 31, 1942, to accept delivery of Direct-Consumption sugar from Primary Distributors or Secondary Distributors.

(2) *Election not to accept sugar from secondary distributors.* In the event that such Receiver elects not to accept delivery of Direct-Consumption Sugar from Secondary Distributors after March 1, 1942, he shall give notice of such election prior to February 20, 1942, on a form to be prescribed by the Office of Production Management, to each Secondary Distributor from whom he accepted delivery of Direct-Consumption Sugar in 1941. Each Secondary Distributor who shall receive such notice shall, in calculating the quantity of Direct-Consumption Sugar which he sold in any period of time in 1941 for the purpose of determining the quantity of Direct-Consumption Sugar to which he is entitled in the corresponding period of time in 1942, pursuant to paragraph (d) of this Order, deduct the quantity of Direct-Consumption Sugar he sold during such period of time to the person giving him such notice.

(3) *Election not to accept sugar from primary distributors.* In the event that any such Receiver elects no longer to accept delivery of Direct-Consumption Sugar from Primary Distributors, after March 1, 1942, he shall give notice of his election to any Secondary Distributor, on a form to be prescribed by the Office of Production Management, stating the quantities of sugar of which he accepted delivery during each month from March 1, 1941, to December 31, 1941. Any Secondary Distributor who shall receive such notice may, in calculating the quantity of Direct-Consumption Sugar which he sold in any period of time in 1941 for the purpose of determining the quantity of Direct-Consumption Sugar to which he is entitled in a corresponding period of time in 1942 pursuant to paragraph (d) of this Order, add the quantity of Direct-Consumption Sugar which the person giving such notice received from Primary Distributors during such period of time, but now elects to receive from him.

(g) *Applicability of Order.* This Order applies only to deliveries in or for the continental United States, excluding Alaska: *Provided, however,* That any person who imports Direct-Consumption Sugar shall be deemed to accept delivery thereof on its arrival in the continental United States, excluding Alaska. This Order does not apply to deliveries for direct export from the United States of America, if such export shall have been duly licensed by the Administrator of Export Control.

(h) *Multiple branch companies.* Companies having a number of plants, divisions, branches, or subsidiaries may elect whether to treat each or any such plant, division, branch, or subsidiary as a separate person for the purposes of this Order, but, having elected, shall adhere to such election for all purposes.

(i) *Records.* Each Person participating in any transaction to which this Order applies shall keep and preserve for a period of not less than two years accurate and complete records of his inventories of the Material or Materials to which such Order relates and of the details of all transactions in such Materials. Such records shall include the dates of all contracts or purchase orders accepted, the delivery dates specified in such contracts or purchase orders, and in any preference rating certificates accompanying them, the dates of actual deliveries thereunder, description of the Material covered by such contracts or purchase orders, description of deliveries by classes, types, quantities, weights and values, the parties involved in each transaction, the preference ratings, if any, assigned to deliveries under such contracts or purchase orders, details of Defense Orders and all other rated orders either accepted or offered and rejected, and other pertinent information.

(j) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(k) *Reports.* Each person participating in any transaction to which this Order applies shall execute and file with the Office of Production Management such reports and questionnaires as said office shall from time to time request.

(l) *Violations.* Any Person who willfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(m) *Appeal.* Any Person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal to the Office of Production Management, setting forth pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(n) *Communications to Office of Production Management.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: Office of Production Management, Washington, D. C. Ref: M-55

(o) *Effective date.* (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Amended this 24th day of January, 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-770; Filed, January 27, 1942; 3:41 p. m.]

PART 1032—DIRECT-CONSUMPTION SUGAR

§ 1032.2 *Supplementary Order M-55-a.* (a) The Director of Priorities hereby determines that during the month of February, 1942, the quota of Direct-Consumption Sugar Permitted Receivers under paragraph (d) of Order No. M-55, as amended, shall be 80% of use or resale during the base period of 1941 as prescribed by the said Order No. M-55.

(b) This Order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 24th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-769; Filed, January 27, 1942; 3:41 p. m.]

PART 1049—INCANDESCENT LAMPS

Limitation Order L-28 To Restrict the Production of Incandescent Lamps

Whereas the demands of national defense have created a shortage of nickel, brass, copper and other materials used in the manufacture of incandescent lamps; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless their use in the manufacture of incandescent lamps is curtailed;

§ 1049.1 *General Limitation Order L-28—(a) Definitions.* For the purposes of this Order:

(1) "Incandescent lamp" means any lamp or bulb fitting into a socket and making use of a metal or carbon filament as the source of light.
(2) "Nickel used" means the aggregate weight of nickel used in the process of manufacture whether contained in the finished product or resulting in scrap.
(3) "Brass used" means the aggregate weight of brass used in the process of manufacture whether contained in the finished product or resulting in scrap.
(4) "Copper used" means the aggregate weight of copper (other than that contained in brass) used in the process of manufacture whether contained in the finished product or resulting in scrap.
(5) "Other metal used" means the aggregate weight of any other metal not included in subparagraphs (2), (3) and (4) used in the process of manufacture whether contained in the finished product or resulting in scrap.

(b) *General restrictions.* (1) In each period of three calendar months beginning with the first such period following the date of issuance of this Order, and until otherwise ordered, no manufacturer of incandescent lamps shall use in the production of such lamps (including those designed for the purposes mentioned in subparagraph (2)):

(i) more nickel than 75% of one-fourth of the nickel used by him in the production of such lamps during 1940;
(ii) more brass than 80% of one-fourth of the brass used by him in the production of such lamps during 1940; or
(iii) more copper than 80% of one-fourth of the copper used by him in the production of such lamps in 1940;

(2) In each period of three calendar months beginning with the first such period following the date of issuance of this Order, and until otherwise ordered, no manufacturer of incandescent lamps shall use in the production of such lamps designed primarily for use on Christmas trees, or for advertising, decorative or display purposes, more nickel, brass, copper or any other metal than 50% of one-fourth of the nickel, brass, copper or such other metal, respectively, used by him for such purposes in the year 1940.

(3) Beginning on the first day of the first calendar month following the date of issuance of this order no manufacturer of incandescent lamps may use any materials obtained (before or after said first day of the month) with the assistance of any preference rating granted by the Director of Priorities (whether by general or limited preference order or otherwise) in the production of incandescent lamps designed primarily for use on Christmas trees or for advertising, decorative or display purposes.

(c) *Avoidance of excessive inventories.* From the effective date of this Order manufacturers of incandescent lamps shall not accumulate for use in the manufacture of such lamps inventories of raw materials, semiprocessed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of incandescent lamps at the rates permitted by this Order.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the Office of Production Management.

(f) *Reports.* Each manufacturer to whom this Order applies shall file with the Office of Production Management such reports and questionnaires as said Office shall from time to time prescribe.

(g) *Violations.* Any person who willfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or

that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the Office of Production Management setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Priorities may thereupon take such action as he deems appropriate.

(i) *Application of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(j) *Routing of correspondence.* All communications concerning this Order should be addressed to the Office of Production Management, Washington, D. C., Ref: L–28.

(k) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941; 6 F.R. 4483; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session; sec. 9 Public No. 783, 76th Congress, Third Session)

Issued this 24th day of January 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42–771; Filed, January 27, 1942; 3:41 p. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1335—CHEMICALS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 42 [1]—PARAFFIN WAX

Sections 1335.458 and 1335.460 are hereby amended to read as follows:

§ 1335.458 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, corporation, association or other business entity;

(b) "Paraffin wax" means crude scale, semi-refined and fully refined paraffin wax of the grades listed in § 1335.460, Appendix A hereof, except slabs or cakes of paraffin wax weighing two pounds or less;

(c) "Seller's shipping point" means refinery or other point of distribution maintained by a refiner or seller.

§ 1335.460 *Appendix A; maximum prices for paraffin wax*—(a) *Quantities of 10,000 pounds or more.* The following maximum prices, f. o. b. refinery, are established for crude scale, semi-refined and fully refined paraffin wax shipped from a refinery in quantities of 10,000 pounds or more:

(1) *Crude scale and semi-refined.*

[Prices per pound]

	Slack barrels or 100 kilo bags		50 kilo bags		Tank cars
	Solid	Slabbed	Solid	Slabbed	
122/124 A. M. P.	$.0425	$.0445	$.0435	$.0455	$.0395
124/126 A. M. P.	.0425	.0445	.0435	.0455	.0395
126/128 A. M. P.	.0450	.0470	.0460	.0480	.0420
128/130 A. M. P.	.0475	.0495	.0485	.0505	.0445
130/132 A. M. P.	.0500	.0520	.0510	.0530	.0470
132/134 A. M. P.	.0525	.0545	.0535	.0555	.0495
134/136 A. M. P. or higher	.0550	.0670	.0560	.0580	.0520

(2) *Fully refined.*

[Prices per pound]

	Slabs loose	Bags	Tank cars
120/122 A. M. P.	$.050	$.054	$.0495
123/125 A. M. P.	.052	.056	.0515
125/127 A. M. P.	.052	.056	.0515
128/130 A. M. P.	.056	.060	.0555
130/132 A. M. P.	.0585	.0625	.0580
131/133 A. M. P.	.0585	.0625	.0580
133/135 A. M. P.	.0615	.0655	.0610
135/137 A. M. P.	.064	.068	.0635
138/140 A. M. P.	.0715	.0755	.0710
141/143 A. M. P.	.0765	.0805	.0760
143/145 A. M. P.	.0810	.0850	.0805
146/148 A. M. P.	.0930	.0970	.0925
149/151 A. M. P.	.1050	.1090	.1045

In the case of a shipment of crude scale, semi-refined or fully refined paraffin wax from a seller's shipping point other than a refinery, the maximum prices are the prices listed above, plus the actual transportation charges from the refinery at which such wax was last processed to such seller's shipping point, f. o. b. such seller's shipping point. Such transportation charges shall be shown as separate items on all records and invoices.

(b) *Quantities of less than 10,000 pounds.* The maximum prices for crude scale, semi-refined and fully refined paraffin wax, in quantities of 1,000 pounds or more but less than 10,000 pounds, are the prices listed in subparagraphs (1) and (2) of paragraph (a) above, plus $0.015 per pound, delivered.

(c) *Imported paraffin wax*—(1) *Quantities of 10,000 pounds or more.* The maximum prices for import shipments of crude scale, semi-refined or fully refined paraffin wax and for domestic shipments of such imported wax from a seller's shipping point located in the port of entry, in quantities of 10,000 pounds or more, are the maximum prices listed in subparagraphs (1) and (2) of paragraph (a) above, f. o. b. port of entry. In the case of domestic shipments from a seller's shipping point not located in the port of entry, the maximum prices are the maximum prices listed in subparagraphs (1) and (2) of paragraph (a) above, plus the actual transportation charges from the port of entry to such seller's shipping point, f. o. b. such seller's shipping point. Such transportation charges shall be shown as separate items on all records and invoices.

(2) *Quantities of less than 10,000 pounds.* The maximum prices for import shipments of crude scale, semi-refined or fully refined paraffin wax, and for domestic shipments of such imported wax, in quantities of 1,000 pounds or more, but less than 10,000 pounds, are the maximum prices listed in subparagraphs (1) and (2) of paragraph (a) above, plus $.015 per pound, delivered.

(d) *Export sales and sales to territories and possessions of the United States.* The following maximum prices are established for export sales of crude scale, semi-refined and fully refined paraffin wax to persons in foreign countries and for sales of such wax from any state or the District of Columbia to persons in the territories or possessions of the United States:

(1) *Quantities of 10,000 pounds or more.* (i) The maximum prices for shipments by vessel are the maximum prices listed in subparagraphs (1) and (2) of paragraph (a) above, plus the actual transportation charges from the refinery at which such wax was last processed to alongside vessel at the port of shipment, f. a. s. vessel at the port of shipment, plus $.0040 per pound of paraffin wax. Such transportation charges shall be shown as separate items on all records and invoices.

(ii) The maximum prices for overland shipments to Canada and Mexico are the maximum prices established by paragraph (a) above, plus $.0025 per pound of paraffin wax.

(2) *Quantities of less than 10,000 pounds.* (i) The maximum prices for shipments by vessel are the maximum prices listed in subparagraphs (1) and (2) of paragraph (a) above, f. a. s. vessel at the port of shipment, plus $.0190 per pound of paraffin wax.

(ii) The maximum prices for overland shipments to Canada and Mexico are the maximum prices listed in subparagraphs (1) and (2) of paragraph (a) above, f. o. b. seller's shipping point, plus transportation charges over standard routes from seller's shipping point to destination, less transportation charges from seller's shipping point to the station on the boundary between the United States and Canada or Mexico, whichever the case may be, plus $.0175 per pound of paraffin wax. In the event there is no station on the boundary, transportation charges from the seller's shipping point to that station in the United States which is closest to the boundary shall be subtracted.

(3) *Imported paraffin wax.* The maximum prices for shipments by vessel, and for overland shipments to Canada and Mexico, are the maximum prices established by subparagraphs (1) and (2) of this paragraph (d), except that, in place of the actual transportation charges provided by subdivision (i) of subparagraph (1) of this paragraph (d), actual transportation charges from the port of entry to alongside vessel at the port of shipment may be added.

(4) *Expenses.* No expenses, commissions, or charges for services may be added to the maximum prices established by subparagraphs (1), (2) and (3) of this paragraph (d), except (i) ocean freight, (ii) marine and war risk insurance and (iii) foreign agents' commission unless the foreign agents' commission or any part thereof is received by the exporter directly or indirectly for his own use. Nothing contained in this subparagraph (4) in any way modifies or affects the transportation charges for overland shipments.

(e) *Other containers.* (1) The maximum prices for crude scale and semi-refined paraffin wax in containers other than those specified in paragraph (a) above are the applicable maximum prices established above for such wax in slack barrels or 100 kilo bags, except that a reasonable charge may be added for additional costs, if any, of the containers. Such additional charges shall be shown as separate items on all such records and invoices.

(2) The maximum prices for fully refined paraffin wax in containers other than those specified in paragraph (a) above are the applicable maximum prices established above for such wax in slabs loose, except that a reasonable charge may be added for additional costs, if any, of the containers. Such additional charges shall be shown as separate items on all records and invoices. (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective January 30, 1942. Issued this 28th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–793; Filed, January, 28, 1942; 11:51 a. m.]

[1] 6 F.R. 5962.

PART 1335—CHEMICALS

PRICE SCHEDULE NO. 78—OXALIC ACID

Oxalic acid is an organic acid used in the tanning of leather, in the production of celluloid, rayon, and blueprint paper, and for many other industrial purposes. It is also used in the manufacture of an explosive called "pentaerythritol."

As a direct consequence of expanded economic activity induced by the national defense program, the demand for oxalic acid has increased greatly in the last year. The price charged by producers for crystalline oxalic acid in barrels, carlot quantities, which had remained at 10¾ cents per pound for five years, increased between July 1 and October 1, 1941, to 11¼ cents per pound. Numerous sales by resellers have been reported at prices ranging from twenty to forty cents per pound. Further price increases are threatened.

After investigation and conferences with members of the oxalic acid industry and representatives of other government agencies, the Office of Price Administration has found that there are no justifiable reasons for prices of crystalline oxalic acid in barrels, carlot quantities, in excess of 11¼ cents per pound. Increases in such prices at this time would, therefore, be inflationary in character.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.551 *Maximum prices for oxalic acid.* On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer oxalic acid in containers of 100 pounds or more, and no person shall buy, offer to buy or accept delivery of oxalic acid in containers of 100 pounds or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.559.*

*§§ 1335.551 to 1335.559 inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.552 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1335.553 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of oxalic acid, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of grades of oxalic acid or otherwise.*

§ 1335.554 *Records and reports.* Every person making purchases or sales of oxalic acid in containers of 100 pounds or more after February 1, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the kind and size of the containers, of the oxalic acid purchased or sold.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time require.*

§ 1335.555 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of oxalic acid, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.556 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered by the Office of Price Administration unless filed by persons complying with this Schedule.*

§ 1335.557 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation or other business entity;

(b) "Oxalic acid" means crystalline and powdered oxalic acid.

(c) "Producer's shipping point" means any of the following points: Jersey City, N. J.; Niagara Falls, N. Y.; Buffalo, N. Y.; or Chicago Heights, Illinois.*

§ 1335.558 *Effective date of the Schedule.* This Schedule shall become effective February 2, 1942.*

§ 1335.559 *Appendix A; maximum prices for oxalic acid*—(a) *Delivered from producers' shipping points.* (1) The maximum prices for oxalic acid delivered from a producer's shipping point are established as follows:

	Carlot quantities	Less than carlot quantities	
		(10,000 lbs. or more)	(Less than 10,000 lbs.)
	($ per lb.)	($ per lb.)	($ per lb.)
Crystalline Oxalic Acid in barrels or other containers (more than 290 lbs.)	.11¼	.11½	.12½
Crystalline Oxalic Acid in kegs, drums, or other containers (100 lbs. to 290 lbs. inclusive)	.11¾	.12	.13
Powdered Oxalic Acid in barrels or other containers (more than 290 lbs.)	.12¼	.12½	.13½
Powdered Oxalic Acid in kegs, drums, or other containers (100 lbs. to 290 lbs. inclusive)	.12¾	.13	.14

(2) The above maximum prices are f. o. b. the producer's shipping point, with freight equalized at the rate for a shipment of identical quantity over standard routes from producers' shipping points, viz.: Jersey City, N. J.; Niagara Falls, N. Y.; Buffalo, N. Y.; or Chicago Heights, Illinois. The maximum prices which a purchaser may pay for oxalic acid delivered to him from a producer's shipping

point shall not exceed the maximum prices listed above plus the transportation charge on a shipment of identical quantity to destination from that producer's shipping point from which the transportation rate to destination is least.

(b) *Delivered from local stocks.* The maximum prices for oxalic acid delivered from local stocks maintained at points other than a producer's shipping point shall not exceed a price ex seller's warehouse equal to the maximum prices listed in subparagraph (1) of paragraph (a) above, plus the transportation charge on a shipment of identical quantity over standard routes to seller's warehouse from that producer's shipping point from which the transportation rate to seller's warehouse is least.

(c) *Export sales and sales to territories and possessions of the United States.* The following maximum prices are established for export sales of oxalic acid to persons in foreign countries and for sales to persons in the territories or possessions of the United States, where the shipments pursuant to such sales originate in the continental United States exclusive of Alaska:

(1) The maximum prices for shipments by vessel, f. a. s. vessel at the port of shipment, are the maximum prices listed in subparagraph (1) of paragraph (a) above, plus the transportation charges on a shipment of identical quantity over standard routes to alongside vessel at the port of shipment from that producer's shipping point from which the transportation charges to alongside vessel at the port of shipment are least, plus $.006 per pound.

(2) The maximum prices for overland shipments are the maximum prices established by paragraphs (a) and (b) above, plus $.004 per pound.

(3) No expenses, commissions, or charges for services may be added to the maximum prices established by subparagraphs (1), (2), and (3) of this paragraph (d), except (i) ocean freight, (ii) marine and war risk insurance, (iii) in the case of overland shipments, transportation charges from seller's shipping point to destination permitted to be added by paragraphs (a) and (b) above, and (iv) foreign agent's commission unless the foreign agent's commission or any part thereof is received by the exporter directly or indirectly for his own use.

(d) *Containers.* No charge for containers may be added to the maximum prices established above.*

Issued this 28th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-794; Filed, January 28, 1942; 11:51 a. m.]

PART 1335—CHEMICALS

PRICE SCHEDULE NO. 79—CARBON TETRACHLORIDE

Carbon tetrachloride is an important chemical used in dry cleaning fluids, fire extinguishers, fumigants, and the production of refrigerants. It is also used for the cleaning of machine tools and metal parts employed in the manufacture of airplane engines, military trucks, munitions and many other products.

As a result of economic activity induced by defense expenditures, there has been a substantial increase in the demand for carbon tetrachloride. A shortage of chlorine, essential in the manufacture of carbon tetrachloride, has restricted expansion in the production of the latter chemical. Consequently, the supply of carbon tetrachloride is inadequate. Producers' prices, after remaining constant for nearly three years, were increased on October 1, 1941, from the base price of 46 cents per gallon for drums in carload lots to 73 cents per gallon. Prices charged by resellers have advanced, in some instances, to two or three times their previous levels. Further price increases are threatened.

After complete investigation and conferences with members of the industry and representatives of other government agencies, the Office of Price Administration has determined that maximum prices should be established for carbon tetrachloride to prevent inflationary price trends in this commodity and that the maximum prices set forth below are fair and equitable.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.601 *Maximum prices for carbon tetrachloride.* On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer carbon tetrachloride in containers of five gallons or more, and no person shall buy, offer to buy or accept delivery of carbon tetrachloride in containers of five gallons or more, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.609.*

*§§ 1335.601 to 1335.609, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.602 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1335.603 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of carbon tetrachloride, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1335.604 *Records and reports.* Every person making purchases or sales of carbon tetrachloride in containers of five gallons or more on and after February 1, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity including the size of the containers of the carbon tetrachloride purchased or sold.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.605 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of these persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of carbon tetrachloride, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.606 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with this Schedule.*

§ 1335.607 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Seller's shipping point" means the point of manufacture or other point of distribution maintained by a producer or seller.*

§ 1335.608 *Effective date of the Schedule.* This Schedule shall become effective February 2, 1942.*

§ 1335.609 *Appendix A—Maximum prices.* The following maximum prices are established for carbon tetrachloride.

	Zone 1	Zone 2	Zone 3	Zone 4
	Prices per pound, delivered			
(a) Tank cars	$.0525	$0.575	$0.675	$.06
	Prices per gallon, delivered			
(b) Carload lots:				
(i) 50-55 gal. drums	$.73	$.80	$.94	$.83
(ii) 5 and 10 gal. cans	.97	1.04	1.17	1.07
(c) Less than carload lots:				
(i) 50-55 gal. drums	.80	.87	1.00	.90
(ii) 5 and 10 gal. cans	1.07	1.14	1.27	1.17

The above maximum prices apply to deliveries in the respective Zones, regardless of the Zone from which shipment is made.

(d) *Export sales and sales to territories and possessions of the United States.* The following maximum prices are established for export sales of carbon tetrachloride to persons in foreign countries and for sales to persons in the territories or possessions of the United States where the shipments pursuant to such sales originate in the continental United States exclusive of Alaska:

(1) *Shipments by vessel.* The maximum prices for shipment by vessel are the maximum prices established by paragraphs (b) and (c) above for the Zone in which the port of shipment is located, f. a. s. vessel at the port of shipment, plus 6.5 cents per gallon.

(2) *Overland shipments.* (i) The maximum prices for overland shipments in tank cars, delivered to destination in Canada or Mexico, are the maximum prices established by paragraph (a) above for that Zone from which the shipment crosses the boundary into Canada or Mexico, plus $.003 per pound, plus transportation charges over a standard route from seller's shipping point to destination, less transportation charges over such route from seller's shipping point to the station in the United States which is at or nearest to that point on the boundary at which the shipment crosses from the United States into Canada or Mexico.

(ii) The maximum prices for overland shipments in carload lots and less than carload lots delivered to destination in Canada or Mexico, are the maximum prices established by paragraphs (b) and (c) above for that Zone from which the shipment crosses the boundary into Canada or Mexico plus $.05 per gallon, plus transportation charges over a standard route from seller's shipping point to destination, less transportation charges over such route from seller's shipping point to the station in the United States which is at or nearest to that point on the boundary at which the shipment crosses from the United States into Canada or Mexico.

(3) *Expenses.* (i) No expenses, commissions, or charges for services may be added to the maximum prices established by subparagraphs (1) and (2) of this paragraph (d), except (i) ocean freight, (ii) marine and war risk insurance, and (iii) foreign agent's commission unless the foreign agent's commission or any part thereof is received by the exporter directly or indirectly for his own use.

(e) *Zones.* When used in this Schedule, the term:

(1) "Zone 1" means the States of Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, District of Columbia and the cities of Omaha, Nebraska and Kansas City, Kansas.

(2) "Zone 2" means the States of Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Nebraska, North Dakota, Oklahoma, South Carolina, and South Dakota, excepting the cities of Omaha, Nebraska, and Kansas City, Kansas.

(3) "Zone 3" means the States of Colorado, New Mexico, Texas, Wyoming, and that part of Montana east of but not including the following counties: Toole, Pondera, Teton, Lewis and Clark, Broadwater and Gallatin.

(4) "Zone 4" means the States of Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and that part of Montana west of and including those counties mentioned above.

(f) *Containers.* No charges for containers may be added to the maximum prices established above.

Issued this 28th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-795; Filed, January 28, 1942; 11:52 a. m.]

PART 1335—CHEMICALS

PRICE SCHEDULE NO. 80—LITHOPONE

A sharp increase in the demand for lithopone has occurred in recent months as a result of the national defense program. Lithopone is an extremely important chemical, essential in the production of a great many products necessary to the armed forces and civilian population.

After investigation and conferences with other government agencies and representatives of the industry, the Office of Price Administration, in December 1941, entered into an agreement with all of the producers of lithopone whereby it was agreed that lithopone would not be sold at prices in excess of $.0425 per pound for the normal grade delivered in bags in Eastern Territory.

Speculation by others than producers has greatly increased the resale prices of lithopone. These speculative prices are threatening to rise to even higher levels. It is necessary to curb such speculation, not only to prevent inflationary rises in the price of lithopone, but also to eliminate the danger of price rises in other industries that use lithopone.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.651 *Maximum prices for lithopone.* On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer lithopone, and no person shall buy, offer to buy or accept delivery of lithopone at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.659.*

*§§ 1335.651 to 1335.659, inclusive, issued under the authority contained in Executive Order Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.652 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1335.653 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of lithopone, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1335.654 *Records and reports.* Every person making purchases or sales of lithopone after February 1, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the specifications and quantity, including the size of the containers, of the lithopone purchased or sold.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.655 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to, or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of lithopone, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.656 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with this Schedule.*

§ 1335.657 *Definitions.* When used in this Schedule the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Lithopone" means the grades of lithopone listed in Appendix A hereof.

§ 1335.658 *Effective date of the Schedule.* This Schedule shall become effective February 2, 1942.

§ 1335.659 *Appendix A; maximum prices for lithopone.* The following maximum prices are established for lithopone:

(a) *Deliveries in Eastern Territory.*[1]

Grade	Per pound delivered in bags	
	Carload lots	Less than carload lots
Normal	$.0425	$.0450
High Strength Barium	.0560	.0585
High Strength Calcium	.0560	.0585
High Strength Magnesium	.0575	.0600
Titanated	.0560	.0585
Zinc Sulphide	.0825	.0850

(b) *Deliveries in Western Territory.*[1]

Grade	Per pound delivered in bags	Per pound f. o. b. warehouse
	Carload lots	Less than carload lots
Normal	$.0450	$.0475
High Strength Barium	.0585	.0610
High Strength Calcium	.0585	.0610
High Strength Magnesium	.0600	.0625
Titanated	.0585	.0610
Zinc Sulphide	.0850	.0875

[1] When used in this Appendix, the term "Eastern Territory" means the States of New Mexico, Colorado, Wyoming, Montana and all states east thereof, and the term "Western Territory" means all other states of the United States.

(c) *Barrels.* The maximum prices for deliveries of lithopone in Eastern or Western Territory in barrels are the maximum prices established above in paragraphs (a) or (b), whichever the case may be, plus one quarter of a cent per pound.

(d) *Export sales and sales to persons in territories and possessions of the United States*—(1) *Shipments by vessel from Eastern Territory.* The maximum prices for shipment by vessel from Eastern Territory are the maximum prices established above in paragraph (a) f.a.s. vessel at the port of shipment plus $.03 per hundred pounds.

(2) *Shipments by vessel from Western Territory.* The maximum prices for shipment by vessel from Western Territory are the maximum prices established above in paragraph (b) f.a.s. vessel at the port of shipment plus $.03 per hundred pounds.

(3) *Overland shipments.* The maximum prices for overland shipment are the maximum prices established in paragraph (a) or (b) above, whichever the case may be, delivered to that station in the United States which is at or nearest to that point on the boundary at which the shipment crosses from the United States into Canada or Mexico plus $.03 per hundred pounds except that for less than carload quantities shipped from warehouses in Western Territory the maximum prices are f.o.b. warehouse plus $.02 per hundred pounds.

(4) *Expenses.* No expenses, commissions, or charges for service may be added to the maximum prices established by subparagraphs (1), (2) and (3) of this paragraph (d), except (i) ocean freight, (ii) marine and war risk insurance, and (iii) foreign agents' commission unless such foreign agents' commission or any part thereof is received by the exporter directly or indirectly for his own use.

Issued this 28th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–796; Filed, January 28, 1942; 11:52 a. m.]

TITLE 46—SHIPPING

CHAPTER II—UNITED STATES MARITIME COMMISSION

SUBCHAPTER C—REGULATIONS AFFECTING SUBSIDIZED VESSELS AND OPERATORS

[General Order No. 50]

PART 276—CONSTRUCTION-DIFFERENTIAL SUBSIDY REPAYMENT WHILE VESSELS NOT OPERATED IN FOREIGN TRADE

Prescribing Procedure for the Repayment to the Commission of Construction-Differential Subsidy by Owners and Charterers Whose Vessels Are Operated in Other Than Exclusively Foreign Trade

§ 276.1 *Amount of and time for repayment.* In every instance where a vessel, with respect to which a construction-differential subsidy has been paid or allowance therefor has been made in calculating the basic charter hire under section 714 of the Merchant Marine Act, 1936, is operated in other than exclusively foreign trade, the owner or charterer thereof shall pay to the Commission, not later than March 31 of the calendar year succeeding such operation, the proportion of the difference between the domestic and foreign cost of such vessel that is required to be paid to the Commission in such Act, and particularly sections 506 and 714 thereof.*

* §§ 276.1 and 276.2 issued under authority contained in the Merchant Marine Act, 1936, 49 Stat. 1985; 46 U.S.C., Sup., 1101.

§ 276.2 *Filing of general financial statements.* Every owner of a vessel for which a construction-differential subsidy has been paid and every charterer of a vessel constructed under the provisions of the Merchant Marine Act, 1936, shall file with the Commission a General Financial Statement in the form and at the times prescribed by the Commission but not less frequently than annually; the amount of the payment due the Commission on account of the operation of such vessel in other than exclusively foreign trade must be shown in Balance Sheet Account No. 430; and a schedule reflecting the details of the manner in which the amount of such payment was determined must be made a corporate part of the General Financial Statement.*

By Order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
Assistant Secretary.

JANUARY 23, 1942.

[F. R. Doc. 42–764; Filed, January 28, 1942; 9:41 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 19th day of January, A. D. 1942.

The subject of the requirements of annual reports from steam railway companies and switching and terminal companies of Class I and Class II being under consideration, the following order was entered:

It is ordered, That the order of this Commission dated November 12, 1940, In the Matter of Annual Reports from Steam Railway Companies and Switching and Terminal Companies of Class I and Class II, and corresponding sections of the code of Federal Regulations be, and hereby are, annulled, effective January 1, 1942, and the following order shall become effective:

§ 120.11 *Form prescribed for large and medium steam roads.* (a) All steam railway companies and switching and terminal companies of Class I and Class II within the scope of Section 20, Part I of the Interstate Commerce Act be, and they hereby are, required to file annual reports for the year ended December 31, 1941, and for each succeeding year until further order, in accordance with Annual Report Form A (Large and Medium Steam Roads and Switching and Terminal Companies), which is hereby approved and made a part of this order.[1]

(b) The annual report shall be filed, in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates. (Sec. 20, 24 Stat. 386, Sec. 7, 34 Stat. 593, 35 Stat. 649, Sec. 14, 36 Stat. 555, Sec. 1, 38 Stat. 1196, 39 Stat. 441, Secs. 434–438, 41 Stat. 493, 494, 49 U.S.C. 20 (1)–(10))

By the Commission, division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42–760; Filed, January 28, 1942; 10:53 a. m.]

[1] Filed as a part of the original document.

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 20th day of January 1942.

In the matter of the order of February 2, 1939 (§ 120.15 *Expenditures by Class I steam railroads*)[1] requiring Class I Steam Railroads to report expenditures amounting in the aggregate of $5,000 or more per annum, made to others than employees being under consideration:

It is ordered, That said order of February 2, 1939, be, and it is hereby, revoked and set aside.

By the Commission, division 4.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42–779; Filed, January 28, 1942; 10:53 a. m.]

Notices

WAR DEPARTMENT.

SEVEN-DAY WEEK FOR DEPARTMENTAL AND FIELD SERVICES

Effective January 26, 1942, all Departmental and Field activities of the War Department will operate on a seven-day week basis, and all offices and activities in the District of Columbia will be open for business between the hours of 8:15 a. m. and 5:00 p. m. every day including Sunday. (R.S. 161; 5 U.S.C. 22) [Sec. II, Cir. 16, W.D., Jan. 20, 1942]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–768; Filed, January 28, 1942; 10:22 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B–50]

IN THE MATTER OF ELFGEN COAL CO. (BERT F. ELFGEN) REGISTERED DISTRIBUTOR, REGISTRATION NO. 2712, RESPONDENT

ORDER CANCELLING REGISTRATION AS DISTRIBUTOR AND CANCELLING HEARING

A Notice of and Order for Hearing scheduling the above-entitled matter to be heard on December 9, 1941, at St. Louis, Missouri, having been entered herein on October 9, 1941, and an Answer herein dated November 8, 1941, having been filed with the Division by said Respondent on November 12, 1941, and said Order having been subsequently amended and supplemented by orders dated November 6, 1941 and January 20, 1942, all of which orders were duly served upon the Respondent; and

The above-entitled matter having come on for hearing before a duly designated examiner of the Division on December 9, 1941, at the time and place scheduled in the aforesaid order dated October 9, 1941, and at such time having been continued to a date and place to be thereafter designated, and subsequently, by order of the Acting Director dated January 13, 1942, having been rescheduled for hearing on February 2, 1942, at St. Louis, Missouri; and

Respondent, by petition dated January 19, 1942 and by letter of the same date referred to therein, filed with the Division on January 22, 1942, having moved (a) that his registration as a distributor be canceled; (b) that this proceeding and the hearing herein now noticed for February 2, 1942, be dismissed subject, however, to the condition that in the event the Respondent at any subsequent time makes application for registration as a distributor, the Division may require as a condition precedent to the granting of such application, the repayment of all distributor's discounts from the effective minimum prices unlawfully accepted and retained by the Respondent prior to February 2, 1942, and that in the event that the Respondent shall make such application for registration this proceeding may be reopened for the purpose of determining the amount of the discounts to be repaid by the Respondent and for the further purpose of taking such other action in this proceeding as may be appropriate, and the Respondent having represented to the Division that he would cease being actively engaged as a distributor as of February 2, 1942; and

It appearing to the Acting Director that said petition of the Respondent should be granted in the following respects and in all other respects denied.

Now, therefore, it is ordered, That the registration of the Respondent herein as a distributor be and the same is hereby canceled, as of February 2, 1942: *Provided, however*, That in the event that the Respondent at any time subsequent to the date hereof makes application for registration as a distributor, the Division may require as a condition precedent to the granting of such application, the repayment by Respondent of all distributor's discounts from the effective minimum prices, unlawfully accepted and retained by Respondent prior to February 2, 1942, and jurisdiction is hereby reserved for such purpose and for the purpose of taking such other action in this proceeding as may be appropriate; and

It is further ordered, That the hearing in the above-entitled matter heretofore scheduled on February 2, 1942, be and the same hereby is canceled.

Dated: January 27, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–774; Filed, January 28, 1942; 10:40 a. m.]

[Docket No. 1658–FD]

IN THE MATTER OF NELSON L. GOULD DOING BUSINESS AS GOULD SALES COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 3634, RESPONDENT

ORDER REVOKING AND CANCELLING REGISTRATION OF DISTRIBUTOR

This proceeding having been instituted by the Bituminous Coal Division, pursuant to the Bituminous Coal Act of 1937 and § 304.14 of the Rules and Regulations for the Registration of Distributors, to investigate and determine whether Nelson L. Gould, doing business as Gould Coal Sales Company, a registered distributor (Registration No. 3634), St. Louis, Missouri, the respondent has violated the Act, the Marketing Rules and Regulations, the Rules and Regulations for Registration of Distributors, or the "Agreement by Registered Distributor";

The respondent having filed an answer;

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter having been held on October 9, 1941, before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in St. Louis, Missouri, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard and at which the respondent appeared;

The preparation and filing of a report by the Examiner having been waived, and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That the registration of the respondent, Nelson L. Gould, doing business as Gould Coal Sales Company, as a distributor (Registration No. 3634), be and it hereby is revoked and cancelled, effective 15 days from the date hereof.

It is further ordered, That no petition by the respondent seeking reinstatement as a registered distributor will be entertained within six months from the date hereof.

It is further ordered, That in the event the respondent herein seeks reinstatement as a registered distributor he shall submit, together with his petition for reinstatement, to the Division an affidavit verifying that during the period his registration as a registered distributor was revoked and cancelled, the respondent neither directly nor indirectly transacted business as a registered distributor, nor received nor was promised any discount which distributors are entitled to receive by virtue of registration, and verifying that the respondent has returned to the producers all discounts collected by him on coals resold to Seidel Coal and Coke Company.

Dated: January 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–775; Filed, January 28, 1942; 10:40 a. m.]

[Docket No. 1716–FD]

IN THE MATTER OF RICHARD ALMOND & GEORGE GALBAVY, DEFENDANT

ORDER REVOKING AND CANCELING CODE MEMBERSHIP

A complaint having been filed on May 9, 1941, with the Bituminous Coal Division, pursuant to the provisions of section

[1] 4 F.R. 598.

4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 22, alleging willful violation by Richard Almond & George Galbavy, the defendant, a code member in District 22, of the Bituminous Coal Code and the rules and regulations thereunder by:

(a) selling for shipment by truck on various dates 36.75 net tons of 1" lump coal (Size Group 2) produced at its Georges Mine (Mine Index No. 101), located in Subdistrict No. 7 of District 22, and delivering the same by truck at a delivered price which was the same price as the minimum f. o. b. mine price, without adding thereto the cost of transportation; and

(b) filing false sales slips covering such sales, in violation of Rule 3, section XII, of the Marketing Rules and Regulations.

Pursuant to Orders of the Director and Acting Director, and upon due notice to all interested persons, a hearing in this matter having been held on November 15, 1941, before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof in Billings, Montana;

The preparation and filing of a report by the Examiner having been waived and the matter having been presented to the undersigned;

The undersigned having made Findings of Fact, Conclusions of Law, and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That the code membership of the defendant, Richard Almond & George Galbavy, a code member in District 22, operating the Georges Mine (Mine Index No. 101) and the Blue Poney Mine (Mine Index No. 281) in District 22, be and it is hereby revoked and canceled; and

It is further ordered, That prior to any reinstatement of the defendant, Richard Almond & George Galbavy, a partnership, or Richard Almond and George Galbavy, partners therein, to membership in the Code, the defendant, or any of the individual partners thereof, shall pay to the United States a tax in the amount of $57.33, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: January 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-776; Filed, January 26, 1942; 10:40 a. m.]

[General Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4, PART II (h) OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT; AND IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL PRODUCERS' BOARD FOR DISTRICT NO. 12 FOR AMENDMENT OF SCHEDULE OF MAXIMUM DISCOUNTS WITH RESPECT TO THE SEVERAL SIZES OF COALS PRODUCED IN DISTRICT NO. 12

ORDER RESCHEDULING HEARING

The above-entitled matter having been originally scheduled for hearing on December 9, 1941, and by order dated December 6, 1941, having been postponed to a date to be thereafter designated; and

The petitioner and Scandia Coal Company, intervenor, having requested that said hearing be rescheduled for February 3 or February 4, 1942; and

It appearing that the place and date of such hearing should now be designated;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby set for February 4, 1942, at 10 a. m. at the place and before the officer heretofore designated.

Dated: January 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-777; Filed, January 26, 1942; 10:40 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective January 29, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Colette Manufacturing Company, Sanurce, Puerto Rico; Hairnet Industry; for expansion purposes; 2 learners in the occupation of "covering elastics" at 15¢ an hour for the first 240 hours; 22½¢ an hour for the second 240 hours, and 25¢ an hour for every hour thereafter; 3 learners in the occupation of "machine knotting" at 15¢ an hour for the first 240 hours; 22½¢ an hour for the second 240 hours, and 25¢ an hour for every hour thereafter; 3 learners in the occupation of "machine clipping" at 15¢ an hour for the first 240 hours; 22½¢ an hour for the second 240 hours, and 25¢ an hour for every hour thereafter; 3 learners in the occupation of "examining" at 15¢ an hour for the first 320 hours; 22½¢ an hour for the second 320 hours, and 25¢ an hour for every hour thereafter; 6 learners in the occupation of "knotting" at 15¢ an hour for the first 480 hours; 20¢ an hour for the second 480 hours; and 25¢ an hour for every hour thereafter; 11 learners in the occupation of "spooling" at 15¢ an hour for the first 480 hours; 22½¢ an hour for the second 480 hours; and 25¢ an hour for every hour thereafter; 14 learners in the occupation of "warping" at 15¢ an hour for the first 480 hours; 17½¢ an hour for the second 480 hours; 20¢ an hour for the third 480 hours; 22½¢ an hour for the fourth 480 hours, and 25¢ an hour for every hour thereafter; 13 learners in the occupation of "knitting" at 15¢ an hour for the first 240 hours; 20¢ an hour for the second 240 hours; and 25¢ an hour for every hour thereafter. This certificate effective January 15, 1942 and shall remain in effect for a period not exceeding six months thereafter.

Signed at Washington, D. C., this 28th day of January 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-797; Filed, January 28, 1942; 12:00 m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective January 29, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

N. Kasover, 229 North 4th Street, Easton, Pennsylvania; Men's Trousers; 5 percent (T); January 29, 1943.

Michaels, Stern and Company, Incorporated, 317 Child Street, Rochester, New York; Men's & Boys' Clothing; 5 percent (T); January 29, 1943.

Philadelphia Pad and Binding Company, Inc., 1001-07 Filbert Street, Philadelphia, Pennsylvania; Canvas Coat Fronts; 5 learners (T); January 29, 1943.

Philadelphia Pants Company, 26th and Reed Streets, Philadelphia, Pennsylvania; Pants; 5 percent (T); January 29, 1943.

Rough Rider Manufacturing Company, Napa, California; Men's & Boys' Corduroy and Wool Trousers and Sport Coats; 10 percent (T); January 29, 1943.

Stasny-Nachtman Tailoring Company, 17 S. E. 11th Avenue, Portland, Oregon; Men's Suits, Men's Overcoats; 5 learners (T); January 29, 1943.

Single Pants, Shirts, and Allied Garments and Women's Apparel

Commercial Children's Wear Company, High Bridge, New Jersey; Dresses; 10 percent (T); January 29, 1943.

Fineform Brassiere Company, Inc., 31 West 27th Street, New York, New York; Girdles and Brassieres; 10 percent (T); May 14, 1942.

Finesilver Manufacturing Company, Camaron Street, San Antonio, Texas; Work Clothing, Shirts and Pants; 20 learners (T); January 29, 1943.

Jaco Pants Company, Inc., Railroad Street, Statham, Georgia; Pants; 10 percent (T); January 29, 1943.

S. Kantor Company, 31 S. 8th Street, Lebanon, Pennsylvania; Ladies' Blouses; 10 percent (T); January 29, 1943.

Lady Ester Lingerie Corporation, 10th and Walnut Streets, Berwick, Pennsylvania; Ladies' Underwear and Outer Apparel; 10 percent (T); January 29, 1943.

Marjorie Montgomery Company, 2845 West Seventh Street, Los Angeles, California; Dresses, Beachwear, Play Togs; 10 percent (T); January 29, 1943.

Muscatine Pants and Overall Company, 414-416 E. Third Street, Muscatine, Iowa; Work Clothing; 3 learners (T); January 29, 1943.

Penn State Underwear Mills, Inc., 601 N. Jordan Street, Allentown, Pennsylvania; Overalls and Sun Suits; 10 percent (T); January 29, 1943.

Snelbaker Manufacturing Company, 17-19 East Simpson Street, Mechanicsburg, Pennsylvania; Work Shirts and Work Pants; 10 percent (T); January 29, 1943.

Southwestern Jacket Manufacturing Company, Inc., 332 West Commerce Street, San Antonio, Texas; Washable Cotton Uniforms; 5 learners (T); January 29, 1943.

Star Foundations, Inc., 39 West 32nd Street, New York, New York; Women's Undergarments; 2 learners (T); May 14, 1942.

The Star Union Company of Tennessee, Inc., Manchester, Tennessee; Pajamas; 10 percent (T); January 29, 1943.

Woods Manufacturing Company, 200 Garrison Avenue, Fort Smith, Arkansas; Dress Trousers (Men's, Young Men's and Boys'); 10 percent (T); January 29, 1943.

Gloves

The Booster Glove Company, 2068-76 Elston Avenue, Chicago, Illinois; Work Gloves; 1 learner (T); January 29, 1943.

Hosiery

Caswell Knitting Mills, Inc., Wall Street, Yanceyville, North Carolina; Full Fashioned Hosiery; 10 percent (T); January 29, 1943.

McDonough Hosiery Mills, Inc., Sims Street, McDonough, Georgia; Seamless Hosiery; 5 learners (E); September 29, 1942.

The Millfay Manufacturing Company, 22 Fay Street, Buffalo, New York; Full Fashioned Hosiery; 10 percent (T); January 29, 1943. (This certificate replaces one issued bearing expiration date of February 5, 1942.)

Nickels and Nickels, 2545 N. Broad Street, Philadelphia, Pennsylvania; Full Fashioned Hosiery; 2 learners (T); January 29, 1943.

Thomas Mills, Inc., 319 Mallow Street, High Point, North Carolina; Seamless Hosiery; 15 learners (T); September 29, 1942.

Town House Hosiery Mills, Inc., U. S. Highway #11, Chilhowie, Virginia; Full Fashioned Hosiery; 5 percent (T); January 29, 1943.

Williamson Hosiery Mills, Englewood, Tennessee; Seamless Hosiery; 6 learners (E); September 29, 1942.

York United Hosiery, Inc., East Street and P. R. R., York, Pennsylvania; Full Fashioned Hosiery; 10 percent (T); January 29, 1943.

Telephone

Clarke County Telephone Company, Osceola, Iowa; to employ learners as commercial switchboard operators at its Osceola Exchange, Osceola, Iowa; until January 29, 1943.

Moore Telephone System, 201 Montague Avenue, Caro, Michigan; to employ learners as commercial switchboard operators at its Caro Exchange, Caro, Michigan; until January 29, 1943.

Knitted Wear

Merit Knitting Mill, 84-22—101 Avenue, Ozone Park, New York; Knitted Outerwear; 2 learners (T); July 29, 1942.

Textile

Canisteo Silk Corporation, Russell Street, Canisteo, New York; Yarn; 6 learners (T); January 29, 1943.

Signed at Washington, D. C., this 28th day of January 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-798; Filed, January 28, 1942; 12:00 m.]

NOTICE OF CHANGE IN DATE FOR THE FILING OF BRIEFS IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 37 FOR MINIMUM WAGE RATE IN THE CIGAR INDUSTRY

Whereas the notice of opportunity to submit written briefs in the matter of the recommendation of Industry Committee No. 37 for a minimum wage rate in the cigar industry (R-1724) provided that the Administrator of the Wage and Hour Division would receive written briefs (not fewer than 12 copies) on or before February 10, 1942, at the Department of Labor, Washington, D. C., from any person who entered an appearance at said hearing, and;

Whereas it now appears appropriate to change the date for the submission of the briefs,

Now therefore, notice is hereby given that the date for the submission of the briefs be changed and that the Administrator will receive written briefs (not fewer than 12 copies) on or before February 14, 1942, at the Department of Labor, Washington, D. C., from any person who entered an appearance at said hearing. This order shall in no way affect the date for oral argument of Industry Committee No. 37 for minimum wages in the cigar industry and said oral argument will still be heard on February 17, 1942.

Signed at Washington, D. C., this 28th day of January 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-799; Filed, January 28, 1942; 12:00 m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 510, 662, 663, 672, 706]

IN THE MATTER OF THE APPLICATION OF AMERICAN AIRLINES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY; FOR APPROVAL OF THE ACQUISITION OF CONTROL OF AMERICAN AIRLINES DE MEXICO, S. A.; AND THE PETITIONS OF LAREDO, EAGLE PASS, AND SAN ANTONIO, TEXAS, FOR AIR TRANSPORTATION SERVICE

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended,

particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, that oral argument is hereby assigned to be held on January 31, 1942, at 10:00 a. m. (Eastern Standard Time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated Washington, D. C., January 27, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-765; Filed, January 26, 1942; 10:22 a. m.]

[Docket Nos. 405, 406, 443, 457, 559, 568]

IN THE MATTER OF THE APPLICATIONS OF ALASKA AIR LINES, INC., PACIFIC ALASKA AIRWAYS, INC., AND WOODLEY AIRWAYS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND AMENDMENT OF EXISTING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING AIR TRANSPORTATION TO AND FROM ANCHORAGE, ALASKA; ALASKA AIR LINES, INC., FOR APPROVAL OF CERTAIN INTERLOCKING RELATIONSHIPS, AND APPROVAL OF THE PURCHASE OF CERTAIN PROPERTIES OF LAVERY AIRWAYS BY PACIFIC ALASKA AIRWAYS, INC., AND A CONSOLIDATION OF ALASKA AIR LINES, INC., WITH WOODLEY AIRWAYS

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401, 408, 409 and 1001 of said Act, in the above-entitled proceeding that oral argument before the Board, now assigned for January 29, 1942, is postponed to a date to be hereafter assigned.

Dated Washington, D. C., January 27, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-792; Filed, January 28, 1942; 11:38 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-256]

IN THE MATTER OF CARIB SYNDICATE, LIMITED

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of January, A. D. 1942.

An application having been duly filed by the above named applicant under and pursuant to section 6 (c) of the provisions of the Investment Company Act of 1940 for an order of temporary exemption to permit the transmittal of reports to stockholders, at a date later than that prescribed by Rule N-30D-1 but in any event on or before March 15, 1942;

It is ordered, That a hearing on the matter of the application of the above named applicant under and pursuant to Section 6 (c) of the Investment Company Act of 1940 be held on January 31, 1942, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue Northwest, Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-785; Filed, January 28, 1942; 11:32 a. m.]

[File No. 812-257]

IN THE MATTER OF UNITED GAS AND ELECTRIC CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 27th day of January, A. D. 1942.

An application having been filed by the above named applicant under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order of temporary exemption to permit the transmittal of reports to stockholders at a date later than that prescribed by Rule N-30D-1 but in any event on or before March 2, 1942.

It is ordered, That a hearing on the aforesaid application be held on January 31, 1942 at 10:00 o'clock of the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esquire or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-786; Filed, January 28, 1942; 11:32 a. m.]

[File No. 812-258]

IN THE MATTER OF EMPIRE POWER CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 27th day of January, A. D. 1942.

An application having been filed by the above named applicant under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order of temporary exemption to permit the transmittal of reports to stockholders at a date later than that prescribed by Rule N-30D-1 but in any event on or before March 2, 1942.

It is ordered, That a hearing on the aforesaid application be held on January 31, 1942 at 10:00 o'clock of the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esquire or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under Sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-787; Filed, January 28, 1942; 11:32 a. m.]

[File No. 70-480]

IN THE MATTER OF KANSAS CITY GAS COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of January, A. D. 1942.

Kansas City Gas Company, a subsidiary of Cities Service Company, a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly the first sentence of section 6 (b) thereof, for an exemption from the provisions of section 6 (a) thereof, regarding the issuance of a note on or prior to January 31, 1942, and maturing nine months from date, in the amount of $1,200,000, bearing interest at the rate of 2% per annum, payable to Commerce Trust Company, Kansas City, Missouri, the proceeds to be used, together with $1,066,000 of the company's cash funds available for the purpose, to pay at maturity its First Mortgage Gold Bonds, Series A, 6%, due February 1, 1942 presently outstanding in the aggregate principal amount of $2,266,000; and

Said application having been filed on January 8, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified by said notice or otherwise and not having ordered a hearing thereon; and

The above-named company having requested that said application, as filed or as amended, be granted as soon as practicable prior to February 1, 1942; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant the application for exemption from the provisions of Section 6 (a) of said Act, subject to the terms and conditions prescribed in Rule U-24;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid application be and it hereby is granted forthwith;

By the Commission. (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-788; Filed, January 28, 1942; 11:32 a. m.]

[File No. 70-472]

IN THE MATTER OF MAINE SEABOARD PAPER COMPANY AND THE WRIGHT COMPANY

ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of January, A. D. 1942.

Maine Seaboard Paper Company and The Wright Company, subsidiary companies of New England Public Service Company, a registered holding company, having filed applications pursuant to Sections 6 (b) and 10 of the Public Utility Holding Company Act of 1935 regarding the acquisition by The Wright Company of the S. S. Malang, regarding the issuance and sale by The Wright Company to Maine Seaboard Paper Company of 1750 shares of common stock, having a par value of $100 per share, at the aggregate par value of such stock and its $175,000 One Year Promissory Note, and regarding the acquisition of such securities by Maine Seaboard Paper Company:

It is ordered, That said applications be and the same hereby are granted subject to the terms and conditions of Rule U-24.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-789; Filed, January 28, 1942; 11:33 a. m.]

[File No. 70-479]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27 day of January, A. D. 1942.

The above-named person having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereof and Rule U-46 thereunder, regarding the declaration and payment by International Utilities Corporation, a registered holding company, out of capital or unearned surplus, of a regularly quarterly dividend on February 1, 1942, on its $3.50 Prior Preferred Stock, at the rate of 87½¢ per share on the 98,967 shares of such stock presently outstanding, the aggregate amount of such payment being $86,596.13;

Said declaration having been filed on January 8, 1942, and a certain amendment having been filed thereto on January 19, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in the said notice, or otherwise, and not having ordered a hearing thereon; and

The above-named person having requested that said declaration, as amended, become effective on or about January 23, 1942; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration, as amended, to become effective, and being satisfied that the effective date of such declaration, as amended, should be advanced;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration, as amended, be, and the same hereby is, permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-790; Filed, January 28, 1942; 11:33 a. m.]

[File No. 70-488]

IN THE MATTER OF CENTRAL NEW YORK POWER CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 27th day of January, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party or parties; and

Notice is further given that any interested person may, not later than February 10, 1942 at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Central New York Power Corporation, a subsidiary of Niagara Hudson Power Corporation, in turn a subsidiary of The United Corporation, a registered holding company, proposes to issue and sell to Metropolitan Life Insurance Company $1,000,000 aggregate principal amount of its General Mortgage Bonds, 2⅞% Series due 1965 at a price of 97.90% of the principal amount thereof plus accrued interest from January 1, 1942 to the closing date. The proceeds are proposed to be used, together with other funds of the Company, to pay at maturity a like principal amount of Five Per Cent. Forty Year Gold Bonds due April 1, 1942.

The Company has designated section 6 (b) of the Act as applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-791; Filed, January 28, 1942; 11:33 a. m.]

FEDERAL REGISTER

VOLUME 7 NUMBER 21

Washington, Friday, January 30, 1942

The President

EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER NO. 8771 OF JUNE 6, 1941, ENTITLED "AUTHORIZING THE UNITED STATES MARITIME COMMISSION TO TAKE OVER CERTAIN FOREIGN MERCHANT VESSELS"

By virtue of the authority vested in me by the act of Congress entitled, "An Act to authorize the acquisition by the United States of title to or the use of domestic or foreign merchant vessels for urgent needs of commerce and national defense, and for other purposes", approved June 6, 1941 (Public Law 101, 77th Congress), it is ordered that paragraph (c) of section 2 of Executive Order No. 8771[1] of June 6, 1941, entitled, "Authorizing the United States Maritime Commission to Take Over Certain Foreign Merchant Vessels", be, and it is hereby, amended to read as follows:

(c) To document any or all of such vessels under the laws of the United States or of any other country of the Western Hemisphere.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 28, 1942.

[No. 9046]

[F. R. Doc. 42-818; Filed, January 29, 1942; 11:24 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

[O-54-1]

PART 954—MILK IN THE DULUTH-SUPERIOR MARKETING AREA

AMENDMENT NO. 1 TO THE ORDER[2] REGULATING THE HANDLING OF MILK IN THE DULUTH-SUPERIOR MARKETING AREA[3]

Claude R. Wickard, Secretary of Agriculture of the United States of America, executed a marketing agreement and issued Order No. 54 regulating the handling of milk in the Duluth-Superior marketing area, both effective on May 5, 1941.

There being reason to believe that the issuance of an amendment to said marketing agreement and to said order would tend to effectuate the declared policy of the act, notice was given of a hearing which was held in Duluth, Minnesota, beginning on November 26, 1941, on a proposal to amend the marketing agreement and the order regulating the handling of milk in the Duluth-Superior marketing area, at which time and place all interested parties were afforded an opportunity to be heard upon such proposals.

After such hearing, handlers of more than fifty percent of the volume of milk covered by such order which is marketed within the Duluth-Superior marketing area, signed a tentatively approved marketing agreement, as amended, regulating the handling of milk in the same manner as the said order as hereby amended.

The requirements of section 8c (8) of the act have been complied with.

It is found (§ 954.0) upon the evidence introduced at the above-mentioned public hearing, such findings being in addition to the findings made upon the evidence introduced at the original hearings on the order and being in addition to the other findings made prior to or at the time of the original issuance of the order (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

§ 954.0 *Findings.* * * *

* * * * *

(e) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to secs. 2 and 8e, 50 Stat. 246; 7 U.S.C. 602, 608e, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above

[1] 6 F.R. 2759.
[2] 6 F.R. 2231.
[3] Issued under the authority contained in 48 Stat. 31, 670, 675 (1933); 49 Stat. 750 (1935); 50 Stat. 246 (1937); 7 U.S.C. and Supp. 601 et seq.

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FEDERAL REGISTER

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the levels which are declared in the act to be the policy of Congress to establish;

(f) That the order, as hereby amended, regulates the handling of milk in the same manner as a marketing agreement, as amended, upon which a hearing has been held; and

(g) That the issuance of this Amendment No. 1 to the order and all of its terms and conditions, tends to effectuate the declared policy of the act.

* * * * *

It is hereby ordered that the order regulating the handling of milk in the Duluth-Superior marketing area be and it is hereby amended as follows:

1. Delete subparagraph (1) of § 954.2 (e) and substitute therefor the following:

(1) Not later than the end of each delivery period, the prices for Class I milk and Class II milk and the butterfat differential to be effective for the following delivery period.

2. Delete paragraph (c) of § 954.4 and substitute therefor the following:

(c) *Interhandler and handler to nonhandler sales.* (1) Milk or skim milk disposed of by a handler to another handler shall be classified as Class I milk, subject to verification by the market administrator: *Provided*, That milk or skim milk disposed of by a handler to a handler who receives no milk from producers or new producers other than milk of his own production shall be Class I milk.

(2) Milk or skim milk disposed of by a handler to a nonhandler shall be classified: (i) as Class I milk if such nonhandler disposes of any milk as milk for human consumption; and (ii) as Class II milk if such nonhandler disposes of no milk as milk for human consumption.

3. Delete § 954.5 and substitute therefor the following:

§ 954.5 *Minimum prices.* (a) Each handler shall pay, at the time, and in the manner set forth in § 954.8, not less than the prices per hundredweight calculated as follows for milk of 4.0 percent butterfat content received at such handler's plant:

(1) *Class I milk.* For each delivery period, the price for Class II milk for such delivery period plus $0.55 for the delivery periods of April through August, inclusive, and plus $0.65 for the delivery periods of September through March, inclusive: *Provided*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be such Class I price less 47 cents.

(2) *Class II milk.* For each delivery period the price which results from the following computation by the market administrator: (i) determine the average of daily prices per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the period from the 25th day of the month second preceding such delivery period through the 24th day of the month immediately preceding such delivery period; (ii) multiply by 4; (iii) add 25 percent thereof; and (iv) add an additional ½ cent for each 1/10 cent that the average f. o. b. gross factory price per pound of dry skim milk solids for human consumption as reported to the United States Department of Agriculture by the American Dry Milk Institute, Inc., for the month second preceding such delivery period is above 7 cents.

4. Delete subparagraph (1) of § 954.6 (a) and substitute therefor the following:

(1) The provisions of § 954.5, § 954.7, § 954.8, § 954.9, and § 954.10 shall not apply to a handler who receives no milk from producers or new producers other than milk of his own production.

5. Delete in paragraph (a) of § 954.7 the final phrase, "that emergency milk received by a handler shall be deducted on a prorata basis from each class," and substitute therefor the following:

"* * * that emergency milk received by a handler shall be deducted on a prorata basis from each class (after excluding receipts of milk from other handlers)."

6. Delete in paragraph (f) of § 954.8 the final phrase, "an amount equal to 1/40 of the Class II price," and substitute therefor the following:

"* * * an amount computed by the market administrator as follows: (i) add to the average of daily prices per pound of 92-score butter, computed pursuant to § 954.5 (a) (2) (i), 25 percent thereof; and (ii) divide by 10."

7. Add the following:

§ 954.11 *Market advisory committee*—(a) *Representation, selection, approval, and removal.* Subsequent to the effective date hereof, representatives of producers, handlers, and consumers may certify to the Secretary the selection of three individuals by each group for membership on the market advisory committee. Upon approval of the Secretary, the nine individuals so selected shall constitute the market advisory committee. Each member of the market advisory committee shall serve for a term of one year, unless sooner removed by the Secretary. After the market advisory committee has been constituted, vacancies in the membership thereof shall be filled in the same manner as the original selections were made.

(b) *Powers.* The market advisory committee shall have the power to recommend to the Secretary amendments hereto originating within such committee or submitted to it by interested parties after a study of the facts available to the market advisory committee."

Issued at Washington, D. C., this 28th day of January 1942, to become effective on and after the 1st day of February 1942. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 42-821; Filed, January 29, 1942; 11:23 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Regulations, Serial Number 203]

PART 20—PILOT CERTIFICATES

SPECIAL REGULATION CONTINUING EFFECTIVENESS OF CERTAIN PILOT CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 28th day of January, 1942.

Whereas § 20.33 of the Civil Air Regulations provides in part that a pilot certificate shall be of 60 days' duration and, unless the holder thereof is otherwise notified by the Administrator within such period, shall continue in effect indefinitely thereafter, unless suspended or revoked, except that it shall immediately expire at the end of each designated period after the date of issuance thereof if the holder of such certificate fails to secure an endorsement by an authorized inspector of the Administrator within the last 45 days of such period; and

It appearing that: The numerous additional duties placed upon the inspectors of the Administrator by the existing state of war and the greatly increased number of pilot certificates currently in effect will make it impossible for such inspectors to endorse within the period from January 28, 1942 to April 28, 1942, and prior to the expiration of their respective endorsement dates all pilots' certificates expiring within such period;

Now, therefore, the Civil Aeronautics Board, acting pursuant to sections 205 (a) and 602 of the Civil Aeronautics Act of 1938, as amended, makes and promulgates the following special regulation:

Notwithstanding the provisions of Part 20 of the Civil Air Regulations, all pilot certificates, the endorsement period of which would expire between January 28, 1942, and April 28, 1942, inclusive, other than lighter-than-air pilot certificates and certificates held by pilots engaged in scheduled air transportation, shall continue in effect and shall not require endorsement until 3 months after the date upon which the endorsement period would otherwise expire.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-806; Filed, January 29, 1942; 10:20 a. m.]

CHAPTER II—ADMINISTRATOR OF CIVIL AERONAUTICS, DEPARTMENT OF COMMERCE

[Amendment No. 2 of Part 601]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

REDESIGNATION OF CERTAIN AIRWAY TRAFFIC CONTROL AREAS AND DELETION OF CERTAIN CONTROL ZONES OF INTERSECTION

JANUARY 26, 1942.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and Special Regulation of the Civil Aeronautics Board Serial No. 197 and finding that this action is necessary in the interest of safety and for the proper control of air traffic, I hereby amend Part 601[1] of the Regulations of the Administrator of Civil Aeronautics which became effective January 15, 1942, as follows:

1. By amending § 601.1002 to read as follows:

§ 601.1002 *Green civil airway No. 2 airway traffic control areas (Seattle, Wash., to Boston, Mass.).* Those portions of green civil airway No. 2: From Boeing Field, Seattle, Wash., to a line extended at right angles across such airway through a point on the center line thereof 25 miles northwest of the Superior, Mont., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Miles City, Mont., radio range station, to the intersection of the center line of the on course signal of the east leg of the Detroit, Mich. (Wayne County Airport) radio range and the U. S.-Canadian Border; from the intersection of the center line of the on course signal of the west leg of the Buffalo, New York, radio range and the U. S.-Canadian Border, to the Municipal Airport, Boston, Mass.

2. By amending § 601.1004 to read as follows:

§ 601.1004 *Green civil airway No. 4 airway traffic control areas (Los Angeles, Calif., to Philadelphia, Pa.).* Those portions of green civil airway No. 4: From the Municipal Airport, Los Angeles, Calif., to a line extended at right angles across such airway through a point on the center line thereof 25 miles east of the Ashfork, Ariz., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles northeast of the Gage, Okla., radio range station, to the Municipal Airport, Philadelphia, Pa.

3. By amending § 601.1014 to read as follows:

§ 601.1014 *Amber civil airway No. 4 airway traffic control areas (Brownsville, Tex., to Bismarck, N. Dak.).* Those portions of amber civil airway No. 4: From the Municipal Airport, Brownsville, Tex., to a line extended at right angles across such airway through a point on the center line thereof 25 miles south of the Omaha, Nebr., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles north of the Sioux City, Iowa, radio range station to the Bismarck, N. Dak., radio range station.

4. By amending § 601.10205 to read as follows:

§ 601.10205 *Red civil airway No. 5 airway traffic control areas (Sioux Falls, S. Dak., to Minneapolis, Minn.).* All of red civil airway No. 5.

5. By amending § 601.10231 to read as follows:

§ 601.10231 *Red civil airway No. 31 airway traffic control area (Huron, S. Dak., to Minneapolis, Minn.).* All of red civil airway No. 31.

6. By amending § 601.10305 to read as follows:

§ 601.10305 *Blue civil airway No. 5 airway traffic control areas (Galveston, Tex., to Wichita, Kans.).* All of blue civil airway No. 5.

7. By amending § 601.10308 to read as follows:

§ 601.10308 *Blue civil airway No. 8 airway traffic control areas (Fargo, N. Dak., to U. S.—Canadian Border).* All of blue civil airway No. 8.

8. By amending § 601.10309 to read as follows:

§ 601.10309 *Blue civil airway No. 9 airway traffic control areas (Columbia, Mo., to La Crosse, Wis.).* Those portions of blue civil airway No. 9: From the Columbia, Mo., radio range station to a line extended at right angles across such airway through a point on the center line thereof 25 miles south of the Des Moines, Iowa, radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles north of the Des Moines, Iowa, radio range station to the La Crosse, Wis., radio range station.

9. By striking the following control zones of intersection appearing in § 601.2: Bismarck, N. Dak.; Fargo, N. Dak.; Huron, S. Dak.; La Crosse, Wis.; Minneapolis, Minn.; Sioux Falls, S. Dak.; Wichita, Kans.

This amendment shall become effective 00:01 C. S. T., February 1, 1942.

CHARLES I. STANTON,
Acting Administrator of Civil Aeronautics.

[F. R. Doc. 42-805; Filed, January 29, 1942; 9:47 a. m.]

[1] 7 F.R. 378, 529.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

AMENDMENT OF RULES AND FORMS RELATING TO THE FILING OF ANNUAL REPORTS UNDER THE ACT BY INVESTMENT COMPANIES REGISTERED UNDER THE INVESTMENT COMPANY ACT OF 1940

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 13, 15 (d) and 23 (a) thereof (Sec. 13, 48 Stat. 894; 15 U.S.C. 78m: Sec. 15 (d), 48 Stat. 895; Sec. 3, 49 Stat. 1377; 15 U.S.C. 78o: Sec. 23, 48 Stat. 901; Sec. 8, 49 Stat. 1379; 15 U.S.C. 78w), and deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it by the said Act, hereby takes the following action:

I. Amendment of § 240.13a–2

(1) Subparagraph (g) of Section 240.13a–2 [Rule X-13A–2] under the caption "Form 15–K for incorporated investment companies" is amended to read as follows:

§ 240.13a–2 *Forms for annual reports.*

* * * * *

(g) *Form 15–K for incorporated investment companies.* This form is to be used for annual reports of corporations engaged either directly or through subsidiaries primarily in the business of investing and reinvesting or trading in securities for the purpose of revenue and for profit, and not in general for the purpose or with the effect of exercising control, except that this form shall not be used by any corporation for which Form N–30A–1 is prescribed.

(2) Section 240.13a–2 [Rule X-13A–2] is further amended by deleting paragraph (i) under the caption, "Form 17–K for unincorporated issuers engaged primarily in the business of investing or trading in securities."

(3) Section 240.13a–2 [Rule X-13A–2] is further amended by adding at the end of the section the following new paragraph:

§ 240.13a–2 *Forms for annual reports.*

* * * * *

(o) *Form N–30A–1 for management investment companies.* This form shall be used for annual reports of management investment companies registered under the Investment Company Act of 1940 (54 Stat. 789, et seq.; 15 U.S.C. 80a–1 to 53), except companies which issue periodic payment plan certificates or which are depositors or sponsors of companies issuing such certificates.

II. Amendment of § 240.15d–2

(1) Paragraph (b) of § 240.15d–2 [Rule X-15D–2] under the caption "Form 2–MD for investment trusts having securities registered on Form C–1" is amended to read as follows:

§ 240.15d–2 *Forms for annual reports of registrants under Securities Act of 1933.*

* * * * *

(b) *Form 2–MD for investment trusts having securities registered on Form C–1.* This form is to be used for annual reports pursuant to section 15 (d) of the Securities Exchange Act of 1934 (Sec. 15, 48 Stat. 895; Sec. 3, 49 Stat. 1377; 15 U.S.C. 78o) relating to securities of unincorporated investment trusts of the fixed or restricted management type having a depositor or sponsor but not having a board of directors or persons performing similar functions, except that this form shall not be used by any trust for which Form N–30A–1 is prescribed.

(2) Section 240.15d–2 [Rule X-15D–2] is further amended by adding at the end thereof the following new paragraph:

§ 240.15d–2 *Forms for annual reports of registrants under Securities Act of 1933.*

* * * * *

(e) *Form N–30A–1 for management investment companies.* This form shall be used for annual reports pursuant to section 15 (d) of the Securities Exchange Act of 1934 (Sec. 15, 48 Stat. 895; Sec. 3, 49 Stat. 1377; 15 U.S.C. 78o) of management investment companies registered under the Investment Company Act of 1940 (54 Stat. 789, et seq.; 15 U.S.C. 80a–1 to 53), except companies which issue periodic payment plan certificates or which are depositors or sponsors of companies issuing such certificates.

Effective January 29, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42–827; Filed, January 29, 1942; 11:58 a. m.]

PART 270—GENERAL RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940.

ADOPTION OF RULES AND FORM RELATING TO THE FILING OF ANNUAL REPORTS UNDER THE ACT BY REGISTERED INVESTMENT COMPANIES

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Investment Company Act of 1940, particularly sections 30 (a), 30 (b) (1), 30 (c), 38 (a) and 38 (b) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it by the said Act, hereby takes the following action:

Adoption of § 270.30a–2

§ 270.30a–2 *Form for annual report of registered investment companies.* The following form is hereby prescribed as the form for annual report which shall be filed by registered investment companies, pursuant to section 30 (a) of the Act (Sec 30 (a), 54 Stat. 836; 15 U.S.C. 80a–30):

Form N–30A–1 for registered management investment companies.[1] This form shall be used by registered management investment companies except companies which issue periodic payment plan certificates or which are sponsors or depositors of companies issuing such certificates. (Sec. 30 (a), (b) (1) and (c), 54 Stat. 836; 15 U.S.C. 80a–30: Sec. 38 (a) and (b), 54 Stat. 841; 15 U.S.C. 80a–38) [Rule N–30A–2, effective January 29, 1942]

Adoption of § 270.30a–3

§ 270.30a–3 *Annual report for totally-held registered investment company subsidiary of registered investment company.* (a) Notwithstanding the provisions of § 270.30a–2 [Rule N-30A–2], a registered management investment company for which Form N-30A–1 is appropriate for annual reports and which is a totally-held subsidiary of a registered management investment company may file a statement in the form prescribed by paragraph (b) of this section in lieu of an annual report on Form N-30A–1, if the following conditions are met:

(1) The fiscal year of the subsidiary ends as of the same date as the fiscal year of the parent;

(2) The information required by Items 1 to 64, inclusive, of Form N-30A–1 with respect to the subsidiary is included in the annual report of the parent;

(3) All of the exhibits required by Form N-30A–1 with respect to the subsidiary are furnished with the parent's annual report;

(4) Financial statements for the subsidiary for the period required by Form N-30A–1 are included in the annual report of the parent, either on a consolidated or separate basis; and

(5) It is indicated on the facing page of the parent's annual report that such report is filed on behalf of itself and the subsidiary, naming the subsidiary.

(b) A totally-held registered investment company subsidiary which avails itself of the privilege accorded by this section shall file with the Commission in quadruplicate, within the time prescribed by § 270.30a–2 [Rule N-30A–2] for filing annual reports, a statement in the following form:

Pursuant to § 270.30a–3 [Rule N-30A–3], ---------, a totally-held subsidiary of ---------, a registered management investment company, hereby incorporates by reference as its annual report, pursuant to section 30 (a) of the Investment Company Act of 1940 (Sec. 30 (a), 54 Stat. 836; 15 U.S.C. 80a–30), all information and documents contained in the Annual Report on Form N-30A–1 (including any amendment thereto) filed by the latter company for the fiscal year ended ---------.

(c) The statement required by paragraph (b), above, shall be filed under cover of the facing sheet of Form N-30A–1. At least one copy of the statement shall be signed in the manner prescribed by Form N-30A–1.

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[1] Filed with the original document.

(d) For purposes of this section the term "totally-held subsidiary" has the same meaning as that set forth in instruction 4 of the Instructions for Form N-30A–1. (Sec. 30 (a), (b) and (c), 54 Stat. 836; 15 U.S.C. 80a–30; Sec. 38 (a) and (b), 54 Stat. 841; 15 U.S.C. 80a–38) [Rule N-30A–3, effective January 29, 1942]

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42–828; Filed, January 29, 1942; 11:58 a. m.]

TITLE 29—LABOR

CHAPTER VI—NATIONAL WAR LABOR BOARD

[Administrative Regulation No. 1]

PART 801—ORGANIZATION

Whereas an Executive Order of the President, dated January 12, 1942, created the National War Labor Board and charged it with certain duties and conferred upon it the power to promulgate rules and regulations appropriate for the performance of its duties, and

Whereas at a duly held meeting of the Board a committee was appointed to consider and draft rules and regulations with respect to organization and procedure and such committee has made its report to the Board;

Now, therefore, by virtue of the authority vested in the National War Labor Board by Executive Order of the President dated January 12, 1942, it is hereby ordered that the following rules and regulations govern the organization of the Board.

Sec.

801.1 The discharge of the duties of the Board.
801.2 Meetings.
801.3 The Executive Sessions and Hearing Sessions of the Board.
801.4 Quorum.
801.5 Voting.
801.6 Division of the Board.
801.7 Decisions of the Board.
801.8 Associate Members.
801.9 Administrative Associate Member.
801.10 Executive Secretary.
801.11 Director of Statistical Information.
801.12 Mediators, investigators, examiners.
801.13 Special mediators, investigators and examiners.
801.14 Other necessary employees of the Board.
801.15 Committee on new cases.
801.16 Dockets.
801.17 Records and files.
801.18 Publication of official acts of the Board and press releases.

§ 801.1 *The discharge of the duties of the Board.* The Board at duly held meetings shall finally determine all disputes which fall within its jurisdiction in accordance with rules of procedure promulgated by the Board.*

§§ 801.1 through 801.18, inclusive, issued under the authority contained in E.O. 9017, 7 F.R. 237.

§ 801.2 *Meetings.* The Board shall hold regular meetings beginning at ten o'clock in the morning on each Tuesday. Special meetings will be upon call of the Chairman.*

§ 801.3 *The Executive Sessions and Hearing Sessions of the Board.* At its regular or special meetings the Board shall sit in Executive Session or Hearing Session as the Board may determine. At its executive sessions the Board shall consider such matters as relate to the carrying on of its affairs and dispose of cases which the Board determines do not require formal appearance before the Board by the parties. If the Board so determines a formal appearance of the parties will be had at a hearing session.*

§ 801.4. *Quorum.* Six members, including not less than two members from each of the groups represented on the Board, shall constitute a quorum of the Board. The word "members" as used in these rules and regulations, unless it otherwise appears from the context, means regular or alternate members.*

§ 801.5 *Voting.* Each member shall be entitled to one vote on any matter put to vote before the Board: *Provided, however,* That tripartite equality of voting shall be preserved. Vote shall be by roll call and a majority vote shall govern the decision of the Board.*

§ 801.6 *Division of the Board.* If the Board finds that it is necessary for expeditious disposal of its business, it may sit in divisions for hearings but not for decision.*

§ 801.7 *Decisions of the Board.* When the Board has decided any case, the Chairman may designate one of the members of the Board to write the decision of the Board. Such member shall have voted with the majority. The decision of such designated member shall be the decision of the Board and shall be published as such. Any other member of the Board may write an opinion either agreeing or disagreeing with the decision of the Board, and such opinion shall be published simultaneously with the decision of the Board.*

§ 801.8 *Associate Members.* The Associate Members of the Board shall be eight representatives of the public, eight representatives of employers and eight representatives of employees. The Chairman may refer any case to one or more Associate Members who shall proceed to mediate it in accordance with the rules of procedure prescribed by the Board; provided that when there are Associate Members representative of employers and employees on any panel so designated they shall be equal in number.*

§ 801.9 *Administrative Associate Member.* One associate member shall be designated Administrative Associate Member. Such member shall maintain offices in space allocated to the Board and shall be charged with the duty of correlating the mediation of various cases referred to Associate Members or other persons for the purpose of mediation or investigation and shall be prepared at all times to inform the Board with respect to the status of any particular case.*

§ 801.10 *Executive Secretary.* With the advice and consent of the Board the Chairman shall appoint an Executive Secretary of the Board who shall be charged with the duty of maintaining the dockets and records of the Board and performing such other duties as are secretarial in their nature. The Executive Secretary shall procure a seal for the Board and shall be the custodian of the same.*

§ 801.11 *Director of Statistical Information.* With the advice and consent of the Board the Chairman shall appoint a Director of Statistical Information who shall be charged with the duty, under the direction of the Vice Chairman, of assembling and correlating such statistical data as may be pertinent to cases before the Board. In the discharge of his duties such director shall utilize as far as practicable the available facilities and personnel of other government agencies.*

§ 801.12 *Mediators, investigators, examiners.* With the advice and consent of the Board the Chairman may appoint as regular employees of the Board mediators, investigators and examiners who shall perform such duties as from time to time may be necessary to expedite the handling of cases before the Board. Insofar as practicable the Chairman shall arrange for the loan of personnel from other agencies of the Government who are especially qualified to act as investigators or examiners.*

§ 801.13 *Special mediators, investigators and examiners.* Whenever the Board finds that for expedition of its work it is necessary or desirable to do so, the Chairman with the advice and consent of the Board may designate a special mediator, investigator, or examiner in any particular case.*

§ 801.14 *Other necessary employees of the Board.* Within the limits of the funds allocated to the Board by the Bureau of the Budget, the Chairman of the Board may appoint such other employees as are necessary to carry on the clerical and other administrative work of the Board.*

§801.15 *Committee on new cases.* The Board shall appoint a committee of six of its members as a standing committee on new cases. Two of such members shall be public members of the Board, two shall be members representative of employees, and two shall be members representative of employers. Three members including one member from each of the groups represented on the Board shall constitute a quorum of the committee. Whenever any member of the committee is unable to attend any meeting of the committee he may designate an alternate to sit in his stead. Upon failure of any member to designate an alternate to sit in his stead, the Chairman may designate such alternate. Each member of the committee shall be entitled to one vote on any matter put to vote before the committee: *Provided, however,* That tripartite equality of voting shall be preserved. The decisions of the committee shall be by majority vote. The Administrative Associate Member shall attend the meetings of the committee but shall not be entitled to vote.*

§ 801.16 *Dockets.* The Executive Secretary shall keep a pending Case Docket, a Mediation Docket, a Board Docket and a Hearing Docket.*

§ 801.17 *Records and files.* The records and files of the Board shall be in the custody of the Executive Secretary of the

Board and shall be kept in appropriate place in the space allocated to the Board at Washington, D. C. The Secretary shall formulate a system for keeping the files so that they will be readily accessible to the Board.*

§ 801.18 *Publication of official acts of the Board and press releases.* All administrative regulations of the Board shall be published in the FEDERAL REGISTER and all decisions of the Board and opinions as provided in paragraph 7—"The Board" shall be published in some appropriate publication designated by the Board.*

Dated: January 22, 1942.

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-816; Filed, January 29, 1942; 11:18 a. m.]

[Administrative Regulation No. 2]

PART 802—RULES OF PROCEDURE

Whereas an Executive Order of the President dated January 12, 1942, created the National War Labor Board, and charged it with certain duties and conferred upon it the power to promulgate rules and regulations appropriate for the performance of its duties, and

Whereas at a duly held meeting of the Board a committee was appointed to consider and draft rules and regulations with respect to organization and procedure, and such committee has made its report to the Board;

Now, therefore, by virtue of authority vested in the National War Labor Board by Executive Order of the President dated January 12, 1942, it is hereby ordered that the following rules and regulations govern the procedure of the Board.

Sec.
802.1 New Case Docket.
802.2 Notice of jurisdiction.
802.3 Procedure of Standing Committee on New Cases.
802.4 Notice to the parties.
802.5 Appointment of mediators.
802.6 Statement of position by the parties.
802.7 Reference to voluntary arbitration.
802.8 Report by mediators to the Board.
802.9 Executive Sessions.
802.10 Hearings before the Board.

§ 802.1 *New Case Docket.* Whenever any case is certified to the Board, or whenever the Board assumes jurisdiction of any case on its own motion, the Executive Secretary shall place such case on the New Case Docket. Unless otherwise determined by the Standing Committee on New Cases, the cases shall be put on the New Case Docket in the order of the time of certification or assumption of jurisdiction.*

*§§ 802.1 through 802.10, inclusive, issued under the authority contained in E.O. 9017, 7 F.R. 237.

§ 802.2 *Notice of jurisdiction.* Whenever any case is put on the New Case Docket, the Executive Secretary shall notify the parties and shall keep the parties advised of the procedure to be followed, and in the event that there is a strike or lockout in progress at the time such notice shall contain a request that the strike or lockout be discontinued and that the parties restore the status quo existing before the strike or lockout occurred or the dispute arose, pending the determination of the case by the Board.*

§ 802.3 *Procedure of Standing Committee on New Cases.* All new cases shall be put on the New Case Docket and be referred immediately to the Standing Committee on New Cases which shall consider the case and dispose of it in accordance with the following rules and principles:

(a) If the Committee is in doubt as to the power of the Board to dispose of the case under the Executive Order of the President, it shall refer the case to the next meeting of the Board.

(b) If the Committee finds that the dispute is one for which procedures for adjustment or settlement are otherwise provided and those procedures have not been exhausted; or that direct collective bargaining has not been resorted to: or that procedures provided in a collective bargaining agreement have not been resorted to, or that the services of the Commissioners of Conciliation of the Department of Labor have not been used, it shall refer the case to the next meeting of the Board.

(c) If the Committee finds that the case is one in which the Board has power to act, and that the parties have exhausted all the existing procedures for settling the dispute and that such dispute might be settled by mediation, it shall recommend to the Board that the dispute be put on the Mediation Docket.

(d) If the Committee finds that the dispute is of such a nature that mediation would not be appropriate, the Committee shall recommend to the Board that the case be put on the Board Docket.

(e) If the Committee finds from the character of the dispute that it will be necessary to conduct investigations or examinations prior to either the mediation of the dispute or the consideration of the dispute by the Board, the Committee shall recommend to the Chairman the designation of an investigator or examiner to investigate the dispute and report to the Board.*

§ 802.4 *Notice to the parties.* Whenever any case is placed on the Mediation Docket or the Board Docket or Board Hearing Docket, the Executive Secretary shall notify the parties of the time and place of the mediation or hearing before the Board.*

§ 802.5 *Appointment of mediators.* The usual procedure of the Board in mediation shall be mediation by tripartite panels designated by the Chairman from the Associate Members. The Chairman may, however, appoint one or more mediators without regard to this rule in any case where the parties have agreed. On any tri-partite mediation panel the representatives of employers and employees shall be equal.*

§ 802.6 *Statement of position by the parties.* The parties to a dispute which has been set for mediation shall prepare a brief and concise statement in writing of their position. Such statement should where practicable be submitted to the Executive Secretary of the Board, at least three (3) days in advance of the date set for the mediation.*

§ 802.7 *Reference to voluntary arbitration.* If settlement of the dispute is not brought about by mediation the mediators shall try to induce the parties to submit the dispute to arbitration either by an arbiter of their own choosing or by an arbiter selected in some manner that is agreeable to the parties.*

§ 802.8 *Report by mediators to the Board.* If the mediator or mediators are unable to settle any dispute by agreement or voluntary arbitration, a report shall be made to the Board setting forth findings of facts and recommendations for settlement of the dispute. Such report shall be transmitted to the Executive Secretary who shall thereupon transfer such case to the Board Docket.*

§ 802.9 *Executive sessions.* At an Executive Session of the Board, the Board shall consider in order all cases on the Board Docket and shall dispose of them in accordance with the following principles:

(a) If the Board approves the findings and recommendations of the mediators or mediator, it shall thereupon render a decision of the Board based upon such findings and recommendations.

(b) If the Board determines that it is necessary to make further investigation of facts with respect to any particular case, it shall recommend to the Chairman that an investigator or examiner be designated to make such investigation and report to the Board.

(c) If the Board determines that the case is of such character that it is desirable to have the parties to the dispute appear before the Board, it shall place such case upon the Hearing Docket of the Board.*

§ 802.10 *Hearings before the Board.* The Board shall consider all cases put upon the Hearing Docket at Hearing Sessions. In the oral presentation of the case to the Board the parties shall be allowed an equal amount of time, not exceeding forty-five (45) minutes, unless the Board determines in advance that a longer time is necessary.*

GEORGE KIRSTEIN,
Executive Secretary.

[F. R. Doc. 42-817; Filed, January 29, 1942; 11:18 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER II—FISCAL SERVICE

PART 207—SETTLEMENTS BY THE TREASURER OF THE UNITED STATES, IN ADVANCE OF RECLAMATION, WITH PAYEES OR SPECIAL ENDORSEES OF LOST OR STOLEN CHECKS, WHICH HAVE BEEN PAID ON FORGED ENDORSEMENTS*

[1942 Department Circular No. 678]

Sec.
207.0 Authority for regulations.
207.1 Check forgery insurance fund account.
207.2 Settlement of claim.
207.3 Deposit of amounts received by way of reclamation.
207.4 Time limitation with respect to presentment of claims.

JANUARY 23, 1942.

§ 207.0 *Authority for regulations.* The regulations in this part are prescribed and issued pursuant to the authority granted by section 4 of the Act of November 21, 1941 (Public No. 810, 77th Congress), "To authorize the Treasurer of the United States to make settlements with payees of lost or stolen checks, which have been paid on forged indorsements, in advance of reclamation, and for other purposes."*

*§§ 207.0 to 207.4, inclusive, issued under the authority contained in the Act of November 21, 1941 (Public No. 810, 77th Congress)

§ 207.1 *Check forgery insurance fund account.* The Treasurer of the United States is hereby directed to establish a special account in which shall be deposited (a) all sums appropriated pursuant to the authorizations contained in the above Act, and (b) amounts received by the Treasurer by way of reclamation, as hereinafter provided. The account shall be designated:

Treasurer of the United States Check Forgery Insurance Fund (Revolving Fund) Symbol Number ---------.

§ 207.2 *Settlement of claim.* The Treasurer is authorized to make a settlement in favor of a payee or a special endorsee and to issue a check to him, when the facts in the case establish:

(a) That a claim has been received from the payee or a special endorsee in which it is alleged that the check was lost or stolen without fault of the claimant, that the check was negotiated and paid on a forged indorsement of the claimant and that the claimant did not participate directly or indirectly in its proceeds.

(b) That the report of the investigation of the forgery, submitted by or approved by the Secret Service Division, or submitted by the State Department, or by any governmental officer authorized by law or regulation to conduct such an investigation, substantiates the allegations of the claimant, as set forth in paragraph (a) of this section.

(c) That reclamation has been or may be delayed more than ten days, or be unsuccessful.

(d) That the proper administrative office has advised that no overpayment exists in the account of the payee when the payee is the claimant.*

§ 207.3 *Deposit of amounts received by way of reclamation.* Amounts received by the Treasurer of the United States on said checks shall be deposited to the credit of the Check Forgery Insurance Fund (Revolving Fund), to the extent that such amounts are necessary to reimburse the fund for payments made to payees or special endorsees.*

§ 207.4 *Time limitation with respect to presentment of claims.* No claim for settlement in favor of a payee or a special endorsee shall be considered unless such claim is received within six years after the date of issuance of the check in question.*

[SEAL] D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 42-802; Filed, January 28, 1942; 4:27 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER C—BOARD OF ECONOMIC WARFARE

[Administrative Order No. 3]

REVOCATION OF ADMINISTRATIVE ORDER NO. 2

Administrative Order No. 2,[1] Economic Defense Board, dated October 18, 1941, "Controlling Certain Exports", is hereby revoked.

MILO PERKINS,
Executive Director.

JANUARY 27, 1942.

[F. R. Doc. 42-800; Filed, January 28, 1942; 1:43 p. m.]

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 1047—PETROLEUM

Conservation of Production Material for the Oil Industry—Amendment No. 2 to Conservation Order M-68[2]

Section 1047.1 [Amendment No. 1 to Conservation Order M-68, paragraph (c) (9)] is hereby amended to read as follows:

§ 1047.1 *Conservation Order M-68.*

* * * * *

(c) *Exceptions.*

* * * * *

(9) To any case where Material is to be used by an Operator to complete or provide surface connections for any well in any discovered or undiscovered oil or gas field or Condensate Field where such well has actually been "spudded" on or before December 23, 1941, and to any case where Material is to be used by an Operator to drill, complete, or provide surface connections for any well in any discovered or undiscovered gas field in the States of Kentucky, New York, North Carolina, Ohio, Pennsylvania, Tennessee, Virginia, or West Virginia where such well had actually been "spudded" or where operations at a determined location had commenced on or before December 23, 1941 and had been suspended on or before January 16, 1942.

* * * * *

This amendment shall take effect immediately. (E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; Sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 28th day of January 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-801; Filed, January 28, 1942; 2:21 p. m.]

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[1] 6 F.R. 5332.
[2] 6 F.R. 6667, 7 F.R. 281.

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1303—ZINC

PRICE SCHEDULE NO. 81—PRIMARY SLAB ZINC

The Office of Price Administration, being charged with the maintenance of price stability and the prevention of undue price rises and price dislocations, has determined that the establishment of maximum prices for primary slab zinc is essential in order to accomplish these purposes and is in the interest of national defense and the national welfare.

The present supply of zinc does not suffice to meet both military and essential civilian needs. The combination of increased demand and insufficient supply threatens the stability of the price of zinc, any increase in which is reflected in the cost of the war effort and tends to contribute to an inflationary spiral. Primary producers, recognizing the importance of these factors to the national welfare, have cooperated with the Office of Price Administration in preventing increases in slab zinc prices charged by them. However, because of the stringency of the supply situation, zinc sales have taken place during recent months at prices considerably in excess of those approved by the Office of Price Administration.

After careful investigation and consultation, it has been determined that the maximum prices set forth herein are fair and reasonable.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1303.51 *Maximum prices on sales of primary slab zinc.* On and after January 29, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer primary slab zinc, and no person shall buy, offer to buy, or accept delivery of primary slab zinc, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1303.59: *Provided, however,* That sales of primary slab zinc, resulting from production in excess of any quota established by the War Production Board and the Office of Price Administration, made to Metals Reserve Company shall be excepted from the terms of this Schedule.*

*§§ 1303.51 to 1303.59, inclusive, issued pursuant to the authority contained in E.O. Nos. 8734, 8875; 6 F.R. 1917, 4483.

§ 1303.52 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1303.53 *Evasion.* (a) The Price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of primary slab zinc, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-

agreement or other trade understanding, or otherwise.

(b) Any purchase, sale, delivery or transfer of primary slab zinc in quantities less than requested by the buyer in order to enable the seller to obtain a higher less-than-carload-lot differential shall be considered to be an evasion of this Schedule, *Provided*, That the buyer is willing to accept delivery of the requested quantity in a single shipment.

(c) (1) Any agreement or transaction entered into after January 29, 1942, in connection with which any ore or other material containing zinc is processed or treated on toll to obtain primary slab zinc therefrom shall be considered to be an evasion of this Schedule unless such agreement or transaction has first been approved in writing by the Office of Price Administration.

(2) Any such agreement entered into on or before January 29, 1942, and not completed on that date, may be completed at contract prices provided that (i) full details of such agreement, and such other pertinent information as may be requested, are reported by each party thereto to the Office of Price Administration on or before February 28, 1942, and (ii) such agreement shall be completed on or before April 1, 1942, or such later date as may be permitted upon application made to the Office of Price Administration.*

§ 1303.54 *Records and reports.* Every person making purchases or sales of primary slab zinc after January 29, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity in pounds or tons of each kind or grade purchased or sold; and (b) the quantity in pounds or tons of primary slab zinc (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1303.55 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule, which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of primary slab zinc, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1303.56 *Modification of the Price Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule and all other Schedules issued by the Office of Price Administration.*

§ 1303.57 *Definitions.* When used in this Schedule, the term:

(a) "On toll" means under an arrangement whereby a servicing charge is paid for processing or servicing ore or other material containing zinc;

(b) "Person" means an individual, partnership, association, corporation, or other business entity;

(c) "Point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but, where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment;

(d) "Primary slab zinc" means the kinds and grades of primary slab zinc set forth in Appendix A, § 1303.59, of this Schedule; and

(e) "Producer" means any person who produces slab zinc from ore or concentrates, even though other material is mixed therewith.*

§ 1303.58 *Effective date of the Schedule.* This Schedule shall become effective January 29, 1942.*

§ 1303.59 *Appendix A; maximum prices for primary slab zinc.*

(a) *Base prices.*

Grade	Base price, per pound
Prime Western	8.25 cents
Selected	8.35 cents
Brass Special	8.50 cents
Intermediate	8.75 cents
High Grade	9.25 cents
Special High Grade	9.25 cents

(b) *Sold or shipped, delivered, or carried away in carload lots.* The term "Base Price" referred to in this section means the price listed in paragraph (a) of this section for the respective grade of slab zinc.

Grade	Maximum price, per pound (delivered, buyer's receiving point)
Prime Western	Base Price plus carload freight from E. St. Louis to buyer's receiving point.
Selected	Base Price plus carload freight from E. St. Louis to buyer's receiving point.
Brass Special	Base Price plus carload freight from E. St. Louis to buyer's receiving point.
Intermediate	Base Price plus carload freight from E. St. Louis to buyer's receiving point.
High Grade	Base Price.
Special High Grade.	Base Price.

(c) *Sold and shipped, delivered or carried away in less than carload lots.* The term "base price" referred to in this section means the price listed in paragraph (a) of this section for the respective grade of slab zinc.

(1) *Sales by producers of primary slab zinc.*

For sales in lots of:	Maximum price per pound (f. o. b. point of shipment)	
	Prime western selected brass special intermediate	High grade special high grade
20,000 lbs. and less than a carload	Base price plus .15¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus .15¢.
10,000 lbs. and less than 20,000 lbs.	Base price plus .25¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus .25¢.
2,000 lbs. and less than 10,000 lbs.	Base price plus .40¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus .40¢.
Less than 2,000 lbs.	Base price plus .50¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus .50¢.

(2) *Sales by all persons except producers.*

For sales in lots of:	Maximum price per pound (f. o. b. point of shipment)	
	Prime western selected brass special intermediate	High grade special high grade
20,000 lbs. and less than a carload	Base price plus .65¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus .65¢.
10,000 lbs. and less than 20,000 lbs.	Base price plus .75¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus .75¢.
2,000 lbs. and less than 10,000 lbs.	Base price plus 1.00¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus 1.00¢.
Less than 2,000 lbs.	Base price plus 1.50¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus 1.50¢.

(d) *Export sales.* Persons desiring to make sales of primary slab zinc for export to foreign countries at prices in excess of the maximum prices established by this Schedule shall file with the Office of Price Administration prior to the execution of such sales complete and accurate records of the name and address of the purchaser, the quantity, in pounds or tons, on order, the grade or grades ordered, the price or prices to be paid, the terms of shipment, the date of shipment, from whom said zinc has been purchased and the price paid therefor, the export commission desired, and all other relevant factors.

(e) *Specifications.* The above grades of primary slab zinc are to be determined in accordance with the following specifications of the *American Society for Testing Materials*, which provide that the zinc be made from ore or other material by a process of distillation, or by electrolysis, and not produced by "sweating" or remelting of secondary zinc, in six grades as follows:

Maximum impurities—percent

Grade	Lead	Iron	Cadmium	Total not over
Special High Grade[1]	0.007	0.005	0.005	0.010
High Grade[1]	0.07	0.02	0.07	0.10
Intermediate[1]	0.20	0.03	0.50	0.50
Brass Special[1]	0.60	0.03	0.50	1.00
Selected[1]	0.80	0.04	0.75	1.25
Prime Western	1.60	0.06	-------	-------

[1] It shall be free from aluminum.

Primary slab zinc which fails to meet such standards should be sold at normal differentials below the established maximum prices. When, however, a producer makes primary slab zinc to conform with individual specifications, other than those set forth above, required by an individual customer or customers, such producer shall submit to the Office of Price Administration, not later than March 1, 1942, for determination of the maximum price that may be charged in each particular instance, complete and accurate records of the name and address of the buyer, the required specifications, the quantity, in pounds or tons, on order, and all other information that may be requested by the Office of Price Administration in determining said maximum price.

(f) *Terms of Sale.* The maximum prices set forth in paragraph (c) of this section are f. o. b. point of shipment. Primary slab zinc may, however, be sold, offered for sale, delivered, or transferred in less than carload lots at prices delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by this Schedule, in all price quotations (1) the transportation charge must be shown as a separate item and (2) the price f. o. b. point of shipment, obtained by subtracting the transportation charge from the total delivered price, must not exceed the maximum f. o. b. point of shipment price set forth in this Schedule.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in this Schedule, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but, where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.*

Issued this 28th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-824; Filed, January 29, 1942; 11:47 a. m.]

PART 1347—PAPER AND PAPER PRODUCTS

AMENDMENT NO. 5 TO PRICE SCHEDULE NO. 32[1]—PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

Section 1347.64, Appendix D, is hereby amended to read as follows:

§ 1347.64 *Appendix D; wholesale distributor allowance.* In the event that a purchaser of paperboard shall purchase from a wholesale distributor, as defined in § 1347.59 (j) hereof, paperboard owned by such wholesale distributor but not manufactured by him, and

(a) If sale of the same type and quantity of paperboard has been made to the same or a similar purchaser in the period between October 1, 1940 and September 30, 1941, inclusive, such purchaser may pay such wholesale distibutor and such wholesale distributor may charge such purchaser, not more than the maximum price established by Appendices A, B, or C of this Schedule for the type and quantity of paperboard sold plus a wholesale distributor's allowance not to exceed the regular allowance customarily charged by the wholesale distributor to the same or a similar purchaser for the type of sale and paperboard involved in the period between October 1, 1940, and September 30, 1941, inclusive.

(b) If sale of the same type and quantity of paperboard has not been made to the same or a similar purchaser in the period between October 1, 1940, and September 30, 1941, inclusive, application must be made to the Office of Price Administration for approval of the wholesale distributor's allowance prior to the issuance of any invoice. When submitting such allowance for approval, the wholesale distributor shall submit under oath all relevant facts, including:

(1) The length of time that the wholesale distributor has been engaged in the purchase and resale of the products of other producers or converters of paper, paper products, or paperboard;

(2) The average monthly gross sales of all paper or paperboard during the period October 1, 1940, to September 30, 1941, inclusive;

(3) A full description of the type of paperboard to be sold, including name and location of producer and cost per ton to the applicant:

(4) The amount of paperboard in tons covered by the sale in question;

(5) The amount of the total sale involved in dollars;

(6) The wholesale distributor's allowance per ton received by the applicant in three or more sales of similar paperboard, setting forth the tonnages sold, cost to applicant, and sale price;

(7) Whether the particular paperboard is sold from the applicant's warehouse, or direct from the producer; and

(8) The name and location of purchaser, and information concerning previous sales to such person, including wholesale distributor's allowance, if any. (Executive Orders Nos. 8734, 8875; 6 F.R. 1917, 4483)

This amendment No. 5 shall become effective January 30, 1942. Issued this 29th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-823; Filed, January 29, 1942; 11:45 a. m.]

[1] 6 F.R. 5012, 5699, 6799, 6803, 6973.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER III—BUREAU OF MARINE INSPECTION AND NAVIGATION

PART 304—TOWING OF BARGES

[Order No. 206]

JANUARY 28, 1942.

Paragraph (a) of § 304.10 (*Accidents sustained or caused by barges in tow*) is amended by the addition at the end thereof of the following proviso:

§ 304.10 *Accidents sustained or caused by barges in tow.* (a) * * * *Provided*, That, during the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties shall be handled with caution, and the above-mentioned reports shall not be made by radio or by telegram. (R.S. 161, Sec. 2, 23 Stat. 118, Sec. 15, 38 Stat. 1184; 5 U.S.C. 22, 46 U.S.C. 2, 33 U.S.C. 365)

[SEAL] ROBERT H. HINCKLEY,
Acting Secretary of Commerce.

[F. R. Doc. 42-804; Filed, January 28, 1942; 4:43 p. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

[Order No. 206]

PART 1—DOCUMENTATION OF VESSELS

Paragraph (f) of § 1.38 (*Report of casualty to vessel*) is amended by the addition at the end thereof of the following proviso:

§ 1.38 *Report of casualty to vessel.*

* * * * * * *

(f) * * * *Provided*, That, during the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties shall be handled with caution,

and the above-mentioned reports shall not be made by radio or by telegram. (R.S. 4450, as amended by Sec. 4 (a), (b), (j) 49 Stat. 1381, 1382, 1383; 46 U.S.C. 239 (a), (b), (j)).

SUBCHAPTER K—SEAMEN

PART 136—"A" MARINE INVESTIGATION BOARD RULES

Section 136.3 (*Notice of marine casualty or accident*) is amended by the addition at the end thereof of the following proviso:

§ 136.3 *Notice of marine casualty or accident.* * * * *Provided*, That, during the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties shall be handled with caution, and the above-mentioned reports shall not be made by radio or by telegram. (R.S. 4450, as amended by Sec. 4 (a), (j) 49 Stat. 1381, 1383; 46 U.S.C. 239 (a), (j).)

PART 137—"B" AND "C" MARINE INVESTIGATION BOARD RULES

Section 137.3 (*Notice of marine casualty or accident*) is amended by the addition at the end thereof of the following proviso:

§ 137.3 *Notice of marine casualty or accident.* * * * *Provided*, That, during the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties shall be handled with caution, and the above-mentioned reports shall not be made by radio or by telegram. (R.S. 4450, as amended by Sec. 4 (b), (j) 49 Stat. 1382, 1383; 46 U.S.C. 239 (b), (j).)

[SEAL] ROBERT H. HINCKLEY,
Acting Secretary of Commerce.

[F. R. Doc. 42-804; Filed, January 28, 1942; 4:43 p. m.]

SUBCHAPTER E—LOAD LINES

[Order No. 205]

PART 43—FOREIGN OR COASTWISE VOYAGE

JANUARY 28, 1942.

Section 43.27 (*Connections to sides of vessels below the freeboard deck*) is amended to read as follows:

§ 43.27 *Connections to sides of vessels below the freeboard deck.* Discharges led through the vessel's sides from spaces below the freeboard deck are to be fitted with sufficient and accessible means for preventing water from passing inboard. Each separate discharge may have an automatic nonreturn valve with a positive means of closing it from a position above the freeboard deck, or two automatic nonreturn valves without positive means of closing, provided the upper valve is situated so that it is always accessible for examination under service conditions. The positive-action valve is to be readily accessible and is to be provided with means for showing whether the valve is open or closed.

Conditional upon the type and the location of the inboard ends of such openings, similar provisions may be prescribed by the assigning authority as to discharge from spaces within inclosed superstructures.

Where scuppers are fitted in superstructures not fitted with class 1 closing appliances, they are to have efficient means for preventing the accidental admission of water below the freeboard deck.

On vessels whose keels are laid on or after June 15, 1941, cast iron is not to be used for any connection to the vessel's sides if located below the freeboard deck, nor are cast iron valves to be secured to sea chests.

Vessels constructed with cast iron valves and cast iron sea chests, where it is not practicable to replace the cast iron with more ductile material, reinforcing with concrete or other approved material in conjunction with structural bracing will be fitted in a manner satisfactory to the Bureau of Marine Inspection and Navigation. (Sec. 2, 45 Stat. 1493, 46 U.S.C., Sup. 85a; Art. 1, 47 Stat. 2238; sec. 2, 49 Stat. 888, 46 U.S.C., Sup. 88a)

[SEAL] ROBERT H. HINCKLEY,
Acting Secretary of Commerce.

[F. R. Doc. 42-803; Filed, January 28, 1942; 4:43 p. m.]

SUBCHAPTER O—REGULATIONS APPLICABLE TO CERTAIN VESSELS AND SHIPPING DURING EMERGENCY

[Order No. 207]

PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES; REGULATIONS DURING EMERGENCY

Emergency Regulations—Amendments

Pursuant to the authority of R. S. 4405, as amended (46 U.S.C. 375), the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, convened in the conference room, No. 1851, Department of Commerce, Washington, D. C., on January 21, 1942, at which session, after public hearings, the following regulations and amendments were adopted:

Section 153.2 is amended to read as follows:

§ 153.2 *Additional lifesaving equipment on ocean and coastwise vessels.* Ocean and coastwise vessels shall, during the emergency, be provided with additional lifesaving appliances as follows:

(a) *Passenger vessels*—(1) *Life rafts.* Every such passenger vessel shall be equipped with a sufficient number of approved life rafts to accommodate at least 25 percent of all persons on board, in addition to the lifeboats and buoyant apparatus required by Subchapter G of this chapter. Such rafts shall be of not less than 15-person capacity each. (This requirement shall be complied with as early as practicable but in no case later than March 1, 1942.)

(2) *Life preservers.* Every such passenger vessel shall, in addition to having on board a life preserver for each person allowed to be carried, be provided with life preservers stowed on the boat deck for at least 25 percent of the total number of such persons. These life preservers shall be stowed in chests so as to be readily accessible and in such a manner as to float free of the vessel. The covers of the chests shall be of the "lift-off" type to insure release of the life preservers. (Effective immediately.)

(3) *Ladders.* Every such cargo vessel and tank ship shall be provided with suitable ladders to enable persons to descend to lifeboats and life rafts, one such ladder to be provided for each set of boat davits. These ladders shall be kept ready and convenient for use on the boat deck and shall reach to the vessel's light load water line. (This requirement shall be complied with as early as practicable but in no case later than March 1, 1942.)

(c) *Towing vessels, manned barges, and miscellaneous craft*—(1) *Life rafts.* Such towing vessels, manned barges, and miscellaneous craft shall carry sufficient lifeboats to accommodate all persons on board, and every such towing vessel, manned barge, and miscellaneous craft shall, in addition to the lifeboatage required, be equipped with sufficient approved life rafts to accommodate all persons on board. Each such life raft shall not have a greater capacity than 15 persons nor a less capacity than 5 persons. (This requirement shall be complied with as early as practicable, but in no case later than March 1, 1942.)

(2) *Life preservers.* Every such towing vessel, manned barge, and miscellaneous craft shall, in addition to having a life preserver for each person allowed to be carried, be provided with life preservers stowed on the boat deck, or upon permost deck, for at least 25 percent of the total number of such persons. These life preservers shall be stowed in chests so as to be readily accessible and in such a manner as to float free of the vessel. The covers of the chests shall be of the "lift-off" type to insure release of the life preservers. (Effective immediately.)

(R.S. 4405, 4417, 4417a, 4426, 4488, as amended, secs. 10 and 11 of 35 Stat. 428, 49 Stat. 1544; 46 U.S.C. and Sup. 375, 391, 391a, 404, 481, 395, 396, 367)

The headnote of § 153.7 is amended to read as follows:

§ 153.7 *Additional equipment for life rafts on ocean and coastwise vessels.* * * * (R.S. 4405, 4417, 4417a, 4426, 4488, as amended, secs. 10 and 11 of 35 Stat 428, 49 Stat. 1544; 46 U.S.C. and Sup. 375, 391, 391a, 404, 481, 395, 396, 367)

BOARD OF SUPERVISING INSPECTORS,
R. S. FIELD,
Director, Chairman.
CHARLES M. LYONS,
U. S. Supervising Inspector, 1st District, Boston, Mass.
GEORGE FRIED,
U. S. Supervising Inspector, 2nd District, New York, N. Y.
EUGENE CARLSON,
U. S. Supervising Inspector, 3rd District, Norfolk, Va.
JOHN F. ORTEL,
U. S. Supervising Inspector, 4th District, New Orleans, La.
R. E. COOMBS,
U. S. Supervising Inspector, 5th District, Pittsburgh, Pa.
EARL B. HULL,
U. S. Supervising Inspector, 6th District, Cleveland, Ohio.
WILLIAM FISHER,
U. S. Supervising Inspector, 7th District, San Francisco, Calif.

Approved: January 29, 1942.

ROBERT H. HINCKLEY,
Acting Secretary of Commerce.

[F. R. Doc. 42-807; Filed, January 29, 1942; 10:41 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

NOTE: An order of the Interstate Commerce Commission modifying the Classifications of Investment in Road and Equipment; Operating Revenues and Operating Expenses; and Income, Profit and Loss and General Balance Sheet Accounts, for Steam Roads, dated January 19, 1942, effective January 1, 1942, was filed with the Division of the Federal Register, January 29, 1942, at 11:27 a. m., F.R. Doc. No. 42-822. Requests for copies may be addressed to the Interstate Commerce Commission.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1266]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF A PROVISION IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11, FOR ALL SHIPMENTS EXCEPT TRUCK, PERMITTING THE ABSORPTION OF THE ES&N RAILWAY SWITCHING CHARGE APPLICABLE ON SHIPMENTS FROM THE STAR HILL NO. 2 MINE (MINE INDEX NO. 81) OF THE BOONVILLE COAL SALES CORPORATION, A CODE MEMBER IN DISTRICT NO. 11

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 3, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 26, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 11 requesting a temporary and final order modifying the Schedule of Effective Minimum Prices for District No. 11, For All Shipments Except Truck, by establishing a provision granting permission to the Star Hill No. 2 Mine (Mine Index No. 81) of Boonville Coal Sales Corporation to absorb the ES&N Railway switching charge of $8.80 per car applicable on (1) shipments from Mine Index No. 81 to all destinations except those located on or reached via the C&EI, CI&L, CCC&StL, IC, and Penna. Railroads, and (2) shipments of locomotive fuel from Mine Index No. 81 for use by the Southern Railway so as to permit delivery at all destinations at the same price as other mines located in the Boonville Subdistrict.

Dated: January 27, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-806; Filed, January 29, 1942; 10:55 a. m.]

[Docket No. B-187]

IN THE MATTER OF PHILIP SCHULTHEIS, JR., CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 13, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 15, 1942, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 6, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other

duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: that Phillip Schulthies, Jr., Ferdinand, Indiana, code member, whose code membership became effective as of February 14, 1940, operator of the Lambert Mine, Mine Index No. 892, located in Spencer County, Indiana, District No. 11.

(1) Sold to Arthur Hicks, French Lick, Indiana, approximately 150 tons of 1¼" x 0 screenings (Size Group 14) produced by said code member at his Lambert Mine, at a price of approximately 50 cents per ton f. o. b. the mine, whereas the effective minimum price established for said coal was $1.40 per net ton f. o. b. the mine as set forth in Supplement No. 2 to the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments.

(2) That during the period July 1, 1941 to October 31, 1941, inclusive, the aforementioned code member failed to maintain proper records of the sale of said coal referred to in paragraph (1) hereof, as required by Order No. 313, dated February 24, 1941.

Notice is also hereby given that upon determination that the defendant has committed any one or more of the violations as alleged in the complaint, an order may be entered either revoking the code membership of the defendant or directing the defendant to cease and desist from violating the Code and regulations made thereunder.

Dated: January 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-809; Filed, January 29, 1942; 10:55 a. m.]

[Docket No. A-854]

PETITION OF REPUBLIC COAL COMPANY, A PRODUCER IN DISTRICT NO. 4, FOR REVISION OF EFFECTIVE MINIMUM PRICES OF COAL IN SIZE GROUP 8, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR HEARING TO SHOW CAUSE WHY PETITION SHOULD NOT BE DISMISSED

Republic Coal Company filed an original petition in the above-entitled matter on January 7, 1941, praying for the revision of the effective price classifications and minimum prices established for the coals of Republic Coal Company Mine, Mine Index No. 1948, in District No. 4, in Size Group No. 8.

Although the petitioner was notified by registered mail and by publication in the FEDERAL REGISTER that a hearing in the above-entitled matter was scheduled to be held at a hearing room of the Division on February 21, 1941, at 10 o'clock in the forenoon of that day at Washington, D. C., it failed to appear at the above-mentioned hearing. Nor has the petitioner since indicated that it has any further interest in the above-entitled matter.

Now, therefore, it is ordered, That petitioner show cause why the above-entitled proceeding should not be dismissed, without prejudice, at a hearing before Charles O. Fowler or any other officer of the Division duly designated to preside at such hearing on February 24, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. The Chief of the Records Section in Room 502 will advise as to the room in which such hearing will be held. The dismissal of the proceeding pursuant to this Order, however, shall be without prejudice to the right of petitioner to file a petition with the Division in regard to the same matters pursuant to the Rules and Regulations of the Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: January 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-810; Filed, January 29, 1942; 10:56 a. m.]

[Docket No. A-1252]

PETITION OF ONTARIO GAS COAL COMPANY FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF ITS TIDEWATER NO. 1 MINE, MINE INDEX NO. 289, IN DISTRICT NO. 7

NOTICE OF AND ORDER FOR HEARING AND GRANTING TEMPORARY RELIEF

A petition, pursuant to the Bituminous Coal Act of 1937, was duly filed with this Division by the above-named party, requesting the establishment of price classifications and minimum prices for the coals of its Tidewater No. 1 Mine, Mine Index No. 289, in District No. 7.

The petition alleges that the coals of the said mine, although produced in the same vicinity and seam as the coals of the Robious Mine, Mine Index No. 703, in District No. 7, are analytically superior to the coals of the latter mine. For the coals of the said Mine Index No. 289 the petition proposes a minimum price of 186 cents per net ton in Size Group 8 for rail shipments only to within the switching limits of Richmond, Virginia, in Market Area 100, and minimum prices of 475, 410, 440, 375, and 200 cents per net ton in Size Groups 1 to 5, inclusive, respectively, for truck shipments.

The proposed minimum prices for the coals of the said mine for truck shipments are substantially higher than those heretofore established for any other mines in District No. 7 for truck shipments. Moreover, the proposed minimum price for the coals of the said mine in Size Group No. 8 for rail shipments to Richmond, Virginia, in Market Area 100, and in all sizes for truck shipments differ substantially from the customary minimum price relationships for other coals for rail shipments to Richmond, Virginia, and for truck shipments. Accordingly, it appears that the necessity for the proposed price classifications and minimum prices should be clearly shown at a hearing.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief, that no petitions of intervention have been filed with the Division in the above-entitled matter, opposing the granting of temporary relief, and that the granting of temporary relief is necessary in order to effectuate the purposes of the Act. It further appears, however, that, pending a hearing, the minimum prices hereinafter established for truck shipments should not be higher than the highest minimum prices heretofore established for coals produced in District No. 7, and that the minimum prices for rail shipments are proper.

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on February 26, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 21, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Ontario Gas Coal Company for the establishment of price classifications and minimum prices for the coals of its Tidewater No. 1 Mine, Mine Index No. 289, in District No. 7; and, more particularly, for the establishment for the coals of the said mine of a minimum price of 186 cents per net ton in Size Group No. 8 for rail shipments only to within the switching limits of Richmond, Virginia, in Market Area 100, and for minimum prices of 475, 410, 440, 375, and 200 cents per net ton in Size Groups 1 to 5, inclusive, respectively, for truck shipments.

It is further ordered, That pending final disposition of the above-entitled matter, temporary relief be, and it hereby is, granted as follows: Commencing forthwith, the Schedules of Effective Minimum Prices for District No. 7 For All Shipments Except Truck and For Truck Shipments are supplemented to include the price classifications and minimum prices set forth in the Schedules marked "Temporary Supplement R" and "Temporary Supplement T", annexed hereto and hereby made a part hereof.[1]

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: January 27, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-811; Filed, January 29, 1942; 10:56 a. m.]

[Docket No. A-1230]

PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAN MINES IN DISTRICT NO. 4

[Docket No. A-1230 Part II]

PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 2155, 2954, 1244, 2968, 2969, 267, 827, 1270, 1271, AND 1314, IN DISTRICT NO. 4, FOR ALL SHIPMENTS EXCEPT TRUCK

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1230 PART II FROM DOCKET NO. A-1230, ORDER GRANTING TEMPORARY RELIEF IN DOCKET NO. A-1230 PART II AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1230 PART II

The original petition in the above-entitled matter, which was filed with this Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 4.

As the Acting Director found in an Order issued in Docket No. A-1230, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except as to the establishment of permanent price classifications and minimum prices for the coals of Mine Index Nos. 2155, 2954, 1244, 2968, 2969, 267, 827, 1270, 1271, and 1314, in District No. 4, for all shipments except truck, and except as to certain other matters noted in the said Order. With respect to the establishment of permanent price classifications and minimum prices for the coals of the said mine index numbers, the Acting Director is of the opinion that a hearing should be held in view of the circumstances involved.

The petition proposes that two shipping points be established for the Black Hawk Mine, Mine Index No. 2155, the Carson Mine, Mine Index No. 2954, the James Darst Mine, Mine Index No. 1244, the Harrison No. 2 Mine, Mine Index No. 2968, the Harrison No. 3 Mine, Mine Index No. 2969, the Romine Mine, Mine Index No. 267, the Plummer Hill Mine, Mine Index No. 827, Mine Index No. 1270, of Charles Schuler, the Shuler Mine, Mine Index No. 1271, and Mine Index No. 1314, of A. R. Smith & Co., for all shipments except truck. While it appears that an adequate showing of necessity has been made that temporary relief be granted, establishing temporary price classifications and minimum prices for the coals of the above-named mines for all shipments except truck from one shipping point, it does not appear that the original petitioner has set forth sufficient facts to warrant the establishment of additional shipping points for the coals of these mines for all shipments except truck, without a hearing. Except as to Mine Index No. 267, the shipping points hereinafter temporarily established for the coals of the said mines are those which appear to be the nearer to such mines and appropriate, therefore, for the granting of temporary relief.

The petition proposed that Pomeroy and Hobson, Ohio, on Chesapeake & Ohio Railroad and New York Central Railroad, respectively, be established as the rail shipping points for the coals of Mine Index No. 267 of Leading Creek Coal Company. It does not appear from the records of the Division that this code member has arranged to make such shipments from Hobson. Accordingly, Pomeroy, Ohio, on Chesapeake & Ohio Railroad has been temporarily established as the shipping point for the coals of Mine Index No. 267, pending a hearing.

Now, therefore, it is ordered, That the portion of Docket No. A-1230 relating to the coals of the Black Hawk Mine, Mine Index No. 2155, the Carson Mine, Mine Index No. 2954, the James Darst Mine, Mine Index No. 1244, the Harrison No. 2 Mine, Mine Index No. 2968, the Harrison No. 3 Mine, Mine Index No. 2969, the Romine Mine, Mine Index No. 267, the Plummer Hill Mine, Mine Index No. 827, Mine Index No. 1270, of Charles Schuler, the Shuler Mine, Mine Index No. 1271, and Mine Index No. 1314, of A. R. Smith & Co., for all shipments except truck, be, and the same hereby is, severed from the remainder of Docket No. A-1230 and designated as Docket No. A-1230 Part II.

It is further ordered, That a hearing in Docket No. A-1230 Part II under the applicable provisions of said Act and the rules of the Division be held on February 25, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other rec-

[1] Not filed with the original document.

ords deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 20, 1942.

All persons are hereby notified that the hearing in Docket No. A–1230 Part II and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 4 for the establishment of price classifications and minimum prices for the coals of the Black Hawk Mine, Mine Index No. 2158, the Carson Mine, Mine Index No. 2064, the James Darst Mine, Mine Index No. 1244, the Harrison No. 2 Mine, Mine Index No. 2068, the Harrison No. 3 Mine, Mine Index No. 2069, the Romine Mine, Mine Index No. 267, the Plummer Hill Mine, Mine Index No. 627, Mine Index No. 1270, of Charles Schuler, the Schuler Mine, Mine Index No. 1271, and Mine Index No. 1314, of A. R. Smith & Co., for all shipments except truck.

It is further ordered, That, pending final disposition of Docket No. A–1230 Part II, temporary relief is granted as follows: Commencing forthwith, Price Schedule No. 1 for District No. 4, For All Shipments Except Truck, is supplemented to include the price classifications and minimum prices set forth in the Schedule marked "Temporary Supplement R", annexed hereto and hereby made a part hereof.[1]

Notice is hereby given that applications to stay, terminate or modify the temporary relief granted herein may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: January 27, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–812; Filed, January 29, 1942; 10:56 a. m.]

[1] Not filed with the original document.

[Docket No. A–1124]

PETITION OF DISTRICT BOARD NO. 17 FOR REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT MINE INDEX NOS. 281 AND 291 IN DISTRICT NO. 17

ORDER TERMINATING PROCEEDING

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, filed with this Division by the District Board No. 17 in the above-named docket, requested termination of certain temporary relief granted by the Order of the Director entered May 28, 1941, in Docket No. A–598. That relief was a temporary increase in the minimum prices for the coal produced at the Hunter Mine (Mine Index No. 281) and at the McGinley Mine (Mine Index No. 291) in District No. 17.

The issues raised by the original petition involved matters concerning which a public hearing had already been held in Docket No. A–598 and the final determination of which was under consideration by the Director when the petition was filed in this docket. After filing its petition, District Board No. 17 filed in this docket and in Docket No. A–598 a motion requesting leave to withdraw its original petition and to refile it, together with an accompanying affidavit, in Docket No. A–598 for incorporation in the record of the latter docket. In that motion, it also requested termination of the temporary relief granted in the Director's Order of May 28, 1941, in Docket No. A–598 so far as that relief pertained to Mine Index Nos. 281 and 291, and it prayed that the price classifications and minimum prices for the coals of those mines be finally established at the same levels at which they existed prior to the Order of May 28, 1941.

The above-described motion of District Board No. 17 was considered in Docket No. A–598 and the substance of the relief requested in the motion was granted in the Acting Director's final Order of January 1, 1942, in that docket.

It now appearing that the issues raised in the original petition in Docket No. A–1124 have been finally determined and that the substance of the relief therein requested has heretofore been granted;

It is ordered, That the proceeding in Docket No. A–1124 be, and the same hereby is, terminated.

Dated: January 27, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–813; Filed, January 29, 1942; 10:56 a. m.]

[Docket No. A–778]

PETITION OF WALLACE COAL COMPANY FOR TEMPORARY REVISION OF MINIMUM PRICES ESTABLISHED FOR RAILROAD LOCOMOTIVE FUEL, MINE INDEX NO. 182, DISTRICT NO. 10, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER TO SHOW CAUSE WHY PETITION SHOULD NOT BE DISMISSED

An original petition having been filed in the above-entitled matter requesting the Bituminous Coal Division to issue a temporary order which would permit the petitioner to deliver coal from its New Bruce Mine (Mine Index No. 182) having a minimum size of 2 inches to the Missouri Pacific System, for use in its locomotives, at a minimum f. o. b. mine price of $1.70 until the petitioner procures and installs crushing equipment, but not to exceed a period of sixty (60) days; and

It appearing that the petitioner herein has no further interest in the proceedings, since it has procured and installed crushing equipment;

Now, therefore, it is ordered, That the petitioner be required to show cause why this proceeding should not be dismissed at a hearing before W. A. Shipman or any other officer of the Division duly designated to preside at such hearing on February 25, 1942, at 10 a. m. in the forenoon of that day, at a hearing room of the Division in Washington, D. C., at which time the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

Dated: January 27, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–815; Filed, January 29, 1942; 10:57 a. m.]

[Docket No. 1811–FD]

IN THE MATTER OF MILLER BROS., DEFENDANT

CEASE AND DESIST ORDER

District Board 22 having filed a complaint with the Bituminous Coal Division on July 23, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging that Miller Bros., a code member in District 22, wilfully violated the Bituminous Coal Code and the effective minimum prices established thereunder, as follows:

That the defendant, with full knowledge of the requirements contained in the Schedule of Effective Minimum Prices for District 22 for Truck Shipments, and with intent to violate the same, and in violation thereof, sold for shipment by truck 2" and smaller lump coal produced by the defendant at its Miller Bros. Mine (Mine Index No. 201) located in Subdistrict No. 6 of District 22, at prices of $4.00 and $4.25 per net ton when the established minimum price applicable thereto is $4.50 per net ton f. o. b. the mine;

Pursuant to an Order of the Director and after notice to all interested persons, a hearing having been held in this matter on November 15, 1941, before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof in Billings, Montana;

All parties having joined in waiving the preparation and filing of a report by the Examiner; the record of the proceeding thereupon having been submitted to the undersigned for consideration; the undersigned having made Findings of Fact, Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That the defendant, Miller Bros., its officers, representatives, agents, servants, employees, or attorneys, and all persons acting or claiming to act in its behalf or interest, or in behalf or interest of Carl Miller or Edward Miller, the partners composing Miller Bros., cease and desist and are hereby permanently enjoined and restrained from violating the Code by selling or offering to sell coal produced by the defendant at less than the applicable minimum prices established therefor contrary to the Bituminous Coal Act or any rule and regulations promulgated thereunder, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District 22 for Truck Shipments, and the Marketing Rules and Regulations.

It is further ordered, That if the defendant fails or neglects to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States within any circuit where such defendant carries on business or the United States Circuit Court of Appeals for the District of Columbia for the enforcement hereof, or take other appropriate action.

Dated: January 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–814; Filed, January 29, 1942; 10:57 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF HEARING[1] ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 39 FOR THE TEXTILE INDUSTRY

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on January 5, 1942, by Administrative Order No. 136, appointed Industry Committee No. 39 for the Textile Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 39, on January 22, 1942, recommended a minimum wage rate for the Textile Industry and duly adopted a report containing such recommendation and reasons therefor and filed such report with the Administrator on January 22, 1942, pursuant to section 8 (d) of the act and § 511.19 of the regulations issued under the act; and

Whereas the Administrator is required by section 8 (d) of the act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 39 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 39 is as follows:

Wages at a rate of not less than forty cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Textile Industry (as defined in Administrative Order No. 136) who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Textile Industry as set forth in Administrative Order No. 136, signed January 5, 1942, is as follows:

2. For the purpose of this order the term "textile industry" means:

(a) The manufacturing or processing of yarn or thread and all processes preparatory thereto, and the manufacturing, bleaching, dyeing, printing and other finishing of woven fabrics (other than carpets and rugs containing any wool) from cotton, flax, jute, other vegetable fiber, silk, grass, or any synthetic fiber, or from mixtures of these fibers; or from such mixtures of these fibers with wool or animal fiber (other than silk) as are specified in clauses (g) and (h); except the chemical manufacturing of synthetic fiber and such related processing of yarn as is conducted in establishments manufacturing synthetic fiber;

(b) The manufacturing of batting, wadding, or filling and the processing of waste from the fibers enumerated in clause (a);

(c) The manufacturing, bleaching, dyeing, or other finishing of pile fabrics or cords (except carpets and rugs containing any wool) from any fiber or yarn;

(d) The processing of any textile fabric, included in this definition of this industry, into any of the following products: bags; bandages and surgical gauze; bath mats and related articles; bedspreads; blankets; diapers; dish-cloths; scrubbing cloths and wash-cloths; sheets and pillow cases; table-cloths; luncheloths and napkins; towels; window curtains; shoe laces and similar laces;

(e) The manufacturing or finishing of braid, net or lace from any fiber or yarn;

(f) The manufacturing of cordage, rope or twine from any fiber or yarn including the manufacturing of paper yarn and twine;

(g) The manufacturing, or processing of yarn (except carpet yarn containing any carpet wool) or thread by systems other than the woolen system from mixtures of wool or animal fiber (other than silk) with any of the fibers designated in clause (a), containing not more than 45 percent by weight of wool or animal fiber (other than silk);

(h) The manufacturing, bleaching, dyeing, printing or other finishing of woven fabrics (other than carpets and rugs) from mixtures of wool or animal fiber (other than silk) containing not more than 25 percent by weight of wool or animal fiber (other than silk), with any of the fibers designated in clause (a), with a margin of tolerance of 2 percent to meet the exigencies of manufacture;

(i) The manufacturing, dyeing, finishing or processing of rugs or carpets from grass, paper, or from any yarn or fiber except yarn containing any wool but not including the manufacturing by hand of such products.

3. The definition of the textile industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however*, That this definition does not include employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale: *And provided further*, That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

III. The full text of the report and recommendation of Industry Committee No. 39, together with any dissenting statements which may be filed by a member subsequent to the date of this notice, are and will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Old South Building, 294 Washington Street.

New York, New York, 341 Ninth Avenue.

Newark, New Jersey, Essex Building, 31 Clinton Street.

Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut & Juniper Streets.

Pittsburgh, Pennsylvania, 219 Old Post Office Building, Fourth and Smithfield Streets.

Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.

Baltimore, Maryland, 201 North Calvert Street.

Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.

Columbia, South Carolina, Federal Land Bank Building, Hampton & Marion Streets.

Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street, N. E.

Jacksonville, Florida, 456 New Post Office Building.

Birmingham, Alabama, 1007 Comer Building, 2nd Avenue & 21st Street.

[1] To be held February 20, 1942.

New Orleans, Louisiana, 916 Union Building.

Jackson, Mississippi, 404 Deposit Guaranty Bank Building, 102 Lamar Street.

Nashville, Tennessee, 509 Medical Arts Building, 115 Seventh Avenue, N.

Cleveland, Ohio, Main Post Office, W. 3rd and Prospect Avenue.

Cincinnati, Ohio, 1312 Traction Building, 5th and Walnut Streets.

Detroit, Michigan, 348 Federal Building.

Chicago, Illinois, 1200 Merchandise Mart, 222 W. North Bank Drive.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title & Trust Building, 10th & Walnut Streets.

St. Louis, Missouri, 100 Old Federal Building.

Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.

Dallas, Texas, Rio Grande National Building, 1100 Main Street.

San Francisco, California, 500 Humboldt Bank Building, 785 Market Street.

Los Angeles, California, 417 H. W. Hellman Building.

Seattle, Washington, 305 Post Office Building, 3rd Avenue and Union Street.

San Juan, Puerto Rico, Post Office Box 112.

Washington, District of Columbia, Department of Labor, 4th Floor.

Copies of the Committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing will be held on February 20, 1942, before Major Robert N. Campbell, Presiding Officer, at 10:00 a. m. in Room 3114 of the United States Department of Labor Building at Washington, D. C. for the purpose of taking evidence on the following question:

Whether the recommendation of Industry Committee No. 39 shall be approved or disapproved.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 39, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person: *Provided*, That not later than February 14, 1942, any such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 39.
4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 39 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United State Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following documents relating to the Textile Industry will be made available upon request for inspection by any interested person who intends to appear at the aforesaid hearing:

Mimeographed release G–67, issued by the Bureau of Labor Statistics of the U. S. Department of Labor, entitled *Report and Recommendations* of Industry Committee No. 12 for the Carpet and Rug Industry.

Mimeographed release G–144, issued by the Bureau of Labor Statistics of the U. S. Department of Labor, entitled *Report and Recommendation* of Industry Committee No. 25 for the Textile Industry.

Mimeographed release G–132, issued by the Bureau of Labor Statistics of the U. S. Department of Labor, entitled *Findings and Opinion of the Administrator* in connection with the Recommendation of Industry Committee No. 12 for the Carpet and Rug Industry.

Report entitled *Some Basic Information on the Textile Industry, April 1941*, prepared by the Research and Statistics Branch of the Wage and Hour Division, U. S. Department of Labor.

Report on the Carpet and Rug Industry, July 1940, prepared by the Research and Statistics Branch of the Wage and Hour Division, U. S. Department of Labor.

Mimeographed release G–173; issued by the Bureau of Labor Statistics of the U. S. Department of Labor, entitled *Findings and Opinion of the Administrator* in connection with the Recommendation of Industry Committee No. 25 for the Textile Industry.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Presiding Officer as are deemed appropriate:

1. The hearings shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, Department of Labor, Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person insofar as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing, the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 29th day of January 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42–825; Filed, January 29, 1942; 12:00 m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4548]

IN THE MATTER OF E. J. BRACH & SONS, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of January, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., section 41), and (49 Stat. 1526, U.S.C.A., section 13, as amended),

It is ordered, That John L. Hornor, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony, in this proceeding begin on Wednesday, February 11, 1942, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42–819; Filed, January 29, 1942; 11:30 a. m.]

[Docket No. 4632]

IN THE MATTER OF J. FREIDSON SHOE COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of January, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, February 9, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 215, Federal Building, York, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42–820; Filed, January 29, 1942; 11:30 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–447]

IN THE MATTER OF PANHANDLE EASTERN PIPE LINE COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of January, A. D. 1942.

Panhandle Eastern Pipe Line Company, a subsidiary of both Columbia Gas & Electric Corporation, a registered holding company, and Columbia Oil & Gasoline Corporation, which is also a subsidiary company of Columbia Gas & Electric Corporation, having filed a declaration pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 regarding a proposal to alter the rights of the holder of its Class A Preferred stock (wholly-owned beneficially by Columbia Oil & Gasoline Corporation) with respect to the declaration during the year 1941 and payment of a participating dividend, arising from a change in the basis on which such participating dividend will be computed, on which altered basis the aggregate amount of such participating dividend will be $201,841.75 instead of $247,592.55, otherwise payable;

A hearing with respect to the issues raised by the declaration having been duly had after appropriate notice, and the Commission having examined the record and made and filed its findings and opinion therein;

It is ordered, That, subject to the terms and conditions prescribed in Rule U-24 promulgated under the Act, the aforesaid declaration be and the same hereby is permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–826; Filed, January 29, 1942; 11:58 a. m.]

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FEDERAL REGISTER

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Washington, Saturday, January 31, 1942

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 722—COTTON

SUBPART E—1942

Proclamation of Results of Cotton Referendum, 1942–1943 Marketing Year[1]

By virtue of the authority vested in the Secretary of Agriculture by section 347 of the Agricultural Adjustment Act of 1938, as amended, the following proclamation is hereby issued:

§ 722.403 *Results of cotton referendum.* (a) In the referendum of farmers who were engaged in production of the 1941 crop of cotton, conducted by the Secretary of Agriculture on December 13, 1941, to determine whether such farmers were in favor of or opposed to marketing quotas for cotton for the marketing year beginning August 1, 1942 the total number of votes cast were 840,881 and of the total number of votes so cast 789,662 votes, or 93.9 percent, were in favor of, and 51,219 votes, or 6.1 percent, were opposed to, such marketing quotas.

(b) The national marketing quota for cotton for the marketing year beginning August 1, 1942, proclaimed by the Secretary of Agriculture on October 28, 1941, will be in effect for such year. (Section 347 of the Act, 52 Stat. 59; 7 U.S.C., Sup., 1347)

Done at Washington, D. C., this 29th day of January 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 42-840; Filed, January 30, 1942; 11:24 a. m.]

[1] Tabulation of 1942 cotton marketing quota ballots by states was filed as part of the original document.

CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF PROPORTIONATE SHARES FOR SUGARCANE PRODUCERS IN PUERTO RICO FOR THE CROP YEAR 1941–42, PURSUANT TO THE SUGAR ACT OF 1937, AS AMENDED

Whereas section 302 of the Sugar Act of 1937, as amended, provides in part as follows:

(a) The amount of sugar or liquid sugar with respect to which payment may be made shall be the amount of sugar or liquid sugar commercially recoverable, as determined by the Secretary, from the sugar beets or sugarcane grown on the farm and marketed (or processed by the producer) not in excess of the proportionate share for the farm, as determined by the Secretary, of the quantity of sugar beets or sugarcane for the extraction of sugar or liquid sugar required to be processed to enable the producing area in which the crop of sugar beets or sugarcane is grown to meet the quota (and provide a normal carryover inventory) estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

(b) In determining the proportionate shares with respect to a farm, the Secretary may take into consideration the past production on the farm of sugar beets and sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugar beets or sugarcane, and the Secretary shall, insofar as practicable, protect the interests of new producers and small producers and the interests of producers who are cash tenants, share-tenants, adherent planters, or share-croppers;

and

Whereas subsection (c) of section 301 of said act provides as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

(c) That there shall not have been marketed (or processed) an amount (in terms of planted acreage, weight, or recoverable sugar content) of sugar beets or sugarcane grown on the farm and used for the production of sugar or liquid sugar to be marketed in, or so as to compete with or otherwise directly affect interstate or foreign commerce. In

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FEDERAL REGISTER

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excess of the proportionate share for the farm, as determined by the Secretary pursuant to the provisions of section 302, of the total quantity of sugar beets or sugarcane required to be processed to enable the area in which such sugar beets or sugarcane are produced to meet the quota (and provide a normal carryover inventory) as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed;

and

Whereas the quantity of sugar required to be produced from the 1941–42 crop of sugarcane in Puerto Rico to enable that area to meet its quota (and provide a normal carryover inventory) for the calendar year 1942 is estimated to be 1,203,624 short tons, raw value, and the total of the 1941 bases has been computed at 925,564 short tons, raw value:

Now, therefore, the following determination is hereby issued:

§ 802.46c *Proportionate shares for sugarcane producers in Puerto Rico for the crop year 1941–42*—(a) *Farm proportionate share.* The proportionate share for each farm in Puerto Rico for the 1941–42 crop shall be the amount of sugar, raw value, commercially recoverable from sugarcane grown on the farm and marketed (or processed by the producer) for the extraction of sugar during the crop year 1941–42: *Provided, however,* That payment shall be limited to the amount of sugar calculated for the farm as follows:

(1) For any farm except as provided in subparagraph (2) hereof, the amount of sugar obtained by multiplying the 1941 base for such farm by the fraction $\frac{1,203,624}{925,564}$ and converting the result to raw value. The 1941 base for any such farm shall be the 1940–41 proportionate share for the farm, (in terms of sugar, 96° basis) or 9 tons of sugar, whichever is greater.

(2) For any farm purchased or leased by the producer from or through the Puerto Rico Reconstruction Administration or the Farm Security Administration, the sugar commercially recoverable from three planted acres of sugarcane.

(b) *Tenant and sharecropper protection.* The provisions of this determination are subject to the following conditions:

(1) That no change shall have been made in the leasing or cropping agreements for the purpose of, or which shall have the effect of, diverting to any producer, any payments to which tenants or sharecroppers would be entitled if the 1940–41 leasing or cropping agreements were in effect.

(2) That there shall have been no interference by any producer with contracts heretofore entered into by tenants or sharecroppers for the sale of their sugarcane.

(c) *Designation of agent.* The Chief, or the Acting Chief, of the Sugar Division of the Agricultural Adjustment Administration, and the Officer in Charge of the San Juan office of the Agricultural Adjustment Administration, or the Acting Officer in Charge thereof, are hereby designated to act, jointly or severally, as agents of the Secretary of Agriculture in administering the provisions of this section. (Sec. 302, 50 Stat. 910; 7 U.S.C. 1132)

Done at Washington, D. C., this 29th day of January 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary.

[F. R. Doc. 42–829; Filed, January 29, 1942; 1:56 p. m.]

[G. S. Q. R. Series 9, No. 2]

PART 821—SUGAR QUOTAS

SUGAR CONSUMPTION REQUIREMENTS FOR THE CALENDAR YEAR 1942 FOR THE TERRITORY OF HAWAII AND FOR PUERTO RICO

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1937, as amended, I, Paul H. Appleby, Acting Secretary of Agriculture, in order to carry out the powers vested in me by the said act, do hereby make, prescribe, publish, and give public notice of these regulations, which shall have the force and effect of law and shall remain in force and effect until amended or superseded by orders or regulations hereafter made by the Secretary of Agriculture.

§ 821.331 *Consumption requirements and quotas*—(a) *Original consumption requirements.* It is hereby determined, pursuant to section 203 of the Sugar Act of 1937 (hereinafter referred to as the "act"), as amended, that the amount of sugar needed to meet the requirements of consumers in the Territory of Hawaii for the calendar year 1942 is 39,124 short tons of sugar, raw value, and that the amount of sugar needed to meet the requirements of consumers in Puerto Rico for the calendar year 1942 is 83,782 short tons of sugar, raw value.

(b) *Original local consumption quotas.* There are hereby established, pursuant to section 203 of the said act, for local consumption in the Territory of Hawaii and in Puerto Rico, for the calendar year 1942, the following quotas:

Area:	Quotas in terms of short tons, raw value
Hawaii	39,124
Puerto Rico	83,782

(Sec. 203, 50 Stat. 905; 7 U.S.C. 1113)

§ 821.332 *Restrictions on marketing.* For the calendar year 1942, all persons are hereby forbidden, pursuant to section 209 of the said act, from marketing in the Territory of Hawaii or in Puerto Rico, for consumption therein, any sugar or liquid sugar after the quota for the year has been filled. (Sec. 209, 50 Stat. 906; 7 U.S.C. 1119)

Done at Washington, D. C., this 29th day of January 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 42–830; Filed, January 29, 1942; 1:56 p. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3948]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF SURE LABORATORIES

§ 3.6 (n 2) *Advertising falsely or misleadingly—Nature—Product*—§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondent's "Sure", or any other substantially similar preparation, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference (1) that respondent's preparation is a neutralizing agent or a breath purifier; (2) that respondent's preparation will destroy or arrest the causes of unpleasant breath, or have any effect upon such causes; and (3) that respondent's preparation has any effect upon unpleasant breath odors other than that of a perfume in temporarily masking such breath odors; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Sure Laboratories, Docket 3948, January 26, 1942]

§ 3.6 (g) *Advertising falsely or misleadingly—Earnings:* § 3.72 (c) *Offering deceptive inducements to purchase—Earnings:* § 3.80 (c) *Securing agents or representatives falsely or misleadingly—Earnings.* In connection with offer, etc., of respondent's "Sure", or any other substantially similar preparation, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference (1) that the possible earnings or profits of agents, salesmen, representatives, or distributors for any given period of time is any specified sum of money which is not a true representation of the average net earnings or profits consistently made by a substantial number of respondent's full-time active agents, salesmen, representatives, or distributors in the ordinary course of business under normal conditions and circumstances; (2) that the earnings or profits of any agent, salesman, representative, or distributor for any given period of time is any specified sum of money which has not, in fact, been consistently earned, net, by such agent, salesman, representative, or distributor in the ordinary course of business and under normal conditions and circumstances; and (3) that any specified sum of money greatly in excess of the average earnings of other agents, salesmen, representatives, or distributors of respondent has been earned by any specified representative, unless such representation is immediately accompanied by a statement to the effect that such earnings are exceptional and unusual; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112, 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Sure Laboratories, Docket 3948, January 26, 1942]

In the Matter of Fannie P. Fox, an Individual, Trading and Doing Business Under the Name of Sure Laboratories

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of January, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondent, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiners upon the evidence and exceptions filed thereto, and briefs filed in support of the complaint and in opposition thereto; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered that the respondent Fannie P. Fox, an individual, trading and doing business under the name of Sure Laboratories, or trading under any other name, her representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of her preparation known as "Sure," or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from, directly or indirectly,

(1) Disseminating, or causing to be disseminated, any advertisement by means of United States mails, or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference,

(a) That respondent's preparation is a neutralizing agent or a breath purifier;

(b) That respondent's preparation will destroy or arrest the causes of unpleasant breath, or have any effect upon such causes;

(c) That respondent's preparation has any effect upon unpleasant breath odors other than that of a perfume in temporarily masking such breath odors;

(d) That the possible earnings or profits of agents, salesmen, representatives, or distributors for any given period of time is any specified sum of money which is not a true representation of the average net earnings or profits consistently made by a substantial number of respondent's full-time active agents, salesmen, representatives, or distributors in the ordinary course of business under normal conditions and circumstances;

(e) That the earnings or profits of any agent, salesman, representative, or distributor for any given period of time is any specified sum of money which has not, in fact, been consistently earned, net, by such agent, salesman, representative, or distributor in the ordinary course of business and under normal conditions and circumstances;

(f) That any specified sum of money greatly in excess of the average earnings of other agents, salesmen, representatives, or distributors of respondent has been earned by any specified representative, unless such representation is immediately accompanied by a statement to the effect that such earnings are exceptional and unusual;

(2) Disseminating, or causing to be disseminated, any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of respondent's preparation, which advertisement contains any of the representations prohibited in paragraph (1) hereof and respective subdivisions thereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon her of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which she has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42–834; Filed, January 30, 1942; 11:10 a. m.]

[Docket No. 4236]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF OLD COLONY KNITTING MILLS, INC., ET AL.

§ 3.66 (a 7) *Misbranding or mislabeling—Composition:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Foreign, in general:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Composition:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Source or origin—Place—Foreign, in general.* Using, in connection with offer, etc., in commerce, of any yarn, garment or fabric made of wool or simulated wool, the word "Shetland, either alone or in conjunction with any other word or words, to designate or describe any such yarn, garment, or fabric which is not the wool of, or made from, the wool of, Shetland sheep grown on the Shetland Islands or the contiguous mainland of Scotland, prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Old Colony Knitting Mills, Inc., et al., Docket 4236, January 27, 1942]

In the Matter of Old Colony Knitting Mills, Inc., a Corporation, and Maine Spinning Company, a Corporation

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of January, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the

answers of respondents, testimony and other evidence in support of the allegations of said complaint and in opposition thereto taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner and exceptions thereto, briefs in support of the complaint and in opposition thereto, and oral arguments of counsel, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Old Colony Knitting Mills, Inc., a corporation, and respondent Maine Spinning Company, a corporation, their respective officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, or any yarn, garment, or fabric made of wool or simulating wool, do forthwith cease and desist from using the word "Shetland", either alone or in conjunction with any other word or words, to designate or describe any such yarn, garment, or fabric which is not the wool of, or made from the wool of, Shetland sheep grown on the Shetland Islands or the contiguous mainland of Scotland.

It is further ordered, That respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

It is further ordered, That the motion of respondent Maine Spinning Company to dismiss the complaint herein, or in the alternative to dismiss the complaint as to it, which motion was denied without prejudice to respondent's right to renew the same at the time of final argument and which motion was duly renewed, be, and the same hereby is, denied.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-835; Filed, January 30, 1942; 11:11 a. m.]

[Docket No. 4629]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF VICTOR HAT COMPANY

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Composition:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Old, secondhand or reconstructed as new—Old and used as unused or new:* § 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition:* § 3.71 (c) *Neglecting, unfairly or deceptively, to make material disclosure—Old and used as unused or new.* Representing, in connection with offer, etc., of hats, (1) that hats composed in whole or in part of used or second-hand materials are new or are composed of new materials by failure to stamp in some conspicuous place on the exposed surface of the inside of the hat in conspicuous and legible terms which can not be removed or obliterated without mutilating the hat itself, a statement that said products are composed of second-hand or used materials, or, (2) in any manner that hats made in whole or in part from old, used or second-hand materials are new or are composed of new materials, prohibited; subject to the provision, however, as respects former prohibition that if substantial bands, placed similarly to sweat bands in men's hats, are attached to said hats, then and in that event such statement may be stamped upon such bands, and subject to further provision in said connection, however, that said stampings are of such nature that they can not be removed or obliterated without mutilating the band and the band itself can not be removed without rendering the hat unserviceable. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Victor Hat Company, Docket 4629, January 26, 1942]

In the Matter of Frank Gorr, Individually, and Trading as Victor Hat Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 26th day of January, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Frank Gorr, individually, and trading as Victor Hat Company, or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of hats in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing that hats composed in whole or in part of used or second-hand materials are new or are composed of new materials by failure to stamp in some conspicuous place on the exposed surface of the inside of the hat in conspicuous and legible terms which can not be removed or obliterated without mutilating the hat itself, a statement that said products are composed of second-hand or used materials: *Provided*, That if substantial bands, placed similarly to sweat bands in men's hats, are attached to said hats, then and in that event such statement may be stamped upon such bands: *Provided further*, That said stampings are of such nature that they can not be removed or obliterated without mutilating the band and the band itself can not be removed without rendering the hat unserviceable.

(2) Representing in any manner that hats made in whole or in part from old, used or second-hand materials are new or are composed of new materials.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-836; Filed, January 30, 1942; 11:11 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50559]

PART 27—REGULATIONS UNDER TRADING WITH THE ENEMY ACT

COMMUNICATIONS OUTSIDE THE MAILS

Amendments to Regulations Under Section 3 (c) of the Trading With the Enemy Act, Approved October 6, 1917, and Section XI of Executive Order No. 2729–A, Dated October 12, 1917

JANUARY 26, 1942.

T.D. 50525 (6 F.R. 6404), dated December 11, 1941, as amended by T.D. 50529 (6 F.R. 6453), dated December 15, 1941, is hereby further amended as follows:

Paragraph (1) is amended by adding at the end thereof the following:

* * * If it appear that any letter or other tangible form of communication is being brought into the United States without intention to evade or violate the law, and that the effect of bringing such letter or other form of communication into the United States would not be inimical to the interests of our Government or in the interests of its enemies, the collector of customs may license the bringing of such letter or other form of communication into the United States, in which case there shall be placed thereon the words "Examined and Passed", with the date, the name of the port, and the initials of the collector or other authorized officer; and such letter or other form of communication may then be released, provided there are affixed thereto the appropriate United States postage stamps if the transmittal of the letter or other communication outside the mails is of such nature that the laws of the United States require the use of such stamps. Any person to whom a license is refused by a collector of customs may appeal from such decision to the Secretary of the Treasury, through the Commissioner of Customs, stating all the facts relied upon to show that the decision of the collector should be reversed: (Secs. 3, 5, 40 Stat. 412, 415; secs. XI, XIII, E.O. 2729–A, October 12, 1917; T.D. 50536, approved by the President on December 26, 1941)

Paragraph (2) is amended by substituting for the proviso in the fourth sentence the following:

* * * *Provided*, There are affixed thereto the appropriate United States postage stamps if the transmittal of the letter or other communication outside the mails is of such nature that the laws of the United States require the use of such stamps. * * * (Secs. 3, 5, 40 Stat. 412, 415; secs. XI, XIII, E.O. 2729–A, October 12, 1917; T.D. 50536, approved by the President on December 26, 1941)

* * * * *

Paragraph (9) is amended to read as follows:

(9) Each collector of customs shall report to the Commissioner of Customs on Monday of each week the number of communications licensed during the preceding week, and such other information as the Commissioner may from time to time require. (Secs. 3, 5, 40 Stat. 412, 415; secs. XI, XIII, E.O. 2729–A, October 12, 1917; T.D. 50536, approved by the President on December 26, 1941)

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-833; Filed, January 29, 1942; 3:41 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER IV—SECRET SERVICE

PART 403—AUTHORIZATION OF ALL BANKS TO DELIVER TO THE TREASURY DEPARTMENT COUNTERFEIT OBLIGATIONS AND OTHER SECURITIES AND COINS OF THE UNITED STATES OR OF ANY FOREIGN GOVERNMENT

JANUARY 29, 1942.

Section 403.2 of the Regulations of October 21, 1941,[1] is hereby amended to read as follows:

§ 403.2 *Delivery of counterfeit obligations and other securities and coins authorized.* Authority is hereby given to all banks and banking institutions of any nature whatsoever organized under general or special federal or state statutes to take possession of and deliver to the Treasury Department through the Secret Service Division all counterfeit obligations and other securities and coins of the United States or of any foreign government, within the meaning of the statutes cited in § 403.1, which shall be presented at their places of business. (Sec. 172, 35 Stat. 1121, sec. 4, 52 Stat. 7; 18 U.S.C. 286)

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-839; Filed, January 30, 1942; 11:17 a. m.]

[1] 6 F.R. 5331.

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 968—SILK WASTE, SILK NOILS AND GARNETTED OR RECLAIMED SILK FIBER

Amendment No. 2 to General Preference Order M–26[1]—To Conserve the Supply and Direct the Distribution of Silk Waste, Silk Noils, and Garnetted or Reclaimed Silk Fiber

Section 968.1 (*General Preference Order M–26*) is hereby amended as follows:

Paragraph (e) is amended by striking therefrom the date, "the 31st day of January, 1942," and substituting therefor the date, "the 31st day of January, 1943."

This Amendment shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; Sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 30th day of January 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-841; Filed, January 30, 1942; 11:34 a. m.]

PART 1058—DIPHENYLAMINE

General Preference Order No. M–75 To Direct the Use and Distribution of Diphenylamine

Whereas, the national defense requirements have created a shortage of Diphenylamine, as hereinafter defined, for defense, for private account and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 1058.1 *General Preference Order M–75*—(a) *Definitions.* For the purposes of this Order:

(1) "Diphenylamine" means phenyl aniline from whatever source derived.

(2) "Producer" means any person engaged in the production of Diphenylamine and includes any person who has Diphenylamine produced for him pursuant to toll agreement.

(3) "Distributor" means any person who has purchased or purchases Diphenylamine for purposes of resale.

(b) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(c) *Restrictions on deliveries.* On and after February 1, 1942, no deliveries of Diphenylamine shall be made by any Producer or Distributor, except as may be specifically directed by the Director of Industry Operations; and no person shall accept delivery of Diphenylamine made in violation of the foregoing clause. At the beginning of each calendar month, the Director of Industry Operations will issue to all Producers and Distributors specific directions covering deliveries of Diphenylamine which may be made by such Producers or Distributors during such month. Such directions will be made to insure the satisfaction of all defense requirements and to provide an adequate supply for essential civilian uses, and they may be made at the discretion of the Director of Industry Operations without regard to any preference rating assigned to particular contracts or orders.

(d) *Intra-company transactions.* The prohibitions or restrictions contained in this Order with respect to deliveries shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise owned or controlled by the same person.

(e) *Reports.* Reports shall be made by Producers and Distributers at such times, on such forms and with respect to such matters as shall be prescribed by the Chemicals Branch of the War Production Board. In addition, persons who order or receive Diphenylamine from a Producer or Distributor shall furnish to the Chemicals Branch of the War Production Board information with respect to requirements and use of such material at such times and on such forms as the said Chemicals Branch shall prescribe. All persons shall furnish such other and further information as the Chemicals Branch may deem necessary for the orderly and effective operation of this Order. Applications for making and accepting delivery of Diphenylamine shall be made on Forms PD–262, 266 (with respect to acceptance of delivery of Diphenylamine), and 263 (with respect to making deliveries of Diphenylamine).

(f) *Notification of customers.* Producers and Distributors shall, as soon as practicable, notify each of their regular customers of the requirements of this Order, but the failure to give such notice shall not excuse any person from the obligation of complying with the terms of this Order.

(g) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Industry Operations, or otherwise wilfully furnishes false information to the Director of Industry Operations, or the War Production Board may be deprived of priorities

[1] 6 F.R. 4007, 4683, 4694.

assistance or may be prohibited by the Director of Industry Operations from obtaining further deliveries of materials subject to allocation. The Director of Industry Operations may also take any other action deemed appropriate, including the making of a recommendation for prosecution under Section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Diphenylamine conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board, Reference M-75, attention Chemicals Branch, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942; 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 30th day of January, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-842; Filed, January 30, 1942; 11:34 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1306—IRON AND STEEL

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 43 [1]—USED STEEL BARRELS OR DRUMS

Section 1306.204 is hereby revoked and §§ 1306.201, 1306.208 and 1306.210 are hereby amended to read as follows:

§ 1306.201 *Maximum prices for used steel barrels or drums.* On and after December 1, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, used steel barrels or drums, and no person shall buy, offer to buy, or accept delivery of used steel barrels or drums at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1306.210.

§ 1306.208 *Definitions.* When used in this Schedule, the term:

(a) "Person" includes an individual, partnership, association, corporation, or other business entity, as well as executors, trustees in bankruptcy, receivers, and other court-appointed officers;

(b) "User" means a person who uses a drum as a container for the shipment or storage of goods;

(c) "Drum" means a steel barrel or drum of a capacity of 14 to 16 gallons, inclusive, or 29 to 33 gallons, inclusive, or 50 to 58 gallons, inclusive;

(d) "Raw used drum" means a drum which has been emptied but which is not a reconditioned drum;

(e) "Reconditioned drum" means a raw used drum which has been both washed and painted, and also subjected to any and all other process or processes necessary to make the raw used drum fit for reuse as a container, *except that,* in the case of a raw used drum, which is galvanized, painting is not necessary to constitute such galvanized drum a "reconditioned drum" within the meaning of this Schedule.

§ 1306.210 *Appendix A; maximum prices for used steel barrels or drums—*(a) *Maximum prices for reconditioned drums.* The maximum prices for a reconditioned drum, delivered to the purchaser, shall be as follows:

14 to 16 gallons, inclusive	$1.45
29 to 33 gallons, inclusive	1.85
50 to 58 gallons, inclusive	2.25

Additional charges. Charges per drum in addition to the above may be made as follows:

(1) Where a reconditioned drum is delivered in excess of 50 miles from the shipping point, the lower of the following alternative charges may be added:

(i) Actual cost of transportation from the shipping point, or

(ii) For each 75 miles or fraction thereof in excess of 50 miles from the shipping point:

14 to 16 gallons, inclusive	5 cents
29 to 33 gallons, inclusive	7½ cents
50 to 58 gallons, inclusive	10 cents

(2) Where a raw used drum is reconditioned and delivered in the States of California, Washington and Oregon:

14 to 16 gallons, inclusive	15 cents
29 to 33 gallons, inclusive	25 cents
50 to 58 gallons, inclusive	50 cents

(3) Where a drum which is lined has been reconditioned so that it is suitable for use as a food container without any further reconditioning process and is sold for use as a food container:

14 to 16 gallons, inclusive	15 cents
29 to 33 gallons, inclusive	20 cents
50 to 58 gallons, inclusive	25 cents

(b) *Maximum prices for raw used drums purchased direct from the person who empties the drums.* The maximum price for a raw used drum purchased direct from the person who empties the drum, f. o. b. the place where the drum is emptied, shall be as follows:

14 to 16 gallons, inclusive	$ .75
29 to 33 gallons, inclusive	1.00
50 to 58 gallons, inclusive	1.25

provided that a charge per drum in addition to the above may be made where the raw used drum is purchased and delivered in the States of California, Washington and Oregon as follows:

14 to 16 gallons, inclusive	10 cents
29 to 33 gallons, inclusive	20 cents
50 to 58 gallons, inclusive	40 cents

(c) *Maximum prices for raw used drums other than in paragraph* (b). The maximum prices for a raw used drum, delivered to the purchaser, other than those purchased direct from the person who empties the drum, shall be as follows:

14 to 16 gallons, inclusive	$1.00
29 to 33 gallons, inclusive	1.30
50 to 58 gallons, inclusive	1.60

(1) *Provided,* That where a raw used drum is picked up by the purchaser a deduction shall be made from the above as follows:

14 to 16 gallons, inclusive	5 cents
29 to 33 gallons, inclusive	7½ cents
50 to 58 gallons, inclusive	10 cents

and (2) *Provided further,* That a charge per drum in addition may be made where the raw used drum is purchased and either delivered or picked up in the States of California, Washington and Oregon as follows:

14 to 16 gallons, inclusive	10 cents
29 to 33 gallons, inclusive	20 cents
50 to 58 gallons, inclusive	40 cents

This amendment No. 2 shall become effective February 2, 1942. Issued this 30th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-850; Filed, January 30, 1942; 11:48 a. m.]

PART 1316—COTTON TEXTILES

AMENDMENT NO. 8 TO PRICE SCHEDULE NO. 11 [1]—FINE COTTON GREY GOODS

Section 1316.7 (a) is hereby amended to read as follows:

§ 1316.7 *Reports.* (a) On or before January 10, 1942, and on or before the 10th day of each month thereafter, every manufacturer of fine cotton goods (including manufacturers of fine cotton goods not subject to the maximum prices established herein) shall submit to the Office of Price Administration, Washington, D. C., a report on Form 111:6 setting forth in the detail required by the Form all the constructions (including fancy weaves) of fine cotton goods, other than the constructions and weaves for which maximum prices are established in Appendix A, manufactured or sold by such person in quantities in excess of 15,000 yards during the preceding calendar month, and the highest prices at which each such construction was sold, both for immediate and future delivery, during such month. Copies of Form 111:6 can be procured from the Office of Price Administration.

* * * * *

This Amendment No. 8 shall be effective as of December 24, 1941. Issued this 30th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-848; Filed, January 30, 1942; 11:48 a. m.]

[1] 6 F.R. 6695.

[1] 6 F.R. 5961, 7 F.R. 206.

PART 1335—CHEMICALS

PRICE SCHEDULE NO. 79—CARBON TETRACHLORIDE

Correction

The table appearing in § 1335.609 on page 586 of the issue for Thursday, January 29, 1942 is corrected to read as follows:

	Zone 1	Zone 2	Zone 3	Zone 4
	Prices per pound, delivered			
(a) Tank cars	$.0525	$.0575	$.0675	$.08
	Prices per gallon, delivered			
(b) Carload lots:				
(i) 50-55 gal. drums	$.73	$.80	$.94	$.83
(ii) 5 and 10 gal. cans	.97	1.04	1.17	1.07
(c) Less than carload lots:				
(i) 50-55 gal. drums	.80	.87	1.00	.90
(ii) 5 and 10 gal. cans	1.07	1.14	1.27	1.17

PART 1336—RADIO, X-RAY, AND COMMUNICATION APPARATUS

PRICE SCHEDULE NO. 83—RADIO RECEIVERS AND PHONOGRAPHS

Radio constitutes an important factor in defense. Besides serving as a source of news and of entertainment vital to morale, it furnishes the principal channel through which civilian defense authorities are enabled to disseminate directions and intelligence necessary to the public safety.

During 1941, wholesale and retail prices of radio equipment for domestic use have increased substantially. Demand for radio equipment, at an all-time high during 1941, is likely to be accentuated by the nation's entry into war. Supply is seriously threatened by shortages of critical materials needed for the production of armaments, and by the prospect that much of the industry's capacity will be diverted to the manufacture of radio materials for the armed forces of this country and its allies. These conditions create danger of further increases to unwarranted levels and require the application of effective controls.

In order to prevent nullification of the Schedule, limited restrictions are imposed upon model changes, as a temporary measure. These restrictions, in their present form, expire on December 31, 1942.

Electrical phonographs employ many of the same components as radios and are frequently combined with radios in a combination unit. They are subject to similar price influences and are, therefore, included in this Schedule.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1336.51 *Maximum prices for radio receiving sets and phonographs.* On and after February 9, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any radio receiving set or phonograph at a price higher than the maximum price.

(a) *Current models offered for sale on or before October 15, 1941.* The maximum price, exclusive of federal excise tax, for any current model of radio receiving set or phonograph offered during the period July 15, 1941, to October 15, 1941, inclusive for sale during such period shall be the highest net price, f. o. b. seller's point of shipment and exclusive of federal excise tax, at which such model was billed by the manufacturer for a delivery made during such period or, if there was no such billing, the highest net price, exclusive of federal excise tax, at any time quoted in writing by the manufacturer for a delivery during such period to the same person or a person of the same general class.

(b) *Current models first offered for sale after October 15, 1941.* The maximum price, exclusive of federal excise tax, for any current model of radio receiving set or phonograph first offered after October 15, 1941 for sale after such date shall be (1) until the Office of Price Administration has approved a price on the basis of a report to it in accordance with § 1336.54 (a) the highest net price f. o. b. seller's point of shipment, and exclusive of federal excise tax, at which such model was billed by the manufacturer for a delivery made before February 9, 1942, (or, if there was no such billing, the highest net price, exclusive of federal excise tax, at any time quoted in writing by the manufacturer for a delivery prior to February 9, 1942) to the same person or a person of the same general class, and (2) after such approval, shall be such approved price.

(c) *Cost-plus contracts*—(1) *Completion of outstanding cost-plus contracts.* The maximum price for any radio receiving set or phonograph delivered by the manufacturer after February 9, 1942, in order to complete a cost-plus contract outstanding on such date shall be determined by the terms of such contract.

(2) *Future cost-plus contracts.* On and after February 9, 1942, no radio receiving set or phonograph shall be sold, delivered, or transferred under a cost-plus contract not outstanding on such date until the manufacturer has submitted a copy of such contract to the Office of Price Administration, and the Office of Price Administration has approved such contract in writing. No such cost-plus contract will be approved unless (i) it is in writing and (ii) expires on a definite date stipulated therein or after delivery thereunder of a specified number of units.

(d) *Discontinued models.* A manufacturer who has at any time discontinued sale of any model may thereafter restore such model to his line and sell, offer for sale, transfer or deliver it at a maximum price no higher than the price in effect at the date of discontinuance, provided such price was not in violation of this Schedule.

(e) *Other models.* The maximum price for any model other than a model referred to in paragraphs (a), (b), (c) and (d) of this section shall be the price provided for such model in § 1336.53 hereof.*

*§§ 1336.51 to 1336.62, inclusive, issued pursuant to authority contained in E. O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1336.52 *Less than maximum prices.* Lower prices than those set forth in this Schedule may be charged, demanded, paid or offered.*

§ 1336.53 *Limitation of model changes and maximum prices for new models.* Between February 9, 1942, and December 31, 1942, inclusive, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any model of radio receiving set or phonograph other than a model referred to in paragraphs (a), (b), (c) and (d) of § 1336.51 except as provided in paragraphs (a), (b), (c) and (d) of this Section.

(a) *Replacement type models.* Ten days before first offering it for sale, a manufacturer wishing to offer for sale a model replacing or similar to any other model in his line at that time, shall submit to the Office of Price Administration an application on Form 183:1 for permission to take such action, containing (1) the specifications and description (including catalog, if any) of such model and (2) satisfactory evidence that the specifications of such model do not differ from those of such other model in a manner tending to degrade quality. Ten days after the mailing of such application, the manufacturer may sell, offer for sale, deliver or transfer such model at a price no higher than the maximum price for such other model.

(b) *Models in process.* A manufacturer wishing to offer for sale a model in process on the effective date of this Schedule, which because of design and specifications cannot qualify under paragraph (a) hereof, shall submit to the Office of Price Administration an application on Form 183:2 for permission to take such action, containing (1) satisfactory evidence (i) that the model cannot qualify under paragraph (a) hereof, (ii) that the design and specifications of the model were completed before the effective date of this Schedule, (iii) that firm commitments for parts or cabinet of such model were made by the manufacturer prior to the effective date of this Schedule, and (iv) that any of such parts or cabinet are usable by such manufacturer only in such model, and (2) the specifications and description (including catalog, if any) and the proposed maximum price for such model. If the Office of Price Administration approves the application, the manufacturer may sell, offer for sale, deliver or transfer such model at a price no higher than the maximum price stipulated in such approval.

(c) *Models using new developments.* A manufacturer wishing to offer for sale a model embodying a new technical development shall submit to the Office of Price Administration an application on Form 183:3 for permission to take such action, containing (1) the specifications

and description (including catalog, if any) and proposed maximum price for such model, and (2) satisfactory evidence that such model embodies a new technical development. If the Office of Price Administration approves the application, the manufacturer may sell, offer for sale, deliver or transfer such model at a price no higher than the maximum price stipulated in such approval.

(d) *Necessary substitutions.* Manufacturers may change the specifications of any model, provided such change does not increase the price thereof, if (1) the material previously used is (i) unavailable or prohibitive in cost or (ii) its use in radio receiving sets or phonographs is so restricted by a priority or allocation order or other regulation of a federal agency as to require the proposed change, or (iii) the proposed change will result in substantial conservation of strategic materials, and (2) the change is calculated to preserve quality.

(e) A manufacturer may at any time change the cabinet finish of any model or may add to his line at any time a model differing from an existing model only in respect of cabinet finish, provided the price is not thereby increased over the price of the existing model.*

§ 1336.54 *Reports*—(a) *Current models.* On or before March 15, 1942, every manufacturer shall submit to the Office of Price Administration on Form 183:4 (1) the maximum prices, as determined by paragraph (a) of § 1336.51 hereof, the general specifications and description in effect on October 15, 1941, for each current model offered for sale during the period from July 15, 1941, to October 15, 1941, inclusive, and (2) the maximum prices, as determined by paragraph (b) of § 1336.51 hereof, and the general specifications and description in effect on the effective date of this Schedule for each current model first offered for sale after October 15, 1941. If the general specifications and description of any model are set forth in a catalog, a manufacturer may submit such catalog to the Office of Price Administration in lieu of any other specifications and description of such model.

(b) *Substitutions of component parts.* Not later than March 15, 1942, every manufacturer shall submit a report to the Office of Price Administration on Form 183:5 describing all substitutions of component parts made in any model between February 9, 1942, and February 28, 1942, inclusive, pursuant to § 1336.53 (d); and not later than the 10th day of May, July, September and November, 1942, and January 1943, shall submit a similar report covering two months immediately preceding the month in which each such report is made.

(c) *Changes of cabinet finish.* Within 10 days after taking any action authorized by § 1336.53 (e), every manufacturer shall submit to the Office of Price Administration on Form 183:6 a report describing the action taken.

(d) *Cost-plus contracts.* On or before March 15, 1942, every manufacturer shall submit to the Office of Price Administration a copy of each of his cost-plus contracts for the sale of radio receiving sets and phonographs, outstanding on February 9, 1942. Any such contract which is not in writing shall be reduced to writing before March 15, 1942.

(e) *Discontinued models.* (1) On or before March 15, 1942, every manufacturer who has discontinued sale of any model of radio receiving set or phonograph offered for sale during the period from July 15, 1941, to January 31, 1942, inclusive, shall submit to the Office of Price Administration a report on Form 183:7 containing identification of such model, the date of and reason for discontinuing production thereof, and the total number of completed units thereof produced during such period. A model shall be deemed discontinued when notice of discontinuance is given by the manufacturer to his customers.

(2) Within 30 days after any manufacturer discontinues sale of any model of radio receiving set or phonograph after January 31, 1942, he shall submit to the Office of Price Administration a report on Form 183:7 containing identification of such model, the date and reason for discontinuing production thereof, and the total number of completed units produced from July 15, 1941, to the date of discontinuance.

(f) *Monthly output of radio receiving sets and phonographs.* On or before March 15, 1942, and on or before the 10th day of each month thereafter every manufacturer shall submit to the Office of Price Administration on Form 183:8 a report setting forth the total number of completed units of each model of radio receiving set and phonograph produced by him in the preceding month. Such report shall refer to the model number or other appropriate designation of each such model. If a report containing such information is required to be submitted to any other federal agency, a copy thereof may be filed with the Office of Price Administration at the time it is filed with such other agency instead of a separate report on Form 183:8.

(g) *Other reports.* Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1336.55 *Evasion.* The limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with the manufacture of radio receiving sets or phonographs by deterioration of quality, or in connection with a purchase, sale, delivery or transfer of any radio receiving set or phonograph alone or in conjunction with any other article, or by way of any commission, service, transportation, or other charge or by tying-agreement or other trade understanding, or by making rebates, discounts or other terms and conditions of sale less favorable to the purchaser than those available or in effect on October 15, 1941, or by any other means.*

§ 1336.56 *Records.* Every manufacturer making sales of radio receiving sets or phonographs on or after February 9, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the name and number or other designation of each unit, the price received therefor and the quantity of each unit sold.*

§ 1336.57 *Affirmations of compliance.* On or before April 1, 1942, and quarterly thereafter, every manufacturer who is required to keep records of sales under § 1336.56 hereof shall submit to the Office of Price Administration, an affirmation of compliance on Form 183:9, containing a sworn statement that during such period all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 183:9 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½ inch paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1336.58 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the receipt or demand of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of radio receiving sets or phonographs or of the hoarding or accumulation or unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1336.59 *Modification of Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That, no application under this Section will be considered unless filed by persons complying with this Schedule.*

§ 1336.60 *Definitions.* (a) When used in this Schedule, the term:

(1) "Person" means an individual, partnership, association, corporation, or other business entity.

(2) "Manufacturer" means any person regularly engaged in the manufacture or assembly of radio receiving sets or phonographs.

(3) "Radio receiving set" means any of the following, alone or in combination with a record-playing device: home receiving sets, portable receiving sets, automobile receiving sets, television receiving sets, facsimile receiving sets.

(4) "Phonograph" means any device for the playing of records by the use of electrical amplification.

(5) "Model" means any radio receiving set or phonograph sold as a distinct item.

(6) "Current model" means any model offered for sale by the manufacturer during the period July 15, 1941, to February 9, 1942, inclusive.

(7) "Net price" means the amount billed or quoted for a sale, after deducting all discounts and allowances.

(8) "Net price exclusive of federal excise tax" means (i) if such price is billed or quoted separately from the tax, the price as so billed or quoted; and (ii) if such price as billed or quoted includes the tax, such price less the amount of the tax.

(9) "Cost-plus contract" means an agreement providing for (i) a price equal to the manufacturer's cost plus a stated percentage or fixed fee, or (ii) a specified price which is subject to adjustments covering variances from the manufacturer's cost estimates.

(b) The definitions set forth in subparagraphs (3) and (4) of this § 1336.60 shall not include any equipment primarily designed for commercial, police, or military use or for use in the navy or merchant marine.*

§ 1336.61 This Schedule shall not be deemed to authorize the taking of any action prohibited by order of any other federal agency.*

§ 1336.62 *Effective date of this Schedule.* This Schedule shall become effective February 9, 1942.*

Issued this 30th day of January, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-849; Filed, January 30, 1942; 11:48 a. m.]

PART 1336—RADIO, X-RAY, AND COMMUNICATION APPARATUS

PRICE SCHEDULE NO. 84—RADIO, RECEIVER AND PHONOGRAPH PARTS

Radio constitutes an important factor in defense. Besides serving as a source of news and of entertainment vital to morale, it furnishes the principal channel through which civilian defense authorities are enabled to disseminate directions and intelligence necessary to the public safety.

During 1941, prices of parts for radios for domestic use have increased substantially and such increases have in many instances caused advances in prices of radio receiving sets. Demand for radio equipment, at an all-time high during 1941, is likely to be accentuated by the nation's entry into war. Supply of radio parts is seriously threatened by shortages of critical materials needed for the production of armaments and by the prospect that much of the industry's capacity will be diverted to the production of radio materials for the armed forces of this country and its allies. These conditions create danger of further increases to unwarranted levels and require the application of suitable controls.

The various branches of the industry may be found to require separate treatment after full economic data is at hand. Pending completion of a comprehensive study, it is essential to stabilize the price structure on a temporary basis.

Electrical phonographs employ many of the same parts as radios, and are frequently combined with radios in a combination unit. Phonograph parts are thus subject to price influences similar to those which affect radio parts, and are, therefore, included in this Schedule.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§1336.101 *Maximum prices for radio receiving set and phonograph parts.* On and after February 9, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any radio or phonograph part at a price higher than the maximum price.

(a) *Parts sold and offered for sale between July 15, 1941, and October 15, 1941.* The maximum price, exclusive of federal excise tax, for any part offered during the period between July 15, 1941, and October 15, 1941, inclusive, for sale during such period, shall be the highest net price f. o. b. seller's point of shipment and exclusive of federal excise tax, at which such part was billed by the manufacturer for delivery during such period, or if there was no such billing, the highest net price, exclusive of federal excise tax, at any time quoted in writing by the manufacturer for a delivery during such period to the same person or a person of the same general class.

(b) *New parts offered before October 15, 1941, for sale thereafter.* The maximum price, exclusive of federal excise tax, for a part offered before October 15, 1941, to be delivered for the first time after such date, shall be the highest net price f. o. b. seller's point of shipment and exclusive of federal excise tax, quoted in writing by the manufacturer for such part before October 15, 1941.

(c) *Parts first offered for sale between October 16, 1941, and February 9, 1942.* The maximum price, exclusive of federal excise tax, for any part offered for the first time during the period between October 16, 1941, and February 9, 1942, inclusive, for sale during or after such period, shall be (1) until the Office of Price Administration has approved a price on the basis of a report to it in accordance with § 1336.103 (a), the highest net price f. o. b. seller's point of shipment, and exclusive of federal excise tax, at which such part was billed by the manufacturer for a delivery made on or before February 9, 1942, (or, if there was no such billing, the highest net price, exclusive of federal excise tax, at any time quoted in writing by the manufacturer for a delivery of such part to the same person or a person of the same general class, and (2) after such approval, shall be such approved price.

(d) *Parts first offered for sale after February 9, 1942.* The maximum price, exclusive of federal excise tax, for any part offered for the first time after February 9, 1942, for sale after such date shall be the price approved by the Office of Price Administration on the basis of a report to it in accordance with § 1336.103 (b).

(e) *Parts sold pursuant to cost-plus contracts*—(1) *Completion of outstanding cost-plus contracts.* The maximum price for any part delivered by the manufacturer after February 9, 1942, in order to complete a cost-plus contract outstanding on such date shall be determined by the terms of such contract.

(2) *Future cost-plus contracts.* After February 9, 1942, no part shall be sold, delivered, or transferred under a cost-plus contract not outstanding on such date until the manufacturer has submitted such contract to the Office of Price Administration, and the Office of Price Administration has approved such contract in writing. No such contract will be approved unless it (i) is in writing, and (ii) expires on a definite date stipulated therein or after delivery thereunder of a specified number of units.*

*§§ 1336.101 to 1336.110, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R., 1917, 4483.

§ 1336.102 *Less than maximum prices.* Lower prices than those set forth in this Schedule may be charged, demanded, paid or offered.*

§ 1336.103 *Reports*—(a) *Parts offered for sale before February 9, 1942.* On or before March 15, 1942, every manufacturer shall submit to the Office of Price Administration (1) his maximum prices, as determined by paragraphs (a) and (b) and sub-paragraph (c) (1) of § 1336.101, for all parts referred to in such paragraphs; and (2) all lists, catalogues or other materials describing or identifying such parts.

(b) *Parts first offered for sale after February 9, 1942.* A manufacturer wishing to obtain approval of the maximum price for a part referred to in § 1336.101 (d) shall submit to the Office of Price Administration an application for such approval containing a description of such part and stating the proposed price therefor. If within ten days after the mailing of such application, it has not been disapproved by the Office of Price Administration, the manufacturer may sell, offer for sale, deliver or transfer such part at the proposed price.

(c) *Cost-plus contracts.* On or before March 15, 1942, every manufacturer shall submit to the Office of Price Administration a copy of each of his cost-plus contracts for the sale of parts, outstanding on February 9, 1942. Any such contract which is not in writing shall be reduced to writing before March 15, 1942.

(d) *Other reports.* Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1336.104 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with the manufacture of radio or phonograph parts by deterioration of quality or in connection with a purchase, sale, delivery

and phonographs, outstanding on Feb- | ber or other designation of each unit, | set or phonograph sold as a distinct item.

or transfer of any radio or phonograph part alone or in conjunction with any other article or by subdividing and selling separately the components of an assembled unit, or by way of any service, transportation, or other charge or by tying-agreement or other trade understanding, or by making rebates, discounts or other terms and conditions of sale less favorable to the purchaser than those available or in effect on October 15, 1941, or by any other means.*

§ 1336.105 *Records.* Every manufacturer making sales of radio or phonograph parts on or after February 9, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each sale showing the date thereof, the name and address of the buyer, the name, the number or other designation of each unit, the price received for each unit, and the quantity sold.*

§ 1336.106 *Affirmations of compliance.* On or before April 1, 1942, and quarterly thereafter, every manufacturer who is required to keep records of sales under Section 1336.105 hereof shall submit to the Office of Price Administration an affirmation of compliance on Form 184:1, containing a sworn statement that during such period all such sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 184:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½ inch paper, they may may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1336.107 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the receipt or demand of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of radio or phonograph parts, or of the hoarding or accumulation of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1336.108 *Modification of Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That, no application under this Section will be considered unless filed by persons complying with this Schedule.*

§ 1336.109 *Definitions.* (a) When used in this Schedule, the term:

(1) "Person" means an individual, partnership, association, corporation, or other business entity;

(2) "Manufacturer" means any person regularly engaged in the manufacture and sale of radio or phonograph parts;

(3) "Part" means any component, except a cabinet, of a radio receiving set or phonograph, whether such component is a separate unit or an assembly or combination of two or more units; including (particularly but not exclusively) parts built to the specifications of an individual purchaser.

(4) "Radio receiving set" means any of the following, alone or in combination with a record-playing device: home receiving sets, portable receiving sets, automobile receiving sets, television receiving sets, facsimile receiving sets;

(5) "Phonograph" means any device for the playing of records by the use of electrical amplification;

(6) "Net price" means the amount billed or quoted for a sale, after deducting all discounts;

(7) "Net price exclusive of federal excise tax" means (i) if such price is billed or quoted separately from the tax, the price as so billed or quoted; and (2) if such price as billed or quoted includes the tax, such price less the amount of the tax;

(8) "Cost-plus contract means an agreement providing for (i) a price equal to the manufacturer's cost plus a stated percentage or fixed fee, or (ii) a specified price which is subject to adjustments covering variances from the manufacturer's cost estimates.*

(b) The definitions set forth in subparagraphs (3), (4), and (5) of this section shall not include any equipment primarily designed for commercial, police, or military use or for use in the navy or merchant marine.*

§ 1336.110 *Effective date of this Schedule.* This Schedule shall become effective February 9, 1942.*

Issued this 30th day of January, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-851; Filed, January 30, 1942; 11:51 a. m.]

PART 1349—ELECTRICAL GENERATION, TRANSMISSION, CONVERSION AND DISTRIBUTION APPARATUS

PRICE SCHEDULE NO. 82—WIRE, CABLE AND CABLE ACCESSORIES

The production of wire and cable products is essential both to this country's war program and to its civilian economy. Wire, cable and cable accessories are integral parts of every communication and power distribution system, ranging from far-flung utility operations to the more localized requirements of battleships, airplanes and tanks. Since January 1, 1941, prices of many types of wire and cable have been increased between five and twenty-five percent. On October 29, 1941, therefore, manufacturers of these products were requested not to increase prices over the level prevailing on October 15, 1941, pending a further study of the industry.

After numerous conferences with representative members of the industry and a study of costs and other factors relevant to the production and sale of wire and cable products, it has been decided that the prices in effect on October, 15, 1941, with the modifications contained herein, are fair and equitable and that the informal request should be supplanted by a formal Price Schedule.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1349.1 *Maximum prices for wire, cable and cable accessories.* (a) On and after January 29, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in paragraph (c) below, no manufacturer shall sell, offer to sell, deliver or transfer wire, cable or cable accessories and no person shall buy, offer to buy, or accept delivery of wire, cable or cable accessories at prices higher than the maximum prices set forth in Appendices A and B hereof, incorporated herein as §§ 1349.10 and 1349.11.*

*§§ 1349.1 to 1349.11 inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

(b) On and after January 29, 1942, regardless of the terms of any contract or other commitment, except as provided in paragraph (c) below, no person shall make a charge for rolling bars into rods or drawing wire therefrom in excess of the net charge made for similar operations on October 15, 1941, or on the latest date prior thereto on which such operation was performed.

(c) The provisions of this section shall not apply to any contract entered into by a manufacturer prior to November 1, 1941, nor to any contract entered into by the Army, Navy, Defense Plant Corporation, Maritime Commission, Panama Canal or the Procurement Division of the Treasury Department or any other agency of the United States prior to the effective date of this Schedule.

(d) Nothing in this section shall prevent the inclusion in any contract for the sale of wire, cable or cable accessories of a provision for price adjustment to be applied only to those deliveries called for and made more than nine months after the date on which the contract is entered into: *Provided*, That the contract also contains a provision that the final prices, after all adjustments, will in no case exceed the maximum prices established by the Office of Price Administration at the dates of delivery. Any other form of price adjustment provision, whether contractual or set forth in a manufacturer's price list or discount sheet, purporting to establish automatic or other adjustment of the price of wire, cable or cable accessories, in the event of an increase in any cost or for any other reason shall be deemed a violation of this Schedule and of no effect.*

§ 1349.2 *Less than maximum prices.* Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid or offered.*

§ 1349.3 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of wire, cable or cable accessories, or the rolling of bars into rods or the drawing of wire therefrom: (a) by way of any commission, service, transportation or other charge; (b) by way of any change in customary terms or conditions of sales or services, discounts, premiums, warranties or other privileges; (c) by tying-agreements or other trade understanding; or (d) by any other means, as a result of which the net price received by the manufacturer of such wire, cable or cable accessories will exceed the net price which would have been received by the manufacturer if such wire, cable or cable accessories had been sold or such operations had been performed on October 15, 1941.*

§ 1349.4 *Records and reports.* (a) Every manufacturer of wire, cable, or cable accessories making any sale after January 29, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing (1) the date thereof, (2) the name and address of the buyer, (3) the price on the date of sale, (4) the net price received, and (5) the quantity and description of the wire, cable or cable accessories sold.

(b) Every person rolling bars into rods or drawing wire therefrom, after January 29, 1942, for a manufacturer of wire, cable or cable accessories, where bars or rods are furnished by such manufacturer, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such transaction, showing (1) the date thereof, (2) the name and address of the manufacturer for whom the operation was performed, (3) the net charge, and (4) description of the size, quality and quantity of wire drawn or bars rolled.

(c) On or before February 20, 1942, every manufacturer of wire, cable or cable accessories shall file with the Office of Price Administration, Washington, D. C., if it has not already done so, price lists and discount sheets setting forth prices and all extra charges, discounts and allowances applicable on October 15, 1941 to wire, cable and cable accessories offered for sale by such manufacturer.*

(d) If the maximum prices of wire, cable or cable accessories are to be determined in accordance with the provisions of Appendix B hereof, incorporated herein as § 1349.11, the manufacturer shall submit to the Office of Price Administration, Washington, D. C., the specifications of such wire, cable or cable accessories, the proposed price, price or cost estimate sheets employing costs existing on October 15, 1941, the proposed billing date, a statement that the procedures and standards employed in estimating costs and determining prices are the same as those employed on October 15, 1941, and the increase, if any, based on lead content, all certified by an authorized agent of the manufacturer having knowledge of the facts. Such information shall be submitted by mail postmarked not less than twenty days before the proposed date of billing of such wire, cable or cable accessories, and such price shall be the maximum price unless an objection is made by the Office of Price Administration by mail postmarked not less than five days before such proposed billing date.

(e) Every manufacturer of wire, cable or cable accessories shall file with the Office of Price Administration, Washington, D. C., any price lists or discount sheets issued subsequent to October 15, 1941, immediately after issuance and shall submit such information in the form of price data, cost data, profit and loss statements and balance sheets in such form and at such times as may be required by the Office of Price Administration.*

§ 1349.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see: (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, (c) that full advantage will be taken of the various political subdivisions of state, county and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule, (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule, and (e) that the War Production Board is requested to direct the withholding of priority ratings and the allocation of materials to any person failing to comply with this Schedule.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or of manipulation of prices of wire, cable or cable accessories are urged to communicate with the Office of Price Administration.*

§ 1349.6 *Modification of the Price Schedule.* Persons claiming hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1349.7 *Products subject to the Schedule.* The term: (a) "wire, cable and cable accessories" means:

(1) *Rods* which shall include hot rolled black or cleaned rods for electrical uses.

Any copper, copperclad or copper alloy wire or assembly of wires used for conducting electricity, including the following types:

(2) *Bare wire* which shall include all sizes and shapes of bare and metallic coated wire in solid or stranded form.

(3) *Weatherproof wire* which shall include bare wire over which either two or three cotton braids or the equivalent have been applied in any form and saturated with a weather resistant or heat resistant compound.

(4) *Magnet wire* which shall include all sizes and shapes, whether round, flats or squares, of bare copper wire insulated with enamel, paper, silk and silk substitutes, cotton, asbestos, glass, Formex and combinations of these and similar materials, including high frequency or "Litz" wires, as commonly used in the winding of coils employed for electrical purposes.

(5) *Non-metallic sheathed cable* which shall include an assembly of one or more rubber insulated conductors, each of which may be fibrous covered or protected by a non-metallic armor, with or without an uninsulated ground wire, the entire assembly enclosed in a fibrous sheath, treated with moisture-resistant and flame-resistant finishes, such as Romex or Durax.

(6) *Paper power cable* which shall include solid or fluid types of cable, exclusive of communication cable, in which the conductor is insulated with paper and enclosed in a metallic sheath with or without fibrous or metallic armor coverings to be used for the transmission and distribution of electrical energy.

(7) *Rubber sheathed cord and cable* which shall include a stranded insulated conductor or conductors encased in a rubber or synthetic jacket applied or cured under pressure.

(8) *Rubber power cable* which shall include all types of rubber or synthetic insulated or jacketed, single or multiple conductor cables, exclusive of building wire, finished with a rubber or synthetic jacket, fibrous coverings or metallic sheath, with or without metallic armor including all types of Parkway and Service Entrance Cable but excluding building wire.

(9) *Building wire* which shall include single or multiple conductor rubber or synthetic insulated wires and cables, protected with metallic or non-metallic coverings as used for interior electrical wiring, including wire for use in armored cable.

(10) *Asbestos insulated power cable* which shall include wires and cables insulated with either impregnated asbestos or combinations of impregnated asbestos and other insulating materials, such as varnished cambric, rubber, and synthetics, with all types and kinds of finishes and outer coverings.

(11) *Varnished cambric insulated power cable* which shall include single and multiple conductors, insulated with all types of varnished cambric or combination rubber and varnished cambric, paper and varnished cambric and paper, rubber and varnished cambric, protected with metallic and non-metallic coverings.

(12) *Telephone and telegraph wire* which shall include single or multiple conductor rubber or synthetic insulated assemblies with or without a fibrous or metallic protective covering suitable for service conditions encountered in inside and outside communication circuits.

(13) *Telephone, telegraph or signal cable* which shall include paper or other fibrous insulated conductors in lead or lead-alloy sheath with or without non-metallic or metallic armor.

(14) *Special purpose communication or signal wire and cable* which shall include single or multiple conductors, rubber or synthetic insulated, with or without a fibrous or metallic protective covering.

(15) *Armored conductors* which shall include assemblies of one or more conductors, each insulated with a rubber or synthetic compound and covered with fibrous covering, the single or multiple conductor assemblies having an overall fibrous or lead covering enclosed in a metal armor of galvanized steel or other corrosion resistant metal strip of semi-interlocking construction, such as BX cable.

(16) *Shipboard cable* which shall include copper conductors insulated with rubber, asbestos, varnished cambric, synthetic material or other fibrous covering or any combination of such coverings and with or without a wire braid armor.

(17) *Flexible cord and cord sets—Flexible cords* which shall include single and multiple conductor wires consisting of flexible stranded bare wire, insulated with impregnated cotton, impregnated asbestos, rubber compounds or synthetics and finished with fibrous coverings, rubber or synthetic jackets suitable for use in the wiring of electric fixtures and as power supply for portable electrical appliances.

Cord sets which shall include any item or assembly of items of flexible cords cut to specified length or cut and equipped with soldered ends, eyelets, plugs, switches, or other similar appurtenances for use with electrical appliances or other electrical apparatus.

(18) *Cable accessories* which shall include (1) cable end sealing devices or parts thereof, including devices commonly known as potheads; cable terminals, cable terminators, and bells and junction boxes; (2) unit packages for splicing cable of one or more conductors and (3) miscellaneous materials used with joints for splicing cables of one or more conductors applicable to all cables of the solid insulated type for underground, aerial or submarine use.*

§ 1349.8 *Definitions.* When used in this Schedule the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Manufacturer" means any person engaged in one or more operations in the manufacture or fabrication of wire, cable or cable accessories resulting in the production of a finished form of wire, cable or cable accessory.

(c) "Net price" means the manufacturer's price after adjustment for all applicable extra charges, discounts, or other allowances.

(d) "Extra charges" mean any additions to the price of wire, cable or cable accessories, whether or not specified in the price lists or discount sheets of a manufacturer, and, without limiting the generality of the term, includes cutting charges, freight charges or differentials, winding charges, charges for limited quantity, charges for reels, and charges for special specifications.

(e) "Discounts or other allowances" mean any deductions from the price of wire, cable or cable accessories, whether or not specified in the price lists or discount sheets of a manufacturer, and, without limiting the generality of the term, includes discounts based upon whether the purchaser is a wholesaler, jobber, dealer or contractor, the quantity and reel allowances.

(f) "Rolling bars into rods or drawing wire therefrom" includes any operation in the manufacture of rods from bars or of bare wire from bars or rods.

(g) "Net charge" means the toll charge made for rolling bars into rods or drawing wire therefrom, after adjustment for all applicable extra charges, discounts or other allowances.*

§ 1349.9 *Effective date of the Schedule.* This Schedule shall become effective on January 29, 1942.*

Issued this 29th day of January 1942.

LEON HENDERSON,
Administrator.

§ 1349.10 *Appendix A; maximum prices for wire, cable and cable accessories listed in price sheets.* (a) For all types of wire, cable and cable accessories listed in § 1349.7 hereof, except Weatherproof Wire, the prices of which can be determined from prices listed or methods of computation provided in price sheets in effect on October 15, 1941, maximum prices shall be the net prices of the manufacturer thereof on October 15, 1941. Maximum prices for any such wire, cable or cable accessories containing lead shall be the prices provided in the preceding sentence plus an amount equal to the number of pounds of lead contained on any such wire, cable or cable accessories multiplied by $0.00325.

(b) Maximum prices for Weatherproof Wire shall be computed by applying the terms and conditions contained in each manufacturer's price list in effect on October 15, 1941, to a base price of 17.5 cents per pound for solid, soft drawn, weatherproof copper wire and cable, shipped in less than carload lots.*

§ 1349.11 *Appendix B; maximum prices for wire, cable and cable accessories not covered by § 1349.10, Appendix A.* Maximum prices for wire, cable and cable accessories not covered by Appendix A hereof, incorporated herein as § 1349.10, including new products, shall be the net prices the manufacturer thereof would have charged on October 15, 1941 if such prices had been calculated upon costs existing on such date and by the use of procedures and standards employed in estimating costs and determining prices on such date. Maximum prices for any such wire, cable or cable accessories containing lead shall be the prices provided in the preceding sentence plus an amount equal to the number of pounds of lead contained on any such wire, cable or cable accessories multiplied by $0.00325.*

[F. R. Doc. 42–832; Filed, January 29, 1942; 5:05 p. m.]

PART 1354—WOOL AND WOOL PRODUCTS

AMENDMENT NO. 5 TO PRICE SCHEDULE NO. 58 [1]—WOOL AND WOOL TOPS AND YARNS

Paragraph (e) of § 1354.1 is hereby amended and § 1354.13 is hereby added to read as follows:

1354.1 *Maximum prices for wool and wool tops and yarns*

* * * * *

(e) On and after January 17, 1942,[2] notwithstanding the provisions of paragraphs (a) and (b) above, no person shall graps (a) and (b) above, no person shall sell, offer to sell, deliver or transfer wools or wool tops or yarns of the types and grades enumerated in Appendices A, B, C and D hereof, incorporated herein as §§ 1314.10 to 1314.13, inclusive, and no person shall buy, offer to buy, or accept delivery or transfer of such wools or wool tops or yarns at prices higher than the maximum prices set forth in Appendices A, B, C and D: *Provided*, That contracts entered into prior to December 18, 1941 calling for a price higher than the maximum prices may be carried out at the contract price.

§ 1354.13 *Appendix D; maximum prices for domestic pulled wools.* The prices set forth below are maximum prices per pound f.o.b. shipping point. Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

(a) *Strictly combing pulled wools.*

Grade	Price per lb. choice white clean basis
58s, 60s 3 inches & over	$1.09
56s, 58s 3 inches & over	1.07
54s, 56s 3 inches & over	1.01
50s, 54s 3 inches & over	.97
50s, 44s 4 inches & over	.85

(b) *Worsted type pulled wools.*

Grade	Price per lb. choice white	
	Clean basis	Scoured
64s, 1½ inches and over	$1.14	$1.20
62s, 1½ inches and over	1.12	1.17
60s, 1½ inches and over	1.09	1.14
58s, 2 inches and over	1.07	1.12
56s, 2 inches and over	1.03	1.08
54s, 2 inches and over	.96	1.00
50s, 2 inches and over	.92	.96
44s, 50s, 3 inches and over	.88	.93

[1] 6 F.R. 6551; 7 F.R. 226, 399, 400, 446.

[2] The maximum prices established in Appendix D are applicable to sales, offers of sale, deliveries or transfers on and after January 29, 1942.

(c) *Woolen type and lambs pulled wools.*

Grade	Price per lb. choice white	
	Clean basis	Scoured
64s, under 1½ inches	$1.10	$1.16
62s, under 1½ inches	1.07	1.13
60s, under 1½ inches	1.07	1.12
58s, under 2 inches	1.05	1.10
56s, under 2 inches	1.01	1.06
54s, under 2 inches	.94	.98
50s, under 2 inches	.90	.94
44s, 50s under 3 inches	.86	.91

(d) *Off-color pulled wools.*

Grade and description	Clean basis	Scoured
Super Grey 60s	$1.00	$1.05
Super Grey 58s	.95	1.00
Super Light Grey 56s	.95	1.00
Super Grey 56s, 58s	.92	.96
Average Grey 56s	.86	.90
Average Grey 50s, 46s	.82	.86
Shank Grey 44s, 50s	.66	.70
Black 60 and finer	1.03	1.08
Black 56s, 58s	.95	.99

(e) *Adjustments for inferior wool.* The maximum prices for inferior wools of the types and grades set forth above shall be the maximum prices set forth above with the following adjustments:

(1) The maximum price for slightly tinged wool shall be 2¢ less than the applicable maximum price.

(2) The maximum price for yellow or heavily stained wools shall be 5¢ less than the applicable maximum price.

(3) The maximum price for seedy or burry wools which, in accordance with established trade practice, do not require carbonizing shall be 3¢ less than the applicable price after adjustment has been made for color in accordance with subparagraphs 1 and 2 above.

(4) The maximum price for seedy or burry wools which, in accordance with established trade practice, require carbonizing shall be 10¢ less than the applicable maximum price after adjustment has been made for color in accordance with subparagraphs 1 and 2 above: *Provided*, That where such wools are sold in a carbonized state the actual carbonizing charges plus an allowance for actual shrinkage may be added to the maximum price so long as the amount of such charges is set forth in the invoice or a similar document delivered to the purchaser.

(f) *Broker's commissions.* The maximum prices set forth above shall include all commissions and other charges: *Provided*, That where a purchaser employs a broker or other agent to make a purchase on his behalf, a commission of not to exceed 1% may be charged for such services and paid by such purchaser. Such commission shall be permissible only if (1) the wool is purchased at a price in compliance with this Schedule and (2) the commission is not split or divided with the seller or with an agent or employee of the seller. (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 5 shall become effective January 29, 1942. Issued this 29th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–831; Filed, January 29, 1942; 5:05 p. m.]

Notices

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF THE INDUSTRY COMMITTEE FOR THE RAILROAD AND PROPERTY MOTOR CARRIER INDUSTRY OF PUERTO RICO [1]

Whereas by Administrative Order No. 134,[2] dated December 9, 1941, the Administrator of the Wage and Hour Division, United States Department of Labor, acting pursuant to section 5 (c) of the Fair Labor Standards Act of 1938, as amended, appointed an Industry Committee for the Railroad and Property Motor Carrier Industry of Puerto Rico, composed of residents of such island and residents of the United States outside of Puerto Rico, said administrative order directing the committee to proceed to investigate conditions in the Railroad and Property Motor Carrier Industry of Puerto Rico and recommend to the Administrator minimum wage rates for all employees thereof who, within the meaning of said Act, are "engaged in commerce or in the production of goods for commerce," except employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14; and

Whereas the Industry Committee on January 20, 1942, recommended a minimum wage rate for the Railroad and Property Motor Carrier Industry of Puerto Rico and duly adopted a report containing said recommendation and on January 26, 1942, filed its report with the Administrator in accordance with section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas the Administrator is required by section 8 (d) of the Act, after giving due notice and an opportunity to be heard to interested persons, to approve and carry into effect by order the recommendation of the Industry Committee if he finds that the recommendation is made in accordance with law, is supported by the evidence adduced at the hearing before him and, taking into consideration the same factors as are required to be considered by the industry committee, will carry out the purposes of the Act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given:

I. The Industry Committee for the Railroad and Property Motor Carrier Industry of Puerto Rico has made the following recommendation for the minimum wage rate to be paid to employees in the Railroad and Property Motor Carrier Industry of Puerto Rico:

Wages at a rate of not less than 20 cents per hour shall be paid by every employer to each of his employees who is engaged in commerce or in the production of goods for commerce in the Railroad and Property Motor Carrier Industry of Puerto Rico, as defined in Administrative Order No. 134 dated December 9, 1941.

II. The definition of the Railroad and Property Motor Carrier Industry of Puerto Rico as set forth in Administrative Order No. 134 is as follows:

The industry carried on in Puerto Rico by (1) any railroad carrier under public franchise which holds itself out to the general public to engage in the transportation for compensation of passengers and property in commerce, or, of passengers and property necessary to the production of goods for commerce, and which furnishes transportation service for passengers in an amount not less than $25,000 annually or which derives at least ten percent of its total operating revenues from passenger transportation service; (2) any railway express company which holds itself out to the general public to engage in the transportation for compensation of property in commerce or of property necessary to the production of goods for commerce; (3) any trucking firm or company which holds itself out to the general public to engage in the transportation for compensation of property in commerce or of property necessary to the production of goods for commerce: *Provided*, That (a) it is not directly or indirectly owned or controlled by a company primarily engaged in manufacturing, processing, wholesaling or other non-transportation activity, and (b) it does not perform any transportation functions for such company. The term "firm" or "company" means an individual, partnership, association, corporation or business trust.

III. The full text of the report and recommendation of the Industry Committee for the Railroad and Property Motor Carrier Industry of Puerto Rico will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the Wage and Hour Division, United States Department of Labor:

Boston, Massachusetts, Old South Building, 294 Washington Street.

New York, New York, 341 Ninth Avenue.

Newark, New Jersey, Essex Building, 31 Clinton Street.

Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut & Juniper Streets.

[1] To be held February 24, 1942, at Washington, D. C.

[2] By Administrative Order No. 135, dated December 24, 1941, Mr. Arthur F. Raper of Greensboro, Georgia, was appointed to serve as chairman of the committee instead of Mr. William Homer Spence who had resigned, and the date for convening the committee was changed from January 7, 1942 to January 8, 1942.

Pittsburgh, Pennsylvania, 219 Old Post Office Building, Fourth and Smithfield Streets.

Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.

Baltimore, Maryland, 201 North Calvert Street.

Nashville, Tennessee, 500 Medical Arts Building, 115 Seventh Avenue N.

Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.

Columbia, South Carolina, Federal Land Bank Building, Hampton & Marion Streets.

Atlanta, Georgia, Witt Building, 249 Peachtree Street NE.

Jacksonville, Florida, 456 New Post Office Building.

Birmingham, Alabama, 1007 Comer Building, 2nd Avenue & 21st Street.

New Orleans, Louisiana, 916 Union Building.

Jackson, Mississippi, 402 Deposit Guaranty Bank Building, 102 Lamar Street.

Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.

Cleveland, Ohio, Main Post Office, W 3rd and Prospect Avenue.

Cincinnati, Ohio, 1312 Traction Building, 5th and Walnut Streets.

Detroit, Michigan, 348 Federal Building.

Chicago, Illinois, 1200 Merchandise Mart, 222 W. North Bank Drive.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title & Trust Building, 10th & Walnut Streets.

St. Louis, Missouri, 100 Old Federal Building.

Dallas, Texas, Rio Grande National Building, 1100 Main Street.

San Francisco, California, Room 500, Humboldt Bank Building, 785 Market Street.

Los Angeles, California, 417 H. W. Hellman Building.

Seattle, Washington, 305 Post Office Building, 3rd Avenue and Union Street.

San Juan, Puerto Rico, Post Office Box 112.

Washington, District of Columbia, Department of Labor, 4th Floor.

Copies of the committee's report and recommendation, and of the dissenting statements filed by members of the committee, will be available for inspection at, and may be obtained by writing to the office of the Wage and Hour Division, United States Department of Labor, Washington, D. C.

IV. A public hearing for the purpose of taking evidence on the question of whether the recommendation of the Industry Committee for the Railroad and Property Motor Carrier Industry of Puerto Rico shall be approved or disapproved pursuant to section 8 of the Act, will be held on February 24, 1942, at 10:00 a. m., in Room 3229, United States Department of Labor Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before Major Robert N. Campbell as presiding officer.

V. Any interested person supporting or opposing the recommendation of the Industry Committee for the Railroad and Property Motor Carrier Industry of Puerto Rico may appear at the hearing to offer evidence either on his own behalf or on behalf of any other person, if not later than February 20, 1942, he files with the Administrator by mail or otherwise at Washington, D. C., a notice of his intent to appear, which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons he is representing.

3. Whether such person proposes to appear for or against the recommendations of the committee.

4. The approximate length of time requested for his presentation.

VI. Any interested person may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the office of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following document will be available for inspection by any interested person between the hours of 9:00 a. m. and 4:30 p. m. at the offices of the Wage and Hour Division enumerated in paragraph III above:

Bulletin, Serial No. R-1294 entitled *Living Conditions of Workers in Puerto Rico*, a reprint from the Monthly Labor Review, April, 1941 of the Bureau of Labor Statistics, United States Department of Labor.

The record made at the public hearing before the Industry Committee for the Railroad and Property Motor Carrier Industry of Puerto Rico may be examined by any interested person at the offices of the Wage and Hour Division, United States Department of Labor, in Washington, D. C., and in San Juan, Puerto Rico, and may be obtained at prescribed rates from the official reporter of the Wage and Hour Division, United States Department of Labor, Washington, D. C. The foregoing report and record will be offered in evidence at the public hearing herein referred to.

VIII. The hearing will be conducted in accordance with the following rules of procedure subject to such subsequent modification by the Administrator or the presiding officer as are deemed appropriate:

1. The hearing shall be stenographically reported and a transcript made which shall be available at prescribed rates to any person upon request made to the official reporter of the Wage and Hour Division, United States Department of Labor, Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer, the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such further taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. Where evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document, together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such applications shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but the record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceeding, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearings, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 29 day of January, 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-844; Filed, January 30, 1942; 11:36 a. m.]

PRIMA FACIE DETERMINATION IN THE MATTER OF THE EXEMPTION OF THE MINING OF SAPPHIRES FROM SURFACE OR OPEN-CUTS FROM THE MAXIMUM HOURS PROVISIONS OF THE FAIR LABOR STANDARDS ACT OF 1938 AS AN INDUSTRY OF A SEASONAL NATURE WITHIN THE MEANING OF SECTION 7 (b) (3) OF THE ACT AND PART 526, AS AMENDED, OF THE REGULATIONS ISSUED THEREUNDER

Whereas, an application has been filed by the American Gem Mines, Philipsburg, Montana, for the exemption of the mining of sapphires from surface or open-cuts from the maximum hours provisions of the Fair Labor Standards Act as an industry of a seasonal nature within the meaning of section 7 (b) (3) of the act and Part 526, as amended, of the regulations issued thereunder; and

Whereas, it appears from said application and upon further investigation that:

1. All or practically all of the sapphires produced in the United States are mined from surface or open-cuts in the State of Montana by hydraulic methods.

2. The mining of sapphires from surface or open-cuts by methods employing hydraulicking is characterized by annually recurrent cessation of operations caused by freezing temperatures and water shortage.

3. Except for maintenance, repair and sales work, the mining of sapphires from surface or open-cuts by methods employing hydraulicking in the State of Montana ceases completely at regularly recurring times of the year for a period of approximately six months or more because due to climatic or other natural conditions the materials employed by the industry are not available in the form in which they are handled or processed.

Now, therefore, upon consideration of the facts stated in the said application, and upon further investigation, the Administrator hereby determines that a *prima facie* case has been shown for the granting of an exemption as an industry of a seasonal nature pursuant to section 7 (b) (3) of the Fair Labor Standards Act of 1938 and Part 526, as amended, of the regulations issued thereunder, to the mining of sapphires from surface or open-cuts by methods employing hydraulicking in the State of Montana.

In accordance with the procedure established by § 526.5 (b) (ii) of the regulations, the Administrator for fifteen days following the publication of this determination will receive objection to the granting of the exemption and request for hearing from any interested person. Upon receipt of objection and request for hearing the Administrator will set the application for the hearing before himself or an authorized representative.

If no objection and request for hearing is received within fifteen days, the Administrator will make a finding upon the *prima facie* case shown upon the application.

This application may be examined at Room 5307, United States Department of Labor Building, Washington, D. C.

Signed at Washington, D. C., this 12th day of January 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-843; Filed, January 30, 1942; 11:36 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4556]

IN THE MATTER OF THE CURTISS CANDY COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of January, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Acts of Congress (38 Stat. 717; 15 U.S.C.A., section 41), and (49 Stat. 1526, U.S.C.A., section 13, as amended)

It is ordered, That John L. Hornor, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, February 17, 1942, at ten o'clock in the forenoon of that day (central standard time), Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately, to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-837; Filed, January 30, 1942; 11:10 a. m.]

[Docket No. 4626]

IN THE MATTER OF GRAND RAPIDS FACTORY SHOW ROOMS, INC., AND MORRIS ZISBLATT, MEYER ZISBLATT, SAM ZISBLATT AND LILLIAN ZISBLATT

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 29th day of January, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John P. Bramhall, a trial examiner of this Commission be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, February 11, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 900, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-838; Filed, January 30, 1942; 11:10 a. m.]

dustry Committee for the Railroad and

mission of the presiding officer.

far as is practicable, and to object to the

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SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 812-3, 812-4]

IN THE MATTER OF EXECUTIVES INVESTMENT TRUSTS AND ELFUN TRUSTS

ORDER CONSOLIDATING PROCEEDINGS AND NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 28th day of January, A. D. 1942.

Applications having been duly filed with the Commission by the above-entitled parties for an order, pursuant to section 6 (b) of the Investment Company Act of 1940, exempting the applicants from the provisions of that Act; and

It appearing to the Commission that said applications present questions of law and fact common to each of said applications;

It is ordered, That the proceedings on the applications of the above named parties be and the same hereby are consolidated;

It is further ordered, That a hearing on these matters be held on February 9, 1942, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On that day, the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing. The officer so designated is hereby authorized to exercise all powers granted to the Commission under sections 41 and 42 (b) of the Act and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicants and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-845; Filed, January 30, 1942; 11:57 a. m.]

[File No. 70-103]

IN THE MATTER OF ARKANSAS-MISSOURI POWER CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of January, A. D. 1942.

Notice is hereby given that a supplemental declaration and/or application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than February 16, 1942, at 4:30 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such supplemental declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said supplemental declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed which are summarized below:

Arkansas-Missouri Power Corporation, a subsidiary of John E. Dwyer, Trustee of Inland Power & Light Corporation, a registered holding company, has negotiated with Harris Trust and Savings Bank (Chicago, Illinois) a reduction, effective January 23, 1942, from 3½% to 2¾% in the interest rate payable on $180,000 principal amount of unsecured 3½% Serial Notes due July 23, 1942–January 23, 1945. The consideration for said reduction in interest rate was the payment on or about January 23, 1942, of the $30,000 3½% Serial Note maturing July 23, 1945, which note has been paid.

Under date of July 18, 1940, the Commission permitted the original declaration herein, as amended, to become effective with respect to the issue and sale by the Company (among other securities) of $300,000 principal amount of the subject notes to the said Harris Trust and Savings Bank, Chicago, Illinois, said notes being payable in ten semi-annual installments of $30,000 each in the years 1941–1945. The Company has paid at maturity $90,000 principal amount of said notes, in addition to the $30,000 note maturing July 23, 1945, mentioned above.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-846; Filed, January 30, 1942; 11:57 a. m.]

[File No. 70-489]

IN THE MATTER OF THE LACLEDE GAS LIGHT COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of January, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Laclede Gas Light Company, a subsidiary of Ogden Corporation, which is a registered holding company. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

The Laclede Gas Light Company will offer to the holders of its outstanding and unpledged Refunding and Extension Mortgage 5% Gold Bonds, in the principal amount of $10,000,000, which were originally due April 1, 1934, but of which the major portion have been extended to April 1, 1942, to further extend said Bonds to April 1, 1947, interest on said Bonds to be payable after April 1, 1942 at a rate not in excess of 5% per annum.

The Laclede Gas Light Company also will offer to the holders of its outstanding Collateral Trust 6% notes, Series A and B, in the principal amount of $3,000,000 due August 1, 1942, to extend said Notes to August 1, 1947, interest on said Notes to be payable after August 1, 1942 at a rate not in excess of 6% per annum.

The declaration or application recites that the company considers section 6 (b) of said Act as being applicable to such transactions.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on February 12, 1942 at 10:00 o'clock, A. M., at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed extensions of said outstanding Bonds and Notes of The Laclede Gas Light Company are entitled to exemption from the provisions of section 6 (a) of said Act under the provisions of section 6 (b) of said Act.

2. Whether it is appropriate in the public interest or for the protection of investors or consumers to impose terms and conditions upon said transactions.

3. Whether all actions proposed to be taken comply with the requirements of said Act and the rules, regulations, and orders promulgated thereunder.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-847; Filed, January 30, 1942; 11:57 a. m.]

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FEDERAL REGISTER

VOLUME 7 NUMBER 23

Washington, Tuesday, February 3, 1942

The President

EXECUTIVE ORDER

EXEMPTING CERTAIN OFFICERS AND EMPLOYEES IN THE EXECUTIVE BRANCH OF THE GOVERNMENT FROM AUTOMATIC SEPARATION FROM THE SERVICE

WHEREAS the act approved January 24, 1942, entitled, "An Act to amend further the Civil Service Retirement Act, approved May 29, 1930, as amended" (Public Law 411, 77th Congress), extends the provisions of the Civil Service Retirement Act, as amended, to certain officers and employees of the Executive branch of the Government not theretofore subject to the provisions thereof; and

WHEREAS, in my judgment, the public interest requires that certain officers and employees of the Executive branch of the Government hereinafter described, be exempted from automatic separation from the service as provided below:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by section 204 of the act of June 30, 1932, 47 Stat. 382, 404 (U.S.C., title 5, sec. 715a), it is hereby ordered as follows:

1. All officers and employees in the Executive branch of the Government appointed by the President are hereby exempted from automatic separation from the service for an indefinite period of time not extending beyond the duration of their appointment or term of service.

2. All officers and employees in the Executive branch of the Government not within the scope of section 1 hereof who have reached or shall reach prior to April 1, 1942, the retirement age prescribed for automatic separation from the service and are not now exempted therefrom by Executive order, are hereby exempted from automatic separation from the service until April 30, 1942: *Provided*, That the head of the department or agency concerned may, in his discretion, require the retirement of any such officer or employee at the end of any month prior to April 1942, except that the date of retirement shall be fixed so as to permit the allowance of any annual leave (accumulated or current) to which such officer or employee may be entitled.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
January 30, 1942.

[No. 9047]

[F. R. Doc. 42-868; Filed, January 30, 1942; 3:23 p. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

SUBCHAPTER F—BANKS FOR COOPERATIVES

PART 71—LOAN POLICIES

Appraisal and/or Loan Fees

Section 71.6 is amended to read as follows:

§ 71.6 *Appraisal and/or loan fees charged by the banks for cooperatives.* As a general policy appraisal and/or loan fees not to exceed one-half of 1 percent of the amount of a loan applied for may be charged by the banks for cooperatives to applicant associations. (Secs. 13, 14, 49 Stat. 317; 12 U.S.C., Sup., 1134j, 1134c)

[SEAL] S. D. SANDERS,
Cooperative Bank Commissioner.

[F. R. Doc. 42-936; Filed, February 2, 1942; 11:35 a. m.]

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FEDERAL REGISTER

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TITLE 7—AGRICULTURE

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

[O-42-3]

PART 942—MILK IN NEW ORLEANS, LOUISIANA, MARKETING AREA [1]

AMENDMENT NO. 3 TO THE ORDER [2] REGULATING THE HANDLING OF MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA [3]

H. A. Wallace, Secretary of Agriculture of the United States of America, issued, effective October 1, 1939, Order No. 42 regulating the handling of milk in the New Orleans, Louisiana, marketing area, and Grover B. Hill, Acting Secretary of Agriculture, issued, effective May 1, 1940, amendment No. 1 to said order, and Claude R. Wickard, Secretary of Agriculture issued, effective April 1, 1941, amendment No. 2 to said order.

[1] See also Department of Agriculture, Surplus Marketing Administration, *infra*.

[2] 4 F.R. 4079, 5 F.R. 1592, 6 F.R. 1648.

[3] Amendment to §§ 942.1, 942.4, 942.5, and 942.8 issued under the authority contained in 48 Stat. 31, 670, 675 (1933); 49 Stat. 750 (1935); 50 Stat. 246 (1937), 7 U.S.C. and Supp. 601 et seq.

Grover B. Hill, Acting Secretary of Agriculture, tentatively approved on February 12, 1941, the marketing agreement, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area.

There being reason to believe that the issuance of an amendment to said tentatively approved marketing agreement, as amended, and to said order, as amended, would tend to effectuate the declared policy of the act, notice was given of a hearing which was held in New Orleans, Louisiana, beginning on October 29, 1941, on a proposal to amend the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area, at which time and place all interested parties were afforded an opportunity to be heard upon such proposals.

After such hearing, handlers of more than fifty percent of the volume of milk covered by such order, as amended, which is marketed within the New Orleans, Louisiana, marketing area, refused or failed to sign a tentatively approved marketing agreement, as amended, regulating the handling of milk in the same manner as the said order as hereby amended.

The requirements of section 8c (9) of the act have been complied with.

It is found (§ 942.0) upon the evidence introduced at the above-mentioned public hearing, such findings being in addition to the findings made upon the evidence introduced at the original hearings on the order and on amendments Nos. 1 and 2 to the order, and being in addition to the other findings made prior to or at the time of the original issuance of the order and of amendments Nos. 1 and 2 to the order (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

§ 942.0 *Findings.* * * *

* * * * *

(m) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to Secs. 2 and 8e, 50 Stat. 246; 7 U.S.C. 602, 608e, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

(n) That the order, as amended, and as hereby amended, regulates the handling of milk in the same manner as a marketing agreement, as amended, upon which a hearing has been held; and

(o) That the issuance of this amendment No. 3 to the order and all of its terms and conditions, tends to effectuate the declared policy of the act.

It is hereby ordered that the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area, be and it hereby is amended as follows:

1. Delete § 942.1 (a) (7) and substitute therefore the following:

The term "handler" means any person, irrespective of whether such person is a producer, wherever located or operating, who engages in such handling of milk which is disposed of as milk, cream, or ice cream mix in the marketing area as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce in milk and its products. This definition shall not be deemed to include an association of producers whose only disposition of milk within the marketing area is to handlers.

2. Delete § 942.1 (a) (8).

3. Renumber § 942.1 (a) (9) and § 942.1 (a) (10) as § 942.1 (a) (8) and § 942.1 (a) (9), respectively.

4. Delete § 942.4 (c) and substitute therefor the following:

§ 942.4 *Classification of milk.*

* * * * * *

(c) *Interhandler and nonhandler transfers of milk.* Milk, including skim milk, disposed of by a handler to another handler or by a handler to a person who is not a handler, but who distributes milk or manufactures milk products, shall be classified by the market administrator as Class I milk: *Provided*, That if a different classification is agreed upon in written reports furnished to the market administrator by the selling handler and the purchaser, the milk, or skim milk, shall be classified according to such reports, subject to verification by the market administrator: *And provided further*, That in no event shall the amount so reported in any class be greater than the total amount of milk disposed of in such class by the purchaser.

Milk, including skim milk, received by a handler from a plant operated by an association of producers shall be ratably apportioned among the receiving handler's Class I, Class II, and Class III milk, after excluding the receipts of milk from handlers.

5. Delete § 942.5 (a) (1) and substitute therefor the following:

§ 942.5 *Minimum prices.* * * *

* * * * *

(1) Class I milk—$3.00 per hundredweight for the delivery periods of January, February, March, and April, 1942, and $2.40 per hundredweight for each delivery period thereafter: *Provided*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be $2.53 per hundredweight for the delivery periods of January, February, March, and April, 1942, and $1.93 per hundredweight for each delivery period thereafter.

6. Delete § 942.5 (a) (2) and substitute therefor the following:

(2) Class II milk—$2.33 per hundredweight for the delivery periods of January, February, March, and April, 1942, and $1.85 per hundredweight for each delivery period thereafter.

7. Delete § 942.5 (b) (2) and substitute therefor the following:

(2) The minimum price of milk received from producers and new producers at a plant in the marketing area and disposed of as Class I milk shall be the minimum price for Class I milk provided in paragraph (a) of this section, plus 28 cents.

8. Delete § 942.5 (b) (3) and substitute therefor the following:

(3) The minimum price of milk received from producers and new producers at a plant in the marketing area and disposed of as Class II milk shall be the minimum price for Class II milk provided in paragraph (a) of this section, plus 20 cents.

9. Delete § 942.5 (c).

10. Delete from § 942.8 (a) the figure "$1.85" and substitute therefor the figure "$2.00."

11. Delete from § 942.8 (a) the figure "$0.75" and substitute therefor the figure "$1.00."

12. Delete § 942.8 (b) (3) and substitute therefor the following:

(3) To an association of producers, with respect to milk which it causes to be delivered to a handler from producers and new producers who have signed membership agreements or other contracts with the association, which agreements or contracts expressly authorize the association to collect the amount due such producers and new producers for their milk, and pursuant to which authorization the association is collecting payment for milk on behalf of its producers and new producers, or expressly assumes such responsibility by some authorized act of the board of directors, or of the membership in accordance with its bylaws, the total amount of money which such handler is obligated to pay for milk received from such producers and new producers, calculated as follows: (a) multiply the volume of milk received from such producers by not less than the uniform price computed pursuant to § 942.7 (a), (b) multiply the volume of milk received from such new producers by the Class III price, and (c) add together the resulting amounts.

To an association of producers, with respect to milk received at a plant operated by such association and subsequently transferred to the plant of such handler, a total amount of money calculated as follows: (a) multiply the amount of milk in each class so received, as computed pursuant to § 942.4 (c) and (d) by the respective class prices for milk, and add together the resulting amounts.

13. Delete § 942.6 (f).

It is hereby determined that an emergency exists which requires a shorter period of notice than that specified in the General Regulations, Series A, No. 1, as amended, of the Agricultural Adjustment Administration, United States Department of Agriculture, and that the notice herewith given is reasonable under the circumstances.

Issued at Washington, D. C., this 30th day of January 1942 to become effective on and after this 1st day of February 1942. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-882; Filed, January 31, 1942; 11:25 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER I—BUREAU OF ANIMAL INDUSTRY

[Amendment 10 to B.A.I. Order 365]

SUBCHAPTER F—ANIMAL BREEDS

PART 151—RECOGNITION OF BREEDS AND PUREBRED ANIMALS

Order Amending Regulations Relating to Recognition of Breeds and Purebred Animals

Pursuant to the authority vested in the Secretary of Agriculture by section 201, paragraph 1606, Title II, of the Act of June 17, 1930 (46 Stat. 673; 19 U.S.C., Sec. 1201, par. 1606), paragraph (a) of § 151.6, Chapter I, Title 9, Code of Federal Regulations [Section 2, paragraph 1, Regulation 2, B.A.I. Order 365], is amended, effective January 28, 1942, by adding to the subdivision of said paragraph relating to horses the following breed and book of record:

§ 151.6 *List of recognized breeds and books of records of domestic animals across seas.* * * *

(a) *Recognized breeds and books of records across the seas.*

* * * * * *

Horses

Name of breed	Book o record	By whom published
Arabian..	Arab Horse Stud Book.	The Arab Horse Society, Brigadier W. H. Anderson, Secretary, Further Ford End Farm, Clavering, Essex, England.

Done at Washington, D. C., this 31st day of January 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-876; Filed, January 31, 1942; 11:26 a .m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER I—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 15—REGULATIONS FOR CORRESPONDENTS ACCOMPANYING U. S. ARMY FORCES IN THE FIELD[1]

Sec.
15.1 General.
15.2 Definition.
15.3 Status of correspondents.
15.4 Privileges.
15.5 Application.
15.6 Limit on number.
15.7 Agreement.
15.8 Credentials.
15.9 Uniform.
15.10 Transportation.
15.11 Reporting upon arrival.
15.12 Filing of material.
15.13 Censorship of articles for publication.
15.14 Photographic censorship.
15.15 Signal and mail service.
15.16 Relief from appointment.
15.17 Discipline.
15.18 Visiting correspondent.

§ 15.1 *General.* The Army recognizes that correspondents perform an undoubted public function in the dissemination of news concerning the operations of the Army in time of war. Correspondents accompanying troops in the field occupy a dual and delicate position, being under the necessity of truthfully disclosing to the people the facts concerning the operations of the Army, and at the same time of refraining from disclosing those things which, though true, would be disastrous to us if known to the enemy. It is apparent that this important function can only be properly performed under reasonable rules and regulations.* [Par. 1]

* §§ 15.1 to 15.18, inclusive, issued under the authority contained in R.S. 161; sec. 1, 41 Stat. 787; 5 U.S.C. 22, 10 U.S.C. 1473.

§ 15.2 *Definition.* The term "correspondent" as used in this manual includes journalists, feature writers, radio commentators, motion picture photographers, and still picture photographers accredited by the War Department to a theater of operations or a base command within or without the territorial limits of the United States in time of war. Correspondents are classed as "accredited" and "visiting." The regulations in this part pertain principally to the former. See § 15.18 for instructions concerning visiting correspondents.* [Par. 2]

§ 15.3 *Status of correspondents.* (a) Correspondents in time of war accompanying the armies of the United States, both within and without the territorial jurisdiction of the United States, although not in the military service, are subject to military law (par. (d), 2nd Article of War) and are under the control of the commander of the Army force which they accompany.

[1] §§ 15.1 to 15.18 are added. The regulations contained in these sections are also contained in Basic Field Manual 30-26, W. D., January 21, 1942, the particular paragraphs appearing in brackets at the end of sections.

(b) They are not entitled to the benefits provided by laws enacted exclusively for persons in the military service and they are subject to the provisions of the Selective Training and Service Act of 1940, and regulations prescribed thereunder.

(c) In the event of capture by enemy forces they are entitled to be treated as prisoners of war, provided they are in possession of a certificate from the military authorities of the armed forces which they are accompanying. (Geneva Conference, July 27, 1929, Title VII, Art. 81)

(d) Correspondents will not exercise command, be placed in a position of authority over military personnel, nor will they be armed. They are under the same restrictions as other military personnel as regards the settlement of accounts, compliance with standing orders, and the conducting of themselves with dignity and decorum.

(e) A correspondent becomes subject to military law from the time at which he commences to accompany troops or personnel who are on active service. This will generally be upon his arrival at the field force to which he is accredited, but may commence earlier if he travels to the field force via Government transportation.* [Par. 3]

§ 15.4 *Privileges.* (a) Correspondents will be given the same privileges as commissioned officers in the matter of accommodations, transportation, and messing facilities. All courtesies extended them in such matters must be without expense to the Government.

(b) Every reasonable facility and all possible assistance will be given correspondents to permit them to perform efficiently and intelligently their work of keeping the public informed of the activities of our forces within the limits dictated by military necessities.

(c) So far as the exigencies of the service permit, correspondents will receive, without charge, the same medical treatment as that accorded officers.

(d) Correspondents are free to converse with troops whenever they wish to do so, subject to the approval of the officer present with the troops in question. They are requested and expected, however, to refrain from conversing with troops at work or on guard, or from discussing subjects or soliciting answers to matters which are clearly secret.* [Par. 4]

§ 15.5 *Application.* (a) Application to accompany U. S. Army forces in the field will be submitted by the individual or by the agency concerned to the Director, War Department Bureau of Public Relations, Washington, D. C.

(b) The application will state the name and address of the individual; qualifications and past experience in his field of work, including names of former agencies for which he worked; citizenship and place and date of birth; general health condition; the particular force it is desired he accompany; and any other pertinent information which will assist in the consideration of his application.* [Par. 5]

§ 15.6 *Limit on number.* (a) The number of correspondents which will be accredited to a particular field force will be within the quota set by the War Department and based upon the recommendation of the force commander as determined by the size of the force, the distance from the usual media of news dissemination, and the availability of accommodations within the command or adjacent communities.

(b) Representation with any one field force will be limited to one correspondent each from press associations, publications, radio, news, and picture syndicates; sole exception to this ruling will be the accrediting of a two man crew in the case of news reels. The War Department objective being the widest possible distribution of information to the American people, preferences in the consideration of applications will be given to agencies representing the largest possible news or picture dissemination.

(c) In view of the importance of the work of correspondents in the field, and the necessary limitations as to the numbers or correspondents accredited to the field forces in any one theater of operations, the War Department will accredit only experienced newspaper men; all other conditions being equal, preference will be given to newspaper men with past military experience or past experience in the coverage of large maneuvers.

(d) No officer, enlisted man, or civilian employee of the military forces serving in the theater of operations will be permitted to be a correspondent for any publication without the written permission of the theater or base commander. Correspondents will not use military titles in signing dispatches.* [Par. 6]

§ 15.7 *Agreement.* Before final acceptance a correspondent will be required to sign an agreement, in triplicate, as follows:

WAR DEPARTMENT
BUREAU OF PUBLIC RELATIONS
WASHINGTON

_____
(Date)

AGREEMENT

In connection with authority granted by the War Department to me, the undersigned, to accompany _____ for
(Name of field force)
the purpose of securing news or story material, still or motion pictures, or to engage in radio broadcasting, I subscribe to the following conditions:

1. That, as a civilian accredited to the Army of the United States within or without the territorial limits of the United States, I am subject to the Articles of War and all regulations for the Government of the Army issued pursuant to law.

2. That, I will govern my movements and actions in accordance with the instructions of the War Department and the commanding officer of the Army unit to which I am accredited, which includes the submitting for the purposes of censorship all statements, written material, and all photography intended for publication or release either while with the Army or after my return, if the interviews, written matter, or photography are based on my observations made during the period or pertain to the places visited under this authority.

3. That, I waive all claims against the United States for losses, damages, or injuries which may be suffered as a result of this authority.

4. That, this authority is for the period _____ to _____ and subject to revocation at any time.

Signed _____
Representing _____
(Company, syndicate, or agency)
Witnessing officer _____
(Name)
_____
(Grade and organization)

This form will be executed in triplicate.* [Par. 7]

§ 15.8 *Credentials.* (a) When an application for appointment as a correspondent is approved, the applicant will be furnished credentials and a Correspondent's Identification Card by the director of the War Department Bureau of Public Relations. The card identifies him as an accredited correspondent.

(b) Correspondents will produce their identification cards whenever called for by any officer, warrant officer, or enlisted man in the execution of his duty. Failure to do so will subject the correspondent to arrest or detention.

(c) In addition to the War Department credentials, the particular field force commander may issue a pass or credentials with regulations governing their use.* [Par. 8]

§ 15.9 *Uniform.* (a) The proper uniform for accredited correspondents is that of an officer, but less all insignia of grade or arm or service, and without black and gold piping on field caps, officers' hat cords, or officers' insignia on the garrison cap if worn.

(b) The uniform includes the wearing of the official brassard on the left arm. The brassard is a green cloth band, 4 inches wide, with the appropriate word, "Correspondent," "Photographer," "Radio Commentator," "Correspondent Chauffeur," "Photographer Chauffeur," "Radio News Chauffeur," "Correspondent Messenger," "Photographer Messenger," or "Radio News Messenger," in white block letters 1¼ inches in height. This will be furnished by the War Department Bureau of Public Relations at the time of appointment.

(c) Articles of special clothing and equipment which are issued to officers and enlisted men in cold climates may be issued to correspondents. These articles must be turned in prior to departure from the theater of operations or base command.

(d) Accredited correspondents will not wear civilian clothing while serving with the field force.* [Par. 9]

§ 15.10 *Transportation.* (a) Government transportation may be given accredited correspondents with the accommodations of an officer whenever such transportation—water, troop train, air, or automobile—is available and essential military personnel is not displaced or inconvenienced.

(b) The baggage of correspondents will be moved with that of the headquarters to which attached. Its weight will be within the limits prescribed by the commander concerned.* [Par. 10]

§ 15.11 *Reporting upon arrival.* (a) Upon arrival in the theater of operations or base command to which accredited, correspondents will report to the intelligence officer of the command, presenting their credentials. It is the intelligence officer, or his assistant in charge of public relations, who will exercise control of correspondents in the name of the field force commander, and it is to him correspondents should turn for assistance and guidance, or to register complaints if believed justified.

(b) All correspondents are officially attached to the headquarters of the field force commander. They may, however, at their own request be placed on duty with a subordinate headquarters nearer to the scene of action. All changes of their base of operations will be done only upon the approval of the field force commander and contingent upon the availability of accommodations at the unit they wish to accompany.* [Par. 11]

§ 15.12 *Filing of material.* (a) All dispatches will be delivered, in duplicate, to the intelligence officer, or his assistant, for censorship prior to filing or mailing. In the process of censorship no changes will be made by the censor in dispatches except through deletion. Correspondents, unless the occasion is unusual, will be permitted to see their dispatches after being censored in the event they desire to make a revision, or to note the objectionable portions for future avoidance, or to recheck on wordage for cable charges.

(b) Copy must be submitted for censorship on all broadcast interviews or news broadcasts.* [Par. 12]

§ 15.13 *Censorship of articles for publication*—(a) *General.* In general, articles may be released for publication to the public provided—

(1) They are accurate in statement and implication.

(2) They do not supply military information to the enemy.

(3) They will not injure the morale of our forces, the people at home, or our allies.

(4) They will not embarrass the United States, its allies, or neutral countries.

(b) *Time element.* Intelligence officers charged with the censorship of articles for publication will take into consideration the time interval between the occurrence of events reported and the publication of the article concerning these events. If events are reported by cable, telegraph, or radio very shortly after their occurrence, the closest supervision will be necessary. If, on the other hand, the articles are forwarded by mail for printing in magazines or books, the time interval may be such as to render the information contained in the articles of little value to the enemy. Censorship regulations will be applied after consideration of this time element.

(c) *Specific rules governing censorship of articles for publication.* (1) The identity of organizations in the combat zone and in the communications zone will be announced only in official communiqués. When announced, they will

never be associated with the name of a place.

(2) The name of an individual may be used whenever an article is materially helped by its use.

(3) Officers will not be quoted directly or indirectly nor anonymously on military matters except as specifically authorized by the theater commander.

(4) Within the combat zone no sector will be said to have any American troops in it until the enemy has established this as a fact.

(5) No town or village in the combat zone will be identified as holding American or allied forces except as an essential part of a story of an engagement and after the fact.

(6) No base port or communication center or other point of a line of communication will be mentioned by name or description as having anything to do with the activities of our forces.

(7) Ship or rail movements, real or possible, will not be discussed, except as authorized by official communiqués.

(8) Plans of the Army, real or possible, will not be discussed.

(9) Numbers of troops as a total or as classes will not be discussed except as authorized by official communiqués.

(10) The effect of enemy fire or bombardment will not be discussed except as authorized in official communiqués.

(11) Articles for publication in the theater of operations or in allied countries or in neutral countries contiguous to the theater will be scrutinized carefully to make sure they do not hold possibilities of danger which the same stories printed in the United States would not hold. This applies not only to military information, which would thus be in the hands of the enemy within the day of writing, but also to an emphasis on small exploits which it may be extremely desirable to print in the United States but quite undesirable in the theater.

(12) Exaggerations of our activities accomplished or contemplated are prohibited.

(13) References to numbers of our own casualties will be based on the statements in official communiques. Individual dead or wounded may be mentioned by name only when it is reasonably certain that the facts are correct and that some definite good end, such as offering examples of heroism, will be served by printing them. Mention by name will be allowed not earlier than 24 hours after the official cablegram announcement of such individual casualties has been sent to the War Department.* [Par. 13]

§ 15.14 *Photographic censorship*—(a) *Still pictures.* (1) All photographic negatives taken by official or accredited civilian photographers may be processed in the Signal Corps field laboratory or in such other laboratory installations as the theater commander may designate. Photographs will then be censored by a representative of G–2.

(2) No negatives or prints will be released except by authority of the theater commander. Such released prints or negatives will bear the censorship stamp and will be accompanied by suitable captions. A record of all such releases will be kept.

(3) Negatives and prints of accredited commercial correspondents not released by the censor will become the property of the United States Government, and will be forwarded through channels to the Military Intelligence Division, War Department General Staff, Washington, D. C., accompanied by full information sheet as to captions and the agency which took the photographs.

(4) Films or prints which cannot be processed locally, such as color film, will be delivered to a representative of G–2 marked, "Undeveloped film. Do not open." This will be forwarded by the fastest practicable means to the Military Intelligence Division, War Department General Staff, Washington, D. C.

(5) Regardless of the number of accredited correspondents any one agency has in the field, photographs from theaters of operation by newspaper photographers will be "rotoed." Photographs from theaters of operation of weekly magazine photographers will be rotoed.

(b) *Motion pictures.* (1) All exposed and undeveloped negative together with the dope sheets of accredited cameramen will be turned over to a representative of G–2 marked, "Unexposed film. Do not open."

(2) G–2 will forward this negative by the fastest practicable means to the Military Intelligence Division, War Department General Staff, Washington, D. C.

(3) In certain tropical climates where motion picture film deteriorates rapidly, it may be processed under the supervision of G–2 and the developed negative forwarded as directed in (2) above.

(4) By agreement between the War Department and the newsreel companies, all newsreel film from the theaters of operation will be rotoed by the Bureau of Public Relations, War Department, Washington, D. C.

(c) Writers accredited as correspondents will not be permitted to take photographs. Photographers accredited as correspondents will not be permitted to file stories.

(d) For the privileges of "exclusive" photographs, see § 15.18.

§ 15.15 *Signal and mail service.* (a) The signal system will be open to correspondents' dispatches, after censoring, when such use does not interfere with military needs. Dispatches will be sent in the order of filing. The intelligence officer under whom the correspondent serves is authorized to limit the number of words or otherwise to make an equitable adjustment of the use of the signal system among the correspondents when the system is inadequate to carry the complete text of all dispatches submitted. If commercial cable or telegraph facilities are available, credit cards may be useful.

(b) All mail, including personal letters, will be through the established censorship system. The use of blue envelopes" for the censoring of personal mail by the base censor is authorized, but these may not be used to mail photographs or dispatches for publication to avoid censoring by the immediate headquarters under which the correspondent serves.* [Par. 15]

§ 15.16 *Relief from appointment.* (a) An accredited correspondent will not leave the theater of operations or base command without the written permission of the commander.

(b) If serving with troops beyond the territorial limits of the United States, relief does not become effective until arrival in the United States, if the journey is made by Government transportation.

(c) Upon termination of appointment as a correspondent, either on the application of the individual or his employer, by the request of the commander concerned, or by the expiration of the period of the appointment, the individual will surrender his credentials to the War Department Bureau of Public Relations and will cease wearing the official uniform of a correspondent.* [Par. 16]

§ 15.17 *Discipline.* (a) A correspondent will be suspended from all privileges for the distortion of his dispatches *in the office of the publication which he represents*, and also for the use of words or expressions conveying a hidden meaning which would tend to mislead or deceive the censor and cause the approval by him of otherwise objectionable dispatches.

(b) In the presence of the enemy he will conform to the actions of the troops, and will not jeopardize the safety of the command or compromise the scheme of maneuver in progress.

(c) He may be subject to disciplinary action because of an intentional violation of these and other regulations, either in letter or in spirit, and in extreme cases of offense, where investigation proves the circumstances warrant, the correspondent may be placed in arrest to await deportation or trial by a court martial.* [Par. 17]

§ 15.18. *Visiting correspondent.* (a) A visiting correspondent, as differentiated from an accredited correspondent, is one who has permission from the Commander in Chief or the Secretary of War to visit the field force for the purpose of securing information or photographic material for publication *after* return from the visit.

(b) Visiting correspondents will be limited to a specific itinerary as outlined in their letter of authorization, and will be accompanied ordinarily by a conducting officer. When not so accompanied, they will carry a letter from the intelligence officer of the field force. They are treated more in the nature of visitors than correspondents. They will comply with the regulations governing accredited correspondents, with the following modifications:

(1) They will not be required to wear the prescribed uniform but will wear the proper brassard.

(2) As a measure of protection to the accredited correspondents serving with the field forces, visiting correspondents will not be permitted to mail or file dispatches or photographs intended for publication or release *during* the period of their visit. So-called "spot" news will be reserved for the accredited correspondents.

(3) Visiting photographers will have exclusive right to their photographs and may not be required to "roto."* [Par. 18]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–873; Filed, January 31, 1942; 10:37 a. m.]

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS[1]

§ 81.10 *Invitations for bids.*

* * * * * *

(f) *Special conditions authorized or required to be included.*

* * * * * *

(10) *Special purchasing procedure to conform to the Agricultural Adjustment Act.* (i) In conformity with subparagraph (a) (8) of this section, the special provision contained in subdivision (ii) of this subparagraph will be included in every invitation for bids on fluid milk and/or products or ingredients thereof, issued on or after February 15, 1938, and every contract therefor entered into pursuant to such invitations for bids. This group of products includes (but not by way of limitation) the following:

(*a*) Fluid milk, raw or processed, whole, concentrated, skim, flavored, cultured, or otherwise.
(*b*) Cream.
(*c*) Cheese of any variety, processed or otherwise.
(*d*) Butter.
(*e*) Dry milk, whole, concentrated, skimmed, creamed, and buttermilk.
(*f*) Evaporated milk.
(*g*) Condensed milk, including sweetened.
(*h*) Buttermilk, concentrated or otherwise.
(*i*) Frozen desserts, including ice cream, frozen custard, ice sherbet, milk sherbet, and ice cream mix.
(*j*) Casein.

(ii) Contract provision for compliance with A.A.A. The bidder certifies, irrespective of whether he is a party thereto, that he is complying with all marketing agreements, licenses, orders, or amendments thereto now in effect, if any, executed or issued by the Secretary of Agriculture under the provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, pertaining to milk or its products and applicable to any of the commodities to be furnished under the contract for which this bid is offered and/or to the bidder. If this bid is accepted the bidder will continue to comply with all the provisions of said marketing agreements, licenses, orders, or amendments thereto according to the terms thereof, in effect on the date of the opening of this bid, without regard to whether he is himself a party to any of the said regulations.

The contractor shall not accept from a subcontractor or supplier in the performance of this contract any of the commodities to be furnished under this contract unless the subcontractor or supplier has filed with the contractor a certificate of compliance in form as required by the contracting officer, or if the Secretary of Agriculture has determined that such subcontractor or supplier is failing in the compliance to which he has certified and the contractor has been notified in writing by the contracting officer. If the contractor violates or fails to comply with any of the foregoing requirements, the Government may, by written notice to the contractor, terminate the contractor's right to proceed with the deliveries under this contract and purchase in the open market or otherwise procure the undelivered portion of the commodity or commodities to be furnished, and the contractor and his surety shall be liable to the Government for any excess cost occasioned the Government thereby: *Provided*, That the determination of the Secretary of Agriculture as to the failure of compliance by the contractor or subcontractor to which they have certified or agreed, shall be final and conclusive upon the parties hereto.

CERTIFICATE OF COMPLIANCE WITH A. A. A.

(To be executed by subcontractor or supplier and filed with contractor)

It is hereby certified that, irrespective of whether the undersigned is a party thereto, the undersigned is complying with and will continue to comply with all marketing agreements, licenses, orders, or amendments thereto now in effect, if any, executed or issued by the Secretary of Agriculture pursuant to Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, pertaining to milk or its products and applicable to any of the commodities furnished to the United States under the contract between the parties hereinafter named, and/or to the undersigned, under the terms thereof.

---------- (Contractor)
---------- (Dept. or agency),
executed ---------- 19------.
(Date)

(Signature)

* * * * * *

(16) *Statistical data reports.* In conformity with subparagraph (a) (8) of this section, all specifications which are to be made a part of formal contracts for Government construction work will contain the following special condition:

It is requested that the bidder agree to comply with the provisions of the following clause: The contractor will report monthly, and will cause all subcontractors to report in like manner, within five days after the close of each calendar month, on forms to be furnished by the Department of Labor, the number of persons on their respective pay rolls, the aggregate amount of such pay rolls, the man hours worked, and the total expenditures for materials. He shall furnish to the Department of Labor the names and addresses of all subcontractors on the work at the earliest date practicable, provided that the foregoing shall be applicable only to work at the site of the construction project.

With reference to the effect of the above provision, see 17 Comp. Gen. 700, 708. (R.S. 3709; 31 Stat. 905; 10 U.S.C. 1201, 41 U.S.C. 5) [Proc. Cir. No. 10, W. D., January 26, 1942]

* * * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–922; Filed, February 2, 1942; 9:49 a. m.]

[1] § 81.10 (f) (10) and (16) is amended.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 249—FORMS, SECURITIES AND EXCHANGE ACT OF 1934

AMENDMENTS TO AND RESCISSION OF CERTAIN FORMS FOR FILING ANNUAL REPORTS UNDER THE ACT

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 13, 15 (d) and 23 (a) thereof, (Sec. 13, 48 Stat. 894; 15 U.S.C. 78m; sec. 15 (d), 48 Stat. 895; sec. 3, 49 Stat. 1377; 15 U.S.C. 78c: sec. 23, 48 Stat. 901; sec. 8, 49 Stat. 1379; 15 U.S.C. 78w) and deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it by the said Act, hereby takes the following action:

I. *Amendment No. 1 to Form 15–K*

The rule as to the use of Form 15–K for Incorporated Investment Companies, contained in the Instruction Book for Form 15–K, is amended to read as follows:

This form is to be used for annual reports of corporations engaged either directly or through subsidiaries primarily in the business of investing and reinvesting or trading in securities for the purpose of revenue and for profit, and not in general for the purpose or with the effect of exercising control, except that this form shall not be used by any corporation for which Form N–30A–1 is prescribed.

II. *Rescission of Form 17–K*

Form 17–K and the instruction book therefor are hereby rescinded.

III. *Amendment No. 1 to Form 2–MD*

The rule as to the use of Form 2–MD for investment trusts having securities registered on Form C–1, contained in the Instruction Book for Form 2–MD, is amended to read as follows:

This form is to be used for annual reports pursuant to section 15 (d) of the Securities Exchange Act of 1934 (Sec. 15, 48 Stat. 895; sec. 3, 49 Stat. 1377; 15 U.S.C. 78o) relating to securities of unincorporated investment trusts of the fixed or restricted management type having a depositor or sponsor but not

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R–II, § 322.8 (*General prices*) is amended by adding thereto Supplement R–III and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

The original petitioner proposed a minimum price of 230 cents per net ton for the coals of Mine Index No. 2304 in Size Group 4 for truck shipments. Since it appears that a minimum price of 235 in Size Group 4 for comparable and analogous coals, and since the petition does not allege any facts in support of the requested price differential for the

Size Group 4 coals of the said mine, a minimum price of 235 cents per net ton has been established by the Order herein for the coals of the said mine.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 21, 1942.

DAN H. WHEELER,
[SEAL] *Acting Director.*

having a board of directors or persons performing similar functions, except that this form shall not be used by any trust for which Form N-30A-1 is prescribed.

Effective January 29, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–925; Filed, January 29, 1942; 11:58 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A–1257]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices and for changes in rail shipping points and freight origin group numbers for the coals of certain mines in District No. 2; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Seam	Sub-dist. No.	Size group Nos.														
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2303	Casey & True (Frank H. True)	Casey & True	Pittsburgh	9															
1617	Coates, J. & T.	Beatrice (Deep)	Pittsburgh	7															
2302	Coates, J. & T.	Beatrice (Strip)	Pittsburgh	7															
2299	Fekula, Mike (Fekula Coal Company)	Fekula	Pittsburgh	7															
1728	Hunt & Wood (Hunt, Jim Wood)	Henry	Freeport	8															
2288	K. & H. Coal Co. (Robert G. Hague)	Ward #4	Pittsburgh	9															
2285	McCartney Coal Co. (E. E. McCartney)	Lempe #2 (Strip)	Kittanning	11															
555	Mangone, Frank (Mangone Coal Company)	Union	Freeport	8															
2275	Miller & Path (C. W. Miller)	M. & P.	U. Freeport	8															
1729	Mutual Coal Co. (C. L. Croft)	McDowell #1 (Strip)	Kittanning	11															
2304	Mutual Coal Co. (C. L. Croft)	McDowell #2 (Strip)	Kittanning	11															
2290	Parshall & Crow Coke Co. (Frank R. Crow, Jr.)	Ferrell (Strip)	Pittsburgh	7															
2294	Penowa Coal Co. (Leonard Sasso)	Armide #2 (Strip)	Pittsburgh	9															
2294	Poole, E. Z. & Frances Jones Poole (E. Z. Poole)	Poole #2	Pittsburgh	1															
2286	Zimmerman Bros. (W. M. Zimmerman)	Kee	Brookville	9															

* Price in Size Groups 1 to 16, inclusive, for Fekula mine. Mine Index No. 2299 must be increased 10 cents per net ton for shipment into Market Areas 13 and 14. (In § 322.8 in Minimum Price Schedule, add Mine Index No. 2299 in Note "8".)

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II. In § 322.9 (c) in Minimum Price Schedule, add the mine index numbers in groups shown.

Group No. 1: 2286, 2296, 2303; Group No. 2: 1617, 2294, 2299, 2302; Group No. 6: 2290; Group No. 9: 555, 578, 2275; Group No. 15: 1929, 2293, 2295, 2304.

§ 322.8 *General prices*—Supplement R–III. In § 322.8 in Minimum Price Schedule, add Mine Index No. 2299 in Note "8".

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Seam	Base sizes										
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea ¾" x 1¼"	Run of mine	2" x ⅜	1¼" slack	¾" slack
				1	2	3	4	5	6	7	8	9	10	11
ALLEGHENY COUNTY														
Jacks & Mellon (F. W. Jacks, Jr.)	2287	Schiller	Pittsburgh	270	260	250	225	210	210	200	210	175	165	155
Luffy, Walter	2284	Paoluccl #1	Pittsburgh	275	265	255	230	215	215	210	220	180	170	160
Malinosky, Frank	2288	Sunnyhill #3	Pittsburgh	275	265	255	235	215	215	210	220	190	180	170
BUTLER COUNTY														
McCartney Coal Co. (E. E. McCartney).	2295	Lempe 2 (Strip)	Kittanning	325	305	285	265	260	245	245	230	190	180	170
Mutual Coal Co. (C. L. Croft)	2304	McDo well #2 (Strip).	Kittanning	325	305	285	265	260	245	245	230	190	180	170
Surrens, O. P.	2269	Beech	Kittanning	325	310	300	290	280	270	260	240	210	200	190
FAYETTE COUNTY														
Bohunicky & Lawson (John Bohunicky).	2285	B. & D. (Strip)	Pittsburgh	290	290	270	250	230	220	215	220	205	200	175
Cinci Coal Company (Serafino Cinci).	2305	Cinci #2	Pittsburgh	310	300	290	270	250	240	235	240	210	200	185
Dean, H. C.	2257	Dean	U. Freeport	265	255	245	235	215	205	205	205	190	185	170
Parshall & Crow Coke Co. (Frank R. Crow, Jr.).	2290	Ferrell (Strip)	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Pennsylvania Coal Company (Myers Nobel).	2291	Sturgis Tract	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
LAWRENCE COUNTY														
Phillippi, F. C.	2292	Wehmann #2	Kittanning	305	305	295	285	280	270	235	235	185	170	150
MERCER COUNTY														
Zimmerman Bros. (W. M. Zimmerman).	2293	Kee	Brookville	325	310	290	275	270	265	265	240	185	175	160
WASHINGTON COUNTY														
Fekula, Mike (Fekula Coal Company	2299	Fekula	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160
K. & H. Coal Co. (Robert G. Hague)	2286	Ward #4	Pittsburgh	295	285	275	250	240	225	210	225	190	175	170
Penowa Coal Co. (Leonard Sasso)	2294	Armide #2 (Strip).	Pittsburgh	275	265	255	230	220	205	195	205	180	170	160
WESTMORELAND COUNTY														
Cassey & True (Frank H. True)	2303	Cassey & True	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175
Darr & Hall (James R. Darr)	2301	Darr & Hall	L. Freeport	265	255	245	235	225	210	215	205	185	175	165
Dillon, C. W.	2297	Dillon (Strip)	Pittsburgh	290	280	270	260	240	230	230	225	205	195	175
Dillon, C. W.	2296	Benauer (Strip)	Pittsburgh	290	280	270	260	240	230	230	225	205	195	175
Poole, E. Z. & Frances Jones Poole (E. Z. Poole).	2296	Poole #2	Pittsburgh	290	280	270	250	230	220	215	225	205	195	175
Stanislav, Steve & Joseph Turchek (Steve Stanislav)	2300	St. Clair Hill #2	Pittsburgh	265	255	245	235	225	220	215	205	185	175	165
Zurick, Joseph	2300	Zurick	Pittsburgh	265	255	245	235	225	220	215	205	185	175	165

[F. R. Doc. 42–854; Filed, January 30, 1942; 12:16 p. m.]

[Docket No. A–1232]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES AND FOR CHANGES IN RAIL SHIPPING POINTS FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices and for changes in rail shipping points and freight origin group numbers for the coals of certain mines in District No. 8; and

It appearing that a reasonabe showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 328.21 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–II, § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–I, and § 328.42 (*General prices for low volatile coals*) is amended by adding thereto Supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof; and, commencing forthwith, the shipping points and freight origin group numbers appearing in the said Supplement R–I for Mine Index Nos. 2329 and 3382 are effective in place of the shipping points and freight origin group numbers heretofore established for these mines.

The original petitioner proposed a minimum price of $1.60 per net ton for the coals of the Wood & Coleman Mine, Mine Index No. 5135, of Wood & Coleman Coal Co., in District No. 8, in Size Group No. 8 for truck shipments. It appears, however, that a minimum price of $1.65 per net ton has heretofore been established for comparable and analogous coals in Size Group No. 8 for truck shipments. Since the petition does not allege any facts in support of the requested price differential, a minimum price of $1.65 per net ton is established herein for the coals of the said mine in Size Group No. 8 for truck shipments.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 8

NOTE: The material contained in these supplements is to be read in the light of the classifi cations, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. — For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27
2016	Acton, E. O.	Acton	Pittsburgh	6	London, Ky.	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	P							
3287	Adams, Leonard J.	Adams	No. 1	1	Olympia, Ky.	C&O	61	M	M	K	J	G	E	C	A								
[illegible]	Adams, Leonard J.	Indian Creek	No. 1	1	Olympia, Ky.	C&O	61	M	M	K	J	G	E	C	A								
[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]															
5222	Baker, Grady D.	G. B. Coal Co.	Clintwood	7	Allen, Va.	CC&O	10	M	M	K	J	G	E	C	A	C	B	D	G	H	(1)	(1)	(1)	(1)	(1)	(1)	(1)
3527	Baker, S. C. (Baker Coal Company).	Baker	Straight Creek	6	Cary, Ky.	L&N	111	F	F	E	D	C	C	A	B	D	G	H	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)
2448	Bandy, Rex	Bandy	Tiller	7	Doran, Va.	N&W	20	M	M	K	J	F	C	C	E	C	D	D	K	R	(1)	(1)	(1)	(1)	(1)	(1)	(1)
2227	Belcher, R. L. (Wanda Lee Coal Co.).	No. 2	Upper Banner	7	Honaker, Va.	N&W	20	M	M	K	J	F	C	C	E	C	O	D	D	K	R	(1)	(1)	(1)	(1)	(1)	(1)	(1)
2308	Boldman Coal Company (B. N. Porter).	Porter	Elkhorn No. 1	1	Boldman, Ky.	C&O	61	K	K	H	G	E	C	C	B	D	G	(1)	(1)	(1)	(1)	(1)	(1)	C	K	K	H	D	B	B	C	K	G	(1)	(1)	(1)	(1)	(1)	C
2814	Brashear & McDaniel (Tug McDaniel).	Brashear & McDaniel	Hazard #4	3	Viper, Ky.	L&N	100	K	K	J	H	G	E	G	D	D	K	(1)	(1)	(1)	(1)	(1)	(1)	K	K	J	F	D	D	G	L	K	(1)	(1)	(1)	(1)	(1)	C
5211	Brooks, E. F.	Brooks	Jellico	6	Wofford, Ky.	L&N	111	O	O	J	H	G	E	G	E	F	D	K	K	(1)	(1)	(1)	(1)	(1)	O	M	M	K	J	F	D	E	D	E	G	M	K	K	C
5146	Buck Lick Coal Co. (M. D. Hughes).	Trinity	No. 3	6	Somerset, Ky.	Sou	171	M	M	K	J	G	E	G	E	D	K	K	(1)	(1)	(1)	(1)	(1)	(1)	M	M	K	J	F	G	E	D	E	G	M	K	K	C
5162	Casebolt Coal Co. (Dallas Casebolt).	Casebolt Coal Co.	Elkhorn No. 3	3	Lackey, Ky.	C&O	61	H	H	H	G	E	C	E	B	C	H	(1)	(1)	(1)	(1)	(1)	(1)	C	H	H	H	D	B	B	E	K	H	(1)	(1)	(1)	(1)	(1)	C
5108	Combs, Jim	Jim Combs	Hazard No. 4	3	Hazard, Ky.	L&N	100	K	K	J	H	G	F	E	C	G	E	D	D	K	K	(1)	(1)	(1)	(1)	K	K	K	J	F	D	D	D	G	E	L	K	K	C
5235	Consumers Mining Corporation.	No. 8	Upper Banner	7	Red Ash, Va.	N&W	20	M	M	K	J	F	C	E	C	D	D	K	K	(1)	(1)	(1)	(1)	(1)	M	M	K	K	J	F	F	D	D	D	G	E	L	K	K	C
5187	Corbin Coal Company, The c/o C. R. King.	Hodge	Horse Creek	6	Corbin, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(1)	(1)	(1)	(1)	(1)	(1)	M	M	K	G	E	E	G	M	K	(1)	(1)	(1)	(1)	(1)	(1)	C
5121	Croley, Lee	Croley	River Gem	6	Williamsburg, Ky.	L&N	111	K	K	H	G	E	C	E	G	D	D	D	M	K	(1)	(1)	(1)	(1)	(1)	K	K	K	H	J	E	F	B	D	A	E	M	L	C	D	K	C
5150	Day Coal Co. (Chris Day)	Day	No. 4	6	Combs, Ky.	L&N	100	K	K	J	H	G	E	A	C	D	A	D	A	K	L	(1)	(1)	(1)	(1)	(1)	(1)	(1)	A	A	J	A	D	A	A	G	C	D	K	C
1842	Douglas, Herbert & Elbert (Elbert Douglas).	Douglas	Blue Gem	6	Saxton, Ky.	L&N	111	A	A	A	A	A	E	A	C	D	A	D	A	K	K	L	(1)	(1)	(1)	(1)	(1)	(1)	(1)	A	A	J	A	D	A	A	H	M	F	(1)	O	O	C	B
800	Gay Mining Company	Ben Creek	Cedar Grove	8	Timbar, W. Va.	N&W	180	O	O	L	K	H	F	H	D	D	D	F	(1)	(1)	C	C	O	O	See Cannel Coal Prices																	
3998	Gentry, Green	Green Gentry	Cannel	3	Haddix, Ky.	L&N	100	See Cannel Coal Prices																																			
5160	Grills, Henry	Grills	Harlan	2	Evarts, Ky.	L&N	80	O	O	L	K	F	D	D	D	D	H	(1)	(1)	(1)	(1)	(1)	(1)	C	O	M	K	F	C	C	D	N	H	(1)	(1)	(1)	(1)	(1)	(1)	C
5202	Harman Branch Coal Company (Ernest Wolford).	Smith	Elkhorn	1	Pikeville, Ky.	C&O	61	K	K	H	G	E	C	G	B	D	D	G	J	(1)	(1)	(1)	(1)	(1)	(1)	K	K	K	H	K	F	B	D	D	D	C	G	K	J	G	(1)	(1)	(1)	(1)	C
5163	Hogg, Chester	Chester Hogg	Elkhorn	3	Whitesburg, Ky.	L&N	100	K	K	K	J	F	E	C	G	E	D	C	D	D	G	J	G	(1)	(1)	(1)	(1)	(1)	(1)	C	O	O	K	M	K	K	E	L	M	G	(1)	(1)	(1)	(1)	C
5116	Hopkins, K. R.	Hopkins Coal Co. No. 1	Blair	6	Coeburn, Pa.	N&W	30	O	O	K	J	F	E	C	G	E	D	C	D	D	G	J	G	(1)	(1)	(1)	(1)	(1)	(1)	C	O	O	K	M	K	K	E	L	M	G	(1)	(1)	(1)	(1)	C
696	Horn Brothers (D. E. Horn)	Horn	Hernshaw	4	Barrett, W. Va.	C&O	123	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	B	B	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	B
2800	Hughes, Frank	Vaughan	Sand Gap	6	Richmond, Ky.	L&N	111	M	M	K	J	G	E	G	J	E	F	D	D	D	H	(1)	(1)	(1)	(1)	M	M	E	K	M	E	E	D	H	D	F	C	C	D	N	H	F	J	A	C	C	B
2900	Johnson, Paul	Hazard No. 6	Hazard No. 6	3	Chavies, Ky.	L&N	100	M	M	E	M	J	D	G	C	J	F	B	D	C	M	F	J	(1)	(1)	(1)	(1)	A	O	C	B	E	E	E	D	C	C	H	F	J	A	C	C	B
5215	Kemmerer Gem Coal Company.	No. 5	No. 5	7	St. Charles, Va.	L&N and Sou.	204	E	E	E	D	D	C	C	B	C	F	J	(1)	(1)	A	O	C	B	E	E	E	E	D	C	C	C	H	F	J	A	C	C	B
5214	Kemmerer Gem Coal Company.	No. 6	No. 5	7	St. Charles, Va.	L&N and Sou.	204	E	E	E	D	D	C	C	B	C	F	J	(1)	(1)	A	O	C	B	E	E	E	E	D	C	C	C	H	F	J	A	C	C	B
272	Kentucky Jellico Coal Company	Kay Jay	Dean	6	Kayjay, Ky.	A&J	110	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(1)	(1)	(1)	(1)	(1)	(1)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
3758	Kays & Saylor (Warren H. Kays).	Wilder	Mason	6	Tejay, Ky.	L&N	111	R	R	M	L	K	J	E	H	C	O	(1)	(1)	(1)	(1)	(1)	(1)	Q	Q	O	M	J	G	G	E	Q	O	(1)	(1)	(1)	(1)	(1)	(1)	C
5199	Leger, Alfred	Leger Blue Gem	Blue Gem	6	Gatliff, Ky.	L&N	111	A	O	A	O	A	L	K	A	F	A	D	C	D	A	D	A	D	K	H	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	C
5103	Lewis & Scott (Hayward Scott).	Lewis	Harlan	2	Nolansburg, Ky.	L&N	80	O	O	L	K	F	D	C	B	D	G	(1)	(1)	(1)	(1)	(1)	(1)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
2329	Low Ash Coal Company (G. R. Lipps).	Low Ash Coal Co.	Blair	7	Norton, Va.[1]	L&N and N&W.	205	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(1)	(1)	(1)	(1)	(1)	(1)	(1)	P	O	M	H	F	F	M	Q	O	(1)	(1)	(1)	(1)	(1)	(1)	C
5182	McDonald, J. C. (McDonald Fuel Company).	Peavine Land & Coal Co.	Sewanee	6	Crossville, Tenn.	TC	72	P	P	M	L	K	J	M	H	G	O	(1)	(1)	(1)	(1)	(1)	(1)	P	O	M	H	F	F	M	Q	O	(1)	(1)	(1)	(1)	(1)	(1)	C
5122	Meade, Polly & Ford (H. F. Meade).	Meade, Polly & Ford.	Imboden	7	Norton, Va.	L&N and N&W.	205	O	O	K	J	F	C	E	(1)	B	F	(1)	(1)	(1)	(1)	(1)	(1)	O	M	K	F	D	D	E	L	F	(1)	(1)	(1)	(1)	(1)	(1)	C
5127	Mondrage, Steve	Mondrage No. 2	Upper Banner	7	Hayzl, Va.	OC&O	20	M	M	K	J	G	E	E	C	D	G	(1)	(1)	(1)	(1)	(1)	(1)	C	M	M	K	F	D	D	E	M	G	(1)	(1)	(1)	(1)	(1)	(1)	C

[1] Indicates change in shipping point from Esserville, Va. F. O. G. No. 200 as shown in Docket A-1117.

*Indicates previously classified these size groups.
†Indicates no effective classifications for these size groups.

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. — For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27
5184	Morgan, Fred G.	Fred G. Morgan	No. 4	6	Combs, Ky.	L&N	100	K	K	J	H	G	E	G	D	D	K	(1)	(1)	(1)	(1)	(1)	(1)
811	Patrick, J. W.[2]	Triplett	Elkhorn	3	Lackey, Ky.	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(1)	(1)	(1)	(1)	(1)	(1)
810	Patrick, J. W.[2]	Patrick No. 3	Elkhorn No. 3	3	Lackey, Ky.	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(1)	(1)	(1)	(1)	(1)	(1)
809	Patrick, J. W.[2]	Patrick No. 4	Elkhorn No. 4	3	Lackey, Ky.	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(1)	(1)	(1)	(1)	(1)	(1)
5207	Potter & Bailey Coal Company (Toy Potter).	Potter & Bailey	Elkhorn	1	Shelby, Ky.	C&O	61	K	K	H	G	E	C	C	B	D	G	(1)	(1)	(1)	(1)	(1)	C
5120	Rader, Amy (Mrs.) (Rader Coal Co.).	Rader Coal Co.	No. 4	6	Combs, Ky.	L&N	100	K	K	J	H	G	E	G	D	D	K	(1)	(1)	(1)	(1)	(1)	(1)
2039	Russell, John	Clark No. 3	No. 5 Block	8	East Lynn, W. Va.	N&W	130	Q	Q	O	L	L	J	L	H	G	M	(1)	(1)	(1)	(1)	(1)	(1)
5204	Senter & Bartley Coal Company (L. L. Senter).	Senter & Bartley	Elkhorn	1	Elkhorn City, Ky.	C&O and CC&O.	63	K	K	H	G	E	C	C	B	D	G	(1)	(1)	(1)	(1)	(1)	C
5126	Taylor, Coy	Coy Taylor	Elkhorn	3	Whitesburg, Ky.	L&N	100	K	K	K	J	G	E	G	D	D	J	(1)	(1)	(1)	(1)	(1)	(1)
2363	Thompson, A. A.	No. 3	Widow Kennedy.	7	Honaker, Va.	N&W	20	K	K	E	E	E	C	E	C	D	K	(1)	(1)	(1)	(1)	(1)	(1)
2016	Thompson, Bob. Capt.	Capt. Bob Thompson.	Bon Air No. 2	6	Daysville, Tenn.	TC	72	P	P	M	L	K	J	M	H	G	O	(1)	(1)	(1)	(1)	(1)	(1)
3998	Tutt, R. T.	R. T. Tutt	Knob	3	Jackson, Ky.	L&N	100	M	M	N	M	K	H	K	F	F	M	(1)	(1)	(1)	(1)	(1)	(1)
3382	Webb, Alvin & Jas. L. Hammons.	Blue Gem	Dixie Gem	6	Newcomb, Tenn.[2]	Sou	112	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(1)	(1)	(1)	(1)	(1)	(1)
5185	Wood & Coleman Coal Co. (Bill Wood).	Wood & Coleman	Elkhorn No. 2	1	Marrowbone, Ky.	C&O	61	K	K	H	G	E	C	C	B	D	G	(1)	(1)	(1)	(1)	(1)	C

[2] Listed to change Subdistrict Number, shown in error in Docket A-988 as S. D. No. 1.
[3] Indicates change in shipping point from Wooldridge Tenn.. as shown in Docket A-980

*Indicates previously classified these size groups.
†Indicates no effective classifications for these size groups.

§ 328.21 *Alphabetical list of code members*—Supplement R–II

Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code membe.	Mine name	Sub dist. No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classifications by size group numbers: 1	2	3	4	5	6	7	8	9	10
5195	Shreve, Aut	Shreve	9	Red Ash	Raven, Va.	N&W	21	C	C	D	D	A	A	A	H	H	H
5196	Shreve & Barrett (Reece Shreve).	Shreve & Barrett.	9	Red Ash	Doran, Va.	N&W	21	C	C	D	D	A	A	A	H	H	H

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2" egg 6" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUBDISTRICT No. 1—BIG SANDY-ELKHORN											
BLEDSOE COUNTY, KY.											
Eldridge, Marion	Eldridge	5454	No. 7	265	245	210	220	205	200	150	145
GREENUP COUNTY, KY.											
Adams, Emmit	Adams	5157	Clod	265	245	210	220	205	200	150	145
Baker & Cox (Clifford Baker)	Hamilton	5144	Clod	265	245	210	220	205	200	150	145
Gilliam, Coy		5218	Clod	265	245	210	220	205	200	150	145
Gilliam, Joe		5219	Clod	265	245	210	220	205	200	150	145
JOHNSON COUNTY, KY.											
Stambaugh, Alva	Mary Slone	5133	Millers Creek	305	285	235	240	215	225	170	165
LAWRENCE COUNTY, KY.											
Hammons, Frank L	Hammons	5180	McHenry	265	245	210	220	205	200	150	145
Short, Jay	Skaggs	5175	McHenry	265	245	210	220	205	200	150	145
MAGOFFIN COUNTY, KY.											
Cole, George	Sherman Rice	5191	No. 7	268	245	210	220	205	200	150	145
MENIFEE COUNTY, KY.											
Adams, Leonard J	Indian Creek	3972	No. 1	265	245	210	220	205	200	150	145
MORGAN COUNTY, KY.											
Stevens, Sanford & J. H. Adkins (Sanford Stevens).	Redwine Cannel	5106	Redwine Cannel.	265	245	210	220	205	200	150	145
PIKE COUNTY, KY.											
Bevins, Oscar	Oscar Bevins	5155	Elkhorn	275	255	220	230	215	210	170	165
Boldman Coal Company (B. N. Porter)	Porter	5203	Elkhorn No. 1	275	255	220	230	215	210	170	165
Harman Branch Coal Company (Ernest Wolford).	Smith	5202	Elkhorn	275	255	220	230	215	210	170	165
Potter & Bailey Coal Company (Toy Potter).	Potter & Bailey	5207	Elkhorn	276	255	220	230	215	210	170	165
Senter & Bartley Coal Company (L. L. Senter).	Senter & Bartley	5204	Elkhorn	275	255	220	230	215	210	170	165
Wood & Coleman Coal Co. (Bill Wood)	Wood & Coleman	5135	Elkhorn No. 2	275	255	220	230	215	210	170	165
SUBDISTRICT No. 2—HARLAN											
HARLAN COUNTY, KY.											
Grills, Henry	Grills	5160	Harlan	270	250	225	230	210	215	175	170
Lewis & Scott (Hayward Scott)	Lewis	5103	Harlan	270	250	225	230	210	215	175	170
Mitchel, Berry	Mitchel's Coal Mine	5100	Stray	270	250	225	230	210	215	175	170
Tutt, R. T	R. T. Tutt	3998	Knob	265	245	210	220	205	200	150	145
KNOTT COUNTY, KY.											
Casebolt Coal Co. (Dallas Casebolt)	Casebolt Coal Co	5162	Elkhorn No. 3	280	260	235	250	215	215	180	180
LETCHER COUNTY, KY.											
Cook, Archie	Archie Cook	5164	Whitesburg	265	245	220	230	205	210	155	150
Hogg, Chester	Chester Hogg	5163	Elkhorn	275	255	220	230	205	210	160	155
Stamper, I. D	I. D. Stamper	5177	Elkhorn	275	255	220	230	205	210	160	155
Taylor, Coy	Coy Taylor	5128	Elkhorn	275	255	220	230	205	210	160	155
PERRY COUNTY, KY.											
Combs, Jim	Jim Combs	5108	Hazard No. 4	275	255	220	225	205	210	155	150
Gentry, Green	Green Gentry	3968	Hazard No. 4	275	255	220	225	204	210	160	155
Johnson, Paul		5211	Hazard No. 6	265	245	220	205	195	210	145	140
WOLFE COUNTY, KY.											
Johnson, J. B	Earl Miller	5129	No. 4	262	245	210	220	205	200	150	145
Spencer, Darley	Cable No. 1	3966	Creek	265	245	210	220	205	200	150	145
Spencer, Darley	Cable No. 2	3967	Creek	265	245	210	220	205	200	150	145
SUB-DISTRICT No. 4—KANAWHA											
KANAWHA COUNTY, W. VA.											
Rock, Romie	Rock	5126	Coalburg	245	225	210	195	180	200	145	140
NICHOLAS COUNTY, W. VA.											
Brown, Russell E	Koontz	5226	Big Eagle	265	245	230	230	205	220	165	160
SUB-DISTRICT No. 6—SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
Keys & Saylor (Warren H. Keys)	Wilder	3758	Mason	255	236	215	220	205	205	145	140
CLAY COUNTY, KY.											
Powell, Roscoe	Murrell	5130	Horse Creek	265	245	220	220	205	210	155	150
KNOX COUNTY, KY.											
Newman, Pete & Roscoe Newman (Pete Newman).	Trace Branch Coal Co.	5221	Blue Gem	335	315	235	260	225	225	145	140
Smith, Chester & Andy Roberts (Andy Roberts).	Evans	5194	Blue Gem	335	315	235	260	225	225	145	140

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2" egg 6" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", egg 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUBDISTRICT No. 7—VIRGINIA—Cont.											
LEE COUNTY, VA.											
Davis, G. N	Davis Coal Co	5143	No. 3	265	245	215	220	205	205	155	150
Kemmerer Gem Coal Company	No. 5	3215	No. 5	300	280	225	245	215	215	175	170
Kemmerer Gem Coal Company	No. 6	5214	No. 5	300	280	225	245	215	215	175	170
RUSSELL COUNTY, VA.											
Fuller, Brady	Brady Fuller	5148	Upper Banner	265	245	220	220	215	210	155	150
Fuller, G. H	G. H. Fuller	5149	Lower Banner	265	245	220	220	215	210	155	150
Van Dyke, Robert (Black Widow Coal Company).	Black Widow	5224	Widow Kennedy.	275	255	220	240	225	210	155	150
TAZEWELL COUNTY, VA.											
Consumers Mining Corporation	No. 8	5225	Upper Banner	265	245	220	220	215	210	155	150
Earls, Nicewonder & Rasnick (H. T. Earls).	Earls, Nicewonder & Rasnick.	5198	Tiller	265	245	220	220	215	210	155	150
Fields & Johnson (Robert Johnson, Jr.)		5186	Jawbone	265	245	220	220	215	210	155	150
WISE COUNTY, VA.											
Hopkins, K. R	Hopkins Coal Co. No. 1.	5116	Blair	265	245	220	220	215	210	155	150
Meade, Polly & Ford (H. F. Meade)	Meade, Polly & Ford.	5132	Imboden	266	245	220	220	215	210	155	150
SUB-DISTRICT No. 8—WILLIAMSON											
PIKE COUNTY, KY.											
Hatfield, Landen	Hatfield	5150	Pond Creek	245	225	225	210	200	215	160	155
BUCHANAN COUNTY, VA.											
Davis, Marshall		5134	Splashdam	265	245	230	230	215	210	180	175
MINGO COUNTY, W. VA.											
Gay Mining Company	Ben Creek	890	Cedar Grove	253	235	220	215	200	2 10	175	170
WAYNE COUNTY, W. VA.											
Robertson, Edgar	Pauley	5189	No. 5 Block	245	225	205	210	185	195	145	140
Russell, John	Clark No. 3	3939	No. 5 Block	245	225	205	210	185	195	145	140

CANNEL COAL

Code number index	Mine	Mine index No.	Seam	Base sizes			
				Lump over 5"	Forked	Chips	Cuttings
SUBDISTRICT NO. 3—HAZARD							
PERRY COUNTY, KY.							
Dennis, Ovah	Ovah	2746	Cannel	$3.50	$3.00	$2.50	$1.60
Gentry, Green	Green Gentry	3968	Cannel	3.50	3.00	2.50	1.60

§ 328.42 *General prices for low volatile coals*—Supplement T–II

Code member index	Mine	Mine index No.	Seam	All lump	Egg: larger than 3" top	Stove: 3" top size	Nut: 1¼" top or less screened M/R	Straight M/R	1¼" screenings	¾" screenings
				1	2	3	4	5	7	8
SUBDISTRICT NO. 9—BUCHANAN COUNTY LOW VOLATILE AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS										
TAZEWELL COUNTY, VA.										
Shreve, Aut	Shreve	5195	Red Ash	305	305	300	250	280	215	155	150
Shreve & Barrett (Reece Shreve)	Shreve & Barrett	5196	Red Ash	305	305	300	250	280	215	155	150
Smith & Son (W. D. Smith)	Smith & Son	5201	Raven	305	305	300	250	280	215	155	150

[F. R. Doc. 42–863; Filed, January 30, 1942; 12:17 p. m.]

[Docket No. A–826]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER CONCERNING FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 10 FOR THE ESTABLISHMENT OF MINIMUM PRICES FOR THE COALS OF THE QUALITY MINE (MINE INDEX NO. 1468) OF RAY MORGAN (F. C. MORGAN COAL COMPANY), A CODE MEMBER IN DISTRICT 10, FOR ALL SHIPMENTS EXCEPT TRUCK

This proceeding having been instituted upon a petition filed with the Bituminous Coal Division by District Board 10 on April 18, 1941 pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, praying for price classifications and minimum prices for all shipments except truck, for the coals of the Quality Mine (Mine Index No. 1468) of Ray Morgan, doing business as F. C. Morgan Coal Company;

Temporary relief having been granted by an Order of October 30, 1941, 6 F.R. 5860;

A hearing having been held, pursuant to an Order of the Director, and after due notice to all interested persons on December 10, 1941, before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof, Washington, D. C., at which District Board 10 appeared, and all persons were afforded an opportunity to be present and participate fully in the hearing;

The Examiner's Report having been waived and the matter having been thereupon submitted to the undersigned; the undersigned having made Findings of Fact, Conclusions of Law and rendered an Opinion in this matter, which are filed herewith and in which it was concluded that the requested relief be granted;

Now, therefore, it is ordered, That, § 330.2 (*Mine index numbers*) is amended by adding thereto Supplement R–I, § 330.10 (*Special prices*—(a) *Railroad locomotive fuel prices*) is amended by adding thereto Supplement R–II, and § 330.25 amended by adding thereto Supplement (*General prices in cents per net ton for shipment into all market areas*) is T, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: January 17, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.2 *Mine index numbers*—Supplement R–I

Price group No.	Code member	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
33	Morgan, Ray (F. C. Morgan Coal Co.)	Quality	1468	11	Green River	CRI&P.

Mine Index No. 1468 shall be included in Price Group 33 and shall take the same f. o. b. mine prices as other mines in Price Group 33, Schedule No. 1, District No. 10, on all size groups and for shipment to all market areas and for all uses exclusive of railroad locomotive fuel; provided, however, that these f. o. b. mine prices apply on board transportation facilities at Green River, Illinois.

§ 330.10 *Special prices*—(a) *Railroad locomotive fuel prices*—Supplement R–II

Price group No.	Code member	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
33	Morgan, Ray (F. C. Morgan Coal Co.)	Quality	1468	11	Green River	CRI&P.

The railroad locomotive prices shall be: Mine run—$2.00; screenings—$1.40.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																								
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION NO. 2, HENRY COUNTY																														
Morgan, Ray (F. C. Morgan Coal Co.)	1468	Quality	1	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---

[F. R. Doc. 42–865; Filed, January 30, 1942; 12:16 p. m.]

[Docket No. A–1245]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10 FOR TRUCK SHIPMENT

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 10 for truck shipment; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																								
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION NO. 4																												
PEORIA COUNTY																												
Polich & White (Jack Polich)	1538	Johnson	6	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SECTION NO. 5																												
ADAMS COUNTY																												
Liberty Coal Company (A. P. Hollembeak)	1543	Holly's	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
MCDONOUGH COUNTY																												
Stoneking, Walter	1536	Walter Stoneking	2	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SCHUYLER COUNTY																												
Derry, Ivan	1544	Derry	[illegible]	255	250	245	235	230	225	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SECTION NO. 6																												
SANGAMON COUNTY																												
Lincoln Trail Coal Company	1331	Lincoln Trail Coal Co.	5	280	275	270	260	255	250	245	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---
SECTION NO. 7																												
CRAWFORD COUNTY																												
Ford, I. H.	1532	Ford	5	240	235	230	220	215	210	170	165	160	155	155	155	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---	---	---

[F. R. Doc. 42–861; Filed, January 30, 1942; 12:20 p. m.]

[Docket No. A-1238]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 11 FOR TRUCK SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11 for truck shipments.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise bordered.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
DUBOIS COUNTY																														
Berg, Joseph J.	198	Joseph J. Berg	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													
MARTIN COUNTY																														
Nicholson & Archer (W. J. Archer)	188	Nicholson & Archer	8B	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
OWEN COUNTY																														
Burger, H. A.	197	Sinders Rib	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
Duncan & Bond (Ben Duncan)	191	Eel River Rib	B	310	285	265	255	250	245	215	215	195	185	155	145	80	50													
SULLIVAN COUNTY																														
Akers, James	193	Akers	5	250	245	240	230	225	220	180	185	170	165	135	125	70	40													
Akers, James	194	Akers	7	250	245	240	230	225	220	180	185	170	165	135	125	70	40													
Hill, Vernon R.	195	Hill	5	250	245	240	230	225	220	180	185	170	165	135	125	70	40													
Hill, Vernon R.	196	Hill	7	250	245	240	230	225	220	180	185	170	165	135	125	70	40													
VIGO COUNTY																														
Fisk, George	192	Andy	6	250	245	240	230	225	220	180	185	170	165	135	125	70	40													

[F. R. Doc. 42-857; Filed, January 30, 1942; 12:18 p. m.]

[Docket No. A-1259]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 11, FOR TRUCK SHIPMENT

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11, for truck shipment; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
SULLIVAN COUNTY																														
Riley, Charles	200	May Rib	5	250	245	240	230	225	220	180	185	170	165	135	125	70	40													
WARRICK COUNTY																														
Erwin, Otto	199	Skelton	5	250	245	240	230	225	220	180	185	175	170	150	140	85	55													

[F. R. Doc. 42-862; Filed, January 30, 1942; 12:20 p. m.]

[Docket No. A-1237]

PART 332—MINIMUM PRICE SCHEDULE, DISTRICT NO. 12

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 12 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 12

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 12.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 332.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposiiton to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

No relief is granted herein for the coals of Mine Index Nos. 586, 41 and 625 for the reason that price classifications and minimum prices applicable to the coals of these mines have already been established under previous owners: Mine Index No. 586 of Louis Lennie (Lennie Coal Company), previous owner Dunsmoor Coal Company (Charles Dunsmoor); Mine Index No. 41 of the Wholesale Coal Company (John O. Hall), previous owner Mike Onder; Mine Index No. 625 of the W. M. P. Coal Company (Charles Blazevich), previous owner W. M. P. Coal Company (Thomas McLeod).

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

Temporary and Conditionally Final Effective Minimum Prices for District No. 12

Note: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 332, Minimum Price Schedule for District No. 12 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 332.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine name	Mine No.	Group No.	County	Chunk	Standard lump	Egg 6 x 2½", 6 x 3"	Small egg 4 x 2", 3 x 1½"	Mine run	Nut 3 x 1¼", 1¾ x ¾"	Dom. stoker 1¼", 1 x ¾"	Screenings 2", 1¼"	Ind. stoker 2", 1¼", 1¼ x 0	⅜" x 0
					1	2	3	4	5	6	7	8	9	10
Geary & Descamp (O. B. Geary).	Geary's & Descamp	802	19-A	Marion	305	295	285	275	270	270	270	160	220	100
Hart, Rex B.	Quality	800	2	Appanoose	285	275	265	255	275	265	275	200	275	100

[F. R. Doc. 42-860; Filed, January 30, 1942; 12:19 p. m.]

[Docket No. A-1233]

Part 334—Minimum Price Schedule, District No. 14

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 14

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 14; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 334.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 334.24 (*General prices for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 16, 1942.

[SEAL] Dan H. Wheeler,
Acting Director.

Temporary and Conditionally Final Effective Minimum Prices for District No. 14

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 334, Minimum Price Schedule for District No. 14 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 334.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for all uses except railroad locomotive fuel]

Code member	Mine index No.	Mine name	Production group No.	Shipping point	Railroad	Freight origin group No.	Price classification by size group No.																	
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Acord, T. E.	579		2	Ozark, Ark.	MP	14			A			H	H	H						B				I		
Arrington, C. L.	583	#2	2	Hartman, Ark.	MP	33			A			H	H	H						B				I		
C & E Coal Company (A. L. Eustice).	587	#1	2	Clarksville, Ark.	MP	33			A			H	H	H						B				I		
Callahan, M. H.	572	Callahan	1	Lamar, Ark.	MP	33	A	A											C	A	A	A		A		
Carey, John	578	Carey	1	Lamar, Ark.	MP	33	A	A											C	A	A	A		A		
Clay, John W. (Kleaner Coal Co.).	581	Kleaner Coal Co.	7	Bokoshe, Okla.	FS&VB	12			D										D	B				C		
Economy Coal Co. (Garland Tinsley).	584	Economy #3	3	Paris, Ark.	MP	14				C		C	D	D	C	E	D		D	B	C	C	A	C		
Felkins Coal Company (Will & John Felkins).	585	Felkins No. 2	2	Clarksville, Ark.	MP	33			A			H	H	H						B				I		
Howard & Stout Coal Co. (H. D. (Stout).	588	#1	10	Stigler, Okla.	MV	15			B											B						A
Lucky Strike Coal Co. (Ocie Partain).	589	#1	7	Bokoshe, Okla.	FS&VB	12			D											B				Q		
McGinthia & Son (J. A. McGinthia).	582	#1	5	Huntington, Ark.	SL&SF	16			F											B				FQ		
O. K. Coal Company (Fay Smith).	576	O. K.	2	Ozark, Ark.	MP	14				A		A	B	B	A	C	C		D	B	B	B	A	D		
Porter Coal Co. (Joe Porter).	580	#1	5	Mansfield, Ark.	ORI&P—SL&SF.	19			E								F			B				Q		
Ross, H. T.	586	Mine #2	2	Hartman, Ark.	MP	33			A			H	H	H						B				I		
Russell, I. A.	575	Russell	1	Lamar, Ark.	MP	33	A	A											C	A	A	A		A		
Trux Coal Co. (Chas. Hardgrave).	577		1	Spadra, Ark.	MP	33				D		D	C	C	E	B	B	B	B	A						

FOR TRUCK SHIPMENTS

§ 334.24 *General prices for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	County	Sub-district No.	Prices and size group Nos.																	
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Acord, T. E.	579		Johnson, Ark.	2			425			425	425	425						135				380		
Arrington, C. L.	583	#2	Johnson, Ark.	2			425			425	425	425						135				350		
C & E Coal Company (A. L. Eustice).	587	#1	Johnson, Ark.	2			425			425	425	425						135				380		
Callahan, M. H.	572	Callahan	Johnson, Ark.	1	450	425											250	200	200	200		480		
Carey, John	578	Carey	Johnson, Ark.	1	450	425											250	200	200	200		450		
Clay, John W. (Kleaner Coal Co.)	581	Kleaner Coal Co	LeFlore, Okla.	7			370											135				270		
Economy Coal Co. (Garland Tinsley)	584	Economy #3	Franklin, Ark.	3				460		460	460	460	435	385	370		200	135	95	80	185	435		
Felkins Coal Company (Will & John Felkins)	585	Felkins No. 2	Johnson, Ark.	2			425			425	425	425						135				350		
Howard & Stout Coal Co. (H. D. Stout)	588	#1	Haskell, Okla.	10			400											135						300
Lucky Strike Coal Co. (Ocie Partain)	589	#1	LeFlore, Okla.	7			370											135				270		
McGinthia & Son (J. A. McGinthia)	582	#1	Sebastian, Ark.	5			335											135				270		
O. K. Coal Company (Fay Smith)	576	O. K.	Franklin, Ark.	2				480		480	480	480	455	405	390		200	135	115	105	185	415		
Porter Coal Co. (Joe Porter)	580	No. 1	Sebastian, Ark.	5			355								355			135				270		
Ross, H. T.	586	Mine #2	Johnson, Ark.	2			425			425	425	425						135				350		
Russell, I. A.	575	Russell	Johnson, Ark.	1	450	425											250	200	200	200		450		
Trux Coal Co. (Chas. Hardgrave)	577		Johnson, Ark.	1				445		450	465	475	420	500	500	475	440	200	200	200		480		

[F. R. Doc. 42-858; Filed, January 30, 1942; 12:18 p. m.]

[Docket No. A-1235]

Part 335—Minimum Price Schedule, District No. 15

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 15

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 15; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 335.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

No relief is granted herein for the coals of the Morris Mine, operated by Morris Bros. (J. R. Morris), for the reason that the coals of that mine were classified and priced for truck shipment by the Order dated January 28, 1941 in Docket No. A-548, under the name of Fernetti Mine (Mine Index No. 1320) of code member Aldon Fernetti.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 16, 1942.

[SEAL] Dan H. Wheeler,
Acting Director.

Temporary and Conditionally Final Effective Minimum Prices for District No. 15

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 336, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use]

Code member	Mine index No.	Mine name	Production group No.	Shipping point	Railroad	Freight origin group No.	Price classification by size group													
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
A & P Coal Company, Inc.	1563	#42	6	Hartshorne, Okla.	ORI&P	100	A	A	A	A	----	A	----	A	A	A	----	----	----	A	----
Shmsaiko & Karas (John Karas)	1556	#1	7	Haileyville, Okla.	ORI&P	100	A	A	A	A	----	A	----	A	A	A	----	----	----	A	----

A is Market Area list price as listed in Price Schedule No. 1.

§ 335.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

FOR TRUCK SHIPMENTS

Code member index	Mine Index No.	Mine	Production group No.	County	2" lump	1½" up	1" x ¼"	⅜" x 2"	⅜" x ¼"	¼" x 0	Mine run	3" x 0	⅜" x ⅛"	⅜" x 0 (Ga.)	⅜" x 0 (W.)	¼" x 0 (Ga.)	¼" x 0
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
A & P Coal Company, Inc.	1503	#2	8	Pittsburg, Okla.	435	435	435	385	235	210	195	210	205	165	145	170	170	140	135
Dodson, Will H.	1504	Dodson	2	Henry, Mo.	280	280	280	280	215	195	180	195	210	155	135	170	170	130	125
Dooley, Will H.	1505	Last Chance	2	Randolph, Mo.	280	280	280	280	215	195	180	195	210	155	135	170	170	130	125
Foote, Julian C.	1561	Foote	2	Bates, Mo.	280	280	280	280	215	195	180	195	210	155	135	170	170	130	125
Garr, D. F.	1562	Garr Coal Co.	1	Barton, Mo.	280	280	280	280	215	195	180	195	210	155	135	170	170	130	125
Kesse & Southard (A. E. Kesse)	1563	Lot 8	3	Bourbon, Kans.	280	280	280	280	215	195	180	195	210	155	135	170	170	130	125
Lacy, Fred	1564	Billed Pig	3	Macon, Mo.	280	280	280	280	215	195	180	195	210	155	135	170	170	130	125
Mercer, Otis E.	1554		11	Rogers, Okla.	280	280	280	280	215	195	180	195	210	155	135	170	170	130	125
Murry, E. S.	1555		11	Craig, Okla.	280	280	280	280	215	195	180	195	210	155	135	170	170	130	125
Reiter, William R.	1546	Reiter	3	Randolph, Mo.	280	280	280	280	215	195	180	195	210	155	135	170	170	130	125
Roger Bros. (Joseph Roger)	1564	Roger #1	3	Pittsburg, Okla.	280	280	280	280	215	195	180	195	210	155	135	170	170	130	125
Russell & Cooper (M. E. Cooper)	1565	Russell & Cooper	7	Vernon, Mo.	280	280	280	280	215	195	180	195	210	155	135	170	170	130	125
Whiteford & Kerr (John Kerr)	1560	Whiteford	2		280	280	280	280	215	195	180	195	210	155	135	170	170	130	125
Whiteford, Chas. V. (John Kerr)	1560		2		280	280	280	280	215	195	180	195	210	155	135	170	170	130	125

[F. R. Doc. 42-859; Filed, January 30, 1942; 12:19 p. m.]

"Supplement" under the name of the Cedar Mountain No. 2 Mine (Mine Index No. 160).

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 16, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL RELIEF, DISTRICT NO. 23

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 343, Minimum Price Schedule for District No. 23 and supplement thereto.

FOR ALL SHIPMENTS

The following price classification and minimum prices shall be inserted in Price Schedule No. 1 for District No. 23:

§ 343.4 *Code member price index*—Supplement R-I. Insert the following listing in proper alphabetical order:

Producer	Mine	Mine index No.	County	Shipping point	Subdistrict price group	Prices: Railroad	Prices: FOG No.	Prices: Rail	Prices: Truck
Consolidated Coal Mines, Inc.	Cedar Mountain #2.	160	King	Cedar Mountain.	F	NP	40	§ 343.5	§ 343.21

[Docket No. A-1216]

PART 343—MINIMUM PRICE SCHEDULE, DISTRICT NO. 23

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 23 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE CEDAR MOUNTAIN #2 MINE (MINE INDEX NO. 160) IN DISTRICT NO. 23

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of Cedar Mountain #2 Mine (Mine Index No. 160), in District No. 23; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 343.4 (*Code member price index*) is amended by adding thereto Supplement R-I, § 343.5 (*General prices; minimum prices for shipment via rail transportation*) is amended by adding thereto Supplement R-II, and § 343.21 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

The original petition identifies the mine of the Consolidated Coal Mines, Inc., for the coals of which mine price classifications and minimum prices are requested, as the Cedar Mountain Mine, Seam "A." Since this code number also operates the Cedar Mountain Mine (Mine Index No. 8) in District No. 23, it is deemed advisable, for the purpose of identification, to designate the new mine as the Cedar Mountain No. 2 Mine rather than as the Cedar Mountain Mine, Seam "A." Accordingly, the price classifications and minimum prices established by this Order are set forth in the attached

§ 343.5 *General prices; minimum prices for shipment via rail transportation*—Supplement R-II. The Cedar Mountain #2 mine of Consolidated Coal Mines, Inc., shall take the minimum f. o. b. mine prices in cents per net ton for shipments by rail transportation into market areas shown under Subdistrict "F" for Cedar Mountain Mines Company in Price Schedule No. 1 for District No. 23, as amended.

§ 343.21 *General prices*—Supplement T. Insert the following code member name, mine name and county under Subdistrict "F", and the following prices:

Code member mine name	County	Size groups: 2	3	4	5	7	8	9	10	11	12	13	14	15	16	22	24
SUBDISTRICT F																	
Consolidated Coal Mines, Inc., Cedar Mt. #2.	King	515	515	450	450	475	450	450	425	390	400	375	360	360	340	325	175

[F. R. Doc. 42-856; Filed, January 30, 1942; 12:17 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

AMENDMENT OF GENERAL LICENSE NO. 83 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

JANUARY 30, 1942.

The last paragraph of § 131.83 (*General License No. 83*)[2] is amended to read as follows:

This license shall expire at the close of business on February 15, 1942.

[SEAL] E. H. FOLEY, JR., *Acting Secretary of the Treasury.*

[F. R. Doc. 42-869; Filed, January 30, 1942; 4:55 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER III—BUREAU OF MINES

PART 303—GENERAL LICENSES PERTAINING TO EXPLOSIVES

§ 303.1 *General License No. 1 for manufacturers.* A general license is hereby granted under the Federal Explosives Act of December 26, 1941 (Public No. 381, 77th Cong), to manufacturers of explosives and the ingredients thereof authorizing the manufacture, possession and sale of explosives and ingredients in the regular course of business.

This general license shall not be deemed to authorize any transaction or operation prohibited by reason of any provision of the act or of the regulations issued thereunder other than provisions respecting the manner of securing licenses.

This license shall expire at the close of business on March 1, 1942. (Sec. 6, Public Law 381, 77th Cong., Dec. 26, 1941)

R. R. SAYERS, *Director.*

The foregoing license is approved and all regulations inconsistent therewith are waived:

OSCAR L. CHAPMAN, *Assistant Secretary.*

[F. R. Doc. 42-942; Filed, February 2, 1942; 12:03 p. m.]

PART 303—GENERAL LICENSES PERTAINING TO EXPLOSIVES

§ 303.2 *General License No. 2 for vendors.* A general license is hereby granted under the Federal Explosives Act of December 26, 1941 (Public No. 381, 77th Cong.), to vendors of explosives and the ingredients thereof authorizing the purchase, possession and sale of explosives and ingredients in the regular course of business.

This general license shall not be deemed to authorize any transaction or operation prohibited by reason of any provision of the act or of the regulations issued thereunder other than provisions respecting the manner of securing licenses.

This license shall expire at the close of business on March 1, 1942. (Sec. 6, Public Law 381, 77th Cong. Dec. 26, 1941)

R. R. SAYERS, *Director.*

The foregoing license is approved and all regulations inconsistent therewith are waived:

OSCAR L. CHAPMAN, *Assistant Secretary.*

[F. R. Doc. 42-943; Filed, February 2, 1942; 12:03 p. m.]

PART 303—GENERAL LICENSES PERTAINING TO EXPLOSIVES

§ 303.3 *General License No. 3 for purchasers.* A general license is hereby granted under the Federal Explosives Act of December 26, 1941 (Public No. 381, 77th Cong.), to purchasers of explosives and the ingredients thereof authorizing the purchase, possession and use of explosives and ingredients in the regular course of business.

This general license shall not be deemed to authorize any transaction or operation prohibited by reason of any provision of the act or of the regulations issued thereunder other than provisions respecting the manner of securing licenses.

This license shall expire at the close of business on March 1, 1942. (Sec. 6, Public Law 381, 77th Cong., Dec. 26, 1941)

R. R. SAYERS, *Director.*

The foregoing license is approved and all regulations inconsistent therewith are waived:

OSCAR L. CHAPMAN, *Assistant Secretary.*

[F. R. Doc. 42-944; Filed, February 2, 1942; 12:03 p. m.]

PART 303—GENERAL LICENSES PERTAINING TO EXPLOSIVES

§ 303.4 *General License No. 4 for foremen.* A general license is hereby granted under the Federal Explosives Act of December 26, 1941 (Public No. 381, 77th Cong.), to foremen authorizing the purchase and possession of explosives and ingredients and the sale and issuance of explosives and ingredients to employees as provided in section 4 of the act in the regular course of business.

This general license shall not be deemed to authorize any transaction or operation prohibited by reason of any provision of the act or of the regulations issued thereunder other than provisions respecting the manner of securing licenses.

This license shall expire at the close of business on March 1, 1942. (Sec. 6, Public Law 381, 77th Cong., Dec. 26, 1941.)

R. R. SAYERS, *Director.*

The foregoing license is approved and all regulations inconsistent therewith are waived:

OSCAR L. CHAPMAN, *Assistant Secretary.*

[F. R. Doc. 42-945; Filed, February 2, 1942; 12:03 p. m.]

PART 303—GENERAL LICENSES PERTAINING TO EXPLOSIVES

§ 303.5 *General License No. 5 For analysts, educators, inventors and investigators.* A general license is hereby granted under the Federal Explosives

[1] Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

[2] 7 F.R. 305.

Act of December 26, 1941 (Public No. 381, 77th Cong.), to analysts, educators, inventors and investigators authorizing the purchase, manufacture, possession, testing and disposal of explosives and ingredients in the regular course of business.

This general license shall not be deemed to authorize any transaction or operation prohibited by reason of any provision of the act or of the regulations issued thereunder other than provisions respecting the manner of securing licenses.

This license shall expire at the close of business on March 1, 1942. (Sec. 6, Public Law 381, 77th Cong. Dec. 26, 1941)

R. R. SAYERS,
Director.

The foregoing license is approved and all regulations inconsistent therewith are waived:

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-946; Filed, February 2, 1942; 12:03 p. m.]

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[Amendment No. 125]

AMENDING THE REGULATIONS SO AS TO DELETE CERTAIN PROVISIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective February 1, 1942, the Selective Service Regulations, Volume One, Section II, in the following manner:

By deleting Paragraphs 110, 112, and 114.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42-885; Filed, January 31, 1942; 12:07 p. m.]

[Amendment No. 126]

AMENDING THE REGULATIONS SO AS TO DELETE CERTAIN PROVISIONS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective February 1, 1942, the Selective Service Regulations, Volume One, Section I, in the following manner:

By deleting Paragraphs 101, 102, and 103, including the chart setting forth the "Elements of the Selective Service System."

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42-886; Filed, January 31, 1942; 12:07 p. m.]

[Amendment No. 127]

AMENDING THE REGULATIONS SO AS TO DELETE CERTAIN PARAGRAPHS

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, I hereby amend, effective February 1, 1942, the Selective Service Regulations in the following manner:

By deleting Paragraphs 147, 301*f*, 315, 337.1, 408, 413, 419, 436, 535, 543, 553, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, and 582.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42-887; Filed, January 31, 1942; 12:13 p. m.]

PART 603—SELECTIVE SERVICE OFFICERS

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 603,[1] by changing the parenthetical consecutive letters denoting the subdivisions of § 603.1, i. e. (a) to (f), inclusive, to parenthetical consecutive numerals, i. e. (1) to (6), inclusive. (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42-904; Filed, January 31, 1942; 12:07 p. m.]

PART 604—CIVILIAN EMPLOYEES

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 604[2] in the following respects:

1. By changing the title of § 604.2 in the table of contents and at the heading of said section to read: "Certain employees exempt from civil service rules."

2. By deleting § 604.31 and substituting therefor the following:

§ 604.31 *Appointment and tenure.* (a) Each board of appeal may have one clerical assistant employed on either a full-time or part-time basis and may have one or more additional clerical or other assistants.

(b) No clerical assistant shall be employed in a classification grade higher than CAF-4, the entrance salary for which is $1,800 per annum, and no additional clerical assistants shall be employed in a classification grade higher than CAF-2, the entrance salary rate for which is $1,440 per annum, except upon specific authority of the Director of Selective Service pursuant to the recommendation of the State Director of Selective Service. These classification grades are maximum only, and shall be used only when the volume of work and the degree of responsibility assigned justifies such grades. Clerical or other assistants required for temporary, intermittent, or part-time service shall be employed under the provisions of § 604.2.

(c) Each board of appeal shall determine, by a majority vote, the individual or individuals to be employed, and the chairman of the board of appeal shall act as the appointing officer. Each board of appeal may designate, by a majority vote, one of the persons employed as the clerk of the board of appeal.

3. By deleting paragraphs (a), (d), and (e) of § 604.75 and substituting therefor the following:

§ 604.75 *Forms to be completed for each person selected for appointment.* (a) Before entering upon his duties, each person selected for appointment to a position as a civilian employee in the Selective Service System shall execute the following forms:

(1) The Oath of Office portion of Form 21. (The Waiver of Pay or Compensation portion of Form 21 shall not be executed.)

(2) Personal Affidavit (Standard Form No. 47).

(3) Application and Personal History Statement (Form 25).

(4) Declaration of Appointee (Civil Service Form 124b Field), for each appointee selected from a civil service list of eligibles.

(5) Fingerprint Card (Civil Service Form 2390).

(6) Designation, Change, or Revocation of Beneficiary (Civil Service Form 2806-1) and Retirement Card (Civil Service Form 3008), when the appointee is entitled to the benefits of the Civil Service Retirement Act of May 29, 1920, as amended.

* * * * *

(d) The appointing officer shall forward to the State Director of Selective Service the following papers in connection with each appointment:

(1) Oath of Office portion of Form 21.

(2) Personnel Affidavit (Standard Form No. 47).

(3) Application and Personal History Statement (Form 25).

(4) Declaration of Appointee (Civil Service Form 124b Field), for each appointee selected from a civil service list of eligibles.

(5) Fingerprint Card (Civil Service Form 2390).

(6) Designation, Change, or Revocation of Beneficiary (Civil Service Form 2806-1) and Retirement Card (Civil Service Form 3008), when the appointee is entitled to the benefits of the Civil Service Retirement Act of May 29, 1920, as amended.

(7) Certificate of Medical Examination (Civil Service Form 2413) for each person selected for probational appointment.

(8) Job Classification Sheet (Form 83), except for local board appointee.

(9) Copy of civil service certificate of eligibles, or, if a copy is not available, a reference to the date and the number of the certificate and the civil service district issuing such certificate, or a copy of the district manager's letter authorizing an appointment where the person was not selected from a civil service certificate of eligibles.

(10) Copy of notice of appointment. (*See* § 604.74.)

(e) The State Director of Selective Service shall file the Oath of Office portion of Form 21 and the Personnel Affidavit (Standard Form No. 47). He shall forward the Designation, Change, or Revocation of Beneficiary (Civil Service Form 2806-1) and the Retirement Card (Civil Service Form 3008) direct to the United States Civil Service Commission, Washington, D. C., no transmittal letter being necessary. He shall forward, for review and confirmation or disapproval, the remaining papers to the Director of Selective Service, Washington, D. C.; all such papers to be forwarded through the manager of the appropriate civil service district, except those for appointments made under the provisions of Schedule A, section I, paragraph 6, of the civil service rules which shall be forwarded direct to the Director of Selective Service. (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42-905; Filed, January 31, 1942; 12:08 p. m.]

[Amendment 1, 2d Edition]

PART 606—FINANCE ADMINISTRATION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 606,[3] by deleting § 606.7 and substituting therefor the following:

§ 606.7 *Preparation and distribution of vouchers.* All vouchers shall be prepared on the typewriter in the manner provided in these regulations or in instructions on such voucher. The original voucher and the carbon copies of the voucher shall be distributed in the manner directed by the instructions upon the original voucher. (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42-888; Filed, January 31, 1942; 12:13 p. m.]

[Amendment 2, 2d Edition]

PART 607—PAYMENT FOR PERSONAL SERVICES

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 607,[4] § 607.5 by deleting the following words from paragraph (c) thereof:

"and a copy thereof on Statistical Information (Form WD, FD 28)"

(54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42-889; Filed, January 31, 1942; 12:13 p. m.]

[Amendment 3, 2d Edition]

PART 607—PAYMENT FOR PERSONAL SERVICES

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 607,[4] § 607.5, by deleting paragraph (f) thereof and substituting therefor the following:

§ 607.5 *Voucher for personal services.*

* * * * *

(f) When a local board employee is appointed, separated, or his status is changed, there shall be attached to the first pay roll affected a signed copy of the Report of Employment, Separation, or Status Change for Local Board Employee (Form 250). (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

* * * * *

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42-890; Filed, January 31, 1942; 12:14 p. m.]

PART 608—EXPENDITURES OTHER THAN FOR PERSONAL SERVICES

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 608[5] in the following respects:

1. By changing the subheading above § 608.31 to read: "Vouchering Expenditures Other Than Personal Services or Travel."

2. By changing the parenthetical consecutive letters denoting the subdivisions of § 608.31, i. e., (a) to (h), inclusive, to parenthetical consecutive numerals, i. e., (1) to (8), inclusive.

3. By inserting the word "see" before the two references in § 608.31 (6) (former § 608.31 (f)), so that § 608.31 (6) will read as follows:

(6) The voucher shall further be supported by two copies of the Purchase Order (Form 258) (*see* § 608.4) and two copies of the Receiving Report (Form 264) (*see* § 608.6).

4. By deleting § 608.44 (d) and substituting therefor the following:

§ 608.44 *Government requests for transportation (Standard Form No. 1030) use and preparation.*

* * * * *

(d) The memorandum copies (Standard Form No. 1031) of all Government Requests for Transportation (Standard Form No. 1030) shall be detached and mailed under the same cover, at the close of business of the day on which issued, directly to the Finance Officer, United States Army, Transportation Division, Washington, D. C.

* * * * * *

54 Stat. 885; 50 U.S.C., Sup. 301-318; inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42-906; Filed, January 31, 1942; 12:08 p. m.]

[Amendment 4, 2d Edition]

PART 608—EXPENDITURES OTHER THAN FOR PERSONAL SERVICES

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 608,[5] by deleting § 608.31 (8). (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42-891; Filed, January 31, 1942; 12:14 p. m.]

[Amendment 5, 2d Edition]

PART 612—REGISTRATION DUTIES

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 612,[6] by deleting § 612.14 (7) and substituting therefor the following:

§ 612.14 *Duties of State Director of Selective Service.*

* * * * *

(7) Report to the Director of Selective Service after receiving reports from all his local board chairmen the total number of completed Registration Cards (Form 1) of persons who registered in his State during the period of the third registration. (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 42-892; Filed, January 31, 1942; 12:15 p. m.]

[Amendment 6, 2d Edition]

PART 612—REGISTRATION DUTIES

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 612,[6] by deleting paragraph (e) of § 612.21 and substituting therefor the following:

[1] 6 F.R. 6826.
[2] 6 F.R. 6829.
[3] 6 F.R. 6834.
[4] 6 F.R. 6835.
[5] 6 F.R. 6836.
[6] 7 F.R. 200.

§ 612.21 *Duties of chairman of local board.*

• • • • •

(e) The chairman of the local board, before the adjournment of the meeting held by the local board on the day after registration day, shall report to the State Director of Selective Service by telegram the total number of completed Registration Cards (Form 1) of registrants who registered within his local board area during the period of the third registration. (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F.R. Doc. 42–893; Filed January 31, 1942; 12:15 p. m.]

PART 614—GROUPING AND SERIAL NUMBERING REGISTRATION CARDS

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 614,[1] in the following respects:

1. By deleting the word "of" appearing between the words "all" and "the" in the first sentence of § 614.6 (a).

2. By changing the third sentence of § 614.6 (b) to read as follows:

The local board shall place in Group 2 the Registration Card (Form 1) of each registrant in the new age group added by the second proclamation of the President and shall place in Group 3 the Registration Card (Form 1) of each registrant in the age group added by the third proclamation of the President.

3. By deleting § 614.12 (b) and substituting therefor the following:

§ 614.12 *Registration Card of man registering after close of registration and before meeting of March 9, 1942.*

• • • • •

(b) If the place of residence on line 2 of the Registration Card (Form 1) of such registrant is outside of the local board area, the local board clerk shall immediately mail the card to the proper local board or State Director of Selective Service as provided in § 614.5.

• • • • •

4. By deleting § 614.22 and substituting therefor the following:

§ 614.22 *Arranging groups of Registration Cards.* At the meeting of the local board provided for in § 614.21, the Registration Cards (Form 1) that were put away for safe-keeping, under the provisions of § 614.8, shall be placed before the local board. All Registration Cards (Form 1) received after the close of registration, either from places of registration outside of the local board area or as a result of late registrations, shall be carefully checked to determine whether the places of residence, as shown on line 2 of such Registration Cards (Form 1), are within the local board area. All such cards showing on line 2 a place of residence within the local board area shall be sorted in the manner provided in § 614.6 and added to the proper groups of Registration Cards (Form 1). All such cards showing on line 2 a place of residence not within the local board area shall be mailed to the proper local board or State Director of Selective Service as provided in § 614.5. (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42–907; Filed, January 31, 1942; 12:08 p. m.]

PART 615—ASSIGNMENT OF ORDER NUMBERS

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 615,[2] in the following respects:

1. By inserting "(Form 1)" after the words "white Registration Card" in the first sentence of § 615.21 (5).

2. By deleting § 615.31 (e) and substituting therefor the following:

§ 615.31 *Procedure.*

• • • • •

(e) Order numbers must be assigned in sequence. No order number shall be skipped. Serial numbers on the Third National Master List (Form 174) which are not held by any registrant are simply crossed off and ignored. It is suggested that in assigning order numbers, the local board enter the order numbers opposite the applicable serial numbers on the applicable national master list. 54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

• • • • •

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42–908; Filed, January 31, 1942; 12:08 p. m.]

PART 616—LATE REGISTRATION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 616,[3] in the following respects:

1. By changing the reference in § 616.23 from "§ 614.5" to "§ 614.42."

2. By changing the reference appearing in subsections (a) and (b) of § 616.24 from "§ 614.5" to "§ 614.42."

3. By changing the word "sections" appearing before "616.23 or 616.24" in §§ 616.31, 616.32, and 616.33 to the word "section."

4. By changing the first sentence of § 616.42 to read:

§ 616.42 *Entries in Classification Record.* The local board shall enter the name, serial number, and order number of each registrant whose Registration Card (Form 1) is received late in the Classification Record (Form 100) following the names, serial numbers, and order numbers of the registrants in the age group to which such registrant belongs. • • • (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

January 29, 1942.

[F. R. Doc. 42–909; Filed, January 31, 1942; 12:10 p. m.]

PART 617—REGISTRATION CERTIFICATES

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 617,[4] by changing the subheading above § 617.1 to read "Possession of Registration Certificate Required." (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42–910; Filed, January 31, 1942; 12:10 p. m.]

[Amendment 7, 2d Edition]

PART 621—QUESTIONNAIRE AND OTHER INFORMATION TO BE USED IN CLASSIFYING REGISTRANTS

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 621,[5] by correcting the name of Form 42 appearing in paragraphs (b) and (c) of § 621.4 to read as follows:

"Claim for Deferred Classification by Person Other Than Registrant (Form 42)".

(54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 42–894; Filed, January 31, 1942; 12:15 p. m.]

[Amendment 8, 2d Edition]

PART 622—CLASSIFICATION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 622,[6] by correcting section number 623.23 of this part to read "622.23." (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42–895; Filed, January 31, 1942; 12:16 p. m.]

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[1] 7 F.R. 388.

[2] 7 F.R. 391.

[3] 7 F.R. 393.

[4] 7 F.R. 395.

[5] 6 F. R. 6606.

[6] 6 F.R. 6607, 6766.

[Amendment 9, 2d Edition]

PART 623—CLASSIFICATION PROCEDURE

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 623,[1] § 623.21, by deleting paragraph (b) thereof and substituting therefor the following:

§ 623.21 *Consideration of classes not requiring physical examination.*

• • • • •

(b) If the registrant is not classified in Class I–C, the local board shall next determine whether, under the provisions of § 622.61, the registrant is morally unfit for any military service, and if it finds that he is, he shall be classified in Class IV–F. No consideration will be given at this time to whether the registrant should be classified in Class IV–F by reason of being physically or mentally unfit. This determination will be made only after receiving the Report of Physical Examination and Induction (Form 221) from the local board examining physician. (*See* § 623.51.) (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42–896; Filed, January 31, 1942; 12:16 p. m.]

[Amendment 10, 2d Edition]

PART 623—CLASSIFICATION PROCEDURE

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 623,[2] in the following respects:

1. By changing the number and title of § 623.52 from "§ 623.52 *Notice and record of classification or change of classification.*" to "§ 623.61 *Classification and change of classification.*";

2. By changing the number of § 623.53 from "623.53" to "623.62";

3. By preceding the two renumbered sections by a subheading reading as follows: "Notice and Record of Classification"; and

4. By making the above changes in the table of contents of this part. (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42–897; Filed, January 31, 1942; 12:16 p. m.]

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[1] 6 F.R. 6611, 6643; 7 F.R. 68.

No. 23——4

PART 625[1]—APPEARANCE BEFORE LOCAL BOARD

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, by changing the reference "§ 623.53" in § 625.2 (d) to "§ 623.52." (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F.R. Doc. 42–911; Filed, January 31, 1942; 12:10 p. m.]

[Amendment 11, 2d Edition]

PART 625—APPEARANCE BEFORE LOCAL BOARD

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 625,[2] § 625.2, by deleting paragraph (d) thereof and substituting therefor the following:

§ 625.2 *Appearance before local board.*

• • • • •

(d) After the registrant has appeared before the member or members of the local board designated for the purpose, the local board, as soon as practicable after it again classifies the registrant, shall mail notice thereof on the Notice of Classification (Form 57) to the persons entitled to receive such notice on an original classification under the provisions of § 623.61. (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

• • • • •

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42–898; Filed, January 31, 1942; 12:16 p. m.]

[Amendment 12, 2d Edition]

PART 626—REOPENING AND CONSIDERING ANEW REGISTRANT'S CLASSIFICATION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 626,[3] § 626.2, by deleting paragraph (a) thereof and substituting therefor the following:

§ 626.2 *When registrant's classification may be reopened and considered anew.* (a) The local board may reopen and consider anew the classification of a registrant (1) upon the written request of the registrant, the government appeal agent, any person who claims to be a dependent of the registrant, or any interested party in a case involving occupational deferment, if such request is accompanied by written information presenting facts not considered when the registrant was classified which, if true, would justify a change in the registrant's classification; or (2) upon its own motion if such action is based upon facts not considered when the registrant was classified which, if true, would justify a change in the registrant's classification; provided, in either event, the classification of a registrant shall not be reopened after the local board has mailed to such registrant an Order to Report for Physical Examination by the Armed Forces Prior to Induction (Form 150A) unless the local board first specifically finds that there has been a change in the registrant's status resulting from circumstances over which the registrant had no control. (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

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Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42–899; Filed, January 31, 1942; 12:17 p. m.]

[Amendment 13, 2d Edition]

PART 626—REOPENING AND CONSIDERING ANEW REGISTRANT'S CLASSIFICATION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 626,[4] by deleting § 626.12 and substituting therefor the following:

§ 626.12 *Notice of action when classification considered anew.* When the local board reopens the registrant's classification, it, as soon as practicable after it again classifies the registrant, shall mail notice thereof on a Notice of Classification (Form 57) to the persons entitled to receive notice of an original classification under the provisions of § 623.61. (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42–900; Filed, January 31, 1942; 12:17 p. m.]

PART 633—DELIVERY AND INDUCTION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 633,[4] in the following respects:

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[1] 6 F.R. 6843.

[2] 6 F.R. 6843, 7 F.R. 110.

[4] 6 F.R. 6849, 7 F.R. 202.

1. By changing the last word in § 633.12 (a), i. e., "man", to read "men."

2. By deleting subsection (c) of § 633.13.

3. By changing subsection (b) of § 633.14 to read as follows:

§ 633.14 *Classification after separation from land or naval forces.*

* * * * *

(b) Upon receiving a report that a registrant has been separated from the land or naval forces (1) by discharge on or after December 8, 1941 based on physical disability or (2) by death at any time, the local board shall not change his classification, but shall note the facts in the Classification Record (Form 100), on the registrant's Cover Sheet (Form 53), and on his Registration Card (Form 1). (54 Stat. 886; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42–912; Filed, January 31, 1942; 12:10 p. m.]

PART 642—DELINQUENCY

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 642,[1] in the following respects:

1. By inserting the word "see" before the parenthetical reference "§ 642.2" appearing in § 642.4, so that said reference will read "(*see* § 642.2)."

2. By inserting the word "the" before "Report of Physical Examination and Induction (Form 221)" and "List of Defects (Form 220)" in the first sentence of § 642.7 (d).

3. By changing the name of Form 47 in § 642.7 (e) to read "Special Form for Conscientious Objector." (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42–913; Filed, January 31, 1942; 12:11 p. m.]

[Amendment 14, 2d Edition]

PART 642—DELINQUENCY

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 642,[1] § 642.7, by deleting paragraph (a) thereof and substituting therefor the following:

§ 642.7 *Procedure upon release of delinquents.* (a) Provided they have not already been accomplished, the following steps shall be taken in connection with every delinquent at the time of his release from confinement:

(1) He shall be registered in accordance with § 616.11.

(2) His Selective Service Questionnaire (Form 40) shall be executed.

(3) His Special Form for Conscientious Objector (Form 47), where applicable, shall be executed.

(4) He shall be physically examined. (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779.)

* * * * *

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42–901 Filed, January 31, 1942; 12:17 p. m.]

PART 651—DETERMINATION OF ACCEPTABILITY OF PERSONS FOR WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

As Director of Selective Service, I hereby amend the enabling clause of the amendment prescribing Part 651[2] by changing the numbers of the new sections to conform with the sections of said part, as follows:

Section 651.4 should read § 651.11
Section 651.5 should read § 651.21
Section 651.6 should read § 651.31

(54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42–914; Filed, January 31, 1942; 12:12 p. m.]

[Amendment 15, 2d Edition]

PART 653—WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 653,[3] § 653.11 (c), by changing the Item number of Section VI of the Report of Physical Examination and Induction (Form 221) from "84" to "81." (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 31, 1942.

[F. R. Doc. 42–902; Filed, January 31, 1942; 12:17 p. m.]

PART 653—WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 653,[3] in the following respects:

1. By inserting the word "the" between the words "direction of" and the words "United States Department of Agriculture" in the first sentence of § 653.1 (b).

2. By deleting § 653.14 (a) and substituting therefor the following:

§ 653.14. *Final release.* (a) Each assignee who completes his period of active participation in work of national importance under civilian direction shall receive a Certificate of Release from Active Participation in Work of National Importance under Civilian Direction (Form 45). The Certificate of Release from Active Participation in Work of National Importance under Civilian Direction (Form 45) will be prepared, in quadruplicate, by the Director of Selective Service and distributed as follows: The original will be transmitted to the camp director for delivery to the released assignee; two copies will be sent to the appropriate State Director of Selective Service, who will retain one copy for his file and transmit the other copy to the assignee's local board; and the remaining copy will be filed in the assignee's file in National Headquarters for Selective Service. (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

* * * * *

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F.R. Doc. 42–915; Filed, January 31, 1942; 12:12 p. m.]

PART 661—PHYSICAL REHABILITATION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 661,[4] by inserting the word "to" between the words "has forwarded" and "the local board" in the fourth sentence of § 661.11 (a). (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779.)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42–916; Filed, January 31, 1942; 12:12 p. m.]

AMENDMENT TO SELECTIVE SERVICE REGULATIONS, SECOND EDITION

USE OF ABBREVIATION "NO."

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, by inserting the abbreviation "No." between the words "Standard Form" and the form number wherever in these regulations said abbreviation does not appear between said words and the form number. (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 1, 1942.

LEWIS B. HERSHEY,
Director.

JANUARY 29, 1942.

[F. R. Doc. 42–908; Filed, January 31, 1942; 12:07 p. m.]

[1] 7 F.R. 111, 202.

[2] 7 F.R. 276.

[3] 7 F.R. 247.

[4] 7 F.R. 432.

[No. 48]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of Paragraph 163 and Appendix A[1] to Volume One of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

The addition of a new form designated as DSS Form 51, entitled "Personnel Information Form—Assignees C. P. S. Camps and Employees of National Service Board for Religious Objectors and Affiliated Organizations Engaged in Operations of Camps for Conscientious Objectors," effective immediately upon the filing[2] hereof with the Division of the Federal Register.

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

DECEMBER 12, 1941.

[F. R. Doc. 42–883; Filed, January 31, 1942; 12:12 p. m.]

[No. 49]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Paragraph 163 and Appendix A[1] to Volume One of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 40, entitled "Selective Service Questionnaire," effective immediately upon the filing[2] hereof with the Division of the Federal Register.

The foregoing revision shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

JANUARY 7, 1942.

[F. R. Doc. 42–884; Filed, January 31, 1942; 12:13 p. m.]

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 921—ALUMINUM

Extension General Preference Order M–1[3] *and Supplementary Order M–1–a*[4]

It is hereby ordered, That §§ 921.1 and 921.2 [General Preference Order M–1 and Supplementary Order M–1–a as extended], expiring by their respective terms on January 31, 1942, shall continue in effect until February 28, 1942, unless sooner revoked by the Director of Industry Operations. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 31st day of January 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–879; Filed, January 31, 1942; 11:20 a. m.]

PART 1006—MATERIAL ENTERING INTO THE COMPLETION OF CERTAIN PRIVATE HOUSING PROJECTS NOT QUALIFYING UNDER PREFERENCE RATING ORDER P–55

Extension of Time for Filing Applications Under Preference Rating Order No. P–71[5]

It is hereby ordered, that the time within which applications for preference rating may be filed under § 1006.1 (*Preference Rating Order P–71*) is extended to and including February 14, 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 31st day of January 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–877; Filed, January 31, 1942; 11:20 a. m.]

PART 1050—DISTILLED SPIRITS

Supplementary Order No. 1 to General Preference Order No. M–69[6] *To Conserve the Supply and Direct the Distribution of Distilled Spirits*

§ 1050.2 *Supplementary Order 1 to General Preference Order M–69.* (a) When available storage capacity for Distilled Spirits has been filled, operation of paragraph (c) of General Preference Order No. M–69 is suspended until February 1, 1942. The foregoing shall be operative only to the extent that allocation orders heretofore and hereafter issued by the Director of Priorities are not affected.

(b) This Order shall take effect as of January 16, 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E. O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 31st day of January 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–878; Filed, January 31, 1942; 11:20 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1306—IRON AND STEEL

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 49[7]—RESALE OF IRON AND STEEL PRODUCTS

Section 1306.157 is amended by adding two new paragraphs (p) and (q) and § 1306.159 paragraph (e) is amended to read as set forth below:

§ 1306.157 *Definitions.*

* * * * *

(p) "Export agent" means any exporter who acts directly for a foreign purchaser in a sale between any seller in the United States and such foreign purchaser, and who does not (1) take title to the goods being exported, or (2) assume a risk of loss because of demurrage, failure to secure shipping space, or otherwise.

(q) "Export merchant" means any exporter who acts as a principal, directly to a foreign customer, and (1) buys for his own account, and (2) takes title to the goods directly or through an agent and (3) assumes all risk of loss because of demurrage, failure to secure shipping space, damage to the merchandise, or otherwise.

§ 1306.159 *Appendix A; domestic and export maximum prices for iron and steel products.*

* * * * *

(e) *Maximum prices for exports of iron or steel products.* (1) The maximum prices which may be charged by any person for iron or steel products sold for export to any place outside the territorial limits of the United States, shall be the maximum prices, as established by this Schedule (§§ 1306.151 to 1306.161 inclusive) and Price Schedule No. 6, f. o. b. inland carrier or warehouse at port of exportation: *Provided,* (i) That if such a sale is made by an export agent, as defined hereinabove, an amount may be added not in excess of 5% of the maximum domestic price as established in this Schedule.

(ii) That if such a sale is made by an export merchant, as defined hereinabove, an amount may be added not in excess of 10% of the maximum domestic price as established in this Schedule.

(iii) Other export merchants who customarily incur additional foreign costs or expenses in excess of those borne by the export merchant, as defined hereinabove, may apply to the Office of Price Administration for exception, stating reasons why an additional amount should be allowed. The application shall be in the form of an application for relief.

(2) The maximum export price as set forth above in subdivision (ii) shall include and shall not be increased by reason

[1] 5 F.R. 3785.

[2] Filed as part of the original document.

[3] 6 F.R. 1598, 7 F.R. 27.

[4] 6 F.R. 1599, 7 F.R. 27.

[5] 6 F.R. 6683.

[6] 7 F.R. 224.

[7] 6 F.R. 6428.

of any fees, commissions, or expenses, including commissions paid to other intermediaries, whether domestic or foreign, demurrage, storage charges, inspection fees, interest or financing charges, or other expenses connected with the transaction. The maximum price as so computed shall not be increased in any c. i. f. price except to the extent of insurance, ocean freight, and consular charges.

(3) The above margins over domestic maximum prices may be taken only by an export agent or export merchant, and not by both, and shall not be shared by any such person with any domestic seller, broker, agent, or other intermediary. (E.O. 8734, 8875, 6 F.R., 1917, 4483)

This amendment No. 1 shall become effective January 30, 1942. Issued this 30th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-870; Filed January 30, 1942; 5:11 p. m.]

PART 1306—IRON AND STEEL

AMENDMENT NO. 3 TO PRICE SCHEDULE NO. 43 [1]—USED STEEL BARRELS OR DRUMS

Two new §§ 1306.211 and 1306.212 are hereby added as set forth below:

§ 1306.211 *Appendix B — exceptions.* The following persons have been granted an exception under § 1306.207 of this Schedule permitting them to make a charge in addition to the maximum prices in Appendix A for drums which are furnished by such persons with a new Heresite lining:

Acme Barrel Co., 2300 W. Thirteenth St., Chicago, Illinois, by letter dated Dec. 16, 1941.

Newark Steel Drum Co., 1200 W. Blanche St., Linden, N. J., by letter dated December 16, 1941.

All action taken in reliance upon the terms of any exception shall be at the risk of the person acting until and unless official notification has been received by such person pursuant to such application. Persons interested may secure the terms of an exception on application to the Office of Price Administration.

§ 1306.212 *Geographical application.* The provisions of this Schedule shall apply only to sales, offers to sell or deliveries of drums moving within, into or out of one of the 48 states of the United States or the District of Columbia. (Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 3 shall become effective February 7, 1942.

Issued this 2nd day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-955; Filed, February 2, 1942; 12:00 m.]

[1] 6 F.R. 5961, 7 F.R. 206, 616.

PART 1306—IRON AND STEEL

AMENDMENT NO. 1 [2] TO PRICE SCHEDULE NO. 46 [3]—RELAYING RAILS

Section 1306.254 is hereby revoked, §§ 1306.251, 1306.255, 1306.258 and 1306.260 are hereby amended and one new § 1306.261 is added as set forth below:

§ 1306.251 *Maximum prices for relaying rail.* On and after December 2, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer relaying rail, and no person shall buy, offer to buy, or accept delivery of relaying rail, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1306.260.

§ 1306.255 *Records and reports.* (a) Every person making purchases or sales of relaying rails after January 1, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the shipping point price paid or received, transportation charges, if any, and the quantity and weight purchased or sold, and (2) the quantity of relaying rail (i) on hand, and (ii) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.

(b) *Purchases of relaying rail in excess of 100 gross tons.* Every person other than the consumer, making a purchase of used rail, in quantities in excess of 100 gross tons, not later than 15 days following the purchase shall file with the Office of Price Administration either (1) a certificate from an established, independent inspection bureau, or (2) an affidavit by such purchaser, stating the estimated division of such rail among relaying, rerolling, and scrap rails, as well as such further documents as may be required by the Office of Price Administration: *Provided*, That the rails so purchased shall be subject to any inspection and classification as to quality which may be made by the Office of Price Administration.

(c) *Sales of relaying rail of 25 gross tons or more.* Every seller making a sale to a consumer of relaying rails in quantities of 25 tons or more, shall file with the Office of Price Administration, not later than 15 days after such sale an affidavit from the consumer stating that such rails are to be used for relaying purposes, the quantity, weight per yard, source, shipping point price and delivered price of the shipment.

§ 1306.258 *Definitions.* When used in this Schedule, the term:

(a) "Person" includes an individual, partnership, association, corporation, or other business entity, as well as executors, trustees in bankruptcy, receivers, and other court-appointed officers;

(b) "Relaying rail" means rail, (1) which weighed 35 lbs. or more per yard when new, (2) which is suitable for relaying and (3) which has been submitted to all reconditioning processes, if any, necessary to render it fit for reuse as rail;

(c) "Shipping point" means on board the means of transportation to the buyer, whether truck, freight car, barge, or ship.*

§ 1306.260 *Appendix A; maximum prices for relaying rail—(a) maximum prices for relaying rail originating from Class I railroads.* The maximum price of relaying rail originating from Class I railroads and Class I switching or terminal companies shall be $28.00 per gross ton f. o. b. any station on the selling railroad at the option of the buyer: *Provided*, That when such rail is purchased by dealers or jobbers, such dealers or jobbers may sell, except as provided in paragraph (c) below, such rail at a maximum price of $30.00 per gross ton f. o. b. shipping point.

(b) *Maximum price for relaying rail originating from sources other than Class I railroads and Class I switching or terminal companies.* The maximum price, f. o. b. shipping point, for relaying rail other than rail originating from Class I railroads and Class I switching or terminal companies, shall be $30.00 per gross ton minus the lowest railroad freight charge for transporting such rail from the shipping point to the basing point nearest freightwise to the shipping point: *Provided*, That the shipping point price need in no case be less than $24.00 per gross ton.

The following cities shall be deemed basing points:

Birmingham, Ala.
Boston, Mass.
Buffalo, N. Y.
Chicago, Ill.
Cincinnati, Ohio.
Cleveland, Ohio.
Denver, Colo.
Detroit, Mich.
Houston, Tex.
Kansas City, Mo.
Los Angeles, Calif.
Minneapolis, Minn.
Norfolk, Va.
Philadelphia, Pa.
Pittsburgh, Pa.
Portland, Oreg.
St. Louis, Mo.
San Francisco, Calif.
Savannah, Ga.
Seattle, Wash.

(c) *Maximum prices for relaying rail sold from warehouses.* (1) The maximum price of relaying rail which has been shipped to recognized relaying rail warehouses equipped with machinery for reconditioning and there unloaded, when sold from such warehouse, shall be $32.00 per gross ton f. o. b. warehouse for quantities of one carload or more; $2.00 cwt. f. o. b. warehouse for less than carload quantities of 5 tons or more; and $2.25 cwt. f. o. b. warehouse for quantities of less than 5 tons. There may be added to such maximum price, charges for extras, where furnished pursuant to the purchaser's specifications, as follows: (i) 15¢ per cwt. for cutting to lengths of 10 to 15 feet, inclusive, together with such drilling as may be necessary; (ii) 20¢ per cwt. for cutting to lengths of less than 10 feet together with such drilling as may be necessary; (iii) 5¢ per cwt. for bonding; (iv) 10¢ for cwt. for special drilling.

(2) Any person desiring to sell relaying rail pursuant to paragraph (c) herein must file, on or before December 10, 1941, with the Office of Price Administration, a statement indicating that he operates a recognized warehouse equipped with machinery for reconditioning. A storage point or yard, not customarily operated as a warehouse, is not a warehouse within the meaning of this paragraph.

(d) *Commissions.* Where a purchaser employs the services of an agent in the purchase of relaying rails, and such agent has no beneficial interest in the seller as an employee or otherwise, the purchaser may pay such agent a commission not exceeding $1.00 per gross ton. Where such a commission is paid the amount thereof may be added to the maximum prices set forth in subdivisions (a), (b) and (c) above.

§ 1306.261 *Geographical application.* The provisions of this Schedule shall apply only to sales, offers to sell or deliveries of relaying rails moving within, into or out of one of the 48 States of the United States or the District of Columbia.

Issued this 2d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-953; Filed, February 2, 1942; 11:59 a. m.]

[2] (Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.) This amendment No. 1 shall become effective February 7, 1942.

[3] 6 F.R. 6185.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 63 [1]—RETAIL PRICES FOR NEW RUBBER TIRES AND TUBES

Section 1315.110 is amended by striking a word in paragraph (b), adding a new subparagraph (3) to paragraph (i) and adding a new paragraph (m);

Section 1315.111 is amended by substituting three brand names in paragraph (b), adding a new subparagraph (3) to paragraph (i) and adding a new paragraph (m); as set forth below:

§ 1315.110 *Appendix A; maximum retail prices for manufacturers' brands of new rubber tires and tubes.* * * *

Paragraph (b) is amended by striking the word "Streamline" from the line reading "The Armstrong Rubber Company, Streamline, Heatmaster."

* * * * *

(i) * * *

(3) If for any particular size of a brand, line, level, quality or weight of tire or tube for which no maximum price is specifically fixed herein, there is no corresponding size on the consumer list price in effect November 25, 1941 for the brand of this manufacturer for which a maximum price is specifically fixed herein, the maximum price for such size of such brand for which no maximum price is specifically fixed shall be determined by using the 6:00 x 16 size in the calculations called for in subparagraphs (1) and (2) above, and maintaining the same relationship between such other size and the 6:00 x 16 size of the brand for which no maximum price is specifically fixed as existed between such sizes on the November 25, 1941 consumer list price for such brand.

* * * * *

(m) Notwithstanding any other provision of this Schedule (§§ 1315.101–1315.111), the maximum retail prices for all brands of passenger car tires owned by the following manufacturers, shall be as follows:

(1) The Armstrong Rubber Company: Maximum prices for the "Streamline" brand of passenger car tires for all sizes listed in paragraph (a) shall be the prices listed in paragraph (a), with other sizes determined according to the method set forth in paragraph (f). Maximum prices for the 6:00 x 16, (4 ply) "Air Coaster" and "Standard" brands of passenger-car tires shall be $12.90 and $10.05 respectively. Other sizes and plies of these brands shall remain in the same percentage relationship to these prices as they bore on the Armstrong Rubber Company's Consumer Price List in effect on November 25, 1941.

§ 1315.111 Appendix B; *maximum retail prices for private brands of new rubber tires and tubes.* * * *

Paragraph (b) is amended by substituting "Co-op Heavy Duty Regular Deluxe First Line" for "Heavy Duty Regular Deluxe First Line" as the *brand of passenger-car tire* and "Co-op Heavy Service Truck and Bus Balloon Deluxe Ribbed Cotton" for "Heavy Service Truck and Bus Balloon Deluxe Ribbed Cotton" as the *brand of truck tire* for the Indiana Farm Bureau Cooperative Association, Incorporated, and by substituting "Mile Master Deluxe" for "Statesman" as the *brand of passenger-car tire* for the Richmond Rubber Company.

* * * * *

(i) * * *

(3) If for any particular size of a brand, line, level, quality or weight of tire or tube for which no maximum price is specifically fixed herein, there is no corresponding size on the consumer list price in effect November 25, 1941 for the brand of this distributor for which a maximum price is specifically fixed herein, the maximum price for such size of such brand for which no maximum price is specifically fixed shall be determined by using the 6:00 x 16 size in the calculations called for in subparagraphs (1) and (2) above, and maintaining the same relationship between such other size and the 6:00 x 16 size of the brand for which no maximum price is specifically fixed as existed between such sizes in the November 25, 1941 consumer list price for such brand.

* * * * *

(m) Notwithstanding any other provisions of this Schedule (§§ 1315:101–1315:111), the maximum retail prices for all brands of passenger-car and truck tires owned by the following private brand distributors shall be as follows:

(1) Triplex Tire Company: Maximum prices shall be the consumer price list of the company on file with the Office of Price Administration which was in effect on September 30, 1941.

This Amendment No. 1 shall become effective February 5, 1942.

Issued this 31st day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-951; Filed, February 2, 1942; 11:52 a. m.]

[1] 6 F.R. 6455.

[2] (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

[3] 7 F.R. 35, 206.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

PRICE SCHEDULE NO. 87—SCRAP RUBBER

The War being waged with the Japanese Empire makes uncertain the future shipments of rubber from the Far East. In order to conserve for military and essential civilian purposes the rubber stockpile already accumulated in this country, it has been necessary to curtail sharply the consumption of rubber in the manufacture of products not essential to the immediate national defense. This restriction upon the processing of crude rubber is expected to cause a marked increase in the use of such materials as reclaimed rubber which serve as substitutes for crude rubber. The demand for scrap rubber, the material from which reclaimed rubber is made, may be expected to expand sharply, thereby producing grave danger of further price increases.

Scrap rubber prices have been rising steadily in recent months. The maximum prices fixed by this Schedule are based on prices prevailing shortly before the outbreak of the war in the Pacific. The Office of Price Administration has determined, after investigation and conference with both the producing and consuming elements of the industry, that price advances beyond the maximum determined, after investigation and conprices set forth herein are not necessary to produce the maximum supply of scrap rubber.

Because of the vital importance to the nation's war effort of keeping the cost of substitution of reclaimed rubber for crude rubber to a minimum, the Office of Price Administration fixed the price of reclaimed rubber by Price Schedule No. 56.[1] As an essential and integral part of the Government's rubber program, and in order to make the other steps effective, it is necessary during the present emergency to establish maximum prices for scrap rubber.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1315.1251 *Maximum prices for scrap rubber.* On and after February 5, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no person shall sell, offer to sell, deliver or transfer scrap rubber to any consumer, and no consumer shall buy, offer to buy, or accept delivery of scrap rubber at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1315.1260.*

*§§ 1315.1251 to 1315.1260, inclusive, issued under the authority contained in Executive Orders Nos. 8734, 8675; 6 F.R. 1917, 4483.

§ 1315.1252 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

[1] 6 F.R. 6455.

§ 1315.1253 *Evasion.* The price limitations set forth in this Schedule shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of scrap rubber, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1315.1254 *Records and reports.* Every person making any sale of scrap rubber to a consumer and every consumer making any purchase of scrap rubber after February 5, 1942, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of (a) each such purchase or sale showing the date thereof, the name and address of the buyer and the seller, the quantity of each kind or grade purchased or sold, and the price paid or received, showing as a separate item any transportation charges added to the maximum price pursuant to paragraph (e) of Appendix A, and (b) the quantity of each grade of scrap rubber (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1315.1255 *Affirmations of compliance.* On or before March 10, 1942, and on the 10th day of each month thereafter, every person who, during the preceding calendar month, has sold scrap rubber to a consumer, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 187:1, containing a sworn statement that during such month all such sales were made at prices in compliance with this Schedule, or with any exception therefrom or modification thereof. Copies of Form 187:1 can be procured at the Office of Price Administration or, provided that no change is made in the style and content of the form and that it is reproduced on 8 by 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1315.1256 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the Rubber Reserve Company and the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule.

Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of scrap rubber, or of the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1315.1257 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1315.1258 *Definitions.* When used in this Schedule the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Scrap rubber" means the kinds and grades of scrap rubber listed in Appendix A;

(c) "Consumer" means any person consuming scrap rubber in the manufacture of any product except tire repair materials or accessories. It does not include a person who repairs or reconditions scrap rubber articles to make them re-usable for the purpose for which they were originally manufactured.

(d) "Consuming mill" means a mill or other establishment where a consumer uses scrap rubber.

(e) "Consuming center" means one of the towns, listed in Tables I and II of Appendix A, in which consuming mills are located;

(f) "Ton" means a short ton of 2,000 pounds net weight determined at the consuming mill. Bags, coverings or containers shall not be included in the net weight.*

§ 1315.1259 *Effective date of the Schedule.* This Schedule shall become effective on February 5, 1942.*

§ 1315.1260 *Appendix A; Maximum prices for scrap rubber*—(a) *Chief consuming centers.* The maximum prices listed in Tables I and II for each consuming center are applicable to every sale of scrap rubber to any consumer for use in a consuming mill located in such consuming center, regardless of the place from which the scrap rubber may have been shipped or where the actual sale may have been made.

TABLE I

[Dollars per short ton]

Grade	Maximum prices at consuming centers						
	Akron, Ohio	Buffalo, N. Y.	East St. Louis, Ill.	Gadsden, Ala.	Los Angeles, Calif.	Memphis, Tenn.	Naugatuck, Conn.
Passenger Tires: [1]							
Mixed Passenger Tires [2]	$18.00	$17.50	$16.40	$14.00	$12.00	$15.50	$16.50
Beadless Passenger Tires [3]	24.00	23.50	22.00	19.00	16.50	20.88	22.12
Passenger S. A. G. [4]	18.50	18.00	16.90	14.50	12.50	16.00	17.00
Truck Tires: [5]							
Mixed Truck Tires [6]	18.00	17.50	16.40	14.00	12.00	15.50	16.50
Beadless Truck Tires [7]	24.00	23.50	22.00	19.00	16.50	20.88	22.12
No. 1 Truck S. A. G. [8]	16.50	16.00	14.90	12.50	10.50	14.00	15.00
No. 2 Truck S. A. G. [9]	16.50	16.00	14.90	12.50	10.50	14.00	15.00

[1] *Passenger Tires.* Shall consist of whole pneumatic tire casings having six plies or less, and shall be free from hard, oxidized, burnt, filled, non-pneumatic, single tube and motorcycle tires, and from leather and metal.

[2] *Mixed Passenger Tires.* This grade shall consist of black whole tires free from strip tires. White or colored sidewall tires are permissible. A maximum of 10% may consist of roadworn tires.

[3] *Beadless Passenger Tires.* This grade shall consist of Mixed Passenger Tires from which the beads have been cut but which conform otherwise to the specifications for Mixed Passenger Tires.

[4] *Passenger S. A. G.* This grade shall consist of pieces of pneumatic passenger tires from which the treads and beads have been removed and may or may not contain sidewall rubber.

[5] *Truck Tires.* Shall consist of whole pneumatic tires casings for busses and trucks having seven plies or more, and shall be free from hard, oxidized, burnt, filled, non-pneumatic single tube tires, and from leather and metal.

[6] *Mixed Truck Tires.* This grade shall consist of black whole tires free from stripped tires. White or colored sidewall tires are permissible. A maximum of 10% may consist of Roadworn Tires.

[7] *Beadless Truck Tires.* This grade shall consist of Mixed Tires from which the beads have been cut but which conform otherwise to the specifications for Mixed Truck Tires.

[8] *No. 1 Truck S. A. G.* This grade shall consist of pieces of pneumatic bus and truck tires from which the tread and beads, but not the sidewall, have been removed.

[9] *No. 2 Truck S. A. G.* This grade shall consist of a mixture of No. 1 Passenger S. A. G. with No. 1 Truck S. A. G. and may or may not contain sidewall rubber.

TABLE II

Grade	Maximum prices at consuming centers	
	Akron, Ohio; Buffalo, N.Y.; East St. Louis, Ill.; Gadsden, Ala.; Memphis, Tenn.; Naugatuck, Conn.	Los Angeles, Calif.
	Dollars per short ton	*Dollars per short ton*
No. 1 Passenger Peelings [1]	47.50	40.00
No. 2 Passenger Peelings [2]	30.00	22.50
No. 3 Passenger Peelings [3]	27.50	20.00
No. 1 Truck Peelings [4]	47.50	37.50
No. 1 A Truck Peelings [5]	50.00	38.75
No. 2 Truck Peelings [6]	30.00	22.50
No. 3 Truck Peelings [7]	27.50	20.00
No. 1 Light Colored (Zinc) Carcass [8]	52.50	40.00
No. 2 Light Colored Carcass [9]	50.00	38.75
Gray Carcass [10]	47.50	37.50
	Cents per pound	*Cents per pound*
Passenger Tubes: [11]		
No. 2 Passenger Tubes [12]	7¾	7¼
Light Colored No. 2 Passenger Tubes [13]	8¼	7¾
Red Passenger Tubes [14]	7½	7
Black Passenger Tubes [15]	6¾	6¼
Mixed Passenger Tubes [16]	6¾	6¼
Truck Tubes: [17]		
No. 2 Truck Tubes [18]	7½	7
Red Truck Tubes [19]	7¾	6¾
Black Truck Tubes [20]	5¼	4¾
Two-Toned Black-Gold Tubes [21]	6¾	6¼
Two-Toned Red-Black Tubes [22]	6½	6

[1] *No. 1 Passenger Peelings.* This grade shall consist of treads stripped from black pneumatic passenger tires. The material shall be free from fabric, metal, leather, and hard, burnt, or oxidized treads.

[2] *No. 2 Passenger Peelings.* This grade shall consist of treads stripped from black pneumatic passenger tires. The material may contain cushion rubber, breaker fabric and sidewalls plus no more than one full ply of carcass fabric.

[3] *No. 3 Passenger Peelings (Bald Head Peelings).* This grade is the same as No. 2 Passenger Peelings except that a part of the tread has been removed.

[4] *No. 1 Truck Peelings.* This grade shall consist of treads stripped from black pneumatic bus and truck tires. The material may contain cushion rubber, but shall be free from fabric, metal, leather, and hard, burnt, or oxidized treads. This grade may contain not more than 10% of No. 1 Passenger Peelings.

[5] *No. 1A Truck Peelings.* This grade shall have the same specification as No. 1 Truck Peelings except these peelings shall be free from cushion rubber.

[6] *No. 2 Truck Peelings.* This grade shall consist of treads stripped from black pneumatic bus and truck tires. The material may contain cushion rubber, breaker fabric and sidewalls, but no more than one full ply of carcass fabric.

[7] *No. 3 Truck Peelings (Bald Head Peelings).* This grade is the same as No. 2 Truck Peelings except that a part of the tread has been removed.

[8] *No. 1 Light Colored Carcass.* This grade shall consist of all white zinc carcass free of black edges and any other colored rubber.

[9] *No. 2 Light Colored Carcass.* This grade shall consist of light colors as white, pink, light gray, pure gum and light brown carcass, free of all black edges and dark colored rubber.

[10] *Gray Carcass.* This grade shall consist of gray, and colors too dark for delivery under No. 2 Light Colored Carcass, and shall be free of all black edges and black rubber.

[11] *Passenger Tubes.* Shall consist of inner tubes for pneumatic passenger tires, free from sections of tubes less than 12 inches long, free from truck, bus and puncture-proof tubes, crusty and oxidized tubes, and free from metal and punchings. All passenger tubes, except Mixed Passenger Tubes, shall be free from metal valves. All passenger tubes, except Mixed Passenger tubes and Black Passenger Tubes, shall be free from black rubber valve cots and the bases of such valves.

[12] *No. 2 Passenger Tubes.* This grade shall consist of compounded passenger tubes free from black, red and two-toned passenger tubes.

[13] *Light Colored No. 2 Passenger Tubes.* This grade shall consist of No. 2 Passenger Tubes specially selected as to color by agreement between the buyer and the seller.

[14] *Red Passenger Tubes.* This grade shall be strictly RED tubes.

[15] *Black Passenger Tubes.* This grade shall be strictly black compounded passenger tubes. Black rubber valve cots and their bases may be present, but no metal valves or parts.

[16] *Mixed Passenger Tubes.* This grade shall consist of whole tubes of various colors and qualities and may contain valves unless otherwise specified in the purchase contract.

[17] *Truck Tubes.* Shall consist of inner tubes for pneumatic truck and bus tires, free from sections of tubes less than 12 inches long, and free from crusty, oxidized or puncture-proof tubes, metal and punchings. All truck tubes, except Mixed Truck Tubes, shall be free from metal valves and from black rubber valve cots and the bases of such valves unless otherwise specified in the purchase contract.

[18] *No. 2 Truck Tubes.* This grade shall consist of compounded truck tubes free from black, red and two-toned tubes.

[19] *Red Truck Tubes.* This grade shall be strictly RED tubes.

[20] *Black Truck Tubes.* This grade shall be strictly black compounded truck tubes. Black rubber valve cots and their bases may be present, but no metal valves and parts.

[21] *Two-Toned Black-Gold Tubes.* This grade shall be two-toned black and gold passenger or truck tubes.

[22] *Two-Toned Red-Black Tubes.* This grade shall be two-toned red and black passenger or truck tubes.

(b) *Other consuming mills.* For any sale of scrap rubber to any consumer for use in a consuming mill not located in one of the consuming centers listed in Tables I and II, the applicable maximum prices shall be those set forth in Tables I and II for the one of the consuming centers there listed to which the freight charge on scrap rubber from such consuming mill is lowest. If from any such consuming mill the freight charge on scrap rubber to two or more of the consuming centers listed in Tables I and II is equal and it is not lower to any of the others, the maximum prices applicable to sales for consumption in such mill shall be the prices set forth in Tables I and II for the one of those consuming centers with equal freight rates whose maximum prices are lowest.

(c) *Delivered prices.* The prices specified in this Appendix are the maximum prices that may be paid by any consumer or charged by any person for scrap rubber delivered to a consuming mill. The maximum prices set forth herein shall include all transportation costs except as provided in paragraph (e) below.

(d) *Packing.* The maximum prices specified in this Appendix apply to scrap rubber that is packed as follows: Mixed and beadless passenger and truck tires as listed in Table I may be shipped bundled or loose in cars. All other grades of scrap rubber shall be packed in bags or bales, with each grade packed separately. Each bale shall weigh not less than 500 pounds, nor more than 1,500 pounds and shall be well and securely bound. Any scrap rubber not packed in accordance with the provisions of this paragraph must be sold at appropriate differentials below the maximum prices.

(e) *Freight allowance for long hauls.* For any scrap rubber consisting of mixed or beadless passenger or truck tires as listed in Table I on which the actual transportation charges paid for the direct shipment to a consuming mill exceed eight dollars ($8.00) per ton, the maximum prices specified in this Appendix may be increased by a sum per ton not in excess of the difference between $8.00 and such actual transportation cost involved per ton.

(f) *Premiums for large deliveries*—(1) *Allowance of premiums.* On any single sale of scrap rubber consisting of grades specified in subparagraph (2) below as belonging to one of the groups therein set forth and amounting to or exceeding the tonnage figure set forth in subparagraph (2) for that particular group, the amounts specified in subparagraph (3) below for each grade may be added to the maximum prices of each such grade, provided delivery to the consuming mill of the full amount of such sale is completed within 60 days after the receipt at such mill of the first delivery on such sale.

The amount of tonnage specified in subparagraph (2) for each group may

consist of any combination of grades included in that group. In no case may the minimum tonnage required by subparagraph (2) for any group be figured by including grades listed in that subparagraph as falling within another group.

(2) *Groups entitled to premiums.* *Group A* consists of mixed or beadless passenger truck tires as listed in Table I. To be entitled to a premium, a single sale of scrap rubber in this group must consist of 750 tons or more. *Group B* consists of grades listed in Tables I and II as G. A. G., peelings, or carcass. To be entitled to a premium, a single sale of scrap rubber in this group must consist of 400 tons or more. *Group C* consists of tubes as listed in Table II. To be entitled to a premium, a single sale of scrap rubber in this group must consist of 150 tons or more.

(3) *Amount of premium.* The amounts that may be added to the maximum prices for specific grades of scrap rubber under the provisions of this paragraph (f) are:

(i) One dollar and fifty cents ($1.50) per ton for beadless passenger or truck tires as listed in Table I;

(ii) One dollar ($1) per ton for any scrap rubber except beadless passenger or truck tires, the maximum price of which, as set forth in Tables I and II, is $20.00 per ton or less;

(iii) Five percent (5%) of the maximum price set forth in Tables I and II or $5.00 per ton, whichever is less, for any scrap rubber except beadless passenger or truck tires, the maximum price of which, as set forth in Tables I and II, is over $20 per ton.*

Issued this 31st day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-952; Filed, February 2, 1942; 11:53 a. m.]

PART 1347—PAPER AND PAPER PRODUCTS

AMENDMENT NO. 5 TO PRICE SCHEDULE NO. 30 [1]—WASTEPAPER

The preamble to Price Schedule No. 30 is amended by striking out the next to the last paragraph thereof; § 1347.1 and § 1347.8, paragraph (e) [2] are amended to read as follows: § 1347.10 [3], Appendix A, is amended by striking out footnote 1 thereof, by amending the grade title of the second item and the price of the fourth and fifth items in the list of grades and prices, and amending footnotes 4, 5, 6, 8, and 33 to read as follows, by striking out paragraph (b) and by adding two new paragraphs (b) and (c) to read as follows:

§1347.1 *Maximum prices for wastepaper.* On and after October 1, 1941, regardless of the terms of any contract of sale or purchase or other commitment, in the continental United States, no person shall sell, offer to sell, deliver or transfer wastepaper, and no person shall buy, offer to buy, or accept delivery of wastepaper at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1347.10.

§ 1347.8 *Definitions.*

* * * * * *

(e) "Broker", commonly known as a wastepaper broker, means any person who sells to consumers wastepaper not packed by such person, and purchased by such person in the condition in which it is to be delivered to the consumer.

§ 1347.10 *Appendix A; maximum prices for wastepaper.* (a) * * *

Grades	Maximum prices [1] per short ton [2] f. o. b. point of shipment [4]
* * * * *	
No. 1 News [6]	$15.00
* * * * *	
Old Corrugated Containers [8]	20.00
New Corrugated Cuttings [33]	21.50
* * * * *	

[4] All prices established by this Schedule shall be for wastepaper f. o. b. freight cars, trucks or barges at the point of shipment, or, in case of exports, f. a. s. the vessel at the port of export. Except in the case of exports, no charge or cost incurred in transferring a shipment to or loading a shipment on a conveyance for transportation to the buyer, may be added to the point of shipment price. The point of shipment shall be the point at which the wastepaper is first loaded on a conveyance for transportation to the buyer, or, in the case of exports, f. a. s. the vessel at the port of export. Sales may be made on a delivered basis, but such sales must be made at prices not in excess of the maximum f. o. b. point of shipment prices established by this Schedule, plus the appropriate transportation allowances set forth in paragraph (b) below, or, in the case of exports, plus the allowance set forth in (a) below, if any, and/or any costs incident to movement beyond the point of shipment.

To the prices established by this Schedule, in the case of wastepaper exported for papermaking, the following allowance may be added:

(a) If the wastepaper to be exported for the purpose of papermaking has been baled to meet the requirements of maritime handling and is transported to the dock or other place of delivery to an ocean carrier for export shipment at the expense of the seller, an amount not in excess of $3.00 per short ton may be added to the maximum prices established by this Schedule to cover the cost of such baling and transportation, which additional amount must be listed as a separate item on the invoice. No such charge may be added in the event the broker or producer has not kept the records required by § 1347.4.

[5] "No. 1 Mixed Paper" shall consist of clean, dry, sorted and repacked wastepaper free from objectionable papers and foreign materials and packed in large machine compressed bales weighing 650 pounds or more, and shall include, without in any way limiting the generality of the foregoing, wastepaper sometimes described as super-mixed, repacked mixed, dry goods waste, department store waste, printer's waste, container manila, print manila, and so forth: *Provided, however,* That if any one or more of the aforementioned requirements of this definition are absent, then the wastepaper may not be sold at a price in excess of $12.00 per short ton.

[6] "No. 1 News" shall consist of clean, dry, sorted and repacked newspapers free from foreign materials, obectionable and mixed papess, and packed in bales or bundles: *Provided, however,* That if any one or more of the aforementioned requirements of this definition are absent, then the wastepaper may not be sold at a price in excess of $13.00 per short ton.

[8] "Old Corrugated Containers" shall consist of clean, dry, sorted and repacked corrugated or solid fibre containers of kraft or any other paper substance free from foreign materials, mixed and objectionable papers and packed in large machine compressed bales weighing 650 pounds or more: *Provided, however,* That if any one or more of the aforementioned requirements of this definition are absent, then the wastepaper may not be sold at a price in excess of $15.00 per short ton.

[33] "Mixed Books" shall consist of dry, clean books and magazines containing not over 25% total outthrow, including kraft and groundwood, free from mixed and objectionable papers and foreign materials. Must be packed in small or large bales or securely tied bundles. If the bale contains more than 25% outthrows, the packing shall be designated "No. 1 Mixed Paper".

(b) The maximum delivered price for wastepaper shall not exceed the established point of shipment price set forth in (a) hereof, plus such of the following transportation allowances as are shown as separate items in the billing or invoices:

(1) When transportation to the buyer is by public carrier, the lowest established transportation rate available for an identical shipment;

(2) When transportation to the buyer is by the seller's vehicle or is by private carrier not owned or controlled by the buyer, an amount not in excess of the following:

Transportation from point of shipment over shortest highway route available

Haul	Per short ton
5 miles or less	$. 50
6 miles to 10 miles	.60
11 miles to 15 miles	.70
16 miles to 20 miles	.80
21 miles to 25 miles	.90
26 miles to 30 miles	1.00
31 miles to 35 miles	1.10
36 miles to 40 miles	1.20
41 miles to 45 miles	1.30
46 miles to 50 miles	1.40
51 miles to 55 miles	1.50
56 miles to 60 miles	1.60
61 miles to 65 miles	1.70
66 miles to 70 miles	1.80
71 miles to 75 miles	1.90
76 miles to 80 miles	2.00
81 miles to 85 miles	2.10
86 miles to 90 miles	2.20
91 miles to 95 miles	2.30
96 miles to 100 miles	2.40
101 miles to 105 miles	2.50
106 miles to 110 miles	2.60
111 miles to 115 miles	2.70
116 miles to 120 miles	2.80
121 miles to 125 miles	2.90
126 miles to 130 miles	3.00
131 miles to 135 miles	3.10
136 miles to 140 miles	3.20
141 miles to 145 miles	3.30
146 miles to 150 miles	3.40
151 miles to 155 miles	3.50
156 miles to 160 miles	3.60
161 miles to 165 miles	3.70
166 miles to 170 miles	3.80
171 miles to 175 miles	3.90
176 miles to 180 miles	4.00
181 miles to 185 miles	4.10
186 miles to 190 miles	4.20
191 miles to 195 miles	4.30
196 miles to 200 miles	4.40

Where the distance is greater than 200 miles from the point of shipment to the consumer, such seller may add to the f. o. b. point of shipment price the actual charges for an identical shipment.

All sales of wastepaper to a consumer shall be invoiced. The invoice shall state as separate items the origin and destination of the wastepaper, and if delivered in the seller's vehicle or by private carrier not owned or controlled by the buyer, the mileage and the charge for such service.

(c) (1) In the event that a consumer of wastepaper shall purchase wastepaper through a broker as defined in § 1347.8 (e), hereof, such consumer may pay such broker not more than the maximum price herein plus a broker's allowance not to exceed the following percentages of the price per ton of the amount actually paid to the broker, exclusive of the broker's allowance:

Price per ton for grade of wastepaper purchased:	Broker's allowance in percentage
Up to $20.00	4
$20.01 to $30.00	5
$30.01 to $40.00	5½
$40.01 to $50.00	7
$50.01 to $60.00	8
$60.01 to $67.50	9

(2) The maximum prices established in Appendix A can in no case be augmented by more than one brokerage allowance for each ton. In addition to the price paid by the consumer, a broker may receive a broker's allowance only from a consumer, and only if the transaction in question fulfills all of the following requirements:

(i) The broker records the name or names of his vendor or vendors in each transaction, the quantity and grade of wastepaper purchased, the price f. o. b. point of shipment paid by such broker, the name of his consuming purchaser, the method of shipment to such consuming purchaser, the price paid by such consuming purchaser, and the broker's allowance.

(ii) The sale is made by the broker to the consumer.

(iii) The wasterpaper sold by the broker to the consumer has been completely prepared for delivery by a person other than the broker.

(iv) The broker guarantees the merchantable quality of the wastepaper.

(v) The broker's allowance in such transaction is shown as a separate item on the invoice. This invoice must contain a statement that the broker has had no part in the preparation of the wastepaper covered, prior to its delivery to the consumer, and that the charges are not in excess of those established in this Schedule.

(vi) The broker's allowance is not split or divided with any other person.

(vii) All pertinent provisions in this Schedule are strictly complied with. (E.O. Nos. 8734, 8875; 6 F.R. 1917, 4483)

This Amendment No. 5 shall become effective February 3, 1942. Issued this 2d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-948; Filed, February 2, 1942; 11:51 a. m.]

PART 1347—PAPER AND PAPER PRODUCTS

AMENDMENT NO. 6 TO PRICE SCHEDULE NO. 32—PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

Paragraphs (c) and (j) of § 1347.59, paragraph (g) of § 1347.61, [1] paragraph (g) of § 1347.62, [2] and §§ 1347.63, [3] 1347.64, [4] and 1347.65 are hereby deleted;

Section 1347.51, § 1347.52, and paragraph (f) of § 1347.61 are hereby amended as set forth below:

§ 1347.51 *Maximum prices for paperboard.* On and after February 3, 1942, regardless of the terms of any contract of sale or purchase or other commitment, in the area east of the Rocky Mountains, no producer, and no agent or representative of a producer, shall sell, offer to sell, deliver or transfer any grade of paperboard, and no person shall buy, offer to buy, or accept delivery of any grade of paperboard from a producer, or agent or representative of a producer, at prices higher than the maximum prices set forth in Appendices A and B, hereof, incorporated herein as §§ 1347.61 and 1347.62, respectively. The sale of any paperboard shipped from or into the area east of the Rocky Mountains, shall be subject to this Schedule.

§ 1347.52 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B may, however, be charged, demanded, paid, or offered.

§ 1347.61 *Appendix A; maximum prices for paperboard used in the manufacture of folding paper cartons, set-up boxes, or for any other purposes, sold east of the Rocky Mountains.* * * *

(f) *Trimming.* For trimming sheets add $1.00 per side per ton.

* * * * * *

(E.O. Nos. 8734, 8875; 6 F.R. 1917, 4483)

This Amendment No. 6 shall become effective February 3d, 1942. Issued this 2d day of February, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-949; Filed, February 2, 1942; 11:51 a. m.]

PART 1347—PAPER AND PAPER PRODUCTS

AMENDMENTS NO. 2 TO PRICE SCHEDULE NO. 47 [1]—OLD RAGS

Section 1347.101, the headnote to § 1347.104, paragraphs (a) and (d) of §§ 1347.108, 1347.110, 1347.111, 1347.112 are hereby amended, and § 1347.104a is added as set forth below:

§ 1347.101 *Maximum prices for old rags.* On and after December 20, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, in the continental United States, no person shall sell, offer to sell, deliver, or transfer old rags, and no person shall buy, offer to buy, or accept delivery of old rags at prices higher than the maximum prices set forth in Appendices A, B, and C hereof, incorporated herein as §§ 1347.110, 1347.111, and 1347.112.

§ 1347.104 *Records.*

* * * * * *

§ 1347.104a *Reports*—(a) *By persons engaged in the selling or brokerage of old rags.* All persons engaged in the selling or brokerage of old rags and required by § 1347.104 to keep records shall, on or before February 10, 1942, and on or before the 10th day of each month thereafter, file under oath a report on Form 147:2 setting forth (1) the tonnage of old rags covered by Appendices A and B and all other old rags delivered during the month preceding the month in which the report is filed, and (2) the net inventory of old rags covered by Appendices A and B and all other rags on hand at the end of such month.

On or before February 10, 1942, all persons engaged in the sellirig or brokerage of old rags and required by § 1347.104 to keep records shall also file the monthly statement required above for each month during the period beginning December 1, 1939, and ending January 31, 1942.

(b) *By consumers of old rags.* On or before February 10, 1942, and for each succeeding month thereafter, all consumers of old rags required by § 1347.104 to keep records shall file under oath a report on Form 147:3 for the month preceding the filing of such report setting forth: (1) the total amount of old rags consumed during such month and (2) the inventory on hand at the end of such month.

On or before February 10, 1942, all consumers of old rags required by Section 1347.104 to keep records shall submit to the Office of Price Administration a tabulation of their total consumption and end-of-month inventories of old rags and new cuttings for each month for the period beginning December 1, 1939, and ending January 31, 1942. These reports, insofar as practicable, should be filed for separate manufacturing units and the figures should be allocated to the particular manufacturing unit to which they apply.

§ 1347.108 *Definitions.* When used in this Schedule the term:

(a) "Person" included an individual, partnership, association, corporation, or other business entity.

* * * * * *

(d) "Broker" means any person who engages in the business of brokering or jobbing of old rags.

* * * * * *

§ 1347.110 *Appendix A; maximum prices [1] for cotton rags.* (a) All prices

[1] 6 F.R. 4822.
[2] 6 F.R. 5535.
[3] 6 F.R. 5342, 5535, 6457; 7 F.R. 313.

[1] 6 F.R. 5073.
[2] 6 F.R. 6799.
[3] 6 F.R. 6802.
[4] 6 F.R. 6799.
[5] 6 F.R. 6307, 6740.

given below are per short ton F. O. B. point of shipment [5] for carload lots.[6]

Grades [7]	Maximum Prices [1] for Old Cotton Rags
No. 1 Whites Repacked [8]	$76.00
No 1 Whites Miscellaneous [9]	64.00
Mixed Whites [10]	63.00
No. 2 Whites Repacked [11]	58.00
No. 2 Whites Miscellaneous [12]	55.00
Twos & Blues Repacked [13]	44.00
Thirds & Blues Repacked [14]	44.00
Thirds & Blues Miscellaneous [15]	36.00
Satinet Garments [16]	20.00
Old Blue Overalls Miscellaneous [17]	50.00
No 1 Laundry Bags [18]	135.00
No. 2 Laundry Bags [19]	100.00
No. 1 Old Manila Rope [20]	115.00

[1] Except as provided in Appendix C.

[2] Cotton rags are at the point of shipment when loaded on a conveyance for transportation to the buyer. All prices established by this Appendix are for sales of carload lots of cotton rags at point of shipment. In no case shall any charge or cost incurred in transferring a shipment to or loading a shipment on a conveyance for transportation to a buyer be added to the point of shipment price. When a seller delivers in his own truck the maximum delivered price cannot exceed the f. o. b. point of shipment price, plus the transportation allowances set forth in paragraph (b) below.

[3] For sales of less than carload lots of any or all of the grades of old cotton rags the maximum price shall be a price not in excess of the above established prices less 4%. No delivery of carload lots by trucks shall be considered a delivery of carload lots unless such delivery is completed within seven days.

[4] The highest quality of each grade of old cotton rags covered by this Schedule must be dry and free of rubber, leather wool, silk, wood, paper or muss, paint, grease, oil, and other foreign materials.

[5] All prices listed represent the maximum prices for each grade of old cotton rags listed above, the highest qualities of which are defined in the footnotes below. Other qualities of old cotton rags of the grades defined must be sold at or below the maximum prices established. The presence of one or more of the objectionable features enumerated in footnote 4 shall operate to lower the quality of the particular grade. Sales of the grades listed above and defined below made on representative samples must be consummated at or below these maximum prices. The prices established in this Schedule are the maximum prices to be charged or paid, and no differentials or service charges other than those specifically provided for in Appendix C are to be added.

[6] No. 1 Whites Repacked must contain clean white cotton rags, free of lace curtains, soiled rags, silk, rayon, wool or colored rags.

[7] No. 1 Whites Miscellaneous shall be the same as No. 1 Whites Repacked except that they may contain not more than 5% of lace curtains, 20% of No. 2 Whites Miscellaneous and 10% colored, silk, rayon, or wool rags.

[8] Mixed Whites shall be the same as No. 1 and No. 2 Whites Repacked except they shall contain a minimum of 30% No. 1 Whites Repacked.

[9] No. 2 Whites Repacked shall consist of soiled white cotton rags, free of dump rags, paint, greasy or oily rags, silk, rayon, wool, scorched rags, or other colored rags.

[10] No. 2 Whites Miscellaneous shall be the same as No. 2 Whites Repacked but may contain up to but not more than 25% of silk, rayon, or wool rags, or colored rags of any kind.

[11] Twos and Blues Repacked shall be rags of strictly house collection, Mixed Whites, and bleachable colored rags, free of reds, blacks, browns, silks, rayons, or wool.

[12] Thirds and Blues Repacked shall be the same as Twos and Blues Repacked except that Mixed Whites may be eliminated.

[13] Thirds and Blues Miscellaneous shall be the same as Thirds and Blues Repacked but may contain up to but not more than 25% of reds, blacks, browns, silks, rayons, or wool.

[14] Satinet Garments shall be classified as No. 2 Roofing Rags as defined in Appendix B.

[15] Old Blue Overalls Miscellaneous shall consist of only clean blue overalls and shall be free of miners' garments and stripped or skeleton garments.

[16] No. 1 Laundry Bags shall consist of clean, white, laundry bags free of all color.

[17] No. 2 Laundry Bags shall consist of soiled white, and off-color laundry bags and may contain laundry bags with colored stripes.

[18] No. 1 Old Manila Rope shall consist of Manila Rope and shall be free of grease, oil, tar, graphite, coal dust, paint, or unsound fiber.

(b) The maximum delivered price for cotton rags shall not exceed the established point of shipment price set forth in (a) hereof plus such of the following transportation allowances as are shown as separate items in the billing or invoices:

(1) When transportation to the buyer is by public carrier, the actual transportation charges for an identical shipment;

(2) When transportation to the buyer is by the seller's vehicle or is by private carrier not owned or controlled by the buyer an amount not in excess of the following:

Transportation from Point of Shipment over Shortest Highway Route Available

	Per short ton
5 miles or less	.50¢
6 miles to 10 miles	.60
11 miles to 15 miles	.70
16 miles to 20 miles	.80
21 miles to 25 miles	.90
26 miles to 30 miles	$1.00
31 miles to 35 miles	1.10
36 miles to 40 miles	1.20
41 miles to 45 miles	1.30
46 miles to 50 miles	1.40
51 miles to 55 miles	1.50
56 miles to 60 miles	1.60
61 miles to 65 miles	1.70
66 miles to 70 miles	1.80
71 miles to 75 miles	1.90
76 miles to 80 miles	2.00
81 miles to 85 miles	2.10
86 miles to 90 miles	2.20
91 miles to 95 miles	2.30
96 miles to 100 miles	2.40
101 miles to 105 miles	2.50
106 miles to 110 miles	2.60
111 miles to 115 miles	2.70
116 miles to 120 miles	2.80
121 miles to 125 miles	2.90
126 miles to 130 miles	3.00
131 miles to 135 miles	3.10
136 miles to 140 miles	3.20
141 miles to 145 miles	3.30
146 miles to 150 miles	3.40
151 miles to 155 miles	3.50
156 miles to 160 miles	3.60
161 miles to 165 miles	3.70
166 miles to 170 miles	3.80
171 miles to 175 miles	3.90
176 miles to 180 miles	4.00
181 miles to 185 miles	4.10
186 miles to 190 miles	4.20
191 miles to 195 miles	4.30
196 miles to 200 miles	4.40

Where the distance is greater than 200 miles from the point of shipment to the consumer, such seller may add to the f. o. b. point of shipment price the actual transportation charges for an identical shipment.

All sales of rags to a consumer shall be invoiced. The invoice shall state as separate items the origin and destination of the rags and if delivered in the seller's vehicle, or by private carrier not owned or controlled by the buyer, the mileage and charge for such delivery.

§ 1347.111 *Appendix B; maximum prices [1] for roofing rags.* All prices given below are per short ton f. o. b. point of shipment [3] for carload lots.[6]

Grades [4]	Maximum prices [3] for roofing rags
No. 1 Roofing Rags [6]	$31.00
No. 1—Seams and Cloth Strippings from Garments [7]	31.00
No. 2 Roofing Rags [8]	29.00
No. 3 Jute Bagging [9]	27.00
No. 4 Brussels and Hard Back Carpets [10]	27.00
No. 5 Roofing Rags: [11]	
Quality A	27.00
Quality B	24.00
Quality C	19.00

[1] Except as provided in Appendix C.

[2] Roofing rags are at the point of shipment when loaded on a conveyance for transportation to the buyer. All prices established by this Appendix are for sales of carload lots of roofing rags at point of shipment. In no case shall any charge or cost incurred in transferring a shipment to or loading a shipment on a conveyance for transportation to a buyer be added to the point of shipment price. When a seller delivers in his own truck the maximum delivered price cannot exceed the f.o.b. point of shipment price, plus the transportation allowances set forth in paragraph (b) below.

[3] For sales of less than carload lots of any or all of the grades of roofing rags the maximum price shall be a price not in excess of the above established prices less 4%. No delivery of carload lots by trucks shall be considered a delivery of carload lots unless such delivery is completed within seven days.

[4] The highest quality of each grade of roofing rags covered by this Schedule shall be free of rubbish, shoe cuttings, felt boots, hats, corsets, suspenders, oil cloth, matting, leather, rubber, rope, mackintosh clippings, pasted stock, wool dust, wood, stones, metal of all kinds, tin cans, glass, ashes, bones, excelsior, oily rags, canvas, sisal, packers, fertilizer and charcoal bags, coal and cement sacks; chemical, salt, lime and plaster bags; silk rags and silk stockings, rayon, buffing wheels, rubberized cloth, auto curtains, auto cushions, dirt, felt punchings, and trimmings, window shades, cement sacks, jute waste, jute droppings, carpet waste, soft strings, cotton and/or wool filled mattresses or quilts, buckram, and all other foreign materials.

[5] All prices listed represent the maximum prices for each grade of roofing rags listed above, the highest qualities of which are defined in the footnotes below. Other qualities of the roofing rags of the grades defined must be sold at or below the maximum prices established. The presence of one or more of the objectionable features enumerated in footnote 4 shall operate to lower the quality of the particular grade. Sales of the grades listed above and defined below made on representative samples must be consummated at or below these maximum prices. The prices established in this Schedule are the maximum prices to be charged or paid, and no differentials or service charges other than those specifically provided for in Appendix C are to be added.

[6] No. 1 Roofing Rags shall consist of soft rags all containing a percentage of wool; and also Satinet garments, including men's coats, pants, vests, mixed linsies, women's coats, sacks and cloth skirts, all of which contain a portion of wool fibre, and shall be free of overalls, khaki, canvas, duck, quilts, seams, and strippings or similar materials.

[7] No. 1 S.—Seams and Cloth Strippings from garments shall consist of seams and cloth strippings from garments and Satinet garments.

[8] No. 2 Roofing Rags shall consist of cotton rags, large and small cotton rags, linings, rag carpets, print rags and stockings, and shall be free of silk rags, rayon, wood and fibre rags.

[9] No. 3 Jute Bagging shall consist of jute bagging and shall be free of fertilizer, charcoal, coal, cement, chemicals of all kinds, lime plaster, salt, jute waste, jute droppings, and bagging with asphalted kraft attached.

[10] No. 4 Brussels and Hard Back Carpets shall consist of brussels, hard back carpets, upholstery cuttings and plush cuttings.

[11] *No. 5 Roofing Rags—Quality A.*—Shall consist of tailor rags and shall be free of rubbish and paper.

Quality B. Shall consist of tailor rags and shall contain not more than 10% paper.

Quality C. Shall consist of tailor rags and shall contain at least 10% but not more than 50% paper.

(b) The maximum delivered price for roofing rags shall not exceed the established point of shipment price set forth in (a) hereof plus such of the following as separate items in the billing or invoices:

(1) When transportation to the buyer is by public carrier, the actual transportation charges for an identical shipment;

(2) When transportation to the buyer is by the seller's vehicle or is by any private carrier not owned or controlled by the buyer an amount not in excess of the following:

Transportation from point of shipment over shortest highway route available

	Per short ton
5 miles or less	.50¢
6 miles to 10 miles	.60
11 miles to 15 miles	.70
16 miles to 20 miles	.80
21 miles to 25 miles	.90
26 miles to 30 miles	$1.00
31 miles to 35 miles	1.10
36 miles to 40 miles	1.20
41 miles to 45 miles	1.30
46 miles to 50 miles	1.40
51 miles to 55 miles	1.50
56 miles to 60 miles	1.60
61 miles to 65 miles	1.70
66 miles to 70 miles	1.80
71 miles to 75 miles	1.90
76 miles to 80 miles	2.00
81 miles to 85 miles	2.10
86 miles to 90 miles	2.20
91 miles to 95 miles	2.30
96 miles to 100 miles	2.40
101 miles to 105 miles	2.50
106 miles to 110 miles	2.60
111 miles to 115 miles	2.70
116 miles to 120 miles	2.80
121 miles to 125 miles	2.90
126 miles to 130 miles	3.00
131 miles to 135 miles	3.10
136 miles to 140 miles	3.20
141 miles to 145 miles	3.30
146 miles to 150 miles	3.40
151 miles to 155 miles	3.50
156 miles to 160 miles	3.60
161 miles to 165 miles	3.70
166 miles to 170 miles	3.80
171 miles to 175 miles	3.90
176 miles to 180 miles	4.00
181 miles to 185 miles	4.10
186 miles to 190 miles	4.20
191 miles to 195 miles	4.30
196 miles to 200 miles	4.40

Where the distance is greater than 200 miles from the point of shipment to the consumer, such seller may add to the f. o. b. point of shipment price the actual transportation charges for an identical shipment.

All sales of rags to a consumer shall be invoiced. The invoice shall state as separate items the origin and destination of the rags, and if delivered in the seller's vehicle or by private carrier not owned or controlled by the buyer, the mileage and the charge for such service.

(c) *Maximum prices for rags used in the manufacture of roofing materials and not listed in paragraph (a) above.* (1) For any grade of such rags sold during the period from October 1 to October 15, 1941, the maximum price shall be the highest price per ton charged by the seller during the period beginning October 1 and ending October 15, 1941: *Provided, however,* That such maximum price shall not be in excess of $31.00 per short ton.

Such prices shall be f. o. b. the point of shipment. If the highest price charged during the period from October 1 to October 15, 1941, was on a delivered basis, the maximum price under this Schedule shall be determined by subtracting from such price the total of all actual transportation and other charges which were paid by the seller from the point of shipment.

(2) For any grade of such rags not sold during the period from October 1 to October 15, 1941, prices in excess of $19.00 per short ton shall be subject to the approval of the Office of Price Administration prior to the issuance of any invoice. When submitting such prices for approval by the Office of Price Administration, the seller shall submit complete data on costs involved, together with complete price and cost data on one or more comparable grades sold since October 1, 1940.

§ 1347.112 *Appendix C; maximum broker's allowance.* (a) (1) In the event that a consumer shall purchase rags through a broker, as defined in § 1347.108 (d) hereof, such consumer may pay not more than the maximum price herein and an allowance to the broker not to exceed the brokerage allowances established in paragraph (b) below.

(2) The maximum prices established in Appendices A and B can in no case be augmented by more than one brokerage allowance for each ton. In addition to the price paid by the consumer, a broker may receive a broker's allowance only from a consumer, provided the transaction in question fulfills all of the following requirements:

(i) The broker records the name or names of his vendor or vendors in each transaction, the quantity and grade of rags purchased, the price f. o. b. point of shipment paid by such broker, the name of his consuming purchaser, the method of shipment to such consuming purchaser, the price paid by such consuming purchaser, and the broker's allowance.

(ii) The sale is made to the consumer by or through the broker.

(iii) The rags sold by the broker to the consumer have been commercially sorted and baled by a person other than the broker: *Provided,* That in the event a transaction complying with all other requirements of this schedule involves rags sorted and baled both by the broker and by another person, the broker may charge an allowance only with respect to the tonnage of rags sorted and baled by such other person.

(iv) The broker guarantees the merchantable quality of the rags.

(v) The broker's allowance in such transaction is shown as a separate item in the billing or invoice. This billing or invoice shall contain a statement that the rags covered have not been packed by the jobber and that the charges are not in excess of those established by this Schedule.

(vi) The broker's allowance is not split or divided with any other person.

(vii) All pertinent provisions in this Schedule are strictly complied with.

(b) * * *

Price for grade of rags sold:	Broker's allowance per ton
Up to $31.00	$1.00
$31.01 to $53.00	1.50
$53.01 to $76.00	2.00
$76.01 to $115.00	3.00
$115.01 to $135.00	3.50

(Executive Orders Nos. 8734, 8875; 6 F.R. 1917, 4483)

This Amendment No. 2 shall become effective February 3, 1942. Issued this 2d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-950; Filed, February 2, 1942; 11:52 a. m.]

PART 1351—FOODS AND FOOD PRODUCTS

AMENDMENT NO. 4 TO PRICE SCHEDULE NO. 50 [1]—GREEN COFFEE

Paragraphs (b), (d), (e), and (g) of § 1351.1 are hereby amended to read as follows:

1351.1 *Maximum prices for green coffee.*

* * * * *

(b) The maximum prices shall include all commissions and all other charges, except that:

(1) Increases in the charges prevailing prior to the opening of business on December 8, 1941, for ocean freight, war risk insurance, and marine insurance may be added to the maximum prices only if such charges have been actually incurred by the seller on such sale. Decreases in said charges prevailing prior to opening of business on December 8, 1941, must be subtracted from the maximum prices.

(2) If the services of a broker or brokers are required either at the port of entry or in a secondary market, a commission or commissions which in the aggregate shall not exceed one percent of the selling price may be added to the

[1] 6 F.R. 6374, 6432, 6803; 7 F.R. 41.

maximum prices, provided such commissions have been actually paid.

* * * * *

(d) The maximum prices quoted above are ex dock New York City. The maximum prices ex dock any other port of entry shall be determined by adding to or subtracting from the New York City price the difference between the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to New York City and the actual cost of ocean frieght, war risk insurance, and marine insurance from the port of origin to such other port of entry.

(e) For any green coffee sold ex warehouse, rather than ex dock New York City or other port of entry, the cost of actually "putting the coffee into the warehouse" as defined in § 1351.7, may be added by the seller who incurred the cost.

* * * * *

(g) Any person making sales of green coffee in lots of twenty-five bags or less may add to the maximum prices specified above an amount not in excess of 7½ per cent of the comparable selling price of lots of more than twenty-five bags. (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 4 shall become effective January 31, 1942. Issued this 30th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-918; Filed, January 31, 1942; 12:50 p. m.]

PART 1354—WOOL AND WOOL PRODUCTS

CORRECTION TO AMENDMENTS NOS. 2[1] AND 3[2] TO PRICE SCHEDULE NO. 56[3]—WOOL AND WOOL TOPS AND YARNS

In Amendment No. 2 to Price Schedule No. 56 it was erroneously stated that a new paragraph (d) was added to § 1354.1. That amendment added a new paragraph (e); paragraph (d) remained unaffected. Similarly in Amendment No. 3 paragraph (e) of § 1354.1 rather than paragraph (d) should have been amended.

This correction shall be effective as of the effective dates of Amendments Nos. 2 and 3 to Price Schedule No. 56.

Issued this 30th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-871; Filed, January 30, 1942; 5:11 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

PRICE SCHEDULE NO. 85—NEW PASSENGER AUTOMOBILES

The complete diversion of automobile manufacturing facilities to war work has brought the production of passenger automobiles to an end. Rationing Order No. 2 of the Office of Price Administration restricts the sale of new automobiles to those persons who can show a need related to the public interest. This Schedule establishes maximum wholesale and retail prices for new passenger automobiles as a measure of coordination with the rationing program.

Prices announced by automobile manufacturers at the beginning of the 1942 model year represented an average advance of 14% over 1941 prices. At the request of the Office of Price Administration, each manufacturer agreed not to change the announced prices without prior consultation with the Office. This Schedule serves to formalize that agreement.

An investigation undertaken by the Office of Price Administration with respect to retail prices showed a general upward trend although there was a wide variation in prices among dealers. The rise in price had been effected not by an increase in the list price but by means of an advance in charges for handling and delivery for services to be rendered after delivery, and for transportation. This Schedule fixes the maximum amount which may be charged at retail, based on the list price established by the manufacturer, and the maximum charges which may be added for transportation and handling and delivery.

Because dealers and manufacturers may be obliged to carry their inventories over an abnormally long period due to the rationing program, the prices established are subject to monthly adjustment upward to compensate for the added burden.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1360.51 *Maximum wholesale prices for new passenger automobiles.* (a) On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer, distributor, or exporter of new passenger automobiles shall sell, offer to sell, deliver or transfer a new passenger automobile to any person at a price higher than the maximum price. The maximum price shall be the highest price prevailing for the same make and model between October 1, 1941 and October 15, 1941, for the same class of purchaser, except that, in the case of the Packard Motor Car Company and the Crosley Corporation the maximum price shall be the highest price prevailing on the effective date of this Schedule.

(b) In the event that the automobile is without equipment which was standard on October 15, 1941, the maximum price shall be reduced by the wholesale value of the equipment removed.

(c) To the maximum price may be added an amount equal to 1% of the list price of the automobile, or $15, whichever is lower, for each calendar month or greater part thereof, after January 31, 1942, which elapses prior to the sale of the automobile by the manufacturer, distributor, or exporter.*

* §§ 1360.51 to 1360.61, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

1360.52 *Maximum retail price for new passenger automobiles.* On and after February 2, 1942, regardless of the terms of any contract of sale, or other commitment, no person shall sell, offer to sell, deliver or transfer a new passenger automobile with standard equipment as of October 15, 1941, at retail, at a price higher than the maximum retail price for the automobile, which shall be the sum of the following items:

(a) The manufacturer's list price at the factory for the automobile with standard equipment as of October 15, 1941, as shown for each make and model of automobile in Appendix A hereof, incorporated herein as § 1360.61.

(1) If the automobile is without equipment which was standard on October 15, 1941, the list price shall be reduced by the retail value of the equipment removed.

(b) The Federal Excise Tax.

(c) An allowance for transportation which shall not exceed the actual rail freight charge for the transportation of the automobile from the factory to dealer at carload rate.

(d) An allowance of 5% of (a) and (c) above, or $75.00, whichever is lower, which includes the charge for handling and delivery, for which the dealer shall render all of the services customarily performed in order to prepare the automobile for delivery to the purchaser and all of the factory recommended get-ready and delivery operations.

(e) An amount equal to 1% of the list price of the automobile, or $15, whichever is lower, for each calendar month or greater part thereof, after January 31, 1942, which elapses prior to the sale of the automobile to the purchaser.*

§ 1360.53 *Less than maximum prices.* Lower prices than those set forth above may be charged, demanded, paid or offered.*

§ 1360.54 *Evasion.* (a) The price limitations set forth in this Schedule shall not be evaded either by direct or indirect methods in connection with the sale, delivery or transfer of a new passenger automobile, alone or in conjunction with any other consideration or by way of any commission, charge for transportation, for equipment, for handling or delivery services, or by the removal of parts or equipment from an automobile.

(b) No buyer of a new passenger automobile shall be required, as a condition of the sale, to agree to purchase any equipment other than standard equipment as defined by the manufacturer, or any after-delivery services. The price demanded for any such equipment or services shall be separately listed on the invoice or bill of sale given to the buyer, and on any price tag, display sign, or other advertising used by the dealer in connection with the sale or display of a new passenger automobile.

The State and local taxes imposed on the transaction and payable by the buyer, and the charge imposed under § 1360.52 (e) hereof, shall also be separately listed on the invoice or bill of sale.

Nor shall any buyer of a new passenger automobile be required, as a condition of the sale of a new passenger automobile, to agree to make payment over a period of time, nor to finance the purchase of the automobile through any lending agency, nor to agree to a transfer to the seller of a used car, in part payment of the purchase price.*

§ 1360.55 *Records and reports.* (a) Within twenty days of the effective date of this Schedule, each manufacturer shall file with the Office of Price Administration a list of standard equipment as of October 15, 1941, for each make and model of passenger automobile manufactured by him.

(b) Every manufacturer, distributor, or exporter of, or retail dealer in, new passenger automobiles after the effective date of this Schedule shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each sale of a new passenger automobile, showing the date thereof, the make and model, the name and address of the buyer, the price paid, and the make, model, model year, and valuation of any automobile which may be accepted in part payment of the purchase price, and any other consideration which may be accepted in payment of the price of the new passenger automobile.

(c) Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1360.56 *Notices to be posted.* Every retail dealer in new passenger automobiles shall post in a conspicuous place on his premises where new passenger automobiles are offered for sale, a notice not less than 18 inches by 24 inches in size which shall set forth in legible fashion the following:

(a) Section 1360.52 in its entirety;

(b) The make and model of each new passenger automobile offered for sale, accompanied by a break-down of the maximum retail price for the automobile, as specified in paragraphs (a) through (e) inclusive of § 1360.52 and the actual price charged for the automobile;

(c) A statement that lower prices may legally be charged or demanded;

(d) A statement that no buyer is required, as a condition of sale of a new passenger automobile, to agree to buy any equipment other than standard equipment as defined by the manufacturer, or any after delivery services, or to agree to make payment over a period of time or to finance the purchase of the automobile through any lending agency or to agree to the sale of a used car in payment of the purchase price.*

§ 1360.57 *Enforcement.* In the event of refusal or failure to abide by the provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, or demand of prices higher than the maximum prices, or of any evasion or effort to evade the provisions thereof, are urged to communicate with the Office of Price Administration.*

§ 1360.58 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom; *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1360.59 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation or other business entity;

(b) "Retail dealer" means any person engaged in the business of offering automobiles for sale to the public;

(c) "Manufacturer" means any person who manufactures passenger automobiles for sale to distributors or retail dealers.

(d) "Distributor" means any person, other than a manufacturer, who sells new passenger automobiles to retail dealers.

(e) "Exporter" means any person who is directly or indirectly engaged in the business of dealing in automobiles which are ultimately sold to a person in a foreign country.

(f) "List price" means the suggested retail price established by each manufacturer without any charge added thereto on account of transportation, the Federal Excise tax, or handling and delivery. These prices appear in Appendix A hereof and are incorporated herein as § 1360.62.

(g) "New passenger automobile" means a 1942 model automobile.

(h) "Standard equipment" means equipment stated to be standard equipment by the manufacturer as of October 15, 1941.*

§ 1360.60 *Effective date of this Schedule.* This Schedule shall become effective February 2, 1942.

Issued this 31st day of January 1942.

LEON HENDERSON,
Administrator.

§ 1360.61 *Appendix A; list prices of new passenger automobiles.*

Make and model	*List price 1942 models*
BUICK	
40 Special—118:	
Utility Coupe	$990.00
2-Door Business Sedan	1,010.00
2-Door Family Sedan	1,045.00
Convertible Coupe	1,260.00
4-Door Touring Sedan	1,080.00
40 Special—121:	
2-Door Business Sedan	1,020.00
2-Door Family Sedan	1,075.00
4-Door Touring Sedan	1,120.00
Estate Wagon	1,450.00
40 Special SE:	
2-Door Family Sedanet	1,130.00
4-Door Touring Sedan	1,200.00
50 Super:	
2-Door Sedanet	1,230.00
Convertible Coupe	1,450.00
4-Door Touring Sedan	1,280.00

Make and model	*List price 1942 models*
BUICK—continued	
60 Century:	
2-Door Sedanet	1,300.00
4-Door Touring Sedan	1,350.00
70 Roadmaster:	
2-Door Sedanet	1,395.00
Convertible Coupe	1,675.00
4-Door Touring Sedan	1,465.00
90 Limited:	
4-Door 6 P Touring Sedan	2,245.00
4-Door 8 P Touring Sedan	2,445.00
4-Door Formal Sedan	2,395.00
4-Door Limousine	2,545.00
CADILLAC	
Series—61:	
Sport Coupe	1,450.00
4-Door Sedan	1,530.00
Series—62:	
Sport Coupe	1,545.00
4-Door Sedan (4 Window)	1,630.00
Series—62 Deluxe:	
Sport Coupe	1,630.00
Convertible Coupe	1,880.00
4-Door Sedan (4 Window)	1,705.00
Series—63:	
4-Door Sedan	1,745.00
Series—60 Special:	
4-Door Sedan (4 Window)	2,265.00
Sedan with Division	2,415.00
Series—67:	
4-Door Sedan	2,700.00
8-Pass. Sedan	2,845.00
Sedan with Division	2,845.00
Imperial Sedan	2,995.00
Series—75:	
4-Door Sedan	3,080.00
8-Pass. Sedan	3,230.00
5-Pass. Formal Sedan	4,080.00
7-Pass. Formal Sedan	4,205.00
Sedan with Division	3,230.00
Imperial Sedan	3,375.00
9-Pass. Bus. Sedan	2,935.00
9-Pass. Bus. Imperial Sedan	3,080.00
CHEVROLET	
Stylmaster:	
Business Coupe	760.00
5 Passenger Coupe	790.00
Town Sedan	800.00
Sport Sedan	840.00
Coupe Pickup	800.00
Fleetmaster:	
Business Coupe	815.00
5 Passenger Coupe	845.00
Cabriolet	1,080.00
Town Sedan	855.00
Fleetline Aero Sedan (New)	880.00
Sport Sedan	895.00
Fleetline Sportmaster Sedan	920.00
Station Wagon	1,095.00
CHRYSLER	
Model No. C-34 S:	
4-Door Sedan	1,177.00
2-Door Sedan	1,154.00
Town Sedan	1,222.00
Sedan 7-Passenger	1,535.00
Limousine	1,605.00
Club Coupe	1,168.00
Coupe 3-Passenger	1,075.00
Model No. C-34 C:	
4-Door Sedan	1,255.00
2-Door Sedan	1,220.00
Town Sedan	1,295.00
Sedan 7-Passenger	1,605.00
Limousine	1,685.00
Club Coupe	1,228.00
Convertible Coupe	1,420.00
Coupe 3-Passenger	1,140.00
Station Wagon 6-Passenger	1,595.00
Station Wagon 9-Passenger	1,685.00
Model No. C-36 K:	
4-Door Sedan	1,405.00
2-Door Sedan	1,365.00
Town Sedan	1,450.00
Club Coupe	1,380.00
Coupe 3-Passenger	1,325.00

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[1] 7 F.R. 399.
[2] 7 F.R. 400.
[3] 6 F.R. 6551, 7 F.R. 226, 399, 400, 446, 624.

Make and model	List price 1942 models
CHRYSLER—continued	
Model No. C-36 N:	
4-Door Sedan	1,475.00
2-Door Sedan	1,440.00
Town Sedan	1,530.00
Club Coupe	1,450.00
Convertible Coupe	1,640.00
Coupe 3-Passenger	1,395.00
CROSLEY	
Convertible Coupe	412.50
Convertible Sedan	467.50
Deluxe Sedan	515.90
Station Wagon	561.90
DE SOTO	
Model No. S-10 S:	
4-Door Sedan	1,103.00
2-Door Sedan	1,075.00
Town Sedan	1,147.00
Sedan 7-Passenger	1,455.00
Club Coupe	1,023.00
Coupe 3-Passenger	1,010.00
Model No. S-10 C:	
4-Door Sedan	1,183.00
2-Door Sedan	1,143.00
Town Sedan	1,196.00
Sedan 7-Passenger	1,504.00
Limousine	1,580.00
Club Coupe	1,143.00
Convertible Coupe	1,317.00
Coupe 3-Passenger	1,046.00
DODGE	
Model No. D-22 S:	
4-Door Sedan	996.00
2-Door Sedan	956.00
Club Coupe	996.00
Coupe 3-Passenger	896.00
Model No. D-22 C:	
4-Door Sedan	1,048.00
2-Door Sedan	1,008.00
Town Sedan	1,108.00
Sedan 7-Passenger	1,395.00
Limousine	1,475.00
Club Coupe	1,045.00
Convertible Coupe	1,245.00
FORD	
Special Six:	
Coupe	780.00
Tudor Sedan	815.00
Fordor Sedan	860.00
Deluxe Six:	
2-Passenger Coupe	805.00
Tudor Sedan	840.00
Fordor Sedan	875.00
Sedan Coupe	895.00
Station Wagon	1,035.00
Super Deluxe Six:	
Coupe	850.00
Tudor Sedan	885.00
Fordor Sedan	920.00
Sedan Coupe	910.00
Convertible Coupe	1,070.00
Station Wagon	1,115.00
Deluxe Eight:	
2-Passenger Coupe	815.00
Tudor Sedan	850.00
Fordor Sedan	885.00
Station Wagon	1,090.00
Sedan Coupe	875.00
Super Deluxe Eight:	
2-Passenger Coupe	860.00
Sedan Coupe	920.00
Convertible Coupe	1,080.00
Tudor Sedan	895.00
Fordor Sedan	960.00
Station Wagon	1,125.00
Mercury:	
2 door sedan	1,030.00
4 door sedan—Town	1,035.00
Sedan Coupe	1,055.00
Coupe (5 Window)	995.00
Club Convertible	1,215.00
Station Wagon	1,260.00

Make and model	List price 1942 models
HUDSON	
Six:	
3-Passenger Coupe	828.00
Club Coupe	897.00
2-Door Sedan	877.50
4-Door Sedan	904.50
Six—Deluxe:	
3-Passenger Coupe	916.00
Club Coupe	967.00
2-Door Sedan	945.50
4-Door Sedan	977.50
Convertible Sedan	1,212.00
Six—super:	
3-Passenger Coupe	1,036.00
Club Coupe	1,090.00
2-Door Sedan	1,064.50
4-Door Sedan	1,092.50
Convertible Sedan	1,332.00
Station Wagon	1,412.00
Six—Commodore:	
3-Passenger Coupe	1,115.00
Club Coupe	1,175.00
2-Door Sedan	1,152.50
4-Door Sedan	1,181.50
Convertible Sedan	1,402.00
Eight—Commodore:	
3-Passenger Coupe	1,156.00
Club Coupe	1,215.00
2-Door Sedan	1,186.50
4-Door Sedan	1,223.50
Convertible Sedan	1,451.00
Eight—Commodore—Custom:	
Club Coupe	1,311.00
4-Door Sedan	1,429.50
LINCOLN	
Lincoln-Zephyr:	
3-Passenger Coupe	1,650.00
Convertible Coupe	2,150.00
Club Coupe	1,700.00
4-Door Sedan	1,700.00
Lincoln-Zephyr (Custom):	
3-Passenger Coupe	1,735.00
4-Door Sedan	1,795.00
Club Coupe	1,795.00
Lincoln-Continental:	
Coupe	3,000.00
4-Door Cabriolet Sedan	3,000.00
Lincoln-Custom:	
4-Door 8-Passenger Sedan	2,950.00
4-Door Limousine	3,075.00
NASH	
Ambassador—600:	
Torpedo 4-Door Sedan	918.00
Brougham	883.00
Business Coupe	843.00
2-Door Sedan	873.00
Fast Back 4-Door Sedan	893.00
Ambassador—six:	
Torpedo 4-Door Sedan	1,069.00
Brougham	1,034.00
Business Coupe	994.00
Fast Back 4-Door Sedan	1,044.00
2-Door Sedan	1,024.00
Ambassador—eight:	
Torpedo 4-Door Sedan	1,119.00
Brougham	1,084.00
Fast Back 4-Door Sedan	1,094.00
Oldsmobile	
"66"—6:	
Business Coupe	915.00
Club Coupe	955.00
Convertible Coupe	1,185.00
2-Door Club Sedan	970.00
2-Door Sedan	960.00
4-Door Sedan	1,005.00
4-Door Town Sedan	1,005.00
Station Wagon	1,280.00
"68"—8:	
Business Coupe	955.00
Club Coupe	995.00
Convertible Coupe	1,225.00
2-Door Club Sedan	1,010.00
2-Door Sedan	1,000.00

Make and model	List price 1942 models
NASH	
4-Door Sedan	1,045.00
4-Door Town Sedan	1,045.00
Station Wagon	1,320.00
"76"—6:	
2-Door Club Sedan	1,010.00
4-Door Sedan	1,065.00
"76D"—6:	
2-Door Club Sedan	1,095.00
4-Door Sedan	1,150.00
"78"—8:	
2-Door Club Sedan	1,050.00
4-Door Sedan	1,105.00
"78D"—8:	
2-Door Club Sedan	1,135.00
4-Door Sedan	1,190.00
"98"—8:	
Club Coupe	1,220.00
Convertible Coupe	1,450.00
4-Door Sedan	1,275.00
PACKARD	
Six—Series 2000:	
Special:	
1588 Business Coupe	1,166.00
1585 Club Sedan	1,190.00
1582 Touring Sedan	1,232.00
Custom:	
1505 Club Sedan	1,266.00
1502 Touring Sedan	1,299.00
1589 Convertible	1,375.00
Eight—Series 2001:	
Special:	
1598 Business Coupe	1,208.00
1595 Club Sedan	1,241.00
1592 Touring Sedan	1,275.00
Custom:	
1515 Club Sedan	1,308.00
1512 Touring Sedan	1,341.00
1599 Convertible Coupe	1,469.00
Eight—Series 2003:	
1575 Club Sedan	1,630.00
1572 Touring Sedan	1,688.00
1579 Convertible Coupe	1,786.00
Eight—Series 2004:	
1562 Touring Sedan	1,893.00
Eight—Series 2005:	
1571 Touring Sedan	2,034.00
1570 Touring Limo	2,156.00
1591 Business Sedan	1,888.00
1690 Business Limo	2,010.00
Eight—Series 2006:	
1525 Club Sedan	2,099.00
1522 Touring Sedan	2,196.00
1529 Darrin Conv. Vic	4,519.00
Eight—Series 2007:	
1532 Formal Sedan	3,011.00
1542 Touring Sedan	2,440.00
894 Rollson Cabr. A. W	4,792.00
Eight—Series 2008:	
1551 Touring Sedan	2,523.00
1550 Touring Limo	2,645.00
895 Rollson Town Car A. W	4,889.00
1531 LeBaron Sedan	5,446.00
1530 LeBaron Limo	5,690.00
PLYMOUTH	
Model No. P-14 S:	
4-Door Sedan	889.00
2-Door Sedan	850.00
Utility Sedan	842.00
Club Coupe	885.00
Coupe—3 Passenger	812.00
Model No. P-14 C:	
4-Door Sedan	935.00
2-Door Sedan	895.00
Town Sedan	980.00
Club Coupe	928.00
Convertible Coupe	1,078.00
Coupe—3 Passenger	855.00
Station Wagon	1,145.00
PONTIAC	
Torpedo Six:	
Business Coupe	895.00
Sport Coupe	935.00

Make and model	List price 1942 models
PONTIAC—continued	
Convertible Coupe	1,165.00
Sedan Coupe	950.00
2-Door Sedan	940.00
4-Door Sedan	985.00
4-Door Sedan—Metropolitan	985.00
Streamliner Six:	
4-Door Sedan	1,035.00
Sedan Coupe	980.00
Station Wagon	1,265.00
Streamliner Chieftain Six:	
Sedan Coupe	1,030.00
4-Door Sedan	1,085.00
Station Wagon	1,315.00
Torpedo Eight:	
Business Coupe	920.00
Sport Coupe	960.00
Convertible Coupe	1,190.00
Sedan Coupe	975.00
2-Door Sedan	965.00
4-Door Sedan	1,010.00
4-Door Sedan—Metropolitan	1,010.00
Streamliner Eight:	
Sedan Coupe	1,005.00
4-Door Sedan	1,060.00
Station Wagon	1,290.00
Streamliner Chieftain:	
Sedan Coupe	1,055.00
4-Door Sedan	1,110.00
Station Wagon	1,340.00
STUDEBAKER	
Custom Champion:	
Cruising Sedan	804.00
Club Sedan	774.00
Coupe	744.00
Double Dater Coupe	769.00
Deluxstyle Champion:	
Cruising Sedan	839.00
Club Sedan	809.00
Coupe	779.00
Double Dater Coupe	804.00
Custom Commander:	
Cruising Sedan	1,044.75
Land Cruiser	1,079.75
Sedan Coupe	1,024.75
Deluxstyle Commander:	
Cruising Sedan	1,089.75
Land Cruiser	1,124.75
Sedan Coupe	1,069.75
Skyway Commander:	
Cruising Sedan	1,124.75
Land Cruiser	1,159.75
Sedan Coupe	1,104.75
Custom President:	
Cruising Sedan	1,161.00
Land Cruiser	1,196.00
Sedan Coupe	1,141.00
Deluxstyle President:	
Cruising Sedan	1,206.00
Land Cruiser	1,241.00
Sedan Coupe	1,186.00
Skyway President:	
Cruising Sedan	1,241.00
Land Cruiser	1,276.00
Sedan Coupe	1,221.00
WILLYS-OVERLAND	
Coupe—Speedway	695.00
Sedan—Speedway	745.00
Coupe—Deluxe	769.00
Sedan—Deluxe	795.00
Coupe—Plainsman	819.00
Sedan—Plainsman	845.00
Station-Wagon	978.00

[F. R. Doc. 42-919; Filed, January 31, 1942; 12:49 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

RATIONING ORDER NO. 2

New Passenger Automobiles

Under the authority vested in me by Directive No. 1 issued by the Chairman of the War Production Board, it is hereby directed that:

§ 1360.101 *Restriction of transfers of new passenger automobiles.* On and after February 2, 1942 regardless of the terms of any contract of sale or purchase, or other commitment, no person shall transfer, or accept a transfer, of a new passenger automobile, except as provided in §§ 1360.102 and 1360.103 of this Order, (§§ 1360.101 to 1360.110, inclusive).*

*§§ 1360.101 to 1360.110, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875; 6 F.R. 917, 4483; W.P.B. Directive No. 1, 7 F.R. 562.

§ 1360.102 *Persons eligible to acquire new passenger automobiles by transfers with certificates issued by Local Rationing Boards.* On and after February 12, 1942 any person who, on or before January 1, 1942, purchased, but did not receive delivery of, a new passenger automobile is eligible to receive a certificate permitting him to acquire such new passenger automobile if he makes application before February 26, 1941, and produces before the Board:

(a) A certificate of title or registration for the automobile, in the purchaser's name, issued on or before January 1, 1942, by the state or local agency having jurisdiction over the registration of motor vehicles; or

(b) A written statement by an official of the state or local agency having jurisdiction over the registration of motor vehicles that the purchaser's application for such certificate of title or registration for the automobile had been received by such agency on or before January 1, 1942, which written statement must be accompanied by a certified copy of such application; or

(c) Satisfactory evidence showing compliance with the requirements of subparagraphs (1), (2), and (3);

(1) A written contract, bill of sale, or other writing referring to the automobile claimed by the applicant, executed during the period July 1, 1941–January 1, 1942, inclusive; and

(2) One or more of the following:

(i) A check for the full purchase price of the automobile, or for a part of the purchase price in the sum of $25 or more, payable to the seller, dated on or before January 1, 1942, and bearing marks showing its deposit by the seller in a bank on or before January 2, 1942; or

(ii) The original bound or serially-numbered receipt book, journal or order book, regularly used by the seller, showing a credit entered by the seller on or before January 1, 1941, for the full purchase price of the automobile, or for a part of the purchase price, or for a used car traded in as the full or part purchase price of the new passenger automobile; or

(iii) A certificate of title or registration issued on or before January 1, 1942, by the state or local agency having jurisdiction over the registration of motor vehicles, showing a transfer of title from the applicant to the seller of the new passenger automobile, of a used automobile; or

(iv) A written statement by an official of the state or local agency having jurisdiction over the registration of motor vehicles that, on or before January 1, 1942, application had been received to transfer the certificate of title or registration for a used automobile from the applicant to the seller of the new automobile, which written statement must be accompanied by a certified copy of such application;

Provided, That the Board shall be satisfied, by statements of seller and applicant, or other evidence, that the check for all or part of the purchase price, the used car traded in, or the business entry for all or part of the purchase price or for the traded-in car, was part of the transaction of purchasing the new passenger automobile for which a certificate is sought.

(3) Either of the following:

(i) Proof that, on or before January 1, 1942, an automobile which answers the description in the contract, bill of sale, or other writing required by subparagraph (1) of paragraph (c), and which is the automobile claimed by the applicant, was delivered by the manufacturer or distributor to the transferor, or to a carrier for shipment to the transferor; or

(ii) In the case of a specially ordered automobile which answers the description in the contract or bill of sale and which is the automobile claimed by the applicant, which automobile varies from standard construction and specifications (in respects other than variations in color, lettering, accessories, and optional equipment), proof that such automobile, on or before January 15, 1942, was delivered by the manufacturer or distributor to the transferor, or to a carrier for shipment to the transferor.*

§ 1360.103 *Persons eligible to acquire new passenger automobiles by transfer without certificates.* The following persons are eligible, without a certificate, to acquire a new passenger automobile, but cannot transfer such automobile except in accordance with the provisions of this Order (§§ 1360.101 to 1360.110, inclusive), and the regulations applicable to it:

(a) Any person authorized to receive a transfer on behalf of:

(1) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civilian Aeronautics Authority, the National Advisory Commission for Aeronautics, or the Office of Scientific Research and Development;

(2) Government agencies or other persons acquiring new passenger automobiles for export to and consumption or use in any foreign country:

Provided, That, after the War Production Board establishes a system of permits for such persons, only persons identifying themselves by such permits are eligible under this paragraph (a).

(b) A dealer, manufacturer, distributor, or the Reconstruction Finance Corporation.

(c) A person who in good faith lends money on the security of, or finances the sale of, a new passenger automobile.

(d) Persons distraining, levying by execution, attachment, or similar forms of judicial process, or persons repossessing on default.

(e) A person acquiring the automobile through a transfer by will or intestacy, or a transfer by operation of law to a trustee or receiver in bankruptcy, insolvency, or receivership.*

§ 1360.104 *Records.* All persons affected by this Order (§§ 1360.101 to 1360.110, inclusive), shall preserve for not less than two years accurate and complete records concerning inventories and transfers of new passenger automobiles. In addition dealers in automobiles shall keep for the same period such copies of Forms as are required to be retained by them by the terms of this Order.*

§ 1360.105 *Reports.* Persons affected by this Order (§§ 1360.101 to 1360.110, inclusive) shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1360.106 *Administration*—(a) *Personnel.* This Order (§§ 1360.101 to 1360.110, inclusive) shall be administered by the Local Tire Rationing Boards, the Local Tire Rationing Administrator and the State Tire Rationing Administrator, established by Rationing Regulation No. 1, pursuant to Supplementary Order No. M–15–c [1] of the Office of Production Management, and Tire Rationing Regulations,[2] issued December 30, 1941, by the Office of Price Administration, pursuant to the same Order.

(b) *Designation.* After the effective date of this Order (§§ 1360.101 to 1360.110, inclusive) these boards and administrators shall be called respectively the Local Rationing Boards, the Local Rationing Administrator, and the State Rationing Administrators, and shall continue to be organized as provided in the above Rationing Regulations set forth in paragraph (a), except as provided in paragraph (c) of this section.

(c) *Jurisdiction of Boards.* For purposes of this Order each Local Rationing Board shall have jurisdiction over every person applying for a vehicle which is to be garaged or normally stationed in the area which the Board is designated to serve.*

§ 1360.107 *Violations.* Any person who violates any provision of this Order (§§ 1360.101 to 1360.110, inclusive), who, by any act or omission, knowingly falsifies an application, certificate, or any record which he is required to keep by the terms of this Order, or who otherwise knowingly furnishes false information to a Board, State Rationing Administrator, or to the Office of Price Administration, shall be subject to the penalties therefor, including a recommendation to the Attorney General for prosecution pursuant to section 35 A of the Criminal Code (Title 18, U.S.C. Sec. 80).

[1] 6 F.R. 6792.
[2] 7 F.R. 72.

In addition, the Office of Price Administration may deny him the right to receive any new automobiles or any other commodity subject to rationing by the Office of Price Administration and may recommend to the War Production Board that he be denied the right to receive any other materials which are now or in the future may be allocated by that Board.*

§ 1360.108. *Definitions.* When used in this Order (§§ 1360.101 to 1360.110, inclusive), the term:

(a) "Person" means an individual, partnership, corporation, association, or other business entity, or Government agency or subdivision.

(b) "Passenger automobile" means a passenger vehicle propelled by an internal combustion engine and having a seating capacity of not more than 8 (including station wagons and taxicabs, but excluding ambulances).

(c) "New" as applied to a passenger automobile, means any 1942 model passenger automobile, irrespective of the number of miles it has been driven, or any other passenger automobile which has been driven less than 1,000 miles.

(d) "Used" as applied to a passenger automobile, means a passenger automobile other than a new passenger automobile.

(e) "Dealer" means any person regularly engaged in the business of offering passenger automobiles for sale at retail to the public.

(f) "Manufacturer" means any person who manufactures passenger automobiles.

(g) "Distributor" means any person, other than a manufacturer, regularly engaged in the business of selling new passenger automobiles to dealers.

(h) "Transfer" means sell, lease, trade, lend, give, deliver, ship, or physically transfer in any other way which involves the use of the automobile, after the transfer, by a person other than the transferor, or convert to use an automobile held by a manufacturer, distributor, or dealer, if such automobile was not segregated, prior to January 2, 1942, from those held for sale by such person, but does not include delivery to a carrier for shipment, or delivery by a carrier to a consignee, does not include a lease or loan made in good faith for a period of one week or less, and does not include a technical transfer of title for security purposes to a person financing a conditional sale or similar type of transaction, made simultaneously with a transfer of the automobile itself to the conditional-sales buyer.

(i) "Transferor" means any person, whether or not a dealer, making a transfer.

(j) "Board" means Local Rationing Board.*

§ 1360.109 *Effective date of this Order.* This Order (§§ 1360.101 to 1360.110, inclusive) shall take effect on February 3, 1942.

§ 1360.110 *New passenger automobile rationing regulations.* Regulations applicable to this Order (§§ 1360.101 to 1360.110, inclusive) shall be established by this Office by the issuance of *New Passenger Automobile Rationing Regulations*.*

Issued this 30th day of January, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–872; Filed, January 30, 1942; 5:16 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

NEW PASSENGER AUTOMOBILE RATIONING REGULATIONS

Pursuant to Rationing Order No. 2 issued by this Office regulations for the rationing of new passenger automobiles are hereby established:

§ 1360.111 *Definitions.* When used in these regulations (§§ 1360.111 to 1360.121, inclusive), the term:

(a) "Person" means an individual, partnership, corporation, association, or other business entity, or Government agency or subdivision.

(b) "Passenger automobile" means a passenger vehicle propelled by an internal combustion engine and having a seating capacity of not more than 8 (including station wagons and taxicabs, but excluding ambulances).

(c) "New" as applied to a passenger automobile, means any 1942 model passenger automobile, irrespective of the number of miles it has been driven, or any other passenger automobile which has been driven less than 1,000 miles.

(d) "Used" as applied to a passenger automobile, means a passenger automobile other than a new passenger automobile.

(e) "Dealer" means any person regularly engaged in the business of offering passenger automobiles for sale at retail to the public.

(f) "Manufacturer" means any person, other than a manufacturer, regularly engaged in the business of selling new passenger automobiles to dealers.

(g) "Distributor" means any person, other than a manufacturer, regularly engaged in the business of selling new passenger automobiles to dealers.

(h) "Transfer" means sell, lease, trade, lend, give, deliver, ship, or physically transfer in any other way which involves the use of the automobile, after the transfer, by a person other than the transferor or convert to use an automobile held by a manufacturer, distributor, or dealer, if such automobile was not segregated, prior to January 2, 1942, from those held for sale by such person, but does not include delivery to a carrier for shipment, or delivery by a carrier to a consignee, does not include a lease or loan made in good faith for a period of one week or less, and does not include a technical transfer of title for security purposes to a person financing a conditional sale or similar type of transaction, made simultaneously with a transfer of the automobile itself to the conditional-sales buyer.

(i) "Transferor" means any person, whether or not a dealer, making a transfer.

(j) "Board" means "Local Rationing Board."

*§§ 1360.111 to 1360.121, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875; 6 F.R. 1917, 4483; W.P.B. Directive No. 1, 7 F.R. 562.

§ 1360.112 *Restriction of transfers*—(a) *Restriction of transfers of new passenger automobiles.* On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall transfer, or accept a transfer, of a new passenger automobile, except as provided in §§ 1360.114 and 1360.115 of these Regulations (§§ 1360.111 to 1360.121, inclusive).

(b) *Transfers.* (1) The word "transfer" is very broadly defined. Thus, it includes not only transfers by a sale, lease, or trade of the automobile, but also by gift from one person to another. Again, if a manufacturer, distributor, or a dealer takes a car out of his stock for his personal or business use, the appropriation of the car to his own use is a transfer, unless the car was specifically put aside for such use prior to January 2, 1942.

Unless specifically exempted, all physical transfers involving a change in the actual use of the car are included. Thus, if a partnership gives what had been exclusively a partnership car to one of the partners for his own use, a transfer has occurred. On the other hand, putting a car in a garage or warehouse, or letting the repairman drive it to his shop, does not involve and actual use by a person other than the transferor, and are thus not transfers within these regulations.

(2) There are certain specific exemptions from the broad definition of "transfer". Delivery to a railroad or other carrier for shipment, and delivery by such carrier to the consignee, are not included. In this situation the real transfer takes place between the consignor and the consignee. A lease or loan made in good faith for a week or less is also not included. This exception allows temporary loans to friends and permits the continued operation of concerns who lease automobiles to the public for short periods of time. The requirement of good faith means that the lease or loan must really be temporary.

If a person continually lends a car to the same person for six days of the week and takes it back on Sundays, he has made a loan for less than a week, but since he is clearly attempting to evade the Regulations, he has not made the loan in good faith and the transaction is a "transfer".

Finally, in the sale of automobiles, where the purchase price is to be paid in installments, a finance company frequently acquires some interest in the car as security for the loan. Here the "transfer" is between the seller and the buyer and any transfer of interest or title in the car to the finance company for security purposes is not a "transfer" as here defined.*

§ 1360.113 *Administration*—(a) *Personnel.* These regulations (§§ 1360.111 to 1360.121, inclusive) shall be administered by the Local Tire Rationing Boards, the Local Tire Rationing Administrators and the State Tire Rationing Administrators, established by Rationing Regulation No. 1, pursuant to Supplementary Order No. M–15–c [1] of the Office of Production Management, and Tire Rationing Regulations,[2] issued December 30, 1941, by the Office of Price Administration, pursuant to the same Order.

(b) *Designation.* After the effective date of Office of Price Administration Rationing Order No. 2 (§§ 1360.101–1360.110, inclusive), these boards and administrators shall be called respectively the Local Rationing Boards, the Local Rationing Administrators, and the State Rationing Administrators, and shall continue to be organized as provided in the above Rationing Regulations, set forth in paragraph (a), except as provided in paragraph (c).

(c) *Jurisdiction of Boards.* For purposes of these Regulations each Local Rationing Board shall have jurisdiction over every person applying for a vehicle which is to be garaged or normally stationed in the area which the Board is designated to serve.*

§ 1360.114 *Eligibility for transfers with certificates*—(a) *Persons who purchased new passenger automobiles on or before January 1, 1942.* This paragraph is designed to permit applicants who have completed the purchase of a new passenger automobile on or before January 1, 1942, but have failed to get delivery, to obtain a certificate entitling them to acquire that particular new passenger automobile. They may now get such a car if they can meet the requirements of this § 1360.114. If, and only if, these requirements are met, may a certificate be issued.

(b) *Persons producing certificates of title or applications therefor.* On and after February 12, 1942 any person who, on or before January 1, 1942, purchased, but did not receive delivery of, a new passenger automobile is eligible to receive a certificate permitting him to acquire such new passenger automobile if he produces before the Board:

(1) A certificate of title or registration for the automobile, in the purchaser's name, issued on or before January 1, 1942, by the state or local agency having jurisdiction over the registration of motor vehicles; or

(2) A written statement by an official of the state or local agency having jurisdiction over the registration of motor vehicles that the purchaser's application for such certificate of title or registration for the automobile had been received by such agency on or before January 1, 1942, which written statement must be accompanied by a certified copy of such application.

A certificate of title or registration issued on or before January 1, 1942, in the purchaser's name, by his state or local agency, is sufficient to entitle the applicant to delivery of a new passenger automobile. The certificate may be presented to the Board either in its original form, or by photostatic or other certified copy. If a certificate of title or registration issued on or before January 1, 1942, is not available but an application for registration was made by the purchaser to such agency on or before January 1, 1942, the statement of any responsible official of the state or local agency to that effect is an acceptable substitute. The original statement of the responsible official must be presented to the Board, and must be accompanied by a photostatic or other certified copy of the purchaser's application for registration.

(c) *Persons producing evidence of other facts entitling them to a transfer.* If the purchaser is unable to produce a certificate of title or registration, or a written statement of application therefor, as set forth in paragraph (b), he may, nonetheless, make himself eligible to acquire the new passenger automobile if he produces before the Board satisfactory evidence, showing compliance with the requirements of paragraphs (d), (e), or (f). Although the purchaser will apply for the certificate, he may utilize the assistance of the dealer in producing the evidence and presenting it to the Board.

(d) *Writings referring to the automobile.* The applicant must produce, as the first of the three main facts (proof of which entitles an applicant to a certificate for a new passenger automobile under paragraph (c)) a written contract, bill of sale, or other writing referring to the automobile claimed by the applicant, executed during the period July 1, 1941–January 1, 1942, inclusive.

This requires that the applicant have some written evidence to prove the existence of the agreement to sell or the sale. As long as the writing refers to the automobile in such a way as to indicate clearly that the automobile was the subject of such an agreement or sale, it may have been executed by the seller or the buyer or both and may take any of a variety of forms. Examples are a signed order, receipt of payment on account of the automobile, bill of sale, or a memorandum of work to be done to prepare the automobile for final delivery.

The writing must show on its face that it was executed during the period July 1, 1941, to January 2, 1942, inclusive. It must be proved by showing the original to the Board, or, if the original is lost or otherwise unavailable, by showing a carbon copy. In either event the Board must be satisfied that the writing is genuine in all respects.

(e) *Documents evidencing the purchase of the automobile.* An applicant for a new passenger automobile who seeks to establish his eligibility under paragraph (c), in addition to producing evidence of the writing under paragraph (d), must offer to the Board one or more of the following:

[1] 6 F.R. 6792.
[2] 7 F.R. 72.

(1) A check for the full purchase price of the automobile, or for a part of the purchase price in the sum of $25 or more, payable to the seller, dated on or before January 1, 1942, and bearing marks showing its deposit by the seller in a bank on or before January 2, 1942; or

(2) The original bound or serially-numbered receipt book, journal or order book, regularly used by the seller, showing a credit entered by the seller on or before January 1, 1941, for the full purchase price of the automobile, or for a part of the purchase price, or for a used car traded in as the full or part purchase price of the new passenger automobile; or

(3) A certificate of title or registration issued on or before January 1, 1942, by the state or local agency having jurisdiction over the registration of motor vehicles, showing a transfer of title from the applicant to the seller of the new passenger automobile, of a used automobile; or

(4) A written statement by an official of the state or local agency having jurisdiction over the registration of motor vehicles that, on or before January 1, 1942, application had been received to transfer the certificate of title or registration of a used automobile from the applicant to the seller of the new automobile, which statement must be accompanied by a certified copy of such application:

Provided, That the Board shall be satisfied, by written statements of seller and applicant, or, other evidence, that the check for all or part of the purchase price, the used car traded in, or the business entry for all or part of the purchase price or for the traded-in car, was part of the transaction of purchasing the new passenger automobile for which a certificate is sought.

The applicant need produce only one of the four listed types of documentary evidence in order to satisfy the requirements of this paragraph (d). As to that type, however, the Board must be fully satisfied that the document sought to be proved is genuine in all respects. If the applicant elects to show entries in a bound or serially-numbered receipt book, journal, or order book, he must produce the original book of account, and must show that it is regularly used by the seller in the course of his business. The requirement that books of account be bound or serially-numbered is to prevent falsification by insertion of entries at a later date than the date on which they purport to have been made. Checks, or certificates of title of registration, may be proved by presenting the original, or a photostatic or other certified copy. Sworn statements by the official of the state or local agency must be proved by the original affidavit.

Whichever of these four listed types of documentary evidence the applicant offers, he must link up such evidence with the contract to sell or sale of the new passenger automobile claimed by him. Such proof may be made by written statement of the seller and applicant, or by other evidence. Thus, the evidence must show that a check in a particular sum was given to the seller in payment for the new automobile now claimed by the applicant, and not for some other purpose. Again, the entry in the book of account for all or part of the purchase price, or for the value of the used car traded in, must be shown to be the price paid for the new automobile claimed by the applicant, and not in settlement of some other transaction with the seller. Finally, where a certificate, or an application for a certificate for a used car is relied upon, the evidence must show that such used car was traded in total or partial payment for the particular new automobile.

(f) *Consignment of automobiles to the seller.* In addition to producing the writing under paragraph (d) and a document evidencing the purchase of the new automobile under paragraph (e), an applicant for a new passenger automobile who seeks to establish his eligibility under paragraph (c), must offer to the Board one of two kinds of evidence of timely delivery to the dealer.

(1) As one alternative he may offer proof that, on or before January 1, 1942, an automobile which answers the description in the contract, bill of sale, or other writing required by paragraph (d), and which is the automobile claimed by the applicant, was delivered by the manufacturer or distributor to the transferor, or to a carrier for shipment to the transferor.

The applicant must show by satisfactory evidence that, on or before January 1, 1942, an automobile answering the description in the written contract, bill of sale, or other writing was delivered by the manufacturer or distributor to the seller, or to a carrier (whether by rail, truck, caravan, or otherwise) for shipment to the seller. This can ordinarily be done by the applicant's producing a bill of lading or accompanying invoice from the manufacturer to the dealer, a warehouse receipt to show storage by the dealer, or a factory record of shipment on or before January 1, 1942, for transmission to the dealer. These documents will ordinarily show the serial or engine number of the automobile for which they were issued, and thus link it to the car which the applicant now seeks to acquire. The applicant should be required to identify an automobile delivered on or before January 1, 1942, with the automobile he now claims. Wherever possible he should show that the serial or engine numbers of the automobiles are identical. If the automobile which the applicant now seeks to acquire cannot be specifically identified with an automobile delivered on or before January 1, 1942, by engine or serial number, the Board must be fully satisfied by other evidence that, in spite of the absence of this evidence, the identity exists.

(2) As an alternative, the applicant may offer, in the case of a specially ordered automobile which answers the description in the contract, bill of sale, or other writing required by paragraph (d), and which is the automobile claimed by the applicant, which automobile varies from standard construction and specifications (in respects other than variations in color, lettering, accessories, and optional equipment), proof that such automobile, on or before January 15, 1942, was delivered by the manufacturer or distributor to the transferor, or to a carrier for shipment to the transferor.

As in the case of a standard automobile, the delivery of an automobile on or before January 15, 1942, must be connected with the automobile now claimed by the applicant by means of engine or serial number, if possible.

In addition, the Board must be satisfied that the automobile shown by the applicant is in reality specially ordered. In order to constitute a specially ordered automobile, an automobile must vary from standard specifications in respects other than variations in color, lettering, accessories, and optional equipment. In other words, the change must be a substantial and not a trivial one.*

§ 1360.115 *Eligibility for transfers without certificates*—(a) *Persons eligible to acquire new passenger automobiles by transfer without certificates.* The following persons are eligible, without a certificate, to acquire a new passenger automobile, but cannot transfer such automobile except in accordance with the provisions of these regulations (§§1360.-111 to 1360.121, inclusive), or any amendments thereof or supplements thereto:

(1) Any person authorized to receive a transfer on behalf of:

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civilian Aeronautics Authority, the National Advisory Commission for Aeronautics, or the Office of Scientific Research and Development.

(ii) Government agencies or other persons acquiring new passenger automobiles for export to and consumption or use in any foreign country:

Provided, That, after the War Production Board establishes a system of permits for such persons, only persons identifying themselves by such permits are eligible under this subparagraph (1).

(2) A dealer, manufacturer, distributor, or the Reconstruction Finance Corporation.

(3) A person who in good faith lends money on the security of, or finances the sale of, a new passenger automobile.

(4) Persons distraining, levying by execution, attachment, or similar forms of judicial process, or persons repossessing on default.

(5) A person acquiring the automobile through a transfer by will or intestacy, or a transfer by operation of law to a trustee or receiver in bankruptcy, insolvency, or receivership.

The persons specified in subparagraphs (2), (3), and (4) are not eligible to acquire the automobile for the purpose of using it personally, but only if they are acquiring it in order to resell it. Persons acquiring the automobile by inheritance are not subject to this restriction and may acquire the automobile for their own use. Trustee and receivers, who acquire the automobile as part of the assets of a business, may use the automobile in connection with the operation of the business if they are allowed to do so by the court of their appointment.

All of the persons in this § 1360.115 may resell the automobile to any person designated in this § 1360.115, without certificates, if the procedure for such transfers as set out in § 1360.117 of these regulations is observed.

All persons making or receiving transfers under this § 1360.115 must observe the requirements of § 1360.117 for filling out and filing Form R–203.*

§ 1360.116 *Procedure for transfers with certificates*—(a) *Application.* Any person who believes that he is eligible for the transfer of a particular new passenger automobile in accordance with the provisions of § 1360.114, paragraph (a), may apply to the Board having jurisdiction, under § 1360.113, paragraph (c), for a certificate authorizing such transfer. The application shall be made on Form R–201, to be issued by the Office of Price Administration, and the applicant and the transferor shall give such information as is therein required. All applications on Form R–201 must be filed with the Board before February 26, 1942.

(b) *Certification.* Upon being satisfied that the applicant is subject to its jurisdiction and is eligible for the transfer of a particular new automobile, the Board shall issue a certificate on Form R–202, stating that the applicant is eligible for such transfer, and naming the transferor.

The determination whether the facts set forth in the application exist shall be made upon the basis of the application and all other information which comes to the knowledge of the Board. The applicant may, at the Board's discretion, appear in person or by authorized representative before the Board to answer pertinent questions or to present evidence. In acting upon applications, the Board shall observe the requirements of these regulations (§§ 1360.111 to 1360.121, inclusive) and all amendments or supplementary regulations issued by the Office of Price Administration.

The certificate shall be signed by at least two members of the certifying Board. Prior to delivering the certificate to the applicant, the Board shall require the applicant to sign the certificate in the presence of a member or clerk of the Board.

(c) *Delivery of the automobile.* A certificate of a Board on Form R–202 may be honored only by the transferor named therein. Certificates shall be valid for 30 days from their date of issuance, and shall be void thereafter. Prior to delivering the automobile, the transferor shall require that the applicant sign his name on the certificate. The signature must correspond to the earlier signature of the applicant on the certificate. If the signatures appear to be executed by the same person, the transferor shall complete the transferor's statement on the part of the certificate indicated in Form R–202. The transferor may thereupon deliver the automobile to the applicant, retaining for himself the part of Form R–202 so designated.

(d) *Filing of certificates.* Within 5 days of the receipt of the automobile from the transferor, the transferee shall file the appropriate part of the certificate with the state or local agency having jurisdiction over the registration of motor vehicles. Within the same period the transferor shall file the appropriate parts with the Board designated to serve the area in which the transfer was made. This Board shall note the transfer for its records and then forward the appropriate parts of the certificate to the Board which issued the certificate and the Office of Price Administration, Automobile Inventory Unit, New York, N. Y.

(e) *Posting of issuance of certificates.* At intervals of not less than one week, the Board shall post at its office for a period of at least a week, and shall release to the press, the names of those persons who have been granted certificates pursuant to these regulations, together with the number of automobiles allowed each person.*

§ 1360.117 *Procedure for transfers without certificates*—(a) *Documents required.* Any person receiving a transfer made pursuant to § 1360.115 shall fill out and execute in triplicate, Form R–203, to be issued by the Office of Price Administration, giving the information required by the Form and obtaining the necessary supporting statement required on the Form. The transferor, upon delivery of the automobile, shall retain for himself one copy of Form R–203.

(b) *Filing of documents.* If a dealer makes a transfer pursuant to § 1360.115 he shall, within 5 days of the transfer, file one copy of Form R–203 with the state or local agency having jurisdiction over the registration of motor vehicles, if a change of registration is involved, and two copies with the Board designated to serve the area in which the transfer was made. This Board shall forward one copy to the Office of Price Administration, Automobile Inventory Unit, New York, N. Y. If the transferor is a person other than a dealer, or if the transferor refuses or is unable to fill out the statement on the Form, the transferee shall file the documents with the agencies listed.*

§ 1360.118 *Records and reports.*—(a) *Records.* All persons affected by these regulations (§§ 1360.111 to 1360.121, inclusive) shall preserve for not less than two years accurate and complete records concerning inventories and transfers of new passenger automobiles. In addition, dealers in automobiles shall keep for the same period such copies of Forms as are required to be retained by them by the terms of these regulations.

(b) *Reports.* Persons affected by these regulations shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1360.119 *Appeals*—(a) *Grounds for appeal to the State Rationing Administrator.* Any applicant for a new passenger automobile whose application has been denied by the Board and who believes that such action is in conflict with these Regulations (§§ 1360.111 to 1360.121, inclusive) may file an appeal from such action with the State Rationing Administrator.

(b) *Filing of appeals.* (1) An appeal from an action taken by a Board may be filed only within thirty days after such action has been taken.

(2) The appellant shall file a statement in writing and under oath setting forth the specific section of these Regulations which he believes to be inconsistent with the action taken by the Board and stating in full the facts on which he grounds his appeal.

(c) *Action on appeals.* The State Rationing Administrator may require the Board or the appellant to furnish pertinent information, which may be in addition to that furnished before the Board, with respect to any appeal pending before him. The State Rationing Administrator may affirm the decision of the Board, or may reverse or modify such decision and remand the matter to the Board for consistent action. The State Rationing Administrator's ruling shall be in writing and shall be communicated to the appellant and to the Board. If he reverses or modifies the decision, he shall send a copy of his ruling to the Office of Price Administration. He shall act on the appeal within thirty days of its filing.

(d) *Review by the Office of Price Administration.* Such appellant, if he feels aggrieved by such ruling of the State Rationing Administrator, may, within thirty days thereafter, file a written petition for review with the Office of Price Administration. If the Office of Price Administration, in its discretion, elects to review the matter, it may require the Board, the appellant, and the State Rationing Administrator to furnish pertinent information in writing or otherwise. The Office of Price Administration may affirm the ruling of the State Rationing Administrator, or may reverse or modify such ruling and remand the matter to the Board for consistent action. The Office of Price Administration's ruling shall be in writing and shall be communicated to the appellant, to the Board, and the State Rationing Administrator.*

§ 1360.120 *Violations.* Any person who violates any provision of these regulations (§§ 1360.111 to 1360.121, inclusive), who, by any act or omission, knowingly falsifies an application, certificate, or any record which he is required to keep by the terms of these regulations or who otherwise knowingly furnishes false information to a Board, State Rationing Administrator, or to the Office of Price Administration, shall be subject to the penalties therefor, including a recommendation to the Attorney General for prosecution pursuant to section 35 A of the Criminal Code (Title 18, U.S.C. Sec. 80).

In addition, the Office of Price Administration may deny him the right to receive any new automobiles or any other commodity subject to rationing by the Office of Price Administration and may recommend to the War Production Board that he be denied the right to receive any other materials which are now or in the future may be allocated by that Board.

§ 1360.121 *Effective date of new passenger automobile regulations.* These regulations (§§ 1360.111 to 1360.121, inclusive) shall take effect on February 2, 1942.*

Issued this 30th day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-940; Filed, January 30, 1942; 5:16 p. m.]

PART 1380—HOUSEHOLD AND SERVICE INDUSTRY MACHINES

PRICE SCHEDULE NO. 66.—DOMESTIC WASHING MACHINES AND IRONING MACHINES

Manufacturer's prices for domestic laundry equipment, which includes washing machines and ironers, advanced approximately 12% on a weighted average basis between January 1 and September 15, 1941. By letter of September 16, 1941, to all industry members, the Office of Price Administration requested that it be consulted prior to the institution of any price increases. This served to check the upward trend of prices. Subsequently, this Office made the same request to the manufacturers of wringers, tubs and motors, the three major component parts of the washing machine. This has had a stabilizing effect upon manufacturing costs.

On October 29, 1941, the Office of Production Management issued an order cutting production of domestic laundry equipment to almost 80% of that in the base year ending June 30, 1941. Subsequent orders have cut production down to approximately 60%. With further restriction of production likely, it becomes necessary to take effective steps to prevent inflationary price increases. This Schedule has been determined after industry-wide studies of price, cost, and profit trends, and after consultation with members of an industry panel on January 21.

In order to prevent nullification of this Schedule, changes in specifications are temporarily restricted.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1380.1 *Maximum prices for washing machines and ironing machines.* On and after February 9, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any washing machine or ironing machine, at a price higher than the maximum price:

(a) *Models in price list between October 1–October 15, 1941.* The maximum price for any model washing machine or ironing machine, in a price list of the manufacturer in effect at any time during the period October 1–October 15, 1941, inclusive, shall be the highest price quoted in any such price list for such model to the same person or to a person in the same general class, except that, in the case of the Apex Electrical Manufacturing Company the maximum price for any such model shall be the price in effect on February 2, 1942.

(b) *Other models sold between January 1–October 15, 1941.* The maximum price for any model washing machine or ironing machine, not in a price list of the manufacturer in effect at any time during the period October 1–October 15, 1941, inclusive, but sold, or contracted to be sold, by him during the period January 1–October 15, 1941, inclusive, shall be the highest net price, f. o. b. manufacturer's point of shipment at which such model was sold, or contracted to be sold, by him during the period October 1–October 15, 1941, inclusive, to the same person or to a person in the same general class, or, if there was no such person, to any person; or if such model was not sold, or contracted to be sold, by him during such period, the highest net price f. o. b. manufacturer's point of shipment at which such model was sold, or contracted to be sold, by him during the period January 1–September 30, 1941, inclusive, to the same person or to a person in the same general class, or, if there was no such person, to any person.

(c) *Models first offered for sale between October 16, 1941–February 8, 1942.* The maximum price for any model washing machine or ironing machine offered for sale for the first time between October 16, 1941, and February 8, 1942, inclusive, shall be (1) the price already approved in writing by the Office of Price Administration; or (2) until the Office of Price Administration has approved a price on the basis of a report to it in accordance with Section 1380.5 (a) (2), the highest net price, f. o. b. manufacturer's point of shipment, at which such model was sold, or contracted to be sold, by the manufacturer prior to February 9, 1942, (or, if there was no such sale, or contract of sale, the highest net price f. o. b. manufacturer's point of shipment quoted in writing by the manufacturer for such model at any time prior to February 9, 1942) to the same person or to a person in the same general class, or, if there was no such person, to any person; and unless such report has been submitted by February 25, 1942, no sale, offer to sell, delivery or transfer of such model shall be made thereafter until such report is submitted; and (3) after such approval, shall be such approved price.

(d) *Cost-plus contracts and sales after the termination of cost-plus contracts—(1) Completion of outstanding cost-plus contracts.* The maximum price for any model washing machine or ironing machine delivered by the manufacturer after February 8, 1942, in order to complete a cost-plus contract outstanding on January 21, 1942, shall be determined by the terms of such contract: *Provided*, That no change in the terms of any such contract, which would increase the maximum price, shall be made by amendment, substitution of a new contract or otherwise.

(2) *Future cost-plus contracts.* On and after February 9, 1942, no washing machine or ironing machine shall be sold, delivered or transferred under a cost-plus contract not outstanding on January 21, 1942, until the manufacturer has submitted such contract to the Office of Price Administration, and the Office of Price Administration has approved such contract in writing.

(3) *Sales after termination of cost-plus contracts.* The maximum price for any model washing machine or ironing machine referred to in sub-paragraphs (1) or (2) of this section, which on or after February 9, 1942, is sold, offered for sale, delivered or transferred upon terms other than cost-plus and whose maximum price is not otherwise determinable, shall be the price approved by the Office of Price Administration after the manufacturer has submitted to it an application containing (i) the proposed price and specifications of such model, and (ii) such other data as the Office of Price Administration may request; and no sale, offer to sell, delivery or transfer of such model shall be made until such approval shall have been given.

(e) *Other models in process of manufacture.* The maximum price for any model washing machine or ironing machine in process of manufacture during the period October 1, 1941–February 8, 1942, inclusive, and offered for sale for the first time on or after February 9, 1942, other than a model referred to in paragraph (g) of this Section, shall be the price approved in writing by the Office of Price Administration after the manufacturer has submitted to it an application containing (1) the proposed price and specifications of such model and (2) such other data as the Office of Price Administration may request; and no sale, offer to sell, delivery or transfer of such model shall be made until such approval shall have been given.

(f) *Models involving elimination of features or changes in specifications which reduce quality, convenience of operation or efficiency of performance.* The maximum price for any model washing machine or ironing machine referred to in § 1380.3 (b) (2) shall be such price as is approved by the Office of Price Administration pursuant thereto.

(g) *Models incorporating changes in specifications which do not reduce quality, convenience of operation or efficiency of performance.* The maximum price for any model washing machine or ironing machine offered for sale for the first time on or after February 9, 1942, which incorporates any of the changes in specifications referred to in § 1380.3 (a) or (b) (1), shall be the maximum price chargeable for such model prior to the incorporation of any such change as determined by paragraphs (a), (b), (c), (d), (e) or (f) of this section.*

* Sections 1380.1 to 1380.10, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R., 1917, 4483.

§ 1380.2 *Less than maximum prices.* Lower prices than those set forth in § 1380.1 may be charged, demanded, paid or offered.*

§ 1380.3 *Limitation of changes in specifications of washing machines and ironing machines.* Between February 9, 1942, and December 31, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer, any washing machine or ironing machine differing in specifications from a washing machine or ironing machine referred to in § 1380.1 (a), (b), (c), (d) and (e), except as provided in paragraphs (a) and (b) of this section.

(a) *Non-substantial changes.* A manufacturer may make any of the following changes in specifications of any model washing machine or ironing machine, provided that quality, convenience of operation and efficiency of performance are not reduced and that he submits to the Office of Price Administration a report of each such change as required by § 1380.5 (b):

(1) Change in name plate.
(2) Change in decal.
(3) Change in color, trim or hardware.
(4) Change in any part (including a feature) other than a major component part.

Provided, further, That if the Office of Price Administration determines that any such change results in the reduction of quality, convenience of operation, or efficiency of performance, the manufacturer shall not sell, offer to sell, deliver or transfer such model at a price higher than that stipulated by the Office of Price Administration.

(b) *Changes in specifications of major component parts and elimination of features.* (1) A manufacturer may change the specifications of any major component part (as that term is defined in § 1380.9 (g)) of any model washing machine or ironing machine: *Provided*, That he submits to the Office of Price Administration, a report as required by § 1380.5 (b) showing each such change made and continuing satisfactory evidence that such change will not reduce the quality, convenience of operation, or efficiency of performance of such model and that such change (i) is necessary because (a) the part or material previously used is unavailable or prohibitive in cost, or (b) the material previously used is so restricted by a priority or allocation order or other regulation of a Federal agency as to require the change, or (ii) is desirable because it will result in substantial conservation of strategic materials: *Provided further*, That if the Office of Price Administration determines that any such change results in the reduction of quality, convenience of operation, or efficiency of performance the manufacturer shall not sell, offer to sell, deliver or transfer such model at a price higher than that stipulated by the Office of Price Administration.

(2) In the event that the manufacturer proposes to make a change in the specifications of any major component part of any model which would reduce quality, convenience of operation, or efficiency of performance or to eliminate any feature (as that term is defined in § 1380.9 (h)) from any model, he should submit to the Office of Price Administration an application containing the proposed price for such model and satisfactory evidence (i) that such change or elimination is necessary because (a) the part, feature or material previously used is unavailable or prohibitive in cost, or (b) the material previously used is so restricted by a priority or allocation order or other regulation of a Federal agency as to require the proposed change, or (ii) that such change or elimination is desirable because it will result in substantial conservation of strategic materials. If the Office of Price Administration approves the application he may sell, offer to sell, deliver or transfer such model at a price no higher than the price so approved.*

§ 1380.4 *Records.* Every manufacturer, making sales of washing machines or ironing machines after February 8, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the model number or other designation of each model sold, the price received for each, the quantity sold and any discounts, allowances, or charges.*

§ 1380.5 *Reports—(a) Models offered for sale between January 1, 1941–February 8, 1942.* (1) On or before February 25, 1942, every manufacturer shall submit to the Office of Price Administration a report of each model washing machine and ironing machine whose maximum price is determined by § 1380.1 (a) or (b) showing the maximum price thus established and the specifications for each such model.

(2) On or before February 25, 1942, every manufacturer shall submit to the Office of Price Administration a report of each model washing machine and ironing machine whose temporary maximum price is determined by § 1380.1 (c) (2) showing the temporary maximum price thus established and the specifications for each such model.

(3) Manufacturers who have already submitted to the Office of Price Administration any of the information in subparagraphs (1) and (2) of this section need not duplicate it, but shall make reference to the information already submitted.

(b) *Changes in specifications.* On or before March 10, 1942, every manufacturer shall submit to the Office of Price Administration, a report of each change in specifications made in any model washing machine or ironing machine between February 9, 1942, and February 28, 1942, inclusive, containing the information required by § 1380.3 (a) or (b) (1), and on or before the tenth day of each May, July, September, November, January and March thereafter, a similar report covering the two months immediately preceding the month in which each such report is made.

(c) *Cost-plus contracts.* On or before February 25, 1942, every manufacturer shall submit to the Office of Price Administration a copy of each of his cost-plus contracts for the sale of washing machines or ironing machines, outstanding on January 21, 1942.

(d) *Discontinued models.* (1) On or before March 1, 1942, every manufacturer who has discontinued production of any model washing machine or ironing machine offered for sale during the period January 1, 1941—February 28, 1942, inclusive, shall submit a report to the Office of Price Administration containing a reference to such model, the date of and the reason for discontinuing production, and the total number of completed units of such model produced by him during such period.

(2) At least 10 days after a manufacturer discontinues production of any model washing machine or ironing machine after February 28, 1942, he shall submit a report to the Office of Price Administration containing a reference to such model, the date of and the reason for discontinuing production, and the total number of completed units of such model produced by him from January 1, 1941, to the date of discontinuance.

(e) *Monthly output of washing machines and ironing machines.* On or before February 15, 1942, and on or before the fifteenth day of each month thereafter, every manufacturer shall report to the Office of Price Administration the total number of completed units of each model washing machine and ironing machine produced by him in the preceding month. Such report shall refer to the model number or other appropriate designation of each such washing machine or ironing machine. If a report containing such information is required to be submitted to any other Federal agency, a copy thereof may be filed with the Office of Price Administration instead of a separate report.

(f) Persons affected by this Schedule shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1380.6 *Evasion.* The limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with the manufacture or assembling of washing machines or ironing machines by deterioration of quality or performance, or in connection with a purchase, sale, delivery or transfer of washing machines or ironing machines, alone or in conjunction with any other article, or by way of any commission, service, transportation, or other charge, or premium, or other privilege or by tying-agreement or other trade understanding, or by making discounts, or allowances of any sort, or other terms and conditions of sale, less favorable to the purchaser than those available or in effect on October 1, 1941; or by any other means.*

§ 1380.7 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that

the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political sub-divisions of state, county and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government, both State and Federal, are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule.

Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of the prices of washing machines or ironing machines, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1380.8 *Modification of the Schedule.* Persons complaining of hardships or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided,* That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1380.9 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Manufacturer" means any person operating a plant, factory, or other establishment engaged in the manufacture, or assembling of washing machines or ironing machines; or any person who resells washing machines or ironing machines to any person other than a retailer or ultimate consumer.

(c) "Washing machine" means a mechanically operated machine used in the home for washing clothes and other household articles;

(d) "Ironing machine" means a mechanically operated machine used in the home for ironing clothes and other household articles;

(e) "Model" means any washing machine or ironing machine offered for sale as a distinct item.

(f) "Any model washing machine or ironing machine in process of manufacture" means any model for which the manufacturer has obtained or contracted for patterns, tools, dies or parts, not otherwise useable by him.

(g) "Major component part" means (1) in the case of a washing machine, the transmission, tub, cover, wringer and roll, agitator, motor, base or legs; and (2) in the case of an ironing machine, the transmission, base, legs, roll, shoe or cover.

(h) "Feature" means (1) in the case of a washing machine, the timer, off and on switch, overload switch, cord reel, or thermometer; and (2) in the case of an ironing machine, thermostatic controls, lap shelf, end shelves, switches, roll speeds, clothes racks, porcelain table top, shoe edge protector, light or emergency shoe release.

§ 1380.10 *Effective date of this Schedule.* This Schedule shall become effective February 9, 1942

Issued this 31st day of January 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-954: Filed, February 2, 1942; 11:50 a. m.]

CHAPTER XIII—OFFICE OF PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

[Recommendation No. 30]

PART 1508—MARKETING

MARKETING MATERIALS

To all persons supplying materials for the marketing of petroleum products.

Conservation Order M-68-c[1] of the Office of Production Management prohibits the use of materials for construction, reconstruction, expansion, remodeling, replacement, or improvement of facilities used in marketing petroleum products except in specified cases.

The removal by the person supplying materials used in marketing petroleum products, on the termination of the account relationship with the operator of such materials, may prevent such operator from operating even through new sources of supply unless he can procure materials pursuant to an exception in Conservation Order M-68-c.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

§ 1508.12 *Definitions.* The terms "person", "marketing", "petroleum", "operator", and "material" are used herein as defined in Conservation Order M-68-c of the Office of Production Management issued January 14, 1942.*

*§§ 1508.12 to 1508.14, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1508.13 *Notice of intention to remove.* No person having the right to remove from the premises of any operator any material operated by such operator, whether by reason of the termination of a supply arrangement at the election of either, or for other reason, shall do so until he shall have given reasonable notice in writing, not less than thirty days, of his intention so to remove such material, or until he shall have received the prior consent in writing of such operator.*

§ 1508.14 *Option in operator.* Any operator having received notice from any person pursuant to § 1508.13 of intention to remove any material shall have the option for the period fixed in the notice, but not more than sixty days from the giving of notice, to purchase or complete the purchase, or procure another person to purchase or complete the purchase, of the material covered by such notice, and on the exercise of such option, such person shall sell or complete the sale of the material covered thereby in accordance therewith at a reasonable price based on original cost less reasonable depreciation. During any such option period, the operator shall have the right to use the installed material and to authorize its use by any person for the purpose of supplying the operator with petroleum.*

RALPH K. DAVIES,
Deputy Petroleum Coordinator for National Defense.

JANUARY 29, 1942.

[F. R. Doc. 42-921: Filed, February 2, 1942; 9:48 a. m.]

[1] 7 F.R. 282.

TITLE 36—PARKS AND FORESTS

CHAPTER I—NATIONAL PARK SERVICE

PART 3—NATIONAL CAPITAL PARK REGULATIONS

Amendments

Pursuant to the authority contained in the act of February 26, 1925 (43 Stat. 983, 40 U.S.C. 4), and Executive Order No. 6166, June 10, 1933 (5 U.S.C. 132 note) Part 3 of Title 36, Code of Federal Regulations, is amended as follows:

1. Section 3.7 is amended to read as follows:

§ 3.7 *Nuisances.* (a) The committing of a nuisance of any kind is prohibited.

(b) All persons are prohibited from engaging in any disorderly conduct. (27 Stat. 323)

(c) Throwing stones or other missiles is prohibited. (27 Stat. 322)

(d) Throwing or leaving paper, fruit skins, or other rubbish anywhere except in the receptacles provided for the purpose, or the placing of any refuse therein brought from private property in the vicinity, is prohibited.

(e) Spitting upon the walks or paths is prohibited.

(f) Lying upon any bench or settee is prohibited.

(g) Bathing is prohibited, except where specifically authorized.

(h) No person shall enter the waters of the Tidal Basin or the Potomac River from the wall bounding it, except for the purpose of saving a drowning person.

(i) The committing of any obscene or indecent act is prohibited. (27 Stat. 324) Any person violating the provisions of this paragraph shall, upon conviction, be punished by a fine of not more than $250.

(j) No person shall throw, drop, or cause to be thrown or dropped, any breakable article such as glass, pottery, etc., or any sharp article which may cause injury to the person or property of others, upon a park road, path, or walk. Any person violating the provisions of this paragraph shall, upon conviction thereof, be punished by a fine of not less than $10 nor more than $100.

(k) Congregating or loitering in or about any comfort station in any public park in such a manner as to obstruct the proper use thereof, or to the annoyance of the people who frequent said comfort station, is prohibited. Any person violating the provisions of this paragraph shall be punished upon conviction by a fine of not more than $25.

(l) Parades, ceremonies, entertainments, and functions of all kinds are prohibited unless a permit issued by the authority of the Superintendent is obtained.

(m) The holding of meetings, parades, ceremonies, entertainments and functions of all kinds is prohibited on West and South Executive Avenues and on State Place. Any person or persons violating the provisions of this paragraph shall, upon conviction, be punished by a fine of not more than $250.

(n) Public meetings and assemblies may be held and speeches and the expression of views publicly may be made without any permit in the following places, which shall be open and available for such purposes at all times to any person, group of persons or organizations:

Franklin Park. On the north-south center walk between Eye Street and the center display fountain. (Approximately 100 feet north of the north curb line of Eye Street.)

Judiciary Park. On the north-south axis of the park between E Street and the statue of Jose de San Martin.

Smithsonian Grounds. In the northeast corner of the park and adjacent to Constitution Avenue and 9th Street, Northwest.

United States Reservation No. 46. North side of Pennsylvania Avenue, west of 8th Street, and south of D Street, Southeast.

(o) Public meetings and assemblies may be held and speeches and the expression of views publicly may be made in the following places, which shall be open and available for such purposes at all times to any person, group of persons or organization, subject to the condition that a permit therefor be first obtained from the Superintendent of the National Capital Parks:

Anacostia Park west of 11th Street.
Polo Field.
Banneker Recreation Center, north side.
Monument Grounds, Sylvan Theater.
Water Gate.
Fort Bunker Hill—Amphitheater.

The Superintendent may refuse to grant a permit for the above-named places only if a prior application for the use of the same place at the same time has been made and such prior application has been or will be granted. In applying for such permit the applicant shall comply with the provisions of § 3.10 (h), and shall specify the time and place desired.

(p) Public meetings and assemblies may be held and speeches and the expression of views publicly may be made in any place other than the areas described in paragraphs (n), (o), and (q) of this section subject to the condition that a permit therefor be first obtained from the Superintendent of the National Capital Parks. The Superintendent shall forthwith issue a permit for such a place unless a prior application for the same time and place has been made which has been or will be granted, or unless, in his judgment, the permit should be refused because of traffic conditions, or because the particular use to which the area is primarily devoted makes its use for public gatherings contrary to the comfort, convenience and interest of the general public. In applying for such permit the applicant shall comply with the provisions of § 3.10 (h), and shall specify the time and place desired.

(q) Public gatherings of any kind and the making of speeches are prohibited in the following places because of traffic conditions, or because the particular purpose to which the area is primarily devoted makes its use for public gatherings contrary to the comfort, convenience and interest of the general public:

Lafayette Park.
Sherman Square.
Fifteenth Street and Pennsylvania Avenue Northwest.
Farragut Park.
Rawlins Park.
Mt. Vernon Park.
Stanton Park.
The paved area in the Mall near Second Street.

2. Section 3.10 (c) and (d) is amended to read as follows:

§ 3.10 *Miscellaneous; penalties.*

* * * * *

(c) The display of any form of commercial advertisement is prohibited.

(d) The distribution in any manner of any form of commercial advertising matter is prohibited.

* * * * *

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

THE WHITE HOUSE,
December 23, 1941.

Approved:
FRANKLIN D ROOSEVELT

[F. R. Doc. 42-920: Filed, February 2, 1942; 9:47 p. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

CHAPTER I—VETERANS' ADMINISTRATION

PART 2—ADJUDICATION: VETERANS' CLAIMS

SERVICE REQUIREMENTS

§ 2.1000 *World War.* The beginning and termination dates of the World War are April 6, 1917, and November 11, 1918, but as to service in Russia, the ending date is April 1, 1920. Except as to emergency officers retirement pay, reenlistment in the military or naval service on or after November 12, 1918, and before July 2, 1921, where there was prior service between April 6, 1917, and November 11, 1918, shall be considered as World War service under the laws providing compensation or pension for World War veterans and their dependents. (February 1, 1942) (48 Stat. 9; 38 U.S.C. 707)

JURISDICTION

§ 2.1010 *Adjudication of applications.* Applications for disability compensation or pension will be adjudicated in the appropriate field station when the applicant's entire military or naval service was subsequent to July 15, 1903, or Coast Guard service subsequent to January 27, 1915, except when jurisdiction is otherwise vested in central office under § 4.2025. (February 1, 1942) (48 Stat. 9; 38 U.S.C. 707)

PART 4—ADJUDICATION: VETERANS' CLAIMS

CENTRAL OFFICE SECTION

Jurisdiction

§ 4.2025 *Jurisdiction of the Claims Division, Central Office.* Within the jurisdiction of the claims division, central office, including the central disability board, will be included claims for disability compensation, pension, and retirement pay of the following classes:

(a) Where there was any service prior to July 16, 1903.

(b) Where the veteran is an employee of the Veterans' Administration in the classified service or for ninety days continuously in the unclassified service.

(c) Where rights have been forfeited under any act.

(d) Where the veteran is a claimant for retirement under section 5, Public No. 5, Public No. 18, 76th Congress.

(e) Where the veteran resides without the continental limits of the United States.

(f) Where the veteran resides in the District of Columbia.

(g) Claims under section 31, Public No. 141, 73d Congress, as amended by section 12, Public No. 866, 76th Congress. (See § 2.1005 (B).)

(h) Emergency officers retirement as provided by § 3.1350.

(i) Determination whether the veteran was insane at time of commission of offense resulting in discharge otherwise precluding the award of disability compensation or pension under Public No. 2 and Public No. 141, 73d Congress, as amended. (See currently effective adjudication procedure.)

(j) Where the applicant's entitlement to pension under the General Law, the Act of 1862, including the amendments thereto, is an issue.

(k) Where the protection provided by Public No. 788, 74th Congress, relative to the General Law rate is for application.

(l) Where there is entitlement under the Revised Statutes. (See §§ 4756 and 4757.)

(m) Where there is entitlement pursuant to special acts.

(n) Any claim not otherwise under the jurisdiction of central office referred by competent authority for action. (February 1, 1942) (48 Stat. 9; 38 U.S.C. 707)

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 42-881; Filed, January 31, 1942; 11:22 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

ANNUAL REPORTS BY LESSORS TO STEAM RAILWAY COMPANIES

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 27th day of January, A. D. 1942.

The subject of the requirements of annual reports from Lessors to Steam Railway Companies being under consideration, the following order was entered:

It is ordered, That the order of this Commission dated March 1, 1941, In the Matter of Annual Reports from Lessors to Steam Railway Companies and corresponding sections of the Code of Federal Regulations be, and hereby are, annulled, effective January 1, 1942, and the following order shall become effective.

§ 120.14 *Form prescribed for lessors to steam roads.* (a) All lessors to steam railway companies within the scope of section 20, Part I of the Interstate Commerce Act are required to file an annual report for the year ended December 31, 1941, and for each succeeding year until further order, in accordance with Annual Report Form E (Railway Lessor Companies) which is hereby approved and made a part of this order.[1]

(b) The annual report shall be filed, in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates. (Sec. 20, 24 Stat. 386, sec. 7, 34 Stat. 593, 35 Stat. 649, sec. 14, 36 Stat. 555, sec. 1, 38 Stat. 1196, 39 Stat. 441, secs. 434–438, 41 Stat. 493, 494; 49 U.S.C. 20 (1)–(10)).

By the Commission, division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 42–924; Filed, February 2, 1942; 10:40 a. m.]

Notices

WAR DEPARTMENT.

RESTRICTIONS ON CERTAIN TRANSACTIONS INVOLVING PROPERTY IN WHICH CERTAIN FOREIGN COUNTRIES, OR ANY NATIONAL THEREOF, MAY HAVE AN INTEREST[2]

Section I, as amended,[3] is further amended by changing the designation of paragraph 1 to 1a and adding a new subparagraph *b*, as follows:

SECTION I

1a *Executive Orders and Treasury Department Regulations.*

* * * * *

b *Philippine Islands.* In view of the situation created by the temporary enemy occupation of important parts of the Philippine Islands, the Treasury Department has issued a circular calling attention to the fact that Philippine assets have been automatically frozen under the provisions of Executive Order No. 8389, as amended, and that January 1, 1942, would be regarded as the effective date of the freezing regulations as applied to the Philippines. In view of General License No. 80, dated January 5, 1942 (7 F.R. 147), issued by the Treasury Department, the freezing restrictions will not affect Philippine citizens within the United States or within the generally licensed trade area (R.S. 161; 5 U. S. C. 22) [Proc. Cir. 9, W.D. Jan. 24, 1942]

* * * * *

[SEAL] E. S. ADAMS, *Major General, The Adjutant General.*

[F. R. Doc. 42–923; Filed, February 2, 1942; 9:49 a. m.]

[1] Filed as part of the original document.

[2] 6 F.R. 5701.

[3] 7 F.R. 183; 7 F.R. 291.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B–193]

IN THE MATTER OF W. R. NALL, CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

1. Under the provisions of the Bituminous Coal Act of 1937 (the "Act"), district boards are authorized in appropriate cases to file complaints of violations of the Act, the Bituminous Coal Code (the "Code") and the rules and regulations of the Bituminous Coal Division (the "Division").

2. The Division on August 14, 1941, referred to District Board No. 17 information in its possession bearing on whether or not violations of section 4 II (e) of the Act, and Part II (e) of the Code had been committed by W. R. Nall, the Code member above named (hereinafter referred to as the "Code member"), who operates the Twelve Mile Mine, Mine Index No. 344, located in Rio Blanco County, Colorado, Subdistrict No. 17 of District No. 17, in connection with sales subsequent to September 30, 1940, of coal produced at his Twelve Mile Mine below the effective minimum prices therefor, including sales to various purchasers during the period March 1 to May 30, 1941, both dates inclusive, of (a) approximately 135.32 tons of lump coal, Size Group No. 2, prepared over a 3" bar screen at $3.50 per net ton f. o. b. the mine, whereas the effective minimum price for said coal was and is $3.65 per net ton f. o. b. the mine; and (b) approximately 212.9 tons of nut coal, Size Group No. 5, screened through a 3" bar screen and over a 1" bar screen at $3.00 per net ton f. o. b. the mine, whereas the effective minimum price for said coal was and is $3.25 per net ton f. o. b. the mine, resulting in violations of section 4 II (e) of the Act and Part II (e) of the Code.

3. By letter dated October 1, 1941, the Division notified said Board that unless it took action on this matter within fifteen (15) days from the date of said notification, the Division would take such action in lieu of the Board, if it deemed it to be appropriate.

4. District Board No. 17 has not taken any action on this matter.

5. Section 6 (a) of the Act provides in part that in the event that a district board shall fail for any reason to take action authorized or required by this Act, then the Division may take such action in lieu of the district board.

Now, therefore, District Board No. 17 having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the Board, as in this Notice of and Order for Hearing provided, pursuant to section 6 (a) and other pertinent provisions of the Act for the purpose of determining

(a) whether or not the code member has wilfully violated section 4 II (e) of the Act and Part II (e) of the Code in connection with the transactions referred to above; and

(b) whether or not in the event that the Code member is found to have so violated the Act and the Code, an order should be entered revoking the Code membership of W. R. Nall, or directing W. R. Nall to cease and desist from violating the Act and the Code and the rules and regulations thereunder.

It is hereby ordered, That a hearing pursuant to sections 4 II (j), 5 (b), and 6 (a), and other pertinent provisions of the Act to determine whether or not the aforementioned Code member has committed the violations in the respects heretofore described and whether or not the Code Membership of said Code member should be revoked or an order should be entered directing the Code member to cease and desist from violating the Act and the Code and rules and regulations of the Division thereunder, be held on March 13, 1942, at 10 a. m. at a hearing room of the Division at the Federal Court Room, Federal Building, Grand Junction, Colorado.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing, or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions, and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act may file a petition for intervention not later than five (5) days before the date set for hearing herein.

Notice is hereby given that answer setting forth the position of the Code member with reference to the matters hereinbefore described must be filed with the Division at its Washington Office or with one of the Statistical Bureaus of the Division within twenty (20) days after date of service of a copy hereof on the Code member; and that any failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission by the Code member of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matter specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: January 28, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42–852; Filed, January 30, 1942; 12:15 p. m.]

[Docket No. 1648–FD]

IN THE MATTER OF RIDER COAL COMPANY, DEFENDANT

MEMORANDUM OPINION AND ORDER REOPENING THE HEARING

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division on March 27, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 2, alleging that the defendant, a code member in District 2, had wilfully violated the provisions of the Bituminous Coal Code or Rules and Regulations thereunder, and praying that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violations of the Code and Rules and Regulations thereunder.

Pursuant to Orders of the Director, a hearing in this matter was held on June 17, 1941, before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof in Uniontown, Pennsylvania. District Board 2 and the defendant were afforded full opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The defendant appeared and participated in the hearing.

On November 7, 1941, the Examiner made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendation in this matter, in which he found that the defendant had wilfully violated the provisions of the Act and the Code, and recommended that the defendant's code membership be revoked and cancelled. An opportunity was afforded to all parties to file exceptions thereto and supporting briefs. No such exceptions or briefs were filed.

The undersigned, on December 31, 1941, entered an Order approving and adopting the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner, and revoking and cancelling the defendant's code membership. The Order of December 31, 1941, further provided that, pursuant to section 5 (c) of the Act, the defendant, prior to reinstatement to membership in the Code, must pay to the United States a tax in the amount of $1,350.12.

On January 14, 1942, District Board 2 filed a petition requesting that this proceeding be reopened for the receipt of additional and new evidence; that the undersigned reconsider the evidence heretofore adduced in the light of such additional and new evidence; that the undersigned modify the Order entered herein on December 31, 1941; and that pending such receipt and reconsideration of evidence, the effect of such order be stayed.

On January 19, 1942, the undersigned, finding that the petition of January 14, 1942, did not state what evidence the complainant would introduce if the hearing were reopened, entered an Order denying said petition.

On January 26, 1942, the defendant filed a verified "Supplemental Petition," requesting substantially the same relief as was sought by District Board 2 in its petition of January 14. Upon a consideration of said supplemental petition, it appears to the undersigned that the request to reopen the hearing should be granted in order to afford the parties an opportunity to introduce additional evidence herein, either concerning the violations of the defendant or relevant to penalties attendant thereon, and to show why the Order of the Acting Director of December 31, 1941, should or should not be modified.

The undersigned will suspend, effective as of December 31, 1941, the Order of December 31, 1941, revoking the defendant's code membership. This suspension is without prejudice to the right to reinstate the effectiveness of the Order as of December 31, 1941, if, upon the record as supplemented by the testimony taken at the reopened hearing, it is concluded that the initial Order was proper.

Now, therefore, it is ordered, That said Order of December 31, 1941, revoking the defendant's code membership be, and it hereby is, suspended as of December 31, 1941, without prejudice to the right of reinstatement.

It is further ordered, That the motion of the defendant to reopen the hearing be, and it hereby is, granted and that the hearing be, and it hereby is, reopened for the purpose of taking any additional and new evidence concerning the violations of the defendant or relevant to the penalties attendant thereon and to show why the Order of the Acting Director of December 31, 1941, should or should not be modified.

It is further ordered, That such hearing be held on February 9, 1942, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division at the White Swan Hotel, at Uniontown, Pennsylvania.

It is further ordered, That the Examiner shall have such power and authority as was conferred upon him by the original Notice of and Order for Hearing in this matter dated April 25, 1941.

Dated: January 28, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42–853; Filed, January 30, 1942; 12:15 p. m.]

[General Docket No. 21]

IN THE MATTER OF DETERMINING THE EXTENT OF CHANGE, IF ANY, IN EXCESS OF TWO CENTS PER NET TON IN THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF ANY OF THE MINIMUM PRICE AREAS; AND OF REVISING THE EFFECTIVE MINIMUM PRICES AS MAY BE REQUIRED BY REASON OF ANY SUCH CHANGE IN COSTS

ORDER

This proceeding having been instituted by the Bituminous Coal Division of the United States Department of the Interior ("Division"), pursuant to the Bituminous Coal Act of 1937, as amended, (the "Act") for the purpose of (1) determining for the various minimum price areas the extent of change, if any, in excess of two cents per net ton in the weighted average of the total costs of producing bituminous coal as heretofore determined by the Director in General Docket No. 15, and (2) making such revision in the effective minimum prices as may be made necessary as a result of any changes in cost thus determined; the Order of the Director dated May 2, 1941, in this matter, having provided that the hearing should be conducted in two phases: the first, concerning the extent of change, if any, in the weighted average of the total costs; and, the second, concerning such revision in the effective minimum prices as may be necessary;

Pursuant to the Order of the Director dated May 2, 1941, and after due notice to all interested persons, the hearing on the first phase of this matter having opened on May 21, 1941, before Floyd McGown, a duly designated Examiner of the Division, at a hearing room of the Division in Washington, D. C.; all interested persons having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard; appearances having been entered on behalf of each of the twenty-two district boards, 115 code

members, 225 consumers, Bituminous Coal Consumers' Counsel, and 8 other interested persons;

Following the hearing on the initial phase of this proceeding, the Examiner having submitted his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations under date of October 21, 1941; the parties having been given until November 21, 1941, to file exceptions and briefs in support thereof, and requests for oral arguments; twenty-three parties having filed exceptions and briefs in support thereof, twelve having requested oral argument;

Pursuant to an Order of the Director of October 24, 1941, the Acting Director having heard oral argument in this matter on November 25 and 26, 1941, at a hearing room of the Division in Washington, D. C.; oral argument having been presented on behalf of District Boards Nos. 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 12 and 20, Associated Industries of New York State, Inc., National Association of Hot-House Vegetable Growers, Inc., et al., American Coal Distributors Association, and Bituminous Coal Consumers' Counsel;

The Acting Director having considered the record in this matter and having, on the basis thereof, made and entered his Findings of Fact, Conclusions of Law and Opinion in this matter;

Now therefore it is ordered, That the following represent the established weighted average of the total costs of the total ascertainable tonnage for each district and each minimum price area together with the differences between these costs and those previously determined by the Director in General Docket No. 15:

Price area and district	Determined weighted average cost per ton (this proceeding)	Changes in weighted average per ton costs from those determined in General Docket No. 15
		Cents
Minimum price area 1:		
District No. 1	$2.4242	3.55
District No. 2	2.2903	3.68
District No. 3	1.9143	7.77
District No. 4	1.9877	0.21
District No. 5	4.2215	56.72
District No. 6	1.5907	−8.65
District No. 7	2.4055	21.15
District No. 8	2.2521	22.20
Total, price area 1	2.2503	12.19
Minimum price area 2:		
District No. 9	1.7052	12.47
District No. 10	1.7899	3.33
District No. 11	1.6093	−4.32
District No. 12	2.7153	−4.53
Total, price area 2	1.7725	1.03
Minimum price area 3:		
District No. 13	2.7500	31.18
Minimum price area 4:		
District No. 14	3.8360	22.80
Minimum price area 5:		
District No. 15	2.0739	3.47
Minimum price area 6:		
District No. 16	2.6312	7.53
District No. 17	2.8420	7.56
District No. 18	3.7063	55.74
Total, price area 6	2.8367	9.78
Minimum price area 7:		
District No. 19	2.0339	4.22
District No. 20	2.2811	−18.80
Total, price area 7	2.1270	−4.21
Minimum price area 9:		
District No. 22	1.5034	1.83
Minimum price area 10:		
District No. 23	3.5211	29.64
Total, United States	2.1947	10.63

And it is further ordered, That these costs be used as the basis for the revision of the effective minimum prices made necessary by these changes in cost.

Dated: January 27, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-864; Filed, January 30, 1942; 2:34 p. m.]

[General Docket No. 21]

IN THE MATTER OF DETERMINING THE EXTENT OF CHANGE, IF ANY, IN EXCESS OF 2 CENTS PER NET TON IN THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF ANY OF THE MINIMUM PRICE AREAS; AND OF REVISING THE EFFECTIVE MINIMUM PRICES AS MAY BE REQUIRED BY REASON OF ANY SUCH CHANGE IN COSTS

ORDER FOR PROCEDURE

By Findings of Fact, Conclusions of Law and Opinion and an accompanying Order in this matter all dated January 27, 1942, the Acting Director determined the established weighted average of the total costs of the ascertainable tonnage for each district and each minimum price area, and set forth the changes in the costs theretofore determined in General Docket No. 15.

In that Opinion it was stated that:

A procedure is being devised whereby parties may request the Secretary of the Interior to review my determinations herein on specified questions of law and policy, and may present briefs to him on such questions as he decides to review. An appropriate order will issue setting forth this procedure.

Now therefore it is ordered, as follows:

1. Parties to this proceeding who desire to do so may file with the Secretary of the Interior requests that he review specific questions of law and policy that pertain to the determinations embodied in the Order of the Acting Director herein, dated January 27, 1942. Such requests for review must be filed by February 10, 1942.

2. Since any review herein is not a matter of right and is purely a matter within the discretion of the Secretary of the Interior, such requests should indicate the specific determination of law and policy of which review is sought, together with a brief statement of the considerations which are believed to warrant its being granted.

3. After the Secretary of the Interior announces which requests for review, if any, have been granted in whole or in part, parties who desire to do so may, not later than two weeks from the date of such announcement, file briefs on such questions of law and policy.

4. Any requests, statements or briefs filed pursuant to this Order shall be filed with the Secretary of the Interior, Washington, D. C. Ten copies of all such documents shall be filed.

Dated: January 27, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

Approved: January 28, 1942.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-865; Filed, January 30, 1942; 2:34 p. m.]

[Docket No. A-1277]

PETITION OF H. S. SCRANTON, ET AL., CODE MEMBERS, FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR COALS IN SIZE GROUP 15 PRODUCED IN SUBDISTRICTS 2 AND 3 IN DISTRICT NO. 17

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named parties;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 4, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis

of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 27, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of H. S. Scranton, Bluff Springs Leasing Co., Brookside Coal Mining Company, Inc., Caldirola Coal Company, Luis Yellico, W. D. Corley, Jr., Canon Liberty Coal Company, Wm. L. Beer, Canon National Coal Company, Dominic Moschetti, Joseph Z. Duca, Tony Santarelli, Highland Coal Mines, Inc., Florence Coal Mines, Inc., Giuliano & Sons Coal Company, Nushaft Canon Coal Co, Inc., James Perino, and Tony Vento, code members operating mines in Subdistricts 2 and 3 in District No. 17, for revision of the effective minimum prices for the coals in Size Group 15 produced in those subdistricts and, more particularly, for an increase from $1.45 to $1.65 per ton in the minimum price for those coals, for shipment by truck, and for an increase from $1.20 per ton to $1.40 per ton in the minimum price for those coals, for shipment by rail into Market Areas 219 and 220.

Dated: January 30, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-926; Filed February 2, 1942; 10:46 a. m.]

[Docket No. B-121]

IN THE MATTER OF W. H. GREENE, ALSO KNOWN AS W. H. GREEN, DOING BUSINESS AS STRAIGHT CREEK JELLICO COAL COMPANY, CODE MEMBER, DEFENDANT

ORDER RESCHEDULING HEARING AND REDESIGNATING EXAMINER

The above-entitled matter having been scheduled for hearing at the Court Room, City Hall, Middlesboro, Kentucky on January 15, 1942 by an Order of the Division dated November 22, 1941, and having been continued by the Examiner on January 15, 1942 to a date and a hearing room to be thereafter designated by an appropriate Order; and

It appearing to the Acting Director that the place and date of said hearing should now be designated;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held on February 16, 1942 at 10 o'clock a. m., at the Court Room, City Hall, Middlesboro, Kentucky, before Joseph A. Huston, Trial Examiner vice Charles S. Mitchell.

It is further ordered, That the Notice of and Order for Hearing dated November 22, 1941 shall in all other respects remain in full force and effect.

Dated: January 30, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-927; Filed, February 2, 1942; 10:46 a. m.]

[Docket No. A-449]

PETITION OF THE CONSUMERS' COUNSEL DIVISION ON BEHALF OF THE STATE OF NORTH CAROLINA, REQUESTING THAT MINIMUM F. O. B. MINE PRICES ESTABLISHED FOR INDUSTRIAL COAL ALSO APPLY TO COALS PURCHASED BY THE STATE OF NORTH CAROLINA, ACTING THROUGH ITS DIVISION OF PURCHASE AND CONTRACT, FOR THE USE OF STATE AGENCIES

ORDER DENYING RELIEF

An original petition, and an amendment thereto, having been filed with the Bituminous Coal Division by the Consumers' Counsel Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that the State of North Carolina be permitted to purchase high volatile double-screened coals at "industrial prices;" and

Pursuant to Orders of the Director, a hearing having been held in this matter before a duly designated Examiner of the Division at a hearing room of the Division in Washington, D. C., on March 19, 1941, at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard; and

The preparation and filing of a report by the Examiner having been waived, and the matter thereupon having been submitted to the undersigned; and

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith: [1]

Now therefore it is ordered, That the prayer of the original petitioner be, and the same hereby is, denied.

Dated: January 29, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-928; Filed, February 2, 1942; 10:46 a. m.]

[Docket No. 1730-FD]

IN THE MATTER OF MALCOLM N. MCKINNON, DEFENDANT

CEASE AND DESIST ORDER

A complaint, and an amendment thereto, having been filed on June 16, 1941 with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 20, complainant, alleging, *inter alia*, that the defendant, Malcolm N. McKinnon, a code member in District 20, operating the American Fuel Mine (Mine Index No. 147), wilfully violated the Bituminous Coal Code or rules and regulations thereunder, as follows:

That the defendant, with full knowledge of the requirements contained in the Effective Minimum Price Schedule for District No. 20 for Truck Shipments, and with intent to violate the same, and in violation thereof,

(a) Sold during the period subsequent to September 30, 1940 to various purchasers approximately 7,525 tons of not less than 3" lump coal (Size Group No. 3) produced by the defendant at his American Fuel Mine (Mine Index No. 147) located in District No. 20, at a price of $2.65 per net ton f. o. b. the mine, whereas the effective minimum price for such coal is $2.85 per net ton f. o. b. the mine;

(b) Sold and delivered as aforementioned subsequent to September 30, 1940, approximately 1,042 tons of 2⅞" x 4½" (Size Group No. 5) stove coal produced by the defendant at the above-mentioned mine, at a price of not more than $1.86 per net ton f. o. b. the mine, whereas the effective minimum price for such coal is $2.70 per net ton f. o. b. the mine.

Pursuant to an order of the Director and after due notice to all interested persons, a hearing having been held in this matter on September 4, 1941, at a hearing room of the Division in Price, Utah; and

Appearances having been entered by District Board No. 20, the complainant, and Malcolm N. McKinnon, defendant; and

All interested parties having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard; the preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned; and

An answer having been filed by the defendant on August 11, 1941; the undersigned having made Findings of Fact, Conclusions of Law, and rendering an Opinion in this matter, which are filed herewith; [1]

It is ordered, That the defendant, Malcolm N. McKinnon, his officers, representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in his behalf or interest, cease and desist and they hereby are permanently enjoined and restrained from selling coal produced by the defendant at less than the applicable effective minimum prices established therefor, contrary to the Bituminous Coal Act or any rules or regulations promulgated thereunder; the Bituminous Coal Code; and the Schedule of Effective Minimum Prices for District 20 for Truck Shipments.

It is further ordered, That the Division may forthwith, upon the failure or neglect of the defendant to comply with this order, apply to the Circuit Court of Appeals of the United States within any

[1] Not filed with the original document.

[1] Not filed with the original document.

circuit where defendant carries on business, or the United States Circuit Court of Appeals for the District of Columbia, for the enforcement thereof, or take any other appropriate action.

Dated: January 29, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-929; Filed, February 2, 1942; 10:47 a. m.]

[Docket No. 1757-FD]

IN THE MATTER OF KIEFFNER COAL COMPANY, A PARTNERSHIP, DEFENDANT

MEMORANDUM OPINION AND ORDER VACATING AN ORDER DATED JANUARY 10, 1942, AND APPROVING AND ADOPTING, WITH MODIFICATIONS, PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER AND CEASE AND DESIST ORDER

This proceeding was instituted upon a complaint, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, filed with the Bituminous Coal Division on May 26, 1941, by District Board 11, alleging that Kieffner Coal Company, the defendant, a code member in District 11, violated the Bituminous Coal Code and effective minimum prices established thereunder, and praying that the Division direct the defendant to cease and desist from such violations.

A hearing in this matter was held before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Shoals, Indiana, on September 26, 1941.

Thereafter, the Examiner made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter, dated November 19, 1941, recommending that an order be entered directing the defendant to cease and desist from violations of the Code and rules and regulations thereunder. An opportunity was afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions or supporting briefs were filed.

On January 10, 1942, the undersigned entered an Order approving and adopting, with minor modification, the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner, as the Findings of Fact and Conclusions of Law of the undersigned and directing that Kieffner Coal Company, the defendant, cease and desist from violations of the Act, the Code, and rules and regulations thereunder.

In his Order of January 10 the undersigned corrected a statement made by the Examiner in his Report to the effect that one Erb, a witness who testified at the hearing, is a compliance officer of the Division. The record indicates and I find that Erb is engineer for District Board 11.

In the Order of January 10, as in the Examiner's Report, the defendant herein, Kieffner Coal Company, is described as a partnership consisting of Harry Kieffner and August Kieffner. From the record it appears that the partners in the Kieffner Coal Company, operating the Kieffner Mine (Mine Index No. 312) in District 11, were formerly Harry and August Kieffner. It further appears that on May 24, 1940, the defendant, the Kieffner Coal Company, a partnership consisting of Albert Galey and Clarence Shipley, acquired the Kieffner Mine and thereafter operated same. The violations with which this proceeding is concerned occurred at the Kieffner Mine while it was being operated by the defendant, the Kieffner Coal Company, a partnership consisting of Albert Galey and Clarence Shipley. At the hearing herein the defendant was represented by partner Galey, who also testified as a witness. Upon the foregoing and the entire record I find that the defendant, the Kieffner Coal Company, is a partnership consisting of Albert Galey and Clarence Shipley.

Inasmuch as the Order of January 10, 1942, erroneously described the defendant as a partnership consisting of Harry and August Kieffner, that Order should be vacated and set aside.

In this respect and in respect to the erroneous statement by the Examiner concerning the witness Erb, the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner should be, and they hereby are, modified.

Upon a consideration of the record, the undersigned has determined that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner, as herein modified, should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

Now, therefore, it is ordered, That the Order entered herein on January 10, 1942, be and it hereby is vacated and set aside.

It is further ordered, That the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner, as herein modified, be and they hereby are adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That the defendant, Kieffner Coal Company, a partnership composed of Albert Galey and Clarence Shipley, its representatives, agents, servants, employees, and attorneys, and all persons acting or claiming to act in its behalf or interest, or in behalf or interest of Albert Galey and Clarence Shipley, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the prescribed minimum price therefor, and from violating the Bituminous Coal Act, the Code, the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments, the Marketing Rules and Regulations, and all appropriate orders of the Division.

It is further ordered, That the Division may upon the failure of the defendant herein to comply with this Order, forthwith apply to the Circuit Court of Appeals of the United States within any Circuit where the defendant carries on business for the enforcement thereof or take any other appropriate action.

Dated: January 29, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-931; Filed, February 2, 1942; 10:47 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

DETERMINATION, APPROVED BY THE PRESIDENT OF THE UNITED STATES, WITH RESPECT TO THE ISSUANCE OF AMENDMENT NO. 3 TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA [1]

Pursuant to the powers conferred upon the Secretary of Agriculture of the United States by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), there was issued, effective October 1, 1939, order No. 42, regulating the handling of milk in the New Orleans, Louisiana, marketing area, amendment No. 1 to said order being issued effective May 1, 1940, and amendment No. 2 [2] to said order being issued effective April 1, 1941.

A marketing agreement, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area, was tentatively approved on February 12, 1941.

There being reason to believe that the issuance of an amendment to said tentatively approved marketing agreement, as amended, and to said order, as amended, would tend to effectuate the declared policy of the act, notice was given of a hearing [3] which was held in New Orleans, Louisiana, beginning on October 29, 1941, on proposals to amend the tentatively approved marketing agreement, as amended, and the order, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area, at which time and place all interested parties were afforded an opportunity to be heard upon such proposals.

After such hearing, and after the tentative approval, on January 3, 1942, of a marketing agreement, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area, handlers of more than 50 percent of the volume of milk covered by said order, as amended, which is marketed within the New Orleans, Louisiana, marketing area, refused or failed to sign such tentatively approved marketing agreement, as amended, relating to milk.

Pursuant to the powers conferred upon the Secretary of Agriculture by the above-mentioned act, it is hereby determined:

(1) That the refusal or failure of said handlers to sign such tentatively approved marketing agreement, as amended, tends to prevent the effectuation of the declared policy of the act;

(2) That the issuance of the proposed amendment No. 3 to said Order No. 42, as amended, is the only practical means, pursuant to such policy, of advancing the interests of the producers of milk which is produced for sale in said area; and

(3) That the issuance of the proposed amendment No. 3 to said Order No. 42, as amended, is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary, and who, during the month of September 1941, said month

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[1] See also Title 7, Chapter IX, *supra*.
[2] 6 F.R. 1648.
[3] 6 F.R. 5193.

having been determined to be a representative period, were engaged in the production of milk for sale in said area.

Issued at Washington, D. C., on this 28th day of January 1942. Witness my hand and the seal of the Department of Agriculture.

PAUL H. APPLEBY,
Acting Secretary of Agriculture.

Approved:
FRANKLIN D ROOSEVELT
The President of the United States
Dated: January 29, 1942.

[F. R. Doc. 42-880; Filed, January 31, 1942; 11:25 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective February 2, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Carolina Handkerchief Company, Inc., West End, North Carolina; Handkerchiefs; 5 learners (E); June 1, 1942.

Meyer Eisenberg, 2625 Dickinson Street, Philadelphia, Pennsylvania; Men's Pants; 5 percent (T); February 2, 1943.

Ideal Manufacturing Company, 220 Franklin Street, Johnstown, Pennsylvania; Ladies' Belts, Pleating; 7 learners (E); April 6, 1942.

Trimount Clothing Company, Inc., 18 Station Street, Roxbury, Massachusetts; Men's Clothing; 5 percent (T); February 2, 1943.

Single Pants, Shirts, and Allied Garments and Women's Apparel

Aalfs-Baker Manufacturing Company, 1007 Fourth Street, Sioux City, Iowa; Overalls, Shirts and Pants; 10 percent (T); February 2, 1943.

Ambra Manufacturing Company, 911 Center Street, Freeland, Pennsylvania; Sport Shirts; 9 learners (T); February 2, 1943.

The Baker Manufacuring Company, 319½ East Main Street, Chanute, Kansas; Ladies' and Children's Wash Frocks, Smocks and Blouses; 25 learners (E); April 13, 1942.

The Baker Manufacturing Company, 319½ East Main Street, Chanute, Kansas; Ladies' & Children's Wash Frocks, Smocks, & Blouses; 10 percent (T); February 2, 1943.

Bali Brassiere Company, Inc., 8 W. 30th Street, New York, N. Y.; Brassieres & Corsets; 75 learners (E); August 2, 1942.

Berry Dry Goods Company, 105–107 East Markham Street, Little Rock, Arkansas; Men's and Boys' Overalls and Pants; 10 percent (T); February 2, 1943.

Bonzette Foundations, Inc., 12–16 West 27th Street, New York, N. Y.; Brassieres & Bandeaux; 10 percent (T); May 18, 1942.

Dallas Pant Manufacturing Company, Dallas, Texas; Pants; 10 percent (T); February 2, 1943.

Kay Dunhill, Inc., Hudson and Hill Streets, Mechanicsville, New York; Dresses; 10 percent (T); February 2, 1942.

Greenville Pant Manufacturing Company, South Stonewall Street, Greenville, Texas; Single Pants; 10 percent (T); February 2, 1943.

Helene Dresses, Incorporated, 165 Water Street, Catskill, New York; Dresses; 10 percent (T); February 2, 1943.

Hollywood Maxwell Company, Front Street, Natchitoches, Louisiana; Brassieres; 5 learners (T); February 2, 1943. (This certificate replaces one issued to you bearing expiration date of October 13, 1942.)

JaRose Manufacturing Company, 699 Broadway, New York, N. Y.; Ladies' Underwear; 5 learners (T); May 18, 1942.

Kay Dress Company of Massachusetts, Inc., Cove Road, New Bedford, Massachusetts; Dresses; 10 learners (T); February 2, 1943.

Charles Komar and Sons, 259 N. Stevens Avenue, South Amboy, New Jersey; Ladies' and Misses' Silk and Rayon Slips; 10 percent (T); February 2, 1943.

Lee Manufacturing Company, Inc., 5902 St. Vincent's Avenue, Shreveport, Louisiana; Shirts and Pants; 10 percent (T); February 2, 1943.

M. & G. Waist Company, 174 Glen Street, Glens Falls, New York; Blouses; 5 learners (T); February 2, 1943.

Mi-Ron Dress Company, 3rd and Chew Streets, Allentown, Pensylvania; Ladies' & Children's Dresses; 18 learners (E); June 22, 1942.

Novick and Kahn, 31 W. 27th Street, New York, N. Y.; Ladies' Knitted Girdles; 1$ percent (T); May 18, 1942.

Peter Pan Manufacturing Company, 132 Essex Street, Boston, Massachusetts; Overalls and Coveralls; 5 learners (T); February 2, 1943.

Pool Manufacturing Company, South Montgomery Street, Sherman, Texas; Shirts, Pants, Overalls; 10 percent (T); February 2, 1943.

Primrose Foundations, Inc., 53 West 23rd Street, New York, N. Y.; Corsets and Girdles; 10 percent (T); May 18, 1942.

Shriner Manufacturing Company, Taneytown, Maryland; Pajamas and Middies; 10 percent (T); August 2, 1942.

C. F. Smith Company, 126 W. Los Feliz Boulevard, Glendale, California; Men's Shirts, Slack Suits; 10 learners (T); August 2, 1942.

Straus Royer and Strass, Inc., Elm Avenue and W. 32nd Street, Baltimore, Maryland; Dresses; 2 learners (T); August 2, 1942.

Style Dress Company, Mill #8, Ware, Massachusetts; Misses' & Women's Dresses; 10 percent (T); February 2, 1943.

Universal Pants Company, Inc., 39 W. 21st Street, Northampton, Pennsylvania; Men's Trousers; 10 percent (T); February 2, 1943.

Vesta Corsets, Inc., 157 Main Street, Cortland, New York; Corsets & Brassieres; 5 learners (T); February 2, 1943.

Warren Shirt Company, 7th and Mifflin Streets, Lebanon, Pennsylvania; Polo Shirts, Jackets; 10 percent (T); February 2, 1943. (This certificate replaces one issued bearing expiration date of March 10, 1942.)

Williamson-Dickie Manufacturing Company, 509 West Vickery Boulevard, Fort Worth, Texas; Pants, Overalls, Coveralls, Work Shirts; 10 percent (T); February 2, 1943.

Wood Garment Manufacturing Company, Elm Street, Republic, Missouri; Overalls and Work Pants; 10 percent (T); February 2, 1943.

Hosiery

Gray Line Hosiery Company, Street Road, Eddington, Pennsylvania; Full Fashioned Hosiery; 4 learners (T); February 2, 1943

The Nolde and Horst Company; Ninth and Douglass Streets, Reading, Pennsylvania; Seamless and Full Fashioned

Hosiery; 12 learners (T); February 2, 1943.

Knitted Wear

Redstone Knitting Mill, Inc., Penn Craft, East Millsboro, Pennsylvania; Knitted Outerwear; 5 learners (T); February 2, 1943.

Textile Specialty Corporation, 39 W. 19th Street, New York, N. Y.; Commercial Knitting; 5 learners (T); May 18, 1942.

Millinery

Florence Reichman, Inc., 1 West 57th Street, New York, N. Y.; Custom-Made Millinery; 2 learners (T); February 2, 1943.

Textile

Greenwood Cotton Mill, Greenwood, South Carolina; Cotton and Spun Rayon Cloth; 3 percent (T); February 2, 1943. (This certificate replaces one bearing expiration date of September 25, 1942.)

Mathews Cotton Mill, Greenwood, South Carolina; Cotton and Spun Rayon Cloth; 3 percent (T); February 2, 1943. (This certificate replaces one issued bearing expiration date of August 18, 1942.)

South Hill Industries, Inc., Goodes Ferry Road, South Hill, Virginia; Ribbons; 3 learners (T); February 2, 1943.

Signed at Washington, D. C., this 2d day of February 1942.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-947; Filed, February 2, 1942; 11:57 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (B) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective February 2, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER AGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Florida Cigar Company, E. Jefferson Street, Quincy, Florida; Cigar Industry; 4 learners; 8 weeks for any one learner; 75% of the applicable minimum wage rate; Packing; August 2, 1942.

I. B. Kleinert Rubber Company, 20-09 127th Street, College Point, New York; Dress Shields, Baby Pants, etc.; 10 percent; 8 weeks for any one learner; 75% of applicable minimum; Hand Workers and Machine Workers in Make-Up Processes Only; Inspectors on Rubber Products; August 3, 1942.

Roy R. Smith Cigar Company, Wallick Alley, Red Lion, Pennsylvania; Cigar Industry; 8 learners; 8 weeks for any one learner; 75% of applicable minimum wage; Cigar Machine Operating; June 16, 1942.

Signed at Washington, D. C., this 2nd day of February 1942.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-941; Filed, February 2, 1942; 11:57 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5765]

IN THE MATTER OF SUPERIOR WATER, LIGHT & POWER COMPANY

ORDER TO SHOW CAUSE AND FIXING DATE OF HEARING

JANUARY 27, 1942.

It appearing to the Commission that:

(a) Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licenses requires all public utilities to submit reclassification and original cost studies;

(b) Superior Water, Light & Power Company (hereinafter referred to as Superior) is engaged in the transmission and sale at wholesale of electric energy in interstate commerce and may be, therefore, a public utility within the meaning of the Federal Power Act subject to the jurisdiction of the Commission;

(c) Superior has failed to file with the Federal Power Commission reclassification of accounts and original cost studies required by the Commission's Uniform System of Accounts;

(d) Superior has filed a reclassification of accounts and original cost studies with the Public Service Commission of Wisconsin under the requirements of the system of accounts prescribed by that Commission;

(e) The staff of the Wisconsin Commission has made a field study of Superior's proposed reclassification of accounts and original cost studies and has submitted a report in which adjustments of the accounts of Superior are recommended;

(f) The report of the staff of the Wisconsin Commission has been served upon Superior and the Wisconsin Commission has ordered that a hearing be held on March 9, 1942, with respect to the studies filed by Superior and the accounting adjustments recommended by that commission's staff (Wisconsin Commission Docket 2-U-1569);

(g) The staff of the Federal Power Commission has reviewed the studies filed by Superior and the report of the Wisconsin Commission's staff;

(h) As a result of the studies made by the Federal Power Commission's staff, it has been recommended by the staff that in the reclassification of accounts and original cost studies to be filed by Superior with this Commission, Superior submit a plan for the disposition of an amount of $300,000 classified in Account 107, Electric Plant Adjustments, representing common stock issued for franchises at organization, and reflect adjustments to its accounts in the following respects:

(1) Make an adjusting journal entry on its books as follows:

	Debit	Credit
Electric plant in service	$993,110.21	
Gas plant in service	1,047,458.89	
Water plant in service	1,541,693.50	
Electric plant adjustments	333,936.60	
Gas plant adjustments	208,315.75	
Water plant adjustments	710,873.58	
Unclassified plant		$4,835,388.23

(2) Dispose of an amount of $7,710.74 classified in Account 107, Electric Plant Adjustments, representing unrecorded retirements by a charge to Account 250, Reserve for Depreciation;

(3) Dispose of a credit amount of $9,939.91 classified in Account 107, in Electric Plant Adjustments, representing contributed property by a transfer to Account 265, Contributions in Aid of Construction;

(4) Dispose of an amount of $1,039.88 classified in Account 107, Electric Plant Adjustments, representing miscellaneous improper charges to plant account, by a charge to Account 271, Earned Surplus;

(5) Dispose of an amount of $39,323.50 classified in Account 107, Electric Plant Adjustments, representing discount and expense on bonds retired, by a charge to Account 271, Earned Surplus; and

(6) Dispose of a credit amount of $4,197.61 classified in Account 107, Electric Plant Adjustments, representing interest during construction in lieu of bond discount eliminated, by a transfer to Account 271, Earned Surplus;

The Commission *orders* that:

(A) Superior show cause, if any there be, at a public hearing on March 9, 1942, at 10:00 a. m., in the Hearing Room of the Public Service Commission of Wisconsin in the State Office Building, Madison, Wisconsin, why the Federal Power Commission should not by order require Superior (a) to file reclassification of accounts and original cost studies, reflecting the accounting adjustments in said studies, and (b) to dispose of the $300,000, classified in Account 107, representing common stock issued for franchises at organization, in accordance with the evidence adduced at the hearing; all as more fully set forth in paragraph (h) hereof;

(B) The Secretary, in accordance with the provisions of Part 39, § 39.4 of the Commission's Rules of Practice and Regulations, communicate this Commission's determination to the Public Service Commission of Wisconsin that a joint hearing in the above-entitled matter is desirable, in view of the similarity of the issues involved herein and in the matter pending before the Wisconsin Commission as above noted.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-866; Filed, January 30, 1942; 2:54 p. m.]

[Docket No. IT-5766]

IN THE MATTER OF NORTHERN POWER COMPANY

ORDER TO SHOW CAUSE AND FIXING DATE OF HEARING

January 27, 1942.

It appearing to the Commission that:

(a) Northern Power Company (hereinafter referred to as Northern) has filed with the Federal Power Commission its proposed reclassification and original cost studies, as required by Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees, effective January 1, 1937, and the Federal Power Commission's order of May 11, 1937;

(b) Northern has also filed similar reclassification and original cost studies with the Public Service Commission of Wisconsin, under the requirements of the system of accounts prescribed by that commission;

(c) The staff of the Wisconsin Commission has made a field study of Northern's proposed reclassification and original cost studies, filed with that commission by Northern, and has submitted a report in which certain adjustments of the accounts of Northern are recommended;

(d) The report of the staff of the Wisconsin Commission has been served upon Northern and that commission has ordered that a hearing be held on March 9, 1942, with respect to the studies filed by Northern and the accounting adjustments recommended by that commission's staff (Wisconsin Commission Docket 2-U-1556);

(e) The staff of the Federal Power Commission has reviewed the studies filed by Northern with the Commission and the report of the Wisconsin Commission's staff;

(f) As a result of the studies made by the staff of the Federal Power Commission, it has been recommended by the staff that Northern be ordered to submit a plan for the disposition of an amount of $273,067.45 classified in Account 107, Electric Plant Adjustments, representing profits to an associated company, and to adjust its accounts in the following respects:

(1) Make an adjusting entry on its books crediting Account 100.1, Electric Plant in Service, with an amount of $313,625.71 and charging Account 107, Electric Plant Adjustments, with $312,423.84 and Account 110, Other Physical Property, with $1,201.87;

(2) Dispose of an amount of $40,279.86 classified in Account 107, representing unrecorded retirements, by charging $23,284.76 to Account 250, Reserve for Depreciation, extinguishing the balance in that account; charging $745.24 representing salvage materials, to Account 131, Materials and Supplies; and charging the balance of $16,248.86 to Account 271, Earned Surplus;

(3) Dispose of a credit amount of $1,082.33 classified in Account 107, representing contributed property, by a transfer to Account 265, Contributions in Aid of Construction; and

(4) Dispose of an amount of $158.86 classified in Account 107, representing miscellaneous improper charges to plant, by a charge to Account 271, Earned Surplus;

The Commission *orders* that:

(A) Northern Power Company show cause, if any there be, at a public hearing to be held on March 9, 1942, at 10:00 a. m., in the Hearing Room of the Public Service Commission of Wisconsin in the State Office Building, Madison, Wisconsin, why the Commission should not by order require Northern to adjust its accounts in accordance with the recommendations of the Commission's staff and to dispose of the amount of $273,067.45 in accordance with the evidence adduced at such public hearing;

(B) The Secretary, in accordance with the provisions of Part 39, § 39.4 of the Commission's Rules of Practice and Regulations, communicate this Commission's determination to the Public Service Commission of Wisconsin that a joint hearing in the above-entitled matter is desirable in view of the similarity of the issues involved herein and in the matter pending before the Wisconsin Commission as above noted.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-867; Filed, January 30, 1942; 2:54 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-484]

IN THE MATTER OF LOUISVILLE GAS AND ELECTRIC COMPANY (KENTUCKY), AND STANDARD GAS AND ELECTRIC COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of January, A. D. 1942.

The above named companies having filed an application and an amendment thereto pursuant to sections 6 (b) and 10 of the Public Utility Holding Company Act of 1935 with respect to the following transaction:

Louisville Gas and Electric Company (Kentucky) would sell, and Standard Gas and Electric Company would purchase shares of common stock at $23.50 per share, of the first named company, in each month commencing with the month of January 1942, in such number that together with shares of said stock sold to the public the proceeds to said company would be not in excess of $500,000 in each month, payment for shares purchased by Standard Gas and Electric Company to be made not later than the 10th day of the month following such month during which purchases are made, until all of the 150,000 shares of said stock regarding the issue and sale of which an order was entered on October 22, 1941, *In the Matter of Louisville Gas and Electric Company (Kentucky)*, File No. 70-405, have been entirely sold by said company.

A hearing having been held after appropriate public notice and the Commission having made and entered its findings and opinion herein;

It is ordered, That said application be and it is hereby granted forthwith, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-874; Filed, January 31, 1942; 11:45 a. m.]

[File No. 70-490]

IN THE MATTER OF ILLINOIS IOWA POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 30th day of January, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than February 14, 1942 at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions

Reference

FEB 5 1942

therein proposed, which are summarized below:

Illinois Iowa Power Company, a registered holding company which is an indirect subsidiary of The North American Company, also a registered holding company, proposes to sell to Commonwealth Edison Company, a nonaffiliate which is neither a registered holding company nor an admitted subsidiary thereof, all real estate and personal property comprising its 132 kv Oglesby switching and transformer substation located near Oglesby, Illinois except (a) the 33 kv substation structure, transformers and accessory equipment, and (b) the 2.3 kv substation structure, transformers and accessory equipment, for and in consideration of the payment by said purchaser of an amount equal to the original cost to the seller of the property to be transferred less depreciation and of an amount equal to the purchaser's pro rata share of current annual real estate and property taxes.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-875; Filed, January 31, 1942; 11:45 a. m.]

[File Nos. 70-254, 70-267, 70-292]

IN THE MATTER OF CENTRAL STATES POWER & LIGHT CORPORATION

ORDER GRANTING EXTENSION OF TIME WITHIN WHICH TO CONSUMMATE TRANSACTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of January, A. D. 1942.

The Commission, by its order issued December 23, 1941, having permitted Central States Power & Light Corporation, a registered holding company in the Ogden Corporation holding company system to utilize approximately $2,835,-015 for the purchase of its First Mortgage and First Lien Gold Bonds, 5½% Series, due January 1, 1953, pursuant to the solicitation of tenders at 100 and accrued interest up to and including January 31, 1942; and

Declarant having filed an amendment herein requesting that the period within which such tenders may be accepted be extended to and including February 28, 1942; and

It appearing to the Commission that declarant's request for an extension of the period within which tenders may be accepted should be granted

It is ordered, That declarant's request be granted, subject, however, to the following terms and conditions:

1. The terms and conditions set forth in Rule U-24, and the requirements as to post-amendments and supplementary solicitations set forth in paragraphs (d) and (f) of Rule U-62, which requirement as to post-amendments shall be deemed applicable in the event that any person shall be directly or indirectly employed to solicit tenders by direct contact with the holders of bonds.

2. That within ten (10) days after the consummation of the proposed transaction the declarant file with the Commission, a statement showing the names and addresses of the holders of bonds who tendered their bonds and the principal amount of bonds tendered by each.

3. That no bonds directly or indirectly owned or controlled by any affiliate of the declarant or by any officer or director of the declarant or of any such affiliate shall be purchased.

4. That no fees incurred in connection with the resumption of the solicitation of tenders as herein proposed be paid until the same have been approved by further order of this Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-937; Filed, February 2, 1942; 11:39 a. m.]

[File No. 70-464]

IN THE MATTER OF INDIANA SERVICE CORPORATION

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 30th day of January, A. D. 1942.

Indiana Service Corporation, (hereinafter referred to as "Service Corporation"), a subsidiary of Clarence A. Sutherland and Jay Samuel Hartt, trustees of the estate of Midland Utilities Company, (hereinafter referred to as "Utilities"), a registered holding company, having filed an application pursuant to the third sentence of Section 6 (b) of the Public Utility Holding Company Act of 1935 for an exemption from the provisions of Sections 6 (a) and 7 of the Act of the issue and sale of $404,448 principal amount of Service Corporation's serial notes maturing in sixty equal monthly installments (notes 1 to 12, inclusive, bearing interest at the rate of 3% per annum from date until payment and notes number 13 to 60, inclusive, bearing interest at the rate of 3¾% per annum from date until payment) for the purpose of paying part of the purchase price of forty electric trackless trolley coaches; and

A public hearing having been held upon such application, as amended, after appropriate notice, the Commission having considered the record and having made and filed its findings and opinion herein:

It is ordered that said application, as amended, be and the same hereby is granted subject, however, to the conditions set forth in Rule U-24 and to the further condition that Service Corporation shall not, unless it first obtains an order of this Commission, pay any of the principal or interest accrued or to be accrued on its demand notes payable to Utilities.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-938; Filed February 2, 1942; 11:40 a. m.]

[File No. 70-481]

IN THE MATTER OF SOUTHERN NATURAL GAS COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of January, A. D. 1942.

The above named company having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 7 thereof, regarding the issuance and sale to The Northwestern Mutual Life Insurance Company of $970,000 principal amount of First Mortgage Pipe Line Sinking Fund Bonds, 3¼% Series, Due 1956, such sale to be for a cash consideration equivalent to 102.78% of the principal amount of said bonds, plus accrued interest from October 1, 1941; and

Said declaration having been filed on January 9, 1942 and an amendment thereto having been filed on January 21, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The above named company having requested that said declaration as filed or as amended be permitted to become effective on January 31, 1942, or as soon thereafter as reasonably practicable; and

The Commission finding with respect to said declaration under section 7 of said Act that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of said Act, and being satisfied that the effective date of said declaration as amended should be advanced:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that said declaration, as amended, be, and the same is hereby, permitted to become effective forthwith.

By the Commission (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-939; Filed, February 2, 1942; 11:40 a. m.]

Reference

FEB 5 1942

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

FEDERAL REGISTER

VOLUME 7 NUMBER 24

Washington, Wednesday, February 4, 1942

The President

THOMAS ALVA EDISON DAY

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the American people remember with deepest admiration and gratitude the achievements of Thomas Alva Edison and his contributions to the modern way of living; and

WHEREAS, when we contemplate the birth of Edison on February 11, 1847, in a small community in Erie County, Ohio, we are inspired with the faith that our country will be blessed in every generation with young people of practical minds and breadth of vision, resourceful in utilizing the forces of nature for the benefit of mankind; and

WHEREAS a joint resolution of July 17, 1941, provides as follows:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States is hereby authorized and requested to issue a proclamation designating February 11, 1942, as Thomas Alva Edison Day and calling upon officials of the Government to display the flag of the United States on all Government buildings on said date and inviting the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies;

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, do hereby designate February 11, 1942, as Thomas Alva Edison Day, and I call upon the officials of the Government to display the flag of the United States on all Government buildings on that date; I also invite the people of the United States to observe the day in schools and churches, or other suitable places, with appropriate ceremonies.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 29th day of January, in the year of our Lord nineteen hundred and [SEAL] forty-two, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL, *Secretary of State*

[No. 2538]

[F. R. Doc. 42-985; Filed, February 3, 1942; 11:04 a. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER III—FARM SECURITY ADMINISTRATION

SUBCHAPTER A—ADMINISTRATION

PART 300—GENERAL

Part 300[1] of Subchapter A in Title 6, Chapter III, of the Code of Federal Regulations is hereby amended by the addition of the following sections:

§ 300.2a *Regulations prohibiting side agreements between borrowers and vendors under the Tenant Purchase Program of the Farm Security Administration authorized by Title I of the Bankhead-Jones Farm Tenant Act.* The full purchase price of all farms purchased in connection with Title I of the Bankhead-Jones Farm Tenant Act, must be named in the option between prospective borrowers and their vendors. Side agreements between prospective borrowers and their vendors upon a purchase price greater or less than the option price shall not be permitted. Agreements to give second mortgages, mortgages on chattels, mortgages on other property, or other liens, notes or the payment of any cash consideration, other than the cash consideration named in the option price, are included within this prohibition, but it is

[1] 6 F.R. 14, 2225, 4351, 4913, 5687.

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FEDERAL REGISTER

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not to be construed as limited to the side agreements herein specified. Such action shall be deemed grounds for the cancellation of the loan, or for declaring the amount unpaid immediately due and payable, or for the cancellation of the side agreement, regardless of its nature, and for the return to the prospective borrower, by the vendor, of any amount paid in pursuance to the side agreement. (Bankhead-Jones Farm Tenant Act, 50 Stat. 522, 7 U.S.C. Sup. 1000–1006, 1015 (e).)

§ 300.2b *Regulations impressing a trust on the proceeds of loans made by the Farm Security Administration pursuant to Title I of the Bankhead-Jones Farm Tenant Act and requiring that they be used for the purposes stated in the application therefor.* The proceeds of loans made pursuant to Title I of the Bankhead-Jones Farm Tenant Act shall be impressed with a trust for the purposes for which loans may be made under that Title, and may be used only for the purposes stated in the application therefor, and such trust shall continue, and the proceeds shall be free from garnishment, attachment, or the levy of an execution, until such proceeds have been used by the borrower for such purposes. Failure of the borrower to use the proceeds of such loans for such purposes, and in accordance with the purposes stated in the application therefor, shall be deemed grounds for the cancellation of the loan or for declaring the amount unpaid immediately due and payable. (Bankhead-Jones Farm Tenant Act, 50 Stat. 522, 7 U.S.C. Sup. 1000–1006, 1015 (e))

Recommended:

[SEAL] C. B. BALDWIN,
Administrator.

Approved: January 31, 1942.

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42–995; Filed, February 3, 1942; 11:26 a. m.]

TITLE 29—LABOR

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 1—REGULATIONS PRESCRIBED BY THE SECRETARY OF LABOR AS TO THE PROCEDURE TO BE FOLLOWED IN PREDETERMINING PREVAILING RATES OF WAGES

AMENDMENT TO THE REGULATIONS WITH RESPECT TO PAY ROLL DEDUCTIONS

Pursuant to and by virtue of the authority conferred by R. S. sec. 161, U.S.C., ti. 5, sec. 22, and the Davis-Bacon Law, as amended,[1] section 22 of the regulations dated September 30, 1935,[2] as amended by orders dated October 26, 1936, and November 30, 1936, is hereby repealed and in place thereof, there shall be added the following new section 22 to be effective immediately upon filing with the Division of the Federal Register.

§ 1.22 *Pay roll deductions.* The "Regulations Applicable to Contractors and Subcontractors on Public Building and Public Work and on Building and Work Financed in Whole or in Part by Loans or Grants From the United States"[3] promulgated from time to time by the Secretary of Labor pursuant to the act of June 13, 1934,[4] shall be applicable to the compensation of all laborers and mechanics employed on public buildings or public works subject to the Davis-Bacon Act, as amended.[5]

[SEAL] FRANCES PERKINS,
Secretary.

[F. R. Doc. 42–992; Filed, February 3, 1942; 11:21 a. m.]

[1] Act of August 30, 1935; 49 Stat. 1011, as amended 54 Stat. 399, as amended Public Law No. 22, 77th Congress, U.S.C., title 40, sec. 276a.
[2] Reg. No. 503.
[3] 6 F.R. 1210, 6329.
[4] Sec. 2, 48 Stat. 948, 40 U.S.C., Sup., 276c; Sec. 9 of Reorganization Plan No. IV, effective June 30, 1940, in accordance with Sec. 4 of H. J. Res. 551, Public Res. No. 75, approved June 4, 1940, Sec. 9, 54 Stat. 1236; Sec. 4, 54 Stat. 231; 5 U.S.C., 133u.

PART 2—REGULATIONS APPLICABLE TO CONTRACTORS AND SUBCONTRACTORS ON PUBLIC BUILDING AND PUBLIC WORK AND ON BUILDING AND WORK FINANCED IN WHOLE OR IN PART BY LOANS OR GRANTS FROM THE UNITED STATES

GENERAL REVISION OF THE REGULATIONS

Pursuant to and by virtue of the authority conferred by section 2 of the act of June 13, 1934,[1] and section 9 of Reorganization Plan No. IV, effective June 30, 1940, in accordance with section 4 of H. J. Res. 551 (Public Res. No. 75), approved June 4, 1940,[2] the Regulations of March 1, 1941,[3] shall be repealed and in place thereof the following Regulation shall become effective as provided in the last section thereof.

Sec.
2.1 Purpose and scope.
2.2 Definitions.
2.3 Weekly affidavit with respect to payment of wages.
2.4 Submission of weekly affidavits and subcontract summaries.
2.5 Pay roll deductions.
2.6 Regulations part of contract.
2.7 Opinions relating to the regulations.
2.8 Existing regulations superseded: Effective date.

§ 2.1 *Purpose and scope.* (a) The regulations in this part are promulgated to aid in the enforcement of the Copeland Act (48 Stat. 948) and to effectuate the purpose of the Davis-Bacon Act (49 Stat. 1011, as amended) and certain other statutes concerning rates of pay for labor;

(b) The regulations in this part shall be applicable within the geographical limits of the States of the Union, the District of Columbia, the Territory of Alaska, and the Territory of Hawaii.*

*§§ 2.1 to 2.8, inclusive, issued under the authority contained in sec. 2, 48 Stat. 948, secs. 4, 9, 54 Stat. 231, 1236; 40 U.S.C. 276c, 5 U.S.C., Sup., 113u.

§ 2.2 *Definitions.* As used in the regulations in this part:

(a) The terms "building" or "work" generally include construction activity as distinguished from manufacturing, furnishing of materials, or servicing and maintenance work. The terms include, without limitation, buildings, structures, and improvements of all types, such as bridges, dams, plants, highways, parkways, streets, subways, tunnels, sewers, mains, power lines, pumping stations, railways, ships, vessels, airports, terminals, docks, piers, wharves, ways, lighthouses, buoys, jetties, breakwaters, levees, and canals; dredging, shoring, scaffolding, drilling, blasting, excavating, clearing, and landscaping. Unless conducted in connection with and at the site of such a building or work as is described in the foregoing sentence, the manufacture or furnishing of materials, articles, supplies, or equipment (whether or not a Federal or State agency acquires title to such materials, articles, supplies, or equipment during the course of the manufacture or furnishing, or owns the materials from which they are manufactured or furnished) is not a "building" or "work" within the meaning of the regulations in this part.

(b) The terms "construction," "prosecution," "completion," or "repair" mean all types of work done on a particular building or work at the site thereof, including, without limitation, except as herein provided, altering, remodeling, painting and decorating, the transporting of materials and supplies to or from the building or work by the employees of the construction contractor or construction subcontractor, and the manufacturing or furnishing of materials, articles, supplies, or equipment on the site of the building or work, by persons employed at the site by the contractor or subcontractor. By way of limitation, the terms herein defined shall not include the installation of machinery, machine tools, or other apparatus, when such installation does not involve a substantial amount of construction, alteration, or remodeling of the building or work, nor shall they include the retooling or fabrication of machinery in the regular plants of concerns not ordinarily engaged in construction activities.

(c) The terms "public building" or "public work" include building or work for whose construction, prosecution, completion, or repair, as defined above, a federal agency is a contracting party, regardless of whether title thereof is in a federal agency.

(d) The term "building or work financed in whole or in part by loans or grants from the United States" includes building or work for whose construction, prosecution, completion, or repair, as defined above, payment or part payment is made from funds of any federal agency and for which a federal or state agency is a contracting party.

(e) Every person paid by a contractor or subcontractor in any manner for his labor in the construction, prosecution, completion, or repair of a public building or public work is "employed" and receiving "wages," regardless of any contractual relationship alleged to exist between him and the real employer.

(f) The term "any affiliated person" includes a spouse, child, parent, or other close relative of the contractor or subcontractor; a partner or officer of the contractor or subcontractor; a corporation closely connected with the contractor or subcontractor as parent, subsidiary, or otherwise, and an officer or agent of such corporation.

(g) The term "Federal agency" means the United States, the District of Columbia, and all executive departments, independent establishments, administrative agencies, and instrumentalities of the United States and of the District of Columbia, including corporations, all or substantially all of the stock of which is beneficially owned by the United States, by the District of Columbia, or any of the foregoing departments, establishments, agencies, and instrumentalities.*

§ 2.3 *Weekly affidavit with respect to payment of wages.* (a) As used in this section, the term "employee" shall not apply to persons in classifications higher than that of laborer or mechanic and those who are the immediate supervisors of such employees.

(b) Each contractor or subcontractor engaged in the construction, prosecution, completion, or repair of any public building or public work, or building or work financed in whole or in part by loans or grants from a federal agency, shall furnish each week a sworn affidavit with respect to the wages paid each of its employees engaged on work covered by these regulations during the preceding weekly pay roll period. The affidavit shall be executed and sworn to by the contractor or subcontractor or by an authorized officer or employee of the contractor or subcontractor who supervises the payment of wages, and shall be in the following form:

STATE OF ----------
County of ----------, *ss:*

I, ---------- (name of party signing affidavit), ---------- (title), being duly sworn, do depose and say: That I pay or supervise the payment of the persons employed by ---------- (contractor or subcontractor) on the ---------- (building or work); that the attached pay roll sets out accurately and completely the name, occupation, and hourly wage rate of each person so employed for the weekly pay roll period from the ---------- day of ----------, 194--, to the ---------- day of ----------, 194--, the total number of hours worked by him during such period, the full weekly wages earned by him and any deductions made from such weekly wages, and the actual weekly wages paid to him; that no rebates have been or will be made either directly or indirectly to or on behalf of said ---------- (contractor or subcontractor) from the full weekly wages earned as set out on the attached pay roll; and that no deductions, other than the permissible deductions (as defined in the Regulations under the "Kickback" Act (48 Stat. 948)) described in the following paragraph of this affidavit, have been made or will be made, either directly or indirectly, from the full weekly wages earned as set out on the attached pay roll.

(Paragraph describing deductions, if any)

(Signature and title)

Sworn to before me this ---------- day of ----------, 194--.

(c) Upon a written finding by the head of a federal agency, the Secretary of Labor may provide reasonable limitations, variations, tolerances, and exemptions from the requirements of this section subject to such conditions as the Secretary of Labor may specify.*

§ 2.4 *Submission of weekly affidavits and subcontract summaries.* (a) Each weekly affidavit shall be delivered by the contractor or subcontractor, within seven days after the regular payment date of the pay roll period, to a representative of a Federal or State agency in charge at the site of the building or work, or, if there is no representative of

[1] Sec. 2, 48 Stat. 948, 40 U.S.C., Sup., 276 (c).
[2] Sec. 9, 54 Stat. 1236; Sec. 4, 54 Stat. 231; 5 U.S.C., Sup., 113 (u).
[3] 6 F.R. 1210; 6 F.R. 6329, as amended.
[4] Note 1, *supra*.

a Federal or State agency at the site of the building or work, the affidavit shall be mailed by the contractor or subcontractor, within such time, to a Federal or State agency contracting for or financing the building or work. After such examination and check as may be made, such affidavit, or a copy thereof, together with a report of any violation, shall be transmitted to the United States Department of Labor at Washington, D. C., unless otherwise arranged with the Department of Labor.

(b) Each contractor or subcontractor shall, within seven days after the making of any subcontract with another person concerning the construction, prosecution, completion, or repair of any public building or public work or work or building financed in whole or in part by loans or grants from the United States, deliver to the local or national Government representative in charge at the site of the building or work, or, if there is no Government representative, shall mail within such time to the Federal agency contracting for or financing the building or work, an affidavit setting forth the name and address of his subcontractor and a summary description of the precise work subcontracted.*

§ 2.5 *Pay roll deductions.* (a) Deductions for the following purposes are permissible:

(1) Where required by Federal, State or local statutes or ordinances to be made by the employer from the wages earned by the employee;

(2) Bona fide prepayment of wages without discount or interest;

(3) Deductions required by court process provided that the contractor or subcontractor will not be permitted to make such a deduction in favor of the contractor, subcontractor, or any affiliated person or where collusion or collaboration exists.

(b) Any deduction is also permissible which in fact meets the following standards and with respect to which the contractor or subcontractor shall have made written application by registered mail to the Secretary of Labor, a copy of which application shall be sent to the contracting agency by the contractor or subcontractor, setting forth all the pertinent facts indicating that such deductions will meet the following standards:

(1) That such deduction is not prohibited by other law; and

(2) That such deduction is (i) voluntarily consented to by the employee in writing and in advance of the period in which the work was done, and that consent to the deduction is not a condition either for the obtaining of or for the continuance of employment; or (ii) that such deduction is for the benefit of the employees or their labor organization through which they are represented and is provided for in a bona fide collective bargaining agreement; and

(3) That from such deduction no payment is made to, nor profit or benefit is obtained directly or indirectly by the contractor or subcontractor or any affiliated person, and that no portion of the funds, whether in the form of a commission or otherwise, will be returned to the contractor or subcontractor or to any affiliated person; and

(4) That the convenience and interest of the employees are served thereby, and that such or similar deductions have been customary in this or comparable situations.

(c) After application in good faith, the deduction may be made in accordance with the foregoing standards: *Provided, however*, That if the Secretary of Labor, on his own motion, or on the application of any person or agency affected by the granting of the application, shall conclude at any time, after written notice to the applicant and an opportunity for him to present his views in support of the deduction, that the deduction has not met the foregoing standards, such deduction shall cease to be "permissible" seven days after the applicant and the federal agency concerned have been notified of the Secretary's decision.

(d) Upon application to and prior written permission from the Secretary of Labor, and subject to the standards set forth in paragraph (b) (1), (2) and (4) hereof, deductions may be made by a contractor or subcontractor or any affiliated person, for membership fees in group benefit or retirement associations; for board and lodging; or for other purposes where the Secretary of Labor concludes the deduction is required by compelling circumstances; provided, however, the contractor, subcontractor, or any affiliated person does not make a profit or benefit directly or indirectly from the deduction. A copy of the Secretary's decision shall be sent to the applicant and the federal agency concerned.

(e) In accordance with and subject to the standards set forth in subparagraphs (1) through (4) of paragraph (b) of this section, general permission is hereby granted to make pay roll deductions for:

(1) The payment of the purchase price of United States Defense Stamps and Bonds and United States Tax Savings Notes;

(2) The repayment of loans to or the purchase of shares in credit unions organized and operated in accordance with District of Columbia, Federal, or State credit union statutes.

(3) Contributions to a federal governmental or quasi-governmental agency.

(f) In any case in which the employee does not have full and actual freedom of disposition of his wage payment, whether made in cash or by check, any restricted payment made to the employee is considered a deduction under the regulations in this part.

(g) Nothing herein shall be construed to permit any deduction which the contractor or subcontractor knew, or in the exercise of good faith should have known, did not meet the foregoing standards. In order to insure compliance with this section, the Secretary of Labor may notify the contractor or subcontractor that the deduction will be permitted only if certain conditions with respect thereto are observed. The contractor or subcontractor or any affiliated person shall also comply with such general rules and regulations concerning the deductions as the Secretary of Labor shall make from time to time, notice of which shall have been given to the contractor or subcontractor or any affiliated person making the deduction and to the federal agency concerned either directly or through publication in the FEDERAL REGISTER.*

§ 2.6 *Regulations part of contract.* All contracts made with respect to the construction, prosecution, completion, or repair of any public building or public work covered by the regulations in this part shall expressly bind the contractor or subcontractor to comply with such of the regulations in this part as may be applicable.*

§ 2.7 *Opinions relating to the regulations.* The Secretary of Labor will furnish an opinion regarding the coverage of any specific project or with respect to the application of any provision of the regulations in this part at the request of any Federal or State agency.*

§ 2.8 *Existing regulations superseded: Effective date.* The regulations in this part shall supersede all existing regulations issued under the Copeland Act, sixty (60) days after their publication in the FEDERAL REGISTER, and thereafter shall govern all new contracts and all uncompleted portions of contracts and subcontracts which were awarded subsequent to June 13, 1934: *Provided, however*, That parties to such contracts or subcontracts may comply with the regulations in this part before the expiration of the sixty (60) day period.*

[SEAL] FRANCES PERKINS,
Secretary.

[F. R. Doc. 42-993; Filed, February 3, 1942; 11:21 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1227]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES AND FOR A CHANGE IN SHIPPING POINTS FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices and a change in shipping points and freight origin group numbers for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened top size 2 inches and over	Double screened top size 2 inches and under	Run of mine, unscreened 2 inches and under	2 inches and under slack	¼-inch and under slack
						1	2	3	4	5
Miller, Willis	1,778	Miller	22	Indiana	Pittsburgh B	245	220	(*)	210	200
Walker, Ray S. (Bradford Coal Company).	3,300	Cooper Smokeless #1.	8	Clearfield		*		210	200	190

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 42-993; Filed, February 2, 1942; 10:48 a. m.]

[Docket No. A-1254]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; and

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine Index No.	Code member	Mine name	Subdist. No.	Seam	Shipping point	Railroad	Freight group No.	1	2	3	4	5
2800	Walker, Ray B. (Bradford Coal Company).	Cooper Smokeless #1.	8	B	Morrisdale, Pa.	NYC	44	(1)	(1)	II	II	II
LISTINGS TO CHANGE SHIPPING POINTS AND FREIGHT ORIGIN GROUP NOS.												
163	Fair Oak Coal Company	Fair Oak Coal Co.	40	C'	Confluence, Pa.	W.Md.	102	(1)	(1)	(*)	(1)	(1)
2803	Ferrari, Nick	Ferrari	6	D	Anita, Pa.	PRR	80	(1)	(1)	(*)	(*)	(*)
894	Yanity Brothers (Casmer Yanity).	Yanity	23	E	Homer City, Pa.	PRR	81	(1)	(1)	(*)	(*)	(*)

*Indicates coal in this size group previously classified and priced.
†Indicates no classifications effective for these size groups.

the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless it shall otherwise be ordered.

Dated: January 23, 1942.

[SEAL] DAN H. WHEELER, *Acting Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine Index No.	Code member	Mine name	Subdist. No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
2675	Penn Smokeless Fuel Company.	Spory	29	E	Jerome, Pa.	B&O	100	F	F	F	F	F

NOTE.—If coals within either of the following groups of mines are loaded into the same car the price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the higher price classification: Mine Index Nos. 667, 3293, and 3294 of Mike Accy; Mine Index Nos. 3192 and 3193 of Harry C. McClain (McClain Coal Co.); Mine Index Nos. 88, 3187 and 1453 of Cherry Run Coal Mng. Co. (A. A. Groe); Mine Index Nos. 2675, 1077, and 213 of Penn Smokeless Fuel Company.

TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine, modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
No. 16 Coal Company (Joseph Matchock).	3327	No. 16 Coal Co	20	Clearfield	D	------	------	220	------	------
Penn Smokeless Fuel Company	2675	Spory	29	Somerset	E	245	------	(*)	210	200

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 42-934; Filed, February 2, 1942; 10:49 a. m.]

[Docket No. A-1207]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT No. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 23, 1942.

[SEAL] DAN H. WHEELER, *Acting Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown.]

Mine Index No.	Code member	Mine name	Sub-district No.	Low volatile seam	Price classification by size group No. 1	2	3	4	5	6	7	8	9	10
562	Brooks, T. G. (New Richmond Coal Co.)	Brooks #1	5	Fire Creek	D	D	C	A	A	B	B	B	B	B
292	Brooks, T. G. (New Richmond Coal Co.)	Brooks #2	5	Pocs. 6	D	D	C	A	A	B	B	B	B	B
560	Dequino, Louis & Tony, & Fred Cook (Louis Dequino).	Brown Eyes	3	Pocs. 6	D	D	C	A	A	B	B	B	B	B
276	Taylor, J. S.	Lynn	4	War Creek	D	D	C	A	A	B	B	B	B	B
612	Thompson, C. J.	Ruth	3	Pocs. 3	D	D	C	A	A	B	(*)	B	B	B

*Indicates coal in this size group previously classified and priced.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine Index No.	Mine	Sub-district No.	County	Seam	All lump 3" or larger, all egg and stove	All nut or pea 1¼" top size or smaller	Screened M/R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
Brooks, T. G. (New Richmond Coal Co.)	562	Brooks #1	5	Wyoming	Fire Creek	260	230	(*)	(*)	195	(*)
Brooks, T. G. (New Richmond Coal Co.)	292	Brooks #2	5	Wyoming	Pocs. 6	260	230	260	215	195	190
Camp, J.	279	Camp	4	McDowell	War Creek		230	260	195	(*)	(*)
Thompson, C. J.	612	Ruth	3	Mercer	Pocs. 3	260	230	(*)	(*)	(*)	(*)

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 42-935; Filed, February 2, 1942; 10:50 a. m.]

[Docket Nos. A-132, A-158, A-171, A-176, A-205, A-228, A-230, A-242, A-246, A-260, A-266, A-283, A-287, and A-362]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT No. 8

ORDER AMENDING ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITIONS OF DISTRICT BOARDS NOS. 1, 2, 4, 6, 8, 13, AND 19, RESPECTIVELY, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES NOT HERETOFORE CLASSIFIED AND PRICED

Proceedings having been instituted upon original petitions of District Boards 1, 2, 4, 6, 8, 13, and 19, respectively, filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, proposing and seeking the establishment of price classifications and effective minimum prices for the coals of certain mines in the respective districts which had not theretofore been classified and priced;

Hearings having been held and the Director having granted permanent relief in an Order dated November 6, 1941, 6 F.R. 6476;

It appearing that certain errors were inadvertently made in Supplements R-XI and T-VI concerning District 8 annexed to and made a part of said Order;

Now, therefore, it is ordered, That Supplement R-XI, § 328.11 (*Alphabetical list of code members*), and Supplement T-VI, § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*), concerning District 8 annexed to and made part of said Order of the Director dated November 6, 1941, be and they hereby are amended by making the following corrections therein:

1. The "M" price classification listed in Supplement R-XI for the coals in Size Groups 18 to 21 produced for rail and lake shipment by the Piedmont #2 Mine of G. A. Bailey (Mine Index No. 2088), the W. C. Brown Mine (Mine Index No. 1894), and the S. S. Crass Mine (Mine Index No. 2040) is changed to "K."

2. The "N" price classification listed in Supplement R-XI for the Size Group 10 coals of the Benedict #7 Mine of Benedict Coal Corporation (Mine Index No. 40) for lake shipment is deleted.

3. The name Foley, L. O. & R. V., listed in Supplement R-XI as the code member operating the Foley Mine (Mine Index No. 1941), is amended to read "Foley, L. D. & R. V.".

4. The name "Glover, W. H. (Draper Mining Company)", listed in Supplement R-XI as the code member operating the Draper Mine (Mine Index No. 428), is changed to "Eagle Mines, Inc., The," and the mine name of "Draper" is changed to "Shamrock."

5. The "A" price classification listed in Supplement R-XI for the coals of the Brafford Mine of F. M. Johnson (Mine Index No. 536) in Size Groups 16 and 17 for lake shipment is changed to "K."

6. The "C" price classification listed in Supplement R-XI for the coals of the Cardinal #2 Mine of Kentucky Cardinal C. Corp. (Mine Index No. 562) in Size Groups 16 and 17 for lake shipment is changed to "L."

7. A price classification of "P" is added in Supplement R-XI for the Size Group 10 coals of the #4 Mine of Stearns Coal & Lumber Co. (Mine Index No. 442) for lake shipment.

8. The name of "Tye & Nae (H. S. Tye)," listed in Supplements R-XI and T-VI as the code member operating the Lick Creek Mine (Mine Index No. 2931), is amended to read "Tye & Noe (H. S. Tye)."

9. The name "Octavia Coal Mining Company, Inc., The," listed in Supplement R-XI as the code member operating the Octavia Mine (Mine Index No. 356) is amended to read "Octavia Coal Mining Corporation, The."

10. The name "Mingo Mining Co.", listed in Supplement R-XI as the code member operating the Mingo #1 Mine (Mine Index No. 334), is amended to read "Mingo Mining Company."

Dated: January 29, 1942.

[SEAL] DAN H. WHEELER, *Acting Director*.

[F. R. Doc. 42-930; Filed, February 2, 1942; 10:47 a. m.]

In Docket No. A-991, the price classification for these coals was changed, by Order of the Acting Director, dated November 28, 1941, from "K" to "K."

[Docket No. A-1208]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 13

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 13; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 333.6 (*General prices*) is amended by adding thereto Supplement R–I, § 333.7 (*Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads*) is amended by adding thereto Supplement R–II, § 333.7 (*Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*) is amended by adding thereto Supplement R–III, § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–I, and § 333.43 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof.

With respect to the Marion Nos. 16, 17, 18, 19 and 20 Mines of the Marion Black Creek Coal Mining Co., the schedule attached to the original petition requests the establishment of a price of $3 per ton in Size Group 13 for rail shipments. The explanatory matter with regard to prices in this size group for the said mines states that Size Group 13 is to be 10¢ higher than Size Group 12 for Mine Index No. 14. The price proposed in the schedule, however, is in fact 10¢ higher than Size Group 13 for Mine Index No. 14. Moreover, no price has been established for the coal in Size Group 12 produced at Mine Index No. 14. Because the price of $3 per ton for coal produced at these mines in Size Group 13 corresponds to the price established for coals of similar quality in the same size group produced at other mines in District No. 13, it is concluded that reference to Size Group 12 in the explanatory matter is a typographical error and that the reference should be to Size Group 13. This conclusion is supported by a communication dated December 31, 1941, from District Board No. 13 to the Division.

With respect to the Galloway Nos. 21 and 22 Mines of the Galloway Coal Co., the schedule attached to the original petition requests the establishment of a price of $2.30 per ton for the coals produced in Size Groups 14, 15 and 16 and a price of $2.30 per ton for the coals produced in Size Group 19 for rail shipments. The explanatory matter with regard to prices in these size groups for the said mines states that the prices for Size Groups 14, 15 and 16 are to be the same as the prices established for the coals in these size groups produced at Mine Index No. 33 and that the price proposed for Size Group 19 is to be 10¢ less than the price established for the coals in Size Group 14 produced at Mine Index No. 33. Prices proposed in the explanatory matter, however, are in fact 5¢ higher in each of these size groups than the prices proposed in the schedule attached to the petition. Because the prices proposed in the explanatory matter correspond to prices heretofore established for coals of similar quality produced in District No. 13, it is concluded that the prices proposed in the schedule attached to the petition are erroneous as a result of typographical errors and that the explanatory matter describes the prices which District Board No. 13 intended to propose.

With respect to the coals produced at the Stansbury Mine of Stansbury & Stansbury (A. H. Stansbury) and at the Jenkins #2 Mine of W. R. Jenkins, the original petition proposes a price for the coals produced at these mines in Size Group 4 of $2.50 per ton and in Size Group 5 of $2.60 per ton. These proposed prices do not correspond with prices heretofore established for the coals of similar quality produced in the same size groups by other mines in District No. 13, which have been priced at $2.60 per ton and $2.50 per ton in Size Groups 4 and 5, respectively. It appears, therefore, that the prices proposed in Size Groups 4 and 5 for these two mines have been transposed by a typographical error and that the original petition is intended to request a price of $2.60 per ton and $2.50 per ton for the coals produced in Size Groups 4 and 5, respectively, by these two mines. This conclusion is supported by a communication dated December 31, 1941, from District Board No. 13.

With respect to the Gaither Mine of Cicero Gaither, the petition requests the establishment of prices for rail shipments originating at Warrior, Alabama. This request conflicts with the records of the Division which reveal that the code member desires that prices be established for rail shipments originating at Hayden, Alabama. Therefore, prices established herein for coals produced at the said mine when shipped by rail are for shipments originating at Hayden, Alabama.

With respect to the coals produced at the Rocky Branch Mine of E. C. Brock, the petition requests a price of $2.20 per ton for the coals produced in Size Group 15. This price is substantially lower than the price of $2.60 per ton heretofore established for coals of similar quality in the same size group produced in District No. 13. A communication from the district board dated December 31, 1941, states that the proposal of $2.20 was a typographical error and that it was and is the intention of the district board to propose a price of $2.60 per ton for the coals produced in Size Group 15 at this mine.

Several mines are listed in the petition for the apparent purpose of advising the Division of a change in the Code Membership with respect to such mines. No relief is asked for these mines and, therefore, no relief is granted as to them herein. In several instances the names of code member producers and their mines were inaccurately spelled or the full names were not stated. These items have been changed to conform to the records of the Division. The Blocton Mine of code member David S. Evans was improperly identified in the petition as Mine Index No. 193. The proper Mine Index No. is 195 and the mine is described accordingly in this Order.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 22, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 *General prices*—Supplement R–I

Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel, and blacksmithing

Mine Index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	MARION COUNTY, ALA.				
1381	Guthrie, Fred	Wheeler #1 [11]	1	Black Creek	101
1377	Harbin, W. J	Harbin #5 [11]	1	Black Creek	101
1325	Harbin, W. J	Harbin #6 [11]	1	Black Creek	101
1390	Harbin, W. J	Harbin #7 [11]	1	Black Creek	101
1330	Harbin, W. J	Harbin #8 [11]	1	Black Creek	101
1383	Marion Black Creek Coal Mining Co	Marion No. 16 [11]	1	Black Creek	101
1384	Marion Black Creek Coal Mining Co	Marion No. 17 [11]	1	Black Creek	101
1385	Marion Black Creek Coal Mining Co	Marion No. 18 [11]	1	Black Creek	101
1386	Marion Black Creek Coal Mining Co	Marion No. 19 [11]	1	Black Creek	101
1387	Marion Black Creek Coal Mining Co	Marion No. 20 [11]	1	Black Creek	101
	SHELBY COUNTY, ALA.				
512	Paramount Coal Co	Paramount #6 [12]	1	Helena	31
	TUSCALOOSA COUNTY, ALA.				
833	Jenkins, H. M	Jenkins [14]	1	Millsdale	44
	WALKER COUNTY, ALA.				
166	Gallacher, George	Cy Bell [13]	1	Black Creek	110
1389	Galloway Coal Co	Galloway No. 21 [7]	1	Jagger	101
1390	Galloway Coal Co	Galloway No. 22 [7]	1	Mary Lee	101

[11] Shipping Point: Glen Allen, Ala.; Railroad: SL&SF.
This mine shall have a price in size group 13 on all price tables, 10¢ higher than the price listed for mine with Index Number 14.
This mine shall have the same price in size group 18 on all price tables as listed for mine with Index Number 14.
This mine shall have a price in size group 23 on all price tables, 10¢ under the price listed in size group 18 for mine with Index Number 14.
[12] Shipping Point: Glen Allen, Ala.; Railroad: SL&SF.
These mines shall have the same price in size groups 1, 4, 6, 17 and 18 on all price tables as listed for mine with Index Number 18.
These mines shall have a price in size groups 13 and 19 on all price tables, 10¢ higher than the prices listed for mine with Index Number 18.
These mines shall have a price in size group 23 on all price tables, 10¢ under the price listed in size group 18 for mine with Index Number 18.
[13] Shipping Point: Glen Allen, Ala. Railroad: SL&SF.
These mines shall have the same prices in size groups 1, 2, 4, 6, 17 and 18 on all price tables as listed for mine with Index Number 4.
This mine shall have a price in size group 13 on all price tables, 10¢ under the prices listed in size groups 6, 17 and 18, respectively, for mine with Index Number 18.
Those mines shall have a price in size group 20 on all price tables, 10¢ higher than the price listed in size group 19 for mine with Index Number 14.
Those mines shall have a price in size group 13 on all price tables, 10¢ higher than the price listed for mine with Index Number 14.
[14] Shipping Point: Paramount, Ala. Railroad: L&N.
This mine shall have the same prices in size groups 1, 2, 6, 12, 14, 15, 16, 17, 18 and 24 on all price tables as listed for Mine with Index Number 26.
[15] Shipping Point: Harwood, Ala. Railroad: L&N.
This mine shall have the same price in size group 13 on all price tables as listed for mine with Index Number 14.
This mine shall have the same price in size group 23 on all price tables as listed in size group 18 for mine with Index Number 17.
[16] Shipping Point: Natroso, Ala.; Railroad: Southern.
This mine shall have the same prices in size groups 7 and 13 on all price tables as listed for mine with Index Number 14.
This mine shall have a price in size groups 7 and 23 on all price tables, 10¢ under the prices listed in size groups 6 and 18, respectively, for mine with Index Number 14.
[17] Shipping Point: Carbon Hill, Ala.; Railroad: SL&SF.
These mines shall have the same prices in size groups 1, 2, 6, 12, 14, 15, 16, 17, 18 and 24 on all price tables as listed for mine with Index Number 71.
These mines shall have a price in size groups 7, 13, 19, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 12, 14, 17 and 18, respectively, for mine with Index Number 33.

Mine Index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	RIPS COUNTY, ALA.				
195	Evans, David S	Blocton No. 8 [1]	1	Thompson	41
	BLOUNT COUNTY, ALA.				
1369	Cooper, Floyd	Cooper's [1]	1	Black Creek	31
1372	Cooper, Floyd	Cooper's No. 2 [1]	1	Black Creek	31
1408	Drake & Cato (C. R. Drake)	Drake & Cato [1]	1	Black Creek	31
1360	Hays & Beasley (Alfred D. Hays)	Hays No. 9 [1]	1	Black Creek	31
1379	Kelley, J. E.	Kelley [1]	1	Black Creek	31
1373	Skinner & Parker (R. S. Skinner)	Skinner's [1]	1	Black Creek	31
1379	Smith, F. R.	Smith No. 2 [1]	1	Black Creek	31
1357	Tidwell & Reno (R. D. Tidwell)	Tyota No. 3 [1]	1	Black Creek	31
1367	Whaley, Grady T.	Nix & Whaley Creek [1]	1	Black Creek	31
1364	Gaither, Cicero	Gaither [1]	1	Black Creek	31
1403	Parker, Dillie	Bell [1]	1	Black Creek	31
	JEFFERSON COUNTY, ALA.				
1298	Bennett, J. W.	McCormack [1]	1	Pratt	50
1375	Bonds, A. R.	New Nickel Plate [1]	1	Nickel Plate	50
1376	Daisy City Coal Co. (Damon Negron)	Daisy City #7 [1]	1	Pratt	50
1377	Daisy City Coal Co. (Damon Negron)	Daisy City #8 [1]	1	Nickel Plate	50
1351	Kolar, F.	Kolar (R. D. Smith) [1]	1	Pratt	50
1393	Ramsey & Smith (R. D. Smith)	Ohl Warner [1]	1	Nickel Plate	50
1326	Garrett & Whitten (J. A. Garrett)	Happy Hollow [1]	1	Mary Lee	31

[1] Shipping Point: Blocton, Ala.; Railroad: GM&O, L&N, and Sou.
These mines shall have the same price in size group 13 on all price tables as listed for mine with Index Number 4.
This mine shall have a price in size group 23 on all price tables, 10¢ under the price listed in size group 18 for mine with Index Number 4.
[2] Shipping Point: Warrior, Ala.; Railroad: L&N. These mines shall have a price in size group 13 on all price tables, 10¢ under the price listed in size group 18 for mine with Index Number 71.
[3] Shipping Point: Republic, Ala.; Railroad: L&N. These mines shall have a price in size group 13 on all price tables, 10¢ under the price listed in size group 12 for mine with Index Number 14.
[4] Shipping Point: Brookside, Ala., Railroad: Southern.
This mine shall have the same prices in size groups 13 and 23 on all price tables as listed for mine with Index Number 71.
[5] Shipping Point: Republic, Ala.; Railroad: Southern.
This mine shall have a price in size group 13 on all price tables, 5¢ under the price listed for mine with Index Number 71.
[6] Shipping Point: Brookside, Ala.; Railroad: Southern.
This mine shall have the same prices in size groups 19 and 23 on all price tables as listed for mine with Index Number 71.
[7] Shipping Point: Brookside, Ala.; Railroad: Southern.
This mine shall have a price in size groups 13 and 23 on all price tables, 5¢ under the prices listed for mine with Index Number 71.
[8] Shipping Point: Brookside, Ala.; Railroad: Southern.
This mine shall have a price in size group 13 on all price tables, 5¢ under the price listed for mine with Index Number 71.
[9] Shipping Point: Republic, Ala.; Railroad: Southern.
This mine shall have the same price in size group 13 on all price tables as listed for mine with Index Number 71.
[10] Shipping Point: Tarrant, Ala. (Shipping point formerly Monmouth, Ala.); Railroad: L&N.

§ 333.6 *General prices*—Supplement R–I—Continued

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	WALKER COUNTY ALA—continued.				
1391	Harris, Coniel	Broome #2 [15]	1	Mt. Carmel	10
1393	Myers, Dewey	Myers No. 2 [15]	1	Jagger	101
1394	Myers, Dewey	Myers No. 3 [15]	1	Jagger	101
1395	Myers, Dewey	Myers No. 4 [15]	1	Jagger	101
1396	Tucker, S. C	Gas Light No. 2 [16]	1	Corona	120
1410	Wilson & Huddleston (E. S. Wilson)	Wilson #1 [15]	1	Mary Lee	50
1411	Wilson & Huddleston (E. S. Wilson)	Wilson #2 [15]	1	Mary Lee	50

[15] Shipping Point: Cordova, Ala.; Railroad: SL&SF.
This mine shall have a price in size groups 13 and 23 on all price tables, 10¢ under the prices listed in size groups 12 and 18, respectively, for mine with Index Number 31.
[16] Shipping Point: Carbon Hill, Ala.; Railroad: SL&SF
These mines shall have the same prices in size groups 1 and 2 on all price tables as listed for mine with Index Number 33.
These mines shall have a price in size groups 7, 13, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 12, 17 and 18, respectively, for mine with Index Number 33.
[20] Shipping Point: Oakman, Ala.; Railroad: Southern
[illegible] on all price tables as listed for mine with Index Number 56.
This mine shall have a price in size groups 7, 13, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 12, 17 and 18, respectively, for mine with Index Number 56.
[21] Shipping Point: Burnwell, Ala.; Railroad: Southern
These mines shall have the same prices in size groups 1 and 2 on all price tables as listed for mine with Index Number 31.
These mines shall have a price in size groups 7, 13, 19, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 12, 14, 17 and 18 respectively, for mine with Index Number 31.

§ 333.7 *Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*—Supplement R–II

[Prices f. o. b. mines for shipment to all railroads and for the exclusive use of railroads]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	BIBB COUNTY, ALA.				
195	Evans, David S	Blocton No. 8 [1]	1	Thompson	41
	JEFFERSON COUNTY, ALA.				
1288	Bennett, J. W	McCormack [1]	1	Pratt	50
1412	Smith & Smith (R. D. Smith)	Old Warner [1]	1	Pratt	50
	MARION COUNTY, ALA.				
182	Marion Black Creek Coal Mining Co	Marion No. 1 [1]	1	Black Creek	101
183	Marion Black Creek Coal Mining Co	Marion No. 2 [1]	1	Black Creek	101
184	Marion Black Creek Coal Mining Co	Marion No. 3 [1]	1	Black Creek	101
185	Marion Black Creek Coal Mining Co	Marion No. 4 [1]	1	Black Creek	101
186	Marion Black Creek Coal Mining Co	Marion No. 10 [1]	1	Black Creek	101
187	Marion Black Creek Coal Mining Co	Marion No. 11 [1]	1	Black Creek	101
188	Marion Black Creek Coal Mining Co	Marion No. 12 [1]	1	Black Creek	101
189	Marion Black Creek Coal Mining Co	Marion No. 13 [1]	1	Black Creek	101
190	Marion Black Creek Coal Mining Co	Marion No. 14 [1]	1	Black Creek	101
191	Marion Black Creek Coal Mining Co	Marion No. 15 [1]	1	Black Creek	101
1383	Marion Black Creek Coal Mining Co	Marion No. 16 [1]	1	Black Creek	101
1384	Marion Black Creek Coal Mining Co	Marion No. 17 [1]	1	Black Creek	101
1385	Marion Black Creek Coal Mining Co	Marion No. 18 [1]	1	Black Creek	101
1386	Marion Black Creek Coal Mining Co	Marion No. 19 [1]	1	Black Creek	101
1387	Marion Black Creek Coal Mining Co	Marion No. 20 [1]	1	Black Creek	101

[1] The above mines in the various counties shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mines with Index Numbers 1, 2, 3, etc. (See § 333.7 (a) in Minimum Price Schedule.)

§ 333.7 *Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*—Supplement R–II—Continued

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	WALKER COUNTY, ALA.				
1226	Brasfield & Owen	Burnwell [1]	1	Mary Lee	50
1391	Harris, Coniel	Broome #2	1	Mt. Carmel	101
1393	Myers, Dewey	Myers No. 2 [1]	1	Jagger	101
1394	Myers, Dewey	Myers No. 3 [1]	1	Jagger	101
1395	Myers, Dewey	Myers No. 4 [1]	1	Jagger	101
1396	Tucker, S. C	Gas Light No. 2 [1]	1	Corona	120
1410	Wilson & Huddleston (E. S. Wilson)	Wilson #1 [1]	1	Mary Lee	50
1411	Wilson & Huddleston (E. S. Wilson)	Wilson #2 [1]	1	Mary Lee	50
	SHELBY COUNTY, ALA.				
512	Paramount Coal Co	Paramount #6 [2]	1	Helena	31
	WALKER COUNTY, ALA.				
1389	Galloway Coal Co	Galloway No. 21 [1]	1	Jagger	101
1390	Galloway Coal Co	Galloway No. 22 [1]	1	Mary Lee	101

[1] The above mines in the various counties shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mines with Index Numbers 1, 2, 3, etc. (See § 333.7 (a) in Minimum Price Schedule.)
[2] This mine shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mine with Index Number 58. (See § 333.7 (a) in Minimum Price Schedule.)
[3] These mines shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mines with Index Numbers 1, 2, 3, etc. (See § 333.7 (a) in Minimum Price Schedule.)

§ 333.7 *Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R–III

[Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	BIBB COUNTY, ALA.				
195	Evans, David S	Blocton No. 8 [1]	1	Thompson	41
	JEFFERSON COUNTY, ALA.				
1412	Smith & Smith (R. D. Smith)	Old Warner [2]	1	Pratt	50
	MARION COUNTY, ALA.				
1381	Guthrie, Fred	Wheeler No. 1 [3]	1	Black Creek	101
182	Marion Black Creek Coal Mining Co	Marion No. 1 [3]	1	Black Creek	101
183	Marion Black Creek Coal Mining Co	Marion No. 2 [3]	1	Black Creek	101
184	Marion Black Creek Coal Mining Co	Marion No. 3 [3]	1	Black Creek	101
185	Marion Black Creek Coal Mining Co	Marion No. 4 [3]	1	Black Creek	101
186	Marion Black Creek Coal Mining Co	Marion No. 10 [3]	1	Black Creek	101
187	Marion Black Creek Coal Mining Co	Marion No. 11 [3]	1	Black Creek	101
188	Marion Black Creek Coal Mining Co	Marion No. 12 [3]	1	Black Creek	101
189	Marion Black Creek Coal Mining Co	Marion No. 13 [3]	1	Black Creek	101
190	Marion Black Creek Coal Mining Co	Marion No. 14 [3]	1	Black Creek	101
191	Marion Black Creek Coal Mining Co	Marion No. 15 [3]	1	Black Creek	101
1383	Marion Black Creek Coal Mining Co	Marion No. 16 [3]	1	Black Creek	101
1384	Marion Black Creek Coal Mining Co	Marion No. 17 [3]	1	Black Creek	101
1385	Marion Black Creek Coal Mining Co	Marion No. 18 [3]	1	Black Creek	101
1386	Marion Black Creek Coal Mining Co	Marion No. 19 [3]	1	Black Creek	101
1387	Marion Black Creek Coal Mining Co	Marion No. 20 [3]	1	Black Creek	101

[1] This mine shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mine with Index Number 4.
[2] This mine shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mine with Index Number 71.
[3] These mines shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mine with Index Number 18.

§ 333.7 *Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R–III—Continued

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	SHELBY COUNTY, ALA.				
512	Paramount Coal Co	Paramount #6 [4]	1	Helena	31
	WALKER COUNTY, ALA.				
13	Brookside-Pratt Mining Co	Deepwater [5]	1	Black Creek	110
1391	Harris, Coniel	Broome #2 [6]	1	Mt. Carmel	101
1393	Myers, Dewey	Myers No. 2 [7]	1	Jagger	101

[4] This mine shall have the same prices on price table as set forth in § 333.7 (a) in Minimum Price Schedule for District No. 13 as shown for mine with Index Number 58.
[5] This mine shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mines with Index Numbers 14 and 15.
[6] This mine shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule No. 1 for District No. 13 as shown for mine with Index Number 31.
[7] These mines shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mine with Index Number 33.

§ 333.7 *Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R–III—Continued

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	WALKER COUNTY, ALA.—continued				
1394	Myers, Dewey	Myers No. 3 [7]	1	Jagger	101
1395	Myers, Dewey	Myers No. 4 [7]	1	Jagger	101
1396	Tucker, S. C	Gas Light No. 2 [8]	1	Corona	120
1389	Galloway Coal Co	Galloway No. 21 [9]	1	Jagger	101
1390	Galloway Coal Co	Galloway No. 22 [9]	1	Mary Lee	101

[8] This mine shall have a price of $2.65 for size group 13 for Steamship Vessel Fuel.
[9] These mines shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mines with Index Numbers 30, 31, 32, 33, etc.

FOR TRUCK SHIPMENTS

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I

Code member index	Mine	Mine index No.	Sub-district	Seam	Lump: Over 2", egg: Top size over 6"	Egg: Top size 6" and under	Lump: 2" and under	Nut: Top size 3" and under bottom size over ½"		Chestnut: Top size 3" and under, bottom size ½" and under		Chestnut: Top size 1¼" and under, bottom size ½" and under		Run of mine, modified R/M	Resultants: 3" and under		Screenings: 1¼" and under		Industrial coal
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	24, 25, 26
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	
ALABAMA																			
BIBB COUNTY																			
Odom, J. I	Odom	1355	2	Upper Nunnally	280	280	275	295	275	------	------	270	250	230	235	200	230	180	280
BLOUNT COUNTY																			
Cooper, Floyd	Cooper's #2	1372	2	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Drake & Cato (C. R. Drake)	Drake & Cato	1408	2	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Gaither, Cicero	Gaither	1354	2	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Hays & Beasley (Alfred D. Hays)	Nyota No. 9	1360	2	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Mickle & Gilland (William Mickle)	Mickle & Gilland	1340	2	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Parker, Billie	Bell	1402	2	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Skinner & Parker (R. S. Skinner)	Skinner	1373	2	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Skinner, Willie	Scratchout No. 2	1362	2	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Tidwell & Reno (R. D. Tidwell)	Nyota #5	1357	2	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Whaley, Horton	#7 North Carbon	1401	2	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Young, Joe	Young	1374	2	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
CULLMAN COUNTY																			
Boyd & Trimble (B. W. Boyd)	Bohannon	1,303	2	Black Creek	385	385	360	336	315	315	305	310	300	290	275	265	265	225	290
JEFFERSON COUNTY																			
Ponds, A. F	New Nickel Plate	1,375	2	Nickel Plate	290	290	280	285	275	------	------	275	250	245	260	240	255	230	245
Daisy City Coal Co. (Damon Negron)	Daisy City #7	1,376	2	Pratt	325	325	325	320	310	310	295	305	290	265	270	250	265	240	265
Daisy City Coal Co. (Damon Negron)	Daisy City #8	1,377	2	Nickel Plate	290	290	280	285	275	------	------	275	250	245	260	240	255	230	245
Davis, J. W	Black Shale #6	1,378	2	Black Shale	365	365	340	335	315	315	290	300	275	275	260	100	250	150	275
Gill, Jim	Gill	1,347	2	Mt. Carmel	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Lollar, E. F	Lollar	1,351	2	Nickel Plate	290	290	280	285	275	------	------	275	250	245	260	240	255	230	245
Smith, F. R	Smith #2	1,370	2	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Smith, Joe	#1 Drift	1,380	2	Upper Helena	290	290	275	295	275	------	------	270	250	230	235	200	230	180	230
Smith & Smith (R. D. Smith)	Old Warner	1,412	2	Pratt	325	325	325	320	310	310	295	305	290	265	270	250	265	240	265

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I—Continued

Code member index	Mine	Mine index No.	Sub-district	Seam	Lump: over 2", egg: Top Size over 6"	Egg: top size 6" and under	Lump: 2" and under	Nut: Top size 3" and under bot. size over ¼"		Chestnut: Top size 3" and under, bottom size ½" and under		Chestnut: Top size 1½" and under, bottom size ½" and under		Run of mine, modified R/M	Resultants: 3" and under		Screenings: 1½" and under		Industrial Coal
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	24, 25, 26
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	
MARION COUNTY																			
Guthrie, Fred	Wheeler No. 1	1381	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Hollis, B. M	Hollis #4	881	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Lasenby, R. L	West No. 7	1382	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Marion Black Creek Coal Mining Co	Marion No. 16	1383	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Marion Black Creek Coal Mining Co	Marion No. 17	1384	2	Black Creek	385	385	360	325	315	315	305	310	300	290	275	265	265	225	290
Marion Black Creek Coal Mining Co	Marion No. 18	1385	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Marion Black Creek Coal Mining Co	Marion No. 19	1386	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Marion Black Creek Coal Mining Co	Marion No. 20	1387	2	Black Creek															
ST. CLAIR COUNTY																			
Sprayberry, L. D	Sprayberry No. 2	1388	2	Wadsworth	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275
WALKER COUNTY																			
Cunningham, Hugh	Cunningham	1366	2	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Ensor Coal Co. (J. H. Ensor)	Ensor	1407	2	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Galloway Coal Co	Galloway No. 21	1389	2	Jagger	280	280	275	295	275	------	------	270	250	230	235	200	230	180	225
Galloway Coal Co	Galloway No. 22	1390	2	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Harris, Coniel	Broome No. 2	1391	2	Mt. Carmel	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Hayes, Sam M	Mountain Top	1358	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Long, L. S	Joe Wheeler #2	1392	2	Blue Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	250	290
Myers, Dewey	Myers No. 2	1393	2	Jagger	280	280	275	295	275	------	------	270	250	230	235	200	230	180	230
Myers, Dewey	Myers No. 3	1394	2	Jagger	280	280	275	295	275	280	260	270	250	230	235	200	230	180	230
Myers, Dewey	Myers No. 4	1395	2	Jagger	280	280	275	295	275	------	------	270	250	230	235	200	230	180	230
Parsons, M. B	Lost Creek	82	2	Jagger	280	280	275	295	275	------	------	270	250	230	235	200	230	180	230
Tucker, S. C	Gas Light No. 2	1396	2	Corona	325	325	325	320	310	310	295	305	290	265	270	250	265	220	265
Wideman & Sons	Wideman No. 1	1350	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Wilson & Huddleston (E. S. Wilson)	Wilson #1	1410	2	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Wilson & Huddleston (E. S. Wilson)	Wilson #2	1411	2	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
WINSTON COUNTY																			
Ramey, Ingle	Ramey	1397	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290

§ 333.43 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II

Code member index	Mine	Mine index No.	Sub-district	Seam	Lump: over 2", egg: top size over 6"	Egg: top size 6" and under, bottom size 3" and under	Lump: 3" and under	Nut: top size 2" and under, bottom size 1" and under	Stoker: top size 1½" and under, bottom size ½" and under	Stoker: top size ¾" and under, bottom size ½" and under	Straight and modified M/R	Resultants: 6" and under	Resultants: 4" and under	Screenings: 2" and under	Screenings: 1½" and under	Screenings: 1¼" and under	Screenings: ¾" and under	Screenings: ½" and under	Industrial coal
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE–GEORGIA																			
GRUNDY COUNTY																			
Partin's Store	Partin	1352	4	Sewanee	315	315	305	280	260	245	235	285	235	205	205	205	200	165	280
MARION COUNTY																			
Bolton, Holland & Robertson (Frank Bolton)	Bolton & Holland	1339	4	Bluff	315	315	305	280	260	245	235	285	235	205	205	205	200	165	280
Stansbury & Stansbury (A. H. Stansbury)	Stansbury	1348	4	Etna #7	315	315	305	280	260	245	235	285	235	225	225	215	205	175	280
SEQUATCHIE COUNTY																			
Edgeman, Roberts, Saints & Roberts (William G. Lusk)	Lusk	1364	4	Sewanee	315	315	305	280	260	245	235	285	235	205	205	205	200	165	280
Johnson Creek Coal Co	White	1363	4	Sewanee #2	315	315	305	280	260	245	235	285	235	205	205	205	200	165	280
VAN BUREN																			
Brock, E. C	Rocky Branch	1405	4	Battle Creek	340	340	330	280	260	245	235	285	235	205	205	195	175	140	285
DADE COUNTY																			
Jenkins, W. R	Jenkins #2	1406	4	Etna	315	315	305	280	260	245	235	285	235	225	225	215	205	175	280

[F. R. Doc. 42–932; Filed, February 2, 1942; 10:47 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER No. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

PUBLIC CIRCULAR NO. 14 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

FEBRUARY 3, 1942.

(a) No license or other authorization now outstanding or hereafter issued, unless expressly referring to this public circular, shall be deemed to authorize any blocked country or any national thereof to purchase, directly or indirectly, securities of any one issue of a corporation if the securities so purchased together with the aggregate of all other securities held directly or indirectly by such blocked country or national constitute more than one percent of the outstanding securities of that issue. Banking institutions shall not effect any such purchases if they have reasonable cause to believe that the terms hereof are being violated.

(b) Monthly reports on Form TFR—are hereby required to be filed with respect to the purchase or sale of securities for any blocked account and, unless expressly referring to this public circular, no license or other authorization shall be deemed to suspend the requirement of filing this report. Such report shall be filed with the appropriate Federal Reserve Bank by the banking institution with which such blocked account is held and shall be filed on or before the 15th day of the month following the calendar month with respect to which the report is filed. No report need be filed for any calendar month during which the total purchases and the total sales for any blocked account are each less than $5,000. This reporting requirement shall be deemed to be in lieu of that required under any license now outstanding or hereafter issued so far as such license requires the filing of reports with respect to the purchase or sale of securities for any blocked account.

(c) Banking institutions shall have a reasonable period of time, but not to exceed 15 days from the date hereof, in which to adjust their records for the purpose of complying with the provisions of paragraph (1) hereof: *Provided, however*, That a special report shall be filed with respect to any case in which the one percent limitation contained in paragraph (1) was exceeded as a consequence of records being in the process of adjustment. Such report shall be filed with the appropriate Federal Reserve Bank within 30 days of the date hereof and shall expressly refer to paragraph (3) of this Public Circular.

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 42-1003; Filed, February 3, 1942; 11:43 a. m.]

[1] Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER A—GENERAL PROVISIONS

PART 903—DELEGATIONS OF AUTHORITY

Supplementary Directive No. 1A

§ 903.2 *Further delegation of authority to the Office of Price Administration with reference to rationing of passenger automobiles.* (a) In order to permit the efficient rationing of new passenger automobiles, the authority delegated to the Office of Price Administration § 903.1 (*Directive No. 1*)[1] is hereby extended to the exercise of rationing control over the sale, transfer or other disposition of new passenger automobiles by any person to any other person except those specified in paragraph (a) (1) of said Directive No. 1. The exercise of such authority shall be subject to the terms and conditions specified in said Directive No. 1.

(b) As used in this Supplementary Directive, the term "passenger automobiles" means passenger vehicles propelled by internal combustion engines and having a seating capacity of not more than eight (including station wagons and taxicabs, but excluding ambulances); and the term "new passenger automobiles" means any 1942 model passenger automobiles irrespective of the number of miles they have been driven, or any other passenger automobiles which have been driven less than 1,000 miles. (E.O. 9024, Jan. 16, 1942, 7 F.R. 329, E.O. 9040, Jan. 24, 1942, 7 F.R. 567; Sec. 2 (a), Public No. 671, 76th Congress Third Session, as amended by Public No. 89, 77th Congress, First Session; W.P.B. Dir. No. 1, Jan. 24, 1942, 7 F. R. 562)

Issued this 2nd day of February 1942.

DONALD M. NELSON,
Chairman, War Production Board.

[F. R. Doc. 42-956; Filed, February 2, 1942; 3:42 p. m.]

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 937—ZINC

Supplementary Order No. M-11-h[2]

§ 937.9 *Supplementary Order M-11-h.* (a) The Director of Industry Operations hereby determines that the amount of Metallic Zinc, Zinc Oxide and Zinc Dust to be set aside by Producers under paragraph (c) of § 937.1 as extended, for the month of February 1942, and for each month thereafter until otherwise determined by him, shall be as follows:

(1) *Metallic Zinc.* An amount equal to 40% of Producer's November 1941 production.

(2) *Zinc Oxide.* An amount equal to 20% of Producer's November 1941 production of Lead Free Zinc Oxide (American & French Process).

(3) *Zinc Dust.* None.

(b) This Order shall take effect on the 1st day of February, 1942. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1 Jan. 26, 1941, 7 F.R. —; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a) Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 31st day of January 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-957; Filed, February 2, 1942; 3:42 p. m.]

PART 941—MATERIAL AND EQUIPMENT ENTERING INTO FREIGHT CAR CONSTRUCTION INCLUDING RAILROAD, INDUSTRIAL AND MINE FREIGHT CARS

Interpretation No. 1 of General Preference Order No. P-8

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 941.1, General Preference Order P-8[1] issued June 18, 1941:

Section 941.1 (a) (1) assigns a preference rating of A-3 "to deliveries of material and equipment entering directly or indirectly into freight cars at any stage of construction or repair." The preference rating assigned by this subsection is not to be applied to obtain delivery of material on earlier dates than required to enable the producer to maintain his production schedules. Further, the words "material and equipment entering directly or indirectly into freight cars" have reference only to that material and equipment which in the final stage of production become parts of freight cars. The quoted words do not include material and equipment for the maintenance or improvement of the plant or equipment of the producer or the rated subcontractor.

Section 941.1 (a) (2) refers to the producer and it should be particularly noticed that this means producer and not a rated subcontractor.

Issued this 3d day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-999; Filed, February 3, 1942; 11:39 a. m.]

[1] 7 F.R. 562.

[2] 6 F.R. 3179, 5290, 6792.

[1] 6 F.R. 3009, 6270; 7 F.R. 28.

PART 956—MATERIAL ENTERING INTO THE CONSTRUCTION OF SPECIFIED LOCOMOTIVES

Interpretation No. 1 of Preference Rating Order No. P-20

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 956.1, Preference Rating Order P-20,[1] issued July 21, 1941:

Section 956.1 (b) assigns a preference rating of A-3 to "deliveries of all material which will enter directly or indirectly, at any stage, into the production by the Producer" of the locomotives covered by the Order. The quoted words have reference only to that material which in the final stage of production becomes parts of locomotives, plus such cutting and other perishable tools as are used up in the plant of the Producer in the manufacture of the locomotives. The quoted words do not include material for maintenance, extension, or addition to the plant or equipment of the producer or supplier.

Issued this 3d day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-998; Filed, February 3, 1942; 11:39 a. m.]

PART 957—MATERIAL ENTERING INTO THE REPAIR AND REBUILDING OF STEAM, ELECTRIC OR DIESEL LOCOMOTIVES WHETHER FOR RAILROAD, MINING, OR INDUSTRIAL USE

Interpretation No. 1 of Preference Rating Order No. P-21

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 957.1, Preference Rating Order P-21,[1] issued July 21, 1941:

Section 957.1 (b) assigns a preference rating of A-3 to "deliveries of all material which will enter directly or indirectly, at any stage, into the repair or rebuilding by the repairer of locomotives." The quoted words have reference only to that material which in the final stage of production becomes parts of locomotives, plus such cutting and other perishable tools as are used up in the plant of the producer in the repairing and rebuilding of the locomotives. The quoted words do not include material for maintenance, extension, or addition to the plant or equipment of the repairer or supplier.

Issued this 3d day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-997; Filed, February 3, 1942; 11:40 a. m.]

[1] 6 F.R. 3646, 6185; 7 F.R. 28.

PART 962—STEEL

Supplementary Order M-21-e—Tin Plate, Terne Plate and Long Ternes

§ 962.6 *Supplementary Order M-21-e—(a) Definitions.* For the purposes of this section

(1) "Tin plate" means steel sheets generally referred to as black plate, coated with tin.

(2) "Terne plate" means steel sheets generally referred to as black plate, coated with a lead-tin alloy.

(3) "Long ternes" means steel sheets other than black plate, coated with a lead-tin alloy.

(4) "Terne metal" means the lead-tin alloy used as the coating for terne plate and long ternes.

(5) "Producer" means any person who produces tin plate, terne plate or long ternes, whether for sale or for his own consumption or use.

(b) *Restrictions on use of tin plate, terne plate and long ternes.* (1) No person shall use tin plate, terne plate or long ternes in the production of any item except as permitted by Conservation Orders M-43-a (§ 1001.2), M-38-c (§ 984.4), and any other or further Order or direction of the Director of Industry Operations.

(2) No person shall use long ternes unless he obtained delivery thereof on a rating of A-10 or higher and unless such use is for the purpose for which such rating was assigned.

(c) *Restrictions on use of terne metal.* No producer shall use terne metal except in the production of terne plate or long ternes.

(d) *Prohibitions against sales or deliveries.* No person shall sell or deliver tin plate, terne plate or long ternes to any person if he knows or has reason to believe that such material is to be used in violation of the terms of this Order, or any other or further Order or direction of the Director of Industry Operations.

(e) *Restrictions on tin consumption.* During the first calendar quarter of 1942 and during each calendar quarter thereafter, no producer shall use tin in the production of tin plate, terne plate, or long ternes in excess of the quota assigned to such producer by the Director of Industry Operations.

(f) *Special directions.* The Director of Industry Operations may from time to time issue special directions as to production, deliveries, and use of tin plate, terne plate, and long ternes, which may include directions as to the tin or lead content or coating thereof. Until further direction, no producer shall produce tin plate with a tin coating in excess of 1.25 pounds per base box, except with the specific authorization of the Director of Industry Operations.

(g) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3, amended Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong. 1st Sess.)

Issued this 3d day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1000; Filed, February 3, 1942; 11:39 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 4 to Supplementary General Limitation Order L-3-e Further Restricting Sales and Delivery of Light Motor Trucks

Section 976.9 (*Supplementary General Limitation Order L-3-e*[1]) as amended, is hereby further amended by changing the expiration date thereof from February 2, 1942 to February 11, 1942 unless otherwise ordered.

This Amendment shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040 Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 31st day of January 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-958; Filed, February 2, 1942; 3:42 p. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 4 to Supplementary General Limitation Order L-1-c Further Restricting Sale and Delivery of Medium and Heavy Motor Trucks and Truck Trailers

Section 976.10 (*Supplementary General Limitation Order L-1-c*[1]) as amended, is hereby further amended by changing the expiration date thereof from February 2, 1942 to February 11, 1942 unless otherwise ordered.

This Amendment shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 31st day of January 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-959; Filed, February 2, 1942; 3:42 p. m.]

PART 1089—SECOND HAND MACHINE TOOLS

General Preference Order No. E-4

Whereas the fulfillment of requirements for the defense of the United States has resulted in a shortage of second hand machine tools for defense, for private account, and for export, and

Whereas the Director of Industry Operations now deems it necessary to place sales and deliveries of second hand machine tools under greater control in order to insure their delivery to persons with the most urgent and essential needs for such Tools.

[1] 7 F.R. 116, 218, 311.

Now therefore, it is hereby ordered:

§ 1089.1 *General Preference Order E–4* — (a) *Definitions.* (1) "Machine tool" means any machine for the cutting abrading, shaping, forming, and joining of metals.

(2) "Second hand machine tool" means any Machine Tool which has previously been used or purchased for use, whether or not it has been rebuilt.

(3) "Sale" includes, but is not restricted to, an auction sale.

(b) *Applicability of priorities Regulation No. 1.* This section and all transactions affected thereby, including sales and deliveries of second hand machine tools, are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provision of this section may be inconsistent therewith, in which case the provisions of this section shall govern.

(c) *Allocation of certain second hand machine tools.* Whenever the Director of Industry Operations, or other official duly authorized by him, deems such action to be necessary for the prosecution of War, he may, in his discretion, issue an Order prohibiting the sale or other disposition of any specific second hand machine tool until further notice. No person to whom such an Order is issued may thereafter sell or otherwise dispose of such machine tool until he receives directions as to its disposal from the Director of Industry Operations or such other duly authorized official.

(d) *Reports and other communications.* All reports hereafter required to be filed hereunder, and all communications concerning this section shall, unless otherwise directed, be addressed to the Used Tool Section, Division of Production, War Production Board, Washington, D. C., Ref: E–4.

(e) *Violations.* Any person who willfully violates any provision of this section, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this section, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under Section 35 (A) of the Criminal Code (18 U.S.C. 80).

(f) *Effective date.* This section shall take effect immediately and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a) Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 3d day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1001; Filed, February 3, 1942; 11:39 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1303—ZINC

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 3—ZINC SCRAP MATERIALS AND SECONDARY SLAB ZINC

Sections 1303.8 and 1303.10 are hereby amended to read as set forth below:

§ 1303.8 *Definitions.* When used in this Schedule, the term

(a) "Person" means an individual, partnership, association, corporation or other business entity;

(b) "Producer" means any person who produces slab zinc;

(c) "Secondary slab zinc" means slab zinc more than 50% of the zinc content of which shall be obtained from scrap material by distillation, remelting, electrolysis, or any other method; and

(d) "Zinc scrap materials" means the kinds and grades of zinc scrap materials set forth in Appendix A of this Schedule.

§ 1303.10 *Appendix B; maximum prices for secondary slab zinc*—(a) *Base prices.*

Grade	Base price, per pound (Cents)
Prime Western and poorer grades	8.25
Selected	8.35
Brass Special	8.50
Intermediate and higher grades	8.75

(b) *Sold or shipped, delivered, or carried away in carload lots.* The term "base price" referred to in this section means the price listed in paragraph (a) of this section for the respective grade of slab zinc.

Grade	Maximum price, per pound (Delivered, buyer's receiving point)
Prime Western and poorer grades.	Base Price plus carload freight from E. St. Louis to buyer's receiving point.
Selected	Base price plus carload freight from E. St. Louis to buyer's receiving point.
Brass Special	Base Price plus carload freight from E. St. Louis to buyer's receiving point.
Intermediate and higher grades.	Base Price plus carload freight from E. St. Louis to buyer's receiving point.

The minimum quantity making up a carload lot for the purpose of this Schedule shall be the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination.

(c) *Sold and shipped, delivered or carried away in less than carload lots.* The term "base price" referred to in this section means the price listed in paragraph (a) of this section for the respective grade of slab zinc.

(1) *Sales of secondary slab zinc by the producer of the zinc sold.*

For sales in lots of	Maximum price per pound (f. o. b.) point of shipment
20,000 lbs. and less than a carload.	Base price plus .15¢ plus carload freight from E. St. Louis to point of shipment.
10,000 lbs. and less than 20,000 lbs.	Base price plus .25¢ plus carload freight from E. St. Louis to point of shipment.
2,000 lbs. and less than 10,000 lbs.	Base price plus .40¢ plus carload freight from E. St. Louis to point of shipment.
Less than 2,000 lbs.	Base price plus .50¢ plus carload freight from E. St. Louis to point of shipment.

(2) *Sales by all persons except producers.*

For sales in lots of	Maximum price per pound (f. o. b. point of shipments)
20,000 lbs. and less than a carload.	Base price plus .65¢ plus carload freight from E. St. Louis to point of shipment.
10,000 lbs. and less than 20,000 lbs.	Base price plus .75¢ plus carload freight from E. St. Louis to point of shipment.
2,000 lbs. and less than 10,000 lbs.	Base price plus 1.00¢ plus carload freight from E. St. Louis to point of shipment.
Less than 2,000 lbs.	Base price plus 1.50¢ plus carload freight from E. St. Louis to point of shipment.

(d) *Specifications.* The grades of Secondary Slab Zinc specifically referred to above shall conform to the following chemical requirements:

Maximum impurities—percent

Grade	Lead	Iron	Cadmium	Aluminum	Total not over
Intermediate	0.20	0.03	0.50	None	0.50
Brass Special	0.60	0.03	0.50	None	1.00
Selected	0.80	0.04	0.75	None	1.25
Prime Western	1.60	0.08	------	------	------

(e) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Secondary slab zinc may, however, be sold, offered for sale, delivered, or transferred at prices delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by this Schedule, in all price quotations (1) the transportation charge must be shown as a separate item and (2) the price f. o. b. point of shipment, obtained by subtracting the transportation charge from the total delivered price, must not exceed the maximum f. o. b. point of shipment price set forth in this Schedule.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in this Schedule, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but, where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment. (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 2 shall become effective February 2, 1942. Issued this 2d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–968; Filed, February 2, 1942; 5:20 p. m.]

PART 1303—ZINC

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 81—PRIMARY SLAB ZINC

Section 1303.57 is hereby amended by amending paragraphs (d) and (e) thereof to read as set forth below and by adding thereto the new paragraph (f) as set forth below; and § 1303.59 is hereby amended by adding the sentence set forth below at the end of paragraph (b) thereof, by amending the statement preceding the table in paragraph (c) (1) thereof to read as set forth below, and by amending paragraph (e) thereof to read as set forth below:

§ 1303.57 *Definitions.*

* * * * *

(d) "Primary slab zinc" means slab zinc made from ores or concentrates, even though other material is mixed therewith, provided such other material accounts for 50% or less of the zinc content thereof, and must be produced by a process of distillation or by electrolysis;

(e) "Producer" means any person who produces slab zinc; and

(f) "Carload lot" means the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination.

§ 1303.59 *Appendix A; maximum prices for primary slab zinc.*

* * * * *

(b) *Sold or shipped, delivered, or carried away in carload lots.* * * * The minimum quantity making up a carload lot for the purposes of this Schedule shall be the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination.

(c) *Sold and shipped, delivered, or carried away in less than carload lots.* * * *

(1) *Sales of primary slab zinc by the producer of the zinc sold.*

* * * * *

(e) *Specifications.* The grades of slab zinc specifically referred to above shall conform to the following chemical requirements:

Maximum impurities—percent

Grade	Lead	Iron	Cadmium	Aluminum	Total not over
Special High Grade	0.007	0.005	0.005	None	0.010
High Grade	0.07	0.02	0.07	None	0.10
Intermediate	0.20	0.03	0.50	None	0.50
Brass Special	0.60	0.03	0.50	None	1.00
Selected	0.80	0.04	0.75	None	1.25
Prime Western	1.60	0.08	------	------	------

Primary slab zinc which fails to meet such standards should be sold at normal differentials below the established maximum prices: *Provided, however,* That if a producer makes primary slab zinc to conform with individual specifications, other than those set forth above, required by an individual customer or customers, in accordance with a contract entered into on or before January 31, 1942, said producer may sell and deliver, and said individual customer or customers may purchase and accept delivery of such primary slab zinc conforming with individual specifications for a period of 60 days from and after February 2, 1942, at a price no higher than that price established by the terms of the said contract. Such producers shall submit to the Office of Price Administration not later than March 1, 1942. complete and accurate records of all such contracts, setting forth the name and address of the buyer, the required specifications, the quantity in pounds or tons required by the contract, the amounts and shipping dates of all deliveries made thereunder, and the price per pound or ton established by said contract.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective February 2, 1942 Issued this 2 day of February, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–970, Filed, February 2, 1942; 5:22 p. m.]

PART 1304—IRON AND STEEL SCRAP

AMENDMENT NO. 13 OF PRICE SCHEDULE NO. 4—IRON AND STEEL SCRAP

Sections 1304.5 and 1304.6 are amended to read as follows; in paragraph (a) the grades, *"open hearth grades"* and *"electric furnace and foundry grades"* and footnotes 6 and 7, and paragraphs (c), (d), (e), and items 2, 4, 5, 7, 14, 21, and 23 of paragraph (f) of § 1304.13 are amended as set forth below; paragraphs (a), (c), and (d) of § 1304.14 are amended as set forth below and paragraphs (e) and (f) of § 1304.14 are revoked; paragraphs (a), (b) and (c) of § 1304.15 are amended to read as follows:

§ 1304.5 *Geographical application.* The provisions of this Schedule shall apply only to sales, offers to sell, deliveries, or transfers of iron and steel scrap moving within, into or out of one of the 48 States of the United States or the District of Columbia.

§ 1304.6 *Commissions.* No commission shall be payable hereunder, except by a consumer to a broker for brokerage services rendered to the consumer. In the event that a consumer shall employ a broker to purchase iron and steel scrap, such consumer may pay such broker a commission not exceeding 50 cents per gross ton. No commission shall be payable unless (a) the broker guarantees the quality and delivery of an agreed tonnage of scrap; (b) the scrap is purchased by the consumer at a price not higher than the maximum applicable herein; (c) the broker sells the scrap to the consumer at the same price at which he purchased it; (d) the broker does not split or divide the commission, in whole or in part, with the seller or sellers of the scrap, with another broker or subbroker, or with the consumer. No commission shall be payable to a person for scrap which he prepares.

* * * * *

§ 1304.13 *Appendix A; maximum prices for iron and steel scrap other than railroad scrap.* (a) Basing point[1] prices from which shipping point prices and consumers' delivered prices are to be computed.

* * * * *

BASIC OPEN HEARTH GRADES

* * * * *

ELECTRIC FURNACE, ACID OPEN HEARTH AND FOUNDRY GRADES

(For electric furnace, acid open hearth & foundry use only)

* * * * *

[1] Inferior grades shall continue to be purchased at the differential below the corresponding listed grade price which the consumer paid during the period September 1, 1940 to January 31, 1941. In the case of cast iron borings, containing no more than 0.5 percent oil content, for chemical use in the manufacture of explosives, the basing point price shall be $5.00 per gross ton over the price of Item 11. Where cast iron borings are purchased for chemical use other than in the manufacture of explosives, the price shall be $3.00 per gross ton over the price of Item 11. Except in this case and in the case of manganese scrap, ingot iron scrap and any alloyed ferrous scrap purchased by an Electric Furnace or Acid Open Hearth for recovery of alloy content, which grades shall be purchased at the differential above the corresponding listed grade which the consumer paid during the period September 1, 1940 to January 31, 1941, no grade of scrap deemed by buyer or seller or both to be superior to any grade listed above shall be purchased at a premium above the corresponding listed grade except upon prior approval by the Office of Price Administration. In no case may special preparation charges be added to the prices listed above. Mixed shipments of Basic Open Hearth or Blast Furnace grades shall be deemed shipments of unprepared scrap and shall be priced in accordance with the provisions of paragraph (e) hereof, un-

less the consumer has authorized a mixed shipment in his purchase order.

Except in cases in which the Office of Price Administration has given prior approval to Basic Open Hearth consumers to purchase Alloy Free Low Phos. and Sulphur Turnings at the prices listed above, no Basic Open Hearth or Blast Furnace consumer may purchase any of the above grades at a price in excess of the price listed herein for the corresponding Basic Open Hearth or Blast Furnace Grade. The price of item 12 shall not exceed the price of Open Hearth grades unless delivered to the consumer direct from the original industrial producer thereof. The same limitations pertain to the sale of item 22 at a price in excess of that established for Blast Furnace grades.

• • • • •

(c) *Maximum shipping point price—*(1) *Where shipment to the consumer is wholly or partially by rail, or vessel, or combination of rail and vessel.* Where the shipment of scrap to the consumer is by rail, or vessel, or combination of rail and vessel, the scrap is at its shipping point when it has been placed f. o. b. railroad car or f. a. s. vessel for shipment to the consumer. In such cases, the maximum shipping point price shall be:

(i) For shipping points located within a basing point, the price listed in paragraph (a) hereof for the scrap at the basing point in which the shipping point is located, minus the lowest established switching charge for scrap within the basing point; and

(ii) For shipping points located outside a basing point, the price listed in paragraph (a) hereof for the scrap at the most favorable basing point, minus the lowest established charge for transporting scrap from the shipping point to such basing point by rail or water carrier, or combination thereof. Where vessel movement is involved in the computation, in lieu of any established charges at the dock or of any charge or cost customarily incurred at the dock, 75 cents per gross ton must be included as part of the deduction in computing the shipping point price: *Provided, however*, At Memphis, Tenn., the deduction shall be 50 cents per gross ton, at Great Lakes ports $1.00 per gross ton, and at New England ports $1.25 per gross ton.

(2) *Where shipment to the consumer is solely by motor vehicle.* Where the shipment of scrap to the consumer is solely by motor vehicle, the scrap is at its shipping point when it has been loaded on such vehicle. In such cases the maximum shipping point price shall be:

(i) For shipping points located within a basing point, the price listed in paragraph (a) hereof for the scrap at the basing point in which the shipping point is located minus the lowest established switching charge for scrap within the basing point; and

(ii) For shipping points located outside a basing point, the price listed in paragraph (a) hereof for the scrap at the most favorable basing point minus the lowest established charge for transporting scrap by public carrier from the shipping point to such basing point. Where vessel movement is involved in the computation, in lieu of any established charges at the dock or of any charge or cost customarily incurred at the dock, 75 cents per gross ton must be included as part of the deduction in computing the shipping point price: *Provided, however*, At Memphis, Tenn., the deduction shall be 50 cents per gross ton, at Great Lakes ports $1.00 per gross ton, and at New England ports $1.25 per gross ton. If no established transportation rate exists for a portion of the movement from shipping point to basing point, the actual charge or cost customarily incurred by the shipper in such portion of the movement shall be included as part of the deduction in computing the shipping point price.

(3) No Charge shall be deemed an established charge within the meaning of this Schedule unless it has been the basis of actual movement of scrap to the most favorable basing point during the calendar year 1941.

(4) *Exceptions to the formula for computing shipping point prices contained in (a) and (b) above.*[1] (1) At all shipping points in the United States, the maximum shipping point price for No. 1 Heavy Melting Steel Scrap (with St. Louis price differentials for the other grades) need not fall below $13.00 per gross ton. In Tampa, Florida, Pensacola, Florida, Gulfport, Mississippi, Mobile, Alabama, New Orleans, Louisiana, Lake Charles, Louisiana, Port Arthur, Texas, Beaumont, Texas, Galveston, Texas, Texas City, Texas, Houston, Texas, and Corpus Christi, Texas, the maximum shipping point price need not fall below $14.00 per gross ton for No. 1 Heavy Melting Steel Scrap (with St. Louis price differentials for the other grades).

(2) Maximum shipping point prices at any shipping point in New York City, Brooklyn, N. Y., and New Jersey, which by reason of vessel rates have Buffalo or Sparrows Point as their most favorable basing point shall be computed from the prices at the Bethlehem, Pennsylvania basing point rather than the prices at Buffalo or Sparrows Point.

(3) The maximum shipping point price within the Cincinnati basing point for Basic Open Hearth Grades shall be the Cincinnati basing point price minus 80 cents per gross ton.

(d) *Maximum prices delivered to the plant of a consumer.* Scrap is at its point of delivery to the consumer when it has arrived for unloading at the plant of the consumer.

Where transportation from shipping point to point of delivery is by public carrier, the maximum delivered price shall be the shipping point price as determined in paragraph (c) above, plus the established charge for transporting the scrap from the shipping point to the point of delivery by the mode of transportation employed.

Where transportation from shipping point to point of delivery includes water movement, if no established rate exists for such water movement, then the actual charge or cost incurred in such movement may be used in computing the maximum delivered price.

Where transportation to the point of delivery includes water movement, no established charges at the dock, or any charge or cost customarily incurred at the dock, may be included in the delivered price. In lieu thereof, 75 cents per gross ton may be included in the maximum delivered price: *Provided, however*, That this maximum allowance shall be 50 cents per gross ton at Memphis, Tenn. $1.00 per gross ton at Great Lakes ports, and $1.25 per gross ton at New England ports. In either case such charges must be shown as a separate item on the invoice.

Where transportation from shipping point to point of delivery is by *other than public carrier*, the maximum delivered price shall be the shipping point price as determined in paragraph (c) above, plus the charge for transporting the scrap at the established rail carload rate for the lowest minimum weight from the rail siding nearest the shipping point to the rail siding nearest the point of delivery: *Provided, however*, That this charge need never fall below $1.50 per gross ton.

In no case shall any charge or cost incurred in placing the scrap at the shipping point or any charge or cost incurred in unloading the scrap at the point of delivery, or in subsequent handling, be included in the maximum delivered price.

In no case, however, shall the delivered price exceed by more than one dollar the price listed in paragraph (a) for the basing point nearest, in terms of established transportation charges, to the consumer's plant, with the following exceptions:

Exception 1. For consumers having St. Louis as their nearest basing point the delivered price may not exceed the St. Louis basing point price by more than $1.50: *Provided*, That the delivered price of scrap shipped to such consumers from shipping points in Arkansas may not exceed the St. Louis basing point price by more than two dollars. For consumers whose nearest basing points are Detroit, Birmingham and Alabama City, respectively, the delivered price may not exceed by more than two dollars the price at their respective basing points.

Exception 2. In the case of machine shop turnings or related grades of turnings, as defined herein, delivered to electric furnace producers of ferro alloys, and in the case of chemical borings delivered to chemical users thereof, the delivered price shall not be limited to one dollar in excess of the price at the basing point nearest the consumer's plant.

Exception 3. "Remote Scrap" means all the kinds and grades of iron and steel scrap referred to in Appendix A and having a shipping point and a point of origin within the states of Montana, Idaho, Wyoming, Nevada, Arizona, New Mexico, Texas, Oklahoma, Florida, Oregon, Utah, North Dakota, and South Dakota. Colorado scrap shall be remote scrap for Colorado consumers only.

[(i) and (ii) follow]

Exception 4. Where scrap is shipped by vessel from Duluth, Minnesota, or Superior, Wisconsin, to consumers located in Buffalo, New York, Elyria, Ohio, Cleveland, Ohio, Saginaw, Michigan, Detroit, Michigan, or Chicago, Illinois, the delivered price shall not be limited to one dollar in excess of the price at the basing point nearest the consumer's plant.

Exception 5. In computing the delivered price of Billet, Bloom and Forge crops originating in and shipped from the Pittsburgh Basing Point, the maximum transportation charges which may be added *to the shipping point price* shall be $2.50.

Exception 6. The delivered price of Low Phos. and Sulphur Punchings and Plate Scrap, Low Phos. and Sulphur Bar Crops and Smaller, Alloy Free Low Phos. and Sulphur Turnings, and First Cut Heavy Axle and Forge Turnings produced in industrial plants in the State of Michigan and shipped directly to consumers located in or nearest, in terms of established transportation charges, to the Buffalo, N. Y., Pittsburgh, Brackenridge, or Midland, Pa. basing points, shall not exceed by more than $3.00 the price at the basing point nearest the consumer's plant.

Exception 7. Where scrap is shipped from a New England shipping point, the maximum transportation charges which may be added to the shipping point price shall be $6.27 per gross ton.

Exception 8. Where the shipping point price of scrap is computed from water rates, and water movement is not available the year round, consumers who can establish that they did receive delivery of such scrap by water within $1.00 of the price at their nearest basing point between April 15 and November 15, 1941, may pay the shipping point price plus all-rail transportation charges from the shipping point to the point of delivery whenever water movement is not available.

(e) *Unprepared scrap.* The maximum prices established hereinabove are maximum prices for prepared scrap.

For unprepared scrap, maximum prices shall be $2.50 less than the maximum prices for the corresponding grade or grades of prepared scrap. In no case, however, shall Electric Furnace and Foundry grades, listed in paragraph (a) above be used as the "corresponding grade or grades of prepared scrap".

Except as otherwise provided hereunder, where scrap is to undergo preparation prior to its arrival at the point of delivery, such scrap is not at its shipping point, as that phrase is defined in paragraph (c) hereof, until after such preparation has been completed. Where a consumer purchases unprepared remote scrap, if no adequate facilities for preparation exist at or near the shipping point, the consumer may designate a dealer or dealers to prepare such scrap for its use at a maximum conversion fee of $2.50 per gross ton. In such cases the maximum delivered price shall be the shipping point price for unprepared scrap at the remote shipping point plus transportation charges to the point of delivery at the dealer's yard plus a $2.50 per gross ton conversion fee plus transportation charges from the dealer's yard to the point of delivery after the scrap has been loaded on the delivering carrier. Interim loading, unloading and similar charges may not be absorbed by the consumer. The maximum delivered price of such scrap shall not exceed by more than $5.00 the price at the basing point nearest the consumer's plant except upon prior approval of the Office of Price Administration as provided in Exception 3 in paragraph (d) above. Such purchases of scrap shall be subject to all the filing and other requirements in Exception 3 of paragraph (d) above.

At no time shall ownership of such scrap reside in the dealer to whom the conversion fee is paid.

(f) *Definitions of grades referred to in paragraph (a).*

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Item 2—"No. 1 Hydraulic compressed Black Sheet Scrap": New black steel sheet clippings, shearings, skeleton stamping scrap, side and sheet scrap, hydraulically compressed into charging box size, weighing not less than 75 pounds per cubic foot, must be clean and free from excessive rust, paint, or protective coating of any kind. No detinned scrap, electrical sheets, or material over 0.5 per cent of silicon may be included.

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Item 4—"Dealers' No. 1 Bundles": New, black steel sheet clippings, shearings, skeleton stamping scrap, side and end sheet scrap, hydraulically compressed into charging box size, weighing not less than 75 pounds per cubic foot; must be clean and free from excessive rust, paint, or protective coating of any kind. No detinned scrap, electrical sheets, or material over 0.5 per cent silicon may be included.

Item 5—"Dealers' No. 2 Bundles": Body and fender scrap, shearings, skeleton stamping scrap, side and end sheet and tin mill scrap, hydraulically compressed to charging box size. This grade must not include coated stock or foreign material such as galvanized, tin, etc.

N. B. Coated bundled scrap is an inferior grade to Item 5 and shall be priced in accordance with the provisions of footnote 6 of paragraph (a) above.

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Item 7—"Machine Shop Turnings": New, clean steel turnings, free from lumps, badly tangled or matted material, cast-iron borings, other metals, excessive oil, dirt, or foreign material of any kind. Badly rusted or corroded stock may not be included. This grade may include high sulphur turnings or shell turnings.

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Item 14—"Low Phos. Punchings & Plate Scrap": Punchings from plate and structural-steel scrap, not less than ½ inch diameter, not over 0.04 per cent of phosphorus or 0.05 per cent of sulphur, not over 0.5 per cent of silicon, free from alloys. Must be free from dirt and excessive rust or corrosion. Pieces must be cut 12 inches and under.

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Item 21—"Alloy Free Low Phos. and Sulphur Turnings": New, short, clean steel turnings, free from lumps, badly tangled or matted material, cast-iron borings, other metals, excessive oil, dirt, or foreign material of any kind. Badly rusted or corroded stock must not be included. (Material must be alloy free and 0.045 and under in phosphorus and sulphur).

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Item 23 must be new all black hydraulic compressed sheet bundles 14 x 14 x 20 in. or smaller.

§ 1304.14 *Appendix B; maximum prices for iron and steel scrap originating from railroads*—(a) *Scrap originating from railroads—operating in a basing point named below* (all prices given below are per gross ton). The scrap is at its point of delivery to the consumer when it has arrived for unloading at the plant of the consumer. Where used in this appendix, the term "transportation charges" means the established charges for transporting the scrap to the point of delivery by the mode of transportation employed. In no case shall the maximum delivered price include any charge or cost incurred in unloading the scrap at the point of delivery or in subsequent handling.

[(1), (i), and (ii) follow]

(2) *Delivered to a consumer's plant located off the line of the railroad from which the scrap originated.* Except in the case of shipments of scrap by vessel from Duluth, Minnesota, or Superior, Wisconsin to consumers located in Buffalo, N. Y., Cleveland, Ohio, Elyria, Ohio, Detroit and Saginaw, Michigan, and Chicago, Illinois, the maximum price is either of the following, whichever is greater:

(i) The maximum price established in paragraph (1) above, for scrap delivered to a consumer on the line of the railroad from which the scrap originated, or, if the consumer can establish that he has been served by the same source of scrap in the past, this maximum price plus transportation charges (including off-the-line switching charges), from the railroad's line to the point of delivery, of not more than two dollars per gross ton for Rails for Rerolling, Scrap Axles and other scrap for rerolling, and of not more than one dollar per gross ton for all other grades of scrap; or

(ii) The prices listed in paragraph (1) above, for the Basing Point nearest the consumer's plant.

Where scrap is shipped by vessel from Duluth, Minnesota, or Superior, Wisconsin, to consumers located in Buffalo, New York, Elyria, Ohio, Cleveland, Ohio, Detroit and Saginaw, Michigan, and Chicago, Illinois, the maximum delivered price shall be the maximum price established in paragraph (1) above, for scrap delivered to a consumer on the line of the railroad from which the scrap originated, plus transportation charges from the railroad's line to the point of delivery.

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(c) *Maximum prices for scrap which cannot be identified as to origin, scrap originating from mines, logging roads, and similar sources, and scrap originat-*

ing from railroads who do not, within two weeks after the issuance of this schedule, file average price information with the Office of Price Administration. Railroad scrap shipped from a dealer's yard shall be deemed to have lost its railroad origin. In the case of railroad scrap which cannot be identified as to origin, scrap originating from mines, logging roads, and similar sources, and scrap originating from any railroad which does not, within two weeks after the issuance of this schedule, file the average price information required under paragraphs (a) or (b) hereof and by § 1304.4 of this schedule, the maximum prices shall be as follows:

(1) In the case of scrap rails, scrap rails 3 feet and under, scrap rails 2 feet and under, scrap rails 1 foot and under, and rails for rerolling, the shipping point price shall be computed by application of the provisions of paragraphs (b) and (c) of Appendix A to the prices at the most favorable basing point in Appendix B. In no case need this shipping point price fall below $14.00 for scrap rails, $16.00 for scrap rails 3 feet and under, $16.25 for scrap rails 2 feet and under, $16.50 for scrap rails 1 foot and under, and $15.50 per gross ton for rails for rerolling. The maximum delivered price shall be the shipping price thus obtained plus transportation charges from the shipping point to the point of delivery.

(2) All other grades of such scrap shall be classified under Appendix A or Appendix C and their maximum prices shall be governed by the provisions of the applicable appendix.

(d) *Unprepared scrap.* The maximum prices established hereinabove are maximum prices for prepared scrap. For unprepared scrap, maximum prices shall be $2.50 less than the maximum prices for the corresponding grade or grades of prepared scrap.

Where scrap is to undergo preparation prior to its arrival at the point of delivery, such scrap is not at its shipping point, as that phrase is defined in paragraph (c) hereof, until after such preparation has been completed.

§ 1304.15 *Appendix C; maximum price for cast iron scrap other than railroad scrap* (all the prices given below are per gross ton). (a) *Maximum price at shipping point.* Where shipment of the scrap to the consumer is wholly or partially by rail, or vessel, or combination of rail and vessel, the scrap is at its shipping point when it has been placed f. o. b. railroad car or f. a. s. vessel for shipment to the consumer.

Where shipment of the scrap to the consumer is solely by motor vehicle, the scrap is at its shipping point when it has been loaded on such vehicle.

The shipping point price for grades[1] of cast iron scrap at the following shipping points in the United States shall be:

	Group A	Group B	Group C
No. 1 Cupola Cast	$18.00	$19.00	$20.00
No. 1 Machinery Cast, Drop Broken 150 lbs. & under	18.00	19.00	20.00
Clean Auto Cast	18.00	19.00	20.00
Unstripped Motor Blocks	17.50	18.50	19.50
Stove Plate	17.00	18.00	19.00
Heavy Breakable Cast	15.50	16.50	17.50
Charging Box Cast	17.00	18.00	19.00
Misc. Malleable	20.00	21.00	22.00

Group A includes the states of Montana, Idaho, Wyoming, Nevada, Utah, Arizona and New Mexico.

Group B includes the states of North Dakota, South Dakota, Nebraska, Colorado, Kansas, Oklahoma, Texas and Florida.

Group C includes all states not named in groups A and B, and includes the switching district of Kansas City, Kans.-Mo.

(b) *Maximum price delivered to a consumer.* Scrap is at its point of delivery to a consumer when it has arrived for unloading at the plant of the consumer.

(1) Except as provided in subparagraph (2), below, the maximum price at which any grade of cast iron scrap may be delivered to a consumer shall be:

(i) Where transportation from shipping point to point of delivery is by *public carrier*, the shipping point price, as listed in paragraph (a) above, plus the established charge for transporting the scrap from the shipping point to the point of delivery by the mode of transportation employed. Where transportation to the point of delivery includes water movement, and tariffs establishing charges at the dock are published, charges incurred at the dock, but not to exceed the published tariffs, may be included in the delivered price. Where no such tariffs are published, actual charges incurred at the dock but not to exceed 75 cents per gross ton, may be included in the delivered price. In either case such charges must be shown as a separate item on the invoice.

[1] Inferior grades shall continue to be purchased at the differential below the corresponding schedule grade which the consumer paid during the period September 1, 1940 to January 31, 1941. In no case shall any grade deemed by buyer, or seller, or both to be superior to any grade listed above be sold at a premium above the corresponding schedule grade except upon prior approval by the Office of Price Administration. No special preparation charges may in any case be added to the prices listed above. Except in the case of items 4 and 7, no Basic Open Hearth (and, in the case of item 8, no consumer other than a malleable foundry) may pay for any grade a price in excess of the price listed for item 6. Mixed shipments of any of the above grades shall be deemed shipments of unprepared scrap and shall be priced in accordance with the provisions of paragraph (d) hereof, unless the consumer has authorized a mixed shipment in his purchase order.

(ii) Where transportation from shipping point to point of delivery is by other than public carrier, the shipping point price, as listed in paragraph (a) above, plus the charge for transporting the scrap at the established rail carload rate for the lowest minimum weight, from the rail siding nearest the shipping point to the rail siding nearest the point of delivery, provided however that this charge need never fall below $1.50 per gross ton.

(2) Where shipment of the scrap to the consumer is solely by motor vehicle, the delivered price shall not exceed the shipping point price unless the consumer shall receive a certificate made out to the Office of Price Administration, Washington, D. C. and signed by the person from whose yard or point of accumulation the scrap was placed at its shipping point and by the person by whom or on behalf of whom the scrap was transported from shipping point to point of delivery. Such certificate shall specify the shipping point, quantity and grade of the scrap, and the transportation charges from shipping point to point of delivery. The consumer shall acknowledge receipt of the material on the face of the certificate. Forms for such certificates may be secured by writing to the Office of Price Administration. However, any certificate containing the information required above will suffice.

The above mentioned certificate, shall be preserved by the consumer as part of the record-keeping requirements outlined in § 1304.8. A copy shall likewise be preserved by all persons signing the certificate.

(c) Definitions of grades referred to in paragraph (a).

Item 1—No. 1 Cupola Cast: Clean cast-iron scrap, such as columns, pipes, plates and castings of miscellaneous nature, but free from stove plate and agricultural scrap. Must be cupola size, not over 24 by 30 inches in dimensions, and no piece to weigh over 150 pounds. Must be free from steel and malleable parts and foreign material.

Item 2—No. 1 Machinery Cast, Drop Broken, 150 lbs. and under: Clean machinery cast-iron scrap. May include the cast-iron parts of agricultural machinery. Must be cupola size, not over 24 by 30 inches in dimensions, and no piece to weigh over 150 pounds. Must be free from steel and malleable parts.

Item 3—Clean Auto Cast: Clean, broken auto blocks, free of all steel parts and broken 75 pounds or under.

Item 4—Unstripped Motor Blocks: Motor blocks from which steel or nonferrous fittings have not yet been removed.

Item 5—Stove Plate: Clean cast-iron stove plate. Must be free from malleable and steel parts, window weights, plow points, grates, burnt iron, etc.

Item 6—Heavy Breakable Cast: Clean cast-iron scrap, such as columns, pipes, plates, and castings of miscellaneous nature, weighing over 150 pounds, and which can be broken by an ordinary drop into cupola size.

Item 7—Charging Box Size Cast: Clean cast-iron scrap, such as columns, pipes, plates and castings of miscellaneous nature, but free from stove plate and agricultural scrap. Must be 18 in. x 5 ft. and smaller.

Item 8—Miscellaneous Malleable: Malleable parts of automotive vehicles, agricultural implements, and miscellaneous malleable iron castings. Must be free from cast iron and steel parts and other foreign material.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

Issued this 2 day of February 1942. This amendment No. 13 shall become effective February 2, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-979; Filed, February 2, 1942; 5:25 p. m.]

PART 1306—IRON AND STEEL

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 10—PIG IRON

Two new sections, §§ 1306.57 and 1306.58, are hereby added as set forth below:

§ 1306.57 *Appendix B; exceptions.* The following person has been granted an exception under § 1306.55 of this Schedule, permitting it to make a charge of $1.00 in addition to the maximum prices in Appendix A for pig iron: E. and G. Brooke Iron Company, Birdsboro, Pennsylvania.

§ 1306.58 *Geographical application.* The provisions of this Schedule shall apply only to sales, offers to sell or delivery of pig iron moving within, into, or out of one of the forty-eight States of the United States or the District of Columbia.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483).

This Amendment No. 1 shall become effective February 7, 1942. Issued this 2d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-981; Filed, February 2, 1942; 5:26 p. m.]

PART 1306—IRON AND STEEL

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 49—RESALE OF IRON AND STEEL PRODUCTS

Sections 1306.151; 1306.154; (e) and (m) of § 1306.157; (a) (2) and (a) (2) (ii), (b), (c) (1), (c) (i) and (c) (ii), and (d) (1), (f), (g) (1), (g) (i) and (g) (iii), (h) (ii) and (h) (2) (3) (4) (5) and (6), (i) and (i) (4), (j), (k) (3) and (5), (l) of § 1306.159; § 1306.160; and § 1306.161 are amended and § 1306.159 (i) (6); § 1306.159 (m) (3); and § 1306.162 are added as set forth below:

§ 1306.151 *Maximum prices for the resale of iron or steel products.* On and after December 15, 1941; regardless of the terms of any contract of sale or purchase, or other commitment, no seller as defined in § 1306.157 (b) of this Schedule shall sell, offer to sell, deliver or transfer iron or steel products, and no person shall buy, offer to buy, or accept delivery of iron or steel products at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1306.159.

Provided, That the provisions of this Schedule shall apply only to sales, offers to sell, deliveries, or transfers of iron or steel products moving within, into or out of one of the 48 states of the United States or the District of Columbia; *Provided further,* That the export provisions of this Schedule shall apply to any sale for delivery outside the 48 states or the District of Columbia.

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§ 1306.154 *Records and reports*—(a) *Records of sales, inventory and orders.* Every person making sales, or purchases for resale, of iron or steel products, in quantities dealt in, or on which prices are quoted by established jobbers, dealers, or distributors, after December 15, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid on each purchase for resale and received on each resale, the quality and grade, the sizes, and the quantity of each product purchased or sold, and (2) the tonnage of iron or steel products on hand and on order, classified by product, in a manner similar to that of Form PD 83 as issued by the War Production Board. A copy of Form PD 83 may be had upon request by applying to the War Production Board.

(b) *Filing prices.* On or before December 31, 1941, every seller of iron or steel products having annual gross sales of $100,000 or more, even though iron and steel products comprise only a part of the total, during the year ending December 31, 1941, shall file in duplicate, in affidavit form, with the Office of Price Administration, Washington, D. C., his prices circulated to his salesmen or customers in effect on April 16, 1941, or customarily quoted and charged on that date, including extras lists, deduction lists, charges, and discounts. Special prices or discounts given to any customers and classes of customers as of April 16, 1941, shall be filed. This includes prices or discounts to jobbers, dealers and large, industrial or other special buyers. Every seller shall file individual price sheets for each warehouse or branch, showing city and country prices, wherever such exist; and he shall indicate the area or cities to which such prices apply. In the event that any prices so filed exceed the maximum prices established by this Schedule, the seller shall, after the effective date of this Schedule, eliminate this excess and charge a maximum price not in excess of the maximum prices established herein. Every seller shall state with regard to his April 16, 1941 price for each product, the range of sizes, types or cross-section covered by each price submitted; trade names, if any, and prices charged; prices for each base quantity; products sold in various quantity brackets, and prices for each bracket. If the person is a seller without prices as of April 16, 1941, (a) because of establishment of business after April 16, 1941, or (b) because of introduction of a product not handled on or prior to April 16, 1941, he shall file a list of his inventory as of December 1, 1941, and prices he proposes to charge for such products. These prices shall not be in excess of the maximum as established by this Schedule. Additional filing requirements from Pacific Coast and Gulf Port sellers, and for carload business, are included in other sections of this Schedule. Persons affected by this Schedule shall submit such other reports to the Office of Price Administration as it may from time to time require.

* * * * *

§ 1306.157 *Definitions.*

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(e) "Published listed price" or "published list price" means a price for resale of iron or steel products publicly circulated in the trade, and is confined, except as stated below in § 1306.159 (m) (3), to price lists issued for the cities named and the persons stated in Appendix B, incorporated herein as § 1306.160. If not otherwise stated, the term is meant to apply only to price lists effective as of April 16, 1941. In any *"listed city"* in which there are several such published listed prices for any product or quantity, the highest of such prices shall be the published listed price herein referred to:

* * * * *

(m) "Mixed carload" means a bona fide "mixed carload" containing not less than three items of steel of substantial quantity and of different type, such as strip, plates, sheets, bars. (Hot Rolled and Cold Finished bars or Hot Rolled and Cold Rolled sheets shall be considered as examples of different types of steel products in this definition:)

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§ 1306.159 *Appendix A; domestic and export maximum prices for iron and steel products*—(a) *Maximum delivered prices in any city (whether listed or unlisted), or free delivery area, in which the seller is located.*

* * * * *

(ii) That in *unlisted cities*, the maximum delivered price shall not exceed the lowest delivered price that is the result of a combination of (a) country prices of any seller named in Appendix B herein [or as may hereinafter be issued under *"General Provisions"*, § 1306.159 (m) (3)] located in any *listed city*, and (b) less-than-carload freight from such *listed city*.

(2) Extras which were customarily charged as of April 16, 1941, may be computed in the maximum delivered price: *Provided,* That such extras do not exceed those established and charged on April 16, 1941, by sellers listed in Appendix B of this Schedule. Extras listed but not customarily charged as of April 16, 1941, shall not be charged. Deductions cus-

tomarily granted as of April 16, 1941, shall be deducted in computing the maximum delivered price.

(b) *Maximum delivered prices in places other than the city or free delivery area in which the seller is located.* (1) In any place other than a city or free delivery area in which the seller is located, the maximum delivered price for that seller shall be the lowest delivered price that is the result of a combination of (i) country price of any seller named in Appendix B herein [or as may hereinafter be issued under *"General Provisions"*, §1306.159 (m) (3)] located in any *listed city* and (ii) less-than-carload freight from such *listed city*. It is provided, however, that in no case shall the maximum delivered price on a sale for delivery into a *listed city* exceed published listed prices, extras and deductions, as set out in Appendix B, in effect as of April 16, 1941, for that city or free delivery area.

(c) *Maximum delivered prices for persons without prices.* (1) In the city or free delivery area in which are located certain persons without prices as of April 16, 1941, because of (a) the establishment of their business after that date, or (b) the introduction of a product not handled on or prior to April 16, 1941, the maximum delivered price for persons having no prices for the product or the quantity being sold shall be:

(i) *In listed cities*, the maximum delivered price shall not exceed the published listed prices, as set out in Appendix B, [or, as may hereinafter be issued under *"General Provisions"*, § 1306.159 (m) (3)] for that city or free delivery area.

(ii) *In unlisted cities*, the maximum delivered price shall not exceed the lowest delivered price that is the result of a combination of (a) country prices of any seller named in Appendix B herein [or as may hereinafter be issued under *"General Provisions"*, § 1306.159 (m) (3)] located in any *listed city*, and (b) less-than-carload freight from such *listed city*.

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(d) *Modification of certain April 16, 1941, prices.* (1) Any seller located in listed city or free delivery area to which published listed prices are applicable, if his prices as of April 16, 1941, were lower than such published listed prices, may make application to the Office of Price Administration to increase the maximum delivered price applicable to him in order to correspond to the published listed prices applicable to such *listed city* or free delivery area. Such application shall be in affidavit form and shall state that the services rendered by such seller are comparable to services rendered by the sellers named in Appendix B for such city, in such matters as delivery service, performance of cutting, shearing, bending, threading and similar operations, carrying of a full line of products, of comparable type, grade and quality, etc.

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(f) *Maximum delivered prices for dislocated tonnage.* In case of shipments by a seller of 150 miles or more, and if shipment is through or into any *listed city*, or substantially in the same direction and past any *listed city*, or in case of any shipments by a seller of not less than 350 miles, the maximum delivered price for any iron or steel product so shipped shall be the country price of the seller plus less-than-carload freight as customarily charged less 15¢ per cwt.: *Provided*, That such deduction of 15¢, or any part thereof, does not bring the delivered price on such dislocated tonnage below the maximum delivered price as established in paragraph (b) of this section.

(g) *Maximum delivered prices on the Pacific Coast and for Gulf Ports; special filing provisions.* (1) Maximum delivered prices on the Pacific Coast shall be as provided in this Schedule: *Provided*, That:

(i) On the following products and no others, the sum of 35¢ per cwt. may be added to the maximum delivered price as established in this Schedule: plates, universal and sheared, carbon; hot rolled sheets, carbon; hot rolled bars and small shapes, carbon; galvanized, galvannealed, enameling, and galvanized corrugated sheets; floor plates; hot rolled strip, carbon; and structural shapes, carbon. (This 35¢ per cwt. shall not be added to the price of concrete reinforcing bars.)

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(iii) Pending analysis of data to be submitted under provisions of this Schedule, sellers located in Gulf Ports shall have a maximum delivered price as established in this Schedule based on sellers' prices in effect as of April 16, 1941.

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(h) *Maximum delivered prices for specific wire products.*

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(ii) Carload freight from the nearest mill Basing Point to warehouse, and

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(2) The maximum delivered price of less-than-carload quantities of standard wire nails, annealed smooth wire, and galvanized smooth wire at any other place, shall be the price (as computed above) in any city and less-than-carload freight from such city.

(3) On all merchant wire products, whether covered by subparagraphs (1), (2) or (4) of this paragraph, extras charged by jobbers and dealers on merchant wire products shall be the same as regular published mill extras in effect as of April 16, 1941, and deductions customarily granted as of April 16, 1941, shall be deducted in computing the maximum delivered price. On standard wire nails, annealed smooth wire and galvanized smooth wire, for which maximum prices are established above, deductions shall be in the same ratio to these maximum prices as they were to prices existing on April 16, 1941.

(4) The maximum delivered prices for less than carload quantities of all other merchant wire products shall be computed as otherwise provided in this Schedule.

(5) The maximum prices for mixed or straight carloads of merchant wire products are established by § 1306.159 (k) (3).

(6) This section establishes maximum prices to be charged to dealers and quantity purchasers (as noted below) of merchant wire products, and does not establish a maximum price for sales by retail dealers (such as retail hardware stores, retail lumber yards, or mail order houses) to consumers: *Provided*, That sales by any person of nails in quantities of more than 25 kegs or other merchant wire products in quantities of more than 2500 lbs. shall be governed by the price provisions of this Schedule.

(i) *Maximum delivered prices for pipe and tubular products.* Maximum delivered prices for the following types of iron and steel pipe and tubular products shall be the sellers' prices in effect as of April 16, 1941: *Provided* they do not exceed the maximum delivered prices established below. Standard published mill extras in effect as of April 16, 1941, may be computed in the maximum delivered price: *Provided*, That where such extras were listed but not customarily charged by the seller as of April 16, 1941, they shall not be charged. Deductions customarily granted as of April 16, 1941, shall be deducted in computing the maximum delivered price.

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(4) For boiler and other pressure tubes: the lowest price resulting from that combination of Basing Point prices in each quantity bracket of the National Tube Company Price List for sales to consumer in effect April 16, 1941, and less-than-carload freight from Basing Point to destination of customer (carload freight shall be charged on shipments of 40,000 lbs. and over).[1] *Provided*, That maximum prices for merchant and other tubes shall be in the same ratio to the maximum prices established for seamless tubing as existed on April 16, 1941. In no case shall these prices exceed the maximum established here for seamless tubing.

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(6) This Schedule does not establish a maximum price for sales to consumers by retail hardware stores or mail order houses in quantities not greater than 5 standard lengths of pipe.

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(j) *Maximum delivered prices for tool steel.* The maximum delivered price for Tool Steel shall be the seller's prices which were in effect, or would have been charged on April 16, 1941, provided they do not exceed, for comparable products, prices listed in the published price list of Crucible Steel Company, effective on April 16, 1941. The locations of warehouses of the Crucible Steel Company are set forth in Appendix B of this Schedule.

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(k) *Maximum delivered prices for shipments in carload quantities, and in certain specific cases.*

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(3) Mixed or straight carload of Merchant Wire Products shall be sold at maximum prices not exceeding the published mill base prices established under Price Schedule 6. (Regular jobber allowances given by mills may be retained by seller of such mixed carload)

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(5) On shipments of 40,000 lbs. or more out of seller's stock not falling within paragraphs (2), (3) and (4) of this section, (except that on rails, these provisions shall apply to shipments of 59,000 lbs. or more) the maximum delivered price shall be the mill price as established under Price Schedule No. 6: *Provided*, That on presentation to the Office of Price Administration of a certificate that such shipment out of seller's stock has been specifically authorized by the War Production Board, a maximum delivered price will be established by the Office of Price Administration.

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(l) *Maximum delivered prices for seconds, wasters, off-grade and used products.* The maximum delivered price for all off-grades, seconds, wasters and used iron or steel products after such shearing, cutting, straightening, bending or pickling, as may be necessary, shall be the seller's prices which were or would have been charged on April 16, 1941, provided they do not exceed the maximum delivered price for comparable iron or steel products of prime quality.

(m) *General provisions.*

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(3) Whenever the Office of Price Administration published prices for any city or free delivery area, they shall on publication become the official published listed prices for such city or free delivery area, and shall supersede references otherwise made in this Schedule for the determination of sellers' maximum prices for such products, either in Appendix B for listed cities, or for unlisted cities. Transportation and delivery charges and all extras, deductions and other terms of sale to continue in effect as established by the Schedule, unless specifically stated otherwise in such official published price sheet.

§ 1306.161 *Appendix B; listed cities*

Baltimore	Scully Steel Products.
Birmingham	Southern Steel Company.
	Moore-Handley Company.[1]
Boston	Jos. T. Ryerson & Son.
	Scully Steel Products.
	Wheeling Corrugating Company.[1]
	Wheelock-Lovejoy & Company.
Buffalo	Jos. T. Ryerson & Son.
	Wheeling Corrugating Company.[1]
	Wheelock-Lovejoy & Company.
Chicago	Jos. T. Ryerson & Son.
	Scully Steel Products.
	Jones & Laughlin Steel Corporation.
	A. M. Castle & Company.
	Hibbard Spencer Bartlett & Company[1]
	Wheelock-Lovejoy & Company.
Cincinnati	Jos. T. Ryerson & Son.
	Jones & Laughlin Steel Corporation.
	The H. Beimer Company.[1]
	Wheelock-Lovejoy & Company.
Cleveland	Jos. T. Ryerson & Son.
	Scully Steel Products.
	The George Worthington Company.[1]
	Wheelock-Lovejoy & Company.
Detroit	Jos. T. Ryerson & Son.
	Jones & Laughlin Steel Corporation
	Buhl Sons Company.[1]
	Wheelock-Lovejoy & Company.
Houston	Earle M. Jorgensen Company.
	F. W. Heitmann & Company.[1]
Indianapolis	W. J. Holliday Company.
Los Angeles	A. M. Castle & Company.
	Earle M. Jorgensen Company.
	Ducommun Metals & Supply Company.
Memphis	Jones & Laughlin Steel Corporation.
Milwaukee	Jos. T. Ryerson & Son.
	Frankfurth Hardware Company.[1]
New Orleans	Jones & Laughlin Steel Corporation.
	Cahn Brothers & Ryder, Incorporated.[1]
New York	Jos. T. Ryerson & Son.
	Scully Steel Products.
	Jones & Laughlin Steel Corporation.
	Wheelock-Lovejoy & Company
Norfolk	Eagleston-Parke, Incorporated
Omaha	Drake - Williams - Mount Company.
Philadelphia	Jos. T. Ryerson & Son.
	Wheeling Corrugating Company.[1]
Pittsburgh	Scully Steel Products.
	Jones & Laughlin Steel Corporation.
	C. A. Turner Company.[1]
St. Louis	Jos. T. Ryerson & Son.
	Scully Steel Products.
St. Paul	Scully Steel Products.
San Francisco	A. M Castle & Company.
	Earle M. Jorgensen Company.
Seattle	A. M. Castle & Company.

[1] The prices of these firms are published list prices only as to the merchant wire product line.

(b) *Listed cities or free delivery areas in which Crucible Steel Company warehouse stocks of tool steel are located.* Atlanta; Boston; Buffalo; Chicago; Cincinnati; Cleveland; Denver; Detroit; Indianapolis; Los Angeles; Milwaukee; Newark; New Haven; New York; Philadelphia; Providence; St. Louis; San Francisco; Seattle; Springfield.

(c) Listed cities or free delivery areas in which National Tube Company's exclusive distributors of mechanical tubing are located.

Cambridge	Austin-Hastings Company.
Los Angeles	Ducommun Metals & Supply Company.
New York, Buffalo, Philadelphia	Peter A. Frasse & Company, Incorporated.
Cincinnati	E. K. Morris & Company, Incorporated.
Chicago, Detroit, Indianapolis, St. Louis	C. A. Roberts Company.
Cleveland	Strong, Carlisle & Hammond.
Atlanta	J. M. Tull Metal Supply Company.
Pittsburgh	Williams & Company.

§ 1306.161 *Appendix C; List of products.* The following iron and steel products and their alloys (including stainless) are "Iron or Steel Products" as defined in Price Schedule No. 6. They are therefore iron or steel products as defined in this Schedule, covering resale of iron or steel products. This list does not limit the inclusiveness of the definition. As interpretations are made, this list will be supplemented from time to time.

Ingots
Blooms
Billets
Slabs
Sheet Bars
Skelp
Tube rounds
Muck bar
Forging rounds
Bars and small shapes, new billet and rail steel—all types and grades including:
  Merchant
  Cold finished—carbon
  Concrete reinforcing
  Alloy-hot rolled; cold finished
  Hoops and baling bands
Tool steel bars (rolled and forged)
Plates—all types
Armor plate—forged, rolled and otherwise
Shapes including bearing piles
Sheets piling and accessories
Rails—all types
Track materials including:
  Tie plates
  Tie rods
  Track spikes
  Splice bars (joint bars, angle bars, rail joints, and fish plates)
  Ties
Axles, car wheels, or any combination, rolled or forged
Pipe and tube—plain, threaded and coupled—all types and grades, including:
  Conduit
  Spiral welded
  Mechanical tubing
  Boiler, pressure, and heat exchanger tubing
Black Plate
Tin plate—all types
Sheets and strip, including plain and corrugated; and roofing and siding of all types; including:
  Hot rolled
  Cold rolled
  Galvanized
  Ternes
  Enameling
  Electrical
  All other
Wire rods—all types and grades
Merchant wire products, including:
  Nails, staples, and brads
  Merchant quality wire
  Wire fencing, including woven, chain link and lawn
Bale ties and buckle wire
Posts—all types and accessories
Poultry and animal farm netting
Twisted barbless and barbed wire
Wire clothes line
Wire rope, wire strand, and special cords such as aircraft
Woven wire cloth—insect, hardware, and all other
Wire belting
Wire hoops
Communications and power transmission wire
Welded or woven wire fabrics for reinforcing

§ 1306.162 *Appendix D; exceptions to Price Schedule No. 49.* The following persons have been granted an exception under the terms of Price Schedule No. 49,

which exception has been defined and limited in certain letters. All action taken in reliance upon the terms of any exception shall be at the risk of the person acting until and unless official notification has been received by such persons pursuant to such application. Persons interested may secure the terms of such exception on application to the Office of Price Administration.

Name	Date Granted
State Export Company, 24 State Street, New York City	January 30, 1942.
Omni Products Corporation, 347 Fifth Ave., New York City	January 31, 1942.
Overseas Mercantile Company, 14–16 E. 38th St., New York City	January 31, 1942.
First Pan-American Mercantile Company, 19 Rector Street, New York City	December 27, 1941.
	January 6, 1942.
	January 14, 1942.
Import-Export Industries, Inc., 30 Rockefeller Plaza, New York City	January 29, 1942.
R. Maes Export and Import Corporation, 327 E. 29th Street, New York City	December 31, 1941.
T. J. MacDonald, 24 State Street, New York City	January 14, 1942.
Merx Foreign Trade Company, 1270 Sixth Avenue, New York City	December 31, 1941.
	January 8, 1942.
Coronia Trading Corporation, 175 Fifth Avenue, New York City	January 7, 1942.
Industrial Sales Corporation, 295 Madison Avenue, New York City	December 31, 1941.
	January 14, 1942.
Requisitioning Division, Board of Economic Warfare, Washington, D. C.; Mr. Lambo Kisselintcheff; and Atlas Trading Corporation, New York City.	January 19, 1942.
Requisitioning Division, Board of Economic Warfare, Washington, D. C.; Wessel-Duval & Company, New York City.	January 19, 1942.
Requisitioning Division, Board of Economic Warfare, Washington, D. C.; Mr. Frederic Rohner.	January 19, 1942.
Requisitioning Division, Board of Economic Warfare, Washington, D. C.; Mr. Lambo Kisselintcheff; and Atlas Trading Corporation, New York City.	January 24, 1942.
M. Paquet & Company, Inc., 17 Battery Place, New York City	January 31, 1942.
Vance Iron and Steel Company, Chattanooga, Tennessee	January 31, 1942.
Fisher Brothers Steel Corporation, 297–305 Morris Avenue, New York City	January 31, 1942.
Wimberly and Thomas Hardware Company, Birmingham, Alabama	January 31, 1942.
Roberts, Sanford & Taylor Company, Sherman, Texas	January 31, 1942.
Van Deren Hardware Company, Lexington, Kentucky	January 17, 1942.
Baker, Hamilton & Pacific Company, San Francisco, California	January 28, 1942.
Horace T. Potts Co., Philadelphia, Pa.	January 31, 1942.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4493)

This amendment No. 2 shall become effective February 2, 1942. Issued this 2d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-961; Filed, February 2, 1942; 5:18 p. m.]

[Revised to February 3, 1942]

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

AMENDMENT NO. 7 TO PRICE SCHEDULE NO. 7—COMBED COTTON YARNS AND THE PROCESSING THEREOF

The title of Price Schedule No. 7 is hereby amended to read as above and §§ 1307.1 to 1307.8, inclusive, are hereby amended so that Price Schedule No. 7 will read as follows:

§ 1307.1 *Maximum prices for combed yarns and for mercerizing, bleaching, and gassing.* (a) On and after the applicable ceiling date, regardless of the terms of any contract of sale or purchase or other commitment (except as provided in Appendix A, incorporated herein as § 1307.12), no person shall sell, offer to sell, deliver or transfer combed yarn and no person shall buy, offer to buy, accept delivery of combed yarn, at prices higher than the applicable maximum prices set forth in Appendix A: *Provided*, That the provisions of this Schedule shall not apply to retail sales of combed yarn.

(b) On and after the applicable ceiling date, regardless of the terms of any contract or other commitment, no person shall charge and no person shall pay for the mercerizing, bleaching, and/or gassing of combed yarn, prices higher than the applicable maximum prices set forth in Appendix A.*

*§ 1307.1 to 1307.12, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1307.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid, or offered.*

§ 1307.3 *Evasion.* (a) The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of combed yarn, or in connection with the mercerizing, bleaching, or gassing of combed yarn, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) No price agreed upon in any contract shall be charged by amendment of such contract, by substitution therefor of a new contract, or otherwise (whether or not such change is made pursuant to the terms of the original contract) if the change so effected results in an agreed price in excess of the maximum price applicable under § 1316.12 hereof, in accordance with the date the original contract was made, to the original contract or to deliveries pursuant thereto.*

§ 1307.4 *Records and reports.* (a) Every person making purchases or sales of combed yarn after February 2, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity and specifications of each kind or grade purchased or sold; (2) the quantity of combed yarn (i) on hand, and (ii) on order, as of the close of each calendar month; and (3) in the case of manufacturers (i) the quantity in pounds of each count of base-grade combed yarn manufactured during each calendar month and (ii) the quantity in pounds of each type of combed yarn, other than base-grade combed yarn, manufactured or sold during each calendar month, and the kind, grade, and staple of cotton used in each such type.

(b) Every person who, for a charge, mercerizes, bleaches, and/or gasses combed yarn after February 2, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such transaction, including (1) the name of the customer, (2) the date of the contract, (3) the count and ply of the yarn, (4) the service performed, and (5) the price charged.

(c) Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1307.5 *Details required in contract of sale and invoice.* (a) Every seller of combed yarn shall, with respect to every sale thereof, deliver to the purchaser a contract of sale which shall contain, in addition to the terms thereof, (1) the date on which the sale or contract of sale was made, and (2) a full description of the yarn sold, including (i) the count, (ii) the ply, and (iii) where, in conformity with this Schedule, a premium is charged, the feature of the yarn (including, when relevant, the kind of cotton used, the twist, and the put-up), of the packaging, or of the sale for which such premium is allowed.

(b) Every seller of combed yarn shall, with respect to each delivery thereof, transmit to the purchaser an invoice or similar document which shall either contain the information required by paragraph (a) above or make reference to the contract in which such information is set forth.*

§ 1307.6 *Affirmations of compliance.* On or before March 10, 1942, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month has purchased or sold combed yarn, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 107:2, containing a sworn statement that during such month all such purchases or sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 107:2 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1307.7 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof, and (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of combed yarn, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1307.8 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1307.9 *Definitions.* When used in this Schedule, the term

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Combed yarn" means grey and (unless otherwise specified) mercerized, gassed, and/or bleached combed cotton yarn of all qualities and specifications in numbers up to 120s, inclusive, and includes imported combed yarn;

(c) "Retail sales" means sales to the ultimate consumer: *Provided*, That no manufacturer, processor, purchaser for resale, or commercial user shall be considered an ultimate consumer;

(d) "Ceiling date" means the date, as specified in Appendix A, upon which a given maximum price becomes effective;

(e) "For export" means to a person outside the United States, its territories and possessions;

(f) "Spot cotton price" means the average, published daily by the United States Department of Agriculture, Agricultural Marketing Service, of the price quotations for middling 15/16-inch cotton on 10 designated spot markets.

(g) "Base-grade yarn" means grey combed yarn of all qualities falling within the following specifications:

Ply	Singles, two or three-ply
Twist	Regular or reverse
Turns per inch—	
Yarns sold as singles	2.75 to 3.74, inclusive, times the square root of the yarn number
Yarns sold after plying—	
Single twist	2.75 to 3.74, inclusive, times the square root of the yarn number
Plied twist	Up to 3.74, inclusive, times the square root of the number of the single yarn equivalent
Put-up	
Singles	Open-wind cones of the following dimensions: Yarn diameter at base 5" to 7", inclusive Traverse: 5½" to 6½", inclusive; on Open-wind parallel tubes of the following dimensions: Yarn diameter: 4" to 7", inclusive Traverse: 5½" to 6½", inclusive; or Round-tied skeins
Plied	Cones and tubes of the above descriptions; or Quiller warps; or Round-tied skeins
Cotton content	American cotton which, according to the respective count, does not exceed the following staple lengths: 10s to 24s, inclusive 1 1/16" 25s to 30s, inclusive 1 3/32" 31s to 44s, inclusive 1 1/8" 45s to 55s, inclusive 1 5/32" 56s to 70s, inclusive 1 3/16" 71s to 80s, inclusive 1 7/32" 81s to 90s, inclusive 1 1/4" 91s to 100s, inclusive 1 5/16" 110s to 120s, inclusive 1 3/8"

(h) "American cotton" includes all cotton grown in the United States except Sea Island, Pima, and SXP cotton;

(i) "Producer" includes a person who mercerizes, bleaches, and/or gasses combed yarn, whether for sale or on commission;

(j) "Purchaser" includes a person for whom a producer mercerizes, bleaches, and/or gasses combed yarn on commission.*

§ 1307.10 *Effective date of the Schedule.* This Schedule became effective May 26, 1941. [6 F.R. 2561, No. 102, May 24, 1941]*

§ 1307.11 *Effective dates of amendments.* (a) The amendment issued June 19, 1941, adding paragraph 1307.1 (c) and amending § 1307.7 became effective as of May 26, 1941. [6 F.R. 3010, No. 120, June 20, 1941]

(b) The amendment issued July 19, 1941, amending paragraph 1307.1 (a) and § 1307.7, became effective July 21, 1941. [6 F.R. 3593, No. 141, July 22, 1941]

(c) The amendment issued August 1, 1941, amending § 1307.7, became effective as of July 21, 1941. [6 F.R. 3864, No. 150, August 2, 1941]

(d) Amendment No. 4, issued December 24, 1941, amending § 1307.7, became effective December 24, 1941. [6 F.R. 6767, No. 251, December 27, 1941]

(e) Amendment No. 5, issued January 5, 1942, amending § 1307.7 (b) (3), became effective as of December 24, 1941. [7 F.R. 121, No. 3, January 6, 1942]

(f) Amendment No. 6, issued January 21, 1942, amending § 1307.7 (b) (3), became effective as of January 14, 1942. [7 F.R. 474, No. 16, January 23, 1942]*

(g) Amendment No. 7, issued February 2, 1942, revising the entire schedule, shall be effective February 3, 1942.*

§ 1307.12 *Appendix A; maximum prices for combed yarns and for mercerizing, bleaching, and/or gassing thereof*—(a) *Arrangement of Appendix.* Paragraph (b) sets forth the terms of sale and of delivery to be observed in connection with the maximum prices established in this Schedule.

Paragraph (c) recapitulates the maximum prices established for grey combed yarns prior to December 24, 1941. Grey combed yarns delivered against contracts entered into prior to that date are subject to these maximum prices.

Paragraph (d) contains maximum prices applicable to (1) all sales and deliveries of single, two and three-ply grey combed yarns except deliveries against contracts entered into prior to December 24, 1941; (2) all sales and deliveries of grey combed yarn of four or more ply and of mercerized, bleached, and/or gassed combed yarns on or after February 3, 1942; and (3) all contracts for commission mercerizing, bleaching, and/or gassing entered into on or after February 3, 1942 and all deliveries after that date of yarn mercerized, bleached, and/or gassed on commission.

(b) *Terms of sale*—(1) *Freight; (i) Sales and deliveries by producers.* As applied to sales and deliveries by the producer, the maximum prices established herein include freight up to one cent per pound to the purchaser's place of business. The producer may require the purchaser to pay any freight in excess of one cent per pound. If the producer does not pay the freight, the maximum price shall be that shown herein less freight (up to one cent per pound) at the lowest published rate. In the case of sales or deliveries for export, if export is by sea, the seaport from which the yarn is shipped, or, if export is overland, the point at which the yarn leaves the United States, shall be regarded as the purchaser's place of business.

(ii) *Sales and deliveries of stock yarn.*[1] As applied to sales and deliveries of stock yarn, the maximum prices established herein are prices f. o. b. the stock-yarn seller's shipping point.

(2) *Discounts and commissions.* The maximum prices established by this Schedule are gross prices before any dis-

[1] As used in this Schedule, the term "stock yarn" means combed yarn owned by a person independent of the producer thereof and stored in space (1) belonging to or leased by such person and (2) located within 25 miles of his principal place of business; the term "independent" means not controlling, controlled by, or under common control with.

counts are deducted and they include all commissions.

The maximum prices for combed yarns (as distinguished from those for commission mercerizing, bleaching, and/or gassing) established in Paragraph (d) below, shall be discounted by 2 per cent where payment is made within 30 days of delivery.

(c) *Maximum prices for grey combed yarns covered by contract of sale prior to December 24, 1941.* Grey combed yarns of the following specifications which, prior to December 24, 1941, were covered by a sale or contract of sale but not delivered pursuant thereto, shall not be delivered to the purchaser at prices in excess of those set forth below.

Prices per Pound for Grey Combed Peeler Yarns [3]

Yarn Nos.	Single	2-ply
10s	$.385	$.425
12s	.39	.43
14s	.395	.435
16s	.40	.44
18s	.405	.445
20s	.41	.45
24s	.42	.46
26s	.43	.47
30s	.45	.49
36s	.48	.53
38s	.49	.54
40s	.50	.55
50s	.58	.63
60s	.67	.72
70s	.77	.82
80s	.87	.92
90s	1.00	1.12
90s	1.08	1.20
100s	1.28	1.42
110s		1.64
120s		1.88

The maximum prices set forth above are not applicable to deliveries of grey combed yarn which is to be exported outside the territory of the United States, regardless of whether such export is to be effected through a middleman: *Provided*, That yarn delivered for export shall not subsequently be sold or delivered for use within the territory of the United States at more than the maximum prices set forth above.

The maximum prices set forth above have been effective since July 21, 1941, which constitutes the ceiling date therefor.

(d) *Combed yarns not covered by contract prior to December 24, 1941; mercerizing, bleaching, and/or gassing*—(1) *Applicability of maximum prices in paragraph (d).* The maximum prices established in paragraph (d) apply to all sales and deliveries of single, two and three-ply grey combed yarns on and after December 24, 1941; to all sales and deliveries of grey combed yarn of four or more ply and of mercerized, bleached and/or gassed combed yarns on or after February 3, 1942; and to all contracts for and deliveries against contracts for commission mercerizing, bleaching, and/or gassing of combed yarn after February 3, 1942.

(2) *Determination of maximum price for combed yarns.* The maximum price for any offer to buy or sell, sale or contract of sale, delivery or transfer of combed yarn shall be determined from the tables in (3) below, as qualified by (4) below, in the following manner:

(i) *Offer to buy or sell.* By the spot cotton price of the business day immediately preceding that on which the offer was made, except that, if the offering price is not otherwise specified, an offer to buy or sell at the maximum price applicable on the day the contract of sale is to be made shall not be a violation of the schedule;

(ii) *Sale or contract of sale.* By the spot cotton price of the business day immediately preceding the day on which the sale or contract of sale is made, regardless of the maximum price applicable to the offer pursuant to which such sale or contract is made;

(iii) *Delivery or transfer.* [4] By the spot cotton price of the business day immediately preceding that on which the sale or contract of sale is made, regardless of any change in the spot cotton price subsequent thereto.

(3) *Tables of maximum prices for combed yarns.* For a yarn number intermediate between any two appearing in Table I or in Table II, the maximum price shall be that price obtained from these tables by interpolation in accordance with the respective yarn numbers.

TABLE I—*Yarn numbers up to 50s*

[Cents per pound]

Yarn Nos.	Singles	Plied
10s and under	38	41
12s	38.5	41.5
14s	39	42
16s	39.5	42.5
18s	40	43
20s	40.5	44
22s	41	45
24s	42	46
26s	43	47
28s	44	48
30s	45	49
32s	46	50.5
34s	47	52
36s	48.5	53.5
38s	50	55
40s	51.5	57
42s	53	59
44s	55	61
46s	57	63
48s	59	65

The above prices shall be adjusted as follows in accordance with the spot cotton price:

Spot cotton price (cents per pound)	*Adjustment*
14.38 to 14.77, inclusive	Deduct 2 cents per lb.
14.78 to 15.17, inclusive	Deduct 1½ cents per lb.
15.18 to 15.58, inclusive	Deduct 1 cent per lb.
15.59 to 15.98, inclusive	Deduct ½ cent per lb.
15.99 to 16.38, inclusive	None
16.39 to 16.79, inclusive	Add ½ cent per lb.
16.80 to 17.19, inclusive	Add 1 cent per lb.
17.20 to 17.59, inclusive	Add 1½ cents per lb.
17.60 to 18.00, inclusive	Add 2 cents per lb.
18.01 to 18.40, inclusive	Add 2½ cents per lb.
18.41 to 18.80, inclusive	Add 3 cents per lb.
18.81 to 19.20, inclusive	Add 3½ cents per lb.
19.21 to 19.61, inclusive	Add 4 cents per lb.
19.62 to 20.01, inclusive	Add 4½ cents per lb.

TABLE II—*Yarn numbers 50s and above*

[Cents per pound]

Yarn Nos.	Singles	Plied
50s	61	67
52s	63	69
54s	65	71
56s	67	73
58s	69	75.5
60s	71	78
62s	73	80
64s	75	82
66s	77	84
68s	79	86.5
70s	81	89
72s	83	91
74s	85	93

TABLE II—*Yarn numbers 50s and above*—Continued

[Cents per pound]

Yarn Nos.	Singles	Plied
76s	87	95
78s	89	97
80s	91	99
82s	93	103
84s	96	107
86s	100	112
90s	108	120
100s	128	142
110s		164
120s		188

The above prices shall be adjusted as follows in accordance with the spot cotton prices:

Spot cotton price (cents per pound)	*Adjustment*
14.53 to 14.89, inclusive	Deduct 2 cents per lb.
14.90 to 15.25, inclusive	Deduct 1½ cents per lb.
15.26 to 15.62, inclusive	Deduct 1 cent per lb.
15.63 to 15.98, inclusive	Deduct ½ cent per lb.
15.99 to 16.35, inclusive	None.
16.36 to 16.71, inclusive	Add ½ cent per lb.
16.72 to 17.08, inclusive	Add 1 cent per lb.
17.09 to 17.44, inclusive	Add 1½ cents per lb.
17.45 to 17.81, inclusive	Add 2 cents per lb.
17.82 to 18.17, inclusive	Add 2½ cents per lb.

[3] The above prices apply only to grey combed cotton yarns of ordinary commercial quality. For yarns with excess twist, reverse twist, three or more ply, high break, or requiring the use of extra length American cotton, Pima cotton, Egyptian cotton, or Sea Island cotton a premium over the above prices may be charged to cover the additional cost involved in manufacturing these special qualities.

[4] Except as is otherwise provided herein, this method of determining the maximum price shall be used in connection with deliveries and transfers pursuant to sales or contracts of sale made before, as well as on or after, the applicable ceiling date.

[3] 6 F.R. 2561, N. 102, May 24, 1941; 6 F.R. 3010, No. 120, June 20, 1941; 6 F.R. 3563, No. 141, July 22, 1941; 6 F.R. 3864, No. 150, August 2, 1941.

Spot cotton price (cents per pound)—Continued	*Adjustment*
18.18 to 18.54, inclusive	Add 3 cents per lb.
18.55 to 18.90, inclusive	Add 3½ cents per lb.
18.91 to 19.27, inclusive	Add 4 cents per lb.
19.28 to 19.63, inclusive	Add 4½ cents per lb.
19.64 to 20.00, inclusive	Add 5 cents per lb.

(4) *Premiums.* Where applicable, the premiums set forth below may be charged in addition to the maximum prices set forth in (3) above.

No premiums may be charged for any combed yarn except as permitted herein.

(i) *Export packaging.* For yarns in waterproof packaging to be exported by sea, a premium of one cent per pound may be charged.

(ii) *Export sales.* A premium of 5 per cent may be charged by the producer for combed yarns sold for export.[5]

Persons other than the producer, and independent [7] of him, may charge for yarns sold for export a premium which can be justified as commensurate with the difference in cost between the given export sale and a comparable domestic sale.

(iii) *Jobbers.* A jobber [6] who is independent [7] of the producer may:

(*a*) Sell broken-case lots of combed yarn in quantities of 1,500 pounds or less per calendar month to a given customer at a premium of 10 percent, and in quantities in excess thereof (but not exceeding 15,000 pounds in any calendar month to all his customers) at a premium of 5 percent;

(*b*) Sell combed yarn in lots of 1 to 3 unbroken cases at a premium of 5 percent: *Provided*, That he may not avail himself of this premium in connection with sales in any calendar month in excess of (1) 3,000 pounds to the same customer or (2) 20,000 pounds to all his customers.

(iv) *High twist.* For turns per inch exceeding the range provided for in the specifications for base-grade yarns, premiums may be charged in accordance with the following tables:

Single Twist

[All numbers herein inclusive]

Yarn Nos.	Multiples [8] 3.75 to 4.24	Multiples 4.25 to 4.74	Multiples 4.75 to 5.24	Multiples 5.25 and up
	Cents per pound			
Up to 30s	.20	.60	.95	1.35
31s to 40s	.30	.85	1.35	1.90
41s to 50s	.40	1.20	2.00	2.75
51s to 60s	.55	1.60	2.65	3.75
61s to 70s	.70	2.05	3.40	4.80
71s to 80s	.85	2.55	4.20	5.90
81s to 90s	1.00	3.05	5.10	7.10
91s to 100s	1.20	3.60	6.00	8.40
101s to 120s	1.65	4.90	8.15	11.40

[8] As used in this Table "multiple" means the quotient of the number of turns per inch divided by the square root of the yarn number.

Plied Twist [9]

[All numbers herein inclusive]

Yarn Nos.	Multiples [10] 3.75 to 4.24	Multiples 4.25 to 4.74	Multiples 4.75 to 5.24	Multiples 5.25 and up
	Cents per pound			
Up to 30s	.35	.50	.65	.75
31s to 40s	.50	.70	.85	1.05
41s to 50s	.70	.85	1.05	1.20
51s to 60s	.90	1.15	1.40	1.60
61s to 70s	1.15	1.50	1.75	2.05
71s to 80s	1.45	1.80	2.20	2.55
81s to 90s	1.75	2.20	2.65	3.10
91s to 100s	2.10	2.60	3.10	3.60
101s to 120s	2.70	3.15	3.60	4.05

[9] If the single, as well as the plied, twist of a plied yarn exceeds that provided for in the base-grade specifications, the applicable premium set forth in the "Single Twist" Table, above may be charged in addition to the premium for plied twist set forth herein.

[10] As used in this Table, "multiple" means the quotient of the number of turns per inch divided by the square root of the number of the single-yarn equivalent of the plied yarn.

(v) *Put-up.* For yarns in the following put-ups, premiums may be charged as indicated.

Put-up	Yarn Nos.	Premium
Perforated dye tubes (without socks)	10s to 50s	1.00 cents per lb.
	51s to 120s	2.00 cents per lb.
(with socks)	10s to 50s	2.00 cents per lb.
	51s to 120s	3.00 cents per lb.
Cross-tied skeins	10s to 20s	.50 cents per lb.
	21s to 50s	1.00 cents per lb.
	51s to 80s	2.00 cents per lb.
	81s to 120s	3.00 cents per lb.

(vi) *Special yarns for defense.* The premiums set forth below may be charged for yarn of the following constructions: *Provided*, That (*a*) the yarn is made for use in the manufacture of products to meet the specification named below opposite the construction of the yarn sold; (*b*) the purchaser of the yarn shall certify in writing to the seller, before any delivery is made, that the yarn is to be so used; and (*c*) yarns entitled to carry any of the premium set forth below shall not be eligible for any other premium established by this Schedule.

Yarn construction	When made for use in products to meet	Allowable premium (cents per pound)
17/1	Army Specification P. Q. D. No. 1 (Wind Resistant Cotton Cloth), December 13, 1940	5.25
20/1	....do	5.25
40/2	....do	8.75
12/1	Type I or II, Army Specification P. Q. D. 33-A (Cloth, Cotton, Uniform, Twill), December 9, 1941	5.25
24/2	....do	13.00
36/2	....do	10.25
40/2	Type I Quartermaster Corps Tentative Specification P. Q. D. No. 82 (Netting, Mosquito, Cotton, O. D.), July 30, 1941	4.00
55/1	Type II Quartermaster Corps Tentative Specification P. Q. D. No. 82 (Netting, Mosquito, Cotton, O. D.), July 30, 1941	10.25
60/2	Type III Quartermaster Corps Tentative Specification P. Q. D. No. 82 (Netting, Mosquito, Cotton, O. D.), July 30, 1941	4.00

(vii) *Mercerized, bleached, and/or gassed yarns.* For combed yarns which are mercerized, bleached, and/or gassed, premiums may be charged as follows: [11]

Premiums for mercerized, bleached, and/or gassed yarns maximum prices for mercerizing, bleaching, and gassing

[Cents per pound]

Yarn Nos. (inclusive)	Single Yarns		Plied Yarns		
	Mercerizing [12]	Bleaching [12]	Mercerizing [13]	Bleaching [14]	Gassing [14]
20s to below	28	12	15	7	3
21s to 30s	29	13.5	16.75	8	3
31s to 40s	31	15.25	18.5	9	3
41s to 50s	33.5	17	20	9	4
51s to 60s	38	19	21	9	4
61s to 70s	43	21.25	23	10	5
71s to 80s	49	23.5	27	11	7
81s to 90s	55	27.5	32.5	12	8
91s to 120s	62	30.5	40	12	9

[11] Includes quilling and winding.

[12] Includes winding from bobbins to springs and from springs to cones.

[13] No extra charge is allowable for quilling or winding.

(viii) *Other premium yarns; reports on sales thereof.* A premium may be charged for (*a*) combed yarns in put-ups or of plies other than, or of twist slacker than, those provided for in the specifications for base-grade yarn and (*b*) combed yarns which, in order to meet breaking-strength requirements reason-

[11] The premiums set forth herein for mercerized, bleached, and/or gassed combed yarns also constitute maximum prices for mercerizing, bleaching, and/or gassing of combed yarn.

The maximum prices established in this Price Schedule do not apply to unmercerized bleached plied combed yarn or to the bleaching of plied combed yarn except in conjunction with the mercerizing thereof.

[5] See § 1307.9 (c) for definition of "for export".

[6] As used herein, "jobber" means a person at least 75 percent of whose sales of combed yarn during the calendar month preceding any given transaction consisted of stock-yarn sales. See footnote 1, above, for definition of "stock yarn."

[7] See footnote 1, above.

ably related to the use to which they are to be put, are made with American cotton of staple lengths greater than those provided for in the specifications for base-grade yarn or of Sea Island, SXP, Pima, or Egyptian cotton: *Provided*, That such premium shall not exceed the difference in value of materials and in production costs between such yarn and the most nearly comparable yarn for which a specific maximum price is established in this Schedule.

On or before March 10, 1942, and on or before the 10th day of each month thereafter every person who during the preceding calendar month has sold 5,000 pounds or more of combed yarn of his own manufacture at a premium permissible under (a) or (b) above, shall file with the Office of Price Administration a report of such sales on Form No. 107:3.

(5) *Ceiling date.* The maximum prices established in Paragraph (d) for single, two and three-ply grey combed yarns shall be effective as of December 24, 1941, which shall constitute the ceiling date for such prices.

The maximum prices established in Paragraph (d) for grey combed yarns of four or more ply; for mercerized, bleached, and/or gassed combed yarns; and for mercerizing, bleaching, and/or gassing, shall become effective February 3, 1942, which shall constitute the ceiling date for such prices.[6]

This Amendment No. 7 shall become effective February 3, 1942. Issued this 2d day of February, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-980; Filed, February 2, 1942; 5:26 p. m.]

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

AMENDMENT NO. 3 TO PRICE SCHEDULE NO. 33—CARDED COTTON YARN

Section 1307.51 is amended by deleting paragraph (b) thereof and redesignating paragraph (c) as paragraph (b);

Paragraph (b) of § 1307.58 is amended; § 1307.60 is amended; paragraph (e) is added to § 1307.58; and §§ 1307.61 and 1307.62 are added to the Schedule, to read as follows:

§ 1307.58 *Definitions.*

• • • • • •

(b) "Carded cotton yarn" means carded cotton yarn of all qualities of the specifications for which maximum prices are established in Appendix A;

• • • • • •

(e) "For export" means to a person outside the United States, its territories and possessions.

• • • • • •

§ 1307.60 *Appendix A; maximum prices for carded cotton yarn*—(a) *Terms of sale*—(1) *Freight*—(i) *Sales and deliveries by producers.* As applied to sales and deliveries by the producer, the maximum prices established herein include freight up to one cent per pound to the purchaser's place of business. The producer may require the purchaser to pay any freight in excess of one cent per pound. If the producer does not pay the freight, the maximum price shall be that shown herein less freight (up to one cent per pound) at the lowest published rate. In the case of sales or deliveries for export, if export is by sea, the seaport from which the yarn is shipped, or, if export is overland, the point at which the yarn leaves the United States, shall be regarded as the purchaser's place of business.

(ii) *Sales and deliveries of stock yarn.*[1] As applied to sales and deliveries of stock yarn, the maximum prices established herein are prices f. o. b. the stock-yarn seller's shipping point.

(2) *Discounts and commissions.* The maximum prices established by this Schedule are gross prices before any discounts are deducted and they include commissions and all other charges.

The maximum prices for carded yarns established in paragraph (b) below shall be discounted by two per cent when payment is made within thirty days of delivery.

(b) *Maximum prices*—(1) *Determination of maximum price.* The maximum price for any offer to buy or sell, sale or contract of sale, delivery or transfer of carded cotton yarn shall be determined from (2) below, as qualified by (3) below, in the following manner.

[1] As used in this Schedule, the term "stock yarn" means carded yarn owned by a person independent of the producer thereof and stored in space (1) belonging to or leased by such person and (2) located within twenty-five miles of his principal place of business; the term "independent" means not controlling, controlled by, or under common control with.

(i) *Offer to buy or sell.* By the cotton spot price[2] of the business day immediately preceding that on which the offer was made except that, if the offering price is not otherwise specified, an offer to buy or sell at the maximum price applicable on the day the contract of sale is to be made shall not be a violation of the Schedule.

(ii) *Sale or contract of sale.* By the cotton spot price of the business day immediately preceding the day on which the sale or contract of sale is made, regardless of the maximum price applicable to the offer pursuant to which such sale or contract is made.

(iii) *Delivery or transfer.*[3] By the cotton spot price of the business day immediately preceding that on which the sale or contract of sale is made, regardless of any change in the cotton spot price subsequent thereto, except that, when the sale or contract of sale was made on or before July 20, 1941, the applicable maximum price shall be determined on the basis of a cotton spot price of 15.99 cents per pound.

(2) *Table of base maximum prices.* The following are base maximum prices for all carded yarns. They are subject to the premiums and discounts set forth in (3) below. For a yarn intermediate between any two appearing in this table, the maximum price shall be that price obtained from this table by interpolation in accordance with the respective yarn numbers.

[2] The term "cotton spot price," when used herein, means the average, published daily by the United States Department of Agriculture, Agricultural Marketing Service, of the price quotations for middling 15/16-inch cotton on ten designated spot markets.

[3] This method of determining the maximum price shall be used in connection with deliveries and transfers pursuant to sales or contracts of sale made before, as well as on or after, the applicable ceiling date.

Yarn No.	Cotton spot prices (cents per pound)											
	14.21 to 14.66	14.66 to 15.09	15.10 to 15.54	15.55 to 15.98	15.99 to 16.43	16.44 to 16.87	16.88 to 17.32	17.33 to 17.76	17.77 to 18.21	18.22 to 18.65	18.66 to 19.10	19.11 to 19.54	19.55 to 19.99
	Cents per pound												
Single:													
8s and under	33	33.5	34	34.5	35	35.5	36	36.5	37	37.5	38	38.5	39
10s	33.5	34	34.5	35	35.5	36	36.5	37	37.5	38	38.5	39	39.5
12s	34	34.5	35	35.5	36	36.5	37	37.5	38	38.5	39	39.5	40
14s	34.5	35	35.5	36	36.5	37	37.5	38	38.5	39	39.5	40	40.5
16s	35	35.5	36	36.5	37	37.5	38	38.5	39	39.5	40	40.5	41
18s	35.5	36	36.5	37	37.5	38	38.5	39	39.5	40	40.5	41	41.5
20s	36	36.5	37	37.5	38	38.5	39	39.5	40	40.5	41	41.5	42
24s	37	37.5	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43
26s	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44
30s	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5	46
36s	43	43.5	44	44.5	45	45.5	46	46.5	47	47.5	48	48.5	49
38s	44	44.5	45	45.5	46	46.5	47	47.5	48	48.5	49	49.5	50
40s	45	45.5	46	46.5	47	47.5	48	48.5	49	49.5	50	50.5	51
50s	53	53.5	54	54.5	55	55.5	56	56.5	57	57.5	58	58.5	59
Plied:													
8s and under	37	37.5	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43
10s	37.5	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5
12s	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44
14s	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5
16s	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45
18s	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5
20s	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5	46
24s	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5	46	46.5	47
26s	42	42.5	43	43.5	44	44.5	45	45.5	46	46.5	47	47.5	48
30s	44	44.5	45	45.5	46	46.5	47	47.5	48	48.5	49	49.5	50
36s	48	48.5	49	49.5	50	50.5	51	51.5	52	52.5	53	53.5	54
38s	49	49.5	50	50.5	51	51.5	52	52.5	53	53.5	54	54.5	55
40s	50	50.5	51	51.5	52	52.5	53	53.5	54	54.5	55	55.5	56
50s	58	58.5	59	59.5	60	60.5	61	61.5	62	62.5	63	63.5	64

[4] See § 1307.58 for definition of "for export".

[5] See footnote 1 above, for definition of independent.

[6] As used herein, "jobber" means a person at least seventy-five per cent of whose sales of carded yarn during the calendar month preceding any given transaction consisted of stock yarn sales. See footnote 1, above, for definition of "stock yarn".

[7] See footnote 1, above.

[8] Yarn numbers:

	Staple
Up to 24s, inclusive	1 1/16
25s to 30s, inclusive	1 3/32
31s to 44s, inclusive	1 1/8
45s to 55s, inclusive	1 5/32
56s to 70s, inclusive	1 7/32
71s to 80s, inclusive	1 9/32
81s to 90s, inclusive	1 1/4
91s to 100s, inclusive	1 5/16
Over 100s	1 3/8

As used herein, the term "American cotton" means all kinds of cotton grown in the United States except Sea Island, S × P, and Pima.

(3) *Premiums and discounts.* Where applicable, the premiums set forth below may be charged in addition to the base maximum prices set forth in (2) above.

No premiums other than those permitted herein may be charged for any carded yarn.

(i) *Export packaging.* For yarns in waterproof packaging to be exported by sea, a premium of one cent per pound may be charged.

(ii) *Export sales.* A premium of five per cent may be charged by the producer for carded yarns sold for export.[4]

Persons other than the producer, and independent[5] of him, may charge for yarns sold for export a premium which can be justified as commensurate with the difference in cost between the given export sale and a comparable domestic sale.

(iii) *Jobbers.* A jobber[6] who is independent[7] of the purchaser may:

(a) Sell broken case lots of carded yarn in quantities of 1,500 pounds or less per calendar month to a given customer at a premium of ten per cent, and in quantities in excess thereof (but not exceeding 15,000 pounds in any calendar month to all his customers) at a premium of five per cent;

(b) Sell carded yarn in lots of 1 to 3 unbroken cases at a premium of five per cent: *Provided*, That he may not avail himself of this premium in connection with sales in any calendar month in excess of (1) 3,000 pounds to the same customer or (2) 20,000 pounds to all his customers.

(iv) *Special yarns.* A premium equal to the normal trade differential may be charged in addition to the bas maximum prices set forth in (2) above for

(a) carded yarns of twist lower than knitting or higher than warp twist;

(b) carded yarns put up otherwise than on regular-sized cones or tubes or in skeins;

(c) carded yarns made to tensile specifications which cannot be met with American cotton of the applicable staple length set forth below; [8]

(d) carded yarns which, because of special inspection, have regularly sold at a premium; and

(e) yarns with special constructions.

(v) *Tinged and part-waste yarn.* The maximum price for any tinged or part-waste carded yarn shall be the base maximum price set forth in (2) above, less the normal trade differential.

(c) *Ceiling date.* The maximum prices established herein become effective on February 3, 1942, which shall constitute the ceiling date for all carded yarns.

§ 1307.61 *Effect of amendments.* Unless the contrary is expressly provided in any amendment to this Schedule:

(a) such amendment shall not be deemed to affect the provisions of the Schedule as they stood prior to such amendment;

(b) it shall be permissible for any person to make or accept delivery of carded yarns at the price agreed upon in a contract of sale or purchase entered into prior to such amendment, if such price was subject to and in conformity with this Schedule when such contract was made;

(c) deliveries made pursuant to contracts entered into prior to the effective date of such amendment shall not be made or accepted at prices higher than the maximum price applicable under the terms of this Schedule as in effect when the contract was made.

§ 1307.62 *Effective dates of amendments.* (a) Amendment No. 1 became effective as follows:

(1) That portion thereof designated as A became effective November 27, 1941.

(2) That portion thereof designated as B became effective as of October 6, 1941.

(b) Amendment No. 2 became effective as of October 6, 1941.

(c) Amendment No. 3 is effective February 2, 1942.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment, No. 3, shall become effective February 2, 1942. Issued this 2d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-966; Filed, February 2, 1942; 5:20 p. m.]

PART 1309—COPPER AND COPPER ALLOYS

AMENDMENT NO. 3 TO PRICE SCHEDULE NO. 20—COPPER SCRAP

Paragraph (c) of § 1309.70 is hereby amended by adding the following footnote thereto:

§ 1309.70 *Appendix A; maximum prices.*

• • • • • •

(c) *Special purpose copper scrap.*[1]

[1] Pursuant to this paragraph the Administrator has granted the following special premiums:

a. Metals Refining Company, Hammond, Indiana, by a letter dated December 4, 1941—Permission to purchase not in excess of 120 tons of scrap copper wire per month during the period December 1, 1941 to June 1, 1942 at a price not in excess of 11¼¢ per pound f. o. b. shipping point, such wire to be specially selected and prepared to meet that company's specifications calling for soft copper wire no larger than 6 B & S nor smaller than 18 B & S wire gauge, entirely free from solder ends, insulation, lacquer, ash or any other foreign substance, and packed in loose bales or coils.

b. The Sherwin-Williams Company, Bound Brook, New Jersey, by a letter dated December 22, 1941—Permission to purchase not in excess of 50 tons of scrap copper wire per month during the period November 1, 1941 to June 1, 1942 at a price not in excess of 11¼¢ per pound f. o. b. shipping point, such wire to be specially selected and prepared to meet that company's specifications calling for copper wire containing not less than 98% copper, reasonably free from tin and containing 80% or more of 10 gauge or smaller wire, packed in loose bales, boxes or barrels.

c. Superior Copper Products Company, Chicago, Illinois, by a letter dated December 10, 1941—Permission to purchase not in excess of 120 tons of scrap copper wire per month during the period December 1, 1941 to June 1, 1942 at a price not in excess of 11¼¢ per pound f. o. b. shipping point, such wire to be specially selected and prepared to meet that company's specifications calling for strictly No. 1 copper wire no larger than 8 B&S wire gauge and no smaller than 16 B&S wire gauge, free from all tin, lead, solder, insulation, connections, lugs, et cetera and packed in bales. Each of the foregoing exceptions was conditioned upon the use of all such copper scrap in the manufacture of copper powder, copper sulphate or other chemicals; upon compliance with all requirements of the War Production Board; and upon the furnishing of a report to the Office of Price Administration at the end of each month giving the amount of scrap purchased during the month, the dates of purchase and delivery, the name of the buyer, and the price paid.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 3 shall become effective on February 2, 1942. Issued this 2d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc 42-975; Filed, February 2, 1942; 5:24 p. m.]

PART 1316—COTTON TEXTILES

AMENDMENT NO. 9 TO PRICE SCHEDULE NO. 11—FINE COTTON GREY GOODS

Paragraph (b) of § 1316.11 is amended to read as follows:

Table I of subparagraph (4) of Paragraph (d) of § 1316.13 is amended by deleting footnote 1 thereto and by amending the premium for dobby looms to read as follows:

Table II of subparagraph (4) of paragraph (d) of § 1316.13 is amended as of December 24, 1941, by deleting that portion thereof which sets forth maximum prices for Filling Sateens;

Section 1316.14 is added to the Schedule to read as follows:

§ 1316.11 *Definitions.*

• • • • • •

(b) "Fine cotton goods" means (i) cotton grey goods made wholly or in part of combed yarn but, unless otherwise specified, refers only to goods of the types and specifications for which maximum prices are established in Appendix A;

• • • • • •

§ 1316.13 *Appendix A; maximum prices for fine cotton goods.*

* * * * *

(d) *Fine cotton goods not covered by contract prior to December 24, 1941*

* * * * *

(4) *Maximum price tables*

TABLE I

* * * * *	
Weaves requiring dobby loom:	
Weaves requiring 16 harnesses or less	1¼¢ per yard. [1]
Weaves requiring more than 16 harnesses	1½¢ per yard. [1]
* * * * *	

[1] If a premium is charged for dobby weave, no premium may be charged for fancy draw or for slubs.

§ 1316.14 *Effect of amendments.* Unless the contrary is expressly provided in any amendment to this Schedule:

(a) such amendment shall not be deemed to affect the provisions of the Schedule as they stood prior to such amendment;

(b) it shall be permissible for any person or make or accept delivery of fine cotton grey goods at the price agreed upon in a contract of sale or purchase entered into prior to such amendment, if such price was subject to and in conformity with this Schedule when such contract was made;

(c) deliveries made pursuant to contracts entered into prior to the effective date of such amendment shall not be made or accepted at prices higher than the maximum price applicable under the terms of this Schedule as in effect when the contract was made.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 9, except as is otherwise provided herein, shall become effective February 2, 1942. Issued this 2d day of February, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-965; Filed, February 2, 1942; 5:20 p. m.]

PART 1316—COTTON TEXTILES

AMENDMENT NO. 5 TO PRICE SCHEDULE NO. 35—CARDED GREY AND COLORED-YARN COTTON GOODS

Paragraph (a) of § 1316.55 is amended to read as follows:

Section 1316.61 is amended as follows: Table I of subparagraph (4) of paragraph (b) is amended to read as follows; the explanatory material immediately beneath the caption of Table II of subparagraph (4) of paragraph (b) is amended to read as follows; footnote 1 to Table IV of subparagraph (4) of paragraph (b) is amended as of October 21, 1941, to read as follows; the second paragraph of footnote 1 to Table V of subparagraph (4) of paragraph (b) is amended as of November 27, 1941, to read as follows; subparagraph (5) of paragraph (c) is amended, as of January 6, 1942, to read as follows; and subparagraph (6), reading as follows, is added to paragraph (c).

Section 1316.62, reading as follows, is added to the Price Schedule:

§ 1316.55 *Details required in contract of sale and invoice.* (a) Every seller of cotton goods shall, with respect to each sale thereof, deliver to the purchaser a contract of sale which shall contain, in addition to the terms thereof, (1) the date on which the sale or contract of sale was made; (2) a full description of each construction of cotton goods sold, including (i) the width; (ii) in the case of grey goods, the cloth count; (iii) the number of yards per pound; (iv) where necessary to determine the applicable maximum price, the yarn numbers used in the warp and filling, or the average yarn numbers, as the case may be; and (v) where, in conformity with the Schedule, a premium is charged or deduction made, the feature of the goods or of their manufacture for which such premium is allowed or deduction required; and (3) the discount, if any, allowed for prompt payment.

* * * * *

§ 1316.61 *Appendix A; maximum prices for cotton goods.*

* * * * *

(b)

* * * * *

(4) *Maximum price tables.*

TABLE I

In addition to the maximum prices set forth in the following tables, the following premiums for special manufacturing processes may be charged. None of the premiums allowable hereunder is applicable, however, to osnaburgs delivered against contracts entered into prior to January 23, 1942, or to print cloths of Class B or C; to any fabric excepted below; or to any fabric which, in its standard construction, is normally manufactured by means of the process on which such premium is predicated.

Name of manufacturing process	*Premium*
Feeler motion	¼¢ per yd.[2]
Weaves requiring five or more cams:	
Weaves, other than plain, which (exclusive of selvage) require five cams.	¼¢ per yd.[2]
Weaves, other than plain, which (exclusive of selvage) require six or more cams.	½¢ per yd.[2]

[1] This premium, which is not applicable to cloths other than sheetings, osnaburgs, carded broadcloth, and Class A print cloths, is effective January 23, 1942. In connection with deliveries against contracts entered into between October 21, 1941, and January 22, 1942, inclusive, a premium of one cent per pound is allowable for feeler motion when used in the production of sheetings and Class A print cloths.

[2] Effective December 29, 1941. In connection with deliveries against contracts entered into between October 21 and December 28, 1941, inclusive, premiums are allowable (except on twills and drills of the types and classes listed in Table III–A) as follows:

Weaves which, including selvage, require five cams	¼¢ per yd.
Weaves which, including selvage, require 6 or more cams	½¢ per yd.

Name of manufacturing process—Continued	*Premium*
Weaves requiring dobby looms:	
Weaves requiring 16 harnesses or less.	1¼¢ per yd.[3]
Weaves requiring more than 16 harnesses.	1½¢ per yd.[3]
Fancy draw:	
For ply cords, bunched ends, skip dents, double draw (2 ends or more weaving as one), reverse-twist warp stripes, or any other novelty draw, or for any combination of the above.	½¢ per yd.
Each extra beam	½¢ per yd.
Hard twist:	
Warp yarn: where turns per inch equal 5¼ or more times the square root of yarn size.	½¢ per yd.
Filling yarn: where turns per inch equal 4¾ or more times the square root of yarn size.	½¢ per yd.
Clipping	1¢ per yd.
Slubs	2¢ per lb.

[3] If a premium is charged for dobby weave, no additional premium may be charged either for fancy draw or for slubs.

TABLE II—*Print Cloth Yarn Group*

Specifications for the types and classes of cloth listed herein are set forth in Table II–A.

A fabric falling within the specifications (as set forth in Table II–A) for any type of cloth listed herein shall be subject to the maximum price established herein even if made in a weave requiring 3 or 4 cams.

* * * * *

Table IV—*Denims*[1] (Prices are for all shades and colors)

* * * * *

[1] The maximum prices listed above are for all patterns made entirely or in part with white filling yarn. Premiums over the above maximum prices may be charged as follows:

For solid color and for all stripes and patterns made with 100 percent—colored filling yarn	½¢ per yd.
For herringbone weave	½¢ per yd.

The maximum prices set forth herein are for denims of 28 to 30 inches, inclusive, in width. The maximum price for a denim of any other width shall be that price which stands in the same relation to the applicable price set forth herein (i. e., for the same cloth of 28 to 30-inch width) as does its width to 29 inches.

Maximum prices for denims of weights (pro-rated to 29 inches) intermediate between those listed herein shall be determined by interpolation, according to the respective number of yards per pound, between the maximum prices set forth herein; maximum prices for denims of weights greater or less than any listed herein shall be determined, in proportion to the respective number of yards per pound, from the maximum price for, respectively, the heaviest or lightest denim listed in this table.

For seconds and short lengths of denim, the maximum prices listed in this table must be discounted as follows: Seconds ½ cent; short lengths, 25 to 40 yards, inclusive, ¾ cent; 10 to 24.99 yards, 1 cent; 2 to 9.99 yards, 15 percent.

The maximum prices set forth herein shall be discounted (1) where payment is made within 10 days of delivery, by 3 percent; and (2) where payment is made within the next 60 days, by 2 percent and by interest at 6 percent per annum for such portion of the 60-day period as the buyer, at his option or pursuant to agreement with the seller, anticipates by earlier payment.

Table V—*Colored yarn group, exclusive of denims* (prices are for all shades and colors)

Class of cloth and weight in yards per pound: [1]	
* * * * *	

[1] * * * Maximum prices for cloths of weights other than those listed herein (for the same type of cloth) shall be determined, in proportion to the respective number of yards per pound, from the maximum price for the cloth of that type and of the nearest weight.

(c) * * * (5) The provisions of subparagraph (1), (2), and (3) above are not applicable to the fabrics described below, for which the premiums set forth herein may be charged in addition to the otherwise applicable maximum price as set forth in paragraph (b): *Provided*, (i) That the fabrics are made for use in the manufacture of products to meet the specifications named below opposite the premium charged; and (ii) that the purchaser shall certify in writing to the seller, before any delivery is made, that the fabric is to be so used.

Grey goods made for use in products to meet—	*Premium allowable*
U. S. Army Specification No. 6-247 (July 12, 1937) and Amendment No. 1 (July 10, 1940) for cloth, drill, unbleached (fully shrunk).	1¢ per lb.
U. S. Army Specification No. 6-261 (January 7, 1939) and Amendment No. 1 (May 24, 1940) for cloth, cotton, herringbone twill [1].	1¢ per lb.
Quartermaster Corps Tentative Specification (October 31, 1940) for Raincoats, Single Texture, Rubberized, O. D.	½¢ per yd.[2]

[1] Grey goods made for use in meeting this specification are classified under this Schedule as Class A drills.

[2] Subparagraph (5), effective January 6, 1942.

(6) Permission to pay premiums has been granted under (3) above as follows:

Permission granted to	*By letter dated*
Hamilton Textile Corp., New York, N. Y.	December 5, 1941
Formica Insulation Company, Cincinnati, Ohio	December 27, 1941
Pacific Mills, Boston, Mass.	January 16, 1942
Marathon Rubber Products Co., Wassau, Wis.	January 16, 1942

§ 1316.62 *Effect of amendments.* Unless the contrary is expressly provided in any amendment to this Schedule:

(a) such amendment shall not be deemed to affect the provisions of the Schedule as they stood prior to such amendment;

(b) it shall be permissible for any person to make or accept delivery of cotton goods at the price agreed upon in a contract of sale or purchase entered into prior to such amendment, if such price was subject to and in conformity with this Schedule when such contract was made;

(c) deliveries made pursuant to contracts entered into prior to the effective date of such amendment shall not be made or accepted at prices higher than the maximum price applicable under the terms of this Schedule as in effect when the contract was made.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 5, except as otherwise provided herein, shall become effective February 2, 1942. Issued this 2 day of February, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-964; Filed, February 2, 1942; 5:19 p. m.]

PART 1316—COTTON TEXTILES

PRICE SCHEDULE NO. 89—BED LINENS

Stable operation of the cotton textile industry is essential to the production of commodities necessary for the successful prosecution of the war and to the largest possible flow of goods to civilian consumers. The past several months have seen a rapid advance in the price of bed linens. Largely responsible for this inflationary trend have been the greatly expanded demand for bed linens resulting from increased consumer income and the heavy purchases of such goods for use by the military forces. The increase has not been justified on the basis of increased costs of materials and production, save to a negligible extent. In order to remedy the effects of the inflationary trend, and to insure stability of the price structure it is necessary that maximum prices be established for bed linens.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed:

§ 1316.101 *Maximum prices for bed linens.* (a) On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer bed linens, and no person shall buy, offer to buy, or accept delivery of bed linens at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1316.111.

(b) The provisions of this Schedule (§§ 1316.101 to 1316.111, inclusive) are not applicable:

(1) To sales or deliveries of bed linens made by any wholesaler, jobber or retailer in the performance of a recognized distributive function: *Provided*, That except in accordance with subparagraph (2) hereof, sales and deliveries of bed linens by the manufacturer thereof or by any agent of such manufacturer, shall not be made at prices higher than the established maximum prices;

(2) To sales or deliveries of brown sheeting to a manufacturer, converter, or finisher for further processing prior to resale.*

*§§ 1316.101 to 1316.111, inclusive, issued pursuant to the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1316.102 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1316.103 *Evasion.* (a) The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of bed linens, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) No price agreed upon in any contract shall be changed by amendment of such contract, by substitution therefor of a new contract, or otherwise (whether or not such change is made pursuant to the terms of the original contract) if the change so effected results in an agreed price in excess of the maximum price applicable under § 1316.111 hereof, in accordance with the date the original contract was made, to the original contract or to deliveries pursuant thereto.*

§ 1316.104 *Records and reports.* Every person making purchases or sales of bed linens after February 2, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price pair or received, and the quantity in yards or dozens of pieces of each type of bed linens purchased or sold; (b) the quantity in yards or dozens of pieces of each type of bed linens (1) on hand, and (2) on order, as of the close of each calendar month; and (c) in the case of manufacturers, the quantity in yards or dozens of pieces of each type of bed linens manufactured during each calendar month.

No bed linens shall be sold on or after March 2, 1942, unless each piece bears a label containing:

(a) A statement of its type and size;

(b) if the piece is a second, a statement of that fact; and

(c) if the piece does not meet the minimum specifications set forth in Table I, the term "substandard."

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1316.105 *Details required in contract of sale and invoice.* (a) Every seller of bed linens shall, with respect to each sale thereof, deliver to the purchaser a contract of sale which shall contain, in addition to the terms thereof, (1) the date on which the sale or contract of sale was made; (2) a full description of the bed linens sold including all details necessary to determine the applicable maximum price from this Schedule; and where, in conformity with this Schedule, a premium is charged or deduction made, the feature of the goods for which such premium is allowed or deduction required; and (3) the discount required by this Schedule for prompt payment.

(b) Every seller of bed linens shall, with respect to each delivery thereof, transmit to the purchaser an invoice or similar document which shall either contain the information required by (a)

above or make reference to the contract in which such information is set forth.*

§ 1316.106 *Affirmations of compliance.* On or before March 10, 1942, and on or before the 10th day of each month thereafter, every person, who during the preceding calendar month has purchased or sold bed linens, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 189:1, containing a sworn statement that during such month all such purchases or sales were made at prices in compliance with this Schedule or with any exception therefrom or modification thereof. Copies of Form 189:1 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1316.107 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of bed linens, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1316.108 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered by the Office of Price Administration unless filed by persons complying with this Schedule.*

§ 1316.109 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Bed linens" means finished sheets, finished pillow cases, finished bolster cases and shall include both brown sheeting and bleached sheeting: *Provided*, That the term "bed linens" shall include only goods made of cotton and shall not include any goods made entirely of combed yarn.

(c) "Brown sheeting" means grey sheeting put up on boards, doubled and rolled which is sold for use by the ultimate consumer without further processing.

(d) "For export" means to a person outside the United States, its territories and possessions.*

§ 1316.110 *Effective date of the schedule.* This Schedule shall become effective February 2, 1942.*

§ 1316.111 *Appendix A: maximum prices for bed linens*—(a) *Terms of sale.* The maximum prices set forth in this Appendix are prices f. o. b. the seller's point of shipment. The prices are gross prices and include commissions and all other charges; they must be discounted as provided in subparagraph (1) of paragraph (d).

(b) *Determination of maximum price.* The maximum price (expressed in terms of a percentage discount from the base prices listed in Table II below) for any offer to buy or sell, sale or contract of sale, delivery or transfer of bed linens, shall be determined pursuant to Table III of paragraph (c), subject to the provisions of paragraph (d), in the following manner:

(i) *Offer to buy or sell.* By the spot cotton price [1] of the business day immediately preceding that on which the offer was made, except that, if the offering price is not otherwise specified, an offer to buy or sell at the maximum price applicable on the day the contract of sale is to be made shall not be a violation of the Schedule;

(ii) *Sale or contract of sale.* By the spot cotton price of the business day immediately preceding the day on which the sale or contract of sale is made, regardless of the maximum price applicable to the offer pursuant to which such sale or contract is made;

(iii) *Delivery or transfer.*[2] By the spot cotton price of the business day immediately preceding that on which the sale or contract of sale is made, regardless of any change in the spot cotton price subsequent thereto.

(c) *Maximum price tables.*

[1] The term "spot cotton price," when used herein, means the average, published daily by the United States Department of Agriculture, Agricultural Marketing Service, of the price quotations for middling 15/16-inch cotton on ten designated spot markets.

[2] This method of determining the maximum price shall be used in connection with deliveries and transfers pursuant to sales or contracts of sale made before, as well as on or after February 2, 1942.

TABLE I—*Key to types of bed linens listed in Table II* [1]

Specifications [2]	Type 180 [3]	Type 140	Type 128	Type 112
Thread count per square inch (unbleached)	180	140	128	112
Weight per square yard (ounces)	3.6	4.6	4.0	3.7
Tensile strength (pounds):				
Warp	60	70	55	45
Filling	60	70	55	45
Selvage	Tape	Tape	Tape	Tape
Plain hems (total for both ends) [4]	4"	4"	4"	4"
Stitches per inch [4]	14	14	14	14
Added sizing (maximum) [5]	4%	4%	6%	10%

[1] This table states minimum specifications (except for added sizing) for each type.

[2] In any instance in which the buyer or seller is in doubt as to whether bed linens meet the stated specifications, such bed linens shall be tested by Federal test method CCC-T-191A. The unit for such testing shall be the case, or its equivalent, which shall include not more than twenty dozen sheets or fifty dozen pillow cases. Each case of the goods in respect to which such doubt exists shall be tested separately. In the event of failure to meet minimum specifications for any given type as set forth in Table I, the goods shall be deemed substandard and the applicable maximum price shall be determined pursuant to subparagraph (3) of paragraph (d).

[3] Bed linens having a finished thread count of less than 175 shall not be classified as Type 180 regardless of whether they meet all other specifications of that type.

[4] Not applicable to brown sheeting.

[5] Not applicable to bleached sheeting.

TABLE II [1]—*Base prices for bed linens*

Classes and dimensions of goods	Types 180 and 140	Type 128	Type 112
	Cents per yard		
Brown Sheeting:			
42" width	22	17	14
45" width	24	18.5	15
48" width	26	20.5	16
54" width	30	23	18
63" width	34	26.5	21
72" width	38	29.5	25
81" width	42	32.5	28
90" width	46	36	31
99" width	50	40	35
108" width	58	46.5	----------
Bleached Sheeting:			
42" width	24	18.5	15
45" width	26	20.5	16
50" width	30	23	18
54" width	34	26.5	21
63" width	38	29.5	25
72" width	42	32.5	28
81" width	46	36	31
90" width	50	40	35
99" width	58	46.5	----------
	Dollars per dozen		
Sheets: [2]			
42" x 64"	----------	5.20	----------
42" x 72"	7.01	5.69	----------
45" x 64"	6.80	5.62	----------
45" x 72"	7.49	6.17	----------
45" x 75"	7.75	6.30	----------
50" x 72"	8.42	6.77	----------
50" x 75"	8.75	7.00	----------
50" x 90"	10.50	8.40	----------
54" x 72"	9.41	----------	----------
54" x 75"	9.75	----------	----------
54" x 90"	11.70	9.45	7.80
54" x 99"	12.72	10.25	8.43
54" x 108"	13.74	11.04	9.06
54" x 113"	14.30	----------	----------
63" x 90"	12.90	10.35	9.00
63" x 99"	14.04	11.24	9.75
63" x 108"	15.18	12.12	10.50
63" x 113"	15.81	----------	----------

[1] The base price for bed linens differing in any dimension from those listed herein shall be: (a) in the case of brown or bleached sheeting, the base price provided herein for such sheeting of the nearest inferior width; and (b) in the case of sheets, pillow cases or bolster cases, the base price provided herein for such goods of the nearest inferior area.

[2] The dimensions stated herein indicate length prior to hemming.

TABLE II—*Base prices for bed linens*—Continued

Classes and dimensions of goods	Types 180 and 140	Type 128	Type 112
	Dollars per dozen		
Sheets [1]—Continued.			
72" x 90"	14.10	11.25	9.90
72" x 99"	15.36	12.23	10.74
72" x 108"	16.62	13.20	11.58
72" x 113"	17.32	----------	----------
81" x 90"	15.30	12.30	10.80
81" x 99"	16.68	13.38	11.73
81" x 108"	18.06	14.46	12.66
81" x 113"	18.82	----------	----------
90" x 90"	16.50	13.50	12.00
90" x 99"	18.00	14.70	13.05
90" x 108"	19.50	15.90	14.10
90" x 113"	20.33	----------	----------
100" x 108"	22.38	----------	----------
100" x 113"	23.34	----------	----------
Pillow Cases: [2]			
22" x 21"	1.87	----------	----------
36" x 36"	3.27	2.70	----------
42" x 36"	3.65	2.97	2.55
42" x 38½"	3.83	3.12	2.68
42" x 40½"	3.99	3.25	----------
45" x 36"	3.87	3.21	2.67
45" x 38½"	4.09	3.33	2.80
45" x 40½"	4.26	3.52	----------
50" x 36"	4.35	3.51	----------
50" x 38½"	4.60	3.70	----------
50" x 40½"	4.80	3.86	----------
54" x 36"	4.83	3.93	----------
54" x 38½"	5.11	4.15	----------
54" x 40½"	5.34	4.32	----------
Bolster Cases: [3]			
42" x 54"	5.57	----------	----------
42" x 60"	6.05	----------	----------
42" x 63½"	6.34	----------	----------
42" x 72"	7.01	5.69	4.85
42" x 76½"	7.37	5.96	----------
45" x 72"	7.49	6.17	5.09
45" x 76½"	7.88	6.40	----------

[1] The dimensions stated herein indicate length prior to hemming.

TABLE III—*Maximum prices for manufacturers, converters or finishers*

[Percentage discounts from base prices in table II]

Spot cotton price (cents per pound)	Type 180	Type 140	Type 128	Type 112
14.34 to 14.88	17.4	20.5	18	15.5
14.89 to 15.43	16.6	19.5	17	14.5
15.44 to 15.98	15.8	18.5	16	13.5
15.99 to 16.53	15.0	17.5	15	12.5
16.54 to 17.08	14.2	16.5	14	11.5
17.09 to 17.63	13.4	15.5	13	10.5
17.64 to 18.18	12.6	14.5	12	9.5
18.19 to 18.73	11.8	13.5	11	8.5
18.74 to 19.28	11.0	12.5	10	7.5
19.29 to 19.83	10.2	11.5	9	6.5
19.84 to 20.38	9.4	10.5	8	5.5

(d) *Deductions and premiums.*[1] (1) The maximum prices set forth in paragraph (c) shall be discounted (i) where payment is made within 10 days of delivery by three per cent; and (ii) where payment is made within the next 60 days by two per cent;

(2) For seconds of all types of bed linens, the price shall be discounted by ten per cent.

(3) For bed linens which fail to meet the specifications as to weight set forth in Table I, the price of the particular type shall be discounted by five per cent for each five per cent or fraction thereof of the specified weight by which such bed linens are deficient.

For bed linens which fail to meet the specifications as to tensile strength set forth in Table I, either as to warp or filling, the price of the particular type shall be discounted by five per cent for each five per cent or fraction thereof of the specified tensile strength by which the warp and by five per cent for each five per cent or fraction thereof of the specified tensile strength by which the filling is deficient.

For bed linens which contain added sizing in excess of the applicable maximum, prescribed in Table I, the price of the particular type shall be discounted by five per cent for each five per cent or fraction thereof by which the sizing contained in such bed linens exceeds the prescribed maximum.

(4) In addition to the maximum prices set forth in paragraph (c) the following premiums may be charged or paid for pieces which are hemstitched or scalloped. For any piece which is both hemstitched and scalloped, both premiums may be charged or paid.

Piece	Hemstitched	Scalloped
	Dollars per dozen	
Bolster cases	2.50	2.50
Bed Sheets (54 x 75 or larger)	2.50	2.50
Pillow Cases	1.25	1.25
Bed Sheets (smaller than 54 x 75)	1.25	1.25

(5) Application may be made by any buyer or seller to the Office of Price Administration for permission to pay or accept, in addition to the maximum prices appearing in paragraph (c), a premium for bed linens for which, because of special construction or special physical properties involving added production costs, a premium has been charged prior to the effective date of this price schedule.

(6) In addition to the maximum prices set forth in paragraph (c), a seller may charge for bed linens sold for export [2] a premium which can be justified as commensurate with the difference in cost between the given export sale and a comparable domestic sale.*

Issued this 2d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-962; Filed, February 2, 1942; 5:18 p. m.]

[1] The percentages stated in this paragraph are percentages of the applicable maximum prices expressed in terms of dollars and cents.

[2] See § 1316.109 for definition of "for export."

PART 1325—CONSUMER'S DURABLE GOODS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 39—UPHOLSTERY FURNITURE FABRICS

Section 1325.51 is hereby amended to read as follows:

§ 1325.51 *Maximum prices for upholstery furniture fabrics.* (a) On and after November 10, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any present pattern of upholstery furniture fabrics at a price higher than the maximum price. The maximum price for any present pattern shall be 105 per cent of the price quoted for such pattern in the manufacturer's price list in effect on September 10, 1941, to the same general class of purchasers. If no such price exists, the maximum price shall be 105 per cent of the highest price, f.o.b. seller's point of shipment, at which such pattern was sold and delivered to a purchaser of the same general class in the sixty-day period ended September 10, 1941.

(b) The following maximum prices have been established for Brooks Brothers Company Incorporated, Philadelphia, Pennsylvania: for each present pattern for which the price quoted in the September 20, 1941, price list exceeds 105 per cent of the price quoted for such pattern in the price list in effect on September 10, 1941, the maximum price shall be the price quoted for such pattern in the September 20, 1941 price list; for all other present patterns the maximum price shall be the price determined under the provisions of this Section applicable to all manufacturers. (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 1 shall become effective February 2, 1942. Issued this 2nd day of February, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-977; Filed, February 2, 1942; 5:24 p. m.]

PART 1335—CHEMICALS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 80—LITHOPONE

Section 1335.659 is hereby amended to read as follows:

§ 1335.659. *Appendix A; maximum prices for lithopone.* The following maximum prices are established for lithopone:

(a) *Deliveries in Eastern Territory.*[1]

Grade	Per pound delivered in bags	
	Carload lots	Less than carload lots
Normal	$0.0425	$0.0450
High Strength Barium	.0560	.0585
High Strength Calcium	.0560	.0585
High Strength Magnesium	.0575	.0600
Titanated	.0560	.0585
Zinc Sulphide	.0825	.0850

(b) *Deliveries in Western Territory.*[1]

Grade	Per pound delivered in bags (carload lots)	Per pound f. o. b. warehouse (less than carload lots)
Normal	$.0450	$.0475
High Strength Barium	.0585	.0610
High Strength Calcium	.0585	.0610
High Strength Magnesium	.0600	.0625
Titanated	.0585	.0610
Zinc Sulphide	.0850	.0875

[1] When used in this Appendix, the term "Eastern Territory" means the States of New Mexico, Colorado, Wyoming, Montana and all states east thereof, and the term "Western Territory" means all other states of the United States.

(c) *Barrels.* The maximum prices for deliveries of lithopone in Eastern or Western Territory in barrels are the maximum prices established above in paragraphs (a) or (b), whichever the case may be, plus one quarter of a cent per pound.

(d) *Export Sales and Sales to Persons in Territories and Possessions of the United States*—(1) *Shipments by vessel from Eastern Territory.* The maximum prices for shipment by vessel from Eastern Territory are the maximum prices established above in paragraph (a) f. a. s. vessel at the port of shipment plus $.30 per hundred pounds.

(2) *Shipments by vessel from Western Territory.* The maximum prices for shipment by vessel from Western Territory are the maximum prices established above in paragraph (b) f. a. s. vessel at the port of shipment plus $.30 per hundred pounds.

(3) *Overland shipments.* The maximum prices for overland shipment are the maximum prices established in paragraph (a) or (b) above, whichever the case may be, delivered to that station in the United States which is at or nearest to that point on the boundary at which the shipment crosses from the United States into Canada or Mexico plus $.20 per hundred pounds except that for less than carload quantities shipped from warehouses in Western Territory the maximum prices are f. o. b. warehouse plus $.20 per hundred pounds.

(4) *Expenses.* No expenses, commissions, or charges for service may be added to the maximum prices established by subparagraphs (1), (2) and (3) of this paragraph (d), except (i) ocean freight, (ii) marine and war risk insurance, and (iii) foreign agents' commission unless such foreign agents' commission or any part thereof is received by the exporter directly or indirectly for his own use. (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment shall become effective February 2, 1942. Issued this 2d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-974; Filed, February 2, 1942; 5:24 p. m.]

PART 1340—FUEL

PRICE SCHEDULE NO. 88—PETROLEUM AND PETROLEUM PRODUCTS

The production, refining and distribution of petroleum and petroleum products constitute one of the largest industries in the United States. Ample supplies of petroleum products are of prime importance to the armed forces and are equally essential to the industrial activity required by the war effort and to the civilian life of the nation. Inflationary increases in the prices of petroleum and its products will not only be multiplied in the whole structure of costs and prices; they will directly increase the cost of living and the burden of supplying the armed forces.

Price stabilization in the petroleum industry was initiated on the basis of informal agreements between the Office of Price Administration and members of the industry. The increasing scope of control and the growing multiplicity of informal agreements and understandings has made it necessary to embody these agreements and understandings in a Price Schedule. Such action will serve to clarify the price policies of this Office as they affect the petroleum industry and to protect the industry and the public from the inflationary effects of unwarranted price increases.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1340.151 *Maximum prices for petroleum and petroleum products.* On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1340.159 (a) (1), no person shall sell, offer to sell, deliver or transfer petroleum or petroleum products, and no person shall buy, offer to buy, or accept delivery of crude petroleum at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1340.159.*

*§§ 1340.151 to 1340.159, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1340.152 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1340.153 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a sale, delivery or transfer of petroleum products, or a purchase, sale, delivery or transfer of crude petroleum, alone or in conjunction with any other materials, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding or by a change in the quality of a product, or otherwise.*

§ 1340.154 *Records and reports.* All purchase prices for crude petroleum as of October 1, 1941, whether or not such purchase prices were posted, shall be filed with this Office within thirty days after the effective date of this Schedule (§§ 1340.151 to 1340.159, inclusive). Purchase prices for crude petroleum described above may be submitted in the form of such price schedules or price lists as were in use on the dates specified, provided such price schedules or price lists are corrected to indicate any variance between the schedule or list price and the purchase price.

Where a contract was in effect as of October 1, 1941 for the sale of crude petroleum at the well in excess of the posted purchase price for the pool involved, duly authenticated copies of such contracts shall be filed with this Office within thirty days after the effective date of this Schedule.

Where maximum prices for any sale or purchase of crude petroleum or sale of petroleum products are not provided for in Section 1340.159, purchasers and sellers of crude petroleum and sellers of petroleum products shall, within ten days after the purchase or sale in question, submit to this Office the price and description of the crude petroleum or petroleum product in question.

Persons affected by this Schedule shall submit such other reports to the Office of Price Administration and keep such records as it may, from time to time require.*

§ 1340.155 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule (§§ 1340.151 to 1340.159, inclusive), or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of speculation, or manipulation of prices of petroleum or petroleum products, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1340.156 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1340.157 *Definitions.* When used in this Schedule (§§ 1340.151 to 1340.159, inclusive), the term:

(a) "Person" means an individual, partnership, association, corporation or other business entity, including all producers, refiners, marketers and others who buy, sell or exchange petroleum and who sell or exchange petroleum products, including specifically but not exclusively the following classes of persons:

Crude oil producers
Crude oil purchasers
  Refiners
  Pipe line companies
  Crude oil purchasing companies
  Marketers
    Integrated companies
    Non-integrated companies
    Terminal operators
    Distributors
    Jobbers
    Peddlers

(b) "Petroleum products" means:

All grades of gasoline, including natural gasoline and blending naphthas; also special hydrocarbon fractions utilized in the manufacture of gasoline or the components thereof
Liquefied petroleum gases
Tractor distillates and similar distillate type motor fuels other than gasoline
Kerosene, including range oil or stove oil
Distillate burning, heating or fuel oils
Diesel fuel oils
Residual burning, heating or fuel oils
Lubricating oils, including motor, aviation and stock oils (neutrals, bright stocks, steam refined stock and other stock oils)

For the time being industrial lubricating oils, industrial naphthas and solvents, greases, and specialty products (such as household oils and spot removers) are excluded from the list of petroleum products subject to this Schedule.

(c) "Pool" means any underground accumulation of crude petroleum or associated hydrocarbon substances, including but not limited to natural gas, constituting a single and separate reservoir or source of supply within a field, area, or horizon whether or not presently discovered or developed.

(d) "Consumer or commercial tank wagon prices" means the prices at which petroleum products are sold for delivery by tank wagon or tank truck to the ultimate consumer of such products or to persons not primarily resellers of such products.

(e) "Contract" means an agreement, the existence of which is established by written evidence.

(f) "Dealer tank wagon prices" means the prices at which petroleum products are sold for delivery by tank wagon or tank truck to resellers of such products.

(g) "Producers" means royalty owners or other sellers of crude petroleum at the well.

(h) "Producing well" means any well that has produced any crude petroleum during a period of ninety days prior to and including October 1, 1941.

(i) "Shut-in well" means any well that has not produced any crude petroleum during a period of ninety days prior to and including October 1, 1941.

(j) "Tank wagon area" means the area in which petroleum products are distributed by tank wagon or tank truck from the given shipping point.*

§ 1340.158 *Effective date of the Schedule.* This Schedule shall become effective February 2, 1942.*

§ 1340.159 *Appendix A; maximum prices for petroleum and petroleum products.* The maximum prices established by this Schedule (§§ 1340.151 to 1340.159, inclusive) shall include the prices on all domestic, export and import transactions, sales, transfers, exchanges or purchases of crude petroleum and on all domestic, export and import transactions, sales, transfers or exchanges of petroleum products, involving contract, bid or spot sales of crude petroleum at the well, the gathering point, tank farm or terminal, and of petroleum products for cargo or barge shipment, harbor delivery, f. o. b. refinery and terminal, and tank car and tank wagon delivery. Prices for petroleum products sold at retail at service stations, garages and stores are not governed by this Schedule.

The prices on which this Schedule is based are the prices after all usual discounts, such as those for quantity, prompt payment or ease of handling.

Except as specifically provided hereinafter, and pending the preparation of a comprehensive schedule or schedules of specific prices, the maximum prices for petroleum and petroleum products shall be the prices determined according to Paragraphs (a) and (b) below.

(a) *Crude petroleum.* (1) The maximum price at the well for crude petroleum shall be the posted purchase price as of October 1, 1941 for the pool in which any given well is located: *Provided*, That where a contract was in effect on October 1, 1941 for the purchase of crude petroleum at the well in excess of the posted purchase price for the given pool, such contract price shall be the maximum price at the well for any given well for the production covered by the contract, or any renewal of such contract, or a new contract between the same buyer and seller concerning the production from the same well.

(2) Where, on October 1, 1941, there was in any given pool more than one posted purchase price or no posted purchase price, the maximum price at the well for crude petroleum shall not be, for any given well, in excess of the price paid for crude petroleum from that given well as of October 1, 1941, unless this price is below the lower or lowest of the posted purchase prices, if any, and in that case the maximum price shall not be in excess of such lower or lowest posted purchase price: *Provided*, That where a contract was in effect on October 1, 1941 for the purchase of crude petroleum at the well in excess of the posted purchase price for the given pool, such contract price shall be the maximum price at the well for any given well for the production covered by the contract, or any renewal of such contract, or a new contract between the same buyer and seller concerning the production from the same well.

(3) Where a well was a producing well on October 1, 1941, but did not actually produce any crude petroleum on that date, the maximum price for crude petroleum at such well shall be subject to paragraph (4) (ii) (a) below, provided, that, however, where the price cannot be determined by this paragraph then the price shall be governed by paragraph (1) and (3) above.

(4) Where a well was a shut-in well on October 1, 1941, and is subsequently reopened, or where a new well is completed subsequent to October 1, 1941, the maximum price at the well for crude petroleum produced from such well shall be determined as follows:

(i) Where there was only one purchase price posted as of October 1, 1941 for the pool in which the well is located, such posted price shall be the maximum price at the well for crude petroleum produced from the well in question.

(ii) Where there was more than one purchase price posted as of October 1, 1941 for the pool in which the well is located, and

(a) Where the location of the new or reopened well was included in the same lease with one or more producing wells on October 1, 1941, the posted price applicable to those producing wells on October 1, 1941 shall be the maximum price at the well for crude from the new or reopened well.

(b) Where the above provision does not apply, the highest price posted as of October 1, 1941 for the pool in which the well is located shall be the maximum price at the well for crude from the new or reopened well.

(iii) Where there was no purchase price posted as of October 1, 1941, for the pool in which the well is located, a purchaser may set a temporary price for crude petroleum produced from the new or reopened well, subject to the provisions of § 1340.154 above. This provision covers wells representing discovery and development of new pools subsequent to October 1, 1941.

(5) The maximum prices for crude petroleum purchased at points other than at the well shall be at no greater differentials at such points over the maximum price for such crude at the well than existed on October 1, 1941.

(b) *Petroleum products.* (1) The maximum price on each product sold, contracted to be sold, delivered, or transferred by a seller shall be the lowest quoted price published in the first issue on or after October 1, 1941, of the *National Petroleum News*, *Platt's Oilgram*, or the *Chicago Journal of Commerce*, or other publications designated by this Office, for a product of the same class, kind, type, condition and grade. Where such products are sold and prices are quoted on a delivered basis, then the maximum delivered price shall be the lowest quoted delivered price so published. Where products are sold and prices are quoted on an f. o. b. shipping point basis, then the maximum f. o. b. price shall be the lowest quoted f. o. b. price so published.

(2) Where the maximum price for a petroleum product at a given shipping or

delivery point cannot be determined under (1) above, the maximum price for each seller at such shipping or delivery point shall not exceed the price charged at that point by him on the last sale of a substantial quantity of the same product with sixty days prior to October 15, 1941. Where the product is sold on a delivered basis at a given point the maximum price shall be the price charged on the last sale of a substantial quantity of the same product made on a delivered basis at that point in the period specified. Where the product is sold at a given point on an f. o. b. shipping point basis, the maximum price shall be the price charged on the last f. o. b. shipping point sale at that point of a substantial quality of the same product in the period specified.

(3) Where the maximum price for products at a given shipping or delivery point cannot be determined under (1) or (2) above, sellers may sell such products at the market price prevailing at that point on October 1, 1941.

(c) *Specific prices.* The following specific prices shall be the maximum prices for the items named at the points enumerated, notwithstanding Paragraphs (a) and (b) above:

(1) *Crude petroleum:*

Pennsylvania grade. The maximum prices at the well for Pennsylvania grade crude petroleum shall be those established in Price Schedule No. 22[1]—Pennsylvania Grade Crude Oil (§§ 1340.21 to 1340.29 of this chapter).

North and North Central Texas and Oklahoma. The maximum price at the well for crude petroleum of 40° gravity and above, determined by the American Petroleum Institute method, produced in Archer, Baylor, Brown, Callahan, Clay, Coleman, Comanche, Cooke, Eastland, Fisher, Foard, Haskell, Jack, Jones, Montague, Palo Pinto, Shackelford, Stephens, Taylor, Throckmorton, Wichita, Wilbarger, and Young Counties, Texas, and in the bed of the Red River in Tillman County, Oklahoma, shall be $1.21 per barrel with the customary differentials for lower gravity crudes.

Louisiana. The maximum price at the well for crude petroleum of 40° gravity and above, determined by the American Petroleum Institute method, produced in the Caddo Pool in Louisiana shall be $1.30 per barrel with the customary differentials for lower gravity crudes.

Oklahoma. The maximum price at the well for crude petroleum of 40° gravity and above, determined by the American Petroleum Institute method, produced in Carter County and in the Healdton and Oscar Pools in Oklahoma shall be $1.26 per barrel with the customary differentials for lower gravity crudes.

(2) *Gasoline; maximum prices for cargo transactions on the Gulf coast market.* The maximum price on sales by the refiners listed below and their subsidiaries for cargo transactions on the Gulf Coast market shall be as follows:

Motor gasoline	Cents per gallon
Minimum 80 octane 1939 Research Method (as determined by Cooperative Fuel Research Committee) with a maximum of 2 cubic centimeters of lead	6.00
60–62 gravity, maximum 400 end point:	
72–74 octane leaded	5.75
70 octane unleaded	5.75
68 octane unleaded	5.75
65 octane unleaded	5.25
60 octane unleaded	5.00

(octane ratings as defined by American Society for Testing Materials)

Atlantic Refining Company, The.
Cities Service Company.
Consolidated Oil Corporation.
Continental Oil Company.
Gulf Oil Corporation.
Humble Oil and Refining Company.
Mid-Continent Petroleum Corporation.
National Refining Company.
Ohio Oil Company, The.
Pan American Petroleum and Transport Company.
Phillips Petroleum Company.
Pure Oil Company, The.
Shell Union Oil Corporation.
Skelly Oil Company.
Socony-Vacuum Oil Company, Inc.
Standard Oil Company of California.
Standard Oil Company (Indiana).
Standard Oil Company (New Jersey).
Sun Oil Company.
Texas Company, The.
Tidewater Associated Oil Company.

Maximum prices to be charged by other petroleum refiners for cargo transactions on the Gulf Coast market shall be as follows:

Motor gasoline	Cents per gallon
Minimum 80 octane 1939 Research Method (as determined by Cooperative Fuel Research Committee) with a maximum of 2 cubic centimeters of lead	6.5
60–62 gravity, maximum 400 end point:	
72–74 octane leaded	6.25
70 octane unleaded	6.25
68 octane unleaded	6.25
65 octane unleaded	5.75
60 octane unleaded	5.5

(octane ratings as defined by American Society for Testing Materials)

Maximum prices for gasoline on the Eastern Seaboard.

Eastern Seaboard. (Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia). The maximum prices for all sales of all motor gasoline sold in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia and West Virginia, shall not be in excess of .3 cent per gallon above the prices in the above states and the District of Columbia on November 7, 1941. Such maximum increase of .3 cent per gallon shall apply to the communities in Maryland and Virginia adjacent to the District of Columbia in addition to the increase provided for those communities below.

Maximum tank wagon prices, excluding taxes

[In cents per gallon]

Tank wagon area	Third grade		Regular grade		Premium grade	
	Dealer	Consumer or commercial	Dealer	Consumer or commercial	Dealer	Consumer or commercial
IOWA						
Des Moines	9.4	10.4	9.9	11.4	11.4	13.4
OHIO						
Geneva	9.5	12	9.5	12	11	14
WISCONSIN						
Lodi	10.1	11.1	10.6	12.1	12.1	14.1
Madison	9.9	10.9	10.4	11.9	11.9	13.9
Maromanie	9.9	10.9	10.4	11.9	11.9	13.9
Sauk City	10.1	11.1	10.6	12.1	12.1	14.1
Stoughton	9.9	10.9	10.4	11.9	11.9	13.9
Sun Prairie	10.1	11.1	10.6	12.1	12.1	14.1

Maryland and Virginia. The maximum tank wagon prices for those communities in Maryland and Virginia adjacent to the District of Columbia shall be not more than .5 cents per gallon in excess of the highest price between December 15, 1941 and December 31, 1941, where suppliers had been making allowances of .5 cents per gallon or more between December 15, 1941 and December 31, 1941.

(3) *Fuel oil: Maximum tank wagon prices for No. 2 fuel oil.*

Tank wagon area:	Cents per gallon
Washington, D. C.	7.6

Maximum prices for bunker C and No. 6 grade fuel oil—Gulf and East Coasts. The maximum prices for Bunker C and No. 6 grade fuel oils on the Gulf and East Coasts shall be those established in Price Schedule No. 72[1]—Bunker C and No. 6 Grade Fuel Oils, East and Gulf Coasts (§§ 1340.101 to 1340.109 of this chapter).

(4) *Lubricants: Maximum prices f. o. b. refinery for Pennsylvania Grade Neutral.*

Stocks

[In cents per gallon]

Viscous Neutrals—No. 3 Color Viscosity at 70° Fahrenheit:	
200 Viscosity (180 at 100°) 420–425 Flash Point:	
0 pour test	40.5
10 pour test	39.5
15 pour test	38.5
25 pour test	33.0
150 Viscosity (143 at 100°) 400–405 Flash Point:	
0 pour test	38.5
10 pour test	37.5
15 pour test	36.5
25 pour test	31.0

Issued this 2d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–982; Filed, February 2, 1942; 5:27 p. m.]

[1] 6 F.R. 4324.

[1] 7 F.R. 398.

PART 1345—COKE

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 29—BY-PRODUCT FOUNDRY AND BY-PRODUCT BLAST FURNACE COKE

Sections 1345.9 and 1345.10 are hereby amended and one new § 1345.11 is added as set forth below:

§ 1345.9 *Appendix A; maximum prices for by-product foundry coke per net ton (2,000 lbs.)*—(a) *General provisions.* The maximum delivered price for by-product foundry coke shall be the price f. o. b. car at the governing oven plant, plus the lowest established rail transportation charges, from that oven plant, to the place of delivery. The term "governing oven plant" means that oven plant, the price at which, together with the lowest established rail transportation charge, results in the lowest price at the place of delivery.

Location of oven plant:	F. o. b. oven plant in cars (per net ton)
Alabama	$8.50
Chicago, Ill.	11.50
Ashland, Ky.	10.00
Detroit, Mich.	11.75
Kearny, N. J.	12.15
Buffalo, N. Y.	11.75
Ironton, Ohio	10.00
Painesville, Ohio	11.25
Portsmouth, Ohio	10.00
Erie, Pa.	11.75
Philadelphia, Pa.	11.75
Chattanooga, Tenn.	9.00
Fairmont, W. Va.	10.00
Milwaukee, Wis.	12.25

(b) *Exceptions*—(1) *Place of delivery within New England and part of New York.* The maximum delivered price in the States of Connecticut, Rhode Island, Massachusetts and New Hampshire and in that portion of the States of New York, Maine and Vermont wherein the lowest established rail transportation charge for by-product foundry coke from Everett, Mass. is $3.10 per net ton or less, shall be $13.75 per net ton less $0.15 per net ton discount for cash with ten days from date of delivery.

The maximum delivered price within that portion of the States of Maine and Vermont wherein the lowest established rail transportation charge for by-product foundry coke from Everett, Mass. exceeds $3.10 per net ton shall be $10.65 plus the lowest established rail transportation charge from Everett, Mass. to the place of delivery.

(2) *Place of delivery within certain switching districts.* Except as set forth in (b) (3) below, the maximum delivered prices within the following switching districts are:

District	Delivered price per net ton
Chicago, Illinois	$12.25
Birmingham & Tarrant, Ala.	9.40 (i)
St. Louis, Mo. & E. St. Louis, Ill.	12.25 (ii)
Indianapolis, Indiana	12.00
Terre Haute, Indiana	12.00
Detroit, Michigan	12.25
Buffalo, New York	12.50
Cincinnati, Ohio	11.75
Cleveland, Ohio	12.30
Erie, Pennsylvania	12.25
Philadelphia, Pa.	12.38
St. Paul & Minneapolis, Minn.	14.00

(i) Except that the maximum delivered price to consumers qualifying under the provisions of the Louisville and Nashville Railroad Company Tariff O. F. O. No. 220–C establishing a furnace raw material freight rate of $0.60 per ton shall be $9.10.

(ii) Except that producers situated in states other than Missouri, Alabama or Tennessee may charge a maximum delivered price of $12.75.

(iii) *Place of delivery within certain switching districts when shipments thereto are from Alabama ovens.* The maximum delivered prices within the following switching districts for by-product foundry coke shipped from the State of Alabama are:

District	Delivered price
Chicago, Illinois	$12.85
Detroit, Michigan	12.45
Indianapolis, Indiana	12.45
Cleveland, Ohio	12.40
Chattanooga, Tenn.	9.92
Bayonne, New Jersey	16.96
Williamsburg, Ohio	11.95

(4) *Place of delivery within Ohio or certain parts of New York.* Whenever the place of delivery is located within the States of Ohio or New York, other than that part of New York for which a maximum delivered price was established in (b) (1) above, the Fairmont, West Virginia, oven plant shall not be considered in determining the "governing oven plant," except whenever the shipment is made from the Fairmont, West Virginia, oven plant.

(5) *Place of delivery within Kentucky, Indiana, Michigan, Illinois, Iowa, Missouri, Kansas, Nebraska, Minnesota, South Dakota, Montana, Colorado, Utah or Virginia.* Whenever the place of delivery is located (excepting the switching districts set forth in (b) (2) above) within the States of Kentucky, Indiana, Michigan, Illinois, Iowa, Missouri, Kansas, Nebraska, Minnesota, South Dakota, Montana, Colorado, Utah, or Virginia, the Alabama and Chattanooga, Tennessee oven plants shall not be considered in determining the "governing oven plant," except whenever the shipment is made from the oven plants at Alabama, Chattanooga, Tennessee, or St. Louis, Missouri: *Provided, however,* That the maximum delivered price in those areas shall not exceed the Alabama f. o. b. oven plant price plus the lowest established rail transportation charge from the Alabama oven to the place of delivery, plus $0.75 per net ton.

(6) *Place of delivery within Oklahoma, Nevada, Texas, Arizona, New Mexico or Idaho.* Whenever the place of delivery is located within the States of Oklahoma, Texas Nevada, Arizona, New Mexico or Idaho, the Alabama and Chattanooga, Tennessee, oven plants shall not be considered in determining the "governing oven plant" except when the shipment is made from such oven plants: *Provided, however,* That when the shipment is made from any other oven plant, the maximum price at such oven plant may not exceed $10.00 per net ton.

(7) *Place of delivery within Eastern Pennsylvania, Southern New Jersey, Delaware and Maryland.* Whenever the place of delivery is located within eastern Pennsylvania,[1] southern New Jersey,[2] Delaware or Maryland,[3] the maximum delivered price shall be as follows:

When the lowest established rail transportation charge for by-product foundry coke from Swedeland, Pa. to the place of delivery, is:

Freight rate per net ton:	The maximum price per net ton shall be
$0.68 and less	[4] $12.38
$0.69 to $0.96, inclusive	12.40
$0.97 to $1.66, inclusive	12.45
$1.67 to $2.24, inclusive	12.70
$2.25 to $2.50, inclusive	12.80
$2.51 to $2.85, inclusive	12.95
$2.86 and over	[4] 10.35

(8) *Place of delivery with Western Pennsylvania or Washington County, Maryland.* Whenever the place of delivery is located in the counties of Erie (excepting City of Erie switching district), Crawford, Warren, McKean, Elk, Forest, Venange, and Mercer, the Fairmont, W. Va., oven plant shall not be considered in determining the "governing oven plant," except when the shipment is made from such oven plant: *Provided, however,* That the maximum delivered price shall not exceed the Fairmont, W. Va., oven plant price plus the lowest established rail transportation charge for by-product foundry coke from Fairmont, West Virginia, to the place of delivery, plus 25¢ per net ton.

Whenever the place of delivery is located in the remaining counties of Western Pennsylvania[4] or Washington County, Maryland, the Fairmont, W. Va., oven plant shall not be considered in determining the "governing oven plant," except when the shipment is made from such oven plant: *Provided, however,* (i) That the maximum delivered price shall not exceed the Fairmont, W. Va., oven plant price plus the lowest established rail transportation charge for by-product foundry coke to the place of delivery, plus 75¢ per net ton and (ii) when shipment is from the ovens at Painesville, Ohio, or Swedeland, Pennsylvania, the maximum delivered price shall not exceed $10.00 per net ton ovens, plus the lowest established rail transportation charge for by-product foundry coke from such oven to the place of delivery.

[1] That portion of the state east of a line running approximately north and south through Lawrenceville, Pa (Tioga County) and Kingsdale, Pa. (Adams County).

[2] That portion of the state south of a line running from a point immediately north of Phillipsburg, N. J., to a point immediately north of Asbury Park, N J.

[3] Excluding Washington County.

[4] Delivered.

[5] F. o. b. oven plant.

[4] That portion of the state west of a line running approximately north and south through Lawrenceville, Pa. (Tioga County) and Kingsdale, Pa. (Adams County).

(9) *Place of delivery within California, Oregon, and Washington.* On shipments to the States of California, Oregon, and Washington, the governing oven plant may be Chicago, Ill.: *Provided*, That when shipment is from the oven plants listed in paragraph (a) of this Appendix, the maximum delivered price may not exceed the f. o. b. oven plant price at such oven plants, plus the lowest established rail transportation charge for by-product foundry coke.

(10) *Delivery other than by railroad.* When delivery is by means other than railroad, the maximum delivered price shall be the price as computed in this Appendix but adjusted to provide the customary differential or charge in effect on September 18, 1941, for such means of delivery.

§ 1345.10 *Appendix B; maximum prices for by-product blast furnace coke per net ton (2,000 pounds).* The maximum price f. o. b. oven plant on by-product blast furnace coke which may be charged by any person at each oven plant, shall be $0.75 per net ton above the weighted average price f. o. b. oven plant of such coke deliverey by such person from each oven plant during the first quarter of 1941: *Provided*, That this Appendix B shall not apply to sales or shipments made after the issuance of this Schedule at less than $6 per net ton f. o. b. oven plant. The weighted average price means the average of the prices for which such coke was sold during such period weighted by the tons of such coke sold at each price.

Every person who produces and sells by-product furnace coke shall file prices at which such coke was delivered, and the quantity delivered at each price during the first quarter of 1941. Such information shall be filed with the Office of Price Administration, Washington, D. C., on or before September 27, 1941.

Persons who become producers and sellers of by-product blast furnace coke after the first quarter of 1941 shall apply to the Office of Price Administration for a maximum price. Such application shall be made on Form 129: , supplied by the Office of Price Administration.

§ 1345.11 *Geographical application.* The provisions of this Schedule shall apply only to sales, offers to sell or delivery of by-product blast furnace coke within, into, or out of one of the forty-eight States of the United States or the District of Columbia.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective February 7, 1942. Issued this 2d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-976; Filed, February 2, 1942; 5:25 p. m.]

PART 1360—EMERGENCY CIVILIAN DEFENSE MATERIALS AND EQUIPMENT

PRICE SCHEDULE NO. 48 AND SUPPLEMENTAL SCHEDULE NO. 1 THEREUNDER

Order of Revocation

On December 10, 1941, the Administrator issued Price Schedule No. 48 ("Emergency Civilian Defense Materials and Equipment") and Supplemental Schedule No. 1 thereunder fixing ceiling prices on flashlights, flashlight batteries and flashlight bulbs. The purpose of such schedule and supplemental schedule was to prevent profiteering as the result of demand created by the threat of extensive blackouts. Prices of flashlights have been generally stable since December 10, 1941, and, the specific emergency having abated, it is deemed appropriate to revoke the aforementioned schedule and supplemental schedule.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

Price Schedule No. 48 (§§ 1350.1 to 1350.7, inclusive) and Supplemental Schedule No. 1, (§§ 1350.11 to 1350.13, inclusive) to Price Schedule No. 48 are hereby revoked.*

Issued this 2d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-973; Filed, February 2, 1942; 5:23 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 51—COCOA BEANS AND COCOA BUTTER

The preamble and §§ 1351.51 to 1351.58, inclusive, are hereby amended and renumbered, so that Price Schedule No. 51 shall read as follows:

During the past few months, the prices of cocoa beans, a wholly imported commodity, and cocoa butter have increased sharply as the result of uncertainties in the shipping situation and increases in transportation and insurance costs. This has occurred despite the fact that stocks of cocoa beans are now the largest ever accumulated in this country. Since the high nutritive value of the foods processed from cocoa beans makes them of material importance to both our armed forces and our civilian population, it is essential that any inflationary price rises in this commodity be curbed. The outbreak of hostilities in the Far East on December 7, 1941, gave rise to a sharp increase in speculative activity which caused this Office to issue a temporary freezing order on December 11, 1941, limiting prices to those prevailing on December 8, 1941.

In the intervening weeks, this Office has been engaged in a thorough study of the economic and trade position of cocoa beans and cocoa butter. Due consideration has been given to prices prevailing during the period October 1 to October 15, 1941, and adjustments made for relevant factors.

Therefore, to prevent any future price spiraling and to maintain the stability recently achieved by the trade, the Office of Price Administration hereby issues a permanent Schedule for cocoa beans and cocoa butter.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.51 *Maximum prices for cocoa beans and cocoa butter.* On and after December 11, 1941, no person shall sell, offer to sell, deliver, or transfer cocoa beans or cocoa butter, and no person shall buy, offer to buy, or accept delivery of cocoa beans or cocoa butter at prices higher than the maximum prices set forth in Appendices A and B hereof, incorporated herein as §§ 1351.61 and 1351.62, except that contracts entered into prior to February 3, 1942, but subsequent to December 11, 1941, may be carried out at prices not higher than the maximum prices contained in Price Schedule No. 51 as effective prior to this Amendment Number 2, and that contracts entered into prior to December 11, 1941, may be carried out at the contract prices.*

*§§ 1351.51 to 1351.62, inclusive, issued pursuant to the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.52 *Export sales.* The maximum prices for cocoa beans or cocoa butter sold for export may exceed the prices set forth in §§ 1351.61 and 1351.62 by no more than ten percent.*

§ 1351.53 *Exempt sales.* Sales of less than one bag of cocoa beans and of less than one bale of cocoa butter, and sales of cocoa butter deodorized or specially treated for pharmaceutical or cosmetic uses, shall be excepted from the operation of this Schedule.*

§ 1351.54 *Less than maximum prices.* Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid, or offered.*

§ 1351.55 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of cocoa beans or cocoa butter, or by way of premium, commission, service, transportation, or other charge, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 11, 1941, or by any other means.*

§ 1351.56 *Records and reports.* (a) All sellers and all buyers who have entered into contracts prior to February 3, 1942, for the sale or delivery of cocoa beans or cocoa butter, on or after February 3, 1942, at prices higher than the maximum prices established by this Schedule, shall report all such contracts to the Office of Price Administration on or before February 25, 1942, stating (1) the name and address of the buyer and seller; (2) the actual date of the contract; (3) each and every delivery date provided for in the contract; and (4) the price, quantity, and description of the product sold.

After the buyer has received the final shipment called for by the contract he shall then report such receipt to the Office of Price Administration within two weeks thereof, certifying that the total amount received did not exceed the quantity specified in such contract.

(b) Every person making purchases or sales of cocoa beans or cocoa butter on and after February 3, 1942 shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records thereof, including the name of the purchaser, the date of the contract, the price paid or received, and the type, grade, quality, and amount sold.

(c) Every person affected by this Schedule shall submit such report to the Office of Price Administration as it may from time to time require.*

§ 1351.57 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom; *Provided*, That no applications under this Section will be considered unless filed by persons complying with this Schedule.*

§ 1351.58 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of State, county, and local Governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from, those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of cocoabeans or cocoa butter, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1351.59 *Definitions.* When used in this Schedule the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Cost of putting cocoa beans into the warehouse" includes (1) "labor in and out" and (2) warehouse storage charges for not more than thirty days.

(c) "Cocoa beans and cocoa butter sold for export" means sales by a domestic seller directly to a foreign buyer or foreign broker.*

§ 1351.60 *Effective date of the Schedule.* This Schedule shall become effective on December 11, 1941.*

§ 1351.61 *Appendix A; maximum prices for cocoa beans.* (a) The maximum prices shall include all import commissions. The maximum prices shall also include all other charges, except that:

(1) Increases in the charges prevailing prior to the opening of business on December 8, 1941 for ocean freight, war risk insurance, and marine insurance may be added to the maximum prices only if such charges have been actually incurred by the seller on such sale. Decreases in said charges prevailing prior to the opening of business on December 8, 1941 must be subtracted from the maximum prices.

(2) If the services of a broker or brokers are required, a commission or commissions which in the aggregate shall not exceed one percent of the selling price may be added to the maximum prices, provided such commissions have been actually paid.

(b) The maximum prices for cocoa beans shall be as follows:

	Cents per pound ex dock New York City
F. F. Accra (main crop)	8.90
F. A. Q. Lagós	6.75
Ivory Coast (main crop)	8.90
F. A. Q. Cameroons	8.70
Fine St. Thome	9.25
Superior Bahia	8.70
Sanchez	8.55
Superior Red Summer Arriba	11.50
Superior Seasons Arriba	10.75
La Guayra Caracas	11.25
Trinidad Caracas	12.25
Trinidad Estates	13.90
Grenada Estates	13.65
Fermented Panama	9.35
Fermented Costa Rican	9.35
Haiti	8.45
Java Estates #1	20.25
Ceylon Estates	16.75
Samoan	16.25

The maximum prices for cocoa beans imported from any other country, or for grades of better or inferior quality not named, shall be determined by applying the customary trade differentials to the maximum price for the grade listed above which is most closely related in quality.

(c) The maximum prices quoted above are ex dock New York City. The maximum prices ex dock any other port of entry shall be determined by adding to or subtracting from the New York City price the difference between the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to New York City and the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to such other port of entry.

(d) For any cocoa beans sold ex warehouse, rather than ex dock New York City or any other port of entry, the cost of actually "putting the cocoa beans into the warehouse" as defined in § 1351.59 may be added by the seller who incurred the cost.

(e) The delivered price for cocoa beans shall in no case exceed the maximum prices specified above plus actual transportation charges incurred from the dock or warehouse at New York City or other port of entry to the place of destination or to the place of ship loading, if the cocoa beans are intended for export.

(f) Any person making sales of cocoa beans in lots of twenty-five bags or less may add to the maximum prices specified above an amount which shall not exceed 7½ percent of his comparable selling price for lots of more than twenty-five bags.

(g) The above prices shall be the maximum prices for all transactions except for futures contracts traded on the New York Cocoa Exchange. In such contracts the maximum prices shall be the prices listed below. The maximum prices for futures contracts for months, if any, after December, 1942, shall not exceed 8.86 cents per pound. The maximum prices for futures contracts, if any, traded in months currently inactive shall not exceed the maximum prices for the last active preceding month.

	Cents per pound
March	8.60
May	8.66
July	8.71
September	8.76
December	8.86

*

§ 1351.62 *Appendix B; maximum prices for cocoa butter.* (a) The maximum prices for cocoa butter in bales sold in carload lots shall be twenty-five cents per pound f. o. b. factory shipping point.

(b) The delivered price shall in no case exceed the maximum price plus actual transportation charges incurred from the factory shipping point to the place of destination or to the place of shiploading, if the cocoa butter is intended for export.

(c) The following amounts may be added to the maximum price for cocoa butter when packed in:

(1) Cartons—20 cents per one hundred pounds;

(2) Wood cases—$1.00 per one hundred pounds; and

(3) Tin lined wood cases—$1.25 per one hundred pounds.

(4) To the maximum price for cocoa butter sold in less than carload lots an amount may be added which shall not exceed the following:

(i) 11,000 pounds to carload lots—0.15 cents per pound;

*Issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

(ii) 2,000 pounds to 10,999 pounds—0.25 cents per pound;
(iii) 1,000 pounds to 1,999 pounds—0.40 cents per pound; and
(iv) 200 pounds to 999 pounds—1 cent per pound.*

This amendment No. 2, amending and renumbering the Preamble and §§ 1351.51 to 1351.58, inclusive, shall become effective the 3d day of February 1942. Issued this 2nd day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-972; Filed, February 2, 1942; 5:22 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 52—PEPPER

The preamble and §§ 1351.101 to 1351.108, inclusive, are hereby amended and renumbered, so that Price Schedule No. 52 shall read as follows:

Pepper is one of the imported commodities which in the past have often been sharply influenced by speculative price manipulations. It is the most important and widely distributed spice used by the American housewife and by packing industries. The outbreak of hostilities in the Far East on December 7, 1941, gave rise to a sharp increase in speculative activity which caused this Office on December 11, 1941, to issue a temporary price freezing order, limiting prices to those prevailing on December 8, 1941.

In the intervening weeks, this Office has engaged in a thorough study of the economic and trade position of pepper. Due consideration has been given to the prices prevailing during the period October 1 to October 15, 1941, with adjustments for relevant factors. To prevent further price increases and to maintain the stability recently achieved, the Office of Price Administration hereby issues a permanent price schedule for black and white pepper.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.101 *Maximum prices for pepper.* On and after December 11, 1941, no person shall sell, offer to sell, deliver, or transfer pepper, and no person shall buy, offer to buy, or accept delivery of pepper at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1351.111, except that contracts entered into prior to February 3, 1942, but subsequent to December 11, 1941, may be carried out at prices not higher than the maximum prices contained in Price Schedule No. 52 as effective prior to this amendment No. 1, and that contracts entered into prior to December 11, 1941, may be carried out at the contract prices.*

*§§ 1351.101 to 1351.111, inclusive, issued pursuant to the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.102 *Export sales.* The maximum prices for pepper sold for export may exceed the prices set forth in § 1351.111 by no more than ten per cent.*

§ 1351.103 *Exempt sales.* Sales of pepper at retail and sales of less than one bag of pepper shall be excepted from the operation of this Schedule.*

§ 1351.104 *Less than maximum prices.* Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid, or offered.*

§ 1351.105 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of pepper, or by way of premium, commission, service, transportation or other charge, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 11, 1941, or by any other means.*

§ 1351.106 *Records and reports.* All sellers and all buyers who have entered into contracts prior to February 3, 1942, for the sale or delivery of pepper, on or after February 3, 1942, at prices higher than the maximum prices established by this Schedule, shall report all such contracts to the Office of Price Administration on or before February 25, 1942, stating (1) the name ad address of the buyer and seller; (2) the actual date of the contract; (3) each and every delivery date provided for in the contract; and (4) the price, quantity, and description of the product sold.

After the buyer has received the final shipment called for by the contract he shall then report such receipt to the Office of Price Administration within two weeks thereof, certifying that the total amount received did not exceed the quantity specified in the contract.

(b) Every person making purchases or sales of pepper on and after February 3, 1942 shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records thereof, including the name of the purchaser, the date of the contract, the price paid or received, and the type, grade, quality, and amount sold.

(c) Every person affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1351.107 *Modification of the schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided,* That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1351.108 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see that (a) the Congress and the public are fully informed thereof; (b) the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with this Schedule; (c) full advantage will be taken of the cooperation of the various political subdivisions of State, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) the procurement services of the Government are requested to refrain from selling to, or purchasing from, those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of pepper, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1351.109 *Definitions.* When used in this Schedule the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Sales at retail" means sales to the ultimate consumer; *Provided,* That no grinder, processor, purchaser for resale, or commercial user shall be deemed to be an ultimate consumer.

(c) "Cost of putting pepper into the warehouse" includes (1) "Labor in and out" and (2) warehouse storage charges for not more than thirty days.

(d) "Pepper sold for export" means sales by a domestic seller directly to a foreign buyer and/or foreign broker.*

§ 1351.110 *Effective date of the schedule.* This Schedule shall become effective on December 11, 1941.*

§ 1351.111 *Appendix A, maximum prices for pepper.* (a) The maximum prices shall include all import commissions. The maximum prices shall also include all other charges, except that:

(1) Increases in the charges prevailing prior to the opening of business on December 8, 1941 for ocean freight, war risk insurance, and marine insurance may be added to the maximum prices only if such charges have been actually incurred by the seller on such sale. Decreases in said charges prevailing prior to the opening of business on December 8, 1941 must be subtracted from the maximum prices.

(2) If the services of a broker or brokers are required, a commission or commissions which in the aggregate shall not exceed one percent of the selling price may be added to the maximum price, provided such commissions have been actually paid.

(b) The maximum prices for pepper shall be as follows:

	Cents per pound ex dock New York City
Lampong Black Pepper	6.50
Aleppy Black Pepper	8.50
Muntok White Pepper	11.50
White Small Berries	10.50

The maximum prices for pepper imported from any other country or for grades of inferior quality not named shall be determined by applying the customary trade differentials to the above prices.

(c) The maximum prices quoted above are ex dock New York City. The maximum prices ex dock any other port of entry shall be determined by adding to or subtracting from the New York City Price the difference between the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to New York City and the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to such other port of entry.

(d) For any pepper sold ex warehouse, rather than ex dock New York City or any other port of entry, the cost of actually "putting the pepper into the warehouse" as defined in § 1351.109 may be added by the seller who incurred the cost.

(e) The delivered price for pepper shall in no case exceed the maximum prices specified above plus actual transportation charges incurred from the dock or warehouse at New York City or other port of entry to the place of destination or to the place of ship loading, if the pepper is intended for export.

(f) Any person making sales of pepper in lots of 100 bags or less may add to the maximum prices specified above an amount which shall not exceed:

5% on sales of 50 to 100 bags
7½% on sales of 25 to 49 bags
10% on sales of 5 to 24 bags
one cent on sales of 1 to 4 bags

(g) The above prices shall be the maximum prices for all transactions except for futures contracts traded on the New York Produce Exchange. In such contracts the maximum prices shall be the prices listed below. The maximum prices for futures contracts for months, if any, after October, 1942 shall not exceed 6.63 cents per pound. The maximum prices for futures contracts, if any, traded in months currently inactive shall not exceed the maximum prices for the last active preceding month.

	Cents per pound
March	6.35
May	6.43
July	6.50
September	6.60
October	6.63

This amendment No. 1, amending and renumbering the Preamble and §§ 1351.101 to 1351.108, inclusive, shall become effective the 3d day of February 1942.

Issued this 2d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-971; Filed, February 2, 1942; 5:22 p. m.]

PART 1353—VEGETABLE FIBERS

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 59—KAPOK[1]

Section 1353.1 is hereby amended, and a new Section 1353.11 is hereby added, to read as follows:

§ 1353.1 *Maximum prices for kapok.* On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver, or transfer kapok, and no person shall buy, offer to buy, or accept delivery of kapok, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1353.11: *Provided,* That contracts entered into prior to February 2, 1942, at prices in compliance with this Schedule[1] (§§ 1353.1 to 1353.10, inclusive) as amended prior to that date, may be carried out at the contract price.

* * * * * *

§ 1353.11 *Appendix A; maximum prices for kapok.* The maximum prices established by this Schedule (§§ 1353.1 to 1353.11, inclusive) do not apply to kapok sold in quantities of less than one bale or to blown or processed kapok.

The maximum prices established herein are gross prices, before discounts of any nature are deducted, and they include commissions and all other charges not specifically permitted herein.

There are two maximum prices for kapok, depending upon the port at which it is unloaded in the United States. The prices set forth in Paragraph (a) below, in Column I, are for kapok actually unloaded at any port on the Atlantic or Gulf Coast. The prices set forth in Column II are for kapok actually unloaded at any port on the Pacific Coast.

(a) *Maximum prices for carload lots.*

Grade	Prices per pound, ex dock port of discharge	
	I. Atlantic or Gulf coast	II. Pacific coast
Estate Kapok	20½¢	18½¢
Prime Japara	19½¢	16½¢
Average Java	17¾¢	15¾¢
All other Kapok	18½¢	16½¢

(b) *Maximum prices for less than carload lots.* For kapok sold in less than carload lots, the following premiums above the prices set forth in paragraph (a) may be charged:

Sales of 51–100 bales, inclusive. ¼¢ per pound.
Sales of 11–50 bales, inclusive. ½¢ per pound.
Sales of 6–10 bales, inclusive. ¾¢ per pound.
Sales of 1–5 bales, inclusive. 1¾¢ per pound.

(c) *Transportation charges.* Transportation charges may be added to the maximum prices set forth in paragraphs (a) and (b) above, as follows:

[1] 6 F.R. 6616, 7 F.R. 446.

(1) *For sales on a delivered basis.* The transportation charges from actual port of discharge to destination: *Provided,* That if delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable in an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate.

(2) *For sales on an f. o. b. shipping point basis.* The actuel transportation charges from actual port of discharge to actual shipping point: *Provided,* That if the kapok was transported from port of discharge to actual shipping point in a conveyance other than a commercial carrier, the transportation charge shall not exceed the charge which would be applicable in an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate.

Provided, That if the maximum prices are so increased, the invoice or similar document delivered to the purchaser shall show the amount of such transportation charges.

(d) *War risk insurance.* Charges for war risk insurance in excess of 2½ percent, actually paid with respect to the kapok sold, may be added to the maximum prices set forth in paragraphs (a) and (b) above: *Provided,* That if any such excess war risk insurance charges are added to the applicable maximum price, the invoice or similar document delivered to the purchaser shall show the amount of such charges.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 2 shall become effective February 2, 1942. Issued this 2d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-976; Filed, February 2, 1942; 5:24 p. m.]

PART 1354—WOOL AND WOOL PRODUCTS

AMENDMENT NO. 6 TO PRICE SCHEDULE NO. 58—WOOL AND WOOL TOPS AND YARNS

Sections 1354.4 and 1354.4 and Paragraph (d) of § 1354.8 are hereby amended and § 1354.9a is hereby added to read as follows:

§ 1354.1 *Maximum prices for wool and wool tops and yarns.* (a) On and after February 2, 1942, no person shall sell, offer to sell, deliver or transfer wool or wool tops or yarns at prices higher than the maximum prices established herein: *Provided,* That contracts entered into prior to December 18, 1941, calling for a price higher than the maximum prices may be carried out at the contract price.

(b) (1) The maximum price for domestic shorn wool shall be the market price prevailing on October 1, 1941, or on December 15, 1941, for the same class, kind, type, condition and grade of domestic shorn wool: *Provided,* That, if there were no such market price, the maximum price shall be the highest price contracted for or received by the seller

for the sale or delivery during the period between October 1, 1941 and December 15, 1941, inclusive, of domestic shorn wool of the same class, kind, type, condition and grade, to a purchaser of the same general class. If during said period no such sale or delivery were made, the maximum price shall be a price in line with the maximum prices for related kinds, types, conditions and grades, determined in accordance with this subparagraph (b) (1), to a purchaser of the same general class.

(2) The maximum price for wool, other than domestic shorn wool, and wool tops and yarns shall be the highest price contracted for or received by the seller for the sale or delivery during the period between October 1, 1941 and December 15, 1941, inclusive, of such wool or wool tops or yarns of the same class, kind, type, condition and grade to a purchaser of the same general class: *Provided*, That if during said period no such sale or delivery were made, the maximum price shall be a price in line with the maximum prices for related kinds, types, conditions, and grades of such wool or wool tops or yarns, determined in accordance with this subparagraph (b) (2), to a purchaser of the same general class.

(3) The maximum price for wool sold by the importer thereof shall be increased or decreased by an amount equal to the actual increase or decrease in war risk insurance rates and freight rates over those prevailing for wool of the same class, kind, type, condition and grade during said period: *Provided*, That in all cases where the price is so increased, the invoice or similar document delivered to the purchaser shall show the amount of such increase.

(c) The maximum prices determined in accordance with paragraph (b) above shall be the maximum prices for all transactions except for grease wool and wool tops futures contracts traded on the Wool Associates of the New York Cotton Exchange, Inc. For such contracts, the maximum prices shall be the highest prices on said Exchange during the period between October 1, 1941 and December 15, 1941, inclusive: *Provided*, That contracts entered into on said Exchange prior to December 18, 1941, calling for a price higher than the maximum prices may be carried out at the contract price. Such maximum prices are as follows:

	Cents
Wool Top Futures	122.7
Grease Wool Futures	123.5

(d) Sales at retail are excepted from the operation of this Schedule.

(e) On and after January 17, 1942, notwithstanding the provisions of paragraphs (a) and (b) above, no person shall sell, offer to sell, deliver or transfer wools or wool tops or yarns of the types and grades enumerated in Appendices A, B, C and D hereof, incorporated herein as §§ 1354.10 to 1354.13, inclusive, and no person shall buy, offer to buy, or accept delivery or transfer of such wools or wool tops or yarns at prices higher than the maximum prices set forth in Appendices A, B, C, and D: *Provided*, That contracts entered into prior to December 18, 1941 calling for a price higher than the maximum prices may be carried out at the contract price.

* * * * *

§ 1354.4 *Records and reports.* Every person making sales of wool or wool tops or yarns after December 17, 1941, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the price contracted for or received, and the quantity of each class, kind, type, condition and grade of wool or wool tops or yarns sold. Every such person shall also on or before February 10, 1942, have available for the Office of Price Administration a record of his prices for all sales and deliveries of wool and wool tops and yarns during the period from October 1, 1941, to December 15, 1941.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.

* * * * *

§ 1354.8 *Definitions.* When used in this Schedule, the term:

* * * * *

(d) "Yarns" means yarns containing 10% or more wool by fiber weight, except yarns dyed and converted for the hand knitting trade.

* * * * *

§ 1354.9a *Effective dates of amendments.* (a) Amendment No. 1 adding a new subparagraph (4) to paragraph (b) of § 1354.1 shall become effective January 10, 1942: *Provided*, That firm commitments entered into prior to January 10, 1942 for the sale of wool or wool tops or yarns at prices not exceeding the maximum prices established by this Schedule prior to the effective date of Amendment No. 1 may be completed at contract prices.

(b) Amendment No. 2 adding a new paragraph (e) to section 1354.1 and adding § 1354.10 shall become effective January 16, 1942: *Provided*, That firm commitments entered into prior to January 16, 1942 for the sale of wool or wool tops or yarns at prices not exceeding the maximum prices established by this Schedule prior to the effective date of Amendment No. 2 may be completed at contract prices.

(c) Amendment No. 3 amending paragraph (e) of § 1354.1 and adding §§ 1354.11 and 1354.12 shall become effective January 17, 1942: *Provided*, That firm commitments entered into prior to January 17, 1942 for the sale of wool or wool tops or yarns at prices not exceeding the maximum prices established by this Schedule prior to the effective date of Amendment No. 3 may be completed at contract prices.

(d) Amendment No. 4 amending paragraphs (a) and (c) of § 1354.12 shall become effective January 20, 1942: *Provided*, That firm commitments entered into prior to January 20, 1942 for the sale of wool or wool tops or yarns at prices not exceeding the maximum prices established by this Schedule prior to the effective date of Amendment No. 4 may be completed at contract prices.

(e) Amendment No. 5 amending paragraph (e) of § 1354.1 and adding § 1354.13 shall become effective January 29, 1942: *Provided*, That firm commitments entered into prior to January 29, 1942 for the sale of wool or wool tops or yarns at prices not exceeding the maximum prices established by this Schedule prior to the effective date of Amendment No. 5 may be completed at contract prices.

(f) Amendment No. 6 amending §§ 1354.1, 1354.4 and paragraph (d) of § 1354.8 and adding § 1354.9a shall become effective February 2, 1942: *Provided*, That firm commitments entered into prior to February 2, 1942, for the sale of wool or wool tops or yarns at prices not exceeding the maximum prices established by this Schedule prior to the effective date of Amendment No. 6 may be completed at contract prices.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 6 shall become effective February 2, 1942. Issued this 2d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-963; Filed, February 2, 1942; 5:19 p. m.]

PART 1355—LEAD

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 69—PRIMARY LEAD

Section 1355.7 is hereby amended to read as set forth below and the statement preceding the table in § 1355.9 paragraph (b) (1) is hereby amended to read as set forth below:

§ 1355.7 *Definitions.* When used in this Schedule, the term

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but, where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment;

(c) "Primary lead" means (1) lead in the form of pigs, ingots, and other special shapes made from ores, concentrates, or bullion, even though other material is mixed therewith, provided such other material accounts for 50% or less of the lead content thereof, and (2) lead in the form of pigs, ingots, and other special shapes produced from lead made from ores, concentrates, or bullion even though other material is mixed therewith, provided such other material accounts for 50% or less of the lead content thereof;

(d) "Producer" means any person who makes pigs, ingots, or other special shapes of lead.

* * * * *

1355.9 *Appendix A; maximum prices for primary lead.*

* * * * *

(b) *Sold and shipped, delivered, or carried away in less than carload lots.*

* * * * *

(1) *Sales of primary lead by the producer of the lead sold.*

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective February 2, 1942. Issued this 2d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-969; Filed, February 2, 1942; 5:22 p. m.]

PART 1355—LEAD

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 70—LEAD SCRAP MATERIALS; SECONDARY LEAD, INCLUDING CALKING LEAD; BATTERY LEAD SCRAP; AND PRIMARY AND SECONDARY ANTIMONIAL LEAD

Section 1355.62 is hereby amended by rewriting paragraph (n) and by adding thereto the new paragraph (q) as set forth below; the statement preceding the table in § 1355.65, paragraph (a) (2) (i), is hereby amended to read as set forth below; § 1355.66 is hereby amended by adding thereto the new paragraph (a) (5) as set forth below; and § 1355.67 is hereby amended by adding thereto the new paragraph (a) (4) as set forth below:

§ 1355.62 *Definitions.*

* * * * *

(n) "Secondary lead" includes secondary calking lead, and means lead more than 50% of the lead content of which shall be obtained from scrap material;

* * * * *

(q) "Producer" means any person who makes pigs, ingots, or other special shapes of lead.

* * * * *

§ 1355.65 *Appendix B; maximum prices for secondary lead including calking lead*—(a) *Maximum prices.*

* * * * *

(2) *Sold and shipped, delivered, or carried away in less than carload lots.*

(i) *Sales of secondary lead by the producer of the lead sold.*

* * * * *

§ 1355.66 *Appendix C; maximum prices for battery lead plates purchased and sold by brokers*—(a) *Maximum prices for brokerage sales.*

* * * * *

(5) *Weight of shipment.* The weight of the battery lead plates at the time the assay sample is taken and the assay made shall be used to determine the maximum price in accordance with this section.

§ 1355.67 *Appendix D; maximum prices for battery lead scrap purchased by smelters or battery manufacturers*—(a) *Battery lead plates, with or without lugs attached.*

* * * * *

(4) *Weight of shipment.* The weight of the battery lead plates at the time the assay sample is taken and the assay made shall be used to determine the maximum price in accordance with this section.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective February 2, 1942. Issued this 2d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-967; Filed, February 2, 1942; 5:20 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 66—RETREADED AND RECAPPED RUBBER TIRES, THE RETREADING AND RECAPPING OF RUBBER TIRES, AND BASIC TIRE CARCASSES

Section 1315.1210 is amended by adding a new paragraph (d) to read as follows:

§ 1315.1210 *Appendix A; maximum prices for retreaded and recapped rubber tires, the retreading and recapping of rubber tires, and basic tire carcasses.*

* * *

(d) A special and limited exception from the maximum prices set forth in this Appendix has been granted to:

(1) The Texas Tire Treading Company, 1619 Congress Avenue, Houston, Texas by a letter of January 24, 1942 from the Office of Price Administration.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective February 3, 1942. Issued this 3d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1015; Filed, February 3, 1942; 12:01 p. m.]

PART 1346—BUILDING MATERIALS

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 40—BUILDERS' HARDWARE AND INSECT SCREEN CLOTH

The preamble and §§ 1346.1, 1346.3, and 1346.4 are hereby amended to read as follows:

Builders' hardware, which includes such items as knobs, handles, locks, hinges, and window bolts, and insect screen cloth are important elements in building construction, and as such have considerable significance both in the defense program and in the civilian economy. Shortages of their basic raw materials, chiefly copper, and to a lesser extent such metals as zinc and tin, have produced inflationary pressure upon builders' hardware and screen cloth, most noticeably in the case of existing inventories. The issuance by the Office of Production Management of Conservation Order No. M-9-c on October 21, as amended November 3, severely curtailing at once the use of copper in builders' hardware and screening (among other things), and prohibiting its use therein altogether after January 1, 1942, will tend to cause an accentuation of this pressure on inventories.

The present schedule, instead of specifying the ceiling price for each item of builders' hardware and screen cloth, fixes as maximum prices on a group of named items the highest prices prevailing during the fifteen-day period ending October 15, 1941. This action is taken because of the difficulty of classifying these products, and because of the danger of inflationary price action during the time that would be required for the preparation of individual schedules covering each product.

Accordingly, under the authority vested in me under Executive Order No. 8734, it is hereby directed that:

§ 1346.1 *Maximum prices for builders' hardware and insect screen cloth.* (a) On and after February 3, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no person, except a retailer as defined in § 1346.7 (b), shall sell, offer to sell, deliver, or transfer any of the builders' hardware or screen cloth products set forth in Appendix A, incorporated herein as § 1346.9, at prices higher than the maximum price.

(b) (1) The maximum price shall be the highest price received by the seller for the delivery during the period between October 1, 1941 and October 15, 1941, of builders' hardware or screen cloth products of approximately the same grade, quality, and amount, to the same purchaser.

(2) If no such delivery to the same purchaser was made, the maximum price shall be the highest price received by the seller for a delivery during such period of builders' hardware or screen cloth products of approximately the same grade, quality, and amount, to a purchaser recognized by the trade as entitled to similar treatment.

(3) If no delivery of products of approximately the same grade, quality, and amount was made, the maximum price shall be determined from the price of a related builders' hardware or screen cloth product, delivered during such period, by making an appropriate adjustment for differences in type of product, grade, quality, amount, and type of purchaser. A "related builders' hardware or screen cloth product" means one bearing a recognized or determinable price relationship to the product being sold.

(4) In all other cases, the maximum price shall be the market price during such period for the same type of product, grade, quality, amount, and type of purchaser.

* * * * *

§ 1346.3 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of builders' hardware or screen cloth products, alone or in conjunction with any other material, or by way of premium, commission, service, transportation, or other charge, or by a tying-agreement or other trade understanding, by making discounts or

other terms and conditions of sale more onerous to the purchaser than those available or in effect on October 15, 1941, or by any other means.

§ 1346.4 *Records and reports.* Every person, other than a retailer, whose total sales of builders' hardware and/or screen cloth products during any calendar month beginning with November 1941, shall exceed One Thousand Dollars shall have available for inspection by the Office of Price Administration for a period of not less than one year a complete and accurate record of every such sale, except retail sales, of such products, including the date of sale, the name of the purchaser, the price, and the grade, quality, and amount sold.

Every such person shall also, within thirty days of the effective date of this Schedule, have available a record of his selling prices, except retail prices, for such products during the period from October 1, 1941, to October 15, 1941.

Every person affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 2 shall become effective February 3, 1942. Issued this 2d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1016; Filed, February 3, 1942; 12:01 p. m.]

PART 1401—SYNTHETIC TEXTILE PRODUCTS

PRICE SCHEDULE NO. 90—RAYON WASTE*

The state of war existing between this country and the Axis nations makes it imperative that steps be taken to protect the civilian population against increases in the cost of clothing and other primary requirements. Hostilities in the Pacific have raised the possibility of interference with the free flow of wool from foreign countries. At the same time the wool requirements of the armed forces will be considerably increased. This combination of circumstances would, unless forestalled, result in a bidding up of the prices of raw wool substitutes such as rayon waste. As a measure of public interest it becomes necessary to establish maximum prices for such materials.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1401.51 *Maximum prices for rayon waste.* On and after February 3, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer rayon waste, and no person shall buy, offer to buy, or accept delivery of rayon waste at prices higher than the maximum prices set forth in Appendices A and B hereof, incorporated herein as §§ 1401.59 and 1401.60.*

*§§ 1401.51 to 1401.60 inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1401.52 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B may be charged, demanded, paid or offered.*

§ 1401.53 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of rayon waste, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement, or other trade understanding, or by upgrading or otherwise.*

§ 1401.54 *Records and reports.* Every person making purchases or sales of rayon waste after February 3, 1942, aggregating 20,000 pounds or more in any calendar month shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each kind or grade purchased or sold.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1401.55 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, (c) that full advantage will be taken of the cooperation of the various political subdivision of state, county and local governments through calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule.

Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions thereof, or of speculation or manipulation of prices of rayon waste or of the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1401.56 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1401.57 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Rayon waste" means the kinds and grades of rayon waste enumerated in Appendices A and B hereof (§§ 1401.59 and 1401.60);

(c) "Producer" means a manufacturer of continuous filament rayon yarns or staple fiber.*

§ 1401.58 *Effective date.* This Schedule shall become effective on February 3, 1942.*

§ 1401.59 *Appendix A; maximum prices for producers of rayon waste.* The prices set forth below are maximum prices for rayon waste produced by manufacturers of continuous filament rayon yarns or staple fiber, net weight basis.

The maximum prices shall include all commissions and other charges except as provided below.

Grades	Price per lb. f. o. b. shipping point
Bleached lustrous open waste, extra coarse [1]	$.24
Bleached lustrous open waste, coarse [2]	.22
Bleached lustrous open waste, semi-coarse [3]	.20
Bleached dull open waste, semi-coarse	.20
Bleached semi-dull open waste, semi-coarse	.20
Bleached lustrous open waste, fine [4]	.18
Bleached dull open waste, fine	.18
Bleached semi-dull open waste, fine	.18
Undesulphured open waste	.19
Unbleached [4] open waste, extra coarse and coarse	.2250
Unbleached open waste, semi-coarse	.2250
Unbleached open waste, fine	.18
Unbleached open waste, mixed fine and coarse	.19
Bleached lustrous coarse threads	.20
Bleached lustrous semi-coarse threads	.1750
Bleached dull semi-coarse threads	.1750
Bleached semi-dull and semi-coarse threads	.1750
Bleached lustrous fine threads	.1650
Bleached dull fine threads	.1650
Bleached semi-dull fine threads	.1650
Bleached mixed fine and coarse threads, lustrous or dull	.1650
Unbleached threads, mixed fine and coarse	.1775
Unbleached threads, semi-coarse	.1750
Undesulphured threads	.19

[1] "Extra Coarse" when used in this Appendix means rayon filaments over eight denier.

[2] "Coarse" when used in this Appendix means rayon filaments five denier and over, but not more than eight denier.

[3] "Semi-coarse" when used in this Appendix means rayon filaments two and a half denier and over, but less than five denier.

[4] "Fine" when used in this Appendix means rayon filaments less than two and a half denier.

[4] "Unbleached" when used in this Appendix means washed or desulphured whether lustrous, semi-dull or dull.

Grades—Continued	Price per lb. f. o. b. shipping point
Staple fiber waste [5]	.15
Mixed open and thread waste, fine	.1650
Mixed open and thread waste, coarse	.22
Bleached and unbleached, fine and coarse	.1650

[5] "Staple Fiber Waste" when used in this Appendix means the waste that occurs during the manufacture of staple fiber and has no uniform lengths.

Premiums for sales by persons other than producers. The maximum prices for sales by persons other than producers shall be the maximum prices set forth above plus an amount equal to 6% of the applicable maximum price.

§ 1401.60 *Appendix B; maximum prices for rayon tops and rayon noils.* The prices set forth below are maximum prices for rayon tops and rayon noils in cents per pound, net weight basis.

The maximum prices shall include all commissions and other charges.

Rayon tops [1]	Price per lb. f. o. b. shipping point
Rayon waste tops [2]	$.40
Staple fiber tops [3]	
Lustrous 5½ denier, any length staple	.40
Dull 5½ denier, any length staple	.42
Lustrious 3 denier, any length staple	.42
Dull 3 denier, any length staple	.44
Rayon noils [4]	
Rayon Waste noils [5]	.44
Staple fiber noils	
Lustrous 5½ denier, any length staple	.2050
Dull 5½ denier, any length staple	.2050
Lustrous 3 denier, any length staple	.2050
Dull 3 denier, any length staple	.2050

[1] "Rayon Tops" means a continuous sliver in balls of approximately ten pounds each made from rayon waste or rayon staple fiber.

[2] "Rayon Waste Tops" means tops made from viscose processed rayon waste, lustrous or dull.

[3] "Staple Fiber Tops" means tops made from viscose process staple fiber.

[4] "Rayon Noils" means the short fibers that are combed out during the process of making tops.

[5] "Rayon Waste Noils" means noils made from viscose processed rayon waste, lustrous or dull.

Issued this 3d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1018; Filed, February 3, 1942; 12:02 p. m.]

TITLE 35—PANAMA CANAL

CHAPTER I—CANAL ZONE REGULATIONS

PART 4—OPERATION AND NAVIGATION OF PANAMA CANAL AND ADJACENT WATERS

AMENDMENTS RELATING TO DOCUMENTS REQUIRED OF ARRIVING VESSELS

1. Section 4.20, as amended, of Title 35, Code of Federal Regulations, relating to papers required to be delivered to the boarding party by an arriving vessel, is hereby further amended to increase the required number of copies of passenger and crew lists, so that said § 4.20, as amended, shall read as follows:

§ 4.20 *Papers required by boarding party, list of.* All documents listed below as being required of a ship should be ready for immediate delivery to the boarding party:

Documents required	For ships which transit Canal but do not take on or discharge passengers or cargo at Canal ports.	For ships taking on or discharging passengers or cargo at Canal ports
(a) Ship's information sheet (Panama Canal form)	1	1
(b) Clearance from last port	[1] 1	[1] 1
(c) Bills of health (U. S. Consular bill issued at port of departure and at each port of call en route, as provided in Regulation 106.2)	[2] 1	[2] 1
(d) Quarantine declaration (International Standard form)	3	3
(e) All other certificates of a sanitary nature	[1] 1	[1] 1
(f) Passenger list (on Panama Canal form)	8	8
(g) Chinese descriptive list, passengers and crew	[2] 1	[2] 2
(h) Crew list	7	7
(i) Store list	[2] 1	1
(j) Cargo declaration (Panama Canal form)	1	[2] 1
(k) Manifest of local cargo	0	4
(l) Declaration of explosive cargo carried	[2] 1	[2] 1
(m) Declaration of inflammable or combustible liquids in bulk carried as cargo	[2] 1	[2] 1
(n) Statement of fuel account (for vessels in ballast only)	1	[3] 1
(o) Panama Canal tonnage certificate	1	[4] 1
(p) National register	[1] 1	[1] 1
(q) General arrangement plan of vessel	[4] 1	[4] 1
(r) Report of structural alterations and of changes in use of tanks or other spaces since last transit	1	[1] 1
(s) Information cards for disembarking passengers, as provided in Regulation 12.3 (§ 4.20b).[7]		

[1] For examination only.
[2] One copy of each required bill.
[3] Not required unless such persons or cargo are carried.
[4] Required if ship during transit is laid up for repairs regardless of whether passengers or cargo are taken on or discharged.
[5] Not required unless ship transits Canal.
[6] For taking up and subsequent return through agent or otherwise.
[7] F.R. 4938.

NOTE.—In case a vessel takes on or discharges passengers or cargo at only one Canal Zone port and does not transit the Canal, the documents to the number indicated in the second column are required. In case a ship docks or takes on or discharges passengers or cargo at both Cristobal and Balboa, or at a port other than the port of entry, all documents to the number indicated in the second column will be required at the first port and, in addition, four copies of document (f), three copies of document (h), and documents (g), (i), and (k) to the number indicated in the second column, will be required at the second port.

(Rules 9 and 12, E.O. 4314, September 25, 1925 (§§ 4.11 and 4.19 of this chapter)) [Reg. 12.1 (§ 4.20), Governor's Regulations, August 1, 1931, as amended September 9, 1939, December 1, 1939, 4 F.R. 4938, January 27, 1942]

2. Section 4.20c of title 35, Code of Federal Regulations, is hereby added, reading as follows:

§ 4.20c *Advance passenger and crew lists by air mail.* In addition to the passenger and crew lists required by Regulation 12.1 (§ 4.20), as amended, to be delivered to the boarding party by vessels arriving in the Canal Zone, the masters of all vessels destined for entry into Canal Zone waters shall:

(a) Before departure from the first port from which the vessel clears or departs on a voyage to the Canal Zone, dispatch by air mail to the Port Captain at the Canal Zone port of arrival advance lists of the passengers and crew members destined for entry into Canal Zone waters aboard such vessel; and

(b) Before departure from any port of call, that is to say any port subsequent to the port of departure, at which are embarked any passengers or crew members destined for entry into Canal Zone waters aboard such vessel, similarly dispatch advance lists of the passengers and crew members so embarked.

The advance passenger and crew lists hereinbefore referred to should be furnished in triplicate. Such lists need not be on the Panama Canal forms of passenger and crew lists but should contain all the information that is contained on such forms, viz.: As to passengers—full name, sex, age, color, nationality, port of embarkation, and final destination; and as to crew members—full name, capacity or duty, birthplace, citizenship, and age. Failure to furnish these advance lists will subject the vessel to delay. (Rules 9 and 12, E.O. 4314, September 25, 1925 (§§ 4.11 and 4.19 of this chapter)) [Reg. 12.4 (§ 4.20c), Governor's Regulations, August 1, 1931, as added January 27, 1942]

3. The regulations amended and added as aforesaid shall be effective as to all vessels arriving in the Canal Zone on or after February 10, 1942.

GLEN E. EDGERTON,
Governor.

[F R. Doc. 42-984; Filed, February 3, 1942; 9:42 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1255]

PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF AN ADDITIONAL PRICE INSTRUCTION IN THE SCHEDULES OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1 FOR ALL SHIPMENTS EXCEPT TRUCK AND FOR TRUCK SHIPMENTS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 5, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bitu-

minous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 28, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 1 for the establishment of an additional price instruction in the Schedules of Effective Minimum Prices for District No. 1 For All Shipments Except Truck and For Truck Shipments; and, more particularly for the establishment of such an additional price instruction relating to the mixing of coals of District No. 1 reading substantially as follows: "When coals produced by a single Code Member are mixed the minimum price applicable to such mixture shall be the same as that for the coal contained in the mixture having the highest price classification, unless, after hearing, a special price classification is established for said mixture. When such mixture is sold, the invoices shall properly identify the coal."

One of the issues in this proceeding is whether any such price instruction should read substantially as follows: "Unless specifically provided for elsewhere in this Schedule, producers who mix coals from separately classified seams or mines and load such mixture over the same tipple shall price such coal at not less than the effective price classification and minimum price for the coal contained in the mixture having the highest price classification and minimum price. When such mixture is sold, the invoices shall properly identify the coal."

Dated: February 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-986; Filed, February 3, 1942; 11:11 a. m.]

[Docket No. B-192]

IN THE MATTER OF IRA P. FOSTER, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 17, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 20, 1942, by Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 10, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: that Ira P. Foster, R. D. #3, Dayton, Pennsylvania, whose code membership became effective as of December 1, 1940, operator of Foster Mine, Mine Index No. 2838, Sub-District No. 12 of District No. 1, Armstrong County, Pennsylvania.

(a) Sold and delivered to the Pittsburg and Shawmut Coal Company by truck to the Colwell siding of the Freebrook Company, an affiliate of the Pittsburg and Shawmut Coal Company, approximately 126.25 net tons of run of mine coal produced at said mine during the months of January and February 1941, at a price below the effective minimum price established therefor of $2.15 per net ton, plus at least the actual transportation charge, handling charges, or incidental charges of whatsoever kind or character from the transportation facilities at the mine to said point of delivery; or

(b) The aforesaid defendant sold during the months of January and February 1941, both dates inclusive, approximately 126.25 net tons of run of mine coal, produced at the aforesaid Foster Mine, Mine Index #2838, to the Pittsburg and Shawmut Coal Company for rail shipment and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of approximately $1.50 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940, in General Docket No. 19.

Dated: February 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-987; Filed, February 3, 1942; 11:11 a. m.]

[Docket No. B-167]

IN THE MATTER OF SCOTT L. REARICK, CODE MEMBER, DEFENDANT

ORDER GRANTING APPLICATION TO WITHDRAW COMPLAINT AND CANCELLING NOTICE OF AND ORDER FOR HEARING

A complaint dated January 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed on January 6, 1942, by Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder; and

Said Bituminous Coal Producers Board having filed an application on January 22, 1942, with the Division to withdraw its complaint heretofore filed against the above-named defendant; and

The above-entitled matter having been heretofore scheduled for hearing at 10 a. m. at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania, on February 20, 1942, pursuant to an Order of the Acting Director dated January 15, 1942; and

It appearing to the Acting Director that it is advisable that said application to withdraw the aforesaid complaint should be granted;

Now, therefore, it is ordered, That the application to withdraw the above-entitled complaint be and the same is hereby granted without prejudice to the new complaint heretofore filed with the Division against the above-named defendant.

It is further ordered, That the hearing in the above-entitled matter be and the same is hereby cancelled.

Dated: February 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-988; Filed, February 3, 1942; 11:12 a. m.]

[Docket No. A-1129]

PETITION OF SOMERSET RETAIL COAL DEALER'S ASSOCIATION FOR THE REVISION OF PRICE INSTRUCTION 6 IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1 FOR TRUCK SHIPMENTS INTO SOMERSET TOWNSHIP, SOMERSET COUNTY, PENNSYLVANIA, IN MARKET AREA 6, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITION

The original petitioner having moved that the proceedings in the above-entitled matter be dismissed without prejudice, and there having been no opposition thereto;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be dismissed, without prejudice, and that the proceedings in this docket be closed.

Dated: February 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-989; Filed, February 3, 1942; 11:12 a. m.]

[Docket No. D-10]

IN THE MATTER OF THE APPLICATION OF HICKMAN, WILLIAMS AND COMPANY FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBUTORS' DISCOUNTS ON COAL SOLD TO ITS RETAIL DIVISION OR DEPARTMENT KNOWN AS REEVES COAL AND DOCK CORPORATION

ORDER OF DISMISSAL

Hickman, Williams and Company, the Applicant herein, having moved that the application on the above-entitled matter be dismissed without prejudice to its right to renew the application for permission to receive sales agents' commissions and distributors' discounts on coal sold to its retail division or department known as Reeves Coal and Dock Corporation; and

Good cause having been shown therefor; *it is so ordered*.

Dated: January 30, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-990; Filed, February 3, 1942; 11:12 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Service.

[P. & S. Docket No. 442]

IN THE MATTER OF THE CLEVELAND UNION STOCK YARDS COMPANY, RESPONDENT-PETITIONER

NOTICE OF PETITION FOR MODIFICATION AND ORDER

On January 5, 1942, the petitioner, The Cleveland Union Stock Yards Company, owner and operator of a stockyard located at Cleveland, Ohio, which has been duly posted under the Packers and Stockyards Act, 1921 (7 U.S.C. 1940 ed. 181), filed a petition for a temporary modification of the orders heretofore entered in this docket on July 18, 1934, and February 14, 1935, in which certain rates and charges were prescribed for the use of the facilities of the petitioner and for the stockyard services rendered by the petitioner. The petitioner seeks permission to amend its present tariff by increasing the yardage and handling rates on cattle, calves, hogs, and sheep, and by modifying its charges for washing and disinfecting trucks and trailers. The supplemental tariff which petitioner seeks to file and make effective is as follows:

SECTION 1. *Yardage*—(a) *Base rate per head.*

Cattle	50 cents
Calves	30 cents
Hogs	18 cents
Sheep	12 cents

SECTION 9. *Handling and delivery of direct shipments received by truck.*

Charges:

Cattle	25 cents per head
Calves	15 cents per head
Hogs	9 cents per head
Sheep	6 cents per head

SECTION 10. (b) *Cleaning and Disinfecting.*

Charges	*Washing*	*Disinfecting*
Small trucks or trailers, stock rack less than 10 ft. in length	$0.50	$0.25
Medium trucks or trailers, stock rack over 10 ft. but less than 15 ft. in length	1.00	.50
Large trucks or trailers, stock rack over 15 ft. in length	1.50	.75

For double decks add 20%.

The following allegations, in substance, are made by the petitioner in support of its petition for modification:

(1) The minimum fair value of the property of the petitioner used and useful in the rendition of stockyard services is not materially different from the valuation indicated in the prior orders entered in this docket.

(2) If a complete new appraisal of the used and useful property were made at the present time, it is probable that the cost of reproduction new of the petitioner's properties would be at least 25 percent greater than that indicated in the prior orders.

(3) The petitioner does not seek an increase in the value of its rate base provided the rate of return used in arriving at the rates prescribed in the prior orders is left undisturbed.

(4) The increased cost of feed, supplies, and materials justifies a working capital in the amount of $30,000.

(5) The present minimum fair value of the property of the petitioner used and useful in the rendition of stockyard services is $1,380,747.

(6) The net return from stockyard services, before provision for Federal income tax, upon the rate base utilized in arriving at the schedule of rates now in effect is as follows:

1938—2.29%
1939—2.21%
1940—2.71%
1941—2.22%

(7) The failure of the petitioner to earn the return estimated by the Secretary in his order of July 18, 1934, has been due to changed conditions which could not have been foreseen. Livestock receipts have decreased. The annual receipts of livestock for the years 1938 to 1941, inclusive, averaged 63 percent of the receipts in 1933. Wages and salaries have increased. During the year 1941, the wages of employees employed on an hourly basis were increased on an average of 30.6 percent and the salaries of other employees were increased approximately 15 percent.

(8) The proposed rates, applied to the volume of receipts received by the petitioner in 1941, would produce a net stockyard operating income in the amount of $48,692.36, or approximately 3.56 percent upon an estimated rate base of $1,380,747.

It appears that an opportunity for a hearing should be afforded to the petitioner and to all other interested persons, including the patrons of the petitioner, for the purpose of determining whether the orders heretofore entered in this docket should be modified.

Therefore, by direction of the Secretary, *It is ordered*, That the petitioner and all other interested persons, including patrons of the petitioner, shall be given an opportunity to be heard and to present such evidence as may be relevant and material to the matters alleged in the petition.

It is further ordered, That all interested persons who desire to be heard shall give notice thereof to the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Washington, D. C., within twenty days from the date of the publication of this order.

It is further ordered, That a copy of this notice and order shall be served upon The Cleveland Union Stock Yards Company of Cleveland, Ohio.

It is further ordered, That a copy of this notice and order shall be published in the FEDERAL REGISTER.

Done at Washington, D. C., this 31st day of January 1942.

H. E. REED,
Acting Chief,
Agricultural Marketing Service.

[F. R. Doc. 42-994; Filed, February 3, 1942; 11:26 a. m.]

Office of the Secretary.

ORDER DELEGATING TO GOVERNOR OF FARM CREDIT ADMINISTRATION AUTHORITY TO MAKE ORCHARD REHABILITATION LOANS IN THE STATES OF KANSAS, MISSOURI, NEBRASKA, AND IOWA

Pursuant to the authority vested in me by law (R.S. 174; 5 U.S.C. 24), I authorize the Governor of the Farm Credit Administration, and such officials and employees of that Administration as the Governor may designate, to make and administer loans for the purpose of enabling the borrowers to rehabilitate orchards in the States of Kansas, Missouri, Nebraska, and Iowa which were destroyed or damaged as a result of the extremely cold weather in November 1940, as provided for in the Third Supplemental National Defense Appropriation Act, 1942, approved December 17, 1941 (Public Law 353-77th Congress); and I delegate to the Governor the authority to prescribe such rules and regulations and to take such further action as may be necessary to effectuate the purposes of this authorization.

When the Governor of the Farm Credit Administration is absent, the authority conferred upon him by this order may be exercised by the person who acts in his stead as Acting Governor of the Farm Credit Administration.

Done at Washington, D. C., this 2nd day of February, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary.

[F. R. Doc. 42-993; Filed, February 3, 1942; 4:15 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF CANCELLATION OF SPECIAL LEARNER CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that two special certificates for the employment of learners issued to the Duro-Wear Shirt Company, Inc., and the New England Shirt Company, Inc. of Danbury, Connecticut, effective on August 30, 1940 and October 25, 1940, respectively, have been ordered cancelled as of the first date of violation pursuant to the terms thereof which provide among other things for cancellation as of the date of violation if found that any of the terms have been violated.

The order of cancellation shall not become effective and enforceable until after the expiration of a fifteen-day period following the date on which this notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any aggrieved person under § 522.13 of the Regulations. If a petition is properly filed, the effective date of the order of cancellation shall be postponed until final action is taken on the petition.

Signed at Washington, D. C., this 2d day of February 1942.

ALEX G. NORDHOLM,
Authorized Representative of the Administrator.

[F. R. Doc. 42-1002; Filed, February 3, 1942; 11:42 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 518]

IN THE MATTER OF THE PETITION OF ALL AMERICAN AVIATION, INC., FOR AN ORDER FIXING AND DETERMINING THE FAIR AND REASONABLE RATES OF COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH OVER ROUTE NO. 49.

NOTICE OF FURTHER HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, that the above-entitled proceeding, having been reopened by order of the Board dated November 19, 1941, for the purpose of receiving further evidence relating to the mesesnger service costs in connection with the transportation of mail by aircraft over route No. 49, and of making such revision of that part of the order of the Board dated September 29, 1941, relating to the rates of compensation to be paid for the transportation of mail by aircraft over route No. 49 on and after September 1, 1941, as may be appropriate upon the evidence, is hereby assigned for further public hearing on Wednesday, February 11, 1942, 10 o'clock a. m. (Eastern Standard Time), in Room 1851, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiners J. Francis Reilly and John Marshall.

Dated: February 2, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-983; Filed, February 3, 1942; 9:36 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

NOTICE OF HEARING

[Docket No. 6245]

In re application of Airfan Radio Corporation, Ltd. (KFSD); dated August 19, 1941, for modification of C. P.; class of service, broadcast; class of station, broadcast; location, San Diego, Calif.; operating assignment under C. P.: frequency, 600 kc.; power, 5 kw.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reason:

1. To determine whether the operation of Station KFSD as proposed would be consistent with the Standards of Good Engineering Practice, particularly with respect to the transmitter location and population residing within the blanket area (250 mv/m contour).

2. To determine what precautionary measures, if any, would be necessary to avoid causing objectionable interference to the services of other broadcast stations due to external cross modulation, particularly in view of the distances between Station KFSD and Stations KFMB and KGB.

3. To determine whether the proposed radiating system complies with the Standards of Good Engineering Practice.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Airfan Radio Corporation, Ltd., Radio Station KFSD, 326 Broadway, San Diego, California.

Dated at Washington, D. C., January 30, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-996; Filed, February 3, 1942; 11:28 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4642]

IN THE MATTER OF S. & M. GRAND RAPIDS FURNITURE FACTORIES, INC., A CORPORATION, ALSO TRADING AS S. & M. GRAND RAPIDS FURNITURE COMPANY OF NEWARK, NEW JERSEY, AND GRAND RAPIDS SHOWROOMS

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 30th day of January, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John P. Bramhall, trial examiner, of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, February 13, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 900, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the Evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1006; Filed, February 3, 1942; 11:47 a. m.]

[Docket No. 4607]

IN THE MATTER OF MAR-GOL HEALTH PRODUCTS CORP., A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of January, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Arthur F. Thomas, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, February 12, 1942, at ten o'clock in the forenoon of that day (central standard time), in Room 1121, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1005; Filed, February 3, 1942; 11:47 a. m.]

[Docket No. 4557]

IN THE MATTER OF E. B. MOLES, INDIVIDUALLY AND TRADING UNDER THE NAME OF MALONE & MOLES

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 31st day of January, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Arthur F. Thomas, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, February 10, 1942, at ten o'clock in the forenoon of that day (central standard time) in Room 203, Federal Building, Sioux City, Iowa.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1004; Filed, February 3, 1942; 11:47 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-1953]

IN THE MATTER OF GENERAL INVESTMENT CORPORATION COMMON STOCK, $1 PAR VALUE

ORDER CONSOLIDATING HEARINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2d day of February, A. D. 1942.

The General Investment Corporation, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D-2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, $1 par value, from listing and registration on the Boston Stock Exchange; and

The Commission having ordered that a hearing in connection therewith be held at 10 A. M. on Wednesday, February 4, 1942, at the office of the Securities and Exchange Commission, 120 Broadway, New York City; and

It appearing to the Commission that unlisted trading privileges have been continued on the New York Curb Exchange in the Common Stock, $1 Par Value, of General Investment Corporation pursuant to Clause (1) of section 12 (f) of the Securities Exchange Act of 1934; and such section providing in part that unlisted trading privileges continued for any security pursuant to Clause (1) of said section 12 (f) shall be terminated by order, after appropriate notice and opportunity for hearing, if it appears at any time that such security has been withdrawn from listing on any exchange by the issuer thereof, unless it shall be established to the satisfaction of the Commission that such delisting was not designed to evade the purposes of this title or unless it shall appear to the Commission that, notwithstanding any such purpose of evasion, the continuation of such unlisted trading privileges is nevertheless necessary or appropriate in the public interest or for the protection of investors:

It is ordered, That the hearing required in the foregoing paragraph be consolidated with the hearing ordered to be held at 10 A. M. on Wednesday, February 4, 1942, at the office of the Securities and Exchange Commission, 120 Broadway, New York City, on the application of General Investment Corporation to withdraw its Common Stock, $1 par value, from listing and registration on the Boston Stock Exchange, so that the Commission may without further hearing, if it grants the latter application, dispose of the question involving the termination of unlisted trading privileges in the subject security upon the New York Curb Exchange.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1007; Filed, February 3, 1942; 11:49 a. m.]

[File No. 70-493]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION AND BINGHAMTON GAS WORKS

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3rd day of February, A. D. 1942.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than February 18, 1942 at 4:30 p. m., E. S. T. re-

quest the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Columbia Gas & Electric Corporation, a registered holding company and subsidiary of The United Corporation, also a registered holding company, proposes to sell to Binghamton Gas Works, a subsidiary of both companies, and the latter to acquire for retirement, $3,000 principal amount of its General Mortgage 5% Bonds now held by Columbia Gas & Electric Corporation for $2,895 cash.

The declaration or application recites that the companies consider sections 12 (c) and 12 (d) of the Act and Rules U-12 and U-42[1] promulgated thereunder as being applicable to the proposed transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary

[F. R. Doc. 42-1008; Filed, February 3, 1942; 11:49 a. m.]

[File No. 70-491]

IN THE MATTER OF PACIFIC POWER & LIGHT COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2nd day of February, A. D. 1942.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than February 13, 1942, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such a declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Pacific Power & Light Company ("Pacific"), a registered holding company and a subsidiary of American Power & Light Company, and of Electric Bond and Share Company, likewise registered holding companies, as of November 30, 1941 owned all of the issued and outstanding shares (except director's qualifying shares) of the capital stock, all of no par value, of its subsidiary, Inland Power & Light Company ("Inland"), an electric utility, and also owned Inland's 6% Demand Note now outstanding in the principal amount of $7,560,000. Pacific proposes to cancel Inland's said 6% Demand Note indebtedness as a contribution by Pacific to the capital of Inland. Consummation of this transaction, it is stated, will increase the stated liability with respect to the capital stock of Inland from $1,545,369.27, as of November 30, 1941, to $9,105,369.27.

In the declaration or application it is stated that the proposed transaction is the first step in a series of transactions looking to the transfer of all the properties and assets of Inland to Pacific, which will eliminate Inland as a separate corporate entity.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1009; Filed, February 3, 1942; 11:49 a. m.]

[File No. 812-259-1]

IN THE MATTER OF THE LEHMAN CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of January, A. D. 1942.

The Lehman Corporation, a registered closed-end management investment company having duly filed an application pursuant to the provisions of section 23 (c) (3) of the Investment Company Act of 1940 for an order permitting it to purchase by negotiation during the next thirty days a maximum of 5,000 shares of its own capital stock from Cornell University Fund at prices not in excess of ¼ point above the last sale on the New York Stock Exchange preceding any such purchase, without payment of any commissions by The Lehman Corporation in connection with such purchase;

It is ordered, That a hearing on such matter under the applicable provisions of the Act and the rules of the Commission thereunder be held on Friday, February 6, 1942 at 10:00 o'clock in the forenoon of that day in the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1010; Filed, February 3, 1942; 11:50 a. m.]

[File No. 70-465]

IN THE MATTER OF PENNSYLVANIA ELECTRIC COMPANY, THE CLARION RIVER POWER COMPANY, ERIE LIGHTING COMPANY, SOLAR ELECTRIC COMPANY, YOUGHIOGHENY HYDRO-ELECTRIC CORPORATION, ASSOCIATED MARYLAND ELECTRIC POWER CORPORATION, AND ASSOCIATED ELECTRIC COMPANY

ORDER DENYING INTERVENTION BUT PERMITTING LIMITED PARTICIPATION IN HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 2d day of February, A. D. 1942.

The Commission, having previously issued its amended Notice of and Order for Hearing in this matter, pursuant to the applicable provisions of the Public Utility Holding Company Act of 1935; and

Ford R. Jennings, having filed an application to intervene in these proceedings, representing that he is at the present time a registered owner of thirty shares of The Clarion River Power Company Participating Capital Stock; and

The Commission having considered said application and the statement in support thereof;

It is ordered, That said application for leave to intervene is hereby denied.

It is further ordered, That Ford R. Jennings shall be entitled to participate in said proceedings, insofar as they affect his interest as a holder of Participating Capital Stock of The Clarion River Power Company, and to the extent of cross-examining witnesses, introducing evidence, and filing of briefs and the making of oral argument.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1011; Filed, February 3, 1942; 11:50 a. m.]

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[1] So in original document.

[File No. 37-28]

IN THE MATTER OF ATLANTIC UTILITY SERVICE CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 29th day of January, A. D. 1942.

Notice is hereby given that Atlantic Utility Service Corporation has filed with this Commission an amendment to its application for approval as a mutual service company pursuant to the Public Utility Holding Company Act of 1935, particularly section 13 thereof and the rules thereunder. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

The revision of the organization of Atlantic Utility Service Corporation so as to restrict its activities from the former rendition of accounting, corporate procedure, corporate simplification and integration, financial, operations, engineering and purchasing services to the performance of technical services in the fields of engineering, purchasing, rates, labor relations, safety and real estate. In this connection, applicant represents that in the period from December 1, 1940 to October 1, 1941, its personnel has been reduced from 402 employees to 203 employees, or by approximately 50%. It also represents that annual compensation to employees has been reduced from $1,225,213 to $595,468, or by approximately 51%. It further represents that all services not considered essential to or for the benefit of operating companies (except certain services temporarily being rendered to various holding companies) have been discontinued, and that its employees have been moved or are in the process of being moved to Reading, Pennsylvania, the center of operations.

The adjustment of certain claims of Atlantic Utility Service Corporation by the submission to arbitration of a claim for $736,000 against Associated Utilities Corporation, wholly owned subsidiary of the Trustees of Associated Gas and Electric Corporation, and simultaneously therewith, the payment of $144,549 by Associated Utilities Corporation, pursuant to a so-called guaranty agreement of the letter, with respect to losses incurred prior to January 10, 1940, in servicing Associated Gas and Electric Company and Associated Gas and Electric Corporation, without prejudice thereby to whatever other claims Atlantic Utility Service Corporation may have against Associated Utilities Corporation. The amendment states that applicant is examining further into certain other legal claims which it may have to determine whether they should be presented.

It appearing to the Commission that it is appropriate in the public interest and in the interests of investors and consumers that a hearing be held with respect to said matters, that said amended application shall not be granted except pursuant to further order of this Commission:

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on February 17, 1942, at 10:00 o'clock A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause will be shown why such amended application shall become effective or shall be granted.

Notice is hereby given of the said hearing to the above Applicant and to all interested persons, said notice to be given to said Applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in said matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues of said amended applications otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the service functions of engineering, purchasing, rates, labor, safety and real estate now rendered by the Applicant are being performed efficiently and economically and at a reasonable saving over the cost of comparable service rendered by independent persons.

(2) Whether the organization for the rendition of purchasing, rates, labor, safety and real estate services to member companies is such as is necessary or appropriate in the public interest or for the protection of investors and consumers.

(3) Whether the Applicant is so organized that approval should be granted in the light of the existence of certain claims of $736,000 and $144,549 against Associated Utilities Corporation; and the existence of certain other claims of $331,345 and $76,139 representing amounts previously charged to and paid by the member companies; the existence of certain accounts receivable allegedly payable by Associated Utilities Corporation; and the existence of certain accounts payable in connection with the cancellation of management contracts by New England Gas & Electric Association companies.

(4) Whether approval of Applicant's organization should be granted in the light of the presence of sixty-six persons on Applicant's payroll who are engaged exclusively in holding company work.

(5) Whether and to what extent Applicant proposes to render services to the holding companies of the Associated system, the character of and the proposed charges for such services, whether the performance of such services will have an effect upon the rendition of services to the member companies and if so the character and extent thereof, and whether the performance of any such service is in accordance with the applicable standards of the Act.

(6) Whether any of the services performed by the applicant duplicates work now being done by the member companies.

(7) Whether the applicant performs services efficiently and economically and at a saving to member companies.

(8) Generally, whether the organization of and the conduct of business by the applicant meets the standards of section 13 of the Act and the rules and regulations promulgated thereunder.

(9) Whether the public interest or the interest of investors or consumers or other applicable standards of the Act require the imposition of terms and conditions in connection with the proposed organization and activities of the applicant.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1012; Filed, February 3, 1942; 11:50 a. m.]

[File No. 37-36]

IN THE MATTER OF GAS ADVISERS, INC.

ORDER EXTENDING EFFECTIVENESS OF ORDER GRANTING TEMPORARY APPROVAL OF MUTUAL SERVICE COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of January, A. D. 1942.

The Commission having entered an order under date of January 5, 1939, effective as of December 31, 1938, granting approval to the above applicant as a mutual service company, subject to certain conditions therein set forth, among which was condition number (2), that the effectiveness of said order should terminate thirty days after the date of the Commission's order on the application of Cities Service Company under section 3 (a) (3) of the Public Utility Holding Company Act (File No. 31-408) the Commission reserving jurisdiction, however, to extend the effectiveness of said order pending consideration by it of such amendments to the application, or such further applications or declarations as might thereafter be filed respecting the rendering of services to companies of the Cities Service Company and/or Cities Service Power & Light Company systems; and

The Commission having, effective as of January 30, 1941, issued an order whereby said application of Cities Service Company for exemption was denied; and

The Commission, pursuant to applications, having heretofore ordered that the date on which the Commission's order of January 5, 1939 shall terminate be extended to and including November 1, 1941, the Commission having reserved

FEB 6 1942

[File No. 37-28]

IN THE MATTER OF ATLANTIC UTILITY SERVICE CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 29th day of January, A. D. 1942.

Notice is hereby given that Atlantic Utility Service Corporation has filed with this Commission an amendment to its application for approval as a mutual service company pursuant to the Public Utility Holding Company Act of 1935, particularly section 13 thereof and the rules thereunder. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

The revision of the organization of Atlantic Utility Service Corporation so as to restrict its activities from the former rendition of accounting, corporate procedure, corporate simplification and integration, financial, operations, engineering and purchasing services to the performance of technical services in the fields of engineering, purchasing, rates, labor relations, safety and real estate. In this connection, applicant represents that in the period from December 1, 1940 to October 1, 1941, its personnel has been reduced from 402 employees to 203 employees, or by approximately 50%. It also represents that annual compensation to employees has been reduced from $1,225,213 to $595,468, or by approximately 51%. It further represents that all services not considered essential to or for the benefit of operating companies (except certain services temporarily being rendered to various holding companies) have been discontinued, and that its employees have been moved or are in the process of being moved to Reading, Pennsylvania, the center of operations.

The adjustment of certain claims of Atlantic Utility Service Corporation by the submission to arbitration of a claim for $736,000 against Associated Utilities Corporation, wholly owned subsidiary of the Trustees of Associated Gas and Electric Corporation, and simultaneously therewith, the payment of $144,549 by Associated Utilities Corporation, pursuant to a so-called guaranty agreement of the letter, with respect to losses incurred prior to January 10, 1940, in servicing Associated Gas and Electric Company and Associated Gas and Electric Corporation, without prejudice thereby to whatever other claims Atlantic Utility Service Corporation may have against Associated Utilities Corporation. The amendment states that applicant is examining further [illegible] pursuant to further order of this Commission:

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on February 17, 1942, at 10:00 o'clock A. M. at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause will be shown why such amended application shall become effective or shall be granted.

Notice is hereby given of the said hearing to the above Applicant and to all interested persons, said notice to be given to said Applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in said matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues of said amended applications otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) Whether the service functions of engineering, purchasing, rates, labor, safety and real estate now rendered by the Applicant are being performed efficiently and economically and at a reasonable saving over the cost of comparable service rendered by independent persons.

(2) Whether the organization for the rendition of purchasing, rates, labor, safety and real estate services to member companies is such as is necessary or appropriate in the public interest or for the protection of investors and consumers.

(3) Whether the Applicant is so organized that approval should be granted in the light of the existence of certain claims of $736,000 and $144,549 against Associated Utilities Corporation; and the existence of certain other claims of $331,345 and $76,139 representing amounts previously charged to and paid by the member companies; the existence of certain accounts receivable allegedly payable by Associated Utilities Corporation; and the existence of certain accounts payable in connection with the cancellation of management contracts by New England Gas & Electric Association companies.

(4) Whether the proposed organization of the applicant is such as to result in the rendition of services at fair and reasonable charges for such services, whether the performance of such services will have an effect upon the rendition of services to the member companies and if so the character and extent thereof, and whether the performance of any such service is in accordance with the applicable standards of the Act.

(6) Whether any of the services performed by the applicant duplicates work now being done by the member companies.

(7) Whether the applicant performs services efficiently and economically and at a saving to member companies.

(8) Generally, whether the organization of and the conduct of business by the applicant meets the standards of section 13 of the Act and the rules and regulations promulgated thereunder.

(9) Whether the public interest or the interest of investors or consumers or other applicable standards of the Act require the imposition of terms and conditions in connection with the proposed organization and activities of the applicant.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1012; Filed, February 3, 1942; 11:50 a. m.]

[File No. 37-36]

IN THE MATTER OF GAS ADVISERS, INC.

ORDER EXTENDING EFFECTIVENESS OF ORDER GRANTING TEMPORARY APPROVAL OF MUTUAL SERVICE COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 31st day of January, A. D. 1942.

The Commission having entered an order under date of January 5, 1939, effective as of December 31, 1938, granting approval to the above applicant as a mutual service company, subject to certain conditions therein set forth, among which was condition number (2), that the effectiveness of said order should terminate thirty days after the date of the Commission's order on the application of Cities Service Company under section 3 (a) (3) of the Public Utility Holding Company Act (File No. 31-408) the Commission reserving jurisdiction, however, to extend the effectiveness of said order pending consideration by it of such amendments to the application, or such further applications or declarations as might thereafter be filed respecting the rendering of services to companies of the Cities Service Company and/or Cities Service Power & Light Company systems; and

jurisdiction to further extend the effectiveness of said order; and

Applicant having filed an amended application under date of October 24, 1941 requesting that the effective date of said order of January 5, 1939 be further extended subject to terms and conditions therein expressly set forth; and the effective date having been postponed pursuant thereto to and including February 1, 1942; and

Applicant having filed an application under date of January 23, 1942 for modification of the said order of January 5, 1939, so as to extend the effective date of the approval thereby granted without limit as to time, or until appropriate notice by the Commission to the applicant, or in such other manner as the Commission may deem proper; and

The Commission finding it to be in the public interest and for the protection of investors and consumers that the date on which said order shall terminate should be extended as herein provided;

It is ordered, That the date on which the Commission's order of January 5, 1939 shall terminate is hereby extended without limit as to time, subject to the terms and conditions set forth in the amended application of October 24, 1941, the Commission reserving jurisdiction to terminate the approval granted by the said order at any time by written notice to the applicant at least thirty days prior to the effective date of such termination if it deems such action necessary or appropriate to the public interest or the interest of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1013; Filed, February 3, 1942; 11:51 a. m.]

[File No. 37-25]

IN THE MATTER OF ELECTRIC ADVISERS, INC.

ORDER EXTENDING EFFECTIVENESS OF ORDER GRANTING TEMPORARY APPROVAL OF MUTUAL SERVICE COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 31st day of January, A. D. 1942.

The Commission having entered an order under date of January 5, 1939, effective as of December 31, 1938, granting approval to the above applicant as a mutual service company, subject to certain conditions therein set forth, among which was condition number (2), that the effectiveness of said order should terminate thirty days after the date of the Commission's order on the application of Cities Service Company under section 3 (a) (3) of the Public Utility Holding Company Act (File No. 31-408) the Commission reserving jurisdiction, however, to extend the effectiveness of said order pending consideration by it of such amendments to the application, or such further applications or declarations as might thereafter be filed respecting the rendering of services to companies of the Cities Service Company and/or Cities Service Power & Light Company systems; and

The Commission having, effective as of January 30, 1941, issued an order whereby said application of Cities Service Company for exemption was denied; and

The Commission, pursuant to applications, having heretofore ordered that the date on which the Commission's order of January 5, 1939 shall terminate, be extended to and including November 1, 1941, the Commission having reserved jurisdiction to further extend the effectiveness of said order; and

Applicant having filed an amended application under date of October 24, 1941 requesting that the effective date of said order of January 5, 1939 be further extended subject to terms and conditions therein expressly set forth; and the effective date having been postponed pursuant thereto to and including February 1, 1942; and

Applicant having filed an application under date of January 22, 1942 for modification of the said order of January 5, 1939, so as to extend the effective date of the approval thereby granted without limit as to time, or until appropriate notice by the Commission to the applicant, or in such other manner as the Commission may deem proper; and

The Commission finding it to be in the public interest and for the protection of investors and consumers that the date on which said order shall terminate should be extended as herein provided.

It is ordered, That the date on which the Commission's order of January 5, 1939 shall terminate is hereby extended without limit as to time, subject to the terms and conditions set forth in the amended application of October 24, 1941, the Commission reserving jurisdiction to terminate the approval granted by the said order at any time by written notice to the applicant at least thirty days prior to the effective date of such termination if it deems such action necessary or appropriate to the public interest or the interest of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1014; Filed, February 3, 1942; 11:51 a. m.]

jurisdiction to further extend the effectiveness of said order; and

Applicant having filed an amended application under date of October 24, 1941 requesting that the effective date of said order of January 5, 1939 be further extended subject to terms and conditions therein expressly set forth; and the effective date having been postponed pursuant thereto to and including February 1, 1942; and

Applicant having filed an application under date of January 23, 1942 for modification of the said order of January 5, 1939, so as to extend the effective date of the approval thereby granted without limit as to time, or until appropriate notice by the Commission to the applicant, or in such other manner as the Commission may deem proper; and

The Commission finding it to be in the public interest and for the protection of investors and consumers that the date on which said order shall terminate should be extended as herein provided,

It is ordered, That the date on which the Commission's order of January 5, 1939 shall terminate is hereby extended without limit as to time, subject to the terms and conditions set forth in the amended application of October 24, 1941, the Commission reserving jurisdiction to terminate the approval granted by the said order at any time by written notice to the applicant at least thirty days prior to the effective date of such termination if it deems such action necessary or appropriate to the public interest or the interest of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 42-1013; Filed, February 3, 1942; 11:51 a. m.]

[File No. 37-25]

IN THE MATTER OF ELECTRIC ADVISERS, INC.

ORDER EXTENDING EFFECTIVENESS OF ORDER GRANTING TEMPORARY APPROVAL OF MUTUAL SERVICE COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 31st day of January, A. D. 1942.

The Commission having entered an order under date of January 5, 1939, effective as of December 31, 1938, granting approval to the above applicant as a mutual service company, subject to certain conditions therein set forth, among which was condition number (2), that the effectiveness of said order should terminate thirty days after the date of the Commission's order on the application of Cities Service Company under section 3 (a) (3) of the Public Utility Holding Company Act (File No. 31-408) the Commission reserving jurisdiction, however, to extend the effectiveness of said order pending consideration by it of such amendments to the application, or such further applications or declarations as might thereafter be filed respecting the rendering of services to companies of the Cities Service Company and/or Cities Service Power & Light Company systems; and

The Commission having, effective as of January 30, 1941, issued an order whereby said application of Cities Service Company for exemption was denied; and

The Commission, pursuant to applications, having heretofore ordered that the date on which the Commission's order of January 5, 1939 shall terminate, be extended to and including November 1, 1941, the Commission having reserved jurisdiction to further extend the effectiveness of said order; and

Applicant having filed an amended application under date of October 24, 1941 requesting that the effective date of said order of January 5, 1939 be further extended subject to terms and conditions therein expressly set forth; and the effective date having been postponed pursuant thereto to and including February 1, 1942; and

Applicant having filed an application under date of January 22, 1942 for modification of the said order of January 5, 1939, so as to extend the effective date of the approval thereby granted without limit as to time, or until appropriate notice by the Commission to the applicant, or in such other manner as the Commission may deem proper; and

The Commission finding it to be in the public interest and for the protection of investors and consumers that the date on which said order shall terminate should be extended as herein provided.

It is ordered, That the date on which the Commission's order of January 5, 1939 shall terminate is hereby extended without limit as to time, subject to the terms and conditions set forth in the amended application of October 24, 1941, the Commission reserving jurisdiction to terminate the approval granted by the said order at any time by written notice to the applicant at least thirty days prior to the effective date of such termination if it deems such action necessary or appropriate to the public interest or the interest of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 42-1014; Filed, February 3, 1942; 11:51 a. m.]

FEB 6 1942

THE NATIONAL ARCHIVES

FEDERAL REGISTER

OF THE UNITED STATES

VOLUME 7 NUMBER 25

Washington, Thursday, February 5, 1942

Rules, Regulations, Orders

TITLE 5—ADMINISTRATIVE PERSONNEL

CHAPTER I—CIVIL SERVICE COMMISSION

PART 17—REGULATIONS OF THE BOARD OF LEGAL EXAMINERS

Paragraph (c) (1) of § 17.2 of the regulations issued on August 6, 1941 (6 F.R. 4091) is amended to read as follows:

§ 17.2 *Procedure prior to the establishment of registers.*

* * * * *

(c) The following qualifications shall be required:

(1) *For appointment to Grade CAF-4.* Graduation from a recognized law school as defined by the Commission, to wit, a law school authorized to confer the Bachelor or higher degree in law, which requires residence work. No person shall be eligible for appointment to this position who has failed a bar examination since his graduation from law school and who has not subsequently passed such an examination, or who has, except for good cause shown, failed to take a bar examination within one year of graduation from law school.

* * * * *

By the United States Civil Service Commission.

H. B. MITCHELL, *President*.

DECEMBER 20, 1941.

[F. R. Doc. 42-1041; Filed February 4, 1942; 11:06 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VI—ORGANIZED RESERVES

PART 61—OFFICERS' RESERVE CORPS[1]

§ 61.81 *Signal Corps Reserve*—(a) *Special limitations relative to appointment and promotion.* Appointment and promotion subject to the age restrictions in § 61.1 and to the limitations contained in these and other pertinent regulations, will be made in all grades from second lieutenant to colonel, inclusive.

(b) *Classification and reclassification of Reserve officers in the Signal Corps*—(1) *Basis for classification.* The classification of officers will be based upon their actual fitness to perform the duties pertaining to the particular classification as determined by their training and civilian experience qualifications.

(2) *Classification.* Reserve officers in the Signal Corps will be classified as—

(i) *Combat.* Officers qualified for assignment to tactical Signal Corps organizations or for detail as staff officers on the staffs of tactical organization commanders and who do not come within the provisions of subdivisions (ii), (iii), (iv), (v), or (vi) of this subparagraph.

(ii) *Cryptographic.* Officers qualified for assignment to cryptographic duties.

(iii) *Photographic.* Officers qualified for assignment to the photographic service, photographic laboratories, and photographic companies.

(iv) *Pigeon.* Officers qualified for assignment to the pigeon service and pigeon companies.

(v) *Supply.* Officers qualified for assignment to procurement or supply activities.

(vi) *Technical.* Officers qualified for assignment as technical experts to laboratories, research organizations, commissions, etc.

(3) *Reclassification.* Transfer between classifications will be made only in the interests of the service.

(c) *Subjects for military knowledge qualification requirements.* The subjects included in the military knowledge qualification requirements for appointment in the lowest grade and for promotion to higher grades will correspond to those contained in the current Annual Announcement of Army Extension Courses. Evidence of qualification in the listed subjects is determined by the satisfactory completion of the required series of the Army Extension Courses, or by prescribed waivers and exemptions.

[1] § 61.81 is superseded.

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FEDERAL REGISTER

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(d) *Second lieutenant, appointment to grade of*—(1) *Military knowledge qualifications.* See paragraph (c) of this section.

(2) *Ability qualifications.* The applicant will be required either to submit satisfactory evidence of having had practical military training approximately equivalent to that acquired by a graduate of the C. M. T. C. Blue Course, or to demonstrate an equivalent knowledge. See paragraph (f) of this section.

(3) *Nonmilitary educational qualifications.* The satisfactory completion of not less than 4 years of studies at a college, university, or professional school of recognized standing.

(4) *Civilian experience qualifications.* (i) Three years' experience in appropriate specialty will be required of all applicants seeking appointment in the pigeon classification.

(ii) In addition to a college education, each applicant seeking appointment in any classification may be required to have 3 years' experience in appropriate specialty when that applicant does not have a college education in studies appropriate to his contemplated classification. For appointment of officers in other than the pigeon classification, the type of experience required will be of a planning, supervisory, or executive nature.

(e) *Thesis.* The thesis will consist of not less than 2,000 words on some phase of the duties of a Signal Corps officer. The subject for the thesis will be designated by the Chief Signal Officer upon request forwarded by the corps area commander to The Adjutant General. If the thesis is a requirement for appointment, it will be marked by and will accompany the report of the examining board. If the thesis is a requirement for a certificate of capacity, it will be marked by the examiner or examining board and sent to the interested corps area commander who will forward it with his comments, if any, to The Adjutant General for transmission to the Chief Signal Officer for file.

(f) *Ability qualifications.* (1) A practical demonstration of such of the principles acquired by a study of the military knowledge qualifications for appointment or promotion to the grade as may be considered by the examining board appropriate to the applicant's classification and assignment.

(2) A practical test drawn up by the examining board to determine the applicant's ability to perform the duties of the grade to which he seeks promotion. (39 Stat. 189, 41 Stat. 775, 42 Stat. 1033, 48 Stat. 154, 939; 10 U.S.C. 352, 353) [Pars. 2, 3, 4, 5, 11, and 13, AR 140–38, January 17, 1942]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–1049; Filed, February 4, 1942; 11:43 a. m.]

PART 64—ENLISTED RESERVE CORPS

SUSPENSION OF ENLISTMENTS AND REENLISTMENTS IN THE ENLISTED RESERVE CORPS WITH CERTAIN EXCEPTIONS [1]

§ 64.5 *Enlistments.* Enlistment and reenlistments in the Enlisted Reserve Corps are suspended with the following exceptions:

* * * * *

(d) The enlistment in the Enlisted Reserve Corps of junior and senior students of approved colleges who are pursuing electrical engineering or other communication engineering courses is authorized under the following conditions:

(1) The Chief Signal Officer is responsible for making the necessary contacts with such individuals at the proper time through the school authorities or other appropriate channels.

(2) Applications will be submitted direct to the Chief Signal Officer and where approved the appropriate Corps Area Commander will be directed to accomplish the enlistment, with assignment to Enlisted Section, Electronics Training Group, Office of Chief Signal Officer.

(3) Students so enlisted will be deferred from active duty until the date for completion of their academic courses. The Chief Signal Officer may recommend the discharge of a student for any reason or when it is apparent that he will not satisfactorily complete his academic course.

(4) Upon satisfactory completion of engineering training and the recommendation of the Chief Signal Officer, these students will be tendered appointments in the Army of the United States and discharged from their enlisted status. (39 Stat. 195, 41 Stat. 780, 44 Stat. 705; 10

[1] 6 F.R. 5165, 7 F.R. 213.

U.S.C. 421, 422–427) [Cir. 204, W.D., Sept. 30, 1941, and letter AGO dated Jan. 31, 1942, AG 210.1 (1–27–42) RP–A]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–1047; Filed, February 4, 1942; 11:43 a. m.]

CHAPTER VII—PERSONNEL

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS AND CHAPLAINS[1]

OFFICERS APPOINTED IN THE ARMY OF THE UNITED STATES UNDER THE PROVISIONS OF THE ACT OF SEPTEMBER 22, 1941

§ 73.203 *Procurement objective.* (a) Initial appointments in the Army of the United States will be made in such numbers and in such grades as may be specifically authorized from time to time by the War Department for the several arms and services and War Department agencies. These allotments will serve as procurement objectives for all appointments and promotions, and will not be exceeded without special authority from the War Department.

(b) The prescribed student training capacity of an officer candidate school constitutes an approved procurement objective for the appointment of all successful graduates of such school.

(c) Procurement objectives for appointments other than graduates of officer candidate schools will normally be approved only for those arms and services and other War Department agencies which require officers for overhead duties that can be performed by persons without general military training.

(d) Procurement objectives will not be approved solely to permit the appointment of a named individual.* [Par. 5]

*§§ 73.203, 73.204, 73.205, 73.207 and 73.208, as amended, issued under authority contained in the act of Sept. 22, 1941, Public Law 252, 77th Congress.

§ 73.204 *Age and citizenship requirements.* (a) An officer of the Army of the United States must at the time of appointment be a citizen of the United States or of the Philippine Islands between the ages of 18 and 60 years.* [Par. 6a]

* * * * *

§ 73.205 *Appointments not made from certain classes.* No person will be initially appointed in the Army of the United States from the following classes:

(a) Cadets, United States Military Academy.

(b) Persons qualified and eligible for appointment in the Officers' Reserve Corps as graduate aviation cadets or as graduates of the senior division, Reserve Officers' Training Corps. All such qualified and eligible graduates will continue to be appointed in the Officers' Reserve Corps.

(c) Persons on either the active or reserve list of the Navy, Marine Corps, Coast Guard, Public Health Service, and Coast and Geodetic Survey.

(d) Civilian officers or employees of the United States or of the District of Columbia, without the consent of the head of the department or service concerned.

(e) Any person subject to induction under the Selective Training and Service Act of 1940, as amended whose induction has been ordered.

(f) Any person who is not a graduate of a school or resident course of instruction recognized by the War Department as qualifying him for a commission, unless the recommendation is accompanied by satisfactory evidence that the individual has special qualifications for duty as a commissioned officer in the particular assignment for which the appointment is recommended. Any person who has not attained his thirtieth birthday, unless the recommendation is accompanied by satisfactory evidence that the individual has extraordinary professional or technical qualifications for duty as a commissioned officer in the particular assignment for which the appointment is recommended.

(g) Any person whose proposed duty is being or can be adequately performed by him in a civilian capacity.

(h) Former commissioned officers of any component of the Army of the United States, whose appointment is prohibited by the provisions of (e) above, or whose commissions were terminated because of inefficiency or under other than honorable conditions. See § 73.206.

(i) Any person whose services will not be immediately available to the War Department upon acceptance of a commission.

(j) See also § 203.207.* [Par. 7]

§ 73.207 *Qualifications for initial appointments.* (a) Normally, applicants for initial appointment will be required to qualify, as to military and nonmilitary education, under the standards established for appointment to corresponding grade in the Officers' Reserve Corps (AR 140–22 to 140–39,[2] incl.), except that military and nonmilitary educational requirements may be waived in whole or in part, upon the recommendation of the chief of arm or service concerned.

(b) In the case of persons recommended for appointment from civil life as commissioned officers in the Army of the United States the recommendation must include satisfactory evidence that the recommended individual possesses special qualifications, and that these special qualifications are required in the position to which he is to be assigned if commissioned.

(c) Appointments for Tables of Organization positions in approved authorized affiliated units of the Medical Department, Corps of Engineers, or Signal Corps, and appointments for the electronics training group, Signal Corps, that formerly would have been made in the Officers' Reserve Corps, will be made in the Army of the United States without regard to the restrictions enumerated herein, provided the individuals so appointed meet the requirements and regulations for such appointments formerly applicable to the Officers' Reserve Corps.

(d) When a commander of United States forces in an active theater outside the continental United States is granted especial authority by the War Department to appoint or to recommend the appointment of officers, Army of the United States, the qualifications for appointment will be as indicated in the special War Department instructions authorizing the appointments.* [Par. 9]

§ 73.208 *Applications for appointment.* (a) Except for graduates of officer candidate schools, applications for initial appointment in the Army of the United States will be submitted and processed as follows:

* * * * *

(2) *Accompanying papers.* Each application for appointment will be accompanied by—

(i) Three copies of W.D., A.G.O. Form No. 178 (and 178–2, where applicable) (Classification Questionnaire of Reserve Officers).

(ii) Report of physical examination (W.D., A.G.O. Form No. 63 or 64, as applicable). See §§ 73.216 to 73.218.

(iii) A statement that the recommended appointee is or is not a selective service registrant.

(iv) If a selective service registrant, a certificate from the appointee's local board giving his selective service classification, and certifying that his induction has or has not been ordered.

(v) If an enlisted man, the evidence required by paragraph 9b (2), AR 605–10* and a certificate from the recommending authority stating the date on which the recommended individual entered his current continuous period of active Federal service.

(vi) A statement by the recommending authority as to the specific assignment or duty for which the appointment is desired, and indicating the approved procurement objective under which appointment is authorized.

(3) *How forwarded.* Applications, with accompanying papers, will be forwarded through military channels to The Adjutant General, Washington, D. C.* [Par. 10]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–1048; Filed, February 4, 1942; 11:43 a. m.]

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[1] §§ 73.203, 73.204 (a), 73.205, 73.207 and 73.208 (a) are amended. The regulations contained in these sections are also contained in AR 605–10, Oct. 27, 1941, as amended by Cir. 27, W. D., Jan. 29, 1942, the particular paragraphs being shown in brackets at the end of sections.

[2] Administrative regulations of the War Department relative to the Officers' Reserve Corps.

[3] Administrative regulations of the War Department relative to appointment of Commissioned officers in the Army of the United States.

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendment 20-33, Civil Air Regulations]

PART 20—PILOT CERTIFICATES

PROVIDING FOR THE LOGGING OF PILOT FLIGHT TIME

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 3rd day of February, 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 3, 1942, Part 20 of the Civil Air Regulations is amended as follows:

1. By changing the number of the present § 20.673, relating to the logging of instrument flight time, to § 20.674.

2. By adding a new § 20.673 to read as follows:

§ 20.673 *Logging of pilot flight time*—(a) *Student pilot.* The holder of a student pilot certificate may log as solo flight time only that time during which he is the sole occupant of an aircraft in flight.

(b) *Pilots of private grade or higher.* The holder of a pilot certificate, other than a student pilot certificate, may log as solo flight time that portion of any flight during which he is the sole manipulator of the controls: *Provided,* That he may log as solo flight time only 50 percent of any flight time during which a certificated instructor or a certificated airline transport pilot is in the aircraft serving as an instructor for the purpose of reviewing or increasing such pilot's skill; *And provided further,* That the holder of a commercial pilot certificate while serving in scheduled air transportation shall log his flight time as provided in Part 61.

(c) *Flight instructor.* A certificated instructor may log as solo flight time all that flight time during which he is serving as an instructor for the purpose of reviewing or increasing another pilot's skill.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1040; Filed, February 4, 1942; 10:33 a. m.]

[Amendment 21-4, Civil Air Regulations]

PART 21—AIRLINE TRANSPORT PILOT RATING

PROVIDING FOR THE LOGGING OF AIRLINE TRANSPORT PILOT FLIGHT TIME

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 3d day of February 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 3, 1942, Part 21 of the Civil Air Regulations is amended as follows:

1. By changing the number of the present § 21.442, relating to the logging of instrument flight time, to § 21.443.

2. By adding a new § 21.442 to read as follows:

§ 21.442 *Logging of pilot flight time.* The holder of an airline transport pilot certificate may log as solo flight time that portion of any flight during which he is the sole manipulator of the controls or during which he is serving as an instructor in accordance with § 21.222: *Provided,* That he may log only 50 percent of any flight time during which a certificated instructor or a certificated airline transport pilot is in the aircraft serving as an instructor for the purpose of reviewing or increasing such pilot's skill: *And provided further,* That the holder of an airline transport pilot certificate while serving in scheduled air transportation shall log his flight time as provided in Part 61.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1039; Filed, February 4, 1942; 10:32 a. m.]

[Amendment 26-0, Civil Air Regulations]

PART 26—AIR-TRAFFIC CONTROL-TOWER OPERATOR CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 3d day of February 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205, 601 (a), and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 3, 1942, the Civil Air Regulations are amended as follows:

Part 26 is amended to read as follows:

PART 26—AIR-TRAFFIC CONTROL-TOWER OPERATOR CERTIFICATES

QUALIFICATIONS FOR CERTIFICATE

Sec.
26.1 General.
26.10 Physical.
26.11 Knowledge.

QUALIFICATIONS FOR RATINGS

26.2 Character of ratings.
26.20 Qualifications for junior rating.
26.21 Qualifications for senior rating.
26.210 Knowledge.
26.211 Experience.
26.212 Other requirements.

EXAMINATIONS

26.3 General.
26.30 Physical examinations.
26.31 Reexamination.

ISSUANCE AND EXPIRATION OF CERTIFICATES

Sec.
26.4 Duration.
26.40 Periodic endorsement.
26.41 Special issuance of certificate and rating.
26.42 Transfer.
26.43 Revocation.

REGULATIONS

26.5 Rating record.
26.50 Exercise of authority.
26.51 Control airports.
26.52 Relaying information.
26.53 Maximum hours.
26.54 Display of certificate.
26.55 Performance standards.
26.56 Equipment standards.
26.57 Inspection.
26.58 Surrender of certificate.

QUALIFICATIONS FOR CERTIFICATE

§ 26.1 *General.* An applicant must be a citizen of the United States, temperamentally fit, and not less than 21 years of age. He must be able to read, write, and understand the English language and to speak the English language without any accent or impediment of speech which would interfere with two-way radio conversation.

§ 26.10 *Physical*—(a) *Eye.* An applicant must have:

(1) A visual acuity of at least 20/20 in each eye separately, without correction, and an average depth perception of 30 millimeters or less, with or without glasses: *Provided,* That if the vision in either or both eyes is not poorer than 20/50 and is brought up to 20/20 or better in each eye by glasses, or if the depth perception is greater than 30 millimeters and can be corrected to at least 30 millimeters by glasses, an applicant may be qualified in either event on condition that the correcting glasses be worn while he is on duty;

(2) No diplopia;

(3) Not more than one diopter of hyperphoria;

(4) Properly balanced eye muscles with a divergence (abduction) of 3 prism diopters, minimum; and a convergence (adduction) of 6 prism diopters, minimum; independently of each other.

(5) Sufficient accommodation to pass a prescribed test based primarily upon ability to read official aeronautical maps;

(6) Normal fields of vision; and

(7) No pathology of the eye.

(b) *Ear, nose, throat, and equilibrium.* An applicant must be able to hear the whispered voice at 8 feet with each ear separately; must have no acute or chronic disease of the middle or internal ear; no disease of the mastoid; no unhealed perforations of the ear drum; no disease or malformation of the nose or throat which would interfere with or be aggravated by the performance of his duties; and no disturbance of equilibrium.

(c) *General physical condition.* An applicant must have no organic or functional disease, nor structural defect or limitation, which would interfere with his duties as an air-traffic control-tower operator.

(d) *Nervous system.* An applicant must have no disease of the mental or

nervous system and no abnormality of the personality.

(c) *Exceptions.* The failure by an applicant to comply with any of the above physical requirements will not disqualify him if, in the opinion of the Administrator, his experience in aeronautics gained prior to his disability offsets such physical deficiency.

§ 26.11 *Knowledge.* An applicant must pass an examination in the following subjects: [1]

(a) Air traffic rules set forth in Part 60 of the Civil Air Regulations;

(b) Airport traffic control procedures, and Part 26 of the Civil Air Regulations;

(c) Airway traffic control procedures;

(d) Radio frequencies and procedures used for airport traffic control;

(e) Use of radio aids to air navigation;

(f) The making of weather observations;

(g) Pertinent Rules and Regulations of the Federal Communications Commission. An applicant who presents satisfactory evidence that he possesses a restricted radiotelephone operator's permit or higher grade of radiotelephone operator's license issued by the Federal Communications Commission will not be required to take the examination prescribed in this subsection.*

*§§ 26.1 to 26.5, inclusive, issued under the authority contained in secs. 205, 601 (a), 602 of the Civil Aeronautics Act, as amended.

QUALIFICATIONS FOR RATINGS

§ 26.2 *Character of ratings.* The holder of an air-traffic control-tower operator certificate (hereafter referred to as "certificate") may receive a junior or senior rating, depending upon his qualifications to perform the duties of an air-traffic control-tower operator (hereafter referred to as "operator") at a particular airport.

§ 26.20 *Qualifications for junior rating.* An applicant must pass an examination on the following subjects:

(a) Local airport rules of the airport for which the rating is sought;

(b) Local aircraft operations and such other aircraft operations as may affect conditions at the airport for which the rating is sought;

(c) Teletype symbols and weather sequences of the airways converging on the airport for which the rating is sought;

(d) Any other subject or subjects in which the Administrator may deem an examination necessary.[2]

§ 26.21 *Qualifications for senior rating.*

§ 26.210 *Knowledge.* An applicant must pass an examination in the subjects required for a junior rating and, in addition, the following subjects:

(a) Air-navigation facilities within a radius of 200 miles of the airport for which the rating is sought;

(b) Airway traffic control procedures in the area in which the airport for which the rating is sought is located;

(c) Instrument approach and departure procedures at the airport for which the rating is sought;

(d) Any other subject or subjects in which the Administrator may deem an examination necessary.[2]

§ 26.211 *Experience.* An applicant must have performed satisfactory service:

(a) As an operator with a senior rating for at least 6 months; or

(b) As an operator with a junior rating at the airport for which the rating is sought for the 6 months immediately preceding application; or

(c) As an air-traffic control trainee in Federal service for at least 6 months; or

(d) For 1 year of the 2 years immediately preceding application as:

(1) An operator with a junior rating at an airport other than that at which the rating is sought; or

(2) An operator at a landing area under military or naval jurisdiction.

§ 26.212 *Other requirements.* The applicant must demonstrate his ability to supervise and manage all activities of the airport control tower or airport control station, which shall at least include the preparation of such reports as may be required from time to time by the airport manager or the Administrator.*

EXAMINATIONS

§ 26.3 *General.* The prescribed examinations will be conducted by representatives of the Administrator at a designated time and place. The passing grade in any subject shall be at least 70 percent.

§ 26.30 *Physical examinations.* (a) The prescribed physical requirements must be met before any practical or theoretical examination will be given and must be completed within the 60 days immediately preceding application for a certificate.

(b) A statement by a Medical Officer on active duty with the United States Army, Navy, Marine Corps, or Coast Guard, who is authorized to conduct physical examinations for flying, that an active member of his service met the physical requirements within the preceding 60 days prescribed in § 26.10 will be accepted in lieu of the report of the physical examination required herein. Such statement shall be on the form prescribed and furnished by the Administrator.

§ 26.31 *Reexamination.* An applicant who has failed to pass any examination may apply for reexamination after the expiration of 30 days from the date of his failure.*

ISSUANCE AND EXPIRATION OF CERTIFICATES

§ 26.4 *Duration.* A certificate will be issued for an initial period of 60 days but, if the holder is not notified to the contrary by the Administrator within that period, it will continue in effect indefinitely, expiring only in the event that:

(a) The holder of the certificate fails to secure an endorsement [4] thereof by an inspector of the Administrator within the last 45 days of each 12 months' period [5] after the date of issuance; or

(b) An inspector of the Administrator shall refuse to endorse the certificate after inspection or examination.

§ 26.40 *Periodic endorsement.* (a) A certificate will not receive a periodic endorsement unless the holder—

(1) Has met the physical requirements prescribed for the original issuance of his certificate within the 60 days immediately preceding the expiration of the endorsement period; and

(2) Has served satisfactorily as a rated operator at some time during the 12 months immediately preceding the date of application for endorsement.

(b) A certificate will not receive a periodic endorsement with respect to any rating unless the holder has served satisfactorily as an operator at the airport to which the rating applies at some time during the 6 months immediately preceding the expiration of the endorsement period.

§ 26.41 *Special issuance of certificate and rating.* If a certificate and rating expires, a new certificate and rating will be issued if the applicant complies with the requirements for periodic endorsement. In applying this section, the time during which the applicant must serve as a rated operator in order to comply with the periodic endorsement requirements shall be computed from the date of the application for special issuance rather than the date of expiration of the endorsement period.

§ 26.42 *Transfer* of a certificate is prohibited.

§ 26.43 *Revocation.* No person whose air-traffic control-tower operator certificate has been revoked shall apply for or be issued an air-traffic control-tower operator certificate of any rating for a period of one year after the revocation, except as the order of revocation may otherwise provide.*

REGULATIONS

§ 26.5 *Rating record.* A certificated operator shall not serve as such unless there is attached to his certificate the appropriate rating record prescribed and issued by the Administrator, nor serve otherwise than in accordance with the limitations prescribed by the Administrator in his certificate or rating record.[6]

§ 26.50 *Exercise of authority.* An operator on duty at a control airport within an airway traffic control area or a

[1] Lists of source material covering the subject matter of these examinations can be obtained from any Regional Manager of the Civil Aeronautics Administration.

[2] The applicant will be given adequate notice of the subject of the examination.

[2] The applicant will be given adequate notice of the subject of the examination.

[4] This endorsement will be referred to hereafter as a "periodic endorsement".

[5] This 12 months' period will be referred to hereafter as the "endorsement period".

[6] The rating record is a sheet which will be attached to all certificates when they are issued and will prescribe the airports at which the holder is authorized to serve and the class of rating held.

control zone of intersection shall not authorize contact flight rule operations below contact flight rule weather minimums in accordance with the authority vested in such operators by Part 60 of the Civil Air Regulations,[1] unless the operator previously notifies either the airway traffic control center if the airport is located in an airway traffic control area or airway communication station if the airport is located in a control zone of intersection of the action to be taken: *Provided*, That an operator with a junior rating shall not exercise this authority unless such action is taken with the consent of an operator with a senior rating for the particular airport, who is on duty and is present in the control tower at the time the authorization is given.

§ 26.51 *Control airports.* An operator with a junior rating shall not control air traffic at a control airport except under the supervision of an operator with a senior rating for such airport: *Provided*, That in an emergency the person in charge of the tower may authorize an operator with a junior rating for the airport to control air traffic during the period of such emergency, if such person immediately notifies the regional manager of the Administrator, for the region in which the airport is located, of the existence of the emergency and the facts and circumstances surrounding it: *Provided further*, That whenever the Administrator finds, in the interest of safety, that this authority should not be exercised, it shall terminate upon notification by the Administrator.

§ 26.52 *Relaying information.* An operator shall not relay information or instructions received from airway traffic control personnel, airway communications, or United States Weather Bureau airport stations, otherwise than in the manner approved by the Administrator.

§ 26.53 *Maximum hours.* Except in case of an emergency, a certificated operator shall be relieved of all duty for not less than 24 consecutive hours at least once during each 7 consecutive days, and shall not serve, nor be required to serve, as such:

(a) In excess of 10 consecutive hours;

(b) In excess of 10 hours during a period of 24 consecutive hours unless the operator is given a rest period of not less than 8 hours at or before the termination of such 10 hours of duty.

§ 26.54 *Display of certificate.* An operator shall keep his certificate readily available when he is on duty and shall present it for inspection upon request of any officer or employee of the Administrator or Board and of any State or municipal official charged with the duty of enforcing local laws or regulations involving Federal compliance.

§ 26.55 *Performance standards.* A certificated air-traffic control-tower operator shall control air traffic in accordance with practices and procedures prescribed by the Administrator as being best calculated, among other things, to avoid collisions and to establish uniformity in air traffic control.

§ 26.56 *Equipment standards.* A certificated air-traffic control-tower operator shall not control air traffic with facilities which the Administrator has determined to be inadequate.

§ 26.57 *Inspection.* An applicant or a holder of a certificate or rating, upon reasonable request by any representative of the Administrator, shall cooperate fully in any examination which may be made of him.

§ 26.58 *Surrender of certificate.* Upon the suspension, revocation, or expiration of a certificate, the holder shall, upon request, surrender such certificate to a representative or employee of the Administrator.*

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1038; Filed, February 4, 1942; 10:32 a. m.]

[Amendment 60-54, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

AIRSPACE RESERVATIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 3d day of February 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 13, 1942, Part 60 of the Civil Air Regulations is amended as follows:

By amending section 60.348 to read as follows:

§ 60.348 *Airspace reservations.* No flight of aircraft shall be made within any airspace reservation set aside by order of the President of the United States.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1037; Filed, February 4, 1942; 10:31 a. m.]

[Amendment 98-1, Civil Air Regulations]

PART 98—DEFINITIONS

ELIMINATION OF DEFINITION OF SOLO FLIGHT

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 3d day of February 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 3, 1942, Part 98 of the Civil Air Regulations is amended as follows:

1. By striking § 98.117, relating to solo flight.

2. By striking from the table of contents of Part 98 the following:

98.117 Solo flight.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1036; Filed, February 4, 1942; 10:31 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T. D. 5111]

PART 171—MISCELLANEOUS REGULATIONS RELATING TO LIQUOR

SUBPART G—PRODUCTION, WITHDRAWAL, ETC., OF DISTILLED SPIRITS

The Act of January 24, 1942 (Public Law 412—77th Congress) provides as follows:

That section 2883 of the Internal Revenue Code (relating to transfer of spirits at registered distilleries) is amended by adding at the end thereof the following:

"(c) *Transfer of spirits for industrial uses.* Distilled spirits of one hundred and sixty degrees of proof or greater may be withdrawn from registered distilleries (including registered fruit distilleries), and stored in and withdrawn from internal-revenue bonded warehouses, pursuant to the applicable provisions of subsection (a): *Provided*, That such distilled spirits may also be withdrawn without payment of tax from registered distilleries (including registered fruit distilleries) and internal-revenue bonded warehouses for all the tax-free purposes authorized by part II of subchapter C of this chapter, and when so withdrawn shall be subject to all applicable provisions of such part. Under such regulations as the Commissioner may prescribe, the manufacture, warehousing, withdrawal, and shipment of distilled spirits of one hundred and sixty degrees of proof or greater may be exempted from the provisions of section 2836 and section 2870. This subsection shall cease to be in effect upon the termination of the unlimited national emergency proclaimed by the President on May 27, 1941."

Pursuant to the above provisions of law and sections 2883 (a), 3102, 3105, 3114 (a), and 3176, Internal Revenue Code, the following regulations are hereby prescribed:

§ 171.20 *Withdrawal; storage.* Distilled spirits of 160 degrees or more of proof may be withdrawn from registered distilleries and fruit distilleries, and may be stored in and withdrawn from internal revenue bonded warehouses, in accordance with the provisions of Regulations 4, 5, and 10, relative to the withdrawal of spirits produced at a proof in excess of 159 degrees and reduced in the receiving cisterns to not more than 159 and not less than 100 degrees of proof, pursuant to section 2883 (a), I.R.C. Such spirits, when tax-paid, may be used for beverage purposes only.

§ 171.21 *Tax-free withdrawals.* Distilled spirits of 160 degrees or more of proof may also be withdrawn without payment of tax from registered distilleries, fruit distilleries and internal revenue bonded warehouses for the tax-free purposes specified in section 3106, I.R.C., pursuant to withdrawal permits issued to permittees whose basic permits authorize the procurement of alcohol free of tax. Withdrawals shall be in accordance with the provisions of Regulations 4, 5, and 10, relative to the withdrawal of spirits produced at a proof in excess of 159 degrees and reduced in the receiving cisterns to not more than 159 and not less than 100 degrees of proof, pursuant to section 2883 (a), I.R.C., and with the provisions of Regulation 3 relative to the withdrawal of alcohol for such purposes.

§ 171.22 *Permits; bond.* Permittees whose basic permits (Forms 1433, 1444, and 1447) authorize the procurement of alcohol free of tax and who desire to procure distilled spirits of 160 degrees or more of proof from registered distilleries, fruit distilleries, and internal revenue bonded warehouses, should file application on Form 1431, 1444 or 1447 with the district supervisor for amendment of their basic permits to authorize the procurement of such distilled spirits. The permittee must also file consent of surety, Form 1533, on his bond, Form 1432-A, 1462, or 1448 (if any), extending the terms thereof to cover such distilled spirits. The consent of surety shall be in substantially the following form.

To extend the terms of said bond to be liable for distilled spirits of 160 degrees or more of proof withdrawn free of tax by the principal from registered distilleries, fruit distilleries, and internal revenue bonded warehouses, pursuant to section 2883 (c), I.R.C., and regulations, to the same extent as alcohol withdrawn free of tax from industrial alcohol plants and bonded warehouses.

§ 171.23 *Modification of forms.* Such permittees, when filing applications on Form 1444, 1449, or 1463, for withdrawal permits to procure such distilled spirits, shall modify such forms to specify distilled spirits, in addition to alcohol, and withdrawal from a registered distillery, fruit distillery, or internal revenue bonded warehouse, as the case may be, in addition to an industrial alcohol plant, bonded warehouse, or denaturing plant. District supervisors will modify Forms 1444, 1450, 1464, and 1465 likewise when issuing withdrawal permits on such forms to procure such distilled spirits. Such application shall be filed, and withdrawal permits will be issued, in accordance with the provisions of Regulations 3 relative thereto.

§ 171.24 *Transportation.* Carriers desiring to transport distilled spirits of 160 degrees or more of proof withdrawn free of tax under these regulations, must procure permit so to do, in accordance with section 3114, I.R.C., and Regulations 3. Where bond, Form 49, is required to support such permit, the bond shall be modified to cover such tax-free distilled spirits, in addition to tax-free alcohol.

[1] Part 60 of the Civil Air Regulations empowers an operator on duty in a radio-equipped airport control tower in operation at a control airport to authorize flying in a control zone when the ceiling or visibility is below the minimums which prevail in the absence of any such special authorization.

Carriers, who hold permit to transport tax-free alcohol and who desire to transport such tax-free distilled spirits, must file application on Form 144 for amendment of their permits, Form 145, to authorize the transportation of such tax-free distilled spirits and where such permits are supported by bond, Form 49, the carrier must file consent of surety, Form 1533, on his bond, extending the terms thereof to cover such tax-free distilled spirits. The consent of surety shall be in substantially the following form:

To extend the terms of said bond to be liable for tax-free distilled spirits of 160 degrees or more of proof transported by him, to the same extent as tax-free alcohol transported by him.

§ 171.25 *Markings.* Such distilled spirits of 160 degrees or more of proof shall be marked "Distilled Spirits" as to kind, followed by the name of the material from which produced, as "Distilled Spirits—Grain," "Distilled Spirits—Fruit," or "Distilled Spirits—Cane." Spirits of 160 degrees or more of proof produced at fruit distilleries and marked as to kind in accordance with the Gauging Manual at the time of production, may be withdrawn free of tax as specified herein, provided the spirits have not been colored with caramel, by storage in wooden containers, use of oak chips, or otherwise, and the kind of spirits marked on the containers is effaced and the containers remarked "Distilled Spirits—Fruit" prior to removal. The containers of such distilled spirits shall otherwise be marked in accordance with the Gauging Manual and Regulations 4, 5, and 10. When withdrawn free of tax, the purpose of withdrawal shall be marked on the containers in accordance with Regulations 3.

§ 171.26 *Production; denaturation; accounting.* The production, withdrawal, accounting, etc., of such distilled spirits at registered distilleries, fruit distilleries and internal revenue bonded warehouses shall be in accordance with Regulations 4, 5, and 10, and the transportation, use, denaturation, accounting, etc., of such distilled spirits after withdrawal for tax-free purposes shall be in accordance with Regulations 3. Upon denaturation such spirits will be designated as "Completely Denatured Alcohol" or "Specially Denatured Alcohol," as the case may be, and withdrawn as such from the denaturing plant. When withdrawn tax-paid, the spirits shall be accounted for by the consignee the same as other tax-paid spirits.

§ 171.27 *Exemptions.* The law provides that the manufacture, warehousing, withdrawal, and shipment of such distilled spirits of 160 degrees or more of proof may, for any of the authorized purposes, be exempted from the provisions of sections 2836 and 2870, I.R.C. When it is desired to mash or distill such spirits between 11:00 p. m. Saturday and 1:00 a. m. Monday, or to warehouse, withdraw, or ship (in packages containing more than 10 wine gallons) such spirits between sundown and sunrise, or on Sunday, the proprietor shall make application, in duplicate, to the district supervisor for permission so to do. The application shall specify the dates and hours on which it is desired to conduct such operations, the nature of the operations and the necessity for such production, warehousing, withdrawal, or shipment. The application shall be filed in sufficient time in advance of the time of operation specified in the application to enable the district supervisor to determine the necessity for such operations, and, if he approves the application, to assign an officer to supervise the operations where deemed necessary. District supervisors will approve such applications where necessity therefor is shown and Government officers are available for necessary supervision. Where it is desired to conduct such operations during such hours regularly, the application may be made, and the permission granted, accordingly.

§ 171.28 *Limitations.* No distilled spirits of less than 160 degrees of proof may be mashed or distilled between 11:00 p. m. Saturday and 1:00 a. m. Monday, or warehoused, withdrawn, or shipped (in packages containing more than 10 wine gallons) at a registered distillery, fruit distillery or internal revenue bonded warehouse, between sundown and sunrise, or on Sunday, pursuant to such permission.

§ 171.29 *Denaturing plants.* Proprietors of registered distilleries, fruit distilleries, or internal revenue bonded warehouses, from which distilled spirits of 160 degrees or more of proof are withdrawn under Section 2883 (c), I.R.C., and these regulations, may establish denaturing plants in accordance with Regulations 3.

§ 171.30 *Period effective.* These regulations shall cease to be effective upon the termination of the unlimited national emergency proclaimed by the President on May 27, 1941.

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: January 24, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-1064; Filed, January 27, 1942; 11:44 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1258]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 13

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 13; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 333.6 (*General prices*) is amended by adding thereto Supplement R–I, § 333.7 (*Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads*) is amended by adding thereto Supplement R–II, § 333.7 (*Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*) is amended by adding thereto Supplement R–III, § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–I, and § 333.43 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto, Supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof.

The price established herein for the coals of Mine Index No. 1434 of Cumberland Mt. Coal Company in Size Group 13 as shown in Supplement T, annexed hereto, is higher than that prayed for by the petitioner. The increase was effected in order to relate these coals properly to analogous and comparable coals produced in District No. 13.[1]

No relief is granted herein as to the coals of the Wilson #1 Mine (Mine Index No. 1410) and Wilson #2 Mine (Mine Index No. 1411) of Wilson and Huddleston (E. S. Wilson), such coals having been heretofore classified and priced in Docket No. A–1203; the coals of the Scratch Out Mine (Mine Index No. 190) of Gladden Ballard, heretofore classified and priced in Docket No. A–1049; the coals of the Nyota #9 Mine (Mine Index No. 1360) of Willie Martin, heretofore classified and priced in Docket No. A–1203; the coals of Inland #4 Mine (Mine Index No. 223) of Nelson & McGowen (J. L. Nelson), heretofore classified and priced in General Docket No. 15; the coals of Whaley Black Creek Mine (Mine Index No. 1287) of Hill & Wood (T. J. Wood), heretofore classified and priced in Docket No. A–1069; the coals of the Beltona #6 Mine (Mine Index No. 1125) of T. J. Jay, heretofore classified and priced in Docket No. A–343; the coals of the Keef Bros. Mine (Mine Index No. 754) of James E. Keef, heretofore classified and priced in General Docket No. 15; the coals of the Mary Frances Mine (Mine Index No. 331) of Joseph Munkus, heretofore classified and priced in General Docket No. 15; the coals of Hollis #8 Mine (Mine Index No. 126) of E. L. Conner, heretofore classified and priced in Docket No. A–894; the coals of Avery Coal Co. Mine (Mine Index No. 552) of Mrs. Pearl Avery, heretofore classified and priced in General Docket No. 15; the coals of Big Ridge Mine (Mine Index No. 142) of the Big Ridge Coal Co. (Foster Deason) heretofore classified and priced in Docket No. 946; the coals of the Tucker #15 Mine (Mine Index No. 1295) of R. L. Newton, heretofore classified and priced in Docket No. A–1089; the coals of the Witherspoon Mine (Mine Index No. 669) of A. L. Prescott, heretofore classified and priced in General Docket No. 15; or the coals of the Martin Mine (Mine Index No. 902) of Arthur Musgrove, heretofore classified and priced in Docket No. A–205.

Price classifications and minimum prices are established herein for the coals of the Wideman #1 Mine of Wideman & Sons under Mine Index No. 1350, the Mine Index number shown for this mine in Docket No. A–1203, and not under Mine Index No. 1365, as shown in error in the original petition.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[1] By a communication of January 14, 1942, the original petitioner indicated that it concurred in this departure from the relief sought in its petition.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 *General prices*—Supplement R–I

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	BIBB COUNTY, ALA.				
1420	Roden Coal Co.	Marvel #3 [1]	1	Clark	160
	BLOUNT COUNTY, ALA.				
1403	Calvert, Millard & Essel Young	Calvert	1	Black Creek	31
1362	Skinner, Willie	Scratch out #2 [2]	1	Black Creek	31
	JEFFERSON COUNTY, ALA.				
751	Cardwell, W. M.	Cardwell [3]	1	Harkness	10
1419	Center Coal Co.	Eulamo #1 Pratt [4]	1	Pratt	50
1418	Center Coal Co.	Eulamo #1 Nickel Plate [4]	1	Nickel Plate	50
308	Jordan & Fields (A. M. Jordan)	Cook [5]	1	Mary Lee	50
	SHELBY COUNTY, ALA.				
424	Pen Coal Co.	Pen's Wadsworth #2 [6]	1	Wadsworth	39
	TUSCALOOSA COUNTY, ALA.				
1426	Wade, H. F.	Wade #2 [7]	1	Milldale	44
557	Watson, W. L. (Watson Coal Co.)	Watson [7]	1	Milldale	44

[1] Shipping Point: Marvel, Ala. Railroad: Sou. and L&N.
This mine shall have the same prices in size groups 1, 2, 4, 6, 10, 15, 16, 17, 18 and 26 on all price tables as listed for mine with Index Number 7.
This mine shall have the same price in size group 12 on all price tables as listed in size group 13 for mine with Index Number 9.

[2] Shipping Point: Hayden, Ala. Railroad: L&N.
These mines shall have a price in size group 13 on all price tables, 10¢ under the price listed in size group 12 for mine with Index Number 76.

[3] Shipping Point: McComb, Ala. Railroad: C of Ga.
This mine shall have the same prices in size groups 12 and 13 on all price tables as listed for mine with Index Number 71.
This mine shall have the same prices in size groups 17, 18 and 26 on all price tables as listed for mine with Index Number 69.

[4] Shipping Point: Brookside, Ala. Railroad: Southern.
These mines shall have the same prices in size groups 1, 2, 13 and 23 on all price tables as listed for mine with Index Number 71.
These mines shall have a price in size groups 7 and 22 on all price tables, 10¢ under the prices listed in size groups 6 and 17, respectively, for mine with Index Number 71.

[5] Shipping Point: Coalburg, Ala. Railroad: Southern.
This mine shall have a price in size groups 13 and 22 on all price tables, 10¢ under the prices listed in size groups 12 and 17, respectively, for mine with Index Number 31.

[6] Shipping Point: Birmingham, Ala. Railroad: Sou. and L&N (Team tracks).
This mine shall have the same prices in size groups 1, 4 and 7 on all price tables as listed for mine with Index Number 20.
This mine shall have a price in size group 9 on all price tables, 20¢ under the price listed for mine with Index Number 20.
This mine shall have the same price in size group 10 on all price tables as listed for mine with Index Number 9.
This mine shall have a price in size group 13 on all price tables, 10¢ higher than the price listed for mine with Index Number 9.
This mine shall have the same prices in size groups 17 and 18 on all price tables as listed for mine with Index Number 7.
This mine shall have a price in size groups 22 and 23 on all price tables, 10¢ under the prices listed for mine with Index Number 20.

[7] Shipping Point: Brookwood, Ala. Railroad: L&N.
These mines shall have the same price in size group 13 on all price tables as listed for mine with Index Number 14.
These mines shall have the same prices in size groups 22 and 23 on all price tables as listed in size groups 17 and 18, respectively, for mine with Index Number 17.

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group

§ 333.6 *General prices*—Supplement R–I—Continued

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	TUSCALOOSA COUNTY, ALA.—con.				
1425	Twin Seam Mining Co	Kellerman [6]	1	Brookwood	180
1445	Twin Seam Mining Co	Kellerman [9]	1	Millidale	180
	WALKER COUNTY, ALA.				
1407	Ensor Coal Co. (J. H. Ensor)	Ensor [10]	1	Mary Lee	101
1001	Ganey, S. A.	Empty Pocket [11]	1	Black Creek	101
1413	Guthrie & Ellis (Burvin Guthrie)	Guthrie & Ellis [12]	1	Mary Lee	101
1417	Mammoth Coal Mining Co. (Amos Reid).	Mammoth [13]	1	Mary Lee	110
581	McBride, John F	Cooley #4 [14]	1	Black Creek	90
902	Musgrove, Arthur	Martin [15]	1	Black Creek	110
1278	Styles, B. F	Styles [16]	1	Corona	120
1437	Tucker Coal Co. (S. C. Tucker)	Gas Light #3	1	Corona	120
1350	Wideman & Sons	Wideman #1 [17]	1	Black Creek	101
1431	Wilson & Huddleston (E. S. Wilson)	Wilson #3 [18]	1	Mary Lee	50

[6] Shipping Point: Fox, Ala. Railroad: GM&O.
This mine shall have the same prices in size groups 13, 19, 20, 21 and 22 on all price tables as listed for mine with Index Number 40.
This mine shall have the same price in size group 23 on all price tables as listed in size group 18 for mine with Index Number 31.
[9] Shipping Point: Fox, Ala. Railroad: GM&O.
This mine shall have the same price in size group 13 on all price tables as listed for mine with Index Number 9.
This mine shall have the same price in size group 19 on all price tables as listed in size group 15 for mine with Index Number 17.
This mine shall have the same prices in size groups 20, 21, 22 and 23 on all price tables as listed in size groups 15, 16, 17 and 18, respectively, for mine with Index Number 17.
[10] Shipping Point: Cordova, Ala. Railroad: SL&SF.
This mine shall have a price in size group 13 on all price tables, 10¢ under the price listed in size group 12 for mine with Index Number 31.
[11] Shipping Point: Carbon Hill, Ala. Railroad: SL&SF.
This mine shall have the same prices in size groups 1 and 13 on all price tables as listed for mine with Index Number 14.
This mine shall have a price in size groups 22 and 23 on all price tables, 10¢ under the prices listed in size groups 17 and 18, respectively, for mine with Index Number 14.
[12] Shipping Point: Hilliard, Ala. Railroad: SL&SF.
This mine shall have a price in size group 13 on all price tables, 10¢ under the price listed in size group 12 for mine with Index Number 31.
[13] Shipping Point: Mammoth, Ala. Railroad: Southern.
This mine shall have the same prices in size groups 1, 2 and 24 on all price tables as listed for mine with Index Number 31.
This mine shall have a price in size groups 7, 13, 19, 20, 21, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 12, 14, 15, 16, 17 and 18, respectively, for mine with Index Number 31.
[14] Shipping Point: Rosemary Switch, Ala. Railroad: SL&SF.
This mine shall have the same prices in size groups 1, 2, 4, 6, 17, 18 and 26 on all price tables as listed for mine with Index Number 22.
This mine shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mine with Index Number 22.
This mine shall have a price in size group 12 on all price tables, 20¢ higher than the price listed in size group 13 for mine with Index Number 14.
This mine shall have a price in size group 13 on all price tables, 10¢ higher than the price listed for mine with Index Number 14.
This mine shall have a price in size group 15 on all price tables, 10¢ higher than the price listed in size group 13 for mine with Index Number 14.
This mine shall have the same price in size group 20 on all price tables as listed in size group 13 for mine with Index Number 14.
[15] Shipping Point: Nauvoo, Ala. Railroad: Southern.
This mine shall have the same prices in size groups 1, 2, 4 and 13 on all price tables as listed for mine with Index Number 14.
This mine shall have a price in size groups 22 and 23 on all price tables, 10¢ under the prices listed in size groups 17 and 18, respectively, for mine with Index Number 14.
[16] Shipping Point: Oakman, Ala. Railroad: Southern.
These mines shall have the same prices in size groups 1 and 2 on all price tables as listed for mine with Index Number 56.
These mines shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mine with Index Number 56.
These mines shall have a price in size groups 18, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 12, 17 and 18, respectively, for mine with Index Number 56.
[17] Shipping Point: Carbon Hill, Ala. Railroad: SL&SF.
This mine shall have the same price in size group 13 on all price tables as listed for mine with Index Number 14.
[18] Shipping Point: Burnwell, Ala. Railroad: Southern.
This mine shall have a price in size groups 13, 19 and 26 on all price tables, 10¢ under the prices listed in size groups 12, 14 and 15, respectively, for mine with Index Number 31.

§ 333.7 *Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*—Supplement R–II

[Prices f. o. b. mines for shipment to all railroads and for the exclusive use of railroads]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	BIBB COUNTY, ALA.				
1420	Roden Coal Co	Marvel #8 [1]	1	Clark	180
	JEFFERSON COUNTY, ALA.				
751	Cardwell, W. M	Cardwell [2]	1	Harkness	10
1419	Center Coal Co	Eulamo #1 Pratt [3]	1	Pratt	50
1418	Center Coal Co	Eulamo #1 Nickel Plate [3]	1	Nickel Plate	50
303	Jordan & Fields (A. M. Jordan)	Cook [4]	1	Mary Lee	50
	TUSCALOOSA COUNTY, ALA.				
557	Watson, W. L. (Watson Coal Co.)	Watson [5]	1	Millidale	44
	WALKER COUNTY, ALA.				
1407	Ensor Coal Co. (J. H. Ensor)	Ensor [4]	1	Mary Lee	101
1417	Mammoth Coal Mining Co. (Amos Reid).	Mammoth [4]	1	Mary Lee	110
1413	Guthrie & Ellis (Burvin Guthrie)	Guthrie & Ellis [4]	1	Mary Lee	101
581	McBride, John F	Cooley #4 [4]	1	Black Creek	90
902	Musgrove, Arthur	Martin [4]	1	Black Creek	110
81	New Hope Coal Co. (B. F. Key)	New Hope [4]	1	Pratt	120
1278	Styles, B. F	Styles [4]	1	Corona	120
1437	Tucker Coal Co. (S. C. Tucker)	Gas Light #3 [4]	1	Corona	120
573	Wilson & Huddleston (E. S. Wilson)	Johnson #1 [3]	1	Mary Lee	50
1431	Wilson & Huddleston (E. S. Wilson)	Wilson #3 [3]	1	Mary Lee	50
	TUSCALOOSA COUNTY, ALA.				
1425	Twin Seam Mining Co	Kellerman [4]	1	Brookwood	180
1445	Twin Seam Mining Co	Kellerman [4]	1	Millidale	180

[1] This mine shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mine with Index Number 7. (See § 333.7 (a) in Minimum Price Schedule.)
[2] This mine shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mines with Index Numbers 41 and 57. (See § 333.7 (a) in Minimum Price Schedule.)
[3] These mines shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mines with Index Numbers 1, 2, 3, etc. (See § 333.7 (a) in Minimum Price Schedule.)
[4] All of the above mines shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mines with Index Numbers 1, 2, 3, etc. (See § 333.7 (a) in Minimum Price Schedule No. 1.)
[5] These mines shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mine with Index Number 40. (See § 333.7 (a) in Minimum Price Schedule.)

§ 333.7 *Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R–III

[Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	BIBB COUNTY, ALA.				
1420	Roden Coal Co	Marvel #3 [1]	1	Clark	180
	JEFFERSON COUNTY, ALA.				
1419	Center Coal Co	Eulamo #1 Pratt [2]	1	Pratt	50
1418	Center Coal Co	Eulamo #1 Nickel Plate [2]	1	Nickel Plate	50

[1] This mine shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mine with Index Number 7.
[2] These mines shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mine with Index Number 71.

§ 333.7 *Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R–III—Continued

Mine Index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	TUSCALOOSA COUNTY, ALA.				
567	Watson, W. L. (Watson Coal Co.)	Watson [5]	1	Millidale	64
	WALKER COUNTY, ALA.				
551	McBride, John F.	Cooley #4 [4]	1	Black Creek	80
1417	Mammoth Coal Mining Co. (Amos Reid)	Mammoth [3]	1	Mary Lee	110
1278	Styles, B. F.	Styles [4]	1	Corona	120
1437	Tucker Coal Co. (S. C. Tucker)	Gas Light #8 [4]	1	Corona	120

[3] This mine shall have a price of $2.70 for size group 23 for Steamship Vessel Fuel.
[4] This mine shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mine with Index Number 22.
[5] This mine shall have the same prices on [illegible] table as set forth in § 333.7 (l) in Minimum Price Schedule for District [illegible] as shown for mine with Index Number [illegible].
[6] These mines shall have a price of $2.65 for size group 18 for Steamship Vessel Fuel.

FOR TRUCK SHIPMENTS

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I

Code member index	Mine	Subdistrict	Mine Index No.	Seam	Lump: Over 2"; egg: Top size over 6"	Egg: Top size 6" and under	Lump: 2" and under	Nut: Top size 2" and under, bottom size over ½"		Chestnut: Top size 2" and under, bottom size ½" and under		Chestnut: Top size 1¼" and under, bottom size ½" and under		Run of mine; modified R/M	Resultants: 2" and under		Screenings: 1¼" and under		Industrial coal
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	24, 25, 26
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	
ALABAMA																			
BIBB COUNTY																			
Rodan Coal Co.	Marvel #3	2	1420	Clark	395	395	-------	335	-------	-------	-------	300	-------	-------	260	------	260	------	260
BLOUNT COUNTY																			
Calvert, Millard & Essel Young	Calvert	2	1403	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Holt, T. J.	Pine Hill Coal Co. #6	2	1416	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Reno & Reno (F. N. Reno)	Reno & Reno	2	1433	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
CULLMAN COUNTY																			
Brown, Brock	Will Washington	2	1414	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	280
JEFFERSON COUNTY																			
Center Coal Co.	Eulamo #1 Nickel Plate	2	1418	Nickel Plate	290	290	280	285	275	-------	-------	275	260	245	260	260	255	230	245
Center Coal Co.	Eulamo #1 Pratt	2	1419	Pratt	325	325	325	320	310	310	295	305	290	265	270	250	265	240	255
Davis Bros. Coal Co. (J. W. Davis)	Black Shale #6	2	1371	Black Shale	365	365	340	335	315	315	290	300	275	275	260	160	260	150	275
Keef, N. E.	N. E. Keef	2	1366	Lower Nunnally	280	280	275	295	275	-------	-------	270	260	230	235	200	220	180	260
Keef, N. W.	Keef #2	2	1421	Lower Nunnally	280	280	275	295	275	-------	-------	270	260	230	235	200	220	180	260
Knopf, Carl	Carl Knopf	2	1368	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
MARION COUNTY																			
Hamric, L. B.	Hamric	2	1400	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	280
Holt, A. F.	Holt	2	1399	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	280
Madison & Cagle	Madison	2	1422	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	280
Rowell & Rowell (Fred Rowell)	Fred Rowell	2	1423	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	226	280
SHELBY COUNTY																			
Payne Bros. (G. W. Payne)	Thomas Coal Co.	2	1432	Harkness	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275
Pen Coal Co.	Pen's Wadsworth #2	2	1424	Wadsworth	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I—Continued

Code member index	Mine	Subdistrict	Mine Index No.	Seam	Lump: Over 2"; egg: Top size over 6"	Egg: Top size 6" and under	Lump: 2" and under	Nut: Top size 2" and under, bottom size over ½"		Chestnut: Top size 2" and under, bottom size ½" and under		Chestnut: Top size 1¼" and under, bottom size ½" and under		Run of mine; modified R/M	Resultants: 2" and under		Screenings: 1¼" and under		Industrial coal
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	24, 25, 26
					1	2		6	7	8	9	10	11	13	17	22	18	23	
ALABAMA—Continued																			
TUSCALOOSA COUNTY																			
Northport Coal Co. (W. M. Holt)	Durie	2	1285	Riverview	355	355	340	345	325	310	300	295	285	285	275	265	265	230	285
Twin Seam Mining Co.	Kellerman	2	1425	Millidale	355	355	340	345	325	310	300	295	285	285	275	265	265	230	285
Twin Seam Mining Co.	Kellerman	2	1445	Brookwood	275	275	275	295	275	280	260	270	260	235	235	200	230	180	235
Wade, H. F.	Wade #2	2	1426	Millidale	355	355	340	345	325	310	300	295	285	285	275	265	265	230	285
WALKER COUNTY																			
Dill, A.	Aycock #3	2	1427	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	280
Drummond, Henry	Henry	2	1399	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	280
Mammoth Coal Mining Co. (Amos Reid)	Mammoth	2	1417	Mary Lee	275	275	275	295	275	280	260	270	260	235	235	200	230	180	235
Tucker Coal Co. (S. C. Tucker)	Gas Light #8	2	1437	Corona	325	325	325	320	310	310	295	305	290	265	270	250	265	220	265
Wilson & Huddleston (E. S. Wilson)	Wilson #2	2	1431	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	235
Guthrie & Ellis (Burvin Guthrie)	Guthrie & Ellis	2	1413	Mary Lee	275	275	275	295	275	280	260	270	260	225	235	200	230	180	235
WINSTON COUNTY																			
Thomas, W. L.	Dodd #4	2	1415	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	226	280

§ 333.43 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II

Code member index	Mine	Mine Index No.	Subdistrict	Seam	Lump: over 2"; egg: top size over 6"	Egg: top size 6" and under, bottom size 2" and under	Lump: 2" and under	Nut: top size 2" and under, bottom 1" and under	Stoker: top size 1½" and under, bottom size ½" and under	Stoker: top size ¾" and under, bottom size ¼" and under	Straight run modified R/M	Resultants: 6" and under	Resultants: 4" and under	Screenings: 2" under	Screenings: 1¼" and under	Screenings: 1¼" and under	Screenings: ¾" and under	Screenings: ¾" and under	Industrial coal*
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
TENNESSEE-GEORGIA																			
MARION COUNTY, TENN.																			
Wallace, C. M.	C. M. W. #2	1430	4	Etna	315	315	305	280	260	245	295	285	285	225	225	215	205	175	280
RHEA COUNTY, TENN.																			
Piney Creek Collieries (W. E. Brinkerhoff)	Piney Creek Collieries	1370	4	Nelson #3	325	325	315	270	260	255	285	285	285	205	205	195	160	155	270
SEQUATCHIE COUNTY, TENN.																			
Sequatchie Coal Co.	Sequatchie	731	4	Sewanee	315	315	(**)	280	260	245	(**)	(**)	(**)	(**)	(**)	205	200	165	(**)
WARREN COUNTY, TENN.																			
Cumberland Mt. Coal Co.		1434	4	Bon Air	315	315	315	280	260	245	295	285	285	205	205	195	160	155	285

*For sizes included see Size Group Table, § 333.42.
**Indicates previously classified these size groups.

[F. R. Doc. 42–991; Filed, February 3, 1942; 11:13 a. m.]

§ 333.7 *Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R–III—Continued

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	TUSCALOOSA COUNTY, ALA.				
567	Watson, W. L. (Watson Coal Co.)	Watson [3]	1	Milldale	44
	WALKER COUNTY, ALA.				
881	McBride, John F	Cooley 64 [4]	1	Black Creek	80
1417	Mammoth Coal Mining Co. (Amos Reid)	Mammoth [4]	1	Mary Lee	110
1278	Styles, B. F	Styles [4]	1	Corona	120
1437	Tucker Coal Co. (S. C. Tucker)	Gas Light #3 [4]	1	Corona	120

[3] This mine shall have a price of $2.70 for size group 23 for Steamship Vessel Fuel.
[4] This mine shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mine with Index Number 22.
[5] This mine shall have the same prices on price table as set forth in § 333.7 (l) in Minimum Price Schedule for District [illegible].
[6] These mines shall have a price of $2.65 for size group 13 for Steamship Vessel Fuel.

FOR TRUCK SHIPMENTS

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I

Code member index	Mine	Subdistrict	Mine Index No.	Seam	Lump: Over 2"; egg: Top size over 6"	Egg: Top size 6" and under	Lump: 2" and under	Nut: Top size 3" and under, bottom size over ¼"		Chestnut: Top size 3" and under, bottom size ¼" and under		Chestnut: Top size 1¼" and under, bottom size ¼" and under		Run of mine; modified R/M	Resultants: 3" and under		Screenings: 1¼" and under		Industrial coal
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	24, 25, 26
					1	2	3	6	7	8	9	10	11	18	17	22	18	23	
ALABAMA																			
BIBB COUNTY																			
al Co	Marvel #3	2	1420	Clark	395	395	------	335	------	------	------	300	------	------	260	------	260	------	290
BLOUNT COUNTY																			
Hillard & Essel Young	Calvert	2	1403	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
	Pine Hill Coal Co. #3	2	1416	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
eno (F. N. Reno)	Reno & Reno	2	1433	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	260	285
CULLMAN COUNTY																			
rock	Will Washington	2	1414	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
JEFFERSON COUNTY																			
al Co	Eulamo #1 Nickel Plate	2	1418	Nickel Plate	290	290	280	285	275	------	------	275	280	245	260	240	255	230	245
al Co	Eulamo #1 Pratt	2	1419	Pratt	325	325	325	320	310	310	295	305	290	265	270	250	265	240	265
e. Coal Co. (J. W. Davis)	Black Shale #6	2	1371	Black Shale	365	365	340	335	315	315	290	300	275	275	260	160	260	150	275	280
t	N. E. Keef	2	1396	Lower Nunnally	280	280	275	295	275	------	------	270	250	230	235	200	230	180	280
W	Keef #2	2	1421	Lower Nunnally	280	280	275	295	275	------	------	270	250	230	235	200	230	180	280
arl	Carl Knopf	2	1398	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	260	285
MARION COUNTY																			
. B	Hamric	2	1400	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
F	Holt	2	1399	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
& Cagle	Madison	2	1422	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Rowell (Fred Rowell)	Fred Rowell	2	1423	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	226	290
SHELBY COUNTY																			
os. (G. W. Payne)	Thomas Coal Co	2	1432	Harkness	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275
Co	Pen's Wadsworth #2	2	1424	Wadsworth	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I—Continued

Code member index	Mine	Subdistrict	Mine Index No.	Seam	Lump: Over 2";	Egg: Top	Lump:	Nut: Top size 3"	Chestnut: Top size 3"	Chestnut: Top size 1¼"	Run of mine;	Resultants:	Screenings:	Indus-

[Docket No. A-1288]

PART 342—MINIMUM PRICE SCHEDULE, DISTRICT NO. 22

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 22 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS, FOR SHIPMENT BY TRUCK, PRODUCED AT THE BOSTON COULEE MINE IN SUBDISTRICT 7 AND FOR THE ESTABLISHMENT OF A MINIMUM PRICE OF $1.00 PER TON FOR THE COALS IN SIZE GROUP 10, FOR SHIPMENT BY TRUCK, PRODUCED AT ALL OF THE MINES OF CODE MEMBERS LOCATED IN SUBDISTRICT 3 IN DISTRICT NO. 22

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals, for shipment by truck, produced at the Boston Coulee Mine of code member Pribyl & Cirbus in Subdistrict 7 and of a minimum price of $1.00 per ton for the coals in Size Group 10, for shipment by truck, produced at all of the mines of code members located in Subdistrict 3 in District No. 22.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 342.21 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 22 for Truck Shipment is supplemented to include (1) for the coals, for shipment by truck, produced at the Boston Coulee Mine (Mine Index No. 304) of code member Pribyl & Cirbus located in Cascade County, Montana in Subdistrict 7 in District No. 22, the following minimum prices f. o. b. the mine in cents per net ton:

Size group	1	2	3	4	5	6	7	8	9	11	12
Prices	400	375	375	350	350	325	300	225	150	100	80

and (2) for the coals in Size Group 10, for shipment by truck, produced at all of the mines of code members located in Subdistrict 3 in District No. 22 the minimum price of $1.00 per net ton f. o. b. the transportation facilities at the mines.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 3, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-1062; Filed, February 4, 1942; 11:59 a. m.]

[Docket No. A-1287]

PART 343—MINIMUM PRICE SCHEDULE, DISTRICT NO. 23

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 23 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE FRANKLIN GEM MINE OPERATED BY CODE MEMBER FRANKLIN GEM COAL CO. AND LOCATED IN SUBDISTRICT G IN DISTRICT NO. 23

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced at the Franklin Gem Mine operated by code member Franklin Gem Coal Co. and located in Subdistrict G in District No. 23.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 343.5 (*General prices; minimum prices for shipment via rail transportation*) and § 343.21 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 23 For All Shipments Except Truck and For Truck Shipments are supplemented to include, for the coals produced at the Franklin Gem Mine (Mine Index No. 162) of code member Franklin Gem Coal Co., located in King County, Washington, with rail shipping point at Black Diamond, Washington, on the Pacific Coast Railroad in Freight Origin Group No. 12 in Subdistrict Price Group G in District No. 23, minimum prices in cents per net ton f. o. b. the transportation facilities at the mine, as follows:

For Shipment Via Rail Transportation

§ 343.5 *General prices; minimum prices for shipment via rail transportation.* The minimum prices set forth in § 343.5 (*General prices; minimum prices for shipment via rail transportation*) in the Schedule, as amended, for all mines in Subdistrict "G" Cumberland except for the Durham Mine and the Hyde Mine for shipments into all market areas.

For Truck Shipments

§ 343.21 *General prices.*

Size group	2	3	4	5	8	9	10	11	12	14	16	19	21	23	24
Price	490	490	450	450	450	450	400	400	375	360	350	375	325	315	200

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 3, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-1061; Filed, February 4, 1942; 12:00 m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 949—CHROMIUM

Amendment No. 2 to General Preference Order M-18-a[1] to Conserve the Supply and Direct the Distribution of Chromium

Section 949.2 (*General Preference Order M-18-a*), issued November 28, 1941, as heretofore amended on January 13, 1942, is hereby further amended to read as follows:

[1] 6 F.R. 6142; 7 F.R. 251.

Whereas it is found that the increasing national defense requirements, including the need for adequate reserves occasioned by the uncertainty of future shipments from abroad, of chromium (as hereinafter defined) have created a shortage in the supply of chromium for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States to supplement by further measures the action heretofore taken to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 949.2 *General Preference Order M-18-a—(a) Definitions.* For the purposes of this order:

(1) "Chromium" means and includes:

(i) Chromium ores or concentrates;

(ii) The element chromium in pure form, ferrochromium, chrom-x, chrome briquettes, and other combinations of the element chromium with other elements in semi-manufactured or manufactured form, commercially suitable for use in the manufacture of steel or for other metallurgical purposes;

(iii) All chemical combinations having chromium as an essential and recognizable component;

(iv) Those products containing chromium known commercially as refractories or refractory materials;

(v) All scrap or secondary material containing chromium as defined in (i), (ii), and (iii) above.

(2) "Producer" means any person who mines or otherwise produces natural materials containing recoverable quantities of chromium.

(3) "Processor" means any person who uses ores or concentrates for the manufacture of, or converts them into chromium chemicals, chromium refractories, or metallurgical forms of chromium.

(4) "Dealer" means any person who procures chromium either by importing or from domestic sources for sale without change in form, whether or not such person receives title to or physical delivery of the material, and includes selling agents, warehousemen, and brokers.

(b) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(c) *Limitation on use of ore in chromium chemicals.* Unless otherwise ordered by the Director of Industry Operations, the aggregate chromium oxide content of ore which may be used by any processor in the manufacture of chromium chemicals during any calendar month shall be limited to 1/12 of the aggregate weight of such oxide content used in the manufacture of the total quantity of chromium chemicals delivered by such processor during the period from July 1, 1940 through June 30, 1941.

(d) *Restrictions on melting and directions for deliveries.* Hereafter no person shall melt any chromium except as specifically authorized by the Director of Industry Operations. The Director will from time to time specifically direct the quantities in which chromium may be melted for particular purposes by any person, and the manner and quantities in which deliveries shall be made to particular persons or for particular uses. Such directions will be made to insure the satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made in the discretion of the Director of Industry Operations without regard to any preference ratings assigned to particular contracts or purchase orders. The Director of Industry Operations may also take into consideration the possible dislocation of labor, and the necessity of keeping a plant in operation so that it may be able to fulfill defense orders and essential civilian requirements. In making any deliveries of chromium with respect to which no specific directions have been issued by the Director of Industry Operations, each producer, processor, and dealer must give preference to defense orders as required by the provisions of Priorities Regulation No. 1, as amended from time to time, and must be governed by any preference ratings assigned to particular contracts or purchase orders.

(e) *Application for chromium.* Unless otherwise ordered by the Director of Industry Operations, no processor or dealer shall make delivery of chromium, and no person shall accept such delivery unless, not later than the 20th day of the month next preceding the month in which delivery is to be made, or at such other time as the War Production Board may determine, the person seeking such delivery shall have filed with the processor or dealer an application in the form prescribed by the Chromium Branch of the War Production Board, and shall have filed at the same time with the War Production Board a copy of such application. If the chromium for which application is made is in any of the forms specified in paragraph (a) (1) (ii) above, the person seeking delivery shall also file with the War Production Board, together with the copy of such application, a report on Form PD-53a or such other form as may be from time to time prescribed by the War Production Board. The Director of Industry Operations, in his discretion, from time to time, may issue specific directions exempting particular customers or classes of customers from the provisions of this paragraph (e) on the basis of the limited character of their requirements for chromium.

(f) *Violations or false statements.* Any person who wilfully violates any provision of this order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(g) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the Chromium Branch, War Production Board, Social Security Building, Washington, D. C., Reference: M-18-a.

(h) *General Preference Order M-18 revoked.* General Preference Order M-18, issued by the Director of Priorities July 7, 1941, as amended August 22, 1941, is hereby revoked.

(i) *Effective dates.* This order shall take effect immediately upon its issuance, and unless sooner terminated by direction of the Director of Industry Operations, shall expire on the 30th day of June 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public, No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 4th day of February 1942.

J. S. KNOWLSON, *Director of Industry Operations.*

[F. R. Doc. 42-1032; Filed, February 4, 1942; 10:23 a. m.]

PART 981—PASSENGER AUTOMOBILES

Supplementary General Limitation Order L-2-h Authorizing the Production of Ambulance Chassis by General Motors Corporation, Cadillac Motor Car Division, during January 1942

§ 981.9 *Supplementary General Limitation Order L-2-h.* Notwithstanding the provisions of § 981.6 (*Supplementary General Limitation Order L-2-e*[1]) [Amendment No. 1] General Motors Corporation, Cadillac Motor Car Division, may produce during the period ending January 31, 1942, seven hundred nineteen (719) commercial long-wheel base ambulance chassis for distribution to builders of ambulance bodies, by them to be mounted with ambulance bodies only.

This Order shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public, No. 671, 76th Congress, Third Session, as amended by Public, No. 89, 77th Congress, First Session.)

Issued this 31st day of January 1942.

J. S. KNOWLSON, *Director of Industry Operations.*

[F. R. Doc. 42-1028; Filed, February 3, 1942; 3:39 p. m.]

[1] 7 F.R. 515.

PART 1010—SUSPENSION ORDERS

Suspension Order No. S–10

Acme Aluminum Foundry Company of Canton, Ohio, is a foundry and fabricator of primary, secondary, and scrap aluminum, and is subject to the provisions of General Preference Order M–1, and Supplementary Order M–1–a. During the months of September and October, the company delivered 78,000 pounds of aluminum castings on non-defense orders which were not approved by the Director of Priorities and some of which were specifically disapproved. The company also violated the provisions of the Aluminum Orders in failing to require all of its customers to file with it a sworn statement covering their inventories and orders placed with other producers.

Because of the scarcity and critical importance of aluminum, these violations of General Preference Order M–1 and Supplementary Order M–1–a have resulted in the diversion of secondary aluminum from primary defense needs to non-essential uses. In view of the foregoing facts,

It is hereby ordered:

§ 1010.10 *Suspension order S–10.* (a) During the period in which this Order shall be in effect, Acme Aluminum Foundry Company of Canton, Ohio, its successors and assigns, shall accept no deliveries, from any source, of primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part, except as the Director of Industry Operations shall specifically direct.

(b) During the period in which this Order shall be in effect, Acme Aluminum Foundry Company of Canton, Ohio, its successors and assigns, shall accept no purchase orders, and enter into no contracts or commitments, for delivery by it of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products, except as the Director of Industry Operations shall specifically direct.

(c) During the period in which this Order shall be in effect, Acme Aluminum Foundry Company of Canton, Ohio, its successors and assigns, shall make no deliveries of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products, except as the Director of Industry Operations shall specifically direct.

(d) During the period in which this Order shall be in effect, no person shall deliver to or receive from Acme Aluminum Foundry Company any primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part or any aluminum product, except as specifically authorized by the Director of Industry Operations.

(e) This Order shall take effect immediately and, unless sooner terminated by the Director of Industry Operations, shall expire at midnight of April 3, 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public, No. 671, 76th Congress, Third Session, as amended by Public, No. 89, 77th Congress, First Session)

Issued this 3d day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1027; Filed, February 3, 1942; 3:39 p. m.]

PART 1024—PIGS' AND HOGS' BRISTLES

Amendment to General Preference Order M–51[1] To Conserve the Supply and Direct the Distribution of Pigs' and Hogs' Bristles

Section 1024.1 (*General Preference Order M–51*) is hereby amended as follows:

Paragraph (b) is amended to read as follows:

(b) *Additional definitions.* (1) "Bristles" shall mean pigs' or hogs' bristles of the lengths of three inches and longer, whether new or reclaimed, and whether imported or not.

(2) "Dealer" shall mean any person engaged in the business of purchasing and reselling bristles without changing the condition thereof.

(3) "Dresser" or "Reclaimer" shall mean any person grading, sorting, dressing or reclaiming bristles and reselling to a Dealer or to other Dressers or Reclaimers.

Paragraph (c) is amended to read as follows:

(c) *Restrictions of deliveries to defense orders.* No person shall hereafter sell, deliver, or transfer title to any person other than the Defense Supplies Corporation, and no person, other than the Defense Supplies Corporation, shall buy, take title to, or accept delivery of bristles except upon defense orders, unless specifically authorized by the Director of Industry Operations: *Provided, however,* That sales, deliveries, and transfers of title to bristles may be made to the person importing the same, either directly or through an agent, if each person participating in the transaction shall report to the War Production Board on or before the close of the next business day following such participation, the amount, origin, size, color, number of cases, and identifying case number of any bristles so sold, delivered, or to which title has been so transferred, and the extent of such person's participation in such transaction: *Provided, further,* That nothing contained in this paragraph shall prevent purchases or sales, deliveries or acceptance of deliveries, or transfers of title to fill orders in accordance with the provisions of paragraphs (d) (3) (i), (d), (3) (ii), (d) (3) (iv).

Paragraph (d) is amended by adding thereto the following subparagraphs:

(d) *Restrictions on use of bristles.*

* * * * *

(3) Notwithstanding the foregoing, nothing in this Order shall prevent:

(i) Dressers or reclaimers from removing bristles from cases, performing their operations thereon, and reselling, delivering, or transferring title to them upon orders placed by dealers for inventory.

(ii) Dealers from placing orders for delivery of, buying, taking title to, or accepting delivery of bristles for inventory.

(iii) The opening of cases for inspection as to quality and condition, verification of sizes and weights, and removal of the bristles of less than three inches in length.

(iv) The opening of cases, removal of bristles, deliveries and transfers of title, upon orders for shoe bristles.

(v) The manufacture, subject to the limitations of paragraph (h), of the minimum commercially practicable amounts of finished products when the manufacture of additional amounts of such products is required in order to fill defense orders: *Provided, however,* Any excess so manufactured shall be sold only on defense orders.

(4) Notwithstanding the foregoing, nothing in this Order shall prevent the placing of orders by any manufacturer of products containing bristles for such amounts of bristles as may be necessary to enable him to manufacture, subject to the limitation in paragraph (h), for inventory, in the calendar month in which such bristles so ordered are to be delivered, an amount of his finished products not in excess of the amount of his finished products delivered by him upon defense orders in the preceding calendar month. Such finished products should be only of the kind and type suitable for delivery upon such defense orders. Each such order shall have endorsed thereon a certificate from such manufacturer, signed by a person authorized to sign for such manufacturer, and in substantially the following form:

The undersigned manufacturer hereby certifies to his vendor and to the War Production Board, subject to the provisions of section 35 (A) of the United States Criminal Code, that the bristles to be delivered on this purchase order are required by the undersigned to enable the undersigned to manufacture, for inventory, an amount of the undersigned's finished products in the calendar month in which such bristles are to be delivered not in excess of the amount of the undersigned's finished products delivered upon defense orders in the preceding calendar month.

(Company)

By ---
(Signature of Authorized Person)

(Title)

Date ---

The undersigned hereby certifies to the above vendor and to the War Production Board, subject to the provisions of section 35 (A) of the United States Criminal Code, that the above certificate was signed by the undersigned on behalf of and by authority of the said manufacturer.

(Individual)

Date ---

Said Order is amended by adding thereto the following paragraph (h):

(h) *Conservation of bristles.* No person shall after February 7, 1942, use any bristles in the manufacture of any product, unless such Person shall use in the manufacture of such product a bristle mixture containing not less than 45% of material other than pigs' or hogs' bristles of any length whatever: *Provided, however,* That nothing herein contained shall prevent the use of an all bristle mixture in any product where such mixture is specifically required by specifications adopted by United States War or Navy Departments, and such product is specifically required by such Department to be made for it in accordance with such specifications.

Effective date. This Amendment shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public, No. 671, 76th Congress, Third Session, as amended by Public, No. 89, 77th Congress, First Session)

Issued this 4th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1083; Filed, February 4, 1942; 10:18 a. m.]

[1] 6 F.R. 6425.

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1306—IRON AND STEEL

AMENDMENT NO 1 TO PRICE SCHEDULE NO. 41—STEEL CASTINGS

Section 1306.106 is hereby revoked, §§ 1306.100, 1306.101, 1306.102, 1306.104, 1306.108 and 1306.109 are hereby amended and four new §§ 1306.111, 1306.112, 1306.113 and 1306.114 are added, as set forth below:

§ 1306.100 *Maximum prices for steel castings and railroad specialties.* (a) On and after December 1, 1941, regardless of the terms of any contract of sale or purchase, or other commitment and, except as provided in subdivision (b) of this section: (1) no producer shall sell, offer to sell, or deliver steel castings of any description whatever, and no person shall buy, offer to buy, or accept delivery of such steel castings, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1306.112; (2) no producer shall sell, offer to sell, or deliver railroad specialties, and no person shall buy, offer to buy, or accept delivery of railroad specialties, at prices higher than the maximum prices set forth in Appendix B hereof, incorporated herein as § 1306.113.

(b) To the extent that a contract for the sale of steel castings or railroad specialties does not require that deliveries thereunder be made until six or more months after the date said contract was entered into, a producer may sell or offer to sell steel castings or railroad specialties at prices not in excess of the prices issued by the Office of Price Administration applicable and in effect at the time deliveries are made.

§ 1306.101 *Less than maximum prices.* Lower prices than those set forth in Appendix A and Appendix B may be charged, paid, or offered.

§ 1306.102 *Castings produced on and after February 5, 1942, for which no price has been filed by the producer.* Any producer undertaking to make a steel casting, (1) which is part of an order totaling $100 or more, and (2) for which steel castings, or a steel casting substantially similar in specification and design, no price has been filed by such producer pursuant to § 1306.104 of this Schedule, shall file with the Office of Price Administration a request for approval of the proposed selling price for such steel casting on Form 141:4: *Provided,* That where the selling price is not higher than the price listed in the Comprehensive Report under the head of "Schedule Reference" for such steel casting, or for a steel casting substantially similar in design and specification, such producer shall not be required to request approval thereof. Copies of Form 141:4 may be obtained at the Office of Price Administration.

§ 1306.104 *Filing of prices.* On or before December 1, 1941, every producer shall file with the Office of Price Administration the exact and complete price or prices, extras, terms, and conditions, classified by size and quantity, in accordance with which he sold or would have sold on July 15, 1941, steel castings subject to Appendix A: *Provided,* That where such price or prices coincide with the "Comprehensive Report" the producer need only signify that such prices do coincide with those listed in said Comprehensive Report: *And, provided further,* That filing as above is not necessary with respect to obsolete steel castings.

§ 1306.108 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered unless the person making such application shall have, to the satisfaction of the Office of Price Administration, complied with this Schedule. A list of persons to whom exceptions have been granted pursuant to this Section appears in Appendix C.

§ 1306.109 *Definitions.* When used in this Schedule, the term:

(a) "Person" includes an individual, partnership, association, corporation, or other business entity, as well as executors, trustees in bankruptcy, receivers, and other court-appointed officers;

(b) "Producer" means a person engaged in the production of steel castings or railroad specialties;

(c) "Steel castings" means any cast steel object that has been initially cast into the desired shape of the finished product, and which contains less than 1.70% carbon and/or alloys totaling not more than 8%, and includes miscellaneous steel castings and steel castings produced for railroads other than the railroad specialties defined in subdivision (d) below;

(d) "Railroad specialties" means any or all side frames, bolsters, yokes and couplers of the types and sizes listed in Appendix B hereto;

(e) "Comprehensive Report" means the "Comprehensive Report of Price Lists of Miscellaneous Castings," published by the Steel Founders' Society of America, for the third quarter of 1941, beginning July 1, 1941.

(f) "Base territory" means the States of New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, Kentucky, Ohio, Indiana, Illinois, and Michigan (southern peninsula only) and also including Bettendorf, Iowa, and St. Charles and St. Louis, Missouri.

§ 1306.111 *Geographical application.* The provisions of this Schedule shall apply only to sales, offers to sell, or deliveries of steel castings and railroad specialties moving within, into, or out of one of the 48 states or the District of Columbia.

§ 1306.112 *Appendix A—(a) Maximum prices for steel castings made by a producer on or before July 15, 1941.* The maximum prices of a producer for steel castings made by such producer on or before July 15, 1941, or for steel castings substantially similar in design and specification to any steel castings made by such producer on or before July 15, 1941, shall be the prices, together with the extras, terms, and conditions, which were or would have been charged by such producer on July 15, 1941, and which are filed with the Office of Price Administration in accordance with § 1306.104.

(b) *Maximum prices for other steel castings.* The maximum price of a producer for a steel casting of any description whatever made by such producer on or after February 5, 1942, and for which steel castings, or a steel casting substantially similar in design and specification, such producer has not filed a price with the Office of Price Administration in accordance with § 1306.104, (1) shall be the price, together with the extras, terms and conditions, listed in the Comprehensive Report under the head of "Schedule Reference" for steel castings of the same design and specification, or substantially similar design and specification, or (2), if substantially different in design and specification from any steel casting listed in the Comprehensive Report, shall be the price for such producer which is approved in writing by the Office of Price Administration within six days after Form 141:4 for such steel casting is received by the Office of Price Administration pursuant to § 1306.102 of this Schedule: *Provided,* That if said selling price is neither approved or disapproved within six days from the date of receipt of Form 141:4 by the Office of Price Administration, the proposed selling price shall be deemed approved for such producer.

§ 1306.113 *Appendix B; maximum prices for railroad specialties.* The maximum prices, including extras, for railroad specialties delivered to the purchaser in base territory shall be as set forth hereinafter. The maximum prices for railroad specialties, including extras, delivered outside of base territory shall be as hereinafter set forth: *Provided,* That there may be added to such prices charges for freight at rates prevailing at time of delivery with the customary differential allowed to the purchaser, computed by methods used by the producer on October 1, 1941.

TABLE I—*Side frames*—Continued

FULL CUSHION PEDESTAL TYPE FRAMES

[Prices include the furnishing and application of pedestal and spring bar wear plates]

Size of journal	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 to 399 pieces	400 or more pieces
5" x 9"	$97.15 ea.	$91.60 ea.	$88.80 ea.	$86.05 ea.	$83.50 ea.	$75.15 ea.
5½" x 10"	101.70 ea.	96.00 ea.	93.15 ea.	90.30 ea.	87.65 ea.	79.10 ea.

STABILIZED PEDESTAL TYPE FRAMES

Size of journal	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 to 399 pieces	400 or more pieces
5½ x 10	$76.70	$72.65 ea.	$70.40 ea.	$67.70	$65.70 ea.	$58.40 ea.

(2) Furnished in "High Tensile" Steel

INTEGRAL BOX FRAMES

[Arranged to take A. A. R. flat spring malleable iron lids or pressed steel lids, but not including the furnishing or application of such lids]

Size journal	Normal weight	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 to 399 pieces	400 or more pieces
4¼" x 8"	410#	$50.60 ea.	$47.90 ea.	$46.60 ea.	$45.35 ea.	$43.90 ea.	$39.95 ea.
5" x 9"	450	54.70 ea.	51.85 ea.	50.40 ea.	48.95 ea.	47.25 ea.	43.00 ea.
5½" x 10"	510	60.30 ea.	57.05 ea.	55.25 ea.	53.65 ea.	52.00 ea.	47.00 ea.
6" x 11"	600	73.25 ea.	68.95 ea.	66.80 ea.	64.60 ea.	62.85 ea.	56.15 ea.

TABLE II—*Bolsters*

(1) Furnished in Grade "B" Steel

ELSEY TRUCK BOLSTERS

Size of journal	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 or more pieces
5½" x 10"	$78.30 ea.	$73.95 ea.	$71.35 ea.	$66.50 ea.	$59.00 ea.
6" x 11"	109.95 ea.	102.95 ea.	99.15 ea.	92.35 ea.	81.50 ea.

BARRETT WHITEHEAD TRUCK BOLSTERS

Size of journal	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 or more pieces
5½" x 10"	$90.15 ea.	$84.60 ea.	$81.60 ea.	$76.05 ea.	$67.50 ea.
6" x 11"	105.95 ea.	99.30 ea.	95.65 ea.	89.20 ea.	78.90 ea.
6½" x 12"	125.05 ea.	117.20 ea.	112.95 ea.	105.35 ea.	93.20 ea.

TABLE III—*Couplers*

(1) Furnished in Grade "B" Steel

A. A. R. STANDARD AND ALTERNATE STANDARD COUPLERS AND ATTACHMENTS

TABLE I—*Side frames*

(1) Furnished in Grade "B" Steel

ANDREWS FRAMES

Size of journal	Normal weight	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 99 pieces	200 to 399 pieces	400 or more pieces
4¼" x 8"	3750	$34.95 ea.	$33.00 ea.	$32.05 ea.	$31.10 ea.	$30.15 ea.	$27.10 ea.
5" x 9"	435	37.50 ea.	35.45 ea.	34.45 ea.	33.30 ea.	32.20 ea.	29.00 ea.
5½" x 10"	500	41.35 ea.	38.95 ea.	37.85 ea.	36.55 ea.	35.10 ea.	31.60 ea.
6" x 11"	630	51.80 ea.	48.90 ea.	47.30 ea.	45.55 ea.	43.95 ea.	39.45 ea.
6½" x 12"	700	58.05 ea.	54.85 ea.	52.90 ea.	51.00 ea.	49.20 ea.	44.25 ea.

PEDESTAL FRAMES

Size of journal	Normal weight	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 to 399 pieces	400 or more pieces
4¼" x 8"	4100	$36.55 ea.	$34.65 ea.	$33.65 ea.	$32.70 ea.	$31.75 ea.	$28.70 ea.
5" x 9"	470	39.40 ea.	37.30 ea.	36.20 ea.	35.05 ea.	33.85 ea.	30.45 ea.
5½" x 10"	540	43.75 ea.	41.35 ea.	40.25 ea.	38.95 ea.	37.55 ea.	34.00 ea.
6" x 11"	680	54.65 ea.	51.80 ea.	50.20 ea.	48.25 ea.	46.80 ea.	42.30 ea.
6½" x 12"	810	64.15 ea.	60.90 ea.	59.00 ea.	56.75 ea.	55.00 ea.	49.70 ea.

INTEGRAL BOX FRAMES

[Arranged to take A. A. R. Flat Spring Malleable Iron Lids or Pressed Steel Lids, but not including the furnishing or application of such lids]

Size of journal	Normal weight	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 to 399 pieces	400 or more pieces
4¼" x 8"	4750	$45.05 ea.	$42.65 ea.	$41.50 ea.	$40.40 ea.	$39.10 ea.	$35.60 ea.
5" x 9"	530	46.75 ea.	44.15 ea.	44.90 ea.	43.80 ea.	42.15 ea.	38.30 ea.
5½" x 10"	610	53.70 ea.	50.80 ea.	49.20 ea.	47.75 ea.	46.35 ea.	41.85 ea.
6" x 11"	750	65.25 ea.	61.40 ea.	59.60 ea.	57.55 ea.	55.80 ea.	50.00 ea.
6½" x 12"	900	79.05 ea.	74.40 ea.	72.15 ea.	70.05 ea.	67.95 ea.	61.25 ea.

TENDERS

	Andrews frames	Pedestal frames	Integral box frames
4¼" x 8" and 5" x 9" journals	$42.65 ea.	$47.45 ea.	$54.15 ea.
5½" x 10" journals	57.05 ea.	61.90 ea.	95.55 ea.
6" x 11" journals	61.90 ea.	66.35 ea.	93.00 ea.
6½" x 12" journals	70.55 ea.	76.95 ea.	109.00 ea.

ELSEY INTEGRAL BOX FRAMES

Size of journal	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 to 399 pieces	400 or more pieces
5½ x 10"	$89.20 ea.	$84.10 ea.	$81.35 ea.	$79.00 ea.	$76.65 ea.	$69.00 ea.
6" x 11"	95.40 ea.	90.00 ea.	87.30 ea.	84.60 ea.	82.10 ea.	74.00 ea.

TABLE I—*Side frames*—Continued

FULL CUSHION PEDESTAL TYPE FRAMES

[Prices include the furnishing and application of pedestal and spring bar wear plates,

Size of journal	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 to 399 pieces	400 or more pieces
5" x 9"	$97.15 ea.	$91.60 ea.	$88.80 ea.	$86.05 ea.	$83.50 ea.	$75.15 ea.
5½" x 10"	101.70 ea.	96.00 ea.	93.15 ea.	90.30 ea.	87.65 ea.	79.10 ea.

STABILIZED PEDESTAL TYPE FRAMES

Size of journal	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 to 399 pieces	400 or more pieces
5½ x 10	$76.70	$72.65 ea.	$70.40 ea.	$67.70	$65.70 ea.	$59.40 ea.

(2) Furnished in "High Tensile" Steel

INTEGRAL BOX FRAMES

[Arranged to take A. A. R. flat spring malleable iron lids or pressed steel lids, but not including the furnishing or application of such lids]

Size journal	Normal weight	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 to 399 pieces	400 or more pieces
4¼" x 8"	4100	$50.60 ea.	$47.90 ea.	$46.60 ea.	$45.35 ea.	$43.90 ea.	$39.95 ea.
5" x 9"	450	54.70 ea.	51.85 ea.	50.40 ea.	48.95 ea.	47.35 ea.	43.00 ea.
5½" x 10"	510	60.30 ea.	57.05 ea.	55.25 ea.	53.65 ea.	52.00 ea.	47.00 ea.
6" x 11"	600	73.25 ea.	69.25 ea.	67.30 ea.	64.60 ea.	62.65 ea.	56.15 ea.

TABLE II—*Bolsters*

(1) Furnished in Grade "B" Steel

ELSEY TRUCK BOLSTERS

Size of journal	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 or more pieces
5½" x 10"	$78.30 ea.	$73.95 ea.	$71.35 ea.	$66.50 ea.	$59.00 ea.
6" x 11"	109.95 ea.	102.95 ea.	99.15 ea.	92.35 ea.	81.50 ea.

BARRETT WHITEHEAD TRUCK BOLSTERS

Size of journal	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 or more pieces
5½" x 10"	$90.15 ea.	$84.60 ea.	$81.60 ea.	$76.05 ea.	$67.80 ea.
6" x 11"	105.95 ea.	99.30 ea.	95.65 ea.	89.20 ea.	78.90 ea.
6½" x 12"	125.05 ea.	117.20 ea.	112.95 ea.	105.35 ea.	93.20 ea.

TABLE II—*Bolsters*—Continued

FULL CUSHION TRUCK BOLSTERS

Size of journal	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 or more pieces
5" x 9"	$70.30 ea.	$65.95 ea.	$63.60 ea.	$59.25 ea.	$52.55 ea.
5½" x 10"	79.00 ea.	73.75 ea.	70.80 ea.	65.55 ea.	58.55 ea.

STABILIZED TRUCK BOLSTERS

Size of journal	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 or more pieces
5½" x 10"	$77.60 ea.	$72.80 ea.	$70.20 ea.	$65.40 ea.	$58.00 ea.

TRUCK BOLSTERS

Size of journal	Normal weight	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 or more pieces
4¼" x 8"	6500	$58.55 ea.	$55.10 ea.	$53.45 ea.	$50.00 ea.	$44.60 ea.
5" x 9"	745	65.05 ea.	60.90 ea.	59.10 ea.	55.10 ea.	48.95 ea.
5½" x 10"	815	70.30 ea.	65.95 ea.	63.50 ea.	59.25 ea.	52.55 ea.
6" x 11"	1,000	84.90 ea.	79.95 ea.	75.70 ea.	69.90 eq.	62.25 ea.
6½" x 12"	1,200	101.85 ea.	94.80 ea.	90.80 ea.	83.90 ea.	76.10 ea.

BODY BOLSTERS

Class	Weight	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 or more pieces
A	Up to 550 lbs	$52.00 ea.	$50.20 ea.	$48.95 ea.	$48.55 ea.	$41.30 ea.
B	551 to 650 lbs	58.00 ea.	54.75 ea.	53.10 ea.	50.00 ea.	45.15 ea.
C	651 to 750 lbs	67.60 ea.	63.80 ea.	62.00 ea.	58.35 ea.	52.55 ea.
D	751 to 850 lbs	77.40 ea.	73.05 ea.	70.85 ea.	66.70 ea.	60.15 ea.
E	851 to 950 lbs	87.00 ea.	82.20 ea.	79.75 ea.	74.85 ea.	67.60 ea.
F	951 to 1050 lbs	96.80 ea.	91.35 ea.	88.65 ea.	83.35 ea.	75.20 ea.
G	1051 to 1150 lbs	106.40 ea.	100.40 ea.	97.50 ea.	91.70 ea.	82.85 ea.

TENDERS—TRUCK BOLSTERS

All capacities ..... $3.70 per 100 lbs.

The above prices cover cast steel body and truck bolsters with center plates and side bearings cast integral, or arranged for but not including the application of separable center plates or side bearings.

(2) Furnished in High Tensile Steel

TRUCK BOLSTERS

The prices shown below cover cast steel truck bolsters with center plates and side bearings cast integral, or arranged for application of separable center plates or side bearings]

Size of journal	Normal weight	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 or more pieces
4¼" x 8"	5450	$68.60 ea.	$61.75 ea.	$62.90 ea.	$56.05 ea.	$49.95 ea.
5" x 9"	575	72.90 ea.	68.25 ea.	66.20 ea.	61.75 ea.	54.85 ea.
5½" x 10"	620	78.80 ea.	73.95 ea.	71.30 ea.	66.40 ea.	58.90 ea.
6" x 11"	790	95.15 ea.	88.80 ea.	84.85 ea.	78.35 ea.	70.90 ea.
6½" x 12"	960	114.15 ea.	106.25 ea.	101.75 ea.	94.05 ea.	85.80 ea.

TABLE III—*Couplers*

(1) Furnished in Grade "B" Steel

A. A. R. STANDARD AND ALTERNATE STANDARD COUPLERS AND ATTACHMENTS

A. A. R. Type "E" top or rotary operating couplers, 12" heads, with shanks not more than 21¼" long, fitted with 11" knuckles:

5 in. x 7 in. shanks, with 6¼ in. butt ends	$65.75 per pair.
5 in. x 7 in. shanks, with 6¼ in. butt ends	$67.05 per pair.
6¼ in. x 8 in. shanks, with 6¼ in. butt ends	$60.80 per pair.
6¼ in. x 8 in. swiveling shanks, without butts, pins and cotters	$60.80 per pair.
Locomotive or Special Tender designs with shanks not over 21¼ in. long	$34.25 each.
Other special tender designs with unusual style shanks not over 21¼ in. long	$.0845 per lb.
Passenger Coupler designs	$.0845 per lb.

A. A. R. Alternate Standard Swivel Butts, complete with pins, pin retainers and cotters, when furnished for assembly with couplers having swiveling shanks:

In lots of 1 to 99 pcs. incl	$17.50 per pair.
In lots of 100 to 199 pcs. incl	$16.50 per pair.
In lots of 200 pieces or more	$15.50 per pair.

A. A. R. Alternate Standard Swivel Yokes, complete with pins and cotters, when furnished for assembly with couplers having swiveling shanks:

In lots of 1 to 99 pcs. incl	$37.90 per pair.
In lots of 100 to 199 pcs. incl	$36.40 per pair.
In lots of 200 or more pieces	$34.90 per pair.

FORMER M. C. B. COUPLERS

M. C. B. top operating freight, locomotive, or special tender couplers, 9¼ in. head, with shanks not over 21¼ in. long fitted with 9 in. or 11 in. knuckles	$28.50 each.
M. C. B. top, side, or bottom operating passenger couplers, not over 48 in. long from pulling face of knuckle to butt end, fitted with 9 in. knuckles, but not including the furnishing or application of wrought iron or steel straps, or separate wearing plates	$30.00 each.
Coupler Pockets complete, for use with locomotive coupler designs	$.105 per lb.

SPECIAL M. C. B. COUPLERS NOS. 1 AND 2 COMPLETE COUPLERS

	Price each
Special M. C. B. No. 1 Top Operating Couplers with shanks not over 21¼" long and fitted with 9" knuckles:	
5x5" shanks, 6¼" butt ends	$25.50
5x7" shanks, 6¼" butt ends	25.50
Engine, Short Shanks	25.50
Special M. C. B. No. 2 Top Operating Couplers, with shanks not over 21¼" long and fitted with 9" knuckles:	
5x5" shanks, 6¼" butt ends	$24.00
5x7" shanks, 6¼" butt ends	24.00
Engine, Short Shanks	24.00

If Rotary or Side Operating Couplers are required add $1.00 each.
If Couplers having ¾" side walls are furnished add $0.50 each.

SPECIAL DESIGNS

	Drawing	Price each
Special M. C. B. No. 2 Coupler	Type "I"	$28.50
Special M. C. B. No. 2 Coupler	Type "H"	32.50
Special M. C. B. No. 2 Coupler	Type "M"	32.50
Special M. C. B. No. 2 Coupler	Type ""	28.50
Special M. C. B. No. 1 Coupler	Type "S"	28.50

Special M. C. B. No. 2 Top Operating Unit Radial Coupler	$28.50
Special M. C. B. No. 2 Rotary Operating Unit Radial Coupler	29.50
Special M. C. B. No. 1 Top Operating Unit Radial Coupler	29.50
Special M. C. B. No. 1 Rotary Operating Unit Radial Coupler	30.50

INCOMPLETE TYPE "E" AND MCB COUPLER AND COUPLER BODY PRICES

TYPE "E"

A. A. R. Standard Type "E" Coupler Bodies Only; Without fittings:	
5 x 7 x 6¼"	$42.45 per pair
5 x 7 x 9¼"	43.75 per pair
6¼ x 8 x 6¼", Rigid Shank	47.30 per pair
6¼ x 8 x 6¼", Swivel Shank	47.30 per pair
Locomotive, Short Shank	27.60 each

TABLE III—*Couplers*—Continued

MISCELLANEOUS REPAIR PARTS

Description	Price each	Description	Price each
—Swivel Butt	$8.10	—Clevis with Pin	$0.20
—Swivel Butt Pin	1.80	—Link for M. C. B. Chain	0.15
—Swivel Butt Pin Retaining Cotter	0.15	—M. C. B. Chain, complete	0.70

FRACTIONAL SIZE COUPLERS AND REPAIR PARTS

¾ Size Top Operating Freight or Tender Couplers without uncoupling chains, Price	$19.80 each.
¾ Size Bottom or Side Operating Freight or Tender Couplers, without uncoupling chains, Price	21.60 each.
¾ Size Top, Side, or Bottom Operating Passenger Couplers, without uncoupling chains, Price	28.25 each.
¾ Size Coupler Pockets, Price	$ .15 per lb.
¾ Size Knuckles	$4.25 each
¾ Size Knuckle Pins (6" hex)	1.40 each
¾ Size Lifters	1.50 each—Type "G" 3.00 each.
¾ Size Locks	1.50 each
¾ Size Knuckle Pins	.50 each
¾ Size Knuckle Opener	.50 each
¾ Size Knuckle Lever	.50 each
¾ Size Knuckle Thrower	.54 each—Type "G" .50 each.
¾ Size Bottom Lifters	.75 each $13.00 each.
¾ Size Top Operating Freight or Tender Couplers, without uncoupling chains, Price	200 per lb.
¾ Size Coupler Pockets, Price	$3.75 each
¾ Size Knuckles	.45 each—Type "G" $1.00 each.
¾ Size Locks	1.50 each—Type "G" .50 each.
¾ Size Knuckle Pins	.50 each
¾ Size Knuckle Opener	.50 each

(2) Furnished in High Tensile Steel

A. A. R. STANDARD AND ALTERNATE STANDARD COUPLERS AND ATTACHMENTS

A. A. R. Type "E" top or rotary operating couplers, 12" heads with shanks not more than 21¼" long, fitted with 11" knuckles: 6¼" x 6" shanks with 6¼" butt and 6¼" x 6" shanks with 6¼" butt, pins and cotters	$67.25 per pr.
A. A. R. Alternate Standard Swivel Butts, complete with pins, pin retainers and cotters, when furnished for assembly with couplers having swiveling shanks: In lots of 1 to 99 pcs. incl	$18.65 per pr.
In lots of 100 to 199 pcs. incl	$18.40 per pr.
In lots of 200 pcs. or more	$17.15 per pr.
A. A. R. Alternate Standard Swivel Yokes, complete with pins and cotters, when furnished for assembly with couplers having swiveling shanks: In lots of 1 to 99 pcs. incl	$42.15 per pr.
In lots of 100 to 199 pcs. incl	$40.25 per pr.
In lots of 200 pcs. or more	$38.40 per pr.
A. A. R. STANDARD Tight Lock Coupler Complete—T-30	$111.25 each.
A. A. R. STANDARD Tight Lock Coupler Yoke, Y-50, complete with Radial connection, Radial seat and pins	$112.50 each.
Type "E" Controlled Slack Coupler, Complete: C. S. C.—1	$92.30 each.
C. S. C.—2	$92.80 each.
C. S. C.—3	$94.00 each.
C. S. C.—4	$77.00 each.
C. S. C.—5	$76.50 each.

TABLE III—*Couplers*—Continued

For determining prices of various other combinations of incomplete Type "E" Couplers, the following amounts for missing parts should be deducted:

	Type "E" Freight couplers	Type "E" Locomotive couplers
Less Knuckles	Deduct	$4.25 each
Less Lifters	Deduct	.45 each
Less Knuckle Throwers	Deduct	.40 each
Less Locks	Deduct	1.07 each
Less Knuckle Pins	Deduct	.27 each

MCB Coupler Bodies Only; Without Strings:

	MCB couplers
5 x 7	$20.60 each
6 x 8	20.60 each
7 x 9	20.60 each

For determining prices of various other combinations of incomplete MCB Couplers, the following amounts for missing parts should be deducted:

	MCB couplers
Less Knuckles	$3.05 each
Less Lifters	.80 each
Less Locks	.27 each
Less Knuckle Pins	Deduct

A. A. R. TYPE "E" COUPLER REPAIR PARTS

Description	Price each
—Knuckle, 11" face	$6.70
—Knuckle Lock	0.03
—Knuckle Thrower	0.75
—Top Lock Lifter Assembly	0.70
—Top Lock Lifter Hole Cap	0.07
—Rotary Lock Lift Assembly, Single	0.70
—Rotary Lock Lift Assembly, Double	$0.85
—Rotary Lock Lift Assembly, Pass. Type Number 1	0.95
—Rotary Lock Lift Assembly, Pass. Type Number 2	0.75

A. A. R. TYPE "D" COUPLER REPAIR PARTS

Description	Price each
—Bottom Lock Lift Assembly	$0.70
—Top Lock Lifter Hole Cap	0.07
—Single Rotor	0.33
—Double Rotor	0.33
—Double Rotor Eye	0.23
—Rotary Lock Lifter Arm	0.17
—Rotary Lock Lifter Toggle	

M. C. B. COUPLER REPAIR PARTS

Description	Price each
—Knuckle, 9" face	$4.70
—Knuckle, 11" face	1.05
—Lock, Top or Side Lift	1.05
—Top Lifter	$1.40
—Side Lift Knuckle Opener	1.05
—Side Lift Lever	2.60

TABLE IV—Yokes

(1) Furnished in grade "B" Steel

CAST STEEL DRAFT YOKES FOR FREIGHT CARS, LOCOMOTIVE TENDERS, AND PASSENGER EQUIPMENT

	1–99 pieces (per pr.)	100–199 pieces (per pr.)	200 pieces or more (per pr.)
Schedule A—Covering Standard and Conventional Yokes of A. A. R. *Grade "B"* Steel, Horizontal key type for Freight cars and Locomotive tenders, providing: Friction Draft Gear Pocket, 9¼" x 24¾" for use with 6" x 1½" key, and standard 6" x 8" "D" and 6¼" x 8" "E" Couplers, and meeting A. A. R. test requirements	$32.20	$30.70	$30.00
Friction Draft Gear Pocket, 9¼" x 24¾" for use with 5" x 1½" key, and 5" x 7" couplers (or 5" x 8")	28.80	27.60	24.10
Tandem Spring Draft Gear Pockets, with 8¼" or 9¼" between straps x 11", for use with 6" x 1½" key or 5" x 1¼" key	32.00	30.30	26.20
Friction Draft Gear Pocket, 9¼" x 18¾", for use with 6" x 1½" key, and standard 6" x 8" "D" and 6¼" x 8" "E" Couplers and meeting A. A. R. test requirements	28.80	27.60	24.10
Friction Draft Gear Pocket, 9¼" x 16¾", for use with 5" x 1½" key and 5" x 7" couplers (or 5" x 8")	25.60	24.60	21.40
Schedule "B"—Covering Non-Standard Vertical Key Type Freight Car Yokes of A. A. R. *Grade "B"* Steel including Vertical Keys and Retainers complete or keyless Type including locking castings, binders or other retainers complete, providing: Friction Draft Gear Pocket, 9¼" x 24¾", having 5" x 1" straps and designed with or without ties for any size coupler butt	32.70	30.70	27.30
Friction Draft Gear Pocket, 9¼" x 18¾", having 5" x 1" straps and designed with or without ties for any size coupler butt	29.10	28.30	25.80
Tandem Spring Draft Gear Pockets, 10¼" to 11¼" long seperated by 5" to 5¼" filler blocks, having 5" x 1" straps and designed with or without ties for any size coupler butt	35.00	33.80	30.10
Schedule C—Covering all other Freight Car Yokes of A. A. R. *Grade "B"* Steel, Horizontal Key Type; Vertical Key Type; with retainers but without Keys; or Keyless Type of Yoke without locking Castings, binders, or other retainers	(per lb.) 9.10¢	(per lb.) 8.40¢	(per lb.) 7.35¢
NOTE: For Vertical Keys, not exceeding 25 lbs. each for use with vertical key yokes, or for locking castings, binders, or other retainers for use with Keyless type of Yokes, add to prices on Schedule C—$4.00 per Pair.			
Schedule "D"—Covering all other Tender Yokes of A. A. R. *Grade "B"* Steel	10.20¢	9.80¢	8.40¢

(2) Furnished in high tensile steel

Schedule "E"—Covering Yokes of A. A. R. *Grade "B"* Steel for Passenger Equipment	10.20¢	9.80¢	9.40¢
Schedule "F"—Covering Standard and Conventional *Light Weight Yokes of High Tensile Steel.* Horizontal Key Type for Freight Cars and Locomotive Tenders providing Friction Draft Gear Pocket 9¼" x 24¾", for use with 6" x 1½" key and standard 6" x 8" "D" and 6¼" x 8" "E" Couplers, and meeting A. A. R. test requirements for high tensile steel	$34.90	$32.00	$27.80

§ 1306.114 *Appendix C; exceptions.* The following persons have been granted an exception under § 1306.106 of this Schedule.

Utility Electric Steel Foundry, 3334 East Slauson Avenue, Vernon, California, by letter dated December 10, 1941;

Oklahoma Steel Castings Co., Tulsa, Okla., by letter dated December 18, 1941;

Duncan Foundry & Machine Works, Inc., Alton, Ill., by letter dated December 23, 1941;

Gunite Foundries Corporation, Rockford, Ill., by letter dated January 8, 1942.

All action taken in reliance upon the terms of any exception shall be at the risk of the person acting until and unless official notification has been received by such person pursuant to such application. Persons interested may secure the terms of an exception on application to the Office of Price Administration.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.)

This amendment No. 1 shall become effective February 3, 1942. Issued this 2d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1017; Filed, February 3, 1942; 12:02 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

PRICE SCHEDULE NO. 87—SCRAP RUBBER

Correction

The third sentence of the second paragraph in the first column on page 658 of the issue for Tuesday, February 3, 1942 should read: "The Office of Price Administration has determined, after investigation and conference with both the producing and consuming elements of the industry, that price advances beyond the maximum prices set forth herein are not necessary to produce the maximum supply of scrap rubber."

The headnote of footnote 5 in the second column on page 659 should read: *"No. 1A Truck Peelings."*

The first sentence of § 1315.1260 (f) (2) in the first column on page 660 should read: *"Group A* consists of mixed or beadless passenger or truck tires as listed in Table I."

PART 1330—CONTAINERS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 55—SECOND HAND BAGS[1]

Sections 1330.51, 1330.54 and 1330.59 are hereby amended to read as follows:

[1] 6 F.R. 6456.

§ 1330.51 *Maximum prices for second hand bags.* (a) On and after February 16, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer second hand bags at prices higher than the maximum prices established herein: *Provided*, That contracts entered into prior to February 16, 1942, at prices in compliance with this Schedule[1] (Sections 1330.51 to 1330.60, inclusive) prior to that date, may be carried out at the contract price: *Provided further*, That deliveries under any contracts executed between February 3, 1942, and February 15, 1942, inclusive, must be completed on or before March 30, 1942.

(b) (1) The maximum price shall be the highest price for which the seller sold, contracted to sell, or delivered during the period between October 1 and October 15, 1941, inclusive, second hand bags of the same type, size, weight, grade, and comparable quantity, to a purchaser of the same general class.

(2) If during the period between October 1, 1941 and October 15, 1941, inclusive, no such sale, contract to sell or delivery was made, the maximum price shall be a price in line with the maximum prices for related or similar types, sizes, weights, and grades of second hand bags determined in accordance with subparagraph (1) above, to purchasers of the same general class.

(c) Applications for permission to sell second hand bags at prices higher than the maximum prices determined in accordance with paragraphs (a) and (b) above, may be made by:

(1) Persons who made no sale, contract to sell, or delivery of second hand bags during the period between October 1, 1941 and October 15, 1941, inclusive; or

(2) Persons whose only transactions during the period between October 1, 1941 and October 15, 1941, were deliveries made pursuant to contracts entered into prior to October 1, 1941 at prices substantially below the market prices prevailing during said period:

Provided, That no such application shall be considered unless it contains a sworn statement setting forth:

(i) the facts upon which relief is sought;

(ii) a full description of each type, size, weight and grade of second hand bag which the applicant desires to sell;

(iii) a full statement of the relief sought; and

(iv) if such application is filed pursuant to subparagraph (2) above, a statement of the price or prices at which each such type, size, weight, and grade of second hand bags were last sold or delivered, prior to October 15, 1941, and the dates of such sales or deliveries.

§ 1330.54 *Filing of prices.* On or before March 10, 1942, every person who, during any single calendar month of 1941, sold more than one thousand second hand bags shall file with the Office of Price Administration, a list of all sales, contracts to sell, and deliveries made during the period between October 1, 1941

and October 15, 1941, inclusive, showing with respect to each sale, contract to sell, or delivery (a) the date thereof; (b) the name and address of the purchaser; (c) the quantity of each type, size, weight, and grade of second hand bags sold, contracted to sell, or delivered; and (d) the price contracted for or received for each type, size, weight and grade of second hand bag.

§ 1330.59 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Second hand bag" means a container composed of burlap, cotton cloth, jute, gunny cloth, sisal, or other textile material which has been used once or more to package any product and thereafter emptied, and sold for re-use as a container.

(c) "In line with" means having a justifiable price relationship to the prices contracted for, received or obtained during the base period with commensurate increases or decreases to take into account differences in type, size, weight and grade.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 1 shall become effective February 3, 1942. Issued this 2d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1022; Filed, February 3, 1942; 12:56 p. m.]

PART 1336—RADIO, X-RAY, AND COMMUNICATION APPARATUS

PRICE SCHEDULE NO. 83—RADIO RECEIVERS AND PHONOGRAPHS

PRICE SCHEDULE NO. 84—RADIO, RECEIVER AND PHONOGRAPH PARTS

Corrections

The date in the first line of the second column on page 620 of the issue for Saturday, January 31, 1942, should read "February 9, 1942."

The headnote for § 1336.101 (a) should read "*Parts sold or offered for sale between July 15, 1941, and October 15, 1941.*"

PART 1351—FOODS AND FOOD PRODUCTS

AMENDMENT NO. 2—PRICE SCHEDULE NO. 53 [1]—FATS AND OILS

The preamble and §§ 1351.151 to 1351.158, inclusive, are hereby amended, and renumbered, so that Price Schedule No. 53 shall read as follows:

The outbreak of war has disrupted trade in certain fats and oils with the result that normal price relationships are disturbed and inflationary price increases threaten to develop. Recent speculative activity has added to the danger of serious inflation and price spiraling and has made it necessary to issue immediately a Schedule establishing maximum prices. The general level of prices prevailing on October 1, 1941, is taken as the basis for the maximum prices established by this Schedule and adjustments upward have been made in order to achieve the normal relationships between fats and oils, and for other relevant factors. Certain fats and oils are covered in other Price Schedules and a few others are not covered.

Should unwarranted price rises occur with respect to these other fats and oils or at stages of distribution not covered by this Schedule, appropriate action will be taken by this office.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.151 *Maximum prices for fats and oils.* (a) On and after December 13, 1941, no person shall sell, offer to sell, deliver, or transfer fats or oils at prices higher than the maximum prices, except that contracts entered into prior to December 13, 1941, providing for a higher price than the maximum prices may be carried out at the contract price. The maximum prices shall include commissions and all other charges.

(b) (1) For any kind, grade or quality of fat or oil the maximum price shall be the highest price at which the seller sold such kind of fat or oil of the same grade and quality in a similar amount to a similar purchaser on October 1, 1941, for delivery within sixty days: *Provided,* That in determining the maximum prices for lard the following amounts shall be added to such October 1, 1941, price as follows:

(i) cash lard	1.895 cents
(ii) loose lard	.675 cents
(iii) leaf lard	.49 cents
(iv) steam rendered pork fat	.79 cents

(2) If the maximum price cannot be determined under paragraph (b) (1), the maximum price shall be the highest price at which the seller sold the same kind of fat or oil of a different grade or quality or in a different amount or to a different type of purchaser on October 1, 1941, for delivery within sixty days, making the necessary adjustments for differences in grade, quality, amount or type of purchaser in accordance with the seller's practice for determining price differentials existing on October 1, 1941: *Provided,* That in determining the maximum prices for lard the following amounts shall be added to such October 1, 1941, price as follows:

(i) cash lard	1.895 cents
(ii) loose lard	.675 cents
(iii) leaf lard	.49 cents
(iv) steam rendered pork fat	.79 cents

(3) If the maximum price cannot be determined under either paragraph (b) (1) or (b) (2), the maximum price shall be the price at which such kind of fat or oil of the same grade and quality in a similar amount to a similar purchaser was sold in the locality of the seller's shipping point on October 1, 1941, for delivery within sixty days: *Provided,* That in determining the maximum prices for lard the following amounts shall be added to such October 1, 1941, price as follows:

(i) cash lard	1.895 cents
(ii) loose lard	.675 cents
(iii) leaf lard	.49 cents
(iv) steam rendered pork fat	.79 cents

(4) If the maximum price cannot be determined under paragraph (b) (1), (b) (2), or (b) (3), the maximum price shall be the price at which such kind of fat or oil of the same grade and quality in a similar amount to a similar purchaser was sold in the nearest market in which such sale was made, making adjustments for the customary differential between the price in such market and the price in the locality of the seller's shipping point: *Provided,* That in determining the maximum prices for lard the following amounts shall be added to such October 1, 1941, price as follows:

(i) cash lard	1.895 cents
(ii) loose lard	.675 cents
(iii) leaf lard	.49 cents
(iv) steam rendered pork fat	.79 cents

(5) If the maximum price determined under the above paragraphs is less than 111 per cent of the price at which the same kind of fat or oil of the same grade and quality was sold by the seller, or was sold in the locality of the seller's shipping point, or in the nearest market, as the case may be, in a similar amount and to a similar purchaser on November 26, 1941, for delivery within sixty days, the maximum price shall be 11 per cent of such November 26 price.

(c) The above prices shall be the maximum prices for all transactions except for cottonseed oil futures contracts traded on the New York Produce Exchange and on the New Orleans Cotton Exchange and lard futures contracts traded on the Chicago Board of Trade. For such contracts the maximum prices on each exchange shall be the closing bid prices on such exchanges as of October 1, 1941. The maximum prices for futures contracts for months, if any, after September 1942, shall not exceed the futures price for September 1942. The maximum prices for futures contracts, if any, traded in months currently inactive shall not exceed the maximum prices for the last active preceding month.

(d) The maximum prices for both domestic and imported fats and oils determined under paragraph (b) shall include at least the same absorption of transportation and other charges as were or would have been absorbed by the seller on comparable shipments to the same place of destination on October 1, 1941.

(e) The maximum prices established by this Schedule for fats and oils shipped into or out of the United States by ocean transportation shall include the charges prevailing on October 1, 1941, for freight, war risk insurance, and marine insurance connected with such transportation.

Increases in such charges may be added only if such charges have been actually

[1] 6 F.R. 6409; 7 F.R. 81.

incurred by the seller on such sale. Decreases in such charges shall be subtracted from the maximum prices established by this Schedule.*

*§§ 1351.151 to 1351.158, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F. R. 1917, 4483.

§ 1351.151a *Exempt sales.* Sales of fats and oils products in the finished form, sales of refined fats and oils (except cocoanut oil) through wholesale and retail channels and directly to the baking, restaurant, hotel and other cooking trades, and sales of lards destined for human consumption without further processing are exempt from the operation of this Schedule.*

§ 1351.152 *Less than maximum prices.* Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid, or offered.*

§ 1351.153 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of fats or oils, or by way of premium, commission, service, transportation or other charge, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on October 1, 1941, or by any other means.*

§ 1351.154 *Records and reports.* Every person making any sale of fats or oils on and after December 13, 1941, except sales exempted under § 1351.151a, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such sale, including the date thereof, the name of the purchaser, the price paid or received, and the grade, quality, and amount sold.

Every person affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1351.155 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government both State and Federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits and (d) that the procurement services of the Government are requested to refrain from selling to, or purchasing from, those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of fats and oils, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1351.156 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided,* That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1351.157 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Fats and oils" means all of the raw, crude, and refined fats and oils, their by-products, and derivatives, and greases, except linseed oil, peanut oil, soy bean oil, "essential" oils, mineral oils, butter, and cocoa butter.

(c) "Fats and oils products in the finished form" means those products the whole or substantial part of which are manufactured from fats or oils, which are sold for use or consumption without further processing and the manufacturing process of which includes more than filtering, refining, or deodorizing, or splitting, or dividing into component parts, for example, shortening, soap, paint, margarine, salad dressing, and mayonnaise.

(d) "Refined fats and oils" means those fats and oils which have been cleaned, deodorized, or purified by settling, straining, filtering, distilling, treating with chemicals, or by any other means, and which at the conclusion of the refining process do not contain any added substance other than is necessary as a preservative, for example, margarine oil, salad oil, prime summer yellow, and/or bleachable cottonseed oil, oleo oil, and oils used for the technical and protective coating trades.

(e) In the phrase, "similar amount to a similar purchaser," the word "similar" means that amount and that type of purchaser with respect to which the same price did apply or would have applied under the seller's trade practices on October 1, 1941.*

§ 1351.158 *Effective date of this Schedule.* This Schedule shall become effective on December 13, 1941.*

Issued this 3d day of February 1942. This Amendment No. 2, amending the preamble and amending and renumbering §§ 1351.151 to 1351.158, inclusive, shall become effective the 4th day of February 1942.

LEON HENDERSON,
Administrator.

[F.R. Doc. 42-1019; Filed, February 3, 1942; 12:57 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

PRICE SCHEDULE NO. 91—TEA

Wholesale prices of tea, which had remained fairly stable during the four months previous to the outbreak of war on December 7, 1941, have increased sharply since that date. This increase has occurred in spite of substantial stocks of tea in the United States and continued large imports after the outbreak of war. The primary cause of the price rise has been a speculative markup of inventories by importers and brokers in anticipation of a shortage of shipping space available for tea. Studies made by this Office show that the prices prevailing from October 1 to October 15, 1941, are fair and equitable to producers and consumers and, in view of the actual cost of tea on hand in this country, form a satisfactory basis for trading. The establishment of maximum prices at this level will, therefore, remove unfair speculative profits, achieve price stability, and prevent further unwarranted price increases.

Should unwarranted price rises occur at stages of distribution not covered by this Schedule, appropriate action will be taken by this Office.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.251 *Maximum prices for tea.* On and after February 3, 1942, regardless of the terms of any contract of sale or purchase or other commitment, except as provided in Section 1351.254 hereof, no person shall sell, offer to sell, deliver, or transfer tea, and no person shall buy, offer to buy, or accept delivery of tea at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1351.261.*

*§§ 1351.251 to 1351.261, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.252 *Exempt sales.* Sales at retail, sales of less than chest lots, and sales of tea, blended or unblended, in one pound or smaller packages, shall be excepted from the operation of this Schedule.*

§ 1351.253 *Less than maximum prices.* Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid or offered.*

§ 1351.254 *Permission to carry out contracts entered into prior to February 3, 1942.* Any person who, prior to February 3, 1942, has entered into a contract of sale or other firm commitment calling for the delivery or transfer after that date, of tea, at prices higher than the maximum prices established by this Schedule, may make application in a sworn statement to the Office of Price Administration for permission to deliver such tea at its actual cost. Such statement shall certify (a) the name and address of the buyer and seller; (b) the quantity, type and grade of tea involved; (c) the cost of that tea to the applicant; (d) the price contracted for with the buyer; and (e) the delivery date provided for in the contract. Permission will be

granted only when necessary to protect the applicant against loss in the disposition of inventory acquired prior to February 3, 1942 at prices higher than the established maximum prices and held by the applicant on that date. Such application must be filed with the Office of Price Administration on or before February 17, 1942. No permission will be granted, in any case, to make delivery of tea on or after April 1, 1942 at prices higher than the established maximum prices.*

§ 1351.255 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of tea, or by way of premium, commission, service, transportation or other charge, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on October 1, 1941, or by any other means.*

§ 1351.256 *Records and reports.* (a) All persons who have received deliveries of tea under contracts of sale entered into after October 15, 1941, at prices higher than the maximum prices established by this Schedule, shall report the quantity and cost of such receipts to the Office of Price Administration on or before February 24, 1942.

(b) Every person making purchases or sales of tea on and after February 3, 1942 shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records thereof, including the name of the purchaser, the date of the contract, the price paid or received, and the type, grade, quality, and amount sold.

(c) Every person affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1351.257 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1351.258 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government both State and Federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with this schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to, or purchasing from, those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of tea, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1351.259 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1351.259 *Definitions.* When used in this Schedule the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no packer, blender, purchaser for resale, or commercial user shall be deemed to be an ultimate consumer.

(c) "Cost of putting the tea into the warehouse" includes (1) "labor in and out" and (2) warehouse storage charges for "first month."*

§ 1351.260 *Effective date of the Schedule.* This Schedule shall become effective on February 3, 1942.*

§ 1351.261 *Appendix A, Maximum prices for tea.* (a) The maximum prices shall include all commissions and all other charges except that increases in the charges prevailing prior to the opening of business on December 8, 1941, for ocean freight, war risk insurance, and marine insurance may be added to the maximum prices if such charges have been actually incurred by the seller on such sale. Decreases in said charges prevailing prior to the opening of business on December 8, 1941, shall be subtracted from the maximum prices.

(b) The maximum prices for tea shall be those listed below. All maximum prices are subject to three per cent discount for payment within thirty days.

	Cents per pound, ex warehouse New York City		
	Common	Medium	Fine
INDIA			
Broken Orange Pekoe	44	48	55
Orange Pekoe	44	49	53
Pekoe	42	46	52
CEYLON			
Broken Orange Pekoe	48	53	62
Orange Pekoe	49	52	60
Pekoe	47	51	60
JAVA			
Broken Orange Pekoe	42	44	50
Orange Pekoe	43	46	53
Pekoe	43	45	52

The maximum prices for tea imported from any other country or for grades of better or inferior quality not named shall be the prices at which sales of those grades were made in New York on October 15, 1941, or in the event no such sale was made on that date, the prices at which sales of the corresponding grades were last made prior to October 15, 1941, in that city.

(c) The maximum prices quoted above are ex warehouse New York City. The maximum prices ex warehouse any other port of entry shall be determined by adding to or subtracting from the New York City price the difference between the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to New York City and the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to such other port of entry.

(d) For any tea sold ex dock rather than ex warehouse New York City or any other port of entry, the cost of "putting the tea into the warehouse" as defined in § 1351.259 shall be subtracted from the ex warehouse price by the sellers.

(e) The delivered price for tea shall in no case exceed the maximum prices specified above plus actual transportation charges incurred from the dock or warehouse at New York City or other port of entry to the place of destination.*

Issued this 3d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1020; Filed, February 3, 1942; 12:57 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

PRICE SCHEDULE NO. 92—SOY BEAN AND PEANUT OILS

The outbreak of war has led to sharp increases in the prices of soy bean and peanut oils. The recent heavy buying movement has added to the danger of inflationary price spiralling and makes it necessary that steps be taken to control prices of these important oils. The prices of soy bean oil specified herein are based on levels prevailing on October 1, 1941, with upward adjustment to conform with prices of competing oils and for other relevant factors. Peanut oil prices are based on levels prevailing October 1, 1941.

Should unwarranted price rises occur at stages of distribution not covered by this Schedule appropriate action will be taken by this Office. Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.301 *Maximum prices for soy bean and peanut oils.* (a) On and after February 4, 1942, no person shall sell, offer to sell, deliver, or transfer soy bean or peanut oils at prices higher than the maximum prices, except that contracts entered into prior to December 13, 1941 providing for a higher price than the maximum prices may be carried out at the contract price. The maximum prices shall include commissions and all other charges.

(b) (1) For any kind, grade, or quality of soy bean or peanut oil the maximum price shall be the highest price at which the seller sold such kind of soy bean or peanut oil of the same grade and quality in a similar amount to a similar purchaser on October 1, 1941, for delivery within sixty days: *Provided*, That in determining the maximum prices for soy bean oil three-fourths of one cent per pound shall be added to such October 1, 1941 price.

(2) If the maximum price cannot be determined under paragraph (b) (1), the maximum price shall be the highest price at which the seller sold the same kind of soy bean or peanut oil of a different grade or quality or in a different amount or to a different type of purchaser on October 1, 1941, for delivery within sixty days, making the necessary adjustments for differences in grade, quality, amount or type of purchaser in accordance with the seller's practice for determining price differentials existing on October 1, 1941: *Provided*, That in determining the maximum price for soy bean oil three-fourths of one cent per pound shall be added to such October 1, 1941 price.

(3) If the maximum price cannot be determined under either paragraph (b) (1) or (b) (2), the maximum price shall be the price at which such kind of soy bean or peanut oil of the same grade or quality in a similar amount to a similar purchaser was sold in the locality of the seller's shipping point on October 1, 1941, for delivery within sixty days: *Provided*, That in determining the maximum prices for soy bean oil three-fourths of one cent per pound shall be added to such October 1, 1941 price.

(4) If the maximum price cannot be determined under paragraph (b) (1), (b) (2) or (b) (3), the maximum price shall be the price at which such kind of soy bean or peanut oil of the same grade and quality in a similar amount to a similar purchaser was sold in the nearest market in which such sale was made, making adjustments for the customary differential between the price in such market and the price in the locality of the seller's shipping point.

(5) If the maximum price determined under the above subparagraphs is less than 111 percent of the price at which the same kind of soy bean or peanut oil of the same grade and quality was sold by the seller or was sold in the locality of the seller's shipping point, or in the nearest market as the case may be, in a similar amount and to a similar purchaser on November 26, 1941, for delivery within sixty days, the maximum price shall be 111 percent of such November 26 price.

(c) The maximum price for both domestic and imported soy bean and peanut oils determined under paragraph (b) shall include at least the same absorption of transportation and other charges as were or would have been absorbed by the seller on comparable shipments to the same place of destination on October 1, 1941.

(d) The maximum prices established by this Schedule for soy bean and peanut oils shipped into or out of the United States by ocean transportation shall include the charges prevailing on October 1, 1941, for freight, war risk insurance, and marine insurance connected with such transportation. Increases in such charges may be added only if such charges have been actually incurred by the seller on such sales. Decreases in such charges shall be subtracted from the maximum prices established by this Schedule.*

*§§ 1351.301 to 1351.309, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.302 *Exempt sales.* Sales of refined soy bean or peanut oils through wholesale and retail channels and directly to the baking, restaurant, hotel, and other cooking trades are exempt from the operation of this Schedule.*

§ 1351.303 *Less than maximum prices.* Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid or offered.*

§ 1351.304 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of soy bean or peanut oils, or by way of premium, commission, service, transportation or other charge, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on October 1, 1941, or by any other means.*

§ 1351.305 *Records and reports.* Every person making any sale of soy bean or peanut oils on and after December 13, 1941, except sales exempted under § 1351.151a, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such sale, including the date thereof, the name of the purchaser, the price paid or received, and the grade, quality and amount sold.

Every person affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1351.306 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government both State and Federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to, or purchasing from, those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of soy bean or peanut oils, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1351.307 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1351.308 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Soybean and peanut oils" means crude and refined oils, their by-products and derivatives;

(c) "Refined soybean or peanut oils" means those soybean and peanut oils which have been cleaned, deodorized, or purified by settling, straining, filtering, distilling, treating with chemicals, or by any other means, and which at the conclusion of the refining process do not contain any added substance other than is necessary as a preservative, for example, salad oil, and oils used for the technical and protective coating trades.

(d) In the phrase "similar amount to a similar purchaser," the word "similar" means that amount and that type of purchaser with respect to which the same price did apply or would have applied under the seller's trade practices on October 1, 1941.*

§ 1351.309 *Effective date of the Schedule.* This Schedule shall become effective on February 4, 1942.*

Issued this 3d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1021; Filed, February 3, 1942; 12:58 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

PRICE SCHEDULE NO. 94—WESTERN PINE LUMBER

This Schedule brings under a price ceiling Western pine lumber, the largest remaining section of the softwood lumber industry not previously regulated by a Price Schedule. It covers ponderosa pine, Idaho white pine, and sugar pine, which species account for approximately 21% of the total lumber production in the United States. Ponderosa, Idaho white, and sugar pine lumber are used in the manufacture of pine millwork and boxes, and for interior and exterior con-

struction purposes, with a considerable degree of interchangeability. The lower grades of ponderosa and sugar pine are particularly well-adapted to the box market. In addition to the civilian demand for these woods both for building construction and for container purposes, particularly containers for agricultural products and canned goods, government buying, for use in cantonment construction purposes, as well as for boxes for armament and other war purposes, is becoming an increasingly important factor. A study of the Western pine industry reveals that the increase in prices has markedly outstripped cost advances, and that a ceiling is necessary in order to halt the upward trend in prices. The prices set herein generally follow the levels existing during the period October 1–15, 1941, and have been found to be high enough to bring out the full volume of production called for by present needs. However, the schedule is subject to revision if further study of the profits in this industry shows the need for a decrease or other change in the schedule prices.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1312.251 *Maximum prices for Western pine lumber.* On and after February 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver, or transfer, for domestic or export use, any Western pine lumber, where the shipment originates at the mill rather than at a distribution yard, at prices higher than the maximum prices set forth in Appendices A, B and C hereof, incorporated herein by §§ 1312.260, 1312.261, and 1312.262 respectively: *Provided*, That in the case of retail sales as defined in § 1312.257 (f), where the shipment originates at a mill rather than at a distribution yard, a mark-up of not more than $3.50 per 1,000 feet board measure may be added to the maximum prices set forth herein.*

*§§ 1312.251 to 1312.262, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1312.252 *Less than maximum prices.* Lower prices than those set forth in Appendices A, B and C may be charged, demanded, paid, or offered.*

§ 1312.253 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of Western pine lumber, alone or in conjunction with any other material; or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege; or by tying-agreement, or other trade understanding; or by making terms or conditions of sale more onerous than those in effect or available to the purchaser on October 1, 1941, or by unnecessarily routing lumber through a distribution yard; or by unnecessarily refusing to ship except in specified lengths or widths, or under other circumstances entitling the seller to a premium; or by charges for delivery which exceed the actual cost to the seller of such delivery except as provided in § 1312.258 hereof; or by falsely or wrongly grading or invoicing lumber; or by grading as a special grade lumber which can be graded as a standard grade; or by any other means.*

§ 1312.254 *Records and reports.* Every person who, during any calendar month, shall sell, deliver or transfer 24,000 pounds or more of Western pine lumber for shipment originating at the mill, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of every sale, delivery or transfer of such lumber made during such month, showing the date thereof, the name and address of the buyer, the prices, and the quantities and grades sold.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1312.255 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, and (c) that the procurement services of the Government are requested to refrain from purchasing Western pine lumber from those persons who fail to comply with this Schedule.

Persons who have evidence of any offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade provisions hereof, or of speculation, or of manipulation of prices of Western pine lumber, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1312.256 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1312.257 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, association, partnership, corporation, or other business entity. The term includes, without restricting the generality of the foregoing, any mill operator, manufacturer, commission salesman, manufacturer's representative, concentration yard operator, wholesaler, wholesale distributor, wholesaler's agent, or retailer.

(b) "Western pine" includes ponderosa pine (pinus ponderosa), Idaho white pine (pinus monticola), and sugar pine (pinus lambertiana) produced in the states of Oregon, Washington, Idaho, California, and Montana.

(c) "Mill" means a manufacturing plant, concentration yard, or other establishment which processes, by sawing, or by planing or other comparable method at least 25 per cent of the volume of Western pine logs or lumber purchased or received by it.

(d) "Distribution yard" means a wholesale or retail lumber yard which purchases or receives Western pine logs or lumber from a producer, a mill, or another distribution yard for purposes of unloading, sorting, and resale or redistribution, which regularly maintains a stock of lumber, and which processes, by sawing, or by planing or other comparable method, less than 25 per cent of the volume of such logs or lumber so purchased or received by it.

(e) "Volume" means the board foot volume of lumber processed from logs, processed from other lumber, or sold, as the case may be, within six months immediately prior to the transaction subject to this Schedule.

(f) "Retail sale" means a sale which satisfies all of the following tests:

(1) It must be a sale of lumber to a consumer or contractor for use in building, construction, remodeling, repair, maintenance, or fabrication, and not for resale in substantially the same form.

(2) It includes only sales in less than carload quantities. Where shipment is by water or by truck the maximum retail sale quantity shall be 20,000 feet board measure. For the purpose of this paragraph the size of the sale is determined by the size of the order.

(3) The sale must be accompanied by the following services: delivery to the job site or other point specified by the purchaser and at such times and in such quantities as the purchaser specifies; tallying and checking; the privilege of exchanging goods and returning unused material; and the readiness and ability of the seller to replace deficiencies and adjust complaints from stocks kept on hand for such purposes.

(g) "Deliver" means to make physical transfer of lumber to the purchaser, or to a carrier, not owned or controlled by the seller, for carriage to the purchaser to whom the lumber has been previously sold.

(h) Grade terms used herein have the meaning set forth in the Standard Grading Rules issued by the Western Pine Association, effective April 1, 1939.*

§ 1312.258 *Delivered prices.* A delivered price in excess of the maximum f. o. b. mill prices set forth in Appendices A, B, and C may be charged, consisting of such maximum prices plus actual transportation costs paid by the seller. However, for the purposes of this section, the following two practices shall not be deemed a deviation from the use of actual transportation costs:

(1) the charging of a sum equivalent to the one-quarter of a dollar nearest to such actual transportation costs; and

(2) the computation of transportation costs on the basis of a system of estimated average weights established by the seller, and adhered to by him during the period October 1 to October 15, 1941: *Provided*, That a copy of such system of estimated

average weights has been filed with the Office of Price Administration either before the use of such system in a transaction subject to this Schedule, or within thirty days of the effective date of this Schedule.*

§ 1312.259 *Effective date of the Schedule.* This Schedule (§§ 1312.251 to 1312.262, inclusive) shall become effective February 15, 1942.*

§ 1312.260 *Appendix A; maximum prices for ponderosa pine lumber.* (a) The maximum prices f. o. b. mill per 1000 feet board measure, surfaced, air dried or kiln dried, in mixed or straight load shipments, shall be as follows:

Select Grades

	4/4 RL S2S or S4S	5/4 RL S2S	6/4 RL S2S	8/4 RL S2S	10/4 RL S2S	12/4 RL S2S	16/4 RL S2S
1 and 2 Clear (B and Better):							
Random widths 1 x 4 & up	$71.00	$72.00	$72.00	$78.00	$103.00	$108.00	$116.00
2" Inc. Bdl	69.00	70.00	70.00	76.00			
3" Inc. Bdl	71.00	72.00	72.00	78.00			
4"	65.00	66.00	66.00	72.00	97.00	102.00	110.00
5"	71.00	72.00	72.00	78.00	103.00	108.00	116.00
6"	67.00	68.00	68.00	74.00	99.00	104.00	112.00
8"	69.00	70.00	70.00	76.00	101.00	106.00	114.00
10"	71.00	72.00	72.00	78.00	103.00	108.00	116.00
12"	86.00	87.00	87.00	93.00	118.00	123.00	131.00
C Selects:							
Random Widths 1 x 4 & up	66.00	66.00	66.00	71.00	92.00	96.00	105.00
2" Inc. Bdl	64.00	64.00	64.00	69.00			
3" Inc. Bdl	66.00	66.00	66.00	71.00			
4"	60.00	60.00	60.00	65.00	86.00	90.00	99.00
5"	66.00	66.00	66.00	71.00	92.00	96.00	105.00
6"	62.00	62.00	62.00	67.00	88.00	92.00	101.00
8"	64.00	64.00	64.00	69.00	90.00	94.00	103.00
10"	66.00	66.00	66.00	71.00	92.00	96.00	105.00
12"	81.00	81.00	81.00	86.00	107.00	111.00	120.00
D Selects:							
Random widths 1 x 4 & up	52.00	52.00	52.00	57.00	78.00	78.00	86.00
2" Inc. Bdl	50.00	50.00	50.00	55.00			
3" Inc. Bdl	52.00	52.00	52.00	57.00			
4"	46.00	46.00	46.00	51.00	67.00	72.00	80.00
5"	52.00	52.00	52.00	57.00	73.00	78.00	86.00
6"	48.00	48.00	48.00	53.00	69.00	74.00	82.00
8"	50.00	50.00	50.00	55.00	71.00	76.00	84.00
10"	52.00	52.00	52.00	57.00	73.00	78.00	86.00
12"	64.00	64.00	64.00	69.00	85.00	90.00	98.00

Specified lengths:	
4/4, 6', 8', 10', and 14'	Add $2.00 (Includes bundling 2" and 3")
4/4, 16'	Add $5.00 (Includes bundling 2" and 3")
4/4, 18' and 20'	Add $10.00
5/4 and thicker, 16' and shorter	Add $5.00
5/4 and thicker, 18' and 20'	Add $10.00
Random lengths, 10' and longer	Add $2.00
Special random widths, S2S:	
8" & wider, RW	Add $2.00 to RW price
10" & wider, RW	Add $7.00 to RW price
13" & wider, RW	Same as 12" price
14" & wider, RW	Add $5.00 to 12" price
16" & wider, RW	Add $10.00 to 12" price
18" & wider, RW	Add $15.00 to 12" price
20" & wider, RW (except drainboards)	Add $20.00 to 12" price
22" & wider, RW (except drainboards)	Add $25.00 to 12" price

Specified widths:	
Specified widths over 12", for each inch over 12"	Add $2.00 to 12" price
Odd widths, 7", 9", 11"	Add $1.00 to 8", 10", 12" and so scaled
Rough, all thicknesses	Deduct $2.00
Stained selects	Deduct $5.00 from price of D select
Australian Clears	Same price as D Select
Short Selects 5' to 9', RL:	
1 x 4 & wider, RW	$41.00
5/4 & thicker, 4" & wider RW	$44.00
Select strips, 2" & 3", not bundled	Deduct $1.00

Common Boards

[Random lengths—6' and longer]

S2S or S4S (13" and wider RW S2S only)	1 x 4"	1 x 6"	1 x 8"	1 x 10"	1 x 12"	1 x 14"	1 x 16"	1 x 18"	1 x 20"
No. 1 Common	$42.00	$42.00	$40.00	$42.00	$46.00				
No. 2 Common	36.00	36.00	35.00	35.00	35.00	$38.00	$42.00	$46.00	$50.00
No. 3 Common	31.00	31.00	30.00	30.00	30.00	31.00	33.00	34.00	38.00
No. 4 Common	21.00	21.00	23.00	23.00	23.00				
No. 5 Common	14.00								

Additions for thickness:	
No. 1 Common: for 5/4, 6/4 and 8/4	Add $5.00
for 10/4 and 12/4	Add $12.00
No. 2 Common: for 5/4, 6/4 and 8/4	Add $4.00
for 10/4 and 12/4	Add $8.00
No. 3 Common: for 5/4, 6/4 and 8/4	Add $3.00
for 10/4 and 12/4	Add $5.00
No. 4 Common: for 5/4, 6/4 and 8/4	Add $2.00
No. 5 Common: for 5/4, 6/4 and 8/4	Add $1.00
Specified lengths:	
No. 1, 2 and 3 Common: 4" and 6" widths, 16', 18', and 20'	Add $2.00
8" and wider, 10', 12', 18', and 20'	Add 2.00
All widths, 6' and 8'	Deduct 3.00
No. 4 and 5 Common: All specified lengths	Add 2.00
R/L 10' and longer	Add 1.00
No. 4 and 5 Common, RW and RL, may contain 20% 4' to 8' and 20% 4".	
Odd widths, 7", 9", & 11"	Add $1.00 to 8", 10", & 12" price, and so scaled.
Special Random Widths:	
No. 4 Common, 1 x 4 and wider	$21.00
1 x 6 and wider	21.50
No. 5 Common, 1 x 4 and wider	14.00
Rough, 5/4 & thicker	Deduct 1.00
Knotty Pine Paneling Stock	Add $5.00 to price of regular grade from which selected.
For 11/16", use price of corresponding grade and width of 6/4" plus $2.50, less 25% for surface measure price.	

Shop Lumber

S2S RW & RL	4/4	5/4	6/4	8/4	10/4	12/4	16/4
4/4 Shop Common	$30.00						
No. 3 Clears	41.00	$56.00	$56.00	$60.00	$61.00	$60.00	$68.00
No. 1 Shop		41.00	41.00	52.00	67.00	71.00	80.00
No. 2 Shop		33.00	33.00	38.00	46.00	48.00	55.00
No. 3 Shop		27.00	27.00	27.00	30.00	33.00	37.00
Rough 4/4, No. 3 Clears & Thicker	Deduct $2.00						
Rough 4/4 Shop Common	Deduct 1.00						
Rough 5/4 & Thicker No. 1 Shop	Deduct 2.00						
Rough 5/4 & Thicker No. 2 & No. 3 Shop	Deduct 1.00						

Drainboard Stock

5/4 and 6/4, 1 and 2 Clear S2S Selected:	
20" and wider RW RL	$107.00
22" and wider RW RL	122.00

For Rough Deduct $2.00.

Bevel Siding

		½" x 4"	¾" x 5"	½" x 6"
B & Btr	3' & Longer	$30.50	$32.00	$31.50
C	3' & Longer	28.00	30.50	30.00
D	3' & Longer	20.50	25.50	28.00
E		16.00		16.50

B & Btr., C & D may contain 20% 3' to 8½' in multiples of 6".
E Siding may contain up to 35% of 8½' & Shorter.
Shorts when sold separately 8' and shorter in B and Btr., C & D, Deduct $8.00.
For 9' and longer add $3.00.

Moulding Stock

4/4 RW RL S2S 4" and up	$43.00
5/4 to 8/4 RW RL S2S	45.00

For Rough: Deduct $1.00.

Moulding & Better

[Product of log above #1 Shop producing 50% rip 10' and longer 2" width]

4/4 RW RL Rough, Dry	$51.00
5/4 & Thicker RW RL Rough, Dry	55.00

Mill Run Box

[Product of log below No. 2 Shop as produced by the mill]

Rough 5/4, 6/4 & Thicker RL, Air Dried	$23.00
S2S—Add to Rough	2.00
4/4 Stock, Rough, Deduct from 5/4	2.00
Specified Widths	No addition

Dimension

RL S1S1E HM 1⅛" x Standard Widths or S4S HM 1¼" x Standard Widths Scaled as 2"	2 x 4"	2 x 6"	2 x 8"	2 x 10"	2 x 12"
No. 1 Dimension	$26.00	$27.00	$26.50	$27.00	$27.00
No. 2 Dimension	25.00	24.00	24.00	24.00	24.00
No. 3 Dimension	18.50	17.50	17.50	17.50	17.50

Specified Lengths: 14' and under 16'	Add $1.00 to RL.
16'	Add .50 to RL.
18' & 20'	Add 2.00 to RL.
For Rough	Deduct 1.00.
For 1⅛ Dimension	Add ¼ to 1 3/16" prices.
For 1¼ Dimension	Add ¼ to 1 5/16 prices.

Differentials and Rules Applicable to All Grades of Ponderosa Pine

Ordinary Resawing	Add $1.00
Resawing and S2S, all grades, all rates	Add 2.00
Ripping, per rip	Add 1.00
Novelty-Saw Ripping	Add 2.00
Ripping and S4S	Add 3.00
Cross Cutting, per cut	Add 1.00
Cleating (ordinary)	Add 1.50
Bundling (ordinary)	Add 1.00
Bundling (export)	Add 5.00
4/4 and thicker stock dressed thicker than standard, for each 1/32"	Add 1.00
For stock run S4S wider than standard width (may be hit or miss)	Add 1.00
Standard Casing and Base, Jambs, Sill Stock, Pulley Stiles, Log Cabin Siding, Bungalow Siding, Dolly Varden Siding and all similar patterns (not mouldings), 8" or 10" Beveled Siding, all grades, to price of grade desired	Add 7.50

Differentials and Rules Applicable to All Grades of Ponderosa Pine—Con.

All other patterns except those conforming to Association Standard Patterns	Add 2.50
All Standard patterns other than S2S or S4S except as noted above	Add 2.00
Cutting to specified exact length	Add 1.00
All stock shipped in inter-divisional stopover cars	Add 1.00

Random lengths are 6 feet and longer, unless otherwise provided in list.

§1312.261 *Appendix B; maximum prices for Idaho white pine lumber.* (a) The maximum prices f. o. b. mill per 1,000 feet board measure, surfaced, air dried or kiln dried, in mixed or straight load shipments, shall be as follows:

Select Grades

RL S2S or S4S Including Bundling 2" & 3"	1 x 2"	1 x 3"	1 x 4"	1 x 5"	1 x 6"	1 x 8"	1 x 10"	1 x 12"	13" & wider RW
B & Better	$76.00	$76.00	$74.00	$79.00	$77.00	$77.00	$79.00	$100.00	$100.00
C Select	66.00	71.00	67.00	73.00	70.00	70.00	72.00	91.00	91.00
D Select	55.00	55.00	51.00	54.50	51.00	51.00	59.50	76.50	76.50

RL S2S Including Bundling 2" & 3"	5/4 x 2"	5/4 x 3"	5/4 x 4" or 5/4 x 4" & wider	5/4 x 5"	5/4 x 6"	5/4 x 8"	5/4 x 10"	5/4 x 12"	13" & wider RW
B & Better	$89.00	$91.00	$87.00	$95.00	$87.00	$90.00	$95.00	$105.00	$105.00
C Select	79.00	81.00	77.00	85.00	77.00	80.00	85.00	94.00	94.00
D Select	68.00	71.00	66.00	73.00	67.00	70.00	73.00	85.00	85.00

Additions for thickness:	
B & Btr. & C S2S RL 6/4	Add $10.00 to 5/4 price.
B & Btr. & C S2S RL 8/4	Add $20.00 to 5/4 price.
[illegible]	Same as 5/4 price.
[illegible]	Add price to 4/4 price.
Specified lengths:	
6/4, 8', 10', 12' & 16'	Net.
16', 18', & 20'	Add $10.00.
5/4 and thicker:	
16' and shorter	Add $5.00.
18' & 20'	Add $10.00.
6' when sold separately in quantity lots	Deduct $10.00 from RL.
4/4 16' & shorter RL (when no 16' included)	Deduct $8.00.
Special Random Widths 5/4 & thicker S2S:	
6" & wider RW	Add $2.00 to 4" and wider prices.
8" & wider RW	Add $5.00 to 4" and wider prices.
Odd widths, 7", 9", & 11"	Add $1.00 to 8", 10" and 12" price, and so scaled.
Rough, all thicknesses	Deduct $3.00.
Stained selects	Deduct $5.00 from price of D select.
Short selects:	
4/4, 4" and wider, D & Btr. (35% 4").	$42.00.
4/4, all 4"	$41.00.
4/4, all 6"	$42.00.
Select strips, 2" & 3", not bundled.	Deduct $1.00.
Random length may contain 5% shorter than 8' and 15% odd lengths.	

Shop Lumber

RW and RL S2S	4/4	5/4	6/4	8/4
4/4 Shop Common	$31.00			
No. 1 Shop		$38.00	$38.00	$76.00
No. 2 Shop		27.00	27.00	42.00
No. 3 Shop		20.00	20.00	28.00

When sold as No. 3 & Better pile run on grade prices, deduct $5.00 from the No. 1 Shop price and $3.00 from the No. 2 Shop price.

Rough:	
4/4 Shop Common	Deduct $1.00
5/4 & thicker No. 1 Shop	Deduct $2.00
5/4 & thicker, No. 2 or No. 3 Shop	Deduct $1.00

Bevel Siding—7/16" x 3/16" S2E

3' and Longer	½" x 4"	½" x 6"	½" x 8"
B & Btr	$31.00	$35.50	$35.00
C	27.75	32.25	31.75
D	20.75	25.00	34.50
E	15.00		16.50

May contain odd lengths, and 20% 3' to 8½' in multiples of 6", except that E siding may contain up to 35% of 9½ ft. and shorter.
For all 9 ft. and longer add $3.00:
Short Siding 8' and shorter (when sold separately).
Grade B & Btr., or C — Deduct $7.50
Grade D — Deduct 5.00

Common Boards

S4S or S2S RL	1 x 4" and wider	1 x 4"	1 x 5"	1 x 6"	1 x 8"	1 x 10"	1 x 12"	13" and wider: RW, S2S
No. 1 (Colonial) Common		$46.00	$46.00	$42.00	$44.00	$49.50	$70.00	$75.00
No. 2 (Sterling) Common		43.00	42.00	40.00	40.50	41.00	45.00	54.00
No. 3 (Standard) Common		31.00	31.50	33.00	34.00	32.00	33.50	33.50
No. 3 Common Shorts (5' to 8' RL)	$27.00	24.00		27.50				
No. 4 (Utility) Common	25.00	22.00		25.00	27.00	27.00	27.00	
No. 4 Common Shorts (6' to 8' RL)	20.50	19.00		20.50				
No. 5 (Industrial) Common	19.00	19.00		19.00	19.50	19.50	19.50	

Additions for thickness:	
No. 1 Common:	
5/4, 6/4 & 8/4, RL or all 16'	Add $9.00 to 4/4 RL price.
5/4, 6/4 & 8/4, specified lengths other than 16'	Add $14.00 to 4/4 RL price.
5/4 x 5"	Add $1.00 to 5/4 x 10" price.
No. 2 Common, 5/4, 6/4 & 8/4:	
RL or all 16'	Add $7.00 to 4/4 RL price.
Specified lengths other than 16'	Add $12.00 to 4/4 RL price.
No. 3 Common, 5/4, 6/4 & 8/4:	
RL or all 16'	Add $3.00 to 4/4 RL price.
Specified lengths other than 16'	Add $8.00 to 4/4 RL price.
No. 4 & 5 Common, 5/4, 6/4 and 8/4, RL	Add $2.00 to 4/4 RL price.
Specified lengths:	
No. 2, & 3 Common:	
4" & 6"—10', 12' & 14'	Deduct $1.00.
4" & 8"—16', 18' & 20'	Add $1.00.

Specified lengths—Con.	
No. 1, 2 & 3 Common—Con.	
8", 10" & 12"—10', 12', 18' & 20'	Add $1.00.
8", 10" & 12"—14' & 16'	Deduct $1.00.
All widths—6'	Deduct $3.00.
No. 4 & 5 Common:	
All specified lengths	Add $2.00.
RL, 10' and longer	Add $1.00.
No. 4, 1 x 6" & wider, 4' & longer	$27.00.
Odd widths, 7", 9", & 11"	Add $1.00 to 8", 10" & 12" price and so scaled.
Rough 5/4 and thicker, all commons.	Deduct $1.00.

No. 4 & 5 RL, Common, RW & may contain 20% 4' to 8' and 20% 4".
No. 3 Common Shorts, 1 x 4" & wider, may contain 30% of 4".
No. 4 Common shorts, 1 x 4" & wider, may contain 35% of 4".

Dimension

RL; S1S1E HM 1 3/16" x Standard Widths or S4S HM 1¼" x Standard Widths Scaled as 2"	2 x 4"	2 x 6"	2 x 8"	2 x 10"	2 x 12"
No. 1 Dimension	$26.00	$27.00	$26.50	$27.00	$27.00
No. 2 Dimension	25.00	24.00	24.00	24.00	24.00
No. 3 Dimension	18.50	17.50	17.50	17.50	17.50

Specified Lengths 14' and under 16'	Add 1.00 to RL.
16'	Add .50 to RL.
18' and 20'	Add 2.00 to RL.
For Rough	Deduct 1.00.
For 1⅛" Dimension	Add 1/16 to 1 3/16" prices.
For 1¼" Dimension	Add 1/16 to 1 5/16 prices.

Drainboard Stock

5/4 & 6/4, S2S, 1 & 2 Clear Selected:	
20' & Wider RW, RL	$125.00
22' & Wider SW, RL	135.00

For Rough, Deduct $3.00.

Differentials and Rules Applicable to All Grades of Idaho White Pine

Ordinary Resawing	Add $1.00
Resawing and S2S, all grades, all rates	Add 2.00
Ripping, per rip	Add 1.00
Novelty-Saw Ripping	Add 2.00
Ripping and S4S	Add 3.00
Cross Cutting, per cut	Add 1.00
Cleating (ordinary)	Add 1.50
Bundling (ordinary)	Add 1.00
Bundling (export)	Add 5.00
4/4 and thicker stock dressed thicker than standard, for each 1/32"	Add 1.00
For stock run S4S wider than standard width (may be hit or miss)	Add 1.00

Differentials and Rules Applicable to All Grades of Idaho White Pine—Con.

Standard Casing and Base, Jambs, Sill Stock, Pully Stiles, Log Cabin Siding, Bungalow Siding, Dolly Varden Siding and all similar patterns (not mouldings), 8" or 10" Beveled Siding, all grades, to price of grade desired	Add $7.50
All other patterns except those conforming to Association Standard Patterns	Add 2.50
All standard patterns other than S2S or S4S except as noted above	Add 2.00
Cutting to specified exact length	Add 1.00
All stock shipped in inter-divisional stopover cars	Add 1.00

Specified widths, all grades, wider than 12", add $2.00 for each inch over 12" to price of 12" and wider.
Random lengths are 6 feet and longer, unless otherwise provided in list.

§ 1312.262 *Appendix C; maximum prices for sugar pine lumber.* (a) The maximum prices f. o. b. mill per 1,000 feet board measure, surfaced, air dried or kiln dried, in mixed or straight load shipments, should be as follows:

Select Grades

S2S or S4S, RW and RL	4/4	5/4	6/4	8/4	10/4	12/4	16/4
1 & 2 Clear (B & Btr)	$77.00	$78.00	$78.00	$90.00	$108.00	$116.00	$120.00
C Select	74.00	75.00	73.00	86.00	104.00	110.00	122.00
D Select	58.00	60.00	60.00	75.00	88.00	97.00	105.00

Stained Selects: Deduct $5.00 from price of D Select.
Australian Clears: Same price as D Select.

Shop Lumber

	4/4 x 5" & wider	5/4 x 5" & wider	6/4 x 5" & wider	8/4 x 5" & wider	10/4 x 5" & wider	12/4 x 5" & wider	16/4 x 5" & wider
No. 3 Clear	$45.00	$63.00	$63.00	$80.00	$95.00	$100.00	$110.00
No. 1 Shop		46.00	46.00	58.00	73.00	78.00	88.00
No. 2 Shop		37.00	36.00	43.00	55.00	56.00	61.00
No. 3 Shop		28.00	29.00	30.00	33.00	34.00	41.00
4/4 Shop Common R W	32.00						

Moulding Stock, and Moulding and Better

Moulding stock:	
4/4 RW & RL	$43.00
5/4 to 8/4 RW & RL	45.00
For Rough Deduct $1.00.	

Moulding & Better (product of log above #1 Shop producing 50% rip 10' and longer 2" width):	
4/4 RW & RL Rough	$51.00
5/4 thicker RW & RL Rough	55.00

Common Boards

S2S, RL & RW	4/4	5/4	6/4	8/4	10/4	12/4	16/4
No. 2 & Btr. Common	$39.00	$42.00	$42.00	$43.00	$44.00	$45.00	$45.00
No. 3 Common	30.00	33.00	33.00	33.00	36.00	36.00	36.00

Mill Run Box

[Product of log below #2 Shop as produced by Mill]

Rough 5/4, 6/4 & thicker RL		$23.00.
S2S	Add	$2.00 to Rough.
One-Inch Stock, Rough	Deduct	$2.00 from 5/4.

Differentials for Widths

Narrow widths:	
2¾" & Less, S4S all grades	Add $3.00
Random widths:	
4 to 7" (D Select & Btr. only)	Deduct 5.00
10" & Wdr. (Shop & Btr.)	Add 5.00
12 or 12" & Wdr. (Shop & Btr.)	Add 15.00
14" & Wdr. (Shop & Btr.)	Add 20.00
16" & Wdr. (Shop & Btr.)	Add 25.00
18" & Wdr. (Shop & Btr.)	Add 30.00
20" & Wdr. (Shop & Btr.) (except Drainboard Stock)	Add 35.00
22" & Wdr. (Shop & Btr.) (except Drainboard Stock)	Add 45.00
Additions for specified widths:	
4, 6, & 8" (D Select & Btr. only)	Net
5, 7, & 9" (D Select & Btr. only)	Add $5.00
12 & 12" (Shop & Btr.)	Add 15.00
14 & 18" (Shop & Btr.)	Add 25.00

Differentials for Widths—Con.

Additions for specified widths—Con.	
16 & 17" (Shop & Btr.)	Add $30.00
18 & 19" (Shop & Btr.)	Add 35.00
20 & 21" (Shop & Btr.)	Add 45.00
22" & Wdr. (Shop & Btr.)	Add 55.00
Additions for specified lengths:	
4/4 8' to 16' Select & Shop grades	Add 5.00
5/4 & thicker, 8' to 16' Select & Shop grades	Add 5.00
4/4 & thicker, 18' to 20' Select & Shop grades	Add 10.00
4/4 & thicker, 8' to 16' Common grades	Add 2.00

Other Differentials, All Grades

Rough 4/4 and thicker No. 1 Shop & Btr.	Deduct	$3.00
Rough 5/4 and thicker No. 2 Shop	Deduct	2.00
Rough 4/4 and thicker Common, Dimension and No. 3 Shop	Deduct	1.00
Rough Inch Shop	Deduct	2.00
Ordinary Resawing	Add	1.00
Resawing and S2S, all grades, all rates	Add	2.00
Ripping, per rip	Add	1.00
Novelty-Saw Ripping	Add	2.00
Ripping and S4S	Add	3.00
Cross Cutting, per cut	Add	1.00

Other Differentials, All Grades—Con.

Cleating (ordinary)	Add	$1.50
Bundling (ordinary)	Add	1.00
Bundling (export)	Add	5.00
Random Lengths are 6 ft. & longer, unless otherwise provided in list.		
Stock dressed thicker than standard, for each ¼"	Add	1.00
For stock run 8⅝ wider than standard width (may be hit or miss)	Add	1.00
Standard Casing and Base, Jambs, Sill Stock, Pulley Stiles, Log Cabin Siding, Bungalow Siding, Dolly Varden Siding and all similar patterns (not moulding), to price of grade desired	Add	7.[illegible]
All other patterns except those conforming to Association Standard Patterns	Add	2.[illegible]
All standard patterns other than 926 or 543, except as noted above	Add	2.[illegible]
Cutting to specified exact length	Add	1.[illegible]
All stock shipped in inter-divisional stop-over cars	Add	1.[illegible]

Issued this 3d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1031; Filed, February 4, 1942; 9:45 a. m.]

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

AMENDMENT NO. 5 TO PRICE SCHEDULE NO. 9[1]—HIDES, KIPS AND CALFSKINS

Section 1314.13, Appendix C, is hereby deleted. (Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 5 shall become effective February 4, 1942. Issued this 3d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1028; Filed, February 4, 1942; 9:44 a. m.]

PART 1348—MERCURY

PRICE SCHEDULE NO. 93, MERCURY

Mercury is a material strategic to the national defense and essential for important civilian purposes. The price of mercury has risen to excessive and unwarranted levels, resulting in increased prices for other commodities of which mercury is a component. After full investigation and after consultation with representatives of the industry it has been determined that the establishment of maximum prices for mercury is necessary in the interest of the national defense and the public welfare.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1348.1 *Maximum prices for mercury.* On and after February 4, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer mercury, and no person shall buy, offer to buy, or accept delivery of mercury, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1348.9.*

*§§ 1348.1 to 1348.9, inclusive, issued pursuant to authority contained in Executive Orders No. 8734, 8875; 6 F.R. 1917, 4483.

§ 1348.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A hereof may be charged, demanded, paid or offered.*

§ 1348.3 *Evasion.* The price limitations set forth in this Schedule shall not be evaded either by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of mercury, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1348.4 *Records and reports.* (a) On and after February 4, 1942, every person making purchases or sales of mercury or acting as a broker or other intermediary in the purchase or sale of mercury shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such purchase or sale, showing the name and address of the other party or parties to the transaction, the date thereof, the quantity, the price, and other terms of sale and shipment and (2) as of the close of each month, the quantity of mercury (i) on hand, (ii) on purchase order, and (iii) committed to be sold.

(b) Every person affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1348.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, are urged to communicate with the Office of Price Administration.*

§ 1348.6 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1348.7 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Mercury" includes prime virgin mercury, and all other kinds and grades of mercury.*

§ 1348.8 *Effective date.* The Schedule shall become effective February 4, 1942.*

Issued this 3d day of February 1942.

LEON HENDERSON,
Administrator.

§ 1348.9 *Appendix A; maximum prices for prime virgin mercury*[1]—(a) *Maximum base prices.* (1) The maximum base price for prime virgin mercury produced in California, Oregon, Washington, Idaho, Utah, Nevada, or Arizona shall be $191.00 per 76-pound flask, f. o. b. point of shipment.

(2) The maximum base price for prime virgin mercury produced outside the continental United States and Mexico, and entering the United States through Pacific Coast ports of entry shall be $191.00 per 76-pound flask, f. o. b. port of entry.

(3) The maximum base price for prime virgin mercury produced in Texas and Arkansas shall be $193.00 per 76-pound flask, f. o. b. point of shipment.

(4) The maximum base price for prime virgin mercury imported from Mexico shall be $193.00 per 76-pound flask, f. o. b. the freight station in the United States at or nearest to the point on the boundary at which the shipment enters the United States, duty, if any, included.

(b) *Sales by dealers.* A dealer, regularly engaged in the business of buying and selling prime virgin mercury on his own behalf, may sell such mercury as he buys and to which he acquires title, at not more than a price equal to the applicable maximum base price set forth above, *plus* a premium of 2% thereof, *plus* the actual transportation charges paid or incurred by him: *Provided*, That the applicable maximum base price, the premium, and the transportation charges are shown separately in invoicing and billing.

(c) *Commissions for brokers and agents.* In the event that a consumer of prime virgin mercury shall use or employ a broker or agent to purchase such mercury for the consumer's use, the consumer may pay for such mercury a sum not exceeding the applicable maximum base price set forth above, plus a commission of not more than 1% of such maximum price. The commission shall be payable only if (a) the commission is shown as a separate charge in invoicing and billing, and (b) the agent or broker does not split or divide the commission allowed him by a consumer with the seller or sellers of the mercury.

[F. R. Doc. 42–1030; Filed, February 4, 1942; 9:44 a. m.]

[1] 6 F.R. 2909, 4786, 5428, 5622.

[1] The maximum prices herein established are for prime virgin mercury. All other kinds and grades of mercury shall be sold and bought at their normal differentials from such maximum prices.

PART 1401—SYNTHETIC TEXTILE PRODUCTS

PRICE SCHEDULE NO. 95—NYLON HOSE

Nylon hose constitutes an important commodity of civilian consumption. With the curtailment of the supply of silk and recent reductions in the supply of nylon yarn, prices of nylon hose have undergone an extremely rapid increase. This increase has not been occasioned by any comparable rise in the cost of production and is inflationary in character. Because of the scarcity of nylon hose, prices have been bid up and there is ample evidence that their present level reflects widespread profiteering. Further unjustified price advances are now threatened unless remedial action is taken.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1401.1 *Maximum prices for nylon hose.* (a) On or after February 5, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer nylon hose at prices higher than the maximum prices established herein.

(b) (1) The maximum price shall be the highest price contracted for or received by the seller for the sale or delivery, during the period between October 1 and October 15, 1941, of nylon hose of the same type, style, construction and comparable quantity to a purchaser of the same general class.

(2) If during such period, no sale or delivery of nylon hose of a particular type, style, or construction was made, the maximum price therefor shall be a price in line with the maximum price applicable to nylon hose of the nearest comparable type, style and construction sold or delivered by the seller during such period to a purchaser of the same general class.

(c) Sales at retail are excepted from the operation of this Schedule.

§§ 1401.1 to 1401.9, inclusive, issued pursuant to the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1401.2 *Less than maximum prices.* Lower prices than the maximum prices established by this Schedule may be charged, demanded, paid or offered.*

§ 1401.3 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of nylon hose, alone or in conjunction with any other material or commodity, or by way of any premium, commission, service, transportation, or other charge, or by any tying-agreement or other trade understanding or practice, or by making the discounts given or other terms or conditions of sale more onerous to the purchaser than those available or in effect on October 15, 1941, or by any other means.*

§ 1401.4 *Records and reports.* Every manufacturer or wholesaler making sales of nylon hose after February 4, 1942, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of (a) each such sale, showing the date thereof, the name and address of the buyer, the price received, and the quantity in dozens of pairs of nylon hose of each type, style and construction sold; and (b) the quantity in dozens of pairs of nylon hose of each type style and construction (1) on hand and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time require.*

§ 1401.5 *Details required in contract of sale and invoice.* (a) Every manufacturer or wholesaler shall, with respect to each sale of nylon hose, deliver to the purchaser a contract of sale which shall contain, in addition to the terms thereof, (1) the date on which the sale or contract of sale was made; (2) a full description of the nylon hose sold, including (i) the type, style and construction; (ii) the quantity in dozens of pairs of each type, style and construction; and (3) the discount, if any, allowed for prompt payment. Every such seller of nylon hose shall, with respect to each delivery thereof, transmit to the purchaser an invoice or similar document which shall either contain the information required by this paragraph or make reference to the contract in which such information is set forth.

§ 1401.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of nylon hose or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1401.7 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered by the Office of Price Administration unless filed by persons complying with this Schedule.*

§ 1401.8 *Definitions.* When used in this schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Sale at retail" means sale to the ultimate consumer or sale to another for use by the ultimate consumer without further resale: *Provided*, That no manufacturer, processor, or purchaser for resale shall be deemed to be an ultimate consumer;

(c) "Nylon hose" means hose of the following types, styles and constructions:

Type	Style	Gauge	Construction[1]	
			Denier	Needle count
All nylon[2]	Full fashioned, circular knit	Up to and including 54	20, 30, or 40	All.
Nylon leg[3]	Full fashioned, circular knit	Up to and including 54	20, 30, or 40	All.

[1] Nonrun, lace, mesh and other special constructions of the above types and styles are included in this Schedule.
[2] This type includes only hose knitted entirely of nylon.
[3] This type includes hose, only the leg of which is knitted of nylon, the foot or welt being made of some other material.

§ 1401.9 *Effective date of the Schedule.* This Schedule shall become effective February 5, 1942.*

Issued this 4th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1063; Filed, February 4, 1942; 12:05 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B–194]

IN THE MATTER OF SCOTT L. REARICK, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 20, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 22, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 10, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania.

It is further ordered, That W. A. Cuff or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses,

Other Differentials, All Grades—Con.

Cleating (ordinary)	Add	$1.50
Bundling (ordinary)	Add	1.00
Bundling (export)	Add	5.00
Random Lengths are 6 ft. & longer, unless otherwise provided in list.		
Stock dressed thicker than standard, for each 1/16"	Add	1.00
For stock run 848 wider than standard width (may be hit or miss)	Add	1.00
Standard Casing and Base, Jambs, Sill Stock, Pulley Stiles, Log Cabin Siding, Bungalow Siding, Dolly Varden Siding and all similar patterns (not mouldings), to price of grade desired	Add	7.50
All other patterns except those conforming to Association Standard Patterns	Add	2.50
All standard patterns other than 828 or 848, except as noted above	Add	2.00
Cutting to specified exact length	Add	1.00
All stock shipped in inter-divisional stop-over cars	Add	1.00

Issued this 3d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1031; Filed, February 4, 1942; 9:45 a. m.]

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

AMENDMENT NO. 5 TO PRICE SCHEDULE NO. 9[1]—HIDES, KIPS AND CALFSKINS

Section 1314.13, Appendix C, is hereby deleted. (Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 5 shall become effective February 4, 1942. Issued this 3d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1029; Filed, February 4, 1942; 9:44 a. m.]

PART 1348—MERCURY

PRICE SCHEDULE NO. 93, MERCURY

Mercury is a material strategic to the national defense and essential for important civilian purposes. The price of mercury has risen to excessive and unwarranted levels, resulting in increased prices for other commodities of which mercury is a component. After full investigation and after consultation with representatives of the industry it has been determined that the establishment of maximum prices for mercury is necessary in the interest of the national defense and the public welfare.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1348.1 *Maximum prices for mercury.* On and after February 4, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer mercury, and no person shall buy, offer to buy, receive or accept delivery of mercury, at prices higher than those prescribed by this Schedule, unless such higher prices were lawfully charged, demanded, paid or offered under Appendix A hereof may be charged, demanded, paid or offered.*

§ 1348.2 *Evasion.* The price limitations set forth in this Schedule shall not be evaded either by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of mercury, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1348.4 *Records and reports.* (a) On and after February 4, 1942, every person making purchases or sales of mercury or acting as a broker or other intermediary in the purchase or sale of mercury shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such purchase or sale, showing the name and address of the other party or parties to the transaction, the date thereof, the quantity, the price, and other terms of sale and shipment and (2) as of the close of each month, the quantity of mercury (i) on hand, (ii) on purchase order, and (iii) committed to be sold.

(b) Every person affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1348.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, are urged to communicate with the Office of Price

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Mercury" includes prime virgin mercury, and all other kinds and grades of mercury.*

§ 1348.8 *Effective date.* The Schedule shall become effective February 4, 1942.*

Issued this 3d day of February 1942.

LEON HENDERSON,
Administrator.

§ 1348.9 *Appendix A; maximum prices for prime virgin mercury*[1]—(a) *Maximum base prices.* (1) The maximum base price for prime virgin mercury produced in California, Oregon, Washington, Idaho, Utah, Nevada, or Arizona shall be $191.00 per 76-pound flask, f. o. b. point of shipment.

(2) The maximum base price for prime virgin mercury produced outside the continental United States and Mexico, and entering the United States through Pacific Coast ports of entry shall be $191.00 per 76-pound flask, f. o. b. port of entry.

(3) The maximum base price for prime virgin mercury produced in Texas and Arkansas shall be $193.00 per 76-pound flask, f. o. b. point of shipment.

(4) The maximum base price for prime virgin mercury imported from Mexico shall be $193.00 per 76-pound flask, f. o. b. the freight station in the United States at or nearest to the point on the boundary at which the shipment enters the United States, duty, if any, included.

(b) *Sales by dealers.* A dealer, regularly engaged in the business of buying and selling prime virgin mercury on his own behalf, may sell such mercury as he buys and to which he acquires title, at not more than a price equal to the applicable maximum base price set forth above, *plus* a premium of 2% thereof, *plus* the actual transportation charges paid or incurred by him: *Provided*, That the applicable maximum base price, the premium, and the transportation charges are shown separately in invoicing and billing.

(c) *Commissions for brokers and agents.* In the event that a consumer of prime virgin mercury shall use or employ a broker or agent to purchase such mercury for the consumer's use, the consumer may pay for such mercury a sum not exceeding the applicable maximum base price set forth above, plus a commission of not more than 1% of such maximum price. The commission shall be payable only if (a) the commission is shown as a separate charge in invoicing and billing, and (b) the agent or broker

compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

(a) The defendant, Scott L. Rearick, Distant, Pennsylvania, whose code membership became effective as of November 18, 1938, operator of the Rearick Mine, Mine Index No. 1930, Subdistrict No. 1 of District No., 1, Armstrong County, Pennsylvania, sold and delivered at approximately $1.50 per net ton to the Pittsburg and Shawmut Coal Company, a registered distributor, Registration No. 7349, whose address is Kittanning, Pennsylvania, during December 1940 and January and February 1941, approximately 933 tons of run of mine coal produced at said mine. Said coal was classified as Size Group 3 and priced at $2.10 per net ton f. o. b. said mine as set forth in the Schedule of Effective Minimum Prices for District No. 1, For Truck Shipments. Said code member allowed Pittsburg and Shawmut Coal Company unauthorized excessive discounts in the form of commissions, deductions for reject coal, amounts for railroad car stop-over, railroad car transfer, cleaning and sizing charges upon the sale of said coal. This coal was purchased for resale, by said Pittsburg and Shawmut Coal Company and physically handled by said vendee. The "discounts" above-mentioned were paid contrary to the provisions of Rule 1 Section III of the Marketing Rules and Regulations and the above transactions constituted sales below the minimum price established for said mine and, therefore, in violation of section 4 Part II (e) of the Act and Part II (e) of the Code.

(b) The aforesaid defendant sold and delivered the above-mentioned coal in his own trucks or in trucks under his control to a railroad loading dock located at Colwell, Pennsylvania, situated on the Pittsburg and Shawmut Railroad, contrary to the provisions of Price Instruction No. 6 of the schedule referred to in (a) hereof as amended by Supplement No. 2 to said schedule in that said code member evaded and/or violated the price provisions of the Act through the use of transportation facilities through the absorption, directly or indirectly, of the transportation costs of said coal to said loading dock, which was located at a point other than the transportation facilities at the mine, without adding to the applicable minimum f.o.b. mine price provided in the schedule referred to herein, an amount at least equal, as nearly as practicable, to the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character, from the transportation facilities at the mine to the point from which all such charges were assumed and directly paid by the purchaser in violation of section 4 Part II (g) of the Act and Part II (g) of the Code; or

The aforesaid defendant sold during the months of December 1940 and January and February 1941, approximately 933 net tons of run of mine coal produced at the aforesaid Rearick Mine, Mine Index No. 1930 to Pittsburg & Shawmut Coal Company for rail shipment and delivered said coal by truck to a ramp on a rail siding of said Freebrook Company, located at Colwell, Pennsylvania, at a price of approximately $1.50 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine. Said transactions thereby constituted violations of the Order of the Director dated October 9, 1940, in General Docket No. 19.

Dated: February 3, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1055; Filed, February 4, 1942; 11:58 a. m.]

[Docket No. A-1014]

PETITION OF P. H. BURNELL, A CODE MEMBER, FOR THE ESTABLISHMENT OF A MINIMUM PRICE OF $2.00 PER TON FOR THE COALS IN SIZE GROUP 11 PRODUCED IN SUBDISTRICT 5 IN DISTRICT NO. 19, FOR RAIL SHIPMENTS

ORDER TERMINATING PROCEEDING

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was filed with the Division by the above-named party in the above-entitled matter, wherein the petitioner requested the establishment of a minimum price of $2.00 per net ton for the coals in Size Group 11 produced in Subdistrict 5 in District No. 19 for rail shipments into all market areas.

The petition was deficient in that it failed to comply with certain provisions of the Rules and Regulations Governing Practice and Procedure before the Division in Proceedings Instituted Pursuant to section 4 II (d) of the Act. The petitioner was notified of such deficiency by letter mailed to him by the Director on September 4, 1941. No further communication in this docket has been received by the Division.

Moreover, the petitioner subsequently filed another petition with the Division in Docket No. A-1143, wherein he requested relief similar to that requested in the above-entitled matter. Pursuant to a Notice of and Order for Hearing dated January 19, 1942, a hearing was held in Docket No. A-1143 on January 28, 1942 in Cheyenne, Wyoming and the record in that proceeding is now receiving consideration.

It thus appears that the petitioner has no further interest in his original petition in this Docket No. A-1014 and that the issues sought to be presented and the request for relief made herein will be duly disposed of in Docket No. A-1143.

Now, therefore, it is ordered, That the above-entitled proceeding be, and it hereby is, terminated.

Dated: February 3, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1056; Filed, February 4, 1942; 11:58 a. m.]

[Docket No. 1736-FD]

IN THE MATTER OF NORRIS COAL COMPANY, A PARTNERSHIP, DEFENDANT

ORDER CANCELLING HEARING

The hearing in the above-entitled matter having been previously postponed by Order of the Director dated October 3, 1941, to a date and a hearing room to be thereafter designated; and

An Order directing the defendant to cease and desist from further violations of the Bituminous Coal Code having been entered in the above-entitled matter on February 3, 1942, pursuant to stipulation of the complainant and the defendant dated January 9, 1942;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same hereby is cancelled.

Dated: February 3, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1057; Filed, February 4, 1942; 11:58 a. m.]

[Docket No. 1736-FD]

IN THE MATTER OF NORRIS COAL COMPANY, A PARTNERSHIP, DEFENDANT.

CEASE AND DESIST ORDER

A complaint dated May 1, 1941, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, (the "Act"), having been duly filed on May 7, 1941, by the Bituminous Coal Producers Board for District No. 10, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by the defendant of the Bituminous Coal Code the ("Code"), and the effective minimum prices, as follows: by selling and delivering to Ray Minter, on or about February 18, 1941, 6 tons of mine run coal produced at its mine at $1.50 per ton f. o. b. the mine and selling and delivering as aforesaid 1.2 tons of such coal on or about February 20, 1941, at a price of $1.53 per ton f. o. b. the mine, the effective minimum prices for such coal being $1.80 per ton f. o. b. the mine; and

The said complaint herein and notice of and order for hearing thereon made July 28, 1941, having been duly served on the defendant on August 2, 1941; and

The defendant, having by stipulation made January 9, 1942, the original of which is on file with the Division, admitted the truth of the allegations of said complaint and consented to the making and entry of this Order; and

The defendant, having by said stipulation and in furtherance thereof, expressly waived (a) hearing on the complaint herein, (b) oral argument and the filing of brief before the Director, or other presiding officer, (c) preparation and submission of any report, findings of fact, or recommendations by the Director or other presiding officer, (d) the presentation of oral argument before the Director or other presiding officer, and (e) the preparation and submission of tentative findings of fact or proposed order of the Director:

Now therefore, Pursuant to the authority vested in the Director by section 4 II (j) of the Act authorizing him to adjust the complaints of violations and to compose the differences of the parties thereto:

It is hereby found That:

(a) on June 21, 1937, the defendant filed with the National Bituminous Coal Commission (the "Commission") its acceptance, dated June 18, 1937, of the Code; said acceptance was approved by the Commission to take effect as of June 21, 1937; the defendant has been since June 21, 1937, and is now a code member in District No. 10;

(b) the defendant was at the time of its acceptance of the Code, a partnership consisting of Louis Norris, Cline Norris and Charles Bowman;

(c) at the time of the violations hereinafter found and at all times subsequent thereto the Norris Coal Company, a partnership, consisted of the following members: Cline Norris, Louie Norris, Charles Bowman, and V. E. Turner;

(d) the defendant as such Code member on the dates referred to in paragraph (e) hereof operated and now operates the Norris Coal Co. Mine (Mine Index No. 1203), located in Williamson County, Illinois, in District No. 10; and

(e) the defendant wilfully violated the provisions of the Code, the Marketing Rules and Regulations, and the effective minimum prices established by the Division, by selling and delivering to Ray Minter, on or about February 18, 1941, approximately 6 tons of mine run coal, produced at its Norris Coal Co. Mine, located in Williamson County, Illinois, in District No. 10, at a price of $1.50 per ton f. o. b. the mine, and on or about February 20, 1941, approximately 1.2 tons of mine run coal produced at its aforesaid mine, at a price of $1.53 per ton f. o. b. the mine, whereas the effective minimum price established for such coal was and is $1.80 per net ton f. o. b. the mine.

Now therefore, based upon the above findings and the Defendant's above stipulation;

It is ordered, That Louie Norris, Cline Norris, Charles Bowman and V. E. Turner individually and as copartners doing business under the name and style of Norris Coal Company, and the representatives, agents, servants, employees and attorneys of them or any of them and all persons acting or claiming to act in their behalf or in behalf of any of them, cease and desist and they hereby are permanently enjoined and restrained from violating the Code, the Marketing Rules and Regulations and the effective minimum prices established by the Division.

Dated: February 3, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1058; Filed, February 4, 1942; 11:58 a. m.]

[Docket No. A-1268]

PETITION OF THE MUSKINGUM COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 4, FOR THE ESTABLISHMENT OF MINIMUM PRICES FOR CRUSHED COAL FROM ITS MINES FOR TRUCK SHIPMENTS (DURING EMERGENCY PERIODS) TO PHILO POWER PLANT, PHILO, OHIO, IN MARKET AREA 14

MEMORANDUM OPINION AND ORDER DENYING TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with this Division by The Muskingum Coal Company, a code member in District 4, requesting the establishment of minimum prices for crushed coals from the petitioner's mines in District No. 4 for truck shipments, during periods of emergency when the river becomes non-navigable due to ice conditions, to the Philo Power Plant, Philo, Ohio, in Market Area 14, equal to the effective minimum prices for crushed coals, in Size Group 12, for river shipments f. a. s. that plant.

A petition of intervention was filed by District Board 4.

Pursuant to § 301.106 of the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, and due notice thereof, an informal conference was held on January 19, 1942, at Washington, D. C. The petitioner and District Boards 4 and 6 appeared.

The petition sets forth that shipments of crushed coal made by the petitioner to the Philo Power Plant of the Ohio Power Company, the petitioner's only customer, are ordinarily made by river, but that when the river becomes frosen it is necessary that such shipments be made by truck. The petitioner, therefore, seeks the establishment of a price for crushed coal from the petitioner's mines for shipment by truck to the Philo Power Plant that will have the effect of establishing an f. o. b. destination price the same as that established for river shipment of crushed coal to that plant.

It appears that temporary relief was requested on the basis of an emergency condition due to the presence of ice in the river. At the informal conference the petitioner stated that during the interim between the date when the petition was filed and the date of the conference, that emergency condition had ceased to exist and that the petitioner was able to resume, and had resumed shipments by river. I find, therefore, that no occasion presently exists to warrant or require the granting of the temporary relief requested. The petitioner, believing that a recurrence of emergency conditions of the river is a strong probability, requested that the informal conference be recessed subject to being reconvened should a future emergency arise. I do not deem it advisable to recess the informal conference in these circumstances. In the event that such a new emergency should arise, a new application for temporary relief filed by the petitioner will receive prompt consideration.

Now, therefore, it is ordered, That the temporary relief requested by the petitioner be and it hereby is denied.

It is further ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 3, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in

Room 503 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 26, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitioner of intervenors or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of The Muskingum Coal Company, a code member in District 4, for the establishment of minimum prices for crushed coals from the Muskingum Coal Company #3 Jones & #3 Block, Muskingum-Jones #6, Muskingum-Jones #7, and Jones Motor #3 Mines, Mine Index Nos. 160, 206, 207, and 2068, respectively, for truck shipments, during periods of emergency when the river becomes non-navigable due to ice conditions, to the Philo Power Plant of the Ohio Power Company, Philo, Ohio, in Market Area 14, equal to the effective minimum f. a. s. prices for crushed coals, in Size Group 12, for river shipments to that plant.

Dated: February 3, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1068; Filed, February 4, 1942; 11:59 a. m.]

IN THE MATTERS OF ERNEST MOORE AND SON, CHARLES AND TERRY ROBERTSON, (TERRY ROBERTSON) M. L. SHUMAKER AND CHARLES SHUMAKER, R. W. DUNCAN, C. H. GATHERER, LOYAL T. HENDERSON, C. F. MILLER, F. J. ADAMS, O. E. HOUSER, JOHN AND CHARLES PRIESTER, FRANK W. ALBERT, J. BRUCE MEYER, C. O. SMICK, SCOTT L. REARICK, CODE MEMBERS, DEFENDANTS

[Docket Nos. B-89, B-91, B-94, B-99, B-100, B-101, B-102, B-103, B-105, B-106, B-109, B-114, B-119, B-166]

ORDER GRANTING APPLICATION TO WITHDRAW COMPLAINTS

The above proceedings were instituted upon complaints filed with the Bituminous Coal Division by the Bituminous Coal Producers Board for District No. 1, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937; and

The Bituminous Coal Producers Board for District No. 1, complainant, in the above-entitled matters having filed an application, dated January 6, 1942, to withdraw its respective complaints heretofore filed against the above-named defendants; and

It appearing to the Acting Director that it is advisable that said application to withdraw the aforesaid complaints should be granted;

Now, therefore, it is ordered, That the application to withdraw the above-entitled complaints be and the same is hereby granted without prejudice to the new complaints heretofore filed with the Division by the Bituminous Coal Producers Board for District No. 1, against the above-named defendants, respectively.

Dated: January 31, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1069; Filed, February 4, 1942; 11:59 a. m.]

General Land Office.

REVOCATION IN PART OF DEPARTMENTAL ORDER OF JULY 8, 1931, AND REVOCATION OF DEPARTMENTAL ORDER OF JULY 9, 1934, AFFECTING CERTAIN PUBLIC LANDS IN ARIZONA

The order of the Secretary of the Interior of July 8, 1931, so far as it temporarily withdrew from disposition of any kind, certain public domain lands in Apache County, Arizona, in aid of pending legislation to define the exterior boundaries of the Navajo Indian Reservation and for other purposes and the order of the Secretary of the Interior of July 9, 1934, temporarily withdrawing from settlement, entry or disposition other than in connection with exchanges authorized by the act of June 14, 1934 (48 Stat. 960), all the unentered, unreserved, unappropriated and undisposed of public domain lands within Apache, Navajo and Coconino Counties, Arizona, in order to effectuate such exchanges for consolidation purposes, be and they are hereby revoked, effective at 9:00 o'clock a. m., on the 60th day from the date hereof.

HAROLD L. ICKES,
Secretary of the Interior.

JANUARY 29, 1942.

[F.R. Doc. 42-1023; Filed, February 3, 1942; 3:07 p. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

[ACP-1942—Southern Great Plains—1]

1942 SPECIAL AGRICULTURAL CONSERVATION PROGRAM FOR THE SOUTHERN GREAT PLAINS AREA

SUPPLEMENT NO. 1

The 1942 Special Agricultural Conservation Program[1] for the Southern Great Plains Area will be applicable in the following counties, and the county rate referred to in section 2 (a) shall be as indicated for each such county:

Colorado

Baca	0.63	Kiowa	0.61
Bent	.76	Kit Carson	.64
Cheyenne	.64	Las Animas	.65
Crowley	.73	Lincoln	.63
Elbert	.67	Otero	.86
El Paso	.65	Prowers	.71
Huerfano	.68		

Kansas

Cheyenne	0.79	Morton	0.68
Clark	.90	Ness	.85
Comanche	.88	Pawnee	1.01
Decatur	.78	Rawlins	.81
Edwards	.94	Rooks	.79
Ellis	.94	Rush	.95
Finney	.82	Scott	.78
Gove	.80	Seward	.80
Graham	.77	Sheridan	.80
Grant	.76	Sherman	.73
Greeley	.73	Stanton	.75
Hamilton	.74	Stevens	.71
Haskell	.84	Thomas	.79
Hodgeman	.82	Trego	.85
Kearny	.74	Wallace	.68
Kiowa	.91	Wichita	.75
Logan	.71		

New Mexico

Colfax	0.68	Quay	0.67
Harding	.64	Union	.63

Oklahoma

Beaver	0.74	Harper	0.73
Cimarron	.67	Texas	.73

Texas

Armstrong	0.88	Lipscomb	0.76
Dallam	.68	Moore	.68
Deaf Smith	.72	Ochiltree	.82
Hansford	.74	Oldham	.70
Hartley	.66	Potter	.74
Hutchinson	.72	Sherman	.72

[1] 6 F.R. 6661.

Rural Electrification Administration.

[General Memorandum No. 56]

JANUARY 23, 1942.

CHANGES IN ALLOCATIONS AND ALLOCATION DESIGNATIONS

The full amount of the allocation has been advanced and that part not assumed by the cooperatives as specified above remains allocated to the State Rural Electrification Authority.

HARRY SLATTERY,
Administrator.

[GEN.]

[Administrative Order No. 669]

CHANGES IN ALLOCATIONS AND ALLOCATION DESIGNATIONS

JANUARY 23, 1942.

(Sections 7 to 17, as amended, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205; 53 Stat. 550, 573; 54 Stat. 216, 727; 16 U.S.C. 590g–590q; 55 Stat. 257; Public Law No. 374, 77th Congress, approved December 26, 1941)

(Sections 7 to 17, as amended, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205; 53 Stat. 550, 573; 54 Stat. 216, 727; 16 U.S.C. 590g–590q; 55 Stat. 257; Public Law No. 374, 77th Congress, approved December 26, 1941)

Done at Washington, D. C. this 3d day of February 1942.

Witness my hand and the seal of the Department of Agriculture.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

[F. R. Doc. 42-1046; Filed, February 4, 1942; 11:41 a. m.]

Rural Electrification Administration.

[General Memorandum No. 56]

JANUARY 23, 1942.

CHANGES IN ALLOCATIONS AND ALLOCATION DESIGNATIONS

The allocation specified below was made by Executive Order under the Emergency Relief Appropriation Act of 1935. It is now desired to reduce this allocation. However, inasmuch as Executive Orders cannot be amended by Administrative Order, such allocation should for the purposes of our records be deemed to be reduced as follows:

Project designation	Date of Executive order	Amount of allocation	Amount of reduction	Amount of reduced allocation
South Carolina 9 State Authority	July 22, 1935	$12,328	$6,991.94	$5,336.06

It is now also desired to change the above-mentioned allocation designation in accordance with the provisions of the amendment dated August 15, 1941 to General Order No. 84, the loan made to the State Rural Electrification Authority having been assumed by the Aiken Electric Cooperative, Incorporated. However, inasmuch as such change cannot be made by Administrative Order for the above-mentioned reason, such allocation designation should for the purposes of our records be deemed to be changed as follows:

Project designation	*New project designation*
South Carolina 9 State Authority.	South Carolina 14 Aiken (South Carolina 9 State Authority).

The entire amount of the reduced allocation, $5,336.06, advanced to the State Rural Electrification Authority has been assumed by the Aiken Electric Cooperative, Incorporated.

In addition, the following allocation was also made by Executive Order under the Emergency Relief Appropriation Act of 1935 and it is now also desired to change such allocation designation in accordance with the provisions of said amendment to said General Order, the loan made to the State Rural Electrification Authority having been assumed in part by the below-designated cooperatives. However, inasmuch as such change cannot be made by Administrative Order for the above-mentioned reason, such allocation designation should for the purposes of our records be deemed to be changed as follows:

Project designation	Date of Executive order	Amount of allocation	Amount of allocation assumed	New project designation
South Carolina 9 State Authority.	Sept. 24, 1935	$530,000	$3,859.71	South Carolina 14 Aiken (South Carolina 9 State Authority).
			84,185.15	South Carolina 19 Laurens (South Carolina 9 State Authority).
			41,472.77	South Carolina 22 Fairfield (South Carolina 9 State Authority).
			17,729.21	South Carolina 24 Marion (South Carolina 9 State Authority).
			90,037.86	South Carolina 26 Darlington (South Carolina 9 State Authority).
			44,265.81	South Carolina 27 Marlboro (South Carolina 9 State Authority).
			183,374.26	South Carolina 28 Williamsburg (South Carolina 9 State Authority).

The full amount of the allocation has been advanced and that part not assumed by the cooperatives as specified above remains allocated to the State Rural Electrification Authority.

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-1026; Filed, February 3, 1942; 3:17 p. m.]

[Administrative Order No. 659]

CHANGES IN ALLOCATIONS AND ALLOCATION DESIGNATIONS

JANUARY 23, 1942.

I hereby amend the Administrative Orders designated below by reducing the allocations specified therein as follows:

Project designation	Administrative order No.	Administrative order Date	Amount of allocation	Amount of reduction	Amount of reduced allocation
South Carolina R9009K1 State Authority	340	May 2, 1939	$271,000	$103,950.50	$167,049.50
South Carolina 15 Aiken	130	Aug. 20, 1937	265,000	13,650.16	251,349.84
South Carolina 9016 York	140	Sept. 20, 1937	75,000	4,983.72	70,016.28

I also hereby amend the Administrative Orders designated below to change the allocation designations specified therein, in whole or in part, as follows:

Project designation	Administrative order No.	Administrative order Date	Amount of allocation	Amount of allocation assumed	New project designation
South Carolina 8-9009D1 State Authority.	267	June 2, 1938 Amended by	$228,000	$113,206.74	South Carolina 31 Horry (South Carolina 9009D1 State Authority).
	457	May 10, 1940		114,793.26	South Carolina 33 Cherokee (South Carolina 9009D1 State Authority).
South Carolina R9009E1 State Authority.	201	Oct. 18, 1938 Amended by Memorandum dated Sept. 15, 1939.	98,000	46,179.05	South Carolina 32 Calhoun (South Carolina R9009E1 State Authority).
				51,820.95	South Carolina 33 Cherokee (South Carolina R9009E1 State Authority.)
South Carolina R9009F1 State Authority.	319	Jan. 31, 1939 Amended by	247,000	2,644.25	South Carolina 32 Calhoun (South Carolina R9009F1 State Authority).
	324	Mar. 11, 1939 and Memorandum dated Sept. 15, 1939.		162,574.37	South Carolina 34 Newberry (South Carolina R9009F1 State Authority).
				81,781.37	South Carolina 37 Lexington (South Carolina R9009F1 State Authority).
South Carolina R9009H1 State Authority.	340	May 2, 1939	327,000	22,872.47	South Carolina 32 Calhoun (South Carolina R9009H1 State Authority).
				29,794.04	South Carolina 37 Lexington (South Carolina R9009H1 State Authority).
				274,333.49	South Carolina 38 Oconee (South Carolina R9009H1 State Authority).
South Carolina R9009K1 State Authority.	340	May 2, 1939	167,049.50	1,769.67	South Carolina 19 Laurens (South Carolina R9009K1 State Authority).
				171.19	South Carolina 21 Lancaster (South Carolina R9009K1 State Authority).
				803.22	South Carolina 22 Fairfield (South Carolina R9009K1 State Authority).
				264.15	South Carolina 23 Dorchester (South Carolina R9009K1 State Authority).
				344.27	South Carolina 24 Marion (South Carolina R9009K1 State Authority).
				2,210.16	South Carolina 25 Berkeley (South Carolina R9009K1 State Authority).
				1,727.95	South Carolina 26 Darlington (South Carolina R9009K1 State Authority).
				893.03	South Carolina 27 Marlboro (South Carolina R9009K1 State Authority).
				3,860.77	South Carolina 28 Williamsburg (South Carolina R9009K1 State Authority).
				1,394.12	South Carolina 29 Sumter (South Carolina R9009K1 State Authority).

Project designation	Administrative order		Amount of allocation	Amount of allocation assumed	New project designation
	No.	Date			
South Carolina R9009K1 State Authority—Continued.	349	May 2, 1939	$267,[illegible]	$[illegible]	South Carolina 30 Colleton (South Carolina R9009K1 State Authority).
				2,570.42	South Carolina 31 Horry (South Carolina R9009K1 State Authority).
				1,412.03	South Carolina 32 Calhoun (South Carolina R9009K1 State Authority).
				3,271.07	South Carolina 33 Cherokee (South Carolina R9009K1 State Authority).
				3,120.99	South Carolina 34 Newberry (South Carolina R9009K1 State Authority).
				600.55	South Carolina 35 Abbeville (South Carolina R9009K1 State Authority).
				2,126.41	South Carolina 37 Lexington (South Carolina R9009K1 State Authority).
				42,602.26	South Carolina 38 Oconee (South Carolina R9009K1 State Authority).
				4,320.09	South Carolina 40 Hampton (South Carolina R9009K1 State Authority).
South Carolina 15 Aiken.)	120	Aug. 30, 1937	261,[illegible]	32,126.76	South Carolina 14 Aiken (South Carolina 15 Aiken).
				6,446.15	South Carolina 19 Laurens (South Carolina 15 Aiken).
				8,260.41	South Carolina 21 Lancaster (South Carolina 15 Aiken).
				12,714.88	South Carolina 28 Dorchester (South Carolina 15 Aiken).
				104,702.84	South Carolina 25 Berkeley (South Carolina 15 Aiken).
				68,295.81	South Carolina 29 Sumter (South Carolina 15 Aiken).
				22,144.19	South Carolina 35 Abbeville (South Carolina 15 Aiken).
South Carolina 6016 York.	140	Sept. 20, 1937	28,[illegible]	12,164.70	South Carolina 29 Sumter (South Carolina 6016 York).
				48,923.90	South Carolina 30 Colleton (South Carolina 6016 York).
				16,821.66	South Carolina 31 Horry (South Carolina 6016 York).

In all cases the full amount of the allocation has been advanced and that part not assumed by the cooperatives as specified above remains allocated to the State Rural Electrification Authority.

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-1033; Filed, February 3, 1942; 3:17 p. m.]

[Administrative Order No. 660]

ALLOCATION OF FUNDS FOR LOANS

JANUARY 23, 1942.

By virtue of the authority vested in me by the provisions of Section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation	*Amount*
Arkansas 2032A1 Conway	$[illegible]

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-1034; Filed, February 3, 1942; 3:17 p. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3501).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3302, 3303).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective February 5, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Penn Neckwear Company, 1812 Parade Street, Erie, Pennsylvania; Men's & Boys' Neckwear; 5 learners (T); February 5, 1943.

Hanley Mills, Inc., South Main Street, Paris, Kentucky; Men's & Boys' Athletic Underwear; 30 learners (E); August 5, 1942. (This certificate replaces one issued bearing expiration date of May 27, 1942.)

Single Pants, Shirts and Allied Garments and Women's Apparel

H. J. Axler and Sons, 1031 17th Street, Denver, Colorado; Blouses, Slacks, Slack Suits; 5 learners (T); February 5, 1943.

Berry Garment Manufacturing Company, 422-24 North Kansas Avenue, Columbus, Kansas; Herringbone Twill Suits & Overalls; 10 percent (T); February 5, 1943.

Champ Manufacturing Company, 900 Hodiamont Avenue, St. Louis, Missouri; Skirts, Shorts, Riding Breeches, Jodhpurs; 10 percent (T); February 5, 1943.

The C. B. Cones and Son Manufacturing Company, 18-24 N. Senate Avenue, Indianapolis, Indiana; Work Shirts, Pants, Coveralls, Overalls; 10 percent (T); February 5, 1943.

Creighton Shirt Company, 67 Franklin Street, New Haven, Connecticut; Shirts; 10 learners (T); August 5, 1942.

Niagara Apparel Company, Inc., 273 S. Division Street, Buffalo, New York; Single Pants, Children's Outerwear; 10 percent (T); February 5, 1943.

Sunnyvale, Inc., 614 Wyoming Avenue, Scranton, Pennsylvania; Wash Dresses; 45 learners (E); June 25, 1942.

Superior Garment Manufacturing Company, 307 W. Van Buren Street, Chicago, Illinois; Single Pants, Washable Service Apparel; 5 learners (T); February 5, 1943.

Hosiery

Ingle Full-Fashioned Hosiery Mill, Inc., Chase Street, Gibsonville, N. C.; Full Fashioned Hosiery; 10 learners (T); February 5, 1943.

Kenosha Full Fashioned Mills, Inc., 2323 60th Street, Kenosha, Wisconsin; Full Fashioned Hosiery; 5 percent (T); February 5, 1943.

Telephone

Eureka Telephone Company, Corydon, Indiana; to employ learners as commercial switchboard operators at its Corydon Exchange, Corydon, Indiana; until February 5, 1943.

Knitted Wear

La Rose Underwear Company, 45 West 18th Street, New York, N. Y.; Knitted Rayon Underwear; 10 percent (T); February 5, 1943.

Textile

The Maryland Ribbon Company, 651 North Prospect, Hagerstown, Maryland; Ribbons; 6 percent (T); February 5, 1943. (This certificate replaces one issued bearing expiration date of October 30, 1942.)

United Elastic Corporation, American Mills Permoflex Plant, 158 Orange Avenue, West Haven, Connecticut; Cotton and Rayon; 30 learners (E); August 5, 1942.

Signed at Washington, D. C., this 4th day of February 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-1044; Filed, February 4, 1942; 11:33 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under Section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective February 5, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Augusta Bedding Company, 930 8th Street, Augusta, Georgia; Wood Furniture; 1 learner; 6 weeks for any one learner; 30 cents per hour; Upholsterer; April 2, 1942.

Cotton Belt Mattress Company, Pinetops, North Carolina; Wood Furniture; 5 learners; 6 weeks for any one learner; 30 cents per hour; Upholsterer, Woodworking Machine Operator, Garnetting Machine Operator; April 2, 1942.

Signed at Washington, D. C., this 4th day of February 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-1045; Filed, February 4, 1942; 11:33 a. m.]

FEDERAL POWER COMMISSION.

[Project No. 1872]

IN THE MATTER OF OCCOQUAN COMPANY

NOTICE OF APPLICATION

Public notice is hereby given, pursuant to the provisions of the Federal Power Act (16 U.S.C. 791-825r), that Occoquan Company of Alexandria, Virginia, has made application for license for a proposed hydroelectric project on Occoquan Creek, in Fairfax and Prince William Counties, Virginia, consisting of a concrete gravity type dam about 125 feet high, a reservoir having storage capacity of about 32,600 acre-feet, a power house integral with the dam having installed capacity of about 48,800 horsepower operating under a net head of about 124 feet, a set-up transformer station, two 17,000 horsepower pumps and necessary transmission lines to connect the switching station to the lines of two other companies within a mile of the dam site.

Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before March 6, 1942, to the Federal Power Commission, at Washington, D. C.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-1035; Filed, February 4, 1942; 10:31 a. m.]

[Project No. 1503]

IN THE MATTER OF STATE OF ARIZONA

ORDER POSTPONING DATE OF HEARING

FEBRUARY 3, 1942.

It appearing that: Good cause exists for the postponement of the hearing in the above-entitled proceeding;

It is ordered, That: The hearing in this proceeding now set for February 9, 1942, be and it is hereby postponed until further order of the Commission.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-1043; Filed, February 4, 1942; 11:28 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION TO THE NORTH DAKOTA WORKMEN'S COMPENSATION BUREAU PURSUANT TO SECTION 1602 OF THE INTERNAL REVENUE CODE

The North Dakota Workmen's Compensation Bureau having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the North Dakota Unemployment Compensation Act; and

The Social Security Board having considered the provisions of said Act to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) Said Act provides for a pooled fund as defined in section 1602 (c) (2) of the Internal Revenue Code; and

(2) Reduced rates of contributions under said Act to such pooled fund are allowable only in accordance with the provisions of section 1602 (a) (1) of the Internal Revenue Code. Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the North Dakota Workmen's Compensation Bureau.

[SEAL] SOCIAL SECURITY BOARD,
A. J. ALTMEYER,
Chairman.

JANUARY 30, 1942.

Approved:

PAUL V. MCNUTT,
Administrator.
FEBRUARY 3, 1942.

[F. R. Doc. 42-1042; Filed, February 4, 1942; 11:15 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 3936]

IN THE MATTER OF EMBALMERS' SUPPLY COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3rd day of February, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence

in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, February 13, 1942, at ten o'clock in the forenoon of that day (Eastern Standard Time), in the Hotel St. George, Brooklyn, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1050; Filed, February 4, 1942; 11:45 a. m.]

[Docket No. 4085]

IN THE MATTER OF PARET PHARMACEUTICAL COMPANY, INC., A CORPORATION, DOING BUSINESS UNDER THE NAME AND STYLE OF PARET CHEMICAL COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING OF TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of February, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Edward E. Reardon, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, February 17, 1942, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Hearing Room, Federal Trade Commission Building, 6th and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary

[F. R. Doc. 42-1051; Filed, February 4, 1942; 11:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-468]

IN THE MATTER OF PANHANDLE EASTERN PIPE LINE COMPANY AND COLUMBIA OIL & GASOLINE CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3d day of February, A. D. 1942.

A declaration pursuant to sections 6 (a) and 7 of the Public Utility Holding Company Act of 1935 having been filed by Panhandle Eastern Pipe Line Company, a subsidiary of both Columbia Gas & Electric Corporation, a registered holding company, and Columbia Oil & Gasoline Corporation; and

Columbia Oil & Gasoline Corporation, also a subsidiary company of Columbia Gas & Electric Corporation, having filed an application pursuant to section 10 of the Act, requesting that such application be consolidated with the aforesaid declaration; and

Both the declaration and application being concerned with a proposal to extend the time within which any shares of the Class A Preferred Stock of Panhandle Eastern Pipe Line Company may be redeemed without payment of a premium of $10 per share from January 1, 1942 to and including April 1, 1942; such extension being in accordance with an agreement, dated December 15, 1941, between Panhandle Eastern Pipe Line Company and Columbia Oil & Gasoline Corporation, beneficial owner of the entire issue of such stock.

Said declaration having been filed on January 14, 1942 and said application having been filed on January 29, 1942; a notice of filing having been duly given in the form and manner prescribed in Rule U-23 promulgated under the Act, and the Commission not having received a request for a hearing with respect to the declaration and application within the period specified in such notice or otherwise, and not having ordered a hearing thereon; and

Both the declarant and applicant having respectively requested that the aforesaid declaration be permitted to become effective and application be granted on or before February 5, 1942; and

The Commission finding with respect to the aforesaid declaration that the requirements of section 7 are satisfied and that with respect to such application no adverse findings are necessary under sections 10 (b) and 10 (c) (1) of the Act and deeming the proposed transaction to be appropriate in the public interest and in the interest of investors and consumers pursuant to section 12 (f) of the Act and being satisfied that such declaration should be permitted to become effective forthwith and such application granted forthwith;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of the Act and rules promulgated thereunder and subject to the terms and conditions prescribed in Rule U-24 that the aforesaid declaration be and it is hereby permitted to become effective forthwith and the aforesaid application be and it hereby is granted forthwith.

By the Commission, Commissioner Healy concurring in the result.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1052; Filed, February 4, 1942; 11:52 a. m.]

[File Nos. 59-33, 70-263, 70-371, 70-387, 70-430, 70-431]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION, COLUMBIA OIL & GASOLINE CORPORATION, PANHANDLE EASTERN PIPE LINE COMPANY, MICHIGAN GAS TRANSMISSION CORPORATION, INDIANA GAS DISTRIBUTION CORPORATION, AND THE OHIO FUEL GAS COMPANY

SUPPLEMENTAL ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3d day of February, A. D. 1942.

Panhandle Eastern Pipe Line Company, a subsidiary of Columbia Gas & Electric Corporation, a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof and Rule U-50 thereunder, regarding the issue and sale of $10,000,000 principal amount of 3% First Mortgage Bonds and $15,000,000 par value of Cumulative Preferred stock, the proceeds to be applied toward the retirement of $10,000,000 par value outstanding Class A $6 participating Preferred stock, the acquisition of certain wholly-owned subsidiaries of Columbia Gas & Electric Corporation, and additional construction; Panhandle Eastern Pipe Line Company to publicly invite proposals for the purchase of the bonds and preferred stock in accordance with Rule U-50; and

Said application having been consolidated in the above-entitled consolidated proceeding, and the Commission having, on January 21, 1942, granted such application pursuant to section 6 (b) subject to the conditions, among others, that applicant report to the Commission the result of the competitive bidding as required by Rule U-50 (c) and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby, jurisdiction having been reserved for this purpose; and

Panhandle Eastern Pipe Line Company having made such report to the Commission in the form of an amendment to the application herein, setting forth the action taken to comply with Rule U-50 (c) and specifying the proposals which have been received for the purchase of said bonds pursuant to the invitation for competitive bidding, and setting forth that Panhandle Eastern Pipe Line Company has accepted a bid from a group of underwriters headed by Glore, Forgan & Co. and Kidder, Peabody & Co., of 100.02% for the bonds which are to be resold to the public at 100.75%, representing a spread to the underwriters of .73%, and 100.2789% for cumulative preferred stock having a dividend rate of 5.6%, which stock is to be resold to the public at 104%, representing a spread to the underwriters of 3.7211%, of which 2.25% represents the spread to dealers; and

The Commission having examined the record and finding no basis for imposing terms and conditions with respect to the issue and sale of said bonds and preferred stock at such price and with such spread;

It is ordered, That said application, as amended, be and it is hereby granted in regard to the price to the issuer, the spread, and the distribution thereof applicable to such bonds and preferred stock, subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1053; Filed, February 4, 1942; 11:52 a. m.]

IN THE MATTER OF GLOBE SECURITIES COMPANY, LTD., 210½ NORTH WEST 2D STREET, OKLAHOMA CITY, OKLAHOMA

ORDER REFUSING TO PERMIT WITHDRAWAL, AND REVOKING REGISTRATION

At a regular session of the Securities and Exchange Commisison, held at its office in the City of Washington, D. C., on the 2d day of February, A. D. 1942.

Proceedings having been instituted pursuant to order of the Commission dated September 5, 1941, to determine whether the registration of Globe Securities Company, Ltd., as a broker and dealer should be suspended or revoked; the registrant having thereafter requested withdrawal of its registration; a hearing having been held after appropriate notice; the Commission having this day issued its Findings and Opinion.

It is ordered, On the basis of such Findings and Opinion, pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registrant's request for withdrawal of registration be denied, and that the registration of Globe Securities Company, Ltd., as a broker and dealer be, and the same hereby is, revoked.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1054; Filed, February 4, 1942; 11:52 a. m.]

WAR PRODUCTION BOARD.

Division of Industry Operations.

NOTICE OF EXTENSION OF PREFERENCE RATING ORDER No. P-45

Preference Rating Order No. P-45 has been extended to expire February 28, 1942.

Dated: January 30, 1942.

J. S. KNOWLSON, *Director of Industry Operations.*

[F.R. Doc. 42-1034; Filed, February 4, 1942; 10: 18 a. m.]

FEB 5 1942

FEDERAL REGISTER

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Washington, Friday, February 6, 1942

The President

EXECUTIVE ORDER

SUSPENDING THE LIMITATIONS UPON PUNISHMENTS FOR VIOLATIONS OF ARTICLES OF WAR 58, 59 AND 86

By virtue of the authority vested in me by Article of War 45, Chapter II, act of June 4, 1920, 41 Stat. 759, 796, and as President of the United States, I hereby suspend until further order, as to offenses hereafter committed, the limitations prescribed by the Table of Maximum Punishments, paragraph 104 (c) of the Manual for Courts-Martial, United States Army (1928), upon punishments for violations of Articles of War 58, 59, and 86, relating, respectively, to desertion, aiding or advising another to desert, and misbehavior of sentinels.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 3, 1942.

[No. 9048]

[F. R. Doc. 42-1065; Filed, February 4, 1942; 2:07 p. m.]

Rules, Regulations, Orders

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 210—FORM AND CONTENT OF FINANCIAL STATEMENTS, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934 AND INVESTMENT COMPANY ACT OF 1940

AMENDMENT NO. 6 TO REGULATION S–X

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 7 and 19 (a) thereof, the Securities Exchange Act of 1934, particularly sections 12, 13, 15 (d) and 23 (a) thereof, and the Investment Company Act of 1940, particularly sections 8, 30 and 38 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said Acts, hereby amends Part 210 [Regulation S–X] as follows:

I. Note 5 to § 210.12–16 [Rule 12–16] is amended by inserting immediately after the numeral "5" the following new sentence: "If the aggregate amount of rents and royalties is not significant, a statement to that effect will suffice."

As amended Note 5 to § 210.12–16 [Rule 12–16] reads as follows: "If the aggregate amount of rents and royalties is not significant, a statement to that effect will suffice. State rents and royalties separately if either amount is significant. If significant in amount, state the aggregate annual amounts of the rentals upon all real property now leased to the person and its subsidiaries for terms expiring more than three years after the date of filing and the number of such leases. If the rentals are conditional, state the minimum annual amount."

II. Section 210.5–04 [Rule 5–04] is amended by deleting therefrom the instruction as to *Schedule XVII, Income from dividends,* as presently set forth and by substituting the following instruction therefor:

§ 210.5–04 *What schedules are to be filed.*

* * * * *

Schedule XVII—Income from dividends; equity in net profit and loss of affiliates. The schedule prescribed by § 210.12–17 [Rule 12–17] shall be filed for each period for which a profit and loss statement is filed.

III. Section 210.6–04 [Rule 6–04] is amended by deleting therefrom the instructions as to *Schedule XIV, Income from dividends,* as presently set forth and by substituting the following instructions therefor:

§ 210.6–04 *What schedules are to be filed.*

* * * * *

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FEDERAL REGISTER

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Schedule XIV. Income from dividends equity in net profit and loss of affiliates. The schedule prescribed by § 210.12–17 [Rule 12–17] shall be filed for each period for which a profit and loss statement is filed. This schedule need not be filed, however, if all the information called for by § 210.12–17 [Rule 12–17] is included in the profit and loss or income statement.

IV. Section 210.12–17 [Rule 12–17], *Income from dividends,* is amended by adding to the descriptive caption thereof the following words, "; *equity in net profit and loss of affiliates.*"

As amended the section reads, § 210.12–17 *Income from dividends; equity in net profit and loss of affiliates.* • • •

Effective February 5, 1942.
By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42–1092; Filed, February 5, 1942; 11:49 a. m.]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

AMENDMENT NO. 7 TO THE INSTRUCTION BOOKS FOR FORMS 12–K AND 12A–K

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 13 and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, and necessary for the execution of the functions vested in it by the said Act, hereby amends paragraph 3 under the caption "Instructions as to Exhibits" in the Instruction Books for Forms 12–K and 12A–K to read as follows:

3. Notwithstanding the provisions of paragraph 1, above, any registrant filing a copy of Form A may, if it so desires, file a copy of Form A leaving blank any or all pages, schedules or items except the following:

Schedules 102; 103; 104A; 104B; 108; 109; 110; 200A; 200L; 200A (System); 200L (System); lines 40, 48, 56, 57, 58 and 59 of 211; 212; 214; 215; 216; 217; 218; 221; 251; 251A; 252; 261M; 261E; 261I; 110A; 261P; 263; 282; 283; 284; 285; 286; 286A; 295; 300I; 300P; 300D; 300I (System); 300P (System); 310; lines 110, 111, 112, 145, 146, 147, 158, 213, 218, 226, 228, 243, 245 and 246 of 320; 321; 350; 371; 371A; 383; 383A; 396; 411; 412; classes 800, 810, 820, 830, 840, 850, 710 and 860 of 541; Divisions 1, 2 and 801 of 561; 562; 563; 581; paragraphs 3 and 4 of 591; and verification.

If this privilege is exercised, all applicable instructions of the Interstate Commerce Commission should be followed in filling out the various schedules subject to the provisions of paragraph 4 below.

Effective February 5, 1942.
By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42–1093; Filed, February 5, 1942; 11:49 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER II—RAILROAD RETIREMENT BOARD

PART 260—APPEALS WITHIN THE BOARD

AMENDING SUBSECTIONS (d) AND (e) OF § 260.03 OF THE REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j), subsection (d) and the first sentence of subsection (e) of § 260.03 of the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477) are amended, effective immediately, by Board Order 42–61 dated January 29, 1942, to read as follows:

§ 260.03 *Final appeal from a decision of the Appeals Council.* • • • (d) Upon final appeal to the Board, the appellant shall not have the right to submit additional evidence: *Provided, however,* That, if upon final appeal to the Board, the Board finds that new or better evidence is available, the Board may obtain such evidence, in which event the appellant shall be advised with respect to such evidence and given an opportunity to submit rebuttal evidence and argument: *And provided further,* That in the event that pursuant to the preceding proviso material evidence is developed which tends to show facts contrary to those found by the Appeals Council, or, in the event that the appellant shows that he is ready to present further material evidence, which for good reason he was not able to present to the Appeals Council, the claim may be referred back to the Appeals Council. Thereupon the Appeals Council shall receive such new evidence as may be offered, develop new or better evidence if available, affording the appellant appropriate opportunity to submit rebuttal evidence and argument, include a transcript of all evidence in the record, and transmit the entire record to the Board together with its recommendation to the Board for final decision.

(e) The decision of the Board shall be made upon the record of evidence and argument which has been made in the handling of the case before final appeal to the Board, with such additions as may be made pursuant to this section. • • •

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON, *Secretary of the Board.*

FEBRUARY 4, 1942.

[F. R. Doc. 42–1081; Filed, February 5, 1942; 11:20 a. m.]

TITLE 21—FOOD AND DRUGS

CHAPTER I—FOOD AND DRUG ADMINISTRATION

[Docket No. FDC–35]

PART 2—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

"INSULIN" DEFINED

By virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 701 (a), 52 Stat. 1055, 21 U.S.C., Sup. V, 371 (a));

It is ordered, That the following general regulation be and it hereby is promulgated:

§ 2.1065 *Definition of term "insulin."* For the purposes of sections 502 (k) and 506 of the Act, the term "insulin" as used therein means the active principle of pancreas which affects the metabolism of carbohydrate in the animal body and which is of value in the treatment of diabetes mellitus. (Sec. 701 (a), 52 Stat. 1055, 21 U.S.C., Sup. V, 371 (a))

Such general regulation shall become effective immediately.

WATSON B. MILLER, *Acting Administrator.*

FEBRUARY 4, 1942.

[F. R. Doc. 42–1083; Filed, February 5, 1942; 11:17 a. m.]

[Docket No. FDC–35]

PART 144—CERTIFICATION OF BATCHES OF DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

By virtue of the authority vested in the Federal Security Administrator by provisions of section 506 of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1040, et seq., 21 U.S.C., Sup. V, 301, et seq., as amended by Public Law 366, 77th Cong., 1st Sess., Dec. 22, 1941);

It is ordered, That the following regulations be and they hereby are promulgated:

Sec.
144.1 Definitions and interpretations of terms.
144.2 Requests for certification; samples; storage; approvals preliminary to certification.
144.3 Certifications.
144.4 Conditions on the effectiveness of certificates.
144.5 Packaging.
144.6 Labeling
144.7 Distinguishing colors on packages.
144.8 Records of distribution.
144.9 Authority to refuse certification service.
144.10 Fees.
144.11 Standards of identity, strength, quality, and purity for protamine zinc insulin.
144.12 Tests and methods of assay.

§ 144.1 *Definitions and interpretations of terms.* For the purpose of the regulations in this part:

(a) The term "insulin" means the active principle of pancreas which affects the metabolism of carbohydrate in the animal body and which is of value in the treatment of diabetes mellitus.

(b) The term "insulin U. S. P." means the insulin injection recognized in the fourth supplement to the United States Pharmacopoeia, Eleventh Revision (Interim Revision Announcement No. 4 and addenda thereto).

(c) The term "protamine zinc insulin" means the insulin preparation described in § 144.11 of the regulations in this part.

(d) The term "master lot" means a quantity, which is purified and which has been mixed in one container so as to be homogeneous, of (1) a concentrated solution of insulin, or (2) the insulin-containing solids, in amorphous or crystalline form, derived from one or more such solutions.

(e) The term "batch" means a quantity of a drug, in labeled packages, of uniform composition and intended for administration without further change, in which the sole insulin-containing ingredient is a single dilution (which has been mixed in one container so as to be homogeneous) of (1) a single master lot or part thereof, or (2) a mixture of two or more master lots or parts thereof; except that such term means a portion of such quantity when certification of such portion is requested.

(f) The term "master lot mark" means an identifying mark or other identifying device assigned to a master lot by the manufacturer thereof.

(g) The term "batch mark" means an identifying mark or other identifying device assigned to a batch by the manufacturer thereof.

(h) The term "Commissioner" means the Commissioner of Food and Drugs.

(i) The functions and duties of the Commissioner under the regulations in this part may be exercised by such other responsible officials of the Food and Drug Administration as the Commissioner may designate for that purpose.

(j) The definitions and interpretations of terms contained in section 201 of the Act shall be applicable to such terms when used in the regulations in this part.*

*§§ 144.1 to 144.12, inclusive, issued under the authority contained in sec. 506, 52 Stat. 1040, et seq., 21 U.S.C., Sup. V, 301 et seq., as amended by Public Law 366, 77th Cong., 1st Sess., Dec. 22, 1941.

§ 144.2 *Requests for certification; samples; storage; approvals preliminary to certification.* (a) A request for certification of a batch shall be addressed to the Commissioner, Food and Drug Administration, Federal Security Agency, Washington, D. C. A request from a foreign manufacturer shall be signed by such manufacturer and by an agent of such manufacturer who resides in the United States.

(b) The initial request for certification submitted by any person shall be preceded or accompanied by a full statement of the facilities and controls used to maintain the identity, strength, quality, and purity of each batch, including a description of (1) the equipment, methods, and processes used in diluting master lots and parts thereof, and in maintaining the identity, strength, quality, and purity of master lots and dilutions therefrom; (2) the tests and assays made on master lots and mixtures thereof, on dilutions and batches therefrom, and on ingredients used in such dilutions and batches; and (3) the laboratory facilities used in such controls. Such initial request shall also be preceded or accompanied by the keys to the master lot marks and batch marks used by such person. When any change is made in any of such facilities or controls, or in any such key, the next request for certification thereafter shall be accompanied by a full statement of such change.

(c) A person who requests certification of a batch shall submit in connection with his request statements showing:

(1) The master lot mark of each master lot used or to be used wholly or partly as an ingredient or component of an ingredient of the batch;

(2) The quantity of each such master lot so used;

(3) The original quantity of each such master lot (unless such information has been previously submitted);

(4) The quantity of the batch; and

(5) The batch mark.

(d) Except as otherwise provided in paragraphs (g) and (h) of this section, a person who requests certification of a batch shall submit in connection with his request and in the quantities hereinafter indicated, accurately representative samples of the following:

(1) The single master lot or the mixture of two or more master lots or parts thereof, to be used as an ingredient of the batch; in a quantity containing approximately 10,000 U. S. P. units of insulin.

(2) A trial dilution from such master lot or mixture, which dilution conforms to the standards of identity, strength, quality, and purity for insulin U. S. P., containing 20 U. S. P. units or 40 U. S. P. units of insulin per cubic centimeter; in a quantity containing approximately 10,000 U. S. P. units of insulin.

(3) If the batch is to be insulin U. S. P., the bulk dilution from such master lot or mixture, which dilution, without further change, is intended to be filled into the containers of the finished batch; in a quantity containing approximately 2,500 U. S. P. units of insulin.

(4) If the batch is to be protamine zinc insulin, the bulk dilution from such master lot or mixture, containing protamine, zinc chloride, glycerin, and phenol or cresol, which dilution is the sole insulin-containing ingredient intended to be filled into the containers of the finished batch, and which is intended to be so filled without further change; in a quantity containing approximately 2,500 U. S. P. units of insulin.

(5) If the batch is to be protamine zinc insulin, the lot of protamine used as an ingredient of the bulk dilution referred to in subparagraph (4) of this paragraph; in a quantity of approximately 2 grams.

(6) If the batch is to be protamine zinc insulin, the buffer solution which, without further change, is intended to be filled into the containers of the finished batch; in a quantity not less in volume than the volume of the sample submitted pursuant to subparagraph (4) of this paragraph.

(7) If the batch is to be protamine zinc insulin, a trial mixture of the bulk dilution and the buffer solution referred to in subparagraphs (4) and (6) of this paragraph, which mixture is intended to be accurately representative of the mixture which will constitute the finished batch; in a quantity containing approximately 2,500 U. S. P. units of insulin.

(8) The finished batch; in a quantity not less than 5 packages.

(e) Except as otherwise provided by paragraphs (g) and (h) of this section, a person who requests certification shall submit in connection with his request results of the tests and assays listed after each of the following materials, made by him on a sample of such material:

(1) The master lot or mixture, referred to in paragraph (d) (1) of this section: ash, nitrogen, potency, reaction, sterility, and zinc, if such master lot or mixture is a solution; ash, moisture, nitrogen, potency, and zinc, if such master lot or mixture is a solid.

(2) A trial dilution from such master lot or mixture, of the potency of the trial dilution referred to in paragraph (d) (2) of this section: ash, nitrogen, reaction, potency, and zinc.

(3) If the batch is to be insulin U. S. P., the bulk dilution referred to in paragraph (d) (3) of this section: ash, nitrogen, reaction, sterility, and zinc.

(4) If the batch is to be protamine zinc insulin, the bulk dilution referred to in paragraph (d) (4) of this section: nitrogen, reaction, sterility, and zinc.

(5) If the batch is to be protamine zinc insulin, the protamine referred to in paragraph (d) (5) of this section: moisture, nitrogen, and sulfate.

(6) If the batch is to be protamine zinc insulin, the buffer solution referred to in paragraph (d) (6) of this section: sterility.

(7) If the batch is to be protamine zinc insulin, the trial mixture referred to in paragraph (d) (7) of this section: nitrogen, reaction, zinc, and biological reactions (by the tests prescribed in § 144.12 (b) or (c), and (d), except that, if the batch is to be of 80 unit strength, the test prescribed in § 144.12 (b) may be made, in lieu of the test prescribed in § 144.12 (c), on a trial mixture of 40 unit strength prepared from the same materials and in the same manner, except for adjustment of reaction of the buffer solution, as such 80 unit batch is to be made).

(8) The finished batch: nitrogen, reaction, sterility, zinc, and if the batch is insulin U. S. P., ash.

(f) The results of tests and assays for the following shall be reported in the terms indicated:

Ash—milligrams per 1,000 U. S. P. units of insulin.

Moisture—percent by weight.

Nitrogen (except in protamine)—milligrams per cubic centimeter in the cases of solutions and suspensions, and percent by weight in the case of solids.

Nitrogen in protamine—percent by weight, calculated to a moisture-free basis.

Potency—U. S. P. units of insulin per cubic centimeter.

Reaction—hydrogen ion concentration (pH).

Sulfate—percent by weight, as SO_4, calculated to a moisture-free basis.

Zinc—milligrams per cubic centimeter in the cases of solutions and suspensions and percent by weight in the case of solids.

(g) (1) No sample referred to in paragraph (d) (1) to (7) of this section, inclusive, and no result referred to in paragraph (e) (1) to (7) of this section, inclusive, is required if such sample or result has been submitted in connection with a previous request for certification.

(2) Each sample submitted pursuant to this section shall be so packaged as to maintain its representative character, and in the case of any solution or suspension, shall be collected and packaged under aseptic conditions. Each package shall be clearly identified as to its contents and shall bear the name and post office address of the person submitting the request.

(3) The packages constituting the samples submitted pursuant to paragraph (d) (8) of this section shall be collected at such intervals that the quantities packaged between collections are approximately equal and that the collections cover the entire period of packaging.

(4) Each sample submitted pursuant to paragraph (d) (2), (3), (4), (6), (7), and (8) of this section shall be accompanied by a statement showing the identity, quality, and quantity of each substance used as an ingredient or as a component of an ingredient in the material from which such sample was taken.

(5) If the tests and assays, results of which are submitted pursuant to paragraph (e) (2) of this section, were not made on the same trial dilution as that from which the sample submitted pursuant to paragraph (d) (2) of this section was taken, such sample shall be accompanied by a statement showing the identity, quality, and quantity of each substance used as an ingredient or as a component of an ingredient of the trial dilution on which such tests and assays were made.

(6) The value for each of the components ash, nitrogen, and zinc submitted pursuant to subparagraphs (1), (2), and (3) of paragraph (e) may be calculated from the result of a test therefor submitted pursuant to either subparagraph (1) or (2) of such paragraph. The result on potency required under subparagraph (1) of such paragraph may be calculated from the result of an assay therefor submitted pursuant to subparagraph (2) of such paragraph. The value for each of the components nitrogen and zinc, to the extent required under subparagraphs (4), (7), and (8) of such paragraph, may be calculated from the result of a test therefor submitted pursuant to either subparagraph (4) or (7) of such paragraph. The value for each of the components ash, nitrogen, and zinc required under subparagraph (8) of such paragraph may, if the batch is insulin U. S. P., be calculated from the result of a test therefor submitted pursuant to subparagraph (1), (2), or (3) of such paragraph. Each calculated value shall be indicated as such.

(7) The information required under paragraph (c) (1), (2), and (3) of this section, and the samples and results of tests and assays required under paragraphs (d) (1) and (2) and (e) (1) and (2) of this section should be submitted before submission of the samples and results required in paragraphs (d) (3) to (7) of this section, inclusive, and (e) (3) to (7) of this section, inclusive; and the samples and results required under paragraphs (d) (3) to (7), inclusive, and (e) (3) to (7), inclusive, should be submitted before submission of the information, samples, and results required under paragraphs (c) (4) and (5), (d) (8), and (e) (8) of this section. All information, including results of tests and assays (except results of tests for sterility), required under this section should be submitted at the same time as the samples to which they relate are submitted.

(h) The person who requests certification shall submit such information additional to that submitted pursuant to paragraphs (b), (c), (e), and (g) of this section, such additional samples of any substance referred to in paragraph (d) of this section, and such samples of any other substance used or to be used as an ingredient or as a component of an ingredient in the batch, as the Commissioner may require for the purpose of investigations to determine whether or not such batch complies with the requirements set forth by § 144.2 for the issuance of a certificate.

(i) After a sample required by paragraph (d) of this section is taken from any master lot or mixture of parts of two or more master lots, such master lot or master lots and all parts thereof, and all dilutions and batches and all parts thereof in which any such master lot is used as an ingredient or as a component of an ingredient, shall be stored at the establishment where manufactured until used up or shipped or otherwise delivered, at a temperature above freezing but not above 15° C. (59° F.), and under such other conditions as prevent, so far as practicable, any change in composition; except that master lots and parts thereof which are solids may be stored at ordinary room temperatures.

(j) As promptly as practicable after the samples submitted pursuant to paragraph (d) (1) and (2) of this section, and any other material or information relative thereto that may be required under this section, are received by the Commissioner, he shall notify the person who submitted such samples of his approval or refusal to approve the use of the master lot or mixture for the making of bulk dilutions. In case of a refusal to approve, the Commissioner shall state his reasons therefor.

(k) In like manner, the Commissioner shall notify the person who submits samples pursuant to paragraph (d) (3) to (7) of this section, inclusive, of his approval or refusal to approve the use of the materials represented by such samples in completing the manufacture of the batch. In case of a refusal to approve, the Commissioner shall state his reasons therefor.

(l) If, under the provisions of paragraph (j) or (k) of this section, the Commissioner has refused to approve any material for use in a subsequent operation, he shall examine no other sample required hereunder which includes such material as an ingredient or component of an ingredient, unless and until the person requesting certification makes an adequate showing that the cause for such refusal no longer exists.*

§ 144.3 *Certifications.* (a) If it appears to the Commissioner, after such investigation as he considers necessary, that:

(1) The information, including results of tests and assays, and the samples, required by or pursuant to § 144.2 have been submitted and such information contains no untrue statement of a material fact;

(2) The batch complies with these regulations and conforms to the standards of identity, strength, quality, and purity for insulin U. S. P. or for protamine zinc insulin;

the Commissioner shall certify that such batch is safe and efficacious for use, subject to such conditions on the effectiveness of such certifications as are set forth in § 144.4, and shall issue to the person who requested it a certificate to that effect.

(b) If the Commissioner determines, after such investigation as he considers to be necessary, that the information submitted pursuant to § 144.2, or the batch covered by such request, does not comply with the requirements set forth in paragraph (a) of this section for the issuance of a certificate, the Commissioner shall refuse to certify such batch and shall give notice thereof to the person who requested certification, stating his reasons for refusal.

(c) For the purposes of his investigations under the authority of this section, the Commissioner may accept, when he is satisfied as to the completeness and accuracy thereof, the results of any tests or assays made by the control laboratory of the Insulin Committee of the University of Toronto, pursuant to a licensing agreement entered into prior to the date of enactment of Public Law 366, 77th Cong., 1st Sess. (1941).*

§ 144.4 *Conditions on the effectiveness of certificates.* (a) A certificate shall not become effective:

(1) if it is obtained through fraud, or through misrepresentation or concealment of a material fact;

(2) with respect to any package unless its immediate container complies with the requirements of § 144.5 and such package has been so sealed that its contents cannot be used without destroying such package or seal; or

(3) with respect to any package unless its label and labeling bear all words, statements, and other information, and are distinguished by the color or colors, required by §§ 144.6 and 144.7.

(b) A certificate shall cease to be effective:

(1) with respect to any package of insulin U. S. P., 2 years after such package is removed from the storage required by § 144.2 (l);

(2) with respect to any package of protamine zinc insulin, 18 months after the immediate container therein was filled, but in no case shall a certificate remain effective with respect to any package more than 12 months after it is removed from the storage required by § 144.2 (l):

(3) with respect to any package, when such package or the seal thereof or the immediate container therein is broken, or when its label or labeling ceases to conform to any requirement of §§ 144.6 or 144.7; or

(4) with respect to any package when the drug therein so changes that it fails to meet the standards of identity, strength, quality, and purity upon the basis of which the batch was certified; except that those minor changes in potency (not exceeding 10 percent from the potency stated on the label, in the case of insulin U. S. P.) which occur before the expiration date, and which are normal and unavoidable in good storage and distribution practice, shall be disregarded.*

§ 144.5 *Packaging.* Each batch shall be packaged in immediate containers of colorless transparent glass. Such containers shall be closed with a substance through which successive doses may be withdrawn by hypodermic needle without removing the closure or destroying its effectiveness. The containers and closures shall be sterile at the time the containers are filled and closed. The composition of the containers and closures shall be such as will not cause any change in the strength, quality, or purity of the contents beyond any limit therefor prescribed in applicable standards of strength, quality, and purity.*

§ 144.6 *Labeling.* Each package from a batch that has been certified in accordance with the regulations in this part shall bear, on its label or labeling as hereinafter indicated; the following:

(a) On the outside wrapper or container and the immediate container of the retail package—

(1) the batch mark of such batch; and

(2) the strength of the drug in terms of U. S. P. units of insulin per cubic centimeter.

(b) On the outside container or wrapper of the retail package—

(1) the statement "Expiration date _____", the blank being filled in with the date on which the certificate applicable to such batch expires with respect to such package, as provided in § 144.4 (b) (1) or (2); and

(2) the statement "Keep in a cold place; avoid freezing".

(c) On the circular or other labeling of the retail package—

(1) a statement that the treatment of diabetes mellitus is an individual problem and that the use of the drug, the time of its administration, the number of daily doses and the quantity of each, as well as diet and exercise, are problems which require direct and continuous medical supervision;

(2) a statement explaining that the volume of the dose depends on the number of units of insulin per cubic centimeter stated on the label, and that the patient should understand the meaning of the volume markings on the syringe;

(3) a description of a practicable method for sterilizing the needle and syringe before use;

(4) a description of the technique of withdrawal from the vial and the use of an antiseptic on the stopper, and a caution against removal of the stopper;

(5) a description of the technique for cleansing, and the use of an antiseptic on, the site of injection;

(6) a statement that failure to comply with the techniques described in paragraphs (3), (4), and (5) of this section may lead to infection of the patient;

(7) a statement that injection should be subcutaneous, at a different site from that of the preceding injection, and a caution against intravenous or intramuscular use;

(8) an explanation of hypoglycemia and its relation to over-dosage, omission of meals, illness, and infection;

(9) a statement of the significance of sugar in the urine and of the necessity of tests therefor; and

(10) a caution against use after the expiration date shown on the outside wrapper or container.

(d) On the circular or other labeling of the retail package, if the batch is insulin U. S. P. (in addition to the information required by paragraphs (a), (b), and (c) of this section), a caution against use if the drug has become viscous or if its color has become other than water clear.

(e) On the outside wrapper or container and the immediate container of the retail package, if the batch is protamine zinc insulin (in addition to the information required by paragraphs (a), (b), and (c) of this section), the statement "Shake carefully", or "Shake well before using", or "Shake well".

(f) On the circular or other labeling of the retail package, if the batch is protamine zinc insulin (in addition to the information required by paragraphs (a), (b), (c), and (e) of this section)—

(1) an explanation of the difference, as compared with insulin U. S. P., in onset of action, duration, and the time and frequency of administration;

(2) a caution that it is not to be substituted for insulin U. S. P., except on the advice and direction of a physician;

(3) a statement that a uniform suspension of the preparation is necessary and is brought about by careful shaking before use;

(4) a caution against use when the precipitate has become lumped or granular in appearance or has formed a deposit of solid particles on the wall of the container.*

§ 144.7 *Distinguishing colors on packages.* (a) The outside containers or wrappers of the packages, and the labels on the immediate containers, of each strength of insulin U. S. P. shall be distinguished by the following color:

Yellow, if it contains 20 U. S. P. units of insulin per cubic centimeter;

Red, if it contains 40 U. S. P. units of insulin per cubic centimeter;

Green, if it contains 80 U. S. P. units of insulin per cubic centimeter;

Orange, if it contains 100 U. S. P. units of insulin per cubic centimeter.

But if the master lot used was in crystalline form, the distinguishing colors, instead of those prescribed above, may be the following:

Blue and gray, or blue, gray, and yellow, if it contains 20 U. S. P. units of insulin per cubic centimeter;

Red and gray, if it contains 40 U. S. P. units of insulin per cubic centimeter;

Green and gray, if it contains 80 U. S. P. units of insulin per cubic centimeter.

(b) The outside containers or wrappers of the packages, and the labels on the immediate containers, of each strength of protamine zinc insulin shall be distinguished by the following colors:

Red and white, if it contains 40 U. S. P. units of insulin per cubic centimeter;

Green and white, if it contains 80 U. S. P. units of insulin per cubic centimeter.*

§ 144.8 *Records of distribution.* (a) The person to whom a certificate is issued shall keep complete records showing each shipment and other delivery (including exports) of each batch or part thereof, by the person requesting certification, and showing each such shipment and delivery into, or from any place in, any state or territory, made by any person subject to his control, including records showing the date and quantity of each such shipment and delivery and the name and post office address of the person to whom such shipment or delivery was made.

(b) Upon the request of any officer or employee of the Food and Drug Administration or of any other officer or employee of the United States, acting on behalf of the Administrator, the person to whom a certificate is issued, at all reasonable hours within three years after disposal of all the batch covered by such certificate, shall make such records available to any such officer or employee, and shall accord to such officer or employee full opportunity to make inventory of stocks of such batch on hand and otherwise to check the correctness of such records.*

§ 144.9 *Authority to refuse certification service.* When the Administrator finds, after giving notice and opportunity for hearing, that a person has:

(a) Obtained or attempted to obtain a certificate through fraud, or through misrepresentation or concealment of a material fact;

(b) Falsified the records required to be kept by § 144.8; or

(c) Failed to keep such records or to make them available, or to accord full opportunity to make an inventory of stocks on hand or otherwise to check the correctness of such records, as required by such section,

the Administrator may immediately suspend service to such person under these regulations and may continue such suspension unless and until such person shows adequate cause why such suspension should be terminated.*

§ 144.10 *Fees.* (a) Fees for the services rendered under the regulations in this part shall be such as are necessary to provide, equip, and maintain an adequate certification service.

(b) Each request for certification submitted, or the initial sample or samples submitted in connection therewith pursuant to § 144.2 (d), whichever is sent first to the Commissioner, shall be accompanied by an advance deposit of $100 to cover the fee; except, that, if the results of an assay made for potency on a sample of a trial dilution by the laboratory referred to in § 144.3 (c) are not submitted and are not to be submitted, such advance deposit shall be $1,000.

(c) Each sample of trial mixture submitted pursuant to § 144.2 (d) (7) shall be accompanied by an advance deposit of $350 to cover the fee, unless the results of the tests for biological reactions made by the laboratory referred to in § 144.3 (c), are submitted or are to be submitted.

(d) Whenever necessary to prevent arrears in payment of the fee, such additional advance deposits covering such fee shall be made as the Commissioner estimates to be necessary to prevent arrears in payment thereof.

(e) Advance deposits made pursuant to paragraphs (b), (c), and (d) of this section shall be charged with the fee for the service rendered. If the total of such advance deposits made by any person exceeds the fee for service to such person, the excess shall be returned to such person upon the completion of such service.

(f) All advance deposits required by these regulations shall be paid by money order, bank draft, or certified check drawn to the order of the Treasurer of the United States, collectible at par, at Washington, D. C.

(g) All earned fees shall be deposited in the Treasury of the United States to the credit of Miscellaneous Receipts, Federal Security Agency.*

§ 144.11 *Standards of identity, strength, quality, and purity for protamine zinc insulin.* Protamine zinc insulin is a preparation, in a buffered medium, of insulin modified by the addition of protamine and zinc chloride. The quantity of insulin used is such that each cubic centimeter of the finished preparation, when the precipitate therein is brought into uniform suspension, contains either 40 or 80 U. S. P. units of insulin. The quantity of protamine used is such that the concentration of insulin in each cubic centimeter of the supernatant liquid, obtained by centrifuging the preparation, is not more than 1 U. S. P. unit for the 40 unit preparation and not more than 1.5 U. S. P. units for the 80 unit preparation; but in no case is the quantity of protamine used (calculated to a moisture-free basis) less than 1.0 milligram or more than 1.5 milligrams for each 100 U. S. P. units of insulin used. The preparation also contains, for each 100 U. S. P. units of insulin used, not less than 0.20 milligram and not more than 0.25 milligram zinc, and not more than 1.25 milligrams total nitrogen. Disodium phosphate (calculated as Na_2HPO_4) is used in a quantity not less than 0.15 percent and not more than 0.25 percent (w/v). The pH of the finished preparation is not less than 7.1 and not more than 7.4. If necessary, either hydrochloric acid or sodium hydroxide may be added to attain the required pH. The finished preparation also contains not less than 1.40 percent and not more than 1.80 percent (w/v) glycerin U. S. P., and either cresol U. S. P. in a quantity not less than 0.18 percent and not more than 0.22 percent (w/v) or phenol U. S. P. in a quantity not less than 0.22 percent and not more than 0.28 percent (w/v). The preparation is sterile. The protamine used is prepared from the sperm or mature testes of fish belonging to the family *Salmonidae*, genus *Oncorhynchus*, *Salmo*, or *Trutta*. When protamine is dried to constant weight at 100° C. its total nitrogen content is not less than 22.5 percent and not more than 25.5 percent, and its sulfate content, calculated as SO_4, is not less than 16 percent and not more than 19 percent.*

§ 144.12 *Tests and methods of assay.* The following tests and methods of assay are prescribed for the purposes of the regulations in this part: (All reagents specified herein shall be of U. S. P. quality or better.)

(a) *Tests and methods of assay for insulin U. S. P.* The tests and methods of assay for insulin U. S. P. shall be those set forth therefor in the United States Pharmacopoeia.

(b) *Biological reaction for protamine zinc insulin containing 40 U. S. P. units of insulin per cubic centimeter.* The rate, amount, and duration of effect in lowering the blood sugar of rabbits by protamine zinc insulin is determined by comparing the average blood sugar concentrations at various intervals during not less than an 11-hour observation period following the administration of protamine zinc insulin subcutaneously into rabbits, with the average blood sugar concentrations similarly obtained by administration of protamine zinc insulin reference material prepared as hereinafter set forth.

(1) *Protamine zinc insulin reference material.* Prepare the protamine zinc insulin reference material to contain 40 U. S. P. units of insulin per cubic centimeter from the following component solutions (or solutions of the same proportionate composition per cubic centimeter) by adding, with gentle shaking, to a suitable volume of Solution 4, accurately measured at room temperature, an equal volume of Solution 2. Test the reaction and if it is not within the limits of pH 7.1 to pH 7.4 discard and prepare a new mixture using a freshly prepared sample of Solution 2 in which the hydrogen ion concentration has been suitably adjusted by the addition of a solution of either sodium hydroxide or hydrochloric acid. Store in a refrigerator and do not use until at least 2 days, and in no event more than 6 months, have elapsed after preparation.

The solutions referred to above are:

Solution 1. Dissolve 0.183 gram zinc oxide in 60 cubic centimeters of approximately tenth-normal hydrochloric acid. Add 16 grams glycerin, 2.5 grams phenol (or 2 grams cresol), and sufficient distilled water to make the final volume 1,000 cubic centimeters.

Solution 2. Dissolve 4 grams disodium phosphate (calculated as Na_2HPO_4), 16 grams glycerin, and 2.5 grams phenol (or 2 grams cresol) in sufficient distilled water to make the final volume 1,000 cubic centimeters. Adjust the reaction, if necessary, as directed above.

Solution 3. Dissolve in Solution 1, in the proportion of 1 milligram per cubic centimeter, not less than 100 milligrams of the reference protamine provided for in paragraph (1). Preserve this solution in a cold place and do not use after 6 months from the time of preparation.

Solution 4. Weigh accurately a suitable quantity of U. S. P. Zinc-Insulin Crystals Reference Standard and dissolve in a sufficient quantity of Solution 3 to yield a concentration of 80 U. S. P. units of insulin per cubic centimeter. If necessary add 1 drop of dilute hydrochloric acid to effect complete solution. Store this solution in a refrigerator and do not use after 3 months from the time of preparation.

(2) *Test animal.* The test animal shall be the same as that described in the United States Pharmacopoeia for the assay of insulin U. S. P.

(3) *Volume of the protamine zinc insulin reference material to be injected.* The volume of the preparation to be injected shall be determined as described in the United States Pharmacopoeia for the assay of insulin U. S. P.

(4) *Conduct of the test.* Divide the animals into 2 similar groups of approximately equal numbers. With the rabbits in individual cages, withhold all food, except water, approximately 24 hours before the test. Weigh the rabbits within about two hours before beginning the test and thereafter withhold water until the final sample of blood has been taken. Handle the rabbits with such care as to avoid exciting them unduly. Obtain for the determination of the initial blood sugar concentration slightly more than 1 cubic centimeter of blood from a small incision in the marginal ear vein. Collect the blood in a suitable vessel containing about 3 milligrams of potassium or sodium oxalate. After obtaining this sample of blood, inject subcutaneously, without dilution, into the rabbits of one group the appropriate dose (determined as directed in subparagraph (3) of this paragraph) of protamine zinc insulin reference material and into the rabbits of the other group the same volume of the preparation to be tested. In the same manner as for the determination of the initial blood sugar concentration, obtain at least 4 samples of blood (in addition to the initial sample) from each rabbit at intervals of 2 to 3 hours, over a period of not less than 11 hours after the injection. Determine the blood sugar concentration in each sample of blood. About 1 week later inject the preparation being tested into each rabbit of the group which received the protamine zinc insulin reference material; in a similar manner inject the protamine zinc insulin reference material into each rabbit of the group which received the preparation being tested. Obtain samples of blood in the same manner as described above and determine the concentration of sugar in each of them. The volume of each injection of the protamine zinc insulin reference material and of the preparation being tested shall be the same for each rabbit. Results on a total of not less than 30 rabbits shall constitute a test.

(5) *Blood sugar determination.* The method shall be that described for the assay of insulin U. S. P.

(6) *Interpretation of the data.* The index of the relative effect at each bleeding time of the preparation being tested compared with that of the protamine zinc insulin reference material is calculated from the formula:

$$\text{Index at time } x = \frac{\text{Average blood sugar concentration obtained at time } x \text{ by the protamine zinc insulin reference material}}{\text{Average blood sugar concentration obtained at time } x \text{ by the preparation being tested}}$$

The preparation tested is satisfactory if the index for each bleeding time except the last is between 0.92 and 1.08 and the average of all the indexes is between 0.95 and 1.05.

(c) *Biological reaction for protamine zinc insulin containing 80 U. S. P. units of insulin per cubic centimeter.* Protamine zinc insulin containing 80 U. S. P. units of insulin per cubic centimeter is tested according to the method prescribed in paragraph (b) of this section for the assay of protamine zinc insulin containing 40 U. S. P. units of insulin per cubic centimeter, except that:

(1) The protamine zinc insulin reference material is so prepared as to contain 80 U. S. P. units of insulin per cubic centimeter with zinc and protamine in the same relative proportions per unit of insulin as specified for the protamine zinc insulin reference material in paragraph (b) of this section; and

(2) In the interpretation of the data the index for each bleeding time other than the last is between 0.85 and 1.15 and the average of the indexes is between 0.90 and 1.10.

(d) *Biological reaction for the activity of the supernatant liquid.* Centrifuge the protamine zinc insulin under test and remove a sample of the clear supernatant liquid.

(1) *Standard solution.* The standard solution is the same as that described in the United States Pharmacopoeia for the assay of insulin U. S. P.

(2) *Diluent for standard solution and supernatant liquid.* Prepare a diluent, using distilled water, containing not less than 0.10 percent and not more than 0.25 percent (w/v) phenol or cresol, not less than 1.40 percent and not more than 1.80 percent (w/v) glycerin, and hydrochloric acid in such quantity that the pH of the finished solution is not less than 2.5 and not more than 3.5.

(3) *Dilution of the standard solution.* Dilute the standard solution with the diluent specified in subparagraph (2) so that 0.25 cubic centimeter of the standard solution so diluted will cause convulsions in approximately 50 percent of the test animals, but in no case in less than 30 percent or more than 75 percent of the test animals.

(4) *Dilution of the supernatant liquid.* Dilute the sample of the supernatant with the diluent specified in subparagraph (2). On the assumption that 1 cubic centimeter of the sample of the supernatant liquid contains 1 U. S. P. unit of insulin for the 40 unit preparation and 1.5 U. S. P. units of insulin for the 80 unit preparation, make the dilution of the supernatant liquid such that the final concentration of insulin therein is the same as the concentration of insulin in the dilution of the standard solution.

(5) *Test animal.* Select for test purposes healthy white mice weighing not less than 17 grams, and not more than 21 grams and otherwise suitable. Withhold all food, except water, for at least 5 hours before the test. Divide the mice into 2 groups and identify by an appropriate mark all the mice of one group.

(6) *Conduct of the test.* Inject subcutaneously 0.25 cubic centimeter of the dilution of the standard solution into each mouse of one group and 0.25 cubic centimeter of the dilution of the supernatant liquid being tested into each mouse of the other group. Inject a total of not less than 100 mice with each dilution. Upon injection place the mice in containers, suitably ventilated and maintained at a uniform temperature of not less than 32° C. and not more than 38° C., so that each container will have an equal number of mice from each group. During the test the temperature should not fluctuate more than plus or minus 1° C. Observe all the mice for the same length of time, but not less than 60 minutes and not more than 90 minutes after injection. Record the number which are in collapse or show convulsions.

(7) *Interpretation of results.* When the number of mice in which collapse or convulsions are observed following the injection of the dilution of the supernatant liquid being tested does not exceed the number of mice in which collapse or convulsions occurred following the injection of the dilution of the standard solution, the preparation is considered as complying with the requirements of § 144.11 with respect to the insulin content of the supernatant liquid.

(e) *Identification of protamine zinc insulin.* Acidify protamine zinc insulin so that the pH is not less than 2.5 and not more than 3.5. The precipitate dissolves giving a clear colorless liquid. Using this liquid proceed as directed in the United States Pharmacopoeia for the identification of insulin U. S. P.

(f) (1) *Sterility of protamine zinc insulin.* Use one of the following media:

(i) *Fluid thioglycollate medium (Brewer).* Prepare broth base from the following ingredients, in the proportions indicated:

	Grams
Ground fresh beef (freed of fat)	500
Sodium chloride	5
Dipotassium phosphate (K_2HPO_4, anhydrous)	2
Peptone	10
	Cubic centimeters
Distilled water	1,000

Mix the ground meat thoroughly in the distilled water and allow to stand at 5° C. for 24 hours. Collect the liquid by straining through cloth and heat it for one hour in flowing steam, then for 30 minutes at not less than 15 pounds pressure (121° C.). Filter while hot through moistened filter paper and make up to the original volume with distilled water. Add the remaining ingredients and stir until solution is completed. So adjust the reaction with sodium hydroxide solution that the pH of the completed broth base is 7.5. Heat in flowing steam for 30 minutes and clear by filtration. If the broth base is to be stored, it is then sterilized at not less than 15 pounds pressure (121° C.) for not less than 20 minutes.

To 1000 cubic centimeters of this broth base add the following ingredients:

	Grams
Dextrose (anhydrous)	10.0
Sodium thioglycollate	1.0
Agar (less than 15 percent moisture by weight)	.5
	Cubic centimeter
Methylene blue (certified by Commission on Standardization of Biological Stains), 0.2 percent solution	1.0

Add the agar to the broth base, mix well, and dissolve by heating gradually to the boiling point. Cool to approximately 80° C. and add the remaining ingredients. Stir until solution is completed and ingredients are uniformly distributed. So adjust the reaction with sodium hydroxide solution that the pH of the completed and sterile medium is not less than 7.4 and not more than 7.6.

(ii) *Fluid thioglycollate medium (Linden).* Prepare this medium from the following ingredients, in the proportions indicated:

	Grams
Peptone	20.0
Dextrose (anhydrous)	5.0
Yeast extract (dehydrated)	5.0
Sodium thioglycollate	1.0
Sodium chloride	5.0
Agar (less than 15 percent moisture by weight)	.5
Dipotassium phosphate (K_2HPO_4, anhydrous)	2.5
	Cubic centimeters
Distilled water	1,000.0
Methylene blue (certified by Commission on Standardization of Biological Stains), 0.2 percent solution	1.0

Dissolve the agar in half the volume of distilled water by boiling or heating in flowing steam. Dissolve the remaining ingredients, except the methylene blue, in the remaining water with the aid of heat and mix the two solutions. So adjust the reaction with sodium hydroxide solution that the pH of the completed and sterile medium is not less than 7.4 and not more than 7.6. Filter clear while hot and add the methylene blue solution.

(iii) *Dehydrated media.* Any medium prepared from dehydrated materials which, when it is reconstituted for use, has growth-promoting, buffering, and oxygen tension controlling properties at least equal to those of either of the above media.

(iv) In the preparation of any of the foregoing media avoid all contamination with calcium. Do not use sodium thioglycollate which is yellow or yellowish-brown or has an abnormal odor.

(2) *Conduct of the test.* Using straight-walled, slender tubes of appropriate size, place in each, 15 cubic centimeters of the medium to be used for the sterility test and sterilize in an autoclave at not less than 15 pounds pressure (121° C.) for not less than 20 minutes. Test tubes 150 by 20 millimeters are satisfactory for this purpose.

After removal of the tubes from the autoclave, allow to cool to below 25° C. in order to set the agar. Store, protected from excessive light, at a temperature of not less than 15° C. and not tected from excessive light, at a temperatures increases absorption of atmospheric oxygen). If more than 20 percent of the uppermost portion of the medium has changed to a green color, it is not suitable for use. Under such circumstance one reheating in flowing steam to drive off the absorbed oxygen is permissible.

Test each lot of medium for its growth-promoting qualities by a trial run. Discard the medium unless it supports growth when inoculated with 1 cubic centimeter of a 1:100,000 dilution of a 24-hour broth culture of *Clostridium novyi* and also when inoculated with 1 cubic centimeter of a 1:100,000 dilution of a 24-hour broth culture of *Escherichia coli*.

Test sterility of protamine zinc insulin injection by inoculating 1 cubic centimeter thereof into each tube of medium used, under strict aseptic precautions. Incubate all tubes at 37° C. for seven days and examine on the second, fourth, and seventh days after inoculation. Agitate only after 48 hours' incubation to insure initial anaerobiosis. If at the end of the seven days 50 percent or more of the medium in any tube has changed from the color of the fresh medium to a green color, discard the test.

(g) *Sulfate in protamine*—(1) *Conduct of test.* Weigh accurately about 10 milligrams of protamine into a small casserole or beaker, add 0.2 cubic centimeter of normal sodium hydroxide and evaporate carefully to dryness. Heat over a flame until a grayish-white ash results. Dissolve the ash in 1 cubic centimeter of tenth-normal hydrochloric acid, transfer quantitatively to a 50-cubic centimeter calibrated centrifuge tube, neutralize to litmus and make the volume to 10 cubic centimeters with distilled water.

To the neutral solution add 2 cubic centimeters of benzidine test solution, referred to in subparagraph (2) of this paragraph, and 4 cubic centimeters of 95 percent (w/v) solution of acetone in distilled water. Allow to stand for 10 minutes and centrifuge for not less than 15 minutes at approximately 3,000 revolutions per minute. Carefully remove the supernatant fluid by means of a pipette having a very small opening at the tip. Wash the precipitate twice, using 10 cubic centimeters of 95 percent acetone for each washing. Carefully remove the supernatant acetone and place the tube in a boiling water bath until the odor of acetone disappears. Suspend the precipitate with 10 cubic centimeters of distilled water, introduce 1 drop of phenolphthalein test solution U. S. P. and titrate while hot with fiftieth-normal sodium hydroxide to the first faint permanent pink, observing carefully whether all particles of the benzidine sulfate precipitate have dissolved and, if not, reheating to bring the last traces into solution. Use a burette graduated in divisions of not more than 0.05 cubic centimeter so that readings can be estimated to 0.01 cubic centimeter.

Each cubic centimeter of fiftieth-normal sodium hydroxide is equivalent to 0.960 milligram of sulfate (SO_4). Calculate the results to a moisture-free basis.

(2) *Reagent.* Benzidine test solution. Dissolve 4 grams of benzidine in 45 cubic centimeters of normal hydrochloric acid and dilute to 250 cubic centimeters with distilled water. Before use, remove by filtration through ash-free filter paper any brown residue present.

(h) *Sulfate in protamine zinc insulin.* Place an accurately measured quantity of 5 to 10 cubic centimeters of well mixed protamine zinc insulin in a small casserole or beaker. Add 0.2 cubic centimeter of normal sodium hydroxide and evaporate carefully to dryness. Heat over a flame until a grayish-white ash results. Dissolve the ash in 1 cubic centimeter of tenth-normal hydrochloric acid, transfer quantitatively to a 25-cubic centimeter volumetric flask and add concentrated ammonium hydroxide dropwise until the solution is faintly pink, and then introduce 5 cubic centimeters of 5 percent (w/v) solution of ammonium chloride in distilled water. Fill the flask to the mark with distilled water, mix and pour the liquid into a dry Erlenmeyer flask containing approximately 0.65 gram of finely powdered basic magnesium carbonate. Shake for one minute and transfer to a 9-centimeter filter paper, fitted into a funnel, enough of the suspension to approximately fill the filter paper. Collect the filtrate in the same flask from which the suspension was transferred until the filtrate becomes clear. Then begin the collection in a dry flask until filtration is complete. Transfer 10 to 15 cubic centimeters of the filtrate to a 50-cubic centimeter calibrated centrifuge tube and neutralize to litmus with sodium hydroxide. Proceed from this point with the test as described in paragraph (g) (1), for sulfate in protamine beginning with the sentence "To the neutral solution • • •".

(i) *Total nitrogen in protamine zinc insulin.* (1) The total nitrogen content of protamine zinc insulin is determined by the method described in the United States Pharmacopoeia for insulin U. S. P.

(2) The total nitrogen content of protamine is determined by the method described in the United States Pharmacopoeia for insulin U. S. P., except that the sample taken for analysis is approximately 25 milligrams of protamine.

(j) *Zinc in insulin-containing solutions and in protamine zinc insulin.* The method shall be that described in the United States Pharmacopoeia under the test for zinc in insulin U. S. P.

(k) *Zinc in insulin-containing solids.* Dissolve 10 to 20 milligrams, accurately weighed, of insulin-containing solids in 5 to 10 cubic centimeters of distilled water containing 1 drop of five-normal hydrochloric acid, and proceed as directed in the United States Pharmacopoeia under the test for zinc in insulin U. S. P.

(l) The Commissioner shall, for the purposes of the tests and assays prescribed under this section, provide a suitable reference protamine, and shall, at cost, furnish any person making written request therefor a sample thereof.

The foregoing regulations in this part shall become effective immediately, except that:

(a) the provisions of § 144.6 (b) (1) shall not apply to any package of insulin U. S. P. which has been filled on or before February 10, 1942, and

(b) the provisions of § 144.6 (c) and (d) shall become effective on the 180th day after the date of this order.

WATSON B. MILLER,
Acting Administrator.

FEBRUARY 4, 1942.

[F. R. Doc. 42-1084; Filed, February 5, 1942; 11:34 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[No. 50]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 32, entitled "Certificate of Appreciation," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

[1] Filed as part of the original document.

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of the Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

FEBRUARY 2, 1942.

[F. R. Doc. 42-1066; Filed, February 4, 1942; 2:37 p. m.]

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

Priorities Regulation No. 5

§ 944.25 *Priorities Regulation No. 5: Reproduction of forms and orders*—(a) *General rule; reproduction of forms and orders permitted with certain exceptions.* Except as provided in (b) hereof, any form or order issued by the Director of Priorities or by the Director of Industry Operations may be reproduced by any person in the manner provided in paragraph (c) of this section.

(b) *Exceptions to general rule.* Reproduction of certain forms and orders is restricted as follows:

(1) The reproduction of those forms or orders heretofore issued which are listed in Exhibit A attached hereto is prohibited or limited as provided in said Exhibit, by reason of the need for detailed supervision of operations thereunder.

(2) Reproduction of any form or order hereafter issued which contains a provision prohibiting or limiting such reproduction and expressly excepting such form or order from this Regulation shall be prohibited or limited as therein provided.

(3) The restrictions contained in this paragraph (b) of this section shall not apply to the reproduction of any form (as distinguished from order) where such reproduction has the words "Specimen Copy" clearly set forth on the face thereof, nor shall said restrictions apply to any reproduction hereafter expressly permitted by the Director of Industry Operations.

(c) *Methods of reproduction.* In any case where the provisions of this Regulation permit the reproduction of a form or order, such reproduction may be by any process, photographic, printing, mimeographing, or otherwise, provided that:

(1) All copies must be identical with the officially published form or order as to wording, paragraphing and punctuation.

(2) Copies which are to be filed with any agency of the United States Government or to be served on another party must be identical with the officially published form or order as to size and substantially the same as to color of paper and location on the page of spaces to be filled in by the person filing or serving such copies.

(3) Copies of all orders bearing the signature of any official of the United States Government must include such signature. This must be in type or print, preceded by "(Signed)", unless the entire order is reproduced by photographic process.

(d) *Information copies.* Copies of any order which contains the name and address of the producer or other person to whom the order is issued or a serial number identifying such person, must either contain such name and address and serial number or be clearly designated as information copies by inserting the words "Information Copy" in the space provided for such name, address and serial number. No such order may be reproduced in blank without such designation. In any case where the provisions of this Regulation permit reproduction of an order and the order requires delivery of a copy to a Supplier but does not expressly require that such copy contain the name, address and serial number of the person to whom the order is issued, an information copy designated as provided above may be delivered and an information copy may be accepted where, by the terms of such order, acceptance is required.

(e) *Revocation of inconsistent provisions.* All provisions in any forms, orders, rules, regulations, instructions or published statements heretofore issued by the Office of Production Management, the Director of Priorities or the Director of Industry Operations regarding the reproduction of forms and orders are hereby revoked or amended to the extent that they are inconsistent with this section, but otherwise shall remain in full force and effect in accordance with their terms.

(f) *Effective date.* This Regulation shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a) Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 5th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

Exhibit A

Reproduction of the following forms and Orders is prohibited except as provided in Paragraph (b) (3) of the foregoing § 944.25:

PD-1-c, PD-3, PD-3A, P-25-a through P-25-c, P-26-a through P-26-e, P-35.

Reproduction of the following Orders is limited to reproduction by or for producers (not suppliers) operating under said Orders: P-3, P-4, P-9-a through P-9-g, P-13, P-15, P-52.

Reproduction of the following Order is limited to reproduction by persons entitled to apply the preference rating: P-41.

[F. R. Doc. 42-1072; Filed, February 5, 1942; 10:43 a. m.]

PART 1027—SULPHITE PULP

Amendment to General Preference Order M-52

The allocation schedule of sulphite wood pulp[1] attached to § 1027.1 (*General Preference Order M-52*) as amended, is hereby further amended to read as follows:

[1] 7 F.R. 517.

ALLOCATION SCHEDULE OF SULPHITE WOOD PULP

Government supplier	Total scheduled allocated tonnage per month	Producer	Individual producers' scheduled allocated tonnage per month	Designation of brand or grade used commercially by producer
Rayonier, Inc.	8400	Algonquin Paper Corp.	68	Unbl. Sulphite.
		Anacortes Pulp Co.	[1] 78	Raybook.
		Badger Paper Mills	62	Wet Lap Bond Bleached.
		Brown Company	514	Bl. & Unbl. Sulphite.
		Castanea Paper Co.	84	Wet Lap Soft Book Bl.
		Champion Paper & Fibre Co.	150	Aspen Bl. Sulphite.
		Columbia River Paper Mills	84	Col. River Unbl. Rolls.
		Consolidated Water Power	290	Bl. Sulphite.
		Coos Bay Pulp Corp.	[1] 74	Raybook.
		Crown Zellerbach Corp.	534	Camas Strong Unbl. and West Lynn Unbl.
		Detroit Sulphite	96	Unbl. Sulphite.
		Dexter Sulphite	76	Bl. Sulphite.
		Eastern Corporation	240	Bl. Sulphite.
		Falls Pulp & Paper Co.	42	Wet Lap Newsgrade Unbl.
		Fibreboard Products, Inc.	68	Fibreboard Unbl. Rolls.
		Flambeau Paper Co.	46	Wet Lap Soft Book Bl. & Wet Lap Easy Bleaching Unbl.
		Gould Paper Company	26	Wet Lap Newsgrade Unbl.
		Groveton Paper Company	80	Bl. Sulphite.
		Great Northern Paper Co.	120	Unbl. Sulphite.
		Hammermill Paper Company	206	Bl. Sulphite.
		Hawley Pulp & Paper Co.	110	Newsgrade Unbl. Rolls.
		Hoberg Paper Mills	106	Wet Lap Hardwood Unbl.
		Hollingsworth & Whitney	164	Weyerhaeuser Strong Unbl. Wet Lap Strong.
		Inland Empire Paper Co.	34	Newsgrade Unbl. Rolls.
		International Paper Co.	274	Bl. Sulphite.
		Kennebec Pulp & Paper Co.	54	Wet Lap Easy Bl. Unbl.
		Kimberly Clark Corp.	224	Wet Lap Strong Unbl.
		Maine Seaboard Paper Co.	90	Wet Lap Newsgrade Unbl.
		Marathon Paper Mills Co.	[1] 114	Soundview Bond Bl.
		Minnesota & Ontario Paper Co.	148	Wet Lap Newsgrade Unbl.
		Mount Tom Sulphite Pulp Co.	42	Bl. Sulphite.
		Munising Paper Co.	76	Wet Lap Book Bl.
		Nekoosa Edwards Paper Co.	112	Wet Lap Bl.
		Northern Paper Mills	130	Wet Lap Book Bl. and Wet Lap Newsgrade Unbl.
		Northwest Paper Co.	72	Wet Lap Book Bl. and Wet Lap Easy Bl. Unbl.
		Oregon Pulp & Paper Co.	[1] 96	Col. River Unbl. Rolls.
		Oxford Paper Co.	214	Soft Book Bl.
		Penobscot Chemical Fibre Co.	86	Penobscot Bond Bl.
		Parker-Young Company	68	Bl. Sulphite.
		Port Huron Sulphite & Paper Company.	50	
		Puget Sound Pulp & Timber Co.	396	Puget Sound Strong Unbl.
		Racquette River Paper Co.	32	Wet Lap Strong Unbl.
		Rayonier, Inc.	1,036	Bl. & Unbl.
		Rhinelander Paper Co.	56	Wet Lap Bl. and Wet Lap Unbl.
		J. & J. Rogers & Co.	40	Bl. Sulphite.
		St. Croix Paper Co.	46	Wet Lap Newsgrade Unbl.
		St. Regis Paper Co.	[1] 96	Raybond or other.
		Soundview Pulp Co.	564	Soundview Bond Bl. and Soundview Book Bl.
		Spaulding Pulp & Paper Co.	82	Strong Unbl.
		Sterling Pulp & Paper Co.	74	"Slush" Bl. & Unbl.
		Wausau Paper Mills Co.	58	Wet Lap Bl. and Wet Lap Unbl.
		West Virginia Pulp & Paper Co.	[1] 150	Canadian Unbl. and Wet Lap Bl.
		Weyerhaeuser Timber Co.	536	Weyerhaeuser Bond Bl. & Weyerhaeuser Book Bl.
		Wolf River Paper & Fibre Co.	28	Wet Lap Newsgrade Unbl.
			8,400	

[1] Contribution made by releasing pulp purchased from other producer.

This amendment shall take effect as of February 1, 1942. (P.D. Reg. 1, Amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329, E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st sess.)

Issued this 5th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1073; Filed, February 5, 1942; 10:44 a. m.]

PART 1083—KAPOK

General Conservation Order M-85 To Conserve the Supply and Direct the Distribution of Kapok

Whereas the uncertainty of future shipments of kapok from abroad and the fulfillment of requirements for the defense of the United States have resulted in a shortage in the supply of kapok for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution of kapok and to allocate the supply thereof in the manner hereinafter in this Order provided;

Now, therefore, it is hereby ordered, That:

§ 1083.1 *General conservation order—*

(a) *Applicability of Priorities Regulation No. 1.*[1] This Order and all transactions affected thereby are subject to the provisions and definitions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* For the purposes of this Order:

(1) "Kapok" shall mean the fiber or pulp from the pod of the *Ceiba* or Kapok tree, except that grown in South and Central America, but shall not include any kapok which, on the effective date of this Order, has already been put into process for the manufacture of any article of which kapok is a component part.

(2) "Dealer" shall mean any person purchasing kapok for resale and the term shall include also importers, agents and brokers.

(3) "Manufacturer" shall mean any person producing any product of which kapok is a component part or into which it is physically incorporated.

(c) *Restrictions on sales and deliveries.* No dealer shall hereafter sell, transfer title to, or deliver, and no person shall hereafter purchase, accept transfers of title to, or deliveries of, any kapok, except upon the following categories of orders:

(1) Orders placed by Defense Supplies Corporation.

(2) Orders placed by manufacturers for delivery prior to March 31, 1942, of the minimum amounts necessary to enable them to continue until March 31, 1942 to produce the products hereinafter listed in paragraph (d) of this order, taking into consideration their existing inventories, and to maintain not more than a practicable minimum working inventory of finished products: *Provided, however,* That each order placed by a manufacturer pursuant to the provisions of this subparagraph shall be accompanied by a certificate manually signed on behalf of such manufacturer by a person authorized to sign for such manufacturer and in the following form:

This order is for an amount of kapok which, together with the undersigned manufacturer's existing inventory and other orders outstanding will not exceed the minimum amount necessary to enable the undersigned manufacturer to continue operations, to the extent permitted by paragraph (d) of General Conservation Order M-85—Kapok, until March 31, 1942, and maintain not more than a practicable minimum working inventory of finished products. This certificate shall be deemed to be a representation by the undersigned manufacturer to the War Production Board and to the above-named dealer that the facts stated above are true and correct.

(3) Orders specifically authorized hereunder by the Director of Industry Operations.

(d) *Restrictions on production.* Notwithstanding anything in Priorities Regulation No. 1 to the contrary, unless specifically authorized by the Director of Industry Operations, no manufacturer shall hereafter use any kapok in the production of any product, except those hereinafter listed:

(1) Life buoys to fill defense orders.
(2) Life preservers, life jackets and collars to fill defense orders.
(3) Sleeping bags, mattresses, pillows, blankets and pontoon bridges to fill orders placed by the War and Navy Departments but only to the extent that kapok is specifically required by the controlling specifications.
(4) Insulation padding for airplanes.
(5) Insulation for freight cars and trucks designed and ordered for the transportation of food for human consumption.
(6) Insulation for industrial refrigeration of food for human consumption.
(7) Stuffing for air tanks of boats, rafts, and life saving appliances in the minimum amounts necessary to comply with Subchapter O of Order No. 186[2] of the Bureau of Marine Inspection and Navigation, during the period that such Order shall require such use of kapok.

(e) *Restrictions on manufacturers' sales of kapok.* No manufacturer shall hereafter sell, transfer title to, or deliver any kapok to any person, except Defense Supplies Corporation, and no person, except Defense Supplies Corporation, shall hereafter purchase, accept any transfers of title to, or deliveries of, kapok from a manufacturer.

(f) *Assignment of Preference Rating.* A preference rating of A-2 is hereby assigned to all orders for kapok placed by Defense Supplies Corporation, and such rating may be applied by such Corporation by placing on its purchase orders the following endorsement, manually signed by a person authorized to sign for such Corporation:

Pursuant to General Conservation Order M-85, a preference rating of A-2 is assigned to this purchase order.

(g) *Appeal.* Any person affected by this Order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of kapok conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board by letter or telegram, or upon such form as may hereafter be prescribed, Reference M-85, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Communications to the War Production Board.* All communications concerning this Order shall, unless otherwise directed, be addressed to:

War Production Board
Washington, D. C. Reference M-85.

(i) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(j) *Effective date.* This Order shall take effect immediately (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040; Jan. 24, 1942, 7 F.R. 527; Sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 4th day of February, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1071; Filed, February 5, 1942; 10:43 a. m.]

[1] 6 F.R. 6680.

[2] 6 F.R. 6699.

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1306—IRON AND STEEL

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 6[1]—IRON AND STEEL PRODUCTS

Preamble and §§ 1306.1 to 1306.9 inclusive, are hereby renumbered and amended to read as follows:

Price Schedule No. 6 was issued on April 16, 1941, to stem a threatened general increase in steel prices. It successfully achieved its major purpose. Such inequities and hardships as were inevitably involved in an action of this nature have been alleviated in the course of administration. In June 1941 a revision of the Schedule was issued to incorporate certain suggestions received from a cross-section of the industry. In the light of the experience of recent months, however, it is now thought desirable to reissue a revised Price Schedule No. 6 designed to eliminate certain ambiguities and minor errors. This revision in no way effects the major provisions of the original Schedule. It continues to employ the multiple basing point, price leadership, and extras systems which are presently in effect in the industry. As before, this acceptance of these systems merely as a vehicle for determining price should not be regarded as approval thereof, nor should this reservation be regarded as indicating disapproval.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that—

§ 1306.1 *Maximum prices for iron or steel products.* On and after April 17, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1306.4 hereof, no producer shall sell, offer to sell, deliver or transfer any iron or steel product, and no person shall accept delivery of any such product at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1306.10: *Provided,* That with respect to any sale of any such product for future delivery, a contract may provide for the payment of an adjusted price or for the payment of a price in effect at the time of shipment if such contract also expressly states that the price at time of shipment shall not exceed the maximum price established by the Office of Price Administration and in effect at time of shipment.

Provided further, That the provisions of this Schedule shall apply only to sales, offers to sell, deliveries, or transfers of iron or steel products moving within, into or out of one of the 48 states of the United States or the District of Columbia. The export provisions of this Schedule shall apply to any sale for delivery outside the 48 states or the District of Columbia.*

*§§ 1306.1 to 1306.14, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1306.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1306.10) may be charged, demanded, paid or offered.*

§ 1306.3 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of any iron or steel product, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or by tying agreement or other trade understanding. Without limiting the generality of the foregoing, the price limitations set forth in this Schedule shall not be evaded by improper classification of any iron or steel product; by improper application of extras; by elimination or reduction of any customary or general privilege as defined in § 1306.10 (f); by the charging of any premium for prompt or early delivery; by the splitting of orders into small quantities with design to increase prices; or by pricing on an f. o. b. mill basis or on the basis of any other than designated basing points, when either of these practices results in a higher than ceiling delivered price.*

[1] 6 F.R. 2004, 3061.

§ 1306.4 *Existing contracts.* A price in excess of the maximums established herein shall not be charged, demanded, paid, or offered in the case of any contract entered into subsequent to April 16, 1941. Contracts entered into on or prior to April 16, 1941, which do not conform to the requirements of this Schedule, may be completed on the contract terms only with respect to shipments made prior to March 15, 1942.*

§ 1306.5 *Records and reports.* (a) Every producer of iron or steel products shall keep for inspection by the Office of Price Administration, for a period of not less than one year, copies of all invoices dated January 1, 1941, or later, relating to sales of such products, including sales to warehousemen, jobbers, brokers, and all other persons purchasing for resale. Every such invoice shall clearly indicate the price actually paid, together with all discounts or other credit terms.

(b) Every producer of iron or steel products shall file with the Office of Price Administration, Washington, D. C., on or before February 16, 1942, all charges, terms and discounts, including base prices published or quoted as of April 16, 1941, and extras which were (1) published and quoted and (2) actually and customarily charged as of April 16, 1941, insofar as such filing was not made prior to the effective date of this Amended Schedule. On and after February 16, 1942, except as provided in § 1306.10 (b) or as specifically authorized by the Office of Price Administration, no prices, extras, or other charges permitted by this Schedule may be charged which have not been filed with the Office of Price Administration.*

§ 1306.6 *Enforcement.* In the event of refusal or failure to abide by the terms and provisions of this Price Schedule, the Office of Price Administration will use its full powers of enforcement to compel remedial action and future compliance by any such violator. These powers may include steps in an appropriate court of law, such administrative remedies as may be proper, as well as the informing of the Congress and the public, and the enlisting of the cooperation of the various state or federal governmental agencies, including the procurement services of the Government. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or of manipulation of the price of iron or steel products, are urged to communicate with the Office of Price Administration.*

§ 1306.7 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom. In considering any such application the Office of Price Administration may require the submission in affidavit form of any further data which it may consider relevant, and it shall upon request have access to the records and books of the applicant. In connection with any such application for relief, a sworn affirmation of compliance with this and all other Price Schedules issued by the Office of Price Administration must be submitted or the absence thereof clearly explained.*

§ 1306.8 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, trust, corporation or other business entity, including executors or administrators, trustees in bankruptcy, receivers, or other court-appointed officials;

(b) "Producer" or "producer of iron or steel products" means any person who manufactures or produces any of the iron or steel products as defined in paragraph (c) herein;

(c) "Iron or steel products" means and includes all iron or steel ingots, all semi-finished iron or steel products, all finished hot-rolled or cold-rolled iron or steel products, and any iron or steel product which is further finished by galvanizing, plating, coating, drawing, extruding, etc. Without limiting the generality of the foregoing, the term shall include all products listed in Appendix B (§ 1306.11) of this Schedule. The term shall also include all seconds and off-grade iron or steel products: *Provided,* That the term shall not include pig iron.[1]

(d) "Governing basing point" means that established basing point the use of which results in the lowest delivered price at the place of delivery.

(e) "Emergency basing point" means the established basing point at or nearest the place of production or of origin of shipment.

(f) "Usual market area" of any mill with respect to a shipment of any product means that area into which the particular iron or steel product had, in the course of the two years prior to April 16, 1941, been customarily shipped by such mill in quantities comparable to the shipment being made.

(g) "Basing point base prices" means:

(1) The prices announced prior to December 31, 1940, or customarily quoted by Carnegie-Illinois Steel Corporation, American Steel & Wire Co., Tennessee Coal, Iron & Railroad Co., National Tube Co., and Columbia Steel Co., as base prices effective during the first quarter of 1941, or in effect on April 16, 1941, and applicable at designated basing points for iron or steel products; or

(2) In the case of an individual producer, the prices announced or customarily quoted by such producer during the first quarter of 1941, or in effect on April 16, 1941, as base prices applicable at designated basing points for iron or steel products: *Provided,* That the base prices under this subparagraph (2) shall not be in excess of the base prices under subparagraph (1), for the purpose of this definition, except to the extent which actually prevailed in the case of such producer, during the entire third quarter of the year 1940; or

(3) Where there are delivered prices applicable at a particular place, including Detroit, eastern Michigan, and the Gulf and Pacific Coast basing points listed in Appendix C (§ 1306.12), and such prices are less than the basing point base prices at the nearest governing basing point plus transportation charges, such prices for the purpose of this Schedule shall be deemed basing point base prices applicable for delivery at such place: (i) *Provided,* That such prices, except in the case of the Gulf and Pacific Coast ports, are not to be used to arrive at delivered prices to other destinations: (ii) *Provided further,* That when delivery is made in any part by water transportation, to these maximum delivered prices may be added any excess in the charges for war risk marine insurance above the charges prevailing prior to January 8, 1942: (iii) *Provided further,* That this paragraph need not apply (a) in the case of a shipment to or based upon Gulf or Pacific Coast points, if the customary means of transportation are not used, or (b) if the shipment is outside the usual market area, as defined in § 1306.8 (f), in which cases the shipment may be priced in accordance with paragraph (b) of Appendix A (§ 1306.10).

(h) (1) "Extras" means when used with reference to domestic sales (i) the published or quoted extras of the subsidiaries of the U. S. Steel Corporation as of April 16, 1941, or (ii) the published or quoted extras of the individual producer, as of April 16, 1941, being additions to or deductions from the base price to make adjustment for variations in the product sold from the product governed by the base price, which variations might be in size or other physical specifications, chemical analysis, processing or other quality or treatment or in the quantity of the product: *Provided,* That (except as permitted under § 1306.10 (h)) where any extra may have been so published or quoted but had not been charged, in whole or in part, by a producer for a specific application to a particular group or groups of buyers on April 16, 1941, or during the two years prior thereto, before such published extra may be charged or invoiced by such producer after March 15, 1942, to such particular group or groups of buyers such producer must apply for approval to and receive approval from the Office of Price Administration for the charging of such extra for such application to such particular group or groups of buyers.

Any extra approved by the Office of Price Administration under this section may after publication thereof be charged by all producers covered by this schedule. Without limiting the generality of this proviso, approval may be denied for the charging of any such extra, even if published as of April 16, 1941, to the extent that such extra during the two years prior to April 16, 1941, had been generally ignored in pricing steel for a particular group or groups of buyers so that the failure to charge such extra constituted a customary trade practice in respect to such buyers.

(2) "Extras" when used with reference to export sales means (i) the export extras published or quoted by the United States Steel Export Company, by the Steel Export Association, or by the individual producer, as of April 16, 1941; or

[1] See Price Schedule No. 10.

(ii) where extras provided under (i) are not applicable, domestic extras as defined in paragraph (h) (1) above.*

§ 1306.9 *Effective date of the Schedule.* This Schedule shall become effective April 17, 1941.*

This amendment No. 2 (§§ 1306.1 to 1306.14 inclusive) shall become effective February 4, 1942.

Issued this 4th day of February 1942.

LEON HENDERSON,
Administrator.

§ 1306.10 *Appendix A; domestic and export ceiling prices for sales by producers of iron and steel products.* (a) The domestic ceiling delivered price for any iron or steel product for which there are basing point base prices shall be the aggregate of:

(1) The basing point base price at the *governing* basing point;

(2) Applicable extras, as defined in and subject to the provisions of § 1306.8 (h) (i): *Provided,* That in no case shall an extra or extras be charged for any processing, testing, chemical specification, special quality, quantity, etc., unless these services are actually performed and are necessary in order to furnish an iron or steel product of a type and quality required to fabricate successfully the article in question or to meet the specifications of the purchaser.

(3) Transportation charges in effect at the time of shipment from the governing basing point to the place of delivery as customarily computed.

(b) Notwithstanding the provisions of paragraph (a), if in any case in which by reason of unusual circumstances arising directly from the emergency demands of the war program, a shipment of any product is made to a place which is not within the usual market area of the mill from which shipment is made, the emergency basing point may be used and transportation charges may be calculated from the emergency basing point to the place of delivery. Such transportation charges shall in no case exceed the actual cost of transportation on the shipment. All persons selling iron or steel products under this paragraph (b) shall maintain complete and readily available records of all such sales and shall report such sales to the Office of Price Administration as the Office of Price Administration may from time to time require.

(c) The export ceiling price for any iron or steel product for which there are basing point base prices shall be the aggregate of: (1) the basing point base price at the governing basing point or at the emergency basing point; (2) applicable export extras; (3) export transportation charges in effect at the time of shipment from the governing or emergency basing point to the place of delivery, as customarily computed: *Provided,* That the export price at a particular seaboard point may be the aggregate of (i) the export base price of United States Steel Export Company F. A. S. seaboard at such point in effect on April 16, 1941, (whether sales are F. A. S. or F. O. B. mill with freight prepaid to seaboard) (ii) applicable export extras. In the case of C. I. F. sales adjustments for additional transportation and insurance charges may be made. (Such F. A. S. prices for principal products at principal ports are listed in § 1306.13 Appendix D).

(d) The ceiling delivered price for any iron or steel product for which there are basing point base prices when such products are purchased for account of the Lend-Lease Administration, shall be the aggregate of (1) the domestic basing point base price at the governing basing point, or at the emergency basing point; (2) applicable domestic or export extras; and (3) export transportation charges in effect at the time of shipment from the governing or emergency basing point to the place of delivery, as customarily computed.

(e) For all iron or steel products, such as specialty products, for which there are no basing point base prices and extras or United States Steel Export Company F. A. S. seaboard prices, the ceiling prices shall be the prices and extras which were or would have been charged by the seller on April 16, 1941 (upon the basis of the prices, discounts, charges, or extras then listed or quoted by the seller) for such iron or steel products.

(f) The maximum delivered price for all seconds or off-grade iron or steel products shall not exceed the maximum delivered price for comparable iron or steel products of prime quality.

(g) The maximum base price for carbon steel ingots, rerolling quality, standard analysis, shall be $31.00 per gross ton, f. o. b. mill.

(h) In any case in which the maximum prices set forth in this Schedule are not applicable to a new product or a substantial variation in a product or a new process, the producer shall file with the Office of Price Administration his prices or charges for such product or process, and the Office of Price Administration reserves the right to disapprove the charging of such prices or charges.

(i) All customary or general privileges in effect as of April 16, 1941, including, without limiting the generality of the foregoing, delivery and other services of all kinds, credit or other terms of payment, functional discounts and allowances such as those customarily made to jobbers, dealers or other distributors and discounts and allowances customarily made to specific classes of purchasers such as manufacturers of roofing materials, chain link fencing, culverts, etc., shall be continued without diminution or extra charge: *Provided,* That this paragraph shall not apply to any reductions in published or quoted base prices arising from specific competitive situations.

§ 1306.11 *Appendix B; products included in the definition of iron or steel products, § 1306.9 (c).* The following iron and steel products and their alloys (including stainless) are "Iron or steel Products" as defined in § 1306.9 (c). This list does not limit the generality of the definition of iron and steel products contained in § 1306.9 (c).

Ingots
Blooms
Billets
Slabs
Sheet Bars
Skelp
Tube rounds
Muck bar
Forging rounds
Bars and small shapes, new billet and rail steel—all types and grades including:
  Merchant
  Cold finished—carbon
  Concrete reinforcing
  Alloy-hot rolled
    cold finished
  Hoops and baling bands
Tool steel bars—rolled and forged
Plates—all types
Armor plate—forged, rolled and otherwise
Shapes including bearing piles
Sheet piling and accessories
Rails—all types
Track materials including:
  Tie plates
  Tie rods
  Track spikes
  Splice bars (joint bars, angle bars, rail joints, and fish plates)
  Ties
Axles, car wheels, or any combination-rolled or forged
Pipe and tube—plain, threaded and coupled—all types and grades, including:
  Conduit
  Spiral welded
  Mechanical tubing
  Boiler, pressure, and heat exchanger tubing
Black Plate
Tin plate—all types
Sheets and strip, all types, including plain and corrugated; and roofing and siding of all types; including:
  Hot rolled
  Cold rolled
  Galvanized
  Ternes
  Enameling
  Electrical
  All other
Wire and wire rods—all types and grades
Merchant wire products, including:
  Nails, staples, and brads
  Merchant quality wire
  Wire fencing, including woven, chain link and lawn
  Bale ties and buckle wire
  Posts—all types and accessories
  Poultry and animal farm netting
  Twisted barbless and barbed wire
  Wire clothes line
  Wire rope, wire strand, and special cords such as aircraft
  Woven wire cloth—insect, hardware, and all other
  Wire belting
  Wire hoops
  Communications and power transmission wire
  Welded or woven wire fabrics for reinforcing

§ 1306.12 *Appendix C; principal established basing points for selected products covered by Price Schedule No. 6.*

Axles—Rolled or Forged:
  Birmingham
  Chicago
  Pittsburgh

Bale Ties:
Birmingham
Chicago
Cleveland
Duluth
Pittsburgh
Pacific Coast Ports

Bars—Alloy Steel, Hot Rolled:
Bethlehem
Buffalo
Canton
Chicago
Massillon
Pittsburgh

Bars—Alloy Steel, Cold Finished:
Buffalo
Chicago
Cleveland
Gary
Pittsburgh

Bars and Small Shapes—Carbon Steel and Rail Steel, Hot Rolled:
Birmingham
Buffalo
Chicago
Cleveland
Duluth (Carbon Steel only)
Gary
Pittsburgh
Gulf Ports
Pacific Coast Ports

Bars—Carbon Steel, Cold Finished:
Buffalo
Cleveland
Chicago
Detroit
Gary
Pittsburgh

Bars—Concrete Reinforcing, New Billet and Rail Steel:
Birmingham
Buffalo
Chicago
Cleveland
Gary
Pittsburgh
Sparrows Point, Md. (New Billet only)
Youngstown
Gulf Ports:
Beaumont, Texas
Galveston, Texas
Houston, Texas
Orange, Texas
Port Arthur, Texas
Pacific Coast Ports

Bars, Billets, Blooms, Muck Bar—Iron:
Berwick, Pa.
Burnham, Pa.
Chicago
Coatesville, Pa.
Columbia, Pa.
Creighton, Pa.
Cuyahoga Falls, Ohio
Dover, N. J.
Jersey City, N. J.
Lebanon, Pa.
Louisville, Ky.
Pittsburgh
Richmond, Va.
Terre Haute, Ind.

Bars and Billets—Tool Steel:
Bethlehem

Bars and Billets—Tool Steel—Con.
Pittsburgh
Syracuse, N. Y.

Blooms, Billets and Slabs—Alloy Steel:
Bethlehem
Buffalo
Canton
Chicago
Massillon, Ohio
Pittsburgh

Blooms, Billets and Slabs—Carbon Steel, Forging and Rerolling:
Birmingham
Buffalo
Chicago
Cleveland
Duluth (Billets only)
Gary
Pittsburgh
Sparrows Point, Md. (Rerolling quality)
Youngstown

Fence Posts:
Birmingham (Angle line posts only)
Chicago
Cleveland
Pittsburgh
Pacific Coast Ports

Pipe—Wrought Iron:
Pittsburgh

Pipe—Steel:
Gary
Lorain
Pittsburgh

Ingots—(Forging):
Pittsburgh

Ingots—(Alloy):
Pittsburgh
Bethlehem
Buffalo
Canton
Chicago
Coatesville
Massillon

Plates—Carbon:
Birmingham (up to incl. 106" wide)
Chicago
Claymont, Del.
Cleveland, Ohio
Coatesville, Pa.
Gary
Pittsburgh
Sparrows Point, Md.
Youngstown
Gulf Ports
Pacific Coast Ports

Plates—Alloy:
Chicago
Coatesville
Pittsburgh
Gulf Ports
Pacific Coast Ports

Plates—Floor:
Pittsburgh
Chicago
Gulf Ports
Pacific Coast Ports

Girder Rails and Splice Bars Therefor:
Lorain, Ohio
Steelton, Pa.

Light Rails—(60 lb. or less per yd.):
Birmingham
Chicago
Pittsburgh

Rails and Splice Bars for Rails (over 60 lb. per yd.):
Gulf Ports:
New Orleans
Mobile, Ala.
Galveston, Tex.
Houston, Tex.
Pacific Coast Ports:
Oakland, Cal.
San Francisco
San Pedro, Cal.
Portland, Ore.
Seattle, Wash.
— On sales to Railroad Cos. 200 g. t. or more for rails, and any quantity for splice bars.

Railroad Tie Plates—for Standard Tee Rails:
Birmingham
Buffalo
Chicago
Kansas City, Mo.
Minnequa, Colo.
Pittsburgh
Portsmouth
St. Louis
Steelton, Pa.
Weirton, W. Va.
Pacific Coast Ports

Railroad Track Spikes:
Birmingham
Chicago
Kansas City, Mo.
Lebanon, Pa.
Minnequa, Colo.
Pittsburgh
Portsmouth, Ohio
Richmond, Va.
St. Louis
Weirton
Youngstown
Pacific Coast Ports:
San Francisco
San Pedro, Calif.
Portland, Ore.
Seattle, Wash.

Sheet Bars:
Buffalo
Canton
Chicago
Cleveland
Pittsburgh
Sparrows Point, Md.
Youngstown

Sheets—Cold Rolled:
Buffalo
Chicago
Cleveland
Gary
Granite City, Ill.
Middletown, Ohio
Pittsburgh
Youngstown
Pacific Coast Ports

Sheets—Enameling:
Pittsburgh
Chicago
Cleveland
Gary
Granite City
Middletown
Youngstown
Pacific Coast Ports

Sheets—Electrical:
Pittsburgh
Granite City
Pacific Coast Ports

Sheets—Galvanized:
Birmingham
Buffalo
Chicago
Gary
Granite City, Ill.
Middletown, Ohio
Pittsburgh, Pa.
Sparrows Point, Md.
Youngstown, Ohio
Pacific Coast Ports

Sheets—Hot Rolled:
Birmingham
Buffalo
Chicago
Cleveland
Gary
Granite City, Ill.
Middletown, Ohio
Pittsburgh
Sparrows Point, Md.
Youngstown, Ohio
Pacific Coast Ports

Sheets—Long Terne:
Chicago
Gary
Pittsburgh
Pacific Coast Ports

Skelp—Carbon Steel
Chicago
Coatesville
Pittsburgh, Pa.
Sparrows Point, Md.
Youngstown

Skelp—Charcoal Iron:
Coatesville, Pa.

Steel Sheet Piling & Accessories:
Buffalo
Chicago
Pittsburgh
Pacific Coast Ports

Strip Steel—Cold Rolled:
Chicago
Cleveland
Pittsburgh
Worcester, Mass.
Youngstown

Splice Bars for Light Rails:
Pittsburgh

Strip Steel—Commodity:
Pittsburgh
Cleveland
Youngstown
Worcester

Strip Steel—Alloy:
Pittsburgh
Bethlehem
Buffalo
Canton
Chicago
Massillon

Strip Steel—Hot Rolled:
Birmingham
Chicago
Cleveland
Gary
Middletown, Ohio
Pittsburgh
Youngstown
Pacific Coast Ports

Structural Shapes:
Bethlehem
Birmingham-Standard Shapes Only
Buffalo

Structural Shapes—Continued.
Chicago (except ship sections not rolled)
Gary (except ship sections not rolled)
Pittsburgh
Gulf Ports
Pacific Coast Ports

Tin Mill Black Plate:
Chicago
Gary
Granite City, Ill.
Pittsburgh
Pacific Coast Ports

Tin Plate and Terne Plate:
Chicago
Gary
Granite City, Ill.
Pittsburgh

Tubing—Mechanical:
Canton
Detroit
Milwaukee
Shelby
Pittsburgh

Tubing—Pressure:
Pittsburgh

Twisted Barbless & Barbed Wire:
Birmingham
Chicago
Cleveland
Duluth
Pittsburgh
Pacific Coast Ports

Tube Rounds:
Chicago
Cleveland
Pittsburgh

Wire Rods:
Birmingham
Chicago
Cleveland
Pittsburgh
Worcester, Mass.
Gulf Ports:
Galveston, Tex.
Pacific Coast Ports:
Los Angeles
San Francisco
Portland, Ore.
Seattle, Wash.

Wire—Drawn (Includes Manufacturer's and Merchant Quality):
Birmingham
Chicago
Cleveland
Glassport, Pa. (Hot copper covered steel only)
Duluth
Pittsburgh

Wire—Drawn—Continued.
Worcester, Mass. (Manufacturer's wire only)
Pacific Coast Ports

Wire—Spring:
Chicago
Cleveland
Pittsburgh
Worcester, Mass.
Pacific Coast Ports

Wire—Telephone:
Cleveland
Muncie, Ind.
Pittsburgh
Sparrows Point, Md.
Trenton, N. J.
Waukegan, Ill.
Worcester, Mass.

Wire Fencing (except chain link):
Birmingham
Chicago
Cleveland
Duluth
Pittsburgh
Pacific Coast Ports

Wire Hoops:
Chicago
Pittsburgh

Wire Nails and Staples:
Birmingham
Chicago
Cleveland
Duluth
Pittsburgh
Pacific Coast Ports

Pacific Coast Ports, except where otherwise enumerated are as follows:
Bellingham, Wash.
Everett, Wash.
Long Beach, Calif.
Los Angeles, Calif.
Oakland, Calif.
Portland, Ore.
Sacramento, Calif.
San Diego, Calif.
San Francisco, Calif.
San Pedro, Calif.
Seattle, Wash.
Stockton, Calif.
Tacoma, Wash.
Wilmington, Calif.

Gulf Ports, except where otherwise enumerated are as follows:
Beaumont, Texas
Galveston, Texas
Houston, Texas
New Orleans, La.
Orange, Texas
Port Arthur, Texas*

§ 1306.13 *Appendix D, export base prices of United States Export Company for principal products, F. A. S. principal ports, in effect on April 16, 1941*

PER GROSS TON

	Boston, New York, Philadelphia, Baltimore, Norfolk	Charleston, Savannah, New Orleans, Mobile	Galveston, Houston	San Francisco, Seattle, Portland, Los Angeles (San Pedro)
Ingots	$37.00	$37.00	$39.49	$46.60
Blooms—billets and slabs, sheet bars	42.00	42.00	44.49	51.60
Forging billets	48.00	48.00	50.49	57.60
Wire rods in coils	52.00	52.00	54.49	61.60
Light rails (60 pounds and under)	52.50	52.50	58.01	62.21
Heavy rails (over 60 pounds)	54.15	54.15	59.66	63.86
Girder rails	55.00	56.55	60.25	64.27

to a purchaser prior to February | of the Government are requested to re- | Counties to the intersection of the west-

§ 1306.13 *Appendix D, export base prices of United States Export Company for principal products, F. A. S. principal ports, in effect on April 16, 1941*—Continued

PER 100 POUNDS

	Boston, New York, Philadelphia, Baltimore, Norfolk	Charleston, Savannah, New Orleans, Mobile	Galveston, Houston	San Francisco, Seattle, Portland, Los Angeles (San Pedro)
Angle splice bars for heavy rails	$3.25	$3.25	$3.65	$3.75
Tie plates	2.10	2.10	2.10½	2.15
Track spikes	2.60	2.60	2.67½	2.75
Axles	2.60	2.60	2.67½	2.75
Shoip	2.60	2.60	2.67½	2.75
Piling	2.60	2.60	2.67½	2.75
Plates (carbon steel)	2.55	2.55	2.67½	2.75
Structural shapes (standard)	2.55	2.55	2.67½	2.75
Merchant bars and bar mill shapes	2.55	2.55	2.67½	2.75
Concrete bars (new billet)	2.45	2.45	2.57½	2.65
Cold finished carbon steel bars	2.95	2.95	3.07½	3.15
Hot rolled alloy bars	2.95	2.95	3.07½	3.15
Cold finished alloy bars	3.67	3.67	3.80	3.90
Hot rolled carbon tool steel bars (Tennessee special)	7.67	7.67	7.80	7.90
Black annealed wire	2.10	2.10	2.17½	2.25
Galvanized plain wire	2.60	2.60	2.69½	2.77½
Galvanized barb wire	2.80	2.80	2.89½	2.97½
Bright nail wire	2.55	2.55	2.64	2.72
Wire nails	2.60	2.60	2.69½	2.77½
Galvanized staples (including $1.17 extra for galvanized)	3.99	4.13	4.21	4.34
Bright staples (including 72 cents extra for bright)	2.80	2.72	2.81	2.94

PER BASE BOX

Tin plate 14" x 20" 107 pounds—112 sheets, wooden boxes—wire stapped	$4.35	$4.35	$4.49	$5.80

§ 1306.14 *Appendix E; exceptions to Price Schedule No. 6.* The following persons have been granted an exception under the terms of Price Schedule No. 6, which exception has been defined and limited in certain letters. All action taken in reliance upon the terms of any exception shall be at the risk of the person acting until and unless official notification has been received by such persons pursuant to such application. Persons interested may secure the terms of such exception on application to the Office of Price Administration.

Name	Brief description of relief granted	Date granted
W. Ames & Company, Jersey City, N. J.	A. Plain carbon steel bars (merchant and reinforcing): 10 tons or over—$2.35 cwt. f. o. b. mill. B. Bar size structural grade steel angles: 10 tons or over—$2.10 cwt. f. o. b. mill. C. Railroad spikes: 200 kegs or more—to domestic railroad companies—$2.25 cwt. f. o. b. mill or warehouse. 200 kegs or more—to other consumers—$2.45 cwt. f. o. b. mill or warehouse. Appropriate extras for lesser quantities.	July 8, 1941
Andrews Steel Company, Newport, Ky.	A. Carbon forging billets—$40.00 per gross ton at established basing points. B. Carbon steel slabs—$41.00 per gross ton at established basing points. C. Galvanized sheets—$3.75 cwt., at established basing points. D. Hot rolled sheets—shipments into Detroit and Detroit area may be based on Middletown, Ohio (base) prices plus freight.	July 28, 1941
Central Iron and Steel Company, Harrisburg, Pa.	A. Rail steel merchant bars—$2.50 cwt., at established basing points, retroactive to April 17, 1941.	July 22, 1941
Eckels-Nye Steel Corporation, Syracuse, N. Y.	A. Rail steel merchant bars—$2.50 cwt., at established basing points.	Sept. 17, 1941
Empire Sheet and Tin Plate Co., Mansfield, Ohio.	A. Carbon steel billets—$33.00 per gross ton, f. o. b. mill. B. Carbon steel sheet (black, galvanized and electro-galvanized):	Jan. 9, 1942
Gilbert & Bennett Mfg. Company, Georgetown, Conn.	A. Wire rope: To Jobbers' stocks C/L list less 58.00%. To Jobbers' stocks, L/C/L list less 56.75%. To Jobbers' customers list less 55.00%. B. Poultry netting, light grade: Galvanized before weaving: To Jobbers' stocks C/L list less 41%. To Jobbers' stocks L/C/L list less 40%. To Jobbers' customers list less 40 %. C. Heavy square mesh cloth: Quantities to 100 lineal feet, list less 10%. Quantities to 100 lineal feet, list less 20%. D. Standard galvanized hardware cloth, per 100 square feet—$2.20.	June 4, 1941
Granite City Steel Company, Granite City, Ill.	A. Carbon steel shapes, $2.30 cwt., at established basing points.	May 1, 1941
Phoenix Iron Co., Phoenixville, Pa.	B. Merchant bars, $2.35 cwt., at established basing points. Effective from April 17, 1941.)	
Sweet's Steel Co., Williamsport, Pa.	A. Rail steel concrete reinforcing and merchant bars—$2.35 cwt. f. o. b. mill.	Aug. 29, 1941
Wheeling Steel Corp., Wheeling, W. Va.	B. Rails (rail steel)—$30.00 per gross ton f. o. b mill. A. Ship plates—$2.25 cwt. f. o. b. mill.	Feb. 2, 1942
	A. Carbon steel billets, standard lengths, 21,000 tons (both retroactive to April 17, 1941) allocated under Land-Lease program during first quarter of 1942—$37.00 per gross ton, f. o. b. Portsmouth, Ohio.	

[F. R. Doc. 42-1068; Filed, February 4, 1942; 3:35 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

PRICE SCHEDULE NO. 97—SOUTHERN HARDWOOD LUMBER

Southern hardwood lumber is an industrial wood extensively used in the manufacture of furniture, automobile trucks, containers, radio cabinets, agricultural implements, and farm and household utensils. The war effort and the accompanying expanded economic activity have increased the demand for certain species and grades of southern hardwood lumber beyond the readily available supply. As a consequence, inflationary pressure has caused and continues to cause price increases which outstrip advances in costs, and which will serve no purpose in bringing out appreciably increased production. Attempts by individual producers to maintain reasonable prices have proved unsatisfactory because demand is accelerating, and because many operators have refused to cooperate with the Government in stabilizing prices. Under these circumstances, voluntary cooperation with the request of the Office of Price Administration to maintain reasonable prices would subject those complying with the request to unjust discrimination.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1312.301 *Maximum prices for southern hardwood lumber.* On and after February 20, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no person shall sell, offer to sell, deliver, or transfer, for domestic use or export use, any southern hardwood lumber, where shipment originates at the mill rather than at a distribution yard, at prices higher than the maximum prices set forth in Appendices A and B, incorporated herein as §§ 1312.309 and 1312.310, respectively: *Provided*, That a shipment pursuant to an order of less than 1,000 feet of southern hardwood lumber shall not be subject to this Schedule: *And provided*, That this Schedule shall not apply where actual delivery has been made to a purchaser, or to a carrier for delivery to a purchaser, prior to February 20, 1942.*

§§ 1312.301 to 1312.310, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1312.302 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B may be charged, demanded, paid or offered.*

§ 1312.303 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of southern hardwood lumber, alone or in conjunction with any other material; or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege; or by tying-agreement, or other trade understanding; or by making terms or conditions of sale more onerous than those in effect or available to the purchaser on October 1, 1941; or by unnecessarily routing lumber through a distribution yard; or by unreasonably refusing to ship except in mixed cars or trucks, or under other circumstances entitling the seller to a premium; or by charges for delivery which exceed the actual cost to the seller of such delivery (except as provided in §§ 1312.309 (e) and 1312.310 (d)); or by falsely or wrongly grading or invoicing lumber; or by grading as a special grade lumber which can be graded as a standard grade; or by any other means.*

§ 1312.304 *Records and reports.* Every person who, during any calendar month after February 1942, shall sell 34,000 pounds or more of southern hardwood lumber for shipment originating at the mill shall keep for inspection by the Office of Price Administration, for a period of not less than one year, a complete and accurate record of every such sale made during such month, showing the date thereof, the name and address of the buyer, the prices, and the quantities and grades sold.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1312.305 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement and other services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of southern hardwood lumber, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1312.306 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1312.307 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity. The term includes, without restricting the generality of the foregoing, any mill operator, manufacturer, commission salesman, manufacturer's representative, concentration yard operator, wholesaler, distributor, wholesaler's agent, or retailer.

(b) "Feet" means board feet of lumber, except that with reference to lumber in thicknesses of ¾" and ⅝" the term "feet" means surface feet.

(c) "Southern hardwood lumber" means lumber (1) produced from the botanical species of sap sweet gum and red sweet gum (Liquidamber styraciflua), tupelo (Nyssa aquatica), black gum (Nyssa sylvatica), yellow poplar (Liriodendron tulipifera), beech (Fagus americana), sycamore (Platanus occidentalis), soft maple (Acer rubrum); and the botanical species included in the genera of red oak and white oak (Quercus), magnolia (Magnolia), elm (Ulmus), cottonwood (Populas), willow (Salix), hackberry (Celtis), hickory (Hicoria), basswood (Tilia), and ash (Fraximus), and (2) processed into lumber at mills located in Alabama, Arkansas, Florida, Louisiana, Mississippi and Texas, and those portions of North Carolina, South Carolina, Virginia, Georgia, Kentucky and Tennessee not included in the "Appalachian hardwoods area". The "Appalachian hardwoods area" is that area circumscribed by a line beginning at the intersection of the western line of the State of West Virginia and the western line of the State of Pennsylvania; thence southwesterly on the western line of West Virginia to the western boundary of Boyd County, Kentucky; thence extending southwesterly through Kentucky along the generally northwestern boundaries of the following counties: Boyd, Carter, Rowan, Menifee, Powell, Estill, Jackson, Rockcastle, Pulaski, Wayne, and Clinton to the Tennessee state line; thence westerly along said state line to the western boundary of Pickett County, Tennessee; thence southerly in Tennessee along the western boundaries of Pickett, Fentress, Morgan, Roane, Rhea, and Hamilton Counties to the intersection of the western boundary of Hamilton County and the Nashville, Chattanooga, and St. Louis Railroad; thence easterly along said railroad through Chattanooga to the intersection of said railroad and the Georgia state line; thence easterly along said state line to the western boundary of Fannin County, Georgia; thence southeasterly in Georgia along the southwestern boundaries of Fannin County and Lumpkin County; thence generally easterly in Georgia along the southeastern boundary of Lumpkin County, the southern boundary of White County, and the southern and eastern boundaries of Habersham County to the South Carolina state line; thence southeasterly along said line to the southeastern boundary of Oconee County, South Carolina; thence in a generally northeasterly direction through South Carolina along the southeastern boundaries of Oconee and Pickens Counties, and the western, southern, and eastern boundaries of Greenville County to the North Carolina state line; thence easterly along the southern line of North Carolina to the eastern boundary of Cleveland County, North Carolina; thence northerly in North Carolina along the eastern boundaries of Cleveland and Burke Counties; thence continuing generally northeasterly in North Carolina along the eastern or southern boundaries of Alexander, Wilkes and Surry Counties to the Virginia state line; thence east on said state line to the eastern boundary of Patrick County, Virginia; thence northeasterly through Virginia, following the eastern boundary of Patrick County and the southwestern boundary of Fauquier Bedford, Amherst, Nelson, Albemarle, Greene, Madison, and Rappahannock Counties, turning southerly along the southeastern boundary of Fauquier County, and resuming a generally northerly direction along the eastern boundaries of Fauquier and Loudoun Counties to the Maryland state line; thence northwesterly along said state line to the eastern boundary of Frederick County, Maryland; thence northerly through Maryland along the eastern boundary of Frederick County to the Pennsylvania state line; thence westerly and thence northerly along said state line to the starting point. All sawmills on the boundary line of the Appalachian hardwoods area shall be deemed to be in the southern hardwoods area, except that mills in West Virginia and Maryland on the lines touching Pennsylvania and Ohio shall be deemed to be in the Appalachian area.

(d) "Tough white ash" means the botanical species Fraximus americana.

(e) "Mill" means a manufacturing plant, concentration yard, or other establishment which processes, by sawing, or by planing or other comparable method, at least 25 per cent of the volume of southern hardwood logs or lumber purchased or received by it.

(f) "Distribution yard" means a wholesale or retail lumber yard which purchases or receives southern hardwood lumber from a producer, a mill, or another distribution yard for purposes of

unloading, sorting, and resale or redistribution, which regularly maintains a stock of lumber, and which processes, by sawing, or by planing or other comparable method, less than 25 per cent of the volume of such lumber so purchased or received by it.

(g) "Volume" means the board feet volume of lumber processed from logs, processed from other lumber, or sold, as the case may be, within the six months immediately prior to the transaction subject to this Schedule.

(h) "Deliver" means to make physical transfer of lumber to a purchaser, or to a carrier, not owned or controlled by the seller, for carriage to a purchaser."

§1312.308 *Effective date of the Schedule.* This Schedule (§§ 1312.301 to 1312.310, inclusive) shall become effective February 20, 1942."

§ 1312.309 *Appendix A; maximum prices for southern hardwood lumber (other than tough white ash).* (a) The maximum f. o. b. mill prices per 1,000 feet of southern hardwood lumber (other than tough white ash), rough, air dried, shall be as follows:

(1) WHITE OAK—QUARTERED

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	Sound Wormy	No. 3A Common	No. 3B Common
5/4"	$70.00	$40.00	$34.00	$16.00		
6/4	82.00	42.00	25.00	18.00		
8/4	96.00	50.00	33.00	26.00	$25.00	$18.00
10/4	108.00	60.00	33.00	32.00		
12/4	127.00	60.00	33.00	34.00		
2	125.00	70.00	35.00	36.00		
2½	130.00	80.00				
3	145.00	85.00				

(2) WHITE OAK—PLAIN

5/4"	$47.00	$30.00	$23.00	$16.00		
6/4	58.00	32.00	24.00	18.00		
8/4	82.00	36.00	32.00	26.00	$25.00	$18.00
10/4	96.00	47.00	32.00	32.00		
12/4	108.00	50.00	32.00	34.00		
2	120.00	55.00	32.00	36.00		
2½	130.00	75.00				
3	140.00	80.00				

(3) RED OAK—QUARTERED

5/4"	$80.00	$36.00	$23.00	$16.00		
6/4	80.00	37.00	24.00	18.00		
8/4	80.00	42.00	32.00	26.00	$25.00	$18.00
10/4	70.00	47.00	32.00	32.00		
12/4	72.00	48.00	32.00	34.00		
2	80.00	52.00	34.00	36.00		

(4) RED OAK—PLAIN

5/4"	$40.00	$28.00	$22.00	$16.00		
6/4	43.00	32.00	24.00	18.00		
8/4	53.00	37.00	32.00	26.00	$25.00	$18.00
10/4	66.00	45.00	32.00	32.00		
12/4	70.00	47.00	32.00	34.00		
2	75.00	50.00	34.00	36.00		
2½	104.00	60.00				
3	120.00	64.00				

(5) RED GUM—QUARTERED

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	$66.00	$51.00	$32.00	$16.00
1¼	100.00	60.00	33.00	17.00
1½	100.00	68.00	33.00	17.00
2	105.00	65.00	37.00	18.00
2½	105.00	70.00		
3	110.00	75.00		

(6) RED GUM—PLAIN

5/4"	$55.00	$38.00	$21.00	
6/4	75.00	42.00	26.00	
8/4	92.00	47.00	32.00	$16.00
10/4	95.00	57.00	32.00	17.00
12/4	96.00	58.00	32.00	17.00
2	97.00	60.00	36.00	18.00

(7) SAP GUM—QUARTERED

1"	$60.00	$46.00	$28.00	$16.00
1¼	65.00	53.00	29.00	17.00
1½	67.00	54.00	29.00	17.00
2	70.00	55.00	33.00	18.00
2½	75.00	61.00	36.00	
3	78.00	65.00	41.00	

(8) SAP GUM—PLAIN

5/4"	$42.00	$33.00	$19.00	
6/4	46.00	34.00	21.00	
8/4	56.00	42.00	26.00	$16.00
10/4	66.00	47.00	27.00	17.00
12/4	63.00	50.00	27.00	17.00
2	66.00	52.00	30.00	18.00

(9) TUPELO—QUARTERED

1"	$53.00	$43.00	$28.00	$16.00
1¼	55.00	45.00	29.00	17.00
1½	57.00	47.00	29.00	17.00
2	62.00	52.00	31.00	18.00
2½	70.00	55.00	36.00	
3	75.00	60.00	39.00	

(10) TUPELO—PLAIN

5/4"	$40.00	$30.00	$17.00	
6/4	41.00	31.00	19.00	
8/4	50.00	40.00	26.00	$16.00
10/4	53.00	42.00	26.00	17.00
12/4	55.00	45.00	28.00	17.00
2	60.00	50.00	31.00	18.00

(11) BLACK GUM—QUARTERED

1"	$53.00	$43.00	$28.00	$16.00
1¼	55.00	45.00	29.00	17.00
1½	57.00	47.00	29.00	17.00
2	62.00	52.00	31.00	18.00
2½	70.00	55.00	36.00	
3	75.00	60.00	39.00	

(12) BLACK GUM—PLAIN

5/4"	$40.00	$30.00	$17.00	
6/4	41.00	31.00	19.00	
8/4	50.00	40.00	26.00	$16.00
10/4	52.00	42.00	26.00	17.00
12/4	55.00	45.00	28.00	17.00
2	60.00	50.00	31.00	18.00

(15) YELLOW POPLAR—QUARTERED

Thickness	F. A. S.	Saps and Selects	No. 1 Common and Selects; or No. 1 Common	No. 2A Common	No. 2B Common	No. 3 Common
1"	$71.00	$66.00	$60.00	$33.00	$27.00	$16.00
1¼	76.00	64.00	49.00	38.00	28.00	17.00
1½	81.00	66.00	52.00	37.00	28.00	17.00
2	92.00	69.00	58.00	39.00	31.00	18.00

(14) YELLOW POPLAR—PLAIN

5/4"	$51.00	$46.00	$31.00	$19.00	$16.00	
6/4	58.00	49.00	35.00	26.00	17.00	
8/4	66.00	53.00	43.00	33.00	27.00	$16.00
10/4	71.00	55.00	44.00	36.00	28.00	17.00
12/4	76.00	61.00	49.00	37.00	28.00	17.00
2	86.00	64.00	53.00	39.00	31.00	18.00

(15) SYCAMORE—QUARTERED

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
5/4"	$66.00	$56.00	$28.00	
6/4	66.00	39.00	28.00	
8/4	53.00	43.00	33.00	$16.00
10/4	55.00	45.00	33.00	17.00
12/4	56.00	46.00	33.00	17.00
2	61.00	48.00	33.00	18.00

(16) SYCAMORE—PLAIN

5/4"	$42.00	$32.00	$21.00	
6/4	42.00	32.00	21.00	
8/4	43.00	33.00	24.00	$16.00
10/4	44.00	34.00	25.00	17.00
12/4	45.00	35.00	26.00	17.00
2	47.00	37.00	28.00	18.00

(17) BEECH

5/4"	$40.00	$30.00	$20.00	
6/4	41.00	31.00	21.00	
8/4	43.00	33.00	23.00	$16.00
10/4	48.00	38.00	24.00	17.00
12/4	49.00	39.00	25.00	17.00
2	53.00	43.00	28.00	18.00

(18) MAGNOLIA

1"	$69.00	$47.00	$34.00	$16.00
1¼	73.00	50.00	36.00	17.00
1½	73.00	50.00	36.00	17.00
2	76.00	51.00	37.00	18.00
2½	81.00	56.00	38.00	
3	86.00	61.00	39.00	

(19) SOFT MAPLE

Thickness	WHND Log Run	WHAD			
		F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	$38.00	$61.00	$51.00	$28.00	$16.00
1¼	42.00	63.00	53.00	30.00	17.00
1½	44.00	66.00	56.00	30.00	17.00
2	47.00	69.00	59.00	33.00	18.00
2½	54.00	71.00	61.00	33.00	
3	58.00	76.00	66.00	34.00	

(20) SOFT ELM

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	$43.00	$33.00	$26.00	$16.00
1¼	45.00	35.00	27.00	17.00
1½	45.00	35.00	28.00	17.00
2	47.00	37.00	28.00	18.00
2½	48.00	38.00	28.00	
3	51.00	41.00	29.00	

(21) BASSWOOD

1"	$50.00	$39.00	$27.00	$16.00

(22) COTTONWOOD

1"	$44.00	$38.00	$29.00	$16.00
1¼	46.00	39.00	31.00	17.00
1½	46.00	39.00	31.00	17.00
2	46.00	39.00	31.00	18.00

(23) HACKBERRY

Thickness	Log Run	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
5/4"	$24.00				
6/4	28.00				
8/4	35.00	$43.00	$33.00	$26.00	$16.00
10/4	36.00	45.00	35.00	27.00	17.00
12/4	37.00	45.00	35.00	28.00	17.00
2	38.00	47.00	37.00	28.00	18.00
2½		48.00	38.00	28.00	
3		51.00	41.00	29.00	

(24) WILLOW

Thickness	F. A. S.	No. 1 Common & Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	$55.00	$41.00	$28.00	$16.00
1¼	57.00	43.00	29.00	17.00
1½	61.00	46.00	29.00	17.00
2	63.00	46.00	29.00	18.00

(25) HICKORY

Thickness	Log Run	F. A. S.	No. 1 Common	No. 2 Common	No. 3 Common
1"	$35.00	$56.00	$37.00	$24.00	$16.00
1¼	37.00	58.00	39.00	25.00	17.00
1½	40.00	61.00	43.00	33.00	17.00
2	43.00	66.00	44.00	33.00	18.00

(26) ASH

[Other than Tough White Ash]

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	$46.00	$33.00	$26.00	$16.00
1¼	48.00	35.00	27.00	17.00
1½	48.00	35.00	28.00	17.00
2	50.00	37.00	28.00	18.00
2½	51.00	38.00	28.00	
3	54.00	41.00	29.00	

(27) BOX BOARDS

Species	Thickness	Width	
		12" to 17"	9" to 12"
Sap Gum	1"	$62.00	$56.00
Cottonwood	1	56.00	48.00

(28) STRIPS

Species	Manufacture	Thickness	Width	Grade	
				Clear	No. 1 Common
White Oak	Quartered	1"	2" to 5½"	$62.00	$40.00
Red Oak	Quartered	1	2" to 5½"	45.00	34.00

(29) FIGURED WOOD

Species	Manufacture	Thickness	Grade	
			F. A. S.	No. 1 Common and Selects; or No. 1 Common
Red Gum	Quartered	1"	$105.00	$53.00
Red Gum	Plain	1	90.00	48.00

(30) PANEL AND WIDE NO. 1

Species	Width	Price
Sap Gum	18" and wider	$65.00
Cottonwood	18" and wider	73.00

(b) The following additions per 1,000 feet of southern hardwood lumber (other than tough white ash) may be charged for the specified treatments and workings:

(1) Kiln drying:

	5/8" thick	3/4" thick	4/4" thick	5/4" thick	6/4" thick	8/4" thick	10/4" thick	12/4" thick
Cottonwood, Maple, Elm, Sycamore, Hackberry, Willow, Yellow Poplar, Basswood, Magnolia	$4.00	$4.50	$5.00	$6.00	$6.50	$7.00	$9.00	$11.00
Ash, Plain and Quartered Sap Gum, Beech, Black Gum, Tupelo	4.50	5.00	6.00	7.00	8.00	9.00	11.00	13.00
Hickory, Red Gum, Plain Oak, Quartered Oak	5.00	5.50	6.50	8.00	9.50	12.00	15.00	20.00
	5.00	6.00	7.50	9.00	11.00	15.00	20.00	25.00

(2) Anti-stain treatment: 50¢.

(3) Millworking:

	4/4" and 5/4" thick	6/4" to 12/4" thick
Resawing 1 line	$3.00	$2.50
Resawing 2 lines	5.50	4.50
Surfacing 1 or 2 sides	2.50	2.25
Surfacing 2 sides and resawing	5.00	4.25
Resawing and surfacing 1 or 2 sides	5.50	4.75

(4) Inspecting, grading and measuring after kiln drying: 5 per cent of the f. o. b. mill price of the lumber.

(5) End-racking or band sawing: No addition.

(c) For mixed car or mixed truck shipments, $2.00 additional per 1,000 feet of southern hardwood lumber (other than tough white ash) may be charged. A mixed car shipment consists of four or more items as hereinafter defined, provided at least four items amount to not less than 3,000 feet each, or at least six items amount to not less than 2,000 feet each. A mixed truck shipment consists of four or more items as hereinafter defined, provided at least four items amount to not less than 500 feet each, or at least six items amount to not less than 300 feet each. An item consists of one species, thickness, and grade of southern hardwood lumber.

(d) For all export sales an addition of not more than $1.50 per 1,000 feet of southern hardwood lumber may be charged if the seller performs the services of marking and bundling. For export sales on a c. i. f. or on a c. a. f. basis a separate addition of $2.00 per 1,000 feet of southern hardwood lumber may be charged.

(e) A delivered price in excess of the maximum f. o. b. mill prices set forth in (a) hereof, may be charged, consisting of such maximum prices plus actual transportation costs paid by the seller. However, for the purposes of this section, the following two practices shall not be deemed a deviation from the use of actual transportation costs:

(1) the charging of a sum equivalent to the one-quarter of a dollar nearest to such actual transportation costs; and

(2) the computation of transportation costs on the basis of a system of estimated average weights established by the seller, and adhered to by him during the period October 1 to October 15, 1941: *Provided*, That a copy of such system of estimated average weights has been filed with the Office of Price Administration either before the use of such system in a transaction subject to this Schedule, or within thirty days of the effective date of this Schedule."

§ 1312.310 *Appendix B; maximum prices for tough white ash lumber.* (a) The maximum prices per 1,000 feet of rough, air dried or "shipping-dry" tough white ash lumber f. o. b. concentrating point (which is the point at which such tough white ash lumber is collected, or produced, and prepared for shipment in

such grades, thicknesses, and quantities as specified by the consuming trade) shall be as follows:

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	$70.00	$40.00	$29.00	$19.00
1¼"	75.00	45.00	30.00	17.00
1½"	82.00	55.00	31.00	17.00
2"	90.00	65.00	32.00	18.00
2½"	105.00	70.00	33.00	----------
3"	115.00	80.00	35.00	----------

The above maximum prices do not apply to green tough white ash lumber.

(b) An addition of 50¢ per 1,000 feet of rough, air dried or "shipping-dry" tough white ash lumber may be charged for anti-stain treatment.

(c) For export sales, additions may be charged in accordance with the terms of paragraph (d) of Appendix A.

(d) A delivered price in excess of the maximum f. o. b. concentrating point price set forth in (a) hereof may be charged in accordance with the terms of paragraph (e) of Appendix A.

Issued this 4th day of February 1942.

LEON HENDERSON,
Administrator

[F. R. Doc. 42-1070; Filed February 4, 1942; 3:34 p. m.]

PART 1330—CONTAINERS

PRICE SCHEDULE NO. 96—DOMESTIC FUEL OIL STORAGE TANKS

Oil storage tanks are indispensible to domestic oil burner installations, many of which are used in defense housing projects. Jobbers' prices for a typical basement tank have more than doubled in some localities during the past year. These price increases far out-strip the increased production costs and the increased selling prices to jobbers which were reported by manufacturers to the Office of Price Administration. Reports of hoarding have been numerous, and the market has been upset by a growing scarcity caused by shortages of steel.

Present inflated storage tank prices make it impractical in many localities to equip new defense houses with low cost, automatic oil heat. Moreover, high tank prices have not resulted in expanded production, because of preference orders affecting sheet steel, or in the development of satisfactory substitutes for steel tanks.

The Office of Price Administration has determined that the establishment of maximum prices for domestic fuel oil storage tanks is essential to maintain price stability and prevent undue price rises and is necessary to protect consumers, the industry, and the national economy. After analysis of information submitted by the industry, a conference with producers and distributors, and full consideration of all relevant factors, it was determined that representative prices charged by manufacturers during the first two weeks in October 1941, adjusted to allow distributors a reasonable mark-up, would constitute fair and equitable ceiling prices.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1330.101 *Maximum prices for fuel oil storage tanks.* On and after February 20, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver, or transfer any domestic fuel oil storage tanks, other than on an installed basis, at prices higher than the maximum prices set forth in Appendices A, B, and C hereof, incorporated herein as §§ 1330.110, 1330.111, and 1330.112, respectively.*

*§§ 1330.101 to 1330.112, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1330.102 *Less than maximum prices.* Lower prices than those set forth in Appendices A, B, and C may be charged, demanded, paid, or offered.*

§ 1330.103 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of domestic fuel oil storage tanks, alone or in conjunction with any other material; or by way of any commission, service, transportation or other charge; or by a tying-agreement or other trade understanding; or by making terms and conditions of sale more onerous to the purchaser than those available or in effect on October 15, 1941; or by unreasonably refusing to ship in carload and truckload quantities when available; or by excessive charges for tank accessories; or by any other means.*

§ 1330.104 *Labeling by manufacturers.* Every manufacturer shall permanently affix to each domestic fuel oil storage tank manufactured by him a durable label setting forth the name and location of the manufacturer, the size and capacity of the tank, and the gauge of steel used therein.*

§ 1330.105 *Records and reports.* (a) Every person making purchases or sales, other than on an installed basis, of domestic fuel oil storage tanks of a value of more than $100.00 during any calendar month after February 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of (1) each such purchase or sale, showing (i) the date thereof, (ii) the name and address of the buyer and the seller, (iii) the point of delivery of the tank to the buyer, (iv) the price paid or received for the tank (exclusive of accessories other than lugs), (v) the freight paid by the seller and charged to the buyer where the tank is delivered to the buyer within the Midwestern Area (as described in § 1330.111 (a)), (vi) the gauge of steel used in the tank, (vii) whether the tank was sold with or without lugs, (viii) the capacity of the tank in gallons, (ix) the size of the tank in inches, and (x) the quantity of each type of tank purchased or sold, and (2) the quantity of domestic fuel oil storage tanks (i) on hand, and (ii) on order, as of the close of each calendar month.

(b) Every person required by the above paragraph to keep records who purchases or sells tank accessories in conjunction with the transfer of a tank shall likewise keep records showing the details of the tank transfer of which the transfer of accessories is a part, the price paid or received for the accessories, and type and quantity of each such accessory purchased or sold.

(c) Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1330.106 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and public are fully informed thereof, and (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement and other services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of domestic fuel oil storage tanks, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1330.107 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with this Schedule.*

§ 1330.108 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity. The term includes, without restricting the generality of the foregoing, any manufacturer, commission salesmen, wholesaler, jobber, or dealer.

(b) "Domestic fuel oil storage tanks" means obrotund basement type steel tanks of the gauges of steel, capacities and sizes listed in the applicable Appendix of this Schedule.

(c) "F. o. b. factory price" means a price including all commissions but excluding all freight and delivery charges.

(d) "Delivered price" means a price including all commissions and freight and delivery charges to the location designated by the purchaser.

(e) "Carload quantity" means a shipment of domestic fuel oil storage tanks which is to be moved by rail, the aggregate weight of which totals at least the lowest applicable minimum carload weight as specified in the established tariff of the rail carrier involved, or for which a carload rate would be paid.

(f) "Truckload quantity", when shipment is by common or contract carrier by motor, means a shipment of domestic fuel oil storage tanks, the aggregate weight of which totals the applicable minimum truckload weight as specified in the established tariff of the common or contract carrier by motor involved, which minimum weight is closest to the carload weight referred to in (e) above for a comparable movement. In all other cases the term "truckload quantity" means 18 or more domestic fuel oil storage tanks, shipped by truck.

(g) "Installed basis", when used in reference to a sale or delivery, means a transaction in which the seller furnishes a domestic fuel oil storage tank and, in consideration of the total price paid by the purchaser, performs the service of connecting the tank to an oil burner.*

§ 1330.109 *Effective date of the Schedule.* This Schedule (§§ 1330.101 to 1330.112, inclusive) shall become effective February 20, 1942.

§ 1330.110 *Appendix A; maximum prices for domestic fuel oil storage tanks for the Eastern Area*—(a) *Application.* The provisions of Appendix A apply to all sales of domestic fuel oil storage tanks for which delivery to the buyer is within the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

(b) *Delivered prices of tanks, with lugs, when delivery is within the Eastern Area.*

Nominal tank capacity in gallons	Gauge of steel in wrapper sheet	Minimum dimension of tank in inches	Car or truckload quantities	Less than car or truckload quantities
275	14	26–27	$17.35	$18.75
275	14	22	17.75	19.15
250	14	26–27	17.00	18.40
250	14	22	17.35	18.75
220	14	26–27	16.60	18.00
220	14	22	17.00	18.40
200	14	26–27	16.20	17.60
200	14	22	16.60	18.00
275	12	26–27	19.50	21.10
275	12	22	20.15	21.70
250	12	26–27	18.90	20.50
250	12	22	19.50	21.10
220	12	26–27	18.30	19.85
220	12	22	18.90	20.50
200	12	26–27	17.65	19.25
200	12	22	18.30	19.85

Maximum allowance for each extra transverse seam: 75¢.
No allowance for extra longitudinal seams.

§ 1330.111 *Appendix B; maximum prices for domestic fuel oil storage tanks for the Midwestern Area*—(a) *Application.* The provisions of Appendix B apply to all sales of domestic fuel oil storage tanks for which delivery to the buyer is within the area between the Eastern Area and the Pacific Coast Area as defined in Appendices A and C of this Schedule.

(b) *F. o. b. factory prices of tanks, without lugs, when delivery is within the Midwestern Area.*

Nominal tank capacity in gallons	Gauge of steel in wrapper sheet	Minimum dimension of tank in inches	Car or truckload quantities	Less than car or truckload quantities
275	14	26–27	$17.70	$19.75
275	14	22	18.05	20.15
250	14	26–27	17.30	19.40
250	14	22	17.70	19.75
225	14	26–27	16.90	19.00
225	14	22	17.30	19.40
200	14	26–27	16.50	18.60
200	14	22	16.90	19.00
275	12	26–27	19.85	22.15
275	12	22	20.45	22.80
250	12	26–27	19.25	21.55
250	12	22	19.85	22.15
220	12	26–27	18.60	20.95
220	12	22	19.25	21.55
200	12	26–27	18.00	20.30
200	12	22	18.60	20.95

Maximum allowance for each extra transverse seam: 75¢.
No allowance for extra longitudinal seams.
Maximum allowance for lugs: $1.00 per tank.

(c) Where shipment is made directly from factory to purchaser, a delivered price in excess of the maximum f. o. b. factory prices set forth in (b) hereof may be charged, consisting of such maximum prices plus actual transportation costs to the extent that such costs are paid by the seller.

(d) Where shipment is made to a purchaser from some place other than the factory a delivered price in excess of the maximum f. o. b. factory prices set forth in (b) hereof may be charged, consisting of such maximum prices plus actual transportation costs from the factory to the place at which the shipment originates. No further addition to such maximum price may be made for transportation costs from the place at which such shipment originates to the location designated by the purchaser.

§ 1330.112 *Appendix C; maximum prices for domestic fuel oil storage tanks for the Pacific Coast Area*—(a) *Application.* The provision of Appendix C apply to all sales of domestic fuel oil storage tanks for which delivery to the buyer is within the states of Washington, Oregon, and California.

(b) *F. o. b. factory prices of tanks, with lugs, when delivery is within the Pacific Coast Area:*

Nominal tank capacity in gallons	Gauge of steel in wrapper sheet	Minimum dimension of tank in inches	Car or truckload quantities	Less than car or truckload quantities
275	14	26–27	$31.95	$35.50
275	14	22	32.35	35.90
250	14	26–27	31.55	35.10
250	14	22	31.95	35.50
220	14	26–27	31.20	34.75
220	14	22	31.55	35.10
200	14	26–27	30.81	34.35
200	14	22	31.20	34.75
275	12	26–27	34.10	37.55
275	12	22	34.75	38.15
250	12	26–27	33.50	36.90
250	12	22	34.10	37.55
220	12	26–27	32.90	36.30
220	12	22	33.50	36.90
200	12	26–27	32.25	35.65
200	12	22	32.90	36.30

Maximum allowance for each extra transverse seam: 75¢.
No allowance for extra longitudinal seams.

(c) Where shipment is made directly from factory to purchaser, a delivered price in excess of the maximum f. o. b. factory prices set forth in (b) hereof may be charged, consisting of such maximum prices plus actual transportation costs to the extent that such costs are paid by the seller.

(d) Where shipment is made to a purchaser from some place other than the factory, a delivered price in excess of the maximum f. o. b. factory prices set forth in (c) hereof may be charged, consisting of such maximum prices plus actual transportation costs from the factory to the place at which the shipment originates. No further addition to such maximum price may be made for transportation costs from the place at which such shipment originates to the location designated by the purchaser.*

Issued this 4th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1069; Filed, February 4, 1942; 3:34 p. m.]

TITLE 41—PUBLIC CONTRACTS

CHAPTER II—DIVISION OF PUBLIC CONTRACTS

PART 202—MINIMUM WAGE DETERMINATIONS

AMENDMENT TO AND EXTENSION OF DETERMINATION OF PREVAILING MINIMUM WAGE IN MEN'S UNDERWEAR INDUSTRY

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes", otherwise known as the Walsh-Healey Public Contracts Act.

On December 15, 1941, the Administrator of the Division of Public Contracts issued a notice of opportunity to show cause (6 F.R. 6524) why my decision dated July 28, 1937, In the Matter of the Determination of the Prevailing Minimum Wage in the Men's Underwear Industry, should not be extended to coincide with and cover the products of the industry as defined in the wage order issued by the Administrator of the Wage and Hour Division pursuant to the provisions of the Fair Labor Standards Act of 1938 (6 F.R. 5323), and amended by increasing the prevailing minimum wage as determined therein from 35 cents an hour in the North and 32.5 cents an hour in the South to 40 cents an hour in both the North and South, with provision for the employment of learners and handicapped workers in accordance with the applicable regulations issued by the Administrator of the Wage and Hour Division.

The proposed extension and amendment was predicated upon evidence before the Department of Labor that the Knitted and Men's Woven Underwear and Commercial Knitting Industry, as defined in the aforementioned wage order issued by the Administrator of

the Wage and Hour Division, is predominately interstate in character, and that in consequence, the wage order has had the effect of establishing 40 cents per hour as the prevailing minimum wage in that industry within the meaning of section 1 (b) of the Walsh-Healey Public Contracts Act.

The notice of opportunity to show cause was sent to members of the industry who had been awarded contracts for the products affected thereby as well as those who had evidenced an interest in the original proceeding, to trade unions, trade publications, and trade associations. Notice was also given to other interested parties through the national press and by publication in the FEDERAL REGISTER (6 F.R. 6524).

Endorsement of the proposal was received from the Textile Workers Union of America, and approval was also registered by an employer-member of Industry Committee No. 28 appointed pursuant to the provisions of the Fair Labor Standards Act, representing the Midwest. The Underwear Institute advised that it did not oppose the 40-cent minimum, but reserved the objections which it had previously filed with the Wage and Hour Division to the learner regulations presently effective under the Fair Labor Standards Act and requested that such objections be made a part of the record in this proceeding. Industry Committee No. 28 having unanimously adopted a resolution recommending to the Administrator of the Wage and Hour Division that he consider a more liberal application of the learner regulations effective in the industry, a hearing has been held for the purposes of determining what, if any, modifications of the learner regulations should be adopted. The matter is now under consideration on the basis of all of the evidence of record, including the objections of the Underwear Institute to the present learner regulations and its recommendations for their revision. In the meantime, the coordination of the minimum wage requirements of the two Acts should not be deferred, and having in mind that my determination of July 28, 1937 now in effect does not provide a tolerance for learners, I shall adopt the learner regulations presently effective under the Fair Labor Standards Act for the purposes of this determination.

Upon consideration of all the facts and circumstances, I hereby determine that:

The title of the industry for the purpose of this determination shall be: "Knitted and Men's Woven Underwear and Commercial Knitting Industry".

§ 202.5 *Knitted and men's woven underwear and commercial knitting.* The minimum wage for employees engaged in the performance of contracts with agencies of the United States Government, subject to the provisions of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C., Sup. III, 35), contemplating any of the following described manufacturing, processing, and finishing operations, shall be 40 cents per hour or $16.00 per week of forty hours, arrived at either upon a time or piece work basis:

(a) The manufacturing, dyeing or other finishing of any knitted fabric made from any yarn or mixture of yarns, except:

(1) The knitting from any yarn or mixture of yarns and the further manufacturing, dyeing or other finishing of knitted garments, knitted garmet sections or knitted garment accessories for use as external apparel or covering which are partially or completely manufactured in the same establishment as that where the knitting process is performed; provided that this exception shall not be construed to apply to the garments or garment accessories designated in clause (b) of this definition.

(2) Fulled suitings, coatings, topcoatings, or overcoatings containing more than 25 percent, by weight, of wool or animal fiber other than silk.

(3) Hosiery.

(b) The manufacturing, dyeing or other finishing, from any yarn or mixture of yarns, or from purchased knitted fabric, of any of the following products:

(1) Knitted garments or garment accessories for use as underwear, sleeping wear, or negligees.

(2) Fleece-lined garments made from knitted fabric containing cotton only or containing any mixture of cotton and not more than 25 percent, by weight, of wool or animal fiber other than silk.

(3) Knitted shirts of cotton or any synthetic fiber or any mixture of such fibers which have been knit on machinery of 10-cut or finer in the same establishment as that where the knitting process is performed.

(4) Knitted towels or cloths.

(c) The manufacturing of men's and boys' underwear from any woven fabric.

Provided, That learners and handicapped workers may be employed in accordance with the present regulations under the Fair Labor Standards Act, which I hereby adopt for purposes of this wage determination.

This determination shall be effective and the minimum wages hereby established shall apply to all contracts subject to the aforesaid Act of June 30, 1936, bids for which are solicited or negotiations otherwise commenced on and after March 3, 1942.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938 or any other law, or agreement more favorable to employees than the requirements of this determination.

[SEAL] FRANCES PERKINS,
Secretary of Labor.

FEBRUARY 3, 1942.

[F. R. Doc. 42-1075; Filed, February 5, 1942; 11:01 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

[Order No. 90]

PART 2—GENERAL RULES AND REGULATIONS

"STANDARD TIME" CHANGED IN PERMITS, LICENSES, ETC.

At a session of the Federal Communications Commission held at its offices, Washington, D. C., on the 3d day of February 1942.

It appearing that there are a large number of existing construction permits, licenses and special authorizations for standard broadcast stations which provide that the licensee or permittee shall commence operation at "sunrise" and cease operation at "sunset" and which specify the average times of sunrise and sunset for each month in accordance with standard time based upon "mean astronomical time" as established by the Act of March 19, 1918, and

It further appearing that Public Law No. 403 approved January 20, 1942, now establishes "standard time" as one hour in advance of "mean astronomical time" as established by the Act of March 19, 1918;

Now, therefore, it is ordered, That the specified average times of sunrise and sunset in all existing instruments of authorization for standard broadcast stations shall be advanced one hour pursuant to Public Law No. 403, approved January 20, 1942.

This Order shall become effective 2:00 o'clock a. m., February 9, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1076; Filed, February 5, 1942; 11:12 a. m.]

PART 2—GENERAL RULES AND REGULATIONS

STANDARD TIME; DAYLIGHT SAVING TIME

The Commission, on February 3, 1942, effective 2 A. M., February 9, 1942, adopted § 2.36, as follows:

§ 2.36 *Standard time; daylight saving time.* Pursuant to Public Law No. 403 approved January 20, 1942, all references to "Standard Time", wherever found in these Rules and Regulations or in any order or instrument of authorization issued by this Commission shall be one hour in advance of "Mean Astronomical Time". "Daylight Saving Time" shall be one hour earlier than "Standard Time"; i. e., two hours in advance of "Mean Astronomical Time". (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 303 (f), 48 Stat. 1082; 47 U.S.C. 303 (f))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1077; Filed, February 5, 1942; 11:12 a. m.]

PART 3—STANDARD AND HIGH-FREQUENCY BROADCAST STATIONS

PROGRAM TRANSMISSIONS PRIOR TO LOCAL SUNRISE

The Commission, on February 3, 1942, effective 2 A. M., February 9, 1942, amended § 3.87 (a) (2) (*Program transmissions prior to local sunrise*) to read as follows:

(2) Any class II station causing interference [33a] by use of its daytime facilities within the 0.5 mv/m 50% sky wave contour of any class I station either of the United States or of any country party to the North American Regional Broadcasting Agreement, except (a) where the class I station is located East of the class II station in which case operation may begin at local sunrise at the class I station; (b) where an agreement has been reached with the class I station to begin operation prior to local sunrise.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-1078; Filed, February 5, 1942; 11:12 a. m.]

PART 7—COASTAL AND MARINE RELAY SERVICES

STANDARD TIME CHANGES

The Commission, on February 3, 1942, effective 2 A. M., February 9, 1942, took the following action:

Amended footnote numbered 26 to § 7.81 (d) (*Radio log for frequencies below 515 kilocycles*) to read as follows:

[26] For example, 8:01 P. M. Eastern Standard Time would be entered as 0001 GMT; 8:30 A. M. Eastern Standard Time would be entered as 1230 GMT; 7:45 P. M. Eastern Standard Time would be entered as 2345 GMT.

Amended footnote numbered 27 to § 7.82 (d) (*Radio log for frequencies above 1500 kilocycles*) to read as follows:

[27] For example, 8:01 P. M. Eastern Standard Time would be entered as 0001 GMT; 8:30 A. M. Eastern Standard Time would be entered as 1230 GMT; 7:45 P. M. Eastern Standard Time would be entered as 2345 GMT.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 303 (f), 48 Stat. 1082; 47 U.S.C. 303 (f))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-1079; Filed, February 5, 1942; 11:13 a. m.]

PART 8—SHIP SERVICE

STANDARD TIME CHANGES

The Commission, on February 3, 1942, effective 2 A. M., February 9, 1942, took the following action:

Amended footnote numbered 67 to § 8.221 (d) (*Radio log for safety purposes*) to read as follows:

[67] For example, 8:01 P. M. Eastern Standard Time would be entered as 0001 GMT; 8:30 A. M. Eastern Standard Time would be entered as 1230 GMT; 7:45 P. M. Eastern Standard Time would be entered as 2345 GMT.

Amended footnote numbered 70 to § 8.222 (d) (5) (*Radio log during hours of service*) to read as follows:

[70] For example, 8:01 P. M. Eastern Standard Time would be entered as 1901 GMT; 8:30 A. M. Eastern Standard Time would be entered as 0730 GMT; 7:45 P. M. Eastern Standard Time would be entered as 1845 GMT.

Amended footnote numbered 71 to § 8.222 (d) (6) (*Radio log during hours of service*) to read as follows:

[71] For example, 8:01 P. M. Eastern Standard Time would be entered as 1901 EST; 8:30 A. M. Eastern Standard Time would be entered as 0730 EST; 7:45 P. M. Eastern Standard Time would be entered as 1845 EST.

(Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 303 (f), 48 Stat. 1082; 47 U.S.C. 303 (f))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-1080; Filed, February 5, 1942; 11:13 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

SUBCHAPTER A—GENERAL RULES AND REGULATIONS

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 19th day of January, A. D. 1942.

The subject of the requirement of reports from persons furnishing cars or protective service to or on behalf of any carrier by railroad or express company being under consideration, the following order was entered:

§ 120.71 *Quarterly reports of persons furnishing cars or protective service to or on behalf of any carrier by railroad or express company.* (a) Beginning with the three months' period ended March 31, 1942, and quarterly thereafter, until further order of this Commission, all persons furnishing cars or protective service to or on behalf of any carrier by railroad or express company, subject to the provisions of section 20, Part I, of the Interstate Commerce Act, be, and they are hereby, required to file quarterly reports of the number of freight cars in service, in accordance with the form of report, which is hereby approved and made a part of this order.[1] (54 Stat. 917; 49 U.S.C. 4309)

(b) Each such quarterly report shall be filed, in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., within 60 days after the close of the period to which it relates.

By the Commission, division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 42-1091; Filed, February 5, 1942; 11:55 a. m.]

Notices

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE SEAMLESS HOSIERY INDUSTRY

NOTICE OF OPPORTUNITY TO SHOW CAUSE

Under date of July 28, 1937, following a public hearing held after due notice to all interested parties, the Secretary of Labor, pursuant to the provisions of section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), determined the minimum wage for employees engaged in the performance of contracts with agencies of the United States, subject to said Act, for the manufacture or supply of seamless hosiery to be 35 cents per hour, or $14.00 per week of forty hours, arrived at either upon a time or piece work basis (2 F.R. 1338), with the provision that a tolerance of not to exceed 5% of the workers in any one establishment be granted for those workers who are in fact learners, handicapped or superannuated workers, subject to the conditions that they be paid not less than 26 cents an hour or $11.20 per week of forty hours, and not less than the piece rates paid to other workers in the same establishment.

On September 15, 1941, the minimum wage required to be paid by seamless hosiery manufacturers subject to the provisions of the Fair Labor Standards Act of 1938 became 36 cents per hour. (Wage Order of the Administrator, Wage and Hour Division, U. S. Department of Labor, establishing minimum wage rates in the Seamless Hosiery Industry, signed July 10, 1941, 6 F.R. 3583).

Inasmuch as it is believed that the aforementioned Wage Order issued pursuant to the provisions of the Fair Labor Standards Act of 1938 has had the effect of establishing 36 cents per hour as the prevailing minimum wage in the Seamless Hosiery Industry within the meaning of section 1 (b) of the aforementioned Act of June 30, 1936, otherwise known as the Walsh-Healey Public Contracts Act; and

The Administrator of the Wage and Hour Division having issued regulations applicable to the employment of learners in the Hosiery Industry (29 CFR 522); and

The Administrator of the Wage and Hour Division having heretofore issued regulations concerning the employment of handicapped workers in the performance of work subject to the provisions of the Fair Labor Standards Act (29 CFR 524); and

[33a] As determined by the Standards of Good Engineering Practice Governing Standard Broadcast Stations and the North American Regional Broadcasting Agreement. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 303 (f), 48 Stat. 1082; 47 U.S.C. 303 (f))

[1] Filed as part of the original document.

It appearing that the best interests of management and labor will be served if the regulations of the Administrator of the Wage and Hour Division, as cited above, be made applicable in their entirety to contracts awarded under the Public Contracts Act and the Secretary's determination In the Matter of the Prevailing Minimum Wages in the Seamless Hosiery Industry. Accordingly,

Notice is hereby given to all interested persons of the opportunity to show cause, on or before February 17, 1942, why the Secretary should not modify the determination In the Matter of the Prevailing Minimum Wages in the Seamless Hosiery Industry by finding that the prevailing minimum wage for persons now employed in that industry is 36 cents per hour or $14.40 per week of forty hours and why the Secretary should not further modify the determination for the Seamless Hosiery Industry to provide that applicable regulations for the employment of learners and handicapped workers issued by the Administrator of the Wage and Hour Division be adopted by the Secretary as applicable to contracts awarded subject to the Secretary's decision for the Seamless Hosiery Industry.

All objections or protests should be addressed to the Administrator, Division of Public Contracts, U. S. Department of Labor, Washington, D. C. An original and four copies should be filed.

Dated: February 3, 1942.

[SEAL] L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-1074; Filed, Febuary 5, 1942; 11:01 a. m.]

CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS SATURDAY, JANUARY 31, 1942

Important. Although the apportioned classified Civil Service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his state of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico	1,187	51
2. Virgin Islands	16	1
3. Hawaii	269	28
4. Alaska	46	14
5. California	4,388	1,430
6. Louisiana	1,502	688
7. Michigan	3,339	1,576
8. Arizona	317	165
9. Texas	4,075	2,158
10. Georgia	1,984	1,207
11. South Carolina	1,207	741
12. Kentucky	1,808	1,133
13. Alabama	1,800	1,130
14. Ohio	4,388	2,917
15. Mississippi	1,387	927
16. New Mexico	338	228
17. North Carolina	2,269	1,574
18. Arkansas	1,238	876
19. New Jersey	2,643	1,940
20. Nevada	70	55
21. Tennessee	1,852	1,536
22. Indiana	2,178	1,813
23. Florida	1,205	1,015
24. Oregon	692	585
25. Delaware	169	144
26. Illinois	5,017	4,348
27. Idaho	333	296
28. Connecticut	1,066	991
29. Wisconsin	1,993	1,854
30. Pennsylvania	6,289	6,143
31. Rhode Island	453	448
IN EXCESS		
32. Washington	1,103	1,107
33. New Hampshire	312	314
34. Vermont	228	232
35. West Virginia	1,208	1,265
36. Massachusetts	2,742	2,944
37. Missouri	2,404	2,598
38. Utah	350	383
39. Maine	538	589
40. Oklahoma	1,484	1,662
41. Colorado	714	844
42. Iowa	1,613	2,024
43. New York	8,563	10,770
44. Minnesota	1,774	2,238
45. Montana	355	466
46. Wyoming	159	211
47. Kansas	1,144	1,645
48. North Dakota	408	620
49. Virginia	1,701	2,623
50. South Dakota	408	665
51. Nebraska	836	1,500
52. Maryland	1,157	2,851
53. District of Columbia	421	9,607

GAINS	
By appointment	3,102
By transfer	311
By reinstatement	12
By correction	4
Total	3,429
LOSSES	
By separation	276
By transfer	333
By correction	2
Total	611
Total appointments	85,165

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 20,360.

By direction of the Commission.

[SEAL] L. A. MOYER,
Executive Director, and Chief Examiner.

[F. R. Doc. 42-1067; Filed, February 4, 1942; 8:24 p. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4528]

IN THE MATTER OF LOUIS A. WALTON CO., A CORPORATION; KLING BROS. & CO., INC., A CORPORATION, ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of February, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Edward E. Reardon, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, March 2, 1942, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1065; Filed, February 5, 1942; 11:36 a. m.]

[Docket No. 4628]

IN THE MATTER OF SHERMAN HAT COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of February, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Edward E. Reardon, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, March 11, 1942, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1086; Filed, February 5, 1942; 11:36 a. m.]

[Docket No. 4633]

IN THE MATTER OF DANIEL HECHTMAN AND STEVE MOORE, INDIVIDUALLY, TRADING AS H & H HAT COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of February, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That Edward E. Reardon, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, March 9, 1942, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F R. Doc. 42-1087; Filed, February 5, 1942; 11:36 a. m.]

[Docket No. 4638]

IN THE MATTER OF MONTGOMERY WARD & COMPANY, INC., A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its Office in the City of Washington, D. C., on the 3d day of February, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Edward E. Reardon, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, March 4, 1942, at ten o'clock in the forenoon of that day (central standard time) in Room 1123, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1088; Filed, February 5, 1942; 11:36 a. m.]

[Docket No. 4679]

IN THE MATTER OF BEN D. FOGEL AND LOUIS SINGER, INDIVIDUALLY AND TRADING AS B. & L. HAT COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of February, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Edward E. Reardon, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, February 27, 1942, at ten o'clock in the forenoon of that day (central standard time) in Room 1116, New Post Office Building, 433 West Van Buren Street, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1089; Filed, February 5, 1942; 11:37 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-253]

IN THE MATTER OF WESTERN NEW YORK FUND, INCORPORATED

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of February, A. D. 1942.

An application having been filed by the above named applicant for an order pursuant to the provisions of section 23 (c) (3) of the Investment Company Act of 1940 exempting it from the provisions of Rule N-23C-1 promulgated thereunder insofar as such rule limits the amount of repurchases of its outstanding stock to one percent a month, so that it can purchase not more than 12,500 shares of its common stock from Goodbody and Co., members New York Stock Exchange;

It is ordered, That a hearing on the aforesaid application be held on February 10, 1942 at 10:15 o'clock in the forenoon of that day, in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue Northwest, Washington, D. C. On such date the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing for such matter. The officer so designated to preside at such hearing is hereby authorized to exercise any powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940, and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of public investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1090; Filed, February 5, 1942; 11:49 a. m.]

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FEDERAL REGISTER

VOLUME 7 NUMBER 27

Washington, Saturday, February 7, 1942

The President

EXECUTIVE ORDER

AUTHORIZING AND DIRECTING THE UNITED STATES MARITIME COMMISSION TO RESELL THE S. S. "NORMANDIE" TO THE FORMER OWNERS THEREOF

WHEREAS section 1 of the act of Congress approved June 6, 1941 (Public Law 101, 77th Congress), provides, in part:

• • • during the existence of the national emergency declared by the President on September 8, 1939, to exist, but not after June 30, 1942, the President is authorized and empowered, through such agency or officer as he shall designate, to purchase, requisition, for any period during such emergency charter or requisition the use of, or take over the title to, or the possession of, for such use or disposition as he shall direct, any foreign merchant vessel which is lying idle in waters within the jurisdiction of the United States, including the Philippine Islands and the Canal Zone, and which is necessary to the national defense • • •

AND WHEREAS the United States Maritime Commission (herein called the "Commission"), by virtue of the authority vested in it by the aforesaid act and by the Executive order dated June 6, 1941 and amendment thereto, took over the title to the possession of the S. S. *Normandie*, a foreign merchant vessel lying idle in waters within the jurisdiction of the United States, effective as of December 16, 1941;

AND WHEREAS the French Government has requested that said vessel, unless lost, be returned to the former owners thereof when the present emergency shall have ceased and the United States shall no longer have need of said vessel:

NOW, THEREFORE, by virtue of the authority vested in me by the aforesaid act, it is hereby ordered that, without limiting the authority of the Commission under the provisions of sections 3, 4, and 5 of the aforesaid act, or under the said Executive order or amendment thereto, or under any other provision of law, the Commission is authorized, upon such terms and conditions as the Commission shall deem desirable and conducive to the national defense, to agree to resell the S. S. *Normandie* to the former owners thereof, or their successors, and to re-deliver the same to said former owners, or their successors, whenever the present emergency shall have ceased and the Commission shall determine that the United States no longer has need of said vessel.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
December 27, 1941.

[No. 9001–A]

[F. R. Doc. 42–1102; Filed, February 6, 1942; 9:18 a. m.]

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VII—PERSONNEL

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS [1]

APPOINTMENT OF WARRANT OFFICERS

GENERAL INFORMATION

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73.300 Eligibility.
73.301 Classifications.
73.302 Examinations.
73.303 Appointments.

ELIGIBILITY

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73.305 Grade.
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APPLICATION, EXAMINATION AND APPOINTMENT

73.310 Submission of application.
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[1] §§ 73.300 to 73.320 and §§ 73.330 to 73.333 are added. The regulations contained in these sections are also contained in AR 610–10, September 13, 1941, the particular paragraphs being shown in brackets at end of sections.

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FEDERAL REGISTER

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ARMY MINE PLANTER SERVICE

73.330 Grades, Army Mine Planter Service.
73.331 Examinations; second mate and second assistant engineer; when held.
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73.333 Application, examination, and eligible list.

General Information

§ 73.300 *Eligibility.* The following persons are eligible to apply for appointment as warrant officer, junior grade:

(a) Commissioned officers of the Army of the United States (except those commissioned in the Regular Army) and former officers of the Regular Army whose separation from active service was under honorable conditions.

(b) Enlisted men of the Army of the United States and former enlisted men of the Regular Army who were discharged under honorable conditions.

All applicants must be male citizens of the United States between the ages of 21 and 45 years, physically qualified, and have completed at least 1 year's active duty in the Army of the United States on the final date applications are due to be submitted to organization commanders. See also § 73.310.

NOTE: Special requirements for appointment in the Army Mine Planter Service are given in §§ 73.330 to 73.333.

* [Par. 2]

*§§ 73.300 to 73.320 issued under authority contained in Act of August 21, 1941, Public Law 230, 77th Congress. §§ 73.330 to 73.333 issued under authority contained in Act of October 15, 1940, 54 Stat. 1177, and Act of August 21, 1941, Public Law 230, 77th Congress.

§ 73.301 *Classifications.* (a) Warrant officers will be examined and appointed to classifications within the arms and services as follows:

(1) *Adjutant General's Department*—(i) *Administrative.* Clerical, clerical (machine record), and fiscal (post exchanges). Typing and dictation is optional; however, the request to take typing and dictation will be indicated on W.D., A.G.O. Form No. 61 (Application for Appointment as Warrant Officer).

(ii) *Technician specialists.* None.

(2) *Air Corps*—(i) *Administrative.* Clerical and supply.

(ii) *Technician specialists.* Armament, bombsight, engineering, lighter-than-air, motor transport, photographic, signal communication, and weather.

(3) *Armored Force*—(i) *Administrative.* Clerical and supply.

(ii) *Technician specialists.* Motor transport, signal communication, and tank.

(4) *Cavalry*—(i) *Administrative.* Clerical and supply.

(ii) *Technician specialists.* Motor transport and signal communication.

(5) *Chaplains*—(i) *Administrative.* Clerical.

(ii) *Technician specialists.* None.

(6) *Chemical Warfare Service*—(i) *Administrative.* Clerical and supply.

(ii) *Technician specialists.* Munitions.

(7) *Coast Artillery Corps*—(i) *Administrative.* Clerical and supply.

(ii) *Technician-specialists.* Munitions, signal communication and motor transport.

(8) *Corps of Engineers*—(i) *Administrative.* Clerical and supply.

(ii) *Technician specialists.* Construction and utilities, motor transport, and topographic.

(9) *Field Artillery*—(i) *Administrative.* Clerical, supply, and fiscal.

(ii) *Technician specialists.* Signal communication.

(10) *Finance Department*—(i) *Administrative.* Fiscal (auditing and disbursing).

(ii) *Technician specialists.* None.

(11) *Infantry*—(i) *Administrative.* Clerical and supply.

(ii) *Technician specialists.* Motor transport, munitions (ammunition), and signal communication.

(12) *Inspector General's Department*—(i) *Administrative.* Clerical and clerical, auditing and accounting. Typing and dictation is optional: however, the request to take typing and dictation will be indicated on W.D., A.G.O. Form No. 61.

(ii) *Technician specialists.* None.

(13) *Judge Advocate General's Department*—(i) *Administrative.* Clerical (with typing and dictation optional).

(ii) *Technician specialists.* None.

(14) *Medical Department*—(i) *Administrative.* Clerical and supply.

(ii) *Technician specialists.* Motor transport.

(15) *Ordnance Department*—(i) *Administrative.* Supply and clerical (combined).

(ii) *Technician specialists.* Armament machinist, motors, and munitions (ammunition).

(16) *Quartermaster Corps*—(i) *Technician specialists.* Motor transport.

(17) *Signal Corps*—(i) *Administrative.* Clerical and supply.

(ii) *Technician specialists.* Cryptographic, motor transport, and signal communication.

(b) Other categories of warrant officers are—

(1) Army Mine Planter Service.
(2) Band leaders.* [Par. 4]

§ 73.302 *Examinations.* General examinations will be conducted under the supervision of corps area commanders—

(a) *Preliminary.* A preliminary examination will be conducted at each post by a board of officers who will examine the applications and reports of physical examination, interview the applicants, and determine whether or not they possess the moral character, general fitness, and educational and technical qualifications necessary to justify their further consideration.

(b) *Final.* A final written examination will be conducted by post commanders under the supervision of corps area commanders and in accordance with special instructions issued by the War Department. This examination is general will consist of two parts: first, a general educational examination taken by all applicants; and second, a technical examination to determine the applicant's specialist qualifications.

These examinations will be scored by corps area commanders under instructions issued by the War Department.* [Par. 5]

§ 73.303 *Appointments.* Successful applicants will be reported by corps area commanders to the War Department. From a consolidated report arranged by classification of all such reports, the War Department will arrange a single list in order of military grade, length of service, and age. Appointments will be tendered to successful applicants in such numbers as may be required to fill existing vacancies. An additional number of successful applicants necessary to cover possible vacancies during the year will be carried on an eligible list for appointment until the next succeeding examination for appointment is held, but in no case longer than 1 year. All original permanent appointments as warrant officer, junior grade, will be probationary for a period of 3 years. See §§ 73.314 and 73.316.* [Par. 6]

Eligibility[1]

§ 73.304 *Age requirements.* All applicants must have attained their twenty-first birthday and must not have passed their forty-fifth birthday at the time of their appointment. If in active military service, applicants may be permitted to apply for appointment provided they are not less than 20 years and 9 months nor more than 44 years and 9 months of age on the date of the final examination.* [Par. 7]

§ 73.305 *Grade.* (a) Permanent appointments in the Regular Army as warrant officer, junior grade, will be tendered only to officers (except Regular Army officers), temporary warrant officers, and noncommissioned officers of the Army of the United States, and to former officers and noncommissioned officers of the Regular Army, whose separation from active service was under honorable conditions.

(b) In time of war or national emergency, other qualified applicants may be tendered temporary appointments as warrant officers, junior grade, in the Army of the United States.* [Par. 8]

§ 73.306 *Service requirements.* (a) Permanent appointments in the Regular Army as warrant officers, junior grade, will be tendered only to officers and noncommissioned officers who have completed 3 years' continuous service on active duty in the Army of the United States.

(b) Temporary appointments may be tendered only to persons who have completed not less than 1 year's continuous service on active duty in the Army of the United States.* [Par. 9]

§ 73.307 *Physical standards.* All applicants will be required to meet the physical standards prescribed for appointment as commissioned officers. See paragraph 18, AR 40–105.[1]* [Par. 10]

§ 73.308 *Education.* The general educational examination is considered to require graduation from an accredited high school, or the equivalent thereof, in order to obtain a qualifying mark. Certain technical examinations are considered to require the equivalent of 2 years of college, business, or trade school, or the equivalent thereof, in order to obtain a qualifying mark. The application of any candidate who received a score of less than 110 on the Army general classification test will be returned disapproved.* [Par. 11]

§ 73.309 *Civilian experience.* In cases where civilian experience is similar to that of the warrant officer classification for which appointment is being sought, consideration will be given for this experience as a substitute for a portion of the military service requirement prescribed in § 73.306. For details see §§ 73.318 and 73.319.* [Par. 12]

Application, Examination and Appointment

§ 73.310 *Submission of application.* Application for appointment will be made on W.D., A.G.O. Form No. 61 or a legible facsimile thereof. The application will be accompanied by a completed W.D., A.G.O. Form No. 63 (Report of Physical Examination) and will be submitted to the applicant's unit or detachment commander. Persons not in active military service will submit their applications to the nearest Army post commander. Applications will be submitted not later than September 30 of each year in which an examination is held. When special examinations are announced by the War Department, the date of submission of applications will be indicated in such announcement.* [Par. 13]

§ 73.311 *Preliminary examination*—(a) *Action by post commander.* When all applications have been received, the post commander will appoint a board of officers to conduct the preliminary examination. Wherever the appointment of a board is impracticable, report will be made to the corps area commander who will make suitable arrangements for the conduct of the preliminary examination.

(b) *Examination by board.* The board will carefully examine all applications and reports of physical examinations. Each applicant will appear before the board and will be interviewed by the members thereof. The applicant's past experience and general adaptability in military service, with particular reference to the appointment which he is seeking, will be carefully investigated. The board will observe the applicant's personality, appearance, bearing, moral character, and general fitness for military service. The purposes of the preliminary examination in general will be to eliminate from further consideration those applicants whose future value to the military service is questionable.* [Pars. 15 and 16]

§ 73.312 *Final examination*—(a) *Action by post commander.* The educational and technical examinations will be conducted on March 17–18, 1942, and each subsequent year by the post commander, who will appoint necessary boards of officers to supervise and conduct the final examination in accordance with special instructions issued by the War Department in connection therewith.

(b) *Educational.* The educational examination will be given to all applicants. This examination is designed to ascertain the extent to which the applicant possesses the general education required of warrant officers in the Army. It will test the applicant's powers of comprehension, judgment, and reasoning, and his knowledge of English, United States history, and contemporary affairs. A brief description of the subject matter covered in the educational examination follows:

(1) *Part I—Comprehension*—(i) *Section 1, vocabulary.* This section is designed to measure the candidate's knowledge of military terms and general terms widely used in military language.

(ii) *Section 2, reading comprehension.* This section requires the ability to comprehend details and select the principal ideas in portions of Army Regulations quoted.

(iii) *Section 3.* This section measures the ability to read and interpret charts,

* The regulations contained in §§ 73.304 to 73.309 do not apply to appointment in the Army Mine Planter Service. See §§ 73.330 to 73.333.

[1] Administrative regulations of the War Department relative to standards of physical examination.

paragraphs, and indexes widely used in different types of regulations, manuals, and military documents.

(2) *Part II—Judgment and reasoning*—(i) *Section 1.* This section measures the ability to reason in arithmetic problems, employing simple computations in addition, subtraction, multiplication, division, including decimals, percentages, and proportions.

(ii) *Section 2.* This section requires the ability to make reasonably sound decisions from a number of given facts in both theoretical and real situations.

(iii) *Section 3.* This section measures the ability to make approximate estimates for common sense interpretation of everyday numerical facts.

(3) *Part III—English expression*—(i) *Section 1.* This section is designed to measure the ability to use correct English and to recognize clear and effectively written expressions. It does not measure the ability to state specific rules of technical grammar, but it measures the ability to apply and recognise correct grammatical principles.

(ii) *Section 2.* This section is designed to measure the ability to arrange sentences properly within a paragraph and to arrange an outline.

(4) *Part IV—History and contemporary affairs.* This section is designed to provide a measure of the candidate's knowledge of and ability to interpret contemporary affairs, and the significance of important events in United States history.

(c) *Technical.* This examination is designed to test the applicant's knowledge and technical qualifications for the position for which he is applying. Separate examinations will be given for the respective classifications listed in § 73.301. The general scope of the various technical tests is given in §§ 73.318 and 73.319.* [Pars. 20 and 21]

§ 73.313 *Final list of applicants* (c) Upon the receipt of all reports from corps area commanders the War Department will prepare a final list of successful candidates in order of military grade, length of service, and age.

(b) This list will establish the order from which appointments will be made and where appointments are made on the same day, will establish the seniority of appointees.* [Par. 24]

§ 72.314 *Permanent appointments.* Permanent appointments as warrant officers, junior grade, United States Army, will be tendered successful applicants in order of their standing on the final lists. Each warrent officer so appointed will be classified according to the administrative or technical specialty for which he was examined and his classification will be designated upon his warrent. Warrent officers will be assigned to duty with the various arms and services with due regard to prior service, classification for which examined, the requirements of the arm or service concerned, and individual preference. All permanent appointments in the Regular Army as warrant officer, junior grade, will be probationary for a period of 3 years.* [Par. 25]

§ 73.315 *Eligible list.* The names of qualified applicants who are not immediately appointed will be carried on an eligible list until the next succeeding examination, but in no case longer than 1 year. Vacancies occurring subsequent to the final examination and prior to the next succeeding examination may be filled by appointments from this eligible list, subject to physical examination.* [Par. 26]

§ 73.316 *Temporary appointments.* In time of war or national emergency qualified applicants who do not receive permanent appointments may be given temporary appointments which will remain in effect at the pleasure of the Secretary of War, but in no case extend beyond 6 months after the end of the war or period of national emergency.* [Par. 27]

§ 73.317 *Future examinations.* The fact that an applicant's name has been borne on an eligible list or that an applicant has been tendered a temporary appointment will not exempt such applicants from future examinations for permanent appointment as warrant officers in the Regular Army.* [Par. 28]

§ 73.318 *General scope of final examination (technical); administrative*—(a) *Clerical.* (Adjutant General's Department, Air Corps, Armored Force, Cavalry, Corps of Chaplains, Chemical Warfare Service, Coast Artillery Corps, Corps of Engineers, Field Artillery, Infantry, Inspector General's Department, Medical Department, Quartermaster Corps, and Signal Corps.)

(1) *General.* The final examination will cover the following subjects: organization of the Army; organization of the Adjutant General's Department; general duties of The Adjutant General; staff data; military personnel; personnel management and personnel records, recruiting, the wearing of the uniform, pay and allotments, Government life insurance, efficiency reports, military discipline, prisoners, honors and awards, and the deceased; appointment and reduction, leaves, transfers, furloughs, foreign service, physical inspections, and separation from the service; rations and clothing, salvage and laundry activities, transportation of baggage, sale of supplies and services; Army Regulations covering administration of corps areas, posts, camps, stations, and exchanges; administration and training of Reserve officers; Army Regulations covering correspondence, safeguarding military information, and strength returns. Candidates seeking appointment in the Adjutant General's Department or the Inspector General's Department may take typing and dictation as an optional subject (see subdivision (2) (ii) of this paragraph).

(2) *Scope for final examination in specific arms and services*—(i) *Clerical (machine record—Adjutant General's Department).* The organization of the Army, including channels of command; general provisions for the Adjutant General's Department; regulations covering correspondence, records, and publications, and the safeguarding of military records; regulations concerning Reserve officers; strength returns; preparation of pay rolls and model remarks, monetary allowances in lieu of rations and quarters; War Department filing system; authorized abbreviations; rations and clothing; personnel; rosters, service record, morning reports, efficiency reports, discipline, wearing of the uniform, discharge and final statement; operation of a machine records unit; codes for a machine records unit. Typing and dictation is optional (see subparagraph (2) (ii) of this paragraph for scope).

(ii) *Clerical (Judge Advocate General's Department, with typing and dictation).* Important subject matter covered in the Manual for Courts-Martial, United States Army (1928), including the current circulars and memoranda pertaining thereto, and the Articles of War and other appendices; military personnel; management and records; recruiting; wearing of the uniform; efficiency reports; designation of beneficiaries; awards; leaves, furloughs, passes, delays, transfers, details, assignments, traveling, and separation from the service; general provisions relating to pay; prisoners; the deceased; organization of the Army; general duties with which The Adjutant General is charged; organization and operation of the Adjutant General's Department; staff data; general provisions for warrant officers; expenses of courts martial, courts of inquiry, military commissions, and retirement boards; administration of posts, camps, and stations; exchanges.

This examination will also include a practical demonstration of the applicant's ability to type at a speed of 40 words per minute and to take dictation at a speed of 120 words per minute.

(3) *Auditing and accounting (Inspector General's Department).* The organization of the Inspector General's Department; principles and methods of accounting and double-entry bookkeeping, especially a knowledge of profit and loss statements, balance sheet, general and Army practices in classifying, debiting, and crediting, posting, and closing accounts; sales of goods and services to enlisted men. Typing and dictation is optional. (See subparagraph (2) (ii) of this paragraph for scope.)

(b) *Fiscal.* Auditing and disbursement (Adjutant General's Department (post exchanges), Field Artillery, and Finance Department). The subject matter covered in the entire series of Army Regulations and War Department circulars pertaining thereto which relate to the Finance Department; all Finance Department circulars. Typing and dictation is optional for candidates seeking appointment in the Adjutant General's Department (see paragraph (a) (2) (ii) of this section for scope).

(c) *Supply.* (Armored Force, Cavalry, Chemical Warfare Service, Coast Artillery Corps, Corps of Engineers, Field Artillery, Infantry, and Quartermaster Corps.)

(1) *General.* Procurement of supplies; the Quartermaster Corps; transportation of troops, supplies, and baggage; salvage, laundry, and ice services; unserviceable property; collection and disposal of waste material; rations and subsistence stores; items and price list of supplies; bills of lading; standard quantities of heat, light, and electric power; fire protection; the Finance Department; monetary allowances; property: requisitioning, receipt, issue, sales,

and accountability and responsibility; expendable, lost, destroyed, damaged, or unserviceable property; property accounting; correspondence; duty rosters and morning reports; clothing; storage and issue of supplies; types of equipment; marking of clothing, equipment, vehicles, and property; military motor vehicles; printing and binding; authorized abbreviations.

(2) *Scope for final examinations in specific arms and services*—(i) *Supply (Air Corps).* Procurement of supplies; the Quartermaster Corps; transportation of troops, supplies, and baggage; salvage and laundry activities; unserviceable property including waste material; rations; the Finance Department; agent officers; general fiscal procedure; allowances; property; requisitioning, transfers, accountability, and responsibility; expendable, lost, destroyed, or unserviceable property, receipt, shipment, and issue; auditing property accounts; military publications; correspondence; military records; duty rosters, service records, preparation of Army pay rolls, final statement; clothing and types of equipment; authorized abbreviations; Air Corps supply system; procurement and maintenance of equipment; material and labor accounting; general provisions for storage; stores and exchanges; parachute record; aircraft fuel and oil—price list and locations.

(ii) *Supply (Medical Corps).* General provisions relating to the Medical Corps; medical service of the division and in joint oversea operations; military hygiene and sanitation; sanitary reports; the collection and preparation of pathological and other specimens for shipment to laboratories; the prevention of communicable diseases; records of morbidity and mortality; medical supplies; property; accountability and responsibility, requisitioning, receipt, shipment, and issue; expendable, lost, destroyed, damaged, and unserviceable property; property accounting; procurement, transportation, storage, and issue of supplies; transportation of authorized baggage, correspondence; orders, bulletins, circulars, and memoranda; service records; daily sick reports; burials on the field of battle; types of equipment.

(iii) *Supply (Ordnance Department).* Property: accountability and responsibility; requisitioning, receipt, shipment, issue, and sales; lost, destroyed, damaged, or unserviceable property; property records; auditing property accounts; ordnance property; supplies; procurement, transportation, storage, and issue; bills of lading; fiscal procedure; pay, allowances, and allotments; correspondence; military records: preservation and disposition, preparation of Army pay rolls and model remarks, morning reports and daily sick reports; safeguarding military information; inspections; transportation of individuals; ordnance field service; report of principal items of supplies, annual estimate of funds, and financial administration of maintenance activities.

(iv) *Supply (Signal Corps).* Procurement, transportation, storage, and issue of supplies; salvage and laundry activities; rations; pay, allowances, and allotment; property: accountability and responsibility, receipt, shipment, issue, and requisitioning; post messes; correspondence; orders, bulletins, circulars, and memoranda; Tables of Organization, Tables of Basic Allowances, and Tables of Allowances; duty rosters, service records, morning reports, daily sick reports, personnel rosters, discharge certificate; preparation of Army pay rolls and model remarks; arrest and confinement of personnel; deceased personnel; clothing; authorized abbreviations; telegraph, cable, and radio service; Signal Corps reports; mission, function, and signal communication in general.* [Pars. 29, 30 and 31]

§ 73.319 *General scope of final examination (technical); technician specialists*—(a) *Aviation*—(1) *Armament.* General; fixed, for harbor defense, heavy field, and railway artillery; for howitzers and small arms; aircraft bombs and bomb components; hand grenades; unsafe ammunition; ammunition reimbursement prices; packing and marking ammunition, projectiles, propelling charges, aircraft bombs, fuses, and other components; military explosives and pyrotechnics; transportation of explosives, inflammables, and chemical warfare materials; inspection of property charges and bulk powder; ammunition nomenclature and shipping names; electric armament controls; Browning aircraft machine gun and machine-gun sights; synchronizing; bomb racks, two-target equipment, and flare racks; range regulations for firing ammunition in time of peace; qualification in arms, and ammunition training allowances; lost, destroyed, damaged, and unserviceable property; regulations and safety provisions pertaining to ordnance.

(2) *Bombsight.* Theory of bombing; bombing technique and errors; bombing trainer; theory and operation A. F. C. E. service units; maintenance A. F. C. E.; storage and shipping of bombsights and A. F. C. E.; theory of bombsight, M-series No. 3; maintenance M-series sight; calibration of M-series; gyroscopes and electricity.

(3) *Engineering.* Military aircraft travel and transportation; organizations, channels of communications; parachute records; distribution of Air Corps circulars; airplane structure; aircraft electrical systems; induction, fuel, and oil systems; propellers; instruments; sheet metal work; aircraft lathes; milling machines, shapers, and planers; grinding machines; the Link trainer; welding; parachutes, aircraft fabrics, and clothing; issue of personal flying equipment; publication of information on War and Navy Department airplanes and engines.

(4) *Lighter-than-air.* Military aircraft travel and transportation; organization; channels of communication; parachute record; distribution of Air Corps circulars; balloons and balloon winches; gas compressors, generator equipment, plant operation, and uses of gas, airship and balloon equipment and supplies; inspection and maintenance of aircraft; issue of personal flying equipment; publication of information on War and Navy Department airplanes and engines.

(5) *Photographic.* Basic, aerial, ground, mapping, and motion picture photography; general knowledge of map and aerial photograph reading; use of aerial photography in modern warfare; photographic training and operations; use and repair of aircraft cameras; photographic equipment and supplies; the photo-electric cell; filter factors; printing; code designation of Army Air Corps photographs; unsatisfactory reports.

(6) *Signal communication.* Signal Corps mission, functions, and signal communication in general; radio and radiotelephone procedure; aircraft radio frequency assignments; electrical fundamentals; electrical armament controls; knowledge of signal communication radio sets and maintenance equipment.

(7) *Weather.* Synoptic and aeronautical meteorology; physical and dynamical meteorology; pilot balloon observations.

(b) *Construction and utilities (engineering).* Construction and utilities; explosives and demolitions; camouflage; maintenance and operation of plants and systems at posts, camps, and stations.

(c) *Motor transport.* (Air Corps, Armored Force, Cavalry, Coast Artillery Corps, Corps of Engineers, Infantry, Medical Department, Quartermaster Corps, and Signal Corps.)

(1) *General.* General provisions and principles covering motor transport; operation, maintenance, and repair of military motor vehicles; registration and inventory of motor vehicles; chassis, body, and trailer units; the internal combustion engine; automotive electrical systems; automotive power transmission units and brakes; automotive lubrications, fuel, and carburetors; motor transport inspection; marking of vehicles and other motor transport equipment.

(2) *Motors (Ordnance Department).* General provisions covering motor transport; operation, maintenance, and repair of military motor vehicles, including the motorcycle, light tanks, scout cars, caterpillar tractors, and the mortar motor carriage; registration and inventory of motor vehicles; chassis, body, and trailer units; the internal combustion engine; automotive electrical systems; automotive power; types of equipment; authorized abbreviations; Air Corps supply system; procurement and maintenance of equipment; material and labor accounting; general provisions for storage; stores and exchange; parachute records; aircraft fuel and oil—price list and locations.

(d) *Munitions (ammunition).* (Infantry and Ordnance Department.)

(1) *General.* General provisions, Ordnance Department; organization and functions of the ordnance field service; ammunition; general, for small arms, automatic guns, trench mortars, howitzers, field guns; seacoast railway, field artillery, and antiaircraft guns; aircraft bombs; hand grenades; packing and marking ammunition, projectiles, propelling charges, aircraft bombs, fuses and miscellaneous components; explosives and demolitions; transportation of explosives, inflammables and chemical warfare materials; inspection of property, charges, and bulk powder; ordnance safety provisions; storage and issue of

supplies; range regulations for firing ammunition in time of peace; qualification in arms and ammunition allowances.

(2) *Munitions (Chemical Warfare Service).* Chemical warfare tactics and techniques; ordnance; general provisions, regulations, and safety provisions; ammunition; general, for howitzers, seacoast and railway artillery, antiaircraft, and field artillery; aircraft bombs; hand grenades; projectiles and propelling charges; explosives and demolitions; transportation of explosives, inflammables, and chemical warfare materials; range regulations for firing ammunition in time of peace; qualification in arms and ammunition training allowances; inspection of property for condemnation; use of smoke and lacrimators in training; defense against chemical attack; domestic disturbances.

(3) *Munitions (Coast Artillery Corps).* Machine shop and drawing room data, methods, and definitions; Diesel engineering; welding; electrical fundamentals and electrical armament controls; submarine mining, and repair and test of submarine mine cable.

(e) *Signal communication.* (Armored Force, Cavalry, Coast Artillery Corps, Infantry, and Signal Corps.)

(1) *General.* Mission and function of signal communication in general; electrical fundamentals; telegraph, cable, and radio service, commercial telephone, telegraph, and electric time service; operation and maintenance of United States military telephone and telegraph systems; radio procedure; electrical armament controls; knowledge of signal communication radio sets and maintenance equipment.

(2) *Signal communication (Air Corps).* Signal Corps mission functions, and signal communication in general; radio and radiotelephone procedure; aircraft radio frequency assignments; electrical fundamentals; electrical armament control; knowledge of signal communication radio sets and maintenance equipment.

(3) *Signal communication (Field Artillery).* Signal Corps mission, functions, and signal communication in general; radio procedure; electrical fundamentals; electrical armament controls; knowledge of signal communication radio sets and maintenance equipment; field artillery tactics and technique of signal communication.

(4) *Cryptographic (Signal Corps).* The principles and methods of insuring signal security with emphasis on cryptographic security; the storage, handling, and transmission of registered documents; methods of using codes and ciphers.

(f) *Tank.* (Armored Force.) Operation, maintenance, and repair of tanks; machine shop practice; aircraft engines.

(g) *Topographic.* (Corps of Engineers.) Practical and technical knowledge of surveying; drafting; map reproduction; aerial photograph reading; photography; photogrammetry; and organization and equipment of topographic units." [Pars. 32 to 38]

§ 73.320 *Procedure and eligibility requirements governing temporary appointments.* The procedure and eligibility requirements governing the temporary appointment of warrant officers, junior grade, and chief warrant officers in general will be similar to those provided for permanent appointments, as modified by War Department instructions to be issued at the time such appointments are made." [Par. 69]

Army Mine Planter Service

§ 73.330 *Grades, Army Mine Planter Service.* Grades in the Army Mine Planter Service for which appointments as warrant officers, junior grade, will be made are: first mate, first assistant engineer, second mate, and second assistant engineer." [Par. 43]

§ 73.331 *Examinations; second mate and second assistant engineer; when held.* Competitive examinations for appointment in the grade of second mate and second assistant engineer will be held as vacancies occur and when announced by the War Department." [Par. 44a]

§ 73.332 *Eligibility requirements; appointment of civilians as second mate or second assistant engineer.* Each candidate for appointment as a warrant officer, junior grade, in the Army Mine Planter Service must be included in at least one of the following groups:

(a) Former warrant officer of the Army Mine Planter Service.

(b) Former ship's officer on Army transport, Army harbor boat, or comparable service in the United States Navy, the United States Coast Guard, or the Merchant Marine.

(c) As second mate, a graduate who has served 2 years in the seamanship class of a nautical school ship and completed two ocean or coastwise cruises before graduation.

(d) Completed the course conducted by the United States Maritime Service for the instruction of unlicensed personnel to prepare them for marine license as third mate or third assistant engineer of ocean steam vessels.

(e) As second assistant engineer, a graduate from the engineering class of a nautical school ship, the term of such engineering class to be based upon a period of 2 years.

(f) Hold, as a minimum requirement, a license issued by the United States Department of Commerce, Bureau of Marine Inspection and Navigation, as third mate, coastwise or ocean steam vessels, or as third assistant engineer of ocean steam vessels." [Par. 45a]

§ 73.333 *Application, examination, and eligible list—(a) Application.* Each candidate for appointment will be required to submit to The Adjutant General, Washington, D. C., through coast artillery district commanders, an application on W. D., A. G. O. Form No. 61 to take the examination. All data called for in this form will be included.

(b) *Eligible list.* Lists of candidates who are eligible for appointment in the grades of second mate and second assistant engineer will be maintained by The Adjutant General.

(c) *Physical examination.* See § 73.367.

(d) *Moral character and general fitness.* See § 73.302.

(e) *Educational examination.* See § 73.312 (b).

(f) *Technical examination.* A technical examination is required of all candidates seeking original appointment as second assistant engineer or second mate who are unable to submit evidence of possession of the license specified in § 73.332 (f). This examination will be of the same general nature as that prescribed by the Bureau of Marine Inspection and Navigation for licensed officers, third assistant engineer, ocean or coastwise, steam vessels." [Pars. 46, 47, 51, 52, 54 and 55]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-1103; Filed, February 6, 1942; 9:19 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4218]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF DO-RAY LAMP COMPANY, INC.

§ 3.6 (j10) *Advertising falsely or misleadingly—History of product or offering:* § 3.6 (6) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.66 (b10) *Misbranding or mislabeling—History:* § 3.66 (h) *Misbranding or mislabeling—Qualities or properties:* § 3.66 (j10) *Misbranding or mislabeling—Results.* In connection with the offer, etc., in commerce, of respondent's "Bright Ray Crest Driving Lamp" for use on motor vehicles, or any substantially similar lamp, representing, directly, or by implication, that said lamp, when used on a motor vehicle, (1) provides new and unusual lighting safety; (2) will develop 40,000 candle power, or any other number of candle power in excess of the number actually developed; (3) will penetrate fog, rain, snow, or dust regardless of their density; (4) will penetrate fog, snow, rain, or dust, regardless of their density, to the extent that safe driving visibility is provided for 1,500 feet, or for any other distance in excess of the actual distance for which safe driving visibility is provided; and (5) will penetrate fog, snow, rain, or dust to the extent that visibility and safety are assured under all conditions; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Do-Ray Lamp Company, Inc., Docket 4218, February 3, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of February, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and answer of respondent and upon the amended and supplemental complaint of the Commission and the answer of the respondent thereto, in which answer respondent admits all of the material allegations of fact set forth in said amended and supplemental complaint and waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Do-Ray Lamp Company, Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of its "Bright Ray Crest Driving Lamp" for use on motor vehicles, or any substantially similar lamp, under the same or any other name, do forthwith cease and desist from representing, directly or by implication:

(1) That said lamp, when used on a motor vehicle, provides new and unusual lighting safety;

(2) That said lamp, when used on a motor vehicle, will develop 40,000 candle power, or any other number of candle power in excess of the number actually developed;

(3) That said lamp, when used on a motor vehicle, will penetrate fog, rain, snow, or dust regardless of their density;

(4) That said lamp, when used on a motor vehicle, will penetrate fog, snow, rain, or dust, regardless of their density, to the extent that safe driving visibility is provided for 1,500 feet, or for any other distance in excess of the actual distance for which safe driving visibility is provided;

(5) That said lamp, when used on a motor vehicle, will penetrate fog, snow, rain, or dust to the extent that visibility and safety are assured under all conditions.

It is further ordered, That respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1130; Filed, February 6, 1942; 11:57 a. m.]

PART 152—HOSIERY INDUSTRY

IN THE MATTER OF TRADE PRACTICE RULES FOR THE HOSIERY INDUSTRY

Order Correcting Erroneous Omission of Word "Combed" in Rule 3 (a) of Original Record

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 5th day of February, A. D. 1942.

To correct the record: *It is ordered,* That the word "combed" be, and the same is, hereby inserted immediately preceding the words "long staple cotton" in the second sentence of Paragraph (a), Rule 3 (§ 152.3),[1] of the Trade Practice Rules for the Hosiery Industry promulgated May 15, 1941 (F.R. Doc. 41-3471).

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1132; Filed, February 6, 1942; 11:57 a. m.]

[1] 6 F.R. 2424.

PART 151—LINEN INDUSTRY

IN THE MATTER OF TRADE PRACTICE RULES FOR THE LINEN INDUSTRY

Order Correcting Erroneous Inclusion of Certain Words in Original Record

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 5th day of February, A. D. 1942.

To correct the record: *It is ordered,* That the words "other than linen" be, and the same are, hereby deleted from Paragraph (d) (1), Rule 7 (§ 151.7),[1] of the Trade Practice Rules for the Linen Industry promulgated February 1, 1941 (F.R. Doc. 41-729).

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1131; Filed, February 6, 1942; 11:57 a. m.]

[1] 6 F.R. 708.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

AMENDMENT TO RULE UNDER THE ACT RELATING TO SOLICITATION OF PURCHASES ON AN EXCHANGE TO FACILITATE A DISTRIBUTION OF SECURITIES

The Securities and Exchange Commission, deeming it necessary for the exercise of the functions vested in it and necessary and appropriate in the public interest and for the protection of investors so to do, pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 10 (b) and 23 (a) thereof, hereby amends § 240.10b-2 [Rule X-10B-2] by adding at the end thereof the following:

§ 240.10b-2 *Solicitation of purchases on an exchange to facilitate a distribution of securities.*

* * * * *

(d) (1) The provisions of this section shall not apply to any transaction involving the payment of a special commission to a person acting as a broker for a purchaser by a person selling any security which is listed on a national securities exchange or is admitted to unlisted trading privileges on such an exchange pursuant to the provisions of section 12 (f) (2) or (3) of the Securities Exchange Act of 1934, as amended (Sec. 12, 48 Stat. 892; sec. 1, 49 Stat. 1375; 15 U.S.C. 781), where such payment is made pursuant to the terms of an effective plan authorizing the payment of special commissions in connection with a distribution of securities, which plan has been filed with the Commission by a national securities exchange, provided that such person, at the time he pays, or offers or agrees to pay, any such commission does not know or have reasonable grounds to believe that transactions connected with such distribution are being carried out in violation of such plan.

(2) For the purposes of this section a plan filed with the Commission by a national securities exchange shall not become effective unless the Commission, having due regard for the public interest and for the protection of investors, declares the plan to be effective. The Commission in its declaration may impose such terms and conditions relating to the provisions of the plan and the period of its effectiveness as it deems necessary or appropriate in the public interest or for the protection of investors.

(3) The provisions of this exemption shall terminate at the close of business on July 31, 1942, unless the Commission otherwise determines.

Effective February 6, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1129; Filed, February 6, 1942; 11:48 a. m.]

TITLE 29—LABOR

CHAPTER IV—CHILDREN'S BUREAU

[Regulation No. 1-E]

PART 401—CERTIFICATES OF AGE

EXTENSION OF TEMPORARY CERTIFICATES OF AGE REGULATION

Authority for Regulation

By virtue of and pursuant to the authority conferred by section 3 (l) and section 11 (b) of the Fair Labor Standards Act of 1938[1] the following regulation is hereby issued for the purpose of extending the effective period of Child Labor Regulation No. 1-A, entitled "Temporary Certificates of Age," as amended by Child Labor Regulations Nos. 1-B, 1-C, 1-D, 1-E, 1-F, 1-G, 1-H, 1-I, and 1-J.

Regulation

Child Labor Regulation No. 1-A, entitled "Temporary Certificates of Age," issued October 14, 1938,[2] as amended by Child Labor Regulations Nos. 1-B, 1-C, 1-D, 1-E, 1-F, 1-G, 1-H, 1-I, and 1-J,[3] is hereby amended by extending the effective period for the acceptance of temporary certificates of age, as provided in Child Labor Regulation No. 1-A, for an additional period from January 1, 1942 to June 30, 1942, inclusive.

[SEAL] KATHARINE F. LENROOT,
Chief of the Children's Bureau.

[F. R. Doc. 42-1107; Filed, February 6, 1942; 10:38 a. m.]

[1] Act of June 25, 1938, ch. 676, 52 Stat. 1060, U. S. Code, title 29, sec. 201.

[2] Published in 3 F.R. 2631, October 22, 1938.

[3] Published in 4 F.R. 402, January 24, 1939; 4 F.R. 1620, April 15, 1939; 4 F.R. 3326, July 18, 1939; 4 F.R. 4262, October 17, 1939; 5 F.R. 159, January 11, 1940; 5 F.R. 1365, April 9, 1940; 5 F.R. 2597, July 18, 1940; 5 F.R. 5146, December 16, 1940; and 6 F.R. 3148, June 28, 1941.

supplies; range regulations for firing ammunition in time of peace; qualification in arms and ammunition allowances.

(2) *Munitions (Chemical Warfare Service).* Chemical warfare tactics and techniques; ordnance; general provisions, regulations, and safety provisions; ammunition; general, for howitzers, seacoast and railway artillery, antiaircraft, and field artillery; aircraft bombs; hand grenades; projectiles and propelling charges; explosives and demolitions; transportation of explosives, inflammables, and chemical warfare materials; range regulations for firing ammunition in time of peace; qualification in arms and ammunition training allowances; inspection of property for condemnation; use of smoke and lacrimators in training; defense against chemical attack; domestic disturbances.

(3) *Munitions (Coast Artillery Corps).* Machine shop and drawing room data, methods, and definitions; Diesel engineering; welding; electrical fundamentals and electrical armament controls; submarine mining, and repair and test of submarine mine cable.

(e) *Signal communication.* (Armored Force, Cavalry, Coast Artillery Corps, Infantry, and Signal Corps.)

(1) *General.* Mission and function of signal communication in general; electrical fundamentals; telegraph, cable, and radio service, commercial telephone, telegraph, and electric time service; operation and maintenance of United States military telephone and telegraph systems; radio procedure; electrical armament controls; knowledge of signal communication radio sets and maintenance equipment.

(2) *Signal communication (Air Corps).* Signal Corps mission functions, and signal communication in general; radio and radiotelephone procedure; aircraft radio frequency assignments; electrical fundamentals; electrical armament control; knowledge of signal communication radio sets and maintenance equipment.

(3) *Signal communication (Field Artillery).* Signal Corps mission, functions, and signal communication in general; radio procedure; electrical fundamentals; electrical armament controls; knowledge of signal communication radio sets and maintenance equipment; field artillery tactics and technique of signal communication.

(4) *Cryptographic (Signal Corps).* The principles and methods of insuring signal security with emphasis on cryptographic security; the storage, handling, and transmission of registered documents; methods of using codes and ciphers.

(f) *Tank.* (Armored Force.) Op-

ity requirements governing the temporary appointment of warrant officers, junior grade, and chief warrant officers in general will be similar to those provided for permanent appointments, as modified by War Department instructions to be issued at the time such appointments are made.* [Par. 69]

Army Mine Planter Service

§ 73.330 *Grades, Army Mine Planter Service.* Grades in the Army Mine Planter Service for which appointments as warrant officers, junior grade, will be made are: first mate, first assistant engineer, second mate, and second assistant engineer.* [Par. 43]

§ 73.331 *Examinations; second mate and second assistant engineer; when held.* Competitive examinations for appointment in the grade of second mate and second assistant engineer will be held as vacancies occur and when announced by the War Department.* [Par. 44a]

§ 73.332 *Eligibility requirements; appointment of civilians as second mate or second assistant engineer.* Each candidate for appointment as a warrant officer, junior grade, in the Army Mine Planter Service must be included in at least one of the following groups:

(a) Former warrant officer of the Army Mine Planter Service.

(b) Former ship's officer on Army transport, Army harbor boat, or comparable service in the United States Navy, the United States Coast Guard, or the Merchant Marine.

(c) As second mate, a graduate who has served 2 years in the seamanship class of a nautical school ship and completed two ocean or coastwise cruises before graduation.

(d) Completed the course conducted by the United States Maritime Service for the instruction of unlicensed personnel to prepare them for marine license as third mate or third assistant engineer of ocean steam vessels.

(e) As second assistant engineer, a graduate from the engineering class of a nautical school ship, the term of such engineering class to be based upon a period of 2 years.

(f) Hold, as a minimum requirement, a license issued by the United States Department of Commerce, Bureau of Marine Inspection and Navigation, as third mate, coastwise or ocean steam vessels, or as third assistant engineer of ocean steam vessels.* [Par. 45a]

§ 73.333 *Application, examination, and eligible list*—(a) *Application.* Each candidate for appointment will be required to submit to The Adjutant General, Washington, D. C., through coast

(e) *Educational examination.* See § 73.312 (b).

(f) *Technical examination.* A technical examination is required of all candidates seeking original appointment as second assistant engineer or second mate who are unable to submit evidence of possession of the license specified in § 73.332 (f). This examination will be of the same general nature as that prescribed by the Bureau of Marine Inspection and Navigation for licensed officers, third assistant engineer, ocean or coastwise, steam vessels.* [Pars. 46, 47, 51, 52, 54 and 55]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-1103; Filed, February 6, 1942; 9:19 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4218]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF DO-RAY LAMP COMPANY, INC.

§ 3.6 (j10) *Advertising falsely or misleadingly—History of product or offering:* § 3.6 (6) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.66 (b10) *Misbranding or mislabeling—History:* § 3.66 (h) *Misbranding or mislabeling—Qualities or properties:* § 3.66 (j10) *Misbranding or mislabeling—Results.* In connection with the offer, etc., in commerce, of respondent's "Bright Ray Crest Driving Lamp" for use on motor vehicles, or any substantially similar lamp, representing, directly, or by implication, that said lamp, when used on a motor vehicle, (1) provides new and unusual lighting safety; (2) will develop 40,000 candle power, or any other number of candle power in excess of the number actually developed; (3) will penetrate fog, rain, snow, or dust regardless of their density; (4) will penetrate fog, snow, rain, or dust, regardless of their density, to the extent that safe driving visibility is provided for 1,500 feet, or for any other distance in excess of the actual distance for which safe driving visibility is provided; and (5) will penetrate fog, snow, rain, or dust to the extent that visibility and safety are assured under all conditions; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A–552]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER ASSIGNING MINE INDEX NO. 1333 FOR THE COAL HILL MINE IN DISTRICT NO. 2 IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 2 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES OF TRUCK COAL PRODUCED AT VARIOUS MINES IN DISTRICT NO. 2, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

In General Docket No. 15 minimum prices were established, *inter alia*, for the coals of the Coal Hill Mine, Mine Index No. 1333, in District No. 2, for truck shipments. In Supplement No. 2 to Price Schedule No. 1 for District No. 2 For Truck Shipments, additional minimum prices were established for the coals of the said mine for truck shipments, but Mine Index No. 1439 was assigned thereto to the said mine.

On January 31, 1941, 6 F. R. 809, the Director issued an Order Granting Temporary Relief and Conditionally Providing for Final Relief in Docket No. A–552, revising, *inter alia*, the effective minimum prices for the coals of the said mine for truck shipments, and assigning Mine Index No. 1439 to the said mine.

On May 21, 1941, 6 F.R. 2620, the Director issued an Order Granting Temporary Relief and Conditionally Providing for Final Relief in Docket No. A–847, establishing, *inter alia*, price classifications and minimum prices for the coals of the said mine for rail shipments, and assigning Mine Index No. 1333 to the said mine.

It appears that the assignment of Mine Index No. 1439 to the said Coal Hill Mine in the said Supplement No. 2 and in the said Order in Docket No. A–552 is in error and that only Mine Index No. 1333 should be assigned to the said mine.

Now, therefore, it is ordered, That the assignment of Mine Index No. 1439 to the Coal Hill Mine, in District No. 2, in the said Supplement No. 2 and in the said Order in Docket No. A–552 be revoked, and in lieu thereof, Mine Index No. 1333 be assigned to the said mine in § 322.23 (*General prices*).

It is further ordered, That in all other respects the said Order of January 31, 1941, be, and it hereby is, continued in full force and effect, until otherwise ordered.

Dated: February 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–1111; Filed, February 6, 1942; 10:56 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[Amendment No. 16, 2d Edition]

PART 623—CLASSIFICATION PROCEDURE

As Director of Selective Service I hereby amend the Selective Service Regulations, Second Edition, Part 623, § 623.51, by adding thereto a new paragraph designated as (g), reading as follows:

§ 623.51 *Procedure for classification after physical examination.*[1]

* * * * *

(g) As soon as the time in which the registrant may take an appeal has expired or, if an appeal is taken, as soon as the registrant's classification has been determined on appeal, the original and copies of the Report of Physical Examination and Induction (Form 221) of registrants classified under this section shall be distributed as follows:

(1) If the registrant has been classified in Class I–A, Class I–A–O, or Class IV–E, the original and all copies shall be placed in the registrant's Cover Sheet (Form 53) until the registrant is forwarded for physical examination by the armed forces in the manner provided in Part 629 or for final-type physical examination for Class IV–E registrants in the manner provided in Part 651.

(2) If the registrant is classified in Class I–B, Class I–B–O, Class IV–E–LS, or Class IV–F, the National Headquarters' Copy and the Surgeon General's Copy shall be transmitted to the State Director of Selective Service, who shall forward such copies to the Director of Selective Service, and the Armed Forces' Original and the Local Board's Copy shall be filed in the registrant's Cover Sheet (Form 53). (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 6, 1942.

LEWIS B. HERSHEY,
Director.

FEBRUARY 6, 1942.

[F. R. Doc. 42–1120; Filed, February 6, 1942; 11:46 a. m.]

[Amendment No. 17, 2d Edition]

PART 623—CLASSIFICATION PROCEDURE

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 623, § 623.61,[2] by deleting paragraphs (a) and (d) thereof and substituting therefor the followings:

§ 623.61 *Classification and change of classification.* (a) As soon as practicable after the local board has classified or changed the classification of a registrant, it shall (1) mail a notice thereof on a Notice of Classification (Form 57) to the registrant, showing the date on which the deferment of the registrant terminates when he is classified in Class II–A or Class II–B; (2) mail a copy of the Notice of Classification (Form 57) to every person whose signed Affidavit to Support Claim for Occupational Deferment (Form 42A) is on file in the registrant's Cover Sheet (Form 53) when the registrant is classified in Class II–A or Class II–B; (3) mail a Notice to Employer of Right to Appeal (Form 59) to every person whose signed Affidavit to Support Claim for Occupational Deferment (Form 42A) is on file in the registrant's Cover Sheet (Form 53) when the registrant is classified in Class I–A, Class I–A–O, Class I–B, Class I–B–O, Class IV–E, or Class IV–E–LS; (4) mail a copy of the Notice of Classification (Form 57) to every person whose signed Affidavit of Dependent Over 18 Years of Age (Form 40A) is on file in the registrant's Cover Sheet (Form 53); (5) mail a copy of the Notice of Classification (Form 57) to every person whose Claim for Deferred Classification by Person Other Than Registrant (Form 42) is on file in the registrant's Cover Sheet (Form 53); and (6) mail a copy of the Notice of Classification (Form 57) to any other person authorized to request the reopening of the registrant's classification under the provisions of section 626.2 whose request is on file in the registrant's Cover Sheet (Form 53).

* * * * *

(d) When the Notice of Classification (Form 57) or Notice to Employer of Right to Appeal (Form 59) is mailed, the date of mailing such notice shall be entered on the Classification Record (Form 100), and, in addition, the date of mailing such notice and the persons to whom it is mailed shall be entered on the Selective Service Questionnaire (Form 40). (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 6, 1942.

LEWIS B. HERSHEY,
Director.

FEBRUARY 6, 1942.

[F. R. Doc. 42–1121; Filed, February 6, 1942; 11:46 a. m.]

[No. 51]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Paragraph 163 and Appendix A to Volume One[1] of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 259, formerly entitled "Requisition for Supplies," and its reissuance under the title "Requisition," effective immediately upon the filing[2] hereof with the Division of the Federal Register. The supply of the original DSS Form 259 on hand will be used until exhausted.

The foregoing revision shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

JANUARY 10, 1942.

[F. R. Doc. 42–1119; Filed, February 6, 1942; 11:46 a. m.]

[1] 6 F.R. 6613.
[2] 7 F.R. 953.

[1] 5 F.R. 3779.
[2] Filed as part of the original document.

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 933—COPPER

Amendment to General Preference Order M–9–a as Amended January 7, 1942, To Conserve the Supply and Direct the Distribution of Copper and Copper Base Alloys and Products Thereof

Section 933.2 (*General Preference Order M–9–a*[1] as Amended January 7, 1942, paragraph (d)) is hereby amended to read as follows:

(d) *Deliveries by all others except refiners.* Except as otherwise specifically authorized by the Director, orders for Copper from Dealers and orders for Copper Base Alloy and Copper Products from any Brass Mill, Wire Mill, Warehouse or foundry must be accepted and filled by them in accordance with Priority Regulation No. 1 as the same shall be amended from time to time except that no such order shall be accepted or filled by any such Person which does not bear a preference rating of A–10 or higher.

This amendment shall be effective as of the 6th day of February, 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 6th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1112; Filed, February 6, 1942; 10:56 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1304—IRON AND STEEL SCRAP

AMENDMENT NO. 13 OF PRICE SCHEDULE NO. 4—IRON AND STEEL SCRAP

Correction

The first sentence of *Item* 2 of § 1304.13 (f) appearing on page 703 of the issue for Wednesday, February 4, 1942, should read as follows: "New black steel sheet clippings, shearings, skeleton stamping scrap, side and end sheet scrap, hydraulically compressed into charging box size, weighing not less than 75 pounds per cubic foot, must be clean and free from excessive rust, point, or protective coating of any kind."

PART 1306—IRON AND STEEL

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 46—RELAYING RAIL

Section 1306.260 paragraph (b) is amended by revoking "Minneapolis, Minnesota" as a city deemed to be a basing point and by adding "Duluth, Minnesota" as a city deemed to be a basing point. (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 2 shall become effective February 6, 1942.

Issued this 5th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1100; Filed, February 5, 1942; 5:12 p. m.]

PART 1306—IRON AND STEEL

PRICE SCHEDULE NO. 100—CAST IRON SOIL PIPE AND FITTINGS

Cast iron soil pipe and fittings are extensively used in the construction industry to carry off drainage and waste. In the defense program they are widely employed in housing projects, cantonments and all types of factories and industrial plants. The increased need for cast iron soil pipe and fittings has prompted Government efforts to secure expanded production by allocating needed pig iron to the industry, but the supply has failed to keep pace with the augmented demands stemming from the defense program and the accompanying economic expansion. As a consequence, inflationary pressure has caused price increases which outstrip advances in costs, and which will serve no purpose in bringing out appreciably increased production. Issuance of a price schedule accordingly is necessary to protect consumers, the industry, and the national economy,

In this price schedule the Office of Price Administration is utilizing the Birmingham, Alabama, single basing point system, presently in effect in the soil pipe industry. Such acceptance of this system, merely as a vehicle for determining maximum prices, should not be regarded as approval thereof, nor should this reservation be regarded as indicating disapproval.

Accordingly, pursuant to and under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1306.301 *Maximum prices for cast iron soil pipe and fittings.* On and after February 20, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no manufacturer, jobber, or wholesaler shall sell, offer to sell, deliver, or transfer any cast iron soil pipe and fittings, and no person shall buy, offer to buy or accept delivery of cast iron soil pipe and fittings from a manufacturer, jobber, or wholesaler at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1306.309.*

*§§ 1306.301 to 1306.310, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1306.302 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1306.303 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of cast iron soil pipe and fittings, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by making credit terms more onerous than those available or in effect on October 1, 1941, or by any other means.*

§ 1306.304 *Records and reports.* Every manufacturer, jobber and wholesaler who sells, and every person who buys from a manufacturer, jobber or wholesaler cast iron soil pipes and fittings of a value of more than $200.00 per month after February 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity of cast iron soil pipes and fittings purchased or sold.*

§ 1306.305 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement and other services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of cast iron soil pipe and fittings, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1306.306 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That, no application under this section will be considered by the Office of Price Administration unless filed by persons complying with this Schedule.*

[1] 7 F.R. 162.

§ 1306.307 *Definitions.* When used in this Schedule, the term

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Manufacturer" means a person operating a foundry or plant which produces cast iron soil pipe and fittings. Except for purposes of the records requirements of § 1306.304, the term includes, without restricting the generality of the foregoing, any manufacturer's representative, factory commission salesman, or other manufacturer's agent.

(c) "Jobber" and the term "wholesaler" means a person who purchases cast iron soil pipe for purposes of resale, normally maintains a complete line of pipe and fittings, and sells primarily to plumbers, contractors and industrial concerns.

(d) "Cast iron soil pipe and fittings" means cast iron pipes and fittings of the types listed in Appendix B of this Schedule.

(e) "Delivered price" means net price including all commissions and all freight and delivery charges incident to transporting the pipe and fittings to the place of delivery as described in paragraph (b) (3) of Appendix A of this Schedule.

(f) "Carload shipment" or the term "carload quantity" means a shipment or quantity of cast iron soil pipe and fittings, the aggregate weight of which totals at least the lowest applicable minimum carload weight as specified in the established tariff of the rail carrier involved, or for which a carload rate would be paid.*

§ 1306.308 *Effective date of the Schedule.* This Schedule shall become effective February 20, 1942.*

§ 1306.309 *Appendix A; maximum prices for cast iron soil pipe and fittings.* (a) The maximum f. o. b. Birmingham, Alabama, prices for cast iron soil pipe and fittings shall be the prices arrived at by applying the following discounts to the prices set forth in Appendix B of this Schedule.

	Carload shipments by rail; ten ton or greater shipments by motor carrier	Less than carload shipments by rail less than ten ton shipments by motor carrier
2" to 6" Extra Heavy Pipe	52½-10-10	5½
2" to 6" Medium Pipe	47½-10-10	4½
2" to 6" Standard Pipe	42½-10-10	3½
2" to 6" Fittings	37½-10-10	2½
8" to 15" Pipe and Fittings	43½-10-10	4½

(b) The maximum delivered price for domestic sales of cast iron soil pipe and fittings shall be the maximum f. o. b. Birmingham, Alabama, price established in paragraph (a) hereof, plus a freight and delivery charge computed in accordance with the following provisions (whether shipment is by rail or motor carrier):

(1) Where shipment moves directly from foundry to purchaser (regardless of whether the seller is a manufacturer, jobber, or wholesaler), the delivery charge may not exceed the carload railroad freight from Birmingham, Alabama, to the railroad siding nearest to the point of delivery designated by the purchaser.

(2) Where shipment to a purchaser originates from some place other than a foundry (as where shipment originates at a distribution warehouse operated by a manufacturer, jobber, or wholesaler), the delivery charge may not exceed the carload railroad freight from Birmingham, Alabama, to the place at which the shipment originates. No further delivery charge may be made for transportation from the place at which the shipment originates to the location designated by the purchaser.

(3) For purposes of this paragraph, the seller shall be considered as having completed his delivery obligations when, in the case of a rail shipment, the shipment arrives at the rail siding nearest to the location designated by the purchaser; or when, in the case of shipment by motor carrier, the shipment arrives at the site designated by the purchaser.

(4) Carload railroad freight from Birmingham, Alabama, may be computed by deducting for every 25¢ ton freight ¼ point from the applicable base (or first) discount.

(c) The maximum price for export sales of cast iron soil pipe and fittings shall be the maximum price, as established by subparagraph (1) of paragraph (b) hereof, for delivery of carload quantities of pipe and fittings to the export loading dock, plus ocean freight and marine insurance to the extent that such charges are paid by the seller. Where the seller performs the service of wiring or otherwise bundling pipe and fittings for export shipment, an added charge of $1.00 per ton of pipes and fittings may be made.

(d) No addition to the maximum prices herein established may be made for treating cast iron soil pipe and fittings with tar.*

§ 1306.310 *Appendix B; list prices on cast iron soil pipe and fittings.* The list prices of cast iron soil pipe and fittings shall be as follows:

Size	Standard 2"	3"	4"	5"	6"	8"	10"	12"	15"	Extra heavy 2"	3"	4"	5"	6"	8"	10"	12"	15"
Single Hub Pipe—Per Foot	.30	.38	.46	.66	.80	1.50	2.50	3.60	5.60	.42	.66	.80	1.10	1.36	2.00	3.60	5.00	8.00
Double Hub Pipe—Per Foot	.32	.41	.50	.72	.88	1.70	2.70	4.00	6.20	.45	.70	.86	1.16	1.46	2.28	4.00	5.60	8.80
Medium size	2"	3"	4"	5"	6"	8"	10"	12"	15"									
Single Hub Pipe—Per Foot	.35	.46	.60	.88	1.08	1.80	3.00	4.00	6.40									
Double Hub Pipe—Per Foot	.38	.50	.65	.92	1.16	2.00	3.20	4.40	7.00									
¼ Bends	.40	.55	.80	1.05	1.45	4.00	5.90	8.65	16.80	.55	.70	1.00	1.25	1.85	5.00	6.50	10.80	21.00
⅛ Bends	.45	.80	.80	1.05	1.30	4.00	5.90	8.65	16.80	.60	1.00	1.00	1.25	1.55	5.00	6.50	10.80	21.00
¼ Bends	.40	.60	.75	1.05	1.30	4.00	5.90	8.65	16.80	.45	.75	.90	1.25	1.55	5.00	6.50	10.80	21.00
⅛ Bends	.35	.45	.65	.80	1.05	4.00	5.90	8.65	16.80	.40	.55	.80	1.00	1.25	5.00	6.50	10.80	21.00
⅛ Bends	.35	.50	.60	.80	1.00	4.00	5.90	8.65	16.80	.40	.70	.75	1.00	1.25	5.00	6.50	10.80	21.00
Double Hub ¼, ⅛ and ⅛ Bends	.75	.95	1.20	1.85	2.45					.90	1.15	1.40	2.30	3.05				
Double Spigot ¼ Bends		1.00	1.20								1.25	1.40						
Double ¼ Bends	1.50	2.55	2.80	4.90	5.60					1.85	3.20	3.45	6.15	6.90				
¼ Bends 2" Heel or Side Inlet	1.25	1.25	1.25	3.70	4.30	8.60				1.55	1.55	1.55	4.60	5.40	10.80			
⅛ Bends 3" Heel or Side Inlet		1.25	3.10	3.70	4.30	8.60					1.55	3.85	4.60	5.40	10.80			
¼ Bends 4" Heel or Side Inlet			3.10	3.70	4.30	8.60						3.85	4.60	5.40	10.80			
Double Hub ¼ Bend with 2" Low Heel	1.75	1.95	2.20	2.85	3.45					1.90	2.15	2.40	3.30	4.05				
Double Hub ¼ Bend with 3" Low Heel		2.20	2.45	3.10	3.70						2.40	2.65	3.35	4.30				
Double Hub ¼ Bend with 4" Low Heel			2.70	3.35	3.95							2.90	3.80	4.55				
Short Sweep Bends	.60	.90	1.15	1.55	2.50	4.80	6.80			.75	1.10	1.40	1.85	3.10	6.00	8.50		
Long Sweep Bends	.75	.95	1.25	1.70	2.75	6.00	8.00	14.50	28.00	.90	1.15	1.55	2.00	3.40	7.50	10.00	18.00	35.00
Long Sweep Bends 4 x 3 Reducing			1.40									1.75						
Tapd. ¼ Bds. w/Hub and 1¼", 1½" or 2" Tap	.70	.85	1.00							.85	1.00	1.25						
Tapd. ¼ Bds. w/Spt. and 1¼", 1½" or 2" Tap	.70	.86	1.00							.85	1.00	1.25						
Return Bends Sgl. Hub or Dbl. Spigot	1.25	1.50	1.70	2.45	3.10	7.00				1.55	1.85	2.00	3.05	3.85	7.75			
Return Bends Dbl. Hub	1.35	1.60	1.75	2.75	3.40	7.40				1.70	2.00	2.20	3.40	4.25	8.25			
Long ¼, ⅛ or ⅛ Bends, 12" long	.90	1.50	1.25	3.70	4.20					1.10	1.86	1.55	4.60	5.40				
Long ¼, ⅛ or ⅛ Bends, 18" long	1.05	1.85	1.50	4.30	5.00	7.50				1.30	2.30	1.85	5.40	6.15	10.00			
Long ¼, ⅛ or ⅛ Bends, 24" long	1.50	2.25	2.75	4.90	5.50					1.85	2.75	3.40	6.15	6.90				
Long ¼, ⅛ or ⅛ Bends, 30" long	2.25		3.85		6.50					2.75		4.80		8.10				
Long ¼, ⅛ or ⅛ Bends, 36" long			4.90	5.25	7.40							6.15	6.55	9.20				
Long ⅛ Bend Calif. Pattern, 12" long			1.25									1.55						
Long ⅛ Bend Calif. Pattern, 18" long			1.50									1.85						
Long ¼ Bend Calif. Pattern, 24" long			2.75									3.40						
4 x 18" ⅛ Bend w/2" Heel Inlet			2.50									2.85						
Offsets and Eighth Bend Offsets to Offset 2"	.60	.95	1.00	2.50	3.15					.75	1.15	1.25	3.15	3.95				

Size	Add
For 1¼", 1½" or 2" I. P. Tapping on one side	$1.00 to above lists.
For 1¼", 1½" or 2" I. P. Tapping on both sides	Add 1.00 to above lists.
For 2" Cup Hub Side Inlet	Add 1.00 to above lists.

Size	1"	1¼"	1½"	2"	2½"	3"	3½"	4"	5"	6"	8"	10"	12"	15"
Increasers Std.	.90	1.05	1.20	1.80	1.80	2.25	2.50	2.80	3.45	4.00	6.40	8.00	10.00	12.00
Increasers XH.	1.10	1.35	1.55	2.00	2.00	2.50	2.80	3.20	4.00	5.00	8.00	10.00	12.00	15.00
Long Increasers Plain, 24" Std.	1.25	1.25	1.25	2.00		2.50	2.50	3.70	5.45					
Long Increasers Plain, 24" XH.	1.55	1.55	1.55	2.45		2.50	2.50	3.70	5.45					
Long Increasers Plain, 30" Std.	1.65	1.65	1.65	2.00		2.00	2.00	3.70	5.45					
Long Increasers Plain, 30" XH.	2.00	2.00	2.00	2.45		2.45	2.45	4.60	6.80					
Long Increasers Plain, 36" Std.		2.00	2.25			3.70	3.70	4.30	6.25					
Long Increasers Plain, 36" XH.		2.45	2.90			4.60	4.60	5.40	7.00					
Long Increasers Plain, 48" Std.		2.80	2.85			3.10	3.55	4.05	6.15					
Long Increasers Plain, 48" XH.		3.10	3.55											

Size	1"	1¼"	1½"	2"	2½"	3"	3½"	4"	5"	6"	8"	10"	12"	15"
Tapped Increasers, Short Std.			.80											
Tapped Increasers, Short XH.			.75											
Tapped Increasers, Regular Std.			.90											
Tapped Increasers, Regular XH.			1.00											
Long Tapped Increasers, 24" Std.			1.90			2.25								
Long Tapped Increasers, 24" XH.			2.25			2.53								
Long Tapped Increasers, 30" Std.						2.65								
Long Tapped Increasers, 30" XH.						3.00								
Long Tapped Increasers, 36" Std.														
Long Tapped Increasers, 36" XH.														
Long Tapped Increasers, 48" Std.														
Long Tapped Increasers, 48" XH.														

Extras to be added for standard or extra heavy	1"	1¼"	1½"	2"	2½"	3"	3½"	4"	5"	6"	8"	10"	12"	15"
90 Deg. Cup Hub Inlet				1.00		1.25		1.60		2.00				
90 Deg. Tapped Inlet	1.00	1.25	1.35	2.00	2.50	2.60	2.60	2.60		2.80				
Sanitary, or 45 Deg. Hub Inlet														
Foot Rest on Short or Long Sweep														
Foot Rest on ¼ Bends and Long ¼ Bends				.75		1.00		1.30	2.00	2.50	4.00	6.00	10.00	15.00
Brass Screw Cleanout on Hubs (Fitg. Size to Apply)				.50		.75		1.00	1.25	1.50	2.50	3.00	6.00	8.00
				1.50		2.00		2.50	3.00	3.50	5.00	6.00	8.00	7.50

Size	Standard 3"x2"	4"x2"	4"x3"	5"x2"	6"x3"	5"x4"	10"	12"	15"	Extra heavy 2"	3"	4"	5"x4"	6"x4"	6"x3"	6"x2"	8"	10"	12"	15"
Offsets and Eighth Bend Offsets to Offset 6"										.60	1.05	2.60	3.45							
Offsets and Eighth Bend Offsets to Offset 8"										.75	1.10	1.90	2.65	3.45						
Offsets and Eighth Bend Offsets to Offset 9"										.75	1.25	2.30	3.15	3.80						
Offsets and Eighth Bend Offsets to Offset 10"										1.00	1.30	2.60	3.45	4.20						
Offsets and Eighth Bend Offsets to Offset 12"										1.10	1.60	3.00	3.70	5.10						
Offsets and Eighth Bend Offsets to Offset 14"										1.25	1.90	3.60	5.20	6.40						
Offsets and Eighth Bend Offsets to Offset 16"										1.35	2.10	3.90	5.60	6.90						
Offsets and Eighth Bend Offsets to Offset 18"										1.70	2.30	3.90	5.60	6.90						
Offsets and Eighth Bend Offsets to Offset 20"										2.00	2.75	2.90	6.30	7.65						
Offsets and Eighth Bend Offsets to Offset 22"										2.20	3.10	3.10	6.70	8.10						
Offsets and Eighth Bend Offsets to Offset 24"										2.45	3.70	3.70	6.90	8.50						
Extension Pieces to Extend 6"										.60	1.00	1.25	1.85	2.45						
Extension Pieces to Extend 8"										.60	1.00	1.25	1.85	2.45						
Extension Pieces to Extend 9"										.70	1.10	1.40	2.10	2.70						
Extension Pieces to Extend 10"										.90	1.25	1.50	2.30	2.90						
Extension Pieces to Extend 12"										1.00	1.60	1.70	2.45	3.20	6.00					
Extension Pieces to Extend 14"										1.15	1.75	1.85	2.70	3.45						
Extension Pieces to Extend 16"										1.25	1.90	2.15	2.90	3.90						
Extension Pieces to Extend 18"										1.40	2.20	2.45	3.30	4.45						
Extension Pieces to Extend 20"										1.60	2.45	2.95	3.70	4.90						
Extension Pieces to Extend 22"										2.00	2.75	2.90	3.70	4.70	6.15					
Extension Pieces to Extend 24"										2.50	2.90	3.70	4.70	6.15						
Extension Pieces to Extend 30"												4.40		7.85						
Extension Pieces to Extend 36"												4.70		9.00						

Size	3"x2"	4"x2"	4"x3"	5"x2"	6"x3"	5"x4"	6"x2"	6"x3"	6"x4"	6"x5"	8"	10"	12"	15"
Reducers Std.	.40	.40	.60	.60	.60	.60	.80	.80	.80	.80	2.80	4.85	8.65	17.85
Reducers XH.	.50	.50	.85	.75	.75	.75	1.00	1.00	1.00	1.00	3.00	6.20	10.80	22.30

Size	2"	3 x 2	3"	4 x 2	4 x 3	4"	5 x 2	5 x 3	5 x 4	5"	6 x 2	6 x 3	6 x 4	6 x 5	6"	8"	10"	12"	15"
Tees, San Tees, Ys and ½ Ys Std.	.55	.85	.85	.85	1.15	1.20	1.20	1.50	1.60	2.00	1.80	1.80	1.80	2.00	2.40	6.00	10.80	15.10	33.60
Tees, San Tees, Ys and ½ Ys XH.	.75	1.05	1.10	1.10	1.45	1.50	1.45	1.85	2.00	2.50	2.15	2.15	2.15	2.45	3.00	9.00	15.10	19.40	42.00
Tees and San Tees, All Hub Ends Std.	2.25		3.45			4.65				5.65					7.35				
Tees and San Tees, All Hub Ends XH.	2.75		4.30			5.85				7.05					9.20				
Tapped Tees Std.	.70		.85			1.00				1.50					2.50	5.00			
Tapped Tees XH.	.85		1.10			1.25				2.00					3.10	6.25			
Tapped San Tees Std.	.75		.95			1.25				1.85					2.95				
Tapped San Tees XH.	.90		1.20			1.55				2.30					3.70				
Tapped Ys Std.	.75		.95			1.25				1.85					2.95				
Tapped Ys XH.	.90		1.20			1.55				2.30					3.70				
Tapped Tees for 2½" or 3" I. P Std.			1.00			2.00				2.65					3.10				
Tapped Tees for 2½" or 3" I. P XH.			2.35			2.50				3.30					3.90				
Tap'd San Tees and Ys for 2½" or 3" I. P Std.			2.00			2.25				2.90					3.60				
Tap'd San Tees and Ys for 2½" or 3" I. P XH.			2.45			2.80				3.60					4.50				
Add 50c each to the above for 4" tapping.																			
Long Tee, San Tee and Y, 12" long Std.	1.20		1.45			2.80													
Long Tee, San Tee and Y, 12" long XH.	1.50		1.80			3.50				4.20					4.90				
Long Tee, San Tee and Y, 18" long Std.	2.00		2.60			3.50				5.25					6.15				
Long Tee, San Tee and Y, 18" long XH.	2.45		3.25			4.30				4.95					5.80				
Long Tee, San Tee and Y, 24" long Std.	2.25		3.10			4.10				6.15					7.25				
Long Tee, San Tee and Y, 24" long XH.	2.75		3.85			5.05				5.70					6.80				
Long Tee, San Tee and Y, 30" long Std.	2.45		3.55			4.65				7.10					8.45				
Long Tee, San Tee and Y, 30" long XH.	2.95		4.40			5.80				8.15					9.55	12.00	30.00		
Long Tee, San Tee and Y, 36" long Std.	2.70		4.05			5.35													
Long Tee, San Tee and Y, 36" long XH.	3.35		5.05			6.60													
12" long Std.	1.45		1.70			3.05													
12" long XH.	1.80		2.10			3.80													
18" long Std.	2.10		2.75			3.55				4.35					4.95				
Long Tapped Tees 18" long XH.	2.60		3.40			4.45				5.40					6.15				
Long Tapped San Tees 24" long Std.	2.35		3.20			4.35				5.25					6.20				
Long Tapped Ys 24" long XH.	2.90		4.00			5.40				6.55					7.70				
All Tapped for 1¼", 1½" or 2" I. P. 30" long Std.	2.70		3.80			4.90				5.90					7.00				
30" long XH.	3.35		4.75			6.15				7.40					8.75				
36" long Std.	2.90		4.30			5.50				6.75					7.90				
36" long XH.	3.65		5.35			6.90				8.45					9.85				
Cross, San Cross, Dbl. Y and Dbl ½ Y Std.	1.25	1.65	1.65	1.80	1.80	1.80	4.95	4.95	4.95	4.95	6.15	6.15	6.15	6.15	6.15	9.00	16.30	22.70	38.90
Cross, San Cross, Dbl. Y and Dbl. ½ Y XH.	1.55	2.00	2.00	2.15	2.15	2.15	6.15	6.15	6.15	6.15	7.70	7.70	7.70	7.70	7.70	13.50	22.65	28.15	48.00
All Hub Cross and San Cross Std.	2.50		3.80	4.75		5.00				6.15					7.70				
All Hub Cross and San Cross XH.	3.15		4.75	5.95		6.25				7.70					9.60				
Tapped Straight Cross Std.	1.15		1.25			1.40				2.25					2.45				
Tapped Straight Cross XH.	1.40		1.55			1.70				2.80					3.45				
Tapped Sanitary Cross (Tapped for 1¼", 1½" or 2" I. P.) Std.	1.25		1.50			1.75				2.75					4.30				
Tapped Sanitary Cross XH.	1.55		1.85			2.15				3.40					4.10				
Tapped Double Y Std.	1.25		1.50			1.75									5.10				
Tapped Double Y XH.	1.55		1.85			2.15													
12" long Std.	1.60																		
12" long XH.	2.00																		
18" long Std.	2.75			4.65	4.65	4.65				5.40					6.10				
Long Crosses 18" long XH.	3.45			5.80	5.80	5.80				6.75					7.85				
Long San Crosses 24" long Std.	3.00			5.25	5.25	5.25				6.10					7.00				
Long Double Ys 24" long XH.	3.75			6.55	6.55	6.55				7.65					8.75				
Long Double ½ Ys 30" long Std.						5.90				6.90					7.95				
30" long XH.						7.35				8.60					9.95				
36" long Std.						6.50				7.70					8.85				
36" long XH.						8.10				9.65					11.05				
Inverted Ys Std.	1.00	1.40	1.40	1.70	1.70	1.70	2.45	2.45	3.10	3.40	3.70	3.70	4.95	4.95	4.95				
Inverted Ys XH.	1.25	1.85	1.85	2.15	2.15	2.15	3.05	3.05	3.85	4.60	4.60	4.60	6.15	6.15	6.15				
Double Inverted Ys Std.	2.45	3.10	3.10	3.70	3.70	3.70													
Double Inverted Ys XH.	3.05	3.85	3.85	4.60	4.60	4.60													
Tapped Inverted Ys (Tapped for 1¼", 1½" or 2" I. P. Std.	1.40		2.00			2.20				2.80					3.40				
Tapped Inverted Ys XH.	1.70		2.45			2.75				3.50					4.25				
Combination Y and ⅛ Bends Std.	1.05	1.70	1.70	1.70	1.70	1.70	3.70	3.70	3.70	3.70	5.55	5.55	5.55	5.55	5.55	11.00	18.00	24.00	
Combination Y and ⅛ Bends XH.	1.30	2.15	2.15	2.15	2.15	2.15	4.60	4.60	4.60	4.60	6.90	6.90	6.90	6.90	6.90	13.50	22.65	30.00	
Combination Y and ¼ Bends Std.	1.90	2.80	2.80			3.30			5.50	5.50			8.30		8.30				
Combination Y and ¼ Bends XH.	2.40	3.50	3.50			4.10			6.90	6.90			10.35		10.35				
Long Combination Y and ⅛ Bends, 18" long Std.				3.60	4.00	4.45													
Long Combination Y and ⅛ Bends, 18" long XH.				4.50	5.00	5.55													
Long Combination Y and ⅛ Bends, 24" long Std.	2.60		3.90	4.30	4.70	5.30			5.95										
Long Combination Y and ⅛ Bends, 24" long XH.	3.25		4.85	5.35	5.90	6.60			7.45										
Long Combination Y and ⅛ Bends, 30" long Std.						6.05			6.90				7.70						
Long Combination Y and ⅛ Bends, 30" long XH.						7.55			8.60				9.60						
Long Combination Y and ⅛ Bends, 36" long Std.			5.05		6.10	6.70			7.75				8.60	9.00	9.00				
Long Combination Y and ⅛ Bends, 36" long XH.			6.30		7.60	8.40			9.70				10.75	11.25	11.25				
Ventilating Branches Std.	.90	1.15	1.15	1.15	1.40	1.40	4.35	4.35	4.35	4.35	6.15	6.15	6.15	6.15	6.15				
Ventilating Branches XH.	1.10	1.40	1.40	1.40	1.85	1.85	5.40	5.40	5.40	5.40	7.70	7.70	7.70	7.70	7.70				
Tapped Ventilating Branch Std.					3.45														
Tapped Ventilating Branch XH.					4.00														
Double Ventilating Branches Std.	2.45		3.10	3.70		3.70													
Double Ventilating Branches XH.	3.05		3.85	4.60		4.60													

Size	2"	3 x 2	3"	4 x 2	4 x 3	4"	5 x 2	5 x 3	5 x 4	5"	6 x 2	6 x 3	6 x 4	6 x 5	6"	8"	10"	12"	15"
Tapped Double Ventilating Branches Std.				4.65															
Tapped Double Ventilating Branches XH.				5.80															
Upright Y Branch Std.	1.85	1.85	1.85	1.85	2.10	2.10	3.70	4.25	4.90	5.50	4.90	4.90	5.50	5.15	7.35				
Upright Y Branch XH.	2.30	2.30	2.30	2.30	2.85	2.85	4.60	5.40	6.15	6.90	6.15	6.15	6.90	7.70	9.20				
Double Upright Ys take twice the list of single.																			
H Branch Std.	.95	1.45	1.45	2.15		2.15													
H Branch XH.	1.20	1.80	1.80	2.70		2.70													
H Branch All Hub Ends Std.	1.10	2.20	3.00	3.00		3.00													
H Branch All Hub Ends XH.	1.35	2.75	3.75	3.75		3.75													
Double H Branch Std.						2.70													
Double H Branch XH.						3.40													
Reducing ¼ and ⅛ Bends Std.		.90		1.25	1.30				1.90				2.40						
Reducing ¼ and ⅛ Bends XH.		1.10		1.50	1.60				2.20				3.00						
Reducing ½ and ⅛ Bends w/BTS-Co Std.													3.50						
Reducing ½ and ½ Bends w/BTS-Co XH.													4.35						
Tee Saddle, Plain or Connolly Std.	.75	.80	.80	.80	.90	.90	.90	.95	1.00	1.00	1.00	1.00	1.00	1.05	1.15				
Tee Saddle, Plain or Connolly XH.	.95	1.00	1.00	1.00	1.10	1.10	1.10	1.15	1.25	1.25	1.25	1.25	1.25	1.30	1.40				
Y and ½ Y Saddle, Plain or Connolly Std.	.80	.90	.90	.90	.95	.95	.95	1.00	1.05	1.05	1.15	1.15	1.15	1.25	1.25	4.00			
Y and ½ Y Saddle, Plain or Connolly XH.	1.00	1.10	1.10	1.10	1.15	1.15	1.15	1.25	1.30	1.30	1.40	1.40	1.40	1.55	1.55	6.00			
Plain Pipe Bands Std.	.90		1.00			1.15				1.35					1.60	4.50			
Plain Pipe Bands XH.	1.10		1.25			1.40				1.70					2.00	7.50			
Pipe Bands with Tee or Y Branch Std.	1.05	1.20	1.20	1.30	1.35	1.50	1.60	1.60	1.75	1.85	1.95	1.95	2.10	2.20	2.50	9.40			
Pipe Bands with Tee or Y Branch XH.	1.30	1.45	1.45	1.60	1.70	1.85	2.00	2.00	2.15	2.30	2.45	2.45	2.60	2.75	3.10	11.75			
Washington Special Y Thimble XH.													2.10	2.35	2.60				

	Standard					Standard—Continued				Extra heavy								
	2"	3"	4"	5"	6"	8"	10"	12"	15"	2"	3"	4"	5"	6"	8"	10"	12"	15"
Traps, S, ¼ S, ½ S or P and Running, Plain	.90	1.15	1.80	4.30	4.95	10.00	16.00	28.00	60.00	1.10	1.40	1.85	5.40	6.15	13.60	28.00	85.00	75.00
Ditto with 2" Vent	1.20	1.35	2.20	4.55	5.25					1.50	1.70	2.75	5.70	6.50				
Ditto with 3" Vent		1.35	2.20	4.55	5.25						1.70	2.75	5.70	6.50				
Ditto with 4" Vent			2.20	4.55	5.25	12.00	21.60					2.75	5.70	6.50	15.00	27.00		
Ditto with 5" Vent				4.55	5.25									5.70	6.50				
Ditto with 6" Vent					5.25	12.00	21.60	32.00	75.00						6.50	15.00	27.00	60.00	90.00
Ditto with 8" Vent							21.60	32.00	75.00								27.00	60.00	90.00
Running Traps with 2" Double Vent	1.60	1.80	2.60							2.00	2.25	3.25							
Running Traps with 3" Double Vent		1.80									2.25								
Running Traps with 4" Double Vent			2.60	4.80	5.60	13.60	24.00					3.25	6.00	7.00	17.00	30.00			
Running Traps with 5" Double Vent				4.80									6.00						
Running Traps with 6" Double Vent					5.60	13.60	24.00	35.00	85.00					7.00	17.00	30.00	48.00	100.00	
Running Traps with 8" Double Vent							24.00	35.00	85.00							30.00	48.00	100.00	
Traps, S, ¼ S, ½ S or P and Running w/HH&C	1.35	1.85	2.50	4.95	5.55	10.75	22.00	32.00	68.00	1.55	2.30	3.10	6.15	6.90	13.75	27.75	40.00	85.00	
Traps, ditto w/HH&C and 2" Heel Inlet	2.25	2.85	3.50	5.95	6.55	11.75				2.55	3.30	4.10	7.15	7.90	14.75				
Traps, Plain ½ S or P Tapped ¾" or 1½" In Heel			1.75									2.10							
Traps, San Francisco, ½ S or P, 2" HH Inlet											2.40								
Traps, Deep Seal, S, ¼ S, ½ S or P and Reg	1.25	1.75	2.50	3.50	4.75					1.55	2.20	3.15	4.40	5.90					
Traps, ditto, with 2" Vent	1.60	2.00								2.00	2.60								
Traps, ditto, with 4" Vent			2.80	4.40	5.60							3.80	5.50	6.80					
Traps, Running with 4" Y or ½ Y Vent			4.95		6.80							5.15		8.00					
Traps, Running with 5x4" Red. with 4" SHV													6.00						
Traps, Running with 5x4" Red. with 4" DHV													7.00						
Traps, Running with 6x4" Red. with 4" SHV														7.00					
Traps, Running with 6x4" Red. with 4" Y Vent														8.00					
Traps, Improved Running, Single Cleanout	1.70	2.50	3.45	5.40	6.20					2.10	3.10	4.20	6.75	7.75					
Traps, Improved Running, Double Cleanout	2.40	3.20	3.90	6.60	7.40	20.00				3.00	4.00	4.90	8.25	9.25					
Spigot End Vent Caps	.60	.70	.90	1.85	2.00	6.00	9.60			.75	.85	1.10	2.25	2.60	7.50	12.00			
Spigot End Vent Caps 12" long	.70	1.15	1.30	3.60	4.15					.85	1.45	1.65	4.50	5.20					
Spigot End Vent Caps 14" long			1.95	3.80								2.45	4.75						
Spigot End Vent Caps 18" long	1.30		3.25	4.50	4.75					1.65		4.05	5.60	5.95					
Spigot End Vent Caps 20" long			3.50									4.35							
Spigot End Vent Caps 30" long			5.05									6.30							
Hub End Vent Caps	1.15	1.20	1.30	2.20	2.60					1.40	1.45	1.55	2.75	3.25					
Hub End Vent Caps 12" long	1.35	1.45	1.60	3.90	4.40					1.45	1.80	2.00	4.85	5.50					
Hub End Vent Caps 18" long	1.45		3.80	4.80	5.05					1.80		4.40	6.00	6.30					
Hub End Vent Caps 20" long			3.75									4.60							
Hub End Vent Caps 30" long			5.30									6.65							
Vent Cap with Set Screw	.60	.65	.80	1.25	1.55					.60	.65	.80	1.25	1.55					
Ready Vent Cap	.60	.65	.80	1.25	1.55					.60	.65	.80	1.25	1.55					
Fresh Air Inlet Standard Pattern	.90	1.00	1.10							1.15	1.25	1.40							
Fresh Air Inlet 4 x 12" Pattern			1.60									2.00							
Fresh Air Inlet Pittsburgh Pattern	.40	.60	.65	.85	1.25					.60	.60	.80	.95	1.50					

	Standard												Extra heavy											
	2"	3"	4"	6"	8"	10"	12"	15"	2"	3"	4"	6"	8"	10"	12"	15"	16"	18"	20"	24"	30"	36"	42"	48"
Floor Plates	.40	.80	.75	1.00	1.25	2.00	2.80	5.60																
Road Irons	.30	.60	.45	1.00	1.25	2.00	2.80	5.60																
Pipe Plugs	.30	.60	.75	1.00	1.25	2.00	2.80	5.60																
Base Tees	.10	.20	.15	.30	.45	.60	.90																	
Bar Grates with Legs	.10	.20	.15	.30	.45	.60	.90																	
Plain Pipe Rests	.20	.30	.30	.40	.75	1.00	1.35																	
Open Pipe Rests	.20	.30	.30	.40	.75	1.00	1.35																	
Pipe Hooks Tapped for I. P.	.20	.30	.30	.40	.75	1.00	1.35																	
Hinged Hub Fittings	.40	.80	.75	1.00	1.25	2.00	2.80	5.60																
Double Hub Fittings																								
Tapped Hubs																								
Tee Cleanout with Round Handhole and Cover	1.05	1.70	1.55	2.45	3.20	4.30	4.90	9.80	1.70	2.45	3.10	4.30	4.90	6.15	7.70	15.40	17.50	19.60	24.50	30.80	36.75	42.00	49.00	56.00
Tee Cleanout with Square Head Plug	1.20	1.70	2.10	3.20	4.00	5.60	7.00	14.00	1.70	2.45	3.10	4.30	4.90	6.15	7.70	15.40	17.50	19.60	24.50	30.80	36.75	42.00	49.00	56.00
Washington Test Tee with Iron Plugs																								
Washington Test Tee with Iron Plugs																								
Washington Test Tee with no Plug																								
Tee Cleanout with Trap Screw on Branch	1.50	1.70	1.55	2.45	3.20	4.30	4.90	9.80	1.70	2.45	3.10	4.30	4.90	6.15	7.70	15.40	17.50	19.60	24.50	30.80	36.75	42.00	49.00	56.00
Sun Tee at 45° with ⅛ Bend on Branch	1.50	1.95	2.10	3.20	4.00	5.60	7.00	14.00	2.45	3.10	4.30	4.90	6.15	7.70	15.40	17.50	19.60	24.50	30.80	36.75	42.00	49.00	56.00	
Combination Y and ⅛ Bend with BTS on Main	1.85	2.45	2.45	3.10	4.90	6.15	7.70	15.40	2.45	3.10	4.30	4.90	6.15	7.70	15.40	17.50	19.60	24.50	30.80	36.75	42.00	49.00	56.00	
Combination Y and ⅛ Bend with BTS on Main, California Pattern	1.85	1.95	2.45	3.10	4.90	6.15	7.70	15.40	2.45	3.10	4.30	4.90	6.15	7.70	15.40	17.50	19.60	24.50	30.80	36.75	42.00	49.00	56.00	
Closet TY without Vent R or L Inlet																								
Closet TY without Vent R and L Inlet																								
Closet TY with Vent R or L Inlet																								
Closet TY with Vent R and L Inlet																								
Wisconsin San Tee with one 2" Inlet																								
Wisconsin San Tee with two 2" Inlets																								
Boston Long TY and Long Y with 2" Vent	2.05	3.00	2.70	4.00	5.80				3.00	4.00	5.80													
Double Angle Y Branches	1.80	3.00	2.70	4.00	5.80				3.00	4.00	5.80													

Size	3x2x2	3x2x3	3x2x4	3x3x3	3x3x4	3x4x3	4x2x2	4x2x3	4x2x4	4x3x4	4x4x4	5x3x4	5x4x5	6x3x4	6x4x4	6x4x5	6x4x6	6x5x4	6x5x5	6x5x6
Reducing San Tees and Ys	Std.	2.20	2.05			2.95	2.95	2.95				3.80	3.80	4.60	4.60	4.60	4.60	4.60	4.60	4.60
Reducing San Tees and Ys	XH	2.50	3.70			3.70	3.70	3.70				4.75	4.75	5.75	5.75	5.75	5.75	5.75	5.75	5.75
Special Pittsburgh Reducing San Tee and Y Branch	Std.			1.70																
	XH			2.15																
Reducing Combination Y and ⅛ Bend	Std.												7.00							
	XH												8.00							
Washington Pat. Comb. Y and ⅛ Bend	Std.				2.00															
	XH				2.80															
Combination San Tee with one 45 Deg. Angle Tap	Std.				2.35						3.00									
	XH				2.60						3.35									
Combination San Tee with two 45 Deg. Angle Taps	Std.				3.35						3.70									
	XH				3.60						4.00									
Combination San Cross with four 45 Deg. Angle Taps	Std.				4.65						5.40									
	XH				6.00						6.15									

Medium fittings take same lists as standard.

Issued February 5, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1004; Filed, February 5, 1942; 5:00 p. m.]

PART 1309—COPPER AND COPPER ALLOYS

AMENDMENT NO. 4 TO PRICE SCHEDULE NO. 20—COPPER AND COPPER ALLOY SCRAP

The preamble and §§ 1309.61 to 1309.69 inclusive are hereby amended and renumbered so that Price Schedule No. 20 shall read as follows:

The Office of Price Administration is charged with the maintenance of price stability and the prevention of undue price rises and price dislocation. Copper and copper alloy scrap is a basic material for the production of electrolytic copper, copper ingot, copper alloy ingot, and non-ferrous castings, all of which are important in the manufacture of defense products. Requirements of the war effort have increased the demand for copper and copper alloy scrap, causing its price to rise above levels which are in proper relation to the price level of primary materials. Price instability and dislocations injurious to the national defense and civilian economy have resulted. As a consequence, it has become difficult and in some cases impossible for the trade to cooperate with the Government in preventing inflationary price movements. On the basis of information secured by independent investigation by this Office, and after consultation with the trade, I find that the maximum prices set forth below constitute reasonable limitations on the price of copper and copper alloy scrap.

Therefore, under the authority vested in me by Executive Order 8734, it is hereby directed that:

§ 1309.61 *Maximum prices for copper and copper alloy scrap.* On and after February 27, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no person shall sell, offer to sell, deliver, or transfer copper or copper alloy scrap to a consumer, and no consumer shall buy, offer to buy, or accept delivery of copper or copper alloy scrap at prices higher than the maximum prices set forth in Appendix A hereof incorporated herein as § 1309.69.*

*§§ 1309.61 to 1309.69, inclusive, issued pursuant to the authority contained in E.O. Nos. 6734, 8875, 6 F.R. 1917, 4483.

§ 1309.62 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid, or offered.*

§ 1309.63 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of copper or copper alloy scrap, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying agreement or other trade understanding, or otherwise.*

§ 1309.64 *Records and reports.* (a) Every person making purchases or sales of copper or copper alloy scrap on or after February 27, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such purchase or sale showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity in pounds or tons of each kind or grade purchased or sold; and (2) the quantity in pounds or tons of copper or copper alloy scrap (i) on hand, and (ii) on order, as of the close of each calendar month.

(b) On or before the tenth day of each month beginning with the month of March, 1942, the consumer shall submit to the Office of Price Administration, Washington, D. C., an affidavit on Form 120:7 covering each delivery of copper or copper alloy scrap received during the preceding calendar month, and setting forth the name of the seller, the point of shipment, the date of delivery, the amount of each grade of scrap received and paid for, the price paid per pound for each such grade of scrap, the total freight paid, and the total amount paid to the seller.

(c) Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1309.65 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of State, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule; and (e) that the War Production Board is requested to withhold priority ratings and allocation of materials from any person failing to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of copper or copper alloy scrap, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1309.66 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1309.67 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Copper and copper alloy scrap" means materials of the kinds and grades listed in paragraph (a) of § 1309.69. These kinds and grades include materials which are the waste or by-product of any kind of metal working as well as articles which have been discarded from use because of obsolescence, failure or other reason, and which are no longer useful for their original purpose.

(c) "Consumer" means a person whose business, either in his own plant or on toll, consists in whole or in part, of smelting, refining, melting, or otherwise processing copper or copper alloy scrap into a form other than scrap.

(d) "Point of shipment" means the point at which copper or copper alloy scrap is first loaded on a conveyance for transportation directly to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.*

§ 1309.68 *Effective date of the Schedule.* This Schedule as amended by this amendment number 4 shall become effective on February 27, 1942.*

§ 1309.69 *Maximum prices*—(a) *Maximum prices f. o. b. shipping point.*[1]

Index No.[2]	Kinds or grades of scrap [3]	Maximum prices per pound of material
		Cents
1	No. 1 Copper Wire	10.00
1	No. 1 Heavy Copper	10.00
1	No. 2 Copper Wire	[4] 9.00
1	Mixed Heavy Copper	[4] 9.00
1	Light Copper	[4] 8.00
2	Bell Metal	14.50
2	High-grade Bronze Gears	12.75
2	Babbit lined Brass Bushings	12.75
2	Red Trolley Wheels	10.75
2	Hard Red Machinery Brass	10.00
2	Soft Red Brass	9.50

[1] The prices set forth in this paragraph are the maximum prices f. o. b. freight cars, trucks or other means of transportation at the point of shipment, and include all commissions and service charges. Any copper scrap sold "as is, where is" shall be sold at a price less than the applicable maximum price by an amount reflecting the cost of loading the material into the conveyance for shipment to the buyer.

[2] For the purposes of the quantity premiums defined in paragraph (f) of this section, all kinds or grades preceded by the same index number may be considered as one item.

[3] The prices set forth in this paragraph are the maximum prices for the respective grades of copper and copper alloy scrap which meet the specifications set forth in paragraph (b) of this section. Copper or copper alloy scrap which falls within such grades but which does not meet such specifications must be sold at a price below the applicable maximum price. This Schedule does not include copper or copper alloy scrap which is a by-product of the fabrication of new sheet, tube, rod or other brass mill products, the maximum prices for which are established by Price Schedule No. 19—Brass Mill Scrap.

[4] If the copper content of No. 2 copper wire or mixed heavy copper scrap is more or less than 99%, or if the copper content of light copper scrap is more or less than 98%, the maximum price per pound of material shall be increased or decreased at the rate of 0.11775 cents for each 1% variation in copper content with proportionate adjustments for variations of less than 1%.

Index No.	Kinds or grades of scrap	Maximum price per pound of material
		Cents
2	Soft Red Brass Borings	[1] 9.25
2	Aluminum Bronze (Ford) Gears	9.00
3	Unlined Standard Red Car Boxes	8.50
3	Lined Standard Red Car Boxes	8.00
4	Cocks and Faucets	8.25
2	Red Brass Breakage and Red Carburetors with Iron Screws	[2] 8.00
5	Old Rolled Brass	8.00
5	Brass Pipe	8.00
5	Clean Fired Rifle Shells	8.00
5	Admiralty Condenser Tubes	7.50
6	Muntz Metal Tubes	7.25
6	Yellow Brass Castings	7.00
6	Heavy Yellow Brass	6.75
6	Cast Yellow Brass Borings	6.75
6	Reflectors	6.50
6	Light Brass	6.50
6	Yellow Brass Breakage	[3] 6.50
7	Automobile Radiators	7.50

[1] If soft red brass borings and turnings or cast yellow brass borings and turnings contain more than 2% iron, oil and moisture, the maximum price per pound of material shall be reduced 1% for each 1% of iron, oil and moisture in excess of 2%.

[2] If red brass breakage and red carburetors with iron screws or yellow brass breakage contains more than 10% iron, the maximum price per pound of material shall be reduced 1% for each 1% of iron in excess of 10%.

[3] If automobile radiators contain any iron, the maximum price per pound of material shall be reduced 1% for each 1% of iron.

(b) *Specifications.* (1) No. 1 Copper Wire shall have a copper content of not less than 99%, shall consist of clean, untinned copper wire or cable not smaller than 16 B&S wire gauge, and must be untangled, free of burnt or unburnt insulation, burnt copper wire which is brittle, and all foreign substances.

(2) No. 1 Heavy Copper shall have a copper content of not less than 99%, shall consist of clean, untinned copper segments not less than ⅛ inch thick and must be free of solder and all foreign substances.

(3) No. 2 Copper Wire shall have a copper content of 96%, and shall consist of miscellaneous clean copper wire or cable, which may include tinned wire and soldered ends, but not hair wire nor burnt wire that is brittle.

(4) Mixed Heavy Copper shall have a copper content of 96% and shall consist of clean, tinned and untinned copper pipe and tubing, but must not include any nickel-plated material.

(5) Light Copper shall have a copper content of 92% and shall consist of copper in the form of bottoms of kettles and boilers, stills, bathtub linings, hair wire, bicycle wire, burnt copper wire, roofing copper and similar copper, and must be free of radiators, brass, lead and solder connections, mixed screens, readily removable iron, old electrotype shells, and excessive paint, tar or scale.

(6) Bell Metal shall consist of genuine bell metal containing a minimum of 16% tin.

(7) High-grade Bronze Gears shall consist of clean gears which contain 87 to 90% copper, 9 to 11% tin, and no more than 1% lead, and must be free of added, manganese, or aluminum, bronze gears.

(8) Babbit lined Brass Bushings shall consist of clean red automobile and machinery bushings or bearings containing 15 to 20% of genuine babbit, and must be free of iron-backed bearings, iron, and excessive grease or dirt.

(9) Red Trolley Wheels shall consist of genuine red trolley wheels which must be clean and free of bushings, iron and excessive dirt.

(10) Hard Red Machinery Brass shall have a tin content of not less than 6%, shall consist of heavy castings from machinery, such as valves and unlined bushings and bearings, and must be free of all iron, aluminum bronze and manganese bronze.

(11) Soft Red Brass shall consist of miscellaneous red brass castings, and must be free of iron, burnt or melted brass, cocks and faucets, railroad carboxes and other excessively leaded material, and of aluminum, manganese, and silicon bronze.

(12) Soft Red Brass Borings shall consist of clean red brass borings and turnings, free of aluminum, manganese, and silicon bronze, railroad car box turnings and other excessively leaded material, shall contain a total of not over 2% free iron, oil, or other moisture, and shall be free of grindings and foreign material.

(13) Aluminum Bronze (Ford) Gears shall consist of Ford gears and other bronze gears containing 10 to 12% aluminum.

(14) Unlined Standard Red Car Boxes shall consist of railroad boxes or car journal bearings, and must be free of yellow boxes, iron-backed boxes, linings, and excessive dirt or grease.

(15) Lined Standard Red Car Boxes shall consist of lined railroad boxes or lined car journal bearings and must be free of yellow boxes, iron-backed boxes, excessive dirt and grease.

(16) Cocks and Faucets shall consist of clean mixed red and yellow cocks and faucets containing a minimum of 35% of red faucets, and must be free of gas cocks, beer faucets, porcelain, dirt, and iron.

(17) Red Brass Breakage and Red Carburetors with Iron Screws shall consist of red brass containing not in excess of 10% free iron and must be free of die cast, yellow, or iron carburetors.

(18) Old Rolled Brass shall consist exclusively of old pieces of sheet brass and must be free from solder, tinned and nickel-plated material, paint, corrosion, dirt, iron, ship sheathing, rod brass, and Munts metal material.

(19) Brass Pipe shall consist of sound, clean brass pipe and tubing, and must be free of sediment, plated, tinned, or soldered pipe, pipe with cast brass connections, condenser tubes, Muntz metal and Admiralty tubing.

(20) Clean Fired Rifle Shells shall consist exclusively of fired rifle shells, and must be free of unfired shells, gun shells containing paper, and dirt.

(21) Admiralty Condenser Tubes shall consist of sound Admiralty condenser tubings, which may be plated or unplated, but must be free of nickel silver material and of excessive corrosion, sediment, dirt, iron, scale and grease.

(22) Muntz Metal Tubes shall consist of sound Muntz metal condenser tubing which may be plated or unplated, but must be free of nickel silver material and of excessive corrosion, sediment, dirt, iron, scale, and grease.

(23) Yellow Brass Castings shall consist of strictly yellow brass castings, and must be free of manganese, aluminum, silicon brass, forgings, dirt, and iron.

(24) Heavy Yellow Brass shall consist of clean heavy yellow sheet brass and castings, chandelier brass, pipe and plumber's brass, and must be free of manganese or aluminum brass, condenser tubes, dirt and iron.

(25) Cast Yellow Brass Borings shall consist of yellow brass borings, shall contain a total of not more than 2% of free iron, oil, or moisture and must be free of aluminum, manganese and composition turnings and any grindings.

(26) Reflectors shall consist exclusively of clean automobile reflectors and must be free from iron and solder.

(27) Light Brass shall consist of clean miscellaneous yellow sheet brass that is too light for heavy yellow brass, and may include tinned or nickel-plated material but must be free of gun shells containing paper, ashes, or iron, and of clock works, loaded lamp bases, gaskets, iron, dirt, and foreign material.

(28) Yellow Brass Breakage shall consist of miscellaneous yellow brass containing a maximum of 10% free iron.

(29) Automobile Radiators shall consist of mixed unsweated automobile radiators, which must contain at least 40% of honeycomb radiators. Radiators must be complete, containing top and bottom tanks.

(c) *Maximum prices for lead-covered and insulated copper wire.* The maximum price for insulated copper cable or wire, except lead-covered cable or wire, shall be computed by multiplying the weight of such copper wire or cable, exclusive of insulation, by the applicable maximum price provided in paragraph (a) of this section, and deducting from the resulting product not less than 0.15 cent per pound of total weight before removal of insulation.

The maximum price for the copper content of lead-covered cable shall be computed by multiplying the weight of such copper cable, stripped of lead covering, by the applicable maximum price provided in paragraph (a) hereof. The maximum price for the lead content of such lead covering is fixed by Price Schedule No. 71.

(d) *Maximum prices for mixed lots of scrap.* If any scrap other than crucible copper or copper alloy scrap is delivered in a mixed lot containing scrap of more than one grade, then (1) the entire lot shall be considered to be of the lowest-priced grade, or (2) the buyer may sort the scrap and pay for each grade but in such event the maximum price provided in paragraph (a) of this section for each of such grades shall be reduced by ¼ cent per pound. If the same maximum price is established by paragraph (a) of this section for all of the grades of scrap contained in such lot, the second method of settlement provided in this paragraph must be used. The provisions of this paragraph shall not apply if each grade of scrap is packed in separate containers or is otherwise physically segregated by the seller.

(e) *Maximum delivered prices.* Copper or copper alloy scrap may be sold, offered for sale, delivered or transferred at a price delivered buyer's receiving point. If such delivered price exceeds the applicable maximum price provided in paragraph (a) of this section, (1) the delivery charge shall be shown as a separate item and (2) the price f. o. b. shipping point (calculated by subtracting the delivery charge from the delivered price) shall not exceed the applicable maximum price provided in paragraph (a) of this section.

Whenever the seller delivers copper or copper alloy scrap in his own conveyance, the charge for delivery shall not exceed the lowest published rate for a similar delivery by a public carrier or, if there is no such carrier, the lowest available commercial rate for the most nearly comparable service.

(f) *Quantity premiums.* The maximum prices listed in paragraph (a) of this section may be increased by the addition of the applicable one of the following quantity premiums:

(1) For the sale and shipment at one time of 40,000 pounds or more containing only one item, ½¢ per pound.

(2) For the sale and shipment at one time of 40,000 pounds or more containing not more than three items, ¼¢ per pound.

For the purposes of this paragraph an item means those kinds or grades of copper or copper alloy scrap which are preceded by the same index number in paragraph (a) of this section.

If the seller makes delivery by truck, or if the buyer carries the scrap away by truck, "the sale and shipment at one time" may include all scrap delivered under one order to the buyer at his receiving point or loaded on to the buyer's truck at the point of shipment within a period of forty-eight (48) consecutive hours excluding Sundays and legal holidays.

No quantity premium may be added to the price of any scrap to which a crucible scrap premium, as defined in paragraph (g) of this section, has been added.

(g) *Crucible scrap premiums.* (1) *Premiums for crucible copper.*[4] To the maximum prices listed in paragraph (a) of this section a premium of 1¢ per pound for copper scrap in crucible shape may be added.

Copper scrap in crucible shape shall include only:

(i) Briquetted No. 1 copper wire. A briquette shall include any compressed, self-adhering bundle whose measurements do not exceed 16 x 10 x 12 inches.

(ii) Exclusively No. 1 copper (a) cut or bundled in lengths not exceeding 16 inches and (b) in a shape suitable for charging into the buyer's crucible or electric furnace.

(2) *Premium for crucible copper alloy scrap.*[4] To the maximum prices for copper alloy scrap listed in paragraph (a) of this section, a premium of ¾ cent per pound may be added for copper alloy scrap in crucible shape, specially prepared for foundry use. This premium may be added only on sales of scrap to those brass foundries authorized by the War Production Board to purchase copper alloy scrap.

Copper alloy scrap in crucible shape for foundry use includes only heavy, clean scrap of uniform alloy content, in pieces no one dimension of which exceeds 16 inches.

No crucible scrap premium may be added to the price of any scrap to which a quantity premium, as defined in paragraph (f) of this section, has been added.

(h) *Maximum prices for special purpose copper scrap.*[5] Persons using copper wire or copper segments which are specially selected and prepared for their use in the manufacture of copper powder or copper sulphate or other chemicals, or persons using any other copper scrap, specially selected and prepared for their use in the manufacture of iron, steel, aluminum or other alloys, except producers of copper, brass or bronze castings or ingots, may apply to the Office of Price Administration for permission to pay a price for such copper scrap in excess of the maximum prices fixed by this Schedule. Permission to pay such a price will be granted to such person only if the following conditions are fully complied with:

(1) The material, before August 19, 1941, normally commanded a premium over the price of No. 1, No. 2 or light copper scrap because of its special uniformity or preparation.

(2) The user normally purchased such material before August 19, 1941.

(3) Application is made in writing to the Office of Price Administration by the user setting forth such information as the Office of Price Administration deems necessary to determine the proper maximum price for such material.

(4) The user has complied with the terms of this Schedule to the satisfaction of the Office of Price Administration.

(i) *Maximum prices for imported scrap.* If copper or copper alloy scrap is imported into the United States, or if imported copper or copper alloy scrap is resold in the United States, there may be added to the maximum price established by this section the actual amount of United States import or customs duty paid on such scrap: *Provided*, That:

(1) The total amount paid or received for such imported scrap f. o. b. point of shipment in the continental United States[10] does not exceed the maximum price established in this section plus the actual amount of import or customs duty paid;

(2) The import or customs duty paid is shown as a separate item on the records required to be kept in accordance with section 1309.64 hereof and on any invoice rendered to the buyer; and

(3) The buyer files a report of each such purchase with the Office of Price Administration on Form 120:8 within five (5) days of the date thereof.

Issued this 5 day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1097; Filed, February 5, 1942; 5:11 p. m.]

[4] No premium shall be demanded or paid for crucible copper or copper alloy scrap unless such copper is sold and shipped separately from any other grade of scrap or is packed in separate containers or otherwise physically segregated by the seller.

[5] Pursuant to this paragraph the Administrator has granted the following special premiums:

(a) Metals Refining Company, Hammond, Indiana, by a letter dated December 4, 1941—Permission to purchase not in excess of 120 tons of scrap copper wire per month during the period December 1, 1941 to June 1, 1942 at a price not in excess of 11¼¢ per pound f. o. b. shipping point, such wire to be specially selected and prepared to meet that company's specifications calling for soft copper wire no larger than 6 B&S nor smaller than 16 B&S wire gauge, entirely free from solder ends, insulation, lacquer, ash or any other foreign substance, and packed in loose bales or coils.

(b) The Sherwin-Williams Company, Bound Brook, New Jersey, by a letter dated December 22, 1941—Permission to purchase not in excess of 50 tons of scrap copper wire per month during the period November 1, 1941 to June 1, 1942 at a price not in excess of 11¼¢ per pound f. o. b. shipping point, such wire to be specially selected and prepared to meet that company's specifications calling for copper wire containing not less than 98% copper, reasonably free from tin and containing 80% or more of 10 gauge or smaller wire, packed in loose bales, boxes or barrels.

(c) Superior Copper Products Company, Chicago, Illinois, by a letter dated December 10, 1941—Permission to purchase not in excess of 120 tons of scrap copper wire per month during the period December 1, 1941 to June 1, 1942 at a price not in excess of 11¼¢ per pound f. o. b. shipping point, such wire to be specially selected and prepared to meet that company's specifications calling for strictly No. 1 copper wire no larger than 8 B&S wire gauge and no smaller than 16 B&S wire gauge, free from all tin, lead, solder, insulation, connections, lugs, et cetera and packed in bales.

Each of the foregoing exceptions was conditioned upon the use of all such copper scrap in the manufacture of copper powder, copper sulphate or other chemicals; upon compliance with all requirements of the War Production Board; and upon the furnishing of a report to the Office of Price Administration at the end of each month giving the amount of scrap purchased during the month, the dates of purchase and delivery, the name of the buyer, and the price paid.

[10] "Point of shipment in the continental United States" in the case of overland shipments from Canada or Mexico means the freight station in the United States at or nearest to the point on the boundary at which the shipment enters the United States.

PART 1335—CHEMICALS

PRICE SCHEDULE NO 98—TITANIUM PIGMENTS

A sharp increase in the demand for titanium pigments has occurred in recent months as a result of the national defense program. Titanium pigments

are extremely important pigments, essential in the production of a great many products necessary to the armed forces and civilian population.

In December 1941, after notice had been received of a proposed price advance by one of the largest producers, the Office of Price Administration requested the five United States producers of titanium pigments not to raise prices above those quoted on October 1, 1941. This request has been complied with by all of the producers.

Speculations by others than producers has greatly increased the resale prices of titanium pigments. These speculative prices are threatening to rise to even higher levels. It is necessary to curb such speculation, not only to prevent inflationary rises in the price of titanium pigments, but also to eliminate the danger of price rises in other industries that use titanium pigments.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.751 *Maximum prices for titanium pigments.* On and after March 1, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer titanium pigments in quantities of 50 pounds or more, and no person shall buy, offer to buy or accept delivery of titanium pigments in quantities of 50 pounds or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.759.*

*§§ 1335.751 to 1335.759, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.752 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1335.753 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of titanium pigments, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying agreement or other trade understanding, or otherwise.*

§ 1335.754 *Records and reports.* Every person making purchases or sales of titanium pigments in quantities of 50 pounds or more on or after March 1, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the specifications and quantity, including the size of the containers, of the titanium pigments purchased or sold.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.755 *Enforcement.* In the event of refusal or failure to abide by the price limitations, records and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocations of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to, or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of price of titanium pigments, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.756 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with this Schedule.*

§ 1335.757 *Definitions.* When used in this Schedule the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Titanium pigments" means the grades of titanium pigments listed in Appendix A hereof.*

§ 1335.758 *Effective date of the Schedule.* This Schedule shall become effective March 1, 1942.*

§ 1335.759 *Appendix A; maximum prices for titanium pigments.* The following maximum prices are established for titanium pigments:

(a) *Deliveries in Eastern Territory*[1]—(1) *Twenty tons or more.*

Grade	Per pound delivered in bags (cents)
Titanium Dioxide (Regular Grades)	14½
Titanium Dioxide (Chalk Resistant Grade)	15
Titanium Dioxide (Non-Chalking Grade)	16½
Titanium Dioxide (Rutile Regular Grade)	15½
Titanium Dioxide (Rutile Chalk Resistant Grade)	16

[1] When used in this Appendix, the term "Western Territory" means the States of California, Oregon and Washington and the term "Eastern Territory" means all other states of the United States.

Grade	Per pound delivered in bags (cents)
Titanium Barium Pigments	5¾
Titanium Calcium Pigments	5½
Titanium Magnesium Pigment	5¾
Titanium Calcium Pigment (Rutile Grade)	5½
Lead Titanate	11

(2) *Five tons or more but less than twenty tons.* For titanium pigments sold in quantities of 5 tons of more but less than 20 tons, $.0025 per pound may be added to the maximum prices established in subparagraph (1) of this paragraph.

(3) *One thousand pounds or more but less than five tons.* For titanium pigments sold in quantities of 1,000 or more pounds but less than 5 tons, $.0025 per pound may be added to the maximum prices established in subparagraph (2) of this paragraph except in the case of Titanium Barium Pigment, Titanium Calcium Pigment, Titanium Magnesium Pigment, Titanium Calcium Pigment (Rutile Grade) where the maximum prices are the maximum prices established in subparagraph (2) of this paragraph.

(4) *Fifty pounds or more but less than one thousand pounds.* For titanium pigments sold in quantities of 50 pounds or more but less than 1,000 pounds, $.0025 per pound may be added to the maximum prices established in subparagraph (3) of this paragraph except in the case of Titanium Barium Pigment, Titanium Calcium Pigment, Titanium Magnesium Pigment, and Titanium Calcium Pigment (Rutile Grade) where the maximum prices are the maximum prices established in subparagraph (2) of this paragraph and except in the case of Lead Titanate where the maximum prices are the maximum prices established in subparagraph (3) of this paragraph.

(b) *Deliveries in Western Territory*[1]—(1) *Twenty tons or more.* The maximum prices for deliveries of titanium pigments in quantities of 20 tons or more in Western Territory are the maximum prices established in paragraph (a) of this section for deliveries in Eastern Territory, plus $.0025 per pound.

(2) *Less than twenty tons.* The maximum prices for deliveries of titanium pigments in quantities of less than 20 tons in Western Territory are the maximum prices established in paragraph (a) above for deliveries in Eastern Territory, plus $.0025 per pound f. o. b. warehouse in Western Territory.

(c) *Barrels.* The maximum prices for deliveries of titanium pigments in Eastern or Western Territory in barrels are the maximum prices established above in paragraphs (a) or (b) of this section, whichever the case may be, plus $.0025 per pound.

(d) *Export sales and sales to persons in Territories and Possessions of the United States*—(1) *Shipments by vessel from Eastern Territory.* The maximum prices for shipment by vessel from Eastern Territory are the maximum prices established in paragraph (a) of this section f. a. s. vessel at the port of shipment plus 10% of the applicable maximum price.

(2) *Shipments by vessel from Western Territory.* The maximum prices for ship-

ment by vessel from Western Territory are the maximum prices established in paragraph (b) of this section f. a. s. vessel at the port of shipment plus 10% of the applicable maximum price.

(3) *Overland shipments.* The maximum prices for overland shipment are the maximum prices established in paragraph (a) or (b) of this section, whichever the case may be, delivered to that station in the United States which is at or nearest to that point on the boundary at which the shipment crosses from the United States into Canada or Mexico plus 5% of the applicable maximum price except that for quantities of less than 20 tons shipped from warehouse in Western Territory the maximum prices are f. o. b. warehouse plus 5% of the applicable maximum price.

(4) *Expenses.* No expenses, commissions, or charges for service may be added to the maximum prices established by subparagraphs (1), (2) and (3) of this paragraph (d), except (i) ocean freight, (ii) marine and war risk insurance, and (iii) foreign agents' commission unless such foreign agents' commission or any part thereof is received by the exporter directly or indirectly for his own use.

Issued this 5th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1098; Filed, February 5, 1942; 5:11 p. m.]

PART 1335—CHEMICALS

PRICE SCHEDULE NO. 99—ACETYL SALICYLIC ACID

Increased domestic and foreign demands for acetyl salicyclic acid, commonly known as aspirin, has resulted in a shortage of supply. Speculation by others than producers has led to resale prices as high as $1.50 per pound, in sharp contrast to the manufacturers' price of 40 cents per pound for a comparable grade and quantity. Further increases in resale prices are threatened.

After conferences with producers, resellers, and exporters of acetyl salicyclic acid, and representatives of other government agencies, the Office of Price Administration has found that no justifiable reasons exist for producers and primary jobbers charging prices in excess of their prevailing price of 40 cents per pound, or for resellers and exporters charging prices in excess of 52 cents and 56 cents per pound, respectively, for acetyl salicylic acid, either powdered or in crystals for sales of large quantities. Increases in such prices would, consequently, be inflationary in character.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.801 *Maximum prices for acetyl salicylic acid.* On and after February 16, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, deliver, or transfer acetyl salicylic acid in quantities of one pound or more and no person shall buy, offer to buy or accept delivery of acetyl salicylic acid in quantities of one pound or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.809.*

*§§ 1335.801 to 1335.809, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.802 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1335.803 *Evasion.* The price limitations set forth in this Schedule shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer, of acetyl salicylic acid or in connection with a purchase, sale, delivery or transfer, of any other material, or by way of any commission, service, transportation, discount, premium, or other charge or privilege, or by alteration of grades of acetyl salicylic acid, or by tying-agreements or other trade understanding, or otherwise.*

§ 1335.804 *Records and reports.* Every person making purchases or sales of acetyl salicylic acid in quantities of one pound or more after February 15, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the specifications and quantity including the kind and size of the containers, of the acetyl salicylic acid purchased or sold.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.805 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as ground for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to, or purchasing from, those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of acetyl salicylic acid, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.806 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom; *Provided,* That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with this Schedule.*

§ 1335.807 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Acetyl salicylic acid" means the varieties and mixtures referred to in Appendix A, incorporated herein as § 1335.809.

(c) "Producer" means a person who manufactures acetyl salicylic acid.

(d) "Primary jobber" means a person who buys acetyl salicylic acid from producers for resale.

(e) "Reseller" means a person who buys acetyl salicylic acid for resale from persons other than producers.

(f) "Shipping point" means the point of distribution maintained by a seller from which actual shipment is made.*

§ 1335.808 *Effective date of the Schedule.* This Schedule shall become effective February 16, 1942.*

§ 1335.809 *Appendix A; maximum prices for acetyl salicylic acid*—(a) *Sales by producers and primary jobbers.* (1) The maximum prices for sales of acetyl salicylic acid by producers or primary jobbers are established as follows:

Quantity	80 mesh powdered or 20-40 mesh crystals, per pound	Any special mixture or formula per pound	10 percent starch granulation, per pound	16 percent starch granulation, per pound	20 percent starch granulation, per pound
200 pounds or more in barrels	$.40	$.45	$.40	$.38	$.36
100 pounds or more in kegs	.40	.45	.40	.38	.36
25 pounds or more in drums	.41	.46	.41	.39	.37
5 pounds or more in 5 pound cartons	.54	.59	.54	.52	.50
1 pound or more in 1 pound cartons [1]	.56	.61	.56	.54	.52

[1] 3 cents per pound may be added for acetyl salicylic acid packaged in one pound canisters, and 8 cents per pound for acetyl salicylic acid packaged in one pound bottles.

(2) The above maximum prices are f. o. b. the producer's or primary jobber's shipping point, with freight equalized at the rate for a shipment of identical quantity over standard routes from the following points, viz.: New York City, New York; Philadelphia, Pennsylvania; Midland, Michigan; Chicago, Illinois; and St. Louis, Missouri. The maximum prices which a purchaser may pay for acetyl salicylic acid delivered to him from a producer's or primary jobber's shipping point shall not exceed the maximum prices listed above plus the transportation charge on a shipment of identical quality to destination from that City named above from which the transportation rate to destination is least.

(b) *Sales by resellers.* The maximum prices for sales of acetyl salicylic acid by resellers are established as follows, f. o. b. reseller's shipping point.

Quantity	80 mesh powdered or 20–40 mesh crystals, per pound	Any special mixture or formula, per pound	10 percent starch granulation, per pound	15 percent starch granulation, per pound	20 percent starch granulation, per pound
200 pounds or more in barrels	$.53	$.59	$.52	$.49	$.47
100 pounds or more in kegs	.62	.59	.52	.50	.48
25 pounds or more in drums	.62	.60	.52	.50	.65
5 pounds or more in 5 pound cartons	.70	.77	.70	.68	.68
1 pound or more in 1 pound cartons [1]	.73	.79	.73	.70	.68

[1] 4 cents per pound may be added for acetyl salicylic acid packaged in one pound canisters and 9 cents per pound for acetyl salicylic acid packaged in one pound bottles.

(c) *Export sales and sales to persons in Territories and possessions of the United States.* The following maximum prices are established for export sales of acetyl salicylic acid to persons in foreign countries and for sales to persons in the territories or possessions of the United States, where the shipments pursuant to such sales originate in the continental United States exclusive of Alaska:

(1) *Exports and sales by producers and primary jobbers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in paragraph (a) of this Appendix, f. a. s. vessel at the port of shipment, plus 10 per cent of the applicable maximum price.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (a) of this Appendix, plus 5 per cent of the applicable maximum price, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel.

(2) *Exports and sales by resellers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in paragraph (a) of this Appendix, f. a. s. vessel at the port of shipment, plus 10 per cent of the applicable maximum price.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (b) of this Appendix, plus 5 per cent of the applicable maximum price, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel.

(3) *Expenses.* No expenses, commissions, or charges for services may be added to the maximum prices established in this paragraph (c), except (i) ocean or overland freight (ii) marine and war risk insurance, and (iii) foreign agents' commission, unless such foreign agents' commission or any part thereof is received by the exporter directly or indirectly for his own use.

(d) *Containers.* No charge for containers may be added to the maximum prices established by this Schedule, except as specifically provided above.*

Issued this 5th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1101; Filed, February 5, 1942; 5:13 p. m.]

PART 1335—CHEMICALS

PRICE SCHEDULE NO. 101—CITRIC ACID

Citric acid is produced by fermentation of beet molasses and extraction from lemon culls and pineapples. Its most important uses are in pharmaceutical manufacture, and in food and beverage flavoring. While estimated production for 1942 is in excess of the amount produced in 1941, it is anticipated that there will be an increased consumer demand for goods and beverages which will be reflected in the demand for citric acid.

In recent months, speculation in citric acid has led to resales of this commodity at prices over three times the prices quoted by producers. In addition, export sales have been made at abnormally high prices. Further increases in these prices are threatened.

After conferences with producers, resellers, and exporters of citric acid, and representatives of other government agencies, the Office of Price Administration has found that no justifiable reasons exist for producers and primary jobbers charging prices in excess of 20 cents per pound, or for resellers and exporters charging prices in excess of 26 cents and 28 cents per pound, respectively, for sales of U. S. P. granular citric acid in carload lots. Increases above those prices would, consequently, be inflationary in character.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.851 *Maximum prices for citric acid.* On and after February 16, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, deliver, or transfer citric acid in quantities of 5 pounds or more, and no person shall buy, offer to buy or accept delivery of citric acid in quantities of 5 pounds or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.859.*

*§§ 1335.851 to 1335.859, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.852 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1335.853 *Evasion.* The price limitations set forth in this Schedule shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer, of citric acid or in connection with a purchase, sale, delivery or transfer, of any other material, or by way of any commission, service, transportation, discount, premium, or other charge or privilege, or by alteration of grades of citric acid, or by tying-agreements or other trade understanding, or otherwise.*

§ 1335.854 *Records and reports.* Every person making purchases or sales of citric acid in quantities of one pound or more after February 15, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or seller, the price paid or received, and the specifications and quantity including the kind and size of the containers, of the citric acid purchased or sold.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.855 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this schedule, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocations of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to, or purchasing from those persons who fail to comply with this schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of citric acid, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.856 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with this Schedule.*

§ 1335.857 *Definitions.* When used in this schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Citric acid" means the various grades referred to in Appendix A of this Schedule.

(c) "Producer" means a person who synthesizes, extracts, or otherwise manufactures or makes citric acid.

(d) "Primary jobber" means a person who buys citric acid from producers for resale.

(e) "Reseller" means a person who buys citric acid from other than producers for resale.

(f) "Shipping point" means the point of distribution maintained by a seller from which actual shipment is made.*

§ 1335.858 *Effective date of the Schedule.* This Schedule shall become effective February 16, 1942.*

§ 1335.859 *Appendix A; maximum prices for citric acid*—(a) *Sales by producers and primary jobbers*—(1) *Citric acid produced in the continental United States.* (i) The maximum prices for sales by producers or primary jobbers of citric acid produced in the continental United States are established as follows:

Quantity	U. S. P. granular per pound	U. S. P. powder per pound	U.S.P. anhydrous granular per pound	U.S.P. anhydrous powder per pound
Carload or more	$0.20	$0.205	$0.225	$0.23
10,000 pounds or more in barrels	.205	.21	.23	2.35
200 to 10,000 pounds in barrels	.21	.215	.235	.24
100 pounds or more, in 100-pound kegs or drums	.215	.22	.24	.245
50 pounds or more, in 50-pound drums or cartons	.23	.235	.255	.26
25 pounds or more, in 25-pound drums or cartons	.24	.245	.265	.27
5 pounds or more, in 5-pound containers	.29	.295	.315	.32

(ii) The above maximum prices are f. o. b. the producer's or primary jobber's shipping point, with freight equalized at the rate for a shipment of identical quantity over standard routes from the following points, viz.: Boston, Massachusetts; Philadelphia, Pennsylvania; Baltimore, Maryland; New York City, New York; Portland, Oregon; and Seattle, Washington. The maximum prices which a purchaser may pay for citric acid delivered to him from a producer's or primary jobber's shipping point shall not exceed the maximum prices listed above plus the transportation charge on a shipment of identical quantity to destination from that city named above from which the transportation rate to destination is least.

(iii) The maximum prices for sales by producers or primary jobbers of citric acid produced in the United States and delivered from local stocks maintained in Chicago, Illinois or St. Louis, Missouri are the maximum prices listed above, plus one-half cent per pound, f. o. b. the warehouse in whichever city from which actual shipment is made.

(2) *Citric acid produced in territories of the United States.* The maximum prices for sales by producers or primary jobbers of citric acid produced in the territories of the United States are the maximum prices listed in subparagraph (1) of this paragraph (a), f. o. b. point of shipment in such territories.

(b) *Sales by resellers.* The maximum prices for sales of citric acid by resellers are established as follows, f. o. b. reseller's shipping point.

Quantity	U. S. P. granular per pound	U. S. P. powder per pound	U.S.P. anhydrous granular per pound	U.S.P. anhydrous powder per pound
Carload or more	$0.26	$0.27	$0.29	$0.30
10,000 pounds or more in barrels	.27	.27	.30	.31
200 to 10,000 pounds in barrels	.27	.28	.31	.31
100 pounds or more in 100-pound kegs or drums	.28	.29	.31	.32
50 pounds or more, in 50-pound drums or cartons	.30	.31	.33	.34
25 pounds or more, in 25-pound drums or cartons	.31	.32	.34	.35
5 pounds or more, in 5-pound containers	.39	.38	.41	.42

(c) *Export sales and sales to persons in territories and possessions of the United States.* The following maximum prices are established for export sales of citric acid and for sales to persons in the territories or possessions of the United States, where the shipments originate in the continental United States exclusive of Alaska:

(1) *Exports and sales by producers and primary jobbers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in subparagraph (1) (i) of paragraph (a) of this Appendix, f. a. s. vessel at the port of shipment, plus 10 per cent of the applicable maximum price.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in subparagraph (1) (i) of paragraph (a) of this Appendix, plus 5 per cent of the applicable maximum price, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel.

(2) *Exports and sales by resellers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in subparagraph (1) (i) of paragraph (a) of this Appendix, f. a. s. vessel at the port of shipment, plus 40 percent of the applicable maximum price.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (b) of this Appendix, plus 5 percent of the applicable maximum price, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel.

(3) *Expenses.* No expenses, commissions, or charges for services may be added to the maximum prices established in this paragraph (c), except (a) ocean or overland freight, (b) marine and war risk insurance, and (c) foreign agents' commission, unless such foreign agents' commission or any part thereof is received by the exporter directly or indirectly for his own use.

(d) *Containers.* No charge for containers may be added to the maximum prices established above.

Issued this 5th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1095; Filed, February 5, 1942; 5:09 p. m.]

PART 1340—FUEL

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 88 [1]—PETROLEUM AND PETROLEUM PRODUCTS

Section 1340.159 (b) (1) is hereby amended to read as follows:

§ 1340.159 *Appendix A; maximum prices for petroleum and petroleum products.* * * *

(b) *Petroleum products.* (1) The maximum price on each product sold, contracted to be sold, delivered, or transferred by a seller shall be the lowest quoted price published in the October 2, 1941 issue of *Platt's Oilgram* and the *Chicago Journal of Commerce*, the October 8, 1941 issue of the *National Petroleum News*, or other publications designated by this Office, for a product of the same class, kind, type, condition and grade. Where such products are sold and prices are quoted on a delivered basis, then the maximum delivered price shall be the lowest quoted delivered price so published. Where products are sold and prices are quoted on an f. o. b. shipping point basis, then the maximum f. o. b. price shall be the lowest quoted f. o. b. price so published. (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective February 5, 1942. Issued this 5th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1099; Filed, February 5, 1942; 5:11 p. m.]

[1] 7 F.R. 718.

PART 1340—FUEL

PRICE SCHEDULE NO. 88—PETROLEUM AND PETROLEUM PRODUCTS

Corrections

On page 720 of the issue for Wednesday, February 4, 1942, in the ninth line of § 1340.159 (b) (2), the word "with" should read "within".

In the paragraph beginning "*Eastern Seaboard*" in the second column on page 720, the original document read ".3 cents" in the two places where the printed version has ".3 cent".

In the third column on the same page, the headnote for subparagraph (4) should read "*Lubricants: Maximum prices f. o. b. refinery for Pennsylvania Grade Neutral stocks.*"

PART 1345—COKE

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 77—BEEHIVE OVEN FURNACE COKE PRODUCED IN PENNSYLVANIA

A new § 1345.60 is added as set forth below:

§ 1345.60 *Geographical application.* The provisions of this Schedule shall apply only to sales, offers to sell or deliveries of beehive oven furnace coke produced in Pennsylvania moving within, into or out of one of the forty-eight States of the United States, or the District of Columbia. (E.O. 8734, 3675, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective February 5, 1942. Issued this 5th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1096; Filed, February 5, 1942; 5:11 p. m.]

PART 1351—FOOD AND FOOD PRODUCTS

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 51—COCOA BEANS AND COCOA BUTTER

Correction

Subparagraph 4 and the following subdivisions (i) through (iv) of § 1351.62 on page 723 of the issue for Wednesday, February 4, 1942, should be redesignated "(d)", "(1)", "(2)", "(3)", and "(4)", so as to read as follows:

(d) To the maximum price for cocoa butter sold in less than carload lots an amount may be added which shall not exceed the following:

(1) 11,000 pounds to carload lots—0.15 cents per pound;

(2) 2,000 pounds to 10,999 pounds—0.25 cents per pound;

(3) 1,000 pounds to 1,999 pounds—0.40 cents per pound; and

(4) 200 pounds to 999 pounds—1 cent per pound*

PART 1354—WOOL AND WOOL PRODUCTS

AMENDMENT NO. 6 TO PRICE SCHEDULE NO. 58—WOOL AND WOOL TOPS AND YARNS

Correction

The first paragraph of this part appearing on page 725 of the issue for Wednesday, February 4, 1942, should read:

Sections 1354.1 and 1354.4 and paragraph (d) of § 1354.8 are hereby amended and § 1354.9a is hereby added to read as follows:

PART 1401—SYNTHETIC TEXTILE PRODUCTS

PRICE SCHEDULE NO. 90—RAYON WASTE

Correction

The price per pound, f. o. b. shipping point, of rayon waste noils, appearing in § 1401.60 on page 729 of the issue for Wednesday, February 4, 1942, should be "$.22" instead of "$.44".

PART 1401—SYNTHETIC TEXTILE PRODUCTS

PRICE SCHEDULE NO. 95—NYLON HOSE

Correction

The table appearing in § 1401.8 (c) on page 765 of the issue for Thursday, February 5, 1942, should read as follows:

Type	Style	Construction [1]		
		Gauge (up to and incl.:)	Denier	Needle Count
All nylon [2]	Full fashioned	54	20, 30, or 40	all
	Circular knit			
Nylon leg [3]	Full fashioned	54	20, 30, or 40	all
	Circular knit			

[1] Non-run, lace, mesh and other special constructions of the above types and styles are included in this Schedule.
[2] This type includes only hose knitted entirely of nylon.
[3] This type includes hose, only the leg of which is knitted of nylon, the foot or welt being made of some other material.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER I—COAST GUARD, DEPARTMENT OF THE NAVY

PART 8—REGULATIONS, U. S. COAST GUARD RESERVE

AMENDMENTS

The Regulations, United States Coast Guard Reserve, 1941 (6 F.R. 1925), as amended (6 F.R. 6804), are hereby further amended as follows:

Section 8.2103 (a) is amended by changing the first preference to read as follows:

First, personnel of the Coast Guard.

Section 8.2103 (g) is amended by adding a new paragraph at the end thereof:

§ 8.2103 *Procurement of officers.*

* * * * *

(g) * * *

(3) The provisions of paragraphs (c), (d), (e) and (f) of this section are not applicable to the procurement of Reserve officers through special training classes at the Coast Guard Academy. Qualifications of such personnel for training and appointment shall be prescribed by the Commandant.

Section 8.2201 (*Educational requirements, commissioned officers*) is amended by inserting the word "cadet" after the words "warrant officer" and by striking out the word "regular."

Section 8.2203 is amended to read as follows:

§ 8.2203 *Ages for original appointments as officers.* The minimum ages for original appointments in the Reserve are as follows:

Lieutenant commander	40
Lieutenant	30
Lieutenant (junior grade)	25
Ensign	20
Chief warrant officer	30
Warrant officer	21

*

Section 8.2204 (a) is amended by striking out the word "regular" and is further amended by striking out the last paragraph and its heading of "Chief Warrant and Warrant Officer".

Section 8.2204 is further amended by adding the following paragraphs (b) and (c):

§ 8.2204 *Entrance examinations.*

* * * * *

(b) A cadet of the Coast Guard Academy who shall have been found proficient for the entire cadet course prescribed for a candidate for a Reserve commission and whose character and general fitness shall be deemed satisfactory and who shall have satisfactorily passed the prescribed physical examina-

tion shall be recommended to the Commandant by the Superintendent of the Academy for a commission as Ensign in the Coast Guard Reserve.

(c) The examinations for chief warrant and warrant officer shall be comparable to the scopes for similar ranks in the regular Coast Guard, except that examinations will not include subjects or material peculiar to the Coast Guard, provided that examinations will not be required of candidates being considered for special duty. Chief warrant and warrant officers will be appointed in the Reserve for special duty only when they have been found qualified for such duty by the Commandant.

Section 8.2302 (a) is amended to read as follows:

§ 8.2302 *Ages for original enlistments.* (a) The minimum age for original enlistment in the Reserve shall be 17 years.

* * * * *

Section 8.2305 The heading of this article is changed to read "Enlistments" in lieu of "Reenlistments".

Sections 8.2305 (a) and 8.2305 (b) are stricken out and sections now numbered 8.2305 (c) and 8.2305 (d) renumbered to read 8.2305 (a) and 8.2305 (b).

Section 8.3301 is amended to read as follows:

§ 8.3301 *Requirements for advancement for men on active duty.* Enlisted men except temporary reservists, on active duty may be advanced in pay grades to fill vacancies in quotas in ratings and pay grades in accordance with the requirements established for advancement of enlisted personnel of the regular Coast Guard for similar pay grades, except that during war or time of national emergency service in grade and other requirements for advancement shall be as prescribed by the Commandant. In computing the service of enlisted men to meet the minimum promotion requirements, credit will be given for time spent on inactive duty or training duty status at the rate of one month for every three months of inactive duty or training duty.

The Index, Coast Guard Reserve Regulations (6 F.R. 1925), is amended to read as follows:

§ 8.2305 The word "Enlistments" is substituted for the word "Reenlistments". (Pub. No. 8, 77th Cong., 1st Sess., approved Feb. 19, 1941)

R. R. WAESCHE,
Rear Admiral, U. S. Coast Guard,
Commandant.

Approved January 28, 1942.

RALPH A. BARD,
Acting Secretary of the Navy.

[F. R. Doc. 42-1105; Filed, February 6, 1942; 10:31 a. m.]

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 203—BRIDGE REGULATIONS[1]

Pursuant to the provisions of section 5 of the River and Harbor Act approved August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the following regulations are prescribed to govern the operation of the South Carolina State Highway Department bridge across the Ashepoo River at Brickyard Ferry, near Bennetts Point, South Carolina:

§ 203.376 *Ashepoo River, S. C.; highway bridge at Brickyard Ferry, near Bennetts Point, S. C.* (a) The owner of, or agency controlling, the bridge will not be required to keep a draw tender in constant attendance at the above-named bridge.

(b) Whenever a vessel, unable to pass under the closed bridge, desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of, or agency controlling, the bridge.

(c) Upon receipt of such notice, the authorized representative of, or agency controlling, the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) Any vessel navigating Ashepoo River with the intention of making repeated trips shall notify the authorized representatives of the bridge of the expected frequency of such trips. The bridge shall then be maintained in readiness to open promptly upon signal from the vessel without any further notice. Repeated trips shall be understood to mean trips not greater than 24 hours apart.

(e) The owner of, or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that it can easily be read at any time, a copy of these regulations together with a notice stating exactly how the representative specified in paragraphs (b) and (d) of this section may be reached.

(f) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw opened and closed frequently enough to make certain that the machinery is in proper order for satisfactory operation. (Sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362; 33 U.S.C. 499) [Regs. January 24, 1942 (E. D. 6371 (South Carolina—Ashepoo River)—5/4)]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-1104; Filed, February 6, 1942; 9:18 a. m.]

[1] § 203.376 is added.

TITLE 46—SHIPPING

CHAPTER II—UNITED STATES MARITIME COMMISSION

[General Order No. 53]

PART 243—VALUATION OF VESSELS FOR WAR RISK INSURANCE

PRESCRIBING BASIS FOR VALUATION OF UNITED STATES FLAG VESSELS, AND OF FOREIGN FLAG VESSELS OWNED BY A NATIONAL OF THE UNITED STATES, FOR WAR RISK INSURANCE PURPOSES

JANUARY 22, 1942.

The Maritime Commission, pursuant to the authority vested in it by Merchant Marine Act, 1936, as amended, and related acts, hereby prescribes the following basis for the valuation of vessels for War Risk Insurance Purposes:

§ 243.1 *Vessels included.* All United States flag vessels and all foreign flag vessels owned by a national of the United States:

Upon which the Commission assumes war risk under the terms of a Charter Party, an insurance policy issued by the Commission, or otherwise,

Upon which the Commission pays war risk premiums, or with respect to which the liability for war risk premiums is assumed by the Commission under Charter Party, or otherwise,

With respect to which a factor for war risk insurance premiums is included in freight rate surcharges or in applications therefor,

will be valued for war risk insurance purposes pursuant to the provisions of this part.*

* §§ 243.1 to 243.5, inclusive, issued under authority contained in the Merchant Marine Act, 1936, (49 Stat. 1985; 56 U.S.C. Sup., 1101), as amended, and related acts.

§ 243.2 *Basis of valuation.* Vessels will be valued in accordance with the following formulae:

(a) *Basic valuation.* (1) Vessels completed in the year 1929 or in subsequent years as indicated by the American Bureau Record or by Lloyd's Register of Shipping will be valued as follows:

Vessels constructed under a construction-differential subsidy contract will be valued in accordance with General Order No. 24, Revised, promulgated by the Commission on April 1, 1941,[1] (Part 284 of this chapter).

Vessels, other than passenger vessels, constructed without benefit of a construction-differential subsidy will be valued at actual construction cost less a depreciation of 3% (computed without allowance for residual value) for each year of the vessel's age. With respect to Passenger Vessels, the depreciation will be at the rate of 4% per annum similarly

[1] 6 F.R. 1874.

computed. Where marine insurance values under policies attaching between September 1, 1938 and September 1, 1939 exceed these values, the Commission will consider allowing such higher values.

(2) Vessels completed prior to the year 1929 will be valued as follows:

Freighters and Tankers: $100 per deadweight ton less a depreciation of 3% (computed without allowance for residual value) for each year of the vessel's age, subject to a minimum of $50 per deadweight ton.

Passenger Vessels: $150 per gross ton less a depreciation of 4% (computed without allowance for residual value) for each year of the vessel's age, subject to a minimum of $75 per gross ton.

Where marine insurance values under policies attaching between September 1, 1938 and September 1, 1939 exceed the foregoing values, the Commission will consider allowing such higher values.

(3) Where a bona fide mortgage is in force on a vessel in an amount in excess of 80% of the valuation arrived at in accordance with the foregoing, special consideration will be given by the Commission to the allowance of a higher valuation.

(4) If at any time a vessel has been substantially reconstructed and the cost of such reconstruction exceeds 20% of the original cost of the vessel, special consideration will be given by the Commission to the allowance of a higher valuation.

(b) *Excess valuation.* On vessels contracted for prior to July 1, 1940, an amount additional to the amount of the basic valuation, to be designated as "Excess Valuation", may be insured against war risks, subject to the following limitations and conditions:

Insurance on "Excess Valuation" shall be limited to 25% of the amounts permitted on "Basic Valuation" as provided above, except that when said basic values are less than $60 per deadweight ton on freighters and tankers or less than $96 per gross ton on passenger vessels, a sufficient amount may be insured as "Excess Valuation" to bring the total insurance to $75 per deadweight ton on freighters and tankers or $120 per gross ton on passenger vessels.

All insurance on "Excess Valuation" shall be subject to the following provisions as to payments of losses:

(1) Payments of total or constructive total loss will be put in escrow.

Funds in escrow may be used for replacement of the vessel by new construction approved by the Commission, if such new construction is completed within three years after peace between the United States and the nations with which it is now at war is proclaimed. In the event that such funds are not so used within such prescribed period, they will be paid to the Commission, after deduction of insurance premiums paid with respect to "Excess Valuation" on the vessel involved and after deduction of the excess of any Federal income or profits taxes applicable to such "Excess Valuation" over any amounts of such taxes recovered or recoverable, which shall be returned to the owner of the vessel.

The escrow shall be in the form of a joint account with a depositary satisfactory to the Commission, to which the Commission and the Assured shall be parties, pursuant to a resolution of the Commission containing such provisions consistent with the provisions of this part as the Commission may determine to be necessary or advisable.

In the event that the Owner elects to put the entire net proceeds of loss, as said term is defined in section 511 of the Merchant Marine Act, 1936, as amended, and regulations issued thereunder, in a Construction Reserve Fund, as provided in said Section 511 and said regulations, but fails to replace the vessel within the period and subject to the requirements of said Section, the portion of such funds applicable to "Excess Valuation" (less insurance premiums paid thereon) shall be paid from such Construction Reserve Fund to the Commission.

(2) Payments for all other claims to be made for the benefit of the Owner, in accordance with policy provisions.

Wherever insurance on "Excess Valuation" is written pursuant to this part, the provisions of this part shall be incorporated, by reference or otherwise, in the policy of insurance.

(c) *Construction-differential subsidy.* Where required or approved by the Commission, insurance in addition to the foregoing may be placed on depreciated amount of Construction-Differential Subsidy.*

§ 243.3 *Applications for additional insurance.* Applications for permission to place insurance in addition to the amounts permitted by this part will be considered by the Commission only when it is demonstrated to the satisfaction of the Commission that such additional insurance will not result in additional cost to the public by reason of the inclusion of the ensuing costs in freight rate surcharges or otherwise and will not result in additional costs or liabilities to the Commission; and in any event, the Commission reserves the right to reject any and all such applications when the Commission believes such action will be in the public interest.*

§ 243.4 *General average and salvage.* If the foregoing limitations of valuation result in a shipowner becoming self-insurer for a portion of General Average or Salvage charges, war risk insurance policies underwritten by the Commission will provide for payment in full of such charges up to the face amount of the policy; or if such policies do not constitute the total amount of war risk insurance placed upon the vessel, they will provide for payment of that proportion of such charges which the amount of insurance underwritten by the Commission bears to the total amount of war risk insurance placed upon the vessel.*

§ 243.5 *Effective date.* The valuations hereby prescribed shall be effective as to all charters negotiated and insurances bound on and after February 5, 1942.*

By Order of the United States Maritime Commission.

[SEAL] A. J. WILLIAMS,
Assistant Secretary.

[F. R. Doc. 42–1113; Filed, February 6, 1942; 11:11 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 3—STANDARD BROADCAST STATIONS

APPENDIX: STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING STANDARD BROADCAST STATIONS (550–1,600 KILOCYCLES)

The Commission on February 3, 1942, effective 2 a. m., February 9, 1942, amended Section 26 of the Standards of Good Engineering Practice to read as follows:

26. AVERAGE SUNRISE AND SUNSET TIMES
(Effective February 9, 1942)

Section 3.8 states that the terms "sunrise" and "sunset" mean for each particular station during any particular month, the average times of sunrise and sunset as specified in the license of broadcast station. The following is a tabulation of the average times of sunrise and sunset for each month at various points:

(SR) Average Sunrise Time. (SS) Average Sunset Time. (A) Atlantic, (E) Eastern, (C) Central, (M) Mountain, (P) Pacific, Standard Time.

City and State	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Aberdeen, S. Dak. (C):												
SR.	9:15	8:45	7:45	6:45	6:00	5:45	6:00	6:30	7:15	7:45	8:30	9:00
SS.	6:15	7:00	7:45	8:15	9:00	9:30	9:15	8:45	7:45	6:45	6:00	5:45
Abilene, Kans. (C):												
SR.	8:45	8:15	7:45	7:00	6:15	6:00	6:15	6:45	7:15	7:45	8:15	8:45
SS.	6:30	7:00	7:30	8:00	8:30	9:00	8:30	8:15	7:30	6:45	6:15	6:15
Akron, Ohio[1] (E):												
SR.	8:45	8:15	7:45	6:45	6:15	6:00	6:15	6:45	7:15	7:45	8:15	8:45
SS.	6:15	7:00	7:30	8:00	8:30	9:00	8:45	8:15	7:30	6:45	6:15	6:00
Albany, Ga. (C):												
SR.	7:45	7:15	6:45	6:15	5:45	5:30	5:45	6:00	6:15	6:45	7:00	7:30
SS.	6:00	6:30	6:45	7:00	7:30	7:45	7:45	7:15	6:45	6:00	5:45	5:30
Albany, N. Y.[1] (E):												
SR.	8:30	8:00	7:15	6:15	5:30	5:15	5:30	6:00	6:30	7:15	7:45	8:15
SS.	5:45	6:30	7:00	7:30	8:15	8:30	8:30	8:00	7:15	6:15	5:30	5:15
Albuquerque, N. Mex. (M):												
SR.	8:15	8:00	7:15	6:30	6:00	5:45	6:00	6:30	6:45	7:15	7:45	8:15
SS.	6:16	6:45	7:15	7:45	8:00	8:15	8:15	7:45	7:15	6:30	6:00	6:00
Altoona, Pa.[1] (E):												
SR.	8:30	8:15	7:30	6:30	6:00	5:45	6:00	6:30	6:45	7:15	7:30	8:00
SS.	6:15	6:45	7:15	7:45	8:15	8:30	8:45	8:15	7:30	6:45	6:15	6:00
Amarillo, Tex. (C):												
SR.	9:00	8:30	8:00	7:15	6:45	6:30	6:45	7:00	7:30	8:00	8:15	8:45
SS.	7:00	7:30	8:00	8:15	8:45	9:00	9:00	8:30	7:45	7:15	6:45	6:30
Ames, Iowa (C):												
SR.	8:45	8:15	7:30	6:30	6:00	5:30	5:45	6:15	7:00	7:30	8:00	8:30
SS.	6:00	7:00	7:15	8:00	8:30	8:45	8:45	8:15	7:30	6:30	6:00	5:45
Anderson, Ind. (C):												
SR.	8:00	7:45	7:00	6:00	5:30	5:15	5:30	6:00	6:30	7:00	7:30	8:00
SS.	5:45	6:15	6:45	7:15	7:45	8:15	8:15	7:45	6:45	6:00	5:30	5:15
Andover, Okla. (C):												
SR.	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:30	8:00	8:30
SS.	6:45	7:15	7:30	8:00	8:30	8:45	8:45	8:15	7:30	7:00	6:30	6:15
Asheville, N. C. (E):												
SR.	8:45	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:30	8:00	8:30
SS.	6:45	7:15	7:30	8:00	8:30	8:45	8:45	8:15	7:45	7:00	6:30	6:15
Ashtabula, Ohio (E):												
SR.	8:45	8:15	7:45	6:45	6:00	5:45	6:00	6:30	7:00	7:30	8:15	8:45
SS.	6:15	7:00	7:30	8:00	8:30	9:00	9:00	8:30	7:30	6:45	6:00	6:00
Atlanta, Ga.[1] (C):												
SR.	7:45	7:30	6:46	6:15	5:30	5:30	5:30	6:00	6:15	6:45	7:15	7:30
SS.	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	6:45	6:00	5:30	5:30
Atlantic City, N. J.[1] (E):												
SR.	8:15	7:45	7:15	6:30	5:45	5:30	5:45	6:15	6:45	7:15	7:45	8:15
SS.	6:00	6:30	7:00	7:30	8:00	8:30	8:30	8:00	7:15	6:15	5:45	5:30
Auburn, Ill. (C):												
SR.	8:15	7:45	7:15	6:30	5:30	5:15	5:30	6:00	6:30	7:00	7:30	8:00
SS.	5:45	6:30	7:00	7:30	8:15	8:30	8:30	8:00	7:15	6:15	5:30	5:15
Austin, Tex. (C):												
SR.	8:30	8:15	7:45	7:00	6:30	6:30	6:45	7:00	7:15	7:30	8:00	8:15
SS.	6:45	7:15	7:45	8:00	8:15	8:30	8:30	8:15	7:45	7:00	6:30	6:30
Baker, Oreg. (P):												
SR.	8:30	8:00	7:00	6:15	5:30	5:00	5:15	5:45	6:30	7:00	7:15	8:15
SS.	5:30	6:15	7:00	7:30	8:15	8:45	8:30	8:00	7:00	6:15	5:30	5:15
Baltimore, Md.[1] (E):												
SR.	8:30	8:00	7:15	6:30	6:00	5:45	5:45	6:15	6:45	7:15	7:45	8:15
SS.	6:00	6:45	7:15	7:45	8:15	8:30	8:30	8:00	7:15	6:15	5:45	5:45
Bangor, Maine (E):												
SR.	7:15	7:45	6:45	6:00	5:15	4:45	5:00	5:30	6:15	6:45	7:30	8:00
SS.	5:15	6:00	6:45	7:15	8:00	8:15	8:15	7:45	6:45	5:45	5:15	5:00

[1] Metropolitan district.

City and State	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Cedar Rapids, Iowa (C):												
SR	8:30	8:00	7:15	6:30	5:45	5:30	5:45	6:15	6:45	7:15	8:00	8:30
SS	6:00	6:45	7:15	7:45	8:15	8:45	8:45	8:15	7:15	6:30	5:45	5:30
Charleston, S. C. (E):												
SR	8:30	8:00	7:30	6:45	6:15	6:15	6:15	6:45	7:00	7:30	7:45	8:15
SS	6:30	7:00	7:30	7:45	8:15	8:30	8:30	8:00	7:30	6:45	6:15	6:15
Charleston, W. Va.[1] (E):												
SR	8:45	8:15	7:45	7:00	6:15	6:00	6:15	6:45	7:15	7:30	8:15	8:30
SS	6:30	7:00	7:30	8:00	8:30	8:45	8:45	8:15	7:30	6:45	6:15	6:15
Charlotte, N. C. (E):												
SR	8:30	8:15	7:30	7:00	6:15	6:15	6:15	6:45	7:00	7:30	8:00	8:30
SS	6:30	7:00	7:30	8:00	8:15	8:45	8:45	8:15	7:30	6:45	6:15	6:15
Chattanooga, Tenn.[1] (C):												
SR	7:45	7:30	7:00	6:15	5:45	5:30	5:30	6:00	6:30	6:45	7:15	7:45
SS	5:45	6:30	6:45	7:15	7:30	8:00	8:00	7:30	6:45	6:15	5:30	5:30
Cheyenne, Wyo. (M):												
SR	8:30	8:00	7:15	6:15	5:45	5:30	5:45	6:00	6:45	7:15	7:45	8:15
SS	6:00	6:30	7:00	7:45	8:15	8:30	8:30	8:00	7:15	6:15	5:45	5:30
Chicago, Ill.[1] (C):												
SR	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
SS	5:45	6:30	7:00	7:30	8:00	8:30	8:30	8:00	7:00	6:15	5:30	5:15
Chico, Calif. (P):												
SR	8:30	8:00	7:15	6:30	6:00	5:45	5:45	6:15	6:45	7:15	7:45	8:15
SS	6:00	6:45	7:15	7:45	8:15	8:30	8:30	8:00	7:15	6:30	6:00	5:45
Cincinnati, Ohio[1] (E):												
SR	9:00	8:30	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:45
SS	6:45	7:15	7:45	8:15	8:45	9:00	9:00	8:30	7:45	7:00	6:30	6:15
Clayton, Mo.[1] (C):												
SR	8:15	8:00	7:15	6:30	5:45	5:30	5:45	6:15	6:45	7:15	7:45	8:15
SS	6:00	6:45	7:00	7:30	8:00	8:30	8:30	8:00	7:15	6:30	5:45	5:45
Cleveland, Ohio[1] (E):												
SR	9:00	8:30	7:45	6:45	6:15	5:45	6:00	6:30	7:00	7:45	8:15	8:45
SS	6:15	7:00	7:30	8:00	8:45	9:00	9:00	8:30	7:45	6:45	6:15	6:00
Coffeyville, Kans. (C):												
SR	8:30	8:15	7:30	6:45	6:15	6:00	6:15	6:45	7:00	7:30	8:00	8:30
SS	6:30	7:00	7:30	8:00	8:30	8:45	8:45	8:15	7:30	6:45	6:15	6:00
Columbia, Mo. (C):												
SR	8:30	8:00	7:30	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	6:15	6:45	7:15	7:45	8:15	8:30	8:30	8:00	7:15	6:30	6:00	5:45
Columbia, S. C. (E):												
SR	8:30	8:15	7:30	7:00	6:30	6:15	6:30	6:45	7:00	7:30	8:00	8:30
SS	6:30	7:00	7:30	8:00	8:15	8:30	8:30	8:15	7:30	6:45	6:15	6:15
Columbus, Ohio[1] (E):												
SR	9:00	8:30	7:45	7:00	6:15	6:00	6:15	6:45	7:15	7:45	8:15	8:45
SS	6:30	7:00	7:45	8:15	8:45	9:00	9:00	8:30	7:45	7:00	6:15	6:15
Cordele, Ga. (E):												
SR	8:30	8:15	7:45	7:15	6:45	6:30	6:45	7:00	7:15	7:45	8:00	8:30
SS	7:00	7:15	7:45	8:00	8:30	8:45	8:45	8:15	7:45	7:00	6:30	6:30
Corpus Christi, Tex. (C):												
SR	8:30	8:15	7:45	7:00	6:45	6:30	6:45	7:00	7:15	7:30	7:45	8:15
SS	7:00	7:15	7:45	8:00	8:15	8:30	8:30	8:15	7:30	7:00	6:45	6:30
Corvallis, Oreg. (P):												
SR	8:45	8:15	7:30	6:30	5:45	5:30	5:45	6:15	6:45	7:30	8:15	8:45
SS	6:00	6:45	7:15	8:00	8:30	9:00	9:00	8:15	7:30	6:30	5:45	5:30
Cumberland, Md. (E):												
SR	8:30	8:15	7:30	6:45	6:00	5:45	6:00	6:30	7:00	7:30	8:00	8:30
SS	6:15	6:45	7:15	7:45	8:15	8:45	8:45	8:15	7:30	6:30	6:00	5:45
Dallas, Tex.[1] (C):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:30	8:00	8:30
SS	6:45	7:15	7:30	8:00	8:15	8:30	8:30	8:15	7:30	7:00	6:30	6:15
Danville, Va. (E):												
SR	8:30	8:15	7:30	6:45	6:15	6:00	6:15	6:30	7:00	7:30	8:00	8:30
SS	6:30	7:00	7:30	7:45	8:15	8:30	8:30	8:15	7:30	6:45	6:15	6:00
Davenport, Iowa[1] (C):												
SR	8:30	8:00	7:15	6:30	5:45	5:30	5:45	6:15	6:45	7:15	7:45	8:15
SS	6:00	6:30	7:15	7:45	8:15	8:45	8:30	8:00	7:15	6:15	5:45	5:30
Dayton, Ohio[1] (E):												
SR	9:00	8:30	7:45	7:00	6:30	6:15	6:15	6:45	7:15	7:45	8:15	8:45
SS	6:30	7:15	7:45	8:15	8:45	9:00	9:00	8:30	7:45	7:00	6:15	6:15
Decatur, Ala. (C):												
SR	8:00	7:30	7:00	6:15	5:45	5:30	5:45	6:15	6:30	7:00	7:15	7:45
SS	6:00	6:30	7:00	7:15	7:45	8:00	8:00	7:30	7:00	6:15	5:45	5:45
Decatur, Ill. (C):												
SR	8:15	7:45	7:15	6:15	5:45	5:30	5:45	6:00	6:30	7:00	7:45	8:15
SS	6:00	6:30	7:00	7:30	8:00	8:30	8:30	8:00	7:00	6:15	5:45	5:30
Decorah, Iowa (C):												
SR	8:45	8:15	7:15	6:30	5:45	5:30	5:45	6:15	6:45	7:15	8:00	8:30
SS	6:00	6:30	7:15	7:45	8:30	8:45	8:45	8:15	7:15	6:30	5:45	5:30
Denver, Colo.[1] (M):												
SR	8:15	8:00	7:15	6:30	5:45	5:30	5:45	6:15	6:45	7:15	7:45	8:15
SS	6:00	6:30	7:00	7:30	8:00	8:30	8:30	8:00	7:15	6:15	5:45	5:30

[1] Metropolitan district.

City and State	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Des Moines, Iowa[1] (C):												
SR	8:45	8:15	7:30	6:30	6:00	5:45	5:45	6:15	7:00	7:30	8:00	8:30
SS	6:00	6:45	7:15	8:00	8:30	8:45	8:45	8:15	7:30	6:30	6:00	5:45
Detroit, Mich.[1] (E):												
SR	9:00	8:30	7:45	7:00	6:15	6:00	6:00	6:45	7:15	7:45	8:15	9:00
SS	6:30	7:00	7:45	8:15	8:45	9:15	9:15	8:30	7:45	6:45	6:15	6:00
Dodge City, Kans. (C):												
SR	9:00	8:30	8:00	7:00	6:30	6:15	6:30	7:00	7:15	7:45	8:15	8:45
SS	6:45	7:15	7:45	8:15	8:45	9:00	9:00	8:30	7:45	7:00	6:30	6:30
Dothan, Ala. (C):												
SR	7:45	7:30	7:00	6:15	5:45	5:30	5:45	6:00	6:30	6:45	7:15	7:30
SS	6:00	6:30	6:45	7:15	7:30	7:45	7:45	7:30	6:45	6:15	5:45	5:45
Dublin, Tex. (C):												
SR	8:30	8:15	7:45	7:00	6:30	6:30	6:30	7:00	7:15	7:30	8:00	8:30
SS	6:45	7:15	7:45	8:00	8:30	8:45	8:45	8:15	7:45	7:00	6:30	6:30
Dubuque, Iowa (C):												
SR	8:30	8:00	7:15	6:30	5:45	5:30	5:30	6:15	6:45	7:15	8:00	8:30
SS	6:00	6:30	7:15	7:45	8:15	8:45	8:45	8:00	7:15	6:30	5:45	5:30
Duluth, Minn.[1] (C):												
SR	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
SS	5:45	6:30	7:15	8:00	8:30	9:00	9:00	8:15	7:15	6:30	5:30	5:15
East Lansing, Mich. (E):												
SR	9:00	8:30	8:00	7:00	6:15	6:00	6:15	6:45	7:15	7:45	8:30	9:00
SS	6:30	7:15	7:45	8:15	9:00	9:15	9:15	8:45	7:45	7:00	6:15	6:00
Eau Claire, Wis. (C):												
SR	8:45	8:15	7:15	6:30	5:45	5:15	5:30	6:00	6:45	7:15	8:00	8:30
SS	5:45	6:30	7:15	7:45	8:30	9:00	8:45	8:15	7:15	6:30	5:45	5:30
Elmira, N. Y. (E):												
SR	8:30	8:00	7:30	6:30	5:45	5:30	5:45	6:15	6:45	7:15	8:00	8:30
SS	6:00	6:45	7:15	7:45	8:15	8:45	8:45	8:15	7:15	6:30	5:45	5:30
El Paso, Tex.[1] (C):												
SR	9:00	8:45	8:15	7:45	7:15	7:00	7:15	7:30	7:45	8:15	8:30	9:00
SS	7:30	7:45	8:15	8:30	9:00	9:15	9:15	8:45	8:15	7:30	7:00	7:00
Erie, Pa.[1] (E):												
SR	8:45	8:15	7:30	6:45	6:00	5:45	6:00	6:30	7:00	7:30	8:15	8:45
SS	6:15	6:45	7:30	8:00	8:30	9:00	9:00	8:15	7:30	6:45	6:00	5:45
Eureka, Calif. (P):												
SR	8:45	8:15	7:30	6:45	6:00	5:45	6:00	6:30	7:00	7:30	8:00	8:30
SS	6:15	6:45	7:15	8:00	8:30	8:45	8:45	8:15	7:30	6:45	6:00	5:45
Evansville, Ind.[1] (C):												
SR	8:15	7:45	7:00	6:15	5:45	5:30	5:45	6:00	6:30	7:00	7:30	8:00
SS	6:00	6:30	7:00	7:30	8:00	8:15	8:15	7:45	7:00	6:15	5:45	5:30
Everett, Wash. (P):												
SR	9:00	8:15	7:30	6:15	5:30	5:15	5:30	6:00	6:45	7:30	8:15	8:45
SS	5:45	6:30	7:15	8:00	8:45	9:15	9:00	8:30	7:30	6:15	5:30	5:45
Fairmont, W. Va. (E):												
SR	8:45	8:15	7:30	6:45	6:15	5:45	6:00	6:30	7:00	7:30	8:00	8:30
SS	6:15	7:00	7:30	8:00	8:30	8:45	8:45	8:15	7:30	6:45	6:00	6:00
Fall River, Mass.[1] (E):												
SR	8:15	7:45	7:00	6:00	5:30	5:15	5:15	5:45	6:30	7:00	7:30	8:00
SS	5:45	6:15	6:45	7:30	8:00	8:30	8:15	7:45	7:00	6:00	5:30	5:15
Fargo, N. Dak. (C):												
SR	9:15	8:30	7:45	6:45	6:00	5:30	5:45	6:30	7:00	7:45	8:30	9:00
SS	6:00	6:45	7:30	8:15	9:00	9:15	9:15	8:45	7:45	6:45	6:00	5:45
Fayetteville, N. C. (E):												
SR	8:30	8:00	7:30	6:45	6:15	6:00	6:15	6:30	7:00	7:15	7:45	8:15
SS	6:30	7:00	7:15	7:45	8:15	8:30	8:30	8:00	7:30	6:45	6:15	6:00
Fergus Falls, Minn. (C):												
SR	9:00	8:30	7:45	6:45	5:45	5:30	5:45	6:15	7:00	7:45	8:30	9:00
SS	6:00	6:45	7:30	8:15	8:45	9:15	9:15	8:30	7:45	6:45	5:45	5:45
Findlay, Ohio (E):												
SR	8:00	7:30	6:45	7:00	6:15	6:00	6:15	6:45	7:15	7:45	8:15	9:00
SS	6:30	7:15	7:45	8:15	8:45	9:15	9:00	8:30	7:45	7:00	6:15	6:00
Flint, Mich.[1] (E):												
SR	9:00	8:30	7:45	7:00	6:15	6:00	6:15	6:45	7:15	7:45	8:30	9:00
SS	6:30	7:00	7:45	8:15	8:45	9:15	9:15	8:45	7:45	7:00	6:15	6:00
Fort Wayne, Ind.[1] (C):												
SR	8:00	7:30	7:00	6:00	5:30	5:00	5:15	5:45	6:15	6:45	7:30	8:00
SS	5:30	6:15	6:45	7:15	7:45	8:15	8:15	7:45	6:45	6:00	5:30	5:15
Fort Worth, Tex.[1] (C):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:30	8:00	8:30
SS	6:45	7:15	7:30	8:00	8:15	8:45	8:45	8:15	7:30	7:00	6:30	6:30
Frederick, Md. (E):												
SR	8:30	8:00	7:30	6:30	6:00	5:45	6:00	6:15	6:45	7:15	8:00	8:30
SS	6:15	6:45	7:15	7:45	8:15	8:45	8:30	8:00	7:15	6:30	6:00	5:45
Fredericksburg, Va. (E):												
SR	8:30	8:00	7:30	6:30	6:00	5:45	6:00	6:20	6:45	7:15	7:45	8:15
SS	6:15	6:45	7:15	7:45	8:15	8:30	8:30	8:00	7:15	6:30	6:00	5:45
Fremont, Neb. (C):												
SR	8:45	8:30	7:45	6:45	6:15	5:45	6:00	6:30	7:00	7:30	8:15	8:45
SS	6:15	7:00	7:30	8:00	8:30	9:00	9:00	8:30	7:45	6:45	6:15	6:00

[1] Metropolitan district.

City and State	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Fresno, Calif. (P):												
SR	8:15	7:45	7:15	6:30	6:00	5:45	5:45	6:15	6:45	7:00	7:30	8:00
SS	6:00	6:45	7:00	7:30	8:00	8:15	8:15	7:45	7:15	6:30	5:45	5:45
Gainesville, Fla. (E):												
SR	8:30	8:15	7:45	7:00	6:30	6:30	6:45	7:00	7:15	7:30	8:00	8:15
SS	6:45	7:15	7:30	8:00	8:15	8:30	8:30	8:15	7:30	7:00	6:30	6:30
Gallup, N. Mex. (M):												
SR	8:30	8:00	7:30	6:45	6:15	6:00	6:15	6:30	7:00	7:15	7:45	8:15
SS	6:30	7:00	7:15	7:45	8:15	8:30	8:30	8:00	7:30	6:45	6:15	6:00
Gary, Ind.[1] (C):												
SR	8:15	7:45	7:00	6:15	5:30	5:15	5:30	6:00	6:30	7:00	7:45	8:15
SS	5:45	6:30	7:00	7:30	8:00	8:30	8:30	8:00	7:00	6:15	5:30	5:15
Glendale, Calif.[1] (P):												
SR	8:00	7:45	7:00	6:30	5:45	5:45	5:45	6:15	6:30	7:00	7:30	7:45
SS	6:00	6:30	7:00	7:30	7:45	8:00	8:00	7:45	7:00	6:15	5:45	5:45
Grand Forks, N. Dak. (C):												
SR	9:15	8:45	7:45	6:45	5:45	5:30	5:45	6:15	7:00	7:45	8:30	9:15
SS	6:00	6:45	7:30	8:15	9:00	9:30	9:30	8:45	7:45	6:45	5:45	5:30
Grand Island, Nebr. (C):												
SR	9:00	8:30	7:45	7:00	6:15	6:00	6:15	6:45	7:15	7:45	8:15	8:45
SS	6:30	7:15	7:45	8:15	8:45	9:00	9:00	8:30	7:45	7:00	6:15	6:00
Grand Junction, Colo. (M):												
SR	8:30	8:15	7:30	6:45	6:00	5:45	6:00	6:30	7:00	7:30	8:00	8:30
SS	6:15	6:45	7:15	7:45	8:15	8:45	8:45	8:15	7:30	6:30	6:00	6:00
Grand Rapids, Mich.[1] (E):												
SR	9:15	8:45	8:00	7:00	6:15	6:00	6:15	6:45	7:15	8:00	8:30	9:15
SS	6:30	7:15	7:45	8:30	9:00	9:30	9:15	8:45	8:00	7:00	6:15	6:15
Great Falls, Mont. (M):												
SR	9:15	8:30	7:45	6:45	5:45	5:30	5:45	6:15	7:00	7:45	8:30	9:00
SS	6:00	6:45	7:30	8:15	9:00	9:30	9:15	8:45	7:45	6:45	5:45	5:30
Greeley, Colo. (M):												
SR	8:15	8:00	7:15	6:30	5:45	5:30	5:45	6:15	6:45	7:15	7:45	8:15
SS	6:00	6:30	7:00	7:30	8:00	8:30	8:30	8:00	7:15	6:15	5:45	5:30
Green Bay, Wis. (C):												
SR	8:30	8:00	7:15	6:15	5:30	5:00	5:15	6:00	6:30	7:00	7:45	8:15
SS	5:30	6:15	7:00	7:30	8:15	8:45	8:30	8:00	7:00	6:15	5:30	5:15
Greensburg, Pa. (E):												
SR	8:45	8:15	7:30	6:45	6:00	5:45	6:00	6:30	7:00	7:30	8:00	8:30
SS	6:15	7:00	7:30	8:00	8:30	8:45	8:45	8:15	7:30	6:45	6:00	6:00
Greensboro, N. C. (E):												
SR	8:30	8:15	7:30	6:45	6:15	6:00	6:15	6:30	7:00	7:30	8:00	8:30
SS	6:30	7:00	7:30	7:45	8:15	8:30	8:30	8:15	7:30	6:45	6:15	6:00
Greenville, N. C. (E):												
SR	8:15	8:00	7:15	6:45	6:00	6:00	6:00	6:30	6:45	7:15	7:45	8:15
SS	6:15	6:45	7:15	7:45	8:00	8:30	8:30	8:00	7:15	6:30	6:15	6:00
Greenville, S. C. (E):												
SR	8:45	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:30	8:00	8:30
SS	6:45	7:15	7:30	8:00	8:30	8:45	8:45	8:15	7:45	7:00	6:30	6:15
Griffin, Ga. (C):												
SR	7:45	7:30	6:45	6:15	5:45	5:30	5:45	6:00	6:15	6:45	7:15	7:30
SS	5:45	6:15	6:45	7:00	7:30	7:45	7:45	7:30	6:45	6:00	5:30	5:30
Gulfport, Miss. (C):												
SR	8:00	7:45	7:15	6:30	6:00	6:00	6:00	6:30	6:45	7:00	7:15	7:45
SS	6:15	6:45	7:00	7:15	7:45	8:00	8:00	7:45	7:00	6:30	6:00	6:00
Hammond, Ind.[1] (C):												
SR	8:15	7:45	7:00	6:15	5:30	5:15	5:30	6:00	6:30	7:00	7:45	8:15
SS	5:45	6:30	7:00	7:30	8:00	8:30	8:30	8:00	7:00	6:15	5:30	5:15
Harrisburg, Pa.[1] (E):												
SR	8:30	8:00	7:15	6:30	6:00	5:30	5:45	6:15	6:45	7:15	8:00	8:30
SS	6:00	6:45	7:15	7:45	8:15	8:45	8:30	8:00	7:15	6:30	5:45	5:45
Harrisonburg, Va. (E):												
SR	8:30	8:15	7:30	6:45	6:00	5:45	6:00	6:30	7:00	7:30	8:00	8:30
SS	6:15	7:00	7:15	7:45	8:15	8:45	8:45	8:15	7:30	6:45	6:00	6:00
Hartford, Conn.[1] (E):												
SR	8:15	7:45	7:00	6:15	5:30	5:15	5:30	6:00	6:30	7:00	7:45	8:15
SS	5:45	6:30	7:00	7:30	8:00	8:30	8:30	8:00	7:00	6:15	5:30	5:15
Hattiesburg, Miss. (C):												
SR	8:00	7:45	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:00	7:30	7:45
SS	6:15	6:45	7:00	7:30	7:45	8:00	8:00	7:45	7:00	6:30	6:00	6:00
Henderson, Ky. (C):												
SR	8:00	7:45	7:00	6:15	5:45	5:30	5:45	6:00	6:30	7:00	7:30	8:00
SS	6:00	6:30	7:00	7:30	7:45	8:15	8:15	7:45	7:00	6:15	5:45	5:30
Herrin, Ill. (C):												
SR	8:15	7:45	7:15	6:30	5:45	5:30	5:45	6:15	6:45	7:00	7:30	8:00
SS	6:00	6:30	7:00	7:30	8:00	8:15	8:15	7:45	7:00	6:15	5:45	5:45
Honolulu, T. H. (local):												
SR	7:45	7:30	7:15	6:45	6:30	6:15	6:30	6:45	6:45	7:00	7:15	7:30
SS	6:45	7:00	7:15	7:15	7:30	7:45	7:45	7:30	7:00	6:30	6:15	6:15
Hot Springs, Ark. (C):												
SR	8:15	8:00	7:30	6:45	6:15	6:00	6:15	6:30	7:00	7:15	7:45	8:15
SS	6:30	7:00	7:15	7:45	8:00	8:30	8:30	8:00	7:15	6:45	6:15	6:00

[1] Metropolitan district.

City and State	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Houston, Tex.[1] (C):												
SR	8:15	8:00	7:30	7:00	6:30	6:15	6:30	6:45	7:00	7:30	7:45	8:15
SS	6:45	7:15	7:30	7:45	8:15	8:30	8:30	8:00	7:30	6:45	6:30	6:30
Huntington, W. Va.[1] (E):												
SR	8:45	8:15	7:45	7:00	6:15	6:00	6:15	6:45	7:15	7:45	8:15	8:45
SS	6:30	7:00	7:30	8:00	8:30	9:00	9:00	8:30	7:45	7:00	6:15	6:15
Huntsville, Tex. (C):												
SR	8:15	8:00	7:30	7:00	6:30	6:15	6:30	6:45	7:00	7:30	7:45	8:15
SS	6:45	7:15	7:30	7:45	8:15	8:30	8:30	8:00	7:30	6:45	6:30	6:30
Idaho Falls, Idaho (M):												
SR	9:00	8:30	7:45	6:45	6:00	5:45	6:00	6:30	7:00	7:45	8:15	9:00
SS	6:15	7:00	7:30	8:15	8:45	9:15	9:15	8:30	7:45	6:45	6:00	5:45
Indianapolis, Ind.[1] (C):												
SR	8:00	7:45	7:00	6:15	5:30	5:15	5:30	6:00	6:30	7:00	7:30	8:00
SS	5:45	6:15	6:45	7:15	7:45	8:15	8:15	7:45	7:00	6:00	5:30	5:15
Iowa City, Iowa (C):												
SR	8:30	8:00	7:15	6:30	5:45	5:30	5:45	6:15	6:45	7:15	8:00	8:30
SS	6:00	6:45	7:15	7:45	8:15	8:45	8:45	8:00	7:15	6:30	5:45	5:30
Ithaca, N. Y. (E):												
SR	8:30	8:00	7:15	6:30	5:45	5:30	5:45	6:15	6:45	7:15	8:00	8:30
SS	6:00	6:30	7:15	7:45	8:15	8:45	8:45	8:15	7:15	6:30	5:45	5:30
Jackson, Miss. (C):												
SR	8:00	7:45	7:15	6:30	6:00	6:00	6:00	6:30	6:45	7:00	7:30	8:00
SS	6:30	7:00	7:15	7:30	8:00	8:15	8:15	7:45	7:15	6:30	6:15	6:00
Jackson, Tenn. (C):												
SR	8:00	7:45	7:15	6:30	5:45	5:45	5:45	6:15	6:30	7:00	7:30	8:00
SS	6:00	6:30	7:00	7:30	7:45	8:15	8:15	7:45	7:00	6:15	5:45	5:45
Jacksonville, Fla.[1] (E):												
SR	8:30	8:15	7:45	7:00	6:30	6:30	6:30	7:00	7:15	7:30	7:45	8:15
SS	6:45	7:15	7:30	8:00	8:15	8:30	8:30	8:15	7:30	7:00	6:30	6:30
Jacksonville, Ill. (C):												
SR	8:15	8:00	7:15	6:30	5:45	5:30	5:45	6:15	6:45	7:15	7:45	8:15
SS	6:00	6:30	7:00	7:45	8:00	8:30	8:30	8:00	7:15	6:30	5:45	5:45
Jersey City, N. J.[1] (E):												
SR	8:15	7:45	7:15	6:15	5:45	5:30	5:30	6:00	6:30	7:00	7:45	8:15
SS	5:45	6:30	7:00	7:30	8:00	8:30	8:30	8:00	7:00	6:15	5:45	5:30
Johnson City, Tenn. (C):												
SR	7:45	7:15	6:45	6:00	5:30	5:15	5:15	5:45	6:15	6:30	7:00	7:30
SS	5:30	6:15	6:30	7:00	7:30	7:45	7:45	7:15	6:45	6:00	5:15	5:15
Johnstown, Pa.[1] (E):												
SR	8:45	8:15	7:30	6:45	6:00	5:45	6:00	6:30	7:00	7:30	8:00	8:30
SS	6:15	6:45	7:15	8:15	8:30	8:45	8:45	8:15	7:30	6:30	6:00	5:45
Joliet, Ill. (C):												
SR	8:15	7:45	7:00	6:15	5:30	5:15	5:30	6:00	6:30	7:00	7:45	8:15
SS	5:45	6:30	7:00	7:30	8:00	8:30	8:30	8:00	7:00	6:15	5:30	5:30
Jonesboro, Ark. (C):												
SR	8:15	7:45	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:00
SS	6:15	6:45	7:15	7:30	8:00	8:15	8:15	8:00	7:15	6:30	6:00	5:45
Kalamazoo, Mich. (E):												
SR	7:15	8:45	8:00	7:00	6:15	6:00	6:15	6:45	7:15	8:00	8:30	9:00
SS	6:30	7:15	7:45	8:15	9:00	9:15	9:15	8:45	8:00	7:00	6:15	6:15
Kalispell, Mont. (M):												
SR	9:30	8:45	8:00	6:45	6:00	5:30	5:45	6:30	7:15	8:00	8:45	9:15
SS	6:15	7:00	7:45	8:30	9:15	8:45	9:30	9:00	7:45	6:45	6:00	5:45
Kansas City, Mo.[1] (C):												
SR	8:45	8:15	7:30	6:45	6:00	5:45	6:00	6:30	7:00	7:30	8:00	8:30
SS	6:15	7:00	7:30	8:00	8:30	8:45	8:45	8:15	7:30	6:45	6:00	6:00
Knoxville, Tenn.[1] (C):												
SR	7:45	7:30	6:45	6:00	5:30	5:15	5:30	6:00	6:15	6:45	7:15	7:45
SS	5:45	6:15	6:45	7:15	7:30	8:00	8:00	7:30	6:45	6:00	5:30	5:30
LaCrosse, Wisc. (C):												
SR	8:45	8:00	7:15	6:30	5:45	5:15	5:30	6:15	6:45	7:15	8:00	8:30
SS	5:45	6:30	7:15	7:45	8:30	8:45	8:45	8:15	7:15	6:30	5:45	5:30
Lawrence, Kans. (C):												
SR	8:45	8:15	7:30	6:45	6:15	6:00	6:00	6:30	7:00	7:30	8:00	8:30
SS	6:15	7:00	7:30	8:00	8:30	8:45	8:45	8:15	7:30	6:45	6:15	6:00
Lawrence, Mass.[1] (E):												
SR	8:15	7:45	7:00	6:00	5:30	5:00	5:15	5:45	6:30	7:00	7:30	8:15
SS	5:30	6:15	6:45	7:30	8:00	8:30	8:15	7:45	7:00	6:00	5:30	5:15
Lawton, Okla. (C):												
SR	8:45	8:15	7:45	7:00	6:45	6:15	6:30	7:00	7:15	7:45	8:00	8:30
SS	6:45	7:15	7:45	8:00	8:30	8:45	8:45	8:30	7:45	7:00	6:30	6:30
Lexington, Ky. (C):												
SR	8:00	7:30	6:45	6:00	5:30	5:15	5:30	5:45	6:15	6:45	7:15	7:45
SS	5:45	6:15	6:45	7:15	7:45	8:00	8:00	7:30	6:45	6:00	5:30	5:15
Lihue, T. H. (L):												
SR	6:45	6:45	6:15	5:45	5:30	5:30	5:30	5:45	6:00	6:00	6:15	6:45
SS	5:45	6:00	6:15	6:30	6:45	6:45	7:00	6:45	6:15	5:45	5:30	5:30
Little Rock, Ark.[1] (C):												
SR	8:15	8:00	7:15	6:45	6:00	6:00	6:00	6:30	6:45	7:15	7:45	8:15
SS	6:15	6:45	7:15	7:45	8:00	8:30	8:30	8:00	7:15	6:30	6:00	6:00

[1] Metropolitan district.

City and State	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Modesto, Calif. (P):												
SR	8:15	8:00	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	6:15	6:45	7:15	7:45	8:00	8:30	8:30	8:00	7:15	6:30	6:00	6:00
Montgomery, Ala. (C):												
SR	7:45	7:30	7:00	6:15	5:45	5:30	5:45	6:15	6:45	7:15	7:45	8:15
SS	6:00	6:30	7:00	7:15	7:30	8:00	8:00	7:30	7:00	6:15	5:45	5:30
Nashville, Tenn.† (C):												
SR	8:00	7:30	7:00	6:15	5:45	5:30	5:45	6:15	6:45	7:15	7:45	8:15
SS	6:15	6:45	7:15	7:45	8:00	8:30	8:30	8:00	7:15	6:30	6:00	5:45
Newark, N. J.† (E):												
SR	8:15	7:45	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	5:45	6:30	7:00	7:15	7:30	8:00	8:00	7:30	7:00	6:15	5:45	5:30
New Britain, Conn.† (E):												
SR	8:15	7:45	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	6:15	6:45	7:15	7:45	8:00	8:30	8:30	8:00	7:15	6:30	6:00	5:45
Norburg, N. Y. (E):												
SR	8:15	8:00	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	6:15	6:30	7:00	7:15	7:30	8:00	8:00	7:30	7:00	6:15	5:45	5:30
Norfolk, Va. (E):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Norfolk, Va.† (E):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Norman, Okla. (C):												
SR	8:45	8:30	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Northfield, Minn. (C):												
SR	8:30	8:00	7:15	6:45	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:30	7:00	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
North Platte, Nebr. (C):												
SR	7:45	7:30	7:00	6:30	6:15	6:00	6:15	6:30	7:00	7:30	8:00	8:15
SS	6:00	6:30	7:00	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Oakland, Calif.† (P):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:30	7:00	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Ogden, Utah (M):												
SR	8:00	7:45	7:15	6:45	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Oklahoma City, Okla.† (C):												
SR	8:15	8:00	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	5:45	6:30	7:00	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Omaha, Nebr.† (C):												
SR	8:00	7:45	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Opelika, Ala. (C):												
SR	8:15	8:00	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Orlando, Fla. (E):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Palestine, Tex. (C):												
SR	8:45	8:30	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:00	6:30	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Panama City, Fla. (E):												
SS	7:45	7:30	7:00	6:15	5:45	5:30	5:45	6:15	6:45	7:15	7:45	8:15
Paris, Tex. (C):												
SR	8:45	8:30	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	6:00	6:30	7:00	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Pasadena, Calif. (P):												
SR	8:15	8:00	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	6:15	6:45	7:15	7:45	8:00	8:30	8:30	8:00	7:15	6:30	6:00	5:45
Pasco, Wash. (P):												
SR	8:45	8:30	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Pendleton, Oreg. (P):												
SR	8:45	8:30	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Peoria, Ill. (C):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Philadelphia, Pa. (Philadelphia Metropolitan District) (E):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	6:00	6:30	7:00	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Pine Bluff, Ark. (C):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Pittsburgh, Pa.† (E):												
SR	8:45	8:30	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Pittsburgh, Pa. (Pittsburgh Metropolitan District) (E):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	6:00	6:30	7:00	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Port Arthur, Tex. (C):												
SR	8:45	8:30	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Portland, Maine (E):												
SR	8:15	8:00	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	6:15	6:45	7:15	7:45	8:00	8:30	8:30	8:00	7:15	6:30	6:00	5:45
Portland, Oreg. (P):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Portsmouth, Va.† (E):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Providence, R. I. (E):												
SR	8:15	8:00	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	6:15	6:45	7:15	7:45	8:00	8:30	8:30	8:00	7:15	6:30	6:00	5:45
Pueblo, Colo. (M):												
SR	8:00	7:45	7:15	6:45	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Quincy, Ill. (C):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Racine, Wis. (C):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Raleigh, N. C. (E):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Rapid City, S. Dak. (M):												
SR	8:00	7:45	7:15	6:45	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Reading, Pa. (E):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Redlands, Calif. (P):												
SR	8:15	8:00	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	6:15	6:45	7:15	7:45	8:00	8:30	8:30	8:00	7:15	6:30	6:00	5:45
Reno, Nev. (P):												
SR	8:15	8:00	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	6:15	6:45	7:15	7:45	8:00	8:30	8:30	8:00	7:15	6:30	6:00	5:45
Richmond, Va.† (E):												
SR	8:15	8:00	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	5:30	6:00	6:30	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Roanoke, Va.† (E):												
SR	8:45	8:30	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Rochester, N. Y. (E):												
SR	8:15	7:45	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	5:30	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Rockford, Ill.† (C):												
SR	8:15	8:00	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	6:30	6:00	7:00	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Rock Island, Ill. (C):												
SR	8:15	8:00	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	5:30	6:00	7:00	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Rochester, Oreg. (P):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	6:00	6:30	7:00	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Rutland, Vt. (E):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	6:15	6:45	7:15	7:45	8:00	8:30	8:30	8:00	7:15	6:30	6:00	5:45
Sacramento, Calif.† (P):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	6:15	6:45	7:15	7:45	8:00	8:30	8:30	8:00	7:15	6:30	6:00	5:45
Saginaw, Mich. (E):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	6:00	6:45	7:15	7:45	8:00	8:30	8:30	8:00	7:15	6:30	6:00	5:45
St. Paul, Minn.† (C):												
SR	8:45	8:30	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	6:15	6:45	7:15	7:45	8:00	8:30	8:30	8:00	7:15	6:30	6:00	5:45
St. Petersburg, Fla.† (E):												
SR	8:45	8:30	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	6:15	6:45	7:15	7:45	8:00	8:30	8:30	8:00	7:15	6:30	6:00	5:45
Salem, Oreg. (P):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	6:00	6:30	7:00	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Salina, Kans. (C):												
SR	8:45	8:30	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	6:00	6:30	7:00	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Salt Lake City, Utah† (M):												
SR	8:00	7:45	7:15	6:45	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	6:15	6:45	7:15	7:45	8:00	8:30	8:30	8:00	7:15	6:30	6:00	5:45
San Antonio, Tex.† (C):												
SR	8:45	8:30	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	6:00	6:30	7:00	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
San Diego, Calif.† (P):												
SR	8:15	8:00	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	6:15	6:45	7:15	7:45	8:00	8:30	8:30	8:00	7:15	6:30	6:00	5:45
San Francisco, Calif.† (P):												
SR	8:15	8:00	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	6:15	6:45	7:15	7:45	8:00	8:30	8:30	8:00	7:15	6:30	6:00	5:45
San Jose, Calif.† (P):												
SR	8:15	8:00	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	6:00	6:30	7:00	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
San Juan, P. R. (A):												
SR	8:15	8:00	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Santa Barbara, Calif. (P):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Sanford, Fla. (E):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Sault Ste. Marie, Mich. (C):												
SR	8:15	8:00	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	6:15	6:45	7:15	7:45	8:00	8:30	8:30	8:00	7:15	6:30	6:00	5:45
Savannah, Ga.† (E):												
SR	8:15	8:00	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Schenectady, N. Y.† (E):												
SR	8:15	8:00	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Scranton, Pa.† (E):												
SR	8:15	8:00	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30
Seattle, Wash.† (P):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:45	8:15	8:30
SS	5:45	6:15	6:45	7:15	7:30	7:45	7:45	7:30	7:00	6:15	5:45	5:30

† Metropolitan district.

City and State	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Cedar Rapids, Iowa (C):												
SR	8:30	8:00	7:15	6:30	5:45	5:30	5:45	6:15	6:45	7:15	8:00	8:30
SS	6:00	6:45	7:15	7:45	8:15	8:45	8:45	8:15	7:15	6:30	5:45	5:30
Charleston, S. C. (E):												
SR	8:30	8:00	7:30	6:45	6:15	6:15	6:15	6:45	7:00	7:30	7:45	8:15
SS	6:30	7:00	7:30	7:45	8:15	8:30	8:30	8:00	7:30	6:45	6:15	6:15
Charleston, W. Va.[1] (E):												
SR	8:45	8:15	7:45	7:00	6:15	6:00	6:15	6:45	7:15	7:30	8:15	8:30
SS	6:30	7:00	7:30	8:00	8:30	8:45	8:45	8:15	7:30	6:45	6:15	6:15
Charlotte, N. C. (E):												
SR	8:30	8:15	7:30	7:00	6:15	6:15	6:15	6:45	7:00	7:30	8:00	8:30
SS	6:30	7:00	7:30	8:00	8:15	8:45	8:45	8:15	7:30	6:45	6:15	6:15
Chattanooga, Tenn.[1] (C):												
SR	7:45	7:30	7:00	6:15	5:45	5:30	5:30	6:00	6:30	6:45	7:15	7:45
SS	5:45	6:30	6:45	7:15	7:30	8:00	8:00	7:30	6:45	6:15	5:30	5:30
Cheyenne, Wyo. (M):												
SR	8:30	8:00	7:15	6:15	5:45	5:30	5:45	6:30	6:45	7:15	7:45	8:15
SS	6:00	6:30	7:00	7:45	8:15	8:30	8:30	8:00	7:15	6:15	5:45	5:30
Chicago, Ill.[1] (C):												
SR	8:15	7:45	7:00	6:15	5:30	5:15	5:30	6:00	6:30	7:00	7:45	8:15
SS	5:45	6:30	7:00	7:30	8:00	8:30	8:30	8:00	7:00	6:15	5:30	5:15
Chico, Calif. (P):												
SR	8:30	8:00	7:15	6:30	6:00	5:45	5:45	6:15	6:45	7:15	7:45	8:15
SS	5:00	6:45	7:15	7:45	8:15	8:30	8:30	8:00	7:15	6:30	6:00	5:45
[illegible]												
SR	9:00	8:30	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
SS	6:45	7:15	7:45	8:15	8:45	9:00	9:00	8:30	7:45	7:00	6:30	6:15
[illegible], Mo.[1] (C):												
SR	8:15	8:00	7:15	6:30	5:45	5:30	5:45	6:15	6:45	7:15	7:45	8:15
SS	6:00	6:45	7:00	7:30	8:00	8:30	8:30	8:00	7:15	6:30	5:45	5:45
Cleveland, Ohio[1] (E):												
SR	9:00	8:30	7:45	6:45	6:15	5:45	6:00	6:30	7:00	7:45	8:15	8:45
SS	6:15	7:00	7:30	8:00	8:45	9:00	9:00	8:30	7:45	6:45	6:15	6:00
Coffeyville, Kans. (C):												
SR	8:30	8:15	7:30	6:45	6:15	6:00	6:15	6:45	7:00	7:30	8:00	8:30
SS	6:30	7:00	7:30	8:00	8:30	8:45	8:45	8:15	7:30	6:45	6:15	6:00
Columbia, Mo. (C):												
SR	8:30	8:00	7:30	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:15
SS	6:15	6:45	7:15	7:45	8:15	8:30	8:30	8:00	7:15	6:30	6:00	5:45
Columbia, S. C. (E):												
SR	8:30	8:15	7:30	7:00	6:30	6:15	6:30	6:45	7:00	7:30	8:00	8:30
SS	6:30	7:00	7:30	8:00	8:15	8:30	8:30	8:15	7:30	6:45	6:15	6:15
Columbus, Ohio[1] (E):												
SR	9:00	8:30	7:45	7:00	6:15	6:00	6:15	6:45	7:15	7:45	8:15	8:45
SS	6:30	7:00	7:45	8:15	8:45	9:00	9:00	8:30	7:45	7:00	6:15	6:15
Cordele, Ga. (E):												
SR	8:30	8:15	7:45	7:15	6:45	6:30	6:45	7:00	7:15	7:45	8:00	8:30
SS	7:00	7:15	7:45	8:00	8:30	8:45	8:45	8:15	7:45	7:00	6:30	6:30
Corpus Christi, Tex. (C):												
SR	8:30	8:15	7:45	7:00	6:45	6:30	6:45	7:00	7:15	7:30	7:45	8:15
SS	7:00	7:15	7:45	8:00	8:15	8:30	8:30	8:15	7:30	7:00	6:45	6:30
Corvallis, Oreg. (P):												
SR	8:45	8:15	7:30	6:30	5:45	5:30	5:45	6:15	6:45	7:30	8:15	8:45
SS	5:00	6:45	7:15	8:00	8:30	9:00	9:00	8:15	7:30	6:30	5:45	5:30
Cumberland, Md. (E):												
SR	8:30	8:15	7:30	6:45	6:00	5:45	6:00	6:30	7:00	7:30	8:00	8:30
SS	6:15	6:45	7:15	7:45	8:15	8:45	8:45	8:15	7:30	6:30	6:00	5:45
Dallas, Tex.[1] (C):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:30	8:00	8:30
SS	6:45	7:15	7:30	8:00	8:15	8:30	8:30	8:15	7:30	7:00	6:30	6:15
Danville, Va. (E):												
SR	8:30	8:15	7:30	6:45	6:15	6:00	6:15	6:30	7:00	7:30	8:00	8:30
SS	6:30	7:00	7:30	7:45	8:15	8:30	8:30	8:15	7:30	6:45	6:15	6:00
Davenport, Iowa[1] (C):												
SR	8:30	8:00	7:15	6:30	5:45	5:30	5:45	6:15	6:45	7:15	7:45	8:15
SS	6:00	6:30	7:15	7:45	8:15	8:45	8:30	8:00	7:15	6:15	5:45	5:30
Dayton, Ohio[1] (E):												
SR	9:00	8:30	7:45	7:00	6:30	6:15	6:15	6:45	7:15	7:45	8:15	8:45
SS	6:30	7:15	7:45	8:15	8:45	9:00	9:00	8:30	7:45	7:00	6:15	6:15
Decatur, Ala. (C):												
SR	8:00	7:30	7:00	6:15	5:45	5:30	5:45	6:15	6:30	7:00	7:15	7:45
SS	6:00	6:30	7:00	7:15	7:45	8:00	8:00	7:30	7:00	6:15	5:45	5:45
Decatur, Ill. (C):												
SR	8:15	7:45	7:15	6:15	5:45	5:30	5:45	6:00	6:30	7:00	7:45	8:15
SS	6:00	6:30	7:00	7:30	8:00	8:30	8:30	8:00	7:00	6:15	5:45	5:30
Decorah, Iowa (C):												
SR	8:45	8:15	7:15	6:30	5:45	5:30	5:45	6:15	6:45	7:15	8:00	8:30
SS	6:00	6:30	7:15	7:45	8:30	8:45	8:45	8:15	7:15	6:30	5:45	5:30
Denver, Colo.[1] (M):												
SR	8:15	8:00	7:15	6:30	5:45	5:30	5:45	6:15	6:45	7:15	7:45	8:15
SS	6:00	6:30	7:00	7:30	8:00	8:30	8:30	8:00	7:15	6:15	5:45	5:30

[1] Metropolitan district.

City and State	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Des Moines, Iowa[1] (C):												
SR	8:45	8:15	7:30	6:30	6:00	5:45	5:45	6:15	7:00	7:30	8:00	8:30
SS	6:00	6:45	7:15	8:00	8:30	8:45	8:45	8:15	7:30	6:30	6:00	5:45
Detroit, Mich.[1] (E):												
SR	9:00	8:30	7:45	7:00	6:15	6:00	6:00	6:45	7:15	7:45	8:15	9:00
SS	6:30	7:00	7:45	8:15	8:45	9:15	9:15	8:30	7:45	6:45	6:15	6:00
Dodge City, Kans. (C):												
SR	9:00	8:30	8:00	7:00	6:30	6:15	6:30	7:00	7:15	7:45	8:15	8:45
SS	6:45	7:15	7:45	8:15	8:45	9:00	9:00	8:30	7:45	7:00	6:30	6:30
Dothan, Ala. (C):												
SR	7:45	7:30	7:00	6:15	5:45	5:30	5:45	6:00	6:30	6:45	7:15	7:30
SS	6:00	6:30	6:45	7:15	7:30	7:45	7:45	7:30	6:45	6:15	5:45	5:45
Dublin, Tex. (C):												
SR	8:30	8:15	7:45	7:00	6:30	6:30	6:30	7:00	7:15	7:30	8:00	8:30
SS	6:45	7:15	7:45	8:00	8:30	8:45	8:45	8:15	7:45	7:00	6:30	6:30
Dubuque, Iowa (C):												
SR	8:30	8:00	7:15	6:30	5:45	5:30	5:30	6:15	6:45	7:15	8:00	8:30
SS	6:00	6:30	7:15	7:45	8:15	8:45	8:45	8:00	7:15	6:30	5:45	5:30
Duluth, Minn.[1] (C):												
SR	8:45	8:15	7:30	6:30	5:30	5:15	5:30	6:00	6:45	7:30	8:15	8:45
SS	5:45	6:30	7:15	8:00	8:30	9:00	9:00	8:15	7:15	6:30	5:30	5:15
East Lansing, Mich. (E):												
SR	9:00	8:30	8:00	7:00	6:15	6:00	6:15	6:45	7:15	7:45	8:30	9:00
SS	6:30	7:15	7:45	8:15	9:00	9:15	9:15	8:45	7:45	7:00	6:15	6:00
Eau Claire, Wis. (C):												
SR	8:45	8:15	7:15	6:30	5:45	5:15	5:30	6:00	6:45	7:15	8:00	8:30
SS	5:45	6:30	7:15	7:45	8:30	9:00	8:45	8:15	7:15	6:30	5:45	5:30
Elmira, N. Y. (E):												
SR	8:30	8:00	7:30	6:30	5:45	5:30	5:45	6:15	6:45	7:15	8:00	8:30
SS	6:00	6:45	7:15	7:45	8:15	8:45	8:45	8:15	7:15	6:30	5:45	5:30
El Paso, Tex.[1] (C):												
SR	9:00	8:45	8:15	7:45	7:15	7:00	7:15	7:30	7:45	8:15	8:30	9:00
SS	7:30	7:45	8:15	8:30	9:00	9:15	9:15	8:45	8:15	7:30	7:00	7:00
Erie, Pa.[1] (E):												
SR	8:45	8:15	7:30	6:45	6:00	5:45	6:00	6:30	7:00	7:30	8:15	8:45
SS	6:15	6:45	7:30	8:00	8:30	9:00	9:00	8:15	7:30	6:45	6:00	5:45
Eureka, Calif. (P):												
SR	8:45	8:15	7:30	6:45	6:00	5:45	6:00	6:30	7:00	7:30	8:00	8:30
SS	6:15	6:45	7:15	8:00	8:30	8:45	8:45	8:15	7:30	6:45	6:00	5:45
Evansville, Ind.[1] (C):												
SR	8:15	7:45	7:00	6:15	5:45	5:30	5:45	6:00	6:30	7:00	7:30	8:00
SS	6:00	6:30	7:00	7:30	8:00	8:15	8:15	7:45	7:00	6:15	5:45	5:30
Everett, Wash. (P):												
SR	9:00	8:15	7:30	6:15	5:30	5:15	5:30	6:00	6:45	7:30	8:15	8:45
SS	5:45	6:30	7:15	8:00	8:45	9:15	9:00	8:30	7:30	6:15	5:30	5:45
Fairmont, W. Va. (E):												
SR	8:45	8:15	7:30	6:45	6:15	5:45	6:00	6:30	7:00	7:30	8:00	8:30
SS	6:15	7:00	7:30	8:00	8:30	8:45	8:45	8:15	7:30	6:45	6:00	6:00
Fall River, Mass.[1] (E):												
SR	8:15	7:45	7:00	6:00	5:30	5:15	5:15	5:45	6:30	7:00	7:30	8:00
SS	5:45	6:15	6:45	7:30	8:00	8:30	8:15	7:45	7:00	6:00	5:30	5:15
Fargo, N. Dak. (C):												
SR	9:15	8:30	7:45	6:45	6:00	5:30	5:45	6:30	7:00	7:45	8:30	9:00
SS	6:00	6:45	7:30	8:15	9:00	9:15	9:15	8:45	7:45	6:45	6:00	5:45
Fayetteville, N. C. (E):												
SR	8:30	8:00	7:30	6:45	6:15	6:00	6:15	6:30	7:00	7:15	7:45	8:15
SS	6:30	7:00	7:15	7:45	8:15	8:30	8:30	8:00	7:30	6:45	6:15	6:00
Fergus Falls, Minn. (C):												
SR	9:00	8:30	7:45	6:45	5:45	5:30	5:45	6:15	7:00	7:45	8:30	9:00
SS	6:00	6:45	7:30	8:15	8:45	9:15	9:15	8:30	7:45	6:45	5:45	5:45
Findlay, Ohio (E):												
SR	8:00	7:30	6:45	7:00	6:15	6:00	6:15	6:45	7:15	7:45	8:15	9:00
SS	6:30	7:15	7:45	8:15	8:45	9:15	9:00	8:30	7:45	7:00	6:15	6:00
Flint, Mich.[1] (E):												
SR	9:00	8:30	7:45	7:00	6:15	6:00	6:15	6:45	7:15	7:45	8:30	9:00
SS	6:30	7:00	7:45	8:15	8:45	9:15	9:15	8:45	7:45	7:00	6:15	6:00
Fort Wayne, Ind.[1] (C):												
SR	8:00	7:30	7:00	6:00	5:30	5:00	5:15	5:45	6:15	6:45	7:30	8:00
SS	5:30	6:15	6:45	7:15	7:45	8:15	8:15	7:45	6:45	6:00	5:30	5:15
Fort Worth, Tex.[1] (C):												
SR	8:30	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:30	8:00	8:30
SS	6:45	7:15	7:30	8:00	8:15	8:45	8:45	8:15	7:30	7:00	6:30	6:30
Frederick, Md. (E):												
SR	8:30	8:00	7:30	6:30	6:00	5:45	6:00	6:15	6:45	7:15	8:00	8:30
SS	6:15	6:45	7:15	7:45	8:15	8:45	8:30	8:00	7:15	6:30	6:00	5:45
Fredericksburg, Va. (E):												
SR	8:30	8:00	7:30	6:30	6:00	5:45	6:00	6:30	6:45	7:15	7:45	8:15
SS	6:15	6:45	7:15	7:45	8:15	8:30	8:30	8:00	7:15	6:30	6:00	5:45
Fremont, Neb. (C):												
SR	8:45	8:30	7:45	6:45	6:15	5:45	6:00	6:30	7:00	7:30	8:15	8:45
SS	6:15	7:00	7:30	8:00	8:30	9:00	9:00	8:30	7:45	6:45	6:15	6:00

[1] Metropolitan district.

City and State	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Fresno, Calif. (P):												
SR	8:15	7:45	7:15	6:30	6:00	5:45	5:45	6:15	6:45	7:00	7:30	8:00
SS	6:00	6:45	7:00	7:30	8:00	8:15	8:15	7:45	7:15	6:30	5:45	5:45
Gainesville, Fla. (E):												
SR	8:30	8:15	7:45	7:00	6:30	6:30	6:45	7:00	7:15	7:30	8:00	8:15
SS	6:45	7:15	7:30	8:00	8:15	8:30	8:30	8:15	7:30	7:00	6:30	6:30
Gallup, N. Mex. (M):												
SR	8:30	8:00	7:30	6:45	6:15	6:00	6:15	6:30	7:00	7:15	7:45	8:15
SS	6:30	7:00	7:15	7:45	8:15	8:30	8:30	8:00	7:30	6:45	6:15	6:00
Gary, Ind.[1] (C):												
SR	8:15	7:45	7:00	6:15	5:30	5:15	5:30	6:00	6:30	7:00	7:45	8:15
SS	5:45	6:30	7:00	7:30	8:00	8:30	8:30	8:00	7:00	6:15	5:30	5:15
Glendale, Calif.[1] (P):												
SR	8:00	7:45	7:00	6:30	5:45	5:45	5:45	6:15	6:30	7:00	7:30	7:45
SS	6:00	6:30	7:00	7:30	7:45	8:00	8:00	7:45	7:00	6:15	5:45	5:45
Grand Forks, N. Dak. (C):												
SR	9:15	8:45	7:45	6:45	5:45	5:30	5:45	6:15	7:00	7:45	8:30	9:15
SS	6:00	6:45	7:30	8:15	9:00	9:30	9:30	8:45	7:45	6:45	5:45	5:30
Grand Island, Nebr. (C):												
SR	9:00	8:30	7:45	7:00	6:15	6:00	6:15	6:45	7:15	7:45	8:15	8:45
SS	6:30	7:15	7:45	8:15	8:45	9:00	9:00	8:30	7:45	7:00	6:15	6:00
Grand Junction, Colo. (M):												
SR	8:30	8:15	7:30	6:45	6:00	5:45	6:00	6:30	7:00	7:30	8:00	8:30
SS	6:15	6:45	7:15	7:45	8:15	8:45	8:45	8:15	7:30	6:30	6:00	6:00
Grand Rapids, Mich.[1] (E):												
SR	9:15	8:45	8:00	7:00	6:15	6:00	6:15	6:45	7:15	8:00	8:30	9:15
SS	6:30	7:15	7:45	8:30	9:00	9:30	9:15	8:45	8:00	7:00	6:15	6:15
Great Falls, Mont. (M):												
SR	9:15	8:30	7:45	6:45	5:45	5:30	5:45	6:15	7:00	7:45	8:30	9:00
SS	6:00	6:45	7:30	8:15	9:00	9:30	9:15	8:45	7:45	6:45	5:45	5:30
Greeley, Colo. (M):												
SR	8:15	8:00	7:15	6:30	5:45	5:30	5:45	6:15	6:45	7:15	7:45	8:15
SS	6:00	6:30	7:00	7:30	8:00	8:30	8:30	8:00	7:15	6:15	5:45	5:30
Green Bay, Wis. (C):												
SR	8:30	8:00	7:15	6:15	5:30	5:00	5:15	6:00	6:30	7:00	7:45	8:15
SS	5:30	6:15	7:00	7:30	8:15	8:45	8:30	8:00	7:00	6:15	5:30	5:15
Greensburg, Pa. (E):												
SR	8:45	8:15	7:30	6:45	6:00	5:45	6:00	6:30	7:00	7:30	8:00	8:30
SS	6:15	7:00	7:30	8:00	8:30	8:45	8:45	8:15	7:30	6:45	6:00	6:00
Greensboro, N. C. (E):												
SR	8:30	8:15	7:30	6:45	6:15	6:00	6:15	6:30	7:00	7:30	8:00	8:30
SS	6:30	7:00	7:30	7:45	8:15	8:30	8:30	8:15	7:30	6:45	6:15	6:00
Greenville, N. C. (E):												
SR	8:15	8:00	7:15	6:45	6:00	6:00	6:00	6:30	6:45	7:15	7:45	8:15
SS	6:15	6:45	7:15	7:45	8:00	8:30	8:30	8:00	7:15	6:30	6:15	6:00
Greenville, S. C. (E):												
SR	8:45	8:15	7:45	7:00	6:30	6:15	6:30	6:45	7:15	7:30	8:00	8:30
SS	6:45	7:15	7:30	8:00	8:30	8:45	8:45	8:15	7:45	7:00	6:30	6:15
Griffin, Ga. (C):												
SR	7:45	7:30	6:45	6:15	5:45	5:30	5:45	6:00	6:15	6:45	7:15	7:30
SS	5:45	6:15	6:45	7:00	7:30	7:45	7:45	7:30	6:45	6:00	5:30	5:30
Gulfport, Miss. (C):												
SR	8:00	7:45	7:15	6:30	6:00	6:00	6:00	6:30	6:45	7:00	7:15	7:45
SS	6:15	6:45	7:00	7:15	7:45	8:00	8:00	7:45	7:00	6:30	6:00	6:00
Hammond, Ind.[1] (C):												
SR	8:15	7:45	7:00	6:15	5:30	5:15	5:30	6:00	6:30	7:00	7:45	8:15
SS	5:45	6:30	7:00	7:30	8:00	8:30	8:30	8:00	7:00	6:15	5:30	5:15
Harrisburg, Pa.[1] (E):												
SR	8:30	8:00	7:15	6:30	6:00	5:30	5:45	6:15	6:45	7:15	8:00	8:30
SS	6:00	6:45	7:15	7:45	8:15	8:45	8:30	8:00	7:15	6:30	5:45	5:45
Harrisonburg, Va. (E):												
SR	8:30	8:15	7:30	6:45	6:00	5:45	6:00	6:30	7:00	7:30	8:00	8:30
SS	6:15	7:00	7:15	7:45	8:15	8:45	8:45	8:15	7:30	6:45	6:00	6:00
Hartford, Conn.[1] (E):												
SR	8:15	7:45	7:00	6:15	5:30	5:15	5:30	6:00	6:30	7:00	7:45	8:15
SS	5:45	6:30	7:00	7:30	8:00	8:30	8:30	8:00	7:00	6:15	5:30	5:15
Hattiesburg, Miss. (C):												
SR	8:00	7:45	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:00	7:30	7:45
SS	6:15	6:45	7:00	7:30	7:45	8:00	8:00	7:45	7:00	6:30	6:00	6:00
Henderson, Ky. (C):												
SR	8:00	7:45	7:00	6:15	5:45	5:30	5:45	6:00	6:30	7:00	7:30	8:00
SS	6:00	6:30	7:00	7:30	7:45	8:15	8:15	7:45	7:00	6:15	5:45	5:30
Herrin, Ill. (C):												
SR	8:15	7:45	7:15	6:30	5:45	5:30	5:45	6:15	6:45	7:00	7:30	8:00
SS	6:00	6:30	7:00	7:30	8:00	8:15	8:15	7:45	7:00	6:15	5:45	5:45
Honolulu, T. H. (local):												
SR	7:45	7:30	7:15	6:45	6:30	6:15	6:30	6:45	6:45	7:00	7:15	7:30
SS	6:45	7:00	7:15	7:15	7:30	7:45	7:45	7:30	7:00	6:30	6:15	6:15
Hot Springs, Ark. (C):												
SR	8:15	8:00	7:30	6:45	6:15	6:00	6:15	6:30	7:00	7:15	7:45	8:15
SS	6:30	7:00	7:15	7:45	8:00	8:30	8:30	8:00	7:15	6:45	6:15	6:00

[1] Metropolitan district.

City and State	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Houston, Tex.[1] (C):												
SR	8:15	8:00	7:30	7:00	6:30	6:15	6:30	6:45	7:00	7:30	7:45	8:15
SS	6:45	7:15	7:30	7:45	8:15	8:30	8:30	8:00	7:30	6:45	6:30	6:30
Huntington, W. Va.[1] (E):												
SR	8:45	8:15	7:45	7:00	6:15	6:00	6:15	6:45	7:15	7:45	8:15	8:45
SS	6:30	7:00	7:30	8:00	8:30	9:00	9:00	8:30	7:45	7:00	6:15	6:15
Huntsville, Tex. (C):												
SR	8:15	8:00	7:30	7:00	6:30	6:15	6:30	6:45	7:00	7:30	7:45	8:15
SS	6:45	7:15	7:30	7:45	8:15	8:30	8:30	8:00	7:30	6:45	6:30	6:30
Idaho Falls, Idaho (M):												
SR	9:00	8:30	7:45	6:45	6:00	5:45	6:00	6:30	7:00	7:45	8:15	9:00
SS	6:15	7:00	7:30	8:15	8:45	9:15	9:15	8:30	7:45	6:45	6:00	5:45
Indianapolis, Ind.[1] (C):												
SR	8:00	7:45	7:00	6:15	5:30	5:15	5:30	6:00	6:30	7:00	7:30	8:00
SS	5:45	6:15	6:45	7:15	7:45	8:15	8:15	7:45	7:00	6:00	5:30	5:15
Iowa City, Iowa (C):												
SR	8:30	8:00	7:15	6:30	5:45	5:30	5:45	6:15	6:45	7:15	8:00	8:30
SS	6:00	6:45	7:15	7:45	8:15	8:45	8:45	8:00	7:15	6:30	5:45	5:30
Ithaca, N. Y. (E):												
SR	8:30	8:00	7:15	6:30	5:45	5:30	5:45	6:15	6:45	7:15	8:00	8:30
SS	6:00	6:30	7:15	7:45	8:15	8:45	8:45	8:15	7:15	6:30	5:45	5:30
Jackson, Miss. (C):												
SR	8:00	7:45	7:15	6:30	6:00	6:00	6:00	6:30	6:45	7:00	7:30	8:00
SS	6:30	7:00	7:15	7:30	8:00	8:15	8:15	7:45	7:15	6:30	6:15	6:00
Jackson, Tenn. (C):												
SR	8:00	7:45	7:15	6:30	5:45	5:45	5:45	6:15	6:30	7:00	7:30	8:00
SS	6:00	6:30	7:00	7:30	7:45	8:15	8:15	7:45	7:00	6:15	5:45	5:45
Jacksonville, Fla.[1] (E):												
SR	8:30	8:15	7:45	7:00	6:30	6:30	6:30	7:00	7:15	7:30	7:45	8:15
SS	6:45	7:15	7:30	8:00	8:15	8:30	8:30	8:15	7:30	7:00	6:30	6:30
Jacksonville, Ill. (C):												
SR	8:15	8:00	7:15	6:30	5:45	5:30	5:45	6:15	6:45	7:15	7:45	8:15
SS	6:00	6:30	7:00	7:45	8:00	8:30	8:30	8:00	7:15	6:30	5:45	5:45
Jersey City, N. J.[1] (E):												
SR	8:15	7:45	7:15	6:15	5:45	5:30	5:30	6:00	6:30	7:00	7:45	8:15
SS	5:45	6:30	7:00	7:30	8:00	8:30	8:30	8:00	7:00	6:15	5:45	5:30
Johnson City, Tenn. (C):												
SR	7:45	7:15	6:45	6:00	5:30	5:15	5:15	5:45	6:15	6:30	7:00	7:30
SS	5:30	6:15	6:30	7:00	7:30	7:45	7:45	7:15	6:45	6:00	5:15	5:15
Johnstown, Pa.[1] (E):												
SR	8:45	8:15	7:30	6:45	6:00	5:45	6:00	6:30	7:00	7:30	8:00	8:30
SS	6:15	6:45	7:15	8:15	8:30	8:45	8:45	8:15	7:30	6:30	6:00	5:45
Joliet, Ill. (C):												
SR	8:15	7:45	7:00	6:15	5:30	5:15	5:30	6:00	6:30	7:00	7:45	8:15
SS	5:45	6:30	7:00	7:30	8:00	8:30	8:30	8:00	7:00	6:15	5:30	5:30
Jonesboro, Ark. (C):												
SR	8:15	7:45	7:15	6:30	6:00	5:45	6:00	6:15	6:45	7:15	7:45	8:00
SS	6:15	6:45	7:15	7:30	8:00	8:15	8:15	8:00	7:15	6:30	6:00	5:45
Kalamazoo, Mich. (E):												
SR	7:15	8:45	8:00	7:00	6:15	6:00	6:15	6:45	7:15	8:00	8:30	9:00
SS	6:30	7:15	7:45	8:15	9:00	9:15	9:15	8:45	8:00	7:00	6:15	6:15
Kalispell, Mont. (M):												
SR	9:30	8:45	8:00	6:45	6:00	5:30	5:45	6:30	7:15	8:00	8:45	9:15
SS	6:15	7:00	7:45	8:30	9:15	8:45	9:30	9:00	7:45	6:45	6:00	5:45
Kansas City, Mo.[1] (C):												
SR	8:45	8:15	7:30	6:45	6:00	5:45	6:00	6:30	7:00	7:30	8:00	8:30
SS	6:15	7:00	7:30	8:00	8:30	8:45	8:45	8:15	7:30	6:45	6:00	6:00
Knoxville, Tenn.[1] (C):												
SR	7:45	7:30	6:45	6:00	5:30	5:15	5:30	6:00	6:15	6:45	7:15	7:45
SS	5:45	6:15	6:45	7:15	7:30	8:00	8:00	7:30	6:45	6:00	5:30	5:30
LaCrosse, Wisc. (C):												
SR	8:45	8:00	7:15	6:30	5:45	5:15	5:30	6:15	6:45	7:15	8:00	8:30
SS	5:45	6:30	7:15	7:45	8:30	8:45	8:45	8:15	7:15	6:30	5:45	5:30
Lawrence, Kans. (C):												
SR	8:45	8:15	7:30	6:45	6:15	6:00	6:00	6:30	7:00	7:30	8:00	8:30
SS	6:15	7:00	7:30	8:00	8:30	8:45	8:45	8:15	7:30	6:45	6:15	6:00
Lawrence, Mass.[1] (E):												
SR	8:15	7:45	7:00	6:00	5:30	5:00	5:15	5:45	6:30	7:00	7:30	8:15
SS	5:30	6:15	6:45	7:30	8:00	8:30	8:15	7:45	7:00	6:00	5:30	5:15
Lawton, Okla. (C):												
SR	8:45	8:15	7:45	7:00	6:45	6:15	6:30	7:00	7:15	7:45	8:00	8:30
SS	6:45	7:15	7:45	8:00	8:30	8:45	8:45	8:30	7:45	7:00	6:30	6:30
Lexington, Ky. (C):												
SR	8:00	7:30	6:45	6:00	5:30	5:15	5:30	5:45	6:15	6:45	7:15	7:45
SS	5:45	6:15	6:45	7:15	7:45	8:00	8:00	7:30	6:45	6:00	5:30	5:15
Lihue, T. H. (L):												
SR	6:45	6:45	6:15	5:45	5:30	5:30	5:30	5:45	6:00	6:00	6:15	6:45
SS	5:45	6:00	6:15	6:30	6:45	6:45	7:00	6:45	6:15	5:45	5:30	5:30
Little Rock, Ark.[1] (C):												
SR	8:15	8:00	7:15	6:45	6:00	6:00	6:00	6:30	6:45	7:15	7:45	8:15
SS	6:15	6:45	7:15	7:45	8:00	8:30	8:30	8:00	7:15	6:30	6:00	6:00

[1] Metropolitan district.

City and State	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
[illegible], Nebr. (C): SR / SS	[illegible]	[illegible]	7:45 / 7:30	6:45 / 8:00	6:15 / 8:30	6:00 / 9:00	6:00 / 9:00	6:30 / 8:30	7:00 / 7:45	7:30 / 6:45	8:15 / 6:15	8:45 / 6:00
[illegible], W. Va. (E): SR / SS	[illegible]	8:15 / 7:00	7:45 / 7:30	7:00 / 8:00	6:15 / 8:30	6:00 / 8:45	6:15 / 8:45	6:45 / 8:30	7:15 / 7:45	7:00 / 7:00	8:15 / 6:15	8:00 / 6:15
[illegible], Calif. (P): SR / SS	8:00 / 6:30	[illegible]	7:00 / 7:00	6:30 / 7:30	6:00 / 8:00	5:45 / 8:30	6:00 / 8:15	6:15 / 7:45	6:30 / 7:00	7:00 / 6:15	7:45 / 5:45	8:00 / 5:30
[illegible], Va. (E): SR / SS	[illegible]	[illegible]	[illegible]	6:45 / 7:45	6:15 / 8:15	6:15 / 8:30	6:15 / 8:30	6:45 / 8:00	7:00 / 7:30	7:30 / 6:45	7:45 / 6:15	8:15 / 6:15
[illegible]: SR / SS	[illegible]	[illegible]	[illegible]	[illegible]	5:45 / 7:45	5:45 / 8:00	5:45 / 8:00	6:15 / 7:45	6:30 / 7:00	7:00 / 6:15	7:30 / 5:45	7:45 / 5:45
[illegible]: SR / SS	[illegible]	[illegible]	[illegible]	[illegible]	6:00 / 7:45	5:30 / 8:15	5:30 / 8:00	6:00 / 7:45	6:30 / 7:00	6:45 / 6:00	7:30 / 5:30	8:00 / 5:30
[illegible]: SR / SS	[illegible]	[illegible]	[illegible]	[illegible]	6:45 / 8:45	6:00 / 9:00	6:00 / 9:00	7:15 / 8:30	7:00 / 8:00	7:45 / 7:15	8:15 / 6:45	8:45 / 6:45
[illegible]: SR / SS	[illegible]	[illegible]	[illegible]	[illegible]	6:30 / 8:15	6:15 / 8:30	6:00 / 8:30	6:45 / 8:00	7:00 / 7:30	7:15 / 6:45	7:45 / 6:15	8:15 / 6:15
[illegible]: SR / SS	[illegible]	[illegible]	[illegible]	7:00 / 8:00	6:30 / 8:30	6:30 / 8:45	6:30 / 8:45	7:00 / 8:15	7:15 / 7:45	7:45 / 7:00	8:00 / 6:30	8:30 / 6:30
[illegible]: SR / SS	[illegible]	[illegible]	[illegible]	[illegible] / 7:45	5:30 / 8:15	5:15 / 8:45	5:30 / 8:30	6:00 / 8:00	6:30 / 7:15	7:15 / 6:15	7:45 / 5:30	8:30 / 5:30
[illegible], N. H. (E): SR / SS	[illegible]	[illegible] / 6:15	7:00 / 6:45	6:00 / 7:30	5:30 / 8:00	5:00 / 8:30	5:15 / 8:30	5:45 / 7:45	6:30 / 7:00	7:00 / 6:00	7:45 / 5:30	8:15 / 5:15
[illegible], Kans. (C): SR / SS	8:45 / 6:30	8:15 / 7:00	7:45 / 7:30	6:45 / 8:00	6:15 / 8:30	6:00 / 9:00	6:15 / 8:45	6:45 / 8:30	7:00 / 7:30	7:30 / 6:45	8:15 / 6:15	8:45 / 6:00
[illegible] (C): SR / SS	[illegible]	[illegible]	7:45 / 7:30	7:00 / 8:15	6:15 / 8:45	6:00 / 9:00	6:15 / 9:00	6:45 / 8:30	7:15 / 7:45	7:45 / 6:45	8:15 / 6:15	8:45 / 6:00
[illegible], Wis. (C): SR / SS	[illegible]	8:00 / 6:15	7:00 / 7:00	6:15 / 7:30	5:15 / 8:15	5:00 / 8:45	5:15 / 8:30	5:45 / 8:00	6:30 / 7:00	7:00 / 6:15	7:45 / 5:30	8:30 / 5:15
[illegible], Va. (E): SR / SS	[illegible] / 6:30	8:15 / 7:00	7:30 / 7:30	6:45 / 8:00	6:15 / 8:15	6:00 / 8:45	6:15 / 8:45	6:30 / 8:15	7:00 / 7:30	7:30 / 6:45	8:00 / 6:15	8:30 / 6:00
Mason City, Iowa (C): SR / SS	8:45 / 6:00	8:15 / 6:45	7:30 / 7:15	6:30 / 8:00	5:45 / 8:30	5:30 / 9:00	5:45 / 8:45	6:15 / 8:15	6:45 / 7:30	7:15 / 6:30	8:00 / 5:45	8:30 / 5:45
Mayaguez, P. R. (A): SR / SS	8:00 / 7:15	8:00 / 7:30	7:30 / 7:45	7:15 / 7:45	7:00 / 8:00	6:45 / 8:00	7:00 / 8:15	7:15 / 8:00	7:15 / 7:30	7:15 / 7:00	7:30 / 6:45	7:45 / 7:00
Medford, Oreg. (P): SR / SS	8:45 / 6:00	8:15 / 6:45	7:30 / 7:15	6:30 / 7:45	5:45 / 8:30	5:30 / 8:45	5:45 / 8:45	6:15 / 8:15	6:45 / 7:30	7:30 / 6:30	8:00 / 5:45	8:30 / 5:45
Memphis, Tenn.[1] (C): SR / SS	8:15 / 6:15	7:45 / 6:45	7:15 / 7:00	6:30 / 7:30	6:00 / 8:00	5:45 / 8:15	6:00 / 8:15	6:15 / 7:45	6:45 / 7:15	7:00 / 6:30	7:30 / 6:00	8:00 / 5:45
Merced, Calif. (P): SR / SS	8:15 / 6:15	8:00 / 6:45	7:15 / 7:15	6:30 / 7:30	6:00 / 8:00	5:45 / 8:30	6:00 / 8:30	6:15 / 8:00	6:45 / 7:15	7:15 / 6:30	7:45 / 6:00	8:15 / 5:45
Meridian, Miss. (C): SR / SS	8:00 / 6:15	7:45 / 6:45	7:00 / 7:00	6:30 / 7:30	6:00 / 7:45	5:45 / 8:00	6:00 / 8:00	6:15 / 7:45	6:45 / 7:00	7:00 / 6:30	7:30 / 6:00	7:45 / 5:45
Miami, Fla.[1] (E): SR / SS	8:30 / 6:45	8:00 / 7:15	7:30 / 7:30	7:00 / 7:45	6:30 / 8:00	6:30 / 8:15	6:30 / 8:15	7:00 / 8:00	7:00 / 7:30	7:15 / 7:00	7:45 / 6:30	8:00 / 6:30
Milwaukee, Wis.[1] (C): SR / SS	8:30 / 5:45	7:45 / 6:15	7:00 / 7:00	6:15 / 7:30	5:30 / 8:15	5:15 / 8:30	5:30 / 8:30	6:00 / 8:00	6:30 / 7:00	7:00 / 6:15	7:45 / 5:30	8:15 / 5:15
Minneapolis, Minn.[1] (C): SR / SS	8:45 / 6:00	8:15 / 6:45	7:30 / 7:15	6:30 / 8:00	5:45 / 8:30	5:30 / 9:00	5:45 / 9:00	6:15 / 8:15	6:45 / 7:30	7:30 / 6:30	8:15 / 5:45	8:45 / 5:30
Minot, N. Dak. (C): SR / SS	9:30 / 6:15	9:00 / 7:00	8:00 / 7:45	7:00 / 8:30	6:00 / 9:15	5:45 / 9:45	6:00 / 9:45	6:45 / 9:00	7:15 / 8:00	8:00 / 7:00	8:45 / 6:15	9:30 / 5:45
Missoula, Mont. (M): SR / SS	9:15 / 6:15	8:45 / 7:00	7:45 / 7:45	6:45 / 8:30	6:00 / 9:00	5:45 / 9:30	6:00 / 9:30	6:30 / 8:45	7:15 / 7:45	8:00 / 6:45	8:45 / 6:00	9:15 / 5:45
Mobile, Ala. (C): SR / SS	7:45 / 6:15	7:30 / 6:45	7:00 / 7:00	6:30 / 7:15	6:00 / 7:45	5:45 / 8:00	6:00 / 8:00	6:15 / 7:30	6:30 / 7:00	7:00 / 6:15	7:15 / 6:00	7:45 / 6:00

Metropolitan district.

City and State	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Modesto, Calif. (P): SR / SS	8:15 / 6:15	8:00 / 6:45	7:15 / 7:15	6:30 / 7:45	6:00 / 8:00	5:45 / 8:30	6:00 / 8:30	6:15 / 8:00	6:45 / 7:15	7:15 / 6:30	7:45 / 6:00	8:15 / 5:45
Montgomery, Ala. (C): SR / SS	7:45 / 6:00	7:30 / 6:30	7:00 / 7:00	6:15 / 7:15	5:45 / 7:30	5:30 / 8:00	5:45 / 8:00	6:15 / 7:30	6:30 / 7:00	6:45 / 6:15	7:15 / 5:45	7:45 / 5:45
Nashville, Tenn.[1] (C): SR / SS	8:00 / 6:00	7:30 / 6:30	7:00 / 7:00	6:15 / 7:15	5:45 / 7:45	5:30 / 8:00	5:45 / 8:00	6:00 / 7:45	6:30 / 7:00	7:00 / 6:15	7:30 / 5:45	7:45 / 5:30
Newark, N. J.[1] (E): SR / SS	8:15 / 5:45	7:45 / 6:30	7:15 / 7:00	6:15 / 7:30	5:45 / 8:00	5:30 / 8:30	5:30 / 8:30	6:00 / 8:00	6:30 / 7:00	7:00 / 6:15	7:45 / 5:45	8:15 / 5:30
New Britain, Conn.[1] (E): SR / SS	8:15 / 5:45	7:45 / 6:30	7:00 / 7:00	6:15 / 7:30	5:30 / 8:00	5:15 / 8:30	5:30 / 8:30	6:00 / 8:00	6:30 / 7:00	7:00 / 6:15	7:45 / 5:30	8:15 / 5:15
Newburgh, N. Y. (E): SR / SS	8:15 / 5:45	8:00 / 6:30	7:15 / 7:00	6:15 / 7:30	5:45 / 8:15	5:15 / 8:30	5:30 / 8:30	6:00 / 8:00	6:30 / 7:15	7:00 / 6:15	7:45 / 5:45	8:15 / 5:30
New Castle, Pa. (E): SR / SS	8:45 / 6:15	8:15 / 7:00	7:30 / 7:30	6:45 / 8:00	6:00 / 8:30	5:45 / 9:00	6:00 / 9:00	6:30 / 8:15	7:00 / 7:30	7:30 / 6:45	8:15 / 6:00	8:45 / 6:00
New Haven, Conn.[1] (E): SR / SS	8:15 / 5:45	7:45 / 6:30	7:00 / 7:00	6:15 / 7:30	5:30 / 8:00	5:15 / 8:30	5:30 / 8:30	6:00 / 8:00	6:30 / 7:00	7:00 / 6:15	7:45 / 5:30	8:15 / 5:30
New Kensington, Pa. (Pittsburgh Metropolitan District) (E): SR / SS	8:45 / 6:15	8:15 / 7:00	7:30 / 7:30	6:45 / 8:00	6:00 / 8:30	5:45 / 8:45	6:00 / 8:45	6:30 / 8:15	7:00 / 7:30	7:30 / 6:45	8:00 / 6:00	8:30 / 6:00
New Orleans, La.[1] (C): SR / SS	8:00 / 6:15	7:45 / 6:45	7:15 / 7:15	6:30 / 7:30	6:15 / 7:45	6:00 / 8:00	6:15 / 8:00	6:30 / 7:45	6:45 / 7:00	7:00 / 6:30	7:30 / 6:00	7:45 / 6:00
New York, N. Y.[1] (E): SR / SS	8:15 / 5:45	7:45 / 6:30	7:15 / 7:00	6:15 / 7:30	5:45 / 8:00	5:30 / 8:30	5:30 / 8:30	6:00 / 8:00	6:30 / 7:00	7:00 / 6:15	7:45 / 5:45	8:15 / 5:30
Niagara Falls, N. Y.[1] (E): SR / SS	8:45 / 6:00	8:15 / 6:45	7:30 / 7:15	6:30 / 8:00	6:00 / 8:30	5:30 / 9:00	5:45 / 9:00	6:15 / 8:15	7:00 / 7:30	7:30 / 6:30	8:00 / 6:00	8:45 / 5:45
Norfolk, Nebr. (C): SR / SS	9:00 / 6:15	8:30 / 7:00	7:45 / 7:30	6:45 / 8:15	6:15 / 8:45	5:45 / 9:00	6:00 / 9:00	6:30 / 8:30	7:15 / 7:45	7:45 / 6:45	8:15 / 6:15	8:45 / 6:00
Norfolk, Va.[1] (E): SR / SS	8:15 / 6:15	8:00 / 6:45	7:15 / 7:15	6:30 / 7:45	6:00 / 8:00	5:45 / 8:30	6:00 / 8:30	6:15 / 8:00	6:45 / 7:15	7:15 / 6:30	7:45 / 6:00	8:15 / 5:45
Norman, Okla. (C): SR / SS	8:45 / 6:45	8:15 / 7:15	7:45 / 7:30	7:00 / 8:00	6:30 / 8:30	6:15 / 8:45	6:30 / 8:45	6:45 / 8:15	7:15 / 7:45	7:30 / 7:00	8:00 / 6:30	8:30 / 6:15
Northfield, Minn. (C): SR / SS	8:45 / 6:00	8:15 / 6:45	7:30 / 7:15	6:30 / 8:00	5:45 / 8:30	5:30 / 9:00	5:45 / 9:00	6:15 / 8:15	6:45 / 7:30	7:30 / 6:30	8:15 / 5:45	8:45 / 5:30
North Platte, Nebr. (C): SR / SS	9:15 / 6:45	8:45 / 7:15	8:00 / 7:45	7:00 / 8:15	6:30 / 9:00	6:15 / 9:15	6:30 / 9:15	6:45 / 8:45	7:30 / 8:00	8:00 / 7:00	8:30 / 6:30	9:00 / 6:15
Oakland, Calif.[1] (P): SR / SS	8:30 / 6:15	8:00 / 6:45	7:30 / 7:15	6:30 / 7:45	6:00 / 8:15	5:45 / 8:30	6:00 / 8:30	6:30 / 8:00	6:45 / 7:15	7:15 / 6:30	7:45 / 6:00	8:15 / 5:45
Ogden, Utah (M): SR / SS	9:00 / 6:30	8:30 / 7:00	7:45 / 7:30	6:45 / 8:00	6:15 / 8:45	6:00 / 9:00	6:00 / 9:00	6:30 / 8:30	7:15 / 7:45	7:45 / 6:45	8:15 / 6:15	8:45 / 6:00
Oklahoma City, Okla.[1] (C): SR / SS	8:45 / 6:45	8:15 / 7:15	7:45 / 7:30	7:00 / 8:00	6:30 / 8:30	6:15 / 8:45	6:30 / 8:45	6:45 / 8:15	7:15 / 7:45	7:30 / 7:00	8:00 / 6:30	8:30 / 6:15
Olean, N. Y. (E): SR / SS	8:45 / 6:00	8:15 / 6:45	7:30 / 7:15	6:30 / 8:00	6:00 / 8:30	5:30 / 8:45	5:45 / 8:45	6:15 / 8:15	7:00 / 7:30	7:30 / 6:30	8:00 / 6:00	8:30 / 5:45
Olympia, Wash. (P): SR / SS	9:00 / 5:45	8:15 / 6:30	7:30 / 7:15	6:30 / 8:00	5:30 / 8:45	5:15 / 9:15	5:30 / 9:00	6:00 / 8:30	6:45 / 7:30	7:30 / 6:30	8:15 / 5:45	8:45 / 5:15
Omaha, Nebr.[1] (C): SR / SS	8:45 / 6:15	8:15 / 7:00	7:45 / 7:30	6:45 / 8:00	6:00 / 8:30	5:45 / 9:00	6:00 / 9:00	6:30 / 8:30	7:00 / 7:30	7:30 / 6:45	8:15 / 6:00	8:45 / 6:00
Opelika, Ala. (C): SR / SS	7:45 / 6:00	7:30 / 6:30	7:00 / 6:45	6:15 / 7:15	5:45 / 7:30	5:30 / 7:45	5:45 / 7:45	6:00 / 7:30	6:30 / 6:45	6:45 / 6:15	7:15 / 5:45	7:30 / 5:30
Orlando, Fla. (E): SR / SS	8:15 / 6:45	8:00 / 7:15	7:30 / 7:30	7:00 / 7:45	6:30 / 8:15	6:30 / 8:30	6:30 / 8:30	7:00 / 8:00	7:15 / 7:30	7:30 / 7:00	7:45 / 6:30	8:15 / 6:30
Palestine, Tex. (C): SR / SS	8:30 / 6:45	8:00 / 7:15	7:30 / 7:30	7:00 / 7:45	6:30 / 8:15	6:15 / 8:30	6:30 / 8:30	6:45 / 8:00	7:00 / 7:30	7:30 / 6:45	7:45 / 6:30	8:15 / 6:15
Panama City, Fla. (E): SR / SS	8:45 / 7:00	8:30 / 7:30	8:00 / 7:45	7:15 / 8:15	6:45 / 8:30	6:45 / 8:45	6:45 / 8:45	7:15 / 8:30	7:30 / 7:45	7:45 / 7:15	8:15 / 6:45	8:30 / 6:45

[1] Metropolitan district.

City and State	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
[illegible]: SR / SS	[illegible]	[illegible]	[illegible]	6:45 / 7:30	6:45 / 8:00	[illegible]	6:30 / 8:30	6:00 / 8:00	6:30 / 7:00	7:00 / 6:15	7:45 / 5:45	8:15 / 5:30
[illegible]: SR / SS	[illegible]	[illegible]	[illegible]	6:00 / 7:15	6:00 / 7:30	5:45 / 7:45	6:00 / [illegible]	6:15 / 7:30	6:30 / 7:00	6:45 / 6:15	7:15 / 5:45	7:45 / 5:45
[illegible]: SR / SS	[illegible]	[illegible]	[illegible]	6:15 / 7:30	[illegible]	5:30 / 8:30	5:45 / 8:30	6:00 / 8:00	6:45 / 7:15	7:15 / 6:15	7:45 / 5:45	8:15 / 5:30
[illegible], Pa. (E): SR / SS	[illegible]	[illegible]	7:00 / 7:15	6:45 / 7:45	[illegible] / 8:15	5:45 / 8:30	6:00 / 8:30	6:30 / 8:00	6:45 / 7:15	7:15 / 6:30	7:45 / 6:00	8:15 / 6:00
[illegible], Pa.[1] (E): SR / SS	[illegible]	8:00 / 6:30	7:15 / 7:00	6:00 / 7:45	6:45 / 8:15	5:30 / 8:30	5:45 / 8:30	6:15 / 8:00	6:45 / 7:15	7:15 / 6:30	7:45 / 5:45	8:15 / 5:30
[illegible], Ariz. (M): SR / SS	8:30 / 6:45	8:15 / 7:15	7:45 / 7:30	7:00 / 8:00	6:30 / 8:15	6:15 / 8:45	6:30 / 8:45	6:45 / 8:15	7:15 / 7:30	7:30 / 7:00	8:00 / 6:30	8:30 / 6:15
[illegible], S. Dak. (C): SR / SS	9:15 / 6:30	8:45 / 7:15	8:00 / 7:45	7:00 / 8:30	6:15 / 9:00	6:00 / 9:30	6:15 / 9:30	6:45 / 8:45	7:15 / 8:00	8:00 / 7:00	8:30 / 6:15	9:15 / 6:00
Pittsburgh, Kans. (C): SR / SS	8:30 / 6:30	8:15 / 7:00	7:30 / 7:30	6:45 / 8:00	6:15 / 8:15	6:00 / 8:45	6:15 / 8:45	6:30 / 8:15	7:00 / 7:30	7:30 / 6:45	8:00 / 6:15	8:30 / 6:00
Pittsburgh, Pa.[1] (E): SR / SS	8:45 / 6:15	8:15 / 7:00	7:30 / 7:30	6:45 / 8:00	6:00 / 8:30	5:45 / 8:45	6:00 / 8:45	6:30 / 8:15	7:00 / 7:30	7:30 / 6:45	8:00 / 6:00	8:30 / 6:00
Plainview, Tex. (C): SR / SS	9:00 / 7:00	8:30 / 7:30	8:00 / 8:00	7:15 / 8:15	6:45 / 8:45	6:00 / 9:00	6:45 / 9:00	7:00 / 8:30	7:30 / 8:00	7:45 / 7:15	8:15 / 6:15	8:45 / 6:15
Pocatello, Idaho (M): SR / SS	9:00 / 6:15	8:30 / 7:00	7:45 / 7:30	6:45 / 8:15	6:15 / 8:45	5:45 / 9:15	6:00 / 9:00	6:30 / 8:30	7:15 / 7:45	7:45 / 6:45	8:15 / 6:15	9:00 / 6:00
Ponce, P. R. (A): SR / SS	8:00 / 7:15	8:00 / 7:30	7:30 / 7:30	7:15 / 7:45	7:00 / 7:45	6:45 / 8:00	7:00 / 8:00	7:15 / 8:00	7:15 / 7:30	7:15 / 7:00	7:30 / 6:45	7:45 / 7:00
Pontiac, Mich.[1] (E): SR / SS	9:00 / 6:30	8:30 / 7:00	7:45 / 7:45	7:00 / 8:15	6:15 / 8:45	6:00 / 9:15	6:00 / 9:15	6:45 / 8:30	7:15 / 7:45	7:45 / 6:45	8:15 / 6:15	9:00 / 6:00
Port Arthur, Tex. (C): SR / SS	8:15 / 6:30	8:00 / 7:00	7:30 / 7:15	6:45 / 7:30	6:15 / 8:00	6:15 / 8:15	6:15 / 8:15	6:45 / 8:00	7:00 / 7:15	7:15 / 6:45	7:30 / 6:15	8:00 / 6:15
Portland, Maine (E): SR / SS	8:15 / 5:30	7:45 / 6:15	7:00 / 6:45	6:00 / 7:30	5:15 / 8:00	5:00 / 8:30	5:15 / 8:15	5:45 / 7:45	6:15 / 7:00	7:00 / 6:00	7:30 / 5:15	8:15 / 5:00
Portland, Oreg.[1] (P): SR / SS	8:45 / 5:45	8:15 / 6:30	7:30 / 7:15	6:30 / 8:00	5:45 / 8:30	5:15 / 9:00	5:30 / 9:00	6:15 / 8:15	6:45 / 7:30	7:30 / 6:30	8:15 / 5:45	8:45 / 5:30
Portsmouth, N. H. (E): SR / SS	8:15 / 5:30	7:45 / 6:15	7:00 / 6:45	6:00 / 7:30	5:15 / 8:00	5:00 / 8:30	5:15 / 8:15	5:45 / 7:45	6:15 / 7:00	7:00 / 6:00	7:30 / 5:15	8:15 / 5:15
Providence, R. I.[1] (E): SR / SS	8:15 / 5:45	7:45 / 6:15	7:00 / 6:45	6:00 / 7:30	5:30 / 8:00	5:15 / 8:30	5:15 / 8:15	5:45 / 7:45	6:30 / 7:00	7:00 / 6:00	7:30 / 5:30	8:00 / 5:15
Pueblo, Colo. (M): SR / SS	8:15 / 6:00	7:45 / 6:30	7:15 / 7:00	6:30 / 7:30	5:45 / 8:00	5:30 / 8:30	5:45 / 8:15	6:15 / 8:00	6:45 / 7:15	7:00 / 6:15	7:45 / 5:45	8:15 / 5:45
Pullman, Wash. (P): SR / SS	8:30 / 5:30	8:00 / 6:15	7:00 / 7:00	6:00 / 7:30	5:15 / 8:15	5:00 / 8:45	5:15 / 8:45	5:45 / 8:00	6:30 / 7:00	7:00 / 6:00	7:45 / 5:15	8:30 / 5:00
Quincy, Ill. (C): SR / SS	8:30 / 6:00	8:00 / 6:45	7:15 / 7:15	6:30 / 7:45	5:45 / 8:15	5:30 / 8:30	5:45 / 8:30	6:15 / 8:00	6:45 / 7:15	7:15 / 6:30	7:45 / 5:45	8:15 / 5:45
Racine, Wis.[1] (C): SR / SS	8:15 / 5:45	7:45 / 6:15	7:00 / 7:00	6:15 / 7:30	5:30 / 8:00	5:15 / 8:30	5:30 / 8:30	6:00 / 8:00	6:30 / 7:00	7:00 / 6:15	7:45 / 5:30	8:15 / 5:15
Raleigh, N. C. (E): SR / SS	8:30 / 6:30	8:00 / 7:00	7:30 / 7:15	6:45 / 7:45	6:15 / 8:15	6:00 / 8:30	6:15 / 8:30	6:30 / 8:00	7:00 / 7:30	7:15 / 6:45	7:45 / 6:15	8:15 / 6:00
Rapid City, S. Dak. (M): SR / SS	8:30 / 5:45	8:00 / 6:15	7:15 / 7:00	6:15 / 7:30	5:30 / 8:15	5:15 / 8:45	5:30 / 8:30	6:00 / 8:00	6:30 / 7:00	7:00 / 6:15	7:45 / 5:30	8:15 / 5:15
Reading, Pa.[1] (E): SR / SS	8:30 / 6:00	8:00 / 6:45	7:15 / 7:15	6:30 / 7:45	5:45 / 8:15	5:30 / 8:30	5:45 / 8:30	6:15 / 8:00	6:45 / 7:15	7:15 / 6:30	7:45 / 5:45	8:15 / 5:45
Reno, Nev. (P): SR / SS	8:15 / 6:00	8:00 / 6:30	7:15 / 7:00	6:30 / 7:30	5:45 / 8:00	5:30 / 8:30	5:45 / 8:30	6:15 / 8:00	6:45 / 7:15	7:15 / 6:15	7:45 / 5:45	8:15 / 5:30
Rice Lake, Wis. (C): SR / SS	8:45 / 5:45	8:15 / 6:30	7:30 / 7:15	6:30 / 7:45	5:45 / 8:30	5:15 / 9:00	5:30 / 9:00	6:00 / 8:15	6:45 / 7:15	7:15 / 6:30	8:00 / 5:45	8:45 / 5:30

[1] Metropolitan district.

City and State	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Richmond, Va.[1] (E): SR / SS	8:30 / 6:15	8:00 / 6:45	7:30 / 7:15	6:30 / 7:45	6:00 / 8:15	5:45 / 8:30	6:00 / 8:30	6:30 / 8:00	6:45 / 7:15	7:15 / 6:30	7:45 / 6:00	8:15 / 6:00
Roanoke, Va.[1] (E): SR / SS	8:30 / 6:30	8:15 / 7:00	7:30 / 7:30	6:45 / 8:00	6:15 / 8:15	6:00 / 8:45	6:15 / 8:45	6:30 / 8:15	7:00 / 7:30	7:30 / 6:45	8:00 / 6:15	8:30 / 6:00
Rochester, N. Y.[1] (E): SR / SS	8:45 / 6:00	8:15 / 6:45	7:30 / 7:15	6:30 / 7:45	5:45 / 8:30	5:30 / 8:45	5:45 / 8:45	6:15 / 8:15	6:45 / 7:15	7:30 / 6:30	8:00 / 5:45	8:30 / 5:30
Rockford, Ill.[1] (C): SR / SS	8:30 / 5:45	8:00 / 6:30	7:15 / 7:00	6:15 / 7:30	5:30 / 8:15	5:15 / 8:30	5:30 / 8:30	6:00 / 8:00	6:30 / 7:15	7:15 / 6:15	7:45 / 5:30	8:15 / 5:30
Rock Island, Ill. (C): SR / SS	8:30 / 6:00	8:00 / 6:30	7:15 / 7:15	6:30 / 7:45	5:45 / 8:15	5:30 / 8:45	5:45 / 8:45	6:15 / 8:15	6:45 / 7:15	7:30 / 6:30	7:45 / 5:45	8:15 / 5:45
Roseburg, Oreg. (P): SR / SS	8:45 / 6:00	8:15 / 6:45	7:30 / 7:15	6:30 / 8:00	5:45 / 8:30	5:30 / 8:45	5:45 / 8:45	6:15 / 8:15	6:45 / 7:30	7:30 / 6:30	8:00 / 5:45	8:30 / 5:45
Rutland, Vt. (E): SR / SS	9:00 / 6:00	8:00 / 6:30	7:15 / 7:00	6:15 / 7:30	5:30 / 8:00	5:15 / 8:15	5:30 / 8:15	6:00 / 7:45	6:45 / 7:00	7:15 / 6:15	8:00 / 5:45	8:15 / 5:45
Sacramento, Calif.[1] (P): SR / SS	8:30 / 6:15	8:00 / 6:45	7:15 / 7:15	6:30 / 7:45	6:00 / 8:15	5:45 / 8:30	6:00 / 8:30	6:15 / 8:00	6:45 / 7:15	7:15 / 6:30	7:45 / 6:00	8:15 / 5:45
Saginaw, Mich. (E): SR / SS	9:15 / 6:30	8:30 / 7:00	7:45 / 7:45	7:00 / 8:15	6:15 / 9:00	6:00 / 9:15	6:15 / 9:15	6:45 / 8:45	7:15 / 7:45	7:45 / 7:00	8:30 / 6:15	9:00 / 6:00
St. Paul, Minn.[1] (C): SR / SS	8:45 / 6:00	8:15 / 6:45	7:30 / 7:15	6:30 / 8:00	5:45 / 8:30	5:30 / 9:00	5:45 / 9:00	6:15 / 8:15	6:45 / 7:30	7:30 / 6:30	8:15 / 5:45	8:45 / 5:30
St. Petersburg, Fla.[1] (E): SR / SS	8:30 / 7:00	8:15 / 7:15	7:45 / 7:45	7:00 / 8:00	6:45 / 8:15	6:30 / 8:30	6:45 / 8:30	7:00 / 8:15	7:15 / 7:30	7:30 / 7:00	7:45 / 6:30	8:15 / 6:30
Salem, Oreg. (P): SR / SS	8:45 / 6:00	8:15 / 6:45	7:30 / 7:15	6:30 / 8:00	5:45 / 8:30	5:30 / 9:00	5:45 / 9:00	6:15 / 8:15	6:45 / 7:30	7:30 / 6:30	8:15 / 5:45	8:45 / 5:30
Salina, Kans. (C): SR / SS	8:45 / 6:30	8:30 / 7:00	7:45 / 7:30	7:00 / 8:00	6:15 / 8:30	6:00 / 9:00	6:15 / 9:00	6:45 / 8:30	7:15 / 7:45	7:45 / 7:00	8:15 / 6:15	8:45 / 6:15
Salt Lake City, Utah[1] (M): SR / SS	8:45 / 6:30	8:30 / 7:00	7:45 / 7:30	6:45 / 8:00	6:15 / 8:30	6:00 / 9:00	6:15 / 9:00	6:30 / 8:30	7:15 / 7:45	7:45 / 6:45	8:15 / 6:15	8:45 / 6:00
San Antonio, Tex.[1] (C): SR / SS	8:30 / 7:00	8:15 / 7:30	7:45 / 7:45	7:15 / 8:00	6:45 / 8:15	6:30 / 8:30	6:45 / 8:30	7:00 / 8:15	7:15 / 7:45	7:30 / 7:00	8:00 / 6:45	8:15 / 6:30
San Diego, Calif.[1] (P): SR / SS	7:45 / 6:00	7:30 / 6:30	7:00 / 7:00	6:15 / 7:15	5:45 / 7:45	5:45 / 8:00	5:45 / 8:00	6:15 / 7:30	6:30 / 7:00	7:00 / 6:15	7:15 / 5:45	7:45 / 5:45
San Francisco, Calif.[1] (P): SR / SS	8:30 / 6:15	8:00 / 6:45	7:30 / 7:15	6:30 / 7:45	6:00 / 8:15	5:45 / 8:30	6:00 / 8:30	6:30 / 8:00	6:45 / 7:15	7:15 / 6:30	7:45 / 6:00	8:15 / 5:45
San Jose, Calif.[1] (P): SR / SS	8:30 / 6:15	8:00 / 6:45	7:15 / 7:15	6:30 / 7:45	6:00 / 8:15	5:45 / 8:30	6:00 / 8:30	6:30 / 8:00	6:45 / 7:15	7:15 / 6:30	7:45 / 6:00	8:15 / 5:45
San Juan, P. R. (A): SR / SS	8:00 / 7:15	8:00 / 7:30	7:30 / 7:30	7:15 / 7:45	6:45 / 7:45	6:45 / 8:00	7:00 / 8:00	7:00 / 7:45	7:15 / 7:30	7:15 / 7:00	7:30 / 6:45	7:45 / 6:45
Santa Barbara, Calif. (P): SR / SS	8:00 / 6:15	7:45 / 6:45	7:15 / 7:00	6:30 / 7:30	6:00 / 8:00	5:45 / 8:15	6:00 / 8:15	6:15 / 7:45	6:45 / 7:15	7:00 / 6:30	7:30 / 6:00	8:00 / 5:45
Saranac Lake, N. Y. (E): SR / SS	8:30 / 5:45	8:00 / 6:30	7:15 / 7:00	6:15 / 7:45	5:30 / 8:15	5:15 / 8:45	5:30 / 8:45	6:00 / 8:00	6:30 / 7:15	7:15 / 6:15	7:45 / 5:30	8:30 / 5:15
Sarasota, Fla. (E): SR / SS	8:30 / 7:00	8:15 / 7:15	7:45 / 7:45	7:00 / 8:00	6:45 / 8:15	6:30 / 8:30	6:45 / 8:30	7:00 / 8:15	7:15 / 7:30	7:30 / 7:00	7:45 / 6:45	8:15 / 6:45
Sault Ste. Marie, Mich. (C): SR / SS	8:15 / 5:15	7:45 / 6:00	7:00 / 6:45	6:00 / 7:30	5:00 / 8:00	4:45 / 8:30	5:00 / 8:30	5:30 / 7:45	6:15 / 6:45	7:00 / 6:00	7:45 / 5:00	8:15 / 4:45
Savannah, Ga.[1] (E): SR / SS	8:30 / 6:45	8:15 / 7:15	7:30 / 7:30	7:00 / 8:00	6:30 / 8:15	6:15 / 8:30	6:30 / 8:30	6:45 / 8:15	7:15 / 7:30	7:30 / 7:00	8:00 / 6:30	8:15 / 6:15
Schenectady, N. Y.[1] (E): SR / SS	8:30 / 5:45	8:00 / 6:30	7:15 / 7:00	6:15 / 7:30	5:30 / 8:15	5:15 / 8:30	5:30 / 8:30	6:00 / 8:00	6:30 / 7:15	7:15 / 6:15	7:45 / 5:30	8:15 / 5:15
Scranton, Pa.[1] (E): SR / SS	8:30 / 6:00	8:00 / 6:30	7:15 / 7:15	6:30 / 7:45	5:45 / 8:15	5:30 / 8:45	5:45 / 8:30	6:15 / 8:00	6:45 / 7:15	7:15 / 6:30	7:45 / 5:45	8:15 / 5:30
Seattle, Wash.[1] (P): SR / SS	9:00 / 5:45	8:15 / 6:30	7:30 / 7:15	6:30 / 8:00	5:30 / 8:45	5:15 / 9:15	5:30 / 9:00	6:00 / 8:30	6:45 / 7:30	7:30 / 6:30	8:15 / 5:30	8:45 / 5:15

[1] Metropolitan district.

City and State	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Toledo, Ohio [1] (E):												
SR	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
SS	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

[1] Metropolitan district.

City and State	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
Washington, D. C.[1] (E):												
SR	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
SS	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Washington, N. C. (E):												
SR	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
SS	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Waterbury, Vt. (E):												
SR	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
SS	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Watertown, N. Y. (E):												
SR	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
SS	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
West Lafayette, Ind. (C):												
SR	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
SS	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Wenatchee, Wash. (P):												
SR	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
SS	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Wheeling, W. Va.[1] (E):												
SR	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
SS	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Wichita, Kans. (C):												
SR	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
SS	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Wichita Falls, Tex. (C):												
SR	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
SS	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
Wilmington, Del.[1] (E):												
SR	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]
SS	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]	[illegible]

[1] Metropolitan district.

City and State	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.
[illegible], D. C. (E):												
[illegible]	6:15	6:00	7:30	6:45	6:15	6:00	6:15	6:30	7:00	7:15	7:45	8:15
[illegible]	6:30	7:00	7:15	7:45	8:00	8:30	8:30	8:00	7:15	6:45	6:15	6:00
[illegible], N. C. (E):												
[illegible]	6:30	6:15	7:30	6:45	6:15	6:00	6:15	6:45	7:00	7:30	8:00	8:30
[illegible]	6:30	7:00	7:30	8:00	8:15	8:45	8:45	8:15	7:30	6:45	6:15	6:15
Wilmington Rapids, Wis. (C):												
[illegible]	8:30	8:00	7:15	6:15	8:30	5:15	8:30	8:00	6:30	7:15	8:00	9:30
[illegible]	8:45	8:30	7:00	7:45	8:15	8:45	8:45	8:00	7:15	6:15	6:30	5:15
Wolf Point, Mont. (M):												
[illegible]	8:45	8:15	7:15	6:15	5:30	5:00	5:15	6:00	6:45	7:15	8:15	8:45
[illegible]	8:30	8:30	7:00	7:45	8:30	9:00	9:00	8:15	7:15	6:15	5:30	5:15
Wo[illegible], Mass.[1] (E):												
[illegible]	8:45	7:45	7:00	6:15	5:30	5:15	5:30	6:00	6:30	7:00	7:30	8:15
[illegible]	8:45	8:15	7:00	7:30	8:00	8:30	8:30	7:45	7:00	6:00	5:30	5:15
[illegible], Wash. (P):												
[illegible]	8:45	8:15	7:15	6:15	5:30	5:00	5:15	6:00	6:45	7:15	8:00	8:45
[illegible]	8:45	8:30	7:00	7:45	8:30	9:00	9:00	8:15	7:15	6:15	5:30	5:15
Wa[illegible], S. Dak. (C):												
[illegible]	9:00	8:30	7:45	6:45	6:15	5:45	6:00	6:30	7:15	7:45	8:15	9:00
[illegible]	8:15	7:00	7:00	8:15	8:45	9:15	9:00	8:30	7:45	6:45	6:15	6:00
York, Pa. (E):												
[illegible]	8:30	8:00	7:15	6:30	6:00	5:30	5:45	6:15	6:45	7:15	7:45	8:15
[illegible]	8:00	6:45	7:15	7:45	8:15	8:30	8:30	8:00	7:15	6:30	5:45	5:45
Youngstown, Ohio[1] (E):												
[illegible]	8:45	8:15	7:30	6:45	6:00	5:45	6:00	6:30	7:00	7:30	8:15	8:45
[illegible]	8:15	7:00	7:30	8:00	8:30	9:00	9:00	8:15	7:30	6:45	6:00	6:00
Yuma, Ariz. (M):												
[illegible]	8:45	8:30	7:45	7:15	6:45	6:30	6:45	7:00	7:15	7:45	8:15	8:30
[illegible]	7:00	7:30	7:45	8:15	8:30	8:45	8:45	8:30	7:45	7:00	6:45	6:30
[illegible], N. J. (E):												
[illegible]	8:15	8:00	7:15	6:15	5:45	5:30	5:45	6:15	6:45	7:15	7:45	8:15
[illegible]	8:00	8:30	7:00	7:30	8:00	8:30	8:30	8:00	7:15	6:15	5:[illegible]	5:30

[1] Metropolitan district.

4 (i), 48 Stat. 1066; 47 U.S.C. 154 (i)—Sec. 303 (f), 48 Stat. 1082; 47 U.S.C. [illegible] (f))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-1082; Filed, February 5, 1942; 11:13 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the [illegible] day of January, A. D. 1942.

The subject of the requirement of annual reports from carriers by water being under consideration, the following order was entered:

It is ordered, That the order of this Commission dated November 8, 1940, In the Matter of Annual Reports from carriers by water, in so far as it relates to annual reports of operating revenue carriers by water, and corresponding sections of the Code of Federal Regulations be, and hereby are annulled, effective January 1, 1942, and the following order shall become effective.

§ 120.1 *Form prescribed for carriers by water of Class A.* (a) All carriers by water of Class A, subject to the provisions of the Interstate Commerce Act be, and they hereby are, required to file an annual report for the year ended December 31, 1941, and for each succeeding year until further order, in accordance with Annual Report Form K-A (Class A Carriers by Water), which is hereby approved and made a part of this order.[1] Said annual report shall be filed in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates. (Sec. 20, 24 Stat. 386, Sec. 7, 34 Stat. 593, 35 Stat. 649, Sec. 14, 36 Stat. 555, Sec. 1, 38 Stat. 1196, 39 Stat. 441, Secs. 434-438, 41 Stat. 493, 494, 49 U.S.C. 20 (1)-(10), Sec. 313, 54 Stat. 944, 49 U.S.C. 4402).

(b) Carriers by water that were not required to keep and maintain their records during 1941 in accordance with the uniform system of accounts prescribed by the Interstate Commerce Commission, may apply to the Commission for a modification of specific schedules contained in the report form to conform to the accounting system used by them during that year.

By the Commission, division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 42-1115; Filed, February 6, 1942; 11:25 a. m.]

PART 125—CLASSES OF CARRIERS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 19th day of January, A. D. 1942.

[1] Filed as part of the original document.

The subject of the classification of carriers by water being under consideration, the following order was entered:

§ 125.2 *Classification of carriers by water for reporting purposes.* (a) For the purpose of annual, other periodical, and special reports, operating carriers by water subject to the provisions of the Interstate Commerce Act shall be, and they hereby are, divided into three general classes, designated respectively as Class A, Class B, and Class C. Class A shall include all carriers having annual operating revenues exceeding $500,000; Class B all carriers having annual operating revenues exceeding $100,000 but not more than $500,000; and Class C all carriers having annual operating revenues of $100,000 or less.

(b) Unless the Commission shall otherwise direct, the classification of carriers, as aforesaid, shall be based on the average annual operating revenues for the three-year period ended with the calendar year 1941; *Provided*, That nothing in this order shall prevent changes in the assignment of carriers to classes on the part of the Commission deemed to be warranted by special conditions; *And provided further*, That carriers by water beginning regular operations for revenue subsequently to December 31, 1941, shall be assigned to classes, as above defined, on the basis of their operating revenues as known or estimated for a year. (Sec. 20, 24 Stat. 386, Sec. 7, 34 Stat. 593, 35 Stat. 649, Sec. 14, 36 Stat. 555, Sec. 1, 38 Stat. 1196, 39 Stat. 441, Secs. 434-438, 41 Stat. 493, 494, 49 U.S.C. 20 (1)-(10), Sec. 313, 54 Stat. 944, 49 U.S.C. 4402)

By the Commission, division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 42-1114; Filed, February 6, 1942; 11:25 a. m.]

PART 205—REPORTS OF MOTOR CARRIERS

IN THE MATTER OF ANNUAL REPORTS FROM CLASS I MOTOR CARRIERS OF PROPERTY AND CLASS I MOTOR CARRIERS OF PASSENGERS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 5th day of February, A. D. 1942.

The subject of the requirement of annual reports from Class I Motor Carriers being under consideration:

It is ordered, That the Code of Federal Regulations be, and it is hereby, amended as follows:

§ 205.1 *Form prescribed for annual reports.* (a) Each Class I Motor Carrier of Property and each Class I Motor Carrier of Passengers, as defined in the Commission's orders of November 29, 1937, prescribing the Uniform System of Accounts, (Parts 182 and 181, respectively, of this title), shall file an annual report for the year ended December 31, 1941, and for each succeeding year until further order, in accordance with Motor Carrier Annual Report Form A (Class I

11:38 a. m.]

[Docket No. B-172]

In the Matter of O. E. Houser, Coal Operator, Defendant

[Docket No. B-181]

In the Matter of M. L. Shoemaker and Company, Individually and as Co-partners, Doing Business Under the Name and Style of M. L. Shoemaker and Company (M. L. Shoemaker) Coal Operator, Defendant;

[Docket No. B-182]

In the Matter of Moore & Rose, a Partnership, and as Co-partners, Doing Business Under the Name and Style of Moore and Rose Coal Operators, Defendants;

[Docket No. B-183]

In the Matter of C. W. Duncan, Coal Operator, Defendant

[Docket No. B-177]

In the Matter of Consolidation & Supply Company and as Co-partners, Doing Business Under the Name and Style of Consolidation & Supply Company (Fleming Rosenbaum) Coal Operator, Defendant;

[Docket No. B-178]

In the Matter of L. E. Kinnemon, Coal Operator, Defendant;

[Docket No. B-179]

In the Matter of C. O. Sudik, Coal Operator, Defendant;

[Docket No. B-180]

In the Matter of C. E. Cochran, Coal Operator, Defendant;

[Docket No. B-176]

In the Matter of Fred A. Joseph, Coal Operator, Defendant

[Docket No. B-175]

In the Matter of John Pressner and Charles Pressner, Individually and as Co-partners, Doing Business Under the Name and Style of John and Charles Pressner, Coal Miners, Defendants.

NOTICE OF AND ORDER FOR CONSOLIDATION OF PROCEEDINGS

Public hearings in respect to the subject matter of separate complaints filed by Bituminous Coal Producers Board for District No. 1 in the above-entitled Docket Nos. B-172, B-181, B-184, B-168, B-177, B-180, B-176, B-179, B-170, B-171 and B-178, having been scheduled to be heard at a hearing room of the Bituminous Coal Division at Kittanning, Pennsylvania (the Armstrong County Court House) on February 18, February 20, February 20, February 21, February 23, February 24, February 24, February 24, February 25, and February 26, 1942, respectively; and

It appearing that said complaints in the above-entitled matters were filed by the same complainant and that said complaints involve common questions of law and fact with respect to alleged sales of coal by the above-named defendants to the Pittsburgh and Shawmut Coal Company; and

The action hereinafter set forth being deemed appropriate in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled proceedings are hereby consolidated for the purpose of hearing only.

It is further ordered, That such consolidated hearing in the above-entitled proceedings shall be held on February 24, 1942, at 10 a. m. at the place and before the Examiner heretofore designated, and that the original Notices of and Orders for hearing in the above-entitled proceedings shall in all other respects remain in full force and effect.

Dated: February 5, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1110; Filed, February 6, 1942; 10:35 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

1941 AGRICULTURAL CONSERVATION PROGRAM FOR THE FLORIDA CITRUS AREA

[SRB-391—Fla. Citrus Supp. 3]

SUPPLEMENT NUMBER 3 TO REGULATIONS NO. 391—SUPPLEMENTARY

Pursuant to the authority vested in the Secretary of Agriculture under section [illegible] of the Soil Conservation and Domestic Allotment Act, as amended [illegible]; 49 Stat. 1148, 52 Stat. 31; 53 Stat. 1147; 54 Stat. 550, 1235; 55 Stat. 203, 207; 16 U. S. C. Supp. [illegible]; Public Law No. 374, 76th Cong., approved December 26, 1941, the said Supplement to Conservation Program for the Florida Citrus Area, Southern Region, 1941, as amended, is

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[1] 6 F.R. 40
No. 37

Subparagraph (2), paragraph (e), section 1, is amended to read as follows:

(2) *Payments.* The payment is $1.30 for each acre in the commercial vegetable allotment determined for the farm. For farms in commercial vegetable counties, there shall be a deduction of $20.00 for each acre of land classified as commercial vegetables in excess of the larger of the allotment or 3 acres.

Done at Washington, D. C., this 6th day of February 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-1117; Filed, February 6, 1942; 11:29 a. m.]

Surplus Marketing Administration.

[Docket No. AO 117-A 2]

NOTICE OF HEARING WITH RESPECT TO A PROPOSAL TO AMEND THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 45, AS AMENDED,[1] REGULATING THE HANDLING OF MILK IN THE WASHINGTON MARKETING AREA, INCLUDING EXTENSION OF THE MARKETING AREA TO INCLUDE ADDITIONAL TERRITORY IN THE STATE OF MARYLAND

Notice is hereby given of a hearing to be held in the Auditorium, South Building, United States Department of Agriculture, Washington, D. C., beginning at 9:30 a. m., February 12, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 45, as amended, regulating the handling of milk in the Washington marketing area.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), and in accordance with the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (7 C.F.R. 900.4).

This public hearing is for the purpose of receiving evidence with respect to the amendments which are hereinafter set forth in detail. These amendments have not received the approval of the Secretary of Agriculture, and, at the hearing, evidence will be received relative to all aspects of the marketing conditions which are dealt with by the provisions to which such amendments relate. The amendments which have been proposed are as follows:

I. Amendments Proposed by the Maryland and Virginia Milk Producers' Association, Inc.:

1. Delete § 945.1 (a) (3) and substitute therefor the following:

The term "Washington marketing area", hereinafter referred to as the "marketing area", means the territory included within the boundary lines of the District of Columbia and that territory in the State of Maryland included between the District of Columbia Line and the following boundaries: Beginning at Fort Washington on the Potomac River, proceeding easterly along the old Fort Washington Road to Selesia. About one mile north of Selesia on the Selesia-Oxon Hill Road, turning right on the Allentown Road to Camp Springs, and along the Meadows Road to Meadows on Route 4. Proceeding on Route 4 easterly through Marlborough and Wells Corner to Hill Bridge on the Patuxent River. Following the course of the river northerly and westerly to Route 29 at Snell Bridge. Thence proceeding southerly along Route 29 to Ashton, taking Route 28 through Sandy Spring to Olney to Norbeck. Thence westerly through Redland on Route 115-1-2-3 to Smiths Corner and then Route 124-5 through Washington Grove to Gaithersburg. In Gaithersburg from Route 124-5 to Brooks Avenue, and right on Russell Avenue to Maryland Avenue. West along Maryland Avenue to Frederick Avenue and southerly on Route 124-6 to Quince Orchard. Thence on Route 28 to Darnestown. Route 112-1-2 from Darnestown to Seneca. From Seneca along the road bordering the great Seneca Creek to the Potomac River and along the northerly banks of the Potomac River to Fort Washington, the starting point.

2. Delete § 945.4 (b) (1) and substitute therefor the following:

Class I milk: All milk disposed of in the form of fluid milk, and all milk the utilization of which is not classified in Class II or Class III, and any loss or waste in excess of 1 percent shall be classified as Class I milk.

3. Insert after "cottage cheese" in § 945.4 (b) (2) the following:

loss or waste not to exceed 1 percent of milk received provided that any loss or waste in excess of 1 percent shall be classified as Class I, and all butterfat contained in milk or milk products on hand at the end of each delivery period.

4. Delete § 945.5 (a) and substitute therefor the following:

(1) Class I milk—$4.03 per hundredweight: *Provided*, That the price of Class I milk disposed of by a handler from a plant not having a health department permit to sell fluid milk or fluid cream in the District of Columbia shall be $3.57 per hundredweight: *And provided further*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income groups, including persons who are on relief, the price shall be not less than $3.57 per hundredweight.

(2) Class II milk—$2.56 per hundredweight.

(3) Class III milk—Each handler shall pay producers and associations of producers not less than the following: The standing offer of the Maryland and Virginia Milk Producers' Association, Inc., to buy 10 gallon cans of 40% cream for sale to manufacturers of ice cream, cheese (other than cottage cheese) and butter sold at wholesale, on file with the Market Administrator on the date of such delivery, divided by 33, multiplied by 4, plus skim milk adjustment as computed under § 945.8 (g).

5. Add the following at the end of § 945.8:

(g) The minimum prices for Class III milk shall include any plus adjustment which shall be computed by the Market Administrator as follows: From the average price of all Dry Skim Powder as quoted in the monthly "Dry Milk Report of the Agricultural Marketing Service, United States Department of Agriculture," subtract 5 cents and multiply by 7.5.

6. In line 18 of § 945.9 (a) strike out the words "not more than 7½ cents" and insert in place thereof "one-half the cost."

7. In line 5 of § 945.9 (b) strike out the words "not more than 7½ cents" and insert in place thereof "one-half the cost."

8. Insert in § 945.8—"Payment to Producers" the following:

(a) *Advance payments.* On or before the 20th day of each delivery period each handler shall make payment to producers for the approximate value of milk received during the first 15 days of such delivery period. In no event shall such advance payment be at a rate less than the average price paid by such handler for milk in the immediately preceding delivery period.

Then the present paragraph (a) will become paragraph (b), entitled "Final Payments".

II. Amendment Proposed by Thompson's Dairy, Embassy-Fairfax Dairy, Inc., and Wakefield Dairy, Simpson Bros., Inc.

1. Delete § 945.4 (d) (4) and substitute therefor the following:

Total pounds of milk to be classified: Divide the net receipts of butterfat in pounds or the total pounds of butterfat accounted for in all classes, determined pursuant to subparagraphs (2) and (3) respectively, of this paragraph, whichever is the larger; less overage in butterfat resulting from variance in tests not to exceed one percent (1%) of net receipts of butterfat, from the total butterfat accounted for in all classes, or add thereto shrinkage not to exceed one percent (1%) of net receipts of butterfat, by the average test of milk received from producers.

III. Amendment Proposed by Embassy-Fairfax Dairy, Inc., and Wakefield Dairy, Simpson Bros., Inc.

1. Delete § 945.4 (b) (3) and substitute therefor the following:

Class Three (3) milk: (A) all milk the cream therefrom which is disposed of to a purchaser which is used by such purchaser to produce ice cream or ice cream mix, American Cheese, and butter: *Provided*, That a statement of such use by the purchaser is filed with the Market Administrator and subject to his

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[1] 6 F.R. 4658.

[illegible] and the milk of certain milk [illegible] handler to [illegible] or its cream milk in [illegible] or is not approved by the [illegible] of Columbia, Health Department, [illegible] milk or cream for fluid [illegible] within the District of Columbia.

IV. Amendments Proposed by Ellenberg-Pelletier Dairy Inc.

1. Amend § 946.5 (c) (3) entitled "Class Three (3) Milk" by providing that the price for said class three (3) milk shall be in accordance with what is known as Western cream basis based on the Chicago butter market and established in accordance with the prevailing custom in the ice cream trade.

2. Amend § 946.5 (d) (3) entitled "Class One (1) Milk" by providing for the payment by handlers [illegible] milk based on sales of butterfat therefrom from the handlers' receipts of milk [illegible] the handlers in excess classification paid butterfat to milk by the handlers.

3. Amend Order No. 45, as amended, by establishing [illegible] a marketing stabilization pool instead of the one provided in said order, an individual-handler stabilization pool.

V. Amendments Proposed by the Meadow Gold [illegible].

1. Delete § 946.4 (d) and substitute therefore the following:

For each delivery period the market administrator shall [illegible] for each handler the volume of milk that he is to account for in each class as follows:

(1) Total receipts of milk from producers: Add together the total pounds of milk received from producers and equivalent of cream received from producers, each multiplied by the average test of all milk received from producers converted to that average test; [illegible] of milk received from producers and the pounds of milk and milk equivalent of cream disposed of for the account of an association.

(2) Net receipts of [illegible] Class: Add the butterfat in milk and cream [illegible] as computed pursuant to subparagraph (1) of this paragraph, plus the butterfat in milk and cream received from other handlers.

(3) Total pounds of [illegible] to be counted for in all classes and [illegible] the pounds of butterfat [illegible] in all other milk and cream [illegible] not [illegible] of butterfat.

(4) The excess of pounds of butterfat [illegible] in all classes over the total pounds of butterfat [illegible] in all milk and cream [illegible] shall be the pounds of milk equivalent of cream [illegible] at the average test of all milk [illegible] the plant, received from other handlers.

(5) Class I milk.—Multiply the weight of the various units disposed of by such handler which are classified as Class I milk by the number of units irrespective of the butterfat test thereof, add therein the pounds of Class I milk delivered to other handlers, not including such milk disposed of for the account of an association of producers, and classified pursuant to paragraph (a) of this section, add the net excess of butterfat accounted for converted to milk equivalent at 4 percent or the loss in butterfat converted to milk equivalent at the average test of all milk received in the plant.

(7) Class III milk.—Add together the pounds of butterfat in the milk classified as Class III milk, including the pounds of butterfat in milk or cream delivered to other handlers, and not including the butterfat in milk or cream disposed of for the account of the association, and classified as Class III pursuant to paragraph (c) of this section, and divide by the average test of milk received in the plant; and

(8) Class II milk.—Subtract the pounds of Class I and Class III milk combined from the total pounds of milk to be classified computed pursuant to subparagraph (5) of this paragraph.

(9) Classification of milk from producers.—From the total pounds of milk in each class computed pursuant to subparagraphs (6), (7), and (8) of this paragraph, subtract receipts of milk and milk equivalent of cream converted at the average test of all milk received in the plant, from other handlers classified pursuant to paragraph (c) of this section.

2. Delete § 946.7 (a) and substitute therefor the following:

For each delivery period the market administrator shall compute the value of milk disposed of by each handler receiving milk from other producers and associations as follows—Multiply the hundredweight of milk in each class computed pursuant to subparagraphs (5), (7), and (8) subject to any deductions pursuant to (9) of § 946.4 (d), by the price established pursuant to § 946.5, and add the resulting values together, and [illegible] to the hundredweight of milk received computed pursuant to § 946.4 (d) (2), except that a handler purchasing milk or cream from the association of producers qualified for [illegible] may deduct from the value of milk of [illegible] so computed [illegible] to this section and the [illegible] pounds or milk equivalent [illegible] and the corresponding value [illegible] before computing the [illegible] price for the remainder.

3. Delete § 946.4 (b) (2) and substitute therefor the following:

[illegible] disposed of in the form of [illegible] manufactured milk drinks, cream for consumption as cream, cream buttermilk and cottage cheese; and * * *

VI. Amendments proposed by the Commissioner General, United States Department of Agriculture:

1. Delete § 946.4 (b) and substitute therefor the following:

(b) Classes of utilization.—Except as provided in paragraph (c) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk.—All milk disposed of in the form of fluid milk, flavored or manufactured milk drinks, cream for consumption as cream, cream buttermilk, cottage cheese, and all milk the utilization of which is not classified in Class II.

(2) Class II milk.—(a) All milk the cream likeskream which is disposed of to a manufacturer of ice cream or ice cream mix, American cheese, and butter sold at wholesale, who does not engage in the processing or distribution of milk or cream for fluid consumption, other than to his own employees, or sell milk or cream to establishments selling milk or cream for fluid consumption in the Washington marketing area and which is used by such manufacturer to produce ice cream or ice cream mix, American cheese, and butter sold at wholesale: *Provided*, That a statement of such use by the purchaser is filed with the market administrator and subject to his verification; and (b) milk or cream used by a handler to produce ice cream or ice cream mix in his plant, which is not approved by the District of Columbia Health Department to sell milk or cream for fluid consumption within the District of Columbia.

It is hereby declared that an emergency exists in the handling of milk in the aforesaid area which requires a shorter period of notice than fifteen (15) days, and it is hereby determined that the period of notice given is reasonable under the circumstances.

Additional copies of this notice of hearing and copies of Order No. 45, as amended, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0312, South Building, Washington, D. C., or may be there inspected.

[SEAL.] ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture.[1]

Dated: February 5, 1942.

[F. R. Doc. 42-1126; Filed, February 6, 1942; 11:30 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION TO THE UNEMPLOYMENT COMPENSATION COMMISSION OF THE STATE OF VERMONT

The Unemployment Compensation Commission of the State of Vermont having duly submitted to the Social Se-

[1] Acting Pursuant to Authority Delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 61; 6 F.R. 2182).

[illegible] and [illegible] of [illegible] [illegible] to [illegible] [illegible] or ice cream mix in his plant, which is not approved by the District of Columbia Health Department to sell milk or cream for fluid consumption within the District of Columbia.

IV. Amendments Proposed by Ballenger-Fletcher Dairy Inc.

1. Amend § 948.6 (a) (2) entitled "Class Three (3) Milk" by stating that this price for said classification of milk shall be in accordance with what is known as Western cream prices based on the Chicago butter market and calculated in accordance with the provisions set forth in the ice cream fields.

2. Amend § 948.5 (d) (2) entitled "Class One (1) Milk" by providing for the payment by handlers of [illegible] over-of butterfat [illegible] handlers' receipts of milk to be settled for by the handlers to producers classified milk butterfat is sold by the handler.

3. Amend Order No. 45, as amended, by establishing [illegible] stabilization pool instead of as now provided in said order, an individual-handler stabilization pool.

V. Amendments Proposed by the Market Administrator.

1. Delete § 948.4 (d) and substitute therefore the following:

For each delivery period the market administrator shall compute for each handler the volume of milk that he is to account for in each [illegible]:

(1) Total receipts of milk from producers: Add together the total pounds of milk received from producers and cooperative associations of producers, and determine by each handler and the milk equivalent of cream received from producers classified in the manner set forth in paragraph (c) of this section, of milk received from producers and subtract the pounds of milk and milk equivalent of cream disposed of for the account of an association;

(2) Class I milk—Multiply the weight of the various milk disposed of by each handler which are classified as Class I milk by the number of units irrespective of the butterfat test thereof, add thereto the pounds of Class I milk delivered to other handlers, not including such milk disposed of for the account of an association of producers, and classified pursuant to paragraph (b) of this section, add the net gross of butterfat contained in or converted to milk equivalent at 4 percent or the less in butterfat contained to milk equivalent at the average test of all milk received in the plant.

(3) Class III milk—Add together the pounds of butterfat in the milk classified as Class III milk, including the pounds of butterfat in milk or cream delivered to other handlers, and not including the butterfat in milk or cream disposed of for the account of an association, and classified as Class III pursuant to paragraph (a) of this section, and divide by the average test of milk received in the plant; and

(4) Class II milk—Subtract the pounds of Class I and Class III milk combined from the total pounds of milk to be classified computed pursuant to subparagraph (3) of this paragraph.

(5) Classification of milk from producers—From the total pounds of milk in each class computed pursuant to subparagraphs (2), (3), and (4) of this paragraph, subtract receipts of milk and milk equivalent of cream converted at the average test of all milk received in the plant, from other handlers classified pursuant to paragraph (c) of this section.

2. Delete § 948.7 (a) and substitute therefor the following:

For each delivery period the market administrator shall compute the value of milk disposed of by each handler receiving milk from other producers and associations as follows—Multiply the [illegible] of milk in each class computed pursuant to subparagraphs (2), (3), and (4) subject to any deductions pursuant to (5) of § 948.4 (d), by the price applicable pursuant to § 948.5, and add the values thus together, and [illegible] of milk received pursuant to § 948.4 (d) (1), except milk a handler purchases [illegible] cream from an association of producers which an association [illegible] for utilization in a manufactured form, the value of this milk or cream shall be computed according to the skim milk allocation and the butterfat or milk equivalent pounds and the corresponding value shall be deducted before computing the [illegible] price for the remainder.

3. Delete § 948.4 (b) (2) and substitute therefor the following:

(2) Class II milk—All milk disposed of in the form of fluid milk, flavored or manufactured milk drinks, cream for consumption as cream, sweet buttermilk and skimmed cheese; and the pounds of milk and milk equivalent of cream disposed of on the average test of all milk received in the plant, received from other handlers.

(3) Class I milk—Multiply the weight of the various milk disposed of by each handler which are classified as Class I milk by the number of units irrespective of the butterfat test thereof, add thereto the pounds of Class I milk delivered to other handlers, not including such milk disposed of for the account of an association of producers, and classified pursuant to paragraph (b) of this section, add the net gross of butterfat contained in or converted to milk equivalent at 4 percent or the less in butterfat contained to milk equivalent at the average test of all milk received in the plant.

(4) Class III milk—Add together the pounds of butterfat in the milk classified as Class III milk, including the pounds of butterfat in milk or cream delivered to other handlers, and not including the butterfat in milk or cream disposed of for the account of an association, and classified as Class III pursuant to paragraph (a) of this section, and divide by the average test of milk received in the plant; and

(5) Class II milk—Subtract the pounds of Class I and Class III milk combined from the total pounds of milk to be classified computed pursuant to subparagraph (3) of this paragraph.

(6) Classification of milk from producers—From the total pounds of milk in each class computed pursuant to subparagraphs (3), (4), and (5) of this paragraph, subtract receipts of milk and milk equivalent of cream converted at the average test of all milk received in the plant, from other handlers classified pursuant to paragraph (c) of this section.

It is hereby declared that an emergency exists in the handling of milk in the aforesaid area which requires a shorter period of notice than fifteen (15) days, and it is hereby determined that the period of notice given is reasonable under the circumstances.

Additional copies of this notice of hearing and copies of Order No. 45, as amended, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0313, South Building, Washington, D. C., or may be there inspected.

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture.[1]

Dated: February 5, 1942.

[F. R. Doc. 42-1102; Filed, February 6, 1942; 11:20 a. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION TO THE UNEMPLOYMENT COMPENSATION COMMISSION OF THE STATE OF VERMONT

The Unemployment Compensation Commission of the State of Vermont having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Vermont unemployment compensation law, as amended; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) The said law provides for the maintenance of reserve accounts as defined in section 1602 (c) (1) of the Internal Revenue Code, and

(2) Reduced rates of contributions under said law to such reserve accounts are allowable only in accordance with the provisions of section 1602 (a) (3) of the Internal Revenue Code, as amended January 1, 1942.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Unemployment Compensation Commission of the State of Vermont.

[SEAL] SOCIAL SECURITY BOARD,
A. J. ALTMEYER,
Chairman.

FEBRUARY 3, 1941.

Approved:

PAUL V. MCNUTT,
Administrator.

FEBRUARY 5, 1941.

[F. R. Doc. 42-1106; Filed, February 6, 1942; 10:30 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 812-814 (a)]

IN THE MATTER OF BUSINESS PROPERTY ASSOCIATES

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of February, A. D. 1942.

An application under section 6 (c) of the Investment Company Act of 1940 having been duly filed by the above named applicant for an order granting an exemption from all of the provisions of the said Act.

It is ordered, That a hearing on the matter of this application be held on February 19, 1942 at 10:15 o'clock in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esquire or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under Sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1122; Filed, February 6, 1942; 11:51 a. m.]

[File No. 812-264]

IN THE MATTER OF G. E. EMPLOYEES SECURITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of February, A. D. 1942.

An application having been duly filed by the above named applicant under and pursuant to the provisions of sections 6 (c) and 17 (f) of the Investment Company Act of 1940 for an order exempting the applicant from paragraph (5) of Rule N-17F-2 insofar as it requires the applicant to designate not more than 5 persons who may have access to the securities and investments deposited pursuant to paragraph (1) of the said rule and permitting the applicant to designate not more than 9 such persons.

It is ordered, That a hearing on the matter of the application of the above named applicant under and pursuant to sections 6 (c) and 17 (f) of the Investment Company Act of 1940 be held on February 14, 1942, at 10:00 o'clock in the forenoon of that day in Room 1102, Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C.

It is further ordered, That Charles S. Lobingier, Esquire or any other officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1123; Filed, February 6, 1942; 11:51 a. m.]

[File No. 812-76]

IN THE MATTER OF INTERNATIONAL MINING CORPORATION

NOTICE OF AND ORDER FOR RESUMPTION OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of February, A. D. 1942.

An application having been duly filed by the above named applicant for an order of the Commission under and pursuant to the provisions of section 3 (b) (2) of the Investment Company Act of 1940 declaring it to be excepted from the definitions of an investment company contained in this Act on the ground that it is primarily engaged in a business other than of investing, reinvesting, owning, holding or trading in securities, a hearing having been held in Washington, D. C., on November 4, 1940 and December 15, 1941 and said hearing having been continued until an indefinite future time.

It is ordered, That the hearing on the matter of this application be resumed on February 19, 1942 at 10:30 o'clock in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esquire or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 21 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1124; Filed, February 6, 1942; 11:51 a. m.]

[File No. 70-460]

IN THE MATTER OF MASSACHUSETTS UTILITIES ASSOCIATES

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of February, A. D. 1942.

Massachusetts Utilities Associates, a subsidiary holding company of a registered holding company, having filed a Declaration pursuant to section 7 of the Public Utility Holding Company Act of

[1] Acting Pursuant to Authority Delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 61; 6 F.R. 2182).

to the Commission.

[SEAL.] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1125; Filed, February 6, 1942; 11:32 a. m.]

[File No. 31-120]

IN THE MATTER OF STANDARD GAS COMPANY (New Jersey)

ORDER PERMITTING DECLARATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of February, A. D. 1942.

Standard Gas Company (New Jersey) having made application for an order exempting it and its subsidiaries as such from the provisions of the Public Utility Holding Company Act of 1935 pursuant to section 3 (a) (2) thereof; public notice and opportunity for hearing on said application having been duly given, a hearing thereon having been held on said application, the record having been duly certified by the Commission, and the Commission having made and filed its Findings and Opinion herein as hereinafter set forth in the Findings and Opinion of the Commission this day issued;

It is ordered, That the application be granted: *Provided*, however, That the effective date of this order shall be August 4, 1942.

By the Commission.

[SEAL.] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1126; Filed, February 6, 1942; 11:33 a. m.]

[File Nos. 59-27, 59-61, 54-33]

IN THE MATTER OF THE MILWAUKEE GAS LIGHT COMPANY, THE SOLVAY COKE COMPANY, THE AMERICAN LIGHT & TRACTION COMPANY, THE UNITED LIGHT AND RAILWAYS COMPANY AND THE UNITED LIGHT AND POWER COMPANY

ORDER PERMITTING APPLICATION NO. 7 RELATING TO TRANSACTIONS INCIDENTAL TO DISSOLUTION OF THE MILWAUKEE SOLVAY COKE COMPANY

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of February, 1942.

The Milwaukee Gas Light Company, Solvay Coke Company, The American Light & Traction Company, and The United Light and Railways Company and The United Light and Power Company, registered holding companies, having jointly filed herein Application No. 7 pursuant to the Public Utility Holding Company Act of 1935, particularly sections 11 and 12 thereof, and Rules U-11, U-42, 43, and 46 thereunder regarding the following proposed transactions:

1. The surrender by the Milwaukee Gas Light Company to Milwaukee Solvay Coke Company of all its outstanding capital stock in the amount of 100 shares with a par value of $50 each.

2. The acquisition by Milwaukee Solvay Coke Company of its own capital stock for cancellation and in consideration therefor to release and discharge the open account indebtedness in the amount of $3,000 owed to it by The Milwaukee Gas Light Company.

3. The cancellation of such capital stock and the dissolution of Milwaukee Solvay Coke Company.

Said application having been filed on January 9, 1942, said notice of said filing having been duly given as required by the Act and applicable Rules of the Commission and the Commission not having received a request for hearing with respect to said application in the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

The applicants having requested that an order be entered granting said application on February 5th, 1942; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to grant said application pursuant to sections 11 (b) (1) and 12 (c) and (f) of the Act and Rules U-43, U-42, U-43, and U-46 thereunder; and

The Commission finding that the transactions described in paragraphs numbered 1 to 3, inclusive herein, are necessary to effectuate the provisions of section 11 (b) of the Act, and to comply with the applicable provisions of our order of August 8, 1941 (Holding Company Act Release No. 2629);

It is hereby ordered, Pursuant to the applicable provisions of said Act and the applicable rules thereunder, subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be, and the same hereby is, granted.

By the Commission.

[SEAL.] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1127; Filed, February 6, 1942; 11:33 a. m.]

[File No. 70-]

IN THE MATTER OF CRESCENT PUBLIC SERVICE COMPANY; G. M. DUNNE AND D. E. DUNNE, JR.

NOTICE REGARDING FILING

At a meeting of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of February, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than February 28, 1942, at 4:45 P. M., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Crescent Public Service Company, a registered holding company, proposes to sell for $96,000, to G. M. Dunne and D. E. Dunne, Jr., of Wichita, Kansas, all of the presently outstanding securities of The Caney Electric Company, its subsidiary, consisting of the following:

(a) 200 shares of Common Stock, with a par value of $100 per share; and

(b) A 7% unsecured demand Promissory Note of The Caney Electric Company, dated October 1, 1934, in the original principal amount of $31,497.73, of which there remains unpaid the sum of $30,000.

The declaration states that the aforementioned securities of The Caney Electric Company have been pledged by Crescent Public Service Company with the City Bank Farmers Trust Company, as Trustee, under a Trust Indenture securing the Collateral Trust 4% Income Bonds, Series B, due October 1, 1954, of Crescent Public Service Company. The proposed sale price of $96,000 will be deposited with the Trustee under the aforementioned Indenture and Crescent Public Service Company proposes to utilize the amount so deposited for the purchase and retirement of its Collateral Trust 4% Income Bonds, Series B, due October 1, 1954, at current market prices.

By the Commission.

[SEAL.] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1128; Filed, February 6, 1942; 11:33 a. m.]

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FEDERAL REGISTER

VOLUME 7 NUMBER 28

Washington, Tuesday, February 10, 1942

The President

EXECUTIVE ORDER

ESTABLISHING A WAR SHIPPING ADMINISTRATION IN THE EXECUTIVE OFFICE OF THE PRESIDENT AND DEFINING ITS FUNCTIONS AND DUTIES

By virtue of the authority vested in me by the Constitution and Statutes of the United States, including the First War Powers Act, 1941, approved December 18, 1941, as President of the United States and Commander in Chief of the Army and Navy, and in order to assure the most effective utilization of the shipping of the United States for the successful prosecution of the war, it is hereby ordered:

1. There is established within the Office for Emergency Management of the Executive Office of the President a War Shipping Administration under the direction of an Administrator who shall be appointed by and responsible to the President.

2. The Administrator shall perform the following functions and duties:

a. Control the operation, purchase, charter, requisition, and use of all ocean [illegible] under the flag or control of the United States, except (1) combatant vessels of the Army, Navy, and Coast Guard; auxiliaries of the Navy; and transports owned by the Army and Navy; and (2) vessels engaged in coastwise, intercoastal, and inland transportation under the Director of the Office of Defense Transportation.

b. Allocate vessels under the flag or control of the United States for use by the Army, Navy, other Federal departments and agencies, and the governments of the United Nations.

c. Provide marine insurance and reinsurance against loss or damage by the risks of war as authorized by Title II of the Merchant Marine Act, 1936, as amended.

d. Establish the conditions to be complied with as a condition to receiving insurance and other advantages as provided in Public Law 173, Seventy-Seventh Congress, approved July 14, 1941.

e. Represent the United States Government in dealing with the British Ministry of War Transport and with similar shipping agencies of nations allied with the United States in the prosecution of the war, in matters related to the use of shipping.

f. Maintain current data on the availability of shipping in being and under construction and furnish such data on request to the Departments of War and the Navy, and other Federal departments and agencies concerned with the import or export of war materials and commodities.

g. Keep the President informed with regard to the progress made in carrying out this Order and perform such related duties as the President shall from time to time assign or delegate to him.

3. The functions, duties, and powers conferred by law upon the United States Maritime Commission with respect to the operation, purchase, charter, insurance, repair, maintenance, and requisition of vessels, and the issuance of warrants with respect thereto, under the Merchant Marine Act of 1936 as amended, 49 Stat. 1985, Public Law 101 Seventy-Seventh Congress, approved June 6, 1941, and Executive Order 8771 issued pursuant thereto, Public Law 173, Seventy-Seventh Congress, approved July 14, 1941, are hereby transferred to the Administrator; and such part of existing personnel of the United States Maritime Commission together with such records and public property as the Administrator may deem necessary to the full exercise of his functions and duties prescribed by this Order are hereby assigned to the War Shipping Administration.

4. Vessels under the control of the War Shipping Administration shall constitute a pool to be allocated by the Administrator for use by the Army, Navy, other Federal departments and agencies, and the governments of the United Nations. In allocating the use of such vessels, the Administrator shall comply with strategic military requirements.

5. For the purpose of carrying out the provisions of this Order, the Administrator is authorized to utilize the services

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THE PRESIDENT

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of available and appropriate personnel of the United States Maritime Commission, the War and Navy Departments, the Bureau of Marine Inspection and Navigation of the Department of Commerce, and other government departments and agencies which are engaged in activities related to the operation of shipping.

6. In the discharge of his responsibilities the Administrator shall collaborate with existing military, naval, and civil departments and agencies of the government which perform wartime functions connected with transportation overseas, in order to secure the most effective utilization of shipping in the prosecution of the war. The Administrator particularly shall maintain close liaison with the Departments of War and the Navy through the Assistant Chief of Staff for Transportation and Supply and the Director, Naval Transportation Service, respectively, with respect to the movement of military and naval personnel and supplies; and with the Director of the Office of Defense Transportation with respect to the relation of overseas transportation to coastwise and intercoastal shipping and inland transportation. With respect to the overseas transportation of cargoes essential to the war production effort and the civilian economy the Administrator shall be guided by schedules transmitted to him by the Chairman of the War Production Board prescribing the priority of movement of such commodities and materials.

7. The Administrator may establish committees or groups of advisors representing two or more departments of the Federal government, or agencies or missions of governments allied with the United States in the prosecution of the war, as the case may require to carry out the purposes of this Order. Further, he may appoint representatives to such joint missions or boards dealing with matters within the scope of this Order as may be established with governments associated with the United States in the prosecution of the war.

8. Within the purposes of this Order, the Administrator is authorized to issue such directives concerning shipping operations as he may deem necessary or appropriate, and his decisions shall be final with respect to the functions and authorities so vested in him. The Administrator may exercise the powers, authority and discretion conferred upon him by this Order through such officials or agencies and in such manner as he may determine.

9. The Administrator is further authorized within the limits of such funds as may be allocated, transferred, or appropriated to the War Shipping Administration to employ necessary personnel and make provisions for necessary supplies, facilities, and services. So much of the unexpended balances of appropriations, allocations, or other funds available (including funds and contract authority available for the fiscal year ending June 30, 1942) for the use of the United States Maritime Commission in the exercise of the functions transferred to the Administrator and the War Shipping Administration, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred to the War Shipping Administration for use in carrying out the functions and authority transferred to the Administrator and the War Shipping Administration pursuant to the provisions of this Order. In determining the amounts to be transferred from the United States Maritime Commission, the Director of the Bureau of the Budget may include amounts necessary to provide for the liquidation of obligations previously incurred by the United States Maritime Commission against such appropriations, allocations or other funds prior to the transfer; *Provided*, that the use of the unexpended appropriations, allocations or other funds transferred by this Section shall be subject to the provisions of Section 3 of the First War Powers Act, 1941.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 7, 1942.

[No. 9084]

[F. R. Doc. 42-1156; Filed, February 9, 1942; 11:46 a. m.]

EXECUTIVE ORDER

ORDERING CERTAIN ORGANIZATIONS AND UNITS OF THE ORGANIZED RESERVES INTO THE ACTIVE MILITARY SERVICE OF THE UNITED STATES

Under and by virtue of the authority vested in me by Public Resolution 96, approved August 27, 1940, 54 Stat. 858, as amended by Public Law 338, 77th Congress, approved December 13, 1941, and by the National Defense Act of 1916 (39 Stat. 166), as amended, and as Commander in Chief of the Army of the United States, I hereby order into the active military service of the United States, effective on dates to be hereafter announced by the Secretary of War, for the duration of the present war and for six months after the termination thereof, subject to earlier relief or discharge, each of the organizations and units and all of the personnel of the Organized Reserves not already in such service.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 6, 1942.

[No. 9049]

[F. R. Doc. 42-1175; Filed, February 9, 1942; 10:20 a. m.]

EXECUTIVE ORDER

AUTHORIZING AND DIRECTING THE SECRETARY OF THE NAVY TO ISSUE CITATIONS IN THE NAME OF THE PRESIDENT TO NAVAL AND MARINE CORPS UNITS FOR OUTSTANDING PERFORMANCE IN ACTION

By virtue of the authority vested in me as President of the United States, and as Commander in Chief of the Army and Navy of the United States, it is ordered as follows:

1. The Secretary of the Navy is hereby authorized and directed to issue a citation in the name of the President of the United States, as public evidence of deserved honor and distinction, to any ship, aircraft, or other naval unit, and to any Marine Corps aircraft, detachment, or higher unit, for outstanding performance in action on or after October 16, 1941.

2. Appropriate insignia of such form and design as may be determined by the Secretary of the Navy may be displayed by any ship, aircraft, naval unit, or any Marine Corps aircraft, detachment, or higher unit, to which such citation is issued.

3. After any naval or Marine Corps unit is so cited on two or more separate occasions for outstanding performance in action occurring on or after October 16, 1941, such insignia shall become a part of the uniform of such unit, and shall be issued to officers and men who may thereafter become members of such unit; and such insignia may be worn at all times by individuals who were attached to the unit so cited on one of the two or more occasions in connection with which the citation was issued, whether they thereafter serve with such unit or with a different unit.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 6, 1942.

[No. 9050]

[F. R. Doc. 42-1176; Filed, February 9, 1942; 10:20 a. m.]

EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER NO. 8099 OF APRIL 28, 1939, AS AMENDED, RELATING TO ADMINISTRATION OF BENEFITS PROVIDED BY ACT OF CONGRESS APPROVED APRIL 3, 1939

By virtue of the authority vested in me as President of the United States, Executive Order No. 8099[1] of April 28, 1939, entitled "Administration of Benefits Provided by Act of Congress Approved April 3, 1939", as amended by Executive Order No. 8461[2] of June 28, 1940, is hereby further amended by changing the period at the end thereof to a colon and adding thereto the following *proviso*:

Provided further, That the administration of the provisions of the act of December 17, 1919 (41 Stat. 367, as amended) as to persons to whom such provisions are extended by the act of December 10, 1941, entitled "An act to extend the six months' death gratuity benefits, now paid only to dependents of officers and enlisted men of the Regular Army, to dependents of all officers, warrant officers, and enlisted men of the Army of the United States who die in line of duty while in active military service of the United States" (Public Law 329, 77th Congress), shall be vested in the Secretary of War or in such person or persons as may be designated by him in the War Department.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 6, 1942.

[No. 9051]

[F. R. Doc. 42-1177; Filed, February 9, 1942; 10:20 a. m.]

EXECUTIVE ORDER

AMENDING SUBDIVISION VIII OF SCHEDULE A OF THE CIVIL SERVICE RULES

By virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 404), Subdivision VIII of Schedule A of the Civil Service Rules[3] is hereby amended by adding thereto a

[1] 4 F.R. 1725.
[2] 5 F.R. 2485.
[3] 7 F.R. 4.

[illegible] numbered 39 [illegible]

[illegible] the Secretary of the Interior.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 6, 1942.

[No. 9032]

[F. R. Doc. 42-1178; Filed, February 9, 1942; 10:20 a. m.]

EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS A CHEMICAL WARFARE RANGE

[illegible]

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the public lands in the [illegible] be, and they are hereby, [illegible] Department as a chemical warfare range:

SALT LAKE MERIDIAN

Tps. 7 and 8 S., R. 10 W., [illegible]
Tps. 6, 7 and 8 S., R. 11 W., [illegible]
T. 8 S., R. 12 W., secs. 1 to 3, [illegible] 22 to 27, and 34 to 36, inclusive, [illegible]

The areas described, [illegible] both public and non-public lands, aggregate [illegible] acres.

It is [illegible] that the lands reserved by this order shall be [illegible] to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 6, 1942.

[No. 9033]

[F. R. Doc. 42-1179; Filed, February 9, 1942; 10:20 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER XI—AGRICULTURAL CONSERVATION ASSOCIATION

[illegible]

Part 706—1942 Rice Conservation Program

[illegible]

[illegible] Pursuant to the authority vested in the [illegible] of Agriculture by the [illegible] Conservation and Domestic Allotment Act, as amended, and the Soil Conservation and Domestic Allotment Act, as amended, [illegible]

1. [illegible] is amended to read as follows:

[illegible] Purpose. As an emergency measure each participating producer will be allowed to work faces in 1942 equal to 100% or more of his base as determined by the provisions of paragraph (d) of this section.

* * * * *

4. Section 706.304 (i) is amended to read as follows:

(i) *Payment on discontinued faces limited to small trees.* No payment will be made on discontinued faces except those removed from small trees as required by paragraphs (a) and (b) of this section.

* * * * *

5. Section 706.304 (k) is hereby amended to read as follows:

(k) *Limitation of working area on faces.* Total streaks per face made during the period of this program, averaged by drifts or tracts, shall not exceed 24 inches in vertical measurement between shoulders of first streak and shoulders of last streak.

* * * * *

6. Section 706.304 (m) is hereby amended to read as follows:

(m) *Over 90-inch faces not eligible for payment.* Payment shall not be made on working faces or on faces required to be removed by paragraphs (a) and (b) of this section in any drift or tract where the average height of faces exceeds 90 inches at the beginning of the 1942 turpentine season, in vertical measurement between shoulders of first streak and shoulders of last streak, including jump streaks.

* * * * *

7. In § 706.304 (t) the last sentence is amended to read as follows:

(t) *Timber cutting requirements.* * * * Payment on working faces or removed faces shall not be made if the tree is cut or removed prior to the expiration of the 1942 program; provided, however, that trees having faces which attain a height in excess of 90 inches during the 1942 season may be cut after October 15, 1942, and payment will be made for such faces if written permission to cut is given by a District Supervisor of the Forest Service.

8. In § 706.304 (u) the first sentence is amended to read as follows:

(u) *Records required to facilitate administration of program.* Each applicant producer in measuring his trees to determine those to be worked under the 1942 program shall make an accurate count, by drifts, lots, or other suitable units, of all such faces and shall separately account for those located on fee land and those on leased lands; and he shall make and keep a written record thereof and furnish such record to the Forest Service, together with a description of lands. * * *

9. Section 706.304 is amended by the addition of the following new paragraph (v):

(v) *Chemical application to faces on selected trees.* Additional benefit payments will be made to participating producers (selected by the Forest Service

from volunteer applicants) for the experimental application of chemical stimulants as prescribed by the Forest Service to faces in areas of predominantly slash pine, such areas to be limited to one crop for each selected producer; one-half of the faces in each selected area to be so chemically treated after each chipping throughout the 1942 season and the other half of the faces to be worked without such chemical treatment. The areas selected are to be approved in advance, and the entire work is to be done under conditions prescribed, by the Forest Service. All of the work of each chipping on each selected area is to be done by the same chipper and so far as possible all the chipping on each selected tract is to be done by the same chipper throughout the 1942 season. Careful records of yield are to be made after each dipping for purposes of comparing yields from treated and non-treated faces and such records of yield are to be made available to the Forest Service.

10. Section 706.306 (a) is amended to read as follows:

§ 706.306 *Rates of payment.* * * *

(a) 1¾ cents per face for each face in continuous operation during the 1942 turpentine season except faces in drifts or tracts which, by drifts or tracts, average more than 60 inches in height at the beginning of the 1942 turpentine season.

11. Section 706.306 (b) is amended to read as follows:

(b) 5 cents per face for each face in the selected areas on which chemical stimulation experiments are conducted as prescribed.

Done at Washington, D. C., this 6th day of February 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-1134; Filed, February 6, 1942; 1:03 p. m.]

CHAPTER IX—SURPLUS MARKETING ADMINISTRATION

PART 933—MILK IN THE CINCINNATI, OHIO, MARKETING AREA

ORDER SUSPENDING ORDER NO. 22, AS AMENDED,[1] REGULATING THE HANDLING OF MILK IN THE CINCINNATI, OHIO, MARKETING AREA

The Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 1940 ed. 601 et seq.), issued on November 28, 1940, and made effective as of December 2, 1940, the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area.

There being reason to believe that amendments to said order, as amended, would tend to effectuate the declared policy of said act, notice was given, on the 9th day of July 1941, of a hearing which was opened at Cincinnati, Ohio, on July 21, 1941, and which was postponed to September 9, 1941. At said time and place all interested parties were afforded an opportunity to be heard on proposed amendments to said order, as amended.

Upon the basis of the evidence introduced at the hearing referred to above and of other evidence that is available and has been considered, it is determined that the order, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area, as now in force and effect, obstructs and no longer tends to effectuate the declared policy of the act.

Now, therefore, pursuant to the powers conferred upon the Secretary of Agriculture by section 8c (16) (A) of said act, said Order No. 22, as amended, regulating the handling of milk in the Cincinnati, Ohio, marketing area is hereby suspended until the further order of the Secretary.

This order of suspension shall be effective as of 11:59 p. m., e. s. t., February 28, 1942.

This order of suspension shall not affect, waive, suspend, or terminate any right, duty, obligation, or liability which shall have arisen or which may hereafter arise in connection with any of the terms and provisions of said order, as amended, provided such right, duty, obligation, or liability was incurred prior to the effective date of this suspension. In addition, this order of suspension shall not release or waive any violation of said order, as amended, occurring prior to the effective date of this suspension.

Done at Washington, D. C., this 6th day of February, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture.[2]

[F. R. Doc. 42-1133; Filed, February 6, 1942; 1:03 p. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VII—PERSONNEL

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS AND CHAPLAINS

Paragraph (j) of § 73.205 (7 F.R. 739) is amended to read as follows:

§ 73.205 *Appointments not made from certain classes.*

* * * * *

(j) See also § 73.207. (Act of Sept. 21, 1941, Public Law 252, 77th Congress) [Cir. 27, W.D., Jan. 29, 1942]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-1130; Filed, February 9, 1942; 11:03 a. m.]

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[1] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F. R. 2192).

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS

APPOINTMENT OF WARRANT OFFICERS

Correction

The section number appearing as § 72.314 on page 804 of the issue for Saturday, February 7, 1942, should read "§ 73.314".

Paragraph (c) of § 73.333 on page 806 of the same issue should read as follows:

(c) *Physical examination.* See § 73.307.

TITLE 14—CIVIL AVIATION

CHAPTER II—ADMINISTRATOR OF CIVIL AERONAUTICS, DEPARTMENT OF COMMERCE

[Amendment No. 9, Part 601]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

REDESIGNATION OF CERTAIN RADIO FIXES

FEBRUARY 6, 1942.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and § 60.112 of the Civil Air Regulations, and finding that this action is necessary in the interest of safety and for the proper control of air traffic, I hereby amend Part 601[1] of the Regulations of the Administrator of Civil Aeronautics which became effective January 15, 1942, as follows:

1. By amending § 601.4006 to read as follows:

§ 601.4006 *Green civil airway No. 6. (Corpus Christi, Tex., to Norfolk, Va.).* Corpus Christi, Tex., radio range station; Palacios, Tex., radio range station; the Arcola, Tex., fan type radio marker station, or the intersection of the center lines of the on course signals of the east leg of the Yoakum, Tex., radio range and the southwest leg of the Houston, Tex., radio range; Houston, Tex., radio range station; Beaumont, Tex., radio range station; Lake Charles, La., radio range station; New Orleans, La., radio range station; Mobile, Ala., radio range station; Atlanta, Ga., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Atlanta, Ga., radio range and the northwest leg of the Augusta, Ga., radio range; Spartanburg, S. C., radio range station; the intersection of the center lines of the on course signals of the southwest leg of the Greensboro, N. C., radio range and the north leg of the Charlotte, N. C., radio range; Greensboro, N. C., radio range station; South Boston, Va., radio marker station, or the intersection of the center lines of the on course signals of the northeast leg of the Greensboro, N. C., radio range and the southeast leg of the Lynchburg, Va., radio range; Richmond, Va., radio range station; Norfolk, Va., radio range station.

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[1] 7 F.R. 376, 326, 397.

3. By amending § 601.46220 to read as follows:

§ 601.46220 *Red civil airway No. 20.* (Sault Ste. Marie, Mich., to Whitehouse, D. C.). Sault Ste. Marie, radio range station; Traverse City, radio range station; Saginaw, radio range station; Alpena, radio range station; Gladstone, Pa., fan type radio range station, or the intersection of the on course signals of the north leg of the Pittsburgh, Pa., radio range; Pittsburgh, Pa., radio range; Somerset, Pa., radio range; Cumberland, Md., radio range; Hancock, Md., radio range; Martinsburg, W. Va., radio range; Front Royal, Va., radio range; and the northwest leg of the Whitehouse, D. C., radio range.

4. By amending § 601.46231 to read as follows:

§ 601.46231 *Red civil airway No. 31.* (Sault Ste. Marie, Mich., to Mackinac Island, Mich.). The intersection of the on course signals of the east leg of the Sault Ste. Marie, Mich., radio range and the southwest leg of the Traverse City, Mich., radio range; Saginaw, Mich., radio range; Alpena, Mich., radio range; Gladstone, Pa., fan type radio range station, or the intersection of the on course signals of the north leg of the Pittsburgh, Pa., radio range; Somerset, Pa., radio range; Cumberland, Md., radio range; Hancock, Md., radio range; Martinsburg, W. Va., radio range; Front Royal, Va., radio range; and the northwest leg of the Whitehouse, D. C., radio range.

5. By adding a new section, § 601.46235 to read as follows:

§ 601.46235 *Red civil airway No. 35.* (Lander, Wyo., to Omaha, Nebr.). Lander, Wyo., radio range station; Hayes Center, Nebr., radio range station; Lincoln, Nebr., radio range station.

6. By amending § 601.46320 to read as follows:

§ 601.46320 *Red civil airway No. 20.* (Sault Ste. Marie, Mich., to Whitehouse, D. C.). Sault Ste. Marie, radio range station; Traverse City, radio range station; Saginaw, radio range station; Alpena, Mich., radio range station; Gladstone, Pa., fan type radio range station, or the intersection of the on course signals of the north leg of the Pittsburgh, Pa., radio range; Somerset, Pa., radio range; Cumberland, Md., radio range; Hancock, Md., radio range; Martinsburg, W. Va., radio range; Front Royal, Va., radio range; and the northwest leg of the Whitehouse, D. C., radio range.

7. By amending § 601.46321 to read as follows:

§ 601.46321 *Red civil airway No. 21.* (Grand Rapids, Mich., to Detroit, Mich.). The intersection of the on course signals of the center lines of the northwest leg of the Grand Rapids, Mich., radio range and the south leg of the Des Moines, Iowa, radio range; the intersection of the center lines of the on course signals of the north leg of the Des Moines, Iowa, radio range, and the southwest leg of the La Crosse, Wis., radio range; Duluth, Minn., radio range station.

8. By adding a new section, § 601.46320 read as follows:

§ 601.46320 *Blue civil airway No. 20.* (Pittsburgh, Pa., to *Allentown, Pa.*). No radio fix designation.

9. By adding a new section, § 601.46321 to read as follows:

§ 601.46321 *Blue civil airway No. 21.* (Grand Rapids, Mich., to *Traverse City, Mich.*). No radio fix designation.

10. By adding a new section, § 601.46322 to read as follows:

§ 601.46322 *Blue civil airway No. 22.* (Kansas City, Kans., to Tulsa, Okla.). No radio fix designation.

This amendment shall become effective 0001, E. S. T., March 1, 1942.

CHARLES I. STANTON,
Acting Administrator.

[F. R. Doc. 42-1145; Filed, February 7, 1942; 10:28 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4405]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF PARKE, AUSTIN & LIPSCOMB, INC., ET AL.

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Non-profit character:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Personnel or staff:* § 3.72 (m8) *Offering deceptive inducements to purchase—Sales for non-commercial recipients or objectives.* In connection with the offer, etc., in commerce of a set of books designated "Smithsonian Scientific Series", or other books, and among other things, as in order set forth, (1) representing, directly or indirectly, that the books sold and distributed by the respondents are published by the Smithsonian Institution of Washington, D. C., or that the entire profit or proceeds obtained from the sale of such books accrues to the Smithsonian Institution of Washington, D. C.; (2) representing, directly or indirectly, that the sale of said books is restricted to a selected number of individuals in any community or that any individual has been selected to act as patron of the Smithsonian Institution of Washington, D. C.; and (3) using "patron certificates" of the Smithsonian Institution in such a way as to imply that a purchaser has been specially selected, because of prominence in the community, or for any other reason, or that such purchaser has contributed to a cause other than by the purchase of a set of books as an ordinary commercial transaction for profit; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Parke, Austin & Lipscomb, Inc., et al., Docket 4405, February 3, 1942]

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Source or origin—Maker:* § 3.72 (f20) *Offering deceptive inducements to purchase—Individual's special selection or situation:* § 3.72 (m5) *Offering deceptive inducements to purchase—Sales for non-commercial recipients or objectives.* In connection with the offer, etc., in commerce of a set of books designated "Smithsonian Scientific Series", or other books, and among other things, as in order set forth, (1) representing, directly or indirectly, that the books sold and distributed by the respondents are published by the Smithsonian Institution of Washington, D. C., or that the entire profit or proceeds obtained from the sale of such books accrues to the Smithsonian Institution of Washington, D. C.; (2) representing, directly or indirectly, that the sale of said books is restricted to a selected number of individuals in any community or that any individual has been selected to act as patron of the Smithsonian Institution of Washington, D. C.; and (3) using "patron certificates" of the Smithsonian Institution in such a way as to imply that a purchaser has been specially selected, because of prominence in the community, or for any other reason, or that such purchaser has contributed to a cause other than by the purchase of a set of books as an ordinary commercial transaction for profit; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Parke, Austin & Lipscomb, Inc., et al., Docket 4405, February 3, 1942]

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Non-profit character:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Personnel or staff:* § 3.72 (m8) *Offering deceptive inducements to purchase—Sales for non-commercial recipients and objectives.* In connection with offer, etc., in commerce, of a set of books designated "World Epochs", or other books, representing, di-

"World Epochs," or other books, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or indirectly, that any salesman or representative who is not directly responsible to the United States Flag Association or who is not working under the direct supervision and control of said Association, is in the employ of, or directly connected with, the United States Flag Association;

(2) Representing, directly or indirectly, that the entire profit or proceeds derived from the sale of said books accrues to the United States Flag Association;

(3) Representing, directly or indirectly, that respondents are engaged in any enterprise other than that of a commercial enterprise for profit, or that a purchaser of such books is, in effect, making a contribution to the United States Flag Association to be used by the Association in combating anti-American and subversive organizations and influences in the United States;

(4) The use of letters endorsing the aims and purpose of the United States Flag Association as endorsements of books sold and distributed by the respondents;

(5) The use of life membership certificates in the United States Flag Association or other organizations in such a way as to imply that a purchaser has contributed to a cause other than by the purchase of a set of books as an ordinary commercial transaction for profit.

It is further ordered, That the respondent shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1139; Filed, February 7, 1942; 11:45 a. m.]

TITLE 21—FOOD AND DRUGS

CHAPTER I—FOOD AND DRUG ADMINISTRATION

[Docket No. FDC-35]

PART 144—CERTIFICATION OF BATCHES OF DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

Corrections

The first sentence of § 144.12 (d) (4) appearing in the second column on page 761 of the issue for Friday, February 6, 1942, should read "Dilute the sample of the unopened liquid with the diluent specified in subparagraph (3)."

The second sentence of the second paragraph under § 144.12 (f) as appearing in the second column on page 762 should read "Store, protected from excessive light, at a temperature of not less than 15° C. and not more than 30° C. (storage at low temperatures increases absorption of atmospheric oxygen)."

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T. D. 5115]

PART 469—TAX-FREE SALES TO FOREIGN GOVERNMENTS OF ARTICLES FOR EXPORT

Sec.
469.1 Articles sold for export.
469.2 Certificate for export.
469.3 Preservation of contracts.
469.4 Form of exemption certificate.

§ 469.1 *Articles sold for export.* During the period of the emergency and until further notice, and regardless of any contrary provision of any other regulation, the procedure herein established may be followed with respect to articles within the scope of Chapters 25 and 29 of the Internal Revenue Code sold by manufacturers or producers to foreign governments for export. Where such procedure is followed, such articles, when sold by the manufacturer or producer to a foreign government, will be regarded as having been sold for export and in due course exported.*

*§§ 469.1 to 469.5, inclusive, issued under the authority contained in secs. 2705, 2732, 3791, 53 Stat. 289, 294, 467; 26 U.S.C. 1940 ed., 2705, 2732, 3791.

§ 469.2 *Certificate for export.* There must be furnished to the manufacturer or producer, and he must have in his possession prior to passage of title, a certificate of a duly authorized representative of the foreign government stating that the articles are purchased for export, and will not be further manufactured prior to export. A single certificate may be given to cover all articles supplied under a particular contract.*

§ 469.3 *Preservation of contracts.* The contract, together with the certificate or certificates given by the foreign representative, must be preserved by the manufacturer for a period of at least four years from the last day of the month in which the last delivery under the contract is made, and must be readily accessible for inspection by internal revenue officers.*

§ 469.4 *Form of exemption certificate.* The certificate shall be in form substantially as follows:

EXEMPTION CERTIFICATE

(For use when articles are purchased from the manufacturer or producer by a foreign government for export)

---------- 19--
(Date)

The undersigned hereby certifies that he is ----------
(Official designation of government
---------- of ----------; that
representative) (Country)
he is authorized to execute this certificate; and that the articles specified in the accompanying order or on the reverse side hereof, are purchased from ----------
(Name of vendor)
for export under contract ----------
(Number and
---------- and will not be further symbols)
manufactured prior to export.

It is understood that the fraudulent use of this certificate to secure exemption will subject all guilty parties to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution.

(Signature)

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: February 6, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-1138; Filed, February 6, 1942; 4:13 p. m.]

TITLE 28—JUDICIAL ADMINISTRATION

CHAPTER I—DEPARTMENT OF JUSTICE

PART 30—TRAVEL AND OTHER CONDUCT OF ALIENS OF ENEMY NATIONALITIES

Sec.
30.1 Classes of persons controlled by these regulations.
30.2 Classes of persons not required to comply with these regulations.
30.3 Travel without special permission.
30.4 Occasional travel or trips.
30.5 Frequent travel or regular business travel.
30.6 Travel by airplane.
30.7 Change of place of abode, employment, or name.
30.8 Radio transmitters.
30.9 Short-wave radio receiving sets.
30.10 Cameras.
30.11 Firearms and other prohibited articles.
30.12 Deposit of prohibited articles.
30.13 Custody of prohibited articles.
30.14 Release of articles.
30.15 Prohibited and restricted areas.
30.16 Violation of regulations.

§ 30.1 *Classes of persons controlled by these regulations.* Except as hereinafter expressly excluded by § 30.2, persons in the United States (including Puerto Rico and the Virgin Islands) required to comply with the regulations in this part are as follows:

(a) All aliens of the age of 14 years or older who were or are natives, citizens, or subjects of Germany, Italy, or Japan.

(b) All aliens of the age of 14 years or older who at present are stateless but who at the time at which they became stateless were citizens or subjects of Germany, Italy, or Japan.*

*§§ 30.1 to 30.16 inclusive issued under the authority contained in Procs. 2525, 2526, 2527, and 2537 (6 F.R. 6321, 6323, 6324; 7 F.R. 329); R.S. sec. 4067, 50 U.S.C. 1940 ed. sec. 21.

§ 30.2 *Classes of persons not required to comply with these regulations.* Persons not required to comply with the regulations in this part are as follows:

(a) Former German, Italian, or Japanese citizens or subjects who before December 7, 1941, in the case of former Japanese citizens or subjects, and before December 8, 1941, in the case of former German or Italian citizens or subjects became and are citizens or subjects of any nation other than Germany, Italy, or Japan.

(b) Austrians or Austrian-Hungarians (Austro-Hungarians) or Koreans who registered as such under the Alien Registration Act of 1940, provided that such persons have not at any time voluntarily become German, Italian, or Japanese citizens or subjects.

But the regulations in this part shall not be construed as defining or limiting the classes of aliens of enemy nationalities subject to apprehension, detention, or internment or the other provisions of the aforesaid Proclamations.*

§ 30.3 *Travel without special permission.* An alien of enemy nationality subject to the regulations in this part is hereby granted general permission to travel as follows:

(a) *Travel within a community.* An alien of enemy nationality may travel or move about within the limits of the municipality, town, village, locality, or urban or rural community in which he resides or in which he has his regular place of business, from place to place and in such manner as will permit him to engage in the activities usual in his community. The limits of such community shall not necessarily be fixed by boundaries of municipalities, counties, States, or judicial districts, but shall include in each case the metropolitan or other community area in which the alien resides or has his regular place of business and shall include all that area generally thought of as constituting a greater city or metropolitan district or an urban or rural community.

(b) *Commuting to business.* An alien of enemy nationality may commute between his home and his regular place of business.

(c) *Travel to places of worship, schools, or Government agencies.* An alien of enemy nationality may travel between his home and his usual place of religious worship, or the school, college, or institution of learning at which he may be in regular attendance, or between his home and any Federal, State, or local government agency with which he may be required by such agency to transact business.

(d) *Foreign travel.* An alien of enemy nationality may complete a trip to or from a place out of the United States, provided however, that such alien complies with all regulations governing such foreign travel.*

§ 30.4 *Occasional travel or trips.* An alien of enemy nationality shall not travel or make trips or move from one locality to another except as herein provided:

(a) The alien of enemy nationality shall file in writing with the United States Attorney of the district of his residence, a statement setting forth the particulars hereinafter enumerated.

(b) Such statement shall be filed, together with at least two copies (and any additional copies required by the United States Attorney) with the United States Attorney at least 7 days prior to the intended departure except that the United States Attorney may, in exceptional cases and in the exercise of his discretion, waive all or any part of such 7 days' notice.

(c) Such statement and copies shall be prepared and filed personally by the alien desiring to make such trip at the office of such United States Attorney or at such place as he shall designate, except that, because of the distance between the place of residence of the alien and the office of the United States Attorney or other good and sufficient reason, the United States Attorney may permit such statement and copies together with a self-addressed stamped envelope to be mailed to him so as to be received at least 7 days prior to the intended commencement of the trip.

(d) Such statement and copies shall be made out upon forms to be prescribed by the Attorney General or in the absence thereof by the United States Attorney and shall contain the following information: (1) The name of the alien of enemy nationality; (2) the home address of the alien of enemy nationality and the telephone number, if any, of such place of residence; (3) the business address, if any, of such alien of enemy nationality and the telephone number, if any, of such place of business; (4) the alien enemy certificate of identification number of such alien of enemy nationality after it is obtained; (5) a detailed statement of the purpose for which the trip is to be made and the persons to be visited; (6) the proposed intermediate and final destinations of the trip; (7) the intended date of departure; (8) the intended date of return; (9) the address or addresses at which the alien of enemy nationality intends to be found while he is away from his permanent address; (10) the route to be followed to and from the point of destination; and (11) the common carrier or other means of transportation which the alien of enemy nationality intends to use.

(e) The United States Attorney shall retain the original of such statements in his files and shall forward copies thereof to the local office of the Federal Bureau of Investigation, and shall inquire of the F.B.I. for any facts indicating that the particular trip proposed by the particular alien of enemy nationality would in any manner endanger the national security.

(f) If, after such inquiry to the F.B.I., and such further investigation as the United States Attorney may see fit to conduct, the United States Attorney at any time within the 7 day period shall know of no reason why the particular trip would endanger the national security, he shall stamp or write an endorsement upon the remaining copy of the said statement that it was duly filed with him and shall deliver or mail to the alien enemy such endorsed copy of the statement.

(g) The alien of enemy nationality shall, at all times while he is so traveling, have with him on his person or in his immediate physical possession the endorsed copy of such statement.

The United States Attorney shall have, however, authority in any case to prohibit any particular trip, or to cancel any permission to travel granted by him if he shall deem it dangerous to the national security.*

§ 30.5 *Frequent travel or regular business travel.* An alien of enemy nationality accustomed to frequent or regular business travel (e. g. traveling salesmen, touring theatrical performers, drivers of trucks and busses and similar cases), instead of seeking permission pursuant to § 30.4 may apply for permission to travel as hereinafter provided:

(a) The alien shall present himself in person to the United States Attorney or to an assistant designated by him, for the district of his residence and shall file in writing an original and at least two copies (and any additional copies required by the United States Attorney) of a statement containing as full detail of all facts concerning himself, his business, and the time he has been engaged therein and his proposed travel, as the United States Attorney shall in the particular case require. This statement shall contain in as great particularity as shall be practicable a description of the travel intended, including the place or places and persons to be visited, dates of the proposed trips, and the route or routes to be followed.

(b) Such permission will not be granted unless the United States Attorney is satisfied that such travel is necessary and does not endanger the public safety and that requiring the alien to seek permission to travel for each trip under § 30.4 would impose an excessive hardship.

(c) In all cases in which the United States Attorney is satisfied that the applications warrant consideration, the United States Attorney shall forward copies of such statement to the F.B.I. and request to be advised whether facts are known indicating that such permission to travel would endanger or be detrimental to the public safety or national security.

(d) In those cases in which, after investigation, the United States Attorney is satisfied that such permission may properly be granted, he shall endorse such permission in writing on a copy of the statement and may note in the alien's certificate of identification that permission has been granted in such manner and form as he shall deem best suited to the particular case, provided that the permission to travel shall in no case be more general or extensive than the necessities of the particular case require.

(e) An alien enemy who has secured such permission to travel may thereafter travel in accordance with the terms of such permission without also having complied with the requirements of § 30.4: *Provided,* That before he makes any particular trip he shall notify the United States Attorney who issued such permission in writing and by mail, of the designation, the route to be followed, the carrier to be employed, and the date of the commencement of the trip. If the intended journey will include intermediate destinations or stop-overs the full particulars as to each trip or part thereof must be included. Such information must be sufficient so that at all times the United States Attorney may know the whereabouts of such alien.*

§ 30.6 *Travel by airplane.* No alien of enemy nationality shall make any flight of any nature in an airplane or other aircraft.*

§ 30.7 *Change of place of abode, employment, or name.* (a) No alien of enemy nationality shall change his place of abode or his place of employment unless he shall have at least 7 days previously filed with the United States Attorney for the district in which he resides a statement in writing containing the full particulars of such change.

(b) Whenever the holder of a Certificate of Identification changes his name under legal authority, residence address, or place of employment, written notices thereof shall immediately be given to (1) the Alien Registration Division of the Immigration and Naturalization Service, and (2) the Federal Bureau of Investigation at the office shown in the holder's Certificate of Identification.*

§ 30.8 *Radio transmitters.* No alien enemy shall use or operate or possess, or have under his custody or control at any time or place any radio transmitter. For this purpose the words "radio transmitter" are to be construed as including any apparatus designed to be used or capable of being used for the sending or transmitting of radio signals, communications or messages of any kind or nature whatsoever.*

§ 30.9 *Short-wave radio receiving sets.* (a) No alien of enemy nationality shall use or operate or possess or have under his custody or control at any time or place any short-wave radio receiving set, except where permission to do so is received as provided in paragraph (d) of this section. For this purpose the words "short-wave radio receiving set" are to be construed as including any apparatus designed to be used or capable of being used for the purpose of receiving signals, messages, or communications of any nature whatsoever, which signals, messages, or communications are transmitted by means of amplitude modulation radio waves of a frequency of 1,750 kilocycles or greater, or of a frequency of 540 kilocycles or less.

(b) A short-wave radio receiving set as defined in paragraph (a) of this section which is also capable of receiving standard-wave radio communications is deemed to be within the class of short-wave radio receiving sets prohibited unless the set is so altered or modified that short-wave radio communications or messages cannot be received by the said set, and further, unless the set is so altered or modified that it is impossible without the addition of more parts and the substantial rebuilding of the set to modify the set so that it will be capable of receiving short-wave radio communications.

(c) It shall be the duty of any alien of enemy nationality to ascertain whether or not any radio in his possession is prohibited, and he shall be held responsible

burgh, Pa., radio range; the intersection of the center lines of the on course signals of the south leg of the Buckstown, Pa., radio range and the southeast leg of the Pittsburgh, Pa., radio range; Martinsburg, W. Va., radio range station; Herndon, Va., fan type radio marker station, or the intersection of the center lines of the on course signals of the east leg of the Front Royal, Va., radio range [illegible] northwest leg of the Washington D C., radio range.

4. By amending § 601.40231 to read as follows:

§ 601.40231 *Red civil airway No. 31 (Cheyenne, Wyo., to Minneapolis, Minn.).* The intersection of the center lines of the on course signals of the east leg of the Cheyenne, Wyo., radio range and the southwest leg of the Scottsbluff, Nebr., radio range; Scottsbluff, Nebr., radio range station; Rapid City, S. Dak., radio range station; Watertown, S. Dak., radio range station; Willmar, Minn., radio range station; the intersection of the center lines of the on course signals of the east leg of the Willmar, Minn., radio range and the northwest leg of the Minneapolis, Minn., radio range.

5. By adding a new section, § 601.40235 to read as follows:

§ 601.40235 *Red civil airway No. 35. (Pueblo, Colo., to Wichita, Kans.).* La Junta, Colo., radio range station; Garden City, Kans., radio range station; Hutchinson, Kans., radio range station; the intersection of the center lines of the course signals of the east leg of the Hutchinson, Kans., radio range and the north leg of the Wichita, Kans., radio range.

6. By adding a new section, § 601.40236 to read as follows:

§ 601.40236 *Red civil airway No. 36. (Rochester, Minn., to La Crosse, Wis.).* Rochester, Minn., radio range station; the intersection of the center lines of the on course signals of the east leg of the Rochester, Minn., radio range and the northwest leg of the La Crosse, Wis., radio range.

7. By adding a new section, § 601.40321 to read as follows:

§ 601.40321 *Blue civil airway No. 21. (Grand Rapids, Mich., to Traverse City, Mich.).* No radio fix designation.

10. By adding a new section, § 601.40322 to read as follows:

§ 601.40322 *Blue civil airway No. 22. (Wichita, Kans., to Tulsa, Okla.).* No radio fix designation.

[illegible] shall become effective 00 01 E. S. T., March 1, 1942.

CHARLES I. STANTON,
Acting Administrator.

[F. R. Doc. 42-1145; Filed, February 6, 1942; 11:45 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4465]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF PARKE, AUSTIN & LIPSCOMB, INC., ET AL.

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Identity:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Non-profit character:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Personnel or staff:* § 3.96 (b) *Using misleading name—Vendor—Connections and arrangements with others:* § 3.96 (b) *Using misleading name—Vendor—Identity*—§ 3.96 (b) *Using misleading name—Vendor—Non-profit character.* In connection with the offer, etc., in commerce of a set of books designated "Smithsonian Scientific Series", or other books, and among other things, as in order set forth, (1) representing, directly or indirectly, that respondents' salesmen or representatives are in the employ of the Smithsonian Institution of Washington, D. C., or have any direct connection with said Smithsonian Institution; (2) representing, directly or indirectly, that the books sold and distributed by the respondents are published by the Smithsonian Institution of Washington, D. C., or that the entire profit or proceeds obtained from the sale of such books accrues to the Smithsonian Institution of Washington, D. C.; (3) representing, directly or indirectly, that the sale of said books is restricted to a selected number of individuals in any community or that any individual has been selected to act as patron of the Smithsonian Institution of Washington, D. C., and (4) using patron certificates of the Smithsonian Institution in such a way as to imply that a purchaser has been specially selected, because of prominence in the community, or for any other reason, or that such purchaser has contributed to a cause other than by the purchase of a set of books as an ordinary commercial transaction for profit; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Parke, Austin & Lipscomb, Inc., et al., Docket 4465, February 3, 1942]

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Personnel or staff:* § 3.72 (m5) *Offering deceptive inducements to purchase—Sales for non-commercial recipients or objectives.* In connection with the offer, etc., in commerce of a set of books designated "Smithsonian Scientific Series", or other books, and among other things, as in order set forth, (1) representing, directly or indirectly, that respondents' salesmen or representatives are in the employ of the Smithsonian Institution of Washington, D. C., or have any direct connection with said Smithsonian Institution; (2) representing, directly or indirectly, that the books sold and distributed by the respondents are published by the Smithsonian Institution of Washington, D. C., or that the entire profit or proceeds obtained from the sale of such books accrues to the Smithsonian Institution of Washington, D. C.; (3) representing, directly or indirectly, that the sale of said books is restricted to a selected number of individuals in any community or that any individual has been selected to act as patron of the Smithsonian Institution of Washington, D. C., and (4) using patron certificates of the Smithsonian Institution in such a way as to imply that a purchaser has been specially selected, because of prominence in the community, or for any other reason, or that such purchaser has contributed to a cause other than by the purchase of a set of books as an ordinary commercial transaction for profit; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Parke, Austin & Lipscomb, Inc., et al., Docket 4465, February 3, 1942]

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Non-profit character:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Personnel or staff:* § 3.72 (m5) *Offering deceptive inducements to purchase—Sales for non-commercial recipients and objectives.* In connection with offer, etc., in commerce, of a set of books designated "World Epochs", or other books, representing, directly or indirectly, that respondents' salesmen or representatives are in the employ of the Smithsonian Institution of Washington, D. C., or have any direct connection with said Smithsonian Institution; (2) representing, directly or indirectly, that the books sold and distributed by the respondents are published by the Smithsonian Institution of Washington, D. C., or that the entire profit or proceeds obtained from the sale of such books accrues to the Smithsonian Institution of Washington, D. C.; (3) representing, directly or indirectly, that the sale of said books is restricted to a selected number of individuals in any community or that any individual has been selected to act as patron of the Smithsonian Institution of Washington, D. C., and (4) using patron certificates of the Smithsonian Institution in such a way as to imply that a purchaser has been specially selected, because of prominence in the community, or for any other reason, or that such purchaser has contributed to a cause other than by the purchase of a set of books as an ordinary commercial transaction for profit; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Parke, Austin & Lipscomb, Inc., et al., Docket 4465, February 3, 1942]

§ 3.18 *Claiming indorsements or testimonials falsely:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Indorsements:* § 3.72 (f20) *Offering deceptive inducements to purchase—Individual's special selection or situation:* § 3.72 (m5) *Offering deceptive inducements to purchase—Sales for non-commercial recipients or objectives.* In connection with offer, etc., in commerce, of a set of books designated "World Epochs", or other books, (1) using letters endorsing the aims and purpose of the United States Flag Association as endorsements of books sold and distributed by the respondents, and (2) using life membership certificates in the United States Flag Association or other organizations in such a way as to imply that a purchaser has contributed to a cause other than by the purchase of a set of books as an ordinary commercial transaction for profit; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112, 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Parke, Austin & Lipscomb, Inc., et al., Docket 4465, February 3, 1942]

In the Matter of Parke, Austin & Lipscomb, Inc., a Corporation, Smithsonian Institution Series, Inc., a Corporation, Alfred Monett, Individually and as an Officer of Parke, Austin & Lipscomb, Inc., and Smithsonian Institution Series, Inc., Robert A. Hogan, Jr., Individually and as an Officer of Parke, Austin & Lipscomb, Inc., and Smithsonian Institution Series, Inc., and Joseph M. McAndrews, Individually and as an Officer of Parke, Austin & Lipscomb, Inc.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3rd day of February, A. D. 1942.

This proceeding having been heard[1] by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, testimony and other evidence taken before W. W. Sheppard, a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of said

[1] 6 F.R. 1701.

and distribution of a set of books designated "Smithsonian Scientific Series", or other books, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or indirectly, that respondents' salesmen or representatives are in the employ of the Smithsonian Institution of Washington, D. C., or have any direct connection with said Smithsonian Institution;

(2) Representing, directly or indirectly that the books sold and distributed by the respondents are published by the Smithsonian Institution of Washington, D. C., or that the entire profit or proceeds obtained from the sale of such books accrues to the Smithsonian Institution of Washington, D. C.,

(3) Representing, directly or indirectly that the sale of said books is restricted to a selected number of individuals in any community or that any individual has been selected to act as patron of the Smithsonian Institution of Washington, D. C.,

(4) The use of "patron certificates" of the Smithsonian Institution in such a way as to imply that a purchaser has been specially selected, because of prominence in the community, or for any other reason, or that such purchaser has contributed to a cause other than by the purchase of a set of books as an ordinary commercial transaction for profit;

(5) The use of the word "Smithsonian Institution" in respondents' trade or corporate name, or in any other manner, to designate or describe an organization engaged in a commercial enterprise for profit, which is not a part of, or has no direct connection with, the Smithsonian Institution of Washington, D. C.;

(6) Representing, directly, or indirectly, that respondents are engaged in any enterprise other than that of a commercial enterprise for profit.

It is further ordered, That the respondents Parke, Austin & Lipscomb, Inc., a corporation, and its officers, and Alfred Monett, an individual, Robert A. Hogan, Jr., an individual, and Joseph M. McAndrews, an individual, and their respective agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of a set of books designated "Smithsonian Scientific Series", or other books, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or indirectly, that respondents' salesmen or representatives are in the employ of the Smithsonian Institution of Washington, D. C., or have any direct connection with said Smithsonian Institution;

(2) Representing, directly or indirectly that the books sold and distributed by the respondents are published by the Smithsonian Institution of Washington, D. C., or that the entire profit or proceeds obtained from the sale of such books accrues to the Smithsonian Institution of Washington, D. C.,

(3) Representing, directly or indirectly that the sale of said books is restricted to a selected number of individuals in any community or that any individual has been selected to act as patron of the Smithsonian Institution of Washington, D. C.,

(4) The use of letters endorsing the aims and purpose of the United States Flag Association as endorsements of books sold and distributed by the respondents;

(5) The use of life membership certificates in the United States Flag Association or other organizations in such a way as to imply that a purchaser has contributed to a cause other than by the purchase of a set of books as an ordinary commercial transaction for profit.

It is further ordered That the respondent shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1159; Filed, February 7, 1942; 11:45 a. m.]

TITLE 21—FOOD AND DRUGS

CHAPTER I—FOOD AND DRUG ADMINISTRATION

[Docket No. FDC-35]

PART 144—CERTIFICATION OF BATCHES OF DRUGS COMPOSED WHOLLY OR PARTLY OF INSULIN

Corrections

The first sentence of § 144.12 (d) (4) appearing in the second column on page 781 of the issue for Friday, February 6, 1942, should read "Dilute the sample of the supernatant liquid with the diluent specified in subparagraph (2)."

The second sentence of the second paragraph under § 144.12 (f) (2) appearing in the second column on page 782 should read "Store, protected from excessive light, at a temperature of not less than 15° C. and not more than 30° C. (storage at low temperatures increases absorption of atmospheric oxygen)."

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T. D. 5115]

PART 469—TAX-FREE SALES TO FOREIGN GOVERNMENTS OF ARTICLES FOR EXPORT

Sec.

469.1 Articles sold for export.
469.2 Certificate for export.
469.3 Preservation of contracts.
469.4 Form of exemption certificate.

§ 469.1 *Articles sold for export.* During the period of the emergency and until further notice, and regardless of any contrary provision of any other regulation, the procedure herein established may be followed with respect to articles within the scope of Chapters 25 and 29 of the Internal Revenue Code sold by manufacturers or producers to foreign governments for export. Where such procedure is followed, such articles, when sold by the manufacturer or producer to a foreign government, will be regarded as having been sold for export and in due course exported.*

*§§ 469.1 to 469.5, inclusive, issued under the authority contained in secs. 2705, 2732, 3791, 53 Stat. 269, 294, 467; 26 U.S.C. 1940 ed., 2705, 2732, 3791.

§ 469.2 *Certificate for export.* There must be furnished to the manufacturer or producer, and he must have in his possession prior to passage of title, a certificate of a duly authorized representative of the foreign government stating that the articles are purchased for export, and will not be further manufactured prior to export. A single certificate may be given to cover all articles supplied under a particular contract.*

§ 469.3 *Preservation of contracts.* The contract, together with the certificate or certificates given by the foreign representative, must be preserved by the manufacturer for a period of at least four years from the last day of the month in which the last delivery under the contract is made, and must be readily accessible for inspection by internal revenue officers.*

§ 469.4 *Form of exemption certificate.* The certificate shall be in form substantially as follows:

EXEMPTION CERTIFICATE

(For use when articles are purchased from the manufacturer or producer by a foreign government for export)

---------- 19--
(Date)

The undersigned hereby certifies that he is ----------
(Official designation of government representative) of ----------
(Country) that he is authorized to execute this certificate; and that the articles specified in the accompanying order or on the reverse side hereof, are purchased from ----------
(Name of vendor) for export under contract ----------
(Number and symbols) ---------- and will not be further manufactured prior to export.

It is understood that the fraudulent use of this certificate to secure exemption will subject all guilty parties to a fine of not more than $10,000, or to imprisonment for not more than five years, or both, together with costs of prosecution.

(Signature)

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: February 6, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-1138; Filed, February 6, 1942; 4:13 p. m.]

TITLE 28—JUDICIAL ADMINISTRATION

CHAPTER I—DEPARTMENT OF JUSTICE

PART 30—TRAVEL AND OTHER CONDUCT OF ALIENS OF ENEMY NATIONALITIES

Sec.

30.1 Classes of persons controlled by these regulations.
30.2 Classes of persons not required to comply with these regulations.
30.3 Travel without special permission.
30.4 Occasional travel or trips.
30.5 Frequent travel or regular business travel.
30.6 Travel by airplane.
30.7 Change of place of abode, employment, or name.
30.8 Radio transmitters.
30.9 Short-wave radio receiving sets.
30.10 Cameras.
30.11 Firearms and other prohibited articles.
30.12 Deposit of prohibited articles.
30.13 Custody of prohibited articles.
30.14 Release of articles.
30.15 Prohibited and restricted areas.
30.16 Violation of regulations.

§ 30.1 *Classes of persons controlled by these regulations.* Except as hereinafter expressly excluded by § 30.2, persons in the United States (including Puerto Rico and the Virgin Islands) required to comply with the regulations in this part are as follows:

(a) All aliens of the age of 14 years or older who were or are natives, citizens, or subjects of Germany, Italy, or Japan.

(b) All aliens of the age of 14 years or older who at present are stateless but who at the time at which they became stateless were citizens or subjects of Germany, Italy, or Japan.*

*§§ 30.1 to 30.16 inclusive issued under the authority contained in Procs. 2525, 2526, 2527, and 2537 (6 F.R. 6321, 6323, 6324; 7 F.R. 329); R.S. sec. 4067, 50 U.S.C. 1940 ed. sec. 21.

§ 30.2 *Classes of persons not required to comply with these regulations.* Persons not required to comply with the regulations in this part are as follows:

(a) Former German, Italian, or Japanese citizens or subjects who before December 7, 1941, in the case of former Japanese citizens or subjects, and before December 8, 1941, in the case of former German or Italian citizens or subjects became and are citizens or subjects of any nation other than Germany, Italy, or Japan.

(b) Austrians or Austrian-Hungarians (Austro-Hungarians) or Koreans who registered as such under the Alien Registration Act of 1940, provided that such persons have not at any time voluntarily become German, Italian, or Japanese citizens or subjects.

But the regulations in this part shall not be construed as defining or limiting the classes of aliens of enemy nationalities subject to apprehension, detention, or internment or the other provisions of the aforesaid Proclamations.*

§ 30.3 *Travel without special permission.* An alien of enemy nationality subject to the regulations in this part is hereby granted general permission to travel as follows:

(a) *Travel within a community.* An alien of enemy nationality may travel or move about within the limits of the municipality, town, village, locality, or urban or rural community in which he resides or in which he has his regular place of business, from place to place and in such manner as will permit him to engage in the activities usual in his community. The limits of such community shall not necessarily be fixed by boundaries of municipalities, counties, States, or judicial districts, but shall include in each case the metropolitan or other community area in which the alien resides or has his regular place of business and shall include all that area generally thought of as constituting a greater city or metropolitan district or an urban or rural community.

(b) *Commuting to business.* An alien of enemy nationality may commute between his home and his regular place of business.

(c) *Travel to places of worship, schools, or Government agencies.* An alien of enemy nationality may travel between his home and his usual place of religious worship, or the school, college, or institution of learning at which he may be in regular attendance, or between his home and any Federal, State, or local government agency with which he may be required by such agency to transact business.

(d) *Foreign travel.* An alien of enemy nationality may complete a trip to or from a place out of the United States, provided however, that such alien complies with all regulations governing such foreign travel.*

§ 30.4 *Occasional travel or trips.* An alien of enemy nationality shall not travel or make trips or move from one locality to another except as herein provided:

(a) The alien of enemy nationality shall file in writing with the United States Attorney of the district of his residence, a statement setting forth the particulars hereinafter enumerated.

(b) Such statement shall be filed, together with at least two copies (and any additional copies required by the United States Attorney) with the United States Attorney at least 7 days prior to the intended departure except that the United States Attorney may, in exceptional cases and in the exercise of his discretion, waive all or any part of such 7 days' notice.

(c) Such statement and copies shall be prepared and filed personally by the alien desiring to make such trip at the office of such United States Attorney or at such place as he shall designate, except that, because of the distance between the place of residence of the alien and the office of the United States Attorney or other good and sufficient reason, the United States Attorney may permit such statement and copies together with a self-addressed stamped envelope to be mailed to him so as to be received at least 7 days prior to the intended commencement of the trip.

(d) Such statement and copies shall be made out upon forms to be prescribed by the Attorney General or in the absence thereof by the United States Attorney and shall contain the following information: (1) The name of the alien of enemy nationality; (2) the home address of the alien of enemy nationality and the telephone number, if any, of such place of residence; (3) the business address, if any, of such alien of enemy nationality and the telephone number, if any, of such place of business; (4) the alien enemy certificate of identification number of such alien of enemy nationality after it is obtained; (5) a detailed statement of the purpose for which the trip is to be made and the persons to be visited; (6) the proposed intermediate and final destinations of the trip; (7) the intended date of departure; (8) the intended date of return; (9) the address or addresses at which the alien of enemy nationality intends to be found while he is away from his permanent address; (10) the route to be followed to and from the point of destination; and (11) the common carrier or other means of transportation which the alien of enemy nationality intends to use.

(e) The United States Attorney shall retain the original of such statements in his files and shall forward copies thereof to the local office of the Federal Bureau of Investigation, and shall inquire of the F.B.I. for any facts indicating that the particular trip proposed by the particular alien of enemy nationality would in any manner endanger the national security.

(f) If, after such inquiry to the F.B.I., and such further investigation as the United States Attorney may see fit to conduct, the United States Attorney at any time within the 7 day period shall know of no reason why the particular trip would endanger the national security, he shall stamp or write an endorsement upon the remaining copy of the said statement that it was duly filed with him and shall deliver or mail to the alien enemy such endorsed copy of the statement.

(g) The alien of enemy nationality shall, at all times while he is so traveling, have with him on his person or in his immediate physical possession the endorsed copy of such statement.

The United States Attorney shall have, however, authority in any case to prohibit any particular trip, or to cancel any permission to travel granted by him if he shall deem it dangerous to the national security.*

§ 30.5 *Frequent travel or regular business travel.* An alien of enemy nationality accustomed to frequent or regular business travel (e. g. traveling salesmen, touring theatrical performers, drivers of trucks and busses and similar cases), instead of seeking permission pursuant to § 30.4 may apply for permission to travel as hereinafter provided:

(a) The alien shall present himself in person to the United States Attorney or to an assistant designated by him, for the district of his residence and shall file in writing an original and at least two copies (and any additional copies required by the United States Attorney) of a statement containing as full detail of all facts concerning himself, his business, and the time he has been engaged therein and his proposed travel, as the United States Attorney shall in the particular case require. This statement shall contain in as great particularity as shall be practicable a description of the travel intended, including the place or places and persons to be visited, dates of the proposed trips, and the route or routes to be followed.

(b) Such permission will not be granted unless the United States Attorney is satisfied that such travel is necessary and does not endanger the public safety and that requiring the alien to seek permission to travel for each trip under § 30.4 would impose an excessive hardship.

(c) In all cases in which the United States Attorney is satisfied that the applications warrant consideration, the United States Attorney shall forward copies of such statement to the F.B.I. and request to be advised whether facts are known indicating that such permission to travel would endanger or be detrimental to the public safety or national security.

(d) In those cases in which, after investigation, the United States Attorney is satisfied that such permission may properly be granted, he shall endorse such permission in writing on a copy of the statement and may note in the alien's certificate of identification that permission has been granted in such manner and form as he shall deem best suited to the particular case, provided that the permission to travel shall in no case be more general or extensive than the necessities of the particular case require.

(e) An alien enemy who has secured such permission to travel may thereafter travel in accordance with the terms of such permission without also having complied with the requirements of § 30.4: *Provided*, That before he makes any particular trip he shall notify the United States Attorney who issued such permission in writing and by mail, of the designation, the route to be followed, the carrier to be employed, and the date of the commencement of the trip. If the intended journey will include intermediate destinations or stop-overs the full particulars as to each trip or part thereof must be included. Such information must be sufficient so that at all times the United States Attorney may know the whereabouts of such alien.*

§ 30.6 *Travel by airplane.* No alien of enemy nationality shall make any flight of any nature in an airplane or other aircraft.*

§ 30.7 *Change of place of abode, employment, or name.* (a) No alien of enemy nationality shall change his place of abode or his place of employment unless he shall have at least 7 days previously filed with the United States Attorney for the district in which he resides a statement in writing containing the full particulars of such change.

(b) Whenever the holder of a Certificate of Identification changes his name under legal authority, residence address, or place of employment, written notices thereof shall immediately be given to (1) the Alien Registration Division of the Immigration and Naturalization Service, and (2) the Federal Bureau of Investigation at the office shown in the holder's Certificate of Identification.*

§ 30.8 *Radio transmitters.* No alien enemy shall use or operate or possess, or have under his custody or control at any time or place any radio transmitter. For this purpose the words "radio transmitter" are to be construed as including any apparatus designed to be used or capable of being used for the sending or transmitting of radio signals, communications or messages of any kind or nature whatsoever.*

§ 30.9 *Short-wave radio receiving sets.* (a) No alien of enemy nationality shall use or operate or possess or have under his custody or control at any time or place any short-wave radio receiving set, except where permission to do so is received as provided in paragraph (d) of this section. For this purpose the words "short-wave radio receiving set" are to be construed as including any apparatus designed to be used or capable of being used for the purpose of receiving signals, messages, or communications of any nature whatsoever, which signals, messages, or communications are transmitted by means of amplitude modulation radio waves of a frequency of 1,750 kilocycles or greater, or of a frequency of 540 kilocycles or less.

(b) A short-wave radio receiving set as defined in paragraph (a) of this section which is also capable of receiving standard-wave radio communications is deemed to be within the class of short-wave radio receiving sets prohibited unless the set is so altered or modified that short-wave radio communications or messages cannot be received by the said set, and further, unless the set is so altered or modified that it is impossible without the addition of more parts and the substantial rebuilding of the set to modify the set so that it will be capable of receiving short-wave radio communications.

(c) It shall be the duty of any alien of enemy nationality to ascertain whether or not any radio in his possession is prohibited; and he shall be held responsible

for knowing whether or not such set is a short-wave radio receiving set.

(d) The several United States Attorneys are hereby authorized to grant permission in writing to any such alien to use, operate, possess or have in his custody or control short-wave radio receiving sets in cases where it appears to the satisfaction of the United States Attorney that the granting of the permission is needful to the applicant's regular and customary mode of earning a livelihood and it does not appear that the granting of permission will in any manner be detrimental to the national security. The alien shall make written application, stating his name, certificate of identification number after it is obtained, residence, business address, the specific equipment or, if that is impracticable the specific classes of equipment, with respect to which he desires to obtain permission, the reason for which such permission is desired, the respect in which the equipment is needed for his earning a livelihood, and the length of time during which he has earned his livelihood in such manner. Where granted, such permission shall be in writing and shall be expressly limited to fit the needs of the particular case and may, in the discretion of the United States Attorney, be further limited and restricted in any manner or respect which he shall deem to be in the interests of national security.*

§ 30.10 *Cameras.* (a) No alien of enemy nationality shall use or operate or possess or have under his custody or control at any time or place any camera except as hereinafter provided.

(b) Fixed cameras which are not readily transportable to the place of deposit designated by the local police authorities and which are customarily regarded as studio cameras and not as hand cameras may temporarily be retained, providing that any alien of enemy nationality having such camera in his possession, custody, or control shall make a written report thereof to the local police authorities. Such cameras, however, shall not be used except pursuant to permission obtained in accordance with the provisions of paragraph (c) of this section.

(c) The several United States Attorneys are hereby authorized to grant permission in writing to an alien of enemy nationality to possess or operate or have under his custody or control a camera, either fixed or otherwise, in cases where it appears to the satisfaction of the United States Attorney that the granting of the permission is needful to the applicant's regular and customary mode of earning a livelihood and it does not appear that the granting of permission will in any manner be detrimental to the national security. The alien shall make written application stating his name, certificate of identification number after it is obtained, residence, business address, the specific equipment, or if that is impracticable, the specific classes of equipment, with respect to which he desires to obtain permission (if telescopic or other special equipment is to be used such facts shall be stated in detail), the reason for which such permission is desired, the respect in which the equipment is needed for his earning a livelihood, and the length of time during which he has earned his livelihood in such manner. Where granted, such permission shall be in writing and shall be expressly limited to fit the needs of the particular case and may, in the discretion of the United States Attorney, be further limited and restricted in any manner or respect which he shall deem to be in the interests of national security.*

§ 30.11 *Firearms and other prohibited articles.* (a) No alien of enemy nationality shall use or operate or possess, or have under his custody or control at any time any firearm except as provided in paragraph (c) of this section.

(b) No alien of enemy nationality shall use or operate or possess, or have under his custody or control at any time or place any article (other than radio equipment, cameras, and firearms herein above provided for), the use, operation, or possession of which article is prohibited by paragraph 5 of the regulations of the Presidential proclamation of December 7 and 8, 1941, as except as provided in paragraph (c) of this section.

(c) The several United States Attorneys are hereby authorized in extraordinary and exceptional cases to grant permission in writing to an alien of enemy nationality to possess or to have under his custody or control firearms or other prohibited articles if the United States Attorney after thorough investigation is satisfied that the granting of such permission will in no manner be detrimental to the national security.*

§ 30.12 *Deposit of prohibited articles.* (a) It shall at all times hereafter remain the duty of every alien of enemy nationality (required by the present or prior regulations to deposit prohibited articles with the police) to deliver immediately to the local police authorities in the community in which he resides or is present all short-wave receiving sets, cameras, firearms, and other articles prohibited by the proclamations of December 7 and 8, 1941, which are at the time of the promulgation of the regulations in this part or at any time thereafter in his possession.

(b) Every alien of enemy nationality who, for any reason, has at any time or shall hereafter have failed to comply with the Presidental proclamations and regulations, shall forthwith submit to the United States Attorney for the district in which he resides or is present, a statement in writing of the facts and the reasons for such failure.*

§ 30.13 *Custody of prohibited articles.* The United States marshal in each district shall, as soon as practicable, receive from the local police authorities in such district, all prohibited articles which have been or shall hereafter be deposited with such police authorities in accordance with the Attorney General's regulations. Each local police authority who has received or who shall hereafter receive the deposit of any such prohibited article shall forthwith notify the United States marshal of his district in writing that he has accepted custody of prohibited articles. Upon receipt of such notification the United States marshal shall make suitable arrangements for the inventory, transportation, and storage of such prohibited articles, and shall deliver to the local police authorities a suitable receipt. The United States marshal shall at all times keep current an inventory of all such prohibited articles in his possession and shall forward a copy of such inventory to the United States Attorney, a copy to the special agent in charge of the field office of the F.B.I. for his district, and a copy to the Alien Enemy Control Unit, Department of Justice.*

§ 30.14 *Release of articles.* The United States Attorney may authorize release of deposited articles as follows:

(a) Articles the deposit of which was not required by the Presidential proclamations and the regulations thereunder.

(b) Radio receiving sets, capable of being modified to be a non-prohibited article if the United States Attorney is satisfied that the modification will be carried out and will in fact render the set a non-prohibited article.

(c) Articles which the United States Attorney has in writing permitted the alien to possess as provided in the regulations in this part.

(d) The United States marshal shall, upon written authority from the United States Attorney for his district, deliver prohibited or deposited articles in his possession to the person who originally deposited the same or to his agent duly designated in writing upon presentation and surrender of the original receipt given upon the deposit of such article.*

§ 30.15 *Prohibited and restricted areas.* Notwithstanding the provisions of § 30.3 the presence and conduct of an alien of enemy nationality are controlled in certain areas as follows:

(a) No alien of enemy nationality shall reside in, enter upon, remain in, or be found within any area designated heretofore or hereafter by the Attorney General of the United States as a prohibited area.

(b) No alien of enemy nationality shall reside in, enter upon, remain in, or be found within any area designated heretofore or hereafter by the Attorney General of the United States as a restricted area except that permits may be issued to such aliens to be in such restricted areas under prescribed conditions.*

§ 30.16 *Violation of regulations.* (a) Any alien of enemy nationality subject to the regulations in this part who fails to comply with these regulations or any other regulations governing the conduct of aliens of enemy nationalities, is subject to apprehension, detention, and internment for the duration of the war.

(b) Any alien of enemy nationality who shall aid, abet, counsel, command, induce, or procure any other alien of enemy nationality to fail to comply with any of the regulations in this part or any other regulations governing the conduct of aliens of enemy nationalities, is subject to apprehension, detention, and internment for the duration of the war.

(c) Any prohibited articles possessed in violation of the aforesaid Proclama-

tions of the President, or of the regulations in this part, are subject to summary seizure and forfeiture.*

Dated: February 5, 1942.

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 42-1137; Filed, February 6, 1942; 3:06 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 130—REGULATIONS RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, PAYMENTS, AND THE EXPORT AND WITHDRAWAL OF COIN, BULLION AND CURRENCY; AND TO REPORTS OF FOREIGN PROPERTY INTERESTS IN THE UNITED STATES—APPENDIX

PUBLIC CIRCULAR NO. 4B[1] UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED AND REGULATIONS ISSUED PURSUANT THERETO FEBRUARY 7, 1942

Instructions for Preparation of Reports of Philippine Property

Instructions relating to reports to be filed on Form TFR-300, Series K, with respect to all property subject to the jurisdiction of the United States on the opening of business on June 1, 1940, and with respect to all property subject to the jurisdiction of the United States on the opening of business on January 1, 1942, in which, on the respective dates, any national of the Philippine Islands had any interest of any nature whatsoever, direct or indirect.

SECTION I—*Introduction*

Reports on Form TFR-300 with respect to all property subject to the jurisdiction of the United States in which any national of the Philippine Islands had any interest are required by paragraph (3) of Public Circular No. 11, issued under Executive Order No. 8389, as amended, and under section 130.4 of the Regulations of April 10, 1940, as amended. Series K of the Form has been provided for these reports. Property located in the Philippine Islands need not be reported.

Section II of this Circular contains general instructions applicable to all persons required to report on Series K. Section III consists of a classification of property, which must be followed strictly in reporting. Detailed instructions for filling out Series K are given in Section IV, and Sections V to X are devoted to additional instructions pertaining to certain particular classes of persons reporting, as outlined in the table of contents. Each of the sections of additional instructions applies solely to reports by the class of persons referred to therein. Section XI deals with exchange rates.

Before attempting to prepare a report, a person required to report should read completely Sections II, III, and IV of this Circular, and if he comes within one of the classes of persons for which additional instructions are provided, he should also read the section devoted to that class of persons.

Copies of Executive Order No. 8389, as amended, the Regulations issued pursuant thereto, this Circular and Public Circular No. 11, and Series K may be obtained from any Federal Reserve Bank, the Governor of any territory or possession of the United States, and the Secretary of the Treasury, Washington, D. C.

SEC. II—*General Instructions*

A. *Property to be reported*—(1) *Basic requirement.* Except as special provision to the contrary appears in this Circular, reports shall be made on Series K of Form TFR-300 with respect to *all property* subject to the jurisdiction of the United States on the opening of business on June 1, 1940, and with respect to *all property* subject to the jurisdiction of the United States on the opening of business on January 1, 1942, in which on the respective dates, or either of them, any national of the Philippine Islands had any interest of any nature whatsoever, direct or indirect. The reports must be made whether or not the property is or has been blocked or subjected to any restriction by or under Executive Order No. 8389, as amended. Section III of this Circular classifies property for purposes of reporting.

(2) *Property in the Philippine Islands.* In accordance with the definition of "United States" in Instruction C (3) below, property located in the Philippine Islands should not be reported with respect to either June 1, 1940, or January 1, 1942.

(3) *Property previously reported.* Reports which are required under this Circular must be made even though some or all of the property involved has already been reported on a series of Form TFR-300 other than Series K. Provision for reference to previous reports is made in Part F of Series K.

B. *Who must make report.* Except as special provision to the contrary appears in this Circular (see particularly Instruction G below), report must be made on Series K by:

(1) Every national of the Philippine Islands in the United States with respect to all property whatsoever subject to the jurisdiction of the United States on June 1, 1940, or January 1, 1942 in which on either or both dates he had any interest of any nature whatsoever, direct or indirect;

(2) Every person in the United States with respect to all property whatsoever held by him or in his custody, control, or possession, directly or indirectly, in trust or otherwise, and all debts or other obligations whatsoever owed by or asserted against him, and all contracts of any nature whatsoever to which he was a party, subject to the jurisdiction of the United States on June 1, 1940, or January 1, 1942, in which on either or both dates any national of the Philippine Islands had any interest of any nature whatsoever, direct or indirect;

(3) Every partnership, trust, association, corporation, or other organization, organized or existing under the laws of the United States or of any state, territory, or district of the United States, or having its principal place of business in the United States, with respect to any shares of its stock, including any right or claim to ownership or control or participation in ownership or control thereof or profits or income derived therefrom, or any equity in any of the foregoing, whether or not expressed by written agreement or evidenced by any instrument, and with respect to all bonds, debentures, notes, or other funded obligations or any equity therein, in any of which any national of the Philippine Islands had on either or both June 1, 1940, and January 1, 1942, any interest of any nature whatsoever, direct or indirect;

(4) Every agent or representative in the United States for any national of the Philippine Islands, having any information with respect to property subject to the jurisdiction of the United States on June 1, 1940, or January 1, 1942, in which on either or both dates the national for which he was agent or representative had any interest of any nature whatsoever, direct or indirect, but such an agent or representative who files a report in behalf of the national under paragraph (1) or reports under paragraph (2) above need not file a duplicate report under this paragraph.

C. *Definitions*—(1) *"Person" and "National"*. The terms "person" and "national" are defined as follows in section 5 of Executive Order No. 8389, as amended:

> C. The term "person" means an individual, partnership, association, corporation, or other organization.
>
> * * * * * *
>
> E. The term "national" shall include,
>
> (i) Any person who has been domiciled in, or a subject, citizen or resident of a foreign country at any time on or since the effective date of this Order,
>
> (ii) Any partnership, association, corporation or other organization, organized under the laws of, or which on or since the effective date of this Order had or has had its principal place of business in such foreign country, or which on or since such effective date was or has been controlled by, or a substantial part of the stock, shares, bonds, debentures, notes, drafts, or other securities or obligations of which, was or has been owned or controlled by, directly or indirectly, such foreign country and/or one or more nationals thereof as herein defined,
>
> (iii) Any person to the extent that such person is, or has been, since such effective date, acting or purporting to act directly or indirectly for the benefit or on behalf of any national of such foreign country, and
>
> (iv) Any other person who there is reasonable cause to believe is a "national" as herein defined.
>
> In any case in which by virtue of the foregoing definition a person is a national of more than one foreign country, such person shall be deemed to be a national of each such foreign country. In any case in which the combined interests of two or more foreign countries designated in this Order and/or nationals thereof are sufficient in the aggregate to constitute, within the meaning of the foregoing, control or 25 per centum or more of the stock,

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[1] Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.

shares, bonds, debentures, notes, drafts, or other securities or obligations of a partnership, association, corporation or other organization, but such control or a substantial part of such stock, shares, bonds, debentures, notes, drafts, or other securities or obligations is not held by any one such foreign country and/or national thereof, such partnership, association, corporation or other organization shall be deemed to be a national of each of such foreign countries. The Secretary of the Treasury shall have full power to determine that any person is or shall be deemed to be a "national" within the meaning of this definition, and the foreign country of which such person is or shall be deemed to be a national. Without limitation of the foregoing, the term "national" shall also include any other person who is determined by the Secretary of the Treasury to be, or to have been, since such effective date, acting or purporting to act directly or indirectly for the benefit of or under the direction of a foreign country designated in this Order or national thereof, as herein defined.

It should be noted that the definition of "national" includes a citizen of the United States who has resided in the Philippine Islands at any time on or since January 1, 1942. However, see the exemptions provided by Instruction G (4).

(2) *"Philippine Islands."* With respect to reports on Series K, the term "Philippine Islands" shall include, but not by way of limitation:

(a) The Commonwealth of the Philippine Islands, and the Government thereof, on January 1, 1942, as well as any political subdivision, agency or instrumentality thereof, or any territory, dependency, possession, or place subject to the jurisdiction thereof;

(b) Any person to the extent that such person is or has been, or to the extent that there is reasonable cause to believe is, or has been, since such effective date, acting or purporting to act, directly or indirectly for the benefit or on behalf of any of the foregoing.

(3) *"United States."* With respect to reports on Series K, the term "United States" means the United States and any place subject to the jurisdiction thereof, except the Philippine Islands.

D. *Doubt concerning necessity of reporting.* No person who is a national of the Philippine Islands and is required to report on Series K is excused from reporting because of any doubt he may have as to his status as a national. A person required to report concerning property of another known to have had an interest in property should regard such other as a national for the purposes hereof, if he has any reasonable cause to believe that such other is or might be a national of the Philippine Islands. Similarly, a report should be made when there is reasonable cause to believe that a known national of the Philippine Islands had an interest in certain property, and also where there is reason to believe that a national had such an interest but the identity of the national is in doubt.

E. *Separation of reports for different nationals.* A separate report shall be made with respect to each national of the Philippine Islands who has any interest in any property to be reported, but all items of property of each such person shall be included in one report. For example, if the person reporting owed debts to five different nationals he will make five separate reports, listing on each report all of his debts to the particular national for whom that report is made. If he owed one debt jointly to five nationals, he will also make five separate reports, entering the whole debt on each. If it is known or there is reasonable cause to believe that a national other than the national in whose name any property is carried has an interest in or adverse claim upon the property, the property must be shown on a report for each such national interested or adverse claimant as well as for the national in whose name it is carried. Any duplication in reporting the same property or debt on several reports, or duplication by reason of several persons reporting the same property or debt, shall not excuse anyone from rendering all reports required of him.

F. *Time and place of filing report*—(1) *Time and place of filing.* Reports must must be executed and filed in quadruplicate on or before February 28, 1942, with the Federal Reserve Bank of the district or the Governor of the territory or possession of the United States in which the person filing the report resides or has a principal place of business or principal office or agency, or if such person has no legal residence or place of business or principal office or agency in a Federal Reserve district or a territory or possession of the United States, then with the Federal Reserve Bank of New York or the Federal Reserve Bank of San Francisco. Persons reporting should retain a copy of each report filed by them.

(2) *Discovery after February 28, 1942, that report is required.* If anyone fails to report concerning property of a person because he has no knowledge, notice, or other reasonable cause to believe that such person is a national of the Philippine Islands, or that such person is interested in certain property, he should file a report, with an explanation, as soon as he acquires knowledge, or receives notice, or has reasonable cause to believe that a report is required.

(3) *Change of circumstances after February 28, 1942.* If under circumstances existing on February 28, 1942, no report is required under any of the provisions of this Circular, with respect to property of a particular person, a report need not be made concerning the property of such person because of a change in his circumstances after that date, unless further provision for report is made pursuant to Executive Order No. 8389, as amended, and the Regulations issued pursuant thereto.

G. *When no report need be filed.* No report need be filed if any one of the following conditions exists:

(1) If the total value of all property of any national which any one person would otherwise be required to report was on both June 1, 1940, and January 1, 1942, less than $1,000: *Provided*, That this exemption shall not apply to the lease of a safe deposit box, to patents, trade-marks, copyrights, and franchises, to interests in partnerships, and profit-sharing agreements, nor to property the value of which cannot readily be determined: *And provided further*, That in arriving at the value of $1,000, no deduction shall be made for offsets, liens, or other deductions from gross value; or

(2) If the national concerning whose property a report would otherwise be required, is entitled to the benefits of General License No. 80, which reads in part,

> A general license is hereby granted licensing as a generally licensed national any individual who is a citizen of the Commonwealth of the Philippine Islands and residing only in the United States or in the generally licensed trade area, as defined in General License No. 53.

(3) If the national concerning whose property a report would otherwise be required is entitled to the benefits of General License No. 81, which reads,

> A general license is hereby granted licensing as generally licensed nationals:
> (a) The New York office of the Philippine National Bank; and
> (b) The offices within the United States and the generally licensed trade area, as defined in General License No. 53, of the Hong Kong and Shanghai Banking Corporation.

(4) If the national concerning whose property a report would otherwise be required is entitled to the benefits of General License No. 82, which reads in part,

> The government of the Commonwealth of the Philippine Islands, the United States High Commissioner to the Philippine Islands, and all officers of the United States Government within the Philippine Islands are hereby licensed as generally licensed nationals; and all persons to the extent that they are acting for and on behalf of the foregoing are hereby licensed as generally licensed nationals.

In addition, no report is required with respect to the property of any citizen of the United States residing in the Philippine Islands as a representative, agent, or employee of the United States Government, or as a member of the military or naval forces of the United States, who is a national of the Philippine Islands only by reason of residence in the Philippine Islands in pursuance of his duties. No report need be made with respect to the property of a citizen of the United States who is a national of the Philippine Islands only by reason of residence in the Philippine Islands as a member of the family of a person covered by the preceding sentence or General License No. 82.

Paragraph (3) of Public Circular No. 11 is hereby revoked so far as it requires reports on Form TFR–300 with

respect to property in which the Philippine Islands had an interest.

No report need be made with respect to the property of a corporation or other organization which is a national solely because of control by or an interest of a person or persons licensed under General License No. 80, General License No. 81, or General License No. 82.

H. *Penalties.* (1) Section 5 (b) of the Act of October 6, 1917 (40 Stat. 415), as amended, applicable hereto provides in part:

• • • Whoever willfully violates any of the provisions of this subdivision or of any license, order, rule or regulation issued thereunder, shall, upon conviction, be fined not more than $10,000, or, if a natural person, may be imprisoned for not more than ten years, or both; and any officer, director, or agent of any corporation who knowingly participates in such violation may be punished by a like fine, imprisonment, or both.

(2) Section 130.4 (c) (1) of the Regulations of April 10, 1940, as amended, issued under Executive Order No. 8389, as amended, provides:

All spaces in the report must be properly filled in. Reports found not to be in proper form, or lacking in essential details, shall not be deemed to have been filed in compliance with the Order.

I. *Information regarding preparation of reports.* Anyone desiring information as to whether or not he is required to make a report on Series K of Form TFR–300 may apply to any Federal Reserve Bank.

SEC. III—*Property Classes*

Before preparing any report read this section in detail. This Circular requires reports on Form TFR–300, Series K, of all property subject to the jurisdiction of the United States, in which any national of the Philippine Islands had any interest on either or both June 1, 1940, and January 1, 1942. In this Section property is classified for purposes of the reports. It is imperative that all property be entered under the correct type on Series K, which requires that the person reporting state whether or not he has reported the value of all property he is called upon to report therein.

Class A—Bullion, currency, and deposits. (1) Bullion, both gold and silver; (2) Currency and coin, United States and foreign; (3) Demand deposits payable in the United States in United States dollars or foreign currency, including any and all demand deposits or accounts maintained with any bank or broker, or others, in the national's own name or jointly with one or more other persons, or on which he has authority to draw, or maintained in some other name for the present or future benefit of the national, or in which the national has an interest, whether or not he has the right to draw thereon; (4) Other deposits payable in the United States in United States dollars or foreign currency, maintained with any bank, broker, or others, including savings accounts, compound interest accounts, accounts represented by certificates of deposit, postal savings accounts, and any and all other accounts, other than demand deposits, maintained in the national's own name or jointly with one or more other persons, or on which he has authority to draw, or maintained in some other name for the present or future benefit of the national, or in which the national has an interest, whether or not he has the right to draw thereon.

Class B—Financial securities. (5) United States Government obligations, including all United States bonds, registered or bearer, notes, bills, certificates of indebtedness, savings stamps, matured coupons, attached or detached, and every other such direct obligation of the United States Government, and all obligations evidenced by financial securities guaranteed as to principal or interest by the United States Government, but not obligations not so guaranteed as to principal or interest; (6) State, municipal, and other local government obligations, including bonds, registered or bearer, matured coupons, attached or detached, notes, certificates of indebtedness, and any other such obligations of any state, territory, district, or possession of the United States, and of any agency or instrumentality or subdivision thereof, and of all municipal corporations, including, without limitation, cities, towns, townships, counties, parishes, irrigation districts school, water, drainage, and tax districts, special authorities, and any other similar obligations and including certificates of deposit with respect to any of the foregoing; (7) Bonds of domestic corporations, including mortgage bonds, registered or bearer, and matured coupons, attached or detached, debentures, notes, income bonds, and any other evidences of funded debt, past due or to become due, and all receiver's or trustee's certificates and similar instruments, and any other obligation evidenced by an instrument, negotiable or otherwise, representing funded corporate debt, executed or issued by or in the name of any corporation organized under the laws of the United States or of any state, territory, district, or possession thereof, including all such obligations of any agency or instrumentality of the United States not guaranteed as to principal or interest by the United States Government and including certificates of deposit with respect to any of the foregoing; (8) Common stocks of domestic corporations, of whatever class, voting or nonvoting, including debenture stock, participating stock, and any other type or kind of stock [other than preferred stock], interests in voting trusts, stock pools, and similar interests, and any trustee's certificates, by whatever name called, representing shares or beneficial interests in any business trust or other type of unincorporated business organization except a partnership; (9) Preferred stocks of domestic corporations, including all stock, voting or nonvoting, issued by any domestic corporation, to which any preference of any kind attaches, over any other issue of stock of that same corporation; (10) Foreign securities held in the United States, including mortgage and other bonds, registered or bearer, and matured coupons, attached or detached, debentures, notes, and any other evidences of funded debt, past due or to become due, negotiable or otherwise, executed or issued either within or without the United States by a foreign government or any subdivision, instrumentality, or agency thereof, whether or not incorporated, or by any corporation or other association or organization, business or otherwise, organized and existing under the laws of any country other than the United States, representing funded debt thereof, and all stock, common or preferred of all types or kinds, and any other instrument by whatever name called, representing shares or beneficial interests in any such corporation, organization, or association and including certificates of deposit with respect to any of the foregoing; (11) Warrants, scrip, rights, and options; other securities, warrants, scrip, rights, options, or other instruments evidencing the right to receive, purchase, or acquire any financial security or interest therein, absolutely or upon contingency, and all other contracts relating to the purchase or sale of financial securities, issued or unissued; and any other financial securities whatsoever or rights therein, commonly dealt in by banks, brokers, and investment houses in the United States or elsewhere.

Class C—Notes and drafts; debts to and claims by national. (12) Checks, drafts, acceptances, and notes, including all checks, cashier's or official bank checks, sight drafts, time drafts, banker's acceptances, trade acceptances, promissory notes, and any and all other notes, drafts, or bills of exchange, and payment orders and remittances; (13) Letters of credit, including all similar instruments or agreements, wherein the obligation of any bank thereunder arises directly or indirectly at the request of, or for the account of, a national or extends to any national named in the letter of credit, or otherwise known, who has any rights, contingent or absolute, to receive any payments in any amount pursuant to the terms of the letter of credit or in reimbursement for any unused portion thereof; (14) Debts, claims, demands, and contracts, including book accounts, accounts receivable, judgments, awards; indebtedness and claims arising under contracts, policies of insurance, and surety and indemnity bonds; draw-backs, rebates, and refunds; and including all other debts, claims, and demands due or past due for the payment of money whether or not secured in any manner whatsoever [other than any represented by an in-

strument evidencing funded debt, or classified under some other type, due or claimed to be due to a national from any person or corporation residing or doing business in the United States or subject to the jurisdiction thereof, except where the debt was payable only on special demand and the place where due demand therefor could be made is not within the United States; and money and all contracts and rights under contracts, not otherwise classified, to which a national was a party or in which a national had any interest whatever, present or future, vested or contingent, executory or partly executed, liquidated or unliquidated, regardless of the nature of the contract or the nature and extent of the national's interest therein.

Class D—Miscellaneous personal property; personal property liens. (15) Warehouse receipts, bills of lading, and any and all other instruments, negotiable or otherwise, representing claims to or on personal property; (16) Options and futures in commodities, traded on any commodity exchange, including any interest in, or present or future claims to, any commodities or the proceeds of the sale of any commodities; (17) Goods and merchandise for business use, except jewelry, etc., including stocks of raw materials, agricultural products, goods in process, finished goods in stock or on consignment, goods on vessels or otherwise in transit, other than jewelry, precious stones, and precious metals; (18) Jewelry, precious stones, and precious metals, other than bullion, whether held for personal use, or as stock in trade, or for other commercial purposes; (19) Machinery, equipment, and livestock, for business use, all machinery or equipment on hand, stored, or in use, automobiles [business], trucks, automotive or otherwise, and other vehicles, office equipment and furnishings, and whatever else of like or similar type, customarily classified as machinery and equipment, vessels of any type and tonnage, charter parties, and all other interests represented by instrument or otherwise in the ownership, rights to possession, use, or control of any vessel [other than maritime or other liens thereon]; farm machinery and equipment, livestock; and all other tangible personal property used in the operation of any business or occupation; (20) Objects of art and furnishings for personal use, including all art objects, coin and stamp collections, household furniture and furnishings, automobiles [personal], and all other tangible personal property not used for commercial purposes; (21) Liens on and claims to personal property, not otherwise classified, including trust receipts, bills of sale, contracts for conditional sale or resale, lease-sale arrangements, repurchase agreements, chattel mortgages, pledges; maritime, cattle, timber, and crop liens; and all other instruments not otherwise classified evidencing any lien on, or claim to, personal property, and all other liens on or claims to personal property, not represented by any instrument by whatever name called, arising by agreement or by operation of law.

Class E—Real property; mortgages; other rights to land. (22) Lands and buildings for personal use, including only property used exclusively as a dwelling by the national and his family and not more than one other family; (23) Lands and buildings other than for personal use, including all property used as a dwelling other than that classified under type 22 preceding, all lands and the buildings, structures, and other improvements thereon used for commercial, manufacturing, mercantile, agricultural, and other business purposes, and interests therein; ground rents, leaseholds, together with rents, accrued or to accrue, tax warrants, easements, mineral rights, oil rights, timber, and other rights in or to land or the products thereof or a share therein, royalties, and any other rights in the lands of another; (24) Mortgages on real property; other rights to land, mortgage bonds, mortgage notes [other than corporate mortgage bonds or notes represented by financial securities], mortgage participation certificates, guaranteed or otherwise, deeds of trust, and any other bond, note, or other instrument secured by a lien on any real property or interest therein; contracts for the purchase and sale of real property, whether or not partially executed, options, and any and all other rights or interests in or liens, vested or contingent, upon real property or upon an interest in real property.

Class F—Patents, trade-marks, and copyrights; franchises. (25) Patents, trade-marks, copyrights, and inventions, including patents, trade-marks, registered or unregistered, copyrights, inventions, and secret processes, or any present, future, or contingent interest therein, and agreements pertaining thereto; all rights incidental to the ownership of patents, trade-marks, or copyrights, including applications therefor and licenses, by definition or otherwise, immunities, and assignments, relating thereto, and any other contracts affecting or involving the foregoing, such as, but not by way of limitation, the right to receive royalties, including any royalties due and unpaid, royalties paid in advance, reciprocal licensing arrangements and contracts by which any information in the nature of technical data, know-how, or otherwise, is transmitted or exchanged, or any right therein by which any license or privilege is granted or may be exercised, to examine the operations of any plant, factory, or other productive unit, to examine or supervise the books thereof, to inspect any finished product, or to have the right of visitation or any other such right incidental to or separate from the right to receive royalties or other compensation; (26) Franchises, concessions, licenses, and permits, by any of which any special right or privilege may be exercised affecting the commencement, continuation, or conduct of a business, or as an incident thereto.

Class G—Estates and trusts. (27) Interests in estates and trusts, each and every right or interest, present or future, absolute or contingent, in or to any of the property or estate of a deceased person, which may belong to the national or in which he has an interest, whether the same exists by reason of the provisions or a last will and testament or by operation of law in case of the intestacy of the deceased, and all other rights or interests, present or future, absolute, revocable or contingent, belonging to the national or in which he has an interest, in or to any property or fund held or controlled by a trustee or other fiduciary by whatever name described.

Class H—Partnership and profit-sharing agreements. (28) Interests under partnership and profit-sharing agreements, all partnership agreements, general, special, limited, or other type, agreements for joint adventures; profit-pooling and profit-sharing agreements and any and all other rights to receive, or share in, profits of partnerships, business trusts, or other nonincorporated business organizations [not represented by a financial security], whether or not the rights granted under such agreement are security for a debt due, or as a manner or method of liquidating such debt or otherwise.

Class I—Insurance policies; annuities. (29) Surrender value of insurance policies; present value of annuities, of all types, including pensions and endowments and pension and endowment contracts, determined in accordance with standard actuarial practice.

Class J—Other property. (30) Other property, not classifiable under types 1 to 29, including any and all other property, real, personal, or mixed, tangible or intangible, or interest or interests therein, present, future, or contingent; debts due or to become due, claims, demands, actions, causes or things in action, or interest therein, not specified, mentioned, or referred to in any of the foregoing property classes designated "Class A" to "Class I," inclusive.

SEC. IV—*Detailed Instructions for Filling Out Form*

1. *Purpose of form.* Series K is to be used to report property of nationals of the Philippine Islands as required under Public Circular No. 11 and this Circular. See particularly Instructions A, B, and C in Section II.

2. *Instructions applicable to entire Series*—(a) *Reading Circular.* If you have not already read carefully Sections I, II, and III of this Circular, do so before reading this Section. Persons coming within one of the classes of persons for whom additional instructions have been provided in Sections V to X of this Circular should also read the appropriate Section before attempting to prepare the reports.

(b) *Answers required.* Each question on the Series must be answered and all the specific information called for must be given. When there is nothing to report under any question or if information is lacking, state "No," "None," or "Unknown," as the case may be, with an explanation if required, except that in Part C spaces not needed for reporting should be left blank. No person is excused from furnishing any information he reasonably should have.

(c) *Number of copies required.* File each report in quadruplicate. You should retain, for yourself, an additional copy of each report.

3. *Nationality.* Enter in this space the name of each country, other than the Philippine Islands, of which the person whose property is being reported is a national, as defined in Section 5E of Executive Order No. 8389, as amended. If the person is a national of any foreign country in addition to being a national of the Philippine Islands, or if he is a national of the Philippine Islands by reason of any fact other than having been a citizen thereof, the facts determining the person's nationality must be stated in Part E. For example, Part E must be filled out in reporting the property of an American citizen resident in the Philippine Islands on or after January 1, 1942. In answering Part E, state all the facts concerning the nationality of the person whose property is reported, including those relating to his status as a national of the Philippine Islands.

4. *Part A*—(a) *Name.* If the national is an individual doing business under a trade name, give that name in addition to his actual name.

(b) *Type of organization.* With respect to individuals not engaged in business, insert a dash (—). Concerning other persons, indicate the legal nature of their organization, *e. g.*, individual proprietorship, partnership, corporation, business trust, etc.

(c) *Citizenship.* If the national is not an individual, enter the name of the country, state, district, territory, or possession under the laws of which it is incorporated, or if unincorporated, in which it has its principal place of business. When the national is a subject or citizen of more than one country state the name of each country, including the United States when that is one of the countries.

5. *Part B*—(a) *National reporting his own property.* A national reporting his own property should sign his name in this Part, exactly as he signs the affidavit of the report, and should insert the number 1 in the box in the upper right-hand corner of the Part. No other entry should be made. A national reporting his own property and also reporting property of another national or nationals should execute one affidavit for his own report and another affidavit for the reports of property of others. The reports for the other nationals should be prepared and numbered in accordance with sub-instructions (b) and (c) below and the first such report should be numbered 2.

(b) *Persons reporting property of others.* A person reporting the property of another should state in Part B, as indicated in the margin thereof, (a) its name, (b) its address, (c) its business, (d) the state or country of which it is a citizen or under the laws of which it is incorporated or, if unincorporated, in which it has its principal place of business, (e) if the person reporting is a national as defined in Section 5E of Executive Order No. 8389, as amended, the name of each country of which it is a national, and (f) its relationship to the national whose property is being reported, *e. g.*, as agent, trustee, nominee, custodian, debtor, banker, broker, etc. The statements must be *precisely* the same as the corresponding entries at the top of the affidavit under the caption "Name of person making report." The information may be given by any method producing a readily legible impression, including a rubber stamp.

(c) *Box for number.* Each report made on Series K by any one person is to be numbered consecutively in the box in the upper right-hand corner of Part B, beginning with the number 1, and the numbers so assigned are to be stated in the space provided in the affidavit of the report form. Nationals reporting for themselves must observe sub-instruction (a), above.

6. *Part C—Schedule I*—(a) *General.* This Schedule requires the valuation of all the property of the national within each property type contained in the classification set out in Section III of this Circular, which must be followed strictly, but property not falling under any of the other types of the classification must be reported under type 30. No property shall be reported under type 30 if it constitutes property reportable as any other type.

(b) *Valuation.* Enter in Column (a) the total value of the items of each type of property held on January 1, 1942, at the market price at the close of business on December 31, 1941, or, if such price is not available, at the estimated value on January 1, 1942. In estimating value, the last sale price or bid, if reasonably close to January 1, may be used as a basis. Enter in Column (b) the total value of the items of each type of property reported as being held on June 1, 1940. The January 1, 1942, unit value shall be used in both Column (a) and Column (b). In other words, if the same number of units of a particular kind of property was held on both June 1, 1940, and January 1, 1942, enter the same amount in Column (b) as in Column (a). If the number of units of a kind of property held on June 1, 1940, was different from the number held on January 1, 1942, use the same per unit value with respect to Column (b) as is used regarding Column (a), but apply the unit value to the number of units actually held on June 1, 1940. In any case where property was held only on June 1, 1940, none of it being held on January 1, 1942, the value should still be reported on the basis of the unit value on January 1, 1942, unless such value is not determinable, in which event the value of the property on June 1, 1940, should be entered in Column (b). When the June 1, 1940, value is used, an appropriate notation should be made.

All amounts reported should be given in dollars, to the nearest dollar. Do not enter fractions of a dollar on the report. However, in determining the value of a property item consisting of more than one unit, fractions of a dollar in the unit value should not be disregarded. For example, if ten shares of a particular stock are to be reported and the value of each share was $116⅜, so that the exact total value was $1,163.75, you should enter $1,164 on the report.

(c) *Value expressed in foreign currency.* Property, the value of which was expressed in a foreign currency, or which was to be paid or liquidated in a foreign currency, shall be valued at the dollar value if dollar market value existed for such property itself; if not, the foreign currency value thereof shall be converted into dollars, in accordance with the instructions relating to exchange rates given in Section XI of this Circular.

(d) *Property of indeterminable value.* In reporting property of indeterminable value, enter "Indeterminable" under the appropriate property type in Schedule I and describe the property in Schedule III, as required by Instruction 8, below. When property of determinable value and property of indeterminable value are to be reported under one property type in Schedule I, the determinable amount should be entered under the property type without indication of the property having indeterminable value, but descriptions of the items should be given in Schedule III in accordance with Instruction 8.

(e) *Inventories.* If in the regular course of its business, a national engaged in business prepared inventories of merchandise, and machinery and equipment, or either, between July 1, 1941, and January 1, 1942, and between December 31, 1939, and July 1, 1940, or during either of the foregoing periods, and if the information required to be furnished in Schedule I is not available from other existing records of the national, such inventories prepared nearest to the respective reporting dates and the values indicated thereon may be used in filling out Schedule I, with appropriate notation of such use, including the dates of the inventories.

(f) *Orders for goods.* Orders for goods and contracts for the sale of goods, including long term merchandise contracts, need not be reported.

(g) *Goods in transit.* Report is not required with respect to goods in transit, but all goods held or stored by or for a national, including goods stored by carriers, must be reported.

(h) *Agency, distributor's, and employment contracts.* Agency, distributor's, and employment contracts need not be reported, but report must be made of compensation due under such a contract.

7. *Part C—Schedule II.* This Schedule requires a statement of the indebtedness of the national payable to persons in the United States, within each indebtedness type as classified and described in the Schedule. State under each type only the total amount of indebtedness of that type being reported. Nationals reporting for themselves should enter all their indebtedness of each type. Persons reporting concerning nationals should enter only the indebtedness owed by the national to them. All amounts should be given in dollars, to the nearest dollar. Do not enter fractions of a dollar. Indebtedness payable in foreign currency should be converted into dollars in accordance with the in-

structions relating to exchange rates given in Section XI of this Circular.

8. *Part C—Schedule III*—(a) *Property items to be listed.* List in this Schedule, in the order in which the property types are given in Schedule I of this Part, each item of property of the value of $1,000 or more either on June 1, 1940, or on January 1, 1942, or both, concerning which report is being made. Property items included in Class F, *i. e.*, patents, trademarks, copyrights, and franchises, and in Class H, *i. e.*, partnership and profit-sharing agreements, shall be listed even though valued at less than $1,000. However, no reference whatever should be made to any invention with respect to which a secrecy order has been issued by the Commissioner of Patents pursuant to the Act of October 6, 1917 (40 Stat. 394), as amended. Also list all items of property, the value of which is not readily determinable. Except as provided in this paragraph, property items of a value less than $1,000 should not be listed in this Schedule, although the value of each must be included in the total value of property of the appropriate type in Schedule I.

(b) *Definition of property item.* A property item is any unit of property commonly bought, sold, assigned, released, or alienated, except that the total of wholly similar units of the same kind is regarded as one item, such as a number of certificates each for shares of stock of the same issue, or a number of bonds of the same issue, or several head of cattle. The total number of units of such property shall be stated, but in other respects the property may be treated entirely as one item. Several bank accounts with the same institution, or several debts payable by the same debtor, shall be itemized separately in this Schedule if the aggregate amount thereof exceeds $1,000, even though each individual item is less than $1,000.

(c) *Method of listing.* Enter in Column (a) the number of the property type in which the item is included. Enter in Column (b) a short description or identification of the property item. In case of property, such as a patent, commonly referred to by number or other similar designation, state briefly the object or nature of the property in addition to the number or other designation. With regard to property other than debts and claims, enter in Column (c) the name and address of the person with whom the property was deposited or by whom it was held, and give the number or other designation of any safe deposit box or similar receptacle in which the property was kept. Respecting debts owed to and claims made by the national, state the name and address of the debtor and disregard the location of the evidence of indebtedness. If the property was held by or owed by the person reporting, it will suffice to state "Person reporting" in place of the name and address. Enter in Columns (d) and (e) the value of each property item on January 1, 1942, and June 1, 1940, as determined in accordance with the provisions for valuation contained in Instruction 6, above.

(d) *Continuation sheets.* Continuation sheets identical in form with Schedule III are provided for the use of persons reporting who find the space in Schedule III insufficient.

9. *Part C—Schedule IV.* Report in this Schedule any safe deposit box, or other similar receptacle for the safe keeping of property, (i) which was maintained in the national's own name or jointly with others, or in which property belonging to the national was kept, whether or not he had access thereto; and (b) to which he had access as deputy, attorney, or otherwise. When report is being made by the lessor or grantor, it will suffice to state "Person reporting" in the space provided for the name and address of the lessor or grantor. If the property kept in the safe deposit box is known to the person reporting, he must enter it in Schedules I and III of Part C, as appropriate, in addition to filling in this Schedule. Safe deposit boxes themselves should not be reported elsewhere than in Schedule IV.

10. *Part D.* All the information called for in the questions under this part must be given as of both June 1, 1940, and January 1, 1942, for each of the property items listed in Part C, Schedule III and each of the safe deposit boxes reported in Schedule IV. If a property item or safe deposit box was held on only one date, give the information as of that date. In the answers each item of property shall be designated by the number of its type and by its description in Part C, Schedule III. Safe deposit boxes shall be identified by the number or other designation given in Schedule IV.

With respect to safe deposit boxes the phrase "any interest" in Question 1 of Part D shall include rights or privileges of persons other than the national to enter a box as deputy, attorney, or otherwise, or any other rights of a person other than the national with respect to the box or its contents.

11. *Part F.* The requirements of this Part do not extend to cases in which the interest of the national of the Philippine Islands in the property reported on another series arose after the date or dates for which the property was reported on that series. If a previous report was filed with the Governor or High Commissioner of a territory or possession of the United States, enter the name of the territory or possession in the column headed "Federal Reserve Bank with which report filed."

12. *Affidavit*—(a) *Necessity of execution.* The affidavit must be signed and sworn (affirmed) to before an officer authorized to administer oaths, whose seal must be affixed. Reports will not be accepted unless the affidavit is properly executed in every particular.

(b) *Number of affidavits.* Except as provided in Instruction 5 (a) above, only one affidavit is required to cover all reports made by any one person on Series K. The affidavit should be filed in quadruplicate. Only one copy need be attested, but the other copies must be fully conformed except as to the notarial seal.

(c) *Name of person making report.* With respect to a national reporting for himself, the information given in this section of the affidavit must be exactly the same as the corresponding information in Part A of the report. In case of other persons reporting, the information must be exactly the same as the corresponding information in Part B of each report.

(d) *Body of affidavit.* A person reporting shall state in the spaces provided in the body of the affidavit the consecutive numbers assigned to his reports in accordance with Instruction 5 (c) above.

(e) *Who shall execute.* Affidavits in behalf of partnerships shall be executed by a partner. Affidavits in behalf of any other organization shall be executed by the president, vice-president, secretary or some other principal officer authorized to make the report on behalf of the organization. In case of a national reporting his own property, the signature must correspond exactly with that appearing in Part B of the report, in accordance with Instruction 5 (a) above.

SEC. V—*Additional Instructions for Banks*

1. *Definition of "bank".* For the purposes of this Section only the term "bank" shall mean any branch or office within the United States of any national banking association, bank, private banker, trust company, or savings bank, organized under the banking laws of the United States, or of any state, territory, district, or possession thereof, or authorized under such laws to conduct the business of banking subject to supervision and examination pursuant to such laws.

2. *Part C—Schedule I*—(a) *Property not required to be reported for June 1, 1940.* Letters of credit, certified checks, drafts, acceptances, and collection items need not be reported by banks for June 1, 1940. However, all of these kinds of property must be reported for January 1, 1942.

(b) *Detailed instructions regarding certain kinds of property*— (i) *Deposits—Property types 3 and 4.* Under each type give the total balance of the national's credit accounts of that type. The amount of items received for collection for the account of the national and credited to his account, whether provisionally or finally, should be included under these types. Include also sight or cash items in process of collection for deposit, but the amount of any other kinds of items received for collection and not credited should be reported under the appropriate property type.

(ii) *Cashier's and certified checks, and bank acceptances—Property type 12.* Under this type give the total amount of all cashier's, or other official bank checks, all certified checks, and the total amount of all drafts accepted by the reporting bank drawn by or payable to the national, which were outstanding as of January 1, 1942. Include cashier's or other official bank checks of the reporting bank purchased by the national and, when appropriate records are available, such checks issued to his order. As to certified checks include checks on the national's account, and, when appropriate records are available, checks payable to the order of the national from an account with the reporting bank, certified by the reporting bank. With regard to drafts include those drawn and accepted under or pursuant to the terms of any letter of credit.

(iii) *Letters of credit—Property type 13.* Under this type give the total unexpended or unused and then available amount of all letters of credit, whether or not prepaid, including travelers' checks, outstanding on January 1, 1942, under which the national had any rights, contingent or absolute, to receive any payments in any amount pursuant to the terms of the letter of credit or in reimbursement for any unused portion thereof. In determining the unexpended or unused available amount of a letter of credit deduct from the face amount thereof or from the upper limit of credit, if greater than the face amount thereof, the amount of any drafts drawn and accepted thereunder, whether or not paid. No deduction or other adjustment should be made for any cash or other collateral or for any contingent liability under the letter of credit on the part of the person at whose request the credit was opened. Cash collateral should be reported under deposits. Other collateral should be reported under the respective property types.

(iv) *Collection items.* All collection items other than those required by paragraph (i) above to be included in deposits should be reported under the property type within which the items fall in the classification set out in Section III of this Circular. Proceeds of collection should in all cases be reported as a deposit. The bank within the United States initially receiving an item for collection must report the item; its subagents need not report.

(v) *Financal securities held in custody—Property Class B.* If the financial securities held in custody or as collateral on June 1, 1940, cannot be ascertained with reasonable facility from the records of the bank, the securities, but not the values thereof, shown in the latest statemen, audit, or reconcilement, if any, of the account made between December 31, 1939, and June 1, 1940, may be used in the Schedule. If values given in Column (b) of the Schedule are based on a statement, audit, or reconcilement of a date other than June 1, 1940, so indicate and state the date thereof at the end of the first page of the report. "Custody" shall include customer's securities accounts, security depot or deposit accounts, safekeeping accounts, safe deposit boxes to which the bank has access and the contents of which are known to the bank, and any other form of custody in which a bank holds securities as agent, either alone or jointly with others.

3. *Part C—Schedule III*—(a) *Deposits.* In describing deposits under Column (b), state in addition to any other pertinent information the name of the account and the account number. Attention is directed to the requirement of Instruction 8 (b) in Section IV that several bank accounts with the same institution shall be itemized separately, even though each individual item is less than $1,000.

(b) *Cashier's and certified checks, and bank acceptances.* In describing cashier's and certified checks under Column (b), state in addition to any other pertinent information the name and nationality of the payee. The description of a bank acceptance should include the date of the acceptance, in addition to the information necessary to identification of the item.

(c) *Letters of credit.* In describing letters of credit under Column (b) state in addition to any other pertinent information (i) the type of the letter of credit, as for example whether "confirmed" or "unconfirmed", revocable or irrevocable, or revolving (cumulative or noncumulative), (ii) the terms of payment, as for example "at sight" or "acceptance, thirty, sixty, and ninety days", (iii) the person who could draw under the letter of credit, (iv) the person at whose request the letter of credit was opened (*i. e.*, the settler, purchaser, etc.), and (v) any other relevant terms or conditions of the letter of credit. The information should be given in the order specified.

If the national was liable to the reporting bank for any drafts which thereafter might be drawn by the national and accepted under the unused portion of a letter of credit reported as property of the national, enter as part of the description in Column (b) the words "Contingent liability of national under letter of credit" followed by the excess of the total unused balance of the letter of credit over the total unused prepayment, if any, for the letter of credit. Liability of the national for acceptances actually outstanding and for the unused portion of letters of credit which are not required to be reported as property of the national should be entered under Schedule II.

(d) *Financial securities held in custody.* If financial securities appearing in any statement, audit, or reconcilement relied on under Schedule I are listed in this Schedule appropriate indication must be made.

SEC. VI—*Additional Instructions for Brokers*

1. *Part C—Schedule I*—(a) *Use of statement, audit, or reconcilement.* If the securities or other property held for a customer on June 1, 1940, cannot be ascertained from the records of the broker, the property, but not the values thereof, shown in the latest statement, audit, or reconcilement, if any, of the account made between December 31, 1939, and June 1, 1940, may be used in this Schedule. In case of inactive accounts, audited not more often than once in six months, the statement, audit, or reconcilement nearest to June 1, 1940, made between December 31, 1939, and July 1, 1940, may be used. If values given in Column (b) of the Schedule are based on a statement, audit, or reconcilement of a date other than June 1, 1940, so indicate, and state the date thereof at the end of the first page of the form.

(b) *Debit balances.* No deduction shall be made for debit balances or other offsets or claims by the broker reporting, that is, if the national had two accounts with the broker, one of which showed a credit balance and the other a debit balance, the full amount of the credit balance must be entered. Debit balances should be entered in Schedule II of this Part.

2. *Part C—Schedule II.* Enter in Column (a) the total amount of indebtedness in dollars as of January 1, 1942, and in Column (b) the total amount in dollars as of June 1, 1940. Unrealized losses on puts, calls, and similar contracts on which the national is obligated, as well as unrealized losses on unissued securities, should be entered in this Schedule, with appropriate notation at the end of the Schedule. Indebtedness need not be itemized.

3. *Part C—Schedule III.* If property items appearing in any statement, audit, or reconciement relied on under Schedule I are listed in this Schedule, appropriate indication must be made.

SEC. VII—*Additional Instructions to Exporters and Importers*

1. *Part C—Schedule I.* The attention of exporters and importers is particularly directed to sub-instructions (f), (g), and (h), in Instruction 6 of this Circular, providing that report need not be made with respect to orders for goods, goods in transit, and agency, distributor's and employment contracts, respectively. In addition, exporters and importers need not make any report with respect to letters of credit, except that exporters and importers who are nationals of the Philippine Islands must report their own interests in letters of credit.

SEC. VIII—*Additional Instructions for Insurance Companies*

1. *Definitions*—(a) *"Insurance policy."* "Insurance policy" shall include when appropriate, but not by way of limitation, fidelity and surety bonds and contracts of reinsurance.

(b) *"Ascertained value."* "Ascertained value" shall mean the value at a given date to the beneficiary of a paid-up or partly paid-up contract, such as an annuity contract, to make a payment or payments in the future, computed in accordance with standard actuarial practice.

2. *Part C—Schedule I*—(a) *Insurance policies.* Report under property type 29 insurance policies with a cash surrender or paid-up value upon which the national had any right whatsoever to realize or draw. The interest in an unmatured policy of a beneficiary who had no right to draw upon cash surrender or paid-up value prior to maturity should not be reported. Do not include policies of insurance, such as fire insurance, having no immediate value other than an unearned or return premium. Give the values without deduction for loans or advances under or against the policy, which should be entered in Part C, Schedule II, with an appropriate notation at the end of the Schedule.

(b) *Annuity contracts.* Also report under property type 29 annuity contracts, pensions, and other similar contracts and

arrangements with an ascertained value, as defined in Instruction 1 (b), in which the national had an interest. Such contracts should be reported whether or not payment under them had begun on either June 1, 1940, or January 1, 1942. Give the values without deduction for loans or advances under or against the contract, which should be entered in Part C, Schedule II, with appropriate notation at the end of the Schedule.

(c) *Claims and indebtedness arising under insurance policies.* Report in property type 14 claims and indebtedness arising under insurance policies in which the national had any interest. Report must be made whether or not the claim or indebtedness is admitted. Include claims and indebtedness resulting from an election by the insured to take cash surrender value and the like and those representing proceeds of a policy left with an insurer and the like, as well as claims and indebtedness arising because of the occurrence of a contingency covered by a policy. Do not include annuities in any way, except annuity installments actually accrued but unpaid. State the amount of claims and indebtedness without deduction for loans or offsets due or claimed to be due to the insurance company. Such loans or offsets should be listed in Part C, Schedule II with appropriate notation at the end of the Schedule.

SEC. IX—*Additional Instructions for Organizations Issuing Securities*

1. *Scope of Section.* This Section relates to reports required by paragraph (3) under Instruction B of Section II of this Circular to be made by organizations issuing financial securities as defined in Property Class B. Bearer securities must be reported when the organization reporting has any reason to believe that a national had an interest in them, as through a mailing address for dividends or for remittance of interest. The section does not apply to reports of the interest of partners under a partnership contract or of obligations of other business enterprises which do not constitute financial securities.

2. *Separation of reports.* An organization making a report of securities as required by this Section shall not include any other property, except dividends and interest as provided under Instruction 4 (c), below. If an organization which has issued securities to a national holds other property for him, it must file two reports. However, all securities issued by the organization in which a particular national has an interest should be included in one report even though of different kinds, issues, or series.

3. *Part B.* A person reporting pursuant to this Section must enter under the caption "relationship" the words "Organization issuing securities."

4. *Part C—Schedule I*—(a) *Valuation.* If the value of a security cannot fairly be ascertained by the method provided in Instruction 6 (b), under Section IV of this Circular, use the book value. When the book value on January 1, 1942 cannot be readily ascertained from the records of the organization reporting, the value shown in a statement, audit, or report made between July 1, 1941, and January 1, 1942, may be used, but when no such statement, audit, or report is available the book value on January 1, 1942, must be used. Indicate the method of valuation if the value other than market value at the close of business on December 31, 1941, is used.

(b) *Record date.* If desired, the organization reporting may give the security holdings of nationals, but not the valuation of those holdings, as of the nearest date before June 1, 1940, on which a record was established of the holders of securities of a particular issue, provided, however, that such date shall not be prior to December 31, 1939. In such a case the record date with respect to each issue which is reported for the national should be stated clearly at the end of page one of the report.

(c) *Dividends and interest.* When stock or a similar security is reported, enter in property type 14 any amount due and owing to the national by reason of any dividend declared to stockholders of record on or prior to either June 1, 1940 (or alternative date), or January 1, 1942. Do not include a dividend for which a check had been mailed in the regular course of business unless the check had been returned undelivered, in which event the dividend must be included. When funded debt or a similar obligation is reported, enter the amount of interest due and payable, unless the security was in default.

5. *Part C—Schedule III*—(a) *Description of issue.* In Column (b) describe each issue of securities of which the national had a holding, stating (i) the type of securities, *i. e.*, bonds, notes, common stock, preferred stock, etc., and (ii) the full title of the issue. If the national had an interest in securities of more than one issue, the holdings of that issue should be described immediately after the general description required for the issue, so that all the holdings of any one issue follow immediately after the description of that issue without any intermingling of holdings of other issues.

(b) *Description of each holding.* In describing particular holdings of securities state in Column (b) the exact name in which the securities were held and the number of shares, or face value of bonds, as the case may be. When any of the holdings are shown as of a record date other than June 1, 1940, the date should be stated in the description.

(c) *Column* (c). An organization issuing securities may insert the word "Issuer" in this column.

SEC. X—*Additional Instructions for Trustees and Other Representatives of Estates and Trusts and for Members of Partnerships*

1. *General requirements for report*—(a) *Report of property of estate or trust.* Trustees or other representatives of estates and trusts which are nationals of the Philippine Islands must report the trust property on Series K. In any event, the trustees or other representatives of trusts or estates in which an existing national, or nationals, of the Philippine Islands, as beneficiary had any interest, vested or contingent, obliged to be reported, including interests in income, shall report the property of the trust on Series K, when the total national interests on either or both June 1, 1940, and January 1, 1942, exceeded 25 percent of comparable interests in the trust. The report for the trust should contain on a suitable attached sheet a brief but definite description of the rights of all existing beneficiaries who are nationals of the Philippine Islands.

(b) *Report of beneficiary's interest.* A trustee or other representative of an estate or trust shall report any reportable interest of a beneficiary under a trust, with a clear reference to the report, if any, required for the trust. Except in the case of specific devises, legacies, or bequests, the beneficiary's interest should be reported under property type 27 only. A description of the rights of the beneficiary, similar to that required on reports for trusts, should in any case be given on the report for the beneficiary. None of the assets of the trust should be entered on the report for the beneficiary but the total amount of such assets should be given with the description of the beneficiary's rights. If more than one national was a beneficiary, a separate report must be made for each.

(c) *Business trusts.* Trustees of business trusts in which the interests of beneficiaries are represented by financial securities should report the property of the trust if the trust itself is a national, and should file separate reports with respect to the interests of each national beneficiary in accordance with the instructions to organizations issuing securities given in Section IX of this Circular. The preceding sub-instructions do not apply to such business trusts.

(d) *Partnerships.* Principles analogous to the requirements of sub-instructions (a) and (b), above, should be applied by members of partnerships with respect to partnership property and the interests of the members.

2. *Part A.* In reporting the property of a trust or estate the trustee or other representative may enter his own name followed by an appropriate phrase, *e. g.*, "as trustee under the will of X."

3. *Nationality.* Reports for estates and trusts, other than business trusts in which the interests of the beneficiaries were represented by financial securities, shall state the country or countries of which the trust itself is a national, and in any case shall state the country or countries of which each beneficiary of the trust is a national. Similar statement shall be made for partnerships. All entries made under the caption must be explained in Part E. If the only entries required are the countries of which the beneficiaries or partners, as the case may be, are nationals, it will suffice to state that fact in Part E without further explanation.

4. *Affidavit.* A trustee or other representative of a trust or estate need execute only one affidavit with respect to all reports relating to the trust, including reports of the interests of beneficiaries, but if he was trustee of more than one trust, a separate affidavit must be executed with respect to the reports relating to each trust.

SEC. XI—*Table of Exchange Rates*

Where the value of property is expressed in terms of foreign currency, such values should be converted into dollars at the rates of exchange set forth below. Where no rate is given for a country, the latest rate next before January 1, 1942, as generally quoted by foreign exchange dealers or other recognized sources of information shall be used. Such rate should be clearly stated in the report. The exchange rates given in this table are for use only in preparing reports on Form TFR–300, Series K, and are not intended to be used or relied upon in any other connection or for any other purpose whatsoever.

Country	Monetary unit	U.S. cents per unit
Argentina	Peso	23.4
Australia	Pound	323.0
Belgium	Belga	17.0
Bolivia	Boliviano	2.2
Brazil	Milreis	5.1
British India	Rupee	30.2
Bulgaria	Lev	1.2
Canada	Dollar	91.0
Chile	Peso	3.2
China	Yuan	5.3
Colombia	Peso	57.0
Cuba	Peso	100.0
Denmark	Krone	19.3
Ecuador	Sucre	5.7
Egypt	Pound	415.4
Eire	Pound	404.0
Finland	Markka	2.0
France	Franc	2.3
French Indo China	Piaster	23.0
Germany	Reichsmark	40.0
Greece	Drachma	.7
Hong Kong	Dollar	25.1
Hungary	Pengo	19.5
Italy	Lira	5.3
Japan	Yen	23.4
Mexico	Peso	20.6
Netherlands	Guilder	53.0
Netherlands East Indies		
Netherlands West Indies		
New Zealand	Pound	323.0
Norway	Krone	23.0
Panama	Balboa	100.0
Peru	Sol	15.4
Philippine Islands	Peso	50.0
Poland	Zloty	20.0
Portugal	Escudo	4.0
Rumania	Leu	.5
Russia	Ruble	19.0
South Africa	Pound	398.0
Spain	Peseta	9.0
Straits Settlements	Dollar	47.2
Sweden	Krona	23.9
Switzerland	Franc	23.3
Turkey	Pound	75.0
United Kingdom	Pound	403.0
Uruguay	Peso	52.7
Venezuela	Bolivar	26.6
Yugoslavia	Dinar	2.0

[SEAL] E. H. FOLEY, Jr.
Acting Secretary of the Treasury.

[F. R. Doc. 42–1163; Filed, February 7, 1942; 12:22 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

PART 611—DUTY AND RESPONSIBILITY TO REGISTER

AMENDMENT NO. 18 TO SELECTIVE SERVICE REGULATIONS, SECOND EDITION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 611,[1] in the following respects:

1. By adding at the end of the table of contents a new subheading and three new sections as follows:

Aliens Residing in the United States

611.11 Every declarant alien is residing in the United States.
611.12 When a nondeclarant alien is residing in the United States.
611.13 When a nondeclarant alien is not residing in the United States.

2. By adding the following three new sections to this part and preceding them with the subheading: *Aliens Residing in the United States:*

§ 611.11 *Every declarant alien is residing in the United States.* Every male alien who has declared his intention to become a citizen of the United States is "a male person residing in the United States" within the meaning of section 2 and section 3 of the Selective Training and Service Act of 1940, as amended.

§ 611.12 *When a nondeclarant alien is residing in the United States.* Every male alien who is now in or hereafter enters the United States who has not declared his intention to become a citizen of the United States, unless he is in one of the categories specifically excepted by the provisions of § 611.13, is "a male person residing in the United States" within the meaning of section 2 and section 3 of the Selective Training and Service Act of 1940, as amended.

§ 611.13 *When a nondeclarant alien is not residing in the United States.* (a) A male alien who is now in or hereafter enters the United States who has not declared his intention to become a citizen of the United States is not "a male person residing in the United States" within the meaning of section 2 or section 3 of the Selective Training and Service Act of 1940, as amended:

(1) If he is a diplomatic representative, a technical attache of a foreign embassy or legation, a consul general, a consul, a vice consul, or a consular agent of a foreign country; or

(2) If he is an employee of a foreign embassy, legation, or consulate and a national of the country employing him who has been notified to the Department of State; or

(3) If he is an official or an employee of a foreign government and a national of the country employing him, who has been notified to the Department of State; provided that at the time he is notified to the Department of State, a proper representative of his government advises and the Department of State agrees that he is in fact not residing in the United States; or

(4) If he is a dependent male child of any person described in subparagraph (1), (2), or (3) of this paragraph; or

(5) If he is a member and in the active service of the armed forces of a cobelligerent or a neutral country; or

(6) If he has entered or hereafter enters the United States in a manner prescribed by its laws and does not remain in the United States after May 16, 1942, or for more than 3 months following the date of his entry, whichever is the later.

(b) When a male alien who has not declared his intention to become a citizen of the United States has entered or hereafter enters the United States in a manner prescribed by its laws and remains in the United States after May 16, 1942, or for more than 3 months following the date of his entry, whichever is the later, he is "a male person residing in the United States" within the meaning of section 2 and section 3 of the Selective Training and Service Act of 1940, as amended, unless he has filed an Alien's Application for Determination of Residence (Form 302) in the manner provided in § 611.21 and such application is either (1) pending or (2) has resulted in a determination that he is not "a male person residing in the United States" within the meaning of section 2 or section 3 of the Selective Training and Service Act of 1940, as amended, in either of which events he shall not be considered as "a male person residing in the United States" within the meaning of section 2 or section 3 of the Selective Training and Service Act of 1940, as amended, during the period when such application is pending or during the period covered by the Alien's Certificate of Nonresidence (Form 303) issued to him as a result of the determination that he is not "a male person residing in the United States" within the meaning of section 2 or section 3 of the Selective Training and Service Act of 1940, as amended. (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. No. 8545, 5 F.R. 3779)

Effective February 7, 1942.

LEWIS B. HERSHEY,
Director.

FEBRUARY 6, 1942.

[F. R. Doc. 42–1155; Filed, February 7, 1942; 11:07 a. m.]

[1] 6 F.R. 6647.

CHAPTER VIII—EXPORT CONTROL

[Revision I, February 7, 1942]

SUBCHAPTER B—PROCLAIMED LIST OF CERTAIN BLOCKED NATIONALS

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Board of Economic Warfare, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), The Proclaimed List of Certain Blocked Nationals, promulgated on July 17, 1941, and Supplements 1, 2, 3, 4, 5, 6, and 7 thereto (6 F.R. 3557, 3773, 4915, 5722, 6204, 6351, 6732; 7 F.R. 334), are superseded by the following Revision I of the List, which is hereby promulgated.

By direction of the President:

CORDELL HULL,
Secretary of State.
HENRY MORGENTHAU, JR.,
Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
JESSE H. JONES,
Secretary of Commerce.
MILO PERKINS,
Executive Director,
Board of Economic Warfare.
NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

FEBRUARY 7, 1942.

GENERAL NOTES: This revision is divided into two parts: Part I relates to listings in the American republics; Part II relates to listings outside the American republics. Deletions made with this revision are indicated by footnotes to the country headings. No additions are made in this revision; however, numerous changes are made in the arrangement of listings, form of firm titles, spelling, addresses, etc. The indication of an address for a name on the list is not intended to exclude other addresses of the same firm or individual. A listed name refers to all branches of the business in the country. Subsequent supplements to this revision will contain additions, deletions, and amendments.

PART I—LISTINGS IN AMERICAN REPUBLICS [1]

ARGENTINA [2]

A.E.G., Compañía Argentina de Electricidad S. A.; Bernardo de Irigoyen 330, Buenos Aires, and all branches in Argentina.

Aachen y Munich, Compañía de Seguros; Corrientes 330, Buenos Aires.

Accumulatoren-Fabrik A. G.; Cangallo 2629, Buenos Aires.

Aceros Poldi S. de R. L.; Juju 1926–42, Buenos Aires.

Aceros Roechling-Buderus S. A.; Bulnes 2593, Buenos Aires.

Aceros Schoeller-Bleckmann S. de R. L.; Defensa 324, Buenos Aires.

Aceros "Styria" S. de R. L.; Esparza 43, Buenos Aires.

Afa-Tudor-Varta S. A., Fábricas Reunidas de Acumuladores; Cangallo 2629, Buenos Aires.

Agfa Argentina—Dr. Kurt Oppenheim y Cía.; Bernardo de Irigoyen 653, Buenos Aires.

Aiello de J. Carlos Armagnague, Casa J. Juan; Bolívar 1828, Buenos Aires.

Air France; Buenos Aires, and all branches in Argentina.

Amme, Giesecke y Konegen S. de R. L.; 25 de Mayo 252, Buenos Aires.

Ando y Cía., S.; Defensa 540, Buenos Aires.

Anilina "Colibrí"; Avenida Alvarez Thomas 1340, Buenos Aires.

Anilinas Alemanas S. A.; Salta 335–39, Buenos Aires, and all branches in Argentina.

Aria, Takao Soto.

Argentina Comercial e Industrial de Pesquería, Cía.; Defensa 1597, Buenos Aires.

Argentina de Cereales y Algodón S. A., Cía.; Moreno 970, Buenos Aires.

Argentina de Comercio S. A., Cía.; Moreno 970, Buenos Aires.

Argentina de Fiscalizaciones y Mandatos, Cía.; Reconquista 336, Buenos Aires.

Argentina de Importación y Exportación S. A., Cía.; 25 de Mayo 11, Buenos Aires.

Argentina de Mandatos, Cía.; Reconquista 134, Buenos Aires.

Argentina de Máquinas S. de R. L., Cía.; Reconquista 336 y Moreno 986, Buenos Aires.

Argentina de Motores "Deutz Otto" Legítimo S. A., Cía.; Pueyrredón 602, Buenos Aires, and all branches in Argentina.

Argentina Exportadora de Cereales S. A., Cía.; Corrientes 424, Buenos Aires.

"Argentina" Nueva Compañía General de Navegación S. A. (Owners of S.S. *Buenos Aires*, S.S. *Comodoro Rivadavia*, and S.S. *Madryn*); c/o A. M. Delfino y Cía., Florida 439; Buenos Aires.

Argentine Sanitary Corporation; 25 de Mayo 158, Buenos Aires.

Argento, Mario; Buenos Aires.

Armagnague, Casa J. Juan Aiello de J. Carlos; Bolívar 1828, Buenos Aires.

"ARSACO"—Argentine Sanitary Corporation; 25 de Mayo 158, Buenos Aires.

Aseguradora Argentina, Cía.; San Martín 233, Buenos Aires.

Asociación de Comerciantes Japoneses; Corrientes 222, Buenos Aires.

Banco Alemán Transatlántico; Buenos Aires, and all branches in Argentina.

Banco Germánico de la América del Sud; Buenos Aires.

Banco di Nápoli; Cangallo, 332, Buenos Aires.

Banque Française et Italiènne pour l'Amérique du Sud S. A.; Buenos Aires, and all branches in Argentina.

Barbero, Luis; Buenos Aires.

Bauckhage y Cía.; José Uriburú 259, Buenos Aires.

Bayer, S. A., La Química; Cerviño, 3101, Buenos Aires, and all branches in Argentina.

Beiersdorf S. de R. L.; Rioja 1767, Buenos Aires.

Bekker, Werner; Sarmiento 212, Buenos Aires.

Berg-Boulin, Peter.; Buenos Aires.

Berger y Cía., S. de R. L., Curt; 25 de Mayo 386, Buenos Aires.

Biester, Hans; Lavalle 2057, Buenos Aires.

Bocklenberg, Paul; Pampa 2975, Buenos Aires.

Boker y Cía., S. de R. L.; Moreno 437, Buenos Aires.

Bosch, S. A., Robert; Río Bamba 340–50, Buenos Aires.

Bose, Walter; Sarmiento 459, Buenos Aires.

Brandt y Cía., G. (Dr.); Victoria 3101, Buenos Aires.

Brauhardt & Liitseler; Tacuari 591, Buenos Aires.

Bromberg y Cía., S. A. C.; Moreno 970, Buenos Aires, and all branches in Argentina.

Brugger, Fernando G.; Arcos 2070, Buenos Aires.

Brunner, Francisco; Avenida de Mayo 1035, Buenos Aires.

Buchlein, Gerardo; Florida 1065, Buenos Aires.

Buessau, Carlos; Alsina 890, Buenos Aires.

Bunge, O. F.; Casilla 1458, Buenos Aires.

"CADECA"—Compañía Argentina de Cereales y Algodón S. A.; Moreno 970 Buenos Aires.

"CADECIN"—Compañía Argentina de Comercio S. A.; Moreno, 970, Buenos Aires.

"CADEFIMA"—Compañía Argentina de Fiscalizaciones y Mandatos; Reconquista 336, Buenos Aires.

"CADEMA"—Compañía Argentina de Máquinas S. de R. L.; Reconquista 336 y Moreno 986, Buenos Aires.

Calera Avellaneda S. A.; Bartolomé Mitre 226, Buenos Aires.

Carbonera Buenos Aires S. de R. L.; Belgrano 752, Buenos Aires.

"CARDIMEX"—Compañía Argentina de Importación y Exportación S. A.; 25 de Mayo 11, Buenos Aires.

Casa Denk—Aceros "Boehler", S. de R. L.; Belgrano 550, Buenos Aires.

Casa Itoh; San Martín 66, Buenos Aires.

Casa Mika S. de R. L.; Directorio 192–194, Buenos Aires.

Cayani, Hugo Paoletti; Bartolomé Mitre 311, Buenos Aires.

Chingotto, Julio Raúl; Casilla 878, Buenos Aires; and Avenida Teniente General Uriburú 618, Lanús.

Chingotto, Vicente; Pavón 730, Avellaneda.

Christiani, Hans; Avenida Presidente Roque Sáenz Peña 637, Buenos Aires.

Ciarlo, Agustín; 25 de Mayo 375, Buenos Aires.

Cine Alvear; Buenos Aires.

Clarfeld y Cía. Ltda., S. A., Federico; Paseo Colón 746, Buenos Aires.

Clemens, Pedro; Bartolomé Mitre 559, Buenos Aires.

Club del Libro A. L. A.—Amigos del Libro Americano; Carlos Pellegrini 1536, Buenos Aires.

Comercial de Ascensores Italianos Stigler Ltda., Cía.; San Martín 195, Buenos Aires.

"COMPAREX"—Compañía Argentina Exportadora de Cereales S. A.; Corrientes 424, Buenos Aires.

Cóndor Ltda., Sindicato; Corrientes 330–332, Buenos Aires.

"Continental" Compañía Transatlántica de Caoutchouc S. A.; Lavalle 1681, Buenos Aires.

Coutinho, Caro y Cía.; San Martín 232, Buenos Aires.

Daarnhouwer, J. F.; Defensa 320, Buenos Aires.

Daido Balki Kaisya Ltda.

Decker, Guillermo; Sarandí 1329–53, Buenos Aires.

Delfino y Cía., A. M. (Owners of Tugs "Almagro" and "San Martín"); Florida 439, Buenos Aires.

Denk, G., y Cía., Sociedad en Comandita Exclusividad de los Aceros "Boehler"; Belgrano 550, Buenos Aires.

Deutsche La Plata Zeitung; Corrientes 672, Buenos Aires.

Deutsche Lufthansa A. G.; all branches in Argentina.

"Deutz Otto" Legítimo, S. A., Compañía Argentina de Motores; Pueyrredón 602, Buenos Aires, and all branches in Argentina.

Dillenius y Cía.; Libertad 40, Buenos Aires.

Dornfeld, Guillermo F.; Corrientes 424, Buenos Aires.

Droguería Retienne; Sarmiento 1127, Buenos Aires.

Ducati Argentina S. de R. L.; Lavalle 1675, Buenos Aires.

Duranona y Cía.; Alsina 1367, Buenos Aires.

Dyckerhoff y Widmann S. A.; Avenida Presidente Roque Sáenz Peña 700, Buenos Aires.

Editorial Argentina S. de R. L.; Rivadavia 655, Buenos Aires.

Eisenwerk Wuelfel S. de R. L.; Alsina 971, Buenos Aires.

"El Fénix Sudamericano" Compañía de Reaseguros; Bartolomé Mitre 226, Buenos Aires.

"El Pampero"; Piedras 338, Buenos Aires.

Electra Ltda., Compañía de Representaciones de Responsabilidad Ltda.; 5 de Julio 494, Buenos Aires.

Endler, Walter; 25 de Mayo 347, Bueno Aires.

Engels y Cía., S. de R. L.; Chacabuco 430, Buenos Aires.

Erba S. A., Agencia Carlos; Paseo Colón 339, Buenos Aires.

Establecimientos Klöckner Sociedad Anónima, Industrial Argentina; Belgrano 931, Buenos Aires.

Faber "Lápices dos Martillos", Johann; Victoria 1951, Buenos Aires.

Fábrica de Acumuladores S. A.; Cangallo 2629, Buenos Aires.

"FAPRO"—Soc. de Resp. Ltda.; Reconquista 46, Buenos Aires.

Farma Platense S. de R. L.; Cavia 3333, Buenos Aires.

Feise, Herman; Sarmiento 212, Buenos Aires.

Fenner-Achenbach, Rodolfo Arturo; Buenos Aires.

Ferrostaal S. A.; 25 de Mayo 145, Buenos Aires.

Fiat Argentina S. A.; Buenos Aires.

Financiera y Comercial Fuhrmann, S. A.; Herrera 2272, Buenos Aires.

Finger, Pablo; Perú 375, Buenos Aires.

First Pan American Mercantile Corporation, Argentina, S. de R. L.; Avenida Presidente Roque Sáenz Peña 917, Buenos Aires.

Fischer, Guillermo; Independencia 980, Buenos Aires.

Fleischner, Erwin; 25 de Mayo y Sarmiento (Casilla 1062), Buenos Aires.

Frers, Pablo; Reconquista 336, Buenos Aires.

Freytag, Felix; Avenida Presidente Roque Sáenz Peña 651, Buenos Aires.

Friedrich, Alberto; Bolívar 218, Buenos Aires.

Frohwein, Federico A.; Rivadavia 532 y Obligado 1720 (Casilla 883), Buenos Aires.

Fuhrmann, Sociedad Anónima Financiera y Comercial; Herrera 2272, Buenos Aires.

Gamm e Hijo, J. E.; Sarmiento 385, Buenos Aires.

Gangler, Camilio M. F.; Paseo Colón 285, Buenos Aires.

Garling y Cía.; Perú 375, Buenos Aires.

Gavatelli, Renzo; Río Bamba 905, Buenos Aires.

"Geco" Compañía Industrial y Comercial S. A.; Balcarce 615–21, Buenos Aires.

Geisenhof, Arturo; Lavalle 1530, Buenos Aires.

General de Construcciones S. A., Cía.; Avenida Presidente Roque Sáenz Peña 933, Buenos Aires.

General de Obras Públicas S. A., Cía.; Bernardo de Irigoyen 330, Buenos Aires.

General Mármoles y Piedras de Italia S. A., Soc.; Brasil 71–73, Buenos Aires.

"GEOPE"—Compañía General de Obras Públicas S. A.; Bernardo de Irigoyen 330, Buenos Aires.

Ghiringhelli, Celestino; Buenos Aires.

Giovanelli, Aquiles; Salta 935, Buenos Aires.

Gran Cine Teatro San Martín; Buenos Aires.

Grimm, R.; Juncal 1980, Buenos Aires.

Gruen & Bilfinger S. de R. L.; San Martín 235, Buenos Aires.

Günther y Cía., Alfredo; Balcarce 627 (Casilla 936), Buenos Aires.

Guthmann, J.; Callao 1984, Buenos Aires.

Hamburg S. A. "La Plata" Line; Florida 439, Buenos Aires.

Hara y Cía., N.; Belgrano 1470, Buenos Aires.

Hardt y Cía., Engelbert; Corrientes 378, Buenos Aires.

Hartrodt y Cía., S. de R. L.; Lavelle 341, Buenos Aires.

Hasenclever y Cía.; Belgrano 673, Buenos Aires.

Hausner y Cía; Perú 84, Buenos Aires.

Havero Trading Co., Ltda.; San Martín 296, Buenos Aires.

Hayd y Cía.; Carlos Calvo 708, Buenos Aires.

Hellen y Cía; Moreno 1259, Buenos Aires.

Henschel e Hijos S. A.; 25 de Mayo 145, Buenos Aires.

Herder, F. A. (sohn); Viamonte 750, Buenos Aires.

Hohner, M., Sociedad Anónima Comercial e Importadora (formerly M. Hohner Ltda. S. de R. L.; Alsina 1156, Buenos Aires.

Holste y Cía., Juan J.; Sarmiento 212, Buenos Aires.

Holzmann Monaco, Michel; Avenida Quintana 386, Buenos Aires.

Honda y Cía., Jiro; Moreno 1320, Buenos Aires.

Hosmann y Cía; Corrientes 330, Buenos Aires.

Hoter, Guillermo; Victoria 1138, Buenos Aires.

I. F. A., Sociedad Anónima Industria Frigorífica Argentina; Defensa 533, Buenos Aires.

I. L. S. A., Importazione Lane S. A.; San Martín 195, Buenos Aires.

Iida y Cía. Ltda., Takashimaya; Rodríguez Peña 162, Buenos Aires.

"IMAP" Soc. de Resp. Ltda.; Sarmiento 212, Buenos Aires.

Importazione Lane (Biella) S. A.; Universidad 1025, Buenos Aires.

Importazione Lane S. A.; San Martín 195, Buenos Aires.

"Inag" Fábricas Reunidas de Utiles Sanitarios S. A.; Callao 1063, Buenos Aires.

"INDUNIDAS"—Sociedad Anónima Mercantil de Industrias Unidas. Azopardo 858, Buenos Aires.

Industria Frigorífica Argentina, S. A.; Defensa 533, Buenos Aires.

Industrial y Mercantil Thyssen Ltda., Cía.—"Thyssen-Lametal"; Belgrano 752 Buenos Aires, and all branches in Argentina.

Intercambio Comercial Americano; Tucumán 536, Buenos Aires.

"Intergrafic"; Avenida Presidente Roque Sáenz Peña 651, Buenos Aires.

Ishiy, Carlos C.; Bartolomé Mitre 341, Buenos Aires.

"Italcable" Compañía Italiana dei Cavi Telegrafici Sottomarini S. A.; San Martín 318, Buenos Aires.

Italiana dei Cavi Telegrafici Sottomarini S. A., "Italcable" Cía.; San Martín 318, Buenos Aires.

Italiana Lanera S. A., Cía.; San Martín 478, Buenos Aires.

"Italmar" Sociedad Anónima de Empresas Marítimas; Avenida Presidente Roque Sáenz Peña 680, Buenos Aires.

"Italóptica;" Corrientes 571, Buenos Aires.

Kade, Federico; Jaramillo 4141, Buenos Aires.

Kanematsu & Co., F.; Buenos Aires.

Kast y Ehinger S. de R. L.; Metán 4146, Buenos Aires.

Kato, K.; Viamonte 624, Buenos Aires.

Katsuda y Cía.; Méjico 1474, Buenos Aires.

Kawai, Kingo.

Kellerhoff, Carlos; Santa Fe 1364, Rosario.

Ketelhohn, Hermanos; Bartolmé Mitre 311, Buenos Aires.

Kirschbaum y Cía. S. en C.; Independencia 401, Buenos Aires, and all branches in Argentina.

Klein, Otto; 25 de Mayo 158, Buenos Aires.

Konig, Juan; Sarmiento 459, Buenos Aires.

"Kores" Soc de Resp. Ltda.; Bolívar 825, Buenos Aires.

Korner, Carlos; Avenida Presidente Roque Sáenz Peña 651, Buenos Aires.

Korth y Cía., Juan; Venezuela 663, Buenos Aires.

Kreuz, Carlos; 25 de Mayo 158, Buenos Aires.

Kreuz y Cía.; 25 de Mayo 158, Buenos Aires.

Kruger, Luis; Estancia San Juan, Estación Tres Sargentos, F. C. C. G. B. A.

"Krupp" Sociedad Metalúrgica Argentina S. A.; Sarmiento 329, Buenos Aires.

Künstler e Hijos, Carlos; Sarmiento 1411, Buenos Aires.

Kuwahara, Kiyozo, Buenos Aires.

Kyburg, Bernardo L.; Perú 375, Buenos Aires.

Kyburg, Luis; Perú 375, Buenos Aires.

L. A. T. I., Linhas Aéreas Transcontinentaes Italiana S. A.; Buenos Aires.

La Ferretería Alemana, Sarmiento 1401, Buenos Aires.

"La Germano-Argentina" Compañía de Seguros; Maipú 262, Buenos Aires.

"La Gran China"; Sarmiento 740, Buenos Aires.

La Mannheim, Compañía de Seguros; Corrientes 330, Buenos Aires.

[1] Note on arrangement of names for American Republics: Titles are listed in their letter-address form, word for word as written in that form, with the following exceptions:

(1) If the title includes a full personal name, that is, a given name or initial and the surname, the title is listed under the *surname*.

(2) Personal-name prefixes such as de, la, von, etc., are considered as part of the surname and are the basis for listing.

(3) The listing is made under the next word of the title when the initial word or phrase, or abbreviation thereof, is one of the following Spanish forms or similar equivalent forms in other languages:

Compañía; Cía.; Comp.
Compañía Anónima; C. A.; Comp. Anón.
Sociedad; Soc.
Sociedad Anónima; S. A.; Soc. Anón.

[2] The following deletion has been made with this revision: Smith, S. Herbert; Ing. Huergo 1179, Buenos Aires.

"La Porteña" Empresa de Remolcadores (Owners of Tugs "Atleta", "Ciclope", "Coloso", "Gigante", "Hércules", and "Titan"; Tug and Salvage Steamer "Goliat", and Salvage Steamer "Samson"); c/o A. M. Delfino y Cía., Florida 439, Buenos Aires.

La Química Bayer S. A.; Cerviño 3101, Buenos Aires, and all branches in Argentina.

Laboratorio Químico Biológico S. A.; Monroe 1378, Buenos Aires.

Lahusen y Cía., Ltda.; Paseo Colón 317, Buenos Aires.

Lange, Otto; Bolívar 218, Buenos Aires.

Lapaco, Arcadio; Castillo 1533, Buenos Aires.

Larssen, H. W.; Bolívar 218, Buenos Aires.

Larssen, Henry Gualterio; Bolívar 218, Buenos Aires.

Leineweber y Cía; Sarmiento 740, Buenos Aires.

Leisse y Cía; Chacabuco 390, Buenos Aires.

Lenger, Ferdinand; Bartolomé Mitre 1265 y Cevallos 411, Buenos Aires.

Lentz, G.; Quilmes.

Lentz, Wolf; Sarmiento 459, Buenos Aires.

Linhas Aéreas Transcontinentaes Italiana S. A.; Buenos Aires.

Linificio e Canapificio Nazionale S. A.; Avenida Presidente Roque Sáenz Peña 825, Buenos Aires.

Lloyd Norte Alemán; 25 de Mayo 267, Buenos Aires.

Lohmann, Otto W.; Alsina 2478, Buenos Aires.

López, Félix; Casilla 2434, Buenos Aires.

Mampoy, Julio; Lavalle 341, Buenos Aires.

Mannesmann Ltda., Sociedad Tubos; Belgrano 327, Buenos Aires, and all branches in Argentina.

Marelli Motores S. A.; Callao 353, Buenos Aires, and all branches in Argentina.

Marsan S. A., Guido Ajmone; Herrera 2272, Buenos Aires.

Martens, Thilo; 25 de Mayo 267, Buenos Aires.

Martens y Cía. S. de R. L.; 25 de Mayo 267, Buenos Aires.

Maubach, Guillermo; Sarmiento 381, Buenos Aires.

Mayer & Magnus S. de R. L.; Leandro N. Alem 168, Buenos Aires.

Mayrhofer y Cía., S. de R. L. Ludóvico; Pueyrredón 930, Buenos Aires.

Mehr, Hugo; Sarmiento 459, Buenos Aires.

Meldon Export Corporation; San Martín 50, Buenos Aires.

"Mercedes-Benz" Automóviles; Avenida General Alvear 2620, Buenos Aires.

Merck Química Argentina S. A.; Rosetti 1084, Buenos Aires.

Mertig, Roberto; Serrano 1818 y Callao 45–61, Buenos Aires.

Mesquera, Pascual Pino; O'Higgins 1577, Buenos Aires.

Metzinger & Schinkel; Alsina 1367, Buenos Aires.

Meyer y Cía. Ltda., L. D.; Paseo Colón 301, Buenos Aires.

Millinghausen, Guillermo; 5 de Julio 489, Buenos Aires.

Miniño, Juan; Chacabuco 1553, Buenos Aires.

Miramatsu, T.; Avenida Presidente Roque Sáenz Peña 995, Buenos Aires.

Mitsubishi Argentina S. de R. L.; Avenida Presidente Roque Sáenz Peña 832, Buenos Aires.

Mitsui Bussan Kaisha.

"Monopol" Ltda., S. de R. L.; Médanos 1328–30 y Maturín 2666, Buenos Aires.

Montagna, Luis; Bolívar 535, Buenos Aires.

Motores Diesel Modaag Sendling S. de R. L.; Perú 707, Buenos Aires.

Motte y Cía. Ltda., Sociedad Anónima Comercial e Importadora, Otto; Córdoba 1467, Buenos Aires.

Mühlenberg, F.; Lavalle 350, Temperley, F.C.S.

Mural, Taro; Maipú 463, Buenos Aires.

"Naaki" Soc. de Resp. Ltda.; Sarmiento 212, Buenos Aires.

Nagrassus, Federico A.; Lavalle 428, Buenos Aires.

"Nambei" Compañía de Importación y Exportación S. A.; San Martín 379, Buenos Aires.

Nebiolo, S. A.; Paseo Colón 542, Buenos Aires.

Nishizawa, Takeo; Buenos Aires.

Nobel y Naumann; 25 de Mayo 145, Buenos Aires.

Noss, Augusto; Alsina 531, Buenos Aires.

Oberst, Herman; Rodríguez Peña 530, Buenos Aires.

Oberst, Pedro; Rodríguez Peña 530, Buenos Aires.

Oberst Hnos; Rodríguez Peña 530, Buenos Aires.

"Obimare" Soc. de Resp. Ltda.; 25 de Mayo 11, Buenos Aires.

Okamoto, Hidenosuke.

Olivetti Argentina Sociedad Anónima Comercial e Industrial; Florida 677, Buenos Aires.

Omura, M.; San Martín 235, Buenos Aires.

Oppenheim y Cía., Dr. Kurt—Agfa Argentina; Bernardo de Irigoyen 653, Buenos Aires.

Orduvini, Augusto H.; Bernardo de Irigoyen 330 y Sante Fe 3936, Buenos Aires.

Orenstein & Koppel S. A.; San Martín 66, Buenos Aires.

Ortkras, Germán; Avenida Alvarez Thomas 1340, Buenos Aires.

Osaka Syosen Kabusiki Kaisya Compañía Japonesa de Navegación; Avenida Presidente Roque Sáenz Peña 616, Buenos Aires.

Oses, Enrique; Buenos Aires.

"Osram" Compañía Argentina de Lámparas Eléctricas S. A.; Luca 2251, Buenos Aires, and all branches in Argentina.

Pabstmann, Teodoro; Paseo Colón 520, Buenos Aires.

Pallavicini y Cía., S. A. C., E.; Moreno 970, Buenos Aires.

Pappier, F.; Bahía Blanca.

Patow y Cía.; Venezuela 131, Buenos Aires.

Pawlowski, Juan; Bartolomé Mitre 1265, Buenos Aires.

Pellegrini y Cía., Clemente; Carlos Pellegrini 1536, Buenos Aires.

Pereira, Manuel; Buenos Aires.

Pesci, Remo; Juan de Garat 2260, Olivos.

Phoenix Shipping Co. Argentina, S. de R. L.; 25 de Mayo 158, Buenos Aires.

Pino, Pascual; O'Higgins 1577, Buenos Aires.

Platense de Electricidad Siemens-Schuckert S. A., Cía.; Avenida de Mayo 869, Buenos Aires, and all branches in Argentina.

Pouldji, Miguel Eduardo; Chile 1477, Buenos Aires.

Produmet Argentina; Avenida Quintana 386, Buenos Aires.

Química Schering S. A.; Monroe 1378, Buenos Aires.

Rademacher y Cía., W.; 25 de Mayo 145, Buenos Aires.

Rappard, Gustavo A.; San Martín 232, Buenos Aires.

Reinhold, F.; Casilla 2034, Buenos Aires.

Reinke, Gustavo; Bolívar 144, Buenos Aires.

Retienne S. en C., Eduardo; Sarmiento 1127, Buenos Aires.

Rheinmetall-Borsig Compañía Argentina de Máquinas S. de R. L.; 25 de Mayo 375, Buenos Aires.

"Rhodius" Sociedad Anónima Comercial y Financiera; Reconquista 336, Buenos Aires.

Rhodius y Cía.; Avenida de Mayo 560, Buenos Aires.

"Ribereña del Plata" Compañía Sudamericana de Comercio S. A.; Avenida de Mayo 869, Buenos Aires, and all branches in Argentina.

Riedel y Lavalle S. de R. L.; Lavalle 2666–68, Buenos Aires.

Roediger, Rodolfo; Perú 707, Buenos Aires.

Roemmers y Cía., Alberto J.; Antequera 1165, Buenos Aires.

Runze, Artur; Chile 1477, Buenos Aires.

S. A. T. I., Sociedad Anónima Tabacchi Italiani; Alberti 40, Buenos Aires.

S. E. B. A., Servicio Envios Buenos Aires, Compañía Argentina de Representaciones; Cangallo 541, Buenos Aires.

Sandmann, Kurt; Avenida de Mayo 1370, Buenos Aires.

Savelsbergh y Cía., José; Buenos Aires.

Schaack, Luis R.; Victoria 1951, Buenos Aires.

Scharf & Velten S. de R. L.; Alsina 1871, Buenos Aires.

Schering S. A., Química; Monroe 1378, Buenos Aires.

Schmidt, C. A. D.; Pino 3502, Buenos Aires.

Schmidt, Neithold; Libertad 1358, Buenos Aires.

Schubert, Victor; Bernardo de Irigoyen 330, Buenos Aires.

Schulz, Pablo; Avenida Presidente Roque Sáenz, Peña 651, Buenos Aires.

Schulze, Otto; Sarmiento 459, Buenos Aires.

Sedas Gutermann S. A.; Gutiérrez 3972, Buenos Aires.

Seifert & Co.; 25 de Mayo 145, Buenos Aires.

Servicios Envios Buenos Aires, Compañía Argentina de Representaciones; Cangallo 541, Buenos Aires.

Shimazu, S.; Piedras 113, Buenos Aires.

Siderúrgica Panamérica Inc., Cía.; Paseo Colón 285, Buenos Aires.

Siemens y Halske A. G.; Buenos Aires.

Siemens-Bauunión, Compañía Platense de Construcciones S. A.; Avenida de Mayo 869, Buenos Aires.

Siemens-Schuckert S. A., Compañía Platense de Electricidad; Avenida de Mayo 869, Buenos Aires, and all branches in Argentina.

Sindicato Cóndor Ltda.; Corrientes 330–332, Buenos Aires.

Soucek, Adelberto; 25 de Mayo 347, Buenos Aires.

Springer, C. W.; Avenida Montes de Oca 1015, Buenos Aires.

Springer y Möller S. A.; Zepita 3177, Buenos Aires.

Starke, E. G.; Rincón 477, Buenos Aires.

Staudt y Cía., S. A. C.; Bernardo de Irigoyen 330, Buenos Aires, and all branches in Argentina.

Steenhus y Cía., C.; Reconquista 336, Buenos Aires.

Steinhorst, George; Avenida Presidente Roque Sáenz Peña 530, Buenos Aires.

Stinnes, Ltda., Sociedad Anónima Comercial e Industrial Hugo; 25 de Mayo 145, Buenos Aires.

Stinnes Marítima S. A., Hugo; 25 de Mayo 145, Buenos Aires.

Storz, Carlos W.; Tucumán 839, Buenos Aires.

Strohschnitter y Cía.; Cangallo 315, Buenos Aires.

Sucesores Muchall y Cía.; Avenida Presidente Roque Sáenz Peña 530, Buenos Aires.

"Sudamsteel" Soc. de Resp. Ltda.; Sarmiento 459, Buenos Aires.

Tabacchi Italiani, S. A.; Alberti 40, Buenos Aires.

Takashimaya Iida y Cía., Ltda.; Rodríguez Peña 162, Buenos Aires.

Takeuchi, Y.; Avenida Presidente Roque Sáenz Peña 995, Buenos Aires.

Takinami, B.; Victoria 2702, Buenos Aires.

Tanke, C. G.; Leandro N. Alem 2160, Buenos Aires.

Thomae, Federico Otto Heinrich; Belgrano 530, Buenos Aires.

Thorhauer y Cía.; Martín Rodríguez 1140, Buenos Aires.

"Thyssen-Lametal"—Compañía Industrial y Mercantil Thyssen Ltda.; Belgrano 752, Buenos Aires, and all branches in Argentina.

Tjarks & Co., Hermann; Corrientes 672, Buenos Aires.

Trabanco, Aquilino; Bernardo de Irigoyen 15, Buenos Aires.

Trabanco, Casa A.; Bernardo de Irigoyen 15, Buenos Aires.

Transatlántica de Caoutchouc S. A., "Continental" Cía.; Lavalle 1681, Buenos Aires.

"Transocean" Agencia Noticiosa; Buenos Aires.

Trombauer, Alberto; Reconquista 336, Buenos Aires.

Trombino, Guillermo C.; Esmeralda 191, Buenos Aires.

Tsuji, S.; Chile 299, Buenos Aires.

Tubos Mannesmann Ltda., Soc.; Belgrano 327, Buenos Aires, and all branches in Argentina.

U. F. A., Universans Film Aktiengesellschaft; Lavalle 2057, Buenos Aires.

Van der Velde, Otto; Sarmiento 459, Buenos Aires.

Van der Velde y Cía., Otto; San Martín 235, Buenos Aires.

Van der Velde y Wraage S. de R. L.; Sarmiento 459, Buenos Aires.

Volberg, Enrique; Leandro N. Alem 168, Buenos Aires.

Von Engels, José; Avenida de Mayo 981, Buenos Aires.

Von Schulz-Hausmann, F.; Bernardo de Irigoyen 330, Buenos Aires.

Vsetecka, Miroslav; Perú 457, Buenos Aires.

Wagner S. de R. L., Gunther; Humberto I 2031, Buenos Aires.

Wail y Cía.; Bartolomé Mitre 531, Buenos Aires.

Walser, Wald y Cía.; Florida 486, Buenos Aires.

Wayss & Freytag S. A.; Leandro N. Alem 168, Buenos Aires.

Wenzel, Francisco; Kilómetro 7, Gerli, Avellaneda.

Werners, Juan Gerardo; Conesa 2757, Buenos Aires.

Wernicke, Germán (Dr.); Alsina 1156, Buenos Aires.

Wilckens Hermanos; Carlos Tejedor 1742, Lanús.

Winkler y Cía.; Avenida Presidente Roqué Sáenz Peña 636, Buenos Aires.

Witte, Max; Avenida La Plata 31, Buenos Aires.

Wraage, Bernardo; Sarmiento 459, Buenos Aires.

Yamada y Cía. S. de R. L., S.; Moreno 2033–39, Buenos Aires.

Yamamoto Hnos.; Talcahuano 487, Buenos Aires.

Yokohama Specie Bank Limited; Avenida Presidente Roque Sáenz Peña 825, Buenos Aires.

Zaghi, Santos; Corrientes 571, Buenos Aires.

Zbrojovka Ceskolovenska S. A.; 25 de Mayo 11, Buenos Aires.

Zeiss, Carl; Bernardo de Irigoyen 330, Buenos Aires.

BOLIVIA [1]

Almacenes Ono; Comercio 436, La Paz.

Alvarado, Julián; La Paz.

Anzarut, Marco; Cochabamba and La Paz.

Aoki, Kanji; Colón 120, La Paz.

Aoki, Raúl K.; Sagárnaga y Avenida Santa Cruz, La Paz.

Aramayo del Río, Ricardo; Potosí and Sucre.

Arce, Armando; La Paz, via Arica.

Ballivián, B. Tores; La Paz.

Barber & Co., Sucrs.,[2] Alfredo W.; Riberalta.

Barraca Ferdinandt; Oruro.

Barrientos, Emilio; La Paz.

Bazar Fuji; Mercado 216, La Paz.

Bazar Fukuya; Oruro.

Bazar Japonés; Potosí 323, La Paz.

Bazar Matsuya; Mercado 1–7, La Paz.

Bazar Tokyo; Yanacocha 362, La Paz.

Bazar Unión; Mercado 216, La Paz.

Bazar Yokohama; J. Sanjinés 273, La Paz.

Bedregal Vela,[3] Daniel; La Paz.

Benavides, I. A.; La Paz.

Bendel y Cía.;[4] La Paz.

Bollweg, L.; Oruro.

Borda, José Vicenio.; Cochabamba.

Borgolte, Rudolph; La Paz and Cochabamba.

Botica Germania; Oruro.

Brito, Octavio; La Paz.

Brocker, Bruno; Cochabamba.

Burgos, F. Isaías; Villazón.

Bustillos y Cía.; Casilla 167, Potosí.

Capdevila, José; Santa Cruz de la Sierra.

Casa Bernardo; La Paz.

Casa Gundlach; Casilla 15, La Paz, and all branches in Bolivia.

Casa Komori; La Paz.

Casa Ochiay; Socabaya 250 y Potosí 345, La Paz.

Casa Oishi; Mercado 55, La Paz.

Casa Orión; Sagárnaga y Avenida Santa Cruz, La Paz.

Casa Sahashi; Yanacocha 448, La Paz.

Casa Satsuma; Comercio 396, La Paz.

Casa Sawaya; Potosí 323, La Paz.

Casa Showa; Comercio 468, La Paz.

Cattoretti y Cía., V.; Loayza 49 (Casilla 1313), La Paz.

Conzelman, Oscar; Tarija.

Conzelman y Cía.; Tarija.

Dauelsberg y Cía.; Avenida Montes 702 (Casilla 68), La Paz, and all branches in Bolivia.

Deutsche Lufthansa A. G.; All branches in Bolivia.

Díaz, A.; La Paz.

Droguería Albrecht; Colón 402, La Paz.

Droguería Hamburgo; Socabaya 126 (Casilla 262), La Paz.

"El Sol"; Oruro.

Elsner y Cía., Bernardo; La Paz.

Elsner y Cía., Juan; La Paz.

Encinas, Gerardo; La Paz.

Ernst, Rotmann & Co.; La Paz.

Escher, Leo; Sucre.

Fábrica de Camisas; Fernando Guachalla, La Paz.

Fábrica Nacional de Sedas; La Paz.

Farmacia Nueva; La Paz.

Ferdinandt, Kurt; Oruro.

Ferretería Findel; Oruro.

Ferrostaal A. G. Essen; Yanacocha 368 (Casilla 514), La Paz.

Forns Samso, Francisco; Potosí 490 (Casilla 476), La Paz.

Fujiike, Tomaste; Mercado 216, La Paz.

Gasser e Hijos; Cochabamba.

Glaeser, Arnold; Oruro.

Guardia, Darío; La Paz.

Gumuchio, Juan; Cochabamba.

Gumucio, Juan; Cochabamba.

Gundlach & Co., Cornelius F.; Casilla 15, La Paz, and all branches in Bolivia.

Günther Sucrs. Inc., Ernesto; Sorata.

Hardt & Company, E.; La Paz.

Harjes, H.; Colón 168 (Casilla 526), La Paz.

Hayakawa, Torajiro; Loayza 200, La Paz.

Hero S. A., Compañía de Representaciones y Comercio en General;[5] Avenida Montés (Casilla 422), La Paz.

[1] The following deletions have been made with this revision: "El Progreso"; Comercio 303, La Paz. Snitowsky & Ogawa.

[2] Not to be confused with Casa Barber, Cochabamba.

[3] Not to be confused with Daniel Bedregal Urquizo, La Paz.

[4] Not to be confused with Baender y Cía., La Paz.

[5] To be distinguished from Hero, Sociedad Anónima Comercial, Buenos Aires, Argentina; and Hero, Sociedade Anonyma Commercial, São Paulo, Brazil.

Higa, Rioki; Comercio 362, La Paz, and Potosí.
Higa, Rioko; La Paz.
Higa e Hijo, Rioko; 16 de Julio 45, La Paz.
Higa Hnos.; México 358, La Paz.
Higa y Cía.; Oruro.
Higa y Cía.; Ryoko K.; Potosí.
Hiramatsu, M.; Mercado 1–7, Edificio Ultima Hora, La Paz.
Imprenta y Librería "La Escolar"; Potosí 490 (Casilla 476), La Paz.
Industrias Bolivianas Unidas, S. A.; Casilla 215, La Paz.
"Inti"; La Paz.
Jacobsen, Haye; Viacha and La Paz.
James, Eduardo; Tarija.
Kawamura, I.; Comercio 322 (Casilla 720), La Paz.
Kawamura, Isaac; Mercado 216, La Paz.
Kawamura y Cía.; La Paz.
Kayaki, I.
Keidel y Cía.; Potosí.
Kina, Julio; Evaristo Valle 96–97, La Paz.
Kiyonari, Enrique N.; Loayza s/n, La Paz.
Kiyoto, Miguel K.; Camacho y Colón, La Paz; and Cochabamba.
Koester, Germán; La Paz.
Kohlberg, Julius; Tarija.
Komori, Santiago T.; Fernando Guachalla s/n, La Paz.
Komori y Cía., Hugo; La Paz.
Komori y Cía., T.; Comercio 495, La Paz.
Kuguimiya, Guillermo; Oruro.
Kummel, Beatriz Denz viuda de; Oruro.
Kyllmann, Bauer y Cía.; La Paz, and all branches in Bolivia.
"La Calle"; La Paz, via Arica.
Loaiza, Carlos; La Paz.
Lutsch, Sigmar, Casilla 199, Cochabamba.
Maeshiro, R. K.; Oruro.
Mansmann, Hans; Oruro.
Masmann, H.; Oruro.
Matsuya; Mercado 1–7, La Paz; and Cochabamba.
Methfessel, Gerhard; Tarija.
Michimata, Miguel; Comercio 481, La Paz.
Minakawa, K.; Loayza 161, La Paz.
Mitsui & Co.; La Paz.
Monroy, Victor; La Paz.
Montaño, Teófilo; Oruro.
Mori, Luis T.; Calle Bolívar, Oruro.
Nakazano y Cía.; Colón 120, La Paz.
Nielsen-Reyes y Cía.; Mercado 88 (Casilla 822), La Paz.
Nishi, Lucio D.; Comercio 468, La Paz.
Noda, Carlos T.; Oruro.
Ochiay, Vicente R.; Socabaya 250 y Potosí 345, La Paz.
Ochiay y Cía.; Socabaya 250 y Potosí 345, La Paz.
Oishi, Alberto; Mercado 55, La Paz.
Oizumi, Alejandro; Yanacocha 328, La Paz.
Oizumi y Miranda; J. Sanjinés 273, La Paz.
Oku, Carlos K.; Comercio 396, La Paz.
Olmos, Emilio M.; La Paz.
Omoto, Hiroji; Cochabamba 62, La Paz.
Omoya, Tomás; Oruro.
Ono, Armando H.; Comercio 438, La Paz.
Osaki, Pedro; Yanacocha 344, La Paz.
Paz Hermanos; Santa Cruz, La Paz, and Oruro.
Pedregal, Daniel; La Paz.
Penso, Oni.; Santiwañez 62 (Casilla 161), Cochabamba; and La Paz.
Plattner Sucrs., A. & M.; Colón 402, La Paz.
Quidde & Co., George; La Paz.
Representaciones y Comercio en General Hero S. A.[6] Cía. de; Avenida Montés (Casilla 422), La Paz.
Reye, Droguería por Mayor de Ulrich; Yanacocha 243–247 (Casilla 525), La Paz.
Rivas Guzmán, Blanca T. de; La Paz.
Rossell, E.; La Paz.
Rude, Ernest; Oruro.
Sahashi, Chuji; Yanacocha 448, La Paz.
Sakihama, Hugo; La Paz.
Sánchez, Augusto; Cochabamba.
Sasaki, Guillermo; Comercio 427, La Paz.
Schilling, Ernst; La Paz.
Schmidt, John; Oruro.
Schomann & Co., Gustavo; La Paz.
Schuchard, Werner; La Paz.
Schuett,[7] Nicholas Jurgen; Potosí and Sucre.
Schweitzer y Cía.; La Paz, and all branches in Bolivia.
Sickinger y Cía., Sucrs.; Plaza San Francisco 4–20 (Casilla 661), La Paz.
Siles, A.; La Paz.
Sonnenschein, Carl; Riberalta.
Sugiura y Cía.; Yanacocha 336, La Paz.
Sukekawa, Masaji; Oruro.
Sunahashi & Co.; Cochabamba.
Takagaki & Co., B.; Cochabamba.
Takaki, Setaro; Loayza 192, La Paz.
Takamori, Jorge K.; Yanacocha 362, La Paz.
Takaoka, Alberto S.; Comercio 303–307, La Paz.
Takeuchi, Ernesto; Cochabamba.
Takiguchi, Nicasio; Comercio 422, La Paz.
Tamashiro, Eisio; Tumusla 305, La Paz.
Tames, César; La Paz.
Tanaka & Co., H.; Mercado 1–7, La Paz.
Tanaka, Hnos.; Trinidad.
Tapia, Joaquín, La Paz.
Terazawa, Keiji; Potosí 323, La Paz.
Terrazas y Cía.; La Paz.
"Transocean"; La Paz.
Velasco S., Guillermo; La Paz.
Vergara, Max; La Paz.
Virreira, Renato; Tarija and Tupiza.
Vogel y Cía.; Potosí, and all branches in Bolivia.
Von Bergen y Cía., J.; La Paz.
Von Landwust, Hans; Potosí and Sucre.
Wakabayashi, Tomio; Yanacocha 368, La Paz.
Weichert, Wolfgang; Cochabamba, Santa Cruz, Sucre, and Oruro.
Wintruff, Casa "El Fénix" de F.; La Paz.
Yamada, Seizen; Yanacocha 391, La Paz.
Yamamoto, Victor K.; Calle La Plata, Oruro.
Yamashita, Jorge; Calle Sagárnaga, La Paz.
Yoshida, E. W.; Almirante Grau 46, La Paz.
Yoshizaki, Ricardo J.; Potosí 356, La Paz.
Yutaka, Imon; Sagárnaga 227, La Paz.
Zeller, Mozer y Cía.; La Paz, and all branches in Bolivia.
Zetsche, Heinz G.; Colón 168, La Paz.
Zetsche & Co., Herbert; Colón 168, La Paz.
Zieriacks, Becker y Cía.; La Paz.
Ziegler y Cía., Alfredo; La Paz.
Ziesenitz, F.; All branches in Bolivia.
Zugel, Paul; Tarija.

BRAZIL [1]

A. E. G., Companhia Sul Americana de Electricidade; Avenida Rio Branco 47, Rio de Janeiro, and all branches in Brazil.
A Chimica Bayer, Ltda.; Rua Dom Gerardo 42, Rio de Janeiro, and all branches in Brazil.
A Ultraferramenta, Ltda.; Rua Nôvo Prado 406, São Paulo.
Accumuladores Varta do Brasil, Ltda.; Avenida Graça Aranha 49, Rio de Janeiro.
Aços Marathon do Brasil, Ltda.; Avenida Visconde de Inhaúma 38, Rio de Janeiro, and all branches in Brazil.
Aços Phenix, Ltda.; Rua São Pedro 120, Rio de Janeiro.
Aços Roechling-Buderus do Brasil de Electricidade; São Paulo.
Aços Roechling-Buderus do Brasil, Ltda.; Travéssa Bom Jesús 6–8, Rio de Janeiro, and all branches in Brazil.
Aços Styria, Ltda.; Rua Théophilo Ottoni 66, Rio de Janeiro.
Administrador Industrial, S. A.; Rua Guaycurus, São Paulo.
Adriatica de Seguros, Cia.; Rua Uruguayana 87, Rio de Janeiro.
Agencia Brasileira S. A.; Rosario 136, Rio de Janeiro; and Xavier Toledo 46, São Paulo.
Agencia Commercial do Japão; Avenida Rio Branco 193, Recife, Pernambuco.
Agencia Marítima Lagunense Limitada; Laguna, Santa Catharina.
Agencia Will: Deutsche Buchhandlung; Rua da Alfandega 69, Rio de Janeiro.
Agfa Photo; Rua Dom Gerardo 42, Rio de Janeiro, and all branches in Brazil.
Agro Chimica, Ltda.; Rua Libero Badaró 73, São Paulo.
Aichinger, M. E.; Rua Tamoyos 438, Bello-Horizonte.
Air France; Praça Floriano 55, Rio de Janeiro, and all branches in Brazil.
Algodoeira Bratac, Ltda.; Praça da Sé 81, São Paulo.
Algodoeira do Sul, Ltda.; Rua Dr. Falcão Filho 56, São Paulo.
Alliança Cinematógraphica, Ltda.; Praça Getulio Vargas 2, Rio de Janeiro, and all branches in Brazil.

[6] To be distinguished from Hero, Sociedad Anónima Comercial, Buenos Aires, Argentina; and Hero, Sociedade Anonyma Commercial São Paulo, Brazil.
[7] Not to be confused with firm of same name in La Paz.

[1] The following deletions have been made with this revision: Pirelli, S. A., Companhia Industrial Brasileira; Sao Paulo and Rio de Janeiro. Skoda Brasileira S. A.; Rua 1 de Março 6, Rio de Janeiro, and all branches in Brazil.

Alliança Commercial de Anilinas, Ltda.; Avenida Almirante Barroso 81, Rio de Janeiro, and all branches in Brazil.
Alm & Heinritz; Rua Javorau 380, São Paulo.
Alves, Mendes e Cia.; Rio de Janeiro, and all branches in Brazil.
Ando e Cia., Ltda.; Rua Bôa Vista 15, São Paulo.
Aranda e Regnier; Rua Candelaria 92, Rio de Janeiro.
Arens & Langen; Avenida Capichaba 10, Victoria, Espirito Santo.
Armazem Kaiko, Ltda.
Arruda, V. Humberto; Rue Candelaria 86, Rio de Janeiro.
Arruda Irmão e Cia.; Edificio Associação Commercial, sala 205, Rio de Janeiro.
Artigos Dentarcos Poladon, Ltda.; Rio de Janeiro.
Assicurazioni Generali di Trieste e Venezia; Avenida Rio Branco 128, Rio de Janeiro.
Associação Central Nipo-Brasileira; Praça Getulio Vargas 2, Rio de Janeiro.
Associação Economica Nippo-Brasileira; Rua Mexico 174, Rio de Janeiro.
Auto Distribuidora, Ltda., Soc.; Rua São Euzebio 180–182, Rio de Janeiro.
Auto-Radio, Ltda.; Rua Barão de Itapetininga 288, São Paulo.
Auto-Union Brasil, Ltda.; Rua Riachuélo 187–189, Rio de Janeiro.
Awazu, Kicroku; São Paulo.
Banco Allemão Transâtlantico; Rio de Janeiro, and all branches in Brazil.
Banco America do Sul, Ltda.; Praça da Sé 393, São Paulo.
Banco Germanico da America do Sul; Rio de Janeiro, and all branches in Brazil.
Banque Française et Italiènne pour l'Amérique du Sud, S. A.; Rio de Janeiro, and all branches in Brazil.
Bata, Jan; São Paulo.
Bayer, Ltda.; A. Chimica; Rua Dom Gerardo 42, Rio de Janeiro, and all branches in Brazil.
Becker, Ernst; Rua do Ouvidôr 169, Rio de Janeiro.
Bedrikow, Adolpho; Rua 15 de Novembro 233, São Paulo.
Berringer e Cia.; Boulevard Castilhos Franca 59, Pará; and Rua Marechal Deodóro 63, Manáos.
Bicker, Harald; Rio de Janeiro.
Biekarck e Cia., C.; Rua São Pedro 28 (Caixa Postal 767), Rio de Janeiro.
Biermann, Nicolau; Rua 3 de Dezembro 17 (Caixa Postal 1831), São Paulo.
Biermann & Co.; São Caetano.
Billington, Reidar; Rua Mín Godoy 628, São Paulo.
Bluhm, Paulo; Rua da Bahia 1022, e Edificio Lutetia, Avenida Amazonas, Bello-Horizonte, Minas Geraes.
Bockmann, Paul; Rua Libero Badaró 641 (Caixa Postal 515), São Paulo.
Boelsums, Boelsum Johannes; Rio de Janeiro.
Borghoff e Cia, Willy; Rua Evaristo da Veiga 130 (Caixa Postal 619), Rio de Janeiro.
Borstelmann e Cia.; Rua do Bom Jesús 230, Recife, Pernambuco; and Rua Sá e Albuquerque 90, Jaraguá, Maceio.
Brasileira de Carbureto de Calcio, Cia.; Rua 1° de Marco 31, Rio de Janeiro.
Brasileira de Electricidade Siemens-Schuckert S. A., Cia.; Rua General Camara 78, Rio de Janeiro, and all branches in Brazil.
Brasunido, S. A.; Rua Theóphilo Ottoni 74 (Caixa Postal 1015), Rio de Janeiro.
Brautigam, José; Rua General Camara 67, Rio de Janeiro.
Brazcot, Ltda.; Rua Bôa Vista 116, São Paulo.
Bremensis, Ltda., Sociedade Technica; Caixa Postal 1548, Rio de Janeiro, and all branches in Brazil.
Bremer, Paul J. C.; Praça 15 de Novembro 20, Rio de Janeiro.
Brito, Antonio O.; Rio de Janeiro.
Bromberg e Cia.; Avenida Tiradentes 34 (Caixa Postal 756), São Paulo; and Rua General Camara 64, Rio de Janeiro.
Buchheister, Alfredo; Rua de Quitanda 47 (Caixa Postal 1421), Rio de Janeiro.
Buckup & Cia., P.; Avenida Celso Garcia 409 (Caixa Postal 2903), São Paulo.
Buerkle, Erwin; Rua Buenos Aires 78, Rio de Janeiro.
Burgos, José Filiú; Rua São Pedro 30, Rio de Janeiro.
Buuck e Cia., Ltda.; Rua Senador Feijó 318, Santos.
Camara de Commerció N'ppo-Brasiliera, Rua da Alfandega 107, Rio de Janeiro.
Cappuccini e Cia.; Rua de Alfandega 172, Rio de Janeiro.
Casa Allemã; Rua Direita 176, São Paulo, and all branches in Brazil.
Casa Bancaria Bratac; Praça da Sé 77, São Paulo.
Casa Bancaria Brazcot, Ltda.; Rua Bôa Vista 116, São Paulo.
Casa Bancaria Immigratoria, Ltda.; Rua 15 de Novembro 155, Santos.
Casa Bancaria Tozan; Rua Florencio Abreu 318, São Paulo.
Casa Bratac, Ltda.; Praça da Sé 399, São Paulo; Avenida Graça Aranha 39–A, Rio de Janeiro; and all branches in Brazil.
Casa de Despachos Almeida, Ltda.; Rua José Bonifacio 278, São Paulo.
Casa Lohner, S. A.; Avenida Rio Branco, Rio de Janeiro, and all branches in Brazil.
Casa Pfaff; Avenida 7 de Setembro 38, Bahia.
Casa Pfaff; Rua da Carióca 46, Rio de Janeiro.
Casa Tozan, Ltda.; Rua Florencio de Abreu 318, São Paulo.
Casa Trommel; Avenida Celso Garcia 409 (Caixa Postal 2903), São Paulo.
Cekace Pharmaceutica, Ltda.; Rua da Alfandega 144 (Caixa Postal 1912), Rio de Janeiro.
Chá Tupi, Ltda., Soc.; Rua Felipe de Oliveira 1, São Paulo; and Rua Braz Cubas 378, Santos; and all branches in Brazil.
Charutos Dannemann, Cia. de; Rua Portugal 1, Bahia; and Rio de Janeiro.
Chiba, Saburo; Rio de Janeiro.
Chikasawa, Yoshio (N.); São Paulo.
Chimica "Merck" do Brasil, S. A., Cia.; Avenida Nilo Peçanha 155, Rio de Janeiro, and all branches in Brazil.
Cinema Apollo; Santa Cruz.
Cinema Avenida; Santo Angelo.
Cinema Bastos; Fazenda Bastos, São Paulo.
Cinema Gymnastico; Santa Cruz.
Citra-Mina, Ltda.; Praça Mauá 7 (Caixa Postal 285), Rio de Janeiro.
Cohnitz, Franz; Praça 15 de Novembro 20, e Avenida Francisco Bicalho, Rio de Janeiro.
Cohnitz e Cia.; Rio de Janeiro, and all branches in Brazil.
Colombelli, Ernesto; Rua Bella Cintra 1631, São Paulo.
Colonizadora do Brasil, Ltda., Soc; Praça da Sé 399, São Paulo.
Commercial Alto Paraná, Cia.; Rua Libero Badaró 137, São Paulo, and all branches in Brazil.
Commercial Nippo-Brasileira, Ltda., Soc.; Rua Dr. Falcão Filho 56, São Paulo; and Avenida Nilo Peçanha 151, Rio de Janeiro.
Commercial "Waco" Ltda., Soc.; Caixa Postal 2331, São Paulo.
Commissaria Italo-Brasileira, Ltda.; Rua General Camara 35, Rio de Janeiro.
Condor, Ltda., Serviços Aéreos; Avenida Rio Branco 128, Rio de Janeiro.
Constructora Nacional S. A., Cia.; Rua Mexico 168, Rio de Janeiro, and all branches in Brazil.
Coóperativa Agrícola de Cotia; Rua Cardeal Arcoverde 2539, São Paulo.
Coóperativa Agrícola Nippo Bandeirante; Rua Antonio Pais 101, São Paulo.
Coóperativa Central Nippo Brasileira; Praça João Mendes 154, São Paulo.
Coóperativa Nippo Brasileira; Praça João Mendes 154, São Paulo.
Coóperativa Vinícola e Agrícola de São Roque; São Roque, São Paulo.
Corneta, Ltda.; Rua Turiassú 309, São Paulo.
Corrêa da Costa, Antonio; Rua General Camara 106, Rio de Janeiro.
Costa Carvalho e Cia.; Rua do Bom Jesús, Recife.
Cunha, A. R. (Jr.); Rua Araujo, Porto Alegre 70, Rio de Janeiro.
Daarnhouwer e Cia., Agencia da Bahia; Caixa Postal 249, Bahia.
Da Fonseca, João Altino; Rua da Italia 12, Bahia.
de Almeida e Cia., Furtado; Rua 3 de Dezembro 17, São Paulo.
de Almeida e Cia., Ltda., Barreira; Rua José Bonifacio 278, São Paulo.
Dedkind, Martin; Rua Augusta 598, São Paulo.
de Haen e Cia., Ltda., E.; Travéssa Santa Rita 24, Rio de Janeiro; and São Paulo.
de Oliveira Brito, Antonio; Rio de Janeiro.
Deutsche Lufthansa A. G.; All branches in Brazil.
"Deutz Otto" Légitimo, Ltda., Sociedade de Motores; Rio de Janeiro.
Diamants et Carbones, S. A.; Rua 1° de Março, Rio de Janeiro.
"Dibraco" Ltda., Distribuidora Brasileira de Aços e Metaes; Rua José Bonifacio 278, São Paulo.
Distribuidora Brasileira de Aços e Metaes "Dibraco" Ltda.; Rua José Bonifacio 278, São Paulo.
Domschke e Cia.; Rua Portugal 10, Bahia.

Draeger Ltda., Soc.; Rua Mayrink Veiga 4, Rio de Janeiro.
Dubois e Cia., E.; Rua da Alfandega 74, Rio de Janeiro.
E. N. I. T.—Ente Nazionale Industrie Turistiche; Avendia Rio Branco 104, Rio de Janeiro.
Eckert, Carl; Rua Mauá 1079, Porto Alegre.
Electro-Chimica Fluminense, Cia.; Rua 1° de Março 110, Rio de Janeiro.
Empresa Bahiana de Mineráes, Ltda.; Rua Torquato Bahia 3 (Caixa Postal 434), Bahia.
Empresa Brasileira de Mineração, Ltda.; São Paulo.
Empresa Constructora Brasileira Gruenbilf, Ltda.; Rua João Briccola 10, São Paulo.
Empresa Constructora Bratac, Ltda.; Praça da Sé 399, São Paulo.
Engenheiros, Industriaes Reginer, S.A.; Rua 1° de Março 141, Rio de Janeiro.
Ente Nazionale Industrie Turistiche; Avenida Rio Branco 104, Rio de Janeiro.
Estamparia Moderna; Rua Riachuélo 142, Rio de Janeiro.
Exportadora e Maritima Ltda., Soc.; Praça Mauá 7, Rio de Janeiro; and Rua Dom Pedro 11–16, Santos.
Faber Breistift Fabrik, Johann; Rua do Ouvidór 164, Rio de Janeiro.
Faber Lapis, Ltda., Johann; Bntácio Pessôa 201–9, São Paulo.
Fábrica de Adubos Esperança; São Paulo.
Fábrica de Ferramentas de Precisão, Rua Javorau 380, São Paulo.
Fábrica de Machinas Raimann, Ltda.; Joinville, Santa Catharina.
Fábrica Fiel, Ltda.; Rua Guaycurús 225, São Paulo.
Fábrica Nacional de Tambores, Ltda.; Rua Cielia 93, São Paulo; and Rio de Janeiro.
Fábrica Rio Grandense de Adubos e Productos Chimicos, S. A.; Pelótas, Rio Grande do Sul.
Farmaco, Ltda.; Rua São Bento 22, Rio de Janeiro.
Farmoquimica, Ltda.; Rua Voluntários de Patria 132, Rio de Janeiro.
Fatio, Jacques M.; Rua Libero Badaró, 346 (Caixa Postal 2485), São Paulo; and Rua Miguél Couto 111, Rio de Janeiro.
Fatio, Norbeto; Rua São Bento 290 (Caixa Postal 3635), São Paulo.
Fazenda "Bastos"; Rancharia, São Paulo.
Fazenda "Monte D'Este", Ltda.; Campinas, São Paulo.
Fazenda "Tiete"; Lussanvira, São Paulo.
Fazenda "Três Barras"; Jataby, Paraná.
Federal de Fundição, Cia.; Rua Nery Pinheiro 70, Rio de Janeiro.
Ferreira, A. (owner of Laboratório Veritas, Ltda.); Avenida Augusto Severo 58, Rio de Janeiro.
Ferro Transmares, Ltda.; Rua Libero Badaró 641 (Caixa Postal 514), São Paulo.
Ferrostaal A. G. Essen; Rio de Janeiro.
Fiação de Seda Bratac, Ltda.; Praça da Sé 399, São Paulo.
Fiação e Tecelagem São Leopoldo, Ltda.; São Paulo.
Fiat Brasileira S. A.; Praça 15 de Novembro 20, Rio de Janeiro.
Fiduciaria Brasileira, Cia.; Rua da Alfandega 48, Rio de Janeiro.
Filippone e Cia., G.; Rua Senador Dantas 35–A, Rio de Janeiro.
Financeira Barros - Handley, Ltda., Soc.; Largo do Café 14, São Paulo.
Fink, L. J.; Avenida Rodriguez Alves 161 (Caixa Postal 2866), Rio de Janeiro.
Fink e Cia., Carlos; Rua do Bom Jesús 227 (Caixa Postal 478), Pernambuco.
Fischer, Carl; Praça Mauá 7, Rio de Janeiro; and Rua Dom Pedro 11–16, Santos.
Fogões Junker e Ruh, Ltda.; Avenida Jurucé 2, São Paulo.
Fouquet, Paul; Rua 1° de Março, Rio de Janeiro.
Funtymod Fundição de Typos Modernos, Ltda.; Rua Ribeiro da Lima 282, São Paulo.
Geco Ltda., Soc.; Rua Theóphilo Ottoni 35–44, Rio de Janeiro.
General de Obras e Construções S. A., Cia.; Praça Mauá 7, Rio de Janeiro.
"GEOBRA"—Companhia General de Obras e Construções S. A.; Praça Mauá 7, Rio de Janeiro.
Germania Agencia Importadora, Ltda.; Praça Antenor Navarro 36–50, João Pessôa, and all branches in Brazil.
Gieseler, Wilhelm Adolf Paul; Rua Pero Correia 33, São Vicente, Santos.
Giesseler, Guilherme; Rua Pero Correia 33, São Vicente, Santos.
Gilbert, Horst Tassilio; Rua Republica do Perú 83 e Rua da Candelaria 53, Rio de Janeiro.
Goichbum, Chuno, Rua São Pedro 30, 1° andar, Rio de Janeiro.
Gonzales, Celso R.; Rua General Camara 90, Rio de Janeiro.
Gottmann e Cia., Carlos J.; Rua João Adolpho 2–A (Caixa Postal 2376), São Paulo.
Graphicor Concentra Hartmann Irmãos S. A.; Praça do São Christovão 249, Rio de Janeiro.
Guimarães e Cia., Ernesto; Rua Cidade de Toledo 23, Santos.
Gunze Silk Corporation, Rua Alvares Penteado 24–6, São Paulo.
Hachiya, Gosuke, Rua Theóphilo Ottoni 85, Rio de Janeiro.
Hachiya, Kazuo; Rio de Janeiro.
Hachiya, Kenkuro; Rio de Janeiro.
Hachiya, Senichi; Rio de Janeiro.
Hachiya Irmãos e Cia.; Rua Theóphilo Ottoni 85, e Rua Barão de Mesquita 781-A; Rio de Janeiro, and all branches in Brazil.
Hafers, Ernesto Magalhães (Dr.); Santos.
Halboth, Armin; Rua Buenos Aires 152, Rio de Janeiro.
Hama e Companhia; Rua Paula Sousa 290, Rio de Janeiro.
Hamaoka, Kenyto; São Paulo.
Hamburgueza Sul Americana, Cia.; Andradas 1290, Porto Alegre, and all branches in Brazil.
Hamers, Maximilian; Travéssa Braz Barros 19, Rio de Janeiro; and 25 de Março 1215, São Paulo.
Hamers, M., S. A., Companhia de Productos Quimicos; Travéssa Braz Barros 19, Rio de Janeiro.
Hamers, S. A., M.; 25 de Março 1215, São Paulo.
Handley e Cia., Ltda., Godofredo; Largo do Café 14, São Paulo.
Hansen e Cia., Alfred; Rua da Alfandega 107, Rio de Janeiro.
Hanstein, Wolfgang; Rua Mayrink Veiga 8, Rio de Janeiro.
Hara e Companhia, Ltda.; Praça da Sé 54, São Paulo.
Harada, Tatsunosuke; São Paulo.
Hase, Sakuro; Rua Irmã Simpliciana 102, São Paulo.
Hasenclever e Cia.; Avenida Rio Branco 69–77, Rio de Janeiro, and all branches in Brazil.
Hasenclever e Cia., Ltda., Alexandre; Rua Mayrink Veiga 4–3°, s–4, Rio de Janeiro.
Hatanaka, Senjiro; São Paulo.
Haupt & Co.; Rua São Pedro 50, Rio de Janeiro; and Rua 1° de Março 25, São Paulo.
Heidelman & Co.; Praça Antenor Navarro 35–50, João Pessôa, Parahyba.
Heinzerling & Lock, Ltda.; Rua Turiassú 1687, São Paulo.
Hennig, Adolfo; Julio de Castilhos 220, Santa Cruz, Rio Grande do Sul.
Hennig, Arnaldo; Julio de Castilhos 220, Santa Cruz, Rio Grande do Sul.
Hennig, Ervino; Julio de Castilhos 220, Santa Cruz, Rio Grande do Sul.
Hennig Irmãos; Julio de Castilhos 220, Santa Cruz, Rio Grande do Sul.
Hey, Willi; Praça Argollo, Theóphilo Ottoni, Minas Geraes.
Higashi, Johachi; Rua Alfandega 110, Rio de Janeiro.
Hirokawa, Casa Kanematsu de I.; Rio de Janeiro.
Hoepcke S. A., Commercio e Industria, Carlos; Florianopolis, and all branches in Brazil.
Holzgrefe e Cia.; Rua Portugal 27, Bahia.
Hoos, George Kurt; Fortaleza, Ceará.
Horn, Karl; Pensão Jensen, Avenida 7 de Setembro 276, e Rua Portugal 27, Bahia.
Horst do Brasil, Ltda., Theodor Jos.; Rua Carnot 548, São Paulo.
Huland e Cia., Ltda., Oscar; Rua Majór Facunde 173, Fortaleza, Ceará.
Hunsche e Cia.; Rua Dr. Flôres 119, Porto Alegre, and all branches in Brazil.
Imaizumi, Misao; Rua Bôa Vista 116, São Paulo.
Imaki, M.; Rio de Janeiro.
Imaki, Masuo; Avenida Nilo Peçanha 151, Rio de Janeiro.
Imbras Limitada; Rua Bella Cintra 1541, Rio de Janeiro.
Importadora Nipo-Brasileira, Ltda., Soc.; Rua Bendito Hipolito 10, Rio de Janeiro.
Impressora Paranáense; Rua Commendador Araujo 731–747, Curityba, Paraná.
Industria de Electro Aços Plangg, Ltda.; Novo Hamburgo, Rio de Janeiro.
Industria Typographia Italiana; Avenida Apparicio Borges 131, Rio de Janeiro.

Industrial Amazonense S. A., Cia.; Manáos, Amazonas.
Industrial e Commercial Schmuziger, Ltda., Soc.; São Paulo and Rio de Janeiro.
Industrial, Mercantil e Agricola; Rua Libero Badaró 137, São Paulo.
Industrias Chimicas Geronazzo, Ltda.; Rua Catharina Braida 9, São Paulo, and all branches in Brazil.
Industrias de Adubos Kanakao, S. A.; Rua Theodoro Sampaio 2756, e Rua Itapura Miranda 17, Rio de Janeiro.
Industrias Refrigeração Polonor, S. A.; Rua Barra Funda 698, São Paulo.
Industrias Rodolpho, S. A.; Fortaleza, Ceará.
Informadora Rapida, Ltda.; Praça Mauá 7, Rio de Janeiro.
Instituto Behring de Therapeutica Experimental, Ltda.; Rua Dom Gerardo 42 e Estrada Cafunda 1290, Rio de Janeiro.
Institutos Terapeuticos Reunidos "Labofarma", S. A.; Rua Glicério 497, São Paulo, and all branches in Brazil.
Interam Exportadora, Ltda., Soc.; Rua São Pedro 39–1°, Rio de Janeiro.
Intercontinental Sociedade Exportadora e Importadora; Rua da Alfandega 84, Rio de Janeiro.
Internacional de Commercio, Ltda., Soc.; Rua Uruguayana 104, Rio de Janeiro.
Isolectra, Ltda.; Rua Julio Colaco 59, São Paulo.
"Italcable" Companhia Italiana dei Cavi Telegrafici Sottomarini, S. A.; Rua Buenos Aires 44, Rio de Janeiro, and all branches in Brazil.
"Italfilm", Ltda.; Rua Helvetia 647, São Paulo.
Italiana dei Cavi Telegrafici Sottomarini S. A., "Italcable" Cia.; Rua Buenos Aires 44, Rio de Janeiro, and all branches in Brazil.
"Italmar"; Avenida Rio Branco 2–6, Rio de Janeiro, and all branches in Brazil.
Italo Brasileira de Industria e Commercio S. A., Cia.; Rua Deocleciana 15, São Paulo.
Ito, Yozo; São Paulo.
Ito e Cia., Ltda., Yozo; Rua Irmã Simpliciana 78, São Paulo.
Iwasaki, Hikoyata; São Paulo.
Iwasaki, Takaya; São Paulo.
Iwasaki, Tsuneya; São Paulo.
Jenner, Ernst; João Pessôa, Parahyba.
Jenner e Cia., Ernesto; João Pessôa, Parahyba, and all branches in Brazil.
Jimmi, Ltda., Soc.; Rua Irmã Simpliciana 78, São Paulo.
Jopila Exportadora, Ltda.; Recife, Pernambuco.
Kaigai Kogyo Kabushiki Kaisha; Praça do Sé 54, São Paulo; Rua Barão de Paranapiacaba 139, Santos; and all other branches in Brazil.
Kanakao, S. A., Rua Theodoro Sampaio, 2756, e Rua Itapura Miranda 17, Rio de Janeiro.
Kanne, Ryoji; São Paulo.
Kanzaki, Shota; São Paulo.
Kato, Carlos Y.; São Paulo.
Kaucher, Walter; Santa María de Itabira.
Kern e Cia., Ltda., Carlos; Rua da Alfandega 144; Rio de Janeiro.
Kiefer, Otto; Rua João Briccola 10 e Avenida Atlântica 5 (Caixa Postal 3285), São Paulo.
Kimitsuka, Shin; São Paulo.
Kimura, Yoshikichi; São Paulo.
Kircher, Hillmann e Cia; Praça Ruy Barbosa 188, Porto Alegre.
Kirsten, Carlos (Successor of Kirsten & Weber); Rua Lopes Cardoso 16, Bahia.
Koga, Genzabro; Fazenda Bastos, São Paulo.
Konishi e Companhia, Ltda.; Rua Senador Feijo 177, São Paulo.
Kores, Ltda.; Al. Santos 1362, São Paulo.
Kraus, Franz; Rua General Camara 41, Rio de Janeiro.
Krause & Keppich; Avenida Graça Aranha 40, Rio de Janeiro.
Krebs e Cia., Ltda., W. Fonseca; Rua da Alfandega 189, Rio de Janeiro.
L. A. T. I., Linhas Aéreas Transcontinentaes Italiana S. A.; Rua Mexico 90, Rio de Janeiro, and all branches in Brazil.
"Labofarma", S. A., Institutos Terapeuticos Reunidos; Rua Glicério 497, São Paulo.
Laboratório Esculapio, Ltda.; Rua da Alfandega 144 (Caixa Postal 1912), Rio de Janeiro.
Laboratório Veritas, Ltda.; Avenida Augusto Severo 58, Rio de Janeiro.
Laboratório Vitex, Ltda.; Rio de Janeiro, and all branches in Brazil.
Lang e Cia., Ltda.; Rua Commendador Manoel Pereira 177, Porto Alegre.
Lange e Cia., Ltda., H.; Rua Mexico 90, Rio de Janeiro, and all branches in Brazil.
Lecoultre e Cia., Ltda.; Rua Libero Badaró 173, São Paulo.
Lettieri, G.; Rua Chile 65–67 y 103–106, Natal.
Leutzgen, Guilherme; Rua Luiz Góes 122 (Caixa Postal 2027), São Paulo.
Leuzinger, S. A.; Rua do Lavradio 162, Rio de Janeiro.
Levier, Leo E.; Candelaria 74, Rio de Janeiro.
Linhas Aéreas Transcontinentaes Italiana S. A.; Rua Mexico 90, Rio de Janeiro, and all branches in Brazil.
Livraria Allemã; Rua da Bahia 1022, e Edificio Lutetia, Avenida Amazonas, Bello-Horizonte, Minas Geraes.
Lodders, Ricardo; Avenida Rio Branco 69–77, Rio de Janeiro.
Lohmann e Cia.; Rua Miguél Couto 51 (Caixa Postal 947), Rio de Janeiro.
Lohmann e Cia., Ernst; Travéssa Padre Eutychio 59, Pará.
Loja Kiito; Rue Direita 255, São Paulo.
"Loja Telefunken"; Rua Tamoyos 438, Bello-Horizonte.
Lorenzetti e Cia., Ltda.; Avenida Presidente Wilson 1230, São Paulo.
Lück e Cia., Gurgel; Rua do Commercio 161–165, Natal.
Luik, Paul; Rua Theóphilo Ottoni 89, Rio de Janeiro.
Luik e Kleiner, Ltda.; Rua Theóphilo Ottoni 89, Rio de Janeiro.
Machado e Cia., P.; Rua Pessôa Anta 111–117 (Caixa Postal 185), Fortaleza, Ceará; and Cratheús, Ceará.
Machinas Ainorma Ltda., Soc. de; Rua São Pedro 89, Rio de Janeiro.
Machinas de Escrever Olympia Ltda.; Rua Theóphilo Ottoni 86 (Caixa Postal 2754), Rio de Janeiro.
Machinas Metro, Ltda.; São Paulo.
Machinas para Escriptório Mercedes do Brasil, Ltda.; Rua da Quitanda 65, Rio de Janeiro; and São Paulo.
Mahlmann, Emil; Andradas 1290, Porto Alegre.
Makota Trading Co., Ltd.; all branches in Brazil.
Malheiro, Menici; Avenida Rio Branco 69–77, Rio de Janeiro.
Mangels & Kreutzberg, Ltda.; Avenida Presidente Wilson 1866, São Paulo.
Mannesmann S. A., Tubos; Rua General Camara 90, Rio de Janeiro.
Marelli Motores S. A.; Rua Luiz de Camoes 22, Rio de Janeiro.
Margutti, Stefano; Rua da Quitanda 96, São Paulo.
Marschner, Francisco; Avenida Amazonas 308, Bello-Horizonte, Minas Geraes.
Martins e Cia., Octavio; Rua Miguél Couto 81, Rio de Janeiro.
Martins, Estamparia Otavio; Rua Justiniano da Rocha 200–A, Rio de Janeiro.
Maselli, Arthur; Praça Mauá 7, s–1510, Rio de Janeiro.
Matsumoto, Kasuhiro; São Paulo.
Melching, A. O. H.; Rua São Bento 405 (Caixa Postal 2505), São Paulo.
Melhoramentos de São Paulo, Cia.; Rua Libero Badaró 443, São Paulo; and Rua Gonçalves Dias 9, Rio de Janeiro.
Melzer, Winrich; Rua Senador Queiróz 96, São Paulo.
Mendes e Cia., Alves; Rio de Janeiro, and all branches in Brazil.
Meng, Hermann; Rua Buenos Aires 85, Rio de Janeiro.
"Merck" do Brasil S. A., Companhia Chimica; Avenida Nilo Peçanha 155, Rio de Janeiro, and all branches in Brazil.
Meridional Tintas e Composições, Ltda.; Rua de Candelaria 9, Rio de Janeiro.
Messner, Franz (Dr.); Rua General Camara 19, Rio de Janeiro.
Metallurgica Mar; São Paulo.
Metzner, Kurt; Rio de Janeiro.
Meyer, Alwin; Rua Mayrink Veiga 4, Rio de Janeiro.
Michahelles e Cia., Ltda. (formerly Petersen Michahelles e Cia., Ltda.); Rua Mayrink Veiga 8 (Caixa Postal 759), Rio de Janeiro; São Paulo; and all branches in Brazil.
Mimósa Photo Stubbe Stuebing e Cia., Ltda.; Rua General Camara 106, Rio de Janeiro.
Minas Brasilmica, Ltda.; Rua Lino Coutinho 1718, São Paulo.
Mitsubishi & Co.; All branches in Brazil.
Mitsui & Co.; All branches in Brazil.
Miyasaka, Kunito; São Paulo.
Mizukani, Fugio; São Paulo.
Moeller, Guilhermo; Rua do Carmo 9 (Caixa Postal 2039), São Paulo; and Rio de Janeiro.
Mogi, Seigo; Praça Antonio, Prado 9, São Paulo.
Mori, Goro; São Paulo.
Motores "Deutz Otto" Legitimo, Ltda., Soc. de; Rua da Alfandega 116, Rio de Janeiro.
Muller, Peter; Rua Floriano Peixóto 6, Pernambuco.
Murai, Yo.
Nakano Iwao; Rua Anhangabahu 911, São Paulo.

Industrial Amazonense S. A., Cia.; Manáos, Amazonas.

Industrial e Commercial Schmuziger, Ltda., Soc.; São Paulo and Rio de Janeiro.

Industrial, Mercantil e Agrícola; Rua Libero Badaró 137, São Paulo.

Industrias Chimicas Geronazzo, Ltda.; Rua Catharina Braida 9, São Paulo, and all branches in Brazil.

Industrias de Adubos Kanakao, S. A.; Rua Theodoro Sampaio 2756, e Rua Itapura Miranda 17, Rio de Janeiro.

Industrias Refrigeração Polonor, S. A.; Rua Barra Funda 698, São Paulo.

Industrias Rodolpho, S. A.; Fortaleza, Ceará.

Informadora Rapida, Ltda.; Praça Mauá 7, Rio de Janeiro.

Instituto Behring de Therapeutica Experimental, Ltda.; Rua Dom Gerardo 42 e Estrada Cafunda 1290, Rio de Janeiro.

Institutos Terapeuticos Reunidos "Labofarma", S. A.; Rua Glicério 497, São Paulo, and all branches in Brazil.

Interam Exportadora, Ltda., Soc.; Rua São Pedro 39–1°, Rio de Janeiro.

Intercontinental Sociedade Exportadora e Importadora; Rua da Alfandega 84, Rio de Janeiro.

Internacional de Commercio, Ltda., Soc.; Rua Uruguayana 104, Rio de Janeiro.

Isolectra, Ltda.; Rua Julio Colaco 59, São Paulo.

"Italcable" Companhia Italiana dei Cavi Telegrafici Sottomarini, S. A.; Rua Buenos Aires 44, Rio de Janeiro, and all branches in Brazil.

"Italfilm", Ltda.; Rua Helvetia 647, São Paulo.

Italiana dei Cavi Telegrafici Sottomarini S. A., "Italcable" Cia.; Rua Buenos Aires 44, Rio de Janeiro, and all branches in Brazil.

"Italmar"; Avenida Rio Branco 2–6, Rio de Janeiro, and all branches in Brazil.

Italo Brasileira de Industria e Commercio S. A., Cia.; Rua Deocleciana 15, São Paulo.

Ito, Yozo; São Paulo.

Ito e Cia., Ltda., Yozo; Rua Irmã Simpliciana 78, São Paulo.

Iwasaki, Hikoyata; São Paulo.

Iwasaki, Takaya; São Paulo.

Iwasaki, Tsuneya; São Paulo.

Jenner, Ernst; João Pessôa, Parahyba.

Jenner e Cia., Ernesto; João Pessôa, Parahyba, and all branches in Brazil.

Jimmi, Ltda., Soc.; Rua Irmã Simpliciana 78, São Paulo.

Jopila Exportadora, Ltda.; Recife, Pernambuco.

Kaigai Kogyo Kabushiki Kaisha; Praça do Sé 54, São Paulo; Rua Barão de Paranapiacaba 139, Santos; and all other branches in Brazil.

Kanakao, S. A., Rua Theodoro Sampaio, 2756, e Rua Itapura Miranda 17, Rio de Janeiro.

Kimitsuka, Shin; São Paulo.

Kimura, Yoshikichi; São Paulo.

Kircher, Hillmann e Cia; Praça Ruy Barbosa 188, Porto Alegre.

Kirsten, Carlos (Successor of Kirsten & Weber); Rua Lopes Cardoso 16, Bahia.

Koga, Genzabro; Fazenda Bastos, São Paulo.

Konishi e Companhia, Ltda.; Rua Senador Feijo 177, São Paulo.

Kores, Ltda.; Al. Santos 1362, São Paulo.

Kraus, Franz; Rua General Camara 41, Rio de Janeiro.

Krause & Keppich; Avenida Graça Aranha 40, Rio de Janeiro.

Krebs e Cia., Ltda., W. Fonseca; Rua da Alfandega 189, Rio de Janeiro.

L. A. T. I., Linhas Aéreas Transcontinentaes Italiana S. A.; Rua Mexico 90, Rio de Janeiro, and all branches in Brazil.

"Labofarma", S. A., Institutos Terapeuticos Reunidos; Rua Glicério 497, São Paulo.

Laboratório Esculapio, Ltda.; Rua da Alfandega 144 (Caixa Postal 1912), Rio de Janeiro.

Laboratório Veritas, Ltda.; Avenida Augusto Severo 58, Rio de Janeiro.

Laboratório Vitex, Ltda.; Rio de Janeiro, and all branches in Brazil.

Lang e Cia., Ltda.; Rua Commendador Manoel Pereira 177, Porto Alegre.

Lange e Cia., Ltda., H.; Rua Mexico 90, Rio de Janeiro, and all branches in Brazil.

Lecoultre e Cia., Ltda.; Rua Libero Badaró 173, São Paulo.

Lettieri, G.; Rua Chile 65–67 y 103–106, Natal.

Leutzgen, Guilherme; Rua Luiz Góes 122 (Caixa Postal 2027), São Paulo.

Leuzinger, S. A.; Rua do Lavradio 162, Rio de Janeiro.

Levier, Leo E.; Candelaria 74, Rio de Janeiro.

Linhas Aéreas Transcontinentaes Italiana S. A.; Rua Mexico 90, Rio de Janeiro, and all branches in Brazil.

Livraria Allemã; Rua da Bahia 1022, e Edificio Lutetia, Avenida Amazonas, Bello-Horizonte, Minas Geraes.

Lodders, Ricardo; Avenida Rio Branco 69–77, Rio de Janeiro.

Lohmann e Cia.; Rua Miguél Couto 51 (Caixa Postal 947), Rio de Janeiro.

Lohmann e Cia., Ernst; Travéssa Padre Eutychio 59, Pará.

Loja Kiito; Rue Direita 255, São Paulo.

"Loja Telefunken"; Rua Tamoyos 438, Bello-Horizonte.

Lorenzetti e Cia., Ltda.; Avenida Presidente Wilson 1230, São Paulo.

Lück e Cia., Gurgel; Rua do Commercio 161–165, Natal.

Luik, Paul; Rua Theóphilo Ottoni 89, Rio de Janeiro.

Luik e Kleiner, Ltda.; Rua Theóphilo

Machinas para Escriptório Mercedes do Brasil, Ltda.; Rua da Quitanda 65, Rio de Janeiro; and São Paulo.

Mahlmann, Emil; Andradas 1290, Porto Alegre.

Makota Trading Co., Ltd.; all branches in Brazil.

Malheiro, Menici; Avenida Rio Branco 69–77, Rio de Janeiro.

Mangels & Kreutzberg, Ltda.; Avenida Presidente Wilson 1866, São Paulo.

Mannesmann S. A., Tubos; Rua General Camara 90, Rio de Janeiro.

Marelli Motores S. A.; Rua Luiz de Camoes 22, Rio de Janeiro.

Margutti, Stefano; Rua da Quitanda 96, São Paulo.

Marschner, Francisco; Avenida Amazonas 308, Bello-Horizonte, Minas Geraes.

Martins e Cia., Octavio; Rua Miguél Couto 81, Rio de Janeiro.

Martins, Estamparia Otavio; Rua Justiniano da Rocha 200–A, Rio de Janeiro.

Maselli, Arthur; Praça Mauá 7, s–1510, Rio de Janeiro.

Matsumoto, Kasuhiro; São Paulo.

Melching, A. O. H.; Rua São Bento 405 (Caixa Postal 2505), São Paulo.

Melhoramentos de São Paulo, Cia.; Rua Libero Badaró 443, São Paulo; and Rua Gonçalves Dias 9, Rio de Janeiro.

Melzer, Winrich; Rua Senador Queiróz 96, São Paulo.

Mendes e Cia., Alves; Rio de Janeiro, and all branches in Brazil.

Meng, Hermann; Rua Buenos Aires 85, Rio de Janeiro.

"Merck" do Brasil S. A., Companhia Chimica; Avenida Nilo Peçanha 155, Rio de Janeiro, and all branches in Brazil.

Meridional Tintas e Composicões, Ltda.; Rua de Candelaria 9, Rio de Janeiro.

Messner, Franz (Dr.); Rua General Camara 19, Rio de Janeiro.

Metallurgica Mar; São Paulo.

Metzner, Kurt; Rio de Janeiro.

Meyer, Alwin; Rua Mayrink Veiga 4, Rio de Janeiro.

Michahelles e Cia., Ltda. (formerly Petersen Michahelles e Cia., Ltda.); Rua Mayrink Veiga 8 (Caixa Postal 759), Rio de Janeiro; São Paulo; and all branches in Brazil.

Mimósa Photo Stubbe Stuebing e Cia., Ltda.; Rua General Camara 106, Rio de Janeiro.

Minas Brasilmica, Ltda.; Rua Lino Coutinho 1718, São Paulo.

Mitsubishi & Co.; All branches in Brazil.

Mitsui & Co.; All branches in Brazil.

Miyasaka, Kunito; São Paulo.

Mizukani, Fugio; São Paulo.

Moeller, Guilhermo; Rua do Carmo 9 (Caixa Postal 2039), São Paulo; and Rio de Janeiro.

Mogi, Seigo; Praça Antonio, Prado 9,

Napp, Scherer e Cia., Ltda.; Rio Grande do Sul.
Nebiolo, S. A.; Rua Buenos Aires 263, Rio de Janeiro; São Paulo; and all branches in Brazil.
Neugebauer e Cia., Ernesto; Avenida Germania 230, Porto Alegre.
Niponica de Plantação do Brasil S. A., Cia.; Praça Frei Caetano Brandão 37, Pará.
Nishihara, Sakae; São Paulo.
Nishio, Hagemu; Rua Rosario 113–a, Rio de Janeiro.
Nishitani, Kazuo; Rio de Janeiro.
Nishitani, Shoichi; Rio de Janeiro.
Nishitani e Cia., Ltda.; Rua São Pedro 208, Rio de Janeiro; and Rua do Carmo 400, São Paulo.
Nishiyma e Cia., Irmãos; Londrina and Cornelio Procopio, Paraná.
Nitsche-Guenther-Busch do Brasil, Ltda.; Avenida Rio Branco 122, Rio de Janeiro.
Noethlich, Herbert; Avenida Rio Branco 52, Rio de Janeiro.
Noetzlin, Hans; Rua Portugal 9, Bahia.
Noguchi e Cia.; Mercado Municipal, Rio de Janeiro.
Nygaard, Christiano (filho); Rua Commendador Cominha 48, Porto Alegre.
O Japão Em São Paulo; Rua Libero Badaró 472, São Paulo.
Officina Mechanica Tozan; Avenida Celso Garcia 1248, São Paulo.
Officinas Mechanicas Aeronáuticas do Brazil, Ltda.; Rua Mexico 90, Rio de Janeiro.
Ohno, Mochisa; Rio de Janeiro.
Okada, Shiguezo; São Paulo.
Okamoto, Hidenosuke;
Oldendorf, E.; Rua Senador Queiróz 192, São Paulo.
Olivetti do Brasil, S. A.; Rua Florencio de Abreu 37, São Paulo; and Rua Buenos Aires 17, Rio de Janerio.
Omnipol Brasileira S. A.; Rua General Camara 139 (Caixa Postal 2734), Rio de Janeiro.
Optica, Ltda., Soc.; Rua dos Benedictinos 21, Rio de Janeiro, and all branches in Brazil.
Osaka do Brasil Ltda., Sociedade de Navegação; Avenida Rio Branco 17, Rio de Janeiro; Rua Cidade de Toledo 31, Santos; Rua Alvares Penteado 20, São Paulo; and all branches in Brazil.
Osaka Syosen Kaisya "O. S. K." Line; Rio de Janeiro.
Osaki, Takahashi e Cia., Ltda.; Rua Visconde de São Vicente 83, Rio de Janeiro.
Osborne, Herbert; Avenida Pessôa Anta 73, Fortaleza, Ceará.
Ozaki, Tsugio; Rio de Janeiro.
Pareto e Cia., Carlo; Rua 1° de Março 31, Rio de Janeiro.
Paschen e Cia.; Caixa Postal 44, Fortaleza, Ceará.
Perfumaria Ciaco, Ltda.; Fortaleza, Ceará.
Petersen e Cia., Ltda.; Caixa Postal 1046, São Paulo.
Petersen, Michahelles e Cia., Ltda.; Rio de Janeiro, and all branches in Brazil.
Petsch, Willy; Porto Alegre.
Pettinati e Cia. Ltda., Francisco; Rua Conselheiro Crispiniano 29, São Paulo.
Pfleugger e Cia., Ernesto; Manáos.
Pharmacia Allemã; Rua da Alfandega 74, Rio de Janeiro.
Picard, Ernesto; Rua Brigadeiro Tobias 673 (Caixa Postal 4226), São Paulo.
Pires, Manoel; Rua 15 de Novembro 204, Santos.
Pneumaticos Continental do Brasil, Ltda; Rio de Janeiro.
Prado e Cia., Ltda., A.; Rua Luiz Teixeira 18, São Paulo.
Productos Bruschettini; Rua Senador Dantas 55, Rio de Janeiro.
Productos de Lavoura, Ltda.; Rua Libero Badaró 73, São Paulo.
Raabe e Cia., Ltda.; Galeria Municipal 109–111, Porto Alegre; and Rio de Janeiro.
Raacke, C. H.; Avenida Graça Aranha 40 (Caixa Postal 261), Rio de Janeiro.
Raimann e Cia.; Rua Florencio de Abreu 123, São Paulo, and all branches in Brazil.
Ranniger e Cia.; Boulevard Castilhos Franca 73, Pará.
Rantex, Ltda.; Rua Libero Badaró, 346, São Paulo.
Regnier & Anachoreta; Rua Candelaria 92, Rio de Janeiro.
Regnier de Maquinas e Baterias Electricas, S.A.; Rua Candelaria 92, Rio de Janeiro.
Regnier e Cia., Ltda.; Rua Candelaria 92, Rio de Janeiro.
Regnier, S. A.; Rua Candelaria 92, Rio de Janeiro.
Rehder, Raul; José Maria Lisbôa 1163, São Paulo.
Reis, Wilhelm; Avenida Almirante Barroso 81, Rio de Janeiro.
Representações Union, Ltda.; Rua 1° de Março 118 (Caixa Postal 590), Rio de Janeiro.
Residuos Algodõeira, Ltda.; Rua São Benito 290, São Paulo.
Ribeiro dos Santos, Antonio; São Paulo.
Ribeiro e Cia., Ltda. J. A.; Rua Costa Pereira 128, Victoria, and all branches in Brazil.
Ricordi e Cia., G.; Alaméda Barão de Limeira 331, São Paulo.
Ricotti, Attilio; Avenida Rangel Pestana 1086–88, São Paulo.
Riedel, J. D.; Travéssa Santa Rita 24, Rio de Janeiro; and São Paulo.
Rik, Richard; Rua Conselheiro Moreira de Barros 213, São Paulo.
Roenn, Wilhelm; Rua Libero Badaró 346 São Paulo.
Roth e Cia., G.; Avenida 17 de Agosto 189, Pernambuco.
Rotundo e Companhia, Ltda.; Rua Visconde Inhauma 39, Rio de Janeiro.
Rouviere, Edmundo; Rua Duvivier 43, Rio de Janeiro.
Rudert, H.; Rio de Janeiro.
Sá, Elysio; Rua Visconde Cabo Frio 44 e Rua Valparaiso 64, Rio de Janeiro.
Sakamoto, Masaharu; São Paulo.
Sapaco, S. A.; Avenida Agua Branca 524, São Paulo, and all branches in Brazil.
Sasano, Fukusi; Rua Goiaz Piedade 564, Rio de Janeiro.
Satoh, Sei; Rua Rosario 69, Rio de Janeiro.
Sawamura, K.; Rua General Camara 104, Rio de Janeiro.
Schadlich, Obert e Cia.; Rua Direita 160, São Paulo, and all branches in Brazil.
Schaeffer e Cia.; Rua Voluntários da Patria 294–304, Porto Alegre.
Scheidt e Cia., Ltda., F. W.; Rua Domingos Lima 322, São Paulo.
Schering, S. A.; Rua Moráes Silva 43, Rio de Janeiro; and São Paulo.
Schiefferdecker, Henrique; São Paulo.
Schiemm e Cia., E.; Rua 15 de Novembro 387 (Caixa Postal 550); Curityba, Paraná.
Schluepmann, Werner; Avenida Presidente Getulio Vargas 12, Parnahyba, Piauhy.
Schlupmann e Cia.; Parnahyba, Piauhy.
Schmid, A.; Rua do Ouvidôr 164, Rio de Janeiro.
Schmidlin, Hugo; Rua Tamoyos 487, Bello-Horizonte, Minas Geraes.
Schmidlin e Cia.; Rua Tamoyos 487, Bello-Horizonte, Minas Geraes.
Schmidt e Cia.; Rua Julio Adolfo 14, Bahia.
Schmitt & Alberto; Rua Evaristo da Veiga 142–4, Rio de Janeiro.
Schmitt e Cia., Ltda.; Rua 24 de Maio 207, São Paulo.
Schmuziger, Ltda., Sociedade Industrial e Commercial; Rua Benjamin Constant 147, São Paulo; and Rua da Candelaria 78, Rio de Janeiro.
Schrappe, Max; Rua Commendador Araujo 731–747, Curityba, Paraná.
Schreurs e Cia., Ltda., H.; Rua Voluntários da Patria 140, Porto Alegre.
Schupp e Cia., Emilio; Rua Miguel Couto 42–4, Rio de Janeiro.
Schutte e Cia., Ltda., Alfred H.; Rua São Pedro 88, Rio de Janeiro, and all branches in Brazil.
Seibel e Cia.; Rua Voluntários da Patria 608, Porto Alegre.
Sekkel, Jacques; Avenida Calogéras 6, Rio de Janeiro.
Selmi e Cia., Ltda.; Rua Portugal 9, Bahia.
Semper e Cia.; Rua Marechal Deodóro 172, Manáos, and all branches in Brazil.
Sergio Filhos & Co.; Rua Sampaio Moreira 29, São Paulo.
Serviços Aéreos Condor, Ltda.; Avenida Rio Branco 128, Rio de Janeiro, and all branches in Brazil.
Shiino, Yutaka; Rua Theóphilo Ottoni 113, Rio de Janeiro.
Shirato, Kanji; Rio de Janeiro.
"SIDAPAR"—Usina Siderurgica e Laminadora Nossa Senhore Aparecida S. A.; Rua da Quinta 71, São Paulo.
Siemens Bauunion do Brasil, Sociedade Anonyma Empresa Constructora; Rio de Janeiro.
Siemens-Schuckert, S. A., Compania Brasileira de Electricidade; Rua General Camara 78, Rio de Janeiro, and all branches in Brazil.
Silva, Amado Amandio; Rua Conselheiro Saraiva 41, Rio de Janeiro.
Silva e Cia.; Rua Portugal 26, Bahia.
Sinner e Cia.; Avenida Venezuéla 43, Rio de Janeiro.
"SOINC"—Sociedade International de Commercio, Ltda.; Rua Uruguayana 104, Rio de Janeiro.
Spreidke, Johannes Hans Paul; Rua Portugal 27, Bahia.
Stahlunion, Ltda.; Rua Candelaria 53, Rio de Janeiro; and Rua Senador Queiróz 76, São Paulo.

Starke Cía. (Successor of Hans Riepery Cia.); Rua Portugal 24, Bahia.
Steffen e Cia., Ltda., Arnoldo; Rua Portugal 9, Bahia.
Steinbach e Cia.; Rua Miguel Calmon 36, Bahia.
Steubing, J. J.; Rua General Camara 106, Rio de Janeiro.
Stoltz e Cia., Hermann; Avenida Rio Branco 66–74, Rio de Janeiro, and all branches in Brazil.
Sumbeck, Fritz; Praça Mauá 7, Rio de Janeiro; and Rua Dom Pedro 11–16, Santos.
Syndicato Condor, Ltda.; Avenida Rio Branco 128, Rio de Janeiro, and all branches in Brazil.
Tagawa, Seiichi; Rua Dr. Falcão Filho 56, São Paulo.
Takaima, Sampey; Rio de Janeiro.
Takeda, Kanichi; Rio de Janeiro.
Tamanouchi, Hideo; São Paulo.
Tecelagem de Seda Paulicea, Ltda.; Avenida Alvaro Ramos 35, São Paulo.
Technica Bremensis, Ltda., Soc.; Caixa Postal 1548, Rio de Janeiro, and all branches in Brazil.
Tecidos Japonezes S. A.; Rua Direita 255, São Paulo.
Thewico de Armazens Geraes S. A., Cia.; Avenida Rodrigues Alves e Avenida Rio Branco 79–81, Rio de Janeiro.
Tintas Sprimo, S. A.; Rua Coronél Pedro Alves 100 (Caixa Postal 1839), Rio de Janeiro.
Tintas Victoria, Ltda.; Rua Conde Leopoldina 644, Rio de Janeiro; and Dûque de Cáxias 555, São Paulo.
"Tok and Niwa"; Rio de Janeiro.
Tokuya, Koseki; São Paulo.
"Transocean" G. m. b. H.; Rosario 136, Rio de Janeiro.
Trepper e Costa; Rua General Camara 19, Rio de Janeiro.
Truppel e Cia., B.; São Francisco do Sul (Caixa Postal 29), Santa Catharina.
Tsukamoto, Takeshi; Rio de Janeiro.
Tubos Mannesmann S. A.; Rua General Camara 90, Rio de Janeiro.
Tuji, Kotaro; Pará.
União de Ferros; Rua Voluntários da Patria 294–304, Porto Alegre.
Urbach, Joseph; Avenida São João 239, São Paulo.
Usina Siderurgica e Laminadora Nossa Senhora Aparecida S. A.; Rua da Quinta 71, São Paulo.
Uyetsuka, Tsukasa; Pará.
Valente, Agostino Cesare; Rua Senador Dantas 55, Rio de Janeiro.
Van Rees do Brasil, Ltda.; Rua Libero Badaró 92, São Paulo.
Vaz, Cyro; Rua de Quitanda 163, sala 202, Rio de Janeiro.
Viação São Paulo-Matto Grosso, Cia.; Rua Libero Badaró 137, São Paulo.
Vianna, Braga e Cia.; Rua Conselheiro Dantas 35, São Salvador, Bahia; and Joazeiro, Bahia.
Von Densteinen, Carlos; Recife, Pernambuco.
Von Klobusitsky, Dionisio M. (Dr.); Rua Voluntários da Patria 132, Rio de Janeiro.
Von Zimmermann, Hortz; Rua Tamoyos 487, Bello-Horizonte, Minas Geraes.
Wagner, Ltda., Fábrica Gunther; Rua Mello Souza 86, Rio de Janeiro.
Wanderley e Cio., Ltda., Tercio; Rua do Comercio 508–518, Maceió, Alagôas.
Waste Export, Ltda.; Rua São Bento 290, São Paulo.
Weiszflog Irmãos; Rua Libero Badaró 443, São Paulo; and Rua Gonçalves Dias 9, Rio de Janeiro.
Westphalen, Bach, Krohn e Cia.; Rua Miguel Calmon 36, Bahia.
Will, Frederico; Rua da Alfandega 69, Rio de Janeiro.
Wille Cia., Ltda., Theodor; Avenida Rio Branco 79–81, Rio de Janeiro, and all branches in Brazil.
Winkelmann, Walter; Rua Alvaro Alvim 33–7, Rio de Janeiro.
Wolffmetal, Ltda.; Rua Hypodromo 1200, São Paulo.
Yamada, Tadashi.
Yamagata, Faro e Cia., Ltda.; Niteroi, Rio de Janeiro.
Yamamoto, Kioshi; São Paulo.
Yamashita Kisen Kabushiki Kaisha "Yamashita" Line; Praça da Republica 22, Santos; and Rua Libero Badaró 92, São Paulo.
Yokohama Specie Bank; Rua da Candelaria 23, Rio de Janeiro.
Zaki, Shirato e Cia; Rua Rosario 69, Rio de Janeiro.
Zeimer, Otto; Rua H. Barros 197, Rio de Janeiro.
Zeimer e Cia.; Rua General Camara 78, Rio de Janeiro; and Theóphilo Ottoni, Minas Geraes.
Zeiss, Carl; Rua dos Benedictinos 21, Rio de Janeiro, and all branches in Brazil.

CHILE[1]

A. E. G., Compañía Sudamerikana de Electricidad; Bandera 581 (Casilla 9393), Santiago.
Air France; Santiago, and all branches in Chile.
Alemana de Vapores Kosmos, Cía.; Valparaiso.
Alert, Anselmo; Avenida General Korner 582, Santiago.
Alvarez R., Osvaldo; Errázuriz 845, Punta Arenas.
Amano, Yoshitaro.
Antonini & Garbaccio; Bandera 575, Santiago.
Arrau, Raúl; Santiago.
Arriagada, Jorge Orellana; Casilla 1894, Santiago.
Asai, K.; Avenida Bernardo O'Higgins 200–741, Santiago.
Backenberg, Julio; Blanco 1303 (Casilla 480), Valparaiso.
Baehr & Mueller, Ltda.; Santo Domingo 1025 (Casilla 1941), Santiago.
Banco Alemán Transatlántico; Valparaiso, and all branches in Chile.
Banco Germánico de la América del Sud.; Santiago and Valparaiso.
Banque Française et Italiènne pour l'Amérique du Sud S. A.; Santiago, and all branches in Chile.
Bayer-Weskott y Cía., La Química; Catedral 1312, Santiago.
Benheim, Robert (Dr.); Bandera 575, Santiago.
Benkel y Cía.; Catedral 1151 (Casilla 3421), Santiago.
Berg-Boulin, Peter; Nueva York 52, Santiago.
Block, Enrique; Bandera 547 (Casilla 457), Santiago.
Bruhn, Johannes; Nueva York 17; Santiago.
Bruhn H., Boie; Gral. Alessandri 23 (Casilla 957), Santiago.
Calderón, Emilio; San Ignacio 1295, Santiago.
Campos Franco, Fausto; Avenida Buzeta 290, Santiago.
Casa Alemana de Automóbiles "Mercedes-Benz"; Monjitas 739, Santiago.
"Casa Bata"; Condell 1250, Valparaiso.
Casa Hombo; Pasaje Matte 49, Santiago.
Casa Itoh Ltda.; Santiago.
Casa Japonesa; Avenida Pedro Montt 2139, Valparaiso.
Casa Sedylan; Viel 1896, Santiago.
Casa Yamato; Avenida Bernado O'Higgins 2755, Santiago.
Casaro, Carlos; Valdivia 551, Punta Arenas.
Casaro, Julio; Chiloe 839, Punta Arenas.
Casaro e Hijo; Punta Arenas.
Catecú S. A.; Peñaflor.
Chilena Oriental Ltda., Soc.; Santiago.
Comercial Mitsubishi-Chile, S. A.; Santiago.
Comercial Taibo S. A., Soc.; Santiago.
Cóndor, Ltda., Sindicato; All branches in Chile.
Cordero, Manuel J.; Catedral 1404—12 (Casilla 1716), Santiago.
Coronata y Cía., Juan; Casilla 72, Iquique.
Curtex Ltda.; Agustinas 1215, Santiago.
Dauelsberg y Cía; Antofagasta and Arica.
De la Ruelle, Jean Marie; Santiago.
Delpiano & Scheucher; Bustamente 580, Santiago; and Arturo Prat 647, Valparaiso.
Deutsche Lufthansa A. G.; All branches in Chile.
Díaz González, Alicia; Madrid 944, Santiago.
Doebbel, Federico; Bandera 227 (Casilla 3671), Santiago.
Eckermann, Hans; San Diego 224 (Casilla 929), Santiago.
"El Japón"; Barros Arana 409, Concepción.
Elten y Schaale Ltda.; Errázuriz 845 (Casilla 338), Punta Arenas.
Emck, Gisberto; Bandera 620 (Casilla 2961), Santiago.
"Emporio Alemán"; Arturo Prat 560, Temuco.
Engel, Alberto; Santo Domingo 1025, Santiago.
Engel y Cía.; Santo Domingo 1025, Santiago.
Erdmannsdorffer, B.; Casilla 3177, Santiago.
Establicimientos Pelikan, Soc. Ltda.; Rosas 1490, Santiago.
Explotadora de Manganeso, Soc. Ltda.; Nueva York 52, Santiago; and Coquimbo.
Exportadora del Vinos del Llano de Maipo Ltda., Soc.; Santiago.
Falciola, Carl Osborne; Lira 856 (Casilla 2874), Santiago.

[1] The following deletion has been made with this revision: Luer, Paye y Cia.; San Antonio 172, Casilla 885, Santiago, and all branches in Chile.

Feldrape, E.; Hotel Cosmos, Magallanes.
Ferrostaal A. G.; Santiago.
Ferrostaal G.m.b.H.; Santiago.
"Floralia" Fábrica de Perfumes Ltda.; Toaca 2522, Santiago.
Fotografía Japonesa; Avenida Bernardo O'Higgins 200–741, Santiago.
Fotografía Tsunekawa; San Antonio 30, Santiago.
Frammknecht, Juan; Catedral 1361 (Casilla 1130), Santiago.
Friederichs, Ernest; Esmeralda 1149, Valparaiso; and Agustinas 629, Santiago.
Friederichs, Herman; Bernardo O'Higgins 1260, Valparaiso; and Agustinas 629, Santiago.
Friederichs, Kurt; Esmeralda 1149, Valparaiso; and Agustinas 629, Santiago.
Friederichs y Cia; Bernardo O'Higgins 1260, Valparaiso; and Agustinas 629, Santiago.
Friederichs Yung, Gustavo; Bernardo O'Higgins 1260, Valparaiso; and Agustinas 629, Santiago.
Fuhrmann y Jüllich; Blanco 1032 (Casilla 1478), Valparaiso.
Galemiri, Abraham; Bandera 570 (Casilla 1303), Santiago.
Garces Gana, Agustín; Nueva York 52 (Casilla 2998), Santiago.
García, Félix; Santo Domingo 1231, Santiago.
García, Nicolás Yus; Exposición 1044, Santiago.
Gardeweg V. y Hnos., Enrique; Avenida Portales 1314, Valparaiso.
Geco Ltda., Cía.; Zañartu 1052 (Casilla 346), Santiago.
General de Anilinas y Productos Químicos Soc. Ltda., Cia.; Huérfanos 1372 (Casilla 607), Santiago, and all branches in Chile.
General de Construcciones del Perú S. A., Cía.; Bandera 575, Santiago.
Gerhard y Cía., Ltda.; Catedral 1404–12 (Casilla 1716), Santiago.
Gleisner y Cía., Ltda., M.; Barros Arana 402, Concepción; and Avenida Bernardo O'Higgins 1395, Santiago.
Göpfert y Cía., Ltda., Pablo; Bandera 575 (Casilla 1957), Santiago.
Haeusler, Luis; Compañía 1288, Santiago.
Hagemann, Walter; Monjitas 739, Santiago.
Hagiwara, Yonosuke; Ramón Nieto 920, Santiago.
Hamburg-Amerika Linie; Agustinas 1066, Santiago; and Valparaiso.
Hamdorf y Cía.; Arturo Prat 692, esquina Ant. Varas (Casilla 27–D), Temuco, and all branches in Chile.
Haramoto, S.; Santiago.
Hardt y Cía., E.; Valparaiso.
Hausner y Cía.; Nueva York 52, Santiago.
Helmke, Fritz; Nueva York 52, Santiago.
Hengel y Rau; Morandé 617, Santiago.
Hinze y Bostelmann; Bandera 419, Santiago.
Hombo Hombo, Takayasu; Pasaje Matte 49, Santiago.
Hucke Hnos., S. A. C.; Avenida el Bosque 101, Santiago; and Valparaiso.
Hucke y Fischer Ltda.; Freire 799, Concepción.
Ibar, Antonio; Valparaiso.
Indoo, Zonji.
Industrial del Aysen, Soc.; Arturo Prat 871 (Casilla 1425), Valparaiso.
Iriarte Hnos.; San Joaquín 3525, Santiago.
"Italcable"; Santiago.
"Italmar" Sociedad Anónima de Empresas Marítimas; Valparaiso and Santiago.
Kadelbach, Konrad Walter; Neuva York 52, Santiago; and Coquimbo.
Kanda, Karamatsu; Barros Arana 409, Concepción.
Kanda, Watanabe y Cía.; Barros Arana 409, Concepción.
Kanematsu & Co.
Kawaguchi, K.; Santiago.
Kawamura, K.; Santiago.
Kelter, Hans Harald; Nueva York 54, Santiago.
Kirschke & Co., A.; San Diego 133, Santiago.
Koch, Carlos; Arica.
Koch, Hermann; Casilla 19–D, Punta Arenas.
Koike, Tsuneo; Santiago.
Koreska y Cía., W.; San Isidro 41, Santiago.
Kosmos Agencia Marítima; Agustinas 1086, Santiago; and Valparaiso.
Kristl, Peter J.; Bernardo O'Higgins 625, Antofagasta.
Kristl y Cía., P. J.; Bernardo O'Higgins 625, Antofagasta.
Krueger y Cía., Ltda.; Avenida Bernardo O'Higgins 1162 (Casilla 3003), Santiago.
Kulenkampff, Knoop & Co.; Agustinas 1220 (Casilla 8027), Santiago, and all branches in Chile.
"La Italia" Sociedad de Seguros Generales; Cochrane 859, Valparaiso.
La Química Bayer-Weskott y Cía.; Catedral 1312, Santiago.
"La Reina de las Medias"; Ahumada 360, Santiago.
Lacassie, P.; Bandera 765, Santiago.
Leist, Cristóbal; Almagro 248 (Casilla 4148), Santiago.
Liebherr, Hermann; Tosca 2522, Santiago.
Loch & Co., P.; Morandé 584 (Casilla 1286), Santiago.
Luco, Braumuller, Lorca y Cía., Ltda.; All branches in Chile.
Luco, Braumuller y Cía., Ltda.; All branches in Chile.
Lüders y Cía., Ltda.; Santo Domingo 1223, Santiago.
Makatsuka, Sueyuke; Ramón Nieto 920, Santiago.
Mannesmann, Ltda., Sociedad Tubos; Santiago.
Manufacturera de Caucho Tejidos y Cueros Catecú Ltda., Soc.; Condell 1250, Valparaiso.
Marimoto Jimbo, Kanji; Santiago.
Martínez y Cía., Jesús; Bandera 843, Santiago.
Martini y Rossi, S.A.; Santiago, and all branches in Chile.
Matsukawa, S.; Santiago.
Matsumoto Josie, Julio; Avenida Bernardo O'Higgins 2488, Santiago.
Matsumoto y Yamamoto; Santiago.
Mattil, Enrique; Temuco.
Mayenberger Hnos., Ltda.; Huérfanos 972 (Casilla 146–D), Santiago.
Mercería Chile, Ltda., Soc.; Esmeralda 1149, Valparaiso; and Agustinas 629, Santiago.
Merck Química Chilena, Soc. Ltda.; Compañía 2464, Santiago.
Miramoto, I.; Santiago.
Mitsubishi-Chile, Sociedad Anónima Comercial; Santiago.
Mitsubishi, S. K.; Coquimbo.
Mitsui & Co.; All branches in Chile.
Miyake, J.; Santiago.
Miyake, Temo; Santiago.
Miyake, Teruo; Agustinas 972, oficina 613–4 (Casilla 69–D), Santiago.
Miyasaki, Goro.
Mizokoshi, Tatsuo; Neuva York 52, piso 7, oficina 11, Santiago.
Monguillo, Domingo; Iquique.
Monti y Cía.; All branches in Chile.
Montt, A.; Agustinas 1070, Santiago.
Moreno, Armando; San Luis de Francia 1776 (Casilla 4232), Santiago.
Mueschen, Walter B.; Nueva York 80, Santiago.
Muffeler, Peter; Iquique and Arica.
Muggli, José; Casilla 345, Santiago.
Müller y Cía., Ltda., Herbert J. E.; Huérfanos 972 (Casilla 3757), Santiago.
Munzel, Kurt; Santo Domingo 1074, Santiago.
Musso y Cía., Fernando; Santa Rosa 3996, Santiago.
Mutzembecher, Juan; 21 de Mayo 1262, Punta Arenas.
Neef & Irritier; Edificio Caja Nacional de Ahorros (Casilla 1246), Valparaiso.
Neitzel y Orthmann; Compañía 1264 (Casilla 1894), Santiago.
Nippon Yusen Kaisha, "N. Y. K." Line; Valparaiso.
Nomura, Fukunosuke; Nueva York 52, piso 7, oficina 11, Santiago.
Oberpaur, Casa Ricardo; Estado-Huérfanos (Casilla 2007), Santiago; and Valparaiso.
Oestemer, Franz Bickirt; Arturo Prat 1120 (Casilla 3447), Santiago.
Okayama, M.; Santiago.
Orlandini, Aldo; Lastra 1436, Santiago.
Orlandini, Natalio; Providencia 1022, Santiago.
Orlandini y Cía., Natalio; Santiago.
Orlandini y Raggio, Ltda.; Providencia 1022, Santiago.
Orrego y Cía., Ltda., Carlos; Avenida Bernardo O'Higgins 1799, Santiago.
Orth, Rodolfo; Miguel Claro 1314, Santiago.
Osterloh, O.; Arturo Prat 834 (Casilla 526), Valparaiso; and Bandera 75, Santiago.
Ottens, Rodolfo; Santiago.
Pannes, Werner; Bandera 575, Santiago.
Parnow, Juan; Punta Arenas.
Paulsen y Cía.; Huérfanos 1284 (Casilla 1035), Santiago.
Pensión Alemana; Bernardo O'Higgins 625, Antofagasta.
Pichalda, Georg; Bandera 575 (Casilla 1303), Santiago.
Plesch y Cía., Julio; Barros Arana 71 (Casilla 24–C), Concepción.
Quirch, Herbert; Bandera 620 (Casilla 1084), Santiago.
Radios Telefunken; Santiago.
Raggio, Juan; Providencia 1022, Santiago.

Reichmann, Wilhelm; Bandera 172 (Casilla 3124), Santiago.
Reimers, A. Hugo; Madrid 944, Santiago.
Rendel, Erich; Arturo Prat 560, Temuco.
Rensinghoff y Cía., Wilhelm; Varas 350, Puerto Montt.
Renz, Germán; Blanco 1205 (Casilla 1097), Valparaiso.
Reutter, Juan; Catedral 1361 (Casilla 1130), Santiago.
Riegel y Cía.; Avenida Brasil 1373 (Casilla 77–V), Valparaiso.
Saffer, Carlos; Ahumada 360, Santiago.
Saito, Nagasi; Barros Arana 409, Concepción.
Schadenberg, Enrique; Roca 960, Punta Arenas.
Schaub, Juan M.; Huérfanos 972, Santiago.
Schauenburg, August; Margarita 2320, Santiago.
Schering-Chile Ltda.; Santiago.
Scheucher, Arnold; Cochrane 580 (Casilla 1804), Valparaiso.
Schreiterer, Julio; Hotel Cosmos, Punta Arenas.
Schuch, Rodolfo; General Boonen Rivera 1995, Santiago.
Schuchard y Cía., Ltda., E.; Agustinas 1070 (Casilla 3809), Santiago.
Schulte, Siegfried; Agustinas 1185, Santiago.
Schulze, Otto; Baquedaño 111, Antofagasta.
Schumacher "Demag" Ing., Carl; Nueva York 52 (Casilla 1093), Santiago.
Sepulveda, Aurelio; Agustinas 972, Santiago.
Shigemitsu, Kito; Avenida Pedro Montt 2139, Valparaiso.
Shimizu, T.; Santiago.
Shiokata, M.; Santiago.
Shiozaki, Kanzo.
Siemens-Schuckert Ltda.; Valparaiso, and all branches in Chile.
Siering, Werner; Catedral 1312, Santiago.
Sindicato Cóndor Ltda.; All branches in Chile.
Smid, Gerhard; Santo Domingo 1231 (Casilla 2181), Santiago.
Staudt y Cía., Ltda.; Morandé 672 (Casilla 1848), Santiago, and all branches in Chile.
Steudel, Rolando.; Magallanes.
Storandt, Erwin; All branches in Chile.
Stubenrauch y Cía.; Casilla 19–D, Punta Arenas.
Sugawara, Yoshitaro Amano.
Takenaka, Takeshi; Valparaiso.
"Toyo" Servicio Noticioso.
"Transocean" Agencia Noticiosa; Seminario 506, Santiago.
Transportes Marítimos S. A., Cía. de; Valparaiso and Santiago.
Tsukame, Alejandro; Sazie 100–860 y Pedro Valdivia 47, Santiago.
Tsunekawa; Guillermo; San Antonio 39, Santiago.
Tubos Mannesmann, Ltda., Soc; Santiago.
"Unitas Chileana" S. A.; Morandé 672, Santiago.
Utgennant, Robert; Casilla 4232, Santiago.
Vernal y Cía., L.; Lira 759, Santiago.
Voelker & Kuhnt; Ahumada 236, Santiago.
Van Schulz-Hausmann, F.; Valparaiso.
Vorwerk & Co.; Casilla 42–V, Valparaiso; and Santiago.
Wagner, Germán; Temuco.
Wagner, Chadwick y Cía., Ltda.; Agustinas 975 (Casilla 2607), Santiago, and all branches in Chile.
Walter, Konrad Kadelbach; Nueva York 52, Santiago; and Coquimbo.
Watanabe, Moyosuke; Barros Arana 409, Concepción.
Weppelmann Koehne, Alberto; Bandera 620, Santiago.
Willumsen, Hening K.; Roca 858, Punta Arenas.
Worthmann y Cía., Ltda.; Bandera 172 (Casilla 1338), Santiago.
Yamamoto Oyama, Jorge; Avenida Bernardo O'Higgins 2488, Santiago.
Yokobori, Rynichi.
Yunis García, Nicolás; Santiago.
Yus García, Nicolás, Santiago.
Zimmer y Cía., A.; Bandera 172 y Agustinas 1126, Santiago.

COLOMBIA [1]

A. E. G. Electrotécnica; Apartado 203, Bogotá, and all branches in Colombia.
Abuchaibe, Nicholás D.; Santa Marta.
Acme Continental S. A. (in liquidation); Barranquilla.
Adamy, Fritz; Carrera 7 número 17–51 (Apartado Nacional 2724 y Apartado Aéreo 3920), Bogotá.
Adamy, Kurt; Carrera 7 número 17–51 (Apartado Nacional 2724 y Apartado Aéreo 3920), Bogotá.
Adamy Hermanos; Carrera 7 número 17–51 (Apartado Nacional 2724 y Apartado Aéreo 3920), Bogotá.
Agencias de Ultramar, S. A.; Bogotá.
Agencias Internacionales; Medellín.
Ahrens, Guillermo; Cali.
Ahrens, Heinrich; Bogotá.
Albingia Versicherungs A. G.
Almacén Bremen; Manizales.
Almacén Cocoa; Calle 13, Bogotá.
Almacén Flandes; Girardot, Cundinamarca.
Almacén Fux; Barranquilla.
Almacén Kruko; Apartado 175, Cali.
Almacén Mil Novedades; Bogotá.
Almacén Musical; San Blas 12 (Apartado Nacional 138 y Apartado Aéreo 95), Barranquilla.
Almacén Sánitas S. A.; Bogotá.
Almacenes Helda, Soc. Ltda.; Barranquilla.
Almacenes Sidea; Medellín.
Alwers, Kurt B.; Cali.
Anilinas Alemanas, Cia. Ltda.; Calle 13 número 12–82, Bogotá.
"Arbia"—Finanza Ktieselakab.
Ariza V., Gabriel; Barranquilla.
Arnhold, K. E.; Carrera 7 número 12–62, Bogotá.
Asano Bussan; Bogotá.
Assiourazioni Generali; Bogotá.
Balg, W. D.; Barranquilla.
Banco Alemán Antioqueño; Medellín, and all branches in Colombia.
Banco Francés e Italiano para la América del Sur; Bogotá, and all branches in Colombia.
Bandoh, I.; Edificio de la Bolsa, Bogotá.
Bandoh, K.; Barranquilla.
Barrios, José María; Bogotá.
Barth, Erich; Cali.
Barth, Theodore; Cali.
Barthel y Cía., S. en C., Walter; Apartado 34, Barranquilla.
Barthels, Herbert; Cartagena.
Bauer, Carlos; Carrera 4, Calles 13 y 14, Cali.
Bayer-Weskott y Cía., La Química; Apartado 301, Bogotá.
Berendt, Carl Friederich; Bogotá.
Bermit, Wilhelm; Bogotá.
Bermúdez L., Manuel; Barranquilla.
Beschiroff, Boris D.; Medellín.
Bieler, Kurt; Calle 13 número 5–56, Cali.
Bilhuber, Otto; Carrera 6 entre Calles 11 y 12, Cali.
Birkigt, F., Bogotá.
Bizzarri, Enrique; Bogotá.
Blass, Fritz (Dr.); Medellín.
Biell, Walter; Bogotá.
Bock, Alfredo; Manizales.
Böhmer, Harold; Cali.
Böhmer, Herman S.; Cali.
Böhmer y Cía., S. A.; Carrera 5a número 12–65 (Apartado 317), Cali; and Pasto.
Boll, Karl Anton; Edificio Teodosio Moreno, Medellín.
Borchers, Adolfo; Girardot, Cundinamarca.
Breuer, Möller & Co., Sucrs.; Barranquilla, and all branches in Colombia.
Brill, Herbert; Medellín.
Buff, Clemens; Medellín.
Burckhardt, Luis A.; Apartado 195, Cali.
Casa Alemana; Cali.
Casa Nicar, S. A.; Bogotá.
Casa Olympia; Bogotá.
"Casa Telefunken"; Carrera 7 número 21–46, Bogotá.
Cervecería Alemana; Pasto, Nariño.
Cervecería Baviera; Pasto, Nariño.
Claussen, Guillermo; Barranquilla.
Colombiana de Colorantes y Productos Químicos, Ltda., Cía.; Bogotá.
Colombiana de Máquinas Pfaff Ltda., Cía.; Carrera 8 número 17–60, Bogotá, and all branches in Colombia.
Comisariato; Apartado Aéreo 45 y Apartado Nacional 54, Barranquilla.
Consorcio Comercial; Cali.
Cristalería Zapp; Calle 12 número 7–66, Bogotá.
Crocker, Wilhelm; Bogotá.
Delle Donne, Ottavio; Bogotá.
Denk, Hans; Bogotá.
Derka, Anton; Medellín.
Di Domenico, Giovanni; Calle 54 números 50–52, Medellín.
Doku, J.; 20 de Julio, Barranquilla.
Doyle, William; Apartado 678, Barranquilla.
Doyle & Co.; Barranquilla.
Ehlers, Walter; Cartagena.
Eikhof, Guillermo; Ríohacha.
El Gran Expreso; Cali.
Empacadora Nacional de Consumos Alimenticios Standard Ltda.; Medellín.
Empresa Colombiana de Transportes S. A.; Barranquilla.
Empresa Hanseática; Barranquilla.

[1] The following deletion has been made with this revision: Moreno Alvarez, Pablo; Medellín.

Reichmann, Wilhelm; Bandera 172 (Casilla 3124), Santiago.
Reimers, A. Hugo; Madrid 944, Santiago.
Rendel, Erich; Arturo Prat 560, Temuco.
Rensinghoff y Cía., Wilhelm; Varas 350, Puerto Montt.
Renz, Germán; Blanco 1205 (Casilla 1097), Valparaiso.
Reutter, Juan; Catedral 1361 (Casilla 1130), Santiago.
Riegel y Cía.; Avenida Brasil 1373 (Casilla 77–V), Valparaiso.
Saffer, Carlos; Ahumada 360, Santiago.
Saito, Nagasi; Barros Arana 409, Concepción.
Schadenberg, Enrique; Roca 960, Punta Arenas.
Schaub, Juan M.; Huérfanos 972, Santiago.
Schauenburg, August; Margarita 2320, Santiago.
Schering-Chile Ltda.; Santiago.
Scheucher, Arnold; Cochrane 580 (Casilla 1804), Valparaiso.
Schreiterer, Julio; Hotel Cosmos, Punta Arenas.
Schuch, Rodolfo; General Boonen Rivera 1995, Santiago.
Schuchard y Cía., Ltda., E.; Agustinas 1070 (Casilla 3809), Santiago.
Schulte, Siegfried; Agustinas 1185, Santiago.
Schulze, Otto; Baquedaño 111, Antofagasta.
Schumacher "Demag" Ing., Carl; Nueva York 52 (Casilla 1093), Santiago.
Sepulveda, Aurelio; Agustinas 972, Santiago.
Shigemitsu, Kito; Avenida Pedro Montt 2139, Valparaiso.
Shimizu, T.; Santiago.
Shiokata, M.; Santiago.
Vernal y Cía., L.; Lira 759, Santiago.
Voelker & Kuhnt; Ahumada 236, Santiago.
Van Schulz-Hausmann, F.; Valparaiso.
Vorwerk & Co.; Casilla 42–V, Valparaiso; and Santiago.
Wagner, Germán; Temuco.
Wagner, Chadwick y Cía., Ltda.; Agustinas 975 (Casilla 2607), Santiago, and all branches in Chile.
Walter, Konrad Kadelbach; Nueva York 52, Santiago; and Coquimbo.
Watanabe, Moyosuke; Barros Arana 409, Concepción.
Weppelmann Koehne, Alberto; Bandera 620, Santiago.
Willumsen, Hening K.; Roca 858, Punta Arenas.
Worthmann y Cía., Ltda.; Bandera 172 (Casilla 1338), Santiago.
Yamamoto Oyama, Jorge; Avenida Bernardo O'Higgins 2488, Santiago.
Yokobori, Rynichi.
Yunis García, Nicolás; Santiago.
Yus García, Nicolás, Santiago.
Zimmer y Cía., A.; Bandera 172 y Agustinas 1126, Santiago.

COLOMBIA [1]

A. E. G. Electrotécnica; Apartado 203, Bogotá, and all branches in Colombia.
Abuchaibe, Nicholás D.; Santa Marta.
Acme Continental S. A. (in liquidation); Barranquilla.
Adamy, Fritz; Carrera 7 número 17–51 (Apartado Nacional 2724 y Apartado Aéreo 3920), Bogotá.
Adamy, Kurt; Carrera 7 número 17–51 (Apartado Nacional 2724 y Apartado Aéreo 3920), Bogotá.
Adamy Hermanos; Carrera 7 número 17–51 (Apartado Nacional 2724 y Apartado Aéreo 3920), Bogotá.
Agencias de Ultramar, S. A.; Bogotá.
Banco Francés e Italiano para la América del Sur; Bogotá, and all branches in Colombia.
Bandoh, I.; Edificio de la Bolsa, Bogotá.
Bandoh, K.; Barranquilla.
Barrios, José María; Bogotá.
Barth, Erich; Cali.
Barth, Theodore; Cali.
Barthel y Cía., S. en C., Walter; Apartado 34, Barranquilla.
Barthels, Herbert; Cartagena.
Bauer, Carlos; Carrera 4, Calles 13 y 14, Cali.
Bayer-Weskott y Cía., La Química; Apartado 301, Bogotá.
Berendt, Carl Friederich; Bogotá.
Bermit, Wilhelm; Bogotá.
Bermúdez L., Manuel; Barranquilla.
Beschiroff, Boris D.; Medellín.
Bieler, Kurt; Calle 13 número 5–56, Cali.
Bilhuber, Otto; Carrera 6 entre Calles 11 y 12, Cali.
Birkigt, F., Bogotá.
Bizzarri, Enrique; Bogotá.
Blass, Fritz (Dr.); Medellín.
Biell, Walter; Bogotá.
Bock, Alfredo; Manizales.
Böhmer, Harold; Cali.
Böhmer, Herman S.; Cali.
Böhmer y Cía., S. A.; Carrera 5a número 12–65 (Apartado 317), Cali; and Pasto.
Boll, Karl Anton; Edificio Teodosio Moreno, Medellín.
Borchers, Adolfo; Girardot, Cundinamarca.
Breuer, Möller & Co., Sucrs.; Barranquilla, and all branches in Colombia.
Brill, Herbert; Medellín.
Buff, Clemens; Medellín.
Burckhardt, Luis A.; Apartado 195, Cali.
Casa Alemana; Cali.

Empresa Molinera de Caldas, S. A.; Pereira.
Empresa Nacional de Productos de Magnesio; Bogotá.
"Enca" Standard Ltda.—Empacadora Nacional de Consumos Alimenticios Standard Ltda.; Medellín.
Estornaiolo, Hipólito; Pasto, Nariño.
Exportadora y Comercial del Atlantico, Ltda., Cía.; Real, 20 de Julio, Cuartel (Apartado 882), Barranquilla.
Fábrica de Pastas Alimenticias "La Insuperable"; Bolívar y Topacio (Apartado Nacional 226 y Apartado Aéreo 62), Barranquilla, and all branches in Colombia.
Fábrica Nacional de Artículos de Alumino S. A.; Apartado 568, Barranquilla.
Fadul y Cía., Miguel; Calle de la Soledad 125, Cartagena.
Faillace, Antonio; Barranquilla.
Faillace Hermanos; Barranquilla.
"Fanal"—Fábrica Nacional de Artículos de Aluminio, S. A.; Apartado 568, Barranquilla.
Ferretería "El Yunque"; Plaza de San Nicolás, Barranquilla.
Fischer, F.; Bucaramanga.
Foto Agfa; Medellín.
Foto Alemán; Pasto, Nariño.
Foto-Almacén Lindner; Bogotá.
Foto Heumann; Barranquilla.
François, Xavier, Bogotá.
Freitag, Walter; Avenida 2a de Bellavista entre Calles 10 y 11, Barranquilla.
Freitag, Werner; Avenida 2a de Bellavista entre Calles 10 y 11, Barranquilla.
Fuchs & Baumann Ltd.; Barranquilla.
Fuhrop, Fritz; Barranquilla.
Fuhrop y Cía., Fritz; Apartado 639, Barranquilla.
Ganadería de Saldaña S. C. Rocha y Cía; Bogotá.
Garbade, Günther; Real, 20 de Julio, Cuartel (Apartado 882), Barranquilla.
Gast, Hans Otto; Edificio Banco Alemán Antioqueño 305, Bogotá.
Gebhardt, Taller de Fotograbado Gustavo; Barranquilla.
Gelthner, Herbert; Medellín.
Gerberth, Guillermo; Bogotá.
Gerding, Guillermo; Bogotá and Cali
Gerding, Otto; Bogotá and Cali.
Gerding Hermanos; Calle 13, Carreras 7 y 8, Cali; and Bogotá.
Goerbert, R.; Bogotá.
González, Marco Tulio; Bogotá
González, Pablo; Bogotá.
González-Cotes, Luis C.; Barranquilla.
González-Cotes & Reignier; Barranquilla.
Grosshart, Erich; Barranquilla.
Gruetzmacher y Cia.; Carrera 7 número 20–35, Bogotá.
Grünwaldt, Alfredo; Barranquilla.
Gundlach, Reinhard; Medellín.
Gutiérrez Portocarrero, Daniel; Bogotá.
Haas, Federico; Apartado 1666, Bogotá.
Haase, Friederich Wilhelm; Progreso, Boyacá, San Roque (Apartado 479), Barranquilla.
Hacienda Berlín; Río Negro.
Haerberlin, Francisco; Pasto, Nariño.
Hagelstein, H. (Dr.); Barranquilla and Bogotá.
Hamburg Amerika Linie; All branches in Colombia.
Hapag Lloyd; All branches in Colombia.
Heidmann, Wilhelm; Camino Arriba 10 (Apartado 144); Cartagena.
Held, Adolfo K.; Barranquilla.
Held, Walter; Bogotá.
Henjes, Alfred; Bogotá.
Henning, Karl; Cartagena.
Henriquez y Cia., S. D. C.; Ríohacha.
Hergett, Gustavo; Bogotá.
Hering, Juan; Bogotá.
Herwig, C. W.; Bogotá.
Heumann, Erwin; Barranquilla.
Hiroto, O.; Bogotá.
Hodapp, Vicente; Barranquilla.
Holzmann A. G., Phillipp; Apartado 114, Bogotá.
Hoppner, Hans; Calle 6 número 10–26, Bucaramanga; and Bogotá.
Horn, José; Bogotá.
Hosie, Stuart; Carrera 6 número 14–50, Bogotá.
Hossfeld & Hamm; Apartado 290, Cali.
Hotel Astoria; Barranquilla.
Hotel Continental; Avenida 1 de Mayo, Medellín.
Igarashi, Shiro, Calle 13 número 13–93, Bogotá.
Igarashi Almacén Cocoa; Calle 13, Bogotá.
Importadora El Faro Ltd., Cía.; Bogotá.
"Induquímica" La Unión Nacional de Química Industrial Ltda.; Apartado 917, Medellín.
Industria Cauchera Hércules, Cía. Ltda.; Cartagena.
Industria Química Colombiana S. A.; Medellín.
Industrial & Mercantil S. A., Soc.; Barranquilla.
Ingenieros Lignarolo; Apartado 318, Cali.
Instituto Behring de Terapeútica Experimental, Cía. Ltda.
Ishi Yoshio.
Ittelberger, Carlos; Barranquilla.
Jesse Federico; Cali.
Jost, Alfredo; Barranquilla.
Joyería "La Esmeralda"; Carrera 6 entre Calles 11 y 12, Cali.
Kailab, Herman; Apartado 2736, Bogotá.
Kalbfleisch, Karl; Medellín.
Kallab, Herman; Apartado 2736, Bogotá.
Kanterreith, Karl; Medellín.
Kausel y Cía., Enrique; Medellín and Cali.
Kiehn, Max; Pasto, Nariño.
Kirschke & Co., A.; Apartado 1369, Bogotá.
Klotz, Hans; Bogotá.
Koch, Adolf; Barranquilla.
Koenig, Ludwig; Bogotá.
Koestner, George; Pasto, Nariño.
Koltz, Helmuth; Bogotá.
Kores, S. A.; Calle 17 número 9–40 (Apartado 869), Bogotá.
Koreska; Calle 17 número 9–40 (Apartado 869), Bogotá.
Krackow, Felix; Medellín.
Krause, Egon A.; Bogotá.
Kreie, H.; Bogotá.
Kreutz, Albert; Pasto, Nariño.
Kruse & Co., C. Enrique; Apartado 175, Cali.
Kubart, Johann; Calle 17 número 9–40, Bogotá.
Kuebler, Ruperto; Edificio del Banco de Bogotá, Cali.
Kuhlmann, Gustavo; Apartado 119, Cali.
Kukat, Willi; Apartado 175, Cali.
Kurk, Karl Theodor; Medellín.
"La Blanca"; Carrera 4, Calles 13 y 14, Cali.
"La Insuperable" Fábrica de Pastas Alimenticias; Bolívar, Topacio (Apartado Nacional 226 y Apartado Aéreo 62), Barranquilla, and all branches in Colombia.
La Química Bayer-Weskott y Cía; Apartado 301, Bogotá.
La Unión Nacional de Química Industrial Ltda., "Induquímica"; Medellín.
Laboratorios Enka Standard; Medellín.
Laboratorios Román, S. A.; Universidad 108 (Apartado Nacional 84 y Apartado Aéreo 150), Cartagena.
Lange, Fritz; Pasto, Nariño.
Lange, Hans; Cali.
Laumayer, Alfredo; Edificio Teodosio Moreno, Medellín, and all branches in Colombia.
Laumayer, Fritz; Edificio Teodosio Moreno, Medellín, and all branches in Colombia.
Laumayer y Cía, A.; Medellín.
Lehmann, Karl, Popayán.
Lehmann, Otto, Barranquilla.
Leib, Carlos; Cali.
Leibbrand, Erwin; Cali.
Lemcke, H.; Barranca Bermeja.
Lennings, Otto; Bogotá.
Lennings & Hergett; Bogotá.
Librería Cervantes; San Blas y 20 de Julio (Apartado, 233), Barranquilla.
Liebisch, Herbert; Bogotá.
Lignarolo, Giovani; Buenaventura.
Lignarolo & Cía., Gaetano; Apartado 318, Cali.
Lindemeyer, Hans; Barranquilla.
Lindemeyer, Heinrich; Barranquilla.
Lloyd Colombiano; all branches in Colombia.
Lubinus, Gustavo; Bucaramanga.
Lubisch, R.; Bogotá.
Luchau, Karl; Manizales.
Luchau, Margarita; Pereira.
Luers, Hans W.; Medellín.
Lulleman, Oswaldo; Apartado 818, Bogotá.
Lundi, Alberto; Carrera 11 Sur 510, Bucaramanga.
Lupke, Franz; Medellín.
Luth, Hanz; Bogotá.
Luth & Liebisch; Carrera 8 número 15–88 Bogotá.
Madero París, Manuel; Bogotá.
Maldonado, José Alberto; Bogotá.
Mancini, Adalgiso; Barranquilla.
Mancini, Generoso; Bolívar, Topacio (Apartado Nacional 226 y Apartado Aéreo 62), Barranquilla, and all branches in Colombia.
Mangels, Otto; Barranquilla.
Mangels y Cía., Otto; Barranquilla.
Manjarrés, José Manuel; Bogotá.
Manufacturas Delta, Ltda.; Copacabaña.
Marggraff, Joachim; Bogotá.

Martín L., Jorge; Carrera 9 número 12–49, Bogotá.
Mazzanti, Spartaco; Barranquilla.
Medina, Luis A.; Bogotá.
Menotti, Pierantonio; Medellín.
Merck Colombia, S. A.; Bogotá.
Merino C., R.; Barranquilla.
Meyer, Carlos; Bucaramanga.
Meyer, Heinz; Manizales.
Miani, Alfredo; Manizales.
Mitsubishi & Co.; Bogotá.
Mitsui & Co.; Bogotá.
Möller, Hans; Barranquilla.
Morín, Mario; Medellín.
Morocco, Francisco; Bucaramanga.
Mortler, Alejandro; Medellín.
Müller, Herbert; Ríohacha.
Munch, Ernesto; Pasta, Nariño.
Mundt, Carl; Bogotá and Medellín.
Munevar, Bernardo; Bogotá.
Nebiolo Torino, Societá; Calle 12 número 4–88 (Apartado Nacional 1157 y Apartado Aéreo 3762), Bogotá; and Barranquilla.
Nikko Boyeki Shokai; Barranquilla.
Nippon Trade Agency; Edificio de la Bolsa, Bogotá.
Nishizawa, Takeo; Barranquilla or Cartagena.
Noach, Erich; Cali.
Núñez,—.
Oesterreich Sucrs., Richard; Barranquilla.
Oficina de Ingeniería Moderna; Bucaramanga.
Ogawa, K.; Barranquilla.
Ogawa, Michi.
Oka, S.; Edificio de la Bolsa, Bogotá.
Optica Alemana; Calle 12, Carreras 5a y 6a, Cali.
Optica Moderna; Bogotá.
Ordóñes & Lullemann; Calle 13 número 6–32, Cali.
Orthmueller, Adolf; Bucaramanga.
Osaka Shosen Kaisha; Barranquilla.
Ospina Gaviría, Julio; Bucaramanga.
Otte, Ernest; Manizales.
Palmer, Kurt; 20 de Julio, Real Comercio, Barranquilla.
Pardo y Cía.; Carrera 8 número 15–88, Bogotá.
Paschke, Rheinhold; Plaza de la Aduana 6, Cartagena.
Pattern, Max; Pasto, Nariño.
Pernigotti, Carlo; Bogotá.
Pilgrim, Walter; Carrera 7 número 21–46, Bogotá.
Pilgrim, Almacén de Radios y Discos Walter; Carrera 7 número 21–46, Bogotá.
Plantex, S. A.; Fusagasaga and Bogotá.
Pohn, A.; Barranquilla.
Prodema, Sociedad; Bogotá.
Pruefert, Emil; Barranquilla.
Prussmann, Gunther; Medellín.
Pruter, Heinz; Cali.
Puccini y Compañía, Vicente; Apartado Aéreo 45 y Apartado Nacional 54, Barranquilla.
Puente, Angel B.; Bucaramanga.
Puente y González; Bucaramanga and Barranquilla.
"Punto Azul"; Carrera 7 número 20–35, Bogotá.
Puttfarcken y Cía., Juan; Cali.
Química Schering Colombiana, S. A.; Bogotá.
Ramírez Beltrán, Manuel J.; Bogotá.
Rasmussen, Ferdinand; Cali.
Reger & Co., Carlos; Barranca Bermeja.
Rehbein Peralta, Alfredo; Barranquilla.
Reignier, Bernard.
Reisner, Hermann; Bogotá.
Reissner, Paul; Barranquilla.
Reitze, Alfred; Medellín.
Reyes y Cía., Alberto; San Blas, Progreso, La Paz, Barranquilla.
Ringle, Antonio; Cartagena.
Rodríguez H. y Cía., Sucr.; Progreso, Boyacá, San Roque, Barranquilla.
Roesler, Herbert E.; Medellín.
Romberg, Wilhelm A.; Bogotá.
Röper, Hans; Cali.
Rossin, Hans; Barranquilla.
Royo, Emilio; San Blas y 20 de Julio (Apartado 233), Barranquilla.
Rummle, Max; Cali.
Salmon, Heinz; Bogotá.
Schaefer, Nikolaus; Bogotá.
Scharz, Georg; Barranquilla.
Schatz, Joseph; Barranquilla.
Scheuplein, Rudolf; Medellín.
Schlenker, Harold; Bogotá.
Schleubach, Henrich Edward; Bogotá.
Schleubach, John Roddrick; Bogotá.
Schleubach, Berendt y Cía.; Bogotá and Pereira.
Schmeltzer, C.; Barranquilla.
Schmidt, F. (Mrs.); Cali.
Schmidt, Frederich; Cali.
Schmidt, Walter; Calle 12, Carreras 5a y 6a, Cali.
Schmieder, Wilhelm; Bogotá.
Schmitt, T.; Cartagena.
Schnurbusch, William.
Schrimpff, Elizabeth; Bogotá.
Schrimpff, Julius; Bogotá.
Schrimpff, Phillip; Bogotá.
Schrimpff, Rudolf; Bogotá.
Schrimpff, Wilhelm; Bogotá.
Schrimpff de Martens, Sophía; Bogotá.
Schröder, Otto E.; Apartado 121, Cali.
Schroeder, Johannes Ludwig; Medellín.
Schulte y Cía., G.; Apartado 449, Bogotá; and Apartado 852, Barranquilla.
Schwanhaeuser, Heinz; Bogotá.
Schwartau & Co., S. A., Juan; Armero.
Schwartz, Joseph; Barranquilla.
Schwerttfeger, Hans L.; Medellín.
Sealman, Heinz; Bogotá.
Seguros Albingia, Cía. de; Bogotá.
Senning, N.; Barranquilla.
Senning & Co.; Barranquilla.
Serrano Vargas, Pedro; Bogotá.
Serventi, Emilio; Manizales.
Serventi, Giovanni; Bogotá.
Siegert, Christian; Bogotá.
Siegler, Carlos; Ríohacha.
Siegler, John; Ríohacha.
Siemens Bauunion Ltda.; Bogotá.
Siemens & Halske A. G.; Bogotá.
Siemens Reiniger Werke; Bogotá.
Siemens-Schuckert A. G.; Bogotá.
Skowronski, Martin; Cali.
Soehlmann, Hans; Manizales.
Sohm, Teodoro; Medellín.
Sperling, Ed. Victor; Cartagena and all branches in Colombia.
Sperling S. A., Ed. Victor; Cartagena and all branches in Colombia.
Spitta, Arnold; Bogotá.
Springer, Walther; Medellín.
Stadtlaender, Karl A.; Bogotá.
Standard Agencies de Colombia; Barranquilla.
Stangel, Otto T.; Pasto, Nariño.
Stapff, Adolfo; Medellín.
Stapff y Cía., A.; Medellín.
Starke, Fred; Pasto, Nariño.
Stober, Adolf; Medellín.
Stoehr, Egon L.; Pereira.
Striepke & Husfeldt; Cartagena.
Stubbs, Edgar; Bogotá.
Stumpf, Wilhelm; Cali.
Suganami, Shimichi; Bogotá.
Taddei, Renato; Barranquilla.
Takeshima, Yuzo; Calle 12 número 9–58, Cali.
Tanaka, Johatan; Cali.
Thierl, Richard; Cartagena.
Tieck, Hans (Dr.); Barranquilla.
Tietbohl, Walter W. A.; Barranquilla.
Tietjen, Albert; Barranquilla.
Timm, H.; Bogotá.
Tipografía Olympia; Calle 54 números 50–52, Medellín.
"Tokyo Merchants".
Transmares S. A.; Cali.
"Transocean" G. m. b. H.; Bogotá.
Trilladoras Deco, S. A.; Bogotá.
Troll, B. Richard; Cali.
Tutzer, Franz; Bucaramanga.
Umbreit, Fritz; Bogotá.
Unión Industrial S. A.; Barranquilla.
Vásquez P., Martín; Barranquilla.
Vellage, Enrique; Cali.
Vieten, Hans H.; Medellín.
Volpe y Cía., S. A., Antonio; Plaza de San Nicolás, Barranquilla.
Von Bockelmann, Carlos Fernando; Cali.
Von der Heide, Gunter; Apartado 402, Cali.
Von Dewitz, Achim; Bogotá.
Von Dewitz, Curt; Bogotá.
Von Dewitz, Oswald; Bogotá.
Von Dewitz, Ruth; Bogotá.
Von Graefe, H.; Pereira.
Von Griesheim, Werner; Barranquilla.
Von Loewis, Patrik; Bogotá.
Von Mellenthin, Hans; Bogotá.
Von Mellenthin y Cía.; Bogotá.
Von Wahlert, Karl August; Bogotá.
Von Wussow, Ernest Gunther; Cali.
Wahlen, Enrique; Pasaje Cadena 21–23, Bucaramanga.
Weber, Hans; Progreso y San Blas, Edificia Napolitana, Barranquilla.
Wernher, Hans; Apartado Aéreo 4230 y Apartado Nacional 468, Bogotá.
Wessels, Bernh; Bucaramanga.
Westendarp, Rodolfo; Manizales.
Wiese, H.; Cartagena.
Wiese & Starck; Barranquilla.
Willich; Barranquilla.
Winz, Carlos; Bogotá.
Wirz y Cia., Sucrs. de C.; Barranquilla.
Wolf, Herbert; Medellín.
Wolf, Herman; Tumaco.
Wunderlich & Co., Gerhard; 20 de Julio, Real, Comercio (Apartado 174), Barranquilla.
Yamanaka, Sinuilco; Barranquilla.
Yoshino, C.; Bolsa de Comercio, oficina 701, Bogotá.
Yuzo; Cali.
Zapateiro, Manuel; Apartado 84, Cartagena.
Zapp y Cía.; Calle 12 número 7–66, Bogotá.
Ziegler, Carlos; Ríohacha.
Ziegler, John; Ríohacha.
Zúñiga, Antonio R.; Ríohacha.

COSTA RICA[1]

Acosta G., Alfonso (Dr.); San José.
Agencia Internacional de Comercio e Industria, S. A.; San José.
Agencias Mundo, S. A.; San José.
Agencias Wiessel; San José.
"Agfa"; San José.
Agrícola de Turrialba, Cía.; San José.
"Almacén Unión"; San José.
"Amano"; Puntarenas.
Amano, Yoshitaro; San José.
Amano Cía.; Puntarenas.
Amrhein, Franz; San José.
André, Arnoldo; San José.
André, Otto; San José and Cartago.
Angulo Marín, Guillermo; San José.
Assmann, Theodore; Calle A. V., Avenidas 1 y 3, San José.
Automotriz, S. A., Cía.; Calle 1, Avenidas 1 y 3 (Apartado 327), San José.
Baumgartner Lehman, Adolfo, Apartado 1712, San José.
Bayer-Meister-Lucius; San José.
Becker, Kuno; San José.
Behnke, Walter; Calle 1, Avenidas F. G. y 2, San José.
Botica de la Catedral; San José.
Brenes Gutiérrez, Ramiro (Dr.); San José.
Campabadal, Roberto; San José.
Cantero, Juana viuda de; San José.
Casa de Agencias y Comisiones "Delcohijo" S. A.; Apartado 1042, San José.
Casalvolone Fait,[2] Juan; Puntarenas.
Casalvolone Rivolta, Luis; San José and Puntarenas.
Classen & Co.; Apartado 281, San José.
Club Alemán; San José.
Corvetti, José (Dr.); San José.
"Delcohijo" S. A., Casa de Agencias y Comisiones; Apartado 1042, San José.
Delcore, Rafael; Apartado 1042, San José.
Delcore e Hijo, S. A.; Apartado 1042, San José.
Delcore Belluci, Amadeo; Puntarenas.
Dorsam, Emilio; Calles 2 y 4, Avenida 3 (Apartado 1303), San José.
Dyes & Co., H. O.; Pasaje Dent, San José.
East Pacific Fishery Co., Ltd.; Puntarenas.
Eckstein, Fritz; San José.
Efinger, Max; San José.
Ehrenberg, Paul; San José.
Fabián, Carlos; Apartado P., San José.
Fabián y Cía., Víctor; Apartado P., San José.
Federation of Japanese Importers & Exporters; Chaguite.
Fernández P., C.; San José.
Fernández Palma, Claudio; San José.
Fischbeck, Gerhard; Puerto Limón.
"Foto Sport"; Apartado 846, San José.
German Club; San José.
German School; San José.
Giegler, Carl; Puerto Limón.
Grebien, Ferdinand.
Grosser, Erwin; San José.
Gurcke y Cía., Werner; Apartado 219, San José.
Hapag-Lloyd Steamship Line; San José.
Hauke, Emil.
Henkel, Juan; Apartado 959, San José.
Hering & Schoenfeld; San José.
Hernández, Luis; Apartado 1294, San José.
Herrera G., Hernán; San José.
Hubbe Hijos; San José.
Iezzi, Nicola; San José.
Kawakuba, Jycho; San José.
Kitzing, Karl; San José.
Kitzing & Steinvorth; San José.
Kliefoth, Richard; San José.
Kloss, Walter; San José.
Knöhr, Herbert; San José.
Krogmann, O. W.; San José.
Kruse, Alfredo; Puntarenas.
"La Epoca"; San José.
Lapeira, Nicolás (Sucesor de Lapeira y Aguilar); Apartado 616, San José.
Lehmann & Co.; Apartado 147, San José.
Librería Lehmann y Cía.; Apartado 147, San José.
Lindgens, Rudolf; Puntarenas.
Lorenzen, Detlef; San José.
Matsui, Seijiro; Puntarenas.
Merlein, Max; San José.
Metzger, Gabriela; San Juan Poas.
Miller Hermanos; Apartado 100, San José.
Musmanni Hermanos; San José.
N. I. C. S. A., National Importing Company S. A.; Apartado 785, San José.
National Importing Company S. A.; Apartado 785, San José.
Navarette, Juan; San José.
Neumann, Richard.
Niehaus & Co., Guillermo; San José and Puerto Limón.
Pan American Agencies Co., S. A.;[3] Apartado 785, San José.
Panadería Musmanni; Calle 12, Avenidas F. G. y 2, San José.
Paschka, Max; San José.
Pensión Alemana; San José.
Pensión Germania; San José.
Peters, Rudolf; San José and Sarchi.
Peters, Werner; San José.
Peters, Wilhelm (Jr.); San José.
Peters, Wilhelm (Sr.); San José.
Preinfalk, Friedrich; San José.
Quijano, Rodolfo; San José.
Química Schering S. A.; San José.
Reimers & Co., Fritz; San José.
Richter, Erhard; Apartado 854, San José.
Richter, Heinz; Apartado 854, San José.
Rothe, Fernando; San José.
Sanabria, Hernán; Apartado 928, San José.
Sastrería y Tienda Scaglietti y Sobrinos; Calle 2, Avenidas F. G. y 1 (Apartado 478), San José.
Scaglietti, Hugo; Apartado 478, San José.
Scaglietti, Mario; Apartado 478, San José.
Scaglietti y Sobrinos; Calle 2, Avenidas F. G. y 1 (Apartado 478), San José.
Scalera, Michael; San José.
Scheil, Albert; San José.
Scherer, Stephan; Puerto Limón.
Schering, S. A., Química; San José.
Schlager, Arturo; Puntarenas.
Schlager y Hermano, A.; Puntarenas.
Schlager Quesada, Guillermo; San José.
Seevers, Georg (Jr.); Santa Bárbara.
Seevers, Georg (Sr.); Santa Bárbara.
Siebe, Luis O.; Calles A. V. y 2, Avenida F. G., San José.
Sottanis, Giuseppe; San José.
Spoerl, Pablo; Apartado 13, San José.
Staufer & Co., José; Avenida F. G. y Calle 3 (Apartado 1294), San José.
Steinvorth, Eberhard; San José.
Steinvorth y Hermano, W.; Avenida F. G. y Calle 1, San José.
Sugawara; San José.
Surroco, Pedro; San José.
Tsunemoto, Hajimi; Chaguite.
Union Agency Co., S. A.; Apartado 1712, San José.
Vedoua, Franz Ferdinand; San José.
Von Breymann, Guillermo, Apartado 93, San José.
Von Breymann-Figueroa, Guillermo; Apartado 93, San José.
Von Heymann & Co., Hans; San José.
Von Schroter, Guido; San José.
Walter, Pablo; Calles A. V. y 2, Avenida F. G. (Apartado 1081), San José.
Wiessel, Carlos M.; San José.
Wiessel, Federico B.; San José.
Wiessel y Cía., Federico; Apartado 1790, San José.
Wimmer, Frank; Puerto Limón.
Wimmer, Otto; Puerto Limón.
Wunder, Kurt (Wunder-Nordhausen); San José.
Zeuner, Fritz; San José.
Ziegler, Paul; San José.

CUBA[1]

Ackermann, Gerardo; Ricla 98 (Apartado 1343), Habana.
Adrián, Ignacio; Consulado 107 (Apartado 1094), Habana.
Adrián y Cía., S. L.; Consulado 107 (Apartado 1094), Habana.
Ahrens, Carlos; Marina 217, Habana.
Auto Service Company; Marina 2, Edificio Carreño, Habana.
Barletta, Amadeo.
Berndes y Compañía, Charles E.; República del Brasil 112, Habana.
Biederlack, Eberhard; Habana.
Biederlack, Hans; Habana.
Bisutería, S. A.; Neptuno 204, Habana.
Chojnowski, Clemens; Muralla 415, Habana.
"Cifesa"; Consulado 156, Habana.
Clasing, Luis; Hotel Plaza, Habana.
Colegio Alemán; Calle 19 número 907, Vedado, Habana.
Costa, Juan Marcote; Habana.
Deutsche Lufthansa A. G.; All branches in Cuba.
Di Bianco, Alfonso; J. A. Saco 352, Santiago de Cuba.
Diehl, Hermann; Obrapia 23 (Apartado 1765), Habana.
"El Sol Naciente"; Obispo y Villegas, Habana.
Emmermann & Herrmann, S. en C.; Cristo 27 (Apartado 2523), Habana.
Eppinger, Albert; Avenida de Bélgica 568, Habana.
Evertz, Guillermo; Avenida de Bélgica 568, Habana.

[1] The following deletion has been made with this revision: Carvalho & Appel "Almacen Union"; San Jose. This does not affect the listing of "Almacen Union."

[2] Not to be confused with Juan Fait Casalvolone.

[3] Not to be confused with Pan American Agencies operated by Roberto Sutherland Polsen.

[1] The following deletion has been made with this revision: Laboratorios Farmaco, S. A.; San Rafael 807, Habana.

Exclusivas Berndes; Consulado 164, Habana.
Fischer, Philip; Habana.
Friederich, Roberto; Teniente Rey 113, Habana.
Fritsche, Otto Walter; Aguiar 132 (Apartado 2404), Habana.
Hachez, Emil; Edificio Abreu 302, Habana.
Hamburg-Amerika, Compañía de Vapores; Prado 303, Habana.
Heisinger, A. C.; Santiago de Cuba.
Herrmann, Hans G.; Habana.
Hoppman, Willi; Concordia 755, Habana.
Huber & Co.; San José 98, Habana.
Juedicke, Ernst Fr.; Lonja del Comercio 430, Habana.
Kaupp, Arturo; Neptuno 204, Habana.
Kelly Auto School; Marina 217, Habana.
Koch, Fritz Arthur; Nuevitas.
Kolbert, Germán; Teniente Rey 71, Apartado 2566, Habana.
Kolbert y Cía; Avenida del Brasil 405 (Apartado 2566), Habana.
Landes, Richard E.; Calle 27 número 1458, Habana.
Ludtke, Paul C.; Obispo 61, y Calle E 381, Habana.
Luettich, Herman; Apartado 722, Habana.
Luhn, Enrique; Ricla 98 (Apartado 2077), Habana.
Machinery & Chemical Supply Company; Habana.
Menasce Faraggi, Giacomo; Habana.
Naviera y Comercial S. A., Cía.; Aguiar 411, Edificio La Cubana (Apartado 1986), Habana.
Neumann, Hermann Dietrich; Habana.
Nuevas Industrias, S. A.; Callejón de Aspurú y Chucoyola, Luyano.
Ohira, Keitaro; Habana.
Ohira, Todao; Habana.
Orth, Guillermo; Mercaderes 160 (Apartado 1645), Habana.
Pfeiffer, Michael; Edificio Banco de Nova Scotia 304–305, Habana.
Pharmaceutical Importers, S. A.; Habana.
Pinks, Anton; Habana.
Pinks, Gerhard; Habana.
Productos Nacionales "REL" S. A.; Calle 27 número 1458, Habana.
Proveedora Marítima S. A., Cía.; Teniente Rey 113 (Apartado 1905), Habana.
Química Lissa S. A.; Linea 552, Vedado, Habana.
Química Schering S. A.; Avenida Wilson 552, Habana.
Reichert, René; Habana.
Roemer & Co., Hans; Aguiar 126, Habana.
Rosbock, Pierre; Perseverancia 111, Habana.
Sakakibara, R.; O'Reilly 522, Habana.
Schering Pharmaceutical Corporation of Cuba S. A.; Habana.
Schering S. A., Química; Avenida Wilson 552, Habana.
Schwilling, Herbert.
Segura, Mario; Muralla 474, Habana.
Soliño, Norberto; Habana.
Steindler, Rudolph R.; Habana.
Suministradora de Maquinarias y Productos Químicos, Cía.; Habana.
Thol, Hans; Habana.
Uhlinger, Louise; Habana.
Vogt, Carl; Arbol Seco 308, Habana.
Will S. en C., R. A.; República del Brasil 112, Habana.
Yama, Ramón; San Rafael 1816, Habana.
Zeiss, Anton; Avenida del Brasil 405 (Apartado 2566), Habana.
Zimmerman, Enrique; Calle A número 13 (Apartado 874), Vedado, Habana.

DOMINICAN REPUBLIC[1]

Agencia Antillana; Apartado 664, Ciudad Trujillo.
Barkhausen, Hermann; Apartado 664, Ciudad Trujillo.
Barletta, Antonio; Ciudad Trujillo.
Barletta & Co. C. por A., Antonio; Padre Billini 4, Ciudad Trujillo.
Casa Palamara C. por A.; El Conde 35, Ciudad Trujillo.
Cibao Comercial; Santiago.
Cobián, Salustiano; Ciudad Trujillo.
Cobián & Co.; Avenida Mella 102, Ciudad Trujillo.
Comercial C. por A., Cía.; Monte Cristi.
"Diario del Comercio"; Ciudad Trujillo.
Dominican Soap Company C. por A.; Carretera Duarte, kilómetro 2¾, Ciudad Trujillo.
Dominican Tobacco Company; Ciudad Trujillo.
Gerard, Georges O.; Arzobispo Nouel 9, Ciudad Trujillo.
Hartmann, Frederick Wilhelm; Santiago.
Hertel, Carl; Ciudad Trujillo.
Importadora Dominicana, Cía; Arzobispo Nouel 9, Ciudad Trujillo.
Indorf, Jost Walter; Ciudad Trujillo.
Mallorga, Fernando; Ciudad Trujillo.
Martínez, F. Lefeld; Ciudad Trujillo.
Oppenheim-Gerard, Georges; Arzobispo Nouel 9, Ciudad Trujillo.
Palamara, Battesimo; El Conde 35, Ciudad Trujillo.
Pérez, Brígido Fernando; Edificio Copello (Apartado 404), Ciudad Trujillo.
Pérez & Co.; Edificio Copello (Apartado 404), Ciudad Trujillo.
Pogson Sucrs., Charles; Ciudad Trujillo.
Santo Domingo Motors Co. C. por A.; José Dolores Alfonseca 20, Ciudad Trujillo.
Ultramar Comercial C. por A.; Ciudad Trujillo.
Weisgerber, Erwin; Edificio Baquero 610, Ciudad Trujillo.

ECUADOR[2]

Agencias Internacionales C. A.; Junín 216, Casilla 1264, Guayaquil.
Aguirre & Co.; 10 de Agosto 326, Guayaquil.
Alemana de Agencias, Cía..; Guayaquil.
Baquerizo, Clemente G.; 18 de Setiembre 179 y Estrada (Casilla 480), Quito.
Brachetti, Theodore; Casilla 860, Quito; and Casilla 53, Guayaquil.
Brauer, Leopoldo M.; Casilla 687, Quito.
Bruckmann & Co., L. E.; Guayaquil and Manta.
Casa Alemana; Casilla 394, Quito.
Casa Tagua S. A.; Manta, and all branches in Ecuador.
"CIALDA"—Compañía Alemana de Agencias; Casilla 787, Guayaquil.
Continental Sociedad; Casilla 409, Guayaquil.
Deutsche Lufthansa A. G.; all branches in Ecuador.
Dreier,[3] Hermann; Casilla 394, Quito.
Duffer, E.; Esmeraldas.
Ebert, Fritz; Casilla 1256, Guayaquil.
"Ecuapetrol" Compañía Petrolera y Comercial S. A.; Guayaquil, and all branches in Ecuador.
Ecuatoriana de Transportes Aéreos, Soc.; Quito.
Ferrostaal A. G.; Quito and Guayaquil.
Greisbach & Roehl, Quito.
Gubitz & Schwark; Casilla 433, Quito.
Harms, Siegfried; Chile 309, Guayaquil.
Industrial Beco C. A., Soc.; Casilla 8, Manta.
Industrial Corozo Ecuador, S. A.; Manta.
Industrias Téxtiles S. A., Soc.; Ascasubi 14, Quito.
Kläschen, C.; Manta.
Kruger, Viuda y Herederos de J. H.; Guayaquil.
La Casa Wiking S. A.; Casilla 556, Quito.
Leiberg, Rudolf Joachim; Malecón Simón Bolívar 2106 (Casilla 755), Guayaquil.
Merchan & Co.; Casilla 37, Cuenca.
Merello G., Alberto; Casilla 788, Quito.
Moller, Gustavo; Casilla 930, Guayaquil; and Calles Bolivia y Venezuela, Quito.
Moller, Hermann; Casilla 930, Guayaquil; and Calles Bolivia y Venezuela, Quito.
Moller, Wilhelm; Casilla 930, Guayaquil; and Calles Bolivia y Venezuela, Quito.
Panse, A.; Guayaquil.
Panse, Ernesto; Malecón Simón Bolívar 307 (Apartado 787), Guayaquil.
Pierrottet, Tulio; Clemente Ballén 424 (Casilla 1228), Guayaquil.
Ponto, B.; Bahía de Caraquez.
Química Schering Ecuatoriana S. A.; Chile 309, Guayaquil.
Rota, Luigi; Casilla 414, Quito; and Chimborazo 205; Guayaquil.
S. E. D. T. A., Sociedad Ecuatoriana de Transportes Aéreos; Quito.
Saalmann y Cía; Casilla 1130, Guayaquil.
Sachs, Herbert; Guayaquil.
Sato, Tadeo; Guayaquil.
Schering Ecuatoriana S. A., Química; Chile 309, Guayaquil.
Schroeder, Otto; Simón Bolívar 401, Guayaquil.
Schwartz, Otto; Casilla 564, Guayaquil.
Stagg, Leonardo; Casilla 645, Guayaquil.
Stamer & Co.; Guayaquil.
Suzuki, Toshitake; Calles Bolívar y Coronel, Guayaquil.

[1] The following deletion has been made with this revision: Deutsche Lufthansa, A. G.; all branches in Dominican Republic. No present office or operations in Dominican Republic.

[2] The following deletions have been made with this revision: Nacional de Ampolletas Compañía, Casilla 1318, Guayaquil. Pauta Córdova, Emanual, Cuenca.

[3] To be distinguished from the Hermann Drier who is associated with Jaboba Vorbeck.

Timpe, Teodoro; Riofrio, Casilla 342, Quito.
"Transocean" Servicio Noticioso; Quito.
Ultramares Trading Cos., S. A.; Casilla 1328, Guayaquil.
"Vos Obrera"; Quito.
Woehlermann, Walter; Casilla 788, Quito.
Wolff, Otto; Guayaquil, and all branches in Ecuador.
Yamamoto, Hikaru; Guayaquil.
Zang, Carlos E.; Casilla 692, Quito.

EL SALVADOR [1]

"Agfa"; San Salvador.
Almacén "El Fénix"; 2a Calle Oriente y 2a Avenida Sur, San Salvador.
Almacén "El Nippon"; Frente Punto Camionetas, San Salvador.
Almacén Littoria; Frente Teatro Nacional, San Salvador.
Annicchiarico, José; Jucuapa.
Annicchiarico, Victor; Jucuapa.
Annicchiarcio & Sessa; Jucuapa.
Annicchiarico y Cía.; Jucuapa.
Annichiarico, Victor; San Salvador.
Béndix, Alberto; Ahuachapán.
Bodewig, Joseph; 3a Avenida Norte 52, San Salvador.
Boef, Federico; San Salvador.
Boef & Co.; San Salvador.
Boellersen, Heinrich; San Salvador.
Buchner, Augusto; Avenida España (Apartado 392), San Salvador.
Carozzi, Enea; Apartado 540, San Salvador.
Caruso Hermanos; Apartado 122, San Salvador.
Caruso, Pascual y Rizziero; Frente Teatro Nacional, San Salvador.
Castelli, Fantini & Co.; Apartado 434, San Salvador.
Castelli y Cía., Antonio; Apartado 248, San Salvador.
Crisonino y Cía., Virgilio; Delgado 21, San Salvador.
Cristiani, Juan; 1a Avenida Norte y la Calle Poniente, San Salvador.
Deutsche Lufthansa A. G.; All branches in El Salvador.
Falconio, Aristides; Delgado 9, San Salvador.
Fantini, Conrado; Apartado 434, San Salvador.
Farmacia Salvadoreña; Final Calle Arce, San Salvador.
Farmacia "Santa Lucía"; 1a Avenida Norte y la Calle Poniente, San Salvador.
Fax, Paul; San Salvador.
Ferracuti & Co., A.; Gerardo Barrios 87, San Salvador.
Foerstenberg, Wilhelm; 4a Calle Oriente 16, San Salvador.
Giessler, Federico; Apartado 72, San Salvador.
Gossman y Cía.; 2a Calle Oriente y 2a Avenida Sur, San Salvador.
Groskorth y Cía.; San Salvador.
Hamburg-Amerika Linie; San Salvador.
Hentzen, Erhart; Avenida España, Edificio Sol, San Salvador.
Hepperle, Werner; Avenida España, Edificio Sol, San Salvador.
"Italia" Sociedad Anónima di Navigazione; San Salvador.
Jokisch, Juan; Apartado 539, San Salvador.
Kaneschige, Alfonso H.; Frente Punto Camionetas, San Salvador.
Koch, Carlos; Apartado 312, San Salvador.
"La Alpina"; Calle Delgado, Edificio Letona, San Salvador.
Luders y Cía., Sucrs., Juan; 2a Calle Oriente y 2a Avenida Sur, San Salvador.
Mitsui Bussan Kaisha; San Salvador.
Moritz, Friedrich; San Salvador.
Norddeutscher Lloyd; San Salvador.
Nottebohm Trading Co.; 4a Calle Oriente 17, San Salvador.
Oertel y Cía., Pablo; Delgado 31, San Salvador.
"Optica Científica"; 4a Calle Oriente 16, San Salvador.
Puschmann, Frederico; San Salvador.
Raubusch, Wilfred; Avenida España, Edificio Sol, San Salvador.
Reiss, Anton; Apartado 85, San Salvador.
Relojería "El Tiempo"; Avenida España, Edificio Sol, San Salvador.
Relojería "La Princesa"; San Salvador.
Restaurante "Ben Tanabe"; La Leiba.
Roeder, Otto; Calle Delgado, Edificio Letona, San Salvador.
Roverso, Patuzzo y Cía.; 1a Calle Oriente 102, San Salvador.
Santos, Jorge (Dr.); Final Calle Arce, San Salvador.
Schmidt, Guillermo; Tepecoyo.
Schmidt & Co., Carlos A.; Calle Arce, esquina Avenida España (Apartado 266), San Salvador.
Sessa, Gaetano; Jucuapa.
Sessa, José; Jucuapa.
Shiraki, Antonio T.; Frente Punto Camionetas, San Salvador.
Shiraki, José T.; Frente Punto Camionetas, San Salvador.
Shiraki y Cía., José T.; Frente Punto Camionetas, San Salvador.
Szaratte, Otto R.; 3a Calle Poniente 18, San Salvador.
Unión Agrícola Industrial, Soc.; San Salvador.
Wilmes y Cía., H.; 4a Calle Poniente 3, San Salvador.
Woerner, Hans F.; Calle Delgado y 6a Avenida Sur, San Salvador.
Wurst, Herbert, San Salvador.

GUATEMALA [1]

A. E. G., Almacén Eléctrico General; 7a Avenida Sur 12, Guatemala, Guatemala.
Administración General Fincas "La Aurora", "El Edén", "Nuevo Edén", and "Camelias"; Candelaria-Xolhuitz, Retalhuleu.
Administración Giesemann & Co.; Reforma and Nuevo Progreso, San Marcos; and Guatemala, Guatemala.
Administradora "Cecilia" Ltda., Cía.; Quezaltenango, and all branches in Guatemala.
Agrícola Viñas Zapote, Soc.; 13a Calle Oriente 7, Guatemala, Guatemala, and all branches in Guatemala.
Ahrens, Edgar; 7a Avenida Sur 97, Guatemala, Guatemala.
Allgemeine Elektricitaets Gesellschaft; 7a Avenida Sur 10, Guatemala, Guatemala.
Almacén "Colibrí"; 7a Avenida Sur 12 (Apartado 19), Guatemala, Guatemala.
Almacén Eléctrico General; 7a Avenida Sur 10, Guatemala, Guatemala.
Almacén "La Retalteca"; 6a Calle G. 11, Retalhuleu.
Altuve, Blanca E.; 4a Avenida Sur 4, Guatemala, Guatemala.
Asociación Industrial Alemana; 7a Avenida Sur 10, Guatemala, Guatemala.
Asseburg, Adolf; Quezaltenango, and Malacatán, San Marcos.
Asseburg, Wilhelm; Quezaltenango, and Malacatán, San Marcos.
Asseburg & Company; Quezaltenango, and Malacatán, San Marcos.
Asseburg Hermanos; Quezaltenango, and Malacatán, San Marcos.
Augustynski, Max; 7a Calle Poniente 36, Guatemala, Guatemala; and San Vicente Pacaya.
"Auto Salón"; 5a Avenida Sur 35, Guatemala, Guatemala.
Bar, Hans J.; 12a Calle Poniente 1-D, Guatemala, Guatemala.
Biener y Cía., Adolfo; 6a Avenida Sur 3, Guatemala, Guatemala.
Boehm, Jorge; Cobán, Alta Verapaz.
Bohnenberger, Otto; Quezaltenango.
Bollmann, Jorge; Chicacao, Suchitepequez.
Bornholt e Hijos, Claudio; 8a Avenida Sur 5, Guatemala, Guatemala.
Brackman e Hijos, Juan; 6a Avenida Sur 12-E, Guatemala, Guatemala.
Brackman y Cía., M.; Guatemala, Guatemala.
Bregartner, Máximo; San Andrés Villa Seca, Retalhuleu.
Buechsel, Gerhard; San Pedro Carcha, Alta Verapaz.
Buechsel & Co.; San Pedro Carcha, Alta Verapaz.
Buhl, Carlotta viuda de; Tumbador, San Marcos.
Buhl & Co., Sucrs.; Tumbador, and all branches in Guatemala.
Bunge, Rodolfo; Livingston.
Central American Plantations Corporation; 3a Avenida Sur, 3, Guatemala, Guatemala, and all branches in Guatemala.
Christ, Alfredo; Cobán, Alta Verapaz.
Christ, José; Cobán, Alta Verapaz.
Cojulun R., Raquel (Leda); Guatemala, Guatemala.
Daetz, Arnoldo; Cobán.

[1] The following deletions have been made with this revision: Farmacia Alemana (Farmacia Ancalmo); Calle Ruben Dario and 11th Avenida Sur, San Salvador. Farmacia Ancalmo (Farmacia Alemana); Calle Ruben Dario and 11th Avenida Sur, San Salvador. Moran, Antonio Calderon, Dr.; San Salvador.

[1] The following deletions have been made with this revision: Buse & Cía.; 10a Calle Poniente No. 9, Guatemala City. Ferrocarril Verapaz y Agencias del Norte, Compania del (Verapaz Railway), Livingston. Verapaz Railway (Ferrocarril Verapaz y Agencias del Norte, Compania del), Livingston.

Deutsche Lufthansa A. G.; all branches in Guatemala.
Deutsche Zeitung Guatemala; Edificio Paris, 6a Avenida Sur, Guatemala, Guatemala.
Dieseldorff y Cía., Sucrs.[1]; Cobán.
Diestel, Hastedt & Co.; 10a Calle Poniente 3, Guatemala, Guatemala.
Dietz, José; Quezaltenango.
Döscher, Paul; Livingston.
Droege, Hugo; San Pedro Carcha, Alta Verapaz.
Fábrica de Calzado "Cobán"; San Cristóbal, Alta Verapaz.
Fábrica de Sombreros "Atlas"; Guatemala, Guatemala.
Farmacia Alemana; Cobán.
Farmacia Verapaz; Cobán.
Felsmann, Erica Niederer Bornholdt de; Guatemala, Guatemala.
Felsmann, Kurt; Guatemala, Guatemala.
Felsmann y Cía., Kurt; Guatemala, Guatemala.
Fernández y Cía., Rafael; 12a Avenida Sur 27, Guatemala, Guatemala.
Ferretería "La Guatemalteca"; Quezaltenango.
Fickert Först, Emma viuda de; Senahu, Alta Verapaz.
Finca "Actelá"; La Tinta, Alta Verapaz.
Finca "Alabama Grande"; Tumbador, San Marcos.
Finca "Alicia"; Reforma, San Marcos.
Finca "Alsacia"; San Rafael Pie de la Cuesta, San Marcos.
Finca "Aguil"; Cobán, Alta Verapaz.
Finca "Argentina"; San Rafael Pie de la Cuesta, San Marcos.
Finca "Armenia"; Panzos, Alta Verapaz.
Finca "Armenia" y Anexos; San Rafael Pie de la Cuesta, San Marcos.
Finca "Bola de Oro"; Tumbador, San Marcos.
Finca "Cafetal Hamburgo"; San Felipe, Retalhuleu.
Finca "Camelias"; Candelaria-Xolhuitz Retalhuleu.
Finca "Campur"; San Pedro Carcha, Alta Verapaz.
Finca "Candelaria-Xolhuitz"; Quezaltenango.
Finca "Castaños"; Chicacao.
Finca "Cecilia" y Anexos; San Francisco Zapotitlán.
Finca "Ceniza"; Zacapa.
Finca "Cerro Redondo"; Barberena, Santa Rosa.
Finca "Chiacán"; San Pedro Carcha, Alta Verapaz.
Finca "Chicoj"; Cobán, Alta Verapaz.
Finca "Chicoyonito"; Cobán, Alta Verapaz.
Finca "Chilte"; San Pedro Carcha, Alta Verapaz.
Finca "Chimax"; Cobán, Alta Verapaz.
Finca "Chimo"; San Pedro Carcha, Alta Verapaz.
Finca "Chimote"; Cobán, Alta Verapaz.
Finca "Chinama"; Lanquín, Alta Verapaz.
Finca "Chinán"; Chicacao, Suchitepequez.

[1] This firm should be distinguished from W. E. Dieseldorff of Cobán.

Finca "Chinasajub"; Cobán, Alta Verapaz.
Finca "Chipemech"; Cahabón, Alta Verapaz.
Finca "Chiquihuite"; Colomba, Quezaltenango.
Finca "Chirrepec"; Cobán, Alta Verapaz.
Finca "Chucul"; San Antonio, Suchitepequez.
Finca "Chulac"; Senahu, Alta Verapaz.
Finca "Cocoyán"; San Pedro Carcha, Alta Verapaz.
Finca "Concepción; Escuintla.
Finca "Concepción-Candelaria"; La Reforma, San Marcos.
Finca "Costa Rica"; Chimaltenango.
Finca "Coyocte"; Tucurú, Alta Verapaz.
Finca "Dolores"; Mazatenango, Suchitepequez.
Finca "El Baluarte"; Reforma, San Marcos.
Finca "El Capucal"; Gualán, Zacapa.
Finca "El Carmen"; San Andrés Villa Seca, Retalhuleu.
Finca "El Corozo"; Samayac, Suchitepequez.
Finca "El Edén"; Candelaria-Xolhuitz, Retalhuleu.
Finca "El Encanto"; Nuevo San Carlos, Quezaltenango.
Finca "El Jocote"; Santa Cruz Naranjo, Santa Rosa.
Finca "El Paraíso" y Anexos; Pochuta, Chimaltenango.
Finca "El Pensamiento-Palmira"; Colomba, Quezaltenango.
Finca "El Perú"; San Antonio, Suchitepequez; and Tumbador, San Marcos.
Finca "El Porvenir"; San Pablo, San Marcos.
Finca "El Potosí"; Pochuta, Chimaltenango.
Finca "El Rodeo"; Pochuta, Chimaltenango.
Finca "El Rosario"; Tumbador, San Marcos.
Finca "El Rosario Bola"; Colomba, Quezaltenango.
Finca "El Salto"; Tucurú, Alta Verapaz.
Finca "El Tránsito"; Colomba, Quezaltenango.
Finca "Escobillo"; El Rodeo, San Marcos.
Finca "Esmeralda" (owned by Enrique Hermann); Colomba, Quezaltenango.
Finca "Esmeralda" (owned by Matilde de and Máximo Quirín); Tucurú, Alta Verapaz.
Finca "Florida"; Pochuta, Chimaltenango.
Finca "Guaxpóm"; Tucurú, Alta Verapaz.
Finca "Jalaute"; Purulha, Baja Verapaz.
Finca "Joya Grande"; Pueblo Nuevo Viñas.
Finca "La Abundancia"; Chicacao, Suchitepequez.
Finca "La Aurora"; Candelaria-Xolhuitz, Retalhuleu.
Finca "La Concha"; Acatenango, Chimaltenango.
Finca "La Esperancita"; Asnital, Retalhuleu.
Finca "La Esperanza"; Tucurú, Alta Verapaz.
Finca "La Fama"; Colomba, Quezaltenango.
Finca "La Fe"; San Antonio, Suchitepequez.
Finca "La Florida"; Tucurú, Alta Verapaz.
Finca "La Fuente"; Retalhuleu.
Finca "La Igualdad"; La Reforma, San Marcos.
Finca "La Independencia"; Retalhuleu.
Finca "La Paz"; Reforma, San Marcos.
Finca "La Perla"; Chicacao, Suchitepequez.
Finca "La Providencia"; San Cristóbal, Alta Verapaz.
Finca "La Suiza" (owned by Max Augustynski); San Vicente Pacaya.
Finca "La Suiza" (owned by Wilhelm Greite); La Reforma, San Marcos.
Finca "La Torre"; Chimaltenango.
Finca "La Unión"; Nuevo Progreso, San Marcos.
Finca "Las Amalias"; Patalul, Suchitepequez.
Finca "Las Animas"; Santo Domingo, Suchitepequez.
Finca "Las Camelias"; San Pedro Carcha, Alta Verapaz.
Finca "Las Carolinas"; San Martín Zapotitlán, Retalhuleu.
Finca "Las Mercedes"; Colomba, Quezaltenango.
Finca "Las Sabanetas"; Barberena, Santa Rosa.
Finca "Las Viñas"; Barberena, Santa Rosa.
Finca "Lorena"; San Rafael Pie de la Cuesta, San Marcos.
Finca "Los Brillantes"; Mulua, Retalhuleu.
Finca "Los Castaños"; Chicacao, Suchitepequez.
Finca "Los Laureles"; Nuevo San Carlos, Quezaltenango.
Finca "Magdalena"; Cobán, Alta Verapaz.
Finca "Medio Día"; San Antonio, Suchitepequez.
Finca "Medio Día y Filipinas"; Tumbador, San Marcos.
Finca "Milán"; Chicacao, Suchitepequez.
Finca "Monte Blanco"; Purulha, Baja Verapaz.
Finca "Monte Limar"; Malacatán, San Marcos.
Finca "Morelia-Santa Sofía"; Yepocapa, Chimaltenango.
Finca "Mundo Nuevo"; Malacatán, San Marcos.
Finca "Nueva Granada"; Tumbador, San Marcos.
Finca "Nuevo Edén"; Candelaria-Xolhuitz, Retalhuleu.
Finca "Pachilha"; Tucuru, Alta Verapaz.
Finca "Palmira"; Colomba, Quezaltenango.
Finca "Pancuz"; Purulha, Baja Verapaz.
Finca "Pantic"; Senahú, Alta Verapaz.
Finca "Pena Plata"; Acatenango, Chimaltenango.
Finca "Piedras Blancas"; Zacapa, Guatemala.
Finca "Providencia"; Baja Verapaz.

Finca "Sabana Grande"; Siquinalá, Escuintla.
Finca "Sacham"; Alta Verapaz.
Finca "Sacsamani"; Purulha, Baja Verapaz.
Finca "Salitrillo"; Barberena, Santa Rosa.
Finca "San Andrés Osuna"; Escuintla, Escuintla.
Finca "San Augustín"; Suchitepequez.
Finca "San Basilio"; Santa Bárbara, Suchitepequez.
Finca "San Carlos"; Chimaltenango.
Finca "San Dionisio"; San Felipe, Retalhuleu.
Finca "San Francisco Miramar"; Colomba, Quezaltenango.
Finca "San Francisco Pecul"; San Felipe, Retalhuleu.
Finca "San Javier"; Lanquín, Alta Verapaz.
Finca "San Juan"; Senahú, Alta Verapaz.
Finca "San Julián"; Patalul, Suchitepequez.
Finca "San Luis"; Malacatán, San Marcos.
Finca "San Rafael Panán"; Santa Bárbara, Suchitepequez.
Finca "San Vicente"; San Pedro Carcha, Alta Verapaz.
Finca "Santa Actelá"; Senahú, Alta Verapaz.
Finca "Santa Anita"; Chimaltenango.
Finca "Santa Augustina"; Candelaria-Xolhuitz, Quezaltenango.
Finca "Santa Clara"; Chicacao, Suchitepequez.
Finca "Santa Elena"; Tumbador, San Marcos.
Finca "Santa Isabel"; Pueblo Nuevo Viñas, Santa Rosa.
Finca "Santiago"; Senahú, Alta Verapaz.
Finca "Secoyocte"; Senahú, Alta Verapaz.
Finca "Serliquiche"; Senahú, Alta Verapaz.
Finca "Sibaja"; Yepocapa, Chimaltenango.
Finca "Sola"; El Quetzal, San Marcos.
Finca "Soledad"; Santa Bárbara, Suchitepequez.
Finca "Trece Aguas"; Senahú, Alta Verapaz.
Finca "Venecia"; Nuevo Progreso, San Marcos.
Finca "Westfalia"; Purulha, Baja Verapaz.
Finca "Xicacao"; San Pedro Carcha, Alta Verapaz.
Fleck, Arturo; Senahú, Alta Verapaz.
Franke y Cía., Conrado; Calle Morazán, Quezaltenango.
Gees, Hans (Dr.); Colomba, Quezaltenango.
Gerlach & Co., Sucrs.; 5a Avenida Sur 4, Guatemala, Guatemala.
Gieseler, Carlos; 5a Avenida Sur 8 (Apartado 24), Guatemala, Guatemala.
Giesemann Hermanos; Reforma and Nuevo Progreso, San Marcos; and Guatemala, Guatemala.
Graf & Co., Máximo; 7a Avenida Sur y 10a Calle Oriente, Guatemala, Guatemala.
Greite, Wilhelm; La Reforma, San Marcos.
Gross, Augusto; Livingston.
Gross, Francisco; Avenida La Reforma y 5a Calle de Santa Clara, Guatemala, Guatemala, and all branches in Guatemala.
Grunau, Alberto; 6a Avenida Sur 13, Guatemala, Guatemala.
Hachmeister & Co., Sucrs.; Tumbador and El Rodeo, San Marcos.
Hacienda "Chocolá"; San Pablo Jocopilas, Suchitepequez.
Hacienda "El Reposo"; Génova, Quezaltenango.
Hannstein & Co., Bernardo; La Reforma, San Marcos.
Hapag-Lloyd Agency; 12a Calle Oriente 5, Guatemala, Guatemala.
Hartleben, Federico; Malacatán, San Marcos.
Hastedt Sucrs. y Cía., J. Francisco; Ciudad Vieja, and all branches in Guatemala.
Hauber, Hugo; Livingston.
Hegel, Carlos; 5a Avenida Sur 24a, Guatemala, Guatemala, and all branches in Guatemala.
Hemmerling, Oswaldo; Retalhuleu, Retalhuleu.
Henequenera La Isla; Alta Verapaz.
Herederos de Carlos Sauerbrey, 8a Avenida Sur 8, Guatemala, Guatemala, and all branches in Guatemala.
Hermann, Enrique; Colomba, Quezaltenango.
Hermann, Lotty; Colomba, Quezaltenango.
Hermann y Hnos., Herbert; Colomba, Quezaltenango.
Hermanos Daetz Villela; Cobán.
Herring, Alfonso; San Cristóbal, Alta Verapaz; and 8a Calle Oriente, frente al Mercado Central, Guatemala, Guatemala.
Hertzsch, Enrique; 6a Avenida Sur y 172 Calle, Guatemala, Guatemala; and San Antonio, Suchitepequez.
Hoepfner Sucrs., Hermann; Pochuta, Chimaltenango; and Santa Bárbara, Suchitepequez.
Hoepker, Henry; Apartado 350, Guatemala, Guatemala, and all branches in Guatemala.
Hotel Astoria; 6a Avenida Sur y 9a Calle, Guatemala, Guatemala.
Hotel Europa; Coatepeque.
Hotel Européo; Quezaltenango.
Hotel München; Antigua, Sacatepequez.
Hotel San Rafael; Mixco.
Hotel Weymann, Panajachel, Sololá.
Hussmann, Carlos; Senahú, Alta Verapaz.
Hussmann, Netty viuda de; Villa de Guadalupe, Guatemala, Guatemala; and Baja Verapaz.
Hussmann, Otto; Purulha, Baja Verapaz.
Hussmann Herederos; Purulha, Baja Verapaz.
"Imprenta Electra"; 10a Calle Oriente y Pasaje Coloma, Guatemala, Guatemala.
Industria Mate Guatemala; Real Ciudad Vieja 55, Guatemala, Guatemala.
Ingenio "Palo Gordo"; San Antonio Suchitepequez, Suchitepequez.
Jaeger, Augusto L.; 7a Avenida Sur 12a, Guatemala, Guatemala.
Jaeger Hermanas; 7a Avenida Sur 27, Guatemala, Guatemala.
Jauch, Otto; San Rafael Pie da la Cuesta, San Marcos.
Jelkmann, Pablo; Nuevo Progreso, San Marcos.
Johansen y Cía., Sucrs.; Quezaltenango.
Kaffee & Import, Ges.; All branches in Guatemala.
Kaltwasser y Cía., Hermann; 4a Avenida Sur 4, Guatemala, Guatemala.
Kaufmann & Co., Berta de; Gualán, Zacapa.
Keller, Herederos de Federico; Pueblo Nuevo Viñas, Santa Rosa; and Oriente
Knoetzsch, Martin; 5a Avenida Sur y 10a Calle Poniente, Guatemala, Guatemala.
Köper, Federico (hijo); Acatenango and Yepocapa, Chimaltenango.
Köper, Lottman & Co.; 8a Avenida Sur 23, Guatemala, Guatemala.
Krause, Hans; 8a Avenida Sur 3, Guatemala, Guatemala.
Krische Hermanos; La Reforma, San Marcos.
Kummerfeldt, Hertzsch & Co.; Chicacao, Suchitepequez.
"La Bodega"; San Lucas, Sacatepequez.
"La Diadema"; 10a Calle Oriente y 7a Avenida Sur, Guatemala, Guatemala.
"La Duquesa"; Pasaje Rubio y 6a Avenida Sur 2, Guatemala, Guatemala.
"La Femina"; 6a Avenida Sur 16, Guatemala, Guatemala.
"La Nacional"; 5a Avenida Sur 100–C, Guatemala, Guatemala.
La Perla S. A.; 6a Avenida Sur y 9a Calle (Apartado 135), Guatemala, Guatemala.
Laeisz y Cía., Sucrs.; Quezaltenango, and all branches in Guatemala.
Leber, Joseph; 11a Calle Oriente 9, Guatemala, Guatemala.
Leber & Co.; 11a Calle Oriente 9, Guatemala, Guatemala.
Lehnhoff, Juan; 2a Avenida Sur 52–A, Guatemala, Guatemala.
Lewald, Willy; Mansión San Francisco, 6a Avenida Sur 32, Guatemala, Guatemala.
Librería Cosmos; 6a Avenida Sur, Edificio Aguirre, Guatemala, Guatemala.
Lindener, Kurt; La Tinta, Alta Verapaz.
Lindener & Co.; % Gerlach & Co., Sucrs., 5a Avenida Sur 4, Guatemala, and all branches in Guatemala.
Liscutín, Antonio; 6a Avenida Sur 18, Guatemala, Guatemala.
Lütjens, Ingrid Renate; 4a Avenida Sur 67, Guatemala, Guatemala.
Lütjens, Juan A.; 4a Avenida Sur 67, Guatemala, Guatemala.
Luttmann, Guillermo; Pochuta, Chimaltenango; Tumbador, and Reforma, San Marcos.
Luttmann & Co.; Pochuta, Chimaltenango; Tumbador, and Reforma, San Marcos.
"Luz"; 11a Calle Oriente 24, Guatemala, Guatemala.
Maegli & Co.; 7a Avenida Sur y Calle Calderón, Guatemala, Guatemala.
Martín S., Juan; Finca "San Rafael Panán", Santa Bárbara, Suchitepequez.
Mazariegos, Julián; c/o Laeisz y Cía., Sucrs., Quezaltenango.

Meissner, Hans Fritz; 3a Avenida Sur 3, Guatemala, Guatemala.
Mersiovsky, Juan; Finca "San Rafael Panán", Santa Bárbara, Suchitepequez.
Methe, Knedel & Co.; 7a Avenida Sur y 10a Calle Oriente, Guatemala, Guatemala.
Moeschler, Enrique; Cobán, San Pedro Carcha; and Tucurú, Alta Verapaz.
Moeschler, Oscar; Cobán, San Pedro Carcha; and Tucurú, Alta Verapaz.
Montenegro, Emilio; Calle 13 número 50, Guatemala, Guatemala.
Morjan, Conrado; Siquinalá, Escuintla.
Muenschmeyer, Roberto; Mazatenango, Suchitepequez.
Müller, Kurt; 7a Avenida Sur, Pasaje Aguirre, Guatemala, Guatemala.
Nehlsen, Harold; 12a Calle Oriente 5, Guatemala, Guatemala.
Neutze, Guillermo G.; 9a Avenida Sur 2, Guatemala, Guatemala.
Noack, Guillermo; Senahu, Alta Verapaz.
Noack, Otto; Cobán, Alta Verapaz.
Noltenius & Jordens; 8a Avenida Sur y 8a Calle Oriente, Guatemala, Guatemala.
Nottebohm Banking Corporation; Guatemala, Guatemala.
Nottebohm & Co., Kurt; 5a Avenida Sur y 2a Calle Poniente, Guatemala, Guatemala, and all branches in Guatemala.
Nottebohm Hermanos; all branches in Guatemala.
Ockelmann, Carl; San Felipe, Retalhuleu.
Ockelmann, Celina de; San Felipe, Retalhuleu.
Paetau & Co., Max; 9a Avenida Sur 10, Guatemala, Guatemala.
"Palacio de Cristal"; 7a Avenida Sur y 9a Calle Oriente, Guatemala, Guatemala.
Peitzner, Guillermo (hijo); Patalul, Suchitepequez.
Pensión Moeller; 9a Calle Poniente 11, Guatemala, Guatemala.
Pfister, W.; La Tinta, Alta Verapaz.
Plantaciones "Concepción" de Guatemala, Cía. de; 8a Avenida Sur 47, Guatemala, Guatemala.
Plantaciones "Santa Augustina"; Candelaria-Xolhuitz, Quezaltenango.
Prem, Sucrs.,[2] Juan; 4a Avenida Sur 67, Guatemala, Guatemala.
Quirín, Matilde de and Máximo; Cobán and Tucurú, Alta Verapaz.
"Radios Grunau"; 6a Avenida Sur 13, Guatemala, Guatemala.
Rausch, Enrique; Pochuta, Chimaltenango.
Rauscher, Hans; 12a Calle Poniente 3, Guatemala, Guatemala.
Rehbach, Teodoro; San Rafael Pie de la Cuesta, San Marcos.
Reiffen, Rodolfo; 7a Avenida Sur 12 (Apartado 19), Guatemala, Guatemala.
Restaurante "El Quetzal"; 4a Avenida Sur 30, Guatemala, Guatemala.
Riege & Co.; 6a Calle G. 11, Retalhuleu.
Rolz, Federico; San Cristóbal, Alta Verapaz.
Sak, Max; 7a Avenida Sur y 10a Calle Oriente, Guatemala, Guatemala.

[2] Juan Prem, the individual, is no longer connected with the firm.

Salchichonería Germania; Guatemala, Guatemala.
Sánchez, Alberto; 6a Calle Oriente 11, Guatemala, Guatemala.
Sapper, David E.; Callejón Dolores 2, Guatemala, Guatemala.
Sapper & Co., Ltda.; Cobán, Alta Verapaz, and all branches in Guatemala.
Sauerbrey, Otto; Mazatenango.
Sauerbrey & Co., Carlos (Herederos de Carlos Sauerbrey); 8a Avenida Sur 8, Guatemala, Guatemala, and all branches in Guatemala.
Schellenberg, Walter; Apartado 101, Guatemala, Guatemala.
Scheuffler, Max; 5a Avenida Sur 32, Guatemala, Guatemala.
Schilling, Alberto H.; all branches in Guatemala.
Schlatermund, Hans; 10a Calle Oriente 9, Guatemala, Guatemala.
Schleehauf, F.; Cobán and Tucurú, Alta Verapaz.
Schoenstedt, W. E.; 6a Avenida Sur, Edificio Aguirre, Guatemala, Guatemala.
Schreckenbach, Hans M.; Finca "San Rafael Panán", Santa Bárbara, Suchitepequez.
Schwoercke, Reinaldo; Tumbador, San Marcos.
Stäbler, Gottlieb; 10a Calle Oriente y Pasaje Coloma, Guatemala, Guatemala.
Stäbler Hermanos; 10a Calle Oriente y Pasaje Coloma, Guatemala, Guatemala.
Steffens, Alfredo C.; Colomba, Quezaltenango.
Sterkel, Emilio; Tucurú, Alta Verapaz.
Sterkel, Julio; Tucurú, Alta Verapaz.
Sterkel, Rodolfo; Tucurú, Alta Verapaz.
Suhr Sucrs., Guillermo; Chicacao, Suchitepequez.
Sundfeld, Antonio; 6a Avenida Sur 3, Guatemala, Guatemala.
Suse, Edmund T.; Guatemala, Guatemala.
Tenería Moll; 19a Calle Oriente final, Guatemala, Guatemala.
Thiemer, Waldemar; San Cristóbal, Alta Verapaz.
Thiemer y Cía., Sucrs.; Livingston.
Thomae & Koegler; 9a Avenida Sur 5 y 7, Guatemala, Guatemala.
"Thuringia" Salchichonería y Carnicería; 5a Avenida Sur 32, Guatemala, Guatemala.
Tienda "La Famosa"; 4a Avenida Sur 67, Guatemala, Guatemala.
Tintorería Alemana; 14a Calle Poniente 13, Guatemala, Guatemala.
Tischler, Otto; 6a Avenida Sur 16, Guatemala, Guatemala.
"Transocean" Servicio Noticioso; 6a Avenida Sur 10, Guatemala, Guatemala.
Trennert, Gustav; 6a Calle Oriente 11, Guatemala, Guatemala.
Vialardi, Francisco; Pasaje Rubio (Apartado 371), Guatemala, Guatemala.
"Viena" Pandería y Pastelería; 5a Avenida Sur 20, Guatemala, Guatemala.
Von Scheven, Lother Peter Emil; Apartado 416, or % Hotel Astoria, Guatemala, Guatemala.
Voss, Walter; 10a Calle Poniente (Apartado 122), Guatemala, Guatemala.
Wagner, E. R.; Patalul, Suchitepequez.
Wagner, Reginaldo; 9a Calle Poniente 1–a, Guatemala, Guatemala.
Wagner Hermanos; 5a Avenida Sur 20, Guatemala, Guatemala.
Wahl, Eugenio; Real Ciudad Vieja 55, Guatemala, Guatemala.
Wehner, Kurt C.; 14a Calle Poniente 13, Guatemala, Guatemala.
Weller & Babczynsky; 9a Calle Oriente 2, Guatemala, Guatemala.
Widmann, Carl (Sr.); 8a Avenida Sur 47 y 13a Calle Oriente 7, Guatemala, Guatemala.
Widmann, Walter; 8a Avenida Sur 47, Guatemala, Guatemala.
Wöhlers, Máximo; Senahú and Cahabón, Alta Verapaz.
Wulff, Federico; Pasaje Rubio y 6a Avenida Sur 2, Guatemala, Guatemala.
Wulff, Kurt; Callejón de Córdova 8, Guatemala, Guatemala.
Zepeda de León, Miguel; 7a Calle Oriente 45, Guatemala, Guatemala.
Zieseness, Otto; 5a Avenida Sur 35, Guatemala, Guatemala.
Zuckau, Guillermo; Colomba, Quezaltenango.
Zurhellen, B.; Livingston.

HAITI[1]

Andersen, Gunther E.; Pétionville.
Bata Shoe Co., Inc.; Port-au-Prince.
Beck, Kuno; Cap Haitien.
Beck, Kurt; Cap Haitien.
Beck, Vera Teuchler (Mme.).
Buch, Wilhelm (Jr.); Pétionville.
Chaussures Bata Haiti, S. A.; Avenue Président Trujillo (Bolte Postale A–144), Port-au-Prince.
Cianciulli et Cie; Cap Haitien.
Commerciale et Industrielle d'Haiti, Soc.; Port-au-Prince.
De Matteis & Co., A. (Sucr. Arthur de Matteis); Port-au-Prince.
Grohl, Arthur Karl; Port-au-Prince.
Hackenbruck, Hans; Port-au-Prince.
Haitienne de Banque et de Placement, Soc.; Port-au-Prince.
Haitienne de Produits Pharmaceutiques, Soc.; Port-au-Prince.
Hamburg America S. S. Line; Port-au-Prince.
Hirsch & Lemke; Port-au-Prince.
Horn S. S. Line; Port-au-Prince.
Kahl, Wilhelm; Pétionville.
Kahl's Hotel; Pétionville.
Loffredo, María C.; Cap Haitien.
Luciani & Co., Jean; Cap Haitien.
Luders, Ernst; Port-au-Prince.
Marra, Alphonse; Cap Haitien.
Marra & Co., A.; Cap Haitien.
Otte, Richard William; Aux Cayes.
Petersen, Johannes; Port-au-Prince.
Pharmacie Buch; Port-au-Prince.
Plesch, Arpad; Port-au-Prince.
Reinbold, Georges; Port-au-Prince.
Reinbold & Co.; Port-au-Prince, and all branches in Haiti.
Rode, George; St. Marc.
Rohlsen, Gustave; Port-au-Prince.
Rosenthal, Albert; Cap Haitien.
Schettini, Jean (Mrs.); Cap Haitien.
Schmid, Jacob Fredrich; Port-au-Prince.
Schutt & Co., Otto; Cap Haitien, and all branches in Haiti.

[1] The following deletion has been made with this revision: Deutsche Lufthansa, A. G.; All branches in Haiti. No present office or operations in Haiti.

Seidel & Company, Karl; Aux Cayes.
Seims, Alexander; St. Marc.
Siegel, Franz; Port-au-Prince.
Sonn, Kurt; Port-au-Prince.
Stompf, Johannes; Port-au-Prince.
Streitwolf, Gunther; Gonaïves.
Teuchler, René; Cap Haitien.
Theophile, Max Heinrich; Petit Goâve.
Vitiello, Antoine; Cap Haitien.
Wahl, H. G.; Port-au-Prince.
Wehrle, Laurent; Port-au-Prince.

HONDURAS

Asfura, Jorge; Apartado 25, Tegucigalpa.
Bastel & Co., W.; Apartado 10, San Pedro Sula; and Tegucigalpa.
Bazar Unión; Tela.
Boehm & Paasch; San Pedro Sula and Tegucigalpa.
Brito, Jorge; San Pedro Sula.
Casa Konke, S. A.; Tegucigalpa.
Casa Rossner, S. A.; Tegucigalpa.
Corneisen Sucrs., N.; Tegucigalpa.
Doborow, Juan; San Pedro Sula and Tegucigalpa.
Droguería Alemana; Tegucigalpa.
Droguería Bayer; Tegucigalpa.
Engelhardt, Erich; Tela.
Imprenta Aristón; Tegucigalpa.
Kabel & Schwenn; Puerto Cortés, and all branches in Honduras.
Merz, Ernesto; Tegucigalpa.
Morales, Moeller & Co.; San Pedro Sula.
Paz & Co., J.; San Pedro Sula.
Reese y Cia., J.; Tegucigalpa.
Rischbieth & Co., Werner; Tegucigalpa.
Seidel, Guillermo; La Ceiba.
Siercke, Ernesto; Choluteca.
Siercke, Francisco; Tegucigalpa, and all branches in Honduras.

MEXICO [1]

A. E. G., Compañía Mexicana de Electricidad S. A.; Avenida 5 de Mayo 10, México, D. F.
Administración Giesemann & Co.; La Violetta, Correo Argovia, Chiapas.
Afirmación; México, D. F.
Agencia Bayer; Edificio I. Garza, despacho 214, Monterrey.
Agencia Comercial y Marítima; Pasaje América 213, México, D. F., and all branches in Mexico.
Agencia Internacional de Librería y Publicaciones, Avenida Uruguay 10, México, D. F.
Agencia Mexicana de Representaciones; Avenida 16 de Septiembre 52 (Apartado 40), México, D. F.
Agencia Química y Mercantil, S. de R. L.; Apartado 1119, México, D. F.
Agencias Unidas de México; Avenida 5 de Mayo, Pasaje América, México, D. F.
Agfa Foto S. A.; Avenida Juárez 76, México, D. F.
Albert y Cia., Sucrs. Julio; Avenida 16 de Septiembre 83 y Avenida 5 de Febrero 3, México, D. F.
Almex, Soc. de Resp. Ltda.; México, D. F.
Amtmann, Karl R.; Avenida Uruguay 66 y Insurgentes 320–24 (Apartado 267), México, D. F.
Arikado, Crescencio P.; Chihuahua.
Arimori, Yoshikivo.
Artefactos Metálicos Monterrey, S. A.; Calzada Victoria y Cuauhtémoc (Apartado 79), Monterrey.
Ashida, Federico; Sihuatlán and Manzanillo.
Ashihara, Luis; San Luis Potosí.
Ashihira, Frank; Nacozari.
Bach y Dorsch, Sucrs.; Motolinia 20 (Apartado 412), México, D. F.
Bahnsen, Johann Heinrich; Jiménez 145 Norte, Monterrey.
Baldi, Franco (Dr.); c/o Carlo Erba S. A., Barcelona 27, México, D. F.
Banco Germánico de la América del Sud.; México, D. F.
Baumgartner, Juan; Avenida Uruguay 10, México, D. F.
Bayer, Agencia; Edificio I. Garza, despacho 214, Monterrey.
Bayer, S. A., Casa; San Juan de Letrán 24, México, D. F.
Beick, Félix y Cía., S. en C.; Avenida Francisco Madero 39, México, D. F.; and Monterrey.
Berentsen, Lambertus; Palma 308 (Apartado 1009), México, D. F.
Biagi Hermanos; Avenida Hidalgo 1302, Tampico.
Black Horse Tobacco Company, Avenida Piño Suárez 314 Norte, Monterrey.
Boehm, Federico; Venustiano Carranza 40, México, D. F.
Bolbrugge, Christopher; 1a Venustiano Carranza 27 (Apartado 865), México, D. F.
Bona & Co., A.; Apartado 967, México, D. F.
Bopp, Juan José (Dr.); Uruguay 77, México, D. F.
Boston, S. A.; Uruguay 76, México, D. F.
Botica Japonesa; Manzanillo.
Botica Japonesa; Tampico.
Bremer, Eduardo; Avenida Hidalgo 1745 Poniente (Apartado 4), Monterrey.
Brunssen, Guillermo; Avenida Dr. Pasteur 13, México, D. F.
Burmex, Soc. de Resp. Ltda.; Juárez 56 y Sierra Nevada 415a, Lomas de Chapultepec (Apartado 2872), México, D. F.
Busch, Juan; Avenida Uruguay 42–1°, México, D. F.
Buto, Luis; Chihuahua.
Cabezut y Cía. S. de R. L., Alberto M.; Madero 405 Oriente, Tampico.
Cajiga Estrada, Hipólito (Dr.); México, D. F.
Calvi, Francisco; Matamoros 513 Oriente, Monterrey.
Canseco, Casa de Arturo; La Paz.
Casa Astra; Venustiano Carranza 40, México, D. F.
Casa Bayer, S. A.; San Juan de Letrán 24, México, D. F.
Casa Boker; Avenida 16 de Septiembre 60, México, D. F.
Casa Brunssen, S. A.; Avenida Dr. Pasteur 13, México, D. F.
Casa Cram; Calzada Victoria y Cuauhtémoc (Apartado 79), Monterrey.
Casa Dental Japonesa; Avenida Hidalgo 19, México, D. F.
Casa "Emy"; Manzanillo.
Casa Holck S. A.; Calle Matamoros 409 Oeste, Monterrey.
Casa Kanibo; Uruguay 94, México, D. F.
Casa Lammers, S. A.; Revillagigedo 83, México, D. F.
Casa May; México, D. F.
Casa Plate, S. de R. L.; Apartado 955, México, D. F.
Casa Queralt Mir.; Sinaloa 56, México, D. F.
Casa Sekiguchi; México, D. F.
Casa Veerkamp S. A.; Mesones 21 (Apartado 851), México, D. F.
Casa Wagner; Venustiano Carranza 21 (Apartado 396), México, D. F.
Casa Wettstein, S. A.; Avenida Uruguay 5, México, D. F.
Casino Alemán; México, D. F.
Centro Alemán de México; México, D. F.
Clever y Lassman; Avenida Uruguay 44, México, D. F.
Club Alemán; Matamoros 405 Oriente, Monterrey.
Club Hípico Alemán, S. A.; México, D. F.
Coello, Jaime; Ciudad del Carmen, Chiapas.
Colegio Alemán; Villagrán y A. Nervo, Monterrey.
Comercial Sankyo, S. de R. L., Cia.; México, D. F.
Comisiones S. A.; Apartado 429, México, D. F.
Dahlhaus y Cía.; Apartado 862, México, D. F.
Denigris Hermanos; Juárez 203 Poniente (Apartado 46), Saltillo, Coahuila.
Deutsche Lufthansa A. G.; All branches in Mexico.
Deutsche Schule; México, D. F.
Deutsche Volksgemeinschaft; México, D. F.
"Deutz Otto" Legitimo, S. A., Compañía, Mexicana de Motores; All branches in Mexico.
Distribuidora de Aceros Escudo, S. A.; Isabel la Católica 51, México, D. F.
Distribuidora e Importadora Mexicana, S. A.; Piño Suárez 34 y Avenida Venustiano Carranza 13, México, D. F.
Distribuidora Mexicana de Radios; Calle Padre Mier 411 Oriente (Apartado 871), Monterrey.
Dittmer y Cía., Carlos; Avenida República del Salvador 47 (Apartado 464), México, D. F.
"Domei" Japanese Press Service; México, D. F.

[1] The following deletions have been made with this revision: Benitez y Ajuria, S. en C. por A.; Bahía Concepción 3, México, D. F. Bossero Advertising Agency, S. de R. L.; Gante No. 14, México, D. F. "Ciba" (Productos Quimicos-Farmaceuticos); Calle Lopez 35, Mexico City. Curiel Algranti, Manuel; Apartado 96, Calle General Treviño Pte. 106, Monterrey. de Moeller, J.; Ocello 8, México, D. F. de Peña, O. A.; Calzada de la Piedad 91–3°, México, D. F. García, S. en C. José L., Importador de Occidente; Madero 333, Guadalajara. Industria Mexicana de Tintas; Bahía Concepción 3, México, D. F. Industries Sanitarias Unidas; Sabiño 154, México, D. F. La Torre e Hijo, S. R. L.; Uruguay 73–1°, México, D. F. Laboratorios Gardee; Ramón Guzmán 51, México, D. F. Monticello Drug Co.; Joyas 16, México, D. F. Noelke, Carlos; Mexico City. Productos Quimicos-Farmaceuticos ("Ciba"); Calle Lopez 35, Mexico City. Terapia Infantil; México, D. F. Villasenor Hnos., Tinajero; Piño Suárez 76, México, D. F.

Dorenberg, Petersen y Cía., Sucrs., S. en C.; Puebla.
Dorner, Hermann; Apartado 1036, México, D. F.
Dratein y Holste, Sucr.; Venustiano Carranza 45, despacho 302, México, D. F.
Droguería Cosmopólita S. A.; Esquina Avenida Piño Suárez y Plaza Constitución, México, D. F.
Droguería de la Palma; Corregidora 7–A y Avenida Madero 28, México, D. F.
Droguería del Refugio S. A.; 5 de Febrero 1, México, D. F.
Droguería y Farmacia "Panamericana"; Morelos y Zaragoza, Monterrey.
Droguería Regina S. A.; 5 de Febrero 7, México, D. F.
Droguería Stein, S. A.; Mazatlán.
Ebitsuka, M.
"Edificio Boker"; 16 de Septiembre y Isabel la Católica, México, D. F.
El Ancla; Tlaxcla 427, Ciudad Juárez.
El Centro Mercantil; Avenida Madero y Mejía, Ciudad Juárez.
"El Deposito Dental"; Matamoros 513 Oriente, Monterrey.
El Gallo; Avenida Hidalgo 50, Oaxaca.
"El Globo", S. A.; Avenida Hidalgo, 127, Zacatecas.
"El Nuevo Japón" S. A.; 20 de Noviembre y República del Salvador, México, D. F.
"El Pacifico"; Avenida Reforma 305, Mexicali.
El Sol Naciente; Guadalajara.
Emesco, S. A.; Avenida Uruguay 26, México, D. F.
Endo, Tetsu; Mejía 332 Oeste, Ciudad Juárez.
Equipos de Oficinas, S. A.; México, D. F.
Equipos para Oficinas, S. A.[2]; Avenida Juárez 56, México, D. F.
Erba, S. A., Carlo; Barcelona 27, México, D. F.
Estambres y Lanas, S. A.; Boleo 57 (Apartado 952), México, D. F.
Ewald, Albert; Mezones 44, México, D. F.
Explotadora de Riquezas Naturales de México, S. de R. L.
Exportadora e Importadora Soc. de Resp. Ltda., Cía. (formerly Compañía Exportadora de Productos Mexicanos); [3] Dr. Mora 9–22 y Avenida Juárez 56, México, D. F.
Fábrica de Acidos "La Viga"; México, D. F.
Fábrica de Loza "El Anfora", S. A.; Parque Oriental de la Penitenciera China (Apartado 508), México, D. F.
Farmacia Apolo; Piño Suárez y G. O. Salazar, Monterrey.
Farmacia Continental (en liquidación); Guadalajara.
Farmacia Juárez; Chihuahua.
Farmacia Mexicana Tsurumi; Avenida Juárez 35, Cananea.
Farmacia Moderna; Chihuahua.
Farmacia Plaza; Zuazua y Morelos, or Zuazua 943 Sur, Monterrey.
Farmacia y Droguería Principal; Avenida 16 de Septiembre 3, México, D. F.
"Farmamex" Productos Farmacéuticos, S. A.; Isabel la Católica 15, México, D. F.
Fernández, Rafad; México, D. F.
Ferretería La Palma; Guadalajara.
Ferretería Langstroth, S. A.; Avenida Escobedo y Calle Padre Mier (Apartado 18), Monterrey.
Ferretería Mexicana, S. A. Cía.; Avenida 16 de Septiembre 60, México, D. F.
Ferrum, S. A.; Apartado 2918, México, D. F.
Fibra Comercial Mexicana S. A.; Insurgentes 785 (Apartado 8810), México, D. F.
Fiehn, Ulrich; Chihuahua.
Fischer, Martin; Uruguay 76, México, D. F.
Forbriger, Lothar; Belisario Domínguez 1779, Monterrey.
Foto Mantel; Avenida Venustiano Carranza 11, México, D. F., and all branches in Mexico.
Foto Principal; Avenida 16 de Septiembre 3, México, D. F.
Foto Productos, S. A.; Revillagigedo, 25, México, D. F.
Frank, Walter; Guadalajara.
Friese, Bruno; Edificio Condesa V. 7, México, D. F.
Frisch, Herbert; Alvarez 258 Sur, Monterrey.
Furukawa, José María; Corona 835 Norte, Monterrey.
Furuya, Jorge Ishido; Calle 5a y Avenida 4a, Agua Prieta.
Galván, Alberto R.; Obregón 52A, Guadalajara.
García Hermanos; Colón 467 Poniente, Monterrey.
General de Anilinas, S. A., Cía.; Avenida Uruguay 54, México, D. F.
Gerber, G.; Guadalajara.
German School; México, D. F.
Goerling, A. G., A.; Bolívar 28, despacho 302, México, D. F.
Goldhammer, Arno; Avenida 15 de Mayo 1745 Poniente, Monterrey.
Goto, Masanori.
Grebe, Federico; Esquina Aduana y Francisco Madero, Tampico.
Grossman, Pablo; Zuazua 10 (Apartado 8702), México, D. F.
Groth & Kuhlmann; Apartado 662, México, D. F.
Gumler, Jorge; General Prim 57, México, D. F.
Haas, Carlos; Avenida Juárez 30, Edificio Siemens (Apartado 2006), Mexico, D. F.
Haas, Walterio; Avenida Morelos 464 (Apartado 163), Monterrey.
Hackmack, Roberto; Avenida Hidalgo 50, Oaxaca.
Hajen, Ernesto; Avenida Morelos 546 Oriente, Monterrey.
Haranda, Masatsura.
Hasegawa, Tseneburo; Avenida Juárez 313, Ciudad Juárez.
Hasutaro y Hermanos, Luis; Calles Mejía y Constitución, Ciudad Juárez.
Hata y Miyata; Reforma 360, Mexicali.
Hausmann, Reinhold; Avenida Uruguay 73 (Apartado 7365), México, D. F.
Hayasaka, Kieya; Madero 480 Mexicali.
Hayasaka, Masakichi, Madero 492, Mexicali.
Hayashi, José; Chihuahua.
Hector y Yamada; Guadalajara.
Hellig, Waldemar; Alvarez 109 Norte, Monterrey.
Hentza, Willi; México, D. F.
Hering, Carlos; Guadalajara and México, D. F.
Hering y Cía., Carlos; Guadalajara and México, D. F.
Hermann, Julio; Avenida 16 de Septiembre 52 (Apartado 831), México, D. F.
Hermkes, Joseph; México, D. F.
"Heromex"; México, D. F.
Herzer, Hans (Dr.); Venustiano Carranza 35–7, México, D. F.
Heuer, Adolf; Revillagigedo 8, México, D. F.
Heynen, Eversbusch & Co.; Pasaje América 213, México, D. F., and all branches in Mexico.
Hirugami, Manuel; Acapulco.
Hispanidad; Artículo 123–97, México, D. F.
Hojo, Takaichi; Nogales.
Honda, Kiyoji; Tlaxcla 427, Ciudad Juárez.
Hondo, Yoshio; Avenida Madero y 16 de Septiembre, Ciudad Juárez.
Hoshi y Sakaguchi en Compañía; Madero 390, Mexicali.
Hoshiko, Gohachi; Reforma 332, Mexicali.
Hoshiko y Hoshiko; Madero 404, Mexicali.
Hoshiko, Akira, y T. Hoshiko; Reforma 377, Mexicali.
Hotel Central; Manzanillo.
Iijima, Ricardo S.; Manzanillo.
Iijima, Ricardo S. (Jr.); Manzanillo.
"IMCO"; General Prim 58, México, D. F.
Imhausser, Walter (Dr.); Motolinia 33; despacho 315, México, D. F.
Importaciones Andrade, S. de R. L.; Avenida Uruguay 19, México, D. F.
Importadora de Maquinaria, Cía.; San Juan de Letrán 24 (Apartado 756), México, D. F.
Instituto Behring, S. A.; Tecoyotitla 364, México, D. F.
Internacional de Comercio S. A., Cía.; Isabel la Católica 85, México, D. F.
Internacional de Drogas, S. A., Cía.; Isabel la Católica 85, México, D. F.
International Supply Company, The; Avenida Juárez 88, despacho 213, México, D. F.
Inukai, T.; Navojoa.
Ishino, Francisco; Avenida Revolución y Calle 6a, Tijuana.
Iwadare, Luis; Gerritos.
Iwamoto, Giro; México, D. F.
Japonesa de Monterrey, N. L., Soc.; Monterrey.
Jayasi, Pablo; Agua Prieta.
Jayasi, Pablo (Sr.); Colonia Morelos.
Jemura, Alberto C.; Avenida Lerdo Interior 400, Ciudad Juárez.
Jesús y Kunitaki; Agua Prieta.
Jori, Hector (Dr.); Colima.
Joyería La Perla; Esquina Aduana y Francisco Madero, Tampico.
Kagazima, José; Chihuahua.
Kamisima, Mariano; Rayón y Carona, Saltillo.
Karai, R.; Agua Prieta.
Kasai, Reikichi; Calle 4a y Avenida 4a, Agua Prieta.
Kato, Gengi; Uruguay 94, México, D. F.
Kato, Heiji; 20 de Noviembre y República del Salvador, México, D. F.
Katsubo, Antonio; Naco.
Kawabe, Shigezo, Tijuana.
Kawasaki Kisen Kaisha, Ltd.

[2] To be distinguished from Equipos para Oficinas, S. de R. L., Calle Juan A. de la Fuente 320 Sur-Torreón, Coahuila.

[3] This firm is to be distinguished from Compañía Exportadora e Importadora Mexicana, S. A., Gante 15, México, D. F.

Kazuza, Octavio T. (Dr.); Chihuahua.
Kiel, Horst; Avenida 16 de Septiembre 52 (Apartado 40), México, D. F.
Klaeger, F. G.; Morelos 420 Oriente, Monterrey.
Knoichi, Ichinosuke; S. Díaz Mirón 62 Oriente, Tampico.
Knolle, Federico E.; Apartado 2000, México, D. F.
Koga, Russico; Calle 3a número 19, Agua Prieta.
Komaba, José; Chihuahua.
Komikado, Luis; Nacozari.
Kores, Soc. de Resp. Ltda.; Motolinia 9, México, D. F.
Körting-Motores, S. A.; Avenida del Ejido 37 (Apartado 1888), México, D. F.
Kosonoy, J. Jesús; Manzanillo and Acahuatlán.
Kotake, Martín; Nacozari.
Krieger y Cía.; Uruguay 50 (Apartado 2344), México, D. F.
Kurachi, Antonio Y.; San Luis Potosí.
Kushida, Luis N.; Tapia 540 Poniente, Monterrey.
Kutugata, José; Piño Suárez 457 Norte, Monterrey.
Kyushu Soda Company; México, D. F.
La Alianza; Avenida Madero y 16 de Septiembre, Ciudad Juárez.
La Aurora; Mina 130, Ciudad Juárez.
"La Ciudad de Tokyo"; Guadalajara.
La Crisantema; Morelos 346 Oriente, Monterrey.
"La Gran Sedería"; 16 de Septiembre 38 y 5 de Febrero 3, México, D. F.
"La Internacional" S. A.; Avenida Juárez 105, México, D. F.
La Japonesa; Avenida Juárez 253-55, Ciudad Juárez.
"La Japonesa"; Guadalajara.
La Japonesa; Torreón.
La Joya de México; Calle 58 número 522, Merida, Yucatán.
"La Marsellesa"; México, D. F.
"La Paloma" Negociación en Ferretería y Maquinaria, S. A.; Isabel la Católica 59 (Apartado 2761), México, D. F.
La Popular; Calles Mejía y Constitución, Ciudad Juárez.
"La Química Industrial Bayer-Meister-Lucius"; México, D. F.
La Sirena, S. A.; Avenida 16 de Septiembre 71, México, D. F.
"La Suiza"; 5 de Febrero 403 Poniente, Monterrey.
La Unión Química, S. A.; Avenida Juárez 76, México, D. F.
La Vencedora; Calle Mejía y Calle Progreso, Ciudad Juárez.
La Violeta; Mejía 332 Oeste, Ciudad Juárez.
"La Voz del Pueblo"; Mazatlán.
Laboratorios Carbo Hnos., S. A.; Ciprés 259, México, D. F.
Laboratorios Codex; Esquina Calles Nardo y Fresno, México, D. F.
Laboratorios Madame Clare S. de R. L.; Havre 35, México, D. F.
Laboratorios Nutrex, S. A.; Cerrada 3a de Colima 2, México, D. F.
Laguna y Mitsui, Cía.
Lamprecht, S. en C., E.; López Cotilla 4 altos, Guadalajara.
Lápiz Nacional S. A.; San Juan de Letrán y Popocatepetl, México, D. F.
Las Fábricas Apolo; Avenida Uruguay 42, México, D. F.; and Monterrey.
Lehmann, Franz; Venustiano Carranza 852 Sur, Monterrey.
León Export Company, S. de R. L.; México, D. F.
Lepori, Luigi; Venustiano Carranza 69–208, México, D. F.
Llorens, Antonio; Apartado 92, Manzanillo.
Lozano, José; Juárez 710 Norte, Monterrey.
Mafisa, S. A.; Avenida Uruguay 76, México, D. F.
Magneto Service; Artículo 123–130–B, México, D. F.
Maigler, S. en C., Alberto; Balderas 140, México, D. F.
Malakowski, Erich; Monterrey.
Manufacturera de Hilados y Tejidos de Lana Boston, S. A.; Uruguay 76, México, D. F.
Máquinas de Escribir Olympia, S. A.; Isabel la Católica 40 (Apartado 1933), México, D. F.
Máquinas Pfaff, S. A.; Avenida Uruguay 44–5 (Apartado 549), México, D. F.
Marquet y Cía., Guillermo; Artículo 123 número 9, México, D. F.
Martiniani & Perina, A. en P.; Venustiano Carranza 69, México, D. F.
Masuoko, Hatsumi; Tijuana.
Matoo, Masaru; Manzanillo.
Matsubara, Juan; Los Mochis, Sinaloa.
Matsui, Namisaburo; Ensenada.
Matsumoto, Tomas T.; Mina 130, Ciudad Juárez.
Matsumoto, Yasutaro; Tijuana.
Matsumoto, S. A.; Colima 92, México, D. F.
Matsusaka, Keiji; Acacias 710, Ciudad Juárez.
Mega, Italo; Caleana 724 Sur, Monterrey.
Mendoza Becerril, Francisco; Barcelona 26, México, D. F.
Mercería La Universal; Torreón.
Merck México S. A.; México D. F.
Messtorff, Heinz; México, D. F.
Mexicana Aérofoto, Cía.; Artículo 123 número 68, México, D. F.
Mexicana de Motores "Deutz Otto" Legítimo, S. A., Cía.; all branches in Mexico.
Mexicana de Petroleo, Laguna, S. A., Cía.; México, D. F.
Mexicana de Productores Químicos, S. A., Cía.; Versalles 43, México, D. F.
México Shigen Kaihatsu Goshi Kaisha.
Meyer & Co., G. H.; Avenida Uruguay 79–7, México, D. F.
Miami, P. R. (Dr.); Chihuahua.
Mich, Birk Sucrs., S. en C.; Avenida Uruguay 74 (Apartado 7305), México, D. F.
Michel, S. A., Christian; Avenida Uruguay 37, México, D. F.
Minakata, Enrique G.; Guadalcazar.
Minakata y Cía.; Guadalajara.
Mirahka, Yojino.
Mitoma, Francisco J.; Manzanillo.
Mitsubishi Shoji Kaisha Ltd.; Insurgentes 469, México, D. F.
Mitsui & Co.; Basilio Badillo 13, México, D. F.
Miyagusuku, Yasu Miyagi Oshibo; Reforma 320, Mexicali.
Miyazawa, Jiro; Mexicali.
Moebius, Guido (Jr.); Avenida Piño Suárez 838 Norte, Monterrey.
Moeller, Eitel Fritz; Apartado 1813, México, D. F.
Moeller, Hans; Pablo Ocello 8 (Apartado 252), México, D. F.
Mohimura, Tetsuo.
Morino, Seigi.
Morishita, Shinichi; Avenida Castelúm 198, Ensenada.
Murakami, Teisaburo; Tijuana.
Nacional Droga-Express S. A.; Abraham González 64, México, D. F.
Nagabuchi, S.; Bucareli 8, México, D. F.
Nagamatsu, Yukio.
Naito, Ben; Ensenada.
Naito, Hachiro; Manzanillo.
Nakagosuke, Kameichi U.; Manzanillo.
Nakakawa y Cía.; Guadalajara.
Nakamura, María G.; Manzanillo.
Nakano, Yoshiro; Manzanillo.
Nakashima, Luis; Aldama 507, Poniente, Saltillo.
Nakashimada, M.; Avenida Reforma 305, Mexicali.
Nakashimada y Robles; Avenida Reforma 305, Mexicali.
Negociación Comercial Mexicana S. A.; Uruguay 77, México, D. F.
Nevería Central; Avenida 3a, Agua Prieta.
Nii, Sanjiro; México, D. F.
Nippon Soda Company; México, D. F.
Nippon Yusen Kaisha, "N. Y. K."; México, D. F.
Nitanda, K.; Ensenada.
Niwa, Carlos; Chihuahua.
Niwa, Shuichi; Altamirano 256, Mexicali.
Noeh, Walter; López 35, México, D. F.
Nonaka, Yanosuke; Ensenada.
Oetling, Fritz F.; Apartado 928, México, D. F.
Ogane, K.; Mexicali.
Ogata.
Ogatachayo, Keijiro; Tampico.
Ohtomo, Ricardo; Torreón.
Oka, Ichisei (Dr.); Tampico.
Okuno, Ejiro; Calzada 5 de Febrero 1101, Ciudad Juárez.
"Omega"[1]; Jardín de San Fernando 5, México, D. F.
Omori, Takeo; Manzanillo.
Orenstein & Koppel S. A.; Motolinia 20, México, D. F.
Ozawa, Kainoshin O.; Avenida Ruíz y Calle 13, Ensenada.
Pablo Corn Mill; Nacozari.
Pabst, F. W.; Zaragoza 24, México, D. F.
Partes Aéreas, A. en P.; General Prim 57, México, D. F.
Peters y Cía.; 5 de Febrero 403 Poniente, Durango.
Peters y Cía., Sucrs., Guillermo; Avenida Hidalgo 1407 Poniente, Torreón.
Petleonsa Company; México, D. F.
Petroleos León, S. A. Cía.; Isabel la Católica 33, México, D. F.
Petrolera Vera Cruzana S. A., Cía.; México, D. F.
Petz Hermanos; Escobedo 536, Monterrey.
Phillips, Abraham Z.; Isabel la Católica 33, México, D. F.
Piening, Pablo; Francisco Madero 43, México, D. F.
Pirsch, Ernesto; Manzanillo.

[1] To be distinguished from La Omega, S. A., México, D. F.

Productos Abrasivos, S. A.; Apartado 255, México, D. F.
Productos Medicinales y Farmacéuticos S. A.; Ramón Guzmán 61 (Apartado 1074), México, D. F.
Productos Químicos Fletcher, S. A.; Morelia 15, México, D. F.
Proveedora Metálica, S. A.; Motolinia 20, México, D. F.
Putz, Heinrich; Ocampo 760 Oriente. Monterrey.
Química Coyoacán, S. A.; Zaragoza 19, México, D. F.
Química Schering Mexicana S. A.; Versalles 43, México, D. F.
Quinta Japonesa; Piño Suárez y Espinosa, Monterrey.
Rademacher, O.; Apartado 131, Guadalajara.
Ramírez de Arellano y Cía.; Vera Cruz.
Reigada, Ramón; Monterrey.
"Relojería Alemana"; Avenida Morelos 546 Oriente, Monterrey.
Relojería Suiza; Avenida Morelos 464 (Apartado 163), Monterrey.
"Relojería y Joyería Italiana"; Juárez 203 Poniente (Apartado 46), Saltillo. Coahuila.
Repertorio Wagner, S. A.; Venustiano Carranza 21 (Apartado 396), México, D. F.
Richter, Wilhelm; Gante 7, México, D. F.
Rimex, Soc. de Resp. Ltda.; Motolinia 20, México, D. F., and all branches in Mexico.
Ritter, Otto (Dr.); Avenida 16 de Septiembre, México, D. F.
Roentsch S. A., Pablo; Avenida Uruguay 19 (Apartado 38), México, D. F.
Rombold, Ingeniero Luis; México, D. F.
Rudiger, Rudolph; Avenida Venustiano Carranza 11, México, D. F.
Sagner, Gustav; Andalucía 165, México, D. F.
Saito, Alejandro; 21 de Marzo 205 (Apartado 85), Mazatlán.
Saito, Satie; Manzanillo.
Saito, T.; México, D. F.
Sakurai, Angel K.; Avenidas Madero y Mejía, Ciudad Juárez.
"Salón Variedades"; Monterrey.
Samaguchi; Insurgentes 469, México, D. F.
Sara, Fumiko M.; Calle Mejía y Callejón Progreso, Ciudad Juárez.
Sato, H.
Sato, Yoshio; Avenida Juárez 338-N, Ciudad Juárez.
Sato y Hayasaka, Hashi; Reforma, 322, Mexicali.
Schalch, Willy; Guadalajara.
Schering, S. A.; México, D. F.
Schiemann, Wilhelm; Independencia 10, México, D. F.
Schmidt, Max; Avenida Uruguay 26, México, D. F.
Schmiedehaus, Walter; Chihuahua.
Schultz, Alfredo (Jr.); Monteblanco 1175, Lomas de Chapultepec, México, D. F.
Seidel, Artur; Motolinia 25 (Apartado 1614), México, D. F.
Servicios para Oficinas, S. A.; Luis Moya 19, México, D. F.
Shiba, Motosuke; Madero 304, Mexicali.
Shibata, Shin; Tijuana.
Shimizu, Roberto, 21 de Marzo 205 (Apartado 85), Mazatlán.
Shimizu y Saito; 21 de Marzo 205 (Apartado 85), Mazatlán.
Siemens-Mexico, S. A.; Avenida Juárez 30, México, D. F.
Sommer, S. A., Gustavo; Isabel la Católica 51, México, D. F.
Sommer, Hermann y Cía., Sucrs., S. A.; Palma 33 (Apartado 299), México, D. F., and all branches in Mexico.
Speisseger & Co., R. F.; Avenida 16 de Septiembre 52, México, D. F.
Stallforth, Alberto; Parral.
Stein y Cía., Carlos; 5 de Febrero 174, México, D. F.
Stein y Schuetze; Edificio Lutecia 220, Guadalajara.
Sugihara, Shigeyoshi; Isabel la Católica 85 (Apartado 7119), México, D. F.
Supertex Mexicana S. A.; Avenida Uruguay 55, México, D. F.
Taiheiyo Sekiyu K. Kaisha Co.; México, D. F.
Takeguchi, J. M.; Avenida Revolución y Calle 6a, Tijuana.
Tamm y Cía.; Avenida Uruguay 68 (Apartado 1541), México, D. F.
Tanabe Restaurant; Calle 5a, Agua Prieta.
Tanaka, Alberto; Guadalajara.
Tanaka, Luis; Torreón.
Técnica Comercial, Cía.[5]; Revillagigedo 8, México, D. F.
Telefunken S. A.; México, D. F.
Téxtiles Artificiales S. A.; Mesones 34, México, D. F.
Thome, Laboratorios J. C.; Ramón Guzmán 58, México, D. F.
Tintas Rex, S. A.; Isabel la Católica 750, México, D. F.
Tlapalería "El Unfo"; Juárez 210 Norte, Monterrey.
Tozawa, Francisco; Nacozari.
"Transocean" Servicio Internacional de Informaciones de Prensa; Avenida Juárez 60, México, D. F.
Trapeha S. A.; Revillagigedo 6 (Apartado 2298), México, D. F.
Tsubuki, Guillermo T. (Dr.); Guadalajara.
Tsubuki, Risaburo; Guadalajara.
Tsuru, Kiso (Dr.); Isabel la Católica 85, México, D. F.
Tsutsumi, Jukichi; Mexicali.
Tsutsumi y Hermanos; Reforma 254, Mexicali.
Tucán S. A., Cía.; Tonala 73 (Apartado 7078), México, D. F.
Turu Mining Co.; Isabel la Católica 85, México, D. F.
Ueji, Kintaro; Tiajuana.
Ueji, Kunihei; Ensenada.
Ughiyama, K.
Ulrich, Fritz; Villagrán y A. Nervo, Monterrey.
Umababa, Tokichi; San Luis Potosí.
Umezawa, Sabas; Cuitláhuac 16 Norte, Saltillo.
Unión Química S. A.; Avenida Juárez 76, México, D. F.
Veerkamp y Cía., Alfredo; 2a Mesones 21, México, D. F.
Veraza y Cía., J. J.; Artículo 123, México, D. F.

[5] This firm is to be distinguished from Técnica y Mercantil, S. A.

Von Humboldt, Baron W.; Gante 15, México, D. F.
Von Imhoff, R.; Dr. Mora 9, México, D. F.
Von Richter, Hermann; Avenida Uruguay 37, México, D. F.
Von Rosendal, Bruno; Isabel la Católica 40, México, D. F.
Von Watzdorff, Baron; México, D. F.
Wakasugi, Kaname; México, D. F.
Wakatsuki, Tuyoshi; Manzanillo.
Wakida, Tosho; Guadalajara.
Wakida y Tsubuki; Guadalajara.
Watanabe, Francisco; Pedro Loza 19, Guadalajara.
Wenner-Gren, Axel.
Weskott y Cía.; San Juan de Letrán 24, México, D. F.
Wettstein, Oscar; Avenida Uruguay 5, México, D. F.
Willms, Paul Otto; México, D. F.
Woehler Bartning Sucrs.; Mazatlán.
Wolff, Guillermo; Avenida Uruguay 51 (Apartado 1381), México, D. F.
Wülfrath, Arturo; Durango 138, México, D. F.
Xukuguachi, Santiago; Chihuahua.
Yabuta, Kunio; Madero 438, Mexicali.
Yabuta, R. K.; Mexicali.
Yakajama, Antonio; Mexicali.
Yamada, Hector Y.; Galeana 221, Durango.
Yamaguchi, Alameda F.; México, D. F.
Yamane, Antonio K.; Piño Suárez y Espinosa, Monterrey.
Yamasaki, Felipe; Tapachula.
Yamate, Antonio K.; Monterrey.
Yamazi, Hiroko; Manzanillo.
Yamazi, Kazuyuki; Manzanillo.
Yamazi, Mazako; Manzanillo.
Yamazi, Yoshimo; Manzanillo.
Yanome, Ernesto M.; Manzanillo.
Yasuhara, S.; Tijuana.
Yesaki, Mario; I. Garza 409 Poniente, Monterrey.
Yokoyama, Antonio; Madero 369, Mexicali.
Yokoyama, José N.; Madero 436, Mexicali.
Zawa, Sabasume; Saltillo.

NICARAGUA

Agencia Bayer; Apartado 359, Managua.
Agencia Merck (Agents for E. Merck G. m. b. H., Darmstadt, Germany); Apartado 364, Managua.
"Alemania" (Finca owned by Julio C. Bahlcke); Casa Colorada.
Almacén de 5 a 95 cts.; Managua.
Almacén "La Ganga"; Managua.
Arceyut y Cía., Ltda., Mercedes; Managua.
Arnold, Otto; Managua.
Bahlcke, Julio C.; Managua.
Bayer, Agencia; Apartado 359, Managua.
Berewinkel, Kurt Gerhard; Managua.
Bermúdez, V., Manuel; Managua.
Boehmer, Immo; Apartado 114, Managua.
Brachtl, Karl; Managua.
Brigneti y Cia., Piero, Managua.
Brockman y Cía., Ltda., F.; Managua.
Casa Geerz; Managua.
Central American Trading Co.; Managua.

Comercial Nicaraguense Geerz Ltda., Cía.; Managua.
Danckers, Hugo, Managua.
Deutsche Lufthansa A. G.; All branches in Nicaragua.
Eitzen, Ulrico; Managua.
Eitzen y Arnold; Managua.
"El Tamarindo"; Montelimar and Ponelyos.
Eyl, Carl Hermann; Managua.
Fiedler, Jorge, León and Managua.
Fischer, Arthur; Managua.
Fischer, Klaus; Managua.
Geerz Ltda., Compañía Comercial Nicaraguense; Managua.
Geier, Ana; Granada.
Grimm, Eugenio José; Managua.
Haaschke, —; Managua.
Hammer, Ernesto; Managua.
Harder, Richard; Managua.
Hüper, Guillermo; Matagalpa.
Kunz, Louis; Managua.
"La Barata"; Managua.
"La Estrella de Nicaragua"; Managua.
"La Joya Alemana" (Sucesores de F. Beeger & Co.); Managua.
Lang, Guillermo; Managua.
Lang & Co., Ltd., Eugenio; Managua.
Langschwager & Co., Hans; Apartado 372, Managua.
Librería Hispano Americana, Managua.
Morlock, Fritz; Managua.
Pérez Alonso, Carlos Manuel; Managua.
Peter, Albert William; Managua.
Peter, Oscar; Managua.
Puschendorf y Cía., Ltda., M.; Managua.
Raven, Hans B.; Managua.
Recalde y Cía., Victor; Managua.
Reese, Hugo, Managua.
Reuter, Arthur; Managua.
Reuter y Cía., Ltda., Arthur, Managua.
Reyes y Mantínez, Cía. Ltda.; Managua.
Riedel, Willy; Managua.
Siercke, Ernesto; León.
Solorzano, Carlos; Managua.
Souza & Co., Victor S.; Apartado 22, Managua.
Stein, Hans; Managua.
"Tienda Alemana"; León and Managua.
Überseisig, María de; Managua.
Veit, Friederich; Managua.
Vogts, William; Managua.
Von Breymann, Guillermo; Managua.
Wettstein, Hans Rudolf; Managua.
Wilms, Oscar; Managua.
Almacén "Miyako"; Avenida Central 106, Panamá.
Amano, Y.; Panamá.
Amano & Co., Ltd., Y.; Avenida Central 102, Panamá.
Arosemana, Francisco Alvarado; Calle 13 número 46, Panamá.
Atlantis, S. A.; Panamá.
Bata Shoe Co., Inc.; Apartado 1347, Panamá.
Bazaar "Tokyo"; Avenida Central 141, Panamá.
Canal Zone Pharmacy; 4 de Julio 3, Panamá.
Casa "Japonesa"; Avenida Central 102, Panamá.
Central American Trading Co.; Avenida Central 47, Panamá; and Apartado 483, Ancón, Canal Zone.
Cerjack-Boyna, Eric O.; Calle 6 número 17, Panamá.
Dziuk, Augusto; Ramón Valdés 1 (Apartado 599), Panamá.
Farmacia Alemana; Avenida Balboa 10.087, Colón.
Farmacia Zona del Canal; 4 de Julio 3, Panamá.
Fotografía Laurenza; Avenida Central 56 (Apartado 404), Panamá.
Friese & Co., Carl; Bocas del Toro.
Grebien & Hauke; Avenida Federico Boyd 6158, Colón.
Hapag-Lloyd; Colón.
Hara, Takeshi; Panamá.
Hata, Hiromi; Panamá.
Heidelk, Hans; Panamá.
Hellinger Sucrs., M.; Calle "A" 8 (Apartado 31), Panamá.
Hess, Aurora Meléndez de; Bolívar 4062, Colón.
Jabs, Herbert; Calle "I" 4, Panamá.
Japanese Barbers' Association; Panamá.
Kaufmann, Arno Wilhelm August; Imperial Hotel, Colón.
Kirchner, Walter; Ramón Valdés 1 (Apartado 755), Panamá.
Kohpcke & Neumann, Inc.; Avenida Norte 54, Panamá.
Lage-Schulte, H.; Avenida Balboa 10.087, Colón.
Lloyd-Triestino "Italian" Line; Cristóbal.
Nagao, N., Panamá.
Nagao & Co., Inc.; Avenida Central 108, Panamá.
Nippon Trade Agency; Panamá.
Papio, Angelo; Calle 6 número 7.025, Colón.
Papio, Miguel (Dr.); Calle del Frente, Colón.
Sadahiro, Y.; Avenida Central 102, Panamá.
Schell, Albert; Calle 18 número 9.074, Colón.
Schering Kahlbaum A. G.; Panamá.
Schmidt, Walter; c/o Hapag-Lloyd Agency, Colón.
Shiraishi, Miyuki; Avenida Central 141, Panamá.
Snotomi, K.; c/o Y. Amano & Co., Ltd., Avenida Central 102, Panamá.
Toepser, George; Calle 8 número 6, Panamá.
Trute, Bernard (Sucesor de Trute Hermanos); Avenida Norte 46, Panamá.
Trute Hermanos; Avenida Norte 46, Panamá.
Universal Drug Store; Bolívar 4062, Colón.
Wegener, Sigfrido; 4 de Julio 3 (Apartado 1225), Panamá.
Yoshida, M. T.; Pamaná.
Yoshida & Co., M. T.; Avenida Central 141, Panamá.

PARAGUAY [1]

Bader, Teófilo G.; 15 de Agosto 432, Asunción.
Banco Germánico de la América del Sud; Asunción.
Deutsche Lufthansa A. G.; All branches in Paraguay.
Farmacia la Catedral; Palma 10, Asunción.
Ferretería Alemana, S. A.; Calle Catorce, Asunción.
Ferretería Universal, S. A.; Palma y Ayolas, Asunción, and all branches in Paraguay.
Grabow, Federico; Asunción.
Grabow & Muller; Estrella 286, Asunción.
"IPA" Sociedad Anónima; Palma 349, Asunción, and all branches in Paraguay.
Krauch y Cía. S. A., Federico; Asunción, and all branches in Paraguay.
Porzio Hermanos; Asunción.
Reider y Cía., F.; Calle Palma, Asunción.
Remmele y Cía.; Presidente Avala 20, Asunción.
Roehrig, Juan Federico; Asunción.
Scavone Hermanos, S. A.; Palma 10, Asunción.
Staudt y Cía.; Asunción.
Tubos Mannesmann Soc. Ltda., S. A.; Benjamín Constant 215, Asunción.
Von Stroeher, José; Benjamín Constant 215, Asunción.
Wiske & Co., Juan; Asunción.

PERU [1]

Abey, T.; Carabaya 312, Lima.
Adler, Richard; Lima.
Agencias Unidas de Aduanas S. A.; Ucayali (San Pedro) 399, Lima; and Avenida República de Panamá 282, Callao.
Agrícola "Retes" Ltda., Soc.; Edificio Minería 420, Lima.
Albrecht, Rotmann y Cía., S. A.; Carabaya (Filipinas) 587 (Casilla 1778), Lima.
Alván, Humberto; Huallaga (San Andrés) 849 (Casilla 1609), Lima.
Amemiya, A. N.; Lima.
Amemiya, K.; Lampa 587, Lima.
Andress, Hans E.; Avenida Arequipa 3610, San Isidro, Lima.
Araki, G.; Cuzco 751, Lima.
Arana, Eduardo; República 598, Miraflores (Casilla 1353), Lima.
Aray, N.; Edificio Minería 420, Lima.
Arens & Lessel, S. A., Ltda; Calle Libertad, Piura, and all branches in Peru.
Arias, Rodrigo; Chiclayo.
Arima & Co., K.; Trujillo.
Asano Bussan & Co., Ltd.; Máximo Abril 513, Lima.
Balarezo Delta, Gliserio; Camaná 459, Lima.
Banco Alemán Transatlántico; Carabaya (Coca) 429, Lima; and Arequipa.
Bar Tokio; Teatro 618, Chiclayo.
Bayer S. A., La Química; Avenida Brasil 198, Lima.
Benevides Gonzales, Augusto; Bodegones 330, Lima.
Benavides & Co., Inc.; Bodegones 330, Lima.
Bodechtel, George; Arequipa (San Marcelo) 325 (Casilla 82), Lima.
Botica "El Sol"; Unión (La Merced) 618, Lima.
Brandes y Cía. S. A., Guillermo; Unión (Mercaderes) 529, Lima.
Candela y Candela, Constantino; Riva (Antonio Miró Quesada) 396, Lima.

[1] The following deletions have been made with this revision: Bein, Federico; Ave. Colombia 1836, Asunción. Zinnert y Cía., Otto; Calle Palma, Asunción.

[1] The following deletions have been made with this revision: Productos Lactina, S. A.; Avenida Petit Thouars 2150, Lima. Vrana, Jaroslav; Casilla 2719, Lima.

Casa Asahi; Carabaya 312, Lima.
Casa Olympia, S. A.; Hotel Bolívar, Lima.
Casa Rehder; Unión (Mercaderes) 483, Lima.
Casa Welsch; Unión (Mercaderes) 498, Lima.
Central American Trading Co.; Edificio Wiese 504 (Casilla 1582), Lima.
Colibrí, S. A.; Unión (Espaderos) 586, Lima.
Comercial "Meta" S. A., Cia.; Carabaya 364, Lima.
Cornejo, Guillermo R.; Avenida 2 de Mayo 945, San Isidro, Lima.
Daiko, T.; Ayacucho 309, Lima.
Dedering, Carl; Edificio Belén 3, Avenida Uruguay y Avenida de Los Incas 295, San Isidro, Lima.
Desmotadora e Industrial de Huaral, Soc.; Edificio Minería 424, Lima.
Detgen & Barten, S. A.; La Merced 112, Arequipa, and all branches in Peru.
Deutsche Lufthansa A. G. Perú; Lampa (Banco del Herrador) 587, Lima, and all branches in Peru.
Dohme y Cía.; Lampa (Santa Apolonia) 318, (Casilla 162), Lima; and Miraflores, Lima.
Droguería Kato; Paz Soldán 488, Lima.
Ehni y Cía., G.; Unión (Mercaderes) 498, Lima.
El Costurero, S. A.; Ucayali (Plateros de San Pedro) 105, Lima.
Emmel Hnos. S. A.; Mercaderes 410, Arequipa.
Emmel S. A. Ltda., Fernando; Puente Bolognesi 126, San Juan de Dios, Arequipa; and Cuzco.
Endo y Cía., N.; Ayacucho 1201, Lima.
Fábrica de Artículos de Jebe; Avenida Iquitos 1100, Lima.
Fábrica de Calzado Peruano S. A.; Casilla 65, Lima.
Fábrica de Jabón Pacocha; Cajamarca 664, Lima.
Fábrica de Tejidos La Textilia S. A.; Avenida Iquitos 30 y 946, Lima.
Fábrica de Tejidos "Moll"; General Obregoso 291 y Santa Apolonia 316, Lima.
Fábrica Nacional de Lámparas Eléctricas "Diha", S. A.; Loreto 430, Lima.
Fábrica Nacional de Medias "El Inca", S. A.; Iquique 476, Lima.
Factoría Nacional S. A.; Avenida Grau 242–260, Lima.
Ferrostaal A. G. Essen; Edificio Royal 403, Lima.
"Foto Agfa"; Carabaya (Coca) 409, Lima.
Frank, W.; Casilla 177, Arequipa.
Fuji Trading Co.; Junín 429, Lima.
Furuya, Angel K.; Mercaderes 136, Arequipa.
Furuya, Nicolás; Mercaderes 136, Arequipa.
Furuya & Co., N. K.; Mercaderes 136, Arequipa.
Furuya y Cía., S. A., Ltda.; Huanta 1008, Lima.
General de Anilinas S. A., Cía.; Carabaya 935, Edificio Sud América, Lima.
General de Construcciones del Perú S. A., Cía.; Azángaro (Aldabas) 235, Edificio Gildemeister, Lima.
Gerbolini, Flavio; Unión (Mercaderes) 416, Lima.
Gómez Díaz Ufano, Leandro; Junín 291, Miraflores, Lima.
Grau, Hugo E.; Plaza de la Inquisición 569, Lima.
Gubbins & Co.; Ayacucho (Antonio Miró Quesada) 341, Lima.
Gulda & Hillman, S. A.; Ucayali (Estudios) 425–431 (Casilla 2792), Lima; and Arequipa.
Hacienda Palpa; Chancay.
Hagestedt, H.; Unión (Mercaderes) 483, Lima.
Hagiwara, S.; Plaza de la Inquisición 569, Lima.
Hamamura & S. Ishii; Real, Huancayo.
Hamann, A. C.; Abancay (Compás de la Concepción 358 (Casilla 370), Lima.
Harbeck, Karl; Lima.
Hardt y Cía., E.; Ayacucho (Antonio Miró Quesada) 396, Lima.
Hasegawa, D.; Lima.
Hashikawa; San Pedro 52, Chiclayo.
Hata, M.; Carabaya 415 y Arequipa 238, Lima.
Hayabara, Tadashi; Parque Central 295, Miraflores, Lima.
Hayabara, Tanomu; Callao 214, Lima.
Hayashi, K. F.; Lima.
Hayashi & Co., E.; Cuzco 787, Lima.
Hayashida, Luis; Juan Cuglievan 619, Chiclayo.
Henriod, Carlos; Lima.
Hernández, Alejandro; Avenida 2 de Mayo 455, San Isidro, Lima.
Heydtmann, Adolf; Lima.
Higa, Gitoko; Teatro 711, Chiclayo.
Higa, Ryosei; Oritz 305; Lima.
Higashide, S.; Ica.
Hilbck, Kuntze y Cía. S. A.; Pacasmayo.
Hirata Hnos., K.; Salaverry.
Hironaka, I.; Abancay 1099, Lima.
Holle, Schrader & Co., S. A.; Huallaga (Concepción) 533 (Casilla 1857), Lima.
Horiuchi, Enrique; Mercaderes 136, Arequipa.
Huchiyawa, Soichi; Teatro 722, Chiclayo.
Ichino, R.; Pasaje Olaya 139, Lima.
Imafuku, Dairoki; Lima.
Importadora del Perú, Soc.; Ayacucho 708, Trujillo.
Importadora, S. A.; Edificio Royal 404 (Casilla 2464), Lima.
Inouye, Kuichi; Ancash 556, Lima.
Inouye & Co., K.; Ancash 556, Lima.
Ishii, T.; Ayacucho 786, Lima.
Ishii Hnos. y Cía., Y.; Ayacucho 786, Lima.
Ishikawa, Luis T.; Ayacucho.
Iwai Co.; General Garzón 1147, Lima.
Jitsukata, Tsuneyoshi; Paruro 1053, Lima.
Kadena Hermanos y Cía., C.; Colmena 280, Lima.
Kaneko, Kakuaki; Huallaga 439, Lima.
Kato, Ghuhei; Paz Soldán 488, Lima.
Kawahara, Tamekichi; Avenida Uruguay 189, Lima.
Kawahara Electric Co., Avenida Uruguay 189, Lima.
Kawai y Hno., M.; Avenida Iquitos 1100, Lima.
Kawaii, Sogoro.
Kawamoto y Cía., S. en C., S.; Ucayali 706, Lima.
Kawasaki Kisen Kaisha, "K" Line; Lima.
Kibune, Y.; Mercaderes 123, Arequipa.
Kikawa, Jorge; Teatro 613, Chiclayo.
Kimata, G.; Cuzco 679, Lima.
Kimura, Sine; San Pedro 95, Chiclayo.
Klinge y Cía., S. A. Ltda., F.; Carabaya (Bodegones) 301 y Parque Central 341, Miraflores, Lima.
Klingenberger, H. W.; Carabaya (Coca) 409, Lima.
Kobayashi, M. Yosio.
Koepff y Cía., Wilhelm H.; Lima.
Kohler, Hans; Edificio Italia 302, Lima.
Koike, Juan S.; Junín 642, Trujillo.
Koike, Tsuneo; Edificio Wiese 310, Lima.
Krefft, Ernst; Lampa (Banco del Herrador) 587, Lima.
Kricke, Hans; Unión (La Merced) 628, Lima.
Kudo, Rokuichi; Unión 522, Lima.
Kudo & Company, K.; Unión 522, Lima.
Kurotobi, T.; Ucayali 640, Lima.
Kurotobi y Cía., T.; Ucayali 640, Lima.
"La Papelera"; Unión (Zarrate) 442 (Casilla 337), Lima.
La Pluma de Oro; Huallaga 488, Lima.
La Química Bayer S. A.; Avenida Brasil 198, Lima.
Labarthe y Durand, Luis A.; Ayacucho (Antonio Miró Quesada) 396, Lima.
Lanova S. A.; Unión (Mercaderes) 439, Lima.
Leemhuis, Wert (owner of Aux. M. V. "Ollanta"); Pasaje Ronald, oficina 111, Callao.
Lima Nippo; Lima.
Linder y Hno. S. A., Konrad; Puño (Bejarano) 250, Lima.
Manufactura de Tejidos de Lana del Pacífico; Unión (Mercaderes) 416, Lima.
Maoki, U.; Balta 119, Chiclayo.
Matsubayashi, S., & F., Ikeda; Lima.
Matusita, José; Ayacucho 913, Lima.
Mevius, Fritz; Buenos Aires 185, Miraflores, Lima; and Jirón Carabaya 569, Lima.
Mishina & Co., S.; Azángaro 1017, Lima.
Mitsubishi Shoji Kaisha; Edificio Wiese 310, Lima.
Mitsui Bussan Kaisha; Lima.
Mitsui & Co., Ltd.; Plaza de la Inquisición 569, Lima.
Miyakawa, H.; Zavala 594, Lima.
Moll, F. G.; General Obregoso 291 y Santa Apolonia 316, Lima.
Morimoto, R.; Carabaya 415 y Arequipa 238, Lima.
Morimoto y Cía, S. A., I.; Carabaya 415 y Arequipa 238, Lima.
Murayama, R.; Máximo Abril 513, Lima.
Murono, Gino; Huallaga 488, Lima.
Murono, Monsuke; Huallaga 488, Lima.
Murono y Cía., E.; Huallaga 488, Lima.
Muta, Mango; Teatro 610, Chiclayo.
Muto, Yoshihisa; Arequipa.
Nacional de Sombreros Ltda., Cía.; Unión (Mercaderes) 484, Lima.
Nakaganeko, Shinei; Teatro 719, Chiclayo.
Nakagawa y Cía., T.; Callao.
Nakamura, R.; Lima.
Nakawa; Colón, Chiclayo.
Nebiolo Torino, Societá; Camaná (Plumereros) 364, Lima.
Negociación Agrícola; Huaral.
Negociación Gerbolini, S. A.; Paseo República 299 (Casilla 68), Lima.
Neugebauer, Wilhelm; c/o Emmel Hnos., S. A., Mercaderes 410, Arequipa.
Nippon Menka, K. K.; Lima.

Casa Asahi; Carabaya 312, Lima.
Casa Olympia, S. A.; Hotel Bolívar, Lima.
Casa Rehder; Unión (Mercaderes) 483, Lima.
Casa Welsch; Unión (Mercaderes) 498, Lima.
Central American Trading Co.; Edificio Wiese 504 (Casilla 1582), Lima.
Colibrí, S. A.; Unión (Espaderos) 586, Lima.
Comercial "Meta" S. A., Cia.; Carabaya 364, Lima.
Cornejo, Guillermo R.; Avenida 2 de Mayo 945, San Isidro, Lima.
Daiko, T.; Ayacucho 309, Lima.
Dedering, Carl; Edificio Belén 3, Avenida Uruguay y Avenida de Los Incas 295, San Isidro, Lima.
Desmotadora e Industrial de Huaral, Soc.; Edificio Mineria 424, Lima.
Detgen & Barten, S. A.; La Merced 112, Arequipa, and all branches in Peru.
Deutsche Lufthansa A. G. Perú; Lampa (Banco del Herrador) 587, Lima, and all branches in Peru.
Dohme y Cía.; Lampa (Santa Apolonia) 318, (Casilla 162), Lima; and Miraflores, Lima.
Droguería Kato; Paz Soldán 488, Lima.
Ehni y Cía., G.; Unión (Mercaderes) 498, Lima.
El Costurero, S. A.; Ucayali (Plateros de San Pedro) 105, Lima.
Emmel Hnos. S. A.; Mercaderes 410, Arequipa.
Emmel S. A. Ltda., Fernando; Puente Bolognesi 126, San Juan de Díos, Arequipa; and Cuzco.
Endo y Cía., N.; Ayacucho 1201, Lima.
Fábrica de Artículos de Jebe; Avenida Iquitos 1100, Lima.
Fábrica de Calzado Peruano S. A.; Casilla 65, Lima.
Fábrica de Jabón Pacocha; Cajamarca 664, Lima.
Fábrica de Tejidos La Textilia S. A.; Avenida Iquitos 30 y 946, Lima.
Grau, Hugo E.; Plaza de la Inquisición 569, Lima.
Gubbins & Co.; Ayacucho (Antonio Miró Quesada) 341, Lima.
Gulda & Hillman, S. A.; Ucayali (Estudios) 425–431 (Casilla 2792), Lima; and Arequipa.
Hacienda Palpa; Chancay.
Hagestedt, H.; Unión (Mercaderes) 483, Lima.
Hagiwara, S.; Plaza de la Inquisición 569, Lima.
Hamamura & S. Ishii; Real, Huancayo.
Hamann, A. C.; Abancay (Compás de la Concepción 358 (Casilla 370), Lima.
Harbeck, Karl; Lima.
Hardt y Cía., E.; Ayacucho (Antonio Miró Quesada) 396, Lima.
Hasegawa, D.; Lima.
Hashikawa; San Pedro 52, Chiclayo.
Hata, M.; Carabaya 415 y Arequipa 238, Lima.
Hayabara, Tadashi; Parque Central 295, Miraflores, Lima.
Hayabara, Tanomu; Callao 214, Lima.
Hayashi, K. F.; Lima.
Hayashi & Co., E.; Cuzco 787, Lima.
Hayashida, Luia; Juan Cuglievan 619, Chiclayo.
Henriod, Carlos; Lima.
Hernández, Alejandro; Avenida 2 de Mayo 455, San Isidro, Lima.
Heydtmann, Adolf; Lima.
Higa, Gitoko; Teatro 711, Chiclayo.
Higa, Ryosei; Oritz 305; Lima.
Higashide, S.; Ica.
Hilbck, Kuntze y Cía. S. A.; Pacasmayo.
Hirata Hnos., K.; Salaverry.
Hironaka, I.; Abancay 1099, Lima.
Holle, Schrader & Co., S. A.; Huallaga (Concepción) 533 (Casilla 1857), Lima.
Horiuchi, Enrique; Mercaderes 136, Arequipa.
Huchiyawa, Soichi; Teatro 722, Chiclayo.
Ichino, R.; Pasaje Olaya 139, Lima.
Imafuku, Dairoki; Lima.
Importadora del Perú, Soc.; Ayacucho
Klinge y Cía., S. A. Ltda., F.; Carabaya (Bodegones) 301 y Parque Central 341, Miraflores, Lima.
Klingenberger, H. W.; Carabaya (Coca) 409, Lima.
Kobayashi, M. Yosio.
Koepff y Cía., Wilhelm H.; Lima.
Kohler, Hans; Edificio Italia 302, Lima.
Koike, Juan S.; Junín 642, Trujillo.
Koike, Tsuneo; Edificio Wiese 310, Lima.
Krefft, Ernst; Lampa (Banco del Herrador) 587, Lima.
Kricke, Hans; Unión (La Merced) 628, Lima.
Kudo, Rokuichi; Unión 522, Lima.
Kudo & Company, K.; Unión 522, Lima.
Kurotobi, T.; Ucayali 640, Lima.
Kurotobi y Cía., T.; Ucayali 640, Lima.
"La Papelera"; Unión (Zarrate) 442 (Casilla 337), Lima.
La Pluma de Oro; Huallaga 488, Lima.
La Química Bayer S. A.; Avenida Brasil 198, Lima.
Labarthe y Durand, Luis A.; Ayacucho (Antonio Miró Quesada) 396, Lima.
Lanova S. A.; Unión (Mercaderes) 439, Lima.
Leemhuis, Wert (owner of Aux. M. V. "Ollanta"); Pasaje Ronald, oficina 111, Callao.
Lima Nippo; Lima.
Linder y Hno. S. A., Konrad; Puño (Bejarano) 250, Lima.
Manufactura de Tejidos de Lana del Pacífico; Unión (Mercaderes) 416, Lima.
Maoki, U.; Balta 119, Chiclayo.
Matsubayashi, S., & F., Ikeda; Lima.
Matusita, José; Ayacucho 913, Lima.
Mevius, Fritz; Buenos Aires 185, Miraflores, Lima; and Jirón Carabaya 569, Lima.
Mishina & Co., S.; Azángaro 1017, Lima.
Mitsubishi Shoji Kaisha; Edificio Wiese 310, Lima.

Nippon Yusen Kaisha, "N. Y. K." Line; Lampa 587, Lima.
Nishii & Co.; Pasco 781, Lima.
Nonomiya, Motoso; San José, 306, Lima.
Nonomiya Shoten, S. A.; Junín 312, Lima.
Nottebohm, Claus; Carabaya (Coca) 478, y Espinar 219, Miraflores, Lima.
Nottebohm Hermanos; Lima.
Oberrauch, Gustavo; Hotel Bolívar, Lima.
Ogawa & Co., Jorge; Parque Rosso, Santa Inés, Chiclayo.
Ogura, Juan C.; Paruro 870, Lima.
Okada, N.; Huaral.
Okamoto, Seijiro; Carabaya 102–719, Lima.
Okashi, Yasuiko; Huallaga 4[illegible], Lima.
Okinaka y Cía., Angel N.; Piérola 312, Arequipa.
Okugawa, T.; Cusco 665, Lima.
Okugawa & Company; Cusco 665, Lima.
Okura & Co.
Okuyama, Julio K.; Urubamba 455, Lima.
Ostern & Co., S. A.; Lampa (Blanco del Herrador) 587, Lima.
Otani y Cía., T.; Unión 441, Lima.
Otten y Cía. S. A.; Plaza San Martín 130, Lima.
Ouchi, K.; Huallaga 419, Lima.
Oyama, F. K.; Chiclayo.
Pacific Trading Company, Lima.
Penzhorn, Adolf, Carabaya (Coca) 478, Lima.
Perú Jiho; Lima.
Perú Menka Kabushiki Kaisha, Pasaje Olaya 139, Lima.
Peruana de Comercio Intercontinental S. A., Ltda., Cía.; Plaza San Martín 181, Edificio Talleri 308 (Casilla 2137), Lima.
Peruana de Representaciones S. A., Cía.; Ica (Concha) 316, Lima.
Radio Distribuidora Telefunken Unión, S. A.; Unión 790, Lima.
"Retes" Ltda., Sociedad Agrícola; Edificio Mineria 420, Lima.
Rhondof, H. Schultze; Libertadores 310, San Isidro, Lima.
Rittermann S. A., Hans G.; Azángaro (Aldabas) 235, Lima.
Roedinger y Cía., S. A., H.; La Mar 272, Ica, and all branches in Perú.
Rojas Gallo, Alejandro; Sáenz Peña 185 (Casilla 145), Callao.
Rotmann, Franz; Carabaya (Filipinas) 587, Lima.
Saiki, F. S.; Mollendo.
Saito, Y.; Portal de Botoneros 118, Lima.
Sakai, Santiago; Gálvez 323, Callao.
Sakanishi Takiji; Teatro 608, Chiclayo.
Sakata, F. K.; Azángaro 1017, Lima.
Sakata, Faustino T.; Sáenz Peña 327, Callao.
Sato, A. D.; Teatro 611, Chiclayo.
Sato, T.; Angamos 1514, Lima.
Sato & Co., José H.; Junín 273, Lima.
Sato & Company, Roberto M.; Urubamba 590, Lima.
Sauter & Lahrius; Junín (Barranco) 442 (Casilla 337), Lima.
Sawao, Y.; Samanco.
Saxonia Import Co., S. A.; Ica (San Agustín) 258 (Casilla 161), Lima.
Schultze-Rhonhof, H.; Libertadores 310, San Isidro, Lima.
Shibayama, Yuzo; Puño 623, Lima.
Shima Hnos; Virú, Trujillo.
Shimizu, M. Y.; Arequipa.
Shimura & Ço., T.; Callao 214, Lima.
Shinkawa, Yashiro; Abancay 1191, Lima.
Showa Tsusho Kaisha.
Singelmann y Cía.; Arequipa 17–19 (Casilla 46), Mollendo.
Snotomi y Cía., K.; Lima.
Southern Cotton Company, S. A.; Ayacucho 309, Lima.
Strassberger & Co., E.; Malecón Tarapacá, Iquitos.
Strobach, Adolf G.; Colón 337, Miraflores, Lima.
Suetomi y Cía., K. T.; Camaná 224, Lima.
Susuki, S.; Abancay 1062, Lima.
Suva, Jorge K.; Huacho.
Suzuki Hermanos; Huancayo.
Tabata, S.; Ayacucho 786, Lima.
Taboada, Teodoro M. (Dr.); Trujillo.
"Taibo", Sociedad Anónima; Edificio Royal 210, Lima.
Taisho & Company; Pasco 321, Lima.
Takahashi, S.
Takahashi y Hnos., Ricardo; Abancay 554, Lima.
Takei, Shizuko; Cuzco 724, Lima.
Takuma, Masaki; Ucayali 699, Lima.
Tamura y Cía., S.; San Camilo 227, Arequipa.
Tanaka, Guillermo; Canta 1195, Lima.
Tanaka, R.; 7 de Enero 1001, Chiclayo.
Taniguchi, Nabuo.
Taniguchi, Tadao; Lima.
Taniguchi y Cía., T.; Huallaga 230, Lima.
Tao, Julio; Ancash 781, Lima.
Técnica Ibero-Americana S. A., Cía.; Ayacucho (Antonio Miró Quesada) 396, Lima.
Telefunken Unión S. A., Radio Distribuidora; Unión (Baquijano) 790, Lima.
Thomsen, Fritz; Unión (La Merced) 636, Lima.
Tidow, Juan; Malecón Reserva 121, Miraflores, Lima.
Tidow y Cía. S. A., Ltda., Juan; Cajamarca (Arco) 664 y Camaná (Plumereros) 341, Lima, and all branches in Peru.
Tiendas Americanas; Unión (La Merced) 628 Lima.
Todohuara, José; Lima.
Toguita, H.; Ancash 510, Lima.
Tokutake & Kawakami; San Vicente de Cañete.
Tosa, Alberto; Hacienda Vilcahuaura, Huacho.
"Transocean"; Lima.
Tsuchida Yoshitaro; Paruro 1101, Lima.
Tsuchiya Hnos., S.; Cuzco 400, Lima.
Tsushio & Co.; Pasco 321, Lima.
Uchiyama, H.; San Pedro 50, Chiclayo.
Uesugi, A.; Huallaga 307, Lima.
Ufano, Leandro Gómez Díaz; Junín 291, Miraflores, Lima.
Unión Comercial Peruana-Alemana S. A.; Pasaje Olaya 104, Lima.
Uruma, Yasuji, Huanta 541, Lima.
Usauro, Maoki, 7 de Enero 918, Chiclayo.
Ushida, Jorge; Teatro 627 y 701, Chiclayo.
Ushida & Company, Jorge; Chiclayo.
Uyehara, Eizo; Teatro 618, Chiclayo.
Vásquez, Virgilio; Lima.
Vetter, Arthur; Camaná (General La Fuente) 574, Lima.
Vier y Galván S. A. Ltda.; Ayacucho (Botica de San Pedro) 410, Lima.
Von Buch, Hans Chr.; Edificio Wiese 428 (Apartado 715), Lima.
Von Steinitz, Kurt; Lima.
Watanabe, Roberto; Callao.
Watano, Y.; Lima.
Wehner, Ernst; La Mar 170, Miraflores, Lima.
Wenner-Gren, Axel.
Wenzel, F.; Sáenz Peña 550, Balneario La Perla, Callao.
Woyke y Cía, Sociedad Anónima Comercial e Industrial; Elías Aguirre 102, Chiclayo.
Yabuki, T.; Casilla 316, Trujillo.
Yamamoto, Jitsuo; Huallaga 278, Lima.
Yamamoto, Juan; Elías Aguirre 238, Chiclayo.
Yamamoto, Kaichi; Abancay 1062, Lima.
Yamamoto & Susuki; Abancay 1062, Lima.
Yamanaka, S.; Ayacucho 867, Lima.
Ychikawa, Y. S.; Huallaga 677, Camaná 244, Unión 110, y Caqueta 322, Lima.
Ychikawa & Company, K.; Lima 401, Lima.
Ychikawa & Co., S. A., Y. S.; Huallaga 677, Camaná 244, Unión 110, y Caqueta 322, Lima.
Yoshida y Cía., Y. S.; Elías Aguirre 128–130, Chiclayo.
Yoshimura, Masatazzi; Teatro 704, Chiclayo.
Yoshioka & Co., Y. & T.; Ayacucho 844, Lima.
Ysono, Tamatu; Manuel María Yzaga 249, Chiclayo.
Yusa, S.; Ancash 739, Lima.
Ziener, Eric.

URUGUAY[1]

Aceros "Styria", S. de R. L.; Piedras 579, Montevideo.
Agencia Merck; Canelones 1325, Montevideo.
Ahlig, Curt; Venezuela 1278 (Casilla 545), Montevideo.
"Albingia" S. A.; Sarandí 444, Montevideo.
Albingia Versicherungs A. G.; Sarandi 444, Montevideo.
Amari, Itaro; 25 de Mayo 470, Montevideo.
Anilinas Alemanas S. A.; Florida 1450, Montevideo.
Asiya Koichi; Plaza Zabela 1419, Montevideo.
Banco Alemán Transatlántico; Montevideo.
Banque Française et Italiènne pour l'Amérique du Sud S. A.; Montevideo.
Barth y Cía. Sucrs., Eugenio; 25 de Mayo 731–7, Montevideo.
Bayer, La Química; Montevideo.
Bayer y Cía.; Piedras 437, Montevideo.
Berger y Cía., S. de R. L., Curt; Cerrito 677, Montevideo.
Bernitt y Cía.; Misiones 1472, Montevideo.
Bonino & Kahl; Juan Carlos Gómez esquina de Misiones, Montevideo.
Brel mer y Cía.; Misiones 1434, Montevideo.

[1] The following deletions have been made with this revision: Jonas, H. W.; Montevideo. Teatro Artigas; Colonia 860, Montevideo.

Buch y Basso; Mercedes 959, Montevideo.
Buch y Cía.; Mercedes 967, Montevideo.
Bucksath, Carlos; Rincón 438, piso 1 (Casilla 10), Montevideo.
Butor Ltda.; Camino Propios 2857, Montevideo.
Cafaro, José; Cerro Largo 1001, Montevideo.
Cámara de Comercio Alemana; 25 de Mayo 470, Montevideo.
Cámara de Comercio Italiana; Rincón 454, Montevideo.
Cambre, E. G.; Casilla 281, Montevideo.
Carnevali, Natalio; Montevideo.
Casa Skoda; 25 de Mayo 477, Montevideo.
Casa Suiza; 25 de Mayo 635–639, Montevideo.
Cayani, Hugo Paoletti; Palacio Salvo, Montevideo.
Clarfeld y Cía., Ltda., Federico; Juncal 1461, Montevideo.
Cóndor, Ltda., Sindicato; All branches in Uruguay.
Confitería Odo del Rhin; Colonia 1403, Montevideo.
Dalldorf, Ernesto; Paysandú 958, Montevideo.
Deutsche Lufthansa A. G.; All branches in Uruguay.
Diez Abella, Wellington; Yi 1227 y Segundo Vásquez 1134, Montevideo.
Dyckerhoff y Widmann S. A.; Paysandú 935, Montevideo.
Endler, Walter; 25 de Mayo 477 (Casilla 347), Montevideo.
Establecimientos Skoda S. A.; 25 de Mayo 477, Montevideo.
Eymer, Carlos; 25 de Mayo 477, Montevideo.
Fernández, Nicolás; Larrañaga 4517, Montevideo.
Finsterwald, Carlos, 25 de Mayo 635–639, Montevideo.
Freyre, Rafael Alonso; 25 de Agosto 376, Montevideo.
Fuhrmann, Ltda.; Rondeau 2126, Montevideo.
Garagorry, Fernando; 25 de Mayo 417, Montevideo.
"GEOPE"—Compañía General de Obras Públicas S. A.; Palacio Salvo, piso 9, Montevideo.
Giacummo, Federico; Montevideo.
Gorlero Hermanos; Miguiete 1700, Montevideo.
Guthmann, Arturo R.; Avenida Joaquín Suárez 3561, Montevideo.
Heinze, Carlos; Juan Carlos Gómez 1388 (Casilla 596), Montevideo.
Himoto, Yozaku, 25 de Agosto 532, Montevideo.
Hoffmeister y Bremer; Juan Paullier 2368 Montevideo.
Horler, Rodolfo; Laguna Merín 4347, Montevideo.
I. L. S. A., Importazione Lane S. A.; 25 de Mayo 555, Montevideo.
Iida y Cía. Ltda., Takashimaya; Montevideo.
Importazione Lane S. A.; 25 de Mayo 555, Montevideo.
Imprenta Germano-Uruguaya, Cerrito 740, Montevideo.
Intercambio Comercial Uruguay—Japón, S. A., Cía; Sarandí 659, Montevideo.
Ishiy, Carlos C.; Montevideo.
"Italcable"; 25 de Mayo 400 y Zabala 1441, Montevideo.
Italiana Importazione Lane (Biella), S. A.; Rondeau 2024, Montevideo.
Italiana Lancra (Lane) S. A., Cía.; Rondeau 2298, Montevideo.
"Italmar" S. A.; Juan Carlos Gómez 1306, Montevideo.
Ito, Saburo; 25 de Mayo 555, Montevideo.
Jaeger, Martín; 25 de Mayo 456, Montevideo.
Jones, C. A.; Sarandí 444, Montevideo.
Jung, Antonio; General Freire 1308, Montevideo.
Kohler, Máximo J.; Uruguay 1210, Montevideo.
Kubota, Shigeto; Juan Carlos Gómez 1537, Montevideo.
"La Germano-Argentina" Compañía de Seguros; Mercedes 959, Montevideo.
"La Internacional" Compañía de Seguros; Juan Carlos Gómez 1518, Montevideo.
"La Mannheim" Compañía de Seguros; Juan Carlos Gómez 1518, Montevideo.
La Química Bayer; Montevideo.
Lahusen y Cía. Ltda.; Galicia 927, Montevideo.
Librería Kabo, Katwinkel y Bocksberger; Juncal 1375, Montevideo.
Magnone, Oscar A.; Leyenda Patria 2924, Montevideo.
Mannesmann, Sociedad Tubos; Casilla 281, Montevideo.
Mannheimer Versicherungs A. G.; Juan Carlos Gómez 1518, Montevideo.
Marelli Motores S. A.; Uruguay 1117–19, Montevideo.
Marsan S. A. Guido Ajmone; Rondeau 2126, Montevideo.
Martinetto, Domingo; Montevideo.
Martinetto y Compañía—"Fibratex"; Calle Martín Berinduague, esquina Concordia, Montevideo.
Metzen y Cía., Vincenti; Misiones 1526, Montevideo.
Migliaro, Orestes; Salto.
Moltaldi, Marco; Rondeau 2298, Montevideo.
Nazari, Vincente; 18 de Julio 1485, Montevideo.
Nazari & Carnevali; 18 de Julio 1485, Montevideo.
Neri, Roberto; Canelones 2535, Montevideo.
Nier, Walter; Canelones 1325, Montevideo.
Omnipol Trading Co., Ltda.; 25 de Mayo 477, Montevideo.
Omura, Matsutaro; Soriano 1190, Montevideo.
Paredes, Jacinto; Piedras 437, Montevideo.
Pérez, León; Sarandí 319, Montevideo.
Pfahler y Cía., Ernesto P.; Patria 2387, Montevideo.
Pies, Eugenio; Solís 1531, Montevideo.
Quincke S. A., Ernesto; Cerro Largo 851, Montevideo.
Rabe y Cía., Otto; 25 de Mayo 694–700, Montevideo.
Rhodius y Cía.; 25 de Agosto 709, Montevideo.
"Ribereña del Plata" Compañía Sudamericana de Comercio S. A.; Piedras 350, Montevideo.
Rossati y Cía.; San José 1080, Montevideo.
Schaich, Adolfo; 25 de Mayo 635–639, Montevideo.
Scharnweber, Walter; Piedras 419, Montevideo.
Siemens Bauunion; Palacio Salvo, piso 9, Montevideo, and all branches in Uruguay.
Siemens y Cía.; Montevideo.
Sindicato Cóndor, Ltda.; all branches in Uruguay.
Skoda S. A.; 25 de Mayo 477, Montevideo.
Somba, Ltda.; Galicia 1026–30, Montevideo.
Sommersguter, Leonardo; Galicia 1026, Montevideo.
Spitz, Walter; Tristán Narvaja 1728, Montevideo.
Stahl, Hermann; Convención 1403, Montevideo.
Staudt y Cía., S. A. C.; Paysandú 935, Montevideo.
Sturzenegger & Co.; Cerro Largo 777 (Casilla 553), Montevideo.
Sudamericana de Comercio S. A. "Riberena del Plata", Cía.; Piedras 350, Montevideo.
Taboas, Manuel; 25 de Mayo 555, Montevideo.
Takashimaya, Iida y Cía., Ltda.; Montevideo.
Takinami, B.; Juan Carlos Gómez 1426, Montevideo.
Tintorería Franco Española; Boulevard General Artigas 3269, Montevideo.
"Transocean" Agencia Noticiosa; Juncal 1380, Montevideo.
Tubos Mannesmann, Soc.; Casilla 281, Montevideo.
Valcada, Juan L.; Waterloo 889, Montevideo.
Valcada y Cía.; Waterloo 889, Montevideo.
Vallendor, Hermann; Durazno 1362, Montevideo.
Velazco, Oscar; Piedras 437, Montevideo.
Weskótt y Cía.; Montevideo.
Yamada, Shoshiro, Uruguay 1184, Montevideo.
Zanzi, Mario Alberto; Sarandí 659, Montevedio.

VENEZUELA

Ametani, Seiichi; Caracas.
Anez y Cía., Julio A.; Comercio 10, Maracaibo.
Aue & Co., Ernesto; Pajaritos a Palma 30, Caracas.
Banco Alemán Antioqueño; Caracas, and all branches in Venezuela.
Bayer-Weskott y Cía., La Química; Mijares a Mercedes 38, Caracas.
Beckmann y Cía., Sucrs.; Apartado 384, Maracaibo.
Bornhorst, Carlos; Maracaibo.
Breuer, Möller & Co., Sucrs.; Comercio 17, Maracaibo.
Bruhns, Friedrich Paul; Comercio 2 (Apartado 412), Maracaibo.
Carrieri, Sucrs., V.; Palma a Municipal 3, Caracas.
Casa Nippon; Caracas.
D'Ambrosio Hermanos Sucr.; Sur 3 números 46–47 (Apartado 64), Caracas.
Deutsche Lufthansa A. G.; All branches in Venezuela.
Droguería Nacional; Camejo a Pajaritos 7, Caracas.
Erba S. A. (Milan), Carlo; Caracas.
Falkenhagen, Ernesto; Apartado 602, Caracas.

Fernández, Luis Guillermo; % Breuer, Möller & Co., Sucrs., Comercio 17, Maracaibo.
Flores y Cía., Juan Francisco; Pajaritos a la Palma 26, Caracas.
Furuya, Yoshitomi; Oeste 3 número 100–1 (Apartado 1652); Caracas.
García, Roger E.; Maracaibo.
Gathmann Hnos.; Bolsa a Mercaderes 36 y 48, Caracas.
Gautier, Enrique; Norte 4 número 28, Caracas.
Gehrenbeck, Ernst A.; Oeste 10 número 71–9, Caracas.
Gutiérrez, Lindorfo; Maracaibo.
Hachija Hermanos, Kabushiki Kaisha; Caracas.
Hadamovsky, Walter; Caracas.
Hadamovsky & Co.; Caracas.
Hamburg Amerika Linie; Caracas, and all branches in Venezuela.
Hartkopf, Erich Friedrich; Padre Sierra a Muñoz 9 (Apartado 1082) Caracas.
Hauck & Co., Sucesores de Ludwig; Dr. Díaz a Zamuro 57, Caracas.
"Hauck" S. A. (Sucesores de Ludwig Hauck & Co.); Dr. Díaz a Zamuro 57, Caracas.
Hauenschild y Cía.; Reducto a Miracielos 21, Caracas.
Hauselmann, Carlos; Pasaje Capitolio (Apartado 1086), Caracas.
Heimerdinger, P.; Gradillas a Sociedad 15–1 Altos, Caracas.
Hollweg, Arthur; Sociedad a Traposos 1 Altos (Apartado 241); Caracas.
Horn Linie; Principal a Conde 16, Caracas, and all branches in Venezuela.
Hupfer, Joseph; Madrices a Ibarras 6 (Apartado 746), Caracas.
Instituto Químico Biológico, S. A.; Caracas.
Instrumentos Científicos "Urania", C. A. de; Oeste 6–5 (Apartado 959), Caracas.
Jancquel, Oscar H.; Palma a Municipal 11 (Apartado 1787), Caracas.
Kirschke, A.; Maracaibo.
Kirschke y Cía., A.; Maracaibo and Caracas.
Krafft & Co.; Norte 9–32 (Apartados 426 y 1861), Caracas.
"La Casa Japonesa"; Sociedad a Camejo 27, Caracas.
La Diadema; Caracas.
La Joya; Caracas.
La Química Bayer-Weskott y Cía.; Mijares a Mercedes 38, Caracas.
Laboratorio Meyer, C. A.; Avenida Principal, San Augustín del Sur, Caracas.
Lang, Máximo; Apartado 1432, Caracas.
Larsen, Hans E.; Comercio 2 (Apartado 412), Maracaibo.
Leisse, J.; Avenida Oeste 16, Caracas; and La Guaira.
Maelzner, Walter; Torre a Madrices 17, Caracas.
Mantovani, Walter; Calle Sur 9 número 44–3, Caracas.
Martínez, José; Maracaibo.
Mett, H. P.; Principal a Conde 16, Edificio España 18–19 (Apartado 711), Caracas.
Neigert, L., "Ocularium" Instituto Optico de; Bolsa a Mercaderes 48, Caracas.
Neigert, Luitpold; Bolsa a Mercaderes 48, Caracas.
Oficina Alemana de Representaciones; Apartado 602, Caracas.
Oficina Científica Merck; Apartado 1486, Caracas.
Oficina Técnica Industrial; Apartado 1086, Caracas.
Osorio Reyes, Gustavo; Maracaibo.
Pennacchiotti, A.; Veroes a Santos (Casilla 1), Caracas.
Pennacchiotti & Salmoiraghi; Veroes a Santos (Casilla 1), Caracas.
Perfumería Rococo, S. A.; Caracas.
Perrone y Cía, J.; Muñoz a Pedrera 17 (Apartado 1201), Caracas.
Pina, Miguel; Apartado 374, Caracas.
Pruchtnow & Co., Werner; Comercio 13, Maracaibo.
Química Schering S. A.; Plaza de Candelaria, Caracas.
Sass y Cía., F.; Veroes Jesuitas 20, Caracas.
Schering S. A., Química; Plaza de Candelaria, Caracas.
Schnell y Cía.; Palma a Municipal 9, Caracas.
Schroeder, Federico; Bolsa a Pedrera 15 (Apartado 149), Caracas.
Schubert, Carlos; Gradillas a Sociedad 10 (Apartado 1452), Caracas.
Selle, Rudolf; Bolsa a Pedrera 12, Caracas.
Stegemann & Co.; Avenida Sur 15 Altos (Apartado 847), Caracas.
Takaji, Sigeji; Caracas.
"Urania" Compañía Anónima de Instrumentos Científicos; Oeste 6–5 (Apartado 959), Caracas.
Valentiner & Co.; Camejo a Pajaritos 7, Caracas.
Van Dissel, Rode y Cía. Sucrs.; Calle Comercio, Maracaibo.
Von Jess, Hartwig; Maracaibo.
Watay y Cía., Sakae; Caracas.
Woltz & Co., Hermann; Palma a Municipal 9, Caracas.
Yazawa y Cía., Sucr.; Sociedad a Camejo 27, Caracas.
Yonekura, Yozo; Caracas.
Yonekura, Yuzo; Oeste 3 número 100–1 (Apartado 1652), Caracas.
Yonekura y Cía., Y.; Oeste 3 número 100–1 (Apartado 1652), Caracas.
Zingg y Cía., Gustavo; Sociedad a Traposas, Caracas, and all branches in Venezuela.
Zschaeck & Co., Sucr., W.; Altagracia a Mijares 8 (Apartado 945), Caracas.

PART II—LISTINGS OUTSIDE AMERICAN REPUBLICS

PORTUGAL AND POSSESSIONS

Portugal [1]

A. E. G. Lusitana de Electricidade; Rua dos Fanqueiros 12, Lisbon; and Rua Sa da Bandeira 211, Oporto.
A. L. M. A. Ltda. Soc., Editorial; Rua do Alecrim 65, Lisbon.
Abreu, Augusto Vieira Lopes de (Agencia Abreu); Rua do Loureiro 40, Oporto.
Abrunhosa, Cesar Augusto; Margueira, Lisbon.
Acos Finos Roechling S. A.; Lisbon, and all branches in Portugal.
Adragna, Francesco; Olhao.
Afincao, Domingos do O; Largo Prainhas 92, Olhao.
Africana Ltda., Soc. Geral; Lisbon.
Agencia Comercial Portuguesa Ltda.; Rua dos Sapateiros 39, Lisbon.
Agencia de Representacoes Agricolas, Ltda.; Rua José Falcao 185, Oporto.
Aguiar & Cia. Ltda., Marques de; Ave. dos Aliados 22, Oporto.
Ala Littoria; Lisbon.
Albuquerque, Oscar de; Travessa Nova de S. Domingos 9, Lisbon, and Queluz Sintra.
Alcobia, José; Ave. Antonio Augusto de Aguiar 191, Lisbon.
Aldag, Otto; Avenida Palace Hotel, Lisbon.
Alegria, Francisco Marques; Campo 24 de Agosto 208, Oporto.
Alexandrino Ltda.; Ave. dos Aliados 22, Oporto.
Alianca Agricola e Comercial Ltda.; C. do Duque 3, Lisbon.
Alianca Fabril Lacobrigense Ltda.; Lagos.
Alonso Lamberte, Leopoldo; Cais das Pedras 18, Massarelos, Oporto.
Amaral, José A. do; Rua Formosa 333, Oporto; and Rua Dr. José Falcao 54, Ovar.
America, Carlo; Rua Dr. Alves da Veiga 634, Matozinhos, Oporto.
America, Giuseppe; Rua da Nova Alfandega 27, Oporto.
Amram, Joshua; Praca do Municipio 32, Lisbon.
Amram, S. & Filhos Ltda.; Praca do Municipio 32, Lisbon.
Andrade, Cordeiro & Mesquita Ltda.; Travessa do Forno do Torel 1, Lisbon.
Anilinas Ltda., Soc. de; Travessa das Pedras Negres, Lisbon, and all branches in Portugal.
Araujo, Eduardo Caldeira Borja de; Calcada do Sacramento 14, Lisbon.
Araujo & Bastos Ltda.; Calcada do Sacramento 14, Lisbon.
Astoria Ltda., Soc; Regueirao dos Anjos 68, Lisbon.
Aurino, Giacomo; Rua Sampaio Pina 50, Lisbon.
Auto-Material Ltda.; Calcada do Carmo 25, Lisbon.
Avelar, Manuel; Margueira, and Rua da Prata 40, Lisbon.
Azevedo, M. Sequeira; Rua de Traz 10, Oporto.
Barabino, Emanuele; Avenida Palace Hotel, Lisbon.
Barata, Alberto Cortez; Rua do Ferregial 46–48, and Rua das Lusiadas 5, Lisbon.
Barbosa, Eduardo F. (Casa das Loucas); Rua Formosa 331–333, Oporto.
Barbosa, Joaquim Alves; Rua Alexandre Braga 28–38, Oporto.
Barros, Arnoldo Dias Monteiro de; Largo Dr. Alfonso Pena 14, Lisbon.
Barros, Pedro Amor Monteiro de; Rua Infantaria Dezasseis 77, Lisbon.

[1] The following deletions have been made with this revision: Agria & Carvalho Ltda.; Rua da Madalena 85, and Rua da Assuncao 99, Lisbon. D'Oliveira, F. H. & Cia. Ltda.; Calcada Marques de Abrantes 42, and Rua Vasco da Gama 34, Lisbon. D'Oliveira Snr., Francisco Henrique; Calcada Marques de Abrantes 42, Lisbon. D'Oliveira Jnr., Francisco Henrique; Calcada Marques de Abrantes 42, Lisbon. Resinagem Nacional Ltda.; Alcobaca.

Bastos, Joao Burnay; Rua de Mocambique 30, Lisbon.
Bayer, Ltda.; Lisbon and Oporto.
Beken, Wolfgang; Vila Edith, Monte Estoril, and Rua dos Douredores 7, Lisbon.
Belard, Arthur Mantero; Rua de S. Nicolau 26, Lisbon.
Belard, Carlos Mantero; Rua de S. Nicolau 26, Lisbon.
Belard, Francisco Mantero; Rua de S. Nicolau 26, and at Ave. Joao Crisostomo 6, Lisbon.
Belard, Henrique Mantero; Rua de S. Nicolau 26, Lisbon.
Benzinho Ltda.; Estrada de Vizo, Caixa Postal 14, Setubal.
Berghaeger, Erwin; Praca Luiz de Camoes 36, Lisbon.
Biener Ltda., Hermann; Rua Ferreira Borges 175, Coimbra.
Bitetti, Olindo; Frankfurt Hotel, Lisbon.
Bock, August; Largo 13 de Fevereiro 4, Oporto.
Bodoni, Ladislau Winter; Rua Dr. Silva Teles 11, Lisbon.
Bordan, Dr. Octave; Hotel Miramar, Monte Estoril, Lisbon.
Bornhöft, Rudolf; Calcada do Combro 129, Lisbon.
Botelho, Joaquim Serrano de Sousa; Rua Alexandre Herculano 111, Lisbon.
Bracinhas & Silva Ltda.; Rua dos Douradores 80, Lisbon.
Brandao, Alfredo de Sousa; Colmeias, Leiria.
Brehm, Hans; Ave. Antonio Augusto Aguiar 122, Lisbon.
Brinett, Ltda.; Praca Duque da Terceira 24, Lisbon.
Brito, Antonio Batista; Travessa do Carvalho 15, Lisbon.
Bruno, Augusto; Olhao.
Burguette, Antonio Serrao; S. Pedro de Alverca, Vila Franca de Xiva.
Burmester, J. W. & Cia. Ltda.; Rua de Belomonte 39, Oporto.
Burmester & Cia. Ltda.; Rua da Reboleira 49, Oporto.
Burmester Ltda., Vasco; Rua dos Sapateiros 219, Lisbon; and Rua de Belomonte 39, Oporto.
C. I. D. I. E. (Comercio Internacional de Importacao e Exportacao Ltda.); Rua da Madalena 66, Lisbon.
Cabral, Antonio Roque de Costa; Rua Gilberto Rola 10, and Rua de Fabrica de Polvora 145, Lisbon.
Cabrita, A. J.; Rua do Amparo 25, and Ave. Manuel da Maia 26, Lisbon; and at Albufeira, Algarve.
Cabrita, Joaquim Vinhas; Rua do Amparo 25, Lisbon; and at Albufeira, Algarve.
Caiado, Andre Martins; Rua da Prata 198, Lisbon; and at Faro.
Calderia, Luiz Correia; Sobral da Lourinha.
Calderoni, Renato; Hotel Tivoli, Ave. da Liberdade 179, Lisbon.
Cale, José; Mexilhoeira da Carregacao, Portimao.
Camara, Joao Gago da; Calcada da Estrella 29, Lisbon.
Camponovo, Alberto; Rua da Angola 5, Lisbon.
Camponovo & Camara Ltda.; Rua Gomes Freire 136, Lisbon.

Carbonati, Viuva de Angelo; Rua da Prata 145, Lisbon.
Carneiro & Filho (Fabrica de Curtumes de Ponte de Pedra); Ponte de Pedra, Sao Mamede de Infesta, Oporto.
Carpalhosa, Manuel de Sousa; Colmeias, Leira.
Carpalhosa & Filhos, Manuel de Sousa; Rua da Madalena 133, Lisbon; and at Colmeias, Leiria.
Carvalho, Antonio de; Rua do Arco do Cego 21, Lisbon.
Casimiro, J.; Rua Heliodoro Salgado 5, Lisbon.
Casimiro & Nascimento, Sucrs.; Largo Antonio Joaquim Correira, Setubal.
Castelos Ltda., Soc. dos; Ave. dos Aliados 64, Oporto.
Cavaglio, Michele; Rua do Açúcar 36–48, Lisbon.
Cazalis, Pierre (Herdeiro); Rua de S. Nicolau 26, Lisbon.
Cereais e Farinhas Ltda., Soc. de; Travessa da Fabrica 2, Oporto.
Cerqueira, Francisco José; Rua Pinto Ferreira 8, Quinta do Almargem, Lisbon.
Cerqueira Jnr., Francisco José; Rua Pinto Ferreira 8, Quinta do Almargem, Lisbon.
Chiarpotto; Nino; Olhao.
Chocolates Camarana Ltda., Soc. de; Rua Pinto Ferreira 8, Quinta do Almargem, Lisbon.
Clarfeld & Preussner Ltda.; Largo do Caldas 8, Lisbon.
Claussen, Julius; Rua Joaquim Antonio de Aguiar 19, and Rua Sampaio Pina, M. F. C., Lisbon.
Cobo Ltda., Antonio; Travessa do Corpo Santo 29, Caixa Postal 294, Lisbon.
Cocco, Francesco; Olhao.
Cocco, Francisco & Paolo; Rua Andrade 4, Lisbon; and Rua Sousa Aroso 24, Matozinhos, Oporto.
Cocco, Michele, Dr.; Rua Garrett 17, Lisbon.
Cocco, Paolo; Rua Andrade 4, Lisbon.
Cocco, Salvatore; Olhao.
Cocco di Michele, Francisco; Rua Roberto Ivens 66, Matozinhos, Oporto.
Coccu fu Giuseppe, Francisco; Rua Sousa Aroso 24, Matozinhos, Oporto.
Coelho, Antonio Pinto; Rua dos Sapateiros 219, Lisbon.
Cohen, Werner A.; Rua da Madalena 215, Lisbon.
Colombo, E., Ltda.; Rua dos Sapateiros 219, Lisbon.
Comercial de Resinas Ltda., Soc.; Rua do Ouro 140, Lisbon.
Comercio Internacional de Importacao e Exportacao Ltda.—C. I. D. I. E.; Rua da Madalena 66, Lisbon.
Comercio Tejo Ltda., Soc.; Rua de Sao Juliao 67, Lisbon; and at Trafaria.
Conciato, Mario; Rua Renato Batista 92, Lisbon.
Conservas Alimenticias a Boa Nova, Fabrica de—José Rodrigues Serrano & Filhos Ltda.; Rua Conselheiro Costa Braga 279, Matozinhos, Oporto.
Conservas Belamar Ltda.; Soc. de; Largo Prainhas 92, Olhao.
Consorcio Tecnico Industrial Ltda.; Rua S. Nicolau 42, Lisbon, and all branches in Portugal.
Construtora e Comercial Ltda., Soc.; Ave. Almirante Reis 1, Lisbon.
Cordeiro, J. & Cia., Ltda.; Doca do Alcantara, Lisbon.
Corticas de Portugal Ltda.; Travesa da Praia da Mutela Caramujo, Almada; and Rua do Ouro 226, Lisbon.
Cortumes da Povoa, Fabrica de—Cia National Mercantil; Rua de Santo Ildefonso 41–45, and Travessa da Povoa 390, Oporto, and all branches in Portugal.
Cosp & Co., Ltda.; Antonio; Faro.
Costa, José Luiz; Caixa Postal 238, Lisbon.
Couto, Ltda., Oliveira; Rua Firmeaza 312, Oporto.
Cristovao, J. Ltda.; Rua da Boa Vista 18, Lisbon.
Cruz, Francisco Nabaes da.; Rua Aurea 265, Lisbon.
Cruz & Cia. Ltda., Lopes do (Fabrica Oceano); Rua Brito e Cunha 541, Matozinhos, Oporto.
Cudell, Roberto; Largo do Directorio 14, Lisbon; and Rua Passos Manuel 41, Oporto.
Cudell Ltda., Roberto, Escritorio Tecnico; Rua Passos Manuel 41, Oporto.
Cudell & Weltzien Ltda.; Rua de S. Paulo 117–121, Lisbon.
Cunha, Manuel; Rua Aurea 265, Lisbon.
Cunze Ltda., August; Rua dos Fanqueiros 44, Lisbon.
Cupertino de Miranda & Cia.; Rua Sa da Bandeira 56, Oporto, and all branches in Portugal.
Curto, Joaquim Joao; Sobral da Lourinha.
Curtumes de Ponte de Pedra, Fabrica de—Carneiro & Filho.; Ponte de Pedra, Sao Mamede de Infesta, Oporto.
Custodio & Cia., Ltda.; Rua Miguel Bombarda 7, Cacilhas, Lisbon; and at Setubal.
Da Costa, Alfredo José; Rua Miguel Paes, Barreiro.
Da Fonseca, José Antonio; Rua da Sociedade Farmaceutica 50, Lisbon, and all branches in Portugal.
Da Palma, José Afonso; Ave. Almirante Reis 230, and Rua Carvalho Araujo 159, Lisbon.
Da Silva, E. Torres Pinto; Faro.
Daehnhardt, Hans Wilhelm; Rua da Victoria 42, Lisbon.
De Brito, Eduardo Faria; Campo 28 de Maio 180, Lisbon; and Rua Herois de Chaves 806, Oporto.
Dias, Narciso; Encarnacao, nr. Santarem.
Dias, Ventura Henriques; Rua do Comercio 42, Lisbon.
Diederichs, Carl; Chalet Castim, Paco d'Arcos; and at Lisbon.
Diego, Gregorio; Rua Fernanda Palha 47, and Rua Rodrigo da Fonseca 149, Caixa Postal 514, Lisbon; and at Guarda.
Dobler, Herbert; Rua Santa Marta 232, Lisbon.
Dobling, Heinz; Calcada do Carmo 25, Lisbon.
D'Oliveira, F., Ltda.; Rua Arco do Bandeira 112, Lisbon.
D'Oliveira, Francisco Henriques, Calcada do Carmo 25, and Rua Antero do Quintal 37, Lisbon.
Duarte, Americo Hasse; Rua S. Nicolau 42, Lisbon.
"Editorial do Foro Ltda."; Rua do Crucifixo 50–2, Lisbon.

Ehrenfest, Frederic; Rua da Victoria 53, and Ave. Trouville Villa das Acacias, Monte Estoril, Lisbon.
"Electro-Rayd", Pedro Aires Gomes; Rua da Trindade 13–15, Oporto.
Ell, Josef; Rua da Prata 184, Lisbon.
Elmo Ltda.; Rua da Victoria 53, Lisbon.
Empresa Comercial de Maquinas e Electricidade Ltda.; Rua da Palma 225, Lisbon.
Empresa Comercial Jurgens Ltda.; Travessa da Fabrica 2, Oporto.
Empresa de Conservas Sagrada Familia (José da Silva Torres); Rua Brito Capelo 960–970, Matozinhos, Oporto.
Empresa Fornecedora de Mantimentos, Safari Ltda.; Rua Cais de Santarem 24, Lisbon.
Empresa Resineira do Centro do Portugal Ltda.; Rua da Madalena 133, Lisbon; and at Colmeias, Leiria.
"Escol", Escritorio de Comercio Geral Ltda.; Rua Sa da Bandeira 510, Oporto.
Eter Ltda.; Rua da Victoria 53, Lisbon.
Eximport.; Caixa Postal 511, Lisbon.
Exploracoes Florestaes Ltda., Soc. de; Rua dos Fanqueiros 234, Lisbon.
Exportadora de Corticas Ltda., Soc.; S. Pedro de Alverca, Vila Franca de Xira.
Fabrica Portuguesa de Curtumes—Monteiro, Bessa-Ribas & Cia., Ltda.; Estrada da Circunvalaçao, Ameal, Oporto.
Fabricius, Hans Joachim; Rua de Imprensa Nacional 40, Lisbon.
Fenollar, Fernando M.; Rua da Misericordia 20, Lisbon.
Fernandes, Antonio José; Travessa de Cima 300, Oporto.
Fernandes & Cia. Ltda., Abel; Rua Augusta 176, Lisbon.
Ferrao, Fernando de Oliveira Abranches (Dr.); Rua do Crucifixo 50–2, Lisbon.
Ferreira, Francisco; Rue Aurea 165, Lisbon.
Ferreira Filipe Ltda.; Rua da Madalena 18, Lisbon; and Quinta da Maceda, Barreiro.
Ferreira Ltda., Ernesto; Rua da Madalena 40–44, Lisbon, and all branches in Portugal.
Ferrero, Egon Giulio; Avenida Palace Hotel, Lisbon.
Feu, Manuel; Mexilhoeira da Carregacao, Portimao.
Feu Hermanos, Soc. de Resp. Ltda.; Mexilhoeira da Carregacao, Portimao.
Feu Marchena, Caetano; Mexilhoeira da Carregacao, Portimao.
Feu Marchena, Ernesto; Mexilhoeira da Carregacao, Portimao.
Feu Marchena, José Antonio; Mexilhoeira de Carregacao, Portimao.
Fiat Portuguesa S. A.; Rua St. Catarina 122, Oporto, and all branches in Portugal.
Fibra Comercial Lusitana Ltda.; Ave. da Bôa Vista 1904, Oporto.
Fidrmuc, Paul; Hotel do Parque, Parque Estoril, Lisbon.
Filacchioni, Bruno; Avenida Palace Hotel, Lisbon.
Fischer, Karl; Rua S. Joao da Mata 117, Lisbon.
Florentino, Joaquim Abelha; Rua Barao de Sao Cosmo 28, Oporto.
Fraga Rodrigues, Candido; Rua dos Pedroucos 75A, Lisbon.
Fragoso, Antonio R.; Rua dos Fanqueiros 65, Lisbon.
Franchi, Alcino; Rua Nova do Desterro 34, Lisbon.
Frederico, C. Ltda.; Rua dos Douradores 32, Lisbon.
Freitas, Jaime Lancastre de; Rua Padre Antonio Vieira 6, Lisbon.
Freitas Ltda., de; Rua da Prata 8, Lisbon.
Friebel, Werner; Hotel das Duas Nacoes, Rua da Victoria, Lisbon.
Funghini, Goffredo; Hotel Tivoli, Ave. da Liberdade 179, Lisbon.
Gallicani, Dino; Rua Arco do Bandeira 219, Lisbon.
Galuppo, Giuseppe (fu Carlo); Estrada do Circunvalacao, Olhao.
Garagem Dafundo; Rua Policarpo Anjos 70, Dafundo, Lisbon.
Garagem Grandella (Guilherme Pereira, Jnr.); Rua Tomaz Ribeiro 83, Lisbon.
Garcia, David Benito; Rua do Comercio 8, Lisbon.
Garcia, Ilidio; Rua dos Sapateiros 89, Lisbon.
Garcia, Natalio; Rua do Comercio 8, Lisbon.
Garcia Ltda., Benito; Rua do Comercio 8, Lisbon.
Gawrisch, Heinz; Rua Goncalo Cristovao 68, Oporto.
Gellweiler, Joao José Vierira; Travessa do Alecrim 3, Lisbon.
Gellweiler, Joseph; Travessa do Alecrim 3, Lisbon.
Georgieff, Ansen; Hotel Tivoli, Lisbon.
Godinho, Joao Pedro; Figueiro dos Vinhos.
Goeben, Gustav F.; Rua dos Correeiros 134, Lisbon.
Gomes, Pedro Aires "Electro-Rayd"; Rua da Trindade 13–15, Oporto.
Goni, Andres.; Rua do Comercio 95–107, Lisbon.
Gonzales, Artur; Ginjal 41, Almada.
Gonzales & Nascimento Ltda.; Ginjal 41, Almada.
Gottlieb, Egon; Rua do Arsenal 108, Lisbon.
Greiner Ltda.; Faro.
Grimeisen, Herman; Rua do Ouro 110–116, Lisbon.
Gruen & Bilfinger S. A.; Rua da Madalena 163, Lisbon.
Guerin, Carlos; Rua do Arsenal 108, Lisbon.
Guerin Ltda., Carlos (Transportes Internacionas); Rua do Arsenal 108, Lisbon; and Rua Santa Catarina 304–308, Oporto.
Guimaraes, Antonio Henrique de Sousa; Rua Mousinho de Albuquerque 349, Matozinhos, Oporto.
Guimaraes, Eduardo de Sousa; Rua Mousinho de Albuquerque 349, Matozinhos, Oporto.
Guimaraes, Olivio d'Almeida Antao; Vivenda Guimaraes, Ave. Central 40, Telheiras de Cima.
Guimaraes & Neves.; Torres-Vedras, Lisbon.
Hamann, Frederico Willy; Rua José de Carvalho 68, Foz; and Rua da Alegria 617, Oporto.
Hans, Otto; Praca do Municipio 32, Lisbon.
Hansa Ltda.; Praca Luis de Camoes 36, Lisbon.
Henriques, Artur; Rua do Arsenal 94, Lisbon.
Henriques Irmaos Ltda.; Rua do Arsenal 94, Lisbon.
Henzler, Fritz; Faro.
Hingste, Hermann zum; Rua da Madalena 18, Lisbon.
Hipolito, Antonio; Lisbon.
Hipolito, Casa; Rua Serpa Pinto, Torres-Vedras, Lisbon.
Hitzemann & Cia. Ltda.; Rua Sa da Bandeira 520–6, Oporto.
Hofle, Adolfo & Queiroz; Rua Sa de Bandeira 257A, Oporto.
Hollmueller, Alfred; c/o J. Wimmer & Co., Ave. 24 de Julho 34, Lisbon.
Hübert, Alberto; Caxias, Apartado 321, Lisbon.
Hungria, Antonio; Rua Bernardino Costa 50, Lisbon.
I. C. A. Portuguesa Ltda.; Largo do Conde Barao 27, Lisbon.
Ilari, Carlos; Olhao.
Imperial Ltda.; Rua Aurea 265, Lisbon.
Imprensa Barreiro; Rua Victor Bastos 51, Lisbon.
Industria Nacional de Artigos para Escritorio Helius Ltda.; Lisbon.
Industrial e Mercantil dos Olivais Ltda., Soc. "SIMOL"; Rua Augusta 280, Lisbon.
Insulana de Transportes Maritimos Ltda., Soc.; Praca Duque da Terceira 24, Lisbon.
Interco Ltda.; Rua Rodriques Sampaio 4, Lisbon.
Issel, Fritz; Rua das Pedras Negras 30, Lisbon.
Italcable, Comp. Italiana Deicavi-Telegrafici Sottomarini; Rua da Conceicao 124–130, Lisbon; and at Oporto.
Jacinto, José Viegas; Faro.
Jacinto Jnr., Manuel Viegas; Estrada da Senhora da Saude, Faro.
Jordao, Joaquim Magalhaes; Rua Arco do Bandeira, Lisbon; and at Valado, Alcobaca.
Jurgens, Heinrich; Travessa da Fabrica 2, Oporto.
Kalmar, Hugo; Avenida Palace Hotel, Lisbon.
Karl, Ltda., Walther; Rua do Comercio 42, Lisbon.
Katzenstein, Eduardo; Travessa da Amoreira 20, Pampulha, Lisbon.
Knigge, Baron Otal; Rua Joaquim Antonio de Aguiar 73, Lisbon.
Kohlhoff, Erich; Rua Jardim do Regedor 2, Lisbon.
Kores Ltda.; Rua de S. Nicolau 13, Lisbon.
Kozaroff, Theodor (Dr.); Hotel Tivoli, Lisbon.
Kramer Ltda. (Farmac); Galeria de Paris 102, Oporto.
Krebs, Karl Heinrich; Rua do Cativo 22, Oporto.
Kulenkampff, Helmut; Rua Joao Anastacio Rosa 12, Lisbon.
Lacasta, Manuel José Stichaner; Largo Prainhas 92, Olhao.
Lanz, Humberto; Hotel Tivoli, Lisbon.
Lanzani, Miguel; Hotel Universo, Lisbon.

Lassen & Cia., Ltda.; Rua da Prata 59, Lisbon; and at Oporto.
Lauterbach, Paulo Kunst; Largo do Conde Barao 27, Lisbon.
Lavandeira, Alvaro; Rua Rodrigues Sampaio 4, Lisbon.
Lazaro, Bonifacio; Rua da Saude, Setubal.
Lazzara, Carlo; Olhao.
Lazzara, Niccolo; Olhao.
Lazzari, Emmanuele; Rua dos Sapateiros 219, Lisbon.
Leal, Antonio do Carmo; Lagos.
Leal, Joaquim do Carmo; Lagos.
Ledo, Mario; Parque Escolas, Setubal.
Leichsenring, Erich; Rua do Almada 539, Oporto.
Leichsenring Ltda.; Rua de Belomonte 59, Oporto.
Leitao & Lilienthal Ltda.; Praca dos Restauradores 13, Lisbon.
Lepori, Luigi; Rua Victor Cordon I–E & I–G, Lisbon.
Lesser, Bruno; Rua Cais de Santarem 32, Lisbon.
Lewandowsky, Georg; Caixa Postal 360, Lisbon.
Lima, Paulo Pinto; Praca Duque da Terceira 24, Lisbon.
Lisboa Filme Ltda.; Quinta dos Ulmeiros, Al. das Linhas de Torres, Lumiar, Lisbon.
Lobar-Grupo Portuguese Importador e Exportador Ltda.; Rua do Ouro 191, Caixa Postal 366, Lisbon.
Lobe & Cia., Albrecht; Rua Antonio Barroso 299, Oporto.
Loesch, Hermann; Rua do Comercio 42, Lisbon.
Lopes & Cia. Ltda., Joao Manuel; Galeria de Paris 102, Oporto.
Lopez, Valeiras Hnos; Rua Camilo Castelo Branco, Setubal.
Loucas, Casa das—Eduardo F. Barbosa; Rua Formosa 331–333, Oporto.
Lourenco & Charneca Ltda.; Faro.
Lovioz, Carlo Guiseppe; Avenida Palace Hotel, Lisbon.
Loy, Karl; Rua de Cedofeita 103, Oporto.
Luso-Exportadora Ltda.; Praca dos Restauradores 13, Lisbon.
Luso-Hungara Ltda., Soc.; Rua Serpa Pinto 14, Lisbon.
Luso-Italiana Ltda., Soc. Comercial; Travessa das Salgadeiras 7, Lisbon.
M. O. T. O. P.—Motores a Oleos Pesados; 88 Rua da Victoria 30, Lisbon.
Macedo, Joao Maria da Costa Cabral de; Rua da Victoria 53, Lisbon; and Quinta de Santa Sofia Cruz, Quebrada.
Machado & Nunes Ltda.; Rua dos Fanqueiros 38, Lisbon.
Madureira e Rego Ltda. (Owners of A. S. V. "Nina" [ex "Dina"]); Rua da Conceicao 125, Lisbon.
Mainto, Riccardo; Avenida Palace Hotel, Lisbon.
Malato, Vittorio Emmanuele; Rua Policarpo Anjos 70, Dafundo, Lisbon.
Mantero, Ltda., Francisco; Rua de S. Nicolau 26, Lisbon.
Marcomina Ltda.; Rua da Assuncao 57, Lisbon.
Marcus y Harting, Ltda.; Rocio 50, Lisbon.
Marin, José Olivares; Rua de S. Nicolau 26, Lisbon.
Marques, Afonso de Oliveira; Rua Camilo Castelo Branco, Setubal.
Marques, Jnr., Afonso de Oliveira; Rua Camilo Castelo Branco, Setubal.
Marques, José de Oliveira; Rua Camilo Castelo Branco, Setubal.
Marques, Neves and Cia. Ltda.; Rua Camilo Castelo Branco, Setubal; and at Matozinhos, Oporto.
Martinez de Prado, Frederico; Hotel das Duas Nacoes, Rua da Victoria, Lisbon.
Martino, Mario di; Rua Capitao Nobre, Olhao.
Martins, Augusto; Rua Almirante Barroso 1, Lisbon.
Martins, Vasco Burmester; Rua José Falcao 185, Oporto.
Matos Jnr., Joaquim Ferreira Silva; Rua da Alegria 617, Oporto.
Matos, Leontino José de (Dr.); Ave. Todi 156, Setubal.
Matos, M. Pereira de; Largo do Carmo 18, Lisbon.
Mauler, Josef; Rua de S. Nicolau 13, Lisbon.
Medeiros e Camara, Segesmundo Pereira de; Rua Gomes Freire 136, Lisbon.
Mendes Correia Jnr., Joaquim; Rua Filipe Folque 42, Lisbon.
Mendes Ltda.; Rossio 59, Lisbon.
Menegani, Giovanni; Ave. da Liberdade 234, Lisbon.
Menendez, Fernando; Rua de S. Juliao 50, Lisbon.
Metalurgica de Bemfica; Estrada das Garridas, Lisbon.
Metropolitana e Colonial de Construcoes, Ltda., Soc., (S. O. M. E. C.); Rua da Madalena 163, Lisbon.
Meyer, Frida; Lisbon.
Meyer, Hans; Rua Dr. Silva Teles 9, Lisbon.
Meyer, Herbert; Rua Dr. Silva Teles 9, Lisbon.
Meyer Ltda.; Rua dos Fanqueiros 267, Caixa Postal 32, Lisbon.
Meyer Ltda., Fritz W.; Rua Vasco da Gama 1–5, Esquina de Praca D. Luiz 27, Lisbon.
Mickley, Ewald; Praca Luiz de Camoes 36, Lisbon.
Minero Silvicola, Ltda.; Rua Cais de Santarem 32, Lisbon.
Ministro, Tenente Joaquim Figueiredo; Rua da Madalena 215, Lisbon.
Minnemann, W. (Wolfram Anthime Ludwig Marques Minnemann); Rua Cimo de Vila 5, Oporto.
Miranda, José Pereira; S. Pedro de Alverca, Vila Franca de Xiva.
Molta, F.; Rossio 3, Lisbon.
Montefior Ltda.; Rua do Ferregial 46–48, Lisbon.
Monteiro, Antonio de Sousa; Rua Almeida e Sousa 13, and Chalet Noemia Estoril, Lisbon.
Monteiro, Bessa-Ribas & Cia., Ltda. (Fabrica Portuguesa de Curtumes); Estrada da Circunvalaçao, Ameal, Oporto.
Monteiro & Cia., Ltda., Manuel J.; Rua dos Correeiros 134, Lisbon.
Moraes, Jnr., Eduardo Victorino de; Rua Santana a Lapa, Lisbon, and all branches in Portugal.
Moreira, Manuel A. C.; Rua da Madalena 215, Lisbon.
Moreno, Edelmiro; Rua San Juliao 48, and Hotel Suisso Atlantico, Rua da Gloria 3, Lisbon.
Mota, José S. M.; c/o J. Wimmer & Co., Ave. 24 de Julho 34, Lisbon.
Motores a Oleos Pesados (M. O. T. O. P.); 88 Rua da Victoria 30, Lisbon.
Nacional da Industria Mineira Ltda., Soc.—Sonimi; Azinhaga dos Ameixiais, Lisbon.
Nacional Mercantil Cia. (Fabrica de Cortumes da Povoa); Rua de Santo Ildefonso 41–45, and Travessa da Pavoa 390, Oporto, and all branches in Portugal.
Nagy, Bartolomeu de; Alto Estoril, Lisbon.
Nascimento, Alvaro do; Estrada de Vizo, Caixa Postal 14, Setubal.
Nascimento, Americo do; Estrada de Vizo, Caixa Postal 14, Setubal.
Nascimento, Joao; Ginjal 41, Almada.
Nascimento, Joao Manuel; Ginjal 41, Almada.
Nascimento, Manoel do; Largo Antonio Joaquim Correira, Setubal.
Nascimento, Mario do; Estrada de Vizo, Caixa Postal 14, Setubal.
Neumann, Hans; Rua do Arsenal 108, Lisbon.
Niepoort, Soc. de Representacoes; Ave. dos Aliados 188–200, Oporto.
Nogueiro, Ermando Borges; Rua de S. Damaso 51, Guimaraes.
Oceano, Fabrica—Lopes do Cruz & Cia. Ltda; Rua Brito e Cunha 541, Matozinhos, Oporto.
Oliveira, José Belmonte Pereira de; Rua do Ferregial 46–48, and Rua da Polvora 12, Lisbon.
Oliveira, Manoel; Rua Dr. Julio de Matos 430, Oporto.
Olst, Otto; Rua dos Sapateiros 139, Lisbon.
Optica Técnica Optec, Ltda., Soc.; Rua 1st de Dezembro 101, Lisbon.
Ornelas e Oliveira, M. A.; Rua da Victoria 38, Lisbon.
Osswald, Ernst; Rua Herois de Chaves 892, Oporto.
Pais & Coelho; Pacos de Brandao, Oporto.
Palau, Luis; English Bar, Monte Estoril, Caixa Postal 521, Lisbon.
Palha, Carlos Vanzeller Pereira; Quinta das Areias, Vila Franca de Xira.
Palha, Francisco Vanzeller Pereira; Quinta das Areias, Vila Franca de Xira.
Pankow, Werner; Ave. de Berne 120, Lisbon.
Parodi, Angelo; Vilareal, and all branches in Portugal.
Parreira, Vasco; Rua Serpa Pinto, Torres Vedras, Lisbon.
Patatel, Artur; Lisbon and Oporto.
Pena, Joaquin; Lisbon.
Pereira, Alexandre Marques; Rua Sampaio Bruno 49, and Largo da Anunciada 9, Lisbon.
Pereira, Augusto Paulo; Ave. Almirante Reis 70, Lisbon.
Pereira, Diamantino Nunes; Rua Arco do Bandeira 38, Lisbon.
Pereira, Maria Theresa; Rua Sampaio Bruno 49, and Largo da Anunciada 9, Lisbon.
Pereira Junr., Guilherme—Garagem Grandella; Rua Tomaz Ribeiro 83, Lisbon.
Perola do Rocio Ltda.; Rocio 105, Lisbon.
Pescoller, Heinrich; Lisbon.
Pestana, Victor Rodrigues; Ave. Sacadura Cabral 21, Lisbon; and at Alpiarca.

"Pfaff" Maquinas de Costura—Santos & Araujo Ltda.; Rua Garrett 49–51, Lisbon.
Piano, Alvaro A. C.; Rua Aurea 103–105, Lisbon.
Piano Jnr., A. & Co.; Lisbon.
Piano Jnr., José; Lisbon.
Picao, Antonio da Silveira; Praca D. Joao da Camara 19, Lisbon.
Pimenta, Francisco Bethencourt; Calcada do Desterro 11, and Rua Rodrigues Sampaio 76, Lisbon.
Pimenta, Vicente Bethencourt; Rua Saudade 23, Lisbon.
Pinto & Cia., Ltda., Alvaro; Rua das Arameiros 11, Lisbon.
Pinto Marques & Cia.; Vila Mea, Amarante.
Pires, Carmolino Ferreira; Rua da Madalena 91 and 113, Lisbon.
Poehner, Egon; Avenida Palace Hotel, Lisbon.
Porst, Kurt; Rua da Prata 59, Lisbon.
Portugal Previdente; Rua do Alecrim 10, Lisbon; and at Oporto.
Portuguesa Bodoni Ltda., Soc.; Rua de S. Nicolau 23–4, and Travessa Nova de S. Domingo 9, Lisbon.
Portuguesa Ltda. Soc., Comercial; Rua dos Sapateiros 39, Lisbon.
Potthoff, Francisco; Rua da Lata 26, Lisbon.
Produtos Africanos, Soc. de; Rua de S. Nicolau 26, Lisbon.
Puls, Helmuth; Lisbon.
Quimico-Farmaceutica Ltda.; Rua Gomez Freire 96, Lisbon.
Rabenau, Walter; Rua dos Fanqueiros 136, Lisbon.
Razzini, Giovanni; Olhao.
Reich, Bruno; Ave. Ressano Garcia 37, Lisbon.
Ribeiro, Joao Correia (Dr.); Rua Nova do Almada 53, Lisbon.
Ribeiro & Lopes Ltda.; Rua Aurea 103–105, Lisbon.
Rober, Wilhelm; Ave. Elias Gracia 172, Lisbon.
Rocha, Celestino Malo; Rua dos Fanqueiros 221, Lisbon.
Rodrigues, Diego d'Oliveira; Ave. Almirante Reis 50, Lisbon.
Rodrigues, Maria Piedade; Rua de D. Estefania 106, Lisbon.
Rodrigues & Cia. Ltda., Oliveira; Ave. Julio Graca, Vila do Conde, Oporto.
Rodriguez & Mira Ltda.; Rua Centieira, Olivais, Lisbon.
Rothes, Fanciaco Lopes; Rua Val Formosa 210, Oporto.
Roubau, Nicollaus; Club Alemao, Carcavelos, Casais.
Ryck & Warncke Ltda.; Praca do Municipio 19, Lisbon.
Sàla & Irmao; Galeria de Paris 97–99, Oporto.
Sancho, Rafael Dias; Faro.
Santos, Alberto da Silva; Rua Dr. R. Sousa Martins 6, Lisbon.
Santos, Jnr., José dos; Alfaiataria Mariposa, Rua dos Fanqueiros 87–91, and Ave. Barbosa dos Bocage 21, Lisbon.
Santos & Araujo Ltda. (Maquinas de Costura "Pfaff"); Rua Garrett 49–51, Lisbon.
Saul, Gustav; Hotel Victoria, and Atlantic Hotel, Monte Estoril, Lisbon.
Schering S. A. Portuguesa S. A. R. L.; Largo da Anunciada 9, Lisbon.
Scheyer, Paul; Rua Passos Manuel 174–178, Oporto.
Schinkel, Herbert; Rua do Arsenal 108, and Ave. Antonio Augusto de Aginar 187, Lisbon.
Schmidt, August; Praca dos Restauradores 13, Lisbon.
Schneider, Walter; Rua Fialho d'Almeida 26, Lisbon.
Schodt, Wolfgang; Praca Duque da Terceira 24, Lisbon.
Schoeppen, Alfred; Rua Sampaio Bruno 12, Oporto.
Schoeppen, Alfredo José Maria; Rua Sampaio Bruno 12, Oporto.
Scholz, Hans; Rua da Victoria 41, Lisbon, and all branches in Portugal.
Schrader, Julius; Rua de Santa Marta 141–143, Lisbon.
Schuebel, Georg W.; Lisbon.
Schuette & Cia. Ltda.; Praca Luiz de Camoes 36, Lisbon.
Schuldt, Carl; Rua da Prata 59, Lisbon.
Schwair, Max; Rua da Agra 435, Oporto.
Schwarz, Hans; Rua dos Fanqueiros 15, Lisbon.
Schwarz & Co.; Rua dos Franqueiros 15, Lisbon.
Seguradora International Ltda.; Rua da Prata 61, Lisbon.
Sepulveda, Afonso Carlos; Ave. Almirante Reis 199, Lisbon.
Sequeira, F. J. Armando; Rua Nova do Loureiro 37, Lisbon.
Serra, Eduardo da Silva; Rua Mousinho da Silveira 283, Oporto.
Serrador, Antonio dos Santos; Rua da Madalena 133, Lisbon.
Serrano & Filhos Ltda., José Rodrigues (Fabrica de Conservas Alimenticias a Boa Nova); Rua Conselheiro Costa Braga 279, Matozinhos, Oporto.
Siegel, Wilhelm Hörske; Largo do Conde Barao 27, Lisbon.
Siemens, Cia. de Electricidade; Rua Augusta 118, Lisbon; and Rua das Carmelitas 12, Oporto.
Siemens Reiniger S. A. R. L.; Rua de Santa Marta 141–143, Lisbon; and Rua Candido dos Reis 120, Oporto.
Silva, Artur Rodrigues da; Rua Luciano Cordeiro 98, Lisbon.
Silva, J. & Ledo Ltda.; Parque Escolas, Setubal.
Silva, José Santos; Rua das Muzas 110, Oporto.
Silva, Laurentino Martins da; Travessa da Fabrica 2, Oporto.
Silva, Luciano Rodrigues; Vila Verde, Paranhos, Seia.
"SIMOL"—Sociedade Industrial e Mercantil dos Olivais Ltda.; Rua Augusta 280, Lisbon.
Siragusa, Giuseppe; Olhao.
Sobralense Ltda.; Sobral da Lourinha.
Sociedade Financiera Industriale—Sofindus; Rua Augusta 47, Lisbon.
Sofindus (Sociedade Financiera Industriale); Rua Augusta 47, Lisbon.
Sonimi (Soc. Nacional da Industria Mineira Ltda.); Azinhaga dos Ameixlais, Lisbon.
Soriano, José Jorge Alves; Rua da Junqueira 29, Lisbon.
Sousa Gomes, Ltda.; Calcada do Carmo 6, Lisbon.
Spinola Guadalupi, Ugo; Lisbon.
Stehn, Kuno; Rua dos Fanqueiros 15, Lisbon.
Stern, Eduard (Dr.); Travessa Enviado da Inglaterra 20, Lisbon; and at Vila Verde, Paranhos.
Stransky, Otto M.; Rua Nova do Almada 80, Caixa Postal 511, Lisbon.
Strazzera, Andrea; Olhao.
Strzellewicz, H.; Rua da Conceicáo 67, Oporto.
Stuve, W. & Co.; Rua de S. Fransisco 4, Oporto.
Suhl, Henry; Lisbon.
Tavares, Arnaldo Martins; Rua dos Fanqueiros 221, Lisbon.
Tavares, Ernesto Eduardo; Rua dos Fanqueiros 221, Lisbon.
Tavares & Rocha, Ltda.; Rua dos Fanqueiros 221, Lisbon.
Textil Artificial do Porto Ltda.; Travessa das Andrezas 90, Oporto.
Thobe, Hans Carl Walter; Rua Fonte da Luz 147, Foz do Douro, Oporto.
Toesca, Chiaffredo; Ave. da Liberdade 253, Lisbon.
Torres, José da Silva—Empresa de Conservas Sagrada Familia; Rua Brito Capelo 960–970, Matozinhos, Oporto.
Transportes Internacionas—Carlos Guerin Ltda.; Rua do Arsenal 108, Lisbon; and Rua Santa Catarina 304–308, Oporto.
Transportes Mecanicos Mario Silva (owners of A. S. V. "Pescador"); Rua Coelho da Rocha 44, Lisbon.
Trevisan, Giuseppe; Rua Joaquim Antonio de Aguiar 46, Oporto.
Trombetta, Fabrisio; Lisbon.
Uebele, Christian; Lisbon.
Uhlfelder, Frits; Rua Duque de Loule 112, Oporto.
Ulrich, Huller; Lisbon.
Vallet & Bohm; Rua da Alfandega 108, Lisbon.
Vasconcellos & Vasconcellos, Ltda.; Rua do Cura 24, Lisbon.
Vasques, José Mesquita; Travessa do Formo do Torel 1, Lisbon.
Veiga, Vasco Soares da; Rua da Madalena 133, Lisbon.
Veith, August; Rua da Palma 146, Lisbon.
Viale, Mario; Rua Duarte Galvao 44, Lisbon.
Viana, A. Rocha; Rua dos Correiros 92–3, and Rua da Condessa 80, Lisbon.
Viegas, Carlos Bernardino; Ave. 5 de Outubro 23, Setubal.
Viegas, Francisco; Ave. Antonio Serpa 38, Lisbon.
Viegas, José; Setubal.
Viegas, Dias & Cia. Ltda.; Calcada do Sacramento 14, Lisbon; and Estrada Graca 256, Fontainhas, Setubal.
Viegas & Colombo Ltda.; Setubal.
Viegas & Lopes; Ave. 5 de Outubro 23, Setubal.
Viegas Irmaos Ltda.; Rua dos Fanqueiros 38, Lisbon.
Vieira, Antonio Alves; Rua do Arsenal 108, Lisbon.
Vilaca, José Julio; Rua Dr. Sousa Viterbo 87, Oporto.
Volz, Kurt; Vila Carlos Costa 9, Santa Amaro de Oeiras.
Wagner, Ludwig; Rua Candido dos Reis 74, Oporto.

Waldhausen, C. Herbert; Rua do Ouro 191, Lisbon.
Weber & Cia.; Galeria de Paris 82, Oporto.
Weigel, Kurt; Rua de Santa Marta 141–143, Lisbon.
Wendt & Bydekarken Ltda.; Rua dos Sapateiros 70, Lisbon.
Wicander C. G. Ltda.; Quinta Santa Maria, Seixal.
Wiedau, Arend; Rua da Palma 219, Lisbon.
Wieprecht, Horst; Praca Luiz de Camoes 36, Lisbon.
Wieprecht Ltda., Horst; Praca Luiz de Camoes 36, Lisbon.
Wilhelm, Carl; Rua da Boa Vista 56, Lisbon.
Wilhelm & Cia.; Carl; Rua da Boa Vista 56, Lisbon.
Wilms, Willy; Rua do Castanheiro 25, Oporto.
Wimmer, J. & Co.; Ave. 24 de Julho 34, Lisbon; and Rua Mousinho da Silveira 18, Oporto.
Winkler, Ludwig; Regueirao dos Anjos 68, Lisbon.
Wirges, Wilhelm; Rua Victor Cordon 34, Lisbon.
Wirges & Simoes Ltda.; Rua Victor Cordon 34, Lisbon.
Wischmann, Otto; Rua de Santa Marta 169, Lisbon.
Wittenburg, Helmut; Calcada do Carmo 25, Lisbon.
Wuensche, Alex; Rua da Prata 51, Lisbon.
Zickermann Soc. S. A. R. L.; Rossio 3, Caixa Postal 115, Lisbon; and Ave. dos Aliados 64, Oporto.

Angola

Agricola Kiskerhof Ltda., Soc.; Cubal.
Aguiar, José; Dondo and Porto Amboim.
Alves, José; Mossamedes.
Bagdahn, Herbert; Nova Sintra, Bie.
Brock, Arnold; Loanda.
Comercio Geral Ltda., Soc. de; Caixa Postal 74; Nova Lisboa.
Faria Ltda., A. Lopes; Mossamedes.
Fazenda Agricola Lundungo—Ernst March; Caixa Postal 33, Vila Machado Ganda.
Fazenda Canata; Andulo.
Fazenda Cantana; Nova Sintra, Bie.
Fazenda Entre-Rios; Catamba, Vila Mariano Machado, Lobito.
Fazenda Franconia; Chicuma, Benguela.
Fazenda Kalubunda; Golungo Alto.
Fazenda Lombongo; Dala Cachibo, Libolo, Cuanza-Sul.
Fazenda Longwe; Longwe.
Fazenda Lucipa; Chicuma, Benguela.
Fazenda Lunda; Chicuma, Benguela.
Fazenda N'Danga; Dala Cachibo, Libolo, Cuanza-Sul.
Fazenda Tuma Samba; Calulo, Libolo.
Gaertner, Leopold (Luzogaert Ltda.); Caixa Postal 74, Nova Lisboa.
Gartner, Margarethe; Chicuma, Benguela.
Goldschmidt, Louis; Rua Farinha Leitas, Caixa Postal 366, Loanda.
Gomes, Jaime Martins; Caixa Postal 22, Nova Lisboa.
Guttzeit, Harald; Catamba, Vila Mariano Machado, Lobito.
Hachmeister, Richard; Caixa Postal 33, Mossamedes; and Caixa Postal 131, Benguela.
Hachmeister & Milewski; Caixa Postal 33, Mossamedes; and Caixa Postal 131, Benguela.
Holman, Werner; Gamba, Alto Andulo, Bie.
Industrial do Chinguar Ltda., Soc.; Chinguar, Bie.
Kath, Alfred Hugo Walter; Dembos.
Kisker, Alexander; Cubal.
Kisker, Hans Oscar; Cubal.
Klein, Hans; Loanda.
Klinker, Ernest Karl; Quiculungo, Calandula, Malange.
Kroel, Franz Ludwig (Dr.); Libolo.
Krueger, Georg; Dondo and Porto Amboim.
Kuhn, Auri; Roca Montes Herminios, Dembos, Loanda.
Lanaro, Tina Maria; Chinguar, Bie.
Lange, M. G. & Cia. Ltda.; Rue Pereira Forjaz, Caixa Postal 211, Loanda; and Caixa Postal 33, Benguela.
Longa Agricola Ltda.; Cachibo, Libolo, Cuanza-Sul.
Luckner, Graf Ulrich Ferdinand; Lunge, Dala Cachibo.
Luzo-Alema Ltda., Soc.; Caixa Postal 1222, Loanda.
Luzogaert Ltda.—Leopold Gaertner; Caixa Postal 74, Nova Lisboa.
March, Ernst (Fazenda Agricola Lundungo); Caixa Postal 33, Vila Machado Ganda.
Massano, Carlo Lodovico; Chinguar, Bie.
Milewski, Hans; Caixa Postal 33, Mossamedes; and Caixa Postal 131, Benguela.
Monteiro, Serafin; Ave. 5 de Outobro, Nova Lisboa.
N'Hia Agricola Ltda.; Caixa Postal 33, Gabela.
Oesterlen, Richard; Dala Cachibo, Libolo, Cuanza-Sul.
Plantacao Alto Cubal Ltda.; Alto Cubal.
Plantacao Cahombo; Rampa, nr. Lucala.
Plantacoes de Pamba Ltda.; Lucala, Cazengo, Cuanza-Norte.
Plantacoes de Angola Ltda.; Roca Montes Herminios, Dembos, Loanda.
Plantacoes de Mucoso Ltda.; Dondo, Cambambe, Cuanza-Norte.
Plantacoes de Quisocolo Ltda.; Pango-Aluquem, Dembos.
Reich, Hellmutt; Catamba, Vila Mariano Machado, Lobito.
Reiss, Bruno; Caixa Postal 5, Nova Lisboa.
Riehle, Emil; Angola.
Roca Bango; Quiculungo.
Roca Canzele Ltda.; Quiculungo, Calandula, Malange.
Roca Vale de Loma; Dembos.
Rouselle, Oscar; Dala Cachibo, Libolo, Cuanza-Sul.
Santos, Carlos; Rua Pereira Forjaz, Loanda.
Sauer, Friedrich Wilhelm Albert; Loanda.
Schoen, Fritz; Gabela, Amboim.
Schreiber, Emil; Lobito.
Smidt, Reinier; Luati, Libolo, Cuanza-Sul.
Stevenson, Maximo (Dr.); Chinguar, Bie.
Stiehl, Werner; Fazenda Canata, Andulo.
Tappe, Franz; Catamba, Vila Mariano Machado, Lobito.
Toscano, Mario; Caixa Postal 88, Nova Lisboa.
Ullerich, Otto; Pango-Aluquem, Dembos.
Van Linde Siden, H.; Dondo and Porto Amboim.
Von Krosighk, Volrat; Libolo, Cuanza-Sul.
Von Larisch, Nicolaus; Quiculungo.
Von Loen, Baron; Libolo, Cuanza-Sul.
Von Rischtofen, Baron Gerhardt; Dala Cachibo, Libolo, Cuanza-Sul.
Woermann, Brock & Co.; Ambrizette and Loanda.
Woermann Linie; Lobito.
Ziiger, Wilhelm; Caixa Postal 3, Salombinga, Vila Mariano Machado.

Azores

Auto-Electrigia de Tavares & Cia. Ltda.; Rua Joao Chagas 56–8, Ponta Delgada, Sao Miguel.
Azevedo & Cia., Sucrs.; Ponta Delgada, Sao Miguel.
Camponovo & Cia. Ltda.; Rua Dr. Caetano de Andrade, Ponta Delgada, Sao Miguel.
De Freitas, Ernesto Soares; Papelaria Ambar, Ponta Delgada, Sao Miguel.
Italcable; Horta, Fayal Is.
Neppach, Oscar; Caixa Postal 20, Ponta Delgada, Sao Miguel.

Cape Verde Islands

Faustino, Joao Antonio (owner of S. S. "Rapido"); St. Vincent.
Italcable; St. Vincent.
Santos, José dos; Caixa Postal 27, Mindello, St. Vincent.
Santos Ltda., Albino dos; Caixa Postal 27, Mindello, St. Vincent.

Góa

Desai, Venctexa; Panjim.
Dias, Victor (Dr.); Nova Góa.
Drogaria Luso-Indiana (Venctexa Desai); Panjim.
Koch, Robert; Mesquito Hotel, Campbel, Panjim.
Pereira & Sons, Elesbao; Marmagao.

Madeira

Empresa Forneced D'Agua a Navegacao; Funchal.
Franca, Manuel de Jesus; Funchal.
Gesche, Emil; Rua Dr. Costa Ferreira 37, Funchal.
Hoffmann, Wilhelm; Funchal.
Insulana de Transportes Maritimos Ltda., Soc; Funchal.
Kiekeben, Max; Rua do Conselheiro 39, Funchal.
Madeira Embroidery Co. Ltd.; Rua do Conselheiro 39, Caixa Postal 52, Funchal.
Moro e Figli, Tomaso; Funchal.
Rier, Maria Helena; Rua do Conselheiro 39, Funchal.

Mozambique

Africana Ltda., Soc. Geral.; Caixa Postal 47, Lourenço Marques; and Caixa Postal 291, Beira.
Agricola de Muaguide Ltda., Cia; Porto Amelia.
Agricola de Nametoria Ltda., Soc.; Angoche Is.

Arndt & Cohn Ltda.; Lourenco | Von Burchard, Joachim; Metuge, Porto | Anso y Cia; Pasajes.

Arndt & Cohn Ltda.; Lourenço Marques.
Baumann, Adolf; Porto Amelia.
Buccellato, Guiseppe Buffa; Lourenço Marques.
Buccellato, Ignacio; Lourenço Marques.
Buccellato & Miguel—Soc. Metalurgica Portuguesa; Lourenço Marques.
Buccellato & Valentim & Cia; Lourenço Marques.
Carvalho, Francisco Nobre de; Caixa Postal 130, Mozambique.
Colonial de Nangororo, Cia; Caixa Postal 24, Porto Amelia.
Correia & Martins Ltda.; Caixa Postal 373, Lourenço Marques.
Derfuss, Hans; Lourenço Marques.
Deutsche Ost Afrika Linie (Beira) Ltda; Beira.
Diabekir, Kurt; Lourenço Marques.
Dieckman, Ernst; Lourenço Marques and Beira.
"Eadom" Monapo; Monapo, Mozambique.
East African Trading Co. Ltd.; Caixa Postal 47, Lourenço Marques; and Caixa Postal 291, Beira.
Empresa Agricola de Mezerepane; Mozambique.
Emprêsa Agricola do Monapo Ltda.; Monapo, Mozambique.
Empresa Grafica de Mocambique Ltda.; Mozambique.
Exploracoes Mineiras (Niassa) Ltda.; Caixa Postal 18, Porto Amelia.
Garlipp & Bene; Beira.
Goertz, Helmuth; Mozambique.
Gomann, H. & Co.; Mozambique.
Gomann, Irene; Mozambique.
Gouveia, José Luzia Fernandes; Caixa Postal 103, Mozambique.
Hieronymus, Hermann; Mozambique.
Janssen, John Henri Gustav; Caixa Postal 316, Beira.
Junge, Heinrich; Porto Amelia.
Koencke, Rudolfo; c/o Cia. Agricola de Muaguide Ltda., Porto Amelia.
Kohl, Jacob; Lourenço Marques.
Leidenberg, Justus; Caixa Postal 505, Lourenço Marques.
Marunga Ltda., Soc.; Metuge, Porto Amelia.
Metalurgica Portuguesa, Soc. (Buccellato & Miguel); Lourenço Marques.
Meyer, Frida; Mozambique.
Pechner, Erna; Lourenço Marques and Beira.
Pechner Ltda.; Caixa Postal 47, Lourenço Marques; and Caixa Postal 291, Beira.
Philippi & Co., Wilhelm; Mozambique, and all branches in Mozambique.
Plantacao Namanje; Porto Amelia.
Raabe, H.; Beira.
Ridi Sisal Ltda.; Quelimaquito, Porto Amelia.
Roessler, Friedrich; Porto Amelia.
Rufijya Pflanzungs G. m. b. H.; Porto Amelia.
Schroeder, Georg and Leidenberg; Lourenço Marques.
Sisal A. G.; Porto Amelia.
Sisal S. A.; Porto Amelia.
Steegmann, Rudolf; Pebane.
Stern, Eduard (Dr.); Mozambique.
Stockigt, Arthur; Ave. 5 de Outubro 41, Caixa Postal 373 and 826, Lourenço Marques.
Von Burchard, Joachim; Metuge, Porto Amelia.
Von Hirschfeld, Alexander Wilhelm Adolf Ludwig; Elvas Siding, and Chimezi Estate, Macequece, Zambezia.
Webendorfer, Kurt; Lourenço Marques and Beira.
Woermann, Hans; Monapo, Mozambique.

Portuguese China[1]

Waibel & Cia.; Macao.

Portuguese Guinea

Agricola e Fabril da Guiné, Cia.; Bubaque, Bissagos Islands.
Brandao, Manuel de Pinho; Bolama.
Loehndorf, August; Geba.
Nienhaber, Paul; Caixa Postal 79, Bissau.
Pereira, Julio Lopes; Bolama.
Ringel Ltda., Soc. Comercial; Caixa Postal 79, Bissau.
Seifert, Paul; Caixa Postal 79, Bissau.

SPAIN AND POSSESSIONS

Spain

A. E. G. Iberica de Electricidad S. A.; Madrid, and all branches in Spain.
Abello Oxigeno Linde S. A.; Barcelona.
Aceros Boehler; Rodriguez Arias 6, Bilbao.
Aceros Finos Phoenix; Rodriguez Arias 8, Bilbao.
Aceros Finos Roechling; Barcelona, and all branches in Spain.
Aceros Marathon, S. A.; Henao 64, Bilbao.
Adriatica, S. A. de Navigacione; Alcala 45, Madrid, and all branches in Spain.
Adriatica de Seguros, Cia.; Layetana 47, Barcelona, and all branches in Spain.
Aduanas & Consignaciones Maritimas S. A., Cia. General de (formerly Agencia Maritima P. Pannocchia); Pasaje Comercio 1–3, Barcelona.
Agencia Alemana de Prensa D. N. B.; Al. Urquijo 74, Bilbao.
Agfa Foto S. A.; Rambla Cataluna 347, Barcelona, and all branches in Spain.
Agro S. A.; Gravina 53, Seville.
Aguilar, M.—La Comercial Maritima S. A.; Ancha 13, Barcelona.
Ala Littoria; Paseo Gracia 13, Barcelona, and all branches in Spain.
Alimbau Codina, M.; Calle San Lorenzo 36, Reus.
Alimbau Minguell, Hijo de Miguel; Calle de San Carlos y San José 50, Reus.
Aller, Eyl y Stiegler; Casanova 30, Barcelona.
Alvarez Tome, Manuel; Pablo Murillo 4, Vigo.
Alvargonzalez, Erhardt y Cia.; Instituto 25, Gijon.
Amann, José Maria; Ave. Generalisimo 13, Madrid.
Amann, Juan; Borrell 128, Barcelona, and Mira Cruz 4, San Sabastian.
Amann, Victor; Borrell 128, Barcelona, and Mira Cruz 4, San Sebastian.
Amerex Soc. Ltda.; Via Layetana 13, Barcelona.
Anilinas S. A.; Calle Ausias March 16–18, Barcelona.
Anso y Cía; Pasajes.
Arana, Domingo; Espartero 3, Bilbao.
Areizaga, Adolfo; Urazurrutia 1, Bilbao.
Arrancudiaga, Rafael; Ave. Generalisimo 1, Madrid.
Bakumar, Agencia de Viajes; Plaza Queipo de Llano 1, Malaga and all branches in Spain.
Banca Nazionale del Lavoro (Delegation de); Alcala 62, Madrid, and all branches in Spain.
Banco Aleman Transatlantico (Deutsche Uberseeische Bank); Madrid, and all branches in Spain.
Banco di Roma (España); Madrid.
Banco Germanico de la America del Sud S. A.; Madrid.
Banco Vitalicio de Espana; Rambla Cataluna 18, Barcelona.
Baquera Kusche & Martin S. A. ("Bakumar"); Plaza de las Cortes 3, Madrid, and all branches in Spain.
Barabino, Emanuele; Palace Hotel, Madrid.
Barale y Bergese; Serrano 25, Madrid.
Barletti, Paolo; Ave. Generalisimo 51, Ave. José Antonio 27, and Castellana 51, Madrid.
Barreras, Gaspar Masso; Colon 6, Vigo.
Bassas, Ferando Ernesto; Via Layetana 45, Barcelona.
Bavastro & Raimondi; Calle Junqueras 2, Barcelona.
Bayarri, José; Barcelona.
Bayer, La Quimica Com. Farm; Lepanto 2, Vigo.
Bayo, José Luis; Ave. Generalisimo 13, Madrid.
Bela, Jorge; Castello 93, Madrid.
Benito, Tomas; Pintor Sorolla 23, Valencia.
Bernhardt, Johann; Gran Via 62, Bilbao.
Biermann, Rudolf; Lagasca 121, Madrid.
Bilbaina de Minerales y Metales, Soc.; Buenos Aires 4, Bilbao.
Bilbao Industrial S. A.; Rodriguez Aria 8, Bilbao.
Bjorge, Bjorn Rock; Pasco de Colon 16, Seville.
Blass S. A.; Núnez de Balbao 25, Madrid.
Bodegas Levantinas Espanolas S. A.; Valencia.
Boehme, Franz; Felipe Sanchez 24, Vigo.
Boehringer Productos Quimicos-Farmaceuticos S. A.; Copernico 6, Barcelona.
Bofill, Juan; Ave. José Antonio 752, Barcelona.
Bofill, Ramiro; Calle Santa Paula 28, Seville.
Bofill, Raúl; Calle Santa Paula 28, Seville.
Bosch Equipo S. A.; Mallorca 281, Barcelona.
Brauns Ltda., Especialidades Domesticas; Barcelona.
Brendle, Juan; Calabria 31, Barcelona.
Broemme, Anton; Pavillon Citroen Ave. de Francia, Irun.
Buch, Carlos; Calle Cuarte 138, Valencia.
Buch, Maximo; Calle Cuarte 138, Valencia.
Buckau, Wolf; Barquillo 47, Madrid.
Busseti, Pier; Calle Velazquez 71, Madrid.

[1] The following deletion has been made with this revision: Agria & Carvalho Ltda.; Chao de Lopes Grande, Macao.

Bustamente, Luis Crovetto; Calle de Jardines 18, Granada.
C. I. D. S. A.—Comercial Ibero Danesa S. A.; Calle Sarria 7, Barcelona, and Calle Moreto 15, Madrid.
C. I. M. S. A.—Comercial Industrial Mediterranea S. A.; Paseo de Gracia 46, Barcelona; and Ave. José Antonio 67, Madrid.
Cabella, Alexandro; Calle de Principe 14, Madrid.
Cabezon Bergasa, Fernando; Calle Valencia 300, Barcelona.
Cabre Pibernat, Andres; Calle Albareda 13, and Luna 10, Barcelona.
Campi y Jove; Ave. José Antonio 671, Barcelona.
Campofiori, Vittorio Sirito; Ave. José Antonio 27, Madrid.
Candina, José Maria; Berastegui 2, Bilbao.
Carandini, Emilio; Via Layetana 7, Barcelona, and all branches in Spain.
Carey Hermanos y Cía; Tarragona.
Carranza, Fernando; Ave. Generalisimo 13, Madrid.
Clauss, Luis; Huelva.
Clols, Pablo; Calle Ali-Bey 138, Barcelona.
Coll & Soriano S. L.; Rambla Santa Monica 8–12, Barcelona.
Comatra (Cia. Comercial Maritima de Transportes S. A.); Ave. Generalisimo 1, Madrid.
Comercial Andaluza Extremena S. A.; Peligros 9, Apartado 240, Madrid, and Santiago 25, Seville.
Comercial Centro Iberica S. A.; Via Layetana 45, Barcelona.
Comercial Ibero Danesa S. A. (C. I. D. S. A.); Calle Sarria 7, Barcelona, and Calle Moreto 15, Madrid.
Comercial Industrial Mediterranea S. A. (C. I. M. S. A.); Paseo de Gracia 46, Barcelona, and Ave. José Antonio 67, Madrid.
Comercial Italo Espanola S. A.; Via Layetana 45, Barcelona.
Comercial Maritima de Transportes S. A. Cia. (Owners of S. S. "Adeje", "Isora", "San Isidro Labrador", "San Juan II", "Sebastian", and "Tercio Montejurra"); Ave. Generalisimo 1, Madrid.
Consorcio Hispano-Italiano S. L.; Conde Aranda 22, Madrid.
Continental Fabrica Espanola del Caucho; Segasta 15, Madrid, and all branches in Spain.
Corchos de Andalucia S. A.; Castelar 22, Seville.
Corchos zum Hingste, S. A.; Castelar 22, Seville.
Covadonga S. A. de Seguros; Alarcón 7, Madrid, and Vitoria 16, Burgos.
Cristobal Colon, S. A. (Owners of Aux "Industrial" and "Marina"); Genova 7, Madrid.
Cupini, Luigi; Ave. Generalisimo 51, and Ave. José Antonio 27, Madrid.
D'Errico, Enrico; Ave. Generalisimo 51, Ave. José Antonio 27, and Castellana 51, Madrid.
Dalmaso, Tito; Granada.
Delleani, Guido; Malaga.
Del Manzano Parody, Antonio; Ausiliadora 15, Seville.
Demag, Maquinaria Soc. Ltda.; Iparraguire 2, Bilbao.
Deposito de Carbones de Tenerife S. A.; Fernanflor 8, Madrid, and all branches in Spain.
Deromedis, Carlo; Ave. José Antonio 27, Madrid.
Deutsche Luft-Hansa A. G.; Fernanflor 6, Madrid, and all branches in Spain.
Deutz, Otto—Cia. Espanola de Motores Deutz S. A.; Serrano 16, Madrid.
Diego, Gregorio; Pozo Amarillo 24, Salamanca, and Ave. José Antonio 38, Madrid.
Dietze, Max; Calle Cornet y Mas 6, Barcelona.
Dominguez Sierra, Carlos; Calle Velazquez 98, Madrid, and Costa 11, Apartado 11, Zaragoza.
Drumen, S. A.; Rue de l'Universite 17, Barcelona.
Eggenberger, Urbano; Calle de Paz 5, Bilbao.
Eickhoff, Guillermo; Plaza M. Ensanche 9, Bilbao.
Einhart & Co.; Ave. José Antonio 31, Madrid.
Electro-Quimica de Flix, S. A.; Flix, Tarragona.
Erhardt, Eugenio; Plaza M. Ensanche 9, Bilbao.
Erhardt, Otto; Plaza M. Ensanche 9, Bilbao.
Erhardt y Cia., Ltda.; Plaza M. Ensanche 9, Bilbao, and all branches in Spain.
Espanola de Exportaciones y Importaciones S. A., Soc.; Calle Salvatierra 20, Valencia.
Espanola de Talcos S. A., Soc.; Alcazar de Toledo 8, Leon.
Estudios y Exploraciones Mineras Santa Tecla, S. A. de.; Policarpo Sanz 35, Vigo.
Estudios y Explotaciones Mineros Montana; Gran Via 62, Bilbao.
Etchart, Alejo; Muelle Uribitarte 6, Bilbao.
Euwens, Joseph; Rue de l'Universite 17, Barcelona.
Exportadora de Pieles S. A. Soc.; Pozo Amarillo 24, Salamanca, and Ave. José Antonio 38, Madrid.
Fabricacion Nacional de Colorantes y Explosivos S. A.; Rambla Cataluna 102 *bis*, Barcelona.
Faust y Kamman S. A.; Paseo de Gracia 45, Barcelona.
Fiat Hispania, S. A.; Paseo Ramon y Cajal 23, Madrid, and all branches in Spain.
Fibra Comercial de Espana, S. A.; Via Layetana 23, Barcelona.
Foerschler, Pablo; Montalban 10, Juan Padillo 8, Madrid.
Fomento Imobiliaro S. A. (F. I. S. A.); Genova 7 and Ave. Jose Antonio 27, Madrid.
Fricke, Enrique; Calle Carros 6, Malaga, and at Cartagena.
Frutos Secos, S. A.; Reus, Tarragona.
Fuchs Medam, Ewald; Calle Almargo 46, Apartado 6074, Madrid.
Funghini, Goffredo; Calle José Anselmo Clave 9, Barcelona.
Gaertner Zavala y Cía., Ltda.; Plaza Centenario 6, San Sebastian.
Gairoli; Alcazar de Toledo 8, Leon.
Gante, Francisco Perez; Al. Mazarredo 17, Bilbao.
Ganz Iberica S. A. E.; Almirante 15, Madrid.
Garcia Blay, Marcelino; Calle Apodaca 13, Tarragona.
Garcia Cazana, Jacinto; Calle Ramon y Cajal 1, San Sebastian, and Francos Rodriguez 100, Madrid.
Geathom, AEG–ALS–THOM–I. G. E., Co. S. A.; Paseo de Recoletos 17, Madrid, and all branches in Spain.
Gebhard y Cía.; Ave. José Antonio 11, Madrid.
Gebhard Reina, Hermann; Ave. José Antonio 11, Madrid.
Gehe y Cia., A. G.; Calle Moncada 21, Barcelona.
General de Lanas, S. A., Cía.; Ayala 10, Madrid.
Georgi, Curt; Aragon 92, Barcelona.
Gerdtzen, Otto; Calle Urzaiz 16, Vigo.
Giebel Ltda., Herbert; Ave. Queipo de Llano 44, Apartado 12, Seville, and Ave. José Antonio 31, Apartado 288, Madrid.
Giner, Pascual; Calle de Gerona 22, Barcelona.
Gomes Monche, José; Genova 7, Madrid.
Gonzalez Blanco, J.; San Jeronimo 36, Madrid.
Grau y Moreno; Santa Monica 19, Barcelona.
Greiner, C. A. y Hijos S. A.; Calle Pecher y Santa, San Feliu de Guixols.
Greiner, J. A.; Calle Pecher y Santa, San Feliu de Guixols.
Guilliet Hijos y Cia.; Fernando VI. 23, Madrid, and all branches in Spain.
Guzman, Domingo; Al. Mazarredo 8, Bilbao.
Hamburg-Amerika Line; Alcalá 43, Madrid.
Hansa y Cía., Ricardo C.; Serrano 17, Madrid.
Heine, George; Rue de l'Universite 17, Barcelona.
Herbeck, J. Mv.; Ave. Generalisimo 13, Madrid.
Herranz y Lipperheide; Gran Via 36, Bilbao.
Hielscher, Adolf; San Augustin 2, and Sebastian Herrera 8, Madrid.
Hiller, Carlos; Pasajes.
Hinderer y Cía., S. L., Carlos; Calle Piamonte 10, Madrid.
Hingste, Hermann zum; Castelar 22, Seville.
Hisma; Madrid, and all branches in Spain.
Hispania Tobis S. A.; Marques de Valdeiglesias 8, Madrid, and all branches in Spain.
Hoffman, Andres Martin; Ave. José Antonio 27, Madrid.
Holzhausen, Karl F.; Ciscar 27, Valencia.
Hoppe, Alfredo; Al. Mazarredo 17, Bilbao.
Hoppe, Herman; Al. Mazarredo 17, Bilbao, and Paseo de Pereda 29, Santander.
Hoppe y Cía., Ltda.; Al. Mazarredo 17, Bilbao, and Paseo de Pereda 29, Santander.
Huber, Hans (Dr.); Paseo de Gracia 51, Barcelona, and Grijalva 1, Madrid.
"Ibero Caribiana"; Ave. José Antonio 31, Madrid.
Iglesias, Eloy; Martires de Guadalupe 19, Irun.

Industria y Comercio del Automobil, Ltda.; Manuel Silvela 1, Madrid and at Vigo.
Intercambio Comercial Espanol; Pintor Sorolla 23, Valencia.
Intercambio Comercial Iberico; Alarcon 7, Madrid.
"Interco", Cía. Internacional de Industria y Comercio de Andorra; Antonio Maura 7, Madrid, and Calle Fontanella 15, Barcelona.
Internacional de Industria y Comercio de Andorra, Cía. "Interco"; Antonio Maura 7, Madrid, and Calle Fontanella 15, Barcelona.
Italcable; Ave. José Antonio 5, Madrid, and all branches in Spain.
Italia, S. A. de Navigacion; Alcalá 45, Madrid, and all branches in Spain.
Italia Seguros Maritimas; Plaza Cataluna 7, Barcelona, and Calle Martin 8, Seville.
Italiana di Turismo, Cía.; Paseo Gracia 13, Barcelona, and all branches in Spain.
Jannone, Armando; Pajes del Corro 108, Seville.
Jobal, Angel Finestres; Vilamari 53, Barcelona.
Kahl, J. A.; Plaza del Caudillo 26, Ed. Equitativa, Valencia.
Kaufmann, Harold F. N.; Salvador 10, Valladolid.
Keusses, A. J.; Pasco de Colon 9, Barcelona.
Kindling, Richard; Felipe Sanchez 24, Apartado 43, Vigo.
Kopp, Exclusivas; Aragon 266, Barcelona.
Koreska, W.; Calle Encina 6, Barcelona, and all branches in Spain.
Krabbe Knudesen, Federico; Alfonso XII 7, Madrid.
Kruckenberg, Gustavo; Lepanto 2, Vigo.
Krusse, Ewald; Pozo Amarillo 24, Salamanca, and Ave. José Antonio 38, Madrid.
Krutwing, Federico; Rodriguez Arias 1, Bilbao.
Kusche, Ernest; Plaza Queipo de Llano 1, Malaga.
L. A. T. I. (Linea Aerea Transcontinental Italiana); Seville.
L'Assicuratrice Italiana; Via Layetana 47, Barcelona, and all branches in Spain.
La Comercial Maritima S. A. (M. Aguilar); Ancha 13, Barcelona.
La Constancia Cía., An. de Seguros; Universidad 4, Barcelona.
La Electrica Industrial, S. A.; San Isidro 56, Tarrasa.
La Hispanense Industrial y Comercial S. A.; Paseo de Recoletos 21, Madrid, and Calle Bruch 42, Barcelona.
La Quimica Comercial y Farmaceutica S. A. (Bayer); Barcelona, and at Madrid.
La Radiologia; Barquillo 22, Madrid.
Laboratorios E. F. E.; Menendez Pelayo 10, Seville.
Lamaignere, J. & A.; Ave. Queipo de Llano 44, Seville, and all branches in Spain.
Lancia, Automoviles S. A. E.; Ave. Gen. Franco 437, Barcelona.
Lanzani, Miguel; San Jeronimo 36, Madrid.
Lemmel S. A.; Ave. Generalisimo 309, Barcelona, and all branches in Spain.
Leopold, Hijo de Guillermo; Ave. José Antonio 642, Barcelona.
Lepori, Luigi; Cardenal Vives y Tuto G. & H., Barcelona.
Leuthold, Pablo; Conde Xiquena 6, Apartado 44, Madrid.
Liesau, Francisco Oficina Tecnica; Alcalá 60, Madrid, and all branches in Spain.
Lindemann, Ricardo; Ave. Gen. Franco 600, Barcelona.
Lipperheide y Guzman, S. A.; Al. Mazarredo 7, Bilbao.
Llorente y von Jess Ltda.; G. Olloqui 19, Vigo.
Lloyd Norte Aleman Viajes; Al. Mazarredo 17, Bilbao.
Loeck y Cía. Ltda.; Gardoqui 9, Bilboa.
Lohse, Edgar; Al. Mazarredo 17, Bilbao.
Lohse, Juan; Calle Fuenterrabia 42, San Sebastian.
Lowe, F.; Tarragona.
Luca de Tena, Eduardo; Ave. Queipo de Llano 44, Seville.
Luca de Tena, S. en C., Hijos de; Almirante Espinosa 1, Apartado 12, Seville.
Madert, Bruno; Calle Cucurulla 2, Barcelona.
Mallet, Wilhelm F. (formerly "Pahama", S. A.); Calle Alarcon 7, Madrid.
Mannos S. A., Cuchilleria; Calle Muntaner 178, Barcelona.
Marelli, Soc. Espanola de Maquinera; Prim 5, Madrid, and all branches in Spain.
Martinez Almeida, Pablo; Genova 7, Madrid.
Martini & Rossi S. A.; Reina 27, Madrid, and all branches in Spain.
Maus, Lothar; Pozo Amarillo 24, Salamanca, and Ave. José Antonio 38, Madrid.
Mayer, Bruno; Hotel New York, Ave. José Antonio, Madrid.
Melia Ballester, José; Calle del Mar 75, Valencia.
Melia Sinisterra, José; Calle del Mar 75, Valencia.
Melia y Cía., José; Calle de La Paz 41, and Calle del Mar 76, Valencia.
Mengel, Willy; Plaza del Caudillo 7, Valencia.
Merello Cosmelli, Vittorio; Alcalá 62, Madrid.
Meyer, Conrado F.; Calle Carrero 11, and Pi y Margall 64, Vigo.
Minas del Carpio Soc. Ltda.; Huelva.
Minerales de Espana, S. A.; Gran Via 62, Bilbao.
Minerva, S. A.; Calle Mendivil 5, Apartado 119, Malaga.
Mojedano, Juan; Prim 34, San Sebastian.
Mompo, Hipo de J. Antonio; Pintor Sorolla 23, Valencia.
Mompo, Luis; Pintor Sorolla 23, Valencia, and Hotel Capitol, Madrid.
Montanas del Sur S. A.; Seville.
Moreno, Edelmiro; Rambla Santa Monica 19, Barcelona.
Morera, José Maria; Via Layetana 13, Barcelona.
"Moro" S. A., Etablecimientos; Paseo Tilos, Apartado 186, Malaga.
Motores Deutsche Werke S. A.; Calle Provenza 314, Barcelona.
Muller, Carlos E. A. (Karl Heinrich Anton Muller); Calle Urgel 45, and Calle Nueva de San Francisco 27, Barcelona.
Muller de Goupille, J.; Tarragona.
Naruva S. A.; Plaza del Caudillo 26, Ed. Equitativa, Valencia.
Navarrete del Pino; Rafael de la Viesca 5, Cadiz.
Naviera Levantina, Ltda., Cía. (Owners of S. S. *Carmen* and *Vicente*); Calle del Mar 75, Valencia.
Neumaticos-Continental S. A.; Segasta 15, Madrid, and all branches in Spain.
Niemeyer, Dr.; Plaza Canalejas 3, Madrid.
Norddeutscher Lloyd Bremen; Carrerra San Jeronimo 33, Madrid.
Noresco—Cía. Noruega Espanola de Comercio Ltda.; Ave. de la Republica Argentina 13, Barcelona.
Norsk Spansk Handelskompani; Ave. de la Republica Argentina 13, Barcelona.
Noruega Espanola de Comercio Ltda., Cía. (Noresco); Ave. de la Republica Argentina 13, Barcelona.
Nova S. A.; Ave. Generalisimo 13, Madrid; and Gral Concha 12, Bilbao.
Nuzzo & Cía., Guillermo; Ave. José Antonio 27, Madrid; and Plaza Uribitarte 3, Bilbao.
Ocimex (Oficina Comercial Importadora y Exportadora); Ave. José Antonio 27, Apartado 701, Madrid.
Omnipol Barcelona—Alberto Suess; Calle Diputacion 320, Barcelona.
Orenstein y Koppel, Arthur Koppel S. A.; Rambla Cataluna 66, Barcelona, and all branches in Spain.
Orenstein & Koppel S. A.; Carrera San Jeronimo 36, Madrid.
Orphanides, N. G.; Reus, Tarragona.
Osram; Madrid.
Palmieri, Adolfo; Calle Duque de la Victoria, Barcelona.
Pannocchia, P.; Pasaje Comercio 1-3, Barcelona.
Pareras, P. & Cía.; Palafrugell.
Parvis, Taurino—"Voz de Espana" S. A.; Ave. Tibidabo 18, Barcelona.
Pasch, Guillermo; Gran Via 62, and Plaza Galdor 4, Bilbao.
Pasch y Hermanos, G.; Al. Recalde 36, Bilbao.
Pavesio, Cesare; Ave. Gen. Franco 407, Barcelona.
Pena, Joaquin; Alfredo Calderon 10, Valencia.
Pernigotti, Ernesto; Hotel Gaylords, Madrid.
Petricca; Calle de la Montera 53, Madrid.
Piastra, Attila Augusto; Calle del Sil 28, Madrid.
Pinna, Niceo; Conde Aranda 22, Madrid.
Platte, Federico; Al. Recalde 45, Bilbao.
Plus Ultra Cía. An. de Seguros Generales; Place de las Cortes 8, Madrid.
Poehner, Egon; Madrid.
Poldi Fundiciones de Acero S. A.; Barcelona, and all branches in Spain.
Portillo & Co.; Rafael de la Viesca 5, Cadiz.
Portillo Ruiz, Fernando; Canova Castillo 11, Cadiz.
Prinz, Bohlmann & Remmers; Almeria.
Prinz, Hugo; Almeria.
Productos Agricolas S. A.; Plaza del Caudillo 5, Valencia, and all branches in Spain.
Productos Quimico Farmaceuticos S. A.; Paseo Pujadas 9, Barcelona, and all branches in Spain.
Pujol Xicoy, E. y J.; Via Layetana 167, Barcelona.
Raab, Francisco; Ave. Pearson 9, Pedralbes, Barcelona.
Radeke, Alfred E.; Maestro Gonzalvo 18, Valencia.
Rava, Oscar; Ave. Gen. Franco 437, Barcelona; and Palace Hotel, Madrid.
Reali, Hijo de Camilo; De la Reina 7, Grao-Valencia.
Reder, Gustavo; Calle Zorilla 17, Madrid.
Reder, Juan; Calle Zorilla 17, Madrid.
Reimex; Calle de Principe 14, Madrid.
Resch, Karl; Santa Marina 17, Zarauz.
Resinas Sinteticas Espanolas, S. A.; Buenos Aires 4, Bilbao.
Rewir, Luis; Al. Mazarredo 17, Bilbao.
Rheinmetall Aceros y Metales, S. A.; Valencia 372, Barcelona.
Rimoldi, Angelo; Via Layetana 45, Barcelona.
Ripoll, Guillermo; Genova 7, Madrid.
Roessner, Federico; Ave. Generalisimo 30, Madrid.
Rubinos, Antonio; Alcalá 104, Madrid.
Rubira, Boehme y Cía. Ltda.; Felipe Sanchez 24, Vigo.
Rueckauer, Juan; Rodrigues Arias 8, Bilbao.
S. A. E. M. A. R. (S. A. Esp de Empresas Maritimes); Alcalá 45, Madrid.
S. A. F. N. I., S. A. Fertilizzanti Nazionali Italiani; Marques del Riscal 10, Madrid.
S. N. I. A. C. E.—Sociedad Nacional de Industrias y Aplicaciones de Celulosa Espanola; Alcalá 23, Madrid; and at Torrelavega, Santander.
Sanchez Saugar, F.; Calle Goya 77, Madrid.
Schering S. A. Productos Quimicos; Lope de Rueda 16, Madrid.
Schmidt, H.; Tarragona.
Schmidt, Herman; Rue de l'Universite 17, Barcelona.
Schmitz, Rodolfo; Ave. de Recalde 7, Bilbao.
Schneider de Duve, Federico; Paseo de Las Acacias, Malaga.
Scholtz Hermanos, S. A.; Don Christian 9, Malaga.
Schuebel, Georg W.; Plaza Cataluna 22, Apartado 380, Barcelona.
Schutte y Cía. S. L., Alfred H.; Calle Lauria 18, Barcelona, and all branches in Spain.
Sciunnach, Angel; Legazpi 11, San Sebastian.
Servicio de Publicidad; Fernanflor 6, Madrid.
Siemens Industria Electrica S. A.; Barquilla 38, Madrid, and all branches in Spain.
Siemens Reineger Veifa S. A.; Paseo de Gracia 48, Barcelona.
Siemens-Halske S. A.; Barquilla 38, Madrid.
Siemens-Schuckert S. A.; Barquilla 38, Madrid.
Skala, Jaroslav; Alcalá 32, Madrid.

Skotecky, Dr.; Plaza de Bilbao 8, Madrid.
Sociedad Financiera Industrial S. A.—Sofindus; Ave. Generalisimo, Madrid.
Sociedad Nacional de Industrias y Aplicaciones de Celulosa Espanola (S. N. I. A. C. E.); Alcalá 23, Madrid, and at Torrelavega, Santander.
Sofindus (Sociedad Financiera Industrial S. A.); Ave. Generalisimo, Madrid.
Soler, Canet, Miguel; Calle Albareda 13, Barcelona.
Soler Duran, Antonio; Carmen 38, Barcelona.
Soler, Ferrer, José; Bailen 68, Barcelona.
Soler Miralles, J.; Calle Albareda 13, Barcelona.
Soriano, Eduardo; Calle Del Manso 70, Barcelona.
Spagnolo de Luciano, Alfonso; Calle Balmes 145, Barcelona.
Spieler, Erwin; Al. Urquijo 20, Bilbao.
Spinola Guadalupi, Ugo; Serrano 106, Madrid.
Stabile, Nicolas; Serreria 9, Grao-Valencia.
Stamer, Theodore; Instituto 25, Gijon.
Sturm, Juan Federico; Fernanflor 8, Madrid.
Suess, Alberto (Omnipol Barcelona); Calle Diputacion 320, Barcelona.
Tamburini, Luigi; Nicolas Maria Rivero 4, Madrid.
Tarnow, Arriaga & Cia.; Espartero 11–13, Bilbao.
Tarnow y Cía. Ltda.; Espartero 11–13, Bilbao.
Tenbergen, G.; Penota 9, Santurce, Bilbao.
Teschendorff y Cía.; Calle Peana 11, Grao-Valencia.
Textilma S. A.; Via Layetana 23, Barcelona.
Thim, Cenek; Hermanos Becquer 10, Madrid.
Transcomar (Cía. Comercial Maritima de Transportes S. A.); Ave. Generalisimo 1, Madrid.
Transmar S. A.; Via Layetana 7, Barcelona.
Transportes Marion S. A.; Van Dyck 6, Salamanca, and all branches in Spain.
Tungsram S. L.; Ave. José Antonio 27, Madrid, and Caspe 12, Barcelona.
Uebele, Christian; Calle Bailen 150, and Calle Consejo de Ciento 263, Barcelona.
Unicolor S. A.; Paseo de Gracia 51, Barcelona, and all branches in Spain.
Union Quimica de Norte de Espana, S. A.; Buenos Aires 4, Bilbao.
Vasquez, Alberto; Guzman el Beno 19, Madrid.
Vinicola Iberica, S. A.; Tarragona.
Von Boddien, Joaquim; Calle Madrazo 51, Barcelona.
Von Jess, E. E.; Colon 8, Vigo.
Vorkauf, Carlos A.; Cmdte. Felipe Sanchez 9, Calvario, Vigo.
"Voz de Espana", S. A. Taurino Parvis; Ave. Tibidabo 18, Barcelona.
Wagner, Gunther Productos Pelikan S. A.; Padre Claret 264, Barcelona.
Wilmer, H. & O. (Sucrs. to H. Toennies); Peligros 24, Madrid, and all branches in Spain.
Wuelfing, Federico; Calle Pecher y Santa, San Feliu de Guixols.
Zanquitu, Hijo de Miguel de; Al. Urquijo 62, Bilbao.
Zeiss, Carl; Plaza Canalejas 3, Madrid.
Zenker, Pablo; Sebastian Elcano 3, and Mariana Pineda 5, Madrid.
Ziesler, Carlos, Fernanflor 8, Madrid.
Zillmann, G.; Ave. Gen. Franco 580, Barcelona.
Zupan, Emilio José; Via Layetana 13, Barcelona.

Balearic Islands

Geathom, AEG-ALS-THOM-I. G. E., Co. S. A.; Palma Majorca.
Naviera Mallorquina (owned by Damian Ramis) (owners of Aux "Cala Antio", "Cala Contesa", "Cala Falco", "Cala Fornello", "Cala Galiota", "Cala Llamp", "Cala Llonga", "Cala Marsal", "Cala Mondrago", "Cala Morlanda", "Cala Murta", "Cala Pi", "Cala Gat", "Cala Tuent", "Juanot Colom", "Manuel Guasp", "Piedad", and "Cala Virgili"); Ave. Antonio Maura 50, Palma Majorca.
Ramis, Damian (owner of Naviera Mallorquina); Ave. Antonio Maura 50, Palma Majorca.

Canary Islands

Ahlers, Jacob; San José, Santa Cruz, Teneriffe.
Bata S. A. Tanger; Calle Castillo 21, Santa Cruz, Teneriffe; and Triana 89, Las Palmas, Grand Canary.
Bossi, José Jess; Alvareda 10, Puerto de la Luz, Las Palmas, Grand Canary.
Castellano, José María; Plazoleta Peroja 49, Las Palmas, Grand Canary.
Ceballos, Andres S. (owner of S. S. "San Miguel"); Las Palmas, Grand Canary.
Chicote, Manuel de Luque; San José 10, Santa Cruz, Teneriffe.
Deposito de Carbones de Teneriffe, S. A.; Las Palmas, and all braches in Canary Islands.
Diaz Navarro, Maximiliano; San José 20, Santa Cruz, Teneriffe.
Fiess, Alberto; General Moscardo 3, Santa Cruz, Teneriffe.
Gonzalez, Martin Julio (owner of M. V. "Delfin" and "María Bonmatti" Las Palmas, Grand Canary.
Grimm, Karl; Grau Basas 27, Las Palmas, Grand Canary.
Guanarteme, Almacenes; Chile Road 81, Puerto de la Luz, Las Palmas, Grand Canary.
Henning, Paul V. (Pablo); Arena 24, Apartado 248, Las Palmas, Grand Canary.
Hisma, Ltda.; Pi y Margall 15, Santa Cruz, Teneriffe; and Alvareda 153, Las Palmas, Grand Canary.
Hispania Tobis S. A.; Las Palmas, Grand Canary.
Isasi Castresana, Maximo; Quintana 4, Las Palmas, Grand Canary.
"Italcable"; Parque, Sta. Catalina, Las Palmas, Grand Canary.
Jablonowski, Walter, "Electro Moderno"; Calle Triana 126, Apartado 236, Las Palmas, Grand Canary.
Kaehler C. H. E.–H. K. Schmidt Sucrs; Perdomo 16, Las Palmas, Grand Canary.
Kahl, J. A.; Las Palmas, Grand Canary.

Prinz, Hugo; Almeria.
Productos Agricolas S. A.; Plaza del Caudillo 5, Valencia, and all branches in Spain.
Productos Quimico Farmaceuticos S. A.; Paseo Pujadas 9, Barcelona, and all branches in Spain.
Pujol Xicoy, E. y J.; Via Layetana 167, Barcelona.
Raab, Francisco; Ave. Pearson 9, Pedralbes, Barcelona.
Radeke, Alfred E.; Maestro Gonzalvo 18, Valencia.
Rava, Oscar; Ave. Gen. Franco 437, Barcelona; and Palace Hotel, Madrid.
Reali, Hijo de Camilo; De la Reina 7, Grao-Valencia.
Reder, Gustavo; Calle Zorilla 17, Madrid.
Reder, Juan; Calle Zorilla 17, Madrid.
Reimex; Calle de Principe 14, Madrid.
Resch, Karl; Santa Marina 17, Zarauz.
Resinas Sinteticas Espanolas, S. A.; Buenos Aires 4, Bilbao.
Rewir, Luis; Al. Mazarredo 17, Bilbao.
Rheinmetall Aceros y Metales, S. A.; Valencia 372, Barcelona.
Rimoldi, Angelo; Via Layetana 45, Barcelona.
Ripoll, Guillermo; Genova 7, Madrid.
Roessner, Federico; Ave. Generalisimo 30, Madrid.
Rubinos, Antonio; Alcalá 104, Madrid.
Rubira, Boehme y Cia. Ltda.; Felipe Sanchez 24, Vigo.
Rueckauer, Juan; Rodrigues Arias 8, Bilbao.
S. A. E. M. A. R. (S. A. Esp de Empresas Maritimes); Alcalá 45, Madrid.
S. A. F. N. I., S. A. Fertilizzanti Nazionali Italiani; Marques del Riscal 10, Madrid.
S. N. I. A. C. E.—Sociedad Nacional de Industrias y Aplicaciones de Celulosa Espanola; Alcalá 23, Madrid; and at Torrelavega, Santander.
Sanchez Saugar, F.; Calle Goya 77, Madrid.
Schering S. A. Productos Quimicos; Lope de Rueda 16, Madrid.
Schmidt, H.; Tarragona.
Schmidt, Herman; Rue de l'Universite 17, Barcelona.
Schmitz, Rodolfo; Ave. de Recalde 7, Bilbao.
Schneider de Duve, Federico; Paseo de Las Acacias, Malaga.
Scholtz Hermanos, S. A.; Don Christian 9, Malaga.
Schuebel, Georg W.; Plaza Cataluna 22, Apartado 380, Barcelona.
Schutte y Cia. S. L., Alfred H.; Calle Lauria 18, Barcelona, and all branches in Spain.
Sciunnach, Angel; Legazpi 11, San Sebastian.
Servicio de Publicidad; Fernanflor 6, Madrid.
Siemens Industria Electrica S. A.; Barquilla 38, Madrid, and all branches in Spain.
Skotecky, Dr.; Plaza de Bilbao 8, Madrid.
Sociedad Financiera Industrial S. A.—Sofindus; Ave. Generalisimo, Madrid.
Sociedad Nacional de Industrias y Aplicaciones de Celulosa Espanola (S. N. I. A. C. E.); Alcalá 23, Madrid, and at Torrelavega, Santander.
Sofindus (Sociedad Financiera Industrial S. A.); Ave. Generalisimo, Madrid.
Soler, Canet, Miguel; Calle Albareda 13, Barcelona.
Soler Duran, Antonio; Carmen 38, Barcelona.
Soler, Ferrer, José; Bailen 66, Barcelona.
Soler Miralles, J.; Calle Albareda 13, Barcelona.
Soriano, Eduardo; Calle Del Manso 70, Barcelona.
Spagnolo de Luciano, Alfonso; Calle Balmes 145, Barcelona.
Spieler, Erwin; Al. Urquijo 20, Bilbao.
Spinola Guadalupi, Ugo; Serrano 106, Madrid.
Stabile, Nicolas; Serreria 9, Grao-Valencia.
Stamer, Theodore; Instituto 25, Gijon.
Sturm, Juan Federico; Fernanflor 8, Madrid.
Suess, Alberto (Omnipol Barcelona); Calle Diputacion 320, Barcelona.
Tamburini, Luigi; Nicolas Maria Rivero 4, Madrid.
Tarnow, Arriaga & Cia.; Espartero 11–13, Bilbao.
Tarnow y Cia. Ltda.; Espartero 11–13, Bilbao.
Tenbergen, G.; Penota 9, Santurce, Bilbao.
Teschendorff y Cia.; Calle Peana 11, Grao-Valencia.
Textilma S. A.; Via Layetana 23, Barcelona.
Thim, Cenek; Hermanos Becquer 10, Madrid.
Transcomar (Cia. Comercial Maritima de Transportes S. A.); Ave. Generalisimo 1, Madrid.
Transmar S. A.; Via Layetana 7, Barcelona.
Transportes Marion S. A.; Van Dyck 6, Salamanca, and all branches in Spain.
Tungsram S. L.; Ave. José Antonio 27, Madrid, and Caspe 12, Barcelona.
Uebele, Christian; Calle Bailen 150, and Calle Consejo de Ciento 263, Barcelona.
Unicolor S. A.; Paseo de Gracia 51, Barcelona, and all branches in Spain.
Union Quimica de Norte de Espana, S. A.; Buenos Aires 4, Bilbao.
Vasquez, Alberto; Guzman el Beno 19, Madrid.
Vinicola Iberica, S. A.; Tarragona.
Von Boddien, Joaquim; Calle Madrazo 51, Barcelona.
Von Jess, E. E.; Colon 8, Vigo.
Vorkauf, Carlos A.; Cmdte. Felipe Sanchez 9, Calvario, Vigo.
Wuelfing, Federico; Calle Pecher y Santa, San Feliu de Guixols.
Zanquitu, Hijo de Miguel de; Al. Urquijo 82, Bilbao.
Zeiss, Carl; Plaza Canalejas 3, Madrid.
Zenker, Pablo; Sebastian Elcano 3, and Mariana Pineda 5, Madrid.
Ziesler, Carlos, Fernanflor 8, Madrid.
Zillmann, G.; Ave. Gen. Franco 580, Barcelona.
Zupan, Emilio José; Via Layetana 13, Barcelona.

Balearic Islands

Geathom, AEG-ALS-THOM-I. G. E., Co. S. A.; Palma Majorca.
Naviera Mallorquina (owned by Damian Ramis) (owners of Aux "Cala Antio", "Cala Contesa", "Cala Falco", "Cala Fornello", "Cala Galiota", "Cala Llamp", "Cala Llonga", "Cala Marsal", "Cala Mondrago", "Cala Morlanda", "Cala Murta", "Cala Pi", "Cala Gat", "Cala Tuent", "Juanot Colom", "Manuel Guasp", "Piedad", and "Cala Virgili"); Ave. Antonio Maura 50, Palma Majorca.
Ramis, Damian (owner of Naviera Mallorquina); Ave. Antonio Maura 50, Palma Majorca.

Canary Islands

Ahlers, Jacob; San José, Santa Cruz, Teneriffe.
Bata S. A. Tanger; Calle Castillo 21, Santa Cruz, Teneriffe; and Triana 89, Las Palmas, Grand Canary.
Bossi, José Jess; Alvareda 10, Puerto de la Luz, Las Palmas, Grand Canary.
Castellano, José María; Plazoleta Peroja 49, Las Palmas, Grand Canary.
Ceballos, Andres S. (owner of S. S. "San Miguel"); Las Palmas, Grand Canary.
Chicote, Manuel de Luque; San José 10, Santa Cruz, Teneriffe.
Deposito de Carbones de Tenerife, S. A.; Las Palmas, and all braches in Canary Islands.
Diaz Navarro, Maximiliano; San José 20, Santa Cruz, Teneriffe.
Fiess, Alberto; General Moscardo 3, Santa Cruz, Teneriffe.
Gonzalez, Martin Julio (owner of M. V. "Delfin" and "María Bonmatti" Las Palmas, Grand Canary.
Grimm, Karl; Grau Basas 27, Las Palmas, Grand Canary.
Guanarteme, Almacenes; Chile Road 81, Puerto de la Luz, Las Palmas, Grand Canary.
Henning, Paul V. (Pablo); Arena 24, Apartado 248, Las Palmas, Grand Canary.
Hisma, Ltda.; Pi y Margall 15, Santa Cruz, Teneriffe; and Alvareda 153, Las Palmas, Grand Canary.
Hispania Tobis S. A.; Las Palmas, Grand Canary.
Isasi Castresana, Maximo; Quintana 4, Las Palmas, Grand Canary.
"Italcable"; Parque Sta. Catalina, Las

La Quimica Comercia y Farmaceutica S. A.; Canalejas 16, Las Palmas, Grand Canary; and at Teneriffe.
Lindemann, Ricardo; V. y Clavijo 15, Las Palmas, Grand Canary.
Mayer, Bruno; Las Palmas, Grand Canary.
Molowny Gomez, Andres Eugenio; Seris 8, Santa Cruz, Teneriffe.
Molowny Perez, Andres; Seris 8, Santa Cruz, Teneriffe.
Paukner, A.; Marina 9, Santa Cruz, Teneriffe.
Sauermann, Walther; Albareda 153, Las Palmas, Grand Canary.
Schmidt, H. K. Sucrs. (C. H. E. Kaehler); Perdomo 16, Las Palmas, Grand Canary.
Siemens, Enrique; Pta. Cansejo 55, Santa Cruz, Teneriffe; and Buenos Aires 7, Las Palmas, Grand Canary.
Siemens Industria Electrica S. A.; San Francisco 25, Santa Cruz, Teneriffe.
Vannucci Ciomei, Saverio; Via Bethencour 4, Santa Cruz, Teneriffe.
Woermann Line; Las Palmas, Grand Canary.
Betancor Bermudez, Enriquez; Fernando Po.

Fernando Po and Spanish Guinea

Dekage Colonial Cía.; Bata, and all branches in Spanish Guinea.
Drumen, S. A.; Fernando Po, and all branches in Spanish Guinea.
Fortuny, Juan; Fernando Po and Spanish Guinea.
Franco, Jacin Navarro; Bata.
Held, Rudolf; Rio Benito.
Intercambio Comercial Iberico; Bata.
Luhr, Heinrich (Casa Lua); Apartado 73, Santa Isabel, Fernando Po.
Macias, Antonio; San Carlos.
Martinez, Francisco; Fernando Po.
Moritz, W. A.; Fernando Po and Spanish Guinea.
Perez Villanueva, Lisardo; Fernando Po, and all branches in Spanish Guinea.
Sempere, R.; Fernando Po and Spanish Guinea.
Serra, José Rius; Bata.
Vasquez, Lola; Santa Isabel, Fernando Po.
Von Boddien, Joaquim; Kogo.
Woermann & Co.; Bata, and all branches in Spanish Guinea.

SWEDEN

A. E. G. Elektriska A/B; Sveavägen 21–23, Stockholm.
Agfa Foto A/B; Malmtorgsgatan 5, Stockholm.
Albrecht, F. W., Dr.; Furusundsgatan 16, Stockholm.
Anilinkompaniet A/B; Gothenburg, and all branches in Sweden.
Appelquist Kolimport A/B, A. R.; Regeringsgatan 5, Stockholm.
Arafart A/B; Regeringsgatan 5, Stockholm.
Arania Rederi A/B; Sturegatan 19, Stockholm.
Arto A/B; Sodra Forstadsgatan 2, Malmo, and all branches in Sweden.
Autoropa A/B; Exercisgatan 12, Malmo.
Bata Handels A/B; Klarabgsgatan 40, Stockholm, and all branches in Sweden.
Becker, Eitel; Nybrokajen 7, Stockholm.
Behm, Kare; Norrmalmstorg 1, Stockholm.
Belgo Baltic Co. A/B; Norrmalmstorg 1, Stockholm.
Berg, A/B, Victor; Kungsgatan 4, Stockholm.
Branslecentral; Sannegardshamnen, Gothenburg.
Broderna Sjunneson, A/B; Drottninggatan 30, Stockholm.
Coal and Oil Trading Co. A/B; Jörgen, Kocksgatan 2, Malmo.
Continental-Caoutchouc Compagnie A/B; Torsgatan 41, Stockholm.
Dahlöf, Linné & Co. A/B; Kanaltorget 1, Tga Dahloo, Gothenburg.
Däumichen, Max; Karlevägen 48, Stockholm.
Dralle, Parfumerie Georg; Karlav 83, Stockholm.
Durkopp A/B; Gothenburg.
Ericsson, Eric Siegfried; Norrmalmstorg 1, Stockholm.
Fallai A/B; Birger Jarlsgatan 38, Stockholm.
Ferrania S. A. Milano; Vasagatan 48, Stockholm.
Fiat Svenska A/B; Nybrokajen 7, Stockholm.
Garvamnes Weibull A/B; Landskrona.
Haksbergs Nya Gruf A/B; Haksberg-Grasberg, nr. Ludvika.
Helios Kemisk Tekniska Fabrika A/B; Nybrokajen 7, Stockholm.
Henkel Kemiskt Teknist A/B; Nybrokajen 7, Stockholm.
Henzel, Carl Heinz, Dr.; Banergatan 44, Stockholm.
Heumann, L. and Co. A/B; Lindhagensgatan 132, Stockholm.
Hoffmeister, Wilhelm; Abacksgatan 8, Molndal, Gothenburg.
Hydraulisk Paltryckning A/B; Folkungagatan 3, and Sodra Vulkan 1 and 8, Gothenburg.
Igefa Svenska A/B; Norrlandsgatan 18, Stockholm.
Jansson, P. & Co. A/B; N. Stromsgatan 15, Norrkoping.
Jönköpings Kol A/B; Ostra Storgatan 3, Jönköping.
Kontors and Skrivmaskiner A/B; Regeringsgatan 20, Stockholm.
Kores A/B; Nybrokajen 3, Stockholm.
Kullager, F. A. G. A/B; Upplandsgatan 33, Stockholm.
Landsverk, A/B; Landskrona.
Latex A/B; Birger Jarlsgatan 22, Stockholm.
Lavens Kolimport A/B; Kungsgatan 4, Stockholm.
Lekomberg Gruf A/B; Sorvik, nr. Ludvika.
Lickfett, Herbert (Dr.); Bost, Djursholm 376, Stockholm.
Mülhens, Eau de Cologne & Parfymerifabriks (i Köln) fils., Ferd; Sundybyberg.
Norddeutscher Lloyd Svenska A/B; Jakobstorg 1, Stockholm.
Nordiska Ror A/B; Kungsgatan 16–18, Stockholm.
Nordring A/B; Bibliotekgatan 3, Stockholm.
Norrkopings Bransle A/B; N. Stromsgatan 15, Norrkoping.
Nya Noragruvorna A/B; Nora.
Osram Elektraverken A/B; Stockholm, and all branches in Sweden.
Pennco, Bensin A/B; Drottinggatan 1, Norrkoping.
Rylander & Asplund A/B; Kungsgatan 34, Stockholm.
Scana A/B; Jörgen, Kocksgatan 2, Malmo.
Schau, R. L. M. Georg; Wollmar Yxkullsgatan 50, Stockholm.
Schering Nordiska A/B; Wahrendorffsgatan 6, Stockholm.
Schuchardt & Schütte A/B; Drottnigg 11, Stockholm.
Semda A/B; Kyrkogatan 20, Gothenburg; and Svartensgatan 12, Stockholm.
Siemens, Elektriska A/B; Kungsgatan 36, Stockholm, and all branches in Sweden.
Sjofart & Kol A/B; Tradgardsgatan 17, Stockholm.
Skandinaviska Montanindustri A/B; Striberg, Nora.
Smalands Taberg A/B; Stockholm, and at Smalands Taberg.
Stahlunion A/B; Kungsgatan 33, Stockholm.
Stollbergs Grufvor och Anrikningsverk A/B; Haksberg.
Stora Langviks Gruv (/B; Hedemora.
Svecia Exportkompaniet A/B; Kungsgatan 30, Stockholm.
Svenska Instrument A/B; Sveavagen 21–23, Stockholm.
Svenska Strebelverken A/B; Vastervik.
Svenska Tradlos Telegrafi A/B; Sveavagen 21, Stockholm.
"Tudor" Acqumulatorfabriks AB; Bibliotekgatan 3, Stockh/olm.
Ufafilm A/B; Kungstgatan 44, Stockholm.
Vulcanus Bergverks A/B; Blotberget, nr. Ludvika.
Wagner's Nederlag, Guenther; Stockholm.
Weibull, John G. E.; Landskrona.
Weibull, W. A/B; Landskrona.
Weist & Co., Fritz A/B; Regeringsgatan 32, Stockholm.
Werner & Pfleiderer A/B; Kungsgatan 33, Stockholm.
Witte & Co., Export A/B., Franz; Bararegatan 14, Gothenburg.
Zeiss, Svenska A/B; Kungsgatan 33, Stockholm.
Zieglers Kol & Koks A/B; Karlstad.
Zieglers Speditions A/B; Sannegardshamnen, Gothenburg.

SWITZERLAND [1]

A. E. G. Elektrizitaets A. G.; Stampfenbachstrasse 1, Zurich.
A. G. T. Maschinenbau A. G.; Uetlibergstrasse 113, Zurich.
Aarewerke A. G.; Obere Vorstadt 37, Brugg.
Adrema A. G.; Talstrasse 11, Zurich.
Aero-Metall A. G.; Theaterstrasse 20, Zurich.
Agfa Photo A. G.; Bleicherweg 10, Zurich.
Akomfina A. G. für Kommerzielle und Finanzielle Angelegenheiten; Gotthardstrasse 61, Zurich.
Aktiengesellschaft für aetherische Oele; Glarus.

[1] The following deletion has been made with this revision: Blaufriesveem A. G.; Voltastrasse 104, Basle.

Albert, Mariann; Stampfenbachstrasse 67, Zurich.
Albiswerk Zurich A. G.; Albisriederstrasse 245, Zurich.
Alfa Romeo, S. A. per il Commercio dei Prodotti; Via Nassa 29, Lugano.
Alfermann, Clemens, Lausanne.
Allgemeine Depositen A. G.; Talstr. 11, Zurich.
Alliance Aluminum Cie; Aeschenbraben 22, Basle.
Aluminium Industrie A. G.; Chippis.
Aluminium Rolling & Press Works, Ltd.; Tramstrasse 56, Münchenstein, Basle.
Aluminium-Verkaufsstelle Münchenstein A. G.; Tramstrasse 56, Münchenstein, Basle.
"Amag" Automobil & Motoren A. G.; Kreuzstrasse 4, Zurich.
Amann, Alois, in Hohenems Filiale St. Gallen; Webergasse 5, St. Gallen.
Ammann, August; Au, St. Gallen.
Ammonia Casale S. A.; Massagno.
Amor Skin Corpn. A. G. Zurich; Werdmuhlestrasse 5, Zurich.
Appareillage Gardy S. A.; La Jonction, Geneva.
Arbitrium Handels A. G.; Alpenstr. 9, Zug.
Arpic, S. A., Etablissements; Rue St. Leger 6, Geneva.
"Astra" Beteiligungs und Verwaltungs G. m. b. H.; Bondastrasse, Chur.
Atlantis, S. A.; Aeschenvorstadt 1, P. O. Box 17350, Basle.
"Atlas," Speditions & Transport-Kontor; Eulerstrasse 59, Basle.
Attenberger H. Hapag-Reisebureau A. G.; Bahnhofstrasse 90, Zurich.
Augsbourg & Co., Maurice; Kannenfeldstrasse 36, Basle.
Aussenhandel A. G., Gesellschaft für; Elisabethenstrasse 2, Basle.
Autol A. G.; Neuhausstr. 15, Basle.
Autoservizi, S. A.; Lugano.
Badel, Leon E.; Rue Diday 8, Geneva.
Bally, Alfred; St. Alban-Anlage 2A, Aeschenplatz, Basle.
Bally-Rochling, Alfred; St. Alban-Anlage 2A, Aeschenplatz, Basle.
Banca della Svizzera Italiana; Lugano, and all branches in Switzerland.
Banco di Roma; Lugano.
Barberot, R., S. A., Etablissements; Rue de la Navigation 11–13, Geneva.
Baszanger, Lucien; Rue du Rhone 6, Geneva.
Bat'a-Schuh-A. G.; Möhlin, and all branches in Switzerland.
Baumwoll-Industrie A. G.; Dietikon, Zurich.
Baumwollspinnerei & Wirkwaren A. G.; Bahnhofstrasse 32, Zurich.
Benninger, R.; Oberer Graben 35, St. Gallen.
Berchtold, Hans; Bahnhofstr. 10 and Borsenstr. 18, Zurich.
Berndorfer Kruppmetallwerke A. G.; Murbachstrasse 3, Lucerne.
Bestgen, Frederic Henry Joseph; Ch. de Contamines 11, Geneva.
Bianca & Co.; Hafnerstrasse 10, Zurich.
Bianchi, Carlo; Gartenstrasse 12, Zurich.
Billian, L. & Co. A. G.; Limmatquai 104, Zurich.
Blatter, Josef; Au, St. Gallen.
Boehringer, Robert A. G.; Oetenbachgasse 28, Zurich.
Boehringer, C. F. & Sohne A. G.; Zollikofen, nr. Berne.
Bohler, Gebr. & Co., A. G.; Bahnhofstrasse 45, Zurich.
Bohn, Andre; Rue de la Servette 96, Geneva.
Bohnenberger, Friedrich, Verlag Stuttgart Filiale Zurich; Tödistrasse 67, Zurich.
Boismines S. A.; Via Canova 7, Lugano.
Bosch, Robert A. G.; Badenstrasse 329, Zurich, and at Geneva.
Bosshard & de Vries; Wila, Zurich.
Boy, A. G.; Bahnhofstrasse 57c, Zurich.
Brandt vorm Apotheker Rich A. G.; Finsterwaldstrasse 95, Schaffhausen.
Braus-Riggenbach (vorm. Henning Oppermann); Baumleingasse 18, Basle.
Brevette Scott A. G.; Birchstr. 155, Zurich.
Bronner & Cie. A. G.; Aeschengraben 33, Basle.
Brugge, Rodolphe; Geneva.
Bruhin, Karl; Sternenstr. 16, Zurich.
Buchhandlung. Zum Elsässer A. G.; Limmatquai 18, Zurich.
Bührle, Emil Georg; Birchstr. 155, Zurich.
Bulgari, Sotirio; Via Pretoria 2, Lugano.
Buss A. G.; Aeschengraben 24, Basle.
C. I. T., Cía. Italiana di Turismo; Bahnhofstrasse 74, Zurich.
Caesar u Loretz, Halle a S., Zweigniederlassung Zurich; Limmatstrasse 45, Zurich.
Campari, Davide, Lugano; Via Vincenso D'Alberti 12, Lugano.
Cece-Graphit Werke A. G.; Wehntalerstrasse 600, Zurich.
Celluloidwarenfabrik Zollikofen A. G.; Zollikofen, Berne.
Cementia Holding A. G.; Pelikanstrasse 6, Zurich.
Cerevisia A. G.; Limmatquai 1, Zurich.
"Chepha", A. G. Fuer Chemische und Pharmaceutische Unternehmungen; Lausanne.
Coffee Trading Company Kaiser Ltd.; Guterstrasse 311, Basle, and all branches in Switzerland.
Cofinco, Compagnie Financière Commerciale S. A.; Muri.
Commissia, S. A.; Rue de la Tour de l'Ile 1, Geneva.
Commissionaria S. A. (Sacom); Via Nassa 29, Lugano.
Commissionaria di Esportazione e di Importazione, Soc. "S. C. E. I." (Kommissiongesellschaft für Aus-und-Einfuhr. K. A. E.); Nueschelerstrasse 30, Zurich.
Comptoir de Specialites Pharmaceutiques S. A. (formerly André Junod S. A.); Rue de la Scie 4–6, Geneva.
Connstein, Wilhelm (Dr.); Rue de l'Athenee 8, Geneva.
Continental Caoutchouc Co. A. G.; Talstrasse 15, Zurich, and all branches in Switzerland.
Contraves A. G.; Bahnhofstr. 92, and Dreikonigstr. 18, Zurich.
Corti & Co. Dr. Ch., Agostino; Lugano.
Credit Commercial et Industrial Trust; Via Al Forte 2, Lugano.
Cuprum A. G.; Glarus.
Daeschner, A. C.; Villa Roccolo, Viganello, Lugano.
De Bac, André; Rue de la Tour de l'Ile 1, Geneva.
Degle; Hofwiesenstrasse 96, Zurich.
Demierre, Jean A.; Montet, Frieburg.
Deutsche Buch-Gemeinschaft C. A. Koch's Verlag Nachf. Berlin, Filiale Zurich.; Stampfenbachstrasse 67, Zurich.
Diamants et Carbones S. A.; Thonex, Geneva.
Diamantschleiferei Vogeli & Wirz, A. G.; Gurzelenstrasse 7, Biel, Berne.
Diamantwerkzeuge, A. G.; Gurzelenstrasse 7, Biel, Berne.
Dornier Werke A. G.; Altenrhein, St. Gallen.
Dralle, Georg A. G.; Basle.
Drholec, Franz; Seefeldstrasse 14, and Uraniastrasse 35, Zurich.
Drott, Max Raimund; Feldeggstrasse 43, Zurich.
Duerkoppwerke, A. G.; Albisstrasse 28, Zurich.
Duncan, Sir Oliver, Bart; Grand Hotel Dolder, Zurich.
Ehni & Co., Geo.; Pelikanstrasse 2, and Fraumünsterstrasse 15, Zurich.
Eilers Jr., Wilhelm, Bielefeld, Zweigniederlassung Zurich; Sternhaldenstrasse 63, Zurich.
Eisen und Metall A. G.; Utoquai 29, Zurich.
Electrische und Industrielle Unternehmungen im Orient, A. G. für.; Bahnhofstrasse 28A, Zurich.
"Elfa" Elektro-Chemische, Fabrik Francke; Rohrerstrasse 84, Aarau.
Elna S. A.; Rue de la Tour de l'Ile 1, Geneva.
Engel, C. & Co.; Egnacherweg.
Entreprises et Travaux de Construction S. A.; Bahnhofstrasse 89, Zurich.
Etablissements Arpic, S. A.; Rue St. Leger 6, Geneva.
Europa Press; Lausanne.
Ewel & Co.; Brandschenkestrasse 20, Zurich.
Export Transithandels A. G.; Sihlstrasse 34, Zurich.
Extraktion A. G.; Hirzbrunnenallee 28, Basle.
Fabrique de Machines a Tricoter de Schaffhouse — Schaffhauser Strickmaschinenfabrik; Moserstrasse 23, Schaffhausen.
Fanto-Benzin Import A. G.; Bahnhofstrasse 44, Zurich.
Fayaud, W. Adriano; Chiasso.
Feinweberei Murg-Baden (Deutschland) A. G. für.; Flawil, St. Gallen.
Feisst, Walter O.; Casa Ville 1184, Lausanne.
Fiat Automobil-Handels A. G. Verkaufsstelle Zurich; Wiesenstrasse 7–9, Zurich.
Fibroplast, A. G.; Fronwagplatz 7, Schaffhausen.
Financiere de Banque et de Change a Geneva Soc. S. A.; Rue de la Tour de l'Ile 1, Geneva.
Finanziaria Assicurativa Milano, Succursale di Zurigo Soc.; Stadthausquai 7, Zurich.
"Finelectra" Finanzgesellschaft für Elektrizitats-Beteiligungen A. G.; Bahnhofstrasse 70, Aarau.
Fischer & Rechsteiner Sucr.; Chiasso.

Fonda A. G.; Inudstriestrasse 25, Arlesheim, and at Munchenstein.
Foresta Romena Holding, S. A.; Jenatschstrasse 1, Zurich.
"Forinvent" Gesellschaft für auswärtige Anlagen und Erfindungen A. G.; Aeschenvorstadt 1, Basle.
Ganz & Co.; Bahnhofstrasse 40, Zurich.
Gas und Wassermesserfabrik A. G. in Lucerne; Krienserstrasse 527, Lucerne.
Gas-Industrie, A. G. für; Loewenstrasse 2, Zurich.
Gassner-Zauli, Erwin; St. Gallen.
Gelbert, Heinrich—Pfaff Nahmaschinenfabrik; Bahnhofstrasse 100, Zurich.
Georgi, Curt; Stampfenbachplatz 2, Zurich.
Getreide Import A. G.; Bleicherweg 47, Zurich.
Globag A. G.; Schaffhausen.
Golay et Fils, Louis; Rue du Rhone 57, Geneva.
Golvag A. G. Goliath-Vertrieb; Oberdorfstrasse 3, Zurich.
Graf, Theo; Fraumünsterstrasse 14, Zurich.
Grodtmann, Johann; La Tour de Peilz, Vevey.
Grunauer, A. & Co. A. G.; Basle.
Gunzburger, S. & Cie. A. G.; St. Johannesvorstadt 90, Basle.
Gütermanns Nähseiden A. G.; Stampfenbachstrasse 12, Zurich.
Haas'sche Schriftgiesserei A. G.; Münchenstein.
Haff Gebruder C., H. & F., A. G. Handel in Reisszeugen und Mathematischen Instrumenten; Bahnhofplatz 5, Zurich.
Hagmann & Co.; Loewenstrasse 20, Zurich.
Hamel, Spinn- & Zwirnereimaschinen A. G., Carl; Arbon.
Haubensack, Emanuel; Nürensdorf, Zurich.
Hauff-Fabrikate-Verkaufs A. G.; Loewenstrasse 19, Zurich.
Hauff-Photo-Vertretung: Loewenstrasse 19, Zurich.
Haymann, J. Konstanz Filiale Kreuzlingen; Hafenstresse 111, Kreuzlingen.
Heer & Co., A. G.; Oberuzwil.
Hellmuth, Fritz; Mattenstrasse 76, Basle.
Hellmuth, Hans; Mattenstrasse 76, Basle.
Hellmuth & Cie., Loerrach, Filiale Basel; Mattenstrasse 76, Basle.
Henkel & Co., A. G.; Kirschgartenstrasse 12, Basle.
Henkels Persilwerke A. G.; Pratteln, Basle.
Hepp Gebruder; Bahnhofstrasse 79, Zurich.
Hering-Rad A. G.; Blumlisalpstrasse 18, Zurich.
Hevaloid A. G.; Talstrasse 15, Zurich.
Hilb, Seigfried Konstanz Filiale Kreuzlingen; Bahnhofstrasse 31, Kreuzlingen.
Hispano Suiza, S. A.; Rue du Rhone 29, Geneva.
Hochstrasser & Co.; Hornweg 20, Binnacht, Zurich.
Hoff, B. (late of Riga); Schweizerhof Hotel, Zurich.
Holzveredlung A. G. für; Loewenstrasse 11, Zurich.
Homann, Franz, Bregenz Zweigniederlassung St. Margrethen; St. Margrethen, St. Gallen.
Hösli & Co., Georg; Bahnhofstrasse 79, Zurich.
Hostmann-Steinberg Farben A. G. Chr.; Bederstrasse 103A, Zurich.
Husler, J. & Co.; Beinwil a. See.
"Imbert-Gas" A. G.; Rohrerstrasse 76, Aarau.
Importations Coloniales S. A.; Rue Bonivard 8, Geneva.
Imprese Elettriche dell' America Latina (Latinalux); Mesocco.
Incosa A. G.; Winterthur.
Industriegerate G. m. b. H.; Dufourstrasse 57, Zurich.
Internationale Gesellschaft der Stickstoff Industrie A. G.; St. Jakobstrasse 22, Basle.
Internationale Gesellschaft für Chemische Unternehmungen A. G. (I. G. Chemie) (Soc. Internationale pour Entreprises Chimiques S. A., I. G. Chemie); Peter Merianstrasse 19, Basle.
Interradio G. m. b. H.; Limmattalstrasse 209, Zurich.
Ipsa A. G. für Petroleum-Industrie; Rothkreuz, Zug.
Isiaseide; Breganzona.
"Italelvetica" di Partecipazione Finanziarie ed Industriali S. A.; Chur.
Jenschik Reisedienst Urania; Heimatweg 1, Lucerne.
Justa, S. A; Lugano.
Kadus-Werk; Molkenstrasse 8, Zurich.
Kagann, Salomon; Ave. W-Favre 24, Geneva.
Kahl, Seigfried Hermann; Bvd. du Theatre 12, Geneva.
Kaiser, T. A. G.; Leistal, Basle.
Kaiser's Kaffee-Geschaft A. G.; Guterstrasse 311, Basle, and all branches in Switzerland.
Kanderner Tonwarenfabrik, Ernest Kammueller, Kandern, Filiale Basel; Drahtzugstrasse 14, Basle.
Karlsruher Parfumerie & Toiletteseifenfabrik (F. Wolff & Sohn, G. m. b. H.); Grenzacherstrasse 63, Basle.
Kartro A. G.; Bahnhofstrasse 86, Zurich.
Kast & Ehinger G. m. b. H.; Hornergasse 12, Zurich.
Keramische Rohstoff A. G.; Bahnhofstrasse 46, Zurich.
Klaiber, Richard; Birsigstrasse 58, Basle.
Klement & Spaeth, Parfumerie & Seifenfabriken Ravensburg Zweigniederlassung Romanshorn; Romanshorn.
Klepper-Sporterzeugnisse, A. G. für; Uraniastrasse 14, Zurich.
Klingelnberg Sohne, W. Ferd. Remscheid, Zweigniederlassung Zurich; Hotzestrasse 45, Zurich.
Köniiger & Sohn, Karl, G. m. b. H. Kattowitz Zweigniederlassung Zurich; Torgasse 2, Zurich.
Kores-Bureaubedarf A. G.; Todistrasse 68, Zurich.
Kosmos A. G. für Internationale Transporte; Basle.
Kotva-Export-Import A. G.; Bahnhofquai 7, Zurich.
Krebs, Dr., Strebel-Kessel & Radiatoren; Fluelastrasse 19, Zurich.
Kristallglaswerk, A. G. (formerly A, Pfeiffer & Co.); Schuetzenstrasse 191, Feuerthalen, Schafihausen.
Krupp, Arthur, Dr.; Lucerne.
Kuisel, G. & Co.; Bahnhofstrasse 89, Zurich.
Lackfarben A. G. Berlin Filiale Kreuzlingen; Unterseestrasse 32, Kreuzlingen.
Lacour, J. T.; Ave. Ermitage 59, Geneva.
L'Aluminium, S. A. pour l'Industrie de; Ave. D'Ouchy, Lausanne.
Lambercier, Georges; Rue des Bains 11, Geneva.
Landesprodukte A. G.; Erlenstr. 15, Basle.
Langbein Pfanhauser Werke A. G., Schweizerische Filiale der; Schaffhauserstrasse 228, Zurich.
Latinalux—Imprese Elettriche dell' America Latina; Mesocco.
Leader A. G.; Aronstrasse, St. Moritz.
Leder & Schuh A. G.; Talstrasse 11, Zurich.
Lengweiler, Walter; St. Gallen.
Leukon A. G.; Freigutstrasse 7, Zurich.
Liguna S. A.; Pelikanstrasse 1, Zurich.
"Limmat" Industrie und Handels A. G.; Tallstrasse 11, Zurich.
Lloyd-Reiseburo R. Kündig A. G.; Bahnhofstrasse 80, Zurich.
Lonza A. G.; Aeschenvorstadt 72, Basle.
Lorenz, C., A. G. Berlin, Zweigniederlassung Bern.; Bubenbergplatz 10, Berne.
Lorenzoni, Valeriano Ditta in Verona Filiale di Chiasso; Chiasso.
Luzi, Hermann; Stampfenbachplatz 2, Zurich.
Magerle Gebr. G. m. b. H.; Effretikon.
Mannhart, J. C., Konstanz Filiale Kreuzlingen; Hauptstrasse 61A, Kreuzlingen.
Manometer A. G.; Andreasstrasse 9, Zurich.
Marabuwerke A. G. Tamm, Zweigniederlassung Seebach; Andreasstrasse 7–9, Zurich.
Marathon Edelstahl A. G.; Klaustrasse 19, Zurich.
Marelli, S. A. Aeromeccanica; Rue de la Fontaine 7, Geneva.
Marelli, S. A. Machines; Rue du Rhone 59, Geneva.
Masstabfabrik A. G.; Gewerberstrasse 6, Schaffhausen.
Meckes-Dreher, Wilhelm; Grenzacherweg 77, Riehen.
Meier, Karl Arnold; Kusnacht-Tugermoos, nr. Zurich.
Melitta A. G.; Waldmannstrasse 12, Zurich.
Mercedes-Benz-Automobil A. G.; Badenerstrasse 119, Zurich.
Merck Produkten A. G. für den Handel in; Bahnhofstrasse 23, Zug.
Merck-Unternehmungen, Holding A. G. für; Bahnhofstrasse 23, Zug.
Merk, Jean; Bahnhofstrasse 57B, Zurich.
Merk, Max. Roh-Produkten-Kontor; Stampfenbachstrasse 70, Zurich.
Merk & Co., Max; Stampfenbachstrasse 70, Zurich.
Merz & Co., Chemische Fabrik; Dufourstrasse 176 and Froehlichstrasse 28, Zurich.
Meta S. A.; Leimenstrasse 51, Basle.
Metallwerke A. G.; Dornach.
Metallwerke Refonda A. G.; Zurich.
Metzger & Cie. Robert, Location de Wagons-Reservoirs S. A.; Place et Rue des Grottes 1, Geneva.

Mezritz, Denis; Rue de la Navigation 11–13, Geneva.
Mineral & Metall A. G. (Mineral & Metal S. A.); Bahnhofplatz 225, Chur, and Talstrasse 15, Zurich.
Minerva-Auto-Mobilen, A. G. für den Verkauf in der Schweiz von; Utoquai 29, Zurich.
Minimax, A. G.; Muhlenbachstrasse 28, Zurich.
Mobiliare Verkehrs A. G.; Pelikanstrasse 8, Zurich.
Moebius, H. & Sohn; Neuhausstr. 15, Basle.
Moje, Heinrich; Todistrasse 16, Zurich.
Montaner, Juan; Rue du vieux College, Geneva.
Moos, Gebruder & Söhne; Kreuzlingen.
Morf, Ernst; Nuerensdorf.
Movag Editions de Mode; Stadtelhoferstrasse 42, Zurich.
Mueller, Albert F.; Monbijoustrasse 91, Berne.
"Mundus" Allgemeine Handels und Industrie A. G.; Bahnhofstrasse 38, Zug.
Naruva, S. A.; Place de Cornavin, Geneva.
Neuss, Johann; Seefeldstrasse 14, and Uraniastrasse 35, Zurich.
Noerpel C. E., Friedrichshafen, Filiale St. Gallen; Postrasse 22, St. Gallen.
"Non Ferrun" Gesellschaft Zur Finanzierung von Unternehmungen des Bergbaus und der Industrie der Nichteisenmetalle A. G.; Bahnhofstrasse 45, Zurich.
Nordisk Films Co. S. A.; Uraniastrasse 33, Zurich.
Nur, Mahomet Thabet Abdul; Zurich and Geneva.
Oberrhein Reederei & Kohlenhandels A. G.; Nauenstrasse 63A, Basle.
Officine del Gottardo S. A. für Elektro-Chemische Industria.; Bodio, Tessin.
Olivieri, S. A., Giuseppe; Chiasso.
Orbis, S. A.; Feldeggweg 1, Berne.
Orenstein & Koppel, A. G. für Feld und Kleinbahnen Bedarf; Weinbergstrasse 15, Zurich.
Orion-Automobil-Werkstatten; Hardturmstrasse 185, Zurich.
"Osa" Industrielle Beteiligungen A. G.; Fasenstaubstrasse 30, Schaffhausen.
Osram, A. G.; Limmatquai 3, Zurich, and all branches in Switzerland.
Pagani, Butti e Basilico Trasporti Internazionali Globus, Succ. ad Oscar Negri et Cie.; Via Internazionale 8, Chiasso.
Parisi, Francesco; Paradeplatz 5, Zurich.
Paukner, Emil; Repfergasse 13, Schaffhausen.
Pauly, Walther; Gotthardstrasse 61, Zurich.
Pauly Jnr., Walther; Oberrieden, Zurich.
Pelikan A. G.; Bachofnerstrasse 8, Zurich.
"Petrowag" Petroleumwerke A. G.; Poststrasse 2, Chur.
Pfaff Nahmaschinenfabrik (Heinrich Gelbert); Bahnhofstrasse 100, Zurich.
Pfeiffer, A. & Co.; Feuerthalen, Schaffhausen.
Pfister, A.; Gessneralle 34, Zurich.
Pfister, Carl; Wohlen.
Pfrunder, Oscar; Loewenstrasse 59 Zurich.
Picard, Roger Gaston; Rue de Hesse 8–10, Geneva.
"Pila" A. G.; Bahnhofstrasse, Zurich.
Pilatus Flugzeugfabrik; Stans, Nidwalden.
Platter, Hans; Rutilstrasse 15, Winterthur.
Plesch, Arpad; Ave. Victor-Ruffey 2, Lausanne.
Poldi Prague, Aciéres (Poldihütte Prag. Zweigniederlassung Genf.); Rue des Terreaux du Temple 3–7, Geneva.
Poldihütte Prag. Zweigniederlassung Zurich; Limmatstrasse 23, Zurich.
Polizza Immobili S. A.; Via Pretorio 2, Lugano.
Ponti, Gennari et Cie.; Rue des Vieux Grenadiers 7, Geneva.
"Pragma" A. G.; Bankstr., Glarus.
Processi Palazzo S. A.; Mesocco.
Proditti Brioschi S. A.; Balerna.
Produits Cirio, S. A.; Rue de la Tour de l'Ile 1, Geneva.
Produits Magnesiens S. A., des; Viaduktstrasse 60, Basle.
Raab, M.; Sihlstrasse 34 and Neuschelastrasse 24, Zurich, and Rue Contamines 17, Geneva.
Raviola, Adolphe; Rue de la Scie 4–6, Geneva.
Reclam & Cie; Im Eisenen Zeit 8, Zurich.
Resinelli, Dionigi; Bellinzona.
Ressort A. G., für Patentverwertung; Bahnhofstrasse 23, Zug.
Rhein und See Transport A. G.; Riehenstrasse 145, Basle.
"Rhenus" A. G. für Schiffahrt & Spedition ("Rhenus" S. A. de navigation et d'expédition); Hafenstrasse 13, Basle.
Rhone-Poulenc, Soc. des Usines Chimiques; Dardagny, nr. Geneva.
Risso, Oddone-Roberto, Dott; Tobelhofstrasse 227, Zurich.
Rivoire e Milano C. A. Succursale di Chiasso; Chiasso.
"Roba" Schiffahrtsagentur un Lagerhaus A. G.; Muenchenstein and Basle.
Roch, Karl; Spluegenstrasse 4, Zurich.
Röchling & Co., Bank; St. Alban-Anlage 2A, Aeschenplatz, Basle.
Rodopia, Societe de Gestion; Geneva.
Roechling & Cia. A. G.; Seevogelstrasse 1, Basle.
Roechling Stahl A. G.; Hardstrasse 225, Zurich, and at Basle.
Rohner A. G., Chemische Fabrik; Pratteln.
Röhren-Handels-Gesellschaft Zurich; Limmatquai 72, Zurich.
Rotopulsor A. G.; Fronwagplatz 9, Schaffhausen.
Rubber Investment A. G.; Bahnhofstrasse 55, Zurich.
Ruhr-und-Saar Kohle A. G.; Basle.
Rupp & Co., Chs.; Talstrasse 11, Zurich and Bahnhofstrasse 22, Erlenbach.
S. A. I. M. A. Societe Anonima Innocente Mangili Adriatica; Palazzo Bankverein, via Internazionale, Chiasso.
"S. C. E. I." Soc. Commissionaria di Esportazione e di Importazione (Kommissiongesellschaft für Aus-und-Einfuhr. K. A. E.); Nueschelerstrasse 30, Zurich.
S. Serumwerk A. G.; Mittlerestrasse 19, Basle.
Sacaf (S. A. pour le commerce des Automobiles Fiat en Suisse); Route de Lyon 100, Geneva, and all branches in Switzerland.
Sachsische Metallwarenfabrik A. G.; Zurich.
Sacom—Commissionaria S. A.; Via Nassa 29, Lugano.
Salamander Schuh A. G. Zurich; Bahnhofstrasse 72, Zurich.
Sander A. G., Ernest; Freigutstrasse 7, Zurich.
Saprochi S. A.; Rue la Navigation 13, Geneva.
"Saten", S. A. Tessuti Novita; Corso San Gottardo, Chiasso.
Sauerstoff under Wasserstoffwerk A. G.; Lucerne.
Saurenhaus & Co., Max; Gundeldingerstr. 190, Basle.
Schaerer, M., A. G.; Wallgasse 2, Berne, and all branches in Switzerland.
Schaffhauser Strickmaschinenfabrik (Fabrique de Machines a Tricoter de Schaffhouse); Moserstrasse 23, Schaffhausen.
Schaffner, Emil A.; Stampfenbachstrasse 67, Zurich.
Schairer, Gottlieb, Liestal.
Schenker & Co. A. G.; Buchs, St. Gallen.
Schenker-Unternehmungen Holding A. G.; Mythenquai 20, Zurich.
Schmucki, Max A.; Elisabethenstr. 1, Basle.
Schmucki-Schlageter, Max; Elisabethenstr. 1, Basle.
Schneider, Alexander; Via Nassa 29, Lugano.
Schneider, Ernst, Photographische Kunstanstalt Berlin Zweigniederlassung Zurich; Möhrlistrasse 101, Zurich.
Schoeller, Bleckmann, & Cie. Stahlhaus; Limmatstrasse 183, Zurich.
Schoellkopf, Hermann A. G.; Beethovenstrasse 38, Zurich.
Schriesheimers Sohn, Max; Bahnhofstrasse 31, Kreuzlingen.
Schroder, Hans (Dr.); Habsburgstrasse 19, Berne, and at Muri.
Schwabenland & Co. A. G. Zurich; Nueschelerstrasse 44, Zurich.
Schweiz, Italien A. G.; Bahnhofstrasse 80, Zurich.
Schweizerische Filiale der Langbein Pfanhauser Werke, A. G.; Schaffhauserstrasse 228, Zurich.
Schweizerische National Versicherungs Gesellschaft; Steinengraben 39–41, and Leimenstrasse 30, Basle.
Seiden Textile A. G.; Talstrasse 14, Zurich.
Seligman, Schurch & Co., Hans; Kaufhausgasse 7, Basle.
"Semperit" Central Agentur für Gummiwaren A. G.; Hirschgasse 6, Basle.
Senking, A., A. G.; Walchestrasse 34, and Stampfenbachstrasse 69, Zurich.
Siemens & Halske; Zurich.
Siemens Elektrizitats Erzeugnisse A. G.; Loewenstrasse 35, Zurich, and at Berne.
Siemens S. A. des Produits Electrotechniques; Place de la Gare 12, Lausanne.
Sigolin A. G.; Reinacherstrasse 131, Basle.

Mezritz, Denis; Rue de la Navigation 11–13, Geneva.
Mineral & Metall A. G. (Mineral & Metal S. A.); Bahnhofplatz 225, Chur, and Talstrasse 15, Zurich.
Minerva-Auto-Mobilen, A. G. für den Verkauf in der Schweiz von; Utoquai 29, Zurich.
Minimax, A. G.; Muhlenbachstrasse 28, Zurich.
Mobiliare Verkehrs A. G.; Pelikanstrasse 8, Zurich.
Moebius, H. & Sohn; Neuhausstr. 15, Basle.
Moje, Heinrich; Todistrasse 16, Zurich.
Montaner, Juan; Rue du vieux College, Geneva.
Moos, Gebruder & Söhne; Kreuzlingen.
Morf, Ernst; Nuerensdorf.
Movag Editions de Mode; Stadtelhoferstrasse 42, Zurich.
Mueller, Albert F.; Monbijoustrasse 91, Berne.
"Mundus" Allgemeine Handels und Industrie A. G.; Bahnhofstrasse 38, Zug.
Naruva, S. A.; Place de Cornavin, Geneva.
Neuss, Johann; Seefeldstrasse 14, and Uraniastrasse 35, Zurich.
Noerpel C. E., Friedrichshafen, Filiale St. Gallen; Postrasse 22, St. Gallen.
"Non Ferrun" Gesellschaft Zur Finanzierung von Unternehmungen des Bergbaus und der Industrie der Nichteisenmetalle A. G.; Bahnhofstrasse 45, Zurich.
Nordisk Films Co. S. A.; Uraniastrasse 33, Zurich.
Nur, Mahomet Thabet Abdul; Zurich and Geneva.
Oberrhein Reederei & Kohlenhandels A. G.; Nauenstrasse 63A, Basle.
Officine del Gottardo S. A. für Elektro-Chemische Industria.; Bodio, Tessin.
Olivieri, S. A., Giuseppe; Chiasso.
Orbis, S. A.; Feldeggweg 1, Berne.
Orenstein & Koppel, A. G. für Feld und

Picard, Roger Gaston; Rue de Hesse 8–10, Geneva.
"Pila" A. G.; Bahnhofstrasse, Zurich.
Pilatus Flugzeugfabrik; Stans, Nidwalden.
Platter, Hans; Rutlistrasse 15, Winterthur.
Plesch, Arpad; Ave. Victor-Ruffey 2, Lausanne.
Poldi Prague, Aciéres (Poldihütte Prag. Zweigniederlassung Genf.); Rue des Terreaux du Temple 3–7, Geneva.
Poldihütte Prag. Zweigniederlassung Zurich; Limmatstrasse 23, Zurich.
Polizza Immobili S. A.; Via Pretorio 2, Lugano.
Ponti, Gennari et Cie.; Rue des Vieux Grenadiers 7, Geneva.
"Pragma" A. G.; Bankstr., Glarus.
Processi Palazzo S. A.; Mesocco.
Proditti Brioschi S. A.; Balerna.
Produits Cirio, S. A.; Rue de la Tour de l'Ile 1, Geneva.
Produits Magnesiens S. A., des; Viaduktstrasse 60, Basle.
Raab, M.; Sihlstrasse 34 and Neuschelastrasse 24, Zurich, and Rue Contamines 17, Geneva.
Raviola, Adolphe; Rue de la Scie 4–6, Geneva.
Reclam & Cie; Im Eisenen Zeit 8, Zurich.
Resinelli, Dionigi; Bellinzona.
Ressort A. G., für Patentverwertung; Bahnhofstrasse 23, Zug.
Rhein und See Transport A. G.; Riehenstrasse 145, Basle.
"Rhenus" A. G. für Schiffahrt & Spedition ("Rhenus" S. A. de navigation et d'expédition); Hafenstrasse 13, Basle.
Rhone-Poulenc, Soc. des Usines Chimiques; Dardagny, nr. Geneva.
Risso, Oddone-Roberto, Dott; Tobelhofstrasse 227, Zurich.
Rivoire e Milano C. A. Succursale di Chiasso; Chiasso.

Sacaf (S. A. pour le commerce des Automobiles Fiat en Suisse); Route de Lyon 100, Geneva, and all branches in Switzerland.
Sachsische Metallwarenfabrik A. G.; Zurich.
Sacom—Commissionaria S. A.; Via Nassa 29, Lugano.
Salamander Schuh A. G. Zurich; Bahnhofstrasse 72, Zurich.
Sander A. G., Ernest; Freigutstrasse 7, Zurich.
Saprochi S. A.; Rue la Navigation 13, Geneva.
"Saten", S. A. Tessuti Novita; Corso San Gottardo, Chiasso.
Sauerstoff under Wasserstoffwerk A. G.; Lucerne.
Saurenhaus & Co., Max; Gundeldingerstr. 190, Basle.
Schaerer, M., A. G.; Wallgasse 2, Berne, and all branches in Switzerland.
Schaffhauser Strickmaschinenfabrik (Fabrique de Machines a Tricoter de Schaffhouse); Moserstrasse 23, Schaffhausen.
Schaffner, Emil A.; Stampfenbachstrasse 67, Zurich.
Schairer, Gottlieb, Liestal.
Schenker & Co. A. G.; Buchs, St. Gallen.
Schenker-Unternehmungen Holding A. G.; Mythenquai 20, Zurich.
Schmucki, Max A.; Elisabethenstr. 1, Basle.
Schmucki-Schlageter, Max; Elisabethenstr. 1, Basle.
Schneider, Alexander; Via Nassa 29, Lugano.
Schneider, Ernst, Photographische Kunstanstalt Berlin Zweigniederlassung Zurich; Möhrlistrasse 101, Zurich.
Schoeller, Bleckmann, & Cie. Stahlhaus; Limmatstrasse 183, Zurich.
Schoellkopf, Hermann A. G.; Beethovenstrasse 38, Zurich.

Sisal A. G. ("Sisal" S. A.); Platz 13, Schaffhausen.
Societé de Crédits Internationaux S. A.; Rue de la Tour de l'Ile 1, Geneva.
Soennecken, F. Bonn Zweigniederlassung Zurich; Loewenstrasse 17, Zurich.
"Sofitec", Soc. Financière et Technique; Basle.
Sola S. A.; Chemin de Beth 41, Cologny, Geneva.
Somatra Umschlags-und Transport A. G.; St. Jakobstrasse 1, Basle.
Sosico A. G.; Konkordiastrasse 22, Zurich.
"Sotag" Automobil Handels A. G.; Kreuzstrasse 4, Zurich.
Spahn, Carl Alfred (Dr.); Bahnhofstr. 1, Zurich.
Spiesshofer & Braun; Zurzach.
Springer & Möller A. G.; Neugasse 55 & 61, Zurich.
Stadler, Theodor; Dornach, and Industriestrasse 25, Arlesheim.
Stahl-Holding Co. A. G.; Schanzengraben 27, Zurich.
Stallmann Gebruder; Heiden.
Steckborn Kunteide A. G.; Steckborn.
Steyr Solothurn Waffen A. G.; Bahnhofstrasse 89, Zurich.
Steyr-Automobile A. G. Generalvertretung für; Albisriederplatz 3, Zurich.
Steyr-Daimler-Puch A. G. Vertriebsaktiengesellschaft der; Albisriederplatz 3, Zurich.
Stockwerkzeuge und Maschinen Verkaufs A. G.; Güterstrasse 88, Basle.
Storz, Hans; St. Moritzstrasse 21, Zurich.
Straehl & Co., Friedrich; Nationalstrasse 19, Kreuzlingen.
Strassberger, Paul; Via Canova 7, Lugano.
Straub, Ernst, Konstanz Filiale Zurich; Limmatstrasse 45, Zurich.
Stromeyer, L. & Cie; Poststrasse 50, Kreuzlingen.
Stromeyer M., Kohlenhandel A. G.; Nauenstrasse 63, Basle, and all branches in Switzerland.
Sturzenegger, H. & Co.; St. Jakobstrasse 22, Basle.
Styria Stahl A. G.; Ausstellungstrasse 104, Zurich.
Tabacchi, Soc. Commerciale di; Lugano.
Tarex S. A.; La Jonction, Geneva.
Tavaro S. A.; Ave. d'Aire 44, Geneva.
Technik & Finanz A. G.; St. Jakobstrasse 22, Basle.
Teerfarben A. G.; Bahnhofstrasse 55, Zurich.
Telefunken Gesellschaft fuer Drahtlose Telegraphie G. m. b. H. Berlin; Stampfenbachstrasse 12, Zurich.
Telefunken Zurich A. G.; Stampfenbachstrasse 13, Zurich.
Tessuti Novita S. A. "Saten"; Corso San Gottardo, Chiasso.
Themis Finanz-Gesellschaft; Bahnhofstrasse 23, Zug.
Thonet-Moebel A. G.; Hebelstrasse 5, Basle.
Tillmanns - Schmidt Riloga - Werk; Wängi.
"Tobis" Film-Verleih A. G.; Talstrasse 15, Zurich.
Togal A. G.; Stradelhoferstrasse 40, Zurich.
Togalwerk Gerhard F. Schmidt A. G.; Via Morella 2, Massagno.
Transit Transportgesellschaft m. b. H. Singen a. H. Filiale Schaffhausen; Bahnhofstrasse 54, Schaffhausen.
Travaux Publics et Constructions en Generale; Bahnhofstrasse 89, Zurich.
"Tungsram" Elektrizitats, A. G.; Bederstrasse 1, Zurich.
Uhren A. G. vormals Mauthe Uhren A. G.; Uraniabrucke 6, Zurich.
Ultramar A. G.; Schwanden, Glarus.
Uma A. G.; Postrasse 2 (Bureau Dr. Mettler), Chur.
Union Rückversicherungs Gesellschaft (L' Union Societe de Reassurrances); Alpenquai 3, Zurich.
Universale Rückversicherungs A. G.; Bahnhofstrasse 1, Zurich.
Valmobil S. A.; Rue de la Tour de l'Ile 1, Geneva.
Vannay & Fils S. A., Paul; Rue du vieux College, Geneva.
Vapor, A. G.; Alpenstrasse 14, Zug.
Veenendaal, J. C.; Nueschelerstrasse 30, Zurich.
Verkaufsgesellschaft der Mielewerke A. G. in Zurich; Schaffhauserstrasse 472, Zurich.
Veron, J., Grauer and Cie. S. A.; Rue de Mont Blann 22, Geneva, and Hoehstr. 55, Basle.
Vinci & Bischler; Ave. de Champel 19, Geneva.
Viscose Suisse A. G., Soc. de la; Emmenbruecke.
Vlasov, Alexander; Lausanne.
"Vulkan" Kohlenhandels A. G.; Peterstrasse 1, Zurich.
Waffenfabrik Solothurn A. G.; Solothurn.
Wagner A. G., Gunther; Bachofnerstrasse 8, Zurich.
Wagner, Alfred; Loewenstrasse 11, Zurich.
Webendoerfer Gebr. Hamburg Zweigniederlassung; Zurich.
Weiss, Gebruder; Buchs, St. Gallen, and all branches in Switzerland.
Werkzeug-Union G. m. b. H.; Zurich.
Werkzeugmaschinenfabrik Oerlikon, Bührle & Co.; Birchstr. 155, Zurich.
Wiegering, Gottfried; Dolderstrasse 111, Zurich.
Willach & Söhne, Hugo; Konstanzerstrasse 40, Kreuzlingen.
Winterstein & Co.; Zurich.
Wiskemann, Otto & Albin; Seefeldstrasse 222, Zurich.
Wittkop & Co.; Beckenried.
Wolff, F. and Son, G. m. b. H.–Karlsruher Parfumerie & Toiletteseifenfabrik; Grenzacherstrasse 63, Basle.
Wys Müller & Co. Amsterdam Zweigniederlassung Zurich; Paradeplatz 5, Zurich.
Zapp, Robert A. G.; Konradstrasse 78, and Schanzengraben 27, Zurich.
Zeitungs A. G.; Aeschenvorstadt 50, Basle.
Zeller, Emil; Dolderstrasse 96, Dolderburg, Zurich.
Ziegler & Cie.; St. Gallerstrasse 152, Winterthur.
Zuest & Bachmeier S. A.; Chiasso.

TURKEY[1]

A. E. G. (A. E. G. Turk A. Elektrik S. Umumiyesi); Galata, Istanbul.
Aachener & Munchener Feuer V. A. G.; Ahen-Munih Han, Istanbul.
Aboressi, Bohor M.; Yusufyan Han 28, Fincancilar Cad., Istanbul.
Aciman ve Ortaklari, Moiz; Istanbul.
Adler Dikis Makineleri K. ve A. Valasakis; Rizapasa Yokusu 48, Istanbul.
Adriatica S. Vapur Agentasi; Galata, Istanbul.
Aliotti Biraderler E. K. Sti; Kazim Dirik Cad., Izmir.
Allianz und Stuttgarter Verein V. A. G.; Anadolu Han, P. O. Box 79, Istanbul.
Aperio, Pol J.; Atatürk Cad. 92, Izmir.
Arev, Mamigon V.; Asian Han 4–5, Persembepazar, Istanbul.
Assicurazioni Generali.; Sigorta Han, Galata, Istanbul, and all branches in Turkey.
Austro-Turk, Tutun Sirketi; Corakkapi 1264, Izmir.
Azer, Abdullah Tehnik Buro; Yenishehir Konur Sok, 20, Ankara.
Azer, Muhendis Abdullah; Yenishehir Konur Sok, 20, Ankara.
Badetti, Emilio A.; Ismailpasa Han, Sirkeci P. O. Box 357, Istanbul.
Badetti, Umberto.; Ismailpasa Han, Sirkeci P. O. Box 357, Istanbul.
Badische Assekuranz Ges. A. G.; Hudavendigar Han, Istanbul.
Balhause, Fritz; Kerasund.
Banca Commerciale Italiana; Istanbul and Izmir.
Banco di Roma S. A.; Istanbul and Izmir.
Behar, Jules; Kurucesme, Istanbul.
Behr, Werner; Izmir.
Berghaus, Walter (H. Hartel); Yusufides Han, Istanbul.
Bertamini, Edward; Mersin.
Biller, Carol; Yogurtcu Sok, 19, Bebek and Eski Gumruk 40, Istanbul.
Buchtele, Alfred; Unyon Han 64, Istanbul.
Burghard, P.; Divanyolu Emin Vafi Evi Yaninda Yeni, Istanbul.
C. I. T., Cia. Italiana di Turismo; Quais de Galata 157–159, Hudavendigar Han, P. O. Box 1030, Istanbul, and all branches in Turkey.
Caino, Albert C.; Eminbey Han 12, Sultanhaman, P. O. Box 162, Istanbul, and all branches in Turkey.
"Cay Is" Tecim Evi (Ed. Bertamini); Mersin.
Cifci Zade (Export Turk Sirketi Ltd.); Mersin and Istanbul.
Coloyan, Kerope; Antreposu 4 Cu Kat 15, Sirkeci, Istanbul.
Comptoir de Representations; Birinci Kordon, Izmir.
Cuhaci, Mirza Ali; Tahtakale, Menase Han 45, Istanbul.
D. K. W.; Istiklal Cad. 28, Istanbul.
Dabkovic ve Sur; Frekyan Han 3, Galata, Istanbul.

[1] The following deletions have been made with this revision: U. M. N. A. K.—Umumi Nakliyat ve Komisyon Ltd.; Vahif Han 6, Galata, Istanbul. Serattaroglu Kardaslar (Aktarlar); Istanbul.

Danielsen, P. P.; Trebizond, and all branches in Turkey.
Danon Fils, Heskia; Asirefendi Cad. 37, Imar Han 4, Istanbul.
Deutsche Bank; Istanbul.
Deutsche Levante Linie; Havagimyan Han 3, Galata, Istanbul, and all branches in Turkey.
Deutsche Lufthansa A. G., Berlin; Kefeli Huseyin Han, Istanbul.
Deutsche Orientbank (Filiale der Dresdner Bank); Istanbul and Izmir.
Deutscher Lloyd V. A. G.; Istanbul.
Donau Allgemeine V. A. G.; Danub-Sigorta Han, Galata, Istanbul.
Dumani, Edward B.; Mersin.
Egolf, J.; Buyuk Kardicali Han 21–22, Izmir.
Ehrengruber, Richard; Yogurcu Han 6, Persembepazar, Galata, Istanbul.
Ekrem, Ural; Sultanhamam, Yesilderek, Setvan Han 25, Istanbul.
Elektron T. A. S.; Voyvoda Cad. 58–62, Galata, Istanbul.
Erses, Necip; Cemberlitas, Istanbul.
Faraggi, Leon (Faraci); Nisantasiyan Han, Galata, Istanbul.
Felemenk Turk Anon, Tutun S.; P. O. Box 1296, Galata, Istanbul, and at Izmir.
Feustel, Hans Walter; Kefeli Han alt. 45, Galata, Istanbul.
Fiat Otomobil Sirketi Istanbul Subesi; Taksim, Koatebek S., Istanbul.
Fing, Otto; Izmir.
Flottmann; Vis a Vis, Karakoy Palas, Istanbul.
Fonzi, Carlo; Trebizond.
"Fratelli Aliotti"; Kazim Dirik Cad., Izmir.
Frey, Adolf; Istanbul.
Froehlich C., Halefi Dr. Ernest Ruff ve Sirketi y Topuzoglu; Manhayim Han, Galata, Istanbul.
Frohlich, C.; Kendros Han 6, Istanbul.
Galadini, Commandant E. Bucci; Galata, Istanbul.
Gallerini, Vittorio; Katircioglu Han, Istanbul.
Gassner, Hans G.; Kuto Han 12, Galata, Istanbul.
Giudici, Umberto; Bornova Sok. 86, Alsancak, Izmir.
Grunstein, L.; Nisantasiyan Han, Galata, Istanbul.
Hausmann, Kurt; Ortakoy, Divanyolu 105, Emin Vafikkosku, Istanbul.
Hermann, Hugo; Kredi Liyone Han, Istanbul.
Hohstrasser ve Ssi; Istanbul, and all branches in Turkey.
Hohtif, A. G. (Hoch & Tiefbauten); Istiklal Cad. 209, Galata, Istanbul.
Hollenbach-Boeck; Abdulhakhamit Cad. 72, Taksim, P. O. Box 1481, Istanbul.
"Holtab" Hollandsche Tabak Mij; P. O. Box 1296, Galata, Istanbul, and at Izmir.
Holzmann, A. G. Philipp; Galata, Istanbul.
Ilkbasan, Osman; Cemberlitas, Istanbul.
Inderau, Dimitri; Voyvoda Cad. 32, Galata, Istanbul.
Inderau, F. & D.; Voyvoda Cad. 32, Galata, Istanbul.
Inderau, Friederich; Voyvoda Cad. 32, Galata, Istanbul.
Inkisaf Ticaret, Anadolu Sirketi Ltd.; Yenigun 1329 ncu S, Izmir, and all branches in Turkey.
Instituto Nazionale Delle Assicurazioni; Karakoy Palas, Galata, Istanbul.
Jansen, Helmuth; Avaspasa, Kunt Palace 8, Beyoglu, P. O. Box 2222, Istanbul.
Jogna, Emilio; Rihtimi Kefeli Han 13, Galata, Istanbul.
Kadlec; Unyon Han 64, Istanbul.
Kapps, Andreas; Istiklal Cad. 390, Istanbul.
Karlman, Pasaji (Carlmann); Istikal Cad. 290, Beyoglu, Istanbul.
Kaslowski, Luigi; Asirefendi Cad., Basiret Han, Istanbul.
Kastoryano, Marko; Istanbul.
Kimya ve Ecza Maddeleri, T., Sirketi Ltd.; Imar Han, Istanbul.
Kraft, Fred W.; Marmara Han, Galata, Istanbul.
Kraft ve Ostrowsky (Fred W. Kraft); Marmara Han, Galata, Istanbul.
Krupp Germanya Verft A. G. (Fried Krupp A. G. Essen); Kasimpasa, Istanbul.
Ksantopulo, A.; Canakkale.
Kumbaracilar, Dr. Sedad; Erenkoy Etem Efendi Cad. 23, Istanbul.
Latif, Akif; Fatih, Tramvay Duragi Yerinde 84, Istanbul.
Leonardi, Ulisse, Tahtakale Cedid Han, Istanbul.
Levant Marine Insurance & Reinsurance Co. (Levant Soc. Italiana di Assicurazioni e Riassicurazion); Istanbul.
Levante, Emilo; Mersin.
Levante & Co.; Iskenderun.
Lipovatz, Constantine; P. O. Box 283, Izmir.
Lochner, Heinrich; Izmir.
L'Orient d'Assurances S. A.—Sark Sigorta Anonim Sirketi; Sark Han, Galata, Istanbul.
Magdeburger Feuer V. G.; Bahtiyar Han, Voyvoda Cad. Galata, Istanbul, and at Izmir.
Mainetti, Maurice; Atatürk Cad. 62, Izmir.
Mannheimer V. G.; Rue Kurekciler, Manhaym Han, Istanbul.
Marinelli, Giuino; Izmir.
Mayer, Evald; Istanbul.
Medina, Cav. Giulio de; Hacopulo Han 42–43, Istanbul.
Medina do Ogüst (August de Medina); Hacopulo Han 42–43, Istanbul.
Meissner, Heinrich; Bosfor Han, Galata, Istanbul.
Menger, Ahmet Veli; Assikurazione Generali Han, Galata, Istanbul.
Mercedes; Voyvoda Cad., Istanbul.
Metaxas, N. Z.; Frenkyan Han, Galata, Istanbul.
Missir, Emil; Cumhuriyet Medani, P. O. Box 219, Izmir.
Moscovitz, Rubin; Nisantasiyan Han, Galata, Istanbul.
Motola, Yusuf; Menase Han 37, Tahtakale, Istanbul.
Müller, C. A. ve Sür; Minerva Han 2, Galata, Istanbul.
Musacco, Domenico; Izmir.
Naumann Makineleri Satis Turk Ltd. S.; Hezera Sok, 132–143, Galata, Istanbul.
Nigri, Francisco (Sucr. R. Casaretto & Figli); Sark Han, Galata, Istanbul.
Nord Deutsche V. G.; Vitol Han 8, P. O. Box, 282, Istanbul, and at Izmir.
Nordstern Allgemeine V. A. G.; Voyvoda Cad., Danub-Sigorta Han, Galata, Istanbul.
Ohanyan, Margyros; Mahmudpasa, Kurkcu Han 1 and 5, Istanbul.
Ohanyan, Mihran M.; Mahmudpasa, Kurkcu Han 1 and 5, Istanbul.
Ohanyan, Mihran M. "Beyaz Tiiki"; Kurk Ticarethanesi, Istiklal Cad. 395, Beyoglu, Istanbul.
Ojalvo, Jacques; Cicekpazar, Ostratyadi Han 3, Istanbul.
Omnipol Turk Sirketi Ltd. (formerly Omnipol Mahmut Mesuliyetli, Ticaret Sirketi); Guven Han 55, Galata, Istanbul, and all branches in Turkey.
Orak, Suha Fazli; Bozkurt Han, Istanbul, and at Ankara.
Orenstein und Koppel A. G. (Berlin); Sazmas S. Bahcekapi Tas Han, Istanbul.
Orient Export Ltd.; Sultanhamam, Vakif Han, Istanbul.
Papagno, A. & Co.; Izmir.
Parisi, Francesco (Representative Ermanno Rappaport); Taksim, Lamartin Cad. 9, P. O. Box 1304, Istanbul and at Izmir.
Parma, A.; Sultanhamam, Selvelli Han 9–11, Istanbul, and Kardicali Han 57, Izmir.
Paykuric, H.; Frenkyan Han, Galata, Istanbul.
Perpignani, Carlo; Persembepazar, Arslan Han 4, Galata, Istanbul.
Perpinyani, Karlos; Persembepazar, Arslan Han 4, Galata, Istanbul.
Pesah, Ilya I. Levi & Y. Zevulum; Emniyet Ticaret Evi, Cicek Pazar, Altiparmak Han 10, Istanbul.
Petrini, Michel; Erler 895, nci Sokak 25, Izmir.
Pinarsoy, Haydar; Cemberlitas, Istanbul.
Pinarsoy, Haydar ve Necip Erses; Cemberlitas, Istanbul.
Pisani, K. Aleksandr; Anadolu Han 23, Istanbul.
Platner, Otto; Nordstern Han, Galata, Istanbul.
Praga Eksport Mühendis Abdullah Azer ve Ortak. Kollek; Unyon Han 64, Istanbul.
Rappaport, Ermanno (Francesco Parisi); Taksim, Lamartin Cad. 9, P. O. Box 1304, Istanbul, and at Izmir.
"Reemtsma"; Galata, Istanbul, and all branches in Turkey.
Reggio & Musacco, D.; Izmir.
Reppen, Theodore; Frankyan Han, Galata, Istanbul.
Rheydt Kabiwerk; Vis a Vis Karakoy Palas, Istanbul.
Riunione Adriatica di Sicurta; Sark Han, Galata, Istanbul, and at Izmir.
Riza Dervis ve Ortagi; Imar Han, Istanbul.
Rocchi, Gaetano de (Gaytano di Roki); Tahmisonu Trifonidis Han 20, Tacir, Istanbul.
Romano, G.; Atatürk Cad. 144, Izmir.
Rosenfeldt, Charles; Alasa Appt., Ayas Pasa, Istanbul.
Ruff, Edmund; Manhayim Han, Galata, Istanbul.
Ruff, Ernest (Dr.); Manhayim Han, Galata, Istanbul.
Ruff, Heda; Manhayim Han, Galata, Istanbul.
Russo, Salamia; Canakkale.
Sadikoglu, Aslan ve Mahdumu (owners of S. S. "Sakarya" and S. S. "Galatasaray"); Kucu Han, Galata, Istanbul.

Sark Sigorta Anonim Sirketi (L'Orient d'Assurances S. A.); Sark Han, Galata, Istanbul.

Schenker & Co., A. G.; Turkey Milli Han, Galata, Istanbul.

Schering Kahlbaum A. G. (Berlin); Imar Han, Istanbul.

Schnur, Livio; Cicek Pasar, Altiparmak Han 15, Istanbul.

Seri Mekik Mensucat Fabrikasi; Kurucesme, Istanbul.

Silberman, S.; Nisantasiyan Koo, Galata, Istanbul.

Societie pour le Développement de Commerce en Orient Ltd.; Yenigun 1329 ncu S, Izmir, and all branches in Turkey.

"Sodor"; Yenigun 1329 ncu S. Izmir, and all branches in Turkey.

Solari, F., Ltd.; Atatürk Cad. 2 Izmir, and all branches in Turkey.

Sonmez, Sadeddin ve Logotheti, Mihal; Sirkeci, Korasancyan Han 35, Istanbul.

Sovelli, Alfredo; Mumbane, Muradiye Han, Galata, Istanbul.

Sperco, Fratelli (Sucrs. of Enrico Sperco Figli); Hudavendigar Han. P. O. Box 1030, Galata, Istanbul, and at Izmir.

Sperco, R. J.; Izmir.

Stinnes Rederay A. G., Hugo Vakif Han 6 ci, Galata, Istanbul.

Strakosch, Francesco; Hovagimyan Han, Galata, Istanbul.

Sud-Ost Spedition G. m. b. H.; Istanbul.

Telefonbeau & Normalzeit; Via a Vis, Karakoy Palas, Istanbul.

Telefunken Radyolari; Voyvoda Cad. 58–62, Galata, Istanbul.

Theodorides (Teadoridi ve Sirketi); Frenkyan Han, Galata, Istanbul.

Trakas, Francesco; Ankara.

Treves, Joseph; Nisantasiyan Han, Galata, Istanbul.

Tselepides; Istanbul.

"Turk Isi" (Ed. Bartamini); Mersin.

Türk Klöckner-Humboldt Deutz Ltd. S.; Cinar Han, Galata, Istanbul.

Turk Macar Ticaret Sirketi (Turkish Hugarian Commercial Co.); Yeni Sehir Cad., Ankara.

"Turkanil," Sabri Atayolu ve Sirketi; Minerva Han, Galata, Istanbul.

Unz, Eugen; Dr. Mustafabey Cad. 16, Izmir.

Unz, Max; Ahen-Munih Han, Galata, Istanbul and Izmir.

Vadasz, E.; P. O. Box 1047, Galata, Istanbul.

Vesco (Vesko), G.; Mumhane Cad. Yildiz Han 1, Galata, Istanbul.

Victoria zu Berlin Allgemeine V. A. G.; Kurekdjiler-Sok, Manhaym Han, Galata, Istanbul.

Voigtlander, u Sohn A. G. Braunschweig); Asirefendi Cad. Iman Han, Istanbul.

Weiss & Freitag A. G.; Sirkeci Palas 3, Istanbul.

Weisshaeupl, Ernst Rudolf; Besiktas, Cihannuma, Tekselvi Sok 3, Istanbul.

Wertheim; Minerva Han, Istanbul.

Westdeutsche Seil Indust; Via a Vis, Karakoy Palas, Istanbul.

Widmann, Marius; Mithatpaşa Han, Istanbul.

Widmann ve Seriki; Mithatpaşa Han, Istanbul, and all branches in Turkey.

Zandonati de R.; Bornova Kazakoglu S. 22, Izmir,

Zecker, Heinrich; Ahen-Munih Han, Galata, Istanbul.

[F. R. Doc. 42-1156; Filed, February 7, 1942; 10:44 a. m.]

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 987—COBALT

General Preference Order M–39 to Conserve the Supply and Direct the Distribution of Cobalt (as Amended February 7, 1942)

Section 987.1 is hereby amended to read as follows:

Whereas, the uncertainty of shipments of cobalt from abroad, and the national defense requirements for cobalt have created a shortage thereof, for defense, for private account, and for export and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now therefore, it is hereby ordered that:

§ 987.1 *General Preference Order M–39*—(a) *Definitions.* For the purposes of this order:

(1) "Cobalt" means and includes:

(i) Ores, concentrates, crudes, and residues, including beneficiated or treated forms containing cobalt (commercially recognized).

(ii) The element cobalt in any form, and combinations with other elements in which cobalt is an essential constituent.

(iii) All chemical compounds in which cobalt is an essential and recognizable component.

(iv) All scrap or secondary material containing commercially recoverable cobalt as defined in (i), (ii) and (iii) above, excluding cobalt-bearing iron and steel scrap.

(b) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(c) *Restrictions on deliveries—(1) Allocations.* Hereafter, no person shall make or accept delivery of cobalt except as specifically authorized by the Director of Industry Operations. The Director will from time to time allocate the supply of cobalt and specifically direct the manner and quantities in which deliveries to particular persons or for particular uses shall be made or withheld. The Director may also, in his discretion, require any person seeking to place a purchase order for cobalt to place the same with one or more particular suppliers. Such allocations and directions will be made to insure satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made in the discretion of the Director of Industry Operations without regard to any preference ratings assigned to particular contracts or purchase orders. The Director may also take into consideration the possible dislocation of labor and the necessity of keeping a plant in operation so that it may be able to fulfill defense orders and essential civilian requirements.

(2) *Reports.* Unless otherwise ordered by the Director of Industry Operations, no person shall be entitled to receive an allocation of cobalt unless, not later than the 20th day of the month next preceding the month in which delivery is desired, he shall have filed with the War Production Board and with any supplier with whom he may have placed a purchase order for cobalt, a report in the manner and form prescribed from time to time by the War Production Board: *Provided, however,* That subject to all the other provisions, restrictions, and limitations of this order and until further order by the Director of Industry Operations any person may receive deliveries during any calendar month up to but not exceeding an aggregate of 50 pounds contained cobalt without filing the reports required by this paragraph. Failure by any person to file a report in the manner and on the date required by this paragraph may be construed as notice to the Director of Industry Operations and to all suppliers of cobalt that such person does not desire an allocation of cobalt during the period to which such report would have been applicable.

(d) *Violations.* Any person who wilfully violates any provision of this order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(e) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this order, shall, unless otherwise directed, be addressed to the Cobalt Branch, War Production Board, Social Security Building, Washington, D. C., Reference: M–39.

(f) *Revocation of Supplementary Order M–39–a.* Supplementary Order M-39–a, issued by the Director of Priorities December 5, 1941, is hereby revoked.

(g) *Effective date.* This order shall take effect immediately upon its issuance, and unless sooner terminated by direction of the Director of Industry Operations, shall expire on the 30th day of June, 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6630; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended

by Public No. 89, 77th Congress, First Session)

Issued this 7th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1148; Filed, February 7, 1942; 10:34 a. m.]

PART 987—COBALT

Conservation Order No. M-39-b Curtailing the Use of Cobalt in Certain Items

Whereas, national defense requirements have created a shortage of cobalt for the combined needs of defense, private account, and export; and the supply now is and will be insufficient for defense and essential civilian requirements unless its use in the manufacture of many products where such use is not absolutely necessary for the defense or essential civilian requirements is curtailed or prohibited as hereinafter provided;

Now, therefore, it is hereby ordered that:

§ 987.3 *Conservation Order M-39-b*—(a) *Prohibition on use of cobalt in articles appearing on List A.* (1) Between February 1 and April 30, 1942, inclusive, no person shall use in the manufacture of any item on List A more cobalt than 40% of the cobalt used by him for such item during the first six months of 1941.

(2) Effective May 1, 1942, no cobalt shall be used in the manufacture of any item on List A.

(b) *Limitation on all other uses of cobalt.* (1) Between February 1 and March 31, 1942, inclusive, no person shall use in the manufacture of any article not covered by paragraphs (a) or (c) of this section more cobalt than 23% of the cobalt used by him for such article during the first six months of 1941.

(2) Beginning April 1, 1942, no person shall use during any calendar quarter in the manufacture of any article not covered by paragraphs (a) or (c) of this section more cobalt than 35% of the cobalt used by him for such article during the first six months of 1941.

(c) *General exceptions.* Where and to the extent the use of any less scarce material is impracticable, the prohibitions, limitations and restrictions contained in paragraphs (a) and (b) of this section shall not apply to the use of cobalt in the manufacture of any item, or for any of the uses set forth on List B attached, nor in the manufacture of any item which is being produced:

(1) For delivery under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act) if in any such case the use of cobalt to the extent employed is required by the specifications of the prime contract, or

(2) To comply with Safety Regulations issued under government authority, provided the pertinent provisions of such regulations were in effect both on December 1, 1941, and on the date of such use, and specifically and exclusively require the use of cobalt to the extent employed;

(3) With the assistance of a preference rating of A-1-j or higher.

(d) *Prohibitions against sales or deliveries.* No person shall hereafter sell or deliver cobalt to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this order.

(e) *Limitation of inventories.* No manufacturer shall receive delivery of cobalt, (including scrap), or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of cobalt products by this order.

(f) *Miscellaneous Provisions*—(1) *Applicability of priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(2) *Appeal.* Any person affected by this order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of cobalt conserved, or that compliance with this order would disrupt or impair a program of conversion from non-defense work to defense work, may appeal to the War Production Board, Reference M-39-b, on such forms as may be prescribed by said Board, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(3) *Applicability of order.* The prohibitions and restrictions contained in this order shall apply to the use of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other order may have the effect of limiting or curtailing to a greater extent than herein provided the use of cobalt in the production of any article, the limitations of such other order shall be observed. In the absence of a specific direction by the Director of Industry Operations to the contrary, insofar as this order may have the effect of limiting or curtailing to a greater extent than is provided in General Preference Order M-39 or any other order or any preference rating certificate, the use of cobalt in the production of any article, the limitations imposed by this order shall be observed.

(4) *Violations or false statements.* Any person who wilfully violates any provision of this order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U. S. C. 80).

(5) *Definitions.* For the purposes of this order:

(i) "Cobalt" means and includes:

(*a*) Ores, concentrates, crudes and residues, including beneficiated or treated forms containing cobal (commercially recognized).

(*b*) The element cobalt in any form, and combinations with other elements in which cobalt is an essential constituent.

(c) All chemical compounds in which cobalt is an essential and recognizable component.

(*d*) All scrap or secondary material containing commercially recoverable cobalt as defined in (*a*), (*b*), and (c) above, excluding cobalt-bearing iron and steel scrap.

(ii) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(iii) "Manufacture" means to fabricate, assemble, mix or process in any other way, but does not include installation of a finished product for the ultimate consumer.

(iv) "Item" means any article or any component part thereof.

(v) "Use" means both (1) the act of putting cobalt into process in the manufacture of any item and (2) the act of completing the manufacture of any such item. (Where a person is limited to a percentage of the material used in a base period, this limitation applies respectively to (1) the amount of material put into process during the base period and (2) the total amount of material contained in a completed item multiplied by the number of such items completed during the base period. Each restriction must be applied separately.)

(vi) "Put into Process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(6) *Effective date.* This order shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 581, E.O. 9024, Jan. 16,

1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 7th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

List A of Conservation Order M–59–b

The use of cobalt in the items listed below and in all component parts thereof is prohibited except to the extent permitted by the foregoing Conservation Order.

Pigments in any form for any use whatsoever, including

Ceramics
Glass
Enamelware
Inks
Paints
Stains
Pottery

except where blue glass is necessary for safety or optical properties.

List B of Conservation Order M–59–b

The uses, and the items listed below and parts thereof are excepted from the prohibitions and restrictions contained in paragraphs (a) and (b) of the foregoing Conservation Order, but only to the extent indicated below and only to the extent that the use of any less scarce material is impractical.

Catalysts
Cattle & Plant Food
Chemical Reagents
Cobalt alloys of all types including cobalt alloy steels, all types cobalt magnet steel and alloys cobalt nonferrous alloys hard cutting alloys, all types
Decolorizer for glass
Dryers
Ground Coat Frit
Hard Facing Compounds
Laboratory and Research Equipment
Pharmaceuticals
Plating
Pigment for glass wherever needed for optical or safety purposes.
Health Supplies (as defined in Preference Rating Order P–29 as the same may be amended, to the extent a preference rating of A–10, or higher, is assigned under said Order for the delivery of Cobalt in the manufacture of any such supplies.)

[F. R. Doc. 42–1149; Filed, February 7, 1942; 10:34 a. m.]

PART 1010—SUSPENSION ORDERS

Amendment to Suspension Order No. S–10[1]*—Acme Aluminum Foundry Co.*

Section 1010.10 (*Suspension Order No. S–10*) issued by the Director of Industry Operations on February 3, 1942, is hereby amended by striking out the words "Canton, Ohio," wherever they appear and substituting in place and stead thereof the words, "Chicago, Illinois".

This Amendment shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 6th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1135; Filed, February 6, 1942; 2:41 p. m.]

PART 1010—SUSPENSION ORDERS

Suspension Order No. S–11—Hurley Machine Division of Electric Household Utilities Corp.

Hurley Machine Division of Electric Household Utilities Corporation of Chicago, Illinois, is a manufacturer of domestic laundry equipment and is subject to the provisions of Limitation Order L–6 and Supplementary General Limitation Order L–6–a[1] restricting the production of domestic laundry equipment. The quota for the Hurley Machine Division, established under Limitation Order L–6[2] and Supplementary General Limitation Order L–6–a, for the months of September, October, November, and December for the year 1941, was 44,376 electric washing machines and electric ironers. With full knowledge of this restriction, the Hurley Machine Division, during the months of September, October, November, and December of the year 1941, produced 76,770 electric washing machines and electric ironers.

By reason of this wilful violation of the provisions of Limitation Order L–6 and Supplementary General Limitation Order L–6–a, the Hurley Machine Division of the Electric Household Utilities Corporation has obstructed the impartial administration of the Priorities System. In view of the foregoing facts,

It is hereby ordered:

§ 1010.11 *Suspension order S–11.* (a) During the period in which this Order shall be in effect, the Hurley Machine Division of Electric Household Utilities Corporation, its successors and assigns, shall accept no deliveries from any source of electric washing machine parts or electric ironer parts, except as specifically authorized by the Director of Industry Operations.

(b) During the period in which this Order shall be in effect, Hurley Machine Division of Electric Household Utilities Corporation, its successors and assigns, shall not process, assemble, or produce electric washing machines, electric ironing machines, parts for electric washing machines, or parts for electric ironing machines, except as specifically authorized by the Director of Industry Operations.

(c) During the period in which this Order shall be in effect, Hurley Machine Division of Electric Household Utilities Corporation, its successors and assigns, shall not transfer or deliver electric washing machines, electric ironing machines, parts for electric washing machines, or parts for electric ironing machines, except as specifically authorized by the Director of Industry Operations: *Provided, however,* That Hurley Machine Division of Electric Household Utilities Corporation may deliver or transfer such machines, or the parts thereof, for the purpose of storing the same for their own account.

(d) This Order shall take effect immediately and. unless sooner terminated by further order of the Director of Industry Operations, shall expire at midnight of July 31, 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 76th Cong., 3d Sess., as amended by Public No. 89, 77th Cong., 1st Sess.)

Issued this 6th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1136; Filed, February 6, 1942; 2:41 p. m.]

PART 1028—DOMESTIC COOKING APPLIANCES

Amendment No. 1 to General Limitation Order No. L–23

It is hereby ordered that:

Subparagraph (b) (8) of § 1028.1 (*General Limitation Order L–23*)[1] is hereby amended to read as follows:

(8) No copper, nickel, chromium, or aluminum shall be put into process for the manufacture of parts for Domestic Cooking Appliances, except for functional parts where the use of any less scarce material would seriously impair proper operation. Insofar as any other Order issued, or to be issued hereafter, limits the use of any material in the production of Domestic Cooking Appliances to a greater extent than the limits imposed by this Order the restrictions in such other order shall govern unless otherwise specified therein.

This amendment shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 7th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1151; Filed, February 7, 1942; 10:35 a. m.]

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[1] 7 F.R. 750.

[1] 6 F.R. 6406.
[2] 6 F.R. 5533.

[1] 6 F.R. 6425.

PART 1041—PRODUCTION, REFINING, TRANSPORTATION, AND MARKETING OF PETROLEUM.

Interpretation No. 1 of Preference Rating Order No. P–98

The following official interpretation is hereby issued by the Director of Industry Operations with respect to §1041.1. Preference Rating Order No. P–98,[1] dated January 14, 1942, as amended from time to time:

Section 1041.1 is applicable only to deliveries of material which is to be used in the operation of petroleum enterprises located within the United States, its territories and possessions.

Issued this 7th day of February, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1152; Filed, February 7, 1942; 10:35 a. m.]

PART 1047—CONSERVATION OF MATERIAL FOR THE OIL INDUSTRY

Interpretation No. 1 of Conservation Order M–68

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 1047.1, Conservation Order M–68,[2] dated December 23, 1941, as amended from time to time:

The provisions of Conservation Order M–68 are applicable to deliveries of material by persons located in the United States, its territories and possessions, to any other persons whether located in the United States, its territories and possessions, or elsewhere.

Issued this 7th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1154; Filed, February 7, 1942; 10:36 a. m.]

PART 1047—CONSERVATION OF MATERIAL FOR THE OIL INDUSTRY

Interpretation No. 1 of Conservation Order M–68–c

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 1047.4, Conservation Order M–68–c,[3] dated January 14, 1942, as amended from time to time.

The provisions of Conservation Order M–68–c are applicable to deliveries of material by persons located in the United States, its territories and possessions, to any other persons whether located in the United States, its territories and possessions, or elsewhere.

Issued this 7th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1153; Filed, February 7, 1942; 10:35 a. m.]

[1] 7 F.R. 279.
[2] 6 F.R. 6687.
[3] 7 F.R. 282.

PART 1050—DISTILLED SPIRITS

Supplementary Order No. 2 to General Preference Order No. M–69 to Conserve the Supply and Direct the Distribution of Distilled Spirits

§ 1050.3 *Supplementary order 2.* (a) When available storage capacity for Distilled Spirits has been filled, operation of paragraph (c) of § 1050.1 (*General Preference Order No. M–69*)[1] is suspended until February 8, 1942. The foregoing shall be operative only to the extent that allocation orders heretofore and hereafter issued by the Director of Priorities are not affected.

(b) This Order shall take effect as of February 1, 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 1st day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1195; Filed, February 9, 1942; 11:44 a. m.]

PART 1091—CORUNDUM

General Preference Order M–89 to Conserve the Supply and Direct the Distribution of Corundum

Whereas, National defense requirements have created a shortage of Corundum (as hereafter defined) for the combined needs of defense and private account, and the supply of Corundum now is and will be insufficient for defense and essential civilian requirements, unless the supply of Corundum is conserved and its use in certain products manufactured for civilian use is curtailed; and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution and use thereof

Now, therefore, it is hereby ordered that:

§ 1091.1 *General Preference Order M–89*—(a) *Definitions.* For the purposes of this Order:

(1) "Corundum" means naturally occurring crystalline anhydrous aluminum oxide suitable for abrasive use and not artificially bonded. Emery, ruby and sapphire are specifically excluded.

(2) "Supplier" means any person who offers Corundum for sale.

(b) *Restrictions on delivery.* After the effective date of this Order, no Supplier shall make delivery of Corundum except as authorized by the Director of Industry Operations. The Director will from time to time allocate the supply of Corundum and specifically direct the manner and quantities in which deliveries to particular persons or for particular uses shall be made or withheld. Such allocations and directions will be made to insure the satisfaction of defense requirements of the United States, both direct and indirect, and they may be made, in the discretion of the Director of Industry Operations, without regard to any preference ratings assigned to particular contracts or purchase orders. The Director may also take into consideration the possible dislocation of labor and the necessity of keeping a plant in operation so that it may be able to fulfill defense orders and essential civilian requirements.

(c) *Reports.* On or before February 20, 1942, and on or before the 10th day of each calendar month thereafter, each Supplier shall file with the War Production Board all the information required by Form PD–293.

(d) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subjected to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of corundum conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense work to defense work, may appeal to the War Production Board, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(3) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to:

War Production Board, Social Security Building, Washington, D. C. Reference: M–89.

(4) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(5) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1 Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040; Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 7th day of February, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1150; Filed, February 7, 1942; 10:35 a. m.]

[1] 7 F.R. 224, 656.

PART 1102—AGAR

General Preference Order No. M–96 To Conserve the Supply and Direct the Distribution of Agar

Whereas, it appears that the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of Agar for the combined needs of defense, private account and export, and it is necessary in the public interest and to promote the defense of the United States to conserve the supply and direct the distribution of Agar.

Now, therefore, it is hereby ordered, That:

§ 1102.1 *General Preference Order M–96*—(a) *Applicability of Priorities Regulation No. 1.*[1] This Order and all transactions affected hereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* As used in this Order:

(1) "Agar" means the dried mucilaginous substance extracted from the *Gelidium corneum* and other species of Gelidium and closely related algae; known as "Agar-Agar", Chinese Gelatin", "Japanese Gelatin"; and not heretofore so processed as to be rendered unfit for use in the preparation of bacteriological media.

(2) "Bacteriological Media" means those products intended to meet the general and specialized nutritional requirements for bacteria under culture.

(c) *Restrictions on the sale or use of Agar.* No person may buy any Agar the sale of which is forbidden by this Order. Notwithstanding anything in Priorities Regulation No. 1, as amended, to the contrary no person having in his possession or under his control on the date of this Order, or subsequently acquiring any Agar, shall use or sell any such Agar, except as specifically ordered by the Director of Industry Operations, or for incorporation into Bacteriological Media, *provided* that any person seeking to purchase Agar for such incorporation shall furnish to the seller in duplicate a statement in writing, manually signed by a responsible official, certifying that the Agar is to be so used. Such statement shall be substantially in the following form:

I require ------ pounds of Agar for incorporation into bacteriological media. I have ------ pounds in my possession or under my control, leaving a shortage of ------ pounds which I must fill by purchase.

Name ----------

By ----------

A copy of such statement shall be filed by the seller with the War Production Board. Such statement shall constitute a representation to the War Production Board and the seller of the facts stated therein. The seller shall be entitled to rely on such representation unless he knows or has reason to believe it to be false. Any person making such a representation may use such Agar only for the purpose specified.

(d) *Applicability of Order.* This Order does not apply to the use or sale of any Agar which on the date of this Order was in the possession or control of any person who then possessed or controlled less than fifty (50) pounds of Agar, nor to purchases by importers of Agar to be delivered from outside the continental United States, but any subsequent dealing in Agar, after its importation, is governed by this Order.

(e) *Reports.* Every person having more than fifty (50) pounds of Agar in his possession or control on the date of this Order shall report the quantity such person has in his possession or control in writing to the War Production Board within fifteen (15) days subsequent to the date of this Order, and such persons, and any other persons participating in any transactions to which this Order applies shall execute and file with the War Production Board such other reports and questionnaires as said Board shall from time to time request. Failure on the part of any person to report as prescribed by this Order shall be deemed a representation to the Government that such person had less than fifty (50) pounds of Agar in his possession or control on the date of this Order, and participated in no transaction to which this Order applies.

(f) *Appeals.* Any person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board, setting forth pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(g) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Health Supplies Branch, Washington, D. C. Ref: M–96.

(h) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U. S. C. 80).

(i) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, amended, December 23, 1941, 6 F.R. 6680, W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F. R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Public No. 89, 77th Cong., 1st Sess.)

Issued this 9th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1188; Filed, February 9, 1942; 11:32 a. m.]

[1] 6 F.R. 4489, 6680.

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1306—IRON AND STEEL

AMENDMENT NO. 3 TO PRICE SCHEDULE NO. 46—RELAYING RAIL

A new subparagraph (3) is added to § 1306.260 (c) as set forth below:

§ 1306.260 *Appendix A; maximum prices for relaying rail.*

* * * * *

(c) *Maximum prices for relaying rail sold from warehouses.*

* * * * *

(3) Firm commitments entered into prior to February 7, 1942 for the sale of relaying rail pursuant to paragraph (c) of this section at prices not exceeding $1.60 cwt. f. o. b. warehouse for quantities of 25 gross tons and over may be completed at contract prices, provided that all deliveries pursuant to such firm commitments are completed on or before March 15, 1942. (E.O. Nos. 8743, 8875, 6 F.R. 1917, 4483)

This amendment No. 3 shall become effective February 7, 1942. Issued this 7th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1170; Filed, February 7, 1942; 12:50 p. m.]

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

AMENDMENT NO. 8 TO PRICE SCHEDULE NO. 7—COMBED COTTON YARNS AND THE PROCESSING THEREOF

Section 1316.12 is hereby amended so that paragraph (a), the caption of paragraph (d), and subparagraph (1) of paragraph (d) shall read as follows:

§ 1307.12 *Appendix A; maximum prices for combed yarns and for mercerizing, bleaching, and/or gassing thereof*—(a) *Arrangement of appendix.* Paragraph (b) sets forth the terms of sale and of delivery to be observed in connection with the maximum prices established in this Schedule.

Paragraph (c) recapitulates the maximum prices established for grey combed yarns prior to December 24, 1941. Grey combed yarns delivered against contracts entered into prior to that date are subject to these maximum prices.

Paragraph (d) contains maximum prices applicable to (1) all sales and deliveries of single, two and three-ply grey combed yarns except (i) deliveries against contracts entered into prior to December 24, 1941, and (ii) sales (and deliveries in pursuance thereof) made between said date and February 2, 1942, inclusive, of such yarns to be exported outside the territory of the United States, regardless of whether such export is to be effected through a middleman; (2) all sales and deliveries of grey combed yarn of four or more ply and of mercerized, bleached, and/or gassed combed yarns on or after February 3, 1942; and (3) all contracts for commission mercerizing, bleaching, and/or gassing entered into on or after February 3, 1942 and all deliveries after that date of yarn mercerized, bleached, and/or gassed on commission.

* * * * *

(d) *Maximum prices for combed yarns not covered by contract prior to December 24, 1941, and for mercerizing, bleaching, and/or gassing*—(1) *Applicability of maximum prices in paragraph (d).* The maximum prices established in paragraph (d) apply to all sales and deliveries of single, two and three-ply grey combed yarns on and after December 24, 1941, except (i) deliveries against contracts entered into prior to December 24, 1941, and (ii) sales (and deliveries in pursuance thereof) made between said date and February 2, 1942, inclusive, of such yarns to be exported outside the territory of the United States, regardless of whether such export is to be effected through a middleman; to all sales and deliveries of grey combed yarn of four or more ply and of mercerized, bleached, and/or gassed combed yarns on or after February 3, 1942; and to all contracts for and deliveries against contracts for commission mercerizing, bleaching, and/or gassing of combed yarn after February 3, 1942. (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

* * * * *

This amendment No. 8 shall be effective as of February 3, 1942. Issued this 7th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1168; Filed, February 7, 1942; 12:49 p. m.]

PART 1309—COPPER AND COPPER ALLOYS

CORRECTION TO AMENDMENTS NO. 3 AND 4 TO PRICE SCHEDULE NO. 20—COPPER AND COPPER ALLOY SCRAP

Amendments No. 3[1] and 4,[2] respectively, to Price Schedule No. 20 should have been designated as Amendments Nos. 2 and 3, respectively, and Amendment No. 4 should have stated that the title of Price Schedule No. 20 had been amended to read "Copper and Copper Alloy Scrap" instead of "Copper Scrap."

Issued this 6th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1140; Filed, February 6, 1942; 4:59 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 13—DOUGLAS FIR PEELER LOGS AND DOUGLAS FIR PLYWOOD

The title, the preamble, and §§ 1312.1 to 1312.09, inclusive, are hereby amended and renumbered to read as set forth below:

Price Schedule No. 13—Douglas Fir Plywood

Douglas fir plywood, made primarily from Douglas fir peeler logs, is widely used as a building material, as a form for concrete shapes, as lining for the inside of freight cars and trucks, and as a display material. In the defense program, it has been extensively employed in the construction industry, and in the production of aircraft, pontoon bridges, and small boats. The recent increased use of plywood stemming from the defense program and the accompanying expanded economic activity has so increased demand for plywood that current requirements considerably exceed the existing capacity of the industry. As a consequence, inflationary pressure has been exerted upon the prices of these products, causing them to rise greatly in excess of previously existing levels in the industry. Such price increases have markedly outstripped cost advances. Certain members of the plywood industry have refused to cooperate voluntarily with the Office of Price Administration in maintaining stable prices, and those producers who have cooperated by withdrawing price increases have therefore been subjected to unjust discrimination.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1312.1 *Maximum prices for Douglas fir plywood.* On and after February 20, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver, or transfer, for domestic or export use, any Douglas fir plywood, where the shipment originates at the mill rather than at a distribution plant, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1312.10.*

*§§ 1312.1 to 1312.10, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1312.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid, or offered.*

§ 1312.3 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of Douglas fir plywood, alone or in conjunction with any other material; or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege; or by tying-agreement, or other trade understanding; or by making terms or conditions of sale more onerous than those in effect or available to the purchaser on August 1, 1941; or by unnecessarily routing plywood through a distribution plant; or by any other means.*

§ 1312.4 *Records and reports.* Every person who, during any calendar month, shall sell one or more carloads of Douglas fir plywood for shipment originating at the mill shall keep for inspection by the office of Price Administration, for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the prices, and the quantities and grades sold.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1312.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, and (c) that the procurement and other services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of Douglas fir plywood, or the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1312.6 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1312.7 *Definitions.* When used in this Schedule the term:

(a) "Person" means an individual, partnership, association, corporation or other business entity.

(b) "Mill" means a factory or plant which processes Douglas fir peeler logs into Douglas fir plywood.

(c) "Manufacturer" means a person operating a mill.

(d) "Less than carload" means a quantity of one or more grades or sizes of Douglas fir plywood, the aggregate weight of which is less than 38,000 pounds. Either Douglas fir doors or Douglas fir millwork, or both, may be included with plywood in computing such aggregate weight.

(e) "Distribution plant" means a wholesale or retail warehouse or yard which purchases or receives Douglas fir plywood from a mill or another distribution plant for purposes of unloading and resale or redistribution, and which regularly maintains a stock of plywood.*

§ 1312.8 *Delivered prices.* A delivered price in excess of the maximum f. o. b. mill prices set forth in Appendix A may be charged, consisting of such maximum prices plus actual transportation costs paid by the seller. However, for the purposes of this section, the following two practices shall not be deemed a deviation from the use of actual transportation costs:

(a) The charging of a sum equivalent to the one-twentieth of a dollar nearest to such actual transportation costs; and

[1] 7 F.R. 713.
[2] 7 F.R. 815.

(b) the computation of transportation costs on the basis of a system of estimated average weights used by the seller during the month of July, 1941: *Provided*, That a copy of such system of estimated average weights has been filed with the Office of Price Administration either before the use of such system in a transaction subject to this Schedule as amended in Amendment No. 2, or within thirty days of the effective date of this Amendment.*

§ 1312.9 *Effective date of Schedule.* This Schedule (§§ 1312.1 to 1312.10, inclusive) shall become effective August 5, 1941.*

This amendment No. 2 (amending the title, the preamble and §§ 1312.1 to 1312.09, inclusive) shall become effective February 20, 1942. Issued this 7th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1169; Filed, February 7, 1942; 12:49 p. m.]

PART 1330—CONTAINERS

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 55—SECOND HAND BAGS

Section 1330.59 is hereby amended to read as follows:

§ 1330.59 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Second-hand bag" means a container composed of burlap, jute, sisal, cotton cloth, gunny cloth, or other textile material which has been used once or more to package any product and thereafter emptied, and sold for re-use as a container, and shall include all containers manufactured from any such material which has itself been used once or more as a container or for any other commercial purpose. (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 2 shall become effective February 7, 1942. Issued this 7th day of February 1942.

LEON HENDERSON,
Administrator.

[F.R. Doc. 42-1165; Filed, February 7, 1942; 12:48 p. m.]

PART 1337—RAYON

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 23—RAYON GREY GOODS

Section 1337.22 is hereby amended by adding thereto a new paragraph (b) to read as follows:

§ 1337.22 *Appendix A; maximum prices for rayon grey goods.*

* * * * *

(b) The maximum price for any construction of rayon grey goods not enumerated above shall be a price in line with the maximum price for the nearest related construction so enumerated. The term "in line with" means having a price with commensurate increases or dejustifiable relation to such maximum creases to give effect to the differences in costs of the yarn used and in weaving costs, taking into account changes in (1) the number of picks, (2) the number of ends, (3) the width and (4) the weave: *Provided*, That firm commitments entered into prior to February 9, 1942 for the sale of rayon grey goods at prices not exceeding the maximum prices established by this Schedule prior to February 9, 1942 may be completed at contract prices. (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment shall become effective February 7, 1942. Issued this 7th day of February, 1942.

LEON HENDERSON,
Administrator.

[F.R. Doc. 42-1166; Filed, February 7, 1942, 12:48 p. m.]

PART 1339—BURLAP AND BURLAP PRODUCTS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 18

Section 1339.9 is hereby amended, and a new paragraph is added at the end of § 1339.11, to read as follows:

§ 1339.9 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Burlap" means jute burlap (whether new, stained, second hand, or re-sewn) of the constructions listed in Appendix A when either (1) in the United States available for immediate delivery or (2) aboard vessels en route to the United States.

§ 1339.11 *Appendix A; maximum prices for burlap.*

* * * * *

The maximum price for re-sewn burlap which contains more than one of the above constructions shall be the maximum price for the construction contained therein which has the lowest established maximum price.
(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 1 shall become effective February 7, 1942. Issued this 7th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1164; Filed, February 7, 1942; 12:48 p. m.]

PART 1340—FUEL

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 88[1]—PETROLEUM AND PETROLEUM PRODUCTS

Section 1340.151 is amended to read as set forth below. § 1340.159 is hereby amended as follows: Subparagraph (b) (2) is amended and subparagraphs (4), (5) and (6) are added to (b) as set forth below.

§ 1340.151 *Maximum prices for petroleum and petroleum products.* On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1340.159, no person shall sell, offer to sell, deliver or transfer petroleum or petroleum products, and no person shall buy, offer to buy, or accept delivery of crude petroleum at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1340.159.

§ 1340.159 *Appendix A, maximum prices for petroleum and petroleum products.*

* * * * *

(b) *Petroleum products.*

* * * * *

(2) Where the maximum price for a petroleum product at a given shipping or delivery point cannot be determined under subparagraph (1) of this section the maximum price for each seller at such shipping or delivery point shall not exceed the price charged at that point by him on the last sale of a substantial quantity of the same product within sixty days prior to October 15, 1941. Where the product is sold on a delivered basis at a given point the maximum price shall be the price charged on the last sale of a substantial quantity of the same product made on a delivered basis at that point in the period specified. Where the product is sold at a given point on an f. o. b. shipping point basis, the maximum price shall be the price charged on the last f. o. b. shipping point sale at that point of a substantial quantity of the same product in the period specified.

* * * * *

(4) Notwithstanding (1), (2) and (3), where contracts covering domestic sales of petroleum products had been made prior to November 10, 1941, the prices in such contracts may be charged pursuant to such contracts up to and including March 1, 1942.

(5) Notwithstanding (1), (2) and (3), where contracts covering export sales of petroleum products had been made prior to January 20, 1942, the prices in such contracts may be charged pursuant to such contracts up to and including March 1, 1942.

(6) Notwithstanding (1), (2) and (3), sales of petroleum products may be made up to and including March 1, 1942 under the following provisions:

(i) The maximum price on each product sold, contracted to be sold, delivered, or transferred by a seller shall be the lowest quoted price published in the first issue after November 7, 1941 of the *National Petroleum News, Platt's Oilgram*, or the *Chicago Journal of Commerce*, for a product of the same class, kind, type, condition and grade. Where such products are sold and prices are quoted on a delivered basis, then the maximum delivered price shall be the lowest quoted delivered price so published. Where products are sold and prices are quoted on an f. o. b. shipping point basis, then the maximum f. o. b. price shall be the lowest quoted f. o. b. price so published.

(ii) Where the maximum price for products at a given shipping or delivery point cannot be determined under (i) above, sellers may sell such products at

[1] 7 F.R. 718, 821.

the market price prevailing at the time of the sale, providing, however, that notice of such price and sale is furnished to this Office within ten days after such sale.

(E.O. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 2 shall become effective February 2, 1942. Issued this 7th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1167; Filed, February 7, 1942; 12:49 p. m.]

PART 1352—FLOOR COVERINGS

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 57—FLOOR COVERINGS

Section 1352.1 is hereby amended to read as follows:

§ 1352.1 *Maximum prices for wool floor coverings.* On and after January 2, 1942, regardless of the terms of any contract or sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any unit of wool floor covering at a price higher than the maximum price.

(a) (1) The maximum price for any unit of wool floor covering, in his price list in effect on October 13, 1941, or for any unit differing therefrom only in color or pattern, shall be 105% of the price quoted therein for such unit to the same person or to a person in the same general class, except as set forth in subparagraph (2) of this paragraph (a).

(2) In the case of Karastan Rug Mills and Artloom Corporation, the maximum prices for the units of wool floor coverings listed below shall be the prices in effect on February 2, 1942:

Karastan Rug Mills—Karastan, Kara Louvre, and Karashah.
Artloom Corporation—Santoy, Kasharouk, and Home Pride.

(b) The maximum price for any unit of wool floor covering, not in his price list in effect on October 13, 1941, but sold (or contracted to be sold) by him during the period January 1–October 13, 1941, inclusive, or for any unit differing therefrom only in color or pattern, shall be 105% of the highest net price, f. o. b. manufacturer's point of shipment at which such unit was sold (or contracted to be sold) by him during such period to the same person or to a person in the same general class, or, if there is no such person, to any person.

(c) (1) The maximum price for any unit of wool floor covering differing in specifications (except for such changes in specifications as are authorized in § 1352.4) from any unit referred to in paragraphs (a) and (b) of this section, shall be the price approved in writing by the Office of Price Administration after submission of a report to it by the manufacturer in accordance with § 1352.7 (c); and no sale, offer to sell, delivery, or transfer of such unit shall be made until such approval shall have been given.

(2) *Approved prices.* The maximum prices for the units of wool floor coverings listed below of the designated manufacturers shall be the prices in effect on February 2, 1942:

Philadelphia Carpet Company—Fabric Nos. 592 and 568.
A & M Karagheusian Company—Lakewood.
Beattie Manufacturing Company—Grayson.
Magee Carpet Company—1612 A Special, Viceroy, Thriftex and Carver.
John Bromley & Sons, Inc.—Broadmoor.
Chas. P. Cochrane Company, Inc.—New Sculptone, Sculptex, Sierra.
Hardwick & Magee—Vernon.
C. H. Masland & Sons, Inc.—Grayson, Diamontex, Carfax, Marlin, Kendon, Lyndon.
Bigelow-Sanford Carpet Company—Corinthian-Lockweave, Shadowweave, Holden.
Alexander Smith & Sons Carpet Company—Crestwood and Normandie.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 2 shall become effective February 7, 1942. Issued this 7th day of February, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1173; Filed, February 7, 1942; 12:51 p. m.]

PART 1352—FLOOR COVERINGS

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 65—RESALE OF FLOOR COVERINGS

Section 1352.51, paragraph (a) (1) is hereby amended to read as follows:

(a) (1) (i) The maximum price for any unit of wool floor covering shall be the highest net price received by the distributor for the sale, delivery or transfer during the period October 1–October 13, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person, or a person in the same general class, or if there is no such person, to any person, except as set forth in sub-division (ii) of this sub-paragraph (1).

(ii) In the case of George B. Galbraith and Company, Incorporated, J. J. Haines and Company, and William Goodacre & Sons, Limited, the maximum prices for the units of imported floor coverings listed below shall be the prices in effect on February 2, 1942:

George B. Galbraith and Company, Incorporated—Imported English Chenille;
J. J. Haines and Company—Stenciled Mourzouk, Woven Mourzouk, and Coir Fiber;
William Goodacre & Sons, Limited—Simla, Travancore, and Victor.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 2 shall become effective February 7, 1942. Issued this 7th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1172; Filed, February 7, 1942; 12:50 p. m.]

PART 1356—COOKERS AND HEATERS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 64—DOMESTIC COOKING AND HEATING STOVES

Sections 1356.1 (a), 1356.1 (d) and 1356.11 (b) are amended to read as set forth below and a new paragraph (e) is added to 1356.1:

§ 1356.1 *Maximum prices for stoves*—(a) (1) *Stoves offered for sale during the period January 15–June 1, 1941, inclusive.* The maximum price for any stove, other than a private brand stove, identical with a stove offered for sale by the manufacturer during the period January 15–June 1, 1941, inclusive (or differing therefrom only by such changes in specifications as are authorized in § 1356.4), shall be 112% of the lowest net price quoted by him during such period for the sale of such stove, to the same purchaser or to a purchaser in the same general class, except as set forth in subparagraph (2) of this paragraph (a).

(2) In the case of the Renown Stove Company, the maximum prices for models 1005—Cameo, 1015—Cameo, 1105—Crest, and 1115—Crest, shall be the prices in effect on February 2, 1942.

* * * * *

(d) *Other stoves.* The maximum price for any stove (other than a stove sold or delivered pursuant to a cost-plus contract) which differs in specifications from any stove referred to in paragraphs (a) or (b) of this section, and which may be offered for sale under § 1356.4, shall be the price approved in writing by the Office of Price Administration after the manufacturer has submitted to it an application containing (1) the proposed price and specifications of such stove, and (2) such other data as the Office of Price Administration may request; and no sale, offer to sell, deliver, or transfer of such stove shall be made until such approval shall have been given.

(1) *Approved prices.* The maximum prices for the following models of stoves of the designated manufacturers shall be the prices in effect on February 2, 1942:

The Dixie Foundry Company, Cleveland, Tennessee, Models 2R30, 7R57, and 7R17;
The Majestic Manufacturing Company, St. Louis, Missouri, Models FB–120, FB–121, FB–122, FB–123, FB–130, FB–131, FB–132, FB–133, FB–020, FB–021, FB–022, FB–023, FB–030, FB–031, FB–032, FB–033, FS–120, FS–121, FS–130, FS–131, FS–020, FS–021, FS–030, FS–031, F–55–1, F–56–1, FL–57–1, FR–57–1, F–2, A–16–122, B–16–122, G–16–122, H–16–122;
General Electric Company, Bridgeport, Connecticut, Models AP 142A8, AP 442A8, CT 142A9, CD 242A9, DD 142A9, DD 242A9, CD 342A9;
Edison General Electric Appliance Company, Chicago, Illinois, Models 506RB8, 508RB11, 509RD3, 209RB15, 309RB16, 209RB17, 709RC4, 209RC8.

(e) *Private brand stoves sold or delivered for resale to the ultimate consumer.* If a manufacturer desires to sell, deliver, or transfer a private brand stove to a person at a price higher than the maximum price allowable under this Schedule, for resale by that person directly to the ultimate consumer, he may file an application with the Office of Price Administration for permission to take such action. The application shall contain (1) the specifications of such private brand stove; (2) a copy of the proposed contract of sale or order covering such private brand stove, clearly specifying: (i) the

the market price prevailing at the time of the sale, providing, however, that notice of such price and sale is furnished to this Office within ten days after such sale.

(E.O. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 2 shall become effective February 2, 1942. Issued this 7th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1167; Filed, February 7, 1942; 12:49 p. m.]

PART 1352—FLOOR COVERINGS

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 57—FLOOR COVERINGS

Section 1352.1 is hereby amended to read as follows:

§ 1352.1 *Maximum prices for wool floor coverings.* On and after January 2, 1942, regardless of the terms of any contract or sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any unit of wool floor covering at a price higher than the maximum price.

(a) (1) The maximum price for any unit of wool floor covering, in his price list in effect on October 13, 1941, or for any unit differing therefrom only in color or pattern, shall be 105% of the price quoted therein for such unit to the same person or to a person in the same general class, except as set forth in subparagraph (2) of this paragraph (a).

(2) In the case of Karastan Rug Mills and Artloom Corporation, the maximum prices for the units of wool floor coverings listed below shall be the prices in effect on February 2, 1942:

Karastan Rug Mills—Karastan, Kara Louvre, and Karashah.

Artloom Corporation—Santoy, Kasharouk, and Home Pride.

(b) The maximum price for any unit of wool floor covering, not in his price list in effect on October 13, 1941, but sold (or contracted to be sold) by him during the period January 1–October 13, 1941, inclusive, or for any unit differing therefrom only in color or pattern, shall be 105% of the highest net price, f. o. b. manufacturer's point of shipment at which such unit was sold (or contracted to be sold) by him during such period to the same person or to a person in the same general class, or, if there is no such person, to any person.

(c) (1) The maximum price for any unit of wool floor covering differing in specifications (except for such changes in specifications as are authorized in § 1352.4) from any unit referred to in

PART 1352—FLOOR COVERINGS

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 65—RESALE OF FLOOR COVERINGS

Section 1352.51, paragraph (a) (1) is hereby amended to read as follows:

(a) (1) (i) The maximum price for any unit of wool floor covering shall be the highest net price received by the distributor for the sale, delivery or transfer during the period October 1–October 13, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person, or a person in the same general class, or if there is no such person, to any person, except as set forth in sub-division (ii) of this sub-paragraph (1).

(ii) In the case of George B. Galbraith and Company, Incorporated, J. J. Haines and Company, and William Goodacre & Sons, Limited, the maximum prices for the units of imported floor coverings listed below shall be the prices in effect on February 2, 1942:

George B. Galbraith and Company, Incorporated—Imported English Chenille;

J. J. Haines and Company—Stenciled Mourzouk, Woven Mourzouk, and Coir Fiber;

William Goodacre & Sons, Limited—Simla, Travancore, and Victor.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 2 shall become effective February 7, 1942. Issued this 7th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1173; Filed, February 7, 1942; 12:51 p. m.]

PART 1352—FLOOR COVERINGS

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 65—RESALE OF FLOOR COVERINGS

Section 1352.51, paragraph (a) (1) is hereby amended to read as follows:

(a) (1) (i) The maximum price for any unit of wool floor covering shall be the highest net price received by the distributor for the sale, delivery or transfer during the period October 1–October 13, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person, or a person in the same general class, or if there is no such person, to any person, except as set forth in sub-division (ii) of this sub-paragraph (1).

(ii) In the case of George B. Galbraith and Company, Incorporated, J. J. Haines and Company, and William Goodacre & Sons, Limited, the maximum prices for the units of imported floor coverings listed below shall be the prices in effect on February 2, 1942:

George B. Galbraith and Company, Incorporated—Imported English Chenille;

J. J. Haines and Company—Stenciled Mourzouk, Woven Mourzouk, and Coir Fiber;

William Goodacre & Sons, Limited—Simla, Travancore, and Victor.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 2 shall become effective February 7, 1942. Issued this 7th day of February 1942.

LEON HENDERSON,
Administrator.

Philadelphia Carpet Company—Fabric Nos. 592 and 568.

A & M Karagheusian Company—Lakewood.

Beattie Manufacturing Company—Grayson.

Magee Carpet Company—1612 A Special, Viceroy, Thriftex and Carver.

John Bromley & Sons, Inc.—Broadmoor.

Chas. P. Cochrane Company, Inc.—New Sculptone, Sculptex, Sierra.

Hardwick & Magee—Vernon.

C. H. Masland & Sons, Inc.—Grayson, Diamontex, Carfax, Marlin, Kendon, Lyndon.

Bigelow-Sanford Carpet Company—Corinthian-Lockweave, Shadowweave, Holden.

Alexander Smith & Sons Carpet Company—Crestwood and Normandie.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 2 shall become effective February 7, 1942. Issued this 7th day of February, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1173; Filed, February 7, 1942; 12:51 p. m.]

PART 1352—FLOOR COVERINGS

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 65—RESALE OF FLOOR COVERINGS

Section 1352.51, paragraph (a) (1) is hereby amended to read as follows:

(a) (1) (i) The maximum price for any unit of wool floor covering shall be the highest net price received by the distributor for the sale, delivery or transfer during the period October 1–October 13, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person, or a person in the same general class, or if there is no such person, to any person, except as set forth in sub-division (ii) of this sub-paragraph (1).

(ii) In the case of George B. Galbraith and Company, Incorporated, J. J. Haines and Company, and William Goodacre & Sons, Limited, the maximum prices for the units of imported floor coverings listed below shall be the prices in effect on February 2, 1942:

George B. Galbraith and Company, Incorporated—Imported English Chenille;

J. J. Haines and Company—Stenciled Mourzouk, Woven Mourzouk, and Coir Fiber;

William Goodacre & Sons, Limited—Simla, Travancore, and Victor.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 2 shall become effective February 7, 1942. Issued this 7th day of February 1942.

LEON HENDERSON,
Administrator.

forth below and a new paragraph (e) is added to 1356.1:

§ 1356.1 *Maximum prices for stoves*—(a) (1) *Stoves offered for sale during the period January 15–June 1, 1941, inclusive.* The maximum price for any stove, other than a private brand stove, identical with a stove offered for sale by the manufacturer during the period January 15–June 1, 1941, inclusive (or differing therefrom only by such changes in specifications as are authorized in § 1356.4), shall be 112% of the lowest net price quoted by him during such period for the sale of such stove, to the same purchaser or to a purchaser in the same general class, except as set forth in subparagraph (2) of this paragraph (a).

(2) In the case of the Renown Stove Company, the maximum prices for models 1005—Cameo, 1015—Cameo, 1105—Crest, and 1115—Crest, shall be the prices in effect on February 2, 1942.

* * * * *

(d) *Other stoves.* The maximum price for any stove (other than a stove sold or delivered pursuant to a cost-plus contract) which differs in specifications from any stove referred to in paragraphs (a) or (b) of this section, and which may be offered for sale under § 1356.4, shall be the price approved in writing by the Office of Price Administration after the manufacturer has submitted to it an application containing (1) the proposed price and specifications of such stove, and (2) such other data as the Office of Price Administration may request; and no sale, offer to sell, deliver, or transfer of such stove shall be made until such approval shall have been given.

(1) *Approved prices.* The maximum prices for the following models of stoves of the designated manufacturers shall be the prices in effect on February 2, 1942:

The Dixie Foundry Company, Cleveland, Tennessee, Models 2R30, 7R57, and 7R17;

The Majestic Manufacturing Company, St. Louis, Missouri, Models FB–120, FB–121, FB–122, FB–123, FB–130, FB–131, FB–132, FB–133, FB–020, FB–021, FB–022, FB–023, FB–030, FB–031, FB–032, FB–033, FS–120, FS–121, FS–130, FS–131, FS–020, FS–021, FS–030, FS–031, F–55–1, F–56–1, FL–57–1, FR–57–1, F–2, A–16–122, B–16–122, G–16–122, H–16–122;

General Electric Company, Bridgeport, Connecticut, Models AP 142A8, AP 442A8, CT 142A9, CD 242A9, DD 142A9, DD 242A9, CD 342A9;

Edison General Electric Appliance Company, Chicago, Illinois, Models 506RB8, 506RB11, 509RD3, 209RB15, 309RB16, 209RB17, 709RC4, 209RC8.

(e) *Private brand stoves sold or delivered for resale to the ultimate consumer.* If a manufacturer desires to sell, deliver, or transfer a private brand stove to a

name and address of the purchaser, (ii) the proposed selling price, (iii) the number or private brand stoves to be delivered, and (iv) the date by which delivery must be completed: (3) the purchaser's proposed resale price to the ultimate consumer; (4) a statement by the manufacturer on Form 164:2 (copies of which may be obtained from the Office of Price Administration) that the selling price of any private brand stove delivered pursuant to such proposed contract or order will not be increased; (5) a statement by the purchaser on Form 164:3 (copies of which may be obtained from the Office of Price Administration) that the proposed selling price to the ultimate consumer of any private brand stove sold, delivered, or transferred by the manufacturer to him, pursuant to such proposed contract or order will not be increased; and (6) such other information as the Office of Price Administration may request. If the Office of Price Administration approves such application in writing, the manufacturer may sell, deliver, or transfer to the purchaser named each private brand stove covered by such proposed contract or order at a price no higher than that approved by the Office of Price Administration.

§ 1356.11 *Definitions.*

* * * * *

(b) "Manufacturer" means (1) a person operating a factory, plant or mill which manufactures or assembles stoves, (2) a person who resells private brand stoves to persons other than retailers or ultimate consumers, or (3) a person who resells private brand stoves, the patterns or dies for which he owns.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective February 7, 1942. Issued this 7th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1171; Filed, February 7, 1942; 12:50 p. m.]

PART 1380—HOUSEHOLD AND SERVICE INDUSTRY MACHINES

AMENDMENT NO. 1 TO PRICE SCHEDULE 89—DOMESTIC WASHINGTON MACHINES AND IRONING MACHINES

Section 1380.1 (c) is amended to read as follows:

(c) (1) *Models first offered for sale between October 16, 1941–February 8, 1942.* The maximum price for any model washing machine or ironing machine offered for sale for the first time between October 16, 1941, and February 8, 1942, inclusive, shall be (1) the price already approved in writing by the Office of Price Administration, if a price has been so approved; or (2) until the Office of Price Administration has approved a price on the basis of a report to it in accordance with § 1380.5 (a) (2), the highest net price, f. o. b. manufacturer's point of shipment, at which such model was sold, or contracted to be sold, by the manufacturer prior to February 9, 1942 (or, if there was no such sale, or contract of sale, the highest net price f. o. b. manufacturer's point of shipment quoted in writing by the manufacturer for such model at any time prior to February 9, 1942), to the same person or to a person in the same general class, or, if there was no such person, to any person; and unless such report has been submitted by February 25, 1942, no sale, offer to sell, delivery or transfer of such model shall be made thereafter until such report is submitted; and (3) after such approval, shall be such approved price.

(2) *Approved prices.* The approved maximum price for ironer model No. S–424 of American Ironing Machine Company shall be (i) for a sale to a distributor, $23.38, and (ii) for a sale to a syndicate or dealer, $26.58. (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective February 7, 1942. Issued this 7th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1174; Filed, February 7, 1942; 12:51 p. m.]

PART 1380—HOUSEHOLD AND SERVICE INDUSTRY MACHINES

PRICE SCHEDULE NO. 102—HOUSEHOLD MECHANICAL REFRIGERATORS

Household mechanical refrigerators are of considerable importance to the consuming public. Between January and June, 1941, manufacturers' prices on these refrigerators were revised upwards on three occasions and advanced on the average 5.9 per cent. On June 23 the Office of Price Administration requested refrigerator manufacturers not to make further increases without consultation with this Office. Thereafter, no price increases have become effective without the approval of the Office of Price Administration and this approval has been granted only on the basis of a demonstrated rise in costs of production. In effect, therefore, the present level of prices accords with that prevailing between October 1 and October 15, 1941, with necessary adjustments for these increased costs for all companies except the General Electric Company and the Frigidaire Division of General Motors Corporation who have not yet submitted their cost figures.

After investigation it has been determined that efficient administration, and uniform treatment of all manufacturers, make advisable the formalization of the existing arrangement by the issuance of a price schedule.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1380.51 *Maximum prices for household mechanical refrigerators.* On and after February 9, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any model of household mechanical refrigerator at a price higher than the maximum price:

(a) *Manufacturer's brand household mechanical refrigerators.* (1) In the case of all manufacturers who have had price lists on 1942 models approved by the Office of Price Administration, the maximum price, exclusive of federal excise tax, for any model of household mechanical refrigerator sold under the manufacturer's brand during the two-month period ended February 2, 1942, shall be the net price quoted to the same general class of purchasers for such model in the manufacturer's price list in effect on February 2, 1942.

(2) In the case of all other manufacturers, the maximum price, exclusive of federal excise tax, for any model manufactured for sale under the manufacturer's brand during the two-month period ended February 2, 1942, shall be the net price quoted to the same general class of purchaser for the most comparable model in the most recent 1941 price list, until a new price list has been approved by the Office of Price Administration.

(b) *Private brand household mechanical refrigerators.* The maximum price, exclusive of federal excise tax, for any model of household mechanical refrigerator sold under a brand other than the manufacturer's brand during the two-month period ended February 2, 1942, shall be the highest price, exclusive of federal excise tax, specified for such model in a contract with a purchaser of the same general class in effect on February 2, 1942.

(c) *New models.* The maximum price for any 1942 model not manufactured or offered for sale before February 2, 1942, and for any other model not offered for sale by the manufacturer in the two-month period ended February 2, 1942, shall be the price approved in writing by the Office of Price Administration after the submission to it of a report in accordance with § 1380.54 (c), and no sale, offer to sell, delivery or transfer of such model shall be made until such approval shall have been given.*

*§§ 1380.51 to 1380.59, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1380.52 *Less than maximum prices.* Lower prices than those established by this Schedule may be charged, demanded, paid, or offered.*

§ 1380.53 *Evasion.* The limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with the manufacturing or assembling of household mechanical refrigerators by deterioration of quality or performance thereof, or in connection with a purchase, sale, or transfer of household mechanical refrigerators, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by decreasing cash discounts, allowances for or absorption of transportation costs, or by any other means.*

§ 1380.54 *Reports.* (a) *Present line.* On or before February 25, 1942, every manufacturer shall submit to the Office of Price Administration a report on all models currently offered for sale, giving the maximum price established for each model by § 1380.51, the specifications, and the terms of sale. Manufacturers who have already submitted all or any part of this information need not duplicate such material but shall send a reference to the material already submitted.

(b) *Approval of price lists.* Manufacturers who have not had price lists on 1942 models approved, may submit to the Office of Price Administration price lists on 1942 models for approval, giving the necessary description of the models, cost, profit, and other information which may be required by the Office of Price Administration.

(c) *New models.* Manufacturers wishing to offer for sale a new model as defined in § 1380.51 (c) shall submit to the Office of Price Administration a report on such model, giving proposed maximum price, the specifications and the terms of sale.

Persons affected by this Schedule shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1380.55 *Records.* Every manufacturer making sales of household mechanical refrigerators on or after February 9, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale showing the date of billing, the name and address of the buyer, the name, number or other designation and the price received for each household mechanical refrigerator, the quantity of each household mechanical refrigerator sold, and discounts and allowances of any nature given.*

§ 1380.56 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with this Schedule; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the receipt or demand of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of the speculations, or manipulation of prices of household mechanical refrigerators, or of the hoarding or accumulation of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1380.57 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered unless filed by persons complying with this Schedule.*

§ 1380.58 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Manufacturer" means a person operating a factory or plant which manufactures or assembles household mechanical refrigerators;

(c) "Household mechanical refrigerator" means any refrigerator for household use which operates either by compression or by absorption;

(d) "Model" means any combination of size and specifications of equipment;

(e) "Net price quoted" means the actual price, exclusive of federal excise tax, but including charges for warranty and cooperative advertising, to be received by the manufacturer, f. o. b. seller's point of shipment, or delivered to the purchaser, whichever the price list specifies.*

§ 1380.59 *Effective date of the Schedule.* This Schedule shall become effective February 9, 1942.*

Issued this 4th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1139; Filed, February 6, 1942; 4:59 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER I—COAST GUARD

PART 7—ANCHORAGE AND MOVEMENTS OF VESSELS AND THE LADING AND DISCHARGING OF EXPLOSIVE OR INFLAMMABLE MATERIAL, OR OTHER DANGEROUS CARGO

Pursuant to the authority contained in section 1, Title II of the Act of June 15, 1917, 40 Stat. 220 (50 U. S. C. 191), as amended by the Act of November 15, 1941 (Public Law 292, 77th Congress), and by virtue of the Proclamation and Executive Order issued June 27, 1940 (5 F. R. 2419) and November 1, 1941 (6 F. R. 5581), respectively, the Rules and Regulations Governing the Anchorage and Movements of Vessels and the Lading and Discharging of Explosive or Inflammable Material, or Other Dangerous Cargo, approved October 29, 1940 (5 F. R. 4401), as amended, are hereby further amended as follows:

Section 7.10 (c) (18) is amended by adding the following subparagraphs:

Savin Hill Yacht Club, Massachusetts. Northerly of a line having a bearing of 64° true from the stack of the old power plant of the Boston Elevated Railway on Freeport Street in Dorchester; westerly of a line having a bearing of 163° true from the stack of the Boston Main Drainage Pumping Station on the Cow Pasture in Dorchester; southerly of the shore line; and easterly of the shore line.

Wollaston and Squantum Yacht Clubs, Massachusetts. Northwesterly of a line having a bearing of 36° 30′ true from a point on the shore 2600 feet easterly of the east side of the Wollaston Yacht Club landing; southwesterly of a line having a bearing of 129° 15′ true from the water tank in Squantum; southeasterly of the shore line; and northeasterly of the shore line.

Boston Harbor, at Winthrop, Massachusetts. Southerly of a line having a bearing of 276° true from a point on the west side of Pleasant Street, Winthrop, Mass., 360 feet from the southwest corner of its intersection with Main Street; westerly of a line having a bearing of 186° true from a point on the south side of Main Street 140 feet from the southwest corner of its intersection with Pleasant Street; northerly of a line having a bearing of 256° true from a point on the west side of Pleasant Street 550 feet from the southwest corner of its intersection with Main Street; and easterly of a line having a bearing of 182° true from a point on the south side of Main Street 640 feet from the southwest corner of its intersection with Pleasant Street.

Beverly Creek, Massachusetts. All of the area upstream of the highway bridge (Popes Bridge) outside of the dredged channel.

Onset Bay, Massachusetts. Northerly of a line joining the northernmost point of Onset Island and the easternmost point of Wickets Island; easterly of a line joining the easternmost point of Wickets Island and the southwest extremity of Point Independence; southerly of the shore line; and westerly of the shore line and a line bearing due north from the northernmost point of Onset Island.

Plymouth Harbor, Massachusetts. Southeasterly of a line having a bearing of 39° true from Splitting Knife front range light; southwesterly of a line having a bearing of 123° true from a point on the southeast face of the State Pier, 40 feet from the northeast corner (intersection of the northeast and southeast faces produced) of said pier; westerly of a line having a bearing of 356° true from the northeast corner of the Pilgrim Yacht Club wharf; and northeasterly of the shore line.

Salem Harbor, Massachusetts. That part of the harbor lying southwesterly of a line starting from the eastern extremity of Long Point and bearing 116° true to a point bearing 20° true from the beacon southeast of Pickering Point; thence bearing 160° true to a point bearing 47° true from the aforesaid beacon; thence bearing 99° true to the shore; provided that boats shall anchor so as not to obstruct the dredged channel and basin to the Dion Boat Yard.

Parker River, Massachusetts. That portion of the river extending about 3,800 feet downstream from the highway bridge on Route 1A; provided that boats shall anchor in such a manner as to leave a clear approach to the bridge at least 100 feet wide following generally the deepest water.

San Luis Obispo Bay, California. Eastward of the San Luis Obispo County wharf, northward of a line bearing 116° true from the southeast corner of San

Luis Obispo County wharf, westward of a line bearing 210° true from the most seaward extremity of Fossil Point (see U. S. Coast & Geodetic Chart No. 5380).

Section 7.22 is amended as follows:

Anchorage A. Anchorage A is designated a Naval Anchorage. This anchorage shall be used only by Naval vessels, and by other vessels holding special permits issued by the Captain of the Port upon a finding that such special permits to anchor are not inimical to the requirements of the Navy.

FRANK KNOX,
Secretary of the Navy.

Approved:

FRANKLIN D ROOSEVELT
THE WHITE HOUSE,
January 27, 1942

[F. R. Doc. 42-1142; Filed, February 7, 1942; 10:25 a. m.]

PART 7—ANCHORAGE AND MOVEMENTS OF VESSELS AND THE LADING AND DISCHARGING OF EXPLOSIVE OR INFLAMMABLE MATERIAL, OR OTHER DANGEROUS CARGO.

Pursuant to the authority contained in section 1, Title II of the Act of June 15, 1917, 40 Stat. 220 (50 U.S.C. 191), as amended by the Act of November 25, 1941 (Public Law 292, 77th Congress), and by virtue of the Proclamation and Executive Order issued June 27, 1940 (5 F.R. 2419) and November 1, 1941 (6 F.R. 5581), respectively, the Rules and Regulations Governing the Anchorage and Movements of Vessels and the Lading and Discharging of Explosive or Inflammable Material, or Other Dangerous Cargo, approved October 29, 1940 (5 F.R. 4401), as amended, are hereby further amended as follows:

Section 7.91 is amended by adding the following to the list of restricted areas established at river structures of the Tennessee Valley Authority and of the War Department which are included by this regulation:

Kentucky Lock and Dam,
Tennessee River,
Kentucky.

FRANK KNOX,
Secretary of the Navy.

Approved:

FRANKLIN D ROOSEVELT
THE WHITE HOUSE,
January 27, 1942.

[F. R. Doc. 42-1143; Filed, February 7, 1942; 10:26 a. m.]

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 203—BRIDGE REGULATIONS [1]

§ 203.305 *Baltimore Harbor, Md.; bridge (highway) at Hanover Street across Middle Branch of Patapsco River.* (a) When, at any time between the hours of 5 a. m. and 6:30 a. m., 9:30 a. m. and 4 p. m., and 6 p. m. and 9 p. m., a vessel, tug, or any water craft unable to pass under the bridge approaches it, the signal of intention to pass through the draw and for the draw to be opened shall be three blasts of a whistle or horn blown on the craft. When such signal is given, the bridge shall be immediately cleared, no vehicle or person not then on the drawspan shall be allowed to come upon it, and the draw shall be opened forthwith.

If the draw is ready to be opened immediately, the draw operator shall answer immediately by three blasts of a whistle or horn blown on the bridge; and if the draw is not ready to be opened immediately, he shall answer by one short blast of a whistle or horn blown on the bridge.

(b) The draw shall not be required to open to vessels between 6:30 a. m. and 9:30 a. m. and between 4 p. m. and 6 p. m., except in cases involving the passage of fire boats, police boats, and craft similarly engaged in emergency operations. An attendant shall be kept on duty during these periods.

(c) When a vessel, tug, or any water craft unable to pass under the bridge desires to pass through the draw at any time between the hours of 9 p. m. and 5 a. m., notice of such intention shall be given to the superintendent of the bridge by telephone or otherwise, either at the bridge before 9 p. m. or at his residence thereafter. If the notice is given between the hours of 5 a. m. and 9 p. m., or if at least one-half hour has elapsed since it was given, the draw shall be promptly opened at the time specified in the notice on signal given and answered as hereinbefore prescribed.

(d) The owner of the bridge shall keep conspicuously posted thereon, in such manner that it may be easily read at any time, a notice stating how the superintendent may be reached and shall arrange for ready telephonic communication with him at any time between 9 p. m. and 5 a. m., either from the bridge or from its immediate vicinity (Sec. 5, River and Harbor Act Aug. 18, 1894, 28 Stat. 362; 33 U.S.C. 499) [Regs. January 24, 1942 (E. D. 6371 (Baltimore (Md.) Patapsco River—Hanover St.)—5/2)]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-1181; Filed, February 9, 1942; 11:08 a. m.]

[1] § 203.305 is superseded.

TITLE 45—PUBLIC WELFARE

CHAPTER II—CIVILIAN CONSERVATION CORPS

PART 203—ENROLLMENT, DISCHARGE, HOSPITALIZATION, DEATH AND BURIAL OF ENROLLEES [1]

§ 203.10 *Allotments and deposits.*

* * * * * * *

(l) *Withdrawals and repayments of deposits.* (1) * * *

* * * * * * *

(v) To purchase United States Savings Bonds.

* * * * * * *

(c) The check referred to in (b) above, accompanied by Request for Safekeeping, will be forwarded directly to the nearest Federal Reserve Bank (locations are shown in (f) below). Where a large group of bond purchases are involved, individual Requests for Safekeeping may be dispensed with, provided the letter of transmittal to the Federal Reserve Bank involved states that all bonds to be purchased pursuant thereto should be held in safekeeping and the appropriate receipts forwarded to the named enrollees.

(d) The Federal Reserve Bank involved will issue the bond, to be held by said bank, and will forward to the enrollee concerned a Safekeeping Receipt to be held by him until such time as he desires to withdraw the bond.

(e) The bond or bonds will be withdrawn from safekeeping and forwarded to the owner by registered mail upon receipt by the Federal Reserve Bank involved of written request from the owner for such withdrawal, accompanied by the Safekeeping Receipt or Receipts pertaining to the particular bonds desired.

(f) Federal Reserve Banks are located in—

Boston, Mass.
New York, N. Y.
Philadelphia, Pa.
Cleveland, Ohio.
Richmond, Va.
Atlanta, Ga.
Chicago, Ill.
St. Louis, Mo.
Minneapolis, Minn.
Kansas City, Mo.
Dallas, Texas.
San Francisco, Calif.

(50 Stat. 319; 16 U.S.C., Chapter 3A) [Par. 36, C.C.C. Regs., W.D., Dec. 1, 1937, as amended by C. 87, Feb. 2, 1942]

* * * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-1147; Filed, February 7, 1942; 10:27 a. m.]

[1] § 203.10 (l) (1) (v) is amended.

TITLE 46—SHIPPING

CHAPTER II—UNITED STATES MARITIME COMMISSION

[General Order No. 51]

PART 237—REPAIRS TO VESSELS UNDER BAREBOAT CHARTER

REPAIRS TO VESSELS BAREBOAT CHARTERED UNDER PUBLIC LAW NO. 101, 77TH CONGRESS

Whereas, Bareboat Charters of vessels, pursuant to the provisions of an Act of Congress approved June 6, 1941 (Public Law 101—77th Congress, Ch. 174, 1st Session) contain the following Articles or their equivalent:

Maintenance: All repairs to the vessels made by the charterer, not recoverable from insurance, shall be for the account of and borne by the owner and shall not be included as an item of vessel operating expense. Repairs are hereby defined as the replacement by duplication of, or restoration to satisfactory condition of, damaged or worn parts or vessels, their machinery and equipment, which are integral parts of the vessel, including the purchase of equipment and spares required by the classification societies, and any betterments; or

All repairs to the vessels shall be made by the charterer and the charterer shall be reimbursed by the Owner for the costs thereof to the extent not recoverable from insurance, and the costs so reimbursed shall not be included in vessel operating expense;

And, whereas, the condition of the Repair Industry as a whole during the past year has precluded active competitive bidding on repairs, thereby necessitating negotiation of repair contracts with limitations on profits; and

Whereas, it is essential that the cost of repairs for the owner's account be kept at the absolute minimum consistent with good operation, arrest of deterioration, safety of the vessel and its operating personnel; it is therefore ordered that:

§ 237.1 *Detailed repair specifications; payment and audit.* All required repairs and betterments (alterations and/or improvements) authorized for the owner's accounts shall be covered by specifications prepared by the charterer in sufficient detail to describe fully all items of work to be performed and shall be paid for by the charterer and allowed for reimbursement to the charterer by the owner at rates not exceeding those which would have been paid had such work been accomplished under an existing master contract between the owner and the repair company, or in the absence of such a master contract at rates not in excess of those then being currently paid by the owner to the repair company or to other repair companies in the vicinity, and the charterer in ordering any such work otherwise than upon a basis of proper competitive bids shall cause full right of audit to be reserved to the owner.*

*§§ 237.1 to 237.3, inclusive, issued under the authority contained in Public Law 101, 77th Cong., June 6, 1941.

§ 237.2 *Repairs outside United States prohibited; exceptions.* No repairs, except as hereinafter provided, shall be performed outside of the Continental limits of the United States without specific authorization in each instance of a representative of the Commission: *Provided, however,* That such specific authorization shall not be required in the case of repairs of an emergency nature required for the safety of a vessel for its return to the United States or such work as is required for convoy operating purposes.*

§ 237.3 *Consumption entries.* All consumption entries involving repairs in foreign ports shall be filed and handled to a conclusion with the United States Customs, including payment of all unremitted duties, such payments to be allowed for reimbursement to the charterer by the owner as an additional cost of such foreign repairs.*

By Order of the United States Maritime Commission.

A. J. WILLIAMS,
Assistant Secretary.

[F. R. Doc. 42-1157; Filed, February 7, 1942; 11:24 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 19th day of January, A. D. 1942.

The subject of the requirement of annual reports from carriers by water being under consideration, the following order was entered:

It is ordered, That the order of this Commission dated November 8, 1940, In the Matter of Annual Reports from Carriers by Water, in so far as it relates to carriers having annual operating revenues exceeding $100,000 but not more than $500,000, and corresponding sections of the Code of Federal Regulations be, and hereby are annulled, effective January 1, 1942, and the following order shall become effective:

§ 120.51a *Form prescribed for carriers by water of Class B.* (a) All carriers by water of Class B subject to the provisions of the Interstate Commerce Act be, and they hereby are, required to file an annual report for the year ended December 31, 1941, and for each succeeding year until further order, in accordance with Annual Report Form K–B (Class B Carriers by Water), which is hereby approved and made a part of this order.[1] Said annual report shall be filed, in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates. (Sec. 20, 24 Stat. 386, sec. 7, 34 Stat. 593, 35 Stat. 649, sec. 14, 36 Stat. 555, sec. 1, 38 Stat. 1196, 39 Stat. 441, secs. 434–438, 41 Stat. 493, 494, sec. 313, 54 Stat. 944; 49 U.S.C. 20 (1)–(10), 4402)

By the Commission, division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-1189; Filed, February 9, 1942; 11:34 a. m.]

PART 120—ANNUAL, SPECIAL OR PERIODICAL REPORTS

At a session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 19th day of January, A. D. 1942.

The subject of the requirement of annual reports from carriers by water being under consideration, the following order was entered:

It is ordered, That the order of this Commission dated November 8, 1940, In the Matter of Annual Reports from Carriers by Water, in so far as it relates to carriers having annual operating revenues of $100,000 or less, and corresponding sections of the Code of Federal Regulations be, and hereby are annulled, effective January 1, 1942, and the following order shall become effective:

§ 120.51b *Form prescribed for carriers by water of Class C.* (a) All carriers by water of Class C subject to the provisions of the Interstate Commerce Act be, and they hereby are, required to file an annual report for the year ended December 31, 1941, and for each succeeding year until further order, in accordance with Annual Report Form K–C (Class C Carriers by Water), which is hereby approved and made a part of this order.[1] Said annual report shall be filed, in duplicate, in the Bureau of Statistics, Interstate Commerce Commission, Washington, D. C., on or before March 31 of the year following the one to which it relates. (Sec. 20, 24 Stat. 386, sec. 7, 34 Stat. 593, 35 Stat. 649, sec. 14, 36 Stat. 555, sec. 1, 38 Stat. 1196, 39 Stat. 441, secs. 434–438, 41 Stat. 493, 494, sec. 313, 54 Stat. 944; 49 U.S.C. 20 (1)–(10), 4402)

By the Commission, division 1.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-1190; Filed, February 9, 1942; 11:34 a. m.]

[1] Filed as part of the original document.

Notices

WAR DEPARTMENT.

[AG 210.31 (12-30-41) RP-A]

RECALL TO ACTIVE DUTY OF ENLISTED MEN IN THE NATIONAL GUARD OF THE UNITED STATES WHO SERVED AS COMMISSIONED OFFICERS IN THE ARMY OF THE UNITED STATES

The following procedure will be followed in the reordering to active duty of enlisted men of the National Guard of the United States who have been relieved from active Federal service after having served satisfactorily in a commissioned status during the present emergency:

a. Enlisted men who now hold appointments in the National Guard of the United States, and whose services are requested by proper authority, will be reordered to active duty as commissioned officers in the grade now held in the National Guard of the United States.

b. Enlisted men who held temporary appointments in the Army of the United States during the present emergency will not be reordered to active duty in their enlisted status. When their services are requested by proper authority, the corps area commander concerned will report the names of such enlisted men to the War Department with a recommendation for their reappointment as second lieutenants, Army of the United States. Pending action upon the recommended appointment, such men will not be ordered to active duty as enlisted men. (R.S. 161; 5 U.S.C. 22)

E. S. ADAMS,
Major General,
The Adjutant General.

FEBRUARY 2, 1942.

[F. R. Doc. 42-1146; Filed, February 7, 1942; 10:27 a. m.]

DEPARTMENT OF THE INTERIOR

Bituminous Coal Division.

[Docket Nos. A-745, A-959]

PETITION OF JOSEPH F. STREMEL, A CODE MEMBER IN DISTRICT NO. 17, FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS IN SIZE GROUP NO. 13 OF THE MINE INDEX NO. 442 IN THAT DISTRICT FOR LOCOMOTIVE FUEL USE; AND PETITION OF JOSEPH F. STREMEL, A CODE MEMBER IN DISTRICT NO. 17, FOR MODIFICATION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 442 IN THAT DISTRICT

MEMORANDUM OPINION AND ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND DENYING RELIEF

This proceeding was instituted upon original petitions filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by Joseph F. Stremel, on March 14, 1941 (Docket No. A-745), and July 8, 1941 (Docket No. A-959). The petitioner, in Docket No. A-745, requests a reduction of 25 cents per ton in the effective minimum price established for the coal in Size Group 13 produced at petitioner's Crow Bar Mine (Mine Index No. 442) when sold for railroad locomotive fuel. In Docket No. A-959, the petitioner requests that the prices established for the Crow Bar Mine coals for all shipments be reduced 25 cents in all size groups.

District Board 17 filed answers herein on March 27, 1941 and July 15, 1941, requesting that the relief sought in the original petitions be denied, alleging, *inter alia*, that to grant such relief would adversely affect other coal producers in District 17.

On August 5, 1941, the Sleepy Cat Coal Company, a code member in District 17, intervened in Docket No. A-959 in support of the original petition and requested similar relief for the coals produced at its Sleepy Cat Mine (Mine Index No. 71).

By Order of the Acting Director, dated July 22, 1941, the dockets were consolidated and, pursuant to orders and notices duly issued, a hearing was held in this manner on August 11, 13 and 14, 1941 before D. C. McCurtain, a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division in Denver, Colorado.

Thereafter, the Examiner made his Report, Proposed Findings of Fact and Conclusions of Law, dated October 9, 1941. Upon the basis thereof, he recommended the entry of an order denying the requests of the original petitioner and the intervener, the Sleepy Cat Coal Company. An opportunity was afforded all parties to file exceptions thereto and supporting briefs. On November 5, 1941, the original petitioner filed exceptions to the Examiner's Report. For the most part, the exceptions are merely arguments in opposition to the conclusions reached by the Examiner, rather than specific exceptions to the findings supporting those conclusions.

The petitioner contends that the coal produced at his Crow Bar Mine is inferior in certain characteristics, especially in moisture content, to certain competitive coals similarly priced, particularly those of the Harris Mine of the Colorado-Utah Coal Company and the Wadge Mine of the Victor-American Fuel Company. He contends that the difference in the quality of the latter coals and other higher priced coals is no greater than the difference in the quality of the Crow Bar Mine coals as compared with the coals produced at the Harris Mine, and thus concludes that the latter coals should be priced higher than the coals produced at his mine. After a review of the record, I find, as did the Examiner, that while the analysis submitted indicates that the petitioner's coal is inferior in moisture content, and heat value, in other analytical qualities his coal appears to be equal to or better than the Harris Mine coal, and, moreover, that recent analysis submitted for petitioner's coal cannot be considered as representative of that coal because samples were not taken in accordance with approved standards. The petitioner does not take exceptions to the Examiner's findings in this respect nor makes reference to any evidence in the record that would support a different finding.

The Examiner also found that while the production of all coal in Colorado has decreased in the past few years, the petitioner and intervener have steadily increased their production. The petitioner contends in substance that this is due to the fact that his mine, and other mines producing from the same seam level, have been in operation only a short time and must necessarily expand their markets, whereas the other mines of the district have had established markets, which have been affected by substitute fuels. The Examiner recognized that an increase in the production at the mines operated by petitioner and intervener was to be more or less expected, yet found there was no definite showing that the increase in production was below what could normally be expected, taking into consideration the investments, sales efforts, etc. A review of the record convinces me that the findings of the Examiner in this respect were proper.

Petitioner excepts to the statement of the Examiner that the testimony of witnesses for petitioner and intervener shows that their coals are comparable to the coals produced at the Hayden Valley Mutual and Babson Mines, and that these coals would be at a competitive disadvantage if the petitioner's request were granted. The petitioner states that he does not ask for relief individually but is satisfied and convinced that relief should also be extended to the coals of the other two mines. In answer to this exception, it is sufficient to note that neither of the petitions filed herein request that such relief be granted. In view of this fact, and since the operators of the Hayden Valley Mutual and the Babson Mines did not intervene or appear at the hearing, a revision in the prices established for their coals would not be proper in this proceeding. The undersigned points out, however, that the petitioner, or any other proper party, is not precluded from filing a subsequent petition requesting a revision in the prices established for the coals of the four mines which petitioner asserts are improperly priced, and states that any petition so filed will receive full consideration.

An exception is taken by the petitioner to the consideration by the Examiner of the testimony of Joseph F. Stremel in a previous hearing before the Division, regarding a reduction in the prices established for the coals of the Hayden Valley Mutual Mine, contending in effect that the petitioner's rights in this proceeding should not be decided on the basis of his testimony in a prior proceeding. While the petitioner's testimony in the prior proceeding is certainly not conclusive of his rights here, those prior statements can, if properly considered at the hearing, be used as a means of evaluating his testimony in the present proceeding. An examination of the Examiner's findings and the record shows that Stremel's prior testimony was only considered for this purpose.

The argument of the petitioner to the effect that the coordination of the coals in the district was established as a result of hearings held before his mine was in operation and since his coals were not considered in the coordination proceedings they are improperly priced, is without merit. The issue here is not a question of the basis upon which the prices for petitioner's coals were established, but whether or not those prices are proper and whether the fair competitive opportunities of other coals would be prejudiced by the granting of the relief sought.

The petitioner also excepts to the remarks of the Examiner pointing out that merely because the petitioner and intervener have received complaints from certain customers is not necessarily indicative of a price disadvantage, but that this may result from improper preparation of the coals at the mine, lack of sales organization, or from various other causes. A review of the record discloses that there was sufficient foundation for this statement.

The Examiner's findings regarding the amount of slack sold by the petitioner and the intervener to the railroad, in comparison to the amount sold by other producers, is adequately supported by the record, and the petitioner's exceptions thereto are not well taken. The undersigned has also examined the record in connection with petitioner's assertion that the Examiner overlooked the fact that purchasers of slack are not limited to railroads and that petitioner sells practically no slack at established prices to dealers. I find that the record evidence in this respect affords no justification for altering the conclusions reached by the Examiner.

Therefore, after a review of the record and upon the basis of the foregoing, I conclude that the Proposed Findings of Fact and Conclusions of Law of the Examiner are proper and should be adopted as the Findings of Fact and Conclusions of Law of the undersigned.

Now, therefore, it is ordered, That the Proposed Findings of Fact and Conclusions of Law of the Examiner be, and they hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That the prayers of the original petitioner and intervener, the Sleepy Cat Coal Company, for a reduction in the minimum prices established for the coals produced at the Crow Bar and Sleepy Cat Mines be, and they hereby are, denied.

Dated: February 7, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-1182; Filed, February 9, 1942; 11:11 a. m.]

[Docket No. A-1242]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF AN ADDITIONAL RAIL LOADING POINT FOR THE COALS OF THE R. & G. MINE (MINE INDEX NO. 104) OF HENRY W. STRIETELMEIER, A CODE MEMBER IN DISTRICT NO. 11

ORDER POSTPONING HEARING

The original petitioner having moved that the hearing in the above-entitled matter, heretofore scheduled for February 11, 1942, be postponed until February 17, 1942, and having shown good cause why said motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from 10 o'clock in the forenoon of February 11, 1942, until 10 o'clock in the forenoon of February 17, 1942, at the place and before W. A. Shipman, in place of the officer heretofore designated.

Dated: February 6, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-1183; Filed, February 9, 1942; 11:11 a. m.]

[Docket No. B-115]

IN THE MATTER OF E. H. WASSON, REGISTERED DISTRIBUTOR, REGISTRATION NO. 9455, RESPONDENT

ORDER RESCHEDULING HEARING AND REDESIGNATING EXAMINER

The hearing in the above-entitled matter having been scheduled for January 9, 1942, at the Council Chambers, Muncie City Hall, Muncie, Indiana, by an Order of the Division dated November 22, 1941, and said hearing having been postponed by an Order of the Division dated January 2, 1942, to a date and place to be thereafter designated by an appropriate order; and

It appearing to the Acting Director that the place and date of said hearing should now be designated;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be held on March 9, 1942, at 10 a. m. at the Muncie City Council Chambers, Muncie, Illinois.

It is further ordered, That Examiner Edward J. Hayes preside at said hearing vice Examiner W. A. Shipman; and

It is further ordered, That the Notice of and Order for Hearing dated November 22, 1941, as amended by Order of the Division herein, dated January 2, 1942, shall in all other respects remain in full force and effect.

Dated: February 5, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-1184; Filed, February 9, 1942; 11:11 a. m.]

[Docket No. A-1080]

PETITION OF WILLIE DRAKE, A CODE MEMBER IN DISTRICT NO. 8, FOR REVISION OF THE EFFECTIVE MINIMUM PRICE FOR FORKED COAL PRODUCED FROM THE DRAKE MINE (MINE INDEX NO. 3307), FOR TRUCK SHIPMENT

ORDER TERMINATING PROCEEDING

Willie Drake filed an original petition in the above-entitled matter on September 25, 1941, praying for revision of the effective price classifications and minimum prices established for the coals of Drake Mine, Mine Index No. 3307, in District No. 8, for truck shipment.

Although the petitioner was notified by registered mail and by publication in the FEDERAL REGISTER that a hearing in the above-entitled matter was scheduled to be held at a hearing room of the Division on November 13, 1941, at 10 o'clock in the forenoon of that day at Washington, D. C., he failed to appear at the above-mentioned hearing. Moreover, the petitioner has not replied to the letter of December 19, 1941, from the Acting Director asking if he has any further interest in the above-entitled matter.

It appears, therefore, that the petitioner has no further interest in the above-entitled matter.

Now, therefore, it is ordered, That the original petition in the above-entitled matter be, and it hereby is, dismissed, and that this proceeding be terminated. Such dismissal shall, however, be without prejudice to the right of petitioner to file a petition in regard to the same matters pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: February 6, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-1185; Filed, February 9, 1942; 11:12 a. m.]

[Docket No. A-649]

PETITION OF NATIONAL COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 12, REQUESTING MODIFICATION OF THE MINIMUM PRICES ESTABLISHED ON SHIPMENTS OF RAILROAD LOCOMOTIVE FUEL FROM PETITIONER'S NATIONAL MINE (MINE INDEX NO. 33) TO THE MINNEAPOLIS & ST. LOUIS RAILROAD AND TO THE CHICAGO GREAT WESTERN RAILROAD

ORDER DENYING RELIEF

An original petition having been filed with the Bituminous Coal Division on February 4, 1941, by National Coal Company, Inc., a code member in District 12, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting a reduction in the minimum f. o. b. mine prices established for the sale of railroad locomotive fuel produced at the National #1 Mine (Mine Index No. 33) to The Minneapolis & St. Louis Railroad Company and to the Chicago Great Western Railway Company;

District Boards 10 and 12 having filed petitions of intervention, opposing the requested relief;

Pursuant to Orders of the Director, a hearing and a rehearing in this matter having been held before duly designated Examiners of the Division at hearing rooms of the Division in Des Moines, Iowa, and Washington, D. C., respectively, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a Report by the Examiner having been waived and the matter having been thereupon submitted to the undersigned;

Briefs having been filed by the petitioner and by District Board 12;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith; [1]

Now, therefore, it is ordered, That the prayer for relief contained in the original petition filed herein be, and it hereby is, denied.

Dated: February 6, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-1186; Filed, February 9, 1942; 11:12 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Acting Director:

Name and address	*Date application filed*
B. Allyn Kain, Kain Fuels Co., 504 Prudential Bldg., Buffalo, N. Y.	Jan. 26, 1942
Nashville Coal Co. of Louisville, Starks Bldg., Louisville, Ky.	Jan. 29, 1942
Tuttle-Dovey Coal Mng. Co., 116 Market St., Johnstown, Pa.	Jan. 19, 1942
Weber & Quinn, 73 9th St., Brooklyn, N. Y.	Jan. 29, 1942

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before March 9, 1942. This information should be mailed or presented to the Bituminous Coal Divi-

[1] Not filed with the original document.

sion, 734 15th Street NW., Washington, D. C.

Dated: February 5, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1187; Filed, February 9, 1942; 11:12 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE STRUCTURAL STEEL FABRICATING INDUSTRY

NOTICE OF HEARING

All interested parties are hereby notified that a hearing will be held before the Public Contracts Board in Room 3229, Department of Labor Building, Washington, D. C., commencing at 10 a. m. on Thursday, February 26, 1942, to take testimony and receive evidence upon which findings of fact and recommendations will be made by the Board to assist the Secretary of Labor in determining the prevailing minimum wages in the Structural Steel Fabricating Industry pursuant to the provisions of section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), otherwise known as the Walsh-Healey Public Contracts Act.

The Structural Steel Fabricating Industry is, for the purpose of this notice, that industry which fabricates according to plans and specifications steel or iron shapes, plates, and bars for use as the supporting, or self-supporting parts or members of buildings, bridges, electric transmission, radio, and other towers, and other shore structures, not including, however, the erecting of fabricated products in such structures or the fabricating of (a) concrete reinforcing bars, or (b) boilers, buoys, tanks, smokestacks, penstocks, or other products that are used for similar purposes.

At the hearing an opportunity to be heard, either in person or by duly appointed representatives, will be given to persons engaged in the above named industries, either as employers or as employees, to groups of such persons, and to others within the discretion of the Board. Briefs or telegraphic communications may be filed with the Administrator, Division of Public Contracts, Department of Labor, and they should be received on or before the hearing date. No form for the brief is prescribed, but an original and four copies must be submitted.

Wage data collected and compiled by a committee for the Structural Steel Fabricating Industry will be presented at the hearing. These data have been reproduced and will be sent on request made to the Administrator, Division of Public Contracts. Additional data will be presented by the International Association of Bridge, Structural and Ornamental Iron Workers. In order that the wage data presented at the hearing may be as representative of all sections of the industry as possible, other interested parties are invited to submit wage data or any other pertinent information.

The entire record will be considered by the Secretary of Labor before the wage determination is made.

[SEAL] L. METCALFE WALLING,
Administrator.

FEBRUARY 5, 1942.

[F. R. Doc. 42-1191; Filed, February 9, 1942; 11:40 a. m.]

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective February 9, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Single Pants, Shirts and Allied Garments and Women's Apparel Industries:

A. & B. Brassiere Company, 1 Little Burnet Street, New Brunswick, New Jersey; Brassieres; 6 learners (T); February 9, 1943.

Aalfs-Baker Manufacturing Company, 1007 4th Street, Sioux City, Iowa; Overalls, shirts, Jackets, cotton pants; 40 learners (E); June 29, 1942. (This certificate authorizes the employment of learners only on commercial work.)

Alpert & Fuchs, 780 East 135th Street, New York, New York; Shirts; 10 percent (T); June 5, 1942.

American Brassiere Company, 44 West 28th Street, New York, New York; Girdles, Corsets, Brassieres; 10 percent (T); May 25, 1942.

B. & B. Manufacturing Company, Inc., 26 Canfield Street, Orange, New Jersey; Ladies' Wash Dresses; 6 learners (T); February 9, 1943. (This certificate replaces the one bearing expiration date of October 9, 1942.)

Bair Shirt Factory, Bair, Pennsylvania; Work Shirts; 10 learners (T); February 9, 1943.

Bound Brook Novelty Company, 324 Talmadge Avenue, Bound Brook, New Jersey; Boys' Wash Suits; 6 learners (T); February 9, 1943.

J. A. Brewster, Tannery Lane, Camden, Maine; Shirts; 2 learners (T); August 9, 1942.

The Carlisle Garment Company, 44 N. Bedford Street, Carlisle, Pennsylvania; Cotton House Coats, Dresses and Smocks; 6 learners (T); February 9, 1943.

A. Cohen Brassiere, Inc., 395 Fourth Avenue, New York, New York; Girdles, Brassieres and Foundations; 10 percent (T); May 25, 1942.

Kay Dunhill, Inc., 201 Westwood Avenue, Long Branch, New Jersey; House Dresses and Wash Frocks; 10 percent (T); February 9, 1943.

Essex Manufacturing Company, 620 Franklin Avenue, Baltimore, Maryland; Cotton Work Pants; 10 learners (E); August 9, 1942.

Garden Dress Company, Oak and Balliett Streets, Frackville, Pennsylvania; Dresses; 10 learners (T); February 9, 1943.

Hamilton Carhartt Overall Company, Carhartt Park, Irvine, Kentucky; Overalls; 10 percent (T); February 9, 1943.

Hipsh, Inc., Ford Building, Holden, Missouri; Sport Shirts, Jackets, Pants; 10 percent (T); February 9, 1943.

Ideal Brassiere Company, 889 Broadway, New York, New York; Brassieres; 10 learners (T); May 25, 1942. (Certificate replaces one bearing exp. date March 12, '42)

Juvenile Manufacturing Company, Inc., 327 North Flores Street, San Antonio, Texas; Boys', Student's, Infant's and Girl's Clothing; 10 percent (T); Feb-

ruary 12, 1943. (This certificate effective February 12, 1942.)

LaFollette Shirt Company, Mill Street, LaFollette, Tennessee; Shirts; 72 learners (E); June 29, 1942.

Lampl Sportswear Manufacturing Company, 2570 Superior, Cleveland, Ohio; Ladies' Sport Dresses, Playclothes; 10 percent (T); February 9, 1943.

Manheim Manufacturing Company, 35 South Spring Street, Elizabeth, New Jersey; Dresses and Blouses; 10 learners (T); February 23, 1943. (This certificate effective February 23, 1942.)

Nuzan Brassiers Company, Inc., 102 Madison Avenue, New York, New York; Brassieres; 10 learners (T); May 25, 1942.

Philley Mfg. Company, 5 North Lafayette Street, Valparaiso, Indiana; Aprons, Denim Slacks; 3 learners (T); February 9, 1943.

Rice Stix Factory No. 6, 417 North 10th Street, St. Louis, Missouri; Sportswear, Dresses; 10 percent (T); February 9, 1943.

Royal Trouser Manufacturing Company, 37 Chestnut Street, Norwich, Connecticut; Pants; 10 learners (T); August 9, 1942.

Shane Uniform Company, Inc., Maryland at Buchanan, Evansville, Indiana; Washable Uniforms; 10 percent (T); February 9, 1943.

H. B. Spoont, Shenandoah, Pennsylvania; Boys' Slacks and Blouses; 8 learners; (T); February 9, 1943.

Stein-Way Clothing Company, Carolina Avenue, Erwin, Tennessee; Single Pants; 10 percent (T); February 9, 1943.

Superior Surgical Mfg. Company, Inc., Vernon Valley Road, Tenth Avenue, East Northport, New York; Washable Service Apparel; 10 percent (T); February 9, 1943.

Thompsontown Manufacturing Company, Mifflin, Pennsylvania; Men's Underwear; 5 learners (T); February 9, 1943.

Gloves

Becopa Glove Mills, Inc., #4 Warburton Avenue, Yonkers, New York; Knit Fabric and Knit Wool Gloves; 34 learners (E); August 9, 1942.

Consolidated Glove Corporation, 120 Catherine Street, Malone, New York; Work Gloves; 10 percent (T); June 1, 1942.

Fairfield Glove & Mitten Company, Bonaparte, Iowa; Work Gloves; 4 learners (T); February 9, 1943.

Hega Knitting Mills, Inc., 204 S. Broadway, Yonkers, New York; Knit Wool Gloves; 50 learners (E); August 9, 1942.

Halifax County Hosiery Mills, Scotland Neck, North Carolina; Seamless Hosiery; 20 learners (E); August 9, 1942.

Martinet Hosiery Mills, Valdese, North Carolina; Seamless Hosiery; 10 percent (T); February 9, 1943. (This certificate replaces one bearing expiration date of October 16, 1942.)

Owen Osborne, Inc., Gainesville, Georgia; Full Fashioned Hosiery; 5 percent (T); February 9, 1943.

Spalding Knitting Mills, E. Broad Street, Griffin, Georgia; Seamless Hosiery; 30 learners (E); October 9, 1942.

The Wovenwright Knitting Company, 2400 Payne Avenue, Cleveland, Ohio; Seamless Hosiery; 5 learners (T); February 9, 1943.

Telephone

Lebanon Telephone Company, 40 Sherman Street, Lebanon, Oregon; to employ learners as commercial switchboard operators at its Lebanon Exchange, Lebanon, Oregon; until August 9, 1942. (Replaces one bearing exp. date of April 14, 1942.)

Knitted Wear

American Hosiery, Inc., Park Street, New Britain, Connecticut; Knitted Underwear; 10 learners (T); February 9, 1943.

Denton Sleeping Garment, Centreville, Michigan; Knitted Sleeping Garments; 4 learners (T); February 9, 1943.

Emple Knitting Mills, 27 Columbia Street, Bangor, Maine; Knitted Outerwear; 10 learners (T); February 9, 1943.

Lincoln Underwear Mills, Inc., Evans & Water Streets, Pottstown, Pennsylvania; Knitted Underwear; 10 learners (T); February 9, 1943.

Ninety Six Cotton Mill, Ninety Six, South Carolina; Cotton Cloth; 3 percent (T); February 9, 1943. (This certificate replaces the one bearing the expiration date of September 25, 1942.)

Grantville Mills, Grantville, Georgia; Cotton Yarn; 3 percent (T); February 9, 1943.

Signed at Washington, D. C., this 9th day of February 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-1197; Filed, February 9, 1942; 11:52 a. m.]

NOTICE OF HEARING[1] ON THE MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE No. 40 FOR THE GLOVES AND MITTENS INDUSTRY, AND ON THE HOME WORK PROBLEM IN SUCH INDUSTRY

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on January 9, 1942, by Administrative Order No. 137, appointed Industry Committee No. 40 for the Gloves and Mittens Industry, composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 40, on January 27, 1942, recommended a minimum wage rate for the Gloves and Mittens Industry and duly adopted a report containing such recommendation and reasons therefor and filed such report with the Administrator pursuant to section 8 (d) of the act and § 511.19 of the regulations issued under the act; and

Whereas, the administrator is required by section 8 (d) of the act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the minimum wage recommendation of Industry Committee No. 40 if he finds that the recommendation is made in accordance with law and is supported by evidence adduced at the hearing before him, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the act; and, if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 40 is as follows:

Wages at a rate of not less than forty cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Gloves and Mittens Industry (as defined in Administrative Order No. 137) who is engaged in commerce or in the production of goods for commerce, and that no classifications be established in such industry.

II. The definition of the Gloves and Mittens Industry as set forth in Administrative Order No. 137, issued January 9, 1942, is as follows:

The production of gloves and mittens from any material or combination of materials, except athletic gloves and mittens: *Provided, however,* That the definition shall not include any product the manufacture of which is covered by an order of the Administrator defining an industry, and approving the recommendation of an industry committee or appointing an industry committee for such industry, issued prior to the signing of Administrative Order No. 137 appointing Industry Committee No. 40 for the Gloves and Mittens Industry, except the products included in the wage orders issued for the "Work Gloves and Mittens" and the "Gloves and Mittens Other Than Work Gloves and Mittens" Divisions of the Apparel Industry.

The definition of the gloves and mittens industry covers all occupations in the industry which are necessary to the production of the articles specified in the definition including clerical, maintenance, shipping, and selling occupations: *Provided, however,* That such clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, the the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale, shall not be deemed to be covered by this definition; and *Provided further,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

[1] To be held March 2, 1942, at Washington, D. C.

III. The full text of the report and recommendation of Industry Committee No. 40 is and will be available for inspection by any person between the hours of 9:00 A. M. and 4:30 P. M. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Old South Building, 294 Washington Street.
New York, New York, 341 Ninth Avenue.
Newark, New Jersey, Essex Building, 31 Clinton Street.
Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut & Juniper Streets. Streets.
Pittsburgh, Pennsylvania, 219 Old Post Office Building, Fourth & Smithfield Streets.
Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.
Baltimore, Maryland, 201 N. Calvert Street.
Raleigh, North Carolina, North Carolina Department of Labor, Salisbury & Edenton Streets.
Atlanta, Georgia, Fifth Floor Witt Building, 249 Peachtree Street, NE.
Columbia, South Carolina, Federal Land Bank Building.
Jacksonville, Florida, 456 New Post Office Building.
Birmingham, Alabama, 1007 Comer Building, 2nd Avenue & 21st Street.
New Orleans, Louisiana, 916 Union Building.
Jackson, Mississippi, 402 Deposit Guaranty Bank Building, 102 Lamar Street.
Nashville, Tennessee, 509 Medical Arts Building, 119 Seventh Avenue North.
Cleveland, Ohio, Main Post Office, West 3rd & Prospect Avenue.
Detroit, Michigan, 348 Federal Building.
Columbus, Ohio, 320 Old Federal Building.
Chicago, Illinois, 1200 Merchandise Mart, 222 West North Bank Drive.
Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.
Kansas City, Missouri, 504 Title & Trust Building, Tenth & Walnut Streets.
St. Louis, Missouri, 100 Old Federal Building.
Denver, Colorado, 300 Chamber of Commerce Building.
Dallas, Texas, Rio Grande National Building, 1100 Main Street.
San Francisco, California, Room 500, Humboldt Bank Building, 785 Market Street.
Los Angeles, California, 417 H. W. Hellman Building.
Seattle, Washington, 305 Post Office Building.
San Juan, Puerto Rico, Box 112, Post Office.
Washington, District of Columbia, Fourth Floor, Department of Labor.

Copies of the Committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing will be held on March 2, 1942, before Major Robert N. Campbell as presiding officer, at 10:00 A. M. in Room 3229 of the United States Department of Labor Building at Washington, D. C., for the purpose of taking evidence on the following questions:

1. Whether the minimum wage recommendation of Industry Committee No. 40 shall be approved or disapproved; and
2. In the event an order is issued approving the recommendation, what, if any, prohibition, restriction, or regulation of homework in the Gloves and Mittens Industry is necessary to carry out the purposes of such order, to prevent the circumvention or evasion thereof, and to safeguard the minimum wage rate established therein.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 40 may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person; provided, that not later than February 24, 1942, any such person shall file with the Administrator at Washington, D. C. a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.
2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.
3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 40.
4. The approximate length of time requested for his presentation.

Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 40 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following documents relating to the Gloves and Mittens Industry will be made available upon request for inspection by any interested person who intends to appear at the aforesaid hearing:

The Glove and Mitten Industry, Report prepared by the Research and Statistics Branch, United States Department of Labor, Wage and Hour Division, January, 1942.

Changes in Cost of Living, prepared by Cost of Living Division and Retail Price Division of the Bureau of Labor Statistics, United States Department of Labor, September 15, 1941, Serial No. R–1391.

Retail Costs of Food, November 18, 1941, prepared by the Bureau of Labor Statistics, United States Department of Labor, December 16, 1941.

Retail Costs of Food, October 14, 1941, prepared by the Bureau of Labor Statistics, United States Department of Labor, November 6, 1941.

Changes in Cost of Living in Large Cities, November 20, 1941, prepared by the United States Department of Labor.

Changes in Cost of Living in Large Cities, November 15, 1941, prepared by the United States Department of Labor, December 17, 1941.

Estimated Intercity Differences in Cost of Living, September 15, 1941, prepared by the Bureau of Labor Statistics, United States Department of Labor.

Differences in Living Costs in Northern and Southern Cities, prepared by Cost of Living Division and Retail Price Division of the Bureau of Labor Statistics, from the Monthly Labor Review, July 1939, Serial No. R–963.

The Bureau of Labor Statistics' New Index of Cost of Living, from the Monthly Labor Review of the Bureau of Labor Statistics, United States Department of Labor, March 15, 1940, Serial No. R–1156.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the presiding officer as are deemed appropriate:

1. The hearings shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, Department of Labor, Washington, D. C.
2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.
3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.
4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.
5. All evidence must be presented under oath or affirmation.
6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The presiding officer, may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person in so far as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing, the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C. this 6 day of February 1942.

THOMAS W. HOLLAND,
Administrator.

[F.R. Doc. 42-1198; Filed, February 9, 1942; 11:52 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-223, G-224, G-225]

IN THE MATTERS OF NEW YORK STATE NATURAL GAS CORPORATION; NEW YORK STATE NATURAL GAS CORPORATION; AND KEUKA CONSTRUCTION CORPORATION

ORDER POSTPONING DATE AND CHANGING PLACE OF HEARING

FEBRUARY 4, 1942.

It appearing to the Commission that:

(a) By its orders of December 30, 1941, and January 15, 1942, the Commission directed that hearings in the above-entitled matters be held at Washington, D. C., commencing on February 18, 1942;

(b) On February 4, 1942, the New York State Natural Gas Corporation and the Keuka Construction Corporation filed petitions in each of these proceedings requesting a postponement of the date for such hearings and also requesting that the place of hearing be changed to Pittsburgh, Pennsylvania;

(c) Good cause has been shown for the postponement of such hearings and for the changing of the place for holding same to Pittsburgh, Pennsylvania;

The Commission orders that:

The hearings heretofore ordered to be held in these proceedings be and they are postponed to March 16, 1942, at 10:00 a. m. (E. S. T.) in Courtroom 2, Federal Building, in the City of Pittsburgh, Pennsylvania.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-1143; Filed, February 7, 1942; 10:26 a. m.]

[Docket No. IT-5695]

IN THE MATTER OF MISSISSIPPI RIVER POWER COMPANY

ORDER TO SHOW CAUSE AND FIXING DATE OF HEARING

FEBRUARY 3, 1942.

It appearing to the Commission that:

(a) On June 19, 1941, there was served upon Mississippi River Power Company, hereinafter referred to as "Company," a joint report prepared by the Commission's staff and the staff of the Illinois Commerce Commission, entitled "Mississippi River Power Company, Keokuk, Iowa, Report on the Reclassification and Original Cost Studies of Electric Plant as at January 1, 1937";

(b) Concurrently with the service of the report described in paragraph (a) above upon the Company, there was served, also, an order, entered June 17, 1941, directing the Company to show cause, under oath, if any there be, on or before July 15, 1941, why the Commission should not determine by order that:

(i) Adjusting entries be made by the Company to bring its accounts in conformity with the recommendations made by the staffs of this Commission and the Illinois Commerce Commission in the joint report;

(ii) A plan be submitted by the Company for the disposition of $16,000,000 classified in Account 107, Electric Plant Adjustments;

(iii) Disposition be made of certain other amounts classified in Account 107, in the sum of $6,251,519.24, in accordance with the recommendations of the staffs of this Commission and the Illinois Commerce Commission as set forth in the joint report;

(c) On July 11, 1941, the Commission, upon petition of the Company, granted an extension of time until August 15, 1941, for compliance with the order to show cause, and by order of August 19, 1941, the time was further extended to October 15, 1941;

(d) On October 15, 1941, the Company filed with the Commission its response to the order to show cause;

The Commission finds that:

(1) Mississippi River Power Company's proposed reclassification and original cost studies, and the information submitted in its response to the order to show cause, do not justify or explain the Company's failure (i) to adjust its accounts in accordance with the adjustments recommended in the joint report described in paragraph (a) above, (ii) to submit a plan for the disposition of $16,000,000 classified in Account 107, Electric Plant Adjustments, and (iii) to dispose of certain other amounts classified in Account 107, in the sum of $6,251,519.24, in accordance with the recommendations of the staffs of this Commission and the Illinois Commerce Commission as set forth in the joint report;

(2) It is advisable, necessary, and proper in the public interest that a public hearing be held for the purpose of requiring Mississippi River Power Company to

show cause why this Commission should not order (i) adjustment of the Company's accounts in conformity with the recommendations made in the joint report described in paragraph (a) hereof, and (ii) disposition of the amount of $22,251,519.24 established in Account 107, Electric Plant Adjustments, in accordance with the evidence adduced at said public hearing:

The Commission orders that:

(A) A public hearing be held commencing on February 23, 1942, at 9:45 a. m., in Room 516 of the Courthouse and Customhouse, St. Louis, Missouri, and at said hearing Mississippi River Power Company show cause why the Commission should not by order determine that:

(i) Adjusting entries be made to bring the Company's accounts in conformity with the recommendations made by the staffs of this Commission and the Illinois Commerce Commission in the joint report described in paragraph (a) above;

(ii) Disposition be made of the amount of $22,251,519.24 established in Account 107, Electric Plant Adjustments, in accordance with the evidence adduced at said hearing;

(B) The Illinois Commerce Commission may participate in the hearing as provided in Part 39, § 39.4 of this Commission's Rules of Practice and Regulations prescribed pursuant to the provisions of the Federal Power Act.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 42-1144; Filed, February [illegible], 1942; 10:26 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4610]

CROUSE-HINDS COMPANY, A CORPORATION; GENERAL ELECTRIC COMPANY, A CORPORATION; EAGLE SIGNAL CORPORATION, A CORPORATION; AUTOMATIC SIGNAL CORPORATION, A CORPORATION; SIGNAL SERVICE CORPORATION, A CORPORATION; AND HORNI SIGNAL MANUFACTURING CORPORATION, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of February, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A. Section 41).

It is ordered, That William W. Sheppard, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this preceeding begin on Tuesday, February 24, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 3088K, Federal Building, 9th and Chestnut Streets, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-1158; Filed, February 7, 1942; 11:45 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 31-516]

IN THE MATTER OF THE APPLICATION OF COMPANIA ELECTRICA DE MATAMOROS S. A. AND COMPANIA ELECTRICA DE OJINAGA S. A.

ORDER OF THE COMMISSION GRANTING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of February, A. D. 1942.

Compania Electrica de Matamoros S. A. and Compania Electrica de Ojinaga S. A. having made application pursuant to section 3 (b) of the Public Utility Holding Company Act of 1935 for an order exempting them from the provisions of the Public Utility Holding Company Act of 1935 as subsidiary companies of Central Power and Light Company; notice and opportunity for hearing on said application having been duly given; the record in this matter having been duly considered; and the Commission having thereupon entered its findings and opinion on such application;

It is ordered, That Compania Electrica de Matamoros S. A. and Compania Electrica de Ojinaga S. A. be and they hereby are exempted from the provisions of the Public Utility Holding Company Act of 1935 as subsidiary companies of Central Power and Light Company; said companies shall, however, be subject to all provisions of said Act applicable to it in any other capacity.

It is further ordered, That the jurisdiction of this Commission be and the same is hereby reserved for the purpose of its taking such further action pursuant to section 3 (c) of the Act or otherwise, as it may hereafter deem appropriate. This order shall be effective as of the date hereof.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1160; Filed, February 7, 1942; 12:11 p. m.]

[File No. 70-494]

IN THE MATTER OF ATLANTIC CITY ELECTRIC COMPANY, AMERICAN GAS AND ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of February, A. D. 1941.

A declaration or application (or both) pursuant to the Public Utility Holding Company Act of 1935 having been filed with this Commission by the above named parties, and notice having been given of the filing thereof by publication in the FEDERAL REGISTER and otherwise as provided by Rule U-23 under said Act; and

It appearing to the Commission that it is appropriate in the public interest and the interests of investors and consumers that a hearing be held with respect to said declaration or application and that said declaration shall not become effective or said application be granted except pursuant to the further order of the Commission:

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on February 12, 1942 at 10:00 in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why said declaration or application shall become effective or be granted:

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by the Commission for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act, and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That, without limiting the scope of issues presented by said declaration or application, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the proposed issue and sale of Preferred Stock by Atlantic City Electric Company is solely for the purpose of financing the business of said company and has been expressly authorized by the State Commission of the State in which it is organized and doing business.

2. Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers to impose any terms and conditions with respect to the issuance and sale of such Preferred Stock.

3. Whether the proposed acquisition of Preferred Stock of Atlantic City Electric Company by American Gas and Electric Company, in certain contingencies, is appropriate under the standards of Sections 10 and 12 of the Act, and whether it is necessary or appropriate to impose any terms and conditions with respect thereto.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1161; Filed, February 7, 1942; 12:11 p. m.]

IN THE MATTER OF POLK-PETERSON CORPORATION, 1201 DES MOINES BUILDING, DES MOINES, IOWA

ORDER REFUSING TO PERMIT WITHDRAWAL, REVOKING REGISTRATION, AND REQUIRING EXPULSION FROM NATIONAL ASSOCIATION OF SECURITIES DEALERS, INC.

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of February, A. D. 1942.

Proceedings having been instituted pursuant to order of the Commission dated September 27, 1941 to determine whether the registration of Polk-Peterson Corporation should be revoked or suspended and whether Polk-Peterson Corporation should be suspended or expelled from membership in the National Association of Securities Dealers, Inc.; the registrant having thereafter filed a notice requesting withdrawal of registration and offering to resign from membership in the association; a hearing having been held after appropriate notice to the registrant; the Commission having this day issued its Findings and Opinion,

It is ordered, on the basis of such Findings and Opinion, pursuant to sections 15 (b) and 15A*l*(2) of the Securities Exchange Act of 1934, that the registrant's request for withdrawal of registration be denied, that the registration of Polk-Peterson Corporation be and it is hereby revoked, and that Polk-Peterson Corporation be and hereby is expelled from membership in the National Association of Securities Dealers, Inc.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1162; Filed, February 7, 1942; 12:11 p. m.]

[File No. 812-260]

IN THE MATTER OF FISCAL FUND, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of February, A. D. 1942.

An application having been duly filed by the above named applicant under and pursuant to section 6 (c) of the provisions of the Investment Company Act of 1940 for an order of temporary exemption to permit the transmittal of reports to stockholders, at a date later than that prescribed by Rule N-30D-1 but in any event on or before March 2, 1942;

It is ordered, That a hearing on the matter of the application of the above named applicant under and pursuant to section 6 (c) of the Investment Company Act of 1940 be held on February 14, 1942, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esquire, or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1192; Filed, February 9, 1942; 11:42 a. m.]

[File No. 70-363]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY

ORDER PERMITTING WITHDRAWAL

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 7th day of February, A. D. 1942.

Consolidated Electric and Gas Company, a registered holding company, having filed declarations pursuant to the Public Utility Holding Company Act of 1935 regarding, among other things, the sale of all of the securities of its subsidiary, Hoosier Public Utility Company, to Southeastern Indiana Power Company; and

The Commission having been advised that the sale aforesaid has failed of consummation, that the contract for such sale has lapsed, that Consolidated Electric and Gas Company has entered into a new contract for the sale of said securities to the Public Service Company of Indiana, Inc. and that, accordingly, Consolidated Electric and Gas Company has requested that the declarations aforesaid be withdrawn;

The Commission hereby consents to such withdrawal and to that effect

It is so ordered.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1193; Filed, February 9, 1942; 11:42 a. m.]

IN THE MATTER OF H. L. RUPPERT & COMPANY, INC., 400 PINE STREET, ST. LOUIS, MISSOURI

FINDINGS AND ORDER REVOKING REGISTRATION AS BROKER AND DEALER, AND EXPELLING REGISTRANT FROM NATIONAL SECURITIES ASSOCIATION AND NATIONAL SECURITIES EXCHANGE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of February, A. D. 1942.

1. H. L. Ruppert & Company, Inc., is registered with this Commission as a broker and dealer under section 15 of the Securities Exchange Act of 1934, and is also a member of the National Association of Securities Dealers, Inc., a registered national securities association under section 15A of the Act, and of the St. Louis Stock Exchange, a registered national securities exchange under section 6 of the Act. We instituted this proceeding under sections 15 (b), 15A (l) (2), and 19 (a) (3) to determine whether registrant's registration as a broker and dealer should be suspended or revoked and whether registrant should be suspended or expelled from membership in the National Association of Securities Dealers, Inc., and the St. Louis Stock Exchange.

2. The registrant has admitted "for the purpose of this proceeding, and for that purpose only" that:

(a) On November 24, 1941, and prior thereto, registrant had no net capital employed in its business and, at the same time, in the ordinary course of its business as a broker, owed substantial sums to various customers and banks;

(b) During the period from February 24 to December 22, 1941, the date of our order instituting this proceeding, registrant directly and indirectly hypothecated securities carried for the account of customers under circumstances that permitted such securities to be commingled with securities carried for the account of persons other than *bona fide* customers of the registrant under liens for loans made to the registrant;

(c) During the same period, registrant directly and indirectly hypothecated certain securities carried for the account of certain customers, under circumstances that permitted the commingling of such securities with securities carried for the account of other customers without first obtaining the written consent of each of such customers to such hypothecation;

(d) During the same period, registrant directly and indirectly hypothecated certain securities carried for the account of certain customers under circumstances that permitted such securities to be hypothecated and subjected to liens and claims of the pledgees for a sum which exceeded the aggregate indebtedness of all customers in respect of securities carried for their accounts;

(e) During the period from October 31, 1940, to December 22, 1941, registrant failed to make and keep current a securities record or ledger reflecting separately for each security as of the clearance dates all "long" or "short" positions (including securities in safekeeping) carried by it for its account or for the account of its customers and showing the location of all securities long and the offsetting position to all securities short, and in all cases the name or designation of the account in which each position was carried.

Registrant has also consented to the entry of an order revoking its registration as an over-the-counter broker-dealer and expelling it from the National

Association of Securities Dealers, Inc., and the St. Louis Stock Exchange.

3. We find that the registrant has willfully violated sections 8 (b), 8 (c), and 17 (a) of the Securities Exchange Act of 1934, and Rules X-8C–1 and X-17A–3 of the Commission's rules thereunder, and that it is necessary and appropriate in the public interest and for the protection of investors to revoke the registrant's registration as an over-the-counter broker-dealer, and to expel registrant from membership in the National Association of Securities Dealers, Inc., and the St. Louis Stock Exchange.

Accordingly, *it is ordered*, Pursuant to Sections 15 (b), 15A (*l*) (2), and 19 (a) (3) of the Securities Exchange Act of 1934, that the registration of H. L. Ruppert & Company, Inc., as a broker and dealer be, and it hereby is, revoked, and that H. L. Ruppert & Company, Inc., be, and it hereby is, expelled from the National Association of Securities Dealers, Inc., a registered national securities association, and from the St. Louis Stock Exchange, a registered national securities exchange.

By the Commission (Chairman Purcell, Commissioners Healy, Pike and Burke), Commissioner O'Brien being absent and not participating.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1194; Filed, February 9, 1942; 11:42 a. m.]

F

Rules,

TITLE 6—

CHAPTER

PART 24—

APPLICATION

Section 24
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§ 24.1 *Ap*
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Res. Ex. Con
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FEDERAL REGISTER

VOLUME 7 NUMBER 29

Washington, Wednesday, February 11, 1942

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

PART 24—FEDERAL LAND BANK OF LOUISVILLE

APPLICATION AND TITLE DETERMINATION FEES

Section 24.1 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 24.1 *Application and title determination fees (loans through associations, direct loans and Commissioner loans).* The following application and title determination fees are charged:

Appraisal fee to be submitted with the application on all applications of—

$5,000 or under	$5.00
$5,100 to $50,000 inclusive	10.00

Title determination fee deducted when loan is closed on all applications of—

$1,000 or under	$5.00
$1,100 to $3,000 inclusive	7.00
$3,100 to $50,000 inclusive	10.00

The bank will retain the whole amount of the application fee, unless the application is rejected without appraisal, in which case the fee sent with the application will be returned to the borrower through the appropriate association.

The title determination fees are in connection with twenty-five year short term abstracts prepared in accordance with instructions of the bank's legal department. In case the borrower submits a long term abstract, and elects not to pay the title reserve fee set out in § 24.3, he shall be charged for title determination the sum of $5.00 in addition to the charge set out above for title determination. (Sec. 13 "Ninth", 39 Stat. 372, sec. 26, 48 Stat. 44, sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth", 723 (e), 1016 (e) and Sup., 6 CFR 19.4019) [Res. Ex. Com., Sept. 15, 1933, Res. Bd. Dir., Jan. 10, 1934, Res. Ex. Com., Dec. 27, 1935, res. Bd. Dir., Dec. 15, 1941].

The Federal Land Bank of Louisville, acting in its own behalf and as attorney-in-fact for the Federal Farm Mortgage Corporation.

[SEAL] By E. RICE, *President.*

[F. R. Doc. 42-1233; Filed, February 10, 1942; 11:51 a. m.]

PART 31—FEDERAL LAND BANK OF BERKELEY

TRANSFER FEES

Section 31.9 of Title 6, Code of Federal Regulations, is hereby revoked. (Sec. 13 "Ninth", 39 Stat. 372, sec. 26, 48 Stat. 44; 12 U.S.C. 781 "Ninth", 723 (e)). [Res. Ex. Com., December 18, 1941]

[SEAL] THE FEDERAL LAND BANK OF BERKELEY.
By CHAS. PARKER, *President.*

[F. R. Doc. 42-1234; Filed, February 10, 1942; 11:52 a. m.]

[FCA Order No. 338]

PART 120—REGULATIONS FOR ORCHARD REHABILITATION LOANS IN KANSAS, MISSOURI, NEBRASKA, AND IOWA

§ 120.1 *Eligibility.* Loans will be made only to orchardists in the States named above whose orchards require rehabilitation by reason of having been destroyed or damaged as a result of the extremely cold weather in November 1940. The term "orchardist" means a person who, at the time of the extremely cold weather in November 1940, was engaged directly or through a tenant or agent in the production of fruit in the orchard to be rehabilitated for the purpose of commercial sale in the regular channels of trade; or the legally qualified representative of such a person now deceased; or an heir or the heirs of such person acquiring such orchard by inheritance or bequest at any time; or who acquired ownership of such an orchard (exclusive of rights of redemption not

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exercised by the former owner), by foreclosure or purchase prior to December 17, 1941.*

*§§ 120.1 to 120.29, inclusive, issued under the authority contained in Third Supplemental National Defense Appropriation Act, 1942, December 17, 1941 (Public Law 355—77th Congress), and Order of the Secretary of Agriculture dated February 2, 1942.[1]

§ 120.2 *Purposes.* Loans will be made for purposes necessary to accomplish the rehabilitation of the damaged or destroyed orchards, including the removal of damaged fruit trees where new trees are to be planted on the ground occupied by the damaged trees, the purchase of trees for planting, the planting of trees, the preservation and care of the trees, including spraying, pruning, worming, irrigation, and fertilizing, for cultivation and production purposes, and for supplies incident and necessary thereto.*

§ 120.3 *Security.* Each loan shall be secured by a real estate mortgage on the entire farm containing the orchard acreage which is to be rehabilitated, superior in rank and priority to all other mortgages and/or liens against the property (with the exception of tax liens), ascertained to be in existence pursuant to procedure prescribed by the Governor, except that, where the applicant can show conclusively his inability to meet these requirements, such other security as may be approved by the Governor of the Farm Credit Administration may be accepted in lieu thereof. Liens taken hereunder may be subordinated, waived, released, or otherwise assigned by the Governor when the Governor finds that such action is not prejudicial to the interests of the United States and is necessary or desirable as an aid to rehabilitation of the orchard.*

§ 120.4 *Loan limitation.* The amount approved for a loan to any applicant will be determined by the Governor based on a careful estimate of the amount required to rehabilitate the orchard and bring it into bearing. In no case, however, may a loan be made in an amount greater than the estimated actual cash needs for the rehabilitation of the orchard nor in excess of the maximum allowances established by the Governor upon the advice of the Horticultural Divisions of the State Colleges of Agriculture of the States covered and/or the Division of Fruit and Vegetable Crops and Diseases, Bureau of Plant Industry, United States Department of Agriculture, for the various purposes for which funds may be disbursed.*

§ 120.5 *Installments.* Loans may be disbursed in such installments as the Governor may approve.*

§ 120.6 *Interest rate; payments.* Each loan will be evidenced by a note or notes payable to the United States of America (Governor of the Farm Credit Administration) bearing interest from date of disbursement until paid at the rate of 4 percent per annum, payable at such time as the Governor may approve. Payments on loans will be applied first to principal until the entire amount of the principal has been repaid; thereafter payments will be applied to interest.*

§ 120.7 *Applicants' agreements.* Each applicant must agree to undertake and carry out the rehabilitation of his orchard in accordance with approved horticultural practices in the district and the advice and supervision given by a horticultural adviser selected by the Governor.*

§ 120.8 *Acreage limitation.* No such loan will be made to any applicant for the purpose of replanting a greater acreage of fruit trees than that actually occupied by fruit trees damaged or destroyed by the extremely cold weather in November 1940; or whose total orchard acreage, including existing healthy trees and the acreage to be planted within the next three years, does not make a sound economic unit.*

§ 120.9 *Care and operation of orchard.* No such loan will be made to any applicant whose orchard, in the opinion of a horticultural adviser, will not receive proper care or will not be operated by an experienced fruit grower.*

§ 120.10 *Replanting.* No such loan will be made to any applicant for replanting unless, in the opinion of a horticultural adviser, the soil and location to be planted are well adapted to growing the types and varieties of fruit which the applicant plans to plant, and the rehabilitation will result in a satisfactory commercial orchard unit.*

§ 120.11 *Planting.* No such loan will be made to any applicant for the planting, care or preservation of varieties of orchard fruits which in the opinion of a horticultural adviser are unadapted to the soil or climate, or for which there is not now or is not likely to be a satisfactory market under normal conditions.*

§ 120.12 *Suitable stocks.* No such loan will be made to any applicant for the planting of fruit trees grafted or budded on unadapted, tender or otherwise unsuitable stocks.*

§ 120.13 *Availability of other credit.* No such loan will be made to any applicant whose credit situation is such that he can obtain satisfactory financing for

[1] 7 F.R. 732.

the rehabilitation of his orchard without the aid of this loan. The orchard rehabilitation appropriation shall be administered as a source of credit to supplement credit which may be available from other sources.*

§ 120.14 *Ineligible loan purposes.* No such loan will be made to any applicant for the purchase of machinery or livestock other than that needed for the care and preservation of the orchard, or for such items as the payment of rent, debts unrelated to the orchard rehabilitation, or interest thereon, because these are not within the purposes specified in § 120.2.*

§ 120.15 *Nondisturbance agreements and waivers.* No such loan will be made to any applicant who fails to submit nondisturbance agreements or waivers in the form prescribed by the Governor, duly executed by each of the lienholders listed in the application or otherwise ascertained: *Provided, however,* That the Governor may waive this requirement when, in his discretion, it appears advisable to do so.*

§ 120.16 *Foreclosure notices.* No such loan will be made to any applicant who has been served with a formal notice of foreclosure on real property or on such personal property as is necessary in rehabilitating the orchard unless a nondisturbance agreement or waiver in the form prescribed, duly executed by the party or parties having served such formal notice of foreclosure, is presented.*

§ 120.17 *Financial condition of applicant.* No such loan will be made to any applicant whose financial condition is such that, in the opinion of the Governor, there is little or no likelihood of his succeeding on the orchard to be rehabilitated unless a satisfactory composition of debts is effected.*

§ 120.18 *Minors, agents, representatives, etc.* No such loan will be made to minors, agents, or representatives or, without court order, to executors, guardians, or administrators unless a valid lien acceptable to the Governor or his representative can and will be given on the property on which the loan is sought.*

§ 120.19 *Married persons.* No such loan will be made to a married person unless the spouse of such person joins in the execution of the application, notes, and liens securing the same.*

§ 120.20 *Part owners.* No such loan will be made to any applicant who is a part owner of the orchard to be rehabilitated, unless all persons having a beneficial interest in such orchard join in the application, notes, and liens securing the same.*

§ 120.21 *Corporations.* No such loan will be made to any applicant which is a corporation, unless its principal business is farming, and unless stockholders representing at least a majority of the stock of such corporation endorse the note given for each installment.*

§ 120.22 *Misrepresentation.* No such loan will be made to any applicant who makes a material intentional misrepresentation for the purpose of obtaining such loan, or to an applicant who is believed to be an unsatisfactory moral risk.*

§ 120.23 *Furnishing information.* No such loan will be made to any applicant who fails, upon request of the Governor, to provide available or obtainable information relating to his land, orchard, crops, or other property or financial condition.*

§ 120.24 *Forms.* The amount approved for a loan to any applicant will be paid upon receipt and approval of the following documents:

(a) Loan application properly executed in the prescribed form.

(b) A promissory note or notes in the form prescribed, executed by the applicant for the total approved amount of the loan, or for the amount of each installment, payable to the United States of America (Governor of the Farm Credit Administration) bearing interest at the rate of 4 percent per annum until paid.

(c) Lien instruments meeting the requirements of § 120.3 properly executed and filed, registered or recorded in the proper office as required by State law. Such lien instruments shall be taken in an amount sufficient to cover all sums advanced or to be advanced from time to time as provided in § 120.4.

(d) Nondisturbance agreements in the form prescribed, duly executed by each lienholder, except such as may be exempted from this requirement as provided in § 120.15.

(e) A voucher for the amount of the first installment properly executed on the prescribed form. (Similar voucher must be filed when each subsequent installment becomes payable.)*

§ 120.25 *Fees.* Fees for recording, filing, registration, and examination of records (including certificates) shall be paid by the borrower.*

§ 120.26 *Designation of employees, agents, and representatives.* All functions, powers, authority, and duties which are vested in the Governor by Order of the Secretary of Agriculture dated February 2, 1942,[1] and by these regulations, including the findings provided for in § 120.3, may be exercised and performed, subject to the jurisdiction and control of the Governor, by the Director of the Emergency Crop and Feed Loan Section or such employees, agents, and representatives as the Director may designate from time to time.*

§ 120.27 *Horticultural adviser.* The term "horticultural adviser" as used herein shall mean such trained horticulturist or horticulturists as may be selected by the Governor.*

§ 120.28 *Office to make and disburse.* Loans will be made and disbursed by the Emergency Crop and Feed Loan Regional Office at Omaha, Nebraska.*

§ 120.29 *Changing regulations.* The right is reserved to revoke, alter, or amend the regulations in this part at any time and without notice.*

[SEAL] A. G. BLACK,
Governor.

[F. R. Doc. 42-1232; Filed, February 10, 1942; 11:52 a. m.]

[1] 7 F.R. 732.

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1942-3]

PART 701—AGRICULTURAL CONSERVATION PROGRAM

SUBPART D—1942

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148, 16 U.S.C. 590g to 590q), as amended, the 1942 Agricultural Conservation Program,[1] as amended, is further amended as follows:

1. Section 701.301 (a) (9) (i) and (ii) are amended to read as follows:

§ 701.301 *Allotments, yields, grazing capacities, payments, and deductions.*

* * * * *

(a) *Corn.*

* * * * *

(9) *Deduction*—(i) *Corn-allotment farms.* Ten times the payment rate for each acre planted to corn in excess of the corn acreage allotment but not to exceed the maximum corn payment for the farm, except that ten times the payment rate for each acre planted to corn in excess of 130 percent of its corn allotment shall be deducted from any other payment computed for the farm.

(ii) *Non-corn-allotment farm.* Ten times the payment rate for each acre planted to corn in excess of the larger of (a) 15 acres or (b) 130 percent of its corn allotment.

2. Section 701.301 (c) (5) is amended to read as follows:

(c) *Peanuts.*

* * * * *

(5) *Payment.* $1.45 per ton of the normal yield of peanuts for the farm for each acre in its peanut allotment, or, if the acreage of peanuts grown on the farm is less than 80 percent of the farm's peanut allotment, for an acreage equal to 125 percent of the acreage of peanuts, unless the acreage of peanuts is less than 80 percent of such allotment because of flood or drought.

3. Section 701.301 (d) (6) is amended to read as follows:

(d) *Potatoes.*

* * * * *

(6) *Payment.* 2 cents per bushel of the normal yield of potatoes for the farm for each acre in its potato allotment, or, if the acreage of potatoes is less than 80 percent of the farm's potato allotment, for an acreage equal to 125 percent of the acreage of potatoes, unless the acreage of potatoes is less than 80 percent of such allotment because of flood or drought, except that no payment will be made with respect to any farm on which no potatoes were harvested in any of the three years 1939 to 1941 and the operator of which did not harvest any potatoes on any farm during such period.

[1] 6 F.R. 4111, 5520, 6472.

4. Section 701.301 (e) (6) is amended to read as follows:

(e) *Rice.*

* * * * *

(6) *Deduction.* Ten times the payment rate for each acre by which the acreage of rice planted is less than its rice allotment, but not to exceed the maximum rice payment computed for the farm.

5. Section 701.301 (g) (6) is amended by changing the period at the end to a colon and adding the following:

(g) *Wheat.*

* * * * *

(6) *Acreage planted to wheat. Provided,* That all or any part of any wheat acreage determined by the county committee to have been totally destroyed by any cause beyond the control of the operator may be considered as not having been planted to wheat if it cannot be reseeded and, with prior approval of the county committee, is later replaced by other acreage of seeded or volunteer wheat.

6. Section 701.301 (i) (1) (iii) is amended to read as follows:

(i) *Minimum soil-conserving and soil-building requirements.* * * *

(1) *Minimum conserving acreage.*

* * * * *

(iii) Sudan, millet, rye, or annual ryegrass, for pasture.

7. Section 701.302 (d), the second proviso clause is amended to read as follows:

§ 701.302 *Soil-building goals, payments, and practices:*

* * * * *

(d) *Soil-building allowance.* * * * *Provided further,* That, with prior approval of the State committee, a group of persons in any local area may, in the interest of the community welfare, combine by written agreement all of the soil-building allowances for designated farms in which they are interested as landlords, tenants, or sharecroppers, for the performance of erosion control, forest tree planting and management, or perennial weed control practices on any one or more of such farms. The soil-building allowance for any farm may be included in the combination only if all of the persons interested in the farm as landlord, tenant, or sharecropper execute the agreement. The soil-building practices to be performed and the farm or farms on which such practices are to be carried out shall be specified in the agreement. The soil-building payments earned under the agreement shall be divided among such persons on the basis of their respective contributions, as determined by the county committee, to the performance of such soil-building practices. Any payment so determined for a person shall be considered as a soil-building payment earned on the farm covered by the agreement in which such person has an interest as landlord, tenant, or sharecropper. Notwithstanding the foregoing provisions, if the State committee determines that a net deduction has been incurred on any farm included in the agreement and the persons on such farm have not offset the deduction by payments earned by contribution to the soil-building practices carried out under the agreement, the State committee shall exclude such farm from the agreement and the soil-building allowance for the farm will not be available under the agreement or on the individual farm.

8. Section 701.302 (f) (13) is amended to read as follows:

(f) *Soil-building practices.*

* * * * *

(13) Reseeding depleted pastures, range land, mountain meadow land, or restoration land, with good seed of adapted pasture or range grasses, perennial or biennial legumes, approved pasture mixtures or forage shrubs, or with good seed of annual legumes in range areas designated by the Agricultural Adjustment Administration—15 cents per pound.

9. Section 701.302 (f) (43) is amended to read as follows:

* * * * *

(43) Listing unprotected cropland in arid or semi-arid areas at right angles to the prevailing winds (no credit will be given for this practice when carried out on protected summer-fallowed acreage or as a part of a seeding operation)—15 cents per acre.

10. Section 701.308, the first paragraph is amended by adding at the end thereof the following sentence:

§ 701.308 *Conservation materials.* * * * In addition, farming materials to be used in planting on the farm crops, the expansion of production of which the Secretary finds necessary to encourage in the national defense, may be furnished by the Agricultural Adjustment Administration in lieu of payments in areas designated by the Agricultural Adjustment Administration as areas where such expansion of production may not be attained unless such materials are so furnished.

11. Section 701.309 (f) is amended by changing the heading, by adding the following subparagraph (1), and by renumbering the present paragraph to be subparagraph (2):

§ 701.309 *General provisions relating to payments.*

* * * * *

(f) *Deductions in case of an erroneous cropland acreage determination or an erroneous notice of acreage allotment.* (1) In any case where, through error in a county or State office, the producer was officially notified of a cropland acreage for a farm which is determined to be erroneous, and the county and State committees find that the producer, acting upon information contained in such official notification, has not met the requirement applicable to his farm set forth in § 701.301 (i), and the producer was not notified as to the correct cropland acreage in sufficient time to permit him to meet such requirement on the basis of the corrected cropland acreage, any deduction made pursuant to the provisions of § 701.301 (i) shall be made on the basis of the cropland acreage given in such erroneous notification or the correct cropland acreage, whichever is the smaller.

12. Section 701.310 (a) is amended to read as follows:

§ 701.310 *Application for payment—*(a) *Persons eligible to file applications.* An application for payment with respect to a farm may be made by any person for whom, under the provisions of § 701.303, a share in the payment with respect to the farm may be computed.

13. Section 701.313 (e) (2) and (4) are amended to read as follows:

§ 701.313 *Definitions.*

* * * * *

(e) *Miscellaneous.*

* * * * *

(2) "Landlord" or "owner" means a person who owns land.

* * * * *

(4) "Tenant" means a person other than a sharecropper who rents land from another person (whether or not he rents such land or part thereof to another person), including, in the case of rice, a person furnishing water for a share of the rice.

Done at Washington, D. C., this 10th day of February 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-1210; Filed, February 10, 1942; 11:09 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T. D. 32]

PART 151—REGULATIONS UNDER THE INTERNAL REVENUE CODE RELATING TO NARCOTICS

REGULATIONS NO. 5;[1] IMPORTATION, MANUFACTURE, PRODUCTION, COMPOUNDING, SALE, DEALING IN, DISPENSING AND GIVING AWAY OF OPIUM OR COCA LEAVES OR ANY COMPOUND, MANUFACTURE, SALT, DERIVATIVE, OR PREPARATION THEREOF—AMENDMENT TO JOINT NARCOTIC REGULATIONS MADE BY THE COMMISSIONER OF NARCOTICS AND THE COMMISSIONER OF INTERNAL REVENUE WITH THE APPROVAL OF THE SECRETARY OF THE TREASURY

Section 151.185 of Part 151—(Regulations Under Chapters 23 and 27 of the Internal Revenue Code) Article 185 of Bureau of Narcotics Regulations No. 5, dated June 1, 1938, is hereby amended to read as follows:

§ 151.185 *Records required.* Every manufacturer, producer, compounder, or vendor (including dispensing physicians), of exempt preparations shall record all sales, exchanges, gifts, or other dispositions, the entries to be made at the time of delivery. The requirement that such records be maintained as herein provided and as provided in the second proviso of Internal Revenue Code section 2551 (a) is absolute, independent, and not merely a condition precedent to securing the exemption granted by the last cited section to manufacturers, producers, compounders, or vendors (including dispensing physicians), of exempt preparations; failure to keep such records is in itself a violation of law and regulation and renders the manufacturer, producer, compounder, or vendor (including dispensing physicians), liable to the penalties set forth in Internal Revenue Code section 2557. Separate records shall be kept of dispositions to registrants and of dispositions to consumers. The record of dispositions to registrants shall show the name, address, and registry number of the registrant to whom disposed, the name and quantity of the preparation, and the date upon which delivery to the registrant, his agent or a carrier is made. The record of dispositions to consumers shall show the name of the recipient, his address, the name and quantity of the preparation, and the date of delivery.

Forms are not furnished for the keeping of these records, but the records shall be in the following form:

FORM OF RECORD OF DISPOSITIONS TO REGISTRANTS

Date	Registration No. of recipient	Name of recipient	Address	Name of preparation	Quantity

FORM OF RECORD OF DISPOSITIONS TO CONSUMERS

Date	Name of recipient	Address	Name of preparation	Quantity

In the case of manufacturers of or dealers in exempt preparations who are also registered as manufacturers of or dealers in taxable drugs in Class I or II, the foregoing requirement as to records of dispositions to registrants shall be deemed to be complied with, if all such dispositions are evidenced by vouchers or invoices containing all the required information and such vouchers or invoices are kept in a separate file arranged chronologically.

As to records required in the case of registrants supplying exempt preparations to consumers pursuant to prescriptions issued by registered physicians, the foregoing requirement as to records of dispositions to consumers shall be deemed to be complied with if each such prescription shows the name and address of the recipient, the name and quantity of the preparation, and the date of filling, and the prescriptions are kept on the narcotic prescription file.

[SEAL] H. J. ANSLINGER,
Commissioner of Narcotics.
NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: February 6, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-1238; Filed, February 10, 1942; 11:57 a. m.]

[1] 3 F.R. 1291.

TITLE 29—LABOR

SUBTITLE A—OFFICE OF THE SECRETARY OF LABOR

PART 2—REGULATIONS APPLICABLE TO CONTRACTORS AND SUBCONTRACTORS ON PUBLIC BUILDING AND PUBLIC WORK AND ON BUILDING AND WORK FINANCED IN WHOLE OR IN PART BY LOANS OR GRANTS FROM THE UNITED STATES

AMENDMENT WITH RESPECT TO CONTRACTUAL OBLIGATION TO COMPLY WITH REGULATIONS

Regulation and Authority Therefor

Pursuant to and by virtue of the authority conferred by section 2 of the act of June 13, 1934,[1] and section 9 of Reorganization Plan No. IV, effective June 30, 1940, in accordance with section 4 of H. J. Res. 551 (Public Res. No. 75), approved June 4, 1940,[2] §§ 2.2 (e) and 2.6 of the Regulations of February 4, 1942,[3] are hereby amended by inserting in § 2.2 (e) after the words "public work" and before the word "is," the words "or building or work financed in whole or in part by loans or grants from the United States," and by inserting in § 2.6 after the words "public work" and before the word "covered," the words "or building or work financed in whole or in part by loans or grants from the United States." These amendments shall be effective immediately upon publication in the FEDERAL REGISTER.

[SEAL] FRANCES PERKINS,
Secretary.

[F. R. Doc. 42-1227; Filed, February 10, 1942; 11:51 a. m.]

[1] Sec. 2, 48 Stat. 948, 40 U.S.C., Sup. 276c.
[2] Sec. 9, 54 Stat. 1236; Sec. 4, 54 Stat. 231; 5 U.S.C., Sup. 133u.
[3] 7 F.R. 687.

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER A—GENERAL PROVISIONS

PART 903—DELEGATIONS OF AUTHORITY

Supplementary Directive No. 1 B—Further Delegation of Authority to the Office of Price Administration With Reference to Rationing of Tire Recapping and Retreading Material

§ 903.3 *Supplementary Directive 1 B.* (a) In order to permit the efficient rationing of retreaded and recapped tires, the authority delegated to the Office of Price Administration by § 903.1 (*Directive 1*) is hereby extended to the exercise of rationing control over the use, sale, transfer or other disposition of retreaded or recapped tires or of recapping and retreading materials by or to any person engaged in retreading or recapping tires or otherwise dealing in such materials, except those specified in paragraph (a) (1) of said Directive No. 1.

(b) The exercise of such authority shall be subject to the terms and conditions specified in said Directive No. 1. (E.O. 9024, Jan. 16, 1942, 7 F.R. 329, E.O. 9040, Jan. 24, 1942, 7 F.R. 567; Sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.; W.P.B. Dir. No. 1, Jan 24, 1942, 7 F.R. 562)

Issued this 9th day of February, 1942.

DONALD M. NELSON,
Chairman, War Production Board.

[F. R. Doc. 42-1222; Filed, February 10, 1942; 11:47 a. m.]

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 958—REPAIRS, MAINTENANCE, AND OPERATING SUPPLIES

Preference Rating Order No. P-100 as Amended February 10, 1942

Section 958.2 (*Preference Rating Order P-100*[1]) is hereby amended so as to read as follows:

§ 958.2 *General Preference Order P-100.* (a) For the purpose of facilitating the acquisition of Material for (1) the maintenance and repair of the property and equipment of producers as hereinafter defined, and (2) the continued operation of the property and equipment of such producers, a preference rating is hereby assigned to deliveries of such Material upon the terms hereinafter set forth. Such terms shall control until such time as the Director of Industry Operations (hereinafter referred to as the "Director") certifies specific quantities of such Material to which the preference rating herein assigned may be applied, or until he may specifically limit production by any type of producer or withdraw any type of Material from use by such producer, or until he may issue an order specifically relating to the maintenance, repair, and operation of the property and equipment of any type of producer.

(b) *Definitions.* (1) "Producer" means:

(i) Any governmental unit of the United States of America,

(ii) Any individual, partnership, association, corporation, or other form of enterprise located in the United States, its territories and possessions, engaged in one or more of the following capacities to the extent that it is so engaged or so acts:

(a) Manufacturing, processing, or fabricating,

[1] 6 F.R. 6548.

(b) Warehousing—maintaining warehouses for storage or distribution of any Material,

(c) Wholesaling—acting as a distributor of products sold to manufacturers, wholesalers, retailers, or other persons not consumers,

(d) Charitable institutions—any charitable or eleemosynary institution which is recognized as such for purposes of the Internal Revenue Laws of the United States,

(e) Carriers—urban, suburban and interurban common or contract carriers of passengers or freight by electric railway, electric coach, motortruck, or bus, including terminals of any of the foregoing; railroads, including terminals; shipping—commercial carriers of freight and passengers by ocean, lake, river, or canal, including terminals,

(f) Educational institutions (including vocational training),

(g) Printers and publishers,

(h) Radio—commercial broadcasting and communication,

(i) Telephone and telegraph communication, including wire services,

(j) Hospitals, clinics, and sanatoriums.

(k) Irrigation systems, whether publicly or privately owned; toll bridges and toll canals.

(iii) Any person located in the United States, its territories and possessions, using tools or equipment to repair or maintain agricultural machinery or the property of any Producer as defined in (b) (1) (i) and (ii).

(iv) Any person located in the Dominion of Canada, to whom and in whose name a copy of this Order is specifically issued.

(2) "Material" means any commodity, equipment, accessories, parts, assemblies, or products of any kind.

(3) Subject to subparagraph (6), "Maintenance" means the upkeep of a Producer's property and equipment in sound working condition.

(4) Subject to subparagraph (6), "Repair" means the restoration of a Producer's property and equipment to a sound working condition when such property or equipment has been rendered unsafe or unfit for service by wear and tear, damage, destruction of parts, or similar causes.

(5) Subject to subparagraph (6), "Operating Supplies" means any Material which is essential to the operation of the Producer's business and which is consumed in the course of such business including, but not limited to, lubricants, catalysts, small perishable tools, and ferrous material necessary for the fabrication of containers; provided, it shall not include:

(i) Any Material which is physically incorporated, in whole or in part, into any material which the producer manufactures, distributes, sells, stores, or transports, excepting Material used by a Producer to repair or maintain agricultural Machinery or the property of another Producer, or

(ii) Any Material that is to be used as fuel, or

(iii) Any non-ferrous Material to be used as packaging supplies.

(6) The terms "Maintenance," "Repairs," and "Operating Supplies" *do not* include the following:

(i) The replacement of an item carried on the Producer's books as a fixed asset,

(ii) Material which would not be carried on the Producer's books as Maintenance, Repairs, Operating Supplies, or the equivalent, in the Producer's established method of bookkeeping,

(iii) Material for the improvement of a Producer's property or equipment through the replacement of Material in the existing installation unless such equipment is beyond economic repair.

(iv) Material for additions to, or expansions of, such property or equipment.

(7) "Supplier" means any person with whom a purchase order or contract has been placed for delivery of Material to a Producer or another Supplier.

(c) *Assignment of preference rating.* Subject to the terms of this Order, Preference Rating A–10 is hereby assigned:

(1) To deliveries, to a producer, of Material required by him as Operating Supplies or for the maintenance or repair of his property or equipment;

(2) To deliveries to any Supplier, who has received purchase orders rated under this Order from a Producer or from another Supplier, of Material which will be delivered by him or by another Supplier to the Producer to fill such rated orders, or which will be physically incorporated into Material which will be so delivered; or which will be used within the limitations of paragraph (f) (2) hereof, to replace in such Supplier's inventory Material delivered to fill orders rated pursuant to this Order or pursuant to Preference Rating Order No. P–22, as heretofore amended.

Provided, That when any General Preference ("E" or "M") Order assigns a specific preference rating to deliveries of any particular Material to be used by a particular industry or for a specific purpose, such preference rating shall control and the A–10 rating hereby assigned may not be applied: *And provided further*, That the preference rating hereby assigned may not be applied to deliveries of any Material to be used for purposes prohibited by any Order or Regulation issued by the Director.

(d) *Persons entitled to apply preference rating.* The Preference Rating hereby assigned may be applied by:

(1) A Producer;

(2) Any Supplier provided deliveries to a Producer or another Supplier are to be made by him, which are of the kind specified in paragraph (c) of this section and have been rated pursuant to this Order.

(e) *Application of preference rating.* (1) A Producer or Supplier, in order to apply the preference rating to deliveries of Material to him, must endorse the following statement on the original and all copies of the purchase order or contract for such Material manually signed by a responsible official duly designated for such purpose by such Producer or Supplier:

Material for Maintenance, Repair, or Operating Supplies—Rating A–10 under Preference Rating Order P–100 with the terms of which I am familiar.

(Name of Producer or Supplier and Serial No. of Producer if located in Canada.)

(Signature of Designated Official)

Such endorsement shall constitute a representation to the Director that such Material is required for the purpose stated and that the application of the rating is authorized by this Order. Any such purchase order or contract for such Material shall be restricted to Material the delivery of which is rated in accordance herewith.

(2) The Producers and each Supplier placing or receiving any purchase order or contract rated hereunder shall each retain, for a period of two years, for inspection by representatives of the Director, endorsed copies of all purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such manner that they can be readily segregated for such inspection.

(f) *Restrictions on use of rating*—(1) *Restrictions on producer and supplier.* No Producer or Supplier may apply the rating hereby assigned to obtain scarce Material, the use of which could be eliminated without serious loss of efficiency by substitution of less scarce Material or by change of design.

(2) *Restrictions on supplier.* (i) No Supplier may deliver Material pursuant to a rating applied to him by a Producer located in the Dominion of Canada, unless the endorsement on the purchase order placed with such Supplier includes a Serial number.

(ii) No Supplier may apply the rating to obtain Material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or, within the limitations of (iii) and (iv) below, to replace in his inventory Material so delivered. He shall not be deemed to require such Material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(iii) A Supplier who supplies Material which he has in whole or in part manufactured, processed, assembled, or otherwise physically changed may not apply the rating to restore his inventory to a practicable working minimum unless he applies the rating before completing the rated delivery which reduces his inventory below such minimum.

(iv) A Supplier who supplies Material which he has not in whole or in part manufactured, processed, assembled, or otherwise physically changed may defer application of the rating hereunder to

purchase orders or contracts for such Material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided*, That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(g) *Restrictions on withdrawals and inventory.* (1) Except as provided in paragraph (g) (3) and (4) of this section, no Producer who has applied the ratings assigned hereby shall, at any time, accept deliveries (whether or not rated pursuant to this Order) of any Material to be used as Operating Supplies or for Maintenance or Repair until the Producer's inventory and stores of Material to be used for these purposes have been reduced to a practicable working minimum. Such practicable minimum shall in no event exceed one hundred ten percent (110%) of the maximum dollar volume of Material to be used as Operating Supplies and for Repairs and Maintenance in inventory and stores during the corresponding calendar quarter of 1940.

(2) Except as provided in paragraph (g) (3) and (4), no Producer who has applied the ratings assigned hereby shall, during any Calendar Quarterly Period, make withdrawals from stores or inventory of any Material to be used as Operating Supplies or for Maintenance or Repair the aggregate dollar volume of which shall exceed one hundred ten percent (110% of the aggregate dollar volume of the withdrawals of such Material during the corresponding quarter of 1940, or, at the Producer's option, twenty-seven and one-half percent (27½) of the aggregate dollar volume of the withdrawals of such Material during the calendar year 1940.

(3) From time to time, the Director may determine that certain Producers or classes of Producers are exempt, in whole or in part, from the restrictions contained in paragraph (g) (1) and (2).

(4) Restrictions contained in paragraph (g) (1) and (2) shall not apply to any Producer during any Calendar Quarterly Period in which (i) the total volume of his purchases of Material for Maintenance, Repairs, and Operating Supplies does not exceed five thousand dollars ($5,000); and (ii) the total volume of his withdrawals of Material for such purposes does not exceed five thousand dollars ($5,000).

(h) *Audits and reports.* (1) Each Producer or Supplier who applies the preference rating hereby assigned, and each person who accepts a purchase order or contract for Material to which the preference rating is applied, shall submit from time to time to an audit and inspection by duly authorized representatives of the Director.

(2) Each such Producer or Supplier shall execute and file with the Director such reports and questionnaires as said Office shall from time to time request. No such reports shall be filed until such time as the proper forms are prescribed by the Director.

(i) *Order not applicable.* This Order is not applicable to persons whose maintenance, repair, and operating supply requirements are specifically provided for by any other Order.

(j) *False statements and penalties.* Any person who applies the preference rating hereby assigned in willful violation of the terms and provisions of this Order, or willfully falsifies any records which he is required to keep by this Order, or who obtains a delivery of Material by means of a material and willful misstatement will be forbidden to further apply said rating. Such person may also be prohibited from obtaining further deliveries of Material under allocation and be deprived of any other priorities assistance. The Director may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(k) *Revocation or modification.* This Order may be revoked or amended by the Director at any time as to any Producer or Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, but no applications of this rating to any other deliveries shall thereafter be made by the Producer or Supplier affected by said revocation or expiration.

(l) *Effective date.* This Amendment shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 10th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1225; Filed, February 10, 1942; 11:48 a. m.]

PART 963—SILK

Amendment to General Preference Order M–22 as Amended to Conserve the Supply and Direct the Distribution of Silk

Section 963.1 (*General Preference Order M–22*[1]) as amended October 16 and October 28, 1941 is hereby further amended as follows:

Paragraph (c) is amended to read as follows:

(c) *Restrictions on sales, deliveries and use*—(1) *Sales.* Regardless of any preference rating assigned thereto or of the provisions of paragraph (b) of General Preference Order M–22 as amended October 16, 1941, no person other than Defense Supplies Corporation shall hereafter sell or otherwise transfer title to any raw silk to any person other than Defense Supplies Corporation, and no person other than Defense Supplies Corporation shall hereafter purchase or otherwise acquire title to any raw silk except from Defense Supplies Corporation.

(2) *Deliveries prior to February 23, 1942.* Until February 23, 1942, no person other than Defense Supplies Corporation shall make any deliveries and no person other than Defense Supplies Corporation shall accept delivery of raw silk except (i) to or from Defense Supplies Corporation or (ii) to fill contracts heretofore made under the categories of orders specified in paragraph (b) of General Preference Order M–22 as amended October 16, 1941, unless specifically authorized by the Director of Industry Operations.

(3) *Deliveries after February 22, 1942.* Regardless of any preference rating assigned thereto or of the provisions of paragraph (b) of General Preference Order M–22 as amended October 16, 1941, after February 22, 1942, no person other than Defense Supplies Corporation shall make any deliveries of raw silk to any person except Defense Supplies Corporation and no person other than Defense Supplies Corporation shall accept deliveries of any raw silk except (i) from Defense Supplies Corporation or (ii) as provided in paragraph (b), (2) of General Preference Order M–22, as amended October 16, 1941.

(4) *Use after March 1, 1942.* After March 1, 1942, no person shall use any raw silk in fulfilling the contracts specified in paragraphs (b), (1), (i) and (ii) of General Preference Order M–22, as amended October 16, 1941, except raw silk of the types and grades approved for use in such contracts by the Director of Industry Operations.

2. This amendment shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong. 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 10th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1224; Filed, February 10, 1942; 11:48 a. m.]

[1] 6 F.R. 5290, 5532.

PART 984—LEAD

Supplementary Order No. M–38–e

§ 984.6 *Supplementary Order M–38–e.* (a) The Director of Industry Operations hereby determines that the amount of lead to be set aside by each refiner pursuant to paragraph (c) (2) of § 984.1 (*General Preference Order M–38*) for the month of February, 1942, shall be 15% of the total amount of lead produced by such refiner during the month of December, 1941.

(b) This Order shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024,

Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Cong. 3d Sess., as amended by Pub. No. 89, 77th Cong. 1st Sess.)

Issued this 10th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1223; Filed, February 10, 1942; 11:48 a. m.]

PART 1074—VITAMIN A

Limitation Order L–40 To Conserve the Supply of Vitamin A

Whereas national defense requirements for Vitamin A have created a shortage thereof for defense for private account and for export, and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof; and

Whereas reduction in the quantities of Vitamin A consumed in the manufacture of multivitamin preparations for human consumption and in the manufacture of poultry, cattle, fur-bearing or other animal feed in the manner and to the extent hereinafter provided, can be effected without impairing the effectiveness of such preparations or feeds.

Now, therefore, it is hereby ordered, That

§ 1074.1 *Limitation Order L–40—(a) Definitions.* For the purposes of this Order.

(1) "Vitamin A" shall include Vitamin A and its "pro-vitamins" such as carotenes and cryptoxanthin derived from plant, animal, fish or marine animal sources.

(2) "Multivitamin" shall mean represented to contain more than one vitamin.

(3) "Fish Liver oils" shall mean oils containing Vitamin A, derived, extracted or processed from livers of the cod, shark, halibut, or other fish.

(4) "Feed" shall mean natural or artificial feedstuffs or rations or other substances intended for poultry, cattle, fur-bearing or other animals, as a complete ration, or as a component of, or in reinforcement of, other diets.

(b) *General restrictions.* (1) Except as provided in paragraph (b) (3), or upon express authorization of the Director of Industry Operations, no person shall, on or after February 10, 1942, manufacture multivitamin capsules, tablets, or pills represented to contain more than 5,000 U. S. P. XI units of Vitamin A in each such capsule, tablet, or pill, or in such number of such capsules, tablets, or pills as is recommended by the label or accompanying instructions to constitute the largest daily dose.

(2) Except as provided in paragraph (b) (3), or upon express authorization of the Director of Industry Operations, no person shall, on or after February 10, 1942, manufacture multivitamin liquid preparations represented to contain more than 5,000 U. S. P. XI units of Vitamin A in the largest daily dosage recommended by the label or accompanying instructions.

(3) The restrictions of subparagraphs (1) and (2) above shall not apply to the manufacture of preparations containing no other vitamin than Vitamin A, or to preparations containing Vitamins A and D where the Vitamin A potency is 25,000 U. S. P. XI units or more in the recommended daily dosage; and the restrictions of subparagraph (2) above shall not apply to the manufacture of preparations recognized in the U. S. P. or N. F.

(4) Unless expressly authorized by the Director of Industry Operations, no person shall, on or after February 10, 1942, use, or dilute for use, in the manufacture or preparation of feed, fish liver oil which in undiluted form has a potency of more than 12,000 U. S. P. XI units of Vitamin A per gram.

(5) Unless expressly authorized by the Director of Industry Operations, no person shall, on or after April 10, 1942, manufacture or prepare feeds which in the form recommended to be consumed contain more than 1000 U. S. P. XI units of Vitamin A per pound, derived from fish or fish liver oils.

(c) *Applicability of General Preference Order M–71, as amended.* All sales, purchases and deliveries of Fish Liver Oils shall continue subject to the provisions and restrictions of General Preference Order M–71, as amended from time to time.

(d) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(e) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(f) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in his community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work may appeal to the War Production Board by a letter setting forth the pertinent facts and the reasons why he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(g) *Communications to War Production Board.* All communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Health Supply Branch, Washington, D. C., Ref: L–40.

(h) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 10th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1226; Filed, February 10, 1942; 11:49 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1304—IRON AND STEEL SCRAP

AMENDMENT NO. 14 TO PRICE SCHEDULE NO. 4—IRON AND STEEL SCRAP

Section 1304.8, § 1304.13 (a) footnotes 6 and 7, (c) (4), (c) (4) (iii), (d) and (e), § 1304.14, (c) (1), § 1304.15 (b) are amended to read as set forth below and § 1304.13 (c) (4) (iv) is added.

§ 1304.8 *Record-keeping and reporting requirements.* Every dealer in, and every maker, smelter, processor, broker, or consumer of, and every other person purchasing or selling iron and steel scrap shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of:

(a) As of the close of each month, the quantity in pounds and quality by grades of iron and steel scrap, (1) on hand and (2) on order;

(b) In the case of transactions for which maximum prices are established in this Schedule, each such purchase or sale, the date thereof, the name and address of the buyer or the seller, the shipping point price, the quantity in pounds and quality in grades, as defined in the applicable appendix, the mode or modes of transportation used from shipping point to point of delivery, the transportation charges involved, the bills of lading and other documents evidencing the movement from shipping point to point of delivery, the delivered price and the commission, if any, involved in the transaction. The record shall also contain such further requirements as are set forth in the applicable appendix (see especially § 1304.15 (b) (2) (iii)).

(c) In the case of transactions (including purchases or sales of used material which is to be made into iron and steel scrap, e. g. a box car, locomotive, graveyard automobile or the like) for which no maximum prices are established hereunder, each such purchase or sale, the date thereof, name and address of the buyer or seller, the type of material involved, the purchase or sales price, and the terms of such price (i. e. whether the material is purchased or sold *as is, where is,* or *delivered to the dealer's yard,* or otherwise).

(d) Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may from time to time require.

* * * * *

§ 1304.13 *Appendix A; maximum prices for iron and steel scrap other than railroad scrap—(a) Basing point[1] prices from which shipping point prices and consumers' delivered prices are to be computed.*

* * * * *

BASIC OPEN HEARTH GRADES[6]

* * * * *

ELECTRIC FURNACE, ACID OPEN HEARTH AND FOUNDRY GRADES[6][7]

(For electric furnace, acid open hearth & foundry use only)

* * * * *

[6] In no case may special preparation charges be added to the prices listed above. Inferior grades shall continue to be purchased at the differential below the corresponding listed grade price which the consumer paid during the period September 1, 1940 to January 31, 1941. Bundles with less than 50% tin-coated material shall be priced at $5.00 per gross ton under Basic Open Hearth Grades; bundles with more than 50% tin-coated material shall be priced at $8.00 below Basic Open Hearth Grades.

Except upon prior approval by the Office of Price Administration, no grade of scrap deemed by buyer or seller or both to be superior to any grade listed above shall be purchased at a premium above the corresponding listed grade with the following exceptions: (a) In the case of cast iron borings, containing no more than 0.5 percent oil content, for chemical use in the manufacture of explosives, the basing point price shall be $5.00 per gross ton over the price of Item 11. Where cast iron borings are purchased for chemical use other than in the manufacture of explosives, the price shall be $3.00 per gross ton over the price of Item 11. (b) In the case of ingot iron scrap and any alloyed ferrous scrap, except manganese scrap, purchased by an Electric Furnace or Acid Open Hearth for recovery of alloy content, such grades may be purchased at the differential above the corresponding listed grade which the consumer paid during the period September 1, 1940, to January 31, 1941.

Mixed shipments of Basic Open Hearth or Blast Furnace grades shall be deemed shipments of unprepared scrap and shall be priced in accordance with the provisions of paragraph (e) of this section, unless the consumer has authorized a mixed shipment in his purchase order.

[7] Except in cases in which the Office of Price Administration has given prior approval to Basic Open Hearth consumers to purchase Alloy Free Low Phos. and Sulphur Turnings at the prices listed above, no Basic Open Hearth or Blast Furnace consumer may purchase any of the above grades at a price in excess of the price listed herein for the corresponding Basic Open Hearth or Blast Furnace Grade. The prices of Items 12 and 22 shall not exceed the prices of Basic Open Hearth and Blast Furnace Grades respectively, unless delivered to the consumer direct from the industrial producer thereof.

* * * * *

(c) *Maximum shipping point prices.*

* * * * *

(4) *Exceptions to the formula for computing shipping point prices.*[1]

* * * * *

(iii) The maximum shipping point price within the Cincinnati basing point for Basic Open Hearth Grades and Items 18, 19 and 20 shall be the Cincinnati basing point price minus 80 cents per gross ton.

(iv) The maximum shipping point price for No. 1 heavy melting steel (with Sparrows Point differentials for the other grades) at all shipping points within the Boston, Mass., switching district shall be $15.05 per gross ton f. o. b. cars or f. a. s. vessel, or, where delivery to the consumer is solely by motor vehicle, loaded on such vehicle.

(d) *Maximum prices delivered to the plant of a consumer.* Scrap is at its point of delivery to the consumer when it has arrived for unloading at the plant of the consumer. In no case shall any charge or cost incurred in placing the scrap at the shipping point or any charge or cost incurred in unloading the scrap at the point of delivery, or in subsequent handling, be included in the maximum delivered price.

(1) *Where transportation from shipping point to point of delivery is wholly or partially by rail, or vessel, or combination of rail and vessel,* the maximum delivered price shall be the shipping point price as determined in paragraph (c) of this section, plus the established charge for transporting the scrap from the shipping point to the point of delivery by the mode of transportation employed.

Where transportation from shipping point to point of delivery includes water movement, if no established rate exists for such water movement, then the actual charge or cost incurred in such movement may be used in computing the maximum delivered price.

Where transportation to the point of delivery includes water movement, no established charges at the dock, or any charge or cost customarily incurred at the dock, may be included in the delivered price. In lieu thereof, 75 cents per gross ton may be included in the maximum delivered price: *Provided, however,* That this maximum allowance shall be 50 cents per gross ton at Memphis, Tenn., $1.00 per gross ton at Great Lakes ports, and $1.25 per gross ton at New England ports. Such allowances must be shown as a separate item on the invoice.

(2) *Where transportation from shipping point to point of delivery is solely by motor vehicle.* (i) Where transportation is by *public carrier,* the maximum delivered price shall be the shipping point price as determined in paragraph (c) of this section, plus the established public carrier charge for transporting the scrap by motor vehicle from the shipping point to the point of delivery.

(ii) Where transportation is by *other than public carrier,* the maximum delivered price shall be the shipping point price as determined in paragraph (c) of this section, plus the charge for transporting the scrap at the established rail carload rate for the lowest minimum weight from the rail siding nearest the shipping point to the rail siding nearest the point of delivery: *Provided, however,* That this charge need never fall below $1.00 per gross ton.

(3) *In no case, however, shall the delivered price exceed by more than one dollar the price listed in paragraph (a) for the basing point nearest, in terms of established transportation charges, to the consumer's plant, with the following exceptions:*

(Exceptions 1–8 follow.)

* * * * *

(e) *Unprepared scrap.* The maximum prices established hereinabove are maximum prices for prepared scrap. The term "unprepared scrap" shall have its customary trade meaning and shall not include such demolition projects as bridges, box cars or graveyard automobiles, which must be so priced that the prepared scrap will deliver to the consumer within the maximum delivered price established hereinabove.

For unprepared scrap, maximum prices shall be $2.50 less than the maximum prices for the corresponding grade or grades of prepared scrap. In no case, however, shall Electric Furnace and Foundry grades, listed in paragraph (a) above be used as the "corresponding grade or grades of prepared scrap."

Except as otherwise provided hereunder, where scrap is to undergo preparation prior to its arrival at the point of delivery, such scrap is not at its shipping point, as that phrase is defined in paragraph (c) of this section, until after such preparation has been completed. Where a consumer purchases unprepared *remote* scrap in rail carload lots, if no adequate facilities for preparation exist at or near the shipping point, the consumer may designate a dealer or dealers to prepare such scrap for its use at a maximum preparation fee of $2.50 per gross ton. In such cases the maximum delivered price shall be the shipping point price for unprepared scrap at the remote shipping point plus all-rail transportation charges to the point of delivery at the dealer's yard plus a $2.50 per gross ton preparation fee plus transportation charges from the dealer's yard to the point of delivery after the scrap has been loaded on the delivering carrier. Interim loading, unloading and similar charges may not be absorbed by the consumer. The maximum delivered price of such scrap shall not exceed by more than $5.00 the price at the basing point nearest the consumer's plant except upon prior approval of the Office of Price Administration as provided in Exception 3 in paragraph (d) of this section. Every purchase of scrap on this preparation fee basis shall likewise be subject to all the filing and other requirements in Exception 3 of paragraph (d) of this section.

At no time shall ownership of such scrap reside in the dealer to whom the preparation fee is paid.

* * * * *

§ 1304.14 *Appendix B; maximum prices for iron and steel scrap originating from railroads—*

* * * * *

(c) *Maximum prices for scrap which cannot be identified as to origin, scrap originating from mines, logging roads, and similar sources, and scrap originating from railroads who do not, within two weeks after the issuance of this schedule, file average price information with the Office of Price Administration.*

* * * * *

(1) In the case of scrap rails, scrap rails 3 feet and under, scrap rails 2 feet and under, scrap rails 18 inches and under, and rails for rerolling, the shipping point price shall be computed by application of the provisions of paragraphs (b) and (c) of Appendix A to the prices at the most favorable basing point in Appendix B. In no case need this shipping point price fall below $4.00 for scrap rails, $16.00 for scrap rails 3 feet and under, $16.25 for scrap rails 2 feet and under, $16.50 for scrap rails 18 inches and under, and $15.50 per gross ton for rails for rerolling. The maximum delivered price shall be the shipping point price thus obtained plus transportation charges from the shipping point to the point of delivery.

((2) follows.)

• • • • •

§ 1304.15 *Appendix C; maximum price for cast iron scrap other than railroad scrap.* (All the prices given below are per gross ton.)

• • • • •

(b) *Maximum price delivered to a consumer.* Scrap is at its point of delivery to a consumer when it has arrived for unloading at the plant of the consumer. In no case shall any charge or cost incurred in placing the scrap at the shipping point or any charge or cost incurred in unloading the scrap at the point of delivery, or in subsequent handling, be included in the maximum delivered price.

The maximum price at which any grade of cast iron scrap may be delivered to a consumer shall be:

(1) *Where transportation from shipping point to point of delivery is wholly or partially by rail or vessel, or combination of rail and vessel,* the maximum delivered price shall be the shipping point price listed in paragraph (a) of this section, plus the established charge for transporting the scrap from the shipping point to the point of delivery by the mode of transportation employed. Where transportation to the point of delivery includes water movement, and tariffs establishing charges at the dock are published, charges incurred at the dock, but not to exceed the published tariffs, may be included in the delivered price. Where no such tariffs are published, actual charges incurred at the dock but not to exceed 75 cents per gross ton, may be included in the delivered price. In either case such charges must be shown as a separate item on the invoice.

(2) *Where transportation from shipping point to point of delivery is solely by motor vehicle.* (i) Where transportation is by *public carrier,* the maximum delivered price shall be the shipping point price listed in paragraph (a) of this section, plus the established public carrier charge for transporting the scrap by motor vehicle from the shipping point to the point of delivery.

(ii) Where transportation is by *other than public carrier,* the maximum delivered price shall be the shipping point price listed in paragraph (a) of this section, plus the charge for transporting the scrap at the established rail carload rate for the lowest minimum weight, from the rail siding nearest the shipping point to the rail siding nearest the point of delivery, provided however that this charge need never fall below $1.00 per gross ton.

(iii) Where shipment of the scrap to the consumer is solely by motor vehicle, the delivered price shall not exceed the shipping point price unless the consumer shall receive a certificate made out to the Office of Price Administration, Washington, D. C., and signed by the person from whose yard or point of accumulation the scrap was placed at its shipping point and by the person by whom or on behalf of whom the scrap was transported from shipping point to point of delivery. Such certificate shall, among other things, specify the quantity and grade of the scrap, the shipping point, the point of delivery, and the transportation charges from shipping point to point of delivery. The consumer shall acknowledge receipt of the material on the face of the certificate. Certification must be executed on the Office of Price Administration's Form 104:15 (or a copy thereof). Such forms may be secured from the Office of Price Administration, Washington, D. C., or from any Regional Office.

The above mentioned certificate, shall be preserved by the consumer as part of the record-keeping requirements outlined in § 1304.8. A copy shall likewise be preserved by all persons signing the certificate.

• • • • •

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4433)

This amendment No. 14 shall become effective February 9, 1942. Issued this 9th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1203; Filed, February 9, 1942; 4:41 p. m.]

PART 1306—IRON AND STEEL

AMENDMENT NO. 3 TO PRICE SCHEDULE NO. 6 [1]—IRON AND STEEL PRODUCTS

Section 1306.13 is amended by adding the following as set forth below:

§ 1306.13 *Appendix D; export base prices of United States Export Company for principal products, F. A. S. principal ports, in effect on April 16, 1941.*

• • • • •

PER 100 POUNDS

Products	Boston, New York, Philadelphia, Baltimore, Norfolk	Charleston, Savannah, New Orleans, Mobile	Galveston, Houston	San Francisco, Seattle, Portland, Los Angeles (San Pedro)
Hot rolled sheets, 24 B. G. plain bundles (includes 90 cents for gage)	$3.25	$3.25	$3.37½	$3.65
10 U. S. G. plain bundles	2.35	2.35	2.47½	2.75
Cold rolled sheets, 17 U. S. G. in 2-ton metal crates (includes 15 cents for packing)	3.40	3.60	3.68	3.80
Galvanized sheets, 24 B. G. in plain bundles	3.90	3.90	4.02½	4.30
Hot rolled strip	2.40	2.60	2.68	2.80
Cold rolled strip	3.10	3.30	3.38	3.50
	Percent			
American standard pipe, black, T. & C. 1" to 3"	67	65	64.2	63
American standard pipe, galvanized, T. & C. 1" to 3"	56.2	54.2	53.4	52.2
American extra strong pipe, black, plain ends, 1" to 3"	65.5	63.5	62.7	61.5
American extra strong pipe, galvanized, plain ends, 1" to 3"	55.7	53.7	52.9	51.7
American double extra strong pipe, black, plain ends, 2" to 2½"	53.8	51.8	51.0	49.8
American double extra strong pipe, galvanized, plain ends, 2" to 2½"	43	41	40.2	39
English gas tubes, black, T. & C. ¾" to 6"	67 / 65	65¾ / 63¾	64.5 / 62.5	63.5 / 61.5
English gas tubes, galvanized, T. & C. ¾" to 6"	59 / 57	57¾ / 55¾	56.5 / 54.5	55.5 / 53.5
English steam tubes, painted, T. & C. ¾" to 6"	62 / 57	60¾ / 55¾	59½ / 54½	58.5 / 53.5
English steam tubes, galvanized, T. & C. ¾" to 6"	50 / 49	48¾ / 47¾	47½ / 46½	46.5 / 45.5

DISCOUNTS:
American standard pipe—off American list No. 6.
English gas tubes—off English list No. 3, converted 2 cents to the penny.

[1] South American markets.
[2] Other markets.

(E.O. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 3 shall become effective February 9, 1942. Issued this 9th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1204; Filed, February 9, 1942; 4:41 p. m.]

[1] 6 F.R. 2004, 3061, 7 F.R. 785.

PART 1306—IRON AND STEEL

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 41 [1]—STEEL CASTINGS

Section 1306.112 (b) is hereby amended as set forth below:

§ 1306.112 *Appendix A.*

• • • • •

(b) *Maximum prices for other steel castings.* The maximum price of a producer for a steel casting of any description whatever made by such producer on or after February 5, 1942, and for which steel casting, or a steel casting substantially similar in design and specification, such producer has not filed a price with the Office of Price Administration, in accordance with § 1306.104, (1) shall be the price, together with the extras, terms and conditions, listed in the Comprehensive Report under the head of "Schedule Reference" for steel castings of the same design and specification, or substantially similar design and specification, or (2), if substantially different in design or specification from any steel casting listed in the Comprehensive Report, shall be the price for such producer which is approved in writing by the Office of Price Administration within six days after Form 141:4 for such steel casting is received by the Office of Price Administration pursuant to § 1306.102 of this Schedule: *Provided,* That if said selling price is neither approved or disapproved within six days from the date of receipt of Form 141:4 by the Office of Price Administration, the proposed selling price shall be deemed approved for such producer. (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 2 shall become effective February 9, 1942. Issued this 9th day of February, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1196; Filed, February 9, 1942; 4:40 p. m.]

[1] 6 F.R. 5809, 7 F.R. 751.

PART 1312—LUMBER AND LUMBER PRODUCTS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 94—WESTERN PINE LUMBER

Section 1312.261 is amended by deleting therefrom the tables captioned "Dimension" and "Drainboard Stock".

Section 1312.262 is amended by inserting therein the following tables immediately after the table entitled "Differentials for Widths" and immediately before the table entitled "Other Differentials, All Grades":

§ 1312.262 *Appendix C; maximum prices for sugar pine lumber.*

• • • • •

DIMENSIONS

RL; SIZE HM 1¼" x Standard Widths or S4S HM 1½" x Standard Widths Scaled at 2"	2 x 4"	2 x 6"	2 x 8"	2 x 10"	2 x 12"
No. 1 Dimension	$28.00	$27.00	$28.50	$27.00	$27.00
No. 2 Dimension	25.00	24.00	24.00	24.00	24.00
No. 3 Dimension	18.50	17.50	17.50	17.50	17.50

Specified Lengths:	
14' and under 16'	Add 1.00 to RL.
16'	Add .50 to RL.
18' and 20'	Add 2.00 to RL.
For Rough	Deduct 1.00.
For 1¼" Dimension	Add 1/16 to 1/8" prices.
For 1½" Dimension	Add 1/8 to 1/16" prices.

• • • • •

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective February 15, 1942. Issued this 9th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1201; Filed, February 9, 1942; 4:40 p. m.]

DRAINBOARDS

54 & 54, 528, 1 & 2 Clear Selected:	
20" & Wider R.W. RL	$125.00
22" & Wider S.W. RL	135.00
For Rough, Deduct $5.00.	

PART 1316—COTTON TEXTILES

AMENDMENT NO. 6 TO PRICE SCHEDULE NO. 35—CARDED GREY AND COLORED-YARN COTTON GOODS

Section 1316.56 is hereby deleted.

Paragraph (b) of § 1316.51 is hereby amended to read as follows:

§ 1316.51 *Maximum prices for cotton goods.*

• • • • •

(b) Except as may be expressly provided elsewhere herein, the provisions of this Schedule are not applicable to sales or deliveries of cotton goods made by any wholesaler, jobber, or retailer in the performance of a recognized distributive function: *Provided,* That sales and deliveries of cotton goods (1) to a converter or finisher, or (2) by the manufacturer thereof or by any agent of such manufacturer shall not be made at prices higher than the established maximum prices.

Subparagraph (4) of paragraph (b) of § 1316.61 is hereby amended in the following respects:

Table II of said subparagraph is amended by deleting the first four price columns (i. e., those headed 14.24 to 14.67, incl.; 14.68 to 15.11, incl.; 15.12 to 15.54, incl.; and 15.55 to 15.98, incl.); and by amending the maximum prices for Carded Poplins to read as follows:

Table II-A of said subparagraph is amended to read as follows:

Table III of said subparagraph is amended by deleting the first four price columns (i. e., those headed 14.24 to 14.67, incl.; 14.68 to 15.11, incl.; 15.12 to 15.54, incl.; and 15.55 to 15.98, incl.);

Table IV of said subparagraph is amended by deleting the first four price columns (i. e., those headed 14.15 to 14.60, incl.; 14.61 to 15.06, incl.; 15.07 to 15.52, incl.; and 15.53 to 15.98, incl.);

Table V of said subparagraph is amended by deleting the first four price columns (i. e., those headed 14.31 to 14.72, 14.73 to 15.14, 15.15 to 15.56, and 15.57 to 15.98).

TABLE II—PRINT CLOTH YARN GROUP

[Spot cotton price—Cents per pound]

Type and class of cloth	Cents per pound [3]											
	15.99 to 16.42 incl.	16.43 to 16.85 incl.	16.86 to 17.29 incl.	17.30 to 17.73 incl.	17.74 to 18.17 incl.	18.18 to 18.60 incl.	18.61 to 19.04 incl.	19.05 to 19.48 incl.	19.49 to 19.91 incl.	19.92 to 20.35 incl.		
CARDED POPLINS												
Class A:												
1	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50		
2	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50		
3	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50		
Class B:												
1	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50		
2	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50		
3	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50		
Class C:												
1	48.00	48.50	49.00	49.50	50.00	50.50	51.00	51.50	52.00	52.50		
2	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50	50.00	50.50		
3	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50		
Class D:												
1	50.00	50.50	51.00	51.50	52.00	52.50	53.00	53.50	54.00	54.50		
2	48.00	48.50	49.00	49.50	50.00	50.50	51.00	51.50	52.00	52.50		
3	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50	50.00	50.50		

[3] For seconds and short lengths of all fabrics listed in this table, the prices appearing herein shall be discounted by five percent.

TABLE II-A—KEY TO TYPES AND CLASSES OF CLOTH IN TABLE II

[All numbers inclusive]

Type and class of cloth (including all widths under 42")	Yarn numbers			Thread count per inch			Yards per pound (Poplins based on square yard; Piques and Three-leaf Twills based on actual width)
	Warp	Filling	Average	Total	Warp	Filling	
PRINT CLOTH							
Class A	28s-32s	36s-45s	33s or over	160-100			
Class B	28s-32s	36s-45s	33s or over	99-72			
Class C	28s-32s	36s-45s	33s or over	71 or less			
CARDED BROADCLOTH							
Class A	28s or over			166 or less			
Class B	28s or over			167-174			
Class C	34s or over			175-189			
Class D	39s or over			190-200			
PAJAMA CHECKS							
Class A				160 or more			
Class B				159 or less			
CARDED POPLINS							
Class A	25s-33⅓s				76-108	34-52	3.50 or over.
1							3.49-3.01.
2							3.00 or less.
3							
Class B	25s-33⅓s				109 or over	34-52	3.50 or over.
1							3.49-3.01.
2							3.00 or less.
3							
Class C	34s or over				76-108	34-52	3.50 or over.
1							3.49-3.01.
2							3.00 or less.
3							
Class D	34s or over				109 or over	34-52	3.50 or over.
1							3.49-3.01.
2							3.00 or less.
3							
CARDED PIQUES							
Class A	29s-31½s			152-176			3.70 or over.
Class B	29s-31½s			177-199			3.40-3.69.
Class C	29s-31½s			200-210			3.00-3.39.
THREE-LEAF TWILLS							
Class A				140-151			2.45-2.89.
Class B				132-152			2.90-3.89.
Class C				140-148			3.90-4.10.
Class D				140-148			4.11-4.39.
Class E				124-147			4.40-5.20.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment shall become effective February 10, 1942. Issued this 9th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1202; Filed, February 9, 1942; 4:41 p. m.]

PART 1335—CHEMICALS

PRICE SCHEDULE NO. 104—VITAMIN C

Progress during recent years in biochemical research has led to the isolation of vitamin C, also known as ascorbic acid. This vitamin is indispensable to the development of sound bony structure in humans. Although it is found in fresh fruits and raw vegetables, vitamin C which is used in therapy is mainly a synthetic product.

Wider use of vitamin therapy, coupled with the scarcity of fresh fruits and raw vegetables in some foreign countries, has stimulated a sharply increased domestic and foreign demand for vitamin C produced in this country. This pressure has led to speculation by resellers to such an extent that a number of transactions have been made at prices approximately double the prices quoted by producers. This speculation has taken place and threatens to lead to even higher prices in the resale market, in spite of a distinct downward trend in producers' prices.

After conferences with producers, resellers, and exporters of vitamin C, and representatives of other government agencies, the Office of Price Administration has found that no justifiable reasons exist for producers and primary jobbers charging prices in excess of $1.65 per ounce, or for resellers charging more than $2.15 per ounce, for sales of large quantities. Increases above those prices would, consequently, be inflationary in character.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.901 *Maximum prices for vitamin C.* On and after February 16, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, deliver, or transfer vitamin C in quantities of one ounce or more, and no person shall buy, offer to buy or accept delivery of vitamin C in quantities of one ounce or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.909.*

*§§ 1335.901 to 1335.909, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.902 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid or offered.*

§ 1335.903 *Evasion.* The price limitations set forth in this Schedule shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer, of vitamin C or in connection with a purchase, sale, delivery or transfer, of any other material, or by way of any commission, service, transportation, discount, premium, or other charge or privilege, or by alteration of grades of vitamin C, or by tying-agreements or other trade understanding, or otherwise.*

§ 1335.904 *Records and reports.* Every person making purchases or sales of vitamin C in quantities of one pound or more after February 15, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the kind and size of the containers, of the vitamin C purchased or sold.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.905 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of vitamin C, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.906 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered by the Office of Price Administration unless filed by persons complying with this Schedule.*

§ 1335.907 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Vitamin C" means ascorbic acid, U. S. P.

(c) "Producer" means a person who manufactures vitamin C.

(d) "Primary jobber" means a person who buys vitamin C from producers for resale purposes.

(e) "Reseller" means a person who buys vitamin C from other than producers for resale.

(f) "Shipping point" means the point of distribution maintained by a seller from which actual shipment is made.*

§ 1335.908 *Effective date of the Schedule.* This Schedule shall become effective February 16, 1942.*

§ 1335.909 *Appendix A; maximum prices for vitamin C*—(a) *Sales by producers and primary jobbers.* (1) The maximum prices for sales of vitamin C by producers or primary jobbers are established as follows:

Quantity in ounces:	Price per ounce
1,000 or more	$1.65
500 up to 1,000	1.66
100 up to 500	1.67
50 up to 100	1.69
25 up to 50	1.72
5 up to 25	1.77
1 up to 5	1.85

(2) The above maximum prices are f. o. b. the producer's or primary jobber's shipping point, with freight equalized at the rate for a shipment of identical quantity over standard routes from the following points, viz.: Philadelphia, Pennsylvania; St. Louis, Missouri; Chicago, Illinois; Rahway and Nutley, New Jersey; and New York, New York. The maximum prices which a purchaser may pay for vitamin C delivered to him from a producer's or primary jobber's shipping point shall not exceed the maximum prices listed above plus the transportation charge on a shipment of identical quantity to destination over standard routes from that city named above from which the transportation rate to destination is least.

(b) *Sales by resellers.* The maximum prices for sales of vitamin C by resellers are established as follows, f. o. b. reseller's shipping point.

Quantity in ounces:	Price per ounce
1,000 or more	$2.15
500 to 1,000	2.16
100 to 500	2.17
50 to 100	2.20
25 to 50	2.24
5 to 25	2.30
1 to 5	2.41

(c) *Export sales and sales to persons in territories and possessions of the United States.* The following maximum prices are established for export sales of vitamin C to persons in foreign countries and for sales to persons in the territories or possessions of the United States, where the shipments pursuant to such sales originate in the continental United States exclusive of Alaska:

(1) *Exports and sales by producers and primary jobbers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in paragraph (a) of this Appendix, f. a. s. vessel at the port of shipment, plus 10 per cent of the applicable maximum price.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (a) of this Appendix, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel, plus 5 per cent of the applicable maximum price.

(2) *Exports and sales by resellers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in paragraph (a) of this Appendix, plus 40 per cent of the applicable maximum price, f. a. s. vessel at the port of shipment.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (b) of this Appendix, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel, plus 5 per cent of the applicable maximum price.

(3) *Expenses.* No expenses, commissions, or charges for services may be added to the maximum prices established in this paragraph (c), except (a) ocean or overland freight (b) marine and war risk insurance, and (c) foreign agents' commission, unless such foreign agents' commission or any part thereof is received by the exporter directly or indirectly for his own use.

(d) *Containers.* No charge for containers may be added to the maximum prices established by this Schedule.*

Issued this 9th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1208; Filed, February 9, 1942; 4:43 p. m.]

PART 1335—CHEMICALS

PRICE SCHEDULE NO. 103—SALICYLIC ACID

Salicylic acid is chiefly used in the production of aspirin and other internal and external medicinals, in making chrome and khaki dyes, and in vulcanizing natural rubber. The acid is itself made from phenol, which is under allocation by the War Production Board on account of its importance in the production of plastics and explosives. As a result, present and future supplies of salicylic acid are distinctly limited by the amount of phenol which can be spared for its production.

At the same time, increased demand for aspirin and khaki dye, coupled with anticipated increased demand for the acid in rubber vulcanization, has led to speculation on the resale market at prices nearly triple the manufacturers' prices for comparable grades and quantities. These forces threaten further upward pressure on the price of salicylic acid.

After conferences with producers, resellers, and exporters of salicylic acid, and representatives of other government agencies, the Office of Price Administration has found that no justifiable reasons exist for producers and primary jobbers charging prices in excess of 35 cents per pound, or for resellers charging prices in excess of 46 cents per pound, for U. S. P. salicylic acid in 100 to 150 pound barrels. Increases above these prices would, consequently, be inflationary in character.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.951 *Maximum prices for salicylic acid.* On and after February 16, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, deliver, or transfer salicylic acid in quantities of one pound or more, and no person shall buy, offer to buy, or accept delivery of salicylic acid in quantities of one pound or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.959.*

*§§ 1335.951 to 1335.959, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.952 *Less than maximum prices.* Lower prices than those set forth in Appendix A may be charged, demanded, paid, or offered.*

§ 1335.953 *Evasion.* The price limitations set forth in this Schedule shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer, of salicylic acid or in connection with a purchase, sale, delivery or transfer, of any other material, or by way of any commission, service, transportation, discount, premium, or other charge or privilege, or by alteration of grades of salicylic acid, or by tying-agreements or other trade understanding, or otherwise.*

§ 1335.954 *Records and reports.* Every person making purchases or sales of salicylic acid in quantities of one pound or more after February 15, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity including the kind and size of the containers, of the salicylic acid purchased or sold.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.955 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limita-

tions or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule.

Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of salicylic acid, or of the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.956 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with this Schedule.*

§ 1335.957 *Definitions.* When used in this Schedule, the term:

(a) "Person" means individual, partnership, association, corporation, or other business entity.

(b) "Salicylic acid" includes the grades of ortho-hydroxybenzoic acid referred to in Appendix A, incorporated herein as § 1335.959.

(c) "Producer" means every person who manufactures salicylic acid.

(d) "Primary jobber" means every person who buys salicylic acid from producers for resale purposes.

(e) "Reseller" means every person who buys salicylic acid from other than producers for resale.

(f) "Shipping point" means the point of distribution maintained by a seller from which actual shipment is made.*

§ 1335.958 *Effective date of the Schedule.* This schedule shall become effective February 16, 1942.*

§ 1335.959 *Appendix A; maximum prices for salicylic acid.* The following maximum prices are established for salicylic acid:

(a) *Sales by producers and primary jobbers.* (1) The maximum prices for sales of salicylic acid by producers or primary jobbers are established as follows:

Quantity	U. S. P., per pound	Technical, per pound
Carlot	$0.28	$0.26
100 pounds or more in barrels	.35	.33
50 pounds or more in 50-pound drums	.37	.35
100 pounds or more in 25-pound drums	.36	.34
50 to 100 pound in 25-pound drums	.37	.35
25 to 50 pounds in 25-pound drums	.38	.36
5 pounds or more in 5-pound drums	.44	.42
1 pound or more in 1-pound cartons	.46	.44

(2) The above maximum prices are f. o. b. the producer's or primary jobber's shipping point, with freight equalized at the rate for a shipment of identical quantity over standard routes from the following points, viz: New York City, New York; Philadelphia, Pennsylvania; Chicago, Illinois; and St. Louis, Missouri. The maximum prices which a purchaser may pay for salicylic acid delivered to him from a producer's or primary jobber's shipping point shall not exceed the maximum prices listed above plus the transportation charge on a shipment of identical quantity to destination from that city named above from which the transportation rate to destination is least.

(b) *Sales by resellers.* The maximum prices for sales of salicylic acid are established as follows, f. o. b. reseller's shipping point.

Quantity	U. S. P., per pound	Technical, per pound
Carlot	$0.36	$0.34
100 pounds or more in barrels	.46	.43
50 pounds or more in 50-pound drums	.48	.46
100 pounds or more in 25-pound drums	.47	.44
50 to 100 pounds in 25-pound drums	.48	.46
25 to 50 pounds in 25-pound drums	.49	.47
5 pounds or more in 5-pound cartons	.57	.55
1 pound or more in 1-pound cartons	.60	.57

(c) *Export sales and sales to persons in Territories and possessions of the United States.* The following maximum prices are established for export sales of salicylic acid to persons in foreign countries and for sales to persons in the territories or possessions of the United States, where the shipments pursuant to such sales originate in the continental United States exclusive of Alaska:

(1) *Exports and sales by producers and primary jobbers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in paragraph (a) of this Appendix, f. a. s. vessel at the port of shipment, plus 10 percent of the applicable maximum price.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (a) of this Appendix, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel, plus 5 percent.

(2) *Exports and sales by resellers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in paragraph (a) of this Appendix, f. a. s. vessel at the port of shipment, plus 40 percent of the applicable maximum price.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (b) of this Appendix, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel, plus 5 percent of the applicable maximum price.

(3) *Expenses.* No expenses, commissions, or charges for services may be added to the maximum prices established in this paragraph (c), except (i) ocean or overland freight, (ii) marine and war risk insurance, and (iii) foreign agents' commission, unless such foreign agents' commission or any part thereof is received by the exporter directly or indirectly for his own use.

(d) *Containers.* No charge for containers may be added to the maximum prices established by this Schedule.*

Issued this 9th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1207; Filed, February 9, 1942; 4:43 p. m.]

PART 1340—FUEL

AMENDMENT NO. 3 TO PRICE SCHEDULE NO. 88—PETROLEUM AND PETROLEUM PRODUCTS

The preamble, § 1340.157 (b), § 1340.157, and § 1340.159 (c) are amended by the addition of the provisions set forth below.

Asphalt and asphalt products are sold principally on the basis of long-term contracts. In 1941 these contracts were agreed upon at low price levels, but by the end of 1941 it became apparent that contracts for 1942 were being negotiated at considerably higher prices. In order to prevent inflationary increases in the prices of asphalt and asphalt products, this amendment is being issued.

§ 1340.157 *Definitions.*

* * * * *

(b) "Petroleum products" means:

* * * * *

Paving and cut-back asphalts, asphalt emulsions, road oils, roofing asphalt and roofing flux

* * * * *

Asphalts and asphalt products not listed above are not for the time being included in the term "petroleum products" as defined above.

* * * * *

(k) "Roofing flux" means the basic grade of soft asphalt (85–100 penetration or softer) which is used in the roofing industry for blowing or oxidizing into other saturants and coatings or as a saturant without further processing.

(l) "Roofing asphalt" means those grades of asphalt which have been oxidized or blown to harder penetrations than roofing flux.

(m) "Paving asphalt" means asphalt specially processed for use as a binder with certain aggregates for the purpose of forming a hard surface by means of hot application.

(n) "Cut-back asphalt" means asphalt manufactured by blending light petroleum distillates with asphalt for the purpose of forming a hard surface.

(o) "Asphalt emulsions" means a suspension of liquid asphalt in water with an emulsifying agent, prepared for the purpose of forming a hard surface by cold application.

(p) "Road oils" means residual oils obtained from asphaltic petroleum by distilling off the more volatile constituents; they range in consistency from liquid petroleum in crude form to viscous asphalt.

(q) "Asphalt" means petroleum asphalt as distinguished from natural asphalt.

§ 1340.159 *Appendix A; maximum prices for petroleum and petroleum products.*

* * * * *

(c) *Specific prices.*

* * * * *

(5) *Paving and cut-back asphalts, asphalt emulsions, road oils, roofing asphalt and roofing flux.*

Maximum prices for roofing flux f. o. b. refinery

	Price per ton
For refineries within 100 miles of the Atlantic coastline	$12.25
For refineries in Chicago, Ill., and within a 50 mile radius of the corporate limits of Chicago, Ill.	10.00
For refineries in St. Louis, Mo., and within a radius of 50 miles of the corporate limits of St. Louis, Mo.	8.25
For refineries in Ohio and within 50 miles south of the southern boundary of Ohio	11.75
For refineries in Kansas City, Mo., and within a radius of 50 miles of the corporate limits of Kansas City, Mo.	10.00
For refineries within 150 miles of the coastline of the Gulf of Mexico	11.10
For refineries in California, Washington, Oregon, Nevada, and Idaho on shipments to destinations in those States	7.25

For delivery to destinations other than in California, Washington, Oregon, Nevada and Idaho the maximum price for each refinery not located in the areas described above shall be not in excess of 75 cents per ton above the highest f. o. b. refinery price applicable to deliveries from such refinery to the given destination during January 1941 on contracts effective during that month.

Roofing asphalt. The maximum prices for each seller of roofing asphalt shall be at no greater differential over the maximum prices determined above for roofing flux than the differentials which were in effect on January 1, 1941.

Paving asphalt, cut-back asphalt, asphalt emulsions and road oils. Maximum prices for paving asphalt, cut-back asphalt, asphalt emulsions and road oils for shipment to a given destination shall be no higher than the weighted average of the prices provided in the three contracts of sale (or sales if not preceded or accompanied by contracts of sale), governing the largest volume made between July 1, 1941, and October 15, 1941, for a product of like specifications and quality shipped to the same destination.

Should there have been only two such contracts of sale or sales of paving asphalt, cut-back asphalt, asphalt emulsions and road oils for shipment to a given destination during this period, the maximum price for any such subject shall be the average of the two sales of such product to the given destination. Should there have been only one sale of a given product for shipment to a given destination, the price on such sale shall be the maximum price for shipment of a given product to the given destination.

Where a person wishes to make a sale to a particular destination and the maximum price cannot be determined upon the basis of the preceding two paragraphs, the maximum price shall be the price of the last contract made prior to October 15, 1941, but not before July 1, 1941, pursuant to open or public bidding, for shipment to that destination of a product of substantially the same quality.

When a person wishes to make a sale to a particular destination and the maximum price cannot be determined upon the basis of the preceding three paragraphs, the maximum price shall be computed upon the basis of the preceding three paragraphs, as if the sale were made for delivery to the destination nearest to the particular destination involved (nearest in terms of freight cost to the seller) and appropriate adjustments to reflect difference in freight costs to the seller shall be made.

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 3 shall become effective as of February 10, 1942. Issued this 9th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1209; Filed, February 9, 1942; 5:17 p. m.]

PART 1346—BUILDING MATERIALS

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 45 [1]—ASPHALT OR TARRED ROOFING PRODUCTS

A new paragraph (c) is added to § 1346.60 as set forth below:

§ 1346.60 *Appendix B; maximum prices for asphalt and tarred roofing products.*

* * * * *

(c) *Exception.* In sales where the destination of the shipment is Hawaii or Alaska, the seller may quote and charge an f. a. s. price, although his only sales on July 2, 1941, were or would have been on a c. i. f. basis: *Provided*, That such f. a. s. price shall not be higher than the seller's f. a. s. price would have been on July 2, 1941 in the case of sales to Hawaii, or on August 1, 1941 in the case of sales to Alaska. (E.O. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 2 shall become effective February 10, 1942. Issued this 7th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1205; Filed, February 9, 1942; 4:41 p. m.]

[1] 6 F.R. 6145, 7 F.R. 124.

PART 1362—CERAMIC PRODUCTS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 75—DEAD-BURNED GRAIN MAGNESITE

A new paragraph (d) is added to section 1362.1 as set forth below:

§ 1362.1 *Maximum prices for maintenance grades of dead-burned magnesite.*

* * * * *

(d) The following exception to the maximum price set forth above has been granted: In sales by the Westvaco Chlorine Products Corporation from its Patterson plant to its regular customers located in California, the maximum price shall be $32.00 a ton f. o. b. Chewelah, Washington. Additions for delivered prices and sales in bags or sacks shall be the same as set forth above. This exception is subject to the terms and conditions contained in a letter from the Office of Price Administration to said company, dated February 9, 1942. (E.O. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 1 shall become effective February 9, 1942. Issued this 9th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1200; Filed, February 9, 1942; 4:40 p. m.]

PART 1401—SYNTHETIC TEXTILE PRODUCTS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 95—NYLON HOSE

Section 1401.1, § 1401.3 and paragraph (c) of § 1401.8 are hereby amended; and § 1401.10 is hereby added to read as follows:

§ 1401.1 *Maximum prices for nylon hose.* (a) On or after February 10, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer nylon hose and no person shall buy, offer to buy, or accept delivery of nylon hose, at prices higher than the maximum prices set forth in Appendix A: *Provided*, That contracts entered into prior to February 10, 1942, at prices in compliance with this Schedule (§§ 1401.1 to 1401.9, inclusive) may be carried out at the contract price.

(b) The provisions of this Schedule (§§ 1401.1 to 1401.10, inclusive) are not applicable to sales at retail.

§ 1401.3 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of nylon hose, alone or in conjunction with any other material or commodity, or by way of any premium, commission, service, transportation, or other charge, or by tying-agreement or other trade understanding or practice involving a related sale or allotment of other types of hosiery or any other commodity, or by making the discounts given or other terms or conditions of sale more onerous to the purchaser than those available or in effect on October 15, 1941, or by any other means.

§ 1401.8 *Definitions.*

• • • • •

(c) "Nylon hose" means women's hosiery of the types, styles and constructions set forth in Table I of Appendix A.

§ 1401.10 *Appendix A, maximum prices for nylon hose.* (a) The prices set forth in Table I are maximum prices applicable to sales of nylon hose by manufacturers. Maximum prices applicable to sales of nylon hose by wholesalers or jobbers shall be the prices set forth in Table I increased by ten percent. They are prices f. o. b. the seller's point of shipment and are gross prices, before discounts of any nature are deducted, and include all commissions.

TABLE I

Style	Construction		Type	
	Gauge	Denier	All nylon	Nylon leg
			Dollars per dozen	*Dollars per dozen*
Full Fashioned [1]	48 and lower	20 or 40	13.00	12.00
	51	30 or 40	14.00	13.00
	51 and 54	15 or 20	16.50	15.50
	Needles			
Circular Knit [2]	Under 360	30 or 40	11.50	10.50
	360 and higher	30 or 40	12.50	11.50
	400 only	15 or 20	13.50	12.50

[1] For irregulars the above maximum prices shall be discounted by not less than 10 percent. For seconds, the above maximum prices shall be discounted by not less than 25 percent.
[2] In addition to the above maximum prices, a premium of $2.00 per dozen may be charged for full fashioned mesh, lace or non-run hose.
[3] In addition to the above maximum prices, a premium of $1.00 per dozen may be charged for circular knit mesh, lace, or non-run hose.

(E.O. 8734, 8875, 6 F.R. 1917, 4483)

This amendment shall become effective February 10, 1942. Issued this 9th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1206; Filed, February 9, 1942; 4:42 p. m.]

PART 1355—LEAD

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 69—PRIMARY LEAD

The headnotes of 1355.9 (b) (i), (b) (ii), and (b) (iv) are amended and 1355.9 (b) (iii) is amended to read as set forth below:

§ 1355.9 *Appendix A; maximum prices for primary lead.*

• • • • •

(b) *Sold and shipped, delivered, or carried away in less than carload lots.*

• • • • •

(1) *Sales of primary lead by the producer of the lead sold.*

• • • • •

(2) *Sales by all other persons except plumbing supply houses.*

• • • • •

(3) *Sales by plumbing supply houses.* No plumbing supply house shall sell, offer to sell, deliver or transfer primary lead at prices in excess of the carload maximum prices established in paragraph (a) of this Section plus an amount not to exceed the difference between (i) the highest price received by such supply house in a sale on October 1, 1941, or on the last date previous thereto on which such a sale took place, of a quantity similar to that presently being sold on the same grade of lead and (ii) the price paid by such supply house for such lead in the last purchase prior to such sale.

(4) *Terms of sale.*

• • • • •

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 2 shall become effective February 10, 1942. Issued this 10th day of February, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1237; Filed, February 10, 1942; 12:07 p. m.]

PART 1355—LEAD

AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 70—LEAD SCRAP MATERIALS; SECONDARY LEAD, INCLUDING CALKING LEAD; BATTERY LEAD SCRAP; AND PRIMARY AND SECONDARY ANTIMONIAL LEAD

Section 1355.65 is hereby amended by rewriting the headnote preceding the table in paragraph (a) (2) (ii) and by rewriting subdivision (a) (2) (iii) to read as set fort' below:

§ 1355.65 *Appendix B; maximum prices for secondary lead, including calking lead—(a) Maximum prices.*

• • • • •

(2) *Sold and shipped, delivered, or carried away in less than carload lots.*

• • • • •

(ii) *Sales by all other persons except plumbing supply houses.*

• • • • •

(iii) *Sales by plumbing supply houses.* No plumbing supply house shall sell, offer to sell, deliver, or transfer primary lead at prices in excess of the carload maximum prices established in paragraph (a) (1) of this Section plus an amount not to exceed the difference between (a) the highest price received by such supply house in a sale on October 1, 1941, or on the last date previous thereto on which such a sale took place, of a quantity similar to that presently being sold of the same grade of lead and (b) the price paid by such supply house for such lead in the last purchase prior to such sale. (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This amendment No. 2 shall become effective February 10, 1942. Issued this 10th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1236; Filed, February 10, 1942; 12:06 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

AMENDMENT NO. 1 TO RATIONING ORDER NO. 2—NEW PASSENGER AUTOMOBILES

Section 1360.105 is amended by adding a new paragraph (b):

§ 1360.105 *Reports.*

• • • • •

(b) Every person engaged in the business of selling, distributing, manufacturing, or financing new passenger automobiles must report to the Office of Price Administration, Automobile Inventory Unit, New York City, N. Y., with respect to all new passenger automobiles in his physical possession or custody. Such persons shall report all 1942 model passenger automobiles, irrespective of number of miles driven, and all other passenger automobiles which have been driven less than one thousand miles. Reports shall be made on OPA forms, completely filled out as therein required, as follows:

(1) Dealers, distributors, and finance companies shall file OPA Form R-204 with respect to all such automobiles in their physical possession or custody as of close of business, February 11, 1942, which were shipped to dealers or distributors prior to January 16, 1942. Form R-204 is to be filed on or after February 12, 1942 and before any vehicles then in physical possession or custody are released for sale or transferred, and in any case not later than February 19, 1942.

(2) Manufacturers shall file OPA Form R-205 with respect to all such automobiles in their physical possession or custody as of close of business, February 11, 1942 (excepting those automobiles to be reported on OPA Form R-207, referred to below). Form R-205 is to be filed on or after February 12, 1942 and before any vehicles in physical possession or custody are released to dealers or distributors, and in any case not later than February 19, 1942.

(3) Dealers, distributors and finance companies shall file OPA Form R-206 with respect to all such automobiles in their physical possession or custody as of close of business, February 28, 1942, which were shipped to them on or after January 16, 1942 (known as vehicles with pool stickers affixed). Form R-206 is to be filed on or after March 1, 1942, and before any vehicles then in physical possession or custody are released for sale or transfer and in any case not later than March 8, 1942.

(4) Manufacturers shall file OPA Form R-207 with respect to all automobiles in their physical possession or custody or which are in transit to dealers or distributors as of close of business, February 28, 1942, and which had not been shipped to dealers prior to January 16, 1942 (known as vehicles with pool stickers affixed). Form R-207 is to be filed on or after March 1, 1942 and before any vehicles in physical possession or custody are released for sale or shipment and in any case not later than March 8, 1942. (E.O. Nos. 8734, 8875; 6 F.R. 917, 4483; W.P.B. Dir. No. 1, Sup. Dir. No. 1a, 7 F.R. 562, 698)

This Amendment No. 1 shall become effective February 11, 1942. Issued this tenth day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1235; Filed, February 10, 1942; 12:06 p. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 8—SHIP SERVICE

Correction

Attention is directed to the following errors which appeared in the Friday, February 6, 1942 issue of the FEDERAL REGISTER on page 797:

"§ 8.222 (d) (5)" should read "§ 8.222 (c) (5)", (*Radio log during hours of service*).

Footnote numbered 70 to the above-entitled section, as amended, should read as follows:

[70] For example, 8:01 P. M. Eastern Standard Time would be entered as 0001 GMT; 8:30 A. M. Eastern Standard Time would be entered as 1230 GMT; 7:45 P. M. Eastern Standard Time would be entered as 2345 GMT.

Footnote numbered 71 to § 8.222 (d) (6) remains as originally promulgated.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1213; Filed, February 10, 1942; 11:25 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1251]

PETITION OF DISTRICT BOARD NO. 11 FOR A CHANGE IN SHIPPING POINTS OF THE GOLDEN GLOW MINE (MINE INDEX NO. 895) OF THE BI-COUNTY COAL COMPANY, INC., A CODE MEMBER IN DISTRICT NO. 11, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party, alleging that price classifications and minimum prices have been established for the coals of the Golden Glow Mine (Mine Index No. 895) of Bi-County Coal Company, Inc., a code member in District No. 11, for rail shipments on the Illinois Central Railroad from Dugger, Indiana, and that Freight Origin Group No. 62 has been assigned to this mine for such shipments; and that conditions beyond the producer's control have made it necessary to discontinue rail shipments from Dugger, Indiana. Petitioner requests that the price classifications and minimum prices established for the coals produced at the Golden Glow Mine be made applicable to rail shipments from Latta, Indiana, on the Chicago, Milwaukee, St. Paul & Pacific Railroad.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention have been filed with the Division in the above-entitled matter; and

The following action is deemed necessary in order to effectuate the purposes of the Act;

It is, therefore, ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices established for the coals of the Golden Glow Mine (Mine Index No. 895) of the Bi-County Coal Company, Inc., for rail shipments shall be applicable only for shipments from the shipping point and with the Freight Origin Group number appearing in the schedule marked "Supplement," annexed hereto and hereby made a part hereof, and shall no longer be applicable for shipments on the Illinois Central Railroad from Dugger, Indiana.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1216; Filed, February 10, 1942; 11:31 a. m.]

[Docket Nos. A-154, A-273, A-842]

PETITIONS OF L. F. GORDLEY, DISTRICT BOARD NO. 6, AND GUY S. MARTIN (DE SOTO COAL COMPANY)

ORDER DISMISSING PETITIONS

Petitions seeking relief under section 4 II (d) of the Bituminous Coal Act of 1937 were filed with the Division by the above-named parties.

On November 5, 1941, an Order was entered in said dockets requiring the petitioners therein to show cause at a hearing on December 5, 1941, in Washington, D. C., why the several proceedings should not be dismissed, and due notice thereof was given to each petitioner.

No petitioner appeared or offered to show cause at such hearing why such proceedings should not be dismissed, and it appears that no petitioner has any further interest in any of the above-entitled proceedings.

Now, therefore, it is ordered that the above-entitled proceedings, and each of them, be, and they hereby are, dismissed without prejudice, and the proceedings in the said dockets closed.

Dated: February 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1217; Filed, February 10, 1942; 11:31 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Adjustment Administration.

FORM OF NOTICE OF WHEAT REFERENDUM

Notice is hereby given that, in accordance with the Regulations Governing the Holding of Referenda on Marketing Quotas, MQ-650, issued by the Secretary of Agriculture, on October 31, 1941, the Secretary of Agriculture, on January 27, 1942, prescribed the following notice of the referendum of wheat producers to be held on May 2, 1942.

MQ-601-Wheat

UNITED STATES DEPARTMENT OF AGRICULTURE

AGRICULTURAL ADJUSTMENT ADMINISTRATION

(Post a copy of this notice at one or more public places within each community at least 10 days in advance of the date of the referendum.

NOTICE

WHEAT MARKETING QUOTA REFERENDUM

In view of the fact that the Secretary of Agriculture of the United States on July 24, 1941, determined and proclaimed, pursuant to the provisions of section 335 of the Act of Congress known as the Agricultural Adjustment Act of 1938, as amended, that the total supply of wheat as of the beginning of the marketing year commencing July 1, 1942, will exceed by more than 35 percent a normal year's domestic consumption and exports, a referendum, by secret ballot, of farmers who would be subject to wheat marketing quotas for the 1942 crop year will be held on May 2, 1942, pursuant to section 336 of said Act and in accordance with the referendum regulations (MQ-600) prescribed on October 31, 1941, by the Secretary of Agriculture, to determine whether they favor or oppose marketing quotas on the 1942 crop of wheat. Such quotas will be in effect unless more than one-third of the farmers voting in the referendum oppose them.

PLACE FOR BALLOTING

The place for voting in the referendum in the ---------- community will be ----------

TIME

The polls, in accordance with said regulations for holding the referendum, shall be opened promptly at --------- o'clock a. m. and closed promptly at --------- o'clock p. m. on Saturday, May 2, 1942, local time.

ELIGIBILITY TO VOTE

1. Each farmer engaged in the production of wheat for harvest in 1942 on a farm on which the normal production of the acreage planted to wheat of the current crop is 200 bushels or more, and on which the acreage planted to wheat is in excess of fifteen acres, who is entitled to share in the proceeds of the 1942 wheat crop as owner, landlord (other than a landlord of a standing-rent or fixed-rent tenant), tenant, or sharecropper, shall be eligible to vote.

2. No wheat farmer (whether an individual, partnership, corporation, association, or other legal entity) shall be entitled to more than one vote in the referendum, even though he may be engaged in the production of wheat for harvest in 1942 on two or more farms, or in two or more communities, counties, or States.

3. Where a group of several persons, such as husband, wife, and children, are participating in the production of wheat for harvest in 1942 under a lease or cropping agreement, only the person or persons who signed or entered into the lease or cropping agreement shall be eligible to vote.

4. In the event two or more persons are producing wheat for harvest in 1942 not as members of a partnership but as joint tenants, tenants in common, or owners of community property, each such person shall be entitled to one vote.

5. There shall be no voting by proxy or agent, or in any manner except the eligible voter personally depositing his ballot marked by him in the ballot box, but a duly authorized officer of a corporation, firm, association, or other legal entity or a duly authorized member of a partnership may cast the vote. There shall be no voting by mail except that any eligible farmer who will not be present in the county in which he is engaged in the production of wheat for harvest in 1942 on the day of the referendum may obtain a ballot in the county in which he is then present and cast his ballot by marking it to show clearly how he votes, signing his name, and entering his address thereon, and mailing it (in a sealed envelop, postage paid, marked "Absentee Ballot") to the office of the county committee for the county in which he is eligible to vote in time to reach that office before the polls are closed.

---------- ---------- ----------

Signatures of members of the County Agricultural Conservation Committee.

Issued ----------, 1942.

Done at Washington, D. C., this 10th day of February 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD, *Secretary of Agriculture.*

[F. R. Doc. 42-1211; Filed, February 10, 1942; 11:09 a. m.]

Surplus Marketing Administration.

ORDER AUTHORIZING THE ADMINISTRATOR OF AGRICULTURAL MARKETING TO PERFORM CERTAIN FUNCTIONS IN CONNECTION WITH MARKETING AGREEMENTS AND ORDERS

Pursuant to the authority vested in the Secretary of Agriculture of the United States of America (hereinafter referred to as the "Secretary") by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. § 601 et seq.), hereinafter referred to as the "act", the Administrator of Agricultural Marketing, United States Department of Agriculture, is hereby authorized to issue, amend, modify, or terminate any volume, grade, or size regulation, and make any finding or determination requisite to the issuance, amendment, modification, or termination of any such regulation, as he may deem necessary or proper, under and pursuant to the provisions of any marketing agreement or marketing order effective in accordance with the provisions of the aforesaid act, but the Administrator of Agricultural Marketing is not authorized to amend, suspend, or terminate any marketing agreement or marketing order, or any provision thereof, effective pursuant to the provisions of said act.

The provisions hereof shall not supersede, modify, or in any manner affect the authority otherwise vested in any official, agent, or employee of the United States Department of Agriculture to perform any act or function in connection with, or pursuant to, any marketing agreement or marketing order effective pursuant to the provisions of said act; and the provisions hereof shall not preclude the Secretary from performing any act or function in connection with, or pursuant to, any such marketing agreement or marketing order effective pursuant to said act.

Done at Washington, D. C., this 10th day of February 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD, *Secretary of Agriculture.*

[F. R. Doc. 42-1212; Filed, February 10, 1942; 11:09 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF CHANGE OF TIME AND PLACE [1] OF FURTHER HEARING ON THE HOME WORK PROBLEM IN THE WOMEN'S APPAREL INDUSTRY

Whereas in accordance with notice duly published in the FEDERAL REGISTER, a public hearing was scheduled to be held on February 17, 1942, before Major Robert N. Campbell as Presiding Officer in Washington, D. C., for the purpose of taking further evidence on the following question:

What, if any prohibition, restriction or regulation of home work in the women's apparel industry is necessary to carry out the purposes of the wage order effective September 29, 1941, to prevent the circumvention or evasion of such order, and to safeguard the 40-cent minimum wage rate established therein; and

Whereas it is deemed advisable to postpone such hearing and to transfer the place of the hearing to New York City; Now, therefore, notice is hereby given that:

1. The hearing on the home-work problem in the women's apparel industry is postponed to March 5, 1942, at 10 a. m., at the Administrator's office, Wage and Hour Division, 1560 Broadway, New York City.

2. The hearing will be conducted in accordance with the rules and procedure issued for the original hearing in a Notice of Hearing published in the FEDERAL REGISTER on July 1, 1941, and incorporated by reference in the Notice of Further Hearing published in the FEDERAL REGISTER on November 18, 1941.

Signed at Washington, D. C., this 10th day of February 1942.

THOMAS W. HOLLAND, *Administrator.*

[F. R. Doc. 42-1219; Filed, February 10, 1942; 11:46 a. m.]

NOTICE OF CANCELLATION OF SPECIAL LEARNER CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that two special certificates for the employment of learners issued to the Reade Manufacturing Company of Malden, Missouri, the first effective April 5, 1940 and another certificate effective October 11, 1940, have been ordered cancelled as of the date of issue by reason of the violations of their terms. All learners employed under these certificates are entitled to the applicable minimum rate for all hours worked as if no certificate had been issued.

Signed at Washington, D. C., this 10th day of February 1942.

ALEX G. NORDHOLM, *Duly Authorized Representative of the Administrator.*

[F. R. Doc. 42-1220; Filed, February 10, 1942; 11:46 a. m.]

[1] To be held March 5, 1942, at New York City, N. Y.

NACHMAN SPRING-FILLED CORPORATION

NOTICE OF GRANTING OF EXCEPTION

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted the Nachman Spring-filled Corporation, Chicago, Illinois, relief from the necessity of preserving their employee piecework tickets as required by § 516.15, paragraph (a), of the Record Keeping Regulations.

This authority is granted on the representation of the petitioner and is subject to revocation for cause.

Signed at Washington, D. C. this 10th day of February 1942.

THOMAS W. HOLLAND, *Administrator.*

[F. R. Doc. 42-1221; Filed, February 10, 1942; 11:46 a. m.]

REID, MURDOCH AND COMPANY

NOTICE OF GRANTING OF EXCEPTION

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted Reid, Murdoch and Company, Chicago, Illinois, relief from the necessity of preserving their receiving records, salesmen records and bills of lading to customers for two years as required by § 516.15, paragraph (b) of the Record Keeping Regulations, Part 516.

This authority is granted on the representations of the petitioner and is subject to revocation for cause.

Signed at Washington, D. C. this 10th day of February 1942.

THOMAS W. HOLLAND, *Administrator.*

[F. R. Doc. 42-1218; Filed, February 10, 1942; 11:47 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 299]

IN THE MATTER OF THE COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH OF CANADIAN COLONIAL AIRWAYS, INC.

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that oral argument is hereby assigned to be held on February 19, 1942, at 10 a. m. (eastern standard time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated: February 9, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN, *Secretary.*

[F. R. Doc. 42-1215; Filed, February 10, 1942; 11:25 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6209]

IN RE APPLICATION OF DURHAM RADIO CORPORATION (WDNC), DURHAM, NORTH CAROLINA, FOR CONSTRUCTION PERMIT

ORDER GRANTING LEAVE TO INTERVENE, ETC.

The Commission having under consideration the petition of S. E. Adcock, d/b as Stuart Broadcasting Company, licensee of Station WROL, Knoxville, Tennessee, for leave to intervene and for enlargement of the issues in the hearing on the above-entitled application;

It is ordered, This 6th day of February 1942, that the petition for leave to intervene be, and the same is hereby, granted; and

It is further ordered, That the hearing issues as now designated, be, and the same are hereby, amended to read as follows:

1. To determine the areas and populations which would gain primary service from the operation of Station WDNC as proposed, and what other broadcast services are available to these areas and populations.

2. To determine the extent of any interference which would result from the simultaneous operation of Station WDNC as proposed and the operation of Station WROL as proposed in application B3-P-3407, Station WSJS as proposed in application B3-MP-1258, and Station WAGE as proposed in application B1-P-3323, as well as the areas and populations affected thereby, and what other broadcast service is available to these areas and populations.

3. To determine the extent of any interference which would result from the simultaneous operation of Station WDNC as proposed herein and Station WROL.

4. To determine the areas and populations which would be deprived of primary service as the result of the operation of Station WDNC as proposed herein, and what other broadcast service is available to these areas and populations.

5. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of Station WDNC as proposed.

6. To determine whether the authorization requested herein is the best available assignment.

7. To determine whether the granting of this application and the operation of Station WDNC as proposed on the frequency 620 kc, would serve public interest, convenience, or necessity better than the operation of Station WRAL on the same frequency as proposed in application B3-P-3189.

8. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

9. To determine whether, in view of the facts adduced under the foregoing issues and the issues relating to the application of Capitol Broadcasting Company, Inc., Docket 6210, public interest, convenience, and necessity will be served by the granting of this application and the application of Capitol Broadcasting Company, Inc., or either of them.

By the Commission, Paul A. Walker, Commissioner.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-1214; Filed, February 10, 1942; 11:25 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-496]

IN THE MATTER OF CENTRAL OHIO LIGHT & POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 10th day of February, A. D. 1942.

Notice is hereby given that a declaration or application (or both), has been

filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than February 24, 1942, at 4:45 p. m., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Central Ohio Light & Power Company, a subsidiary of Crescent Public Service Company, a registered holding company, proposes to declare and pay out of earned surplus dividends in the aggregate amount of $40,000 to the holders of its Common Stock during the year 1942. The application was filed by Central Ohio Light & Power Company pursuant to section 12 (c) of said Act and the Commission's Order, dated February 19, 1941 (Holding Company Act Release No. 2570), which provides, in part, that so long as any of the First Mortgage 3½% Bonds, Series D, due March 1, 1966, of Central Ohio Light & Power Company shall be unredeemed and outstanding or until further Order of the Commission, no further dividends shall be declared or paid on said Common Stock except upon application to and approval by order of the Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1228; Filed, February 10, 1942; 11:53 a. m.]

IN THE MATTER OF KINGDOM OF ROUMANIA, KINGDOM OF ROUMANIA MONOPOLIES INSTITUTE 7% GUARANTEED EXTERNAL SINKING FUND GOLD BONDS, STABILIZATION AND DEVELOPMENT LOAN OF 1929, DUE FEBRUARY 1, 1959

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 9th day of February, A. D. 1942.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 7% Guaranteed External Sinking Fund Gold Bonds, Stabilization and Development Loan of 1929, due February 1, 1959, registered with the Commission by the Kingdom of Roumania and the Kingdom of Roumania Monopolies Institute; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on February 19, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1229; Filed, February 10, 1942; 11:53 a. m.]

[File No. 1-802]

IN THE MATTER OF FANNY FARMER CANDY SHOPS, INC. COMMON STOCK, $1 PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 9th day of February, A. D. 1942.

The Fanny Farmer Candy Shops, Inc., pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Common Stock, $1 Par Value, from listing and registration on the New York Curb Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on February 19, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1230; Filed, February 10, 1942; 11:53 a. m.]

[File No. 70-487]

IN THE MATTER OF THE NORTH AMERICAN COMPANY

ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 7th day of February, A. D. 1942.

Notice heretofore was given on January 26, 1942, that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The North American Company, in respect of transactions summarized as follows:

The North American Company, a registered holding company under the Public Utility Holding Company Act of 1935, proposes to sell to certain investment dealers for distribution to the public up to and not exceeding 2,695,000 shares of the Common Stock, without par value, of its subsidiary company, Union Electric Company of Missouri, such maximum number of shares being the entire interest owned by the parent company in the subsidiary company and being all of the issued and outstanding common stock of the subsidiary company. Union Electric Company of Missouri has outstanding $80,000,000 of First Mortgage and Collateral Trust Bonds, 3¾% Series due 1971, and 130,000 shares of $5 Preferred Stock, and 150,000 shares of Preferred Stock, $4.50 Series.

The declaration states that Union Electric Company of Missouri will file in the near future a Registration Statement under the Securities Act of 1933 with respect to the proposed sale of its Common Stock and that there will be no commitment to The North American Company to purchase all or any specified portion of the shares of Common Stock, the obligation of the investment dealers to purchase such shares being limited to shares sold by them. The agreement to be entered into by and between The North American Company and the investment dealers will provide, among other things, that a Selling Group will be formed, the Selling Group will be managed by Dillon, Read & Co. and may include any or all of the investment dealers; that the period during which the agreement is to be operative may be terminated at any time or suspended from time to time by The North American Company in its sole discretion; and that The North American Company will have the right from time to time in its discretion to change the public offering price.

The initial public offering price of the Common Stock to be sold and the period during which the agreement above referred to will be operative have not been supplied and such information, among other things, will be supplied by amendment to the declaration.

The net proceeds from the sale of the Common Stock will be applied by The North American Company, from time to time, to the retirement of its presently outstanding Debentures in the following amounts and order: (1) $4,813,000 principal amount of 4% Series due 1959, at 103.25, the present redemption price; (2) $24,813,000 of 3¾% Series due 1954 at 102.25; and (3) $19,850,000 of 3½% Series due 1949 at 102.25. Any net proceeds received after the above-mentioned debentures have been retired will be held or used by The North American Company for its general corporate purposes. Such use of the net proceeds from the proposed sale of the Common Stock, it is stated, is in furtherance of a retirement program already adopted by The North American Company.

The North American Company requests that the Commission, by order, permit the declaration to become effective prior to February 16, 1942 and that the Commission find that the proposed sale of the Common Stock is exempt from the Competitive bidding requirement of Rule U-50 under said Act.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on February 12, 1942, at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to The North American Company and to any other person whose participation in such proceeding may be in the public interest and for the protection of investors and consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1231; Filed, February 10, 1942; 11:54 a. m.]

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FEDERAL REGISTER

VOLUME 7 NUMBER 30

Washington, Thursday, February 12, 1942

The President

CHILD HEALTH DAY—1942

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Congress by joint resolution of May 18, 1928 (45 Stat. 617), has authorized and requested the President of the United States to issue annually a proclamation setting apart May 1 as Child Health Day:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in recognition of the vital importance of the health of children to the strength of the Nation, do hereby designate the first day of May of this year as Child Health Day.

And I call upon the people in each of our communities to contribute to the conservation of child health and the reduction of illness among children by exerting every effort to the end that before May Day, Child Health Day, children over nine months of age be immunized against diphtheria and smallpox, the two diseases for which we have the surest means of prevention.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 6th day of February in the year of our Lord nineteen hundred and forty-two and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL]

FRANKLIN D ROOSEVELT

By the President:

CORDELL HULL,
Secretary of State.

[No. 2539]

[F. R. Doc. 42-1247; Filed, February 11, 1942; 10:29 a. m.]

Rules, Regulations, Orders

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO SPRINGFIELD LIVESTOCK SALES COMPANY, SPRINGFIELD, OHIO [1]

FEBRUARY 11, 1942.

Whereas the Springfield Livestock Sales Company was posted on May 16, 1935, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas it now appears that the Springfield Livestock Sales Company is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the Springfield Livestock Sales Company no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture. [2]

[F. R. Doc. 42-1263; Filed, February 11, 1942; 11:55 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER IX—TRANSPORT

PART 94—PRIORITIES FOR AIR TRANSPORTATION [3]

§ 94.1 *Priority classifications.* Priority classes are established as follows:

[1] Modifies list posted stockyards 9 CFR 204.1.

[2] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192).

[3] § 94.1 (7 F.R. 573) is superseded. The regulations contained in § 94.1 to 94.8 are also contained in Directive No. 3, Priorities for Air Transportation, Headquarters, Army Air Forces, W.D., February 5, 1942, which supersedes and cancels Directives No. 1 and No. 2, dated January 15 and 23, 1942, respectively.

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FEDERAL REGISTER

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(a) *Class 1.* Personnel of the White House upon personal request and identification.

(b) *Class 2.* Army, Navy and Marine Corps airplane pilots of their respective Ferrying Commands traveling under Military orders, upon presentation of such identifying orders. (Not an air transportation request, but Military Special Orders for travel by air.)

(c) *Class 3.* Military personnel (War, Navy, Marine Corps, Coast Guard, and Allied Military Personnel) who present special orders *directing* travel by air (not on air transportation request or "authorization").

(d) *Class 4.* Army and Navy equipment, ammunition, supplies, and materials essential to the war effort ordered for air movement by the War Department (Assistant Chief of Staff, G–4). Requests for such movements will be made by the Government Department or Agency concerned with the Air Transport Priority and Assignment Section (Office of the Assistant Chief of Staff, G–4, Department of Commerce Building, Room 5317, Telephone EXecutive 2460, Extension 1240).

(e) *Class 5.* (1) Personnel of all Government Departments and Agencies and other civilians whose activities are essential to the war effort, who are traveling on urgent missions *"requiring travel by air,"* and who possess and present a certificate certifying that the transportation involved is necessary to the successful prosecution of the war effort; such certificate, to be signed by an approved executive of the Government department or agency concerned, or by other competent authority, specifically designated by the Supply Division G–4, War Department, General Staff.

(2) This classification includes members of the Congress of the United States who may execute certificates for their own travel when engaged in activities essential to the war effort.*

*§§ 94.1 to 94.3 issued under authority contained in Sec. 1, 39 Stat. 645; 10 U.S.C. 1361, and E.O. No. 8974 (6 F.R. 6441).

§ 94.2 *General information*—(a) *Establishment of priorities.* The Supply Division (G–4) War Department General Staff, is charged with the establishment of priorities for travel by commercial air lines.

(b) *Definition of priority transportation on scheduled air carriers.* (1) A priority for air travel is a demand upon an air carrier for a space reservation between points in accordance with the priority classifications issued to facilitate the prompt execution of a mission essential to the war effort.

(2) A priority does not direct transportation on a specific airline or flight unless only one airline or flight will permit the completion of the mission in the time required. It does not direct a specific type of accommodation on a flight, such as a sleeper accommodation.

(c) *Directives*—(1) *Issuance.* Directives governing priority will be issued by the office of the Military Director of Civil Aviation, as the necessity becomes apparent, governing the transportation of persons and cargo by air necessary to the successful prosecution of the War Effort.

(2) *Obligation of Air Carriers.* Compliance with directives is mandatory upon the Air Carriers to whom they are issued.

(d) *Origin of request for priority.* (1) If the passenger follows specific procedures outlined in this Directive, and future Directives, and proper credentials are presented to the Air Carrier, the request for priority will be automatically granted.

(2) If a particular case is not clearly covered by a Directive the passenger or shipper must request the priority through the Government Department or Agency for which the transportation is necessary to the successful prosecution of the war effort. To establish the priority an authorized person in the department or agency must obtain the approval of the office of the Assistant Chief of Staff (G–4) in Washington, Executive 2460, Extension 1240. If priority is established the Air Carrier(s) will be notified.

(3) Persons or shippers not employed by the Government may obtain priority transportation only through the Government Agency or Department or other authority specifically designated by G–4, in whose interests the travel is performed.

(4) The office of the Assistant Chief of Staff and the office of the Military Director of Civil Aviation will not receive calls from individual travelers or shippers, and will not act as a reservation office, but will function only in the establishment of priorities.

(e) *Policy for administering priorities*—(1) *General.* (i) It is the policy to administer priority transportation to cause the least inconvenience to regular passengers and shippers consistent with the prosecution of the war effort. There will be times when transportation for regular passengers and cargo will be deferred to clear space for priority transportation, but it is felt that this inconvenience will be limited and will not be serious enough to discourage regular passengers and shippers from taking full advantage of the use of Scheduled Air Transportation.

(ii) In considering transportation by air it will be borne in mind that there are many flights each day between main air terminals. This frequently makes it possible to use any one of many flights to complete a mission.

(2) *Order of consideration of priorities.* (i) Priority classes shall take precedence in the order listed.

(ii) Passengers and cargo with the same priority classification will be accepted in the order that reservations are requested if all priority requests with the same classifications cannot be accommodated on a flight.

(3) *Displacement of priority passengers or cargo.* Priority reservations will not be displaced on a flight by another priority request of the same classification. A priority reservation will be displaced by a priority request of a higher classification. When it becomes necessary to displace priority passengers or cargo in order to accommodate priorities of a higher classification, the local priority man on duty will designate the priority to be removed, based on instructions from G–4. He will expedite the removed priority to destination on first possible flight.

(f) *Responsibility of Government departments and agencies.* Government departments and agencies are requested to exercise care to assure that travel orders and certificates which specifically *order* priority travel by air—as distinguished from orders which merely *authorize* travel by air for the convenience of the individual—are limited to those cases where such travel is necessary to the successful proseeution of the war effort. It is believed that this can be best accomplished by each department or agency appointing an official who will have the authority to determine which individuals require priority travel by air and to contact the office of the Military Director of Civil Aviation (Executive 2460, Extension 1240) in cases of question or application. Cooperation is requested in order that the issuance of more drastic measures to restrict priority air travel may be avoided.

(g) *Orders authorizing travel by air.* Personnel traveling on orders which merely *authorize* travel by air as distinguished from orders *directing* travel by air, and not having a certificate which certifies that air travel is necessary to the successful prosecution of the war effort, will be assigned space in accordance with the usual practices of the scheduled air carriers.*

§ 94.3 *Special instructions*—(a) *For passengers.* (1) Air travel having been determined as necessary, notify the air carrier concerned without delay, of the priority reservations required, the origin of the flight, the destination, the latest time of arrival at destination which will accomplish the mission, and of the fact that you will present an order directing travel by air or a certificate for priority.

(2) Secure and present a copy of the travel order or a copy of the certificate requesting the priority air travel to the air carrier as soon as possible. The right to priority transportation will be established only after the credentials are presented to the air carrier.

(3) Check to see if ticket is properly stamped to indicate priority classification.

(b) *Air carriers.* (1) Request a copy of the passenger's order directing the air travel or a copy of the certificate requesting priority and determine the priority classification of the passenger in accordance with the Priority Classification shown in § 94.1.

(2) The air carrier will stamp the tickets showing "Priority Class ——."

(3) Identification of priority classifications:

(i) *Class 1.* Personnel of the White House who are not known to airline personnel may be requested to present some form of positive identification.

(ii) *Classes 2 and 3.* Military personnel (War, Navy, Marine Corps, Coast Guard and Allied Military Personnel) will be identified by presentation of a special order which will *direct* travel by air as distinguished from special orders which merely *authorize* travel by air.

(iii) *Class 4—Cargo.* When air cargo is to be shipped on a priority basis a request for priority either in writing or by telephone (later confirmed in writing) will be made by the interested Government Department or Agency to the Air Transport Priority and Assignment Section (Office of the Assistant Chief of Staff, G–4), Department of Commerce Building, Room 5317, telephone Executive 2460, extension 1240, who will inform the air carriers of the priority to be assigned and arrange the details of the shipment through the ATA Liaison Office in the Office of the Military Director of Civil Aviation. This request will contain the following information:

Origin of flight, destination, latest time of arrival at destination which will accomplish the purpose of the shipment, number and dimensions and weights of items in shipment, consignee, consignor, and the reason for shipment by air.

(iv) *Class 5.* Passengers in this classification will present certificate, in the form given below, from and signed by an authorized executive of their respective Government Department or Agency or the Government Department or Agency with which they are doing business.

(c) *Certificate*—(1) *Form of certificate.* This certificate must be worded exactly as shown below and properly signed by an executive of a department or agency of the Government, by a Senator or Congressman, or other person specifically designated by G–4.

CERTIFICATE

——————————
(Issuing Department or Agency)

——————————
(Place)

——————————
(Date)

To: AIR TRANSPORT ASSOCIATION REPRESENTATIVE.

——————————
(At City of Origin of Flight)

I certify that air transportation from —————— to —————— for —————— is necessary to the successful prosecution of the war effort and request priority under classification "Other than Military."

Signed ——————————
Title ——————————

(2) It is suggested that each department or agency duplicate this form on its own stationery to be distributed to those persons authorized to issue these certificates.

(3) Each office of a scheduled air carrier will maintain a supply of these certificates.

(4) Passengers will surrender the certificate to Air Carrier Representative in city of origin of flight.

(5) If passenger is not in same city as the authority requesting priority, such authority may include the full text of the certificate in a telegram addressed to the passenger. The passenger will surrender the telegram and complete a certificate in full at the office of the air carrier.*

[SEAL]

E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–1248; Filed, February 11, 1942; 10:42 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

Priorities Regulation No. 6

§ 944.26 *Priorities Regulation No. 6*—(a) *Abolition of Priorities Critical List.* On and after the effective date of this Regulation, the Priorities Critical List of the Army and Navy Munitions Board is hereby abolished as a limitation upon the application of the preference rating assigned by any General Preference Order, Preference Rating Order, Limited Preference Rating Order or any other Order heretofore issued by the Director of Priorities of the Office of Production Management or by the Director of Industry Operations of the War Production Board. Nothing herein contained shall nullify or otherwise affect the provision of any Order restricting the application of preference ratings to deliveries of Materials included on any other list specified or referred to in such Order. The Defense Housing Critical List shall not be affected hereby.

(b) *Effective date.* This Regulation shall take effect immediately. (P.D. Reg. 1 amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 11th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1261; Filed, February 11, 1942; 11:53 a. m.]

PART 1010—SUSPENSION ORDERS

Suspension Order No. S–8—National Pressure Cooker Co.

National Pressure Cooker Company, Eau Claire, Wisconsin, is a manufacturer of aluminum kitchen utensils and in connection with such manufacture maintains a foundry for melting and otherwise processing aluminum and aluminum scrap. During the months of July through November of the year 1941 the Company accepted deliveries of 740,856 pounds of aluminum scrap for the purpose of melting and otherwise processing the same despite the fact that no preference ratings had been assigned to such deliveries nor other authorization by the Director of Priorities obtained therefor. Such acceptances constituted wilful violations of Supplementary Order M–1–c.[1]

Because of the scarcity and critical importance of aluminum, National Pressure Cooker Company's misuse of a preference rating and its wilful violation of Supplementary Order M–1–c have resulted in the diversion of aluminum from primary defense needs into non-essential uses. In view of the foregoing facts, *It is hereby ordered:*

§ 1010.8 *Suspension Order S–8.* (a) During the period in which this Order shall be in effect, National Pressure Cooker Company of Eau Claire, Wisconsin, its successors and assigns, shall accept no deliveries from any source of primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part, except as specifically authorized by the Director of Industry Operations.

[1] 6 F.R. 2854.

(b) Beginning ten days after the effective date of this Order and during the remainder of the period in which this Order shall be in effect, National Pressure Cooker Company of Eau Claire, Wisconsin, its successors and assigns, shall not process any primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part except as specifically authorized by the Director of Industry Operations.

(c) During the period in which this Order shall be in effect, National Pressure Cooker Company of Eau Claire, Wisconsin, its successors and assigns, shall make no deliveries of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes a major part or aluminum products except as specifically authorized by the Director of Industry Operations.

(d) During the period in which this Order shall be in effect, National Pressure Cooker Company of Eau Claire, Wisconsin, its successors and assigns, shall accept no purchase orders and enter into no contracts or commitments for delivery by it of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products except as specifically authorized by the Director of Industry Operations.

(e) During the period in which this Order shall be in effect, no person shall deliver to nor receive from National Pressure Cooker Company of Eau Claire, Wisconsin, its successors and assigns, any primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products, the delivery or receipt of which is prohibited by this Order, except as specifically authorized by the Director of Industry Operations.

(f) This Order shall take effect immediately, and, unless terminated by the Director of Industry Operations, shall expire at midnight on the 10 day of April 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 10th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1240; Filed, February 10, 1942; 3:27 p. m.]

PART 1010—SUSPENSION ORDERS

Suspension Order No. S-9—New England Metals Co.

New England Metals Company of Providence, Rhode Island, is a dealer in non-ferrous scrap metals. Between August 1, 1941, and November 30, 1941, this company delivered to the National Pressure Cooker Company of Eau Claire, Wisconsin, approximately 555,000 pounds of aluminum scrap to be melted and processed into pressure cookers. These deliveries constituted violations of Supplementary Order M-1-c,[1] issued by the Director of Priorities on June 10, 1941, in that preference ratings of A-10 or higher had not been assigned to these deliveries, nor had they been specifically authorized by the Director of Priorities. At the time these deliveries were made, New England Metals Company and its officials were familiar with the provisions of Supplementary Order M-1-c and knew that the deliveries of aluminum scrap to National Pressure Cooker Company, set forth above, constituted violations of this Order.

Because of the scarcity and critical importance of aluminum scrap, these wilful violations of Supplementary Order M-1-c have resulted in diverting aluminum scrap from primary defense needs into uses not authorized for such scrap by the Director of Priorities. In view of the foregoing facts, *It is hereby ordered:*

§ 1010.9 *Suspension Order S-9.* (a) During the period in which this Order shall be in effect, New England Metals Company of Providence, Rhode Island, its successors and assigns, shall accept no deliveries from any source of primary aluminum, secondary aluminum, aluminum scrap, aluminum products, or alloys of which aluminum constitutes the major part.

(b) During the period in which this Order shall be in effect, New England Metals Company of Providence, Rhode Island, its successors and assigns, shall accept no purchase orders, and enter into no contracts or commitments, for delivery by it of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products, except as specifically directed by the Director of Industry Operations.

(c) During the period in which this Order shall be in effect, New England Metals Company of Providence, Rhode Island, its successors and assigns, shall make no deliveries of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products, except as specifically directed by the Director of Industry Operations.

(d) During the period in which this Order shall be in effect, no person shall deliver any primary aluminum, secondary aluminum, aluminum scrap, aluminum products, or alloys of which aluminum constitutes the major part to New England Metals Company of Providence, Rhode Island, in any case in which the acceptance of such delivery by the company would be in violation of this Order; nor shall any person accept delivery of any such material or any aluminum product from New England Metals Company of Providence, Rhode Island, in any case in which the delivery of such material or product by the company would be in violation of this Order.

(e) This Order shall take effect immediately and, unless sooner terminated by further order of the Director of Industry Operations, shall expire on the 10 day of April 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 10th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1241; Filed, February 10, 1942; 3:27 p. m.]

PART 1010—SUSPENSION ORDERS

Suspension Order No. S-12—A. B. C. Pattern & Foundry Co.

A. B. C. Pattern & Foundry Company of Chicago, Illinois, is a manufacturer of Wood and Metal Patterns, Match Plates, and Brass, Bronze, and Aluminum Castings. It is engaged in all operations necessary to such manufacturing, including the melting and casting of aluminum prior to the fabrication of the finished product, and is subject to the provisions of Supplementary Order M-1-c,[1] During the period of July 24 and November 1, 1941, the Company accepted the delivery of 17,510 pounds of aluminum scrap for melting and other processing. No preference ratings had been assigned to these deliveries nor had they been specifically authorized by the Director of Priorities. The Company also made a misrepresentation to the Office of Production Management concerning these deliveries.

These violations of Supplementary Order M-1-c have resulted in the diversion of aluminum scrap to uses unauthorized by the Director of Priorities. In view of the foregoing facts, *It is hereby ordered:*

§ 1010.12 *Suspension Order S-12.* (a) During the period in which this Order shall be in effect, A. B. C. Pattern & Foundry Company of Chicago, Illinois, its successors and assigns, shall accept no deliveries from any source of primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part, except as specifically authorized by the Director of Industry Operations.

(b) Beginning ten days after the effective date of this Order and during the remainder of the period in which this Order shall be in effect, A. B. C. Pattern & Foundry Company of Chicago, Illinois, its successors and assigns, shall not process any primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part except as specifically authorized by the Director of Industry Operations.

(c) During the period in which this Order shall be in effect, A. B. C. Pattern & Foundry Company, of Chicago, Illinois, its successors and assigns, shall make no deliveries of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes a major part or aluminum products except as specifically authorized by the Director of Industry Operations.

(d) During the period in which this Order shall be in effect, A. B. C. Pattern & Foundry Company of Chicago, Illinois, its successors and assigns, shall accept no purchase orders and enter into no contracts or commitments for delivery by it of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products except as specifically authorized by the Director of Industry Operations.

(e) During the period in which this Order shall be in effect, no person shall deliver to nor receive from A. B. C. Pattern & Foundry Company of Chicago, Illinois, its successors and assigns, any primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products, the delivery or receipt of which is prohibited by this Order, except as specifically authorized by the Director of Industry Operations.

(f) This Order shall take effect immediately, and, unless sooner terminated by the Director of Industry Operations, shall expire at midnight on the 10 day of April 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong. 1st Sess.)

Issued this 10th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1242; Filed, February 10, 1942; 3:28 p. m.]

PART 1068—TINPLATE AND TERNEPLATE

Conservation Order M-81 To Conserve the Supply and Direct the Distribution of Tinplate and Terneplate

Whereas it appears that the fulfillment of requirements for the defense of the United States will result in a shortage of tinplate and terneplate for defense, private account, and for export, and it being necessary in the public interest and to promote the national defense to conserve the supply and direct the distribution of tinplate and terneplate in the manner and to the extent hereinafter in this Order provided:

Now, therefore, it is hereby ordered:

§ 1068.1 *Conservation Order M-81—(a) Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, (Part 944) as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Tinplate" means blackplate coated on one or both sides with tin.

(3) "Terneplate" means blackplate coated on one or both sides with a lead-tin alloy.

(4) "Blackplate" means any sheet steel plate suitable for manufacture into a container, and, for the purpose of this Order, shall also include any waste tinplate, terneplate, or scrap produced in the ordinary course of manufacturing cans out of tinplate or terneplate.

(5) "Can" means any container which is intended for packing, packaging or putting up products of any kind and which is made, in whole or in part, of tinplate, terneplate, or blackplate, or any combination thereof, and includes closures, crowns and caps, but does not include any closure, crown or cap to be used on, or as a part of, a non-metal container.

(6) "A Primary Products Can" means a can used to pack any product listed on Table I, annexed hereto, such products being foodstuffs of primary importance.

(7) "A Secondary Products Can" means a can used to pack any product listed on Table II, annexed hereto, such products being foodstuffs of secondary importance.

(8) "A Special Products Can" means a can used to pack any product listed on Table III, annexed hereto, being mainly important medical, industrial, pharmaceutical, chemical, dental, and miscellaneous supplies.

(9) "A Non-Essential Can" means any can made of tinplate or terneplate other than those defined in subparagraphs (6), (7) and (8) above.

(10) "A Canner" means any person engaged in the business of packing, packaging or putting up in cans any food or other products of any kind for sale to others, whether such person buys some or all of his cans from third parties or whether he manufactures some or all of his cans himself.

(11) "A Can Manufacturer" means any person engaged in the business of producing cans for sale to others or for his own use in packing food or other products of any kind.

(12) "Base Period" means the corresponding period of 1940.

(13) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the Inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(c) *Restrictions upon the manufacture, sale and delivery of cans and upon the use of cans for packing*—(1) *Use of blackplate in the manufacture of cans.* Until further order by the Director of Industry Operations, there shall be no restriction upon the use of blackplate in the manufacture of cans or upon the sale or delivery of cans made wholly of blackplate or partly of blackplate and partly of some material other than tinplate or terneplate.

(2) *Primary products cans and special products cans.* Until further order by the Director of Industry Operations, there shall be no restriction upon the manufacture, sale or delivery of Primary Products Cans or Special Products Cans except (a) the restrictions imposed by paragraph (d) of this Order and (b) the restrictions imposed by Tables I and III (in respect of the particular products there listed) relating to permitted can sizes, can material, and extent of production. No can manufacturer shall manufacture, sell or deliver during the period from the date of issuance of this Order to December 31, 1942 any primary products or special products cans except under contracts or orders validated by delivery to such can manufacturer of a canner's certificate as set out in subparagraph (5) of this paragraph (c).

(3) *Secondary products cans.* No canner shall buy, accept delivery of, manufacture, or use for packing during the period from the date of issuance of this Order to December 31, 1942, secondary products cans requiring more than 100% of the tin and/or tinplate and/or termeplate required for secondary products cans which he bought, accepted delivery of, manufactured, or used for packing during the base period.

No can manufacturer shall manufacture, sell or deliver during the period from the date of issuance of this Order to December 31, 1942 any secondary products cans except under contracts or orders validated by delivery to such can manufacturer of a canner's certificate as set out in subparagraph (5) of this paragraph (c).

In addition to the restrictions on secondary products cans imposed by this subparagraph (3) of paragraph (c), all can manufacturers and canners shall observe the restrictions imposed by Table II (in respect to the particular products there listed) relating to permitted can sizes, can material, and extent of production.

(4) *Non-essential cans.* No canner shall buy, accept delivery of, manufacture or use for packing during the period from the date of issuance of this Order to March 1, 1942, non-essential cans requiring more than 50% of the tin and/or tinplate and/or terneplate required for non-essential cans which he bought, accepted delivery of, manufactured, or used for packing during the base period; and after March 1, 1942, no canner shall buy, accept delivery of, manufacture, or use for packing any non-essential cans except to the extent permitted by paragraph (e) and paragraph (g) (1) of this Order.

No can manufacturer shall manufacture, sell or deliver during the period from the date of issuance of this Order to March 1, 1942 and non-essential cans except under contracts or orders validated by delivery to such can manufacturer of a canner's certificate as set out in subparagraph (5) of this paragraph (c); and after March 1, 1942 no can manufacturer shall manufacture, sell or deliver any non-essential cans except to the extent permitted by paragraph (e) and paragraph (g) (1) of this Order.

(5) *Certificates and reports relating to all the kinds of cans covered by this order*—(i) *Certificates.* Each canner who purchases any cans pursuant to this paragraph (c)—whether such purchase is by contract or on open-account-order—shall furnish to the can manufacturer from whom he buys a certificate,

[1] 6 F.R. 2854.

manually signed by an authorized official, in substantially the form attached hereto as "Exhibit A", which shall constitute a certification to the War Production Board that such canner is familiar with the terms of this Order (in its present form or as it may be amended from time to time) and that, during the life of this Order, he will not use any cans purchased from such can manufacturer in violation of its terms. Only one such certificate covering all present and future purchases from a given can manufacturer, need be furnished by a canner to that can manufacturer, but no can manufacturer shall be entitled to rely on any such certificate if he knows, or has reason to believe, it to be false.

(ii) *Reports.* Each can manufacturer and each canner shall file such reports as the War Production Board may prescribe for the purpose of effective administration of this Order.

(6) *Transfers.* No product which has been packed in a can made of tinplate or terneplate shall be repacked by the same or a different canner in the same or different form, with or without other products, in another can made of tinplate or terneplate, except to the extent specifically permitted by Tables I, II, or III.

(d) *Further conservation of tinplate and terneplate.* (1) All manufacturers of all the kinds of cans covered by this Order shall cooperate with the tinplate mills in effectuating as rapidly and as completely as possible a program of reducing the thickness of the tinplate coating on such cans—both by hot dip coating and by electrolytic coating—to the minimum thickness which will be sufficient for satisfactory packing of the particular product packed. After the date of issuance of this Order, no can manufacturer or canner shall order from a tinplate mill and no tinplate mill shall manufacture, sell or deliver any tinplate with a coating of a pot-yield thickness greater than 1.25 lbs. per base box (i. e. 31,360 square inches), and no can manufacturer or canner shall manufacture, sell or deliver any tinplate cans with a coating of greater than such thickness: *Provided*, That neither this prohibition nor the prohibition of Supplementary Order M-21-e (§ 962.6) shall apply (a) to tinplate or to cans made of tinplate already manufactured at the date of issuance of this Order or (b), notwithstanding the provisions of said Supplementary Order M-21-e, to cans used to pack any product which is listed on "Exhibit B" annexed hereto, and for which a tinplate coating of a pot-yield thickness of 1.5 lbs. per base box is hereby authorized.

(2) All manufacturers of all kinds of cans covered by this Order and all canners packing products in such cans are ordered (a) to concentrate to the greatest extent practicable upon the larger-size cans and to manufacture and to use for canning respectively, as high a proportion of larger-size cans—as compared with smaller-size cans—as may be feasible and practicable; (b) to substitute, for cans made of tinplate or terneplate, containers made of other material to the extent that such substitution may be feasible and practicable; and (c) to use a minimum amount of solder having the minimum tin content necessary for manufacture and use of the tinplate and terneplate cans permitted to be manufactured and used under this Order.

(3) No person who in 1941 packed a portion of his products in any container made of material other than tinplate or terneplate shall increase the proportion of such products hereafter packed in tinplate or terneplate.

(e) *Limitations on inventory.* (1) After the date of issuance of this Order, no can manufacturer or canner shall order from the steel mills any tinplate or terneplate to be used for the manufacture of non-essential cans in excess of the amounts necessary and allowed by this Order—taking into account existing inventory—for the manufacture of non-essential cans during the period from the date when this Order is issued to March 1, 1942. All can manufacturers and canners shall immediately cancel any existing orders for tinplate or terneplate in excess of such amounts.

(2) After March 1, 1942, no can manufacturer or canner shall manufacture, and no can manufacturer shall sell to a canner, any non-essential cans made from tinplate or terneplate held in the inventory of such manufacturer or canner on March 1, 1942, except to the extent permitted by the War Production Board on the basis of an application showing that any other use of such tinplate or terneplate or cans made from such tinplate or terneplate will be unduly or unnecessarily wasteful or wholly impracticable.

(3) After March 1, 1942, no can manufacturer shall sell to a canner, and no canner shall use for packing, any non-essential cans manufactured prior to March 1, 1942, except to the extent permitted by the War Production Board on the basis of an application showing that any other use of such cans will be unduly or unnecessarily wasteful or wholly impracticable.

(f) *Tables I, II, and III.* If any general provision or restriction of this Order conflicts, or appears to conflict, with any specific provision or restriction of Tables I, II or III, then such specific provision or restriction shall control.

(g) *Miscellaneous provisions.*—(1) *Applicability of Order.* The provisions and restrictions of this Order shall apply to tinplate, terneplate and cans made of tinplate or terneplate which have already been manufactured as of the date of issuance of this Order or which may hereafter be manufactured—irrespective of whether such tinplate, terneplate, and cans were, or will be, manufactured pursuant to a contract made prior or subsequent to the date of such issuance: *Provided, however*, That this Order shall not apply to tinplate, terneplate, or cans made of tinplate or terneplate manufactured or to be manufactured pursuant to a Defense Order supported by a Preference Rating of higher than A-2.

(2) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of tinplate and terneplate conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense work to defense work, may appeal to the War Production Board on form PD-269, Ref: M-81, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(3) *Violation.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(4) *Sales of tinplate and terneplate.* No person shall hereafter sell or deliver tinplate or terneplate to any can manufacturer or canner if he knows, or has reason to believe, that such tinplate or terneplate is to be used in violation of the terms of this Order.

(5) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref: M-81.

(6) *Effective date.* This Order shall take effect immediately, and shall continue in force until amended or terminated by the Director of Industry Operations. The telegraphic order, dated January 27, 1942, to can manufacturers is hereby revoked. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 11th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

EXHIBIT A

WAR PRODUCTION BOARD

DIVISION OF INDUSTRY OPERATIONS

Social Security Building, Washington, D. C.

CANNER'S CERTIFICATE

Certificate required by Paragraph (c), subparagraph (5) (i) of Conservation Order M-81. One copy of this certificate is to be delivered to each can manufacturer from whom the canner purchases cans and is to cover all purchases present and future, so long as such Conservation Order, in its present form or as it may be amended from time to time, remains in effect.

(Applicant's Address) (Date)

In accordance with Paragraph (c), subparagraph (5) (i) of Conservation Order M-81 of the War Production Board designed to conserve the supply and direct the distribution of tinplate and terneplate, the undersigned hereby certifies—and this shall constitute a certification to the War Production Board—that the undersigned applicant is familiar with the terms of said Conservation Order M-81, and any and all amendments thereto, and that said applicant will not use any cans purchased from

---
(Name of Can Manufacturer)

(Address of Can Manufacturer)

in violation of the terms of said order and amendments.

Section 35 A of the U. S. Criminal Code (18 U. S. C. A. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

(Legal Name of Applicant)

By ---
(Autorized Official)

(Title of Official Reporting)

EXHIBIT B

1. Sauerkraut.
2. Pureed Vegetables and Fruits.
3. Berries, including but not limited to blueberries, blackberries, cranberries, raspberries, strawberries, and loganberries.
4. Cherries.
5. Plums.
6. Prunes.
7. Lemon Juice.
8. Phenols and Cresols.
9. Glycerine (C. P. and U. S. P.).
10. Jams, Jellies, and Preserves (if authorized to be packed).
11. Pectin.
12. Nicotine Sulphate.
13. Pickles.

Table I—Primary Products Cans

All the individual restrictions appearing on this Table, relating to can sizes, repacking, or specific limitations on the form in which a product may be packed, shall take effect as of March 1, 1942 unless otherwise indicated.

Fruits

1. *Fruit Cocktail and Fruits for Salad*, including any combination of Fruits otherwise included on Table I and Table II, but containing at least 50% fruits on Table I, and only in No. 1 Tall, No. 2, No. 2½, or No. 10 cans. Said Fruit Cocktail and Fruits for Salad are not to be packed from contents of other tinplate cans except to the extent of 10% by weight of said Fruit Cocktail or Fruits for Salad and in no case except where such 10% by weight consists of Pineapple or Maraschino Type Cherries which have come from No. 10 or larger cans.

2. *Peaches, Clingstone*, and *Pears*. Halves, Segments, Slices, only in No. 2, No. 2½, or No. 10 cans. Whole Peaches and Whole Pears not to be packed.

3. *Pectin, Dry and Liquid*, only in 5 gal. or larger cans.

4. *Grapefruit, Lemon, Lime, Orange Concentrates*, including, but not limited to dry, powdered, dehydrated juices from the same fruits, with or without drying promoters, but only in No. 1 Picnic or larger cans.

5. *Peaches, Freestone*, only in No. 2, No. 2½, or No. 10 cans, except in California for which see Table II.

Vegetables

1. *Asparagus*, only in No. 2, No. 2½, No. 10, No. 1 Square, or No. 2½ Square cans.

2. *Beans*, packed fresh, including but not limited to Green, Wax, Fresh Shelled, Lima, and Green Soybeans, and only in No. 2, No. 2½, or No. 10 cans. Dried beans and peas are not to be packed.

3. *Corn*, only sweet, cut, and only in No. 2 or No. 10 cans; or in No. 2 Vacuum cans, dry pack only. Corn on cob not to be packed.

4. *Peas*, only fresh green, and only in No. 2 or No. 10 cans.

5. *Tomatoes*, only in No. 2, No. 2½, or No. 10 cans.

6. *Tomato Paste, Sauce, Catsup, Chili Sauce*, only in No. 10 or larger cans. See Table II.

7. *Tomato Pulp or Puree* in No. 1 Picnic, No. 2, No. 2½, No. 10, or 5-gal. cans. The foregoing Tomato products packed in 5-gal. or larger cans may be repacked in other tinplate cans either unchanged or in combination with other products.

8. *Baby-Foods-Vegetable Purees*, and *Chopped Foods (for Human Consumption* only), but only if packed for these purposes in 1941; and only in No. 202 B. F. (202 x 214), No. 211 B. F. (211 x 210), No. 2, or No. 10 cans.

In respect to the following products above-listed on this Table I, under the heading of "Vegetables", being respectively Green and Wax Beans, Corn, Peas, and Tomatoes (Item 5), a canner who lacks adequate machinery, equipment or plant facilities for packing his entire 1942 pack of such products in No. 2, No. 2½, or No. 10 cans may, upon application to the War Production Board, pack the excess of his 1942 pack of such products in No. 303 cans, if said canner is currently equipped to pack such products in No. 303 cans and did so in 1941.

Juices

1. *Tomato Juice* (which may contain up to 30% other vegetable juices), only in No. 2, No. 2 Cyl., No. 3 Cyl., or No. 10 cans.

In respect of Tomato Juice, a canner who lacks adequate machinery, equipment or plant facilities for packing his entire 1942 pack of such product in No. 2, No. 3 Cyl., or No. 10 cans may, upon application to the War Production Board, pack the excess of his 1942 pack of such product in No. 211 Cyl. or No. 300 cans, if said canner is currently equipped to pack such product in No. 211 Cyl. or No. 300 cans, respectively, and did so in 1941.

In respect of each product above-listed on this Table I under the headings of "Fruits, Vegetables, and Juices", a canner who lacks adequate equipment, machinery, or plant facilities for efficient packing of such product in any can size or sizes specifically designated therefor on this Table I may pack such product in a larger can (other than a No. 12 can) if (a) said canner is currently equipped to pack such product in such larger can and did so in 1941, and (b) such larger can is recommended for such product by the National Bureau of Standards Recommendation RI 55-40; and he may pack such product in a No. 12 can in any event.

Fish and Shellfish

1. *Salmon.*
2. *Sardines.*
3. *Tuna and Tuna-like Fishes.*
4. *Mackerel.*
5. *Alewives*, including Alewife Roe.
6. *Fish Flakes.* Dried Fish Flakes not to be packed.
7. *Crab.*

Miscellaneous Foods

1. *Cold Pack Foods*, including, but not limited to Blueberries, Strawberries, Apples, Cherries, Peaches, Asparagus, Lima Beans, Peas, but only if packed in 30-lb. or larger cans.
2. *Baby Formulas.*
3. *Evaporated Milk*, only in 14½-oz. or larger cans. See Table II.
4. *Dry Milks*, including only Dry or Powdered Whole Milk, in 1-lb., 2½-lb., 5-lb., 10-lb., or 25-lb. cans.
5. *Special Dietary Products*, including, but not limited to, Baby Foods.
6. *Honey*, but only in "5-lb." or larger cans.
7. *Dehydrated Vegetables*, only in No. 10 or larger cans.

Table II—Secondary Products Cans

All the individual restrictions appearing on this Table, relating to can sizes, re-packing, or specific limitations on the form in which a product may be packed, shall take effect as of March 1, 1942, unless otherwise indicated. All quantity limitations, however, relating to size of pack refer to the entire calendar year commencing January 1, 1942, except in the case of citrus fruits, for which see the seasonal basis provided in Item 8 of "Fruits" and Items 3, 4, and 5 of "Juices" below. Such quantity limitations, moreover, refer to the amount of tinplate used in packing rather than to the amount of product packed. The quantity limits imposed by this Table relate only to the pack permitted for civilian consumption. To the extent of additional requirements by the Army, Navy, Lend-Lease or other U. S. Governmental Agency, such pack may be increased.

Fruits

1. *Apples and Crabapples*, only in No. 10 or larger cans. Whole Apples, Apple Butter not to be packed. 75% of 1940 pack.
2. *Apple Sauce*, including sauce from Crabapples, only in No. 2 or No. 10 cans.
3. *Apricots*, only in No. 2½ or No. 10 cans. Whole apricots not to be packed. 75% of 1940 pack.
4. *Berries*, including but not limited to Blackberries, Blueberries, Huckleberries, Loganberries, Raspberries, Strawberries, only when packed as berries, and only in No. 2, No. 2½ or No. 10 cans.
5. *Cherries*, including but not limited to Red-Sour-Pitted and Sweet, only when packed as cherries, and only in No. 1 Tall, No. 2, No. 2½, or No. 10 cans.

6. *Cocoanuts*, only shredded with milk, and only in No. 10 cans.

7. *Cranberries*, including Cranberry Sauce, only in No. 300, No. 2, or No. 10 cans.

8. *Grapefruit* and *combination of Oranges and Grapefruit*, including only Segments, Sections, and Slices and only in No. 2, No. 2½, or No. 5 cans but 100% of 1941 pack.

9. *Olives*, only Ripe, and only in No. 1 Tall, No. 2, No. 2½, or No. 10 cans and only 50% of 1941 pack.

10. *Peaches, Freestone*, 75% of 1940 pack in California, only in No. 2, No. 2½, or No. 10 cans.

11. *Pineapple*, including only Sliced, Crushed, Tidbits, and only in No. 2, No. 2½, No. 3 Cyl., or No. 10 cans. Spears not to be packed.

12. *Plums* and *Fresh Prunes*, only in No. 2½ or No. 10 cans. 50% of 1940 pack.

Vegetables

1. *Beets*, only in No. 2, No. 2½, or No. 10 cans. 75% of 1940 pack.

2. *Carrots*, only in No. 2, No. 2½, or No. 10 cans. Whole Carrots not to be packed. 75% of 1940 pack.

3. *Carrots and Peas*, only in No. 2, No. 2½, or No. 10 cans. 75% of 1940 pack.

4. *Pimentos* and *Peppers*, only in No. 2, No. 2½, or No. 10 cans. 50% of 1940 pack.

5. *Pumpkin* and *Squash*, only in No. 2½ or No. 10 cans. 50% of 1940 pack.

6. *Rhubarb*, only in No. 10 cans. 50% of 1940 pack.

7. *Sauerkraut*, 50% of the present bulk kraut holding, and only in No. 2, No. 2½, or No. 10 cans.

8. *Spinach*, and other Green Leafy Vegetables, only in No. 2, No. 2½, or No. 10 cans.

9. *Okra*, only in No. 2, No. 2½, or No. 10 cans.

10. *Tomato Products* (See Table I)
Paste, only in 6Z cans.
Sauce, only in 8Z Short cans.
Above tomato products may be packed in whole or part from contents of other tinplate cans of 5-gal. or larger size.

11. *Vegetables, Mixed*, including 90% of any combination of vegetables included on Table I and Table II, but no potatoes to be included; only in No. 2, No. 2½, or No. 10 cans. 75% of 1940 pack.

12. *Succotash*, only when made from fresh or frozen vegetables, and only in No. 2 or No. 10 cans. 100% of 1941 pack.

Juices

1. *Lemon Juice* and *Lime Juice*, only in 8Z Tall, No. 2, or No. 10 cans. 50% of 1940 pack.

2. *Pineapple Juice*, only in No. 2, No. 3 Cyl., or No. 10 cans.

3. *Grapefruit Juice*, only in No. 2, No. 3 Cyl., or No. 10 cans. 125% of 1940–1941 pack.

4. *Orange Juice*, only in No. 2, No. 3 Cyl., or No. 10 cans. 125% of 1940–1941 pack.

5. *Combination of Grapefruit and Orange Juice*, only in No. 2, No. 3 Cyl., or No. 10 cans. 125% of 1940–1941 pack.

6. *Fruit Nectars*, only in 211 Cyl., No. 2, No. 3 Cyl., or No. 10 cans.

In respect of each product above-listed on this Table II under the heading of "Fruits, Vegetables, and Juices", a canner who lacks adequate equipment, machinery, or plant facilities for efficient packing of such product in any can size or sizes specifically designated therefor on this Table II may pack such product in a larger can (other than a No. 12 can) if (a) said canner is currently equipped to pack such product in such larger can and did so in 1941, and (b) such larger can is recommended for such product by the National Bureau of Standards Recommendation R155–40; and he may pack such product in a No. 12 can in any event.

Miscellaneous Foods

1. *Canned Condensed Soups*, meaning soups packed in condensed form so that, when prepared for serving at the table, at least a can of water or other liquid is added to a can of soup to make a soup representative of its class. Such canned condensed soups to be packed only in No. 1 Picnic or larger cans; and to be only soups that are produced from products included on Tables I or II. 100% of 1941 pack.

2. *Canned Soups, Broths, Chowders*, other than canned Condensed Soups. 25% of 1940 pack. Not to be packed after June 30, 1942.

3. *Condensed Milk, Goats' Milk*, only in 14-oz. or 15-oz. cans.

4. *Malted Milks*, only in 1-lb., 5-lb., 10-lb., or 25-lb. cans; Modifications of Milk, except Filled Milks.

5. *Eggs, frozen*, only in 10-lb. and larger cans.

6. *Liquid Oils*, Vegetable, Marine, and Animal, or edible blends of such oils, only in 1-qt. or larger cans.

7. *Hardened Edible Oils* and *Unhardened or Hardened Lard*, and *Rendered Pork fat*, and *Edible Tallow*, and animal, vegetable, and marine blends thereof only in 3-lb. or larger cans, and only at rate of 100% of 1940 rate for first half year and only 60% of 1940 rate after June 30, 1942.

8. *Sweet Syrups*, including only Cane, Maple, Molasses, Corn, and Sorghum Syrup, and only in 5-lb. cans or larger cans.

9. *Evaporated Milk*, only in 6-oz. cans. See Table I.

10. *Frozen and Storage Cream*, only in re-use cans and only in nested style 45–50 lb. cans.

Meats

1. *Beef, Veal, Mutton* (corned, roast, or boiled; only for human consumption).

2. *Brains*, only in 10½-oz. or larger cans. 75% of 1940 pack.

3. *Chili Con Carne* when not packed with beans, only in 1-lb. cans.

4. *Meat Loaf* containing at least 90% meat and no added water. 75% of 1940 pack.

5. *Meat Spreads*. 50% of 1940 pack.

6. *Sausages in casings*.

(a) *Vienna Sausage*, only in 4-oz. or larger cans. 75% of 1940 pack.

(b) *Sausage in Oil*, or *Lard*, or *Rendered Pork Pack*, only in No. 5 or larger cans. 75% of 1940 pack.

(c) *Other Sausages* in Casings, only in 12-oz. or larger cans, and only 25% of 1940 pack.

7. *Bulk Sausage Meats*, only in 12-oz. or larger cans. 125% of 1940 pack.

8. *Tongue*, whole only, 75% of 1940 pack.

9. *Boned Chicken* or *Turkey*, only in 1-lb. or larger cans.

10. *Chopped Luncheon Meats*, only in 12-oz. or larger cans. 125% of 1940 pack.

11. *Meat (potted)*, only in 3 oz., 5 oz., or larger cans. 125% of 1940 pack. (Smaller sizes limited to 50% of 1940 pack.)

Fish and Shellfish

1. *Shad*.
2. *Clams, Mussels*. (Whole and Minced).
3. *Oysters*.
4. *Shrimp*.

Fish and Shellfish

(For refrigeration shipments, fresh)

1. *Oysters, Shrimp, Clams, Scallops, Crabs:* only when shucked, and only in 1-lb., 1-gal., or larger cans. 100% of 1941 pack.

2. *Fish Fillets*, only in 20-lb. or larger cans. 100% of 1941 pack.

Table III—Special Products Cans

In respect of a can used as a container for a product listed below, tinplate may be used to manufacture all or any part of such can (part meaning "top, bottom, or body") if, but only, if, specific authority is given by this table to use tinplate for such purpose. The use of terneplate is similarly restricted, and both may be used only to the extent to which either or both were used in 1940 (i. e., 100% of 1940) unless otherwise stated.

In respect of any can or part thereof where specific authority to use tinplate or terneplate is not given, blackplate or other material must be used.

Where it is necessary to solder a fitting or trimming to a can top and neither tinplate nor terneplate is specified in the table for such top, then such top (together with the fitting, trimming or screw cap) may be made of tinplate or terneplate respectively if the body is made of tinplate or terneplate respectively.

The word "Throughout," as used in this table, means all the parts of a can and includes fittings, trimmings, and screw caps.

1. *Alcohol* (other than for anti-freeze), alcohol mixtures (for paint) and pharmaceutical and industrial grain alcohol, only in 5-gallon and larger cans: tinplate throughout. Where chemically pure alcohol is not required, terneplate throughout.

2. *Cements*, only in 1-qt. or larger cans.

Rubber, Solvent Type. Bodies and tops: terneplate.

Rubber, Latex Type. Tinplate throughout.

Linoleum. Bodies: terneplate.

Radiator. Bodies: terneplate.

3. *Chemicals*, Liquid, only in 1-qt. or larger cans.

Fly Spray. Bodies: terneplate. Fly Spray (Pyrethrum and Rotenone base). Bodies: tinplate.

Lighter Fluids. Bodies: terneplate.

Acetone and Amyl Acetate. Terneplate throughout, except when chemically pure, in which case tinplate throughout may be used.

Carbon Bisulfide and Triethanolamine. Terneplate throughout, except when chemically pure, in which case tinplate throughout may be used.

Oleic Acid. Bodies: tinplate.

Sodium Silicate. Only in 5-gallon or larger cans: terneplate throughout.

Dry Cleaners. Only in 1-qt., 1-gal., or larger cans. Bodies: terneplate.

Phenols, including Carbolic Acid and Lysol: tinplate throughout.

Benzol, including, but not limited to, naphtha. Bodies: terneplate.

4. *Dyes*, only in 1-qt. or larger cans.

Pastes or *Liquids.* Terneplate throughout, except for certified colors, in which case tinplate may be used throughout.

5. *Fire Extinguisher Fluid.* Terneplate throughout.

6. *Graphite.* Terneplate only where water is present.

7. *Oil, Mineral for Medicinal use.* Only in 1-gal. or larger cans: tinplate throughout.

8. *Nicotine Sulphate.* Tinplate throughout and only in 1-qt. or larger cans.

9. *Soap, liquid.* Pack only 50% of 1940 pack and only in 1-qt. or larger cans: tinplate throughout.

10. *Turpentine.* For industrial use, only in 1-gal. or larger cans: terneplate throughout. When packed as chemically pure, tinplate throughout, but only in 1-qt. or larger cans.

11. *Liquid glues, Pastes, Adhesives.* In cans of 1-qt. to 1-gal., pack 50% of 1940 pack; in larger size cans, 100% of 1940 pack. Terneplate throughout.

12. *Glycerine (C. P. and U. S. P.).* Tinplate throughout. In cans of 1-qt. to 1-gal., pack only 50% of 1940 pack. In 1-gal. or larger cans, 100% of 1940 pack.

13. *Glycerine (other than C. P. and U. S. P.).* Terneplate throughout. In cans of 1-qt. to 1-gal., pack only 50% of 1940 pack. In 1-gal. or larger cans, 100% of 1940 pack.

14. *Polish.* Terneplate throughout. Only 50% of 1940 pack.

15. *Waxes.*

Paste: Bodies: terneplate. Only 25% of 1940 pack.

Emulsions: Terneplate throughout. Only 25% of 1940 pack.

16. *Dairy ware*, including dairy pails, milk strainer pails, hooded milking pails, milk kettles, milk strainers, setter or cream cans. Tinplate throughout. 110% of 1940 pack.

17. *Disinfectants*, including, but not limited to, crystals, in 1-qt. or larger cans. Tinplate throughout. Only 50% of 1940 pack.

18. *Health Supplies*, as defined by Order No. P–29: tinplate throughout.

19. *Paints and Accessories*, including, but not limited to, shellac, varnish, lacquer, enamel, and paint thinners. Only in 1-qt., 1-gal., or larger sizes after March 1, 1942: terneplate throughout. In cans of less than 1-gal. capacity, only 50% of 1940 pack allowed.

[F. R. Doc. 42–1260; Filed, February 11, 1942; 11:52 a. m.]

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

Limitation Order No. L–42

Whereas the national defense requirements have created a shortage of iron, steel, brass, bronze and other critical materials for defense, for private account, and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply thereof and effectively utilize the productive facilities therefor; and these purposes will be advanced by simplification of lines and elimination of non-essential types, sizes, forms, and specifications;

Now, therefore, it is hereby ordered, That:

§ 1076.1 *Limitation Order L–42*—(a) *Issuance of schedules of simplification of lines.* The Director of Industry Operations may from time to time issue Schedules establishing simplified practices with respect to the types, sizes, forms, specifications or other qualifications for any plumbing or heating products, or other similar products which may be used in any other line. From and after the effective date of any such Schedule, no such products shall be produced, fabricated, delivered or accepted except those that conform to the issued Schedule, and except as specifically permitted by such Schedule.

(b) *Appeals.* Any person affected by this Order or any Schedule issued pursuant thereto who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order or such Schedule would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(c) *Applicibality of Priorities Regulation No. 1.* This Order (and any Schedule issued pursuant thereto) and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order (or such Schedule) shall govern.

(d) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref: L–42.

(e) *Violations.* Any Person who wilfully violates any provision of this Order or any Schedule issued pursuant thereto, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order (or such Schedule), may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(f) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 11th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1256; Filed, February 11, 1942; 11:49 a. m.]

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

Schedule I to Limitation Order No. L–42—Metal Valves; Iron Body and Brass or Bronze Valves—Simplification

§ 1076.2 *Schedule I to Limitation Order No. L–42*—(a) *Definition.* For the purposes of this Schedule "Producer" means any person who manufactures, processes or fabricates valves.

(b) *Simplified practices.* Pursuant to Limitation Order L–42 the following pressure ratings are hereby established for iron, brass and bronze valves of the sizes shown below:

(1) *Bronze or brass valves.* (Steam rated gate, globe, angle and check valves).

Sizes, inches:	*Working saturated steam pressure (pounds per sq. inch)*
⅛ to 3, inclusive	100 125 150 200 300

These valves are designated as steam rated in order to identify their working pressure. This designation does not limit their use to steam service.

(2) *Iron body valves.* (Steam rated gate, globe, angle, and check valves).

Sizes, inches:	*Working saturated steam pressure (pounds per sq. inch)*
2 to 12, inclusive	125
3 and smaller	150
2 to 12, inclusive	250

These valves are designated as steam rated in order to identify their working pressure. This designation does not limit their use to steam service.

(c) *Effective date of simplified practice; exceptions.* On and after March 1, 1942, no iron body or brass or bronze

valves within the range of the steam pressure ratings specified in paragraph (b) hereof which do not conform to the standards established by said paragraph shall be produced or delivered by any producer or accepted by any person from any such producer, except with the express permission of the Director of Industry Operations: *Provided, however,* That the foregoing shall not prohibit the delivery by any producer of such valves as are in his stock in finished form on March 1, 1942, or which had, on said date, been cast, machined or otherwise processed in such manner that their manufacture in conformity with the foregoing schedule would be impractical, nor the receipt of such valves from such producer.

(d) *Records covering excepted valves.* Each producer shall retain in his files records showing his inventory of excepted valves (by types and sizes) as of March 1, 1942, and such records shall be kept readily available and open to audit and inspection by duly authorized representatives of the War Production Board. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Cong., 3rd Session, as amended by Public No. 89, 77th Cong., 1st Sess.)

Issued this 11th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1257; Filed, February 11, 1942; 11:49 a. m.]

PART 1085—MAINTENANCE AND EXPANSION OF PLANTS CANNING FRUITS AND VEGETABLES

Preference Rating Order No. P-115

§ 1085.1 *Preference Rating Order P-115.* For the purpose of facilitating the acquisition of Materials, in the public interest and to promote the national defense, for (1) the maintenance in good repair of plants and equipment used by Producers canning fruits and vegetables, and (2) the necessary expansion of the productive capacity of such existing plants and equipment, preference ratings are hereby assigned to deliveries of such Materials upon the following terms:

(a) *Definitions.* For the purposes of this order:

(1) "Producer" means any person located in the United States, its territories and possessions, engaged in the business of canning fruits or vegetables, or any person, located in the Dominion of Canada, to whom and in whose name a copy of this Order is specifically issued.

(2) "Canning" means the preparation of fruits and vegetables for market by packing such fruits and vegetables (either alone or in combination with other commodities) in hermetically sealed containers and sterilizing by the use of heat and includes all operations required for or usually incidental to such preparation.

(3) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(4) "Maintenance" means minimum upkeep necessary to enable the Producer's existing plant and equipment to be used at its maximum rate of operation permissible under General Preference Order M-81 (To Conserve the Supply and Direct the Distribution of Tin Plate and Terne Plate) and other like Orders.

(5) "Repair" means restoration of a Producer's machinery, plant or equipment to sound working condition after physical depreciation, wear and tear, damage, destruction of parts or the like have impaired its fitness for service but not to an extent involving major reconstruction.

(6) "Material required for Operation" means operating supplies not to be physically incorporated in the finished product, nor used as packaging or fuel.

(7) "Replacement" means substitution of new machinery, plant or equipment for existing machinery, plant or equipment, when not constituting repair.

(8) "Addition and Expansion" means introduction of additional plant or equipment, other than replacements, to increase the productive capacity of a Producer's existing plant or equipment, without enlarging existing building space.

(9) "Supplier" means any person with whom a contract or purchase order has been placed for delivery of Material to a Producer or to another Supplier.

(b) *Assignment of Preference Ratings.* Preference ratings are hereby assigned, subject to the restrictions and conditions of paragraphs (d) and (e) hereof:

(1) A-1-a to deliveries, to a Producer, of Material directly required for emergency Maintenance or Repair, to avert spoilage of fruit or vegetables because of an actual breakdown or suspension of a Producer's operations.

(2) A-3 to deliveries, to a Producer, of Material required for Repair, Maintenance, or Operation, or which will be physically incorporated into Material which will be delivered for such use.

(3) A-3 to deliveries to a Producer of Material required for Replacement, Addition or Expansion, or which will be physically incorporated into Material which will be delivered for such use, excluding, however, any deliveries

(i) For the construction of new buildings, or the establishment of new plants,

(ii) For the establishment of new production lines, except for the canning of peas and tomatoes, or

(iii) For any other purpose that, in the opinion of the Director of Industry Operations at the time application is made, as provided in paragraph (e) (1) (iii) below, is not in the public interest, does not promote the national defense, or is in conflict with the policy of General Preference Order M-81 (To Conserve the Supply and Direct the Distribution of Tin Plate and Terne Plate) or other like Orders.

(4) For the purposes set forth in paragraphs (1), (2) and (3) herein, the ratings therein assigned are also assigned to deliveries to any Supplier of Material which will be delivered by him or another Supplier to the Producer under the ratings assigned above, or which will be physically incorporated into Material which will be so delivered; and the ratings assigned in paragraphs (2) and (3) are also assigned to deliveries which will be used, within the limitations of paragraph (d) hereof, to replace in such Supplier's inventory Material which is delivered by him under the ratings assigned above: *Provided, however,* That no Supplier engaged in the business of manufacturing machinery may apply or extend a rating hereunder in order to obtain delivery of material to be used by him in the manufacture of machinery or parts whether or not to be physically incorporated in such machinery.

(c) *Persons entitled to apply preference ratings.* The preference ratings hereby assigned may, in the manner and to the extent hereby authorized, by

(1) a Producer, provided, however, that if the Material is for Replacement, Addition or Expansion the rating may be applied by the producer only after specific advance approval of the War Production Board pursuant to paragraph (e).

(2) any Supplier of Material to the delivery of which a preference rating has been applied as provided in paragraph (e), and subject to the limitations of paragraph (b) (4): *Provided,* That the preference ratings hereby assigned may not be applied to deliveries of any Material to be used for purposes prohibited by any order or Regulation issued by the Director of the Division of Industry Operations.

(d) *Restrictions on use of ratings—* (1) *Restrictions on producer.* (i) Every contract and purchase order for Material, to which a preference rating is to be applied hereunder, must specify the date or dates by which delivery is required, and the preference rating may be applied only to such Material, or portion thereof, which, under the contract or purchase order, is to be delivered to the Producer for his operations during the calendar year 1942. The Producer may apply the ratings only to those quantities and kinds of Material essential to enable him to maintain his canning schedules for the calendar year 1942.

(ii) The Producer shall not apply any preference rating assigned by (b) (1) above to deliveries of Material to replace other Material withdrawn from his inventory or stores for Maintenance, Repair or Operation.

(iii) The Producer shall not apply any preference rating assigned by (b) (2) above if, in view of the current rate of consumption of his inventory or stores for Repair and Maintenance or Operation, the delivery of the Material to be rated would increase such inventory or stores above the minimum permitted or provided in paragraph (f) below.

(iv) The Producer shall not apply any preference rating hereunder unless the Material to be delivered cannot be secured when required without such rating.

(2) *Restrictions on supplier.* (i) No Supplier may deliver Material pursuant to a rating applied to him by a Producer located in the Dominion of Canada, unless the endorsement on the purchase order placed with such Supplier includes a Serial Number.

(ii) No Supplier may apply the rating to obtain Material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or, within the limitations of (iii) and (iv) below, to replace in his inventory Material so delivered. He shall not be deemed to require such Material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and, if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(iii) A Supplier who supplies Material which he has in whole or in part manufactured, processed, assembled or otherwise physically changed may not apply the rating to restore his inventory to a practicable working minimum unless he applies the rating before completing the rated delivery which reduces his inventory below such minimum.

(iv) A Supplier who supplies Material which he has not in whole or in part manufactured, processed, assembled or otherwise physically changed, may, in restoring his inventory to a practicable working minimum, defer applications of the rating hereunder to purchase orders or contracts for such material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided,* That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(e) *Application of preference rating.* (1) A Producer or any Supplier, in order to apply the preference ratings assigned hereunder to deliveries to him, must

(i) endorse on each purchase order or contract which is covered by a rating assigned hereunder, a statement in the following form, manually signed by an official duly authorized for such purpose, specifying the rating assigned:

Preference Rating A-_____ is applied hereto under Preference Rating Order No. P-_____, with the terms of which Order the undersigned is familiar.

_____
(Name of Producer or Supplier and Serial Number, when required)

By _____
(Duly Authorized Official)

Such endorsement shall constitute a representation to the War Production Board and the Supplier with whom the purchase order or contract is placed that such purchase order or contract is duly rated in accordance herewith. Such Supplier shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Any such purchase order or contract shall be restricted to Material the delivery of which is rated in accordance herewith.

(ii) If preference rating A-1-a is applied, the Producer must, immediately upon placing his order for such Material, telegraph to the War Production Board the following with respect to such order:

(*a*) The name and address of the Supplier

(*b*) The reasons why such order required assignment of preference rating as Emergency Maintenance or Repair.

(c) A specific description of the Material included in the order, and

(*d*) The invoice cost of each item of such Material.

(iii) If the Material is required for Replacement, Expansion or Addition, the Producer shall not apply preference rating A-3, unless he shall have communicated with the War Production Board, describing the Material needed and the nature of the proposed Replacement, Expansion or Addition, and shall have received from the Director of Industry Operations a specific authorization to apply such rating. Such application for authorization may be made by a written statement on Form PD 285 or, in any emergency, by telegram giving substantially the information called for by said Form PD 285.

(2) With respect to a purchase order or contract placed before the effective date of this Order, and subject to the restrictions in paragraphs (e) (1) (ii) and (iii) above, a preference rating may be applied by delivering to the Supplier a copy of such purchase order or contract endorsed as provided above.

(3) A Supplier who has received from two or more Producers or Suppliers endorsed purchase orders or contracts for Material to the delivery of which the same rating has been applied in accordance with this Order, may include in a single purchase order or contract, and (within the limitations of paragraphs (b) (4) and (d) hereof) may apply the rating to, any or all of the Material which he in turn requires to make such rated deliveries or to replace in his inventory Material so delivered.

(f) *Inventory provisions.* A Producer shall not accept deliveries (whether rated hereunder or not) of Material for Repair and Maintenance or Operation which will increase the inventory or stores available to the Producer for such purposes to an amount greater than the minimum necessary for Repair and Maintenance and to sustain the current level of operations of the Producer, and the ratio of such inventory and stores to current operations shall in no event exceed the ratio of average inventory to average operation for the years 1938, 1939, and 1940.

(g) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, a Producer, and each Supplier placing or receiving any purchase order or contract rated hereunder, shall each retain, for a period of two years, for inspection by representatives of the War Production Board, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such manner that they can be readily segregated for such inspection.

(h) *Reports.* Each Producer and each Supplier who applies a preference rating hereunder shall file such reports as may be required from time to time by the War Production Board; and until further notice any Producer or Supplier who applies a preference rating hereunder for emergency Maintenance or Repair, or for Repair, Maintenance, or Operation, shall file Form PD-81A on or before the 10th day of each month.

(i) *Communications to War Production Board:* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref: P-115.

(j) *Violations.* Any Person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (a) of the Criminal Code (18 U. S. C. 80).

(k) *Revocation or amendment.* This Order may be revoked or amended at any time as to any Producer or any Supplier. In the event of revocation, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the Producer or Supplier affected by such revocation.

(l) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, (Part 944), as amended from time to time except to the extent that any provision hereof may be inconsistent therewith, in which case, the provisions of this Order shall govern.

(m) *Effective date.* This Order shall take effect immediately and shall continue in effect through December 31, 1942, unless revoked, amended or modified prior thereto. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, January 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a) Public No. 671, 76th Cong., 3d Session, as amended by Public No. 89, 77th Cong., 1st Sess.)

Issued this 11th day of February, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1259; Filed, February 11, 1942; 11:52 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1312—LUMBER AND LUMBER PRODUCTS

CORRECTION TO AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 13 [1]—DOUGLAS FIR PLYWOOD

Section 1312.1 (*Maximum prices for Douglas fir plywood*) is corrected by deleting the words "February 20, 1941", and inserting in their place "February 20, 1942". (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This correction shall become effective February 20, 1942. Issued this 10th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1245; Filed, February 10, 1942; 5:24 p. m.]

PART 1348—MERCURY

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 93—MERCURY

Section 1348.9, paragraph (b) is hereby amended to read as follows:

§ 1348.9 *Appendix A; maximum prices for prime virgin mercury.*[2]

* * * * *

(b) *Sales by Dealers.* (1) A dealer, regularly engaged in the business of buying and selling prime virgin mercury on his own behalf, may sell such mercury as he buys and to which he acquires title, at not more than a price equal to the applicable maximum base price set forth above, *plus* a premium of 2% thereof, *plus* the actual transportation charges paid or incurred by him: *Provided*, That, the applicable maximum base price, the premium, and the transportation charges are shown separately in invoicing and billing.

(2) From February 4, 1942 until March 2, 1942, any such dealer, who had mercury on hand, or in transit, on February 4, 1942, in order to meet a contract of sale made prior to February 4, 1942, may deliver such mercury in accordance with the terms of such contract: *Provided*, That within 10 days after such delivery, the dealer shall submit to the Office of Price Administration, Washington, D. C., a verified statement, setting forth: (i) the name and address of the purchaser; (ii) the date on which the contract of sale was made; (iii) the form of the contract, i. e. oral, exchange of letters, order form, signed agreement, etc.; (iv) the quantity of mercury which the dealer had on hand, or in transit, on February 4, 1942; (v) the quantity of mercury delivered under the contract of sale after February 4, 1942, and the date or dates of such delivery; and (vi) the selling price. (E. O. Nos. 8734, 8875; 6 F.R. 1917, 4483)

* * * * *

[1] 6 F.R. 3865, 4885.
[2] See 7 F.R. 764.

This Amendment No. 1 shall become effective February 10, 1942. Issued this 10th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1244; Filed, February 10, 1942; 5:23 p. m.]

PART 1401—SYNTHETIC TEXTILE PRODUCTS

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 90 [1]—RAYON WASTE

Section 1401.59 is hereby amended by amending the head note and the following grades and prices of producers' rayon waste as follows:

§ 1401.59 *Appendix A; maximum prices for producers' rayon waste.*

* * * * *

Grades	*Price per lb. f. o. b. shipping point*
Unbleached open waste semi-coarse	$ .19
Bleached semi-dull semi-coarse threads	.1750
Undesulphured threads	.1750
Bleached and unbleached, fine semi-coarse	.1650

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 1 shall become effective February 11, 1942. Issued this 10th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1243; Filed, February 10, 1942; 5:22 p. m.]

PART 1406—MECHANICAL POWER-TRANSMISSION EQUIPMENT

PRICE SCHEDULE NO. 105—GEARS, PINIONS, SPROCKETS, AND SPEED REDUCERS

Gears, pinions, sprockets, and speed reducers are used in the transmission of power. They are an important and integral part of most industrial mechanical equipment. Large quantities are used in the necessary machinery of modern warfare.

During the past year, as the expenditures of the War Program have expanded, the demand for these vital products has grown with great rapidity. The need for them in machines for industry and for war has become acute. Under this pressure, output has been more than doubled and schedules calling for continuous production have been introduced in many plants manufacturing this type of equipment. In spite of this there exists an increasing unsatisfied demand for these products creating a condition favorable to inflationary price changes.

During the year 1941, the prices of these articles moved sharply upward. In the absence of price control there is imminent danger that prices will increase even further. To avoid this consequence and the inflation which price increases occasion under the conditions described it has been decided, as a result of a study of pertinent facts and of conferences with representative members of the industry, that controls should be established over the prices of gears, pinions, sprockets, and speed reducers.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1406.1 *Maximum prices for gears, pinions, sprockets, and speed reducers.* (a) On and after February 18, 1942, regardless of the terms of any contract of sale or purchase, except as provided in paragraph (b) of this section, no manufacturer shall sell, offer to sell, deliver or transfer, and no person shall buy, offer to buy or accept delivery from a manufacturer of any gear, pinion, sprocket, or speed reducer at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1406.9.

(b) The provisions of this Schedule shall not apply to deliveries under contracts entered into by the Army, Navy, Defense Plant Corporation, Maritime Commission, Panama Canal, Procurement Division of the Treasury or any other agency of the United States prior to the effective date of this Schedule.

(c) Nothing in this Schedule shall prevent the inclusion in any contract for the sale of gears, pinions, sprockets, or speed reducers of a provision for price adjustment to be applied only to those deliveries called for and made more than nine months after the date on which the contract is entered into: *Provided*, That the contract also contains a provision that the final prices, after all adjustments, will in no case exceed the maximum prices established by the Office of Price Administration at the dates of delivery. Any other form of price adjustment provision, whether contractual or otherwise, shall be deemed to be in violation of the Schedule.

(d) The provisions of this Schedule shall apply both to domestic sales and sales for export, but nothing in this Schedule shall prevent the inclusion in the price of gears, pinions, sprockets, or speed reducers sold for export of the amount of expenses actually incurred in packing for export and in shipment, and the amount of any other expenses not ordinarily incurred in connection with domestic sales, provided that the amount of all such expenses is stated separately on the invoice.*

*§§ 1406.1 to 1406.9 inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1406.2 *Lower prices.* Lower prices, rents or charges than those provided for in § 1406.1 above may be charged, demanded, paid or offered.*

§ 1406.3 *Evasion.* The price limitation set forth in § 1406.1 shall not be evaded in connection with the purchase, sale, delivery, or transfer of any gears, pinions, sprockets, or speed reducers, alone or in conjunction with any other material, whether by direct or indirect methods, by way of barter or exchange, or by way of any service, transportation or other such charge, or by way of any change in discount, premium or other

[1] 7 F.R. 728.

privilege, or by tying agreement or other trade understanding, or otherwise, as a result of which the net price received by the manufacturer will exceed the net price which would have been received by him if the sale had been made on October 15, 1941.*

§ 1406.4 *Records and reports.* (a) Every manufacturer making any sale of gears, pinions, sprockets, or speed reducers after February 18, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such sale showing the date thereof, the name and address of the buyer, the list price, if any, on the date of sale, the net price received after adjustment for all extra charges, discounts, and allowances, and the quantity and description of each type of gear, pinion, sprocket, or speed reducer sold, and in addition, in the case of "special" gears, pinions, sprockets, or speed reducers, as defined in § 1406.7; the actual cost incurred in the production of the gear, pinion, sprocket, or speed reducer sold, and a summary of the calculations made in the computation of the price charged.

(b) On on before March 1, 1942, every manufacturer of gears, pinions, sprockets, or speed reducers, shall file with the Office of Price Administration the following: published or confidential price lists and discount sheets setting forth prices and all extra charges, discounts, and allowances in effect on October 15, 1941, applicable to gears, pinions, sprockets, or speed reducers; and a statement of the standard method of estimating net selling prices in use October 15, 1941, for special gears, pinions, sprockets and speed reducers, together with an illustrative computation.

(c) On or before April 10, 1942, and on or before the tenth day of every month thereafter, every manufacturer of gears, pinions, sprockets, and speed reducers shall file with the Office of Price Administration a report of sales during the preceding month of all "recurring special" gears, pinions, sprockets, and speed reducers, as to which no such report has previously been filed. The first such report shall cover the period February 18 to March 31, 1942.

(1) For each "recurring special" gear, pinion, sprocket, or speed reducer sold during the preceding month, of which a sale was made during the year ending February 18, 1942, the report shall be filed on Form 205:1 and shall contain the following information: (i) A description of the item; (ii) the date of the last sale of the item prior to February 18, 1942, the quantity sold and the net price charged at that time; (iii) the net price which would have been charged for this quantity on October 15, 1941, if such price had been calculated on the basis of labor rates and material prices existing on that date by the use of procedures and standards employed in estimating costs and determining prices on that date and making use of the manufacturer's experience as to actual machine hours and materials required; (iv) the date of the sale being reported, the quantity sold and the net price charged.

(2) For each "recurring special" gear, pinion, sprocket, or speed reducer sold during the preceding month, of which no sale was made during the year ending February 18, 1942, the report shall be filed on Form 205:2 and shall contain the following information: (i) A description of the item; (ii) the date of the first sale of the item after February 18, 1942, the quantity sold, and the net price charged; (iii) the date of the sale being reported, by force of which the item became a "recurring special," the quantity sold and the net price charged.

If reports have been filed in previous months as to all the "recurring special" gears, pinions, sprockets, or speed reducers sold during any single month, or if no sales of "recurring special" gears, pinions, sprockets, or speed reducers have been made during any single month, a report shall none the less be filed, containing a statement of the relevant fact, signed by an authorized person. Copies of Forms 205:1 and 205:2 can be obtained from the Office of Price Administration, or Forms 205:1 and 205:2 can be reproduced by the manufacturer providing no change is made in style or content of the forms.

(d) Persons affected by this Schedule shall submit such other reports, including periodic profit and loss statements and balance sheets, to the Office of Price Administration, as it may from time to time require.*

§ 1406.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of State, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as ground for the revocation of licenses and permits; (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule; and (e) that the War Production Board is requested to direct the withholding of priority ratings and the allocation of materials to any person failing to comply with this Schedule: Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or attempt to evade the provisions hereof, or of speculation, or manipulation of prices of gears, pinions, sprockets, or speed reducers, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1406.6 *Modification of the Schedule.* Persons claiming hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That such application will not be considered unless filed by persons complying with this Schedule.*

§ 1406.7 *Definitions.* When used in this Schedule the term:

(a) "Person" means any individual, partnership, association, corporation or other business entity.

(b) "Manufacturer" means any person engaged in one or more operations in the manufacture of gears, pinions, sprockets, or speed reducers resulting in the production of finished gears, pinions, sprockets, or speed reducers.

(c) "Gear" means a toothed wheel or cog wheel used in the transmission of mechanical power, and includes, among others, the following types of gears: spur gears, bevel gears, mitre gears, spiral gears, worm gears, herringbone gears, helical gears, pinions, and worms.

(d) "Pinion" means a type of gear.

(e) "Sprocket" means a toothed wheel or cog wheel used in the transmission of power by means of silent chain, link chain, roller or block chain, or other types of chain used in the transmission of power.

(f) "Speed reducer" means an enclosed gear drive for use in the transmission of power at increased or decreased speed, either horizontally, vertically, or angularly.

(g) "Standard gear, pinion, sprocket or speed reducer" means any gear, pinion sprocket or speed reducer listed or described in the manufacturer's price lists, whether published or confidential, in effect on October 15, 1941.

(h) "Recurring special gear, pinion, sprocket, or speed reducer" means any gear, pinion, sprocket, or speed reducer other than those above defined as "standard", for which at least two orders have been or may be received subsequent to February 18, 1941, and of which the manufacturer's sales since that date amount to either $1,000 or more, or 500 units or more.

(i) "Special gear, pinion, sprocket, or speed reducer" means any gear, pinion, sprocket or speed reducer not included in the above definitions of "standard" and "recurring special" gears, pinions, sprockets, and speed reducers.

(j) "Net price" means the manufacturer's price after adjustment for all applicable extra charges, discounts, including quantity discounts, and other allowances.*

§ 1406.8 *Effective Date of the Schedule.* This Schedule shall become effective February 18, 1942.*

§ 1406.9 *Appendix A; maximum prices for gears, pinions, sprockets, and speed reducers.* (a) The maximum price for "standard" gears, pinions, sprockets, or speed reducers, as defined in § 1406.7, shall be the net price in effect on October 15, 1941.

(b) (1) Upon the first sale on or after February 18, 1942, of any "recurring special" gear, pinion, sprocket, or speed reducer, as defined in § 1406.7, of which a sale had been made in the year ending February 18, 1942, the maximum price shall be the price which would have been charged on October 15, 1941, if such price had been calculated on the basis of labor rates and material prices existing on that date by the use of procedures and standards employed by the manufacturer in estimating or determining prices on that date, making use of the manufacturer's experience as to actual machine hours and materials required. Upon any subsequent sale of the same "recurring special" gear, pinion, sprocket, or speed reducer, the maximum price shall be the price charged upon such first sale after February 18, 1942, and filed in column 11 of Form 205:1, as required in § 1406.4, adjusted to reflect differences in cost consequent upon substantial differences, if any, in the quantity sold.

(2) Upon the sale after February 18, 1942, of any gear, pinion, sprocket, or speed reducer, of which no sales had been made in the year ending February 18, 1942, which is not a "standard" item and which becomes a "recurring special" by force of such sale, the maximum price shall be the price which would have been charged on October 15, 1941, if such price had been calculated on the basis of labor rates and material prices existing on that date by the use of procedures and standards employed by the manufacturer in estimating or determining prices on that date, making use of the manufacturer's experience as to actual machine hours and materials required. Upon any subsequent sale of this new "recurring special" gear, pinion, sprocket, or speed reducer, the maximum price shall be the price charged upon such sale, by force of which the item became a "recurring special," and filed in column 10 of Form 205:2, as required in § 1406.4, adjusted to reflect differences in costs consequent upon substantial differences, if any, in the quantity sold.

(c) The maximum price for any "special" gear, pinion, sprocket, or speed reducer shall be the price which would have been charged on October 15, 1941, if such price had been calculated upon labor and material costs existing on that date by the use of procedures and standards employed by the manufacturer in estimating costs and determining prices on that date.*

Issued this 10th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1246; Filed, February 10, 1942; 5:28 p. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

CHAPTER I—THE NATIONAL ARCHIVES

PART 2—AUTHENTICATION AND ATTESTATION OF COPIES OF ARCHIVES IN CUSTODY OF THE ARCHIVIST OF THE UNITED STATES

Section 2.1[1] is amended to read as follows:

§ 2.1 *Designation of persons authorized.* Whereas Public, No. 756, 74th Congress, approved June 22, 1936, entitled "An Act to amend section 8 of the Act entitled 'An Act to establish a National Archives of the United States Government, and for other purposes', approved June 19, 1934" (48 Stat. 1123; U.S.C., title 40, sec. 238), authorizes the Archivist of the United States to make or reproduce and furnish authenticated or unauthenticated copies of any of the documentary, photographic, or other archives or records in his custody that are not exempt from examination as confidential or protected by subsisting copyright, and provides further:

> When any such copy or reproduction furnished under the terms hereof is authenticated by the official seal of The National Archives and certified by the Archivist of the United States, or in his name attested by the head of any office or the chief of any division of The National Archives designated by the Archivist with such authority, it shall be admitted in evidence equally with the original from which it was made.

And, Whereas, Thad Page, as Administrative Secretary of The National Archives, is the head of an office within the meaning of the language of said amendment,

And, Whereas, Philip M. Hamer, as Director of Reference Service, is the head of an office within the meaning of the language of said amendment,

Now, Therefore, I, Solon J. Buck, as Archivist of the United States, do hereby empower the said Thad Page, as Administrative Secretary of The National Archives, for me and in my name to authenticate and attest copies or reproductions of archives or records in my official custody furnished under the terms of said amendment. And I do, further, expressly empower the said Philip M. Hamer, as Director of Reference Service, in the absence or inability of the said Administrative Secretary, to authenticate and attest any such copies or reproductions in the manner aforesaid. (48 Stat. 1123; 40 U.S.C. 238)

[SEAL] SOLON J. BUCK,
Archivist of the United States.

FEBRUARY 10, 1942.

[F. R. Doc. 42-1239; Filed, February 10, 1942; 2:50 p. m.]

[1] 6 F.R. 4943.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. D-14]

IN THE MATTER OF THE APPLICATION OF THE MILWAUKEE FUEL AND DOCK COMPANY FOR PERMISSION TO RECEIVE DISTRIBUTORS' DISCOUNTS ON COAL PURCHASED FOR RESALE AND RESOLD TO CERTAIN RETAIL YARDS IN WHICH IT IS FINANCIALLY OR OTHERWISE INTERESTED

NOTICE OF AND ORDER FOR HEARING

The Milwaukee Fuel and Dock Company, a corporation organized under the laws of Wisconsin with its principal offices in Milwaukee, Wisconsin, and registered with the Division as a Distributor, No. 6467, filed its petition praying:

1. For a determination that its "ownership" or "control" over the three retail yards, listed below, is bona fide, is not established to secure an indirect price reduction, and is not within the prohibition of Paragraphs 11 and 12 of section 4, Part II (i) of the Bituminous Coal Act.

2. That it be given permission to accept and retain distributors' discounts on all coal, heretofore and hereafter, purchased for resale and resold to each of the following retailers:

Name and address

Wauwatosa Fuel & Supply Company, Wauwatosa, Wisconsin.

Taylor-Button Company, Milwaukee, Wisconsin.

Gross Coal-Gross Oil Company, Milwaukee, Wisconsin.

It is therefore ordered, That a hearing on such matter be held on March 18, 1942, at 10 a. m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearings, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioner and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before March 13, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: February 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1249; Filed, February 11, 1942; 10:52 a. m.]

[Docket No. C-6]

IN THE MATTER OF THE APPLICATION OF EMERALD COAL AND COKE COMPANY FOR APPROVAL OF A CONTRACT FOR THE SALE OF COAL, PURSUANT TO RULE 5 OF SECTION VI OF THE MARKETING RULES AND REGULATIONS

NOTICE OF AND ORDER FOR HEARING

Emerald Coal and Coke Company, a code member in District No. 2, has filed an application for approval of a contract between it and the Pittsburgh Coke and Iron Company, dated January 10, 1942, providing for the sale and delivery of coal over a period in excess of twelve (12) months, pursuant to the provisions of Rule 5, section VI of the Marketing Rules and Regulations. The Lowber Gas Coal Company, an alleged code member in District No. 2, has filed with the Division a petition objecting to the approval of said application of the Emerald Coal and Coke Company. Both the Emerald Coal and Coke Company and the Lowber Gas Coal Company have filed affidavits in support of their application for approval and petition of protest, respectively.

The Acting Director is of the opinion that a public hearing should be held and evidence received thereat concerning whether that long term contract between Emerald Coal and Coke Company and Pittsburgh Coke and Iron Company is necessary to meet the long term competition of oil, gas, or other forms of fuel and energy or for such other reasons as may be appropriate in order to further the effectual administration of the Act.

Now, therefore, it is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 10, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day, the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said applicant and to any other persons who may have an interest in this proceeding. Applicant, Emerald Coal and Coke Company, shall file with the Division, on or before February 20, 1942, a verified formal application with a copy of the contract between it and Pittsburgh Coke and Iron Company, dated January 10, 1942, attached thereto, and shall serve such application on the Bituminous Coal Consumers' Counsel, Bituminous Coal Producers Board for District No. 2 and Lowber Gas Coal Company on or before February 20, 1942. Copies of said application shall be made available upon request to any other person who may become a party to this proceeding. Any person desiring to be heard at such hearing shall file a verified statement to that effect with the Bituminous Coal Division on or before March 5, 1942, setting forth therein the nature of his interest, and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the application, petitions of intervenors, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to a twenty (20) year contract, dated January 10, 1942, for the sale by Emerald Coal and Coke Company to Pittsburgh Coke and Iron Company of 80 per cent of the buyer's high volatile coal requirements, for the operation of its byproduct coke plant located on Neville Island, Allegheny County, Pennsylvania, estimated at approximately 600,000 net tons annually.

Dated: February 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1250; Filed, February 11, 1942; 10:52 a. m.]

[Docket No. B-165]

IN THE MATTER OF EARL HENRY AND D. HENRY, INDIVIDUALLY AND AS COPARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF HENRY COAL COMPANY [EARL HENRY AND D. HENRY (HENRY COAL COMPANY)], CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 27, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 28, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 18, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the United States Post Office, Federal Building, Huntington, West Virginia.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answers to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and

to have consented to the entry of an appropriate order on the basis of the facts alleged.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendants, Earl Henry and D. Henry, individually and as co-partners, doing business under the name and style of Henry Coal Company, Clifton, West Virginia, code member in District No. 8, operating the Henry Coal Company Mine, Mine Index No. 1440, located in Mason County, West Virginia, wilfully violated the provisions of the Bituminous Coal Act, the Code and the effective minimum prices and regulations established thereunder by selling, delivering, and offering to sell bituminous coal produced from the defendants' said mine, on the dates, to the purchasers, in the sizes and quantities, and at the prices per net ton f. o. b. the defendants' mine, as set out below, which sales prices were below the prices established for such coals in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments:

Date	Purchaser	Quantity in tons	Size (for truck shipment)	Sales price per ton f. o. b. mine	Effective minimum price per ton f. o. b. mine
Dec. 20, 1940.	Lakin Experiment Farm, Lakin, W. Va.	2	H. V. Size Group 6 (Mine-Run).....	$1.75	$1.95
Dec. 16, 1940.	Ohio River Salt Co., Mason, W. Va.	12	H. V. Size Group 7 (2" and under slack).	1.45	1.55
Dec. 31, 1940.	....do.....	7	H. V. Size Group 7 (2" and under slack).	1.45	1.55
Jan. 16, 1941..	....do.....	6	H. V. Size Group 7 (2" and under slack).	1.20	1.55
Feb. 1, 1941..	....do.....	10	H. V. Size Group 7 (2" and under slack).	1.20	1.55
Feb. 16, 1941	....do.....	4	H. V. Size Group 7 (2" and under slack).	1.20	1.55
Mar. 1, 1941	....do.....	6	H. V. Size Group 7 (2" and under slack).	1.20	1.55
April 1, 1941	....do.....	2	H. V. Size Group 7 (2" and under slack).	1.20	1.55
May 19, 1941	....do.....	2	H. V. Size Group 7 (2" and under slack).	1.25	1.55

Dated: February 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1251; Filed, February 11, 1942; 10:52 a. m.]

[Docket No. D-5]

IN THE MATTER OF THE APPLICATION OF SERGEANT COAL SALES COMPANY FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBUTORS' DISCOUNTS ON COAL SOLD TO E. M. SERGEANT COAL COMPANY

ORDER POSTPONING HEARING

A Notice of and Order for Hearing having been issued in this matter on December 18, 1941, providing that a hearing be held on February 17, 1942; and

A motion having been filed by the Applicant for a postponement of the hearing to April 17, 1942; and

The Acting Director finding that a reasonable showing of necessity for postponement has been made by the Applicant;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is postponed from February 17, 1942 at 10:00 a. m. until April 17, 1942, at 10:00 a. m. at the place and before the Examiner heretofore designated.

Dated: February 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1252; Filed, February 11, 1942; 10:53 a. m.]

[Docket No. A-289]

PETITION OF THE CITY OF CINCINNATI AND THE BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF CINCINNATI FOR AN ORDER ESTABLISHING F. A. S. PRICES

MEMORANDUM OPINION AND ORDER REOPENING THE HEARING

This proceeding[1] was instituted upon an original petition filed by the City of Cincinnati and The Board of Education of the City School District of Cincinnati, consumer, with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that an Order be entered permitting them to purchase coals produced by code members in District 8 at free alongside ("f. a. s.") prices when transported via river to Cincinnati, Ohio.

Intervening petitions were filed by District Boards Nos. 7 and 8 in opposition to the relief prayed for in the original petition.

Pursuant to Orders of the Director and after due notice to all interested persons a hearing in the consolidated matter was held before Floyd McGown, a duly designated Examiner of the Division on January 10, 11, and 23, 1941. Thereafter, in the consolidated dockets, the Examiner submitted Proposed Findings of Fact and Proposed Conclusions of Law and Recommendations dated June 16, 1941.

On September 20, 1941, the Director issued his Memorandum Opinion and Order approving and adopting the Proposed Findings of Fact and Conclusions of Law and granting permanent relief. In said Memorandum Opinion there was contained, among others, the following paragraph:

Because at the hearing there arose some doubts concerning the conditions under which f. a. s. prices apply, it is believed that a clarification thereof may be helpful. It has always been recognized that f. a. s. prices apply only where shipments are made and deliveries received by the purchaser in barges. The weights that govern are the railroad weights at the mine. Furthermore, in accordance with Price Instruction 9, consumers purchasing coal on an f. a. s. basis must assume all intervening costs subsequent to and including unloading from the barge. And, of course, f. a. s. prices apply only when the coal delivered to the consumer is the same coal which was loaded at the river loading facilities.

On October 20, 1941, The City of Cincinnati and the Board of Education of the City School District of the City of Cincinnati, petitioners in Docket No. A-289, filed a petition seeking, as to themselves, to amend the Order entered in the consolidated dockets by striking therefrom the quoted provision and inserting in lieu thereof a paragraph of different import.

On December 13, 1941, the Acting Director issued a Memorandum Opinion and Order denying the petition of October 20, 1941, for a modification of the Order dated September 20, 1941, but stating that the petitioners might request that the hearing be reopened for the purpose of receiving evidence concerning the effect of the aforesaid paragraph on their methods of purchasing coal or concerning the appropriateness of its inclusion.

On January 17, 1942, the petitioners in Docket No. A-289, filed a motion to reopen the hearing to permit them to prove that the clarification clause quoted above should be stricken from the Order dated September 20, 1941.

Upon consideration of the record I find and conclude that the motion to reopen the hearing should be granted in so far as relates to the petitioners in Docket No. A-289[2] and, for that purpose,

[1] By orders of the Director this proceeding was consolidated with Dockets Nos. A-89, A-337, A-352, A-352A, A-530, and A-540.

[2] The reopened hearing will be deferred until March 16, 1942, for the reason that petitioners have intervened in Docket No. A-1239, where attention may be directed, so far as pertinent to Docket No. A-1239, to the matter posed by the motion here. In such event, petitioners may find it unnecessary to pursue their contention in this proceeding and, if so, petitioners should file an appropriate application.

Docket No. A-289 should henceforth be severed from the consolidated proceeding of which it was a part. However, the reopened hearing should be limited to the hearing of evidence relating to the effect of the aforementioned statement contained in the Memorandum Opinion of the Director, dated September 20, 1941, on the petitioner's methods of purchasing coals, and, generally, with respect to its propriety, as to these petitioners, as well as any clarification, modification, revision, or deletion of such statement.

It is, therefore, ordered, That henceforth Docket No. A-289 be and the same hereby is severed from the aforesaid consolidated proceeding.

It is further ordered, That the motion of City of Cincinnati and The Board of Education of the City School District of the City of Cincinnati to reopen the hearing be and the same hereby is sustained and that the hearing, as to the matters in Docket A-289, only, be and the same hereby is reopened for the limited purposes, however, of receiving evidence with respect to the propriety of clarifying, modifying, revising or deleting the provision contained in the Order dated September 20, 1941, as follows:

Because at the hearing there arose some doubts concerning the conditions under which f. a. s. prices apply, it is believed that a clarification thereof may be helpful. It has always been recognized that f. a. s. prices apply only where shipments are made and deliveries received by the purchaser in barges. The weights that govern are the railroad weights at the mine. Furthermore, in accordance with Price Instruction 9, consumers purchasing coal on an f. a. s. basis must assume all intervening costs subsequent to and including unloading from the barge. And, of course, f. a. s. prices apply only when the coal delivered to the consumer is the same coal which was loaded at the river loading facilities.

and, evidence concerning the effect of said provision on the petitioner's method of purchasing coals.

It is further ordered, That nothing contained in this Order shall, in any manner, affect the rights, privileges, duties, and obligations of any of the parties in the consolidated proceedings under the Order dated September 20, 1941.

It is further ordered, That the reopened hearing in Docket No. A-289 under the applicable provisions of the Act and the Rules of the Division be held on March 16, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person who has not heretofore filed a petition of intervention in this matter and who desires to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 16, 1942.

The matter concerned herewith is in regard to propriety of clarifying, modifying or revising the aforesaid statement contained in the Order dated September 20, 1941, entered in the consolidated dockets (Docket No. A-289 and others) in so far, only, as such statement affects the petitioners in Docket No. A-289.

Dated: February 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1253; Filed, February 11, 1942; 10:53 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF LOCALITIES IN COUNTIES IN WHICH LOANS, PURSUANT TO TITLE I OF THE BANKHEAD-JONES FARM TENANT ACT, MAY BE MADE

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, loans made in the counties mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

Region II—Michigan

Monroe County. Locality I—Consisting of the townships of Ash, Bedford, Berlin, Erie, Frenchtown, Ida, LaSalle, Monroe, Raisinville, and Whiteford and the City of Monroe, $7,528.

Locality II—Consisting of the townships of Dundee, Exeter, London, Milan, and Summerfield, $5,986.

Wisconsin

Chippewa County. Locality I—Consisting of the towns of Anson, Arthur, Auburn, Bloomer, Colburn, Cooks Valley, Delmar, Eagle Point, Edson, Estella, Goetz, Hallie, Howard, Lafayette, Sigel, Tilden, Wheaton, and Woodmohr; cities of Bloomer, Chippewa Falls, and Stanley; and villages of Boyd, Cadott, Cornell, and New Auburn, $5,331.

Locality II—Consisting of the towns of Birch Creek, Cleveland, Holcombe, Ruby, and Sampson, $3,308.

The purchase price limits previously established for the counties above-mentioned are hereby cancelled.

Approved: February 3, 1942.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-1262; Filed, February 11, 1942; 11:55 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective February 12, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

American Sportswear Company, 319 Landis Avenue, Vineland, New Jersey; Raincoats; 4 learners (T); February 12, 1943.

Easton Clothing Company, Inc., 16th and Reed Streets, Philadelphia, Pennsylvania; Men's Coats; 1 learner (T); May 28, 1942.

I. Helfand, 2314 West Jefferson Boulevard, Los Angeles, California; Sportswear; 1 learner (T); May 28, 1942.

Premier Garment Company, 1240 South Main Street, Los Angeles, California; Ladies' Sportswear and Slack Suits; 5 learners (T); February 12, 1943.

Style Rite Inc., 1531 Washington Avenue, St. Louis, Missouri; Men's Lounging Robes; 5 learners (T); February 12, 1943.

U. S. Garment Company, 1121 Post Street, Seattle, Washington; Ladies' Sportswear, Skirts, Jackets; 5 learners (T); August 12, 1942.

Single Pants, Shirts, and Allied Garments and Women's Apparel Industries

Artistic Apron House, 103 S. Wells Street, Chicago, Illinois; Pinafore Aprons; 5 learners (T); February 12, 1943.

Beverly Frocks, 106–110 E. 22nd Street, Chicago Heights, Illinois; Wash Dresses; 10 percent (T); February 12, 1943.

H. Busch and Company, 121 North 7th Street, Philadelphia, Pennsylvania; Women's Blouses; 8 learners (T); February 12, 1943.

Co-Ed Frocks, Inc., Shelbyville, Illinois; Cotton Wash Dresses, Washable Outer Clothing; 10 percent (T); February 12, 1943.

Co-Ed Frocks, Inc., Assumption, Illinois; Cotton Wash Dresses, Washable Outer Apparel; 10 learners (T); February 12, 1943.

Eckerling Brothers, 306 S. Green Street, Chicago, Illinois; Denim Coats, Coveralls, Pants, Shirts; 10 learners (T); August 12, 1942.

Fairchild Dress Company, 110 North Fifth Street, Minneapolis, Minnesota; Shirts, Slacks, Blouses; 10 learners (T); August 12, 1942.

Gerty Garment Company, 557 West Jackson Boulevard, Chicago, Illinois; Rayon & Cotton Dresses and Housecoats; 5 learners (T); February 12, 1943.

M. Gitman Company, Inc., 629 Livingston Avenue, Elizabeth, New Jersey; Shirts; 10 percent (T); February 12, 1943.

Graceform-Camlin Corset Company, Inc., 102 Madison Avenue, New York, N. Y.; Girdles and Corselettes; 5 percent (T); May 28, 1942.

Huntley Heather Company, 860 South Los Angeles Street, Los Angeles, California; Blouses and Shirts—Women's; 3 learners (T); August 12, 1942.

Ideal Sportswear Company, 127 East 9th Street, Los Angeles, California; Ladies' Sportswear, (Slacks and Slack Suits); 10 percent (T); February 12, 1943.

M. Janowitch and Sons, Main and Market Streets, Mahanoy City, Pennsylvania; Dresses, Blouses; 10 percent (T); February 12, 1943.

Juvenile Manufacturing Company, Inc., 327 North Flores Street, San Antonio, Texas; Boys, Students and Infants and Girls' Clothing; 10 percent (T); February 12, 1943.

William J. Knorr, 6th and Colliery Avenue, Tower City, Pennsylvania; Men's and Boys' Shirts; 5 learners (T); February 12, 1943.

Levi-Ottenheimer Company, 1409 E. Monument Street, Baltimore, Maryland; Misses' Playwear; 5 learners (T); August 12, 1942.

Public Overall Company, Inc., 54 Canal Street, New York, N. Y.; Work Pants; 2 learners (T); May 28, 1942.

Paul Rehfisch, 4352 Melrose Avenue, Los Angeles, California; Maternity Slack Suits; 1 learner (T); July 2, 1942.

Riverside Manufacturing Company, Moultrie, Georgia; Coveralls, Jackets, Shirts, Pants; 10 learners (T); February 12, 1943.

Roleir Alko Company, 350 North 16th Street, Philadelphia, Pennsylvania; Men's Shirts; 10 percent (T); February 12, 1943.

Rosette Manufacturing Company, 625 LaSalle Street, Berwick, Pennsylvania; Ladies' and Children's Aprons; 10 learners (T); July 2, 1942.

Nathan Shatz Sportswear, Inc., 905 Washington Avenue, St. Louis, Missouri; Ladies' Shirts, Slacks and Slack Suits; 3 learners (T); February 12, 1943.

Stephens Garment Company, 122 Railroad Street, Toccoa, Georgia; Semi-Dress and Work Pants; 10 percent (T); February 12, 1943.

Suffolk Overall Company, Inc., Eugenia Street, Suffolk, Virginia; Pants; 5 learners (T); February 12, 1943.

Sunbury Manufacturing Company, Inc., Second and Spruce Streets, Sunbury, Pennsylvania; Children's Dresses, Blouses, Slacks and Pajamas; 10 percent (T); February 12, 1943.

Topper Undergarment Company, Inc., 63–65 West 36th Street, New York, N. Y.; Junior Miss and Kiddie Slips; 5 learners (T); May 28, 1942.

M. Truitt, Dagsboro, Delaware; Dresses; 4 learners (T); February 12, 1943.

Gloves

Fairfield Glove and Mitten Company, Stone Street, Fairfield, Iowa; Leather Dress Gloves, Knit Fabric Gloves and Work Gloves; 10 learners (E); August 12, 1942.

Knitted Wear

Intermountain Knitting Mills, 1879 Washington Boulevard, Ogden, Utah; Knitted Outerwear; 5 learners (T); February 12, 1943.

Park Ridge Knitting Mills, 21 Railroad Avenue, Park Ridge, New Jersey; Knitted Outerwear; 5 learners (T); February 12, 1943.

Textile

Carolyn Manufacturing Company, Whitesburg, Georgia; Cotton Yarn; 3 learners (T); February 12, 1943.

Crane, 416 Elm Avenue, Kingston, Pennsylvania; Commission Throwing—Silk and Rayon Yarns; 40 learners (E); May 28, 1942.

Fife Fabrics, Inc., 626 N. Locust Street, Momence, Illinois; Drapery and Novelty Fabrics; 4 learners (E); June 12, 1942.

Jordan Spinning Company, Cedar Falls, North Carolina; Cotton Yarn; 3 percent (T); February 12, 1943.

Moultrie Cotton Mills, Moultrie, Georgia; Drills and Sheetings; 3 percent (T); February 12, 1943.

Pacific Mills, Granby Plant, Columbia, South Carolina; Cotton Yarn; 3 percent (T); February 12, 1943.

Pacific Mills, Capital City Plant, Columbia, South Carolina; Cotton Yarn; 3 percent (T); February 12, 1943.

Pacific Mills, Olympia Plant, Columbia, South Carolina; Cotton Yarn; 3 percent (T); February 12, 1943.

Pacific Mills, Richland Plant, Columbia, South Carolina; Cotton Yarn; 3 percent (T); February 12, 1943.

Signed at Washington, D. C., this 11th day of February 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42–1255; Filed, February 11, 1942; 11:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–497]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY AND SAFETY ENGINEERING AND MANAGEMENT COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of February, A. D. 1942.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than Feb-

ruary 25, 1942 at 4:45 p. m., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Safety Engineering and Management Company, a subsidiary of Consolidated Electric and Gas Company, a registered holding company, proposes to liquidate and dissolve. All of the outstanding securities of Safety Engineering and Management Company are presently pledged with the Continental Illinois National Bank and Trust Company of Chicago, as Trustee under the Collateral Trust Indenture of Consolidated Electric and Gas Company, dated as of August 1, 1932. Pursuant to a total liquidating dividend Safety Engineering and Management Company will transfer to Consolidated Electric and Gas Company all of its assets, and Consolidated Electric and Gas Company, in turn, will deposit these acquired assets under the lien of the said Indenture. Safety Engineering and Management Company will then take appropriate action to effect its voluntary dissolution.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1254; Filed, February 11, 1942; 11:44 a. m.]

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FEDERAL REGISTER

VOLUME 7 NUMBER 31

Washington, Friday, February 13, 1942

The President

ESTABLISHING BOSTON MARITIME CONTROL AREA AND PRESCRIBING REGULATIONS FOR THE CONTROL THEREOF

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the United States is now at war, and the establishment of the maritime control area hereinafter described is necessary in the interests of national defense:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, by virtue of the authority vested in me as President of the United States, and as Commander-in-Chief of the Army and Navy of the United States, and in accordance with the principle of self-defense of the Law of Nations, do hereby establish and proclaim the following-described area as the Boston Maritime Control Area, and prescribe the following regulations for the control thereof:

BOSTON MARITIME CONTROL AREA

All waters within the area enclosed by lines running as follows:

Beginning at the intersection of the western shore of Halibut Bay, Cape Ann, Massachusetts, and the parallel of Latitude 42°-40' North, in approximate Longitude 70°-37-30" West;

Thence along that parallel to Longitude 70°-15'-00" West;

Thence along approximate true bearing [illegible] West, and

ditions prevail, and then only after specific permission has been obtained. Advance arrangements for entry into or navigation through or within the said Area must be made, preferably by application at a United States Naval District Headquarters in advance of sailing, or by radio or visual communication on approaching the seaward limits of the Area. If radio telegraphy is used, the call "NQO" shall be made on a frequency of 500 kcs, and permission to enter the port requested. The name of the vessel, purpose of entry, and name of master must be given in the request. If visual communications are used, the procedure shall be essentially the same.

2. Even though permission has been obtained, it is incumbent upon a vessel entering the said Area to obey any further instructions received from the United States Navy, or other United States authority.

3. A vessel may expect supervision of its movements within the said Area, either through surface craft or aircraft. Such controlling surface craft and aircraft shall be identified by a prominent display of the Union Jack.

4. These regulations may be supplemented by regulations of the local United States naval authority as necessary to meet local circumstances and conditions.

5. Should any vessel or person within the said Area disregard these regulations, or regulations issued pursuant hereto, or fail to obey an order of the United States naval authority, or perhaps any [illegible] or other defenses, or take any action

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FEDERAL REGISTER

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ESTABLISHING BOSTON MARITIME CONTROL AREA AND PRESCRIBING REGULATIONS FOR THE CONTROL THEREOF

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BOSTON MARITIME CONTROL AREA

All waters within the area enclosed by lines running as follows:

Beginning at the intersection of the western shore of Sandy Bay, Cape Ann, Massachusetts, and the parallel of latitude 42 40' North, in approximate Longitude 70 37'23" West;

thence along that parallel to Longitude 70 12'30" West;

thence along approximate true bearing 152 to position Latitude 42°00' North, Longitude 69°44' West; and

thence west true to the eastern shore of Cape Cod, Massachusetts, in approximate Longitude 72 01'10" West.

REGULATIONS FOR THE CONTROL OF BOSTON MARITIME CONTROL AREA

1. A vessel not proceeding under United States naval or other United States authorized supervision shall not enter or navigate the waters of the above-described Maritime Control Area except during daylight, when good visibility conditions prevail, and then only after specific permission has been obtained. Advance arrangements for entry into or navigation through or within the said Area must be made, preferably by application at a United States Naval District Headquarters in advance of sailing, or by radio or visual communication on approaching the seaward limits of the Area. If radio telegraphy is used, the call "NQO" shall be made on a frequency of 500 kcs, and permission to enter the port requested. The name of the vessel, purpose of entry, and name of master must be given in the request. If visual communications are used, the procedure shall be essentially the same.

2. Even though permission has been obtained, it is incumbent upon a vessel entering the said Area to obey any further instructions received from the United States Navy, or other United States authority.

3. A vessel may expect supervision of its movements within the said Area, either through surface craft or aircraft. Such controlling surface craft and aircraft shall be identified by a prominent display of the Union Jack.

4. These regulations may be supplemented by regulations of the local United States naval authority as necessary to meet local circumstances and conditions.

5. Should any vessel or person within the said Area disregard these regulations, or regulations issued pursuant hereto, or fail to obey an order of the United States naval authority, or perform any act threatening the efficiency of mine or other defenses, or take any action therein inimical to the defense of the United States, such vessel or person may be subjected to the force necessary to require compliance, and may be liable to detention or arrest, or penalties or forfeiture, in accordance with law.

The Secretary of the Navy is charged with the enforcement of these regulations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal

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FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following legal holidays by the Division of the Federal Register, The National Archives, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500), under regulations prescribed by the Administrative Committee, approved by the President.

The Administrative Committee consists of the Archivist or Acting Archivist, an officer of the Department of Justice designated by the Attorney General, and the Public Printer or Acting Public Printer.

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of the United States of America to be affixed.

DONE at the City of Washington this 10th day of February in the year of our Lord nineteen hundred and [SEAL] forty-two, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:
CORDELL HULL,
Secretary of State.

[No. 2540]

[F. R. Doc. 42-1265; Filed, February 12, 1942; 10:36 a. m.]

EXECUTIVE ORDER

EXTENSION OF THE PROVISIONS OF EXECUTIVE ORDER NO. 9001 OF DECEMBER 27, 1941, TO CONTRACTS OF THE INTERIOR DEPARTMENT

By virtue of the authority vested in me by the act of Congress entitled "An Act to expedite the prosecution of the war effort" approved December 18, 1941, and as President of the United States, and deeming that such action will facilitate the prosecution of the war, I hereby extend the provisions of Executive Order No. 9001[1] of December 27, 1941 to the Department of the Interior, with respect to all contracts made or to be made by that Department; and subject to the limitations and regulations contained in such Executive Order, I hereby authorize the Secretary of the Interior, and such officers, employees, and agencies as he may designate, to perform and exercise, as to their respective agencies, all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive Order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 10, 1942.

[No. 9055]

[F. R. Doc. 42-1264; Filed, February 11, 1942; 3:44 p. m.]

EXECUTIVE ORDER

AMENDING REGULATIONS CONCERNING FOREIGN SERVICE PAY ADJUSTMENT

By virtue of the authority vested in me by the act of March 26, 1934, 48 Stat. 466 (U.S.C., title 5, sec. 118c), the list of basic rates of exchange established by section 4 of Executive Order No. 7972[2] of September 15, 1938, as amended, prescribing regulation for the payment of losses sustained by officers, enlisted men, and employees of the United States in foreign countries on account of the appreciation of foreign currencies in their relation to the American dollar, is hereby amended, effective as of December 1, 1941, by deleting therefrom the designation of the countries appearing under the heading "Netherlands (Possessions)" and the monetary units and basic rates relating thereto, and substituting therefor the following:

Netherlands Indies	Florin	40.19
Netherlands West Indies	Florin	40.19
Surinam	Florin	40.19

This order supersedes Executive Order No. 8800 dated June 22, 1941.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 11, 1942.

[No. 9057]

[F. R. Doc. 42-1266; Filed, February 12, 1942; 10:39 a. m.]

[1] 6 F.R. 6787.
[2] 3 F.R. 2249.

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

PART 32—THE FEDERAL LAND BANK OF SPOKANE

LOAN FEES

Section 32.1 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 32.1 *Loan fees*—(a) *Loan application fees; payable with application.* On each loan application a fee is charged as follows:

Amount of application:	*Appraisal fee*
$100 to $5,000	$10.00
$5,100 to $9,900	15.00
$10,000 to $14,900	20.00
$15,000 to $19,900	25.00
$20,000 to $24,900	30.00
$25,000 to $29,900	35.00
$30,000 to $34,900	40.00
$35,000 to $39,900	45.00
$40,000 to $50,000	50.00

If the application is cancelled or rejected before appraisal, the entire fee is refunded. If the application is cancelled or rejected after appraisal, the entire fee is retained by the bank.

If the applicant does not reside in the twelfth farm credit district, an additional fee of $7.50 will be charged to cover the cost of securing an appraisal report from the district of his residence.

If a reappraisal is required because of delay of the applicant, or is made at the applicant's request, another appraisal fee, fixed in accordance with the above schedule, will be charged.

(b) *Loan closing fees; payable when loan is closed.* A loan fee is charged on each single land bank loan, on each single Land Bank Commissioner loan, and on the aggregate amount of land bank and Land Bank Commissioner loans closed jointly, as follows: $15.00 on the first $1,000.00, or any fractional part thereof, and 25 cents for each additional $100.00, or any fractional part thereof. The application fee collected by the bank is applied on the loan fee in determining the net fee to be charged. The loan fee is the total charge made by the bank for appraisal and determination of title. The loan fee on any additional loan closed shall be determined as above provided on the amount of the additional loan granted.

(c) *Local correspondent's fees; payable when loan is closed.* On direct land bank loans a local correspondent's fee equal to ¾ of 1 percent of the amount of the loan is charged (exclusive of $1.00 local correspondent's fee).

(d) *Building inspection fee.* An inspection fee is charged a borrower when the proceeds of a loan is disbursed for buildings on the property mortgaged and where the value established by the bank is predicated on such new buildings to be constructed. The fee of $7.50 is charged for the inspection made by the appraiser after the loan has been closed and the buildings erected, but before the loan is completed.

(e) *Other expenses.* Each applicant will also be required to pay actual cash outlays for abstract expenses, title insurance fees, notarial fees, recording fees, or other disbursements necessary for completion of the loan. (Sec. 13 "Ninth", 39 Stat. 372, sec. 26, 48 Stat. 44, sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth", 723 (c), 1016 (c) and Sup.; 6 CFR 19.4019-19.4022)) [Res. Bd. Dir., January 22, 1942]

[SEAL] THE FEDERAL LAND BANK (OF SPOKANE,)
By R. E. BROWN, *President.*

[F. R. Doc. 42-1291; Filed, February 12, 1942; 11:36 a. m.]

PART 32—FEDERAL LAND BANK OF SPOKANE

FEES ON PREPAYMENT OF LOAN

Section 32.5 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 32.5 *Fees on prepayment of loan less than five years old.* A service fee of one per cent (1%) per annum will be charged for the unexpired portion of the first five year term of the loan, if it is paid from funds received from a new loan other than one made by the United States or by any agency or instrumentality thereof. (Sec. 12 "Second", 39 Stat. 370, as amended; 12 U.S.C. 771 "Second"; 6 CFR 10.387) [Res. Bd. Dir., Jan. 22, 1942]

[SEAL] THE FEDERAL LAND BANK OF SPOKANE,
By R. C. BROWN, *President.*

[F. R. Doc. 42-1292; Filed, February 12, 1942; 11:36 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4094]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF ROGERS SILVERWARE EXCHANGE, ETC.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Business connections or arrangements with others:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Identity:* § 3.6 (s) *Advertising falsely or misleadingly—Promotional sales plans:* § 3.96 (b) *Using misleading name—Vendor—Connections and arrangements with others:* § 3.96 (b) *Using misleading name—Vendor—Identity.* In connection with offer, etc., in commerce, of silverware or sales promotional plans, including premium certificates, gift cards or coupons redeemable in silverware or other articles of merchandise, and among other things, as in order set forth, representing, through use of the word "Rogers", either alone or in connection with any other word or words, in a corporate or trade name, or through statements in advertising, or in any other manner, that respondent has an interest in, forms a part of, or has any connection with Oneida, Ltd., manufacturer of Wm. A. Rogers Silverware; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 5 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Rogers Silverware Exchange, etc., Docket 4094, February 9, 1942]

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Refunds:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Terms and Conditions:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Undertakings, in general:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.72 (k15) *Offering deceptive inducements to purchase—Returns and reimbursements:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings, in general.* In connection with offer, etc., in commerce, of silverware or sales promotional plans, including premium certificates, gift cards or coupons redeemable in silverware or other articles of merchandise, and among other things, as in order set forth, (1) representing that certificates, gift cards, or other similar devices can be redeemed in silverware or other merchandise unless and until all of the terms and conditions of such offer are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer and there is no deception as to the services or other actions to be performed or the price to be paid in connection with obtaining such silverware or other articles of merchandise; and (2) representing that the purchase price for said certificates or gift cards will be refunded to the dealer purchasers thereof or that the respondent will supply to such dealer purchasers without charge display sets of silverware, to become the property of such dealers, unless and until such are the facts and unless all of the terms and conditions of such offer or offers are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer or offers and there is no deception as to the services or other actions to be performed by the dealer purchasers in connection with obtaining such refund and display set of silverware; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Rogers Silverware Exchange, etc., Docket 4094, February 9, 1942]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Business connections or arrangements with others:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Operations as special or other advertising:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Undertakings, in general:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.72 (l) *Offering deceptive inducements to purchase—Sales assistance:* § 3.72 (p) *Offering deceptive inducements to purchase—Undertakings, in general.* In connection with offer, etc., in commerce, of silverware or sales promotional plans, including premium certificates, gift cards or coupons redeemable in silverware or other articles of merchandise, and among other things, as in order set forth, representing that the sales-stimulation plan offered by respondent is authorized by Oneida Limited, or that sales literature will be distributed by the respondent on behalf of purchasers of said sales-promotion plan, or that said purchasers will be assisted by the respondent in any other manner; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Rogers Silverware Exchange, etc., Docket 4094, February 9, 1942]

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Terms and conditions:* § 3.69 (c10) *Misrepresenting oneself and goods—Promotional sales plans:* § 3.72 (n10) *Offering deceptive inducements to purchase—Terms and conditions.* In connection with offer, etc., in commerce, of silverware or sales promotional plans, including premium certificates, gift cards or coupons redeemable in silverware or other articles of merchandise, and among other things, as in order set forth, (1) representing that a complete set of silverware or any specific item of silverware can be acquired through the redemption of such certificates, gift cards or similar devices unless and until such is the fact; and (2) using any representations with respect to the number of certificates or gift cards required to be redeemed in order to obtain any specific merchandise, which representations do not clearly and accurately disclose the number of such certificates or gift cards actually required to obtain such merchandise; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Rogers Silverware Exchange, etc., Docket 4094, February 9, 1942]

In the Matter of J. L. Ramsay, and G. P. Masters, Individually, and Trading as Rogers Silverware Exchange and as Rogers Redemption Bureau

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of February, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent J. L. Ramsay, in which answer said respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, J. L. Ramsay, individually and trading as Rogers Silverware Exchange and as Rogers Redemption Bureau or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of silverware or sales promotional plans, including premium certificates, gift cards or coupons redeemable in silverware or other articles of merchandise, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, through use of the word "Rogers", either alone or in connection with any other word or words, in a corporate or trade name, or through statements in advertising, or in any other manner, that respondent has an interest in, forms a part of, or has any connection with Oneida, Ltd., manufacturer of Wm. A. Rogers Silverware;

2. Representing that certificates, gift cards, or other similar device can be redeemed in silverware or other merchandise unless and until all of the terms and conditions of such offer are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer and there is no deception as to the services or other actions to be performed or the price to be paid in connection with obtaining such silverware or other articles of merchandise;

3. Representing that the purchase price for said certificates or gift cards will be refunded to the dealer purchasers thereof or that the respondent will supply to such dealer purchasers without charge display sets of silverware, to become the property of such dealers, unless and until such are the facts and unless all of the terms and conditions of such offer are clearly and unequivocally stated in equal conspicuousness and in immediate connection or conjunction with such offer or offers and there is no deception as to the services or other actions to be performed by the dealer purchasers in connection with obtaining such refund and display set of silverware;

4. Representing that the sales-stimulation plan offered by respondent is authorized by Oneida Limited, or that sales literature will be distributed by the respondent on behalf of purchasers of said sales-promotion plan, or that said purchasers will be assisted by the respondent in any other manner;

5. Representing that a complete set of silverware or any specific item of silverware can be acquired through the redemption of such certificates, gift cards or similar devices unless and until such is the fact;

6. Using any representations with respect to the number of certificates or gift cards required to be redeemed in order to obtain any specific merchandise, which representations do not clearly and accurately disclose the number of such certificates or gift cards actually required to obtain such merchandise.

It is further ordered, That said respondent shall, within sixty days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

It is further ordered, That this proceeding be, and the same hereby is, closed as to the respondent G. P. Masters, individually, without prejudice to the right of the Commission, should the facts so warrant, to reopen the same and resume trial thereof as to said respondent, in accordance with its regular procedure.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1295; Filed, February 12, 1942; 11:53 a. m.]

[Docket No. 4652]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF QUEEN ANN MANUFACTURING COMPANY

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser — Producer status of dealer or seller—Manufacturer:* § 3.6 (a10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (j10) *Advertising falsely or misleadingly—History of product or offering:* § 3.6 (l) *Advertising falsely or misleadingly—Indorsements and testimonials:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly — Results:* § 3.6 (dd10) *Advertising falsely or misleadingly—Success, use or standing:* § 3.18 *Claiming indorsements or testimonials falsely:* § 3.96 (b) *Using misleading name—Vendor—Producer or laboratory status of dealer or seller.* In connection with offer, etc., of respondent's hair dye cosmetic, variously advertised as "Queen Ann Hair Dye," "Queen Ann Hair Coloring," and "Queen Ann Liquid Hair Coloring," or any other similar hair dye cosmetic or product, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of his said preparation, which advertisements represent, directly or indirectly, that said preparation will stop hair from growing gray or give gray hair a permanent coloring; that it will preserve the natural beauty of the hair or make it smooth or silky; that it is an amazing new hair dye; that it can be applied in half the time required to apply other hair dyes; that it is quicker drying or causes the hair to hold its color longer than all other hair dyes; that it is used exclusively by better beauty shops; or that it is endorsed by the State Beauty Commission of New Jersey; or which advertisements contain the word "Manufacturing" or any other word of similar import as a part of respondent's trade name or otherwise represent that respondent owns or operates a manufacturing plant or manufactures the product sold by him; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Queen Ann Manufacturing Company, Docket 4652, February 9, 1942]

In the Matter of Clifford S. Donnell, an Individual, Trading as Queen Ann Manufacturing Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of February, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer the respondent admits all the material allegations of fact set forth in said complaint and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Clifford S. Donnell, an individual, trading as Queen Ann Manufacturing Company, or trading under any other name or names, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of this hair dye cosmetic variously advertised as Queen Ann Hair Dye, Queen Ann Hair Coloring and as Queen Ann Liquid Hair Coloring, or any other hair dye cosmetic or product of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails, or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that said preparation will stop hair from growing gray or give gray hair a permanent coloring; that it will preserve the natural beauty of the hair or make it smooth or silky; that it is an amazing new hair dye; that it can be applied in half the time required to apply other hair dyes; that it is quicker drying or causes the hair to hold its color longer than all other hair dyes; that it is used exclusively by better beauty shops; or that it is endorsed by the State Beauty Commission of New Jersey; or which advertisement contains the word "Manufacturing" or any other word of similar import as a part of respondent's trade name or otherwise represents that respondent owns or operates a manufacturing plant or manufactures the product sold by him;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1294; Filed, February 12, 1942; 11:53 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

Supplementary Order No. M-15-b-1 To Restrict the Use of Rubber

It is hereby ordered, That:

§ 940.5 *Supplementary Order No. M-15-b-1*—(a) *Applicability of Supplementary Order No. M-15-b* (§ 940.3[1]). This Order is issued pursuant to paragraph (d) of Supplementary Order No. M-15-b (§ 940.3) issued by the Office of Production Management. All definitions and all other provisions of Supplementary Order No. M-15-b shall apply to this Order as fully as though set forth herein. Nothing in this Order shall be construed to permit the use of Rubber or Latex in the manufacture of any products except as permitted by Supplementary Order No. M-15-b or by special directions issued by the Director of Industry Operations.

(b) *Specifications for certain rubber products.* No Person shall use Rubber, Latex or reclaimed rubber in the manufacture of any product included in the Lists enumerated below and attached hereto except in accordance with the specifications therein prescribed; such specifications to be effective as to any product or class of products as of the effective date of this Order except where otherwise specified in the appropriate list (Provided that such restrictions shall not apply to the manufacture of products to fill War Orders or other purchase orders placed by or for the account of any other department or agency of the government of the United States, unless otherwise provided as to any product or class of products in the appropriate list):

(1) Hose and tubing of the kinds listed. List 1.
(2) Conveyor, elevator and flat transmission belts and belting of the kinds listed. List 2.
(3) Occupational protective clothing (other than footwear and gloves) and rubberized fabric for firemen's and policemen's clothing. List 3.
(4) Jar rings. List 4.
(5) Plain oxfords and laced-to-toe gym bals.
(6) Waterproof boots, pacs, arctics, gaiters and overshoes. List 6.
(7) Tires, tire casings, tire tubes and capping stock and compounds therefor. List 7.
(8) Bicycle tires. List 8.
(9) Tires, tire casings and tire tubes to fill War Orders. List 9.
(10) Fire hose and mill hose. List 10.

(c) *Effective date.* This Order shall be effective as of the date of its issuance. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329, E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 11th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

List 1—Specifications for the manufacture of certain types of hose and tubing. The following products may be manufactured only in accordance with these specifications and shall contain no rubber or latex:

SPECIFICATIONS WHERE RECLAIMED RUBBER IS USED

Description of product	Minimum inside diameter	Maximum outside diameter	Color	Pressure test
(1) Low pressure spray hose	¾"	11/16"	Black	250 pound per square inch 10 minute hold on 3 ft. sample.
(2) Curb line and garage air hose	1/4"	7/16"	Black	
(3) Curb line and garage air hose	⅜"	9/16"	Black	
(4) Fire extinguisher tubing	⅜"	¾"	Black	250 pound per square inch 10 minute hold on 16 inch sample.
(5) Garden hose, 1-ply (the manufacture of 1-ply only is permitted)	¾"	1"	Black	300 pound per square inch burst.
(6) Car heater hose, 1-ply (the manufacture of 1-ply only is permitted)	⅝"	31/32"	Black	200 pound per square inch burst.
(7) Automotive radiator hose shall be Black only with a maximum wall gauge of 2/16".				

List 2—Specifications for the manufacture of certain types of conveyor, elevator and flat transmission belts and belting. (1) Conveyor belts and belting and elevator belts and belting shall be manufactured in two grades only, as follows:

(a) Grade A, having a 2500–3000 pound cover tensile and a 16–19 pound friction,

(b) Grade B, having an 800–1000 pound cover tensile, a 12–15 pound friction and no skim coats.

and shall have black covers only.

(2) All belts and belting designed for conveying food and grain shall be manufactured in Grade B only.

(3) All belts and belting designed for conveying food may have a cover other than black in color.

(4) Flat transmission belts and belting shall be manufactured in two grades only, as follows:

(a) Grade A, having a 20–24 pound friction,

(b) Grade B, having a 12–15 pound friction and no skim coats.

(5) All belts and belting designed to transmit power to any Farm Machinery and Equipment (as defined in Preference Rating Order No. P–95) shall be of a Grade B quality, except those designed to transmit power to hammermills.

(6) Where flat transmission belts and belting are manufactured in a color other than black, no more Rubber shall be consumed than would be consumed in black belts and belting of an equivalent grade.

List 3—Specifications for the manufacture of occupational protective clothing (other than footwear and gloves) and rubberized fabric for firemen's and policemen's clothing. (1) Compounds used in the manufacture of the above products shall not contain more than 16% Rubber by weight.

(2) Single texture rubber-surfaced and friction-lined material for firemen's coats shall not contain more than 13 ounces of such compounds per square yard.

(3) Single texture rubber-surfaced materials for policemen's coats and occupational jackets, pants, hats, aprons and coats shall not contain more than 13

[1] 7 F.R. 511.

ounces of such compounds per square yard.

(4) Double texture rubber-surfaced material for occupational protective clothing shall contain not more than 12 ounces of such compounds per square yard.

(5) Single texture rubber-surfaced material for occupational double-coated aprons shall contain not more than 20 ounces of such compounds per square yard.

List 4—Specifications for the manufacture of jar rings.—(1) Compounds used in the manufacture of jar rings shall contain not more than 10% Rubber by weight and shall be such as to produce not less than 11,000 gross of rings from each long ton (2,240 pounds) of Rubber.

(2) Rings shall be cut 12 to the inch.

(3) Rings may have a single lip.

(4) With respect to internal diameter, width of flange, tensile strength and ultimate elongation, rings shall meet minimum requirements of dimensions, strength and elongation as set forth in Federal Specification ZZ–R–351.

List 5—Specifications for the manufacture of plain oxfords and laced-to-toe gum bals. (1) These products shall have tops of fabric only and Rubber shall be used only for outsoles, boxings, toe caps, toe guards, bonderizers, compounds for inside bottom work.

(2) The average amount of Rubber per pair used in the manufacture of these products shall not exceed the indicated weights in the case of each of the following types:

Type:	Maximum average weight of rubber (in pounds)
Men's	.25
Boy's	.20
Youth's	.15
Women's	.20
Misses'	.15
Child's	.10

List 6—Specifications for the manufacture of water-proof boots, pacs, arctics, gaiters and overshoes. (1) All such products shall be manufactured in a black color only.

(2) No rubber shall be used for label plasters.

(3) Production shall be confined to the following types, and the average amount of rubber per pair used in the manufacture of each type shall not be greater than the indicated maximum weight:

	Average weight of rubber (in pounds), maximum
Boots:	
Men's Short	1.25
Women's Short	.75
Men's Storm King	2.00
Men's Hip	2.30
Pacs:	
Men's 12" Toplace Pac	1.05
Men's Lumber Overs, Half Heel	.80
Arctics:	
Men's 5 Buckle Rubber Midweight Bal	1.15
Men's 4 Buckle Rubber Midweight Bal	1.05
Men's 4 Buckle Cloth Farmweight Blucher	.90
Men's 4 Buckle Height Lightweight Bal-Rubber	.75
Boy's 3 Buckle Height Lightweight Bal-Rubber	0.62
Youth's 3 Buckle Height Lightweight Bal-Rubber	.53
Women's 4 Buckle Height Lightweight Bal-Rubber	.54
Men's 4 Buckle Height Lightweight Bal-Cloth	.65
Gaiters:	
Women's 2 Snap Rubber	.30
Misses' 2 Snap Rubber	.30
Child's 2 Snap Rubber	.27
Rubbers:	
Men's Storms and/or Semi-Storms	.60
Boy's Storms and/or Semi-Storms	.50
Men's Storms and/or S. A. Overs (full lined)	.35
Boy's Storms and/or S. A. Overs (full lined)	.30
Youth's Storms and/or S. A. Overs (full lined)	.25
Women's Storms and/or S. A. Overs (full lined)	.25
Misses' Storms and/or S. A. Overs (full lined)	.20
Child's Storms and/or S. A. Overs (full lined)	.20

List 7—Specifications for the manufacture of tires, tire casings, tire tubes and capping stock and compounds therefor.

(a) *Compounds.*

Description of product	Grade	Maximum percent by volume: Rubber	Maximum percent by volume: Whole tire reclaimed rubber
(1) Tread and capping stock compounds	A	73	0
	B	59.5	17.5
	C	47.9	31.4
	D	40.4	41.5
	E	26.0	57.0
	F	0	89.3
(2) Passenger friction compounds	A	93.8	0
	B	78.0	15.2
	C	59.8	34.2
	D	43.2	50.3
	E	18.8	73.1
	F	0	90.2
	FF	0.4	85.0
(3) Truck friction compounds	A	88.5	0
	B	77.0	9.3
	C+	68.4	21.7
	C	59.8	34.2

Variations from the above specifications are permitted as follows:

Rubber	plus 0 minus 2.
Whole tire reclaimed rubber	plus 2 minus (not limited).

In the event that no friction compound or tread compound in use by any Person on January 26, 1942, contains as large a percentage of Rubber as specified above, such Person shall not use or adopt the grade A friction compound or the grade A tread compound without the prior approval of the Director of Industry Operations.

The specifications set forth in this subdivision (a) shall become effective not later than February 16, 1942.

(b) *Tire casings and solid tires.* The friction and the tread, respectively, of each of the classes of tire casings and solid tires listed below shall be made from one of the grades of compounds listed in subdivision (a) of this list, the appropriate grade of compound to be used for each such respective friction or tread being that hereinbelow specified therefor opposite the description or designation of such class (provided that in no event shall any such tire herein required to be made of both grades F friction compound and grade F tread compound contain more than one pound Rubber):

Description of product	Compounds to be used: Passenger friction	Compounds to be used: Tread
PASSENGER FRICTION		
(1) Passenger automobile tires—standard grade	F	F
(2) Passenger automobile tires—premium grade, size 7.50 and larger	B	B
(3) Passenger automobile tires—premium grade, size 7.00 and smaller	C	B
(4) Low pressure road building equipment tires	E	C
(5) Agricultural equipment tires—Garden Tractor	F	F
(6) Agricultural equipment tires—Implements and Tractors, size 6.50 and larger	I	C
(7) Agricultural equipment tires—Implements and Tractors, size 6.00 and smaller	F	F
(8) Motorcycle tires	C	A
(9) Mileage tires—taxi	C	C
(10) Industrial pneumatic tires	D	C
(11) Industrial solid tires		A
(12) House trailer tires	E	F
	Truck friction	Tread
TRUCK FRICTION		
(1) Truck tires, 17"–24" rims, size 6.50 and smaller	C+	C
(2) Truck tires, 17"–24" rims, size 7.00 to 7.50 inclusive, 8-ply and less	C+	C
(3) Truck tires, 17"–24" rims, size 7.00 to 7.50 inclusive, more than 8-ply, and 7.50–20 8-ply—standard grade		C
(4) Truck tires, 17"–24" rims, size 7.00 to 7.50 inclusive, more than 8-ply, and 7.50–20 8-ply—premium grade	A	A
(5) Truck tires, 17"–24" rims, size 8.25 and larger—standard grade	A	C
(6) Truck tires, 17"–24" rims, size 8.25 and larger—premium grade	A	A
(7) Truck tires, 13"–16" rims 8-ply and less	C	C
(8) Truck tires, 13"–16" rims, more than 8-ply	A	C
(9) Off-highway equipment heavy service tires, 8-ply and less	B	C
(10) Off-highway equipment heavy service tires, more than 8-ply	A	A
(11) Mileage tires, city busses	B	C
(12) Mileage tires, inter-city busses	A	A

The specifications set forth in this paragraph (b) shall become effective not later than February 16, 1942.

(c) *Capping stock.* Capping stock of each of the classes listed below shall be made from one of the grades of compounds listed in subdivision (a) (1) of this list, the appropriate grade of compound to be used for each such class being that hereinbelow specified therefor opposite the description or designation of such class:

Description of product	Tread compound to be used
(1) Capping Stock, 14/32 gauge and smaller	E.
(2) Capping Stock, 16/32 gauge and larger	A or C.
(3) Capping Stock, 12/32 and 14/32 gauge, Hawkinson die sizes only	A or C.

Capping stock may be manufactured only in gauges of 10/32, 12/32, 14/32, 16/32, 18/32, 20/32, 22/32, and larger.

The specifications set forth in this subdivision (c) shall become effective not later than February 2, 1942.

(d) *Maximum material volume of tire tubes.* No tire tube of any of the classes listed below shall be manufactured with a material volume in excess of the volume specified for such class as set forth below opposite the description or designation of such class:

Description of product: Type	Size	Maximum material volume (in cubic inches)
Passenger automobile tire tubes	5.50–16	51.2
	CD 16	57.8
	6.50–15	66.6
	7.00–15	72.2
	D 16	72
	7.50–15	89.4
	7.50–16	93.2
	A 20.21	42.8
	B 17 18	46.9
	C 17	56.1
	7.00–17	75.2
	7.50–17	93.4
Truck tire tubes, 15" and 16" rims	6.00–16	65
	6.50–16	75
	7.00–15	85
	7.00–16	89
	7.50–15	103
	7.50–16	108
	9.00–16	191
	10.00–16	220
Truck tire tubes	6.00–20	75
	6.50–20	102
	7.00–20	135
	7.50–20	175
	8.25–20	197
	9.00–20	225
	10.00–20	300
	11.00–20	350
	12.00–20	470
	13.00–20	523
	14.00–20	670
Agricultural equipment tires	4.00–12	25.3
	5.00–15	38.6
	6.00–9	36.8
	6.00–16	59.0
	DM 16	70.5
	6.50–32	137.8
	FM 24	153.5
	8.50–10	----
	9.00–28	223.0
	HM 28	302.0
	KM 28	414.0
	5–40	92.5
	5.5–40	92.5
	6–40	118.0
	7–32	112.0
	8–32	157.0
	9–32	220.0
	10–28	242.0
	11–28	302.0
	12–30	385.5
	13–30	440.0
	14–30	498.0
	15–30	565.0

Variations from the above maximum volumes shall be permitted to the extent of minus 3%.

Sizes not specifically set forth shall have maximum volumes proportional to the sizes listed.

In the event that the maximum volume herein permitted for a tube of a given type and size manufactured by any Person on the effective date of this Order is less than the maximum indicated above, such Person shall make no change in the maximum volume of such tube as then manufactured by him without the prior approval of the Director of Industry Operations.

The specifications set forth in this subdivision (d) shall become effective not later than March 2, 1942.

List 8—Specifications for the manufacture of bicycle tire casings and tire tubes. (1) No bicycle tire casing (designed for use with a separate tube) shall contain more than 1.5 ounces of Rubber.

(2) No bicycle tire tube shall contain more than 6 ounces of Rubber.

(3) No bicycle single tube casing (tire and tube in one piece) shall contain more than 7.5 ounces of Rubber.

(4) In those instances in which lightweight (26" x 1⅜") tire casings and tubes are manufactured to equip new bicycles, either the tire casing or tube may exceed the respective limits set forth in (1) and (2), provided the total weight of Rubber in a tire casing and tube combined does not exceed 7.5 ounces.

List 9—Specifications for the manufacture of tires, tire casings and tire tubes to fill war orders. (a) Compounds used in the manufacture of tires and tire casings to fill War Orders shall be prepared in accordance with the specifications set forth in subdivision (a) of List 7 attached to this Order.

(b) The friction and the tread, respectively, of each of the classes of tire casings and solid tires listed below shall be made from one of the grades of compounds listed in subdivision (a) of said List 7, the appropriate grade of compound to be used for each such respective friction or tread being that hereinbelow specified therefor opposite the description or designation of such class:

Description of product	Compound to be used: Passenger friction	Compound to be used: Tread
PASSENGER FRICTION		
(1) Passenger automobile tires—size 7.50 and larger	B	B
(2) Passenger automobile tires—size 7.00 and smaller	C	B
(3) Airplane tires, 4-ply and less	B	B
(4) Airplane tires, more than 4-ply	A	A
(5) Motorcycle tires, 18" and 19" rims	C	A
(6) Odd size tires, sizes 4.00–12 and 6.50–10	C	C
(7) Industrial pneumatic tires	D	C
(8) Industrial solid tires		A
TRUCK FRICTION		
(1) Truck tires, 17"–24" rims, size 6.50 and smaller	C+	B
(2) Truck tires, 17"–24" rims, size 7.00 to 7.50, inclusive, 8-ply and less, except 7.00–20 8-ply	B	B
(3) Truck tires, 17"–24" rims, size 7.00 to 7.50, inclusive, more than 8-ply	A	B
(4) Truck tires, 17"–24" rims, size 8.25 and larger, 8-ply and less	B	B
(5) Truck tires, 17"–24" rims, size 8.25 and larger, more than 8-ply	A	B
(6) Truck tires, 13"–16" rims, size 6.70 and smaller	C	B
(7) Truck tires, 13"–16" rims, size 7.00 and larger, 8-ply and less	B	B
(8) Truck tires, 13"–16" rims, size 7.00 and larger, more than 8-ply	A	B
(9) Run flat combat tires	A	A

(c) The skid depths of tires with mud and snow type treads shall be as follows:

Tire size:		Actual mold measurements in inches
8.25–10		.585
9.00–13		.62
6.00	15 and 16 inch rims	.50
6.50		.52
7.00		.535
7.50		.56
8.25		.585
9.00		.62
10.00		.645
11.00		.67
6.00	20, 22 and 24 inch rims	.50
6.50		.52
7.00		.535
7.50		.56
8.25		.585
9.00		.62
10.00		.645
11.00		.67
12.00		.70
13.00		.74
14.00		.80

Variations from the above measurements shall be permitted to the extent of .01 inch plus or minus throughout the mold.

(d) The outside diameters of tires with mud and snow type treads shall be as follows:

Tire dimension: Diameter	Section	Outside diameter in inches—Inflated tire: Minimum	Maximum
16" rims	6.00	28.60	28.80
	7.50	31.40	31.60
	9.00	35.40	35.60
	10.00	36.50	36.90
20" rims	7.00	35.60	35.90
	7.50	36.60	36.90
	8.25	38.10	38.40
	9.00	40.10	40.50
	10.00	41.40	41.50
	11.00	42.80	43.50
	12.00	44.20	44.70
	14.00	48.50	48.90
24" rims	14.00	52.50	52.90

(e) Standard tread radii shall be between 80% and 95% of the maximum

cross section width of the Tire and Rim Association's standard tire sections.

(f) None of the specifications contained in subsections (c), (d) and (e) above shall be construed to make any change in present dimensions of airplane tires.

(g) Maximum material volumes of tire tubes for passenger automobile tires and truck tires shall be subject to the limitations for those types of tubes as set forth in subdivision (d) of List 7 attached to this Order.

(h) No tire tube of any of the classes listed below shall be manufactured with a material volume in excess of the volume specified for such class as set forth below opposite the description or designation of such class:

Description of product		Maximum material volume (in cubic inches)
Type	Size	
Combat	6.00-16	65
	7.50-16	120
	9.00-16	190
	7.50-20	190
	8.25-20	190
	9.00-20	220
	10.00-20	250
	10.00-22	275
	11.00-20	318
	12.00-20	370
	14.00-20	525
Lend-Lease Regular	9.00-13	145
	10.50-16	250
	12.00-20	450
	13.50-20	570
Run Flat (Rubber-Bead-Lock)	7.00-18	95
	8.25-10	97
	9.00-16	165
	9.25-16	150
	10.50-16	210
	10.50-20	255
	12.00-20	335
	13.50-20	500

Variations from the above maximum volumes shall be permitted to the extent of minus 3%.

Sizes not specifically set forth shall have maximum volumes proportional to the sizes listed.

(i) *Effective date.* These specifications shall become effective as follows:

(1) With respect to subsections (a) and (b) with the effective date of this Order.

(2) With respect to subsections (c), (d) and (e), at the earliest possible date for each type and size of tire casing specified, depending on length of time required to obtain changed or new molds.

(3) With respect to subsections (g) and (h), not later than March 2, 1942.

List 10—Specifications for the manufacture of fire hose and mill hose. (1) The following specifications (which, with respect to the use of Rubber, are identical with Federal Emergency Alternate Specifications E-ZZ-H-451a) shall apply to the manufacture of fire hose and mill hose.

(2) Fire hose and mill hose shall be manufactured only in the following sizes and the maximum amount of Rubber per 100 feet for each size shall not be greater than the amount specified for each size as follows:

Normal size	Maximum amount of rubber permitted, per 100 feet
1½ inch	4 pounds
2½ inch	7 pounds
3 inch	8.5 pounds
3½ inch	10 pounds

(3) The rubber lining shall be made either from calendered sheets of not less than three plies lap-jointed and vulcanized into one solid body, or from a single ply extruded tube. The lap joints of calendered tubes shall be as small as is consistent with best manufacturing practice.

(4) The rubber lining shall be of a thickness not less than .04 of an inch at any point when measured on specimens buffed just to the point where the fabric impressions left by the jacket are removed.

(5) Each set of hose couplings shall be provided with three rubber gaskets of good quality. One gasket shall fit accurately the swivel of the couplings, and one (not less than ⅛ of an inch thick) shall be placed under the end of each expansion ring. When the coupling is made up snugly, as in service, the gasket in the swivel shall not be compressed to such an extent as to project beyond the inside surface of the coupling.

(6) The hose shall have an internal diameter as shown by a tapered plug gauge of not less than the nominal size of the hose, except that in the case of 2½-inch hose, the internal diameter so measured shall not be less than $2^{9}/_{16}$ inches.

(7) Unless otherwise specified, hose shall be furnished in lengths averaging not less than 50 feet, measured from back to back of couplings and under a pressure of 10 pounds per square inch. No length before sampling shall be less than 48 feet.

(8) The hose with coupings attached shall meet the following hydrostatic proof pressure test requirements without leakage in the hose or at the couplings or breaking any threads in the jacket.

	Numerical requirements for—				
	Single Jacket		Double Jacket		
	1½ in.	2½ in.	1½ in.	2½ in.	3 and 3½ in
Test pressure for initial requirements — pounds per square inch			10	10	10
Test pressure—pounds per square inch	300	300	400	400	400
Test pressure for kink test—pounds per square inch			350	350	350
Elongation at test pressure—maximum percent			8	8	8
Twist to right—maximum degrees per foot			20	12.5	12
Twist to left—maximum degrees per foot			0	0	0
Warp—maximum inches			20	20	20
Rise—maximum inches			0	0	0

The kink test may be required on only one sample per 100 lengths.

A twist to the right is indicated by a clockwise rotation of the coupling, looking from the hose toward the coupling. A twist to the left is indicated by a counter clockwise rotation. A maximum twist to the left of 2 degrees per foot will be permitted while pressure is being raised, but any final twist must be to the right.

Warp is defined as deviation from a straight line.

(9) A three foot sample, when subject to a burst test while lying straight, shall not burst below the pressure specified in the following table:

Kind of hose	Burst pressure (pounds per square inch)
Single jacket	450
Double jacket	600

(10) The hose shall meet the following tests with respect to the rubber lining:

(a) Tensile strength of at least 800 pounds per square inch when tested across the fold.

(b) Ultimate elongation of at least 300%.

(c) Tensile strength, as determined with test pieces ½ inch wide prepared from strips cut transversely across the fold which have been subjected to the action of dry heat of 158 degrees ±2 degrees Fahrenheit for 96 hours, shall be not less than 75% of the strength before heating.

(11) The adhesion of the rubber lining to the jacket shall be such that a weight of 8 pounds suspended from a strip 1½ inches wide will cause separation at a rate not greater than 1 inch per minute. This requirement does not prohibit that construction wherein there is no adhesion between the jacket and lining along the fold, provided the surface over which there is no adhesion is not greater than 35% of the total surface.

[F. R. Doc. 42-1258; Filed, February 11, 1942; 11:53 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 1 to General Limitation Order No. L-3 To Restrict the Production of Light Motor Trucks

Section 976.3[1] (*General Limitation Order L-3*) issued September 13, 1941, paragraph (a) (1) (defining "Light Motor Truck") is hereby amended to read as follows:

(a) *Definitions.* • • •

(1) "Light motor truck" means a complete motor truck or truck tractor with a maximum gross vehicle weight rating of less than 9,000 pounds (as certified to the War Production Board by the Producer's Engineering Department and as specified in a published rating in effect prior to August 1, 1941) or the chassis therefor.

• • • • •

This amendment shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 11th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

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[1] 6 F.R. 4733.

1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527, sec. 2 (a), Pub. No. 671, 76th Cong. 3rd Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 12th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1304; Filed, February 12, 1942; 11:44 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 5 to Supplementary General Limitation Order L-3-e Further Restricting Sales and Delivery of Light Motor Trucks

Section 976.9[1] (*Supplementary General Limitation Order L-3-e*) as amended, is hereby further amended by changing the expiration date thereof from February 11, 1942 to February 28, 1942 unless otherwise ordered.

This Amendment shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 11th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1302; Filed, February 12, 1942; 11:45 a. m.]

[1] 7 F.R. 116, 218, 311, 435, 699.

PART 983—MATERIALS ENTERING INTO THE PRODUCTION OF REPLACEMENT PARTS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS

Amendment No. 3 to Limitation Order L-4 to Restrict the Production of Replacement Parts Used in the Repair of Passenger Automobiles and Light Trucks

Section 983.1[1] (*General Limitation Order L-4*) issued September 18, 1941 paragraph (a) (2) (defining "Light Trucks") is hereby amended to read as follows:

(a) *Definitions.* • • •

• • • • •

(2) "Light motor truck" means a complete motor truck or truck tractor with a maximum gross vehicle weight rating of less than 9,000 pounds (as certified to the War Production Board by the Producer's Engineering Department and as specified in a published rating in effect prior to August 1, 1941) or the chassis or body therefor.

• • • • •

This amendment shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 12th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

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PART 983—MATERIAL ENTERING INTO THE PRODUCTION OF REPLACEMENT PARTS FOR PASSENGER AUTOMOBILES AND LIGHT TRUCKS

Amendment No. 2 of Limited Preference Rating Order P-57—Material Entering Into the Production of Replacement Parts for Passenger Automobiles and Light Trucks

Section 983.2[1] (*Limited Preference Rating Order No. P-57*), issued September 18, 1941, paragraph (a) (2) (defining "Light Trucks") is hereby amended to read as follows:

(a) *Definitions.* • • •

• • • • •

(2) "Light motor truck" means a complete motor truck or truck tractor with a maximum gross vehicle weight rating of less than 9,000 pounds (as certified to the War Production Board by the Producer's Engineering Department and as specified in a published rating in effect prior to August 1, 1941) or the chassis or body therefor.

• • • • •

This amendment shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

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J. S. KNOWLSON,
Director of Industry Operations.

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[1] 6 F.R. 4819, 5954; 7 F.R. 516.

[1] 6 F.R. 4819, 5809; 7 F.R. 516.

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1300—PROCEDURE

PROCEDURAL REGULATION NO. 1—PROCEDURE FOR THE ISSUANCE, PROTEST, AND AMENDMENT OF MAXIMUM PRICE REGULATIONS

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Pursuant to the authority of sections 201 (d) and 203 (a) of the Emergency Price Control Act of 1942 (Public No. 421, 77th Cong., 2d Sess., Jan. 30, 1942), the following Rules are hereby prescribed for the issuance, protest and amendment of maximum price regulations, price schedules, and temporary maximum price regulations, and for adjustment or exception pursuant thereto and interpretation thereof:

§ 1300.1 *Definitions.* As used in this Regulation (§§ 1300.1 to 1300.56 inclusive) unless the context otherwise requires, the terms:

(a) "Act" means the Emergency Price Control Act of 1942.

(b) "Administrator" means the Price Administrator of the Office of Price Administration or such person as he may appoint or designate to carry out any of the duties delegated to him by the Act.

(c) "FEDERAL REGISTER" means the publication provided for by the Act of July 26, 1935 (49 Stat. 500), as amended.

(d) "Maximum price regulation" means any regulation or order establishing a maximum price or prices as defined in section 302 (i) of the Act, except that the term shall not include a "price schedule" or "temporary maximum price regulation" as defined below.

(e) "Price schedule" means any price schedule establishing a maximum price or prices issued by the Administrator of the Office of Price Administration or the Administrator of the Office of Price Administration and Civilian Supply, prior to February 11, 1942, the date upon which the Administrator took office under the Act.

(f) "Temporary maximum price regulation" means any temporary regulation or order, issued pursuant to section 2 (a) of the Act, establishing as a maximum price or prices the price or prices prevailing with respect to any commodity or commodities within five days prior to the date of issuance of such temporary regulation or order.

(g) "Date of issuance", with respect to a maximum price regulation, means the date on which such maximum price regulation is filed with the Division of the Federal Register.

(h) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(i) "Protestant" means a person subject to any provision of a maximum price regulation or price schedule who files a protest against such provision in accordance with section 203 (a) of the Act.

(j) "Price hearing" means any formal or informal opportunity to present evidence which may be ordered by the Administrator in connection with any action or proceeding related to price control.*

*1300.1 to 1300.56, inclusive, issued pursuant to Pub. No. 421, 77th Cong., 2nd Sess.

ISSUANCE OF MAXIMUM PRICE REGULATIONS

§ 1300.2 *Investigation prior to issuance.* A maximum price regulation may be issued by the Administrator after such studies and investigations as he deems necessary or proper. Before issuing a maximum price regulation the Administrator shall, so far as practicable, advise and consult with representative members of the industry which will be affected by such regulation.*

§ 1300.3 *Price hearing prior to issuance.* Whenever the Administrator deems it necessary or proper that a price hearing be held prior to the issuance of a maximum price regulation, he may provide for such hearing in accordance with §§ 1300.1 and 1300.5 of this Regulation (§§ 1300.1 to 1300.56, incl.).*

§ 1300.4 *Notice of pre-issuance hearing.* Notice of any price hearing ordered prior to the issuance of a maximum price regulation shall be given by publication of such notice in the FEDERAL REGISTER, and may be supplemented by notice given in any other appropriate manner. The notice shall state the time and place of the price hearing and shall contain an appropriate indication of the purposes of such hearing.*

§ 1300.5 *Conduct of pre-issuance hearing.* A price hearing held prior to the issuance of a maximum price regulation shall be conducted in such manner, consistent with the need for expeditious action, as will permit the fullest possible presentation of evidence by such persons as are, in the judgment of the Administrator, best qualified to provide information with respect to matters considered at the hearing or most likely to be seriously affected by action which may be taken as a result of the hearing.*

§ 1300.6 *Statement of considerations.* Every maximum price regulation shall be accompanied by a statement of the considerations involved in its issuance. Such statement may include economic data and other facts of which the Administrator has taken official notice and facts found by the Administrator as a result of action taken under section 202 (a) of the Act.*

§ 1300.7 *Notice of provisions of a maximum price regulation.* Notice of the provisions of a maximum price regulation shall be given by filing such regulation with the Division of the Federal Register. As soon as possible after the filing of such regulation, the Administrator shall make copies thereof available to the press.*

§ 1300.8 *Effective date.* A maximum price regulation shall become effective five days after the date of its issuance, unless an earlier or later date is specified therein.*

PROTESTS

§ 1300.9 *Right to protest.* Any person subject to any provision of a maximum price regulation may file a protest against such provision in the manner set forth below. A person is, for the purposes of this Regulation, (§§ 1300.1 to 1300.56, incl.) subject to a provision of a maximum price regulation only if such provision prohibits or requires action by him. Any protest filed by a person not subject to the provision protested may be dismissed by the Administrator.*

§ 1300.10 *Action by representative.* Any action which by this Regulation (§§ 1300.1 to 1300.56, incl.) is required of, or permitted to be taken by, a protestant may, unless otherwise expressly stated, be taken on his behalf by any person whom the protestant has by written power of attorney authorized to represent him. Such power of attorney signed by the protestant, shall be filed with the protest.*

§ 1300.11 *Time and place for filing protests.* Any protest against a provision of a maximum price regulation shall be filed with the Secretary, Office of Price Administration, Washington, D. C., within a period of 60 days after the date of issuance of such regulation, regardless of the effective date prescribed therein: *Provided, however,* That any protest based solely upon grounds arising after the expiration of 60 days after the date of issuance of a maximum price regulation may be filed at any time after the grounds for such protest arise.*

§ 1300.12 *Form of protest.* Every protest shall contain, upon the first page thereof, the number and the date of issuance of the maximum price regulation against a provision of which the protest is made. One original and four copies of the protest and of all accompanying documents and briefs shall be filed. Each copy shall be printed, typewritten, mimeographed or prepared by a similar process, and shall be plainly legible. Copies shall be double spaced, except that quotations shall be single-spaced and indented.*

§ 1300.13 *Assignment of docket number.* Upon receipt of a protest it shall be assigned a docket number, of which the protestant shall be notified, and all further papers filed in the proceedings shall contain on the first page thereof the docket number so assigned and the number and date of issuance of the maximum price regulation protested.*

§ 1300.14 *Contents of protest.* Every protest shall set forth the following:

(a) The name and the post office address of the protestant, the nature of his business, and the manner in which the protestant is subject to the maximum price regulation protested.

(b) The name and post office address of the person filing the protest on behalf of the protestant and the name and post office address of the person to whom all communications from the Office of Price Administration relating to the protest shall be sent.

(c) A clear and concise statement of all objections raised by the protestant against the provision or provisions protested, each such objection to be separately stated and numbered.

(d) A clear and concise statement of all facts alleged in support of the objections.

(e) A statement of the relief requested by the protestant including, if the protestant requests modification of a provision of the maximum price regulation, the specific changes which he seeks to have made in the provision.

(f) In cases where the protest is filed on grounds arising after the expiration of 60 days after the issuance of the maximum price regulation, a clear and concise statement of facts showing the time when such grounds arose.

(g) A statement, signed and sworn to by the protestant personally, that the protest and the documents filed therewith are prepared in good faith and that the facts alleged are true to the best of his knowledge, information, and belief. The protestant shall specify which of the facts alleged are known to him to be true and which are alleged on information and belief.*

§ 1300.15 *Affidavits or other written evidence in support of protest.* Every protestant shall file in conjunction with his protest the following:

(a) Affidavits setting forth in full all the evidence, the presentation of which is subject to the control of the protestant, upon which the protestant relies in support of the facts alleged in the protest. Each such affidavit shall state the name, post office address, and occupation of the affiant; his business connection, if any, with the protestant; and whether the facts set forth in the affidavit are stated from personal knowledge or on information and belief. In every instance, the affiant shall state in detail the sources of his information.

(b) A statement by the protestant in affidavit form setting forth in detail the nature and sources of any further evidence, not subject to his control, upon which he believes he can rely in support of the facts alleged in his protest.

(c) If necessary, a further statement setting forth the nature and sources of any evidence which the protestant is unable to present solely because of the time limited for the filing of protests and supporting material. Such further statement may contain a request for an opportunity to present such further evidence, which request shall state specifically the amount of time needed for preparation of such evidence.*

§ 1300.16 *Submission of brief by protestant.* The protestant may file with his protest and accompanying evidential material a brief in support of the objections set forth in the protest. Such brief shall be submitted as a separate document, distinct from the protest and evidential material.*

§ 1300.17 *Amendment of protest and presentation of supplemental evidence.* (a) Within a period of 60 days after the issuance of the maximum price regulation against a provision of which his protest is filed or, in the case of a protest properly filed more than 60 days after the issuance of a maximum price regulation, within 15 days after such protest is filed, the protestant may amend his protest or the affidavits and briefs submitted therewith, or may add to such material.

(b) After the time prescribed in section (a) of this § 1300.17 a protestant may be granted permission to amend his protest or to present further evidence in connection therewith, when, in the judgment of the Administrator, such permission will not unduly delay the completion of proceedings on the protest.

(c) No amendment which adds a new ground of protest will be permitted.*

§ 1300.18 *Protest and evidential material not conforming to §§ 1300.12, 1300.14 and 1300.15.* In any case where a protest or accompanying evidential material does not conform, in a substantial respect, to §§ 1300.12, 1300.14 and 1300.15 of this Regulation (§§ 1300.1 to 1300.56, incl.), the Administrator may dismiss such protest.*

§ 1300.19 *Action by the Administrator on protest.* (a) Within a reasonable time after the filing of any protest in accordance with §§ 1300.12, 1300.14 and 1300.15, but in no event more than 30 days after such filing or 90 days after the issuance of the maximum price regulation against a provision of which the protest is filed, whichever occurs later, the Administrator shall:

(1) grant or deny such protest in whole or in part;

(2) notice such protest for oral hearing, to be held in accordance with the provisions of §§ 1300.23 to 1300.31, inclusive, of this Regulation (§§ 1300.1 to 1300.56, incl.); or

(3) provide an opportunity to present further evidence in connection with such protest. Within a reasonable time after the presentation of such further evidence, the Administrator may notice such protest for oral hearing in accordance with subparagraph (2) of this section.

(b) Notice of any such action taken by the Administrator shall promptly be served upon the protestant.

(c) Where the Administrator has ordered a hearing on a protest or has provided an opportunity for the presentation of further evidence in connection therewith, he shall, within a reasonable time after the completion of such hearing or the presentation of such evidence, grant or deny such protest in whole or in part.*

§ 1300.20 *Statements in support of maximum price regulation.* (a) Any person affected by the provisions of a maximum price regulation may at any time after the issuance of such regulation submit to the Administrator a statement in support of any such provision or provisions. Such statement shall include the name and post office address of such person, the nature of his business, and the manner in which such person is affected by the maximum price regulation in question, and may be accompanied by affidavits and other data. Each such supporting statement shall conform to the requirements of § 1300.12 of this Regulation (§§ 1300.1 to 1300.56, inclusive).

(b) In the event that a protest has been, or is subsequently, filed to a provision of a maximum price regulation in support of which a statement has been submitted, the Administrator may include such statement in the record of the proceedings taken in connection with such protest. If such supporting statement is incorporated into the record, and is not so incorporated at an oral hearing, copies of such supporting statement shall be served upon the protestant, and the protestant shall be given a reasonable opportunity to present evidence in rebuttal thereof.*

§ 1300.21 *Inclusion of material in the record by the Administrator.* The Administrator shall include in the record of the proceedings on the protest such evidence, in the form of affidavits or otherwise, as he deems appropriate in support of the provision against which the protest is filed. When such evidence is incorporated into the record, and is not so incorporated at an oral hearing, copies thereof shall be served upon the protestant, and the protestant shall be given a reasonable opportunity to present evidence in rebuttal thereof.*

§ 1300.22 *Consolidation of protests.* Whenever necessary or appropriate for the full and expeditious determination of common questions raised by two or more protests the Administrator may consolidate such protests.*

ORAL HEARINGS ON PROTESTS

§ 1300.23 *Nature of oral hearing.* In the event that the Administrator orders an oral hearing in connection with a protest, notice shall be served on the protestant not less than five days prior to such hearing. The time and place of the hearing shall be stated in the notice.*

§ 1300.24 *Conference prior to oral hearing.* At any time prior to the commencement of the oral hearing, the Administrator may request the protestant to appear at a conference to consider: (a) the simplification of issues; (b) the possibility of obtaining stipulations of fact and of documents which will avoid unnecessary proof; and (c) such other

matters as may expedite the conduct of the oral hearing. No transcript of such conference shall be kept, but the Administrator shall incorporate in the record of the proceedings any written stipulations or agreements made at, or as a result of, the conference. If the circumstances are such that an oral conference is impracticable, the Administrator may direct that such negotiations be conducted by correspondence.*

§ 1300.25 *Continuance or adjournment of oral hearing.* The oral hearing shall be held at the time and place specified by the notice of hearing but may be continued or adjourned to a later day or to a different place. Notice of such adjournment or continuance may be by announcement at the oral hearing.*

§ 1300.26 *Conduct of the oral hearing.* (a) The oral hearing shall be conducted by the Administrator or such officer or employee of the Office of Price Administration (hereinafter referred to as the "presiding officer") as the Administrator may appoint or designate for that purpose. Any such appointment or designation may be made or revoked by the Administrator at any time.

(b) The oral hearing shall be conducted in such manner as will permit the protestant to present evidence and argument to the fullest extent compatible with expeditious decision of the issues raised by the protest. To this end:

(1) The rules of evidence prevailing in courts of law or equity shall not be controlling;

(2) The presiding officer, having due regard to the need for expeditious decision and for fair treatment to all protestants, may restrict oral argument and the examination and cross-examination of witnesses: *Provided, however,* That in no event shall this section be taken to limit the right of any protestant to submit affidavits or other written evidence or arguments.*

§ 1300.27 *Filing of briefs.* The presiding officer shall allow the protestant to file briefs or written arguments within such time as he shall designate.*

§ 1300.28 *Subpoenas.* (a) Applications for subpoenas, when made prior to the oral hearing, may be filed by the protestant with the Secretary. The Administrator may grant or deny the application or refer it to the presiding officer appointed or designated under § 1300.26, who may thereafter grant or deny the application. Applications for subpoenas made during the oral hearing shall be submitted to the presiding officer, who may grant or deny such application.

(b) All applications for subpoenas shall specify the name of the witness and the nature of the facts to be proved by him and, if calling for the production of documents, shall specify them with such particularity as will enable them to be identified for purposes of production.

(c) Service of a subpoena upon a person named therein shall be made by delivering a copy thereof to such person and by tendering to him the fees and mileage specified in section 202 (f) of the Act. When the subpoena is issued at the instance of the Administrator fees and mileage need not be tendered.*

§ 1300.29 *Witnesses.* Witnesses summoned before the presiding officer at any protest hearing shall be paid the fees and mileage specified by section 202 (f) of the Act. Witness fees and mileage shall be paid by the person at whose instance the witness appears.*

§ 1300.30 *Contemptuous conduct.* Contemptuous conduct at any oral hearing shall be ground for exclusion from the hearing. The refusal of a witness to answer any question which has been ruled to be proper shall, in the discretion of the presiding officer, be ground for the striking out of all testimony previously given by such witness on related matters.*

§ 1300.31 *Stenographic report of oral hearing.* A Stenographic report of the oral hearing shall be made, a copy of which shall be available for inspection during business hours in the office of the Secretary, Office of Price Administration, Washington, D. C.*

OPINION AND TRANSCRIPT

§ 1300.32 *Opinion denying protest in whole or in part.* In the event that the Administrator denies any protest in whole or in part, he shall inform the protestant of the grounds upon which such decision is based, and of any economic data and other facts of which the Administrator has taken official notice.*

§ 1300.33 *Treatment of protest as petition for amendment or for adjustment or exception.* Any protest filed against a provision of a maximum price regulation may, in the discretion of the Administrator, be treated not only as a protest but also as a petition for amendment of the regulation protested, or as a petition for adjustment or exception pursuant thereto, when the facts produced in connection with the protest justify such treatment.*

§ 1300.34 *Transcript for judicial review.* The transcript for judicial review shall include: (a) the maximum price regulation against a provision of which the protest was filed; (b) the statement of considerations accompanying such regulation; (c) the protest; (d) a statement setting forth, as far as practicable, the economic data and other facts of which the Administrator has taken official notice; and (e) such other portions of the proceedings in connection with the protest as are material under the complaint.*

PETITION FOR AMENDMENT

§ 1300.35 *Right to file petition.* A petition for amendment may be filed: (a) by any person subject to any provision of a maximum price regulation who has failed to file a proper protest within the time specified in § 1300.11; (b) by any other person subject to any provision of a maximum price regulation who proposes an amendment thereof; or (c) by any person who desires modification in any provision of a maximum price regulation by which he is affected but to which he is not subject within § 1300.9 of this Regulation (§§ 1300.1 to 1300.56 inclusive).*

§ 1300.36 *Method of filing, form, and contents.* A petition for amendment shall be filed with the Secretary, Office of Price Administration, Washington, D. C., and shall conform in all respects to the requirements set forth in § 1300.12 of this Regulation. (§§ 1300.1 to 1300.56 inclusive) The petition shall state the name and post office address of the petitioner, shall specify the manner in which the petitioner is affected by the provision of the maximum price regulation involved, and shall include a specific statement of the particular amendment desired and the facts which make that amendment necessary or appropriate. The petition may be accompanied by affidavits setting forth the evidence upon which the petitioner relies in support of the facts alleged in his petition.*

§ 1300.37 *Action by the Administrator on petition.* In the consideration of any petition for amendment the Administrator may afford to the petitioner and to other persons likely to have information bearing upon such proposed amendment, or likely to be affected thereby, an opportunity to present evidence or argument in support of, or in opposition to, such proposed amendment.*

PETITION FOR ADJUSTMENT OR EXCEPTION

§ 1300.38 *Right to file petition.* A petition for adjustment or exception may be filed by any person subject to any provision of a maximum price regulation who requests such adjustment or exception pursuant to a provision of the maximum price regulation authorizing such action.*

§ 1300.39 *Method of filing, form, and contents.* A petition for adjustment or exception shall be filed with the Secretary, Office of Price Administration, Washington, D. C. and shall conform in all respects to the requirements set forth in § 1300.12 of this Regulation. The petition shall state the name and post office address of the petitioner, and shall specify the manner in which the petitioner is affected by the provision of the maximum price regulation involved and the facts which justify his special classification pursuant to that regulation. The petition shall be accompanied by affidavits setting forth the evidence upon which the petitioner relies in support of the fact alleged in his petition.*

§ 1300.40 *Action by the Administrator on petition.* In the consideration of any petition for adjustment or exception the Administrator may afford to the petitioner such opportunity to present evidence or argument in support of the petition as is consistent with expeditious determination of the issues raised thereby.*

§ 1300.41 *Protest of denial of petition.* Any person whose petition for adjustment or exception is denied by the Administrator may, within 60 days after issuance of the order denying such petition, file a protest against such order. Such protest shall be filed and determined in accordance with the provisions of §§ 1300.9 to 1300.34, inclusive, of this Regulation (§§ 1300.1 to 1300.56, inclusive).*

PRICE SCHEDULES

§ 1300.42 *Effective date of Price Schedule.* Every price schedule issued by the Administrator of the Office of Price Administration or the Office of Price Administration and Civilian Supply prior to February 11, 1942, shall from such date have the same effect as if issued as a maximum price regulation under section 2 of the Act until such price schedule is superseded or withdrawn.*

§ 1300.43 *Reprinting of Price Schedules.* Every price Schedule shall be reprinted in the FEDERAL REGISTER within 10 days after February 11, 1942: *Provided, however,* That such price schedule need not be accompanied by a statement of the considerations involved in its issuance.*

§ 1300.44 *Protest of Price Schedule.* (a) Any provision of a price schedule shall be subject to protest within a period of 60 days after February 11, 1942: *Provided, however,* That any protest based solely on grounds arising after the expiration of such 60 days may be filed at any time after the grounds for such protest arise.

(b) A protest to a provision of a price schedule shall be filed, considered, and determined in the same manner as is provided for the protest of maximum price regulations by §§ 1300.9 to 1300.34 inclusive, of this Regulation (§§ 1300.1 to 1300.56, inclusive).*

§ 1300.45 *Amendment of Price Schedule and adjustment of exception pursuant thereto.* Sections 1300.35 to 1300.37, and 1300.38 to 1300.41, of this Regulation (§§ 1300.1 to 1300.56, inclusive), applicable to maximum price regulations, shall be applicable to petitions for amendment of, or adjustment or exception pursuant to, any price schedule.*

TEMPORARY MAXIMUM PRICE REGULATIONS

§ 1300.46 *Effective date of temporary maximum price regulation.* A temporary maximum price regulation shall be effective from the date of the filing of such regulation with the Division of the Federal Register, unless a different date is specified in such regulation.*

§ 1300.47 *Protest of temporary maximum price regulation.* A temporary maximum price regulation shall be subject to protest in the manner provided for the protest of maximum price regulations by §§ 1300.9 to 1300.34, inclusive, of this Regulation (§§ 1300.1 to 1300.56, incl.)*

§ 1300.48 *Amendment of temporary maximum price regulation and adjustment or exception pursuant thereto.* Sections 1300.35 to 1300.37, and 1300.38 to 1300.41, of this Regulation, (§§ 1300.1 to 1300.56, incl.) applicable to maximum price regulations, shall be applicable to petitions for amendment of, or adjustment or exception pursuant to, any temporary maximum price regulation.*

INTERPRETATIONS

§ 1300.49 *Interpretations not to be given orally.* No interpretation of a maximum price regulation, price schedule, or temporary maximum price regulation shall be given except in writing, signed by the Administrator or such person as he may appoint or designate to make such interpretations.*

§ 1300.50 *Requests for interpretation; form and contents.* Any person desiring an interpretation of a maximum price regulation, price schedule, or temporary maximum price regulation may make a request in writing for such interpretation. Such request shall set forth in full the factual situation out of which the interpretative question arises and shall state the names and post office addresses of all persons involved. No interpretation shall be given with respect to any hypothetical situation or in response to any hypothetical question.*

MISCELLANEOUS

§ 1300.51 *Service of papers.* Notices, orders and other process and papers may be served personally or by leaving a copy thereof at the principal office or place of business of the person to be served; or by registered mail, or by telegraph. When service is made personally or by leaving a copy at the principal office or place of business, the verified return of the person serving or leaving the copy shall be proof of service. When service is by registered mail or telegraph the return post office receipt or telegraph receipt shall be proof of service.*

§ 1300.52 *Secretary; office hours.* The office of the Secretary, Office of Price Administration, Washington, D. C., shall be open, on week days, from 9 A. M. until 5 P. M. and on Saturdays from 9 A. M. until 1 P. M. Any person desiring to file any papers, or to inspect any documents filed with the Secretary, at any time other than the regular office hours stated, may file a written application with the Secretary requesting permission therefor.*

§ 1300.53 *Photostatic copies of material in the administrative record.* Photostatic copies of any material included in the record of proceedings on any protest may be purchased by the protestant or other interested person at 10 cents per photostatic copy of each page.*

§ 1300.54 *Former employee not to be representative.* No former officer or employee of the Office of Price Administration shall, within two years after the termination of his employment, be permitted to act as agent, attorney, or representative of any person in connection with any protest, petition for amendment, petition for adjustment or exception, or other proceeding before the Office of Price Administration.*

§ 1300.55 *Amendment of this Regulation (§§ 1300.1 to 1300.56, incl.).* Any provision of this Regulation (§§ 1300.1 to 1300.56, incl.) may be amended or rescinded by the Administrator at any time. Such amendment or rescission shall be published in the FEDERAL REGISTER and shall take effect upon the date of its publication, unless otherwise specified therein.*

§ 1300.56 *Effective date of Procedural Regulation No. 1.* This Regulation (§§ 1300.1 to 1300.56, incl.) shall become effective February 12, 1942.*

Issued this 12th day of February 1942.

LEON HENDERSON,
Price Administrator.

[F. R. Doc. 42-1305; Filed, February 12, 1942; 12:07 p. m.]

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

AMENDMENT NO. 7 TO PRICE SCHEDULE NO. 7—COMBED COTTON YARNS AND THE PROCESSING THEREOF

Corrections

The word "charged" should read "changed" in the second line of § 1307.3 (b) on page 708 of the issue for Wednesday, February 4, 1942.

Under "Cotton content" in § 1307.8 (g) on page 709, "25s to 30s, inclusive" should be followed by "$1^{5}/_{32}$"".

Footnote 10 under the table headed "Plied Twist" on page 711 has "pilied" instead of "plied" in the last line.

The first item of the second table in the third column on page 711 should read "20s and below".

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-196]

IN THE MATTER OF B. A. HOWARD, (DEER CREEK COAL COMPANY), CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

1. Under the provisions of the Bituminous Coal Act of 1937 (the "Act"), district boards are authorized in appropriate cases to file complaints of violations of the Act, the Bituminous Coal Code (the "Code") and the rules and regulations of the Bituminous Coal Division (the "Division").

2. The Division on July 30, 1941, referred to District Board No. 20 information in its possession bearing on whether or not violations of the Act, the Code and rules and regulations thereunder have been committed by B. A. Howard, the Code member above-named (hereinafter referred to as the "Code member") who operates the Deer Creek Mine, Mine Index No. 131, located in Emery County, Utah, Subdistrict 1 of District No. 20 in connection with:

(a) the allowance of discounts from applicable minimum prices to K. B. Cornia, a registered distributer, No. 2209, located at Salt Lake City, Utah, on approximately 101 tons of coal produced at said mine which the Code member sold in less than railroad carload lots during the period of October 1, 1940, to February 14, 1941, to said registered distributor for resale, resulting in a violation of Rule 1 of section III of the Marketing Rules and Regulations; and

(b) the extension of the due date of the invoices for the coal referred to in 2 (a) hereof beyond the 20th day of the month following the month in which shipment was made without charging the buyer, K. B. Cornia, interest thereon from and after the due date thereof at the rate of not less than 5 per cent per annum, resulting in violations of section

4 II (i) of the Act; Rule 1 (A) (I) and (M) of section VII; and Rules 6 and 7 of section XIII of the Marketing Rules and Regulations; and

(c) the failure to file with the Division's field office for District No. 20, copies of spot orders received from K. B. Cornia for the coal referred to in 2 (a) hereof, within 10 days from the date of acceptance, of such orders respectively, resulting in violations of Order 14, Paragraph 5, dated July 15, 1937, issued pursuant to section 4 Part II (a) of the Act by the National Bituminous Coal Commission and adopted by the Division on July 1, 1939;

3. By letter dated September 24, 1941, the Division notified said Board that unless it took action on this matter within fifteen (15) days from the date of said notification, the Division would take such action in lieu of the Board, if it deemed it to be appropriate.

4. District Board No. 20 has not taken any action on this matter.

5. Section 6 (a) of the Act provides in part that in the event that a district board shall fail for any reason to take action authorized or required by this Act, then the Division may take such action in lieu of the District Board.

6. District Board No. 20 having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the Board, as in this Notice of and Order for Hearing provided, pursuant to section 6 (a) and other pertinent provisions of the Act for the purpose of determining:

(a) whether or not the Code member has wilfully violated section 4 II (i) of the Act and Part II (i) of the Code; Rule 1, section III; Rule 1 (A), (I) and (M), section VII; and Rules 6 and 7, Section XIII, of the Marketing Rules and Regulations, and Order 14, Paragraph 5, dated July 15, 1937, issued pursuant to section 4, Part II (a) of the Act, by the National Bituminous Coal Commission and adopted by the Bituminous Coal Division on July 1, 1939; and

(b) whether or not in the event that the Code member is found to have so violated the Act, the Code, and rules and regulations thereunder, an order should be entered revoking the Code membership of B. A. Howard, or directing B. A. Howard to cease and desist from violating the Act, the Code, and the rules and regulations thereunder.

Now, therefore, it is hereby ordered, That a hearing pursuant to sections 4 II (j), 5 (b), and 6 (a), and other pertinent provisions of the Act to determine whether or not the aforementioned Code member has committed the violations in the respects heretofore described and whether or not the Code membership of said Code member should be revoked or an order should be entered directing the Code member to cease and desist from violating the Act and the Code and rules and regulations of the Division thereunder be held on March 14, 1942, at 10 a. m., at a hearing room of the Division at the Federal Court House, Price, Utah.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, compel their attendance, take evidence, require the production of any books, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing, or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions, and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to section 4 II (j) and 5 (b) of the Act may file a petition for intervention not later than five (5) days before the date set for hearing herein.

Notice is hereby given that answer setting forth the position of the Code member with reference to the matters hereinbefore described must be filed with the Division at its Washington Office or with one of the Statistical Bureaus of the Division within twenty (20) days after date of service of a copy hereof on the Code member; and that any failure to file an answer within such period, unless otherwise ordered shall be deemed to be an admission by the Code member of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1267; Filed, February 12, 1942; 10:59 a. m.]

[Docket No. A-1294]

PETITION OF DISTRICT BOARD NO. 23 FOR PERMISSION TO CODE MEMBERS TO GRANT MOISTURE ALLOWANCES FROM THE EFFECTIVE MINIMUM PRICES FOR CERTAIN WASHED OR WET SCREENED COALS, FOR SHIPMENT BY TRUCK, PRODUCED IN DISTRICT NO. 23

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 6, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW, Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 28, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petition of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 23 for permission to code members to grant moisture allowances not exceeding 3% of and from the effective minimum prices for the washed or wet screened coals with top sizes not exceeding 2" in Size Groups 12 through 18, and 21 through 25, for shipment by truck, produced in District No. 23, and for the amendment of the Schedule of Effective Minimum Prices for District No. 23 for All Shipments by inserting therein a price exception providing for the granting of such allowances.

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1268; Filed, February 12, 1942; 10:59 a. m.]

[Docket No. A-1293]

PETITION OF DISTRICT BOARD NO. 10 FOR THE REVOCATION OF RELIEF GRANTED IN DOCKET NO. A-450 WHICH ESTABLISHED PERMANENT PRICE CLASSIFICATIONS AND MINIMUM PRICES IN SIZE GROUPS 17 THROUGH 25 FOR THE COALS OF THE MINES IN PRICE GROUP NO. 20 IN DISTRICT NO. 10, FOR ALL SHIPMENTS EXCEPT TRUCK

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 6, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW, Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 5, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petition of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 10 for the revocation of relief granted in Docket No. A-450 which established permanent price classifications and minimum prices in Size Groups 17 through 25 for the coals of the mines in Price Group No. 20 in District No. 10, for all shipments except truck.

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1269; Filed, February 12, 1942; 10:59 a. m.]

[Docket No. B-64]

IN THE MATTER OF LEFT FORK FUEL COMPANY, INCORPORATED, CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 o'clock in the forenoon of January 21, 1942, by Order of the Director dated November 22, 1941, and subsequently having been rescheduled for hearing on February 25, 1942 at 10 a. m. at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky, before Joseph A. Huston, trial examiner, by Order of the Acting Director dated January 19, 1942; and

The Acting Director deeming it advisable to further postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same hereby is postponed from February 25, 1942 at 10 a. m. to March 11, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky, before the same officer or officers heretofore designated to preside at said hearing by Order of the Acting Director dated January 19, 1942.

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1270; Filed, February 12, 1942; 11:00 a. m.]

[Docket Nos. B-117, B-118]

IN THE MATTERS OF ANDREW J. FRY AND J. C. FRY, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF J. C. FRY AND A. J. FRY (ALSO KNOWN AS CAMP CREEK COAL CO.); AND IN THE MATTER OF ANDREW J. FRY (ALSO KNOWN AS ANDREW J. FRY, DOING BUSINESS AS CAMP CREEK COAL COMPANY), CODE MEMBERS, DEFENDANTS

ORDER POSTPONING HEARING

The above-etitled matters having heretofore been scheduled for hearings on February 25, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky; and

It appearing to the Acting Director that it is advisable to postpone said hearings;

Now, therefore, it is ordered, That the hearings in the above-entitled matters be and the same hereby are postponed from 10 o'clock in the forenoon of February 25, 1942 to 10 o'clock in the forenoon of March 11, 1942, before the officer or officers previously designated to preside, and at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1271; Filed, February 12, 1942; 11:00 a. m.]

[Docket No. B-124]

IN THE MATTER OF JOHN L. NAPIER AND SHELBY HENSLEY, INDIVIDUALLY, AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF NAPIER AND HENSLEY, (JOHN L. NAPIER AND SHELBY HENSLEY, (NAPIER AND HENSLEY)), CODE MEMBER, DEFENDANTS

CORRECTION OF ERROR IN NOTICE OF AND ORDER FOR HEARING

An error occurred in the Notice of and Order for Hearing, dated January 14, 1942, in the above-entitled matter.

The last paragraph, line 5, reads, "delivered to the United States Post Office at Pineville" whereas this line should read "delivered to the Jail, Court House, and Relief Office at Pineville."

Now, therefore, it is ordered, That the words "United States Post Office" in the last paragraph, line 5, be deleted, and the words "Jail, Court House and Relief Office" inserted in place thereof.

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1272; Filed, February 12, 1942; 11:09 a. m.]

[Docket No. B-123]

IN THE MATTER OF JOHN L. NAPIER AND SHELBY HENSLEY, INDIVIDUALLY, AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF NAPIER AND SHELBY HENSLEY, (JOHN L. NAPIER AND SHELBY HENSLEY, (NAPIER AND HENSLEY)), CODE MEMBER, DEFENDANTS

CORRECTION OF ERROR IN NOTICE OF AND ORDER FOR HEARING

An error occurred in the Notice of and Order for Hearing, dated January 14, 1942, in the above-entitled matter.

The last paragraph, line 5, reads, "delivered to the United States Post Office at Pineville" whereas this line should read "delivered to the Jail, Court House, and Relief Office at Pineville."

Now, therefore, it is ordered, That the words "United States Post Office" in the last paragraph, line 5, be deleted, and the words "Jail, Court House and Relief Office" inserted in place thereof.

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1273; Filed, February 12, 1942; 11:00 a. m.]

[Docket No. B-46]

IN THE MATTER OF HOWARD COAL & COKE COMPANY, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 4541, RESPONDENT

NOTICE OF FILING APPLICATION FOR DISPOSITION OF PROCEEDING WITHOUT FORMAL HEARING

Notice is hereby given that the Howard Coal & Coke Company, Inc., Registered Distributor, Registration No. 4541, a corporation having its principal place of business at 6th Street and 2nd Avenue, Brooklyn, New York, being the respondent in the above-entitled matter, filed an application dated January 23, 1942, with the Bituminous Coal Division on January 27, 1942, pursuant to § 301.132 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division for the Disposition Without Formal Hearing of Compliance Proceedings.

In said application respondent admits that it purchased 1457.75 tons of 2" N/S from the Forks Coal Mining Company, a code member, which coal was produced at said code member's Hughes No. 11 Mine, Mine Index No. 219, District No. 1, and paid $1.85 per net ton to the said code member which price was below the effective minimum f. o. b. mine price of $2.10 per net ton for such coal.

The respondent further admits that the aforesaid coal was purchased in carload lots and resold in truckload lots after being physically handled by the respondent, such resale being made by respondent acting in the capacity of a retailer.

The respondent agrees to restore to code members or others entitled thereto the amounts unlawfully accepted by respondent as discounts or sales commissions on the transactions involving the aforesaid coal, and consents to the entry of an order revoking or suspending its registered distributor's Certificate No. 4541 in connection with the alleged violations of section 4 II (h) of the Act and paragraph (a) of the Distributor's Agreement, as set forth in the Notice of and Order for Hearing, as amended, in the above-entitled proceeding.

Interested parties may file within fifteen (15) days from the date of this Notice recommendations or requests for informal conferences with respect to the above-described application.

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1274; Filed, February 12, 1942; 11:01 a. m.]

[Docket No. B-11]

IN THE MATTER OF WALTER V. BEISSER, DOING BUSINESS AS TEN X COAL COMPANY, DEFENDANT

NOTICE OF FILING APPLICATION FOR DISPOSITION OF PROCEEDING WITHOUT FORMAL HEARING

Notice is hereby given that Walter V. Beisser, doing business as Ten X Coal Company, Code member, District 4, defendant in the above-entitled matter, on January 14, 1942 filed an application dated January 7, 1942, pursuant to § 301.132 of the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division for the Disposition Without Formal Hearing of Compliance Proceedings.

In said application, the defendant,

1. Admits selling and delivering during the months of January 1941 through June 1941, 166.7 tons of 4" lump coal to City Coal Co., Marion, Ohio, 68.9 tons of 2 x 4" egg coal to Ideal Electric Company, Mansfield, Ohio, 116.8 tons of 4" lump coal to Mansfield Transfer Company, Mansfield, Ohio, 17.1 tons of 4" lump coal to Marion Metal Products Company, Marion, Ohio, 71.1 tons of ¼" x 2" nut coal, 52.1 tons of 2 x 4" egg coal, 362.7 tons of 1¼" x 4" egg coal and 322.8 tons of run of mine coal, to Pittsburgh Plate Glass Company, Fultonham, Ohio, in violation of section 4 II (g) of the Bituminous Coal Act of 1937 (the "Act"), the Bituminous Coal Code (the "Code"), the Schedule of Effective Minimum Prices for District No. 4, for Truck Shipments (the "Schedule") and Price Instruction No. 6 (the "Price Instruction") contained in said Schedule; and

2. Consents to the entry of an Order revoking his membership in the Code, and to the imposition of a tax of $1,052.74 for the admitted violations of the Act, the price provisions of the Act and Code, the Schedule and Price Instruction, and agrees to pay such tax as a condition to the restoration of membership in the Code.

Interested parties desiring to do so may within fifteen (15) days from the date of this Notice file recommendations or requests for informal conferences in respect to the above-described application.

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1275; Filed, February 12, 1942; 11:01 a. m.]

[Docket No. A-1192]

PETITION OF BITUMINOUS COAL CONSUMERS' COUNSEL TO AMEND RULE 2 OF SECTION VI OF THE MARKETING RULES AND REGULATIONS

ORDER GRANTING POSTPONEMENT

Bituminous Coal Consumers' Counsel, the original petitioner, and District Board No. 7, an intervener, having severally moved that the hearing in the above-entitled matter be postponed until a later date, and having shown good cause why their several motions should be granted, and there having been no opposition thereto;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of February 12, 1942, to 10 o'clock in the forenoon of April 13, 1942, at the place heretofore designated and before the officers previously designated to preside at said hearing.

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1276; Filed February 12, 1942; 11:01 a. m.]

[Docket No. B-146]

IN THE MATTER OF ZIMMERMAN COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 9985, RESPONDENT

ORDER EXTENDING TIME TO FILE APPLICATION BASED UPON ADMISSIONS FOR DISPOSITION OF PROCEEDINGS WITHOUT FORMAL HEARING, AND EXTENDING TIME TO FILE ANSWER

A Notice of and Order for Hearing having been entered herein on January 21, 1942, and having been served on January 28, 1942 upon Zimmerman Coal Company, Registered Distributor, Registration No. 9985, respondent herein; and

Said registered distributor, by its attorney, Lloyd C. Adamson, having filed with the Division on February 4, 1942, a motion requesting an extension of not less than two weeks in which to prepare and file herein its application for disposition without hearing or answer; and

The undersigned deeming it advisable to grant said request;

It is therefore ordered, That the time within which said registered distributor may file herein its verified application pursuant to § 301.132 of the Rules of Practice and Procedure Before the Division, relating to applications based upon admissions for the disposition without formal hearings of compliance proceedings, be and the same is hereby extended to and including the 18th day of February, 1942.

It is further ordered, That the time within which said respondent is required to file its answer herein be and the same is hereby extended to and including February 25, 1942.

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1277; Filed, February 12, 1942; 11:01 a. m.]

DEPARTMENT OF COMMERCE.

Bureau of Marine Inspection and Navigation.

[Order No. 210]

LIFE RAFTS APPROVED

FEBRUARY 12, 1942.

Pursuant to the authority of R.S. 4405, as amended (46 U.S.C. 375), the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, convened their regular annual session in the conference room, No. 1851, Department of Commerce, Washington, D. C., on January 21, 1942, at which session, after public hearings, the following life rafts were approved for use on vessels subject to the Bureau's jurisdiction:

Life raft (Drawing No. NL-R-18, dated Dec. 31, 1941, and supplemental drawing dated Jan. 7, 1942), manufactured by Neptune Boat & Davit Co., Inc., New Orleans, La.

Life raft (Drawing No. 443-A, dated Dec. 15, 1941), manufactured by Welin Davit & Boat Corp., Perth Amboy, N. J.

Life raft (Drawing No. CS-301, dated 1-13-42), manufactured by Colvin-Slocum Boats, Inc., New York, N. Y.

Life raft (Drawing No. LR-15, dated 1-10-42), manufactured by Booth Metallic Boat Co., Beaumont, Texas.

Life raft (Drawing No. 47-CREV, dated Jan. 3, 1942), manufactured by Geo. W. Kneass Co., San Francisco, Calif.

Life rafts (Drawing dated Jan. 22, 1942), manufactured by Globe-American Corp., Kokomo, Ind.

Life rafts (Drawing No. G-281, dated 1-12-42), manufactured by C. C. Galbraith & Son, Inc., New York, N. Y.

Life raft (Drawing No. 4008, dated 1-27-42) manufactured by Welding Engineers, Inc., Philadelphia, Pa.

Life raft (Drawing No. H-758, dated Jan. 22, 1942), manufactured by Newport News Shipbuilding and Dry Dock Co., Newport News, Va.

Life raft (Drawing dated 1-14-42), manufactured by General Engineering Works, Inc., Philadelphia, Pa.

Life raft (Drawing No. 2158, dated Jan. 10, 1942), manufactured by Welin Davit & Boat Corp., Perth Amboy, N. J.

Life raft (Drawing dated Jan. 27, 1941), manufactured by Mystic Steamship Co., Boston, Mass.

Life raft (Drawing 11-A-5, dated 1-28-42), manufactured by Bethlehem Steel Co., Shipbuilding Division, East Boston, Mass.

Life rafts (Drawing No. L. R. 6-A, dated Feb. 2, 1942), manufactured by Winner Manufacturing Co., Inc., Trenton, N. J. (R. S. 4405, 4417a, 4426, 4488, 4491, as amended, secs. 10 and 11 of 35 Stat. 428, 49 Stat. 1544; 46 U.S.C. 375, 391a, 404, 481, 489, 395, 396, 367)

[SEAL] BOARD OF SUPERVISING INSPECTORS,
R. S. FIELD,
Director, Chairman.
CHARLES M. LYONS,
U. S. Supervising Inspector, 1st District, Boston, Mass.
GEORGE FRIED,
U. S. Supervising Inspector, 2d District, New York, N. Y.
EUGENE CARLSON,
U. S. Supervising Inspector, 3d District, Norfolk, Va.
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U. S. Supervising Inspector, 4th District, New Orleans, La.
ROBERT E. COOMBS,
U. S. Supervising Inspector, 5th District, Pittsburgh, Pa.
EARL H. HULL,
U. S. Supervising Inspector, 6th District, Cleveland, Ohio.
WILLIAM FISHER,
U. S. Supervising Inspector, 7th District, San Francisco, Calif.

Approved:

WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 42-1290; Filed, February 12, 1942; 11:34 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

AMENDMENT TO DETERMINATION OF PREVAILING MINIMUM WAGES IN WOOL TROUSERS BRANCH OF UNIFORM AND CLOTHING INDUSTRY

NOTICE OF HEARING

All interested parties are hereby notified that a hearing will be held before the Public Contracts Board in Room 3135, Department of Labor Building, Washington, D. C., commencing at 10 a. m. on Thursday, February 19, 1942 on the petition of the Amalgamated Clothing Workers of America that the Secretary of Labor amend the determination of January 25, 1941 made under the provisions of section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), otherwise known as the Walsh-Healey Public Contracts Act, for the wool trousers branch of the uniform and clothing industry by finding that the prevailing minimum wage is 60 cents an hour with a 20 percent tolerance for auxiliary workers at a minimum wage of 40 cents an hour.

Auxiliary workers are understood to be workers engaged in the following or similar occupations:

Bundle boys and floor boys (or girls).
Pairers and matchers.
Fitters' helpers and thread markers.
Examiners' helpers and brushers.
Finishers.
Bushelwomen.
Cleaning and basting pullers.
Boxers, stampers, and labelers.

Interested parties may file briefs for or against the adoption of the proposal or may recommend the substitution of such rate as they consider now prevails in the industry, up to the time of the hearing and will be given opportunity to be heard at the hearing either in person or by duly appointed representatives.

For the convenience of interested parties a digest of wage information furnished by the Amalgamated Clothing Workers of America in support of its proposal and showing the distribution of wages in the manufacture of uniform clothing and in the manufacture of wool trousers as of the years 1940-1941 respectively has been made by the Research Section of the Division of Public Contracts and is attached.

Attention is called to the fact that on January 25, 1941 the Secretary of Labor determined the minimum wage for the coat and suit branch of the uniform and clothing industry to be 60 cents an hour, and that on the same date the Secretary determined the minimum wage for the wool trousers branch of the uniform and clothing industry to be 40 cents an hour.

The minimum wage determined will apply only to contracts for wool or part wool uniform trousers or breeches awarded by agencies of the United States Government subject to the provisions of the Public Contracts Act.

Briefs or telegraphic communications may be filed with the Administrator, Division of Public Contracts, Department of Labor, and they should be received on or before the hearing date. No form for the brief is prescribed but an original and four copies must be submitted.

The entire record will be considered by the Secretary of Labor before the wage determination is made.

[SEAL] L. METCALFE WALLING,
Administrator.

FEBRUARY 11, 1942.

PERCENTAGE DISTRIBUTION OF ALL WORKERS EXCLUSIVE OF AUXILIARY WORKERS IN THE UNIFORM CLOTHING INDUSTRY, 1940 AND IN THE WOOL PANTS INDUSTRY, 1941

Hourly earnings (cents)	October 1940	Summer 1941			
	Men's clothing	Dress and semi-dress trousers	Total	Single pants	Suiting pants
Number of workers with wages reported	30,391	3,445	7,415	2,219	5,196
Percent	100.0	100.0	100.0	100.0	100.0
Under 40.0	3.5	28.7	0.9	2.6	0.2
40.0 and under 45.0	5.2	25.9	6.6	16.3	2.4
45.0 and under 50.0	6.0	11.8	6.0	11.5	3.6
50.0 and under 55.0	7.4	9.6	6.7	10.8	4.9
55.0 and under 60.0	7.8	5.7	8.1	9.9	7.3
60.0 and under 70.0	14.9	7.2	16.0	15.7	16.1
70.0 cents and over	55.2	11.1	55.7	33.2	65.5
Under 50 cents	14.7	66.4	13.5	30.4	6.2
Under 60 cents	29.9	81.7	28.3	51.1	18.4

Source: Survey of Wages in the Uniform Clothing Industry 1940 and the Survey of Wages in the Wool Pants Industry, 1941—Amalgamated Clothing Workers of America.

[F. R. Doc. 42-1293; Filed, February 12, 1942; 11:40 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-463]

IN THE MATTER OF NY PA NJ UTILITIES COMPANY, THE GENERAL FINANCE CORPORATION, AND METROPOLITAN INVESTING COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 11th day of February, A. D. 1942.

Notice is hereby given that declarations have been filed by The General Finance Corporation and Metropolitan Investing Company, and an amendment to its application and declaration, previously filed, by NY PA NJ Utilities Company.

All interested persons are referred to said declarations and the amendment to the application-declaration, which are on

file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized below:

The General Finance Corporation, a subsidiary of Shinn & Company, which in turn is a subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, proposes to merge Metropolitan Investing Company, its subsidiary, into itself, and thereby acquire all the assets of such company and assume all its liabilities. After the merger, The General Finance Corporation proposes to sell the following securities to NY PA NJ Utilities Company, a registered holding company, and a subsidiary of said Trustees of Associated Gas and Electric Corporation:

(a) 53,850 shares of $6 Cumulative Preferred Stock of Metropolitan Edison Company at 105 or for $5,654,250;

(b) $4,308,500 principal amount of National Public Service Corporation Secured Gold Debentures, 5% Series, due 1978 at 25% of face value or for $1,077,125;

(c) $10,927,000 principal amount of Certificates of Deposit for National Public Service Corporation Secured Gold Debentures, 5% Series, due 1978 at 25% of face value or for $2,731,750;

(d) $213,500 principal amount of The Metropolitan Edison Corporation Secured Consolidated Refunding Gold Bonds, 6% Series, due 1961 at 96% of face value or for $204,960;

(e) $396,600 principal amount of The Mohawk Valley Company 6% Consolidated Refunding Gold Bonds, due 1991; at 103% of face value or for $408,498.

At the same time, NY PA NJ Utilities Company will acquire such securities in consideration of the assumption by it of certain liabilities of The General Finance Corporation, and the liquidation and satisfaction by NY PA NJ Utilities Company of indebtedness payable by The General Finance Corporation to NY PA NJ Utilities Company, in an amount equal to the excess of the purchase price over the liabilities assumed. The liabilities to be assumed by NY PA NJ Utilities Company include a 3% promissory demand note, dated October 1, 1938, in the face amount of $1,024,338.26, payable to Associated Utilities Corporation, a registered holding company, and a subsidiary of said Trustees of Associated Gas and Electric Corporation, on which $500,000 is presently owed.

Notice is further given that any interested person may, not later than February 25, 1942, at 4:45 P. M., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declarations and amendment to the application and declaration, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

By the Commission.

[SEAL] FRANCES P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1296; Filed, February 12, 1942; 11:42 a. m.]

[File No. 70-282]

IN THE MATTER OF COMMUNITY POWER AND LIGHT COMPANY, GENERAL PUBLIC UTILITIES, INC., SOUTHWESTERN PUBLIC SERVICE COMPANY, TEXAS-NEW MEXICO UTILITIES COMPANY, AND GULF PUBLIC SERVICE COMPANY

ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of February, A. D. 1942.

The above-named parties having filed in the form of an amendment an application pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 for approval of a plan for the simplification of the corporate structure of the holding-company system of Community Power and Light Company, which plan embraces, *inter alia*, the following proposed transactions:

Community Power and Light Company and General Public Utilities, Inc. are to be merged into Southwestern Public Service Company and common stock of Southwestern Public Service Company will be issued to the holders of the common stock of Community Power and Light Company and to the public holders of the common stock of General Public Utilities, Inc.

The $5 Preferred Stock of General Public Utilities, Inc. will be redeemed at $100 per share, with accrued and unpaid dividends to the date fixed for redemption.

As a result of the merger, Southwestern Public Service Company will acquire:

(1) All of the assets of Community Power and Light Company, including all of the Common Stock and certain other securities of Texas-New Mexico Utilities Company and all of the outstanding Common Stock and other securities of Arkansas Utilities Company; and

(2) All of the assets of General Public Utilities, Inc., including utility assets located in the State of Texas, all of the Common Stock and other securities (except $1,305,000 principal amount of First Mortgage Bonds presently outstanding) of Gulf Public Service Company, and all of the outstanding Common Stock and other securities of Royal Palm Ice Company which will acquire from General Public Utilities, Inc. its ice properties located in the State of Florida.

Southwestern Public Service Company will assume all of the liabilities, including funded debt, of Community Power and Light Company and General Public Utilities, Inc. The funded debt and bank loans of these companies will be retired.

Texas-New Mexico Utilities Company will be liquidated; its assets and properties will be transferred to Southwestern Public Service Company; and its funded debt, together with its 7% Preferred Stock and $4 Second Preferred Stock, will be retired.

The $1,305,000 principal amount of First Mortgage Bonds of Gulf Public Service Company will be purchased by Southwestern Public Service Company. Thereupon, Southwestern Public Service Company, as owner of all of the outstanding securities of Gulf Public Service Company, will cause the said company to be recapitalized, and will acquire all of the new securities issued in such recapitalization. The assets of Gulf Public Service Company located in the State of Texas will be transferred to Southwestern Public Service Company.

Southwestern Public Service Company will purchase for the sum of $7,250,000 (plus adjustment for current position) from Continental Gas & Electric Company all of the outstanding securities of Panhandle Power and Light Company, Cimarron Utilities Company and Guymon Gas Company These companies will be liquidated and their assets transferred to Southwestern Public Service Company.

Southwestern Public Service Company will issue and sell $18,000,000 principal amount of First Mortgage and Collateral Trust Bonds, $5,500,000 principal amount of unsecured Serial Notes, and 85,000 shares of Cumulative Preferred Stock, $100 par value, the proceeds from which sale will be used to make the purchases and retirements above described and for the payment of expenses incidental to the plan.

The hearing in the above-entitled matter having been continued on October 27, 1941, subject to the call of the examiner; and

It further appearing that the trial examiner heretofore designated to preside is engaged on another matter and is unable so to preside;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be reconvened at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., at such room as may be designated on such date by the hearing room clerk in Room 1102 at 10:00 o'clock A. M., on the 26th day of February, 1942, at which hearing the parties above-named will be given an opportunity to be heard as to whether or not the plan for simplification of the corporate structure of the public-utility holding-company system of Community Power and Light Company, as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11 of the Public Utility Holding Company Act of 1935 as well as being fair and equitable to the persons affected by such plan and whether the Commission should enter an order approving such plan.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice; and

It is further ordered, That the Secretary of the Commission shall serve notice of the reconvened hearing aforesaid by mailing a copy of this order, by registered mail, to Community Power and Light Company, General Public Utilities, Inc., Southwestern Public Service Company, Texas-New Mexico Utilities Company and Gulf Public Service Company; and that notice of said hearing shall be and hereby is given to all security-holders of Community Power and Light Company, General Public Utilities, Inc., Southwestern Public Service Company, Texas-New Mexico Utilities Company and Gulf Public Service Company and their subsidiaries, to all consumers of said companies, to all states, municipalities or political subdivisions thereof in which are located any of the utility assets of any of the said companies or under the laws of which any of the said companies are incorporated, to all state commissions, state securities commissions and all agencies, authorities or instrumentalities of one or more states, municipalities, or other bodies politic or subdivisions thereof having jurisdiction over Community Power and Light Company, General Public Utilities, Inc., Southwestern Public Service Company, Texas-New Mexico Utilities Company and Gulf Public Service Company, or any subsidiaries thereof, or over any of the business affairs of any of them, and to all other persons, such notice to be given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this order in the FEDERAL REGISTER:

It is further ordered, That any person desiring to be heard in conection with these proceedings shall file with the Secretary of the Commission on or before the 24th day of February 1942 a written statement relative thereto; any person proposing to intervene shall file with the Secretary of the Commission on or before such date his application therefor, as provided in Rule X-II of the Commission's Rules of Practice.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1297; Filed, February 12, 1942; 11:42 a. m.]

[File No. 70-482]

IN THE MATTER OF CUPPLES STATION LIGHT, HEAT AND POWER COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 11th day of February, A. D. 1942.

Cupples Station Light, Heat and Power Company, a wholly owned subsidiary company of Union Electric Company of Missouri which is a registered holding company, having filed a declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (c) thereunder, regarding the following proposed transaction: Cupples Station Light, Heat and Power Company proposes, after the completion of the sale of its distribution system to Union Electric Company of Missouri and the reduction in par value of its 10,000 shares of capital stock from $100 per share to 50¢ per share, to declare a partial liquidating dividend to Union Electric Company of Missouri in the amount of $565,599.07; and

Said declaration having been filed on January 9, 1942 and amendments thereto having been filed on January 29, 1942 and February 4, 1942, notice of said filing having been duly given in the form and manner prescribed in Rule U-23 under said Act, and the Commission not having received a request for a hearing with respect thereto within the period specified in said notice or otherwise, and not having ordered a hearing thereon; and

Cupples Station Light, Heat and Power Company having requested that the effective date of said declaration, as amended, be advanced; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration, as amended, pursuant to section 12 (c) of said Act to become effective, and finding with respect thereto that no adverse findings are necessary under said section; and

The Commission being satisfied that the date permitting said declaration, as amended, to become effective should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24 thereunder, that the aforesaid declaration, as amended, be and the same hereby is permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc 42-1298; Filed, February 12, 1942; 11:42 a. m.]

[File No. 812-261]

IN THE MATTER OF EMPIRE INVESTMENT COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 11th day of February, A. D. 1942.

An application having been filed by the above named applicant under and pursuant to the provisions of section 6 (c) of the Investment Company Act of 1940 for an order of temporary exemption to permit the transmittal of reports to stockholders at a date later than that prescribed by Rule N-30D-1 but in any event on or before March 2, 1942.

It is ordered, That a hearing on the aforesaid application be held on February 16, 1942, at 10:00 o'clock of the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1299; Filed, February 12, 1942; 11:43 a. m.]

FEB 13 1942

FEB 18 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 32

Washington, Saturday, February 14, 1942

The President

EXECUTIVE ORDER

EXTENSION OF THE PROVISIONS OF EXECUTIVE ORDER No. 9001 OF DECEMBER 27, 1941, TO CONTRACTS OF THE TENNESSEE VALLEY AUTHORITY

By virtue of the authority vested in me by the act of Congress entitled "An Act to expedite the prosecution of the war effort", approved December 18, 1941, and as President of the United States, and deeming that such action will facilitate the prosecution of the war, I hereby extend the provisions of Executive Order No. 9001[1] of December 27, 1941, to the Tennessee Valley Authority with respect to all contracts made or to be made by it; and subject to the limitations and regulations contained in such Executive order, I hereby authorize the Board of Directors of the Tennessee Valley Authority, and such officers and employees as said Board may designate, to perform and exercise, as to the Tennessee Valley Authority, all of the functions and powers vested in and granted to the Secretary of War, the Secretary of the Navy, and the Chairman of the United States Maritime Commission by such Executive order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 12, 1942.

[No. 9058]

[F. R. Doc. 42-1306; Filed, February 12, 1942; 2:26 p. m.]

EXECUTIVE ORDER

EXCLUDING CERTAIN TRACTS OF LAND FROM THE CHUGACH AND TONGASS NATIONAL FORESTS AND RESTORING THEM TO ENTRY

ALASKA

By virtue of the authority vested in me by the act of June 4, 1897, 30 Stat. 11, 36 (U.S.C., title 16, sec. 473), and upon the recommendation of the Secretaries of Agriculture and the Interior, it is ordered that the following described tracts of land in Alaska, occupied as homesites and identified by elimination surveys, plats and field notes of which are on file in the General Land Office, Washington, D. C., be, and they are hereby, excluded from the Chugach and Tongass National Forests, as hereinafter indicated, and restored to entry under the applicable public-land laws:

CHUGACH NATIONAL FOREST

Homesite No. 42, on south bank of Kenai River, 0.60 of an acre, approximate latitude 60°29' N., longitude 149°49' W.;

Homesite No. 56, lot "A" of Primrose Landing group, near south end of Kenai Lake, 3.63 acres, approximate latitude 60°20' N., longitude 149°22' W.

TONGASS NATIONAL FOREST

Homesite No. 62, lot 23, Hood Bay Homesite Group, Admiralty Island, 5 acres, U. S. Survey No. 2412;

Homesite No. 67, tract "D", Mile 7 Group, 4.77 acres, U. S. Survey No. 2476;

Homesite No. 117, tract "N" of Mud Bay Group, Revillagigedo Island, 2.85 acres, approximate latitude 55°25'15" N., longitude 131°46'15" W.;

Homesite No. 121, lot "M" of Mud Bay Group, 3.33 acres, approximate latitude 55°25' N., longitude 131°40' W.;

Homesite No. 148, tract "L" of Mud Bay Group, 3.71 acres, approximate latitude 55°25' N., longitude 131°45'35" W;

Homesite No. 194, lot "B" of Fritz Cove group, 3.23 acres, U. S. Survey No. 2390;

Homesite No. 211, lot "F", Wrangell Group, 4.26 acres, U. S. Survey No. 2321;

Homesite No. 240, lot "C"-1, Auke Bay Group, 2.78 acres, U. S. Survey No. 2389;

Homesite No. 256, lot "E", Triangle Group, 2.17 acres, U. S. Survey No. 2391;

Homesite No. 280, tract "Q", Scow Bay Group, 4.97 acres, U. S. Survey No. 2464;

Homesite No. 272, tract "S", Triangle Group, 4.71 acres, U. S. Survey No. 2391;

Homesite No. 320, tract "T", Wrangell Group, 4.74 acres, U. S. Survey No. 2321;

Homesite No. 337, on Hot Springs Bay, west shore of Baranof Island, 3.28 acres, approximate latitude 56°50'10" N., longitude 135°22'10" W.;

Homesite No. 404, lot 32, Mountain Point Group, 0.85 of an acre, U. S. Survey No. 2402;

Homesite No. 410, tract "E", Auke Lake Group, 4.96 acres, U. S. Survey No. 2392;

Homesite No. 435, lot 91, Herring Bay Group, 4.13 acres, U. S. Survey No. 2403;

Homesite No. 456, tract "P", East Craig Group, 5 acres, U. S. Survey No. 2327;

[1] 6 F.R. 6787.

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FEDERAL REGISTER

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Homesite No. 457, in East Craig Group on east shore of Shelter Cove, Prince of Wales Island, 2.65 acres, approximate latitude 55°28'33" N., longitude 133°09' W.;
Homesite No. 476, tract "A", Mountain Point Group, 2.03 acres, U. S. Survey No. 2402;
Homesite No. 482, lot "A", tract "A", Fritz Cove Group, 3.79 acres, U. S. Survey 2390;
Homesite No. 530, tract "G", Fritz Cove Group, 3.27 acres, U. S. Survey No. 2390;
Homesite No. 538, lot "J", Mountain Point Group, 2.47 acres, U. S. Survey No. 2402;
Homesite No. 540, on east shore of Clarence Strait, Cleveland Peninsula, 3.30 acres, approximate latitude 55°42' N., longitude 131°14' W.;
Homesite No. 542, lot 3, Tenakee Group, 4.35 acres, U. S. Survey No. 2450;
Homesite No. 546, lot 8, sec. 36, T. 50 S., R. 67 E., C. R. M., 4.76 acres;
Homesite No. 549, lot "C", Pederson Hill Group, 5 acres, U. S. Survey No. 2386;
Homesite No. 575, in Fishermans Harbor Group, Kosciusko Island, 1.52 acres, approximate latitude 55 57'45" N., longitude 133°-47'05" W.;
Homesite No. 577, lot "J" of Clover Pass Group, Revillagigedo Island, 3.67 acres, approximate latitude 55 28'24" N., longitude 131 47'35" W.;
Homesite No. 595, lot 36, Hood Bay Group, Admiralty Island, 2.63 acres, U. S. Survey No. 2413;
Homesite No. 596, lot 22, Hood Bay Group, 4.1 acres, U. S. Survey No. 2412;
Homesite No. 597, lot 16, Hood Bay Group, 3.0 acres, U. S. Survey No. 2412;
Homesite No. 598, lot 29, Hood Bay Group, 4.6 acres, U. S. Survey No. 2413;
Homesite No. 603, tract "R", Scow Bay Group, 3.41 acres, U. S. Survey No. 2464;
Homesite No. 612, on shore of Deep Bay, Revillagigedo Island, 3.49 acres, approximate latitude 55°33'30" N., longitude 131°40'45" W.;
Homesite No. 613, tract 65, Mountain Point Group, 0.64 of an acre, U. S. Survey No. 2402;
Homesite No. 636, on south shore of Hot Springs Bay, Baranof Island, 3.78 acres, approximate latitude 56°50'10" N., longitude 135 22'10" W.;
Homesite No. 641, lot "A", Smugglers Cove Group, 1.86 acres, U. S. Survey No. 2492;
Homesite No. 681, lot 28, Hood Bay Group, 3.0 acres, U. S. Survey No. 2413;
Homesite No. 684, on west side of False Point on Port Frederick, Chichagof Island, 4.0 acres, approximate latitude 58°05'48" N., longitude 135°26'54" W.;
Homesite No. 747, lot 59, Mountain Point Group, 0.53 of an acre, U. S. Survey No. 2402;
Homesite No. 771, in Fritz Cove Group on Duke Bay, 0.78 of an acre, approximate latitude 58 22'45" N., longitude 134°38'20" W.;
Homesite No. 773, in Fritz Cove Group on Duke Bay, 0.43 of an acre, approximate latitude 58°22' N., longitude 134°38' W.;
Homesite No. 775, near Glacier Highway about 12.9 miles northerly from Juneau, 0.433 of an acre, approximate latitude 58°21' N., longitude 134°29' W.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 12, 1942.

[No. 9059]

[F. R. Doc. 42–1316; Filed, February 13, 1942; 11:43 a. m.]

Rules, Regulations, Orders

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendments 04–3, 04–4, 04–5, 04–6, 04–7, 04–8, 04–9, 04–10, 04–11, 04–12, 04–13, Civil Air Regulations]

PART 04—AIRPLANE AIRWORTHINESS

CERTIFICATION OF TRANSPORT CATEGORY AIRPLANES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of February 1942.

Acting pursuant to sections 205 (a), 601 and 603 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective July 1, 1942, Part 04 of the Civil Air Regulations is amended as follows:

1. By inserting a new § 04.01 immediately following § 04.00 to read as follows:

§ 04.01 *Airplane categories.* At the election of the applicant, an airplane may be certificated under the requirements for a particular category according to the intended use of the airplane. Sections of this Part which affect only one particular category are designated by a suffix added to the appropriate section numbers, as follows:

Normal Category	Suffix "N"
Transport Category	Suffix "T"
Acrobatic Category	Suffix "A"

All sections not designated by a suffix are applicable to all categories, except as otherwise specified.

2. By striking § 04.103 and marking the same "Unassigned".

3. By inserting a new § 04.434–T immediately following § 04.434, to read as follows:

§ 04.434–T *Flap controls.* For transport category airplanes, the flap control shall provide means for bringing the flaps from any position within the operating range to any one of three positions, designated hereinafter as landing, approach, and take-off positions, or to the fully retracted position, by placing the primary flap control in a single setting marked as corresponding to each such flap position, the flaps thereupon moving directly to the desired position without requiring further attention. If any extension of the flaps beyond the landing position is possible, the flap control shall be clearly marked to identify such range of extension.

The landing position, approach position, and take-off position, or any of them, may be made variable with altitude or weight by means of a secondary flap control provided for that purpose. Such a secondary control, if provided, shall operate independently of the primary control and in such manner that when it has been adjusted (for the effect of weight or altitude), the necessary flap position can thereafter be obtained by placing the primary flap control in the desired position. The secondary control shall be so designed and marked as to be readily operable by the crew.

The rate of flap retraction shall be such as to permit compliance with § 04.7540–T.

4. By inserting a new § 04.439–T immediately following § 04.438, to read as follows:

§ 04.439–T *Trim controls.* For transport category airplanes, the trimming devices shall be capable of continued normal operation in spite of the failure of any one connecting or transmitting element in the primary control system. Trim controls shall operate in the plane and with the sense of the motion of the airplane which their operation is intended to produce.

5. By inserting a new § 04.445 immediately following § 04.4441, to read as follows:

§ 04.445 *Brakes.* Transport category airplanes shall be equipped with brakes certificated in accordance with the provisions of Part 15 for the maximum certificated landing weight at sea level and the power-off stalling speed, V_{s_0}, as defined in § 04.7511–T. The brake system for such airplanes shall be so designed and constructed that in the event of a single failure in any connecting or transmitting element in the brake system, or the loss of any single source of hydraulic or other brake operating energy supply, it shall be possible, as shown by suitable test or other data, to bring the airplane to rest under the conditions specified in § 04.7533–T with a mean negative acceleration during the landing roll of at least 50 per cent of that obtained in determining the landing distance under that section.

6. By inserting a new § 04.707–T immediately following § 04.707, to read as follows:

§ 04.707–T *Flutter and vibration.* All parts of transport category airplanes shall be free from flutter or excessive vibration under all speed and power conditions appropriate to the operation of the airplane during take-off, climb, level flight, and landing, and during glide at speeds up to the maximum indicated air speed attained during official flight tests (see § 04.722). There shall be no appreciable buffeting for any flap position at any speed in excess of 10 miles per hour above stalling speed for such position nor shall buffeting at lower speeds be so violent as to interfere with the pilot's control of the airplane or cause discomfort to its occupants.

7. By striking §§ 04.71 through 04.714, inclusive, and inserting in lieu thereof the following:

§ 04.71 (Unassigned).

8. By amending § 04.73 by striking therefrom the reference to § 04.71.

9. By striking § 04.741 and marking the same "(Unassigned)."

10. By striking §§ 04.75 through 04.761, inclusive, including all the footnotes thereto, and inserting in lieu thereof the following:

§ 04.75–T *Performance requirements for transport category airplanes.* The following requirements shall apply in place of §§ 04.700 to 04.7061, inclusive:

§ 04.750–T *Minimum requirements for certification.* An airplane may be certificated under the provisions of § 04.75–T, upon there having been established, in accordance with the terms of that section:

(a) A maximum take-off weight at sea level;

(b) a maximum landing weight at sea level;

(c) a maximum one-engine-inoperative operating altitude (as defined in § 04.7513–T), which shall be at least 5,000 feet at a weight equal to the maximum sea level take-off weight;

(d) take-off characteristics at maximum sea level take-off weight, and landing characteristics at maximum sea level landing weight, in accordance with the provisions of §§ 04.7532–T and 04.7533–T; and

(e) compliance with the requirements of all other applicable parts of the Regulations:

If a certificate is issued under these conditions, it may be amended from time to time to include landing and take-off weights over an increased range of altitudes, and other pertinent performance data, including additional landing and take-off characteristics obtained in accordance with the provisions of §§ 04.7532–T and 04.7533–T.

§ 04.751–T *Definitions.*

§ 04.7511 *Stalling speeds.* In the following sub-sections of § 04.75–T:

V_{s_0} denotes the true indicated stalling speed of the airplane in miles per hour with engines idling, throttles closed, propellers in low pitch, landing-gear extended, flaps in the "landing position", as defined in § 04.7512–T, cowl flaps closed, center of gravity in the most unfavorable position within the allowable landing range, and the weight of the airplane equal to the weight in connection with which V_{s_0} is being used as a factor to determine a required performance.

V_{s_1} denotes the true indicated stalling speed in miles per hour with engines idling, throttles closed, propellers in low pitch, and with the airplane in all other respects (flaps, landing gear, etc.) in the condition existing in the particular test in connection with which V_{s_1} is being used.

§ 04.7512–T *Flap positions.* The flap positions denoted respectively as the landing position, approach position, and take-off position are those provided for in § 04.434–T, and may be made variable with weight and altitude in accordance with that section.

§ 04.7513–T *Maximum one-engine-inoperative operating altitude.* Maximum one-engine-inoperative operating altitude (to be determined in complying with § 04.723) shall be the altitude in standard air at which the steady rate of climb in feet per minute is $0.02\ V_{s_1}^3$ with the critical engine inoperative, its propeller stopped, all other engines operating at the maximum-except-take-off power available at such altitude, the landing gear retracted, and the flaps in the most favorable position.

§ 04.752–T *Weights.* The maximum take-off weight and maximum landing weight shall be established by the applicant and may be made variable with altitude. The maximum take-off weight for any altitude shall not exceed the maximum design weight used in the structural loading conditions for flight loads (§ 04.21), and shall not exceed the design weight used in the structural loading conditions for ground or water loads (§§ 04.24 and 04.25, respectively) by a ratio of more than 1.15. The maximum landing weight for any altitude shall not exceed the design weight used in the structural loading conditions for ground or water loads.

§ 04.7520–T *Fuel dumping provisions.* If the maximum take-off weight for any altitude exceeds the maximum landing weight for the same altitude, adequate provision shall be made, in accordance with § 04.6, for the rapid and safe dumping during flight of a quantity of fuel sufficient to reduce the weight of the airplane from such maximum take-off weight to such maximum landing weight. Compliance with this requirement shall be shown by dumping suitable colored fluids and fuel in flight tests in the following conditions:

(a) Level flight at a speed of 2.0 V_{s_1},

(b) climb at a speed of 1.4 V_{s_1} with 75 percent of maximum-except-take-off power,

(c) glide with power off at a speed of 1.4 V_{s_1}.

In conditions (a) and (b), the time required to dump the necessary amount of fuel shall not exceed 10 minutes. During such tests, the dumped fluid shall not come in contact with any portion of the aircraft or adversely affect its control, nor shall any fumes from such fluid enter any portion of the aircraft.

§ 04.753–T *Required performance and performance determinations.* Performance data shall be corrected to standard atmosphere and still air where such corrections are applicable. Performance data may be determined by calculation from basic flight tests if the results of such calculation are substantially equal in accuracy to the results of direct tests.

§ 04.7530–T *Stalling speed requirements.* (a) V_{s_0} at maximum landing weight shall not exceed 80 miles per hour.

(b) V_1, at maximum landing weight, flaps in the approach position, landing gear extended, and center of gravity in the most unfavorable position permitted for landing, shall not exceed 85 miles per hour.

§ 04.7531–T *Climb requirements.* In the climb tests required by this section, the engine cowl flaps, or other means of controlling the engine cooling air supply, shall be in a position which will provide adequate cooling with maximum-except-take-off power at best climbing speed under standard atmospheric conditions.

(a) *Flaps in landing position.* The steady rate of climb in feet per minute, at any altitude within the range for which landing weight is to be specified in the certificate, with the weight equal to maximum landing weight for that altitude, all engines operating at the take-off power available at such altitude, landing gear extended, center of gravity in the most unfavorable position permitted for landing, and flaps in the landing position, shall be at least 0.07 V_1^2.

(b) *Flaps in approach position.* The steady rate of climb in feet per minute, at any altitude within the range for which landing weight is to be specified in the certificate, with the weight equal to maximum landing weight for that altitude, the critical engine inoperative, its propeller stopped, all other engines operating at the take-off power available at such altitude, the landing gear retracted, center of gravity in the most unfavorable position permitted for landing, and the flaps in the approach position, shall be at least V_1^2.

(c) *Flaps in take-off position.* The steady rate of climb in feet per minute, at any altitude within the range for which take-off weight is to be specified in the certificate, with the weight equal to maximum take-off weight for that altitude, the speed equal to the minimum take-off climb speed permitted in 04.75320–T (b), the critical engine inoperative, its propeller windmilling with the propeller control in a position which would allow the engine (if operating normally and within approved limits) to develop at least 50 per cent of maximum-except-take-off engine speed, all other engines operating at the take-off power available at such altitude, the landing gear retracted, center of gravity in the most unfavorable position permitted for take-off, and the flaps in the take-off position, shall be at least 0.035 V_1^2.

§ 04.7532–T *Take-off determination.* The following take-off data shall be determined over such range of weights and altitudes as the applicant may desire, with a constant take-off flap position for a particular weight and altitude, and with the operating engines at not more than the take-off power available at the particular altitude. These data shall be based on a level take-off surface with zero wind.

§ 04.75320–T *Speeds*—(a) *Critical-engine-failure speed*, denoted by V_1, is a true indicated airspeed, chosen by the applicant but in any case not less than the minimum speed at which the controllability is adequate to proceed safely with the take-off, using normal piloting skill, when the critical engine is suddenly made inoperative.

(b) *Minimum take-off climb speed*, denoted by V_2, is a true indicated airspeed chosen by the applicant, which shall permit the rate of climb required in § 04.7531–T (c) but which shall not be less than 1.20 V_1, for two-engined airplanes, or 1.15 V_1 for airplanes having more than two engines, or less than 1.10 times the minimum speed at which the airplane is fully controllable in flight using normal piloting skill when the critical engine is suddenly made inoperative.

§ 04.75321–T *Take-off path.* The lengths and slopes of segments of the take-off path, and the location of critical points on the complete path shall be determined in accordance with the following conditions and assumptions. The location of the points defined below shall be expressed in terms of the horizontal and vertical distances from the starting point.

(a) *Starting point.* The point from which a standing start is made with all engines operating.

(b) Critical-engine-failure point. The point at which the airplane attains speed V_1 (critical engine failure speed) when accelerated from point (a) with all engines operating.

(c) *Accelerate-and-stop point.* The point on the take-off surface at which the airplane can be brought safely to a stop if all engines are cut at point (b).

(d) *Start-of-climb point.* The point on or just clear of the take-off surface at which the airplane attains speed V_2 (take-off-climb speed) when the critical engine is made inoperative with its propeller windmilling in low pitch at point (b).

The take-off acceleration segment, (a) to (d), shall be determined by making a continuous run up to speed V_2 with the critical engine cut at point (b).

(e) *Retraction-completion point.* The point at which landing gear retraction is completed when retraction is initiated not earlier than point (d).

The initial climb segment, (d) to (e), shall be assumed to correspond to the rate of climb at speed V_2 with landing gear extended and windmilling propeller in low pitch.

The second climb segment, beginning at point (e), shall be assumed to correspond to the rate of climb at speed V_2 with landing gear retracted and windmilling propeller in high pitch, as defined in § 04.7531–T (c). This segment may continue indefinitely or may end at point (g) in accordance with paragraph (g) following.

(f) *50-foot height point.* The point at which the airplane attains a height of 50 feet (above the take-off surface) along the take-off flight path defined herein.

(g) *Feathering-completion point.* The point where feathering or stopping of the inoperative propeller is completed, if the applicant desires to include this step in the take-off determination. It shall be assumed that the decision to feather or stop is made not earlier than the instant of attaining point (f).

In the event that it is desired to include propeller feathering or stopping in the take-off path, the final climb segment, beginning at point (g), shall be assumed to correspond to the rate of climb at speed V_2 with landing gear retracted and the propeller of the inoperative engine feathered or stopped.

§ 04.7533–T *Landing determination.* The horizontal distance required to land and come to a complete stop from a point at a height of 50 feet above the landing surface shall be determined for such range of weights and altitudes as the applicant may desire. In making this determination:

(a) Immediately prior to reaching the 50-foot altitude, a steady gliding approach shall have been maintained, with a true indicated airspeed of at least 1.3 V_1.

(b) The nose of the airplane shall not be depressed, nor the power increased, after reaching the 50-foot altitude. At all times during and immediately prior to the landing, the flaps shall be in the landing position, except that after the airplane is on the landing surface and the true indicated airspeed has been reduced to not more than 0.9 V_1, the flap position may be changed.

(c) The operating pressures on the braking system shall not be in excess of those approved by the manufacturer of the brakes.

(d) The brakes shall not be used in such manner as to produce excessive wear of brakes or tires.

(e) The landing shall be made in such manner that there is no excessive vertical acceleration, no tendency to bounce, nose over, porpoise, ground loop, or water loop, and in such manner that its reproduction shall not require any exceptional degree of skill on the part of the pilot, or exceptionally favorable conditions. If this last condition (with respect to exceptional skill or favorable conditions) is not met, the distance to be determined shall be that considered to correspond to a piloting technique normally usable.

§ 04.754–T *Flight characteristics.* There shall be no flight characteristic which makes the airplane unairworthy. The airplane shall also meet the following requirements under all critical loading conditions within the range of center of gravity, and, except as provided in § 04.7541 (d), at the maximum weight for which certification is sought.

§ 04.7540–T *Controllability and maneuverability.* The airplane shall be controllable and maneuverable during take-off, climb, level flight, glide, and landing, and it shall be possible to make a smooth transition from one flight condition to another, without requiring an exceptional degree of skill, alertness, or strength on the part of the pilot, under all conditions of operation probable for the type, including those conditions normally encountered in the event of sudden failure of any engine. It shall be possible, with power off, with flaps either retracted or in the landing position, with the center of gravity in the most unfavorable location within the certificated range, and with the airplane trimmed for a speed of 1.4 V_1, to change the flap position to the opposite extreme, to make a sudden application of take-off power on all engines, or to change the speed to any value between 1.10 V_1 and 1.70 V_1, without requiring a change in the trim control or the exertion of more control force than can readily be applied with one hand for a short period. It shall not be necessary to use exceptional piloting skill in order to prevent loss of altitude when flap retraction from any position is initiated during steady horizontal flight at 1.1 V_1, with simultaneous application of not more than maximum-except-take-off power.

§ 04.7541–T *Trim.* The means used for trimming the airplane shall be such that after being trimmed and without further pressure upon or movement of either the primary control or its corresponding trim control by the pilot or the automatic pilot, the airplane will maintain:

(a) Lateral and directional trim under all conditions of operation consistent with the intended use of the airplane, including operation at any speed from best rate of climb speed to high speed and operation in which there is greatest lateral variation in the distribution of the useful load;

(b) Longitudinal trim, under the following conditions:

(1) During climb at the best rate of climb speed with maximum-except-take-off power.

(2) During a glide with power off at a speed not in excess of 1.4 V_1, and

(3) During level flight at any speed from 90 percent of high speed to the sum of V_1 and 20 percent of the difference between high speed and V_1;

(c) Rectilinear climbing flight with the critical engine inoperative, each other engine operating at maximum-except-take-off power and the best rate of climb speed under such conditions;

(d) Rectilinear flight with any two engines inoperative and each other engine operating at maximum-except-take-off power under the following conditions:

(1) With the weight of the airplane not more than that at which there is a speed range in level flight of not less than 10 miles per hour;

(2) With the speed of the airplane not more than the high speed obtained under the conditions specified in (1) less 10 miles per hour.

§ 04.7542–T *Stability.* The airplane shall be longitudinally, directionally, and laterally stable in accordance with the following provisions. Suitable stability and control "feel" may be required in other conditions normally encountered in service if flight tests show such stability to be necessary for safe operation.

§ 04.75420–T *Static longitudinal stability.* In the flight conditions described in the following sub-section 04.754200–T:

(a) At any speed which can be obtained without excessive control force and which is more than 10 miles per hour above or below the specified trim speed, but not greater than the appropriate maximum permissible speed or less than the minimum speed in steady unstalled flight, the characteristics of the elevator control forces and friction shall be such that:

(1) A pull is required to maintain speeds below the specified trim speed and a push to maintain speeds above the specified trim speed.

(2) The control will, when unrestrained by the pilot, move continuously toward its original trim position.

(b) Where a stable slope of the stick force versus speed curve is specified, any decrease in speed below trim speed shall require an increase in the steady pull on the elevator control and any increase in speed above trim speed shall require an increase in the steady push on the control. Such slope shall be between such limits that any substantial change in speed is clearly perceptible to the pilot through a resulting change in stick force, and that the stick force required to produce necessary changes in speed does not reach excessive values.

§ 04.754200–T *Specific stability conditions*—(a) *Landing.* With flaps in the sea level landing position, the landing gear extended, maximum sea level landing weight, the airplane trimmed at 1.4 V_1, and throttles closed, the stick force curve shall have a stable slope at all speed between 1.1 V_1, and 1.8 V_1.

(b) *Approach.* With flaps in sea level approach position, landing gear retracted, maximum sea level landing weight, the airplane trimmed at 1.4 V_1, and with power sufficient to maintain level flight at this speed, the stick force curve shall have a stable slope at all speeds between 1.1 V_1, and 1.8 V_1.

(c) *Climb.* With flaps retracted, landing gear retracted, maximum sea level take-off weight, 75 per cent of maximum-except-take-off power, and with the airplane trimmed at 1.4 V_1, the stick force curve shall have a stable slope at all speeds between 1.2 V_1, and 1.6 V_1.

(d) *Cruising.* With flaps retracted, maximum sea level take-off weight, 75 per cent of maximum-except-take-off power, and with the airplane trimmed for level flight, the stick force curve shall have a stable slope at all speeds obtainable with reasonable stick forces between:

(1) 1.2 V_1, and the maximum permissible speed, when the landing gear is retracted;

(2) 1.2 V_1, and the level flight speed, when the landing gear is extended.

§ 04.75421–T *Dynamic longitudinal stability.* The airplane shall not be dynamically unstable longitudinally, as shown by the damping of the normal long period oscillation, under any flight condition that is likely to be maintained for more than 10 minutes in ordinary service. Compliance with this requirement shall be demonstrated under at least the following conditions:

(a) During level flight with 75 percent of maximum-except-take-off power.

(b) During a climb with 75 percent of maximum-except-take-off power at a speed equal to 75 percent of that obtained in item (a) above.

Any short period oscillation occurring between stalling speed and maximum permissible speed shall be heavily damped with the primary controls in a fixed position.

§ 04.75422–T *Directional and lateral static stability.* The static directional stability, as shown by the tendency to recover from a skid with rudder free, shall be positive for all flap positions and symmetrical power conditions, and for all speeds from 1.2 V_1, up to the maximum permissible speed. The static lateral stability, as shown by the tendency to raise the low wing in a sideslip, shall be positive within the same limits.

§ 04.7543–T *Stalling.* With power off, and with that power necessary to maintain level flight with flaps in approach position at a speed of 1.6 V_1, maximum landing weight, flaps and landing gear in any position, and center of gravity in the least favorable position for recovery, it shall be possible to produce and to correct roll and yaw by unreversed use of the aileron and rudder controls up to the time when the airplane pitches in the maneuver described below. During the pitching and recovery portions of the maneuver it shall be possible to prevent appreciable rolling or yawing by normal use of the controls.

In demonstrating this quality, the order of events shall be:

(a) With trim controls adjusted for straight flight at a speed of 1.4 V_1, reduce speed by means of the elevator control until the speed is steady at slightly above stalling speed; then

(b) Pull elevator control back at a normal rate until a stall is produced as evidenced by an uncontrollable downward pitching motion of the airplane, or until the control reaches the stop. Normal use of the elevator control for recovery may be made after such pitching motion is unmistakably developed.

In any case, the airplane shall not pitch excessively before recovery is completed.

The airplane shall be recoverable without difficulty or the use of power from the inoperative engine when it is stalled with the critical engine inoperative and the remaining engines operating at 75 per cent of maximum-except-take-off power.

§ 04.755–T *Airplane operating manual.* There shall be furnished with each airplane a copy of a manual which shall contain such information regarding the operation of the airplane as the Administrator may require, including, but not limited to, the following:

(a) All performance data secured under §§ 04.7513–T to 04.7533–T, inclusive, together with any pertinent descriptions

of the conditions, airspeeds, etc., under which such data were determined:

(b) Adequate instructions for the use and adjustment of the flap controls under § 04.434–T.

(c) The indicated airspeeds corresponding to those determined in § 04.75320–T, together with pertinent discussion of procedures to be followed if the critical engine becomes inoperative on take-off.

(d) A discussion of any significant or unusual flying or ground-handling characteristics, knowledge of which would be useful to a pilot not previously having flown the airplane.

11. By amending the Table of Contents of Part 04 by striking the section headings as now set forth in the Table of Contents opposite the numbers 04.01, 04.71, and 04.76 and by inserting in lieu thereof, the following headings, respectively:

04.01 Airplane categories
04.71 Unassigned
04.76 Unassigned

and by striking the number 04.75, together with the section heading now opposite such number, and by inserting in lieu thereof the following:

04.75-T Performance requirements for transport category airplanes.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1319; Filed, February 13, 1942; 11:51 a. m.]

[Amendments 20-34, 20-35, and 20-36, Civil Air Regulations]

PART 20—PILOT CERTIFICATES

CITIZENSHIP REQUIREMENTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of February 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 6, 1942, Part 20 of the Civil Air Regulations is amended as follows:

1. By amending § 20.102 to read as follows:

§ 20.102 *Citizenship.* Applicant shall be:

(a) A citizen of and of unquestionable loyalty to the United States, or

(b) A person who is in sympathy with the objectives of the United States and who is a trustworthy citizen of a friendly foreign government not under the domination of or associated with any government with which the United States is at war.

2. By striking § 20.142 and inserting in lieu thereof the following:

§ 20.142 *Citizenship.* Applicant shall be:

(a) A citizen of and of unquestionable loyalty to the United States, or

(b) A person who is in sympathy with the objectives of the United States and who is a trustworthy citizen of a friendly foreign government not under the domination of or associated with any government with which the United States is at war and which government grants reciprocal commercial pilot privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

3. By amending § 20.152 to read as follows:

§ 20.152 *Citizenship.* Same as § 20.102.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1321; Filed, February 13, 1942; 11:51 a. m.]

[Amendment 21-5, Civil Air Regulations]

PART 21—AIRLINE TRANSPORT PILOT RATING

CITIZENSHIP REQUIREMENTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of February 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 6, 1942, Part 21 of the Civil Air Regulations is amended as follows:

By striking §§ 21.12 through 21.122, inclusive, and inserting in lieu thereof the following:

§ 21.12 *Citizenship.* Applicant shall be:

(a) A citizen of and of unquestionable loyalty to the United States, or

(b) A person who is in sympathy with the objectives of the United States and who is a trustworthy citizen of a friendly foreign government not under the domination of or associated with any government with which the United States is at war and which government grants reciprocal commercial pilot privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1322; Filed, February 13, 1942; 11:52 a. m.]

[Amendments 22-1, 22-2 and 22-3, Civil Air Regulations]

PART 22—LIGHTER-THAN-AIR PILOT CERTIFICATES

CITIZENSHIP REQUIREMENTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of February 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 6, 1942, Part 22 of the Civil Air Regulations is amended as follows:

1. By amending § 22.102 to read as follows:

§ 22.102 *Citizenship.* Applicant shall be:

(a) A citizen of and of unquestionable loyalty to the United States, or

(b) A person who is in sympathy with the objectives of the United States and who is a trustworthy citizen of a friendly foreign government not under the domination of or associated with any government with which the United States is at war.

2. By striking § 22.122 and inserting in lieu thereof the following:

§ 22.122 *Citizenship.* Applicant shall be:

(a) A citizen of and of unquestionable loyalty to the United States, or

(b) A person who is in sympathy with the objectives of the United States and who is a trustworthy citizen of a friendly foreign government not under the domination of or associated with any government with which the United States is at war and which government grants reciprocal commercial pilot privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

3. By amending § 22.132 to read as follows:

§ 22.132 *Citizenship.* Same as § 22.102.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1323; Filed, February 13, 1942; 11:52 a. m.]

[Amendment 24-7, Civil Air Regulations]

PART 24—MECHANIC CERTIFICATES

CITIZENSHIP REQUIREMENTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of February 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 6, 1942, Part 24 of the Civil Air Regulations is amended as follows:

By amending § 24.12 to read as follows:

§ 24.12 *Citizenship.* Applicant shall be:

(a) A citizen of and of unquestionable loyalty to the United States, or

(b) A person who is in sympathy with the objectives of the United States and who is a trustworthy citizen of a friendly foreign government not under the domination of or associated with any government with which the United States is at war.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

F. R. Doc. 42-1324; Filed, February 13, 1942; 11:52 a. m.]

[Amendment 27-5, Civil Air Regulations]

PART 27—AIRCRAFT DISPATCHER CERTIFICATES

CITIZENSHIP REQUIREMENTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of February, 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 6, 1942, Part 27 of the Civil Air Regulations is amended as follows:

By striking § 27.12 and inserting in lieu thereof the following:

§ 27.12 *Citizenship.* Applicant shall be:

(a) A citizen of and of unquestionable loyalty to the United States, or

(b) A person who is in sympathy with the objectives of the United States and who is a trustworthy citizen of a friendly foreign government not under the domination of or associated with any government with which the United States is at war and which government grants reciprocal commercial airman privileges to citizens of the United States on equal terms and conditions with citizens of such foreign government.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1325; Filed, February 13, 1942; 11:52 a. m.]

[Amendments 40-6 and 40-7, Civil Air Regulations]

PART 40—AIR CARRIER OPERATING CERTIFICATION

REQUIREMENT OF TRANSPORT CATEGORY AIRPLANES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of February, 1942.

Acting pursuant to sections 205 (a), 601 and 604 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective July 1, 1942, Part 40 of the Civil Air Regulations is amended as follows:

1. By striking § 40.12 and inserting in lieu thereof the following:

§ 40.12 *Aircraft.* Applicant shall show aircraft certificated as provided in Part 04 of a model and number deemed by the Administrator to be necessary for safe operation as related to the service offered, the route traversed, and the operating and maintenance procedure and techniques proposed.

2. By striking the first paragraph of § 40.2 and insertng in lieu thereof the following:

§ 40.2 *Passenger minimum requirements.* To be eligible for an air carrier operating certificate for the carriage of persons in interstate air transportation within the continental limits of the United States, an applicant, in addition to meeting the minimum requirements provided for in § 40.1, shall meet and comply with the following minimum requirements prescribed for the particular kind of operation proposed. Airplanes proposed for use for the carriage of passengers shall be subject to the following requirements:

(a) No airplane certificated as a basic type after June 30, 1942, shall be deemed adequate for use in scheduled air transportation unless it has been certificated in accordance with the transport category requirements of Part 04;

(b) No airplane which has been certificated as a basic type in accordance with the transport category requirements of Part 04 shall be deemed adequate for use in scheduled air transportation unless it can meet the requirements of § 61.712 over each route to be flown;

(c) On or after December 31, 1944, no individual airplane shall be deemed adequate for use in scheduled air transportation unless it has been certificated in accordance with the transport category requirements of Part 04, and can meet the requirements of § 61.712 over each route to be flown, or unless such airplane has been used in scheduled air transportation with the approval of the Administrator prior to that date;

(d) No airplane shall be deemed adequate for use in scheduled air transportation after December 31, 1947, unless it has been certificated in accordance with the transport category requirements of Part 04, and can meet the requirements of § 61.712 over each route to be flown.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1327; Filed, February 13, 1942; 11:53 a. m.]

[Amendment 51-4, Civil Air Regulations]

PART 51—GROUND INSTRUCTOR RATING

CITIZENSHIP REQUIREMENTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of February 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 602 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 6, 1942, Part 51 of the Civil Air Regulations is amended as follows:

By amending § 51.1 (c) to read as follows:

§ 51.1 (c) *Citizenship.* Applicant shall be:

(a) A citizen of and of unquestionable loyalty to the United States, or

(2) A person who is in sympathy with the objectives of the United States and who is a trustworthy citizen of a friendly foreign government not under the domination of or associated with any government with which the United States is at war.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1326; Filed, February 13, 1942; 11:53 a. m.]

[Amendment 61-20, Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES

OPERATION OF TRANSPORT CATEGORY AIRPLANES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of February 1942.

Acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective July 1, 1942, Part 61 of the Civil Air Regulations is amended by adding a new § 61.712, to be inserted immediately after § 61.7114, as follows:

§ 61.712 *Operating limitations upon airplanes certificated under transport category requirements.* In operating in scheduled passenger transportation, any airplane certificated in accordance with the provisions of § 04.75–T, the restrictions of §§ 61.7121 to 61.7125, inclusive,

shall be observed unless deviations therefrom are specifically authorized by the Administrator on the ground that a peculiarity of the particular circumstances of a particular case makes a literal observation of the restrictions unnecessary for safety in that case.

In determining compliance with these provisions, the data obtained in testing the airplane for type certification may be applied, by interpolation or by computation of the effects of changes in specific variables, to conditions differing from those for which specific tests are made, where such interpolations or computations will give results substantially equalling in accuracy the results of a direct test.

§ 61.7121 *General limitations.* (a) The airplane shall not be operated from any field at an altitude outside of the altitude range for which maximum take-off weights have been determined and set forth in the airplane operating manual; and shall not be dispatched to a field of intended destination, or have any field specified as an alternate, which is at an altitude outside the range for which maximum landing weights have been determined, and set forth in the airplane operating manual.

(b) The weight of the airplane at take-off shall not exceed the certificated maximum take-off weight for the altitude of the field from which the take-off is to be made.

(c) The gross weight at take-off shall be such that, allowing for the consumption of the amount of fuel which would normally be consumed in flight to the intended destination, the weight on arrival at the destination will not exceed the certificated maximum landing weight for the altitude of the field of intended destination.

§ 61.7122 *Take-off limitations to provide for engine failure.* Take-offs shall be made only from such fields in such directions and under such gross weight limitations that the following conditions are fulfilled as shown by the performance data determined under § 04.7532–T and set forth in the airplane operating manual.

(a) From any point on the take-off up to the time of attaining the critical-engine-failure speed set forth in the airplane operating manual, it shall be possible to bring the airplane to a safe stop within the landing area, as shown by the accelerate-and-stop distance data.

(b) If the critical engine should fail at any instant after the airplane attains the critical engine failure speed, it shall be possible to proceed with the take-off, and attain a height of 50 feet, as indicated by the take-off path data, before passing over the end of the take-off area. Thereafter it shall be possible to clear all obstacles either by at least 50 feet vertically, as shown by the take-off path data, or by at least 200 feet horizontally within the airport boundaries and 300 feet horizontally after passing beyond such boundaries. In determining the allowable deviation of the flight path in order to avoid obstacles, it shall be assumed that the airplane is not banked before reaching a height of 50 feet, as shown by the take-off path data, and that the maximum bank thereafter does not exceed 15°.

(c) In applying requirements (a) and (b), correction shall be made for any appreciable gradient of the take-off surface. Take-off data based on still air may be corrected to allow for the effect of a favorable wind which is equal to not more than 50 percent of the component along the take-off runway due to the reported wind condition.

§ 61.7123 *Landing distance limitations.* (a) Aircraft shall be dispatched only under such conditions that it would be possible, as shown by the still air landing data obtained in § 04.7533–T and set forth in the airplane operating manual, at a weight corresponding to the maximum weight expected to exist at the time of arrival at the field of intended destination, and under standard air conditions for the altitude of such field, to bring the airplane to rest, from a point 50 feet directly above the intersection of the obstruction clearance line (as defined in § 61.7124) and the landing surface, within a total distance not in excess of 70 per cent of the effective length (as defined in § 61.7124) of the landing area most suitable for landing in still air.

(b) For every possible condition of wind velocity and direction and the corresponding landing direction required at the field of intended destination by the ground handling characteristics of the airplane type involved, the ratio of landing distance to effective length of landing area shall not be greater than that as specified in (a), after allowing for the effect on the landing path and roll of not more than 50 per cent of the favorable wind component due to a particular wind condition.

(c) If requirement (a) can be met, but requirement (b) cannot be fully met, at a field of intended destination, a flight to such field may be dispatched under the following or more conservative conditions:

(1) At least one suitable alternate field shall be designated in the flight plan, at which requirements (a) and (b) of this section, as modified by § 61.71230, and the requirements of § 61.71091 to 61.71096, inclusive, are met.

(2) If requirement (b) cannot be met for the wind conditions existing at the time of arrival, the airplane shall proceed to the alternate.

§ 61.71230 *Landing distance at alternate fields.* The conditions of § 61.7123 shall apply with respect to alternate fields specified in the flight plan, except that in the case of alternate fields the landing distance as defined in that section shall not exceed 70 per cent of the effective length of the landing area.

§ 61.7124 *Definition of effective length of landing area.* The effective length of the landing area shall be the distance from the point where the obstruction clearance line, as defined below, intersects the landing surface to the far end of the landing area.

The obstruction clearance line is a line drawn tangent to or clearing all obstructions showing in a profile of the approach area, as defined below. The obstruction clearance line is further limited by having a slope to the horizontal of 1/20, as it approaches the landing area.

The approach area, as used in this section, shall be an area symmetrical about a center line coinciding with and prolonging the center line of the runway, except that where there are a multiplicity of parallel runways, or a large area continuously available for landing, the center line of the approach area shall coincide with the most probable landing path for instrument approaches. The approach area shall be considered as extending longitudinally from the landing area out to the most remote obstacle touched by the obstruction clearance line, assuming the center line of the approach area in plan view to be straight for at least 1,500 feet from the intersection of the obstruction clearance line with the landing surface, and thereafter continuing in a path consistent with the instrument approach procedures for the field in question, or where such procedures are not specified, consistent with turns of at least 4,000 feet radius; and as extending laterally to a distance of 200 feet on either side of its center line at the point of intersection of the obstruction clearance line with the landing surface, with this distance increasing uniformly to 500 feet on either side of the center line of the area at a longitudinal distance of 1,500 feet from the intersection of the obstruction clearance line line with the landing surface, and maintaining a distance of 500 feet from the center line thereafter.

§ 61.7125 *Enroute limitations.* Aircraft shall be dispatched only under such conditions that in progressing along the intended route, with the weight of the airplane progressively reduced by the anticipated consumption of fuel and oil, the maximum one-engine-inoperative operative altitude, as defined in § 04.7513–T and as set forth in the airplane operating manual, shall at all times exceed by at least 1,000 feet the altitude of the highest ground or obstruction within 10 miles on either side of the intended route. Where special air navigation facilities provide for close and specific identification of an obstruction, or of high ground extending for less than 20 miles along the route, the maximum lateral distance from the intended route up to which such obstructions or high ground must be taken into account may be reduced to five miles.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42–1320; Filed, February 13, 1942; 11:51 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

AMENDMENT TO RULE RELATING TO REPORTS OF CERTAIN STABILIZING ACTIVITIES REQUIRED TO BE FILED UNDER THE ACT

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 17 (a) and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said Act, hereby takes the following action:

Section 240.17a–2 [Rule X-17A–2] is amended to read as follows:

§ 240.17a–2 *Reports of certain stabilizing activities.* (a) Every member of a national securities exchange, and every broker or dealer who transacts a business in securities through the medium of any such member, and every broker or dealer registered pursuant to Section 15 of the Securities Exchange Act of 1934, as amended (Sec. 15, 48 Stat. 895; sec. 3, 49 Stat. 1377; 15 U.S.C., 78o), who effects any purchase for the purpose of pegging, fixing, or stabilizing (hereinafter referred to as stabilizing) the price of any security to facilitate an offering in respect of which a registration statement is filed under the Securities Act of 1933 (48 Stat. 74, et seq.; 15 U.S.C. 77a–aa), as amended, shall send to the Commission a report on Form X-17A–1—

(1) On the first business day following each day on which any purchase or sale of the offered security or the security being stabilized is effected by the manager of the stabilizing syndicate, as such, or if there is no such syndicate, by such member, broker or dealer, for any account;

(2) On the first business day following each day on which such member, broker or dealer effects, otherwise than through the manager of the stabilizing syndicate, any purchase or sale of the offered security or the security being stabilized, for any account; and

(3) Within three business days following the date on which the stabilizing is commenced, for each day in the twenty days preceding such date on which such member, broker, or dealer effected, for his own account, any purchase or sale of the offered security or the security being stabilized.

(b) Notwithstanding the provisions of paragraph (a) of this section, in the case of an offering made at a fixed public offering price, no report need be filed for any day solely because of a retail sale of the offered security at such public offering price. In such cases, there shall be disclosed in Column G of Schedule II of the next report required to be filed pursuant to paragraph (a) of this section, the total of all such retail sales by the reporting person which were not previously reported.

(c) Promptly upon the termination of the stabilizing, written notice of such termination shall be given to the Commission. The reports required by paragraph (a) (1) and (2) of this section shall be filed until the stabilizing is terminated and the Commission is so notified, except that if any stabilizer then has a short position in any such security, he shall send to the Commission a report on Form X-17A–1 on the first business day following each day on which the manager of the stabilizing syndicate, as such, effects any purchase to cover such short position, and a report on that form on the first business day following each day on which such stabilizer effects a purchase, otherwise than through such manager, to cover such short position. Separate reports shall be filed as to each such security and may be filed by one or more of the stabilizers on behalf of any of the stabilizers. For the purpose of this rule and the forms prescribed hereby, the term "offered security" includes any security of the same class. Reports filed pursuant to this rule will be available for public inspection after the stabilizers have filed all the reports required hereby.

(d) Promptly upon the termination of the stabilizing, if any stabilizer then has a long position in the offered security, he shall promptly notify the Commission in writing of the amount of such long position, unless he is filing, pursuant to paragraph (a) of this section, a report for the date of termination.

Effective February 13, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–1311; Filed, February 13, 1942; 11:31 a. m.]

PART 249—FORMS, SECURITIES EXCHANGE ACT OF 1934

ADOPTION OF NEW FORM FOR FILING REPORTS OF CERTAIN STABILIZING ACTIVITIES

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly sections 17 (a) and 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary for the execution of the functions vested in it by the said Act hereby takes the following action:

Form X-17A–1, bearing the printed legend "Adopted February 13, 1942" is adopted and Form X-17A–1 adopted on July 24, 1941, is rescinded.

Effective February 13, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–1312; Filed, February 13, 1942; 11:31 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER II—RAILROAD RETIREMENT BOARD

PART 299—PRIOR SERVICE RECORDS

REGULATIONS UNDER THE JOINT RESOLUTION PROVIDING FOR THE ACQUISITION BY THE RAILROAD RETIREMENT BOARD OF DATA NEEDED IN CARRYING OUT THE PROVISIONS OF THE RAILROAD RETIREMENT ACTS

Pursuant to the general authority contained in section 5, Public Resolution No. 102, 76th Congress, approved October 9, 1940 (54 Stat. 1088–1090), the Regulations of the Railroad Retirement Board under such Act (5 F.R. 4332) are amended, effective January 29, 1942 (Board Order 42–62 dated January 29, 1942), by the adoption of new §§ 299.53 and 299.59 and the amendment of existing §§ 299.52, 299.54, 299.56, 299.58, and 299.60, as follows:

§ 299.52 *Establishment of record.* The division of retirement claims will assemble and process the reports and other data received from employers and other companies so as to establish, as nearly as practicable, complete records by individuals, showing for each individual all creditable service rendered prior to January 1, 1937, and all creditable compensation necessary to establish the average monthly compensation for such service, or the fact that the individual rendered no creditable service. (Secs. 4, 5, 54 Stat. 1089, 1090)

§ 299.53 *Notice that certain claimed service is not creditable.* When it is found that service included by an individual in his statement of service rendered prior to January 1, 1937 is service to an employing unit which has been held by the general counsel or the Board not to be an employer or carrier-predecessor of an employer under the Act, or service which has been held by the general counsel or the Board not to be creditable as service to an employer or carrier-predecessor of an employer under the Act, and the record has not yet been established as provided for in § 299.52, the director of retirement claims may notify such individual by mail that this service will not be included in establishing his record if in his judgment the interests of the individual would be served by such notification. (Secs. 4, 5, 54 Stat. 1089, 1090)

§ 299.54 *Notice of record.*—(a) *Notice to employees for whom a record has been established.* As soon as practicable after the establishment of the record, as provided for in § 299.52, with respect to each individual, the division of retirement claims will give notice to such individual of the establishment of such record and the amount, if any, of creditable service and compensation so established.

(b) *Manner of notice.* Notice under paragraph (a) of this section shall be given to each individual, if his address is on file with the Board, by mail, or, if his address is not on file with the Board, (1) by transmission to employers for delivery, (2) by public advertisement, or (3) by such other means as the Board may determine.

(c) *General notice to employees and other individuals.* After notice has been given with respect to each individual for whom a record has been established, the Board will take steps to notify generally by public advertisement, by posters to be placed in offices of employers and labor organizations, or otherwise, each interested individual that all records of creditable service rendered prior to January 1, 1937, and creditable compensation necessary to establish the average monthly compensation for such service have been established and that if such individual believes he rendered such service and received such compensation and has not received notice thereof from the Board, he should request the establishment of a record thereof. (Secs. 4, 5, 54 Stat. 1089, 1090)

§ 299.56 *Finding that reasonable notice has been given.* The Board will find, from time to time, with respect to described individuals that reasonable notice has been given to such individuals and shall enter such finding in its records. After a general notice as provided for in paragraph (c) of § 299.54 has been given, the Board will find, and will enter such finding in its records, that reasonable notice has been given to all individuals with respect to whom no such finding previously has been made. (Secs. 4, 5, 54 Stat. 1089, 1090)

§ 299.58 *Contest of record*—(a) *By individuals for whom a record has been established.* Upon receipt of notice of establishment of his record, each individual who believes his creditable service prior to January 1, 1937, or compensation therefor to be other than as indicated in such notice may contest such record by forwarding immediately to the Railroad Retirement Board, Washington, D. C., attention of the director of retirement claims, a statement setting forth the nature and extent of his protest.

(b) *By individuals not in receipt of any individual notice.* After the general advertisement or other advice that all notices of establishment of record have been sent out, any individual who has received no individual notice of establishment of such a record for him and who believes that he rendered creditable service prior to January 1, 1937, may contest such failure to establish a record by forwarding immediately to the Railroad Retirement Board, Washington, D. C., attention of the director of retirement claims, a request for the establishment of a record of his service and compensation, with a statement setting forth the details of his service.

(c) *No such contest on action described in § 299.53.* No contest under paragraphs (a) or (b) of this section shall be based upon action of the director of retirement claims pursuant to § 299.53, but such action may be contested by appeal to the Board as provided in paragraph (c) of § 299.59.

(d) *Time limit for contest of record.* An individual who wishes, pursuant to paragraphs (a) or (b) of this section, to contest the record as established, or the failure to establish such record, shall file with the director of retirement claims the statement as provided for in paragraphs (a) or (b) of this section, within two years from the date that the Board entered upon its records a finding that reasonable notice had been given with respect to such individual, as provided in § 299.56.

(e) *Decisions upon contest.* Each contest of the record as established, or of the failure to establish such record, shall be determined initially by the director of retirement claims. In his determination of the contest, the director of retirement claims shall affirm the record previously established if it is found to be correct; shall establish a new record in place of the previously established record if it is found to have been erroneous; or, if no record was previously established, shall establish a record showing the service and compensation established or that there is no creditable service prior to January 1, 1937, as the case may be. (Secs. 4, 5, 54 Stat. 1089, 1090)

§ 299.59 *Appeals*—(a) *Appeal from an initial determination of the director of retirement claims.* (1) Every individual who has contested his record as established, or the failure to establish such record, shall have the right to appeal to the appeals council from the initial determination of such contest, unless the sole issue determined is appealable directly to the Board pursuant to paragraph (c) of this section.

(2) Appeal from an initial determination of such contest by the director of retirement claims shall be made by the execution and filing of the appeal form prescribed by the Board. Such form must be filed with the appeals council before the later of the following dates: (i) One year after the date notice of the initial determination of the contest by the director of retirement claims is mailed to the individual; (ii) Two years after the date upon which the finding that reasonable notice had been given to the individual was entered by the Board on its records, as provided in § 299.56.

(3) The individual shall have no right to further review of an initial determination of the director of retirement claims unless formal appeal is filed in the manner and within the time prescribed herein.

(4) The appellant, or his representative, shall be afforded full opportunity to present further evidence upon any controversial question of fact, orally or in writing or by means of exhibits; to examine and cross-examine witnesses; and to present argument in support of the appeal. If, in the judgment of the appeals council, evidence not offered by the appellant is available and relevant and is material to the merits of the case, the appeals council shall obtain such evidence upon its own initiative. The appeals council shall protect the record against scandal, impertinence and irrelevancies, but the technical rules of evidence shall not apply.

(5) In the development of appeals, the appeals council shall have power to hold hearings, require and compel the attendance of witnesses, administer oaths, take testimony, and make all necessary investigations.

(6) All oral evidence presented at any hearing shall be reduced to writing. All evidence presented by the appellant and all evidence developed by the appeals council shall be preserved. Such evidence, together with a record of the arguments, oral or written, and the file previously made in the establishment of the record and in the decision upon the contest shall constitute the record of the case for the decision of the appeal. After an appeal form is filed, the compilation of the record of the case shall be initiated by the inclusion therein of the file made in the establishment of the record of service and compensation and the decision upon the contest; the compilation of the record of the case shall be kept up to date by the prompt addition thereto of all parts of the record subsequently developed. The entire record at any time during the pendency of an appeal shall be available for examination by the appellant or his representative.

(7) Upon completion of the record, the appeals council shall render decision thereon as soon as practicable, and, within thirty days after the making thereof, such decision shall be communicated to the appellant in writing. Decision shall be taken by unanimous vote of the members of the appeals council, and such decision shall be either a decision upon the merits of the appeal, or a decision to certify the entire record as an automatic appeal to the Board. If the decision is upon the merits of the appeal, the appeals council may establish a new record in place of one previously established.

(b) *Final appeal from a decision of the appeals council.* (1) Every appellant shall have a right to a final appeal to the Railroad Retirement Board from any decision of the appeals council by which he claims to be aggrieved.

(2) Final appeal from a decision of the appeals council shall be made by the execution and filing of the final appeal form prescribed by the Board, except as provided in subparagraph (7) of paragraph (a) of this section, and must be filed with the Board within four months from the date upon which notice of the decision by the appeals council is mailed to the appellant at the address furnished by him. As used herein, a month shall be considered to have elapsed between any date and the date corresponding thereto in the next succeeding month.

(3) The individual shall have no right to further review of a decision of the appeals council unless formal final appeal is filed in the manner and within the time prescribed herein.

(4) Upon final appeal to the Board, the appellant shall not have the right to submit additional evidence: *Provided, however,* That, if upon final appeal to the Board, the Board finds that new or better evidence is available, the Board may obtain such evidence, in which event the appellant shall be advised with respect to such evidence and given an opportunity to submit rebuttal evidence and argument: *And provided further,* That in the event that pursuant to the preceding proviso material evidence is developed which tends to show facts contrary to those found by the appeals council, or, in the event that the appellant shows that he is ready to present further material evidence, which for good reason he was not able to present to the appeals council, the claim may be referred back to the appeals council. Thereupon the appeals council shall receive such new evidence as may be offered, develop new or better evidence if available, affording the appellant appropriate opportunity to submit rebuttal evidence and argument, include a transcript of all evidence in the record, and transmit the entire record to the Board together with its recommendation to the Board for final decision.

(5) The decision of the Board shall be made upon the record of evidence and argument which has been made in the handling of the case before final appeal to the Board, with such additions as may be made pursuant to this section. Further argument will not be permitted except upon a showing by the appellant that he has arguments to present which for valid reasons he was unable to present at an earlier stage, and in cases in which the Board requests further elaboration of the appellant's arguments. In such cases, the further argument shall be submitted orally or in writing, as the Board may indicate in each case, and shall be subject to such restrictions as to form, subject matter, length and time as the Board may indicate to the appellant.

(6) In its decision, the Board may establish a new record in place of one previously established.

(c) *Direct appeal to the Board from findings that service is of such character as not to be creditable.* (1) Any individual who receives a notice described in § 299.53 that certain claimed service is not creditable and any individual whose contest of record is determined by the division of retirement claims solely upon the ground that service claimed is service to an employing unit which has been held by the general counsel or the Board not to be an employer or carrier-predecessor of an employer under the Act or service which has been held by the general counsel or the Board not to be creditable as service to an employer or carrier-predecessor of an employer under the Act shall have a right to appeal such issue directly to the Board. Such appeal shall be made by the execution and filing of the appeal form prescribed by the Board. Such form must be filed with the secretary of the Board before the later of the following dates: (i) One year after the date notice of the initial determination of the contest by the director of retirement claims is mailed to the individual; (ii) Two years after the date upon which the finding that reasonable notice had been given to the individual was entered by the Board on its records, as provided in § 299.56. The individual shall have no right to review of such issue unless formal appeal is filed in the manner and within the time prescribed herein.

(2) After the appeal form is filed, the compilation of the record of the case shall be initiated by the inclusion therein of the file made in the previous determination that the service in question is not creditable under the Act. The appellant shall be afforded an opportunity to submit in writing any evidence and argument which is pertinent to the issue to be determined, and, if in the judgment of the Board a full and fair presentation of evidence or argument would be facilitated through the presentation of oral evidence or argument, such opportunity shall be provided either before the Board or before an examiner appointed by the Board to hear such evidence and argument and to report thereon to the Board. All oral evidence and argument shall be reduced to writing and, together with any report of an examiner, shall become part of the record on the appeal.

(3) Upon the filing of an appeal pursuant to this subsection, the Board may consolidate therewith any other appeal presenting the same questions of fact and law and by individual notice or by publication may give notice to all persons whose record of creditable service and compensation rendered prior to January 1, 1937 will be affected by the determination of the issue presented on the appeal and may thereby make all such persons parties to the proceeding. The decision on the appeal in such case shall constitute the final determination of the issue with respect to all persons, whether individually named or described as a class, who have been made parties to the proceeding pursuant to this paragraph.

(4) Upon completion of the record, the Board shall make final decision of the issue presented.

§ 299.60 *Finality of record*—(a) *For an individual for whom a record is established pursuant to § 299.52.* Any record established pursuant to § 299.52 and which is not contested pursuant to § 299.58 or appealed pursuant to paragraph (c) of § 299.59 shall be presumed to include all service rendered and compensation earned prior to January 1, 1937 by the individual to whom such record relates, and, unless shown by new and manifestly convincing evidence to be clearly erroneous, shall be conclusive: *Provided, however,* That such records shall in no wise restrict the authority of the Board to determine upon the filing of an application for an annuity that some or all of the service or compensation so recorded is not service or compensation as said terms are defined in the Railroad Retirement Acts or that under the provisions of the applicable Railroad Retirement Act some or all of the service or compensation so recorded is not to be used in the computation of an annuity.

(b) *For an individual for whom no record is established pursuant to § 299.52.* With respect to each individual for whom no record is established pursuant to § 299.52 and who does not, pursuant to paragraphs (b) and (d) of § 299.58, contest such failure to establish a record, the fact that no such record is established shall be presumed to show that such individual, prior to January 1, 1937, rendered no service and earned no compensation as said terms are defined in the applicable Railroad Retirement Act, and such presumption shall be rebuttable only by new and manifestly convincing evidence showing it to be clearly erroneous.

(c) *For an individual for whom a record is established upon contest or appeal.* Any decision made pursuant to paragraph (e) of § 299.58 upon a contest of a record or of the failure to establish a record, if not appealed in accordance with § 299.59 and every final decision made upon the appeal pursuant to § 299.59, shall constitute the final determination of the issue presented. Such determination shall, without reexamination or further review, govern the annuity rights of the individual and shall be applied by all officers and employees of the Board in any future action dependent upon the matter of fact or law so determined. (Secs. 4, 5, 54 Stat. 1089, 1090)

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON,
Secretary of the Board.

FEBRUARY 13, 1942.

[F. R. Doc. 42-1328; Filed, February 13, 1942; 11:54 a. m.]

PART 299—PRIOR SERVICE RECORDS

REGULATIONS UNDER THE JOINT RESOLUTION PROVIDING FOR THE ACQUISITION BY THE RAILROAD RETIREMENT BOARD OF DATA NEEDED IN CARRYING OUT THE PROVISIONS OF THE RAILROAD RETIREMENT ACTS

Pursuant to the general authority contained in section 5, Public Resolution No. 102, 76th Congress, approved October 9, 1940 (54 Stat. 1088–1090), §§ 299.58 (d) and 299.59 of the Regulations of the Railroad Retirement Board under such Act (5 F.R. 4332) are amended, effective January 29, 1942 (Board Order 42–83 dated February 10, 1942), as follows:

Section 299.58 by the addition of the following sentence at the end of paragraph (d) thereof:

§ 299.58 *Contest of record.*

* * * * * * *

(d) *Time limit for contest of record.* * * * In determining whether a contest, as provided for in paragraphs (a) or (b) of this section, has been made in accordance with this subsection, the date of filing the statement required shall be the date of receipt in the office of the Board in Washington, D. C., or the date of receipt by a Regional Office of the Board, or the date of delivery for the purpose of transmission to the Board's Washington office into the personal custody of a district manager at his office or elsewhere in his district or at his office to a subordinate field agent designated by him, or the date of delivery for the purpose of transmission to the Board's Washington office to any field agent specifically authorized by a Regional Director to receive custody in the district where delivery is made, whichever date is earlier.

Section 299.59 by the addition of the following as paragraph (d) thereof:

§ 299.59 *Appeals.*

* * * * * * *

(d) *When appeal has been made.* In determining whether an appeal has been made in accordance with this section, the date of filing of a duly executed appeal form prescribed by the Board shall be the date of receipt in the office of the Board in Washington, D. C., or the date of receipt by a Regional Office of the Board, or the date of delivery for the purpose of transmission to the Board's Washington office into the personal custody of a district manager at his office or elsewhere in his district or at his office to a subordinate field agent designated by him, or the date of delivery for the purpose of transmission to the Board's Washington office to any field agent specifically authorized by a Regional Director to receive custody in the district where delivery is made, whichever date is earlier.

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON,
Secretary.

FEBRUARY 13, 1942.

[F. R. Doc. 42-1329; Filed, February 13, 1942; 11:54 a. m.]

TITLE 29—LABOR

CHAPTER V—WAGE AND HOUR DIVISION

PART 616—MINIMUM WAGE RATE IN THE PROPERTY MOTOR CARRIER INDUSTRY

WAGE ORDER IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 34 FOR A MINIMUM WAGE RATE IN THE PROPERTY MOTOR CARRIER INDUSTRY

Whereas on July 8, 1941, pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, herein referred to as the Act, the Administrator of the Wage and Hour Division of the United States Department of Labor, by Administrative Order No. 118, appointed Industry Committee No. 34 for the Property Motor Carrier Industry, herein called the Committee, and directed the Committee to recommend a minimum wage rate for the Property Motor Carrier Industry in accordance with section 8 of the Act; and

Whereas the Committee included six disinterested persons representing the public, a like number of persons representing employers in the Property Motor Carrier Industry, and a like number of persons representing employees in the Industry, and each group was appointed with due regard to the geographical regions in which the Property Motor Carrier Industry is carried on; and

Whereas on September 12, 1941, the Committee, after investigating economic and competitive conditions in the Industry, filed with the Administrator a report containing its recommendation for a 40 cent minimum hourly wage rate in the Property Motor Carrier Industry; and

Whereas after notice published in the FEDERAL REGISTER on October 22, 1941, Major Robert N. Campbell, the Presiding Officer designated by the Administrator, held a public hearing upon the Committee's recommendation at Washington, D. C., on December 1, 2, 3, 4 and 5, 1941, at which all interested persons were given an opportunity to be heard; and

Whereas the complete record of the proceeding before the Presiding Officer has been transmitted to the Administrator; and

Whereas all persons who appeared at the hearing were given leave to file briefs on or before January 26, 1942; and

Whereas oral argument was held on January 30, 1942 before the Administrator; and

Whereas the Administrator, upon reviewing all the evidence adduced in this proceeding and giving consideration to the provisions of the Act with special reference to sections 5 and 8, concludes that the Industry Committee's recommendation for the Property Motor Carrier Industry, as defined by Administrative Order No. 118, is made in accordance with law, is supported by the evidence adduced at the hearing, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of the Act; and

Whereas the Administrator has set forth his decision in an opinion entitled "Findings and Opinion of the Administrator in the Matter of the Recommendation of Industry Committee No. 34 for a Minimum Wage Rate in the Property Motor Carrier Industry," dated this day, a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, 1560 Broadway, New York, New York:

Now therefore, it is ordered, That:

§ 616.1 *Approval of recommendation of Industry Committee.* The Committee's recommendation is hereby approved.*

§ 616.2 *Wage rate.* Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Act by every employer to each of his employees in the Property Motor Carrier Industry who is engaged in commerce or in the production of goods for commerce.*

§ 616.3 *Posting of notices.* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the Property Motor Carrier Industry shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this Order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor.*

§ 616.4 *Definition of the Property Motor Carrier Industry.* The Property Motor Carrier Industry to which this Wage Order shall apply, is defined as follows: The industry carried on by any person who holds himself out to the general public to engage in, or under individual contracts or agreements engages in, the transportation by motor vehicle of property in interstate commerce, or in the transportation by motor vehicle of property necessary to the production of goods for interstate commerce over regular or irregular routes. The term includes the industry carried on by any person who as agent or under contractual arrangement with any rail, water, or motor carrier or any express company engages in the performance within terminal areas of transfer, collection, or delivery services. The term does not include that part of the industry carried on by any carrier by rail or water or by any express or other company which is subject to Administrative Order No. 34 defining the Railroad Carrier Industry.*

§ 616.5 *Scope of the definition.* The definition of the property motor carrier industry covers all occupations in the industry including clerical, maintenance, shipping and selling occupations: *Provided, however,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.*

§ 616.6 *Effective date.* This Wage Order shall become effective March 16, 1942.*

Signed at Washington, D. C., this 13th day of February, 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-1313; Filed, February 13, 1942; 11:35 a. m.]

*§§ 616.1 to 616.6, inclusive, issued under the authority contained in sec. 8, 52 Stat. 1064; 29 U.S.C., Sup., IV, 208.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1057, Part II]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE MIXING OF THE COALS OF MINE INDEX NOS. 890 AND 891, FOR THE ESTABLISHMENT OF AN ADDITIONAL RAIL LOADING POINT FOR THE COALS OF MINE INDEX NO 1471 AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 2312, 635, 774 AND 894 IN DISTRICT NO. 1 FOR ALL SHIPMENTS EXCEPT TRUCK

A petition having been filed with the Bituminous Coal Division on September 12, 1941, by District Board 1, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of price classifications and minimum prices for certain coals in District 1, for all shipments except truck;

Temporary relief having been granted by Order of the Director dated October 20, 1941, 6 F. R. 6050;

A hearing having been held in this matter pursuant to an Order of the Director, on November 17, 1941, before a duly designated Examiner of the Bituminous Coal Division at a hearing room thereof, in Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the matter having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That, commencing fifteen (15) days from the date hereof § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof, and the said "Supplement R" shall be in lieu of all shipping points previously designated for the mines specified therein.

It is further ordered, That the prayers contained in the original petition are granted to the extent set forth above and in all other respects are denied.

Dated: January 24, 1942.

DAN H. WHEELER,
Acting Director.

[SEAL]

PERMANENT SUPPLEMENT

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups nos.]

Mine name	Code number	Shipping point	Rail road	Electric group No.	1	2	3	4	5
Ault Coal Co.	2	Wheeler, Pa.	P&SN	118	H	H	H	J	J
Do	2	Kittanning, Pa.	ITSR	79	H	H	H	J	J
Ault, Ira	6	Ault, Pa.	P&WR	50	(†)	(†)	E	E	E
Do	6	Clarksburg, Pa.	B&O	100	(†)	(†)	(*)	F	F
Bailey Bros. Coal Co.	98	Wagner Run Jct., Pa.	P&R	81	(†)	(†)	G	(†)	(†)

*Shipping point in this size group not a rail shipping point.

†Prices for coal in this size group not filed with the Commission.

NOTE: If the coal in any size group is not prepared to the size specified, the price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the higher price classification.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code number index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal (double screened, top size 2" and over)	Double screened, lump size 2" and under	Run of mine, mine-run 6x12"	2" and under slack	3/4" and under slack
Gnuskin, Louis (L. Gnuskin Mining Company).	886	Gnuskin	10	Armstrong	D	235	215	195	165	185

[F. R. Doc. 42-1283; Filed, February 12, 1942; 11:04 a. m.]

[Docket No. A-1246]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the price classifications and minimum prices effective for the coals of Cherry Run #5 Mine, Mine Index No. 1453, of Cherry Run Coal Mining Company (A. A. Groe) for rail shipments, shall be applicable only for shipments on the Pennsylvania Railroad from Snow Shoe, Pennsylvania, and shall no longer be applicable for shipments on the Pennsylvania Railroad at Moshannon, Pennsylvania. All allowances or adjustments required or permitted mines in Freight Origin Group No. 49 shall be applicable to all shipments of the coals of the Cherry Run #5 Mine, Mine Index No. 1453, of Cherry Run Coal Mining Company (A. A. Groe) from Snow Shoe, Pennsylvania.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 29, 1942.

DAN H. WHEELER,
Acting Director.

[SEAL]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine index No.	Code member	Mine name	Sub-district group No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3297	Anita Coal Company	Spencer	6	E	Punxsutawney, Pa	PRR	50	(†)	(†)	F	F	F
1057	Bearer, H. A. (Home-Stead Coal Co.)	Homestead	16	D	St. Benedict, Pa	NYC	44	(†)	(†)	F	(†)	(†)
3306	Bullers, James I	Goheen	6	E	Dora, Pa	P&S	119	(†)	(†)	F	(†)	(†)
3288	Caspin Coal Co., Inc. c/o Ralph S. Fryckland	Caspin #1	11	B	Osceola Mills, Pa	PRR	45	(†)	(†)	G	(†)	(†)
1453	Cherry Run Coal Mng. Co. (A. A. Groe).	Cherry Run #5	9	A	Snow Shoe, Pa	PRR	49	(*)	D	(*)	(*)	(*)
3283	Dougherty, A. C	Brooks	6	B	McGees, Pa	PRR	50	(†)	(†)	F	F	F
3315	Garrett Coal Corporation	Earl #2	11	B	Vindex, Md	W. Md	48	(†)	(†)	H	(†)	(†)
3316	Keys, W. A. (Keys Coal Company).	White #1-S	6	E	Rossiter, Pa	B&O	112	(†)	(†)	F	(†)	(†)
1651	Lantzy Brothers	Lantzy's	24	D	St. Benedict, Pa	NYC	44	(†)	(†)	E	(†)	(†)
3296	McGhee & Close (J. Wallace Close).	Nancy #1	21	E	Brisbin, Pa	PRR	45	(†)	(†)	F	(†)	(†)
3305	Miller & Lorelli (George Miller, Jr.).	Wood	6	D	Anita, Pa	PRR	50	(†)	(†)	E	E	E
3226	Nearhoof Brothers (Orville Nearhoof).	Old #14	11	D	Boynton, Pa	PRR	45	(†)	(†)	F	(†)	(†)
1807	Pfiester, L. V	Pfiester	24	D	St. Benedict, Pa	NYC	44	(†)	(†)	E	(†)	(†)
2988	Rimler, Harry H	Ringler	36	D	Friedens, Pa	B&O	100	(†)	(†)	E	(†)	(†)
3317	Wallwork Coal Company (J. C. Wallwork).	Hillside #1	4	E	Hawthorn, Pa	PRR	75	G	G	G	H	H
3318	Wallwork Coal Company (J. C. Wallwork).	Hillside #2	4	E	Hawthorn, Pa	PRR	75	G	G	G	H	H

*Indicates coal in this size group previously classified and priced.
†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Sub-district No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R-M	2" and under slack	¾" and under slack
						1	2	3	4	5
Anita Coal Company	3297	Spencer	6	Indiana	E	.....	.....	220	210	200
Bullers, James I	3306	Goheen	6	Jefferson	E	.....	.....	220	.....	.....
Caspin Coal Co., Inc., c/o Ralph S. Fryckland.	3288	Caspin #1	11	Clearfield	B	.....	.....	215	.....	.....
Cherry Run Coal Mng. Co. (A. A. Groe).	88	Cherry Run #1	9	Centre	A	(*)	230	(*)	(*)	(*)
Cherry Run Coal Mng. Co. (A. A. Groe).	3187	Cherry Run #4	9	Centre	A	(*)	230	(*)	(*)	(*)
Cherry Run Coal Mng. Co. (A. A. Groe).	1453	Cherry Run #5	9	Centre	A	(*)	230	(*)	(*)	(*)
Dickey & Daisher (Clyde F. Dickey).	3311	Davidson #2	7	Clearfield	D	.....	.....	220	.....	.....

§ 321.24 *General prices*—Supplement T—Continued

Prices in cents per net ton for shipment into all market areas

Code member index	Mine index No.	Mine	Sub-district No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R-M	2" and under slack	¾" and under slack
						1	2	3	4	5
Dougherty, A. C	3283	Brooks	6	Jefferson	B	.....	.....	220	210	200
Garrett Coal Corporation	3315	Earl #2	11	Garrett	B	.....	.....	210	.....	.....
Keys, W. A. (Keys Coal Company)	3316	White #1-S	6	Jefferson	E	.....	.....	220	.....	.....
McGhee & Close (J. Wallace Close)	3296	Nancy #1	21	Clearfield	E	.....	.....	220	.....	.....
Miller & Lorelli (George Miller, Jr.).	3305	Wood	6	Jefferson	E	.....	.....	225	218	205
Nearhoof Brothers (Orville Nearhoof).	3226	Old #14	11	Clearfield	D	.....	.....	220	.....	.....
Sidelb, Jacob	3308	Winkie	12	Indiana	E	.....	.....	215	.....	.....
Wallwork Coal Company (J. C. Wallwork).	3317	Hillside #1	4	Clinton	E	240	215	215	200	190
Wallwork Coal Company (J. C. Wallwork).	3318	Hillside #2	4	Clinton	E	240	215	215	200	190

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 42-1284; Filed, February 12, 1942; 11:04 a. m.]

[Docket No. A-1230]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices and changes in the shipping points for the coals of certain mines in District No. 4; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 324.8 (*Numerical list of mines*) is amended by adding thereto Supplement R-II, § 324.2 (*Seasonal discounts*) is amended by adding thereto Supplement R-III, § 324.9 (*Recapitulation of price classifications*) is amended by adding thereto Supplement R-IV, § 324.11 (*Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) is amended by adding thereto Supplement R-V, § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

And it is further ordered, That the price classifications and minimum prices effective for the coals of the Stalder Mine, Mine Index No. 748, of Little Valley Coal Co. for rail shipments from Nelsonville, Ohio, on Chesapeake & Ohio Railroad shall be applicable only for rail shipments from Floodwood (Kimberly), Ohio, on the said railroad, and shall no longer be applicable for such shipments from Nelsonville, Ohio. All adjustments required or permitted mines in Freight Origin Group No. 22 shall be applicable for such shipments from Floodwood (Kimberly), Ohio.

No relief is granted herein as to the coals of Mine Index Nos. 2155, 2954, 1244, 2968, 2969, 267, 827, 1270, 1271, and 1314, in District No. 4, for the reasons set forth in an Order entered today designating that portion of Docket No. A-1230 which relates to them as Docket No. A-1230 Part II and granting temporary relief therein.

No relief is granted herein as to the coals of Mine Index No. 601 since it appears that price classifications and minimum prices were established therefor by an Order Granting Temporary Relief and Conditionally Providing For Final Relief dated May 21, 1941, 6 F.R. 2823, in Docket No. A-824.

The petition proposed Bidwell, Ohio, as the rail shipping point for the coals of the Gallia Mine, Mine Index No. 2943, of Gallia Sand Company. It appears from the code membership acceptance that this producer contemplates making rail shipments of the coals of the said mine from Evergreen, Ohio, on Chesapeake & Ohio Railroad. Since the petition does not allege any facts in support of the proposal as to Bidwell, Ohio, the price classifications and minimum prices established herein for the coals of the said mine are effective for rail shipments from Evergreen, Ohio, on the said railroad.

The petition proposed that price classifications and minimum prices be established for the coals of Mine Index No. 2943 in Size Group Nos. 1 to 9, inclusive, and 12 for all shipments except truck. It appears that price classifications and minimum prices have customarily been established for comparable and analogous coals in Size Groups 1 to 10, inclusive, and 12, and that Price Classification "Q" has been established for such comparable and analogous coals in Size Group No. 10 for all shipments except truck. Accordingly, Price Classification "Q" is established herein for the coals of Mine Index No. 2943 for all shipments except truck in Size Group No. 10, as well as in Size Groups 1 to 9, inclusive, and 12 for such shipments.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 27, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 *Alphabetical list of code members*—Supplement R-I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Sub-dist. No.	Seam	Type	Shipping points in Ohio	Railroad	Freight origin group Nos.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12
2965	Angelo, D. L	Sleepy Hollow	2	7	Strip	Cambridge	PRR, B&O	8	R	R	R	Q	O	O	Q	Q	Q	Q	.....	Q
2073	Beres, Peter	Beres	5	7A	Deep	Drakes	NYC	27	O	O	O	O	O	O	Q	Q	Q	.....	.....	Q
887	Duckworth, Carl J	Monroe	6	6	Deep	Conesville	W&LE	23	K	K	O	O	O	O	Q	Q	Q	Q	.....	Q
2943	Gallia Sand Company c/o C. K. Langfitt.	Gallia	8	6	Strip	Evergreen	C&O	23	K	K	O	O	O	O	Q	Q	Q	.....	.....	Q
1294	Hood, Frank (New Hood Coal Company).	New Hood Coal Co	8	8	Deep	Pomeroy	C&O	23	K	K	O	O	O	O	Q	Q	Q	.....	.....	Q
1506	Landman, J. W	Landman	4	6	Deep	Cisbocton	W&LE	55	Q	Q	Q	Q	Q	Q	Q	Q	Q	.....	.....	QQ
825	Maxwell, A. E	Stray Hawk	5	7A	Deep	Drakes	NYC	27	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	.....	QQ
2038	Payen Coal Company (W. R. Taylor).	Robertsville	4	5 & 6	Strip	Robertsville	W&LE	55	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	.....	QQ
1315	Stobart & Son, R. E	R. E. Stobart & Son	8	.....	Deep	Pomeroy	C&O	23	K	K	O	O	O	O	Q	Q	Q	.....	.....	Q
2964	Wheeling Township Coal Mining Company, The.	Mine #3	1	8	Strip	Adena	W&LE	18	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	.....	Q

† Subject to Exception No. 4, § 324 (b) in Minimum Price Schedule No. 1.

§ 324.8 *Numerical list of mines*—Supplement R–II

Mine index No.	Mine	Code member	Freight origin districts	Freight origin group Nos.	Railroad	Subdist. No.
825	Stray Hawk	Maxwell, A. F.	Hocking	27	NYC	5
887	Melrose	Duckworth, Carl J.	Middle	55	W&LE	6
1294	New Hood Coal Co	Hood, Frank (New Hood Coal Company).	Pomeroy	23	C&O	8
1315	R. E. Stobart & Son	Stobart & Son, R. E.	Pomeroy	23	C&O	8
1506	Landman	Landman, J. W.	Middle	55	W&LE	4
2073	Heres	Heres, Peter	Hocking	27	NYC	5
2078	Robertsville	Provan Coal Company (W. R. Taylor)	Middle	55	W&LE	4
2943	Gallia	Gallia Sand Company c/o C. K. Langfitt.	Pomeroy	23	C&O	8
2964	Mine #3	Wheeling Township Coal Mining Company, The.	Ohio No. 8	18	W&LE	1
2965	Sleepy Hollow	Angelo, D. J.	Cambridge	8	B&O, PRR	2

§ 324.9 *Recapitulation of price classifications*—Supplement R–IV

[Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas—See schedule of effective minimum prices, § 324.9 and § 324.10. Also applies to Market Areas 98 and 99 (Great Lakes), § 324.11 (b), § 324.11 (c), and Vessel fuel, § 324.11 (d).]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Ohio No. 8	12, 14, 17, 18		12, 16, 37, 45, 68, 92, 119, 161	Add Mine Index No. 2964.
Cambridge		Add 8		Add Mine Index No. 2965.
Hocking	26, 27	Add 8	(subject to Exception No. 4, Page 3) 83, 141	Add Mine Index No. 1294–2965. Add Mine Index Nos. 825–2073.
Pomeroy	23, 25	Add 23	14, 22, 38, 70, 82, 100, 101, 105, 112, 113	Add Mine Index No. 2943. Add Mine Index Nos. 1294–1315.
Middle	51, 55, 56, 55	Add 55	71, 9, 24, 32, 52, 135, 5, 48, 110	Add Mine Index No. 887. Add Mine Index No. 1506. Add Mine Index No. 2938.

[1] Prices as shown for Mine Index Nos. 87 and 121, appearing in the Schedule of Effective Minimum Prices for District No. 4, less 10¢ in Size Groups 7, 8, 9, and 12, will apply to additional Mine Index No. 2965 hereinabove noted for all Market Areas except Market Area 14. In addition, Mine Index No. 2965 will have a price in Size Group 10 equal to the applicable minimum price for its Size Groups 8, less 5¢, for all Market Areas except Market Area 14. Prices for Market Area 14 shall be 5¢ [illegible] less in Size Groups 7, 8, 9, and 12 than the price in Size Group 10 shall be the same as its Size Group 8.

[2] Prices as shown for Mine Index No. 14, appearing in the Schedule of Effective Minimum Prices for District No. 4, will apply to additional Mine Index No. 2943 hereinabove noted for shipment into all Market Areas. In addition, Mine Index No. 2943 will have a price in Size Group 10 equal to the applicable minimum price for its Size Group 8, less 5¢, for all Market Areas.

Prices as shown in §§ 324.9, 324.10, 324.11 (b), 324.11 (c), 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.11 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*—Supplement R–V

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—See Schedule of Effective Minimum Prices, § 324.11 (a).]

Name of railroad	Mine index Nos.	Additional mine index Nos.
Baltimore & Ohio Railroad Co	8, 25, 133, 153, 161	Add Mine Index No. 2965.
Chesapeake & Ohio Railway Co	14, 38, 44, 47, 61, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 130, 131, 168, 170, 171.	Add Mine Index Nos. 1294–1315. Add Mine Index No. 2943.
New York Central System	1, 4, 6, 18, 22, 27, 28, 34, 35, 47, 51, 59, 64, 66, 73, 74, 84, 90, 91, 100, 107, 109, 125, 126, 148, 141, 144, 156, 158, 172	Add Mine Index Nos. 825–2073.
Pennsylvania Railroad Co	166	Add Mine Index No. 2965.
Wheeling & Lake Erie Railway Co	9, 24, 26, 32, 42, 44, 52, 81, 99, 102, 122, 127, 135, 145, 154, 157, 164.	Add Mine Index Nos. 887–1506.
	5, 12, 37, 48, 110, 119	Add Mine Index Nos. 2938–2964.
Akron, Canton & Youngstown Railway Co.		
Ann Arbor Railroad Co		
Canadian National Railways and Grand Trunk Railway System.	From all Mine Index Nos. except those shown below.	Add Mine Index Nos. 825, 887, 1294, 1315, 1506, 2073.
Canadian Pacific Railway Co		
Detroit and Mackinac Railway Company.	From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 26, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add Mine Index Nos. 2938, 2943, 2964, 2965.
Detroit & Toledo Shore Line Railroad Co.		
Erie Railroad		
Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.)		
Pere Marquette Railway Co	From all Mine Index Nos. except those shown below.	Add Mine Index Nos. 825, 887, 1294, 1315, 1506, 2073.
For all Railroads not shown above	From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 26, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166	Add Mine Index Nos. 2938, 2943, 2964, 2965.

[1] Prices for Mine Index No. 2943 shall be those prices appearing in § 324.11 (a) in the Schedule of Effective Minimum Prices, less 10¢ per ton, and in addition thereto, the price in Size Group 10 shall be the same as the applicable minimum price for its Size Group 8.

NOTE: Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.2 *Seasonal discounts*—Supplement R–II

[On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel.]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of— Apr.	May	June	July	Aug.
Ohio No. 8	12, 14, 17, 18		12, 16, 37, 45, 68, 92, 119, 161	Add Mine Index No. 2964.	30	20	10		
Cambridge		Add 8		Add Mine Index No. 2965.	30	20	10		
Hocking	26, 27		83, 141	Add Mine Index Nos. 825–2073.	30	20	10		
Pomeroy		Add 23		Add Mine Index No. 2943.	50	40	30	20	10
	24, 25		14, 22, 38, 70, 82, 100, 101, 105, 112, 113.	Add Mine Index Nos. 1294–1315.	50	40	30	20	10
Middle	51	Add 55	71	Add Mine Index No. 887.	30	20	10		
	55, 56		9, 24, 32, 52, 135	Add Mine Index No. 1506.	30	20	10		
	55		5, 48, 110	Add Mine Index No. 2938.	30	20	10		

[1] Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes: 6-inch lump	3-inch–6-inch–5-inch lump	2-inch lump	2-inch x 4-inch–2-inch x 3-inch egg	4-inch x 5-inch–4-inch egg	Mine run, nut and pea	2-inch x 0-slack	3-inch x 0-slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1—EASTERN OHIO											
BELMONT COUNTY											
Donley, Applegarth & Howard (Harry Howard)	Donley	2951	S	285	275	260	235	230	220	200	190
HARRISON COUNTY											
Wheeling Township Coal Mining Company, The.	Mine #3	2964	S	275	265	250	225	220	210	190	180
SUBDISTRICT NO. 2—CAMBRIDGE											
GUERNSEY COUNTY											
Angelo, D. J.	Sleepy Hollow	2965	7	270	260	245	220	220	220	200	190
Bebout, Vernon J.	Bebout	2947	7	270	260	245	220	220	220	200	190
SUBDISTRICT NO. 3—BERGHOLZ											
JEFFERSON COUNTY											
Carter Mann Coal Company (John K. Carter)	Black Diamond	2955	S	285	275	260	235	230	220	200	190
SUB-DISTRICT NO. 4—MIDDLE											
COSHOCTON COUNTY											
Haxton, Ralph Wayne	Haxton Coal	2949	6	280	270	260	235	230	195	165	155
Willowbrook Coal Co. (Ward B. Davis)	Willowbrook Coal Co	2952	6	280	270	260	235	230	195	165	155
HOLMES COUNTY											
Oberholtzer, Martin & Livingston (Frank Martin)	Martin	2948	3	275	265	250	235	235	220	190	180
MAHONING COUNTY											
Jones, G. A.		2950	6	300	290	275	250	245	235	205	195
TUSCARAWAS COUNTY											
Golden Rod Coal Company, The c/o M. J. Crites	Golden Rod Coal Co	2959	6	275	265	250	235	235	220	190	180
Overholt Coal Co. (C. S. Overholt)	Overholt	2942	7	285	275	260	235	245	220	190	180
Walker, George	Walker	2953	6	275	265	250	235	235	220	190	180
Wardell Coal Company (Curtis E. Wardell)	Wardell Coal Co	2960	6	275	265	250	235	235	220	190	180
SUBDISTRICT NO. 6—CROOKSVILLE											
PERRY COUNTY											
Kess Coal Co. (Lester Edwards)	Kess	2967	5	280	270	260	235	230	195	165	155
SUBDISTRICT NO. 7—JACKSON											
JACKSON COUNTY											
Glennell Coal Co. (W. J. Dixon)	Glennell	2958		295	285	275	250	245	195	175	165

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: 6-inch lump	3-inch–6-inch–5-inch lump	2-inch lump	2-inch x 4-inch–2-inch x 3-inch egg	4-inch x 5-inch–4-inch egg	Mine run, nut and pea	2-inch x 0-slack	3-inch x 0-slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 8—POMEROY											
GALLIA COUNTY											
Carson, Charles (Carson Coal Co.)	Carson	2954	SA	295	285	275	250	245	195	140	140
Gallia Sand Company c/o C. K. Langfitt	Gallia	2947	6	295	285	275	250	245	195	140	140
MEIGS COUNTY											
Harrison Coal Co. (Ernest Harrison)	Harrison #2	2968	S	295	285	275	250	245	195	140	140
Harrison Coal Co. (Ernest Harrison)	Harrison #3	2969	S	295	285	275	250	245	195	140	140

[F. R. Doc. 42-1237; Filed, February 12, 1942; 11:05 a. m.]

[Docket No. A-1250]

PART 326—MINIMUM PRICE SCHEDULE. DISTRICT NO. 6

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 6 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 6

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 6; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 326.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 326.6 (*Numerical list of mines*) is amended by adding thereto Supplement R–II, and § 326.23 (*General prices: for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 23, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 6

NOTE: The materials in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 326, Minimum Price Schedule for District No. 6 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK, RIVER, AND EX-RIVER

§ 326.5 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Type	Shipping points in West Virginia	Railroad	Freight origin group No.	Price classifications by size group No.											
									1	2	3	4	5	6	7	8	9	10	11	12
206	Atlas Engineering Company, c/o Sidney C. Smith.	Roberta		Pgh. 8	Strip	Colliers	PRR	30	E	E	E	E	E	E	E	E	E	E	.....	E

§ 326.6 *Numerical list of mines*—Supplement R–II

Refer to § 326.6 in Minimum Price Schedule for District No. 6. Add the following:

Mine index No.	Mine	Code member	Freight origin group No.	Railroad
206	Roberta	Atlas Engineering Company, c/o Sidney C. Smith	30	PRR.

Prices for Mine Index Numbers 7, 20, 21 and 26 shown in § 326.8(a), (b), (c), (d), in Minimum Price Schedule apply to Mine Index Number 206.

FOR TRUCK SHIPMENTS

§ 326.23 *General prices; for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes							
				6" lump	3"–4"–5" lump	2" lump	2" x 1" egg; 2" x 5/8" egg	1¼" lump; 1¼" x ¾" egg	Mine run; nut and pea	2" x 0 slack	¾" x 0 slack
				1	2	3	4	5	6	7	8
Atlas Engineering Company c/o Sidney C. Smith.	Roberta	206	Pgh. 8	275	265	250	225	220	210	190	180

[F. R. Doc 42–1286; Filed, February 12, 1942; 11:05 a. m.]

[Docket No. A–1065]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR A MIXTURE OF THE COALS PRODUCED AT MINES NOS. 2, 3, AND 6 OF C. H. MEAD COAL CO., A CODE MEMBER IN DISTRICT NO. 7

A petition having been filed with the Bituminous Coal Division on September 18, 1941, by District Board 7, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of price classifications and minimum prices for a mixture of coals produced at the No. 2 & 3 Mine (Mine Index No. 117) and at the No. 6 Mine of C. H. Mead Coal Company, a code member in District 7;

Pursuant to an Order of the Director, a hearing in this matter having been held before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard:

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That § 327.11 (*Low volatile coals: Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 7 for All Shipments Except Truck and § 327.34 (*General prices in cents per net ton for shipment into any market area*) in the Schedule of Effective Minimum Prices for District No. 7 for Truck Shipments be and they hereby are amended by establishing for the coals produced at the No. 6 Mine (Mine Index No. 240) of the C. H. Mead Coal Company, the classifications and effective minimum prices set forth in Supplements R and T annexed hereto and made a part hereof.

It is further ordered, That the prayers for relief contained in the petition filed herein are granted to the extent set forth above and in all other respects denied.

Dated: January 24, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

PERMANENT SUPPLEMENT, DISTRICT NO. 7

NOTE: The material contained in this Permanent Supplement is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-dist. No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group No.									
								1	2	3	4	5	6	7	8	9	10
240	Mead Coal Company, C. H.	Mead #6	7	Poca. 4	East Gulf, W. Va.	VGN–C&O.	18	D	D	C	A	A	B	B	B	B	B

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index number	Mine	Sub-district No.	County	Seam	All lump 3½" or larger, all screenings over stove	All nut or pea 1¼" to 3½" or smaller	Screened M R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
Mead Coal Company, C. H.	240	Mead #6	5	Raleigh	Poca. 4	290	270	280	215	195	190

[F. R. Doc. 42–1282; Filed, February 12, 1942; 11:03 a. m.]

[Docket No. A–1249]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 23, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in this "Supplement R" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Sub-dist. No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group number									
								1	2	3	4	5	6	7	8	9	10
287	Altizer, (Mrs.) W. H.	Altizer #2	1	Jewell	Jewell, Va.	N&W	20	(1)	(1)	(1)	(1)	(1)	A	A	(1)	(1)	(1)
288	Call, D. W.	Call	3	Poca. 3	Squire, W. Va.	N&W	20	B	(1)	(1)	(1)	(1)	B	B	D	D	(1)
285	Wall, M. P.	Joan	4	Welch	Garland, W. Va.	N&W	30	B	(1)	(1)	(1)	(1)	B	B	C	C	(1)

(1) Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine	Sub-district No.	County	Seam	All lump 3½" or larger, all screenings over stove	All nut or pea 1¼" to 3½" or smaller	Screened M R	Straight mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
Altizer, (Mrs.) W. H.	287	Altizer #2	4	Tazewell	Jewell	....	....	280	215	....	....
Call, D. W.	288	Call	3	McDowell	Poca. 3	315	....	280	215	185	180
Dunford, A. J.	286	Hardrod	4	Tazewell	Edice	....	....	280	215	....	....
Taylor, Henry	280	Taylor	1	Tazewell	Edice	....	....	280	215	....	....
Wall, M. P.	285	Joan	1	McDowell	Welch	315	....	280	215	....	185

[F. R. Doc. 42 1289; Filed, February 12, 1942; 11:06 a. m.]

[Docket No. A–1262]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8

An original petition, as amended, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 328.21 (*Alphabetical list of code members*) is amended by adding thereto Sup-

plement R–II. § 328.34 (*General prices for high volatile coals in cents per net ton for Shipment into all market areas*) is amended by adding thereto Supplement T–I, and § 328.42 (*General prices for low volatile coals*) is amended by adding thereto Supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.11 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code numbers having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19 20, 21	22	24	25	26	27
5142	Altro Coal Company (Tom Denton).	Altro Coal Co	No. 4 Rider	3	Altro, Ky	L&N	100	O	O	N	M	K	H	K	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)	O	N	M	H	F	F	K	O	M	(†)	(†)	(†)	(†)	(†)
5271	Amherst Coal Company	Amherst No. 3-A	Eagle	5	Accoville, W. Va	C&O	180	Q	Q	L	K	G	E	G	B	B	G	K	D	C	C	C	E	O	N	L	G	D	C	(†)	L	G	K	C	C	C	E
5229	Baker, Shuman	Walton	Straight Creek	6	Pineville, Ky	L&N	111	F	F	E	D	C	C	A	B	C	H	(†)	(†)	(†)	(†)	(†)	A	F	F	E	C	B	C	A	J	H	(†)	(†)	(†)	(†)	A
9009	Bent Mountain Coal Co (T. M. Stratton).	Bent Mt. Coal Co	Winifrede	8	Huddy, Ky	N&W	130	J	J	G	F	G	E	G	D	D	J	(†)	(†)	(†)	(†)	(†)	J	J	G	E	E	E	G	K	J	(†)	(†)	(†)	(†)	(†)
5233	Boone, G. B	Boone Coal Co. No. 1.	Lower Banner	7	Trammel, Va	CC&O	50	M	M	K	J	G	E	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C	M	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
1892	Braden Coal Company	Braden	Wind Rock	6	Elijah, Tenn	Tenn	71	O	O	H	G	G	E	G	E	E	G	N	(†)	(†)	(†)	(†)	(†)	O	M	K	F	E	E	G	M	G	N	(†)	(†)	(†)	(†)
3261	Brown, A. E., Jellico Blue Gem Coal Company.	Jellico Blue Gem	Rex	6	Elk Valley, Tenn	Sou	112	F	F	E	D	E	C	E	C	F	M	(†)	(†)	(†)	(†)	(†)	(†)	F	F	E	B	B	C	E	K	M	(†)	(†)	(†)	(†)	(†)
2366	Brumfield, J. M	Brumfield	Blair	7	Norton, Va	L&N and N&W.	205	O	O	K	J	F	C	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C	O	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
98	Central Elkhorn Coal Co., The.	No. 1	Elkhorn No. 1	1	Garrett, Ky.[1]	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5240	Combs, W. H	Combs	Lower Elkhorn.	1	Elkhorn City, Ky	C&O and CC&O.	63	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	(†)
5242	Conley, Leonard	Conley No. 7		1	Rush, Ky	C&O	61	M	M	K	J	G	E	G	F	F	L	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	N	L	(†)	(†)	(†)	(†)	(†)
5264	Davis Jellico Coal Co. (Jennie Davis).	Davis Jellico #2	Blue Gem	6	Yaden, Ky	L&N	111	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)
5183	D. C. Coal Company (Oscar Castle).	Holly	No. 7	1	Paintsville, Ky	C&O	61	M	M	K	J	G	E	G	F	F	L	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	N	L	(†)	(†)	(†)	(†)	(†)
3824	Diamond Coal Mining Company, The.	Diamond No. 7	Lower Pioneer	6	Diamond, Tenn.[2]	Sou	180	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
5235	Douglas & Parrott (Hugh Parrott).	Douglas & Parrott	Jellico	6	Rockhold, Ky	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(*)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5227	Frazier, Van B.	Van B. Frazier	Hazard No. 1	3	Hot Spot, Ky	L&N	100	M	M	K	J	G	E	G	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	L	K	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5248	Fugate & Ward Coal Co. (A. L. Fugate).		Blair	7	Norton, Va	L&N and N&W.	205	O	O	K	J	F	C	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C	O	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
5257	George, R. C. (United States Fuel Co.).	U. S. No. 1		6	Rockwood, Tenn	T. C	72	O	O	H	G	G	E	G	E	C	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	K	F	D	D	G	L	K	(†)	(†)	(†)	(†)	(†)
1992	Goy, Sherman; Ed. Spraul, Bob Hurney & John Parker (Sherman Goy).	Gamz	Jellico	6	Habersham, Tenn	L&N	140	E	E	D	C	C	C	E	B	C	G	(†)	(†)	(†)	(†)	(†)	(†)	E	E	D	C	B	C	E	G	G	(†)	(†)	(†)	(†)	(†)
5232	Helton, Estes	Estes Helton	Jellico	6	Woodbine, Ky	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5610	Hensley, Shelby[1]	Hensley No. 2	Straight Creek	6	Pineville, Ky	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(*)
7216	Hillman & Gilliam (Geo. L. Hillman).	Hillman & Gilliam #2	Blair	7	Norton, Va	L&N and N&W.	205	O	O	K	J	F	C	E	C	D	G	(†)	(†)	(†)	(†)	(†)	(†)	O	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
745	Jacks Creek Mining Co	Addis	Elkhorn No. 3	1	Jacks Creek, Ky	C&O	61	F	F	F	E	E	C	C	A	(*)	F	(†)	(†)	(†)	(†)	(†)	(*)	F	F	F	C	B	B	C	(*)	F	(†)	(†)	(†)	(†)	(*)
940	Jacks Creek Mining Co	Smith	Elkhorn No. 3	1	Jacks Creek, Ky	C&O	61	F	F	F	E	E	C	C	A	(*)	F	(†)	(†)	(†)	(†)	(†)	(*)	F	F	F	C	B	B	C	(*)	F	(†)	(†)	(†)	(†)	(*)
267	Jacks Creek Mining Co	Superior	Elkhorn No. 3	1	Jacks Creek, Ky	C&O	61	F	F	F	E	E	C	C	A	(*)	F	(†)	(†)	(†)	(†)	(†)	(*)	F	F	F	C	B	B	C	(*)	F	(†)	(†)	(†)	(†)	(*)
5260	Lambrum, Mize	Mize-Lambrum		3	Haddix, Ky	L&N	100	M	M	N	M	K	H	K	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)	M	M	M	H	F	F	K	O	M	(†)	(†)	(†)	(†)	(†)
1960	McCullah, Sarro & Loyd	McCullah	Jellico	6	Habersham, Tenn	L&N	140	E	E	D	C	C	C	E	B	C	G	(†)	(†)	(†)	(†)	(†)	(†)	E	E	D	C	B	C	E	G	O	(†)	(†)	(†)	(†)	(†)
1606	Manchester Coal Co	Paw Paw	Horse Creek	6	Manchester, Ky	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
5703	Marcum, Frank		Horse Creek	6	Manchester, Ky	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
4006	Miller, E. Lege	Miller	Straight Creek	6	Pineville, Ky	L&N	111	F	F	E	D	C	C	A	B	C	H	(†)	(†)	(†)	(†)	(†)	A	F	F	E	C	B	C	A	J	H	(†)	(†)	(†)	(†)	A

[1] Shelby Hensley erroneously listed in Docket A-1165 as Mine Index No. 4006.
[2] Denotes new shipping point. Shipping Point at Lackey, Ky., shall no longer be applicable.
[3] Denotes new shipping point and Freight Origin Groups. Shipping point at Carryville, Tenn., on the Southern Railway in Freight Origin Group 10 shall no longer be applicable.

*Indicates previously classified these size groups.
†Indicates no classification effective for these size groups.

§ 328.11 *Alphabetical list of code members*—Supplement R–I—Continued

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19 20, 21	22	24	25	26	27
5230	Morehead, George C	Morehead	Jellico	6	Flat Lick, Ky	L&N	111	O	O	J	H	G	E	G	C	C	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	L	K	(†)	(†)	(†)	(†)	(†)
2103	Myers, Geo. T	Geo. T. Myers	No. 3	6	Helenwood, Tenn	Sou	70	O	O	M	L	H	F	H	F	E	K	(†)	(†)	(†)	(†)	(†)	(†)	O	O	M	H	F	F	H	N	K	(†)	(†)	(†)	(†)	(†)
1586	New Green Briar Coal Co. (Dan Hinkle).	New Green Briar Coal Co.	Horse Creek	6	Manchester, Ky	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	B	C	D	E	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	B	C	D	E
5179	Parsons, H. L., Trustee for Wave H. Brock.	P. & B	Bingham	6	Flat Lick, Ky	L&N	111	O	O	J	H	G	E	G	C	C	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	L	K	(†)	(†)	(†)	(†)	(†)
5241	Pinson, Mose	Pinson	Lower Elkhorn.	1	Elkhorn City, Ky	C&C and CC&O.	63	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
5270	Porter, Henry (Porter Elkhorn Mining Company).		Elkhorn No. 1	1	Salisbury, Ky	C&O	61	H	H	H	G	E	C	E	B	C	G	(†)	(†)	A	A	A	A	H	H	H	D	B	B	E	J	G	(†)	A	A	A	A
338	Raymond City Coal & Transportation Corporation.	Monarch	Cedar Grove	4	Monarch, W. Va	NYC	127	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	M	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	M	(†)	(†)	(†)	(*)
5246	Red Jacket Coal Corporation (W. M. Pryor).	Red Jacket No. 9	Powellton	5	Coal Mountain, W. Va.[4]	Vir	230	Q	Q	L	K	F	D	F	A	A	D	(†)	(†)	A	A	A	A	O	M	K	F	C	B	F	J	D	(†)	A	A	A	A
2691	Reed Coal Company (R. M. Reed).	No. 1	Blair	7	Norton, Va.[5]	L&N and N&W.	205	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(*)
5022	Reed Coal Company (R. M. Reed).	No. 2	Kelly	7	Norton, Va.[5]	L&N and N&W.	205	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(*)
2775	Rock Creek Mining Company.	Rock Creek	Cedar Grove	4	Rock Creek, W. Va.	C&O	123	Q	Q	L	K	H	F	H	D	(*)	J	(†)	(†)	(†)	(†)	(†)	(*)	Q	P	N	J	G	G	H	(*)	J	(†)	(†)	(†)	(†)	(*)
5251	Shouse, Robert	Robert Shouse	Jackson	3	Jackson, Ky	L&N	100	M	M	K	J	G	E	G	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	H	F	F	K	O	M	(†)	(†)	(†)	(†)	(†)
888	Siler, Marshall	Siler Blue Gem	Blue Gem	6	Jellico, Tenn	L&N and Sou.	113	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)
5243	Smith Brothers Coal Co. (P. E. Smith).	O. P. Smith	No. 7	1	Kilgore, Ky	C&O	61	M	M	K	J	G	E	G	F	F	L	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	N	L	(†)	(†)	(†)	(†)	(†)
1370	Snyder, Fred	Fred Snyder	Hazard No. 4	3	Lothair, Ky	L&N	100	K	K	J	H	G	E	G	D	D	K	N	(†)	(†)	(†)	(†)	(†)	K	K	J	F	D	D	G	L	K	N	(†)	(†)	(†)	(†)
5193	Strong, Ed	Ed. Strong	Cannel	3	Whick, Ky	L&N	100	(§)	(§)	(§)	(§)	(§)	(§)	(§)	(§)	(§)	(§)	(†)	(†)	(§)	(§)	(§)	(§)	(§)	(§)	(§)	(§)	(§)	(§)	(§)	(§)	(§)	(§)	(§)	(§)	(§)	(§)
1317	Vires, H. C. (Jackson Coal Co.).	Jackson Coal Co	No. 4	3	Jackson, Ky	L&N	100	M	M	N	M	K	H	K	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)	M	M	M	H	F	F	K	O	M	(†)	(†)	(†)	(†)	(†)

[4] Siding not yet in operation.
[5] Denotes new shipping point, railroad and Freight Origin Group. Shipping point at Esserville, Va., on the Interstate Railroad in Freight Origin Group 200 shall no longer be applicable.

§ See cannel coal prices.
(*) Indicates previously classified these size groups.
(†) Indicates no classification effective for these size groups.

§ 328.21 *Alphabetical list of code members*—Supplement R–II

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all mines except as separately shown]

Mine index No.	Code member	Mine name	Sub-dist. No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classifications by size group No.									
								1	2	3	4	5	6	7	8	9	10
1451	Anick, Tockes	Anick No. 2	9	Sewell	Quinwood, W. Va.	C&O and NYC	231							E			

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 3" (6" x 4" x 3")	Lump 2" and under, over 3" x 2"	Lump 3" and under (6" x 4" x 3")	Egg 3" x 2"	Stove 2" and under, over 1" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1—BIG SANDY-ELKHORN											
BOYD COUNTY, KY.											
Phillips, Lon	Fannin	5231	No. 7	265	245	210	230	205	200	150	145
Williams, Clyde	Williams	5228	No. 6	265	245	210	230	205	200	150	145
CARTER COUNTY, KY.											
Conley, Leonard	Conley	5242	No. 7	265	245	210	230	205	200	150	145
Smith Brothers Coal Co. (P. E. Smith)	O. P. Smith	5243	No. 7	265	245	210	230	205	200	150	145
FLOYD COUNTY, KY.											
Porter, Henry (Porter Elkhorn Coal Company)		5270	Elkhorn No. 1	285	265	225	230	215	215	170	165
JOHNSON COUNTY, KY.											
D. C. Coal Company (Oscar Castle)	Holly	5183	No. 7	265	245	210	230	205	200	150	145
Rice, Henry	Rice	5205	Millers Creek	305	285	235	240	215	225	170	165
Spradlin, George B		5182	Millers Creek	305	285	235	240	215	225	170	165
MAGOFFIN COUNTY, KY.											
Adams, James	Adams	5249	No. 7	265	245	210	230	205	200	150	145
Howard, Byrd	Howard	5206	No. 7	265	245	210	230	205	200	150	145
PIKE COUNTY, KY.											
Combs, W. H	Combs	5240	Lower Elkhorn	275	255	220	230	215	210	170	165
Pinson, Mose	Pinson	5241	Lower Elkhorn	275	255	220	230	215	210	170	165
SUBDISTRICT NO. 3—HAZARD											
BREATHITT COUNTY, KY.											
Altro Coal Company (Tom Deaton)	Altro Coal Co	5142	No. 4 Rider	265	245	210	205	190	200	145	140
Landrum, Mize	Mize Landrum	5150		265	245	210	205	190	200	145	140
Shouse, Robert	Robert Shouse	5251	Jackson	265	245	210	205	190	200	145	140
LETCHER COUNTY, KY.											
Frazier, Van B	Van B. Frazier	5227	Hazard No. 1	265	245	220	220	205	210	155	150
SUBDISTRICT NO. 4—KANAWHA											
BOONE COUNTY, W. VA.											
Rock Creek Mining Company	Rock Creek	2775	Cedar Grove	245	225	(*)	215	195	(*)	155	150

*Indicates previously classified these size groups.

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 3" (6" x 4" x 3")	Lump 2" and under, over 3" x 2"	Lump 3" and under (6" x 4" x 3")	Egg 3" x 2"	Stove 2" and under, over 1" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 5—LOGAN											
LOGAN COUNTY, W. VA.											
Amherst Coal Company	Amherst No. 3–A	5271	Eagle	245	225	230	215	205	220	170	165
WYOMING COUNTY, W. VA.											
Red Jacket Coal Corporation c/o W. M. Pryor	Red Jacket No. 9	5246	Powellton	245	225	235	215	210	225	185	180
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
Baker, Sherman	Wilson	5229	Straight Creek	295	275	225	245	215	215	165	160
JACKSON COUNTY, KY.											
Duff, E. J	Bridge Rock Coal Co.	5269	Sand Gap	265	245	220	220	205	210	155	150
KNOX COUNTY, KY.											
Helton, Estes	Estes Helton	5232	Jellico	255	235	225	225	205	215	155	150
Morehead, George C	Morehead	5251	Jellico	255	235	225	225	205	215	155	150
Parsons, H. L., Trustee for Wave H. Brock	P. & B	5170	Bingham	255	235	225	225	205	215	155	150
LAUREL COUNTY, KY.											
Nicholson, E. R	Rocky Branch	5212	Pittsburg	265	245	220	220	205	210	155	150
PULASKI COUNTY, KY.											
Farmer, A. C	Farmer	5273		265	245	220	220	205	210	155	150
ROCKCASTLE COUNTY, KY.											
Hoising, Joe	Henderson	5213	Horse Creek	265	245	220	220	205	210	155	150
WHITLEY COUNTY, KY.											
Davis Jellico Coal Co. (Jernie Davis)	Davis Jellico No. 2	5250	Blue Gem	335	315	235	260	225	225	145	140
Douglas & Parrott (Hugh Parrott)	Douglas & Parrott	5235	Jellico	255	235	225	225	205	215	155	150
ROANE COUNTY, TENN.											
George, R. C. (United States Fuel Co.)	U. S. No. 1	5237		255	235	225	230	205	215	145	140
SUBDISTRICT NO. —VIRGINIA											
DICKENSON COUNTY, VA.											
Boone, G. R	Boone Coal Co. No. 1	5235	Lower Banner	265	245	220	220	215	210	155	150
WISE COUNTY, VA											
Fuzzle & Ward Coal Co. (A. L. Fuzzle)		5245	Blair	265	245	220	220	215	210	155	150
Hillman & Gilliam (Geo. L. Hillman)	Hillman & Gilliam No. 2	5216	Blair	265	245	220	220	215	210	155	150

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I—Continued

CANNEL COAL

Code member index	Mine	Mine index No.	Seam	Lump over 2"	Forked	Chips	Cuttings
SUBDISTRICT NO. 3—HAZARD							
BREATHITT COUNTY, KY.							
Strong, Ed	Ed. Strong	5493	Cannel	$3.50	$3.00	$2.50	$1.60

FOR TRUCK SHIPMENTS

§ 328.42 *General prices for low volatile coals*—Supplement T–II

Code member index	Mine	Mine index No.	Seam	All lump	Egg, larger than 3" x 2" top	Stove, 2" x 1" top	Nut or pea, 1¼" top, 1" bottom	Screened M.R.	Straight M.R.	¾" screenings	¼" screenings
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 9—BUCHANAN COUNTY LOW VOLATILE AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS											
BUCHANAN COUNTY, VA.											
Davis, J. M	Davis	5,252	Red Ash	305	305	300	250	280	215	155	150
RUSSELL COUNTY, VA.											
Williams, T. F	Williams	5,250	Red Ash	305	305	300	250	280	215	155	150
TAZEWELL COUNTY, VA.											
Mill Branch Coal Company (J. H. Bird)	Webb & Bird No. 2	5,260	Red Ash	305	305	300	250	280	215	155	150

[F. R. Doc. 42-1238; Filed, February 12, 1942; 11:05 a. m.]

[Docket No. A–1265]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10, FOR TRUCK SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 10, for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION NO. 4																																
FULTON COUNTY																																
Danner Brothers (Irvin Danner)	1540	Danner Brothers	2	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
Mousty Construction Co. (Lindh McKim)	1539	Mousty	5	255	250	245	235	230	225	185	165	160	155	155	155	125	115	60														
SECTION NO. 5																																
SCHUYLER COUNTY																																
Welch, W. H	1545	Welch's Coal		255	250	245	235	230	225	170	165	160	155	155	155	125	115	60														
SECTION NO. 6																																
SHELBY COUNTY																																
Cruit & Kingston (James Cruit)	1547	Cruit & Kingston	7	280	275	270	260	255	250	245	165	160	155	155	155	125	115	60														

[F. R. Doc. 42-1278; Filed, February 12, 1942; 11:02 a. m.]

[Docket No. A-1279]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 1295 IN DISTRICT NO. 11, FOR ALL SHIPMENTS EXCEPT TRUCK

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of Mine Index No. 1295 in District No. 11, for all shipments except truck; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R

Mine Index No.	Name of code member	Mine	Seam	Sub-district	Freight origin group	Price group	Railroad	Shipping point
[1]1295	Sink, Ben H. (Sink Coal Company).	Sink No. 5..	V	LS	61	9	CMStP&P...	Latta, Ind.

[1] Mine Index No. 1295 shall be included in Price Group 9 and shall take the same f. o. b. mine prices as other mines in Price Group 9 in Price Schedule No. 1, District No. 11, for All Shipments Except Truck. It shall also take the same adjustments in f. o. b. mine prices on account of differences in freight rates as other mines in Freight Origin Group 61 of the Linton-Sullivan Subdistrict having the same freight rate.

Mine Index No. 1295 shall be accorded the same prices for railroad locomotive fuel as shown in § 331.10 in Minimum Price Schedule, District No. 11, for All Shipments Except Truck as are shown for Mine Index Nos. 10, 20, 40, 46, 52, 60, 65, 71, 72, 101, 265, 300, 378, and 1279.

[F. R. Doc. 42-1280; Filed, February 12, 1942; 11:02 a. m.]

[Docket No. A-1280]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 11, FOR TRUCK SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11, for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine Index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
GREENE COUNTY																														
Sink, Ben H. (Sink Coal Company).....	1295	Sink No. 5.....	5	250	245	230	225	220	190	185	175	170	150	140	95	55														
Cleary, Evan P.....	1296	(See)	4	275	270	255	250	245	215	210	195	190	160	150	100	70														
SULLIVAN COUNTY																														
Gall Coal Mine, Steve (Steve Gall)	1297	Gall	6	275	270	265	260	255	250	240	235	230	210	205	190	185	175	170	145	125	70	10	- -	- -	- -	- -	- -	- -	- -	- -

[F. R. Doc. 42-1279; Filed, February 12, 1942; 11:02 a. m.]

[Docket No. A 1285]

PART 333—MINIMUM PRICE SCHEDULE. DISTRICT NO. 13

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF THE SIXTH COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 13, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF ITS AMERICA NO. 5 MINE (MINE INDEX NO. 1453)

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of its America No. 5 Mine (Mine Index No. 1453) of the Sixth Coal Company, a code member in District No. 13; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 333.6 (*General prices*) is amended by adding thereto Supplement R-I, § 333.7 (*Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads*) is amended by adding thereto Supplement R-II, § 333.7 (*Special prices—(c) Prices for shipment by railroads, applicable to all coal sold for steamship vessel fuel*) is amended by adding thereto Supplement R-III and § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 *General prices*—Supplement R-I

Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing

Mine Index No.	Code member	Mine	Sub-district	Seam	Freight origin group
WALKER COUNTY, ALA.					
1453	Sixth Coal Company[1]	America No. 5.....	1	America ...	120

[1] Shipping Point: Leesport, Ala. Railroad: Southern.

This mine shall have the same prices in size groups 1, 2, 6 and 24, on all price tables as listed for mines with Index Numbers 55, 56, 57 and 70.

This mine shall have a price in size group 7 on all price tables, 10¢ under the price listed in size group 6 for mines with Index Numbers 55, 56, 57 and 70.

This mine shall have a price in size group 13 on all price tables, 20¢ under the price listed in size group 12 for mines with Index Numbers 55, 56, 57 and 70.

This mine shall have a price in size group 18 on all price tables, 10¢ under the price listed for mines with Index Numbers 55, 56, 57 and 70.

This mine shall have a price in size group 20 on all price tables, 20¢ under the price listed in size group 18 for mines with Index Numbers 55, 56, 57 and 70.

§ 333.7 *Special prices*—(c) *Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R-III

[Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price restrictions and exceptions]

Mine index No.	Code member	Mine	Nut, 1½ size, 2" bottom size over ¼"		Chestnut, top size 2" bottom size ¾" and under		Chestnut, top size 1¼" bottom size ¾" and under		Run of mine	Resultants, under		Screenings, under		Prep. trial coal
			Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
	WALKER COUNTY, ALA.													
1453	Stith Coal Company 1	Ainories No. 5	285	275	.....	.....	275	250	245	260	240	255	220	245

1 This mine shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mines with Index Numbers 55, 56, 57 and 70.

FOR TRUCK SHIPMENTS

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index No.	Code member	Mine	Sub-district	Mine index No.	Seam	Freight origin group	Prep. trial coal
	WALKER COUNTY, ALABAMA						
	Stith Coal Company	Ainories No. 5	2	1453	America		245

[F. R. Doc. 42-1281; Filed, February 12, 1942; 11:03 a. m.]

[Docket No. A-1139]

PART 337—MINIMUM PRICE SCHEDULE, DISTRICT NO. 17

ORDER GRANTING ADDITIONAL TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 17 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 17

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party requesting the establishment, both temporary and permanent, of price classifications and minimum prices for coals produced by certain mines in District No. 17, including, among others, the Farmers Mine of code member Ishmael Austin; and

pending final disposition of the above-entitled matter, additional temporary relief is granted as follows: Commencing forthwith, § 337.21 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 17 for All Shipments is supplemented to include for the coals of the Farmers Mine (Mine Index No. 498) of Ishmael Austin in Delta County, Subdistrict 12 in District No. 17, the following minimum prices in cents per ton for shipment by truck into all market areas:

Size groups	2	3	4	5	9	10	13	17
Prices	340	325	325	300	275	200	150	250

It is further ordered. That pleadings in opposition to the request in the original petition in the above-entitled matter as to the coals of the Farmers Mine and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered. That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1285; Filed, February 12, 1942; 11:04 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 958—MAINTENANCE, REPAIRS AND OPERATING SUPPLIES

Interpretation No. 1 of Preference Rating Order No. P-100

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 958.2, (*Preference Rating Order P-100*)[1] as amended from time to time.

Paragraph (f) (1) of Preference Rating Order P-100 forbids application of the rating to obtain scarce material, the use of which could be eliminated without serious loss of efficiency by substitution of less scarce material or by change of design. Therefore, Governmental Units and other Producers engaged in repairing, maintaining or operating roads and highways may not apply the rating to obtain such items as metal culverts, metal road signs, metal rope or cable, metal guard rails, or metal reinforcing bars, since terra cotta, cement or wooden substitutes can be used for all these purposes, or their use can be entirely eliminated. The preference rating assigned by Preference Rating Order No. P-100 can in no circumstances be applied to deliveries of burlap or rubber for use in highway maintenance, repair or operation. P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Cong. 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.

Dated this 13th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1318; Filed, February 13, 1942; 11:47 a. m.]

PART 1103—COAL AND COKE

General Inventory Order No. M-97 To Permit Accumulations of Inventories of Coal and Coke

It is hereby ordered, That:

§ 1103.1 *General Inventory Order M-97*—(a) *Revocation of inventory restrictions as to coal and coke.* Notwithstanding the provisions of any Regulation or Order heretofore issued by the Director of Priorities of the Office of Production Management or by the Director of Industry Operations of the War Production Board, any person may make deliveries of anthracite or bituminous coal or coke, and any person may accept deliveries thereof, although the inventory of coal or coke in the hands of the person accepting such delivery is, or will by virtue of such acceptance become, in excess of a practicable working minimum.

(b) *Applicability of Priorities Regulation No. 1.* Except to the extent that the provisions of paragraph (a) are inconsistent therewith, all transactions involving coal and coke shall be subject to the provisions of Priorities Regulation No. 1 as amended from time to time.

(c) *Effective date.* This Order shall take effect at once and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, January 26, 1942, 7 F.R. 561, E.O. 9024, January 16, 1942, 7 F.R. 329; E.O. 9040, January 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 13th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1317; Filed, February 13, 1942; 11:47 a. m.]

[1] 6 F.R. 6548.

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

Amendment No. 6 to Supplementary Order No. M-15-c[1] *to Restrict Transactions in New Rubber Tires, Casings and Tubes*

Section 940.4 (c) is hereby amended by adding thereto the following subparagraph (12):

§ 940.4 *Supplementary Order M-15-c.*

* * * * *

(c) *Prohibition on deliveries of new rubber tires, casings and tubes except to persons possessing certificates.*

* * * * *

(12) Anything in this paragraph (c) to the contrary notwithstanding, the Office of Price Administration may issue to any person owning, operating or controlling a recapping or retreading mold a certificate specified in paragraph (e) of this section subject to such restrictions as may be prescribed by the Office of Price Administration.

This amendment No. 6 shall become effective February 13, 1942. Issued this 9th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1307; Filed, February 12, 1942; 4:54 p. m.]

[1] 6 F.R. 6792; 7 F.R. 121, 350, 435, 473.

PART 1306—IRON AND STEEL

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 41—STEEL CASTINGS

Correction

The item Schedule "E" which appears under the table headed "(2) Furnished in high tensile steel" should appear under Schedule "D" of the table headed "(1) Furnished in grade 'B' Steel" appearing on page 755 of the issue for Thursday, February 5, 1942.

PART 1312—LUMBER AND LUMBER PRODUCTS

PRICE SCHEDULE NO. 94—WESTERN PINE LUMBER

Corrections

The third item under "*Drainboard Stock*" on page 762 of the issue for Thursday, February 5, 1942, should read "22" and wider SW RL."

On page 763, under the first table headed "*Common Boards*", the item "No. 4 & 5 RL, Common, RW & may contain 20% 4' to 8' and 20% 4'" should read "No. 4 & 5 RL, Common, RW & RL may contain 20% 4' to 8' and 20% 4'."

PART 1351—FOODS AND FOOD PRODUCTS

AMENDMENT NO. 2—PRICE SCHEDULE NO. 53—FATS AND OILS

Correction

On page 756 of the issue for Thursday, February 5, 1942, "11 per cent" should read "111 per cent" in § 1351.151 (b) (5).

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

Corrections

In Price Schedule No. 85—New Passenger Automobiles, on page 666 of the issue for Tuesday, February 3, 1942, the word "*Oldsmobile*" should be centered in the second column in small cap roman type. The word "Nash" at the top of the third column should read "Oldsmobile—continued."

In § 1360.102 of Rationing Order No. 2, *New Passenger Automobiles*, on page 667, "Februaty 26, 1941" should read "February 26, 1942."

In the seventh line of § 1360.114 (e) (4) of the New Passenger Automobile Rationing Regulations, on page 670, the word "of" should read "for."

PART 1380—HOUSEHOLD AND SERVICE INDUSTRY MACHINES

PRICE SCHEDULE NO. 86—DOMESTIC WASHING MACHINES AND IRONING MACHINES

Corrections

"Manufacturer's" should read "Manufacturers'" in the first sentence of the first paragraph on page 672 of the issue for Tuesday, February 3, 1942.

The word "continuing" should read "containing" in the eleventh line of § 1380.3 (b) (1) on page 673.

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 3—STANDARD BROADCAST STATIONS

STANDARDS OF GOOD ENGINEERING PRACTICE CONCERNING STANDARD BROADCAST STATIONS (550–1,600 KILOCYCLES)

Correction

Attention is directed to the following errors which appeared in the Saturday,

February 7, 1942, issue of the FEDERAL REGISTER:

Page 827 Greenville, N. C. (E) SS November "6:15" should read "6:00".

Page 829 "Peoria, Ill. (C)" should read "Peoria, Ill.[1] (C)".

Page 829 Pittsburgh, Kans. (C) SS October "6:35" should read "6:45".

Page 830 "Wichita, Kans. (C)" should read "Wichita, Kans.[1] (C)".

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1308; Filed, February 13, 1942; 10:36 a. m.]

Notices

TREASURY DEPARTMENT.

Bureau of Internal Revenue, Alcohol Tax Unit.

NOTICE OF HEARING WITH REFERENCE TO PROPOSED AMENDMENT OF REGULATIONS NO. 5, RELATING TO LABELING AND ADVERTISING OF DISTILLED SPIRITS

FEBRUARY 12, 1942.

Pursuant to the provisions of Section 5 of the Federal Alcohol Administration Act as amended:

Notice is hereby given of a public hearing to be held on Tuesday, February 24, 1942, at 10:00 A. M., in Room 3601 of the Internal Revenue Building, 10th and Pennsylvania Avenue, Washington, D. C., for the purpose of taking evidence with reference to the following proposed amendment to Regulations No. 5 (27 CFR, Part 5), Relating to Labeling and Advertising of Distilled Spirits:

To amend section 21, Class 1, of said regulations (27 CFR 5.21 (a)) in such manner as to modify the standard of identity for "neutral spirits" so as to include certain spirits distilled at less than 190° proof. In view of the potential shortage of neutral spirits for beverage use during the existing emergency, it is the Bureau's purpose to consider whether whiskey, brandy or other spirits now in storage, which were distilled at relatively high proof, as well as spirits hereafter distilled at less than 190° proof, can, by treatment with activated carbon or by other methods, be made sufficiently neutral to be classed as "neutral spirits" for beverage use, and if so, the desirability of such an amendment.

[SEAL] STEWART BERKSHIRE,
Deputy Commissioner.

[F. R. Doc. 42-1330; Filed, February 13, 1942; 11:55 a. m.]

Fiscal Service, Bureau of the Public Debt.

[1942 Dept. Circ. No. 681]

2¼ PERCENT TREASURY BONDS OF 1952-55—DATED AND BEARING INTEREST FROM FEBRUARY 25, 1942; DUE JUNE 15, 1955; REDEEMABLE AT THE OPTION OF THE UNITED STATES AT PAR AND ACCRUED INTEREST ON AND AFTER JUNE 15, 1952; INTEREST PAYABLE JUNE 15 AND DECEMBER 15

FEBRUARY 13, 1942.

I. OFFERING OF BONDS

1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions, at par and accrued interest, from the people of the United States for 2¼ percent bonds of the United States, designated Treasury Bonds of 1952-55. The amount of the offering is $1,500,000,000. or thereabouts.

II. DESCRIPTION OF BONDS

1. The bonds will be dated February 25, 1942, and will bear interest from that date at the rate of 2¼ percent per annum, payable on a semiannual basis on June 15 and December 15 in each year until the principal amount becomes payable. They will mature June 15, 1955, but may be redeemed at the option of the United States on and after June 15, 1952, in whole or in part, at par and accrued interest, on any interest day or days, on 4 months' notice of redemption given in such manner as the Secretary of the Treasury shall prescribe. In case of partial redemption the bonds to be redeemed will be determined by such method as may be prescribed by the Secretary of the Treasury. From the date of redemption designated in any such notice, interest on the bonds called for redemption shall cease.

2. The income derived from the bonds shall be subject to all Federal taxes, now or hereafter imposed. The bonds shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The bonds will be acceptable to secure deposits of public moneys, but will not bear the circulation privilege and will not be entitled to any privilege of conversion.

4. Bearer bonds with interest coupons attached, and bonds registered as to principal and interest, will be issued in denominations of $50, $100, $500, $1,000, $5,000, $10,000 and $100,000. Provisions will be made for the interchange of bonds of different denominations and of coupons and registered bonds, and for the transfer of registered bonds, under rules and regulations prescribed by the Secretary of the Treasury

5. The bonds will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States bonds.

III. SUBSCRIPTION AND ALLOTMENT

1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Treasury Department, Washington. Subscribers must agree not to sell or otherwise dispose of their subscriptions, or of the securities which may be allotted thereon, prior to the closing of the subscription books. Banking institutions generally may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than banking institutions will not be permitted to enter subscriptions except for their own account. Subscriptions from banks and trust companies for their own account will be received without deposit. Subscriptions from all others must be accompanied by payment of 10 percent of the amount of bonds applied for. Subscriptions will be entertained from the various classes of subscribers on the following bases:

(1) Banks and trust companies for their own account—not to exceed 50 percent of capital and surplus.

(2) Mutual savings and cooperative banks, Federal Savings and Loan Associations, trust accounts and investment corporations, pension funds, insurance companies, and similar institutions and funds—not to exceed ten percent of total resources.

(3) Corporations organized for profit, and dealers and brokers—not to exceed 50 percent of net worth.

(4) Individuals—not to exceed 50 percent of net worth or 100 percent of cash deposited with subscription. (Note: No preferred allotment will be made on such full-paid subscriptions.)

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of bonds applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subscriptions for amounts up to and including $5,000 where the subscribers specify that delivery be made in registered bonds 90 days after the issue date will be given preferred allotment. In each such case a subscriber may not enter any other subscription, and payment must be made as provided in Section IV of this circular. Allotment notices will be sent out promptly upon allotment, and the basis of the allotment will be publicly announced.

IV. PAYMENT

1. Payment at par and accrued interest, if any, for bonds allotted hereunder must be made or completed on or before February 25, 1942, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of bonds applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depositary will be permitted to make payment by credit for bonds allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its district.

V. GENERAL PROVISIONS

1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective districts, to issue allotment notices, to receive payment for bonds allotted, to make delivery of bonds on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive bonds.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL] HENRY MORGENTHAU, Jr.,
Secretary of the Treasury.

[F. R. Doc. 42-1331; Filed, February 13, 1942; 11:56 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-195]

IN THE MATTER OF FRANK GERARD AND HESTON RUMPLE, INDIVIDUALLY AND AS CO-PARTNERS DOING BUSINESS UNDER THE NAME AND STYLE OF GERARD AND RUMPLE, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 29, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 2, 1942, by Bituminous Coal Producers Board for District No. 11, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 27, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That said defendants, whose addresses are R. F. D. No. 2, Dana, Indiana, and whose code membership became effective as of December 20, 1939, during the period October 7, 1940, to February 28, 1941, both dates inclusive, sold (a) approximately 167.65 net tons of mine run coal at $2.00 per net ton f. o. b. the mine (b) approximately 54.45 net tons of 1¼" x 0 screenings at $1.00 per net ton f. o. b. the mine, and (c) approximately 2.10 net tons of 1¼" x 7/16" coal at $1.25 per net ton f. o. b. the mine, all of which coal was produced by defendants at their Gerard Mine, Mine Index No. 904, located in Vermillion County, Indiana, in District No. 11, whereas said coal is classified and priced in the Schedule of Effective Minimum Prices for District No. 11, For Truck Shipments, as follows: (a) mine run coal classified as Size Group No. 7 and priced at $2.15 per net ton f. o. b. said mine; (b) 1¼" x 0 screenings classified as Size Group No. 14 and priced at $1.45 per net ton f. o. b. said mine; and (c) 1¼" x 7/16" coal classified as Size Group No. 10 and priced at $1.85 per net ton f. o. b. said mine.

Notice is also given, That upon determination that the defendants have committed any one or more of the violations as alleged in the complaint, an order may be entered either revoking the code membership of the defendants, or directing the defendants to cease and desist from violating the Code and regulations made thereunder.

Dated: February 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1309; Filed, February 13, 1942; 11:12 a. m.]

General Land Office.

WITHDRAWAL OF LAND CONTAINING CERTAIN HOT SPRINGS IN ALASKA REVOKED

It appearing that the only hot springs within the area are situated on that portion which passed out of public ownership under rights of prior inception, the departmental order of February 13, 1907, withdrawing a 183.71-acre area on Hot Springs Bay, Baranof Island, Alaska, now within the Tongass National Forest, is hereby revoked.

HAROLD L. ICKES,
Secretary of the Interior.

JANUARY 30, 1942.

[F. R. Doc. 42-1314; Filed, February 13, 1942; 11:40 a. m.]

AIR NAVIGATION SITE WITHDRAWAL NO. 175 AND MODIFICATION OF GRAZING DISTRICTS NOS. 1 AND 5[1]

IDAHO

It is ordered, Under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729; 49 U.S.C. 214, that the following-described tracts of public land in Idaho be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, and that permission is hereby granted the Department of Commerce to establish beacon lights on and use the lands in the maintenance of air navigation facilities:

BOISE MERIDIAN

T. 4 S., R. 9 E.,
Sec. 34, NW¼SW¼SW¼;
T. 7 S., R. 17 E.,
Sec. 23, NE¼NW¼SE¼;
aggregating 20 acres.

And, so far as they affect the above-described lands, the departmental orders of April 8, 1935, and December 4, 1940, creating Idaho Grazing Districts Nos. 1 and 5, respectively, are hereby modified and made subject to the withdrawal effected by this order.

HAROLD L. ICKES,
Secretary of the Interior.

JANUARY 30, 1942.

[F. R. Doc. 42-1315; Filed, February 13, 1942; 11:41 a. m.]

[1] Affects tabulation in 43 CFR 502.1e.

FEB ... 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 33

Washington, Tuesday, February 17, 1942

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 741—PARITY PAYMENT REGULATIONS

SUBPART D—1942

Sec.

741.301 Eligibility for payment.
741.302 Rate of payment and deduction.
741.303 Division of payment and deductions.
741.304 Proration of net deductions.
741.305 Deductions incurred on other farms.
741.306 General provisions relating to payments.
741.307 No deduction for association expenses.
741.308 Application for payment.
741.309 Appeals.
741.310 Forms and instructions.
741.311 Performance of duties of State and County Committees in Hawaii and Puerto Rico.
741.312 Definitions.
741.313 Authority.

Parity payments will be made to producers of each of the commodities, wheat, cotton, corn (in the commercial corn-producing area), and tobacco, who comply with the provisions of the regulations in this subpart, except those commodities for which the sum of the basic loan rate or the average farm price, whichever is the higher, for the 1941 crop year, and the rate of payment for such commodity under the 1942 Agricultural Conservation Program equals or exceeds the parity price for the 1941 crop year.

§ 741.301 *Eligibility for payment.* An application for parity payment with respect to a commodity may be made (a) by any person for whom, under the provisions of § 741.303, a share in the payment with respect to a commodity may be computed and (b) with respect to a farm which is being operated in 1942. Application for payment with respect to a farm may be made for one or more of the commodities listed in §741.302 prior to determination of performance of all such commodities, in which case the applicant shall agree to refund all or any part of the payment if it is found after determination of performance for all the commodities that he was not entitled thereto.*

*§§ 741.301 to 741.313, inclusive, issued under the authority contained in the item "Parity Payments" 55 Stat. 446, secs. 301, 303, 52 Stat. 38, 45; 7 U.S.C. 1301, 1303.

§ 741.302 *Rates of payment and deduction*[1]—(a) *Corn.* (1) Section 701.301 (a) (8) of the 1942 Agricultural Conservation Program Bulletin,[2] as now or hereafter amended (hereinafter referred to as ACP–1942), is hereby incorporated as this subparagraph, except that the rate of payment shall be ____ cents.

(2) Section 701.301 (a) (9) of ACP–1942 is hereby incorporated as this subparagraph.

(b) *Cotton.* (1) Section 701.301 (b) (7) of ACP–1942 is hereby incorporated as this subparagraph, except that the rate of payment shall be ____ cents.

(2) Section 701.301 (b) (8) of ACP–1942 is hereby incorporated as this subparagraph.

(c) *Tobacco.* (1) Section 701.301 (f) (4) of ACP–1942 is hereby incorporated as this subparagraph, except that the rate of payment for each type of tobacco shall be as follows:

	Cents
Burley	____
Flue-cured	____
Dark air-cured	____
Fire-cured	____
Virginia sun-cured	____
Cigar-filler tobacco (Type 41)	____
Cigar-filler and binder (Types 42–44, 46, 51–55)	____

(2) Section 701.301 (f) (5) of ACP–1942 is hereby incorporated as this subparagraph.

(d) *Wheat.* (1) Section 701.301 (g) (7) of ACP–1942 is hereby incorporated as this subparagraph, except that the rate of payment shall be ____ cents.

(2) Section 701.301 (g) (8) of ACP–1942 is hereby incorporated as this subparagraph.*

[1] The rates of payment will be determined and announced by the Secretary of Agriculture as soon as the statistics upon which they are required to be based become available.

[2] 6 F.R. 4111.

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FEDERAL REGISTER

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§ 741.303 *Division of payment and deductions.* Section 701.303 (a) (1) of ACP–1942 is hereby incorporated as this section.*

§ 741.304 *Proration of net deductions.* Section 701.303 (c) of ACP–1942 is hereby incorporated as this section.*

§ 741.305 *Deductions incurred on other farms.* (a) Section 701.306 (a) of ACP–1942 is hereby incorporated as this paragraph.

(b) Section 701.306 (b) of ACP–1942 is hereby incorporated as this paragraph.*

§ 741.306 *General provisions relating to payments.* (a) Section 701.309 (a) (1), except that the words "1942 or previous agricultural conservation programs" referred to in this subparagraph shall be deleted and the words "1942 Parity Payment Regulations" shall be substituted therefor. Practice Numbers (1), (2), (3), (5), (6), (7), (8), (9), (10), (11), and (12), of ACP–1942 is hereby incorporated as this paragraph, except that the "1942 Agricultural Conservation Program" referred to in practices (1) and (3) thereof shall be deleted and the words "1942 Parity Payment Regulations" shall be substituted therefor.

(b) Section 701.309 (b) of ACP–1942 is hereby incorporated as this paragraph, except that the words "as provided in paragraph (d) of this section," shall be deleted.

(c) Section 701.309 (c) of ACP–1942 is hereby incorporated as this paragraph, except that the words "any agricultural conservation program" referred to in the fourth paragraph shall be deleted and the words "the 1942 Parity Payment Regulations" shall be substituted therefor.

(d) Section 701.309 (f) of ACP–1942 is hereby incorporated as this paragraph, except that the reference to § 701.301 in the first sentence of this paragraph shall be deleted and the reference § 741.302 shall be substituted therefor.*

§ 741.307 *No deduction for association expenses.* No part of the parity payment computed for any farm shall be deducted for county association expenses incurred or to be incurred in connection with 1942 parity payments.*

§ 741.308 *Application for payment.* (a) Section 701.310 (b) of ACP–1942 is hereby incorporated as this paragraph.

(b) If a person makes application for payment with respect to a farm in a county and has the right to receive all or a portion of the crops or proceeds therefrom produced on any other farm in the county, such person must make application for payment with respect to all such farms. Upon request by the State committee, any person shall file with the committee such information as it may request regarding any other farm in the State with respect to which he has the right to receive all or a portion of the crop or proceeds thereof or which he rents to another.*

§ 741.309 *Appeals.* Section 701.311 of ACP–1942 is hereby incorporated as this section, except that the words and punctuation "grazing capacity," and "or soil-building allowance;" referred to in paragraph (b) of that section shall be deleted, and the word "or" shall be inserted before the word "measurement". The comma after the word "measurement" referred to above shall be changed to a semicolon.*

§ 741.310 *Forms and instructions.* The Agricultural Adjustment Administration shall prescribe such forms and issue such instructions as may be necessary to carry out the regulations in this subpart.*

§ 741.311 *Performance of duties of State and county committees in Hawaii and Puerto Rico.* In the event that State and county agricultural conservation committees have not been established in the Territory of Hawaii or in Puerto Rico, the Officer in Charge of the Office of the Agricultural Adjustment Administration for the Territory of Hawaii or for Puerto Rico, as the case may be, shall perform the duties of both the State and county committees as set forth in the regulations in this subpart.*

§ 741.312 *Definitions.* As used herein and in all forms and documents relating to 1942 parity payments for producers of wheat, cotton, corn (in the commercial corn-producing area), or tobacco, unless the context or subject matter otherwise requires, the terms:

(a) "Secretary, Regional Director, State committee, county committee, person, landlord, tenant, sharecropper, commercial corn-producing area, special crop allotment, acreage planted to corn, acreage planted to wheat, and acreage planted to cotton" shall have the same meanings as are assigned to them in the 1942 Agricultural Conservation Program Bulletin and supplements thereto.

(b) "Farm" means the area of land considered as a farm for the purposes of ACP–1942.

(c) "Parity" and "marketing year" shall have the same meanings as those assigned to them in the Agricultural Adjustment Act of 1938.

(d) "Allotment" means the allotment established for the farm in accordance with ACP–1942.

(e) "Normal yield" means the normal yield for a commodity determined in accordance with ACP–1942.

(f) "Permitted acreages of wheat, cotton, or tobacco" means the permitted acreage of such commodity determined in accordance with ACP–1942.

(g) "Non-corn-allotment farm" and "non-wheat-allotment farm" means such farms as defined in ACP–1942.*

§ 741.313 *Authority.* The regulations in this subpart are approved pursuant to the authority vested in the Secretary of Agriculture by the item entitled "Parity Payments" contained in the Department of Agriculture Appropriation Act, 1942 (Public Law 144, 77th Congress, approved July 1, 1941; 55 Stat. 408–446), and pursuant to the provisions of sections 301 and 303 of the Agricultural Adjustment Act of 1938, approved February 16, 1938 (Public Law 430, 75th Congress, 3d Session; 52 Stat. 43, 45, 7 U.S.C., Sup., 1301, 1303).*

Done at Washington, D. C., this 16th day of February, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42–1372; Filed, February 16, 1942; 11:26 a. m.]

CHAPTER VIII—SUGAR DIVISION OF THE AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE WAGE RATES FOR PERSONS EMPLOYED IN THE PRODUCTION AND CULTIVATION OF SUGARCANE IN THE MAINLAND CANE SUGAR AREA DURING THE CALENDAR YEAR 1942

Whereas section 301 (b) of the Sugar Act of 1937, as amended, provides the following as one of the conditions for payment to producers of sugar beets and sugarcane:

(b) That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, and the differences in conditions among various producing areas; *Provided, however,* That a payment which would be payable except for the foregoing provisions of this subsection may be made, as the Secretary may determine, in such manner that the laborer will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work, and that the producer will receive the remainder, if any, of such payment.

And whereas the Secretary of Agriculture has held a number of public hearings in the mainland cane sugar area for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable wage rates for persons employed in the production and cultivation of sugarcane during the period from January 1, 1942 to December 31, 1942.

Now, therefore, I, Grover B. Hill, Assistant Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearings and all other information before me, do hereby determine that:

§ 802.24i *Fair and reasonable wage rates for persons employed in the production and cultivation of sugarcane in the mainland cane sugar area during the calendar year 1942.* The requirements of section 301 (b) of the Sugar Act of 1937, as amended, shall be deemed to have been met with respect to the production and cultivation of sugarcane in the mainland cane sugar area during the period from January 1, 1942 to December 31, 1942, if all persons employed on the farm during that period in the production and cultivation of sugarcane shall have been paid in full for all such work and shall have been paid wages in cash therefor at rates not less than the following:

(a) *Louisiana.* (1) Tractor drivers: Not less than $1.90 per 9-hour day or 21.5 cents per hour.

(2) Teamsters: Not less than $1.50 per 9-hour day or 17 cents per hour.

(3) All other adults engaged in the production and cultivation of sugarcane (excluding harvesting): Adult male workers, not less than $1.50 per 9-hour day or 17 cents per hour; adult female workers not less than $1.25 per 9-hour day or 14 cents per hour.

(4) Children between the ages of 14 and 16 years: Not less than $1.15 per day of 8 hours (maximum hours per day for such children). For a working day shorter than 8 hours, the rate shall be not less than 14.5 cents per hour.

(b) *Florida.* (1) Tractor drivers: Not less than $2.25 per 9-hour day or 25 cents per hour.

(2) All other adults engaged in the production and cultivation of sugarcane (excluding harvesting): Adult male workers not less than $2.00 per 9-hour day or 22.5 cents per hour; adult female workers not less than $1.65 per 9-hour day or 18.5 cents per hour.

(3) Children between the ages of 14 and 16 years: Not less than $1.50 per day of 8 hours (maximum hours per day for such children). For a working day shorter than 8 hours, the rate shall be not less than 19 cents per hour.

(c) *Provisos.* Provided, however, (1) That if work is performed on any piece rate basis the earnings per hour or per day shall not be less than the applicable rates per hour or per day specified above for adult male workers or adult female workers, or children between the ages of 14 and 16 years;

(2) That for a working day longer or shorter than 9 hours, the applicable time rate for a particular operation shall be the hourly rate specified above for such operation;

(3) That the producer shall furnish to the laborer, without charge, the customary perquisites, such as, a habitable house, a suitable garden plot with facilities for its cultivation, pasturage for livestock, medical attention, and similar incidentals;

(4) That the producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above; and

(5) That nothing in this determination shall be construed to mean that a producer may qualify for a payment under the act who has not paid in full the amount agreed upon between the producer and laborers. (Sec. 301, 50 Stat. 909; 7 U.S.C. 1131)

Done at Washington, D. C., this 16th day of February 1942. Witness my hand and seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42–1373; Filed, February 16, 1942; 11:26 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VII—PERSONNEL

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS[1]

OFFICERS APPOINTED IN THE ARMY OF THE UNITED STATES UNDER THE PROVISIONS OF THE ACT OF SEPTEMBER 22, 1941

§ 73.207 *Qualifications for initial appointments.*

* * * * *

(c) (1) Authority is granted to Corps Area commanders to waive the provisions of § 61.69 (d) of this chapter, for the appointment as second lieutenant, Army of the United States (Medical Administrative Corps), of physically qualified male citizens of the United States above the age of eighteen years who are bona fide accepted matriculants at approved medical schools within the United States. Officers so appointed will not be ordered to active duty until eligible for appointment as first lieutenant, Army of the United States (Medical Corps).

(2) (i) Appointment will be made without reference to an examining board as prescribed in § 61.5 (c) of this chapter, and without reference to procurement objectives.

(ii) Applications and accompanying papers as prescribed in AR 605–10,[2] as amended, and §§ 73.200 to 73.218, will be forwarded by the Dean of the medical school to the Commanding General of the Corps Area in which the school is located, together with a certified statement that the applicant is a bona fide accepted matriculant in medicine at the institution.

(iii) Officers appointed under the provisions of this paragraph will be discharged for the convenience of the Government, under the following circumstances:

(*a*) Discontinuance of medical education.

(*b*) Matriculation at an unapproved school of medicine.

(*c*) Failure to complete successfully the prescribed four-year course of medical instruction.

(*d*) Failure to secure appointment in the Army of the United States (Medical Corps) within one year after completion of the prescribed four-year course of medical instruction.

(3) Students at approved schools of medicine, dentistry, or veterinary medicine who already hold Reserve commissions in other arms or services will not be ordered to active duty until they:

(i) Come within the provisions of subparagraph (2) (iii) (*a*), (*b*), (*c*), or (*d*) of this paragraph, or

(ii) Successfully complete the prescribed four-year course of medical instruction, in which latter event they may be transferred to the Medical Corps Reserve in the grade of first lieutenant.

[1] § 73.207 is amended.

[2] Administrative regulations of the War Department relative to Officers appointed in the Army of the United States.

(Act of September 22, 1941, Public Law 252, 77th Congress [Letter A.G.O. Feb. 11, 1942, AG 210.1 Med. Res. (1–26–42) RB–A]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–1355; Filed, February 16, 1942; 10:21 a. m.]

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS[1]

§ 81.15 *Forms of agreement.* All transactions which involve the expenditure of funds for the procurement of supplies, as defined in AR 5–100[2] and in § 81.1 to 81.9 of this title, must be evidenced by a written record as prescribed in paragraphs (a) and (b) of this section.

(a) *Formal contracts.* (1) Transactions will be evidenced by formal contracts: (i) When the amount involved is more than $500,000.

(ii) When the amount involved is more than $500 and the delivery or performance time is more than 60 days.

(iii) When otherwise required by law.

(2) Transactions payable from funds appropriated for national defense or war purposes need not be evidenced by formal contracts when the amount involved exceeds $500, does not exceed $500,000, and delivery or performance time does not exceed 180 days.

(b) *Informal contracts*—(1) *Written bid and acceptance.* Transactions falling in the categories below need not be evidenced by a formal contract, but a complete written agreement, comprising a bid, or, if authorized by AR 5–240[2] and §§ 81.32 and 81.33 of this title, a written informal quotation signed by the contractor and an acceptance signed by the contracting officer, is required:

(i) When the amount involved exceeds $500, does not exceed $500,000, and delivery or performance time does not exceed 60 days.

(ii) When the amount involved does not exceed $500 and more than one payment is involved.

(2) *Oral or written quotation and written acceptance.* Open-market purchases authorized and made in accordance with AR 5–240, which do not exceed $500, which are based on an oral quotation, and which involve only one payment, do not require a written agreement, but a written acceptance signed by the purchasing officer is required. Where such purchases are based on a written quotation, the form of the agreement will be as prescribed in subparagraph (1) of this paragraph; that is, the agreement will consist of the written quotation and the written acceptance. (See MS. Comp. Gen. A–14836, A–28906, April 28, 1938.)

(3) *Informal quotation and signed acceptance.* Transactions payable from funds appropriated for national defense or war purposes need not be evidenced by a bid signed by the contractor when the amount involved exceeds $500, does not exceed $500,000, and delivery or performance time does not exceed 180 days. In such cases, a written informal quotation signed by the contractor and an acceptance signed by the contracting officer will suffice. (RS 3744; Sec. 1, 40 Stat. 198, 45 Stat. 985, 46 Stat. 796; 5 U.S.C. 219, 41 U.S.C. 16, Act Dec. 18, 1941, Public Law 354, 77th Congress) [Par. 5, AR 5–200, Jan. 2, 1940 as amended by Proc. Cir. 37, May 20, 1941, and Proc. Cir. 14, Feb. 6, 1942.]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–1332; Filed, February 13, 1942; 2:36 p. m.]

[1] § 81.15 is superseded.

[2] Administrative regulations of the War Department relative to procurement of supplies.

TITLE 14—CIVIL AVIATION

CHAPTER II—ADMINISTRATOR OF CIVIL AERONAUTICS, DEPARTMENT OF COMMERCE

[Amendment No. 4 of Part 601]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

REDESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS AND DELETION OF CERTAIN CONTROL ZONES OF INTERSECTION

FEBRUARY 13, 1942.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and §§ 60.22 and 60.23 of the Civil Air Regulations, and finding that this action is necessary in the interest of safety and for the proper control of air traffic, I hereby amend Part 601[1] of the Regulations of the Administrator of Civil Aeronautics which became effective January 15, 1942, as follows:

1. By amending § 601.1002 to read as follows:

§ 601.1002 *Green civil airway No. 2 airway traffic control areas (Seattle, Wash., to Boston, Mass.).* All of green civil airway No. 2.

2. By amending § 601.1003 to read as follows:

§ 601.1003 *Green civil airway No. 3 airway traffic control areas (San Francisco, Calif., to New York, N. Y.).* Those portions of green civil airway No. 3: From the Municipal Airport, San Francisco, Calif., to a line extended at right angles across such airway through a point on the center line thereof 25 miles west of the Parco, Wyo., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles east of Grand Island, Nebr., radio range station to the New York Municipal Airport, LaGuardia Field, New York, N. Y.

3. By amending § 601.1004 to read as follows:

§ 601.1004 *Green civil airway No. 4 airway traffic control areas (Los Angeles, Calif., to Philadelphia, Pa.).* Those portions of green civil airway No. 4: From the Municipal Airport, Los Angeles, Calif., to a line extended at right angles across such airway through a point on the center line thereof 25 miles west of the Amarillo, Tex., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles northeast of the Gage, Okla., radio range station to the Municipal Airport, Philadelphia, Pa.

4. By amending § 601.1012 to read as follows:

§ 601.1012 *Amber civil airway No. 2 airway traffic control areas (Daggett, Calif., to U. S.-Canadian Border).* All of amber civil airway No. 2.

5. By amending § 601.1013 to read as follows:

§ 601.1013 *Amber civil airway No. 3 airway traffic control areas (El Paso, Tex., to Great Falls, Mont.).* Those portions of amber civil airway No. 3: From a line extended at right angles across such airway through a point on the center line thereof 25 miles north of the Engle, N. Mex., radio range station to a line extended at right angles across such airway through a point on the center line thereof 25 miles south of the Pueblo, Colo., radio range station; from a line extended at right angles across such airway through a point on the center line thereof 25 miles north of the Casper, Wyo., radio range station to the Great Falls, Mont., radio range station.

6. By amending § 601.1014 to read as follows:

§ 601.1014 *Amber civil airway No. 4 airway traffic control areas (Brownsville, Tex., to Bismarck, N. Dak.)* All of amber civil airway No. 4.

7. By amending § 601.10202 to read as follows:

§ 601.10202 *Red civil airway No. 2 airway traffic control areas (Whitehall, Mont., to Belgrade, Mont.).* All of red civil airway No. 2.

8. By amending § 601.10309 to read as follows:

§ 601.10309 *Blue civil airway No. 9 airway traffic control areas (Columbia, Mo., to LaCrosse, Wis.).* All of blue civil airway No. 9.

9. By amending § 601.10316 to read as follows:

§ 601.10316 *Blue civil airway No. 16 airway traffic control areas (Dillon, Mont., to Helena, Mont.).* All of blue civil airway No. 16.

10. By striking the following control zones of intersection appearing in § 601.2: Albuquerque, N. Mex.; Belgrade, Mont.; Billings, Mont.; Des Moines, Iowa; Great Falls, Mont.; Helena, Mont.; Omaha, Nebr.; Whitehall, Mont.

This amendment shall become effective 00:01 M. S. T., February 15, 1942.

CHARLES I. STANTON,
Acting Administrator.

[1] 7 F.R. 378, 528, 597, 841.

[F. R. Doc. 42–1356; Filed, February 16, 1942; 10:20 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4317]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF MCK. EDWARDS

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondent's "McK. Edwards Eczema Remedy", or any other similar product, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements (1) represent, directly or through inference, that said preparation (a) is a cure or remedy for all types of eczema, or for any type of eczema except such as may be due to fungus infection, or has any therapeutic value in the treatment of eczema (except that due to fungus infection in excess of affording relief in some cases from the symptom of itching; and (b) is a cure or remedy for poison ivy or poison oak, or is a competent or effective treatment for, or has any therapeutic value in, the treatment of such conditions in excess of affording temporary relief from the symptom of itching; or which advertisements (2) fail to reveal that the use of said preparation may in some cases produce an excoriating effect upon the skin of the user; or may produce an acute and painful rash upon the skin of the user; or may, if used on certain types and conditions of eczema, seriously aggravate the eczematous condition; prohibited, subject to the provision, however, as respects said last prohibition, that such advertisements need contain only the statement, "Caution, use only as directed" if and when the directions for use wherever they appear on the label, in the labeling, or both, contain warnings to the above effect. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, McK. Edwards, Docket 4317, February 9, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of February A. D. 1942.

This proceeding having been heard by the Federal Trade Commission on the complaint of the Commission, the answer of respondent, testimony and other evidence in support of and in opposition to the allegations of the complaint taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner and exceptions thereto, and brief in support of the allegations of the complaint, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent McK. Edwards, an individual, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of "McK. Edwards Eczema Remedy,", or any other product of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

(1) Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement

(A) Which represents, directly or through inference, that said preparation

(a) Is a cure or remedy for all types of eczema, or for any type of eczema except such as may be due to fungus infection, or has any therapeutic value in the treatment of eczema (except that due to fungus infection) in excess of affording relief in some cases from the symptom of itching;

(b) Is a cure or remedy for poison ivy or poison oak, or is a competent or effective treatment for, or has any therapeutic value in, the treatment of such conditions in excess of affording temporary relief from the symptom of itching;

(B) Which fails to reveal that the use of said preparation may in some cases produce an excoriating effect upon the skin of the user; or may produce an acute and painful rash upon the skin of the user; or may, if used on certain types and conditions of eczema, seriously aggravate the eczematous condition: *Provided, however*, That such advertisement need contain only the statement, "Caution, use only as directed" if and when the directions for use wherever they appear on the label, in the labeling, or both, contain warnings to the above effect.

(2) Disseminating or causing to be disseminated, by any means, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase of said preparation in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement contains any of the representations prohibited in paragraph (1) hereof, or which advertisement fails to reveal the dangerous consequences which may result from the use of said preparation as required in said paragraph (1) hereof.

It is further ordered, That the respondent shall, within sixty (60) days after the service upon him of this order,

file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-1349; Filed, February 14, 1942; 12:08 p. m.]

TITLE 18—CONSERVATION OF POWER

CHAPTER I—FEDERAL POWER COMMISSION

[Order No. 90]

PART 260—NATURAL GAS ACT STATEMENTS AND REPORTS

FEBRUARY 7, 1942.

§ 260.3 *Annual report; Form 133–M.* The Federal Power Commission, acting pursuant to authority granted by the Natural Gas Act, particularly sections 10 (a) and 15 thereof, and finding such action necessary and appropriate for carrying out the provisions of said Act:

(a) Hereby adopts, promulgates and prescribes for the use of natural-gas companies as defined in the Natural Gas Act (52 Stat. 821) which are included in Classes C and D as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies subject to the provisions of the Natural Gas Act, for the year 1941, and annually thereafter, the accompanying form of Annual Report designated as FPC Form No. 123–M.[1]

(b) Hereby *orders* that each natural-gas company as defined in the Natural Gas Act (52 Stat. 821) which is included in Classes C and D as defined in the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies subject to the provisions of the Natural Gas Act, shall file with the Commission an original and two conformed copies, duly executed, of such Annual Report on the aforesaid FPC Form No. 133–M, for the year 1941, and annually thereafter, said Annual Report to be filed on or before the last day of the third month following the close of the calendar year or other established fiscal year.

(c) The Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER. (Secs. 10 (a), 16, 52 Stat. 826, 830; 15 U.S.C. 717i, 717o)

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 42-1337; Filed, February 14, 1942; 10:21 a. m.]

[1] Filed as part of the original document. Requests for copies should be addressed to the Federal Power Commission.

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T. D. 50565]

PART 15—PROTESTS AND REAPPRAISEMENTS

CUSTOMS REGULATIONS AMENDED—PROTESTS

Section 15.2 (a) [Article 849 (a) of the Customs Regulations of 1937] is amended by substituting "not be considered" for "be rejected" in the second sentence, and by adding at the end thereof a new sentence reading:

§ 15.2 *Form of protest.* (a) • • • A protest signed by an agent or attorney not named in a power of attorney required by this article shall be received by the collector and forwarded to the United States Customs Court for a decision as to the authority of the agent or attorney to file the protest; but the collector shall not review the protest or otherwise proceed under section 515 of the Tariff Act of 1930 unless the court shall have first ruled affirmatively on the authority of the agent or attorney. When forwarding the protest to the court, the collector shall attach thereto an explanation that he has not complied with section 515 because the authority of the agent or attorney to file the protest has not been established. (Secs. 514, 515, 624, 46 Stat. 734, 759; 19 U.S.C. 1514, 1515, 1624.)

W. R. JOHNSON, *Commissioner of Customs.*

Approved: February 12, 1942.

HERBERT E. GASTON, *Acting Secretary of the Treasury.*

[F. R. Doc. 42-1352; Filed, February 14, 1942; 12:31 p. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket Nos. A-1271, A-1275, and A-1278]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITIONS OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3; OF E-Z FUEL COMPANY, FOR CHANGE IN SHIPPING POINT FOR ITS E-Z NO. 2 MINE, MINE INDEX NO. 192, IN DISTRICT NO. 3; AND OF L. E. SNELL (SNELL BROS. COAL CO.) FOR CHANGE IN SHIPPING POINT FOR HIS GRAFTON MINE, MINE INDEX NO. 1228, IN DISTRICT NO. 3

Original petitions having been duly filed with this Division by the above-named parties, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

It appearing that the above-entitled matters raise similar and related issues; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matters; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R–II, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplement R–III, § 323.3 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof, and, commencing forthwith, the shipping points and freight origin group numbers appearing in the aforesaid "Supplement R" for Mine Index No. 192 and Mine Index No. 1228, are effective in place of the shipping points and freight origin group numbers heretofore established for these mines.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless otherwise ordered.

Dated: January 29, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§323.6 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index number	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group number	Size group numbers													
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
192	E-Z Fuel Co. (George M. Flynn)	E-Z #2	M. V. Freeport	Newburg, W. Va.	B&O	70	(1) F	(1) F	(1) F	(1) F	(1) F	(1) F	(1) F	(1) F	(1) F	(1) F						
582	Emerson, J. E.	Shear Grove	Pittsburgh	Wolf Summit, W. Va.	B&O	69	F	F	F	F	F	F	F	F	F	F						
1283	Kray Coal Company, Inc., c/o S. A. Kimball, Jr.	Helm (Strip)	M. V. Freeport	Howesville, W. Va.	W. V. N.	71	J	J	J	J	J	J	J	J	J	J						
1284	Kray Coal Company, Inc., c/o S. A. Kimball, Jr.	Room #6	M. V. Freeport	Howesville, W. Va.	W. V. N.	71	J	J	J	J	J	J	J	J	J	J						
1279	LaRue, E. T. (Lyon Coal Company)	Lyon (Deep)	Bakerstown	Hardman, W. Va.	B&O	70	(1) F	(1) F	(1) F	(1) F	(1) F	(1) F	(1) F	(1) F	(1) F	(1) F						
1285	Preston County Coke Co.	Buff Run	M. V. Freeport	Masontown, W. Va.	B&O	70	F	F	F	F	F	F	F	F	F	F						
1228	Snell, L. E. (Snell Bros. Coal Co.)	Grafton	M. V. Freeport	Morgantown, W. Va.	Monon	32	(1) I	(1) I	(1) I	(1) I	(1) I	(1) I	(1) I	(1) I	(1) I	(1) I						
1280	Stalnaker, T. Carl	Stalnaker #3	Redstone	Bendale, W. Va.	B&O	31	F	F	F	F	F	F	F	F	F	F						
1286	Starford, W. E. (Eureka Coal Company)	Webster #1 (Strip)	Pittsburgh	Webster, W. Va.	B&O	66	F	F	F	F	F	F	F	F	F	F						
972	Trembly, Harry	Trembly	Pittsburgh	Gilmer, W. Va.	B&O	32	F	F	F	F	F	F	F	F	F	F						

[1] Denotes new shipping point and freight origin group. Shipping point at Irons, W. Va., on West Virginia Northern Railroad in freight origin group No. 71 shall no longer be applicable.
Denotes new shipping point and freight origin group. Shipping point at Morgantown, W. Va., on Baltimore & Ohio Railroad in freight origin group No. 31 shall no longer be applicable

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via lakes*—Supplement R–II. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule.

Group No. 1: 582, 972, 1286; group No. 2: 1280; group No. 3: 1283, 1284, 1285; group No. 6: 1279.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R–III. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule.

Group No. 1: 582, 972, 1286; group No. 2: 1280; group No. 3: 1283, 1284, 1285; group No. 6: 1279.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups						
					Lump, over 2", egg over 2", bottom size	Lump 2" egg 2" bottom size, but over 1¼"	Lump 1¼" and under, egg 2" and under, bottom size	All nut and pea, 2" and under	Run of mine, resulting over 2"	1¼" and 2", slack	¾" slack
					1	2	3	4	5	6	7
Bankhead, Walter & Mannel Bankhead (Mannel Bankhead).	1281	Bankhead	M. V. Freeport	Preston	225	225	225	200	200	190	180
Kelley, C. T.	1282	Miller #7	M. V. Freeport	Preston	225	225	225	200	200	190	180
Kray Coal Company, Inc. c/o S. A. Kindall, Jr.	1283	Helm (Strip)	M. V. Freeport	Preston	225	225	225	200	200	190	180
Kray Coal Company, Inc. c/o S. A. Kindall, Jr.	1281	Ream #6	M. V. Freeport	Preston	225	225	225	200	200	190	180
LaRue, E. T. (Lyon Coal Company).	1279	Lyon (Deep)	Bakerstown	Preston	235	235	235	210	210	200	190
Preston County Coke Co	1285	Bull Run	M. V. Freeport	Preston	225	225	225	200	200	190	180
Stalnaker T. Carl	1280	Stalnaker #3	Redstone	Lewis	224	218	218	193	193	178	168
Starford, W. E. (Eureka Coal Company).	1286	Webster #1 (Strip).	Pittsburgh	Taylor	224	218	218	193	193	178	168

[F. R. Doc. 42-1310; Filed, February 13, 1942; 11:12 a. m.]

[Docket No. A-1154]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR A CHANGE IN THE PRICE EXCEPTION APPLICABLE TO THE COALS OF MINE INDEX NO. 125 FOR RAILROAD LOCOMOTIVE FUEL AND FOR A CHANGE IN PRICE EXCEPTION NO. 23 FOR RAILROAD LOCOMOTIVE FUEL IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10, FOR ALL SHIPMENTS EXCEPT TRUCK

This proceding was instituted upon an original petition dated November 5, 1941, filed with the Bituminous Coal Division on November 7, 1941, by District Board 10 pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

The petition requests that the coals of the Osage Mine (Mine Index No. 125) of the Osage Coal Company, now classified in Freight Origin Group No. 114 and Price Group No. 30 be given railroad locomotive fuel price under the provisions of Exception No. 1–J in the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck rather than Price Exception No. 1–H; and further requests that Price Exception 23 for railroad locomotive fuel in said schedule be amended to read as follows: "The producer may absorb the actual switching charge but not to exceed 18 cents per ton on railroad locomotive fuel for the Illinois Terminal Railroad."

By Order of the Director dated November 19, 1941, 6 F.R. 5968, temporary relief was granted as requested by the petitioner;

Pursuant to the Order of the Director referred to above and after notice to interested persons, a hearing in this matter was held on January 6, 1942, before Charles O. Fowler, a duly designated Examiner of the Bituminous Coal Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The original petitioner appeared. The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned.

The petition of District Board 10 requests that the coals of the Osage Mine (Mine Index No. 125) of the Osage Coal Company, for sale as locomotive fuel be classified under Price Exception 1–J instead of in Price Exception No. 1–H, which was established to insure a delivered price to the railroads listed in that exception of $3.40 per net ton for mine run coal. This mine was given Price Exception 1–H on the basis of the freight rate of $1.20 per ton when, as a matter of fact, the freight rate from the Osage Mine to the railroads listed in Price Exception 1 is $1.30 per ton. The record indicates that the prices for the Osage Mine should therefore be reduced 10 cents per ton which could be effected by classifying it under Price Exception 1–J which provides for a mine run price of $2.10 and a modified mine run price of $2.15 per ton.

Price Exception 23 in the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck at present reads: "The producer may absorb the actual switching charge but not to exceed 16 cents per ton on railroad locomotive fuel for the Illinois Terminal Railroad." It appears from the record that when Price Exception No. 23 was included in the Schedule of Effective Minimum Prices for All Shipments Except Truck, the actual switching charge was in fact 16 cents. However, the Tariff in which the present rate of 18 cents is contained was dated October 3, 1940, two days after the effective date of minimum prices.

There was no opposition to the requested relief. Testifying in support of the petition, Mr. J. R. Henderson, Chairman of District Board 10, explained that the coals of the Osage Mine for railroad locomotive fuel price were improperly classified in General Docket No. 15 and that the relief requested, if granted, will result in properly classifying such coal and will not prejudice the interests of other producers in the district. In view of the tariff change since October 1, 1940, the need for revising Exception No. 23 as requested seems clear. The Order of November 19, 1941, granting temporary relief should, I find, be made permanent in order to comply with the applicable standards of the Act and to effectuate the purposes thereof.

Now, therefore, it is ordered, That effective fifteen (15) days from the date hereof, § 330.10 (*Special prices*—(a) *Railroad locomotive fuel prices*—(3) *Exceptions*) in the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck be and it hereby is amended as follows:

1. Price Exception 23 to the Railroad Locomotive Fuel Prices to read: "The producer may absorb the actual switching charge but not to exceed 18 cents per ton on railroad locomotive fuel for the Illinois Terminal Railroad."

2. The Osage Mine (Mine Index No. 125) of the Osage Coal Company be listed in Exception No. 1–J in the Exceptions to the Railroad Locomotive Fuel Prices instead of in Exception No. 1–H.

Dated: February 12, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-1371; Filed, February 16, 1942; 11:25 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 141—REGULATIONS RELATING TO PROPERTY VESTED IN THE SECRETARY OF THE TREASURY PURSUANT TO SECTION 5 (b) OF THE TRADING WITH THE ENEMY ACT, AS AMENDED

FEBRUARY 16, 1942.

§ 141.1 *Authority for regulations.* The regulations in this part are prescribed and issued by virtue of the authority vested in the Secretary of the Treasury by the President pursuant to section 5 (b) of the Trading with the enemy Act, as amended by section 301 of the First War Powers Act, 1941.*

*§§ 141.1 and 141.2 issued under the authority contained in sec. 5 (b), 40 Stat. 415, 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. Law 354, 77th Cong.

§ 141.2 *Receipt and disposition of claims.* The following procedure is hereby established for the receipt and disposition of claims to property vested in the Secretary of the Treasury pursuant to section 5 (b) of the Trading with the Enemy Act, as amended by section 301 of the First War Powers Act, 1941:

(a) Claims to property vested in the Secretary of the Treasury pursuant to section 5 (b) of the Trading with the enemy Act, as amended, shall be filed with the Secretary of the Treasury on Form TFVP–1 in sextuplicate. Such claims shall be filed within such time, after the vesting in the Secretary of the Treasury of the property to which they relate, as the Secretary shall prescribe. Form TFVP–1 may be obtained from the Secretary of the Treasury, Washington, D. C. The original of each claim shall be executed under oath before an officer authorized to administer oaths, or if executed outside of the United States, before a diplomatic or consular officer of the United States.

(b) There shall be a committee to be known as the Vested Property Claims Committee, to be composed of three members designated by the Secretary of the Treasury. The members of the Committee shall designate one of their number to be Chairman. The Committee is empowered to hear claims respecting property vested in the Secretary of the Treasury pursuant to section 5 (b) of the Trading with the enemy Act, as amended, in accordance with rules and procedures to be formulated by the Committee. The Committee shall have all powers necessary to carry out its functions, including the power to call witnesses and to compel the production of books of accounts, records, contracts, memoranda, and other papers.

(c) The Secretary of the Treasury shall transmit to the Committee claims relating to property vested in the Secretary of the Treasury pursuant to section 5 (b) of the Trading with the enemy Act, as amended.

(d) Appropriate notice of hearing shall be given by the Committee at least 10 days before the time set for the hearing. This requirement of notice may be waived by any claimant.

(e) Claimants and the Secretary of the Treasury shall be entitled to representation by counsel, or otherwise, before the Committee.

(f) The Committee shall have a seal which shall be affixed to all exemplifications of the records and such other documents, orders, or notices as the Committee may determine.

(g) A complete record, including a transcript of the testimony, shall be made of any hearing before the Committee. The Committee shall transmit the record, including its findings and recommendations, to the Secretary of the Treasury.

(h) The Secretary of the Treasury, after the examination of the record, will issue a decision and will give appropriate notice of the decision rendered. The Secretary of the Treasury will take appropriate action to effectuate any decision so rendered.*

By direction of the President.

[SEAL] H. MORGENTHAU, Jr., *Secretary of the Treasury.*

[F. R. Doc. 42-1360; Filed, February 16, 1942; 10:33 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 923—TUNGSTEN

Conservation Order No. M–29–b Curtailing the Use of Tungsten in Certain Items

Whereas, national defense requirements have created a shortage of tungsten for the combined needs of defense, private account, and export; and the supply now is and will be insufficient for defense and essential civilian requirements unless its use in the manufacture of many products where such use is not absolutely necessary for the defense or essential civilian requirements is curtailed or prohibited as hereinafter provided;

Now, therefore, it is hereby ordered that:

§ 923.4 *Conservation Order M–29–b*—(a) *Prohibition on use of tungsten in articles appearing on List A.* (1) Between February 1 and April 30, 1942, inclusive, no person shall use in the manufacture of any item on List A more tungsten than 17½% of the tungsten used by him for such item during the 12-months period ending June 30, 1941.

(2) Effective May 1, 1942, no tungsten shall be used in the manufacture of any item on List A.

(b) *Limitation on all other uses of tungsten.* (1) Between February 1 and March 31, 1942, inclusive, no person shall use in the manufacture of any article not covered by paragraphs (a) or (c) of this section more tungsten than 12% of the tungsten used by him for such article during the 12-months period ending June 30, 1941.

(2) Beginning April 1, 1942, no person shall use during any calendar quarter in the manufacture of any article not covered by paragraphs (a) or (c) of this section more tungsten than 17½% of the tungsten used by him for such article in the 12-months period ending June 30, 1941.

(c) *General exceptions.* Where and to the extent the use of any less scarce material is impracticable, the prohibitions, limitations and restrictions contained in paragraphs (a) and (b) shall not apply to the use of tungsten in the manufacture of any item on or for any of the uses set forth on List B attached, nor in the manufacture of any item which is being produced:

(1) for delivery under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development or for any foreign country pursuant to the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act) if in any such case the use of tungsten to the extent employed is required by the specifications of the prime contract, or

(2) to comply with Safety Regulations issued under government authority, provided the pertinent provisions of such regulations were in effect both on December 1, 1941, and on the date of such use, and specifically and exclusively require the use of tungsten to the extent employed, or

(3) with the assistance of a preference rating of A–1–j or higher.

(d) *Prohibitions against sales or deliveries.* No person shall hereafter sell or deliver tungsten to any person if he knows, or has reason to believe, such material is to be used in violation of the terms of this section.

(e) *Limitation of inventories.* No manufacturer shall receive delivery of tungsten, (including scrap) or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of tungsten products by this section.

(f) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation No. 1.* This section and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this section shall govern.

(2) *Appeal.* Any person affected by this section who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of tungsten conserved, or that

compliance with this section would disrupt or impair a program of conversion from non-defense work to defense work, may appeal to the War Production Board, Reference: M–29–b, on such forms as may be prescribed by said Board, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(3) *Applicability of section.* The prohibitions and restrictions contained in this section shall apply to the use of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other order issued by the Director of Priorities or the Director of Industry Operations may have the effect of limiting or curtailing to a greater extent than herein provided the use of tungsten in the production of any article, the limitations of such other order shall be observed. In the absence of a specific direction by the Director of Industry Operations to the contrary, insofar as this section may have the effect of limiting or curtailing to a greater extent than is provided in General Preference Order M–29 [1] or any other order of the Director of Priorities or of the Director of Industry Operations, or any preference rating certificate, the use of tungsten in the production of any article, the limitations imposed by this section shall be observed.

(4) *Violations or false statements.* Any person who wilfully violates any provision of this section, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this section, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(5) *Definitions.* For the purposes of this section:

(i) "Tungsten" means and includes:

(a) Ores and concentrates, including beneficiated or treated forms, containing tungsten (commercially recognized).

(b) The element tungsten in pure form, ferrotungsten, tungsten in the form of metal powder, and other combinations with other elements in semi-manufactured or manufactured form, prepared for consumption in the manufacture of steel, or for other purposes.

(c) All chemical compounds having tungsten as an essential and recognizable component.

(d) All scrap or secondary material containing commercially recoverable tungsten as defined in (a), (b), and (c) above, excluding tungsten-bearing iron and steel scrap.

(ii) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(iii) "Manufacture" means to fabricate, assemble or process in any way, but does not include installation of a finished product for the ultimate consumer.

(iv) "Item" means any article or any component part thereof.

(v) "Use" means both (a) the act of putting tungsten into process in the manufacture of any item and (b) the act of completing the manufacture of any such item. (Where a person is limited to a percentage of the material used in a base period, this limitation applies respectively to (1) the amount of material put into process during the base period and (2) the total amount of material contained in a completed item or article multiplied by the number of such items or articles completed during the base period. Each restriction must be applied separately.)

(vi) "Put into process" means the first change by a manufacturer in the form of material from that form in which it is received by him.

(6) *Effective date.* This section shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Priorities. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. 671, 76th Cong., 3d Sess., as amended by Pub. 89, 77th Cong., 1st Sess.)

Issued this 14th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

List A of Conservation Order M–29–b

The use of tungsten in the items listed below and in all component parts thereof is prohibited except to the extent permitted by the foregoing Conservation Order.

Grinding Wheels.
Gauges.
Coloring material for rubber, linoleum or other similar materials.
Coloring or coating materials for paper of any and all descriptions, including wall paper.

List B of Conservation Order M–29–b

The uses, and the items listed below and parts thereof are excepted from the prohibitions and restrictions contained in paragraphs (a) and (b) of the foregoing Conservation Order, but only to the extent indicated below and only to the extent that the use of any less scarce material is impractical.

Corrosion-resisting material.
Tungsten-bearing alloy steel in all forms.
Hard-facing materials.
Hard-cutting alloys (cemented carbides), tools and tool tips.
Atomic hydrogen welding rods.
Laboratory reagents and pharmaceuticals.
Laboratory and research equipment.
Electrical equipment, including ignition systems.
Radio equipment.
X-Ray and physical therapy equipment.
Electronic relays.
Electric lighting—filament and fluorescent.

[F. R. Doc. 42–1350; Filed, February 14, 1942; 11:36 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Supplementary General Limitation Order L–1–d

Requiring certain reports to be filed by dealers, distributors and finance companies, dealing with Motor Trucks, Truck Trailers and all manufacturers of such vehicles.

It is hereby ordered, That:

§ 976.14 *Supplementary General Limitation Order L–1–d—*(a) *Inventories to be taken as of February 11 and February 28, 1942.* In order that the War Production Board may obtain a full and complete inventory of all light, medium and heavy motor trucks, and truck trailers as of the close of business February 11, 1942 and February 28, 1942, every person engaged in the business of manufacturing, selling, distributing or financing light, medium and heavy motor trucks and truck trailers, as defined in Amendment No. 1 Limitation Order L–3, § 976.3 (light motor trucks), and Amendment No. 3 Limitation Order L–1–a, § 976.1 (a) (1) (Medium and heavy motor trucks and truck trailers), shall fill out the forms designated Office of Price Administration forms R–204, R–205, R–206 and R–207, as therein required, when the same are received from the Office of Price Administration.

(b) *Forms to be used.* Office of Price Administration forms R–204 and R–206 are to be used by dealers, distributors and finance companies; forms R–205 and R–207 are to be used by manufacturers.

(c) *Where to mail forms.* When completely filled out the originals and copies of forms R–204, R–205, R–206 and R–207 should be mailed according to directions appearing on the face of each form; the original to be mailed to the Office of Price Administration, Automobile Inventory Unit, Channin Building, 122 East 42nd Street, New York.

(d) *Effective date.* This section shall become effective immediately. (P.D Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. 671, 76th Cong. 3d Sess., as amended by Pub. 89, 77th Cong. 1st Sess.)

Issued this 14th day of February, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1346; Filed, February 14, 1942; 11:36 a. m.]

[1] 6 F.R. 4521, 6644.

PART 980—RAYON YARN

Amendment No. 2 to Supplementary Order M–37–a To Conserve the Supply and Direct the Distribution of Rayon Yarn

Section 980.2 (Supplementary Order M–37–a, as amended December 10, 1941 [1]) is hereby amended in the following respects:

(1) Paragraph (b) (6) is amended by substituting "100%" for "¾" in the first line thereof.

(2) Paragraph (c) (1) (i) is amended by substituting "12 percent" for "9 percent" in line five thereof.

(3) Paragraph (c) (1) (ii) (c) is amended by substituting "10.65 percent" for "7.65 per cent" in the first line thereof.

(4) Paragraph (c) (2) (i) is amended by substituting "6 percent" for "5 percent" in line four thereof.

(5) Paragraph (c) (2) (ii) (c) is amended by substituting "5 percent" for "4 percent" in the first line thereof.

Effective date: This amendment shall take effect March 1, 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. 671, 76th Cong., 3d sess., as amended by Pub. 89, 77th Cong., 1st sess.)

Issued this 14th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1347; Filed, February 14, 1942; 11:37 a. m.]

PART 1001—TIN

Amendment No. 1 to Conservation Order No. M–43–a

Paragraph (a) of § 1001.2 (Conservation Order M–43–a [2]) is hereby amended by adding thereto subparagraph (3) to read as follows:

(3) Effective February 14, 1942, no manufacturing jeweler shall for the purpose of manufacturing jewelry, emblems, insignia, personal ornaments, ornamental fittings, jewelry findings or jewelry chains, or any component parts thereof, fabricate, assemble, melt, cast, extrude, roll, turn, spin, coat or process in any other way, or in any way change the form of or add or solder any metal to, any tin metal or tin bearing material to which no other metal had been added or soldered by said date by any manufacturing jeweler.

The portion of paragraph (c) of § 1001.2 (Conservation Order M–43–a) before subparagraph (1) is hereby amended to read as follows:

(c) *General exception.* Where and to the extent the use of any less scarce material is impracticable, the prohibitions, limitations and restrictions contained in subparagraph (a) (except those contained in subparagraph (3)) and in paragraph (b) shall not apply to the use of tin in the manufacture of any item which is being produced:

Subparagraph (5) of paragraph (f) of § 1001.2 (Conservation Order M–43–a) is hereby amended by adding thereto subparagraph (viii) to read as follows:

(viii) "Manufacturing jeweler" means any manufacturer of jewelry, emblems, insignia, personal ornaments, ornamental fittings, jewelry findings or jewelry chains, of any component parts thereof.

This amendment shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. 671, 76th Cong., 3d sess., as amended by Pub. 89, 77th Cong., 1st sess.)

Issued this 14th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1348; Filed, February 14, 1942; 11:37 a. m.]

PART 1014—BURLAP AND BURLAP PRODUCTS

Amendment No. 3 to Conservation Order M–47 to Conserve the Supply and Direct the Distribution of Burlap and Burlap Products

Paragraph (i) of § 1014.1 (*Conservation Order M–47* [1]) is amended by adding thereto the following subparagraph (4) immediately after subparagraph (3):

"(i) *Quotas for users of agricultural bags.*

* * * * *

(4) The provisions of subparagraphs (1), (2) and (3) of this paragraph (i) shall not apply to purchases, sales, deliveries, or other dispositions of Agricultural Bags for the purpose of sacking and shipping of wool, as it is sheared, or for the purpose of sacking and shipping of seed potatoes or peanut seed, to any Person who requires such Agricultural Bags for actual use within the next thirty days after receipt thereof, for any such purpose. No Bag Manufacturer shall sell, deliver, or in any other manner dispose of Agricultural Bags to any such Person, unless and until such Bag Manufacturer shall have received from such Person a certificate, manually signed by such Person, or by an individual authorized to sign for such Person, substantially in the following form:

The undersigned hereby certifies to his vendor and to the War Production Board that the Agricultural Bags covered by the annexed purchase order are needed for sacking and shipping of (here insert wool, seed potatoes, or peanut seed, as the case may be), and they are needed by him for such use by him or for distribution to others for such use by them; that to the best of the undersigned's knowledge and belief, such Bags will be so used within the next thirty days after (here insert date when receipt of bags is required). The undersigned further certifies that the amount of Agricultural Bags covered by the annexed purchase order, together with all such Bags, new and/or second hand, now held by the undersigned, or now scheduled to be received by the undersigned on or before the delivery date specified in the annexed purchase order, will not be in excess of the amount required by him for use in the said thirty-day period.

The undersigned further certifies that all reasonable efforts have been made by the undersigned to obtain and use some other form of packaging but have not been successful.

No purchaser shall resell or deliver any unused bags so purchased to any other Person, unless and until such purchaser shall have first received from such other Person a certificate in the above form.

Every Bag Manufacturer must sell at regularly established prices and terms of sale and deliver any supply of Agricultural Bags held by him at any time after the effective date of this Amendment, whether theretofore or thereafter manufactured, for the purposes specified in this subparagraph (4), to Persons filing such certificates, and deliveries must be made to such Persons in the order of the commencement of the thirty-day periods specified in their said certificates. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Effective date. This Amendment shall take effect immediately. Issued this 16th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1374; Filed, February 16, 1942; 11:47 a. m.]

PART 1015—CELLOPHANE AND SIMILAR TRANSPARENT MATERIALS DERIVED FROM CELLULOSE

Amendment No. 2 to Limitation Order L–20 [1] to Limit the Use of Cellophane and Similar Transparent Materials Derived from Cellulose

Section 1015.1 (*Limitation Order L–20*) is hereby further amended to read as follows:

Present paragraph (j) is hereby amended to read as follows:

(j) *Effective date.* This Order shall take effect immediately and shall continue in effect until March 17, 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (s), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong. 1st Sess.)

This Order shall take effect immediately. Issued this 14th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1376; Filed, February 16, 1942; 11:48 a. m.]

[1] 6 F.R. 4945, 5730, 6358.
[2] 7 F.R. 33.

[1] 6 F.R. 6648; 7 F.R. 34, 251, 396.

[1] 6 F.R. 5730; 7 F.R. 222.

PART 1034—TUNG OIL

Amendment No. 1 to General Preference Order No. M-57[1] To Conserve the Supply and Direct the Distribution of Tung Oil

Section 1034.1 (*General Preference Order No. M-57*) is hereby amended as follows:

Present paragraph (f) is hereby amended to read as follows:

(f) *Effective date.* This Order shall take effect immediately and shall expire April 15, 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., third sess., as amended by Pub. No. 89, 77th Cong., first session)

This Order shall take effect immediately. Issued this 14th day of February, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1375; Filed, February 16, 1942; 11:49 a. m.]

PART 1047—PETROLEUM

Supplementary Order No. M-68-1—General Exception Authorized by Paragraph (c) (10) of Conservation Order M-68, as Amended[2]

Whereas, immediate production of large quantities of Natural Gas in the States of New York, Pennsylvania, West Virginia, Ohio, and Kentucky is necessary for the continued effective operation of industries engaged in essential war production;

Now, therefore, it is hereby ordered that:

§ 1047.2 *Supplementary Order M-68-1*—(a) *Wells drilled to the Onandaga Limestone, Oriskany Sandstone or Devonian Shale Horizons.* The provisions of paragraph (b) of Conservation Order M-68, as amended, shall not apply to any case where Material is to be used by an Operator, engaged in the Production of natural gas in the States of New York, Pennsylvania, West Virginia, Ohio, or Kentucky, to drill, complete, or provide additions to any well drilled to the Onandaga Limestone, Oriskany Sandstone or Devonian Shale Horizons in any discovered or undiscovered natural gas field, other than a Condensate Field, located in the above-mentioned States, where such well conforms to a uniform spacing pattern of not more than one single well to each 160 surface acres: *Provided*, That no well be "spudded" by such Operator unless:

(1) Such well is to be drilled on a drilling unit of not less than 160 surface acres;

(2) The proposed drilling unit upon which such well is to be located consists entirely of acreage which is not attributable to any well other than such proposed well. The acreage attributable to wells offsetting the proposed drilling unit shall be determined by assigning to such wells an acreage equivalent to that in the existing well density or drilling pattern equivalent to such wells. No portion of a drilling unit shall fall within 330 feet of an existing well;

(3) All separate property interests of less than 160 surfaces acres or in tracts on which a well cannot be drilled in conformity with the terms of this Order, contained within the drilling unit on which any well is to be drilled, are first consolidated with each other, another, or other property interests to form a drilling unit of not less than 160 surface acres on which a well may be drilled under the terms of this Order;

(4) Before any well may be drilled, other than a well permitted to be drilled by paragraph (a) (3) of this Order, all separate property interests of less than 160 acres or in tracts in which a well cannot be drilled in conformity with the terms of this Order, adjoining or contiguous to a drilling unit on which a well can be drilled, are consolidated with each other, another, or other property interests to form a drilling unit of not less than 160 surface acres on which a well may be drilled in conformity with the terms of this Order;

(5) Such well is drilled at least 1980 feet from all wells "spudded" subsequent to December 23, 1941;

(6) Such well is drilled at least 990 feet from all wells "spudded" or completed on or before December 23, 1941;

(7) Such well is drilled at least 660 feet from any lease line, property line, or subdivision line which separates unconsolidated property interests.

(b) *Wells drilled to sands or horizons other than horizons specified in paragraph (a) of this section.* The provisions of paragraph (b) of Conservation Order M-68, as amended, shall not apply to any case where Material is to be used by an Operator, engaged in the Production of natural gas in the States of New York, Pennsylvania, West Virginia, Ohio, or Kentucky, to drill, complete, or provide additions to any well drilled to horizons other than those specified in paragraph (a) of this section in any discovered or undiscovered natural gas field, other than a Condensate Field, located in the above-mentioned States, where such well conforms to a uniform spacing pattern of not more than one single well to each 40 surface acres: *Provided*, That no well shall be "spudded" by such Operator unless:

(1) Such well is to be drilled on a drilling unit of not less than 40 surface acres;

(2) The proposed drilling unit upon which such well is to be located consists entirely of acreage which is not attributable to any well other than such proposed well. The acreage attributable to wells offsetting the proposed drilling unit shall be determined by assigning to such wells an acreage equivalent to that in the existing well density or drilling pattern equivalent to such wells. No portion of a drilling unit shall fall within 330 feet of an existing well;

(3) All separate property interests of less than 40 surface acres or in tracts on which a well cannot be drilled in conformity with the terms of this Order, contained within the drilling unit on which any well is to be drilled, are first consolidated with each other, another, or other property interests to form a drilling unit of not less than 40 surface acres on which a well may be drilled under the terms of this Order;

(4) Before any well may be drilled, other than a well permitted to be drilled by paragraph (b) (3) of this Order, all separate property interests of less than 40 surface acres or in tracts in which a well cannot be drilled in conformity with the terms of this Order, adjoining or contiguous to a drilling unit on which a well can be drilled, are consolidated with each other, another, or other property interests to form a drilling unit of not less than 40 surface acres on which a well may be drilled in conformity with the terms of this Order;

(5) Such well is drilled at least 990 feet from all wells "spudded" subsequent to December 23, 1941;

(6) Such well is drilled at least 660 feet from all wells "spudded" or completed on or before December 23, 1941;

(7) Such well is drilled at least 330 feet from any lease line, property line, or subdivision line which separates unconsolidated property interests.

(c) This Order shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 13th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1333; Filed, February 13, 1942; 4:03 p. m.]

PART 1097—SHEARLINGS

General Conservation Order M-94 To Conserve the Supply and Direct the Distribution of Shearlings

Whereas the uncertainty of future shipments of shearlings and the fulfillment of requirements for the defense of the United States have resulted in a shortage in the supply of shearlings for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution of shearlings and to allocate the supply thereof in the manner hereinafter in this Order provided;

Now, therefore, it is hereby ordered, that:

§ 1097.1 *General Conservation Order M-94*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions and definitions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* For the purposes of this Order:

(1) "Shearling" shall mean the skin of a sheep that has been shorn, a so-called California lamb skin, or other native lamb skin, whether raw, semi-processed, or finished, having a wool growth of 2" or less and a Bradford wool count of 50 and up.

(2) "Mouton" shall mean a shearling which has been fur dressed, made water repellent, and is of the type normally used in the manufacture of women's fur coats.

(3) "Process" shall mean tanning, dressing, dyeing or finishing.

(c) *Restrictions on processing.* No person shall hereafter process any shearling or cause it to be processed, except to the extent necessary to fill Defense Orders.

(d) *Restrictions on pulled wool.* No person shall hereafter pull or cause to be pulled any wool from any freshly flayed or salted sheep skin or lamb skin when the wool is of such a length and type as to constitute a wool growth of 2" or less having a Bradford wool count of 48 and up.

(e) *Restrictions on processed shearlings.* Any person owning or possessing processed or semi-processed shearlings not needed to fill his then existing Defense Orders, except shearlings, (1) of a natural black or mottled with black color, or (2) having a wool pile which will finish with less than a ¼" wool pile, or (3) which were processed prior to December 12, 1941 and are held in stock in a color other than beige, cream, white or logwood, must not finish such shearlings or cause them to be finished in a color not acceptable under specifications respecting processed shearlings in any Military or Naval contract which is unfilled on the date of this order or in any future Military or Naval contract and may use such shearlings only for filling such contracts.

(f) *Release of moutons and imperfect shearlings.* Any person having, owning or possessing

(1) Moutons which had been processed on or before December 12, 1941,

(2) Processed shearlings which cannot be used to fill Defense Orders because of imperfections in the wool or leather of the same,

may apply to have such released from the terms and provisions of this Order by making written application to the Director of Industry Operations, manually signed on behalf of the person requesting such release by a person duly authorized thereto, containing a statement of the reasons why such moutons and/or shearlings should be released and having at the end thereof the following statement:

The undersigned hereby represents to the Director of Industry Operations that the statements contained herein are true and correct with full knowledge that he may be prosecuted under Section 35 (A) of the Criminal Code (18 U.S.C. 80) for any false representations contained herein.

(g) *Repeal of telegraphic order.* This Order shall and hereby does repeal and revoke the telegraphic order sent by the Director of Priorities to shearling tanners on December 12, 1941.

(h) *Appeal.* Any person affected by this Order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of shearlings and moutons conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board by letter or telegram, or upon such forms as may hereafter be prescribed, Reference M-94, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Communications to the War Production Board.* All communications concerning this Order shall, unless otherwise directed, be addressed to: "War Production Board, Washington, D. C. Ref: M-94.

(j) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under Section 35 (A) of the Criminal Code (18 U.S.C. 80).

(k) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong. 3d Sess., as amended by Pub. No. 89, 77th Cong. 1st Sess.)

Issued this 16th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1378; Filed, February 16, 1942; 11:47 a. m.]

PART 1105—SUGAR

General Preference Order No. M-98 to Conserve the Supply and Direct the Distribution of Raw Sugar

Whereas it appears that the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of raw sugar for the combined needs of defense, private account and export, and it is necessary in the public interest and to promote the defense of the United States to conserve the supply and direct the distribution of raw sugar:

Now, therefore, it is hereby ordered, That:

§ 1105.1 *General Preference Order, M-98*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Definitions for the purposes of this order.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Raw Sugar" means any grade or type of saccharine product derived from sugarcane which is in crystalline form and which polarizes 98.5° or less, and any saccharine product of sugarcane in liquid form which is produced outside the continental United States and which contains non-sugar solids (excluding any foreign substance which may have been added) equal to 6 percentum or less of the total soluble solids.

(3) "Refiner" means any person in the continental United States who was engaged in the refining of Raw Sugar during the calendar year 1941.

(4) "Manufacturer" means any person in the continental United States who in 1941 bought or accepted Delivery from any source of Raw Sugar to use it in the manufacture of any product for human consumption, other than Direct-Consumption Sugar.

(5) "Delivery" means as follows:

(i) For Raw Sugar from foreign countries, arrival at a port of entry in the continental United States under customs' control.

(ii) For Raw Sugar for insular domestic areas, receipt at a port of entry in the continental United States.

(iii) For Raw Sugar produced in the continental United States, delivery as defined in the administration of the Sugar Act of 1937.

(c) *Restrictions on refiners and manufacturers.* Unless specifically authorized by the Director of Industry Operations, (1) no person other than a Refiner or a Manufacturer, or the agent of a Refiner or a Manufacturer, shall purchase, import, or accept delivery of Raw Sugar during the calendar year 1942.

(2) No Refiner shall purchase, import, or accept delivery of Raw Sugar during the calendar year 1942, in excess of any allotment which may be established from time to time for such Refiner by the Director of Industry Operations nor in violation of any order or regulation which may from time to time be prescribed by the Director of Industry Operations.

(3) No Manufacturer shall import or accept Delivery of Raw Sugar except in accordance with the provisions of General Preference Order No. M-55 as amended.

(d) *Records.* Each person participating in any transaction to which this Order applies shall keep and preserve for a period of not less than two years accurate and complete records of his in-

[1] 7 F.R. 182.
[2] 6 F.R. 6687; 7 F.R. 281, 601.

ventories of the Material or Materials to which such Order relates and of the details of all transactions in such Materials. Such records shall include the dates of all contracts or purchase orders accepted, the delivery dates specified in such contracts or purchase orders, and in any preference rating certificates accompanying them, the dates of actual deliveries thereunder, description of the Material covered by such contracts or purchase orders, description of deliveries by classes, types, quantities, weights and values, the parties involved in each transaction, the preference ratings, if any, assigned to deliveries under such contracts or purchase orders, details of Defense Orders and all other rated orders either accepted or offered and rejected, and other pertinent information.

(e) *Reports.* (1) Each Person participating in any transaction to which this Order applies shall execute and file with the War Production Board such reports and questionnaires as the War Production Board shall from time to time prescribe.

(2) Each Refiner accepting Delivery of Raw Sugar during the calendar year 1942 shall report to the War Production Board the information on the forms now required in the administration of the quota provisions of the Sugar Act of 1937 by filing such forms with the Sugar Division of the Department of Agriculture as agent of the War Production Board.

(f) *Appeal.* Any Person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may apply for relief to the War Production Board by telegram or letter, setting forth the pertinent facts and the reason such person considers that he is entitled to relief.

(g) *Violations.* Any person who willfully violates any provisions of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(h) *Communications.* Appeals and other communications concerning this Order, with the exception of the reports referred to in paragraph C–4 hereof, should be addressed to: War Production Board, Washington, D. C. Ref: M–98.

(i) *Effective date and termination.* This Order will be effective until December 31, 1942 unless revoked, amended or modified prior thereto. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6660; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 14th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1377; Filed, February 16, 1942; 11:49 a. m.]

PART 1105—SUGAR

Supplementary Order No. M–98–a

§ 1105.2 *Supplementary Order M–98–a.* (a) Pursuant to paragraph (c) of § 1105.1 (*General Preference Order M–98*) no Refiner shall purchase, import, or accept Delivery of Raw Sugar produced in areas outside the continental United States in excess of the allotment hereby established for the period from January 1, 1942, to September 30, 1942, for him in the amount set forth below opposite his name. Such allotment may be changed or modified from time to time by the Director of Industry Operations. All such Raw Sugar purchased, imported, or received by him between January 1, 1942, and the date of this Order shall be charged against such allotment.

	Short tons, raw value
American Sugar Refining Company	688,723
J. Aron & Company, Inc.	23,992
California & Hawaiian Sugar Refining Corp:	
West Coast	291,806
East Coast	98,501
Colonial Sugars, Inc.	87,783
Godchaux Sugars, Inc.	106,415
Henderson Sugar Refinery, Inc.	49,925
Imperial Sugar Company	79,946
W. J. McCahan Sugar Refining & Molasses Co.	121,932
National Sugar Refining Company	441,437
Pennsylvania Sugar Company	158,848
Refined Syrups & Sugars, Inc.	77,356
Revere Sugar Refinery	115,862
Savannah Sugar Refining Corp.	46,880
South Coast Corporation	5,906
Sterling Sugars, Inc.	13,995
Sucrest Corporation and Affiliates	62,490
Western Sugar Refinery:	
West Coast	69,836
East Coast	45,231
Tea Garden Products Co.	454

(b) Purchases, importations, or acceptances of Delivery, within the allotment established in paragraph (a) of this section, of Raw Sugar produced in any areas outside the continental United States (except the Territory of Hawaii) shall be made only upon the specific authorization of the Director of Industry Operations.

(c) This Order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 14th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1379; Filed, February 16, 1942; 11:49 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 7 TO SUPPLEMENTARY ORDER NO. M–15–c[1] TO RESTRICT TRANSACTIONS IN NEW RUBBER TIRES, CASINGS AND TUBES

Section 940.4 (c) (2) is amended to read as follows:

§ 940.4 *Supplementary Order M–15–c.*

* * * * * *

(c) *Prohibition on deliveries of new rubber tires, casings and tubes except to persons possessing certificates.*

* * * * * *

(2) The prohibition set forth in subparagraph (1) of this paragraph (c) which include prohibitions against both transfer of any legal or equitable right or interest in or to, or physical transfer of, any new rubber tire, casing or tube including the placing of such tire, casing or tube upon a wheel or rim shall not apply in the following cases:

(i) Any person who on December 11, 1941 was not a retailer, distributor, wholesaler or manufacturer, may transfer any new rubber tire, casing or tube which was owned and physically possessed by him prior to December 11, 1941, including the placing of such tire, casing or tube upon the wheel or rim of any vehicle owned or operated by him, provided no change in ownership, possession or control occurs.

(ii) Any person may deliver, ship, or transfer new tires or tubes to a public warehouse for storage, provided there is no change in ownership, use, or control involved in this delivery, shipment, or transfer.

Any person operating a public warehouse may deliver any new tire, casing or tube stored in such public warehouse after December 11, 1941, to the person who delivered such tire or tube for storage provided no such delivery may be made without first obtaining authorization for such delivery from the Office of Price Administration, Washington, D. C.

But such prohibitions shall apply to prevent any person who on December 11, 1941, or at any time thereafter was a retailer, distributor, wholesaler, or manufacturer, from mounting any new rubber tire, casing or tube upon any vehicle owned by him or otherwise subject to his control unless he holds a certificate issued by the Office of Price Administration, except a manufacturer may mount new tires, casings or tubes on a vehicle owned by him or otherwise subject to his control and used exclusively for testing purposes and not in connection with any other use. No provision of this paragraph (c) shall impose any liability upon any common carrier for the transportation in the regular course of its business of any new rubber tire, casing or tube not owned by such common carrier and shall not excuse any common carrier from its obligation to accept any goods for transportation. (§ 940.4 (a), 6 F.R. 6792)

This Amendment No. 7 shall become effective February 16, 1942. Issued February 16, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1335; Filed, February 13, 1942; 4:43 p. m.]

[1] 7 F.R. 72, January 3, 1942; Amendment No. 1 thereto, 7 F.R. 257, January 14, 1942; Supplementary Order No. M–15–c, 6 F.R. 6792, December 30, 1941, Amended 7 F.R. 121, 350, 434, 473, January 6, 17, 21, 23, 1942; Directive No. 1, 7 F.R. 562, January 28, 1942, Supplementary Directive No. 1B, 7 F.R. 925, February 11, 1942.

Maximum prices for the retail sale of new rubber tires and tubes and of retreaded and recapped rubber tires, the retreading and recapping of rubber tires, and basic tire carcasses have been established by the Office of Price Administration by the issuance of Price Schedules Nos. 63 and 66, respectively. Copies are available upon request to that Office.

[1] 6 F.R. 6792; 7 F.R. 121, 350, 435, 473, 1009.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

REVISED TIRE RATIONING REGULATIONS[1]—TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

Pursuant to the authority vested in me by Supplementary Order No. M–15–c of the Office of Production Management, issued December 27, 1941, and by Rationing Regulation No. 1 thereunder, and by War Production Board Directive No. 1, issued January 24, 1942, and by Supplementary Directive No. 1B, issued February 2, 1942.

It is hereby ordered, That:

DEFINITIONS

Sec.
1315.151 Definitions.

ORGANIZATION

1315.201 Personnel.
1315.202 Eligibility.
1315.203 Appointment.
1315.204 Duties.
1315.205 Jurisdiction of Boards.

TIRE AND TUBE QUOTAS

1315.301 Prohibition.
1315.302 Monthly quotas to be set by the Office of Price Administration.
1315.303 Quotas expire at end of month.
1315.304 Allotment of quotas to Boards.
1315.305 Boards to remain within quotas.
1315.306 Adjustment of quotas to cover special situations.
1315.307 Adjustment of county quotas by State Rationing Administrator.
1315.308 Adjustment of State quotas by the Office of Price Administration.
1315.309 Records and reports.

TIRES AND TUBES FOR VEHICLES ELIGIBLE UNDER LIST A

1315.401 Permitted and prohibited transfers and deliveries to consumers.
1315.402 Eligibility of List A passenger automobiles for new tires or tubes and retreaded or recapped tires.
1315.403 Eligibility of List A trucks and other vehicles except passenger automobiles for new tires or tubes.
1315.404 Eligibility of List A trucks and other vehicles except passenger automobiles for retreaded or recapped tires.
1315.405 Eligibility classification: List A.

RETREADED AND RECAPPED TIRES AND NEW PASSENGER TIRES OF AN OBSOLETE TYPE FOR VEHICLES ELIGIBLE UNDER LIST B

1315.501 Eligibility of List B passenger automobiles for retreaded or recapped tires.
1315.502 Eligibility of List B trucks for retreaded or recapped tires.
1315.503 Eligibility of List A and List B passenger automobiles for new passenger tires of an obsolete type.
1315.504 Eligibility classification: List B.

APPLICATIONS FOR CERTIFICATES

1315.601 Application for authority to purchase new tires (not of an obsolete type) and new tubes.
1315.602 Application for authority to purchase new passenger tires of an obsolete type.
1315.603 Application for authority to purchase retreaded or recapped tires or retreading or recapping services.
1315.604 Jurisdiction of Boards.
1315.605 Preparation of application.
1315.606 Inspection.
1315.607 Action by the Board upon applications.
1315.608 Allotment by the Board upon applications for new tires (not of an obsolete type) and new tubes.
1315.609 Allotment by the Board upon applications for new passenger tires of an obsolete type.
1315.610 Allotment by the Board upon applications for retreaded or recapped tires or retreading or recapping services.
1315.611 Basis for Board consideration.
1315.612 Notation of reasons for action.

TIRE AND TUBE CERTIFICATES

1315.701 Notification.
1315.702 Form of certificates.
1315.703 Execution by issuing Board.
1315.704 Action by purchaser.
1315.705 Action by authorized seller other than mail-order house.
1315.706 Action by mail-order house.

TRANSFERS AND DELIVERIES OF NEW TIRES AND TUBES, RETREADED OR RECAPPED TIRES, AND CAMELBACK

1315.801 Permitted and prohibited transfers of new tires and tubes.
1315.802 Permitted and prohibited deliveries of retreaded or recapped tires.
1315.803 Permitted and prohibited deliveries of camelback.
1315.804 Transfer of new tires or tubes, retreaded or recapped tires or camelback to certain governmental agencies, to manufacturers of new vehicles, and for export.
1315.805 Certificate for initial allotment of camelback for retreaders or recappers.

APPEALS

1315.901 Grounds for appeal to State Rationing Administrator.
1315.902 Filing of appeals.
1315.903 Action on appeals.
1315.904 Review by the Office of Price Administration.

RECORDS AND REPORTS

1315.1001 Records to be kept by Board-posting.
1315.1002 Records to be kept by applicants.
1315.1003 Records to be kept by dealers.
1315.1004 Records and reports by manufacturers.
1315.1005 Records and reports by recappers and retreaders.
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1315.1007 Preservation of records.
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ENFORCEMENT

1315.1101 Criminal prosecutions.
1315.1102 Denial of materials.
1315.1103 Publicity.
1315.1104 Other methods of enforcement.
1315.1105 Complaints of violations.

EFFECTIVE DATES

1315.1199 Effective dates of tire rationing regulations.

Definitions

§ 1315.151 *Definitions.* For the purpose of these regulations—

(a) "Board" means a Local Rationing Board.

(b) "Camelback" means the uncured rubber compound applied to the worn tire to make the new tread in the process of recapping or retreading.

(c) "Commercial account" means a person who operates five or more vehicles using tires.

(d) "Consumer" of a tire or tube means any person who purchases or accepts delivery of a new tire or tube or retreaded or recapped tire for use and not for resale, or brings a tire to a retreader or recapper to be retreaded or recapped, the tire to be returned to such person but not for resale.

(e) "Delivery" means sale, lease, loan, trade, delivery, or shipment or any transaction involving a change in the right or title to, or interest in a commodity, but does not include changes in physical location not involving any such change in right, title, or interest.

(f) "Distributor" means a person selling new rubber tires, casings, or tubes both to consumers, including commercial accounts, and to persons who buy for purposes of resale.

(g) "List A" means the list of eligible vehicles set forth in § 1315.405.

(h) "List B" means the list of eligible vehicles set forth in § 1315.504.

(i) "Local defense council" means any person or body established pursuant to a State statute or State executive order to organize, administer, and direct State

defense efforts within any part of a State or within any political subdivision thereof.

(j) "Mail-order house" means any business establishment which prior to the issuance of these regulations, (§§ 1315.151 to 1315.1199, incl.) conducted a substantial part of its business by soliciting and filling mail orders based on a catalogue issued at regular intervals.

(k) "Manufacturer" means a person who manufactures new rubber tires, casings or tubes.

(l) "New" as applied to tires and tubes means a tire or tube that has been used less than 1,000 miles.

(m) "Passenger automobile" means any motor vehicle designed to carry fewer than ten passengers on the highway.

(n) "Passenger type tire" means a tire primarily designed for use on a passenger automobile.

(o) "Person" means any individual, partnership, corporation, association, Government, Government agency or subdivision, or other form of enterprise.

(p) "Purchase" means purchase, lease, trade, borrow, or accept delivery, shipment, or transfer by gift or otherwise.

(q) "Purchaser" means a person making a purchase as defined herein.

(r) "Recapped or retreaded tire" means any tire which has been retreaded or recapped and used less than 1,000 miles thereafter, and includes a retreaded or recapped tire, the carcass of which is supplied to the retreader or recapper by another person for retreading or recapping on behalf of such person.

(s) "Recapper or retreader" means any person who possesses retreading or recapping equipment and who, prior to or subsequent to, the date of these regulations (§§ 1315.151 to 1315.1199, incl.) engaged or is engaged in retreading or recapping for another person.

(t) "Recapping" means the process of tread renewal where the worn tread of the tire is buffed off the top surface of the tire and rubber is applied to the tread surface only, or the process of tread renewal where in addition to buffing off the worn tread the shoulders of the tire also are buffed below the shoulder design and rubber is applied to both the tread surface and tire shoulders.

(u) "Retailer" means a person selling new rubber tires, casings or tubes exclusively to consumers, including commercial accounts.

(v) "Retreading" means the process of reconditioning a tire by removing all the original tread rubber from the worn tire down to the fabric and applying rubber to the tread surface and sidewalls.

(w) "Rubber" means all forms and types of rubber including reclaimed rubber.

(x) "State" means any State, Territory or possession of the United States and the District of Columbia.

(y) "State defense council" means any person or body established pursuant to a State statute or State executive order to organize, administer, and direct State defense efforts over a State-wide area.

(z) "Tire" means any solid or pneumatic rubber tire or casing capable of being used on any passenger automobile, truck, bus, motorcycle, or farm implement.

(aa) "Transfer" means sale, lease, loan, trade, shipment, delivery or transfer or any transaction involving a change in right or title to, or interest in any commodity, including any changes in use or physical location, and including the placing of a tire or tube upon a wheel or rim.

(bb) "Truck" means any vehicle other than a passenger automobile or station wagon, designed for use on the highways to carry freight, including raw materials, semi-finished goods and finished products, farm products and foods, or designed for use for road-grading, earth-moving, or other similar off-the-road purposes.

(cc) "Tube" means any rubber tube capable of being used within a tire casing on any automobile, truck, bus, motorcycle, or farm implement.

(dd) "Wholesaler" means a person selling new rubber tires, casings, or tubes exclusively to persons buying for purposes of resale and to commercial accounts.*

*§§ 1315.151 to 1315.1199, inclusive, issued pursuant to Pub. Law 421, 77th Cong. 2d Sess., Jan. 30, 1942, OPM Supp. Order No. M–15 c, WPB Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.R. 562, 925.

Organization

§ 1315.201 *Personnel.* The tire-rationing program established in these regulations (§§ 1315.151 to 1315.1199, incl.) by the Office of Price Administration, pursuant to the delegation of power from the Office of Production Management in Supplementary Order No. M–15–c and pursuant to the further delegation of power from the War Production Board in Directive No. 1 and Supplementary Directive No. 1B, will be administered by Local Rationing Boards, consisting of three members, Local Rationing Administrators, and State Rationing Administrators, all of whom shall be federal employees, serving without compensation, subject to the supervision and control of the Office of Price Administration.*

§ 1315.202 *Eligibility.* Members of Boards, Local Rationing Administrators, and State Rationing Administrators must be eligible to serve as federal employees, without compensation, under state and federal laws.*

§ 1315.203 *Appointment.* Members of Boards and Local Rationing Administrators shall be selected by the Local Defense Councils in the areas in which they are to serve and shall be appointed by the Office of Price Administration. State Rationing Administrators shall be selected by the State Defense Councils in the states in which they are to serve and shall be appointed by the Office of Price Administration. Any appointment subject to provisions of these regulations (§§ 1315.151 to 1315.1199, incl.) may be terminated at any time by the Office of Price Administration.*

§ 1315.204 *Duties.* The persons appointed to administer the tire-rationing program shall have such duties and responsibilities as the Office of Price Administration may from time to time direct.*

§ 1315.205 *Jurisdiction of Boards.* Each Board shall have jurisdiction over all vehicles garaged or normally stationed in the area which it has been designated to serve: *Provided, however,* That in certain instances it may act with respect to vehicles normally located outside its jurisdiction subject to the provisions of paragraph (b) of § 1315.604 of these regulations (§§ 1315.151 to 1315.1199, incl.).*

Tire and Tube Quota

§ 1315.301 *Prohibition.* (a) The Office of Price Administration shall fix quotas stating the maximum number of new tires and tubes and retreaded or recapped tires for the purchase of which certificates may be issued by Boards during a single calendar month. No Board shall issue a certificate for the purchase of a new tire or tube or a retreaded or recapped tire in excess of its quota.

(b) Boards may issue certificates for the purchase of new passenger tires of an obsolete type as defined in paragraph (d) of § 1315.503 of these regulations (§§ 1315.151 to 1315.1199, incl.), without regard to their quotas.*

§ 1315.302 *Monthly quotas to be set by the Office of Price Administration.* (a) The Office of Price Administration will set monthly quotas for appropriate classes of eligible vehicles in terms of new tires, new tubes, and retreaded or recapped tires.

(b) The quotas will be specified for each county in a State upon the basis of the registration of motor vehicles, with appropriate adjustments for such other factors as the Office of Price Administration shall deem necessary.

(c) The Office of Price Administration will withhold a portion of each quota as a national reserve to be administered by it for the making of such adjustments as it may deem necessary, as provided in § 1315.308 of these regulations (§§ 1315.151 to 1315.1199, incl.). The Office of Price Administration will also withhold a portion of each quota as a State reserve to be administered by the State Rationing Administrator of such State for the purpose of making necessary adjustments of quotas for counties within the State, as provided in paragraph (c) of § 1315.307 of these regulations (§§ 1315.151 to 1315.1199, incl.).*

§ 1315.303 *Quotas expire at end of month.* (a) The quotas announced by the Office of Price Administration shall be valid only for the month for which they are set. An unused portion of a monthly quota shall not be carried over into the succeeding month.*

§ 1315.304 *Allotment of quotas to Boards.* (a) The Office of Price Administration will forward to each State Rationing Administrator the monthly quotas for each county within his State.

(b) The State Rationing Administrator shall then forward to each Board its monthly quotas, in accordance with the quotas for each county as announced by the Office of Price Administration. If there are two or more boards established within a single county, the State Rationing Administrator shall forward to the Local Rationing Administrator, if one has been appointed, the county quotas to allot among the different Boards within the county. If no Local Rationing Administrator has been appointed, the State Rationing Administrator shall himself allot the quotas among the different Boards within the county.*

§ 1315.305 *Boards to remain within quotas.* (a) No Board shall issue a certificate for the purchase of a new tire or a new tube or a retreaded or recapped tire in excess of its quota as provided in paragraph (b) of § 1315.304, or in paragraph (b) of this section.

(b) No Board shall issue a certificate for the purchase of a new tire or a new tube or a retreaded or recapped tire in excess of the following limitations:

(1) 25 percent of its monthly quota by the end of the seventh day of the month;

(2) An additional 25 percent (cumulatively 50 percent) by the end of the fourteenth day of the month;

(3) An additional 25 percent (cumulatively 75 percent) by the end of the twenty-first day of the month; and

(4) An additional 25 percent (cumulatively 100 percent) by the end of the last day of the month.*

§ 1315.306 *Adjustment of quotas to cover special situations.* (a) When a Board having secured proper authorization pursuant to the provisions of paragraph (b) of § 1315.604 of these regulations (§§ 1315.151 to 1315.1199, incl.) issues a certificate for the purchase of a new tire or tube or a retreaded or recapped tire for a vehicle normally located outside its jurisdiction, it shall immediately notify its State Rationing Administrator and the Board normally having jurisdiction over the vehicle.

(b) The State Rationing Administrator shall immediately augment the Board's quota to the extent of the number of new tires and tubes or retreaded or recapped tires which the Board authorized the applicant to purchase. If the Board normally having jurisdiction over the vehicle is situated within another State, he shall notify the State Rationing Administrator of that State of these facts.

(c) Upon receiving notice pursuant to paragraph (a) of this section, the Board normally having jurisdiction over the vehicle shall immediately deduct from its quota the number of new tires and tubes or retreaded or recapped tires which the applicant was authorized to purchase and shall notify its State Rationing Administrator of its action.

(d) The State Rationing Administrator or Administrators shall then make appropriate adjustments of their records.*

§ 1315.307 *Adjustment of county quotas by State Rationing Administrator.* (a) Where, in the opinion of the State Rationing Administrator, and upon verification by the Boards affected, the quotas assigned to any county appear to be excessive or inadequate, he may make such adjustment among counties as he may deem necessary. Full facts of the case must be reported immediately to the Office of Price Administration.

(b) Where a Board believes that because of sudden and immediate emergency the public interest requires that it issue a certificate for the purchase of a new tire or a tube or a retreaded or recapped tire in excess of its partial quota as provided in paragraph (b) of § 1315.305, but within its over-all monthly quota, the Board may make immediate application to the State Rationing Administrator for permission to issue the certificate, setting forth the full facts of the case. The State Rationing Administrator may designate the specific number of new tires or tubes or retreaded or recapped tires for which such certificate may be issued, but in no case shall any blanket authority to exceed such partial quota be granted. This designation shall not increase the monthly quota of the Board.

(c) Where a Board believes that the public interest requires that it issue a certificate for the purchase of a new tire or tube or a retreaded or recapped tire in excess of its over-all monthly quota, the Board may make application to the State Rationing Administrator for authority to issue such certificate, setting forth the full facts of the case. The State Rationing Administrator at his discretion may draw upon the State reserve provided for by paragraph (c) of § 1315.302 to augment the quota of such Board for the month involved to the extent necessary to the granting of such certificate. In no case shall the State Rationing Administrator grant blanket authority to exceed a monthly quota, and in no event shall he authorize the granting of a certificate for the purchase of new tires or tubes or retreaded or recapped tires in excess of the quota held in the State reserve under his control.

(d) The State Rationing Administrator shall in no case issue certificates himself but shall assign a specific number of tires or tubes from the State reserve to a Board which will issue the certificates therefor.*

§ 1315.308 *Adjustment of State quotas by the Office of Price Administration.* (a) The Office of Price Administration may draw upon the national reserve provided for in paragraph (c) of § 1315.302 to adjust the quotas within the different States as it may determine. Each State Rationing Administrator may apply for an allotment from the national reserve held by the Office of Price Administration to replenish the State reserve held under his control. Each such application shall be accompanied by a statement setting forth in full the facts giving rise to such application.*

§ 1315.309 *Records and reports.* The State Rationing Administrators, the Local Rationing Administrators and the Boards shall maintain such records and file such reports in such form as may be required by the Office of Price Administration with respect to the allotment and disposition of quotas.*

Tires and Tubes for Vehicles Eligible Under List "A"

§ 1315.401 *Permitted and prohibited transfers and deliveries to consumers—*(a) *Prohibitions.* Except as provided in paragraphs (b) and (c) of this section, and in §§ 1315.801 to 1315.805, incl., of these regulations, (§§ 1315.151 to 1315.1199, incl.), no person shall make any transfer of new tires or tubes, or delivery of retreaded or recapped tires, to a consumer; and no consumer shall accept any such transfer or delivery.

(1) The prohibition in paragraph (a) of this section applies to sales and deliveries and physical transfers involving a change either in use or location as set forth in § 1315.801. Except as provided in paragraphs (b) and (c) of this section and in §§ 1315.801 to 1315.805, incl., it is unlawful to deliver new tires or tubes, or retreaded or recapped tires, to a consumer, even though such consumer has completed and paid for the purchase or agreement for transfer of such tires or tubes from the person of whom delivery is requested.

(2) The prohibition in paragraph (a) of this section applies to new tires or tubes whether such tires or tubes are at the date of the issuance of these regulations already manufactured or whether such tires or tubes are manufactured in the future, and applies to retreaded or recapped tires whether such tires are retreaded or recapped at the date of the issuance of these regulations (§§ 1315.151 to 1315.1199, incl.), or whether such tires are retreaded or recapped in the future.

(3) Until February 19, the effective date of these regulations (§§ 1315.151 to 1315.1199, incl.), any consumer may obtain any retreaded or recapped tire from any person, including tires which he left to be retreaded or recapped on his behalf. After February 19 no consumer may accept delivery of a retreaded or recapped tire except in exchange for a certificate issued pursuant to these regulations (§§ 1315.151 to 1315.1199, incl.), whether or not he provided the tire carcass to be retreaded or recapped, but he may accept redelivery of such tire carcass if it has not been retreaded or recapped.

(b) *Transfers of new tires or tubes to consumers.* (1) Any retailer or distributor may transfer a new tire or tube to any consumer in exchange for a certificate authorizing such purchase issued by a Board.

(2) Any wholesaler may transfer any new tire or tube to a consumer in exchange for a certificate authorizing such purchase issued by a Board: *Provided,* That such consumer purchased, leased, or otherwise acquired new rubber tires or tubes direct from such wholesaler's warehouse during the calendar year 1941.

(i) The restriction set forth in paragraph (b) (2) shall apply only when the wholesaler sells such tires directly from his wholesale warehouse. It shall not apply when the wholesaler makes such sale to a consumer from the separate premises of its company-owned retail outlet.

(3) Any manufacturer may transfer any new tires or tubes to a consumer in exchange for a certificate authorizing such purchase issued by a Board: *Provided,* That such consumer purchased or leased new rubber tires or tubes direct

from such manufacturer's factory or warehouse during the calendar year 1941.

(i) The restriction set forth in paragraph (b) (3) shall apply only when the manufacturer sells such tire or tube directly from his factory or warehouse. It shall not apply when the manufacturer makes such sale to a consumer from the separate premises of its company-owned retail outlet.

(c) *Transfers of retreaded or recapped tires to consumers.* Any person may deliver a retreaded or recapped tire to a consumer in exchange for a certificate authorizing such delivery issued by a Board; and any retreader or recapper may retread a tire carcass for a consumer who presents such a certificate."

§ 1315.402 *Eligibility of List A passenger automobiles for new tires or tubes and retreaded or recapped tires.* (a) The Board may issue a certificate authorizing the holder to accept delivery of a new tire or tube for a passenger automobile to an applicant who meets the requirements of paragraphs (b) and (c) of this section. If, but only if, the applicable quota for new tires is exhausted, the Board may offer to issue to an applicant who meets the requirements of paragraphs (b) and (c) of this section a certificate, within the limits of the quota for retreaded or recapped tires, authorizing him to accept delivery of a retreaded or recapped tire or to have a tire carcass owned by him retreaded or recapped and redelivered to him. The eligibility requirements for new obsolete type passenger tires, as defined in § 1315.503 (d), are set forth in § 1315.503.

(b) An applicant must establish that the tires for which application is made are to be mounted on a passenger automobile included in paragraphs (a) to (d) of § 1315.405 (List A).

(c) An applicant must establish:

(1) That the passenger automobile upon which the tire or tube is to be mounted cannot be replaced by a passenger automobile owned or operated by, or subject to the control of the applicant, which is equipped with serviceable tires or tubes and which is capable of being, but is not, fully employed for one or more of the purposes specified in paragraphs (a) to (d) of § 1315.405.

(i) If the applicant owns, operates, or controls passenger automobiles equipped with serviceable tires or tubes, other than the passenger automobile for which new tires or tubes are requested, he must show that all such vehicles capable of being employed for the purposes for which tires are sought are fully employed for one or more of the purposes specified in paragraphs (a) to (d) of § 1315.405. If an applicant fails to establish that fact, he fails to establish that he needs tires or tubes for the purposes listed in these paragraphs, and he must be denied a certificate.

(2) That the tire or tube for which application is made is to replace a tire or tube used by the applicant and that such tire is not serviceable or must be recapped or retreaded without delay, or that such tube cannot be repaired: *Provided,* That the applicant need not show that the tire for which application is made is for replacement purposes when application is made for one spare of a given size as original equipment for a vehicle included in paragraphs (a) to (d) of § 1315.405.

(i) Except where the applicant applies for a spare tire, certificates may be granted only for replacement purposes and not to provide original equipment for any new vehicle.

(ii) If the applicant has tires or tubes in his possession at the time of his application, and the tires are still serviceable and do not require immediate retreading or recapping, or the tubes can be repaired, he fails to establish that he needs tires or tubes at the time he makes application, and he must be denied a certificate. If the applicant has tires which are capable of being retreaded or recapped, he may, nevertheless, be granted only a certificate for a new tire, so long as a new tire is available within the quota, but he must trade in or sell the tire replaced as provided in subparagraph (5) of this paragraph (c).

(3) That the tire or tube for which application is made, when added to all other tires or tubes of suitable sizes in the applicant's possession, whatever their condition, and whether unmounted or mounted on a vehicle, will not add up to more than one spare tire of a given size for each vehicle eligible under paragraphs (a) to (h) of § 1315.405: *Provided,* That if the applicant is regularly engaged in dealing in tires, the requirements of this paragraph can be satisfied by showing that all his tires or tubes already in use are, if of suitable size, in use on vehicles included in paragraphs (a) to (h) of § 1315.405 and no such vehicle is equipped with more than one spare of a given size.

(i) If the applicant is not in the tire business, he cannot be granted a certificate if granting such a certificate would result in his having more tires or tubes than are necessary for the operation of vehicles included in paragraphs (a) to (h) of § 1315.405. Therefore, if the applicant already has enough serviceable tires or tubes of a size suitable to equip each of the vehicles he owns or controls eligible under those paragraphs, he must use such tires or tubes on such vehicles, even if that means taking the tires or tubes off vehicles not included in those paragraphs. If the applicant has unusable tires or tubes, he must dispose of them, so that they will be available as rubber scrap. Unless and until the applicant takes all these steps, no certificate can be issued to him.

(ii) If the applicant is regularly engaged in the tire business, since his inventories of tires cannot be used by him without a certificate, he may satisfy the requirements of this paragraph (c) (3) by showing that all of his tires already in use are, if of a size suitable for use on the vehicle to be equipped, in use on vehicles included in paragraphs (a) to (h) of § 1315.405.

(4) If the applicant desires authority to purchase a passenger type new tire of over four-ply construction, that the vehicle upon which the new tire is to be mounted cannot be satisfactorily operated in the use to which it is to be put with a tire of four-ply construction.

(5) That the applicant agrees to trade in any tire or tube in his possession replaced by the tire or tube purchased with any certificate granted him, or, if the applicant purchases a tire or tube from a mail-order house, that the applicant will, within 5 days from receipt of such tire or tube, sell the replaced tire or tube to a person dealing in tires.

(i) Tires or tubes replaced must be turned in to the person from whom new tires or tubes or retreaded or recapped tires are purchased or, in the case of purchase from a mail-order house, to any person dealing in tires.

(ii) This paragraph (c) (5) does not apply when the applicant can establish to the satisfaction of the Board that he has no tires to turn in because the tires which are to be replaced have been stolen or if the applicant is a government agency forbidden by law to make such disposition of Government property, or for any similar reason, or if the applicant purchases a spare for a new vehicle which was acquired by him without a spare as a part of its original equipment."

§ 1315.403 *Eligibility of List A trucks and other vehicles except passenger automobiles for new tires or tubes.* (a) The Board may issue a certificate authorizing the holder to accept delivery of a new tire or tube for a truck or other vehicle not a passenger automobile to an applicant who meets the requirements of paragraphs (b) and (c) of this section.

(b) The applicant must establish that the tires for which application is made are to be mounted on a vehicle, other than a passenger car, included in paragraphs (c) to (h) of § 1315.405.

(c) The applicant must establish:

(1) That the vehicle upon which the tire is to be mounted cannot be replaced by a vehicle other than a passenger automobile owned or operated by, or subject to the control of the applicant, which is equipped with serviceable tires or tubes and which is capable of being, but is not, fully employed for one or more of the purposes specified in paragraphs (c) to (h) of § 1315.405.

(i) If the applicant owns, operates, or controls vehicles other than passenger automobiles equipped with serviceable tires or tubes in addition to the vehicle for which new tires or tubes are requested, he must show that all such vehicles capable of being employed for the purposes for which tires are sought are fully employed for one or more of the purposes listed in paragraphs (c) to (h) of § 1315.405. If an applicant fails to establish this fact, he fails to establish that he needs tires or tubes for purposes listed in those paragraphs, and he must be denied a certificate.

(2) That the tire or tube for which application is made is to replace a tire which cannot be retreaded or recapped or a tube which cannot be repaired, for safe use at the speeds at which the applicant may reasonably be expected to operate: *Provided,* That the applicant need not show that the tire for which application is made is for replacement use when application is made for one spare of a given size as original equipment for a vehicle included in paragraphs (c) to (h) of § 1315.405.

(i) Except where the applicant applies for a spare tire or tube, certificates may be granted only for replacement purposes and not to provide original equipment for any vehicle.

(ii) If the applicant can get his existing tires retreaded or recapped or his tubes repaired for safe use at the speed at which the applicant may reasonably be expected to operate, he must do so. If he fails to establish that his old tire cannot be made serviceable by retreading or recapping or that his old tube cannot be repaired, he fails to establish his need for new tires or tubes and must be denied a certificate. Applicants in this situation should apply for a retreaded or recapped tire pursuant to § 1315.404.

(3) That the applicant has no more tires or tubes than are permitted by § 1315.402 (c) (3).

(4) That the applicant agrees to trade in replaced tires or tubes in accordance with the provisions of § 1315.402 (c) (5)."

§ 1315.404 *Eligibility of List A, trucks and other vehicles, except passenger automobiles, for retreaded or recapped tires.* (a) The Board may issue a certificate authorizing the holder to accept delivery of a retreaded or recapped tire, for a vehicle other than a passenger automobile, or to have a carcass owned by him retreaded or recapped for use on such a vehicle, to any applicant who meets the requirements of paragraphs (b) and (c) of this section.

(b) The applicant must establish that the tires for which application is made are to be mounted on a vehicle, other than a passenger car, included in paragraphs (c) to (h) of § 1315.405.

(c) The applicant must establish:

(1) That the vehicle upon which the tire is to be mounted cannot be replaced by a vehicle other than a passenger automobile owned or operated by, or subject to the control of the applicant, which is equipped with serviceable tires and which is capable of being, but is not, fully employed for one or more of the purposes specified in paragraphs (c) to (h) of § 1315.405.

(i) If the applicant owns, operates, or controls vehicles other than passenger automobiles equipped with serviceable tires, in addition to the vehicle for which retreaded or recapped tires are requested, he must show that all such vehicles capable of being employed for the purposes for which application is made are fully employed for purposes specified in paragraphs (c) to (h) of § 1315.405. If an applicant fails to establish this fact, he fails to establish that he needs tires to perform services listed in those paragraphs, and he must be denied a certificate.

(2) That the application is for retreading or recapping services on tires in the applicant's possession or for retreaded or recapped tires to replace tires no longer serviceable or tires which require immediate retreading or recapping.

(i) Except when an applicant applies for a spare tire, certificates may be granted only for replacement purposes and not to provide original equipment for any vehicle.

(ii) If the applicant has tires in his possession at the time of his application, and such tires are still serviceable and do not require immediate retreading or recapping, he fails to establish that he needs tires at the time he makes application, and he must be denied a certificate.

(3) That the retreaded or recapped tire, or the tire to be retreaded or recapped, for which application is made, when added to all other tires of a suitable size in the applicant's possession, will not add up to more tires than are permitted by § 1315.402 (c) (3).

(4) That the applicant agrees to trade in replaced tires in accordance with the provisions of § 1315.402 (c) (5)."

§ 1315.405 *Eligibility classification: List A.* Certificates authorizing the purchase or acceptance of delivery of tires or tubes may be granted, but only to the extent provided in §§ 1315.401 to 1315.404 and otherwise provided in these regulations (§§ 1315.151 to 1315.1199, incl.), to equip the vehicles listed in this section, which contains List A of the eligibility classification:

(a) A vehicle which is operated by a physician, surgeon, visiting nurse, or a farm veterinary, and which is used principally for professional services.

(i) The Board shall issue certificates for vehicles in this class only to physicians, surgeons, and farm veterinaries (including for purposes of certificates only physicians, surgeons, and veterinaries, licensed as such by the appropriate governmental authority) whose professional practice is to make regular calls outside their offices and who need and use motor vehicles to make their professional calls.

(ii) For the purposes of paragraph (a) "visiting nurse" shall mean a nurse who is employed by a clinic, hospital, government agency, or similar organization, or by an industrial concern to make nursing or inspection calls for such agencies. The term "visiting nurse" does not include private nurses.

(iii) No certificate shall be issued unless the physician, surgeon, nurse, or farm veterinary applying shows that the particular vehicle on which the tire or tube is to be mounted is actually used for professional calls and is used principally for that purpose.

(b) A vehicle which is operated by a regularly practicing minister of any religious faith and which is used principally in, and is necessary to, the performance of his religious duties.

(i) The Board may issue certificates to ministers, priests, or rabbis, who, in the course of their religious calling, require their vehicles to meet the religious needs of the congregations which they serve.

(ii) No certificate shall be issued unless the applicant shows that the particular vehicle on which the tire or tube is to be mounted is actually used in the course of his religious duties, is used principally for that purpose, and is essential for the performance of such duties.

(c) An ambulance.

(i) A certificate may be issued for any vehicle used principally as an ambulance, even though such vehicle is used also, but not primarily, as a hearse or for other purposes.

(d) A vehicle used exclusively for one or more of the following purposes:

(1) To maintain fire-fighting services.

(i) A certificate may be issued for any fire-fighting apparatus, including such vehicles as ladder trucks, chemical trucks, and hose trucks.

(ii) A certificate may be issued for other kinds of cars and trucks actually used for fire fighting, including trucks without special fire-fighting equipment, and passenger cars, if the Board is satisfied that the vehicles in question will be used exclusively to fight fires or for the other purposes in paragraphs (a) to (d) of this section.

(iii) No vehicle equipped with tires or tubes for which a certificate has been granted shall be used by the officials in charge of fire-fighting services unless they are actually engaged in direct fire-fighting work.

(2) To maintain necessary public police services.

(i) In issuing certificates under paragraph (d) (2) of this section the Board shall be governed by the necessity of keeping the uniformed force and essential nonuniformed personnel of any Federal, State, or local police force in a position to render efficient service in the prevention and detection of crime.

(ii) Certificates shall not be issued for vehicles to perform police services, if such services can be performed without the use of motor vehicles. No police department shall use motor vehicles, equipped with tire or tubes for which a certificate has been issued, for licensing or inspection duties, when regular public transportation will serve.

(iii) No vehicle equipped with tires or tubes for which a certificate has been issued shall be used to convey police officials to or from their usual stations, except in case of emergency, nor shall such vehicles be used for official convenience, when public means of transportation will serve.

(3) To enforce such laws as relate specifically to the protection of public health and safety.

(i) Certificates shall be issued under this paragraph (d) (3) only for vehicles essential for the performance of the law-enforcement services specifically provided for by this paragraph. The inspection of buildings, of the establishments of sellers and producers of food, and the discharge of similar duties do not in most instances require the use of motor vehicles. Certificates shall under

no circumstances be issued except for vehicles used to perform services which cannot be performed satisfactorily by inspectors and other officers using means of transportation available to the general public.

(ii) This paragraph provides only for law-enforcement services which relate directly and specifically to the protection of the public from accident and injury to health. Tires or tubes are not to be made available for any law-enforcement functions other than those performed by the regular police force, as provided in the preceding paragraph (d) (2), and the protection of the public health and safety, provided for by this paragraph (d) (3).

(iii) For the purposes of this paragraph enforcement of laws relating directly to the public health and safety shall include inspection by employees of Federal, State, or local governments of food and similar commodities and establishments engaged in producing such commodities when the primary purpose of such inspection is the discovery of contamination or similar dangers to the public health, but the enforcement of laws relating to the public health and safety shall not include inspections the primary purpose of which is grading, standardization, the prevention of fraud or establishment of sound business practices, rather than protection from contamination or similar dangers.

(iv) No vehicle equipped with tires or tubes for which a certificate has been issued shall be used to convey public health and safety officials to and from their usual stations, except in case of emergency, nor shall such vehicles be used for official convenience when public means of transportation will serve.

(4) To maintain garbage disposal and other sanitation services.

(i) Certificates may be issued for any vehicle essential to dispose of refuse of various kinds, to operate sewage systems, and for similar purposes.

(ii) No certificate shall be issued for passenger cars to be used by administrative personnel concerned with garbage disposal or sanitation services, except to the extent provided in paragraph (d) (3) of this section. Certificates for tires or tubes shall be issued only for vehicles actually used to transport garbage and other refuse, to clean and repair sewers, and for similar purposes.

(5) To maintain mail services.

(i) The Boards may issue certificates for vehicles to be used for the transportation of mail by or on behalf of the United States.

(e) A vehicle with the capacity of 10 or more passengers operated exclusively for one or more of the following purposes:

(1) Transportation of passengers as part of the services rendered to the public by a regular transportation system.

(i) Certificates may be issued under this paragraph (e) (1) only for vehicles performing necessary transportation service along regular routes or with regular schedules, from which the general public may obtain service upon payment of a standard fare.

(ii) No certificate shall be issued under this paragraph (e) (1) for vehicles used for sightseeing trips or similar excursions.

(iii) No certificate shall be issued under this paragraph (e) (1) for a vehicle on which the general public cannot obtain transportation, except as provided in paragraphs (e) (2) and (e) (3).

(2) Transportation of students and teachers to or from school.

(i) Certificates shall be issued under this paragraph (e) (2) only for school busses. A school bus will not lose its character as such because it is used to transport other employees of the school as well as teachers.

(ii) No vehicle equipped with tires or tubes for which certificates have been granted shall be used for excursions of any character. Transportation shall be provided only from the homes of students and teachers or from regular school-bus stops to the regular places of instruction.

(3) Transportation of employees to or from any industrial or extractive establishment, power generation or transmission facilities, transportation or communication facilities, construction project, or farm, except when public transportation facilities are readily available.

(i) Certificates shall be issued under this paragraph (e) (3) only for busses used to transport workers to places of employment (including farms, factories, canneries, mines, lumber camps, oil wells, etc.) which cannot practicably be reached by means of transportation available to the public. No certificate shall be issued where the workers can practicably reach the place of employment, or go from place to place while on the job, by using public transportation facilities.

(ii) The Boards may issue certificates under this paragraph (e) (3) where, although public transportation facilities exist, such facilities are unreliable or use of such facilities consumes an inordinate amount of time essential to uninterrupted production.

(f) A truck operated exclusively for one or more of the purposes stated in the preceding paragraphs or for one or more of the following purposes:

(1) Transportation of ice and fuel.

(i) In issuing certificates under this paragraph (f) (1), the Board shall be governed by the necessity for preserving public health and maintaining industrial production.

(2) Transportation of materials and equipment for construction or for mechanical, structural, or highway maintenance or repair.

(i) Certificates may be issued under this paragraph (f) (2) for trucks used to carry material and equipment for any construction project, including the construction of factories, houses, roads, dams, and other facilities, or for mechanical or structural maintenance and repair, including electrical, plumbing, or heating repairs to the structure of such buildings or facilities, or maintenance and repair of machines in them, or of other machines and farm equipment, including road service to vehicles used on the highways, and including the transportation of materials and equipment by traveling blacksmiths. Certificates may also be issued for equipment used for construction purposes such as earth movers and road graders where rubber tires and tubes are essential for the operation of such equipment.

(ii) Certificates shall not be issued under this paragraph (f) (2) for incidental maintenance work, including the cleaning of office buildings or similar activities, not involving mechanical or structural maintenance or repair.

(3) Transportation by any common carrier.

(i) For the purpose of this paragraph (f) (3), the term "common carrier" shall include any carrier of freight by rail, motor, air, or water (using trucks to render a part of its services), required by law to furnish services to the general public at standard rates, fixed in advance.

(ii) For the purpose of this paragraph (f) (3), the term "common carrier" shall not include any carrier which renders services only to persons whom it chooses as its customers or on terms separately arranged for each customer and for each service it renders.

(iii) A certificate may be issued for any truck used by a common carrier to render freight services.

(4) Transportation of waste and scrap materials.

(i) Certificates may be issued under this paragraph (f) (4) for trucks which are to be used for transporting waste and scrap materials, including waste paper, scrap iron, scrap rubber, and similar commodities which may be reused in production.

(5) Transportation of raw materials, semimanufactured goods, and finished products, including farm products and foods, provided that no certificate shall be issued under this paragraph for a tire or tube to be mounted on a truck used for transportation of commodities to the ultimate consumer for personal, family, or household use.

(i) Certificates may be issued for trucks used to transport raw materials, semimanufactured goods, and finished products, including farm products and foods, but no certificates may be issued for trucks used to transport commodities to the ultimate consumer for personal, family, or household use.

(ii) No truck equipped with tires or tubes for which a certificate has been issued under this paragraph shall be used to deliver foods to a consumer for personal, family or household use, or to make such deliveries of other commodities from a department store, grocery store, or similar retail sales outlet.

(g) Farm tractors or other farm implements, other than automobiles or trucks, for the operation of which rubber tires or tubes are essential.

(i) Certificates may be granted for farm tractors or other farm implements for the operation of which rubber tires or tubes are essential.

(ii) Nothing in this paragraph (g) shall be construed to permit the issuance of a certificate for rubber tires or tubes when the tractor or other implement can operate or can be adapted to operate without such tires or tubes.

(h) Industrial, mining, and construction equipment, other than automobiles or trucks, for the operation of which rubber tires or tubes are essential.

(1) This paragraph applies to equipment other than automobiles or trucks. It should be noted, however, the word "truck" is very broadly defined so as to include most types of motor vehicles used for construction equipment. Certificates may be issued for any type of equipment using tires or tubes capable of being used on any passenger automobile, truck, bus, motorcycle or farm implement. If the industrial, mining or construction equipment does not require for its operation tires or tubes capable of being so used, certificates shall not be issued in such cases and the tires may be purchased without regard to the restrictions set forth in these regulations. In particular solid tires molded upon industrial equipment are not covered by these regulations (§§ 1315.151 to 1315.1199, incl.) and may be purchased without regard to the restrictions contained herein.

(2) Nothing in this paragraph (h) shall be construed to permit the issuance of a certificate when the equipment can operate or can be adapted to operate without such tires or tubes.*

Retreaded and Recapped Tires and New Passenger Tires of an Obsolete Type for Vehicles Eligible Under List B

§ 1315.501 *Eligibility of List B passenger automobiles for retreaded or recapped tires.* (a) The Board may issue a certificate authorizing the holder to accept delivery of retreaded or recapped tires for a passenger automobile or to obtain retreading or recapping services for a tire for a passenger automobile to an applicant who meets the requirements of paragraphs (b), (c), and (d) of this section.

(b) Any person applying for a certificate under this section must establish that the tires for which application is made are to be mounted on a passenger automobile used principally for one or more of the purposes included in paragraph (a) of § 1315.504 (List B).

(c) An applicant must establish:

(1) That without the passenger automobile to be equipped, transportation service is not available to the applicant.

(i) The Board may not issue certificates under this section if the applicant can secure transportation by any method without using the vehicle for which tires are sought. The applicant may show that the transportation services for which he uses his vehicle are not otherwise available to him by showing (*a*) that no public transportation system reaches the areas to which he must go to carry on his business or occupations; or (*b*) that public transportation services do not function at the times when it is necessary for the applicant to travel; or (*c*) that public transportation will not enable him to do his work because of the necessity of carrying material and equipment; or (*d*) that the public transportation facilities are already too heavily loaded to afford the applicant transportation service. The applicant should also be required to show that he regularly transports other persons to work with him or that he has exhausted the possibilities of doubling up with persons employed at the same place or with persons who travel the same route. If the applicant fails to show these and such other facts as will establish to the satisfaction of the Board that he would be unable to secure transportation if he did not get the tires for which he applies, he must be denied a certificate.

(ii) As applied to taxis, jitneys, and similar vehicles, this paragraph can be satisfied by showing (*a*) that other public transportation facilities are inadequate to serve the community because of a shortage of streetcars, busses, or similar vehicles capable of transporting large numbers of people at once, or (*b*) that other public transportation facilities do not reach important areas of the community where taxi service has been normally a necessary part of the mass transportation system rather than a luxury service.

(2) That the transportation service rendered by such passenger automobile is essential to the applicant for the efficient execution of one or more of the purposes included in paragraph (a) of § 1315.504.

(i) Unless the applicant satisfies the Board that it will be impossible for him otherwise to perform services listed in paragraph (a) of § 1315.504, he must not be granted a tire. The proof which the applicant must present to satisfy the Board will vary with the nature of the applicant's business or occupation. To the extent that public transportation facilities will enable the applicant to carry on his affairs, or to the extent that the applicant's business or occupation can be carried on by correspondence or by telephone, transportation service rendered by a passenger automobile is not essential, and a certificate for tires for such an automobile should not be granted.

(3) That such passenger automobile will, when equipped with the tires for which application is made, render services sufficiently valuable to the community and the Nation to justify the use of rubber in its operation, in view of the critical shortage in the total rubber supply and the size of the quota from which allotments of tires must be made to all other applicants qualified under this section.

(i) Before the Board may issue a certificate under this section, it must be satisfied that the applicant is rendering a service essential to the community and the Nation, whether or not the applicant himself needs his car for business or for other reasons. Unless the applicant can prove that the services which his automobile enables him to render are indispensable to the community and the war effort, no certificate shall be granted to him, regardless of whether the Board has exhausted its quota.

(ii) Certificates must be granted by the Board with a view to the very large number of persons who may apply and the very small quota which can be made available in any month for such persons. The Board should, whenever possible, apportion its quota so that it will have certificates to insure continued transportation for employees of plants vital to the war-production effort.

(iii) In deciding among applicants for the limited quota, the Board shall be guided not only by the nature of the services which the applicant renders but also by the extent to which others who do not require tires can render such services, and the extent to which the automobile to be equipped will be confined to use for services specified in paragraph (a) of § 1315.504 and will provide transportation for more than one person performing services included in that paragraph.

(iv) To determine whether an applicant employed at a plant essential to the war effort should be granted a certificate under this section, the Board may make such inquiry as it deems necessary at the applicant's place of employment. Inquiry may be made, when desirable, with respect to the possibility that such plant can establish a comprehensive transportation plan for its workers which would increase the amount of "doubling-up," or the possibility that the plant can provide for the transportation of employees in busses or similar vehicles from central points to the place of employment.

(d) Any person applying for a certificate under this section must establish:

(1) That the passenger automobile upon which the tire is to be mounted cannot be replaced by a passenger automobile owned or operated by, or subject to the control of, the applicant which is equipped with serviceable tires and which is capable of being, but is not, fully employed for one or more of the purposes specified in paragraphs (a) to (d) of § 1315.405 (List A) or paragraph (a) of § 1315.504 (List B).

(i) If the applicant owns, operates, or controls passenger automobiles equipped with serviceable tires, other than that for which retreaded or recapped tires are requested, he must show that all such passenger automobiles capable of being used for the purposes for which tires are requested are fully employed for purposes specified in paragraphs (a) to (d) of § 1315.405 or paragraph (a) of § 1315.504. If an applicant fails to establish this fact, he fails to establish that he needs tires to perform services listed in those paragraphs and he must be denied a certificate.

(2) That the application is for retreading or recapping services on tires in the applicant's possession or for retreaded or recapped tires to replace tires in his possession, and that the tires in his possession are no longer serviceable or require immediate retreading or recapping.

(i) Except when the applicant applies for a spare tire, certificates may be

granted only for replacement purposes and not to provide original equipment for any vehicle.

(ii) If the applicant has tires in his possession at the time of his application and such tires are still serviceable or do not require immediate retreading or recapping, he fails to establish that he needs tires at the time he makes application, and he must be denied a certificate.

(3) That the retreaded or recapped tire, or the tire to be retreaded or recapped, for which application is made, when added to all other tires of suitable size in the applicant's possession, whatever their condition, whether mounted or unmounted on a vehicle, will not add up to more than one spare tire of a given size for each vehicle used for one or more of the purposes specified in paragraphs (a) to (h) of § 1315.405, or paragraph (a) of § 1315.504: *Provided*, That if the applicant is regularly engaged in dealing in tires, the requirements of this paragraph (c) (3) can be satisfied by showing that all of his tires already in use are, if of suitable size, in use on vehicles included in paragraphs (a) to (h) of § 1315.405 or paragraph (a) of § 1315.504, and that no such vehicle is equipped with more than one spare tire of a given size.

(i) If the applicant is not engaged in the tire business, he is not entitled, under this § 1315.405, to more tires than are necessary for the operation of vehicles included in paragraphs (a) to (h) of § 1315.405 or paragraph (a) of § 1315.504. Therefore, if the applicant already has enough tires for all the vehicles he owns which are eligible under those paragraphs, he must use such of those tires as are of a suitable size on passenger automobiles eligible under this section, even if that means taking tires off vehicles not included under paragraphs (a) to (h) of § 1315.405, or paragraph (a) of § 1315.504.

(ii) If the applicant is engaged in the tire business, since his inventories of tires cannot be used by him without a certificate, he may satisfy the requirements of this paragraph (d) (3) by showing that all of his tires already in use are, if of suitable size, in use on vehicles eligible under paragraphs (a) to (h) of § 1315.405 or paragraph (a) of § 1315.504.

(4) That the applicant agrees to trade in any tires replaced in accordance with the provisions of § 1315.402 (c) (5).*

§ 1315.502 *Eligibility of List B trucks for retreaded or recapped tires.* (a) Within the limits prescribed by paragraphs (c) of § 1315.603 and paragraph (d) of § 1315.610 with respect to the filing of applications and the granting of certificates, the Board may issue a certificate, authorizing the holder to accept delivery of a retreaded or recapped tire or to have a tire owned by him retreaded or recapped, to an applicant who meets the requirements of paragraphs (b) and (c) of this section.

(b) Any person applying for a certificate under this section must establish that the truck to be equipped with the tires for which he applies is a truck included in paragraph (b) of § 1315.504.

(i) Unless the applicant can establish that the truck to be equipped is a truck used for an important purpose (although not included in paragraphs (c) to (h) of § 1315.405) the applicant cannot satisfy the requirements of this paragraph. In deciding whether a truck is important for the purpose of granting a certificate, the Board must consider the relative importance of the transportation needs in the community which must be served, including needs for transportation service in war industries not elsewhere provided for. The uses for which certificates may be issued will depend on the nature of the needs of the particular community, to be determined, for example, by the distances over which essential retail milk and other food deliveries must be made, the extent to which some purposes can be served by horse-drawn wagons, and similar factors. Before granting a certificate under this section, the Board must consider not only whether the applicant should be preferred to other eligible applicants in distributing the limited number of certificates available within the quota, but also whether the vehicle is sufficiently important to the Nation and the community to justify the use of rubber to keep it in operation.

(c) Any person applying for a certificate under this section must establish:

(1) That the truck upon which the tire is to be mounted cannot be replaced by a truck owned or operated by or subject to the control of the applicant which is equipped with serviceable tires and which is capable of being, but is not, fully employed, for one or more of the purposes specified in paragraphs (c) to (h) of § 1315.405 or paragraph (b) of § 1315.504.

(i) If the applicant owns, operates, or controls trucks equipped with serviceable tires, other than the truck for which retreaded or recapped tires are requested, he must show that all such trucks capable of being used for the purposes for which tires are sought are fully employed for purposes specified in paragraphs (a) to (h) of § 1315.405 or paragraph (b) of § 1315.504. This will require a showing that all of the applicant's trucks are fully employed and that each one which is capable of performing the service for which tires are sought is performing a service important to the community and the Nation. If an applicant fails to establish this fact, he fails to establish that he needs tires to perform services listed on those paragraphs and he must be denied a certificate.

(2) That the application is for retreading or recapping services on tires in the applicant's possession or for retreaded or recapped tires to replace tires in his possession, and that such tires are either no longer serviceable or require immediate retreading or recapping.

(i) Except when the applicant applies for a spare tire, certificates may be granted only for replacement purposes and not to provide original equipment for any vehicle.

(ii) If the applicant has tires in his possession at the time of his application and such tires are still serviceable or do not require immediate retreading or recapping, he fails to establish that he needs tires at the time he makes application, and he must be denied a certificate.

(3) That the retreaded or recapped tire, or the tire to be retreaded or recapped, for which application is made, when added to all other tires of suitable sizes in the applicant's possession, whatever their condition, whether unmounted or mounted on a vehicle, will not add up to more than one spare tire of a given size for each vehicle eligible under paragraphs (a) to (h) of § 1315.405 or paragraphs (a) and (b) of § 1315.504: *Provided*, That if the applicant is regularly engaged in dealing in tires this paragraph (c) (3) can be satisfied by showing that all of his tires already in use are, if of suitable size, in use on vehicles eligible under paragraphs (a) to (h) of § 1315.405 or paragraphs (a) and (b) of § 1315.504, and that no such vehicle is equipped with more than one spare of a given size.

(i) If the applicant is not in the tire business, he is not entitled to more tires than are necessary for the operation of vehicles included in paragraphs (a) to (h) of § 1315.405 or paragraphs (a) and (b) of § 1315.504. Therefore, if the applicant already has enough tires of a suitable size for each of the vehicles he owns eligible under paragraphs (a) to (h) of § 1315.405 or paragraphs (a) and (b) of § 1315.504, he must use such tires on such vehicles, even if that means taking tires off vehicles not included in those paragraphs. If the applicant has unusuable tires, he must dispose of them so that they will be available as rubber scrap. Unless and until the applicant takes all these steps, no certificate can be issued to him.

(ii) If the applicant is engaged in the tire business, since his inventories of tires cannot be used by him without a certificate he can satisfy the requirements of this paragraph (c) (3) by showing that all of his tires in use are, if of a suitable size, in use on vehicles eligible under paragraphs (a) to (h) of § 3115.405 or paragraphs (a) and (b) of § 1315.504, and that none of such vehicles is equipped with more than one spare of a given size.

(4) That the applicant agrees to trade in any tires replaced in accordance with the provisions of § 1315.402 (c) (5).*

§ 1315.503 *Eligibility of List A and List B passenger automobiles for new passenger tires of an obsolete type.* (a) The Board may issue a certificate authorizing the holder to accept delivery of new passenger tires of an obsolete type, as defined in paragraph (d) of this section, to an applicant who establishes that he satisfies the requirements of paragraphs (b) and (c) of this section.

(b) The applicant must establish that the vehicle to be equipped is a passenger automobile included in paragraphs (a) to (d) of § 1315.405 or paragraph (a) of § 1315.504.

(c) The applicant must establish:

(1) That the passenger automobile upon which the tire is to be mounted cannot be replaced by a passenger automobile owned or operated by, or subject to the control of the applicant, which is

equipped with serviceable tires and which is capable of being used for the purposes for which application is made but is not fully employed for a purpose specified in paragraphs (a) to (d) of § 1315.405 or paragraph (a) of § 1315.504.

(i) If the applicant owns, operates, or controls vehicles equipped with serviceable tires, other than the automobile for which the obsolete-type tires are requested, he must show that all such automobiles capable of being used for the purposes for which tires are sought are fully employed for the purposes specified in paragraph (a) to (d) of § 1315.405 or paragraph (a) of § 1315.504. If an applicant fails to establish this fact, he fails to establish that he needs tires to perform the services listed in those subsections, and he must be denied a certificate.

(2) That the tire for which application is made is to replace a tire no longer serviceable at the speeds at which the applicant may reasonably be expected to operate.

(i) It is not necessary, under paragraph (c) (2), of this section, to show that the tire to be replaced cannot be retreaded or recapped, since these regulations (§§ 1315.151 to 1315.1199, incl.) contain no provision authorizing the retreading or recapping of passenger tires of an obsolete type.

(3) That the tire for which application is made, when added to all other tires of suitable sizes in the applicant's possession, will not add up to more tires than are permitted by the provisions of § 1315.501 (d) (3).

(4) That the applicant agrees to trade in any tires replaced in accordance with the provisions of § 1315.402 (c) (5).

(d) As applied to tires, the words "obsolete type" applies to passenger type tires of the following sizes, and no others:

525–19	450–21
525–550–19	475–21
550–19	500–21
600–19	525–21
600–650–19	600–21
650–19	650–21
700–19	700–21
750–19	500–22
450–20	600–22
475–20	750–14
450–475–500–20	30x3
500–20	30x3½
525–20	31x4
550–20	32x4
600–20	33x4
600–650–20	32x4½
650–20	33x4½
440–450–21	34x4½
440–21	

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§ 1315.504 *Eligibility Classification: List B.* Certificates authorizing the purchase or acceptance of delivery of tires may be granted, but only to the extent provided in §§ 1315.501 to 1315.503 and otherwise provided in these regulations (§§ 1315.151 to 1315.1199, incl.), to equip vehicles listed in this section, which contains List B of the Eligibility Classification:

(a) On a passenger car used principally to provide one or more of the following transportation services:

(1) Licensed jitney, taxi, or similar transportation service to the general public.

(i) Certificates may be issued under this paragraph (a) (1) for passenger automobiles, used principally to provide jitney, taxi, or similar services, licensed by an appropriate governmental authority to transport the general public, but only for such vehicles operating in areas where streetcars, busses, and similar large transportation units are inadequate to meet the needs of the public. Such facilities may be inadequate because of a shortage of suitable equipment or because they do not extend to outlying areas which use taxi service as a normal means of mass transportation and not as a luxury service.

(ii) Certificates may not be granted under this paragraph (a) (1) for passenger automobiles which are rented, with or without chauffeurs, for the exclusive use of individuals rather than for taxi, jitney, or similar service to the general public.

(2) Transportation of persons to enable them to render construction or mechanical, structural, or highway maintenance and repair services.

(i) Certificates may be granted under this paragraph to persons who require automobiles to transport them between places where construction or mechanical, structural, or highway maintenance and repair services are needed.

(ii) Certificates may not be issued to applicants under this paragraph unless they are performing services of the character for which truck tires may be obtained under § 1315.405 (f) (2), including such services as plumbing and heating repair and maintenance, industrial construction, maintenance and repair of farm equipment, and the other maintenance and repair services listed in § 1315.405 (f) (2).

(iii) No certificate may be issued under this paragraph (a) (2) in order to provide the applicant with transportation from his residence to his principal place of business or employment. Certificates may be issued for this purpose only to persons who qualify under the provisions of paragraph (a) (3) of this section. Certificates may be issued under this paragraph only to provide transportation between jobs.

(3) Transportation of executives, engineers, technicians, and workers, to and from, or within, such of the following as are essential to the war effort: Power generation or transmission facilities, transportation or communication facilities, or agricultural, extractive, industrial, military, or naval establishments.

(i) Certificates may be granted under this paragraph (a) (3) to workers, including supervisory employees, who require passenger automobiles for transportation from their residences to factories, power plants, transportation or communication facilities, farms, lumber camps, mines, military or naval establishments, or similar places of employment when the work done at such places of employment is essential, directly or indirectly, to the prosecution of the war. Such certificates may be issued only when such plants or facilities cannot be reached by other means of transportation and only when the applicant shows that the vehicle to be equipped will be used economically, that he regularly carries other passengers to work with him, or that he has made reasonable efforts to "double up" with others working at the same or nearby places.

(ii) Certificates may be issued under this section to provide transportation not only to places of employment which are engaged in production directly for the Army or Navy but also to plants engaged in the production of nonmilitary materials essential to the war effort, including farms and canning establishments preparing basic foods for domestic consumption or for export, lumber camps, and mines producing essential materials for construction and for the manufacture of commodities essential for civilian as well as military needs. Whether particular nonmilitary plants or establishments within the general categories indicated are essential to the war effort is a matter which the Board must determine in the light of its knowledge of local conditions, and the Board may issue certificates only for transportation to such establishments as it determines are essential to the war effort.

(4) Transportation on official business of Federal, State, or local Government employees engaged in the performance of Government functions essential to the public health, safety, or the war effort.

(i) Certificates may be granted under this paragraph (a) (4) to enable Government employees to perform essential Government functions essential to the public health, safety, or the war effort, including such officials as fire wardens, ordnance inspectors, mine inspectors, food and crop inspectors, and similar persons.

(ii) Certificates may be granted under this paragraph only to Government employees who use their cars principally for their official functions and only when such functions cannot, because of the absence of other transportation facilities, be performed without the use of such cars. Certificates may not be granted under this paragraph (a) (4) to make possible the transportation of Government employees from their residences to their principal places of employment.

(iii) In addition to the foregoing limitations certificates may not be granted except to make possible official travel in passenger automobiles when Government automobiles are used or when travel in private automobiles entitles the applicant to compensation by the governmental unit employing him for the use of his automobile on a mileage or similar basis.

(5) Transportation of produce and supplies to and from the farm if an applicant operating such farm does not own or possess a truck or other practicable means of transportation.

(i) Certificates may not be issued under this paragraph when the transportation services involved can be provided

by the applicant with horse-drawn vehicles.

(6) Transportation of traveling salesmen who are engaged in the sale of farm, extractive, or industrial equipment, foods or medical supplies, the distribution of which is essential to the war effort.

(i) Certificates may be granted under this section only to provide transportation for such traveling salesmen as are engaged in the sale of machinery, or similar equipment, for farms, factories, mines, oil wells, lumber camps, and similar productive establishments, and of foods and medical supplies, and only when the distribution of such commodities by such salesmen is essential to the war effort.

(ii) Certificates may be granted under this paragraph only to salesmen of the commodities specified and only in cases where the sale of such commodities cannot be made by other means, including mail and telephone, where failure to equip the cars of salesmen would hamper the war effort by depriving the community of necessary commodities, and where the salesmen cannot make such sales by using other means of transportation.

(7) Transportation of mail by private persons under an appointment by or a contract with the United States.

(i) Certificates may be granted under this paragraph for tires for passenger automobiles used principally, but not exclusively, to transport mail in rural areas.

(8) Transportation of newspapers for wholesale delivery: *Provided*, That a passenger automobile, to be eligible under this paragraph, must be used exclusively for one or more of the purposes in this paragraph (a).

(i) Certificates may be granted under this paragraph to passenger cars used exclusively to transport newspapers for wholesale delivery (or for any other purpose included in this paragraph (a), but not for retail delivery of newspapers to individuals) when such deliveries have been customarily made in passenger automobiles the structure of which has been specially altered for the purpose.

(b) Trucks used for any important purpose not included in paragraphs (a) to (h) of § 1315.405.

(1) Certificates may be granted under this paragraph for hearses, for milk trucks, and trucks delivering other essential foods in areas where, and to the extent that, such deliveries are essential to the community, and for other trucks providing essential services for which provision has not been made in paragraphs (a) to (h) of § 1315.405.

(2) No certificates shall be granted under this paragraph when the transportation services needed can be obtained by using horse-drawn vehicles."

Applications for Certificates

§ 1315.601 *Application for authority to purchase new tires (not of an obsolete type) and new tubes.* (a) Any person who believes that his passenger automobile comes within one of the classifications set forth in paragraphs (a) to (d) inclusive, of § 1315.405 (List A) may file with the Board an application for authority to purchase new tires (not of an obsolete type) or new tubes. Such application shall be filed on O.P.A. Form No. R–1 and O.P.A. Form No. R–1A. Separate applications must be filed for each vehicle requiring new tires and tubes.

(b) Any person who believes that his vehicle (other than a passenger automobile) comes within one of the classifications set forth in paragraphs (c) to (h) inclusive, of § 1315.405 (List A) may file with the Board an application for authority to purchase new tires (not of an obsolete type) and new tubes. If he has tires which can be retreaded or recapped for safe use on such vehicle at speeds at which the applicant may reasonably be expected to operate, he may apply only for retreaded or recapped tires pursuant to paragraph (a) of § 1315.404. Separate applications must be filed for each vehicle requiring new tires and tubes on O.P.A. Form No. R–1 and O.P.A. Form No. R–1A."

§ 1315.602 *Application for authority to purchase new passenger tires of an obsolete type.* (a) Any person who operates a passenger automobile using passenger tires of an obsolete type as defined in paragraph (d) of § 1315.503, and who believes that his passenger automobile comes within one of the classifications set forth in paragraphs (a) to (d) of § 1315.405 (List A) or paragraph (a) of § 1315.504 (List B) may file with the Board an application for authority to purchase new passenger tires of an obsolete type.

Separate application for each vehicle requiring new passenger tires of an obsolete type must be made on O.P.A. Form No. R–1 and O.P.A. Form No. R–1A."

§ 1315.603 *Application for authority to purchase retreaded or recapped tires or retreading or recapping services.* (a) Any person who believes that his vehicle other than a passenger automobile comes within one of the classifications set forth in paragraphs (c) to (h) inclusive, of § 1315.405 (List A) may file with the Board an application for authority to purchase retreaded or recapped tires, or to purchase retreading or recapping services for tires in his possession. A separate application for each vehicle requiring retreaded or recapped tires or retreading or recapping services must be made on O.P.A. Form R–1 and O.P.A. Form No. R–1A.

(b) Any person who believes that his passenger automobile comes within paragraph (a) of § 1315.504 (List B) may file with the Board an application for authority to purchase retreaded or recapped tires or retreading or recapping services. A separate application for each passenger automobile requiring retreaded or recapped tires or retreading or recapping services must be made on O.P.A. Form R–1 and O.P.A. Form R–1A. Before the Board will act favorably upon his application he must make a full and complete showing of necessity.

(c) Any person who believes that his truck comes within paragraph (b) of § 1315.504 (List B) may file with the Board between the 1st day and the 20th day of any month an application for authority to purchase retreaded or recapped tires, or retreading or recapping services. A separate application for each vehicle requiring retreaded or recapped tires or retreading or recapping services must be made on O.P.A. Form R–1 and O.P.A. Form R–1A.

(d) Prior to March 2, 1942, no Board shall grant any applicant a certificate of permission to purchase retreaded or recapped tires, or to purchase retreading or recapping services for tires for any passenger automobile or any truck included in § 1315.504 (List B)."

§ 1315.604 *Jurisdiction of Boards* (a) Each Board shall have jurisdiction over all vehicles garaged or normally stationed in the area which it has been designated to serve.

(b) No person shall file an application for authority to purchase new tires or tubes, retreaded or recapped tires, or retreading or recapping service for a vehicle with a Board which does not have jurisdiction over the vehicle as provided in paragraph (a) of this section except in the event (1) that it should become necessary to obtain a new tire or tube or a retreaded or recapped tires for the safe operation of the vehicle, and (2) that an application cannot practically be made to the Board normally having jurisdiction over the vehicle. In such event an application may be filed with the Board having jurisdiction over the area in which the vehicle is temporarily located. This Board shall consider the application only if it is authorized to do so by the Board normally having jurisdiction over the vehicle. The procedure applicable in the event that such an application is granted is set forth in § 1315.306. In the event the application is rejected, the Board normally having jurisdiction over the vehicle should be notified of this fact at once."

§ 1315.605 *Preparation of application.* (a) Copies of O.P.A. Form No. R–1 and O.P.A. Form No. R–1A will be distributed and can be obtained from Local Rationing Boards, tire dealers, police stations, and post offices. O.P.A. Form No. R–1 and O.P.A. Form No. R–1A may be reproduced by any person provided that no change is made in the size, style, and content thereof.

(b) (1) *Name of applicant.* (i) An individual shall state his given name, middle name, and surname. In all cases where an individual regularly doing business under a trade name makes an application, he shall state, in addition to his name, the trade name under which he is doing business; for example, John James Doe, doing business as Doe Trucking Co.

(ii) A partnership shall state the trade name regularly used by such partnership and the fact that it is a partnership; for example, Doe & Roe Transportation Co., a partnership.

(iii) A corporation shall give its full name as it appears on its corporate charter; for example, Doe Transportation Co., Inc.

(iv) A State or any political subdivision thereof shall state its name; for example, the State of Wisconsin; Village of Winnetka, Ill.

(v) A Federal department or agency shall state its name; for example, United States Department of Labor. If a branch thereof, the name of the branch shall be given; for example, Chicago Regional Office of the United States Department of Labor.

(2) *Addresses and telephone numbers of applicant.* (i) An individual shall state his business or office address and telephone number thereof.

(ii) A partnership shall state the address and telephone number of its principal office and the address and telephone number of at least one place of business of the partnership within the area administered by the Board.

(iii) A corporation shall state the address and telephone number of its principal office and the address and telephone number of at least one place of business of the corporation within the area administered by the Board.

(iv) A State or any political subdivision thereof shall state the address and telephone number of at least one of its offices within the area administered by the Board.

(v) A Federal department or agency shall state the address and telephone number of the office within the area administered by the Board.

(vi) If there is no place of business or office within the area administered by the Board, although the vehicle is garaged or stationed within that area, the applicant shall state the address of the place of business or office nearest the place where the vehicle is garaged or stationed.

(3) *Certification by applicant.* The applicant shall certify the facts stated in the application, in the manner and form provided for such certification. In executing the certification:

(i) An individual shall sign his full name. In cases where an individual does business under a trade name, he shall set forth such trade name following his signature; for example, "John Doe doing business as Doe Transportation Co."

(ii) A partnership shall set forth the name of the partnership followed by the legend, "a partnership," following which a partner, or a duly authorized agent of the partnership shall sign his name, giving his position, preceded by the word "by"; for example, "Doe Transportation Co., a partnership, by John James Doe, a partner"; or, "Doe Transportation Co., a partnership, by Richard Roe, store manager, its duly authorized agent."

(iii) A corporation shall set forth the full name of the corporation as it appears on its charter, followed by the legend, "a corporation," following which an officer of the corporation, or a duly authorized agent thereof, shall sign his name, giving his position, preceded by the word "by"; for example, "Doe Transportation Co., Inc., a corporation, by John James Doe, president"; or "Doe Transportation Co., Inc., a corporation, by Richard Roe, truck superintendent, its duly authorized agent."

(iv) A State or political subdivision thereof shall set forth its name, followed by the signature of an officer or duly authorized representative, giving his position, preceded by the word "by"; for example, "State of ----------, by John James Doe, Superintendent of Highways."

(v) A Federal department or agency or branch thereof shall set forth its name followed by the signature of an officer authorized by law to make purchases, who shall also state his position."

§ 1315.606 *Inspection.* No application for authority to purchase a new tire or tube or a retreaded or recapped tire shall be filed until an inspection of the tires or tubes already on the vehicle shall have been made by an inspector duly authorized by a Board to make such inspections. Inspection of tubes on such vehicle may be limited to the tube or tubes which the applicant seeks authority to replace by purchase of a new tube or tubes. The inspector shall fill in all the information and facts required in the "Certification By Inspector" which is a part of O. P. A. Form R–1 and shall certify the information and facts provided in the certification by signing his name thereto. The applicant shall not pay any compensation to the inspector for such inspection: *Provided*, That a sum not to exceed fifty cents ($0.50) may be paid the inspector, or any other person, for the service of removing and replacing a tire if same is required for purposes of inspection, although not for the service of inspecting the tire."

§ 1315.607 *Action by the Board upon applications.* Before granting an application for a certificate of permission to purchase new tires or tubes, retreaded or recapped tires, retreading or recapping services, or new passenger tires of an obsolete type, the Board shall satisfy itself that the applicant has properly executed his application, including all the agreements therein contained, that all the facts stated in the application are true, and that the applicant has satisfied all the applicable requirements and conditions specified by the applicable sections of these regulations (§§ 1315.151 to 1315.1199 incl.)."

§ 1315.608 *Allotment by the Board upon application for new tires (not of an obsolete type) and new tubes.* (a) An applicant for new tires (not of an obsolete type) and new tubes to be mounted on passenger automobiles eligible under paragraph (a) to (d), inclusive, of § 1315.405 (List A) who satisfies the applicable requirements of § 1315.402, shall be granted a certificate for new tires and a certificate for new tubes, but in no event shall the Board authorize the purchase of a new tire or new tube in excess of its quota as provided in § 1315.305 of these regulations (§§ 1315.151 to 1315.1199 incl.). If the applicant cannot be granted a certificate for new passenger automobile tires because the Board's quota for the entire month for such tires has been exhausted, he shall be offered a certificate for retreaded or recapped tires, or retreading or recapping services for tires in his possession, if it may be issued within the Board's quota for retreaded or recapped passenger automobile tires.

(b) An applicant who applies for permission to purchase new tires and new tubes to be mounted on vehicles (other than passenger automobiles) listed in paragraphs (c) to (h), inclusive, of § 1315.405 (List A) and who satisfies the requirements of § 1315.403, shall be granted a certificate for the purchase of new tubes. He shall be granted a certificate for permission to purchase new truck-type tires only if there are no passenger-type tires of the same size on sale. If passenger-type tires of the same size as those for which he is applying are on sale, he shall be granted a certificate for permission to purchase such tires. For the purpose of determining whether there are passenger-type tires of the same size on sale, the Board shall refer to any standard manufacturer's price list for passenger-type tires.

He shall also be granted a certificate for the purchase of new tires only if he has no worn tires in his possession which can be retreaded or recapped for safe use at speeds at which he may reasonably be expected to operate. If he has worn tires in his possession which may be retreaded or recapped for safe use at speeds at which he may reasonably be expected to operate, he shall be granted a certificate only for the purchase of retreaded or recapped tires or retreading or recapping service. In no event shall any certificate be granted in excess of the Board's applicable quota for the month."

§ 1315.609 *Allotment by the Board upon applications for new passenger tires of an obsolete type.* (a) The Board shall grant a certificate for permission to purchase new passenger tires of an obsolete type to an applicant applying for such tires for a vehicle eligible under paragraphs (a) to (d), inclusive, of § 1315.405 (List A) or paragraph (a) of § 1315.504 (List B) and who satisfies the requirements of § 1315.503. The allotment of new passenger tires of an obsolete type is not limited by a quota and the Board may allot such tires to all applicants who otherwise satisfy the requirements of these regulations (§§ 1315.151 to 1315.-1199, incl.)."

§ 1315.610 *Allotment by the Board upon applications for retreaded or recapped tires or retreading or recapping services.* (a) The Board shall grant, but not in excess of its applicable quota for the entire month, certificates authorizing the purchase of retreaded or recapped tires or retreading or recapping services for tires to be mounted upon a passenger automobile eligible under paragraphs (a) to (d), inclusive, of § 1315.405 (List A) when the applicant has satisfied the requirements of § 1315.402 of these regulations, only if the Board has exhausted its entire month's quota of new tires for such vehicles.

(b) The Board shall grant certificates, not in excess of its applicable quota for

the entire month, authorizing the purchase of retreaded or recapped tires or retreading or recapping services for tires to be mounted upon trucks or other vehicles eligible under paragraphs (c) to (h) inclusive of § 1315.405 (List A) when the applicant has satisfied the requirements of § 1315.404 of these regulations (§§ 1315.151 to 1315.1199, incl.).

(c) The Board shall grant certificates, not in excess of its applicable quota for the entire month, authorizing the purchase of retreaded or recapped tires or retreading or recapping services for tires to be mounted on passenger automobiles eligible under paragraph (a) of § 1315.504 (List B) when the applicant has satisfied the requirements of § 1315.501 of these regulations (§§ 1315.151 to 1315.1199, incl.).

(d) The Board shall consider applications and issue certificates authorizing the purchase of retreaded or recapped tires, or retreading or recapping services for tires, to be mounted on trucks eligible under paragraph (b) of § 1315.504 (List B) when the applicant has satisfied the requirements of § 1315.502 of these regulations, (§§ 1315.151 to 1315.1199, incl.), only between the 25th day and the last day of a month. During that period the Board shall grant certificates authorizing the purchase of retreaded or recapped tires or retreading or recapping services for tires for such trucks only if the issuance of the certificate would not exceed the quota applicable to such tires: *Provided*, That no such certificate shall be issued if there is any application for a vehicle other than a passenger automobile eligible under § 1315.405 (List A) which has not been satisfied.*

§ 1315.611 *Basis for Board consideration.* (a) If the Board has before it applications for new tires (not of an obsolete type) or new tubes which in its judgment satisfy all the requirements of these regulations but which together call for the allotment of new tires (not of an obsolete type) or new tubes in excess of the applicable quota of the Board, the Board shall be governed, in determining which of the competing needs are to be satisfied, by the relative importance from the standpoint of locally known circumstances, to the war program, public safety, health, and morale, of the operation of a vehicle in one use as compared with the importance of the operation of a vehicle in another use.

The determination as to whether or not all such facts and conditions exist shall be made upon the basis of the application and all other information which comes to the knowledge of the Board. In acting upon applications, the Board shall observe all regulations herein contained and all additional regulations from time to time hereafter issued by the Office of Price Administration. The Board shall at all times serve the objectives sought to be accomplished by the tire rationing program and allocate new tires and tubes to the most vital civilian uses and to uses essential to the war effort. The Board may, in its discretion request the applicant or his authorized representative to appear in person at a designated time at the office of the Board to answer pertinent questions.

(b) If the Board has before it applications for retreaded or recapped tires, or for retreading or recapping services, which in its judgment satisfy all the requirements of these regulations but which together call for an allotment in excess of the Board's quota for retreaded or recapped passenger tires, or retreaded or recapped tires for other vehicles, the Board shall be governed in determining which of the competing needs are to be satisfied, by considerations such as the following: (1) Is the applicant justified in using his automobile in preference to some other mode of transportation; (2) what is the relationship of the applicant to the war effort; and (3) what is the relative importance from the standpoint of locally known circumstances, of the operation of a vehicle in one use as compared with the operation of a vehicle in another use?

The Board need not limit itself to an examination of these considerations alone, but should also attempt to govern its allotments by such variable factors as the amount of its quota in each month, and the nature of the community itself, as, for example, whether there are defense plants in the vicinity which can be reached only by automobiles. As a further example, the eligibility of taxis under paragraph (a) of § 1315.504 (List B) may depend on such facts peculiarly within the knowledge of the Board, as a sudden increase in population overburdening public transportation systems in the community. In other communities the Board will be aware that taxis are a luxury means of transportation and therefore not essential. The Board must keep in mind and must impress upon applicants that the supply of rubber for retreading or recapping tires is extremely limited and that it is not sufficient for the applicant to show only that he comes within one of the eligibility classifications in order for him to receive a certificate. Whenever the Board is not fully convinced by the applicant's case it should refuse to grant a certificate for permission to retread or recap tires, even though in that month the Board's quota may not be exhausted.*

§ 1315.612 *Notation of reasons for action.* When the Board determines that an application shall be granted, the reasons therefor shall be noted upon the application, together with the number and type of tires or tubes allotted to the applicant.

In all cases where an application is refused, the reasons for such refusal shall be noted upon the application.*

Tire and Tube Certificates

§ 1315.701 *Notification.* After acting upon an application the Board shall notify the applicant of its decision. In cases where the Board authorizes an applicant to purchase new tires, including passenger tires of an obsolete type, or tubes, the Board shall immediately issue to such applicant a nontransferable certificate for the purchase of new tires or tubes (O.P.A. Form No. R–2). A certificate should only authorize the purchase of new tires or new tubes. No one certificate shall be issued authorizing the purchase of both tires and tubes.

In cases where the Board authorizes an applicant to purchase retreaded or recapped tires, or retreading or recapping services, the Board shall immediately issue to such applicant a nontransferable certificate for the purchase of retreaded or recapped tires, or retreading or recapping services (O.P.A. Form No. R–8).

No certificate shall be issued authorizing the purchase of more new tires, new tubes, or retreaded or recapped tires than have been allotted for one vehicle by the Board.*

§ 1315.702 *Form of certificates.* O.P.A. Form No. R–2, the nontransferable certificate for the purchase of new tires or tubes, and O.P.A. Form No. R–8, the nontransferable certificate for the purchase of retreaded or recapped tires, or retreading or recapping services, shall each be serially numbered and shall be divided into four parts, each bearing the same serial number;

(a) a part to be retained by the dealer as a record which shall be designated as part A;

(b) a part to be used by the dealer as the basis for replenishing his stocks, which shall be designated as part B;

(c) a part to be forwarded by the dealer to the Board which has issued the certificate which shall be designated as part C; and

(d) a part to be given by the dealer to the purchaser, which shall be designated as part D.*

§ 1315.703 *Execution by issuing Board.* It shall be the responsibility of the Board, prior to issuing either certificate, to fill in parts A and B of the certificate setting forth the information required. It shall also be the responsibility of the Board to indicate on parts C and D of the certificate issued, the number of the Board and its address. No certificate will be valid unless part A is signed by two members of the issuing Board. Prior to delivering the certificate to the applicant, the Board shall require the applicant or his agent to sign the certificate in the presence of a member or the clerk of the Board. When all of the foregoing steps have been taken by the issuing Board, the Board shall deliver the certificate to the applicant or his agent.*

§ 1315.704 *Action by purchaser.* (a) Upon receiving the certificate so executed, the applicant may, within 30 days from the date of issue, purchase the new tires, new tubes, retreaded or recapped tires, or retreading or recapping services for the tires specified upon the certificate from any authorized seller at a price not in excess of the maximum price established by the Office of Price Administration.

(b) If the applicant is authorized to purchase new tires or tubes, he must present to the authorized seller all parts of the certificate, O.P.A. Form No. R–2, in the form in which it was given to him by the issuing Board.

If the purchase is made from an authorized seller other than a mail-order house, the applicant must at the time of presenting the certificate, deliver in trade to the authorized seller the tires or tubes which are to be replaced by the new tires or tubes which he is purchasing. If the purchase is made by mail from a mail-order house, the applicant, within five (5) days after receiving the new tires or tubes, must sell the replaced tires or tubes to a dealer in tires and file O.P.A. Form R–3, with the Local Rationing Board which issued the certificate.

The requirements of this paragraph (b) with respect to the trading in of tires and tubes, do not apply if the applicant can establish to the satisfaction of the Board that he has no tires or tubes to turn in because they have been stolen, or if the applicant is a Government Agency forbidden by law to make such disposition of Government property, or for similar reasons, or if the applicant purchases a spare for a new vehicle which was acquired by him without a spare as a part of its original equipment.

(c) If the applicant is authorized to purchase retreaded or recapped tires or retreading or recapping services, he must present to the dealer all parts of the certificate, O.P.A. Form No. R–8, in the form in which it was given to him by the issuing Board. The applicant must trade in the tires which are to be replaced by the retreaded or recapped tires which he is purchasing in accordance with the applicable provisions of paragraph (b) of this section. If the applicant is purchasing only retreading or recapping services for tires already in his possession, he need not deliver to the authorized seller any other tires than those which he desires to have retreaded or recapped.

(d) If the purchaser is unable to buy from one authorized seller all of the new tires, new tubes, retreaded or recapped tires, or retreading or recapping services which he has been authorized to purchase by the certificate, he may return the certificate to the issuing Board, and the Board shall thereupon issue as many certificates as are necessary to permit his purchases to be made among several authorized sellers.*

§ 1315.705 *Action by authorized seller other than mail-order house.* Prior to delivering a new tire, new tube, or retreaded or recapped tire pursuant to a certificate surrendered to him, an authorized seller other than a mail-order house shall require the purchaser or the purchaser's agent to sign his name in the space provided for this purpose on part C of the certificate. If the signature on part C does not appear to be the signature of the person who signed part A, the authorized seller shall refuse to sell or deliver any new tires, new tubes, or retreaded or recapped tires to the person presenting the certificate and shall report the facts to the issuing Board.

If the signatures appear to be executed by the same person, an authorized seller or his authorized agent shall, in the presence of the purchaser, or the purchaser's agent, fill in the items in part A, part C, and part D which have not been completed by the issuing Board. The authorized seller shall retain part A of the certificate as his permanent record in accordance with the record keeping provisions of the regulations. The authorized seller shall retain part B of the certificate, which he may use as the basis for replenishing his stock. The authorized seller shall complete and return part C to the issuing Board within three (3) days from the date of delivery of the tires or tubes. Part D shall be given by the authorized seller to the purchaser, who shall retain it as a permanent record in accordance with the record-keeping provisions of these regulations (§§ 1315.151 to 1315.1199, incl.).

No authorized seller shall deliver a new tire, new tube, or retreaded or recapped tire, except where the purchaser supplied the carcass to be retreaded or recapped or is otherwise excused, as provided in paragraphs (b) and (c) of § 1315.704, to a person holding a certificate except upon receiving the used tire or tube replaced by the purchase, and no such delivery shall be made at a price in excess of the maximum price established by the Office of Price Administration.*

§ 1315.706 *Action by mail-order house.* In the case of a purchase by mail from a mail-order house the purchaser is not required to sign part C of the certificate. At the time of shipping the new tires, new tubes, or retreaded or recapped tires an authorized agent of the mail-order houses shall fill in the items in part A, part C, and part D which have not been completed by the issuing Board and sign the certification upon part C. The mail-order house is authorized to ship the new tires, new tubes, or retreaded or recapped tires only to the name and address appearing in items (4) and (5) (the authorized purchaser) upon the certificate. Mail-order houses are required to exercise great care to comply with this requirement.

The mail-order house shall retain part A of the certificate as its permanent record in accordance with the record-keeping provisions of these regulations. The mail-order house shall keep part B of the certificate which may be used as a basis for replenishing its stock. The mail-order house shall return part C to the issuing Board within three (3) days from the date it shipped the new tires, new tubes, or retreaded or recapped tires to the purchaser. Part D shall be returned by the mail-order house to the purchaser who shall retain it as a permanent record. No mail-order house shall deliver a new tire, new tube, or retreaded or recapped tire at a price in excess of the maximum price established by the Office of Price Administration.*

Transfers and Deliveries of New Tires and Tubes, Retreaded or Recapped Tires and Camelback

§ 1315.801 *Permitted and prohibited transfers of new tires and tubes*—(a) *Prohibitions.* Except as provided in §§ 1315.401, 1315.804, and paragraphs (c), (d), (e), and (f) of this section of these regulations (§§ 1315.151 to 1315.1199, incl.) no person shall transfer a new tire or tube, and no person shall accept any such transfer of a new tire or tube.

(1) The word "transfer" is very broadly defined. It includes not only transfers by a sale, lease, or trade of a new tire or tube, but also by gift from one person to another and includes the transfer of any legal or equitable right or interest in any tire or tube. Again, it applies to any transfer from one person to another even though no change in "title" is involved. For example, unless expressly authorized by these regulations, transfers may not be made of new tires or tubes to a person by a dealer even though the person had previously bought and paid for the tires or tubes. Similarly, tires or tubes imported into this country and held in customs at a point of entry may not be released to the claimant unless he is authorized by these regulations to accept them.

(2) Unless specifically exempted, all physical transfers involving a change in the location or use of tires or tubes are included. Thus, if a dealer in tires or tubes removes a tire from his stock and mounts it on a vehicle owned by him, a transfer has occurred within the meaning of these regulations. Furthermore, a change in physical location involving a movement of a tire from one establishment to another is a transfer, although routine shifts in stock within a single building are not transfers within these regulations. It should be noted, however, that freedom to move tires and tubes is expressly permitted by paragraph (c) of this section in a wide number of cases.

(3) The prohibition in this paragraph (a) applies to all new tires and tubes whether such new tires and tubes are at the date of this order already manufactured or whether such new tires and tubes are manufactured in the future.

(b) *Restriction on transfers from stocks to vehicles.* (1) Except as provided in subparagraph (2) of this paragraph (b) no person who on December 11, 1941, or at any time thereafter was a retailer, distributor, wholesaler, or manufacturer of new tires or tubes may mount any new tire or tube on any vehicle owned, operated, or controlled by him or otherwise transfer such tire or tube to his own use unless such person possesses a certificate issued to him by a Board authorizing him to purchase or otherwise acquire such tire or tube for the vehicle upon which it is to be mounted. The instructions set forth in §§ 1315.705 and 1315.706 in regard to the certificate should be followed.

(2) A manufacturer of new tires or tubes may mount new tires and tubes on a vehicle owned by him or otherwise subject to his control which is used exclusively for testing such tires and tubes and not in connection with any other use.

(c) *Permitted transfers by certain persons.* (1) Except as provided in paragraph (b) of this section, any person who on December 11, 1941 was not a retailer, distributor, wholesaler, or manu-

facturer may transfer any new tire or tube which was owned and physically possessed by him prior to December 11, 1941, including the placing of such tire or tube upon the wheel or rim of any vehicle owned or operated by him, provided no change in ownership, possession, or control occurs.

(2) Any person who on December 11, 1941, was not a retailer, distributor, wholesaler, or manufacturer may transfer new tires or tubes to any retailer, distributor, wholesaler, or manufacturer.

(d) *Transfers to replenish stocks*—(1) *By a distributor.* Subject to the provisions of subparagraphs (4) and (5) of this paragraph (d) relating to certificates and records, any distributor may transfer new tires or tubes to any retailer or distributor.

(i) A person may in separate premises perform simultaneously the functions of either a retailer, distributor, wholesaler, or manufacturer. The transfers of new tires or tubes which such person will be permitted to make or receive in any particular premise are controlled by the provisions of these regulations applicable to the function performed on those premises.

(2) *By a wholesaler.* Subject to the provisions of subparagraphs (4) and (5) of this paragraph (d) relating to certificates and records, any wholesaler may transfer new tires or tubes to any retailer, distributor, or wholesaler.

(3) *By a manufacturer.* Subject to the provisions of subparagraphs (4) and (5) of this paragraph (d) relating to certificates and records, any manufacturer may transfer new tires or tubes to any retailer, distributor, wholesaler, or manufacturer: *Provided*, That no manufacturer shall after February 19, 1942, during any month of any calendar year transfer to retailers and distributors owned, operated, or controlled by such manufacturer new tires and tubes of a wholesale dollar value amounting to a larger percentage of his total wholesale dollar value of new tires and tubes transferred for such month than the percentage of his total wholesale dollar value of new tires and tubes transferred to retailers and distributors owned, operated, or controlled by him during the year 1941.

(i) *Example.* During the year 1941, X, a manufacturer of new tires and tubes, sold or otherwise transferred a total wholesale dollar value of new tires and tubes amounting to $1,000,000. He sold or otherwise transferred to retailers and distributors owned, operated, or controlled by him a wholesale dollar value of new tires and tubes amounting to $250,000, or 25 percent. If during February of 1942 his total wholesale dollar value of new tires and tubes sold or otherwise transferred amounted to $80,000, he may in that month sell or transfer to retailers and distributors owned, operated, or controlled by him a wholesale dollar value of new tires and tubes amounting to not more than 25 percent of $80,000, or $20,000. He can make no sales or transfers to such retailers and distributors except in exchange for the replenishment portion of a certificate or receipt, but even in exchange for such portion of a certificate or receipt he cannot sell or transfer new tires or tubes in excess of the limitation described above.

(4) No transfer provided in subparagraphs (1), (2), and (3) of this paragraph (d) may be made except in exchange for the replenishment portion of a certificate (pt. B) for new tires or tubes issued pursuant to § 1315.701 of these regulations (§§ 1315.151 to 1315.1199, inclusive) or the replenishment portion of a receipt (pt. B) for new tires or tubes issued pursuant to § 1315.804 of these regulations (§§ 1315.151 to 1315.1199, inclusive).

(i) Any retailer, distributor, wholesaler, or manufacturer using the certificate or receipt to replenish his stock may purchase the number of new tires or tubes specified thereon and is not required to purchase new tires or tubes of the same size or of the same type.

(ii) Any retailer, distributor, wholesaler or manufacturer who is authorized to sell or otherwise transfer a new tire or tube to a consumer may forward, with the consumer's permission, when he does not have such tire or tube in stock, the replenishment portion (pt. B) of the certificate for new tires or tubes or the replenishment portion (pt. B) of a receipt for new tires or tubes to a supplier and obtain the number of new tires and tubes specified thereon for delivery to the consumer.

(5) Any distributor, wholesaler, or manufacturer making a transfer pursuant to subparagraphs (1), (2), and (3) of this paragraph (d) shall keep records showing the name of the person acquiring a new tire or tube, the number, size, and type of the tire and tube acquired, the sales price, the date of the shipment or delivery, and the serial number of the certificate.

(e) *Transfers to liquidate stock*—(1) *By a retailer.* Any retailer may (without certificate) transfer any new tire or tube to any retailer, distributor, wholesaler, or manufacturer.

(2) *By a distributor.* Any distributor, may (without certificate) transfer any new tire or tube to any wholesaler or manufacturer.

(3) *By a wholesaler.* Any wholesaler may (without certificate) transfer any new tire or tube to any manufacturer.

(4) *Records.* Any person making a transfer pursuant to subparagraphs (1), (2), and (3) of this paragraph (e) shall keep records showing the name of the person acquiring a new tire or tube, the number, size, and type of the tire and tube acquired, the sales price, and the date of shipment or delivery.

(f) *Other transfers*—(1) *By a retailer or distributor without changing ownership or control.* Any retailer or distributor may deliver, ship, or transfer new tires or tubes to any warehouse or premise owned, operated, or controlled by such person, provided there is no change in ownership or control involved in this delivery, shipment, or transfer. Records of such delivery, shipment, or transfer shall be kept and reports in connection therewith shall be made as may be required by the Office of Price Administration.

(2) *By wholesaler or manufacturer without changing ownership or control.* Any wholesaler or manufacturer may deliver, ship, or transfer new tires or tubes to any warehouse or premise owned, operated, or controlled by such person and not used in performing the functions of a distributor or retailer, provided there is no change in ownership or control involved in this delivery, shipment, or transfer. Records of such delivery, shipment, or transfer shall be kept and reports in connection therewith shall be made as may be required by the Office of Price Administration.

(3) *By a common carrier.* Any common carrier which on December 11, 1941, was in possession of shipments of new tires or tubes consigned to a consignee may (without certificates) deliver such tires and tubes to such consignee. No provision of these regulations shall impose any liability upon any common carrier for the transportation in the regular course of business of any new tire or tube not owned by such common carrier.

(4) *Original equipment.* Any person may deliver new tires and tubes, excluding spares, as a part of the original equipment of a new vehicle provided that (i) such tires and tubes are affixed to such vehicle at the time of their sale, and (ii) such sale is not prohibited by the terms of any order of the War Production Board: *Provided further, however*, That spares may also be included as a part of the original equipment of a new vehicle upon the written consent of the Director of Priorities or the Chairman of the War Production Board.

(5) *Transfers to and from public warehouses.* Any person may deliver, ship or transfer new tires or tubes to a public warehouse for storage, provided there is no change in ownership, use, or control involved in this delivery, shipment, or transfer. Any public warehouse may deliver, ship, or transfer new rubber tires or tubes stored in such warehouse after December 11, 1941, to the person who delivered such tires or tubes for storage, provided no such delivery may be made without first obtaining authorization in writing from the Office of Price Administration, Washington, D. C. Any person making a delivery, shipment, or transfer pursuant to this subparagraph (5) of paragraph (f) shall keep such records and make such reports in connection therewith as may from time to time be required by the Office of Price Administration. Nothing in this paragraph shall be construed to allow any person to pledge, hypothecate, or use as security in any transaction a warehouse receipt for new tires or tubes.*

§ 1315.802 *Permitted and prohibited deliveries of retreaded or recapped tires*—(a) *Prohibitions.* Except as provided in §§ 1315.401, 1315.804, and in paragraphs (c) and (d) of this section, no person shall deliver a retreaded or recapped tire to any other person and no person shall accept any such delivery of a retreaded or recapped tire.

(1) The word "delivery" in paragraph (a) includes a delivery of any legal or equitable right or interest in or to, or physical delivery of, any retreaded or recapped tire.

(2) Paragraph (a) prohibits sales or other deliveries to another person; it does not prevent any person owning or possessing retreaded or recapped tires from physically transferring such tires among his premises or vehicles as long as there is no change of ownership or control.

(3) The prohibition in this paragraph (a) applies both to sales and deliveries. Except as provided by §§ 1315.401, 1315.804, and by paragraphs (c) and (d) of this section, it is unlawful to deliver retreaded or recapped tires to a person even though such person has previously bought and paid for the retreaded or recapped tires, or even though such person supplied the carcass which was recapped or retreaded.

(4) The prohibition in this paragraph (a) applies to retreaded or recapped tires whether such tires have been retreaded or recapped at the date of the issuance of this order or whether such tires are retreaded or recapped in the future.

(b) *Restriction on transfer from stocks to vehicles.* (1) No person who on February 19, 1942, or at any time thereafter, was engaged in retreading or recapping for others, or was otherwise dealing in retreaded or recapped tires, may mount a retreaded or recapped tire on any vehicle owned, operated, or controlled by him unless such person possesses a certificate issued to him by a Local Rationing Board authorizing him to purchase or otherwise acquire such tire for the vehicle upon which it is to be mounted. The instructions set forth in §§ 1315.705 and 1315.706 in regard to the certificate for retreaded or recapped tires should be followed.

(c) *Deliveries to replenish stock*—(1) *By a retreader or recapper.* Subject to the provisions of subparagraphs (2) and (3) of this paragraph (c) relating to certificates and records any retreader or recapper of tires may deliver retreaded or recapped tires to any person who deals in but does not retread or recap tires or to any retreader or recapper.

(2) No delivery provided in subparagraph (1) of this paragraph (c) may be made except in exchange for the replenishment portion (pt. B) of a certificate for retreaded or recapped tires issued pursuant to § 1315.701 of these regulations, or the replenishment portion (pt. B) of a receipt for retreaded or recapped tires issued pursuant to § 1315.804 of these regulations (§§ 1315.151 to 1315.1199, incl.).

(i) No retreader or recapper may deliver any retreaded or recapped tire to any person other than a consumer (and then only in exchange for a complete certificate) except in exchange for the replenishment portion (pt. B) of a certificate or receipt for retreaded or recapped tires. This is true even though the person who is to receive the tire delivered the carcass to the retreader or recapper for retreading or recapping.

(ii) Any person authorized to use the replenishment portion of a certificate or receipt to obtain retreaded or recapped tires may purchase or acquire the number of retreaded or recapped tires specified thereon and is not required to purchase tires of the same size or of the same type.

(iii) Any person authorized to sell or otherwise deliver a retreaded or recapped tire to a consumer may forward, with the consumer's permission, when he does not have such tire in stock, the replenishment portion (pt. B) of the retreaded or recapped tire certificate or the replenishment portion (pt. B) of a retreaded or recapped tire receipt to any retreader or recapper and obtain the number of tires specified thereon for delivery to the consumer.

(3) Any retreader or recapper making a delivery pursuant to subparagraph (1) of this paragraph (c) shall keep records showing the name of the person acquiring retreaded or recapped tires, the number, size, and type of tires acquired, the sale price, the date of the delivery or shipment, and the serial number of the retreaded or recapped tire certificate.

(d) *Other deliveries*—(1) *By a person not in tire trade.* Any person who does not deal in new or retreaded or recapped tires may (without certificates) deliver retreaded or recapped tires to any person who deals in new or retreaded or recapped tires or any retreader or recapper of tires.

(2) *By a person in tire trade.* Any person who deals in new or retreaded or recapped tires but is not a retreader or recapper of tires may (without certificates) deliver retreaded or recapped tires to any person who deals in new or retreaded or recapped tires or to any retreader or recapper of tires.

(3) *Records.* Any person making a delivery pursuant to subparagraphs (1) and (2) of this paragraph (d) shall keep records showing the name of the person acquiring the retreaded or recapped tires, the number and type of such tires acquired, the sales price, and the date of the delivery or shipment.

(4) *Delivery to and from public warehouses.* Any person may ship or deliver retreaded or recapped tires to a public warehouse for storage, provided there is no change in ownership, use, or control involved in this shipment or delivery. Any public warehouse may ship or deliver retreaded or recapped tires stored in such warehouse after February 18, 1942, to the person who delivered such tires for storage: *Provided*, No such delivery may be made without first obtaining authorization in writing from the Office of Price Administration, Washington, D. C. Any person making a shipment or delivery pursuant to this subparagraph (4) of this paragraph (d) shall keep such records and make such reports in connection therewith as may from time to time be required by the Office of Price Administration. Nothing in this subparagraph shall be construed to allow any person to pledge, hypothecate, or use as security in any transaction a warehouse receipt for retreaded or recapped tires.

(5) *Original equipment.* Any person may deliver retreaded or recapped tires, excluding spares, as part of the original equipment of a new vehicle provided (i) such tires are affixed to such vehicle at the time of their sale, and (ii) such sale has not been prohibited by the terms of any order of the War Production Board: *Provided further, however*, That spares may also be included as a part of the original equipment of a new vehicle upon the written approval of the Director of Priorities or the Chairman of the War Production Board.

(6) *Common carrier.* No provision of these regulations shall impose any liability upon any common carrier for the transportation in the regular course of business of any retreaded or recapped tire not owned by such common carrier.*

§ 1315.803 *Permitted and prohibited deliveries of camelback*—(a) *Prohibition.* Except as provided in §§ 1315.804, 1315.805, and in paragraphs (c) and (d) of this § 1315.803 or in regulations hereafter issued by the Office of Price Administration, no person shall deliver camelback to any other person, and no person shall accept any such delivery of camelback.

(1) The prohibition against any delivery to another person set forth in paragraph (a) includes prohibitions against delivery of any legal or equitable right or interest in or to, or physical delivery of, any camelback.

(2) The prohibition in this paragraph (a) applies only to sales, or other deliveries of camelback to another person. Any person who owns or possesses camelback may transfer such camelback among his warehouses and premises as long as there is no change in the ownership or control of such camelback.

(3) The prohibitions in this paragraph (a) apply to both sales and physical deliveries. Except as provided by § 1315.804, 1315.805 and by paragraphs (c) and (d) of this section it is unlawful to deliver camelback to any person even though such person has previously bought and paid for the camelback.

(4) The prohibition in paragraph (a) applies to camelback whether such camelback was at the date of the issuance of this order already manufactured or whether such camelback is manufactured in the future.

(b) *Restriction on consumption.* (1) On and after February 16, 1942, no maker of camelback shall during any single month consume any camelback, regardless of its source, in his own retreading or recapping equipment or in retreading or recapping equipment operated by establishments owned, operated, or controlled by him amounting to a larger percentage by weight of his total camelback production for such month than the percentage of his total camelback production consumed during the year 1941 in his own retreading or recapping equipment and in retreading or recapping equipment operated by establishments owned, operated, or controlled by him.

(i) *Example.* During the year 1941, X, a maker of camelback, produced 10,000 pounds of camelback. He consumed 5,000 pounds, or 50 percent, in his own retreading or recapping equipment and in retreading or recapping equipment

operated by establishments owned, operated, or controlled by him. If during March of 1942 his total production of camelback is 1,000 pounds, he may in that month consume an amount equal to 50 percent of his month's production, or 500 pounds of camelback, regardless of its source, in his own retreading or recapping equipment and in retreading or recapping equipment operated by establishments owned, operated, or controlled by him.

(2) On and after February 19, 1942, and until midnight March 1, 1942, no maker of camelback or retreader or recapper shall use or consume any camelback to retread or recap any passenger-type tire.

(3) On and after February 19, 1942, no person shall consume or use truck-type camelback, as now and hereafter defined by the War Production Board, in recapping or retreading passenger-type tires.

(c) *Transfers to replenish stock*—(1) *By persons dealing in or making camelback.* Subject to the provisions of subparagraphs (2) and (3) of this paragraph (c) relating to certificates and records, any person who deals in or makes camelback may deliver camelback to any other person.

(2) No delivery provided in subparagraph (1) of this paragraph (c) may be made except in exchange for the replenishment portion (pt. B) of a retreaded or recapped tire certificate issued pursuant to § 1315.701 of these regulations, or the replenishment portion (pt. B) of a receipt for either retreaded or recapped tires or camelback issued pursuant to § 1315.804 of these regulations, or the replenishment portion (pt. A) of the certificate authorizing the purchase of an initial allotment of camelback issued pursuant to § 1315.805 of these regulations (§§ 1315.151 to 1315.1199, incl.).

(i) Any person may purchase camelback, from a person dealing in or making camelback, upon presenting the appropriate part of a certificate or receipt. He may present the replenishment portion (pt. B) of the retreaded or recapped tire certificate, the replenishment portion (pt. A) of the initial allotment of camelback certificate, or the replenishment portion (pt. B) of a receipt for either retreaded or recapped tires or camelback. When using the replenishment portion of a receipt for camelback, he may purchase the number of pounds of camelback stated thereon without regard to size or gauge. If he uses the replenishment portion of the initial allotment of camelback certificate he may purchase the number of pounds of truck camelback specified thereon. Truck camelback means truck camelback defined by specifications established from time to time by the War Production Board. If he uses the replenishment portion of a retreaded or recapped tire certificate or the replenishment portion of a receipt for retreaded or recapped tires, he may purchase the number of pounds of camelback specified in the following table:

TABLE FOR CAMELBACK REPLENISHMENT

Type or size of tire specified on certificate or receipt	Number of pounds of camelback which may be purchased for each such tire
Passenger-car type tire	5½
30 x 5 to and including 7.00 x 20/32 x 6	12
6.50–18 to and including 8.25–24	16
9.00–20 to and including 11.00–24	22
12.00–20 and up	32
Farm tractors (rear tires only), road graders, earth mover, and other similar equipment used primarily in off-the-road work	55

(ii) Any person who possesses retreading or recapping equipment and who is authorized to retread or recap tires for a consumer may forward, with the consumer's permission, when he does not have the necessary camelback in stock, the replenishment portion (pt. B) of the retreaded or recapped tire certificate or receipt to his supplier and in exchange receive the number of pounds of camelback set forth above.

(3) Any person who deals in or makes camelback making a delivery pursuant to subparagraph (1) of this paragraph (c) shall keep records showing the name of the person acquiring camelback, the amount, size, type, and gauge of camelback acquired, the sales price, the date of shipment or delivery, and, if purchased pursuant to a certificate, the serial number of the certificate.

(d) *Other transfers*—(1) *By any person who neither deals in or makes camelback.* Any person who neither deals in nor makes camelback may (without certificate) deliver camelback to any person who manufactures or deals in camelback, or to any person who is a retreader or recapper.

(2) *Records.* Any person making a delivery pursuant to subparagraph (1) of this paragraph (d) shall keep records showing the name of the person acquiring the camelback, the amount, size, type, and gauge of such camelback acquired, the sales price, and the date of delivery or shipment.

(3) *Transfers to and from public warehouses.* Any person may ship or deliver camelback to a public warehouse for storage provided there is no change in ownership, use, or control involved in this shipment or delivery. Any public warehouse may deliver camelback stored in such warehouse after February 18, 1942, to the person who delivered such camelback for storage: *Provided*, That no such delivery may be made without first obtaining authorization in writing from the Office of Price Administration, Washington, D. C. After February 18, 1942, no warehouse receipt for camelback may be pledged, hypothecated, or used as security in any transaction. Any person making a shipment or delivery pursuant to this subparagraph (3) shall keep such records and make such reports in connection therewith as may from time to time be required by the Office of Price Administration.

(4) *Common carrier.* No provision of these regulations shall impose any liability upon any common carrier for the transportation in the regular course of business of any retreaded or recapped tire not owned by such common carrier.*

§ 1315.804 *Transfer of new tires or tubes, retreaded or recapped tires or camelback to certain governmental agencies, to manufacturers of new vehicles, and for export*—(a) *Transfer to certain governmental agencies or for export.* Subject to the provision of paragraphs (c) and (d) of this section any person may transfer new tires or tubes, retreaded or recapped tires or camelback:

(1) To or for the account of the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, or the Office of Scientific Research and Development, but not to or for the account of any officer, member, or employee of any of the foregoing for use on a privately owned vehicle, regardless of the extent to which such vehicle is used on official business, nor to or for the account of any post exchange, ship's store, commissary, or similar agency or organization, except for use on vehicles operated by it;

(2) To or for the account of the government of any foreign country, including those in the Western Hemisphere, pursuant to a contract or order placed by any agency of the United States Government under the act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), but subject in each case to such quotas, allocations, or other restrictions as may be prescribed by the War Production Board;

(3) For export to and consumption in any foreign country, for government or private account, otherwise than as provided in subparagraph (2) of this paragraph, but only as may be expressly permitted by the War Production Board.

(b) *Transfer to manufacturers of new vehicles.* Subject to the provisions of paragraphs (c) and (d) of this section, any person may sell, lease, trade, loan, deliver, ship, or transfer new tires or tubes or retreaded or recapped tires, with the written approval of the Chairman of the War Production Board, to any manufacturer of new vehicles for use as part of the original equipment of such vehicles

(c) *Receipt.* Any person making any transfer whether by sale, lease, or otherwise, pursuant to paragraph (a) or (b) of this section shall obtain from the purchaser a receipt upon O.P.A. Form No. R–12. The purchaser shall complete and execute the form in accordance with the instructions thereon.

(1) O.P.A. Form No. R–12 may be obtained from any Local Rationing Board and will also be distributed through appropriate governmental agencies. The form shall consist of four parts. Part A shall be mailed to the O.P.A. regional office servicing the area in which the seller is located within 3 days from the delivery or shipment of the tires, tubes, or camelback. Part B shall be used as a basis for replenishing stocks in accordance with the transfer provisions of paragraph (d) of § 1315.801; paragraph (c) of § 1315.802 or paragraph (c) of § 1315.803, whichever is appropriate. Part C shall be retained by the seller as his record of the transaction in accordance with the record keeping requirements of these regulations. Part D shall be retained by the purchaser as his record.

(2) Any person making a sale delivery or other transfer pursuant to the provisions of paragraph (g) of Supplementary Order M–15–c which were effective on the date of such sale or delivery may replenish in exchange for a receipt obtained in accordance with the provisions of subdivisions (c) (3) (ii) and (c) (3) (iii) of § 1315.401 of the Tire Rationing Regulations issued December 30, 1941, his stock of new tires or tubes in accordance with the provisions of paragraph (d) of § 1315.801, provided the delivery of such new tires or tubes was made prior to February 19, 1942.

(d) *Records.* Any person making a sale, delivery, or transfer pursuant to paragraphs (a) and (b) of this section, and any person making such purchase or accepting such delivery or transfer shall keep such records and make such reports in connection therewith as may from time to time be required by the Office of Price Administration.*

§ 1315.805 *Certificate for initial allotment of camelback for retreaders or recappers*—(a) *Application for authority to purchase initial allotment of camelback.* Any person engaged in retreading or recapping tires who is not a maker of camelback may apply on or before March 1, 1942, to the Board which services the area in which his principal office is located for authority to purchase an initial allotment of camelback. No other Board shall have jurisdiction and only one application may be filed. Each person engaged in retreading or recapping tires who is not a maker of camelback may be authorized to purchase sufficient camelback to enable him to have as of February 19, 1942, an initial inventory of camelback equivalent to 750 pounds of camelback for each mold or curing table capable of retreading tires 7.50–20 or larger which he owns or operates.

(b) *Form of application.* Applications for authority to purchase an initial allotment of camelback must be made on OPA Form No. R–9. This form may be obtained from any Board. The applicant must state the number and location of all molds or curing tables owned, operated, or controlled by him capable of retreading or recapping only tires smaller than 7.50–20 and also the number and location of all molds or curing tables owned, operated, or controlled by him which are capable of retreading a tire 7.50–20 or larger. He must state the total number or pounds of camelback which he has in his inventory as of midnight February 18, 1942, irrespective of where located. If this inventory does not equal or exceed 750 pounds for each mold or curing table capable of retreading or recapping tires 7.50–20 or larger, he will be authorized to purchase an amount of camelback equal to the difference between his inventory and an amount equal to 750 pounds for each mold or curing table capable of retreading a tire 7.50–20 or larger. He may purchase only truck camelback. Truck camelback means truck camelback as defined by specifications established from time to time by the War Production Board.

The applicant shall certify the facts stated in the application in the manner and form provided for such certification. In making the application and executing the certification he shall conform to the requirements of § 1315.605 of these regulations (§§ 1315.151 to 1315.1199, incl.).

(c) *Action by the Board.* Upon receiving an application by a retreader or recapper who is not a maker of camelback for authorization to purchase an initial allotment of camelback, the Board shall satisfy itself that the applicant has properly executed his application including all the agreements therein contained and that all the facts stated in the application are true.

If the Board is satisfied that the applicant did not have in his inventory as of midnight February 18, 1942, 750 pounds of camelback for each mold or curing table owned, operated, or controlled by him which is capable of retreading a tire 7.50–20 or larger, it shall issue the applicant a certificate authorizing him to purchase the difference between all the camelback in his possession as of midnight February 18, 1942, and an amount equal to 750 pounds of camelback for each mold or curing table owned, operated, or controlled by him which is capable of retreading a tire 7.50–20 or larger. If the Board determines that an application should be granted either wholly or in part, it shall note upon such application the amount of camelback which the applicant was authorized to purchase and the serial number of the certificate issued. After acting upon the application the Board shall notify the applicant of its decision. In cases where the Board authorizes an applicant to purchase an initial allotment of camelback, the Board shall immediately issue to such applicant a certificate.

(d) *Form of certificate.* The certificate for the purchase of an initial allotment of camelback is O.P.A. Form No. R–10. The certificate shall be serially numbered and shall be divided into two parts designated as part A and part B bearing the same serial number. If the person supplying the retreader or recapper is a maker of camelback he shall retain part A as a record of the transaction. If the person supplying the retreader or recapper is not a maker of camelback he may use part A as the basis for replenishing his stock. Part B of the certificate is to be forwarded by the supplier of camelback to the Rationing Board which issued the certificate.

(e) *Execution by issuing Board.* It shall be the responsibility of the Board prior to issuing a certificate to fill in part A of the certificate setting forth the date issued, the number and address of the Board issuing the certificate, the number of pounds of camelback which the certificate holder is authorized to purchase and the name and address of the purchaser. It shall also be the responsibility of the Board to indicate on part B of the certificate the number and address of the Board issuing the certificate. No certificate for the purchase of camelback will be valid until part A is signed by two members of the issuing Board. The Board shall then deliver the entire certificate to the applicant or his agent.

(f) *Action by purchaser.* Upon receiving the completed certificate the applicant may at any time prior to May 1, 1942, purchase the number of pounds and type of camelback indicated upon such certificate from any supplier of camelback. No delivery pursuant to this certificate may be made after April 30, 1942. To purchase camelback the applicant must present the entire certificate to his supplier. If the purchaser is unable to buy from one supplier all the camelback which he has been authorized to purchase, he may return the certificate to the issuing Board and the Board shall thereupon issue as many certificates as are necessary to permit his purchases to be made among several suppliers.

(g) *Action by supplier.* Prior to delivering or shipping any camelback pursuant to a certificate surrendered to him, the supplier must complete part B of the certificate. Part B must then be detached and returned to the issuing Board within 5 days after shipment of the camelback to the purchaser. If the supplier is a maker of camelback, part A must be retained as his record of the transaction. If the supplier is not a maker of camelback, he may use part A as the basis for replenishing his stock of camelback pursuant to paragraph (c) of § 1315.803 of these regulations. This purchase and delivery of camelback must be completed prior to midnight of April 30, 1942 (§§ 1315.151 to 1315.1191, incl.).*

Appeals

§ 1315.901 *Grounds for appeal to the State Rationing Administrator.* Any applicant for a new tire or tube or for a retreaded or recapped tire whose application has been denied by the Board and who believes that such action is in conflict with the Tire Rationing Regulations issued December 30, 1941, or these regulations (§§ 1315.151 to 1315.1199, incl.) may file an appeal from such action with the State Rationing Administrator.*

§ 1315.902 *Filing of appeals.* (a) An appeal from an action taken by a Board may be filed only within 30 days after such action has been taken.

(b) The appellant shall file a statement in writing and under oath setting forth the specific section of the Tire Regulations issued December 30, 1941, or these regulations (§§ 1315.151 to 1315.1199, incl.) which he believes to be inconsistent with the action taken by the Board and stating in full the facts on which he grounds his appeal.*

§ 1315.903 *Action on appeals.* The State Rationing Administrator may require the Board or the appellant to fur-

nish pertinent information, which may be in addition to that furnished before the Board, with respect to any appeal pending before him. The State Rationing Administrator may affirm the decision of the Board, or may reverse or modify such decision and remand the matter to the Board for consistent action. The State Rationing Administrator's ruling shall be in writing and shall be communicated to the appellant and to the Board. If he reverses or modifies the decision, he shall send a copy of his ruling to the Office of Price Administration. He shall act on the appeal within 30 days of its filing.*

§ 1315.904 *Review by the Office of Price Administration.* An appellant, if he feels aggrieved by the ruling of the State Rationing Administrator, may, within 30 days thereafter, file a written petition for review with the Office of Price Administration, Washington, D. C. If the Office of Price Administration, in its discretion, elects to review the matter, it may require the furnishing of additional pertinent information. The Office of Price Administration may affirm the ruling of the State Rationing Administrator, or may reverse or modify such ruling and remand the matter to the Board for consistent action. The Office of Price Administration's ruling shall be in writing and shall be communicated to the appellant, to the Board, and the State Rationing Administrator.*

Records and Reports

§ 1315.1001 *Records to be kept by Board; posting.* All applications for new tires or tubes, retreaded or recapped tires and camelback received by the Board shall be filed. Records shall be kept by the Board of such other pertinent and material data as may be required by the Office of Price Administration. At intervals of not more than one week, a list of all certificates issued and names of recipients shall be posted at the office of the Board and shall be released to the press.*

§ 1315.1002 *Records to be kept by applicants.* Every applicant to whom a certificate is issued, who operates five or more vehicles in carrying on a commercial enterprise, shall: (a) On the 15th day of each month take a separate inventory of all new, retreaded, or recapped, and used tires and all new and used tubes in his possession or control and keep a separate record thereof; (b) keep a record of all applications made to Boards, which have not been acted upon; (c) keep a record of all certificates which have been issued to him and which have not yet been used; and (d) maintain a file containing the purchaser's portions of used certificates.*

§ 1315.1003 *Records to be kept by dealers.* Every person selling new tires or tubes or retreaded or recapped tires shall: (a) On February 28, 1942, and at the close of business on the last day of every month thereafter take an inventory of all new tires and tubes and retreaded or recapped tires in his possession or control, and keep a record thereof; (b) maintain a file containing all certificates which have been presented by applicants to whom sales of new tires and tubes or retreaded or recapped tires have been made; (c) prepare reports requested by the Board in his area and by the Office of Price Administration.*

§ 1315.1004 *Records and reports by manufacturers.* Each person who manufactures new tires or tubes shall on March 1, 1942, and on the 1st day of each month thereafter take an inventory of all new tires and tubes in its possession or control and keep a record of its total production of new tires and tubes during the preceding month. This inventory and record shall be kept by the manufacturer and filed with the Office of Price Administration from time to time as requested.*

§ 1315.1005 *Records and reports by recappers and retreaders.* Each person who recaps or retreads tires shall on March 1, 1942, and on the first day of each month thereafter take an inventory of all retreaded or recapped tires in his possession or control and keep a record of his total production of retreaded or recapped tires during the preceding month. Each retreader or recapper shall also take an inventory of all camelback in his possession or control on March 1, 1942, and on the first day of each month thereafter and keep a record of the amount of camelback used in retreading or recapping during the preceding month. These inventories and records shall be kept by the retreader or recapper and filed with the Office of Price Administration from time to time as requested.*

§ 1315.1006 *Records and reports by manufacturers of camelback.* Every person who manufactures camelback shall on March 1, 1942, and on the first day of each month thereafter take an inventory of camelback and keep a record of its total production of camelback for the preceding month. This inventory and record shall be kept by the manufacturer of camelback and filed with the Office of Price Administration from time to time as requested.*

§ 1315.1007 *Preservation of records.* All persons shall keep records in accordance with the requirements elsewhere provided in these regulations for the keeping of records. In addition, all persons affected by these regulations shall keep and preserve, for not less than 2 years, accurate and complete records concerning inventories, production, and sales of new tires and tubes, retreaded or recapped tires and camelback, and shall make them available at all times for inspection by the Office of Price Administration.*

§ 1315.1008 *Filing of reports.* All persons shall file reports to the extent required elsewhere in these regulations. In addition, all persons affected by these regulations shall make such reports as may from time to time be required by the Office of Price Administration and the War Production Board.*

Enforcement

§ 1315.1101 *Criminal prosecutions.* Any person who violates any provision of these regulations, (§§ 1315.151 to 1315.1199, incl.), or who by any act or omission, knowingly falsifies an application, certificate, or any record which he is required to keep by the terms of these regulations, (§§ 1315.151 to 1315.1199, incl.), or who otherwise knowingly furnishes false information to a Board, State Rationing Administrator, or to the Office of Price Administration, or who conspires with another person to perform any of the foregoing acts, shall be subject to the penalties therefor, including a recommendation to the Attorney General for prosecution pursuant to section 35A of the Criminal Code (title 18, U.S.C. sec. 80) and other applicable statutes.*

§ 1315.1102 *Denial of materials.* Any person who violates these regulations, (§§ 1315.151 to 1315.1199, incl.), will also be denied the right to receive any new tires or tubes, retreaded or recapped tires, camelback, and any other materials which are now or in the future may be under allocation by the Office of Price Administration, and the Office of Price Administration will recommend to the War Production Board that he be denied the right to receive any other materials which are now or in the future may be under allocation by that Board.*

§ 1315.1103 *Publicity.* In the event of a refusal or failure to abide by the provisions of these regulations (§§ 1315.151 to 1315.1199, incl.) or in the event of any evasion or attempt to evade the provisions of these regulations (§§ 1315.151 to 1315.1199, incl.), the Office of Price Administration, in addition to the foregoing penalties, will make every effort to ensure that complete information is given the public and to appropriate officials of the local, State, and Federal Governments.*

§ 1315.1104 *Other methods of enforcement.* The Office of Price Administration may also take such other action for the enforcement of the provisions of these regulations (§§ 1315.151 to 1315.1199, incl.) as may be necessary, including application to courts and to appropriate agencies of local, State, and Federal Governments in order to invoke such powers as may be available and appropriate in connection therewith.*

§ 1315.1105 *Complaints of violations.* Any person may report a violation of these regulations (§§ 1315.151 to 1315.1199, incl.) to a Board, Local Rationing Administrator, State Rationing Administrator, regional or field office of the Office of Price Administration, or to the Office of Price Administration at Washington, D. C. An official or employee of the office to which the report is made shall fill out a complaint, OPA Form R–4, secure the signature of the complainant if possible, and transmit the complaint for investigation and action in accordance with the instructions of the Office of Price Administration.*

Effective Dates

§ 1315.1199 *Effective dates of Tire Rationing Regulations.* (a) The Tire Rationing Regulations (§§ 1315.151 to 1315.904, inclusive) shall become effective this 30th day of December, 1941.

(b) These Revised Tire Rationing Regulations (§§ 1315.151 to 1315.1199, inclusive) shall become effective February 19, 1942, except that the provisions of § 1315.803 (b) shall become effective February 16, 1942.

(c) These Revised Tire Rationing Regulations (§§ 1315.151 to 1315.1199, inclusive) supersede the provisions of Sup. Order No. M–15–c, 6 F.R. 6792, December 30, 1941, as amended (7 F.R. 121, 350, 434, 474, January 6, 17, 21, 23, 1942) and the Tire Rationing Regulations, 7 F.R. 72, December 30, 1941, as amended (7 F.R. 257, January 14, 1942) insofar as they may be inconsistent therewith: *Provided, however,* That any violations occurring prior to the effective dates of these Revised Tire Rationing Regulations shall nevertheless be governed by the Sup. Order and Regulations, or amendments thereto, in effect at the time of said violations.*

Issued this 11th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1336; Filed, February 13, 1942; 5:18 p. m.]

TITLE 45—PUBLIC WELFARE

CHAPTER IV—NATIONAL YOUTH ADMINISTRATION

[Administrative Order No. 16]

PART 402—OUT-OF-SCHOOL WORK PROGRAM

AMENDMENT OF ADMINISTRATIVE ORDER NO. 15

By virtue of and pursuant to the authority vested in the National Youth Administrator by the Labor-Federal Security Appropriation Act, 1942, approved July 1, 1941, the following amendments to Administrative Order No. 15,[1] dated September 27, 1941, are prescribed:

Section 402.9 is hereby amended to read as follows:

§ 402.9 *Earnings of project supervisory employees.* Rates of pay for project supervisory employees shall be established by the state youth administrator. Such employees shall be compensated for their services on a per diem, monthly, or annual salary basis, subject to the following conditions:

(a) Project supervisory employees, who are regularly required to work for periods of less than 80 hours per pay roll month shall be compensated for their services upon a per diem basis of payment. Project supervisory employees who are compensated for their services upon a per diem basis of payment shall be paid for their actual days, or fractions of days, of service.

(b) Project supervisory employees who are regularly required to work for periods of not less than 80 hours per pay roll month and who are required to be available for service whenever scheduled to work, may be compensated for their services upon a monthly salary basis. For project supervisory employees who are compensated for their services upon a monthly salary basis, deductions for voluntary absence from duty shall be made in the amount of one-thirtieth of the monthly salary for each day of voluntary absence. However, no deduction shall be made for any day or days upon which the employee is not required to work. The minimum deduction for voluntary absence from duty during any fraction of a day shall be one-fourth the deduction made for absence during a full day, and all deductions for voluntary absence during various portions of a day shall be made in multiples of one-fourth.

(c) Project supervisory employees who are regularly required to work not less than 39 hours per week may be compensated for their services on an annual salary basis and, if appointed and compensated on this basis, shall be subject to the leave regulations prescribed for civil employees of the Federal government. This provision, however, shall not be construed to preclude the appointment and compensation of project supervisory employees on an annual salary basis for part-time services, provided such part-time annual-salary employees are not accorded leave benefits.

Section 402.10 is hereby amended to read as follows:

§ 402.10 *Earnings of area supervisory employees.* Area supervisory employees shall be compensated on a per diem or annual salary basis, in accordance with rates established by the state youth administrator, subject to the following conditions:

(a) Area supervisory employees, who are regularly required to work for periods of less than 80 hours per pay roll month shall be compensated for their services upon a per diem basis of payment. Area supervisory employees who are compensated for their services upon a per diem basis of payment shall be paid for their actual days, or fractions of day, of service.

(b) Area supervisory employees who are regularly required to work not less than 39 hours per week shall be compensated for their services on an annual salary basis and, if appointed and compensated on this basis, shall be subject to the leave regulations prescribed for civil employees of the Federal Government. This provision, however, shall not be construed to preclude the appointment and compensation of area supervisory employees on an annual salary basis for part-time services, provided such part-time annual-salaried employees are not accorded leave benefits.

(Public No. 146, 77th Cong., 1st sess., approved July 1, 1941)

These amendments shall become effective at the beginning of pay roll periods on and after March 1, 1942.

AUBREY WILLIAMS,
National Youth Administrator.

Approved: February 12, 1942.

PAUL V. MCNUTT,
Federal Security Administrator.

[F. R. Doc. 42-1339; Filed, February 14, 1942; 11:07 a. m.]

[1] 6 R.F. 4975.

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 211]

SUBCHAPTER K—SEAMEN

FEBRUARY 13, 1942.

Order waiving compliance with certain of the provisions of section 10 of the Act of June 26, 1884, as amended, and section 12 of the Act of March 4, 1915.

By virtue of the authority vested in me by the provisions of Executive Order No. 8976, dated December 12, 1941 (6 F.R. 6441), I hereby waive compliance with the provisions of section 10 of the Act of June 26, 1884, as amended (46 U.S.C. 599), and section 12 of the Act of March 4, 1915 (46 U.S.C. 601), to such extent as to permit any seaman to stipulate in his shipping agreement for an allotment of any portion of the wages he may earn to his employer, for the purpose of purchasing for the seaman United States Defense Bonds, or United States Defense Stamps, or both, and for no other purpose.

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 42-1338; Filed, February 14, 1942; 10:48 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

PART 14—ELECTRIC RAILWAYS: UNIFORM SYSTEM OF ACCOUNTS

NOTE: An order of the Interstate Commerce Commission prescribing amendments to the Uniform System of Accounts for Electric Railways dated February 3, 1942, effective March 1, 1942, was filed with the Division of the Federal Register, February 16, 1942, at 10:43 a. m., F.R. Doc. No. 42-1357. Requests for copies may be addressed to the Interstate Commerce Commission.

[Ex Parte No. MC-36]

PART 200—OFFICIAL RECORDS

BROKERS OF PASSENGER TRANSPORTATION

At a Session of the Interstate Commerce Commission, Division 1, held at its office in Washington, D. C., on the 3d day of February, A. D. 1942.

It appearing, That on May 17, 1940, the Commission entered upon an investigation into the matter of rules and regulations governing the maintenance and preservation of records and the reporting of information to the Interstate Commerce Commission by brokers of passenger transportation subject to the provisions of Part II of the Interstate Commerce Act;

And it further appearing, That a full investigation of the matters and things

involved has been made, and the said Division, on the date hereof, has made and filed a report herein containing its findings of fact and conclusions thereon, which report is hereby referred to and made a part hereof;[1]

It is ordered, That effective April 1, 1942, until further order of the Commission, the Code of Federal Regulations be, and it is hereby, amended as follows:

§ 200.300 *Information required to be recorded.* Every passenger broker subject to section 211 of the Interstate Commerce Act shall maintain and keep an exact record of all transactions in which it or he has participated as such broker, which records shall show: (a) The points of origin and destination for each ticket sold, (b) the name and address of the motor carrier for which it is sold, (c) the amount received from the passenger, including any amounts, stated separately, for the transportation of baggage, or any other service accessorial to the transportation of the passenger, (d) the payments made to each carrier by motor vehicle served by the broker and (e) the amounts of the commissions earned by the broker from the sale of transportation for each carrier. (Sec. 204 (a) (4), 49 Stat. 546, sec. 211 (c), (d), 49 Stat. 554; 49 U.S.C. 304 (a) (4), 311 (c), (d))

By the Commission, division 1.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 42-1358; Filed, February 16, 1942; 10:43 a. m.]

Notices

TREASURY DEPARTMENT.

Monetary Offices.

VESTING ORDER PURSUANT TO SECTION 5 (b) OF THE TRADING WITH THE ENEMY ACT, AS AMENDED

VESTING ORDER NO. 1 RELATING TO SHARES OF STOCK OF THE GENERAL ANILINE & FILM CORP., OF DELAWARE

I, Henry Morgenthau, Jr., Secretary of the Treasury, acting under and by virtue of the authority vested in me by the President pursuant to section 5 (b) of the Act of October 6, 1917, as amended by section 301 of the First War Powers Act, 1941, finding after investigation that the following shares of the stock of the General Aniline & Film Corporation, a corporation organized under the laws of the State of Delaware, are the property of nationals of a foreign country designated in Executive Order No. 8389, as amended, as defined therein, and that the action herein taken is in the public interest, do hereby order and declare that such shares including all interest therein are hereby vested in the Secretary of the Treasury to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States:

[1] Filed as part of the original document.

Certificate No.	Number of shares	Class of shares	Registered in the name of—
027	1,500	A	Geheimrat Professor Dr. Carl Bosch, Ludwigshafen, Germany.
028	500	A	Geheimrat Professor Dr. Carl Bosch, Ludwigshafen, Germany.
023	1,500	A	Geheimrat Dr. Hermann Schmitz, Berlin, Germany.
029	500	A	Geheimrat Dr. Hermann Schmitz, Berlin, Germany.
0656	20,000	A	Osmon Aktiengesellschaft, Schaffhausen, Switzerland.
0657	10,000	A	
0658	10,000	A	
0659	10,000	A	
0660	5,000	A	
0661	5,000	A	
0662	5,000	A	
0663	500	A	
0664	500	A	
0665	500	A	
0720	132	A	
022	300,000	A	International Gesellschaft für Chemische Unternehmungen Aktiengesellschaft, Basel, Switzerland.
137	140	A	
061	50	A	
005	40	A	
092	720	A	
005	500	A	
0568	10,000	A	
0569	10,000	A	
0570	10,000	A	
0571	10,000	A	
0572	10,000	A	
0573	10,000	A	
0574	5,000	A	
0575	5,000	A	
0576	5,000	A	International Gesellschaft für Chemische Unternehmungen Aktiengesellschaft, Basel, Switzerland.
0577	5,000	A	
0578	5,000	A	
0579	1,000	A	
0580	1,000	A	
0581	1,000	A	
0582	352	A	
1118	650,000	B	L. D. Pickering & Company in custody for N. V. Maatschappij voor Industrie en Handelsbelangen, Amsterdam, The Netherlands.
13		B	
32	100,000	B	N. V. Maatschappij voor Industrieen Handelsbelangen, Amsterdam, The Netherlands.
33	100,000	B	
34	100,000	B	
1	100,000	B	Chemo Maatschappij voor Chemische Ondernehmungen, Amsterdam, The Netherlands.
20	200,000	B	
4	500,000	B	Banque Federale (Edlgenossische Bank, A. G.) Zurich, Switzerland.

Such property and any proceeds thereof shall be held in a special account pending further determination of the Secretary of the Treasury. This shall not be deemed to limit the power of the Secretary of the Treasury to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return or compensation should be made.

Any person not a national of a foreign country designated in Executive Order No. 8389, as amended, asserting any interest in said shares of stock or any party asserting any claim as a result of this Order may file with the Secretary of the Treasury a notice of his claim, together with a request for hearing thereon, on Form TFVP-1 within one year of the date of this Order, or within such further time as may be allowed by the Secretary of the Treasury.

This Order shall be published in the FEDERAL REGISTER.

By direction of the President.

[SEAL] H. MORGENTHAU, Jr., *Secretary of the Treasury.*

FEBRUARY 16, 1942.

[F. R. Doc. 42-1359; Filed, February 16, 1942; 10:33 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-198]

IN THE MATTER OF BOOTH, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 0928

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division (the "Division") finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder to determine

A. Whether or not Booth, Inc., Registered Distributor, Registration No. 0928 (hereinafter sometimes referred to as the "Registered Distributor") whose address is Kenova, W. Va., has violated any provisions of the Act, the Code, and orders and regulations of the Division, including the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors, and the Distributor's Agreement (the "Agreement") dated October 19, 1940, and filed by Booth, Inc., pursuant to Order of the Division dated June 19, 1940, in General Docket No. 12, and more particularly whether or not subsequent to September 30, 1940, said registered distributor:

1. During the period May 27, 1941, to June 7, 1941, both dates inclusive, acting as sales agent for the code member producers hereinafter named, made the following substitutions and sales:

(a) substitution of 419.05 tons of 2" x 5" egg coal produced at the Sellards No. 1 mine (Mine Index No. 2431) of Left Fork Fuel Company, Inc., a code member in District No. 8, on railway fuel orders obtained from the Ann Arbor Railway Company, specifying 6" resultant mine run coal, and sale of said coal to said railway company at the price of $1.85 per net ton f. o. b. said mine, the applicable mine price for such egg coal being $2.30 per net ton f. o. b. the mine;

(b) substitution of 418.5 tons of 2" x 5" egg coal produced at the Camp Creek Coal Company Mine (Mine Index No. 2420) of A. J. Fry, a code member in District No. 8, on railway fuel orders obtained from the Ann Arbor Railway Company specifying 6" resultant mine run coal, and sale of said coal to said railway company at the price of $1.85 per net ton f. o. b. said mine, the applicable mine price for such egg coal being $2.30 per net ton f. o. b. the mine;

(c) Substitution of 200 tons of 2" x 5" egg coal produced at the Hall Brothers Mine (Mine Index No. 2421) of J. C. Fry and Andrew J. Fry, co-partners, doing business under the name and style of J. C. Fry and A. J. Fry, a code member in District No. 8, on railway fuel orders obtained from the Ann Arbor Railway Company specifying 6" resultant mine run coal, and sale of said coal to said railway company at the price of $1.85 per net ton f. o. b. said mine, the applicable mine price for such egg coal being $2.30 per net ton f. o. b. the mine; and

(d) substitution of 152.2 tons of 2" x 5" egg coal produced at the Fry Mine (Mine Index No. 2703) of J. C. Fry and Andrew J. Fry, copartners, doing business under the name and style of J. C. Fry and A. J. Fry, a code member in District No. 8, on railway fuel orders obtained from the Ann Arbor Railway Company specifying 6" resultant mine run coal, and sale of said coal to said railway company at the price of $1.85 per net ton f. o. b. said mine, the applicable mine price for such egg coal being $2.30 per net ton f. o. b. the mine;

which substitutions were: (a) either an express or implied condition of a spot order or a contract; (b) not necessary as a temporary and emergency measure in order to continue the operation of the mine at which the coal was produced; (c) made without the authorization of the purchaser and with the purpose or effect of conferring an advantage on the purchaser or of securing a preference or advantage over the competitors of the code member or the registered distributor; or (d) not of coal about to be produced or which had been already produced and loaded into transportation facilities and in either event could have been sold, probably by the usual sales effort; resulting in violations of Rule 1 (f) of section XI of the Marketing Rules and Regulations and therefore of paragraphs (b) and (e) of the Distributor's Agreement.

2. Accepted and retained commissions as sales agent for A. J. Fry, an individual, code member in District No. 8, and J. C. Fry and A. J. Fry, co-partners, doing business under the name and style of J. C. Fry and A. J. Fry, a code member in District No. 8, upon the sales of coal described in paragraph A-1 hereof, although certified copies of agreements between the registered distributor, as sales agent, and the said code members as principals, were not on file with the statistical bureau of District No. 8, resulting in the violation of Rule 9 of Section II of the Marketing Rules and Regulations, and therefore of paragraph (e) of the Distributor's Agreement.

3. Accepted and retained commissions as sales agent for the Left Fork Fuel Company, Inc., code member in District No. 8, upon coals sold and delivered to the Ann Arbor Railway Company as described in paragraph A-1 (a) hereof pursuant to a contract of agency between said parties entered into subsequent to August 8, 1941, which commissions were in excess of the maximum discounts said Booth, Inc., could have received if it had purchased coal as a distributor under the Schedule of Due and Reasonable Maximum Discounts for Distributors established pursuant to section 4 II (h) of the Act resulting in a violation of Rule 13 (a) of Section II of the Marketing Rules and Regulations and therefore of paragraph (e) of the Distributor's Agreement.

B. Whether or not the registration of said Booth, Inc., should be revoked or suspended or other appropriate penalties should be imposed.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether or not the aforementioned Booth, Inc., has committed violations in the respects heretofore described and whether or not the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on March 11, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Booth, Inc., and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer setting forth the position of the aforementioned Booth, Inc., with reference to the matters hereinbefore described, must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service hereof on the Booth, Inc., and that failure to file an answer herein within such period, unless the presiding officer shall otherwise order, shall be deemed to be an admission by Booth, Inc., of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: February 13, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-1361; Filed, February 16, 1942; 11:23 a. m.]

[Docket No. B-112]

IN THE MATTER OF SAMUEL C. HAER AND FRED B. HAER INDIVIDUALLY AND AS COPARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF SAMUEL C. HAER AND FRED B. HAER, DEFENDANTS

ORDER CONTINUING HEARING

The above-entitled matter having been scheduled by Notice of and Order for Hearing dated December 3, 1941, for hearing on January 9, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 323, Post Office Building, Altoona, Pennsylvania, and such hearing, by order of the presiding examiner, having been continued to January 15, 1942, and further continued until February 17, 1942, at the place heretofore designated; and

It appearing to the Acting Director that it is advisable that said hearing should be further continued;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same hereby is, continued to a date and place to be hereafter designated by appropriate Order.

Dated: February 11, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-1362; Filed, February 16, 1942; 11:23 a. m.]

[General Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OR PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4 PART II (h) OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT, AND IN RE PETITION OF AMERICAN COAL DISTRIBUTORS ASSOCIATION FOR AMENDMENT OF § 304.14 (a) OF THE RULES AND REGULATIONS FOR REGISTRATION OF DISTRIBUTORS

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on February 16, 1942, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 Fifteenth St. NW., Washington, D. C., by Notice of and Order for Hearing dated January 21, 1942; and

The Acting Director deeming it advisable that said hearing should be postponed to February 17, 1942;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same hereby is, postponed from 10 o'clock in the forenoon of February 16, 1942 to 10 o'clock in the forenoon of February 17, 1942, at a hearing room of the Bituminous Coal Division, 734 Fifteenth St. NW., Washington, D. C., before the officer or officers previously designated to preside at said hearing. On such day the Chief of the Records Section in Room 502 will advise as to the room where the hearing will be held; and

It is further ordered, That the said Notice of and Order for Hearing dated January 21, 1942, shall, in all other respects, remain in full force and effect.

Dated: February 12, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-1363; Filed, February 16, 1942; 11:23 a. m.]

[Docket No. A-1238]

PETITION OF BITUMINOUS COAL CONSUMERS' COUNSEL FOR THE ESTABLISHMENT OF A PRICE INSTRUCTION CONCERNING TRUCK AND RIVER SHIPMENTS OF 30,000 TONS OF COAL OF CERTAIN MINES IN SUBDISTRICT NO. 4 OF DISTRICT NO. 13 TO THE WILSON DAM STEAM PLANT OF TENNESSEE VALLEY AUTHORITY

ORDER POSTPONING HEARING AND REDESIGNATING PLACE OF HEARING AND TRIAL EXAMINER

The original petitioner having moved that the hearing in the above-entitled matter heretofore scheduled for February 16, 1942, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C., be postponed and removed to Chattanooga, Tennessee, and having shown good cause why such motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from 10 o'clock in the forenoon of February 16, 1942, until 10 o'clock in the forenoon of February 19, 1942, at a hearing room of the Bituminous Coal Division, Hamilton County Court House, Chattanooga, Tennessee, and before Scott A. Dahlquist in place of the officer heretofore designated.

Dated: February 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1364; Filed, February 16, 1942; 11:23 a. m.]

[Docket No. A-1242]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF AN ADDITIONAL RAIL LOADING POINT FOR THE COALS OF THE R. & G. MINE (MINE INDEX NO. 104) OF HENRY W. STRIETELMEIER, A CODE MEMBER IN DISTRICT NO. 11

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on February 17, 1942; and

It appearing to the Acting Director that it is advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from 10 o'clock in the forenoon of February 17, 1942, until April 1, 1942, at the place and before the officers heretofore designated.

Dated: February 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1365; Filed, February 16, 1942; 11:23 a. m.]

[Docket No. A-1193]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 11 FOR ALL SHIPMENTS EXCEPT TRUCK

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on February 17, 1942; and

It appearing to the Acting Director that it is advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from 10 o'clock in the forenoon of February 17, 1942, until April 1, 1942, at the place and before the officers heretofore designated.

Dated: February 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1366; Filed, February 16, 1942; 11:24 a. m.]

[Docket No. 1551-FD]

IN THE MATTER OF CHARLES JANEWAY, DEFENDANT

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint having been filed on February 5, 1941, by the Bituminous Coal Producers Board for District No. 8, as complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by the defendant Charles Janeway, trading as Burch and Janeway Coal Company, a code member, of the Act, the Bituminous Coal Code (the "Code") and the effective minimum prices established thereunder; and

A hearing having been held thereon on March 20, 1941 at Knoxville, Tennessee; and

An order having been made on July 24, 1941, cancelling and revoking the code membership of the defendant, Charles Janeway, trading as Burch and Janeway Coal Company; and

Said order of cancellation and revocation having been duly served on August 5, 1941, upon Charles Janeway, trading as Burch and Janeway Coal Company; and

Charles Janeway, trading as Burch and Janeway Coal Company, having filed with the Division his application dated September 22, 1941, for restoration of his code membership; and

It appearing from said application that said Charles Janeway, trading as Burch and Janeway Coal Company, paid to the Collector of Internal Revenue at Parkersburg, West Virginia on August 13, 1941, the sum of $41.93, representing 39% penalty tax as a condition precedent to restoration of his membership in the Bituminous Coal Code.

Now, therefore, it is ordered, That said application of Charles Janeway, trading as Burch and Janeway Coal Company, dated September 22, 1941, for restoration of his code membership be and the same hereby is granted and the membership of Charles Janeway, trading as Burch and Janeway Coal Company in the Code is restored as of August 13, 1941.

Dated: February 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1367; Filed, February 16, 1942; 11:24 a. m.]

[Docket No. 1641-FD]

IN THE MATTER OF A. I. DAVEY, SR., REGISTERED DISTRIBUTOR, REGISTRATION NO. 2158, RESPONDENT

ORDER ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER AND REVOKING REGISTRATION

This proceeding having been instituted by the Bituminous Coal Division pursuant to section 4 II (h) of the Bituminous Coal Act of 1937 and § 304.14 of the Rules and Regulations for the Registration of Distributors in order to investigate and determine whether A. I. Davey, Sr., a registered distributor (Registration No. 2158), Hudson, Ohio, has violated certain provisions of the Act, the Marketing Rules and Regulations Incidental to the Sale and Distribution of Coal, the Rules and Regulations for the Registration of Distributors, and the Agreement by Registered Distributor;

A Notice of and Order for Hearing having been issued and the respondent having filed an answer;

Pursuant to the Notice of and Order for Hearing, a hearing in this matter having been held before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof in Cleveland, Ohio, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which the respondent appeared;

The Examiner having filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter on December 18, 1941, in which it was recommended that the registration of the respondent as a registered distributor be revoked, without prejudice, however, to the right of the respondent after six months from the date of said revocation, to petition the Division for reinstatement as a registered distributor, subject to certain conditions;

The respondent having filed exceptions thereto on January 5, 1942, and requested an oral argument thereon;

The undersigned having made Findings of Fact herein and having rendered an Opinion which are filed herewith;

Now, therefore, it is ordered, That the request for oral argument herein be, and it hereby is, denied.

It is further ordered, That the exceptions of A. I. Davey, Sr., to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner be, and they hereby are severally overruled.

It is further ordered, That the Proposed Findings of Fact and Proposed Conclusions of the Examiner be and they hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That the registration of A. I. Davey, Sr., as a registered distributor (Registration No. 2158), be, and it hereby is, revoked: *Provided, however,* That the respondent may, after six months from the date of this Order, petition the Division for reinstatement as a registered distributor: *And, provided further,* That as conditions to a consideration of a petition for reinstatement, should the respondent file one, the respondent shall submit to the Division, together with his petition for reinstatement, an affidavit verifying that during the period his registration as a registered distributor was revoked, the respondent neither directly nor indirectly transacted business as a registered distributor, nor received nor was promised any discount which distributors are entitled to receive by virtue of registration, and that the respondent shall have returned to the Hanna Coal Company of Ohio all discounts collected by him on coals shipped to the W. H. Davey Steel Company and a statement by the respondent that such refunds have been made shall be included in the affidavit.

Dated: February 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1368; Filed, February 16, 1942; 11:24 a. m.]

[Docket No. A-1135, Part II]

PETITION OF DISTRICT BOARD NO. 1, FOR THE ESTABLISHMENT OF ADDITIONAL SHIPPING POINTS FOR MINE INDEX NOS. 863, 864, AND 501 IN DISTRICT NO. 1, FOR ALL SHIPMENTS EXCEPT TRUCK

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER

This proceeding was instituted upon a petition filed with the Bituminous Coal Division on October 28, 1941, by District Board 1, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests the establishment of additional shipping points for Mine Index Nos. 863, 864, and 501, in District No. 1, For All Shipments Except Truck.[1]

Pursuant to Order of the Acting Director dated December 4, 1941, and after due notice to all interested persons, a hearing in this matter was held on January 6, 1942, before W. A. Shipman, a duly designated Examiner of the Division, at Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner appeared. The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned who has considered the record of this proceeding.

The petition of the District Board herein proposes that the price classifications and minimum prices heretofore established for the coals of Mine Index Nos. 863, 864 and 501, located in District No. 1, be made effective for additional rail shipping points. The evidence regarding the request for shipping points for each mine was to the following effect:

Brown and Lawrence, code members, operators of Mine Index Nos. 863 and 864 requested, and the District Board proposed that the price classifications and minimum prices established for their coals for shipment by rail from Barnum, West Virginia, on the Western Maryland Railroad, be made applicable also for rail shipments from Westernport, Maryland, on the Cumberland and Pennsylvania Railroad.

L. L. Romesburg, a code member, operator of the Saylor Mine, (Mine Index No. 501), also requested, and the District Board proposed, that the price classifications and minimum prices established for his coals for rail shipment from Rockwood, Pennsylvania, on the Baltimore & Ohio Railroad, be made applicable also for rail shipments from Rockwood, on the Western Maryland Railroad.

It appears from the uncontroverted testimony given by J. N. Geyer, technical advisor of District Board No. 1, that the request for additional rail shipping points for the coals produced at Mine Index Nos. 863, 864, and 501 should be denied. Geyer testified that the producers failed upon request to furnish the District Board with sufficient information as to the necessity for the two shipping points, or as to which point would be preferable. For these reasons, the witness of the District Board was of the opinion that the request for the additional rail shipping points should not be granted, and accordingly entered a motion that the request be denied without prejudice to the code members.

It does not appear clear from the record whether the District Board seeks to have the request for additional rail shipping points dismissed or denied. However, it should be noted that a denial will in no way prejudice the code members from seeking further action in this case pursuant to section 4 II (d) of the Act.

Upon the basis of the evidence, I find and conclude:

(1) That the request for additional rail shipping points for Mine Index Nos. 863, 864, and 501, proposed by District Board No. 1, should be denied.

(2) Such denial of the requested additional shipping points is necessary in order to effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and to comply with all the standards thereof.

Now, therefore, it is ordered, That the prayers in the petition herein be, and they hereby are, denied.

Dated: February 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1369; Filed, February 16, 1942; 11:24 a. m.]

[1] This was a part of the original petition filed with the Division in Docket No. A-1135 requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 1. Pursuant to Order of the Acting Director, dated December 4, 1941, the above portion of Docket No. A-1135 relating to the coals of Mine Index Nos. 863, 864, and 501 was severed from the remainder of Docket No. A-1135 and designated as Docket No. A-1135, Part II.

[Docket No. A-1238]

PETITION OF THE BITUMINOUS COAL CONSUMERS' COUNSEL FOR AN ORDER ESTABLISHING PRICES FOR THE SALE OF 30,000 TONS OF COAL SHIPPED BY RIVER FROM THE MINES OF SUBDISTRICT 4 OF DISTRICT 13 TO THE WILSON DAM STEAM PLANT OF THE TENNESSEE VALLEY AUTHORITY, AND FOR TEMPORARY RELIEF

MEMORANDUM OPINION AND ORDER CORRECTING ORDER OF JANUARY 24, 1942

This proceeding was instituted upon a petition filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, on December 24, 1941, by the Bituminous Coal Consumers' Counsel ("Consumers' Counsel"). Speaking generally, the petition proposed and sought the establishment of effective minimum prices for coal moving from Subdistrict 4 of District No. 13 (Tennessee-Georgia truck mines) via the Tennessee River to the Wilson Dam of the Tennessee Valley Authority in Market Area 117. In the past the steam plant of Wilson Dam had received its coal supply from producers in Subdistrict 1 of District 13 (Alabama rail-connected mines).

An informal conference, upon notice to interested parties, was held on January 8, 1942, pursuant to the Rules and Regulations Governing Practice and Procedure in section 4 II (d) proceedings, for the purpose of affording interested parties the opportunity of expressing their views concerning the temporary relief prayed for.

Represented at the conference in support of the requested relief were Consumers' Counsel; Blaine Buchanan, appearing for certain producers in Subdistrict 4 of District 13; and the Tennessee Valley Authority. Parties at the conference opposing the requested relief were: District Board 7; District Board 13; W. H. Saddler, appearing on behalf of certain companies in District 13; H. McDermott, appearing for the Stith Coal Company; B. G. Jordan, appearing for the A B C Coal and Coke Company; James C. Stephenson, appearing for the Cane Creek Mining Company and the National Coal and Coke Company; J. M. Chapman, appearing for the Chapman Coal Sales Company; A. W. Vogtle, appearing for the DeBardeleben Coal Corporation; and J. H. Moore, appearing for the Brookside-Pratt Mining Company, all code members in Subdistrict 1 of District 13 or their sales agents.

Thereafter, on January 24, 1942, the Acting Director, upon the basis of information disclosed at the informal conference, issued a Memorandum Opinion and Order in which the facts disclosed at the informal conference were set forth and the conclusion reached that pending final disposition, code member producers in Subdistrict 4 of District 13 whose mines are located within 30 miles of the river loading facilities at South Pittsburg, Tennessee, should temporarily be authorized to ship by truck run-of-

mine (Size Group No. 7) coal from such mines to river loading facilities at South Pittsburg for shipment by river to Market Area 117 at a minimum price of not less than $3.25 per net ton loaded into barges. This price was based upon a base transportation cost or charge (from mine to river loading facilities) of 60 cents per ton. An order in accordance with this conclusion was entered. On February 9, 1942, Consumers' Counsel filed a "Motion for Modification of Temporary Relief" in which modification of the Order of January 24 was requested and an f. o. b. barge price between $2.60 and $2.95 per ton requested. In this motion it was pointed out that the effect of the January 24 Order was to establish a price for the Subdistrict 4 coals which enabled them to deliver in Market Area 117 at the going delivered price of the all-rail Alabama coal (from Subdistrict 1) rather than at the effective minimum price for such coals.

The effective minimum f. o. b. mine price for washed run-of-mine coals from the central Alabama field is $2.35 per ton.[1] The freight rate from the central Alabama fields to Market Area 117 ranges from $1.15 to $1.50. However, a 25 cents per ton maximum absorption from the high freight rate is allowed and the majority of the coal from the central Alabama fields moves to Market Area 117 on the $1.25 freight rate. Consequently the delivered price of central Alabama rail coal (washed run-of-mine) is $3.60 per ton.[2] The charges incident to the moving of coal from the Subdistrict 4 mines to Market Area 117 includes the cost of transporting the coal from the mine to the loading facilities at South Pittsburg; the cost of loading the coal into the barges, said to be 10 cents per ton; the cost of river transportation from South Pittsburg to Sheffield said to be 60 cents per ton; and the cost of lifting said to be 15 cents per ton. In order to equalize the price of all mines in Subdistrict 4, which are located within 30 miles of South Pittsburg, for sale to TVA in Market Area 117, it seems desirable to fix the minimum price f. o. b. delivered into the barge, just as was done in the Order of January 24. If this price is established at $2.85, subject to the base trucking charge of 60 cents per ton, it will permit the delivery of such coal to the Wilson Dam at $3.60 per ton which is the price at which washed run-of-mine coal is delivered from the central Alabama fields.

Under the circumstances, it appears that the Order of January 24 should be modified accordingly, but in all other respects the order should remain unchanged.

Now, therefore, it is ordered, That the Order of January 24, 1942, granting temporary relief in this matter is hereby revoked and cancelled; and

It is further ordered, That temporary relief pending final disposition of this proceeding is hereby granted by adding to the Schedule of Effective Minimum Prices for District No. 13 for Truck Shipments (at p. 24 thereof; Subdistricts 3 and 4 Subsections) the following Price Exception:

Any code member producer whose mine is located in Subdistrict 4 and which mine is located within a radius of 30 miles of river loading facilities at South Pittsburg, Tennessee, may ship by truck run-of-mine (Size Group No. 7) coal from such mine to river loading facilities at South Pittsburg, Tennessee, for shipment by river to Market Area 117 at a minimum price of not less than $2.85 per net ton loaded into barges;

Provided, however, That when such producers sell or transport such coal for transportation to the South Pittsburg loading facilities by an independent trucker, they may if the actual transportation costs exceed 60 cents per net ton reduce the effective minimum price of $2.85 by an amount no greater than the excess of such costs over said 60 cents; and they shall, if the actual transportation costs are less than 60 cents per net ton for such shipment, add to the effective minimum f. o. b. price of $2.85, an amount not less than the difference between said 60 cents and their actual costs;

Provided further, That the relief herein granted shall apply only to coal shipped subsequent to the date hereof; and

Provided further, That the effectiveness of this price exception will expire on June 30, 1942, unless otherwise ordered.

And it is further ordered, That jurisdiction is reserved to enter such further order or orders as is found necessary in the premises.

Notice is hereby given that applications to stay, terminate, or modify the temporary relief herein granted may be filed pursuant to the applicable rules and regulations.

Nothing contained herein shall be deemed to constitute a ruling or expression of the Acting Director's views concerning the final disposition of this proceeding or the nature of the relief which may hereafter be granted.

Dated: February 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1370; Filed, February 16, 1942; 11:25 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

[Docket No. AO 86-A 3]

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 35, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE OMAHA-COUNCIL BLUFFS MARKETING AREA

Notice is hereby given of a hearing to be held in the United States Post Office Building, Omaha, Nebraska, beginning at 10:00 a. m., central war time (9:00 a. m., c. s. t.), February 25, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 35, as amended, regulating the handling of milk in the Omaha-Council Bluffs marketing area.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), and in accordance with the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (7 CFR 900.4).

This public hearing is for the purpose of receiving evidence with respect to the amendments which are hereinafter set forth in detail. These amendments have not received the approval of the Secretary of Agriculture, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the provisions to which such amendments relate. The amendments which have been proposed are as follows:

A. Amendments Proposed by the Nebraska-Iowa Non-Stock Cooperative Milk Association:

1. Delete subparagraph (1) of § 935.4 (a) and substitute therefor the following:

(1) Class I milk—$2.90 per hundredweight: *Provided*, That with respect to Class I milk disposed of by a handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be $2.43 per hundredweight.

2. Delete subparagraph (2) of § 935.4 (a) and substitute therefor the following:

(2) Class II milk—$2.25 per hundredweight: *Provided*, That in no event shall the Class II price be less than the Class III price, before the proviso, plus 20 cents.

3. Delete subparagraph (3) of § 935.4 (a) and substitute therefor the following:

(3) Class III milk—The price per hundredweight for Class III milk during each delivery period shall be the result of the following computation by the market administrator: Multiply by 3.8 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture, for the delivery period during which such milk is received, plus or minus 0.95 cent per hundredweight for each one cent that such average price of butter is above or below 20 cents, add 21 cents, and add a figure determined as follows: add 3 cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption, delivered at Chicago, is above 7 cents per pound: *Provided*, That for a quantity of Class III milk, not to exceed 10 percent of the Class I milk and Class II milk disposed of by such handler during the delivery period, the price will be as determined by this paragraph, minus 25 cents. For purposes of determining the above computation the price per pound of dry skim to be used shall be the average of the carlot prices for dry skim for human consumption delivered at Chicago, as published by the United States Department of Agriculture during the delivery period, including in such average the quotations published for any fractional part of the preceding delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period.

B. Amendments Proposed by the Dairy Division:

1. Delete § 935.6 and substitute therefor the following:

§ 935.6 *Application of provisions*—(a) *Handlers who are also producers.* (1) In the case of a handler who is also a producer and who purchases or receives no milk from other producers, the market administrator shall exclude from the computations made pursuant to § 935.7 the quantity of milk disposed of by such handler.

(2) In the case of a handler who is also a producer and who purchases or receives milk from other producers, the market administrator shall, before making the computations pursuant to § 935.7, (i) exclude from the Class I milk, Class II milk, and Class III milk the milk purchased or received by such handler in the respective classes from other handlers, and (ii) exclude prorata from the remaining Class I milk, Class II milk, and Class III milk, the milk received from such handler's own production.

(b) *Purchases of milk from a handler who is also a producer.* In the case of a handler who purchases or receives milk in bulk from a handler who is also a producer, the market administrator, in making the computations pursuant to § 935.7 for such purchasing handler, shall add an amount equal to the difference between the value of such milk (i) at the price for the class in which such milk was classified and (ii) at the price for Class III milk.

(c) *Payments for excess butterfat.* (1) In the case of a handler who disposes of butterfat in excess of the butterfat which, on the basis of his reports, has been received, the market administrator, in making the computations pursuant to § 935.7, shall add an amount equal to the value of such butterfat in accordance with its classification.

2. Delete paragraph (a) of § 935.7 and substitute therefor the following:

(a) *Computation of the amount to be paid producers by each handler.* For each delivery period the market administrator shall compute, subject to the provisions of § 935.6, the amount to be paid producers by each handler for milk received from them including the milk of producers which a cooperative association caused to be delivered to a plant from which no milk is disposed of in the marketing area by (i) multiplying the hundredweight of such milk in each class by the price applicable pursuant to § 935.4, (ii) adding together the resulting values of each class, and (iii) adding any amounts pursuant to § 935.6 (b) and § 935.6 (c).

3. Delete paragraph (b) of § 935.7.

4. Delete in line 2 of subparagraph (1) of § 935.7 (c) the phrase "paragraphs (a) and (b)" and substitute therefor the following: "paragraph (a)."

5. Redesignate paragraph "(c)" of § 935.7 as paragraph "(b)."

6. Delete in line 9 of paragraph (a) of § 935.8 the phrase "§ 935.7 (c)" and substitute therefor the following: "§ 935.7 (b)."

7. Reconsider § 935.3 and other provisions in view of the above suggested amendments.

Additional copies of this notice of hearing and copies of Order No. 35, as amended, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0312, South Building, Washington, D. C., or may be there inspected.

[SEAL] ROBERT H. SHIELDS,[2]
Assistant to the Secretary of Agriculture.

FEBRUARY 14, 1942.

[F. R. Doc. 42-1349; Filed, February 14, 1942; 11:39 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under Section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591)

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839)

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203)

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748)

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530)

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829)

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982)

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393)

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446)

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302)

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753)

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective February 16, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Elkov Novelty Manufacturing Company, 1710 North Franklin Street, Philadelphia, Pennsylvania; Dresses; 5 learners (T); February 16, 1943.

Tiedright Tie Company, Asheboro, North Carolina; Men's & Boys' Neckwear; 2 learners (T); February 16, 1943.

Varsity Underwear Company, Inc., Sharptown, Maryland; Men's Shorts; 10 percent (T); February 16, 1943. (This certificate replaces one issued bearing expiration date of January 8, 1943.)

SINGLE PANTS, SHIRTS, AND ALLIED GARMENTS AND WOMEN'S APPAREL INDUSTRIES

Alpha Manufacturing Company, 18 North Front Street, Hammonton, New Jersey; Ladies' & Misses' Dresses, Children's Outer Pants; 10 percent (T); February 16, 1943.

Apollo Shirt Company, Inc., 22 West 19th Street, New York, N. Y.; Shirts; 10 learners (T); August 17, 1942. (This certificate replaces one bearing expiration date of April 13, 1942, issued to this plant previously located at 130 Fifth Avenue.)

Bailey Manufacturing Company, Inc., 1a Waltham Street, Boston, Massachusetts; Washable Uniforms, One Piece Work Suits; 10 percent (T); February 16, 1943.

The Beacon Company, 519 Broadway, Kingston, New York; Dresses; 10 percent (T); February 26, 1943.

William Bernstein and Sons, 110 Carlisle Avenue, York, Pennsylvania; Dresses; 10 percent (T); February 16, 1943.

Dorothy Bickum Brassiere Company, 44 West 28th Street, New York, N. Y.; Girdles, Corselettes; 10 percent (T); June 1, 1942.

A. Brash and Brother, 327 West Baltimore Street, Baltimore, Maryland; Men's Trousers; 6 learners (T); February 16, 1943.

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[1] No prices have been established for raw run-of-mine coals for the central Alabama rail mines here involved.

[2] In the past Tennessee Valley Authority has purchased only a small amount of run-of-mine from the central Alabama producers. For the most part is purchases from these producers have consisted of 1½" x 0 washed screenings, the f. o. b. price of which is $2.20 per ton. However, since it appears that TVA desires to purchase run-of-mine coal from the Subdistrict 4 producers it seems appropriate to compare the relative run-of-mine prices.

[1] 4 F.R. 1408; 6 F.R. 1169.

[2] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192).

Cadillac Shirt Company, 374 Elm Street, Perth Amboy, New Jersey; Shirts and Shorts; (Men's Woven Underwear: Learners may be employed in the occupations of machine operators, hand sewers, and pressers only for a learning period not to exceed 320 hours at a rate of 25¢ an hour); 10 percent (T); February 16, 1943.

Milton Hoisch, 308 E. Ninth Street, Los Angeles, California; Ladies' Slack Suits and Blouses; 7 learners (E); August 16, 1942. (This certificate replaces one issued bearing expiration date of November 27, 1942.)

Dickson-Jenkins Manufacturing Company, 202 St. Louis Avenue, Fort Worth, Texas; Work Clothing, Sports Wear; 10 percent (T); February 16, 1943.

Iron King Overall Company, 113 South Hanover Street, Baltimore, Maryland; Overalls, Pants; 10 learners (T); February 16, 1943. (This certificate replaces one issued bearing expiration date of January 12, 1943.)

Midwest Sportswear Manufacturing Company, 127—2nd Street, Baraboo, Wisconsin; Slacks, Blouses, Jackets, Skirts; 10 learners (T); February 16, 1943.

Princess Garment Company, 3301 Colerain Avenue, Cincinnati, Ohio; Dresses; 10 percent (T); February 16, 1943.

S & S Clothing Corporation, 44 Lehigh Street, Wilkes-Barre, Pennsylvania; Trousers, Overalls; 10 percent (T); February 16, 1943. (This certificate replaces one issued bearing expiration date of December 26, 1942.)

Sinberg Manufacturing Company, Inc., 8th and Pittston Streets, Allentown, Pennsylvania; Brassieres; 10 learners (T); February 16, 1943. (This certificate replaces one issued bearing expiration date of May 1, 1942.)

Louis Tuttman and Son, 620 Bangs Avenue, Asbury Park, New Jersey; Infants' Dresses, Gertrudes, Creepers; 10 percent (T); February 16, 1943.

Louis Tuttman and Son, 150 Hudson Street, Hoboken, New Jersey; Children's Dresses; 10 percent (T); February 16, 1943.

Wear-Rite Brassiere Company, Inc., 37 West 26th Street, New York, N. Y.; Corsets and Allied Garments; 10 percent (T); June 1, 1942.

Gloves

Reliance Knitting Mills Company, 640 Broadway, New York, N. Y.; Knit Wool Gloves; 10 percent (T); February 16, 1943.

Hosiery

Chipman LaCrosse Hosiery Mills Company, Inc., 125 E. Caswell Street, Hendersonville, N. C.; Seamless Hosiery; 10 percent (T); February 16, 1943. (This certificate replaces one issued bearing expiration date of October 20, 1942.)

Forest City Knitting Company, Catherine and Magnolia Streets, Rockford, Illinois; Seamless Hosiery; 5 percent (T); February 16, 1943.

Russell Hosiery Mill, Star, North Carolina; Seamless Hosiery; 5 percent (T); February 16, 1943.

Sterling Hosery Mills, Inc., Spindale, North Carolina; Full Fashioned Hosiery; 10 percent (T); February 16, 1943.

Young Knit Hosiery Company, Logan Street, Burlington, North Carolina; Seamless Hosiery; 2 learners (T); February 16, 1943.

Telephone

Central Iowa Telephone Company, Toledo, Iowa; to employ learners as commercial switchboard operators at its Forest City, Iowa Exchange, located at K Street, Forest City, Iowa; until February 16, 1943.

Knitted Wear

The Gail Knitting Mills, Inc., 1141 Moss Street, Reading, Pennsylvania; Knitted Outerwear; 5 learners (T); February 16, 1943.

Sinberg Manufacturing Company, Inc., 8th and Pittston Streets, Allentown, Pennsylvania; Knitted Underwear; 15 learners (E); August 16, 1942.

Millinery

Walter A. Muller Company, Inc., 731 Market Street, San Francisco, California; Custom-Made Millinery; 2 learners (T); February 16, 1943.

The New Schachter Hat Company, Inc., 1 W. 39th Street, New York, N. Y.; Custom-Made Millinery; 3 learners (T); February 12, 1943. (This certificate effective February 12, 1942, and omitted from FEDERAL REGISTER of that date.)

Textile

Charles H. Bacon Company, Lenoir City, Tennessee; Combed Peeler Yarns; 3 percent (T); February 16, 1943.

Clover Spinning Mills, Inc., Clover, South Carolina; Cotton Yarns; 30 learners (E); June 16, 1942.

Harry Cohen and Company, 336 Klickitat Avenue, Seattle, Washington; Dishtowels; 2 learners (T); August 16, 1942.

Neal Brothers, R. F. D. #1, Ruffin, North Carolina; Backwinding of silk, rayon and nylon from press-offs; 3 learners (T); February 16, 1943.

Tennessee Tufting Company, 2404 Heiman Street, Nashville, Tennessee; Chenille Bedspreads, Cotton Tufted Bath Mats and Rugs; 10 percent (T); February 16, 1943.

Trucolor Dye Works, 32–15 37th Avenue, Long Island City, New York; Redyeing curtains, draperies, garments; 1 learner (T); August 16, 1942.

Universal Drapery Company, 913 W. Roosevelt Road, Chicago, Illinois; Chenille (Tufted) Bedspreads; 5 learners (T); February 19, 1943. (This certificate effective February 19, 1942.)

Signed at Washington, D. C., this 13th day of February 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42–1334; Filed, February 13, 1942; 4:06 p. m.]

BLUE BELL GLOBE MANUFACTURING COMPANY

NOTICE OF GRANTING OF EXCEPTION

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted the Blue Bell Globe Manufacturing Company, Greensboro, North Carolina, relief from the necessity of preserving their daily coupon sheets for two years as required by § 516.15 (a) (1) of the Record Keeping Regulations, Part 516.

This authority is granted on the representations of the petitioner and is subject to revocation for cause.

Signed at Washington, D. C. this 14 day of February 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42–1351; Filed, February 14, 1942; 12:35 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5695]

IN THE MATTER OF MISSISSIPPI RIVER POWER COMPANY

ORDER POSTPONING HEARING

FEBRUARY 13, 1942.

It appearing to the Commission that: Good cause exists for the postponement of the hearing in the above-entitled matter;

Therefore, the Commission *orders* that: The hearing in this proceeding heretofore set to commence on February 23, 1942, be and it is hereby postponed until April 6, 1942, and 9:45 a. m., C. W. T., in Room 516 of the Court House and Custom House, St. Louis, Missouri.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42–1354; Filed, February 16, 1942; 10:20 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70–242]

IN THE MATTER OF CITIES SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING AND ORDER TEMPORARILY EXTENDING TIME WITHIN WHICH ADDITIONAL INVESTMENTS MAY BE MADE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of February, A. D. 1942.

The Commission having heretofore, on February 15, 1941, issued an order pursuant to the Public Utility Holding Company Act of 1935, particularly section 10 and Rule U-12B-1 promulgated under said Act, permitting a declaration to become effective and granting an application with respect to the increase by Cities Service Company of the aggregate amount of its investments in securities of and advances to the following companies: Empire Gas and Fuel Company, Cities Service Oil Company (Delaware), Cities Service Oil Company, Limited, Indian Territory Illuminating Oil Company, Empire Pipeline Company, Cities Service Oil Company (Pennsylvania), Arkansas Fuel Oil Company, Richfield Oil Corporation, Natural Gas Pipeline Company of America, Cities Service Gas Company, Penn-York Natural Gas Corporation, Sixty Wall Tower, Inc., Sixty Wall Street, and Chesebrough Building Company; such increase to be made during the year next ensuing from the date of such Order and to be in an amount not to exceed $12,000,000 and to be made as it appears desirable to Cities Service Company that such increase should be made; and

Cities Service Company having filed a supplemental application reciting that during the effective date of such order Cities Service Company had made advances to certain of such companies pursuant to such order in the aggregate amount of $1,380,069.25 and requesting that the time within which Cities Service Company may in its discretion increase the aggregate amount of its investments in securities of and advances to such companies named in such order in an amount not exceeding the unexpended balance, namely, $10,619,930.75, for a further period of one year, beginning February 15, 1942; and

Cities Service Company having requested an order granting such extension of time on or before February 15, 1942; and

It appearing to the Commission in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said extension shall not be granted except upon further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on March 4, 1942 at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue, NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such application shall be granted. Notice is hereby given of said hearing to the above named applicant and to all interested persons, said notice to be given to said applicant by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given, To Cities Service Company, and to any other person whose participation in such proceeding may be in the public interest and for the protection of investors and consumers.

It is further ordered, That the time within which the applicant may increase the aggregate amount of its investments in securities of and advances to the companies named in the order of February 15, 1941, shall be temporarily extended pending a final determination of the request for extension of such order of February 15, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–1343; Filed, February 14, 1942; 12:03 p. m.]

[File No. 1–1554]

IN THE MATTER OF RUTLAND RAILROAD COMPANY 7% CUMULATIVE PREFERRED STOCK, $100 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of February, A. D. 1942.

The New York Stock Exchange, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the 7% Cumulative Preferred Stock, $100 Par Value, of Rutland Railroad Company; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Tuesday, March 10, 1942, at the office of the Securities & Exchange Commission, 120 Broadway, New York, New York, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Adrian C. Humphries, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–1342; Filed, February 14, 1942; 12:03 p. m.]

[File No. 70–384]

IN THE MATTER OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION

SUPPLEMENTAL ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of February, A. D. 1942.

The Commission, having in an Order, dated August 23, 1941, exempted, pursuant to sections 9 (c) (3) and 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-100, promulgated thereunder, the initial delivery to New England Gas and Electric Association of $55,000, in cash, and 4,147 shares of its $5.50 Preferred Stock, in accordance with a Settlement Agreement entered between it, the Trustees of Associated Gas and Electric Company and of Associated Gas and Electric Corporation, and certain other parties and Howard C. Hopson, et al.; and

New England Gas and Electric Association having filed an application for exemption of certain transactions supplementary to the transactions exempted by the Commission in its Order dated August 23, 1941, in which application it is represented that said Association has paid said sum of $55,000 in cash into an escrow account for the benefit of itself and its subsidiaries, and in which it is proposed that said Association acquire, free and clear of all claims of its subsidiaries, said 4,147 shares of $5.50 Preferred Stock for a sum of $58,058, which sum is proposed to be paid into said escrow account; and

Said New England Gas and Electric Association having requested that the Commission exempt, as transactions supplementary to the transaction heretofore exempted by this Commission in its Order of August 23, 1941:

(1) The aforesaid acquisition by New England Gas and Electric Association of said 4,147 shares of $5.50 Preferred Stock and the payment therefor of said amount of $58,058 to be placed in said escrow account; and

(2) The distribution by New England Gas and Electric Association of the funds in said escrow account, including said sum of $58,058 proposed to be paid as aforesaid (all of said amounts aggregating $113,058) first to the payment of expenses in connection with said settlement and thereafter to itself and to each of its subsidiaries, in the same proportions as the gross payments made by it and each of its subsidiaries to Howard C. Hopson and to various corporations, partnerships, and individuals referred to in said previous applications as the "Hopson Service Companies," bear to the total of such payments by said Association and its subsidiaries.

It appearing to the Commission that the proposed transactions may appropriately be exempted from the applicable provisions of the Act and the rules thereunder;

It is hereby ordered, Pursuant to Rule U-100 (a) and the applicable provisions of the Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application for exemption be and the same is hereby granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–1341; Filed, February 14, 1942; 12:04 p. m.]

[File No. 37-28]

IN THE MATTER OF ATLANTIC UTILITY SERVICE CORPORATION

ORDER POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 13th day of February, A. D. 1942.

The Commission having, on January 29, 1942, issued its Notice of Filing and Order for Hearing, pursuant to Section 13 of the Public Utility Holding Company Act of 1935, in the above entitled matter, and said order having set the date for the hearing herein on February 17, 1942; and

Atlantic Utility Service Corporation having requested that said date of hearing be postponed from February 17, 1942 until the week of March 2, 1942, and the Commission being of the opinion that said request may appropriately be granted;

It is ordered, That the date of the hearing in this matter be and is hereby postponed to March 6, 1942 at 10:00 A. M., at the offices of the Securities and Exchange Comission, 1778 Pennsylvania Avenue, NW., Washington, D. C., in such room as may be designated by the hearing room clerk in Room 1002 before the officer of the Commission previously designated herein.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1345; Filed, February 14, 1942; 12:04 p. m.]

DECLARATION OF EFFECTIVENESS OF PLAN OF THE NEW YORK STOCK EXCHANGE

The New York Stock Exchange, pursuant to Rule X-10B-2 (d) (§ 240.10B-2 (d)), having filed on January 31, 1942, a plan for special offerings contained in its Rules 490-497, inclusive, and having filed on February 6, 1942, an amendment to such plan; and

The Securities and Exchange Commission, having given due consideration to the terms of such plan, and having due regard for the public interest and for the protection of investors, pursuant to the Securities Exchange Act of 1934, particularly Sections 10 (b) and 23 (a) thereof and Rule X-10B-2 (d) thereunder, hereby declares such plan, as modified, to be effective until the close of business on July 31, 1942, unless the Commission otherwise determines, on condition that if at any time it appears to the Commission necessary or appropriate in the public interest or for the protection of investors so to do, the Commission may send at least ten days' written notice to the New York Stock Exchange terminating the effectiveness of such plan.

Effective February 14, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1344; Filed, February 14, 1942; 12:03 p. m.]

[File No. 812-229]

IN THE MATTER OF ALLEGHANY CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of February, A. D. 1942.

Alleghany Corporation, a registered closed-end, management investment company, having filed an application pursuant to the provisions of section 23 (c) (3) of the Investment Company Act of 1940 for an order permitting it within a period of six months from the date of any order to be issued hereunder to apply not more than an agregate of $1,750,000 to the purchase of any of its outstanding bonds:

It is ordered, That a hearing on the matter of the application of the above named applicant under and pursuant to section 23 (c) (3) of the Investment Company Act of 1940 be held on February 26, 1942, at 10:00 o'clock in the forenoon of that day in Room 1102 of the Securities and Exchange Building, 1778 Pennsylvania Avenue, Northwest, Washington, D. C.

It is further ordered, That Willis E. Monty, Esq., or any officer or officers of the Commission designated by it for that purpose shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1384; Filed, Feb. 16, 1942; 11:53 a. m.]

[File No. 812-253]

IN THE MATTER OF WESTERN NEW YORK FUND, INCORPORATED

NOTICE OF AND ORDER FOR RESUMPTION OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 13th day of February, A. D. 1942.

Hearing on an application of the above named applicant to permit it to repurchase 12,500 shares of its common stock from Goodbody and Co., having been continued to permit filing of a supplemental application for the repurchase of 15,000 shares of applicant's common stock instead of 12,500 shares from Goodbody and Co., and said supplemental application having been filed for an order pursuant to the provisions of section 23 (c) (3) of the Investment Company Act of 1940, exempting applicant from the provisions of Rule N-23C-1 promulgated thereunder insofar as such rule limits the amount of repurchases of its outstanding stock to one percent a month;

It is ordered, That hearing on the above application be resumed on February 21, 1942 at 10:15 o'clock in the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue, Northwest, Washington, D. C. On such date the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any other officer or officers of the Commission designated by it for that purpose, shall preside at the hearing for such matter. The officer so designated to preside at such hearing is hereby authorized to exercise any powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940, and to Trial Examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other persons whose participation in such proceeding may be in the public interest or for the protection of public investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1385; Filed, February 16, 1942; 11:53 a. m.]

[File No. 70-499]

IN THE MATTER OF SOUTHERN-HENKE ICE AND STORAGE COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of February, A. D. 1942.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than March 4, 1942, at 4:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Southern-Henke Ice and Storage Company, an indirect subsidiary of The Middle West Corporation, a registered holding company, proposes to issue an unsecured one year promissory note in the principal amount of $125,000 to City National Bank and Trust Company of Chicago to refund or renew the outstanding promissory note of the company in the principal amount of $195,000, dated February 8, 1941, to February 8, 1942, bearing interest from the date thereof at the rate of 5% per annum prior to maturity (and at the rate of 6% per annum after maturity) and on which the unpaid principal balance is $125,000, now held by said bank; the proposed note to be dated February 9, 1942, payable February 9, 1943 and bearing interest at the rate of 4% per annum prior to maturity and at the rate of 6% per annum after such maturity.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1386; Filed, February 16, 1942; 11:53 a. m.]

[File No. 70-500]

IN THE MATTER OF THE NORTH AMERICAN COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of February, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The North American Company. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

The Declarant, The North American Company, a registered holding company, proposes to pay on April 1, 1942, a dividend to its holders of Common Stock of record on March 5, 1942. Such dividend will be payable in the Capital Stock of The Detroit Edison Company, owned by Declarant, at the rate of one share of Capital Stock of The Detroit Edison Company on each 50 shares of Common Stock of the Declarant outstanding. No certificates will be issued for fractions of shares of stock of The Detroit Edison Company, but, in lieu thereof, cash will be paid at the rate of 36 cents for each ½ of a share of stock of The Detroit Edison Company. The Declarant estimates that to pay the above mentioned dividend it will have to distribute not more than 155,000 shares of the 760,707 shares of Capital Stock of The Detroit Edison Company owned by it; that the amount of cash to be distributed in lieu of fractional shares of such Capital Stock will not exceed $375,000; and that the payment of this dividend will result in a charge to earned surplus of approximately $4,100,000.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on February 26, 1942 at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

By the Commision.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1387; Filed, February 16, 1942; 11:54 a. m.]

[File No. 43-290]

IN THE MATTER OF WEST TEXAS UTILITIES COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of February, A. D. 1942.

Notice is hereby given that a supplemental declaration and/or application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than March 4, 1942, at 4:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such supplemental declaration and/or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commision, Washington, D. C.

All interested persons are referred to said supplemental declaration and or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed which are summarized below:

Pursuant to an agreement dated February 10, 1942 with the holders of its $2,930,000 principal amount of outstanding unsecured 3⅛% Serial Notes due June 13, 1942 to December 13, 1947, West Texas Utilities Company proposes to reduce from 3⅛% to 2¾% the interest rate payable on $2,404,000 principal amount of said Serial Notes due June 13, 1942 to December 13, 1946. The consideration for such reduction in interest rate will be the payment on or before February 28, 1942 of the $526,000 principal amount of said Serial Notes which mature on June 13, 1947 and December 13, 1947. The reduction in interest rate will be effective on a date to be designated by the company in accordance with the provisions of the agreement. Assuming this to be as of March 13, 1942, the company estimates the reduction will effect an aggregate saving in interest charges of approximately $23,103.

The Serial Notes are held by The Chase National Bank of the City of New York, Continental Illinois National Bank and Trust Company of Chicago, The Fort Worth National Bank, and Republic National Bank of Dallas, to whom said Notes were issued in 1939 in the original amount of $4,000,000.

West Texas Utilities Company is a direct subsidiary of American Public Service Company, a registered holding company, and an indirect subsidiary of Central and South West Utilities Company and The Middle West Corporation, both registered holding companies.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1383; Filed, February 16, 1942; 11:52 a. m.]

[File Nos. 70-463, 70-486]

IN THE MATTER OF NY PA NJ UTILITIES COMPANY AND ASSOCIATED ELECTRIC COMPANY

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 13th day of February, A. D. 1942.

Associated Electric Company, a registered holding company, having filed a declaration, as amended, pursuant to sections 12 (c) and 12 (f) of the Public Utility Holding Company Act of 1935

and Rules U-42 and U-43 thereunder, and NY PA NJ Utilities Company, a registered holding company, having filed an amendment to its application and declaration, which amendment was, in turn, later amended, pursuant to sections 9 (a), 10, 12 (c), and 12 (f) of the Act, and Rules U-42 and U-43 thereunder, regarding the following complementary transactions:

As part of a plan for the acquisition by NY PA NJ Utilities Company of a large amount of its bonds and debentures and certain securities of some of the subsidiaries, to facilitate such further steps as may be necessary for it to take to simplify its subholding system, to provide for its funded and other indebtedness, and to reduce the number and amount of cross-holdings of securities among companies in both the NY PA NJ Utilities Company system and that of Associated Gas and Electric Corporation, of which NY PA NJ and Associated Electric Company are subsidiaries, NY PA NJ Utilities Company proposes at the present time, in this transaction designated by it as "Transaction K", to transfer and deliver $3,015,000 principal amount of Associated Electric Company 4½% Gold Bonds, Refunding Series, due 1956, now owned by it, to Associated Electric Company, which in turn will acquire them in exchange for the transfer and delivery to NY PA NJ Utilities Company by Associated Electric Company of $1,356,700 principal amount of The Mohawk Valley Company 6% Collateral Refunding Gold Bonds, due 1981, together with $50 in cash, representing an adjustment to the next lowest issuable denomination of said bonds, and with a cash adjustment with respect to the accrued interest on the respective securities credited to the respective transferers, to the date of closing.

Such declaration, as amended, and amendment to application and declaration, together with the amendment thereto, having been filed on January 24, 1942, and notice of said filings having been duly given in the form and manner prescribed under Rule U-23, promulgated pursuant to the Act; and

The Commission, not having received a request for hearing with respect to said declaration, as amended, and to said amendment to said application and declaration, as amended, within the period specified in said notice, or otherwise ordered a hearing thereon; and

The Commission finding with respect to said declaration, as amended, and said amendment, as amended, that the requirements of sections 12 (c) and 12 (f) and Rules U-42 and U-43 have been satisfied and with respect to said amendment to the application, as amended, that no adverse findings are necessary under section 10 (b) and 10 (c) (1) of the Act and that the transaction involved has the tendency required by section 10 (c) (2) of the Act;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration, as amended, of Associated Electric Company be and hereby is permitted to become effective and that the amendment, as amended, to the declaration and application of NY PA NJ Utilities Company (Transaction K) be and hereby is permitted to become effective and be and hereby is granted.

By the Commission (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1381; Filed, February 16, 1942; 11:52 a. m.]

[File No. 70-494]

IN THE MATTER OF ATLANTIC CITY ELECTRIC COMPANY AND AMERICAN GAS AND ELECTRIC COMPANY

INTERIM ORDER AND NOTICE OF SUPPLEMENTAL HEARING

At a regular session of the Securities and Exchange Commission held at its office in the city of Washington, D. C., on the 14th day of February, A. D. 1942.

The above named companies having filed a joint application and declaration and an amendment thereto pursuant to sections 6 (b), 10, 12 (b), 12 (c), 12 (d), and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-42, U-43, U-45, and U-50 thereunder, with respect to the following transactions:

Atlantic City Electric Company ("Atlantic City"), a subsidiary of American Gas and Electric Company ("American Gas"), a registered holding company, proposes to issue and sell or exchange 62,000 shares of its Cumulative Preferred Stock of the par value of $100 a share, at a price which shall be not less than $100 a share and which shall result in an annual cost of money on a stock yield basis of not more than 4½ percent, the exact price and yield to be determined by competitive bidding.

Atlantic City proposes to invite competitive bids on 49,000 shares of the new Cumulative Preferred Stock, which represents the entire issue less 13,000 shares, the minimum number of shares which the company estimates will be taken by public holders of 26,283 shares of its presently outstanding $6 Preferred Stock under the terms of an exchange offer; the invitation for competitive bids to provide that, if the holders of the old $6 Preferred Stock should take more than 13,000 shares of the Cumulative Preferred, then the number of shares to be sold to the successful bidder will be reduced by such excess; and that, if less than 13,000 shares should be taken by the public holders of the old $6 Preferred, the successful bidders shall have the option to purchase the additional shares represented by this deficiency at the same price per share as they have bid for the other shares; and that, in the event such option is not exercised, Atlantic City will sell to American Gas, for investment and not for distribution, the shares of Cumulative Preferred covered by such option at the same price as the successful bidders have bid for the other shares.

For each share of the 26,283 shares of old $6 Preferred Stock outstanding in the hands of the public, Atlantic City will offer one share of new Cumulative Preferred, plus an amount in cash per share equal to the excess of the redemption price of $120 per share of the old $6 Preferred, plus accrued dividends to the date of redemption, over the initial public offering price per share of the Cumulative Preferred (or, in case the successful bidders do not intend to make a public offering, over the price to be received by Atlantic City for said stock).

The proceeds of the sale of the new securities described above, together with a capital contribution as below noted, will be applied to the following:

(a) Redemption and cancelation of the 26,283 shares of old $6 Preferred of Atlantic City now in the hands of the public at the redemption price of $120 per share; subject to the exchange privilege above noted;

(b) Purchase for cancelation of 30,702 shares of old $6 Preferred of Atlantic City from American Gas for $3,059,200, being American Gas's cost of such shares;

(c) Payment of $2,500,000 due American Gas by Atlantic City on open account advances.

The balance of such funds, if any, will be available for the general corporate purposes of Atlantic City. Accrued dividends and interest will be paid by Atlantic City out of general funds.

Prior to, or concurrently with, the issue and sale or exchange by Atlantic City of the new securities referred to above, American Gas will make a capital contribution to Atlantic City of $2,500,000 in cash; upon receipt of which, Atlantic City will credit same to Capital Surplus (Account No. 270) and immediately thereafter transfer the same amount from that account to a reserve account to be entitled "Reserve for Possible Amortization of Acquisition Adjustment Account."

In connection with the redemption or purchase and cancelation of Atlantic City's old $6 Preferred, Atlantic City may obtain temporary loan of not to exceed $6,200,000; the note representing which temporary loan, if made, will be both issued and discharged on the same day on which the new Cumulative Preferred is issued.

A preliminary hearing having been held with respect to said matters, and the Commission having made and entered its findings herein;

It is ordered, That said joint application as amended be and the same hereby is granted, and that said joint declaration as amended be and the same hereby is permitted to become effective forthwith for the purpose of permitting the applicant Atlantic City Electric Company to proceed with its program of inviting, receiving, and considering bids for the proposed securities; subject, however, to the terms and conditions prescribed in Rule U-24;

It is further ordered, That not later than 10:00 o'clock A. M., Eastern War Time, on Wednesday, February 25, 1942, the applicant Atlantic City Electric Company shall file an amendment setting forth the action taken to comply with Rule U-50 (b), a copy of each proposal received, and a statement of the action which it proposes to take with reference to the issuance and sale of the securities; and

It is further ordered, That a supplemental hearing be held herein on Wednesday, February 25, 1942 at 10:00 o'clock A. M., Eastern War Time, in the Commission's hearing room, 1778 Pennsylvania Avenue NW., Washington, D. C., with respect to the price, underwriters' spread and allocation thereof, or any other matter relevant to the action proposed to be taken by the applicants and declarants herein; and notice is hereby given that any interested person may, not later than February 21, 1942 at 1:15 P. M., Eastern War Time, request the Commission in writing for opportunity to be heard at said supplemental hearing, stating the reasons for such request and the nature of his interest.

By order of the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1382; Filed, February 16, 1942; 11:52 a. m.]

FED

FEDERAL REGISTER

VOLUME 7 NUMBER 34

Washington, Wednesday, February 18, 1942

The President

EXECUTIVE ORDER

INCLUDING CERTAIN LANDS IN THE FREMONT NATIONAL FOREST

OREGON

By virtue of the authority vested in me by the act of April 14, 1934, 48 Stat. 590, to revise the boundaries of the Fremont National Forest in the State of Oregon, it is ordered that, subject to the conditions therein expressed and to valid existing rights, and to the provisions of existing power and reclamation withdrawals, the following-described lands, which are principally valuable for the production of timber, and which, in my opinion, can best be administered by the Forest Service of the Department of Agriculture, be, and they are hereby, included in the Fremont National Forest, such lands to be subject to all laws relating to national forests:

OREGON

Willamette Meridian

T. 29 S., R. 12 E.,
sec. 2, all;
T. 29 S., R. 13 E.,
sec. 14, SW¼;
sec. 15, S½;
sec. 16, S½;
T. 29 S., R. 14 E.,
sec. 16, S½;
T. 32 S., R. 16 E.,
sec. 35, E½;
T 33 S., R. 17 E.,
sec. 7, E½;
sec. 17, W½;
T 34 S., R. 18 E.,
sec. 25, S½;
sec. 26, SE¼;
sec. 35, N½;
sec. 36, all;
T 36 S., R. 19 E.,
sec. 13 all;
T. 36 S., R. 20 E.,
sec. 20, NE¼;
sec. 21, N½;
T 37 S., R. 22 E.,
sec. 34, NE¼;
T. 38 S., R. 22 E.,
sec. 3, all;
sec. 5, all;
sec. 7, Lots 3, 4, E½, E½SW¼;
sec. 8, all;
sec. 9, all;
sec. 10, all;
sec. 15, N½, SW¼;
sec. 16, all;
sec. 17, all;
sec. 18, all;
sec. 19, all;
sec. 20, all;
sec. 29, W½;
sec. 30, all;
sec. 31, all;
T. 39 S., R. 22 E.,
sec. 5, all;
sec. 6, all;
sec. 7, all;
sec. 8, all;
sec. 17, all;
sec. 20, N½;
sec. 31, E½, Lots 3, 4, E½SW¼;
T. 40 S., R. 22 E.,
sec. 5, W½;
sec. 6, E½;
sec. 8, NW¼;
sec. 17, SW¼SW¼;
sec. 20, W½;
sec. 29, S½NE¼, NW¼, S½;
sec. 32, NW¼;
sec. 33, all.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 12, 1942.

[No. 9060]

[F. R. Doc. 42-1390; Filed, February 16, 1942; 2:07 p. m.]

EXECUTIVE ORDER

PLACING CERTAIN LANDS WITHIN THE FREMONT NATIONAL FOREST UNDER THE ADMINISTRATION OF THE DEPARTMENT OF THE INTERIOR

OREGON

By virtue of the authority vested in me by section 13 of the act of June 28, 1934, 48 Stat. 1274 (U.S.C., title 43, sec. 315 *l*), commonly known as the Taylor Grazing Act, and subject to the conditions therein expressed and to valid existing rights, it is ordered that the following-described lands now within the Fremont National Forest in the State of Oregon, which are principally valuable for grazing, and which, in my opinion, can best be administered under the provisions of the said act of June 28, 1934,

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THE PRESIDENT

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FEDERAL REGISTER

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be, and they are hereby, placed under the administration of the Department of the Interior, such lands to be subject to all public-land laws and regulations applicable to grazing districts created under the authority of the said act:

OREGON

Willamette Meridian

T. 28 S., R. 12 E.,
sec. 36, all;
T. 27 S., R. 13 E.,
sec. 22, E½;
sec. 27, E½;
T. 29 S., R. 13 E.,
sec. 18, E½;
T. 29 S., R. 14 E.,
sec. 8, W½;
sec. 15, SE¼;
sec. 17, N½;
sec. 18, N½;
T. 29 S., R. 15 E.,
sec. 18, SE¼;
sec. 24, S½;
secs. 25 and 26;
sec. 27, S½;
sec. 28, S½;
T. 29 S., R. 16 E.,
secs. 19, 20, 27, 28, 29, and 30;
sec. 35, N½, SE¼;
T. 30 S., R. 16 E.,
sec. 2 E½;
sec. 11, E½;
T. 33 S., R. 17 E.,
sec. 23, N½;
sec. 24, N½;
T. 33 S., R. 18 E.,
sec. 19, S½;
secs. 27, 28, 29, 32, 33, and 34;
T. 34 S., R. 18 E.,
secs. 3 and 4.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 12, 1942.

[No. 9061]

[F. R. Doc. 42-1391; Filed, February 16, 1942; 2:07 p. m.]

Rules, Regulations, Orders

TITLE 20—EMPLOYEES' BENEFITS

CHAPTER III—SOCIAL SECURITY BOARD

[Regulations No. 3, further amended]

PART 403—FEDERAL OLD-AGE AND SURVIVORS INSURANCE [1]

CERTIFICATION OF RECORDS IN EVIDENCE OF AGE, DEATH AND MARRIAGE

This regulation amends Regulations No. 3 [2] (Part 403,[3] Title 20, Code of Federal Regulations, 1940 Sup.) by amending paragraphs (b), (c), and (d) of § 403.702 of Regulations No. 3 as follows:

§ 403.702 *Supporting evidence as to right to receive benefits and lump sums.*

• • • • •

(b) *Evidence as to age.* An applicant for benefits shall file supporting evidence showing the date and place of his birth, if his age is a condition of entitlement. Such evidence may also be required by the Board as to the age of any other individual when such other individual's age is relevant to the determination of the applicant's entitlement. Evidence of age shall be of the following character:

(1) A copy of the public record of birth or a statement as to the date of birth shown by such record, duly certified by the custodian of such record or by an individual designated by the Board; or

(2) A copy of a church record of infant baptism or a statement as to the date of birth shown by such record, duly certified by the custodian of such record or by an individual designated by the Board; or

(3) A written notification from the Bureau of the Census or other public agency that a described record of birth has been established at a public registry of vital statistics.

If none of the evidence described in subparagraphs (1), (2), or (3) of this paragraph is readily obtainable, the reason therefor should be stated and the Board may in its discretion accept:

(4) A statement of the physician or midwife who attended at the time of the birth of such applicant or other individual; or

(5) A certification, upon the approved form, that there exists a Bible or other family record showing the age of the applicant or of such other individual, as stated on such form; or

(6) Other evidence of probative value.

If the applicant for benefits is residing in the United States, but was born in another country, and none of the evidence described in subparagraphs (1) and (2) of this paragraph is available in the United States, the applicant may submit an immigration or naturalization record, or other evidence of probative value, which shows the date and place of his birth.

(c) *Evidence as to death.* An applicant for benefits or a lump sum based upon the wages of a deceased individual shall file supporting evidence as to the death of such individual, and as to the time and place of such death. Such evidence may also be required by the Board as to the death of any other individual when such other individual's death is relevant to the determination of the applicant's entitlement. Such evidence shall be of the following character:

(1) A certified copy of the public record of death, coroner's report of death, or verdict of the coroner's jury of the State or community where death occurred, or a certificate by the custodian of the public record of death or a statement of the contents of the record of death certified by an individual designated by the Board; or

(2) A statement of the funeral director, attending physician, or of the superintendent, physician, or interne of the institution where the death occurred.

If none of the evidence described in subparagraphs (1) and (2) of this paragraph is obtainable, the reason therefor should be stated and the applicant may submit:

(3) The verified statements of two or more persons, having personal knowledge of the death, setting forth the facts and circumstances as to the place, date, and cause of death; or

(4) Other evidence of probative value.

If death occurs outside the United States there must be furnished a report of the death by a United States consul, or other agent of the State Department, bearing the signature and official seal of such consul or agent, or a certified copy of the public record of death authenticated by the United States consul or other agent of the State Department, or other evidence of probative value.

Whenever it is necessary to determine the death of an individual other than the wage earner, in order to determine the right of another to a benefit under section 202 (f) or a lump sum under section 202 (g) of the Act, and such individual has been unexplainedly absent from his residence and unheard of for a period of 7 years, the Board, upon satisfactory establishment of such facts, will presume that such individual has died, in the absence of any substantial evidence to the contrary.

(d) *Evidence as to marriage.* A wife or widow who applies for benefits (see paragraph (j) of this section as to applications for lump sums) upon the basis of the wages of her husband or deceased husband shall file supporting evidence as to her marriage to such individual, and as to the time and place of marriage. Evidence of marriage may also be required by the Board as to the marriage of any other individual when such a marriage is relevant to the determination of an applicant's entitlement.

(1) *Ceremonial marriage.* Evidence as to a ceremonial marriage shall be of the following character:

(i) A copy of the public record of marriage or a statement as to the marriage, duly certified by the custodian of such record or by an individual designated by the Board; or

(ii) A copy of the church record of marriage or a statement as to such marriage, duly certified by the custodian of such record or an individual designated by the Board; or

(iii) The original certificate of marriage.

If none of the evidence described in subdivisions (i), (ii), and (iii) of this subparagraph is obtainable, the reason therefor should be stated and the applicant may submit:

(iv) The verified statement of the clergyman or official who performed the marriage ceremony; or

(v) Other evidence of probative value. (Sec. 205 (a), 53 Stat. 1368, sec. 1102, 49 Stat. 647; 42 U.S.C., Sup., 405 (a) 1302)

• • • • •

In pursuance of sections 205 (a) and 1102 of the Social Security Act, as amended, the foregoing regulation adopted by the Board is hereby prescribed this 9th day of February 1942.

[SEAL] SOCIAL SECURITY BOARD.
A. J. ALTMEYER,
Chairman.

Approved: February 14, 1942.

PAUL V. MCNUTT,
Federal Security Administrator.

[F. R. Doc. 42-1398; Filed, February 17, 1942; 10:42 a. m.]

[1] Under title II of the Social Security Act, as amended, effective January 1, 1940.

[2] For a chronological description of the statutory basis for the old-age and survivors insurance system under title II of the Social Security Act, as amended, and the regulations which have been issued thereunder, see § 403.1 of Regulations No. 3 of the Social Security Board. (§ 403.1, Title 20, Code of Federal Regulations, 1940 Sup.)

[3] 5 F.R. 1849, 4169; 6 F.R. 5287, 5288, 5510.

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

ORDER WAIVING LOCAL BOARD PHYSICAL EXAMINATION OF LOCAL BOARDS IN THE AREAS IN THE STATE OF NEVADA WHICH HAVE BEEN DESIGNATED AS THE "GERLACH AREA" AND THE "AUSTIN AREA"

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885), as amended, and the authority vested in me by the rules and regulations prescribed thereunder, and more particularly the provisions of § 623.35 of the Selective Service Regulations, and with respect to those registrants who are now being classified or who may hereafter be classified, and who reside in areas in the State of Nevada which have been designated by the State Director of Selective Service of Nevada as the "Gerlach area" and the "Austin area," I hereby waive the requirement that such registrants be physically examined by an examining physician in the manner provided in Part 623, Selective Service Regulations, and I hereby direct that the classification of such registrants be completed in the manner provided in § 623.51 (f), Selective Service Regulations, without such physical examination by a local board examining physician.

LEWIS B. HERSHEY,
Director.

FEBRUARY 13, 1942.

[F. R. Doc. 42-1388; Filed, February 16, 1942; 12:15 p. m.]

[Order No. 25]

WEEPING WATER CAMP PROJECT, NEBRASKA

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675 dated February 6, 1941, hereby designate the Weeping Water Camp project to be work of national importance, to be known as Civilian Public Service Camp No. 25. Said camp, located at Weeping Water, Cass County, Nebraska, will be the base of operations for soil conservation work in the State of Nebraska, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV–E, may be assigned to said camp in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Weeping Water Camp will consist of the establishment of a program tending to develop sound land use practices which will prevent the spread of erosion, and shall be under the technical direction of the Soil Conservation Service of the United States Department of Agriculture insofar as concerns the planning and direction of the work program. The camp, insofar as camp management is concerned, will be under the direction of approved representatives of the National Service Board for Religious Objectors. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

FEBRUARY 11, 1942.

[F. R. Doc. 42-1389; Filed, February 16, 1942; 12:15 p. m.]

[No. 52]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Paragraph 163 and Appendix A to Volume One of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Revision of DSS Form 250, formerly entitled "Certificate of Employment of Office Assistants," and its reissuance under the title "Report of Employment, Separation, or Status Change for Local Board Employee," effective immediately upon the filing hereof with the Division of the Federal Register.[1] Upon receipt of the revised DSS Form 250, the use of the original DSS Form 250 will be discontinued and all unused copies thereof will be destroyed.

The foregoing revision and discontinuance shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

JANUARY 13, 1942.

[F. R. Doc. 42-1397; Filed, February 16, 1942; 4:24 p. m.]

[No. 53]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of section 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 3A, entitled "Duplicate List of Registrants," effective immediately

[1] Filed as part of the original document.

upon the filing hereof with the Division of the Federal Register.[1]

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of the Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

FEBRUARY 2, 1942.

[F. R. Doc. 42-1396; Filed, February 16, 1942; 4:24 p. m.]

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

Priorities Regulation No. 7

§ 944.27 *Priorities Regulation No. 7; signature of endorsements evidencing preference ratings.* (a) Whenever any Order or Regulation heretofore or hereafter issued requires the placing upon any purchase order or contract (or upon any document referring to such purchase order or contract) of an endorsement evidencing the application or extension of a duly assigned preference rating, such endorsement shall be signed by the party placing the purchase order or contract or by a responsible individual duly authorized to sign on behalf of such party. Such signature must be either manual or in the form of a facsimile, provided that:

(1) Each use of such facsimile signature with respect to each such purchase order or contract must be approved by the individual whose facsimile signature is used or by another responsible individual duly authorized by him.

(2) Such approval must be evidenced in the case of each such purchase order or contract by a written record manually signed or initialled by the individual approving use of the facsimile. Such a record may refer to several purchase orders or contracts as to which use of the facsimile signature has been approved at the same time, but each such purchase order or contract must be separately indicated thereon. Such record need not accompany the purchase order or contract (or document referring thereto) on which the facsimile signature is used, but must be preserved for not less than two years for inspection by representatives of the Director of Industry Operations.

(b) Each such endorsement shall be deemed to constitute a representation to the Director of Industry Operations by (1) the party placing the purchase order or contract, (2) the individual whose signature is used, and (3) the individual approving the use of the same, that the statements contained in the endorsement are true.

(c) The provisions of this Regulation shall supersede any inconsistent provision contained in any Regulation or Order heretofore issued concerning the manner in which signatures must or may be made on any such endorsement. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 17th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1403; Filed, February 17, 1942; 11:52 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

§ 944.28 *Interpretation of limitation and conservation orders with respect to the assignability of quotas.* In general, where any order limits the amount of material which may be used or the number of units which may be produced by any person, whether by reference to a specified percentage of his use or production during a previous base period or otherwise, such limitations remain in effect regardless of the extent to which a producer's business may have been increased by assignment from other producers. If a producer's business is sold as a going concern and continues, in the hands of the purchaser, to make substantially the same product at the same plant and with substantially the same personnel (other than executive officers), the identity of the producer will be deemed unchanged for the purpose of such limitations. Any other arrangement whereby one producer purports to assign to another producer his quota for use of a specific material or for production of a particular product is prohibited and invalid unless specifically authorized by the Director of Industry Operations.

In appropriate cases, the Director of Industry Operations may permit the assignment of quotas when it is deemed to be desirable for the prosecution of the war or for the essential civilian economy. In cases where such permission is granted the Director may specify the same limitations under which the predecessor operated or such other limitations as he may deem appropriate in the particular case. Applications for such permission will be regarded as appeals from the applicable orders. They should be made in writing addressed to the War Production Board and referring specifically to the limitation or conservation orders involved. Such appeals may be made jointly by the parties to a proposed transfer. In every case the effect of the existing restrictions on the producer or producers in question should be precisely stated, together with the essential terms of the proposed transaction and the amount of any consideration to be paid. Where a cash consideration is to be paid, it is not expected that the Director will approve a transfer involving merely the assignment of a quota as such, without assignment of the business as a going concern, "farming out" for the account of the assignor, licensing or some similar arrangement. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 17th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1404; Filed, February 17, 1942, 11:52 a. m.]

PART 962—STEEL

Supplementary Order M-21-f—Shot and Bullet Core Steel

Whereas the fulfillment of requirements for the defense of the United States and the prosecution of the present war will result in a shortage of facilities for the production of steel for shot and bullet core and a consequent shortage in the supply of such material for defense, for private account and for export, and it is necessary to utilize effectively all available facilities for the production of such material;

Now, therefore, it is hereby ordered, That:

§ 962.7 *Supplementary Order M-21-f*—(a) *Definition.* For the purposes of this Order, "Shot and Bullet Core Steel" means steel, whether hot rolled or cold finished, to be used in the manufacture of those products listed in Schedule A hereto attached.

(b) *Allocation program adopted.* Beginning March 1, 1942, no producer of shot and bullet core steel shall make delivery of such material and no person shall accept delivery thereof from a producer except pursuant to an allocation order issued on Form PD-201 specifically directing such delivery.

(c) *Reports.* Until further notice, reports shall be filed with the War Production Board and with the Army and Navy Munitions Board, weekly on Form PD-307 by producers of shot and bullet core steel, and monthly on Form PD-308 by purchases of such material.

(d) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a) Pub. No. 671, 76th Cong., 3d sess.; as amended by Pub. No. 89, 77th Cong., 1st sess.)

Issued this 17th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

Schedule A to Supplementary Order M-21-f

Shot

20 mm. Armor Piercing and Semi-Armor Piercing.
37 mm. Armor Piercing and Semi-Armor Piercing.
40 mm. Armor Piercing.
57 mm. Armor Piercing and Semi-Armor Piercing.
75 mm. Armor Piercing and Semi-Armor Piercing.
3 inch Armor Piercing and Semi-Armor Piercing.

Bullet Core

Caliber .30.
Caliber .50.

[F. R. Doc. 42-1406; Filed, February 17, 1942; 11:54 a. m.]

PART 989—DOMESTIC MECHANICAL REFRIGERATORS

Supplementary General Limitation Order L-5-b To Restrict the Sale and Delivery of Domestic Mechanical Refrigerators

In accordance with the provisions of §§ 989.1 and 989.2[1] (General Limitation Orders L-5 and L-5-a), which the following Order supplements,

It is hereby ordered, That:

§ 989.3 *Supplementary General Limitation Order L-5-b*—(a) *Prohibition of transactions in domestic mechanical refrigerators from the effective date of this Order.* From the effective date of this Order, no Person shall sell, lease, trade, deliver, ship or transfer any New Domestic Mechanical Refrigerator (whether produced before or after the effective date of this Order) to any other Person, except:

(1) Pursuant to sales at retail (or the financing of sales at retail), not more than the greater of the following two limits:

(i) 100 New Domestic Mechanical Refrigerators, or

(ii) 1/12 of the number of New Domestic Mechanical Refrigerators sold by him at retail during the year 1941;

(2) Any New Domestic Mechanical Refrigerators actually in transit at the time this Order takes effect may be delivered to their immediate destination; or

(3) Pursuant to specific order of the Director of Industry Operations.

[1] 6 F.R. 5008, 5256; 7 F.R. 116.

(b) *Definitions.* (1) "New domestic mechanical refrigerator" means any Domestic Mechanical Refrigerator which has never been used by an ultimate consumer.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(c) *Records and reports.* (1) Every Person who has any New Domestic Mechanical Refrigerators on the effective date of this Order shall keep and preserve for not less than two years accurate and complete records of all such New Domestic Mechanical Refrigerators and of all sales and shipments made by him pursuant to this Order. Such records shall be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(2) On or before March 1, 1942, every manufacturer of Domestic Mechanical Refrigerators and every other person holding New Domestic Mechanical Refrigerators which he cannot ship or sell under the provisions of subparagraph (a) (1) shall file with the War Production Board a statement of the number and location of completed New Domestic Mechanical Refrigerators in stock on February 14, 1942, by size and type, together with the number of such Refrigerators which he can ship and sell under the provisions of subparagraph (a) (1).

(d) *Communications.* All reports and other communications concerning this Order shall be addressed to: War Production Board, Washington, D. C. Ref. 1-5-b.

(e) *Effective date.* This Order is to take effect immediately after being signed by the Director of Industry Operations. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F. R. 527; sec. 2 (a), Pub. No. 671, 76th Cong. 3rd Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 14th day of February, 1942, 10 A. M. Eastern War Time.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1410; Filed, February 17, 1942; 11:56 a. m.]

PART 989—DOMESTIC MECHANICAL REFRIGERATORS

Interpretation No. 1 of Supplementary General Limitation Order L-5-b To Restrict the Sale of Domestic Mechanical Refrigerators

The following interpretation is hereby issued by the Director of Industry Operations with respect to § 989.3, Supplementary General Limitation Order L-5-b, dated February 14, 1942.

No person is authorized to sell, lease, trade, deliver, ship or transfer any new Domestic Mechanical Refrigerators pursuant to a retail sale under the provisions of subparagraph (a) (1) of General Limitation Order L-5-b which were received by him after 10:00 A. M., Eastern War Time, February 14, 1942, except such new Refrigerators as were actually in transit to him at that time. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 16th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1402, Filed, February 17, 1942; 11:52 a. m.]

PART 1010—SUSPENSION ORDERS

Amendment No. 1 To Suspension Order S-11—Hurley Machine Division of Electric Household Utilities Corporation.

Paragraph (c) of Suspension Order S-11,[1] issued by the Director of Industry Operations on February 6, 1942, is hereby amended to read as follows:

§ 1010.11 *Suspension Order S-11.*

* * * * * * *

(c) During the period in which this Order shall be in effect, Hurley Machine Division of Electric Household Utilities Corporation, its successors and assigns, shall not transfer or deliver electric washing machines, electric ironing machines, parts for electric washing machines, or parts for electric ironing machines, except as specifically authorized by the Director of Industry Operations: *Provided, however,* That Hurley Machine Division of Electric Household Utilities Corporation may deliver or transfer such machines, or the parts thereof, for the purpose of storing the same for its own account, and may deliver or transfer electric washing machine parts or electric ironer parts for repair purposes. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Cong., 3d Sess., as amended by Public No. 89, 77th Cong., 1st Sess.)

This Amendment shall take effect immediately. Issued this 16th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1392; Filed, February 16, 1942; 2:27 p. m.]

[1] 7 F.R. 902.

[1] Filed as part of the original document.

PART 1038—MADAGASCAR FLAKE GRAPHITE

Conservation Order No. M–61 Curtailing the Use of Madagascar Flake Graphite

Whereas Madagascar Flake Graphite must be imported from Madagascar and the present supply thereof which can be used for the manufacture of crucibles is insufficient for the combined needs of defense, private account and export; and it is necessary in the public interest and to promote the defense of the United States to conserve the supply of Madagascar Flake Graphite which can be used for the manufacture of crucibles,

Now, therefore, it is hereby ordered, That:

§ 1038.1 *Conservation Order No. M–61*—(a) *Definition.* For the purposes of this Order:

"Put into process" means the first change by a Person in the form of material from that form in which it is received by him.

(b) *Restrictions on use of Madagascar Flake Graphite.* On and after the effective date of this Order, no Person shall put into process for any purpose other than the manufacture of crucibles any Madagascar Flake Graphite which is of a grade that can be used for the manufacture of crucibles, except pursuant to the specific authorization of the Director of Industry Operations, and on and after February 23, 1942, no Person shall put into process for the manufacture of crucibles any Madagascar Flake Graphite, except pursuant to the specific authorization of the Director of Industry Operations.

(c) *Restrictions on delivery of crucibles and other articles containing Madagascar Flake Graphite.* On and after the effective date of this Order, no Person shall deliver or accept delivery of any crucible containing Madagascar Flake Graphite, except pursuant to the specific authorization of the Director of Industry Operations; nor shall any Person deliver or accept delivery of any article, other than a crucible, containing Madagascar Flake Graphite of a grade which could have been used for the manufacture of crucibles, except pursuant to the specific authorization of the Director of Industry Operations, unless such Madagascar Flake Graphite was put into process prior to the effective date of this Order.

(d) *Restrictions on delivery of Madagascar Flake Graphite.* On and after the effective date of this Order, no Person shall deliver and no Person other than the Metals Reserve Company shall accept delivery of any Madagascar Flake Graphite of a grade which can be used for the manufacture of crucibles, except pursuant to the specific authorization of the Director of Industry Operations.

(e) *General exception.* Where and to the extent the use of any less scarce material is impracticable, the prohibitions, limitations and restrictions contained in paragraph (b) hereof shall not apply to the putting into process of Madagascar Flake Graphite of a grade which can be used for the manufacture of crucibles when such Graphite is to be physically incorporated into any Item which is being produced for delivery under a contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development or for any foreign country pursuant to the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act), if in any such case the use of Madagascar Flake Graphite of a grade which can be used for the manufacture of crucibles to the extent employed is required by the specifications of the prime contract; and the prohibitions and restrictions contained in paragraph (c) hereof shall not apply to the delivery or acceptance of delivery, pursuant to such a contract or subcontract, of any Item if its manufacture was exempted under the provisions of this paragraph.

(f) *Forms.* Any Person seeking specific authorization from the Director of Industry Operations to accept delivery of any article, including crucibles, containing any Madagascar Flake Graphite of a grade which can be used for the manufacture of crucibles shall apply on Form PD I–A to the Director of Industry Operations for permission to do so, and also for specific authorization to a manufacturer to put into process such Madagascar Flake Graphite where the article is not a crucible, and to deliver the article to the applicant whether or not it is a crucible. Any Person seeking specific authorization from the Director of Industry Operations to accept delivery of any Madagascar Flake Graphite of a grade which can be used for the manufacture of crucibles and to put any Madagascar Flake Graphite, whenever acquired, into process for the manufacture of crucibles, shall apply monthly on Forms PD–303A and PD–303B to the Director of Industry Operations for permission to do so, and also for specific authorization to a Person to make the deliveries of such Graphite which the applicant is authorized to receive.

(g) *Miscellaneous provisions*—(1) *Appeals.* Any Person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Madagascar Flake Graphite of a grade which can be used for the manufacture of crucibles conserved, or that compliance with this Order would disrupt or impair defense work may appeal to the War Production Board, Washington, D. C., Reference: N–61 setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(2) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(3) *Applicability of Order.* The prohibitions and restrictions contained in this Order shall apply to the putting into process of material in all articles hereafter manufactured and to deliveries of articles or material hereafter made irrespective of whether such articles are manufactured or such deliveries are made pursuant to a contract made prior or subsequent to the effective date hereof. Insofar as any other Order of the Director of Priorities or of the Director of Industry Operations may have the effect of limiting or curtailing to a greater extent than herein provided the delivery or putting into process of Madagascar Flake Graphite of a grade which can be used for the manufacture of crucibles or the delivery of any products made therewith, the limitations of such other Order shall be observed.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref: M–61

(5) *Violations or false statements.* Any Person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Industry Operations, or who otherwise wilfully furnishes false information to the Director of Industry Operations or to the War Production Board or its chairman may be deprived of priorities assistance or may be prohibited by the Director of Industry Operations from obtaining any further deliveries of materials subject to allocation. The Director of Industry Operations may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(6) *Effective date.* This order shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong. 1st Sess.)

Issued this 17th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1405; Filed, February 17, 1942, 11:53 a. m.]

PART 1056—NATURAL GAS

Limitation Order L–31 To Curtail Consumption of Natural Gas

Whereas because of increased gas requirements for war production and civilian uses, and because of scarcity of materials for the construction of pipe lines and other facilities, shortages of natural gas have occurred in certain areas of the United States and are threatened in others; and

Whereas during periods of adverse weather conditions, the demand for natural gas in many areas will increase beyond the capacity of existing facilities to meet such demand; and

Whereas the limitations upon deliveries of natural gas and the integration of gas system operations hereinafter ordered are necessary in order to maintain gas deliveries to war industries and essential civilian services;

Now, therefore, it is ordered, That:

§ 1056.1 *General limitation Order*—(a) *Definitions.* For the purposes of this section:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Utility" means any person in the United States supplying natural gas or mixed natural and manufactured gas, directly or indirectly, for general use by the public.

(3) "Consumer" means an ultimate user of gas purchased or otherwise received from any Utility.

(4) "Standby facilities" means equipment in serviceable operating condition designed to use oil, electricity, coal or other fuel to replace natural gas, and for the operation of which a supply of such fuel is available.

(b) *Integration of gas system operation.* Each Utility shall so operate its gas manufacturing, transmission, storage, distribution, and other facilities, and shall so interchange gas with other Utilities as to achieve as far as practicable maximum output in the area or areas in which a shortage exists or is imminent, and each Utility shall make such pooling arrangements as may be necessary to effectuate such purpose. Where necessary for such purpose, the Director of Industry Operations will, from time to time, issue specific directions as to the operation of gas manufacturing, transmission, storage, distribution, and other facilities, and as to deliveries of gas.

(c) *Limitation on deliveries of natural or mixed natural and manufactured gas.* (1) In the event that the supply of natural or mixed natural and manufactured gas available in an area served by any Utility is insufficient to meet the demand therefor, and reduction in deliveries to Consumers becomes necessary, the Utility supplying such area shall reduce deliveries to its Consumers in the following manner and in accordance with such other specific directions as the Director of Industry Operations may from time to time issue:

(i) First, the Utility shall, within the limits of its contractual rights, reduce deliveries to all dump or surplus Consumers not engaged in war production, and deliveries to Consumers who have Standby Facilities, the operation of which can directly or indirectly reduce the total demand for natural or mixed natural and manufactured gas in the area.

(ii) Second, the Utility shall, to the extent necessary, operate all of its available gas manufacturing equipment so as to effect directly or indirectly the maximum increase in the supply of gas in the area.

(iii) Third, the Utility shall, without regard to its contractual rights or those of any Consumer, reduce deliveries to all other Consumers who have Standby Facilities to the extent that the operation of such facilities can directly or indirectly alleviate the shortage of natural or mixed natural and manufactured gas in the area, and no such Consumer, after notification of the reduction in deliveries required shall accept deliveries of gas unless his Standby Facilities are being operated so as to effect the required reduction in his purchases of gas.

(iv) Fourth, the Utility shall, without regard to its contractual rights or those of any Consumer, reduce as far as practicable deliveries to Consumers in such manner as will cause the least interference with war production, and each Consumer who receives notification of the reduction in deliveries required shall reduce his acceptance of deliveries accordingly.

(2) Whenever any Utility finds it necessary to make any reduction in deliveries of gas to any Consumer in accordance with paragraphs (c) (1) (iii) and (c) (1) (iv) of this section, it shall promptly notify the Consumer and at the same time give telegraphic notice thereof, to the Power Branch, War Production Board.

(3) Following each such shortage period, each affected Utility shall submit a detailed report of the quantities of gas conserved by the operation of Standby Facilities and the duration of curtailment and the extent to which each industrial Consumer was curtailed. Such report shall be filed on Form PD–283.

(4) Any Consumer who considers that any reduction in deliveries to him interferes materially with war production shall have the right to apply by telegram for relief to the Director of Industry Operations, who may grant such specific exemptions or take such other action as may be consistent with the purposes of this section. Such application shall state the nature of the war materials being manufactured, the extent to which production has been curtailed because of reduced delivery of gas, and the increase in delivery of gas required for restoration of full production.

(5) No consumer shall be relieved of the requirements of § 944.2 or any other section of Priorities Regulation No. 1 Amended, by reason of the provisions of this paragraph (c).

(d) *Restrictions upon increased deliveries to non-residential consumers.* No Utility shall, after ten days following the effective date of this section, deliver natural or mixed natural and manufactured gas to any new non-residential Consumer in the areas specified in Exhibit "A" annexed hereto, as the same may be amended from time to time, or increase deliveries of such gas to any existing non-residential Consumer in such areas for the operation of any new gas equipment, unless:

(1) Such new or existing non-residential Consumer shall have installed, prior to the date of the increase in deliveries, Standby Facilities of sufficient capacity to replace the new or increased deliveries of such gas during periods of shutoff, or

(2) Such new or existing non-residential Consumer cannot reasonably use any fuel other than gas, natural, or mixed natural and manufactured, because of technical utilization factors or process requirements.

(3) Such new delivery or increase in deliveries shall have been specifically approved in advance by the Director of Industry Operations. Any Consumer or Utility who considers that such deliveries are necessary for war production may apply for such approval to the Director of Industry Operations, who may grant such specific exemptions or take such other action as may be consistent with the purposes of this section.

(e) *Prohibition against delivery to new space heating installations.* (1) No Utility shall deliver and no Consumer shall accept delivery of natural gas or mixed natural and manufactured gas in the areas specified in Exhibit "A" annexed hereto, as the same may be amended or modified from time to time by the Director of Industry Operations, for either of the following purposes:

(i) For the operation of central space heating equipment (or heating equipment supplying the major portion of the heating requirements of the premises), unless such equipment was installed prior to March 1, 1942, or unless, in the case of new construction, the equipment was specified in the construction contract, and the foundation under the main part of the structure in which the equipment is to be installed was completed prior to March 1, 1942; or

(ii) For the operation of central space heating equipment (or heating equipment supplying the major portion of the heat requirements of the premises), which has been converted from other fuel to natural or mixed natural and manufactured gas unless such conversion has been completed prior to ten days after the effective date of this section.

(2) Any Utility affected by the provisions of this paragraph (e) or any governmental agency which considers that

supply of gas available on any particular system or portion thereof is adequate to take care of all existing and estimated future requirements of war industry, and unrestricted civilian use for the period ending April 1, 1944, may apply for exemption of the system or any portion thereof from the provisions of this paragraph to the Director of Industry Operations, who may grant such specific exemptions or take such other action as may be consistent with the purposes of this section.

(f) *Appeal.* Any person affected by this section who considers that compliance therewith would work an exceptional and unreasonable hardship on him may appeal for relief to the Director of Industry Operations who may grant such specific exemptions or take such other action as may be consistent with the purposes of this section.

(g) *Reports and information.* (1) Each Utility shall keep and preserve for not less than two years accurate and complete records concerning deliveries of natural gas to Consumers. Such records shall be subject to inspection by duly authorized representatives of the War Production Board.

(2) All persons affected by this section shall execute and file with the War Production Board such reports and questionnaires as said Board shall, from time to time, request.

(h) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this section, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: L-31.

(i) *Violations.* Any person who wilfully violates any provisions of this section, or any other order, direction or regulation, issued pursuant hereto, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this section, may be prohibited from delivering or receiving gas, or any other material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(j) *Effective date.* This section shall take effect immediately and, unless sooner terminated, shall continue in full force and effect until April 1, 1943. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d sess., as amended by Pub. No. 89, 77th Cong., 1st sess.)

Issued this 16th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

Exhibit A—Areas Subject to Prohibitions Contained in Paragraph (e) of Limitation Order L-31

Alabama (except the area served by the United Gas Pipe Line Company).
Arkansas (only the area served by the Mississippi River Fuel Company).
California.
District of Columbia.
Georgia.
Illinois.
Indiana.
Kentucky.
Maryland.
Michigan.
Mississippi (except the area served by the United Gas Pipe Line Company).
Missouri.
New York.
Ohio.
Pennsylvania.
Tennessee.
Virginia.
West Virginia.

[F. R. Doc. 42-1380; Filed, February 16, 1942; 11:48 a. m.]

PART 1070—MUSICAL INSTRUMENTS

General Limitation Order No. L-37 To Restrict the Production of Musical Instruments

Whereas, the demands of national defense have created a shortage of materials used in the manufacture of musical instruments; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the manufacture of musical instruments is curtailed and the use of critical materials for such manufacture thereby reduced;

Now, therefore, it is hereby ordered, That:

§ 1070.1 *General Limitation Order L-37*—(a) *Definitions.* For the purposes of this Order:

(1) "Musical Instrument" means any manufactured instrument or other product designed primarily to produce music, except radios, phonographs, radio-phonographs, and articles designed primarily as toys.

(2) "Accessories" means bows, picks, music stands, piano stools and benches, instrument cases and other articles designed primarily for use in conjunction with musical instruments in order to facilitate the production of music, or protect or cover such instruments.

(3) "Producer" means any person engaged in the fabrication, assembling or any other operation or process connected with the manufacture of musical instruments or accessories.

(4) "Critical materials" means iron, steel, magnesium, aluminum, nickel, chromium, rubber, copper and copper-base alloys, tin, lead, zinc, phenol formaldehyde plastics, neoprene and cork.

(5) "Critical materials used" means the aggregate weight of critical materials when first put into production by any producer, whether in the form of raw materials or contained in fabricated parts.

(b) *General restrictions.* (1) During the period of three months beginning with the first day of the first calendar month following the date of issuance of this Order no producer shall use in his aggregate production of musical instruments, accessories or parts thereof, more critical materials in the aggregate than the sum of the following:

(i) 18¾% of the critical materials used by him in the year 1940 in the manufacture of (*a*) all musical instruments containing less than 10% of critical materials by weight, (*b*) all accessories containing less than 10% of critical materials by weight, and (*c*) replacement parts for all musical instruments; plus

(ii) 16¼% of the critical materials used by him in the year 1940 in the manufacture of (*a*) all musical instruments containing 10% or more but less than 25% of critical materials by weight, and (*b*) all accessories containing 10% or more but less than 25% of critical materials by weight; plus

(iii) 12½% of the critical materials used by him in the year 1940 in the manufacture of (*a*) all musical instruments containing 25% or more of critical materials by weight, and (*b*) accessories containing 25% or more of critical materials by weight.

(c) *Avoidance of excessive inventories.* No manufacturer of musical instruments shall accumulate for use in the manufacture of such musical instruments inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of musical instruments at the rates permitted by this Order.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each manufacturer to whom this Order applies shall file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(g) *Violations.* Any person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Applicability of other orders.* Insofar as any other Order heretofore or hereafter issued by the Director of Priorities or the Director of Industry Operations limits the use of any material in the production of musical instruments to a greater extent than the limits imposed by this Order, the restrictions in such order shall govern unless otherwise specified therein.

(j) *Application of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(k) *Communications.* All reports to be filed, appeals and other communications concerning this Order should be addressed to the War Production Board, Washington, D. C., Ref: L-37.

(l) *Effective date.* This Order shall take effect on the date of its issuance.

(P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Cong., 3rd Sess., as amended by Public No. 89, 77th Cong., First Sess.)

Issued this 17th day of February, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc 42-1407; Filed, February 17, 1942; 11:54 a. m.]

PART 1087—LIGHT AIRCRAFT

Limitation Order No. L-48 To Restrict the Production and Sale of Light Aircraft

Whereas the manufacture of light aircraft requires the utilization of large quantities of critical materials, especially aluminum; the National Defense requirements have created a shortage of these materials for the combined needs of defense, private account and export; action has already been taken to conserve the supply and direct the distribution of such materials to insure deliveries for defense and for essential civilian requirements; and the present supply of these materials will be insufficient for defense and essential civilian requirements unless the manufacture and sale of light aircraft is curtailed and the use of critical materials for such manufacture is reduced;

Now therefore, it is hereby ordered, That:

§ 1087.1 *General Limitation Order L-48*—(a) *Definitions.* For the purposes of this Order:

(1) "Light aircraft" means any aircraft using an engine or engines of less than 500 horsepower in the aggregate.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(3) "New" as applied to light aircraft, means any light aircraft completed on or after October 1, 1941, which has been flown less than 100 hours.

(b) *Prohibition of sales of light aircraft.* (1) Except as hereinafter provided no person shall after the effective date of this Order sell, lease, trade, lend, deliver, ship, or otherwise transfer any new light aircraft; and no person shall accept any such sale, lease, trade, loan, delivery, shipment or transfer of any new light aircraft.

(2) Nothing in this Order shall prevent any person from making a sale, lease, trade, loan, delivery, shipment or transfer of a new light aircraft to or for the account of the following:

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development.

(ii) The government of any of the following countries: The United Kingdom, Canada and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia.

(iii) Any agency of the United States Government, where such light aircraft is to be delivered to, or for the account of, the government of any country listed above, or any other country, including those of the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(iv) Any person specified as the purchaser of such light aircraft in any delivery schedule which has been approved by the Joint Aircraft Committee.

(v) Any member of the Civil Air Patrol, any Civilian Pilot Training Program operator or any State Guard Unit organized under the provisions of Army Regulations 850-250 (April 21, 1941), provided such member, operator or Unit endorses on the purchase order, bill of sale, contract or other instrument pursuant to which such transfer is made, a statement in the following form, specifying the status of the person acquiring such aircraft and manually signed by such person:

The undersigned hereby certifies to the War Production Board, pursuant to Limitation Order No. L-48, that the undersigned is

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(Specify whether member of CAP, CPTP operator, or State Guard Unit)

and that the light aircraft described in this instrument is purchased solely for use in connection with such activity; and the undersigned agrees to retain said aircraft until not less than 300 hours of use in connection with such activity have been certified in its logbook.

Name of Person Acquiring Light Aircraft

By ---

Duly Authorized Official

Such endorsement shall constitute a representation to the War Production Board and the transferor of such light aircraft of the facts therein set forth, and the transferor shall be entitled to rely on such representation unless he knows or has reason to believe it to be false.

(vi) Any other person who obtains from the War Production Board and files with the transferor of such light aircraft a certificate executed by the Director of Industry Operations, War Production Board, that he approves of such transfer.

(3) Nothing in this Order shall prevent:

(i) the transfer of title to a light aircraft pursuant to the terms of a conditional sale contract, chattel mortgage, bailment lease or similar instrument duly executed prior to midnight, Eastern War Time on the effective date of this Order;

(ii) the retaking, repossession or redelivery of any light aircraft upon default, breach or other contingency under the terms of a conditional sale contract, chattel mortgage, bailment lease or similar instrument executed prior to midnight, Eastern War Time on the effective date of this Order.

(c) *Restrictions on production of light aircraft.* (1) Except as hereinafter provided no person shall, after the effective date of this Order, commence to manufacture any light aircraft which has aluminum ribs and which contains in its airframe any quantity of aluminum in excess of 18% of the weight of such airframe; or any light aircraft which has ribs of any other material and which contains in its airframe any quantity of aluminum in excess of 12% of the weight of such airframe.

(2) On and after September 1, 1942, no person shall continue to manufacture any light aircraft which contains in its

airframe any quantity of aluminum in excess of 12% of the weight of such airframe, irrespective of whether or not such aircraft has aluminum ribs.

(3) The restrictions specified in subparagraphs (1) and (2) shall not apply to light aircraft manufactured pursuant to any contract or purchase order therefor placed by or for the account of any of the persons specified in paragraphs (b) (2) (i), (ii), (iii), and (iv) hereof.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and transfers.

(e) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* All persons affected by this Order shall execute and file with the War Production Board such reports and questionnaires as requested by said Board from time to time. No reports or questionnaires are to be filed by any person until forms therefor have been prescribed by the War Production Board.

(g) *Violations.* Any person who willfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board by a letter setting forth the pertinent facts and the reasons why he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Communications to War Production Board.* All appeals and all other communications concerning this Order shall, unless otherwise directed, be addressed to: War Production Board, Washington D. C. Ref: L-48.

(j) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(k) *Effective date.* This Order shall take effect upon the date of the issuance thereof, and shall continue in effect until revoked by the Director of Industry Operations, subject to such amendments or supplements thereto as may be from time to time issued by the Director of Industry Operations. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d sess., as amended by Pub. No. 89, 77th Cong., 1st sess.)

Issued this 17th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1409; Filed, February 17, 1942; 11:56 a. m.]

CHAPTER XIII—OFFICE OF PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

[Recommendation No. 24, Amendment]

PART 1500—ADMINISTRATIVE; GENERAL

PETROLEUM INDUSTRY WAR COUNCIL

Pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, §§ 1500.8 to 1500.12, inclusive, (Recommendation No. 24,[1] dated December 11, 1941) are hereby amended by deleting therefrom the words "Petroleum Industry Council for National Defense", and "Petroleum Industry Council" and by substituting in lieu thereof the words "Petroleum Industry War Council".

R. K. DAVIES,
Deputy Petroleum Coordinator for National Defense.

FEBRUARY 6, 1942.

[F. R. Doc. 42-1395; Filed, February 16, 1942; 3:02 p. m.]

[Recommendation No. 35]

PART 1505—TRANSPORTATION

COST EQUALIZATION, DISTRICT FIVE

To the Transportation Committee of District Five, to all suppliers of petroleum and petroleum products, and to all other persons, natural or artificial, engaged in the petroleum industry, who are or may be affected by an increase in the cost of transporting petroleum and petroleum products in, to or from said district.

In order to alleviate the serious adverse effect on the progress of the war effort, and on the public generally, of a scarcity of petroleum and petroleum products in the Pacific Northwest caused by the shortage of tanker capacity resulting from the exigencies of warfare, it is necessary that other and more costly additional means of transportation be employed. All available alternative means of transportation must be employed immediately to a maximum and the increased costs of such transportation should be shared equitably among all affected.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

§ 1505.48 *Plans for equalizing transportation costs.* The Transportation Committee for District Five shall obtain and analyze all pertinent and available facts, figures, and other data and prepare therefrom a plan, for submission to the Chief Counsel of the Office of Petroleum Coordinator for National Defense, for the equitable distribution, among all persons affected, of the excess costs of transportation of petroleum and petroleum products in, to or from the Pacific Coast area by railroad tank cars or other alternative means of transportation, or any combinations thereof, over transportation by tanker under the Maritime Commission charter rate ceilings.*

*§§ 1505.48 to 1505.50, inclusive, issued under the authority contained in the President's letter of May 28, 1941 to the Secretary of the Interior (6 F.R. 2760).

§ 1505.49 *Effectuating plans.* Upon the approval by the Chief Counsel of the Office of Petroleum Coordinator for National Defense of a plan prepared pursuant to § 1505.48, and pursuant to the direction of the Petroleum Coordinator for National Defense or the Deputy Petroleum Coordinator, the Transportation Committee of District Five, all suppliers of petroleum or petroleum products and all other persons, natural or artificial, engaged in the petroleum industry, who are or may be affected by an increase in the cost of transporting petroleum and petroleum products in, to or from said district, shall carry into effect said plan according to its terms, conditions and intent.*

§ 1505.50 *Meetings.* Meetings of the Transportation Committee of District Five and of representatives of the aforesaid suppliers and other affected persons shall be held from time to time for the purpose of obtaining the foregoing facts, figures and other data and for the purpose of preparing the aforesaid plan and, after its approval by the Chief Counsel of the Office of Petroleum Coordinator for National Defense, of carrying into effect such plan in accordance with the foregoing provisions of this Recommendation.*

R. K. DAVIES,
Deputy Petroleum Coordinator for National Defense.

FEBRUARY 6, 1942.

[F.R. Doc. 42-1393; Filed, February 16, 1942; 3:02 p. m.]

[1] 6 F.R. 6433.

[Recommendation No. 33]

PART 1508—MARKETING

SUBCOMMITTEE OF SUPPLIES AND DISTRIBUTION, DISTRICT ONE

To the General Committee for District One, to all other committees for District One, and to all marketers and suppliers of petroleum or petroleum products in said District:

The Congress of the United States has declared the existence of a state of war between the Government and the people of the United States and the Imperial Japanese Government, the Government of Germany, and the Government of Italy.

The diversion for war and other essential purposes of a part of the American tanker fleet normally in Atlantic Coast service has resulted in a shortage of tanker tonnage available for the transportation of petroleum and petroleum products on the Atlantic Coast. Because of the exigencies of warfare, the efficiency of operation of the tankers remaining in this service will be reduced and the regularity of sailing schedules impaired. These factors threaten, unless abated, to result in intermittent periods of scarcity of petroleum and petroleum products, in areas of the Atlantic Coast States dependent chiefly on tanker transportation for petroleum.

It is essential in the national interest that all possible steps be taken to avert or alleviate the serious adverse effects on the progress of the war effort and the public generally which such periods of scarcity of petroleum and petroleum products in the Atlantic States would occasion.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

§ 1508.17 *Designation of special subcommittee; statistical information.* A special subcommittee consisting of 16 members to be known as the Subcommittee of Supplies and Distribution, be designated by the General Committee for District One, the membership of which shall be subject to the approval of the Petroleum Coordinator for National Defense or of the Deputy Petroleum Coordinator. Said Subcommittee shall obtain, analyze and keep current all pertinent and available facts, figures, and other data with respect to stock inventories and demand for petroleum and petroleum products in District One.*

*§§ 1508.17 to 1508.24, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1508.18 *Sale, exchange, and loan of petroleum products.* The Subcommittee of Supplies and Distribution shall coordinate, arrange for, and, after approval by the Chief Counsel of the Office of Petroleum Coordinator for National Defense and subject to the direction of the Petroleum Coordinator for National Defense or the Deputy Petroleum Coordinator, carry into effect the sale, exchange, or loan of petroleum and petroleum products among the various marketers and suppliers in District One wherever and to whatever extent may be necessary to facilitate and assure the distribution of the available supply of petroleum and petroleum products in District One to meet in such District and in the order of statement, the needs of (1) the military forces of the United States, (2) the war industries, (3) the essential civilian requirements, and (4) other reasonable civilian requirements.*

§ 1508.19 *Distribution and division of available petroleum.* In cases of an emergency character, where the District Director of Marketing for District One of the Office of Petroleum Coordinator for National Defense finds that immediate measures are essential to accomplish the objectives of this Recommendation and that, because of the need for speed, the procedure provided in § 1508.18 is inadequate, the said Subcommittee or the Executive Secretary of such Subcommittee shall, subject to the direction of the said Director, make temporary arrangements for the distribution and division of incoming supplies and existing inventories of petroleum and petroleum products among the several marketers and suppliers in such manner, at such times, and in such amounts, as will result in the most efficient method of assuring a continuous supply of petroleum and petroleum products to meet war, defense, and essential civilian demands as they arise, while, at the same time and so far as is not inconsistent therewith, providing equal treatment for all marketers and suppliers affected thereby. The marketers and suppliers affected thereby shall comply with such arrangements and shall carry into effect such sales, exchanges, or loans of petroleum and petroleum products. The said District Director of Marketing shall promptly submit to the Chief Counsel of the Office of Petroleum Coordinator for National Defense a full report on any action taken under the provisions of this section.*

§ 1508.20 *Plans.* The Subcommittee of Supplies and Distribution shall, in the event the Director of Marketing for District One finds that the methods provided in § 1508.18 are inadequate to assure the efficient and equitable distribution of petroleum and petroleum products to meet essential demands in the affected areas, devise and present to the Chief Counsel of the Office of Petroleum Coordinator for National Defense, plans to accomplish the objectives of this Recommendation. Without limitation as to other necessary or appropriate provisions, such plans may provide for the exchange, loan, sale, lease, or pooling of petroleum and petroleum products, and of production, transportation, refining and storage facilities wherever and to whatever extent may be necessary for the purpose of this Recommendation.*

§ 1508.21 *Meetings.* Meetings of the said Subcommittee, representatives of the several marketers and suppliers, and other persons who may be affected may be held from time to time for the purpose of effectuating the provisions of § 1508.18 and of preparing the plans provided for in § 1508.20. The said Subcommittee, representatives, and persons may, upon the approval of any of the aforesaid plans by the Chief Counsel of the Office of Petroleum Coordinator for National Defense meet from time to time for the purpose of doing all things necessary to carry into effect any such plan in accordance with the purposes of this Recommendation.*

§ 1508.22 *Effectuating plans.* The said Subcommittee and all persons affected by any proposal or plan formulated in accordance with § 1508.20 shall, upon the approval of any such proposal or plan by the Chief Counsel of the Office of Petroleum Coordinator for National Defense and pursuant to the direction of the Petroleum Coordinator for National Defense or the Deputy Petroleum Coordinator, carry into effect such proposal or plan according to its terms, conditions, and intent.*

§ 1508.23 *Administration.* In carrying out the duties, responsibilities, and functions under this Recommendation, the Subcommittee of Supplies and Distribution shall consult with the other committees and subcommittees in District One and with the committees in the other Districts to the extent that proposals or activities hereunder may affect such other Districts, and to this end all such committees and subcommittees shall supply the Subcommittee of Supplies and Distribution with such information, material, and assistance as may be necessary and desirable to carry into effect the purposes and intent of this Recommendation. The Subcommittee of Supplies and Distribution shall maintain such staff and appoint such persons as it finds necessary to carry out its duties, responsibilities and functions under this Recommendation. The General Committee or the said Subcommittee from time to time may propose to the Petroleum Coordinator for National Defense or to the Deputy Petroleum Coordinator changes in the membership of the said Subcommittee and may submit nominations for new members.*

§ 1508.24 *Conflicting provisions.* This Recommendation shall supersede and cancel Recommendation No. 5[1] to the extent that there is any conflict therewith.*

R. K. DAVIES,
Deputy Petroleum Coordinator for National Defense.

FEBRUARY 6, 1942.

[F. R. Doc. 42-1394; Filed, February 16, 1942; 3:02 p. m.]

[1] 6 F.R. 6015

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER N—EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

[Order No. 212]

PART 146[1]—TRANSPORTATION OR STORAGE OF EXPLOSIVES OR OTHER DANGEROUS ARTICLES OR SUBSTANCES, AND COMBUSTIBLE LIQUIDS ON BOARD VESSELS

Order Amending Dangerous Cargo Regulations by Incorporating Applicable Provisions of Amendments Promulgated by the Interstate Commerce Commission in Its Docket No. 3666 of November 8, 1941

Pursuant to the authority vested in the Secretary of Commerce by section 4472 of the Revised Statutes, as amended, the regulations for the safe carriage of explosives or other dangerous articles or substances, and combustible liquids, as promulgated January 7, 1941, including subsequent amendments thereto, are hereby further amended effective immediately, under the emergency provision contained in subsection (9) of R.S. 4472, as amended, as follows:

§ 146.04–5 *List of explosives and other dangerous articles and combustible liquids.*

Following the article "Arsenic, white solid" add: "Arsenical compounds or mixtures, "Pols. B." "Poison" N. O. S., liquid"

Delete: "Charcoal, animal." "Inf. S."

Delete: "Charcoal, bone." "Inf. S."

Following the article "Ethyl chloride" add: "Ethyl formate" "Inf. L." "Red"

Following the article "Guanyl nitrosamino guanyl tetrazene" add: "Guanidine nitrate" "Inf. S." "Yellow"

Following the article "Monochloroacetone" add: "Monochlorodifluoromethane" "Noninf. G." "Green" "Monochlorotetrafluoroethane" "Noninf. G." "Green"

Following the article "Nitro-carbo nitrate" add: "nitrocellulose colloided, granular or flake-wet with an inflammable liquid" "Inf. L." "Red"

Following the article "Potassium nitrate (see: "Nitrates")" add: "Potassium nitrite" "Oxy. M." "Yellow"

Following the article "Waxes, liquid" add: "Wet nitrocellulose (30% inflammable liquid) (see: "Nitrocellulose, wet with an inflammable liquid")" "Wet nitrocellulose (20% water) (see: "Nitrocellulose, wet with water")"

§ 146.20–50 *Stowage and storage chart of explosives and other dangerous articles.*

In both the horizontal and vertical columns following the description "Ammunition for cannon with explosive projectiles, gas projectiles, smoke projectiles or incendiary projectiles, ammunition for small arms with explosive bullets" add: "(4)".

In the same columns following the description "Explosive projectiles, bombs, torpedoes, or mines, rifle or hand grenades (explosive)" add: "(4)".

To the footnote add: "4 Projectiles, bombs, grenades, or other forms of ammunition containing incendiary charges, either with or without bursting charges, must not be stowed with any dangerous explosives, Class A, or less dangerous explosives, Class B".

§ 146.20–100 *Table B—Class B: Less dangerous explosives.*

Article: "Fireworks (Railway torpedoes—track torpedoes)" In columns 4, 5, 6 and 7 under "Outside containers" and following "Wooden boxes" add: "Fiberboard boxes, WIC (ICC–12B) not over 65 lbs. gr. wt".

Article: "Smokeless powder for cannon". In column 4 under "Outside containers" and following "Metal kegs" add: "Wooden boxes, (ICC–15A) Lined (ICC–2L)".

§ 146.21–14 *Limited quantity shipments.* Amend paragraph (a) to read:

(a) Inflammable liquids, except carbon bisulfide (disulfide), ethyl chloride, ethylene oxide, nickel carbonyl, spirits of nitroglycerin in excess of 1% by weight, and zinc ethyl, when packed in inside glass or earthenware containers not over 1 pint or 16 ounces by weight each, or inside metal containers not over 1 quart capacity each, packed in strong outside containers, except as otherwise provided, are exempt from specification packaging, marking other than name of contents, and labeling requirements.

§ 146.21–15 *Limited quantity shipments of paint products.* Amend paragraph (a) to read:

(a) Paint, enamel, lacquer, stain, shellac, varnish, aluminum, bronze, gold, wood filler, liquid, and lacquer base liquid, and thinning, reducing and removing compounds therefor, and driers, liquid, therefor, when packed in inside glass or earthenware containers of not over 1 quart capacity each, or metal containers not over 5 gallons capacity each, and packed in strong outside containers are exempt from specification packaging, marking other than name of contents, and labeling requirements.

Add a new section as follows:

§ 146.21–16 *Limited quantity shipments of polishes.* (a) Polishes, metal, stove, furniture and wood, liquid, when packed in inside glass or earthenware containers of not over 1 quart capacity each, or metal containers not over 5 gallons capacity each, and packed in strong outside containers are exempt from specification packaging, marking other than name of contents, and labeling requirements.

(b) Such shipments may be accepted on board all vessels subject to these regulations, provided the bill of lading or other shipping paper correctly describes the article in accordance with the true name as shown in the commodity list. Stowage shall be "on deck under cover" or "Tween decks" in a compartment not subject to artificial heat.

§ 146.21–100 *Table D—Classification: Inflammable liquids.*

Following the article "Ethyl chloride", in column 1 add: "Ethyl formate".

In column 2 add:

Colorless, inflammable liquid, soluble in water. Flash point about 10° F. Vapors when mixed with air are explosive over a range of 3.5 to 16.5%. Vapors are about 2½ times heavier than air. Boiling point 130° F. Keep cool.

In column 3 add: "Red".

In column 4 add:

"Stowage: On deck protected. On deck under cover. 'Tween decks readily accessible.

"Outside containers: Steel barrels or drums: (ICC–5, 5A, 5B, 5C, 5G) not over 110 gal. cap. (ICC–17C) STC, not over 55 gal. cap. (ICC–17E) not over 5 gal. cap.

"Aluminum barrels or drums: (ICC–42B, 42C) not over 110 gal cap.

"Wooden barrels or kegs: (ICC–10A) not over 50 gal. cap. (ICC–11A, 11B) WIC not over 16 gal. cap.

"Wooden boxes WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 16 gal. cap.

"Fiberboard boxes, WIC (ICC–12B) not over 65 lbs. gr. wt.

"Fiber drums, (ICC–21A) with single inside container not over 1 gal. cap.

"Cylinders as prescribed for any compressed gas, except acetylene".

In columns 5, 6 and 7 add: "Not permitted".

§ 146.21–100 *Table D—Classification: Inflammable liquids.*

To the article "Nitrocellulose, wet with an inflammable liquid", in column 1 between the second and third paragraph add: "Nitrocellulose colloided, granular or flake—wet with 20% alcohol or solvent".

§ 146.22–8 *Limited quantity shipments.* Amend paragraph (a) to read:

(a) Inflammable solids and oxidizing materials when packed in inside containers of not over 1 pound net weight each, and packed in outside containers not exceeding 25 pounds net weight each, are exempt from specification packaging, marking other than name of contents, and labeling requirements, unless otherwise provided by the regulations in this part.

Amend paragraph (b) to read:

(b) Inflammable solids and oxidizing materials total weight not over 16 ounces in any outside package, unless otherwise provided by the regulations in this part, are exempt from specification packaging, marking other than name of contents, and labeling requirements.

§ 146.22–100 *Table E.—Classification: Inflammable solids and oxidizing materials.*

Article: "Charcoal, animal", "Charcoal, bone".

[1] 6 F R. 254, 303, 371, 424, 462, 490.

In column 1 delete: "Charcoal, animal". "Charcoal, bone".

In column 2 delete: "*These charcoals are the products of animal blood or animal bone*".

In column 3 delete: "No label required".

Article: "Matches, book", "Matches card", "Matches, strike-on-box".

In columns 4, 5, 6 and 7, amend text to read: "Matches, strike-on-box, book and card, in outside fiberboard or wooden boxes, or matches strike-on-box, book and card when packed with noninflammable articles provided they are included in a tightly closed cardboard or fiberboard container, or are securely wrapped and packed so as to prevent accidental ignition, before being placed in the outside containers, are exempt from specification packaging, marking other than name of contents, and labeling requirements".

Article: "Motion-picture film (cellulose acetate base)".

In column 2 add: "Outside containers shall be marked with the descriptive name of contents".

Article: "Motion-picture film, old and worn out (cellulose acetate base)".

In column 1 add: "Motion-picture film, scrap (cellulose acetate base)".

In column 2 delete: "(*not scrap*)" and add in lieu thereof "(*including scrap*)".

In column 2 add: "Outside containers shall be marked with descriptive name of contents".

Article: "Motion-picture film, toy".

In column 2 add: "Outside containers shall be marked with descriptive name of contents".

Article: "Motion-picture film, toy, standard width".

In column 1 amend to read: "Motion-picture film, toy, standard with (*nitrocellulose base*). "Each reel shall be in a tightly closed metal can".

Article: "*Nitrates*".

In column 2 opposite "*Nitrates*" add: "All outside containers of nitrates shall be marked with the appropriate descriptive name of the nitrate packed within the container".

Article: "*Nitrates*".

In column 1 following "Calcium nitrate" add: "Guanidine nitrate".

In column 2 add: "*Colorless crystals or fine granular powder. Moderately soluble in water.* Stow separate from all combustible materials, explosives or acids (white label)".

In column 3 add: "No label required".

Following the article "Zinc nitrate" in column 1 add: "*Nitrites*": "Potassium nitrite".

In column 2 add: "*White or slightly yellow granules or rods. Decomposed in contact with acids evolving brown fumes of nitrous anhydride. Involved in a fire will intensify the burning of all combustible materials.* Stow separate from all combustible materials, explosives, inflammable liquids or acids (white label). Carefully clean and remove all residue of nitrite remaining in a compartment used for the stowage of this substance."

In column 3 add: "Yellow".

In columns 4 and 5 add: "Stowage: On deck protected. On deck under cover. Tween decks. Under deck".

In column 6 add: "Ferry stowage (AA)".

In column 7 add: "Ferry stowage (BB)".

In columns 4, 5, 6 and 7 add: "Outside containers: Steel barrels or drums (ICC–6A) not over 55 gal. cap. (ICC–6B, 6C) not over 110 gal. cap. (ICC–17E, 37D, 37E, 37F) STC, not over 55 gal. cap.

"Wooden barrels or kegs (ICC–10A, 10B, 10C) not over 50 gal. cap. (ICC–11A, 11B) WIC, not over 400 lbs. gr. wt.

"Wooden boxes, WIC (ICC–15A, 15B, 15C, 16A, 19A) not over 250 lbs. gr. wt.

"Fiberboard boxes (ICC–12B) WIC, not over 65 lbs. gr. wt.

"Fiber drums (ICC–21A) not over 150 lbs. gr. wt.

"Plywood drums (ICC–22A) (ICC–22B) WIC, not over 150 lbs. gr. wt".

§ 146.23–11 *Limited quantity shipments.* Amend paragraph (a) to read:

(a) Acids and other corrosive liquids in quantity not exceeding 1 pound in bottles, each enclosed in a metal can, and packed in outside containers, are exempt from specification packaging, marking other than name of contents, and labeling requirements unless otherwise provided by the regulations in this part.

Amend § 146.23–12 *Nonspecification export carboys authorized* to read:

§ 146.23–12 *Specification export carboy.* (a) Corrosive liquids for which the specification (ICC–1A) boxed glass carboy is authorized by the provisions of the table in § 146.23–100 may also be offered and accepted for export shipments only, when packed in specification (ICC–1X) boxed glass carboy.

(b) Such export shipments may be accepted for transportation provided the bill of lading or other shipping paper correctly describes the article in accordance with the true name as shown in the commodity list. Stowage shall be as prescribed by the provisions of the table in § 146.23–100 for the particular substance laden within the carboy and applicable for the particular character of vessel upon which its acceptance is permitted.

§ 146.23–100 *Table F—Classification: Corrosive liquids.*

Article: "Batteries, electric storage, wet".

In column 1 amend note to read:

"NOTE: Electric storage batteries, containing electrolyte or corrosive battery fluid of the nonspillable type, protected against short circuits and completely and securely boxed, are exempt from specification packaging, marking other than name of contents, and labeling requirements".

In column 2 add:

"NOTE: Shall be completely protected so that short circuits will be prevented".

"NOTE: Shall not be packed with other articles except electrolyte or corrosive battery fluid, or portable searchlights properly cushioned".

"NOTE: Observe instructions regarding 'This side up' stowage".

In column 3 amend to read:

"White, unless exempt from labeling requirements".

In columns 4, 5, 6 and 7 delete:

"NOTE: Shall be completely protected so that short circuits will be prevented".

"NOTE: Shall not be packed with other articles except electrolyte or corrosive battery fluid, or portable searchlights properly cushioned".

"NOTE: Observe instructions regarding 'This side up' stowage".

In columns 6 and 7 amend provisions governing carload or truckload shipments of electric storage batteries to read: "Carloads or truckload shipments of electric storage batteries containing electrolyte or battery fluid, loaded or braced to prevent damage in transit and short circuits, are exempt from specification packaging, marking other than name of contents, and labeling requirements".

In columns 4 and 5 under "Outside containers" add:

"Wooden boxes (Non-specification) completely closed, having cleated ends, and two skids of at least 3" x 3" size attached to the bottom of the box".

"Wooden or metal trays (Non-specification). Carload or truckload shipments of electric storage batteries permitted by regulations to be shipped without being packed in an outside container, shall when stowed on board a vessel be packed in wooden or metal trays so constructed as to protect the batteries from damage, short circuit or from the weight of imposed stowage resting upon the batteries".

§ 146.24–100 *Table G—Classification: Compressed gases.*

Following the article "Methyl chloride" in column 1 add: "Monochlorodifluoromethane". "Monochlorotetrafluoroethane".

In column 2 add: "*Non-inflammable gas. Non-poisonous, but excessive quantities in an enclosed space may cause suffocation. Odorless. Very much heavier than air. Decomposes when passed through flames, evolving hydrochloric and hydrofluoric acid fumes*".

In column 3 add: "Green gas".

In column 4 add: "Stowage: On deck protected. On deck under cover. Tween decks readily accessible. Under deck away from heat".

"Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tank cars (ICC–106A–500). Tanks (ICC–106A–500)".

In column 5 add:

"Stowage: On deck protected. On deck under cover. Tween decks readily accessible. Cargo hatch trunkway".

"Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tanks (ICC–106A–500)".

In column 6 add: "Ferry stowage (AA)".

"Containers: Cylinders: (With valve protection cap.) (With dished heads.) (Boxed.) Tanks (ICC–106A–500)".

In column 7 add: "Ferry stowage (BB)".

"Containers: Cylinders: Tank cars (ICC–106A–500). Tanks (ICC–106A–500)".

§ 146.25–10 *Limited quantity shipments.* Amend the first paragraph of paragraph (a) to read:

(a) Poisonous liquids, Class B, as defined herein, except hydrocyanic acid solutions, methyl bromide, motor fuel antiknock compound, phenyldichlorarsine and tetraethyl lead in tightly closed inside containers securely cushioned when necessary to prevent breakage and packed as follows are exempt from specification packaging, marking other than name of contents, and labeling requirements.

Amend the first paragraph of paragraph (b) to read:

(b) Poisonous solids, Class B, except cyanides, as described in (c), in tightly closed inside containers, securely cushioned when necessary to prevent breakage and packed as follows, are exempt from specification packaging, marking other than name of contents, and labeling requirements.

Amend subparagraph (b) (2) to read:

(2) In inside chipboard, pasteboard or fiber cartons, cans, or boxes, of not over 5 pounds capacity each, packed in outside fiberboard or wooden boxes. No more than 5 of these cartons shall be packed in any outside container.

Amend the first paragraph of paragraph (c) to read:

(c) Cyanides, when packed and described as follows, are exempt from specification packaging, marking other than name of contents, and labeling requirements.

§ 146.25–100 *Table H—Class B: Less dangerous poisons.*

Article: "Arsenical compounds or mixtures, N. O. S., solid".

In columns 4, 5, 6 and 7 under "Outside containers" amend "Triplex bags" to read: "Triplex bags (ICC–36A, 36B). Authorized only for arsenical insecticides and fungicides containing 10.0 per cent or less of arsenic trioxide (As_2O_3)".

Following the article "Arsenous and mercuric iodide solution, liquid", in column 1 add: "Arsenical compounds or mixtures, N. O. S., liquid".

In column 2 add: "*These substances are in the form of liquids or liquid pastes. Poisonous if taken internally. Will contaminate foodstuffs.* Stow away from living quarters and foodstuffs. Do not stow with acids (white label)".

In column 3 add: "Poison".

Article: "Cyanides, dry". "Cyanide mixtures, dry".

In columns 4, 5, 6 and 7 add: "Bags (cloth and paper, lined) (ICC–45B) for sodium cyanides of globular or pellet form. Not over 100 lbs. net wt."

In column 4 only, add: "Bulk. In airtight railroad cars". "Bulk. In airtight metal-body covered motor vehicles".

§ 146.25–100 *Table N—Class C: Tear gas or irritating substances.*

Article: "Monochloracetone, stabilized".

In column 4 under "Outside containers" add: "Wooden boxes (ICC–15A, 15B, 15C, 16A) WIC. Not over 24 lbs. net wt. of liquid".

Article: "Police grenades, tear gas".

In columns 4, 5, 6 and 7 under "Outside containers" add: "Metal drums (ICC–37D) not more than 24 grenades and not over 75 lbs. gr. wt."

Add two sections to Part 146 of the regulations as follows:

Temporary Amendments to Regulations

§ 146.28–1 *Scope.* The regulations contained in the sections under the heading "Temporary Amendments to Regulations" are supplementary and amendatory to the regulations in Part 146 and are effective for the duration of the present war, except as hereafter modified or rescinded.

§ 146.28–2. *Reused single-trip containers.* Notwithstanding the provisions of § 146.05–10 (h), single-trip containers may for the duration of the present war be reused if retested and approved for service in accordance with the regulations of the Interstate Commerce Commission in effect at the time of shipment. (R.S. 4472, as amended; 46 U.S.C., 1940 ed., 170)

WAYNE C. TAYLOR,
Acting Secretary of Commerce.

FEBRUARY 17, 1942.

[F. R. Doc. 42–1411; Filed, February 17, 1942; 11:51 a. m.]

Notices

FEDERAL POWER COMMISSION.

[Project No. 120]

IN THE MATTER OF SOUTHERN CALIFORNIA EDISON COMPANY LTD.

ORDER FURTHER POSTPONING REHEARING

FEBRUARY 16, 1942.

It appearing that good cause exists for the postponement of the rehearing in the above-entitled proceeding;

It is ordered, That the rehearing on this proceeding now set for February 17, 1942, is hereby postponed until July 13, 1942, at 9:45 a. m. (E. W. T.) in the Hurley-Wright Building at 1800 Pennsylvania Avenue NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42–1353; Filed, February 17, 1942; 9:17 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 802–5]

IN THE MATTER OF SHATTUCK & BROOKS

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of February, A. D. 1942.

An application having been duly filed on November 27, 1941, by the above named applicant under and pursuant to the provisions of section 202 (a) (11) (F) of the Investment Advisers Act of 1940 for an order declaring applicant not within the intent of paragraph 202 (a) (11) of that Act;

It is ordered, That a hearing on the aforementioned application be held on Wednesday, February 25, 1942, at 10:30 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Robert P. Reeder, Esq., or any officer or officers of the Commission designated by it for that purpose, shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant or to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–1399; Filed, February 17, 1942; 11:45 a. m.]

[File No. 802–6]

IN THE MATTER OF AUGUSTUS P. LORING, JR.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of February, A. D. 1942.

An application having been duly filed on December 15, 1941, by the above named applicant under and pursuant to the provisions of section 202 (a) (11) (F) of the Investment Advisers Act of 1940 for an order declaring applicant not within the intent of paragraph 202 (a) (11) of that Act;

It is ordered, That a hearing on the aforementioned application be held on Wednesday, February 25, 1942, at 10:15 o'clock in the forenoon of that day at

the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW. Washington, D. C. On such day the hearing room clerk in Room 1102 will advise the interested parties where such hearing will be held.

It is further ordered, That Robert P. Reeder, Esq., or any officer or officers of the Commission designated by it for that purpose, shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant or to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–1400; Filed, February 17, 1942; 11:46 a. m.]

[File Nos. 59–17, 59–11, 54–25]

IN THE MATTER OF THE UNITED LIGHT AND POWER COMPANY, THE UNITED LIGHT AND RAILWAYS COMPANY, AMERICAN LIGHT & TRACTION COMPANY, CONTINENTAL GAS & ELECTRIC CORPORATION, AND IOWA-NEBRASKA LIGHT AND POWER COMPANY, RESPONDENTS; THE UNITED LIGHT AND POWER COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS; AND THE UNITED LIGHT AND POWER COMPANY, APPLICANT

NOTICE OF FILING OF RESPONDENTS' APPLICATION NO. 9 AND ORDER RECONVENING HEARING FOR PURPOSE OF CONSIDERING SAID APPLICATION NO. 9

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of February 1942.

The Commission having previously, by order entered in these proceedings on March 20, 1941, ordered among other things the dissolution of The United Light and Power Company; and the Commission having also by order entered in these proceedings on August 5, 1941 ordered among other things the disposition of various properties and assets pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, and said order having provided that the respondents should make application to the Commission for the entry of such further orders as were necessary or appropriate for that purpose, and the Commission having reserved jurisdiction to enter such further orders as might be necessary or appropriate with respect to other matters in this proceeding;

Notice is hereby given that Continental Gas & Electric Corporation, (Continental) a registered holding company and a subsidiary of The United Light and Power Company, and Eastern Kansas Utilities, Inc., a newly organized Kansas corporation (Eastern Kansas), have filed, on February 12, 1942, an application designated as "Application No. 9" pursuant to sections 6, 7, 9, 10, 11, and 12 of the Act and Rule U-50 and any other applicable sections of the Act or Rules thereunder with respect to various proposed transactions hereinafter summarized as follows:

Continental has entered into a written agreement with The Kansas Utilities Company, a subsidiary of Community Power and Light Company, a registered holding company, whereby Continental agreed to purchase, subject to the approval of the State Corporation Commission of Kansas and of this Commission the property and assets of The Kansas Utilities Company, for the consideration of $2,300,000 subject to adjustments of the purchase price for the net current assets less cash, of the seller. Continental does not propose to acquire such utility assets and other property directly, but proposes that Eastern Kansas, which was organized by Continental, acquire such utility assets and other property and that Eastern Kansas secure the necessary funds for such acquisition through the subscription and purchase by Continental of not to exceed $1,500,000 of the common stock of Eastern Kansas and the issuance and private sale of $1,000,000 principal amount of first mortgage bonds by Eastern Kansas in order to raise the balance of said purchase price.

The detailed transactions are more particularly summarized and set forth as follows:

(1) Eastern Kansas, which now has a capitalization of 15,000 shares of authorized but unissued common stock, par value $100 per share, proposes to issue and Continental proposes to acquire for cash such 15,000 shares of common stock. In connection therewith Continental proposes to assign to Eastern Kansas all of its rights in, and Eastern Kansas proposes to assume all of Continental's obligations under, the existing agreement between Continental and The Kansas Utilities Company covering the sale of the latter company's property and assets. The $1,500,000 received by Eastern Kansas for its stock will be used to pay in part for the property and assets of The Kansas Utilities Company to be acquired under the contract assigned to it by Continental.

(2) Eastern Kansas proposes to acquire all of the property and assets, except cash, of The Kansas Utilities Company, consisting principally of facilities for the generation, transmission, and distribution of electric energy in the counties of Allen, Anderson, Bourbon, Coffey, Linn, Miami, Neosho, and Woodson in southeastern Kansas. The acquisition will also include certain nonutility properties, consisting of an ice making plant in Chanute, Kansas, a refrigerating storage plant in Burlington, Kansas, and a steam heating system in Fort Scott, Kansas. The consideration for such acquisition is $2,300,000 in cash plus such further sum as shall represent the net current assets of The Kansas Utilities Company.

(3) In order to provide the additional funds necessary to purchase the property and assets of The Kansas Utilities Company and to provide working capital, Eastern Kansas proposes to issue and sell privately to The Northwestern Mutual Life Insurance Company, at a price of 101 plus accrued interest to date of purchase, $1,000,000 principal amount of First Mortgage 3½% Bonds, to be dated March 1, 1942, maturing March 1, 1967, secured by a First Mortgage on all of the fixed property to be acquired from The Kansas Utilities Company, and all other fixed property then or thereafter acquired by it, excluding certain classes of nonutility properties.

Eastern Kansas has further requested that the Commission's order approve the issuance and sale of the aforementioned bonds exempt from the competitive bidding requirements of Rule U-50; and

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that the hearings herein be reconvened for the purpose of considering said Application No. 9;

It is ordered, That the hearing in this proceeding shall be reconvened at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C., in such room as may be designated on such date by the Hearing Room Clerk in Room 1102, at 10:00 A. M. on the 10th day of March 1942. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by our Rules of Practice, Rule XVII, on or before March 7, 1942. At said reconvened hearing on that day the issues will be limited to a consideration of the matters presented by said Application No. 9 with respect to all of the various transactions previously summarized above.

All interested persons are referred to said Application No. 9 which is on file in the office of said Commission for a full statement of the transactions therein proposed.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to assert all powers granted to the Commission under section 18 (c) of the Act and to the trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said application, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the consideration, including all fees, commissions and other remuneration, to whomsoever paid for the acquisition of securities or utility assets is not reasonable or does not bear a fair relation to the sums invested in or the earning capacity of the utility assets to be acquired or the utility assets underlying the securities to be acquired;

(2) Whether such transfers or acquisitions of securities will unduly complicate the capital structure of the

holding company system or will be detrimental to the public interest or the interest of investors or consumers or the proper functioning of such holding company system;

(3) Whether the utility properties to be acquired constitute an integrated electric system or systems, or will, when acquired, constitute part of an integrated public utilities system already directly or indirectly owned and operated by Continental;

(4) Whether the ice making plant, the refrigerating storage plant and the steam heating plant proposed to be acquired are reasonably incidental or necessary or appropriate to the operation of Eastern Kansas or such other integrated public utility system of which it may be deemed to be a part, and not detrimental to the utility properties to be operated by Eastern Kansas or such integrated public utility system of which it may be deemed to be a part;

(5) Whether the proposed security structure of Eastern Kansas complies with the applicable sections of the Act;

(6) Whether the terms and conditions of the acquisition of the securities of Eastern Kansas by Continental are consistent with and meet the applicable standards of the Act;

(7) Whether the issue and sale of bonds by Eastern Kansas are consistent with and meet the applicable standards of the Act;

(8) Whether the proposed transactions as outlined in Application No. 9 meet the standards of the section 11 (b) (1) and Section 11 (b) (2) proceedings instituted by the Commission;

(9) Whether compliance with Paragraphs (b) and (c) of Rule U-50 with respect to the issuance and sale of the First Mortgage Bonds of Eastern Kansas is not appropriate to aid the Commission (in carrying out the provisions of Section 7 of the Act) to determine whether the fees, commissions, or other remuneration to be paid directly or indirectly in connection with the issue, sale or distribution of such securities are reasonable, or whether any term or condition of such issue or sale is detrimental to the public interest or the interests of investors or consumers.

(10) In the event the Commission finds the proposed transactions appropriate, what terms and conditions, if any, seem necessary and desirable to be imposed on such transactions.

(11) Whether any particular aspect of the remaining transactions enumerated in Application No. 9 are not in compliance with the applicable provisions of said Act or consistent with the requirements of the orders of March 20, 1941, and August 5, 1941.

Notice of such hearing is hereby given to such declarants or applicants and to any other person whose participation in such proceeding may be in the public interest and for the protection of investors and consumers.

Notice is further given that Eastern Kansas Utilities, Inc. has requested that it be made a party to this proceeding to the extent necessary to entitle it to join in this application and to secure authority of the Commission in this proceeding to consummate the afore-described transactions in which they have an interest.

It is further ordered, That the Secretary of this Commission serve notice of the entry of this order by mailing a copy thereof by registered mail to the respondents and applicants and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1401; Filed, February 17, 1942; 11:46 a. m.]

FED 1942

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — 1934 — OF THE UNITED STATES

VOLUME 7 NUMBER 35

Washington, Thursday, February 19, 1942

The President

EXECUTIVE ORDER

AUTHORIZING THE CIVIL SERVICE COMMISSION TO ADOPT SPECIAL PROCEDURES RELATING TO RECRUITMENT, PLACEMENT, AND CHANGES IN STATUS OF PERSONNEL FOR THE FEDERAL SERVICE

WHEREAS millions of the citizens of this country are engaged in war industries or have been or expect to be called to duty with the armed forces of the United States, which militates against their competing for employment in the Federal service, and greatly diminishes the number of persons available for competitive positions in the Federal service; and

WHEREAS it is essential that there be no delay during the present emergency in filling positions in the Federal service with qualified persons:

NOW, THEREFORE, by virtue of the authority vested in me by section 2 of the Civil Service Act (22 Stat. 404), it is hereby ordered as follows:

1. The United States Civil Service Commission is authorized to adopt and prescribe such special procedures and regulations as it may determine to be necessary in connection with the recruitment, placement, and changes in status of personnel for all departments, independent establishments, and other Federal agencies, except positions in the field service of the postal establishment. The procedures and regulations thus adopted and prescribed shall be binding with respect to all positions affected thereby which are subject to the provisions of the Civil Service Act and Rules.

2. Persons appointed solely by reason of any special procedures adopted under authority of this order to positions subject to the provisions of the Civil Service Act and Rules shall not thereby acquire a classified (competitive) civil-service status, but, in the discretion of the Civil Service Commission, may be retained for the duration of the war and for six months thereafter.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 16, 1942.

[No. 9063]

[F. R. Doc. 42-1417; Filed, February 17, 1942; 2:43 p. m.]

EXECUTIVE ORDER

AUTHORIZING THE GOVERNOR OF THE PANAMA CANAL TO FURNISH CERTAIN TRANSPORTATION TO PERSONS ENGAGED FOR SERVICE ON THE ISTHMUS OF PANAMA

By virtue of the authority vested in me by section 81 of title 2 of the Canal Zone Code, as amended by section 3 of the act of July 9, 1937, c. 470, 50 Stat. 487, it is hereby ordered as follows:

1. Notwithstanding the provisions of paragraph 3 of Executive Order No. 1888 of February 2, 1914, relating to conditions of employment in the Panama Canal service, the Governor of The Panama Canal is authorized (1) to furnish free transportation, or to make reimbursement of cost thereof, from any point within the continental United States to the port of departure for the Isthmus of Panama, to any person engaged for service with The Panama Canal on the Isthmus; (2) to furnish free transportation from the port of departure to the Isthmus; and (3) to pay to such person a subsistence allowance not in excess of six dollars a day while en route to the port of departure and awaiting transportation therefrom.

2. The Governor of The Panama Canal may prescribe such regulations as may be necessary to carry out the provisions of this order.

3. This order shall be effective as of February 1, 1942, and shall remain in force during the continuance of the

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THE PRESIDENT

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present war and for six months after the termination thereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
Feb. 16, 1942.

[No. 9064]

[F. R. Doc. 42-1416; Filed, February 17, 1942; 2:43 p. m.]

EXECUTIVE ORDER

AMENDMENT OF SECTION 11 OF THE REGULATIONS GOVERNING HIGHWAYS, VEHICLES, AND VEHICULAR TRAFFIC IN THE CANAL ZONE

By virtue of the authority vested in me by sections 5 and 321 of title 2 of the Canal Zone Code, it is ordered that section 11 of Executive Order No. 7242 of December 6, 1935, prescribing regulations governing highways, vehicles, and vehicular traffic in the Canal Zone, be, and it is hereby, amended to read as follows:

SEC. 11. *Governor authorized to make regulations.* The Governor is hereby authorized to make, alter, and amend, from time to time, rules and regulations for the purpose of carrying out the provisions of this order, and in time of war in which the United States is engaged or when in the opinion of the Governor war is imminent, the Governor is hereby authorized, subject to the provisions of Executive Order No. 8232[1] of September 5, 1939, to amend, modify, supplement, or suspend this order, or any provision thereof, for the duration of any such period, when in his judgment such action is necessary in the public interest.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 17, 1942.

[No. 9065]

[F. R. Doc. 42-1423; Filed, February 18, 1942; 10:13 a. m.]

[1] 4 F.R. 3812.

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

PART 19—FEES

ADDITIONAL-LOAN FEES

Section 19.4009 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 19.4009 *Additional-loan fees.* For the purposes of this section, the term "additional loan" shall be construed (a) to apply to any transaction which may, or does, result in additional funds being loaned wholly or partially on property that is security for a loan on which the applicant, at the time his application is filed, is the borrower from the Federal land bank, the Land Bank Commissioner, or both; and (b) to include any new funds, plus any delinquent principal, interest, and other items due and unpaid under the outstanding land bank loan, Land Bank Commissioner loan, or both, which, under the procedure of the bank, are included in the face amount of the new note or notes. This construction shall be applicable whether the transaction is completed by way of a supplemental loan or a rewriting of the outstanding land bank loan, Land Bank Commissioner loan, or both, and whether the outstanding land bank loan was closed through the association accepting the application or not. Whenever an additional loan is applied for, the provisions of §§ 19.4005–19.4007, and the last sentence of § 19.4008, shall apply, except that, in such cases, the maximum association application fee which may be collected in accordance with § 19.4005 shall be based on the amount of the additional loan applied for, and the maximum additional association application fee which may be collected in accordance with § 19.4007 shall be based upon the amount of the additional loan tentatively approved by the bank. When an additional loan is closed by the bank, the association may collect a maximum closed loan fee in an amount which, when added to the association application fees already collected, will not exceed 1 percent of the amount of the additional loan closed. (Sec. 11 "Third", 39 Stat. 369, as amended, sec. 17 (d), 39 Stat. 375; 12 U.S.C. 761 "Third", 831 (d))

Section 19.4022 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 19.4022 *Additional-loan fees.* The definition of an "additional loan" set forth in § 19.4009 shall apply to the term as used in this section. The application fee in connection with an additional loan shall not exceed an amount computed in accordance with approved schedules on the amount of the additional loan applied for. The balance of the bank's appraisal and title determination fees and the bank's direct-loan closed loan fees in such cases shall not exceed an amount computed in accordance with approved schedules on the amount of the additional loan closed. On Land Bank Commissioner additional loans made by way of a supplemental loan or by rewriting of the old loan the bank should charge the borrowers fees computed on the same basis as that adopted by the bank for computing fees in connection with additional land bank loans. (Secs. 13 "Ninth", 17 (d), 39 Stat. 372, 375, sec. 26, 48 Stat. 44, sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth", 831 (d), 723 (c), 1016 (e) and Supp.

[SEAL] W. E. RHEA,
Land Bank Commissioner.

[F. R. Doc. 42-1442; Filed, February 18, 1942; 11:31 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendments 60-55, 60-56, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

FLIGHT IN RANGE APPROACH CHANNELS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 10th day of February, 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 10, 1942, Part 60 of the Civil Air Regulations is amended as follows:

1. By amending § 60.115 to read as follows:

§ 60.115 *Range approach channel.* A range approach channel is the airspace above the ground or water below 17,000 feet above sea level located within 2 miles of either side of the center of the on course signal of any leg or legs designated by the Administrator of a radio range station serving a control airport, and extending along such leg or legs from such radio range station for a distance of 15 miles: *Provided,* That such range approach channels may be modified or extended by the Administrator when he deems it necessary in the interests of safety.

2. By adding immediately following § 60.38 a new § 60.39 to read as follows:

§ 60.39 *Flight in range approach channel.* Unless on an approved flight plan, no person shall fly an aircraft within the limits of a range approach channel above 1,500 feet over the surface of the earth except to enter such channel on the right side as determined by the proposed direction of flight along such channel and then to continue along the right side of such channel in normal cruising flight. No person shall fly an aircraft below 1,500 feet above the surface of the earth in such channel except to cross such channel at an angle of not less than 45° in normal cruising attitude: *Provided,* That a pilot taking off from or landing at a designated landing area located within a range approach channel may perform such maneuvers below 1,500 feet as are necessary to effect a normal take-off therefrom or a normal approach and landing thereon, as the case may be.

§ 60.391 *Flight within local flying areas adjacent to a control airport.* The Administrator may designate flight zones for specific purposes within the local flying area, as defined in § 60.95, adjacent to any control airport. Thereafter, within such local flying area, no person shall make a flight of a type for which a zone has been set apart, except within such zone.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1414; Filed, February 17, 1942; 1:29 p. m.]

[Amendment 60-57 Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

AIRCRAFT TO CONFORM TO AIRPORT TRAFFIC PATTERN

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 10th day of February, 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 10, 1942, Part 60 of the Civil Air Regulations is amended as follows:

By amending § 60.3303 to read as follows:

§ 60.3303 Aircraft in contact flight within three miles horizontally of the center of an airport or other landing area shall conform to the circle rule provided in § 60.3301 unless flying at an altitude in excess of 1,500 feet above such airport or other landing area.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1413; Filed, February 17, 1942; 1:29 p. m.]

[Regulations, Serial Number 204]

PART 202[1]—ACCOUNTS, RECORDS AND REPORTS

AMENDMENT OF ECONOMIC REGULATIONS—PRESERVATION OF ACCOUNTS, RECORDS AND MEMORANDA OF AIR CARRIERS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 12th day of February, 1942.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 407 (d) thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following Regulation:

§ 202.3 *Preservation of accounts, records, and memoranda of air carriers.* (a) All air carriers shall preserve the acounts, records, and memoranda designated in the Schedule Governing Preservation of Acounts, Records, and Memoranda of Air Carriers issued by the Civil Aeronautics Board, dated March 1, 1942, and such amendments thereto as may be hereafter prescribed by the Board (hereinafter referred to as the "Schedule"), for the length of time prescribed in such Schedule: *Provided,* That voluminous detailed records, such as material requisitions and issues, and time and labor distribution cards, may be photographed and the films kept in lieu of the original documents for the respective periods prescribed therefor. This proviso shall not apply to cash and journal vouchers and similar important documents, although it shall apply to the details in suport thereof. The provisions of this section shall apply to all accounts, records and memoranda which come into the possession of an air carrier in connection with the acquisition of property by consolidation, merger, or otherwise. The preservation of duplicate accounts, records, and memoranda shall be optional with each air carrier.

(b) All accounts, records, and memoranda required to be preserved for a specified period of time prescribed in the Schedule may, unless hereafter otherwise ordered by the Board, be destroyed upon the termination of such period in the manner elected by each air carrier. All other accounts, records, and memoranda may, unless hereafter otherwise ordered by the Board, be destroyed at any time at the option of each air carrier. Supervision over the destruction of accounts, records, and memoranda of each air carrier shall be vested in an officer of such carrier who shall keep a permanent record, by classes and gen-

[1] 7 F.R. 499, 500.

eral description as specified in the Schedule of all accounts, records, and memoranda destroyed, together with the respective dates of destruction.

(c) If any accounts, records, and memoranda specified in the Schedule are destroyed accidentally by fire, flood or other casualty, the air carrier shall prepare and file as soon as possible with the Civil Aeronautics Board a statement identifying the accounts, records, and memoranda so destroyed, classified in accordance with the provisions of such Schedule, and describing the circumstances of destruction.

(d) This section shall not be construed as excusing compliance with any other lawful requirements for the preservation of accounts, records, or memoranda for longer periods than those herein prescribed.

(e) This section shall become effective March 1, 1942. (Sec. 205 (a), 52 Stat. 984, sec. 407d, 52 Stat. 1000; 49 U.S.C. 425a, 487d)

By the Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

SCHEDULE GOVERNING PRESERVATION OF ACCOUNTS, RECORDS, AND MEMORANDA OF AIR CARRIERS (MARCH 1, 1942)

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DESCRIPTION OF ACCOUNTS, RECORDS AND MEMORANDA—PERIODS OF RETENTION

Administrative and Financial

1. Minute books of directors', stockholders' and other corporate meetings: Permanently.

2. Capital stock and bond records: Permanently.

3. Corporate election records: 3 years.

4. Retired securities: 3 years.

5. Ledgers: General and auxiliary ledgers and indexes thereto, except as provided for elsewhere herein: Permanently.

6. Record of securities owned: Permanently.

7. General journals: Permanently.

8. General and auxiliary records of cash receipts and disbursements: Permanently.

9. General journal entries and supporting papers: Permanently.

10. Deeds and other title papers and franchises: Permanently.

11. Contracts and agreements except as otherwise provided for herein: Optional after termination or expiration.

12. Tax records: Copies of schedules and returns to taxing authorities for tax purposes; records of appeals, tax bills, and statements: Permanently.

13. Fidelity bonds of employees: 3 years after term of employment.

14. Bulletins, orders, regulations and other communications from Federal and State Regulatory Bodies pertaining to the air carrier: 1 year after they become noneffective or nonapplicable.

15. Insurance records: (a) Schedules, records of payment of premiums and of amounts recovered: 6 years.

(b) Insurance policies: Optional after expiration.

(c) Records of policies in force: 3 years after expiration of the policy.

(d) Inspectors' reports of conditions of property: Optional after expiration of the policy.

(e) Reports of damages and losses: 3 years after expiration of policy.

16. Treasurer's records: (a) Statements and summaries of balances on hand and with depositaries or other periodical statements of working cash balances: 1 year.

(b) Statements from depositaries of funds, received, disbursed and transferred: 3 years.

(c) Authorities for and advices of transfer of funds from one depositary to another: 1 year after expiration of authority.

(d) Daily or other periodical statements of the receipt and disbursement of funds: 3 years.

(e) Ledgers, journals and other records of outstanding vouchers, checks, drafts, etc. issued and not presented: 6 years.

(f) Bank deposit books, check book stubs: 6 years.

(g) Slips or statements giving the postings of miscellaneous receipts and payments of funds when the information contained thereon is shown in other records which are retained: 3 years.

(h) Voucher lists showing mailing dates and to whom sent: 3 years.

(i) Copies of deposit slips: 3 years.

17. Audit Reports: (a) Reports of examinations and audits prepared and certified by independent public accountants: Permanently.

(b) Reports of examinations and audits by internal auditors and others: 3 years.

18. Records pertaining to verifications of treasurers' cash or securities: 3 years.

19. Patent records: (a) Records pertaining to applications on which patent issued: Permanently.

(b) Records pertaining to applications on which patent does not issue: 3 years after final rejection or abandonment.

Revenues

26. Records of air express and freight revenue: Journals, ledgers, or other records summarizing debits and credits arising from express and freight transactions: 6 years.

27. Interline express and freight settlements: Interline express and freight reports, summaries, statements of differences, statements of corrections, and accounts current pertaining to interline settlements of express and freight revenue between all classes of carriers: 6 years.

28. Records of passenger and excess baggage revenue: Journals, ledgers, or other records summarizing debits and credits arising from passenger revenue and excess baggage settlements: 6 years.

29. Interline passenger fare and excess baggage settlements: Interline ticket reports, summaries, statements of differences, statements of corrections, and accounts current pertaining to settlements of interline passenger and excess baggage revenue between all classes of carriers: 6 years.

30. Sales and ticket reports and other similar reports from stations, offices and agents: 6 years.

31. Records of mail revenue: Journals, ledgers, or other records summarizing revenues derived from carrying United States mails and foreign mails: 6 years.

32. Records of revenue from operations other than air transportation: Journals, ledgers, or other records summarizing revenues from various concessions, rents of buildings and other property, and miscellaneous revenue: 5 years.

33. Ticket records: (a) Copies of orders on printing houses for ticket stock: 3 years.

(b) Records of ticket stock received, issued or voided: 3 years.

(c) Requisitions and receipts for tickets furnished agents and ticket selling employees: 3 years.

34. Records and reports of tickets refunded: 3 years.

35. Volume Travel Plan records: (a) Contract between subscriber and carrier setting forth the terms of the Volume Travel Plan Agreement: 3 years after termination of the contract.

(b) Receipts for Air Travel Cards: 3 years after termination of the contract.

(c) One trip travel order contracts: 3 years after termination of the contract.

(d) Receipts for one trip travel order books: 3 years after termination of the contract.

36. Bills collectible: (a) Register of bills collectible (or accounts receivable bills) and indexes thereto: 6 years.

(b) Audit office copies of bills issued for collection and supporting papers which do not accompany the original bills: 6 years.

Expenditures

51. Distribution of labor expenditures: Journals, ledgers, or other records showing the detailed distribution of labor expenditures charged to all accounts, including memoranda and memoranda recapitulation sheets: 6 years.

52. Pay roll records: (a) Pay roll certifications and summaries: 6 years.

(b) Applications and authorities for changes in pay rolls: 6 years.

(c) Records and memoranda pertaining to deductions from pay rolls: 3 years.

(d) Receipted pay checks, receipted time tickets, certificates issued for wages, discharge tickets, and other evidences of payments for services rendered by employees: 6 years.

(e) Summaries of hours worked and wages paid as kept in compliance with State and Federal Social Security legislation: Permanently.

53. Assignments, attachments and garnishments: (a) Record of assignment, attachment and garnishment of employees' salaries: 3 years.

(b) Files containing assignments, attachments, garnishments, notices of suits and notices of release: 3 years.

54. Labor Records: Time books, time slips, overtime tickets, delayed-time tickets, work orders, job tickets, and other papers pertaining to services of employees: 3 years.

55. Distribution of expenditures for material and supplies: Journals, ledgers, or other records and memoranda showing the detailed distribution of expenditures for materials and supplies chargeable to all accounts, including memoranda recapitulation sheets: 6 years.

56. Vouchers: (a) Register of audited vouchers and indexes thereto: 15 years.

(b) Paid drafts, paid checks and receipts for cash paid out: 6 years.

(c) Paid and cancelled vouchers, audit office copies of vouchers and supporting papers: 15 years.

57. Equipment and buildings records: (a) Records and memoranda of the cost or the inventory value of equipment and buildings: Permanently.

(b) Records and memoranda pertaining to depreciation, retirements and replacements of buildings and equipment: Permanently.

(c) Contracts and other agreements relating to the construction, acquisition or sale of buildings and equipment: Permanently.

58. Records of special authorities for expenditures: Permanently.

Stores

76. Material ledgers: (a) Records of material and supplies on hand: 6 years.

(b) Balance sheets of material and supplies received, issued, and on hand, at repair bases, shops, stations and other places: 3 years.

77. Inventories of materials and supplies: (a) General inventories of materials and supplies on hand, with record of adjustment between accounts: 6 years.

(b) Stock cards, inventory cards, and other detail records pertaining to the taking of inventories when abstracted into records covered by (a) above: 1 year.

78. Records and reports of materials and supplies received: 6 years.

79. Materials and supplies issued: (a) Records and reports of materials and supplies issued: 6 years.

(b) Records and reports of materials and supplies transferred from one department or division to another: 1 year.

(c) Requisitions and receipts for materials and supplies issued: 1 year.

80. Manufactured stock: (a) Shop orders or requisitions for the manufacture of stock: 3 years.

(b) Records and reports of manufactured stock: 6 years.

81. Gas and Oil: (a) Detailed record of gas and oil purchased: 6 years.

(b) Records and reports of gas and oil delivered to airports: 3 years.

(c) Records and reports of gas and oil received and issued at airports: 3 years.

Claims

101. Claim registers, card or book indexes and other records in connection with loss and damage, personal injury, fire and other claims, other than passenger refunds presented against the carrier: 6 years.

102. Reports and statements regarding personal injuries, when not necessary to support claims or vouchers: 6 years.

103. All papers substantiating loss and damage, personal injury, fire and other claims, whether such papers are filed separately or attached to vouchers: 4 years after settlement or rejection.

Maintenance and Overhaul

126. Records and reports of repairs needed on engines, radio, airplanes and other property and equipment, including defect and repair cards: 5 years.

127. Authorities for expenditures for repairs to engines, radio, airplanes and other property and equipment: 3 years.

128. Records and reports of repairs made to engines, radio, airplanes, and other property and equipment: 5 years.

129. Inspection records: (a) Certificates of inspection of equipment purchased: 5 years.

(b) Records and reports of engines, radio, airplanes and other equipment inspected: 5 years.

130. Records and reports of engines, radio and airplanes received, released and on hand at shops: 1 year.

131. Reports of time and service on individual equipment: (a) Copies of Individual Airplane Log Books, the original of which goes with the airplane: 3 years after disposal of airplane.

(b) Records and reports on individual engines, propellers and radio equipment: 3 years after retirement or sale.

132. Records and reports of equipment numbers changed: Permanently.

133. Records and reports of equipment in and out of service: 1 year.

134. Records and reports of engine and other equipment failures: 3 years after retirement or sale.

Transportation

151. Airplane movements: (a) Records of arrivals, departures, delays and related reports: 6 years.

(b) Records of crews by trip: 1 year.

152. Individual trip reports: (a) Records and reports concerning weather, flight plan and related matters for each individual trip flown: 3 years.

(b) Dispatchers, meteorologists and radio operators reports: 3 years.

(c) Reports made by pilots while en route: 3 years.

153. Airplane accidents: (a) Record of airplane accidents: 6 years.

(b) Reports of accidents by pilots, stewardesses or others: 6 years.

(c) Reports of damage to equipment by accidents: 6 years.

154. Records of hours of service of flight personnel: (a) Flight officers: 3 years.

(b) Stewardesses and stewards: 3 years.

155. Air mail service: (a) Records and reports of mail pouches received and distributed: 3 years.

(b) Records of mail handling and irregularities: 1 year.

156. Air express: Records and reports of express received and delivered, delays, and irregularities, way-bills and related matters: 3 years.

Passenger Service and Reservations

176. Records and reports dealing with the transporting, handling or mishandling of baggage: 3 years.

177. Records of comments and complaints from passengers and others: 3 years.

178. Records and reports dealing with ground transportation other than the actual contracts with the operators thereof: 3 years.

179. Records and reports of the lost and found department: 3 years.

180. Meal Service and Commissary Reports: (a) Reports of supplies drawn, consumed and on hand: 1 year.

(b) Stewardesses and stewards requisitions and receipts for supplies: 1 year.

(c) Commissary inventories: 6 years.

(d) General commissary, laundry and supply records: 2 years.

181. Reservations reports and records: (a) Cards and charts constituting the original source of passengers' names, telephone numbers, etc.: 1 year.

(b) Telegrams and radio messages relating to the clearance of space, passenger dispatches and other routine matters: 3 months.

(c) Reservations, trip movement charts and other miscellaneous reports and records: 3 months.

(d) Records and reports relating to errors or irregularities, oversales, no-show passengers, etc.: 1 year.

(e) Bulletins of instruction dealing with schedules changes, reservations, procedure, sales effort and related matters: 6 months after expiration.

182. Detective and police service: Reports and records in connection with policing the company's property, detective service, investigations of robberies and attempts to defraud the company when not the subject of claim: 1 year.

Miscellaneous

201. Purchase and Sales: (a) Copies of orders for the purchase of materials and supplies: 3 years.

(b) Copies of invoices for materials and supplies purchased which are not attached to vouchers: 3 years.

(c) Bids and offers for the sale or purchase of materials and supplies: 3 years.

(d) Contracts for the purchase or sale of materials and supplies: 6 years after termination.

(e) Advices or requisitions from company storekeepers and others for the purchase of materials and supplies: 3 years.

(f) Price records of purchases, file copies: 6 years.

202. Tariffs and other rate authorities: (a) Tariffs, classifications, bulletins and circulars relative to the transportation of persons or property in the general

files of the traffic department: Permanently.

(b) Authorities for the transportation of persons, free or at reduced rates and supporting papers: 6 years.

(c) Records and reports pertaining to the acquisition, issuance and use of all types of passes: 6 years.

(d) Correspondence and working papers in connection with the making of rates and compilation of tariffs, classifications, bulletins and circulars: 1 year after cancellation of tariff, etc.

203. Reports to Civil Aeronautics Board and similar reports to its predecessor, the Civil Aeronautics Authority, and other regulatory bodies: (a) Annual and monthly financial, operating, and statistical report, file copies of, and supporting papers: Permanently.

(b) Reports of accidents involving aircraft, mechanical interruption in flight, power plant failure and aircraft structural failure and defects, file copies of, and supporting papers: 2 years after current year.

(c) Records and reports of various petitions and hearings: 5 years.

(NOTE: The supporting papers referred to in this item are those requisite to support the reports named, and not elsewhere provided for in these regulations. When figures for such reports are assembled on memorandum sheets, such sheets constitute a part of the supporting papers and shall be retained accordingly.)

204. Annual reports of statements to stockholders, file copies of: Permanently.

205. Monthly or other periodical statements and supporting work papers of general balance sheet, income, and profit and loss accounts, comparative or otherwise: 5 years.

206. Engineering Records: (a) Maps, profiles, plans, specifications, estimates of work, records of engineering studies, and similar records pertaining to extension, addition, and betterment projects which have been put into execution: 6 years after project has been put into execution.

(b) Maps, profiles, plans, specifications, estimates of work, records of engineering studies, and similar records pertaining to extension, addition, and betterment projects which have been abandoned: 3 years after project has been abandoned.

207. Records of employees: (a) Individual employee personnel records such as contract of employment, assignment of inventions, promotions, pay increases, etc.: 2 years after termination of employment.

(b) Medical records of each employee: 2 years after termination of employment.

208. Instructions to employees, agents, and others: File copies of books and circulars of instruction on various topics: 2 years after expiration or cancellation.

209. Provident department records: Records of provident departments, such as employees' relief, hospital insurance, credit union, other than records pertaining to the receipt and disbursement of funds: 1 year.

(NOTE: The records pertaining to the receipt and disbursement of funds will be retained for the same periods as are provided for similar records elsewhere herein)

210. Data relating to the destruction of records; written authorities and certificates of destruction of accounts, records and memoranda: Permanently.

211. Retirement Plan records: 6 years after termination of employment or 3 years after death of annuitant, whichever is later.

212. Correspondence (including interoffice memoranda) and records thereof relating to subjects listed in items above set forth: For the period prescribed for the records to which the correspondence relates.

213. Advertising and Publicity Department Records: (a) Records of the advertising department pertaining to advertising copy in newspapers, magazines, etc., except those concerning the expenditure of funds: 5 years.

(b) Records pertaining to displays and other miscellaneous matters: 3 years.

(c) Records of the publicity department pertaining to photographs, publicity releases, etc.: 5 years.

214. Workmens Compensation Records: (a) Accident reports: 20 years.

(b) Records of pay roll audits: 10 years.

(c) Voucher records of payments made to Insurance companies or State Funds: 20 years.

(d) Records of settlements made: 20 years.

215. Records and reports of damage to buildings and equipment not covered by insurance: 3 years.

[F. R. Doc. 42-1415; Filed, February 17, 1942; 1:29 p. m.]

TITLE 21—HOUSING CREDIT

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 3-321]

PART 402—LOAN SERVICE DIVISION

INSURANCE

Section 402.25-13 [1] is amended to read as follows:

§ 402.25-13 *Expired insurance policies.* All expired insurance policies held by the Insurance Section for account of home owners shall be destroyed, or otherwise disposed of, after 4 months following expiration, except where expired policies are delivered to the home owners, the signing local insurance agent, or the insurance company, upon request made by any of the aforesaid parties prior to the expiration of the 4 months' period. Such policies shall be destroyed in the presence of a representative of the Corporation who shall certify as to their destruction, or, if they are to be otherwise disposed of, the Regional Manager shall cause them to be mutilated so as to prevent their use in the making of expiration lists or the procuring of other pertinent data by unauthorized persons.

(Effective March 1, 1942)

(Above procedure promulgated by the General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a) and 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by sections 1 and 13 of the Act of April 27, 1934, 48 Stat. 643 and 647; 12 U.S.C. 1463 (a), (k).)

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 42-1412; Filed, February 17, 1942; 1:17 p. m.]

[1] 6 F.R. 5646.

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T.D. 5117]

PART 186—GAUGING MANUAL

AMENDING THE GAUGING MANUAL

By virtue of and pursuant to the provisions of sections 2208 and 3176, Internal Revenue Code, subparagraph (b), Paragraph 60 [1] of the Gauging Manual, approved November 21, 1938 (§ 186.60 (b), Title 26, CFR), is hereby amended to read as follows:

§ 186.60 *Kind of spirits branded on barrel.*

* * * * *

(b) All spirits distilled at or above 190 degrees of proof shall be branded "neutral spirits," followed by a word or phrase descriptive of the material from which distilled. All spirits distilled during the period of the unlimited national emergency proclaimed by the President on May 27, 1941, at less than 190 degrees of proof and not less than 160 degrees of proof, from grain, and which are so treated in the process of distillation as to lack the taste, aroma and other characteristics of whiskey, shall also be branded "neutral spirits," followed by a word or phrase descriptive of the material from which distilled. Such branding shall be in the following form: "Neutral Spirits—Grain," "Neutral Spirits—Cane," or "Neutral Spirits—Fruit," etc. In the case of fruit neutral spirits produced for fortification, the words "Neutral Spirits—Fruit" branded on the package will be followed by the name of the fruit from which produced. (Secs. 2208, 3176, I.R.C.)

[SEAL] NORMAN D. CANN, *Acting Commissioner of Internal Revenue.*

Approved: February 17, 1942.

JOHN L. SULLIVAN, *Acting Secretary of the Treasury.*

[F. R. Doc. 42-1450; Filed, February 18, 1942; 11:54 a. m.]

[1] 5 F.R. 1214.

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

[Regulations 72, 1942 ed.]

PART 322—REGULATIONS RELATING TO TAX ON USE OF MOTOR VEHICLES AND BOATS

SUBPART A—INTRODUCTORY

Sec.
322.0 Scope of regulations.

SUBPART B—DEFINITIONS

322.1 Meaning of terms.

SUBPART C—GENERAL PROVISIONS

322.10 Effective date of tax.
322.11 Person liable for tax.
322.12 Motor vehicles and boats subject to tax.
322.13 Rate and computation of tax.
322.14 Motor vehicles and boats not subject to tax.

SUBPART D—ADMINISTRATIVE AND OTHER GENERAL PROVISIONS

322.20 Tax payment evidenced by stamps.
322.21 Purchase of stamps.
322.22 Tax stamps to be posted.
322.23 Assessment of taxes not paid by stamp.
322.24 Notice and demand for tax; penalty and interest.
322.25 Jeopardy assessment.
322.26 Claims.
322.27 Promulgation of regulations.

Subpart A—Introductory

§ 322.0 *Scope of regulations.* The regulations in this part deal with excise taxes imposed on the use of motor vehicles and boats, by Chapter 33A, of the Internal Revenue Code, which was added by section 557 of the Revenue Act of 1941.

Subpart B defines terms that are used in the Code and in these regulations.

Subpart C deals with the effective date, basis, rate and computation of the tax.

Subpart D contains miscellaneous provisions, including those relating to the filing of applications, payment of the tax, refunds, and penalties.

The applicable provisions of the Code will be found in the appropriate places in the regulations in this part.

The statutory references are to the Internal Revenue Code (53 Stat., Part 1) unless otherwise stated.*

*§§ 322.0 to 322.27, inclusive, are issued under the authority contained in sections 3540 and 3791 of the Internal Revenue Code, and follow the statutory provisions to which they respectively refer.

Subpart B—Definitions

[SEC. 3540. TAX ON USE OF MOTOR VEHICLES AND BOATS.]

(b) *Definitions.* For the purposes of this section—

(1) The term "year" means the year beginning July 1.

(2) The term "motor vehicle" means all motor vehicles of the kind chiefly used for highway transportation.

(3) The term "boat" means all boats propelled by machinery, sail, or both, measuring sixteen feet or more in over-all length, owned by a citizen or resident of the United States. Such term does not include boats used chiefly for trade, or commercial fishing, or boats used without profit by any benevolent, charitable, or religious organization exclusively for furnishing aid, comfort, or relief to seamen, or boats used by the sea scouts department of the Boy Scouts of America chiefly for training scouts in seamanship.

(4) The term "use" in the case of the use of a motor vehicle means use on the public highways.

SEC. 3797. DEFINITIONS.

(a) When used in this title, where not otherwise distinctly expressed or manifestly incompatible with the intent thereof—

(1) *Person.* The term "person" shall be construed to mean and include an individual, a trust, estate, partnership, company, or corporation.

(2) *Partnership and partner.* The term "partnership" includes a syndicate, group, pool, joint venture, or other unincorporated organization, through or by means of which any business, financial operation, or venture is carried on, and which is not, within the meaning of this title, a trust or estate or a corporation; and the term "partner" includes a member in such a syndicate, group, pool, joint venture, or organization.

(3) *Corporation.* The term "corporation" includes associations, joint-stock companies, and insurance companies.

* * * * *

(9) *United States.* The term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

(10) *State.* The word "State" shall be construed to include the Territories and the District of Columbia, where such construction is necessary to carry out provisions of this title.

(11) *Secretary.* The term "Secretary" means the Secretary of the Treasury.

(12) *Commissioner.* The term "Commissioner" means the Commissioner of Internal Revenue.

(13) *Collector.* The term "collector" means collector of internal revenue.

(14) *Taxpayer.* The term "taxpayer" means any person subject to a tax imposed by this title.

* * * * *

(b) *Includes and including.* The term "includes" and "including" when used in a definition contained in this title shall not be deemed to exclude other things otherwise within the meaning of the term defined.

§ 322.1 *Meaning of terms.* As used in the regulations in this part the terms defined in the applicable provisions of law shall have the meanings so assigned to them.*

Subpart C General Provisions

TAX ON THE USE OF MOTOR VEHICLES AND BOATS

SEC. 3540. TAX ON USE OF MOTOR VEHICLES AND BOATS.

(a) *Imposition of tax.* There shall be imposed upon the use of motor vehicles and boats a tax, with respect to each year in which such use occurs, at the following rates:

(1) Motor vehicles—$5.

(2) Boats—

Over-all length 16 feet or over but not over 28 feet, $5.

Over-all length over 28 feet but not over 50 feet, $10.

Over-all length over 50 feet but not over 100 feet, $40.

Over-all length over 100 feet but not over 150 feet, $100.

Over-all length over 150 feet but not over 200 feet, $150.

Over-all length over 200 feet, $200.

Such tax, in the case of a motor vehicle, shall be paid by the person in whose name the motor vehicle is, or is required to be, registered under the law of the State, Territory, or the District of Columbia in which such motor vehicle is, or is required to be, registered. Such tax, in the case of a boat, shall be paid by the owner of the boat. The tax imposed by this section shall not apply to any use before February 1, 1942, and use before such date shall not be considered to be use within the meaning of this section.

* * * * *

(c) *Proration of tax.* If in any year the first use of the motor vehicle or boat is after July 31 the tax shall be reckoned proportionately from the first day of the month in which such use occurs to and including the 30th day of June following.

(d) *One payment per year.* If the tax imposed by this section is paid with respect to any motor vehicle or boat for any year no further tax shall be imposed for such year with respect to such motor vehicle or boat.

* * * * *

(j) *Exempt uses.* The tax imposed by this section shall not apply to the use of a motor vehicle or boat by the United States, a State, Territory, the District of Columbia, or a political subdivision of any of the foregoing.

§ 322.10 *Effective date of tax.* The tax on the use of motor vehicles and boats imposed by section 3540 of the Internal Revenue Code as added by section 557 of the Revenue Act of 1941, is effective on and after February 1, 1942.*

§ 322.11 *Person liable for tax.* In the case of a motor vehicle liability for the tax is imposed on the person in whose name the motor vehicle is, or is required to be, registered under the law of the State, Territory, or the District of Columbia in which such motor vehicle is, or is required to be, registered.

In the case of a boat liability for the tax is imposed on the owner of the boat.*

§ 322.12 *Motor vehicles and boats subject to tax.* Subject to the exceptions set forth in § 322.14, the tax is imposed upon the use of any motor vehicle (for example, passenger car, bus, truck, motor cycle) of the kind used chiefly for highway transportation, and any boat propelled by machinery, sail, or both, measuring 16 feet or more in over-all length, owned by a citizen or resident of the United States.*

§ 322.13 *Rate and computation of tax.* The rates of tax for each year are as follows:

(a) *Motor vehicles*—$5.

(b) *Boats*—

Over-all length 16 feet or over but not over 28 feet, $5.

Over-all length over 28 feet but not over 50 feet, $10.

Over-all length over 50 feet but not over 100 feet, $40.

Over-all length over 100 feet but not over 150 feet, $100.

Over-all length over 150 feet but not over 200 feet, $150.

Over-all length over 200 feet, $200.

In determining "over-all length" the extreme length of the boat should be used; *i. e.*, from the forward side of the stem outside the planking or plating to the aftermost side of the stern planking or plating, whether above or below the water line. The measurement should be to the outside of any planking or plating extending above the deck, constituting bulwarks, and to the outside of any forecastle deck, quarter-deck, or poop deck extending beyond the main deck. The length should be taken in a straight line excluding any sheer there may be to the deck.

The tax year begins July 1 and ends June 30. The rates given above are for one year's use of a motor vehicle or boat, as the case may be. When the first use of a motor vehicle or boat during the taxable year July 1, 1942 through June 30, 1943 (both dates inclusive), or during any taxable year thereafter, occurs in July of such year, the tax must be paid for the entire taxable year. When the first use

occurs in a month subsequent to July, a proportionate part of the annual tax must be paid. Since the month is not divisible for tax purposes, tax liability is reckoned from the first day of the month in which the use first occurred.

Since the tax becomes effective February 1, 1942, a person incurring liability on the use of a motor vehicle or boat within that month is required to pay with respect to each such motor vehicle or boat 5/12ths of the annual rate.

When the tax has been paid for a particular year with respect to a motor vehicle or boat no further tax is due for such year, even though a change of ownership occurs subsequent to the payment of tax. After the tax has been paid no refund will be made notwithstanding the fact that during some subsequent period of the taxable year the motor vehicle or boat may not be in use. Likewise no refund will be made where the motor vehicle or boat with respect to which the tax was paid is sold or otherwise disposed of before the close of the fiscal year.*

§ 322.14 *Motor vehicles and boats not subject to tax*—(a) *Motor vehicles.* The tax does not apply to:

(1) Motor vehicles not actually used on the public highways. No tax is payable unless the motor vehicle is actually used on the public highway during the taxable year. For example, no tax is payable with respect to motor vehicles in "dead storage". However, at the time such motor vehicles are taken out of storage and used on a public highway tax liability is incurred for the balance of the taxable year, that is, from the first day of the month in which such use occurs to June 30 next following. (See § 322.13)

(2) Motor vehicles not of the kind used chiefly for highway transportation. For example, farm tractors, or motor driven machines designed for use in pulling vehicles or hauling articles around the premises of factories and railway stations. Similarly, trailers or other vehicles having no means of mechanical self-propulsion are not within the scope of the tax.

(3) Motor vehicles used by the United States, a State, Territory, the District of Columbia, or a political subdivision of any of the foregoing.

(b) *Boats.* The tax does not apply to:

(1) Boats not propelled by machinery or sails.

(2) Boats measuring less than sixteen feet in length.

(3) Boats not used during the taxable year.

(4) Boats used chiefly for trade, including boats used chiefly in connection with an activity which constitutes a person's business, occupation, profession or means of livelihood.

(5) Boats used chiefly for commercial fishing.

(6) Boats used without profit by any benevolent, charitable, or religious organization exclusively for furnishing aid, comfort, or relief to seamen.

(7) Boats used by the sea scouts department of the Boy Scouts of America chiefly for training scouts in seamanship.

(8) Boats owned by non-resident aliens.

(9) Boats used by the United States, a State, Territory, the District of Columbia, or a political subdivision of any of the foregoing.*

Subpart D—Administrative and Other General Provisions

[SEC. 3540. TAX ON USE OF MOTOR VEHICLES AND BOATS.]

(e) *Evidence of tax payment.* The payment of the tax imposed by this section shall be evidenced by such suitable stamp, sticker, or tag of such form, which shall be affixed to the motor vehicle or boat in such manner, as the Commissioner, with the approval of the Secretary, may by regulations prescribe.

(f) *Manner of collection.* The place, time, and manner of making payment of the tax, and of furnishing such stamp, sticker, or tag shall be such as may be provided in regulations prescribed by the Commissioner with the approval of the Secretary.

(g) *Cooperation of Post Office Department.* The Commissioner shall furnish to the Postmaster General without prepayment a suitable quantity of stamps, stickers, or tags to be distributed to and kept on sale by postmasters in the United States. The Postmaster General may require each such postmaster to give additional or increased bond as postmaster for the value of the stamps, stickers, or tags furnished to him, and each such postmaster shall deposit the receipts from the sale of such stamps, stickers, or tags to the credit of and render accounts to the Postmaster General at such times and in such form as he may by regulations prescribe. The Postmaster General shall at least once monthly transfer all collections from this source to the Treasury as internal-revenue collections. The Postmaster General is authorized to cooperate to the fullest extent possible with the Commissioner in the sale of such stamps, stickers, or tags and in forwarding to the Commissioner or to the collector of internal revenue such blanks or forms as the Commissioner may determine necessary to the collection of the tax. There are authorized to be appropriated such sums as may be necessary to enable the Secretary of the Treasury to advance from time to time to the Postmaster General such sums as the Postmaster General may show shall be required for the expenses of the Post Office Department in performing in the District of Columbia and elsewhere all services required by this section.

(h) *Sale of stamps by private persons.* If the Commissioner provides for the sale of stamps, stickers, or tags by persons not officers or employees of the United States he may require bond, with sufficient sureties, in a sum to be fixed by the Commissioner, conditioned for the faithful return, whenever required, of all quantities or amounts undisposed of, and for the payment for, all quantities or amounts sold or not remaining on hand. The Commissioner, with the approval of the Secretary, may from time to time make such regulations as he may find necessary to insure the safekeeping or prevention of illegal use of all such stamps, stickers, or tags.

* * * * *

SEC. 3300. ESTABLISHMENT AND ALTERATION.

(a) *Authorization.* The Commissioner, with the approval of the Secretary, may establish and, from time to time, alter or change the form, style, character, material, and device of any stamp, mark, or label used under any provision of the laws relating to internal revenue.

(b) *Application of penalty and forfeiture provisions.* All pains, penalties, fines, and forfeitures provided by law relating to internal revenue stamps shall apply to and have full force and effect in relation to any and all stamps so established by the Commissioner.

* * * * *

§ 322.20 *Tax payment evidenced by stamps.* Payment of tax with respect to the use of a motor vehicle or a boat shall be evidenced by a stamp. Tax shall be paid prior to the use of the motor vehicle or boat.*

§ 322.21 *Purchase of stamps*—(a) *Motor vehicle stamps.* Stamps evidencing the payment of the tax on the use of motor vehicles may be purchased at any post office of the United States or at the office of any collector of internal revenue. At the time the stamp is purchased the taxpayer will be furnished a post card form, Form MV–1. The taxpayer shall fill out this card in accordance with the instructions thereon and shall either mail or deliver it to the collector of internal revenue for the district in which he resides. Care must be taken to see that this card reaches the hands of the collector, as it will serve as the collector's record of tax payment. A separate card, Form MV–1, should be executed with respect to each motor vehicle for which the stamp is purchased.

(b) *Boats.* Every owner of a boat shall, prior to the use thereof, file with the collector of internal revenue for the district in which such person resides, an application on Form 732 (Revised 1941) together with remittance of the correct amount of tax due. A separate application shall be filed with respect to each boat.*

§ 322.22 *Tax stamps to be posted*—(a) *Motor vehicles.* The tax stamp issued to the taxpayer shall be posted on the vehicle for which it was issued in such a manner as to be readily visible for inspection. Where permitted by local law or regulation, the tax stamp shall be posted at such place on the windshield of the vehicle as is designated by local motor vehicle authorities. Where the vehicle has no windshield the tax stamp shall be posted in some appropriate place on the vehicle.

(b) *Boats.* A stamp issued for a boat shall be kept on board the boat during the entire tax year for which it was issued and must be available for inspection at reasonable hours by any internal revenue officer on demand.*

SEC. 3640. ASSESSMENT AUTHORITY.

The Commissioner is authorized and required to make the inquiries, determinations, and assessments of all taxes and penalties imposed by this title, or accruing under any former internal revenue law, where such taxes have not been duly paid by stamp at the time and in the manner provided by law.

§ 322.23 *Assessment of taxes not paid by stamp.* In any case where the taxpayer refuses or fails to make payment, the tax will be assessed. No stamp will be issued for an expired period; the tax in such case will be assessed.*

SEC. 3655. NOTICE AND DEMAND FOR TAX.

(a) *Delivery.* Where it is not otherwise provided, the collector shall in person or by deputy, within ten days after receiving any list of taxes from the Commissioner, give notice to each person liable to pay any taxes stated therein, to be left at his dwelling or usual place of business, or to be sent by mail, stating the amount of such taxes and demanding payment thereof.

(b) *Addition to tax for nonpayment.* If such person does not pay the taxes, within ten days after the service or the sending by mail of such notice, it shall be the duty of the collector or his deputy to collect the said taxes with a penalty of 5 per centum additional upon the amount of taxes, and interest at the rate of 6 per centum per annum from the date of such notice to the date of payment; except that in the case of income, estate or gift taxes, such penalties shall not apply and the interest for nonpayment of tax shall be such as is specifically provided by law with respect to such taxes.

§ 322.24 *Notice and demand for tax; penalty and interest.* Where assessment is made, and payment is not made within 10 days after the issuance of the first notice and demand (Form 17), there will accrue under section 3655, a 5 percent penalty and interest at the rate of 6 percent per annum computed upon the entire assessment from the date of issuance of Form 17 until date of payment.

If a claim for abatement is filed with the collector within 10 days after the date of the issuance of the first notice and demand, the 5 percent penalty does not attach. If the assessment is not paid within 10 days after receipt of notice of rejection of the claim, the 5 percent penalty applies. The filing of the claim does not stay the collection of interest, which continues to run for the full period that intervenes between the date of the first notice and demand and the date of payment.*

SEC. 3660. JEOPARDY ASSESSMENT.

(a) If the Commissioner believes that the collection of any tax (other than income tax, estate tax, and gift tax) under any provision of the internal-revenue laws will be jeopardized by delay, he shall, whether or not the time otherwise prescribed by law for making return and paying such tax has expired, immediately assess such tax (together with all interest and penalties the assessment, of which is provided for by law). Such tax, penalties, and interest shall thereupon become immediately due and payable, and immediate notice and demand shall be made by the collector for the payment thereof. Upon failure or refusal to pay such tax, penalty, and interest, collection thereof by distraint shall be lawful without regard to the period prescribed in section 3690.

(b) The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of the amount collection of which is stayed, at the time at which, but for this section, such amount would be due.

§ 322.25 *Jeopardy assessment.* Whenever, in the opinion of the collector, it becomes necessary to protect the interests of the Government by effecting immediate collection of tax, the matter shall be promptly reported to the Commissioner by telegram or letter showing the reason therefor. The communication shall state the full name and address of the person involved, the kind and amount of tax due, and the period involved, so that the Commissioner can immediately assess the tax, together with all penalties and interest due. Such tax, penalties, and interest will, upon assessment, become immediately due and payable, and the collector shall without delay, issue a notice and demand for payment thereof in full.

The collection of the whole or any part of the amount of such assessment may be stayed by filing with the collector a bond in such amount, not exceeding double the amount with respect to which the stay is desired, and with such sureties as the collector deems necessary, conditioned upon the payment of the amount, collection of which is stayed, at the time at which such amount would normally be due.

Upon refusal to pay, or failure to pay or give bond, the collector shall proceed immediately to collect the tax, penalty, and interest, by distraint, without regard to the 10-day period after notice and demand prescribed in section 3690.*

SEC. 3304. REDEMPTION OF STAMPS.

(a) *Authorization.* The Commissioner, subject to regulations prescribed by the Secretary, may, upon receipt of satisfactory evidence of the facts, make allowance for or redeem such of the stamps, issued under authority of law, to denote the payment of any internal revenue tax, as may have been spoiled, destroyed, or rendered useless or unfit for the purpose intended, or for which the owner may have no use, or which through mistake may have been improperly or unnecessarily used, or where the rates or duties represented thereby have been excessive in amount, paid in error, or in any manner wrongfully collected.

(b) *Method and conditions of allowance.* Such allowance or redemption may be made, either by giving other stamps in lieu of the stamps so allowed for or redeemed, or by refunding the amount or value to the owner thereof, deducting therefrom, in case of repayment, the percentage, if any, allowed to the purchaser thereof; but no allowance or redemption shall be made in any case until the stamps so spoiled or rendered useless shall have been returned to the Commissioner, or until satisfactory proof has been made showing the reason why the same can not be returned; or, if so required by the said Commissioner, when the person presenting the same can not satisfactorily trace the history of said stamps from their issuance to the presentation of his claim as aforesaid.

(c) *Time for filing claims.* No claim for the redemption of or allowance for stamps shall be allowed unless presented within four years after the purchase of such stamps from the Government.

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SEC. 3770 (as amended by section 508 (b), Second Revenue Act of 1940).

AUTHORITY TO MAKE ABATEMENTS, CREDITS, AND REFUNDS

(a) To Taxpayers.

(1) *Assessments and collections generally.* * * * the Commissioner, subject to regulations prescribed by the Secretary, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected.

* * * * *

SEC. 3313. PERIOD OF LIMITATION UPON REFUNDS AND CREDITS.

All claims for the refunding or crediting of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty alleged to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected must * * * be presented to the Commissioner within four years next after the payment of such tax, penalty, or sum. The amount of the refund * * * shall not exceed the portion of the tax, penalty, or sum paid during the four years immediately preceding the filing of the claim, or if no claim was filed, then during the four years immediately preceding the allowance of the refund.

§ 322.26 *Claims.* A claim for the redemption of a stamp issued as evidence of payment of the tax on the use of a motor vehicle or boat must be presented to the collector on Form 843 within four years after the purchase of said stamp from the Government.

Where the tax was paid pursuant to an assessment and not by the issuance of a stamp, a claim for the refund of the amount so paid must be presented within four years next after payment of such tax.

Each claim for redemption or refund shall set forth in detail and under oath each ground upon which the claim is made, and facts sufficient to apprise the Commissioner of the exact basis thereof.*

PENALTIES

[SEC. 3540. TAX ON USE OF MOTOR VEHICLES AND BOATS.]

(i) *Penalties for unlawful use.* Any person liable for the tax under this section who uses or permits the use of the motor vehicle or boat before tax has been paid shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $25 or imprisoned for not more than thirty days, or both. Any person who uses or operates a motor vehicle or boat at a time when the stamp, sticker, or tag does not appear on the motor vehicle or boat in the manner provided in the regulations prescribed under subsection (e) or (f) shall be guilty of a misdemeanor and upon conviction thereof shall be fined not more than $25.

SEC. 3733. PENALTIES AND FORFEITURES.

* * * * *

(b) *Fraudulent returns, affidavits, and claims.*

(1) *Assistance in preparation or presentation.* Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the internal revenue laws, of a false or fraudulent return, affidavit, claim, or document, shall (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document) be guilty of a felony, and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(2) *Person defined.* The term "person" as used in this subsection includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

* * * * *

SECTION 35, CRIMINAL CODE OF THE UNITED STATES, AS AMENDED BY THE ACT APPROVED APRIL 4, 1938 (52 STAT., 197).

(A) Whoever shall make or cause to be made or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service

of the United States, or any department thereof, or any corporation in which the United States of America is a stockholder, any claim upon or against the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, knowing such claim to be false, fictitious, or fraudulent; or whoever shall knowingly and willfully falsify or conceal or cover up by any trick, scheme, or device a material fact, or make or cause to be made any false or fraudulent statements or representations, or make or use or cause to be made or used any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry in any matter within the jurisdiction of any department or agency of the United States or of any corporation in which the United States of America is a stockholder; or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, or any corporation in which the United States of America is a stockholder, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; • • • shall be fined not more than $10,000 or imprisoned not more than ten years, or both.

• • • • •

AUTHORITY FOR REGULATIONS

SEC. 3791. RULES AND REGULATIONS

(a) *Authorization.*

(1) *In general.* • • • the Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title.

§ 322.27 *Promulgation of regulations.* In pursuance of the provisions of the law, the foregoing regulations in this part are hereby prescribed.*

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: February 17, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-1448; Filed, February 18, 1942; 11:55 a. m.]

TITLE 27—INTOXICATING LIQUORS

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T.D 5116]

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRITS

MODIFICATION OF STANDARD OF IDENTITY FOR NEUTRAL SPIRITS UNDER THE FEDERAL ALCOHOL ADMINISTRATION ACT

1. By virtue of and pursuant to section 5 (e) of the Federal Alcohol Administration Act, as amended (U.S.C. Sup., Title 27), section 3170 of the Internal Revenue Code (53 Stat., part 1), and section 161 of the Revised Statutes (U.S.C., Title 5, sec. 22), section 21, Class 1 of Regulations No. 5, Relating to Labeling and Advertising of Distilled Spirits (27 CFR 5.21 (a)), is amended to read as follows:

§ 5.21 *The standards of identity*—(a) *Class 1: Neutral spirits or alcohol.* "Neutral spirits" or "alcohol" are distilled spirits distilled from any material at or above 190° proof, whether or not such proof is subsequently reduced. The term "neutral spirits" shall also include all distilled spirits distilled during the period of the unlimited national emergency proclaimed by the President on May 27, 1941, which are distilled at 160° proof, or more, from a fermented mash of grain, are unaged, and are so treated in the process of original and continuous distillation as to lack the taste, aroma and other characteristics generally attributed to whiskey.

• • • • •

[SEAL] STEWART BERKSHIRE,
Deputy Commissioner of Internal Revenue.

Approved: February 17, 1942.

NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

JOHN R. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-1449; Filed, February 18, 1942; 11:55 a. m.]

TITLE 28—JUDICIAL ADMINISTRATION

CHAPTER I—DEPARTMENT OF JUSTICE

PART 30—TRAVEL AND OTHER CONDUCT OF ALIENS OF ENEMY NATIONALITIES

Upon the recommendations of the Secretary of War, § 30.15 (a)[1] is amended by adding thereto as subparagraphs (1), (2), (3), the following areas which are designated as prohibited areas in which no alien of enemy nationality (German, Italian or Japanese) shall reside, enter upon, remain or be found after February 15, 1942 with such exceptions as hereafter may be provided by the Attorney General:

§ 30.15 *Prohibited and restricted areas.*

• • • • • •

(a) • • •

(1) Prohibited Areas in State of California:

Prohibited Area No. 1. Del Norte County, California. Commencing at the mouth of the Smith River and following up the Smith River to U. S. Highway No. 101; following southward on U. S. Highway No. 101 to crossing of Wilson Creek, then down Wilson Creek to the Pacific Ocean and north on the coast to point of beginning.

Prohibited Area No. 2. Humboldt County, California. Commencing at the mouth of Redwood Creek going up Redwood Creek to U. S. Highway No. 101, then south on U. S. Highway No. 101 to Little River, then down Little River to the Pacific Ocean and back along the coast to point of beginning.

Prohibited Area No. 4. Humboldt County, California, including Cape Mendocino and constituting the area embracing within a circle having a radius of ½ mile from Cape Mendocino Lighthouse.

Prohibited Area No. 5. Humboldt County, California, including Punta Gorda constituting the area embracing with a circle having a radius of ½ mile from Punta Gorda Lighthouse.

Prohibited Area No. 7. Mendocino County, California. Commencing at the mouth of Adler Creek thence up Adler Creek to State Highway No. 1, thence south along State Highway No. 1 to Point Arena, thence west to Pacific Ocean, thence north along the coast to point of beginning.

Prohibited Area No. 9. Sonoma County, California, all of Skaggs Island (bounded by Sonoma Creek, Napa Slough, Hudman Slough and Second Napa Slough)

Prohibited Area No. 14. Marin County, California. Commencing at the junction of State Highway No. 1 and U. S. Highway No. 101 at Mansanita thence north along U. S. Highway No. 101 to Tiburon Boulevard (east of Alto); thence east along Tiburon Boulevard to Tiburon, thence north and northwest along the shore of Tiburon Peninsula to U. S. Highway No. 101 at San Clemente, thence along U. S. Highway No. 101 to point of beginning.

Prohibited Area No. 17. Alameda County, California. Commencing at Neptune Beach running north along Webster Street to Oakland Inner Harbor and thence westerly along the shore line of Oakland Inner Harbor to San Francisco Bay, thence along the shore line of San Francisco Bay to point of beginning.

Prohibited Area No. 20. San Francisco County, California. Commencing at the mouth of Islais Creek Channel running west to Third Street, thence east on El Dorado Street to the shore, thence along the shore to the point of beginning.

Prohibited Area No. 21. San Francisco County, California. The area bounded by Islais Creek Channel, easterly line of Davidson Avenue to the intersection of Mandell Street, thence east to the shore line, thence to the point of beginning.

Prohibited Area No. 22. San Francisco County, California. Commencing at the intersection of the southeast line of Donahue Street with the shore line of San Francisco Bay, running southwest along Donahue Street to Jerrold Avenue, thence southeast along Jerrold Avenue to the shore line, thence along the shore line to the point of beginning.

Prohibited Area No. 23. San Mateo County, California. Including Point San Bruno, the area within ½ mile of the radio towers located on Point San Bruno.

Prohibited Area No. 24. San Mateo County, California. Including part of the town of San Bruno being the area bounded on the north by Walnut Street, on the east by Second Avenue, on the south by San Bruno Avenue and on the west by San Mateo Avenue.

Prohibited Area No. 25. San Mateo County, California. Commencing at the mouth of San Vicenti Creek, running up San Vicenti Creek to State Highway No. 1, thence north on State Highway No. 1 to San Pedro Creek, thence down San Pedro Creek to Pacific Ocean, thence along shore line to point of beginning.

Prohibited Area No. 27. Santa Clara County, California. The area bounded on the northeast by the Southern Pacific Railroad tracks; on the north by El Monte Avenue and Moody Road; on the west by Page Mill Road; on the southwest by the Monte Bello Road and the east by Stevens Creek Reservoir and Stevens Creek.

Prohibited Area No. 29. Monterey County, California. The area embraced within a circle having a radius of one mile from Point Sur Lighthouse.

Prohibited Area No. 30. San Luis Obispo County, California. The area embraced within a circle having a radius of one mile from Piedras Blancas Point Lighthouse.

Prohibited Area No. 35. Los Angeles County, California. The area including part of West Hollywood comprising the area bounded by Almont, Melrose and San Vicente Streets and Santa Monica Blvd.

Prohibited Area No. 37. Los Angeles County, California. The area in Los Angeles bounded by Western Avenue, 62nd Street, West Gage Avenue and South St. Andrews Place.

Prohibited Area No. 38. Los Angeles County, California. Beginning at intersection of Imperial Highway and Bellflower Blvd., thence north on Bellflower Blvd. to Firestone Blvd., thence north west on Firestone Blvd. to Downey Avenue, thence south west on Downey Avenue to Imperial Highway, thence east on Imperial Highway to point of beginning.

Prohibited Area No. 39. Los Angeles County, California. Beginning at intersection of Cherry Avenue and Spring Street, thence east along Spring Street to Clarke Avenue, thence north on Clarke Avenue to Carson Street, thence west on Carson Street to Cherry Avenue, thence south on Cherry Avenue to point of beginning.

Prohibited Area No. 40. Los Angeles County, California. Beginning at intersection of East Slauson Avenue and Regent Street, thence south along Regent Street to Bellgrade Avenue, thence east along Bellgrade Avenue to Santa Fe Blvd., thence north along Santa Fe Blvd. to East Slauson Avenue, thence west to point of beginning.

Prohibited Area No. 41. Los Angeles County, California. Beginning at the intersection of East 27th Street and Santa Fe Avenue, north along Santa Fe Avenue to entrance to Trailer Sales lot, thence west along fence to boundary of Consolidated Rock Products Co., thence south along fence to East 27th Street, thence east to point of beginning.

Prohibited Area No. 42. Los Angeles County, California. Beginning at the intersection of Van Owen Street and Laurel Canyon Blvd., thence east along Van Owen Street to Lankershim Street, thence north along Lankershim Street to Cohasset Street to Laurel Canyon Blvd., thence south along Laurel Canyon Blvd. to point of beginning.

Prohibited Area No. 43. Los Angeles County, California. Beginning at intersection of Anaheim-Telegraph Road and Union Pacific Railroad Tracks, thence south west along Anaheim-Telegraph Road to Gaspar Street, thence north east along Gaspar Street to Union Pacific Railroad tracks, thence along the south side of the tracks to point of beginning.

Prohibited Area No. 44. Los Angeles County, California. Beginning at intersection of South San Fernando Blvd. and Providencia Street, thence south west along Providencia Street to tracks of the Southern Pacific Railroad, thence south east along the north side of the railroad tracks to Alameda Street, thence north east along Alameda Street to San Fernando Blvd., thence north west to point of beginning.

Prohibited Area No. 45. Los Angeles County, California. Beginning at intersection of South Central Avenue and East 16th Street, thence south east along East 16th Street to Hooper Street, thence north east along Hooper Street to East 15th Street, thence north west along East 15th Street to South Central Avenue, thence south west along South Central Avenue to point of beginning.

Prohibited Area No. 46. Los Angeles County, California. Beginning at the intersections of Burbank Drive and Victory Blvd., thence north west to Empire Avenue, thence west on Empire Avenue to Lincoln Street, thence south on Lincoln Street to the Southern Pacific Railroad tracks, thence south east along the north side of the Southern Pacific Railroad tracks to point of beginning.

Prohibited Area No. 47. Los Angeles County, California. Beginning at the intersection of San Fernando Blvd. and Cohasset Street, thence west along Cohasset Street to Vineland Avenue, thence south along Vineland Avenue to Victory Blvd., thence east along Victory Blvd. to Hollywood Way, thence north along Hollywood Way to Empire Avenue, thence east on Empire Avenue to Ontario Street, thence north on Ontario Street to San Fernando Blvd., thence north west on San Fernando Blvd. to point of beginning.

Prohibited Area No. 49. Fall River Mills, Shasta County, California. The area within 1,000 ft. in any direction from Pit No. 1, Pacific Gas and Electric Company.

Prohibited Area No. 50. Burney, Shasta County, California. The area within a distance of 1,000 ft. in any direction from Pit No. 3, Pacific Gas and Electric Company.

Prohibited Area No. 51. Caribou, Plumas County, California. The area within a distance of 1,000 ft. in any direction from the Caribou Plant of the Pacific Gas and Electric Company.

Prohibited Area No. 52. Storrie, Plumas County, California. The area within a distance of 1,000 ft. in any direction from the Bucks Creek Plant.

Prohibited Area No. 53. Las Plumas, Butte County, California. The area within a distance of 1,000 ft. in any direction from the Big Bend Plant of the Pacific Gas and Electric Company.

Prohibited Area No. 54. Alta, Placer County, California. The area within a distance of 1,000 ft. in any direction from the Drum Plant of the Pacific Gas and Electric Company.

Prohibited Area No. 55. Placerville, El Dorado County, California. The area within a distance of 500 ft. in any direction from the El Dorado Plant of the Pacific Gas and Electric Company.

Prohibited Area No. 56. Jackson, Amador County, California. The area within a distance of 500 ft. in any direction from the Electric Plant of the Pacific Gas and Electric Company.

Prohibited Area No. 57. Jackson, Amador County, California. The area within a distance of 1,000 ft. from the Tiger Creek Plant of the Pacific Gas and Electric Company.

Prohibited Area No. 58. Stanislaus, Tuolumne County, California. The area within a distance of 500 ft. in any direction from the Stanislaus Plant of the Pacific Gas and Electric Company.

Prohibited Area No. 59. Jamestown, Tuolumne County, California. The area within a distance of 500 ft. in any direction from the Melones Plant of the Pacific Gas and Electric Company.

Prohibited Area No. 60. North Fork, Madera County, California. The area within a distance of 500 ft. in any direction from A. G. Wishon Plant of the Pacific Gas and Electric Company.

Prohibited Area No. 61. Auberry, Fresno County, California. The area within a distance of 500 ft. in any direction from the Kerchoff Plant of the Pacific Gas and Electric Company.

Prohibited Area No. 62. Fresno County, California. The area within a distance of 500 ft. in any direction from Balch Plant of the Pacific Gas and Electric Company.

Prohibited Area No. 63. Shasta County, California. The area within a distance of 300 ft. in any direction from the center line of the Lake Britton Dam of the Pacific Gas and Electric Company.

Prohibited Area No. 64. Plumas County, California. The area within a distance of 300 ft. in any direction from the center line of the Lake Almanor Dam of the Pacific Gas and Electric Company.

Prohibited Area No. 65. Nevada County, California. The area within a distance of 300 ft. in any direction from the center line of Lake Spaulding Dam of the Pacific Gas and Electric Company.

Prohibited Area No. 66. Plumas County, California. The area within a distance of 300 ft. in any direction from the center line of Bucks Storage Dam of the Pacific Gas and Electric Company.

Prohibited Area No. 67. Plumas County, California. The area within a distance of 300 ft. in any direction from the center line of the Butte Valley Dam of the Pacific Gas and Electric Company.

Prohibited Area No. 68. Amador and Calaveras Counties, California. The area within a distance of 500 ft. from the Pardee Hydro-electric Generating Plant of East Bay Municipal Utility District on Mokelumne River.

[1] 7 F.R. 846.

Prohibited Area No. 69. Amador and Calaveras Counties, California. The area within a distance of 300 ft. from the Jackson Dam of East Bay Municipal Utility District on Mokelumne River.

Prohibited Area No. 70. Tuolumne County, California. The area within a distance of 500 ft. in any direction from the Early Intake Hydro-electric Generating Plant of City and County of San Francisco located on Middle Fork Tuolumne River.

Prohibited Area No. 71. Tuolumne County, California. The area within a distance of 1,000 ft. in any direction from Moccasin Creek Hydro-electric Generating Plant of the City and County of San Francisco located on Tuolumne River.

Prohibited Area No. 72. Tuolumne County, California. The area within a distance of 1,000 ft. in any direction from O'Shaughnessy Dam Hydro-electric Generating Plant of the City and County of San Francisco located in the western end of Hetchetchy Reservoir.

Prohibited Area No. 73. Fresno County, California. The area within a distance of 1,000 ft. in any direction from Big Creek Hydro-electric Generating Plant No. 1 of the Southern California Edison Company.

Prohibited Area No. 74. Fresno County, California. The area within a distance of 1,000 ft. in any direction from Big Creek Hydro-electric Generating Plant No. 2 of the Southern California Edison Company.

Prohibited Area No. 75. Fresno County, California. The area within a distance of 1,000 ft. in any direction from Big Creek Hydro-electric Generating Plant No. 2A of the Southern California Edison Company.

Prohibited Area No. 76. Fresno County, California. The area within a distance of 1,000 ft. in any direction from Big Creek Hydro-electric Generating Plant No. 8 of the Southern California Edison Company.

Prohibited Area No. 77. Fresno County, California. The area within a distance of 1,000 ft. in any direction from Big Creek Hydro-electric Generating Plant No. 3 of the Southern California Edison Company.

Prohibited Area No. 78. Kern County, California. The area within a distance of 1,000 ft. in any direction from Magunden Sub-Station of the Southern California Edison Company.

Prohibited Area No. 79. Fresno County, California. The area within a distance of 500 ft. in any direction from Piedra Sub-Station of the Southern California Edison Company.

Prohibited Area No. 80. Kern County, California. The area within a distance of 500 ft. in any direction from the Central Station of the California Electric Power Company.

Prohibited Area No. 81. The area a distance of 1,000 ft. in any direction from the center line of the Parker Dam on the Colorado River and within a distance of 1,000 ft. in any direction from the power plant of the Metropolitan Water District of Southern California located at Parker Dam on the Colorado River.

Prohibited Area No. 82. The area within a distance of 500 ft. in any direction from the Intake Pumping Plant on the Colorado River of the Metropolitan Water District of Southern California located 2 miles above Parker Dam.

Prohibited Area No. 83. The area within a distance of 500 ft. in any direction from Gene Reservoir Pumping Plant of Metropolitan Water District of Southern California located 3 miles west of Parker Dam.

Prohibited Area No. 84. Riverside County, California. The area within a distance of 300 ft. in any direction from the center line of Copper Basin Dam of Metropolitan Water District of Southern California located 2 miles west of Gene Reservoir Pumping Plant on the Colorado River Aqueduct.

Prohibited Area No. 85. San Bernardino County, California. The area within a distance of 500 ft. in any direction from the Iron Mountain Pumping Plant of Metropolitan Water District located 70 miles west of Parker Dam on the Colorado River Aqueduct.

Prohibited Area No. 86. Riverside County, California. The area within a distance of 500 ft. in any direction from Eagle Mountain Pumping Plant on Metropolitan Water District located 110 miles west of Parker Dam on the Colorado River Aqueduct.

Prohibited Area No. 87. Riverside County, California. The area within a distance of 500 ft. in any direction from the Hayfield Mountain Pumping Plant 130 miles west of Parker Dam on the Colorado River Aqueduct.

Prohibited Area No. 88. Keeler, Inyo County, California. The area within a distance of 500 ft. in any direction from Keeler Plant of the Sierra Talc Company.

(2) Prohibited Areas in State of Oregon:

Prohibited Area No. 2. The area surrounding the City Water Supply Standby Pumping Station in Salem, Oregon, located at the corner of Trade and Commercial Streets.

Prohibited Area No. 3. The area surrounding the Reservoir and Elevated Steel Tank in Salem, Oregon, located at the junction of Rural and John Streets.

Prohibited Area No. 4. The area surrounding the Reservoir in Salem, Oregon, at Candelaria Heights.

Prohibited Area No. 5. The area surrounding the Pacific Telephone and Telegraph Company Building at 740 State Street, Salem, Oregon.

Prohibited Area No. 6. The area in Salem, Oregon, bounded on the north by Court Street, on the east by Front Street, on the south by State Street and on the west by Fir Street.

Prohibited Area No. 7. The area in Albany, Oregon, bounded on the north by Water Street, on the east by Broadalbin Street, on the south by First Street and on the west by Ferry Street.

Prohibited Area No. 8. The area included within the limits of River View Park in Eugene, Oregon.

Prohibited Area No. 9. An area in Eugene, Oregon bounded on the north by 32nd Street, on the east by Charlan Street, on the west by Washington Street and on the south by a line 1,000 ft. south of the Summit Street Reservoir.

Prohibited Area No. 10. The area within the limits of Hendricks Park, Eugene, Oregon.

Prohibited Area No. 11. The triangular area in Eugene, Oregon bounded on the south by Broadway, on the west by the Mill Race and on the northeast by the Willamette River.

Prohibited Area No. 13. The area in Eugene, Oregon bounded on the north by the alley between 7th and 8th Streets, on the east by Mill Street, on the south by 13th Street and on the west by the alley between Olive and Charnelton Streets.

Prohibited Area No. 14. An area extending approximately 1,000 ft. on all sides from the C. A. A. Range Station 4½ miles north of the Aviation Field at Eugene, Oregon.

Prohibited Area No. 15. The area in Roseburg, Oregon bounded on the northwest by the alley between Parrot and Flint Streets, on the northeast by Washington Street, on the southeast by Kane Street and on the southwest by Woodward Street.

Prohibited Area No. 16. The area in Marshfield, Oregon bounded on the north by Central Street, on the east by Second Street, on the south by Anderson Street and on the west by Third Street.

Prohibited Area No. 18. The area in Grants Pass, Oregon bounded on the north by E Street, on the east by Sixth Street, on the south by F Street and on the west by Fifth Street.

Prohibited Area No. 19. The area in Medford, Oregon bounded on the north by Harrison Avenue, on the east by the east line of Block 1 Capital Hill addition; on the south by Capital Avenue and on the west by Valley View Drive.

Prohibited Area No. 20. The area in Medford, Oregon bounded on the north by W. Main Street, on the east by S. Fir Street, on the south by Eleventh Street and on the west by South Front Street.

Prohibited Area No. 21. The area in Medford, Oregon bounded on the north by Third Street, on the east by Bear Creek, on the south by Main Street and on the west by the Southern Pacific Railroad Tracks.

Prohibited Area No. 25. The area in Yumatella, Oregon bounded on the north by Third Street, on the east by F Street, on the south by Railroad Avenue and on the west by E Street.

Prohibited Area No. 26. The area in Pendleton, Oregon bounded on the northeast by Byers Avenue, on the southeast by South Main Street on the southwest by Southwest Court Avenue and on the northwest by First Street.

Prohibited Area No. 27. The area in La Grande, Oregon bounded on the north by Jefferson Avenue, on the east by Depot Street, on the south by Adams Street and on the west by Chestnut Street.

Prohibited Area No. 28. The area located within a circle having a radius of 1 mile from the Armory located on the Oregon State College Campus at Corvallis, Oregon.

Prohibited Area No. 29. The area within circles having radii of 1,000 ft. of the Armory located at Oak and Kane Streets in Roseburg, Oregon and from the installation located across the Umpqua River on Northwest Oak Street in Roseburg, Oregon.

Prohibited Area No. 30. An area in the States of Washington and Oregon along the Columbia River above and below the Bonneville Dam and extending on each side of the River about ½ mile inland from the bank of the River and extending downstream to a line drawn between Bridal Veil, Oregon and Prindle, Washington and extending upstream to a line drawn between Farley, Oregon to Carson, Washington.

(3) Prohibited Areas in State of Washington:

Prohibited Area No. 2. The area of approximately 8 sq. miles surrounding the Grand Coulee Dam on the Columbia River in Washington.

Prohibited Area No. 3. The area within a circle having a radius of 1,000 ft. from the Long Lake Hydro Electric Plant on the Spokane River approximately 25 miles northeast of Spokane, Washington.

Prohibited Area No. 4. The areas within circles having radii of 1,000 ft. from the power house and from the lower dam located on the Skagit River in Whatcom County, Washington.

Prohibited Area No. 5. The area within a circle having a radius of 1 mile from the Diablo Dam located on the Skagit River in Whatcom County, Washington.

Prohibited Area No. 6. The area within a circle having a radius of 1 mile from the Ruby Dam located on the Skagit River in Whatcom County, Washington.

Prohibited Area No. 7. The area within a circle having a radius of 500 ft. from the Baker River Dam near Concrete, Skagit County, Washington.

Prohibited Area No. 8. The area within a circle having a radius of 500 ft. from the Electron hydro-electric plant at Electron, Pierce County, Washington.*

(Procs. 2525, 2526, 2527, 2537; 6 F.R. 6321, 6323, 6324, 7 F.R. 329; R.S. 4067; 50 U.S.C. 21)

Dated: February 14, 1942.

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 42-1419; Filed, February 18, 1942; 9:56 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—PRIORITIES DIVISION

PART 1027—SULPHITE PULP

Amendment to General Preference Order M-52 [1]

The "Allocation Schedule of Sulphite Wood Pulp" attached to § 1027.1 (General Preference Order M-52, as amended February 5, 1942) is hereby further amended by *adding* the following schedules for February and March for Lend-Lease purposes to the February schedule for nitration purposes contained in the above-mentioned amendment dated February 5, 1942:

ALLOCATION SCHEDULE OF BLEACHED SULPHITE WOOD PULP

Government supplier	Producer	Individual producers' scheduled allocated tonnage February	Individual producers' scheduled allocated tonnage March	Total
BROWN				
Responsibility 3,600	Champion Paper & Fibre Co	148	267	415
Own contribution 1,423	Dexter Sulphite	26		26
	Groveton Paper Co	52	105	157
Allocation tonnage 1,577	Hol. & Whitney	40	80	120
	International Paper Co	21		21
	Kennebec Pulp & Paper Co	34	29	63
	Kimberly Clark Corp	119	239	358
	Marinette Co	10		10
	Mount Tom Sulphite Pulp Co	41	82	123
	Port Huron Sulphite & Paper Co	49	98	147
	St. Regis Paper Co	47		47
	Total	611	983	1,777
SOUNDVIEW				
Responsibility 3,120	Flambeau Paper Co	42	85	127
Own contribution 1,412	Nekoosa-Edwards Paper Co	83	166	249
	Northern Paper Mills	67	134	201
Allocation tonnage 1,708	Oxford Paper Co	205	412	618
	West Virginia Pulp & Paper Co	148	295	443
	Total	545	1,092	1,638
WEYERHAEUSER				
Responsibility 1,620	Consolidated Water Power	196	392	588
Own contribution 774	Detroit Sulphite	65	130	195
	Sterling Pulp & Paper Co	28	55	83
Allocation tonnage 876	Total	289	577	866
EASTERN				
Responsibility 1,200	Castanea Paper Co	82	165	247
Own contribution 570	Penobscot Chemical Fibre Co	85	169	254
	Wausau Paper Mills Co	42	84	126
Allocation tonnage 630	Total	209	418	627
BAYONIER				
Responsibility 1,000	Badger Paper Mills	61	122	183
Own contribution 2,817	Columbia River Paper Mills	40	50	90
	Consolidated Water Power	36	71	107
Allocation tonnage 3,183	Crown Zellerbach Corp	153	307	460
	Hammermill Paper Co	196	294	490
	Hoberg Paper Mills	50	100	150
	Inland Empire Paper Co	27		27
	Kimberly Clark Corp	67	135	202
	Marathon Paper Mills Co	106	212	318
	Mumford Paper Co	73	147	220
	Northwest Paper Co	54	108	162
	Oregon Pulp & Paper Co	104	207	311
	Parker Young Co	59	118	177
	Rhinelander Paper Co	21	41	62
	J. & J. Rogers & Co	40	77	117
	Total	1,087	2,089	3,176
	Total allocation tonnage			7,974
Total:				
Responsibility 15,160				
Own contribution 7,026				
Allocation tonnage 7,974				

ALLOCATION SCHEDULE OF UNBLEACHED SULPHITE WOOD PULP

SPAULDING				
Responsibility 573	Fibreboard Products, Inc	60	120	180
Own contribution 220	Rayonier, Inc	58	115	173
Allocation tonnage 353	Total	118	235	353
SCOTT				
Responsibility 1,063	International Paper Co	212	426	638
Own contribution 411	Marinette Co	24		24
Allocation tonnage 662	Total	236	426	662
WEYERHAEUSER				
Responsibility 1,943	Columbia River Paper Mills	53	107	160
Own contribution 736	Consolidated Water Power	52	103	155
	Detroit Sulphite	27	53	80
Allocation tonnage 1,207	Dexter Sulphite	64	127	191
	Falls Pulp & Paper Co	39	78	117
	Flambeau Paper Co	26		26
	Great Northern Paper Co	108	216	324
	Hoberg Paper Mills	49	98	147
	Total	418	782	1,200

[1] 7 F.R. 204, 517, 784.

ALLOCATION SCHEDULE OF UNBLEACHED SULPHITE WOOD PULP—Continued

Government supplier	Producer	Individual producers' scheduled allocated tonnage February	Individual producers' scheduled allocated tonnage March	Total
BROWN ZELLERBACH				
Responsibility 2,664	Algonquin Paper Corp	62	124	186
Own contribution 1,021	Gould Paper Co	27	55	82
	Groveton Paper Co	24	48	72
Allocation tonnage 1,639	Hawley Pulp & Paper Co	102	203	305
	Inland Empire Paper Co	24	47	71
	Kennebec Pulp & Paper Co	33	65	98
	Maine Seaboard Paper Co	84	168	252
	Mead & Ontario Paper Co	133	266	399
	N. Konsa-Edwards Paper Co	25	49	74
	Northwest Paper Co	17	34	51
	Oregon Pulp & Paper Co	17		17
	Parker Young Co	26		26
	Watson Paper Mills Co	24		24
	Total	598	1,059	1,657
PUGET SOUND				
Responsibility 2,688	Brown Co	64	121	185
Own contribution 1,135	Eastern Corporation	48	96	144
	Hammermill Paper Co	20		20
Allocation tonnage 1,553	Hollingsworth & Whitney	107	214	321
	Kimberly Clark Corp	38	77	115
	Marathon Paper Mills Co	7		7
	Mount Tom Sulphite Pulp Co	4		4
	Munising Paper Co	3		3
	Northern Paper Mills	27	54	81
	Marquette River Paper Co	20	40	60
	Ravenser, Inc	21	42	63
	Rhinelander Paper Co	32	65	97
	St. Croix Paper Co	42	84	126
	St. Regis Paper Co	74	148	222
	Sonnebrew Pulp Co	67	133	200
	Sterling Pulp & Paper Co	33	67	100
	Wolf River Paper Co	27	53	80
	Total	640	1,212	1,852
Total				
Responsibility 5,352				
Own contribution 1,369				
Allocation tonnage 6,721				

This amendment shall take effect as of February 1, 1942. (P.D. Reg. 1, Amended Dec. 23, 1941, 6 F.R. 6639, W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329, E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 18th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1440; Filed, February 18, 1942; 11:08 a. m.]

PART 1047—PETROLEUM

Amendment No. 3 of Conservation Order M-68[1]

Section 1047.1 Conservation Order No. M-63 is hereby amended by inserting after paragraph (c) thereof a new paragraph (d) as follows, and relettering the ensuing paragraphs accordingly:

(d) *Determination of uniform well-spacing pattern.* (1) Subject to the provisions of subparagraph (2) below, each well "spudded" subsequent to December 23, 1941, in any oil or gas field, other than a Condensate Field, on any proposed drilling unit consisting of not less than forty surface acres in the case of any oil field or of not less than 640 surface acres in the case of any gas field, shall be deemed to conform to a "uniform well-spacing pattern" for the purposes of paragraph (c) (7) and (8) of this section, where such well is drilled in accordance with the following terms:

(i) Each well shall bear the same geographical relationship with respect to the square drilling unit upon which it is to be located as all other wells drilled subsequent to December 23, 1941 bear to the respective square drilling units upon which such wells have been or are to be located: *Provided*, That subject to the provisions of (2) below, any well which is to be drilled shall be considered as conforming to a uniform well-spacing pattern where such well is to be located within 100 feet of the point at which absolute geographic identity would be attained or where such well is to be located within 150 feet of the geographic center of a square drilling unit; or

(ii) Where property interests (including leasehold or other property interests) in irregularly shaped tracts necessitate departures from square drilling units, a well may be located on any drilling unit consisting of not less than the prescribed number of surface acres (40 surface acres in the case of an oil field; 640 surface acres in the case of a gas field); *Provided*, That such well is drilled in conformity with the provisions of subparagraph (2) below.

(2) No well "spudded" subsequent to December 23, 1941 shall be considered as drilled in conformity with a uniform well-spacing pattern unless:

(i) The proposed drilling unit upon which such well is to be located consists entirely of acreage which is not attributable to any well other than such proposed well. The acreage attributable to wells offsetting the proposed drilling unit shall be determined by assigning to such wells an acreage equivalent to that in the existing well density or drilling pattern contiguous to such wells. In the case of an oil field no portion of a drilling unit shall fall within 330 feet of an existing well; in the case of a gas field no portion of a drilling unit shall fall within 1320 feet of an existing well; and

(ii) The direct linear distance between any two points which are farthest removed from each other on the drilling unit upon which a well is to be drilled does not exceed the length of the diagonal of a rectangle whose length is twice its width and which is equivalent in surface acreage to such drilling unit; and

(iii) All separate property interests of less than 40 surface acres in the case of an oil field, 640 surface acres in the case of a gas field, or in tracts on which a well cannot otherwise be drilled by virtue of the provisions of this Order, surrounding the designated drilling location of any well, are first consolidated with each other, another, or other property interests to form a drilling unit (consisting of not less than 40 surface acres in the case of an oil field; 640 surface acres in the case of a gas field) on which a well may be drilled; and

(iv) Such well is drilled at least 990 feet in the case of an oil field or 3960 feet in the case of a gas field from any well "spudded" in such field subsequent to December 23, 1941; and

(v) Such well is drilled at least 660 feet in the case of an oil field or at least 2640 feet in the case of a gas field from any well "spudded" or completed in such field on or before December 23, 1941; and

(vi) Such well is drilled at least 330 feet in the case of an oil field or 1320 feet in the case of a gas field from any lease line, property line or subdivision line which separates unconsolidated property interests. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

[1] 6 F.R. 6687; 7 F.R. 281, 601, 903.

This Amendment shall take effect immediately. Issued this 18th day of February, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1441; Filed, February 18, 1942; 11:08 a. m.]

PART 1047—PETROLEUM

Interpretation No. 2 of Conservation Order M-68,[1] *as Amended*

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 1047.1, Conservation Order M-68, dated December 23, 1941, as amended from time to time.

The term "lease equipment", as used in Conservation Order M-68, means the fixed or stationary equipment and Material installed on any property located within the productive boundaries of any field for direct or indirect use in the production of petroleum, including production office or camp facilities located adjacent to any field; but not including the well, well equipment, pumping or artificial lifting facilities, flow lines and gathering lines from the wells, cycling plants, pressure maintenance plants, and plants for the extraction of natural gasoline and associated hydrocarbons or for other treatment or processing of gas.

Issued this 18th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1439; Filed, February 18, 1942; 11:08 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1315—RUBBER AND RUBBER PRODUCTS AND MATERIAL OF WHICH RUBBER IS A COMPONENT

Amendment No. 1 to Revised Tire Rationing Regulations[2]—Tires and Tubes, Retreaded and Recapped Tires, and Camelback. Section 1315.151 (e) and 1315.151 (aa) and Section 1315.401 (a) (1) are hereby amended to read as follows:

§ 1315.151 *Definitions.*

* * * * *

(e) "Delivery" means any transfer except a transfer involving only a change in physical location.

* * * * *

(aa) "Transfer" means sale, lease, loan, trade, shipment, delivery or transfer or any transaction involving a change in right or title to or interest in any commodity, or any change in use or physical location, including the placing of a tire or tube upon a wheel or rim.

* * * * *

§ 1315.401 *Permitted and prohibited transfers and deliveries to consumers—*(a) *Prohibitions.*

* * * * *

(1) The prohibition in this paragraph (a) applies to sales and deliveries and physical transfers involving a change either in use or location as set forth in § 1315.801. Except as provided in paragraphs (b) and (c) of this section and in §§ 1315.801 to 1315.805, it is unlawful to transfer new tires or tubes, or deliver retreaded or recapped tires, to a consumer, even though such consumer has completed and paid for the purchase or agreement for transfer of such tires or tubes from the person of whom delivery or transfer is requested.

(Pub. Law 421, 77th Cong., 2d Sess. Jan. 30, 1942, OPM Supp. Order No. M-15c, WPB Directive No. 1, Supp. Directive No. 1B, 6 F.R. 6792; 7 F.R. 562, 925)

This amendment No. 1 shall become effective February 19, 1942. Issued this 17th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1420, Filed, February 18, 1942; 9:58 a. m.]

PART 1338—SILK AND SILK PRODUCTS

PRICE SCHEDULE NO. 14—RAW SILK AND SILK WASTE

Order of Revocation

Price Schedule No. 14,[1] providing maximum prices for raw silk and silk waste, was issued on August 2, 1941, for the purpose of remedying inflationary market conditions brought about by speculative forces set in motion as the result of international developments in the Far East. Thereafter, certain provisions of the Schedule were amended, effective September 30, 1941.

Since issuance of Price Schedule No. 14 substantially all stocks of silk in the country have been acquired by the United States Government, through agencies thereof, or are presently in the hands of manufacturers fabricating materials in fulfillment of government contracts.

Accordingly, under the authority vested in me by the Emergency Price Control Act of 1942, it is hereby directed that:

Price Schedule No. 14, §§ 1338.1 to 1338.9 inclusive, is hereby revoked. (Pub. No. 421, 77th Cong., 2d Sess.)

This order of revocation is effective February 19, 1942. Issued this 18th day of February 1942.

LEON HENDERSON,
Price Administrator.

[F. R. Doc. 42-1437; Filed, February 18, 1942; 11:04 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER II—CORPS OF ENGINEERS, WAR DEPARTMENT

PART 203—BRIDGE REGULATIONS[1]

TRENT RIVER, N. C.

Pursuant to the provisions of section 5 of the River and Harbor Act approved August 18, 1894 (28 Stat. 362; 33 U.S.C. 499), the following regulations are prescribed to govern the operation of the Atlantic Coast Line Railroad Company bridge across Trent River at Pollocksville, North Carolina.

§ 203.354 *Trent River, N. C.; Atlantic Coast Line Railroad Company bridge at Pollocksville, N. C.* (a) The owner of, or agency controlling, the bridge will not be required to keep a draw tender in constant attendance at the above-named bridge.

(b) Whenever a vessel, unable to pass under the closed bridge, desires to pass through the draw, at least 24 hours' advance notice of the time the opening is required shall be given to the authorized representative of, or agency controlling the bridge.

(c) Upon receipt of such notice, the authorized representative of, or agency controlling, the bridge, in compliance therewith, shall arrange for the prompt opening of the draw at the time specified in the notice for the passage of the vessel.

(d) The owner of, or agency controlling the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in such manner that it can easily be read at any time, a copy of these regulations together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached.

(e) The operating machinery of the draw shall be maintained in a serviceable condition, and the draw opened and closed frequently enough to make certain that the machinery is in proper order for satisfactory operation. (Sec. 5, 28 Stat. 362; 33 U.S.C. 499) [Regs. February 6, 1942 (E.D. 6371 (Atlantic Coast Line RR-Trent R.)—2/4)]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-1418; Filed, February 17, 1942; 2:53 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I — INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-5]

PART 174—SURETY BONDS AND POLICIES OF INSURANCE

ORDER IN THE MATTER OF SECURITY FOR THE PROTECTION OF THE PUBLIC AS PROVIDED IN PART II OF THE INTERSTATE COMMERCE ACT, AND OF RULES AND REGULATIONS GOVERNING THE FILING AND APPROVAL OF SURETY BONDS, POLICIES OF INSURANCE, QUALIFICATIONS AS A SELF-INSURER, OR OTHER SECURITIES AND AGREEMENTS BY MOTOR CARRIERS AND BROKERS SUBJECT TO PART II OF THE INTERSTATE COMMERCE ACT

At a session of the Interstate Commerce Commission, Division 5, held at its office in Washington, D. C., on the 23d day of January, A. D. 1942.

[1] 6 F.R. 6687; 7 F.R. 281, 601, 903.
[2] 7 F.R. 1027.

[1] 6 F.R. 3893, 4974, 5094, 5851.
[1] § 203.354 is added.

The matter of amending the list of commodities exempted from the cargo security requirements prescribed under Section 215 of the Interstate Commerce Act by our order of March 25, 1940, being under consideration:

It is ordered, That the regulations exempting commodities from the cargo security requirements prescribed by the order of Division 5 of March 25, 1940, be, and they hereby are, amended to read as follows:

§ 174.1a *Commodities exempted from cargo security requirements.* From and after January 23, 1942, the list of exempted commodities shall read as follows, the exemption to apply to all policies of insurance or other security which are now on file for or which are hereafter required to be filed by motor common carriers of property in accordance with the requirements of this part:

Ashes, wood or coal.
Bituminous concrete (also known as blacktop or amesite).
Cinders, coal.
Coal.
Coke.
Commercial fertilizer.
Corn cobs.
Cottonseed hulls.
Fish scrap.
Forest products, viz: Logs, billets, or bolts, native wood, Canadian wood or Mexican pine; pulpwood; fuelwood; wood kindling; and wood sawdust or shavings (shingle tow) other than jewelers' or paraffined.
Garbage.
Gravel, other than bird gravel.
Ice.
Iron ore.
Lumber.
Manure.
Meat scraps.
Ores in bulk.
Poles and piling, other than totem poles.
Salt, in bulk or in bags.
Sand, other than asbestos, bird, iron, monazite, processed or tobacco sand.
Scrap iron.
Scrap steel.
Shells, clam, mussel, or oyster.
Slag, other than slag with commercial value for the further extraction of metals.
Slate, crushed or scrap.
Soil, earth, or marl, other than infusorial, diatomaceous, tripoli, or inoculated soil or earth.
Stone, unglazed and unmanufactured, including ground agricultural limestone.
Sugar beet pulp.
Sugar beets.
Water, other than mineral or prepared water.

(Sec. 215, 49 Stat. 557; 49 U.S.C., 315)

By the Commission, division 5.

[SEAL] W. P. BARTEL,
Secretary.

[F R. Doc. 42-1443; Filed February 18, 1942; 11:35 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-607]

PETITION OF JOHN TAYLOR FOR A CHANGE IN MINIMUM PRICES FOR THE COALS OF THE JOHN AND EARL SCOTT MINE (MINE INDEX NO. 1262) OF JOHN TAYLOR, A PRODUCER IN DISTRICT 8, FOR TRUCK SHIPMENT

ORDER DISMISSING PETITION

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed by the above-named party, requesting a change in minimum prices for the coals produced at the John and Earl Scott Mine (Mine Index No. 1262) of John Taylor, in District 8, for truck shipment;

An Order having been entered herein on November 19, 1941, requiring the petitioner to appear and show cause why the petition should not be dismissed; the petitioner having failed to appear at the time and place designated therefor, and having wholly made default;

The Examiner, Charles O. Fowler, having on January 9, 1942, filed a recommendation that the petititon be dismissed and no exceptions to such recommendation having been filed;

It is ordered, That the petition filed herein be and the same hereby is dismissed, without prejudice, however, to the right of the petitioner to file a new petition with the Division in regard to the same matter, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to section 4 II (d) of the Act.

Dated: February 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1425; Filed, February 18, 1942; 10:56 a. m.]

[Docket No. B-42]

IN THE MATTER OF H. N. HARTWELL & SON, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 4055, RESPONDENT

NOTICE OF FILING APPLICATION PURSUANT TO § 301.132 FOR DISPOSITION OF PROCEEDING WITHOUT FORMAL HEARING

Notice is hereby given that H. N. Hartwell & Son, Inc., Registered Distributor, Registration No. 4055, a corporation having its principal place of business at Park Square Building, Boston, Massachusetts, being the respondent in the above-entitled matter, filed with the Bituminous Coal Division an application dated December 30, 1941, pursuant to § 301.132 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division for the Disposition Without Formal Hearing of Compliance Proceedings.

The Notice of and Order for Hearing, as amended, in the above-entitled proceeding alleges that respondent violated section 4 II (h) of the Act and paragraph (a) of the Distributor's Agreement by accepting and retaining discounts from the sales price of 1792.21 net tons of coal purchased from the Forks Coal Mining Company, code member, which were in excess of the maximum allowable discounts prescribed by the Order of the Director dated June 19, 1940 in General Docket No. 12.

In said application the respondent admits the sale on behalf of the Forks Coal Mining Company, a code member, during the period from October 1, 1940, to March 28, 1941, inclusive, of 1,792.21 net tons of 2" N/S coal produced at the said code member's Hughes No. 11 Mine, Mine Index No. 219, District No. 1, as set forth in the Notiee of and Order for Hearing in the above-entitled proceeding, and in addition, the sale of 1,475.09 net tons of coal produced at the aforesaid mine, or a total of 3,267.30 net tons of such coal. The respondent agrees to the incorporation of the said additional tonnage in the Notice of and Order for Hearing, as amended, in the above-entitled proceeding.

The respondent admits receiving, accepting and retaining a compensation of 25 cents per net ton on sales of the aforesaid coal, but avers that it believed that it was acting for the aforesaid code member in the capacity of a sales agent and that the respondent had no intent to violate section 4 II (h) of the Act and paragraph (a) of the Distributor's Agreement.

The respondent agrees to refund to said code member Four Hundred Twenty-four Dollars and Seventy-five Cents ($424.75) which is the difference between the total discounts from the sales price of the aforesaid coal accepted and retained by the respondent and the maximum allowable discounts prescribed by Order of the Director dated June 19, 1940, in General Docket No. 12, which the respondent would have been entitled to receive had it acted as a registered distributor in said transactions.

The respondent consents to the entry of an order suspending its registered distributor's Certificate No. 4055 for the period of one (1) day in connection with the alleged violations of section 4 II (h) of the Act and paragraph (a) of the Distributor's Agreement set forth in the Notice of and Order for Hearing, as amended, in the above-entitled proceeding.

Interested parties may file within fifteen (15) days from the date of this Notice recommendations or requests for informal conferences with respect to the above-described application.

Dated: February 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1426; Filed, February 18, 1942; 10:56 a. m.]

[Docket No. B-126]

IN THE MATTER OF MATERIAL SERVICE CORPORATION, A CORPORATION, REGISTERED DISTRIBUTOR, REGISTRATION NO. 6031, AND CONSUMERS COMPANY OF ILLINOIS, A CORPORATION, REGISTERED DISTRIBUTOR, REGISTRATION NO. 1811, RESPONDENTS

ORDER RESETTING HEARING

A hearing having been held in the above entitled matter on January 27, 28, and 29, 1942, in the City of Chicago, Illinois, before W. A. Shipman, Trial Examiner of the Division; and

The respondents herein having represented to the Examiner that A. M. Fellows, one of the witnesses subpoenaed by the Division, was unavoidably absent from the city and therefore unable to oe present at the hearing; and having also represented that one C. J. O'Laughlin, a material witness for respondents, was at that time confined to his bed by illness; and

Said respondents having requested that the hearing be postponed to some future date for the purpose of taking the testimony of such witnesses; and

The Trial Examiner having thereupon, at the conclusion of the hearing on January 29, 1942, postponed the hearing for such purpose to such time and place as might thereafter be designated by an appropriate order of the Acting Director; and

The Acting Director deeming it advisable at this time to reschedule such hearing for such purpose.

Now, therefore, it is hereby ordered, That the hearing in the above-entitled matter be reset for February 26, 1942, at 10:00 a. m. at a hearing room of the Bituminous Coal Division at Room 705, U. S. Custom Court Building, 610 South Canal Street, Chicago, Illinois, before the officer or officers previously designated to preside at said hearing, for the purpose of taking testimony of said A. M. Fellows and C. J. O'Laughlin.

Dated: February 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F R. Doc. 42-1427; Filed, February 18, 1942; 10:56 a. m.]

[Docket No. B-8]

IN THE MATTER OF TONY CAPUTO, CODE MEMBER, DEFENDANT

ORDER RESCHEDULING HEARING AND REDESIGNATING EXAMINER

The above-entitled matter having been heretofore scheduled for hearing on December 3, 1941 at a hearing room of the Bituminous Coal Division at the Post Office Building, Clarksburg, West Virginia, by Order of the Director dated October 7, 1941, and subsequently postponed by Order of the Acting Director dated January 14, 1942, to a date and place to be thereafter designated by an appropriate order; and

It appearing to the Acting Director that the place and date of said hearing should now be designated;

Now, therefore, it is ordered, That a hearing in the above-entitled matter be held on March 9, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Clarksburg, West Virginia.

It is further ordered, That Joseph A. Huston or any other officer or officers duly designated for that purpose shall preside at such hearing vice Joseph D. Dermody; and

It is further ordered, That the Notice of and Order for Hearing dated October 7, 1941, entered in the above-entitled matter shall, in all other respects, remain in full force and effect.

Dated: February 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1428; Filed, February 18, 1942; 10:56.a. m.]

[Docket No. A-1248]

IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 10 FOR THE ISSUANCE OF A TEMPORARY ORDER PERMITTING THE FRANKLIN COUNTY COAL CORPORATION, MINE INDEX NO. 151, TO REDUCE THE MINIMUM PRICE ON APPROXIMATELY 14,000 TONS OF STORAGE SCREENINGS

ORDER DISMISSING PETITION, TERMINATING TEMPORARY RELIEF AND CANCELLING HEARING

The original petitioner having moved that the petition in the above-entitled matter be dismissed without prejudice, that the temporary relief now outstanding be revoked and that the hearing in the above-entitled matter now scheduled for February 18, 1942, be cancelled; and there having been no opposition thereto,

Now, therefore, it is ordered, That the original petition in the above-entitled matter be dismissed, without prejudice; that the temporary relief now in effect be terminated; and that the hearing in this matter heretofore scheduled for February 18, 1942, be cancelled.

Dated: February 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1429; Filed, February 18, 1942; 10:57 a. m.]

[Docket No. B-132]

IN THE MATTER OF DEXTER-CARPENTER COAL CO., INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 2304, RESPONDENT

ORDER GRANTING MOTION TO DISMISS AND CANCELLING NOTICE OF AND ORDER FOR HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 a. m. on January 12, 1942, at a hearing room of the Bituminous Coal Division at Room D, Washington Hotel, Washington, D. C., pursuant to an Order of the Acting Director dated December 5, 1941, and subsequently postponed by Order of the Acting Director dated January 6, 1942, to a date and hearing room to be thereafter designated by an appropriate order; and

The respondent having filed on December 24, 1941, with the Division its Motion to Dismiss the above-entitled matter; and

The Acting Director deeming it appropriate that the said matter be dismissed and said hearing be cancelled;

Now, therefore, it is ordered, That the above-entitled matter be and the same is hereby dismissed without prejudice to the institution of any other proceeding that the Division may deem appropriate; and

It is further ordered, That the hearing in the above-entitled matter be and the same is hereby cancelled.

Dated: February 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1430; Filed, February 18, 1942; 10:57 a. m.]

[Docket No A-1212]

PETITION OF DISTRICT BOARD NO. 11 FOR REVISION OF THE SCHEDULES OF MINIMUM PRICES APPLICABLE TO COALS SHIPPED FROM DISTRICT NO. 9 AND DISTRICT NO. 11 TO CHARLESTOWN AND SPEEDS, INDIANA, MARKET AREA NO. 31, FOR A RECOORDINATION OF THE DELIVERED PRICE RELATIONSHIPS OF SUCH COALS AT SAID DESTINATIONS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

NOTICE OF AND ORDER FOR POSTPONEMENT OF HEARING

The petition having moved that the hearing in the above-entitled matter, heretofore scheduled for March 3, 1942, be postponed to April 1, 1942, and having shown good cause why the motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from 10 o'clock in the forenoon of March 3, 1942, until 10 o'clock in the forenoon of April 1, 1942, at the place and before the officers heretofore designated.

Dated: February 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1431; Filed, February 18, 1942, 10:57 a. m.]

[Docket No. B-205]

IN THE MATTER OF BROOKWOOD SHAFT, INC., CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 8, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 24, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 23, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 203, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under Section 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to Sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein see for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the said defendant, whose address is 822 Hannah St., Houtzdale, Pennsylvania, and who operates the Brockwood Shaft Mine, Mine Index No. 67, located in Clearfield County, Pennsylvania, in Subdistrict 21 of District No. 1, wilfully violated Rules 4 (A) and 9 (a) of Section II of the Marketing Rules and Regulations by allowing, paying or obligating itself to allow or pay, directly or indirectly, commissions to the Seneca Coal and Iron Corporation, New York, N. Y., on sales of approximately 1,313 tons of coal of various sizes produced at said mine, during the months of October and November 1940. Said Seneca Coal and Iron Corporation purported to act as exclusive sales agent for said code member without either the agent or the principal filing with the Division, within 20 business days following the effective date of the Marketing Rules and Regulations, a copy of the contract of agency executed on May 1, 1940, and filed on December 18, 1940, with the Division. Therefore, the commissions paid pursuant to said sales agency agreement were allowed, paid, or said code member obligated itself to allow or pay directly or indirectly said commissions, contrary to the provisions of Rule 4 (A), Section II and in violation of Rule 9 (a) of Section II of the Marketing Rules and Regulations.

Dated: February 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1432; Filed, February 18, 1942; 10:58 a. m.]

[Docket No. 1623-FD]

IN THE MATTER OF POWER FUEL COMPANY, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 7427, DEFENDANT

ORDER FOR REINSTATEMENT OF REGISTRATION

The registration of Power Fuel Company, Inc., as a registered distributor, Registration No. 7427, having been suspended by an Order of the Acting Director dated December 24, 1941, for a period of 42 days from the date of service thereof on said Power Fuel Company, Inc.; and

Said defendant having accepted service of said order on December 26, 1941; and

An affidavit dated January 29, 1942, having been duly filed on January 31, 1942, with the Division pursuant to § 304.15 of the Rules and Regulations for the Registration of Distributors by Power Fuel Company, Inc., the defendant herein; and

It appearing to the Acting Director that said affidavit of the Power Fuel Company, Inc. sufficiently complies with the provisions of said order dated December 24, 1941, and § 304.15 of the Rules and Regulations for the Registration of Distributors:

Now, therefore, it is ordered, That the registration of Power Fuel Company, Inc., as a distributor be and the same hereby is reinstated as of February 6, 1942.

Dated February 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1433. Filed, February 18, 1942; 10:58 a. m.]

[Docket No. A-1137]

PETITION OF WAPENOH COAL COMPANY FOR CHANGE IN SHIPPING POINT OF ITS MCBRIDE MINE, MINE INDEX NO. 2152, IN DISTRICT NO. 2, FOR ALL SHIPMENTS EXCEPT TRUCK

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division on October 29, 1941, by Wapenoh Coal Company, a code member in District 2, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition as amended requests that the classifications and minimum prices heretofore established for the coals of the McBride Mine (Mine Index No. 2152) of the Wapenoh Coal Company be made effective for a changed shipping point.

Temporary relief was granted by Order dated December 1, 1941, 6 F.R. 6247.

Pursuant to an Order of the Acting Director dated December 1, 1941, and after due notice to all interested persons, a hearing in this matter was held on January 6, 1942, before Scott A. Dahlquist, a duly designated Examiner of the Division, in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner appeared.[1] The preparation and filing of a report by the Examiner were waived and the matter thereupon was submitted to the undersigned.

The petitioner requests that the loading point for the McBride Mine (Mine Index No. 2152) at Midway (Pigear) Pennsylvania, on the Pennsylvania Railroad, Freight Origin Group No. 74, be changed to Boggs Siding, Pennsylvania, on the Montour Railroad, Freight Origin Group No. 72.

The uncontradicted testimony of M. F. Phillips, President of the Wapenoh Coal Company, shows that the petitioner is a code member producer in District No. 2 and operates the McBride Mine (Mine Index No. 2152), located near Clinton, on the boundary line of Robinson and Findley Townships, Washington and Allegheny Counties. The witness stated that Midway, the present permanent shipping point, is several miles farther from the mine than Boggs Siding. He further stated that the cost of hauling the coal by truck to Midway is $.40 per ton, whereas the cost per ton to Boggs Siding is only 25 cents. For these reasons, the witness was of the opinion that the shipping point should be established at Boggs Siding in order to insure the petitioner's fair competitive opportunities in the markets for rail-shipped coal.

It appears from the uncontroverted testimony given by Mr. Phillips that the shipping point should be changed from Midway to Begg's Siding. It is also shown that a change in shipping points will result in a shorter transportation haul and a consequent reduction in transportation charges, thereby increasing the petitioner's realization on the mine. The evidence further shows that the requested change in shipping points, if adopted, will in no manner disrupt the relative price relationship between the petitioner and other competitors, but on the contrary will preserve fair competitive opportunities for the petitioner, as well as other local producers.

[1] District Board 8 filed a petition to intervene on November 12, 1941, but failed to appear at the hearing.

Therefore, on the basis of the evidence, I find and conclude: (1) That in order to preserve fair competitive opportunities for the coals of the McBride Mine, (Mine Index No. 2152) provision should be made for shipment of those coals from Boggs Siding, Pennsylvania, over the Montour Railroad, at the prices heretofore established for said coals, and that the Schedule of Effective Minimum Prices for District 2 for All Shipments Except Truck should be amended accordingly; (2) That such amendment of the District 2 Price Schedule is required in order to effectuate the purpose of section 4 II (a) and 4 II (b) of the Act and to comply with standards thereof.

Now, therefore, it is ordered, That commencing forthwith the shipping point for the McBride Mine, Mine Index No. 2152, shall be Boggs Siding, Pennsylvania, on the Montour Railroad, Freight Origin Group 72 instead of from Midway (Pigear), Pennsylvania, on the Pennsylvania Railroad, Freight Origin Group No. 74, and the Schedule of Effective Minimum Prices for District No. 2 for All Shipments Except Truck, be, and it hereby is, amended accordingly.

Dated: February 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1434; Filed, February 18, 1942; 10:58 a. m.]

[Docket No. C-7]

IN THE MATTER OF THE APPLICATION OF FORD MOTOR COMPANY REGARDING COAL PRODUCED AT MINE INDEX NOS. 183, 325, AND 449, IN DISTRICT NO. 8

ORDER PERMITTING THE FILING OF MOTIONS RELATING TO THE REQUEST OF FORD MOTOR COMPANY FOR INTERIM EXEMPTION

Ford Motor Company has filed an application, pursuant to the second paragraph of section 4-A of the Bituminous Coal Act of 1937, for a determination of the status of the coal produced at Mine Index Nos. 183, 325, and 449, in District No. 8, and consumed by the said company.

The second paragraph of section 4-A of the Act states, among other matters, that any producer believing that any commerce in coal is not subject to the provisions of section 4 or the first paragraph of section 4-A, may file an application for exemption, that the filing of such application in good faith shall exempt the applicant from any obligation, duty, or liability imposed by section 4 in respect to the commerce covered by the applicant until such time as action shall be taken upon the application. By Order of the Director dated October 17, 1939, in General Docket No. 17, the following rule was established:

All applications seeking exemption, pursuant to the second paragraph of Section 4-A, should be filed within the following periods of time:

(1) If the commerce covered by the application exists upon the effective date of this rule, not more than thirty (30) days after such date. * * *

Any application which is filed after the periods herein specified will be presumed not to have been filed in good faith.

As to the good faith requirements in the second paragraph of section 4-A of the Act and the said Order of the Director, the said application alleges in substance that applicant has engaged in the commerce for which exemption is sought since 1937; that in September 1937 it caused its contractor, Eastern Coal Corporation, to file with the National Bituminous Coal Commission (predecessor of the Bituminous Coal Division) a statement showing the contractual arrangements in respect to transactions in the coal produced at the said mines; that such transactions have since been conducted in accordance with such arrangements; that it believed that such transactions were conducted pursuant to section 4 II (1) of the Act and therefore were exempt from the provisions of Section 4 without the necessity of filing an application for determination of its status in conducting such transactions; and that its application is filed in good faith. The said application prays, among other matters, that the application be presumed to have been filed in good faith, and that, pursuant to the second paragraph of Section 4-A of the Act, as to such transactions, the applicant be granted an interim exemption, pending a determination of the status of the coal produced as aforesaid.

In support of this request, applicant has filed an affidavit of H. L. Moekle. The affiant represents in substance that he is Assistant Secretary of Ford Motor Company and as such has knowledge of the above-mentioned transactions in coal; that the applicant was advised by competent counsel that such transactions were conducted pursuant to section 4 II (1) of the Act, and that the said Order of the Director was inapplicable to transactions conducted pursuant to section 4 II (1) of the Act; that the applications provided for in the second paragraph of section 4-A of the Act related only to transactions in coal other than those conducted pursuant to section 4 II (1) of the Act; that the first information which the applicant had of the advisability of filing an application for exemption for the coals here involved was the holding of the Director *In The Matter of The Application of The Receivers of The Seaboard Airline Railway Company for Exemption*, Docket No. 49-FD, that an independent contractor involved therein was a producer of coal, within the meaning of the Act; that applicant was advised by counsel that the decision of the Director in the above-mentioned proceeding was not applicable to the applicant's transactions in coal produced as aforesaid; and that the advice of its counsel that an independent contractor is not a producer of coal, within the meaning of the Act, was confirmed by the reversal of the said holding of the Director upon review thereof by the United States Circuit Court of Appeals (*Gray* v. *Powell*, 114 F. (2d) 752) and by the Supreme Court of the United States by an evenly divided court. (312 U. S. 666)

The affiant further represents that applicant was not again informed of the advisability of filing an application for exemption until the decision of the Supreme Court of the United States in *Gray* v. *Powell*, 62 S. Ct. 326, 86 L. Ed. 285, affirming the holding of the Director in the said Docket No. 49-FD; and that thereafter applicant filed the application herein.

The said application of Ford Motor Company and affidavit of H. L. Moekle, are available for public inspection in Room 502 of the offices of the Division, 734 Fifteenth Street NW., Washington, D. C.

It appears desirable that an opportunity be afforded for interested persons and entities to support or to oppose the said application;

Now, therefore, it is ordered, That all persons and entities, entitled to participate in this proceeding, may file, on or before thirty (30) days from the date of this Order, motions in support of or in opposition to the request of the applicant that it be granted an interim exemption as provided for by the second paragraph of Section 4-A of the Act, pending determination of the above-entitled application. Such motions shall be supported by affidavits, disclosing the interest of the persons or entities so filing them and stating, with reasonable particularity, the facts relief upon in support of or opposition to such motions.

Thereafter such further orders will be issued or such further proceedings will be instituted as may be appropriate in the premises.

Dated: February 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1435; Filed, February 18, 1942; 10:59 a. m.]

[Docket Nos. A-1267 and A-1267 Part II]

PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 15 AND PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE GRAY MINE (MINE INDEX NO. 1570), THE HANLIN & LEE MINE (MINE INDEX NO. 1571) AND THE FLOYD MINE (MINE INDEX NO. 1567) IN DISTRICT NO. 15

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1267 PART II FROM DOCKET NO. A-1267 AND GRANTING TEMPORARY RELIEF IN DOCKET NO. A-1267 PART II

The original petition in the above-entitled matter filed with this Division on

January 12, 1942, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, prays for the establishment of temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 15.

As indicated in a separate order entered in Docket No. A–1267, a reasonable showing of necessity has been made for the granting of the relief prayed for by the petitioner, except with respect to the establishment of permanent price classifications and minimum prices for the coals of the Gray Mine (Mine Index No. 1570), the Hanlin & Lee Mine (Mine Index No. 1571) and the Floyd Mine (Mine Index No. 1567). It appears from the petition that the coals of the Hanlin & Lee Mine and of the Floyd Mine in Adair County, Missouri, possess marketing factors similar to those of the other coals heretofore classified and priced and presently produced in that county, and that the same minimum prices should be applicable for all such coals, in their respective size groups, for shipment by truck into the same respective consuming areas. The previously priced coals in Adair County are presently subject to the minimum prices set forth in the Order entered October 29, 1940, 5 F.R. 4324, granting temporary relief in Docket No. A–58. An analogous situation prevails as between the coals of the Gray Mine in Putnam County, Missouri, and the previously priced coals of the other mines in that county, which latter coals are presently subject to the temporary minimum prices set forth in the Order entered December 7, 1940, 5 F.R. 4872, in Docket No. A–179.

Pending final determination of the issues in Docket Nos. A–58 and A–179 a petition was filed in Docket No. A–492 wherein it was requested that the minimum prices made effective temporarily in Docket No. A–179 for the Putnam County coals be made permanent. Docket Nos. A–58, A–179 and A–492 were thereafter consolidated, but, in accordance with a request and stipulation filed therein by all of the parties thereto, there has been no change in the above-mentioned Orders granting temporary relief, and no permanent order on the subject has been entered.

In view of the foregoing, it is deemed advisable at this time to establish only temporarily the proposed price classifications and minimum prices for the coals of the Hanlin & Lee Mine, the Floyd Mine and the Gray Mine, and that their permanent classification and pricing should await final determination of the related issues raised in Docket Nos. A–58, A–179 and A–492.

Now, therefore, it is ordered, That the portion of Docket No. A–1267 relating to the coals of the Gray Mine (Mine Index No. 1570), the Hanlin & Lee Mine (Mine Index No. 1571) and the Floyd Mine (Mine Index No. 1567), be, and it hereby is, severed from the remainder of that docket and designated as Docket No. A–1267 Part II.

It is further ordered, That pending final disposition of Docket No. A–1267 Part II, temporary relief is granted as follows:

Commencing forthwith the Schedule of Effective Minimum Prices for District No. 15 for Truck Shipments is supplemented to include the following price classifications and minimum prices in cents per net ton f. o. b. the transportation facilities at the mines, for shipment by truck into all market areas:

Code member index—name	Mine index No.	Mine	Production group No.	County
Gray, James (James Gray Coal Co.)	1570	Gray	3	Putnam, Mo.
Hanlin & Lee Coal Co. (James Hanlin)	1571	Hanlin & Lee	3	Adair, Mo.
Harbur, C. A.	1567	Floyd	3	Adair, Mo

Mine index No.	Size groups and prices														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1570	230	230	230	230	230	215	200	190	230	185	210	195	195	135	35
1571	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
	*250	250	250	250	225	210	195	185	230	180	205	190	190	130	35
1567	230	230	230	230	215	205	195	185	210	180	185	170	170	110	35
	*250	250	250	250	225	210	195	185	230	180	205	190	190	130	35

*Prices applicable on coal moving into the State of Iowa.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Bituminous Coal Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Nothing herein contained shall be deemed to constitute an expression of the Division in regard to the final determination of the issues raised by the original petition in this matter.

Dated: February 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–1436; Filed, February 18, 1942; 10:59 a. m.]

Bureau of Reclamation.

FIRST FORM RECLAMATION WITHDRAWAL ANDERSON RANCH RESERVOIR SITE, BOISE PROJECT, IDAHO

JANUARY 16, 1942.

THE SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 26, 1936 (49 Stat. 1976), it is recommended that the following described lands be withdrawn from public entry under the first form withdrawal as provided in section 3, Act of June 17, 1902 (32 Stat. 388):

BOISE PROJECT, ANDERSON RANCH RESERVOIR SITE

Boise Meridian, Idaho

Township 1 North, Range 9 East:
Section 13, S½SE¼.
Township 1 North, Range 10 East:
Section 5, Lots 1, 2, 3, 4, 7, S½NE¼, SE¼NW¼, N½SE¼;
Section 6, Lots 3, 4, 5, 9, 10, 13, 14, SE¼NW¼;
Section 7, Lots 2, 10, W½E½;
Section 8, Lots 6, 7, 8, 9, 10, E½NE¼, NE¼SE¼;
Section 17, Lots 3, 5, 6, 7, E½NE¼, SW¼NE¼, NE¼SW¼, N½SE¼;
Section 18, Lots 10, 11, W½NE¼, NE¼SW¼.
Township 2 North, Range 10 East:
Section 29, S½NE¼, SE¼NW¼;
Section 32, Lots 1, 2, 3, 4, 5, 6, 7.

Respectfully,

JOHN C. PAGE,
Commissioner.

I concur: February 4, 1942.

FRED W. JOHNSON,
Commissioner of the General Land Office.

FEBRUARY 11, 1942.

The foregoing recommendation is hereby approved, as recommended and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

E. K. BURLEW,
First Assistant Secretary.

[F. R. Doc. 42–1421; Filed, February 18, 1942; 9:21 a. m.]

FIRST FORM RECLAMATION WITHDRAWAL, ANDERSON RANCH RESERVOIR SITE, BOISE PROJECT, IDAHO.

JANUARY 16, 1942.

THE SECRETARY OF THE INTERIOR.

SIR: It is recommended that the following described lands be withdrawn from public entry, under the first form withdrawal as provided in Section 3, Act of June 17, 1902 (32 Stat. 388):

BOISE PROJECT, ANDERSON RANCH RESERVOIR SITE

Boise Meridian, Idaho

Township 1 South, Range 8 East:
Section 1, Lots 2, 3, 4, 5, 6, 7, 8, 9, SW¼NW¼, W½SW¼;
Section 2, W½;
Section 11, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, N½NW¼, SW¼NW¼, N½SE¼;
Section 12, Lots 1, 2, 3, 4, W½NE¼, S½NW¼;
Section 13, Lots 2, 3, 4, NW¼NE¼, N½NW¼, S½;
Section 14, Lots 1, 2, 3, NE¼, E½NW¼, S½;
Section 15, Lots 1, 2, 3, 4, 5, 9, NW½, NE¼, NW¼, S½SE¼;
Section 23, Lots 6, 7, 8, S½NW¼, NW¼NW¼, W½SW¼;
Section 24, NE¼NE¼, W½NE¼, NW¼.

Township 1 South, Range 9 East:
Section 5, SW¼NW¼, W½SW¼;
Section 6, Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, E½NE¼, SE¼SW¼, SW¼SE¼;
Section 7, Lot 1, NW¼NE¼;
Section 8, N½NW¼.
Township 1 North, Range 9 East:
Section 20, SE¼SE¼;
Section 21, SW¼SE¼;
Section 22, S½S½;
Section 23, NE¼SW¼, SW¼SW¼, NW¼SE¼;
Section 24, Lots 1, 2, 3, 4, 5, 8, SE¼NE¼, NE¼NW¼, SW¼NW¼, E½SE¼, SW¼SE¼;
Section 25, Lot 1, NE¼NW¼, SW¼NW¼, SW¼SW¼;
Section 26, Lots 1, 2, 3, 7;
Section 27, Lots 1, 2, 3, SE¼NE¼;
Section 28, N½S½, SE¼SW¼, SW¼SE¼;
Section 29, Lots 1, 4, S½SE¼;
Section 30, W½NE¼, SE¼NW¼, NE¼SE¼;
Section 31, Lots 2, 3, 4, 5, 7, 9, 10, 12, 13, E½NW¼, NE¼SW¼;
Section 32, SW¼NW¼.

Respectfully,

JOHN C. PAGE,
Commissioner.

I concur:

FRED W. JOHNSON,
Commissioner of the General Land Office.

FEBRUARY 4, 1942.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

E. K. BURLEW,
First Assistant Secretary.

FEBRUARY 10, 1942.

[F. R. Doc. 42–1422; Filed, February 18, 1942; 9:21 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO A TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND A MARKETING ORDER, AS AMENDED REGULATING THE HANDLING OF MILK IN THE GREATER KANSAS CITY MARKETING AREA

Pursuant to § 900.12 (a)[1] of the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture, governing proceedings to formulate marketing agreements and marketing orders, notice is hereby given of the filing with the hearing clerk of this report of the Administrator of the Surplus Marketing Administration, with respect to proposed amendments to a tentatively approved marketing agreement, as amended, and to a marketing order, as amended, regulating the handling of milk in the Greater Kansas City marketing area. Interested parties may file exceptions to this report with the hearing clerk, Room 0312, South Building, Department of Agriculture, Washington, D. C., not later than the close of business on the 10th day after publication of this notice in the FEDERAL REGISTER.

PRELIMINARY STATEMENT

The proceedings were initiated by the Surplus Marketing Administration upon receipt on November 26, 1941, of a petition from the Pure Milk Producers Association of Greater Kansas City and the Bates County Milk Producers Association for a public hearing on proposals to revise upward the class prices for milk and to revise the method of making deductions from producers for location differentials. Following this request, the Dairy Division, Surplus Marketing Administration, devised proposals for amendment in the interest of facilitating administration of the regulatory program in the area. After consideration of the proposals, notice of a hearing was issued on January 7, 1942, and the hearing convened on January 14, 1942.

The major issue developed at the hearing revolved around the level at which the method by which minimum class prices to producers should be fixed.

It was concluded from the record that it is necessary to fix prices, under section 8c (18) of the act, which will reflect the economic conditions which affect market supply of and demand for milk and its products in the marketing area to which the contemplated amendment relates, maintain an adequate supply of milk produced under conditions assuring its pure and wholesome character, and be in the public interest.

The proposed amendments are recommended as the detailed means by which these conclusions may be carried out.

This report filed at Washington, D. C., the 17th day of February 1942.

[SEAL] E. W. GAUMNITZ,
Acting Administrator, Surplus Marketing Administration.

PROPOSED AMENDMENTS TO THE MARKETING ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE GREATER KANSAS CITY MARKETING AREA

These proposed amendments are prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, Surplus Marketing Administration, and have not received the approval of the Secretary of Agriculture.

It is found, upon the evidence introduced at the public hearing held in Kansas City, Missouri, on January 14, 1942, such findings being in addition to the findings made upon the evidence introduced at prior public hearings on the order (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

Findings

1. That the prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to section 2 and section 8 (e) (50 Stat. 246; 7 U.S.C., 1940 ed. 602, 608e), are not reasonable in view of the price of feeds, the available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and that the minimum prices set forth in this order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest.

2. That the order regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement, as amended, upon which a hearing has been held; and

3. That the issuance of these amendments to the order, as amended, and all its terms and conditions, as so amended, tends to effectuate the declared policy of the act.

Provisions

1. Delete subparagraph (2) of § 913.3 (c) and substitute therefor the following:

(2) All cream sold or disposed of by a handler who purchases or receives milk from producers, to another handler or to a person who distributes milk or manufactures milk products, shall be classified as Class II milk: *Provided*, That if such cream, except for cream disposed of by such handler to another handler who purchases or receives no milk from producers, is reported as having been utilized as Class III milk by the person who received it or by the disposing handler, such cream shall be classified accordingly, subject to verification by the market administrator.

2. Add as subparagraph (3) to § 913.3 (c) the following:

(3) All milk or cream purchased or received in bulk from a handler who purchases or receives no milk from producers by a handler who purchases or receives milk from producers shall be classified as Class III milk. If such receiving handler sells or disposes of such milk or cream for other than Class III purposes, the market administrator shall add to the total value computed pursuant to § 913.7 the difference between (a) the value according to its actual usage and (b) the value of such milk or cream at the Class III price.

3. Delete § 913.4 and substitute therefor the following:

§ 913.4 *Minimum prices*—(a) *Class prices.* Each handler shall pay producers, at the time and in the manner set forth in § 913.9, for milk purchased or received from them not less than the following prices:

(1) *Class I milk.* The price per hundredweight of Class I milk during each delivery period shall be the price determined pursuant to subparagraph (4) of this section, plus 70 cents: *Provided*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be the price determined pursuant to subparagraph (4) of this section, plus 25 cents.

[1] 6 F.R. 6573.

(2) *Class II milk.* The price per hundredweight of Class II milk during each delivery period shall be the price determined pursuant to subparagraph (4) of this section, plus 45 cents.

(3) *Class III milk.* The price per hundredweight of Class III milk during each delivery period shall be the highest price ascertained by the market administrator to have been quoted for ungraded milk of 3.8 percent butterfat content received during such delivery period by any one of the three following plants: The Meyer Sanitary Milk Company at its plant at Valley Falls, Kansas, the Franklin Ice Cream Company at its plant at Tonganoxie, Kansas, and the Milk Producers' Marketing Company at its plant at Kansas City, Kansas.

(4) *Determination of foundation price for Class I and Class II milk.* The market administrator shall compute and announce on or before the 5th day of the delivery period the arithmetic average of the prices per hundredweight reported to the United States Department of Agriculture as being paid all farmers for milk of 3.5 percent butterfat content delivered f. o. b. plant during the immediately preceding delivery period at the following plants and places:

Borden Company, Mt. Pleasant, Mich.
Carnation Company, Sparta, Mich.
Pet Milk Company, Hudson, Mich.
Pet Milk Company, Wayland, Mich.
Pet Milk Company, Coopersville, Mich.
Borden Company, Greenville, Wis.
Borden Company, Black Creek, Wis.
Borden Company, Orfordville, Wis.
Carnation Company, Chilton, Wis.
Carnation Company, Berlin, Wis.
Carnation Company, Richland Center, Wis.
Carnation Company, Oconomowoc, Wis.
Carnation Company, Jefferson, Wis.
Pet Milk Company, New Glarus, Wis.
Pet Milk Company, Belleville, Wis.
Borden Company, New London, Wis.
White House Milk Company, Manitowoc, Wis.
White House Milk Company, West Bend, Wis.

4. Delete paragraph (a) of § 913.6 and substitute therefor the following:

(a) The provisions of §§ 913.4, 913.7, 913.8, 913.9, 913.10, and 913.11 shall not apply to a handler who purchases or receives no milk from producers.

5. Delete paragraph (d) of § 913.6 and substitute therefor the following:

(d) With respect to each handler who receives milk of his own production and also purchases or receives milk from producers, the market administrator, before making the computations in accordance with § 913.7, shall exclude the milk purchased or received by him in each class from other handlers. If the remaining Class III milk is less than 10 percent of the sum of the remaining Class I, Class II, and Class III milk, exclude the milk received from his own production pro rata from the remaining Class I, Class II, and Class III milk, or if the remaining Class III milk is more than 10 percent of the sum of the remaining Class I, Class II, and Class III milk, exclude 90 percent of the milk received from his own production pro rata from the remaining Class I and Class II milk and exclude the balance of the milk received from his own production from the remaining Class III milk.

6. Delete subparagraph (3) of § 913.7 (b) and substitute therefor the following:

(3) Whenever the market administrator determines the total daily average deliveries of milk to be less than 105 percent of the total daily average Class I milk and Class II milk received from producers by handlers during the next preceding delivery period, the uniform price for all milk received from producers shall be computed pursuant to subparagraph (1) of this paragraph, and the market administrator, upon such determination, shall mail notice of such change in the method of computation of the uniform price to all producers.

If such determination is made on or before the 15th day of a delivery period, the uniform price for all milk received from producers shall be so computed for the current delivery period; if made subsequent to the 15th day of a delivery period, the uniform price shall be so computed for the next succeeding delivery period.

7. Insert in the fourth line of paragraph (a) of § 913.7 preceding the words "§ 913.6" the words "§913.3 and."

8. Delete paragraph (a) of § 913.9 and substitute therefor the following:

(a) *Time and method of payment.* On or before the 12th day after the end of each delivery period, each handler shall make payment, after deducting the amount of the payment made pursuant to paragraph (b) of this section, for not less than the total value of milk of producers received by such handler during such delivery periods, computed according to § 913.7 and subject to the differentials set forth in paragraph (c) and (d), respectively, of this section as follows:

(1) To producers, subject to subparagraph (2) of this paragraph, at the uniform price per hundredweight computed pursuant to § 913.7 (b) (2), for that quantity of milk received from producers, not in excess of their respective bases; and to producers at the Class III price for that quantity of milk received from such producers in excess of their respective bases.

(2) To producers at the uniform price per hundredweight computed pursuant to § 913.7 (b) (1), for the total quantity of milk received from such producers, whenever the determination of the market administrator is effective in accordance with the provision of § 913.7 (b) (3).

9. Delete paragraph (d) of § 913.9 and substitute therefor the following:

(d) *Location differentials.* For milk received from producers at plants approved by any applicable health authority for the receiving of milk to be sold or disposed of as milk or cream in the marketing area and located outside the marketing area but more than 30 miles by the shortest highway route from such handler's plant approved by an applicable health authority for the receiving of milk to be sold or disposed of as milk or cream in the marketing area and located within the marketing area, each handler, in making payments pursuant to paragraph (a) (1) of this section, shall deduct, with respect to all base milk received from such producers, and in making payments pursuant to paragraph (a) (2) of this section, shall deduct, with respect to all milk received from such producers, the amount per hundredweight specified for the distance of such plant located outside the marketing area from such handler's plant located within the marketing area as follows: not more than 45 miles, 17 cents per hundredweight; for each additional 10 miles or fraction thereof up to 75 miles, an additional 1½ cents per hundredweight; and for each additional 10 miles or fraction thereof beyond 75 miles, an additional ½ cent per hundredweight: *Provided*, That if the shortest highway distance between such handler's plant located outside the marketing area and his plant located in the marketing area is lessened through a relocation of highways to less than 30 miles, the location differential which applies on the effective date of this order, as amended, shall continue to apply.

PROPOSED MARKETING AGREEMENT REGULATING THE HANDLING OF MILK IN THE GREATER KANSAS CITY-MISSOURI MILK MARKETING AREA PREPARED BY THE ADMINISTRATOR OF THE SURPLUS MARKETING ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE

This proposed marketing agreement is prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, Surplus Marketing Administration, and has not received the approval of the Secretary of Agriculture.

Whereas the parties hereto, in order to effectuate the declared policy of the said act, desire to enter into this marketing agreement, as amended.

Now, therefore, the parties hereto agree as follows:

1. The terms and provisions of § 913.1 through §913.12 of Order No. 13, as Amended, Regulating the Handling of Milk in the Greater Kansas City Marketing Area, issued, effective October 2, 1941, and as amended by Amendment No. 3 to said order, as amended, issued effective ---- --, 1942, shall be the terms and provisions of this marketing agreement, as amended, with the exception that wherever the word "order" is used the words "marketing agreement" shall be substituted therefor; and

2. The following sections shall also be a part of the marketing agreement, as amended, in addition to § 913.1 through § 913.12 of said order, as amended:

§ 913.13 *Liability*—(a) *Liability of handlers.* The liability of handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

§ 913.14 *Counterparts and additional parties*—(a) *Counterparts of marketing agreement, as amended.* This agreement, as amended, may be executed in multiple counterparts, and when one counterpart is signed by the Secretary, all such counterparts shall constitute when taken together, one and the same instrument, as if all such signatures were obtained in one original.

(b) *Additional parties to the marketing agreement, as amended.* After this agreement, as amended, first takes effect, any handler may become a party to this agreement, as amended, if a counterpart hereof is executed by him and delivered to the Secretary. This agreement, as amended, shall take effect as to such new contracting parties at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement, as amended, shall then be effective as to such new contracting party.

§ 913.15 *Authorization to correct typographical errors and record of milk handled during the month of May 1941*—(a) *Authorization to correct typographical errors.* The undersigned hereby authorizes O. M. Reed, Chief, Dairy Division, Surplus Marketing Administration, to correct any typographical errors which may have been made in this marketing agreement, as amended.

(b) *Record of milk handled during the month of May 1941.* The undersigned certifies that he handled during the month of May 1941 ---------- hundredweight of milk covered by this agreement, as amended, and disposed of within the marketing area.

§ 913.16 *Signature of parties.* In witness whereof, the contracting handlers, acting under the provisions of the act, for the purposes and subject to the limitations herein contained, and not otherwise, have hereunto set their respective hands and seals.

[F. R. Doc. 42-1424; Filed, February 18, 1942; 9:51 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ORAL ARGUMENT BEFORE THE ADMINISTRATOR AND OPPORTUNITY TO SUBMIT WRITTEN BRIEFS IN THE MATTER OF THE RECOMMENDATION OF INDUSTRY COMMITTEE NO. 38 FOR A MINIMUM WAGE RATE IN THE TOBACCO INDUSTRY

Whereas a hearing was held on January 19, 20, and 21, 1942, before Major Robert N. Campbell, as Presiding Officer, at which all persons interested in the report and recommendation of Industry Committee No. 38 for the fixing of a minimum wage rate in the Tobacco Industry were given an opportunity to be heard and to offer evidence bearing thereon; and

Whereas the complete record of said hearing has been transmitted to the Administrator,

Now, therefore, notice is hereby given:

That the Administrator will receive written briefs (not fewer than twelve copies) on or before March 11, 1942, at the Wage and Hour Division, United States Department of Labor, 1560 Broadway, New York, New York, from any person who entered an appearance at said hearing, and will hear oral argument upon the complete record of said hearing on March 17, 1942, at 10:00 a. m., at the office of the Wage and Hour Division, United States Department of Labor, 1560 Broadway, New York, New York, by any person who entered an appearance at said hearing, provided that on or before March 11, 1942, such person notifies the Wage and Hour Division of his intention to offer oral argument and of the amount of time he will require to make his presentation.

Signed at Washington, D. C., this 17th day of February 1942.

[SEAL] THOMAS W. HOLLAND, *Administrator.*

[F. R. Doc. 42-1438; Filed, February 18, 1942; 11:12 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 31-508]

IN THE MATTER OF CANTON ELECTRIC LIGHT AND POWER COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 17th day of February, A. D. 1942.

An application pursuant to the Public Utility Holding Company Act of 1935, having been duly filed with this Commission by the above-named party;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on March 3, 1942, at 10:00 o'clock in the forenoon of that day, at the Securities and Exchange Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in room 1102 will advise as to the room where such hearing will be held. At such hearing, if in respect of any declaration, cause shall be shown why such declaration shall become effective.

It is further ordered, That Willis E. Monty or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to such declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before February 27, 1942.

The matter concerned herewith is in regard to the application of Canton Electric Light and Power Company, a New York Corporation, for an order pursuant to section 2 (a) (8) of the Act, declaring it not to be a subsidiary of The United Corporation, a registered holding company, nor of its subsidiary the Niagara Hudson Power Corporation, nor of its subsidiary the Central New York Power Corporation which owns 34% of the voting securities of the applicant.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1444; Filed, February 18, 1942; 11:43 a. m.]

[File No. 4-44]

IN THE MATTER OF REPUBLIC SERVICE CORPORATION AND IRVING H. ISAAC

NOTICE OF FILING AND ORDER PERMITTING BRIEFS AND ORAL ARGUMENT

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 16th day of February, A. D. 1942.

Notice is hereby given that a petition has been filed with this Commission by Irving H. Isaac, a preferred stockholder of Republic Service Corporation which is a registered holding company, requesting the issuance of an order by the Commission under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 requiring Republic Service Corporation to distribute voting power fairly and equitably among its security holders and/or requesting the issuance of an order by the Commission approving a plan submitted by petitioner for the reorganization of Republic Service Corporation under section 11 (e) of said Act; and

Petitioner having submitted a brief in support of said petition, and having also requested oral argument before the Commission; and

It appearing to the Commission that it is appropriate in the public interest that briefs be filed and oral argument presented on the following questions:

1. Whether a stockholder of a corporation is entitled to have the Commission consider a plan under section 11 (e) of said Act submitted by such stockholder on his own behalf?

2. Whether a stockholder of a corporation is entitled, under proper circumstances, to have the Commission consider a plan under section 11 (e) of said Act submitted by such stockholder for and on behalf of the corporation?

It is ordered, That petitioner's brief be filed and that a copy of the petition filed herein together with a copy of the brief in support thereof be served upon Republic Service Corporation.

It is further ordered, That permission be, and the same hereby is, granted to Republic Service Corporation to file a brief on or before February 26, 1942.

It is further ordered, That permission be, and the same hereby is, granted to petitioner and to Republic Service Corporation to present oral argument before the Commission on the questions hereinbefore referred to on March 2, 1942 at 10:00 o'clock A. M. at the offices of the Securities and Exchange Commission,

1778 Pennsylvania Avenue NW., Washington, D. C.

It is further ordered, That representatives of registered holding companies or their subsidiaries or such other persons who, by reason of their interest in Republic Service Corporation or by reason of their general interest in the questions hereinbefore referred to, are desirous of expressing their views regarding the same may, not later than February 26, 1942, at 4:45 P. M., E. W. T., file briefs and make written request to the Commission to participate in the oral argument on such matters.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1445; Filed, February 18, 1942; 11:43 a. m.]

[File No. 70-477]

IN THE MATTER OF LOUISVILLE GAS AND ELECTRIC COMPANY (KY.), LOUISVILLE TRANSMISSION CORPORATION (KY.), AND LOUISVILLE TRANSMISSION CORPORATION (IND.)

NOTICE OF FILING AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of February, A. D. 1942.

Notice is hereby given that an amendment to the declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Louisville Gas and Electric Company (Ky.), Louisville Transmission Corporation (Ky.), and Louisville Transmission Corporation (Ind.). All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed which amends the declaration or application (or both) heretofore filed by said companies, in the following manner:

Louisville Gas and Electric Company, a Kentucky corporation (hereinafter referred to as the "Electric Company"), a public utility company, proposes (a) to acquire for cash 985 shares of the capital stock at par, having an aggregate par value of $9,850, of its subsidiary Louisville Transmission Corporation, a Kentucky corporation (hereinafter referred to as the "Kentucky Transmission Company"); and (b) to enter into a contract with the Kentucky Transmission Company whereby Electric Company will advance, if necessary, any funds in addition to the proceeds from the sale by Kentucky Transmission Company of its First Mortgage Sinking Fund Bonds hereinafter described, required to complete the Kentucky Transmission Company's construction program. The contract will also provide for the transmission of electric energy by the Kentucky Transmission Company at the request of Electric Company or the Tennessee Valley Authority; for the payment of tolls to the Kentucky Transmission Company by the Electric Company and/or the Tennessee Valley Authority; and an undertaking by the Electric Company that the revenues of the Kentucky Transmission Company from such tolls or otherwise will not be less than the amounts set forth in said contract.

Louisville Transmission Corporation, an Indiana corporation, (hereinafter referred to as the "Indiana Transmission Company"), a subsidiary of the Electric Company, proposes (a) to issue and sell at par to the Kentucky Transmission Company for cash, 1,000 shares of its capital stock having an aggregate par value of $10,000; (b) to enter into a contract with its parent, the Kentucky Transmission Company, whereby the Kentucky Transmission Company will loan to the Indiana Transmission Company sufficient funds to pay for the transmission line to be constructed and owned by the Indiana Transmission Company. Such amounts as may be advanced (but not to exceed $400,000) will be evidenced by a note secured by a first mortgage on the transmission line to be constructed with the proceeds of the loan and the sale of stock referred to above. The note will be dated March 1, 1942 and be due on demand or in the absence of demand on March 1, 1967 and will bear interest from the date of demand (but not before) at the rate of 4% per annum; and (c) the said contract will also provide for the transmission of electric energy by the Indiana Transmission Company at the request of the Kentucky Transmission Company and for the payment of tolls by the Kentucky Transmission Company in an amount equal to the charges for interest, if any, charges for reserves for depreciation made by and the operating expenses of the Indiana Transmission Company during each year the contract is in force.

The Kentucky Transmission Company proposes (a) to acquire for cash at par 1,000 shares of the capital stock having an aggregate par value of $10,000 of the Indiana Transmission Company; (b) to issue and sell for cash at par to the Electric Company 985 shares of its capital stock having an aggregate par value of $9,850 and to its directors 15 shares having an aggregate par value of $150; (c) to publish, pursuant to Rule U-50, its public invitation for proposals for the purchase of $3,850,000 principal amount of First Mortgage Sinking Fund Bonds secured by a first mortgage on its transmission lines and terminal facilities to be constructed; or in the alternative, in the event the necessary funds cannot be secured from customary private sources before March 27, 1942, to borrow not to exceed $3,850,000 from the Reconstruction Finance Corporation and execute its note or notes therefor, secured by a first mortgage on its transmission lines and terminal facilities to be constructed with the proceeds as heretofore described in Holding Company Act Release #3262; (d) to enter into a contract to lend sufficient funds to pay for the transmission line to be constructed and owned by the Indiana Transmission Company which loan will be evidenced by a note of the Indiana Transmission Company heretofore described; (e) said contract will also provide for the transmission of electric energy by the Indiana Transmission Company at the request of the Kentucky Transmission Company and the payment of tolls by the Kentucky Transmission Company as heretofore described; and (f) to pledge with the trustee under the mortgage to be executed (1) 1,000 shares of the capital stock of the Indiana Transmission Company, (2) a note of the Indiana Transmission Company in the principal amount of $400,000 or such lessor sum as may be advanced to it by the Kentucky Transmission Company secured by a first mortgage on the property of Indiana Transmission Company, (3) the contract between it and Electric Company heretofore described, and (4) any cash on deposit or to be deposited in the construction fund described in the aforesaid mortgage.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on February 27, 1942, at 10:00 o'clock, A. M., at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1446; Filed, February 18, 1942; 11:43 a. m.]

IN THE MATTER OF BALMAT & CO., INC., 118 N. MECHANIC STREET, CARTHAGE, NEW YORK

FINDINGS AND ORDER REVOKING REGISTRATION AS BROKER AND DEALER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 16th day of February, A. D. 1942.

1. Balmat & Co., Inc., a New York corporation, is registered with this Commission as a broker and dealer under section 15 of the Securities Exchange Act of 1934. We instituted this proceeding under section 15 (b) to determine whether its registration as a broker and dealer should be suspended or revoked.

2. On July 16, 1941, the registrant and its president, David W. Balmat, were permanently enjoined by order of the Supreme Court of the State of New York, held in and for the County of Onondaga, from engaging in various acts and practices involving the purchase and sale of securities. The Court's order also appointed a permanent receiver to take over all of the assets of the registrant.

3. On December 22, 1941, at the close of the hearing in this proceeding, registrant submitted a request to withdraw its registration as a broker and dealer.

4. We find that the public interest requires the revocation of registrant's registration as a broker and dealer.

Accordingly, *It is ordered*, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the request of Balmat & Co., Inc., to withdraw its registration as a broker and dealer be, and it hereby is, denied, and that the registration of Balmat & Co., Inc., as a broker and dealer be, and it hereby is, revoked.

By the Commission. (Chairman Purcell, Commissioners Healy, Pike, Burke, and O'Brien).

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1447; Filed, February 18, 1942; 11:43 a. m.]

FEDERAL REGISTER

VOLUME 7 NUMBER 36

Washington, Friday, February 20, 1942

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

PART 27—FEDERAL LAND BANK OF SAINT PAUL

FEES FOR SUBORDINATION OF MORTGAGES AND CONTRACTS, ETC.

Section 27.10 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 27.10 *Fees for subordination of mortgages and contracts, grants of and consents to easements, partial releases of mortgage security, partial conveyances of contract security, releases of condemnation award funds, substitution of security and division of loans, Federal Land Bank and/or Land Bank Commissioner and/or Federal Farm Mortgage Corporation mortgages and land contracts.* The following fees and charges shall be paid to The Federal Land Bank of Saint Paul in connection with Federal Land Bank and/or Land Bank Commissioner and/or Federal Farm Mortgage Corporation Mortgages and Land Contracts:

(a) For subordination of mortgages and contracts, partial releases of mortgage security, partial conveyances of contract security and grants of and consents to easements:

(1) Where the consideration involved is $250, or less, no fee shall be charged;

(2) Where the consideration is $251 to $500, the fee shall be $5.00; and

(3) Where the consideration is over $500, the fee shall be $10.00.

(b) No fee shall be charged in any of the following cases:

(1) Condemnation of security.

(2) Release of acreage for highway purposes.

(3) Subordination of mortgage to oil and/or gas lease, including any allocation of royalty income.

(c) Where sales of gravel, timber, or other material constituting security, are hereafter made, there shall be charged a fee, as set out in paragraph numbered 1, above, based upon the aggregate consideration paid during the 12 months' period commencing with the date the first payment from such sale(s) is received by the Bank, or the date other disposition thereof is ordered by the Bank.

(d) Where sales of lots or other parcels of land, constituting security, are made hereafter, there shall be charged a fee, as set out in paragraph numbered 1, above, based upon the aggregate consideration paid during the 12 months' period commencing with the date the first payment from such sale(s) is received by the Bank, or the date other disposition thereof is ordered by the Bank.

(e) Where substitution of security is involved, there shall be charged an appraisal fee of $10.00 and a title determination fee of $10.00.

(f) Where new loans are made involving a part of the security underlying an existing loan, partial releases necessitated thereby shall be made without fees.

(g) Where division of Federal Land Bank and/or Land Bank Commissioner loans is involved, there shall be charged an appraisal fee of $15.00 and a title determination fee of $7.50 for each part into which the loan is divided.

(h) In any case arising hereunder, where no appraisal fee is specified, but the requested transaction is one which in the opinion of the Bank necessitates a new appraisal, an appraisal fee of $10.00 shall be charged in addition to the fee charges as stated above. (Secs. 4, 13 'Ninth', 39 Stat. 363, 372, Sec. 26, 48 Stat. 44, Sec. 32, 48 Stat. 48, as amended, Sec. 2, 48 Stat. 345; 12 U.S.C. 676 'Seventh', 781 'Ninth', 723 (e), 1016 (e) and Sup., 1020a; 6 CFR 19.4019) [Res. Bd. Dir., January 22, 1942]

[SEAL] THE FEDERAL LAND BANK OF SAINT PAUL,
By: F. W. PECK, *President.*

[F. R. Doc. 42-1475; Filed, February 19, 1942; 11:38 a. m.]

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TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

PART 04—AIRPLANE AIRWORTHINESS

CERTIFICATION OF TRANSPORT CATEGORY AIRPLANES

Correction

A portion of the last line of paragraph (b) of § 04.7531–T appearing on page 986 of the issue for Saturday, February 14, 1942, reads "shall be at least V_s?" instead of "shall be at least 0.04 V_s?".

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4622]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF PINK OINTMENT COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondent's "Pink Ointment", or any other similar product, diseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of his said product, which advertisements (1) represent, directly or through inference, that respondent's preparation "Pink Ointment" is a cure or remedy for eczema, poison-ivy, ringworm, rash, itch, weed-poisoning, cuts, burns, bruises, athlete's foot, all kinds of skin irritations, chigger bites, mosquito bites, prickly heat, sunburn, hives, dust-poisoning, poison-oak, or sore, tender, itching, or burning feet, or that said preparation is a competent or effective treatment for such diseases and conditions or that it has any therapeutic value in excess of its antiseptic effect and its effect in affording temporary, local relief due to its counter-irritant, anti-pruritic, and analgesic properties; or which advertisements (2) fail to reveal that the use of said preparation may cause necrosis of the skin and tissues and systematic poisoning, including irritation of the kidneys, and that the danger of such injury will be increased if the skin to which it is applied is inflamed or broken; prohibited, subject to provision, however, as respects said second prohibition, that if the directions for use, wherever they appear on the label, in the labeling, or both on the label and in the labeling, contain a warning of the potential dangers in the use of said preparation as hereinabove set forth, such advertisements need contain only the cautionary statement: Caution. Use Only As Directed. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Pink Ointment Company, Docket 4622, February 16, 1942]

In the Matter of John B. Armstrong, M. D., an individual trading as Pink Ointment Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of February, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That John B. Armstrong, M. D., an individual trading as Pink Ointment Company, or under any other name, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of his product, Pink Ointment, or any other product containing the same or similar ingredients, whether sold under the same name or any other name, do forthwith cease and desist from:

(1) Disseminating, or causing to be disseminated, any advertisement (a) by means of the United States mails or (b) by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents directly or through inference that his preparation "Pink Ointment" is a cure or remedy for eczema, poison-ivy, ringworm, rash, itch, weed-poisoning, cuts, burns, bruises, athlete's foot, all kinds of skin irritations, chigger bites, mosquito bites, prickly heat, sunburn, hives, dust-poisoning, poison-oak, or sore, tender, itching, or burning feet, or that said preparation is a competent or effective treatment for such diseases and conditions or that it has any therapeutic value in excess of its antiseptic effect and its effect in affording temporary, local relief due to its counter-irritant, anti-pruritic, and analgesic properties; or which advertisements fails to reveal that the use of said preparation may cause necrosis of the skin and tissues and systemic poisoning, including irritation of the kidneys, and that the danger of such injury will be increased if the skin to which it is applied is inflamed or broken: *Provided, however*, That if the directions for use, wherever they appear on the label, in the labeling, or both on the label and in the labeling, contain a warning of the potential dangers in the use of said preparation as hereinabove set forth, such advertisement need contain only the cautionary statement: Caution, Use Only As Directed;

(2) Disseminating, or causing to be disseminated, any advertisement by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph (1) hereof, or which fails to reveal the affirmative cautionary statement required in paragraph (1) hereof.

It is further ordered, That respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission:

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42–1476; Filed, February 19, 1942; 11:41 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER III—BUREAU OF MINES

PART 301—CONTROL OF EXPLOSIVES AND THEIR INGREDIENTS IN TIME OF WAR OR NATIONAL EMERGENCY

Pursuant to the authority conferred by section 18 of the act of December 26, 1941 (Public No. 381, 77th Cong.), the regulations under the Federal Explosives Act heretofore promulgated (7 F.R. 305) are hereby amended as follows:

Section 301.2 *Definitions*, paragraph (b), is amended by changing the words:

"Nitrocellulose exceeding 10.18 percent nitrogen" to read as follows:

"Nitrocellulose exceeding 12.2 percent nitrogen"; and by changing the words:

"Nitroglycerin (except in official U. S. Pharmacopoeia solution, or in form of pills, or granules, containing not more than one-fiftieth of a grain each)"; to read as follows:

"Nitroglycerin (except in pharmacopoeia solution, or in form of pills, or granules, containing not more than one-fiftieth of a grain each [1])."

Section 301.7 is amended by adding at the end thereof a new paragraph (f), as follows:

§ 301.7 *Applications for licenses, forms.*

* * * * * *

(f) *Applications of associations, corporations, etc.* Applications of corporations, companies, or other associations or organizations operating through a board of directors, trustees, or similar officers, shall show the name, address, and nationality of all officers, directors, trustees, or persons exercising similar functions. Such applications shall show also the name, address, and the extent of interest in the voting stock or other beneficial voting holdings of the controlling stockholders or members, beginning with the holder of the largest voting interest and continuing in the order of the amount of the respective diminishing voting holdings, until not less than 50 per cent of all voting stock or other beneficial voting holdings is shown: *Provided*, That in any case at least the top three such holdings must be shown, and not more than ten need be shown. The nationality of each stockholder or member listed in the application must also be shown, except that in the case of applicants whose stock or beneficial voting interests are widely distributed among a large number of holders, the nationality of whom is not known or readily ascertainable and which for that reason cannot be shown, the application may contain a statement based upon, and stated to be based upon, belief and the best information available as to what the nationality of the controlling stockholders or members may be, and should contain any evidentiary facts thereof, such as facts of residence. This statement may be accepted in lieu of specific information in regard thereto.

If the controlling stockholders or members of the applicant are one or more corporations or other organizations, the name, address, and nationality of the officers, directors, trustees, or other similar officers, and of the controlling stockholders or members thereof, must be shown in the same manner and to the same extent as is required of the applicant itself.

In the case of organizations such as cooperatives, the individual voting interests in which are equal in amount, no list of stockholders or members need be included in the application, but the application shall contain a statement of the nationality of at least sixty per cent of the stockholders or members. If the nationality is not definitely known by reason of the number of stockowners or members, the statement may be based upon information and belief, as in the case of other corporations or associations in similar circumstances.

Section 301.8 (a) *Purchaser's, vendor's or foreman's applications* is amended by adding at the end thereof two sentences as follows:

§ 301.8 *Filing of applications*—(a) *Purchaser's, vendor's, or foreman's applications.* * * *

Applications for purchaser's, vendor's, and foreman's licenses shall not be filed with the Director except for a special reason stated with the application. Any of such applications filed with the Director unaccompanied by such a statement, or accompanied by a statement deemed insufficient, will be returned to the applicant for filing with a local Licensing Agent.

* * * * * *

There is hereby added to said regulations immediately following § 301.10 a new section, 301.10a as follows:

§ 301.10a *Fees for licenses and copies.* Before any license, whether original, duplicate, or certified copy, is issued by a Licensing Agent, he is entitled to receive from the applicant, and the applicant shall pay to the Licensing Agent, the sum of twenty-five cents for each license issued. In the case of applications filed with Licensing Agents for the purpose of forwarding to the Director, pursuant to § 301.8 (b), the Licensing Agent may collect the sum of twenty-five cents for each application to be forwarded, on account of his costs and fees. Licensing Agents will have and receive for their own account, as compensation for their services all fees paid to them. No fees are required to accompany applications filed with the Director, nor are any fees required for the issuance of a license by the Director.

Section 301.20 is hereby amended to read as follows:

§ 301.20 *Special instructions for the manufacture and sale of fireworks*—(a) *Varieties permitted to be manufactured.* None but the following varieties of fireworks may be manufactured for retail sale.

Roman candles—not over ten-ball.

Rockets—not over a size commercially designated as eight-ounce.

Wheels—not over ten inches in diameter.

Torches and colored lights of all descriptions.

Snakes which do not contain any mercury salt.

Sparklers and dipped sticks.

Fountains.

Shells and mines in which no explosive is used except as a propellant or expellant.

Paper caps having an explosive content of not more than .15 grains of explosive in each cap.

Smoke pots.

(b) *Authority to sell existing stock.* Stock of the varieties above listed, although varying from the specifications in (a) *supra*, which was manufactured prior to January 1, 1942, may be sold under license.

(c) *Compliance with other laws.* Nothing in these regulations will permit the manufacture or sale of any fireworks prohibited by local or State laws or by any other Federal law or regulations.

[1] The foregoing amendment of § 301.2 and the amendments following are issued under authority contained in sec. 18, Public Law 381, 77th Cong.

(d) *Purchase of fireworks at retail.* No license will be required for the purchase at retail of the varieties permitted to be manufactured pursuant to paragraph (a) of this section.

R. R. SAYERS,
Director, Bureau of Mines.

Approved: February 17, 1942.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-1467; Filed, February 19, 1942; 11:27 a. m.]

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[No 54]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder, and more particularly the provisions of Paragraph 163 and Appendix A to Volume One of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 301,[1] entitled "Application by Alien for Relief from Military Service," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of Appendix A to Volume One, Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

JANUARY 13, 1942.

[F. D. Doc 42 1453; Filed, February 19, 1942; 10:15 a. m.]

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 921—ALUMINUM

Supplementary Order No. M-1-f to Conserve the Supply and Direct the Distribution of Aluminum

Whereas national defense requirements have created a shortage of aluminum; and

Whereas the restrictions and requirements relating to the use of aluminum hereinafter set forth are necessary to conserve the supply and direct the distribution thereof in the interest of national defense:

Now, therefore, it is ordered, That:

§ 921.8 *Supplementary Order M-1-f*—(a) *Definitions.* For the purposes of this Order:

(1) "Aluminum" means any material the principal individual ingredient of which by either weight or volume is metallic aluminum, in ingot or similar raw form or in the form of finished or semi-finished parts, assemblies, or products of any kind; but as provided in (n) below, this Order does not apply to aluminum in certain forms and uses.

(2) "Person" means any individual, partnership, association, business trust, corporation, Governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(3) "Producer" means the Aluminum Company of America, the Reynolds Metals Company, and any other Person who may be so designated by the Director of Industry Operations.

(4) "Approved smelter" means any Person whose name appears on Schedule A attached to this Order, as the same may be amended from time to time by the Director of Industry Operations.

(5) "Fabricator" means any Person (including machine shops, pattern shops, and foundries) who manufactures Aluminum products from raw Aluminum or from Aluminum scrap, also any Person who manufactures Aluminum foil, forgings, impact extrusions, tubing, rivets, or powder.

(6) "Essential item" means any Aluminum to be used in conformity with Supplementary Order M-1-e as the same may be amended from time to time.

(b) *Allocation of output of producers, approved smelters, and fabricators.* No Producer, Approved Smelter, or Fabricator shall deliver any Aluminum except pursuant to allocation or as the Director of Industry Operations may otherwise specifically authorize. Each Producer, Approved Smelter, and Fabricator shall file a shipping schedule for each month, on or before the 15th day of the preceding month on Form PD-26A or on such other form as may be prescribed for the purpose. The Director of Industry Operations will thereupon issue to him specific allocations authorizing the deliveries which he may make during that month.

(c) *Requirements relating to placement of orders with, and acceptance of orders by, producers, approved smelters, and fabricators.* Except as the Director of Industry Operations may specifically authorize, a Producer, Approved Smelter, or Fabricator shall include, in his shipping schedule for any month subsequent to February 1942, Essential Items only; and no item shall be included unless the customer, on or before the 5th day of the preceding month (1) shall have definitively requested the delivery thereof, and (2) shall have filed with the supplier information as to the exact part to be made from the Aluminum, the product in which such part is to be incorporated or assembled, and the end use to be made of such product, also, any further information which may be necessary to enable the supplier to fill out his shipping schedule: *Provided, however,* That where the customer is a Fabricator or Producer or Approved Smelter he need only indicate to the supplier that he has filed such information on his own shipping schedule. No customer shall order or acquire Aluminum from a Producer, Approved Smelter, or Fabricator for the manufacture of any item or use permitted by paragraph (b) of Supplementary Order M-1-e as the same may be amended from time to time, unless the acquisition of such Aluminum has been specifically authorized by a preference rating certificate issued subsequent to October 31 1941.

(d) *Operations restricted to the fulfillment of purchase orders for essential items.* Aluminum in the hands of any Person other than a Producer, Approved Smelter, or Fabricator, may be acquired and disposed of without specific authorization from the Director of Industry Operations, but only in the fulfillment of rated purchase orders for Essential Items: *Provided, always,* That any Aluminum received pursuant to an allocation or other specific authorization shall be used and disposed of only for the particular purpose so authorized: *And provided, further,* That, except in the case of a Producer or Approved Smelter or as the Director of Industry Operations may specifically authorize, no Person shall acquire any Aluminum which he could use only by smelting or melting the same. Except as provided above or as the Director of Industry Operations may specifically authorize, no Aluminum shall be acquired or disposed of by any Person.

(e) *Inventory of and scheduling of orders for aluminum.* (1) No Person shall order Aluminum except in amounts, and for delivery at such times, as may be necessary to maintain the minimum working inventory which he requires for the fulfillment of rated purchase orders on hand, for Essential Items. Where appropriate, he shall reduce or defer his outstanding orders for Aluminum so that his inventory shall be reduced to the practicable minimum.

(2) Each Producer, Approved Smelter, Fabricator, and other Person (other than a Governmental corporation or agency) who uses Aluminum in manufacture shall, on or before the 20th of April, 1942, and thereafter quarterly, file an inventory report on Form PD-40A or such other form as may be prescribed for the purpose.

(f) *Dead stocks.* (1) All Aluminum which is not being used in, or which is in excess of immediate needs for, the fulfillment of purchase orders for Essential Items shall, promptly (i) be sold upon certification in writing to the seller by the buyer that he will use, promptly, the Aluminum in question in the fulfillment of rated purchase orders for Essential Items, or (ii) be scrapped and disposed of as provided in Supplementary Order M-1-d. No such Aluminum shall be acquired or disposed of in any other way except as the Director of Industry Operations may specifically authorize or direct. The provisions of paragraphs (b), (c), and (d) above shall not apply to any transaction required by this subparagraph and specific authorization from the Director of Industry Operations is not required for any such transaction: *Provided, however,* That, except in the case of a Producer or Approved Smelter or as the Director of Industry Operations may specifically authorize, no Person shall acquire any Aluminum which he could use only by smelting or melting the same.

(2) Each Person who owns any Aluminum shall, on or before March 31, 1942, report the amount and kind of all Aluminum owned by him: *Provided, however,* That no such report need be filed (i) as regards any Aluminum to which this Order does not apply as provided in (n) below, or (ii) by a Governmental corporation or agency or any Person who is required to file inventory reports pursuant to (e) above. No special form is prescribed for such report. Failure to make such report on the part of any such Person shall be deemed a representation to the War Production Board, subject to the penalties of Section 35-A of the United States Criminal Code, that such person does not own any Aluminum.

(g) *Tolling.* Except as the Director of Industry Operations may specifically authorize, no Aluminum shall be delivered for processing or returned under any toll, repurchase, or similar arrangement.

(h) *No acquisition or delivery in violation of order.* No Person shall acquire or deliver Aluminum or products made therefrom if he has reason to believe that such material has been or is to be used in violation of the terms of this or any other order of the Director of Industry Operations: *Provided,* That, pursuant to the provisions of (f) above, any Person may freely acquire Aluminum at any time irrespective of the status under this Order of the Person disposing of the same.

(i) *Reports and communications.* All reports required to be filed hereunder, and all communications concerning this Order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: M-1-f.

(j) *Operation of same person in different capacities.* Any Person who, in the use of Aluminum in manufacture, operates in more than one capacity (for example, both as a Producer and Fabricator) shall, in each such capacity, be subject to the applicable obligations and restrictions imposed by this Order. The initial putting into fabrication or other use of raw Aluminum by a Producer or Approved Smelter who produced the same shall be deemed a delivery thereof hereunder.

(k) *Hardship clause.* Where, under the peculiar circumstances of an individual case, disposition of Aluminum as required by (f) above cannot be effected at regularly established prices and terms of sale or payment, or would otherwise impose an unreasonable hardship or sacrifice, the Person required to dispose of the same may apply to the Director of Industry Operations for exemption in whole or in part from the operation of such provision. Such application shall specify the nature and extent of exemption applied for and shall fully set forth the facts alleged to prove unreasonable hardship or sacrifice. Except as the Director of Industry Operations may otherwise specifically direct, pending determination by him of the merits of any case in which exemption has been so applied for, the filing of the application therefor shall be effective to afford the applicant a temporary exemption, to the extent applied for, from the operation of (f) above: *Provided, however,* That such filing of the application shall not have any such effect if, at any time, the Director of Industry Operations shall find that such application was not filed in good faith.

(l) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(m) *Violations.* Any Person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35-A of the Criminal Code (18 U.S.C. 80).

(n) *Scope of the Order.* (1) This Order shall govern the acquisition and disposition of all Aluminum, but, anything herein to the contrary notwithstanding, shall not apply (i) to Aluminum products which are being used by the ultimate consumer, (ii) to Aluminum products after completion which are being disposed of to, or for resale to, the ultimate consumer, in the normal channels of trade, or (iii) to "Aluminum Scrap" as defined in Supplementary Order M-1-d.

(2) No preference rating order or certificate, outstanding or hereafter issued, shall constitute, hereunder, sufficient authorization for any delivery or acquisition of Aluminum except (i) preference ratings or certificates assigned and applied to purchase orders for Essential Items, and (ii) preference rating certificates issued subsequent to October 31, 1941, which specifically authorize the acquisition of Aluminum: *Provided, however,* That, in addition, specific authorization for delivery is obtained from the Director of Industry Operations where required by the provisions of (b), (d), or (f) above.

(o) *Revocation.* General Preference Order M-1 and Supplementary Order M-1-a as extended, and all authorizations and directions issued pursuant thereto, are hereby terminated effective immediately, except that the following, if operative immediately prior to the effective date of this Order, shall remain effective:

(1) Any allocation issued subsequent to October 31, 1941;

(2) Any approval of any toll arrangement issued subsequent to October 31, 1941;

(3) Any preference rating certificate issued subsequent to October 31, 1941; and

(4) Insofar as concerns completion of delivery of Aluminum which is in transit as of the effective date of this Order, any other applicable authorization issued prior to the effective date of this Order.

(p) *Effective date.* This Order shall take effect immediately upon its issuance and unless sooner terminated by the Director of Industry Operations shall expire on the 31st day of December 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 17th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

SCHEDULE A—APPROVED ALUMINUM SMELTERS

State, Smelter and Address

California: Federated Metals Div. (Am. Smelting & Refining), Los Angeles, Calif.; Federated Metals Div. (Am. Smelting & Refining), San Francisco, Calif.; Berg Metal Co., 2652 Long Beach Ave., Los Angeles, Calif.; Morris P. Kirk and Sons, Inc., 2717 South Indiana St., Los Angeles, Calif.

Illinois: Apex Smelting Co., 2537 W. Taylor St., Chicago, Ill.; Aurora Refining Co., P. O. Box 88, Aurora, Ill.; Wm. F. Jobbins, Inc., Chicago, Ill.; R. Lavin & Sons, Inc., 3426 South Kedzie Ave., Chicago, Ill.; U. S. Reduction Co., East Chicago and Melville Aves.; Chicago, Ill.

Indiana: Federated Metals Div. (Am. Smelting & Refining), Whiting, Ind.

Kansas: Sonken-Galamba, Riverview at 2d St., Kansas City, Kans.

Michigan: Federated Metals Div. (Am. Smelting & Refining), Detroit, Mich.; Bohn Aluminum and Brass Corporation, Detroit, Mich.

Missouri: Federated Metals Div. (Am. Smelting & Refining), St. Louis, Mo.

New Jersey: Federated Metals Div. (Am. Smelting & Refining), Barber, N. J.

New York: Alloys and Products, Inc., Oak Point Ave. and Barry., Bronx, N. Y.; Electro Refractories and Alloys Co., Willet Rd., Lackawanna, N. Y.; Samuel Greenfield Co., Inc., 31 Stone St., Buffalo, N. Y.; Niagara Falls Smelt. & Ref. Co., 2204 Elmwood Ave., Buffalo, N. Y.

Ohio: Aluminum Smelting and Refinery Co., 5463 Dunham Rd., Maple Heights, Ohio; Aluminum & Magnesium Inc., 1 Huron St., Sandusky, Ohio; Cleveland Electro Metals Co., 2391 West 38th St., Cleveland, Ohio; National Bronze & Aluminum Foundry, Cleveland, Ohio; National Smelting Co., P. O. Box 1791, Cleveland, Ohio.

Pennsylvania: General Smelting Co., 2901 East Westmoreland St., Philadelphia, Pa.; North American Smelting Co., Edgemont and Tioga Sts., Philadelphia, Pa.; George Sall Metals Co., Westmoreland and Tulip Sts., Philadelphia, Pa.

[F. R. Doc. 42-1481; Filed, February 19, 1942; 11:55 a. m.]

PART 933—COPPER

Interpretation No. 1 of February 6, 1942 Amendment to General Preference Order No. M-9-a[1]

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 933.2 (*General Preference Order No. M-9-a*) as amended February 6, 1942:

General Preference Order No. M-9-a, paragraph (d) as amended February 6, 1942, reads as follows:

(d) *Deliveries by all others except refiners.* Except as otherwise specifically

[1] 6 F.R. 3889; 7 F.R. 68, 162, 809.

[1] Filed as part of the original document.

authorized by the Director, orders for Copper from Dealers and orders for Copper Base Alloy and Copper Products from any Brass Mill, Wire Mill, Warehouse or foundry must be accepted and filled by them in accordance with Priority Regulation No. 1 as the same shall be amended from time to time except that no such order shall be accepted or filled by any such Person which does not bear a preference rating of A–10 or higher.

In applying this paragraph, a Warehouse should note that it is only covered to the extent that its operations come within those of a Warehouse as defined by Order M–9–a as amended. That Order defines a Warehouse as "any Person regularly engaged in the wholesale business who maintains stocks of Brass Mill or Wire Mill Products and sells or holds the same for sale without change in form". Thus, paragraph (d) as amended as applied to a Warehouse only prohibits the acceptance or filling of a wholesale order for Brass Mill Products or Wire Mill Products not bearing a preference rating of A–10 or higher. Order M–9–a defines "Brass Mill Products" to mean "sheets, wire, rod or tube made from Copper or Copper Base Alloy", and "Wire Mill Products" to mean "bare or insulated wire for electrical conduction made from Copper or Copper Base Alloy". (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 19th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1482; Filed, February 19, 1942; 11:54 a. m.]

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

Amendment No. 4 to Supplementary Order No. M–15–b[1] To Restrict the Use and Sale of Rubber

Section 940.3 (*Supplementary Order No. M–15–b*) is hereby amended as follows: By striking out subparagraph (a) (1) thereof and substituting therefor the following:

(1) "Rubber" means all forms and types of crude rubber (including crepe rubber for soles or any other purpose) but does not include balata, gutta-percha, gutta siak, gutta jelutong, pontianac, reclaimed rubber, scrap rubber or Latex. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

[1] 6 F.R. 6496, 6644, 6792, 7 F.R. 511.

PART 1032—DIRECT-CONSUMPTION SUGAR

Amendment No. 1 to General Preference Order M–55,[1] as Amended January 24, 1942, to Conserve the Supply and Direct the Distribution of Direct-Consumption Sugar.

Section 1032.1 (General Preference Order M–55, as amended January 24, 1942), paragraph (d) providing for "Quota Restrictions and Exceptions Thereto", is hereby amended by adding thereto paragraph (d) (6), reading as follows:

(d) *Quota restrictions and exceptions thereto.*

* * * * *

(6) *Further Deliveries Not Charged Against Quotas.* Notwithstanding the foregoing limitations, any Receiver who sells Direct-Consumption Sugar to household consumers may accept delivery of Direct-Consumption Sugar from household consumers without charging it against his quota. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

This amendment shall take effect immediately. Issued this 19th day of February, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1483; Filed, February 19, 1942; 11:54 a. m.]

PART 1032—DIRECT-CONSUMPTION SUGAR

§ 1032.3 *Supplementary Order No. M–55–b.* (a) The Director of Industry Operations hereby determines that during the Month of March 1942 the quota of Direct-Consumption Sugar Permitted Receivers under Paragraph (d) of Order No. M–55, as amended, shall be 80 percent of use or resale during the base period of 1941 as prescribed by the said Order No. M–55.

(b) This Order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4453; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 19th day of February, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1480; Filed, February 19, 1942; 11:56 a. m.]

PART 1107—TRACK-LAYING TRACTORS AND AUXILIARY EQUIPMENT

Limitation Order No. L–53 To Direct the Distribution of Track-laying Tractors and Auxiliary Equipment

Whereas, the manufacture of Track-laying Tractors and Auxiliary Equipment consumes large quantities of materials; the requirements of national defense have resulted in a shortage in the supply of such materials and of Track-laying Tractors and Auxiliary Equipment for defense, for private account and for export; it is essential to the national defense program that such materials be conserved and an adequate supply of Track-laying Tractors and Auxiliary Equipment be produced and distributed to essential defense and civilian uses; and to this end it has become necessary that certain restrictions be placed on the distribution of Track-laying Tractors and Auxiliary Equipment;

Now, therefore, it is hereby ordered, That:

§ 1107.1 *Limitation Order L–53*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Definitions.* For the purpose of this Order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Producer" means any person engaged in the manufacture of Track-laying Tractors and Auxiliary Equipment.

(3) "Track-laying tractor" means a vehicle powered by an internal combustion engine, used for pushing or pulling heavy loads and obtaining traction from a crawler or track-type device.

(4) "Auxiliary equipment" means bull-dozers, angle-dozers, power winches and power control units produced for mounting on Track-laying Tractors.

(5) "Unused" when applied to Track-laying Tractors or Auxiliary Equipment means any Track-laying Tractor or Auxiliary Equipment which has never been delivered to an ultimate consumer.

(c) *Prohibition of sale of track-laying tractors.* Until further order of the Director of Industry Operations, no Producer, dealer or other authorized channel of distribution of Track-laying Tractors or Auxiliary Equipment shall sell, lease, trade, lend, deliver, ship or transfer any unused Track-laying Tractor or unused Auxiliary Equipment except to other producers, dealers or other authorized channels of distribution for resale; and no person (with the exception of other producers, dealers or other authorized channels of distribution for resale) shall accept any such sale, lease, trade, loan, delivery, shipment or transfer of any unused Track-laying Tractor or unused Auxiliary Equipment.

(d) *Exceptions from prohibition of sale.* Nothing in this Order shall prevent any person from making a sale, lease, trade, loan, delivery, shipment or transfer

(i) of Track-laying Tractors or Auxiliary Equipment to or for the account of any person who prior to the effective date of this Order has received an order or certificate of the Director of Industry Operations assigning a preference rating higher than A–2 specifically to the delivery of a Track-laying Tractor or of Auxiliary Equipment and issued to and designating the person seeking to purchase said Track-laying Tractor or Auxiliary Equipment; or

(ii) of Auxiliary Equipment to be mounted on a Track-laying Tractor in the possession of an ultimate consumer.

(e) *Transfer of title and retaking of possession under conditional sale, chattel mortgage, bailment lease or similar installment contracts.* Nothing in this Order shall prevent any person from transferring title to a Track-laying Tractor or to Auxiliary Equipment pursuant to the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract entered into prior to the effective date of this Order or from retaking, repossessing or obtaining re-delivery of any vehicle upon default, breach or other contingency under the terms of a conditional sale, chattel mortgage sale, bailment lease or similar installment contract entered into prior to such date.

(f) *Records.* All persons affected by this Order shall keep and preserve for not less than 2 years accurate and complete records concerning inventories, purchases, production and sales.

(g) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(h) *Reports.* All persons affected by this Order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(i) *Violations or false statements.* Any person who violates this Order or who willfully falsifies any records which he is required to keep by the terms of this Order, or otherwise willfully furnishes false information to the War Production Board may be deprived of priorities assistance or may be prohibited by the War Production Board from obtaining any further deliveries of materials subject to allocation. The War Production Board may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(j) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from nondefense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The War Production Board may thereupon take such action, if any, as it deems appropriate by the amendment of this Order or otherwise.

(k) *Communications.* All communications concerning this Order shall be addressed to War Production Board, Washington, D. C., Ref.: L–53.

(l) *Effective date.* This Order shall take effect at 9 a. m., Eastern War Time, of the date of its issuance. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 19th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1479; Filed, February 19, 1942; 11:54 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1340—FUEL

AMENDMENT NO. 4 TO PRICE SCHEDULE NO. 88[1]—PETROLEUM AND PETROLEUM PRODUCTS

Section 1340.159 (b) (6) (ii) is amended to read as set forth below.[2]

§ 1340.159 *Maximum prices for petroleum and petroleum products.*

* * * * *

(b) *Petroleum products.*

* * * * *

(6) (ii) Where the maximum price for products at a given shipping or delivery point cannot be determined under (i) above, sellers may sell such products at the market price prevailing at the time of the sale: *Provided,* That notice of the sale and the price thereof is furnished to this Office, within fifteen days after the sale, when the price is in excess of the price of the last sale of a product of similar quality made by the seller prior to November 7, 1941. (Pub. No. 421, 77th Cong., 2d Sess.)

This Amendment No. 4 shall become effective as of February 2, 1942.

Issued this 17th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1452; Filed, February 18, 1942; 5:04 p. m.]

[1] 7 F.R. 718, 821, 906, 934.

[2] A statement of Considerations supporting the issuance of this Amendment No. 4 has been prepared and filed with the Division of the Federal Register.

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 5—RULES AND REGULATIONS GOVERNING EXPERIMENTAL RADIO SERVICES

The Commission, on February 17, 1942, effective April 2, 1942, amended § 5.32 (a), *License period,* to read as follows:

§ 5.32 *License period.* (a) Licenses for class 1 and class 2 experimental stations will be issued for a period of 1 year unless otherwise stated in the instrument of authorization. The dates of expiration of licenses for class 1 experimental stations and class 2 experimental stations operating in a service other than broadcast shall be the 1st day of October and the 1st day of November, respectively, of each year. The date of expiration of licenses of class 2 experimental stations operating in the broadcast service will be governed by the rules and regulations governing that service. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—sec. 307 (d), 48 Stat. 1084; 47 U.S.C. 307 (d))

By the Commission:

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1492; Filed, February 19, 1942; 12:03 p. m.]

PART 6—RULES GOVERNING FIXED PUBLIC RADIO SERVICES

The Commission on February 17, 1942, effective April 2, 1942, amended § 6.29, *License period,* to read as follows:

§ 6.29 *License period.* Licenses for stations operating in the fixed public service will be issued for a period of 2 years unless otherwise stated in the instrument of authorization and except insofar as provided by section 2.45. The date of expiration of such licenses shall be the 1st day of December. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—sec. 307 (d), 48 Stat. 1084; 47 U.S.C. 307 (d))

By the Commission:

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1491; Filed, February 19, 1942; 12:03 p. m.]

PART 7—RULES GOVERNING COASTAL AND MARINE RELAY SERVICES

The Commission on February 17, 1942, effective April 2, 1942, amended § 7.41, *License period,* to read as follows:

§ 7.41 *License period.* Licenses for coastal stations will be issued for a period of 2 years unless otherwise stated in the instrument of authorization and except insofar as provided by section 2.46. The date of expiration of such licenses shall be the 1st day of February. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—Sec. 307 (d), 48 Stat. 1084; 47 U.S.C. 307 (d))

By the Commission:

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-1490; Filed, February 19, 1942; 12:03 p. m.]

PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

The Commission on February 17, 1942, effective April 2, 1942, amended § 9.21, *License period*, to read as follows:

§ 9.21 *License period.* The normal license periods and dates of expiration of license for all stations in the aviation service, unless otherwise stated in the instrument of authorization, shall be as follows:

(a) For stations in the aviation service, other than aircraft stations and stations in Alaska, a license period of 2 years expiring on the 1st day of March.

(b) For scheduled aircraft stations in the aviation service other than in Alaska, a license period of 2 years expiring on the 1st day of April.

(c) For all classes of stations in the aviation service in Alaska, a license period of one year expiring on the 1st day of January.

(d) For non-scheduled aircraft stations in the aviation service other than in Alaska, a license period of 1 year expiring on the 1st day of August for licenses issued to persons within the alphabetical group A to L, both inclusive, and a license period of 1 year expiring on the 1st day of September for licenses issued to persons within the alphabetical group M to Z, both inclusive. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—sec. 307 (d), 48 Stat. 1084; 47 U.S.C. 307 (d))

By the Commission:

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-1487; Filed, February 19, 1942; 12:02 p. m.]

PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

ORDER EXTENDING LICENSES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of February, 1942:

The Commission having under consideration the matter of extending the term of certain outstanding station licenses in the aviation service, which licenses would normally expire on March 1st, next:

It is ordered, That the terms of outstanding licenses for aeronautical and aeronautical fixed stations located in continental United States be, and the same are hereby, extended for a period of one year from March 1, 1942.

By the Commission:

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-1495; Filed, February 19, 1942; 12:02 p. m.]

PART 9—RULES AND REGULATIONS GOVERNING AVIATION SERVICES

ORDER EXTENDING LICENSES

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of February, 1942;

The Commission having under consideration the matter of extending the term of certain outstanding station licenses in the aviation service, which licenses would normally expire on April 1st, next;

It is ordered, That the terms of outstanding licenses for scheduled aircraft stations located in continental United States be, and the same are hereby, extended for a period of one year from April 1, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-1496; Filed, February 19, 1942; 12:02 p. m.]

PART 10—RULES GOVERNING EMERGENCY RADIO SERVICES

The Commission on February 17, 1942, effective April 2, 1942, amended § 10.81, *License period*, to read as follows:

§ 10.81 *License period.* Licenses for all stations in the emergency service will be issued for a period of 2 years unless otherwise stated in the instrument of authorization. The dates of expiration of license for all stations in the emergency service, unless otherwise specified, shall be as follows:

(a) For special emergency stations, the 1st of May.

(b) For forestry and marine fire stations, the 1st of December.

(c) For police stations in the States of Alabama, Arizona, Arkansas, California, Colorado, Connecticut, District of Columbia, Delaware and Florida, the 1st of February.

(d) For police stations in the States of Georgia, Idaho, Illinois, Indiana, Iowa, Kansas and Kentucky, the 1st of March.

(e) For police stations in the States of Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri and Montana, the 1st of April.

(f) For police stations in the States of Nebraska, Nevada, New Hampshire, New Jersey, New Mexico, New York, North Carolina and North Dakota, the 1st day of May.

(g) For police stations in the States of Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina and South Dakota, the 1st day of June.

(h) For police stations in the States of Tennessee, Texas, Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming and the Territories and Possessions of the United States other than Alaska, the 1st day of July. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—sec. 307 (d), 48 Stat. 1084; 47 U.S.C 307 (d))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-1489; Filed, February 19, 1942; 12:04 p. m.]

PART 11—RULES GOVERNING MISCELLANEOUS RADIO SERVICES

The Commission on February 17, 1942, effective April 2, 1942, amended § 11.41, *License period*, to read as follows:

§11:41 *License period.* Licenses for stations operating in the miscellaneous service, other than provisional stations (see section 11.121) and motion picture stations, will be issued for a period of 2 years unless otherwise stated in the instrument of authorization. Licenses for motion picture stations normally will be issued for a period of 1 year. The date of expiration of license for stations in the miscellaneous service, unless otherwise specified, shall be the 1st day of May. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—sec. 307 (d), 48 Stat. 1084; 47 U.S.C. 307 (d))

By the commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-1493; Filed, February 19, 1942; 12:03 p. m.]

PART 11—RULES GOVERNING MISCELLANEOUS RADIO SERVICES

ORDER EXTENDING LICENSES

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of February, 1942;

The Commission having under consideration the matter of extending the term of certain outstanding station licenses in the miscellaneous services, which licenses would normally expire on October 1, 1942:

It is ordered, That the terms of outstanding licenses for stations operating in the miscellaneous services (other than stations operating in the intermittent service), located in the continental United States, be, and the same are hereby, extended for an additional period of eight (8) months, so that the expiration dates for such licenses will be May 1, 1943.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-1494; Filed, February 19, 1942; 12:03 p. m.]

[Order No. 91]

PART 13—RULES GOVERNING COMMERCIAL RADIO OPERATORS

At a meeting of the Federal Communications Commission held at its offices in Washington, D. C., on the 17th day of February, 1942;

The Commission having under consideration the request of the Defense Communications Board that the Commission consider relaxation of its rules and regulations governing the requirements for operators of broadcast stations; and

It appearing that the demand of the military services for operators holding radiotelephone first class licenses has increased as a result of the war, and that such demand has decreased the number of operators qualified for operation of broadcast stations, resulting in a shortage of such operators;

It is ordered, That until further order of the Commission a broadcast station of any class, which by reason of actual inability to secure the services of an operator or operators of the proper class could not otherwise be operated, may be operated by holders of radiotelegraph first or second class operator licenses, or radiotelephone second class operator licenses, notwithstanding the provisions of § 13.61, paragraphs (a), (c) (1) and (d) (1) of the Commission's Rules and Regulations Governing Commercial Radio Operators;

Provided, however, That these classes of operator licenses shall be valid for the operation of broadcast stations upon the condition that one or more first class radiotelephone operators are employed who shall be responsible at all times for the technical operation of the station and shall make all adjustments of the transmitting equipment other than minor adjustments which normally are needed in the daily operation of the station:

Provided further, That nothing contained herein shall be construed to relieve a station licensee of responsibility for operation of the station in exact accordance with the Rules and Regulations of the Commission; and

Provided, further, That § 13.61 of the Commission's Rules and Regulations Governing Commercial Radio Operators shall remain in full force and effect except as modified by this Order.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-1486; Filed, February 19, 1942; 12:02 p. m.]

PART 14—RULES GOVERNING RADIO STATIONS IN ALASKA OTHER THAN AMATEUR AND BROADCAST

The Commission on February 17, 1942, effective April 2, 1942, adopted a new § 14.4, *License period*, to read as follows:

§ 14.4 *License period.* Licenses for all classes of stations operating in Alaska will be issued for a period of 1 year unless otherwise stated in the instrument of authorization. The date of expiration of such licenses shall be the 1st day of January of each year. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i)—sec. 307 (d), 48 Stat. 1084; 47 U.S.C. 307 (d))

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-1488; Filed, February 19, 1942; 12:04 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1308]

THE PETITION OF DISTRICT BOARD NO. 8 FOR A PROVISION IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8, FOR ALL SHIPMENTS EXCEPT TRUCK, PERMITTING THE ABSORPTION OF THE C. & O. RAILWAY SWITCHING CHARGE APPLICABLE ON SHIPMENTS FROM FREIGHT ORIGIN GROUP NO. 63 TO THE C. C. & O. RAILROAD FOR OFF-LINE RAILWAY LOCOMOTIVE FUEL

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 17, 1942 at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 12, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 8 for an order establishing an addition to the Special Prices established by Price Schedule No. 1—District No. 8—High Volatile section IV, Page 46, Paragraph A 2 (c) (2) as follows: Mines in Freight Origin Group No. 63 (C. & O. only) may deduct $6.93 per car switching charge on coal sold for off-line railway locomotive fuel to the C. C. O. Railroad.

Dated: February 17, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-1454; Filed, February 19, 1942; 10:24 a. m.]

[Docket No. A-1307]

PETITION OF DISTRICT BOARD NO. 8 FOR A CHANGE IN MINIMUM PRICES, SEAM AND COUNTY DESIGNATIONS FOR CERTAIN MINES IN DISTRICT NO. 8, FOR TRUCK SHIPMENT

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 17, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, N. W., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 12, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board seam and county designations of certain No. 8 for a change in minimum prices, mines in District No. 8, and more specifically for a change in minimum prices of Mine Index Nos. 246, 2356, 5022, 24, 250, 451, 353 and 581; for a change in seam designations of Mine Index Nos. 3163, 2120, 2127, 821, 2135, 2133, 2141, 2134, 2290, 2295, 2360, 2351, 2316, 3567, 237, 2343, 2695, 2308, 2690, 2364, 2341, 2372 and 2299; for a change in minimum prices and seam designations of Mine Index Nos. 2336, 2300, 4046, 2303, 2331, 2378, 2328, 2344, 2349, 2350, 2352, 2355, 2368, 2374, 504 and 2674; for a change in county location of Mine Index Nos. 2315, 2139 and 2337; and for a change in minimum prices, seam designation and county location of Mine Index No. 2244.

Dated: February 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1455; Filed, February 19, 1942; 10:24 a. m.]

[Docket No. B-83]

IN THE MATTER OF REYNOLDS LATTIER & SCHIED, ALSO KNOWN AS CHARLES REYNOLDS, DAVID LATTIER AND JOHN SCHIED, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF REYNOLDS, LATTIER & SCHIED, CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated October 7, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on October 15, 1941, by Bituminous Coal Producers Board for District No. 11, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 26, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: (a) that the defendants Reynolds, Lattier & Schied, also known as Charles Reynolds, David Lattier and John Schied, individually and as co-partners, doing business under the name and style of Reynolds, Lattier & Schied, code member, whose address is Staunton, Indiana, sold to various purchasers during the period from October 7, 1940, to April 26, 1941, both dates inclusive, a substantial amount of 1¼" lump coal (Size Group No. 6) produced at their Happy Hollow Mine (Mine Index No. 270), located in Posey Township, Clay County, Indiana in District No. 11, at a price of $1.70 per net ton f. o. b. said mine, whereas the effective price established for said coal was $2.10 per net ton f. o. b. said mine as shown in the Schedule of Effective Minimum Prices for District No. 11 For Truck Shipments, resulting in violation of the effective minimum prices established therefor.

(b) that the aforesaid defendants intentionally represented, invoiced, and recorded in the sales records of said defendants the above said coal as run of mine, whereas said coal was, in fact, 1¼" lump coal, Size Group No. 6, resulting in violation of section 4 II (i), paragraph 8 of the Act, and Rule 8 of section XIII of the Marketing Rules and Regulations.

Notice is also hereby given that upon determination that the defendants have committed any one or more of the violations as alleged in the complaint, an Order may be entered either revoking the Code membership of the defendants or directing the defendants to cease and desist from violating the Code and regulations made thereunder.

Dated: February 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1456; Filed, February 19, 1942, 10:24 a. m.]

[Docket No. A-1065]

PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR A MIXTURE OF THE COALS PRODUCED AT MINES NOS. 2, 3, AND 6 OF C. H. MEAD COAL CO., A CODE MEMBER IN DISTRICT NO. 7

MEMORANDUM OPINION AND ORDER DENYING PETITION FOR RECONSIDERATION OR FOR A FURTHER HEARING

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by District Board 7, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of certain price classifications and minimum prices for a mixture of coals produced at the No. 2 & 3 Mine (Mine Index No. 117) of C. H. Mead Coal Company, operating in the Pocahontas No. 3 Seam, and at the No. 6 Mine of Mead in the Pocahontas No. 4 Seam. Thereafter, a hearing in this matter was held before a duly designated Examiner of the Division, at which District Board 7 appeared. The preparation and filing of a report by the Examiner was waived and the record in the proceeding was thereupon submitted to the undersigned.

On January 24, 1942, the undersigned issued his Findings of Fact, Conclusions of Law, and Opinion in this matter and entered an Order amending the District 7 price schedules by establishing certain classifications and effective minimum prices for the coals produced at the No. 6 Mine (Mine Index No. 240) of Mead. On February 7, 1942, District Board 7 filed a petition for reconsideration of said Order or, in the event reconsideration is denied, for a further hearing.

The mixture classifications and prices sought by the petitioner in this proceeding were identical with the classifications and prices presently applicable to the coals of the Mead No. 2 & 3 Mine. The classifications and prices established herein by the Order of January 24, 1942, for the Mead No. 6 Mine were, in the absence of evidence to indicate that the coal of said mine was different in characteristics or quality from any other Pocahontas No. 4 Seam coal in subdistrict 5 of District 7, the same as those established for other Pocahontas No. 4 Seam coals in Subdistrict 5. To the extent that the classifications and prices established for the coals of the No. 6 Mine are identical with the effective classifications and prices for the coals of the No. 2 & 3 Mine, the relief sought herein by the petitioner was thus, in effect, granted, since a mixture of two identically priced coals will take the price of either of the component coals. To the extent that prices were established for the Mead Pocahontas No. 4 Seam coals different from those in effect for the Mead Pocahontas No. 3 Seam coals, the sought for relief was not granted. Such disparity in prices occurs in Size Groups 2, 3, and 4 only. In these size groups the classifications of Mead's Pocahontas No. 3 Seam coals are lower than the classifications of its Pocahontas No. 4 Seam coals. The effect is thus to increase slightly the minimum prices at which a mixture of the coals of the No. 2 & 3 Mine and the No. 6 Mine may be sold over the requested mixture price for those size groups.

While the petitioner, in its petition for reconsideration, emphasizes that there was "merely requested a change in the present classifications to show the coal to be a mixture produced from Mead Mine #2, 3, & 6 in Pocahontas No. 3 and No. 4 seams rather than from Mead Mine #2 & 3 in Pocahontas No. 3 seam alone," the fact remains that the record contains insufficient evidence to warrant granting the relief sought by the petitioner to the extent that it involves establishing but one set of classifications and prices for a mixture of coals produced at the No. 2 & 3 Mine and at the No. 6 Mine. It is clear that Mead's No. 6 Mine coals are produced from a seam different from that in which its No. 2 & 3 Mine coals are found. In these circumstances, and in the absence of other evidence, the No. 6 Mine must be considered to be a separate mine and classified accordingly. In substance, however, as pointed out above and in the Findings of Fact herein, by virtue of the application of Price Exception 3, such separate classification of the No. 6 Mine will nevertheless afford Mead the mixture price sought by the petitioner except, as indicated above and in the Findings of Fact, with respect to Size Groups 2, 3, and 4.

It is thus clear that it is to the coals in Size Groups 2, 3, and 4 that the petitioner presently addresses itself. Mead desires to be able to sell a mixture of Pocahontas No. 3 and Pocahontas No. 4 Seam coals in Size Groups 2, 3, and 4 at the same prices now applicable to the Pocahontas No. 3 Seam coals in those size groups. However, the classifications of Mead's Pocahontas No. 3 Seam coals in those size groups were reduced in Docket No. A-701 from D, C, and A, the classifications presently established for Mead's Pocahontas No. 4 Seam coals, to F, E, and D, respectively. There is no evidence in this proceeding to indicate justification for such reduced classifications in these sizes for the Mead Pocahontas No. 4 Seam coals, a reduction necessary to afford Mead the mixture price for those size groups that the petitioner seeks. The only specific additional evidence which the petitioner, in its petition for reconsideration, states that it will offer in the event a further hearing is granted it, relates to "the inferiority of the coals contained within Size Groups 2, 3, and 4." In these circumstances, it appears that the petitioner's remedy lies in filing a new petition, pursuant to section 4 II (d) of the Act, for the purpose of reducing the classifications of the Mead Pocahontas No. 4 Seam coal in Size Groups 2, 3, and 4. Since the record in this proceeding is devoted almost entirely to the establishment of a special mixture price, I do not consider it advisable to reopen this proceeding for that purpose. I accordingly find that the petition for reconsideration or for further hearing, filed herein by District Board 7 on February 7, 1942, should be denied.

It is so ordered.

Dated February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1457; Filed, February 19, 1942; 10:25 a. m.]

[Docket No. A-1284]

PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS OF MINE INDEX NO. 637 FOR ALL SHIPMENTS EXCEPT TRUCK AND FOR TRUCK SHIPMENT AND FOR THE REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS OF SUCH MINE IN SIZE GROUPS 3, 5 AND 6, FOR TRUCK SHIPMENTS

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 18, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 13, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to:

1. The establishment of a "B" classification in Size Groups 1, 2, and 6 to 9, inclusive, and an "A" classification in Size Groups 3 to 5, inclusive, for the coals of the Stover Fork Mine (Mine Index No. 637) of Henry H. Miller, for all shipments except truck.

2. The establishment of a minimum price of $3.15 per net ton in Size Group 1 and $2.50 per net ton in Size Group 2 for the coals of such mine, for truck shipments.

3. The revision of the effective minimum prices from $2.80, $1.95, and $1.90, to $2.60, $1.90, and $1.85 per net ton, respectively, in Size Groups 3, 5, and 6, respectively, for the coals of such mine, for truck shipments.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth, that no petitions of intervention have been filed with the Division in the above-entitled matter, and that the following action is necessary in order to effectuate the purposes of the Act.

It is further ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedules of Effective Minimum Prices for District No. 7, For All Shipments Except Truck, and For Truck Shipments, are supplemented to include the price classifications and minimum prices set forth in the Schedules marked "Temporary Supplement R" and "Temporary Supplement T," annexed hereto and hereby made a part hereof.[1]

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: February 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1458; Filed, February 19, 1942; 10:26 a. m.]

[Docket No. A-1266]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO 11 FOR THE ESTABLISHMENT OF A PROVISION IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11, FOR ALL SHIPMENTS EXCEPT TRUCK, PERMITTING THE ABSORPTION OF THE ES&N RAILWAY SWITCHING CHARGE APPLICABLE ON SHIPMENTS FROM THE STAR HILL NO. 2 MINE (MINE INDEX NO. 81) OF THE BOONVILLE COAL SALES CORPORATION, A CODE MEMBER IN DISTRICT NO. 11

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

This proceeding was instituted upon a petition of District Board 11 filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, on January 12, 1942, and its motion to amend the same, filed January 15, 1942, requesting temporary and final relief granting to the Boonville Coal Sales Corporation, a code member producer in District 11, permission to absorb the railway switching charge assessed by the Evansville, Suburban & Newburgh Railway Company ("ES&N") on shipments of coal from the Star Hill No. 2 Mine (Mine Index No. 81) (1) to all destinations except those located on or reached via the Chicago & Eastern Illinois Railroad Company ("C&EI"), the Chicago, Indianapolis and Louisville Railway Company ("CI&L"), The New York Central Railroad Company-CCC&StL ("NYC-CCC&StL"), the Illinois Central Railroad Company ("IC"), or The Pennsylvania Railroad Company ("Penna."), and (2) for shipments of locomotive fuel for use by the Southern Railway Company ("Southern").

Pursuant to telegraphic notice to District Boards 9, 10, and 11, and the Statistical Bureaus for those districts, and notice by memorandum to the Bituminous Coal Consumers' Counsel, and after notice by District Board 11 to all rail mines in that district, an informal conference was held on January 30, 1942, in accordance with Section 301.106 of the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. District Boards 8 and 11, the Consumers' Counsel, and the Boonville Coal Sales Corporation were represented at the conference, none voicing opposition to the requested relief.

At the conference, the petitioner represented that the Star Hill No. 2 Mine, located in the Boonville Subdistrict, operates in the Fifth Vein and ships by rail. When it was last operated, prior to June 1938, it was served by the ES&N and Southern railways, although due to a tipple arrangement it could load only limited sizes on the Southern's track. Thereafter, the Southern removed a spur track which served the mine and the mine is now served only by the ES&N. Cars are hauled by the ES&N a distance of about three miles from the mine to Boonville, Castle Garden, or perhaps Chandler, Indiana, where they are switched onto the Southern for shipment to destinations on that or intersecting carriers. For this service the ES&N makes a switching charge of $8.80 per car. When shipments are consigned to points beyond the rails of the Southern, located on or reached via the C&EI, CI&L, NYC-CCC&StL, IC and Penna., the Southern absorbs this switching charge, but for all other points, including those on the Southern, it does not. To compete in these latter markets, Boonville Coal would have to absorb the switching charge.

It was admitted that the markets Boonville Coal seeks to reach on which it would absorb the switching charge would be new to it, probably because when the Star Hill No. 2 Mine was previously operated, prices were too depressed to permit the switching absorption by the producer. But it was stated that the new markets are primarily District 11 markets, are generally nearer to the mine and have larger consumption than its present markets, and include Charlestown, Indiana, about 115 miles from the mine, where large plants of du Pont and Goodyear are now located. It was stated that Star Hill No. 1 Mine, which by Order of July 25, 1941, in Docket No. A-743, received permanent relief similar to that sought herein, is identically situated with Star Hill No. 2 Mine, produces the same quality of coal, has the same freight rates, and is owned by the same interests. Likewise, in Docket No. A-195 the Director allowed freight rate absorptions so as to permit all other Fifth Vein mines to deliver coals in Charlestown upon a competitive basis.

Regarding the necessity for relief on shipments of railroad locomotive fuel, the petitioner represented that production of Star Hill No. 2 Mine may reach an estimated maximum of 1,500 tons per day, while the ES&N, the only railroad to which it is on-line, uses only two or three cars of locomotive fuel per month, now supplied by Star Hill No. 1 Mine. A larger outlet for the Star Hill No. 2 Mine is necessary in order to balance its production. The Southern is expected to make reciprocal purchases of locomotive fuel at a price equalized with on-line mines; it now makes such purchases from the Star Hill No. 1 Mine.

It appears, from the representations made at the conference, that without the relief sought, Star Hill No. 2 Mine cannot reopen with marketing opportunities equal to those available to other mines.

In view of the foregoing, the undersigned is of the opinion that a reasonable showing of the necessity for the temporary relief prayed for has been made.

Now, therefore, it is ordered, That commencing forthwith and pending final disposition of the above-entitled matter temporary relief be and the same hereby is granted by amending the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck, by the establishment of the following Price Instruction and Exception:

"On all shipments from the Star Hill No. 2 Mine, Mine Index No. 81, to destinations located on, or reached via, the Southern Railway Company, except those located on, or reached via, the Chicago & Eastern Illinois Railroad Company, the Chicago, Indianapolis and Louisville Railway Company, The New York Central Railroad Company-CCC&StL, the Illinois Central Railroad Company, or The Pennsylvania Railroad; and on all shipments of locomotive fuel for use by the Southern Railway Company, the charge assessed by the Evansville, Suburban & Newburgh Railway Company for switching to the interchange with the Southern Railway Company may be absorbed, such absorption not to exceed $8.80 per car."

Nothing herein contained shall be taken or construed as an expression of opinion concerning the final disposition of this proceeding.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1459; Filed, February 19, 1942; 10:26 a. m.]

[Docket No. B-25]

IN THE MATTER OF A. H. MCCRARY, DEFENDANT

CEASE AND DESIST ORDER

District Board 18 having filed a complaint with the Bituminous Coal Division on June 30, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by A. H. McCrary, a code member in District 18, of the Bituminous Coal Code and the rules and regulations thereunder as follows:

That the defendant during January, 1941, sold substantial quantities of 2½" x 1" nut coal, produced by the defendant at his mine (Mine Index No. 127) located in Sandoval County, New Mexico, at a price $1.65 below the effective minimum price for such coal;

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter having been held on December 2, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Albuquerque, New Mexico, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The parties to this proceeding having waived the preparation and filing of a report by the Examiner and the record in the proceeding thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That the defendant, his representatives, agents, servants, employees, attorneys, successors or assigns, and all persons acting or claiming to act in his behalf, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal produced by the defendant at less than the applicable effective minimum price established therefor, contrary to the Bituminous Coal Act of 1937 or any rules and regulations promulgated thereunder, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 18 For All Shipments, and the Marketing Rules and Regulations.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1460; Filed, February 19, 1942; 10:26 a. m.]

[Docket No. A-1193]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 11 FOR ALL SHIPMENTS EXCEPT TRUCK, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER OF DISMISSAL

The original petitioner having moved for the dismissal of the part of the petition in the above-entitled matter relating to the coals of the Catlin Mine of the Catlin Coal Company, and it appearing that there is no objection thereto:

Now, therefore, it is ordered, That the part of the petition in the above-entitled matter relating to the coals of the Catlin Mine of the Catlin Coal Company be, and the same hereby is, dismissed.

Dated: February 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1461; Filed, February 19, 1942; 10:27 a. m.]

[Docket No. 1729-FD]

IN THE MATTER OF BLUE LABEL COAL COMPANY, A PARTNERSHIP, DEFENDANT

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint having been filed on June 12, 1941, by the Bituminous Coal Producers Board for District No. 15, as complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") alleging wilful violation by Eldon J. Daugherty, Alfred Epperson, Claude Schroeder, Henry Rosewald, and W. A. Ford, a partnership, trading as Blue Label Coal Company ("Blue Label Coal Company"), of the Bituminous Coal Code and rules and regulations thereunder; and

An Order having been entered herein on January 24, 1942, cancelling and revoking the code membership of Blue Label Coal Company, effective fifteen (15) days from the date thereof; and

Said Order of Cancellation and Revocation having been duly served upon Blue Label Coal Company on January 30, 1942; and

The Blue Label Coal Company having filed with the Division its application, dated February 4, 1942, for restoration of its code membership to become effective as of the date of said application; and

It appearing from said application that Blue Label Coal Company on February 4, 1942, paid to the Collector of Internal Revenue at Kansas City, Missouri, the sum of $1,075.93 as provided in said Order dated January 24, 1942, as a condition precedent to the restoration of its code membership.

Now, therefore, it is ordered, That said application of the Blue Label Coal Company dated February 4, 1942, for restoration of its code membership be, and the same hereby is granted; and

It is further ordered, That the code membership of the Blue Label Coal Company be, and the same hereby is restored as of February 8, 1942.

Dated: February 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1462; Filed February 19, 1942; 10:27 a. m.]

[General Docket No. 21]

IN THE MATTER OF DETERMINING THE EXTENT OF CHANGE, IF ANY, IN EXCESS OF 2 CENTS PER NET TON IN THE WEIGHTED AVERAGE OF THE TOTAL COSTS OF ANY OF THE MINIMUM PRICE AREAS: AND OF REVISING THE EFFECTIVE MINIMUM PRICES AS MAY BE REQUIRED BY REASON OF ANY SUCH CHANGE IN COSTS

ORDER GRANTING CERTAIN REQUESTS FOR REVIEW

FEBRUARY 18, 1942.

By an "Order for Procedure" issued by the Acting Director of the Bituminous Coal Division on January 27, 1942, and approved by me on January 28, 1942, it was provided that parties to the above-entitled proceeding might file with the Secretary of the Interior requests for review of specific questions of law and policy that pertain to the determinations embodied in the Order of the Acting Director in this proceeding dated January 27, 1942, such requests to be filed by February 10, 1942.

Pursuant to this Order for Procedure the following parties to this proceeding have filed requests: District Boards No. 1, 2, 3, 4, 6, 7, 8, 10, and 11, Associated Industries of New York, and the Bituminous Coal Consumers' Counsel.[1]

Now, therefore, after full consideration of the merit and importance of the questions of law and policy raised in these requests, review is hereby granted of the following specific questions of law and policy:

1. The question whether the divisor to be used in computing the per ton reasonable selling costs should be the total ascertainable tonnage or the total tonnage sold on the open market.

2. The question whether the criteria employed by the Acting Director in determining "reasonable costs of selling" were correct.

3. The question whether the Bituminous Coal Act permits the adjustment of the weighted average of the total costs ascertained for 1940 in order to reflect changes established to have occurred in 1941.

4. The question of what the standards of quantity and quality of proof shall be to establish anticipated changes in cost occurring in 1941.

Review of all other questions raised is hereby denied.

It is further provided, in accordance with the Order for Procedure approved January 28, that all parties desiring to do so may, not later than two weeks from this day, file briefs on the above enumerated questions of law and policy.

Dated: February 18, 1942.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-1463; Filed, February 19, 1942; 10:27 a. m.]

General Land Office.

STOCK DRIVEWAY WITHDRAWAL NO. 1, COLORADO NO. 1, REDUCED

FEBRUARY 9, 1942.

The departmental order of July 23, 1917, creating Stock Driveway Withdrawal No. 1, Colorado No. 1, under section 10 of the act of December 29, 1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, is hereby revoked so far as it affects the following-described lands, which are within Colorado Grazing District No. 5, established August 7, 1940:

NEW MEXICO PRINCIPAL MERIDIAN

T. 49 N., R. 9 E.,
Sec. 10, E½SW¼,
Sec. 15, NE¼NW¼ and W½W½;
aggregating 280 acres.

[1] A request for review was also filed by District Board 22 and was subsequently withdrawn.

[1] Not filed with the original document.

SIXTH PRINCIPAL MERIDIAN

T. 20 S., R. 71 W.,
Sec. 19, lots 2 and 3, E½SW¼, W½SE¼, and SE¼SE¼.
Sec. 20, S½S½.
Sec. 21, S½SW¼.
Sec. 22, S½SE¼.
Sec. 23, S½SW¼.
Sec. 27, N½NW¼.
Sec. 28, N½N½.
Sec. 29, N½N½.
Sec. 30, NE¼NE¼,
aggregating 1,117.60 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

[F. R. Doc. 42-1464; Filed, February 19, 1942; 10:28 a. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

[Docket No. AO 122-A 2]

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 48, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE SIOUX CITY, IOWA, MARKETING AREA

Notice is hereby given of a hearing to be held in the United States Post Office Building, Sioux City, Iowa, beginning at 10:00 a. m., central war time (9:00 a. m., c. s. t.), February 26, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 48, as amended, regulating the handling of milk in the Sioux City, Iowa, marketing area.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), and in accordance with the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (7 CFR 900.4).

This public hearing is for the purpose of receiving evidence with respect to the amendments which are hereinafter set forth in detail. These amendments have not received the approval of the Secretary of Agriculture, and, at the hearing, evidence will be received relative to all aspects of the marketing conditions which are dealt with by the provisions to which such amendments relate. The amendments which have been proposed are as follows:

A. Amendments Proposed by the Sioux City Milk Producers' Cooperative Association

1. Delete subparagraph (1) of § 948.4 (a) and substitute therefor the following:

(1) Class I milk—$2.85 per hundredweight: *Provided*, That with respect to Class I milk disposed of by a handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be $2.40 per hundredweight.

2. Delete subparagraph (2) of § 948.4 (a) and substitute therefor the following:

(2) Class II milk—$2.50 per hundredweight: *Provided*, That in no event shall the Class II price be less than the Class III price, plus 25 cents.

3. Delete subparagraph (3) of § 948.4 (a) and substitute therefor the following:

(3) Class III milk—The price per hundredweight for Class III milk shall be the price resulting from the following computation by the market administrator: Determine the average of the basic, or field, prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat received during the same period in the immediately preceding month at the following plants:

Company and location of plants. Roberts Dairy Company, Sioux City, Iowa; Carnation Milk Company, Northfield, Minnesota; Carnation Milk Company, Waverly, Iowa; Borden Milk Products Company, Sterling, Illinois; Libby, McNeill, & Libby, Morrison, Illinois.

Provided, That if the price so determined is less than the price per hundredweight computed by the market administrator in accordance with the following formula, such formula price shall be the price for Class III milk for the delivery period: Multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market as reported by the United States Department of Agriculture for the delivery period during which such milk was received, add 20 percent thereof, and add 10 cents.

4. Delete paragraph (b) of § 948.8 and substitute therefor the following:

(b) *Butterfat differential.* If the milk of any producer or new producer has an average butterfat content other than 3.5 percent, such handler shall add to the uniform price for such producer, or to the new producer price for such new producer, for each one-tenth of 1 percent of average butterfat content in milk above 3.5 percent not less than, or shall deduct, respectively, from such prices for each one-tenth of 1 percent of average butterfat content in milk below 3.5 percent, not more than an amount per hundredweight determined as follows:

Three cents if the average butter price used in § 948.4 (a) (3) is less than 30 cents;

Three and one-half cents if the average butter price used in § 948.4 (a) (3) is 30 cents but less than 35 cents;

Four cents if the average butter price used in § 948.4 (a) (3) is 35 cents but less than 40 cents;

Four and one-half cents if the average butter price used in § 948.4 (a) (3) is 40 cents but less than 45 cents; and

Five cents if the average butter price used in § 948.4 (a) (3) is 45 cents or more.

5. Delete in the first line of subparagraph (6) of § 948.7 (b) the term "6th" and substitute therefor the term "7th."

B. Amendments Proposed by the Dairy Division: 1. Delete paragraph (b) of § 948.4.

2. Delete § 948.6 and substitute therefor the following:

§ 948.6 *Application of provisions*—(a) *Handlers who are also producers.* (1) In the case of a handler who is also a producer and who purchases or receives no milk from other producers, the market administrator shall exclude from the computations made pursuant to section 948.7 the quantity of milk disposed of by such handler.

(2) In the case of a handler who is also a producer and who purchases or receives milk from other producers, the market administrator shall, before making the computations pursuant to § 948.7, (i) exclude from the Class I milk, Class II milk, and Class III milk, the milk purchased or received by such handler in the respective classes from other handlers, and (ii) exclude pro rata from the remaining Class I milk, Class II milk, and Class III milk, the milk received from such handler's own production.

(b) *Purchases of milk from a handler who is also a producer.* In the case of a handler who purchases or receives milk in bulk from a handler who is also a producer, the market administrator, in making the computations pursuant to section 948.7 for such purchasing handler, shall add an amount equal to the difference between the value of such milk (i) at the price for the class in which such milk was classified and (ii) at the price for Class III milk.

(c) *Payments for excess butterfat.* (1) In the case of a handler who disposes of butterfat in excess of the butterfat which, on the basis of his reports, has been received, the market administrator, in making the computations pursuant to section 948.7, shall add an amount equal to the value of such butterfat in accordance with its classification.

2. Delete paragraph (a) of § 948.7 and substitute therefor the following:

(a) *Computation of the amount to be paid producers by each handler.* For each delivery period the market administrator shall compute, subject to the provisions of section 948.6, the amount to be paid producers by each handler for milk received from them, by (i) multiplying the hundredweight of such milk in each class by the price applicable pursuant to § 948.4, (ii) adding together the resulting values of each class, and (iii) adding any amounts pursuant to § 948.6 (b) and § 948.6 (c).

3. Reconsider, revise, redesignate, or delete any other provision of the order necessitated by the foregoing proposals for the purpose of clarification or administration.

Additional copies of this notice of hearing and copies of Order No. 48, as amended, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0312, South Building, Washington, D. C., or may be there inspected.

[SEAL] PAUL H. APPLEBY,
Acting Secretary of Agriculture.

Dated: February 19, 1942.

[F. R. Doc. 42-1468; Filed, February 19, 1942; 11:29 a. m.]

[Docket No. AO 123-A 2-RO 1]

NOTICE OF REOPENING OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 46, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE LOUISVILLE, KENTUCKY, MILK MARKETING AREA

Notice is hereby given that the hearing, which was held in Louisville, Kentucky, on November 18, 1941, on certain proposed amendments to the tentatively approved marketing agreement, as amended, and to the order, as amended, regulating the handling of milk in the Louisville, Kentucky, milk marketing area, will be reopened at the Brown Hotel, Louisville, Kentucky, at 10:00 a. m., c. d. s. t., February 26, 1942.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937 (7 U.S.C. 1940 ed. 601 et seq.) and to the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (7 CFR 900.4).

This public hearing is for the purpose of receiving further evidence as to the proposed amendments upon which the hearing was held November 18, 1941, and for the additional purpose of receiving evidence with respect to other amendments which have been proposed by the Falls Cities Cooperative Milk Producers' Association, by the market administrator, and by the Louisville Milk Dealers' Association.

The proposed amendments as to which evidence was received at the hearing on November 18, 1941, are as follows:

A. Amendments Proposed by Producers' Association: 1. Delete § 946.4 and substitute therefor the following:

§ 946.4 *Minimum prices.*—(a) *Class prices.* Each handler shall pay producers, at the time and in the manner set forth in § 946.8, not less than the following prices for the respective quantities of milk in each class computed pursuant to § 946.3 (d) (5):

(1) Class I milk—The prices as shown in the schedule below for the butter price range in which falls the average wholesale price of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received: *Provided*, That for the delivery periods of December 1941 and January, February, and March 1942, the minimum price for Class I milk shall be not less than $3.20 per hundredweight for any month for which the applicable price as shown in the schedule below is less than $3.20 per hundredweight: *And provided further*, That for Class I milk (i) delivered by such handler to the residence of a relief client certified by a recognized relief agency, (ii) charged to such an agency, or (iii) disposed of by such handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, such handler shall pay not less than $2.23 per hundredweight or the Class III price computed under subparagraph (3) of this paragraph, whichever is higher.

Butter price range (cents per lb.):	*Class I price del. per cwt.*
17–17.999	2.10
18–18.999	2.14
19–19.999	2.18
20–20.999	2.22
21–21.999	2.26
22–22.999	2.31
23–23.999	2.36
24–24.999	2.41
25–25.999	2.46
26–26.999	2.51
27–27.999	2.56
28–28.999	2.61
29–29.999	2.66
30–30.999	2.71
31–31.999	2.75
32–32.999	2.79
33–33.999	2.83
34–34.999	2.87
35–35.999	2.91
36–36.999	2.95
37–37.999	2.99
38–38.999	3.03
39–39.999	3.07
40–40.999	3.11
41–41.999	3.15
42–42.999	3.19
43–43.999	3.23
44–44.999	3.27
45–45.999	3.31
46–46.999	3.35
47–47.999	3.39
48–48.999	3.43
49–49.999	3.47
50–50.999	3.51

(2) Class II milk—$2.23 per hundredweight, except that for the months of December 1941 and January, February, and March 1942, the Class II price shall be $2.40 per hundredweight.

(3) Class III milk—The price per hundredweight resulting from the following computation by the market administrator: Subtract 2 cents from the average wholesale price per pound of 92-score butter in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, add 30 percent thereof, and multiply the resulting amount by 4: *Provided*, That the market administrator shall ascertain, on the basis of milk of 4 percent butterfat content, the highest price per hundredweight established by handlers for ungraded milk received during such delivery period, and if such price for ungraded milk, as ascertained by the market administrator, exceeds the price computed in accordance with the formula contained herein, such price for ungraded milk shall be the price for Class III milk for such delivery period.

(b) *Sales outside the marketing area.* The price to be paid producers by a handler for Class I milk disposed of outside the marketing area, in lieu of the price otherwise applicable pursuant to this section, shall be the price which, as ascertained by the market administrator, is being paid by processors, in the market where such milk is disposed of, for milk of equivalent use.

B. Amendment Proposed by Dairy Division:

1. Delete § 946.4 (b).

C. Amendment Proposed by Fenley's Model Dairy: 1. Delete subparagraphs (1), (2), (3) and (4) of § 946.7 (b) and substitute therefor the following:

(1) Divide the amount computed pursuant to subparagraph (2) of this paragraph by the total hundredweight of milk received from producers by such handler.

2. Renumber § 946.7 (b) (5) as § 946.7 (b) (2).

3. Delete paragraphs (b), (c), and (d) of § 946.8.

4. Renumber paragraphs (e) and (f) of § 946.8 as paragraphs (b) and (c) of § 946.8.

The other proposed amendments are as follows:

A. Amendments Proposed by Producers' Association: 1. Delete § 946.3 and substitute therefor the following:

§ 946.3 *Classification of milk.*—(a) *Milk to be classified.* Milk of a producer caused to be delivered by a cooperative association which is a handler to a plant from which no milk is disposed of in the marketing area and all milk received by each handler, including milk produced by him, if any, at plants from which milk is disposed of in the marketing area, shall be classified by the market administrator in the classes set forth in paragraph (b) of this section, subject to the provisions of paragraph (c) of this section.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I–A milk shall be all milk disposedposed of as milk and all milk not specifically accounted for as Class I–B milk and Class II milk.

(2) Class I–B milk means all milk disposed of as cream (for consumption as cream), cottage cheese, flavored milk, buttermilk, and skim milk.

(3) Class II milk shall be all milk accounted for (i) as actual plant shrinkage, but not to exceed 2 percent of the total receipts of milk from producers and (ii) as used to produce a milk product other than those specified as Class I–A milk and Class I–B milk.

(c) *Interhandler and nonhandler sales.* Milk disposed of by a handler to another handler, or to a person who is not a handler but who distributes milk or manufactures milk products, shall be classified as Class I–A milk, and cream, cottage cheese, flavored milk, buttermilk and skim milk so disposed of shall be classified as Class I–B milk: *Provided*, That if the selling handler and the purchaser, on or before the 5th day after the end of the delivery period, each furnish to the market administrator similar signed statements that such milk or cream was disposed of in another class, such milk or cream shall be classified accordingly, subject to verification by the market administrator.

(d) *Computation of milk in each class.* For each delivery period, the market administrator shall compute for each handler the hundredweight of milk in each class to which the prices set forth in § 946.4 apply, as follows:

(1) Determine the total hundredweight of milk received as follows: add into one sum (i) the hundredweight of milk received from producers, (ii) the

hundredweight of milk, including buttermilk and skim milk received from other handlers, if any, (iii) the hundredweight of milk produced by such handler, if any, (iv) the hundredweight of milk including buttermilk and skim milk received from any other source, if any, and (v) the hundredweight of emergency milk, if any.

(2) Determine the total hundredweight of Class I–A milk as follows: (i) Convert to quarts the quantity of milk disposed of as milk and multiply by 0.0215 and (ii) if the quantity of milk so computed, when added to the quantity of Class I–B milk and Class II milk determined pursuant to subparagraphs (3) and (4) of this paragraph, is less than the total quantity of milk received, determined in accordance with subparagraph (1) of this paragraph, an amount equal to the difference shall be added to the quantity of milk computed pursuant to (i) of this paragraph.

(3) Determine the total hundredweight of Class I–B milk as follows: (i) multiply the actual weight of each of the several products of Class I–B milk by its average butterfat test and add together the resulting amounts, (ii) divide the total pounds of butterfat thus found by the average test of all milk received from producers, and (iii) divide by 100: *Provided, however,* That the resulting amount shall in no case, be less than the sum of the actual hundredweight of all of the several products of Class I–B milk as enumeratcd in subparagraph (2) of paragraph (b) of this section.

(4) Determine the hundredweight of Class II milk as follows: (i) add into one sum the hundredweight of all milk, cream, and skim milk sold and used to produce Class II milk products, (ii) deduct the hundredweight of milk determined in Class I–B which is in excess of the actual hundredweight of all of the products of Class I–B milk, if there be any such excess, (iii) add an allowance for plant shrinkage, if any, not to exceed 2 percent of the total hundredweight of milk received from producers, and (iv) the remaining difference, if any, shall be added to the hundredweight of Class I–A milk computed pursuant to (a) of subparagraph (2) of this paragraph.

(5) Determine the total hundredweight of milk of producers in each class as follows:

(i) Subtract from the total hundredweight of milk in each class the total hundredweight of milk (and milk equivalent of cream converted at the average test of milk received from producers by the receiving handler) received from other handlers and used in such class;

(ii) In the case of a handler who also distributes milk of his own production, subtract from the total hundredweight of milk in each class a further amount which shall be computed as follows: divide the total hundredweight of milk in each class by the total hundredweight of milk in all classes and multiply the percentage for such class by the total hundredweight of milk produced by him;

(iii) Subtract from the hundredweight of milk in each class the hundredweight of milk (and milk equivalent of cream converted at the average test of milk received from producers by the receiving handler), except emergency milk, received from sources other than producers or handlers and used in such class; and

(iv) In the case of a handler who has received emergency milk during the delivery period, subtract from the total hundredweight of milk in each class an amount which shall be computed as follows: divide the total hundredweight of milk in each class by the total hundredweight of milk in all classes and multiply the percentage for such class by the total hundredweight of emergency milk received.

2. Delete § 946.4 and substitute therefor the following:

§ 946.4 *Minimum prices*—(a) *Class prices.* Each handler shall pay producers, at the time and in the manner set forth in § 946.8, not less than the following prices for the respective quantities of milk in each class computed pursuant to § 946.3 (d) (5):

(1) Class I–A milk and Class I–B milk. The prices shall be determined as follows:

(i) For the months of January, February, and March, add $1.05 per hundredweight to the price for Class II milk as determined under subparagraph (2) of this paragraph;

(ii) For the months of April, May, June, July, August, and September, add $0.95 per hundredweight to the price for Class II milk as determined under subparagraph (2) of this paragraph; and

(iii) For the months of October, November, and December, add $1.05 per hundredweight to the price for Class II milk as determined under subparagraph (2) of this paragraph: *Provided,* That for Class I–A milk delivered by a handler to the residence of a relief client and charged to a recognized relief agency, or disposed of by a handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, such handler shall pay not less than the price for Class II milk plus twelve cents per hundredweight.

(2) Class II milk. The price per hundredweight shall be ascertained by the market administrator, and shall be the average of the maximum prices per hundredweight, on the basis of 4 percent butterfat content, established by handlers for ungraded milk received during such delivery periods at Springfield, Lawrenceburg, and Elizabethtown in the State of Kentucky and Salem and Orleans in the State of Indiana.

B. Amendments Proposed by Market Administrator: 1. Delete paragraph (d), § 946.3, and amend to read as follows:

(d) *Computation of milk in each class.* For each delivery period, the market administrator shall compute for each handler the total pounds of milk in each class, as defined in paragraph (b) of this section, as follows:

(1) Determine the total pounds of milk (i) received from producers, (ii) produced by him, if any, (iii) received from other handlers, if any, (iv) received from other sources, if any, (v) received as emergency milk, if any, and (vi) add together the resulting amounts.

(2) Determine the total pounds of milk in Class I as follows: (i) convert to quarts the quantity of milk disposed of in the form of milk and multiply by 2.15, and (ii) if the quantity of milk so computed when added to the quantities of Class II milk and Class III milk computed pursuant to subparagraphs (3) and (4) of this paragraph, is less than the total quantity of milk received, computed in accordance with subparagraph (1) of this paragraph, an amount equal to the difference shall be added to the quantity of milk computed pursuant to (a) of this subparagraph.

(3) Determine the total pounds of milk in Class II milk, as follows: (i) multiply the actual weight of each of the several products of Class II milk by its average butterfat test and add together the resulting amounts, and (ii) divide the result obtained in (i) of this subparagraph by the average test of all milk received from producers and classified in Class II and Class III milk: *Provided,* That in no event shall the result obtained in (ii) of this subparagraph be less than the actual total pounds of all of the several products classified as Class II milk, pursuant to subparagraph (2) of paragraph (b) of this section.

(4) Determine the total pounds of milk in Class III, as follows: (i) multiply the actual weight of each of the several milk products of Class III milk by its average butterfat test, (ii) add together the resulting amounts, and (iii) divide the result obtained in (ii) of this subparagraph by the average of all milk received from producers by the handler and classified as Class II and Class III milk, (iv) subtract from the result obtained in (iii) of this subparagraph the total pounds of the excess milk, weight of Class II milk, if any, computed pursuant to subparagraph (3) (ii) of this paragraph, (v) subtract the total pounds of Class I milk and Class II milk computed pursuant to subparagraphs (2) (i) and (3) (ii) of the paragraph and the total pounds of milk computed pursuant to (iv) of this subparagraph from the total pounds of milk computed pursuant to subparagraph (1) of this paragraph, which resulting quantity shall be allowed as plant shrinkage and classified as Class III milk (but in no event shall such plant shrinkage allowance exceed 2 percent of the total pounds of milk received from producers by the handler computed pursuant to subparagraph (1) (i) (ii) of this paragraph): *Provided,* That if the total pounds of milk computed pursuant to subparagraphs (2) (i), (3) (ii), and (4) (iv) of this paragraph does not equal the total pounds of milk computed pursuant to subparagraph (1) of this paragraph, the difference shall be added to the quantity of Class I milk.

2. Amend subparagraph (2) paragraph (b) of § 946.3 to read as follows:

(2) Class II milk shall be all milk, disposed of in the form of flavored milk and flavored milk drinks, buttermilk and skim milk and all milk, the butterfat from which is disposed of in the form of sweet or sour cream (for consumption as cream), cottage cheese and buttermilk.

3. Amend subparagraph (3) of paragraph (b) of § 946.3 to read as follows:

(3) Class III shall be all milk, and milk, the butterfat from which is used to produce a milk product other than one of those specified in Class II, and all milk accounted for as actual plant shrinkage, but not to exceed 2 percent of the total receipts of milk from producers and handler's own production.

4. Amend subparagraph (c) of § 946.3 to read as follows:

(c) *Responsibility of handlers in establishing the classification of milk.* In establishing the classification of milk as required in paragraph (b) of this section the responsibilities of handlers in establishing the classification of milk received by them shall be as follows:

(1) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who received the milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(2) With respect to milk, or skim milk, disposed of to another handler, the burden rests upon the handler who purchased the milk from producers to account for the milk, or skim milk, and to prove to the market administrator that such milk, or skim milk, should not be classified as Class I milk.

(3) Milk disposed of by a handler to another handler, or to a person who is not a handler but who distributes milk or manufactures milk products, shall be classified as Class I milk, and cream so disposed of shall be classified as Class II milk: *Provided,* That if the selling handler and the purchaser, on or before the 5th day after the end of the delivery period, each furnish to the market administrator similar signed statements that such milk or cream was disposed of in another class, such milk or cream shall be classified accordingly, subject to verification by the market administrator.

C. Amendments Proposed by Louisville Milk Dealers' Association: 1. Section 946.3 (b) shall be amended to read as follows:

(b) *Classes of utilization.* (1) Class I milk shall be all milk disposed of as milk, and all milk not specifically accounted for as Class II milk, Class III milk, or Class IV milk.

(2) Class II milk shall be all milk, except skim milk disposed of in the form of flavored milk and flavored milk drinks; and all milk the butterfat from which is disposed of in the form of cream, creamed cottage cheese, and creamed buttermilk.

(3) Class III milk shall be all milk the butterfat from which is used to produce a milk product other than one of those specified in Class II and Class IV.

(4) Class IV milk shall be all milk the butterfat from which is used to produce butter, and all milk accounted for as actual plant shrinkage: *Provided,* That such plant shrinkage shall not exceed 2 percent of total receipt of milk from producers and from the handler's own production. No handler shall be permitted in any delivery period to report an amount of milk utilized as Class IV in excess of an amount equal to 10 percent of said handler's reported Class I sales for said delivery period.

2. It is suggested that § 946.4 be amended to read as follows:

§ 946.4 *Minimum prices*—(a) *Class prices.* Each handler shall pay producers at the time and in the manner set forth in § 946.8 not less than the following prices for the respective quantities of milk in each class computed pursuant to § 946.3 (d) (5).

(1) *Class I milk.* The price per hundredweight for Class I milk during each delivery period for the months of August, September, October, November, December, January, February, and March, shall be the price determined pursuant to paragraph (3) of this section, plus 90 cents, and during the delivery periods of April, May, June, and July, the price per hundredweight for Class I milk shall be the price determined pursuant to paragraph (3) plus 70 cents: *Provided,* That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be the price determined pursuant to subsection (3), or the Class III price.

(2) *Class II milk.* The price per hundredweight for Class II milk during each delivery period for the months of August, September, October, November, December, January, February, and March, shall be the price determined pursuant to subsection (3), or the Class III price plus 45 cents, and during the delivery periods of April, May, June, and July the price per hundredweight for Class II milk shall be the price determined pursuant to subsection (3) of this section plus 35 cents.

(3) *Class III milk.* The price per hundredweight for milk containing 4 percent butterfat during each delivery period shall be the average computed by the market administrator of prices paid during such delivery period to farmers at each of the places or plants where milk is received or purchased listed in the subparagraph and for which prices are reported.

(4) *Location of plants.* Coryden, Indiana; Paoli, Indiana; Salem, Indiana; Madison, Indiana; Taylorsville, Kentucky; Elizabethtown, Kentucky; Owenton, Kentucky; Lawrenceburg, Kentucky; Springfield, Kentucky; Louisville, Kentucky; (Ewing Von Allmen plant—ungraded milk).

(5) *Class IV milk.* Multiply by 4 the average price per pound of 92-score butter at wholesale in the Chicago market as reported by the United States Department of Agriculture for the delivery period during which such milk is received, and add 10 percent.

Additional copies of this notice and copies of the order, as amended, now in effect, may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0312 South Building, Washington, D. C., or may be there inspected.

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture.[1]

Dated: February 19, 1942.

[F.R. Doc. 42-1478; Filed, February 19, 1942; 11: 52 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

EXEMPTION FROM THE PROVISIONS OF SECTION 1 OF THE WALSH-HEALEY PUBLIC CONTRACTS ACT TO PERMIT THE EMPLOYMENT OF FEMALE MINORS UNDER 18 YEARS OF AGE IN CERTAIN INDUSTRIES

NOTICE OF OPPORTUNITY TO SHOW CAUSE

Notice is hereby given to all interested parties that they have until March 2, 1942, in which to show cause if any they have why the Secretary of Labor should not grant an exemption from the provisions of section 1 (d) of the Public Contracts Act to permit the award of contracts to contractors in the industries named in the attached list, in amounts exceeding $10,000, without the inclusion in such contracts of the representation or stipulation

"That no • • • female person under eighteen years of age • • • will be employed by the contractor in the manufacture or production or furnishing of any of the materials, supplies, articles, or equipment included in [such] contract."

The Secretary of War has found that the inclusion of such stipulation as provided in section 1 (d) of the Public Contracts Act will seriously impair the conduct of government business by retarding essential production in these industries and has requested that an exemption be granted under section 6 of the Act to permit the employment of female persons between the ages of 16 and 18 on contracts which have been or which may be awarded subject to the Act to contractors in these industries. The matter will be presented to the Secretary of Labor on March 2, 1942, for decision as to whether or not justice or the public interest will be served by the granting of the exemption.

Briefs or telegraphic communications may be filed and will be considered if they are received on or before the date indicated above. No form for the briefs

[1] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192)

is prescribed but an original and four copies must be submitted.

L. METCALFE WALLING,
Administrator.

Industries in Which It Is Requested That Exception Be Granted To Allow the Employment of Female Persons Between the Ages of 16 and 18 on Contracts Subject to the Public Contracts Act

Food Processing.
Wearing Apparel & Allied Products.
Textile Products (including yarn fabrics, knitted goods & other fiber products).
Leather Products (including luggage & saddlery).
Boots & Shoes.
Rubber Products.
Photographic Equipment & Supplies.
Chemical, Drug & Allied Products.
Surgical & Scientific Instruments.
Optical Instruments.
Arms & Ammunition.
Electrical Manufacturing.
Plastic Products.
Safety Appliances.
Machinery & Allied Products.
Converted Paper Products.
Fabrication of Metal Products (including nonferrous metal products).

[F. R. Doc. 42-1477; Filed, February 19, 1942; 11:50 a. m.]

Wage and Hour Division.

[Administrative Order No. 141]

APPOINTMENT OF INDUSTRY COMMITTEE NO. 42 FOR THE GRAIN PRODUCTS INDUSTRY

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, Thomas W. Holland, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the grain products industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the public: James M. Herring, Chairman, Philadelphia, Pennsylvania; John T. Caldwell, Nashville, Tennessee; Donald J. Cowling, Northfield, Minnesota; Edward Everett Hale, Austin, Texas; John Ise, Lawrence, Kansas; Joseph A. McClain, Jr., St. Louis, Missouri; Robert D. Patton, Columbus, Ohio.

For the employees: Arthur Bliss, Cedar Rapids, Iowa; Ted Hopkins, Tacoma, Washington; S. P. Ming, St. Louis, Missouri; Sellers Pittman, Houston, Texas; A. W. Rader, Keokuk, Iowa; Harold Schneider, Oklahoma City, Oklahoma; W. A. Younker, Minneapolis, Minnesota.

For the employers: P. W. Chichester, Frederick, Maryland; Hubert E. Foster, Gueydan, Louisiana; Charles B. Long, Shelbyville, Kentucky; J. J. Mullen, Kankakee, Illinois; H. L. McGeorge, Memphis, Tennessee; Walter Vanderploeg, Battle Creek, Michigan; Harold Yoder, Auburn, Indiana.

Such representatives having been appointed with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the term "grain products industry" means: The handling, warehousing, and storing of grain when performed in conjunction with milling operations, and the processing of grain or alfalfa into food products or feeds. It includes, but without limitation, the production of flour, prepared or blended flours, breakfast cereals, coffee substitutes, pearl barley, hominy, flakes, grits, rice, meal, feeds and prepared or mixed feeds, including those made wholly or in part from such products as cottonseed, soy beans, or peanuts (but not the crushing of such products), except those made principally from meat products. It does not include the production of bakery products such as bread, cakes, pastries, and macaroni.

3. The definition of the grain products industry covers all occupations in the industry which are necessary to the production of the products covered by the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however*, That such clerical, maintenance, shipping, and selling occupations when carried on in a wholesaling or selling department physically segregated from other departments of a manufacturing establishment, the greater part of the sales of which wholesaling or selling department are sales of articles which have been purchased for resale, shall not be deemed to be covered by this definition; and *provided further*, That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. The industry committee herein created shall report at 10:00 A. M. on March 10, 1942, in the office of the Administrator of the Wage and Hour Division, located at 1560 Broadway, New York, New York, and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employees coming under the provisions of section 14.

Signed at Washington, D. C., this 13th day of February 1942.

THOMAS W. HOLLAND,
Administrator.

[F. R. Doc. 42-1451; Filed, February 18, 1942; 1:59 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 299]

IN THE MATTER OF THE COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH OF CANADIAN COLONIAL AIRWAYS, INC.

NOTICE OF POSTPONEMENT OF CRAL ARGUMENT

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Sections 406 and 1001 of said Act, in the above-entitled proceeding, that oral argument now assigned to be held on February 19, 1942, is hereby postponed to February 25, 1942, 10 a. m. (eastern standard time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW) Washington, D. C., before the Board.

Dated Washington, D. C., February 17, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1465; Filed, February 19, 1942; 10:28 a. m.]

CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS SATURDAY, FEBRUARY 14, 1942

Important. Although the apportioned classified Civil Service is by law located only in Washington, D. C., it nevertheless includes only about half of the Federal Civilian positions in the District of Columbia. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his state of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico	1,222	48
2. Virgin Islands	16	1
3. Hawaii	277	21
4. Alaska	48	11
5. California	4,517	1,140
6. Louisiana	1,546	680
7. Michigan	3,437	1,558
8. Texas	4,195	2,241
9. Arizona	326	175
10. Georgia	2,013	1,209
11. Kentucky	1,861	1,125
12. Alabama	1,852	1,139
13. South Carolina	1,242	766
14. Ohio	4,747	2,969
15. Mississippi	1,428	951
16. North Carolina	2,535	1,636
17. Arkansas	1,275	916
18. New Jersey	2,720	2,007
19. Nevada	72	51
20. New Mexico	347	283
21. Indiana	2,211	1,822
22. Tennessee	1,907	1,601
23. Florida	1,211	1,051
24. Illinois	5,164	4,119
25. Delaware	171	152
26. Oregon	713	640
27. Connecticut	1,118	1,025
28. Wisconsin	2,052	1,901
29. Idaho	343	318
30. Washington	1,135	1,120
IN EXCESS		
31. Pennsylvania	6,471	6,483
32. Rhode Island	495	471
33. Vermont	235	240
34. West Virginia	1,211	1,287
35. Missouri	2,175	2,610
36. Massachusetts	2,824	3,003
37. New Hampshire	321	346
38. Utah	301	366
39. Maine	551	621
40. Oklahoma	1,528	1,718
41. Colorado	735	887
42. Minnesota	1,826	2,206
43. Iowa	1,991	2,694
44. New York	8,511	11,274
45. Wyoming	164	217
46. Montana	366	487
47. Kansas	1,178	1,601
48. North Dakota	120	606
49. Virginia	1,741	2,779
50. South Dakota	420	705
51. Nebraska	860	1,625
52. Maryland	1,191	2,803
53. District of Columbia	431	9,621
GAINS		
By appointment		3,583
By transfer		90
By reinstatement		1
Total		3,674
LOSSES		
By separation		644
By transfer		530
By correction		7
Total		1,176
Total appointments		87,664

NOTE: Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1931, 20,580.

By direction of the Commission.

L. A. MOYER,
Executive Director and Chief Examiner.

[F. R. Doc. 42-1466; Filed, February 19, 1942; 11:03 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6274]

IN THE MATTER OF INCREASED RATES OF POSTAL TELEGRAPH-CABLE COMPANY (N. Y.) AND MACKAY RADIO AND TELEGRAPH COMPANY (DEL.) FOR ORDINARY PRESS TELEGRAPH MESSAGES FROM UNITED STATES TO FRANCE

ORDER

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of February, 1942,

It appearing that there have been filed with the Commission tariffs containing schedules stating increased charges for ordinary press telegraph messages, to become effective on the 20th and 25th days of February 1942, designated as follows:

Postal Telegraph-Cable Company (New York): F. C. C. No. 43, Tenth Revised Page 8.

Mackay Radio and Telegraph Company (Del.): F. C. C. No. 2, Tenth Revised Page 136.

It further appearing that said schedules make certain changes in rates for the transmission of press communications in foreign commerce, and the rights and interests of the public appear to be injuriously affected thereby, and it being the opinion of the Commission that the effective dates of the said schedules should be postponed pending hearing and decision thereon:

It is ordered, That the Commission, on its own motion, without formal pleading, enter upon a hearing concerning the lawfulness of the charges contained in said tariffs: viz., 10th Revised Page 8 of Postal Telegraph-Cable Company (N. Y.) Tariff F. C. C. No. 43 and 10th Revised Page 136 of Mackay Radio and Telegraph Company (Del.) Tariff F. C. C. No. 2;

It is further ordered, That the operation of the said schedules contained in said tariffs be suspended, and that the use of the rates and charges therein stated be deferred until three months beyond the time when they would otherwise go into effect, unless otherwise ordered by the Commission, and no change shall be made in such rates and charges during the said period of suspension, unless authorized by special permission of the Commission;

It is further ordered, That the rates and charges thereby sought to be altered shall not be changed by any subsequent tariff or schedule, until this investigation and suspension proceeding has been disposed of or until the period of suspension has expired, unless authorized by special permission of the Commission;

It is further ordered, That a copy of this order be filed with said schedules in the office of the Federal Communications Commission, and that copies hereof be forthwith served upon the carrier parties to such schedules, and that said carrier parties to said schedules be, and they are hereby made respondent to this proceeding; and

It is further ordered, That this proceeding be, and the same is hereby assigned for hearing at 10:00 a. m. beginning on the 5th day of March at the offices of the Federal Communications Commission, in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1485; Filed, February 19, 1942; 12:04 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-503]

IN THE MATTER OF PHILADELPHIA ELECTRIC COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 19th day of February, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Philadelphia Electric Company. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Philadelphia Electric Company, a subsidiary of The United Gas Improvement Company, a registered holding company, proposes to issue and sell privately 48,221 shares of 4.4% preferred stock at $1.10 per share plus accrued dividends thereon from February 1, 1942 to March 2, 1942. The proceeds of $5,304,310 are proposed to be used to discharge a like amount of presently outstanding 1½% promissory notes payable to banks and maturing July 28, 1942.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on February 27, 1942 at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarant and applicant and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by

said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

(1) The appropriateness, in the public interest and for the protection of investors and consumers, of exempting the proposed issue and sale from the competitive bidding requirements of Rule U-50;

(2) The appropriateness of the price at which the securities are proposed to be sold;

(3) Whether and to what extent it is appropriate, in the public interest or for the protection of investors and consumers, to attach terms and conditions with respect to said issue and sale.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1469; Filed, February 19, 1942; 11:40 a. m.]

[File No. 70-498]

IN THE MATTER OF THE ALBION GAS LIGHT COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of February, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Albion Gas Light Company. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

The Albion Gas Light Company, a gas utility company at Albion, Michigan, proposes to extend to March 1, 1945 the maturity date of $150,000 principal amount of it First Mortgage Seven Percent Twenty Year Gold Bonds, due March 1, 1942, and to solicit the consent of the holders of said bonds to such extension in maturity date. Effective with the semi-annual interest payment of September 1, 1933, by consent of the holders of $149,900 principal amount of the bonds the interest rate thereon was heretofore reduced from 7% to 5% unless 7% is actually earned.

The company represents that the extension is desired as a temporary measure for dealing with the imminent maturity, pending a contemplated merger with Michigan Gas and Electric Company; that in any event it hopes some program for paying the bonds in full may be worked out before expiration of the proposed three-year extension period.

The company reports a deficit in surplus, per books, of $87,336 as of November 30, 1941, after recording a net loss of $11,847 for the twelve months ended November 30, 1941.

The Middle West Corporation, a registered holding company, owns all outstanding common and preferred stock of the company, $29,900 of the said bonds, and a 5% demand note of the company in the amount of $141,249.99 (including $41,249.99 accrued interest). Michigan Gas and Electric Company, a subsidiary company of The Middle West Corporation, owns $36,700 principal amount of the said bonds and a 6% demand note of the company in the amount of $4,000. Both of these affiliated holders of the bonds have joined in the application requesting authorization to effect the extension.

The application states that authorization for the extension will be sought from the Michigan Public Service Commission. Total expenses of the transactions contemplated are estimated at $1,215.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission:

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on February 24, 1942 at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing-room clerk in Room 1102 will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarants and applicants and to all interested persons, said notice to be given to said declarants and applicants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed form and manner of solicitation of bondholders, and the disclosures made in connection therewith, will be in the public interest and provide for the protection of investors or consumers.

2. Whether in the public interest or for the protection of investors or consumers the proposed extension should be limited to a term shorter than three years.

3. Whether the aforesaid bonds, or as they are proposed to be extended in maturity, are or will be reasonably adapted to the security structure of the company, and whether they are or will be reasonably adapted to its earning power.

4. Whether the proposed extension of maturity will result in an unfair or inequitable distribution of voting power among the holders of the securities of the company.

5. The circumstances under which The Middle West Corporation and Michigan Gas and Electric Company, and their predecessors in interest, acquired their ownership of securities of The Albion Company, and whether the interests of said owners as bondholders should be subordinated, in whole or in part, to the claims of the public bondholders.

6. Whether in the public interest or for the protection of investors or consumers any terms or conditions should appropriately be included in any order of the Commission permitting the proposed transactions to be effected.

7. Generally, whether the proposed transactions comply with the applicable provisions of sections 6, 7, and 12 (e) of the Act and the Rules of the Commission promulgated thereunder.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1470; Filed, February 19, 1942; 11:34 a. m.]

[File No. 70-501]

IN THE MATTER OF SOUTHWESTERN DEVELOPMENT COMPANY, WEST TEXAS GAS COMPANY, AMARILLO GAS COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of February, A. D. 1942.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than March 6, 1942 at 4:30 P. M., E. W. T. request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Southwestern Development Company, a registered holding company (subsidiary of The Mission Oil Company a registered holding company) and its wholly-owned subsidiary companies, the West Texas Gas Company and the Amarillo Gas Company, propose as follows:

To extend the maturity dates and revise the installments maturing on various dates (without changing the aggregate amount outstanding) of certain 3% promissory notes of Southwestern Development Company (aggregating $4,418,065.77), West Texas Gas Company (aggregating $2,400,000) and Amarillo Gas Company (aggregating $170,000), presently held by Guaranty Trust Company of New York, pursuant to the terms of Loan Agreements dated August 1, 1939, August 9, 1939 and March 2, 1937, as subsequently amended, respectively, between Guaranty Trust Company of New York and each of the aforementioned companies.

To reduce the interest rate on said 3% promissory notes so that all installments of principal maturing prior to January 1, 1947 shall bear interest from February 1, 1942 at the rate of 2½% per annum and the installments of principal maturing on and after January 1, 1947 shall bear interest from February 1, 1942 at the rate of 2¾% per annum.

Sections 7 and 10 of the Act are designated as being applicable to the proposed transaction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1471; Filed, February 19, 1942; 11:34 a. m.]

[File No. 70-502]

IN THE MATTER OF MOUNTAIN STATES POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of February, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party; and

Notice is further given that any interested person may, not later than February 25, 1942, at 4:45 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Mountain States Power Company, a subsidiary of Standard Gas and Electric Company, a registered holding company, proposes to issue to the Provident Trust Company of Philadelphia eleven unsecured serial notes in the principal amount of $30,000 each, or in the aggregate principal amount of $330,000, dated April 1, 1942 bearing interest at the rate of 1¾ per centum per annum and maturing serially at the end of each successive three months period thereafter and to use the proceeds therefrom, together with other corporate funds, to pay the principal and interest and a premium of ¾ of 1% of the unpaid principal on its unsecured serial notes dated January 1, 1940 payable to The Chase National Bank of the City of New York bearing interest at the rate of 3% per annum upon which there remains due and unpaid the aggregate principal amount of $360,000.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1472; Filed, February 19, 1942; 11:34 a. m.]

[File No. 70-103]

IN THE MATTER OF ARKANSAS-MISSOURI POWER CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 18th day of February, A. D. 1942.

The above named company having filed a supplemental declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 7 thereof, regarding the following:

Arkansas-Missouri Power Corporation, a subsidiary of John E. Dwyer, Trustee of Inland Power & Light Corporation, a registered holding company, has negotiated with Harris Trust and Savings Bank (Chicago, Illinois) a reduction, effective January 23, 1942, from 3½% to 2¾% in the interest rate payable on $180,000 principal amount of unsecured 3½% Serial Notes due July 23, 1942–January 23, 1945. The consideration for said reduction in interest rate was the payment on or about January 23, 1942 of the $30,000 3½% Serial Note maturing July 23, 1945, which note has been paid.

Under date of July 18, 1940 the Commission permitted the original declaration herein, as amended, to become effective with respect to the issue and sale by the Company (among other securities) of $300,000 principal amount of the subject notes to the said Harris Trust and Savings Bank, Chicago, Illinois, said notes being payable in ten semi-annual installments of $30,000 each in the years 1941–1945. The Company has paid at maturity $90,000 principal amount of said notes, in addition to the $30,000 note maturing July 23, 1945, mentioned above.

Said supplemental declaration having been filed on January 26, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to said supplemental declaration under section 7 of said Act that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) of said Act;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration be and hereby is permitted to become effective.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42 1473; Filed, February 19, 1942, 11:35 a. m.]

[File No. 70 465]

IN THE MATTER OF PENNSYLVANIA ELECTRIC COMPANY; THE CLARION RIVER POWER COMPANY; ERIE LIGHTING COMPANY; SOLAR ELECTRIC COMPANY; YOUGHIOGHENY HYDRO-ELECTRIC CORPORATION; ASSOCIATED MARYLAND ELECTRIC POWER CORPORATION; AND ASSOCIATED ELECTIRC COMPANY

ORDER GRANTING APPLICATIONS AND PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of February, A. D. 1942.

The above named parties, having filed applications and declarations, as amended, with the Commission, pursuant to sections 6 (b), 9 (a), 10, 12 (c), 12 (d), and 12 (f) of the Public Utility Holding Company Act of 1935, and Rules U-42, U-43, and U-50 of the Rules and Regulations, promulgated thereunder, covering proposed transactions that are part of a general program.

(1) For the issue and sale by Pennsylvania Electric Company, a subsidiary of Associated Electric Company, a registered holding company, and an indirect subsidiary of the Trustees of Associated Gas and Electric Corporation, of $32,500,000 principal amount of First Mortgage Bonds, due January 1, 1972, and $3,400,000 par value of Cumulative Preferred Stock, proceeds of which are to be used in part for the redemption and retirement of the long term indebtedness and bank loans presently outstanding and to be assumed by Pennsylvania Electric Company;

(2) For the acquistion by Pennsylvania Electric Company of the assets of The Clarion River Power Company and Erie Lighting Company, subsidiaries of Penn-

sylvania Electric Company, of Associated Maryland Electric Power Corporation, Solar Electric Company, Youghiogheny Hydro-Electric Corporation, subsidiaries of Associated Electric Company, and of Logan Light, Heat & Power Company, a subsidiary of NY PA NJ Utilities Company, and an indirect subsidiary of the Trustees of Associated Gas and Electric Corporation; and

(3) For the reclassification by Pennsylvania Electric Company of its common stock and the making of certain accounting and other adjustments, including the creation by Pennsylvania Electric Company of a "Reserve for Amount in Excess of Original Cost of Utility Plant", in the amount of $10,100,046, to be set up by appropriations from earned surplus as at December 31, 1941, and from capital surplus, augmented by transfers from stated capital for common stock.

A hearing with respect to the said applications and declarations, as amended, having been held after appropriate notice; and the Commission having considered the record of the proceedings and having entered its Findings and Opinion herein;

It is hereby ordered, That the aforesaid declarations, as amended, be and hereby are permitted to become effective and the aforesaid applications, as amended, be and hereby are granted forthwith, subject, however, to the terms and conditions prescribed in Rule U-24 and to the following additional terms and conditions:

(1) That, prior to the time of settlement with the underwriters or purchasers of the bonds or preferred stock, Pennsylvania Electric Company shall obtain all necessary approval from the Pennsylvania Public Utility Commission for, and shall effect, the reduction of the par value of its common stock from $25 per share to $20 per share;

(2) That Pennsylvania Electric Company shall report to the Commission the results of the competitive bidding, as required by Rule U-50 (c) and comply with such supplemental order as the Commission may enter in view of the facts disclosed thereby.

It is further ordered, That jurisdiction be and is hereby reserved

(1) To determine whether and the extent to which the indebtedness of The Clarion River Power Company to Pennsylvania Electric Company should be subordinated to the publicly-held Participating Capital Stock and the extent to which payments should be made by Pennsylvania Electric Company, as acquirer of the assets of The Clarion River Power Company, to said holders of Participating Capital Stock in satisfaction of their interests;

(2) To pass upon the accounting entries proposed or hereafter to be made by Associated Electric Company in connection with the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1474; Filed, February 19, 1942; 11:35 a. m.]

PART I

FEDERAL REGISTER

VOLUME 7 NUMBER 37

Washington, Saturday, February 21, 1942

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER I—AGRICULTURAL MARKETING SERVICE

PART 55 [1]—SAMPLING, GRADING, GRADE LABELING, AND SUPERVISION OF PACKAGING OF BUTTER, CHEESE, EGGS, POULTRY, AND DRESSED DOMESTIC RABBITS

AMENDMENT

Strike out § 55.60 and insert a new section to read as follows:

§ 55.60 *When drawn poultry and drawn rabbits may be graded and labeled with their proper U. S. grade.* Drawn or eviscerated poultry and domestic rabbits shall not be labeled with their proper U. S. grade unless the carcasses have been previously inspected and certified for condition and wholesomeness under the Rules and Regulations of the Secretary of Agriculture Governing the Inspection and Certification of Dressed Poultry and Dressed Domestic Rabbits for external condition and of dressed poultry and dressed domestic rabbits and edible products thereof for condition and wholesomeness. The poultry and domestic rabbits shall be graded before they are eviscerated: *Provided, however,* That drawn poultry or drawn domestic rabbits which have not been previously inspected for condition and wholesomeness may be accepted as complying with contract specifications when offered for delivery to agencies, activities, or institutions where the product is to be consumed and will not be offered for public sale. (55 Stat. 468; 7 U.S.C., Sup., 414.)

Done at Washington, D. C., this 20th day of February 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-1528; Filed, February 20, 1942; 11:38 a. m.]

[1] 6 F R. 3623. 5027.

This issue is in two parts, the second of which contains price schedules reprinted in accordance with the provisions of section 206 of the Emergency Price Control Act of 1942.

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Regulations, Serial No. 205]

PART 40—AIR CARRIER OPERATING CERTIFICATION

SPECIAL REGULATION, CIVIL AIR REGULATIONS, AUTHORIZING UNITED AIR LINES TO OPERATE AIRCRAFT INTO THE NEW ROCK SPRINGS MUNICIPAL AIRPORT UPON CERTAIN CONDITIONS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 17th day of February 1942.

Having had under consideration the regular use of the New Rock Springs Municipal Airport in scheduled air transportation,

The Board finds that:

1. The New Rock Springs Municipal Airport located at Rock Springs, Wyoming, has reached a stage of construction which will permit its regular use by aircraft operated in scheduled air transportation;

2. First pilots serving in air transportation for the United Air Lines Transport Corporation between Denver, Colorado, or Cheyenne, Wyoming, and Salt Lake City, Utah, fly within sight of the New Rock Springs Municipal Airport and have become familiar with this airport through examination from the air, so that compliance with the provisions of the Civil Air Regulations requiring each first pilot to have landed once at each terminal, scheduled intermediate stop, and intermediate field is not required in the interest of safety, provided that the familiarity of the first pilot with the New Rock Springs Municipal Airport be sufficiently demonstrated as hereinafter provided.

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FEDERAL REGISTER

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Now, therefore, The Civil Aeronautics Board acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 of said Act, makes and promulgates the following Special Regulation:

Notwithstanding the provisions of the Civil Air Regulations requiring a first pilot of an air carrier, prior to carrying passengers in scheduled air transportation, to have landed at least once at each terminal, scheduled intermediate stop and intermediate field located along the route or part thereof on which he will pilot aircraft, any first pilot listed in the United Air Lines Transport Corporation's airmen competency letter at the time said air carrier is authorized to commence operations at the New Rock Springs Municipal Airport as qualified to operate an aircraft in scheduled air transportation between Denver, Colorado, or Cheyenne, Wyoming, and Salt Lake City, Utah, may operate aircraft into and out of the New Rock Springs Municipal Airport in such air transportation upon furnishing to the United Air Lines Transport Corporation and to the Chief, Air Carrier Branch of the Civil Aeronautics Administration for the Third Region, Chicago, Illinois, a satisfactory sketch of the New Rock Springs Municipal Airport and a written inspection report describing its conditions, construction, and surrounding terrain. Such sketch and report shall be preserved by the United Air Lines as specified in section 40.2611 (b) of the Civil Air Regulations for written reports and sketches of intermediate fields. Each pilot must give evidence satisfactory to the Administrator's representative of his thorough familiarity with the form and condition of the field and with the location and nature of the obstructions around it.

By the Civil Aeronautics Board:

[SEAL] DARWIN CHARLES BROWN, *Secretary.*

[F. R. Doc. 42-1504; Filed, February 20, 1942; 9:34 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 230—RULES AND REGULATIONS, SECURITIES ACT OF 1933

RULE RELATING TO DISCLOSURE OF INFORMATION CONTRAVENING CODE OF WARTIME PRACTICES

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly section 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, hereby adopts the following rule:

§ 230.171 *Disclosure contravening code of wartime practices.* (a) The Commission may, upon its own initiative or upon application, authorize or direct the omission of specific information from any registration statement, prospectus or other document filed with the Commission or used in connection with the offering or sale of any securities, if publication of the information would, in the opinion of the Commission acting in cooperation with the United States Government Office of Censorship, contravene the Code of Wartime Practices promulgated by that Office.

(b) Any issuer, underwriter or other distributor of securities may apply to the Commission for an opinion pursuant to paragraph (a). Applications may be made by informal letter and need contain only so much of the information in question as may be necessary in the particular case to enable the Commission to pass upon the application in regard thereto.

(c) In any case where information is omitted pursuant to this rule the Commission may authorize or direct the filing of such information with the Commission under separate confidential cover.

(d) Any requirement to the contrary notwithstanding, no registration statement, prospectus or other document filed with the Commission or used in connection with the offering or sale of any securities shall contain any information the omission of which the Commission shall have authorized or directed, or which the Commission shall have directed to be filed under separate confidential cover, pursuant to this rule. (Sec. 19, 48 Stat. 85; Sec. 209, 48 Stat. 908; 15 U.S.C. 77s.) [Rule 171, effective February 19, 1942]

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1535; Filed, February 20, 1942, 11:52 a. m.]

PART 240—RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

RULE RELATING TO DISCLOSURE OF INFORMATION CONTRAVENING CODE OF WARTIME PRACTICES

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Exchange Act of 1934, particularly section 23 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors, hereby adopts the following rule.

§ 240.6 *Disclosure contravening code of wartime practices.* (a) The Commission may, upon its own initiative or upon application, authorize or direct the omission of specific information from any application for registration, report, proxy statement or other document filed with the Commission or any securities exchange, if publication of the information would in the opinion of the Commission, acting in cooperation with the United States Government Office of Censorship, contravene the Code of Wartime Practices promulgated by that Office.

(b) Any issuer or other person who is about to file any such document with the Commission or an exchange may apply to the Commission for an opinion pursuant to paragraph (a). Applications may be made by informal letter and need contain only so much of the information in question as may be necessary in the particular case to enable the Commission to pass upon the application in regard thereto.

(c) In any case where essential information is omitted pursuant to this rule the Commission may authorize or direct the filing of such information with the Commission under separate confidential cover.

(d) Any requirement to the contrary notwithstanding, no application for registration, report, proxy statement, or other document filed with the Commission or any securities exchange shall contain any information the omission of which the Commission shall have authorized or directed, or which the Commission shall have directed to be filed under separate confidential cover, pursuant to this rule. (Sec. 23, 48 Stat. 901; Sec. 8, 49 Stat. 1379; 15 U.S.C. 78w) [Rule X-6, effective February 19, 1942]

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc 42-1534; Filed, February 20, 1942; 11:52 a. m.]

PART 250—RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

RULE RELATING TO DISCLOSURE OF INFORMATION CONTRAVENING CODE OF WARTIME PRACTICES

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly section 20 (a) thereof, and deeming such action necessary and appropriate to carry out the provisions of the Act, hereby adopts the following rule:

§ 250.105 *Disclosure contravening Code of Wartime Practices.* (a) The Commission may, upon its own initiative or upon application, authorize or direct that specific information be omitted from any notification, statement, application, declaration, report or other document filed with the Commission under the Act, and be filed under separate confidential cover if publication of the information would, in the opinion of the Commission acting in cooperation with the United States Government Office of Censorship, contravene the Code of Wartime Practices promulgated by that Office.

(b) Any person who is about to file any such document with the Commission may apply to the Commission for an opinion pursuant to paragraph (a). Applications may be made by informal letter and need contain only so much of the information in question as may be necessary in the particular case to enable the Commission to pass upon the application in regard thereto.

(c) Any requirement to the contrary notwithstanding, no notification, statement, application, declaration, report or other document filed with the Commission under the Act shall contain any information which the Commission shall have authorized or directed to be filed under separate confidential cover pursuant to this rule. (Sec. 20, 49 Stat. 833; 15 U.S.C. 79) [Rule U-105, effective February 19, 1942]

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1536; Filed, February 20, 1942; 11:52 a. m.]

TITLE 18—CONSERVATION OF POWER

CHAPTER I—FEDERAL POWER COMMISSION

[Order No. 91]

AMENDING THE "PROVISIONAL RULES OF PRACTICE AND REGULATIONS UNDER THE NATURAL GAS ACT, WITH APPROVED FORMS, EFFECTIVE JULY 11, 1938"

FEBRUARY 20, 1942.

The Commission, pursuant to authority vested in it by the Natural Gas Act, particularly sections 7 (as amended February 7, 1942) and 16 thereof, and finding such action necessary and appropriate for carrying out the provisions of said Act, hereby adopts, promulgates and prescribes the following amendments to the "Provisional Rules of Practice and Regulations under the Natural Gas Act, Effective July 11, 1938" as heretofore prescribed and amended:

Part 57 be and it is hereby amended to read as follows:

PART 57—APPLICATIONS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY UNDER SECTION 7 OF THE NATURAL GAS ACT AS AMENDED

Applications under section 7 (c) as amended for certificates for continued operation based on bona fide operation on February 7, 1942 (under "grandfather" clause).

§ 57.1 *Contents of application.* Every application for a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act as amended for continued operation based on bona fide operation on February 7, 1942, shall be filed with the Commission on or before May 8, 1942 and shall set forth in the order indicated the following:

(a) The exact legal name of the applicant; if the applicant is a corporation, the state or territory under the laws of which the applicant is organized, the location of applicant's principal place of business, and the names of all states where applicant is authorized to do business.

(b) The same data required by paragraph (a) above with respect to any predecessor in interest of the applicant bona fide engaged in the transportation or sale of natural gas subject to the jurisdiction of the Commission on February 7, 1942.

(c) The name, title, and post office address of the person to whom correspondence or communications in regard to the application is to be addressed. Unless advised to the contrary, the Commission will serve all notices, orders, and other papers, service of which is required, upon the person so named herein.

(d) A statement of pertinent facts showing that applicant or a predecessor in interest of applicant was a natural-gas company within the meaning of the Natural Gas Act and was *bona fide* engaged in transportation of natural gas in interstate commerce or sale of natural gas in interstate commerce for resale on February 7, 1942, and that applicant is entitled to a certificate of public convenience and necessity under section 7 (c) of the Natural Gas Act as amended.

Without limitation upon the requirements of the paragraph next above, such statement shall include a showing of:

(1) The sources of the gas (i) produced by applicant or predecessor and (ii) purchased by applicant or predecessor. In case of gas produced, give the approximate location of the fields and the points of delivery, and in the case of gas purchased, the names of the sellers and points of delivery.

(2) The route or routes of the pipe lines over which such transportation or sale of natural gas was accomplished.

(3) The communities actually served on February 7, 1942 (i) at wholesale and (ii) at retail.

(4) The names of, and points of delivery to, main line industrial customers (i. e., not located within communities under (3) above) purchasing 25,000 M. c. f. or more per year. Such main line industrial customers, purchasing 100,000 M. c. f. or more per year, shall be given the identifying designations I–1, I–2, etc., which designations shall be used in lieu of names on Exhibit B of the application.

(5) Major appurtenant properties and facilities, such as compressor stations, gasoline plants, dehydration plants, purification plants, and gas storage projects.

(e) A similar statement of pertinent facts showing that applicant, or predecessor in interest, if any, has been *bona fide* engaged in the operations described in paragraph (d) continuously since February 7, 1942.

Notice of the application shall be given by applicant by service of a true copy of the application (without the exhibits provided for in § 57.2 following) upon the state regulatory commission, agency, or official having authority to regulate the transportation or sale of gas in every state in which applicant operated on February 7, 1942, or upon the governor of the state when there is no such state regulatory commission, agency, or offi-

cial, by delivery of said copy in person or by registered mail.*

*§§ 57.1 to 57.4, inclusive, issued under the authority contained in secs. 7, 16, 52 Stat. 824, 830; Pub. 444, 77th Cong., 2d sess.; 15 U.S.C. 717f, 717o.

§ 57.2 *Necessary exhibits.* There shall be filed with the application as a part thereof the following exhibits. Any information required which is already on file with the Commission may be incorporated by reference. If applicant is unable to file any designated exhibit on or before May 8, 1942, a statement setting forth the reasons for such failure should be submitted in lieu of the appropriate lettered exhibit and a further extension of time for filing the exhibit, not to exceed 90 days, may be granted by the Commission. The following required exhibits are designed to amplify paragraphs (a) through (e) of § 57.1.

Exhibit A—If applicant is a corporation, a certified copy or photostat of its articles of incorporation and by-laws.

Exhibit A-1—If applicant is a corporation certified copies or photostats of any and all evidences of domestication in or authorization to do business in any state or states other than the state of incorporation involved in the application.

Exhibit A-2—If applicant is an individual or group of individuals, satisfactory proof of the citizenship of such individual or individuals.

Exhibit A-3—A certified copy or photostat of the resolution of the board of directors or other similar legal authority authorizing the filing of the application.

Exhibit B—A general key map of applicant's facilities in use on February 7, 1942, for the production, transportation, or sale of natural gas showing:

(1) The location of gas fields from which gas is produced by applicant or affiliated companies or at which gas is purchased by applicant.

(2) The location of applicant's pipe lines and the diameters thereof.

(3) The points of connection with the facilities or pipe line systems of other companies.

(4) The designation of points of delivery of gas to applicant's system.

(5) The communities served at wholesale and at retail, indicating those served at wholesale by a small square and those at retail by a small circle.

(6) The designation of points of delivery of gas from applicant's system, including points of delivery to main line industrial customers purchasing 100,000 M. c. f. or more per year. Such main line industrial customers are to be designated I-1, I-2, etc. as indicated in § 57.1 (d) above.

The map should be of sufficient scale and in sufficient detail to show the geographical location of the properties. Applicant may be required to furnish the Commission with additional alignment or field maps in support of the application.

Every natural-gas company is hereby ordered and required to keep on hand in its offices subsidiary alignment and field maps properly marked and maintained showing all the facts required in connection with Exhibit B above with sufficient certainty to establish beyond doubt the extent and location of its said facilities in use on February 7, 1942, and to be prepared to furnish information relative thereto or copies thereof at any time to the Commission.

Exhibit C—Certified copy of any order or franchise of any state or municipal agency authorizing applicant's or predecessor's operations and of any order authorizing transfer of such authority to applicant.

Exhibit D—An affidavit of the required service of copies of the application by delivery or registered mail in compliance with the provisions of Sec. 57.1 above, specifying the name and address of the state commission, agency, or official served, with the date and place of service.

Exhibit E—The applicant may submit as many additional exhibits as may be deemed essential for consideration of the application. Such exhibits may be identified as Exhibit F, etc., or may be given sub-numbers, such as Exhibit C-1, etc., as appropriate.*

§ 57.3 *Form of filing.* An application under §§ 57.1 and 57.2 shall be in compliance with §§ 50.31 to 50.40, and in addition the original of the application (which shall include the originals of all exhibits accompanying said application) shall be verified under oath by a person having knowledge of the matters therein set forth.*

§ 57.4 *Other information.* The applicant may be required to furnish such additional information as the Commission may deem pertinent.*

The amendments to the "Provisional Rules of Practice and Regulations under the Natural Gas Act" adopted, promulgated and prescribed by this order shall become effective February 25th, 1942; and the Secretary of the Commission shall cause publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R Doc. 42-1541; Filed, February 20, 1942; 12:17 p. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PARTS 130 AND 131, APPENDIX

PUBLIC CIRCULAR NO. 16 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.[1]

FEBRUARY 18, 1942.

(1) Attention is directed to the fact that pursuant to the Order the provisions thereof have been automatically extended to all of British Malaya to the same extent as the provisions of the Order apply to any other blocked country.

(2) For the purpose of administering the Order and complying with the provisions thereof, British Malaya shall be deemed to be a foreign country separately designated in the Order and specifically named in section 3 thereof. The definition of the term "national" as applied to British Malaya shall be that specified in paragraph E of section 5 of the Order.

(3) General License No. 13[2] is hereby amended by the deletion of the word "Singapore" from subdivisions (a) and (b) of paragraph (1) thereof.

(4) Attention is directed to the fact that, by reason of temporary control and occupation by the military, naval, and police forces and other authority of Japan, British Malaya is no longer included within the generally licensed trade area as defined in General License No. 53.[3]

(5) No transaction shall be deemed to require a license solely because it involves property in which a blocked country or national thereof had an interest which was extinguished prior to the date of the extension of the Order to such country.

(6) As used herein, the term "British Malaya" shall be deemed to include the Straits Settlements and the Malay States, both federated and unfederated. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.)

[SEAL] E. H. FOLEY, Jr., *Acting Secretary of the Treasury.*

[F. R. Doc. 42-1498; Filed, February 19, 1942; 12:42 p. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

PUBLIC CIRCULAR NO. 15 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

FEBRUARY 18, 1942.

General Licenses Nos. 49,[4] 50,[5] 52,[6] and 70[7] are amended by deleting the text of the paragraph numbered "(4)" in General License No. 49 and the texts of the paragraphs numbered "(5)" in General Licenses Nos. 50, 52, and 70 and by substituting the following in each of such paragraphs for the matter so deleted:

A report on Form TFR-149 shall be filed promptly in duplicate with the appropriate Federal Reserve Bank by any banking institution within the United States:

(a) through which any remittance in excess of $5,000 originates; or

(b) which issues, confirms, or advises any letter of credit involving an amount in excess of $5,000; or

(c) which debits any blocked account in an amount in excess of $5,000 for any single item

under the authority of this general license.

Banking institutions within the United States shall also file monthly reports on Form TFER-1 with the appropriate Federal Reserve Bank indicating the total of all debits and, separately, the total of all credits effected pursuant to the provisions of this general license. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941.)

[SEAL] E. H. FOLEY, Jr., *Acting Secretary of the Treasury.*

[F. R. Doc. 42-1497; Filed, February 19, 1942; 12:42 p. m.]

[1] This public circular affects Parts 130 and 131 and will be included in appendices to those parts.

[2] 6 F.R. 3946.
[3] 6 F.R. 6792.
[4] 6 F.R. 3057.
[5] 6 F. R. 3404.
[6] 6 F.R. 4046.
[7] 6 F.R. 4534, 5217, 6614.

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 977—MANILA FIBER AND MANILA CORDAGE

Amendment No. 3 to General Preference Order No. M-36 To Conserve the Supply and Direct the Distribution of Manila Fiber and Manila Cordage

Section 977.1 General Preference Order No. M-36[1] is hereby amended to read as follows:

Whereas the uncertainty of future shipments of Manila Fiber from abroad and national defense requirements for Manila Cordage have created a shortage thereof for defense, for private account and for export, and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 977.1 *General Preference Order M-36*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* For the purposes of this Order:

(1) "Manila Fiber" means fiber which is commonly known in the trade by this term and also known as Abaca or Manila Hemp (either stripped or decorticated), Sumatra Abaca, and Panama Abaca, except that Manila Fiber does not mean the fiber of grades T, O, W, or Y, as established by the Insular Government of the Philippine Islands.

(2) "Manila Cordage" means cables and ropes $^3/_{16}$" in diameter and larger, and twines used for fishing nets, in which Manila Fiber either alone or in combination with other materials is used.

(3) "Class A Cordage" means Manila Cordage which contains such a combination of grades of Manila Fiber as will at least equal the fiber quality requirements of Federal Specifications T-R-601a.

(4) "Class B Cordage" means Manila Cordage which contains such a combination of grades of Manila Fiber as will give a Becker value not in excess of thirty-nine, such Becker value to be determined according to the methods set forth in said Federal Specifications T-R-601a.

(5) "Cordage Processor" means any Person other than the Navy Department who spins, twists, weaves, or otherwise uses Manila Fiber in the production of Manila Cordage.

(6) "Processing" means any use of Manila Fiber for the manufacture of any other article or commodity into which the Manila Fiber goes or of which it becomes a part.

(7) "Dealer" means any Person who procures Manila Cordage for storage or for sale, and includes selling agents, warehousemen, and other commercially recognized agents acting for their own account or for others, whether or not acquiring title to such Manila Cordage.

(8) "Basic Monthly Poundage" with respect to any Cordage Processor shall be 70% of the average number of pounds per month of Manila Cordage sold by such processor during the period January 1, 1939 to December 31, 1939.

(c) *Restrictions on deliveries of manila fiber.* No person shall hereafter make or accept delivery of any manila fiber unless specifically authorized by the Director of Industry Operations: *Provided, however,* That deliveries of Manila Fiber may be made:

(1) By and to the Navy Department.

(2) By and to Defense Supplies Corporation.

(3) By and to persons importing or otherwise handling Manila Fiber in accordance with written instructions from the Navy Department or from Defense Supplies Corporation: *Provided,* That such Manila Fiber is to be delivered, either processed or unprocessed, directly, or through one or more other persons, to the Navy Department or to Defense Supplies Corporation.

(4) By importers to Cordage Processors pursuant to contracts entered into on or before the date of this amended Order: *Provided,* That shipments of such Manila Fiber leave the country of origin on or before April 30, 1942.

(5) By importers to Cordage Processors of Manila Fiber rejected by the Navy Department or Defense Supplies Corporation as unfit for their use.

(d) *Restrictions on processing of manila fiber.* (1) Unless specifically authorized by the Director of Industry Operations, no Person shall begin the processing of any Manila Fiber except for the purpose of manufacturing Class A or Class B Cordage for sale or delivery to fulfill the orders hereafter specified in paragraph (e) (3), or such Cordage as may be required to meet the specifications of orders of the War and Navy Departments and the Maritime Commission.

(2) Unless specifically authorized by the Director of Industry Operations, from the date of this Amendment until August 1, 1942, no Cordage Processor shall put into process more Manila Fiber than six times his basic monthly poundage, and after July 31, 1942 no Cordage Processor shall put into process in any one month more Manila Fiber than his basic monthly poundage.

(e) *Restrictions on sales and deliveries of manila cordage.* (1) Unless specifically authorized by the Director of Industry Operations, on and after the date of this Order no Cordage Processor shall sell in any one month more Manila Cordage than his basic monthly poundage.

(2) Unless specifically authorized by the Director of Industry Operations, from the date of this Amendment until August 1, 1942, no Cordage Processor shall deliver more Manila Cordage than six times his basic monthly poundage, and after July 31, 1942 no Cordage Processor shall deliver in any one month more Manila Cordage than his basic monthly poundage.

(3) In addition to the limitations in paragraphs (e) (1), (e) (2), and (e) (4) no Cordage Processor or Dealer shall sell or deliver any Manila Cordage and no Person shall purchase or accept delivery of any Manila Cordage from a Cordage Processor or Dealer except to fill the following:

(i) "Defense Orders" accompanied by:

(*a*) Prime Preference Rating Certificate bearing an A-1-j or higher rating issued by the War Production Board, or by contracting officers of the Army, Navy or the U. S. Maritime Commission, but only if such Manila Cordage is specified in the prime contract involved.

(*b*) Extensions of only such Prime Preference Rating Certificates set forth in (e) (3) (i) (a) as may cover items to be physically incorporated in the prime contract involved. (Such extensions shall not include orders rated under any Preference Rating Order).

(ii) Purchase Orders of the following categories of usage:

(*a*) For use on vessels engaged in the carriage of cargo, as common carriers of passengers, in towage, in lighterage or in fishing for commercial fish markets or canneries, for use in hoisting for loading or discharge of cargo of such vessels, and for usages for shipbuilding.

[1] 6 F.R. 4534, 5217, 6614.

(b) Manila drilling cables for use in oil wells, gas wells and mines.

(c) Manila torpedo line for use in handling explosives.

Provided, however, That each order placed by a Person pursuant to this subparagraph (ii) shall have endorsed thereon, or be accompanied by, a statement manually signed on behalf of such Person by a person duly authorized thereto which shall state: "The undersigned hereby represents that the Manila Cordage covered by this order will be used by the undersigned for and only for the uses specified in sub-paragraph (e) (3) (ii) of Amendment No. 3 to General Preference Order No. M-36."

(iii) Orders placed by Defense Supplies Corporation. Unless specifically authorized by the Director of Industry Operations no Person other than the Army or Navy of the United States shall hereafter order or accept delivery of any Manila Cordage if the amount of Manila Cordage held by or under the control of such Person exceeds one and one-half month's supply for one Person. No Person shall have outstanding at any one time orders for future deliveries of Manila Cordage greater in amount than one month's supply for such person. "Supply" as used in this paragraph means the average monthly amount of Manila Cordage withdrawn from the inventory of such Person, which has been resold or put into actual use by such Person, in the three calendar months immediately preceding the calendar month in which said order is placed or delivery is accepted, excluding from such amount any Manila Cordage purchased from such Person by the Navy Department, War Department, Maritime Commission, Defense Supplies Corporation, and if such Person is a Dealer any Manila Cordage imported by such Person.

(f) *Control of stocks of manila fiber.* Control is hereby taken of the distribution and use of Manila Fiber. Any Manila Fiber at any time hereafter in the inventory of any person shall be sold and delivered by such person if and as specifically directed in any order of the Director of Industry Operations which may be issued whenever the Director of Industry Operations shall determine that a shortage of any particular grade of Manila Fiber for defense, or for private account and for export, renders it necessary or appropriate so to allocate such Manila Fiber in the public interest or to promote the National Defense by so directing its sale and delivery by such person. Any such sale shall be made at the established prices and terms of sale and payment therefor. No person shall dispose of or use Manila Fiber in any manner inconsistent with any such Order.

(g) *Exclusions from this Order.* The terms and provisions of this Order shall not apply to:

(1) Sales and or deliveries by any Cordage Processor or Dealer of Manila Cordage of any class from stocks on hand or in process as of the date of this Amendment of the following types,

(i) Manila lariat rope.

(ii) Manila yacht lariat rope.

(iii) Manila transmission rope.

(iv) Manila left laid spinning lines, not including cordage of cable construction suitable for use as drilling cables even though such products may have been purchased or sold for spinning lines.

(2) Any sales and/or deliveries by any Cordage Processor or Dealer of Manila Cordage which on December 19, 1941 was in the form of cut lengths of less than 200 feet.

(3) Any stock of Manila Cordage which contains no Manila Fiber of the following grades—AB Davao or non-Davao, I Davao, JI Davao, G Davao, S2 Davao—and which is so processed that the Manila Fiber therein contained is combined or mixed with at least an equal amount of fiber other than Manila Fiber, in the hands of a Dealer or Cordage Processor, or in transit on the date of this Amendment, or made from Manila Fiber actually placed on machines by a Cordage Processor on or prior to December 19, 1941.

(h) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Manila Fiber conserved, or that compliance with this Order would disrupt or impair, a program of conversion from nondefense work to defense work, may appeal to the Director of Industry Operations by letter or telegram, Ref: M-36, setting forth the pertinent facts and the reason he considers he is entitled to relief, or upon such form or forms as may hereafter be prescribed. The Director of Industry Operations may thereupon take such action as he deems appropriate. Applications for specific exceptions from the limitations of paragraph (e) (3) should be made in writing by the person desiring to use the Cordage.

(i) *Reports.* Every Importer, Processor, or other Person affected by this Order shall file such monthly and other reports with the War Production Board as shall from time to time be required by said office, and shall submit from time to time to an audit and inspection by representatives of the War Production Board concerning all records required to be kept by this Order.

(j) *Records.* All persons affected by this Order shall keep and preserve for not less than two (2) years accurate and complete records concerning inventories, production, sales and other transactions effected pursuant to this Order.

(k) *Violations.* Any Person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to the Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for such prosecution under Section 35 (A) of the Criminal Code (18 U.S.C. 80).

(l) *Reports and correspondence.* All reports to be filed, appeals and other communications concerning this Order, should be addressed to the War Production Board, Washington, D. C., Reference M-36.

(m) *Effective date.* This Amendment shall take effect immediately, and shall continue in effect until terminated by further Order. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 20th day of February 1942.

JAMES S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1539; Filed, February 20, 1942; 11:56 a. m.]

PART 1050—DISTILLED SPIRITS

Supplementary Order No. 3 to General Preference Order No. M-69[1] to Conserve the Supply and Direct the Distribution of Distilled Spirits

§ 1050.4 *Supplementary Order 3.* (a) The Distilled Spirits production capacity of Distilleries may not be used for the production of spirits for beverage use. Such Distilled Spirits production capacity may only be used to produce Distilled Spirits for:

(1) Storage for industrial purposes, or

(2) Sale or delivery to Lend-Lease, industrial alcohol plants, consumers of industrial alcohol, pursuant to General Preference Order No. M-30, amended, or to Reconstruction Finance Corporation.

(b) This Order shall take effect immediately. (P.D. Reg. 1, amended, December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.).

Issued this 20th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1538; Filed, February 20, 1942; 11:56 a. m.]

PART 1090—AGAVE FIBER

General Preference Order M-84 to Conserve the Supply and Direct the Distribution of Agave Fiber and Agave Cordage and Twine

Whereas the uncertainty of future shipments of Agave Fiber from abroad and national defense requirements for Agave Cordage and Agave Twine have created a shortage thereof for defense and for private account and for export, and it is necessary in the public interest and to promote the defense of the United

[1] 7 F.R. 224.

States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 1090.1 *General Preference Order M-84.*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Definitions.* For the purposes of this Order:

(1) "Agave fiber" means agave fiber of the species of agave sisalana, agave fourcroydes, and agave cantala, of all grades and qualities including tow, waste, fiber under 20" in length, commonly known in the trade as sisal, henequen, cantala and maguey, and sometimes preceded by an adjective designating the country or district of origin.

(2) "Agave cordage" means cables and ropes $^3/_{16}$" in diameter and larger, in which agave fiber either alone or in combination with other materials is used.

(3) "Processor" means any Person who spins, twists, weaves or otherwise uses "Agave Fiber" in the production of cordage, twine or any other product. For the purpose of this Order the term "Cordage Processor" shall also mean any Person who imports Agave Cordage and/or Twine.

(4) "Processing" means any use of Agave Fiber for the manufacture of any article or commodity into which Agave Fiber goes or of which it becomes a part.

(5) "Dealer" means any person who procures Agave Cordage or Agave Twine for storage or for sale, and includes selling agents, warehousemen, and other commercially recognized agents acting for their own account or for others, whether or not acquiring title to such Agave Cordage or Agave Twine.

(6) "Wrapping twine" means twine, including lath yarns (ply and yarn goods) as included in National Bureau of Standards Simplified Practice Recommendation R 92-38, and any other twine suitable for the same purposes for which those twines described in said Simplified Practice Recommendation R 92-38 are used, which contains Agave Fiber, but shall not include Binder Twine.

(7) "Binder twine" or "Binding Twine" means a single yarn twine, manufactured of Agave Fiber, measuring 500 feet, 550 feet, 600 feet or 650 feet to the pound, with a plus or minus tolerance of 5 per centum which contains a lubricant of not less than 10 per centum of the total weight of the twine and an insect repellent, and is put up in balls of approximately 5 or 8 pounds each, and is suitable for use with a harvesting machine, and is used in the harvesting of agricultural products.

(c) *Restrictions on deliveries of Agave fibers.* No Person shall hereafter make or accept delivery of Agave Fiber, of any grade or quality, unless specifically authorized by the Director of Industry Operations: *Provided, however,* That deliveries of Agave Fiber may be made:

(1) By and to Defense Supplies Corporation.

(2) By and to persons importing or otherwise handling Agave Fiber in accordance with written instructions from Defense Supplies Corporation, provided that such Agave Fiber is to be delivered, either processed or unprocessed, directly, or through one or more other persons to Defense Supplies Corporation.

(3) By importers to Processors pursuant to contracts entered into on or before the date of this Order.

(4) By importers to Processors, where such Agave Fiber has been rejected by Defense Supplies Corporation as unfit for its use.

(d) *Restrictions on processing of Agave fibers.* No Processor shall hereafter process any Agave Fiber:

(1) For manufacturing Wrapping Twine, in excess of the following percentages of his average monthly sales for the 12 months January 1, 1941 to December 31, 1941, inclusive:

	Per cent
February 1942	80
March 1942	70
April 1942 and each month thereafter	65

(2) For manufacturing Binder Twine during the year ending July 31, 1942 in excess of an amount which, with any Twine on hand manufactured previously, equals 110% of that Processor's total sales of Binder Twine in the United States during the twelve months ending October 31, 1941: *Provided, however,* That the Director of Industry Operations may increase pro rata the amount of Agave fiber which Processors are allowed to process if, in the Director's opinion, additional amounts are needed to handle the 1942 harvest of agricultural products.

(3) For manufacturing carpet yarns, except to the extent that such fibers have actually been put into process on or before the date of this Order.

(4) For manufacturing padding or stuffing, except to the extent that such fibers have actually been put into process upon the machine on the date of this Order or are less than 20 inches in length or are composed of tow or waste.

(e) *Restrictions on purchases and sales of wrapping twine.* (1) No Dealer shall order, purchase, or accept deliveries of an amount of Wrapping Twine which will result in such Dealer having possession of an amount in excess of a 60 days' supply, based on his average monthly sales for the previous three months.

(2) No Person other than a Dealer shall order or accept delivery of any Wrapping Twine if the amount of Wrapping Twine held by or under the control of such Person exceeds one and one-half months' supply for such Person. No Person other than a Dealer shall have outstanding, at any one time, orders for future deliveries of Wrapping Twine greater in amount than one month's supply for such Person. "Supply", as used in this paragraph, means the average monthly amount of Wrapping Twine withdrawn from the inventory of such Person which has been resold or put into actual use by such Person, in the three calendar months immediately preceding the calendar month in which said order is placed or delivery is accepted, excluding from such amount any Wrapping Twine purchased from such Person by the Navy Department, War Department, Maritime Commission or Defense Supplies Corporation.

(f) *Restrictions on purchases, sales and use of binder twine.* No Person shall hereafter sell, purchase, deliver, accept delivery of or use any Binder Twine except for the growing or harvesting of agricultural products or sewing up bags containing such products and any Person purchasing any Binder Twine pursuant to this paragraph (f) shall endorse on his order for such Binder Twine or accompany said order with, a statement manually signed on behalf of such Person by a person duly authorized thereto which shall state: "The undersigned hereby represents that the Binder Twine covered by this Order will be either resold or used by the undersigned for and only for one or more of the uses specified in paragraph (f) of General Preference Order M-84."

(g) *Control of stocks of Agave Fiber.* Control is hereby taken of the distribution and use of Agave Fiber. Any Agave Fiber at any time hereafter in the inventory of any person shall be sold and delivered by such person if, and as, specifically directed in any order of the Director of Industry Operations which may be issued whenever the Director of Industry Operations shall determine that a shortage of any particular grade of Agave Fiber for defense, or for private account and for export, renders it necessary or appropriate so to allocate such Agave Fiber in the public interest, or to promote the National Defense by so directing its sale and delivery by such person. Any such sale shall be made at the established prices and terms of sale and payment therefor. No person shall dispose of or use Agave Fiber in any manner inconsistent with any such order.

(h) *Reports.* (1) Every Importer, Processor or other Person affected by this Order shall file such monthly and other reports with the War Production Board as shall from time to time be required by said office, and shall submit from time to time to an audit and inspection by representatives of the War Production Board concerning all records required to be kept by this Order.

(2) Each cordage processor shall at the request of the War Production Board on forms and in the manner prescribed, furnish all the information asked necessary to effect the terms of this Order.

(i) *Appeal.* Any Person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Agave Fiber conserved, or that compliance with this Order would disrupt or impair a program of

conversion from nondefense to defense work, may appeal to the War Production Board by letter or telegram: Ref: M-84, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(j) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(k) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to:

WAR PRODUCTION BOARD
Washington, D. C. Ref.: M-84

(l) *Violations.* Any Person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(m) *Effective date.* This Order shall take effect upon the date of issuance hereof, and, continue in force until revoked by the Director of Industry Operations. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess. as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 20th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1540; Filed, February 20, 1942; 11:56 a. m.]

PART 1093—SXP COTTON SEED

General Preference Order No. M-92 To Conserve the Supply and Direct the Distribution of Domestically Produced SXP Cotton Seed

Whereas, the uncertainty of future shipments of Egyptian cotton from abroad and national defense requirements for extra long staple cotton have created a shortage of the supply thereof for defense, for private account, and for export, and it is necessary in the public interest and to promote the national defense to conserve and allocate the existing supply of domestically produced SXP cotton seed in the manner and to the extent hereinafter in this Order provided:

Now, therefore, it is hereby ordered, That:

§ 1093.1 *General Preference Order M-92—(a) Applicability of priorities regulation No. 1.* This Order and all transactions affected hereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* For the purposes of this Order

(1) "SXP Cotton Seed" shall mean the seed of the cotton plant Gossypium Barbadense, variety SXP, grown in the Continental United States of America.

(c) *Restrictions on the use of SXP cotton seed.* No oil mill or cotton gin in the States of Texas, New Mexico, or Arizona, shall hereafter sell or use any SXP cotton seed unless and until it has been inspected by a duly authorized representative of the Secretary of Agriculture and found suitable or unfit for planting. Any SXP seed found by such representative to be unfit for planting, by determination on Form PD-287, shall be free from restriction hereunder, except that it shall not be sold or used for planting. Any such seed found to be suitable for planting shall be subject to the provisions of paragraph (d).

(d) *Restrictions on deliveries of SXP cotton seed and assignment of Preference Ratings.* Notwithstanding anything in Priorities Regulation No. 1 to the contrary, no oil mill or cotton gin in the States of Texas, New Mexico, or Arizona shall hereafter sell or otherwise transfer title to, or make any deliveries of, and no Person shall purchase or accept delivery of SXP cotton seed found by a duly authorized representative of the Secretary of Agriculture to be suitable for planting, by determination on Form PD-288, except upon the following categories of purchase orders:

(1) Purchase orders placed by Persons either:

(i) Heretofore engaged in the growing of SXP cotton, or

(ii) Having available acreage of land, the physical characteristics and composition whereof are suitable for the growing of SXP cotton,

and found to be in either of such categories by a duly authorized representative of the Secretary of Agriculture. Such orders are hereby assigned a preference rating of B-1, and acceptance thereof is required as provided in Priorities Regulation No. 1.

(2) Such other purchase orders as may from time to time be specifically authorized by the Director of Industry Operations, and acceptance whereof may be required by said Director.

(e) *Application of Preference Rating.* Any person, in order to apply the preference rating assigned by paragraph (d) (1) to deliveries to him, must:

(1) Endorse on each purchase order which is covered by the rating assigned hereunder, a statement in the following form, signed by an official duly authorized for such purpose, specifying the rating assigned and the appropriate Serial Number or Numbers:

Preference Rating B-1 is applied hereto under Preference Rating Order M-81, with the terms of which Order the undersigned is familiar.

(Name of Producer or Supplier)
By ----------
(Duly Authorized Official)

Such endorsement shall constitute a representation to the War Production Board and the Supplier with whom the purchase order is placed that such order or contract is duly rated in accordance herewith.

(2) Furnish with each purchase order, a certificate of a duly authorized representative of the Department of Agriculture in the following form, or obtain the endorsement of the following on such purchase order:

The above Person has heretofore been engaged in the growing of SXP cotton, or has available acreage of land, the physical characteristics or composition whereof are suitable for the growing of SXP cotton.

Signature of Duly Authorized Representative of the Secretary of Agriculture.

(f) *Appeals.* Any Person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of SXP cotton seed conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Director of Industry Operations, Reference M-92, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(g) *Reports.* Each cotton oil mill or gin in the States of Texas, New Mexico, and Arizona, having title, possession or control, on the effective date of this Order, of ten or more bushels of domestically produced SXP cotton seed, shall, on or before the close of business on the tenth day after the effective date of this Order, report in writing to the duly authorized representatives of the Secretary of Agriculture in the State in which such mill or gin is located, as tabulating agents for the War Production Board, setting forth the number of bushels of such SXP cotton seed owned by such Person and the location thereof. Failure to make such a report on the part of any Person shall be deemed a representation to the Government, subject to the penalties of section 35 (A) of the United States Criminal Code, that such Person does not have title to, possession or control of such quantities of SXP cotton seed.

(h) *Records.* Every Person receiving copies of Forms PD-287 and PD-288, duly executed hereunder, or of purchase orders endorsed as required by paragraph (e), shall keep and preserve such Forms and endorsed purchase orders.

(i) *Communications to the War Production Board.* Except as provided in paragraph (g), all reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to:

War Production Board,
Washington, D. C., Ref.: M-92.

(j) *Violations.* Any Person who wilfully violates any provision of this Order or who, by any act or omission, falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under Section 35 (A) of the Criminal Code (18 U. S. C. 80).

(k) *Effective date.* This Order shall take effect upon the date of issuance hereof and shall expire on May 1, 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 20th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1537; Filed, February 20, 1942; 11:57 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1309—COPPER AND COPPER ALLOYS

AMENDMENT NO. 4 TO PRICE SCHEDULE NO. 20 [1]—COPPER & COPPER ALLOY SCRAP

Pursuant to the authority vested in me by Section 2 (a) of the Emergency Price Control Act of 1942 and in accordance with Procedural Regulation No. 1 [2], issued by the Office of Price Administration, § 1309.61 is hereby amended by adding thereto the clause set forth below. A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith [3]:

§ 1309.61 *Maximum prices for copper and copper alloy scrap.*

* * *: *Provided*, That this Schedule shall not apply where all of the following conditions exist:

(a) Prior to March 15, 1942, delivery of copper alloy scrap has been received by a consumer, or by a carrier, other than a carrier owned or controlled by the seller, for shipment to a consumer, and

(b) Such delivery was made pursuant to a written contract entered into prior to February 6, 1942, and

(c) The consumer had filed with the Office of Price Administration prior to February 27, 1942, a copy of such contract certified by the consumer to be a true and correct copy of the original. (Pub., No. 421, 77th Cong., 2d Sess.)

This Amendment No. 4 shall become effective February 27, 1942.

Issued this 19th day of February 1942.

LEON HENDERSON,
Price Administrator.

[F. R. Doc. 42-1408; Filed, February 19, 1942; 4:46 p. m.]

[1] 7 F.R. 815, 905.
[2] 7 F.R. 971.
[3] The statement of considerations has been filed with the Division of the Federal Register.

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

AMENDMENT NO. 2 TO RATIONING ORDER NO. 2 [1]—NEW PASSENGER AUTOMOBILES

Section 1360.102 the first paragraph is amended to read as follows; two new subdivisions (v) and (vi) are added to § 1360.102 (c) (2); a new paragraph "Evidence" is added at the end of § 1360.102; four new sections 1360.201, 1360.202, 1360.203, and 1360.204 are added as set forth below:

§ 1360.102 *Persons eligible to acquire new passenger automobiles by transfers with certificates issued by local Rationing Boards.* On and after February 12, 1942 any person who, on or before January 1, 1942, purchased, but did not receive delivery of, a new passenger automobile is eligible to receive a certificate permitting him to acquire such new passenger automobile if he or his authorized agent makes application on or before March 2, 1942, and produces before the Board:

* * * * *

(c) (2) * * *

(v) An entry in an originally bound order book, or a serially numbered order form, regularly used by the buyer, showing an order by the buyer, entered on or before January 1, 1942, for the new passenger automobile.

(vi) An entry in an order form, regularly used by the buyer showing an order entered by the buyer on or before January 1, 1942 for the new passenger automobile provided that the buyer also produces before the Board a writing, signed by the manufacturer of the automobile, stating that the order entered on such form was also entered on the books of the manufacturer on or before January 1, 1942.

* * * * *

Evidence

The evidence required by this Section may be offered either to the Board having jurisdiction over the applicant or to the Board serving the area in which the transferor does business. If part or all of the evidence is presented to the Board serving the area in which the transferor does business, it shall be certified by the latter Board to the Board having jurisdiction over the applicant.

* * * * *

§ 1360.201 *Sale or transfer of new passenger automobiles by certain persons serving in the armed forces.* Any other provision of Rationing Order No. 2 to the contrary notwithstanding, any person falling within any of the following classes may, upon compliance with the provisions of §§ 1360.202 and 1360.203, sell or transfer to any person any new passenger automobile owned by him for personal use:

(a) Any person who is serving with any branch of the armed forces of the United States

(b) Any person who has received an order for induction into, or has been called for active duty with, any branch of the armed forces of the United States

(c) Any person who has volunteered for, and taken his oath of service for, any branch of the armed forces of the United States.

§ 1360.202 *Procedure for transfer by persons serving in the armed forces.* (a) Any person who believes that he is eligible to transfer a particular new passenger automobile owned by him pursuant to § 1360.201 may apply to the Local Rationing Board having jurisdiction over the area where the automobile is normally garaged or stationed and request a certificate authorizing him to transfer such automobile to a particular person. Request may be made by letter or other writing addressed to the Board and signed by the transferor, or his duly authorized agent, and shall contain:

(1) The name and address of the transferor;

(2) A description of the automobile to be transferred including make, model year, serial number, engine number and body type;

(3) The name and address of the person to whom the automobile is to be transferred;

(4) A statement of the facts required to establish the eligibility of the transferor pursuant to § 1360.201.

(b) The application must be accompanied by an original letter or other writing setting forth the facts necessary to establish the transferor's eligibility pursuant to § 1360.201. Such writing must be signed by an officer of the armed forces authorized to certify the status of the transferor or by a member of the Selective Service Board with which the transferor is registered.

§ 1360.203 *Certification.* Upon being satisfied that the transferor is subject to its jurisdiction and that he is eligible pursuant to § 1360.201, the Board shall issue a certificate on Form R-202 stating that the person named as transferor is eligible to transfer the new passenger automobile to the person named as transferee. Prior to issuing the certificate the Board shall strike the words "Purchased on or before January 1, 1942" from the title of Certificate R-202, and at least two members of the Board shall initial such change of title. Except as herein provided, Certificate R-202 shall be filled in, executed and filed by the persons required to do so pursuant to the instructions thereon contained. No certificate issued pursuant to this section

[1] 7 F.R. 667, 936, 1009.

shall be charged against the quota of the issuing Board.

§ 1360.204 *Effective period of amendments.* (a) Amendment No. 1 (§ 1360.-105 (b)) shall become effective February 11, 1942.

(b) Amendment No. 2 (§§ 1360.102, 1360.102 (c) (2) (v) and (vi), 1360.201, 1360.202, 1360.203 and 1360.204) shall become effective February 21, 1942: *Provided*, That the provisions of §§ 1360.201, and 1360.202 and 1360.203 shall expire March 9, 1942. (Pub. No. 421, 77th Cong., 2d Sess., W.P.B. Directive No. 1, Supplementary Directive No. 1 A, 7 F.R. 562, 698)

Issued this 20th day of February 1942.

LEON HENDERSON,
Price Administrator.

[F. R. Doc 42-1527; Filed, February 20, 1942; 11:20 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER III—GRAZING SERVICE

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

ELIMINATION FROM ARIZONA GRAZING DISTRICT NO. 3 [1]

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. Code, sec. 315, *et seq.*), as amended, commonly known as the Taylor Grazing Act, the departmental order of July 30, 1941, redescribing and adding land to Arizona Grazing District No. 3, is hereby revoked as far as it affects the following-described land:

ARIZONA

GILA AND SALT RIVER MERIDIAN

T. 10 N., R. 8 W.,
Secs. 2, 3, 10, and 11;
T. 11 N., R. 8 W.,
Secs. 25, 26, 27, 34, and 35;
Sec. 36, W½;
T. 11 N., R. 10 W.,
Sec. 11, N½, SE¼;
Secs. 12 and 13;
Sec. 14, E½;
Secs. 24 and 25.

E. K. BURLEW,
Acting Secretary of the Interior.

FEBRUARY 7, 1942.

[F. R. Doc. 42-1503; Filed, February 20, 1942; 9:34 a. m.]

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

ADDITION TO ARIZONA GRAZING DISTRICT NO. 2 [1]

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. Code, sec. 315, *et seq.*), as amended, commonly known as the Taylor Grazing Act, and subject to the limitations and conditions therein contained, Arizona Grazing District No. 2, as established and defined by departmental orders of March 6, 1936, November 3, 1937, and July 30, 1941, is hereby augmented to include all vacant, unappropriated, and unreserved public lands, and all lands withdrawn for other purposes which may hereafter be included in the district in accordance with the provisions of section 1 of the Taylor Grazing Act by approval of the head of the Department having jurisdiction thereover, and all lands hereafter acquired by lease under the provisions of the act of June 23, 1938 (52 Stat. 1033, 43 U. S. Code, sec. 315 m–1, 2, 3, 4), commonly known as the Pierce Act, not excluding lands withdrawn by Executive order of November 26, 1934 (No. 6910), within the following-described legal subdivisions:

ARIZONA

GILA AND SALT RIVER MERIDIAN

T. 12 N., R. 10 W.,
Secs. 7, 18, and 19, those parts in Yavapai County;
Sec. 29, SW¼;
Secs. 30 and 31, those parts in Yavapai County;
Sec. 32, all;
Sec. 33, SW¼.

The Federal Range Code, as revised, shall be effective as to the lands embraced herein from and after the date of the publication of this order in the FEDERAL REGISTER.

E. K. BURLEW,
Acting Secretary of the Interior.

FEBRUARY 7, 1942.

[F. R. Doc. 42-1501; Filed, February 20, 1942; 9:33 a. m.]

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

ADDITION TO ARIZONA GRAZING DISTRICT NO. 3 [1]

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. Code, sec. 315, *et seq.*), as amended, commonly known as the Taylor Grazing Act, and subject to the limitations and conditions therein contained, Arizona Grazing District No. 3, as established and defined by departmental orders of July 14, 1938, January 23, 1939, October 24, 1940, April 9, 1941, July 30, 1941, and November 13, 1941, is hereby augmented to include all vacant, unappropriated, and unreserved public lands, and all lands withdrawn for other purposes which may hereafter be included in the district in accordance with the provisions of section 1 of the Taylor Grazing Act by approval of the head of the Department having jurisdiction thereover, and all lands hereafter acquired by lease under the provisions of the act of June 23, 1938 (52 Stat. 1033, 43 U. S. Code, sec. 315 m–1, 2, 3, 4), commonly known as the Pierce Act, not excluding lands withdrawn by Executive order of November 26, 1934 (No. 6910), within the following-described legal subdivisions.

ARIZONA

GILA AND SALT RIVER MERIDIAN

T. 10 N., R. 7 W., sec. 4, lot 2;
T. 11 N., R. 7 W., sec. 21, S½;
T. 11 N., R. 10 W., sec. 3, SW¼.

The Federal Range Code, as revised, shall be effective as to the lands embraced herein from and after the date of the publication of this order in the FEDERAL REGISTER.

E. K. BURLEW,
Acting Secretary of the Interior.

[F. R. Doc. 42-1502; Filed, February 20, 1942; 9:33 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

NOTE: An order of the Interstate Commerce Commission modifying the Classifications of Investment in Road and Equipment; Operating Revenues and Operating Expenses for Steam Roads, dated February 3, 1942, effective January 1, 1943, was filed with the Division of the Federal Register, February 20, 1942, at 10:58 a. m., F. R. Doc. No. 42-1526. Requests for copies may be addressed to the Interstate Commerce Commission.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1311]

PETITION OF FAIRVIEW COLLIERIES CORPORATION, A CODE MEMBER IN DISTRICT NO. 10, FOR A REDUCTION IN THE EFFECTIVE MINIMUM PRICE FOR SHIPMENTS OF RAILWAY LOCOMOTIVE FUEL FROM ITS FLAMINGO MINE (MINE INDEX NO. 1450) TO THE PEORIA AND PEKIN UNION RAILWAY COMPANY

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 19, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street, N. W., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant of material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 14, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Fairview Collieries Corporation, a code member in District No. 10, for a reduction in the effective minimum price of 31c per ton on shipments of railway locomotive fuel from its Flamingo Mine (Mine Index No. 1450) to the Peoria and Pekin Union Railway Company.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1506; Filed, February 20, 1942; 10:51 a. m.]

[Docket No. B 206]

IN THE MATTER OF FRANCIS WEIDERKEHR, ALSO KNOWN AS FRANCIS WIEDERKEHR, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 29, 1942, pursuant to the provisions of section 4II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 1, 1942, by the Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 28, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Monroe County Court House, Circuit Court Room, Bloomington, Indiana.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That said defendant, whose address is St. Meinrad, Indiana, and whose code membership became effective as of February 8, 1941, during the period February 8, 1941 to October 15, 1941, both dates inclusive,

1. Sold to Carl Rhodes of Dale, Indiana, substantial quantities of (a) 1¼" lump coal at prices ranging from $1.75 to $2.00 or $2.10 per net ton f. o. b. the mine; (b) 1¼" x 0 screenings at prices ranging from 50 cents to $1.00 per net ton f. o. b. the mine, all of which coal was produced by defendant at his Wiederkehr Mine, Mine Index No. 1233, located in Perry County, Indiana, in District No. 11, whereas said coal is classified and priced in the Schedule of Effective Minimum Prices for District No. 11, For Truck Shipments, as follows: (a) 1¼" lump coal classified as Size Group No. 6 and priced at $2.20 per net ton f. o. b. said mine; (b) 1¼" x 0 screenings classified as Size Group No. 14 and priced at $1.40 per net ton f. o. b. said mine.

2. Failed to maintain and keep on file tickets, sales slips, invoices, other memoranda or records, and data as required by Order No. 307, dated December 11, 1940 and Order No. 312, dated February 24, 1941.

Notice is also hereby given that upon determination that the defendant has committed any one or more of the violations as alleged in the complaint, an order may be entered either revoking the code membership of the defendant or directing the defendant to cease and desist from violating the code and regulations made thereunder.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1507; Filed, February 20, 1942; 10:51 a. m.]

[Docket No. B-209]

IN THE MATTER OF HARRY NICKLOW, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 10, 1942, by Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is order, That a hearing in respect to the subject matter of such complaint be held on March 25, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 203, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the

[1] Affects tabulation in § 502.1c.

recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answ r within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That Harry Nicklow, R. F. D. #1, Markleton, Pennsylvania, whose code membership became effective as of October 12, 1938, operator of the Nicklow Mine, Mine Index No. 1844, Subdistrict 40 of District No. 1, Somerset County, Pennsylvania, in violation of section 4 II (e) of the Bituminous Coal Act of 1937 and Part II (e) of the Bituminous Coal Code, sold to various purchasers for truck shipment during the period from October 1, 1940 to April 1, 1941, both dates inclusive, approximately 146 tons of run of mine coal, Size Group 3, produced at said mine at $1.75 per net ton f. o. b. said mine, whereas the effective minimum price for said coal was $2.10 per net ton f. o. b. the mine as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1508; Filed, February 20, 1942; 10:51 a. m.]

[Docket No. B-210]

IN THE MATTER OF EARL MILLER, CLYDE HENRY AND HARRY HENRY, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF MILLER, HENRY AND HENRY, CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 3, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 10, 1942, by Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 26, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division to Room 203, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows: That said defendants, Earl Miller, whose address is R. D. 1, Hooversville, Pennsylvania, Clyde Henry, whose address is Boswell, Pennsylvania and Harry Henry, whose address is R. D. 1, Stoystown, Pennsylvania ,and whose code membership became effective September 28, 1940, wilfully violated Section 4 II (e) of the Bituminous Coal Act of 1937 and Part II (e) of the Code, by selling to various purchasers during the period November 28, 1940 to July 31, 1941, approximately 648 tons of run of mine coal produced by said defendants at their Stufft Mine, Mine Index No. 2618, located in Somerset County, Pennsylvania, Subdistrict 36 of District No. 1, at $1.75 per net ton f. o. b. said mine, whereas said coal was classified as Size Group No. 3 and priced at $2.25 per net ton f. o. b. said mine, as set forth in the Schedule of Effective Minimum Prices for District No. 1 For Truck Shipments, as amended by Order of the Director, dated November 28, 1940, entered in Docket No. A-357.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1509; Filed, February 20, 1942; 10:51 a. m.]

[Docket No. B-212]

IN THE MATTER OF CHARLES BOWERS, AN INDIVIDUAL, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 10, 1942, by Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 25, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 203, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That said defendant, whose address is Curwensville, Pennsylvania, wilfully violated section 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code by selling and delivering to the Franklin Tanning Company during the period February 1941 to August 1941, both dates inclusive, approximately 856.645 tons of run of mine coal produced by said defendant at his Bowers #1 Mine, Mine Index No. 696, located in Clearfield County, Pennsylvania, in Subdistrict 7 of District No. 1 at $2.20 per net ton f. o. b. Franklin Tanning Company, Curwensville, Pennsylvania, a distance of approximately 6 miles from said mine, whereas said coal was classified as Size Group 3 and priced at $2.20 per net ton f. o. b. said mine in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments as amended by Order of the Director dated January 31, 1941, entered in Docket No. A-516. The code member thereby failed to add to said effective minimum price as required by Price Instruction No. 6 contained in Supplement No. 1 to said schedule, 45 cents per net ton, which was the actual charge made by George Marshall, trucker, for delivering said coal from said mine to the Franklin Tanning Company at Curwensville, Pennsylvania.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1510; Filed, February 20, 1942; 10:52 a. m.]

[Docket No. B-218]

IN THE MATTER OF FORKS COAL MINING COMPANY, A CORPORATION, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 3, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 10, 1942, by Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 24, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 203, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That said defendant, whose address is P. O. Box No. 7, Cresson, Pennsylvania, wilfully violated section 4 II (e) and (h) of the Act, Part II (e) and (h) of the Code, and Rule 1 of Section III of the Marketing Rules and Regulations by allowing discounts from the applicable minimum prices in excess of the maximum discounts prescribed by the Division, on sales of approximately 6134.05 tons of various grades and sizes of coal produced by said defendant at its Hughes No. 11 Mine, Mine Index No. 219, located in Cambria County, Pennsylvania, in District No. 1, in the quantities and to the distributors hereinafter set forth, which resulted in said sales being made below the applicable minimum prices set forth in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck:

Purchaser	Date	Discount per ton allowed	Weight in tons
Wyatt, Inc., New Haven, Conn., Reg. No. 2307.	Feb. 1, 1941, to Mar. 12, 1941.	$0.20	88.25
J. O. Pitcher Coal Co., Elmira, N. Y., Reg. No. 7341.	Dec. 5, 1940, to Feb. 6, 1941.	.25	59.9
Percy Heilner & Son, Philadelphia, Pa., Reg. No. 4168.	Dec. 20, 1940, to Feb. 26, 1941.	.25	151.75
Maier Coal Co., Patton, Pa., Reg. No. 6065.	Jan. 10, 1941, to Feb. 10, 1941.	.20	442.2
Howard Coal & Coke Co., Brooklyn, N. Y., Reg. No. 4541.	Dec. 16, 1940 to Mar. 13, 1941.	.25	2,083.9
H. N. Hartwell & Son, Inc., Boston, Mass., Reg. No. 4055.	Oct. 5, 1940, to Mar. 28, 1941.	.25	3,318.05

That said defendant also wilfully violated section 4 II (e) and (i) 6 of the Act, Part II (e) and (i) 6 of the Code, Rule 1 of Section III and Rule 6 of Section XIII of the Marketing Rules and Regulations, by allowing, during the months of January, February, and March, 1941, a cash discount of one-half of one per cent, from the applicable minimum prices for payments made within ten (10) days after delivery on sales and deliveries to the Pennsylvania Railroad Company, at Altoona, Pennsylvania, of approximately 9272.70 tons of run of mine coal produced by said defendant at its said mine.

That said defendant also wilfully violated section 4 II (e) of the Act and Part II (e) of the Code by selling during the period October 1, 1940, to April 30, 1941, approximately 735.75 net tons of mine run coal produced by said defendant at its said mine, to J. Brett, East Side Concrete Supply Company, and W. H. Hoover, respectively, all of Altoona, Pennsylvania, at prices ranging from $1.85 to $2.00 per net ton f. o. b. said mine, whereas said coal is classified as Size Group 3 and is priced at $2.20 per net ton f. o. b. the said mine in the Schedule of Effective Minimum Prices for District No. 1 For Truck Shipments.

That said defendant also wilfully violated section 4 II (e) of the Act and Part II (e) of the Code by selling during the period January 1, 1941, to March 31, 1941, both dates inclusive, five cars or approximately 274.4 net tons of modified mine run, and mine run coals, produced by said defendant at its said mine, to Emerson Mfg. Co., Suncook, New Hampshire, at $1.95 per net ton f. o. b. said mine, whereas said coal is classified as Size Group 3 and priced at $2.20 per net ton f. o. b. said mine in the Schedule of Effective Minimum Prices for District No. 1 For All Shipments Except Truck.

That said defendant also wilfully violated section 4 II (e) and (h) of the Act, Part II (e) and (h) of the Code, and Rule 1 of section III of the Marketing Rules and Regulations, by allowing, during the period October 1, 1940, to March 31, 1941, both dates inclusive, distributor's discounts from the applicable minimum prices on the sales of approximately 1,012.55 net tons of various sized coals, produced by said defendant at its said mine, to H. M. Scott, who was not registered as a distributor by the Division.

That said defendant also wilfully violated section 4 II (e) of the Act and Part II (e) of the Code by selling through C. R. Burkholder to the Penn Hardware Company of Reading, Pennsylvania, during the period from February 3, 1941, to February 5, 1941, both dates inclusive, approximately 97.5 net tons of screen lump coal, Size Group No. 1 produced by said defendant at its said mine at a price of $2.40 per net ton f. o. b. the mine, whereas, the effective minimum price for said coal is $2.45 per net ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 1 For All Shipments Except Truck.

That said defendant also wilfully violated Rule 9 (a) of Section II of the Marketing Rules and Regulations by allowing and paying to C. R. Burkholder a sales commission of 30 cents per net ton on the transactions referred to in the paragraph immediately above, although a certified copy of a sales agency agreement between said defendant and said C. R. Burkholder was not filed with the Division as required by Rule 4 of Section II of the Marketing Rules and Regulations.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1511; Filed, February 20, 1942; 10:52 a. m.]

[Docket No. A-721, Part II]

PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 1193 OF DISTRICT NO. 3, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

MEMORANDUM OFINION AND NOTICE OF AND ORDER FOR REOPENING THE HEARING

District Board No. 3 filed an original petition, pursuant to the Bituminous Coal Act of 1937, in Docket No. A-721, for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 3. Thereafter, an Order Granting Temporary Relief and Conditionally Providing for Final Relief was entered on March 25, 1941, 6 F.R. 1887, in the said docket establishing price classifications and minimum prices for such coals, including the coals of the Duffey Mine, Mine Index No. 1193, of A. B. Holcomb, a code member in District No. 3, for truck shipments. The said Order provided that the minimum prices established therein were temporary for a period of forty-five (45) days and that within that period applications to stay, terminate, or modify such temporary minimum prices or pleadings in opposition to the granting of the permanent relief requested in the original petition might be filed.

Within such period, Eugene L. Campbell et al. (six others), code members in District No. 3 (the "Campbell petitioners"), filed an intervening petition in Docket No. A-721 to modify the temporary minimum prices established for the coals of Mine Index No. 1193 and in opposition to granting the permanent relief requested in the original petition, and requesting that the minimum prices temporarily established for the coals of the said mine be increased in various particulars. Thereafter an Order Reopening Proceedings as to Mine Index No. 1193, Severing Portion of Docket No. A-721 Relating to Mine Index No. 1193 and Designating Same as Docket No. A-721 Part II and Notice of and Order for Hearing was entered on September 6, 1941, directing that a hearing be held in regard to the revision of the minimum prices for the coals of the said mine in Size Groups 2, 5, and 7 for truck shipments.

Pursuant to Orders of the Director, a hearing in Docket No. A-721 Part II was held on November 7, 1941, before Charles S. Mitchell, a duly designated Examiner of the Division, at a hearing room thereof in Clarksburg, West Virginia. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board No. 3 and the Campbell petitioners appeared. The preparation and filing of a report by the Examiner having been waived by the parties, the record in the proceeding was thereupon submitted to the undersigned. On December 27, 1941, 6 F.R. 6308, the undersigned made Findings of Fact and Conclusions of Law and rendered an Opinion in Docket No. A-721 Part II, and an Order was entered granting the relief prayed for by the Campbell petitioners, effective fifteen (15) days from the date of the Order.

On January 10, 1942, District Board No. 3 filed a petition to reconsider and modify, or, in the alternative, to vacate the said Order of December 27, 1941, and to reopen the record in Docket No. A-721, Part II for the purpose of taking additional evidence. District Board No. 3 also filed a motion to stay the effect and operation of the said Order of December 27, 1941. In its said petition, District Board No. 3 indicates that it desires to adduce the testimony of D. T. Buckley, Chairman of District Board No. 3, to the effect that the said Order of December 27, 1941, will seriously impair the coordination existing among No. 5 Block Seam code member producers, and between them and other competitors, including the Campbell petitioners. Moreover, the petition alleges that it was not possible for Buckley to attend the hearing at Clarksburg, West Virginia, on November 7, 1941, and that no competent witness testified at the said hearing concerning such coordination.

It is apparent from the record that the evidence heretofore adduced as to such coordination is unsatisfactory, and it appears that the record should be reopened for the purpose of taking additional evidence as to such coordination and also as to the marketing history of the coals of the competing code member producers involved in such coordination subsequent to the entry of the said Order of December 27, 1941. The parties should not, however, be permitted to introduce cumulative evidence as to such matters. The evidence indicates that the Campbell petitioners had not suffered a material loss in operating time because of the temporary minimum prices established for the coals of the said mine by the said Order of March 25, 1941. Moreover, the Campbell petitioners have not filed any pleading in opposition to the said petition and motion of District Board No. 3. It appears, therefore, that the parties will not be prejudiced by the vacating of the said Order of December 27, 1941, and the reestablishment of the temporary minimum prices provided by the said Order of March 25, 1941, for the coals of the said mine.

Now, therefore, it is ordered, That the petition and motion filed by District Board No. 3 in Docket No. A-721 Part II be granted to the extent set forth herein and in all other respects denied.

It is further ordered, That the hearing in Docket No. A-721 Part II be reopened for the purpose of taking additional evidence not cumulative of evidence already adduced and that such record be submitted to the Acting Director.

It is further ordered, That such hearing be held on March 9, 1942, at 10 o'clock in the forenoon of that day before Examiner Joseph A. Huston, at a hearing room of the Bituminous Coal Division, at the Post Office Building, Clarksburg, West Virginia.

It is further ordered, That the said Order of December 27, 1941, be, and it hereby is, vacated and set aside.

And it is further ordered, That commencing forthwith, the minimum prices set forth in the said Order of March 25, 1941, for the coals of the Duffey Mine, Mine Index No. 1193, of A. B. Holcomb, for truck shipments be, and they hereby are, temporarily reestablished, pending the said hearing.

Notice is hereby given that applications to stay, terminate or modify the temporary relief granted herein may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: February 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42 1512; Filed, February 20, 1942; 10:52 a. m.]

[Docket No. D-15]

IN THE MATTER OF PROCEEDINGS TO DETERMINE IF CERTAIN REGISTERED DISTRIBUTORS ARE BONA FIDE MERCHANTS ACTIVELY, REGULARLY AND CONTINUOUSLY ENGAGED IN THE BUSINESS OF PURCHASING COAL FOR RESALE AND ACTUALLY RESELLING IT IN NOT LESS THAN CARGO OR RAILROAD CARLOAD LOTS WITHIN THE MEANING OF § 304.13 OF THE RULES AND REGULATIONS FOR THE REGISTRATION OF DISTRIBUTORS: AND FOR THE REVOCATION OF THE REGISTRATION OF DISTRIBUTORS WHO ARE NOT SO ENGAGED

ORDER TO SHOW CAUSE

The Bituminous Coal Division having, on June 13, 1941, issued Order No. 325, requiring all registered distributors to report the details of their purchases and resales for the period from October 1, 1940 to June 1, 1941, and

On August 29, 1941, having issued a Statement of the Director, No. 40, concerning the policy and procedure of the Division in determining eligibility of applicants for registration as distributors, setting forth therein that the reports required to be filed by said Order No. 325 "are now being studied by the Division, and appropriate steps will be taken to remove from the list of registered distributors all ineligible persons," and

The registered distributors, whose names and addresses are set forth in Exhibit A, attached hereto, having failed to file the reports required by said Order No. 325, and having failed thereby to show that they are bona fide merchants actively, regularly and continuously engaged in the business of purchasing coal for resale and reselling it in not less than cargo or railroad carload lots within the meaning of Section 304.13 of the Rules and Regulations for the Registration of Distributors.

It is, therefore, ordered, That each of said registered distributors, whose names are set forth in Exhibit A, attached hereto, be, and is hereby required to show cause why his or its registration should not be revoked, as hereinafter provided;

It is further ordered, That each of said registered distributors shall file a verified answer to this Order to Show Cause, on or before April 1, 1942, at the offices of the Division, 734 15th St. NW., Washington, D. C., setting forth therein the following information with respect to purchases and resales of bituminous coal made by him or it from October 1, 1940 (or from the date of his or its registration, whichever is later) to February 1, 1942:

(1) Name, address and registration number.

(2) The tonnage purchased during each month (a) direct from code members, (b) from sales agents of code members, and (c) from other registered distributors. (Give the name and address of each code member, sales agent or registered distributor from whom such purchases were made.)

(3) Total tonnage purchased during each month (a) upon which discounts from the minimum prices were allowed, and (b) upon which no discounts from the minimum prices were allowed.

(4) Total tonnage resold during each month in less than cargo or railroad carload lots, or other retail transactions. Include all coal physically handled by distributor (except water-borne coal physically handled over docks where the resale of the coal was in such quantities and deliveries made in such manner, as to constitute a carload lot quantity within the meaning of § 304.10 (b) of the Rules and Regulations for the Registration of Distributors).

(5) Total tonnage resold during each month in quantities of not less than cargo or railroad carload lots and not physically handled by the distributor, and all water-borne coal physically handled over docks where the resale of the coal was in such quantities and the deliveries were in such manner as to constitute a carload lot quantity within the meaning of § 304.10 (b) of the Rules and Regulations for the Registration of Distributors, setting forth the tonnage by months resold to:

(a) other registered distributors,

(b) other distributors, not registered,

(c) railroad companies,

(d) all other purchasers, specified, if possible, by type or nature of business.

(6) The name and address of each retailer to whom coal was resold and the tonnage resold to each by months. Indicate which, if any, of such retailers are in any manner affiliated with respondent. (For this purpose only "affiliated" means the existence of a relationship whereby the distributor and any such retailer are under a common control or ownership, partial or complete, or where either has a financial interest in the other, directly or indirectly, or where any officer or employee of one has any financial interest in or is otherwise connected with the other).

(7) If copies of invoices have not been filed pursuant to the provisions of Order No. 313, the answer shall set forth the names and addresses of each person to whom coal was resold, the amount paid therefor by the distributor, the amount charged therefor to the customer, the f. o. b. point of sale, and the manner of transportation employed.

(8) A statement of the reasons, if any there be, why the registration of such distributor should not be revoked.

It is further ordered, That failure to file such answer within the time prescribed may be deemed to be an admission that the person so failing to file is not a bona fide merchant *actively, regularly and continuously engaged* in the business of purchasing coal for resale and actually reselling it in not less than cargo or railroad carload lots within the meaning of § 304.13 of the Rules and Regulations for the Registration of Distributors, and an order revoking said registration may be entered.

It is further ordered, That if any answering respondent has failed to show cause, as herein provided, why his or its registration should not be revoked, such respondent will be afforded opportunity to be heard at a time and place to be later designated, and offer evidence in sppport of his or its answer. If, after such hearing, the respondent fails to establish that he or it is a bona fide merchant *actively, regularly and continuously engaged* in the business of *purchasing coal for resale* and *reselling* it in not less than cargo or railroad carload lots within the meaning of § 304.13 of the Rules and Regulations for the Registration of Distributors, an order revoking his or its registration may be entered.

Dated: February 18, 1942

[SEAL] DAN H. WHEELER,
Acting Director.

EXHIBIT A

Registration Number, Name and Address

0017—ABC Fuel & Insulation Co., Inc., 419 E. 18th St., Marion, Ind.

0045—Ackerman Coal Co., (Philip M. Ackerman), 1212 Elm St., Toledo, Ohio.

0077—Agee, George, 223 E. Third Street, Winston-Salem, N. C.

0096—Alaska Coal Company (I. L. Bronstein), 1708 S. Harrison Street, Ft. Wayne, Ind.

6376—American & Dominion Fuel Co. (Wm. M. Merrill), P. O. Box 161, Birmingham, Mich.

0162—American Coal Co. (Rina M. Dell), 2301 Beal Ave., Lansing, Mich.
0168—American Service Company, Opelika, Alabama.
0188—Anderegg Coal Co. (Casper H. Anderegg), 9th & So. Ave., La Crosse, Wis.
0192—Anderson Coal Company, Montgomery, Ala.
0194—Anderson, John, 821 Seventh St., Rockford, Ill.
0234—Apex Fuel Company (John S. Doermer), 2206 Broadway, Ft. Wayne, Ind.
0290—Asarco Mercantile Company, 1213-1214 Mills Bldg., El Paso, Tex.
0309—Atwater & Co., Inc., William C., 150 So. Main St., Fall River, Mass.
0345—B & S Coal & Stoker Company, 315 Guthrie St., Louisville, Ky.
0366—Bagley Coal Sales (Ernest V. Bagley), 118 N. Walnut St., Van Wert, Ohio.
0392—Balcron Coal Co., Inc., 103 Terminal Bldg., Rochester, N. Y.
0444—Barna, Joseph, 2085 Valentine Avenue, New York, N. Y.
0440—Barna, Robert G., 15 Moore St., New York, N. Y.
0464—Barrow Coal & Contract Co. (C. A. Rogers), Owensboro, Ky.
0491—Basic Coal Company, 1015 Chamber of Commerce Bldg., Cincinnati, Ohio.
0501—Bates Company, R. D., 39 Cortlandt St., New York, N. Y.
0522—Baumann Coal Company, 100 Main St., Racine, Wis.
0546—Bean, Walter G., 501 N. 4th St., Fairfield, Iowa.
0577—Beckwith Coal Co., Paul (Paul Beckwith), P. O. Box 553, Melbourne, Fla.
0583—Bedford Coal Company (Jno. T. Ledbetter), Box 82, Shelbyville, Tenn.
0585—Beebe Lumber Co., Inc., Hampton, Iowa.
0595—Beja Company, H. N. (Mollie Beja), 15 Moore St., New York, N. Y.
0604—Bell Coal Company, The, 300 Mt. Vernon Ave., Columbus, Ohio.
0606—Bell, J. H., 1417 Water Ave., Selma, Ala.
0615—Belleville Fuels, Inc., Victoria Bldg., 407 N. 8th St., St. Louis, Mo.
0617—Bellingham Coal Mines, Bellingham, Wash.
0619—Beloit Lumber Company, Beloit, Wisconsin.
0635—Bennett, Harry L., 719 W. 4th St., Pueblo, Colo.
0705—Berks Products Corporation, 726 Spring Street, Reading, Pa.
0724—Berry Coal Co., 106 W. Bragg St., Greensboro, N. C.
0733—Beswick Coal Co., C. A. (C. A. Beswick), 422 Allegheny St., Hollidaysburg, Pa.
0794—Bishop Co., John W., Exchange Place, Martinsburg, W. Va.
0803—Black Creek Coal & Mining Co., Inc., 1350 So. 15th St., Louisville, Ky.
0806—Black Diamond Coal Mining Co., 308 Comer Bldg., Birmingham, Ala.
9540—Black Oak Coal Co. (Paul Weinberg), 624 S. Michigan Ave., Suite 819 Chicago, Ill.
0905—Bolin Coal Co., H. C., Box 311 Middleport, Ohio.
0907—Bolly & Son, S. E., Charlestown, Ind.
0965—Bower, O. B., 920 13th St., Lorain, Ohio.
0973—Bowling Coal Co., The O. M. (Owen M. Bowling), 788 Adair Ave., N. E., Atlanta, Ga.
0978—Bowser Sales & Trading Corp., Sistersville, W. Va.
1036—Brant Coal Co., Findlay Rd. at N. P. Crossing, Fostoria, Ohio.
1082—Brickey, J. B., Woolridge, Tenn.
1143—Brothers Co., Inc., Reginald E., 147 E. Washington St., Suffolk, Va.
1151—Brown Fuel Co., R. W., 178 Michigan Ave., Benton Harbor, Mich.
1186—Bryant, C. A., 32 W. 13th Street, Chattanooga, Tenn.
1203—Buckeye Coal & Coke Co., 16 E. Broad St., Columbus, Ohio.
1215—Bucker Coal Co. (Arnold J. Bueker), Walnut St. & B. & O. R. R., Hamilton, Ohio.
1246—Burdick Coal Co., Inc., 116 Franklin Street, Watertown, N. Y.
1252—Burgess & Cline, 108 W. Washington St., Monticello, Ill.
1286—Burns Supply Company, Inc., 365 W. Town St., Columbus, Ohio.
1345—Cachat Coal & Trucking Co. (Fred Cachat), 810 6th St., N. W., Canton, Ohio.
5480—Cairo City Coal Co. (Albert J. Lee), 1914 Commercial Ave., Cairo, Ill.
1367—Calumet Coal Company, 9540 Marquette Ave., Chicago, Ill.
1373—Cambria-Lochrie Co., Inc., 543 Vine St., Johnstown, Pa.
1394—Capital City Coal Co., The, 332 W. Broad Street, Columbus, Ohio.
1405—Cardinal Coal Sales Company, 910 Kentucky Home Life Bldg., Louisville, Ky.
1412—Carland Coal Company (Frank C. Carland), 37 W. Van Buren St., Chicago, Ill.
1417—Carley-Dayton Company, The, 240 S. Warren St., Dayton, Ohio.
1426—Carney Coal Company, 33 S. Clark St., Chicago, Ill.
1428—Carolina Coal & Ice Corp., 80 Patton Ave., Asheville, N. C.
1468—Cary & Company, Inc., 114 E. Gonzalez St., Pensacola, Fla.
1472—Cash Coal Company (Paul Vinson), 512 N. John St., Goldsboro, N. C.
1481—Cassler Coal Sales Agency, County National Bank Building, Clearfield, Pa.
1546—Chase Coal Supplies Co. (Philip M. Chase), 207 Williamson Bldg., Cleveland, Ohio.
1558—Cheeseman Co., Carl, 225 N. McKean St., Butler, Pa.
1551—Cheshire, John P., 1478 Mars Ave., Lakewood, Ohio.
1560—Chicago Fuel & Ice Co. (A. H. Rosen), 722 Palace Bldg., Minneapolis, Minn.
1562—Chicago Waterways Fuel Co., 1110 W. Division St., Chicago, Ill.
1592—Cincinnati Builders Supply Company, The, 209 E. Sixth St., Cincinnati, Ohio.
1594—Circus Coal Co., Inc., 1008 Gates Ave., Brooklyn, N. Y.
1590—City Coal & Coke Co. (H. D. Platt), Brooklyn Ave., Ft. Wayne, Ind.
1596—City Material & Coal, Inc., 8100 Bessemer Ave., Cleveland, Ohio.
1642—Cleveland-Cliffs Coal Sales Co., 59 S. Van Buren St., Chicago, Ill.
1643—Cleveland-Cliffs Dock Co., The, Duluth, Minn.
1668—Clyde Coal Co., 5901 W. 28th St., Cicero, Ill.
1680—Ccche, J. A., Box 387, Central City, Ky.
1734—Collingwood and Seaman (Clinton E. Lawrence), 41 Market St., Poughkeepsie, N. Y.
1763—Conco Building Products, Inc., Box 111, Mendota, Ill.
1776—Conley Coal Co., B. F. (B. F. Conley), Newton, Ill.
1800—Consolidated Fuel Co. (Robt.) W. McGinnis), No. 845 Nye Ave., Fremont, Nebr.
1799—Consolidated Terminal Corp., 11th & E. Sts., SW., Washington, D. C.
1816—Consumers Coal Co. (M. P. Matson), 603 S. Center St., Marshalltown, Iowa.
1811—Consumers Company of Illinois, 111 W. Washington St., Chicago, Ill.
1813—Consumers Ice & Cold Storage Co., Andalusia, Ala.
1876—Corey Scheffel Lumber Co., Inc., 1433 S. Preston St., Louisville, Ky.
1975—Crilly Coal Company (Daniel P. Holzoner), 1215 Dorr St., Toledo, Ohio.
2134—Darnell Coal Co. (W. L. Darnell), Wellman, Iowa.
2175—Dawson-Gruman Co., Inc., 637 S. West St., Syracuse, N. Y.
2177—Day Coal Company, The, 1630 Third St., Sioux City, Iowa.
2260—DePrez Associates, Inc., John, 601 S. Noble St., Shelbyville, Ind.
2261—Derby Coal Company (N. M. Derby), 520 S. Main St., Burlington, Iowa.
2284—Detroit City Ice & Fuel Co., 6247 Grand River Ave., Detroit, Mich.
2326—Dicks Coal Mining Co. (L. T. Dicks), 3211 Alta Vista Drive, Chattanooga, Tenn.
2375—Dixie Coal Sales Co., Corning, Ohio.
2553—Duncanson, Fred, Winnebago, Minn.
2556—Dunfee-Keyser Coal Co., 620 Lake St., Jackson, Mich.
2561—Dunn Coal Co., Gallia & Broadway, Portsmouth, Ohio.
2563—Dunn Coal Corp., John J., 5100 Federal St., Chicago, Ill.
2568—Dunreath Coal Co., Box 68, Knoxville, Iowa.
2596—Dyl Dock Corporation, 2440 Union Guardian Bldg., Detroit, Mich.
2601—Eagle Boat Store Company, 824 North Wharf, St. Louis, Mo.
2616—Eastern Coal & Coke Co. (J. H. Rosen), 1033 Morgan Ave., N. Minneapolis, Minn.
2618—Eastman Coal Co., 342 N. Oakley Blvd., Chicago, Ill.
2637—Economy Coal & Trucking Co. (B. L. Goldman), 7113 Euclid Ave, Cleveland, Ohio.
2646—Edgemont Coal & Cement Co., The, 1611 Germantown St., Dayton, Ohio.
2700—Elcomb Coal Sales Agency (H. K. Buttermore), Box 151, Harlan, Ky.

2718—Elkhorn Mining Company, Inc., Pikeville, Ky.
2744—Elmira Coal Company, 322 Penn Ave., Elmira, N. Y.
2752—Empire Coal Company, Inc., 721 Fleming Bldg., Des Moines, Iowa.
2766—Endress, Inc., William F., 66 Foote Ave., Jamestown, N. Y.
2798—Erskine & Sons, Inc., 300 Water St., Lowellville, Ohio.
2826—Evans Implement Co. (G. W. Evans), 302 Broadway, Grand River, Iowa.
2828—Evans, John G., Avery, Iowa.
2838—Ewell Fuel Company (Frank David Ewell, Jr.), 200 E. Vickery, Ft. Worth, Tex.
2855—Fairlawn Supply & Coal Co., The, 1855 W. Market St., Fairlawn, Ohio.
2905—Federal Lime & Stone Co., The, 1515 Williamson Bldg., Cleveland, Ohio.
2915—Fellenz Coal & Dock Company, N. Broadway & E. State St., Milwaukee, Wis.
2935—Ferguson, O. W., Chester, W. Va.
3036—Flat-Top Fuel Company, Inc., Bluefield, W. Va.
3054—Florida Coal Company, Coulterville, Ill.
3105—Fort Dodge Fuel Company, Fort Dodge, Iowa.
3114—Foster Coal Co. (B. C. Foster), Dexter, N. Y.
3203—French Coal Company, Box 609, Bluefield, W. Va.
3225—Frick Coke Company, H. C., P. O. Box 326, Frick Bldg., Pittsburgh, Pa.
3262—Fuel Service Company, Jeddo, Pa.
3315—Gallond Coal Co., W. A. (W. A. Gallond), 14 E. Jackson Blvd., Chicago, Ill.
3367—Gateway Coal Co., 905 Metropolitan Life Bldg., Minneapolis, Minn.
2408—George's Creek Coal Co., Inc., P. O. Box 88, Cumberland, Md.
3462—Giles Coal & Coke Co., B. F. (Mrs. W. Olene Giles), 419 Jefferson St., Huntsville, Ala.
3476—Gillmore & Co., Fred'k, American National Bank Bldg., Pensacola, Fla.
3497—Gish Manufacturing Co. (Paul T. Gish), Athens, Ala.
3511—Glenn & Ramsey, 1924 Avondale Ave., Charlotte, N. C.
3595—Goodwin & Son, J. H. (Eva M. Goodwin), West Coxsackie, N. Y.
3597—Goodwin, C. B. (Portland Coal & Supply Co.), 407 N. Meridian St., Portland, Ind.
3615—Gorman-Boston Fuel Corp., 114 State St., Boston, Mass.
3624—Gosline & Co., Inc., W. A. 1202 Lagrange St., Toledo, Ohio.
3643—Graff, Alvin F., 701 S. Broadway, New Philadelphia, Ohio.
3692—Greeley, Arthur L., 114 Liberty St., New York, N. Y.
3705—Greene-Hamm Coal & Supply, Inc., 218-220 N. 5th St., Goshen, Ind.
3712—Greenman Coal Co., Geo. H. (F. J. MacMackin), 513 Charlotte St., Utica, N. Y.
3723—Gregory Coal, Coke & Lime Co. (Geo. Gregory), Marshalltown, Iowa.
3737—Griffith-Consumers Company, 1413 New York Ave. NW., Washington, D. C.
3777—Grove and Weber Company, The, Miamisburg, Ohio.
3791—Guarantee Fuel & Supply Co. (August H. Bosch), Bay Village, Ohio.
3794—Guinn, Jr., Bob, Savannah, Tenn.
3808—Gunn-Quealy Coal Co., Quealy, Wyo.
3867—Haines Coal Co., 85 S. Washington Ave., Battle Creek, Mich.
3883—Hall Corporation, George, 502-504 Riverside Ave., Ogdensburg, N. Y.
3927—Hamilton Fuel Company, Wynnefield & Bryn Mawr Aves., Philadelphia, Pa.
3939—Hampton Fuel Company, 3525 W. Division St., Chicago, Ill.
3963—Hannan Coal Company, 9th & Cash Sts., Burlington, Iowa.
2855—Fairlawn Supply & Coal Co., The, 1855 W. Market St., Fairlawn, Ohio.
4004—Harmon Creek Coal Sales, Providence, Ky.
4007—Harmony Feed & Fuel Co. (Joel Wolsted), Harmony, Minn.
4015—Harrigan Coal Co., Daniel (Alice J. Harrigan), 528 W. Kalamazoo Ave., Kalamazoo, Mich.
4042—Hart Coal Corporation, Mortons Gap, Ky.
4027—Harris, Ray H., 816 Meridian St., Jasonville, Ind.
4106—Hawthorne Coal Company, (George F. Franck), 3584 W. 67th St., Cleveland, Ohio.
4116—Hayes Estate, Wm. F. (Wm. F. Hayes Sons), 523 Potter Avenue, Utica, N. Y.
4151—Hedenberg, George D., 106 S. Front St., Milton, Pa.
4155—Hedstrom Coal Co., B. L., 37 W. Van Buren St., Chicago, Ill.
4196—Hellriegel, Carl J., 350 Union St., Hamburg, N. Y.
4227—Henry, J. M., 713 5th Ave., Juniata, Altoona, Pa.
4265—Herron Coal Company, J. L. (J. L. Herron), 2400 Heiman St., Nashville, Tenn.
4284—Hess Co., The A & L. Beekman & Queen City Ave., Cincinnati, Ohio.
4314—Hi-Grade Fuel Company, 2520 Falund St., Rockford, Ill.
4312—Highland Lumber & Fuel Co., 602 18th St., Rockford, Ill.
4336—Hill, J. B., Orient, Ohio.
4355—Hinners Company, George R., 1401 N. Magnolia Ave., Chicago, Ill.
4382—Hoagland, Maurice F., 1741 Grand Ave., Dayton, Ohio.
4435—Holbrook Coal Company (Joseph F. Piechocki), 2931 E. McNichols Rd., Detroit, Mich.
4488—Hoosier Coal Sales Co. (Roy E. Price), 47 So. Pennsylvania St., Indianapolis, Ind.
4541—Howard Coal & Coke Co., Inc., 6th St., & 2nd Ave., Brooklyn, N. Y.
4555—Howell, Sarah Binion, Evergreen, Ala.
4581—Hudson Fuel Company, The, 5052 Glazier Ave., Cleveland, Ohio.
4582—Hudson Valley Coal & Coke Co., Burlington, Vermont, 194 College St.
4592—Hughes & Company, C. A., P. O. Box 28, Cresson, Pa.
4638—Huntsville Transfer & Building Material Co. (J. B. Van Valkenburgh), P. O. Box 567, Huntsville, Ala.
4672—Illinois Coal Co., 807 Continental Bldg., St. Louis, Mo.
4682—Independent Coal Company, 618 S. Main St., Burlington, Iowa.
4693—Interstate Coal Company, 311 Empire Building, Des Moines, Iowa.
4696—Iowa Coals, Inc., 720 Fleming Bldg., Des Moines, Iowa.
4718—Ives-Frana Fuel Co., 401 2nd St., N. E., Cedar Rapids, Iowa.
4721—Jackson Coal Company (C. A. Sloan), Jackson, Ohio.
4732—Jacobs, Charles D., Pikeville, Ky.
4756—James, Earl, Box 265, Parsons, Kans.
4818—Jewel Coal & Mining Co., 3740 E. 15th St., Kansas City, Mo.
4832—Johns Coal Company, Winchester, Ky.
4839—Johnson Coal Company (D. L. Johnson), 12th St. and 10th Avenue, Columbus, Ga.
4842—Johnstown Coal & Coke Co., Inc., 17 Battery Pl., New York, N. Y.
4924—Kane, Thomas Joseph, 1815-45 N. Ashland Avenue, Chicago, Ill.
4983—Keidel, G. E., 1640 Clarence Avenue, Lakewood, Ohio.
4996—Keller, Joe H., Big Four R. R. & Warder St., Springfield, Ohio.
5007—Kelley, John P., Philipsburg, Pa.
5013—Kemmerer Coal Co., The, Frontier, Wyo.
5026—Kenny, John F. (Buffalo and Freeport Coal Co.), 384 Crescent Ave., Buffalo, N. Y.
5036—Kentucky Straight Creek Coal Co., Inc., Four Mile, Ky.
5058—Keystone Coal Company, 131 E. Kalamazoo Ave., Kalamazoo, Mich.
5093—Kinlaw Coal Co., Inc., Lumberton, N. C.
5153—Kniffin, Leonard D., 1012 Baltimore Ave., Kansas City, Mo.
5248—Kraft, Walter J., 7533 W. Morrow Circle, Dearborn, Mich.
5273—Kristianson & Johnson Coal Co., Inc., Lanse, Pa.
5284—Krudop, Geo. H., 1431 Francis St., Ft. Wayne, Ind.
5326—Lackey Coal Co. (Vaden Lackey), Green Hills Drive, Nashville, Tenn.
5349—Lake, Otis F., 209 Concord St., Dayton, Ohio.
5353—Lamb Coal Company, 678 S. Crest Road, Chattanooga, Tenn.
5405—Larkins Co. (R. E. Larkins), 1515 East Ave., Erie, Pa.
5498—Lehigh Valley Coal Sales Co., 90 West St., New York, N. Y.
5513—Leon Coal Sales, Lawrence (Lawrence Leon), 120 Liberty St., New York, N. Y.
5515—Leonard-Warrick Coal Co. (L. F. Leonard), 24½ Genesee St., Auburn, N. Y.
5527—Leszczynski Fuel Co., 2078 So. Fourth St., Milwaukee, Wis.
5537—Levin, Harry, Columbia City, Ind.
5552—Lewis Coal Company, 332 Pleasant Street, New Lexington, Ohio.
5555—Lewis, Robert O., Wheeling Bank & Trust Bldg., Wheeling, W. Va.
5564—Liberty Fuel & Ice Co., 201 S. E. Third Ave., Portland, Oreg.

5567—Lichtfus & Son, Herman (Richard T. Lichtfus), 438 N. River St., Janesville, Wis.
5615—Lion Coal Corporation, P. O. Box 27, Ogden, Utah.
5637—Little-Jones Coal Co., 310 S. Michigan Ave., Chicago, Ill.
5677—Logsdon Fuel & Supply Corp., 229 Shelby St., Indianapolis, Ind.
5763—Lundale Coal Company, 1106 St. Marys Ave., Ft. Wayne, Ind.
5800—Maas Fuel Company, W. C., 3015 W. Center St., Milwaukee, Wis.
5835—Macquown Fuels (W. C. Macquown), 304 Law Bulletin Bldg., Pittsburgh, Pa.
5855—Maguire Coal, Inc., 1518 Hertel Ave., Buffalo, N. Y.
5864—Maher Co., M. A. (A. A. Maher), 121 N. Broadway, Greenville, Ohio.
5878—Majors Coal Company (J. E. Majors), 120 Jefferson Blvd., Tarrant, Ala.
5953—Marrinette Fuel & Dock Co., 1710 Main St., Marinette, Wis.
5991—Martin Coal & Supply, Inc., 1817 E. Wayne St., Ft. Wayne, Ind.
6012—Mason Coal & Lumber Co., Inc., 428 Wilkinson St., Frankfort, Ky.
6013—Mason-Hefin Coal Co., Inc., 4th & Allegheny Ave., Philadelphia, Pa.
6070—Maxson & Starin (John S. Maxson), Grove & Fulton Sts., Homer, N. Y.
6123—McClain, Charles L., R. F. D. Cochranville, Pa.
6134—McConnel Coal Company, F. D., Furniture Bldg., Evansville, Ind.
6138—McConville Coal Company, Centerville, Iowa.
6183—McElwee, T. R., 130th St. & S. Halsted, Blue Island, Ill.
6192—McGinnis, Ann, 106 Venango St., Johnstown, Pa.
6225—McHose Company, H. H. (H. H. McHose), 524 Commonwealth Bldg., Allentown, Pa.
6368—Mercury Coal Company (C. J. Connell), 1528 Waterloo Road, Cedar Falls, Iowa.
6393—Metropolitan Coal & Oil Co., Inc., 945 N. Davidson St., Indianapolis, Ind.
6402—Meyer Coal & Material Co., Inc., 1155 Lee St., Des Plaines, Ill.
6423—Michael Coal Co (Generous Michael), 1270 Washington Avenue, Frankfort, Ind.
6436—Midland Coal Company, 510 Second Ave., Dallas, Tex.
6439—Midwest Fuel Company, 1115 Security Trust Bldg., Indianapolis, Ind.
6443—Millard & Co., Inc., Frank, 104 N. Main St., Burlington, Iowa.
6458—Miller, Geo. T., 610 New Jersey Ave., Norfolk, Va.
6462—Mills Coal & Mining Co. (J. M. Mills), 915 S. 23rd St., Ft. Smith, Ark.
6516—Mohr Brothers Hardware Co., Box 43, Flat Rock, Ind.
6526—Mollema & Son Fuel Co., J. (John Mollema), 1541 Eastern Ave., S. E., Grand Rapids, Mich.
6533—Monarch Coal Company, 1538 Dime Bank Bldg., Detroit, Mich.
6537—Monmouth Coal Sales Co., Shrewsbury, N. J.
6549—Montour & Northwestern Coal Company, The, 325 Union Bldg., Cleveland, Ohio.
6563—Moore Fuel Company (Charles J. Moore), 300 W. 23rd St., Baltimore, Md.
6564—Moore, J. M., 1035-37 U. S. Nat'l Bank Bldg., Denver, Colo.
6617—Morse-Crable Coal & Supply Co., The, 1653 Doan Ave., East Cleveland, Ohio.
6655—Moye, Henry L., North George St., Goldsboro, N. C.
6658—Moynihan, James H., Fenimore Road, So., Glens Falls, N. Y.
6738—Myers, Jr., Henry M., 610-15th St., Beaver Falls, Pa.
6736—Myers, Walter G., 522 E. Gates St., Philadelphia, Pa.
6760—National Coal & Coke Co., 9141 Monica Ave., Detroit, Mich.
6824—New England Fuel Sales Co., 25 Bellevue Ave., Springfield, Mass.
6837—Newett Coal Co., E. L. (E. L. Newett), 761 N. Riley Ave., Indianapolis, Ind.
6859—Nichol Lumber Co., P. S. (P. S. Nichol), St. Charles, Ill.
6883—Norfolk Coal & Oil Co., Inc., 545 Front St., Norfolk, Va.
6900—North End Fuel Co., 17 Leonard St., N. E., Grand Rapids, Mich.
2005—Northern Coal Co. (E. C. Crowley), 2047 Seward Ave., Detroit, Mich.
6987—Old King Coal Company, Centerville, Iowa.
7012—O'Malley & Son Fuel & Supply Co., P., 29 Castle St., Geneva, N. Y.
7035—Orgain Coal Co. (J. L. Orgain), 306 Monroe St., Huntsville, Ala.
7046—Ortwein Coal Co. (Julius H. Ortwein), 6618 French Road, Detroit, Mich.
7078—Overland Coal Mining Co. (O. Y. Warren), 347 Madison Ave., New York, N. Y.
7090—PV & K Coal Company, The, Box 412, Monongahela, Pa.
7095—Packaged Fuel Co., Inc., P. O. Box 292, Charlottesville, Va.
7127—Panther Creek Mines, Inc., 225½ S. 6th St., Springfield, Ill.
7137—Paris Fuel Company, Paris, Ark.
7166—Paschall & Sons, Inc., H. M., Holly Oak, Del.
7183—Paul Coal Company (Fred H. Paul), Hillisburg, Ind.
7214—Peekskill Coal & Fuel Oil Co., Inc., Peekskill, N. Y.
7215—Peerless Coal Company (Harper J. Guinn), 529 Commercial Trust Bldg., Philadelphia, Pa.
7219—Pen-Mar Co., Inc., 324 Munsey Bldg., Baltimore, Md.
7226—Pennridge Coal Co., Inc., 15 Moore St., New York, N. Y.
7229—Penwell Coal Mining Co., 4th & Chestnut Sts., Pana, Ill.
7236—Perkins Coal Company (C. L. Perkins), 1246 Melrose St., Chicago, Ill.
7283—Pfaelzer Coal Company, 309 W. Jackson Blvd., Chicago, Ill.
7303—Philips Coal & Wood Yard, 1620 5th Ave., Columbus, Ga.
7363—Pledge, E. G.—Clarksville, Mo.
7369—Plumer, Harold R., Batavia, Ill.
7400—Portage Fuel Co., 1006 U. S. National Bank Bldg., Johnstown, Pa.
3597—Portland Coal & Supply Co. (C. B. Goodwin), 407 N. Meridan St., Portland, Ind.
7424—Powell Coal Yard, R. A., 4th & Green Streets, Henderson, Ky.
7465—Pritchard Coal Company, 1420 Kanawha Valley Bldg., Charleston, W. Va.
7492—Pure Coal Co., Inc., 11 Berkley Place, Lawrence, N. Y.
7501—Quality Coal Company (Robert Tooke), 2300 South Ave., La Crosse, Wis.
7502—Quality Coal Sales Company, 10 S. La Salle St., Chicago, Ill.
7539—Raiford Coal Company (R. C. Raiford), 1007 S. RR St., Phenix City, Ala.
7547—Ralph Coal Company, 873 Western Ave., Toledo, Ohio.
7549—Ramsey Coal Company, 1034 S. Cedar St., Lansing, Mich.
7551—Randall & McAllister, 84 Commercial St., Portland, Maine.
7578—Raven Coal Co., The, 16 E. Broad St., Columbus, Ohio.
7585—Ray Coal Co., Inc., 2410 E. 72nd St., Cleveland, Ohio.
7588—Raymond City Coal & Transportation Corp., 3216 Carew Tower, Cincinnati, Ohio.
7653—Reliable Coal Co., Inc., The, 2302 Riedmiller Ave., Ft. Wayne, Ind.
7661—Reppert Coal Company, Flemington, W. Va.
7694—Richardson Coal & Feed Co., Clarksville, Tenn.
7713—Ridge Mining Company, Dysart, Pa.
7732—Risdon Coal Company, 5250 14th St., Detroit, Mich.
7763—Roberts Coal Company, Murfreesboro, Tenn.
7806—Rogers, Paul T., 733 Chestnut St., Latrobe, Pa.
7808—Rogers, William J., Elm St., Middlebury, Vt.
7823—Romesberg, Norman, Martinsburg, W. Va.
7845—Rosenberg & Forbes Co., Inc., Watervliet, Mich.
7885—Rout, R., N. Seneca St., Defiance, Ohio.
7935—Russell Coal Co., William E., The, 318 Walnut St., Denver, Colo.
7937—Russell Coal Sales Co., 115 Butternut Ave., Pomeroy, Ohio.
7946—Rutter Coal Co., 1246 Melrose St., Chicago, Ill.
1914—S. & S. Coal Co. (Sara C. Cowles), Box M, Rennerdale, Pa.
7970—St. Clair Coal & Supply Co., 20300 St. Clair Ave., Cleveland, Ohio.
7972—St. John Coal Co., Inc., The, 875 Spencer St., Toledo, Ohio.
7983—Sale Coal Co., B. W. (B. W. Sale), 414 Opera House Bldg., Terre Taute, Ind.
7986—Salter Coal Co. (Thad M. Salter), 15 Clanton St., Opelika, Ala.
8003—Sandel & Co., W. D., 2739 No. Kildare Ave., Chicago, Ill.
8013—Sanford & Zartman Lumber Co., Freeport, Ill.
8025—Sargent, Merritt W., 206 Harrison Ave., Westfield, N. J.
8225—Sears Coal & Coke Co. (John P. Sears), 905 W. Grand Ave., Decatur, Ill.
8269—Serv-Ice Company, Inc., 309 Spring St., Jeffersonville, Ind.
8233—Shadyside Fuel Company (W. T. McGee), 713 Second National Bank Bldg., Uniontown, Pa.
8292—Shardon, Inc., Fred E., 425 Park Ave., Lockport, N. Y.
8293—Sharp & Son, George A. (George A. Sharp), 100 S. Broadway, Decatur, Ill.
8297—Shavers Mountain Coal Co., Elkins, W. Va.
8305—Shaw Wholesale Coal Co., J. (Jacob Shaw), 619 E. 19th St., Kansas City, Mo.
8313—Shearn Coal Company (Clyde E. Pratt), 1005 Cotton Belt Bldg., St. Louis, Mo.
8320—Shelby Coal Company, Inc., Box 253, Pikeville, Ky.
4797—Shelby Coal Co. (W. K. Jenne), Pikeville, Ky.
8348—Shippers Fuel Corporation, 111 W. Washington St., Chicago, Ill.
8355—Shippers Fuel Corporation, 111 W. Washington St., Chicago, Ill.
8396—Silk, John D., 2133 Sinton Ave., Cincinnati, Ohio.
8433—Sinclair Company, J. T., 225 Gratiot Ave., Detroit, Mich.
8438—Sinton Transfer (Thomas F. Talbot), 523 Blondeau St., Keokuk, Iowa.
8452—Skidmore Coal Company (Stanley L. Skidmore), 52 Capital Ave., S. W. Battle Creek, Mich.
8467—Slattery Brothers, Inc., 2222 Girard Trust Bldg., Philadelphia, Pa.
8488—Smith Coal & Oil Co., S., 69 Johnston Ave., Kearny, N. J.
8492—Smith, Edwin Merrill, 601 Hibbard Apts., 8905 Jefferson E., Detroit, Mich.
8489—Smith, J. C. & H. E. (Smith Coal Co.), Independence, Iowa.
5414—Southwest Coal Sales (Thos. S. Laser), 1002 Foshay Tower, Minneapolis, Minn.
8624—Stahl, Charles W., 617 Electric Ave., Lewiston, Pa.
8639—Standard Fuel Company, 2219 Highland Drive.
8637—Standard Fuel Co., The, 16 E. Broad St., Columbus, Ohio.
8764—Stone Lumber Company (R. M. Stone), 2400 E. Michigan Ave., Jackson, Mich.
8784—Strasheim Fuel Co., Geo. (Geo. Strasheim), 505 F. St., Lincoln, Nebr.
8826—Suffolk Feed & Fuel Co., Inc., 219 Saratoga St., Suffolk, Va.
8841—Sumption-Heady-Hunt Co., 1501 N. Market St., Kokomo, Ind.
8859—Supreme Coal Company, 51 E. South St., Akron, Ohio.
8905—Taggart Coal Sales Co., The, Massillon, Ohio.
8940—Teagan Coal Co. (Bradley M. Masaitis), 8020 Joy Road, Detroit, Mich.
8950—Tennies Coal Company, 102 W. Walnut St., Green Bay, Wis.
8956—Ternes Bros., 6132 Mich. Ave., Detroit, Mich.
8957—Terra Coal Company, 519 New Center Bldg., Detroit, Mich.
9008—Thorsen Lumber Co. (Robert V. Thorsen), 256 Main St., Batavia, Ill.
9035—Tipton Coal Co., Inc., 704 N. Walnut St., Brazil, Ind.
9056—Tomson, Bert S., 1314 Brady St., Davenport, Iowa.
9109—Trimble Coal Co. (Charles Trimble), 164 Ft. Wayne Ave., Richmond, Ind.
9110—Trinkwalder & Sons, F., 146 Ironton St., N. Tonawanda, N. Y.
9117—Trombly Coal Co., 10530 Gratiot Ave., Detroit, Mich.
9155—Tway Coal Sales Co., R. C., Louisville, Ky.
9156—Twilley #9 Coal (J. R. Twilley), 1824 Water Ave., Selma, Ala.
9170—Union Collieries Company, Oakmont, Pa.
9209—Valley Mercantile Co., 411 Professional Bldg., Elgin, Ill.
9216—Van Thiel, Walter C., Bull Creek Road, R. F. D. #2, Tarentum, Pa.
9213—Vance Coal Company (J. H. Johnston), Box C, Wampum, Pa.
9277—Victor-American Fuel Co., The, 319-327 Ernest & Cranmer Bldg., Denver, Colo.
9283—Vinson, J. A., S. Center St., Goldsboro, N. C.
9289—Virginia Coal Company, Broadway & C. & O. R. R., Muncie, Ind.
9371—Walker & Bro., W. D. Bigler, Pa.
9380—Wall Coal Co., 110 West St., Winston-Salem, N. C.
9394—Walsenburg Colorado Coal Co., The, Mining Exchange Bldg., Walsenburg, Colo.
9404—Walton Coal Company, 1506 S. Anthony Blvd., Ft. Wayne, Ind.
9424—Ward & Company, E. A., 17 Battery Pl., New York, N. Y.
9440—Warren & Davis Coal Co. (Ralph D. Warren & John M. Davis), 1510 Bellevue Ave., Syracuse, N. Y.
9445—Warren Corp. George E. (Mass.), 31 St. James Ave., Boston, Mass.
9454—Wasson Coal Company, Harrisburg, Ill.
9488—Wax, David, 400 S. Main St., Kenton, Ohio
9568—Weller, Jr., W. H., 944 Martin Bldg., Birmingham, Ala.
9572—Wells Coal Co., Inc., Geo. N., Mt. Rainier, Md.
9607—West Virginia Fuel & Iron Co., 604 Wheeling Bank & Trust Bldg., Wheeling, W. Va.
9651—White, D. L., 4602 Baring Ave., East Chicago, Ind.
9668—White Wood & Coal Yard (R. L. DuVal), Kinston, N. C.
9675—Whiteley & Buckalew, Inc., 19 Rector St., New York, N. Y.
9692—Wickens Coal Company (Way Wickens), Dexter City, Ohio.
9600—Wiegandt, Ralph M. (West Side Fuel Co.), 1000 S. Pine St., Lansing, Mich.
9707—Wiesner, Fred A., 1125 Ave. H., Ft. Madison, Iowa.
9775—Wilson Coal Co., 814 E. Main St., Marshalltown, Iowa.
9864—Woodruff Coal Company (Francis Bauer & Larry Wiskirchen), 624 Kentucky Ave., Quincy, Ill.
9878—Woolson, Kenneth H., Kinney Bldg., Newark, N. J.
9905—Wyle Co., M. M., 501-503 So. Pearl St., Albany, N. Y.
9952—Young Coal Company, Inc., Third Nat'l Bank Bldg., Nashville, Tenn.
9962—Zane Brokerage Company (Joseph Tanous), 2108 Norwood Blvd., Zanesville, Ohio.
9966—Zarlengo, Charles, 720 Majestic Bldg., Denver, Colo.
9973—Zentmeyer Coal Co., Inc., Box 506, Martinsville, Va.
9977—Zero Ice Company, 60 Michigan St., Joliet, Ill.
9995—Zone Coal & Supply Co., The, 9305 Woodland Ave., Cleveland, Ohio.
9944—Yorktown Ice & Storage Corp., Yorktown, Va.

[F. R. Doc. 42-1513; Filed, February 20, 1942. 10:53 a. m.]

[Docket No. 1759 FD]

IN THE MATTER OF MORRIS & CAMPBELL, A PARTNERSHIP, DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

District Board 11 having filed a complaint with the Bituminous Coal Division on May 15, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by Morris & Campbell, a partnership, a code member in District 11, of the Bituminous Coal Code and the rules and regulations thereunder as follows:

That the defendant, with full knowledge of the requirements contained in the Schedule of Effective Minimum Prices For District No. 11 For Truck Shipments, and with intent to violate the same and in violation thereof, sold lump coal produced by the defendant at its Rock Hollow Mine, Mine Index No. 641, located in Sullivan County, Indiana, at a price of $1.80 per net ton when the effective minimum price applicable thereto was $2.20 per net ton f. o. b. the mine; the defendant having filed an answer admitting the allegations contained in the complaint;

Pursuant to an Order of the Director and after notice to all interested persons a hearing having been held in this matter on September 24, 1941, before W. A. Shipman, a duly designated Examiner of the Division at a hearing room thereof;

All parties having joined in waiving the preparation and filing of a report by the Examiner; the record of the proceeding thereupon having been submitted to the undersigned for consideration; the undersigned having made Findings of Fact, Conclusions of Law and having rendered an opinion, which are filed herewith, and having found that the defendant's code membership should be revoked and cancelled and that pursuant to section 5 (c) of the Act, the tax required to be paid by the defendant as a condition to reinstatement in the Code will be $1,213.51; and having made Conclusions of Law that the defendant's code membership should be revoked and cancelled;

An Order having been entered on October 31, 1941, revoking the defendant's code membership and providing that prior to any reinstatement of the defendant or any partner therein, Moss Morris and Floyd Campbell, to membership in the Code, there shall be paid to the United States a tax, as provided in

section 5 (c) of the Act, in the amount of $1,213.51;

A motion having been filed by the complainant to reopen the hearing and pursuant to an Order of the Acting Director and after notice to all interested persons the reopened hearing having been held in this matter on January 19, 1942, before W. A. Shipman, a duly designated Examiner of the Division at a hearing room thereof;

All parties having joined in waiving the preparation and filing of a report on the reopened hearing by the Examiner; the record of the proceeding thereupon having been submitted to the undersigned for consideration; the undersigned having made Findings of Fact, Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That the Order of the Director dated October 31, 1941, revoking and cancelling the code membership of the defendant and providing that prior to the reinstatement of the defendant or any partner therein, Moss Morris and Floyd Campbell, to membership in the Code, there shall be paid to the United States a tax in the amount of $1,213.51, be and the same hereby are modified as indicated in the accompanying Findings of Fact, Conclusions of Law and Opinion.

It is further ordered, That the code membership of the defendant, Morris & Campbell, be and it hereby is revoked and cancelled;

And it is further ordered, That prior to the reinstatement of defendant or any partners therein to membership in the code there shall be paid to the United States a tax in the amount of $669.24, as provided in section 5 (c) of the Act.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1514; Filed, February 20, 1942; 10:53 a. m.]

[Docket No. 1854-FD]

IN THE MATTER OF RAWLINS COAL COMPANY, DEFENDANT

CEASE AND DESIST ORDER

District Board 19 having filed a complaint, and an amendment thereto, with the Bituminous Coal Division on August 1, 1941, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by Rawlins Coal Company, a code member in District 19, of the Bituminous Coal Code and the rules and regulations thereunder as follows:

That the defendant during the period October 1, 1940, to February 25, 1941, sold 663 tons of slack coals, produced by the defendant at its Rawlins Mine (Mine Index No. 165) located in Carbon County, Wyoming, in District 19, to Wyoming State Penitentiary, Rawlins, Wyoming, at prices 24 cents below the effective minimum prices for such coals;

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter having been held on November 26, 1941, before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof in Cheyenne, Wyoming, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the defendant, Rawlins Coal Company, its partners, representatives, agents, servants, employees, attorneys, successors or assigns, and all persons acting or claiming to act in its behalf, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal produced by the defendant at prices less than the applicable effective minimum prices established therefor, contrary to the Bituminous Coal Act of 1937, or any rules and regulations promulgated thereunder, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 19 for All Shipments, and the Marketing Rules and Regulations.

It is further ordered, That if the defendant fails or neglects to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States within any circuit where the defendant carries on business for the enforcement hereof.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1515; Filed, February 20, 1942; 10:55 a. m.]

[Docket No. 1860-FD]

IN THE MATTER OF SIDNEY THAYER, CODE MEMBER, DEFENDANT

CEASE AND DESIST ORDER

A complaint having been filed with the Bituminous Coal Division, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 19, alleging wilful violation by Sidney Thayer, a code member producer in District 19, the defendant, of the Bituminous Coal Code or rules and regulations thereunder, as follows:

That the defendant on or about April 25, 1941, sold approximately six tons of slack coal (Size Group 15 or 16) at $1.25 per net ton f. o. b. the mine for which the effective minimum f. o. b. mine price was $1.50 per net ton f. o. b. the mine;

The defendant having filed an answer dated November 7, 1941, denying the charged violation;

Pursuant to appropriate Orders and after due notice to all interested persons, a hearing in this matter having been held on November 26, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Cheyenne, Wyoming, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard, and at which District Board 19 and the defendant appeared;

At the conclusion of the hearing, the preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the defendant, his representatives, agents, servants, employees, attorneys, successors, and assigns, and all persons acting or claiming to act in his behalf or interest, cease and desist, and they hereby are permanently enjoined and restrained from selling and offering to sell coal at prices below the applicable effective minimum prices established therefor, contrary to the Bituminous Coal Act of 1937 or any rules and regulations promulgated thereunder; the Bituminous Coal Code; and the Schedule Effective Minimum Prices for District No. 19 for All Shipments.

It is further ordered, That if the defendant fails to comply with this Order the Division may forthwith apply to the Circuit Court of Appeals of the United States within any Circuit where such defendant carries on business for the enforcement hereof.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1516; Filed, February 20, 1942; 10:55 a. m.]

[Docket No. 1780-FD]

IN THE MATTER OF EDWIN R. EBERHART, DEFENDANT

ORDER APPROVING AND ADOPTING WITH MODIFICATION, THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division ("Division") on June 28, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), by Bituminous Coal Producers Board for District No. 4 ("District Board 4"), alleging that Edwin R. Eberhart, a code member in District 4, defendant, had wilfully violated the Bituminous Coal Code (the "Code") or rules and regulations thereunder by selling for shipment by truck during February and March 1941, approximately 6600 net tons of 2" x 0 nut and slack coal (Size Group 7), produced at the defendant's Eberhart Mine (Mine Index No. 1727), in District 4, and delivered the same by truck at prices lower than the effective minimum f. o. b. mine price for such coal, and praying that the Division either cancel and revoke the defendant's code membership, or, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder.

A hearing was held before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof, in Canton, Ohio, on October 10, 1941.

The Examiner made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter dated December 15, 1941, in which he found that the defendant had wilfully violated the Act by selling and delivering during the period February 3 to May 29, 1941, 6273.165 tons of 2" x 0 nut and slack coals to several named purchasers at prices below the applicable effective minimum price plus the actual cost of transportation. The Examiner recommended that the defendant's code membership be revoked and cancelled.

An opportunity was afforded to all interested parties to file exceptions to the Examiner's Report, and supporting briefs. The defendant has filed exceptions to the Examiner's Report, Proposed Findings of Fact, and Proposed Conclusions of Law, and has filed a supporting brief. No exception is taken to the Examiner's findings with respect to the tonnages sold by defendant and the prices received therefor. Exception is, however, taken to (1) the propriety of the proceeding, (2) the exercise of jurisdiction over the defendant, and (3) the sufficiency of the evidence to support the finding with regard to the costs of trucking.

The defendant excepted to the procedure of the Examiner in permitting counsel for the Division, in the absence of the complainant, to appear in the hearing and adduce evidence with respect to the transactions alleged in the complaint, over the timely objection of the defendant. It appears from the record that the complaint was filed by District Board 4 and that due notice of the time and place of the hearing was given to the complainant; that the complainant failed to appear; that the complainant failed to take action in the premises authorized or required by the Act; and, that thereupon, an attorney for the Division proceeded to develop the facts concerning the violation charged.

The defendant urged that the Division has no power under the Act to initiate or prosecute a complaint against a code member and that there is no provision in its Rules of Practice and Procedure governing such matters which provide for Division counsel appearing in these circumstances. The Division in this case has not assumed such power.

A complaint of violation having been properly filed pursuant to the provisions of the Act, a hearing was duly called for the purpose of developing all the relevant facts pertaining to the alleged violation. To the end of securing a comprehensive record embodying those facts it is the function and indeed the responsibility of the representative of the General Counsel's Office to develop those facts both by direct and cross examination of witnesses to ensure that an adequate record is made upon the basis of which the Acting Director can determine whether or not the alleged violation was committed. The action of the representative of the Office of the General Counsel in this case accords with this responsibility. Charged as it is with the responsibility of administering the Bituminous Coal Act, the obligation of the Division to determine the facts upon the filing of a complaint of violation is beyond dispute.

In the second exception the defendant contended that the Examiner's Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations should be set aside and the complaint dismissed for the reason that defendant is not engaged in interstate commerce and, therefore, is not subject to the Act.

In the first paragraph of section 4-A of the Act, it is provided that:

> Whenever the Commission upon investigation instituted upon its own motion or upon petition of any code member, district board, State or political subdivision thereof, or the consumers' counsel, after hearing finds that transactions in coal in intrastate commerce by any person or in any locality cause any undue or unreasonable advantage, preference, or prejudice as between persons and localities in such commerce on the one hand and interstate commerce in coal on the other hand, or any undue, unreasonable, or unjust discrimination against interstate commerce in coal, or in any manner directly affect interstate commerce in coal, the Commission shall by order so declare and thereafter coal sold, delivered or offered for sale in such intrastate commerce shall be subject to the provisions of section 4.

Pursuant to section 4-A a hearing was held (Docket 18-FD) and an Order entered by the National Bituminous Coal Commission on November 11, 1937, declaring that "substantially all transactions in bituminous coal in intrastate commerce in all localities within the State of Ohio directly affect interstate commerce in such coal," and that there will be an undue or unreasonable advantage, preference or prejudice as between transactions in intrastate commerce in Ohio on the one hand and interstate commerce in bituminous coal on the other hand and an undue, unreasonable, or unjust discrimination against interstate commerce in coal if such transactions or any substantial part thereof are not regulated and subjected to the provisions of section 4 of the Act. The Order provided that on and after December 15, 1937, *all bituminous coal* sold, delivered, or offered for sale in transactions in intrastate commerce in such coal in all localities within the State of Ohio shall be subject to the provisions of section 4 of the Act and to all relevant Orders of the Commission then in effect or that may thereafter be promulgated. The Order further provided that any producer who may believe that his or its transactions in intrastate commerce in bituminous coal should be exempted from this Order or sections 4 or 4-A of the Act, may, at any time hereafter, file an application for exemption pursuant to Section 4-A of the Act and be entitled to a hearing and appropriate Orders thereon.

In his brief the defendant contends that he was not a code member at the time the above-mentioned Order was entered, and, therefore, the Order is not applicable to him. The record shows (Exhibit 2) that the defendant's acceptance of the Code was executed by him on July 27, 1937, and became effective on July 28, 1937. Thus the defendant is in error as to the date of his effective code membership. Moreover, without regard to the date of an acceptance of the Code, a code member, by virtue of the acceptance of the Code, becomes subject to the Code and all rules and regulations thereunder.

The defendant did not avail himself of the right to file a petition for exemption nor of his right to contest the order entered in Docket No. 18-FD under the provisions of Section 6 (b) of the Act.

The defendant, not having availed himself of either remedy, may not collaterally attack the Order entered in Docket No. 18-FD in this proceeding, notwithstanding the provision of section 3 (f) of the Act, urged by defendant in the brief, that acceptance of the Code shall not preclude or estop the defendant from contesting the constitutionality of any provision of the Act or of the Code, or the validity or application of either to him or to any part of the coal produced by him. The defendant is not estopped but he must exercise his right of attack in the manner provided for in the Act.

There is a stronger reason why, in this proceeding, the defendant should not be heard to contend that he is not amenable for these transactions on the alleged ground that they are intrastate. The second paragraph of section 4-A of the Act provides that "Any producer (code member) believing that any commerce in coal is not subject to the provisions of Section 4 (the Code) or to the provisions of the first paragraph of this section may file with the Commission an application, verified by oath or affirmation for exemption, . . ." and provides machinery by which such exemption, if proper, may be obtained. The record does not show that the defendant has filed such application. Not having followed that procedure, the defendant cannot now be heard collaterally to say that the transactions are outside the field of regulation under the Act. Moreover, it is doubtful whether such a showing could be made.[1]

The third exception relates to the sufficiency of the evidence with respect to truck transportation charges. The Examiner found that part of the coal in question was transported in independently owned trucks hired by the defendant. The defendant concedes that the

[1] Cf. *United States* v *Wrightwood Dairy Company*, — U. S. —, Case Nos. 744, 783—October Term 1941, decided February 2, 1942.

transportation charges for such coal exceeded that which the defendant added to the f. o. b. mine selling price and as to these coals the findings of fact are not questioned. The remaining coals were transported in trucks owned by the defendant and the defendant contends that the transportation cost of $.4829 per net ton found by the Examiner is not supported by the evidence. I have examined the record and the evidence and I find and conclude that the uncontroverted evidence shows that the transportation cost was at least $.4829. The Examiner found that the cost was exactly $.4829 per net ton. The evidence shows that such cost was more than $.4829 per net ton. The cost of tires, tubes, depreciation, license, repairs, et cetera, was not shown by the evidence and was not included in the $.4829. Such expenses are material. I find, therefore, that the exception is not well taken. On the contrary, I find from the evidence that the Examiner's finding should be modified to show that the actual cost of transporting the coal in question in trucks owned by the defendant was $.4829 per ton plus. Since only $.40 per net ton was added to the minimum f. o. b. mine price, this modification does not affect the result.

Accordingly, I find that the exceptions of the defendant to the Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner are not well taken and should be denied.

The undersigned having determined, after a consideration of the record and the defendant's exceptions, that the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner, as hereinabove modified, should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is, therefore, ordered, That the exceptions of the defendant to the Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner be and the same hereby are denied.

It is further ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner, as herein modified, be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That pursuant to section 5 (b) of the Act, the code membership of the defendant, Edwin R. Eberhart, be and it is hereby revoked and cancelled, effective fifteen (15) days from and after the date of this Order.

It is further ordered, That prior to any reinstatement of the defendant to membership in the Code, the defendant shall pay to the United States a tax in the amount of $4,648.41, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc 42-1517; Filed, February 20, 1942; 10:55 a. m.]

General Land Office.

ALASKA

AIR NAVIGATION SITE WITHDRAWAL NO. 167, AMENDED

It appearing that the boundaries of Air Navigation Site Withdrawal No. 167 near Gulkana, Alaska, as defined by a departmental order of September 15, 1941, should be amended to include approximately 2,580 acres and to exclude about 3 acres, it is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U.S.C. 214, as follows:

1. That such additional area be, and it is hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights and to the right-of-way of the Richardson Highway as to the portion affected thereby, for the use of the Department of Commerce as a part of the site;

2. That the order of September 15, 1941, be, and it is hereby, revoked so far as it affects the tract of 3 acres, more or less, no longer needed for the purpose.

The site as so amended is described with reference to an extension of existing public land surveys as follows:

Copper River Meridian

T. 4 N., R. 1 W.,
Sec. 4, W½,
Sec. 5, all,
Sec. 6, E½,
Sec. 8, N½;
T. 5 N., R. 1 W.,
Sec. 19, SE¼,
Sec. 20, S½,
Sec. 29, all,
Sec. 30, NE¼,
Sec. 32, all;
aggregating 3,520 acres.

E. K. BURLEW,
Acting Secretary of the Interior.

February 14, 1942.

[F. R. Doc. 42-1499; Filed, February 19, 1942; 4:29 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5714]

IN THE MATTER OF THE CALIFORNIA OREGON POWER COMPANY

ORDER POSTPONING AND CHANGING PLACE OF HEARING

FEBRUARY 17, 1942.

It appearing to the Commission that: Good cause has been shown for the postponement of the hearing in the above-entitled matter.

The Commission *orders* that: The hearing in this proceeding, heretofore set to commence on February 23, 1942, be and it is hereby postponed to February 26, 1942, at 9:45 a. m., P. W. T., in Room 247, Phelan Building, Market and O'Farrell Streets, San Francisco, California.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-1505; Filed, February 20, 1942; 10:07 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4583]

IN THE MATTER OF G. F. PERGANDE, INDIVIDUALLY AND DOING BUSINESS UNDER THE NAME AND STYLE OF PERGANDE INSTITUTE

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 18th day of February, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, February 26, 1942, at ten o'clock in the forenoon of that day (Eastern Standard Time), in the Hearing Room, Federal Trade Commission Building, 6th and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1529; Filed, February 20, 1942; 11:40 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-487]

IN THE MATTER OF THE NORTH AMERICAN COMPANY

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 19th day of February, A. D. 1942.

The North American Company, a registered holding company, having filed a declaration pursuant to section 12 (d) of the Public Utility Holding Company Act of 1935 and Rules U-50, U-44, and U-42 promulgated thereunder, regarding the proposed sale by The North American Company of 2,695,000 shares of no par common stock of Union Electric Company of Missouri; such stock consisting of all the issued and outstanding common stock of the latter company and consisting of the entire interest of the former company in the latter company;

Pursuant to an order of the Commission hearings in the above entitled matter having been held on February 12 and 13, 1942; and having been continued to February 20, 1942; and

The North American Company having requested that the continued hearing called for February 20, 1942, be postponed subject to the call of the Trial Examiner on the ground that "The North American Company has not determined upon the price at which, and the definitive terms upon which, it proposes to sell the securities of Union Electric of Missouri referred to in its declaration and application";

It is ordered, That the request of The North American Company for postponement of the hearing previously continued to February 20, 1942, subject to the call of the Trial Examiner, be and hereby is granted.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1530; Filed, February 20, 1942; 11:51 a. m.]

[File No. 59-35]

IN THE MATTER OF NEW YORK WATER SERVICE CORPORATION AND FEDERAL WATER AND GAS CORPORATION, RESPONDENTS

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 19th day of February, A. D. 1942.

The Commission having instituted proceedings with respect to Federal Water and Gas Corporation, a registered holding company, and New York Water Service Corporation, one of its subsidiaries, to determine whether, for the purpose of fairly and equitably distributing voting power among security holders of New York Water Service Corporation pursuant to the provisions of section 11 (b) (2) of the Public Utility Holding Company Act of 1935, it is necessary or appropriate to require that said corporation shall revise and simplify its capital structure and what further action may be required by New York Water Service Corporation to effect complete compliance with section 11 (b) (2) of the Public Utility Holding Company Act of 1935; and

The Commission having ordered that a hearing in the above entitled proceeding be held on February 25, 1942; and

Respondents herein having requested that the date for hearing be postponed, and it appearing to the Commission that such request should be granted

It is ordered, That the hearing in the above entitled matter be, and the same hereby is, postponed to March 19, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1531; Filed, February 20, 1942; 11:51 a. m.]

[File No. 31-494]

IN THE MATTER OF MANUFACTURERS TRUST COMPANY

ORDER MODIFYING PREVIOUS ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 17th day of February, A. D. 1942.

Manufacturers Trust Company, the owner of all of the capital stock of Utility Service Company, a registered holding company, and of more than ten per centum of the voting securities of New England Public Service Company, also a registered holding company, having filed an application for an order extending for a period of one year from February 17, 1942, the exemption granted it pursuant to Section 3 (a) (4) of the Public Utility Holding Company Act of 1935 by our orders in the above styled and numbered cause dated April 20, 1939 and May 17, 1941, with respect to its indirect ownership of the voting securities of The Marion-Reserve Power Company, Eastern Minnesota Power Corporation and Wisconsin Hydro Electric Company, each a subsidiary of Utility Service Company, and the Commission having taken said application under advisement;

It is hereby ordered, That pending the further consideration of said application and the determination of the matters therein contained that Manufacturers Trust Company be and it is hereby exempted from all of the provisions of said Act applicable to a holding company with respect to its direct and indirect ownership of the voting securities of Utility Service Company, The Marion-Reserve Power Company, Eastern Minnesota Power Corporation and Wisconsin Hydro Electric Company for a period of fifteen days from the date hereof;

It is further ordered, That all provisions contained in our order of May 17, 1941 in the above styled and numbered cause except those contained in the fourth paragraph of said order remain in full force and effect until further order of this Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1532; Filed, February 20, 1942; 11:51 a. m.]

[File No. 1-1426]

IN THE MATTER OF THE UNION METAL MANUFACTURING COMPANY, COMMON STOCK, NO PAR VALUE

ORDER GRANTING APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 19th day of February, A. D. 1942.

The Union Metal Manufacturing Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to withdraw its Common Stock, No Par Value, from listing and registration on the Cleveland Stock Exchange; and

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on March 2, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1533; Filed, February 20, 1942; 11:51 a. m.]

PART II

FEDERAL REGISTER

VOLUME 7 NUMBER 37

Washington, Saturday, February 21, 1942

TITLE 32—NATIONAL DEFENSE

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1305—ADMINISTRATION

ORDER FOR REPRINTING OF PRICE SCHEDULES IN THE FEDERAL REGISTER

§ 1305.1 Section 206 of the Emergency Price Control Act of 1942 provides that any price schedule establishing a maximum price or maximum prices which (a) was issued by the Administrator of the Office of Price Administration or the Administrator of the Office of Price Administration and Civilian Supply prior to the date upon which the Price Administrator took office under the Act and (b) is consistent with the standards contained in section 2 of the Act and the limitations contained in section 3, shall have the same effect as if issued under section 2 of the Act and shall have such effect from the date upon which the Price Administrator took office until superseded by action taken pursuant to section 2 of the Act. Section 206 further provides that all price schedules which are to be effective in this manner shall be reprinted in the FEDERAL REGISTER within 10 days after the date upon which the Price Administrator takes office.

The Price Administrator took office on February 11, 1942. Prior to February 11 the price schedules listed below, which had been previously issued, were examined, and where necessary amended, so as to conform with sections 2 and 3 of the Act. These schedules are consistent with such standards and limitations. Consequently, on and after February 11, 1942, violations of such schedules are subject to the criminal and civil penalties of the Act, and such schedules will be administered in accordance with the provisions of the Act.

Therefore, it is hereby ordered that, in accordance with the provisions of section 206 of the Act, the following price schedules shall be reprinted in the FEDERAL REGISTER on or before February 22, 1942. (Pub. 421, 77th Cong., 2d sess.)

Issued this 17th day of February, 1942.

LEON HENDERSON,
Price Administrator.

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PART 1301—MACHINE TOOLS

REVISED PRICE SCHEDULE NO. 1—SECOND-HAND MACHINE TOOLS

[Issued by the Price Stabilization Division, Advisory Commission to the Council of National Defense. Adopted by the Office of Price Administration and Civilian Supply, and the Office of Price Administration]

Whereas the Office of Price Administration is charged with functions related to the maintenance of price stability and the prevention of undue price rises and price dislocations; and

Whereas in the second-hand machine tool trade, prices have risen in such fashion and to such extent since May, 1940, as compared with other basic commodities, and in particular as compared with new machine tools, as to result in price instability and dislocations injurious to the national defense; and

Whereas such price increases are not justified but represent, on the part of a few, the result of speculative activity, and withholding of sales and offers to sell in the prospect of further unwarranted price increases, amounting to profiteering and hoarding; and

Whereas the absence of any maximum price standards makes it difficult and in some cases impossible for the trade voluntarily to cooperate with the Government in maintaining price stability and in preventing excessive and speculative price increases; and

Whereas the establishment of such standards by the Government is necessary to facilitate such cooperation, and to prevent the kind of price policy which leads to a weakening of the defense effort through disastrous inflation, undue burdens upon the Government, economic dislocations, price spiraling, and profiteering, and the establishment of such standards is otherwise necessary in the public interest and in the interest of national defense; and

Whereas on the basis of information secured by independent investigation by this Office and by the Office of Production Management and information furnished through the cooperation of the trade, I find that the maximum prices set forth in Appendix A, incorporated herein as § 1301.7, constitute reasonable limitations on prices for second-hand machine tools.

Now, therefore, in order to facilitate cooperation with the Government in maintaining price stability and in preventing excessive and speculative price increases injurious to the defense program and to the public interest and welfare, it is directed that:

§ 1301.1 *Maximum prices for second-hand machine tools.* On and after March 1, 1941, prices for second-hand machine tools, exclusive of extras, shall not exceed the prices set forth in Appendix A, incorporated herein as § 1301.7 of Price Schedule No. 1. No person shall sell, offer to sell, deliver or transfer, and no person shall buy, offer to buy, or accept delivery of second-hand machine tools at prices higher than those set forth in § 1301.7, Appendix A. Lower prices may, however, be charged, demanded, paid, or offered. The price limitations set forth in § 1301.7, Appendix A, shall not be evaded by additional or extra charges for repair or reconditioning, commissions, or otherwise.*

[§ 1301.1 as amended, September 24, 1941, effective September 24, 1941; 6 F.R. 4885]

*§§ 1301.1 to 1301.7, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1301.2 *Records and reports.* Each dealer in second-hand machine tools shall file with the Office of Price Administration a report on each floor-type second-hand machine tool in his stock or purchased through him as agent, and a report on each second-hand machine tool sold or otherwise disposed of, by him or through him as agent.

(a) All reports on second-hand machine tools must be made on Form 100:1, copies of which may be had upon request to this Office. Form 100:1 may be reproduced by the dealer, or printed on the reverse side of regular stock sheets, provided that no change is made in the style and content of the report and that the report is on 8½ by 11 inch paper.

(b) Dealers shall file reports, not later than March 25, 1941, for each second-hand machine tool in stock as of March 15, 1941. A report for each second-hand machine tool added to stock after March 15, 1941, shall be filed not more than one week after the machine tool is purchased or otherwise acquired. *Failure to object to an offering price as disclosed by a report does not constitute approval of the price by this Office.*

(c) Reports for each second-hand machine tool sold or otherwise disposed of by or through a dealer after March 15, 1941, shall be filed by the dealer within one week after the transaction. Every report of sale or other disposition shall state the name and address of the purchaser. This information need be noted under item 17, Remarks, on only one of the sales reports. Requests for copies of invoices may be made by this Office at any time.

(d) When a second-hand machine tool is sold or otherwise disposed of within one week after acquisition and before the report of inventory or addition has been filed, such report of inventory or addition shall not be required. In such case, however, the report of sale or other disposition shall note that no previous report on the machine tool has been filed.

(e) For the purpose of reporting sales, the receipt of an order shall be reported as a sale. (If the order is later canceled, this Office is to be advised forthwith and the machine tool reported as added to inventory.)

(f) When a machine tool is disposed of by lease, or otherwise than by sale, a full statement of the transaction shall be made on the report.

(g) Inasmuch as prices, including commissions, may not exceed the ceiling prices, all offering or sale prices quoted in the report shall include commissions to be charged, or which have been charged, respectively.

(h) Where a dealer has acted as purchasing agent, he shall make a report on the second-hand machine tool as if it had been purchased and immediately sold by him (see paragraph (d) above), and shall report the amount paid by the purchaser, including any commission paid to him as purchasing agent.

(i) Dealers shall assign a separate inventory number to each second-hand machine tool handled by them and shall use this number in making reports hereunder. If a machine tool is held in joint ownership, the inventory report shall be made by the dealer who has possession of the machine tool, or if none of the owners has possession of it, by the dealer in whose name the machine tool was purchased. When the machine tool is sold, the dealer in whose name the sale is made shall report the sale, referring to the inventory number previously assigned to the machine tool.

(j) All reports shall be filed in duplicate, and signed by the dealer or by an officer of the dealer.

(k) Complete records shall be preserved by dealers on all second-hand machine tools purchased, sold, or otherwise handled or dealt in after March 15, 1941.

(l) Subject to the provisions of § 1301.5 below, all information filed or received pursuant to Price Schedule No. 1 shall be treated as confidential, except that it may be transmitted to any other agency or department of the Government.

(m) Extras may be defined as supplementary equipment furnished by the manufacturer at an added cost. Second-hand extras are subject to the same maximum price percentage that is applicable to the basic second-hand machine tool to which the extras are added. All extras must be separately listed as required in Form 100:1.*

[§ 1301.2 as amended September 24, 1941, effective September 24, 1941; 6 F.R. 4885]

§ 1301.3 *Definitions.* When used in Price Schedule No. 1, the term:

(a) "Person" includes an individual, corporation, association, partnership, or other business entity;

(b) "Dealer" means a person in the business of buying and selling second-hand machine tools as a principal or in the business of buying or selling such tools as an agent or broker;

(c) "Machine tool" includes all machines for the cutting, abrading, shaping, forming, and joining of metals;

(d) "Second-hand" refers to machine tools which have previously been used or purchased for use;

(e) "Stock", referring to second-hand machine tools, includes tools which are owned by the dealer in question, or on which he has obtained an option, or for which he has secured a selling agency.

(f) "Rebuilt and guaranteed" applies only to a machine tool which (1) has been rebuilt or is in equivalent condition to a rebuilt machine tool and is invoiced as such (a rebuilt machine is one in which worn or missing parts have been replaced or reworked, and which has been tested under power so as to prove that it has a substantially equivalent performance to that of the machine when new); (2) has been tested under power so as to prove that it has a substantially equivalent performance to that of the machine when new; and (3) carries a binding guaranty of satisfactory performance for a period of not less than 30 days from date of shipment.*

[Paragraph (f) added by amendment September 24, 1941, effective September 24, 1941; 6 F.R. 4885]

§ 1301.4 *Modification of Price Schedule No. 1.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 1 may apply to the Office of Price Administration for approval of any modification thereof.*

§ 1301.5 *Enforcement of Price Schedule No. 1.* In the event of refusal or failure to abide by the price limitations or other provisions contained in Price Schedule No. 1, this Office will make every effort to assure (a) that the Congress and the public are fully informed of the instances of such profiteering or noncooperation; and (b) that the powers of the Government are fully exerted in order to protect the public interest in the maintenance of fair prices. Persons who have evidence of the demand or receipt of prices above the limitations set forth, or of speculation, manipulation of prices or hoarding are urged to communicate with the Office of Price Administration giving as complete description of the particular machine tools as may be practicable.*

§ 1301.6 *Effective date of Price Schedule No. 1.* This schedule (§§ 1301.1 to 1301.7, inclusive) shall become effective February 17, 1941, except that § 1301.1 shall become effective March 1, 1941.*

§ 1301.7 *Appendix A: Maximum prices for second-hand machine tools.*

[Exclusive of extras]

Classification by—			Maximum price in terms of percentage of the March 1, 1941 price of equivalent new machine tool
Date of manufacture	Condition		
			Percent[1]
1. Jan. 1, 1936, and after.	(a) Rebuilt and guaranteed.		95
	(b) Other		75
2. Jan. 1, 1930, to Dec. 31, 1935.	(a) Rebuilt and guaranteed.		90
	(b) Other		70
3. Jan. 1, 1920, to Dec. 31, 1929.	(a) Rebuilt and guaranteed.		80
	(b) Other		60
4. Before Jan. 1, 1920	(a) Rebuilt and guaranteed.		70
	(b) Other		50

Explanatory Information

1. The date of manufacture can be determined from the serial number stamped on the machine by the manufacturer.

2. *As used above, the term "rebuilt and guaranteed" applies only to a machine tool which (1) has been rebuilt or is in equivalent condition to a rebuilt machine tool and is invoiced as such (a rebuilt machine is one in which worn or missing parts have been replaced or reworked, and which has been tested under power so as to prove that it has a substantially equivalent performance to that of the machine when new); (2) has been tested under power so as to prove that it has a substantially equivalent performance to that of the machine when new; and (3) carries a binding guaranty of satisfactory performance for a period of not less than 30 days from date of shipment.*

3. Machine tools formerly equipped with a cone drive are often now manufactured with a geared head. In such cases determine the price of an equivalent new machine tool by deducting 20 percent from the March 1, 1941 price of the new geared-head machine tool.*

[§ 1301.7 as amended September 24, 1941, effective September 24, 1941; 6 F.R. 4885]

[Appendices B and C were revoked by amendment September 24, 1941]

[Supplement No. 1 issued May 7, 1941, directed that the maximum prices of second-hand machine tools are to be computed in terms of percentages of the prices of equivalent new machine tools as of March 1, 1941, and shall not be computed with reference to current prices of new machine tools]

Issued 17th day of February 1941.[1]

LEON HENDERSON,
Administrator.

PART 1302—ALUMINUM

REVISED PRICE SCHEDULE NO. 2—ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT

[Issued by Price Stabilization Division, Advisory Commission to the Council of National Defense. Adopted by the Office of Price Administration and Civilian Supply and the Office of Price Administration]

The Office of Price Administration, being charged with the maintenance of price stability and the prevention of undue price rises and price dislocations, has determined, after full investigation and after consultation with representatives of the trade and with the Office of Production Management, (a) that the total supply of primary and secondary aluminum is grossly inadequate to satisfy combined defense and civilian demands, (b) that almost the entire supply of primary aluminum and an increasing proportion of the supply of secondary aluminum is being required for defense purposes, (c) that resulting competition for secondary aluminum has exerted highly inflationary pressure upon prices of aluminum scrap and secondary alu-

[1] Issued: 6 F.R. 1021; published as Title 32, Ch. VI, sections 1 to 7, inclusive, and Appendices A, B, and C. Amended: 6 F.R. 1478, 1871; supplement No. 1, 6 F.R. 2335. Renumbered, codified, and amended: 6 F.R. 4885.

minum ingot and has driven such prices to unreasonable levels wholly disproportionate to the price at which primary aluminum has been voluntarily stabilized, (d) that such uncontrolled price increases have led to hoarding, speculation, profiteering and price instability injurious to national defense and have necessitated establishment of maximum prices for aluminum scrap and secondary aluminum ingot, (e) that, in order to bring such maximum prices into proper relationship to the recently reduced price of primary aluminum and into proper relationship to each other, it is essential that the maximum prices heretofore established be revised, and (f) that such maximum prices as so revised and set forth herein constitute fair and reasonable limitations on prices of aluminum scrap and secondary aluminum ingot and that their establishment is in the interest of national defense and welfare.

[Preamble as amended October 31, 1941, effective November 1, 1941; 6 F.R. 5568]

Accordingly, under the authority vested in me by Executive Order 8734, it is hereby directed that:

§ 1302.1 *Maximum prices of aluminum scrap and secondary aluminum ingot.* On and after November 1, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer aluminum scrap or secondary aluminum ingot, and no person shall buy, offer to buy, or accept delivery of aluminum scrap or secondary aluminum ingot, at prices higher than the maximum prices set forth in Appendices A and B, incorporated herein as §§ 1302.10 and 1302.11.*

[§ 1302.1 as amended, October 31, 1941, effective November 1, 1941; 6 F.R. 5568]

*§§ 1302.1 to 1302.11, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1302.2 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B (§§ 1302.10 and 1302.11, respectively) hereof may be charged, demanded, paid or offered.*

§ 1302.3 [Revoked]

[§ 1302.3 revoked by amendment January 9, 1942, effective January 13, 1942; 7 F.R. 224]

§ 1302.4 *Evasion.* The price limitations set forth in Price Schedule No. 2 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of aluminum scrap or secondary aluminum ingot, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

[§ 1302.4 as amended, October 31, 1941, effective November 1, 1941; 6 F.R. 5568]

§ 1302.5 *Records and reports.* (a) Every person making purchases or sales of aluminum scrap or secondary aluminum ingot shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of:

(1) Each such purchase or sale, showing the person from or to whom each such purchase or sale was made, the date thereof, the price paid or received, other terms of sale and shipment, and the quantity in pounds and the quality by grades of aluminum scrap or secondary aluminum ingot involved; and

(2) At the close of each month, the amount in pounds of each grade of aluminum scrap and secondary aluminum ingot (i) on hand, (ii) on purchase order, and (iii) committed to be sold.

(b) Persons affected by Price Schedule No. 2 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

[§ 1302.5 as amended October 31, 1941, effective November 1, 1941; 6 F.R. 5568]

§ 1302.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 2, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 2, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 2, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 2 which may be regarded as grounds for the revocation of licenses and permits, and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 2. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of aluminum scrap or secondary aluminum ingot, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

[§ 1302.6 as amended October 31, 1941, effective November 1, 1941; 6 F.R. 5568]

§ 1302.7 *Modification of Price Schedule No. 2.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 2 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless the person making such application shall have, to the satisfaction of the Office of Price Administration, complied with Price Schedule No. 2.*

[§ 1302.7 as amended October 31, 1941, effective November 1, 1941; 6 F.R. 5568]

§ 1302.8 *Definitions.* When used in Price Schedule No. 2, the term:

(a) "Person" means an individual, partnership, association, corporation or other business entity;

(b) "Aluminum scrap" means the grades of aluminum scrap set forth in § 1302.10, Appendix A, hereof;

(c) "Secondary aluminum ingot" means the grades of secondary aluminum ingot set forth in § 1302.11, Appendix B, hereof.*

[§ 1302.8 as amended October 31, 1941, effective November 1, 1941; 6 F.R. 5568]

§ 1302.9 *Effective date.*

[This Schedule (§§ 1 to 12, inclusive, and Appendices A and B) shall become effective March 24, 1941]

This Schedule (§§ 1302.1 to 1302.11, inclusive), as amended, shall become effective November 1, 1941. Shipments of aluminum scrap and secondary aluminum ingot made prior thereto shall be governed by the terms of Price Schedule No. 2 which were in effect on the date of shipment.*

§ 1302.10 *Appendix A: Maximum prices for aluminum scrap.*

[F. o. b. point of shipment]

Grade of aluminum scrap	Column I: Maximum price (cents per pound) in lots less than 1,000 pounds	Column II: Maximum price (cents per pound) in lots of 1,000 to 20,000 pounds (if shipped by truck) or 1,000 to minimum carload (if shipped by rail)	Column III: Maximum price (cents per pound) in lots of 20,000 pounds or more (if shipped by truck) or minimum carload (if shipped by rail)
Plant scrap:			
Segregated 2S:			
Clips or other 2S solids	10	11	11½
Mixed clips or other mixed solids	8½	9½	10
Segregated borings and turnings	7½	8½	9
Mixed borings and turnings	6½	7½	8
Obsolete scrap:			
Pure cable	10	11	11½
Old sheet and utensils	9½	10½	11
Old castings and forgings	10	10½	11
Pistons free of struts	10	10½	11
Pistons with struts	8	8½	9

NOTE 1. *Segregated solid plant scrap other than 2S.* Maximum prices are not established for solid plant scrap other than 2S which is segregated, identified, handled, sold, and delivered in accordance with Supplementary Order M-1-d (7 F.R. 160) or other instructions and regulations issued by the Director of Priorities, Office of Production Management; scrap of this description is therefore not subject to the Price Schedule. "Plant scrap" means scrap which is generated in the course of fabrication or manufacture and includes new material or parts rejected or discarded because defective, damaged in processing, or otherwise unfit for use. The terms "Solids" and "Solid Plant Scrap" mean plant scrap generated by shearing, clipping, cutting, blanking, or similar process, also defective or rejected wrought aluminum parts, defective or rejected castings and gates, sprues, risers or similar foundry scrap. Scrap shall not be deemed "Segregated", whether in the form of solids or in the form of borings, turnings or other machinings, unless it consists of one alloy only and is so identified and handled as to be accepted for reprocessing into aluminum of the original alloy specifications without the necessity for other than routine examination by the processor.

NOTE 2. *Low-grade or contaminated scrap.* Maximum prices may be charged and paid only for scrap of the respective grades which meets generally accepted maximum standards of the trade. Low-grade scrap, scrap which is not clean and dry or which is otherwise contaminated, and scrap which for any other reason fails to meet such maximum standards, must be sold at prices proportionately below the established maximum prices. It is particularly important that proper deduction be made for oil, water and other forms of contamination contained in borings, turnings and similar machinings.

NOTE 3. *Quantity differentials.* The requisite quantities for which premiums are provided in Columns II and III, above, may consist of various grades of aluminum scrap, but other metals may not be included for the purpose of making up such quantities. It will be considered that the requisite quantity has been sold and shipped, in case delivery is made by truck, if such quantity is sold in one lot and delivery is made within a period of seventy-two consecutive hours. A minimum carload is the minimum quantity required to obtain the railroad carload rate from the point of shipment to the destination.

NOTE 4. *Aluminum foil.* Aluminum foil and light gauge aluminum sheet which does not exceed 0.006 of an inch in thickness is not considered within this Price Schedule.

[§ 1302.10 as amended January 9, 1942, effective January 13, 1942; 7 F.R. 224]

§ 1302.11 *Appendix B: Maximum prices for secondary aluminum ingot.*

[F. o. b. Point of Shipment]

Grade of secondary aluminum ingot:	Maximum price (cents per pound in quantities of 30,000 pounds or more)
98 percent pure aluminum ingot	15
Silicon alloys	15
Piston alloys	14½
No. 12 aluminum	14½
Deoxidizing aluminum, notch-bar, granulated, or shot (2¢ extra for Special Shapes)	13½

Quantity Differentials

The following premiums may be charged, in addition to the maximum prices set forth above, where sales are in the quantities specified:

Quantity:	Premium (cents per pound)
10,000 to 30,000 pounds	¼
1,000 to 10,000 pounds	½
Less than 1,000 pounds	1

[§ 1302.11 as amended January 9, 1942, effective January 13, 1942; 7 F.R. 224]

Issued this 24th day of March 1941.[1]

LEON HENDERSON,
Administrator.

PART 1303—ZINC

REVISED PRICE SCHEDULE NO. 3—ZINC SCRAP MATERIALS AND SECONDARY SLAB ZINC

[Issued by the Price Stabilization Division, Advisory Commission to the Council of National Defense. Adopted by the Office of Price Administration and Civilian Supply, and the Office of Price Administration]

The Office of Price Administration is charged with the maintenance of price stability and the prevention of undue price rises and price dislocations.

The supply of both primary and secondary zinc is insufficient to satisfy the total defense and essential civilian demands. An increase in the price of primary slab zinc has been made in order to maintain and expand supply. It is necessary to revise the prices of zinc scrap materials and secondary slab zinc in order to maintain their proper relationship to the prices of primary slab zinc. After investigation and consideration it has been determined that the maximum prices set forth herein are fair and reasonable.

[Preamble as amended, October 17, 1941, effective October 17, 1941; 6 F.R. 5334]

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1303.1 *Maximum prices for zinc scrap materials.* On and after October 17, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer zinc scrap materials, and no person shall buy, offer to buy, or accept delivery of zinc scrap materials, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1303.9.*

[§ 1303.1 as amended October 17, 1941, effective October 17, 1941; 6 F.R. 5334]

*§§ 1303.1 to 1303.10, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1303.2 *Maximum prices for secondary slab zinc.* On and after October 17, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer secondary slab zinc, and no person shall buy, offer to buy, or accept delivery of secondary slab zinc, at prices higher than the maximum prices set forth in Appendix B hereof, incorporated herein as § 1303.10.*

[§ 1303.2 as amended October 17, 1941, effective October 17, 1941; 6 F.R. 5334]

[1] Issued: 6 F.R. 1593. Published as Title 32, Ch. VI, subchapter B, sections 1 to 12 inclusive, and Appendixes A and B.

Amended: 6 F.R. 2259, 2335. Renumbered, codified and amended: 6 F.R. 2682. Amended: 6 F.R. 4076, 5568; 7 F.R. 224.

§ 1303.3 *Less than maximum prices.* Lower prices than those set forth in §§ 1303.9 and 1303.10, Appendices A and B of Price Schedule No. 3 may be charged, demanded, paid or offered.*

§ 1303.4 *Evasion.* The price limitations set forth in Price Schedule No. 3 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of zinc scrap materials, whether or not commingled with any foreign materials, or of secondary slab zinc, or in connection with a purchase, sale, delivery, or transfer of any other materials, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

[§ 1303.4 as amended October 17, 1941, effective October 17, 1941; 6 F.R. 5334]

§ 1303.5 *Records and reports.* Every person making purchases or sales of zinc scrap materials or secondary slab zinc after October 17, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of:

(a) Each purchase or sale of zinc scrap materials, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, the quantity, in pounds or tons, of each grade purchased or sold, and whether the quantity so sold or purchased was shipped, delivered, carried away, or received in a single shipment or shipments, as defined in § 1303.9, Appendix A, hereof, or otherwise;

(b) Each purchase or sale of secondary slab zinc, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, the quantity, in pounds or tons, of each grade purchased or sold, and whether the quantity so sold or purchased was shipped, delivered, carried away, or received, in carload or less than carload lots; and

(c) The amount in pounds or tons of zinc scrap materials and, separately, the amount in pounds or tons of secondary slab zinc (1) on hand, and (2) on order, as of the close of each month.*

[§ 1303.5 as amended October 17, 1941, effective October 17, 1941; 6 F.R. 5334]

§ 1303.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 3, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 3, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 3, (c) that full

advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 3 which may be regarded as grounds for the revocation of licenses and permits, and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 3. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of zinc scrap materials and secondary slab zinc, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

[§ 1303.6 as amended October 17, 1941, effective October 17, 1941; 6 F.R. 5334]

§ 1303.7 *Modification of the Price Schedule.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 3 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1303.8 *Definitions.* When used in Price Schedule No. 3 the term:

(a) "Person" means an individual, partnership, association, corporation or other business entity;

(b) "Producer" means any person who produces slab zinc;

(c) "Secondary slab zinc" means slab zinc more than 50% of the zinc content of which shall be obtained from scrap material by distillation, remelting, electrolysis, or any other method; and

(d) "Zinc scrap materials" means the kinds and grades of zinc scrap materials set forth in § 1303.9, Appendix A, of Price Schedule No. 3.*

[§ 1303.8 as amended February 2, 1942, effective February 2, 1942; 7 F.R. 700]

§ 1303.9 *Appendix A: Maximum prices for zinc scrap materials*—(a) *Maximum prices.*

Grade of zinc scrap material	Maximum price (per pound, f. o. b. point of shipment) (cents)
New Zinc Clippings and Trimmings	7.25
Engravers' and Lithographers' Plates	7.25
Old Zinc Scrap	5.75
Unsweated Zinc Dross	5.80
Die Cast Slab	5.80
New Die Cast Scrap	4.95
Radiator Grilles, old and new	4.95
Old Die Cast Scrap	4.50

The maximum prices established herein are the maximum prices to be paid for the zinc scrap materials enumerated above after the free iron and other foreign materials are removed.

(b) *Quantity premiums.* To the maximum prices set forth above, a premium of one-half ($\frac{1}{2}$¢) cent per pound may be added:

(1) On single shipments of 10,000 pounds or more of any one of the following grades, or of combinations thereof:

New Zinc Clippings and Trimmings
Engravers' and Lithographers' Plates
Old Zinc Scrap; and

(2) On single shipments of 20,000 pounds or more of any one of the following grades, or of combinations thereof:

New Die Cast Scrap
Radiator Grilles, old and new
Old Die Cast Scrap

For the purposes of Price Schedule No. 3 the term "single shipment" means all deliveries made to a buyer within a period of 48 consecutive hours, excluding Sundays and Legal Holidays.

(c) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Zinc scrap may, however, be sold, offered for sale, delivered or transferred at a price delivered buyer's customary receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by Price Schedule No. 3 in all price quotations (1) the transportation charge must be shown as a separate item, (2) the price f. o. b. point of shipment obtained by subtracting the transportation charge from the total delivered price must not exceed the maximum f. o. b. point of shipment price set forth in Price Schedule No. 3 and (3) when delivery is made in the seller's conveyance, the transportation charge shall not exceed the lowest available commercial transportation rate for effecting the delivery.*

[§ 1303.9 as amended October 17, 1941, effective October 17, 1941; 6 F.R. 5334]

§ 1303.10 *Appendix B: Maximum prices for secondary slab zinc*—(a) *Base prices.*

Grade	Base price, per pound (cents)
Prime Western and poorer grades	8.25
Selected	8.35
Brass Special	8.50
Intermediate and higher grades	8.75

(b) *Sold or shipped, delivered, or carried away in carload lots.* The term "base price" referred to in this section means the price listed in paragraph (a) of this section for the respective grade of slab zinc.

Grade	Maximum price, per pound (Delivered, buyer's receiving point)
Prime Western and poorer grade.	Base Price plus carload freight from E. St. Louis to buyer's receiving point.
Selected	Base price plus carload freight from E. St. Louis to buyer's receiving point.
Brass Special	Base Price plus carload freight from E. St. Louis to buyer's receiving point.
Intermediate and higher grades.	Base Price plus carload freight from E. St. Louis to buyer's receiving point.

The minimum quantity making up a carload lot for the purpose of Price Schedule No. 3 shall be the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination.

(c) *Sold and shipped, delivered or carried away in less than carload lots.* The term "base price" referred to in this section means the price listed in paragraph (a) of this section for the respective grade of slab zinc.

(1) *Sales of secondary slab zinc by the producer of the zinc sold.*

For sales in lots of	Maximum price per pound (f. o. b. point of shipment)
20,000 lbs. and less than a carload.	Base price plus .15¢ plus carload freight from E. St. Louis to point of shipment.
10,000 lbs. and less than 20,000 lbs.	Base price plus .25¢ plus carload freight from E. St. Louis to point of shipment.
2,000 lbs. and less than 10,000 lbs.	Base price plus 40¢ plus carload freight from E. St. Louis to point of shipment.
Less than 2,000 lbs.	Base price plus .50¢ plus carload freight from E. St. Louis to point of shipment.

(2) *Sales by all persons except producers.*

For sales in lots of	Maximum price per pound (f. o. b. point of shipment)
20,000 lbs. and less than a carload.	Base price plus .65¢ plus carload freight from E. St. Louis to point of shipment.
10,000 lbs. and less than 20,000 lbs.	Base price plus .75¢ plus carload freight from E. St. Louis to point of shipment.
2,000 lbs. and less than 10,000 lbs.	Base price plus 1.00¢ plus carload freight from E. St. Louis to point of shipment.
Less than 2,000 lbs.	Base price plus 1.50¢ plus carload freight from E. St. Louis to point of shipment.

(d) *Specifications.* The grades of Secondary Slab Zinc specifically referred to above shall conform to the following chemical requirements:

Maximum impurities—percent

Grade	Lead	Iron	Cadmium	Aluminum	Total not over
Intermediate	0.20	0.03	0.50	None	0.50
Brass Special	0.60	0.03	0.50	None	1.00
Selected	0.80	0.04	0.75	None	1.25
Prime Western	1.60	0.08			

(e) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Secondary slab zinc may, however, be sold, offered for sale, delivered, or transferred at prices delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by Price Schedule No. 3, in all price quotations (1) the transportation charge must be shown as a separate item and (2) the price f. o. b. point of shipment, obtained by subtracting the transportation charge from the total delivered price, must not exceed the maximum f. o. b. point of shipment price set forth in Price Schedule No. 3.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in Price Schedule No. 3, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but, where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.*

[§ 1303.10 as amended February 2, 1942, effective February 2, 1942; 7 F.R. 700]

Issued this 31st day of March 1941.[1]
[Effective March 31, 1941.]

LEON HENDERSON,
Administrator.

PART 1304—IRON AND STEEL SCRAP

REVISED PRICE SCHEDULE NO. 4—IRON AND STEEL SCRAP[2]

[Issued by the Price Stabilization Division, Advisory Commission to the Council of National Defense. Adopted by the Office of Price Administration and Civilian Supply and the Office of Price Administration]

§ 1304.1 *Maximum prices on sales of iron and steel scrap other than railroad scrap.* On and after April 3, 1941, regardless of the terms of any contract of sale or purchase or other commitment theretofore entered into, no person shall sell, offer to sell, deliver, or transfer iron and steel scrap other than railroad scrap, to the consumer of such scrap or to his broker, at prices higher than the prices set forth in Appendices A, C, D and E, incorporated herein as §§ 1304.13, 1304.15, 1304.16 and 1304.17, and no consumer or his broker shall buy, offer to buy, or accept delivery of, iron and steel scrap other than railroad scrap at prices higher than the prices set forth in Appendices A, C, D and E (§§ 1304.13, 1304.15, 1304.16 and 1304.17) except as provided in §§ 1304.6 and 1304.9 hereof.*

*§§ 1304.1 to 1304.17, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1304.2 *Maximum prices on sales of iron and steel railroad scrap.* On and after April 3, 1941, regardless of the terms of any contract of sale or purchase, or other commitment theretofore entered into, no person shall sell, offer to sell, deliver or transfer iron and steel railroad scrap to the consumer of such scrap or to his broker, at prices higher than the prices set forth in Appendices B, D and E, incorporated herein as §§ 1304.14, 1304.16 and 1304.17, and no consumer or his broker shall buy, offer to buy, or accept delivery of iron and steel railroad scrap at prices higher than the prices established in Appendix E, except as provided in §§ 1304.6 and 1304.9 hereof.*

§ 1304.3 *Lower than maximum prices.* Lower prices than those set forth in Appendices A, B, C, D and E (§§ 1304.13, 1304.14, 1304.15, 1304.16 and 1304.17) may, however, be charged, demanded, paid or offered.*

§ 1304.4 *Method of securing information governing maximum prices on sales of iron and steel railroad scrap.* On and after April 3, 1941, no sale of any grade of iron and steel railroad scrap, for which a maximum price is not listed in § 1304.14, Appendix B, shall be made until after the Office of Price Administration has established a maximum price therefor, and until opportunity has been given any prospective buyer of such scrap to learn the maximum price applicable to such sale. The prospective buyer may ascertain such maximum price by addressing an inquiry to the Office of Price Administration, Washington, D. C. The railroad maker thereof or other person shall file with the Office of Price Administration the information required to determine with § 1304.14, Appendix B, the maximum price thereby established for such grade.*

§ 1304.5 *Geographical application.* The provisions of Price Schedule No. 4 shall apply only to sales, offers to sell, deliveries, or transfers of iron and steel scrap moving within, into or out of one of the 48 States of the United States or the District of Columbia.*

§ 1304.6 *Commissions.* No commission shall be payable hereunder, except by a consumer to a broker for brokerage services rendered to the consumer. In the event that a consumer shall employ a broker to purchase iron and steel scrap, such consumer may pay such broker a commission not exceeding 50 cents per gross ton. No commission shall be payable unless (a) the broker guarantees the quality and delivery of an agreed tonnage of scrap; (b) the scrap is purchased by the consumer at a price not higher than the maximum applicable herein; (c) the broker sells the scrap to the consumer at the same price at which he purchased it; (d) the broker does not split or divide the commission, in whole or in part, with the seller or sellers of the scrap, with another broker or subbroker, or with the consumer. No commission shall be payable to a person for scrap which he prepares.*

[§§ 1304.5 and 1304.6 as amended February 2, effective February 2, 1942; 7 F.R. 701.]

§ 1304.7 *Evasion.* The price limitations set forth in Price Schedule No. 4 shall not be evaded whether by direct or indirect methods, in connection with the purchase, sale, delivery or transfer of iron and steel scrap, alone or in conjunction with any other material, or by way of any commission, cross-billing, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by upgrading, or otherwise.*

§ 1304.8 *Record-keeping and reporting requirements.* Every dealer in, and every maker, smelter, processor, broker, or consumer of, and every other person purchasing or selling iron and steel scrap shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of:

(a) As of the close of each month, the quantity in pounds and quality by grades of iron and steel scrap, (1) on hand and (2) on order;

(b) In the case of transactions for which maximum prices are established in Price Schedule No. 4, each such purchase or sale, the date thereof, the name and address of the buyer or the seller, the shipping point price, the quantity in pounds and quality in grades, as defined in the applicable appendix, the mode or modes of transportation used from shipping point to point of delivery, the transportation charges involved, the bills of lading and other documents evidencing the movement from shipping point to point of delivery, the delivered price and the commission, if any, involved in the transaction. The record shall also contain such further requirements as are set forth in the applicable appendix (see especially § 1304.15 (b) (2) (iii)).

(c) In the case of transactions (including purchases or sales of used material which is to be made into iron and steel scrap, e. g. a box car, locomotive, graveyard automobile or the like) for which no maximum prices are established hereunder, each such purchase or sale, the date thereof, name and address of the buyer or seller, the type of material involved, the purchase or sales price, and the terms of such price (i. e. whether the material is purchased or sold *as is, where is*, or *delivered to the dealer's yard*, or otherwise).

(d) Persons affected by Price Schedule No. 4 shall submit such reports to the Office of Price Administration as it may from time to time require.*

[§ 1304.8 as amended February 9, 1942, effective February 9, 1942; 7 F.R. 928]

§ 1304.9 *Modification of Price Schedule No. 4.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 4 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 4 and all other Schedules issued by the Office of Price Administration. Such applications must be submitted under oath and in a separate document captioned: "Application for Relief from Price Schedule No. 4—Iron and Steel Scrap," and shall not be contained in any filing of information, or prices required to be filed under Price Schedule No. 4.*

§ 1304.10 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other

[1] Issued: 6 F.R. 1871. Published as Title 32, Ch. VI, Subchapter B, Sections 1 to 10, inclusive, and Appendices A and B. Renumbered, codified and amended: 6 F.R. 5234. Amended: 7 F.R. 700.

[2] Price Schedule No. 4 revised as of December 24, 1941 and subsequently amended.

provisions of Price Schedule No. 4, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 4, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 4; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 4, and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 4. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of iron and steel scrap, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1304.11 *Definitions.* (a) "Person" means an individual, corporation, association, partnership, trustee in bankruptcy, receiver or other entity.

(b) "Iron and steel scrap" means all kinds and grades of imported and domestic iron and steel scrap including iron and steel railroad scrap.

(c) "Iron and steel scrap other than railroad scrap" means the kinds and grades of imported and domestic iron and steel scrap referred to in Appendices A, C, D and E (§§ 1304.13, 1304.15, 1304.16 and 1304.17)

(d) "Iron and steel railroad scrap" means iron and steel scrap having a railroad origin and includes the kinds and grades of imported and domestic iron and steel scrap referred to in Appendices B, D and E (§§ 1304.14, 1304.16 and 1304.17)

(e) "Railroad" means steam and electric railroads, street, suburban, and interurban electric railways and local trolleys, and mines, logging roads and similar sources of iron and steel scrap.

(f) "Consumer" means a purchaser, for its own consumption, of iron or steel scrap, i. e. smelter, foundry, steel mill, etc.

(g) "Imported scrap" means iron and steel scrap which does not originate in and is not shipped from one of the 48 States or the District of Columbia.*

§ 1304.12 *Effective date.* Price Schedule No. 4 shall become effective April 3, 1941, except as otherwise specifically provided herein.*

§ 1304.13 *Appendix A: Maximum prices for iron and steel scrap other than railroad scrap.* (a) Basing point[1] prices from which shipping point prices and consumers' delivered prices are to be computed.

[All the prices given below are per gross ton]

	Pittsburgh, Pa.[2]	Brackenridge, Pa.	Butler, Pa.	Monessen, Pa.	Midland, Pa.	Johnstown, Pa.	Sharon, Pa.	Canton, Ohio
BASIC OPEN HEARTH GRADES[3]								
1. No. 1 heavy melting steel	$20.00	$20.00	$20.00	$20.00	$20.00	$20.00	$20.00	$20.00
2. No. 1 hydraulic compressed black sheet scrap								
3. No. 2 heavy melting steel								
4. Dealers' No. 1 bundles								
5. Dealers' No. 2 bundles								
6. No. 1 busheling								
7. Machine shop turnings	16.00	16.00	16.00	16.00	16.00	16.00	16.00	16.00
BLAST FURNACE GRADES[4]								
8. Mixed borings & turnings	16.00	16.00	16.00	16.00	16.00	16.00	16.00	16.00
9. Shovelings turnings								
10. No. 2 busheling								
11. Cast iron borings								
ELECTRIC FURNACE, ACID OPEN HEARTH AND FOUNDRY GRADES[5][6]								
(For electric furnace, acid open hearth & foundry use only)								
12. Low phos. billet, bloom & forge crops	25.00	25.00	25.00	25.00	25.00	25.00	25.00	25.00
13. Low phos. bar crops & smaller	22.50	22.50	22.50	22.50	22.50	22.50	22.50	22.50
14. Low phos. punchings & plate scrap	22.50	22.50	22.50	22.50	22.50	22.50	22.50	22.50
15. Heavy cut structural & plate scrap, 3 ft. & under	21.00	21.00	21.00	21.00	21.00	21.00	21.00	21.00
16. Heavy cut structural & plate scrap, 2 ft. & under	21.50	21.50	21.50	21.50	21.50	21.50	21.50	21.50
17. Heavy cut structural & plate scrap, 1 ft. & under	22.00	22.00	22.00	22.00	22.00	22.00	22.00	22.00
18. Cut automotive steel scrap 3 ft. & under	20.00	20.00	20.00	20.00	20.00	20.00	20.00	20.00
19. Cut automotive steel scrap 2 ft. & under	20.50	20.50	20.50	20.50	20.50	20.50	20.50	20.50
20. Cut automotive steel scrap 1 ft. & under	21.00	21.00	21.00	21.00	21.00	21.00	21.00	21.00
21. Alloy free low phos. & sulphur turnings	18.00	18.00	18.00	18.00	18.00	18.00	18.00	18.00
22. First cut heavy axle & forge turnings	19.50	19.50	19.50	19.50	19.50	19.50	19.50	19.50
23. Electric furnace bundles	21.00	21.00	21.00	21.00	21.00	21.00	21.00	21.00

	Steubenville, Ohio	Youngstown, Ohio	Warren, Ohio	Weirton, W. Va.	Cleveland, Ohio	Cincinnati, Ohio[2]	Middletown, Ohio	Portsmouth, Ohio
BASIC OPEN HEARTH GRADES[3]								
1. No. 1 heavy melting steel	$20.00	$20.00	$20.00	$20.00	$19.50	$19.50	$19.50	$19.50
2. No. 1 hydraulic compressed black sheet scrap								
3. No. 2 heavy melting steel								
4. Dealers' No. 1 bundles								
5. Dealers' No. 2 bundles								
6. No. 1 busheling								
7. Machine shop turnings	16.00	16.00	16.00	16.00	15.50	15.50	15.50	15.50
BLAST FURNACE GRADES[4]								
8. Mixed borings & turnings	16.00	16.00	16.00	16.00	15.50	15.50	15.50	15.50
9. Shovelling turnings								
10. No. 2 busheling								
11. Cast iron borings								
ELECTRIC FURNACE, ACID OPEN HEARTH AND FOUNDRY GRADES[5][6]								
(For electric furnace, acid open hearth & foundry use only)								
12. Low phos. billet, bloom & forge crops	25.00	25.00	25.00	25.00	24.50	24.50	24.50	24.50
13. Low phos. bar crops & smaller	22.50	22.50	22.50	22.50	22.00	22.00	22.00	22.00
14. Low phos. punchings & plate scrap	22.50	22.50	22.50	22.50	22.00	22.00	22.00	22.00
15. Heavy cut structural & plate scrap, 3 ft. & under	21.00	21.00	21.00	21.00	20.50	20.50	20.50	20.50
16. Heavy cut structural & plate scrap, 2 ft. & under	21.50	21.50	21.50	21.50	21.00	21.00	21.00	21.00
17. Heavy cut structural & plate scrap, 1 ft. & under	22.00	22.00	22.00	22.00	21.50	21.50	21.50	21.50
18. Cut automotive steel scrap 3 ft. & under	20.00	20.00	20.00	20.00	19.50	19.50	19.50	19.50
19. Cut automotive steel scrap 2 ft. & under	20.50	20.50	20.50	20.50	20.00	20.00	20.00	20.00
20. Cut automotive steel scrap 1 ft. & under	21.00	21.00	21.00	21.00	20.50	20.50	20.50	20.50
21. Alloy free low phos. & sulphur turnings	18.00	18.00	18.00	18.00	17.50	17.50	17.50	17.50
22. First cut heavy axle & forge turnings	19.50	19.50	19.50	19.50	19.00	19.00	19.00	19.00
23. Electric furnace bundles	21.00	21.00	21.00	21.00	20.50	20.50	20.50	20.50

See footnotes at end of table.

	Chicago, Ill.	Bethlehem, Pa.	Buffalo, N. Y.	Cleveland, Ohio	Youngstown, Ohio	Warren, Ohio	Weirton, W. Va.	Middletown, Ohio	Portsmouth, Ohio	Atlanta, Ga.	St. Louis, Mo.[2]	Toledo, Ohio	Detroit, Mich.	Duluth, Minn.	Pittsburg, Calif.	Kokomo, Ind.	Los Angeles, Calif.	Birmingham, Ala.	Alabama City, Ala.	Portland, Oreg.	Seattle, Wash.	Minneapolis, Colo.	San Francisco, Calif.[2]	Duluth, Minn.	Pittsburg, Calif.	Kokomo, Ind.	Los Angeles, Calif.	Birmingham, Ala.	Alabama City, Ala.
BASIC OPEN HEARTH GRADES[3]																													
1. No. 1 heavy melting steel	$14.75	$14.25	$19.25	$19.75	$19.75	$19.75	$19.75	$19.75	$19.75	$13.00	$13.50	$13.85	$13.85	$14.00	$14.00	$14.25	$17.00	$17.00	$17.00		$14.50	$16.50	$17.00	$17.00	$17.00	$14.25	$17.00	$17.00	$17.00
2. No. 1 hydraulic compressed black sheet scrap																													
3. No. 2 heavy melting steel																													
4. Dealers' No. 1 bundles																													
5. Dealers' No. 2 bundles																													
6. No. 1 busheling																													
7. Machine shop turnings																													
BLAST FURNACE GRADES[4]																													
8. Mixed borings & turnings																													
9. Shovelling turnings																													
10. No. 2 busheling																													
11. Cast iron borings																													

See footnotes at end of table.

	Sparrows Point, Md.	Phoenixville, Pa.	Harrisburg, Pa.	Coatesville, Pa.	Claymont, Del.	Buffalo, N. Y.	Ashland, Ky.	Chicago, Ill.	Bethlehem, Pa.	Kokomo, Ind.	Duluth, Minn.	Detroit, Mich.	Toledo, Ohio	St. Louis, Mo.[4]	Alabama City, Ala.
BASIC OPEN HEARTH GRADES[3]															
1. No. 1 heavy melting steel	$18.75	$18.75	$18.75	$18.75	$18.75	$19.25	$19.50	$18.75	$18.25	$18.25	$18.00	$17.85		$17.50	$17.00
2. No. 1 hydraulic compressed black sheet scrap															
3. No. 2 heavy melting steel															
4. Dealers' No. 1 bundles															
5. Dealers' No. 2 bundles															
6. No. 1 busheling															
7. Machine shop turnings															
BLAST FURNACE GRADES[4]															
8. Mixed borings & turnings															
9. Shovelling turnings															
10. No. 2 busheling															
11. Cast iron borings															

	Alabama City, Ala.	Birmingham, Ala.	Los Angeles, Calif.	Pittsburg, Calif.	San Francisco, Calif.[1]	Minnequa, Colo.	Seattle, Wash.	Portland, Oreg.
ELECTRIC FURNACE, ACID OPEN HEARTH AND FOUNDRY GRADES[2] [3]								
(For electric furnace, acid open hearth & foundry use only)								
12. Low phos. billet, bloom & forge crops	$22.00	$22.00	$22.00	$22.00	$22.00	21.50	$19.50	
13. Low phos. bar crops & smaller	19.50	19.50	19.50	19.50	19.50	19.00	17.00	$15.50
14. Low phos. punchings & plate scrap	19.50	19.50	19.50	19.50	19.50	19.00	17.00	15.50
15. Heavy cut structural & plate scrap, 3 ft. & under	18.00	18.00	18.00	18.00	18.00	17.50	15.50	14.00
16. Heavy cut structural & plate scrap, 2 ft. & under	18.50	18.50	18.50	18.50	18.50	18.00	16.00	14.50
17. Heavy cut structural & plate scrap, 1 ft. & under	19.00	19.00	19.00	19.00	19.00	18.50	16.50	15.00
18. Cut automotive steel scrap 3 ft. & under	17.00	17.00	17.00	17.00	17.00	16.50	14.50	13.00
19. Cut automotive steel scrap 2 ft. & under	17.50	17.50	17.50	17.50	17.50	17.00	15.00	13.50
20. Cut automotive steel scrap 1 ft. & under	18.00	18.00	18.00	18.00	18.00	17.50	15.50	14.00
21. Alloy free low phos. & sulphur turnings	15.00	15.00	15.00	15.00	15.00	14.50	12.50	11.00
22. First cut heavy axle & forge trimmings	16.50	16.50	16.50	16.50	16.50	16.00	14.00	12.50
23. Electric furnace bundles	18.00	18.00	18.00	18.00	18.00	17.50	15.50	14.00

[1] A.P. sing Point includes the switching district of the city named.

[2] The Pittsburgh Pastue Point includes the switching districts of Bessemer, Homestead, Duquesne, Munhall and McKeesport, Pa.

[3] The Cincinnati Basing Point includes the switching district of Newport, Kentucky.

[4] The St. Louis Basing Point includes the switching districts of Granite City, East St. Louis and Madison, Illinois.

[5] The San Francisco Pasing Point includes the switching districts of South San Francisco, Niles and Oakland, California.

[6] In no case may special preparation charges be added to the prices listed above. Inferior grades shall continue to be purchased at the differential below the corresponding listed grade price which the consumer paid during the period September 1, 1940 to January 31, 1941. Bundles with less than 50% tin-coated material shall be priced at $5.00 per gross ton under Basic Open Hearth Grades; bundles with more than 50% tin-coated material shall be priced at $8.00 below Basic Open Hearth Grades.

Except upon prior approval by the Office of Price Administration, no grade of scrap deemed by buyer or seller or both (1) to be superior to any grade listed above shall be purchased at a premium above the corresponding listed grade with the following exceptions: (a) In the case of cast iron borings, containing no more than 0.5 percent oil content, for chemical use in the manufacture of explosives, the basing point price shall be $3.00 per gross ton over the price of Item 11. Where cast iron borings are purchased for chemical use other than in the manufacture of explosives, the price shall be $1.00 per gross ton over the price of Item 11. (b) In the case of inert iron scrap and any alloyed ferrous scrap, except manganese scrap, purchased by an Electric Furnace or Acid Open Hearth for recovery of alloy content, such grades may be purchased at the differential above the corresponding listed grade which the consumer paid during the period September 1, 1940, to January 31, 1941.

Mixed shipments of Basic Open Hearth or Blast Furnace grades shall be deemed shipments of unprepared scrap and shall be priced in accordance with the provisions of paragraph (c) of this section, unless the consumer has authorized a mixed shipment in his purchase order.

[7] Except in cases in which the Office of Price Administration has given prior approval to Basic Open Hearth consumers to purchase Alloy Free Low Phos. and Sulphur Turnings at the prices listed above, no Basic Open Hearth Blast Furnace consumer may purchase any of the above grades at a price in excess of the price listed herein for the corresponding Basic Open Hearth or Blast Furnace Grade. [8] The prices of Items 12 and 22 shall not exceed the prices of Basic Open Hearth and Blast Furnace Grades respectively, unless delivered to the consumer direct from the industrial producer thereof. [Footnotes 6 and 7 as amended February 9, 1942, effective February 9, 1942; 7 F.R. 928]

[9] Grade Titles as amended February 2, 1942, effective February 2, 1942; 7 F.R. 701.

(b) *The most favorable basing point.* The "most favorable basing point" is the basing point which, when used to compute the shipping point price in the manner set forth in paragraph (c) (1) and (2) below, will yield the highest shipping point price.

(c) *Maximum shipping point prices.* (1) *Where shipment to the consumer is wholly or partially by rail, or vessel, or combination of rail and vessel.* Where the shipment of scrap to the consumer is by rail, or vessel, or combination of rail and vessel, the scrap is at its shipping point when it has been placed f. o. b. railroad car or f. a. s. vessel for shipment to the consumer. In such cases, the maximum shipping point price shall be:

(i) For shipping points located within a basing point, the price listed in paragraph (a) hereof for the scrap at the basing point in which the shipping point is located, minus the lowest established switching charge for scrap within the basing point; and

(ii) For shipping points located outside a basing point, the price listed in paragraph (a) hereof for the scrap at the most favorable basing point, minus the lowest established charge for transporting scrap from the shipping point to such basing point by rail or water carrier, or combination thereof. Where vessel movement is involved in the computation, in lieu of any established charges at the dock or of any charge or cost customarily incurred at the dock, 75 cents per gross ton must be included as part of the deduction in computing the shipping point price: *Provided, however,* At Memphis, Tenn., the deduction shall be 50 cents per gross ton, at Great Lakes ports $1.00 per gross ton, and at New England ports $1.25 per gross ton.

(2) *Where shipment to the consumer is solely by motor vehicle.* Where the shipment of scrap to the consumer is solely by motor vehicle, the scrap is at its shipping point when it has been loaded on such vehicle. In such cases, the maximum shipping point price shall be:

(i) For shipping points located within a basing point, the price listed in paragraph (a) hereof for the scrap at the basing point in which the shipping point is located minus the lowest established switching charge for scrap within the basing point; and

(ii) For shipping points located outside a basing point, the price listed in paragraph (a) hereof for the scrap at the most favorable basing point minus the lowest established charge for transporting scrap by public carrier from the shipping point to such basing point. Where vessel movement is involved in the computation, in lieu of any established charges at the dock or of any charge or cost customarily incurred at the dock, 75 cents per gross ton must be included as part of the deduction in computing the shipping point price: *Provided, however,* At Memphis, Tenn., the deduction shall be 50 cents per gross ton, at Great Lakes ports $1.00 per gross ton, and at New England ports $1.25 per gross ton. If no established transportation rate exists for a portion of the movement from shipping point to basing point, the actual charge or cost customarily incurred by the shipper in such portion of the movement shall be included as part of the deduction in computing the shipping point price.

(3) No Charge shall be deemed an established charge within the meaning of Price Schedule No. 4 unless it has been the basis of actual movement of scrap to the most favorable basing point during the calendar year 1941.

[Paragraphs (c) (1), (2), and (3) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 701]

(4) *Exceptions to the formula for computing shipping point prices.*[1] (i) At all shipping points in the United States, the maximum shipping point price for No. 1 Heavy Melting Steel Scrap (with St. Louis price differentials for the other grades) need not fall below $13.00 per gross ton. In Tampa, Florida, Pensacola, Florida, Gulfport, Mississippi, Mobile, Alabama, New Orleans, Louisiana, Lake Charles, Louisiana, Port Arthur, Texas, Beaumont, Texas, Galveston, Texas, Texas City, Texas, Houston, Texas, and Corpus Christi, Texas, the maximum shipping point price need not fall below $14.00 per gross ton for No. 1 Heavy Melting Steel Scrap (with St. Louis price differentials for the other grades).

(ii) Maximum shipping point prices at any shipping point in New York City, Brooklyn, N. Y., and New Jersey, which by reason of vessel rates have Buffalo or Sparrows Point as their most favorable basing point shall be computed from the prices at the Bethlehem, Pennsylvania basing point rather than the prices at Buffalo or Sparrows Point.

(iii) The maximum shipping point price within the Cincinnati basing point for Basic Open Hearth Grades and Items 18, 19 and 20 shall be the Cincinnati basing point price minus 80 cents per gross ton.

(iv) The maximum shipping point price for No. 1 heavy melting steel (with Sparrows Point differentials for the other grades) at all shipping points within the Boston, Mass., switching district shall be $15.05 per gross ton f. o. b. cars or f. a. s. vessel, or, where delivery to the consumer is solely by motor vehicle, loaded on such vehicle.

[Subparagraph (4) as amended February 9, 1942, effective February 9, 1942; 7 F.R. 928]

[1] See also paragraph (e).

(d) *Maximum prices delivered to the plant of a consumer.* Scrap is at its point of delivery to the consumer when it has arrived for unloading at the plant of the consumer. In no case shall any charge or cost incurred in placing the scrap at the shipping point or any charge or cost incurred in unloading the scrap at the point of delivery, or in subsequent handling, be included in the maximum delivered price.

(1) *Where transportation from shipping point to point of delivery is wholly or partially by rail, or vessel, or combination of rail and vessel,* the maximum delivered price shall be the shipping point price as determined in paragraph (c) of this section, plus the established charge for transporting the scrap from the shipping point to the point of delivery by the mode of transportation employed.

Where transportation from shipping point to point of delivery includes water movement, if no established rate exists for such water movement, then the actual charge or cost incurred in such movement may be used in computing the maximum delivered price.

Where transportation to the point of delivery includes water movement, no established charges at the dock, or any charge or cost customarily incurred at the dock, may be included in the delivered price. In lieu thereof, 75 cents per gross ton may be included in the maximum delivered price: *Provided, however,* That this maximum allowance shall be 50 cents per gross ton at Memphis, Tenn., $1.00 per gross ton at Great Lakes ports, and $1.25 per gross ton at New England ports. Such allowances must be shown as a separate item on the invoice.

(2) *Where transportation from shipping point to point of delivery is solely by motor vehicle.* (i) Where transportation is by *public carrier,* the maximum delivered price shall be the shipping point price as determined in paragraph (c) of this section, plus the established public carrier charge for transporting the scrap by motor vehicle from the shipping point to the point of delivery.

(ii) Where transportation is by *other than public carrier,* the maximum delivered price shall be the shipping point price as determined in paragraph (c) of this section, plus the charge for transporting the scrap at the established rail carload rate for the lowest minimum weight from the rail siding nearest the shipping point to the rail siding nearest the point of delivery: *Provided, however,* That this charge need never fall below $1.00 per gross ton.

[Paragraphs (d) (1) and (2) as amended February 9, 1942, effective February 9, 1942; 7 F.R. 928]

(3) *In no case, however, shall the delivered price exceed by more than one dollar the price listed in paragraph (a) for the basing point nearest, in terms of established transportation charges, to the consumer's plant, with the following exceptions:*

Exception 1. For consumers having St. Louis as their nearest basing point the delivered price may not exceed the St. Louis basing point price by more than $1.50: *Provided,* That the delivered price of scrap shipped to such consumers from shipping points in Arkansas may not exceed the St. Louis basing point price by more than two dollars. For consumers whose nearest basing points are Detroit, Birmingham and Alabama City, respectively, the delivered price may not exceed by more than two dollars the price at their respective basing points.

Exception 2. In the case of machine shop turnings or related grades of turnings, as defined herein, delivered to electric furnace producers of ferro alloys, and in the case of chemical borings delivered to chemical users thereof, the delivered price shall not be limited to one dollar in excess of the price at the basing point nearest the consumer's plant.

Exception 3. "Remote Scrap" means all the kinds and grades of iron and steel scrap referred to in § 1304.13, Appendix A, and having a shipping point and a point of origin within the states of Montana, Idaho, Wyoming, Nevada, Arizona, New Mexico, Texas, Oklahoma, Florida, Oregon, Utah, North Dakota, and South Dakota, Colorado scrap shall be remote scrap for Colorado consumers only.

(i) The delivered price of remote scrap may exceed by more than $1.00 but not more than $5.00 the price at the basing point nearest the consumer's plant; *Provided,* That immediately upon delivery of such scrap, the consumer files with the Office of Price Administration, Washington, D. C., (a) a fully detailed statement under oath setting forth the name and address of the seller, the shipping point of the scrap, the grade, quantity and price at shipping point, delivered price, the mode of transportation employed and the transportation charges from the shipping point to the point of delivery, and (b) certified copies of all bills of lading covering the shipment of such scrap from the remote shipping point to the point of delivery.

(ii) Where the delivered price of remote scrap would exceed by more than $5.00 the price at the basing point nearest the consumer's plant, the consumer may not purchase or accept delivery of such scrap until his application to the Office of Price Administration, Washington, D. C., for permission to absorb the additional transportation charges necessary to secure such scrap has been approved. Applications by consumers must be under oath and fully detailed, setting forth the name and address of the seller, point of shipment of the scrap, the grade, quantity and price at shipping point, proposed delivered prices, the mode of transportation to be employed, and the transportation charges from the shipping point to the consumer's plant. The application must also contain a statement by the consumer of its need for, and its willingness to accept, such scrap at the price quoted.

Immediately upon delivery of such scrap, the consumer must comply with the filing requirements of paragraph (1) (b) above.

Exception 4. Where scrap is shipped by vessel from Duluth, Minnesota, or Superior, Wisconsin, to consumers located in Buffalo, New York, Elyria, Ohio, Cleveland, Ohio, Saginaw, Michigan, Detroit, Michigan, or Chicago, Illinois, the delivered price shall not be limited to one dollar in excess of the price at the basing point nearest the consumer's plant.

Exception 5. In computing the delivered price of Billet, Bloom and Forge crops originating in and shipped from the Pittsburgh Basing Point, the maximum transportation charges which may be added *to the shipping point price* shall be $2.50.

Exception 6. The delivered price of Low Phos. and Sulphur Punchings and Plate Scrap, Low Phos. and Sulphur Bar Crops and Smaller, Alloy Free Low Phos. and Sulphur Turnings, and First Cut Heavy Axle and Forge Turnings produced in industrial plants in the State of Michigan and shipped directly to consumers located in or nearest, in terms of established transportation charges, to the Buffalo, N. Y., Pittsburgh, Brackenridge, or Midland, Pa., basing points, shall not exceed by more than $3.00 the price at the basing point nearest the consumer's plant.

Exception 7. Where scrap is shipped from a New England shipping point, the maximum transportation charges which may be added to the shipping point price shall be $6.27 per gross ton.

Exception 8. Where the shipping point price of scrap is computed from water rates, and water movement is not available the year round, consumers who can establish that they did receive delivery of such scrap by water within $1.00 of the price at their nearest basing point between April 15 and November 15, 1941, may pay the shipping point price plus all-rail transportation charges from the shipping point to the point of delivery whenever water movement is not available.

[Exceptions 1 to 8, inclusive, as amended February 2, 1942, effective February 2, 1942; 7 F.R. 701]

(e) *Unprepared scrap.* The maximum prices established hereinabove are maximum prices for prepared scrap. The term "unprepared scrap" shall have its customary trade meaning and shall not include such demolition projects as bridges, box cars or graveyard automobiles, which must be so priced that the prepared scrap will deliver to the consumer within the maximum delivered price established hereinabove.

For unprepared scrap, maximum prices shall be $2.50 less than the maximum prices for the corresponding grade or grades of prepared scrap. In no case, however, shall Electric Furnace and Foundry grades, listed in paragraph (a) above be used as the "corresponding grade or grades of prepared scrap."

Except as otherwise provided hereunder, where scrap is to undergo preparation prior to its arrival at the point of delivery, such scrap is not at its shipping point, as that phrase is defined in paragraph (c) of this section, until after such preparation has been completed. Where

a consumer purchases unprepared *remote* scrap in rail carload lots, if no adequate facilities for preparation exist at or near the shipping point, the consumer may designate a dealer or dealers to prepare such scrap for its use at a maximum preparation fee of $2.50 per gross ton. In such cases the maximum delivered price shall be the shipping point price for unprepared scrap at the remote shipping point plus all-rail transportation charges to the point of delivery at the dealer's yard plus a $2.50 per gross ton preparation fee plus transportation charges from the dealer's yard to the point of delivery after the scrap has been loaded on the delivering carrier. Interim loading, unloading and similar charges may not be absorbed by the consumer. The maximum delivered price of such scrap shall not exceed by more than $5.00 the price at the basing point nearest the consumer's plant except upon prior approval of the Office of Price Administration as provided in Exception 3 in paragraph (d) of this section. Every purchase of scrap on this preparation fee basis shall likewise be subject to all the filing and other requirements in Exception 3 of paragraph (d) of this section.

At no time shall ownership of such scrap reside in the dealer to whom the preparation fee is paid.

[Paragraph (e) as amended February 9, 1942, effective February 9, 1942; 7 F.R. 928]

(f) *Definitions of grades referred to in paragraph (a).*

Item 1. "No. 1 heavy melting steel". Steel scrap ¼ inch and over in thickness, not over 18 inches in width, and not over 5 feet long. Individual pieces must be cut into such shape that they will be free from attachments and will lie flat in a charging box. Cut boiler plate must be practically clean and free from stay bolts and not over 3 feet long and lie reasonably flat in charging box. No piece may weigh less than 5 pounds. This grade may include structural shapes, angle bars and plates, steel castings, heavy chain, carbon tool steel, heavy forgings, forge butts, and similar heavy material. This grade may also include new mashed pipe ends, original diameter 4 inches and over, thoroughly flattened, sheet bars, billets, blooms, rail ends, railroad steel, and wrought scrap, such as angles, splices, couplers, knuckles, short rails, drawbars, cut cast-steel bolsters, coil and leaf springs (all coil springs to be $\frac{3}{8}$ inch or larger in diameter). No needle or skeleton plate scrap, agricultural shapes, annealing pots, boiler tubes, grate bars, cast iron, malleable iron, or curly or unwieldy pieces will be accepted. This grade must be free from dirt, excessive rust or scale, or foreign material of any kinds.

Item 2. "No. 1 hydraulic compressed black sheet scrap". New black steel sheet clippings, shearings, skeleton stamping scrap, side and end sheet scrap, hydraulically compressed into charging box size, weighing not less than 75 pounds per cubic foot; must be clean and free from excessive rust, paint, or protective coating of any kind. No detinned scrap, electrical sheets, or material over 0.5 per cent of silicon may be included.

[Item 2 as corrected 7 F.R. 809, February 7, 1942]

Item 3. "No. 2 heavy melting steel". Plate scrap, such as car sides, automobile frame stock, tank, and skelp crops, ¼ inch and heavier, steel parts of agricultural implements, wagons, buggies, and scrapped automobiles, auto and buggy springs cut apart, rods and bars, ½ inch and heavier, punchings, ¼ inch and over in thickness, heavy clippings, new unmashed pipe ends, under 4 inches in diameter, horseshoes, and similar material. Car sides and all light plates to be sheared 15 by 15 inches or under and all tires and light rods to be 12 inches and under in length. Any curved or twisted pieces must be sheared into such shape that they will lie flat in a charging box and not tangle in handling with a magnet, all to be free from brass, copper, lead, zinc, tin, terneplate, cast iron, malleable iron, burnt scrap, dirt, or foreign material of any kind.

Maximum size is 15 inches wide by 3 feet long, excepting car sides.

Item 4. "Dealers' No. 1 bundles". New, black steel sheet clippings, shearings, skeleton stamping scrap, side and end sheet scrap, hydraulically compressed into charging box size, weighing not less than 75 pounds per cubic foot; must be clean and free from excessive rust, paint, or protective coating of any kind. No detinned scrap, electrical sheets, or material over 0.5 per cent silicon may be included.

Item 5. "Dealers' No. 2 bundles". Body and fender scrap, shearings, skeleton stamping scrap, side and end sheet and tin mill scrap, hydraulically compressed to charging box size. This grade must not include coated stock or foreign material such as galvanized, tin, etc.

N. B. Coated bundled scrap is an inferior grade to Item 5 and shall be priced in accordance with the provisions of footnote 6 of paragraph (a) above.

Item 6. "No. 1 busheling". Clean iron and soft-steel pipes and flues, tank, cut hoops and bands no. 12 gage and heavier, steel-plate punchings and clippings, soft-steel and iron forgings, and flashings; no dimension over 8 inches. This grade must be free from burnt material, hard steel, cast, malleable, and galvanized or metal coated stock of any kind.

Item 7. "Machine shop turnings". New, clean steel turnings, free from lumps, badly tangled or matted material, cast-iron borings, other metals, excessive oil, dirt, or foreign material of any kind. Badly rusted or corroded stock may not be included. This grade may include high sulphur turnings or shell turnings.

Item 8. "Mixed borings & turnings". Clean, short, steel and wrought-iron turnings, drillings, screw cuttings, and cast or malleable iron borings and drillings, free from stringy, bushy, tangled, corroded material, lumps, excessive oil, scale, other metals, dirt, or foreign material of any kind.

Item 9. "Shovelling turnings". Clean, short, steel and wrought-iron turnings, drillings, or screw cuttings free from stringy, bushy, or tangled material, corroded or rustly lumps, excessive oil, scale, other metals, dirt, or foreign material of any kind.

Item 10. "No. 2 busheling". Cut hoops, netting, cotton ties, sheet, and similar material lighter than no. 12 gage, no dimension over 8 inches. This grade must be free from hard steel, cast, malleable, and galvanized or metal coated material of any kind.

Item 11. "Cast iron borings". New, clean cast-iron borings and drillings, free from steel turnings and from badly corroded or rusty material, lumps, oil, scale, other metals, dirt, or foreign material of any kind.

Item 12. "Low phos. billet, bloom & forge crops". Billet, bloom, axle, heavy forge, or bar crops not over 0.04 percent of phosphorus or sulphur, not over 0.5 percent of silicon, free from alloys. Not less than 2 inches square or diameter, not over 18 inches wide and sheared to lengths not over 36 inches. No piece to weigh less than 10 pounds nor more than 500 pounds. Must be new material and free from excessive rust.

Item 13. "Low phos. bar crops & smaller". Bar crops not over 0.04 percent of phosphorus or sulphur, not over 0.5 percent of silicon, free from alloys. Not less than 2 inches square or diameter, not over 18 inches wide and sheared to lengths not over 36 inches. No piece to weigh less than 10 pounds. Must be new material and free from excessive rust.

Item 14. "Low phos. punchings & plate scrap". Punchings from plate and structural-steel scrap, not less than ½ inch diameter, not over 0.04 per cent of phosphorus or 0.05 per cent of sulphur, not over 0.5 per cent of silicon, free from alloys. Must be free from dirt and excessive rust or corrosion. Pieces must be cut 12 inches and under.

Item 15. "Heavy cut structural & plate scrap, 3 ft. & under". Open-hearth steel plates, structural shapes, crop ends, shearings, broken steel tires, knuckles, tool steel, and spring steel. Must be not less than ¼ inch thick, cut to 3 ft. and under. Not over 0.04 per cent of phosphorus or sulphur, clean, free from excessive rust and corrosion, and to contain no foreign material.

Item 16. "Heavy cut structural & plate scrap, 2 ft. & under". Open-hearth steel plates, structural shapes, crop ends, shearings, broken steel tires, knuckles, tool steel, and spring steel. Must be not less than ¼ inch thick, cut to 2 ft. and under. Not over 0.04 per cent of phosphorus or sulphur, clean, free from excessive rust and corrosion, and to contain no foreign material.

Item 17. "Heavy cut structural & plate scrap, 1 ft. & under". Open-hearth steel plates, structural shapes, crop ends, shearings, broken steel tires, knuckles, tool steel, and spring steel. Must be not less than ¼ inch thick, cut to 1 ft. and under. Not over 0.04 per cent of phosphorus or sulphur, clean, free from excessive rust and corrosion, and to contain no foreign material.

Item 18, 19, and 20 shall consist of uncoated steel parts of automobiles cut respectively to the dimensions specified and never to include body and fender stock.

Item 21. "Alloy free low phos. and sulphur turnings". New, short, clean steel turnings, free from lumps, badly tangled or matted material, cast-iron borings, other metals, excessive oil, dirt, or foreign material of any kind. Badly rusted or corroded stock must not be included. (Material must be alloy free and 0.045 and under in phosphorus and sulphur).

Item 22. "First cut heavy axle & forge turnings". Heavy steel or iron axle or forge turnings, guaranteed not over 0.04 per cent of phosphorus or sulphur. Must not contain foreign material and must be clean and free from excessive rust and corrosion. Must not weigh less than 75 pounds per cubic foot.

Item 23 must be new all black hydraulic compressed sheet bundles 14 x 14 x 20 in. or smaller.

[Paragraph (f) items 2, 4, 5, 7, 14, 21 and 23 as amended February 2, 1942, effective February 2, 1942; 7 F.R. 701]

§ 1304.14 *Appendix B: Maximum prices for iron and steel scrap originating from railroads*—(a) *Scrap originating from railroads—operating in a basing point named below* (all prices given below are per gross ton). The scrap is at its point of delivery to the consumer when it has arrived for unloading at the plant of the consumer. Where used in this appendix, the term "transportation charges" means the established charges for transporting the scrap to the point of delivery by the mode of transportation employed. In no case shall the maximum delivered price include any charge or cost incurred in unloading the scrap at the point of delivery or in subsequent handling.

[Paragraph (a) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 701]

(1) *Delivered to a consumer's plant located on the line of the railroad from which the scrap originated*

[All the prices given below are per gross ton]

Basing points	(i) Listed grades					
	No. 1 railroad grade heavy melting steel	Scrap rails	Rails for rerolling [2]	Scrap rails 3 feet and under	Scrap rails 2 feet and under	Scrap rails 18 inches and under
Ashland, Ky.	$20.50	$21.50	$23.00	$23.50	$23.75	$24.00
Birmingham, Ala.	18.00	19.00	20.50	21.00	21.25	21.50
Buffalo, N. Y.	20.25	21.25	22.75	23.25	23.50	23.75
Canton, Ohio	21.00	22.00	23.50	24.00	24.25	24.50
Chicago, Ill.	19.75	20.75	22.25	22.75	23.00	23.25
Cincinnati, O.	20.50	21.50	23.00	23.50	23.75	24.00
Cleveland, O.	20.50	21.50	23.00	23.50	23.75	24.00
Detroit, Mich.	18.85	19.85	21.35	21.85	22.10	22.35
Duluth, Minn.	19.00	20.00	21.50	22.00	22.25	22.50
Kansas City, Mo.	17.00	18.00	19.50	20.00	20.25	20.50
Kokomo, Ind.	19.25	20.25	21.75	22.25	22.50	22.75
Los Angeles, Calif.	18.00	19.00	20.50	21.00	21.25	21.50
Middletown, O.	20.50	21.50	23.00	23.50	23.75	24.00
Philadelphia, Pa.	19.75	20.75	22.25	22.75	23.00	23.25
Pittsburgh, Pa.	21.00	22.00	23.50	24.00	24.25	24.50
Portsmouth, O.	20.50	21.50	23.00	23.50	23.75	24.00
San Francisco, Calif.	18.00	19.00	20.50	21.00	21.25	21.50
Seattle, Wash.	15.50	16.50	18.00	18.50	18.75	19.00
Sharon, Pa.	21.00	22.00	23.50	24.00	24.25	24.50
Sparrows Point, Md.	19.75	20.75	22.25	22.75	23.00	23.25
Steubenville, O.	21.00	22.00	23.50	24.00	24.25	24.50
St. Louis, Mo.	18.50	19.50	21.00	21.50	21.75	22.00
Wheeling, W. Va.	21.00	22.00	23.50	24.00	24.25	24.50
Wilmington, Del.	19.75	20.75	22.25	22.75	23.00	23.25
Youngstown, O.	21.00	22.00	23.50	24.00	24.25	24.50

[1] Where the railroad originator of the scrap operates in two or more of the Basing Points named above, the highest of the maximum prices established above for such Basing Points shall be the maximum price of the scrap delivered to a consumer's plant at any point on the railroad's line.

[2] The term "rails for rerolling" includes any rails which are sold to be used for rerolling, irrespective of whether or not such rails are usable for re-laying.

(ii) *Grades not listed.* (a) The price at which a consumer located on the line of the railroad from which the scrap originated may purchase any grade of scrap not listed above shall not exceed the average price per gross ton which such railroad sold such grade delivered to the Plant of a consumer, whether located on or off the line of the railroad, during the period commencing September 1, 1940, and ending January 31, 1941, or, in case no sale was made during the period, the price at which the grade was last sold by the railroad prior thereto, *and, in either event,* adjusted to allow for the average grade differentials of the railroad in a manner indicated in subparagraph (b) below.

(b) For purposes of subparagraph (a) above, the maximum prices for any grade not listed in paragraph (1), (i), shall be adjusted to allow for the average grade differentials of the railroad by:

First, computing the amount of the base grade differential for the railroad which shall be the difference between the average price per gross ton at which the railroad from which the scrap originated sold No. 1 Railroad Grade Heavy Melting Steel Scrap delivered to the plant of the consumer, whether located on or off the line of the railroad, during the period commencing September 1, 1940, and ending January 31, 1941, and the railroad's maximum price established for such grade under paragraph (1), (i); and

Second, by applying this base grade differential to the price to be adjusted by either subtracting the amount of such differential from such prices in case the railroad's average price of No. 1 Railroad Grade Heavy Melting Steel Scrap exceeds the railroad's maximum price established for such grade under paragraph (a), (1), or adding the same in case the railroad's average price is less than such maximum.

(2) *Delivered to a consumer's plant located off the line of the railroad from which the scrap originated.* Except in the case of shipments of scrap by vessel from Duluth, Minnesota, or Superior, Wisconsin to consumers located in Buffalo, N. Y., Cleveland, Ohio, Elyria, Ohio, Detroit and Saginaw, Michigan, and Chicago, Illinois, the maximum price is either of the following, whichever is greater:

(i) The maximum price established in paragraph (1) above, for scrap delivered to a consumer on the line of the railroad from which the scrap originated, or, if the consumer can establish that he has been served by the same source of scrap in the past, this maximum price plus transportation charges (including off-the-line switching charges), from the railroad's line to the point of delivery, of not more than two dollars per gross ton for Rails for Rerolling, Scrap Axles and other scrap for rerolling, and of not more than one dollar per gross ton for all other grades of scrap; or

(ii) The prices listed in paragraph (1) above, for the Basing Point nearest the consumer's plant.

Where scrap is shipped by vessel from Duluth, Minnesota, or Superior, Wisconsin, to consumers located in Buffalo, New York, Elyria, Ohio, Cleveland, Ohio, Detroit and Saginaw, Michigan, and Chicago, Illinois, the maximum delivered price shall be the maximum price established in paragraph (1) above, for scrap delivered to a consumer on the line of the railroad from which the scrap originated, plus transportation charges from the railroad's line to the point of delivery.

[Subparagraph (2) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 701]

(b) *Scrap originating from railroads not operating in any of the basing points named above.* Except in the case of Rails for Rerolling, the maximum price of any grade of such scrap delivered to consumers located on and off the line of the railroad shall not exceed:

(1) *For the grades listed above, either of the following, whichever is less:*

(i) The average price per gross ton at which the railroad originator of the scrap sold any such grade to consumers located on and off the line of the railroad during

the period commencing September 1, 1940 and ending January 31, 1941; *or*

(ii) The price at the Basing Point nearest, in terms of transportation charges, to the consumer's plant; and

(2) *For the grades not listed above, either of the following, whichever is less:*

(i) The average price per gross ton at which the railroad originator of the scrap sold any such grade to consumers located on and off the line of the railroad during the period commencing September 1, 1940, and ending January 31, 1941; *or*

(ii) The average price per gross ton as determined in Subparagraph (1) hereof, minus the amount by which the average price of No. 1 Railroad Grade Heavy Melting Steel scrap, as determined in (1), exceeds the price of No. 1 Railroad Grade Heavy Melting Steel scrap at the Basing Point nearest, in terms of transportation charges, to the consumer's plant.

In the case of Rails for Rerolling, the maximum price of such scrap f. o. b. the line of the railroad originator thereof shall be the average price per gross ton at which the railroad originator sold such grade f. o. b. *its line* during the period commencing September 1, 1940, and ending January 31, 1941. The maximum price of Rerolling Rails shall be the f. o. b. line price thus established plus transportation charges from the railroad's line to the rerolling mill's point of delivery.

This exception for Rails for Rerolling applies only to railroads not operating in a Basing Point named in paragraph (a), (1), (i) hereof.

(c) *Maximum prices for scrap which cannot be identified as to origin, scrap originating from mines, logging roads, and similar sources, and scrap originating from railroads who do not, within two weeks after the issuance of this schedule, file average price information with the Office of Price Administration.* Railroad scrap shipped from a dealer's yard shall be deemed to have lost its railroad origin. In the case of railroad scrap which cannot be identified as to origin, scrap originating from mines, logging roads, and similar sources, and scrap originating from any railroad which does not, within two weeks after the issuance of this schedule, file the average price information required under paragraphs (a) or (b) hereof and by § 1304.4 of this schedule, the maximum prices shall be as follows:

(1) In the case of scrap rails, scrap rails 3 feet and under, scrap rails 2 feet and under, scrap rails 18 inches and under, and rails for rerolling, the shipping point price shall be computed by application of the provisions of paragraphs (b) and (c) of § 1304.13, Appendix A, to the prices at the most favorable basing point in § 1304.15, Appendix B. In no case need this shipping point price fall below $14.00 for scrap rails, $16.00 for scrap rails 3 feet and under, $16.25 for scrap rails 2 feet and under, $16.50 for scrap rails 18 inches and under, and $15.50 per gross ton for rails for rerolling. The maximum delivered price shall be the shipping point price thus obtained plus transportation charges from the shipping point to the point of delivery.

(2) All other grades of such scrap shall be classified under § 1304.13, Appendix A, or § 1304.15, Appendix C, and their maximum prices shall be governed by the provisions of the applicable appendix.

[Paragraph (c) as amended February 9, 1942, effective February 9, 1942; 7 F.R. 928]

(d) *Unprepared scrap.* The maximum prices established hereinabove are maximum prices for prepared scrap. For unprepared scrap, maximum prices shall be $2.50 less than the maximum prices for the corresponding grade or grades of prepared scrap.

Where scrap is to undergo preparation prior to its arrival at the point of delivery, such scrap is not at its shipping point, as that phrase is defined in paragraph (c) hereof, until after such preparation has been completed.

[Paragraph (d) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 701]

§ 1304.15 *Appendix C: Maximum price for cast iron scrap other than railroad scrap* (all the prices given below are per gross ton). (a) *Maximum price at shipping point.* Where shipment of the scrap to the consumer is wholly or partially by rail, or vessel, or combination of rail and vessel, the scrap is at its shipping point when it has been placed f. o. b. railroad car or f. a. s. vessel for shipment to the consumer.

Where shipment of the scrap to the consumer is solely by motor vehicle, the scrap is at its shipping point when it has been loaded on such vehicle.

The shipping point price for grades[1] of cast iron scrap at the following shipping points in the United States shall be:

	Group A	Group B	Group C
1. No. 1 Cupola Cast	$18.00	$19.00	$20.00
2. No. 1 Machinery Cast, Drop Broken 150 lbs. and under	18.00	19.00	20.00
3. Clean Auto Cast	18.00	19.00	20.00
4. Unstripped Motor Blocks	17.50	18.50	19.50
5. Stove Plate	17.00	18.00	19.00
6. Heavy Breakable Cast	15.50	16.50	17.50
7. Charging Box Cast	17.00	18.00	19.00
8. Miscellaneous Malleable	20.00	21.00	22.00

Group A includes the states of Montana, Idaho, Wyoming, Nevada, Utah, Arizona and New Mexico.
Group B includes the states of North Dakota, South Dakota, Nebraska, Colorado, Kansas, Oklahoma, Texas and Florida.
Group C includes all states not named in groups A and B, and includes the switching district of Kansas City, Kans.-Mo.

[Paragraph (a) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 701]

(b) *Maximum price delivered to a consumer.* Scrap is at its point of delivery to a consumer when it has arrived for unloading at the plant of the consumer. In no case shall any charge or cost incurred in placing the scrap at the shipping point or any charge or cost incurred in unloading the scrap at the point of delivery, or in subsequent handling, be included in the maximum delivered price.

The maximum price at which any grade of cast iron scrap may be delivered to a consumer shall be:

(1) *Where transportation from shipping point to point of delivery is wholly or partially by rail or vessel, or combination of rail and vessel,* the maximum delivered price shall be the shipping point price listed in paragraph (a) of this section, plus the established charge for transporting the scrap from the shipping point to the point of delivery by the mode of transportation employed. Where transportation to the point of delivery includes water movement, and tariffs establishing charges at the dock are published, charges incurred at the dock, but not to exceed the published tariffs, may be included in the delivered price. Where no such tariffs are published, actual charges incurred at the dock but not to exceed 75 cents per gross ton, may be included in the delivered price. In either case such charges must be shown as a separate item on the invoice.

(2) *Where transportation from shipping point to point of delivery is solely by motor vehicle.* (i) Where transportation is by *public carrier,* the maximum delivered price shall be the shipping point price listed in paragraph (a) of this section, plus the established public carrier charge for transporting the scrap by motor vehicle from the shipping point to the point of delivery.

(ii) Where transportation is by *other than public carrier,* the maximum delivered price shall be the shipping point price listed in paragraph (a) of this section, plus the charge for transporting the scrap at the established rail carload rate for the lowest minimum weight, from the rail siding nearest the shipping point to the rail siding nearest the point of delivery, provided however that this charge need never fall below $1.00 per gross ton.

(iii) Where shipment of the scrap to the consumer is solely by motor vehicle, the delivered price shall not exceed the shipping point price unless the consumer shall receive a certificate made out to the Office of Price Administration, Washington, D. C., and signed by the person from whose yard or point of accumulation the scrap was placed at its shipping point and by the person by whom or on behalf of whom the scrap was transported from shipping point to point of delivery. Such certificate shall, among other things, specify the quantity and grade of the scrap, the shipping point, the point of delivery, and the transportation charges from shipping point to point of delivery. The consumer shall acknowledge receipt of the material on the face of the certificate. Certification must be executed on the Office of Price Administration's Form 104:15 (or a copy thereof). Such forms may be secured from the Office of Price Administration, Washington, D. C., or from any Regional Office.

The above mentioned certificate, shall be preserved by the consumer as part of the record-keeping requirements outlined in § 1304.8. A copy shall likewise be preserved by all persons signing the certificate.

[Paragraph (b) as amended February 9, 1942, effective February 9, 1942; 7 F.R. 928]

(c) Definitions of grades referred to in paragraph (a).

Item 1. No. 1 Cupola Cast. Clean cast-iron scrap, such as columns, pipes, plates and castings of miscellaneous nature, but free from stove plate and agricultural scrap. Must be cupola size, not over 24 by 30 inches in dimensions, and no piece to weigh over 150 pounds. Must be free from steel and malleable parts and foreign material.

Item 2. No. 1 Machinery Cast, Drop Broken, 150 lbs. and under. Clean machinery cast-iron scrap. May include the cast-iron parts of agricultural machinery. Must be cupola size, not over 24 by 30 inches in dimensions, and no piece to weigh over 150 pounds. Must be free from steel and malleable parts.

Item 3. Clean Auto Cast. Clean, broken auto blocks, free of all steel parts and broken 75 pounds or under.

Item 4. Unstripped Motor Blocks. Motor blocks from which steel or nonferrous fittings have not yet been removed.

Item 5. Stove Plate. Clean cast-iron stove plate. Must be free from malleable and steel parts, window weights, plow points, grates, burnt iron, etc.

Item 6. Heavy Breakable Cast. Clean cast-iron scrap, such as columns, pipes, plates, and castings of miscellaneous nature, weighing over 150 pounds, and which can be broken by an ordinary drop into cupola size.

Item 7. Charging Box Size Cast. Clean cast-iron scrap, such as columns, pipes, plates and castings of miscellaneous nature, but free from stove plate and agricultural scrap. Must be 18 in. x 5 ft. and smaller.

Item 8. Miscellaneous Malleable. Malleable parts of automotive vehicles, agricultural implements, and miscellaneous malleable iron castings. Must be free from cast iron and steel parts and other foreign material.

[Paragraph (c) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 701]

(d) *Unprepared scrap.* Except in the case of Heavy Breakable Cast, the maximum prices established hereinabove are maximum prices for prepared scrap. For unprepared scrap, exclusive of Heavy Breakable Cast, maximum prices shall be $2.50 less than the maximum prices for the corresponding grade or grades of prepared scrap.

Where scrap is to undergo preparation prior to its arrival at the point of delivery, such scrap is not at its shipping point, as that phrase is defined in paragraph (a) hereof, until after such preparation has been completed.

[Paragraph (d) added by amendment December 24, 1941, effective December 24, 1942; 6 F.R. 6766]

§ 1304.16 *Appendix D: Maximum prices for iron and steel scrap for export from the United States.* (Per Gross Ton, f. a. s. and f. o. b. Point of Export)

(a) *Other than railroad scrap.* The maximum export price of any grade of iron and steel scrap other than railroad scrap shall be the maximum shipping point price derived under § 1304.13, Appendix A, or § 1304.15, Appendix C, plus all transportation charges, as defined in paragraph (d) of § 1304.13, Appendix A, for transporting the scrap from the shipping point to the place of export. For scrap exported by ship this maximum export price shall be f. a. s. vessel at the place of export and actual costs incident to shipment for export may be added if shown as a separate charge on the invoice. For scrap exported by means other than by ship, this maximum export price shall be f. o. b. railroad cars at the place of export. Commission of the domestic broker may be added as provided in § 1304.6 of Price Schedule No. 4 and must be shown as a separate charge on the invoice.

(b) *Scrap originating from railroads.* The maximum export price of any grade of iron and steel scrap of railroad origin shall be the maximum price established and determined under § 1304.14 Appendix B for a consumer located on the line of the railroad originator of the scrap plus all transportation charges, as defined in paragraph (a) of § 1304.14 Appendix B, from the line to the place of export. For scrap originating from a railroad not operating at a Basing Point, no transportation charges shall be added to the maximum prices of such scrap as determined under § 1304.14 Appendix B. For scrap exported by ship these maximum prices shall be f. a. s. vessel at the place of export and actual costs incident to shipment for export may be added if shown as a separate charge on the invoice. For scrap exported by means other than by ship, this maximum export price shall be f. o. b. railroad cars at the place of export. Commission of the domestic broker may be added as provided in § 1304.6 of Price Schedule No. 4 and must be shown as a separate charge on the invoice.*

§ 1304.17 *Appendix E: Maximum prices for iron and steel scrap imported into the United States.* Only consumers, and persons acting as brokers on behalf of specific consumers, may enter into contracts to import iron and steel scrap.

Imported scrap is at its point of delivery to a consumer when it has arrived for unloading at the consumer's plant.

No such purchase of imported scrap may be made until after the consumer has filed with the Office of Price Administration, Washington, D. C., a fully detailed statement under oath setting forth the name and address of the seller, the grade and quantity of the scrap, a detailed breakdown of all factors of which the price at the point of delivery is comprised; and until such application has been approved.

Immediately upon delivery of such scrap, the consumer must file certified copies of bills of lading covering the shipment of such scrap.*

Issued this 2d day of April 1941.[1]

[Effective April 3d, 1941]

LEON HENDERSON,
Administrator.

[1] Inferior grades shall continue to be purchased at the differential below the corresponding schedule grade which the consumer paid during the period September 1, 1940 to January 31, 1941. In no case shall any grade deemed by buyer, or seller, or both to be superior to any grade listed above be sold at a premium above the corresponding schedule grade except upon prior approval by the Office of Price Administration. No special preparation charges may in any case be added to the prices listed above. Except in the case of items 4 and 7, no Basic Open Hearth (and, in the case of item 8, no consumer other than a malleable foundry) may pay for any grade a price in excess of the price listed for item 6. Mixed shipments of any of the above grades shall be deemed shipments of unprepared scrap and shall be priced in accordance with the provisions of paragraph (d) hereof, unless the consumer has authorized a mixed shipment in his purchase order.

PART 1306—IRON AND STEEL

REVISED PRICE SCHEDULE NO. 6—IRON AND STEEL PRODUCTS

[Issued by the Office of Price Administration and Civilian Supply and adopted by the Office of Price Administration]

Price Schedule No. 6 was issued on April 16, 1941, to stem a threatened general increase in steel prices. It successfully achieved its major purpose. Such inequities and hardships as were inevitably involved in an action of this nature have been alleviated in the course of administration. In June 1941 a revision of Price Schedule No. 6 was issued to incorporate certain suggestions received from a cross-section of the industry. In the light of the experience of recent months, however, it is now thought desirable to reissue a revised Price Schedule No. 6 designed to eliminate certain ambiguities and minor errors. This revision in no way affects the major provisions of the original Price Schedule No. 6. It continues to employ the multiple basing point, price leadership, and extras systems which are presently in effect in the industry. As before, this acceptance of these systems merely as a vehicle for determining price should not be regarded as approval thereof, nor should this reservation be regarded as indicating disapproval.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that—

§ 1306.1 *Maximum prices for iron or steel products.* On and after April 17, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1306.4 hereof, no producer shall sell, offer to sell, deliver or transfer any iron or steel product, and no person shall accept delivery of any such product at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1306.10: *Provided,* That with respect to any sale of any such product for future delivery, a contract may provide for the payment of an adjusted price or for the payment of a price in effect at the time of shipment if such contract also expressly states that the

[1] Issued: 6 F.R. 1767. Published as Title 32, Chapter VI, Subchapter B, Sections 1 to 16, inclusive, and Appendices A, B, and C. Amended: 6 F.R. 1872. Sections renumbered and amended: 6 F.R. 2335. Codified and revised: 6 F.R. 2986. Amended: 6 F.R. 3061, 3985, 4417, 4615, 4867, 4921, 5181. Revised: 6 F.R. 5954, 6688. Amended: 6 F.R. 6766; 7 F.R. 701. Corrected: 7 F.R. 809. Amended: 7 F.R. 928.

price at time of shipment shall not exceed the maximum price established by the Office of Price Administration and in effect at time of shipment.

Provided further, That the provisions of Price Schedule No. 6 shall apply only to sales, offers to sell, deliveries, or transfers of iron or steel products moving within, into or out of one of the 48 states of the United States or the District of Columbia. The export provisions of Price Schedule No. 6 shall apply to any sale for delivery outside the 48 states or the District of Columbia.*

* §§ 1306.1 to 1306.14, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1306.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1306.10) may be charged, demanded, paid or offered.*

§ 1306.3 *Evasion.* The price limitations set forth in Price Schedule No. 6 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of any iron or steel product, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or by tying agreement or other trade understanding. Without limiting the generality of the foregoing, the price limitations set forth in Price Schedule No. 6 shall not be evaded by improper classification of any iron or steel product; by improper application of extras; by elimination or reduction of any customary or general privilege as defined in § 1306.10 (i); by the charging of any premium for prompt or early delivery; by the splitting of orders into small quantities with design to increase prices; or by pricing on an f. o. b mill basis or on the basis of any other than designated basing points, when either of these practices results in a higher than ceiling delivered price.*

§ 1306.4 *Existing contracts.* A price in excess of the maximums established herein shall not be charged, demanded, paid, or offered in the case of any contract entered into subsequent to April 16, 1941. Contracts entered into on or prior to April 16, 1941, which do not conform to the requirements of Price Schedule No. 6, may be completed on the contract terms only with respect to shipments made prior to March 15, 1942.*

§ 1306.5 *Records and reports.* (a) Every producer of iron or steel products shall keep for inspection by the Office of Price Administration for a period of not less than one year, copies of all invoices dated January 1, 1941, or later, relating to sales of such products, including sales to warehousemen, jobbers, brokers, and all other persons purchasing for resale. Every such invoice shall clearly indicate the price actually paid, together with all discounts or other credit terms.

(b) Every producer of iron or steel products shall file with the Office of Price Administration, Washington, D. C., on or before February 16, 1942, all charges, terms and discounts, including base prices published or quoted as of April 16, 1941, and extras which were (1) published and quoted and (2) actually and customarily charged as of April 16, 1941, insofar as such filing was not made prior to the effective date of this Amended Price Schedule No. 6. On and after February 16, 1942, except as provided in § 1306.10 (b) or as specifically authorized by the Office of Price Administration, no prices, extras, or other charges permitted by Price Schedule No. 6 may be charged which have not been filed with the Office of Price Administration.*

§ 1306.6 *Enforcement.* In the event of refusal or failure to abide by the terms and provisions of Price Schedule No. 6, the Office of Price Administration will use its full powers of enforcement to compel remedial action and future compliance by any such violator. These powers may include steps in an appropriate court of law, such administrative remedies as may be proper, as well as the informing of the Congress and the public, and the enlisting of the cooperation of the various state or federal governmental agencies, including the procurement services of the Government. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or of manipulation of the price of iron or steel products, are urged to communicate with the Office of Price Administration.*

§ 1306.7 *Modification of Price Schedule No. 6.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 6 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom. In considering any such application the Office of Price Administration may require the submission in affidavit form of any further data which it may consider relevant, and it shall upon request have access to the records and books of the applicant. In connection with any such application for relief, a sworn affirmation of compliance with this and all other Price Schedules issued by the Office of Price Administration must be submitted or the absence thereof clearly explained.*

§ 1306.8 *Definitions.* When used in Price Schedule No. 6, the term:

(a) "Person" means an individual, partnership, association, trust, corporation or other business entity, including executors or administrators, trustees in bankruptcy, receivers, or other court-appointed officials;

(b) "Producer" or "producer of iron or steel products" means any person who manufactures or produces any of the iron or steel products as defined in paragraph (c) herein;

(c) "Iron or steel products" means and includes all iron or steel ingots, all semi-finished iron or steel products, all finished hot-rolled or cold-rolled iron or steel products, and any iron or steel product which is further finished by galvanizing, plating, coating, drawing, extruding, etc. Without limiting the generality of the foregoing, the term shall include all products listed in Appendix B (§ 1306.11) of Price Schedule No. 6. The term shall also include all seconds and off-grade iron or steel products: *Provided*, That the term shall not include pig iron.[1]

[1] See Price Schedule No. 10.

(d) "Governing basing point" means that established basing point the use of which results in the lowest delivered price at the place of delivery.

(e) "Emergency basing point" means the established basing point at or nearest the place of production or of origin of shipment.

(f) "Usual market area" of any mill with respect to a shipment of any product means that area into which the particular iron or steel product had, in the course of the two years prior to April 16, 1941, been customarily shipped by such mill in quantities comparable to the shipment being made.

(g) "Basing point base prices" means:

(1) The prices announced prior to December 31, 1940, or customarily quoted by Carnegie-Illinois Steel Corporation, American Steel & Wire Co., Tennessee Coal, Iron & Railroad Co., National Tube Co., and Columbia Steel Co., as base prices effective during the first quarter of 1941, or in effect on April 16, 1941, and applicable at designated basing points for iron or steel products; or

(2) In the case of an individual producer, the prices announced or customarily quoted by such producer during the first quarter of 1941, or in effect on April 16, 1941, as base prices applicable at designated basing points for iron or steel products: *Provided*, That the base prices under this subparagraph (2) shall not be in excess of the base prices under subparagraph (1), for the purpose of this definition, except to the extent which actually prevailed in the case of such producer, during the entire third quarter of the year 1940; or

(3) Where there are delivered prices applicable at a particular place, including Detroit, eastern Michigan, and the Gulf and Pacific Coast basing points listed in Appendix C (§ 1306.12), and such prices are less than the basing point base prices at the nearest governing basing point plus transportation charges, such prices for the purpose of Price Schedule No. 6 shall be deemed basing point base prices applicable for delivery at such place: (i) *Provided*, That such prices, except in the case of the Gulf and Pacific Coast ports, are not to be used to arrive at delivered prices to other destinations: (ii) *Provided further*, That when delivery is made in any part by water transportation, to these maximum delivered prices may be added any excess in the charges for war risk marine insurance above the charges prevailing prior to January 8, 1942: (iii) *Provided further*, That this paragraph need not apply (*a*) in the case of a shipment to or based upon Gulf or Pacific Coast points, if the customary means of transportation are not used, or (*b*) if the shipment is outside the usual market area, as defined in § 1306.8 (f), in which cases the shipment may be priced in accordance with paragraph (b) of Appendix A (§ 1306.10).

(h) (1) "Extras" means when used with reference to domestic sales (i) the published or quoted extras of the subsidiaries of the U. S. Steel Corporation as of April 16, 1941, or (ii) the published

or quoted extras of the individual producer, as of April 16, 1941, being additions to or deductions from the base price to make adjustment for variations in the product sold from the product governed by the base price, which variations might be in size or other physical specifications, chemical analysis, processing or other quality or treatment or in the quantity of the product: *Provided*, That (except as permitted under § 1306.10 (h)) where any extra may have been so published or quoted but had not been charged, in whole or in part, by a producer for a specific application to a particular group or groups of buyers on April 16, 1941, or during the two years prior thereto, before such published extra may be charged or invoiced by such producer after March 15, 1942, to such particular group or groups of buyers such producer must apply for approval to and receive approval from the Office of Price Administration for the charging of such extra for such application to such particular group or groups of buyers.

Any extra approved by the Office of Price Administration under this section may after publication thereof be charged by all producers covered by Price Schedule No. 6. Without limiting the generality of this proviso, approval may be denied for the charging of any such extra, even if published as of April 16, 1941, to the extent that such extra during the two years prior to April 16, 1941, had been generally ignored in pricing steel for a particular group or groups of buyers so that the failure to charge such extra constituted a customary trade practice in respect to such buyers.

(2) "Extras" when used with reference to export sales means (i) the export extras published or quoted by the United States Steel Export Company, by the Steel Export Association, or by the individual producer, as of April 16, 1941; or (ii) where extras provided under (i) are not applicable, domestic extras as defined in paragraph (h) (1) above.*

§ 1306.9 *Effective date of Price Schedule No. 6.* This Schedule (§§ 1306.1 to 1306.9, inclusive) shall become effective April 17, 1941.*

[This Schedule, as amended (§§ 1306.1 to 1306.14, inclusive) shall become effective February 4, 1942]

§ 1306.10 *Appendix A: Domestic and export ceiling prices for sales by producers of iron and steel products.* (a) The domestic ceiling delivered price for any iron or steel product for which there are basing point base prices shall be the aggregate of:

(1) The basing point base price at the *governing* basing point;

(2) Applicable extras, as defined in and subject to the provisions of § 1306.8 (h) (i): *Provided*, That in no case shall an extra or extras be charged for any processing, testing, chemical specification, special quality, quantity, etc., unless these services are actually performed and are necessary in order to furnish an iron or steel product of a type and quality required to fabricate successfully the article in question or to meet the specifications of the purchaser.

(3) Transportation charges in effect at the time of shipment from the governing basing point to the place of delivery as customarily computed.

(b) Notwithstanding the provisions of paragraph (a), if in any case in which by reason of unusual circumstances arising directly from the emergency demands of the war program, a shipment of any product is made to a place which is not within the usual market area of the mill from which shipment is made, the emergency basing point may be used and transportation charges may be calculated from the emergency basing point to the place of delivery. Such transportation charges shall in no case exceed the actual cost of transportation on the shipment. All persons selling iron or steel products under this paragraph (b) shall maintain complete and readily available records of all such sales and shall report such sales to the Office of Price Administration as the Office of Price Administration may from time to time require.

(c) The export ceiling price for any iron or steel product for which there are basing point base prices shall be the aggregate of: (1) the basing point base price at the governing basing point or at the emergency basing point; (2) applicable export extras; (3) export transportation charges in effect at the time of shipment from the governing or emergency basing point to the place of delivery, as customarily computed: *Provided*, That the export price at a particular seaboard point may be the aggregate of (i) the export base price of United States Steel Export Company F. A. S. seaboard at such point in effect on April 16, 1941, (whether sales are F. A. S. or F. O. B. mill with freight prepaid to seaboard) (ii) applicable export extras. In the case of C. I. F. sales adjustments for additional transportation and insurance charges may be made. (Such F. A. S. prices for principal products at principal ports are listed in § 1306.13 Appendix D).

(d) The ceiling delivered price for any iron or steel product for which there are basing point base prices when such products are purchased for account of the Lend-Lease Administration, shall be the aggregate of (1) the domestic basing point base price at the governing basing point, or at the emergency basing point; (2) applicable domestic or export extras; and (3) export transportation charges in effect at the time of shipment from the governing or emergency basing point to the place of delivery, as customarily computed.

(e) For all iron or steel products, such as specialty products, for which there are no basing point base prices and extras or United States Steel Export Company F. A. S. seaboard prices, the ceiling prices shall be the prices and extras which were or would have been charged by the seller on April 16, 1941 (upon the basis of the prices, discounts, charges, or extras then listed or quoted by the seller) for such iron or steel products.

(f) The maximum delivered price for all seconds or off-grade iron or steel products shall not exceed the maximum delivered price for comparable iron or steel products of prime quality.

(g) The maximum base price for carbon steel ingots, rerolling quality, standard analysis, shall be $31.00 per gross ton, f. o. b. mill.

(h) In any case in which the maximum prices set forth in Price Schedule No. 6 are not applicable to a new product or a substantial variation in a product or a new process, the producer shall file with the Office of Price Administration his prices or charges for such product or process, and the Office of Price Administration reserves the right to disapprove the charging of such prices or charges.

(i) All customary or general privileges in effect as of April 16, 1941, including, without limiting the generality of the foregoing, delivery and other services of all kinds, credit or other terms of payment, functional discounts and allowances such as those customarily made to jobbers, dealers or other distributors and discounts and allowances customarily made to specific classes of purchasers such as manufacturers of roofing materials, chain link fencing, culverts, etc., shall be continued without diminution or extra charge: *Provided*, That this paragraph shall not apply to any reductions in published or quoted base prices arising from specific competitive situations.

§ 1306.11 *Appendix B: Products included in the definition of iron or steel products, § 1306.9 (c).* The following iron and steel products and their alloys (including stainless) are "Iron or steel Products" as defined in § 1306.9 (c). This list does not limit the generality of the definition of iron and steel products contained in § 1306.9 (c).

- Ingots
- Blooms
- Billets
- Slabs
- Sheet Bars
- Skelp
- Tube rounds
- Muck bar
- Forging rounds
- Bars and small shapes, new billet and rail steel—all types and grades including:
  - Merchant
  - Cold finished—carbon
  - Concrete reinforcing
  - Alloy-hot rolled
    - cold finished
  - Hoops and baling bands
- Tool steel bars—rolled and forged
- Plates—all types
- Armor plate—forged, rolled and otherwise
- Shapes including bearing piles
- Sheet piling and accessories
- Rails—all types
- Track materials including:
  - Tie plates
  - Tie rods
  - Track spikes
  - Splice bars (joint bars, angle bars, rail joints, and fish plates)
  - Ties
- Axles, car wheels, or any combination-rolled or forged

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Pipe and tube—plain, threaded and coupled—all types and grades, including:
- Conduit
- Spiral welded
- Mechanical tubing
- Boiler, pressure, and heat exchanger tubing

Black Plate
Tin plate—all types
Sheets and strip, all types, including plain and corrugated; and roofing and siding of all types; including:
- Hot rolled
- Cold rolled
- Galvanized
- Ternes
- Enameling
- Electrical
- All other

Wire and wire rods—all types and grades
Merchant wire products, including:
- Nails, staples, and brads
- Merchant quality wire
- Wire fencing, including woven, chain, link and lawn
- Bale ties and buckle wire
- Posts—all types and accessories
- Poultry and animal farm netting
- Twisted barbless and barbed wire
- Wire clothes line
- Wire rope, wire strand, and special cords such as aircraft
- Woven wire cloth—insect, hardware, and all other
- Wire belting
- Wire hoops
- Communications and power transmission wire
- Welded or woven wire fabrics for reinforcing

§ 1306.12 *Appendix C: Principal established basing points for selected products covered by Price Schedule No. 6.*

Axles—Rolled or Forged:
- Birmingham
- Chicago
- Pittsburgh

Bale Ties:
- Birmingham
- Chicago
- Cleveland
- Duluth
- Pittsburgh
- Pacific Coast Ports

Bars—Alloy Steel, Hot Rolled:
- Bethlehem
- Buffalo
- Canton
- Chicago
- Massillon
- Pittsburgh

Bars—Alloy Steel, Cold Finished:
- Buffalo
- Chicago
- Cleveland
- Gary
- Pittsburgh

Bars and Small Shapes—Carbon Steel and Rail Steel, Hot Rolled:
- Birmingham
- Buffalo
- Chicago
- Cleveland
- Duluth (Carbon Steel only)
- Gary
- Pittsburgh

Bars and Small Shapes—Continued
- Gulf Ports
- Pacific Coast Ports

Bars—Carbon Steel, Cold Finished:
- Buffalo
- Cleveland
- Chicago
- Detroit
- Gary
- Pittsburgh

Bars—Concrete Reinforcing, New Billet and Rail Steel:
- Birmingham
- Buffalo
- Chicago
- Cleveland
- Gary
- Pittsburgh
- Sparrows Point, Md. (New Billet only)
- Youngstown
- Gulf Ports:
  - Beaumont, Texas
  - Galveston, Texas
  - Houston, Texas
  - Orange, Texas
  - Port Arthur, Texas
- Pacific Coast Ports

Bars, Billets, Blooms, Muck Bar—Iron:
- Berwick, Pa.
- Burnham, Pa.
- Chicago
- Coatesville, Pa.
- Columbia, Pa.
- Creighton, Pa.
- Cuyahoga Falls, Ohio
- Dover, N. J.
- Jersey City, N. J.
- Lebanon, Pa.
- Louisville, Ky.
- Pittsburgh
- Richmond, Va.
- Terre Haute, Ind.

Bars and Billets—Tool Steel:
- Bethlehem
- Pittsburgh
- Syracuse, N. Y.

Blooms, Billets and Slabs—Alloy Steel:
- Bethlehem
- Buffalo
- Canton
- Chicago
- Massillon, Ohio
- Pittsburgh

Blooms, Billets and Slabs—Carbon Steel, Forging and Rerolling:
- Birmingham
- Buffalo
- Chicago
- Cleveland
- Duluth (Billets only)
- Gary
- Pittsburgh
- Sparrows Point, Md. (Rerolling quality)
- Youngstown

Fence Posts:
- Birmingham (Angle line posts only)
- Chicago
- Cleveland
- Pittsburgh
- Pacific Coast Ports

Pipe—Wrought Iron:
- Pittsburgh

Pipe—Steel:
- Gary
- Lorain
- Pittsburgh

Ingots—(Forging):
- Pittsburgh

Ingots—(Alloy):
- Pittsburgh
- Bethlehem
- Buffalo
- Canton
- Chicago
- Coatesville
- Massillon

Plates—Carbon:
- Birmingham (up to incl. 106" wide)
- Chicago
- Claymont, Del.
- Cleveland, Ohio
- Coatesville, Pa.
- Gary
- Pittsburgh
- Sparrows Point, Md.
- Youngstown
- Gulf Ports
- Pacific Coast Ports

Plates—Alloy:
- Chicago
- Coatesville
- Pittsburgh
- Gulf Ports
- Pacific Coast Ports

Plates—Floor:
- Pittsburgh
- Chicago
- Gulf Ports
- Pacific Coast Ports

Girder Rails and Splice Bars Therefor:
- Lorain, Ohio
- Steelton, Pa.

Light Rails—(60 lb. or less per yd.):
- Birmingham
- Chicago
- Pittsburgh

Rails and Splice Bars for Rails (over 60 lb. per yd.):
- Gulf Ports:
  - New Orleans
  - Mobile, Ala.
  - Galveston, Tex.
  - Houston, Tex.
- Pacific Coast Ports:
  - Oakland, Cal.
  - San Francisco
  - San Pedro, Cal.
  - Portland, Ore.
  - Seattle, Wash.

On sales to Railroad Cos. 200 g. t. or more for rails, and any quantity for splice bars.

Railroad Tie Plates—for Standard Tee Rails:
- Birmingham
- Buffalo
- Chicago
- Kansas City, Mo.
- Minnequa, Colo.
- Pittsburgh
- Pittsburgh
- St. Louis
- Steelton, Pa.
- Weirton, W. Va.
- Pacific Coast Ports

Railroad Track Spikes:
- Birmingham
- Chicago
- Kansas City, Mo.
- Lebanon, Pa.
- Minnequa, Colo.
- Pittsburgh
- Portsmouth, Ohio
- Richmond, Va.
- St. Louis
- Weirton
- Youngstown

Railroad Track Spikes—Continued.
- Pacific Coast Ports:
  - San Francisco
  - San Pedro, Calif.
  - Portland, Oreg.
  - Seattle, Wash.

Sheet Bars:
- Buffalo
- Canton
- Chicago
- Cleveland
- Pittsburgh
- Sparrows Point, Md.
- Youngstown

Sheets—Cold Rolled:
- Buffalo
- Chicago
- Cleveland
- Gary
- Granite City, Ill.
- Middletown, Ohio
- Pittsburgh
- Youngstown
- Pacific Coast Ports

Sheets—Enameling:
- Pittsburgh
- Chicago
- Cleveland
- Gary
- Granite City
- Middletown
- Youngstown
- Pacific Coast Ports

Sheets—Electrical:
- Pittsburgh
- Granite City
- Pacific Coast Ports

Sheets—Galvanized:
- Birmingham
- Buffalo
- Chicago
- Gary
- Granite City, Ill.
- Middletown, Ohio
- Pittsburgh, Pa.
- Sparrows Point, Md.
- Youngstown, Ohio
- Pacific Coast Ports

Sheets—Hot Rolled:
- Birmingham
- Buffalo
- Chicago
- Cleveland
- Gary
- Granite City, Ill.
- Middletown, Ohio
- Pittsburgh
- Sparrows Point, Md.
- Youngstown, Ohio
- Pacific Coast Ports

Sheet—Long Terne:
- Chicago
- Gary
- Pittsburgh
- Pacific Coast Ports

Skelp—Carbon Steel
- Chicago
- Coatesville
- Pittsburgh, Pa.
- Sparrows Point, Md.
- Youngstown

Skelp—Charcoal Iron:
- Coatesville, Pa.

Steel Sheet Piling & Accessories:
- Buffalo
- Chicago

Steel Sheet Piling & Accessories—Con.
- Pittsburgh
- Pacific Coast Ports

Strip Steel—Cold Rolled:
- Chicago
- Cleveland
- Pittsburgh
- Worcester, Mass.
- Youngstown

Splice Bars for Light Rails:
- Pittsburgh

Strip Steel—Commodity:
- Pittsburgh
- Cleveland
- Youngstown
- Worcester

Strip Steel—Alloy:
- Pittsburgh
- Bethlehem
- Buffalo
- Canton
- Chicago
- Massillon

Strip Steel—Hot Rolled:
- Birmingham
- Chicago
- Cleveland
- Gary
- Middletown, Ohio
- Pittsburgh
- Youngstown
- Pacific Coast Ports

Structural Shapes:
- Bethlehem
- Birmingham-Standard Shapes Only
- Buffalo
- Chicago (except ship sections not rolled)
- Gary (except ship sections not rolled)
- Pittsburgh
- Gulf Ports
- Pacific Coast Ports

Tin Mill Black Plate:
- Chicago
- Gary
- Granite City, Ill.
- Pittsburgh
- Pacific Coast Ports

Tin Plate and Terne Plate:
- Chicago
- Gary
- Granite City, Ill.
- Pittsburgh

Tubing—Mechanical:
- Canton
- Detroit
- Milwaukee
- Shelby
- Pittsburgh

Tubing—Pressure:
- Pittsburgh

Twisted Barbless & Barbed Wire:
- Birmingham
- Chicago
- Cleveland
- Duluth
- Pittsburgh
- Pacific Coast Ports

Tube Rounds:
- Chicago
- Cleveland
- Pittsburgh

Wire Rods:
- Birmingham
- Chicago
- Cleveland

Wire Rods—Continued.
- Pittsburgh
- Worcester, Mass.
- Gulf Ports:
  - Galveston, Tex.
- Pacific Coast Ports:
  - Los Angeles
  - San Francisco
  - Portland, Ore.
  - Seattle, Wash.

Wire—Drawn (Includes Manufacturer's and Merchant Quality):
- Birmingham
- Chicago
- Cleveland
- Glassport, Pa. (Hot copper covered steel only)
- Duluth
- Pittsburgh
- Worcester, Mass. (Manufacturer's wire only)
- Pacific Coast Ports

Wire—Spring:
- Chicago
- Cleveland
- Pittsburgh
- Worcester, Mass.
- Pacific Coast Ports

Wire—Telephone:
- Cleveland
- Muncie, Ind.
- Pittsburgh
- Sparrows Point, Md.
- Trenton, N. J.
- Waukegan, Ill.
- Worcester, Mass.

Wire Fencing (except chain link):
- Birmingham
- Chicago
- Cleveland
- Duluth
- Pittsburgh
- Pacific Coast Ports

Wire Hoops:
- Chicago
- Pittsburgh

Wire Nails and Staples:
- Birmingham
- Chicago
- Cleveland
- Duluth
- Pittsburgh
- Pacific Coast Ports

Pacific Coast Ports, except where otherwise enumerated are as follows:
- Bellingham, Wash.
- Everett, Wash.
- Long Beach, Calif.
- Los Angeles, Calif.
- Oakland, Calif.
- Portland, Ore.
- Sacramento, Calif.
- San Diego, Calif.
- San Francisco, Calif.
- San Pedro, Calif.
- Seattle, Wash.
- Stockton, Calif.
- Tacoma, Wash.
- Wilmington, Calif.

Gulf Ports, except where otherwise enumerated are as follows:
- Beaumont, Texas
- Galveston, Texas
- Houston, Texas
- New Orleans, La.
- Orange, Texas
- Port Arthur, Texas

[§ 1306.13 as amended February 9, 1942, effective February 9, 1942, 7 F.R. 930]

§ 1306.14 *Appendix E: Exceptions to Price Schedule No. 6.* The following persons have been granted an exception under the terms of Price Schedule No. 6, which exception has been defined and limited in certain letters. All action taken in reliance upon the terms of any exception shall be at the risk of the person acting, until and unless official notification has been received by such persons pursuant to such application. Persons interested may secure the terms of such exception on application to the Office of Price Administration.

Name	Description of relief granted [1]	Date granted
W. Ames & Company, Jersey City, N.J.	A. Plain cutouts of all sizes (not part of strip)	July 8, 1941
	B. Bar-size straps cut to length	
	C. Iron bars over 6" round, f.o.b. mill.	
	Iron bars over 6" round, f.o.b. mill, on resale.	
	Iron bars over 6" round, f.o.b. mill or warehouse.	
Andrews Steel Company, Newport, Ky.	A. Carbon forging billets—Sold per gross ton at established basing points.	July 28, 1941
	B. Carbon steel slabs—Sold per gross ton at established basing points.	
Central Iron and Steel Company, Harrisburg, Pa.	C. Galvanized sheets—$4.75 cwt. at established basing points.	July 22, 1941
	D. Hot rolled sheets—Shipments limited and period may be based on Mobile trade, ship to any basing point.	
Empire Sheet and Tin Plate Co., Mingo Jct., Ohio.	A. Carbon steel plates—$2.75 cwt., at established basing points.	Sept. 17, 1941
	B. Rail steel merchant bars—$2.65 cwt., at established basing points.	
Empire Sheet and Tin Plate Co., Mingo Jct., Ohio.	A. Carbon steel pipe—$3 per gross ton, f.o.b. mill	Jan. 9, 1942
	B. Carbonized steel bars—$3 per gross ton, f.o.b. mill.	
Gilbert & Bennett Mfg. Company, Georgetown, Conn.	A. Screen cloth—Sold per square foot, f.o.b. factory, plus packing charges.	Jan. 12, 1942
	To John's Custom Rolled Steel Co.	
	To John's Custom Rolled Steel Co.	
	To John's Custom Rolled Steel Co.	
	B. Poultry netting, high grade:	
	Galvanize 1 foot wide	
	To John's Custom Rolled Steel Co. less 10%	
	To John's Custom Rolled Steel Co. less 10%	
	To John's Custom Rolled Steel Co. less 10%	
	C. Heavy stucco mesh cloth:	
	Quantities to John's Custom Rolled Steel Co. less 10%.	
	To John's Custom Rolled Steel Co. less 10%.	
Granite City Steel Company, Granite City, Ill.	D. Standard industrial burlap cloth, per 100 square feet—$3.20.	June 5, 1941
Phoenix Iron Co., Phoenixville, Pa.	A. Skin plates—$2.25 cwt., f.o.b. mill	May 1, 1941
	B. Carbon steel shapes—$2.20 cwt., at established basing points.	
	C. Carbon steel bars—$2.20 cwt., at established basing points.	
	(both effective to April 15, 1942)	
Sweet's Steel Co., Williamsport, Pa.	A. Rail steel concrete reinforcing and merchant bars—$2.33 cwt. f.o.b. mill.	Aug. 29, 1941
	B. Rail steel flats—$2.60 per cwt. f.o.b. mill.	
	(both effective to April 15, 1942)	
Wheeling Steel Corp., Wheeling, W. Va.	A. 20 square base or per rolled plate, standard in the 20 sections adjacent to Wheeling, plus usual quantity differentials—$2.60 per cwt. f.o.b. Portsmouth, Ohio.	Feb. 2, 1942

Issued this 16th day of April, 1941.[2]

LEON HENDERSON,
Administrator.

[1] Issued: 6 F.R. 2004. Codified and amended: 6 F.R. 3061. Sections renumbered and amended: 7 F.R. 785. Amended: 7 F.R. 930.

§ 1306.13 *Appendix D: Export base prices of United States Export Company for principal products, F. A. S. principal ports, in effect on April 16, 1941*

Products	Boston, Mass., New York, Philadelphia, Baltimore, Norfolk, Va.	Charleston, S.C., Savannah, Ga., Mobile	Gulf ports (except Mobile)	San Francisco, Portland, Oreg., Tacoma, Wash., San Pedro
	PER GROSS TON			
Ingots [4]	$37.00	$37.00	$37.00	$40.00
Blooms, billets, slabs, sheet bars	42.00	42.00	42.00	45.00
Forging billets	47.00	47.00	47.00	50.00
Rail, 75 lbs. or over	42.00	42.00	42.00	45.00
Rail, 60 lbs. and under 75 lbs.	43.00	43.00	43.00	46.00
Heavy rails, relaying (gauge)	47.00	47.00	47.00	50.00
Girder rails	55.00	55.00	55.00	58.00
	PER 100 POUNDS			
Angle splice bars for heavy rails	$3.70	$3.70	$3.60	$3.90
Tie plates	2.90	2.90	2.80	3.10
Axles	4.75	4.75	4.65	4.95
Skelp	2.65	2.65	2.55	2.85
Tubes	4.25	4.25	4.15	4.45
Plates (carbon steel)	2.65	2.65	2.55	2.85
Structural shapes (standard)	2.65	2.65	2.55	2.85
Structural (large and built) shapes	2.75	2.75	2.65	2.95
Concrete reinforcing bars	2.65	2.65	2.55	2.85
Cold finished carbon steel bars	3.25	3.25	3.15	3.45
Hot rolled alloy bar	3.25	3.25	3.15	3.45
Cold finished alloy bar	3.75	3.75	3.65	3.95
Hot rolled carbon tool steel bars (Ternes & Swede)	4.25	4.25	4.15	4.45
Hot rolled alloy tool steel bars	5.25	5.25	5.15	5.45
Galvanized plain wire	3.65	3.65	3.55	3.85
Galvanized barb wire	3.75	3.75	3.65	3.95
Bright rail wire	3.65	3.65	3.55	3.85
Spring steel	4.75	4.75	4.65	4.95
Galvanized staple (incl. $1.15 extra for galvanized)	4.90	4.90	4.80	5.10
Bright staples (including 72 cents extra for bright)	3.75	3.75	3.65	3.95
	PER BASE BOX			
Tin plate 14" x 20" 107 pounds—112 sheets, wooden boxes, wire strapped	$5.35	$5.35	$5.10	$5.80
	PER 100 POUNDS			
Hot rolled sheets, 24 B. G. plain bundles (includes 90 cents for pack)	$3.25	$3.25	$3.15	$3.45
10 U. S. G. plain bundles	2.95	2.95	2.85	3.15
Cold rolled sheets, 17 U. S. G. in 250 metal crates (includes 15 cents for crate)	3.60	3.60	3.50	3.80
Galvanized sheets, 24 B. G. in plain bundles	3.60	3.60	3.50	3.80
Hot rolled strip	2.85	2.85	2.75	3.05
Cold rolled strip	3.10	3.10	3.00	3.30
	Percent			
American standard pipe, black, T. & C. ½" to 3"	61	61	61	61
American standard pipe, galvanized, T. & C. ½" to 3"	47	47	47	47
American cutting pipe, black, plain ends, ½" to 3"	56	56	56	56
American cutting pipe, galvanized, plain ends, ½" to 3"	42	42	42	42
American double extra strong pipe, black, plain ends, 2" to 12"	44	44	44	44
American double extra strong pipe, galvanized, plain ends, 2" to 12"	30	30	30	30
English gas tubes, black, T. & C. ½" to 3"	61	61	61	61
English gas tubes, galvanized, T. & C. ½" to 3"	47	47	47	47
English tenon tubes, painted, T. & C. ½" to 3"	56	56	56	56
English steam tubes, galvanized, T. & C. ½" to 3"	42	42	42	42

Discounts:
American standard pipe, off American list No. 6.
English gas tubes off English list No. 4, collected 2 cents to the penny.

[1] Small lots extra.
[2] Other points on request.

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

REVISED PRICE SCHEDULE NO. 7—COMBED COTTON YARNS AND THE PROCESSING THEREOF [1]

[Issued by the Office of Price Administration and Civilian Supply. Adopted by the Office of Price Administration]

Stable operation of the cotton textile industry is essential to the production of commodities necessary for the defense of the nation and to the uninterrupted flow of goods to civilian consumers. An inflationary movement in the price of any basic material used in the manufacture of cotton textiles and related products raises costs of production for the entire industry. This necessarily jeopardizes the legitimate opportunities for profit of manufacturers in the field, makes it difficult and in some cases impossible for the trade to cooperate with the government in maintaining price stability, and increases the prices for which the public must pay for many basic necessities.

Recent months have seen a rapid advance in the price of combed yarns, which constitute an important raw material used in the manufacture of cotton textiles, garments, and other products The increases which have taken place far exceed the current rise in manufacturing costs. Present price levels of combed yarns are, therefore, inflationary in character; they are the result of, and unless subjected to control, will lead to further speculative activity and withholding of yarn from the market.

Accordingly, pursuant to and under the authority vested in me by Executive Order No. 8734, and after consultation with the Price Administration Committee, it is hereby directed that:

§ 1307.1 *Maximum prices for combed yarns and for mercerizing, bleaching, and gassing.* (a) On and after the applicable ceiling date, regardless of the terms of any contract of sale or purchase or other commitment (except as provided in Appendix A, incorporated herein as § 1307.12), no person shall sell, offer to sell, deliver or transfer combed yarn and no person shall buy, offer to buy, accept delivery of combed yarn, at prices higher than the applicable maximum prices set forth in Appendix A: *Provided*, That the provisions of Price Schedule No. 7 shall not apply to retail sales of combed yarn.

(b) On and after the applicable ceiling date, regardless of the terms of any contract or other commitment, no person shall charge and no person shall pay for the mercerizing, bleaching, and/or gassing of combed yarn, prices higher than the applicable maximum prices set forth in § 1307.12, Appendix A.*

*§ 1307.1 to 1307.12, inclusive, issued under the authority contained in E.O. Nos. 8734, 5875, 6 F.R. 1917, 4483.

§ 1307.2 *Less than maximum prices.* Lower prices than those set forth in § 1307.12, Appendix A, may be charged, demanded, paid, or offered.*

§ 1307.3 *Evasion.* (a) The price limitations set forth in Price Schedule No. 7 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of combed yarn, or in connection with the mercerizing, bleaching, or gassing of combed yarn, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) No price agreed upon in any contract shall be changed by amendment of such contract, by substitution therefor of a new contract, or otherwise (whether or not such change is made pursuant to the terms of the original contract) if the change so effected results in an agreed price in excess of the maximum price applicable under § 1316.12 hereof, in accordance with the date the original contract was made, to the original contract or to deliveries pursuant thereto.*

§ 1307.4 *Records and reports.* (a) Every person making purchases or sales of combed yarn after February 2, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity and specifications of each kind or grade purchased or sold; (2) the quantity of combed yarn (i) on hand, and (ii) on order, as of the close of each calendar month; and (3) in the case of manufacturers (i) the quantity in pounds of each count of base-grade combed yarn manufactured during each calendar month and (ii) the quantity in pounds of each type of combed yarn, other than base-grade combed yarn, manufactured or sold during each calendar month, and the kind, grade, and staple of cotton used in each such type.

(b) Every person who, for a charge, mercerizes, bleaches, and/or gasses combed yarn after February 2, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such transaction, including (1) the name of the customer, (2) the date of the contract, (3) the count and ply of the yarn, (4) the service performed, and (5) the price charged.

(c) Persons affected by Price Schedule No. 7 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1307.5 *Details required in contract of sale and invoice.* (a) Every seller of combed yarn shall, with respect to every sale thereof, deliver to the purchaser a contract of sale which shall contain, in addition to the terms thereof, (1) the date on which the sale or contract of sale was made, and (2) a full description of the yarn sold, including (i) the count, (ii) the ply, and (iii) where, in conformity with Price Schedule No. 7, a premium is charged, the feature of the yarn (including, when relevant, the kind of cotton used, the twist, and the put-up), of the packaging, or of the sale for which such premium is allowed.

(b) Every seller of combed yarn shall, with respect to each delivery thereof, transmit to the purchaser an invoice or similar document which shall either contain the information required by paragraph (a) above or make reference to the contract in which such information is set forth.*

§ 1307.6 *Affirmations of compliance.* On or before March 10, 1942, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month has purchased or sold combed yarn, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 107:2, containing a sworn statement that during such month all such purchases or sales were made at prices in compliance with Price Schedule No. 7 or with any exception therefrom or modification thereof. Copies of Form 107:2 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1307.7 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 7, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 7, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof, and (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 7. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of combed yarn, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1307.8 *Modification of Price Schedule No. 7.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 7 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 7.*

§ 1307.9 *Definitions.* When used in Price Schedule No. 7, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Combed yarn" means grey and (unless otherwise specified) mercerized, gassed, and/or bleached combed cotton yarn of all qualities and specifications in numbers up to 120s, inclusive, and includes imported combed yarn;

(c) "Retail sales" means sales to the ultimate consumer: *Provided*, That no manufacturer, processor, purchaser for

[1] Title changed from "Combed Cotton Yarns" by amendment, February 2, 1942, effective February 3, 1942, 7 F.R. 708.

resale, or commercial user shall be considered an ultimate consumer;

(d) "Ceiling date" means the date, as specified in § 1307.12, Appendix A, upon which a given maximum price becomes effective;

(e) "For export" means to a person outside the United States, its territories and possessions;

Ply	Singles, two or three-ply
Twist	Regular or reverse
Turns per inch—	
Yarns sold as singles	2.75 to 3.74, inclusive, times the square root of the yarn number
Yarns sold after plying—	
Single twist	2.75 to 3.74, inclusive, times the square root of the yarn number
Plied twist	Up to 3.74, inclusive, times the square root of the number of the single yarn equivalent
Put-up	
Singles	Open-wind cones of the following dimensions: Yarn diameter at base 5" to 7", inclusive Traverse: 5½" to 6½", inclusive; or Open-wind parallel tubes of the following dimensions: Yarn diameter: 4" to 7", inclusive Traverse: 5½" to 6½", inclusive; or Round-tied skeins
Plied	Cones and tubes of the above descriptions; or Quiller warps; or Round-tied skeins
Cotton content	American cotton which, according to the respective count, does not exceed the following staple lengths: 10s to 24s, inclusive $1\frac{1}{16}$" 25s to 30s, inclusive $1\frac{3}{32}$" 31s to 44s, inclusive $1\frac{1}{8}$" 45s to 55s, inclusive $1\frac{5}{32}$" 56s to 70s, inclusive $1\frac{3}{16}$" 71s to 80s, inclusive $1\frac{7}{32}$" 81s to 90s, inclusive $1\frac{1}{4}$" 91s to 100s, inclusive $1\frac{5}{16}$" 110s to 120s, inclusive $1\frac{3}{8}$"

(h) "American cotton" includes all cotton grown in the United States except Sea Island, Pima, and SXP cotton;

(i) "Producer" includes a person who mercerizes, bleaches, and/or gasses combed yarn, whether for sale or on commission;

(j) "Purchaser" includes a person for whom a producer mercerizes, bleaches, and/or gasses combed yarn on commission.*

§ 1307.10 *Effective date of Price Schedule No. 7.* This Schedule (§§ 1307.1 to 1307.8, inclusive) became effective May 26, 1941.

§ 1307.11 *Effective dates of amendments.* (a) The amendment issued June 19, 1941, adding § 1307.1 (c) and amending § 1307.7 became effective as of May 26, 1941.

(b) The amendment issued July 19, 1941, amending § 1307.1 (a) and § 1307.7, became effective July 21, 1941.

(c) The amendment issued August 1, 1941, amending § 1307.7, became effective as of July 21, 1941.

(d) The amendment issued December 24, 1941, amending § 1307.7, became effective December 24, 1941.

(e) The amendment issued January 5, 1942, amending § 1307.7 (b) (3), became effective as of December 24, 1941.

(f) The amendment issued January 21, 1942, amending § 1307.7 (b) (3), became effective as of January 14, 1942.

[The above amendments were superseded by (g) below.]

(g) The amendment issued February 2, 1942, revising the entire Price Schedule No. 7, shall be effective February 3, 1942.

(f) "Spot cotton price" means the average, published daily by the United States Department of Agriculture, Agricultural Marketing Service, of the price quotations for middling $\frac{15}{16}$-inch cotton on 10 designated spot markets.

(g) "Base-grade yarn" means grey combed yarn of all qualities falling within the following specifications:

Ply	Singles, two or three-ply
Twist	Regular or reverse
Turns per inch—	
Yarns sold as singles	2.75 to 3.74, inclusive, times the square root of the yarn number
Yarns sold after plying—	
Single twist	2.75 to 3.74, inclusive, times the square root of the yarn number
Plied twist	Up to 3.74, inclusive, times the square root of the number of the single yarn equivalent
Put-up	
Singles	Open-wind cones of the following dimensions: Yarn diameter at base 5" to 7", inclusive Traverse: 5½" to 6½", inclusive; or Round-tied skeins
Plied	Cones and tubes of the above descriptions; or Quiller warps; or Round-tied skeins
Cotton content	American cotton which, according to the respective count, does not exceed the following staple lengths: 10s to 24s, inclusive $1\frac{1}{16}$" 25s to 30s, inclusive $1\frac{3}{32}$" 31s to 44s, inclusive $1\frac{1}{8}$" 45s to 55s, inclusive $1\frac{5}{32}$" 56s to 70s, inclusive $1\frac{3}{16}$" 71s to 80s, inclusive $1\frac{7}{32}$" 81s to 90s, inclusive $1\frac{1}{4}$" 91s to 100s, inclusive $1\frac{5}{16}$" 110s to 120s, inclusive $1\frac{3}{8}$"

§ 1307.12 *Appendix A: Maximum prices for combed yarns and for mercerizing, bleaching, and/or gassing thereof*—(a) *Arrangement of appendix.* Paragraph (b) sets forth the terms of sale and of delivery to be observed in connection with the maximum prices established in Price Schedule No. 7.

Paragraph (c) recapitulates the maximum prices established for grey combed yarns prior to December 24, 1941. Grey combed yarns delivered against contracts entered into prior to that date are subject to these maximum prices.

Paragraph (d) contains maximum prices applicable to (1) all sales and deliveries of single, two and three-ply grey combed yarns except (i) deliveries against contracts entered into prior to December 24, 1941, and (ii) sales (and deliveries in pursuance thereof) made between said date and February 2, 1942, inclusive, of such yarns to be exported outside the territory of the United States, regardless of whether such export is to be effected through a middleman; (2) all sales and deliveries of grey combed yarn of four or more ply and of mercerized, bleached, and/or gassed combed yarns on or after February 3, 1942; and (3) all contracts for commission mercerizing, bleaching, and/or gassing entered into on or after February 3, 1942 and all deliveries after that date of yarn mercerized, bleached, and/or gassed on commission.

[Paragraph (a) as amended February 7, 1942, effective February 3, 1942; 7 F.R. 904.]

(b) *Terms of sale*—(1) *Freight;* (i) *Sales and deliveries by producers.* As applied to sales and deliveries by the producer, the maximum prices established herein include freight up to one cent per pound to the purchaser's place of business. The producer may require the purchaser to pay any freight in excess of one cent per pound. If the producer does not pay the freight, the maximum price shall be that shown herein less freight (up to one cent per pound) at the lowest published rate. In the case of sales or deliveries for export, if export is by sea, the seaport from which the yarn is shipped, or, if export is overland, the point at which the yarn leaves the United States, shall be regarded as the purchaser's place of business.

(ii) *Sales and deliveries of stock yarn.*[1] As applied to sales and deliveries of stock yarn, the maximum prices established herein are prices f. o. b. the stock-yarn seller's shipping point.

(2) *Discounts and commissions.* The maximum prices established by Price Schedule No. 7 are gross prices before any discounts are deducted and they include all commissions.

The maximum prices for combed yarns (as distinguished from those for commission mercerizing, bleaching, and/or gassing) established in paragraph (d) below, shall be discounted by 2 per cent where payment is made within 30 days of delivery.

(c) *Maximum prices for grey combed yarns covered by contract of sale prior to December 24, 1941.* Grey combed yarns of the following specifications which, prior to December 24, 1941, were covered by a sale or contract of sale but not delivered pursuant thereto, shall not be delivered to the purchaser at prices in excess of those set forth below.

Prices per Pound for Grey Combed Peeler Yarns[2]

Yarn Nos.	Single	Ply
10s	$0.385	$0.42
12s	.39	.43
14s	.395	.435
16s	.40	.44
18s	.405	.445
20s	.41	.45
24s	.42	.46
26s	.43	.47
28s	.45	.49
36s	.48	.53
38s	.49	.54
40s	.50	.55
50s	.58	.64
60s	.67	.74
70s	.77	.85
80s	.87	.96
86s	1.00	1.12
96s	1.08	1.20
100s	1.28	1.42
110s	----------	1.64
120s	----------	1.88

[1] As used in Price Schedule No. 7, the term "stock yarn" means combed yarn owned by a person independent of the producer thereof and stored in space (1) belonging to or leased by such person and (2) located within 25 miles of his principal place of business; the term "independent" means not controlling, controlled by, or under common control with.

[2] The above prices apply only to grey combed cotton yarns of ordinary commercial quality. For yarns with excess twist, reverse twist, three or more ply, high break, or requiring the use of extra length American cotton, Prima cotton, Egyptian cotton, or Sea Island cotton, a premium over the above prices may be charged to cover the additional cost involved in manufacturing these special qualities.

The maximum prices set forth above are not applicable to deliveries of grey combed yarn which is to be exported outside the territory of the United States, regardless of whether such export is to be effected through a middleman: *Provided,* That yarn delivered for export shall not subsequently be sold or delivered for use within the territory of the United States at more than the maximum prices set forth above.

The maximum prices set forth above have been effective since July 21, 1941,[3] which constitutes the ceiling date therefor.

(d) *Maximum prices for combed yarns not covered by contract prior to December 24, 1941, and for mercerizing, bleaching and/or gassing*—(1) *Applicability of maximum prices in paragraph (d).* The maximum prices established in paragraph (d) apply to all sales and deliveries of single, two and three-ply grey combed yarns on and after December 24, 1941, except (i) deliveries against contracts entered into prior to December 24, 1941, and (ii) sales (and deliveries in pursuance thereof) made between said date and February 2, 1942, inclusive, of such yarns to be exported outside the territory of the United States, regardless of whether such export is to be effected through a middleman; to all sales and deliveries of grey combed yarn of four or more ply and of mercerized, bleached, and/or gassed combed yarns on or after February 3, 1942; and to all contracts for and deliveries against contracts for commission mercerizing, bleaching, and/or gassing of combed yarn after February 3, 1942.

[Paragraph (d) (1) as amended February 7, 1942, effective February 3, 1942; 7 F.R. 904]

(2) *Determination of maximum price for combed yarns.* The maximum price for any offer to buy or sell, sale or contract of sale, delivery or transfer of combed yarn shall be determined from the tables in (3) below, as qualified by (4) below, in the following manner:

(i) *Offer to buy or sell.* By the spot cotton price of the business day immediately preceding that on which the offer was made, except that, if the offering price is not otherwise specified, an offer to buy or sell at the maximum price applicable on the day the contract of sale is to be made shall not be a violation of Price Schedule No. 7;

(ii) *Sale or contract of sale.* By the spot cotton price of the business day immediately preceding the day on which the sale or contract of sale is made, regardless of the maximum price applicable to the offer pursuant to which such sale or contract is made;

[3] 6 F.R. 2561, May 24, 1941; 6 F.R. 3010, June 20, 1941; 6 F.R. 3593, July 22, 1941; 6 F.R. 3864, August 2, 1941.

(iii) *Delivery or transfer.*[4] By the spot cotton price of the business day immediately preceding that on which the sale or contract of sale is made, regardless of any change in the spot cotton price subsequent thereto.

(3) *Tables of maximum prices for combed yarns.* For a yarn number intermediate between any two appearing in Table I or in Table II, the maximum price shall be that price obtained from these tables by interpolation in accordance with the respective yarn numbers.

TABLE I—*Yarn numbers up to 50s*

Yarn Nos.	Singles	Plied
10s and under	38	41
12s	38.5	41.5
14s	39	42
16s	39.5	42.5
18s	40	44
20s	40.5	44
22s	41	45
24s	42	46
26s	43	47
28s	44	48
30s	45	49
32s	46	50.5
34s	47	52
36s	48.5	53.5
38s	50	55
40s	51.5	57
42s	53	59
44s	55	61
46s	57	63
48s	59	65

The above prices shall be adjusted as follows in accordance with the spot cotton price:

Spot cotton price (cents per pound—all numbers inclusive)	*Adjustment (cents per lb.)*
14.38 to 14.77	Deduct 2.
14.78 to 15.17	Deduct 1½.
15.18 to 15.58	Deduct 1.
15.59 to 15.98	Deduct ½.
15.99 to 16.38	None.
16.39 to 16.79	Add ½.
16.80 to 17.19	Add 1.
17.20 to 17.59	Add 1½.
17.60 to 18.00	Add 2.
18.01 to 18.40	Add 2½.
18.41 to 18.80	Add 3.
18.81 to 19.20	Add 3½.
19.21 to 19.61	Add 4.
19.62 to 20.01	Add 4½.

TABLE II—*Yarn numbers 50s and above*

[Cents per pound]

Yarn Nos.	Singles	Plied
50s	61	67
52s	63	69
54s	65	71
56s	67	73
58s	69	75.5
60s	71	78
62s	73	80
64s	75	82
66s	77	84
68s	79	86.5
70s	81	89
72s	83	91
74s	85	93
76s	87	95
78s	89	97

TABLE II—*Yarn numbers 50s and above—Continued*

Yarn Nos.	Singles	Plied
80s	91	99
82s	93	103
84s	96	107
86s	100	112
90s	108	120
100s	128	142
110s	----------	161
120s	----------	188

The above prices shall be adjusted as follows in accordance with the spot cotton prices:

Spot cotton price (cents per pound—all numbers inclusive)	*Adjustment (Cents per lb.)*
14.53 to 14.89	Deduct 2.
14.90 to 15.25	Deduct 1½.
15.26 to 15.62	Deduct 1.
15.63 to 15.98	Deduct ½.
15.99 to 16.35	None.
16.36 to 16.71	Add ½.
16.72 to 17.08	Add 1.
17.09 to 17.44	Add 1½.
17.45 to 17.81	Add 2.
17.82 to 18.17	Add 2½.
18.18 to 18.54	Add 3.
18.55 to 18.90	Add 3½.
18.91 to 19.27	Add 4.
19.28 to 19.63	Add 4½.
19.64 to 20.00	Add 5.

(4) *Premiums.* Where applicable, the premiums set forth below may be charged in addition to the maximum prices set forth in (3) above.

No premiums may be charged for any combed yarn except as permitted herein.

(i) *Export packaging.* For yarns in waterproof packaging to be exported by sea, a premium of one cent per pound may be charged.

(ii) *Export sales.* A premium of 5 per cent may be charged by the producer for combed yarns sold for export.[5]

Persons other than the producer, and independent[6] of him, may charge for yarns sold for export a premium which can be justified as commensurate with the difference in cost between the given export sale and a comparable domestic sale.

(iii) *Jobbers.* A jobber[7] who is independent[6] of the producer may:

(*a*) Sell broken-case lots of combed yarn in quantities of 1,500 pounds or less per calendar month to a given customer at a premium of 10 percent, and in quantities in excess thereof (but not exceeding 15,000 pounds in any calendar month to all his customers) at a premium of 5 percent;

(*b*) Sell combed yarn in lots of 1 to 3 unbroken cases at a premium of 5

[4] Except as is otherwise provided herein, this method of determining the maximum price shall be used in connection with deliveries and transfers pursuant to sales or contracts of sale made before, as well as on or after, the applicable ceiling date.

[5] See § 1307.9 (c) for definition of "for export".

[6] See footnote 1 for definition of "independent".

[7] As used herein, "jobber" means a person at least 75 percent of whose sales of combed yarn during the calendar month preceding any given transaction consisted of stock-yarn sales. See footnote 1 for definition of "stock yarn."

[8] See footnote 1.

percent: *Provided*, That he may not avail himself of this premium in connection with sales in any calendar month in excess of (1) 3,000 pounds to the same customer or (2) 20,000 pounds to all his customers.

(iv) *High twist.* For turns per inch exceeding the range provided for in the specifications for base-grade yarns, premiums may be charged in accordance with the following tables:

Single Twist

[All numbers herein inclusive]

Yarn Nos.	Multiples [1] 3.75 to 4.24	Multiples 4.25 to 4.74	Multiples 4.75 to 5.24	Multiples 5.25 and up
	Cents per pound			
Up to 30s	.20	.60	.95	1.35
31s to 40s	.30	.85	1.35	1.90
41s to 50s	.40	1.20	2.00	2.75
51s to 60s	.55	1.60	2.65	3.75
61s to 70s	.70	2.05	3.40	4.80
71s to 80s	.85	2.55	4.20	5.90
81s to 90s	1.00	3.05	5.10	7.10
91s to 100s	1.20	3.65	6.00	8.40
101s to 120s	1.45	4.30	8.15	11.40

[1] As used in this Table "multiple" means the quotient of the number of turns per inch divided by the square root of the yarn number.

Plied twist [1]

[All numbers herein inclusive]

Yarn Nos.	Multiples [2] 3.75 to 4.24	Multiples 4.25 to 4.74	Multiples 4.75 to 5.24	Multiples 5.25 and up
	Cents per pound			
Up to 30s	0.35	0.50	0.65	0.75
31s to 40s	.50	.70	.85	1.05
41s to 50s	.70	.85	1.05	1.20
51s to 60s	.90	1.15	1.40	1.60
61s to 70s	1.15	1.50	1.77	2.05
71s to 80s	1.45	1.80	2.20	2.55
81s to 90s	1.75	2.20	2.65	3.10
91s to 100s	2.10	2.60	3.10	3.70
101s to 120s	2.70	3.15	3.80	4.65

[1] If the single, as well as the plied, twist of a plied yarn exceeds that provided for in the base-grade specifications, the applicable premiums set forth in the "Single Twist" Table, above, may be charged in addition to the premium for plied twist set forth herein.

[2] As used in this Table, "multiple" means the quotient of the number of turns per inch divided by the square root of the number of the single-yarn equivalent of the plied yarn.

(v) *Put-up.* For yarns in the following put-ups, premiums may be charged as indicated.

Put-up	Yarn Nos.	Premium
		Cents per lb.
Perforated dye tubes:		
Without socks	10s to 70s	1.00
	71s to 120s	2.00
With socks	10s to 70s	2.00
	71s to 120s	3.00
Crossed-tied skeins	10s to 20s	.50
	21s to 70s	1.00
	71s to 80s	2.00
	81s to 120s	3.00

(vi) *Special yarns for defense.* The premiums set forth below may be charged for yarn of the following constructions: *Provided*, That (a) the yarn is made for use in the manufacture of products to meet the specification named below opposite the construction of the yarn sold; (b) the purchaser of the yarn shall certify in writing to the seller, before any delivery is made, that the yarn is to be so used; and (c) yarns entitled to carry any of the premium set forth below shall not be eligible for any other premium established by Price Schedule No. 7.

Yarn construction	When made for use in products to meet	Allowable premium (cents per pound)
17.1	Army Specification P. Q. D. No. 1 (Wind Resistant Cotton Cloth), December 13, 1940	5.25
20.1	....do	5.25
40.2	....do	8.75
12.1	Type I or II, Army Specification P. Q. D. 33-A (Cloth, Cotton, Uniform, Twill), December 9, 1941	5.25
34.2	....do	13.00
30.2	....do	10.25
40.2	Type I Quartermaster Corps Tentative Specification P. Q. D. No. 82 (Netting, Mosquito, Cotton, O. D.), July 30, 1941	4.00
30.1	Type II Quartermaster Corps Tentative Specification P. Q. D. No. 82 (Netting, Mosquito, Cotton, O. D.), July 30, 1941	10.25
60.2	Type II Quartermaster Corps Tentative Specification P. Q. D. No. 82 (Netting, Mosquito, Cotton, O. D.), July 30, 1941	4.00

(vii) *Mercerized, bleached, and/or gassed yarns.* For combed yarns which are mercerized, bleached, and/or gassed, premiums may be charged as follows: [9]

Premiums for mercerized, bleached, and or gassed yarns maximum prices for mercerizing, bleaching, and gassing

(Cents per pound)

Yarn Nos. (inclusive)	Single Yarns: Mercerizing [1]	Single Yarns: Bleaching [2]	Plied Yarns: Mercerizing [1]	Plied Yarns: Bleaching [2]	Plied Yarns: Gassing [3]
20s and below	28	12	15	7	3
21s to 30s	20	13.5	10.75	8	3
31s to 40s	31	15.25	18.5	9	3
41s to 50s	33.5	17	20	9	4
51s to 60s	38	19	21	9	4
61s to 70s	43	21.25	23	10	5
71s to 80s	49	23.5	27	11	7
81s to 90s	56	27.5	32.5	12	8
91s to 120s	62	30.5	40	12	9

[1] Includes quilling and winding.
[2] Includes winding from bobbins to springs and from springs to cones.
[3] No extra charge is allowable for quilling or winding.

(viii) *Other premium yarns; reports on sales thereof.* A premium may be charged for (a) combed yarns in put-ups or of plies other than, or of twist slacker than, those provided for in the specifications for base-grade yarn and (b) combed yarns which, in order to meet breaking-strength requirements reasonably related to the use to which they are to be put, are made with American cotton of staple lengths greater than those provided for in the specifications for base-grade yarn or of Sea Island, SXP, Pima, or Egyptian cotton: *Provided*, That such premium shall not exceed the difference in value of materials and in production costs between such yarn and the most nearly comparable yarn for which a specific maximum price is established in this Schedule.

On or before March 10, 1942, and on or before the 10th day of each month thereafter every person who during the preceding calendar month has sold 5,000 pounds or more of combed yarn of his own manufacture at a premium permissible under (a) or (b) above, shall file with the Office of Price Administration a report of such sales on Form No. 107-3.

(5) *Ceiling date.* The maximum prices established in Paragraph (d) for single, two and three-ply grey combed yarns shall be effective as of December 24, 1941, which shall constitute the ceiling date for such prices.

The maximum prices established in Paragraph (d) for grey combed yarns of four or more ply; for mercerized, bleached, and/or gassed combed yarns; and for mercerizing, bleaching, and/or gassing, shall become effective February 3, 1942, which shall constitute the ceiling date for such prices.*

Issued this 23d day of May 1941.[10]

LEON HENDERSON,
Administrator.

PART 1308—SCRAP AND SECONDARY MATERIALS CONTAINING NICKEL

REVISED PRICE SCHEDULE NO. 8—PURE NICKEL SCRAP, MONEL METAL SCRAP, STAINLESS STEEL SCRAP, NICKEL STEEL SCRAP AND OTHER SCRAP MATERIALS CONTAINING NICKEL; SECONDARY MONEL INGOT, SECONDARY MONEL SHOT, AND SECONDARY COPPER-NICKEL SHOT

[Issued by Office of Price Administration and Civilian Supply. Adopted by Office of Price Administration]

Due to the needs of the defense program, the demand for primary nickel, primary materials containing nickel, and for scrap and secondary materials containing nickel, has increased to the extent that the available supplies of such materials are insufficient to satisfy the total defense and civilian demand. As a consequence, inflationary pressure has been exerted upon the prices of such scrap and secondary materials causing their prices to rise greatly in excess of levels which are in proper relation to the price levels of primary materials. Price instability and dislocations injurious to the national defense and civilian economy have resulted. All this has made it difficult, and in some cases impossible for the trade to cooperate with the Government in maintaining price stability.

Accordingly, pursuant to and under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1308.1 *Maximum prices on sales of pure nickel scrap, monel metal scrap, stainless steel scrap, nickel steel scrap, and other scrap materials containing nickel.* On and after June 2, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, entered into prior to such date, except as provided in § 1308.3 hereof, no person shall sell, offer to sell, deliver, or transfer at a price, to any other person, pure nickel scrap, ferro-nickel-chrome-iron scrap, ferro-nickel-iron scrap, monel metal scrap, cupro-nickel alloy scrap, stainless steel scrap, or nickel steel scrap, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1308.10. No person shall buy, or offer to buy, or accept delivery of, such scrap materials from any person at higher prices. Lower prices than those set forth in § 1308.10, Appendix A, may, however, be charged, demanded, paid, or offered.*

*§§ 1308.1 to 1308.11, inclusive, issued pursuant to the authority contained in Executive Orders 8734, 8875, 6 F.R. 1917, 4483.

§ 1308.2 *Maximum prices on sales of secondary monel ingot, secondary monel shot and secondary copper-nickel shot.* On and after June 2, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, entered into prior to such date, except as provided in § 1308.3 hereof, no person shall sell, offer to sell, deliver, or transfer at a price, to any other person, secondary monel ingot, secondary monel shot, or secondary copper-nickel shot, at prices higher than the maximum prices set forth in Appendix B, incorporated herein as § 1308.11. No person shall buy, or offer to buy, or accept delivery of, such secondary materials at higher prices. Lower prices than the prices set forth in § 1308.11, Appendix B, may, however, be charged, demanded, paid, or offered.*

§ 1308.3 *Permission to carry out contracts.* Any person seeking permission to carry out a contract of sale or purchase, or other commitment, entered into prior to May 30, 1941, and calling for the delivery, after May 30, 1941, of any of the scrap or secondary materials described in Appendix A or B (§ 1308.10, § 1308.11) at prices higher than the maximum prices set forth in the Appendices, may apply for such permission in writing upon forms available upon request made to the Office of Price Administration, Washington, D. C. Permission will be granted if necessary to protect such person against loss in the disposition of inventory already acquired at prices higher than the established maximum prices. Permission, therefore, may be obtained *only* if such scrap or secondary materials, in quantities sufficient to carry out such contract or commitment, were acquired at prices higher than the established maximum prices, and held on May 30, 1941, by (a) the person seeking such permission, and (b) any other person, for delivery to the person seeking such permission, under a firm commitment entered into prior to May 30, 1941.*

§ 1308.3a *Imports.* §§ 1308.1 and 1308.2 apply to import of any of the scrap or secondary materials described in Appendix A or B (§§ 1308.10, 1308.11). However, any person who imports such materials may apply for permission to sell such materials at prices higher than the maximum prices set forth in the Appendices. Such permission shall be applied for in writing upon forms available upon request made to the Office of Price Administration, Washington, D. C. Permission will not be granted unless:

(a) the applicant has purchased the imported materials at prices not exceeding the maximum prices set forth in Appendix A or B (§§ 1308.10, 1308.11); and

(b) the prices at which the applicant seeks to sell the imported materials are approved by the Office of Price Administration. The Office of Price Administration will not approve the sale of imported scrap materials containing nickel at prices which exceed the delivered cost of the materials to the applicant plus the premiums allowed a converter on sales of the particular kind or grade of scrap material involved, as set forth in Appendix A, § 1308.10; and

(c) the prospective consumer of the imported materials is disclosed.*

[§ 1308.3a added by amendment June 26, 1941; effective June 26, 1941; 6 F.R. 3154]

§ 1308.4 *Evasion.* The price limitations set forth in the regulations in Price Schedule No. 8 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale or transfer at a price, of the scrap or secondary materials described in Appendix A or B, (§§ 1308.10, 1308.11), or in connection with a purchase, sale, or transfer at a price of any other materials, or by way of any service, transportation, or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1308.5 *Record-keeping requirements.* Every person purchasing or selling the scrap or secondary materials described in Appendices A or B (§§ 1308.10, 1308.11), shall, until such time as further information is deemed necessary or appropriate hereunder, keep for inspection by the Office of Price Administration and preserve for a period not less than one year, complete and accurate records of:

(a) every purchase and sale of such scrap or secondary materials, showing the name and address of the person from or to whom each such purchase or sale was made, the date thereof, the price paid or received, and the quantity, in pounds or tons, of each kind or grade purchased or sold; and

(b) the quantity, in pounds or tons, of such scrap materials and, separately, the quantity, in pounds or tons, of such secondary materials (1) on hand, and (2) on order, as of the close of each month.*

§ 1308.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, and other provisions contained in the regulations in Price Schedule No. 8, or in the event of any evasion or attempt to evade the price limitations or other provisions contained in the regulations in Price Schedule No. 8, this Office will make every effort to assure (a) that the Congress and the public are fully informed of any failure to abide by the provisions of the regulations in Price Schedule No. 8; and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interest of those persons who conform with the regulations in Price Schedule No. 8 in the maintenance of the ceiling prices herein set forth. Persons who have evidence of the demand or receipt of prices above the limitations set forth, or of any evasion of or effort to evade such requirements, or of speculation, or manipulation of prices of the scrap and secondary materials, for which maximum prices are herein established, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1308.7 *Supplemental schedule and reporting requirements.* In order to insure compliance with the regulations in Price Schedule No. 8 supplements further stating its scope and, if necessary, requiring reports to the Government, will be issued from time to time when found appropriate.*

§ 1308.8 *Modification of Price Schedule No. 8.* Persons complaining of hardship or inequity in the operation of the regulations in Price Schedule No. 8 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1303.9 *Definitions.* When used in Price Schedule No. 8, the term:

(a) "Person" includes an individual, partnership, association, corporation or other business entity.

(b) "Maker" of the scrap materials set forth in § 1308.10, Appendix A, paragraph (a), of Price Schedule No. 8 means the person who first sells, offers for sale, or delivers such scrap materials such as (1) any manufacturer or fabricator, who, as an incident to his manufacturing process, fabricating or other industrial uses, produces such scrap materials, or (2) any person who, in his business or as an incident to his business, demolishes or dismantles structures, machinery, vehicles or equipment and removes such scrap materials therefrom for the purpose of sale.*

[§ 1308.9 as amended September 5, 1941; effective September 6, 1941; 6 F.R. 4634]

§ 1308.10 *Appendix A: Maximum prices for pure nickel scrap, monel metal scrap, nickel steel scrap, stainless steel scrap, and other scrap materials containing nickel.*

INTRODUCTORY

Maximum prices herein established are for the principal kinds or grades of the scrap materials. All other kinds or grades, which are not specified, should be sold at their normal differentials from such principal kinds or grades. Moreover, the maximum prices are established

[9] The premiums set forth herein for mercerized, bleached, and/or gassed combed yarns also constitute maximum prices for mercerizing, bleaching and or gassing of combed yarn.

The maximum prices established in this Price Schedule do not apply to unmercerized bleached plied combed yarn or to the bleaching of plied combed yarn except in conjunction with the mercerizing thereof.

[10] Issued: 6 F.R. 2561. Corrected: 6 F.R. 3066. Amended: 6 F.R. 3010. Amended: 6 F.R. 3593. Amended: 6 F.R. 3864. Amended: 6 F.R. 6767. Amended: 7 F.R. 121. Corrected: 7 F.R. 121. Amended: 7 F.R. 474. Sections renumbered and amended: 7 F.R. 708. Amended: 7 F.R. 904. Corrected: 7 F.R. 975.

for scrap which meets generally accepted maximum standards in the trade—as, for instance, the Standard Classification for Old Metals of the National Association of Waste Material Dealers, Inc., contained in its Circular O, effective as of June 1, 1940. Scrap which fails to meet such standards should be sold at their normal differentials *below* the established maximum prices.

(a) *Pure nickel scrap, ferro-nickel-chrome-iron scrap, ferro-nickel-iron scrap, monel metal scrap and cupro-nickel alloy scrap.* The maximum prices established for the kinds and grades of scrap materials set forth in this paragraph, apply on sales of scrap, unsuitable and unprepared for industrial consumption. A converter of such scrap materials, as hereinafter defined, may receive, in addition to the maximum prices set forth below, a stated maximum premium for scrap which he has converted. A "converter" of such scrap materials is defined for the purposes of Price Schedule No. 8, as any person, other than a maker of such scrap materials, who:

(1) Sells scrap directly to a consumer thereof; and,

(2) By chemical test or assay, determines the metal constituents of the scrap; and,

(3) On that basis, sorts, grades, treats, packages or briquettes by power press, and otherwise prepares, the scrap, making it suitable for direct industrial consumption; and

(4) Guarantees the delivery of scrap in an agreed amount and analysis.

Unless such person satisfies the four criteria, set forth above, he may not receive a converter's premium. His scrap must not be sold at a price higher than the maximum prices set forth below.

Furthermore, a converter or any other person may receive, in addition to the maximum prices set forth below, a premium of a stated maximum amount on shipments of a specified quantity of material.

Kind or grade of scrap material	*Price, f. o. b. point of shipment*
PURE NICKEL SCRAP	
Containing 98% or more nickel and not more than ½% copper.	26¢ per pound of material.
Containing 90% up to 98% nickel.	26¢ per pound of nickel contained; no payment for any other metals contained.
Converter's Premium	2¢ per pound of material.
Premium on shipments of 2,000 pounds or more of material at one time.	½¢ per pound of material.
FERRO-NICKEL-CHROME-IRON SCRAP	
Containing 20% up to 90% nickel.	26½¢ per pound of nickel contained; 8¢ per pound of chrome contained; no payment for any other metals contained.
Converter's Premium	1½¢ per pound of material.
Premium on shipments of 10,000 pounds or more of material at one time.	½¢ per pound of material.
FERRO-NICKEL-IRON SCRAP	
Containing 14% up to 90% nickel and no chrome.	26½¢ per pound of nickel contained; no payment for any other metals contained.
Converter's Premium	1½¢ per pound of material.
Premium on shipments of 10,000 pounds or more of material at one time.	½¢ per pound of material.
MONEL-METAL SCRAP	
New Monel Metal Clippings.	20¢ per pound of material.
Soldered Monel Metal Sheet.	18¢ per pound of material.
No. 1 Grade Monel Castings and Turnings.	
Containing a minimum of 60% nickel, 30% copper, and not more than 3% free iron, clean and dry.	15¢ per pound of material.
Converter's Premium	2¢ per pound of material.
Premium on shipments of 20,000 pounds or more of material at one time.	½¢ per pound of material.
CUPRO-NICKEL ALLOY SCRAP	
Containing 90% or more combined nickel and copper.	26¢ per pound of nickel contained; 8¢ per pound of copper contained; no payment for any other metals contained.
Containing less than 90% combined nickel and copper.	26¢ per pound of nickel contained; no payment for any other metals contained.
Converter's Premium	2¢ per pound of material.
Premium on shipments of 20,000 pounds or more of material at one time.	½¢ per pound of material.

(b) *Stainless steel scrap and nickel steel scrap.* In the event that a consumer of stainless steel scrap or nickel steel scrap shall employ an agent or broker to purchase such scrap for the consumer's use, the consumer may pay the agent or broker for such scrap a sum not exceeding the applicable maximum price set forth below *plus* a commission, in the case of stainless steel scrap, of not more than 5% of such maximum price, *excluding* the $10 premium for briquetting, and in the case of nickel steel scrap, of not more than $1 per gross ton.[1] The commission shall be payable only if (1) the agent or broker guarantees the quality and delivery of an agreed tonnage of the scrap; (2) the commission is shown as a separate charge in invoicing and billing; and (3) the agent or broker does not split or divide the commission allowed him by a consumer with the seller or sellers of the scrap.

Kind or grade of scrap material	Sheets, clippings, and solids [1]	Turnings and borings [1]
STAINLESS STEEL SCRAP		
18% CHROME—8% NICKEL TYPE		
Containing 16%–20% chrome and 7%–10% nickel.	$60 per gross ton [2]	$40 per gross ton [2]
All other grades of types of chrome-nickel stainless steel scrap.	28¢ per pound of nickel contained; 6½¢ per pound of chrome contained, no payment for any other metals contained.	$30 per gross ton *less* than the applicable maximum price for sheets, clippings and solids.[2]

[1] Price, f. o. b. point o. shipment.
[2] Effective September 8, 1941.

The maximum prices set forth above apply on shipments of chrome-nickel type stainless steel scrap in carload lots. On shipments of such scrap in less than carload lots the applicable maximum price shall be $10 per gross ton less than the applicable maximum price on carload lot shipments.[2] The minimum quantity making up a carload lot for the purposes of Price Schedule No. 8 shall be the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination. Such quantity may be made up of any kind or grade of stainless steel scrap, including both the chrome-nickel and the straight-chrome types. If delivery is made by truck, a carload lot shipment will be considered to have been made, for the purposes of Price Schedule No. 8, if the minimum quantity making up the carload lot is delivered to the buyer within two days after the first shipment of the lot is picked up by truck.

Kind or grade of scrap material	Sheets, clippings, and solids [1]	Turnings and borings [1]
STRAIGHT-CHROME TYPE		
Containing 12%–14% chrome.	$35 per gross ton.	$30 per gross ton [2]
Containing 14%–16% chrome.	$40 per gross ton.	$35 per gross ton [2]
Containing over 16% chrome.	$40 per gross ton plus 9½¢ per pound for each pound of chrome in excess of 16%.[2]	$5 per gross ton *less* than the applicable maximum price for sheets, clippings and solids.[2]

[1] Price, f. o. b. point of shipment.
[2] Effective September 8, 1941.

A maximum of $10 per gross ton may be added to the maximum prices set forth above for sales of stainless steel scrap, both chrome-nickel and straight-chrome types, in the form of power-compressed briquettes (not bundles or bales) which are *suitable* without further preparation for direct charging into an electric furnace. There is no requirement that the briquette actually be charged into an electric furnace; it must merely be suitable for such charging even though it may be charged into another type furnace.

[1] The maximum commission of $1 per gross ton in the case of nickel steel scrap shall become effective September 8, 1941.

[2] Effective September 8, 1941.

NICKEL STEEL SCRAP

The maximum price at which a grade of steel scrap containing less than 1% of nickel may be sold to a consumer shall be the maximum price for a like grade of steel scrap, as set forth or determined under the Iron and Steel Scrap Price Schedule No. 4, Revised.

The maximum price at which a grade of steel scrap containing 1% or more nickel may be sold to a consumer shall be the maximum price for a like grade of steel scrap, as set forth or determined under the Iron and Steel Scrap Price Schedule No. 4, Revised, *plus* $1.00 per gross ton for each ¼ of 1% of nickel content.[3]

[§ 1303.10 as amended September 5, 1941, effective September 6, 1941; 6 F.R. 4634]

§ 1308.11 *Appendix B: Maximum prices for secondary monel metal ingot, secondary monel metal shot, and secondary copper-nickel shot.*

Kind or grade of secondary material:	*Price, cents per pound, f. o. b. point of shipment*
Monel Ingot	27
Monel Shot	27
Copper-nickel shot containing 48% to 52% Nickel and 52% to 48% copper and not more than ½% foreign materials	25½

The maximum prices set forth above apply if secondary monel ingot or shot, or secondary copper-nickel shot is sold, shipped, delivered, or carried away, in lots of 30,000 pounds or more; if sold *and* shipped, delivered, or carried away in lots of:

	Cents per pound may be added to such prices
10,000 up to 30,000 pounds	¼
2,000 up to 10,000 pounds	1
1,000 up to 2,000 pounds	1½
500 up to 1,000 pounds	2
100 up to 500 pounds	2½
100 pounds	3½

[§ 1358.11 as amended September 5, 1941, effective September 6, 1941; 6 F.R. 4634]

Issued this 29th day of May 1941.[4]

[Effective June 2, 1941]

LEON HENDERSON,
Administrator.

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

REVISED PRICE SCHEDULE NO. 9—HIDES, KIPS AND CALFSKINS

[Issued by Office of Price Administration and Civilian Supply. Adopted by the Office of Price Administration]

Cattle hides and kips and calfskins are the basic raw materials of the shoe and leather industry. Shoes and other leather products are purchased in large quantities by the War and Navy Departments. Defense industries use large quantities of industrial leather. Shoes are one of the most important single items in the average family clothing budget, and a substantial factor in the personal equipment of the military forces. Marked increases in shoe prices would be a serious threat to stability in the living costs of all members of the community. Accordingly, it is apparent that instability of hide and leather prices would be inimical to the general public welfare.

Since August, 1940, hide prices have risen steadily with only an occasional slight interruption in their upward trend. Shoe prices have been under pressure from hide prices. Beginning in February, 1941, this upward trend became so pronounced as to stimulate speculative buying of hides and skins, and forward buying of shoes and other leather products. On March 15th, in an effort to check this inflationary spiral, the Price Stabilization Division of the Advisory Commission to the Council of National Defense issued a general warning pointing out that the basic supply and demand factors did not justify increases in hide prices and attributing such increases to purely speculative influences. Despite this warning, hide prices in recent weeks have reached their highest level since 1928 with the exception of one week in 1937. These increased prices have been reflected in the latest bids on shoes for the Army and the Civilian Conservation Corps. Therefore, the War Department rejected all bids on 1,000,008 pairs of shoes for the Army and 283,816 pairs of shoes for the Civilian Conservation Corps.

It is apparent, therefore, that the public interest requires that maximum prices be established for hides, kips and calfskins.

Accordingly, pursuant to and under the authority vested in me by Executive Order No. 8734, and after consultation with the Price Administration Committee, It is hereby directed that:

§ 1314.1 *Maximum price established for hides.* On and after June 16, 1941, regardless of the terms of any contract of sale or purchase or other commitment, no person shall sell or deliver, or offer to sell or deliver, any hides, whether for immediate or future delivery, and no person shall buy, or accept for delivery, any hides, whether for immediate or future delivery, at a price exceeding the maximum price set forth in Appendix A, incorporated herein as § 1314.11. Lower prices may, however, be charged, demanded, paid or offered.*

* §§ 1314.1 to 1314.15, inclusive, are issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1314.2 *Maximum prices established for kips and calfskins.* On and after June 16, 1941, regardless of the terms of any contract of sale or purchase or other commitment, no person shall sell or deliver, or offer to sell or to deliver, any kips or calfskins, whether for immediate or future delivery, and no person shall buy, or accept for delivery, any kips or calfskins, whether for immediate or future delivery, at a price exceeding the maximum prices set forth in Appendix B, incorporated herein as § 1314.12. Lower prices may, however, be charged, demanded, paid or offered.*

§ 1314.3 *Completion of contracts made prior to June 16, 1941.* (a) Any person who has, prior to June 16, 1941, acquired hides, kips or calfskins at a price higher than the applicable maximum price set forth in § 1314.11 [Appendix A] or § 1314.12 [Appendix B] and prior to that date, entered into a firm commitment for the sale of such hides, kips or calfskins to any person, may, upon application to the Office of Price Administration as hereinafter provided, be permitted to deliver and accept payment for, such hides, kips or calfskins at the price contracted for, provided that deliveries are completed on or before August 15, 1941.

(b) Such application shall be made to the Office of Price Administration on or before July 15, 1941, on Application Form 109:1 set forth in Appendix C[1] which is incorporated herein as § 1314.13. Copies of Application Form 109:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons desiring to make application hereunder.*

§ 1314.4 *Commissions.* In the event that a seller of hides, kips or calfskins shall employ a broker to sell hides, kips or calfskins on his behalf, or in the event that a buyer shall employ a broker to buy, receive and ship hides, kips or calfskins on his behalf, a brokerage commission of not more than 3% of the purchase price may be charged for such services and added to the applicable maximum price established hereunder. A commission may not be charged to both buyer and seller. A commission shall be payable only if (a) it is shown as a separate charge in billing; (b) the hides, kips or calfskins are purchased or sold at a price not higher than the applicable maximum price established by Price Schedule No. 9; and (c) no broker splits or divides the commission with the buyer or with the seller, or with an agent or employee of the buyer or the seller.

In no case may any person charge or receive such a commission or fee on hides, kips or calfskins sold for his own account even though such person may have performed the receiving service or any other service for the buyer.

[§ 1314.4 as amended October 21, 1941, effective October 22, 1941; 6 F.R. 5428]

§ 1314.5 *Maintenance of customary channels of supply.* (a) Insofar as practicable, the purchase and sale of hides, kips and calfskins shall be made through the channels customarily utilized by dealers, collectors, brokers, packers, abattoirs, butchers and tanners in order to prevent dislocation of the machinery of collection, shipment and sale thereof and to insure to packers, abattoirs and butchers the customary markets for hides, kips and calfskins and to tanners the customary source of supply thereof.

[1] The provisions of § 1314.13, Appendix C, expired July 15, 1941, and the section was revoked by amendment February 3, 1942, effective February 4, 1942; 7 F.R. 764.

[3] The formula shall be applied in accordance with the following table:

1% up to 1.25% nickel content	+ $4,
1.25 up to 1.50% nickel content	+ $5,
1.50 up to 1.75% nickel content	+ $6,
1.75 up to 2.00% nickel content	+ $7,
2.00 up to 2.25% nickel content	+ $8, etc.

[4] Issued: 6 F.R. 2654. Amended: 6 F.R. 3184, 4634.

(b) Packers, abattoirs and butchers who are tanners of hides, kips or calfskins and who have also supplied tanners in the past, shall, to the greatest possible extent, continue to supply hides, kips or calfskins to such tanners in the same amounts and grades as they have customarily supplied in the past.*

§ 1314.6 *Records.* Every person who during any calendar month shall purchase or sell one carload or more of hides, kips or calfskins, whether for immediate or future delivery, shall keep for inspection by the Office of Price Administration, and preserve for a period of not less than one year, a complete and accurate record of every purchase or sale of hides, kips or calfskins made during such month and thereafter, including the names of the persons involved, the dates of the purchases or sales, the prices, and the quantity and grades of the hides, kips or calfskins so purchased or sold.*

§ 1314.7 *Reports.* On or before July 10, 1941, and on or before the 10th day of each month thereafter, every person who during the preceding calendar month has purchased, whether for immediate or future delivery, hides, kips or calfskins shall submit to the Office of Price Administration a report on Form 109:2 (set forth in Appendix D, which is incorporated herein as § 1314.14), in which shall be set forth a sworn statement that during such month all such purchases were made at prices in conformity with Price Schedule No. 9 or with any exception or modification thereof. Copies of Form 109:2 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit reports hereunder.

Buyers of hides, kips and calfskins shall submit such further reports as the Office of Price Administration may, from time to time, require.*

§ 1314.7a *Evasion.* The price limitations set forth in Price Schedule No. 9 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of hides, kips or calfskins, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium or other privilege, or by upgrading, tying-agreement or other trade understanding, or otherwise.*

[§ 1314.7a added by amendment September 12, 1941, effective September 13, 1941; 6 F.R. 4736]

§ 1314.8 *Enforcement.* In the event of refusal or failure to abide by the price limitations, report requirements, and other provisions contained in Price Schedule No. 9, or in the event of any evasion or attempt to evade the price limitations or other provisions contained in Price Schedule No. 9, the Office of Price Administration will make every effort to insure (a) that the Congress and the public are fully informed of any failure to abide by the provisions of Price Schedule No. 9, and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interest of those persons who conform with Price Schedule No. 9, in the observance of the maximum prices herein set forth. Persons who have evidence of the demand or receipt of prices above the limitations set forth, or any evasion of or effort to evade such prices, or of speculation, or of the hoarding or accumulation of unnecessary inventories of hides, kips or calfskins, are urged to communicate with the Office of Price Administration.*

§ 1314.9 *Modifications of Price Schedule No. 9.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 9 may apply to the Office of Price Administration for approval of any modification thereof or exception thereto.*

§ 1314.10 *Definitions.* (a) The term "person" includes an individual, corporation, association, partnership, or other business entity.

(b) The term "hides, kips or calfskins" means hides and skins of domestic cattle of the bovine species.

(c) The term "domestic" means originating from the continental United States.

(d) The term "broker" means any person who acts on behalf of a principal in connection with the collection, sale, purchase, receipt or shipment of hides, kips or calfskins.

(e) The term "carload" means a shipment of 36,000 pounds.

(f) The term "New York City trim" means the standard trim prevailing in and about New York City in which the skin has the head cut straight off behind the ears, and the shanks cut off at the knee or above.

(g) The term "Pacific Coast" means the states of California, Washington, Oregon, Arizona, Nevada, Idaho, and Utah, and that part of Montana, Wyoming, Colorado, and New Mexico west of Denver, Colorado.

(h) The term "Pacific Coast Trimmed" means the standard short trim prevailing in the Pacific Coast.

(i) All other trade terms used in Price Schedule No. 9 shall have the meanings generally accepted in the trade.*

[Paragraphs (f), (g), (h), and (i), added by amendment September 12, 1941, effective September 13, 1941; 6 F.R. 4736]

§ 1314.11 *Appendix A: Maximum prices for domestic hides*—(a) *Packer classifications*—(1) *Packer classifications sold on a selected basis.*[1]

Standard Present Trim, Tare Allowance and Delivery

	Price per lb., f. o. b. shipping point	
	No. 1's	No. 2's
Native steers, heavy and light	$0.15½	$0.14½
Native steers, extreme light (23 to 48 lb.)	.15½	.14½
Heavy native cows (53 lb. and up)	.15½	.14½
Light native cows (less than 53 lbs.)	.15½	.14½
Butt branded steers	.14½	.13½
Texas steers, heavy and light	.14½	.13½

[1] Paragraphs (a) and (b) of § 1314.11, Appendix A, do not apply to hides originating in the Pacific Coast.

	Price per lb., f. o. b. shipping point	
	No. 1's	No. 2's
Texas steers, extreme light (23 to 48 lb.)	$0.15	$0.14
Colorado steers	.14	.13
Branded cows	.14½	.13½
Native bulls	.12	.11
Branded bulls	.11	.10

Packer classifications of hides which fail to meet established standards of trim, tare allowance or delivery shall be sold at a price at least 1¢ per pound less than the applicable maximum price set forth above.

(2) *Packer classifications sold on an unselected basis.* The maximum prices for packer classifications of hides sold on an unselected basis, i. e., flat for No. 1's and No. 2's, shall be the applicable maximum prices for No. 2's set forth above.

(b) *Other than packer classifications*—(1) *Hides other than packer classifications sold on an unselected basis.*[1]

	Price per lb., f. o. b. shipping point	
	Trimmed	Untrimmed[2]
Free of brand steers and cows	$0.15	$0.14
Branded steers and cows	.14	.13
Free of brand bulls	.11½	.10½
Branded bulls	.10½	.09½

(2) *Premium for hides other than packer classifications sold on a selected basis.* A seller who does not grade his hides according to packer classification but who permits selection to be made according to standards prevailing for hides of packer classifications and who allows a one cent per pound discount for No. 2's may charge a premium of one-half cent per pound over the maximum prices set forth in this paragraph (b) above.

Tare Allowance

A tare allowance of not less than 2% shall be allowed on all sales of hides other than packer classifications.

(c) *Pacific coast hides.*

	Price per lb., f. o. b. shipping point	
	Trimmed	Untrimmed[1]
Native and branded steers and cows, (flat for No. 1's and No. 2's)	$0.13½	$0.12½
Native and branded bulls (flat for No. 1's and No. 2's)	.10	.09

Tare Allowance

A tare allowance of not less than two pounds tare per hide shall be allowed on all sales of Pacific Coast hides.

(d) *Hides or skins sold in mixed lots.* When hides or skins are sold in lots containing more than one type or grade of hides, kips or calfskins for which maximum prices are established by Price Schedule No. 9, unless the quantity of each such type or grade is determined by actual inspection and separately priced at not exceeding the applicable maximum, the maximum price for the lot shall be the maximum price for that type or grade of hide or skin included in the lot which has the lowest established maximum price.

[1] The term "Untrimmed" as applied to hides, means hides without the standard head and tail trim prevailing on hides of packer classifications, in which the ears, ear butt fat and gristle, ex-lip, snouts and lower lips are trimmed off in the green state before salting and in which the tails are cut off to not more than eight inches in length.

[§ 1314.11 as amended, October 21, 1941, effective October 22, 1941; 6 F.R. 5428]

§ 1314.12 *Appendix B: Maximum prices for domestic kips and calfskins*—(a) (1) *Packer calf and kipskins sold on a selected basis.*

No. 1 Selection, Standard Present Trim, Tare Allowance and Delivery

	Price per lb., f. o. b. shipping point
Chicago packer heavy northern (9½-15 lb.)	$0.27
Chicago packer lights (less than 9½ lb.)	.23½
Packer kips, No. 1 northern native (15-30 lb.)	.20
Branded kips (30 lb. and down)	.17½
Slunks, regular	[1] 1.10
Slunks, hairless	[1] .55

Tare Allowance for Packer Calf and Kipskins

A tare allowance of not less than one-half pound per skin for packer calf (except slunks) and three-fourths pound per skin for packer kip shall be allowed on all sales of packer calf and kipskins.

(2) *Chicago city calf and kipskins sold on a selected basis.*

No. 1 Selection, Standard Present Trim, Tare Allowance and Delivery

	Price per lb., f. o. b. shipping point
Chicago City (10 to 15 lb.)	$0.23
Chicago City (8 to 10 lb.)	.20½
Chicago City native kips (15 to 30 lb.)	.18
Chicago City branded kips (30 lb. and down)	.17

	Price per skin, f. o. b. shipping point
Chicago City (less than 8 lb.)	$1.43

(3) *New York City packer and collector calf and kipskins sold on a selected basis.*

No. 1 Selection, New York City Trim—Standard Tare Allowance and Delivery

	Price per skin, f. o. b. shipping point
New York packer (3 to 4 lb.)	$1.25
New York packer (4 to 5 lb.)	1.40
New York packer (5 to 7 lb.)	1.80
New York packer (7 to 9 lb.)	2.80
New York packer (9 to 12 lb.)	3.80
New York packer (12 to 17 lb.)	4.20
New York packer (17 lb. or more)	4.60
New York collector (3 to 4 lb.)	1.15
New York collector (4 to 5 lb.)	1.30
New York collector (5 to 7 lb.)	1.65
New York collector (7 to 9 lb.)	2.60
New York collector (9 to 12 lb.)	3.55
New York collector (12 to 17 lb.)	3.95
New York collector (17 lb. or more)	4.35

Calf and kipskins of the classifications set forth above which fail to meet established standards of trim, tare allowance or delivery for the type or grade sold, shall be sold at a price at least 2¢ per pound, or, when sold on a per skin basis, at least 20¢ per skin, less than the applicable maximum price set forth above.

[1] Each, flat for No. 1's and No. 2's.

Maximum prices for No. 2's. The maximum price for No. 2 calf and kipskins of the classifications set forth above shall not exceed the maximum price for each such classification reduced by a discount of 10%.

Maximum prices for skins not New York City trimmed. The maximum prices for calf and kipskins, other than Pacific Coast skins, which are not New York City trimmed, shall be the maximum prices established by Price Schedule No. 9 for Packer Calf and Kipskins, Chicago City Calf and Kipskins or Country Calf and Kipskins, whichever are applicable.

Maximum prices for skins sold on an unselected basis. The maximum prices for calfskins of the classifications set forth above sold on an unselected basis, i. e., flat for No. 1's and No. 2's, shall be the applicable maximum prices for No. 2's.

The maximum prices for kipskins of the classifications set forth above sold on an unselected basis, i. e., flat for No. 1's and No. 2's, shall be the applicable maximum prices for each such classification less 1¢ per pound.

When the quantity of No. 2's in any lot of skins sold is not determined by actual inspection or is based upon the buyer's or the seller's estimate thereof, the maximum price for the lot shall be the maximum price established by Price Schedule No. 9 for skins sold on an unselected basis.

(b) *Country calf and kipskins.*

	Price per lb., f. o. b. shipping point
Country calf (10 lb. and down)	[1] $0.16
Country calf (10 to 15 lb.)	[1] .18
Country kips (15 to 30 lb.)	[1] .16

(c) *Pacific coast calf and kipskins,*[2] *standard tare allowance and delivery.*

	Price per lb., f. o. b. shipping point
Pacific coast kips (15 lb. or more)	[1] $0.19¼
Pacific coast New York City trimmed kips (15 lb. or more)	[1] .21
Pacific coast trimmed calf (6 to 13 lb.)	[1] .26
Pacific coast trimmed calf (13 to 15 lb.)	[1] .23½

	Price per skin, f. o. b. shipping point
Pacific coast calf (less than 6 lb.)	[1] $1.25

Pacific Coast Calf and Kipskins which fail to meet established standards of trim, tare allowance or delivery shall be sold at a price at least 1¢ per pound less than the applicable maximum price set forth above.

(d) *Hides or skins sold in mixed lots.* When hides or skins are sold in lots containing more than one type or grade of hides, kips or calfskins for which maximum prices are established by Price Schedule No. 9, unless the quantity of each such type or grade is determined by actual inspection and separately priced at not exceeding the applicable maximum, the maximum price for the lot shall be the maximum price for that type or grade of hide or skin included in the lot which has the lowest established maximum price.*

[1] Flat for No. 1's and No. 2's.

[2] The maximum price of any calfskin originating in the Pacific Coast, but not Pacific Coast trimmed, shall not exceed 80% of the maximum price set forth above for Pacific Coast Trimmed Calf of corresponding weight except that (a) in the case of skins weighing less than six pounds, the maximum price of $1.25 per skin shall apply to both trimmed and untrimmed skins, and (b) New York City trimmed calfskins originating in the Pacific Coast weighing 15 pounds or less may be sold by the skin at prices not exceeding the maximum prices established above for New York Collector skins.

[§ 1314.12 as amended October 21, 1941, effective October 22, 1941; 6 F.R. 5428. Paragraph headed "Effective Date of This Amendment" was revoked by amendment November 3, 1941; 6 F.R. 5622]

§ 1314.13 *Appendix C, Form 109:1.* [Revoked]

[Revoked by amendment February 3, 1942, effective February 4, 1942; 7 F.R. 764]

§ 1314.14 *Appendix D: Report Form 109:2 for buyers of hides, kips or calfskins.*[1]

OFFICE FOR EMERGENCY MANAGEMENT
OFFICE OF PRICE ADMINISTRATION

For the purpose of making a report as required by § 1314.7 of Price Schedule No. 9 of the Office of Price Administration, I have examined the purchase records for the month of ----------, 194--, of ----------, ----------
(Name of buyer) (Address)
of which concern I am ----------. During that period the above-named concern has made no purchases for immediate or future delivery of hides, kips or calfskins at prices in excess of those established by the aforesaid Price Schedule No. 9.[2]

Subscribed and sworn to before me this ---------- day of ----------.

(Signature)

(Notary Public)
My commission expires----------.

[1] This report must be signed by the buyer or by a partner or officer of the buyer.

[2] In the event that any purchases have been made at prices in excess of those established by Price Schedule No. 9 the text of the above should be suitably changed and a list should be appended hereto giving with respect to each such purchase the name of the seller, the date of the purchaser, the delivery date, the quantity and the reasons for exceeding the maximum price.*

§ 1314.15 *Effective dates of amendments.* (a) The amendments issued September 12, 1941, adding §§ 1314.7a and 1314.15 and amending §§ 1314.10, 1314.11 and 1314.12 shall become effective September 13, 1941: *Provided*, That firm commitments entered into prior to September 13, 1941, for the sale of hides, kips or calfskins at prices not exceeding the maximum prices established by Price Schedule No. 9 prior to such amendments may be completed at contract prices: *Provided*; That all deliveries pursuant to such firm commitments are completed on or before November 15, 1941.

(b) The amendments issued October 21, 1941, amending §§ 1314.4, 1314.11 and 1314.12 shall become effective October 22, 1941: *Provided*, That firm commitments entered into prior to October 22, 1941, for the sale of hides, kips or calfskins at prices not exceeding the maximum prices established by Price Schedule No. 9, as amended, but prior to the

amendments issued October 21, 1941, may be completed at contract prices, provided that all deliveries pursuant to such firm commitments are completed on or before December 22, 1941.*

[§ 1314.15 added by amendment November 3, 1941; 6 F.R. 5622]

Issued this 13th day of June, 1941.[1]

[Effective June 16, 1941]

LEON HENDERSON,
Administrator.

PART 1306—IRON AND STEEL

REVISED PRICE SCHEDULE NO. 10—PIG IRON

[Issued by Office of Price Administration and Civilian Supply. Adopted by Office of Price Administration]

The Office of Price Administration is charged with maintenance of price stability and the prevention of undue price rises and price dislocations. Iron and steel scrap and Pig Iron are basic materials for the production of iron and steel products. By Price Schedule No. 4, revised,[1] and Price Schedule No. 6, revised,[2] respectively, price ceilings have been placed on iron and steel scrap and on iron and steel products. Recent wage increases and the increased demand for Pig Iron resulting from the national defense emergency have been exerting pressure upon the price structure, causing the prices of certain grades and kinds of Pig Iron to be increased. In the interest of national defense and the public interest a price ceiling is necessary. On the basis of information secured by independent investigation by this Office, and upon information furnished by the trade, I find that the maximum ("ceiling") prices as set forth below constitute reasonable limitations on prices for Pig Iron.

Therefore, pursuant to the authority vested in me by Executive Order No. 8734 it is hereby directed that:

§ 1306.51 *Definitions.* When used in Price Schedule No. 10:

(a) The term "Person" includes an individual, corporation, association, partnership, or other business entity.

(b) The term "Pig Iron" includes all Pig Iron such as Basic, Foundry, Malleable, Bessemer, Low-Phosphorus, High-Silicon or Silvery, Gray Forge, Charcoal, etc., commonly produced in blast furnaces.

(c) The term "Basing Point Base Price" means the prices for Pig Iron as listed in § 1306.56, Appendix A.

(d) The term "Differential" means those provided in § 1306.56, Appendix A, otherwise the charges in effect June 24, 1941, prescribing additions or deductions from the base price to make adjustment for various analyses of the product sold from the product governed by the base price, which variations may be in chemical analysis, or other quality of the product.

(e) The term "Governing Basing Point" means that basing point the use of which results in the lowest delivered price at the place of delivery; in the case of exports it may also mean the established basing point at or nearest the place of production.*

*§§ 1306.51 to 1306.58, inclusive, issued pursuant to the authority contained in Executive Order Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1306.52 *Maximum ("ceiling") prices on sales of pig iron.* On and after June 24, 1941, regardless of any commitment theretofore entered into, no Person who produces Pig Iron shall sell or deliver or offer to sell or deliver any such product, and no purchaser shall buy or accept delivery or offer to buy or accept delivery from such Person of any such product, at a price exceeding the maximum ("ceiling") price: *Provided*, That with respect to any sale of Pig Iron for future delivery, a contract may provide for the payment of an adjusted price not to exceed the maximum ("ceiling") price in effect at the time of shipment.

A lower price than the ceiling price may be charged, demanded, offered, or paid. The price limitations set forth in Price Schedule No. 10 shall not be evaded by additional charges for prompt or early delivery, or by other direct or indirect methods, nor shall the other terms and conditions of sale be made more onerous to the purchasers than those available or in effect on June 24, 1941.

(a) The domestic ceiling price for any grade or kind of Pig Iron for which there are Basing Point Base Prices shall be the aggregate of: (1) the Basing Point Base Price at the Governing Basing Point; (2) Differentials; (3) transportation charges from the Governing Basing Point to the place of delivery as customarily computed.

(b) The export ceiling price for any grade or kind of Pig Iron for which there are Basing Point Base Prices shall be the aggregate of: (1) the Basing Point Base Price at the Governing Basing Point; (2) Differentials; (3) export transportation charges from the Governing Basing Point to the place of delivery as customarily computed.

For all special kinds or grades of Pig Iron for which there are no Differentials, the ceiling prices shall be the Basing Point Base Prices and the special differentials which were or would have been charged by the seller on June 24, 1941, (upon the basis of the prices, discounts charges, or special differentials then listed or quoted by the seller), for such kinds or grades of Pig Iron, exclusive of any premium or charge for advanced delivery or any other inducement offered by the buyer or demanded by the seller to negotiate the sale.*

§ 1306.53 *Records.* (a) Every Person who produces Pig Iron shall retain copies of all invoices, dated January 1, 1941, or later, relating to sales of such products, including sales to exporters, brokers and all other Persons purchasing for resale. Reports on such sales, in such form as may be determined, will be required by Supplements issued under Price Schedule No. 10.

(b) Every Person who produces and sells Pig Iron shall file a copy of his price schedules, including Differentials, stating the prices, charges and discounts in effect on June 24, 1941. Such materials shall be filed with the Office of Price Administration, Washington, D. C., on or before July 10, 1941.*

§ 1306.54 *Supplement.* In order to facilitate the application of Price Schedule No. 10, Supplements further stating its scope will be issued from time to time as may be necessary, or appropriate.*

§ 1306.55 *Modification.* Price Schedule No. 10 is issued upon the basis of presently existing conditions. It is subject to adjustment or revocation if called for by changed conditions. Persons complaining of hardship or inequity in the operation of Price Schedule No. 10 (whether arising from action taken in reliance on a commitment of sale at prices in excess of those herein established, or from any other cause) may apply to the Office of Price Administration for approval of any proposed modification thereof.*

§ 1306.56 *Appendix A: Basing point base prices for pig iron (per gross ton—2,240 lbs.); switching charges; certain differentials.*

	No. 2 foundry	Basic	Bessemer	Malleable	Low phos. phos.
Bethlehem, Pa.	$25.00	$24.50	$26.00	$25.50	.....
Everett, Mass.	27.00	24.50	28.00	27.50	.....
Swedeland, Pa.	25.00	24.50	26.00	25.50	.....
Steelton, Pa.	.....	24.50	.....	.....	29.50
Birdsboro, Pa.	25.00	24.50	26.00	25.50	29.50
Sparrows Point, Md.	25.00	24.50	.....	.....	.....
Erie, Pa.	24.00	23.50	25.00	24.50	.....
Neville Island, Pa.	24.00	23.50	24.50	24.00	.....
Sharpsville, Pa.	24.00	23.50	24.50	24.00	.....
Buffalo	24.00	23.50	25.00	24.50	29.50
Chicago	24.00	24.50	24.50	24.00	.....
Granite City, Ill.	24.00	23.50	24.50	24.00	.....
Cleveland	24.00	23.50	24.50	24.00	.....
Hamilton, Ohio	24.00	23.50	.....	24.00	.....
Toledo, Ohio	24.00	23.50	24.50	24.00	.....
Youngstown	24.00	23.50	24.50	24.00	.....
Detroit	24.00	23.50	24.50	24.00	.....
Duluth	24.50	.....	25.00	24.50	.....
Birmingham	20.38	19.00	25.00	.....	.....
Provo, Utah	22.00	.....	.....	.....	.....

HIGH-SILICON, SILVERY

(Base silicon 6.00 percent to 6.50 percent)

Jackson County, Ohio	$29.50
Buffalo, New York	30.75

GRAY FORGE

Valley or Pittsburgh Furnace	$23.50

CHARCOAL

Lake Superior Furnace	$28.00
Lyles, Tenn. High Phos. Furnace	28.50
Lyles, Tenn. Low Phos. Furnace	33.00

Switching charges. Basing Point Base Prices are to be subject to an additional charge for delivery within the switching limits of the respective districts.

Silicon differentials. Basing Point Base Prices are to be subject to an additional charge not to exceed $0.50 a ton for each 0.25 percent silicon content in excess of base grade (1.75 percent to 2.25 percent).

Phosphorus differential. Basing Point Base Prices are to be subject to a reduction of $0.38 per ton for phosphorus content of 0.70 percent and over.

Manganese differentials. Basing Point Base Prices are to be subject to an additional charge not to exceed $0.50 a ton for each 0.50 percent manganese content in excess of 1.00 percent.

Exception. Pittsburgh Coke and Iron Company (Sharpsville, Pa. Furnace only) and the Struthers Iron and Steel Company, Struthers, Ohio, may charge $0.50 a ton in excess of Basing Point Base Prices for No. 2 Foundry, Basic, Bessemer and Malleable.*

§ 1306.57 *Appendix B; exceptions.* The following person has been granted an exception under § 1306.55 of Price Schedule No. 10, permitting it to make a charge of $1.00 in addition to the maximum prices in § 1306.56, Appendix A, for pig iron: E. and G. Brooke Iron Company, Birdsboro, Pennsylvania.*

[§ 1306.57 added by amendment February 2, 1942, effective February 7, 1942; 7 F.R. 705]

§ 1306.58 *Geographical application.* The provisions of Price Schedule No. 10 shall apply only to sales, offers to sell or delivery of pig iron moving within, into, or out of one of the forty-eight States of the United States or the District of Columbia.*

[§ 1306.58 added by amendment February 2, 1942, effective February 7, 1942; 7 F.R. 705]

Issued this twenty-fourth day of June 1941.[1]

[Effective this 24th day of June 1941.]

LEON HENDERSON,
Administrator.

PART 1316—COTTON TEXTILES

REVISED PRICE SCHEDULE NO. 11—FINE COTTON GREY GOODS[2]

[Issued by the Office of Price Administration and Civilian Supply. Adopted by the Office of Price Administration]

The Office of Price Administration is charged with the maintenance of price stability and the prevention of undue price rises and dislocations.

Cotton Grey Goods are used as the basic fabric for finished cotton textiles. They are also used extensively in an unfinished state. Finished cotton textiles constitute a major portion of the material used in both military and civilian clothing. Furthermore, Cotton Grey Goods, in both their finished and unfinished states, are indispensable to the manufacture of numerous other items used by both the armed forces and civilians.

In the last 12 months the cotton grey goods market has advanced sharply. During that period there has been a 68 percent increase in the average price of the principal constructions. This has meant a 106 percent increase in the average mill margin for those types of cloth. This upward price movement has been out of all proportion to any increases in costs of materials and production. Largely responsible for this inflationary trend have been the fear of buyers that prices would continue to rise, and the activity of speculators and hoarders who have taken advantage of this fear and of the heavy demand for textiles arising from defense needs.

It is apparent, therefore, that in order to insure stability of the price structure and to forestall widespread speculation, hoarding, and profiteering, the national defense and the public interest require that maximum prices be established for Cotton Grey Goods.

The maximum prices set forth below allow a mill margin substantially above the average which the industry has enjoyed during the past five years.

On the basis of information secured by independent investigation by this Office, and upon information furnished by the trade, I find that the maximum prices herein established are necessary and reasonable.

Accordingly, pursuant to the authority vested in me by Executive Order 8734, and after consultation with the Price Administration Committee, it is hereby directed that:

§ 1316.1 *Maximum prices for fine cotton goods.* On and after the applicable ceiling date (as set forth in Appendix A, incorporated herein as § 1316.13), regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer fine cotton goods, and no person shall buy, offer to buy, or accept delivery of fine cotton goods, at prices higher than the maximum prices set forth in Appendix A, except as provided in § 1316.3.*

[§ 1316.1 as amended December 23, 1941, effective December 24, 1941; 6 F.R. 6695]

*§§ 1316.1 to 1316.14, inclusive, issued under the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1316.2 *Less than maximum prices.* Lower prices than those set forth in § 1316.13, Appendix A, may be charged, demanded, paid or offered.*

[§ 1316.2 as amended December 23, 1941, effective December 24, 1941; 6 F.R. 6695]

§ 1316.3 *Wholesalers, jobbers, and retailers.* The maximum prices established herein and the provisions of §§ 1316.5 and 1316.6 are not applicable to sales or deliveries of fine cotton goods made by any wholesaler, jobber, or retailer in the performance of a recognized distributive function: *Provided*, (a) That sales and deliveries of fine cotton goods (1) to a domestic converter or finisher or (2) by the manufacturer thereof or by any agent of such manufacturer, shall not be made at prices higher than the established maximum prices; and (b) that records, as required by § 1316.5, shall be kept of every sale or delivery by a wholesaler or jobber for export.*

[§ 1316.3 as amended, December 23, 1941, effective December 24, 1941; 6 F.R. 6695]

§ 1316.4 *Evasion.* (a) The price limitations set forth in Price Schedule No. 11 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of fine cotton goods, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) No price agreed upon in any contract shall be changed by amendment of such contract, by substitution therefor of a new contract, or otherwise (whether or not such change is made pursuant to the terms of the original contract) if the change so effected results in an agreed price in excess of the maximum price applicable under § 1316.13 hereof, in accordance with the date the original contract was made, to the original contract or to deliveries pursuant thereto.*

[§ 1316.4 as amended December 23, 1941, effective December 24, 1941; 6 F.R. 6695]

§ 1316.5 *Records.* Every person making purchases or sales of fine cotton goods after December 23, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity of each construction of fine cotton goods purchased or sold; (b) the quantity in yards of fine cotton goods, (1) on hand, and (2) on order, as of the close of each calendar month; and (c) in the case of manufacturers, the quantity in yards or pounds of each construction of fine cotton goods manufactured during each calendar month. When used in this section, the term "fine cotton goods" includes fine cotton goods whether or not subject to the maximum prices established herein.*

[§ 1316.5 as amended December 23, 1941, effective December 24, 1941; 6 F.R. 6695]

§ 1316.6 *Details required in contract of sale and invoice.* (a) Every seller of fine cotton goods, shall, with respect to each sale thereof, deliver to the purchaser a contract of sale which shall contain, in addition to the terms thereof, (1) the date on which the sale or contract of sale was made; and (2) a full description of each construction of fine cotton goods sold, including (i) the width; (ii) the cloth count; (iii) the number of yards per pound; and (iv) where, in conformity with Price Schedule No. 11, a premium is charged, the feature of the goods or of their manufacture for which such premium is allowed.

(b) Every seller of fine cotton goods shall, with respect to each delivery thereof, transmit to the purchaser an invoice or similar document which shall either contain the information required by (a) above or make reference to the contract in which such information is set forth.*

[§ 1316.6 as amended December 23, 1941, effective December 24, 1941; 6 F.R. 6695]

§ 1316.7 *Reports.* (a) On or before January 10, 1942, and on or before the 10th day of each month thereafter, every manufacturer of fine cotton goods (in-

[1] Issued: 6 F.R. 2969. Amended: 6 F.R. 4736, 4820, 5428, 5622; 7 F.R. 64.

[1] 6 F.R. 6688, 6766, 7 F.R. 701, 809, and 928.

[2] 7 F.R. 785 and 930.

[1] Issued: 6 F.R. 3100. Amended: 7 F.R. 705.

[2] Issued as Cotton Grey Goods. Amendment of October 20, 1941 changed title to Combed Cotton Grey Goods. Amendment of December 23, 1941 changed title to Fine Cotton Grey Goods.

cluding manufacturers of fine cotton goods not subject to the maximum prices established herein) shall submit to the Office of Price Administration, Washington, D. C., a report on Form 111: 6 setting forth in the detail required by the Form all the constructions (including fancy weaves) of fine cotton goods, other than the constructions and weaves for which maximum prices are established in § 1316.13, Appendix A, manufactured or sold by such person in quantities in excess of 15,000 yards during the preceding calendar month, and the highest prices at which each such construction was sold, both for immediate and future delivery, during such month. Copies of Form 111:6 can be procured from the Office of Price Administration.

[Paragraph (a) as amended January 30, 1942, effective December 24, 1941; 7 F.R. 618]

(b) Persons affected by Price Schedule No. 11 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1316.8 *Affirmations of compliance.* On or before January 10, 1942, and on or before the 10th day of each month thereafter, every person, who during the preceding calendar month has purchased or sold fine cotton goods, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 111: 7, containing a sworn statement that during such month all such purchases or sales were made at prices in compliance with Price Schedule No. 11 or with any exception therefrom or modification thereof. Copies of Form 111: 7 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

[§ 1316.8 as amended December 23, 1941, effective December 24, 1941; 6 F.R. 6695]

§ 1316.9 *Enforcements.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 11, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 11, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 11; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 11. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of fine cotton goods or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

[§ 1316.9 as amended December 23, 1941, effective December 24, 1941; 6 F.R. 6695]

§ 1316.10 *Modification of Price Schedule No. 11.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 11 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 11.*

[§ 1316.10 as amended December 23, 1941, effective December 24, 1941; 6 F.R. 6695]

§ 1316.11 *Definitions.* When used in Price Schedule No. 11, the terms:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Fine cotton goods" means cotton grey goods made wholly or in part of combed yarn but, unless otherwise specified, refers only to goods of the types and specifications for which maximum prices are established in § 1316.13, Appendix A.

[Paragraph (b) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 713]

(c) "Ceiling date" means the date, as specified in § 1316.13, Appendix A, on which Price Schedule No. 11 becomes effective with respect to any given fabric;

(d) "For export" means to any person or persons outside the United States, its territories and possessions.*

[§ 1316.11 as amended, December 23, 1941, effective December 24, 1941; 6 F.R. 6695, with the exception of paragraph (b)]

§ 1316.12 *Effective date of Price Schedule No. 11.* This Schedule (§§ 1316.1 to 1316.8, inclusive) shall become effective June 28, 1941.*

[This Price Schedule No. 11 §§ 1316.1 to 1316.13, inclusive), as amended, shall become effective December 24, 1941]

§ 1316.13 *Appendix A: Maximum prices for fine cotton goods*—(a) *Arrangement of appendix.* Paragraph (b) sets forth the terms of sale to be observed in connection with the maximum prices established in Price Schedule No. 11.

Paragraph (c) contains the maximum prices established for the types of fine cotton goods listed therein prior to December 24, 1941. The maximum prices set forth in paragraph (c) are applicable to such types of goods there listed when delivered against contracts entered into prior to December 24, 1941, except that they do not apply to deliveries for export or to deliveries against contracts made between December 10 and December 23, 1941, inclusive, in which the parties agreed that the buyer's obligations should be discharged at prices not in excess of the maximum prices established in any revision of Price Schedule No. 11 becoming effective before January 1, 1942.

Paragraph (d), as qualified by paragraph (e), contains maximum prices applicable to all transactions other than (1) deliveries for export against contracts entered into prior to December 24, 1941, and (2) deliveries subject to the maximum prices set forth in Paragraph (c).

Paragraph (e) sets forth the conditions under which, in addition to the otherwise applicable maximum prices as found in paragraph (d), premiums may be paid for (1) fine cotton goods made to special physical requirements established by the buyer and (2) fine cotton goods of demonstrably superior quality.

(b) *Terms of sale.* The maximum prices set forth herein are prices f. o. b. the seller's point of shipment; they are gross prices before discounts of any nature are deducted and include all commissions.

(c) *Fine cotton goods covered by contract prior to December 24, 1941.* The following are maximum prices for fine cotton goods delivered against any sale or contract of sale (other than a sale or contract of sale for export) entered into prior to December 24, 1941, except that the maximum prices set forth in (d) below shall apply, in lieu of the following maximum prices, to deliveries against sales or contracts of sale entered into between December 10 and December 23, 1941, inclusive, in which the parties agreed that the buyer's obligation should be discharged at prices not in excess of the maximum prices established in any revision of Price Schedule No. 11 becoming effective before January 1, 1942.

The maximum prices set forth herein become effective on December 24, 1941, which shall constitute the ceiling date for the fabric subject thereto.

Type and construction of cloth	*Maximum prices*
Combed broadcloth made of single-ply yarn:	
40" and narrower, 136 sley and below	$0.61 per pound [1]
37"—136 x 60	.14875 per yard [2] [3]
37"—128 x 68	.14875 per yard [2] [3]
37"—144 x 76	.15875 per yard [4]
37"—152 x 80	.17 per yard.[5]
Combed lawns:	
36"—76 x 72	.0975 per yard [4]
36"—88 x 80	.1075 per yard.[3]
40"—68 x 56	.09 per yard.[3]
40"—72 x 68	.10 per yard.[5]
40"—76 x 72	.1025 per yard.[3]
40"—88 x 80	.1125 per yard.[4]
40"—96 x 92	.12875 per yard.[3]
40"—96 x 100	.135 per yard.[3] [6]
40"—108 x 112	.16375 per yard.[3]
45"—76 x 72	.11875 per yard.[4]
45"—88 x 80	.12875 per yard.[3]
Dimities:	
36"—96 x 68	$0.1075 per yard [3]
36½"—114 x 64	.1175 per yard [3]
36½"—116 x 76	.12625 per yard.[4]
Voile:	
39"—60 x 52, slack	.09 per yard.[3]

[1] This maximum price applies to deliveries against contracts entered into prior to August 23, 1941.

[2] This maximum price applies to deliveries against contracts entered into on or after August 23, 1941.

[3] For seconds and shorts, five per cent less than the above figures constitutes the maximum price.

[4] For deliveries against contracts entered into on or after October 4, 1941, for 40"—96 x 100 combed lawn meeting United States Marine Corps specifications for Rubberized Poncho (adopted May 10, 1938, corrected to December 30, 1940, a premium of ¾ cent per yard may be charged.

(d) *Fine cotton goods not covered by contract prior to December 24, 1941*—(1) *Applicability of maximum prices in paragraph (d).* The maximum prices established in paragraph (d) apply to all offers to buy or sell, sales or contracts of sale, deliveries, and transfers made or entered into on or after December 24, 1941, except (i) deliveries for which maximum prices are established by (c) above, and (ii) deliveries for export against contracts entered into prior to December 24, 1941.[1]

(2) *Determination of maximum price.* Subject to the qualifications contained in Paragraph (e) below, the maximum price for any offer to buy or sell, sale or contract of sale, delivery or transfer of fine cotton goods shall be determined in the following manner from the tables appearing below:

(i) *Offer to buy or sell.* By the spot cotton price [2] of the business day immediately preceding that on which the offer was made, except that, if the offering price is not otherwise specified, an offer to buy or sell at the maximum price applicable on the day the contract of sale is to be made shall not be a violation of Price Schedule No. 11;

(ii) *Sale or contract of sale.* By the spot cotton price of the business day immediately preceding the day on which the sale or contract of sale is made, regardless of the maximum price applicable to the offer pursuant to which such sale or contract is made;

(iii) *Delivery or transfer.*[3] By the spot cotton price of the business day immediately preceding that on which the sale or contract of sale is made regardless of any change in the spot cotton price subsequent thereto, except that, where the sale or contract of sale was made on or before July 20, 1941, the applicable maximum price shall be determined on the basis of a spot cotton price of 15.99 cents per pound.*

(3) *Ceiling date.* The maximum prices set forth in the tables below and the qualifications thereto of paragraph (c) become effective on December 24, 1941, which shall constitute the ceiling date for the fabrics covered by said tables and by said qualifications thereto.

[1] Manufacturers of fine cotton goods may make application to the Office of Price Administration for permission to sell such goods for export at a premium commensurate with the additional packaging costs, selling expenses, and credit risks involved.

[2] The term "spot cotton price," when used herein, means the average, published daily by the United States Department of Agriculture, Agricultural Marketing Service, of the price quotations for middling 15/16-inch cotton on ten designated spot markets.

[3] Except as provided in paragraph (c), this method of determining the maximum price shall be used in connection with deliveries and transfers pursuant to sales or contracts of sale made before, as well as on or after, the applicable ceiling date.

* Sales under "open-price" contracts, pursuant to which the price is to be determined as of a date subsequent to that on which the contract is entered into, are permissible hereunder, provided that the contract (1) specifies the quantity of goods to be delivered and (2) fixes the exact date upon which the price is to be settled. In connection with such contracts the date on which the price is settled shall be regarded, for purposes of paragraph (d), as the day on which the sale or contract of sale is made.

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(4) *Maximum price tables.*

TABLE 1

In addition to the maximum prices set forth below, the following premiums for special manufacturing processes may be charged. None of the premiums allowable hereunder is applicable, however, to any fabric which, in its basic construction, is normally manufactured by means of the process on which such premium is predicated.

Name of manufacturing process	*Premium (cents per yd.)*
Weaves requiring five or more cams:	
Weaves which (exclusive of salvage) required 5 cams	¼
Weaves, other than plain, which (exclusive of salvage) require 6 or more cams	½
Weaves requiring dobby loom:	
Weaves requiring 16 harnesses or less	[1] 1¼
Weaves requiring more than 16 harnesses	[1] 1½
Fancy draw: [1]	
For ply cords, bunched ends, skip dents, double draw (2 ends or more weaving as one), reverse-twist warp stripes, or any other novelty draw, or for any combination of the above	½
Each extra beam	½
Hard twist:	
Warp yarn where turns per inch equal 5¼ or more times the square root of yarn size	½
Filling yarn: where turns per inch equal 4¾ or more times the square root of yarn size	½
Clipping	[2] 1
Slubs:	*(Cents per lb.)*
Cloths with 60 or more picks per inch	2
Cloths with less than 60 picks per inch	3

[1] If a premium is charged for dobby weave, no premium may be charged for fancy draw or for slubs.

[2] For clip spot marquisettes a premium greater than 1 cent per yard may be charged, but it shall not exceed the premium heretofore customary in the trade.

[Table I as amended February 2, 1942, effective February 2, 1942; 7 F.R. 713]

TABLE II [1]

Type and construction of cloth	Spot cotton price—Cents per pound									
	14.49 to 14.98	14.99 to 15.48	15.49 to 15.98	15.99 to 16.48	16.49 to 16.98	16.99 to 17.48	17.49 to 17.98	17.99 to 18.48	18.49 to 18.98	18.99 to 19.48	19.49 to 19.98
	Cents per yard										
Combed Broadcloth Single Ply:											
37" 136 x 60	15.35	15.50	15.65	15.80	15.95	16.10	16.25	16.40	16.55	16.70	16.85
37" 128 x 68	16.00	16.15	16.30	16.45	16.60	16.75	16.90	17.05	17.20	17.35	17.50
37" 144 x 76	16.95	17.10	17.25	17.40	17.55	17.70	17.85	18.00	18.15	18.30	18.45
37" 152 x 80	17.20	17.05	17.80	17.95	18.10	18.25	18.40	18.55	18.70	18.85	19.00
Combed Lawns:											
36" 76 x 72	9.34	9.41	9.48	9.55	9.62	9.69	9.76	9.83	9.90	9.97	10.04
36" 88 x 80	11.09	11.16	11.23	11.30	11.37	11.44	11.51	11.58	11.65	11.72	11.79
39" 68 x 56	8.27	8.33	8.39	8.45	8.51	8.57	8.63	8.69	8.75	8.81	8.87
40" 72 x 68	9.49	9.56	9.63	9.70	9.77	9.84	9.91	9.98	10.05	10.12	10.19
40" 76 x 72	10.53	10.60	10.68	10.75	10.83	10.90	10.98	11.05	11.13	11.20	11.28
40" 88 x 80	11.91	11.99	12.07	12.15	12.23	12.31	12.39	12.47	12.55	12.63	12.71
40" 96 x 92	13.03	13.12	13.21	13.30	13.39	13.48	13.57	13.66	13.75	13.84	13.93
40" 96 x 100 [2]	14.45	14.55	14.65	14.75	14.85	14.95	15.05	15.15	15.25	15.35	15.45
40" 108 x 112	16.57	16.68	16.79	16.90	17.01	17.12	17.23	17.34	17.45	17.56	17.67
45" 76 x 72	11.80	11.88	11.97	12.05	12.14	12.22	12.31	12.39	12.48	12.56	12.65
45" 88 x 80	13.03	13.12	13.21	13.30	13.39	13.48	13.57	13.66	13.75	13.84	13.93
Dimities:											
36" 96 x 68	10.18	10.25	10.33	10.40	10.48	10.55	10.63	10.70	10.78	10.85	10.93
36" 114 x 64	11.52	11.61	11.71	11.80	11.90	11.99	12.09	12.18	12.28	12.37	12.47
36½" 116 x 76	11.70	11.78	11.87	11.95	12.04	12.12	12.21	12.29	12.38	12.46	12.55
Voile:											
39" 60 x 52 slack twist	9.12	9.20	9.27	9.35	9.42	9.50	9.57	9.65	9.72	9.80	9.87
Piques:											
38" 176 x 100	23.23	23.42	23.61	23.80	23.99	24.18	24.37	24.56	24.75	24.94	25.13
Ponces:											
38" 72 x 100	13.24	13.44	13.75	13.65	13.76	13.86	13.97	14.07	14.18	14.28	14.39
Marquisettes:											
38½" 44 x 18	6.60	6.65	6.70	6.75	6.80	6.85	6.90	6.95	7.00	7.05	7.10
39" 44 x 22	7.07	7.13	7.19	7.25	7.31	7.37	7.43	7.49	7.55	7.61	7.67
36½" 46 x 20	7.07	7.13	7.19	7.25	7.31	7.37	7.43	7.49	7.55	7.61	7.67
36½" 48 x 22	7.45	7.52	7.58	7.65	7.71	7.78	7.84	7.91	7.97	8.04	8.10
39½" 48 x 28	8.06	8.12	8.19	8.25	8.32	8.38	8.45	8.51	8.58	8.64	8.71
36½" 48 x 32	8.44	8.51	8.58	8.65	8.72	8.79	8.86	8.93	9.00	9.07	9.14
39½" 48 x 32	9.51	9.59	9.67	9.75	9.83	9.91	9.99	10.07	10.15	10.23	10.31
40" 48 x 28	10.01	10.09	10.17	10.25	10.33	10.41	10.49	10.57	10.65	10.73	10.81

[1] The maximum price for cloth of a thread count listed in this table but of a different width from that mentioned therein shall be directly proportionate, in the ratio of the respective widths, to the stated maximum price for cloth of that thread count.

For seconds and short lengths of any fabric subject to the maximum prices established in this Price Schedule No. 11, the maximum prices shall be five per cent less than the above prices.

[2] For 40" 96 x 100 combed lawn meeting United States Marine Corps specifications for Rubberized Poncho (adopted May 10, 1938 corrected to December 30, 1940) a premium of ¾ cent per yard may be charged.

[Table II as amended February 2, 1942, effective December 24, 1941, 7 F.R. 713]

(e) *Premiums.* (1) In addition to the maximum prices set forth in (d) above, a premium may be demanded, charged, paid, or accepted for fine cotton goods made pursuant to specifications furnished by the buyer establishing special physical requirements which cannot be met by the same goods of commercial quality: *Provided*, That, except in accordance with permission granted under § 1316.13 (e) (3):

(i) The premiums shall not exceed the highest differential in price charged (in cents over the then prevailing market price of the same goods of commercial quality) by the seller for goods of the same specifications during the 12 months immediately prior to June 1941, or, if no such goods have been sold by the seller during that period, 5 per cent of the otherwise applicable maximum price;

(ii) No premium shall be charged hereunder, unless the specifications to which the goods are made were issued by the buyer prior to July 21, 1941.

(2) Every seller making a sale, contract of sale, or delivery of fine cotton goods at a price including all or part of any premium permissible under § 1316.13 (e) (1) shall, on or before the 10th day of the succeeding month, file with the Office of Price Administration a sworn statement on Form 111:8 stating, with respect to each sale, contract of sale, or delivery made during the preceding calendar month, the date of the sale or contract of sale; the quantity of goods covered thereby; the date or dates when delivery is to be or has been made; the name of the manufacturer of the goods and of the buyer; the price agreed upon, charged, or paid; the buyer's specifications, in accordance with which the goods are made; the date of issuance thereof by the buyer; the use to which the goods are to be put; and the special physical requirements which are relied upon for the premium charged: *Provided*, That if a report, as required hereunder, is duly made of a sale or contract of sale, or any delivery pursuant thereto, no report need be made of any subsequent delivery of the same kind of goods pursuant to such sale or contract of sale.

(3) Application may be made by any buyer, or, where goods have been sold but not delivered prior to the applicable ceiling date, by any seller, to the Office of Price Administration for permission to pay or accept, in addition to the maximum prices appearing in paragraphs (c) or (d), a premium for (i) fine cotton goods made to such buyer's specifications issued on or after July 21, 1941; (ii) specification goods of a kind not manufactured by the seller during the 12 months immediately prior to June 1941, and for which the buyer considers it fair to pay such seller a premium of more than 5 per cent over the otherwise applicable maximum price; (iii) specification goods of a kind manufactured and sold by a seller during the 12 months immediately prior to June 1941 under such circumstances that the highest differential in price charged (in cents over the then prevailing market price of the same goods of commercial quality) by such seller during said 12-month period does not represent a fair and equitable return for the additional manufacturing cost entailed in meeting the specifications for such goods; or,(iv) fine cotton goods of a quality demonstrably superior to that of the same goods of staple commercial grade. Such application, which shall be sworn to before a notary public, shall be accompanied by a yard-long sample of the fabric in its full width and state in detail (i) the construction of the cloth, including the width, thread count, and weight, and, with respect to both the warp and filling yarns, the yarn number and the staple, grade, and kind of cotton used; (ii) the specifications, if any, to which the goods are made; (iii) the use to which the goods are to be put; (iv) the reasons, if any, why goods of staple commercial quality would not be satisfactory for such use; and (v) the person or persons, if any, from whom the goods were purchased and the premiums if any, paid (in cents over the prevailing market prices of the same goods of commercial quality) for such goods during the 3 years preceding the application. Upon receipt of any such application the Office of Price Administration will permit any person affected by such application to file a written statement setting forth facts pertinent to the issue of whether permission to pay a premium should be granted and, if so, in what amount; and will conduct such further investigation as it deems necessary and proper. No permission will be granted hereunder unless it is shown that it is essential to the buyer's business to obtain goods of the type for which he seeks to pay a premium and that the seller is entitled to receive a premium for such goods, and unless the Administrator finds that production of such goods would not be inconsistent with the interests of national defense. Permission granted to any buyer or to any seller hereunder will constitute authority for the other to accept or pay, as the case may be, the premium approved therein. In granting any permission hereunder the Office of Price Administration will require appropriate reports to be filed by the buyer and seller.*

[§ 1316.13 as amended December 23, 1941, effective December 24, 1941; 6 F.R. 6695, with the exception of Tables I and II which were amended February 2, 1942]

§ 1316.14 *Effect of amendments.* Unless the contrary is expressly provided in any amendment to Price Schedule No. 11:

(a) such amendment shall not be deemed to affect the provisions of Price Schedule No. 11 as they stood prior to such amendment;

(b) it shall be permissible for any person to make or accept delivery of fine cotton grey goods at the price agreed upon in a contract of sale or purchase entered into prior to such amendment, if such price was subject to and in conformity with Price Schedule No. 11 when such contract was made;

(c) deliveries made pursuant to contracts entered into prior to the effective date of such amendment shall not be made or accepted at prices higher than the maximum price applicable under the terms of Price Schedule No. 11 as in effect when the contract was made.*

[§ 1316.14 added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 714]

Issued this 27th day of June, 1941.*

LEON HENDERSON,
Administrator.

PART 1309—COPPER

REVISED PRICE SCHEDULE NO. 12—BRASS MILL SCRAP

[Issued by the Office of Price Administration and Civilian Supply. Adopted by the Office of Price Administration]

The requirements of the defense program have increased the demand for brass mill scrap, causing the prices of such scrap to rise above levels which are in proper relation to the price levels of primary materials. Price instability and dislocations injurious to the national defense and civilian economy have resulted. As a consequence, it has become difficult, and, in some cases, impossible for the trade to cooperate with the Government in maintaining price stability.

Accordingly, pursuant to and under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1309.11 *Maximum prices for brass mill scrap.* (a) On and after July 22, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, entered into prior to such date, except as provided in § 1309.12 hereof, no person shall sell, offer to sell, deliver, or transfer at a price, brass mill scrap, to any other person, and no person shall buy, offer to buy, or accept delivery of, brass mill scrap, from any person, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1309.19. Lower prices than those set forth in § 1309.19, Appendix A, however, may be charged, demanded, paid, or offered.

(b) If brass mill scrap is imported into the United States, or if imported brass mill scrap is resold in the United States, there may be added to the maximum price established by this section the actual amount of United States import or customs duty paid on such scrap: *Provided*, That:

(1) the total amount paid or received for such imported scrap f. o. b. shipping point in the continental United States does not exceed the maximum price established in this section plus the actual amount of import or customs duty paid;

(2) the import or customs duty paid is shown as a separate item on the records required to be kept in accordance with section 1309.14 hereof and on any invoice rendered to the buyer; and

(3) the buyer files a report of each such purchase with the Office of Price Administration on form 112:3 within five days of the date thereof.

[Paragraph (b) added by amendment December 27, 1941, effective December 27, 1941, 6 F.R. 6798]

* §§ 1309.11 to 1309.19, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1309.12 *Permission to carry out contracts entered into prior to July 22, 1941.* Any person seeking permission to carry out a contract of sale or other commitment, entered into prior to July 22, 1941, and calling for the delivery, after July 22, 1941, of brass mill scrap at prices higher than the maximum prices set forth in § 1309.19, Appendix A, may apply for such permission in writing upon forms available upon request made to the Office of Price Administration, Washington, D. C. Permission will be granted if necessary to protect such person against loss in the disposition of inventory already acquired at prices higher than the established maximum prices. Permission, therefore, may be obtained *only* if quantities of brass mill scrap, sufficient to carry out such contract or commitment, were acquired at prices higher than the established maximum prices, and held on July 22, 1941, by (a) the person seeking such permission, and (b) any other person, for delivery to the person seeking such permission, under a firm commitment entered into prior to July 22, 1941.*

§ 1309.13 *Evasion.* The price limitations set forth in Price Schedule No. 12 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer at a price, of brass mill scrap, or in connection with a purchase, sale, delivery or transfer at a price, of any other materials, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1309.14 *Record-keeping requirements.* Every person making purchases or sales of brass mill scrap shall, until such time as further information is deemed necessary or appropriate hereunder, keep for inspection by the Office of Price Administration, and preserve for a period of not less than one year, complete and accurate records of:

(a) every purchase and sale of such scrap, showing the date thereof, the name and address of the person from or to whom each such purchase or sale was made, the price paid or received, and the quantity, in pounds or tons, of each kind or grade purchased or sold; and

(b) the quantity, in pounds or tons, of such scrap (1) on hand, and (2) on order, as of the close of each month.*

§ 1309.15 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions contained in Price Schedule No. 12, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 12, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments through calling to the attention of the proper authorities failures to comply with Price Schedule No. 12 which may be regarded as grounds for the revocation of licenses and permits, and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 12. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions thereof, or of speculation or manipulation of prices of any or all of the grades of brass mill scrap or of the hoarding or accumulation of unnecessary inventories thereof, are urged and requested to communicate with the Office of Price Administration.*

[§ 1309.15 as amended October 1, 1941, effective October 3, 1941, 6 F.R. 5041]

§ 1309.16 *Supplemental schedule and reporting requirements.* In order to insure compliance with Price Schedule No. 12, supplements further defining its scope and, if necessary, requiring reports, to the Government, will be issued from time to time when found appropriate.*

§ 1309.17 *Modification of Price Schedule No. 12.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 12 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1309.18 *Definitions.* When used in Price Schedule No. 12 the term:

(a) "Person" includes an individual, partnership, association, corporation, or other business entity.

(b) "Brass mill scrap" means the kinds and grades of nonferrous scrap materials which are a by-product of the fabrication of materials produced by brass mills.*

[§ 1309.18 as amended October 1, 1941, effective October 3, 1941, 6 F.R. 5041]

§ 1309.19 *Appendix A: Maximum prices.* Maximum prices herein set forth are for the principal kinds or grades of brass mill scrap. All other kinds or grades of brass mill scrap which are not specified, except cupro-nickel alloy scrap, should be sold at the normal differentials from such principal kinds or grades. Cupro-nickel alloy scrap shall be sold in accordance with the provisions of Price Schedule No. 8 which establishes maximum prices for scrap and secondary materials containing nickel.

The maximum prices are established for scrap which is clean, dry and free from foreign materials and which meets generally accepted maximum standards in the trade. Scrap which fails to meet such standards should be sold at normal differentials below the established maximum prices.

Kind or grade of scrap	Maximum prices (per pound, f. o. b. point of shipment)		
	Heavy scrap	Rod ends	Turnings
BRASS	*Cents*	*Cents*	*Cents*
Commercial bronze:			
Containing 95% or more copper	9¼	9¼	8¾
Containing minimum of 90% up to 95% copper	9⅛	9¼	8⅝
Red brass: Containing minimum of 80% copper	9⅛	8⅞	8⅝
Best quality brass: Containing minimum of 71% up to 80% copper	8¾	8½	
			Rod turnings
Yellow Brass	8⅛	8⅜	7⅞
Copper	10¾	10¼	9½
NICKEL SILVER			*Turnings*
5% nickel	9¼	9	4⅜
10% nickel	10⅛	9⅞	5⅛
15% nickel	10⅝	10⅜	5⅞

Quantity differentials: *Cents per pound*
Premiums on shipments of:
15,000 pounds or more at one time ⅛
40,000 pounds or more at one time 1

The maximum prices set forth above apply on shipments in lots of less than 15,000 pounds. However, as indicated above, on shipments in lots of 15,000 pounds *at one time*, a maximum of ⅛¢ per pound may be added to such prices. On shipments in lots of 40,000 pounds or more *at one time* a maximum of 1¢ per pound may be added to such prices. A lot of 15,000 pounds for the purposes of Price Schedule No. 12, may be made up of any kind or grade of heavy scrap, or of any kind or grade of turnings and rod ends, but heavy scrap may not be mixed with either turnings or rod ends or both, to make up a lot of 15,000 pounds. A lot of 40,000 pounds or more for the purposes of Price Schedule No. 12 may be made up of any kind or grade of brass mill scrap.

If delivery is made by truck, a shipment in lots of 15,000 pounds or 40,000 pounds or more as the case may be, will be considered to have been made "at one time", for the purposes of Price Schedule No. 12, if such lot is delivered to the buyer within two days after the first shipment of the lot is so delivered.

[§ 1309.19 as amended October 1, 1941, effective October 3, 1941, 6 F.R. 5041.]

Issued this 21st day of July 1941.*

[Effective July 22, 1941]

LEON HENDERSON,
Administrator.

PART 1312—LUMBER AND LUMBER PRODUCTS

REVISED PRICE SCHEDULE NO. 13—DOUGLAS FIR PLYWOOD[1]

[Issued by the Office of Price Administration and Civilian Supply. Adopted by the Office of Price Administration]

Douglas fir plywood, made primarily from Douglas fir peeler logs, is widely used as a building material, as a form for concrete shapes, as lining for the inside of freight cars and trucks, and as a display material. In the defense program, it has been extensively employed in the construction industry, and in the production of aircraft, pontoon bridges, and small boats. The recent increased use of plywood stemming from the defense program and the accompanying expanded economic activity has so increased demand for plywood that current requirements considerably exceed the existing capacity of the industry. As a consequence, inflationary pressure has been exerted upon the prices of these products, causing them to rise greatly in excess of previously existing levels in the industry. Such price increases have markedly outstripped cost advances. Certain members of the plywood industry have refused to cooperate voluntarily with the Office of Price Administration in maintaining stable prices, and those producers who have cooperated by withdrawing price increases have therefore been subjected to unjust discrimination.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1312.1 *Maximum prices for Douglas fir plywood.* On and after February 20,

* Issued: 6 F.R. 3180, as §§ 1316.1 to 1316.8, inclusive. Amended: 6 F.R. 3595, 3988, 4323, 5093, 5335. Corrected: 6 F.R. 5549. Amended: 6 F.R. 6360. Sections renumbered and amended: 6 F.R. 6695. Corrected: 6 F.R. 6768. Amended: 7 F.R. 618, 714.

[1] Issued 6 F.R. 3594. Amended 6 F.R. 5041, 6798.

[1] Title changed from "Douglas Fir Peeler Logs and Douglas Fir Plywood" by amendment February 7, 1942, effective February 20, 1942; 7 F.R. 905.

1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver, or transfer, for domestic or export use, any Douglas fir plywood, where the shipment originates at the mill rather than at a distrbution plant, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1312.10.*

*§§ 1312.1 to 1312.10, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1312.2 *Less than maximum prices.* Lower prices than those set forth in § 1312.10, Appendix A, may be charged, demanded, paid, or offered.*

§ 1312.3 *Evasion.* The price limitations set forth in Price Schedule No. 13 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of Douglas fir plywood, alone or in conjunction with any other material; or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege; or by tying-agreement, or other trade understanding; or by making terms or conditions of sale more onerous than those in effect or available to the purchaser on August 1, 1941; or by unnecessary routing plywood through a distribution plant; or by any other means.*

§ 1312.4 *Records and reports.* Every person who, during any calendar month, shall sell one or more carloads of Douglas fir plywood for shipment originating at the mill shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the prices, and the quantities and grades sold.

Persons affected by Price Schedule No. 13 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1312.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations record and report requirements, or other provisions of Price Schedule No. 13, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 13, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 13, and (c) that the procurement and other services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 13. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of Douglas fir plywood, or the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1312.6 *Modification of Price Schedule No. 13.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 13 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 13.*

§ 1312.7 *Definitions.* When used in Price Schedule No. 13 the term:

(a) "Person" means an individual, partnership, association, corporation or other business entity.

(b) "Mill" means a factory or plant which processes Douglas fir peeler logs into Douglas fir plywood.

(c) "Manufacturer" means a person operating a mill.

(d) "Less than carload" means a quantity of one or more grades or sizes of Douglas fir plywood, the aggregate weight of which is less than 38,000 pounds. Either Douglas fir doors or Douglas fir millwork, or both, may be included with plywood in computing such aggregate weight.

(e) "Distribution plant" means a wholesale or retail warehouse or yard which purchases or receives Douglas fir plywood from a mill or another distribution plant for purposes of unloading and resale or redistribution, and which regularly maintains a stock of plywood.*

§ 1312.8 *Delivered prices.* A delivered price in excess of the maximum f. o. b. mill prices set forth in § 1312.10, Appendix A, may be charged, consisting of such maximum prices plus actual transportation costs paid by the seller. However, for the purposes of this section, the following two practices shall not be deemed a deviation from the use of actual transportation costs:

(a) The charging of a sum equivalent to the one-twentieth of a dollar nearest to such actual transportation costs; and

(b) the computation of transportation costs on the basis of a system of estimated average weights used by the seller during the month of July, 1941: *Provided*, That a copy of such system of estimated average weights has been filed with the Office of Price Administration either before the use of such system in a transaction subject to Price Schedule No. 13 as amended, or within thirty days of the effective date of this Amendment.*

§ 1312.9 *Effective date of Price Schedule No. 13.* This Schedule (§§ 1312.1 to 1312.10, inclusive) shall become effective August 5, 1941.*

[Title, Preamble, and §§ 1312.1 to 1312.9, inclusive, as amended, shall become effective February 20, 1942]

§ 1312.10 *Maximum prices for Douglas fir plywood.* (a) The maximum prices for standard grades[1] moisture-resistant type Douglas fir plywood shall be as follows:

[1] See footnote 3 on p. 1237.

PLYSCORD—ALL SIZES UP TO 48" x 96"

[Douglas Fir Plywood Sheathing]

	Price per M sq. ft. f. o. b. mill	
	C/L	LC/L
5/16" 3 Ply, Rough	$25.30	$26.40
3/8" 3 Ply, Rough	30.30	31.75
1/2" 3 or 5 ply, at mill's option, Rgh.	40.45	43.00
5/8" 3 or 5 ply, at mill's option, Rgh.	50.55	53.95

PLYWALL—ALL SIZES UP TO 48" x 96"

[Douglas Fir Plywood Wallboard]

5/16" 3 Ply S2S to 1/4"	$28.00	$29.20
7/16" 3 Ply S2S to 3/8"	38.50	40.90
9/16" 5 Ply S2S to 1/2"	52.50	56.15
1/4" Studding Strips (Per M Lineal Ft.)	5.30	5.30

PLYFORM—ALL SIZES UP TO 48" x 96"

[Concrete Form Panels]

5/16" 3 Ply S2S to 1/4" (Form Liners)	$45.00	$48.00
9/16" 5 Ply S2S to 1/2"	77.10	84.15
5/8" 5 Ply S2S to 9/16"	82.40	90.00
13/16" 5 Ply S2S to 3/4"	86.50	94.15
3/4" 5 Ply S2S to 13/16"	91.75	99.95
13/16" 5 Ply S2S to 3/4"	95.30	104.05

[1] Grades shall be in accord with the standards of the United States Department of Commerce, National Bureau of Standards, as contained in Commercial Standard CS45-40 (Douglas Fir Plywood, Domestic Grades), Fourth Edition, effective August 20, 1940.

AUTOMOBILE AND INDUSTRIAL PLYWOOD

[Rough Panels Only]

1/4" Rough, 3 Ply—sizes up to 48" x 96"	$29.20	$31.95
5/16" Rough, 3 Ply—sizes up to 48" x 96"	29.20	31.95
3/8" Rough, 3 Ply—sizes up to 48" x 96"	35.00	38.50
1/2" Rough, 5 Ply—sizes up to 48" x 96"	48.80	53.40
5/8" Rough, 5 Ply—sizes up to 48" x 96"	53.75	58.90
5/8" Rough, 5 Ply—sizes up to 48" x 96"	58.75	64.35
13/16" Rough, 5 Ply—sizes up to 48" x 96"	63.70	69.80
3/4" Rough, 5 Ply—sizes up to 48" x 96"	68.65	75.20
7/8" Rough, 5 Ply—sizes up to 48" x 96"	78.60	86.05
7/8" Rough, 7 Ply—sizes up to 48" x 96"	82.30	90.10

PLYPANEL (SOUND 2 SIDES)

5/16" 3 Ply, S2S to 1/4", or 1/4" 3 Ply, S2S to 9/16":		
24" and under	$35.65	$38.85
Over 24" to 36"	36.65	39.80
Over 36" to 48"	38.50	41.85
5/16" 3 Ply, S2S to 1/4":		
24" and under	32.15	35.35
Over 24" to 36"	33.15	36.30
Over 36" to 48"	35.00	38.35
3/8" 3 Ply, S2S to 5/16":		
24" and under	38.70	42.35
Over 24" to 36"	39.55	43.35
Over 36" to 48"	41.45	45.30
7/16" 3 Ply S2S to 3/8":		
24" and under	43.25	47.45
Over 24" to 36"	44.20	48.45
Over 36" to 48"	46.05	50.45
1/2" 5 Ply, S2S to 7/16":		
24" and under	58.95	64.55
Over 24" to 36"	59.85	65.50
Over 36" to 48"	61.70	67.60
9/16" 5 Ply, S2S to 1/2":		
24" and under	58.95	64.55
Over 24" to 36"	59.85	65.50
Over 36" to 48"	61.70	67.60
5/8" 5 Ply, S2S to 9/16":		
24" and under	69.95	76.65
Over 24" to 36"	70.90	77.65
Over 36" to 48"	72.70	79.65
11/16" 5 Ply, S2S to 5/8":		
24" and under	69.95	76.65
Over 24" to 36"	70.90	77.65
Over 36" to 48"	72.70	79.65
3/4" 5 Ply, S2S to 11/16":		
24" and under	79.25	86.75
Over 24" to 36"	80.10	87.70
Over 36" to 48"	81.90	89.75

PLYPANEL (SOUND 2 SIDES)—Continued

	Price per M sq. ft. f. o. b. mill	
	C/L	LC/L
13/16" 5 Ply, S2S to 3/4":		
24" and under	$79.25	$86.75
Over 24" to 36"	80.10	87.70
Over 36" to 48"	81.90	89.75
3/4" 5 Ply, S2S to 13/16":		
24" and under	88.35	96.80
Over 24" to 36"	89.30	97.75
Over 36" to 48"	91.10	99.85
7/8" 7 Ply, S2S to 13/16":		
24" and under	94.75	103.85
Over 24" to 36"	95.70	104.85
Over 36" to 48"	97.55	106.90
1 1/16" 7 Ply, S2S to 7/8":		
24" and under	94.75	103.85
Over 24" to 36"	95.70	104.85
Over 36" to 48"	97.55	106.90
1 1/16" 7 Ply, S2S to 1":		
24" and under	104.05	113.90
Over 24" to 36"	104.95	114.95
Over 36" to 48"	106.75	116.90
1 1/16" 7 Ply, S2S to 1 1/16":		
24" and under	117.80	129.05
Over 24" to 36"	118.75	130.00
Over 36" to 48"	120.60	132.10

PLYPANEL (GOOD 1 SIDE)

3/16" 3 Ply, S2S to 1/4", or 1/4" 3 Ply, S2S to 9/16":		
24" and under	$43.05	$46.85
Over 24" to 36"	45.85	49.95
Over 36" to 48"	49.55	53.95
5/16" 3 Ply, S2S to 1/4":		
24" and under	39.55	43.35
Over 24" to 36"	42.35	46.45
Over 36" to 48"	46.05	50.45
3/8" 3 Ply, S2S to 5/16":		
24" and under	46.05	50.45
Over 24" to 36"	48.80	53.40
Over 36" to 48"	52.45	57.45
7/16" 3 Ply, S2S to 3/8":		
24" and under	50.60	55.45
Over 24" to 36"	53.40	58.45
Over 36" to 48"	57.10	62.55
1/2" 5 Ply, S2S to 7/16":		
24" and under	66.30	72.60
Over 24" to 36"	69.05	75.65
Over 36" to 48"	72.70	79.65
9/16" 5 Ply, S2S to 1/2":		
24" and under	66.30	72.6
Over 24" to 36"	69.05	75.65
Over 36" to 48"	72.70	79.65
5/8" 5 Ply, S2S to 9/16":		
24" and under	77.35	84.65
Over 24" to 36"	80.10	87.70
Over 36" to 48"	83.75	91.75
11/16" 5 Ply, S2S to 5/8":		
24" and under	77.35	84.65
Over 24" to 36"	80.10	87.70
Over 36" to 48"	83.75	91.75
3/4" 5 Ply, S2S to 11/16":		
24" and under	86.55	94.75
Over 24" to 36"	89.30	97.75
Over 36" to 48"	92.95	101.80
13/16" 5 Ply, S2S to 3/4":		
24" and under	86.55	94.75
Over 24" to 36"	89.30	97.75
Over 36" to 48"	92.95	101.80
7/8" 5 Ply, S2S to 13/16":		
24" and under	95.70	104.85
Over 24" to 36"	98.45	107.85
Over 36" to 48"	102.15	111.95
7/8" 7 Ply, S2S to 13/16":		
24" and under	102.15	111.95
Over 24" to 36"	104.95	114.95
Over 36" to 48"	108.65	119.00
15/16" 7 Ply, S2S to 7/8":		
24" and under	102.15	111.95
Over 24" to 36"	104.95	114.95
Over 36" to 48"	108.65	119.00
1 1/16" 7 Ply, S2S to 1":		
24" and under	111.40	121.95
Over 24" to 36"	114.15	125.05
Over 36" to 48"	117.80	129.05
1 3/16" 7 Ply, S2S to 1 1/16":		
24" and under	125.20	137.05
Over 24" to 36"	127.95	140.15
Over 36" to 48"	131.60	144.15

PLYPANEL (GOOD 2 SIDES)

3/16" 3 ply, S2S to 1/8", or 1/4" 3 ply, S2S to 3/16":		
24" and under	$50.45	$54.95
Over 24" to 36"	53.20	58.00
Over 36" to 48"	58.75	64.05

PLYPANEL (GOOD 2 SIDES)

	Price per M sq. ft. f. o. b. mill	
	C/L	LC/L
5/16" 3 ply, S2S to 1/4":		
24" and under	$46.95	$51.45
Over 24" to 36"	49.70	54.50
Over 36" to 48"	55.25	60.55
3/8" 3 ply, S2S to 5/16":		
24" and under	53.40	58.45
Over 24" to 36"	56.20	61.50
Over 36" to 48"	61.70	67.60
7/16" 3 ply, S2S to 3/8":		
24" and under	58.00	63.55
Over 24" to 36"	60.80	66.55
Over 36" to 48"	66.30	72.60
1/2" 5 ply, S2S to 7/16":		
24" and under	73.65	80.65
Over 24" to 36"	76.45	83.70
Over 36" to 48"	81.90	89.75
9/16" 5 ply, S2S to 1/2":		
24" and under	73.65	80.65
Over 24" to 36"	76.45	83.70
Over 36" to 48"	81.90	89.75
5/8" 5 ply, S2S to 9/16":		
24" and under	84.65	92.75
Over 24" to 36"	87.40	95.75
Over 36" to 48"	92.95	101.80
11/16" 5 Ply, S2S to 5/8":		
24" and under	84.65	92.75
Over 24" to 36"	87.40	95.75
Over 36" to 48"	92.95	101.80
3/4" 5 Ply, S2S to 11/16":		
24" and under	93.90	102.85
Over 24" to 36"	96.65	105.85
Over 36" to 48"	102.15	111.95
13/16" 5 Ply, S2S to 3/4":		
24" and under	93.90	102.85
Over 24" to 36"	96.65	105.85
Over 36" to 48"	102.15	111.95
7/8" 5 Ply, S2S to 13/16":		
24" and under	103.10	112.95
Over 24" to 36"	105.85	115.95
Over 36" to 48"	111.40	121.95
7/8" 7 Ply, S2S to 13/16":		
24" and under	109.50	120.00
Over 24" to 36"	112.30	123.00
Over 36" to 48"	117.80	129.05
15/16" 7 Ply, S2S to 7/8":		
24" and under	109.50	120.00
Over 24" to 36"	112.30	123.00
Over 36" to 48"	117.80	129.05
1 1/16" 7 Ply, S2S to 1":		
24" and under	118.75	130.00
Over 24" to 36"	121.55	133.05
Over 36" to 48"	127.05	139.20
1 3/16" 7 Ply, S2S to 1 1/16":		
24" and under	132.55	145.15
Over 24" to 36"	135.25	148.20
Over 36" to 48"	140.80	154.25

(b) The maximum prices of panels, exterior grades[1] of Douglas fir plywood shall be as follows:

	Per M sq. ft. in carload lots, f. o. b. mill		
	Sound 2 sides	Industrial grade	Sound 1 side
1/4" sanded	$47.50	$45.50	$43.50
5/16" unsanded			
5/16" sanded			
3/8" unsanded			
3/8" sanded	48.50	46.50	44.50
7/16" unsanded			
7/16" sanded	55.00	53.00	51.00
1/2" unsanded			
1/2" sanded	61.00	59.00	57.00
9/16" unsanded			
9/16" sanded	81.50	79.00	76.50
5/8" unsanded			
5/8" sanded	86.00	86.00	84.00
11/16" unsanded			
11/16" sanded	95.00	93.50	91.50
3/4" unsanded			
3/4" sanded	103.50	101.50	99.50
13/16" unsanded			
13/16" sanded			
7/8" unsanded	$112.00	$110.00	$107.50
7/8" sanded			
15/16" unsanded	121.00	119.00	117.00
15/16" sanded			
1" unsanded	143.00	140.50	138.50
1" sanded			
1 1/16" sanded	152.00	149.50	147.00
1 1/16" unsanded			
1 1/8" sanded	160.00	158.50	156.50
1" unsanded			
1" sanded			
1 1/16" unsanded	170.50	168.00	166.00
1 1/16" sanded			
1 1/8" unsanded	180.00	178.00	176.00
1 1/8" sanded			
1 3/16" unsanded	190.50	188.00	185.50

[1] Grades shall be in accord with the standards of the United States Department of Commerce, National Bureau of Standards, as contained in Commercial Standard CS45-40 (Douglas Fir Plywood, Domestic Grades), Fourth Edition, effective August 20, 1940.

(c) Any "addition for special extras", as the term is customarily used in the Douglas fir plywood industry, shall not exceed the price charged therefor by the seller on March 1, 1941.*

Issued this first day of August 1941.[1]

LEON HENDERSON,
Administrator.

PART 1309—COPPER

REVISED PRICE SCHEDULE NO. 15—COPPER

[Issued by the Office of Price Administration and Civilian Supply and adopted by the Office of Price Administration]

The Office of Price Administration is charged with the maintenance of price stability and the prevention of undue price rises and price dislocation. Copper is a basic material for the production of many defense products and as such has been subjected to a method of complete control of its distribution by a General Preference Order of the Office of Production Management, No. M-9-a, effective August 2, 1941. In order to equalize the price to all consumers under that preference order and in the interest of national defense and of the public, the establishment of maximum prices for copper is necessary. On the basis of information furnished by the Trade and secured by independent investigation by the Office of Price Administration, I find that the maximum prices set forth below constitute reasonable limitations on the price of copper.

Therefore, under the authority vested in me by Executive Order 8734, it is hereby directed that:

§ 1309.51 *Maximum prices for copper.* (a) On and after February 1, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1309.53 of this chapter, no person shall sell, offer to sell, deliver or transfer copper and no person shall buy, offer to buy, or accept delivery of copper at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1309.60: *Provided*, That any person may sell, offer to sell, deliver or transfer copper to

[1] Issued: 6 F.R. 3865. Amended: 6 F.R. 4885. Renumbered and amended: 7 F.R. 905. Corrected: 7 F.R. 954.

Metals Reserve Company or any other government department, agency or corporation previously approved in writing by the Office of Price Administration, and Metals Reserve Company or any other government department, agency or corporation so approved by the Office of Price Administration, may buy, offer to buy, or accept delivery of copper at prices higher than the maximum prices set forth in § 1309.60.

(b) Except as otherwise provided in § 1309.60, the prices established by Price Schedule No. 15 are delivered prices at the buyer's place of business and are gross prices before the deduction of any discounts and include all commissions.*

*§§ 1309.51 to 1309.60, inclusive, issued pursuant to the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1309.52 *Less than maximum prices.* Lower prices than those set forth in § 1309.60 may be charged, demanded, paid or offered.*

§ 1309.53 *Permission to carry out contracts entered into prior to August 12, 1941.* Any person who has, prior to August 12, 1941, entered into a contract of sale or other firm commitment calling for delivery or transfer, after that date, of copper at prices higher than the maximum prices established by Price Schedule No. 15 may make application, upon forms available upon request, to the Office of Price Administration for permission to carry out such contract or commitment at the contract price. Such permission will be granted only:

(a) Where the applicant has entered into a firm commitment with a purchaser prior to August 12, 1941, at a price not more than $\frac{1}{2}$¢ per pound in excess of the maximum prices established by Price Schedule No. 15, and where such firm commitment is actually carried out prior to December 31, 1941, or such later date as may be permitted in each case upon application to the Office of Price Administration, or

(b) Where the applicant is a dealer, the permission is necessary to protect the applicant against loss, the contract or firm commitment was entered into prior to August 12, 1941, and the copper, or the purchase contract for the copper, to fulfill such contract or firm commitment was acquired prior to April 25, 1941.*

§ 1309.54 *Evasion.* The price limitations set forth in Price Schedule No. 15 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of copper, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying agreement or other trade understanding or otherwise.*

§ 1309.55 *Records and reports.* Every person making purchases or sales of copper after August 12, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of:

(a) Each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity in pounds or tons of each kind or grade purchased or sold; and

(b) The quantity, in pounds or tons, of copper (1) on hand, and (2) on order, as of the close of each calendar month. Persons affected by Price Schedule No. 15 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1309.56 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 15, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 15, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 15; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 15 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 15. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of copper, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1309.57 *Modification of Price Schedule No. 15.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 15 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless the person making such application shall have, to the satisfaction of the Office of Price Administration, complied with Price Schedule No. 15.*

§ 1309.58 *Definitions.* When used in Price Schedule No. 15, the term:

(a) "Person" means an individual, corporation, association, partnership, or other business entity.

(b) "Copper" means all copper metal refined by any process of electrolysis or fire refining to a grade and in a form suitable for fabrication, and shall include all such metal produced from domestic or imported ores, concentrates, or other copper bearing material, or scrap.

(c) "Carload lot" means the minimum quantity of copper required to obtain railroad carload rates from the point of shipment to the point of destination.

(d) "Dealer" means a person who receives physical delivery of copper and sells or holds the same for resale without change in form.*

§ 1309.59 *Effective date of Price Schedule No. 15.*

[This Schedule (§§ 1309.51 to 1309.60, inclusive) shall become effective on August 12, 1941]

This Price Schedule No. 15 (§§ 1309.51 to 1309.60, inclusive), as amended, shall become effective February 1, 1942. Deliveries of copper made prior thereto shall be governed by the terms of this Price Schedule No. 15 which were in effect on the date of such delivery.*

§ 1309.60 *Appendix A: Maximum prices*—(a) *Maximum base prices for copper, except casting copper, sold by a refiner or producer.*

Amount of shipment	*Price*
Carload	12¢ per pound delivered Connecticut Valley points.
Less than carload	12⅛¢ per pound f. o. b. refinery.

These maximum base prices are for electrolytic, lake or other fire refined copper in the shape of wire bars or ingot bars made to meet either the American Society of Testing Materials Standard specifications B 5–27 for electrolytic copper or B 4–27 for lake copper and sold by a refiner or producer.

(b) *Maximum base prices for casting copper.*

Amount of shipment	*Price (f. o. b shipping point)*
More than 20,000 pounds	11¾¢ per pound.
Less than 20,000 pounds	12¢ per pound.

These maximum base prices are for casting copper in the shape of ingot bars or small ingots made by fire refining to a standard of 99.5 per cent pure including silver as copper.

(c) *Differentials for copper of other kinds or grades or in other shapes or forms.* For copper of any other kind or grade or in any other shape or form than that set forth in paragraph (a) or (b) of this section, the maximum price shall be the applicable maximum base price set forth in paragraph (a) or (b) of this section plus or minus the premium or discount for copper of such kind or grade, or in such shape or form which would customarily have been added to or subtracted from the base price on August 11, 1941.

(d) *Differentials for delivery of copper in carload lots at points other than Connecticut Valley points.* For copper, except casting copper, delivered in carload lots at any point other than a Connecticut Valley point the maximum price shall be the maximum base price set forth in paragraph (a) of this section, as adjusted pursuant to paragraph (c) of this section, plus or minus the delivery differential which on August 11, 1941 would customarily have been added to or subtracted from the base price.

The same delivery differentials shall apply to lake or other fire refined copper, except casting copper, as were applied to electrolytic copper on August 11, 1941.

(e) *Premiums on sales of copper in less than carload lots by other than refiners or producers.* Sales of copper in less than carload lots by other than a producer or refiner may be made f. o. b. shipping point but the maximum price f. o. b. shipping point shall not exceed the maximum base price as set forth in paragraph (a) of this section, after the adjustments for the kind or grade, shape or form and delivery differentials provided for in paragraphs (c) and (d) of this section, plus the applicable one of the following quantity premiums:

Quantity	*Price per pound (cents)*
0–499 pounds	2
500–999 pounds	1½
1000–4999 pounds	1
5000 pounds to carload	¾

The premiums provided in this subsection shall not apply to casting copper.*

Issued this 12th day of August 1941.[1]

LEON HENDERSON,
Administrator.

PART 1334—SUGAR

REVISED PRICE SCHEDULE NO. 16, RAW CANE SUGARS

[Issued by Office of Price Administration and Civilian Supply. Adopted by Office of Price Administration]

The Office of Price Administration is charged with the maintenance of price stability and the prevention of undue price rises and price dislocations. I find that the supplies of sugar are ample; in fact, they exceed those supplies which were required to satisfy consumption last year and are sufficient this year to provide consumers with the highest per capita consumption on record. The current sharp upswing of sugar prices is detrimental to the public interest and national defense, and will, if not stopped, cause serious dislocations.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1334.1 *Maximum prices for raw cane sugars.* On and after August 14, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, except as may be provided in a supplement or supplements to Price Schedule No. 16, no person shall sell, offer to sell, deliver or transfer raw cane sugars to any person, and no person shall buy, offer to buy, or accept delivery of raw cane sugars from any person, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1334.9. These prices are gross prices before discounts of any nature are deducted, and they include all commissions and all other charges.*

[§ 1334.1 as amended January 26, 1942, effective January 26, 1942; 7 F.R. 544]

*§§ 1334.1 to 1334.12, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1334.2 *Less than maximum prices.* Lower prices than those set forth in § 1334.9, Appendix A, may be charged, demanded, paid, or offered.*

§ 1334.3 *Records.* Every person making purchases or sales of raw cane sugars after August 14, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of:

(a) Each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, the quantity of each kind or grade purchased or sold; and

(b) The quantity of raw cane sugars (1) On hand, and (2) On order, as of the close of each calendar month.*

§ 1334.4 *Enforcement.* In the event of refusal or failure to comply with the price limitations, record requirements, or other provisions contained in Price Schedule No. 16, or in the event of any evasion or attempt to evade the price regulations or other provisions contained in Price Schedule No. 16, this Office will make every attempt to assure: (a) That the Congress and the public are fully informed of any failure to abide by the provisions of Price Schedule No. 16, and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who conform with Price Schedule No. 16 in the maintenance of the maximum prices herein set forth. Persons who have evidence of the demand or receipt of prices above the limitation set forth or of any evasion of or attempt to evade such requirements or of speculation or manipulation of the prices of sugar or of the hoarding or accumulation of unnecessary inventory thereof, are urged to communicate with the Office of Price Administration.*

§ 1334.5 *Supplements to Price Schedule No. 16.* In order to insure compliance with Price Schedule No. 16, supplements further defining its scope, and, if necessary, requiring reports to the Government will be issued from time to time when found appropriate.*

§ 1334.6 *Modification of Price Schedule No. 16.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 16 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1334.7 *Definitions.* When used in Price Schedule No. 16, the term:

(a) "Person" includes an individual, corporation, association, partnership, or other business entity;

(b) "Raw cane sugars" means any sugars which are principally of crystalline structure and which are to be further refined or improved in quality, and any sugars which are principally not of crystalline structure but which are to be further refined or otherwise improved in quality to produce any sugars principally of crystalline structure.*

§ 1334.8 *Effective date of Price Schedule No. 16.* (a) This Schedule (§§ 1334.1 to 1334.9, inclusive) shall become effective on August 14, 1941.*

§ 1334.9 *Appendix A: Maximum prices for raw cane sugars.* (a) Maximum prices per pound for raw cane sugars from offshore producing areas of 96 degrees polarization duty paid cost and freight basis shall be as follows:

(1) United States Atlantic ports north of Cape Hatteras to and including New York, 3.74 cents.

(2) United States Atlantic ports north of New York, 3.76 cents.

(3) United States Atlantic ports south of Cape Hatteras and United States Gulf of Mexico ports, 3.73 cents.

(4) United States Pacific Coast ports, 3.74 cents less the customary deduction. Such deduction must be submitted to and approved by the Office of Price Administration as to amount before deliveries may be accepted.

(5) In the event that two or more ports of loading shall be used in Cuba, 0.01 cent per pound may be added to the above maximum prices.

(6) With respect to any sale of the sugars included in this paragraph (a) for forward delivery, a contract may provide for the payment of an adjusted price not to exceed the maximum price in effect at the time of arrival at quarantine at the port of destination, except that an annual or other similar long-term contract providing for several deliveries during the term of such contract may employ a method of averaging prices during such term: *Provided*, That (i) the average price for such term does not exceed a price obtained by averaging the maximum prices in effect during such term in accordance with the method employed in such contract; (ii) such contracts customarily were made between the parties thereto and such method of averaging prices was customarily used therein; and (iii) such contracts and evidence of the applicability of this exception thereto are submitted to and approved by the Office of Price Administration prior to the commission of any act in performance of such contracts.

(b) Maximum prices per pound for continental United States raw cane sugars of 96 degrees polarization shall be as follows:

(1) The maximum prices for such sugars are established at the raw sugar mill and shall be calculated by deducting from the maximum price duty paid cost and freight basis payable for Cuban sugars of like test at the nearest customs port of entry in the area in which the raw sugar mill is located the transportation charge per pound based on the published freight rate from such raw sugar mill to the refinery nearest freightwise to such raw sugar mill. This maximum price is f. o. b. the conveyance for delivery to the refinery from the raw sugar mill. The maximum price delivered to the refinery shall be this maximum raw sugar mill price plus actual transportation charges from said raw sugar mill to the refinery processing such sugar.

(2) With respect to any sale of the sugars included in this paragraph (b):

(i) A contract may provide for averaging the prices during the season in accordance with the customary method: *Provided*, That (a) the average price for the season does not exceed a price obtained by averaging the maximum prices in effect during the season in accordance

[1] Issued: 6 F.R. 4008. Amended: 6 F.R. 4535. Preamble amended and Sections renumbered and amended 7 F.R. 283.

with such method; and (b) the season used in determining the average price commences not later than the date fixed by the United States Department of Agriculture pursuant to the Sugar Act of 1937, as amended, as the beginning of the sugarcane marketing season and terminates not later than the date fixed by the United States Department of Agriculture pursuant to said Act as the termination of said season.

(ii) A contract may provide for the payment of an adjusted price not to exceed the maximum price in effect at the time of arrival at the buyer's warehouse or place of business. In the event that more than one delivery is made pursuant to the same contract, the adjustment of the price and the payment thereof shall be made in respect to each delivery separately.

(c) Adjustment for polarization:

The maximum prices specified herein shall be adjusted by making allowances per pound for each degree of polarization above or below 96 degrees (fractions of a degree in proportion) in accordance with the method customarily used prior to August 14, 1941. It is not required that such method be used. However, the maximum prices for the various tests shall not exceed the prices obtained by applying such method for sugars of like test.*

[§ 1334.9 as amended January 26, 1942, effective January 26, 1942; 7 F.R. 544]

§ 1334.10 *Application to carry out certain forward delivery contracts.* To provide for carrying out certain forward delivery contracts in accordance with § 1334.1, any person who, prior to August 14, 1941, entered into a forward delivery contract calling for the delivery or transfer, after that date, of raw cane sugars at prices higher than the maximum prices established by Price Schedule No. 16 may make application to the Office of Price Administration on form 116.1 which will be furnished upon request, for permission to carry out such contracts at the contract price. Such permission will be granted if it is found that hardship will result from a denial thereof. Such applications shall be filed with the Office of Price Administration on or before September 15, 1941.*

[§ 1334.10 added by supplement August 22, 1941, effective August 23, 1941; 6 F.R. 4371]

§ 1334.11 *Provision for liquidation of futures positions established prior to August 14, 1941.* Liquidation of a position or positions, long or short, established prior to August 14, 1941, in No. 3 contract on the New York Coffee and Sugar Exchange, Inc., which has been or which shall be made, is hereby excepted from the operation of the provisions of §§ 1334.1 to 1334.10, inclusive, Price Schedule No. 16.*

[§ 1334.11 added by supplement September 19, 1941, effective September 20, 1941; 6 F.R. 4843]

§ 1334.12 *Evasion.* The price limitations established by Price Schedule No. 16 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of raw cane sugars, alone or in conjunction with any other commodity or material, or by way of any commission, service, transportation, or other charge, or discounts, premium, or other privilege, or by tying-agreement, or other trade understanding, or by shifting the incidence of a cost which customarily has been borne by the buyer or the seller to the other party to the contract, or by any other means.*

[§ 1334.12 added by amendment January 26, 1942, effective January 26, 1942; 7 F.R. 544]

Issued this 13th day of August, 1941.[1]

LEON HENDERSON,
Administrator.

PART 1333—TIN

REVISED PRICE SCHEDULE NO. 17—PIG TIN

[Issued by Office of Price Administration and Civilian Supply. Adopted by Office of Price Administration]

The Office of Price Administration being charged with the maintenance of price stability and the prevention of undue price rises and economic dislocations, has determined, after full investigation and after conference with representatives of the trade, that the establishment of maximum prices for pig tin is essential in order to accomplish these purposes and is in the interest of national defense and national welfare and that the maximum prices set forth herein are fair and reasonable.

This action is necessary because the current situation in the Far East, from which the United States imports almost all metallic tin used in this country, makes uncertain the continuance of an adequate supply of this strategic metal. An increased demand, accompanied by a fear of a decrease in supply, has already had an inflationary effect upon the price of tin and threatens to exert even greater inflationary pressure in the future.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1333.1 *Maximum prices for pig tin.* On and after August 16, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1333.4 hereof, no person shall sell, offer to sell, deliver or transfer, pig tin, and no person shall buy, offer to buy, or accept delivery of pig tin at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1333.10.*

*§§ 1333.1 to 1333.10, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1333.2 *Less than maximum prices.* Lower prices than those set forth in § 1333.10, Appendix A, may be charged, demanded, paid or offered.*

§ 1333.3 *Evasion.* The price limitations set forth in Price Schedule No. 17 shall not be evaded either by direct or indirect methods in connection with a purchase, sale, delivery, or transfer, of pig tin alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1333.4 *Exemption from Price Schedule No. 17 of firm commitments entered into prior to August 16, 1941.* Firm commitments entered into prior to August 16, 1941, for the sale of pig tin at prices higher than the maximum prices established in Price Schedule No. 17, may be completed at contract prices provided that:

(a) Full details of each such commitment and such other pertinent information as may be requested, be reported by the seller to the Office of Price Administration on or before August 30, 1941, on forms which may be obtained from said Office, and

(b) All deliveries at prices higher than the maximum prices established by Price Schedule No. 17 be completed on or before December 31, 1941, or such later date as may be permitted upon application made in each such case to the Office of Price Administration.*

§ 1333.5 *Records.* Every person making purchases or sales of pig tin on or after August 16, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than five years, complete and accurate records of (a) every such purchase and sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity, in pounds or tons, of each kind or grade purchased or sold, and (b) the quantity, in pounds or tons, of pig tin (1) on hand, and (2) on order, as of the close of each calendar month.*

§ 1333.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions contained in Price Schedule No. 17, or in the event of any evasion or attempt to evade the price limitations or other provisions contained in Price Schedule No. 17, this Office will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who conform with Price Schedule No. 17. Persons who have evidence of the offer, receipt, demand or payment of prices above those herein set forth, or of any evasion of or effort to evade the provisions hereof, or of speculation, or manipulation of prices of pig tin for which maximum prices are herein established, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1333.7 *Modification of Price Schedule No. 17.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 17 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

[1] Issued: 6 F.R. 4063, Supplement 1: 6 F.R. 4371. Supplement 2: 6 F.R. 4843. Amended: 6 F.R. 5469; 7 F.R. 123, 544.

§ 1333.8 *Definitions.* When used in Price Schedule No. 17, the term:

(a) "Person" includes an individual, partnership, association, corporation or other business entity.

(b) "Pig tin" means pig tin of the kinds and grades set forth in § 1333.10, Appendix A, of Price Schedule No. 17.

§ 1333.9 *Effective date of Price Schedule No. 17.* This Schedule (§§ 1333.1 to 1333.10, inclusive) shall become effective August 16, 1941.*

§ 1333.10 *Appendix A: Maximum prices for pig tin*—(a) *Maximum prices for standard grades of pig tin.*

Grade	Maximum price (per pound)
A. 99.80% or higher percentage of purity, meeting specifications set forth in "Specifications and Proposals for Supplies, No. S-14", issued December 15, 1939, by the U. S. Treasury Department, Procurement Division, except that pig tin of this grade need not be free of scrap and remelted metal	$0.52
B. 99.75% to 99.79% pure, inclusive; and 99.80% or higher percentage of purity which does not otherwise meet the specifications of Grade A	.51625
C. Cornish Refined	.51625
D. 99.00% to 99.74% pure, inclusive	.51125
E. Below 99% pure	.51 for tin content

(b) *Differentials for freight rates.* The above maximum prices are, in the case of foreign pig tin, ex dock or store, Port of New York, and, in the case of domestic pig tin, ex producer's plant. The maximum prices of foreign pig tin which is imported through ports of entry other than the Port of New York shall be ex dock or store at the actual port of entry and shall be as much more or as much less than the above prices as the ocean freight from the point of shipment to the actual port of entry exceeds or is less than the ocean freight from such point of shipment to the port of New York. Foreign pig tin which is physically present at or is sold for shipment from a point other than the port at which it was entered, and domestic pig tin which is physically present at or is sold for shipment from a point other than the producer's plant, may be sold at prices, f. o. b. such point of physical presence or of shipment, which exceed the above maximum prices by no more than the domestic shipping charges which have actually been paid or must be paid in order to transport such pig tin to such point of physical presence or of shipment.

(c) *Differentials for sales in lots of less than five gross tons.*

For sales of pig tin in lots of:	There may be added to the maximum price (cents per pound)
2,240 to 11,199 pounds, inclusive	1
1,000 to 2,239 pounds, inclusive	1½
500 to 999 pounds, inclusive	2½
Under 500 pounds	3

[§ 1333.10 as amended September 19, 1941, effective September 19, 1941; 6 F.R. 4821]

Issued this 14th day of August 1941.[1]

LEON HENDERSON,
Administrator.

[1] Issued: 6 F.R. 4076. Amended: 6 F.R. 4821.

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PART 1339—BURLAP AND BURLAP PRODUCTS

REVISED PRICE SCHEDULE NO. 18—BURLAP

[Issued by Office of Price Administration and Civilian Supply. Adopted by Office of Price Administration]

Burlap, virtually all of which is imported from India, is widely used for packaging feed, fertilizer, and agricultural and industrial products. It is also extensively employed in the manufacture of floor covering, furniture, and other goods.

During the past twelve months prices of spot burlap in New York have risen more than one hundred percent. These increases, which have raised the price of burlap considerably above the highest prices in recent years, have added unjustifiable costs to American agriculture as well as to industry and the ultimate consumer.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1339.1 *Maximum prices for burlap.* On and after August 16, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1339.4 hereof, no person shall sell, offer to sell, deliver, or transfer burlap, and no person shall buy, offer to buy, or accept delivery of burlap at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1339.11.*

*§§ 1339.1 to 1339.11, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1339.2 *Less than maximum prices.* Lower prices than those set forth in § 1339.11, Appendix A, may be charged, demanded, paid, or offered.*

§ 1339.3 *Evasion.* The price limitations set forth in Price Schedule No. 18 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of burlap, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1339.4 *Permission to carry out contracts entered into prior to August 16, 1941.* Any person who, prior to August 16, 1941, has entered into a contract of sale or other firm commitment calling for the delivery or transfer after that date of burlap at prices higher than the established maximum prices, may make application to the Office of Price Administration, on Form 118:1 provided for that purpose, for permission to carry out such contract or commitment at the contract price. Such permission will be granted only to the extent necessary to protect the applicant against loss in the disposition of inventory acquired prior to August 16, 1941, at prices higher than the established maximum prices and held by the applicant on that date. Such application shall be filed with the Office of Price Administration on or before October 1, 1941.*

§ 1339.5 *Records.* Every person making purchases or sales of burlap after August 16, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, the quantity of each kind or construction, and the type of transaction (i. e., spot or afloat).*

§ 1339.6 *Affirmations of compliance.* On or before September 10, 1941, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month, has sold, or delivered, or purchased, or accepted delivery of burlap, shall submit to the Office of Price Administration an affirmation of compliance on Form 118:2 containing a sworn statement that during the month all such sales, purchases, or deliveries were made at prices in conformity with Price Schedule No. 18 or with any exception or modification thereof. Copies of Form 118:2 can be procured from the Office of Price Administration, or, provided that no change is made in the style or content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1339.7 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions contained in Price Schedule No. 18 or in the event of any evasion or attempt to evade the price limitations or other provisions contained in Price Schedule No. 18, this Office will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who conform with Price Schedule No. 18. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of burlap for which maximum prices are herein established, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.

§ 1339.8 *Modification of Price Schedule No. 18.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 18 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1339.9 *Definitions.* When used in Price Schedule No. 18, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Burlap" means jute burlap (whether new, stained, second hand, or re-sewn) of the constructions listed in § 1339.11, Appendix A, when either (1) in the United States available for immediate delivery or (2) aboard vessels en route to the United States.*

[§ 1339.9 as amended February 7, 1942, effective February 7, 1942; 7 F.R. 906]

§ 1339.10 *Effective date of Price Schedule No. 18.* This Price Schedule (§§ 1339.1 to 1339.11, inclusive) shall become effective August 16, 1941.*

§ 1339.11 *Appendix A: Maximum prices for burlap.* There are two maximum prices for the enumerated constructions of burlap established by Price Schedule No. 18, depending upon the date of *actual delivery* of the burlap to the purchaser. For burlap actually delivered on or before December 31, 1941, the maximum prices which may be paid are the prices set forth in Column I. For burlap delivered after that date, the maximum prices are the prices set forth in Column II.

Prices per yard, ex dock port of discharge, duty paid

Construction	I Maximum prices for deliveries made on or before December 31, 1941	II Maximum prices for deliveries made on and after January 1, 1942
40" 7½ oz	8.40¢	8.00¢
40" 8 oz	8.90¢	8.50¢
40" 10 oz	11.10¢	10.60¢
40" 10½ oz	11.50¢	11.00¢
36" 7½ oz	7.85¢	7.40¢
36" 8 oz	8.15¢	7.70¢
36" 10 oz	10.15¢	9.70¢
40" 9 oz	10.10¢	9.65¢
36" 9 oz	9.15¢	8.70¢
40" 12 oz	13.35¢	12.70¢
36" 12 oz	12.15¢	11.55¢
45" 7½ oz	9.55¢	9.10¢
45" 8 oz	10.00¢	9.50¢
45" 10 oz	12.50¢	11.95¢
32" 7½ oz	6.95¢	6.60¢
32" 10 oz	9.15¢	8.70¢
32" 8 oz	7.25¢	6.90¢

The maximum prices set forth above are for burlap sold or delivered in quantities of 25 bales or more. For burlap sold in quantities of less than 25 bales the customary premiums may be charged, but in no case shall the prices f. o. b. shipping point exceed the maximum prices set forth above plus ten percent.

The maximum prices established by Price Schedule No. 18 do not apply to burlap sold in quantities of less than one bale.*

The maximum price for re-sewn burlap which contains more than one of the above constructions shall be the maximum price for the construction contained therein which has the lowest established maximum price.*

[The last paragraph of § 1339.11 added by amendment February 7, 1942, effective February 7, 1942; 7 F.R. 906]

Issued this 15th day of August 1941.[1]

LEON HENDERSON,
Administrator.

PART 1312—LUMBER AND LUMBER PRODUCTS

REVISED PRICE SCHEDULE NO. 19—SOUTHERN PINE LUMBER

[Issued by the Office of Price Administration and Civilian Supply and adopted by the Office of Price Administration]

Southern pine lumber is widely used in the construction industry for exterior and interior finish, framing, millwork, sheathings, floorings, and sub-floorings and in the manufacture of motor vehicles, low grade furniture, and household and farm appliances. In the defense program it has been extensively employed in the construction of cantonments, defense housing projects, and factories. The increased use of southern pine lumber stemming from the defense program and the accompanying expanded economic activity has caused demand to exceed supply. As a consequence, inflationary pressure has caused prices to rise greatly in excess of previously existing industry levels. Such price increases have markedly outstripped cost advances. Warnings to industry members to reduce prices to reasonable levels have failed to secure more than temporary price reductions. Those producers who have manifested a willingness to cooperate with the Government have been unable effectively to keep prices down because of the large number of operators who have consistently maintained high prices. Under these circumstances, voluntary cooperation with the request of the Office of Price Administration to maintain reasonable prices would subject those complying with the request to unjust discrimination.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1312.26 *Maximum prices for Southern pine lumber.* On and after November 24, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1312.33 hereof, no person shall sell, offer to sell, deliver, or transfer, for domestic or export use, any southern pine lumber, where the shipment originates at the mill rather than at a distribution yard, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1312.34: *Provided*, That in the case of retail sales as defined in § 1312.32, where the shipment originates at a mill rather than at a distribution yard, a mark-up of not more than $3.50 per 1,000 feet board measure may be added to the maximum prices set for in § 1312.34, Appendix A.*

[§ 1312.26 as amended November 18, 1941, effective November 24, 1941; 6 F.R. 5876]

*§§ 1312.26 to 1312.34, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1312.27 *Less than maximum prices.* Lower prices than those set forth in § 1312.34, Appendix A, may be charged, demanded, paid, or offered.*

§ 1312.28 *Evasion.* The price limitations set forth in Price Schedule No. 19 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of southern pine lumber, alone or in conjunction with any other material; or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege; or by tying-agreement, or other trade understanding; or by making terms or conditions of sale more onerous than those in effect or available to the purchaser on September 5, 1941; or by unnecessarily routing lumber through a distribution yard; or by unreasonable refusing to ship except in mixed cars or trucks, or in specified lengths, or under other circumstances entitling the seller to a premium; or by charges for delivery which exceed the actual cost to the seller of such delivery; or by falsely or wrongly grading or invoicing lumber; or by grading as a special grade lumber which can be graded as a standard grade; or by any other means.*

[§ 1312.28 as amended November 18, 1941, effective November 24, 1941; 6 F.R. 5876]

§ 1312.29 *Records and reports.* Every person who, during any calendar month, shall sell 34,000 pounds or more of southern pine lumber for shipment originating at the mill shall keep for inspection by the Office of Price Administration, for a period of not less than one year, a complete and accurate record of every such sale made during such month, showing the date thereof, the name and address of the buyer, the prices, and the quantities and grades sold.

Persons affected by Price Schedule No. 19 shall submit such reports to the Office of Price Administration as it may from time to time require.*

[§ 1312.29 as amended November 18, 1941, effective November 24, 1941; 6 F.R. 5876]

§ 1312.30 *Enforcement.* In the event of refusal or failure to abide by the price limitations and other provisions contained in Price Schedule No. 19, or in the event of any evasion or attempt to evade the price limitations or other provisions contained in Price Schedule No. 19, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who conform to Price Schedule No. 19, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 19. Persons who have evidence of the demand of prices above the limitations set forth, of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of southern pine lumber, or the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

[§ 1312.30 as amended November 18, 1941, effective November 24, 1941; 6 F.R. 5876]

§ 1312.31 *Modification of Price Schedule No. 19.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 19 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 19.*

[§ 1312.31 as amended November 18, 1941, effective November 24, 1941; 6 F.R. 5876]

§ 1312.32 *Definitions.* When used in Price Schedule No. 19, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity. The term includes, without restricting the generality of the foregoing, any mill operator, manufacturer, commission salesman, manufacturer's representative, concentration yard operator, wholesaler, wholesale distributor, wholesaler's agent, or retailer.

(b) "southern pine" means the species of shortleaf pine (Pinus eschinata), loblolly pine (Pinus taeda), slash pine (Pinus caribaea), such longleaf pine (Pinus palustris) as contains less than six annual rings per inch and less than one-third summerwood, or any other Pinus species known commercially as "southern pine."

[Paragraph (b) as corrected November 21, 1941, effective November 24, 1941; 6 F.R. 5935]

(c) "Mill" means a manufacturing plant, concentration yard, or other establishment which sells less than 75 percent of the volume of its southern pine lumber at retail and which processes, by sawing, or by planing or other comparable method, at least 25 percent of the volume of southern pine logs or lumber purchased or received by it.

[Paragraph (c) as amended September 3, 1941, effective September 5, 1941; 6 F.R. 4588]

(d) "Distribution yard" means a wholesale or retail lumber yard which purchases or receives southern pine logs or lumber from a producer, a mill, or another distribution yard for purposes of unloading, sorting, and resale or redistribution, which regularly maintains a stock of lumber, and which (1) processes, by sawing, or by planing or other comparable method, less than 25 percent of the volume of such logs or lumber so purchased or received by it, or (2) regardless of the percentage of such processing, sells more than 75 percent of the volume of its southern pine lumber at retail.

[Paragraph (d) as amended September 3, 1941, effective September 5, 1941; 6 F.R. 4588]

(e) "Retail sale" means a sale which satisfies all of the following tests:

(1) It must be a sale of lumber to a consumer or contractor for use in building, construction, remodeling, repair, maintenance, or fabrication, and not for resale in substantially the same form.

(2) It includes only sales in less than carload quantities. Where shipment is by water or by truck, the maximum retail sale quantity shall be 20,000 feet board measure. For the purpose of this subparagraph, the size of the sale is determined by the size of the order.

(3) The sale must be accompanied by the following services: delivery to the job site or other point specified by the purchaser, and at such times and in such quantities as the purchaser specifies; tallying and checking; the privilege of exchanging goods and returning unused material; and the readiness and ability of the seller to replace deficiencies and adjust complaints from stocks kept on hand for such purposes.

[Paragraph (e) as amended November 18, 1941 effective November 24, 1941; 6 F.R. 5876]

(f) "Volume" means the board foot volume of lumber processed from logs, processed from other lumber, or sold, as the case may be, within the six months immediately prior to the transaction subject to Price Schedule No. 19.

[Paragraph (f) added by amendment September 3, 1941, effective September 5, 1941; 6 F.R. 4588]

(g) "Deliver" means to make physical transfer of lumber to a purchaser, or to a carrier, not owned or controlled by the seller, for carriage to a purchaser to whom the lumber has been previously sold.*

[Paragraph (g) added by amendment November 18, 1941, effective November 24, 1941; 6 F.R. 5876]

§ 1312.33 *Effective date of Price Schedule No. 19.* [This Schedule (§§ 1312.26 to 1312.34, inclusive) shall become effective September 5, 1941]

§§ 1312.26, 1312.28, 1312.29, 1312.30, 1312.31, 1312.32, 1312.33, and 1312.34, as amended, shall become effective November 24, 1941: *Provided*, That firm commitments entered into prior to November 24, 1941, for the sale of any southern pine lumber covered by Price Schedule No. 19 prior to November 24, 1941, at prices not exceeding the maximum prices established by such Price Schedule No. 19, may be completed at the contract price.*

§ 1312.34 *Appendix A: Maximum prices for Southern pine lumber*—(a) *Maximum f. o. b. mill prices per 1,000 feet board measure.*

BOARDS AND STRIPS (ROUGH GREEN)

Grade	Standard length[1]	8' length	10' length	12' length	14' length	16' length	18' and 20' length
No. 1:							
1 x 3	$34.00	$34.00	$35.00	$35.00	$37.00	$38.50	$37.00
1 x 4	32.00	32.00	33.00	33.00	33.00	34.50	35.00
1 x 6	32.00	32.00	33.00	33.00	33.00	34.50	35.00
1 x 8	33.00	33.00	34.00	34.00	34.00	35.50	36.00
1 x 10	37.00	36.00	36.00	36.00	36.00	37.50	38.00
1 x 12	43.00	43.00	44.00	44.00	44.00	45.50	46.00
No. 2:		6' and 8'					
1 x 2 and 3	26.00	26.00	27.50	28.00	28.00	28.50	30.00
1 x 4	26.00	26.00	27.50	27.00	27.50	28.00	27.00
1 x 6	25.00	25.00	26.50	27.00	27.50	28.00	30.00
1 x 8	25.00	25.00	26.50	27.00	27.50	28.00	30.00
1 x 10	25.50	25.50	28.50	28.50	29.00	29.50	31.50
1 x 12	30.00	30.00	33.00	33.50	34.00	34.50	37.50
No. 3:							
1 x 4	19.00	19.00	20.50	21.00	21.00	21.50	23.00
1 x 6	20.00	20.00	21.50	22.00	22.50	23.00	25.00
1 x 8	20.00	20.00	21.50	22.00	22.50	23.00	25.00
1 x 10	20.50	20.50	23.50	24.00	24.50	24.50	26.50
1 x 12	21.00	21.00	24.00	24.50	25.00	25.50	28.50

Additions to Rough Green Prices:
For Rough, Air Dried, add $2.00.
For Rough, Kiln Dried, add $3.00.
For S1S, S2S, S3S, S4S, S2S A Matched, or Shiplap, Standard or Thinner, add $1.00.
For Ripping or Resawing, add $1.00 per 1,000 board feet for each cut.
For Chemical Anti-Stain Treatment, add 50c to the Green or Air Dried prices but not to Kiln Dried prices.
Where a restricted Standard Length is specified, 8' to 16' or longer, a $1.00.
Odd lengths or Fractional lengths shall be counted and priced as next longest even length.

[1] Standard Lengths are 4' to 20' inclusive, in multiples of 2', and the following percentage of short lengths may be included in all shipments in which the lengths are not specifically restricted:
No. 1 ..... 5% 8-foot.
No. 2 ..... 5% 4-foot.
5% 6-foot.
5% 8-foot.
No. 3 and No. 4—8" and wider ..... 5% 4-foot.
5% 6-foot.
5% 8-foot.
No. 3 and No. 4—3" to 6" widths may be 25% under 10-foot.

DIMENSION (ROUGH GREEN)

Grade	Random length	8' length	9' length	10' length	12' length	14' length	16' length	18' length	20' length	22' and 24' length
No. 1:										
2 x 3	$31.00	$31.00	$32.00	$31.00	$31.00	$32.00	$33.00	$34.50	$35.50	- -
2 x 4	30.00	30.00	31.00	30.00	30.00	31.00	32.00	33.50	34.50	$40.00
2 x 6	29.00	29.00	30.00	29.00	29.00	30.00	30.50	32.50	33.50	39.00
2 x 8	30.00	30.00	31.00	30.00	30.00	31.00	31.50	33.50	34.50	40.00
2 x 10	33.50	33.50	33.50	35.00	35.00	35.00	36.00	36.50	41.50	46.00
2 x 12	35.50	35.50	35.50	37.00	37.00	37.00	38.00	41.50	43.50	48.00
No. 2:										
2 x 3	27.00	27.00	28.00	27.00	27.00	28.00	29.00	30.50	31.50	- -
2 x 4	26.00	26.00	27.00	26.00	26.00	27.00	28.00	29.50	30.50	36.00
2 x 6	24.00	24.00	25.00	24.00	24.00	25.00	25.50	27.50	28.50	34.00
2 x 8	25.00	25.00	26.00	25.00	25.00	26.00	26.50	28.50	29.50	35.00
2 x 10	26.50	26.50	27.50	29.50	28.50	28.50	28.50	32.00	34.00	39.50
2 x 12	28.50	28.50	29.50	29.50	29.50	30.50	34.00	35.00	40.50	
No. 3:										
2 x 3	19.00	20.00	21.00	20.00	20.00	21.00	22.00	23.50	24.50	- -
2 x 4	18.00	19.00	20.00	19.00	19.00	20.00	21.00	22.50	23.50	- -
2 x 6	16.00	17.00	18.00	17.00	17.00	18.00	18.50	20.50	21.50	- -
2 x 8	17.00	18.00	19.00	18.00	18.00	19.00	19.50	21.50	22.50	- -
2 x 10	18.50	19.50	20.50	22.50	21.50	21.50	21.50	25.00	27.00	- -
2 x 12	20.50	21.50	22.50	22.50	22.50	22.50	23.50	27.00	28.00	- -

Additions to Rough Green prices:
For Rough, Air Dried, add $2.00.
For Rough, Kiln Dried, add $3.00.
For S1S, S2S, S3S, S4S, add $1.00.
For working to Shiplap, Center Match, Dressed and Matched, or Grooved, add $2.00 to Rough prices.
For Ripping or Resawing, add $1.00 per 1,000 board feet for each cut.
For Chemical Anti-Stain Treatment, add 50c to Green or Air Dried prices but not to Kiln Dried prices.
Random Lengths may be 8' to 16' or longer.
Odd or Fractional Lengths, except 9', shall be counted and priced as next longest even length.

[1] Issued: 6 F.R. 4145, August 19, 1941. Amended: 7 F.R. 906, February 10, 1942.

§ 1312.34 *Appendix: Maximum prices for Southern pine lumber—(a) Maximum f. o. b. mill prices per 1,000 feet board measure*—Continued.

FLOORING (NO HEART SPECIFICATION), PLAIN END, KILN DRIED, STANDARD LENGTHS[1]

	No. 1 common			No. 2 common		
	8' to 16'	18' and 20'	8' to 16'	18' and 20'		
Edge grain:						
1 x 3	$32.00	$36.00	$29.00	$33.00		
1 x 4	30.00	34.00	27.00	31.00		
Near edge grain:						
1 x 3	32.00	36.00	28.00	32.00		
1 x 4	34.00	38.00	30.00	34.00		
Flat grain:						
1 x 3	35.00	39.00	31.00	35.00		
1 x 4	40.00	44.00	36.00	40.00		

Add $2.00 for Shiplap or T&G.
Add $4.00 for Beveling or Outsanding.
For worst edge grain add $1.00 per piece.
Odd or fractional lengths, except 5' and 7' shall be counted and priced as next longest even length.

OAK MATERIAL

	9' length	10' length	12' length	14' length	16' length	18' and 20' length
LINING (KILN DRIED AND DRESSED TO ALL PATTERNS AND SIZES)						
1 x 4 and 1 x 6	$60.00	$55.00	$57.00	$60.00	$62.0	$65.00
Common (Par. 51 A.A.R. Rules):	40.00	35.00	37.00	40.00	42.00	45.00
1 x 4 and 1 x 6						
VERTICAL SHEATHING (KILN DRIED AND DRESSED TO ALL PATTERNS AND SIZES)						
Select (Par. 51 A.A.R. Rules):	$60.00	$55.00	$57.00	$60.00	$62.00	$65.00
1 x 4 and 1 x 6	50.00	45.00	47.00	50.00	52.00	55.00
Common (Par. 54 A.A.R. Rules):						
1 x 4 and 1 x 6						
LONGITUDINAL SHEATHING (KILN DRIED AND DRESSED TO ALL PATTERNS AND SIZES)						
Select (Par. 53 A.A.R. Rules):	$67.00	$57.00	$57.00	$57.00	$62.00	$67.00
2 x 4	72.00	62.00	62.00	62.00	67.00	72.00
2 x 6						
Common (Par. 54 A.A.R. Rules):	47.00	42.00	42.00	42.00	45.00	47.00
2 x 4	52.00	47.00	47.00	47.00	50.00	52.00
2 x 6						
FLOORING DECKING (KILN DRIED OR AIR DRIED AND DRESSED TO ALL PATTERNS AND SIZES)						
Common (Par. 58 A.A.R. Rules):[1]	$44.50	$42.50				
2 x 6 and 2 x 8	47.50	45.50				
2 x 6, 2 x 8, and 3" x 6" and 8"
For Deluxe Flooring (Decking) Add $2.50.						

For final inspection at the point of destination, rather than at the shipping point, add $1.00.
For mixed car shipments, $1.00 additional per 1,000 feet board measure may be charged. A mixed car shipment consists of three or more items as hereinafter defined, provided at least three items amount to not less than 2,000 board feet each, or at least six items amount to not less than 1,000 board feet each, or at least twelve items amount to not less than 500 board feet each. A mixed truck shipment consists of three or more items as hereinafter defined, provided at least three items amount to not less than 2,000 board feet each, or at least six items amount to not less than 1,000 board feet each, or at least twelve items amount to not less than 500 board feet each. An item consists of one width, thickness, or pattern of finish, casing, base, mouldings, partition, ceiling, siding, plain end flooring, end matched flooring, shiplap, boards, strips, dimension, or timbers.

Prices for material in all grades shall be the prices for the A. A. R. grade and specification which most closely corresponds to the grade and specification of the car material item involved in the sale governed by this Schedule.
Odd and fractional lengths, except 9', shall be counted and priced as next longest even length.

[1] Specifications for car material (designated above as "AAR Rules") correspond to the specifications issued by the Association of American Railroads as set forth in its pamphlet M 907-33, adopted, 1910; revised, 1933.

(b) For mixed car or mixed truck shipments, $1.00 additional per 1,000 feet board measure may be charged. A mixed car shipment consists of three or more items as hereinafter defined, provided at least three items amount to not less than 2,000 board feet each, or at least six items amount to not less than 1,000 board feet each, or at least twelve items amount to not less than 500 board feet each. A mixed truck shipment consists of three or more items as hereinafter defined, provided at least three items amount to not less than 2,000 board feet each, or at least six items amount to not less than 1,000 board feet each, or at least twelve items amount to not less than 500 board feet each. An item consists of one width, thickness, or pattern of finish, casing, base, mouldings, partition, ceiling, siding, plain end flooring, end matched flooring, shiplap, boards, strips, dimension, or timbers.

(c) For export sales, an addition of not more than $3.50 per 1,000 feet board measure may be charged for the services of switching, unloading at the dock, tallying, marking, and dock insurance.

(d) A delivered price in excess of the maximum f. o. b. mill prices set forth in (a) hereof may be charged, consisting of such maximum prices plus actual transportation costs to the extent that such costs are paid by the seller. In computing such actual transportation costs, the parties may adopt the practice of charging a sum equivalent to the one-quarter of a dollar nearest to such actual transportation costs. In addition, they may adopt the estimated average weights of southern pine per thousand feet board measure (worked to standard sizes unless otherwise indicated) as follows:[1]

BOARDS AND STRIPS

1 x 2" to 1 x 10" Rough	3,200
1 x 12" Rough	3,300
1 x 2" to 1 x 10" S1S or S2S 25/32"	2,500
1 x 12" S1S or S2S 25/32"	2,600
1 x 2" to 1 x 10" S3S or S4S 25/32"	2,400
1 x 12" S3S or S4S 25/32"	2,500
1 x 2" to 1 x 4" D&M	1,900
1 x 6" D&M or Shiplap	2,200
1 x 8" to 1 x 10" D&M or Shiplap	2,300
1 x 12" D&M or Shiplap	2,400
For 3/4" dressed boards, deduct	100
For 7/8" boards, all workings, deduct	500
For 11/16" boards, all workings, deduct	300
For 13/16" boards, all workings, add	100
For resawing, deduct for each cut	200
For Ripping, no deduction	-----
For 1¼" and 1½", add	300

DIMENSION

(2" Dimension, Factory Flooring, and Roof Decking)

2 x 4" to 2 x 12" Rough green	4,500
2 x 4" to 2 x 12" Green, dressed 1⅝"	3,800
2 x 2" to 2 x 8" Rough	3,300
2 x 10" & 2 x 12" Rough	3,400
2 x 2" to 2 x 8" Dressed to 1⅝"	2,500
2 x 10" & 2 x 12" Dressed to 1⅝"	2,600
For 1¾", add	400
For D&M, SL & Gr. for splines, deduct	200

FLOORING

(Plain End and End Matched)

1 x 8" (for Hollow Back deduct 100 lbs.)	1,800
1 x 4" (for Hollow Back deduct 100 lbs.)	1,900

DROP SIDING

1 x 6" (Pat. 116)	2,000
1 x 8" (Pat. 116)	2,100
1 x 6" (Pat. 117)	1,700
1 x 8" (Pat. 117)	1,800
1 x 6" (other patterns)	1,800
1 x 8" (other patterns)	1,900
Bevel and SE Siding from 1"	1,000
Bevel and SE Siding from 1¼"	1,300

STANDARD BEADED OR V-GROOVED CEILING

11/16"	1,700
3/4"	1,800
9/16"	1,400

[1] The figures given refer to dry weight, except where otherwise specified.

TIMBERS

(Heavy Joists, Timbers, etc. [over 2" thick])

Rough, green	4,500
S4S ¼" scant, green	4,200
S4S ⅜" scant, green	4,000
S4S ½" scant, green	3,800
T&G, SL & Gr. for splines, deduct	300

CAR MATERIAL

VERTICAL SHEATHING, LINING

4" and 6" 13/16 T&G	2,200
4" and 6" 13/16 S2S	2,600
For 25/32" thickness, deduct	100

LONGITUDINAL SHEATHING

4" T&G 1¾"	2,400
4" T&G 1⅝"	2,300
4" T&G 1½"	2,100
4" S2S to 1¾"	2,900
4" S2S to 1¾"	2,900
4" S2S to 1½"	2,500
6" T&G to 1¾"	2,500
6" T&G to 1⅝"	2,400
6" T&G to 1½"	2,200
6" S2S to 1¾"	2,900
6" S2S to 1⅝"	2,700
6" S2S to 1½"	2,500

FLOORING (CAR DECKING)

6" and 8", S2S to 1¾, 2½, 2¾, and 3", Dry	3,000
6" and 8", S2S to 1¾, 2½, 2¾, and 3", Green	4,200
6" and 8", S2S and T&G to 2½, 2¾, and 3", Dry	2,700
6" and 8", S2S and T&G to 1¾, 2½, 2¾, and 3" Green	3,500
6" and 8", S2S and T&G to 1¾", Dry	2,600
6" and 8", S1S1⅛" scant, Dry	3,200
Rough, Green	4,500
Rough, Dry	3,400

[§ 1312.34 as amended November 18, 1941, effective November 24, 1941; 6 F.R. 5876]

Issued this 16th day of August, 1941.[1]

LEON HENDERSON,
Administrator.

[1] Issued: 6 F.R. 4142. Amended: 6 F.R. 4588, 5876. Corrected: 6 F.R. 4935.

PART 1309—COPPER

REVISED PRICE SCHEDULE NO. 20—COPPER AND COPPER ALLOY SCRAP[2]

[Issued by the Office of Price Administration and Civilian Supply. Adopted by the Office of Price Administration]

[The provisions of Price Schedule No. 20, shown in small type are in force and effect until February 27, 1942, when they are superseded by the provisions shown in larger type]

The Office of Price Administration is charged with the maintenance of price stability and the prevention of undue price rises and price dislocation. Copper scrap is a basic material for the production of electrolytic copper, copper ingot and copper alloy ingot, all of which are important in the manufacture of many defense products. Requirements of the defense program have increased the demand for copper scrap causing its price to rise above levels which are in proper relation to the price level of primary materials. Price instability and dislocations injurious to the national defense and civilian economy have resulted. As a consequence, it has become difficult and in some cases impossible for the trade to cooperate with the Government in preventing inflationary price movements. On the basis of information secured by independent investigation by this Office, and after consultation with the trade, I find that the maximum prices set forth below constitute reasonable limitations on the price of copper and copper alloy scrap.

[Preamble as amended February 5, 1942, effective February 27, 1942; 7 F.R. 815]

Therefore, under the authority vested in me by Executive Order 8734, it is hereby directed that:

§ 1309.61 *Maximum prices for copper and copper alloy scrap.* On and after October 17, 1941, regardless of the terms of any contract of sale or purchase or other commitment, except as provided in §§ 1309.64 and 1309.69 hereof, no person shall sell, offer to sell, deliver, or transfer copper scrap, and no person shall buy, offer to buy, or accept delivery of copper scrap at prices higher than the maximum prices set forth in Appendix A hereof incorporated herein as § 1309.70.*

[Preceding § 1309.61, as amended October 10, 1941, effective October 17, 1941, in small type, superseded by following § 1309.61]

§ 1309.61 *Maximum prices for copper and copper alloy scrap.* On and after February 27, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no person shall sell, offer to sell, deliver, or transfer copper or copper alloy scrap to a consumer, and no consumer shall buy, offer to buy, or accept delivery of copper or copper alloy scrap at prices higher than the maximum prices set forth in Appendix A hereof incorporated herein as § 1309.69.*

[§ 1309.61 as amended February 5, 1942, effective February 27, 1942; 7 F.R. 815]

[*§§ 1309.61 to 1309.70, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483]

*§§ 1309.61 to 1309.69, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1309.62 *Less than maximum prices.* Lower prices than those set forth in § 1309.69, Appendix A, may be charged, demanded, paid, or offered.*

§ 1309.63 *Evasion.* The price limitations set forth in this Schedule shall not be evaded whether by direct or indirect methods in

[2] Title changed from "Copper Scrap" by amendment February 5, 1942, effective February 27, 1942; 7 F.R. 815.

connection with a purchase, sale, delivery or transfer of copper scrap, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying agreement or other trade understanding, or otherwise.*

[Preceding § 1309.63, in small type, superseded by following § 1309.63]

§ 1309.63. *Evasion.* The price limitations set forth in Price Schedule No. 20 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of copper or copper alloy scrap, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying agreement or other trade understanding, or otherwise.*

[§ 1309.63 as amended, February 5, 1942, effective February 27, 1942; 7 F.R. 815]

§ 1309.64 *Permission to carry out contracts entered into prior to August 19, 1941.* Any person who, prior to August 19, 1941, has entered into a contract of sale or other firm commitment calling for the delivery or transfer after that date, of copper scrap at prices higher than the maximum prices established by this Schedule prior to October 17, 1941, may make application to the Office of Price Administration on forms which will be furnished upon request, for permission to carry out such contract or commitment at the contract price. Such permission will be granted only when necessary to protect the applicant against loss in the disposition of inventory acquired prior to August 19, 1941 at prices higher than the maximum prices heretofore established by this Schedule and held on that date by (a) the applicant, or (b) any other person for delivery to the applicant under a firm commitment entered into with the applicant prior to August 19, 1941. Such application shall be filed with the Office of Price Administration on or before October 19, 1941.*

[Preceding § 1309.64, in small type, revoked by amendment February 5, 1942, effective February 27, 1942; 7 F.R. 815]

§ 1309.65 *Records and reports.* Every person making purchases or sales of copper scrap after August 19, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity in pounds or tons of each kind or grade purchased or sold; and (b) the quantity in pounds or tons of copper scrap (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by this Schedule shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

[Preceding § 1309.65, in small type, as amended October 10, 1941, effective October 17, 1941, superseded by following § 1309.64]

§ 1309.64 *Records and reports.* (a) Every person making purchases or sales of copper or copper alloy scrap on or after February 27, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such purchase or sale showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity in pounds or tons of each kind or grade purchased or sold; and (2) the quantity in pounds or tons of copper or copper alloy scrap (i) on hand, and (ii) on order, as of the close of each calendar month.

(b) On or before the tenth day of each month beginning with the month of March 1942, the consumer shall submit to the Office of Price Administration, Washington, D. C., an affidavit on Form 120:7 covering each delivery of copper or copper alloy scrap received during the preceding calendar month, and setting forth the name of the seller, the point of shipment, the date of delivery, the amount of each grade of scrap received and paid for, the price paid per pound for each such grade of scrap, the total freight paid, and the total amount paid to the seller.

(c) Persons affected by Price Schedule No. 20 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

[§ 1309.64 as amended February 5, 1942, effective February 27, 1942; 7 F.R. 815]

§ 1309.66 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with this Schedule which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of copper scrap, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

[Preceding § 1309.66, in small type, as amended October 10, 1941, effective October 17, 1941, superseded by following § 1309.65]

§ 1309.65 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 20, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 20, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 20; (c) that full advantage will be taken of the cooperation of the various political subdivisions of State, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 20 which may be regarded as grounds for the revocation of licenses and permits; (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 20; and (e) that the War Production Board is requested to withhold priority ratings and allocation of materials from any persons failing to comply with Price Schedule No. 20. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of copper or copper alloy scrap, or of the hoarding or accumulating of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

[§ 1309.65 as amended February 5, 1942, effective February 27, 1942; 7 F.R. 815]

§ 1309.67 *Modification of the Schedule.* Persons complaining of hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

[Preceding § 1309.67, in small type, superseded by following § 1309.66]

§ 1309.66 *Modification of Price Schedule No. 20.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 20 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 20.*

[§ 1309.66 as amended February 5, 1942, effective February 27, 1942; 7 F.R. 915]

§ 1309.68 *Definitions.* When used in this Schedule, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Copper scrap" means the kinds and grades of scrap materials set forth in Appendix A of this Schedule.*

[Preceding § 1309.68, in small type, as amended October 10, 1941, effective October 17, 1941, superseded by following § 1309.67]

§ 1309.67 *Definitions.* When used in Price Schedule No. 20, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Copper and copper alloy scrap" means materials of the kinds and grades listed in paragraph (a) of § 1309.69. These kinds and grades include materials which are the waste or by-product of any kind of metal working as well as articles which have been discarded from use because of obsolescence, failure or other reason, and which are no longer useful for their original purpose

(c) "Consumer" means a person whose business, either in his own plant or on toll, consists in whole or in part, of smelting, refining, melting, or otherwise processing copper or copper alloy scrap into a form other than scrap.

(d) "Point of shipment" means the point at which copper or copper alloy scrap is first loaded on a conveyance for transportation directly to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.*

[§ 1309.67 as amended February 5, 1942, effective February 27, 1942; 7 F.R. 815]

§ 1309.69 *Effective date of the schedule.* (a) This Schedule shall become effective on August 19, 1941.

(b) Contracts of sale or other firm commitments calling for the delivery or transfer of copper scrap entered into between August 19, 1941 and October 17, 1941 at prices in excess of the maximum prices established by the amendments to this Schedule effective October 17, 1941 may be completed at contract prices provided that (1) such prices are not in excess of the maximum prices established by this Schedule prior to October 17, 1941, (2) the copper scrap so delivered or transferred was on hand at the seller's plant or warehouse prior to October 17, 1941, and (3) provided further that a report as to the pertinent terms of all such contracts is furnished to this Office on Form 120:6 prior to November 1, 1941.*

[Preceding § 1309.69, in small type, as amended October 10, 1941, effective October 17, 1941, superseded by following § 1309.68]

§ 1309.68 *Effective date of Price Schedule No. 20.* This Price Schedule (§§ 1309.61 to 1309.69, inclusive), as amended shall become effective on February 27, 1942.*

[§ 1309.68 as amended February 5, 1942, effective February 27, 1941, 7 F.R. 815]

§ 1309.70 *Appendix A: maximum prices.* For the purpose of this Schedule each grade of scrap listed below shall include all kinds and qualities of scrap falling within the broad category listed. However, the maximum prices herein set forth are applicable only to copper scrap which meets maximum standards for such grades generally accepted in the trade, as for instance the standards set forth in the Standard Classification for Old Metals, Circular O of the National Association of Waste Material Dealers, Inc., effective as of June 1, 1940. Scrap which fails to meet such standards shall be sold at a price less than the applicable maximum price. This Schedule does not include copper scrap which is a byproduct of the fabrication of copper sheet, tube, rod or other brass mill products, the maximum prices for which are established by Price Schedule No. 12—Brass Mill Scrap.

(a) *Kind or grade of scrap.*

	Maximum prices per pound of material, f. o. b. point of shipment
No. 1 copper wire	10¢
No. 1 heavy copper	10¢
No. 2 copper wire (containing 96% copper)	9¢
Mixed heavy copper (containing 96%	
Light copper (containing 92% copper)	8¢

If the copper content of No. 2 copper wire or mixed heavy copper scrap is more or less than 96% or if the copper content of light copper scrap is more or less than 92%, the maximum price per pound of material set forth above shall be increased or decreased at the rate of 0.11775 cents for each 1% variation in the copper content with proportionate adjustments for variations of less than 1%.

Prices may be quoted or material invoiced on a delivered price basis. However, if prices are so quoted or material is so invoiced, and the total delivered price exceeds the maximum price fixed by this Schedule, (1) the delivery charge shall be shown as a separate item, (2) the price f. o. b. point of shipment (calculated by subtracting the delivery charge from the total delivered price) shall not exceed the maximum price set forth in this Schedule, and (3) the delivery charge shall not exceed the lowest commercial rate for the most nearly comparable service.

(b) *Premiums.* To the maximum prices set forth above either but not both of the following premiums may be added if the conditions set forth below are fulfilled:

(1) Premium for copper scrap in crucible shape—1¼¢ per pound.

Copper scrap in crucible shape shall include only:

(i) Briquetted No. 1 copper wire. A briquette shall include any compressed, self-adhering bundle whose measurements do not exceed 16 x 10 x 12 inches and which contains nothing but clean, untinned No. 1 copper wire of 16 B & S wire gauge or larger, free from burnt, brittle copper wire and from all foreign substances.

(ii) No. 1 heavy copper scrap, trolley wire, or other copper wire of 16 B & S wire gauge or larger which is (*a*) clean, free from tin, solder, brazing and all other foreign substances, (*b*) cut or bundled in lengths not exceeding 16 inches, and (*c*) in a shape suitable for charging into a crucible or electric furnace.

(2) Premium on shipments of 40,000 pounds or more at one time—½¢ per pound. (This premium shall not apply to copper scrap in crucible shape.)

For the purposes of this premium a shipment of copper scrap may be made up of any kind or kinds of copper scrap listed in this Schedule. If delivery is made by truck, a shipment made "at one time" may include all deliveries made to the buyer within a period of 48 consecutive hours.

(c) *Special-purpose copper scrap.*[1] Copper wire especially selected and prepared for the use of producers of copper sulphate or of other chemicals, copper segments used by makers of copper powder, or any copper scrap prepared for the special use of steel mills, iron foundries, aluminum smelters or any other special user except producers of copper, brass or bronze castings may upon application to the Office of Price Administration be granted a special premium above the maximum prices fixed by this Schedule. This premium shall be granted only (1) if the specified material has normally commanded such a premium because of its special uniformity, purity, or preparation, (2) if the material is sold to the type of user for whom it has been especially prepared, and (3) if the sale to the specific user has been approved by the Office of Price Administration.*

[Preceding § 1309.70, in small type, as amended October 10, 1941, effective October 17, 1941, superseded by following § 1309.69]

[1] Pursuant to this paragraph the Administrator has granted the following special premiums:

a. Metals Refining Company, Hammond, Indiana, by a letter dated December 4, 1941—Permission to purchase not in excess of 120 tons of scrap copper wire per month during the period December 1, 1941 to June 1, 1942 at a price not in excess of 11¼¢ per pound f. o. b. shipping point, such wire to be specially selected and prepared to meet that company's specifications calling for soft copper wire no larger than 6 B & S nor smaller than 18 B & S wire gauge, entirely free from solder ends, insulation, lacquer, ash or any other foreign substance, and packed in loose bales or coils.

b. The Sherwin-Williams Company, Bound Brook, New Jersey, by a letter dated December 22, 1941—Permission to purchase not in excess of 50 tons of scrap copper wire per month during the period November 1, 1941 to June 1, 1942 at a price not in excess of 11¼¢ per pound f. o. b. shipping point, such wire to be specially selected and prepared to meet that company's specifications calling for copper wire containing not less than 98% copper, reasonably free from tin and containing 80% or more of 10 gauge or smaller wire, packed in loose bales, boxes or barrels.

c. Superior Copper Products Company, Chicago, Illinois, by a letter dated December 10, 1941—Permission to purchase not in excess of 120 tons of scrap copper wire per month during the period December 1, 1941 to June 1, 1942 at a price not in excess of 11¼¢ per pound f. o. b. shipping point, such wire to be specially selected and prepared to meet that company's specifications calling for strictly No. 1 copper wire no larger than 8 B & S wire gauge and no smaller than 16 B & S wire gauge, free from all tin, lead, solder, insulation, connections, lugs, et cetera and

§1309.69 *Appendix A: Maximum prices*—(a) *Maximum prices f. o. b. shipping point.*[1]

Index No.[2]	Kinds or grades of scrap[3]	Maximum prices per pound of material
		Cents
1	No. 1 Copper Wire	10.00
1	No. 1 Heavy Copper	10.00
1	No. 2 Copper Wire	9.00
1	Mixed Heavy Copper	9.00
1	Light Copper	8.00
2	Bell Metal	11.50
2	High-grade Bronze Gears	12.75
2	Babbitted-lined Brass Bushings	12.75
2	Red Trolley Wheels	10.75
2	Hard Red Machinery Brass	10.00
2	Soft Red Brass	9.50
2	Soft Red Brass Borings	9.25
2	Aluminum Bronze (Ford) Gears	9.00
3	Unlined Standard Red Car Boxes	8.50
3	Lined Standard Red Car Boxes	8.00
4	Cocks and Faucets	8.25
2	Red Brass Breakage and Red Carburetors with Iron Screws	8.00
5	Old Rolled Brass	8.00
5	Brass Pipe	8.00
5	Clean Fired Rifle Shells	8.00
5	Admiralty Condenser Tubes	7.50
5	Muntz Metal Tubes	7.00
6	Yellow Brass Castings	7.25
6	Heavy Yellow Brass	7.00
6	Cast Yellow Brass Borings	6.75
6	Reflectors	6.75
6	Light Brass	6.50
6	Yellow Brass Breakage	5.50
7	Automobile Radiators	7.50

[1] The prices set forth in this paragraph are the maximum prices f. o. b. freight cars, trucks or other means of transportation at the point of shipment, and include all commissions and service charges. Any copper scrap sold "as is, where is" shall be sold at a price less than the applicable maximum price by an amount reflecting the cost of loading the material into the conveyance for shipment to the buyer.

[2] For the purposes of the quantity premiums defined in paragraph (b) of this section, all kinds or grades preceded by the same index number may be considered as one item.

[3] The prices set forth in this paragraph are the maximum prices for the respective grades of copper and copper alloy scrap which meet the specifications set forth in paragraph (b) of this section. Copper or copper alloy scrap which falls within such grades but which does not meet such specifications must be sold at a price below the applicable maximum price. This Schedule does not include copper or copper alloy scrap which is a byproduct of the fabrication of the new sheet, tube, rod or other brass mill products the maximum prices for which are established by Price Schedule No. 12—Brass Mill Scrap.

[4] If the copper content of No. 2 copper wire or mixed heavy copper scrap is more or less than 96%, or if the copper content of light copper scrap is more or less than 92% the maximum price per pound of material shall be increased or decreased at the rate of 0.1177[5] cents for each 1% variation in copper content with proportionate adjustments for variations of less than 1%.

[5] If soft red brass borings and turnings or cast yellow brass borings and turnings contain more than 2% iron, oil and moisture, the maximum price per pound of material shall be reduced 1% for each 1% of iron, oil and moisture in excess of 2%.

[6] If red brass breakage and red carburetors with iron screws or yellow brass breakage contains more than 10% iron the maximum price per pound of material shall be reduced 1% for each 1% of iron in excess of 10%.

[7] If automobile radiators contain any iron, the maximum price per pound of material shall be reduced 1% for each 1% of iron

(b) *Specifications.* (1) No. 1 Copper Wire shall have a copper content of not less than 98%, shall consist of clean, untinned copper wire or cable not smaller than 16 B&S wire gauge, and must be untangled, free of burnt or unburnt insulation, burnt copper wire which is brittle, and all foreign substances.

(2) No. 1 Heavy Copper shall have a copper content of not less than 98%, shall consist of clean, untinned copper segments not less than ¼ inch thick and must be free of solder and all foreign substances.

(3) No. 2 Copper Wire shall have a copper content of 96%, and shall consist of miscellaneous clean copper wire or cable, which may include tinned wire and soldered ends, but not hair wire nor burnt wire that is brittle.

(4) Mixed Heavy Copper shall have a copper content of 96% and shall consist of clean, tinned and untinned copper pipe and tubing, but must not include any nickel-plated material.

(5) Light Copper shall have a copper content of 92% and shall consist of copper in the form of bottoms of kettles and boilers, stills, bathtub linings, hair wire, bicycle wire, burnt copper wire, roofing copper and similar copper, and must be free of radiators, brass, lead and solder connections, mixed screens, readily removable iron, old electrotype shells, and excessive paint, tar or scale.

(6) Bell Metal shall consist of genuine bell metal containing a minimum of 16% tin.

(7) High-grade Bronze Gears shall consist of clean gears which contain 87 to 90% copper, 9 to 11% tin, and no more than 1% lead, and must be free of leaded, manganese, or aluminum, bronze gears.

(8) Babbit lined Brass Bushings shall consist of clean red automobile and machinery bushings or bearings containing 15 to 20% of genuine babbit, and must be free of iron-backed bearings, iron, and excessive grease or dirt.

(9) Red Trolley Wheels shall consist of genuine red trolley wheels which must be clean and free of bushings, iron and excessive dirt.

(10) Hard Red Machinery Brass shall have a tin content of not less than 6%, shall consist of heavy castings from machinery, such as valves and unlined bushings and bearings, and must be free of all iron, aluminum bronze and manganese bronze.

(11) Soft Red Brass shall consist of miscellaneous red brass castings, and must be free of iron, burnt or melted brass, cocks and faucets, railroad car-boxes and other excessively leaded material, and of aluminum, manganese, and silicon bronze.

(12) Soft Red Brass Borings shall consist of clean red brass borings and turnings, free of aluminum, manganese, and silicon bronze, railroad car box turnings and other excessively leaded material, shall contain a total of not over 2% free iron, oil, or other moisture, and shall be free of grindings and foreign material.

(13) Aluminum Bronze (Ford) Gears shall consist of Ford gears and other bronze gears containing 10 to 12% aluminum.

(14) Unlined Standard Red Car Boxes shall consist of railroad boxes or car journal bearings, and must be free of yellow boxes, iron-backed boxes, linings, and excessive dirt or grease.

(15) Lined Standard Red Car Boxes shall consist of lined railroad boxes or lined car journal bearings and must be free of yellow boxes, iron-backed boxes, excessive dirt and grease.

(16) Cocks and Faucets shall consist of clean mixed red and yellow cocks and faucets containing a minimum of 35% of red faucets, and must be free of gas cocks, beer faucets, porcelain, dirt, and iron.

(17) Red Brass Breakage and Red Carburetors with Iron Screws shall consist of red brass containing not in excess of 10% free iron and must be free of die cast, yellow, or iron carburetors.

(18) Old Rolled Brass shall consist exclusively of old pieces of sheet brass and must be free from solder, tinned and nickel-plated material, paint, corrosion, dirt, iron, ship sheathing, rod brass, and Muntz metal material.

(19) Brass Pipe shall consist of sound, clean brass pipe and tubing, and must be free of sediment, plated, tinned, or soldered pipe, pipe with cast brass connections, condenser tubes, Muntz metal and Admiralty tubing.

(20) Clean Fired Rifle Shells shall consist exclusively of fired rifle shells, and must be free of unfired shells, gun shells containing paper, and dirt.

(21) Admiralty Condenser Tubes shall consist of sound Admiralty condenser tubings, which may be plated or unplated, but must be free of nickel silver material and of excessive corrosion, sediment, dirt, iron, scale and grease.

(22) Muntz Metal Tubes shall consist of sound Muntz metal condenser tubing which may be plated or unplated, but must be free of nickel silver material and of excessive corrosion, sediment, dirt, iron, scale, and grease.

(23) Yellow Brass Castings shall consist of strictly yellow brass castings, and must be free of manganese, aluminum, silicon brass, forgings, dirt, and iron.

(24) Heavy Yellow Brass shall consist of clean heavy yellow sheet brass and castings, chandelier brass, pipe and plumber's brass, and must be free of manganese or aluminum brass, condenser tubes, dirt and iron.

(25) Cast Yellow Brass Borings shall consist of yellow brass borings, shall contain a total of not more than 2% of free iron, oil, or moisture and must be free of aluminum, manganese and composition turnings and any grindings.

(26) Reflectors shall consist exclusively of clean automobile reflectors and must be free from iron and solder.

(27) Light Brass shall consist of clean miscellaneous yellow sheet brass that is too light for heavy yellow brass, and may include tinned or nickel-plated material but must be free of gun shells containing paper, ashes, or iron, and of clock works, loaded lamp bases, gaskets, iron, dirt, and foreign material.

(28) Yellow Brass Breakage shall consist of miscellaneous yellow brass containing a maximum of 10% free iron.

(29) Automobile Radiators shall consist of mixed unsweated automobile radiators, which must contain at least 40% of honeycomb radiators. Radiators must be complete, containing top and bottom tanks.

(c) *Maximum prices for lead-covered and insulated copper wire.* The maximum price for insulated copper cable or wire, except lead-covered cable or wire, shall be computed by multiplying the weight of such copper wire or cable, exclusive of insulation, by the applicable maximum price provided in paragraph (a) of this section, and deducting from the resulting product not less than 0.15 cents per pound of total weight before removal of insulation.

The maximum price for the copper content of lead-covered cable shall be computed by multiplying the weight of such copper cable, stripped of lead covering, by the applicable maximum price provided in paragraph (a) hereof. The maximum price for the lead content of such lead covering is fixed by Price Schedule No. 71.

(d) *Maximum prices for mixed lots of scrap.* If any scrap other than crucible copper or copper alloy scrap is delivered in a mixed lot containing scrap of more than one grade, then (1) the entire lot shall be considered to be of the lowest-priced grade, or (2) the buyer may sort the scrap and pay for each grade but in such event the maximum price provided in paragraph (a) of this section for each of such grades shall be reduced by ¼ cent per pound. If the same maximum price is established by paragraph (a) of this section for all of the grades of scrap contained in such lot, the second method of settlement provided in this paragraph must be used. The provisions of this paragraph shall not apply if each grade of scrap is packed in separate containers or is otherwise physically segregated by the seller.

(e) *Maximum delivered prices.* Copper or copper alloy scrap may be sold, offered for sale, delivered or transferred at a price delivered buyer's receiving point. If such delivered price exceeds the applicable maximum price provided in paragraph (a) of this section, (1) the delivery charge shall be shown as a separate item and (2) the price f. o. b. shipping point (calculated by subtracting the delivery charge from the delivered price) shall not exceed the applicable maximum price provided in paragraph (a) of this section.

Whenever the seller delivers copper or copper alloy scrap in his own conveyance, the charge for delivery shall not exceed the lowest published rate for a similar delivery by a public carrier or, if there is no such carrier, the lowest available commercial rate for the most nearly comparable service.

(f) *Quantity premiums.* The maximum prices listed in paragraph (a) of this section may be increased by the addition of the applicable one of the following quantity premiums:

(1) For the sale and shipment at one time of 40,000 pounds or more containing only one item, ½¢ per pound.

(2) For the sale and shipment at one time of 40,000 pounds or more containing not more than three items, ¼¢ per pound.

For the purposes of this paragraph an item means those kinds or grades of copper or copper alloy scrap which are preceded by the same index number in paragraph (a) of this section.

If the seller makes delivery by truck, or if the buyer carries the scrap away by truck, "the sale and shipment at one time" may include all scrap delivered under one order to the buyer at his receiving point or loaded on to the buyer's truck at the point of shipment within a period of forty-eight (48) consecutive hours excluding Sundays and legal holidays.

No quantity premium may be added to the price of any scrap to which a crucible scrap premium, as defined in paragraph (g) of this section, has been added.

(g) *Crucible scrap premiums.* (1) *Premiums for crucible copper.*[8] To the maximum prices listed in paragraph (a) of this section a premium of 1¢ per pound for copper scrap in crucible shape may be added.

Copper scrap in crucible shape shall include only:

(i) Briquetted No. 1 copper wire. A briquette shall include any compressed, self-adhering bundle whose measurements do not exceed 16 x 10 x 12 inches.

(ii) Exclusively No. 1 copper (*a*) cut or bundled in lengths not exceeding 16 inches and (*b*) in a shape suitable for charging into the buyer's crucible or electric furnace.

(2) *Premium for crucible copper alloy scrap.*[8] To the maximum prices for copper alloy scrap listed in paragraph (a) of this section, a premium of ¾ cent per pound may be added for copper alloy scrap in crucible shape, specially prepared for foundry use. This premium may be added only on sales of scrap to those brass foundries authorized by the War Production Board to purchase copper alloy scrap.

Copper alloy scrap in crucible shape for foundry use includes only heavy, clean scrap of uniform alloy content, in pieces no one dimension of which exceeds 16 inches.

No crucible scrap premium may be added to the price of any scrap to which a quantity premium, as defined in paragraph (f) of this section, has been added.

(h) *Maximum prices for special purpose copper scrap.*[9] Persons using copper wire or copper segments which are specially selected and prepared for their use in the manufacture of copper powder or copper sulphate or other chemicals, or persons using any other copper scrap, specially selected and prepared for their use in the manufacture of iron, steel, aluminum or other alloys, except producers of copper, brass or bronze castings or ingots, may apply to the Office of Price Administration for permission to pay a price for such copper scrap in excess of the maximum prices fixed by Price Schedule No. 20. Permission to pay such a price will be granted to such person only if the following conditions are fully complied with:

(1) The material, before August 19, 1941, normally commanded a premium over the price of No. 1, No. 2 or light copper scrap because of its special uniformity or preparation.

(2) The user normally purchased such material before August 19, 1941.

(3) Application is made in writing to the Office of Price Administration by the user setting forth such information as the Office of Price Administration deems necessary to determine the proper maximum price for such material.

(4) The user has complied with the terms of Price Schedule No. 20 to the satisfaction of the Office of Price Administration.

(i) *Maximum prices for imported scrap.* If copper or copper alloy scrap is imported into the United States, or if imported copper or copper alloy scrap is resold in the United States, there may be added to the maximum price established by this section the actual amount of United States import or customs duty paid on such scrap: *Provided*, That:

(1) The total amount paid or received for such imported scrap f. o. b. point of shipment in the continental United States[10] does not exceed the maximum price established in this section plus the actual amount of import or customs duty paid;

(2) The import or customs duty paid is shown as a separate item on the records required to be kept in accordance with § 1309.64 hereof and on any invoice rendered to the buyer; and

(3) The buyer files a report of each such purchase with the Office of Price Administration on Form 120:8 within five (5) days of the date thereof.

[§ 1309.69 as amended February 5, 1942, effective February 27, 1942; 7 F.R. 815]

Issued this 18th day of August 1941.[11]

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 21—FORMALDEHYDE

[Issued by the Office of Price Administration and Civilian Supply. Adopted by the Office of Price Administration]

Increasing demands for formaldehyde in the manufacture of synthetic resins for military and civilian needs have created a shortage of supply. Speculators have taken advantage of this situation to raise the resale price of appreciable quantities of formaldehyde to as

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packed in bales. Each of the foregoing exceptions was conditioned upon the use of all such copper scrap in the manufacture of copper powder, copper sulphate or other chemicals; upon compliance with all requirements of the War Production Board; and upon the furnishing of a report to the Office of Price Administration at the end of each month giving the amount of scrap purchased during the month, the dates of purchase and delivery, the name of the buyer, and the price paid.

[Footnote 1 added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 713]

[8] No premium shall be demanded or paid for crucible copper or copper alloy scrap unless such copper is sold and shipped separately from any other grade of scrap or is packed in separate containers or otherwise physically segregated by the seller.

[9] Pursuant to this paragraph the Administrator has granted the following special premiums:

(a) Metals Refining Company, Hammond, Indiana, by a letter dated December 4, 1941—Permission to purchase not in excess of 120 tons of scrap copper wire per month during the period December 1, 1941 to June 1, 1942 at a price not in excess of 11¼¢ per pound f. o. b. shipping point, such wire to be specially selected and prepared to meet that company's specifications calling for soft copper wire no larger than 6 B&S nor smaller than 18 B&S wire gauge, entirely free from solder ends, insulation, lacquer, ash or any other foreign substance, and packed in loose bales or coils.

(b) The Sherwin-Williams Company, Bound Brook, New Jersey, by a letter dated December 22, 1941—Permission to purchase not in excess of 50 tons of scrap copper wire per month during the period November 1, 1941 to June 1, 1942 at a price not in excess of 11¼¢ per pound f. o. b. shipping point, such wire to be specially selected and prepared to meet that company's specifications calling for copper wire containing not less than 98% copper, reasonably free from tin and containing 80% or more of 10 gauge or smaller wire, packed in loose bales, boxes or barrels.

(c) Superior Copper Products Company, Chicago, Illinois, by a letter dated December 10, 1941—Permission to purchase not in excess of 120 tons of scrap copper wire per month during the period December 1, 1941 to June 1, 1942 at a price not in excess of 11¼¢ per pound f. o. b. shipping point, such wire to be specially selected and prepared to meet that company's specifications calling for strictly No. 1 copper wire no larger than 8 B&S wire gauge and no smaller than 16 B&S wire gauge, free from all tin, lead, solder, insulation, connections, lugs, et cetera and packed in bales.

Each of the foregoing exceptions was conditioned upon the use of all such copper scrap in the manufacture of copper powder, copper sulphate or other chemicals; upon compliance with all requirements of the War Production Board; and upon the furnishing of a report to the Office of Price Administration at the end of each month giving the amount of scrap purchased during the month, the dates of purchase and delivery, the name of the buyer, and the price paid.

[10] "Point of shipment in the continental United States" in the case of overland shipments from Canada or Mexico means the freight station in the United States at or nearest to the point on the boundary at which the shipment enters the United States.

[11] Issued: 6 F.R. 4213. Amended: 6 F.R. 5218; 7 F.R. 713. Title and preamble amended, sections renumbered and amended: 7 F.R. 815. Amendment numbers corrected: 7 F.R. 905.

high as 47¢ per pound, contrasted with the manufacturers' price of 6¢ per pound for comparable quantities. These speculative prices are threatening to rise to even higher levels. It is necessary to curb such speculation in order to protect consumers, to eliminate the danger of price rises in other industries that use formaldehyde, and to promote stable contractual relationships.

Accordingly, under the authority vested in me by Executive Order No. 8734 it is hereby directed that:

§ 1335.51 *Maximum prices for formaldehyde.* On and after August 20, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, formaldehyde in containers of 45 lbs. or more and no person shall buy, offer to buy or accept delivery of, formaldehyde in containers of 45 lbs. or more, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.60.*

*§§ 1335.51 to 1335.60, inclusive, issued pursuant to authority contained in E.O. 8734, 8875; 6 F.R. 1917, 4483.

§ 1335.52 *Less than maximum prices.* Lower prices than those set forth in § 1335.60, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.53 *Evasion.* The price limitations set forth in Price Schedule No. 21 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of formaldehyde, or in connection with a purchase, sale, delivery, or transfer of any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1335.54 *Records.* Every person making purchases or sales of formaldehyde in containers of 45 lbs. or more shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the size of the containers, of the formaldehyde purchased or sold.*

§ 1335.55 *Affirmations of compliance.* On or before September 10, 1941, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month, has sold formaldehyde in containers of 45 lbs. or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 121: 1 containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 21 or with any exception or modification thereof. Copies of Form 121: 1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.

§ 1335.56 *Enforcement.* In the event of refusal or failure to abide by the price limitations, report requirements, or other provisions contained in Price Schedule No. 21, or in the event of any evasion or attempt to evade the price limitations or other provisions contained in Price Schedule No. 21, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 21. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of formaldehyde, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.57 *Modification of Price Schedule No. 21.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 21 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1335.58 *Definitions.* When used in Price Schedule No. 21, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Formaldehyde" means (1) U. S. P. solution of formaldehyde (37% formaldehyde by weight) and (2) any other solution of formaldehyde;

[Paragraph (b) as amended January 15, 1942, effective January 15, 1942; 7 F.R. 312]

(c) "Producer's shipping point" means any of the following points: Garfield, N. J., Perth Amboy, N. J., West Haverstraw, N. Y., or Tallant, Oklahoma.*

§ 1335.59 *Effective date of Price Schedule No. 21.* This schedule (§§ 1335.51 to 1335.60, inclusive) shall become effective August 20, 1941.*

§ 1335.60 *Appendix A*—(a) *Maximum prices for formaldehyde shipped from producers' shipping points*—(1) *Maximum prices for U. S. P. solution of formaldehyde (37% formaldehyde by weight).*

Quantity in pounds and containers	Price per pound f. o. b. New York, N. Y., or West Haverstraw, N. Y., or Garfield, N. J., or Perth Amboy, N. J., or Tallant, Okla.	
	Carload lots	Less than carload lots
Tank cars (70,000–72,000 lbs.)	$0.0425	
Tank truck or wagon		$0.0450
Drums (475 lbs.)	.0540	.0590
Barrels (450 lbs.)	.0575	.0625
Kegs (225 lbs.)	.0675	.0725
Half barrel (225 lbs.)	.0675	.0725
Barrels (200 lbs.)		.0725
Keg (125 lbs.)	.0700	.0750
Carboys (100 lbs.)	.0600	.0650
Kegs (90 lbs.)	.0750	.0800
Kegs (60 lbs.)	.0800	.0850
Carboys (45 lbs.)	.0700	.0750
Drums (45 lbs.)		.0850
Kegs (45 lbs.)	.0900	.0950

[The less-than-carload-lots price for kegs (90 lbs.) was corrected from .0900 to .0800; 7 F.R. 398, January 20, 1942]

(2) *Maximum prices for solutions of formaldehyde other than U. S. P. (37% formaldehyde by weight).* The maximum prices for solutions of formaldehyde, other than U. S. P. solution (37% formaldehyde by weight), shall be the maximum prices set forth above, multiplied by the number of pounds of formaldehyde by weight contained in 100 pounds of any such solution (for which the price is to be determined) and divided by 37.

The maximum price which a purchaser may pay under Price Schedule No. 21 for any solution of formaldehyde shipped to him from a producer's shipping point shall not exceed the maximum price established by subparagraphs (1) and (2) above plus freight to destination from New York, N. Y.; West Haverstraw, N. Y.; Garfield, N. J.; Perth Amboy, N. J.; or Tallant, Oklahoma, whichever is less.

In no case shall the price of any quantity of formaldehyde sold in containers holding 45 pounds or more, but not listed above, exceed the maximum price set forth above for a container holding the next greater quantity.

(b) *Maximum prices for formaldehyde delivered from local stocks.* The maximum price for formaldehyde delivered from local stocks maintained at points other than producers' shipping points shall not exceed a price ex seller's warehouse equal to the maximum prices established by paragraph (a) above plus freight to seller's warehouse from New York, N. Y.; West Haverstraw, N. Y.; Garfield, N. J.; Perth Amboy, N. J.; or Tallant, Oklahoma, whichever is less, plus one cent per pound.

(c) *Containers.* For formaldehyde shipped in carboys or drums, a reasonable charge for the respective containers may be added to the above maximum prices. No charge for containers may be added to the maximum prices established above for formaldehyde shipped in barrels or kegs.*

[§ 1335.60 as amended, January 15, 1942, effective January 15, 1942; 7 F.R. 312]

Issued this 20 day of August, 1941.[1]

LEON HENDERSON,
Administrator.

PART 1340—FUEL

REVISED PRICE SCHEDULE NO. 22—PENNSYLVANIA GRADE CRUDE OIL

[Issued by the Office of Price Administration and Civilian Supply. Adopted by the Office of Price Administration]

Petroleum products are widely used throughout the nation by the armed forces, and for many civilian purposes, including the carrying on of industrial processes essential to national defense. Pennsylvania grade crude oil, a distinctive crude oil, includes Bradford crude, Southwest Pennsylvania crude and West Virginia, or Eureka crude. The total daily production for these oils is about 76,000 barrels. Due to the defense program, and national defense production, there has been a greater demand for these oils in recent months.

[1] Issued: 6 F.R. 4254. Amended: 7 F.R. 812. Corrected: 7 F.R. 398.

The Office of Price Administration has recently instituted an inquiry into the price of these oils. Since November, 1940 and up to July 31, 1941, or during the past nine months, Pennsylvania Bradford grade crude oil has increased in price from $1.85 to $2.75 a barrel, or a total of 90¢. The Southwest Pennsylvania and West Virginia crude oil prices have also increased in price 90¢ or from $1.50 to $2.40 and $1.44 to $2.34, respectively, during the same period.

A proposal was made to this Office further to increase these prices 25¢ as of August 1. The prices proposed were higher than any prior prices for these oils during the past 10 years. They also represented percentage increases over 1940 prices higher than for any other crude oil produced in the country.

However, the proposed increases were deferred when this Office asked that supporting evidence justifying them be submitted. The South Penn Oil Company, principal producer, purchaser and price leader, then agreed to submit data showing the economic justification for the price increase. After some information had been submitted and pending the furnishing of other data, the prices were increased. These increases, posted as of August 14, resulted in an increase in the price of Bradford crude from $2.75 to $2.98 a barrel, or a further increase of 23¢ per barrel, and Southwest Pennsylvania was increased from $2.40 to $2.65 a barrel, and the West Virginia crude from $2.34 to $2.59, both increases amounting to 25¢.

In response to usual pricing and trade practices, the foregoing increases were followed by corresponding price increases of 25¢ for the Southeastern Ohio crude oils, and 23¢ for the various grades of Oil City-Titusville crude oils.

The inquiry thus far conducted has failed to demonstrate an adequate economic basis for these increases. No showing has been made that labor or material cost increases, if any have occurred, have not already been met by the prior increases in prices. It has been contended that the higher prices would in a small measure stimulate drilling. But the anticipated amount of new drilling was uncertain and was one of the facts under investigation by this Office. Moreover the increased prices would apply to the entire present production of 76,000 barrels per day, as well as to the small volume which new drilling would yield in the future.

No sound basis having been established for these price increases, they therefore appear inflationary in character. Such an inflationary movement in the price of commodities tends to weaken the defense effort by causing economic dislocations and price spiraling and profiteering.

The opportunity which has been granted to the producers to demonstrate that price increases are warranted remains open to them.

Accordingly, under the authority vested in me by Executive Order No. 8734, and after consultation with the Office of the Petroleum Coordinator for National Defense, it is hereby directed that:

§ 1340.21 *Maximum price for Pennsylvania grade crude oils.* On and after August 23, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1340.22, no person shall sell, offer to sell, deliver or transfer, and no person shall buy, offer to buy, or accept delivery of, Pennsylvania grade crude oils at prices higher than those set forth in Appendix A, incorporated herein as § 1340.29.*

§§ 1340.21 to 1340.29, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1340.22 *Commissions allowed on resales above maximum prices.* The price limitations set forth in § 1340.29, Appendix A, shall prohibit the addition of commissions above said maximum prices except that persons who buy Pennsylvania grade crude oils for resale under contracts and who have contracts in existence on the effective date of Price Schedule No. 22 which provide that the price on resale shall be the "posted price" plus a specified commission may receive the maximum price plus said commission specified in the contracts: *Provided*, That (a) said contracts were entered into in writing prior to August 14, 1941; (b) said contracts are binding and valid in character; (c) certified copies of each such contract are filed with the Office of Price Administration within ten (10) days after the effective date of Price Schedule No. 22; and (d) no such contract has been extended or amended without the approval of this Office. Persons who buy for resale and wish to enter into contracts, or wish to extend or amend contracts, providing for prices on resale higher than the maximum prices listed in § 1340.29, Appendix A, may make application to this Office for permission to receive such higher prices.*

§ 1340.23 *Less than maximum prices.* Lower prices than those set forth in Price Schedule No. 22 may be charged, demanded, paid or offered.*

§ 1340.24 *Evasion.* The price limitations set forth in Price Schedule No. 22 shall not be evaded whether by direct or indirect methods in connection with the purchase, sale, delivery or transfer of Pennsylvania grade crude oil, alone or in conjunction with any other material, or by way of any commission, except as provided in § 1340.22 herein, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1340.25 *Enforcement.* In the event of refusal or failure to abide by the price limitations or other provisions contained in Price Schedule No. 22, or in the event of any evasion or attempt to evade the price limitations or other provisions contained in Price Schedule No. 22, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 22. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or any evasion or effort to evade the provisions of Price Schedule No. 22, are urged to communicate with the Office of Price Administration.*

§ 1340.26 *Modification of Price Schedule No. 22.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 22 may apply to the Office of Price Administration for approval of any modification thereof or exception thereto.*

§ 1340.27 *Definitions.* When used in Price Schedule No. 22 the term (a) "person" means an individual, partnership, association, corporation, or other business entity; (b) "Pennsylvania grade crude oil" means the crude oils listed in § 1340.29 Appendix A.*

§ 1340.28 *Effective date of Price Schedule No. 22.* This Schedule (§§ 1340.21 to 1340.29, inclusive) shall become effective August 23, 1941.*

§ 1340.29 *Appendix A: Maximum prices for Pennsylvania grade crude oil.*

Grade of Crude Oil:	Maximum price per barrel
Pennsylvania Bradford	$2.75
Southwest Pennsylvania	2.40
Eureka	2.34
Southeastern Ohio	2.30
Oil City—Titusville:	
Group A (including Cochran, Franklin, Hamilton, and Doolittle Districts)	2.68
Group B (Titusville District)	2.67
Group C (including Turkey and Tidiout)	2.66
Group D (including Bear Creek and Porkey Districts)	2.65
Group E (including Edeneau, Bowl Creek, Rough Run, Carbon, Ditner, Bredin, McJunkin, Jameson, Kennerdall, Emlenton, Tiona, Lacy, and Kinzua Districts)	2.63

Issued this 22d day of August 1941.[1]

LEON HENDERSON,
Administrator.

PART 1337—RAYON

REVISED PRICE SCHEDULE NO. 23—RAYON GREY GOODS

Recent events have further disturbed a market situation in rayons which was already unsettled. A shortage of rayon yarns for some time past has forced chemical firms producing these yarns to make deliveries in amounts far under their customers' requirements. Concurrently, the restricted supply has forced prices of both grey goods and finished goods up to levels which are unwarranted by such minor cost increases as have occurred.

To check these rises, leading weavers entered into a voluntary agreement with the Office of Price Administration on July 16, 1941, to refrain from further price advances on certain specified standard

[1] 6 F.R. 4324.

constructions. Among primary producers these voluntary ceilings were successfully maintained, but the market continued to be disturbed by second-hand sales at inflated levels.

Now that civilian supplies of silk are unavailable, the diversion of rayon yarns to silk manufacturers inevitably will aggravate the existing shortage of rayon for weaving and disrupt price stability unless remedial action is taken.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1337.11 *Maximum prices for rayon grey goods.* On and after August 25, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, rayon grey goods of the constructions enumerated in Appendix A hereof, incorporated herein as § 1337.22, and no person shall buy, offer to buy or accept delivery of, rayon grey goods of such enumerated constructions, at prices higher than the maximum prices set forth in Appendix A.*

*[§ 1337.11 to 1337.22, inclusive, issued under the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1337.12 *Less than maximum prices.* Lower prices than those set forth in § 1337.22, Appendix A, may be charged, demanded, paid or offered.*

§ 1337.13 *Evasion.* The price limitations set forth in Price Schedule No. 23 shall not be evaded, whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of rayon grey goods, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1337.14 *Records.* (a) Every person making purchases or sales of rayon grey goods after August 25, 1941, whether or not of the constructions enumerated in § 1337.22, Appendix A, hereof, shall keep for inspection by the Office of Price Administration for a period of not less than 1 year: (1) complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or seller, the price paid or received and the quantity in yards of each construction purchased or sold; and (2) copies of each contract of sale and invoice or similar document containing the details required in § 1337.15 hereof.

(b) Every manufacturer of rayon grey goods shall keep for inspection by the Office of Price Administration for a period of not less than 1 year complete and accurate records setting forth: (1) a full description of each construction of rayon grey goods whether or not of the constructions enumerated in § 1337.22, Appendix A, manufactured or sold, including (i) the width, specifying whether in or off the loom, (ii) the cloth count, i. e., the number of ends and picks per inch, specifying whether in or off the loom, and (iii) a full description of the yarn both in the warp and in the filling, specifying in each case the denier and number of filaments, the process by which made, the twist or combination, if any, and, if a blend, the percentages of each type of yarn so blended; and (2) the quantity in yards of each construction of rayon grey goods, whether or not of the constructions enumerated in § 1337.22, Appendix A, produced during each calendar month.*

[§ 1337.14 as amended October 2, 1941, effective October 3, 1941; 6 F.R. 5073]

§ 1337.15 *Details required in contract of sale and invoice.* (a) Every seller of rayon grey goods of the constructions enumerated in § 1337.22, Appendix A, shall, with respect to each sale thereof, deliver to the purchaser a contract of sale which shall contain, in addition to the terms thereof, a full description of each construction of rayon grey goods sold, including (1) the width, specifying whether in or off the loom, (2) the cloth count, i. e., the number of ends and picks per inch, specifying whether in or off the loom, and (3) a full description of the yarn both in the warp and in the filling, specifying in each case the denier and number of filaments, the process by which made, the twist or combination, if any, and, if a blend, the percentages of each type of yarn so blended.

(b) With each delivery of rayon grey goods, whether or not of the constructions enumerated in § 1337.22, Appendix A, there shall be transmitted to the purchaser an invoice or similar document which shall contain a style number or symbol sufficient to identify in the manufacturer's records maintained pursuant to § 1337.14 hereof, the details of each construction so delivered.*

[§ 1337.15 as amended October 2, 1941, effective October 3, 1941; 6 F.R. 5073]

§ 1337.16 *Reports.* On or before October 10, 1941, and on or before the 10th day of each month thereafter, every manufacturer of rayon grey goods shall submit to the Office of Price Administration a report on Form 123:1 setting forth in the detail required by the Form all the constructions of rayon grey goods, other than the constructions enumerated in § 1337.22, Appendix A, manufactured by such person in quantities in excess of 25,000 yards per month, and the highest prices at which each such construction was sold, both for immediate and future delivery, if sold during such month. Such reports shall be submitted even although the rayon grey goods so manufactured were not sold in the grey state but were further processed by the manufacturer thereof. Copies of Form 123:1 can be procured from the Office of Price Administration.*

[§ 1337.16 as amended October 2, 1941, effective October 3, 1941; 6 F.R. 5073]

§ 1337.17 *Affirmations of compliance.* On or before October 10, 1941, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month has purchased or sold rayon grey goods of the constructions enumerated in § 1337.22, Appendix A, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 123:2 containing a sworn statement that during such month all such purchases or sales were made at prices in compliance with Price Schedule No. 23 or with any exception or modification thereof. Copies of Form 123:2 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1337.18 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions contained in Price Schedule No. 23, or in the event of any evasion or attempt to evade the price limitations or other provisions contained in Price Schedule No. 23, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of the Government are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 23. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of rayon grey goods for which maximum prices are herein established, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1337.19 *Modification of Price Schedule No. 23.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 23 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1337.20 *Definitions.* When used in Price Schedule No. 23, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Rayon grey goods" means fabric manufactured from chemically produced fiber or yarn made from cellulose or with a cellulose base, woven, but not printed, dyed, or finished.*

§ 1337.21 *Effective date of Price Schedule No. 23.* This Schedule (§§ 1337.11 to 1337.22, inclusive) shall become effective August 25, 1941.*

§ 1337.22 *Appendix A: Maximum prices for rayon grey goods.* (a) The maximum prices for the enumerated constructions of rayon grey goods established by Price Schedule No. 23 are applicable to *all sales* of rayon grey goods whether made by the manufacturer or by any other person.

Type of fabric	Off loom width	Cloth count (grey)		Warp	Filling	Price per yard f.o.b. manufacturer's mill
		Reed width	Ends in loom	Picks off loom			
Acetate Satin	42"	200 x 72		75 denier acetate	100 denier acetate	Cents 25½
	42"	180 x 72		75 denier acetate	100 denier acetate	24½
	42"	228 x 60		55 denier multi-filament acetate.	75 denier multi-filament acetate.	27½
Acetate Taffeta	42"	140 x 60		75 denier acetate	150 denier acetate	23½
French crepe	41"	104 x 72		100 denier multi-filament pigment viscose.	150 denier multi-filament viscose voile twist.	23½
		Reed width	Ends in loom	Picks off loom		
French crepe	43¼"	150 x 94			75 denier viscose voile	25½
Acetate suiting	43½"	192 x 48			300 denier acetate	23½
Spun rayon filled poplin	43½"	108 x 48			14 s/l spun viscose	23½
CREPE						
Acetate warp	48"	110 x 64		120 denier acetate	100 denier viscose crepe twist.	27
	45"	125 x 64		100 denier acetate	100 denier viscose crepe twist.	25½
	48"	90 x 48		150 denier acetate	150 denier viscose crepe twist.	25½
All-Viscose	44"	150 x 76		75 denier pigment viscose.	75 denier viscose crepe twist.	28
	45"	114 x 68		100 denier multi-filament pigment viscose.	100 denier viscose crepe twist.	25½
SHEERS		Off-loom				
		Ends	Picks			
Cuprammonium triple-sheer	46"	104 x 72		75 denier cuprammonium crepe twist.	75 denier cuprammonium.	27
Viscose triple-sheer	46"	104 x 72		75 denier viscose crepe twist.	75 denier viscose	24½
Cuprammonium triple-sheer	45"	104 x 72		75 denier cuprammonium crepe twist.	75 denier cuprammonium.	28
Viscose triple-sheer	45"	104 x 72		75 denier viscose crepe twist.	75 denier viscose	25½
Viscose georgette	50"	80 x 72		75 denier viscose crepe twist.	75 denier viscose crepe twist.	28

[Table as corrected 6 F.R. 5220.]

(b) The maximum price for any construction of rayon grey goods not enumerated above shall be a price in line with the maximum price for the nearest related construction so enumerated. The term "in line with" means having a justifiable relation to such maximum price with commensurate increases or decreases to give effect to the differences in costs of the yarn used and in weaving costs, taking into account changes in (1) the number of picks, (2) the number of ends, (3) the width and (4) the weave: *Provided*, That firm commitments entered into prior to February 9, 1942 for the sale of rayon grey goods at prices not exceeding the maximum prices es-

Type of fabric	Off loom width	Cloth count (grey)		Warp	Filling	Price per yard f.o.b. manufacturer's mill
		Reed width	Ends in loom	Picks off loom			
Viscose Twill	38"	112 x 68			150 denier viscose	Cents 30
	40½"	92 x 64			150 denier viscose	34½
	40½"	84 x 64			150 denier viscose	32
	40½"	72 x 46			150 denier viscose	31½
Viscose Taffeta	39"	110 x 44			150 denier viscose	29½
	39"	96 x 44			150 denier viscose	28
	39"	88 x 44			150 denier viscose	27½
	39"	84 x 42			150 denier viscose	26½
	40½"	64 x 42			150 denier viscose	25½
Acetate Twill	37½"	120 x 52			150 denier acetate	27
	42"	112 x 68			150 denier acetate	28
Acetate Taffeta	39"	110 x 44			150 denier acetate	26
Pigment Taffeta	40½"	92 x 48			100 denier pigment viscose.	25½
	43½"	92 x 64			100 denier pigment viscose.	28
	40½"	72 x 56			150 denier pigment viscose.	25½
Viscose Satin	40"	140 x 64			150 denier viscose	28
	40"	140 x 60			100 denier viscose	27
	40"	110 x 48			150 denier viscose	25½
	42½"	150 x 72			150 denier viscose	28
SPUN RAYON						
Twill	40½"	128 x 60			30 s/1 spun viscose	30
Challis	40½"	68 x 62			30 s/1 spun viscose	30
Oneway Flake	40½"	68 x 44			30 s/1 spun viscose	28 s/1 average spun flake viscose.
Poplin	40½"	104 x 44			30 s/1 spun viscose	28
Fig Challis	41"	68 x 38			30 s/1 spun viscose	28 s/1 spun viscose
10% Blend	41"	66 x 38			30 s/1 spun 10% acetate, 90% viscose.	28 s/1 spun 10% acetate, 90% viscose
20% Blend	42½"	52 x 36			14 s/1 spun 20% acetate, 80% viscose.	28 s/1 spun 20% acetate, 80% viscose.
30% Blend	40"	60 x 52			20 s/1 spun 30% acetate, 70% viscose.	28 s/1 spun 30% acetate, 70% viscose.

Type of fabric	Cloth count		Warp (combined and twisted)	Filling (combined and twisted)
	Reed width	Ends in loom	Picks off loom		
COMBINATION YARNS (TWIST ON TWIST)					
2-ply Alpaca	48"	44 x 36		150 denier acetate	150 denier acetate
				150 denier viscose crepe twist.	150 denier viscose crepe twist.
"Magic Hour" type	48"	54 x 44		150 denier acetate	150 denier acetate
				100 denier viscose crepe twist.	100 denier viscose crepe twist.
"Cynara" type	47"	52 x 40		150 denier acetate	150 denier acetate
				100 denier viscose crepe twist.	100 denier viscose crepe twist.
"Tricolito" type	48"	44 x 38		150 denier acetate	150 denier acetate
				150 denier viscose crepe twist.	150 denier viscose crepe twist.
"Mock Romaine" type	47"	52 x 40		100 denier viscose crepe twist.	200 denier acetate

tablished by Price Schedule No. 23 prior to February 9, 1942 may be completed at contract prices.

[Paragraph (b) added by amendment February 7, 1942, effective February 7, 1942. 7 F.R. 906]

Issued this 23d day of August 1941.[1]

LEON HENDERSON,
Administrator.

PART 1342—ANIMAL HAIR

REVISED PRICE SCHEDULE NO. 24—WASHED CATTLE TAIL HAIR AND WINTER HOG HAIR

Recent expansion of United States Navy personnel has resulted in a heavy demand by the Navy for curled hair mattresses. These mattresses are composed in large part of cattle tail hair, more than two-thirds of the annual production of which was required for the mattresses purchased by the Navy during the last fiscal year. Cattle tail hair is thus a commodity of considerable importance in the defense program. The quantity of winter hog hair used by the Navy is relatively small in proportion to the country's total output, but hog hair is being used increasingly as a substitute for several scarce materials, and the market situation is also complicated by a large potential demand for hog hair to supply essential requirements under the Lease-Lend Act.

As a result of the much increased demand and the temptation to speculation which this has provided, prices of cattle tail hair and winter hog hair have shown sharp increases which are not warranted by any increase in cost of production and which can have little effect in augmenting the supply. While there is no established market price for either commodity, bids recently received by the Procurement Division of the Treasury Department for winter hog hair ranged from 10¢ to 13½¢ per pound, whereas last winter and spring price quotations on this commodity ranged between 6¾¢ and 8½¢ per pound. Such inflationary price increases, if continued, would unjustifiably increase the cost of Naval mattresses and supplies purchased under the Lease-Lend Act, as well as privately consumed products requiring curled hair.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1342.1 *Maximum price established for washed cattle tail hair, processed winter hog hair and coil dried winter hog hair.* On and after August 27, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer washed cattle tail hair, processed winter hog hair, or coil dried winter hog hair, and no person shall buy, offer to buy, or accept delivery of washed cattle tail hair, processed winter hog hair, or coil dried winter hog hair at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1342.10.*

* §§ 1342.1 to 1342.10, inclusive, are issued under the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1342.2 *Less than maximum prices.* Lower prices than those set forth in § 1342.10, Appendix A, may be charged, demanded, paid or offered.*

§ 1342.3 *Evasion.* The price limitations set forth in Price Schedule No. 24 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of washed cattle tail hair, processed winter hog hair, or coil dried winter hog hair, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1342.4 *Records.* Every person making purchases or sales during any calendar month of 500 pounds or more of washed cattle tail hair, or 10,000 pounds or more of coil dried winter hog hair, or 5,000 pounds or more of processed winter hog hair, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each purchase or sale of washed cattle tail hair, processed winter hog hair, or coil dried winter hog hair, made during such month and thereafter, showing the date thereof, the name of the buyer or the seller, the prices paid or received, and the quantity of washed cattle tail hair, processed winter hog hair, or coil dried winter hog hair so purchased or sold.*

§ 1342.5 *Affirmation of compliance.* On or before October 10th, 1941, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month, has purchased or sold, whether for immediate or future delivery, 500 pounds or more of washed cattle tail hair, or 10,000 pounds or more of coil dried winter hog hair, or 5,000 pounds of processed winter hog hair, shall submit to the Office of Price Administration an affirmation of compliance on Form 124:1, containing a sworn statement that during such month all such purchases or sales were made at prices in compliance with Price Schedule No. 24 or with any exception or modification thereof. Copies of Form 124:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1342.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, report requirements, or other provisions contained in Price Schedule No. 24, or in the event of any evasion or attempt to evade the price limitations or other provisions contained in Price Schedule No. 24, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 24. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of washed cattle tail hair, processed winter hog hair, or coil dried winter hog hair, or of the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.

§ 1342.7 *Modification of Price Schedule No. 24.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 24 may apply to the Office of Price Administration for approval of any modification thereof or exception thereto.*

§ 1342.8 *Definitions.* When used in Price Schedule No. 24, the term:

(a) "Person" includes an individual, corporation, association, partnership, or other business entity;

(b) "Winter hog hair" means hair removed from hogs slaughtered during the months of November, December, January, February and March;

(c) "Coil dried winter hog hair" means winter hog hair which has been washed and dried indoors by artificial heat;

(d) "Processed winter hog hair" means winter hog hair which has been washed, treated, re-washed, and dried, but does not include winter hog hair which has been dyed;

(e) "Washed cattle tail hair" means hair clipped or otherwise removed from cattle switches or tails, which has been washed and dried.*

§ 1342.9 *Effective date of Price Schedule No. 24.* This Schedule (§§ 1342.1 to 1342.10, inclusive) shall become effective August 27, 1941.*

§ 1342.10 *Appendix A: Maximum prices*[1]—(a) *Maximum prices for washed cattle tail hair and processed winter hog hair.*

	Maximum price per pound, f. o. b. point of shipment
Washed cattle tail hair (10% moisture content basis)	$0.45
Processed winter hog hair (10% moisture content basis)	.08

(b) *Maximum prices for coil dried winter hog hair.*

	Maximum price per ton, f. o. b. point of shipment
Coil dried winter hog hair (10% moisture content basis)	$60.00

*

Issued this 25th day of August 1941.[2]

LEON HENDERSON,
Administrator.

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[1] The maximum prices set forth herein are gross prices before discounts of any nature and include all commissions. They are not applicable to washed cattle tail hair, processed winter hog hair, or coil dried winter hog hair imported from a foreign country.

[2] 6 F.R. 4417.

[1] Issued: 6 F.R. 4371. Amended: 6 F.R. 5073. Corrected: 6 F.R. 5220. Amended: 7 F.R. 906.

PART 1312—LUMBER AND LUMBER PRODUCTS

REVISED PRICE SCHEDULE NO. 26—DOUGLAS FIR LUMBER

Douglas fir lumber, a Pacific Coast product, is often employed co-extensively and to some extent interchangeably with Southern pine lumber. It is widely used in the construction industry for exterior and interior finish, framing, mill work, sheathings, floorings, and sub-floorings, and in the manufacture of crates, utility furniture, and household and farm appliances. In the defense program it has been extensively employed in the construction of cantonments, defense housing projects, and factories, and in the production of ships and airplanes. The increased need for Douglas Fir lumber has prompted government efforts to secure expanded production, but the supply has failed to keep pace with the augmented demand stemming from the defense program and the accompanying economic expansion. As a consequence, inflationary pressure has caused prices to rise greatly in excess of previously existing industry levels. Such price increases have markedly outstripped cost advances. Issuance of a Price Schedule is therefore necessary to protect consumers and those members of the industry who are attempting to keep prices down.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1312.51 *Maximum prices for Douglas fir lumber.* On and after November 10, 1941, regardless of the terms of any contract of sale or purchase, or other commitment except as provided in § 1312.58 hereof, no person shall sell, offer to sell, deliver, or transfer, for domestic or export use, any Douglas fir lumber, where the shipment originates at the mill rather than at a distribution yard, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1312.59: *Provided*, That such maximum prices shall not apply where actual delivery has been made by the mill to a purchaser, or to a carrier for delivery to a purchaser, prior to November 10, 1941; and: *Provided*, That in the case of retail sales as defined in § 1312.57 (f), where the shipment originates at a mill rather than at a distribution yard, a mark-up of not more than $3.50 per 1,000 ft. board measure may be added to the maximum prices set forth herein.*

[§ 1312.51, as amended, November 1, 1941, effective, November 10, 1941; 6 F.R. 5592]

* §§ 1312.51 to 1312.59, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1312.52 *Less than maximum prices.* Lower prices than those set forth in § 1312.59, Appendix A, may be charged, demanded, paid, or offered.*

§ 1312.53 *Evasion.* The price limitations set forth in Price Schedule No. 26 shall not be evaded by unusual charges for extending credit or for early delivery, by charges for delivery which exceed the actual cost of such delivery, except as otherwise provided in § 1312.59 (d), by unnecessarily routing lumber through a distribution yard, by unreasonable refusal to ship except in mixed cars or in specified lengths, or under other circumstances entitling the seller to a premium, or by other direct or indirect methods. The seller shall in all cases give the purchaser the option of making his own transportation arrangements.*

[§ 1312.53 as amended. November 1, 1941, effective November 10, 1941; 6 F.R. 5592]

§ 1312.54 *Records and reports.* Every person who, during any calendar month, shall sell 34,000 pounds or more of Douglas fir lumber for shipment originating at the mill shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of every sale of such lumber made during such month, showing the date thereof, the name of the buyer, the prices, and grades sold. Persons affected by Price Schedule No. 26 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1312.55 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 26, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 26, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 26, and (c) that the procurement services of the Government are requested to refrain from purchasing Douglas fir lumber from those persons who fail to comply with Price Schedule No. 26. Persons who have evidence of any offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade provisions hereof, or of speculation, or of manipulation of prices of Douglas fir lumber, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1312.56 *Modification of Price Schedule No. 26.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 26 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless the person making such application shall have, to the satisfaction of the Office of Price Administration, complied with Price Schedule No. 26.

[§ 1312.56 as amended November 1, 1941, effective November 10, 1941; 6 F.R. 5592]

§ 1312.57 *Definitions.* When used in Price Schedule No. 26, the term:

(a) "Person" means an individual, association, partnership, corporation, or other business entity. The term includes, without restricting the generality of the foregoing, any mill operator, manufacturer, commission salesman, manufacturer's representative, concentration yard operator, wholesaler, wholesale distributor, wholesaler's agent, or retailer.

(b) "Douglas fir" means the botanical species of Pseudotsuga taxifolia produced in those parts of Oregon and Washington lying west of the crest of the Cascade Mountains.

(c) "Mill" means a manufacturing plant, concentration yard, or other establishment which processes, by sawing or by planing or other comparable method, at least 25 per cent of the volume of Douglas fir logs or lumber purchased or received by it.

(d) "Distribution yard" means a wholesale or retail lumber yard which purchases or receives Douglas fir logs or lumber from a producer, a mill, or another distribution yard for purposes of unloading, sorting, and resale or redistribution, which regularly maintains a stock of lumber, and which processes, by sawing, or by planing or other comparable method, less than 25 per cent of the volume of such logs or lumber so purchased or received by it.

(e) "Volume" means the board foot volume of lumber processed from logs, processed from other lumber, or sold, as the case may be, within six months immediately prior to the transaction subject to Price Schedule No. 26.

(f) "Retail sale" means a sale which satisfies all of the following tests:

(1) It must be a sale of lumber to a consumer or contractor for use in building, construction, remodeling, repair, or maintenance, and not for resale in substantially the same form.

(2) It includes only sales in less than carload quantities. Where shipment is by water or by truck the maximum retail sale quantity shall be 20,000 ft. board measure. For the purpose of this paragraph the size of the sale is determined by the size of the order.

(3) The sale must be accompanied by the following services: delivery to the job site or other point specified by the purchaser and at such times and in such quantities as the purchaser specifies; tallying and checking; the privilege of exchanging goods and returning unused material; and the readiness and ability of the seller to replace deficiencies and adjust complaints from stocks kept on hand for such purposes.*

[Paragraph (f) added by amendment November 1, 1941, effective November 10, 1941; 6 F.R. 5592]

§ 1312.58 *Effective date of price schedule No. 26.*

[This Schedule (§§ 1312.51 to 1312.59, inclusive) shall become effective October 1, 1941]

§§ 1312.51, 1312.53, 1312.56, 1312.57, 1312.58 and 1312.59, as amended, shall become effective November 10, 1941: *Provided*, That firm commitments entered into prior to November 10, 1941, for the sale of Douglas fir lumber at prices not exceeding the maximum prices established by Price Schedule No. 26 before this amendment, may be completed at contract prices: *Provided*, That all deliveries pursuant to such firm commitments are completed on or before February 1, 1942.*

[§ 1312.58 as amended November 1, 1941, effective November 10, 1941; 6 F.R. 5592]

§ 1312.59 *Appendix A—(a) Maximum f. o. b. mill prices per 1,000 feet board measure.*

PLANK AND TIMBERS, GREEN, ROUGH, OR S1S A. L. S.

	No. 1										Sel. Merch.								Sel. Str.					
	20' & Shtr.	22/24	26/32	34/40	20' & Shtr.	22/24	26/32	34/40	20' & Shtr.	22/24	26/32	34/40	20' & Shtr.	22/24	26/32	34/40	20' & Shtr.	22/24	26/32	34/40
2 x 3	$23.50	$26.50	$30.50		$30.50	$31.00			$31.50	$32.50	$33.00		$33.50	$34.50	$35.50	
2 x 4	23.50	26.50	30.50		30.50	31.00			31.50	32.50	33.00		33.50	34.50	35.50	
2 x 6	23.50	26.50	30.50	34.00	30.50	31.00	33.00	34.00	31.50	32.50	33.00	34.00	33.50	34.50	35.50	36.50
2 x 8	25.50	28.50	32.50	36.00	32.50	33.00	35.00	36.00	33.50	34.50	35.00	36.00	35.50	36.50	37.50	38.50
2 x 10	27.50	30.50	34.50	38.00	34.50	35.00	37.00	38.00	35.50	36.50	37.00	38.00	37.50	38.50	39.50	40.50
2 x 12	29.50	32.50	36.50	40.00	36.50	37.00	39.00	40.00	37.50	38.50	39.00	40.00	39.50	40.50	41.50	42.50
3 x 3	$24.00	$26.50	$30.50		$30.50	$31.00			$31.50	$32.50	$33.00		$33.50	$34.50	$35.50	
3 x 4 and 3 x 6	24.00	26.50	30.50	$34.00	30.50	31.00	$33.00	$34.00	31.50	32.50	33.00	34.00	33.50	34.50	35.50	36.50
3 x 8 and 3 x 10	26.00	28.50	32.50	36.00	32.50	33.00	35.00	36.00	33.50	34.50	35.00	36.00	35.50	36.50	37.50	38.50
3 x 12	28.00	30.50	34.50	38.00	34.50	35.00	37.00	38.00	35.50	36.50	37.00	38.00	37.50	38.50	39.50	40.50
4 x 4	24.00	26.50	30.50	34.00	30.50	31.00	33.00	34.00	31.50	32.50	33.00	34.00	33.50	34.50	35.50	36.50
4 x 6 and 4 x 8	26.00	28.50	32.50	36.00	32.50	33.00	35.00	36.00	33.50	34.50	35.00	36.00	35.50	36.50	37.50	38.50
4 x 10 and 4 x 12	28.00	30.50	34.50	38.00	34.50	35.00	37.00	38.00	35.50	36.50	37.00	38.00	37.50	38.50	39.50	40.50
6 x 6 and 6 x 8	26.00	28.50	32.50	36.00	32.50	33.00	35.00	36.00	33.50	34.50	35.00	36.00	35.50	36.50	37.50	38.50
6 x 10 and 6 x 12	28.00	30.50	34.50	38.00	34.50	35.00	37.00	38.00	35.50	36.50	37.00	38.00	37.50	38.50	39.50	40.50
8 x 8	28.00	30.50	34.50	38.00	34.50	35.00	37.00	38.00	35.50	36.50	37.00	38.00	37.50	38.50	39.50	40.50
8 x 10 and 8 x 12	30.50	32.50	36.50	40.00	36.50	37.00	39.00	40.00	37.50	38.50	39.00	40.00	39.50	40.50	41.50	42.50
10 x 10 and 10 x 12	30.50	32.50	36.50	40.00	36.50	37.00	39.00	40.00	37.50	38.50	39.00	40.00	39.50	40.50	41.50	42.50
12 x 12	30.50	32.50	36.50	40.00	36.50	37.00	39.00	40.00	37.50	38.50	39.00	40.00	39.50	40.50	41.50	42.50

For specified lengths in Select Merchantable and Select Structural Grades, add $2.00 per 1,000 feet.
For No. 1, permitting up to 15% of No. 2, deduct $0.50 per 1,000 feet from the No. 1 price of the same width and length.
For surfacing ¼" off, add $1.00 per 1,000 feet to the price for the same grade, width, and length.

FACTORY AND DOOR STOCK

Factory select	$45.00
No. 1 shop	35.00
No. 2 shop	25.00

(b) For mixed car, mixed cargo, or mixed truck shipments $2.00 additional per 1,000 feet board measure may be charged. A mixed car or mixed cargo shipment consists of four or more items as hereinafter defined of at least 1,000 board feet each. A mixed truck shipment consists of four or more items of at least 250 feet each. For the purpose of this definition the following classifications of lumber of any different species shall constitute an item:

(1) Boards, shiplap or strips.
(2) Dimension.
(3) Planks and small timbers, not exceeding 4" in thickness.
(4) Large timbers, exceeding 4" in thickness.
(5) Flooring.
(6) Siding.
(7) Ceiling or partition.
(8) Finish.
(9) Rough clears.
(10) Stepping.
(11) Mouldings.
(12) Silo stock.
(13) Gutter.
(14) Corn cribbing.
(15) Lath.
(16) Casing and base

(c) For export sales, an addition of not more than $3.50 per 1,000 feet board measure may be charged for the services of switching, unloading at the dock, tallying, marking, and dock insurance.

(d) A delivered price in excess of the maximum f. o. b. mill prices set forth in (a) hereof may be charged, consisting of such maximum prices plus actual transportation costs to the extent that such costs are paid by the seller. In computing such actual transportation costs, the parties may adopt the practice of charging a sum equivalent to the one-quarter of a dollar nearest to such actual transportation costs. In addition, they may adopt estimated average weights of Douglas fir per thousand feet board measure (worked to standard sizes unless otherwise indicated) as follows:

	Pounds per 1,000 feet
FLOORING	
1 x 3" and 1 x 4"	1,800
DROP SIDING	
1 x 6" Pat. 107, 113, 115, 117, 124	1,500
1 x 6" Pat. 103, 108, 111, 114, 118	1,600
1 x 6" Pat. 101, 104, 105, 106, 112 and rustic	1,700
1 x 6" Pat. 102, 109, 110, 116 and V rustic	1,800
CEILING	
⅝ x 4"	1,200
1 x 4"	1,500
1 x 6"	1,700

1 x 4 M. G.:

B&Btr	$45.00
C	43.00
D	38.00
1 x 6 M. G.:	
B&Btr	$50.00
C	48.00
D	40.00

¹ Regular loading random length is as follows:

B & Better and C Grades:	
4 feet	$45.00
6 feet	43.00
8 to 20 feet	38.00
DROP SIDING, R/L¹	
1 x 6 M. G.:	
B&Btr	$50.00
C	48.00
D	40.00
CEILING (DOUBLE BEADED OR DOUBLE V PATTERN) R/L¹	
1 x 4 M. G.:	
B&Btr	$37.00
C	35.00
D	28.00

NO. 1 BOARDS AND SHIPLAP, GREEN, SURFACED A. L. S.

	R/L 6/20'	8'	8'	10'	12'	14'	16'	18'	20'
1 x 4"	$27.00	$27.00	$30.50	$30.00	$30.00	$30.50	$31.50	$31.00	$31.50
1 x 6"	27.00	27.00	29.00	29.00	28.50	29.00	29.50	29.00	29.50
1 x 8"	27.00	27.00		27.50	27.50	28.50	29.00	28.50	28.50
1 x 10"	28.00	28.00		28.00	27.50	27.50	27.50	28.50	28.50
1 x 12"				27.00	28.00	28.50	28.50	28.50	30.50

Grade spread: No. 2 Dry or Green: $2.00 per 1,000 feet less than No. 1 of same size and length. No. 3 Green: $4.00 per 1,000 feet less than No. 1 of same size and length. No. 3 Dry: $4.00 per 1,000 feet less than No. 1 of same size and length.
For working to Pattern, add $2.00 per 1,000 feet.
For rough random length, add $1.50 to R/L surfaced prices.
For No. 1, permitting up to 15% of No. 2, deduct $0.50 per 1,000 feet from the No. 1 price of the same width and length.
For surfacing ¼" off, add $1.00 per 1,000 feet to the price for the same grade, width, and length.

NO. 1 DIMENSION, GREEN, ROUGH, OR S4S A. L. S.

	R/L 6/20'	6'	8'	9'	10'	12'	14'	16'	18'	20'	22/24'	Add for dry 20'	Add for dry 22/24'
2 x 3	$23.50	$21.00	$27.00	$30.50	$29.00	$29.00	$29.50	$31.50	$31.00	$31.50	$35.00	$3.50	$3.50
2 x 4	23.50	21.00	28.50	29.00	29.00	28.50	29.50	29.50	29.00	29.50	32.00	3.50	3.50
2 x 6	25.50	23.50	26.50		27.50	28.50	29.00	29.00	29.00	29.50	31.00	3.50	3.50
2 x 8	27.50	26.00	26.00		26.00	27.50	27.50	28.50	28.50	28.50	30.50	4.00	4.00
2 x 10	27.50	26.00	26.00		27.00	28.00	28.50	28.50	28.50	30.50	30.50	4.00	5.50
2 x 12	27.50	26.00	26.00			28.00	28.50	28.50	28.50	30.50		4.00	

Grade spreads: No. 2 Green, all widths and lengths, 20' and shorter, $2.00 per 1,000 feet less than No. 1 Green of the same width and length. No. 3 Green: 2 x 3, 2 x 4, and 2 x 6, $4.00 per 1,000 feet less than No. 1 Green of the same width and length; 2 x 8, 2 x 10, and 2 x 12 Green, $5.00 per 1,000 feet less than No. 1 Green of the same width and length. No. 2 Dry, all widths and lengths, 20' and shorter, $4.00 per 1,000 feet less than No. 1 Dry of the same width and length. No. 3 Dry, 20' and shorter, 2 x 3, 2 x 4, 2 x 6, and 2 x 8, $10.00 per 1,000 feet, and 2 x 10 and 12", $11.00 per 1,000 feet, less than No. 1 Dry of the same width and length.
For No. 1, permitting up to 15% of No. 2, deduct $0.50 per 1,000 feet from the No. 1 price of the same width and length.
For working to Shiplap, Center-Matched, or Dressed and Matched, add $2.00 per 1,000 feet, dropping to be included at grade differential.
For Rough dry, add $1.00 per 1,000 feet to surfaced dry price.
For Ripping and Resawing, not dressed or centered, add for 2 x 4, $2.50, and for 2 x 6 and wider, $3.50 per 1,000 feet.

BOARDS

	Dry	*Green*
1 x 3" and 4"	2,100	2,400
1 x 6" and wider	2,200	2,500

For ¼" off surfacing, 100 lbs. less.
For Shiplap, D&M or C. M., deduct 100 from S4S.

Dimension, Plank and Small Timbers

	S4S Standard dry	S4S Standard green	CM and S1S or S2S standard Dry	CM and S1S or S2S standard Green
2 x 3"	2,100	2,400		
2 x 4"	2,200	2,500	1,900	2,150
2 x 6"	2,250	2,550	2,050	2,300
2 x 8"	2,250	2,550	2,100	2,400
2 x 10"	2,300	2,600	2,150	2,450
2 x 12"	2,300	2,600	2,150	2,500
3 x 3"	2,400	2,600		
3 x 4"	2,400	2,600	2,050	2,250
3 x 6"	2,600	2,800	2,350	21500
3 x 8"	2,600	2,800	2,400	2,600
3 x 10"	2,600	2,800	2,450	2,650
3 x 12"	2,600	2,800	2,500	2,700
4 x 4"	2,500	2,700		
4 x 6"	2,600	2,800	2,400	2,600
4 x 8"	2,600	2,800	2,500	2,700
4 x 10"	2,700	2,900	2,550	2,750
4 x 12"	2,700	2,900	2,600	2,800

DIMENSION SURFACE ¼" OFF

	S4S ¼" off by indicated width green
2 x 2"—¼" off each way	2,550
2 x 3"—¼" off each way	2,550
2 x 4"—¼" off each way	2,750
2 x 6"—¼" off each way	2,800
2 x 8"—¼" off each way	2,850
2 x 8"—¼" off by ½" off in width	2,750
2 x 10"—¼" off each way	2,850
2 x 10"—¼" off by ½" off in width	2,750
2 x 12"—¼" off each way	2,850
2 x 12"—¼" off by ½" off in width	2,800

PLANK AND SMALL TIMBERS, AND TIMBERS

	Green surfaced ¼" off each way
3 x 3	2,800
3 x 4	2,850
3 x 6, 3 x 8, and 3 x 10	2,950
3 x 12	3,000
4 x 4	2,950
4 x 6	3,000
4 x 8, 4 x 10, and 4 x 12	3,050
6 x 6	3,050
6 x 8 and 6 x 10	3,100
6 x 12	3,150
8 x 8, 8 x 10, and 8 x 12	3,150
10 x 10 and 10 x 12	3,150
12 x 12	3,200

DIMENSION, ROUGH OR S1E

Green	3,300
2", dry	2,900
3" and thicker, dry	3,100

FIR—TIMBERS

	Green A. L. S. (rough, 3,300 lb.)
6 x 6 and 6 x 8	2,900
8 x 8	3,000
6 x 10 and 6 x 12	2,900
8 x 10 and 8 x 12	3,000
10 x 10 and 10 x 12	3,000
12 x 12	3,100

[§ 1312.59 as amended November 1, 1941, effective November 10, 1941; 6 F.R. 5592]

Issued this 11th day of September 1941.¹

LEON HENDERSON,
Administrator.

¹ Issued: 6 F. R. 4666. Amended: 6 F. R. 5592.

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PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 28—ETHYL ALCOHOL

A sharp increase in the demand for ethyl alcohol has occurred in recent months. Ethyl alcohol is not only essential for the production of high explosives used by the armed forces, but is also used in the manufacture of many civilian products related to national defense. Upon the price of ethyl alcohol depends the price of many other essential chemicals. Investigation by the Office of Price Administration reveals that since the beginning of this year the tank car price of ethyl alcohol SD2B, the basic formula among those affected by this schedule, has risen from 22½ cents per gallon to 24½ cents per gallon and is threatening to rise even higher. The average price of the same formula in 1940 was 20½ cents per gallon. On August 30, 1941, producers, dealers, and purchasers of industrial solvents were requested by the Administrator of the Office of Price Administration not to raise prices above the July 29, 1941, level without prior consultation with his Office. Despite this request and without prior consultation, one of the largest manufacturers of ethyl alcohol recently quoted a price of 49 cents per gallon for SD2B with respect to a proposed order for defense purposes. Other increases in price have also been noted, although the majority of the industry has shown cooperation in keeping the price of SD2B at 24½ cents. After a conference with members of the industry, the Office of Price Administration has determined that, under existing circumstances, there is no justifiable reason for raising the price above 24½ cents, and that further increases in price would therefore be inflationary in character.

Such an inflationary movement in the price of prime chemicals would tend to weaken the defense effort by causing dislocations, price spiraling, and profiteering.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.150 *Maximum prices for ethyl alcohol.* On and after September 15, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer ethyl alcohol in quantities of 500 gallons or more when packaged in containers of 50 gallons or more, and no person shall buy, offer to buy, or accept deliveries of ethyl alcohol in quantities of 500 gallons or more when so packaged, from any manufacturer, at prices higher than the maximum prices set forth in Appendix A incorporated herein as § 1335.159.*

*§§ 1335.150 to 1335.159 inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875; 6 F.R. 1917, 4483.

§ 1335.151 *Less than maximum prices.* Lower prices than those set forth in § 1335.159, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.152 *Evasion.* The price limitations set forth in Price Schedule No. 28 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of ethyl alcohol, or in connection with a purchase, sale, delivery, or transfer of any other material by way of any commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying-agreement, or other trade understanding, or otherwise.*

§ 1335.153 *Records and reports.* Every person making purchases or sales of ethyl alcohol in quantities of 500 gallons or more shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each sale showing the date thereof, and the name and address of the buyer, the prices received, the specifications and quantity, including the size of the containers of the ethyl alcohol sold.*

§ 1335.154 *Affirmations of compliance.* On or before October 10, 1941, and on or before the 10th day of each month thereafter, every manufacturer who, during the preceding calendar month, has made sales of ethyl alcohol in quantities of 500 gallons or more when packaged in containers of 50 gallons or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 128:1, containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 28 or with any exception or modification thereof. Copies of Form 128:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½ paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1335.155 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 28, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 28, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 28, and (c) that the procurement services of the Government are requested to refrain from purchasing ethyl alcohol from those persons who fail to conform to Price Schedule No. 28. Persons who have evidence of the offer, receipt, or demand of payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or of manipulation of prices of ethyl alcohol, or of the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.156 *Modification of Price Schedule No. 28.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 28 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom.*

§ 1335.157 *Definitions.* When used in Price Schedule No. 28 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Manufacturer" means a person operating a factory, plant, or distillery, which manufactures or produces ethyl alcohol.

(c) "Ethyl alcohol" means the formulae of ethyl alcohol listed in § 1335.159, Appendix A, hereof and specified by or registered with the United States Treasury Department, Bureau of Internal Revenue.*

§ 1335.158 *Effective date of Price Schedule No. 28.* This Schedule (§§ 1335.150 to 1335.159, inclusive) shall become effective on September 15, 1941.*

§ 1335.159 *Appendix A: Maximum prices for ethyl alcohol.* The following maximum prices are established for ethyl alcohol (188–190 proof unless otherwise indicated) of the formulae listed below whether produced synthetically or from the fermentation of molasses, corn or other raw material:

(a) *Eastern territory.*

	Per wine gallon (231 cubic inches)	
(1) Tank cars:	f. o. b. shipping point	At Works
CD12	$0.58	----
CD13	.58	----
CD14	.58	----
SD1	----	$0.53
SD2B	----	.50
SD3A	----	.53
SD12A	----	.51
SD23A	----	.53
SD23G	----	.56
SD23H	----	.535
Proprietary name CDA	.58	----
Proprietary name solvent	----	.54

In the case of ethyl alcohol produced from the fermentation of molasses, the above maximum prices apply where the cost of the molasses used for such production is $2.47 per hundred pounds of sugar content delivered to the plant of the producer. For each increase or decrease of $0.10 in such cost, the maximum prices for such ethyl alcohol shall be the above maximum prices plus or minus $0.015.

(2) *Less than tank car quantities.* For quantities of less than tank cars the following differentials, plus a reasonable charge for containers, may be added to the maximum prices established in subparagraph (1) above.

	Per wine gallon (231 cubic inches)
Drums or barrels, C. L.	$0.035
Drums or barrels, LCL, 19 or more	.06
Drums or barrels, LCL, 1–18	.09

(b) *Western territory.* 4 cents per gallon may be added to the maximum prices established by subparagraphs (1) or (2) above, as the case may be.

(c) *Anhydrous ethyl alcohol (200 proof).* 3 cents per gallon may be added to the maximum prices established by paragraphs (a) or (b) above, as the case may be.

(d) When used in this Appendix, the term "Eastern" territory shall mean the states of New Mexico, Colorado, Wyoming, and Montana, and all states east thereof; the term "Western" territory shall mean all other states of the United States.*

[§ 1335.159 as amended December 18, 1941, effective January 1, 1942; 6 F.R. 6615]

Issued this 15th day of September 1941.[1]

LEON HENDERSON,
Administrator.

PART 1345—COKE

REVISED PRICE SCHEDULED NO. 29—BY-PRODUCT FOUNDRY AND BY-PRODUCT BLAST FURNACE COKE

By-product foundry and by-product blast furnace coke are important elements in the manufacture of iron and steel. Maximum prices have been established for pig iron and iron and steel scrap, other important elements of iron and steel costs.

Prices of by-product foundry and by-product blast furnace coke are now from $1.00 to $1.25 per ton higher than a year ago. A further upward movement of coke prices would exert pressure upon the prices of iron and steel. The stabilization of present coke prices is important in the prevention of inflation.

After full investigation and conferences with representatives of the coke industry, it has been determined that the establishment of maximum prices for by-product foundry and blast furnace coke is essential and is in the interest of national defense and the public welfare.

Accordingly, under the authority vested in me by Executive Order 8734, it is hereby directed that:

§ 1345.1 *Maximum prices for by-product foundry and by-product blast furnace coke.* On and after October 1, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, by-product foundry or by-product blast furnace coke, and no person shall buy, offer to buy, or accept delivery of by-product foundry or by-product blast furnace coke at prices higher than the maximum prices set forth in Appendices A and B, incorporated herein as §§ 1345.9 and 1345.10 respectively.*

* §§ 1345.1 to 1345.11, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875; 6 F. R. 1917, 4483.

§ 1345.2 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B (§§ 1345.9 and 1345.10) may be charged, demanded, paid or offered.*

1345.3 *Evasion.* The price limitations set forth in Price Schedule No. 29 shall not be evaded either by direct or indirect methods in connection with a purchase, sale, delivery or transfer of by-product foundry or by-product blast furnace coke, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying agreement or other trade understanding, or otherwise.*

[1] Issued: 6 F.R. 4761. Amended: 6 F.R. 6615.

§ 1345.4 *Records and reports.* Every person making purchases or sales of by-product foundry or by-product blast furnace coke after October 1, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity of each kind or grade purchased or sold, and (b) the quantity (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 29 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1345.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 29, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 29, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of the Government are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 29. Persons who have evidence of any offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of by-product foundry or by-product blast furnace coke, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1345.6 *Modification of Price Schedule No. 29.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 29 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1345.7 *Definition.* When used in Price Schedule No. 29, the term "person" means an individual, partnership, association, corporation or other business entity.*

§ 1345.8 *Effective date of Price Schedule No. 29.* This Schedule (§§ 1345.1 to 1345.10, inclusive) shall become effective October 1, 1941.*

§ 1345.9 *Appendix A: Maximum prices for by-product foundry coke per net ton (2,000 lbs.)*—(a) *General provisions.* The maximum delivered price for by-product foundry coke shall be the price f. o. b. cars at the governing oven plant, plus the lowest established rail transportation charges, from that oven plant, to the place of delivery. The term "governing oven plant" means that oven plant, the price at which, together with the lowest established rail transportation charge, results in the lowest price at the place of delivery.

Location of oven plant:	F. o. b. oven plant in cars (per net ton)
Alabama	$8.50
Chicago, Ill.	11.50

Location of oven plant:	F. o. b. oven plant in cars (per net ton)
Ashland, Ky.	$10.00
Detroit, Mich.	11.75
Kearny, N. J.	12.15
Buffalo, N. Y.	11.75
Ironton, Ohio	10.00
Painesville, Ohio	11.25
Portsmouth, Ohio	10.00
Erie, Pa.	11.75
Philadelphia, Pa.	11.75
Chattanooga, Tenn.	9.00
Fairmont, W. Va.	10.00
Milwaukee, Wis.	12.25

(b) *Exceptions*—(1) *Place of delivery within New England and part of New York.* The maximum delivered price in the States of Connecticut, Rhode Island, Massachusetts and New Hampshire and in that portion of the States of New York, Maine and Vermont wherein the lowest established rail transportation charge for by-product foundry coke from Everett, Mass., is $3.10 per net ton or less, shall be $13.75 per net ton less $0.15 per net ton discount for cash within ten days from date of delivery.

The maximum delivered price within that portion of the States of Maine and Vermont wherein the lowest established rail transportation charge for by-product foundry coke from Everett, Mass., exceeds $3.10 per net ton shall be $10.65 plus the lowest established rail transportation charge from Everett, Mass., to the place of delivery.

(2) *Place of delivery within certain switching districts.* Except as set forth in (b) (3) below, the maximum delivered prices within the following switching districts are:

District	Delivered price per net ton
Chicago, Illinois	$12.25
Birmingham & Tarrant, Ala.	9.40 (1)
St. Louis, Mo. & E. St. Louis, Ill.	12.25 (11)
Indianapolis, Indiana	12.00
Terre Haute, Indiana	12.00
Detroit, Michigan	12.25
Buffalo, New York	12.50
Cincinnati, Ohio	11.75
Cleveland, Ohio	12.30
Erie, Pennsylvania	12.25
Philadelphia, Pa.	12.38
St. Paul & Minneapolis, Minn.	14.00

(i) Except that the maximum delivered price to consumers qualifying under the provisions of the Louisville and Nashville Railroad Company Tariff O. F. O. No. 220–C establishing a furnace raw material freight rate of $0.60 per ton shall be $9.10.

(ii) Except that producers situated in states other than Missouri, Alabama or Tennessee may charge a maximum delivered price of $12.75.

(3) *Place of delivery within certain switching districts when shipments thereto are from Alabama ovens.* The maximum delivered prices within the following switching districts for by-product foundry coke shipped from the State of Alabama are:

District	Delivered price
Chicago, Illinois	$12.85
Detroit, Michigan	12.45
Indianapolis, Indiana	12.45
Cleveland, Ohio	12.40
Chattanooga, Tenn.	9.92
Bayonne, New Jersey	16.96
Williamsburg, Ohio	11.95

(4) *Place of delivery within Ohio or certain parts of New York.* Whenever the place of delivery is located within the States of Ohio or New York, other than that part of New York for which a maximum delivered price was established in (b) (1) above, the Fairmont, West Virginia, oven plant shall not be considered in determining the "governing oven plant," except whenever the shipment is made from the Fairmont, West Virginia, oven plant.

(5) *Place of delivery within Kentucky, Indiana, Michigan, Illinois, Iowa, Missouri, Kansas, Nebraska, Minnesota, South Dakota, Montana, Colorado, Utah or Virginia.* Whenever the place of delivery is located (excepting the switching districts set forth in (b) (2) above) within the States of Kentucky, Indiana, Michigan, Illinois, Iowa, Missouri, Kansas, Nebraska, Minnesota, South Dakota, Montana, Colorado, Utah, or Virginia, the Alabama and Chattanooga, Tennessee oven plants shall not be considered in determining the "governing oven plant," except whenever the shipment is made from the oven plants at Alabama, Chattanooga, Tennessee, or St. Louis, Missouri: *Provided, however,* That the maximum delivered price in those areas shall not exceed the Alabama f. o. b. oven plant price plus the lowest established rail transportation charge from the Alabama oven to the place of delivery, plus $0.75 per net ton.

(6) *Place of delivery within Oklahoma, Nevada, Texas, Arizona, New Mexico or Idaho.* Whenever the place of delivery is located within the States of Oklahoma, Texas, Nevada, Arizona, New Mexico or Idaho, the Alabama and Chattanooga, Tennessee, oven plants shall not be considered in determining the "governing oven plant" except when the shipment is made from such oven plants: *Provided, however,* That when the shipment is made from any other oven plant, the maximum price at such oven plant may not exceed $10.00 per net ton.

(7) *Place of delivery within Eastern Pennsylvania, Southern New Jersey, Delaware and Maryland.* Whenever the place of delivery is located within eastern Pennsylvania,[1] southern New Jersey,[2] Delaware or Maryland,[3] the maximum delivered price shall be as follows:

When the lowest established rail transportation charge for by-product foundry coke from Swedeland, Pa. to the place of delivery is:

Freight rate per net ton:	The maximum price per net ton shall be
$0.68 and less	[4] $12.38
$0.69 to $0.96, inclusive	12.40
$0.97 to $1.66, inclusive	12.45
$1.67 to $2.24, inclusive	12.70
$2.25 to $2.50, inclusive	12.80
$2.51 to $2.85, inclusive	12.95
$2.86 and over	[5] 10.35

[1] That portion of the state east of a line running approximately north and south through Lawrenceville, Pa. (Tioga County) and Kingsdale, Pa. (Adams County).

[2] That portion of the state south of a line running from a point immediately north of Phillipsburg, N. J., to a point immediately north of Asbury Park, N. J.

[3] Excluding Washington County.

[4] Delivered.

[5] F. o. b. oven plant.

(8) *Place of delivery with Western Pennsylvania or Washington County, Maryland.* Whenever the place of delivery is located in the counties of Erie (excepting City of Erie switching district), Crawford, Warren, McKean, Elk, Forest, Venange, and Mercer, the Fairmont, W. Va., oven plant shall not be considered in determining the "governing oven plant," except when the shipment is made from such oven plant: *Provided, however,* That the maximum delivered price shall not exceed the Fairmont, W. Va., oven plant price plus the lowest established rail transportation charge for by-product foundry coke from Fairmont, West Virginia, to the place of delivery, plus 25[6] per net ton

Whenever the place of delivery is located in the remaining counties of Western Pennsylvania[4] or Washington County, Maryland, the Fairmont, W. Va., oven plant shall not be considered in determining the "governing oven plant," except when the shipment is made from such oven plant: *Provided, however,* (i) That the maximum delivered price shall not exceed the Fairmont, W. Va., oven plant price plus the lowest established rail transportation charge for by-product foundry coke to the place of delivery, plus 75[6] per net ton and (ii) when shipment is from the ovens at Painesville, Ohio, or Swedeland, Pennsylvania, the maximum delivered price shall not exceed $10.00 per net ton ovens, plus the lowest established rail transportation charge for by-product foundry coke from such oven to the place of delivery.

(9) *Place of delivery within California, Oregon, and Washington.* On shipments to the States of California, Oregon, and Washington, the governing oven plant may be Chicago, Ill.: *Provided,* That when shipment is from the oven plants listed in paragraph (a) of this Appendix, the maximum delivered price may not exceed the f. o. b. oven plant price at such oven plants, plus the lowest established rail transportation charge for by-product foundry coke.

(10) *Delivery other than by railroad.* When delivery is by means other than railroad, the maximum delivered price shall be the price as computed in this Appendix but adjusted to provide the customary differential or charge in effect on September 18, 1941, for such means of delivery.*

[§ 1345.9 as amended, February 2, 1942, effective February 7, 1942; 7 F.R. 721]

§ 1345.10 *Appendix B: Maximum prices for by-product blast furnace coke per net ton (2,000 pounds).* The maximum price f. o. b. oven plant on by-product blast furnace coke which may be charged by any person at each oven plant, shall be $0.75 per net ton above the weighted average price f. o. b. oven plant of such coke delivered by such person from each oven plant during the first quarter of 1941: *Provided,* That this Appendix B shall not apply to sales or shipments made after the issuance of Price Schedule No. 29 at less than $6 per

[4] That portion of the state west of a line running approximately north and south through Lawrenceville, Pa. (Tioga County) and Kingsdale, Pa. (Adams County).

net ton f. o. b. oven plant. The weighted average price means the average of the prices for which such coke was sold during such period weighted by the tons of such coke sold at each price.

Every person who produces and sells by-product furnace coke shall file prices at which such coke was delivered, and the quantity delivered at each price during the first quarter of 1941. Such information shall be filed with the Office of Price Administration, Washington, D. C., on or before September 27, 1941.

Persons who become producers and sellers of by-product blast furnace coke after the first quarter of 1941 shall apply to the Office of Price Administration for a maximum price. Such application shall be made on Form 129:2, supplied by the Office of Price Administration.

[Paragraph immediately above added by amendment, February 2, 1942, effective February 7, 1942; 7 F.R. 721]

§ 1345.11 *Geographical application.* The provisions of Price Schedule No. 29 shall apply only to sales, offers to sell or delivery of by-product blast furnace coke within, into, or out of one of the forty-eight States of the United States or the District of Columbia.

[§ 1345.11 added by amendment February 2, 1942, effective February 7, 1942; 7 F.R. 721]

Issued this 18th day of September 1941.[1]

LEON HENDERSON,
Administrator.

PART 1347—PAPER AND PAPER PRODUCTS

REVISED PRICE SCHEDULE NO. 30—WASTEPAPER [2]

The Office of Price Administration, being charged with the maintenance of price stability and the prevention of undue price rises and economic dislocations, has determined after an exhaustive investigation and after numerous conferences with representatives of all branches of the trade, that the establishment of maximum prices for wastepaper is essential in order to accomplish these purposes and is in the interest of national defense and national welfare, and that the maximum prices set forth herein are fair and reasonable.

The defense effort has placed an increasing burden upon the wastepaper supply since it is a basic raw material in the manufacture of containers for food and manufactured products. Additional demands upon the wastepaper supply are made by manufactures of almost all types of paper, the channels of trade through which wood pulp was imported having been shut off by the war. Inflationary price rises threaten, and immediate action to prevent disastrous price spiraling is essential.

For several months this Office has attempted to prevent unwarranted price increases through the medium of individual voluntary price agreements. The more responsible dealers and mills have evidenced a willingness to cooperate. This segment of the industry has been unable to keep prices within those established by the agreements, however, because of certain operators who have put high prices before national welfare, and have attempted to circumvent the price agreements.

[Preamble as amended February 2, 1942, effective February 3, 1942; 7 F.R. 660]

Accordingly, under the authority vested in me by Executive Order No. 8734,* it is hereby directed that:

§ 1347.1 *Maximum prices for wastepaper.* On and after October 1, 1941, regardless of the terms of any contract of sale or purchase or other commitment, in the continental United States, no person shall sell, offer to sell, deliver or transfer wastepaper, and no person shall buy, offer to buy, or accept delivery of wastepaper at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1347.10.

[§ 1347.1 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 660]

*§§ 1347.1 to 1347.10, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1347.2 *Less than maximum prices.* Lower prices than those set forth in § 1347.10, Appendix A, may, however, be charged, demanded, paid or offered.*

§ 1347.3 *Evasion.* The price limitations set forth in Price Schedule No. 30 shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of waste paper, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1347.4 *Records.* Every person making purchases or sales aggregating ten short tons or more of any or all grades of waste paper in any one month shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each purchase or sale of waste paper made during such month and each month thereafter, showing the date thereof, the name of the buyer or of the seller, the prices paid or received, and the quantity and grade or grades so purchased or sold. Such records shall set forth separately the f. o. b. point of shipment price and the transportation charge.*

§ 1347.5 *Affirmation of compliance.* All persons who are required by § 1347.4 to keep records, shall transmit, on or before November 10, 1941, and on or before the tenth day of each month thereafter, an affirmation of compliance on Form 130:1 containing a sworn statement that during the month for which the record is kept all purchases and sales were made at prices in compliance with Price Schedule No. 30 or with any exception or modification thereof. Copies of Form 130:1 can be procured from the Office of Price Administration or, provided no change is made in the style and content of it and that it is reproduced on 8" x 10½" paper, may be prepared by persons required to submit affirmation of compliance hereunder.*

§ 1347.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions contained in Price Schedule No. 30, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 30, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments through calling to the attention of the proper authorities failures to comply with Price Schedule No. 30 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 30. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of any or all of the grades of waste paper or of the hoarding or accumulation of unnecessary inventories thereof, are urged and requested to communicate with the Office of Price Administration.*

§ 1347.7 *Modification of Price Schedule No. 30.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 30 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1347.8 *Definitions.* When used in Price Schedule No. 30, or any modifications or exceptions thereto, the term:

(a) "Person" includes an individual, partnership, association, corporation, or other business entity.

(b) "Wastepaper" includes all kinds, and grades and types of wastepaper.

(c) "Consumer" means a purchaser, for its own consumption, of wastepaper, i. e. paper mill, paperboard mill, roofing mill, etc.

(d) "Producer" means any person who produces, collects, sorts, packs, offers for sale, sells, or exchanges any wastepaper.*

(e) "Broker", commonly known as a wastepaper broker, means any person who sells to consumers wastepaper not packed by such person, and purchased by such person in the condition in which it is to be delivered to the consumer.

[Paragraph (e) as amended February 2, 1942, effective February 3, 1942; 7 F.R. 660]

§ 1347.9 *Effective date.* This Price Schedule (§§ 1347.1 to 1347.10, inclusive) shall become effective on October 1, 1941.*

§ 1347.10 *Appendix A: Maximum prices for wastepaper*—(a) *Grades and maximum prices per short ton f. o. b. point of shipment.*

Grades	Maximum prices per short ton [4] f. o. b. point of shipment [4]
No. 1 Mixed Paper [5]	$14.00
*No. 1 News [6]	15.00
Overissue News [7]	17.00
**Old Corrugated Containers [8]	20.00
***New Corrugated Cuttings [10]	21.50
Box Board Cuttings [11]	14.50
White Blank News [12]	33.00
Extra Manilas [13]	37.00
New Manila Envelope Cuttings [14]	53.00
One Cut New Manila Envelope Cuttings [15]	57.50
Manila Tabulating Cards, Plain Manila Color, free from groundwood [16]	45.00
Manila Tabulating Cards, Colored, free from groundwood [17]	30.00
Manila Tabulating Cards, Groundwood, Plain Manila Color [18]	27.00
Manila Tabulating Cards, Groundwood, Colored [19]	20.00
No. 1 Hard White Shavings, unruled [20]	57.50
No. 1 Hard White Shavings, ruled [21]	50.00
Hard White Envelope Cuttings [22]	62.50
One Cut Hard White Envelope Cuttings [23]	67.50
No. 1 Soft White Shavings [24]	50.00
One Cut Soft White Shavings [25]	57.50
Miscellaneous Soft White Shavings [26]	43.00
No. 1 Fly Leaf Shavings [27]	33.50
No. 2 Fly Leaf Shavings [28]	22.50
No. 1 Groundwook Fly Leaf Shavings [29]	25.00
No. 2 Mixed Colored Groundwood Shavings [30]	18.00
Mixed Color Shavings [31]	15.00
No. 1 Heavy Books and Magazines [32]	31.50
Mixed Books [33]	20.50
Overissue Magazines [34]	33.50
No. 1 Mixed Ledger (Colored Ledger) [35]	37.50
No. 1 White Ledger [36]	43.50
No. 1 Assorted Kraft (Old Kraft) [37]	35.00
Triple Sorted No. 1 Brown Soft Kraft [38]	50.00
Mixed Kraft Envelope and/or Bag Cuttings [39]	55.00
Kraft Envelope Cuttings [40]	65.00
New 100% Kraft Corrugated Cuttings [41]	45.00

*Grade changed from "No. 1 Baled News" by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 660.

**Price changed from $16.50 to $20.00 by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 660.

***Price changed from $18.00 to $21.50 by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 660.

NOTE: The item "Old Kraft Corrugated Containers*, $27.00" revoked by amendment January 15, 1942, effective January 19, 1942; 7 F.R. 313.

When used in these footnote definitions the terms:

"Objectionable papers" include carbon, waxed, paraffined, oil treated, greased, glazed, parchment, asphalt, tar, wall, friction board, book-covers, cloth bound, heavy cores, tympan, pressboard, used billboard stock, paper-wrapped excelsior, felt furniture pads, paper twine, uncut printer's rolls, and paper strings; and

"Foreign Materials" include every non-paper substance that can not be manufactured into paper, including, but in no way limiting the generality of the above: cellophane, rags, rubbers, strings, vulcanized fibre, metals and rubbish of all kinds.

[1] [Footnote 1 revoked by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 660.]

[2] All prices represent the maximum prices for the respective grades of wastepaper, the highest qualities of which are defined in the footnotes below. Other qualities of wastepaper of the grades defined must be sold at or below the maximum prices established. The prices established in Price Schedule No. 30 are the maximum prices to be charged or paid and no differentials or service charges other than those specifically provided in this Appendix are to be added.

[3] In all instances tare is not to exceed 2% of the gross weight per bale.

[4] All prices established by Price Schedule No. 30 shall be for wastepaper f. o. b. freight cars, trucks or barges at the point of shipment, or, in case of exports, f. a. s. the vessel at the port of export. Except in the case of exports, no charge or cost incurred in transferring a shipment to or loading a shipment on a conveyance for transportation to the buyer, may be added to the point of shipment price. The point of shipment shall be the point at which the wastepaper is first loaded on a conveyance for transportation to the buyer, or, in the case of exports, f. a. s. the vessel at the port of export. Sales may be made on a delivered basis, but such sales must be made at prices not in excess of the maximum f. o. b. point of shipment prices established by Price Schedule No. 30, plus the appropriate transportation allowances set forth in paragraph (b) below, or, in the case of exports, plus the allowance set forth in (a) below, if any, and/or any costs incident to movement beyond the point of shipment.

To the prices established by Price Schedule No. 30, in the case of wastepaper exported for papermaking, the following allowance may be added:

(a) If the wastepaper to be exported for the purpose of papermaking has been baled to meet the requirements of maritime handling and is transported to the dock or other place of delivery to an ocean carrier for export shipment at the expense of the seller, an amount not in excess of $3.00 per short ton may be added to the maximum prices established by Price Schedule No. 30 to cover the cost of such baling and transportation, which additional amount must be listed as a separate item on the invoice. No such charge may be added in the event the broker or producer has not kept the records required by § 1347.4.

[Footnote 4 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 660]

[5] "No. 1 Mixed Paper" shall consist of clean, dry, sorted and repacked wastepaper free from objectionable papers and foreign materials and packed in large machine compressed bales weighing 650 pounds or more, and shall include, without in any way limiting the generality of the foregoing, wastepaper sometimes described as super-mixed, repacked mixed, dry goods waste, department store waste, printer's waste, container manila, print manila, and so forth: *Provided, however*, That if any one or more of the aforementioned requirements of this definition are absent, then the wastepaper may not be sold at a price in excess of $12.00 per short ton.

[Footnote 5 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 660]

[6] "No. 1 News" shall consist of clean, dry, sorted and repacked newspapers free from foreign materials, objectionable and mixed papers, and packed in bales or bundles: *Provided, however*, That if any one or more of the aforementioned requirements of this definition are absent, then the wastepaper may not be sold at a price in excess of $13.00 per short ton.

[Footnote 6 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 660]

[7] "Overissue News" shall consist of all-white, large size, overrun newspapers from a newspaper office (not over 60 days old) and must be packed in securely tied bundles, small or large bales.

[8] "Old Corrugated Containers" shall consist of clean, dry, sorted and repacked corrugated or solid fibre containers of kraft or any other paper substance free from foreign materials, mixed and objectionable papers and packed in large machine compressed bales weighing 650 pounds or more: *Provided, however*, That if any one or more of the aforementioned requirements of this definition are absent, then the wastepaper may not be sold at a price in excess of $18.00 per short ton.

[Footnote 8 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 660]

[9] [Footnote 9 revoked by amendment January 15, 1942, effective January 19, 1942; 7 F.R. 313]

[10] "New Corrugated Cuttings" shall consist of new corrugated cuttings of "jute" from a corrugating plant, or solid fibre or corrugated container converting plant, and shall be free from foreign materials, mixed and objectionable papers. Must be packed in small or large bales.

[11] "Boxboard Cuttings" shall consist of clean, dry cuttings from paperboard converting plants or other users of paperboard, free from objectionable and mixed papers and foreign materials, packed in large machine compressed bales weighing 650 pounds or more.

[12] "White Blank News" shall consist of clean, dry, white news cuttings or sheets, free from mixed and objectionable papers and foreign materials and packed in large machine compressed bales weighing 650 pounds or more.

[13] "Extra Manilas" shall consist of clean, dry, unprinted manila paper of uniform natural manila color, free from yellow news blanks, paper towels, canary colored blanks, goldenrod and bogus stock, as well as mixed and objectionable papers and foreign materials, and packed in large machine compressed bales weighing 650 pounds or more.

[14] "New Manila Envelope Cuttings" shall consist of clean, dry, new manila cuttings or sheets of miscellaneous shades from envelope factories, free from printed stock of any kind, mixed and objectionable papers and foreign materials and must be packed in small or large bales.

[15] "One Cut New Manila Envelope Cuttings" shall consist of one cut, one shade, clean, dry, new manila cuttings or sheets from envelope factories containing not more than 10% groundwood and free from printed stock of any kind, mixed and objectionable papers and foreign materials. Must be packed in small or large bales.

[16] "Manila Tabulating Cards, Plain Manila Color, Free From Groundwood" shall consist of clean, dry, punched or unpunched printed manila tabulating cards of plain manila color, free from all other colors, from groundwood, and from mixed and objectionable papers and foreign materials. Must be packed in bales or bags. If any colored cards are included, the packing shall be designated, "Manila Tabulating Cards, Colored, Free From Groundwood". If any groundwood is included, the packing shall take the appropriate groundwood classification.

[17] "Manila Tabulating Cards, Colored, Free From Groundwood" shall consist of clean, dry, punched or unpunched printed manila tabulating cards of colored stock, free from all groundwood and from mixed and objectionable papers and foreign materials. Must be packed in bales or bags. If any groundwood is included the packing shall be designated, "Manila Tabulating Cards, Groundwood, Colored".

[18] "Manila Tabulating Cards, Groundwood, Plain Manila Color" shall consist of clean, dry punched or unpunched printed manila tabulating cards of plain manila color, free from all other colors; containing groundwood, free from mixed and objectionable papers and foreign materials. Must be packed in

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[1] Issued: 6 F.R. 4821 Amended: 7 F.R. 721

[2] Issued as "Wastepaper Sold East of the Rocky Mountains" Title changed to "Wastepaper" by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 660.

[Paragraph (c) added by amendment Feb- ... of acetic acid in quantities of 3,000

bales or bags. If any colored cards are included, the packing shall be designated "Manila Tabulating Cards, Groundwood, Colored."

[19] "Manila Tabulating Cards, Groundwood, Colored" shall consist of clean, dry punched or unpunched printed manila tabulating cards of colored stock, containing groundwood, free from mixed and objectionable papers and foreign materials. Must be packed in bales or bags.

[20] "No. 1 Hard White Shavings, Unruled" shall consist of clean, dry unruled bond or writing paper shavings, free from colors and tints, parchment and groundwood, and from mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more. If any ruled paper is present in the bale, the packing shall be designated, "No. 1 Hard White Shavings, Ruled".

[21] "No. 1 Hard White Shavings, Ruled" shall consist of clean, dry ruled and unruled, bond or writing paper shavings, free from colors and tints, parchment and groundwood and from mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[22] "Hard White Envelope Cuttings" shall consist of clean, dry bond or writing paper shavings of miscellaneous shades free from all colors and tints parchment and groundwood, and from mixed and objectionable papers and foreign materials. Must be packed in small or large bales or in securely tied packages.

[23] "One Cut Hard White Envelope Cuttings" shall consist of one cut, one shade, clean, dry bond or writing paper shavings containing sulphite or rags or a mixture of both, and free from all colors and tints, parchment and groundwood, and from mixed and objectionable papers and foreign materials. Must be packed in small or large bales or in securely tied packages.

[24] "No. 1 Soft White Shavings" shall consist of clean, dry, unprinted all-white bookpaper shavings, free from all colors and tints, parchment and groundwood as well as mixed and objectionable papers and foreign materials, and containing not more than 10% coated white paper stock and calcium. Must be packed in large machine compressed bales weighing 650 pounds or more. If more than 10% coated white paper stock is present, the packing shall be designated, "Miscellaneous Soft White Shavings".

[25] "One Cut Soft White Shavings" shall consist of one cut, one shade, clean, dry, unprinted, all-white bookpaper shavings, free from all colors and tints, parchment and groundwood as well as mixed and objectionable papers and foreign materials, and containing not more than 10% coated white paper stock and calcium. Must be packed in large machine compressed bales weighing 650 pounds or more. If more than 10% coated white paper stock is present the packing shall be designated "Miscellaneous Soft White Shavings".

[26] "Miscellaneous Soft White Shavings" shall consist of clean, dry, unprinted, all-white bookpaper shavings of various shades, free from all colors and tints, parchment and groundwood as well as mixed and objectionable papers and foreign materials and containing in excess of 10% coated white paper stock and calcium. Must be packed in large machine compressed bales weighing 650 pounds or more.

[27] "No. 1 Fly Leaf Shavings" shall consist of magazine and or catalog trim and shall contain the bleed of the cover and insert stock, but shall be free from all solid color stock, groundwood stock, and objectionable papers and foreign materials. Must be packed in small or large bales. If any groundwood is present, the packing shall be designated, "No. 1 Groundwood Fly Leaf Shavings".

[28] "No. 2 Fly Leaf Shavings" shall consist of magazine and catalog trim and may contain cover and insert stock which may consist of solid color and other color stock but shall be free from groundwood stock and objectionable papers and foreign materials. Must be packed in small or large bales. If any groundwood is present, the packing shall be designated, "No. 2 Mixed Colored Groundwood Shavings".

[29] "No. 1 Groundwood Fly Leaf Shavings" shall consist of telephone book and magazine trim, free of all bleed and coated stock, consisting of all white paper except colored cover stock. This grade shall be free from objectionable papers and foreign materials and must be packed in small or large bales. If any bleed and coated stock is present, the packing shall be designated, "No. 2 Mixed Colored Groundwood Shavings".

[30] "No. 2 Mixed Colored Groundwood Shavings" shall consist of a mixture of white and colored trim, including bleed and printed stock throughout, but free from rotogravure stock and objectionable papers and foreign materials. Must be packed in small or large bales.

[31] "Mixed Colored Shavings" shall consist of a mixture of white and colored trim, including bleed, printed and rotogravure stock, free from objectionable papers and foreign materials. Must be packed in small or large bales.

[32] "No. 1 Heavy Books and Magazines" shall consist of dry, clean books and magazines containing not over 2% groundwood and or outthrows, free from shavings and crumpled stock, heavily inked, deeply colored, gilt, aluminum and varnished cover stock, lithographed, parchment, groundwood, rotogravure and cover papers, as well as mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[33] "Mixed Books" shall consist of dry, clean books and magazines containing not over 25% total outthrow, including kraft and groundwood, free from mixed and objectionable papers and foreign materials. Must be packed in small or large bales or securely tied bundles. If the bale contains more than 25% outthrows, the packing shall be designated "No. 1 Mixed Paper".

[Footnote 33 as amended February 2, 1942, effective February 3, 1942; F.R. 660]

[34] "Overissue Magazines" shall consist of clean, dry, fresh, overrun and misprint, unsold magazines and books, quire waste and stitchless stock. Coated stock shall not exceed 5% of the gross weight of any one delivery. Must be packed in small or large bales or securely tied bundles.

[35] "No. 1 Mixed Ledger (Colored Ledger)" shall consist of white and light colored ledger and writing waste containing not more than 2% groundwood and or outthrows, free from mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[36] "No. 1 White Ledger" shall consist of white ledger and writing waste containing not more than 2% groundwood and or outthrows, free from mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[37] "No. 1 Assorted Kraft (Old Kraft)" shall consist of brown kraft waste free from corrugated waste of any kind, mixed and objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[38] "Triple Sorted No. 1 Brown Soft Kraft" shall consist of old soft brown sulphate kraft paper guaranteed 100% free from wax, tar, kraft corrugated boards, and all imitation or bogus sheets, and shall be clean, dry and free from mixed or objectionable papers and foreign materials. Must be packed in large machine compressed bales weighing 650 pounds or more.

[39] "Mixed Kraft Envelope and or Bag Cuttings" shall consist of mixed 100% Northern and/or Southern Kraft Cuttings from strictly new envelope and or paper bag stock and must be free of fibre papers, screening pulp and colored paper of any kind, objectionable and mixed papers and foreign materials. Must be packed in small or large bales.

[40] "Kraft Envelope Cuttings" shall consist of 100% Northern kraft cuttings from strictly new envelope paper stock, free from objectionable and mixed papers and foreign materials. Must be packed in small or large bales.

[41] "New 100% Kraft Corrugated Cuttings" shall consist of cuttings, trimmings or shavings from new 100% kraft corrugated stock and must be free of fibre papers, screening pulp and colored paper of any kind, objectionable and mixed papers, and foreign materials. Must be packed in small or large bales.

(b) The maximum delivered price for wastepaper shall not exceed the established point of shipment price set forth in (a) hereof, plus such of the following transportation allowances as are shown as separate items in the billing or invoices.

(1) When transportation to the buyer is by public carrier, the lowest established transportation rate available for an identical shipment;

(2) When transportation to the buyer is by the seller's vehicle or is by private carrier not owned or controlled by the buyer, an amount not in excess of the following:

Transportation from point of shipment over shortest highway route available

Haul	Per short ton
5 miles or less	$ 50
6 miles to 10 miles	60
11 miles to 15 miles	70
16 miles to 20 miles	80
21 miles to 25 miles	90
26 miles to 30 miles	1 00
31 miles to 35 miles	1 10
36 miles to 40 miles	1 20
41 miles to 45 miles	1 30
46 miles to 50 miles	1 40
51 miles to 55 miles	1 50
56 miles to 60 miles	1 60
61 miles to 65 miles	1 70
66 miles to 70 miles	1 80
71 miles to 75 miles	1 90
76 miles to 80 miles	2 00
81 miles to 85 miles	2 10
86 miles to 90 miles	2 20
91 miles to 95 miles	2 30
96 miles to 100 miles	2 40
101 miles to 105 miles	2 50
106 miles to 110 miles	2 60
111 miles to 115 miles	2 70
116 miles to 120 miles	2 80
121 miles to 125 miles	2 90
126 miles to 130 miles	3 00
131 miles to 135 miles	3 10
136 miles to 140 miles	3 20
141 miles to 145 miles	3 30
146 miles to 150 miles	3 40
151 miles to 155 miles	3 50
156 miles to 160 miles	3 60
161 miles to 165 miles	3 70
166 miles to 170 miles	3 80
171 miles to 175 miles	3 90
176 miles to 180 miles	4 00
181 miles to 185 miles	4 10
186 miles to 190 miles	4 20
191 miles to 195 miles	4 30
196 miles to 200 miles	4 40

Where the distance is greater than 200 miles from the point of shipment to the consumer, such seller may add to the f. o. b. point of shipment price the actual charges for an identical shipment.

All sales of wastepaper to a consumer shall be invoiced. The invoice shall state as separate items the origin and destination of the wastepaper, and if delivered in the seller's vehicle or by private carrier not owned or controlled by the buyer, the mileage and the charge for such service.

[Paragraph (b) added by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 660. Former paragraph (b) on "Jobber's Allowance" revoked by amendment February 2, 1942, effective February 3, 1942]

(c) (1) In the event that a consumer of wastepaper shall purchase wastepaper through a broker as defined in § 1347.8 (e), hereof, such consumer may pay such broker not more than the maximum price herein plus a broker's allowance not to exceed the following percentages of the price per ton of the amount actually paid to the broker, exclusive of the broker's allowance:

Price per ton for grade of wastepaper purchased:	*Broker's allowance in percentage*
Up to $20.00	4
$20.01 to $30.00	5
$30.01 to $40.00	5½
$40.01 to $50.00	7
$50.01 to $60.00	8
$60.01 to $67.50	9

(2) The maximum prices established in § 1347.10, Appendix A, can in no case be augmented by more than one brokerage allowance for each ton. In addition to the price paid by the consumer, a broker may receive a broker's allowance only from a consumer, and only if the transaction in question fulfills all of the following requirements:

(i) The broker records the name or names of his vendor or vendors in each transaction, the quantity and grade of wastepaper purchased, the price f. o. b. point of shipment paid by such broker, the name of his consuming purchaser, the method of shipment to such consuming purchaser, the price paid by such consuming purchaser, and the broker's allowance.

(ii) The sale is made by the broker to the consumer.

(iii) The wastepaper sold by the broker to the consumer has been completely prepared for delivery by a person other than the broker.

(iv) The broker guarantees the merchantable quality of the wastepaper.

(v) The broker's allowance in such transaction is shown as a separate item on the invoice. This invoice must contain a statement that the broker has had no part in the preparation of the wastepaper covered, prior to its delivery to the consumer, and that the charges are not in excess of those established in Price Schedule No. 30.

(vi) The broker's allowance is not split or divided with any other person.

(vii) All pertinent provisions in Price Schedule No. 30 are strictly complied with.*

[Paragraph (c) added by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 660]

Issued this 18th day of September 1941.[1]

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 31—ACETIC ACID

As a direct consequence of expanded economic activity induced by the national defense program the demand for acetic acid has risen sharply in the past few months. Acetic acid is essential in the manufacture of a large number of important products such as rayon yarn, film, plastics, transparent wrapping materials, lacquers, varnishes and white lead. The prices of all acetate solvents are based primarily upon the price of acetic acid.

Synthetic production of acetic acid accounts for the bulk of acetic acid consumed by this country. Most of the remainder, commonly referred to as "natural acetic acid", is produced by wood distillation at a cost often in excess of the cost of synthetic production. The tank car price of synthetic glacial acetic acid in the third quarter of 1941 was approximately 20% higher than in the second quarter. A further increase to 6½ cents per pound has recently been announced for the fourth quarter. The tank car price of natural acetic acid in terms of 100% acid content has increased in recent months from 5 cents to 7½ cents per pound and higher. Prices of other grades of acetic acid generally reflect the tank car prices for synthetic glacial and natural acetic acid in terms of 100% acid content and have increased correspondingly.

The Office of Price Administration has conferred with producers of both synthetic acetic acid and natural acetic acid. No justifiable reasons have been advanced for increasing the prices of synthetic acetic acid and natural acetic acid beyond 6¼ cents and 7¼ cents per pound respectively for tank cars. Increases in such prices would, therefore, be inflationary in character. Such inflationary movements in the prices of basic chemicals would tend to weaken the defense effort by causing dislocations, price spiraling and profiteering.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.201 *Maximum prices for acetic acid.* On and after September 29, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, acetic acid in quantities of 3,000 pounds or more, and no person shall buy, offer to buy, or accept delivery of, acetic acid in quantities of 3,000 pounds or more from any person, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.210.*

*§§ 1335.201 to 1335.210, inclusive, issued under the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.202 *Less than maximum prices.* Lower prices than those set forth in § 1335.210, Appendix A, may be charged, demanded, paid, or offered.*

§ 1335.203 *Evasion.* The price limitations set forth in Price Schedule No. 31 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer, of acetic acid, or in connection with a purchase, sale, delivery, or transfer, of any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of grades of acetic acid, or by unreasonable charges for containers or otherwise.

[§ 1335.203 as amended, January 2, 1942, effective January 2, 1942; 7 F.R. 123]

§ 1335.204 *Records and reports.* Every person making any purchase or sale of acetic acid in quantities of 3,000 pounds or more shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the prices paid or received, and the specifications and quantity including the size of the containers, of the acetic acid purchased or sold.

Persons affected by Price Schedule No. 31 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.205 *Affirmations of compliance.* On or before October 10, 1941, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month, has made any sale of acetic acid in quantities of 3,000 pounds or more, whether for immediate or future delivery, shall submit to the Office of Price Administration, an affirmation of compliance on Form 131.1 containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 31 or with any exception or modification thereof. Copies of Form 131.1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1335.206 *Enforcement.* In the event of refusal or failure to abide by the price limitations, report requirements, or other provisions of Price Schedule No. 31, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 31, the Office

[1] Issued: 6 F.R. 4822. Amended: 6 F.R. 5342, 5535, 6457; 7 F.R. 313.

of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 31, and (c) that the procurement services of the Government are requested to refrain from purchasing acetic acid from those persons who fail to conform to Price Schedule No. 31. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of acetic acid or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.207 *Modification of Price Schedule No. 31.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 31 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1335.208 *Definitions.* When used in Price Schedule No. 31, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Acetic acid" means the various grades of acetic acid listed in § 1335.210, Appendix A, hereof.*

(c) "Eastern Territory" means the states of New Mexico, Colorado, Wyoming and Montana and all states east thereof and the term "Western Territory" means all other states of the United States.

(d) "Sellers' Shipping Point" means the point of manufacture or other point of distribution maintained by a manufacturer or seller from which actual shipment is made.

[Paragraphs (c) and (d) added by amendment January 2, 1942, effective January 2, 1942; 7 F.R. 123]

§ 1335.209 *Effective date of Price Schedule No. 31.* This Schedule (§§ 1335.201 to 1335.210, inclusive) shall become effective September 29, 1941.*

§ 1335.210 *Appendix A: Maximum prices for acetic acid*—(a) *Eastern and western territory*—(1) *Tank cars.* The maximum price of $6.93 per hundred pounds f. o. b. works, in tank cars is established for glacial acetic acid (99.5% or over) and for weaker acetic acid of commercial grade in terms of 100% acid content in Eastern and Western Territory.

(b) *Eastern territory.* The following maximum prices are established for concentrations of technical and pure acetic acid of any origin, f. o. b. seller's shipping point in Eastern Territory:

(1) *Carload lots*—(i) *Barrels and drums.*

	Per hundred pounds
Technical:[1]	
28 percent	$3.38
56 percent	5.58
70 percent	6.68
80 percent	7.47
84 percent	7.79
Glacial	9.15
Pure:[1]	
30 percent	$4.44
36 percent	4.86
60 percent	7.60
80 percent	9.26
United States Pharmacopoeia	10.95
Chemically pure	14.20

(ii) *Carboys and cases.* The maximum prices established in subdivision (i) of this subparagraph (1) plus 50 cents per hundred pounds.

(2) *Less than carload lots*—(i) *Barrels and drums.* The maximum prices established in subparagraph (1), subdivision (i) of this paragraph (b) plus 25 cents per hundred pounds.

(ii) *Carboys and cases.* The maximum prices established in subparagraph (1), subdivision (i) of this paragraph (b) plus 75 cents per hundred pounds.

(c) *Western territory.* The following maximum prices are established for concentrations of technical and pure acetic acid of any origin, f. o. b. seller's warehouse in Western Territory:

(1) *Carload lots*—(i) *Barrels and drums.*

	Per hundred pounds
Technical:[1]	
56 percent	$7.29
60 percent	7.69
80 percent	9.20
Glacial	11.05
Pure:[1]	
56 percent	8.83
60 percent	9.07
80 percent	11.00
Glacial	16.00

(ii) *Carboys and cases.* The maximum prices established in subdivision (i) of this subparagraph (1) plus 50 cents per hundred pounds.

(2) *Less than carload lots*—(i) *Barrels and drums.* The maximum prices established in subparagraph (1), subdivision (i) of this paragraph (c) plus 25 cents per hundred pounds.

(ii) *Carboys and cases.* The maximum prices established in subparagraph (1), subdivision (i) of this paragraph (c) plus 75 cents per hundred pounds.

(d) *Export sales.* The maximum prices for acetic acid of any origin on export sales to persons in foreign countries other than Canada or Mexico are as follows:

(1) *3,000 pounds or more but less than 5,000 pounds.* The maximum prices established in subparagraph (2) of paragraph (b) or subparagraph (2) of paragraph (c), whichever the case may be, plus 3 cents per pound.

(2) *5,000 pounds or more but less than 25,000 pounds.* The maximum prices established in subparagraph (2) of paragraph (b) or subparagraph (2) of paragraph (c), whichever the case may be, plus one and one-half cents per pound.

(3) *25,000 pounds or more.* The maximum prices established in subparagraph (2) of paragraph (b) or subparagraph (2) of paragraph (c), whichever the case may be, plus one cent per pound.

(e) *Containers.* For acetic acid sold in containers, a reasonable charge for such containers may be added to the maximum prices established by paragraphs (b), (c) and (d).

[§ 1335.210 as amended January 2, 1942 effective January 2, 1942; 7 F.R. 123]

Issued this 24th day of September 1941.[1]

LEON HENDERSON,
Administrator.

[1] Specifically designated percentages include all approximations thereof.

[1] Issued: 6 F.R. 4885. Corrected: 6 F.R. 5181. Amended: 7 F.R. 123.

PART 1347—PAPER AND PAPER PRODUCTS

REVISED PRICE SCHEDULE NO. 32—PAPERBOARD SOLD EAST OF THE ROCKY MOUNTAINS

The Office of Price Administration, being charged with the maintenance of price stability and the prevention of undue price rises, has determined that the establishment of maximum prices for paperboard is essential in order to accomplish these purposes and is in the interest of national defense and national welfare, and that the maximum prices set forth herein are fair and reasonable. The determination of these prices comes after exhaustive investigations and numerous conferences with representatives of all branches of the paperboard trade.

Paperboard, and the boxes and containers manufactured therefrom, have become essential to the prosecution of the defense effort. The Office of Price Administration, through voluntary agreements and the establishment of price schedules for wastepaper and other commodities, has been exerting its efforts to prevent undue price rises in those raw materials which go to make up paperboard. The price rises which are threatening in the paperboard industry are, therefore, unwarranted. Because of the countless uses for paperboard, the effect of an inflationary price would be to create a dangerous price spiral and, therefore, immediate action is necessary.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1347.51 *Maximum prices for paperboard.* On and after February 3, 1942, regardless of the terms of any contract of sale or purchase or other commitment, in the area east of the Rocky Mountains, no producer, and no agent or representative of a producer, shall sell, offer to sell, deliver or transfer any grade of paperboard, and no person shall buy, offer to buy, or accept delivery of any grade of paperboard from a producer, or agent or representative of a producer, at prices higher than the maximum prices set forth in Appendices A and B, hereof, incorporated herein as §§ 1347.61 and 1347.62, respectively. The sale of any paperboard shipped from or into the area east of the Rocky Mountains, shall be subject to Price Schedule No. 32.*

[§ 1347.51 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 661]

*§§ 1347.51 to 1347.65, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1347.52 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B (§§ 1347.61 and 1347.62) may, however, be charged, demanded, paid, or offered.*

[§ 1347.52 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 661]

§ 1347.53 *Evasion.* The price limitations set forth in Price Schedule No. 32 shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of paperboard, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1347.54 *Records.* Every person making purchases or sales aggregating ten tons or more of any or all grades of paperboard in any one month shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each purchase or sale of paperboard made during such month and each month thereafter showing the date thereof, the name of the purchaser or of the seller, the prices paid or received, the quantity and grade or grades so purchased or sold.*

[§ 1347.54 as amended December 26, 1941, effective January 1, 1942; 6 F.R. 6799]

§ 1347.55. *Reports.* Every producer of any or all grades of paperboard shall, in addition to keeping records as required above, submit such reports as the Office of Price Administration may from time to time require.*

§ 1347.56 *Affirmation of compliance.* All persons who are required by § 1347.54 to keep records, shall transmit, on or before February 10, 1942, an affirmation of compliance on Form 132:1 containing a sworn statement that during the period January 1 to January 31, inclusive, 1942, all purchases and sales were made at prices in compliance with Price Schedule No. 32 or with any exception or modification thereof, and on or before the tenth day of each month thereafter, a similar affirmation of compliance containing a sworn statement that during the preceding calendar month for which the record is kept all purchases and sales were made at prices in compliance with Price Schedule No. 32 or with any exception or modification thereof. Copies of Form 132:1 can be procured from the Office of Price Administration or, provided no change is made in the style and content of it and that it is reproduced on 8" by 10½" paper, may be prepared by persons required to submit affirmation of compliance hereunder.*

[§ 1347.56 as amended December 26, 1941, effective January 1, 1942; 6 F.R. 6799]

§ 1347.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record or report requirements, or other provisions contained in Price Schedule No. 32, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 32, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments through calling to the attention of the proper authorities failures to comply with Price Schedule No. 32 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 32. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of any or all of the grades of paperboard, or of the hoarding or accumulation of unnecessary inventories thereof, are urged and requested to communicate with the Office of Price Administration.*

§ 1347.58 *Modification of Price Schedule No. 32.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 32 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom. Such applications must include all relevant facts in detail and must be verified by the individual making the application or by an officer or partner of the business entity making the application: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 32 and other Schedules issued by the Office of Price Administration.*

[§ 1347.58 as amended December 26, 1941, effective January 1, 1942; 6 F.R. 6799.]

§ 1347.59 *Definitions.* When used in Price Schedule No. 32, or any modifications or exceptions thereto, the term:

(a) "Base price" means the going market price quoted for any grade and type of paperboard specifically listed in Appendices A and B (§§ 1347.61 and 1347.62) of Price Schedule No. 32;

(b) "East of the Rocky Mountains" includes all of the area of the continental United States except the states of California, Oregon, Washington, Idaho, Utah, Nevada, New Mexico, Arizona, Colorado, Wyoming, and Montana;

(c) [Paragraph (c) revoked by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 661]

(d) "Gage list" means those lists set forth in United States Department of Commerce Simplified Practice Recommendation R44–36 entitled "Box Board Thicknesses";

(e) "Item" means paperboard of one size, of the same grade, color, type, weight, caliper, and finish which the purchaser is willing to have delivered at one time;

(f) "Paperboard" means all kinds, grades, types, calipers, colors, and patterns of paperboard;

(g) "Person" means an individual, partnership, association, corporation, or other business entity;

(h) "Producer" means any person who manufactures from any raw material, paperboard for any use whatever;

(i) "Total transportation cost involved" includes all actual costs involved in transporting and delivering paperboard to the purchaser's plant actually using the paperboard, whether paid by purchaser, by seller, or prorated between purchaser and seller;

(j) [Paragraph (j) revoked by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 661]

(k) "Ton" means a net ton of 2,000 pounds.*

[§ 1347.59 as amended December 26, 1941, effective January 1, 1942 (6 F.R. 6799), with the exception of paragraphs (c) and (j) which were revoked by amendment February 2, 1942]

§ 1347.60 *Effective date of Price Schedule No. 32.* This Price Schedule (§§ 1347.51 to 1347.62, inclusive) shall become effective on October 1, 1941.*

§ 1347.61 *Appendix A: Maximum prices for paperboard used in the manufacture of folding paper cartons, set-up boxes, or for any other purposes, sold east of the Rocky Mountains.*

(a) *Non-bending boards, mounting-boards, and chip tube & can stock.* (No. 1 Gage List—Regs. 50's to 90's incl. See paragraph (d) for other thicknesses[1]):

	Maximum base price per ton (2,000 lb.)	Maximum differentials per item applying to the maximum base price[2]		
		Up to and including 3 tons[3]	Over 3, less 10 tons[3]	10 tons or over[3]
Plain chip	$45.00	+$5.00	+$2.50	Base
News vat lined chip	45.00	+6.50	+4.00	+$1.50
Filled news	45.00	+8.00	+5.50	+3.00
Solid news	45.00	+10.00	+7.50	+5.00
White vat lined chip	45.00	+20.00	+17.50	+15.00
Mounting board	45.00	+8.00	+5.50	+3.00
Chip tube & can stock	45.00	+7.50	+5.00	+2.50

(b) *Folding boards.* (No. 2 Gage List—Reg. 50's to 90's, Incl. See paragraph (d) for other thicknesses):

	Maximum base price per ton (2,000 lb.)	Maximum differentials per item applying to the maximum base price[2]		
		Up to and including 3 tons[3]	Over 3, less 10 tons[3]	10 tons or over
Single manila lined chip	$60.00	+$5.00	+$2.50	Base
Single jute lined chip	60.00	+5.00	+2.50	Base
Mist gray lined chip	60.00	+5.00	+2.50	Base
Bleached manila lined chip	60.00	+7.50	+5.00	+2.50
Semibending and creasing chip	60.00	−7.50	−10.00	−12.50
Full bending chip	60.00	−5.00	−7.50	−10.00

See p. 1266 for footnotes.

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(c) *White patent coated news.* (No. 6 and No. 7 Gage Lists):

	Maximum base price per ton (2,000 lb.)	Maximum differentials per item applying to the maximum base price [2]		
		Up to and including 3 tons [3]	Over 3, less 10 tons [3]	10 tons or over [3]
GAGE LIST NO. 6				
#1 Single White 0.020 and heavier	$75.00	+$5.00	+$2.50	Base
#1 Single White 0.018	75.00	+7.50	+5.00	+$2.50
#1 Single White 0.016	75.00	+10.00	+7.50	+5.00
#1 Single White 0.015	75.00	+12.50	+10.00	+7.50
#1 Single White 0.014	75.00	+15.00	+12.50	+10.00
GAGE LIST NO. 7				
#1 Double White 0.020 and heavier	75.00	+27.50	+25.00	+22.50
#1 Double White 0.018	75.00	+32.50	+30.00	+27.50
#1 Double White 0.016	75.00	+37.50	+35.00	+32.50
#1 Double White 0.015	75.00	+40.00	+37.50	+35.00
#1 Double White 0.014	75.00	+42.50	+40.00	+37.50

(d) *Additional differentials.* (1) Applying to paragraphs (a) or (b) only:

	Per ton [4]
Regular 35's to 39's	+$5.00
Regular 40's to 49's	+2.50
Regular 91's to 100's	+2.50
Regular 101's to 120's	+5.00
Skim news back	+1.50

(2) Applying to White Patent Coated News, Single Manila Lined Chip, or Bleached Manila Lined Chip only:

	Per ton [4]
Manila back non-bender	+$10.00
Manila back bender	+15.00

(3) Applying to paragraphs (a), (b), or (c):

	Per ton [4]
Siliceating (per side)	+$2.50
Pasting 15's and lighter	+7.50
Pasting 14's to 1/4" thick	+12.50
Gloss ink	+2.50

(e) *Exception to quantity differentials.* Where a single purchaser places an order for paperboard of a single grade, thickness, type, and color, and where the sizes ordered and quantities demanded are such as to fill the trim of the seller's papermaking machine and where the only cutting involved can be done by the slitter and chopper knives as the paperboard leaves the machine, the combined weight of such orders made simultaneously shall be used as the basis for the application of the quantity differential set forth herein.

[1] Except No. 3 Gage List.

[2] See Paragraph (e) for exception to quantity differentials.

[3] A plus sign before a figure establishes it as the maximum amount that may be added to the base price in the sale or purchase of the kind and grade of paperboard in whose column the figure appears. Smaller amounts may be added. A minus sign before a figure establishes it as the minimum amount that must be subtracted from the base price in the sale or purchase of the kind and grade of paperboard in whose column the figure appears. Larger amounts may be subtracted.

(f) *Trimming.* For trimming sheets add $1.00 per side per ton.

[Paragraph (f) as amended February 2, 1942, effective February 3, 1942; 7 F.R. 661]

(g) [Paragraph (g) revoked by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 661]

(h) *Delivered prices.* All of the above maximum prices are for the respective grades or tonnages delivered to the purchaser's plant actually using the paperboard.

The maximum prices set forth in this Appendix shall include all transportation costs involved, except as provided in paragraph (i) below, regardless of whether such transportation costs are paid by the seller, by the purchaser, or prorated between purchaser and seller. Billing may be f. o. b. point of shipment with freight allowed.

(i) *Added freight adjustments for long hauls.* If, in the shipment of any paperboard, the total transportation cost involved exceeds $6.00 per ton, the maximum prices set forth in this Appendix may be increased by a sum per ton not in excess of the difference between $6.00 and the total transportation cost involved per ton.*

[§ 1347.61 as amended December 26, 1941, effective January 1, 1942 (6 F.R. 6799) with the exception of paragraph (f) which was amended and paragraph (g) which was revoked by amendment February 2, 1942]

§ 1347.62 *Appendix B: Maximum prices for paperboard used in the manufacture of fibre boxes (corrugated or solid fibre), sheets (corrugated or solid fibre), single faced rolls, or for any other purposes, sold east of the Rocky Mountains.*[1]

(a) *Liners—0.016:*

	Price per M square feet
0.016—42 lb. Fourdrinier Kraft	$1.26
0.016—47 lb. Fourdrinier Kraft	1.41
0.016—50 lb. Fourdrinier Kraft	1.50
0.016—52 lb. Fourdrinier Kraft	1.56
0.016—52-58 lb. Cylinder Kraft—100 lb. test	1.62
0.016—56 lb. Fourdrinier Kraft	1.82
0.016—56-68 lb. Jute—100 lb. test	1.92

(b) *Liners heavier than 0.016:*

0.023—Jute—See paragraph (g).	
0.023—72 lb. Fourdrinier Kraft	2.16
0.030—96-110 lb. Jute—135 lb. test	3.30
0.030—90 lb. Fourdrinier Kraft	2.70
0.030—90-104 lb. Cylinder Kraft—135 lb. test	2.88
0.030—90 106 lb. Cylinder Kraft—150 lb. test	3.00
0.030—90-106 lb. Cylinder Kraft—170 lb. test	3.12

(c) *Liners lighter than 0.016:*

0.009—32 lb. Fourdrinier Kraft	1.04
0.012—33 lb. Fourdrinier Kraft	.99
0.012—48-52 lb. Jute	1.63
0.014—33 lb. Fourdrinier Kraft	1.14
0.014—43 lb. Fourdrinier Kraft	1.29

(d) *Corrugating grades:*

0.009—30 34 lb. Strawboard	.96
0.009—26 lb. Fourdrinier Kraft	.78
0.009—26 lb. Chestnut	.78
0.009—25-30 lb. "Bogus" Corrugating Material	.90
0.009—26 lb. Canadian Sulphite and Ground Wood [1]	.78

(e) *Chip for use in inner packing, single face rolls, or containers:*

	Price per ton
0.007—21 lb. up to 0.016	$47.50
0.017 and heavier	45.00

(f) *Natural colors.* All Kraft, Jute, and Chip prices are based on standard grades in their respective natural colors.

(g) [Paragraph (g) revoked by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 661]

(h) *Delivered prices.* All of the above maximum prices are for the respective grades or tonnages delivered to the purchaser's plant actually using the paperboard.

The maximum prices set forth in this Appendix shall include all transportation costs involved except as provided in paragraph (i) below, regardless of whether such transportation costs are paid by the seller, by the purchaser, or prorated between purchaser and seller. Billing may be f. o. b. point of shipment with freight allowed.

(i) *Added freight adjustments for long hauls.* (1) If the total transportation cost involved for the type of transportation used in the shipment of Fourdrinier Kraft liners, Cylinder Kraft liners, and Kraft corrugating material, provided such liner or corrugating material is made in the United States from at least 70% virgin Kraft coniferous wood pulp, exceeds $10.00 per ton, the maximum prices set forth in this Appendix may be increased by a sum per ton not in excess of the difference between $10.00 and the total transportation cost involved per ton.

(2) If the total transportation cost involved for the type of transportation used in the shipment of corrugating material or liners listed in this Appendix imported from Canada exceeds $12.00 per ton, the maximum prices set forth in this Appendix may be increased by a sum per ton not in excess of the difference between $12.00 and the total transportation cost involved per ton.

(3) If the total transportation cost involved for the type of transportation used in the shipment of all other types of paperboard listed in this Appendix, except those provided for in sub-paragraphs (1) and (2) hereof, exceeds $6.00 per ton, the maximum prices set forth in this Appendix may be increased by a sum per ton not in excess of the difference between $6.00 and the total transportation cost involved per ton.

[1] Where paperboard of any type covered by this Appendix is imported from a foreign country by a purchaser, and duty must be paid on such import, such purchaser may pay this duty although this payment results in a total cost to such purchaser for paperboard which exceeds the maximum prices established in this Appendix. The total amount paid by the purchaser for such imported paperboard shall in no event exceed the prices established in this Appendix plus the actual amount of the import duty paid, and such import duty must be shown as a separate item in the records required to be kept in accordance with § 1347.54 hereof.

[§ 1347.62 as amended December 26, 1941, effective January 1, 1942, 6 F.R. 6799, with the exception of paragraph (g) which was revoked by amendment February 2, 1942]

[§§ 1347.63, 1347.64, and 1347.65, added by amendment of December 26, 1941, effective January 1, 1942, were revoked by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 661]

Issued this 30th day of September 1941.[1]

LEON HENDERSON,
Administrator.

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

REVISED PRICE SCHEDULE NO. 33—CARDED COTTON YARNS

From August 1940 to May 1941 the prices of cotton yarns and cotton textiles were marked by an inflationary rise. To check this advance, the Office of Price Administration issued a schedule of maximum prices for combed yarns in May 1941, and a schedule for six leading types of cotton grey goods in June 1941. It was the aim of the Office of Price Administration in taking these measures to bring about an appropriate adjustment of prices for related products in the cotton textile field to those set forth in the schedules for combed yarn and cotton grey goods. Carded yarns, however, which normally sell for several cents less per pound than combed yarns are now commanding prices as high, and in some instances higher, than the ceiling prices established for combed yarns. This dislocation in the price structure of the textile industry is injurious to national defense and to the civilian economy.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1307.51 *Maximum prices for carded cotton yarn.* (a) On and after the applicable ceiling date (as set forth in Appendix A, incorporated herein as § 1307.60), except as provided in § 1307.51 (b) hereof, no person shall sell, offer to sell, deliver, or transfer carded cotton yarn for commercial use, and no person shall buy, offer to buy, or accept delivery of carded cotton yarn for commercial use, at prices higher than the maximum prices set forth in § 1307.60, Appendix A.

(b) The provisions of Price Schedule No. 33 are not applicable to carded cotton yarn when sold, by persons other than the producer thereof, for use as wrapping twine or for resale for ultimate use as wrapping twine.*

[Paragraph (b), formerly paragraph (c), added by amendment January 21, 1942, effective October 6, 1941 (7 F.R. 475). Redesignated as paragraph (b) by amendment of February 2, 1942, which revoked former paragraph (b).]

* §§ 1307.51 to 1307.62 issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

[1] Issued: 6 F.R. 5012. Amended: 6 F.R. 5073, 5699, 6087. Renumbered and amended: 6 F.R. 6799. Amended: 7 F.R. 603, 661.

§ 1307.52 *Less than maximum prices.* Lower prices than those set forth in § 1307.60, Appendix A, may be charged, demanded, paid, or offered.*

§ 1307.53 *Evasion.* (a) The price limitations set forth in Price Schedule No. 33 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of carded cotton yarn, alone, or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) No price agreed upon in any contract shall be changed by amendment of such contract, by substitution therefor of a new contract, or otherwise (whether or not such change is made pursuant to the terms of the original contract) if the change so effected results in an agreed price in excess of the maximum price applicable under § 1607.60 hereof, in accordance with the date the original contract was made, to the original contract or to deliveries pursuant thereto.*

[Paragraph (b) added by amendment November 26, 1941, effective November 27, 1941; 6 F.R. 6047]

§ 1307.54 *Records and reports.* Every person making purchases or sales of carded cotton yarn for commercial use after October 5, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, the quantity in pounds, and the specifications of the carded cotton yarn sold or purchased, and (b) the quantity of carded cotton yarn (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 33 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1307.55 *Affirmations of compliance.* On or before November 10, 1941, and on or before the 10th day of each month thereafter, every person who during the preceding calendar month has purchased or sold, whether for immediate or future delivery, or delivered or accepted delivery of carded cotton yarn for commercial use, shall submit to the Office of Price Administration an affirmation of compliance on Form 133:1, containing a sworn statement that during such month all such purchases, sales, or deliveries were made at prices in compliance with Price Schedule No. 33 or with any exception thereto or modification thereof. Copies of Form 133:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8" x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1307.56 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 33, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 33, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 33. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of carded cotton yarn, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1307.57 *Modification of Price Schedule No. 33.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 33 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1307.58 *Definitions.* When used in Price Schedule No. 33, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Carded cotton yarn" means carded cotton yarn of all qualities of the specifications for which maximum prices are established in § 1307.60, Appendix A;

[Paragraph (b) as amended, February 2, 1942, effective February 2, 1942; 7 F.R. 712]

(c) "For commercial use" means for any use or purpose except use by an individual buyer at retail for home or private consumption;

(d) "Ceiling date" means the date, as specified in § 1307.60, Appendix A, on which Price Schedule No. 33 becomes effective with respect to any given yarn.

(e) "For export" means to a person outside the United States, its territories and possessions.*

[Paragraph (e) added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 712]

§ 1307.59 *Effective date of Price Schedule No. 33.* This Schedule (§§ 1307.51 to 1307.60, inclusive) shall become effective October 6, 1941.

§ 1307.60 *Appendix A: Maximum prices for carded cotton yarn*—(a) *Terms of sale*—(1) *Freight*—(i) *Sales and deliveries by producers.* As applied to sales and deliveries by the producer, the maximum prices established herein include freight up to one cent per pound to the purchaser's place of business. The producer may require the purchaser to pay any freight in excess of one cent per pound. If the producer does not pay the freight, the maximum price shall be that shown herein less freight (up to one cent per pound) at the lowest published rate. In the case of sales or deliveries for export, if export is by sea, the seaport from which the yarn is shipped, or, if export is overland, the point at which the yarn leaves the United States, shall be regarded as the purchaser's place of business.

(ii) *Sales and deliveries of stock yarn.*[1] As applied to sales and deliveries of stock yarn, the maximum prices established herein are prices f. o. b. the stock-yarn seller's shipping point.

(2) *Discounts and commissions.* The maximum prices established by Price Schedule No. 33 are gross prices before any discounts are deducted and they include commissions and all other charges.

The maximum prices for carded yarns established in paragraph (b) below shall be discounted by two per cent when payment is made within thirty days of delivery.

(b) *Maximum prices*—(1) *Determination of maximum price.* The maximum price for any offer to buy or sell, sale or contract of sale, delivery or transfer of carded cotton yarn shall be determined from (2) below, as qualified by (3) below, in the following manner.

(i) *Offer to buy or sell.* By the cotton spot price[2] of the business day immediately preceding that on which the offer was made except that, if the offering price is not otherwise specified, an offer to buy or sell at the maximum price applicable on the day the contract of sale is to be made shall not be a violation of Price Schedule No. 33.

(ii) *Sale or contract of sale.* By the cotton spot price of the business day immediately preceding the day on which the sale or contract of sale is made, regardless of the maximum price applicable to the offer pursuant to which such sale or contract is made.

(iii) *Delivery or transfer.*[3] By the cotton spot price of the business day immediately preceding that on which the sale or contract of sale is made, regardless of any change in the cotton spot price subsequent thereto, except that, when the sale or contract of sale was made on or before July 20, 1941, the applicable maximum price shall be determined on the basis of a cotton spot price of 15.99 cents per pound.

(2) *Table of base maximum prices.* The following are base maximum prices for all carded yarns. They are subject to the premiums and discounts set forth in (3) below. For a yarn intermediate between any two appearing in this table, the maximum price shall be that price obtained from this table by interpolation in accordance with the respective yarn numbers.

Yarn No	Cotton spot prices (cents per pound)												
	14.21 to 14.65	14.66 to 15.09	15.10 to 15.54	15.55 to 15.98	15.99 to 16.43	16.44 to 16.87	16.88 to 17.32	17.33 to 17.76	17.77 to 18.21	18.22 to 18.65	18.66 to 19.10	19.11 to 19.54	19.55 to 19.99
	Cents per pound												
Single:													
8s and under	33	33.5	34	34.5	35	35.5	36	36.5	37	37.5	38	38.5	39
10s	33.5	34	34.5	35	35.5	36	36.5	37	37.5	38	38.5	39	39.5
12s	34	34.5	35	35.5	36	36.5	37	37.5	38	38.5	39	39.5	40
14s	34.5	35	35.5	36	36.5	37	37.5	38	38.5	39	39.5	40	40.5
16s	35	35.5	36	36.5	37	37.5	38	38.5	39	39.5	40	40.5	41
18s	35.5	36	36.5	37	37.5	38	38.5	39	39.5	40	40.5	41	41.5
20s	36	36.5	37	37.5	38	38.5	39	39.5	40	40.5	41	41.5	42
24s	37	37.5	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43
26s	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44
30s	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5	46
36s	43	43.5	44	44.5	45	45.5	46	46.5	47	47.5	48	48.5	49
38s	44	44.5	45	45.5	46	46.5	47	47.5	48	48.5	49	49.5	50
40s	45	45.5	46	46.5	47	47.5	48	48.5	49	49.5	50	50.5	51
50s	53	53.5	54	54.5	55	55.5	56	56.5	57	57.5	58	58.5	59
Plied:													
8s and under	37	37.5	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43
10s	37.5	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5
12s	38	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44
14s	38.5	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5
16s	39	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45
18s	39.5	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5
20s	40	40.5	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5	46
24s	41	41.5	42	42.5	43	43.5	44	44.5	45	45.5	46	46.5	47
26s	42	42.5	43	43.5	44	44.5	45	45.5	46	46.5	47	47.5	48
30s	44	44.5	45	45.5	46	46.5	47	47.5	48	48.5	49	49.5	50
36s	48	48.5	49	49.5	50	50.5	51	51.5	52	52.5	53	53.5	54
38s	49	49.5	50	50.5	51	51.5	52	52.5	53	53.5	54	54.5	55
40s	50	50.5	51	51.5	52	52.5	53	53.5	54	54.5	55	55.5	56
50s	58	58.5	59	59.5	60	60.5	61	61.5	62	62.5	63	63.5	64

(3) *Premiums and discounts.* Where applicable, the premiums set forth below may be charged in addition to the base maximum prices set forth in (2) above.

No premiums other than those permitted herein may be charged for any carded yarn.

(i) *Export packaging.* For yarns in waterproof packaging to be exported by sea, a premium of one cent per pound may be charged.

(ii) *Export sales.* A premium of five per cent may be charged by the producer for carded yarns sold for export.[4]

Persons other than the producer, and independent[5] of him, may charge for yarns sold for export a premium which can be justified as commensurate with the difference in cost between the given export sale and a comparable domestic sale.

(iii) *Jobbers.* A jobber[6] who is independent[5] of the purchaser may:

(*a*) Sell broken case lots of carded yarn in quantities of 1,500 pounds or less per calendar month to a given customer at a premium of ten per cent, and in quantities in excess thereof (but not exceeding 15,000 pounds in any calendar month to all his customers) at a premium of five per cent;

(*b*) Sell carded yarn in lots of 1 to 3 unbroken cases at a premium of five per cent: *Provided*, That he may not avail himself of this premium in connection with sales in any calendar month in excess of (1) 3,000 pounds to the same customer or (2) 20,000 pounds to all his customers.

(iv) *Special yarns.* A premium equal to the normal trade differential may be charged in addition to the base maximum prices set forth in (2) above for

(*a*) carded yarns of twist lower than knitting or higher than warp twist;

(*b*) carded yarns put up otherwise than on regular-sized cones or tubes or in skeins;

(*c*) carded yarns made to tensile specifications which cannot be met with American cotton of the applicable staple length set forth below;[8]

(*d*) carded yarns which, because of special inspection, have regularly sold at a premium; and

(*e*) yarns with special constructions.

(v) *Tinged and part-waste yarn.* The maximum price for any tinged or part-waste carded yarn shall be the base maximum price set forth in (2) above, less the normal trade differential.

(c) *Ceiling date.* The maximum prices established herein became effective on February 3, 1942, which shall constitute the ceiling date for all carded yarns.*

[§ 1307.60 as amended, February 2, 1942, effective February 2, 1942; 7 F.R. 712.]

[1] As used in Price Schedule No. 33, the term "stock yarn" means carded yarn owned by a person independent of the producer thereof and stored in space (1) belonging to or leased by such person and (2) located within twenty-five miles of his principal place of business; the term "independent" means not controlling, controlled by, or under common control with.

[2] The term "cotton spot price," when used herein, means the average, published daily by the United States Department of Agriculture Agricultural Marketing Service, of the price quotations for middling $\frac{15}{16}$-inch cotton on ten designated spot markets.

[3] This method of determining the maximum price shall be used in connection with deliveries and transfers pursuant to sales or contracts of sale made before, as well as on or after, the applicable ceiling date.

[4] See § 1307.58 for definition of "for export".

[5] See footnote 1 above, for definition of independent.

[6] As used herein, "jobber" means a person at least seventy-five per cent of whose sales of carded yarn during the calendar month preceding any given transaction consisted of stock yarn sales. See footnote 1, above, for definition of "stock yarn".

[7] See footnote 1, above.

[8] Yarn numbers: Staple

Up to 24s, inclusive	1"
25s to 30s, inclusive	1 1/32"
31s to 44s, inclusive	1 1/16"
45s to 55s, inclusive	1 3/32"
56s to 70s, inclusive	1 1/8"
71s to 80s, inclusive	1 5/32"
81s to 90s, inclusive	1 3/16"
91s to 100s, inclusive	1 7/32"
Over 100s	1 1/4"

As used herein, the term "American cotton" means all kinds of cotton grown in the United States except Sea Island, SXP, and Pima.

§ 1307.61 *Effect of amendments.* Unless the contrary is expressly provided in any amendment to Price Schedule No. 33:

(a) such amendment shall not be deemed to affect the provisions of Price Schedule No. 33 as they stood prior to such amendment;

(b) it shall be permissible for any person to make or accept delivery of carded yarns at the price agreed upon in a contract of sale or purchase entered into prior to such amendment, if such price was subject to and in conformity with Price Schedule No. 33 when such contract was made;

(c) deliveries made pursuant to contracts entered into prior to the effective date of such amendment shall not be made or accepted at prices higher than the maximum price applicable under the terms of Price Schedule No. 33 as in effect when the contract was made.*

[§ 1307.61 added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 712]

§ 1307.62 *Effective dates of amendments.* (a) § 1307.53, as amended, became effective November 27, 1941.

(b) 1307.60 (b) (3), as amended, became effective October 6, 1941.

(c) § 1307.51 as amended, became effective October 6, 1941.

(d) §§ 1307.58 and 1307.60 as amended, and §§ 1307.61 and 1307.62 became effective February 2, 1942.*

[§ 1307.62 added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 712]

Issued this 3d day of October, 1941.[1]

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 34—WOOD ALCOHOL

Methyl alcohol is an essential chemical which is used as an antifreeze and in the manufacture of formaldehyde, denatured alcohol, paints, varnishes, enamels, and many other products. Most methyl alcohol is produced synthetically. The remainder, herein referred to as "wood alcohol," is produced by the distillation of wood.

As a result of conditions engendered by the national defense program, the demand for methyl alcohol has increased sharply, causing a shortage of supply. A steep rise in the prices of the various grades of wood alcohol has occurred. The price of the denaturing grade, representing approximately one-half of the wood alcohol production, increased from 45 cents per gallon for tank-car quantities in the second quarter of 1941 to 60 cents per gallon in the third quarter. Substantial transactions have taken place at even higher prices. Such a price movement threatens to create an unsound market in wood alcohol and also to dislocate the market for synthetic methyl alcohol. Producers of the latter product have refrained from increasing its price. The largest producer, in fact, has announced a price reduction in recent weeks. It is therefore unnecessary at this time to establish maximum prices for synthetic methyl alcohol.

After investigation and conferences with representatives of the methyl alcohol industry, the Office of Price Administration has found that, under existing conditions, there is no justifiable reason for prices of wood alcohol in excess of 60 cents per gallon for tank-car quantities. Further increases in price would, therefore, be inflationary.

Accordingly, under the authority vested in me by Executive Order 8734, it is hereby directed that:

§ 1335.251 *Maximum prices for wood alcohol.* On and after October 10, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer wood alcohol in containers of 50 gallons or more, and no person shall buy, offer to buy, or accept delivery of wood alcohol in containers of 50 gallons or more, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.259.*

*§§ 1335.251 to 1335.259, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.252 *Less than maximum prices.* Lower prices than those set forth in § 1335.259, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.253 *Evasion.* The price limitations set forth in Price Schedule No. 34 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of wood alcohol, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of formula or grades of wood alcohol, or otherwise.*

§ 1335.254 *Records and reports.* Every person making purchases or sales of wood alcohol in containers of 50 gallons or more after October 10, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the size of the containers, of the wood alcohol purchased or sold.

Persons affected by Price Schedule No. 34 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.255 *Affirmations of compliance.* On or before November 10, 1941, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month, has sold wood alcohol in containers of 50 gallons or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 134:1, containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 34 or with any exception or modification thereof. Copies of Form 134:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on an 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1335.256 *Enforcement.* In the event of refusal or failure to abide by the price limitations, report requirements, or other provisions of Price Schedule No. 34, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 34, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government are fully exerted in order to protect the public interests and the interests of those persons who comply with Price Schedule No. 34, and (c) that the procurement services of the Government are requested to refrain from purchasing wood alcohol from those persons who fail to comply with Price Schedule No. 34. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of wood alcohol, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.257 *Modification of Price Schedule No. 34.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 34 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1335.258 *Definitions.* When used in Price Schedule No. 34, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Wood alcohol" means the various grades of methyl alcohol of wood origin listed in § 1335.259, Appendix A, hereof.*

§ 1335.259 *Appendix A: Maximum prices for wood alcohol.* The following maximum prices are established for wood alcohol:

(a) *Tank cars*—(1) *East of the Mississippi River.*

	Cents per gallon, delivered
Denaturing grade	60
Pure methyl alcohol	60
95% methyl alcohol[1]	60
97% methyl alcohol[1]	60

[1] Specifically designated percentages include all approximations thereof.

(2) *West of the Mississippi River.* Maximum prices for tank car quantities in territory west of the Mississippi River are determined by adding 3 cents per gallon to the maximum prices established above for tank cars in territory east of the Mississippi River.

(b) *Drums and other containers; carload quantities.* Maximum prices for

[1] Issued: 6 F.R. 5091. Amended: 6 F.R. 6047; 7 F.R. 475, 712.

drums and other containers, in carload quantities, in territory east or west of the Mississippi River, are determined by adding 6 cents per gallon to the maximum prices established for tank cars in the respective territory by paragraph (a) of this Appendix.

(c) *Drums and other containers; less than carload quantities.* Maximum prices for drums and other containers, in less than carload quantities, in territory east or west of the Mississippi River, are determined by adding 16 cents per gallon to the maximum price established for tank cars in the respective territory by paragraph (a) of this Appendix.

Issued this 3d day of October 1941.[1]

LEON HENDERSON,
Administrator.

PART 1316—COTTON TEXTILES

REVISED PRICE SCHEDULE NO. 35—CARDED GREY AND COLORED-YARN COTTON GOODS

In June 1941, the Office of Price Administration, as a first step toward stabilizing prices for the major types of cotton textiles, issued Price Schedule No. 11, establishing maximum prices for six leading kinds of cotton grey goods. In August that Schedule was supplemented by maximum prices for other classes of grey goods. Now maximum prices are extended to further important types of grey goods, and to the principal types of cotton colored-yarn goods. For convenience, the carded-yarn fabrics already under maximum prices have been withdrawn from Price Schedule No. 11 and are included, along with numerous other textiles made of carded yarn, in Price Schedule No. 35; grey goods made of combed yarns will continue to be covered by Price Schedule No. 11.

§ 1316.51 *Maximum prices for cotton goods.* On and after the applicable ceiling date (as set forth in Appendix A, incorporated herein as § 1316.61), regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer cotton goods, and no person shall buy, offer to buy, or accept delivery of cotton goods, at prices higher than the maximum prices set forth in § 1316.61, Appendix A, except that:

(a) The maximum prices established herein are not applicable to sales or deliveries of cotton goods to any person or persons outside the United States, its territories and possessions;

(b) Except as may be expressly provided elsewhere herein, the provisions of Price Schedule No. 35 are not applicable to sales or deliveries of cotton goods made by any wholesaler, jobber, or retailer in the performance of a recognized distributive function: *Provided*, That sales and deliveries of cotton goods (1) to a converter or finisher, or (2) by the manufacturer thereof or by any agent of such manufacturer shall not be made at prices higher than the established maximum prices.*

[1] 6 F.R. 5093.

[Paragraph (b) as amended February 9, 1942, effective February 10, 1942; 7 F.R. 931]

* § 1316.51 to § 1316.62, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1316.52 *Less than maximum prices.* Lower prices than those set forth in § 1316.61, Appendix A may be charged, demanded, paid or offered.*

§ 1316.53 *Evasion.* (a) The price limitations set forth in Price Schedule No. 35 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of cotton goods, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) No price agreed upon in any contract shall be changed by amendment of such contract, by substitution therefor of a new contract, or otherwise (whether or not such change is made pursuant to the terms of the original contract) if the change so effected results in an agreed price in excess of the maximum price applicable under § 1316.61 hereof, in accordance with the date the original contract was made, to the original contract or to deliveries pursuant thereto.*

[Paragraph (b) added by amendment November 26, 1941, effective November 27, 1941; 6 F.R. 6047]

§ 1316.54 *Records and reports.* Every person making purchases or sales of cotton goods after October 20, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity in yards of each construction purchased or sold; (b) the quantity in yards of cotton goods (1) on hand, and (2) on order, as of the close of each calendar month; and (c) in the case of manufacturers, the quantity in yards or pounds of each construction of cotton goods manufactured during each calendar month.

Persons affected by Price Schedule No. 35 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1316.55 *Details required in contract of sale and invoice.* (a) Every seller of cotton goods shall, with respect to each sale thereof, deliver to the purchaser a contract of sale which shall contain, in addition to the terms thereof, (1) the date on which the sale or contract of sale was made; (2) a full description of each construction of cotton goods sold, including (i) the width; (ii) in the case of grey goods, the cloth count; (iii) the number of yards per pound; (iv) where necessary to determine the applicable maximum price, the yarn numbers used in the warp and filling, or the average yarn numbers, as the case may be; and (v) where, in conformity with Price Schedule No. 35, a premium is charged or deduction made, the feature of the goods or of their manufacture for which such premium is allowed or deduction required; and (3) the discount, if any, allowed for prompt payment.*

[§ 1316.55 as amended February 2, 1942, effective February 2, 1942; 7 F.R. 714]

§ 1316.56 [Revoked]

§ 1316.56 [Revoked by amendment February 9, 1942, effective February 10, 1942; 7 F.R. 931]

§ 1316.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 35, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 35, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 35, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 35. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of cotton goods or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§1316.58 *Modification of Price Schedule No. 35.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 35 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1316.59 *Definitions.* When used in Price Schedule No. 35, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Cotton goods" means cotton grey goods and cotton colored-yarn goods of the types and specifications for which maximum prices are established in § 1316.61, Appendix A;

(c) "Ceiling date" means the date, as specified in § 1316.61, Appendix A, on which Price Schedule No. 35 becomes effective with respect to any given fabric.*

§ 1316.60 *Effective date of Price Schedule No. 35.* This Schedule (§§ 1316.51 to 1316.61, inclusive) shall become effective October 21, 1941.*

§ 1316.61 *Appendix A: Maximum prices for cotton goods.* Paragraph (a) contains, in summary form, the maximum prices, as established prior to October 21, 1941, and certain premiums allowable for the types of cotton goods theretofore subject to Price Schedule No. 11, but on and after that date subject to Price Schedule No. 35. The maximum prices set forth in paragraph (a) are applicable to such types of goods only when they are delivered pursuant to a sale or contract of sale entered into prior to the above-mentioned date; otherwise such goods are subject to the prices appearing in paragraph (b).

Paragraph (b) contains maximum prices for all cotton goods subject to Price Schedule No. 35. As qualified by paragraph (c), these maximum prices are applicable to all transactions except those subject to paragraph (a).

Paragraph (c) sets forth the conditions under which, in addition to the otherwise applicable maximum prices as found in paragraphs (a) and (b), premiums may be paid for (1) cotton goods made to special physical requirements established by the buyer, (2) cotton goods of demonstrably superior quality, and (3) window-shade cloth.

[Above unnumbered paragraphs as amended November 26, 1941, effective October 21, 1941; 6 F.R. 6047]

(a) Cotton goods of the following specifications which, prior to October 21, 1941, were covered by a sale or contract of sale but not delivered pursuant thereto, shall not be delivered to the purchaser at prices in excess of those set forth below. The maximum prices appearing herein are prices f. o. b. the seller's point of shipment; they are gross prices before discounts of any nature are deducted and include all commissions.

The maximum prices set forth herein become effective on October 21, 1941, which shall constitute the ceiling date for the fabrics subject thereto.

In addition to the maximum prices set forth in the table immediately below, the following premiums may be charged:

(1) The premiums allowable under § 1316.61 (c) below.

(2) For narrow print cloths:

Of widths:	Cents per lb.
32½" to 28½", inclusive	2
28½" to 26", inclusive	3
25¾" to 24", inclusive	4
23¾" to 21", inclusive	5

(3) For print cloths with total thread count per square inch of 72 to 99, both inclusive: 1½

(4) For high-count Class C sheetings:

130 to 139, inclusive, total threads per square inch	1
140 to 159, inclusive, total threads per square inch	2½
160 and more total threads per square inch	4

Nothing herein contained shall authorize any of the above premiums to be charged in connection with any deliveries made before October 21, 1941.

[Paragraph immediately above added by amendment November 26, 1941, effective October 21, 1941; 6 F.R. 6047]

Type and construction of cloth	Maximum prices for deliveries pursuant to contracts entered into prior to August 23, 1941	Maximum prices for deliveries pursuant to contracts entered into between August 25, 1941 and October 20, 1941, inclusive.
Standard print cloth, 40" and narrower	$0.43 per lb.[1 2]	$0.43 per lb.[1 2]
Carded broadcloth, 40" and narrower, 100 sley and below	$0.43 per lb.[1]	$0.43 per lb.[1]
Sheetings, 40" and narrower:		
A. Yarn numbers up to 15s, inclusive	$0.355 per lb.[1]	$0.355 per lb.[1]
B. Yarn numbers 16s to 21s, inclusive	$0.365 per lb.[1]	$0.365 per lb.[1]
C. Yarn numbers above 21s	$0.38 per lb.[1]	$0.38 per lb.[1]
Part waste osnaburgs, 40" and narrower:		
Yarn numbers up to 9s, inclusive	$0.29 per lb.[1]	$0.29 per lb.[1]
Yarn numbers above 9s	$0.32 per lb.[1]	$0.32 per lb.[1]
Tobacco cloth, 40" and narrower	$0.46 per lb.	$0.46 per lb.[3]

[1] Subject to premium of one cent per pound for feeler motion.
[2] Subject to premium of one cent per pound for fabrics of shade cloth quality.
[3] For seconds and shorts, five percent less than the above figures constitutes the maximum price.

(b) (1) *Determination of maximum price.* Except as provided in paragraph (a) above, and subject to the qualifications contained in paragraph (c), below, the maximum price for any offer to buy or sell, sale or contract of sale, delivery or transfer of cotton goods shall be determined in the following manner:

(i) *Offer to buy or sell.* By the spot cotton price[1] of the business day immediately preceding that on which the offer was made, except that, if the offering price is not otherwise specified, an offer to buy or sell at the maximum price applicable on the day the contract of sale is to be made shall not be a violation of Price Schedule No. 35;

(ii) *Sale or contract of sale.* By the spot cotton price of the business day immediately preceding the day on which the sale or contract of sale is made,[2] regardless of the maximum price applicable to the offer pursuant to which such sale or contract is made;

(iii) *Delivery or transfer.*[2] By the spot cotton price of the business day immediately preceding that on which the sale or contract of sale is made, regardless of any change in the spot cotton price subsequent thereto, except that, where the sale or contract of sale was made on or before July 20, 1941, the applicable maximum price shall be determined on the basis of a spot cotton price of 15.99 cents per pound.

[1] The term "spot cotton price," when used herein, means the average, published daily by the United States Department of Agriculture, Agricultural Marketing Service, of the price quotations for middling 15/16-inch cotton on ten designated spot markets.

[2] Except as provided in Paragraph (a), this method of determining the maximum price shall be used in connection with deliveries and transfers pursuant to sales or contracts of sale made before, as well as on or after, the applicable ceiling date.

[3] Sales under "open-price" contracts, pursuant to which the price is to be determined as of a date subsequent to that on which the contract is entered into, are permissible hereunder, provided that the contract (1) specifies the quantity of goods to be delivered and (2) fixes the exact date upon which the price is to be settled. In connection with such contracts the date on which the price is settled shall be regarded, for purposes of paragraph (b), as the day on which the sale or contract of sale is made.

[Subdivision (iii) as amended November 26, 1941, effective October 21, 1941; 6 F.R. 6047]

(2) *Terms of sale.* The maximum prices set forth in paragraph (b) are prices f. o. b. the seller's point of shipment. The prices are gross prices before discounts of any nature are deducted and include all commissions; for certain types of goods, however, mandatory discounts are specified below.

(3) *Ceiling date.* The maximum prices set forth below in Tables I to V, inclusive, and the qualifications thereto of Paragraph (c), become effective on October 21, 1941, which shall constitute the ceiling date for the fabrics covered by said tables and by said qualifications thereto.

(4) *Maximum price tables.* In addition to the maximum prices set forth in the following tables, the following premiums for special manufacturing processes may be charged. None of the premiums allowable hereunder is applicable, however, to osnaburgs delivered against contracts entered into prior to January 23, 1942, or to print cloths of Class B or C; to any fabric excepted below; or to any fabric which, in its standard construction, is normally manufactured by means of the process on which such premium is predicated.

TABLE I

Name of manufacturing process	Premium (cents per yard)
Feeler motion	[1] ⅛
Weaves requiring five or more cams:	
Weaves, other than plain, which (exclusive of selvage) require five cams	[1] ¼
Weaves, other than plain, which (exclusive of selvage) require six or more cams	[1] ½
Weaves requiring dobby looms:	
Weaves requiring 16 harnesses or less	[1] 1¼
Weaves requiring more than 16 harnesses	[1] 1½
Fancy draw:	
For ply cords, bunched ends, skip dents, double draw (2 ends or more weaving as one), reverse-twist warp stripes, or any other novelty draw, or for any combination of the above	½
Each extra beam	½
Hard twist:	
Warp yarn: where turns per inch equal 5¼ or more times the square root of yarn size	½
Filling yarn: where turns per inch equal 4¾ or more times the square root of yarn size	½
Clipping	1
	(Cents per lb.)
Slubs	2

[1] This premium, which is not applicable to cloths other than sheetings, osnaburgs, carded broadcloth, and Class A print cloths, is effective January 23, 1942. In connection with deliveries against contracts entered into between October 21, 1941, and January 22, 1942, inclusive, a premium of one cent per pound is allowable for feeler motion when

used in the production of sheetings and Class A print cloth.

[1] Effective December 29, 1941. In connection with deliveries against contracts entered into between October 21 and December 28, 1941, inclusive, premiums are allowable (except on twills and drills of the types and classes listed in Table III-A) as follows:

Weaves which, including selvage, require five cams ..... ¼¢ per yd
Weaves which, including selvage, require 6 or more cams ..... ½¢ per yd.

[2] If a premium is charged for dobby weave, no additionnl premium may be charged either for fancy draw or for slubs.

[Table I as amended February 2, 1942, effective February 2, 1942; 7 F.R. 714]

TABLE II—*Print Cloth Yarn Group*

Specifications for the types and classes of cloth listed herein are set forth in Table II-A.

A fabric falling within the specifications (as set forth in Table II-A) for any type of cloth listed herein shall be subject to the maximum price established herein even if made in a weave requiring 3 or 4 cams.

[Above paragraphs as amended February 2, 1942, effective February 2, 1942; 7 F.R. 714]

TABLE II—PRINT CLOTH YARN GROUP

(Specifications for the types and classes of cloth listed herein are set forth in Table II-A)

Type and class of cloth	Spot cotton price—Cents per pound: 15.99 to 16.42 incl.	16.43 to 16.85 incl.	16.86 to 17.29 incl.	17.30 to 17.73 incl.	17.74 to 18.17 incl.	18.18 to 18.60 incl.	18.61 to 19.04 incl.	19.05 to 19.48 incl.	19.49 to 19.91 incl.	19.92 to 20.35 incl.
	Cents per pound [1]									
Print Cloth: [2]										
Class A	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50
Class B	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00
Class C	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50	50.00	50.50
Carded Broadcloth:										
Class A	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50
Class B	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50	50.00	50.50
Class C	50.00	50.50	51.00	51.50	52.00	52.50	53.00	53.50	54.00	54.50
Class D	55.00	55.50	56.00	56.50	57.00	57.50	58.00	58.50	59.00	59.50
Pajama Checks:										
Class A	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50
Class B	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00
Carded Poplins:										
Class A:										
1	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50
2	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50
3	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50
Class B:										
1	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50
2	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50
3	43.00	43.50	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50
Class C:										
1	48.00	48.50	49.00	49.50	50.00	50.50	51.00	51.50	52.00	52.50
2	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50	50.00	50.50
3	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50
Class D:										
1	50.00	50.50	51.00	51.50	52.00	52.50	53.00	53.50	54.00	54.50
2	48.00	48.50	49.00	49.50	50.00	50.50	51.00	51.50	52.00	52.50
3	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50	50.00	50.50
Carded Piques:										
Class A	47.00	47.50	48.00	48.50	49.00	49.50	50.00	50.50	51.00	51.50
Class B	50.00	50.50	51.00	51.50	52.00	52.50	53.00	53.50	54.00	54.50
Class C	53.00	53.50	54.00	54.50	55.00	55.50	56.00	56.50	57.00	57.50
Three-Leaf Twills:										
Class A	40.00	40.50	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50
Class B	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50	45.00	45.50
Class C	44.00	44.50	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50
Class D	45.00	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50
Class E	45.50	46.00	46.50	47.00	47.50	48.00	48.50	49.00	49.50	50.00

[1] In addition to the above maximum prices for print cloth, the following premiums may be charged for narrow widths: 32¾" to 28½", incl., 2 cents; 28¼" to 26", incl., 3 cents; 25¾" to 24", incl., 4 cents; 23¾" to 21", incl., 5 cents.

[2] For seconds and short lengths of all fabrics listed in this table, the prices appearing herein shall be discounted by five per cent.

[Table II as amended February 9, 1942, effective February 10, 1942, 7 F.R. 931]

TABLE II-A—KEY TO TYPES AND CLASSES OF CLOTH IN TABLE II

[All numbers inclusive]

Type and class of cloth (including all widths under 42")	Yarn numbers: Warp	Filling	Average	Thread count per inch: Total	Warp	Filling	Yards per pound (Poplins based on square yard; Piques and Three-leaf Twills based on actual width)
PRINT CLOTH							
Class A	28s-32s	30s-45s	33s or over	160-100			
Class B	28s-32s	30s-45s	33s or over	99-72			
Class C	28s-32s	30s-45s	33s or over	71 or less			
CARDED BROADCLOTH							
Class A	28s or over			166 or less			
Class B	28s or over			167-174			
Class C	34s or over			175-189			
Class D	39s or over			190-200			
PAJAMA CHECKS							
Class A				160 or more			
Class B				159 or less			
CARDED POPLIN							
Class A	28s-33½s				76-108	34-52	3.50 or over.
1							3.49-3.01.
2							3.00 or less.
3					109 or over	34-52	
Class B	28s-33½s						3.50 or over.
1							3.49-3.01.
2					76-108	34-52	3.00 or less.
3							
Class C	34s or over						3.50 or over.
1							3.49-3.01.
2					109 or over	34-52	3.00 or less.
3							
Class D	34s or over						3.50 or over.
1							3.49-3.01.
2							3.00 or less.
3							
CARDED PIQUES							
Class A	28s-31½s			152-176			3.70 or over.
Class B	28s-31½s			177-193			3.40-3.60.
Class C	28s-31½s			200-210			3.00-3.39.
THREE-LEAF TWILLS							
Class A				140-151			2.45-2.89.
Class B				132-152			2.90-3.89.
Class C				140-148			3.90-4.10.
Class D				140-148			4.11-4.39.
Class E				124-147			4.40-5.20.

[Table II-A as amended February 9, 1942, effective February 10, 1942; 7 F.R. 931]

TABLE III—SHEETING YARN GROUP

(Specifications for the types and classes of cloth listed herein are set forth in Table III-A)

Type and class of cloth	Spot cotton price—Cents per pound: 15.99 to 16.42 incl.	16.43 to 16.85 incl.	16.86 to 17.29 incl.	17.30 to 17.73 incl.	17.74 to 18.17 incl.	18.18 to 18.60 incl.	18.61 to 19.04 incl.	19.05 to 19.48 incl.	19.49 to 19.91 incl.	19.92 to 20.35 incl.
	Cents per pound [1]									
Sheetings:										
Class A	35.50	36.00	36.50	37.00	37.50	38.00	38.50	39.00	39.50	40.00
Class B	36.50	37.00	37.50	38.00	38.50	39.00	39.50	40.00	40.50	41.00
Class C [2]	38.00	38.50	39.00	39.50	40.00	40.50	41.00	41.50	42.00	42.50
Drills: [3]										
Class A	34.00	34.50	35.00	35.50	36.00	36.50	37.00	37.50	38.00	38.50
Class B	35.00	35.50	36.00	36.50	37.00	37.50	38.00	38.50	39.00	39.50
Class C	36.00	36.50	37.00	37.50	38.00	38.50	39.00	39.50	40.00	40.50
Class D	37.00	37.50	38.00	38.50	39.00	39.50	40.00	40.50	41.00	41.50
Class E	38.00	38.50	39.00	39.50	40.00	40.50	41.00	41.50	42.00	42.50
Three-leaf Jeans [4]	40.50	41.00	41.50	42.00	42.50	43.00	43.50	44.00	44.50	45.00
Four-leaf twills: [3] [4]										
Class A	34.50	35.00	35.50	36.00	36.50	37.00	37.50	38.00	38.50	39.00
Class B	35.50	36.00	36.50	37.00	37.50	38.00	38.50	39.00	39.50	40.00
Class C	38.00	38.50	39.00	39.50	40.00	40.50	41.00	41.50	42.00	42.50
Class D	38.50	39.00	39.50	40.00	40.50	41.00	41.50	42.00	42.50	43.00
Osnaburgs: [4] [5]										
Class A	29.00	29.50	30.00	30.50	31.00	31.50	32.00	32.50	33.00	33.50
Class B	30.00	30.50	31.00	31.50	32.00	32.50	33.00	33.50	34.00	34.50
Class C	31.00	31.50	32.00	32.50	33.00	33.50	34.00	34.50	35.00	35.50
Class D	32.00	32.50	33.00	33.50	34.00	34.50	35.00	35.50	36.00	36.50
Class E	32.50	33.00	33.50	34.00	34.50	35.00	35.50	36.00	36.50	37.00

[1] For seconds and short lengths of all fabrics listed in this table, the prices appearing herein shall be discounted by 5 percent.

[2] The maximum prices set forth above for Class C sheetings, drills, three-leaf jeans, and four-leaf twills shall be adjusted in accordance with the differentials appearing below. No more than one thread-count differential and one herringbone-weave differential may be added to the maximum price for any given fabric.

CLASS C SHEETINGS

(Total thread-count per sq. in.)

130 to 139, inclusive ..... add 1¢
140 to 159, inclusive ..... add 2½¢
160 and over, inclusive ..... add 4¢

DRILLS (ALL CLASSES)

(Total thread-count per sq. in.)

94 and under ..... deduct ½¢
116 to 124, inclusive ..... add ½¢
125 and over ..... add 1¢

(Herringbone weaves)

Reverse twist ..... add 1¼¢
Plain ..... add ½¢

THREE-LEAF JEANS

(Herringbone weaves)

Reverse twist ..... add 1½¢
Plain ..... add ¾¢

FOUR-LEAF TWILLS (ALL CLASSES)

(Total thread-count per sq. in.)

114 and under ..... deduct 1½¢
136 and over ..... add 1½¢

(Herringbone weaves)

Reverse twist ..... add 1¼¢
Plain ..... add ½¢

[3] The maximum prices set forth herein for four-leaf twills must be discounted (1) where payment is made within 10 days of delivery, by 3 percent; and (2) where payment is made within the next 60 days, by 2 percent and by interest at 6 percent per annum for such portion of the 60-day period as the buyer, at his option or pursuant to agreement with the Seller, anticipates by earlier payment.

[4] The maximum prices appearing above for osnaburgs are effective January 23, 1942. For part-waste osnaburgs delivered pursuant to contracts entered into between October 21, 1941 and January 22, 1942, inclusive, the maximum prices are as follows:

Class	Description of class	Maximum prices
A	Yarn numbers up to 9s, inclusive	Same as for Class A, above.
B	Yarn numbers above 9s	Same as for Class D, above.

[5] The maximum prices set forth in the table above are for part-waste osnaburgs. Maximum prices for clean osnaburgs shall be the above prices plus the following differentials:

For clean osnaburgs made of tinged cotton, 1½ cents per lb.
For clean osnaburgs made entirely of white cotton, 2 cents per lb.

No osnaburg shall be classed, for the purposes of Price Schedule No. 35, as a clean osnaburg unless it is wholly free from cord strips and other waste material.

For any osnaburg with 32 or more picks per inch, a premium of ½ cent per pound over the otherwise applicable maximum price may be charged.

[Table III as amended February 9, 1942, effective February 10, 1942; 7 F.R. 931]

TABLE IIIA—KEY TO TYPES AND CLASSES OF CLOTH LISTED IN TABLE III

Type and class of cloth	Yarn numbers (all numbers inclusive)	Weights (yards per pound—all numbers inclusive) [1]
Sheetings (under 42" in width):		
Class A	Up to 15s	
Class B	16s to 21s	
Class C	Above 21s	
Drills (under 42" in width):		
Class A		2.00 and under.
Class B		2.01 to 2.50.
Class C		2.51 to 3.00.
Class D		3.01 to 3.50.
Class E		3.51 and over.
Three-leaf Jeans (under 42" in width)	All	All.
Four-leaf Twills (under 42" in width):		
Class A		1.50 and under.
Class B		1.51 to 2.00.
Class C		2.01 to 2.85.
Class D		2.86 and over.
Osnaburgs (under 42" in width):		
Class A		2.35 and under.
Class B		2.36 to 2.70.
Class C		2.71 to 3.05.
Class D		3.06 to 3.50.
Class E		3.51 and over.

[1] Weights for sheetings, drills, three-leaf jeans, and four-leaf twills are for all widths pro-rated to 37"; weights for osnaburgs are for all widths pro rated to 40".

[Table III-A as amended January 21, 1942, effective January 23, 1942, 7 F.R. 475]

TABLE V—COLORED YARN GROUP: EXCLUSIVE OF DENIMS (PRICES ARE FOR ALL SHADES AND COLORS)

Class of cloth and weight in yards per pound	Cotton spot price—Cents per pound (all numbers inclusive)									
	15.99 to 16.40 incl.	16.41 to 16.82 incl.	16.83 to 17.21 incl.	17.22 to 17.66 incl.	17.67 to 18.08 incl.	18.09 to 18.50 incl.	18.51 to 18.92 incl.	18.93 to 19.31 incl.	19.32 to 19.75 incl.	19.76 to 20.18 incl.
	Cents per yard[1]									
Carded thin yarn shirting:										
Chambrays:										
Mill finish:										
1.87 yds	11.25	11.375	11.50	11.625	11.75	11.875	12.00	12.125	12.25	12.375
2.00 yds	11.25	11.375	11.50	11.625	11.75	11.875	12.00	12.125	12.25	12.375
2.10 yds	11.50	11.625	11.75	11.875	12.00	12.125	12.25	12.375	12.50	12.625
2.20 yds	11.50	11.625	11.75	11.875	12.00	12.125	12.25	12.375	12.50	12.625
Sanforized:										
2.20 yds	12.00	12.125	12.25	12.375	12.50	12.625	12.75	12.875	13.00	13.125
2.30 yds	12.00	12.125	12.25	12.375	12.50	12.625	12.75	12.875	13.00	13.125
Carded coarse yarn shirting:										
Chambrays:										
Mill finish: 2.20 yds	15.75	15.875	16.00	16.125	16.25	16.375	16.50	16.625	16.75	16.875
Sanforized: 2.20 yds	16.50	16.625	16.75	16.875	17.00	17.125	17.25	17.375	17.50	17.625
Carded fine yarn shirting:										
Shirting Cords:										
Mill Finish: 3.20 yds	13.25	13.375	13.50	13.625	13.75	13.875	14.00	14.125	14.25	14.375
Sanforized: 3.20 yds	15.75	15.875	16.00	16.125	16.25	16.375	16.50	16.625	16.75	16.875
Cotton Pant-Covert:										
Sanforized: 3.50 yds	15.75	15.875	16.00	16.125	16.25	16.375	16.50	16.625	16.75	16.875
3.20 yds	18.50	18.75	19.00	19.125	19.25	19.375	19.50	19.625	19.75	19.875
Carded Coarse Yarn Shirting Cords:										
Mill Finish: 3.20 yds	15.25	15.375	15.50	15.625	15.75	15.875	16.00	16.125	16.25	16.375
Sanforized: 3.20 yds	18.25	18.375	18.50	18.625	18.75	18.875	19.00	19.125	19.25	19.375
Cotton Pant-Covert:										
Sanforized: 3.50 yds	29.50	29.80	30.10	30.40	30.70	31.00	31.30	31.60	31.90	32.20

[Table V as amended February 9, 1942, effective February 10, 1942; 7 F.R. 931]

[Table III-A as amended February 9, 1942, effective February 10, 1942; 7 F.R. 931]

[Table IV—DENIMS (PRICES ARE FOR ALL SHADES AND COLORS)

Type of cloth and yards per pound or other specification	Spot cotton price—Cents per pound								
	15.99 to 16.41 incl.	16.42 to 16.81 incl.	16.82 to 17.24 incl.	17.25 to 17.67 incl.	17.68 to 18.07 incl.	18.08 to 18.50 incl.	18.51 to 18.93 incl.	18.94 to 19.36 incl.	19.37 to 20.12 incl.
	Cents per yard								
Denims:									
Mill finish:									
2.00 yards	21.50	21.75	22.00	22.25	22.50	22.75	23.00	23.25	23.50
2.10 yards	21.50	21.75	22.00	22.25	22.50	22.75	23.00	23.25	23.50
2.20 yards	21.50	21.75	22.00	22.25	22.50	22.75	23.00	23.25	23.50
2.30 yards	21.50	21.75	22.00	22.25	22.50	22.75	23.00	23.25	23.50
8 oz. (2.00)	21.50	21.75	22.00	22.25	22.50	22.75	23.00	23.25	23.50
9 oz. (1.78)	21.50	21.75	22.00	22.25	22.50	22.75	23.00	23.25	23.50
Sanforized:									
2.00 yards	23.50	23.75	24.00	24.25	24.50	24.75	25.00	25.25	25.50
2.10 yards	23.50	23.75	24.00	24.25	24.50	24.75	25.00	25.25	25.50
2.20 yards	23.50	23.75	24.00	24.25	24.50	24.75	25.00	25.25	25.50
2.30 yards	23.50	23.75	24.00	24.25	24.50	24.75	25.00	25.25	25.50
9 oz. (1.78)	23.50	23.75	24.00	24.25	24.50	24.75	25.00	25.25	25.50
10 oz. (1.60)	23.50	23.75	24.00	24.25	24.50	24.75	25.00	25.25	25.50

[Table IV as amended February 9, 1942, effective February 10, 1942; 7 F.R. 931]

[Footnote 1 as amended February 2, 1942, effective October 21, 1941; 7 F.R. 514]

(c) (1) In addition to the maximum prices set forth in paragraphs (a) and (b) a premium may be demanded, charged, paid or accepted for cotton goods (other than those named in subparagraphs (4) and (5) below) made pursuant to specifications furnished by the buyer establishing special physical requirements which cannot be met by the most nearly comparable goods of commercial quality: *Provided*, That, except in accordance with permission granted under § 1316.61 (c) (3):

(i) The premium shall not exceed the highest differential in price charged (in cents over the then prevailing market price of the most nearly comparable goods of commercial quality) by the seller for goods of the same specifications during the 12 months immediately prior to June, 1941, or, if no such goods have been sold by the seller during that period, 5 percent of the otherwise applicable maximum price;

(ii) No premium shall be charged hereunder, unless the specifications to which the goods are made were issued by the buyer prior to July 21, 1941.

[Subparagraph (1) as amended January 5, 1942, effective January 6, 1942; 7 F.R. 122]

(2) Every seller making a sale, contract of sale, or delivery of cotton goods at a price including all or part of any premium permissible under § 1316.61 (c) (1) shall, on or before the 10th day of the succeeding month, file with the Office of Price Administration a sworn statement on Form 135:2 stating, with respect to each sale, contract of sale, or delivery made during the preceding calendar month, the date of the sale or contract of sale; the quantity of goods covered thereby; the date or dates when delivery is to be or has been made; the name of the manufacturer of the goods and of the buyer; the price agreed upon, charged, or paid; the buyer's specifications, in accordance with which the goods are made; the date of issuance thereof by the buyer; the use to which the goods are to be put; and the special physical requirements which are relied upon for the premium charged: *Provided*, That if a report, as required hereunder, is duly made of a sale, or contract, of sale, or any delivery pursuant thereto, no report need be made of any subsequent delivery of the same kind of goods pursuant to such sale or contract of sale.

(3) Application may be made by any buyer, or, where goods have been sold but not delivered prior to the applicable ceiling date, by any seller, to the Office of Price Administration for permission to pay or accept, in addition to the maximum prices appearing in paragraphs (a) or (b), a premium for (i) cotton goods made to such buyer's specifications issued on or after July 21, 1941; (ii) specification goods of a kind not manufactured by a seller during the 12 months immediately prior to June 1941 and for which the buyer considers it fair to pay such seller a premium of more than 5 per cent over the otherwise applicable maximum price; (iii) specification goods of a kind manufactured and sold by a seller during the 12 months immediately prior to June 1941 under such circumstances that the highest differential in price charged (in cents over the then prevailing market price of the most nearly comparable goods of commercial quality) by such seller during said 12-month period does not represent a fair and equitable return for the additional manufacturing cost entailed in meeting the specifications for such goods; or (iv) cotton goods of a quality demonstrably superior to that of the same goods of staple commercial grade. Such application, which shall be sworn to before a notary public, shall be accompanied by a yard-long sample of the fabric in its full width and shall state in detail (i) the construction of the cloth, including the width, thread count, and weight, and, with respect to both the warp and filling yarns, the yarn number and the staple, grade, and kind of cotton used; (ii) the specifications, if any, to which the goods are made; (iii) the use to which the goods are to be put; (iv) the reasons, if any, why goods of staple commercial quality would not be satisfactory for such use; and (v) the person or persons, if any, from whom the goods were purchased and the premiums, if any, paid (in cents over the prevailing market prices of the most nearly comparable goods of commercial quality) for such goods during the 3 years preceding the application. Upon receipt of any such application the Office of Price Administration will permit any person affected by such application to file a written statement setting forth facts pertinent to the issue of whether permission to pay a premium should be granted, and if so, in what amount; and will conduct such further investigation as it deems necessary and proper. No permission will be granted hereunder unless it is shown that it is essential to the buyer's business to obtain goods of the type for which he seeks to pay a premium and that the seller is entitled to receive a premium for such goods, and unless the Administrator finds that production of such goods would not be inconsistent with the interests of national defense. Permission granted to any buyer or to any seller hereunder will constitute authority for the other to accept or pay, as the case may be, the premium approved therein. In granting any permission hereunder the Office of Price Administration will require appropriate reports to be filed by the buyer and seller.

[Subparagraph (3) as amended January 5, 1942, effective January 6, 1942; 7 F.R. 122]

(4) For window-shade or book cloth of the same constructions as print cloth of Class A or Class B, a premium of 6 cents per pound may be charged. Where any or all of such premium is charged, no premium is allowable for feeler motion. The premium permissible hereunder is not applicable to selected print cloth but only to goods manufactured for use in high quality window shades or for other uses requiring cloth equally free of imperfections.

On or before January 15, 1942 and on or before the 10th day of each month thereafter every person who has sold window-shade or book cloth at all or part of the premium permissible hereunder shall submit to the Office of Price Administration a report on Form 135:6 of all such sales. The first report shall cover all sales, contracts of sale, or deliveries made between October 21 and December 31, 1941, inclusive; subsequent reports shall cover all sales or contracts of sale made during the calendar month preceding that in which the report is due.

[Subparagraph (4) added by amendment January 5, 1942, effective January 6, 1942; 7 F.R. 122]

(5) The provisions of subparagraphs (1), (2), and (3) above are not applicable to the fabrics described below, for which the premiums set forth herein may be charged in addition to the otherwise applicable maximum price as set forth in paragraph (b): *Provided*, (i) That the fabrics are made for use in the manufacture of products to meet the specifications named below opposite the premium charged; and (ii) that the purchaser shall certify in writing to the seller, before any delivery is made, that the fabric is to be so used.

	Premium allowable (cents per lb.)
Grey goods made for use in products to meet—	
U. S. Army Specification No. 6-247 (July 12, 1937) and Amendment No. 1 (July 10, 1940) for cloth, drill, unbleached (fully shrunk)	1
U. S. Army Specification No. 6-261 (January 7, 1939) and Amendment No. 1 (May 24, 1940) for cloth, cotton, herringbone twill.[1]	1
	(cents per yd.)
Quartermaster Corps Tentative Specification (October 31, 1940) for Raincoats, Single Texture, Rubberized, O. D.	½

[1] Grey goods made for use in meeting this specification are classified under Price Schedule No. 35 as Class A drills.

[Subparagraph (5), as amended February 2, 1942, effective January 6, 1942; 7 F.R. 715]

(6) Permission to pay premiums has been granted under (3) above as follows:

Permission granted to—	*By letter dated*
Hamilton Textile Corp., New York, N. Y.	Dec. 5, 1941
Formica Insulation Co., Cincinnati, Ohio	Dec. 27, 1941
Pacific Mills, Boston, Mass.	Jan. 16, 1942
Marathon Rubber Products Co., Wausau, Wis.	Jan. 16, 1942

[Subparagraph (6) added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 715]

§ 1316.62 *Effect of amendments.* Unless the contrary is expressly provided in any amendment to Price Schedule No. 35:

(a) such amendment shall not be deemed to affect the provisions of Price Schedule No. 35 as they stood prior to such amendment;

(b) it shall be permissible for any person to make or accept delivery of cotton goods at the price agreed upon in a contract of sale or purchase entered into prior to such amendment, if such price

was subject to and in conformity with Price Schedule No. 35 when such contract was made;

(c) deliveries made pursuant to contracts entered into prior to the effective date of such amendment shall not be made or accepted at prices higher than the maximum price applicable under the terms of Price Schedule No. 35, as in effect when the contract was made.*

[§ 1316.62 added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 715]

Issued this 18th day of October, 1941.[1]

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 36—ACETONE

The demand for acetone has increased sharply in recent months as a direct result of the National Defense Program. Acetone is not only essential in the manufacture of high explosives required by the armed forces but is also essential in the preparation of cellulose acetate rayon and many other products important for civilian use. The Office of Price Administration has ascertained that the tank-car price of acetone has increased from 6¢ at the beginning of this year to 7¢ per pound in the third quarter. Prices in excess of 7¢ per pound have been announced by certain large producers for the fourth quarter of 1941. The average price of acetone during 1940 was approximately 4⅞¢ per pound. After consultation with representatives of the industry, the Office of Price Administration has determined that there are no justifiable reasons for prices of acetone in excess of 7¢ per pound in tank-car quantities. Further increase in prices would, therefore, be inflationary.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.301 *Maximum prices for acetone.* On and after October 27, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer acetone in containers of 50 gallons or more, and no person shall buy, offer to buy, or accept deliveries of acetone in containers of 50 gallons or more, at prices higher than the maximum prices set forth in Appendix A incorporated herein as § 1335.310.*

*§§ 1335.301 to 1335.310, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.302 *Less than maximum prices.* Lower prices than those set forth in § 1335.310, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.303 *Evasion.* The price limitations set forth in Price Schedule No. 36 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of acetone, alone or in conjunction with any other material or by way of any commission, service, transportation, or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of formula or grades of acetone, or otherwise.*

§ 1335.304 *Records and reports.* (a) Every person making purchases or sales of acetone in containers of 50 gallons or more on or after October 27, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such purchase or sale showing the date thereof, and the name and address of the buyer or the seller, the prices paid or received, and the specifications and quantity, including the size of the containers, of the acetone purchased and sold.

(b) On or before November 10, 1941, and on or before the 10th day of each month thereafter, every producer of acetone, other than those engaged in the production of acetone synthetically, shall submit to the Office of Price Administration a report on Form 136:1 in the detail required by such Form showing the total production of acetone by such producer during the previous calendar month, the respective percentages of such total produced from molasses, corn, or other raw material, the cost of such raw material, and such other information as such Form shall require. Persons affected by Price Schedule No. 36 shall submit such other reports to the Office of Price Administration as it may from time to time require.*

§ 1335.305 *Affirmations of compliance.* On or before November 10, 1941, and on or before the 10th day of each month thereafter, every person, who during the preceding calendar month has sold acetone in containers of 50 gallons or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 136:2, containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 36 or with any exception or modification thereof. Copies of Form 136:2 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½ paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1335.306 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 36, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 36, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 36, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 36. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of acetone, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.307 *Modification of Price Schedule No. 36.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 36 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1335.308 *Definitions.* When used in Price Schedule No. 36 the term—

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Acetone" means chemically pure acetone.*

§ 1335.309 *Effective date of Price Schedule No. 36.* This Schedule (§§ 1335.301 to 1335.310, inclusive) shall become effective October 27, 1941.*

§ 1335.310 *Appendix A: Maximum prices for acetone.* The following maximum prices are established for acetone whether produced synthetically or from the fermentation of molasses, corn or other raw material.

(a) *Eastern territory.*[2]

	Per lb. delivered
Tank cars	$0.158
Drums, car-load lots	.168
Drums, less than car-load lots	.173

In the case of acetone produced from the fermentation of molasses, the above maximum prices apply where the cost of the molasses used for such production is $2.50 per hundred pounds of sugar content, delivered to the plant of the producer. For each increase or a decrease of $0.10 in such cost, the maximum prices for such acetone shall be the above maximum prices plus or minus $0.004.

(b) *Western territory.*[2] The maximum prices established for acetone in Western Territory are the maximum prices established by paragraph (a) for acetone in Eastern Territory plus ½¢ per pound.

(c) *Maximum prices for acetone delivered from local stocks.* The maximum price for acetone delivered from local stocks maintained by others than producers shall be the maximum prices established by paragraphs (a) or (b) above, whichever the case may be, plus $0.01 per pound.

(d) *Containers.* For acetone sold in containers, a reasonable charge for such containers may be added to the maximum prices established by paragraphs (a), (b), and (c) above.*

[§ 1335.310 as amended, December 19, 1941 effective January 1, 1942; 6 F.R. 6652]

Issued this 20th day of October 1941.[1]

LEON HENDERSON,
Administrator.

[1] Issued: 6 F.R. 5335. Corrected: 6 F.R. 5488. Amended: 6 F.R. 6047, 6799. Corrected: 7 F.R. 81. Amended: 7 F.R. 122, 475, 714, 931.

[2] When used in this Appendix, the term "Eastern" territory means the states of New Mexico, Colorado, Wyoming and Montana and al states east thereof and the term "Western" territory means all other states of the United States.

[3] Issued: 6 F.R. 5340. Amended: 6 F.R. 6652.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 37—NORMAL BUTYL ALCOHOL

As a result of conditions engendered by the National Defense Program, the demand for normal butyl alcohol has increased sharply in recent months. Normal butyl alcohol is an important chemical which is used in the manufacture of butyl acetate, lacquers, plasticizers and many other products. The price of normal butyl alcohol in tank-car quantities has increased from 8¢ per pound at the end of 1940 to 10¢ per pound in the third quarter of 1941. Certain producers have announced an additional increase to 11¢ per pound for the fourth quarter of 1941, and some sales have occurred at even higher prices. Further price advances are threatened.

After investigation and conferences with representatives of the butyl alcohol industry, the Office of Price Administration has found that there is no justifiable reason for a price of normal butyl alcohol in excess of 10¾¢ per pound. Further increases would therefore be inflationary.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.351 *Maximum prices for normal butyl alcohol.* On and after October 27, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer normal butyl alcohol in containers of 50 gallons or more, and no person shall buy, offer to buy, or accept delivery of normal butyl alcohol in containers of 50 gallons or more, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.360.*

*§§ 1335.351 to 1335.360 inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.352 *Less than maximum prices.* Lower prices than those set forth in § 1335.360, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.353 *Evasion.* The price limitations set forth in Price Schedule No. 37 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of normal butyl alcohol, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of formulae or grades of normal butyl alcohol, or otherwise.*

§ 1335.354 *Records and reports.* (a) Every person making purchases or sales of normal butyl alcohol in containers of 50 gallons or more on or after October 27, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the prices paid or received, and the specifications and quantity, including the size of the containers, of the normal butyl alcohol purchased and sold.

(b) On or before November 10, 1941, and on or before the 10th day of each month thereafter, every producer of normal butyl alcohol, other than those engaged in the production of normal butyl alcohol synthetically, shall submit to the Office of Price Administration a report on Form 137:1 in the detail required by such Form, showing the total production of normal butyl alcohol by such producer during the previous calendar month, the respective percentages of such total produced from molasses, corn, or other raw material, the cost of such raw material, and such other information as such Form shall require. Persons affected by Price Schedule No. 37 shall submit such other reports to the Office of Price Administration as it may from time to time, require.*

§ 1335.355 *Affirmations of compliance.* On or before November 10, 1941, and on or before the 10th day of each month thereafter, every person, who during the preceding calendar month has sold normal butyl alcohol in containers of 50 gallons or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 137:2, containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 37 or with any exception or modification thereof. Copies of Form 137:2 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1335.356 *Enforcement.* In the event of refusal or failure to abide by the price limitations, report requirements, or other provisions of Price Schedule No. 37, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 37, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 37, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 37. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of normal butyl alcohol, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.357 *Modification of Price Schedule No. 37.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 37 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom.*

§ 1335.358 *Definitions.* When used in Price Schedule No. 37, the term—

(a) "Person" means an individual partnership, association, or other business entity.

§ 1335.359 *Effective date of Price Schedule No. 37.* This Schedule (§§ 1335.351 to 1335.360, inclusive) shall become effective October 27, 1941.*

§ 1335.360 *Appendix A: Maximum prices for normal butyl alcohol.* The following maximum prices are established for normal butyl alcohol whether produced synthetically or from the fermentation of molasses, corn or other raw material:

(a) *Eastern territory.*[1]

	Per lb. delivered
Tank cars	$0.158
Drums, car-load lots	.168
Drums, less than car-load lots	.173

In the case of normal butyl alcohol produced from the fermentation of molasses, the above maximum prices apply where the cost of the molasses used for such production is $2.50 per hundred pounds of sugar content, delivered to the plant of the producer. For each increase or a decrease of $0.10 in such cost, the maximum prices for such normal butyl alcohol shall be the above maximum prices plus or minus $0.004.

(b) *Western territory.*[1] The maximum prices established for normal butyl alcohol in Western Territory are the maximum prices established in paragraph (a) for normal butyl alcohol in Eastern Territory plus ½¢ per pound.

(c) *Maximum prices for normal butyl alcohol delivered from local stocks.* The maximum price for normal butyl alcohol delivered from local stocks maintained by others than producers shall be the maximum prices established by paragraphs (a) or (b) above, whichever the case may be, plus $0.01 per pound.

(d) *Containers.* For normal butyl alcohol sold in containers, a reasonable charge for such containers may be added to the maximum prices established by paragraphs (a) (b) and (c) above.*

[§ 1335.360 as amended December 19, 1941, effective January 1, 1942; 6 F.R. 6652]

Issued this 20th day of October 1941.[2]

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 38—GLYCERINE

A sharp increase in the demand for glycerine has occurred in recent months as a result of the national defense program. Glycerine is an extremely important chemical, essential not only in the production of high explosives used by the armed forces but also in the manufacture of a great number of important civilian products. Upon the price of

[1] When used in this Appendix, the term "Eastern" territory means the states of New Mexico, Colorado, Wyoming and Montana and all states east thereof and the term "Western" territory means all other states of the United States.

[2] Issued: 6 F.R. 5341. Amended: 6 F.R. 6652.

glycerine depends the price of many other necessary chemicals. The tank-car price of crude glycerine (80% glycerol), the basic grade among those affected by Price Schedule No. 38, has risen from 7½¢ per pound at the beginning of this year to 18¢ per pound during the fourth quarter. The price of refined glycerine (95% glycerol) has increased in recent months from approximately 13¢ per pound to 21½¢ per pound and is threatening to rise even higher. The Office of Price Administration has consulted with representatives of the industry and has determined that there are no justifiable reasons for prices of crude glycerine and refined glycerine in excess of 11½¢ per pound and 18¢ per pound, respectively, in tank-car quantities. Further increases in price would therefore be inflationary.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.401 *Maximum prices for glycerine.* On and after November 10, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer glycerine in containers of 500 pounds or more, and no person shall buy, offer to buy or accept delivery of glycerine in containers of 500 pounds or more, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.410.*

* §§ 1335.401 to 1335.410, inclusive, issued under the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.402 *Less than maximum prices.* Lower prices than those set forth in § 1335.410, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.403 *Evasion.* The price limitations set forth in Price Schedule No. 38 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of glycerine, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of formula or grades of glycerine, or otherwise.*

§ 1335.404 *Records and reports.* (a) Every person making purchases or sales of glycerine in containers of 500 pounds or more after November 10, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the size of the containers of the glycerine purchased or sold.

(b) On or before December 10, 1941, and on or before the 10th day of every April, August and December thereafter, every producer of glycerine, whether of crude or refined or both, shall submit to the Office of Price Administration a report on Form 138:1 in the detail required by the Form showing the total inventory of glycerine held upon the first day of each such month, and such other information as the Form requires. Persons affected by Price Schedule No. 38 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.405 *Affirmations of compliance.* On or before December 20, 1941, and on or before the 20th day of each month thereafter, every person, who during the preceding calendar month has sold glycerine in containers of 500 pounds or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 138:2 containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 38 or with any exception therefrom or modification thereof. Copies of Form 138:2 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½ paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

[§ 1335.405 as amended December 18, 1941, effective December 18, 1941; 6 F.R. 6550.]

§ 1335.406 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 38, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 38, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 38, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 38. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of glycerine, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.407 *Modification of Price Schedule No. 38.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 38 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section shall be considered by the Office of Price Administration unless the person making such application shall have complied with Price Schedule No. 38 to the satisfaction of that Office.*

§ 1335.408 *Definitions.* When used in Price Schedule No. 38 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Glycerine" means crude and refined glycerine.*

§ 1335.409 *Effective date of Price Schedule No. 38.* This Schedule (§§ 1335.401 to 1335.410, inclusive) shall become effective November 10, 1941.*

§ 1335.410 *Appendix A: Maximum prices for glycerine.* The following maximum prices are established for glycerine:

(a) *Refined-glycerine*

	Tank cars	Drums: Carlowi lots	Drums: Less than carlowd lots
	(Per pound delivered)		
(1) C. P. glycerine (98 percent glycerol)	$0.18½	$0.18¾	$0.19¼
(2) C. P. glycerine (U. S. P. 95 percent glycerol)	.18	.18¼	.18¾
(3) Dynamite	.18	.18¼	.18¾
(4) High Gravity	.18	.18¼	.18¾
(5) Yellow Distilled	.18	.18¼	.18¾

The above prices established for refined glycerine in this paragraph (a) are applicable to deliveries in Zones A and C. For deliveries of refined glycerine in Zone B, the maximum price shall be the maximum price for deliveries in Zones A and C plus 2 cents per pound.

(b) *Crude Glycerine*

	Tank cars	Drums: Carlowi lots	Drums: Less than carlowd lots
	(Per pound delivered)		
(1) Soap lye (basis 80 percent glycerol)	$0.11½	$0.11½	$0.11¾
(2) Saponification (basis 88 percent glycerol) to refiners	.12¾	.12¾	.12¾
	(Per pound f. o. b. point of manufacture)		
(3) Saponification (basis 88 percent glycerol) for individual uses	$0.12¾	$0.13¼	$0.14¼
(4) Crude glycerine of glycerol percentages other than those listed above			

Maximum prices for crude glycerine of any glycerol percentages other than those listed above, shall be the maximum prices set forth above for the respective grade, use and quantity, increased or decreased in proportion to the increase or decrease in the percentage of glycerol content.

(c) *Excess freight.* Where the transportation charge on a shipment of crude glycerine from point of manufacture to point of refining exceeds the transportation charge which would be applicable on the same shipment from the same point of manufacture by the same mode of transportation to another point of refining, the amount of such excess may be added to the delivered prices set forth in paragraph (b) above. Such excess shall be shown as a separate item in all records and invoices.

(d) *Definitions as used in this Appendix A.* When used in this Appendix A, the term:

(1) Zone "A" means All points east of and including North Dakota, South Dakota, Nebraska, Kansas, Oklahoma, Texas; Laramie County, Wyoming; Colorado, east of but not including the following counties: Jackson, Grand, Gilpin, Jefferson, Douglas, Teller, Fremont, Custer, Huerfano, Costilla.

(2) Zone "B" means The territory between Zone A and Zone C, as follows: Washington, east of and including the following counties: Okanogan, Chelan, Kittitas, Yakima, Klickitat; Oregon, east of and including the following counties: Hood River, Wasco, Jefferson, Deschutes, Klamath; Nevada, Arizona, New Mexico, that part of Colorado west of and including those counties mentioned above; Utah, Wyoming, excepting Laramie County, Idaho, Montana.

(3) Zone "C" means the territory west of Zone "B".*

[§ 1335.410 as amended December 18, 1941, effective December 18, 1941; 6 F.R. 6550]

Issued this 27th day of October 1941.[1]

LEON HENDERSON,
Administrator.

PART 1325—CONSUMER'S DURABLE GOODS

REVISED PRICE SCHEDULE NO. 39—UPHOLSTERY FURNITURE FABRICS

Prices of upholstery furniture fabrics constitute an important cost to the furniture manufacturer. A survey of representative upholstery fabric manufacturers shows an average increase of 24 per cent in the period between January 1, 1941, and October 15, 1941. A contemplated price schedule will freeze current prices of wood furniture at their existing levels. Preventing further rises in upholstery furniture fabrics will implement this ceiling.

With the cooperation of the great majority of the industry, by means of individual voluntary agreements, the Office of Price Administration has succeeded in achieving some measure of stability in prices during September and October.

During that period, by letters of September 27 and October 15, this Office attempted to secure detailed cost and profit information from the industry to determine whether or not the previous price rises were justified. Hardly any of this information has been submitted. This investigation is continuing. This Office is also undertaking research, in conjunction with the Bureau of Standards, for the purpose of establishing standards of quality. Meanwhile, effective measures must be taken to prevent further increases which may result in unwarranted prices. After investigation, this Office has determined that the most effective action, and the one best calculated to assure uniform treatment for all members of the industry, is the issuance of a price schedule fixing maximum prices at 105 per cent of those in effect on September 10, 1941.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1325.51 *Maximum prices for upholstery furniture fabrics.* (a) On and after November 10, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any present pattern of upholstery furniture fabrics at a price higher than the maximum price. The maximum price for any present pattern shall be 105 per cent of the price quoted for such pattern in the manufacturer's price list in effect on September 10, 1941, to the same general class of purchasers. If no such price exists, the maximum price shall be 105 per cent of the highest price, f. o. b. seller's point of shipment, at which such pattern was sold and delivered to a purchaser of the same general class in the sixty-day period ended September 10, 1941.

(b) The following maximum prices have been established for Brooks Brothers Company Incorporated, Philadelphia, Pennsylvania: for each present pattern for which the price quoted in the September 20, 1941, price list exceeds 105 per cent of the price quoted for such pattern in the price list in effect on September 10, 1941, the maximum price shall be the price quoted for such pattern in the September 20, 1941 price list; for all other present patterns the maximum price shall be the price determined under the provisions of this section applicable to all manufacturers.*

[Paragraph (b) added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 717]

*§§ 1325.51 to 1325.60, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1325.52 *Less than maximum prices.* Lower prices than those established in § 1325.51 may be charged, demanded, paid or offered.*

§ 1325.53 *Evasion.* The price limitations set forth in Price Schedule No. 39 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of upholstery furniture fabrics, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1325.54 *Reports*—(a) *Line as of September 10, 1941.* On or before November 20, 1941, each manufacturer shall submit to the Office of Price Administration reports on present patterns on Form 139:1, showing in the detail required by such Form the maximum prices established for such patterns by § 1325.51 of Price Schedule No. 39, the name or number of such patterns, the specifications used for such patterns, and such other information as such Form may require. Manufacturers who have already submitted information required in Form 139:1 need not duplicate such information, but shall fill out such part of the Form as is necessary to complete the information required, and shall enclose with the Form a reference to the information already submitted. Copies of Form 139:1 can be procured from the Office of Price Administration.

(b) *Additions to such line.* Every addition to a manufacturer's line which is first delivered to a purchaser (or to a carrier for shipment to a purchaser) in the period commenced September 10, 1941, and ended November 10, 1941, shall be reported on Form 139:1 to the Office of Price Administration on or before November 20, 1941. Every addition to a manufacturer's line which is first delivered to a purchaser (or to a carrier for shipment to a purchaser) after November 10, 1941, shall be reported on Form 139:1 to the Office of Price Administration within ten days after such delivery.

Persons affected by Price Schedule No. 39 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1325.55 *Records.* Every manufacturer making sales of upholstery furniture fabrics after November 10, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, and the prices received, the patterns, and the quantity of upholstery furniture fabrics sold.*

§ 1325.56 *Affirmations of compliance.* On or before January 1, 1942, and quarterly thereafter, every manufacturer who is required to keep records of sales under § 1325.55 hereof shall submit to the Office of Price Administration an affirmation of compliance on Form 139:2, containing a sworn statement that during such period all such sales were made at prices in compliance with Price Schedule No. 39 or with any exception therefrom or modification thereof. Copies of Form 139:2 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½ inch paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1325.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 39, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 39, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state, and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 39; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 39. Persons who have evidence of the receipt or demand of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of upholstery furniture fabrics, or of the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1325.58 *Modification of Price Schedule No. 39.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 39 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no applica-

[1] Issued: 6 F.R. 5488. Amended: 6 F.R. 6550.

tion under this section will be considered unless the person making such application shall have complied with Price Schedule No. 39.*

§ 1325.59 *Definitions.* When used in Price Schedule No. 39 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Manufacturer" means a person operating a factory, plant, or mill which manufacturers upholstery furniture fabrics, with the exception of persons who in the first six months of 1941, manufactured at least 80 percent by dollar volume of their products on the individual order of the purchaser, rather than for their stock, in quantities of 300 yards or less per pattern per month;

(c) "Upholstery furniture fabrics" means fabrics, in their manufactured state, which are commonly used for furniture upholstery;

(d) "Pattern" means any design of upholstery furniture fabrics, irrespective of color, manufactured and sold as a distinct item;

(e) "Present pattern" means any pattern offered for sale in the sixty-day period ended September 10, 1941;

(f) "Addition" means an upholstery furniture fabric offered for sale in which the pattern or the specifications differ from the pattern or the specifications of the upholstery furniture fabrics offered for sale by the same manufacturer in the sixty-day period ended September 10, 1941.*

§ 1325.60 *Effective date of Price Schedule No. 39.* This schedule (§§ 1325.51 to 1325.60, inclusive,) shall become effective on November 10, 1941.*

Issued this 10th day of November, 1941.[1]

LEON HENDERSON,
Administrator.

PART 1346—BUILDING MATERIALS

REVISED PRICE SCHEDULE NO. 40—BUILDERS' HARDWARE AND INSECT SCREEN CLOTH

Builders' hardware, which includes such items as knobs, handles, locks, hinges, and window bolts, and insect screen cloth are important elements in building construction, and as such have considerable significance both in the defense program and in the civilian economy. Shortages of their basic raw materials, chiefly copper, and to a lesser extent such metals as zinc and tin, have produced inflationary pressure upon builders' hardware and screen cloth, most noticeably in the case of existing inventories. The issuance by the Office of Production Management of Conservation Order No. M–9–c on October 21, as amended November 3, severely curtailing at once the use of copper in builders' hardware and screening (among other things), and prohibiting its use therein altogether after January 1, 1942, will tend to cause an accentuation of this pressure on inventories.

The present schedule, instead of specifying the ceiling price for each item of builders' hardware and screen cloth, fixes as maximum prices on a group of named items the highest prices prevailing during the fifteen-day period ending October 15, 1941. This action is taken because of the difficulty of classifying these products, and because of the danger of inflationary price action during the time that would be required for the preparation of individual schedules covering each product.

[Preamble as amended February 2, 1942, effective February 3, 1942; 7 F.R. 727]

Accordingly, under the authority vested in me under Executive Order No. 8734, it is hereby directed that:

§ 1346.1 *Maximum prices for builders' hardware and insect screen cloth.* (a) On and after February 3, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no person, except a retailer as defined in § 1346.7 (b), shall sell, offer to sell, deliver, or transfer any of the builders' hardware or screen cloth products set forth in Appendix A, incorporated herein as § 1346.9, at prices higher than the maximum price.

(b) (1) The maximum price shall be the highest price received by the seller for the delivery during the period between October 1, 1941 and October 15, 1941, of builders' hardware or screen cloth products of approximately the same grade, quality, and amount, to the same purchaser.

(2) If no such delivery to the same purchaser was made, the maximum price shall be the highest price received by the seller for a delivery during such period of builders' hardware or screen cloth products of approximately the same grade, quality, and amount, to a purchaser recognized by the trade as entitled to similar treatment.

(3) If no delivery of products of approximately the same grade, quality, and amount was made, the maximum price shall be determined from the price of a related builders' hardware or screen cloth product, delivered during such period, by making an appropriate adjustment for differences in type of product, grade, quality, amount, and type of purchaser. A "related builders' hardware or screen cloth product" means one bearing a recognized or determinable price relationship to the product being sold.

(4) In all other cases, the maximum price shall be the market price during such period for the same type of product, grade, quality, amount, and type of purchaser.*

[§ 1346.1 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 727]

*§§ 1346.1 to 1346.9, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1346.2 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 40 may be charged, demanded, paid, or offered.*

§ 1346.3 *Evasion.* The price limitations set forth in Price Schedule No. 40 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of builders' hardware or screen cloth products, alone or in conjunction with any other material, or by way or premium, commission, service, transportation, or other charge, or by a tying-agreement or other trade understanding, by making discounts or other terms and conditions of sale more onerous to the purchaser than those available or in effect on October 15, 1941, or by any other means.*

[§ 1346.3 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 727]

§ 1346.4 *Records and reports.* Every person, other than a retailer, whose total sales of builders' hardware and/or screen cloth products during any calendar month beginning with November 1941, shall exceed One Thousand Dollars shall have available for inspection by the Office of Price Administration for a period of not less than one year a complete and accurate record of every such sale, except retail sales, of such products, including the date of sale, the name of the purchaser, the price, and the grade, quality, and amount sold.

Every such person shall also, within thirty days of the effective date of Price Schedule No. 40, have available a record of his selling prices, except retail prices, for such products during the period from October 1, 1941, to October 15, 1941.

Every person affected by Price Schedule No. 40 shall submit such reports to the Office of Price Administration as it may from time to time require.*

[§ 1346.4 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 727]

§ 1346.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 40, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 40, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who conform with Price Schedule No. 40, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 40, which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 40. Persons who have evidence of the receipt or demand of prices higher than the maximum prices, or of any evasion or efforts to evade the provisions hereof, are urged to communicate with the Office of Price Administration.*

§ 1346.6 *Modification of Price Schedule No. 40.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 40 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 40.*

§ 1346.7 *Definitions.* When used in Price Schedule No. 40, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Retailer" means a person who maintains a store or similar establishment, where 75% of the dollar volume of sales of all products during the six months preceding the effective date of Price Schedule No. 40 consisted of sales without discount (except cash discount) from the said person's regular retail price.

(c) "Builders' hardware products" means any products listed in § 1346.7, Appendix A, suitable for use in a building, whether they are actually so used or not. "Screen cloth" means insect screen cloth of the types listed in § 1346.7, Appendix A.

(d) "Delivery" means the physical transfer of builders' hardware or screen cloth products to the purchaser, or to a carrier for carriage to the purchaser, pursuant to a sale.*

§ 1346.8 *Effective date of Price Schedule No. 40.* This Schedule (§§ 1346.1 to 1346.9, inclusive) shall become effective on November 19, 1941.*

§ 1346.9 *Appendix A: Products subject to Price Schedule No. 40:*

Knobs and handles. Knobs, handles, escutcheons, roses, key plates, push buttons, lever handles, drop and ring handles.

Locks. Upright rim knob locks, padlocks, rim knob locks, draw-back knob locks, horizontal rim knob locks, rim knob latches, cylinder rim night latches, cylinder rim dead locks, bathroom locks, sliding door locks, communication door locks, school house locks, asylum latches, french door latches, cylinder apartment locks, cylinder hotel locks, cylinder sliding door locks, cylinder mortise locks, hotel locks, key blanks:

For: outside doors, inside doors, hospital doors, screen doors, french doors, bathroom doors, lavatory doors, garage doors, sliding doors.

[Paragraph immediately above as corrected November 18, 1941, effective November 18, 1941; 6 F.R. 5851]

Hinges. Loose pin, ball bearing, frictionless, hinge plates, transom hinges, floor spring hinges, strap hinges, showcase hinges, screen door hinges, cabinet hinges, lavatory door strikes and keepers, spring hinges, T-hinges.

Miscellaneous door hardware. Door closers, door holders, door bumpers, door stays, square spring bolts, door pulls, door-bell plates and pushbuttons, door bolts, door checks (screen), door fasteners (chain), thumb latches, push and kick plates, panic bolts, exit bolts, door stops.

[Paragraph immediately above as amended January 15, 1942, effective January 15, 1942; 7 F.R. 313]

Window hardware. Window bolts, casement window bolts, casement window adjusters, casement window operators, french window bolts, blind hold backs, sash lifts, sash fasteners, pulleys, springs.

Screen hardware. Window screen brackets & corners, door screen brackets & corners, door screen catches, hooks (screen), springs (screen).

Miscellaneous. Letter box plates, number plates, name plates, house numbers, snap catches, closet locks, thumb latches, transom and sash pivots, transom chains, transom lifters, transom catches, spring window bolts.

[Paragraph immediately above as amended January 15, 1942, effective January 15, 1942; 7 F.R. 313]

Insect screen cloth. Commercial bronze, hand-drawn copper, koolshade fabric.*

[Paragraph immediately above as amended January 15, 1942, effective January 15, 1942; 7 F.R. 313]

Issued this 13th day of November 1941.[1]

LEON HENDERSON,
Administrator.

PART 1306—IRON AND STEEL

REVISED PRICE SCHEDULE NO. 41—STEEL CASTINGS

The production of steel castings plays a critical role in the whole defense program. Steel castings at reasonable prices are essential to the increased flow of machines, tanks, ships, airplanes, guns, and, indeed, every variety of military and naval supplies, from the assembly line to the front line of the nation's defense.

Since January 1, 1941, the prices of steel castings have advanced to a point where a further increase would create pressure to raise the prices of ordnance, transportation equipment, and machinery of every description and cause unwarranted risk to our enlarged defense program in terms of delay and useless expense.

After a thorough investigation of costs and other factors relevant to the production and sale of steel castings and after numerous conferences with representatives of all branches of the steel castings industry, it has been decided in the interest of national defense and the public welfare, to establish maximum prices for steel castings of every description whatever.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1306.100 *Maximum prices for steel castings and railroad specialties.* (a) On and after December 1, 1941, regardless of the terms of any contract of sale or purchase, or other commitment and, except as provided in subdivision (b) of this section: (1) no producer shall sell, offer to sell, or deliver steel castings of any description whatever, and no person shall buy, offer to buy, or accept delivery of such steel castings, at prices higher than the maximum, prices set forth in Appendix A hereof, incorporated herein as § 1306.112; (2) no producer shall sell, offer to sell, or deliver railroad specialties, and no person shall buy, offer to buy, or accept delivery of railroad specialties, at prices higher than the maximum prices set forth in Appendix B hereof, incorporated herein as § 1306.113.

(b) To the extent that a contract for the sale of steel castings or railroad specialties does not require that deliveries thereunder be made until six or more months after the date said contract was entered into, a producer may sell or offer to sell steel castings or railroad specialties at prices not in excess of the prices issued by the Office of Price Administration applicable and in effect at the time deliveries are made.*

[§ 1306.100 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 751]

*§§ 1306.100 to 1306.114, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1306.101 *Less than maximum prices.* Lower prices than those set forth in § 1306.112, Appendix A, and § 1306.113, Appendix B, may be charged, paid, or offered.*

[§ 1306.101 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 751]

§ 1306.102 *Castings produced on and after February 5, 1942, for which no price has been filed by the producer.* Any producer undertaking to make a steel casting, (1) which is part of an order totaling $100 or more, and (2) for which steel castings, or a steel casting substantially similar in specification and design, no price has been filed by such producer pursuant to § 1306.104 of Price Schedule No. 41, shall file with the Office of Price Administration a request for approval of the proposed selling price for such steel casting on Form 141:4: *Provided*, That where the selling price is not higher than the price listed in the Comprehensive Report under the head of "Schedule Reference" for such steel casting, or for a steel casting substantially similar in design and specification, such producer shall not be required to request approval thereof. Copies of Form 141:4 may be obtained at the Office of Price Administration.*

[§ 1306.102 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 751]

§ 1306.103 *Evasion.* The price limitations set forth in § 1306.100 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of steel castings, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1306.104 *Filing of prices.* On or before December 1, 1941, every producer shall file with the Office of Price Administration the exact and complete price or prices, extras, terms, and conditions, classified by size and quantity, in accordance with which he sold or would have sold on July 15, 1941, steel castings subject to § 1306.112, Appendix A: *Provided*, That where such price or prices coincide with the "Comprehensive Report" the producer need only signify that such prices do coincide with those listed in said Comprehensive Report: *And, pro-*

[1] Issued: 6 F.R. 5750, Amended: 7 F.R. 717.

[1] Issued: 6 F.R. 5765. Corrected: 6 F.R. 5851. Amended: 7 F.R. 313, 727.

vided further, That filing as above is not necessary with respect to obsolete steel castings.*

[§ 1306.104 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 751]

§ 1306.105 *Records and reports.* Every person making purchases or sales of steel castings after November 15, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity of each kind purchased or sold, and (b) the quantity of steel castings (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 41 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1306.106 [Revoked by amendment February 2, 1942, effective February 3, 1942, 7 F.R. 751]

§ 1306.107 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 41, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 41, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 41; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 41; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 41. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of steel castings, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1306.108 *Modification of Price Schedule No. 41.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 41 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless the person making such application shall have, to the satisfaction of the Office of Price Administration, complied with Price Schedule No. 41. A list of persons to whom exceptions have been granted pursuant to this section appears in § 1306.114, Appendix C.

[§ 1306.108 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 751]

§ 1306.109 *Definitions.* When used in Price Schedule No. 41, the term:

(a) "Person" includes an individual, partnership, association, corporation, or other business entity, as well as executors, trustees in bankruptcy, receivers, and other court-appointed officers;

(b) "Producer" means a person engaged in the production of steel castings or railroad specialties;

(c) "Steel castings" means any cast steel object that has been initially cast into the desired shape of the finished product, and which contains less than 1.70% carbon and/or alloys totaling not more than 8%, and includes miscellaneous steel castings and steel castings produced for railroads other than the railroad specialties defined in subdivision (d) below;

(d) "Railroad specialties" means any or all side frames, bolsters, yokes and couplers of the types and sizes listed in § 1306.113, Appendix B hereto;

(e) "Comprehensive Report" means the "Comprehensive Report of Price Lists of Miscellaneous Castings," published by the Steel Founders' Society of America, for the third quarter of 1941, beginning July 1, 1941.

(f) "Base territory" means the States of New York, Pennsylvania, New Jersey, Delaware, Maryland, Virginia, West Virginia, Kentucky, Ohio, Indiana, Illinois, and Michigan (southern peninsula only) and also including Bettendorf, Iowa, and St. Charles and St. Louis, Missouri.

[§ 1306.109 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 751]

§ 1306.110 *Effective date of Price Schedule No. 41.* This Schedule (§§ 1306.100 to 1306.110, inclusive) shall become effective November 15, 1941.*

§ 1306.111 *Geographical application.* The provisions of Price Schedule No. 41 shall apply only to sales, offers to sell, or deliveries of steel castings and railroad specialties moving within, into, or out of one of the 48 states or the District of Columbia.*

[§ 1306.111 added by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 751]

§ 1306.112 *Appendix A—(a) Maximum prices for steel castings made by a producer on or before July 15, 1941.* The maximum prices of a producer for steel castings made by such producer on or before July 15, 1941, or for steel castings substantially similar in design and specification to any steel castings made by such producer on or before July 15, 1941, shall be the prices, together with the extras, terms, and conditions, which were or would have been charged by such producer on July 15, 1941, and which are filed with the Office of Price Administration in accordance with § 1306.104.

(b) *Maximum prices for other steel castings.* The maximum price of a producer for a steel casting of any description whatever made by such producer on or after February 5, 1942, and for which steel casting, or a steel casting substantially similar in design and specification, such producer has not filed a price with the Office of Price Administration, in accordance with § 1306.104, (1) shall be the price, together with the extras, terms and conditions, listed in the Comprehensive Report under the head of "Schedule Reference" for steel castings of the same design and specification, or substantially similar design and specification, or (2), if substantially different in design or specification from any steel casting listed in the Comprehensive Report, shall be the price for such producer which is approved in writing by the Office of Price Administration within six days after Form 141:4 for such steel casting is received by the Office of Price Administration pursuant to § 1306.102 of Price Schedule No. 41: *Provided*, That if said selling price is neither approved or disapproved within six days from the date of receipt of Form 141:4 by the Office of Price Administration, the proposed selling price shall be deemed approved for such producer.*

[§ 1306.112 added by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 751. Paragraph (b) as amended February 9, effective February 9, 1942, 7 F.R. 930]

§ 1306.113 *Appendix B: Maximum prices for railroad specialties.* The maximum prices, including extras, for railroad specialties delivered to the purchaser in base territory shall be as set forth hereinafter. The maximum prices for railroad specialties, including extras, delivered outside of base territory shall be as hereinafter set forth: *Provided*, That there may be added to such prices charges for freight at rates prevailing at time of delivery with the customary differential allowed to the purchaser, computed by methods used by the producer on October 1, 1941.

TABLE I—*Side frames*

(1) Furnished in Grade "B" Steel

ANDREWS FRAMES

Size of journal	Normal weight	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 to 399 pieces	400 or more pieces
4¼" x 8"	375#	$34.95 ea.	$33.60 ea.	$32.05 ea.	$31.10 ea.	$30.15 ea.	$27.10 ea.
5" x 9"	475	37.50 ea.	35.45 ea.	34.45 ea.	33.20 ea.	32.20 ea.	29.00 ea.
5½" x 10"	600	41.35 ea.	38.95 ea.	37.85 ea.	36.55 ea.	35.10 ea.	31.60 ea.
6" x 11"	630	51.80 ea.	48.90 ea.	47.50 ea.	45.55 ea.	43.95 ea.	39.45 ea.
6½" x 12"	700	58.05 ea.	54.85 ea.	52.90 ea.	51.00 ea.	49.20 ea.	44.25 ea.

PEDESTAL FRAMES

4¼" x 8"	410#	$36.55 ea.	$34.65 ea.	$33.65 ea.	$32.70 ea.	$31.75 ea.	$28.70 ea.
5" x 9"	470	39.60 ea.	37.50 ea.	36.55 ea.	35.25 ea.	34.30 ea.	31.10 ea.
5½" x 10"	540	43.75 ea.	41.35 ea.	40.25 ea.	38.95 ea.	37.20 ea.	34.10 ea.
6" x 11"	660	54.65 ea.	51.80 ea.	50.20 ea.	48.25 ea.	46.80 ea.	42.30 ea.
6½" x 12"	810	64.15 ea.	60.90 ea.	59.00 ea.	56.75 ea.	55.00 ea.	49.70 ea.

TABLE II—*Bolsters*

(1) Furnished in Grade "B" Steel

ELSEY TRUCK BOLSTERS

Size of journal	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 or more pieces
5½" x 10"	$78.80 ea.	$73.95 ea.	$71.35 ea.	$66.50 ea.	$59.00 ea.
6" x 11"	109.45 ea.	102.95 ea.	99.35 ea.	92.35 ea.	81.50 ea.

BARRETT WHITEHEAD TRUCK BOLSTERS

5½" x 10"	$80.15 ea.	$75.25 ea.	$73.00 ea.	$67.70 ea.	$65.70 ea.
6" x 11"	111.40 ea.	104.65 ea.	101.10 ea.	93.95 ea.	93.30 ea.
6½" x 12"	125.05 ea.	117.30 ea.	112.95 ea.	105.35 ea.	

FULL CUSHION TRUCK BOLSTERS

5" x 9"	$70.30 ea.	$65.95 ea.	$64.00 ea.	$59.25 ea.	$52.55 ea.
5½" x 10"	79.00 ea.	74.15 ea.	70.80 ea.	65.55 ea.	58.55 ea.

STABILIZED TRUCK BOLSTERS

5½" x 10"	$77.00 ea.	$72.30 ea.	$70.20 ea.	$65.40 ea.	$58.00 ea.

TRUCK BOLSTERS

Size of journal	Normal weight	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 or more pieces
5" x 9"	650#	$58.55 ea.	$55.10 ea.	$53.45 ea.	$50.00 ea.	$44.60 ea.
5½" x 10"	740	67.05 ea.	63.00 ea.	61.00 ea.	56.85 ea.	50.55 ea.
6" x 11"	1,000	81.70 ea.	76.85 ea.	74.55 ea.	69.50 ea.	61.85 ea.
6½" x 12"	1,200	101.85 ea.	95.80 ea.	92.80 ea.	86.80 ea.	76.10 ea.

BODY BOLSTERS

Class	Weight	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 or more pieces
A	Up to 750 lbs	$52.90 ea.	$50.20 ea.	$48.95 ea.	$45.85 ea.	$41.30 ea.
B	751 to 850 lbs	58.00 ea.	54.75 ea.	53.10 ea.	50.00 ea.	45.15 ea.
C	851 to 950 lbs	62.60 ea.	59.30 ea.	57.80 ea.	54.45 ea.	49.35 ea.
D	951 to 1050 lbs	67.00 ea.	63.50 ea.	61.80 ea.	58.25 ea.	52.85 ea.
E	1051 to 1150 lbs	96.80 ea.	91.35 ea.	88.65 ea.	83.55 ea.	75.20 ea.
G	1151 to 1250 lbs	106.10 ea.	100.40 ea.	97.50 ea.	91.70 ea.	82.85 ea.

TENDERS

All capacities	$76.70	$72.65 ea.	$70.40 ea.	$65.70 ea.	$59.10 ea.

The above prices cover cast steel body and truck bolsters with center plate and side bearings cast integral, or machined for but not including the application of separable center plates or side bearings.

TABLE I—*Side frames*—Continued

INTEGRAL BOX FRAMES

Arranged to take A. A. R. Flat Spring Made only from Lids or Pressed Steel Lids, but not including the furnishing or application of such lids]

Size of journal	Normal weight	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 to 399 pieces	400 or more pieces
4¼" x 7"	475#	$42.05 ea.	$41.50 ea.	$40.40 ea.	$39.10 ea.	$35.60 ea.
5" x 9"	570	46.15 ea.	44.90 ea.	43.60 ea.	42.15 ea.	38.30 ea.
5½" x 10" journals	710	50.40 ea.	49.20 ea.	47.55 ea.	46.15 ea.	41.85 ea.
6" x 11" journals	750	61.40 ea.	59.75 ea.	58.00 ea.	56.05 ea.	51.05 ea.
6½" x 12" journals	840	72.15 ea.	70.05 ea.	68.05 ea.	65.95 ea.	61.25 ea.

TENDERS

5½" x 10"	$76.70	$72.65 ea.	$70.40 ea.	$65.70 ea.	$59.10 ea.

ELSEY INTEGRAL BOX FRAMES

Size of journal	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 to 399 pieces	400 or more pieces
5½" x 10"	$80.20 ea.	$81.10 ea.	$81.35 ea.	$79.00 ea.	$76.65 ea.	$69.00 ea.
6" x 11"	95.10 ea.	93.00 ea.	87.30 ea.	84.60 ea.	82.10 ea.	74.00 ea.

FULL CUSHION PEDESTAL TYPE FRAMES

[Prices include the furnishing and application of pedestal and spring bar wear plates]

5" x 9"	$95.15 ea.	$91.60 ea.	$88.80 ea.	$86.05 ea.	$83.50 ea.	$75.15 ea.
5½" x 10"	101.70 ea.	96.00 ea.	93.15 ea.	90.50 ea.	87.65 ea.	79.10 ea.

STABILIZED PEDESTAL TYPE FRAMES

5½" x 10"	$76.70	$72.65 ea.	$70.40 ea.	$65.70	$59.10 ea.

(2) Furnished in "High Tensile" Steel

INTEGRAL BOX FRAMES

[Arranged to take A. A. R. flat spring malleable iron lids or pressed steel lids, but not including the furnishing or application of such lids]

Size of journal	Normal weight	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 to 399 pieces	400 or more pieces
4¼" x 7"	410#	$50.60 ea.	$47.90 ea.	$46.60 ea.	$45.35 ea.	$43.90 ea.	$39.05 ea.
5" x 9"	450	54.70 ea.	51.85 ea.	50.30 ea.	48.90 ea.	47.35 ea.	41.90 ea.
5½" x 10"	540	60.70 ea.	57.55 ea.	55.85 ea.	54.30 ea.	52.55 ea.	46.50 ea.
6" x 11"	640	73.25 ea.	69.45 ea.	67.50 ea.	65.60 ea.	63.65 ea.	56.15 ea.

TABLE III—*Couplers*—Continued

Special Designs	Drawing	Price each
A. A. R. TYPE "E" COUPLER REPAIR PARTS		
Special M. C. B. No. 2 Coupler	Type "E"	$8.70
Special M. C. B. No. 2 Coupler	Type "E"	1.40
Special M. C. B. No. 2 Coupler	Type "E"	1.70
Special M. C. B. No. 2 Top Operating Unit	Type "E"	.35
Special M. C. B. No. 2 Rotary Operating Unit	Type "E"	.70
Radial Coupler		.67
Special M. C. B. No. 1 Top Operating Unit	Type "E"	.35
Radial Coupler		.67
Special M. C. B. No. 1 Rotary Operating Unit	Type "E"	.95
Radial Coupler		.75
A. A. R. TYPE "D" COUPLER REPAIR PARTS		
Knuckle, 11" face (Type "E")		$6.70
Knuckle Lock		1.40
Knuckle Pin		1.70
Bottom Lock Lift Lever		.35
Bottom Lock Lift Arm		.35
Bottom Lock Lift Assembly		.70
Top Lock Lifter Guide Cup		.67
Top Lock Lifter Hinge Pin		.35
Single Rotor		.35
Double Rotor		.35
Rotary Lock Lifter Pin		.35
Rotary Lock Lifter Arm		.35
Rotary Lock Lifter Handle		.17
M. C. B. COUPLER REPAIR PARTS		
Knuckle, 9" face		$4.70
Knuckle, 11" face		4.95
Lock, Lifter or Side Lift		1.10
Side Lift Knuckle Opener		1.05
Side Lift Lever		2.60
MISCELLANEOUS REPAIR PARTS		
Swivel Butt		$8.10
Swivel Butt Pin		0.15
Swivel Butt Pin Retaining Collar		0.30
Clevis with Pin		0.15
Link for M. C. B. Chain		0.70
M. C. B. Chain, complete		

Special Designs	Drawing	Price each
Special M. C. B. No. 2 Coupler	Type "E"	$8.70
Special M. C. B. No. 2 Coupler	Type "E"	1.40
Special M. C. B. No. 2 Coupler	Type "E"	1.70
Special M. C. B. No. 2 Top Operating Unit	Type "E"	.35
Special M. C. B. No. 2 Rotary Operating Unit	Type "E"	.70
Radial Coupler		.67
Special M. C. B. No. 1 Top Operating Unit	Type "E"	.35
Radial Coupler		.67
Special M. C. B. No. 1 Rotary Operating Unit	Type "E"	.95
Radial Coupler		.75
INCOMPLETE TYPE "E" AND MCB COUPLER AND COUPLER BODY PRICES		
A. A. R. Standard Type "E" Coupler		
Double Guard Arm, without fittings		$12.40 per pair
5 x 7 shanks		34.75 per pair
6 1/4 x 8" shanks		47.50 per pair
6 1/4 x 8" swiveling shanks, Swivel Shank		47.50 per pair
Locomotive Short Shank		25.40 each
For determining prices of various other combinations of incomplete Type "E" Couplers, the following amounts for missing parts should be deducted.		
	Type "E" freight couplers	Type "E" locomotive couplers
Less Knuckles Dedruct	$4.72 per pair	$1.95 each
Less Lifters Dedruct	.92 per pair	.49 each
Less Knuckle Pinsdo	.34 per pair	.17 each
Less Locks Dedruct	2.11 per pair	1.05 each
Less Knuckle Pins Dedruct	.51 per pair	.27 each
MCB		
MCB Coupler Bodies Only; without fittings		$20.60 each
5 x 7 shanks		20.60 each
6 1/4 x 8" shanks		20.60 each
For determining prices of various other combinations of incomplete MCB Couplers, the following amounts for missing parts should be deducted.		
	MCB couplers	
Less Knuckles Dedruct	$7.05 each	
Less Locks Dedruct	.60 each	
Less Knuckle Pins Dedruct	.27 each	

TABLE II—*Bolsters*—Continued

(2) Furnished in High Tensile Steel

TRUCK BOLSTERS

[The tees shown below may be of the truck bolster web center plate and side bearings cast integral, or arranged for separate center plate or side bearings]

Size of journal	Normal weight	1 to 10 pieces	11 to 49 pieces	50 to 99 pieces	100 to 199 pieces	200 or more pieces
4 1/2" x 9"	3[illegible] lbs.	$[illegible] each	$[illegible] each	$[illegible] each	$[illegible] each	$[illegible] each
5" x 9"	[illegible] lbs.	[illegible] each	[illegible] each	[illegible] each	[illegible] each	[illegible] each
5 1/2" x 10"	[illegible] lbs.	[illegible] each	[illegible] each	[illegible] each	[illegible] each	[illegible] each
6" x 11"	[illegible] lbs.	[illegible] each	[illegible] each	[illegible] each	[illegible] each	[illegible] each
6 1/2" x 12"	3[illegible] lbs.	[illegible] each	[illegible] each	[illegible] each	[illegible] each	[illegible] each

TABLE III—*Couplers*

(1) Furnished in Grade "B" Stee

A. A. R. STANDARD AND ALTERNATE STANDARD COUPLERS AND ATTACHMENTS

A. A. R. Type "E" top or rotary operating couplers, 12" heads, with shanks not more than 21 1/4" long, fitted with 11" knuckles:

	Price each
5 1/2" x 10" shanks with 6 1/4" butt ends	$[illegible] per pr.
6 1/4" x 8" shanks with 6 1/4" butt ends	[illegible] per pr.
6 1/4" x 8" swiveling shanks, without butts, pins and cotters	[illegible] per pr.
Locomotive or special tender shanks with shanks not over 21 1/4 in. long	[illegible] each
Other special tender shanks with unusual style shanks not over 21 1/4 in. long	[illegible] per lb.
A. A. R. Alternate Standard Swivel Butt, except tee with pin, pin retainers and cotters, when furnished for assembly with couplers having swiveling shanks:	
In lots of 1 to 99 pcs. incl	$17.50 per pair.
In lots of 100 to 199 pcs. incl	$16.30 per pair.
In lots of 200 pieces or more	$15.50 per pair.
A. A. R. Alternate Standard Swivel Yokes, complete with pins and cotters, when furnished for assembly with couplers having swiveling shanks:	
In lots of 1 to 99 pcs. incl	$17.90 per pair.
In lots of 100 to 199 pcs. incl	$16.40 per pair.
In lots of 200 or more pieces	$15.60 per pair.

FORMER M. C. B. COUPLERS

M. C. B. Top operating freight, locomotive, or special tender couplers, 9" in. head, with shanks not over 21 1/4 in. long fitted with 9" in. knuckles, not over 4 in. base from pulling face of knuckle to butt end, fitted with 9" in. knuckles, but not including the turn-slump or application of wrought iron or steel straps, or separate swiveling plates ..... $.30 each lb.

Coupler Pockets complete, for use with locomotive coupler shanks ..... $.105 per lb.

SPECIAL M. C. B. COUPLERS NOS. 1 AND 2 COMPLETE COUPLERS

	Price each
Special M. C. B. No. 1 Top Operating Coupler with shanks not over 21 1/4" long and fitted with 9" knuckles	$[illegible]
5 x 7" shanks, 6" butt ends	[illegible]
6 x 8" shanks, 6" butt ends	25.30
Special M. C. B. No. 2 Top Operating Couplers, with shanks not over 21 1/4" long and fitted with 9" knuckles:	
5 x 7" shanks, 6" butt ends	25 00
6 x 8" shanks, 6" butt ends	25 00
Engine, Steel shanks	21 00

If Rotary or Side Operating Couplers are required add $1.00 each.

If Couplers having 7" side walls are furnished add $0.50 each.

TABLE III—*Couplers*—Continued

FRACTIONAL SIZE COUPLERS AND REPAIR PARTS

3/4 Size Top Operating Freight or Tender Couplers without uncoupling chains, Price		$19.50 each.
3/4 Size Bottom or Side Operating Freight or Tender Couplers, without uncoupling chains, Price		21.00 each.
3/4 Size Top, Side, or Bottom Operating Passenger Couplers, without uncoupling chains, Price		23.25 each.
3/4 Size Coupler Pockets, Price		$ .15 per lb.
3/4 Size Knuckles (8" face)	$4.25 each	
3/4 Size Lifters	1.40 each	
3/4 Size Locks	Type "A".. 1.65 each	—Type "S" $.90 each.
3/4 Size Knuckle Pins	.50 each	
3/4 Size Side Operating Levers	2.50 each	
3/4 Size Knuckle Openers	Type "A".. .55 each	—Type "S" .90 each.
3/4 Size Bottom Lifters	.75 each	
1/2 Size Top Operating Freight or Tender Couplers, without uncoupling chains, Price		$13.00 each.
1/2 Size Coupler Pockets, Price		.205 per lb.
1/2 Size Knuckles (5 1/4" face)	$3.75 each	
1/2 Size Lifters	Type "A".. .45 each	—Type "S" $1.05 each.
1/2 Size Locks	Type "A".. 1.50 each	—Type "S" .80 each.
1/2 Size Knuckle Pins	.50 each	
1/2 Size Knuckle Opener	.55 each	

(2) Furnished in High Tensile Steel

A. A. R. STANDARD AND ALTERNATE STANDARD COUPLERS AND ATTACHMENTS

A. A. R. Type "E" top or rotary operating couplers, 12" heads with shanks not more than 21 1/4" long, fitted with 11" knuckles:	
6 1/4" x 8" shanks with 6 1/4" butt ends	$67.25 per pr.
6 1/4" x 8" swiveling shanks, without butts, pins, and cotters	$67.25 per pr.
A. A. R. Alternate Standard Swivel Butts, complete with pins, pin retainers and cotters, when furnished for assembly with couplers having swiveling shanks:	
In lots of 1 to 99 pcs. incl	$19.65 per pr.
In lots of 100 to 199 pcs. incl	$18.40 per pr.
In lots of 200 pieces or more	$17.15 per pr.
A. A. R. Alternate Standard Swivel Yokes, complete with pins and cotters, when furnished for assembly with couplers having swiveling shanks:	
In lots of 1 to 99 pcs. incl	$42.15 per pr.
In lots of 100 to 199 pcs. incl	$40.25 per pr.
In lots of 200 pieces or more	$38.40 per pr.
A. A. R. STANDARD Tight Lock Coupler Complete—T-80	$111.25 each.
A. A. R. STANDARD Tight Lock Coupler Yoke, Y-50, complete with Radial connection, Radial seat and pins	$112.50 each.
Type "E" Controlled Slack Coupler, Complete:	
C. S. C.—1	$62.30 each.
C. S. C.—2	$92.80 each.
C. S. C.—4	$94.40 each.
C. S. C.—4	$71.05 each.
C. S. C.—5	$78.65 each.

TABLE IV—*Yokes*

(1) Furnished in grade 'B' Steel

CAST STEEL DRAFT YOKES FOR FREIGHT CARS, LOCOMOTIVE TENDERS, AND PASSENGER EQUIPMENT

	1-99 pieces	100-199 pieces	200 pieces or more
Schedule A—Covering Standard and Conventional Yokes of A. A. R. *Grade "B"* Steel, Horizontal key type for Freight cars and Locomotive tenders, providing:			
Friction Draft Gear Pocket, 9 1/4" x 24 5/8" for use with 6" x 1 1/2" key, and standard 6" x 8" "D" and 6 1/4" x 8" "E" Couplers, and meeting A. A. R. test requirements	(*Per pr.*) $32.20	(*Per pr.*) $29.70	(*Per pr.*) $28.00
Friction Draft Gear Pocket, 9 1/4" x 24 5/8" for use with 5" x 1 1/8" key, and 5" x 7" couplers (or 5" x 5")	29.80	27.60	24.10
Tandem Spring Draft Gear Pockets, with 8 1/4" or 8 1/4" between straps x 11", for use with 6" x 1 1/2" key or 5" x 1 1/8" key	32.90	30.30	26.20
Friction Draft Gear Pocket, 9 1/4" x 18 5/8", for use with 6" x 1 1/2" key, and standard 6" x 8" "D" and 6 1/4" x 8" "E" Couplers and meeting A. A. R. test requirements	29.80	27.60	24.10
Friction Draft Gear Pocket, 9 1/4" x 18 5/8", for use with 5" x 1 1/8" key and 5" x 7" couplers (or 5" x 5")	26.60	24.60	21.40
Schedule *"B"*—Covering Non-Standard Vertical Key Type Freight Car Yokes of A. A. R. *Grade "B"* Steel including Vertical Keys and Retainers complete or keyless Type including locking castings, binders or other retainers complete, providing—			
Friction Draft Gear Pocket, 9 1/4" x 21 5/8", having 5" x 1" straps and designed with or without ties for any size coupler butt	32.70	30.70	27.30
Friction Draft Gear Pocket, 9 1/2" x 18 1/2", having 5" x 1" straps and designed with or without ties for any size coupler butt	29.10	28.30	25.50
Tandem Spring Draft Gear Pockets, 10 3/4" to 11 1/4" long separated by 5" to 5 1/4" filler blocks, having 5" x 1" straps and designed with or without ties for any size coupler butt	36.60	33.90	30.10
Schedule C—Covering all other Freight Car Yokes of A. A. R *Grade "B"* Steel, Horizontal Key Type; Vertical Key Type; with retainers but without Keys, or Keyless Type of Yoke without locking Castings, binders, or other retainers	(*Per lbs.*) 9.10¢	(*Per lbs.*) 8.40¢	(*Per lbs.*) 7.35¢
NOTE: For Vertical Keys, not exceeding 25 lbs. each for use with vertical key yokes, or for locking castings, binders, or other retainers for use with Keyless type of Yokes, add to prices on Schedule C—$4.00 per Pair.			
Schedule "D"—Covering all other Tender Yokes of A. A. R. *Grade "B"* Steel	10.30¢	9.50¢	8.40¢
Schedule "E"—Covering Yokes of A. A. R. *Grade "B"* Steel for Passenger Equipment	10.30¢	9.50¢	8.40¢

(2) Furnished in High Tensile Steel

Schedule "I"—Covering Standard and Conventional *Light Weight Yokes of High Tensile Steel.* Horizontal Key Type for Freight Cars and Locomotive Tenders providing Friction Draft Gear Pocket 9 1/4" x 24 5/8", for use with 6" x 1 1/2" key and standard 6" x 8" "D" and 6 1/4" x 8" "E" Couplers, and meeting A. A. R. test requirements for high tensile steel	(*Per pr.*) $34.90	(*Per pr.*) $32.00	(*Per pr.*) $27.50

[§ 1306.113 added by amendment February 2, 1942, effective February 3, 1942 (7 F.R. 751): corrected; 7 F.R. 1009, February 14, 1942]

§ 1306.114 *Appendix C: Exceptions.* The following persons have been granted an exception under § 1306.108 of Price Schedule No. 41.

Utility Electric Steel Foundry, 3334 East Slausen Avenue, Vernon, California, by letter dated December 10, 1941;

Oklahoma Steel Castings Co., Tulsa, Okla., by letter dated December 18, 1941;

Duncan Foundry & Machine Works, Inc., Alton, Ill., by letter dated December 23, 1941;

Gunite Foundries Corporation, Rockford, Ill., by letter dated January 8, 1942.

All action taken in reliance upon the terms of any exception shall be at the risk of the person acting until and unless official notification has been received by such person pursuant to such application. Persons interested may secure the terms of an exception on application to the Office of Price Administration.*

[§ 1306.114 added by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 751]

Issued this 14th day of November 1941.'

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 42—PARAFFIN WAX

As a direct consequence of expanded economic activity induced by the national defense program, the demand for paraffin wax has increased greatly in the past few months. Paraffin wax is used as a coating on paper cartons for dairy products and in the manufacture of waxed and water-proofed papers, electrical insulation compositions, candles and many other important products. It is also used for such defense purposes as a coating on cartridges and a waterproofing agent for explosives.

Increased demand and speculative tendencies have caused the price of crude scale paraffin wax to rise above the price of refined paraffin wax of comparable melting points. The price of crude scale paraffin wax (122/124 A. M. P.) has increased in recent months from 2.8¢ to 6.25¢ per pound. During the year 1940, the price of such paraffin wax averaged 3.86¢ per pound.

After conferences with members of the paraffin wax industry and representatives of other government agencies, the Office of Price Administration has found that there are no justifiable reasons for prices of crude scale paraffin wax (122 124 A. M. P.) and refined paraffin wax (123/125 A. M. P.) in excess of 4.25¢ per pound and 5.20¢ per pound, respectively. Increases in such prices at this time would, therefore, be inflationary in character.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.451 *Maximum prices for paraffin wax.* On and after December 1, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer paraffin wax in quan-

[1] Issued: 6 F.R. 5809. Amended: 7 F.R. 751, 930. Corrected: 7 F.R. 1009.

tities of 1,000 pounds or more, and no person shall buy, offer to buy or accept delivery of paraffin wax in quantities of 1,000 pounds or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.460.*

*§§ 1335.451 to 1335.460, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.452 *Less than maximum prices.* Lower prices than those set forth in § 1335.460, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.453 *Evasion.* The price limitations set forth in Price Schedule No. 42 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of paraffin wax, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of grades of paraffin wax, or otherwise.*

§ 1335.454 *Records and reports.* Every person making purchases or sales of paraffin wax in quantities of 1,000 pounds or more after December 1, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the kind and size of the containers, of the paraffin wax purchased or sold.*

§ 1335.455 *Affirmations of compliance.* On or before January 10, 1942, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month has sold paraffin wax in quantities of 1,000 pounds or more whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 142:1, containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 42 or with any exception therefrom or modification thereof. Copies of Form 142:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1335.456 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements or other provisions of Price Schedule No. 42, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 42, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 42, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 42. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of paraffin wax, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.457 *Modification of Price Schedule No. 42.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 42 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That, no application under this section will be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 42.*

§ 1335.458 *Definitions.* When used in Price Schedule No. 42, the term:

(a) "Person" means an individual, partnership, corporation, association or other business entity;

(b) "Paraffin wax" means crude scale, semi-refined and fully refined paraffin wax of the grades listed in § 1335.460, Appendix A hereof, except slabs or cakes of paraffin wax weighing two pounds or less;

(c) "Seller's shipping point" means refinery or other point of distribution maintained by a refiner or seller.

[§ 1335.458 as amended January 29, 1942, effective January 30, 1942; 7 F.R. 584]

§ 1335.459 *Effective date of Price Schedule No. 42.* This Schedule (§§ 1335.451 to 1335.460, inclusive) shall become effective December 1, 1941.*

§ 1335.460 *Appendix A: Maximum prices for paraffin wax*—(a) *Quantities of 10,000 pounds or more.* The following maximum prices f. o. b. refinery, are established for crude scale, semi-refined and fully refined paraffin wax shipped from a refinery in quantities of 10,000 pounds or more:

(1) *Crude scale and semi-refined*

[Prices per pound]

	Slack barrels or 100 kilo bags		50 kilo bags		Tank cars
	Solid	Slabbed	Solid	Slabbed	
122/124 A. M. P.	$.0425	$.0445	$.0435	$.0455	$.0395
124/126 A. M. P.	.0425	.0445	.0435	.0455	.0395
126/128 A. M. P.	.0450	.0470	.0460	.0480	.0420
128/130 A. M. P.	.0475	.0495	.0485	.0505	.0445
130/132 A. M. P.	.0500	.0520	.0510	.0530	.0470
132/134 A. M. P.	.0525	.0545	.0535	.0555	.0495
134/136 A. M. P. or higher	.0550	.0570	.0560	.0580	.0520

(2) *Fully refined*

[Prices per pound]

	Slabs loose	Bags	Tank cars
120/122 A. M. P.	$.050	$.054	$.0495
123/125 A. M. P.	.052	.056	.0515
125/127 A. M. P.	.052	.056	.0515
128/130 A. M. P.	.056	.060	.0555
130/132 A. M. P.	.0585	.0625	.0580
131/133 A. M. P.	.0585	.0625	.0580
133/135 A. M. P.	.0615	.0655	.0610
135/137 A. M. P.	.064	.068	.0635
138/140 A. M. P.	.0715	.0755	.0710
141/143 A. M. P.	.0765	.0805	.0760
143/145 A. M. P.	.0810	.0850	.0805
146/148 A. M. P.	.0930	.0970	.0925
149/151 A. M. P.	.1050	.1090	.1045

In the case of a shipment of crude scale, semi-refined or fully refined paraffin wax from a seller's shipping point other than a refinery, the maximum prices are the prices listed above, plus the actual transportation charges from the refinery at which such wax was last processed to such seller's shipping point, f. o. b. such seller's shipping point. Such transportation charges shall be shown as separate items on all records and invoices.

(b) *Quantities of less than 10,000 pounds.* The maximum prices for crude scale, semi-refined and fully refined paraffin wax, in quantities of 1,000 pounds or more but less than 10,000 pounds, are the prices listed in subparagraphs (1) and (2) of paragraph (a) above, plus $0.015 per pound, delivered.

(c) *Imported paraffin wax*—(1) *Quantities of 10,000 pounds or more.* The maximum prices for import shipments of crude scale, semi-refined or fully refined paraffin wax and for domestic shipments of such imported wax from a seller's shipping point located in the port of entry, in quantities of 10,000 pounds or more, are the maximum prices listed in subparagraphs (1) and (2) of paragraph (a) above, f. o. b. port of entry. In the case of domestic shipments from a seller's shipping point not located in the port of entry, the maximum prices are the maximum prices listed in subparagraphs (1) and (2) of paragraph (a) above, plus the actual transportation charges from the port of entry to such seller's shipping point, f. o. b. such seller's shipping point. Such transportation charges shall be shown as separate items on all records and invoices.

(2) *Quantities of less than 10,000 pounds.* The maximum prices for import shipments of crude scale, semi-refined or fully refined paraffin wax, and for domestic shipments of such imported wax, in quantities of 1,000 pounds or more, but less than 10,000 pounds, are the maximum prices listed in subparagraphs (1) and (2) of paragraph (a) above, plus $.015 per pound, delivered.

(d) *Export sales and sales to territories and possessions of the United States.* The following maximum prices are established for export sales of crude scale, semi-refined and fully refined paraffin wax to persons in foreign countries and for sales of such wax from any state or the District of Columbia to persons in the territories or possessions of the United States:

(1) *Quantities of 10,000 pounds or more.* (i) The maximum prices for shipments by vessel are the maximum prices listed in subparagraphs (1) and (2) of paragraph (a) above, plus the actual transportation charges from the refinery at which such wax was last processed to alongside vessel at the port of shipment, f. a. s. vessel at the port of shipment, plus $.0040 per pound of paraffin wax. Such transportation charges shall be shown as separate items on all records and invoices.

(ii) The maximum prices for overland shipments to Canada and Mexico are the maximum prices established by paragraph (a) above, plus $.0025 per pound of paraffin wax.

(2) *Quantities of less than 10,000 pounds.* (i) The maximum prices for shipments by vessel are the maximum prices listed in subparagraphs (1) and (2) of paragraph (a) above, f. a. s. vessel at the port of shipment, plus $.0190 per pound of paraffin wax.

(ii) The maximum prices for overland shipments to Canada and Mexico are the maximum prices listed in subparagraphs (1) and (2) of paragraph (a) above, f. o. b. seller's shipping point, plus transportation charges over standard routes from seller's shipping point to destination, less transportation charges from seller's shipping point to the station on the boundary between the United States and Canada or Mexico, whichever the case may be, plus $.0175 per pound of paraffin wax. In the event there is no station on the boundary, transportation charges from the seller's shipping point to that station in the United States which is closest to the boundary shall be subtracted.

(3) *Imported paraffin wax.* The maximum prices for shipments by vessel, and for overland shipments to Canada and Mexico, are the maximum prices established by subparagraphs (1) and (2) of this paragraph (d), except that, in place of the actual transportation charges provided by subdivision (i) of subparagraph (1) of this paragraph (d), actual transportation charges from the port of entry to alongside vessel at the port of shipment may be added.

(4) *Expenses.* No expenses, commissions, or charges for services may be added to the maximum prices established by subparagraphs (1), (2) and (3) of this paragraph (d), except (i) ocean freight, (ii) marine and war risk insurance and (iii) foreign agents' commission unless the foreign agents' commission or any part thereof is received by the exporter directly or indirectly for his own use. Nothing contained in this subparagraph (4) in any way modifies or affects the transportation charges for overland shipments.

(e) *Other containers.* (1) The maximum prices for crude scale and semi-refined paraffin wax in containers other than those specified in paragraph (a) above are the applicable maximum prices established above for such wax in slack barrels or 100 kilo bags, except that a reasonable charge may be added for additional costs, if any, of the containers. Such additional charges shall be shown as separate items on all such records and invoices.

(2) The maximum prices for fully refined paraffin wax in containers other than those specified in paragraph (a) above are the applicable maximum prices established above for such wax in slabs loose, except that a reasonable charge may be added for additional costs, if any, of the containers. Such additional charges shall be shown as separate items on all records and invoices.*

[§ 1335.460 as amended January 28, 1942, effective January 30, 1942; 7 F.R. 584]

Issued this 21st day of November 1941.[1]

LEON HENDERSON,
Administrator.

PART 1306—IRON AND STEEL

REVISED PRICE SCHEDULE NO. 43—USED STEEL BARRELS OR DRUMS

Used steel barrels or drums play a vital role in the distribution of petroleum and its derivatives, chemicals, and foods. To prevent excessive and unwarranted price increases in the petroleum, chemical, and food industries the establishment of ceiling prices for used steel barrels is absolutely essential. The present spiraling of such prices, unless controlled effectively, is certain to have an adverse effect on the national defense and the public welfare completely out of proportion to the intrinsic value of the used barrels or drums.

It has been determined, consequently, after complete investigation and after numerous conferences with representatives of the industry, to establish maximum prices for used steel barrels or drums as a necessary protection of the public welfare and the national defense.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1306.201 *Maximum prices for used steel barrels or drums.* On and after December 1, 1941, regard of the terms of any contract of sale or purchase or other commitment, no person shall sell, offer to sell, deliver or transfer, used steel barrels or drums, and no person shall buy, offer to buy, or accept delivery of used steel barrels or drums at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1306.210.*

[§ 1306.201 as amended January 30, 1942, effective February 2, 1942; 7 F.R. 618]

*§§ 1306.201 to 1306.212, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1306.202 *Less than maximum prices.* Lower prices than those set forth in § 1306.210, Appendix A, may be charged, demanded, paid or offered.*

§ 1306.203 *Evasion.* The price limitation set forth in Price Schedule No. 43 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of a used steel barrel or drum, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

[§ 1306.204 Revoked by amendment January 30, 1942, effective February 2, 1942; 7 F.R. 618]

§ 1306.205 *Records and reports.* Every person making purchases or sales of used steel barrels or drums after December 1, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity of each kind or grade purchased or sold, and (b) the quantity of used steel barrels or drums (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 43 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1306.206 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 43, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 43 the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 43; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 43 and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 43. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of used steel barrels or drums, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1306.207 *Modification of Price Schedule No. 43.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 43 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 43.*

[1] Issued: 6 F.R. 5962. Amended: 7 F.R. 584.

§ 1306.208 *Definitions.* When used in Price Schedule No. 43, the term:

(a) "Person" includes an individual, partnership, association, corporation, or other business entity, as well as executors, trustees in bankruptcy, receivers, and other court-appointed officers;

(b) "User" means a person who uses a drum as a container for the shipment or storage of goods;

(c) "Drum" means a steel barrel or drum of a capacity of 14 to 16 gallons, inclusive, or 29 to 33 gallons, inclusive, or 50 to 58 gallons, inclusive;

(d) "Raw used drum" means a drum which has been emptied but which is not a reconditioned drum;

(e) "Reconditioned drum" means a raw used drum which has been both washed and painted, and also subjected to any and all other process or processes necessary to make the raw used drum fit for reuse as a containe*r, except that,* in the case of a raw used drum, which is galvanized, painting is not necessary to constitute such galvanized drum a "reconditioned drum" within the meaning of Price Schedule No. 43.*

[§ 1306.208 as amended January 30, 1942, effective February 2, 1942; 7 F.R. 618]

§ 1306.209 *Effective date of Price Schedule No. 43.* This Schedule (§§ 1306.209 to 1306.210, inclusive) shall become effective December 1, 1941.

§ 1396.210. *Appendix A: Maximum prices for used steel barrels or drums—*(a) *Maximum prices for reconditioned drums.* The maximum prices for a reconditioned drum, delivered to the purchaser, shall be as follows:

14 to 16 gallons, inclusive	$1.45
29 to 33 gallons, inclusive	1.85
50 to 58 gallons, inclusive	2.25

Additional charges. Charges per drum in addition to the above may be made as follows:

(1) Where a reconditioned drum is delivered in excess of 50 miles from the shipping point, the lower of the following alternative charges may be added:

(i) Actual cost of transportation from the shipping point, or

(ii) For each 75 miles or fraction thereof in excess of 50 miles from the shipping point:

14 to 16 gallons, inclusive	$0.05
29 to 33 gallons, inclusive	.075
50 to 58 gallons, inclusive	.10

(2) Where a raw used drum is reconditioned and delivered in the States of California, Washington and Oregon:

14 to 16 gallons, inclusive	$0.15
29 to 33 gallons, inclusive	.25
50 to 58 gallons, inclusive	.50

(3) Where a drum which is lined has been reconditioned so that it is suitable for use as a food container without any further reconditioning process and is sold for use as a food container:

14 to 16 gallons, inclusive	$0.15
29 to 33 gallons, inclusive	.20
50 to 58 gallons, inclusive	.25

(b) *Maximum prices for raw used drums purchased direct from the person who empties the drums.* The maximum price for a raw used drum purchased direct from the person who empties the drum, f. o. b. the place where the drum is emptied, shall be as follows:

14 to 16 gallons, inclusive	$0.75
29 to 33 gallons, inclusive	1.00
50 to 58 gallons, inclusive	1.25

provided that a charge per drum in addition to the above may be made where the raw used drum is purchased and delivered in the States of California, Washington and Oregon as follows:

14 to 16 gallons, inclusive	$0.10
29 to 33 gallons, inclusive	.20
50 to 58 gallons, inclusive	.40

(c) *Maximum prices for raw used drums other than in paragraph* (b). The maximum prices for a raw used drum, delivered to the purchaser, other than those purchased direct from the person who empties the drum, shall be as follows:

14 to 16 gallons, inclusive	$1.00
29 to 33 gallons, inclusive	1.30
50 to 58 gallons, inclusive	1.60

(1) *Provided,* That where a raw used drum is picked up by the purchaser a deduction shall be made from the above as follows:

14 to 16 gallons, inclusive	$0.05
29 to 33 gallons, inclusive	.075
50 to 58 gallons, inclusive	.10

and (2) *Provided further,* That a charge per drum in addition may be made where the raw used drum is purchased and either delivered or picked up in the States of California, Washington and Oregon as follows:

14 to 16 gallons, inclusive	$0.10
29 to 33 gallons, inclusive	.20
50 to 58 gallons, inclusive	.40

[§ 1306.210 as amended January 30, 1942, effective February 2, 1942; 7 F.R. 618]

§ 1306.211 *Appendix B: Exceptions.* The following persons have been granted an exception under § 1306.207 of Price Schedule No. 43 permitting them to make a charge in addition to the maximum prices in § 1306.210, Appendix A, for drums which are furnished by such persons with a new Heresite lining:

Acme Barrel Co., 2300 W. Thirteenth St., Chicago, Illinois, by letter dated Dec. 16, 1941.

Newark Steel Drum Co., 1200 W. Blanche St., Linden, N. J., by letter dated December 16, 1941.

All action taken in reliance upon the terms of any exception shall be at the risk of the person acting until and unless official notification has been received by such person pursuant to such application. Persons interested may secure the terms of an exception on application to the Office of Price Administration.*

[§ 1306.211 added by amendment February 2, 1942, effective February 7, 1942; 7 F.R. 656]

§ 1306.212 *Geographical application.* The provisions of Price Schedule No. 43 shall apply only to sales, offers to sell or deliveries of drums moving within, into or out of one of the 48 States of the United States or the District of Columbia.*

[§ 1306.212 added by amendment February 2, 1942, effective February 7, 1942; 7 F.R. 656]

Issued this 24th day of November 1941.[1]

LEON HENDERSON,
Administrator.

PART 1312—LUMBER AND LUMBER PRODUCTS

REVISED PRICE SCHEDULE NO. 44—DOUGLAS FIR DOORS

Douglas fir doors, manufactured from Douglas fir lumber and plywood, constitute the majority of doors produced in this country, and their price is a significant factor in construction costs. The importance of fir doors to the economy and the demand for these doors has greatly increased by virtue of the vastly expanded building activity stemming from and accompanying the defense program. Large numbers of fir doors are used in cantonments, factories producing military necessities, and defense housing projects. Despite markedly increased production, the supply of doors has not kept pace with the augmented demand. As a consequence, inflationary pressure has caused prices to rise greatly in excess of previously existing levels. The cumulated price increases cannot be justified either on the basis of the increased costs of production or on the assumption that higher prices bring out appreciably more production.

The Office of Price Administration has determined that the establishment of maximum prices for Douglas fir doors is essential to maintain price stability and prevent undue price rises and is necessary to protect consumers, the industry, and the national economy. The maximum prices set forth in Price Schedule No. 44 were determined to be fair and reasonable after extensive investigations, conferences with the industry, and full consideration of all relevant factors.

[Preamble amended December 27, 1941, effective January 1, 1942; 6 F.R. 6798]

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1312.151 *Maximum prices for Douglas fir doors.* On and after December 10, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer of Douglas fir doors shall sell, offer to sell, deliver, or transfer, for domestic or export use and no person shall buy, offer to buy, or accept delivery of any Douglas fir doors from a manufacturer at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1312.159.*

* §§ 1312.151 to 1312.159, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

[1] Issued: 6 F.R. 5961. Amended: 7 F.R. 206, 618, 656.

§ 1312.152 *Less than maximum prices.* Lower prices than those set forth in § 1312.159, Appendix A, may be charged, demanded, paid, or offered.*

§ 1312.153 *Evasion.* The price limitations set forth in Price Schedule No. 44 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of Douglas fir doors, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or by a tying agreement or other trade understanding, or by making terms and conditions of sale more onerous to the purchaser than those available or in effect on December 10, 1941, or by any other means.*

§ 1312.154 *Records and reports.* Every manufacturer who sells and every person who purchases from a manufacturer Douglas fir doors of a value of more than $1,000.00 in any month after December 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of (a) each such purchase or sale made during such month showing the date thereof, the name and address of the buyer and seller, the price paid or received, and the quantity of each kind or grade purchased or sold, and (b) the quantity of Douglas fir doors (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 44 shall submit such reports to the Office of Price Administration as it may from time to time require.*

[§ 1312.154 as amended December 27, 1941, effective January 1, 1942; 6 F.R. 6798.]

§ 1312.155 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 44, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 44, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, and (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 44; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 44 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 44. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of Douglas fir doors, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1312.156 *Modification of Price Schedule No. 44.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 44 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 44.*

§ 1312.157 *Definition.* When used in Price Schedule No. 44, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Manufacturer" means a person operating a factory or plant which produces Douglas fir doors. The term includes, without restricting the generality of the foregoing, any manufacturer's representative, factory commission salesman, or other manufacturer's agent.

(c) "Douglas fir doors" means doors of the types listed in § 1312.159, Appendix A, made from Douglas fir lumber.

(d) "Deliver" means to make physical transfer of doors to a purchaser, or to a carrier, not owned or controlled by the seller, for carriage to a purchaser, to whom the doors have been sold.*

§ 1312.158 *Effective date of Price Schedule No. 44.* This Schedule (§§ 1312.151 to 1312.159, inclusive) shall become effective December 10, 1941.*

§ 1312.159 *Appendix A: Maximum prices[1] for Douglas fir doors.* (a) The maximum prices f. o. b. factory shall be determined by applying the following discounts to the list prices set forth in paragraph (b).

Basic discount:	
To persons who during the first nine months of 1941 received the seller's prevailing maximum discount.	72 percent.
To all other persons	70 percent.
No. 1 Doors "A" Grade	Basic Discount
No. 2 Doors "B" Grade	1 point longer than Basic Discount.
No. 3 Doors "C" Grade	2 points longer than Basic Discount.
Millrun 1⅛" only	1 point longer than Basic Discount.
Storm Doors	1 point longer than Basic Discount.
Cupboard Doors (B&Btr. only).	1 point longer than Basic Discount.
"A" Grade Sidelights	Basic Discount.
Rim and French Doors ("A" & "B" Grades only).	5 points longer than Basic Discount.

[Paragraph (a) as amended December 27, 1941, effective January 1, 1942; 6 F.R. 6798]

[1] When cash is paid within 5 days of delivery, the maximum price is the price herein set forth less 2%. All prices are for mixed carload quantities.

(b) *List prices—*(1) *Standard house door basic list:*

Size	1⅜"	1¾"	1⅝"
2-0 x 6-0	$6.55	$8.40	$5.90
2-4 x	6.95	8.90	6.25
2-6 x	7.15	9.30	6.45
2-8 x	7.55	9.55	6.65
3-0 x	7.95	10.75	7.20
2-4 x 6-1	7.15	9.15	6.45
2-0 x 6-0	6.85	8.75	6.15
2-4 x	7.30	9.35	6.55
2-6 x	7.50	9.75	6.75
2-8 x	7.70	10.00	6.95
3-0 x	8.35	11.25	7.50
2-0 x 6-8	7.00	8.95	6.25
2-4 x	7.40	9.50	6.65
2-6 x	7.60	9.90	6.85
2-8 x	7.80	10.15	7.05
2-10 x	8.15	11.00	7.35
3-10 x	8.50	11.50	7.65
2-0 x 6-10	7.50	9.60	6.75
2-4 x	7.60	10.10	7.10
2-6 x	8.15	10.60	7.35
2-8 x	8.35	10.85	7.50
2-10 x	8.70	11.75	7.85
3-0 x	9.05	12.20	8.15
2-0 x 7-0	7.60	9.75	6.85
2-4 x	8.00	10.25	7.20
2-6 x	8.25	10.75	7.45
2-8 x	8.45	11.00	7.65
2-10 x	8.80	11.80	7.90
3-0 x	9.20	12.40	8.30
2-6 x 7-6	8.85	11.70	-------
2-8 x	9.25	12.00	-------
2-10 x	9.65	13.00	-------
3-0 x	10.00	13.50	-------
2-6 x 8-0	9.20	12.00	-------
2-8 x	9.65	12.55	-------
3-0 x	10.45	14.10	-------
4-0 x	13.60	18.35	-------

NOTES: For 1⅜" Sash Doors, use 1⅜" list. All Storm Doors are priced from 1⅜" list.

(2) *Standard side light basic list, No. 1 grade only:*

Size	1⅜" open list	1¾" open list
1-0 x 6-8	$4.20	$5.20
6-10	4.45	5.55
7-0	4.50	5.60
1-2 x 6-8	4.40	5.50
6-10	4.60	5.75
7-0	4.65	5.80
1-4 x 6-8	4.50	5.70
6-10	4.75	6.05
7-0	4.85	6.10
1-6 x 6-8	4.65	5.95
6-10	4.95	6.25
7-0	5.00	6.30

(3) *Standard cupboard door basic list,*[1] *No. 2 and better grade only:*

STILES, TOP AND CROSS RAILS—2¾"

Size	¾"	1⅛"
1-6 x 1-6	$1.50	$1.60
2-0	1.65	1.80
2-6	2.10	2.30
3-0	2.25	2.50
3-6	2.70	2.95
4-0	2.85	3.15
4-6	3.30	3.65
5-0	3.50	3.80
5-6	3.65	4.00
6-0	3.85	4.20

[1] For 1⅜" Cupboard Doors, add to 1⅛ list 15%.

STILES, TOP AND CROSS RAILS—2¾"—Con.

Size	¾"	1⅛"
1-8 x 1-6	$1.55	$1.70
2-0	1.75	1.90
2-6	2.20	2.40
3-0	2.40	2.60
3-6	2.85	3.10
4-0	3.05	3.30
4-6	3.50	3.80
5-0	3.65	4.00
5-6	3.90	4.25
6-0	4.05	4.45
1-10 x 1-6	1.60	1.75
2-0	1.80	2.00
2-6	2.30	2.50
3-0	2.50	2.75
3-6	3.00	3.25
4-0	3.20	3.50
4-6	3.65	4.00
5-0	3.85	4.25
5-6	4.10	4.45
6-0	4.30	4.70
2-0 x 1-6	1.65	1.85
2-0	1.90	2.10
2-6	2.40	2.65
3-0	2.60	2.85
3-6	3.10	3.45
4-0	3.35	3.65
4-6	3.85	4.20
5-0	4.05	4.45
5-6	4.30	4.70
6-0	4.50	4.95

(c) *List rules and extras:*

RULE 1. For sizes not listed and intermediate sizes, use same list as next larger listed size.

RULE 2. List Extras are additions to be made to foregoing Basic Lists. Where a given percentage is to be added to create a new list figure for a door, such list-figure is to be made to end in 5 or 0, whichever is nearer.

RULE 3. *Larger sizes than listed.*

(*a*) Doors wider than listed, use widest list of same height and add for each additional four inches in width or part thereof, to List Price, 10¢.

(*b*) Doors longer than listed, use longest list of same width and add for each additional six inches or part thereof, to List Price, 10¢.

RULE 4. *Thick doors over 1¾".*

(*a*) Up to 2" thick, add to List Price of 1¾", same size, 100%.

(*b*) For each ¼", or fraction, over 2" thick, add to List Price an additional 50%.

(*d*) *Design extras exclusive of water-tables and trim* (Commercial Standard CS 73-38 Department of Commerce):

Design	Net extra per door: Flat panel	Raised panel
HOUSE DOORS		
F-1	$0.65	(1)
F-2	.65	(1)
F-3	None	(1)
F-11	None	(1)
F-5	None	[2] $0.35
F-66	.25	.35
F-67	.25	.35
F-68	.25	.35
F-69	.25	.35
F-88	.35	.50
F-114	None	.10
F-114 (F-114 6 lts. 3 x 2)	.30	.45
F-114 (F-114 9 lts. 3 x 3)	.55	.70
F-115	.20	.30
F-117 H	.20	.30
F-118	.20	.30
F-117	None	.10
F-117½	None	.10
F-118	None	.10
F-118½	None	.10
F-318	.15	.25

See footnotes at end of table.

Design	Net extra per door: Flat panel	Raised panel
HOUSE DOORS—Continued		
F-418	$0.20	$0.26
F-618	.30	.36
F-918	.55	.61
F-119	None	.06
F-214	None	.06
F-214-H	.15	.21
F-20	None (1)	
F-21	.10 (1)	
F-22	.30 (1)	
F-28	.10 (1)	
F-29	.40 (1)	
F-128	.10 (1)	
F-129	.40 (1)	
F-33	None (1)	
F-133	None (1)	
F-62	.25 (1)	
F-162	.25	.35
F-662 (F-162 6 lts. 3 x 2)	.65	.75
F-862 (F-162 8 lts. 4 x 2)	.80	.90
F-63	.30 (1)	
F-163	.30	.40
F-663 (F-163 6 lts. 3 x 2)	.70	.80
F-863 (F-163 8 lts. 4 x 2)	.85	.95
F-14	.20	.32
F-144	.20	.21
F-444 (F-144 4 lts. 2 x 2)	.40	.41
F-45	.25	.35
F-145	.25	.31
F-108	.10 (1)	
F-109	.40 (1)	
F-80	.30 (1)	
F-82	None (1)	
F-182	None (1)	
F-682 (F-182 6 lts. 3 x 2)	.30 (1)	
F-982	.55 (1)	
F-147	.30	.32
F-152	.20	.30
F-154	.20	.32
F-110	.20 (1)	
F-111	.45 (1)	
F-310	.45 (1)	
F-311	.70 (1)	
F-610	.60 (1)	
F-611	.85 (1)	
F-810	.75 (1)	
F-811	1.00 (1)	
FRENCH AND RIM DOORS		
F-35	None	
F-36	.30	
F-37	.50	
F-435	.20	
F-436	.50	
F-437	1.10	
F-535	.25	
F-536	.55	
F-537	1.15	
F-835	.45	
F-836	.75	
F-837	1.35	
F-935M	.70	
F-936M	1.00	
F-937M	1.60	
F-1035	.45	
F-1036	.75	
F-1037	1.35	
F-1235	.55	
F-1236	.85	
F-1237	1.45	
F-1535	.70	
F-1536	1.00	
F-1537	1.60	
F-1635	.75	
F-1636	1.05	
F-1637	1.65	
STORM DOORS		
FS-7	.15	.29
FS-07	.15	.25
FS-115 (same as F-115)	.35	.39
FS-116 (same as F-116)	.35	.41
FS-162 (same as F-162)	.40	.50
FS-662 (same as F-662)	.80	.90
CUPBOARD DOORS		
F-05	None	.08
F-020	None (1)	
F-082	None (1)	
SIDELIGHTS		
F-035		None
F-0435		.25
F-0535		.30
F-0835M		.45

[1] Flat Panel only.

[2] For Colonial doors other than designs above add net per door 15¢

[3] The raised panel price of Items F-5 and F-117½ was changed from $0.10 to $0.25 by amendment December 27, 1941, effective January 1, 1942; 6 F.R. 6798.

(e) *House door rules and net extras:*

RULE 1. *Lot and/or stop-over cars.* On cars containing orders for more than one lot, a charge of $2.50 per lot may be made to cover cost of segregating.

RULE 2. *Stock quantity.* 10 doors of a size and kind in 1⅜" thickness and 5 doors of a size and kind in 1¾" thickness constitute stock quantity. For less than stock quantity 10% may be added.

RULE 3. *Wide stiles and rails.* For stiles and rails wider than standard narrow layout (4⁹/₁₆" stiles and top rail, 9⅜" bottom rail) add net per door:

(*a*) Stiles & Top Rail over 4⁹/₁₆" to 5⅜", 25¢.

(*b*) Stiles & Top Rail over 5⅜" to 6⅜", 70¢.

(*c*) Bottom Rail over 9⅜" to 11⅜", 5¢.

(*d*) Bottom Rail over 11⅜" to 18⅜", 70¢.

(*e*) Lock Rails or Intermediate Rails, for each 1" or part thereof, over catalogued standard width, add net per member, 5¢.

RULE 4. *Glass beads and bars.* (*a*) Stock pattern glass beads and bars furnished in all glass openings, beads furnished and tacked in at no extra charge. No deduction for omitting glass beads in any door.

(*b*) For bars and beads other than standard, but of simple manufacture and assembly, add per light formed, 10¢. Minimum charge for (*b*) on any order, $5.00.

(*c*) Bar and Bead Stock:

1⅜" Bars ½" between glass (per hundred lineal ft.), $3.75 list.

1¾" Bars ½" between glass (per hundred lineal ft.), $4.25 list.

Standard Glass Beads (per hundred lineal ft.), $1.00 list.

Bar and Bead Stock subject to moulding discount.

RULE 5. *Divided lights.* (*a*) For dividing lights in any one-light stock door, using standard beads and bars, add per light formed as used in series 118.

(*b*) For dividing lights with other than standard beads and bars, see Rule 4 (*b*).

RULE 6. *Sticking.* (*a*) Bead and cove is stock sticking on all doors, unless otherwise specified.

(*b*) Sunk Ogee sticking, add net per door, 10¢. Minimum charge for any order, $5.00.

(*c*) Square sticking, add net per door, 10¢. Minimum charge for any order, $5.00.

(*d*) Sash sticking on French doors, add net per door, 10¢. Minimum charge for any order, $5.00.

(*e*) Special stickings of practical machining patterns, requiring grinding of knives, add $15.00 grinding and setup charge, and add net per door, 10¢.

(*f*) For sash sticking around glass opening and stock sticking around panels, add net per door, 50¢. Minimum charge for any order, $5.00.

(*g*) No additional charge for Ovolo sticking.

RULE 7. *Thick laminated (flat) panels.* (*a*) Over ¼" to ⅜" 3-Ply panels, add net per door, 35¢.

(*b*) Over ⅜" to ½" 5-Ply panels, add net per door, 50¢.

(*c*) Over ½" to ¾" 5-Ply panels, add net per door, 75¢.

RULE 8. *Solid raised or flat panels, oversize.* For standard thickness solid panels, over 11⅜" wide, in two and/or three panel designs, add net per panel, 50¢.

RULE 9. *Watertables and trim.* Shipped loose unless ordered to be planted on.

(*a*) For plain, one member watertable, add net per door, 10¢.

(*b*) Watertable with blocks or dentil, add net per door, 25¢.

(*c*) Planting on watertable (*a*), add net per door, 10¢.

(*d*) Planting on watertables, (*b*), add net per door, 15¢.

RULE 10. *Astragals.* Shipped loose.

(*a*) For doors 1⅜" thick and not over 8' high, each, 40¢.

(*b*) For doors 1¾" thick and not over 8' high, each, 50¢.

(*c*) For doors 2¼" and 2½" thick and not over 8' high each, $1.10.

RULE 11. *Rabbeting in pairs.* 1. House doors:

(*a*) Rabbeting plain, add net per pair, 25¢.

(*b*) Rabbeting and Beading, add net per pair, 50¢.

2. Cupboard doors:

(*a*) Rabbeting plain, add net per pair, 10¢.

(*b*) Rabbeting and Beading, add net per pair, 25¢.

RULE 12. *Mirror doors.* For preparing doors for full length sunken mirror, add net per door as follows:

One Panel	$0.20
Sub-Stile Type	.35
Two Panel & Three Panel	.75
Five Panel & Six Panel	1.00

RULE 13. *Storm doors.* Standard Storm Doors: 1⅛" thick, Millrun Grade, ½" oversize in width and 1" oversize in length, stiles not beveled.

(*a*) For beveled stiles, add net per door, 10¢.

RULE 14. *Toilet doors.* Use Cupboard Door Discount and Cupboard Door List for size required, exclusive of lugs, and add for lugs not exceeding 4" long for each top and bottom, per door, 50¢.

RULE 15. *Dutch doors.* (*a*) Cut through lock rail, not rabbeted, add net per door, 50¢.

(*b*) Cut through lock rail and rabbeted, add net per door, $1.00.

(*c*) Plain shelf and bracket, per side, $2.00.

RULE 16. *Removable panels.* For panels removable add net per panel, 12¢.

RULE 17. *Pre-fit doors.* Per door, 15¢. For prefitting to height only, add per door, 10¢.

RULE 18. *Crating.* Price per crate regardless of number of doors per crate, $1.50.

Standard crating:

6 1⅛" doors per crate.
5 1⅜" doors per crate.
4 1¾" doors per crate.
3 1¾" Raised Moulding doors per crate.

Thicker and oversize doors—one or more per crate as can be conveniently handled.

RULE 19. *Paper wrapping.* If panel doors ordered wrapped, add per door, 25¢.

RULE 20. *Resin sealing.* If panel doors ordered resin sealed, add per door, 25¢. If panel doors ordered resin sealed, panels only, add per door, 15¢.

(f) *Maximum prices for garage doors f. o. b. factory:*

	Per pair
1¾" Basic Price:	
To persons who during the first nine months of 1941 received the seller's prevailing lowest price	$8.00
To all other persons	8.50
1⅜" Basic Price:	
To persons who during the first nine months of 1941 received the seller's prevailing lowest price	7.50
To all other persons	8.00

[Paragraph (f) as amended December 27, 1941, effective January 1, 1942; 6 F.R. 6798]

(g) *Design extras on garage doors* (Commercial Standard CS 73-38, Department of Commerce):

F-491	$1.50 per set.
F-493	$0.50 per set.
F-495	$0.50 per set.
F-496	$0.50 per set.
F-691	$1.00 per pr.
F-693	None.
F-695	None.
F-696	None.
F-894	None.
F-190 (without lights)	$10.50 per set.[1]
F-290 (without lights)	$9.00 per pr.[1]
F-093	$0.75 per pr.
F-093S	$1.25 per set.
F-096	$1.50 per pr.
F-096S	$2.00 per set.
F-099	$1.50 per pr.
F-099S	$2.00 per set.
F-0912	$2.00 per pr.
F-0912S	$2.50 per set.

Above extras include standard pattern glass beads, planted in place in all sash doors. No deduction for omission of glass beads.

(h) *Garage door rules and net extras:*

RULE 1. *Pairs, sets, singles.* (*a*) Garage doors 3'0" and narrower are priced as sets.

(*b*) Garage doors wider than 3'0", up to and including 5'0", are priced as pairs.

(*c*) Garage doors over 6'0" in width are priced as single doors.

RULE 2. *Large sizes.* (*a*) For each foot, or fraction thereof, in length over 8'0", add per opening, $2.50.

(*b*) For each foot, or fraction thereof, in width per opening over 8'0", in pairs, add per opening, $2.50.

(*c*) For sets of 9'0" width opening, add net per set, $1.00.

RULE 3. *Sets of four doors.* Sets of four doors per opening, add to price per set of like design, $2.00.

[1] See Garage Door Rule No. 11.

RULE 4. *Single doors.* For single doors, made to represent pairs, add to price per pair of like design, to determine price of each single door, $3.00.

RULE 5. *Wide stiles and rails.* For wider than standard catalogued sizes: 5⅜" stiles in sets, add per set, 75¢.

Lock rails over 5⅜" wide, up to and including 8" wide, add per pair or set, 25¢.

Bottom rails over 9⅜" wide, up to and including 11⅜", add per pair or set, 25¢.

RULE 6. *Beads for glass.* Use application of Rule 3, "House Door Rules & Net Extras."

RULE 7. *Sticking.* Rule 6, "House Door Rules & Net Extras" also applies to Garage doors.

RULE 8. *Raised panels.* If panels are required thicker than stock panels, an extra charge may be made.

RULE 9. *Rabbeting in pairs.* For plain rabbeting in pairs, add net per pair, $1.00; for plain rabbeting in sets, add net per set, $1.50.

RULE 10. *Astragals.* For 1⅜" garage door astragals, each, 40¢; for 1¾" garage door astragals, each, 50¢.

RULE 11. *Designs F190 and F290 (Aristocrat Garage Doors).* (*a*) Widths of doors other than 2'8" and 4'0", requiring special width battens, add per pair or set, $2.00.

(*b*) For cutting in rectangular lights, per light, 75¢.

(*c*) For dividing lights, each light over one, 10¢.

(*d*) If made with solid lumber core top to permit cutting down or shaping, add per pair or set, $1.00.

RULE 12. *Chamfering.* For Chamfering sawbucks on design numbers F-691 and F-491, add net per pair or set, 50¢.

RULE 13. *Removable panels.* For panels removable add net per panel, 12¢.

RULE 14. *Resin sealing.* If panels in doors ordered resin sealed add per pair or set, 50¢.

(i) A delivered price in excess of the maximum f. o. b. mill prices set forth in Appendix A may be charged, computed according to the method used by the seller during the 30 day period ending December 10, 1941. In no case shall the addition for transportation be more onerous to the purchaser than that which was or would have been charged by the seller during the same period.*

Issued this 27th day of November 1941.[1]

LEON HENDERSON,
Administrator.

PART 1346—BUILDING MATERIALS

REVISED PRICE SCHEDULE NO. 45—ASPHALT OR TARRED ROOFING PRODUCTS

Asphalt or tarred roofing products, primarily made of a felt base (composed of waste rags, waste paper and other fibers).

[1] Issued: 6 F.R. 6084. Amended: 6 F.R. 6798.

saturated and/or coated with asphalt or tar, are widely used as a building material. In the defense program, these products have been extensively employed in the construction industry. The recent increased use of asphalt roofing products stemming from the defense program and the accompanying expanded economic activity has so increased demand for such products that shipments for the first eight months of 1941 exceeded 26,000,000 squares. As a consequence, inflationary pressure has been exerted upon these products resulting in several successive price increases during the past four months totaling fifteen to sixteen per cent while total unit costs for most items have actually declined during the same period. Earnings have therefore steadily increased. While the present Price Schedule No. 45 reduces prices below current levels it still provides a very substantial margin of profit.

Price Schedule No. 45 utilizes the shipping point, freight equalization, and allowance systems presently in effect in this industry, including the customary practice of free deliveries in free shipping zones. Such acceptance and incorporation of these systems into Price Schedule No. 45, merely as a vehicle for determining prices, should not be regarded as approval thereof, nor should this reservation be regarded as disapproval.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1346.51 *Maximum prices for asphalt or tarred roofing products sold by manufacturers.* On and after December 12, 1941, regardless of the terms of any contract of sale or purchase or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer, asphalt or tarred roofing products, and no person shall buy, offer to buy, or accept delivery of such products from a manufacturer, at prices higher than the maximum prices established in Appendices A (Eastern area) and B (Pacific Coast area) hereof, incorporated herein as §§ 1346.59 and 1346.60: *Provided*, That Price Schedule No. 45 shall in no event apply to "applied sales" as defined in § 1346.57 (i).*

* §§ 1346.51 to 1346.60, inclusive issued pursuant to authority contained in E.O. 8734, 8875, 6 F R. 1917, 4483.

§ 1346.52 *Less than maximum prices.* Lower prices than those established in Appendices A and B (§§ 1346.59 and 1346.60) may be charged, demanded, paid, or offered.*

§ 1346.53 *Evasion.* The price limitations set forth in Price Schedule No. 45 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of asphalt or tarred roofing products, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discounts, premium, or other privilege, or by tying-agreement or other trade understanding, or by making terms and conditions of sale more onerous to the purchaser than those available or in effect on the effective date of Price Schedule No. 45, or by any other means.*

§ 1346.54 *Records and reports.* On and after December 12, 1941, every manufacturer who sells, delivers or transfers asphalt or tarred roofing products of a total value in excess of $1,000.00 per month, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, delivery or transfer, showing the date thereof, the name and address of the buyer, the price paid or received, and the quantity (in squares) of each grade, type, shape, size, kind and color of asphalt or tarred roofing products sold.

Persons affected by Price Schedule No. 45 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1346.55 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 45, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 45, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 45; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 45. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of asphalt or tarred roofing products, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1346.56 *Modification of Price Schedule No. 45.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 45 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 45.*

§ 1346.57 *Definitions.* When used in Price Schedule No. 45, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Asphalt or tarred roofing products" means roofing shingles and siding materials having a felt base (composed of waste rags, waste paper or other fibers), saturated and/or coated with asphalt or coal tar pitch, whether with or without mineral surface, of any grade, type, shape, size, kind or color, and without restricting the above, also includes slaters felt, and asphalt or coal tar pitch saturated and/or coated laminated fiber or felt sheets or boards not exceeding one-quarter inch in thickness;

(c) "Manufacturer" means a person operating a mill or plant producing asphalt or tarred roofing products, as well as any sales subsidiary or affiliate, any commission salesman, manufacturer's representative or other manufacturer's agent;

(d) "Carload" means a quantity or combination of one or more grades, types and sizes of asphalt or tarred roofing products, taking the same freight rate, the aggregate weight of which totals at least the lowest applicable minimum carload weight as required in the established tariffs of rail carriers;

(e) "Less than carload" means a quantity or combination of one or more grades, types and sizes of asphalt or tarred roofing products, taking the same freight rate, the aggregate weight of which is less than that referred to in (d) above;

(f) "Ten-ton truck shipment" means a quantity or combination of one or more grades, types and sizes of asphalt or tarred roofing products, taking the same freight rate, the aggregate weight of which totals at least the highest applicable minimum truckload weight as required in the established tariffs of the motor carriers;

(g) "Less than ten-ton truck shipment" means a quantity or combination of one or more grades, types and sizes of asphalt or tarred roofing products, taking the same freight rate, the aggregate weight of which is less than that referred to in (f) above;

(h) "Square" means a quantity of asphalt or tarred roofing products sufficient to cover 100 square feet of surface when applied in the customary trade manner;

(i) "Applied sale" means a transaction whereby the manufacturer furnishes materials and in addition performs the service of applying the materials to the building itself, in consideration of the total price paid by the purchaser;

(j) "Deliver" means to make physical transfer to the purchaser, or to a carrier not owned or controlled by the seller, for carriage to the purchaser, to whom the goods have been sold.*

§ 1346.58 *Effective date of Price Schedule No. 45.* This Schedule (§§ 1346.51 to 1346.60, inclusive) shall become effective December 12, 1941.*

§ 1346.59 *Appendix A; Maximum prices for asphalt and tarred roofing products for eastern area*—(a) *Application.* The provisions of Appendix A apply to all sales of asphalt or tarred roofing products in which the point of destination is within the continental United States east of and including the states of Montana, Wyoming, Colorado and New Mexico.

(b) *Types of shipments and prices applicable thereto.* (1) Carload (as defined in § 1346.57 (d)) via rail and/or water: Carload prices on all items.

(2) Less than carload (as defined in § 1346.57 (e)) via rail and/or water: Less than carload price on all items.

(3) Ten-ton truck shipment (as defined in § 1346.57 (f)): Carload price on all items.

(4) Less than ten-ton truck shipment (as defined in § 1346.57 (g)): Less than carload price on all items.

(c) *Transportation charges and freight equalization.* Although the maximum prices established herein are set f. o. b. shipping points, the purchaser shall bear only the transportation charges expressly provided for below, and all other transportation costs shall be absorbed by the manufacturer.

(1) Shipments to destinations within any of the shipping points or free shipping point zones listed in § 1346.59 (f) and (g), respectively:

No charges for transportation may be added to the maximum prices set forth in Price Schedule No. 45 on such shipments.

(2) Shipments to destinations not within any of the shipping points or free shipping point zones listed in § 1346.59 (f) and (g), respectively:

On all such shipments the transportation charge shall be shown as a separate item in the purchaser's invoice. Such transportation charge shall be computed by applying to the weight of the shipment as determined from the manufacturers' published price lists the rail rate from that shipping point herein contained from which the lowest rail rate to actual destination on an identical shipment is applicable. However, in addition to any other allowance which may be required or made, an allowance shall be made to the purchaser (by credit or refund) as indicated below:

(i) Carload shipments or ten-ton truck shipments:

(*a*) Where shipment is made via rail or truck:

Full allowance of the transportation charge[1] shall be made to the purchaser, unless such charge[1] shall exceed nine cents per hundred pounds, in which case the manufacturer may limit such allowance to nine cents per hundred pounds.

(*b*) Where shipment is wholly or partially by water:
In lieu of the allowance set forth in (*a*) above, the allowance to the purchaser shall be the established switching, wharfage and handling charges at the points of loading on vessels and unloading from vessels.

(ii) Stop-over charges:

Where 20,000 lbs. or more of asphalt or tarred roofing products are unloaded an allowance shall be made to the purchaser equal to actual stop-over charges at such point of unloading.

(d) *Maximum prices for standard asphalt or tarred roofing products, f. o. b. shipping points:*

[1] Computed in accordance with sub-paragraph (2) above.

TABLE 1.—STRIP SHINGLES

	Maximum prices, f. o. b. shipping points (per square)	
	L/CL	CL
12″ (3 in line) Strips	$5.17 less 6% & 5%	$4.11 less 5%.
Average Approx. Weight per Square: 240 Lb.		
Strips per Square: 80		
Exposure: 5″		
Headlap: 2″		
Underwriters Label: C		
12″ (3 in line) Strips	$4.91 less 6% & 5%	$4.24 less 5%.
Average Approx. Weight per Square: 230 Lb.		
Strips per Square: 80		
Exposure: 5″		
Headlap: 2″		
Underwriters Label: C		
15″ (3 in line) Thikbut Strips	$5.62 less 6% & 5%	$4.83 less 5%.
Average Approx. Weight per Square: 230 Lb.		
Strips per Square: 80		
Exposure: 5″		
Headlap: 2″		
Underwriters Label: C		
12″ Tapered Strips	$6.15 less 6% & 5%	$5.46 less 5%.
Average Approx. Weight per Square: 275 Lb.		
Strips per Square: 80		
Exposure: 5″		
Headlap: 2″		
Underwriters Label: C		
11⅓″ Hexagon Strips	$3.89 less 6% & 5%	$3.31 less 5%.
Average Approx. Weight per Square: 167 Lb.		
Strips per Square: 86		
Exposure: 4⅝″		
Headlap: 2″		
Underwriters Label: C		
10″ Square Butt (4 in 1) Strips	$4.91 less 6% & 5%	$4.24 less 5%.
Average Approx. Weight per Square: 240 Lb.		
Strips per Square: 100		
Exposure: 4″		
Headlap: 2″		
Underwriters Label: C		
12½″ Square Butt (4 in 1) Strips	$5.52 less 6% & 5%	$5.00 less 5%.
Average Approx. Weight per Square: 265 Lb.		
Strips per Square: 100		
Exposure: 4″		
Headlap: 4½″		
Underwriters Label: C		
12″ (3 in 1) Strips	$6.39 less 6% & 5%	$5.49 less 5%.
Average Approx. Weight per Square: 257 Lb.		
Strips per Square: 80		
Exposure: 5″		
Headlap: 2″		
Underwriters Label: C		

TABLE 2.—INDIVIDUAL SHINGLES

	Maximum prices, f. o. b. shipping points (per square)	
	L/CL	CL
Dutch Lap Giant With Clips or Staples	$3.83 less 6% & 5%	$3.29 less 5%.
Average Approx. Weight per Square: 162 Lb.		
Shingles per Square: 113		
Sidelap: 3″		
Headlap: 2″		
Underwriters Label: C		
Standard Individual	$5.92 less 6% & 5%	$5.09 less 5%.
Average Approx. Weight per Square: 233 Lb.		
Shingles per Square: 379		
Exposure: 4″		
Headlap: 4½″		
Underwriters Label: C		
Giant	$7.31 less 6% & 5%	$6.28 less 5%.
Average Approx. Weight per Square: 325 Lb.		
Shingles per Square: 226		
Exposure: 5″		
Headlap: 6″		
Underwriters Label: C		

TABLE 3.—SIDINGS

	Maximum prices, f. o. b. shipping points (per square)	
	L/CL	CL
Brick Siding Strips—210 Lb.	$6.16 less 6% & 5%	$5.29 less 5%.
Average Approx. Weight per Square: 210 Lb.		
Strips per Square: 134		
Exposure: 3″		
Brick Siding Strips—175 Lb.	$5.52 less 6% & 5%	$4.71 less 5%.
Average Approx. Weight per Square: 175 Lb.		
Strips per Square: 134		
Exposure: 3″		
Embossed Brick Strip in Rolls	$2.96 less 6% & 5%	$2.54 less 5%.
Average Approx. Weight per Square: 105 Lb.		

TABLE 4.—BUILT-UP ROOF MATERIALS

	Maximum prices f. o. b. shipping points (per roll)	
	L/CL	CL
Asphalt Saturated Felt, Underwriters Label:		
15 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 65 Lb.	$1.93 less 6% & 5%	$1.66 less 5%.
14 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 60 Lb.	$1.93 less 6% & 5%	$1.66 less 5%.
30 Lb. 216 Sq. Ft. Av. App. Wt. per Roll 65 Lb.	$1.93 less 6% & 5%	$1.66 less 5%.
12 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 52 Lb.	$1.67 less 6% & 5%	$1.44 less 5%.
24 Lb. 216 Sq. Ft. Av. App. Wt. per Roll 52 Lb.	$1.67 less 6% & 5%	$1.44 less 5%.
Tarred Felt:		
15 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 65 Lb.	$1.93 less 6% & 5%	$1.66 less 5%.
14 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 60 Lb.	$1.93 less 6% & 5%	$1.66 less 5%.
13 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 55 Lb.	$1.67 less 6% & 5%	$1.41 less 5%.
12 Lb. 432 Sq. Ft. Av. App. Wt. per Roll 52 Lb.	$1.67 less 6% & 5%	$1.44 less 5%.
24 Lb. 216 Sq. Ft. Av. App. Wt. per Roll 52 Lb.	$1.67 less 6% & 5%	$1.44 less 5%.

TABLE 5.—SLATERS AND THREADED FELT

	Maximum prices, f. o. b. shipping points (per roll)	
	L/CL	CL
Slaters Felt (Asphalt or Tarred):		
Gross Area 500 Sq. Ft. App. Wt. per Roll 30 Lb.	$1.08 less 6% & 5%	$0.93 less 5%.
Threaded Felt (Asphalt or Tarred):		
Gross Area 500 Sq. Ft. App. Wt. per Roll 42 Lb.	$2.21 less 6% & 5%	$1.90 less 5%.
Gross Area 250 Sq. Ft. App. Wt. per Roll 21 Lb.	$1.10 less 6% & 5%	$0.95 less 5%.

TABLE 6.—ROLL ROOFINGS MINERAL SURFACED

	Maximum prices, f. o. b. shipping points (per roll)	
	L/CL	CL
90 Lb. Mineral Surfaced (Class C Labels) Fixtures included. Average Approx. Weight per Roll 90 Lb.	$2.04 less 6% & 5%	$1.75 less 5%.
75 Lb. Mineral Surfaced Fixtures included. Average Approx. Weight per Roll 75 Lb.	$1.91 less 6% & 5%	$1.64 less 5%.
Diamond Point Style Average Approx. Weight per Roll 105 Lb.	$2.50 less 6% & 5%	$2.15 less 5%.
Shadow Point Style Average Approx. Weight per Roll 105 Lb.	$2.50 less 6% & 5%	$2.15 less 5%.

TABLE 7.—ROLL ROOFINGS, SMOOTH SURFACED

	Maximum prices, f. o. b. shipping points (per roll)	
	L/CL	CL
Cheapest Grade (Fixtures Included):		
Average Approx. Weight per Roll 37 Lb.	$0.94 less 6% & 5%	$0.80 less 5%.
Average Approx. Weight per Roll 47 Lb.	$1.10 less 6% & 5%	$0.94 less 5%.
Average Approx. Weight per Roll 55 Lb.	$1.26 less 6% & 5%	$1.08 less 5%.

(e) *Maximum prices for non-standard asphalt or tarred roofing products, f. o. b. shipping points.* For all asphalt or tarred roofing products not expressly listed above, the maximum prices f. o. b. shipping points shall be the net f. o. b. shipping points selling prices (after deduction of all discounts and allowances, whether published or unpublished) which were actually charged, or which would have been charged (upon the basis of the prices, discounts and allowances, whether published or unpublished, then listed or quoted by the manufacturer) by the manufacturer on a sale made on June 29, 1941, to the same purchaser or class of purchaser for like quantities, grades, types, shapes, sizes, kinds or colors of asphalt or tarred roofing products, exclusive of any premiums or charges for advanced delivery or any other inducement that may then have been offered by the buyer or demanded by the seller to negotiate the sale.

(f) *Shipping points:*

Birmingham, Ala.[2]	East Walpole, Mass.
Mobile, Ala.	Millis, Mass.
Port Wentworth, Ga.	Norwood, Mass.
New Orleans, La.	Detroit, Mich.
Shreveport, La.	Minneapolis, Minn.
Edge Moor, Del.	St. Paul, Minn.
Chicago, Ill.	Kansas City, Mo.
Chicago Heights, Ill.	Marrero, La.
Clearing, Ill.	Memphis, Tenn.
E. St. Louis, Ill.	Fort Worth, Tex.
Joliet, Ill.	Dallas, Tex.
Lockport, Ill.	Port Neches, Tex.
Madison, Ill.	No. Kansas City, Mo.
Marseilles, Ill.	Bound Brook, N. J.
Vandalia, Ill.	South Bound Brook, N. J.
Waukegan, Ill.	East Rutherford, N. J.
Wilmington, Ill.	Elizabeth, N. J.
South Bend, Ind.	
Baltimore, Md.	
Jersey City, N. J.	Tonawanda, N. Y.
Kearny, N. J.	Cleveland, Ohio
Manville, N. J.	Franklin, Ohio
Maurer, N. J.	Lockland, Ohio
Rutherford, N. J.	Youngstown, Ohio[3]
Fulton, N. Y.	Erie, Pa.
Niagara Falls, N. Y.	Philadelphia, Pa.
No. Tonawanda, N. Y.	York, Pa.

(g) *Free shipping point zones. Baltimore, Md. Zone:* The corporate limits of the Independent City of Baltimore.

Birmingham, Ala. Zone: The corporate limits of Birmingham.

Boston, Mass. Zone: Suffolk County. In Middlesex County, the City of Cambridge, the townships of Newton, Natick, Sherborn, and the town of Brookline. In Norfolk County, the townships of Wellesley, Needham, Denham, Dover, Medfield, Westwood, Norwood, Milton, Canton, Sharon, Walpole, Millis, Medway, Bellingham, Franklin, Wrentham, Foxborough, Norfolk and Plainville.

Buffalo, N. Y. Zone: In Niagara County, the townships of Lewiston, Cambria, Lockport, Niagara, Wheatfield, Pendleton. In Erie County, the townships of Tonawanda, Amherst, Clarence, Newstead, Cheektowaga, Erie and West Seneca.

Chicago, Ill. Zone: In Illinois: Cook County, DuPage County, Will County. In Lake County, the townships of Benton, Waukegan, Warren, Libertyville, Shields, Deerfield, West Deerfield, and Vernon. In Kane County, the townships of Elgin, St. Charles, Geneva, Sugar Grove, Aurora and Batavia. In Kendall County, the township of Oswego. In Kankakee County, the townships of Rockville, Manteno, Summer, Yellowhead, Momence, Ganeer, Kankakee and Bourbonnais. In Indiana: In Lake County, all territory north of a line drawn through and including the corporate limits of Dyer, Hartsdale, Griffith, Ross, South Gary, New Chicago and East Gary.

Cincinnati, Ohio Zone: In Hamilton County, Ohio, except the townships of Harrison, Crosby and White Water. In Butler County, Ohio, the townships of Union, Fairfield, St. Clair, Liberty, Lemon and Madison. In Warren County, Ohio, the townships of Deerfield, Union, Hamilton and Franklin. In Montgomery County, Ohio, the townships of German, Miami, Jackson and Jefferson. In Kentucky, the corporate limits of Covington, Newport, Bellevue, Latonia, Dayton, Altomont, Brent, Stevens, Melbourne, Ross, Oneonta, Erlanger, Crescent Springs, Ludlow and Bromley in Kenton and Campbell Counties.

Cleveland, Ohio Zone: Cuyahoga County.

Dallas, Tex. Zone: The corporate limits of Dallas.

Detroit, Michigan Zone: The territory within the boundary of a line connecting and including South Rockwood, Carleton, West Sumpter, Willis, Ypsilanti, Plymouth, Northville, Novi, Walled Lake, West Pontiac, Auburn Heights, Utica, Waldenburg, Lakeside, Lake Short, St. Claire Shores, Grosse Pointe Farms, Grosse Pointe, thence down the Detroit River to origin point of South Rockwood.

East St. Louis, Ill. Zone: In Madison County, Ill., the townships of Alton, Wood River, Edwardsville, Choteau, Jarvis, Colinsville, Venice, Nameoki, Granite City. In St. Clair County, Ill., the townships of Caseyville, Canteen, Stites, Centerville, Sugar Loaf, Stookey, St. Clair. In St. Louis County, Mo., the corporate limits of the Independent City of St. Louis and the territory within the boundary of a line drawn through and including the suburbs of: Spanish Lake, Black Jack, Ferguson, Carsonville, Overland, Lackland, Malcolm, Ridge Farm, Sappinton, Alpha (Continental), Mehlville, Boussan, thence up the Mississippi River to origin point of Spanish Lake.

Edge Moor, Del. Zone: The corporate limits of Edge Moor.

Erie, Pa. Zone: The corporate limits of Erie.

Franklin, Ohio Zone: See Cincinnati, Ohio Zone.

Fulton, N. Y. Zone: The territory within the boundary of a line drawn through and connecting the corporate limits of the cities or villages of New Haven (Oswego County), Mexico, Hastings, Mallory, West Monroe, Brewerton, Clay, Woodward, North Syracuse, East Syracuse, Eastwood, Syracuse, Solvay, Syracuse Junction, Baldwinsville, Lamson, South Granby, Sterling, Southwest Oswego.

Kansas City, Mo. Zone: In Jackson County, Mo., Fairmount and Sugar Creek and the corporate limits of Kansas City and Independence. In Clay County, Mo., North Kansas City and Avondale. In Wyandotte County, Kansas: Kansas City, including Fairfax Industrial District, Turner and Welborn. In Johnson County, Kansas: Merriam. Any towns or villages in this area not mentioned are not to be included in this Zone.

Marseilles, Ill. Zone: The corporate limits of Marseilles.

Memphis, Tenn. Zone: The corporate limits of Memphis.

Minneapolis, Minn. Zone: The corporate limits of Minneapolis and St. Paul and the suburbs of Robbinsdale, Columbia Heights, St. Louis Park, Ft. Snelling, West St. Paul and South St. Paul.

Mobile, Ala. Zone: The corporate limits of Mobile.

New Jersey Zone: All of Bergen County, except that part of Washington and Palisades townships which lies east of (and not including) the New York Central (West Shore) Railway. That part of Passaic County which lies east and south of the line of the New York, Susquehanna and Western Railway at (and including) Pompton Lakes, Hudson, Essex, Union and Middlesex Counties. In Somerset County, the townships of North Plainfield, Franklin, Montgomery, Hillsborough, Bridgewater, and Branchburg.

New Orleans, La. Zone: On the North, Lake Pontchartrain; on the East, a line connecting and including Edgelake, Lee, Chalmette, Meraux, New Home, Story, Campbell, Violet; (thence on the South, a line connecting and including Violet, Fort St. Leon, Gretna, Harvey, Powell, Avondale, Waggeman, Witherow; thence on the West, a line connecting and including Witherow, Frellsen, thence to Lake Pontchartrain along the Jefferson and St. Charles Parish Line.

Philadelphia, Pa. Zone: Philadelphia County. In Montgomery County, the townships of Lower Moreland, Upper Moreland, Horsham, Upper Dublin, Cheltenham, Springfield, Whitemarsh, Plymouth, Norriton, West Norriton and Lower Merion. Delaware County except the townships of Concord, Bethel, Birmingham and Thornbury.

Port Wentworth, Ga. Zone: The corporate limits of the following cities or towns in Chatham County, Ga.: Anderson, Bloomingdale, Burroughs, Central Junction, Keller, Meinhard, Monteith, Pooler, Port Wentworth, Savannah and Williams.

Shreveport, La. Zone: The corporate limits of Shreveport, Agers and Bossier City.

South Bend, Ind. Zone: St. Joseph County, Ind.

Vandalia, Ill. Zone: The corporate limits of Vandalia.

York, Pa. Zone: In York County, Pa. all the townships except Lower Chanceford, Peachbottom, Fawn, Hopewell, Shrewsbury, Codorus, Manheim, West Manheim, Franklin, Corroll, Moneghan, Warrington, Washington. The corporate limits of Harrisburg, Steelton and Middletown in Dauphin County. The corporate limits of Columbia and Lancaster in Lancaster County.

Port Neches, Texas Zone: Jefferson County, Texas.*

§ 1346.60 *Appendix B: Maximum prices for asphalt and tarred roofing products*—(a) *Application.* The provisions of Appendix B apply to all sales of asphalt or tarred roofing products in which the point of destination is within the states of Oregon, Washington, Idaho, Utah, California, Nevada or Arizona or the Territories of Hawaii or Alaska.

(b) *Maximum prices.* The maximum prices in such states and territories on and after December 12, 1941, shall be such that the cost to the purchaser shall not be in excess of what it was or would have been to such purchaser on July 2, 1941 (upon the basis of the prices, discounts, charges, and allowances, whether published or unpublished, then listed or quoted by the manufacturer), for like quantities, grades, types, shapes, sizes, kinds or colors of asphalt or tarred roofing products, exclusive of any premiums or charges for advanced delivery or any other inducement that may then have been offered by the buyer or demanded by the seller to negotiate the sale: *Provided*, That on and after January 6, 1942, the maximum prices in the states of Washington, Oregon, and that part of Idaho north of and including Idaho County, shall be such that the cost to the purchaser shall not be in excess of what it was or would have been to such purchaser on August 1, 1941 (upon the basis of the prices, discounts, charges, and allowances, whether published or unpublished, then listed or quoted by the manufacturer), for like quantities, grades, types, shapes, sizes, kinds or colors of asphalt or tarred roofing products, exclusive of any premiums or charges for advanced delivery or any other inducement that may then have been offered by the buyer or demanded by the seller to negotiate the sale.

[Paragraphs (a) and (b) as amended January 2, 1942, effective January 6, 1942; 7 F.R. 124]

(c) *Exception.* In sales where the destination of the shipment is Hawaii or Alaska, the seller may quote and charge an f. a. s. price, although his only sales on July 2, 1941, were or would have been on a c. i. f. basis: *Provided*, That such f. a. s. price shall not be higher than the seller's f. a. s. price would have been on July 2, 1941 in the case of sales to Hawaii, or on August 1, 1941 in the case of sales to Alaska.

[Paragraph (c) added by amendment February 7, 1942, effective February 10, 1942; 7 F.R. 935]

Issued this 29 day of November 1941.[1]

LEON HENDERSON,
Administrator.

PART 1306—IRON AND STEEL

REVISED PRICE SCHEDULE NO. 46—RELAYING RAIL

Relaying rails are used extensively in armament plants, as well as in the essential industrial and mining establishments provided for in the Defense Program. The prices of relaying rails have increased sharply since the beginning of 1941. In many instances, the price of relaying rail has been as high or higher than that of new rail. After a thorough investigation by the Office of Price Administration and numerous conferences with all branches of the relaying rail industry, I find that the maximum prices prescribed herein constitute a fair and equitable limitation on prices for relaying rail and are necessary to assure an adequate and even flow of relaying rail into defense channels.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1306.251 *Maximum prices for relaying rail.* On and after December 2, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer relaying rail, and no person shall buy, offer to buy, or accept delivery of relaying rail, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1306.260.*

[§ 1306.251 as amended February 2, 1942, effective February 7, 1942; 7 F.R. 656]

*§§ 1306.251 to 1306.261, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1306.252 *Less than maximum prices.* Lower prices than those set forth in

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[1] Issued: 6 F.R. 6145. Amended: 7 F.R. 124, 935.

[2] This is regarded as a shipping point for freight equalization purposes only as to asphalt and/or tar saturated felt items.

[3] This is regarded as a shipping point for freight equalization purposes only as to asphalt and/or tar saturated felt items.

§ 1306.260. Appendix A, may be charged, demanded, paid or offered.*

§ 1306.253 *Evasion.* The price limitations set forth in Price Schedule No. 46 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of relaying rail, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1306.254 [Revoked February 2, 1942, effective February 7, 1942; 7 F.R. 656]

§ 1306.255 *Records and reports.* (a) Every person making purchases or sales of relaying rails after January 1, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the shipping point price paid or received, transportation charges, if any, and the quantity and weight purchased or sold, and (2) the quantity of relaying rail (i) on hand, and (ii) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 46 shall submit such reports to the Office of Price Administration as it may, from time to time, require.

(b) *Purchases of relaying rail in excess of 100 gross tons.* Every person other than the consumer, making a purchase of used rail, in quantities in excess of 100 gross tons, not later than 15 days following the purchase shall file with the Office of Price Administration either (1) a certificate from an established, independent inspection bureau, or (2) an affidavit by such purchaser, stating the estimated division of such rail among relaying, rerolling, and scrap rails, as well as such further documents as may be required by the Office of Price Administration: *Provided*, That the rails so purchased shall be subject to any inspection and classification as to quality which may be made by the Office of Price Administration.

(c) *Sales of relaying rail of 25 gross tons or more.* Every seller making a sale to a consumer of relaying rails in quantities of 25 tons or more, shall file with the Office of Price Administration, not later than 15 days after such sale an affidavit from the consumer stating that such rails are to be used for relaying purposes, the quantity, weight per yard, source, shipping point price and delivered price of the shipment.*

[§ 1306.255 as amended February 2, 1942, effective February 7, 1942; 7 F.R. 656]

§ 1306.256 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 46, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 46, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 46; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 46, and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 46. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of relaying rail, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1306.257 *Modification of Price Schedule No. 46.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 46 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by a person complying with Price Schedule No. 46 and all other schedules issued by the Office of Price Administration.*

§ 1306.258 *Definitions.* When used in Price Schedule No. 46, the term:

(a) "Person" includes an individual, partnership, association, corporation, or other business entity, as well as executors, trustees in bankruptcy, receivers, and other court-appointed officers;

(b) "Relaying rail" means rail, (1) which weighed 35 lbs. or more per yard when new, (2) which is suitable for relaying and (3) which has been submitted to all reconditioning processes, if any, necessary to render it fit for reuse as rail;

(c) "Shipping point" means on board the means of transportation to the buyer, whether truck, freight car, barge, or ship.*

[§ 1306.258 as amended February 2, 1942, effective February 7, 1942; 7 F.R. 656]

§ 1306.259 *Effective date of Price Schedule No. 46.* This Schedule (§ 1306.251 to 1306.260, inclusive) shall become effective December 2, 1941.*

§ 1306.260 *Appendix A: Maximum prices for relaying rail*—(a) *maximum prices for relaying rail originating from Class 1 railroads.* The maximum price of relaying rail originating from Class 1 railroads and Class 1 switching or terminal companies shall be $28.00 per gross ton f. o. b. any station on the selling railroad at the option of the buyer: *Provided*, That when such rail is purchased by dealers or jobbers, such dealers or jobbers may sell, except as provided in paragraph (c) below, such rail at a maximum price of $30.00 per gross ton f. o. b. shipping point.

(b) *Maximum price for relaying rail originating from sources other than Class 1 railroads and Class 1 switching or terminal companies.* The maximum price, f. o. b. shipping point, for relaying rail other than rail originating from Class 1 railroads and Class 1 switching or terminal companies, shall be $30.00 per gross ton minus the lowest railroad freight charge for transporting such rail from the shipping point to the basing point nearest freightwise to the shipping point: *Provided*, That the shipping point price need in no case be less than $24.00 per gross ton.

The following cities shall be deemed basing points:

Birmingham, Ala.
Boston, Mass.
Buffalo, N. Y.
Chicago, Ill.
Cincinnati, Ohio.
Cleveland, Ohio.
Denver, Colo.
Detroit, Mich.
Duluth, Minn.[1]
Houston, Tex.
Kansas City, Mo.
Los Angeles, Calif.
Norfolk, Va.
Philadelphia, Pa.
Pittsburgh, Pa.
Portland, Oreg.
St. Louis, Mo.
San Francisco, Calif.
Savannah, Ga.
Seattle, Wash.

(c) *Maximum prices for relaying rail sold from warehouses.* (1) The maximum price of relaying rail which has been shipped to recognized relaying rail warehouses equipped with machinery for reconditioning and there unloaded, when sold from such warehouse, shall be $32.00 per gross ton f. o. b. warehouse for quantities of one carload or more; $2.00 cwt. f. o. b. warehouse for less than carload quantities of 5 tons or more; and $2.25 cwt. f. o. b. warehouse for quantities of less than 5 tons. There may be added to such maximum price, charges for extras, where furnished pursuant to the purchaser's specifications, as follows: (i) 15¢ per cwt. for cutting to lengths of 10 to 15 feet, inclusive, together with such drilling as may be necessary; (ii) 20¢ per cwt. for cutting to lengths of less than 10 feet together with such drilling as may be necessary; (iii) 5¢ per cwt. for bonding; (iv) 10¢ per cwt. for special drilling.

[Paragraphs (a), (b) and (c) (1) as amended February 2, 1942, effective February 7, 1942; 7 F.R. 656]

(2) Any person desiring to sell relaying rail pursuant to paragraph (c) herein must file, on or before December 10, 1941, with the Office of Price Administration, a statement indicating that he operates a recognized warehouse equipped with machinery for reconditioning. A storage point or yard, not customarily operated as a warehouse, is not a warehouse within the meaning of this paragraph.

(3) Firm commitments entered into prior to February 7, 1942 for the sale of relaying rail pursuant to paragraph (c) of this section at prices not exceeding $1.60 cwt. f. o. b. warehouse for quantities of 25 gross tons and over may be completed at contract prices, provided that all deliveries pursuant to such firm commitments are completed on or before March 15, 1942.

[Subparagraph (3) added by amendment February 7, 1942, effective February 7, 1942; 7 F.R. 904]

(d) *Commissions.* Where a purchaser employs the services of an agent in the purchase of relaying rails, and such agent has no beneficial interest in the seller as an employee or otherwise, the purchaser may pay such agent a commission not exceeding $1.00 per gross ton. Where such a commission is paid the amount thereof may be added to the maximum prices set forth in subdivisions (a), (b) and (c) above.*

[Paragraph (d) added by amendment February 2, 1941, effective February 7, 1942; 7 F.R. 656]

§ 1306.261 *Geographical application.* The provisions of Price Schedule No. 46 shall apply only to sales, offers to sell or deliveries of relaying rails moving within, into or out of one of the 48 States of the United States or the District of Columbia.*

[§ 1306.261 added by amendment February 2, 1942, effective February 7, 1942; 7 F.R. 656]

Issued this 2d day of December 1941.[1]

LEON HENDERSON,
Administrator.

[1] Amendment of February 2, 1942, effective February 7, 1942 (7 F.R. 656), revoked Minneapolis, Minnesota as a basing point and substituted Duluth, Minnesota.

[1] Issued: 6 F.R. 6185. Amended: 7 F.R. 656, 809, 904.

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PART 1347—PAPER AND PAPER PRODUCTS

REVISED PRICE SCHEDULE NO. 47—OLD RAGS

The Office of Price Administration, being charged with the maintenance of price stability and the prevention of undue price rises and economic dislocations, has determined after an exhaustive investigation and after conferences with representatives of all branches of the trade, that the defense effort has placed an increasing burden upon the supply of old rags since it is a basic raw material in the manufacture of roofing and building material, that additional demands have been made upon the supply of old rags due to the fact that old rags are used in the manufacture of many high grades of paper, and that the large percentage of old rags previously imported has been shut off by the war.

Inflationary price rises threaten, and immediate action to prevent disastrous price spiraling is essential. The establishment of maximum prices for old rags is essential in order to accomplish these purposes and is in the interest of national defense and national welfare. The maximum prices set forth herein are fair and reasonable.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1347.101 *Maximum prices for old rags.* On and after December 20, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, in the continental United States, no person shall sell, offer to sell, deliver, or transfer old rags, and no person shall buy, offer to buy, or accept delivery of old rags at prices higher than the maximum prices set forth in Appendices A, B, and C hereof, incorporated herein as §§ 1347.110, 1347.111, and 1347.112.*

[§ 1347.101 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 661]

*§§ 1347.101 to 1347.112, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1347.102 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B (§§ 1347.110 and 1347.111) may be charged, demanded, paid or offered.*

§ 1347.103 *Evasion.* The price limitations set forth in Price Schedule No. 47 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of old rags, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1347.104 *Records.* Every person making purchases or sales aggregating ten tons or more of old rags in any one month after December, 1941 shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale made during such month and each month thereafter, showing the date thereof, the name of the buyer and of the seller, the prices paid or received, and the quantity and grade or grades so purchased or sold. Such records shall set forth separately the f. o. b. point of shipment price and the transportation charge. Persons affected by Price Schedule No. 47 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

[Headnote of § 1347.104 changed from "Records and reports" by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 661]

§ 1347.104a *Reports*—(a) *By persons engaged in the selling or brokerage of old rags.* All persons engaged in the selling or brokerage of old rags and required by § 1347.104 to keep records shall, on or before February 10, 1942, and on or before the 10th day of each month thereafter, file under oath a report on Form 147:2 setting forth (1) the tonnage of old rags covered by Appendices A and B (§§ 1347.110, 1347.111) and all other old rags delivered during the month preceding the month in which the report is filed, and (2) the net inventory of old rags covered by Appendices A and B (§§ 1347.110, 1347.111), and all other rags on hand at the end of such month.

On or before February 10, 1942, all persons engaged in the selling or brokerage of old rags and required by § 1347.104 to keep records shall also file the monthly statement required above for each month during the period beginning December 1, 1939, and ending January 31, 1942.

(b) *By consumers of old rags.* On or before February 10, 1942, and for each succeeding month thereafter, all consumers of old rags required by § 1347.104 to keep records shall file under oath a report on Form 147:3 for the month preceding the filing of such report setting forth: (1) the total amount of old rags consumed during such month and (2) the inventory on hand at the end of such month.

On or before February 10, 1942, all consumers of old rags required by § 1347.104 to keep records shall submit to the Office of Price Administration a tabulation of their total consumption and end-of-month inventories of old rags and new cuttings for each month for the period beginning December 1, 1939, and ending January 31, 1942. These reports, insofar as practicable, should be filed for separate manufacturing units and the figures should be allocated to the particular manufacturing unit to which they apply.*

[§ 1347.104a added by amendment February 2, 1942, effective February 3, 1942; 7 F.R. 661]

§ 1347.105 *Affirmation of compliance.* All persons who are required by § 1347.104 to keep records, shall transmit, on or before the 20 day of January, 1942, and on or before the tenth day of each month thereafter, an affirmation of compliance on Form 147:1 containing a sworn statement that during the month for which the record is kept all purchases and sales were made at prices in compliance with Price Schedule No. 47 or with any exception therefrom or modification thereof. Copies of Form 147:1 can be procured from the Office of Price Administration or, provided no change is made in the style and content of it and that it is reproduced on 8" x $10\frac{1}{2}$" paper, may be prepared by persons required to submit affirmation of compliance hereunder.*

§ 1347.106 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 47, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 47, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 47, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments through calling to the attention of the proper authorities failures to comply with Price Schedule No. 47 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 47. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the

maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of old rags or of the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.•

§ 1347.107 *Modification of Price Schedule No. 47.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 47 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless the person making such application shall have to the satisfaction of the Office of Price Administration, complied with Price Schedule No. 47.•

§ 1347.108 *Definitions.* When used in Price Schedule No. 47 the term:

(a) "Person" includes an individual, partnership, association, corporation, or other business entity.

[Paragraph (a) as amended February 2, 1942, effective February 3, 1942; 7 F.R. 661]

(b) "Old rags" includes the kinds and grades of old cotton rags and roofing rags specified in (§§ 1347.110 and 1347.111), Appendices A and B, of Price Schedule No. 47.

(c) "Consumer" means a purchaser of old rags for his own consumption.

(d) "Broker" means any person who engages in the business of brokering or jobbing of old rags.

[Paragraph (d) as amended February 2, 1942, effective February 3, 1942; 7 F.R. 661]

(e) "Foreign Materials" includes every non-rag substance that can not be used in the manufacture of paper, felt, or roofing.

(f) "Carload Lots" means the minimum quantity of rags required to obtain railroad carload rates from the point of shipment to the point of destination.•

§ 1347.109 *Effective date.* This Schedule (§ 1347.101 to 1347.112, inclusive) shall become effective on December 20, 1941.•

§ 1347.110 *Appendix A: Maximum prices[1] for cotton rags.* (a) All prices given below are per short ton F. O. B. point of shipment[2] for carload lots.[3]

Grades[4]	Maximum Prices[5] for Old Cotton Rags
No. 1 Whites Repacked[6]	$76.00
No. 1 Whites Miscellaneous[7]	64.00
Mixed Whites[8]	63.00
No. 2 Whites Repacked[9]	58.00
No. 2 Whites Miscellaneous[10]	53.00
Twos & Blues Repacked[11]	44.00
Thirds & Blues Repacked[12]	44.00
Thirds & Blues Miscellaneous[13]	36.00
Satinet Garments[14]	29.00
Old Blue Overalls Miscellaneous[15]	50.00
No. 1 Laundry Bags[16]	135.00
No. 2 Laundry Bags[17]	100.00
No. 1 Old Manila Rope[18]	115.00

[1] Except as provided in § 1347.112, Appendix C.

[2] Cotton rags are at the point of shipment when loaded on a conveyance for transportation to the buyer. All prices established by this Appendix are for sales of carload lots of cotton rags at point of shipment. In no case shall any charge or cost incurred in transferring a shipment to or loading a shipment on a conveyance for transportation to a buyer be added to the point of shipment price. When a seller delivers in his own truck the maximum delivered price cannot exceed the f. o. b. point of shipment price, plus the transportation allowances set forth in paragraph (b) below.

[3] For sales of less than carload lots of any or all of the grades of old cotton rags the maximum price shall be a price not in excess of the above established prices less 4%. No. delivery of carload lots by trucks shall be considered a delivery of carload lots unless such delivery is completed within seven days.

[4] The highest quality of each grade of old cotton rags covered by Price Schedule No. 47 must be dry and free of rubber, leather, wool, silk, wood, paper or muss, paint, grease, oil, and other foreign materials.

[5] All prices listed represent the maximum prices for each grade of old cotton rags listed above, the highest qualities of which are defined in the footnotes below. Other qualities of old cotton rags of the grades defined must be sold at or below the maximum prices established. The presence of one or more of the objectionable features enumerated in footnote 4 shall operate to lower the quality of the particular grade. Sales of the grades listed above and defined below made on representative samples must be consummated at or below these maximum prices. The prices established in Price Schedule No. 47 are the maximum prices to be charged or paid, and no differentials or service charges other than those specifically provided for in § 1347.112, Appendix C, are to be added.

[6] No. 1 Whites Repacked must contain clean white cotton rags, free of lace curtains, soiled rags, silk, rayon, wool or colored rags.

[7] No. 1 Whites Miscellaneous shall be the same as No. 1 Whites Repacked except that they may contain not more than 5% of lace curtains, 20% of No. 2 Whites Miscellaneous and 10% colored, silk, rayon, or wool rags.

[8] Mixed Whites shall be the same as No. 1 and No. 2 Whites Repacked except they shall contain a minimum of 30% No. 1 Whites Repacked.

[9] No. 2 Whites Repacked shall consist of soiled white cotton rags, free of dump rags, paint, greasy or oily rags, silk, rayon, wool, scorched rags, or other colored rags.

[10] No. 2 Whites Miscellaneous shall be the same as No. 2 Whites Repacked but may contain up to but not more than 25% of silk, rayon, or wool rags, or colored rags of any kind.

[11] Twos and Blues Repacked shall be rags of strictly house collection, Mixed Whites, and bleachable colored rags, free of reds, blacks, browns, silks, rayons, or wool.

[12] Thirds and Blues Repacked shall be the same as Twos and Blues Repacked except that Mixed Whites may be eliminated.

[13] Thirds and Blues Miscellaneous shall be the same as Thirds and Blues Repacked but may contain up to but not more than 25% of reds, blacks, browns, silks, rayons, or wool.

[14] Satinet Garments shall be classified as No. 2 Roofing Rags as defined in § 1347.111, Appendix B.

[15] Old Blue Overalls Miscellaneous shall consist of only clean blue overalls and shall be free of miners' garments and stripped or skeleton garments.

[16] No. 1 Laundry Bags shall consist of clean, white, laundry bags free of all color.

[17] No. 2 Laundry Bags shall consist of soiled white, and off-color laundry bags and may contain laundry bags with colored stripes.

[18] No. 1 Old Manila Rope shall consist of Manila Rope and shall be free of grease, oil, tar, graphite, coal dust, paint, or unsound fiber.

(b) The maximum delivered price for cotton rags shall not exceed the established point of shipment price set forth in (a) hereof plus such of the following transportation allowances as are shown as separate items in the billing or invoices:

(1) When transportation to the buyer is by public carrier, the actual transportation charges for an identical shipment;

(2) When transportation to the buyer is by the seller's vehicle or is by private carrier not owned or controlled by the buyer an amount not in excess of the following:

Transportation from point of shipment over shortest highway route available

	Per short ton
5 miles or less	$0.50
6 miles to 10 miles	.60
11 miles to 15 miles	.70
16 miles to 20 miles	.80
21 miles to 25 miles	.90
26 miles to 30 miles	1.00
31 miles to 35 miles	1.10
36 miles to 40 miles	1.20
41 miles to 45 miles	1.30
46 miles to 50 miles	1.40
51 miles to 55 miles	1.50
56 miles to 60 miles	1.60
61 miles to 65 miles	1.70
66 miles to 70 miles	1.80
71 miles to 75 miles	1.90
76 miles to 80 miles	2.00
81 miles to 85 miles	2.10
86 miles to 90 miles	2.20
91 miles to 95 miles	2.30
96 miles to 100 miles	2.40
101 miles to 105 miles	2.50
106 miles to 110 miles	2.60
111 miles to 115 miles	2.70
116 miles to 120 miles	2.80
121 miles to 125 miles	2.90
126 miles to 130 miles	3.00
131 miles to 135 miles	3.10
136 miles to 140 miles	3.20
141 miles to 145 miles	3.30
146 miles to 150 miles	3.40
151 miles to 155 miles	3.50
156 miles to 160 miles	3.60
161 miles to 165 miles	3.70
166 miles to 170 miles	3.80
171 miles to 175 miles	3.90
176 miles to 180 miles	4.00
181 miles to 185 miles	4.10
186 miles to 190 miles	4.20
191 miles to 195 miles	4.30
196 miles to 200 miles	4.40

Where the distance is greater than 200 miles from the point of shipment to the consumer, such seller may add to the f. o. b. point of shipment price the actual transportation charges for an identical shipment.

All sales of rags to a consumer shall be invoiced. The invoice shall state as separate items the origin and destination of the rags and if delivered in the seller's vehicle, or by private carrier not owned or controlled by the buyer, the mileage and charge for such delivery.

[§ 1347.110 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 661]

§ 1347.111 *Appendix B: Maximum prices[1] for roofing rags.* All prices given below are per short ton f. o. b. point of shipment[2] for carload lots.[3]

Grades[4]	Maximum prices[5] for roofing rags
No. 1 Roofing Rags[6]	$31.00
No. 1S—Seams and Cloth Strippings from Garments[7]	31.00
No. 2 Roofing Rags[8]	29.00
No. 3 Jute Bagging[9]	27.00
No. 4 Brussels and Hard Back Carpets[10]	27.00
No. 5 Roofing Rags:[11]	
Quality A	27.00
Quality B	24.00
Quality C	19.00

[1] Except as provided in § 1347.112, Appendix C.

[2] Roofing rags are at the point of shipment when loaded on a conveyance for transportation to the buyer. All prices established by this Appendix are for sales of carload lots of roofing rags at point of shipment. In no case shall any charge or cost incurred in transferring a shipment to or loading a shipment on a conveyance for transportation to a buyer be added to the point of shipment price. When a seller delivers in his own truck the maximum delivered price cannot exceed the f.o.b. point of shipment price, plus the transportation allowances set forth in paragraph (b) below.

[3] For sales of less than carload lots of any or all of the grades of roofing rags the maximum price shall be a price not in excess of the above established prices less 4%. No delivery of carload lots by trucks shall be considered a delivery of carload lots unless such delivery is completed within seven days.

[4] The highest quality of each grade of roofing rags covered by Price Schedule No. 47 shall be free of rubbish, shoe cuttings, felt boots, hats, corsets, suspenders, oil cloth, matting, leather, rubber, rope, mackintosh clippings, pasted stock, wool dust, wood, stones, metal of all kinds, tin cans, glass, ashes, bones, excelsior, oily rags, canvas, sisal, packers, fertilizer and charcoal bags, coal and cement sacks; chemical, salt, lime and plaster bags; silk rags and silk stockings, rayon, buffing wheels, rubberized cloth, auto curtains, auto cushions, dirt, felt punchings and trimmings, window shades, cement sacks, jute waste, jute droppings, carpet waste, soft strings, cotton and/or wool filled mattresses or quilts, buckram, and all other foreign materials.

[5] All prices listed represent the maximum prices for each grade of roofing rags listed above, the highest qualities of which are defined in the footnotes below. Other qualities of the roofing rags of the grades defined must be sold at or below the maximum prices established. The presence of one or more of the objectionable features enumerated in footnote 4 shall operate to lower the quality of the particular grade. Sales of the grades listed above and defined below made on representative samples must be consummated at or below these maximum prices. The prices established in Price Schedule No. 47 are the maximum prices to be charged or paid, and no differentials or service charges other than those specifically provided for in § 1347.112, Appendix C, are to be added.

[6] No. 1 Roofing Rags shall consist of soft rags all containing a percentage of wool; and also Satinet garments, including men's coats, pants, vests, mixed linsies, women's coats, sacks and cloth skirts, all of which contain a portion of wool fibre, and shall be free of overalls, khaki, canvas, duck, quilts, seams, and strippings or similar materials.

[7] No. 1S.—Seams and Cloth Strippings from garments shall consist of seams and cloth strippings from garments and Satinet garments.

[8] No. 2 Roofing Rags shall consist of cotton rags, large and small cotton rags, linings, rag carpets, print rags and stockings, and shall be free of silk rags, rayon, wood and fibre rags.

[9] No. 3 Jute Bagging shall consist of jute bagging and shall be free of fertilizer, charcoal, coal, cement, chemicals of all kinds, lime plaster, salt, jute waste, jute droppings, and bagging with asphalted kraft attached.

[10] No. 4 Brussels and Hard Back Carpets shall consist of brussels, hard back carpets, upholstery cuttings and plush cuttings.

[11] *No. 5 Roofing Rags—Quality A.*—Shall consts of tailor rags and shall be free of rubbish and paper.

Quality B. Shall consist of tailor rags and shall contain not more than 10% paper.

Quality C. Shall consist of tailor rags and shall contain at least 10% but not more than 50% paper.

(b) The maximum delivered price for roofing rags shall not exceed the established point of shipment price set forth in (a) hereof plus such of the following transportation allowances as are shown as separate items in the billing or invoices:

(1) When transportation to the buyer is by public carrier, the actual transportation charges for an identical shipment;

(2) When transportation to the buyer is by the seller's vehicle or is by any private carrier not owned or controlled by the buyer an amount not in excess of the following:

Transportation from point of shipment over shortest highway route available

	Per short ton
5 miles or less	$0.50
6 miles to 10 miles	.60
11 miles to 15 miles	.70
16 miles to 20 miles	.80
21 miles to 25 miles	.90
26 miles to 30 miles	1.00
31 miles to 35 miles	1.10
36 miles to 40 miles	1.20
41 miles to 45 miles	1.30
46 miles to 50 miles	1.40
51 miles to 55 miles	1.50
56 miles to 60 miles	1.60
61 miles to 65 miles	1.70
66 miles to 70 miles	1.80
71 miles to 75 miles	1.90
76 miles to 80 miles	2.00
81 miles to 85 miles	2.10
86 miles to 90 miles	2.20
91 miles to 95 miles	2.30
96 miles to 100 miles	2.40
101 miles to 105 miles	2.50
106 miles to 110 miles	2.60
111 miles to 115 miles	2.70
116 miles to 120 miles	2.80
121 miles to 125 miles	2.90
126 miles to 130 miles	3.00
131 miles to 135 miles	3.10
136 miles to 140 miles	3.20
141 miles to 145 miles	3.30
146 miles to 150 miles	3.40
151 miles to 155 miles	3.50
156 miles to 160 miles	3.60
161 miles to 165 miles	3.70
166 miles to 170 miles	3.80
171 miles to 175 miles	3.90
176 miles to 180 miles	4.00
181 miles to 185 miles	4.10
186 miles to 190 miles	4.20
191 miles to 195 miles	4.30
196 miles to 200 miles	4.40

Where the distance is greater than 200 miles from the point of shipment to the consumer, such seller may add to the f. o. b. point of shipment price the actual transportation charges for an identical shipment.

All sales of rags to a consumer shall be invoiced. The invoice shall state as separate items the origin and destination of the rags, and if delivered in the seller's vehicle or by private carrier not owned or controlled by the buyer, the mileage and the charge for such service.

(c) *Maximum prices for rags used in the manufacture of roofing materials and not listed in paragraph (a) above.* (1) For any grade of such rags sold during the period from October 1 to October 15, 1941, the maximum price shall be the highest price per ton charged by the seller during the period beginning October 1 and ending October 15, 1941: *Provided, however*, That such maximum price shall not be in excess of $31.00 per short ton.

Such prices shall be f. o. b. the point of shipment. If the highest price charged during the period from October 1 to October 15, 1941, was on a delivered basis, the maximum price under Price Schedule No. 47 shall be determined by subtracting from such price the total of all actual transportation and other charges which were paid by the seller from the point of shipment.

(2) For any grade of such rags not sold during the period from October 1 to October 15, 1941, prices in excess of $19.00 per short ton shall be subject to the approval of the Office of Price Administration prior to the issuance of any invoice. When submitting such prices for approval by the Office of Price Administration, the seller shall submit complete data on costs involved, together with complete price and cost data on one or more comparable grades sold since October 1, 1940.

[1347.111 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 661]

§ 1347.112 *Appendix C; maximum broker's allowance.* (a) (1) In the event that a consumer shall purchase rags through a broker, as defined in § 1347.108 (d) hereof, such consumer may pay not more than the maximum price herein and an allowance to the broker not to exceed the brokerage allowances established in paragraph (b) below.

(2) The maximum prices established in (§§ 1347.110 and 1347.111), Appendices A and B, can in no case be augmented by more than one brokerage allowance for each ton. In addition to the price paid by the consumer, a broker may receive a broker's allowance only from a consumer, provided the transaction in question fulfills all of the following requirements:

(i) The broker records the name or names of his vendor or vendors in each transaction, the quantity and grade of rags purchased, the price f. o. b. point of shipment paid by such broker, the name of his consuming purchaser, the method of shipment to such consuming purchaser, the price paid by such consuming purchaser, and the broker's allowance.

(ii) The sale is made to the consumer by or through the broker.

(iii) The rags sold by the broker to the consumer have been commercially sorted and baled by a person other than the broker: *Provided*, That in the event a transaction complying with all other requirements of Price Schedule No. 47 involves rags sorted and baled both by the broker and by another person, the broker may charge an allowance only with respect to the tonnage of rags sorted and baled by such other person.

(iv) The broker guarantees the merchantable quality of the rags.

(v) The broker's allowance in such transaction is shown as a separate item in the billing or invoice. This billing or invoice shall contain a statement that the rags covered have not been packed by the jobber and that the charges are not in excess of those established by Price Schedule No. 47.

(vi) The broker's allowance is not split or divided with any other person.

(vii) All pertinent provisions in Price Schedule No. 47 are strictly complied with.

(b)

Price for grade of rags sold:	Broker's allowance per ton
Up to $31.00	$1.00
$31.01 to $53.00	1.50
$53.01 to $76.00	2.00
$76.01 to $115.00	3.00
$115.01 to $135.00	3.50

[§ 1347.112 as amended February 2, 1942, effective February 3, 1942; 7 F.R. 661]

Issued this 6th day of December 1941.[1]

LEON HENDERSON,
Administrator.

PART 1306—IRON AND STEEL

REVISED PRICE SCHEDULE NO. 49—RESALE OF IRON OR STEEL PRODUCTS

Prices in effect on April 16, 1941, have been specified as maximum prices for sale of iron or steel products by producers, under Price Schedule No. 6, as revised on June 21, 1941.[2] A large proportion of the iron or steel products used in industry passes through the hands of jobbers, dealers, and distributors of various kinds. In some cases, these middlemen have charged exorbitant and unwarranted prices. It is therefore essential that the price charged by these persons, as well as the price charged by the producer, be kept within reasonable limits. To protect both the consumer and the jobbers, dealers, and other distributors who have maintained a reasonable price level, it has been determined by the Office of Price Administration that a Price Schedule covering all resale of iron or steel products should be issued. April 16, 1941, has been selected as the base date, since the maximum price at which the reseller may purchase from a producer has been established as of that date. Pending further investigation of transportation problems, maximum prices for Pacific Coast and Gulf Port prices are being specified.

[1] Issued: 6 F. R. 6307. Amended: 6 F.R. 6740; 7 F.R. 661.

[2] 6 F.R. 3061; 7 F.R. 785, 930.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1306.151 *Maximum prices for the resale of iron or steel products.* On and after December 15, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no seller as defined in § 1306.157 (b) of Price Schedule No. 49 shall sell, offer to sell, deliver or transfer iron or steel products, and no person shall buy, offer to buy, or accept delivery of iron or steel products at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1306.159.

Provided, That the provisions of Price Schedule No. 49 shall apply only to sales, offers to sell, deliveries, or transfers of iron or steel products moving within, into or out of one of the 48 states of the United States or the District of Columbia; *Provided further*, That the export provisions of Price Schedule No. 49 shall apply to any sale for delivery outside the 48 states or the District of Columbia.*

[§ 1306.151 as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

*§§ 1306.151 to 1306.162, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1306.152 *Less than maximum prices.* Lower prices than those set forth in § 1306.159, Appendix A, may be charged, demanded, paid or offered.*

§ 1306.153 *Evasion.* The price limitations set forth in Price Schedule No. 49 shall not be evaded either by direct or indirect methods in connection with a purchase, sale, barter, delivery or transfer of iron or steel products alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or by way of discount, premium, or other privilege, or by way of tying agreement or other trade understanding, or otherwise.*

§ 1306.154 *Records and reports*—(a) *Records of sales, inventory and orders.* Every person making sales, or purchases for resale, of iron or steel products, in quantities dealt in, or on which prices are quoted by established jobbers, dealers, or distributors, after December 15, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid on each purchase for resale and received on each resale, the quality and grade, the sizes, and the quantity of each product purchased or sold, and (2) the tonnage of iron or steel products on hand and on order, classified by product, in a manner similar to that of Form PD 83 as issued by the War Production Board. A copy of Form PD 83 may be had upon request by applying to the War Production Board.

(b) *Filing prices.* On or before December 31, 1941, every seller of iron or steel products having annual gross sales of $100,000 or more, even though iron and steel products comprise only a part of the total, during the year ending December 31, 1941, shall file in duplicate, in affidavit form, with the Office of Price Administration, Washington, D. C., his prices circulated to his salesmen or customers in effect on April 16, 1941, or customarily quoted and charged on that date, including extras lists, deduction lists, charges, and discounts. Special prices or discounts given to any customers and classes of customers as of April 16, 1941, shall be filed. This includes prices or discounts to jobbers, dealers and large, industrial or other special buyers. Every seller shall file individual price sheets for each warehouse or branch, showing city and country prices, wherever such exist; and he shall indicate the area or cities to which such prices apply. In the event that any prices so filed exceed the maximum prices established by Price Schedule No. 49, the seller shall, after the effective date of Price Schedule No. 49, eliminate this excess and charge a maximum price not in excess of the maximum prices established herein. Every seller shall state with regard to his April 16, 1941 price for each product, the range of sizes, types or cross-section covered by each price submitted; trade names, if any, and prices charged; prices for each base quantity; products sold in various quantity brackets, and prices for each bracket. If the person is a seller without prices as of April 16, 1941, (a) because of establishment of business after April 16, 1941, or (b) because of introduction of a product not handled on or prior to April 16, 1941, he shall file a list of his inventory as of December 1, 1941, and prices he proposes to charge for such products. These prices shall not be in excess of the maximum as established by Price Schedule No. 49. Additional filing requirements from Pacific Coast and Gulf Port sellers, and for carload business, are included in other sections of Price Schedule No. 49. Persons affected by Price Schedule No. 49 shall submit such other reports to the Office of Price Administration as it may from time to time require.*

[§ 1306.154 as amended February 2, 1942; effective February 2, 1942; 7 F.R. 705]

§ 1306.155 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 49, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 49, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 49; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 49 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to

or purchasing from those persons who fail to comply with Price Schedule No. 49. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of resale prices of iron or steel products, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1306.156 *Modification of Price Schedule No. 49.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 49 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no applications will be considered unless filed by persons complying with Price Schedule No. 49 and other Schedules issued by the Office of Price Administration. Such applications shall be submitted in a separate letter captioned "Application for Relief from Price Schedule No. 49, Resale of Iron and Steel Products," and shall not be contained in any filing of information or prices required to be filed under Price Schedule No. 49.*

§ 1306.157 *Definitions.* When used in Price Schedule No. 49, the term:

(a) "Person" means an individual, partnership, association, trust, corporation or other business entity, including trustees in bankruptcy and receivers;

(b) "Seller" means any person who resells iron and steel products to any other person, whether as distributor, jobber, dealer, agent, broker, merchant, exporter, including any person who acts as an intermediary in any connection with such resale, or otherwise: *Provided*, That:

(i) The term shall not include producers of iron or steel products whose activities are covered by Price Schedule No. 6—Iron and Steel Products, except insofar as such producers operate warehouses, branches, or affiliates engaged in the redistribution of iron or steel products. The operation by producers of mill depots for the purpose of distributing iron or steel products manufactured by such producers shall not be considered a resale within the terms of Price Schedule No. 49, but is a sale covered by Price Schedule No. 6.

(ii) "Seller" as defined herein shall not include retail merchants who sell iron or steel products in quantities smaller than those dealt in or on which prices are quoted by established jobbers, dealers, or distributors.

(c) "Iron or steel product" includes all iron or steel ingots, all semi-finished iron or steel products, all finished hot rolled or cold rolled iron or steel products, and all iron or steel products further finished (by galvanizing, enameling, plating, coating, drawing, extruding, or otherwise) in a manner commonly performed at steel works or rolling mills, and shall include all products listed in the table of Capacity and Production for Sale contained in the Annual Statistical Report of the American Iron and Steel Institute for 1939, pages 42-43: *Provided*, That the term shall not include pig iron. Any iron and steel products as defined above subject to the operations of pickling, cutting by machine or flame, bending and threading of pipe, shall be considered a part of this definition of iron or steel products. This definition includes primes, seconds, wasters and all other off-grade products including used products. The term "iron or steel products" includes concrete reinforcing bars, and structural steel shapes, but not the fabrication thereof except as Price Schedule No. 49 is otherwise amended;

(d) "Maximum delivered price" means the combination of all factors entering into the final charge to the customer, including base prices, transportation and delivery charges and all extras, deductions and other terms of sale;

(e) "Published listed price" or "published list price" means a price for resale of iron or steel products publicly circulated in the trade, and is confined, except as stated below in § 1306.159 (m) (3), to price lists issued for the cities named and the persons stated in Appendix B, incorporated herein as § 1306.160. If not otherwise stated, the term is meant to apply only to price lists effective as of April 16, 1941. In any *"listed city"* in which there are several such published listed prices for any product or quantity, the highest of such prices shall be the published listed price herein referred to:

[Paragraph (e) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(f) "Dislocated tonnage" means any shipment to which the terms of § 1306.159 (f) of Price Schedule No. 49 are applicable;

(g) "Governing basing point" means the basing point of producers of iron or steel products included in Price Schedule No. 6, which results in the lowest delivered price to the mill customer;

(h) "Mill base price" means the price at the basing point which governs a sale from a mill by producers of iron or steel products included in Price Schedule No. 6;

(i) "Listed city" means any city named in § 1306.160, Appendix B;

(j) "Unlisted city" means any city or place other than those in § 1306.160, Appendix B;

(k) "Lowest combination" means the lowest delivered price that is the result of a combination of (1) country price of any seller located in any *listed city* and (2) less-than-carload freight from such *listed city*;

(l) "Freight as customarily charged" means that type of freight, either all-rail, rail and water, or all water which is customarily used and which may be used to arrive most economically at the place of delivery;

(m) "Mixed carload" means a bona fide "mixed carload" containing not less than three items of steel of substantial quantity and of different type, such as strip, plates, sheets, bars. (Hot Rolled and Cold Finished bars or Hot Rolled and Cold Rolled sheets shall be considered as examples of different types of steel products in this definition.)

[Paragraph (m) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(n) "Pacific Coast" means any place within the States of California, Oregon, or Washington;

(o) "Gulf Ports" means all cities and other places located on or near the Gulf of Mexico in the States of Texas, Louisiana, Mississippi, Alabama, and Florida.

(p) "Export agent" means any exporter who acts directly for a foreign purchaser in a sale between any seller in the United States and such foreign purchaser, and who does not (1) take title to the goods being exported, or (2) assume a risk of loss because of demurrage, failure to secure shipping space, or otherwise.

(q) "Export merchant" means any exporter who acts as a principal, directly to a foreign customer, and (1) buys for his own account, and (2) takes title to the goods directly or through an agent and (3) assumes all risk of loss because of demurrage, failure to secure shipping space, damage to the merchandise, or otherwise.*

[Paragraphs (p) and (q) added by amendment January 30, 1942, effective January 30, 1942; 7 F.R. 655]

§ 1306.158 *Effective date of Price Schedule No. 49.* This Schedule (§ 1306.151 to 1306.161, inclusive) shall become effective on December 15, 1941.*

§ 1306.159 *Appendix A: Domestic and export maximum prices for iron and steel products*—(a) *Maximum delivered prices in any city (whether listed or unlisted), or free delivery area, in which the seller is located.* (1) In any city or free delivery area in which the seller is located, the maximum delivered price for any iron or steel products shall be the delivered price which was or would have been charged by the seller on April 16, 1941. It is provided however:

(i) That in cities designated in § 1306.160, Appendix B, as *listed cities*, the maximum delivered prices shall not exceed the published listed prices, as set out in § 1306.160, Appendix B, in effect as of April 16, 1941, for that city or free delivery area.

(ii) That in *unlisted cities*, the maximum delivered price shall not exceed the lowest delivered price that is the result of a combination of (a) country prices of any seller named in § 1306.160, Appendix B herein [or as may hereinafter be issued under *"General Provisions"*, § 1306.159 (m) (3)] located in any *listed city*, and (b) less-than-carload freight from such *listed city*.

(2) Extras which were customarily charged as of April 16, 1941, may be computed in the maximum delivered price: *Provided*, That such extras do not exceed those established and charged on April 16, 1941, by sellers listed in § 1306.160 Appendix B of Price Schedule No. 49. Extras listed but not customarily charged as of April 16, 1941, shall not be charged.

Deductions customarily granted as of April 16, 1941, shall be deducted in computing the maximum delivered price.

[Subparagraph (1) and (2) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(3) Persons not having prices shall compute maximum delivered prices in accordance with paragraph (c) of this section.

(b) *Maximum delivered prices in places other than the city or free delivery area in which the seller is located.* (1) In any place other than a city or free delivery area in which the seller is located, the maximum delivered price for that seller shall be the lowest delivered price that is the result of a combination of (i) country price of any seller named in § 1306.160, Appendix B, herein [or as may hereinafter be issued under *"General Provisions"*, § 1306.159 (m) (3)] located in any *listed city* and (ii) less-than-carload freight from such *listed city*. It is provided, however, that in no case shall the maximum delivered price on a sale for delivery into a *listed city* exceed published listed prices, extras and deductions, as set out in § 1306.160, Appendix B, in effect as of April 16, 1941, for that city or free delivery area.

[Paragraph (b) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(c) *Maximum delivered prices for persons without prices.* (1) In the city or free delivery area in which are located certain persons without prices as of April 16, 1941, because of (a) the establishment of their business after that date, or (b) the introduction of a product not handled on or prior to April 16, 1941, the maximum delivered price for persons having no prices for the product or the quantity being sold shall be:

(i) *In listed cities*, the maximum delivered price shall not exceed the published listed prices, as set out in § 1306.160, Appendix B, [or, as may hereinafter be issued under *"General Provisions"*, § 1306.159 (m) (3)] for that city or free delivery area.

(ii) *In unlisted cities*, the maximum delivered price shall not exceed the lowest delivered price that is the result of a combination of (a) country prices of any seller named in § 1306.160, Appendix B herein [or as may hereinafter be issued under *"General Provisions"*, § 1306.159 (m) (3)] located in any *listed city*, and (b) less-than-carload freight from such *listed city*.

[Paragraph (c) (1) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(2) If a person not having prices sells for delivery into a place other than the city or free delivery area in which he is located, the maximum delivered price shall be set in conformance with paragraph (b) of this section.

(3) Any person who for any reason is unable to set a maximum delivered price in accordance with the terms of Price Schedule No. 49 may apply to the Office of Price Administration to set maximum delivered prices for the sale or series of sales in question.

(d) *Modification of certain April 16, 1941, prices.* (1) Any seller located in listed city or free delivery area to which published listed prices are applicable, if his prices as of April 16, 1941, were lower than such published listed prices, may make application to the Office of Price Administration to increase the maximum delivered price applicable to him in order to correspond to the published listed prices applicable to such *listed city* or free delivery area. Such application shall be in affidavit form and shall state that the services rendered by such seller are comparable to services rendered by the sellers named in § 1306.160, Appendix B, for such city, in such matters as delivery service, performance of cutting, shearing, bending, threading and similar operations, carrying of a full line of products, of comparable type, grade and quality, etc.

[Paragraph (d) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(e) *Maximum prices for exports of iron or steel products.* (1) The maximum prices which may be charged by any person for iron or steel products sold for export to any place outside the territorial limits of the United States, shall be the maximum prices, as established by Price Schedule No. 49 (§§ 1306.151 to 1306.162 inclusive) and Price Schedule No. 6, f. o. b. inland carrier or warehouse at port of exportation: *Provided*, (i) That if such a sale is made by an export agent, as defined hereinabove, an amount may be added not in excess of 5% of the maximum domestic price as established in Price Schedule No. 49.

(ii) That if such a sale is made by an export merchant, as defined hereinabove, an amount may be added not in excess of 10% of the maximum domestic price as established in Price Schedule No. 49.

(iii) Other export merchants who customarily incur additional foreign costs or expenses in excess of those borne by the export merchant, as defined hereinabove, may apply to the Office of Price Administration for exception, stating reasons why an additional amount should be allowed. The application shall be in the form of an application for relief.

(2) The maximum export price as set forth above in subdivision (ii) shall include and shall not be increased by reason of any fees, commissions, or expenses, including commissions paid to other intermediaries, whether domestic or foreign, demurrage, storage charges, inspection fees, interest or financing charges, or other expenses connected with the transaction. The maximum price as so computed shall not be increased in any c. i. f. price except to the extent of insurance, ocean freight, and consular charges.

(3) The above margins over domestic maximum prices may be taken only by an export agent or export merchant, and not by both, and shall not be shared by any such person with any domestic seller, broker, agent, or other intermediary.

[Paragraph (e) as amended January 30, 1942, effective January 30, 1942; 7 F.R. 655]

(f) *Maximum delivered prices for dislocated tonnage.* In case of shipments by a seller of 150 miles or more, and if shipment is through or into any *listed city*, or substantially in the same direction and past any *listed city*, or in case of any shipments by a seller of not less than 350 miles, the maximum delivered price for any iron or steel product so shipped shall be the country price of the seller plus less-than-carload freight as customarily charged less 15¢ per cwt.: *Provided*, That such deduction of 15¢, or any part thereof, does not bring the delivered price on such dislocated tonnage below the maximum delivered price as established in paragraph (b) of this section.

[Paragraph (f) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(g) *Maximum delivered prices on the Pacific Coast and for Gulf Ports; special filing provisions.* (1) Maximum delivered prices on the Pacific Coast shall be as provided in Price Schedule No. 49: *Provided*, That:

(i) On the following products and no others, the sum of 35¢ per cwt. may be added to the maximum delivered price as established in Price Schedule No. 49: plates, universal and sheared, carbon; hot rolled sheets, carbon; hot rolled bars and small shapes, carbon; galvanized, galvannealed, enameling, and galvanized corrugated sheets; floor plates; hot rolled strip, carbon; and structural shapes, carbon. (This 35¢ per cwt. shall not be added to the price of concrete reinforcing bars.)

[Paragraph (g) (1) (i) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(ii) Pending analysis of data to be submitted under provisions of Price Schedule No. 49, on standard pipe, seamless pipe, water well casing, large O. D. pipe, line pipe, wrought iron pipe, oil country tubular goods, and boiler and other pressure tubes in all cases where the rail and water rates to Pacific Coast ports are referred to in § 1306.159 (i) (1, 2, 3, 4, and 5) below these shall be disregarded and the maximum delivered prices on sales of above products at Pacific Coast points shall be the lowest prices resulting from that combination of base prices in effect April 16, 1941, and published *all-rail* carload freight from that mill basing point which gives the lowest delivered price to destination of customer plus such mark-up as is allowed for each product as set forth below in (i).

(iii) Pending analysis of data to be submitted under provisions of Price Schedule No. 49, sellers located in Gulf Ports shall have a maximum delivered price as established in Price Schedule No. 49 based on sellers' prices in effect as of April 16, 1941.

[Subdivision (iii) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(2) Information from Pacific Coast and Gulf Port sellers is required to be filed with the Office of Price Administration on Forms 149: 1 and 149: 2, respectively. Copies of Forms 149: 1 and 149: 2 may be had upon request by applying to the Office of Price Administration.

(h) *Maximum delivered prices for specific wire products.* (1) Notwithstanding the provisions of any other section of Price Schedule No. 49, the maximum delivered price of less-than-carload quantities of standard wire nails, annealed smooth wire, and galvanized smooth wire, in the city or free delivery area in which the seller is located, shall be the aggregate of:

(i) Mill straight carload price (after deducting the regular jobber allowance of 15c per cwt.),

(ii) Carload freight from the nearest mill Basing Point to warehouse, and

[Subdivision (ii) as amended February 2, 1942, effective February 2,, 1942; 7 F.R. 705]

(iii) One of the following: for standard wire nails, 50c per cwt.; for annealed smooth wire, 60c per cwt.; for galvanized smooth wire, 68c per cwt.

(2) The maximum delivered price of less-than-carload quantities of standard wire nails, annealed smooth wire, and galvanized smooth wire at any other place, shall be the price (as computed above) in any city and less-than-carload freight from such city.

(3) On all merchant wire products, whether covered by subparagraphs (1), (2) or (4) of this paragraph, extras charged by jobbers and dealers on merchant wire products shall be the same as regular published mill extras in effect as of April 16, 1941, and deductions customarily granted as of April 16, 1941, shall be deducted in computing the maximum delivered price. On standard wire nails, annealed smooth wire and galvanized smooth wire, for which maximum prices are established above, deductions shall be in the same ratio to these maximum prices as they were to prices existing on April 16, 1941.

(4) The maximum delivered prices for less than carload quantities of all other merchant wire products shall be computed as otherwise provided in Price Schedule No. 49.

[Subparagraph (2), (3) and (4) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(5) The maximum prices for mixed or straight carloads of merchant wire products are established by § 1306.159 (k) (3).

(6) This section establishes maximum prices to be charged to dealers and quantity purchasers (as noted below) of merchant wire products, and does not establish a maximum price for sales by retail dealers (such as retail hardware stores, retail lumber yards, or mail order houses) to consumers: *Provided*, That sales by any person of nails in quantities of more than 25 kegs or other merchant wire products in quantities of more than 2500 lbs. shall be governed by the price provisions of Price Schedule No. 49.

(i) *Maximum delivered prices for pipe and tubular products.* Maximum delivered prices for the following types of iron and steel pipe and tubular products shall be the sellers' prices in effect as of April 16, 1941: *Provided* they do not exceed the maximum delivered prices established below. Standard published mill extras in effect as of April 16, 1941, may be computed in the maximum delivered price: *Provided*, That where such extras were listed but not customarily charged by the seller as of April 16, 1941, they shall not be charged. Deductions customarily granted as of April 16, 1941, shall be deducted in computing the maximum delivered price.

[Subparagraphs (5) and (6) added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(1) For standard pipe, seamless pipe, water well casing, large O. D. pipe, and line pipe: the lowest price resulting from that combination of flat basing card discounts of the National Tube Company in effect April 16, 1941, and published all-rail carload freight from Basing Point to destination of customer (except to Pacific Coast points where the rail and water rate is applicable)[2] plus:

(i) 25% on standard pipe, reamed and drifted pipe and line pipe 6 inches and smaller, both black and galvanized, and

(ii) 30% on all larger sizes of standard pipe and line pipe, also all sizes of extra strong and double extra strong, both black and galvanized, and all sizes of water well casing and large O. D. pipe.

(2) For wrought iron pipe: the price resulting from combination of resale discounts for sales from distributors' stocks as shown on A. M. Byers Company card in effect April 16, 1941, and published all-rail carload freight from Pittsburgh to destination of customer (except to Pacific Coast points where the rail and water rate is applicable).[2]

(3) For oil country tubular goods: the lowest price resulting from that combination of Basing Point prices as published by Oil Well Supply Co., distributor for National Tube Company, in effect on April 16, 1941, (Oil Country Tubular Goods Price List No. 24) and carload freight or transportation charges to destination of customer as computed in National Tube Co. Freight Book No. 1.[2]

(4) For boiler and other pressure tubes: the lowest price resulting from that combination of Basing Point prices in each quantity bracket of the National Tube Company Price List for sales to consumer in effect April 16, 1941, and less-than-carload freight from Basing Point to destination of customer (carload freight shall be charged on shipments of 40,000 lbs. and over):[2] *Provided*, That maximum prices for merchant and other tubes shall be in the same ratio to the maximum prices established for seamless tubing as existed on April 16, 1941. In no case shall these prices exceed the maximum established here for seamless tubing.

[Subparagraph (4) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

[2] Special provisions for maximum delivered prices at Pacific Coast points for iron and steel pipe and tubular products are contained in paragraph (g) (ii) of this section.

(5) For cold drawn seamless and other mechanical tubing: the prices in effect and actually charged as of April 16, 1941, by the exclusive distributors of the National Tube Co., covering all sections of the country, shall be the maximum prices to be charged in areas served by each such distributor.

(6) Price Schedule No. 49 does not establish a maximum price for sales to consumers by retail hardware stores or mail order houses in quantities not greater than 5 standard lengths of pipe.

[Subparagraph (6) added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(j) *Maximum delivered prices for tool steel.* The maximum delivered price for Tool Steel shall be the seller's prices which were in effect, or would have been charged on April 16, 1941, provided they do not exceed, for comparable products, prices listed in the published price list of Crucible Steel Company, effective on April 16, 1941. The locations of warehouses of the Crucible Steel Company are set forth in § 1306.160, Appendix B, of Price Schedule No. 49.

[Paragraph (j) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(k) *Maximum delivered prices for shipments in carload quantities, and in certain specific cases.* (1) Prices in excess of the mill prices provided under Price Schedule No. 6 shall not be charged by any person for:

(i) Direct shipments from producers or converters of any quantity of iron or steel products; or

(ii) Shipments of any quantity diverted from delivery to warehouses; or

(iii) Shipments of any quantity not put through the operations commonly known as the warehousing of iron or steel products.

(2) Notwithstanding the provisions of any other section of Price Schedule No. 49, shipments of mixed carloads of 40,000 lbs. or more out of warehouse stock, which shipments are made up of a variety of iron and steel items (such as plates, shapes, bars, sheets, special or otherwise, strip; carbon, alloy and stainless) of different types, cross-sections, qualities, or classes, shall not be sold at a price in excess of the maximum delivered price for a 500 lb. quantity minus a discount of not less than $7.00 per net ton.

(3) Mixed or straight carload of Merchant Wire Products shall be sold at maximum prices not exceeding the published mill base prices established under Price Schedule 6. (Regular jobber allowances given by mills may be retained by seller of such mixed carload)

[Subparagraph (3) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(4) Mixed or straight carloads of 40,000 lbs. or more of pipe and tubular products, including boiler and other pressure tubes and mechanical tubing, shall be sold at maximum delivered prices not to exceed published mill carload prices of such products established by Price Schedule 6: *Provided*, That the above

provision shall not apply to sales of Oil Country Tubular Goods out of distributor's stocks, but shall apply to direct mill shipment.

(5) On shipments of 40,000 lbs. or more out of seller's stock not falling within paragraphs (2), (3) and (4) of this section (except that on rails, these provisions shall apply to shipments of 59,000 lbs. or more) the maximum delivered price shall be the mill price as established under Price Schedule No. 6: *Provided*, That on presentation to the Office of Price Administration of a certificate that such shipment out of seller's stock has been specifically authorized by the War Production Board, a maximum delivered price will be established by the Office of Price Administration.

[Subparagraph (5) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(6) Notwithstanding the provisions of any other section of Price Schedule No. 49, in the case of any shipment of any quantity out of a warehouse stock which has been specifically allocated to the warehouse by the Office of Production Management, and has been there held for reshipment at the direction of the Office of Production Management for use in defense repairs or other defense purposes, the maximum delivered price shall be fixed by the Office of Price Administration upon application for the setting of such maximum delivered price, which application shall contain a sworn statement setting forth the source of such iron or steel products, the Office of Production Management rating or certificate, and the destination to which the Office of Production Management has directed that shipment be made.

(7) Records on any sales of 40,000 lbs. or more of any iron or steel products to any single customer in any calendar month shall be filed with the Office of Price Administration on or before the 15th day of the next succeeding month. This filing shall include a sworn statement of the names and addresses of the buyers, the products and quantities sold and the price for each quantity.

(l) *Maximum delivered prices for seconds, wasters, off-grade and used products.* The maximum delivered price for all off-grades, seconds, wasters and used iron or steel products after such shearing, cutting, straightening, bending or pickling, as may be necessary, shall be the seller's prices which were or would have been charged on April 16, 1941, provided they do not exceed the maximum delivered price for comparable iron or steel products of prime quality.

[Paragraph (l) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

(m) *General provisions.* (1) Delivery and other services of all kinds, credit or other discounts, all freight absorptions (except as otherwise specified in Price Schedule No. 49), all allowances, and all other privileges in effect on April 16, 1941, shall be continued without diminution or extra charge.

(2) Brokers, agents, consignees, distributors without stocks, and other persons acting in sales transactions on behalf of owners of iron or steel products other than producers, may continue to charge their customary commissions in effect on April 16, 1941: *Provided*, That in such cases where commissions are to be added to the selling price, the result shall not exceed the maximum delivered prices as established by Price Schedule No. 49.*

(3) Whenever the Office of Price Administration publishes prices for any city or free delivery area, they shall on publication become the official published listed prices for such city or free delivery area, and shall supersede references otherwise made in Price Schedule No. 49 for the determination of sellers' maximum prices for such products, either in Appendix B for listed cities, or for unlisted cities. Transportation and delivery charges and all extras, deductions and other terms of sale to continue in effect as established by Price Schedule No. 49, unless specifically stated otherwise in such official published price sheet.*

[Subparagraph (3) added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 705]

§ 1306.160 *Appendix B: Listed cities*—(a) *Listed cities or free delivery areas in which sellers stock heavy steel line and merchant wire products.*

Baltimore	Scully Steel Products.
Birmingham	Southern Steel Company. Moore-Handley Company.[1]
Boston	Jos. T. Ryerson & Son. Scully Steel Products. Wheeling Corrugating Company.[1] Wheelock-Lovejoy & Company.
Buffalo	Jos. T. Ryerson & Son. Wheeling Corrugating Company.[1] Wheelock-Lovejoy & Company.
Chicago	Jos. T. Ryerson & Son. Scully Steel Products. Jones & Laughlin Steel Corporation. A. M. Castle & Company. Hibbard Spencer Bartlett & Company.[1] Wheelock-Lovejoy & Company.
Cincinnati	Jos. T. Ryerson & Son. Jones & Laughlin Steel Corporation. The H. Belmer Company.[1] Wheelock-Lovejoy & Company.
Cleveland	Jos. T. Ryerson & Son. Scully Steel Products. The George Worthington Company.[1] Wheelock-Lovejoy & Company.
Detroit	Jos. T. Ryerson & Son. Jones & Laughlin Steel Corporation Buhl Sons Company.[1] Wheelock-Lovejoy & Company.
Houston	Earle M. Jorgensen Company. F. W. Heitmann & Company.[1]
Indianapolis	W. J. Holliday Company.
Los Angeles	A. M. Castle & Company. Earle M. Jorgensen Company. Ducommun Metals & Supply Company.
Memphis	Jones & Laughlin Steel Corporation.
Milwaukee	Jos. T. Ryerson & Son. Frankfurth Hardware Company.[1]
New Orleans	Jones & Laughlin Steel Corporation. Cahn Brothers & Ryder, Incorporated.[1]
New York	Jos. T. Ryerson & Son. Scully Steel Products. Jones & Laughlin Steel Corporation. Wheelock-Lovejoy & Company.
Norfolk	Eagleston-Parke, Incorporated.
Omaha	Drake - Williams - Mount Company.
Philadelphia	Jos. T. Ryerson & Son. Wheeling Corrugating Company.[1]
Pittsburgh	Scully Steel Products. Jones & Laughlin Steel Corporation. C. A. Turner Company.[1]
St. Louis	Jos. T. Ryerson & Son. Scully Steel Products.
St. Paul	Scully Steel Products.
San Francisco	A. M. Castle & Company. Earle M. Jorgensen Company.
Seattle	A. M. Castle & Company.

(b) *Listed cities or free delivery areas in which Crucible Steel Company warehouse stocks of tool steel are located.* Atlanta; Boston; Buffalo; Chicago; Cincinnati; Cleveland; Denver; Detroit; Indianapolis; Los Angeles; Milwaukee; Newark; New Haven; New York; Philadelphia; Providence; St. Louis; San Francisco; Seattle; Springfield.

(c) Listed cities or free delivery areas in which National Tube Company's exclusive distributors of mechanical tubing are located.

Cambridge	Austin-Hastings Company.
Los Angeles	Ducommun Metals & Supply Company.
New York Buffalo Philadelphia	Peter A. Frasse & Company, Incorporated.
Cincinnati	E. K. Morris & Company, Incorporated.
Chicago Detroit Indianapolis St. Louis	C. A. Roberts Company.
Cleveland	Strong, Carlisle & Hammond.
Atlanta	J. M. Tull Metal Supply Company.
Pittsburgh	Williams & Company.

[1] The prices of these firms are published list prices only as to the merchant wire product line.

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[§ 1306.160 as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

§ 1306.161 *Appendix C; List of products.* The following iron and steel products and their alloys (including stainless) are: "Iron or Steel Products" as defined in Price Schedule No. 6. They are therefore iron or steel products as defined in Price Schedule No. 49, covering resale of iron or steel products. This list does not limit the inclusiveness of the definition. As interpretations are made, this list will be supplemented from time to time.

Ingots
Blooms
Billets
Slabs
Sheet bars
Skelp
Tube rounds
Muck bar
Forging rounds
Bars and small shapes, new billet and rail steel—all types and grades including:
  Merchant
  Cold finished—carbon
  Concrete reinforcing
  Alloy-hot rolled; cold finished
  Hoops and baling bands
Tool steel bars (rolled and forged)
Plates—all types
Armor plate—forged, rolled and otherwise
Shapes including bearing piles
Sheets piling and accessories
Rails—all types
Track materials including:
  Tie plates
  Tie rods
  Track spikes
  Splice bars (joint bars, angle bars, rail joints, and fish plates)
  Ties
Axles, car wheels, or any combination, rolled or forged
Pipe and tube—plain, threaded and coupled—all types and grades, including:
  Conduit
  Spiral welded
  Mechanical tubing
  Boiler, pressure, and heat exchanger tubing
Black Plate
Tin plate—all types
Sheets and strip, including plain and corrugated; and roofing and siding of all types; including:
  Hot rolled
  Cold rolled
  Galvanized
  Ternes
  Enameling
  Electrical
  All other
Wire rods—all types and grades
Merchant wire products, including:
  Nails, staples, and brads
  Merchant quality wire
  Wire fencing, including woven, chain link and lawn
Bale ties and buckle wire
Posts—all types and accessories
Poultry and animal farm netting
Twisted barbless and barbed wire
Wire clothes line
Wire rope, wire strand, and special cords such as aircraft
Woven wire cloth—insect, hardware, and all other
Wire belting
Wire hoops
Communications and power transmission wire
Welded or woven wire fabrics for reinforcing

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[§ 1306.161 as amended February 2, 1942, effective February 2, 1942; 7 F.R. 705]

§ 1306.162 *Appendix D: Exceptions to Price Schedule No. 49.* The following persons have been granted an exception under the terms of Price Schedule No. 49, which exception has been defined and limited in certain letters. All action taken in reliance upon the terms of any exception shall be at the risk of the person acting until and unless official notification has been received by such persons pursuant to such application. Persons interested may secure the terms of such exception on application to the Office of Price Administration.

Name	*Date Granted*
State Export Company, 24 State Street, New York City	January 30, 1942.
Omni Products Corporation, 347 Fifth Ave., New York City	January 31, 1942.
Overseas Mercantile Company, 14–16 E. 38th St., New York City	January 31, 1942.
First Pan-American Mercantile Company, 19 Rector Street, New York City	December 27, 1941. January 6, 1942. January 14, 1942.
Import-Export Industries, Inc., 30 Rockefeller Plaza, New York City	January 29, 1942.
R. Maes Export and Import Corporation, 327 E. 29th Street, New York City	December 31, 1941.
T. J. MacDonald, 24 State Street, New York City	January 14, 1942.
Merx Foreign Trade Company, 1270 Sixth Avenue, New York City	December 31, 1941. January 8, 1942.
Coronia Trading Corporation, 175 Fifth Avenue, New York City	January 7, 1942.
Industrial Sales Corporation, 295 Madison Avenue, New York City	December 31, 1941. January 14, 1942.
Requisitioning Division, Board of Economic Warfare, Washington, D. C.; Mr. Lambo Kisselintcheff; and Atlas Trading Corporation, New York City.	January 19, 1942.
Requisitioning Division, Board of Economic Warfare, Washington, D. C.; Wessel-Duval & Company, New York City.	January 19, 1942.
Requisitioning Division, Board of Economic Warfare, Washington, D. C.; Mr. Frederic Rohner.	January 19, 1942.
Requisitioning Division, Board of Economic Warfare, Washington, D. C.; Mr. Lambo Kisselintcheff; and Atlas Trading Corporation, New York City.	January 24, 1942.
M. Paquet & Company, Inc., 17 Battery Place, New York City	January 31, 1942.
Vance Iron and Steel Company, Chattanooga, Tennessee	January 31, 1942.
Fisher Brothers Steel Corporation, 297–305 Morris Avenue, New York City	January 31, 1942.
Wimberly and Thomas Hardware Company, Birmingham, Alabama	January 31, 1942.
Roberts, Sanford & Taylor Company, Sherman, Texas	January 31, 1942.
Van Deren Hardware Company, Lexington, Kentucky	January 17, 1942.
Baker, Hamilton & Pacific Company, San Francisco, California	January 28, 1942.
Horace T. Potts Co., Philadelphia, Pa	January 31, 1942.

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[§ 1306.162 added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 705]

Issued this 13th day of December 1941.[1]

LEON HENDERSON,
Administrator.

[1] Issued: 6 F.R. 6428. Amended: 7 F.R. 655, 705.

PART 1351—FOODS AND FOOD PRODUCTS

REVISED PRICE SCHEDULE NO. 50—GREEN COFFEE

During the past few months, green coffee prices have shown an inflationary increase as a result of changed conditions affecting foreign supplies and shipping facilities. This has occurred despite the fact that stocks in this and producing countries are adequate, and that the import quota for this year is substantially higher than the estimated national consumption. In order to maintain price stability and to prevent price rises, the Office of Price Administration has determined after careful study that the prices set forth below best accomplish these purposes.

[Preamble as amended December 27, 1941, effective December 29, 1941; 6 F.R. 6803]

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.1 *Maximum prices for green coffee.* (a) On and after December 11, 1941 no person shall sell, offer to sell, deliver or transfer green coffee, and no person shall buy, offer to buy, or accept delivery of green coffee at prices higher than the maximum prices; except that contracts entered into prior to December 11, 1941 providing for a price higher than the maximum prices may be carried out at the contract price.

[Paragraph (a) as amended December 27, 1941, effective December 29, 1941; 6 F.R. 6803]

(b) The maximum prices shall include all commissions and all other charges, except that:

(1) Increases in the charges prevailing prior to the opening of business on December 8, 1941, for ocean freight, war risk insurance, and marine insurance may be added to the maximum prices only if such charges have been actually incurred by the seller on such sale. Decreases in said charges prevailing prior to opening of business on December 8, 1941, must be subtracted from the maximum prices.

(2) If the services of a broker or brokers are required either at the port of entry or in a secondary market, a commission or commissions which in the aggregate shall not exceed one percent of the selling price may be added to the maximum prices, provided such commissions have been actually paid.

[Paragraph (b) as amended January 30, 1942, effective January 31, 1942; 7 F.R. 663]

(c) The maximum prices for all types and grades of green coffee shall be as follows:

Country and price in cents per pound ex dock New York City

Brazil: Santos No. 2, 14⅛; Santos No. 4, 13⅜; Rio No. 7, 9⅜.
Colombia: Medellin Excelso, 16¼; Manizzles Excelso, 15⅞.
Costa Rica: Strictly Hard, 16½; Prime, 16.
Cuba: Good Washed, 14¼.
Ecuador: Extra Superior Unwashed, 11¼.

Guatemala: Strictly Hard, 16½; Good Washed, 14½.
Haiti: Good Washed Sweet, 13¾.
Hawaii: No. 1 Extra Prime, 16½.
Honduras: Good Washed, 15.
Jamaica: 14½.
Mexico: Coatepec, 16½; Tapuchula, 15½.
Nicaragua: Matagalpa, 15; Good Washed, 14½.
Peru: Fancy, 15¼.
Puerto Rico: Fancy, 15½; Good Washed, 14½.
Salvador: High Grown Washed, 16; Good Washed, 15½; Superior Unwashed, 13¾.
San Domingo: Good Washed Sweet, 13¼.
Surinam: 7¾.
Trinidad: 14½.
Venezuela: Fancy Washed Caracas, 15⅜; Standard Unwashed Sweet Maracaibo, 13⅜.
Abyssinia: 17.
Belgian Congo: 15½.
Bukoba: 13⅛.
Kenya: 16.
Mocha (Arabia): 18½.
Netherlands East Indies: 19½.
Portuguese West Africa: 11¼.
Tanganyika: 15¾.
Uganda: 13.

In all cases the above descriptions apply to the best quality of each type and grade named. The maximum prices for green coffee imported from any other country, or for grades not named of poorer quality, shall be determined by applying the customary trade differentials in effect prior to December 8, 1941.

For aged grades of "extra superior" quality, or for imports from any country of limited amounts of coffee of quality markedly superior to the best grade listed for that country, a premium may be added to the maximum price listed for the corresponding grade, provided such premium is commensurate with trade practices prevailing prior to December 8, 1941.

[Paragraph (c) as amended December 27, 1941, effective December 29, 1941; 6 F.R. 6803]

(d) The maximum prices quoted above are ex dock New York City. The maximum prices ex dock any other port of entry shall be determined by adding to or subtracting from the New York City price the difference between the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to New York City and the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to such other port of entry.

(e) For any green coffee sold ex warehouse, rather than ex dock New York City or other port of entry, the cost of actually "putting the coffee into the warehouse" as defined in § 1351.7, may be added by the seller who incurred the cost.

[Paragraphs (d) and (e) as amended January 30, 1942, effective January 31, 1942; 7 F.R. 663]

(f) The delivered price for any type or grade of green coffee shall in no case exceed the maximum price plus the actual transportation charges from the dock or warehouse at New York City or other port of entry to the place of destination.

[Paragraph (f) as amended December 27, 1941, effective December 29, 1941; 6 F.R. 6803]

(g) Any person making sales of green coffee in lots of twenty-five bags or less may add to the maximum prices specified above an amount not in excess of 7½ per cent of the comparable selling price of lots of more than twenty-five bags.

[Paragraph (g) as amended January 30, 1942, effective January 31, 1942; 7 F.R. 663]

(h) The above prices shall be the maximum prices for all transactions except for futures contracts traded on the New York Coffee and Sugar Exchange. In such contracts the maximum prices shall be the closing prices on the Exchange as of December 8, 1941 for the months then traded in as listed below. The maximum prices for futures contracts for months, if any, after September 1942, shall not exceed the futures price for September 1942. The maximum prices for futures contracts, if any, traded in months currently inactive shall not exceed the maximum prices for the last active preceding month.

Santos No. 4:	*(Cents per pound)*
December *1942*	12.83
March	12.88
May	12.93
July	12.97
September	13.00
Rio No. 7:	
December *1942*	8.26
March	8.55
May	8.65
July	8.75
September	8.85

[Paragraph (h) as amended December 27, 1941, effective December 29, 1941; 6 F.R. 6803]

*§§ 1351.1 to 1351.8, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.1a *Sales at retail.* Sales at retail and sales of less than one bag shall be excepted from the operation of Price Schedule No. 50.*

[§ 1351.1a added by amendment December 27, 1941, effective December 29, 1941; 6 F.R. 6803]

§ 1351.2 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 50 may be charged, demanded, paid or offered.*

§ 1351.3 *Records and reports.* (a) All sellers and all buyers who have entered into contracts, prior to December 11, 1941, for the sale or delivery of green coffee, on or after that date, at prices higher than the maximum prices established by Price Schedule No. 50 shall report all such contracts to the Office of Price Administration on or before January 12, 1942, stating (a) the name and address of the buyer and seller; (b) the actual date of the contract; (c) each and every delivery date provided for in the contract; and (d) the price, quantity, and description of the product sold.

When the buyer receives the final shipment called for by the contract he shall report such receipt to the Office of Price Administration within two weeks thereof, certifying that the total amount received did not exceed the quantity specified in such contract.

(b) Every person making purchases or sales of green coffee on and after December 11, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records thereof, including the name of the purchaser, the date of the contract, the price paid or received, and the type, grade, quality, and amount sold.

(c) Every person affected by Price Schedule No. 50 shall submit such reports to the Office of Price Administration as it may from time to time require.*

[§ 1351.3 as amended December 27, 1941, effective December 29, 1941; 6 F.R. 6803]

§ 1351.4 *Modification of Price Schedule No. 50.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 50 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided,* That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 50.*

§ 1351.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 50, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 50, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 50; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 50. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of green coffee, or of the hoarding or accumulating of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1351.6 *Evasion.* The price limitations set forth in Price Schedule No. 50 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of green coffee, or by way of premium, commission, service, transportation, or other charge, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 8, 1941, or by any other means.*

[§ 1351.6 as amended December 30, 1941, effective December 29, 1941; 7 F.R. 41]

§ 1351.7 *Definitions.* When used in Price Schedule No. 50, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Sales at retail" means sales to the ultimate consumer: *Provided,* That no roaster, processor, purchaser for resale, or commercial user shall be deemed to be an ultimate consumer.

(c) "Cost of putting coffee into the warehouse" includes (1) "labor in and out" and (2) warehouse storage charges for not more than thirty days.*

[Paragraphs (b) and (c) added by amendment December 27, 1941, effective December 29, 1941; 6 F.R. 6803]

§ 1351.8 *Effective date of Price Schedule No. 50.* This Schedule (§§ 1351.1 to 1351.8, inclusive) shall become effective on December 11, 1941.*

Issued this 11th day of December, 1941.[1]

LEON HENDERSON,
Administrator.

PART 1351—FOODS AND FOOD PRODUCTS

REVISED PRICE SCHEDULE NO. 51—COCOA BEANS AND COCOA BUTTER

During the past few months, the prices of cocoa beans, a wholly imported commodity, and cocoa butter have increased sharply as the result of uncertainties in the shipping situation and increases in transportation and insurance costs. This has occurred despite the fact that stocks of cocoa beans are now the largest ever accumulated in this country. Since the high nutritive value of the foods processed from cocoa beans makes them of material importance to both our armed forces and our civilian population, it is essential that any inflationary price rises in this commodity be curbed. The outbreak of hostilities in the Far East on December 7, 1941, gave rise to a sharp increase in speculative activity which caused this Office to issue a temporary freezing order on December 11, 1941, limiting prices to those prevailing on December 8, 1941.

In the intervening weeks, this Office has been engaged in a thorough study of the economic and trade position of cocoa beans and cocoa butter. Due consideration has been given to prices prevailing during the period October 1 to October 15, 1941, and adjustments made for relevant factors.

Therefore, to prevent any future price spiraling and to maintain the stability recently achieved by the trade, the Office of Price Administration hereby issues a permanent Schedule for cocoa beans and cocoa butter.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.51 *Maximum prices for cocoa beans and cocoa butter.* On and after December 11, 1941, no person shall sell, offer to sell, deliver, or transfer cocoa beans or cocoa butter, and no person shall buy, offer to buy, or accept delivery of cocoa beans or cocoa butter at prices higher than the maximum prices set forth in Appendices A and B hereof, incorporated herein as §§ 1351.61 and 1351.62, except that contracts entered into prior to February 3, 1942, but subsequent to December 11, 1941, may be carried out at prices not higher than the maximum prices contained in Price Schedule No. 51 as effective prior to this Amendment Number 2, and that contracts entered into prior to December 11, 1941, may be carried out at the contract prices.* (See § 1351.60.)

*§§ 1351.51 to 1351.62, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.52 *Export sales.* The maximum prices for cocoa beans or cocoa butter sold for export may exceed the prices set forth in §§ 1351.61 and 1351.62 by no more than ten percent.*

§ 1351.53 *Exempt sales.* Sales of less than one bag of cocoa beans and of less than one bale of cocoa butter, and sales of cocoa butter deodorized or specially treated for pharmaceutical or cosmetic uses, shall be excepted from the operation of Price Schedule No. 51.*

§ 1351.54 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 51 may be charged, demanded, paid, or offered.*

§ 1351.55 *Evasion.* The price limitations set forth in Price Schedule No. 51 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of cocoa beans or cocoa butter, or by way of premium, commission, service, transportation, or other charge, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 11, 1941, or by any other means.*

§ 1351.56 *Records and reports.* (a) All sellers and all buyers who have entered into contracts prior to February 3, 1942, for the sale or delivery of cocoa beans or cocoa butter, on or after February 3, 1942, at prices higher than the maximum prices established by Price Schedule No. 51, shall report all such contracts to the Office of Price Administration on or before February 25, 1942, stating (1) the name and address of the buyer and seller; (2) the actual date of the contract; (3) each and every delivery date provided for in the contract; and (4) the price, quantity, and description of the product sold.

After the buyer has received the final shipment called for by the contract he shall then report such receipt to the Office of Price Administration within two weeks thereof, certifying that the total amount received did not exceed the quantity specified in such contract.

(b) Every person making purchases or sales of cocoa beans or cocoa butter on and after February 3, 1942 shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records thereof, including the name of the purchaser, the date of the contract, the price paid or received, and the type, grade, quality, and amount sold.

(c) Every person affected by Price Schedule No. 51 shall submit such report to the Office of Price Administration as it may from time to time require.*

§ 1351.57 *Modification of Price Schedule No. 51.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 51 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom; *Resolved,* That no applications under this Section will be considered unless filed by persons complying with Price Schedule No. 51.*

§ 1351.58 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 51, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 51, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with Price Schedule No. 51; (c) that full advantage will be taken of the cooperation of the various political subdivisions of State, county, and local Governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 51 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from, those persons who fail to comply with Price Schedule No. 51. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of cocoa beans or cocoa butter, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1351.59 *Definitions.* When used in Price Schedule No. 51 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Cost of putting cocoa beans into the warehouse" includes (1) "labor in and out" and (2) warehouse storage charges for not more than thirty days.

(c) "Cocoa beans and cocoa butter sold for export" means sales by a domestic seller directly to a foreign buyer or foreign broker.*

§ 1351.60 *Effective date of Price Schedule No. 51.* This Schedule (§§ 1351.51 to 1351.58, inclusive) shall become effective on December 11, 1941.*

[Preamble and §§ 1351.51 to 1351.62, inclusive, as amended and renumbered, shall become effective February 3, 1942]

[1] Issued: 6 F.R. 6373. Amended: 6 F.R. 6432, 6803; 7 F.R. 41, 663.

§ 1351.61 *Appendix A: Maximum prices for cocoa beans.* (a) The maximum prices shall include all import commissions. The maximum prices shall also include all other charges, except that:

(1) Increases in the charges prevailing prior to the opening of business on December 8, 1941 for ocean freight, war risk insurance, and marine insurance may be added to the maximum prices only if such charges have been actually incurred by the seller on such sale. Decreases in said charges prevailing prior to the opening of business on December 8, 1941 must be subtracted from the maximum prices.

(2) If the services of a broker or brokers are required, a commission or commission which in the aggregate shall not exceed one percent of the selling price may be added to the maximum prices, provided such commissions have been actually paid.

(b) The maximum prices for cocoa beans shall be as follows:

	Cents per pound ex dock New York City
F. F. Accra (main crop)	8.90
F. A. Q. Lagos	8.75
Ivory Coast (main crop)	8.90
F. A. Q. Cameroons	8.70
Fine St. Thome	9.25
Superior Bahia	8.70
Sanchez	8.55
Superior Red Summer Arriba	11.50
Superior Seasons Arriba	10.75
La Guayra Caracas	11.25
Trinidad Caracas	12.25
Trinidad Estates	13.90
Grenada Estates	13.65
Fermented Panama	9.35
Fermented Costa Rican	9.35
Haiti	8.45
Java Estates #1	20.25
Ceylon Estates	16.75
Samoan	16.25

The maximum prices for cocoa beans imported from any other country, or for grades of better or inferior quality not named, shall be determined by applying the customary trade differentials to the maximum price for the grade listed above which is most closely related in quality.

(c) The maximum prices quoted above are ex dock New York City. The maximum prices ex dock any other port of entry shall be determined by adding to or subtracting from the New York City price the difference between the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to New York City and the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to such other port of entry.

(d) For any cocoa beans sold ex warehouse, rather than ex dock New York City or any other port of entry, the cost of actually "putting the cocoa beans into the warehouse" as defined in § 1351.59 may be added by the seller who incurred the cost.

(e) The delivered price for cocoa beans shall in no case exceed the maximum prices specified above plus actual transportation charges incurred from the dock or warehouse at New York City or other part of entry to the place of destination or to the place of ship loading, if the cocoa beans are intended for export.

(f) Any person making sales of cocoa beans in lots of twenty-five bags or less may add to the maximum prices specified above an amount which shall not exceed 7½ percent of his comparable selling price for lots of more than twenty-five bags.

(g) The above prices shall be the maximum prices for all transactions except for futures contracts traded on the New York Cocoa Exchange. In such contracts the maximum prices shall be the prices listed below. The maximum prices for futures contracts for months, if any, after December, 1942, shall not exceed 8.86 cents per pound. The maximum prices for futures contracts, if any, traded in months currently inactive shall not exceed the maximum prices for the last active preceding month.

	Cents per pound
March	8.60
May	8.66
July	8.71
September	8.76
December	8.86

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§ 1351.62 *Appendix B: Maximum prices for cocoa butter.* (a) The maximum prices for cocoa butter in bales sold in carload lots shall be twenty-five cents per pound f. o. b. factory shipping point.

(b) The delivered price shall in no case exceed the maximum price plus actual transportation charges incurred from the factory shipping point to the place of destination or to the place of shiploading, if the cocoa butter is intended for export.

(c) The following amounts may be added to the maximum price for cocoa butter when packed in:

(1) Cartons—20 cents per one hundred pounds;

(2) Wood cases—$1.00 per one hundred pounds; and

(3) Tin lined wood cases—$1.25 per one hundred pounds.

(d) To the maximum price for cocoa butter sold in less than carload lots an amount may be added which shall not exceed the following:

(1) 11,000 pounds to carload lots—0.15 cents per pound;

(2) 2,000 pounds to 10,999 pounds—0.25 cents per pound;

(3) 1,000 pounds to 1,999 pounds—0.40 cents per pound; and

(4) 200 pounds to 999 pounds—1 cent per pound.•

Issued this 11th day of December 1941.[1]

LEON HENDERSON,
Administrator.

PART 1351—FOODS AND FOOD PRODUCTS

REVISED PRICE SCHEDULE NO. 52—PEPPER

Pepper is one of the imported commodities which in the past have often been sharply influenced by speculative price manipulations. It is the most important and widely distributed spice used by the American housewife and by packing industries. The outbreak of hostilities in the Far East on December 7, 1941, gave rise to a sharp increase in speculative activity which caused this Office on December 11, 1941, to issue a temporary price freezing order, limiting prices to those prevailing on December 8, 1941.

In the intervening weeks, this Office has engaged in a thorough study of the economic and trade position of pepper. Due consideration has been given to the prices prevailing during the period October 1 to October 15, 1941, with adjustments for relevant factors. To prevent further price increases and to maintain the stability recently achieved, the Office of Price Administration hereby issues a permanent price schedule for black and white pepper.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.101 *Maximum prices for pepper.* On and after December 11, 1941, no person shall sell, offer to sell, deliver, or transfer pepper, and no person shall buy, offer to buy, or accept delivery of pepper at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1351.111, except that contracts entered into prior to February 3, 1942, but subsequent to December 11, 1941, may be carried out at prices not higher than the maximum prices contained in Price Schedule No. 52 as effective prior to this amendment No. 1, and that contracts entered into prior to December 11, 1941, may be carried out at the contract prices.• (See § 1351.110)

•§§ 1351.101 to 1351.111, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.102 *Export sales.* The maximum prices for pepper sold for export may exceed the prices set forth in § 1351.111 by no more than ten per cent.•

§ 1351.103 *Exempt sales.* Sales of pepper at retail and sales of less than one bag of pepper shall be excepted from the operation of Price Schedule No. 52.•

§ 1351.104 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 52 may be charged, demanded, paid, or offered.•

§ 1351.105 *Evasion.* The price limitations set forth in Price Schedule No. 52 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of pepper, or by way of premium, commission, service, transportation or other charge, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 11, 1941, or by any other means.•

§ 1351.106 *Records and reports.* (a) All sellers and all buyers who have entered into contracts prior to February 3, 1942, for the sale or delivery of pepper, on or after February 3, 1942, at prices higher than the maximum prices established by Price Schedule No. 52, shall report all such contracts to the Office of Price Administration on or before February 25, 1942, stating (1) the name and address of the buyer and seller; (2) the actual date of the contract; (3) each and every delivery date provided for in the contract; and (4) the price, quantity, and description of the product sold.

After the buyer has received the final shipment called for by the contract he shall then report such receipt to the Office of Price Administration within two weeks thereof, certifying that the total amount received did not exceed the quantity specified in the contract.

(b) Every person making purchases or sales of pepper on and after February 3, 1942 shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records thereof, including the name of the purchaser, the date of the contract, the price paid or received, and the type, grade, quality, and amount sold.

(c) Every person affected by Price Schedule No. 52 shall submit such reports to the Office of Price Administration as it may from time to time require.•

§ 1351.107 *Modification of Price Schedule No. 52.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 52 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 52.•

§ 1351.108 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 52, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 52, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see that (a) the Congress and the public are fully informed thereof; (b) the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with Price Schedule No. 52; (c) full advantage will be taken of the cooperation of the various political subdivisions of State, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 52 which may be regarded as grounds for the revocation of licenses and permits; and (d) the procurement services of the Government are requested to refrain from selling to, or purchasing from, those persons who fail to comply with Price Schedule No. 52. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of pepper, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.•

§ 1351.109 *Definitions.* When used in Price Schedule No. 52 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no grinder, processor, purchaser for resale, or commercial user shall be deemed to be an ultimate consumer.

(c) "Cost of putting pepper into the warehouse" includes (1) "Labor in and out" and (2) warehouse storage charges for not more than thirty days.

(d) "Pepper sold for export" means sales by a domestic seller directly to a foreign buyer and or foreign broker.•

§ 1351.110 *Effective date of Price Schedule No. 52.* This Schedule (§§ 1351.101 to 1351.108, inclusive) shall become effective on December 11, 1941.

[This Schedule (Preamble and §§ 1351.101 to 1351.111) as renumbered and amended, shall become effective February 3, 1942; 7 F.R. 724]

§ 1351.111 *Appendix A: Maximum prices for pepper.* (a) The maximum prices shall include all import commissions. The maximum prices shall also include all other charges, except that:

(1) Increases in the charges prevailing prior to the opening of business on December 8, 1941 for ocean freight, war risk insurance, and marine insurance may be added to the maximum prices only if such charges have been actually incurred by the seller on such sale. Decreases in said charges prevailing prior to the opening of business on December 8, 1941 must be subtracted from the maximum prices.

(2) If the services of a broker or brokers are required, a commission or commissions which in the aggregate shall not exceed one percent of the selling price may be added to the maximum price, provided such commissions have been actually paid.

(b) The maximum prices for pepper shall be as follows:

	Cents per pound ex dock New York City
Lampong Black Pepper	6.50
Aleppy Black Pepper	8.50
Muntok White Pepper	11.50
White Small Berries	10.50

The maximum prices for pepper imported from any other country or for grades of inferior quality not named shall be determined by applying the customary trade differentials to the above prices.

(c) The maximum prices quoted above are ex dock New York City. The maximum prices ex dock any other port of entry shall be determined by adding to or subtracting from the New York City Price the difference between the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to New York City and the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to such other port of entry.

(d) For any pepper sold ex warehouse, rather than ex dock New York City or any other port of entry, the cost of actually "putting the pepper into the warehouse" as defined in § 1351.109 may be added by the seller who incurred the cost.

(e) The delivered price for pepper shall in no case exceed the maximum prices specified above plus actual transportation charges incurred from the dock or warehouse at New York City or other port of entry to the place of destination or to the place of ship loading, if the pepper is intended for export.

(f) Any person making sales of pepper in lots of 100 bags or less may add to the maximum prices specified above an amount which shall not exceed:

5% on sales of 50 to 100 bags
7½% on sales of 25 to 49 bags
10% on sales of 5 to 24 bags
one cent on sales of 1 to 4 bags

(g) The above prices shall be the maximum prices for all transactions except for futures contracts traded on the New York Produce Exchange. In such contracts the maximum prices shall be the prices listed below. The maximum prices for futures contracts for months, if any, after October, 1942 shall not exceed 6.63 cents per pound. The maximum prices for futures contracts, if any, traded in months currently inactive shall not exceed the maximum prices for the last active preceding month.

	Cents per pound
March	6.35
May	6.43
July	6.50
September	6.60
October	6.63

Issued this 11th day of December 1941.[1]

LEON HENDERSON.
Administrator.

PART 1351—FOODS AND FOOD PRODUCTS

REVISED PRICE SCHEDULE NO. 53—FATS AND OILS

The outbreak of war has disrupted trade in certain fats and oils with the result that normal price relationships are disturbed and inflationary price increases threaten to develop. Recent speculative activity has added to the danger of serious inflation and price spiraling and has made it necessary to issue immediately a Schedule establishing maximum prices. The general level of prices prevailing on October 1, 1941, is taken as the basis for the maximum prices established by this Schedule and adjustments upward have been made in order to achieve the normal relationships between fats and oils, and for other relevant factors. Certain fats and oils are covered in other Price Schedules and a few others are not covered.

Should unwarranted price rises occur with respect to these other fats and oils or at stages of distribution not covered by this Schedule, appropriate action will be taken by this office.

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[1] Issued: 6 F.R. 6374. Amended: 6 F.R. 6432. Renumbered and amended: 7 F.R. 722. Corrected: 7 F.R. 822.

[1] Issued as §§ 1351.101 to 1351.108, inclusive; 6 F.R. 6375. Sections renumbered and amended: 7 F.R. 724.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.151 *Maximum prices for fats and oils.* (a) On and after December 13, 1941, no person shall sell, offer to sell, deliver, or transfer fats or oils at prices higher than the maximum prices, except that contracts entered into prior to December 13, 1941, providing for a higher price than the maximum prices may be carried out at the contract price. The maximum prices shall include commissions and all other charges.

(b) (1) For any kind, grade or quality of fat or oil the maximum price shall be the highest price at which the seller sold such kind of fat or oil of the same grade and quality in a similar purchaser on October 1, 1941, for delivery within sixty days: *Provided*, That in determining the maximum prices for lard the following amounts shall be added to such October 1, 1941, price as follows:

(i) cash lard	1.895 cents
(ii) loose lard	.675 cents
(iii) leaf lard	.49 cents
(iv) steam rendered pork fat	.79 cents

(2) If the maximum price cannot be determined under paragraph (b) (1), the maximum price shall be the highest price at which the seller sold the same kind of fat or oil of a different grade or quality or in a different amount or to a different type of purchaser on October 1, 1941, for delivery within sixty days, making the necessary adjustments for differences in grade, quality, amount or type of purchaser in accordance with the seller's practice for determining price differentials existing on October 1, 1941: *Provided*, That in determining the maximum prices for lard the following amounts shall be added to such October 1, 1941, price as follows:

(i) cash lard	1.895 cents
(ii) loose lard	.675 cents
(iii) leaf lard	.49 cents
(iv) steam rendered pork fat	.79 cents

(3) If the maximum price cannot be determined under either paragraph (b) (1) or (b) (2), the maximum price shall be the price at which such kind of fat or oil of the same grade and quality in a similar amount to a similar purchaser was sold in the locality of the seller's shipping point on October 1, 1941, for delivery within sixty days: *Provided*, That in determining the maximum prices for lard the following amounts shall be added to such October 1, 1941, price as follows:

(i) cash lard	1.895 cents
(ii) loose lard	.675 cents
(iii) leaf lard	.49 cents
(iv) steam rendered pork fat	.79 cents

(4) If the maximum price cannot be determined under paragraph (b) (1), (b) (2), or (b) (3), the maximum price shall be the price at which such kind of fat or oil of the same grade and quality in a similar amount to a similar purchaser was sold in the nearest market in which such sale was made, making adjustments for the customary differential between the price in such market and the price in the locality of the seller's shipping point: *Provided*, That in determining the maximum prices for lard the following amounts shall be added to such October 1, 1941, price as follows:

(i) cash lard	1.895 cents
(ii) loose lard	.675 cents
(iii) leaf lard	.49 cents
(iv) steam rendered pork fat	.79 cents

(5) If the maximum price determined under the above paragraphs is less than 111 per cent of the price at which the same kind of fat or oil of the same grade and quality was sold by the seller, or was sold in the locality of the seller's shipping point, or in the nearest market, as the case may be, in a similar amount and to a similar purchaser on November 26, 1941, for delivery within sixty days, the maximum price shall be 111 per cent of such November 26 price.

(c) The above prices shall be the maximum prices for all transactions except for cottonseed oil futures contracts traded on the New York Produce Exchange and on the New Orleans Cotton Exchange and lard futures contracts traded on the Chicago Board of Trade. For such contracts the maximum prices on each exchange shall be the closing bid prices on such exchanges as of October 1, 1941. The maximum prices for futures contracts for months, if any, after September 1942, shall not exceed the futures price for September 1942. The maximum prices for futures contracts, if any, traded in months currently inactive shall not exceed the maximum prices for the last active preceding month.

(d) The maximum prices for both domestic and imported fats and oils determined under paragraph (b) shall include at least the same absorption of transportation and other charges as were or would have been absorbed by the seller on comparable shipments to the same place of destination on October 1, 1941.

(e) The maximum prices established by Price Schedule No. 53 for fats and oils shipped into or out of the United States by ocean transportation shall include the charges prevailing on October 1, 1941, for freight, war risk insurance, and marine insurance connected with such transportation.

Increases in such charges may be added only if such charges have been actually incurred by the seller on such sale. Decreases in such charges shall be subtracted from the maximum prices established by Price Schedule No. 53.*

*§§ 1351.151 to 1351.158, inclusive, issued pursuant to the authority contained in E. O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.151a *Exempt sales.* Sales of fats and oils products in the finished form, sales of refined fats and oils (except cocoanut oil) through wholesale and retail channels and directly to the baking, restaurant, hotel and other cooking trades, and sales of lards destined for human consumption without further processing are exempt from the operation of Price Schedule No. 53.*

§ 1351.152 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 53 may be charged, demanded, paid, or offered.*

§ 1351.153 *Evasion.* The price limitations set forth in Price Schedule No. 53 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of fats or oils, or by way of premium, commission, service, transportation or other charge, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on October 1, 1941, or by any other means.*

§ 1351.154 *Records and reports.* Every person making any sale of fats or oils on and after December 13, 1941, except sales exempted under § 1351.151a, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such sale, including the date thereof, the name of the purchaser, the price paid or received, and the grade quality and amount sold.

Every person affected by Price Schedule No. 53 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1351.155 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 53, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 53, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government both State and Federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with Price Schedule No. 53; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 53 which may be regarded as grounds for the revocation of licenses and permits and (d) that the procurement services of the Government are requested to refrain from selling to, or purchasing from, those persons who fail to comply with Price Schedule No. 53. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of fats and oils, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1351.156 *Modification of Price Schedule No. 53.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 53 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 53.*

§ 1351.157 *Definitions.* When used in Price Schedule No. 53, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Fats and oils" means all of the raw, crude, and refined fats and oils, their by-products, and derivatives, and greases, except linseed oil, peanut oil, soy bean oil, "essential" oils, mineral oils, butter, and cocoa butter.

(c) "Fats and oils products in the finished form" means those products the whole or substantial part of which are manufactured from fats or oils, which are sold for use or consumption without further processing and the manufacturing process of which includes more than filtering, refining, or deodorizing, or splitting, or dividing into component parts, for example, shortening, soap, paint, margarine, salad dressing, and mayonnaise.

(d) "Refined fats and oils" means those fats and oils which have been cleaned, deodorized, or purified by settling, straining, filtering, distilling, treating with chemicals, or by any other means, and which at the conclusion of the refining process do not contain any added substance other than is necessary as a preservative, for example, margarine oil, salad oil, prime summer yellow, and/or bleachable cottonseed oil, oleo oil, and oils used for the technical and protective coating trades.

(e) In the phrase, "similar amount to a similar purchaser," the word "similar" means that amount and that type of purchaser with respect to which the same price did apply or would have applied under the seller's trade practices on October 1, 1941.*

§ 1351.158 *Effective date of Price Schedule No. 53.* This Price Schedule (§§ 1351.151 to 1351.158, inclusive) shall become effective on December 13, 1941.*

[This Schedule as amended (Preamble and §§ 1351.151 to 1351.158, inclusive) shall become effective February 4, 1942]

Issued this 12th day of December, 1941.[1]

LEON HENDERSON,
Administrator.

PART 1312—LUMBER AND LUMBER PRODUCTS

REVISED PRICE SCHEDULE NO. 54—DOUGLAS FIR PEELER LOGS

Douglas fir peeler logs are the primary raw material in the manufacture of Douglas fir plywood. An earlier ceiling on peeler logs, incorporated in Price Schedule No. 13 with Douglas fir plywood, was in the form of a schedule establishing as maximum prices the prices prevailing on May 1, 1941. An interim amendment advanced the base date to prices prevailing on August 1, 1941. Subsequent investigation has made it possible to state maximum prices in dollars and cents terms.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1312.201 *Maximum prices for Douglas fir peeler logs.* On and after December 20, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver, or transfer Douglas fir peeler logs to manufacturers of plywood, and no manufacturer of plywood shall buy, offer to buy, or accept delivery of Douglas fir peeler logs, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as section 1312.209.*

*§§ 1312.201 to 1312.209, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1312.202 *Less than maximum prices.* Lower prices than those set forth in § 1312.209, Appendix A, may be charged, demanded, paid, or offered.*

§ 1312.203 *Evasion.* The price limitations set forth in Price Schedule No. 54 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of peeler logs, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or by a tying agreement or other trade understanding or by making terms and conditions of sale more onerous to the purchaser than those available or in effect on August 1, 1941, or by any other means. If peeler logs are included in any shipment together with logs of other grades at a flat or average price, the percentage of peeler logs and the price therefor shall be separately stated in the invoice. Any attempt to secure a higher price for peeler logs by the device of charging a flat or average price which involves an unusual and excessive price for other grades included in the shipment shall be treated as an evasion of Price Schedule No. 54. If peeler logs are sold "camp run," rather than on grades, the "camp run" price shall not exceed the maximum price for the logs if sold on grades.*

§ 1312.204 *Records and reports.* Every person who shall sell to a manufacturer of plywood, and every manufacturer of plywood who shall buy, 100,000 ft. log scale or more of Douglas fir peeler logs during any calendar month, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of (a) each such purchase or sale, showing the date thereof, the price paid or received, and the quantity of each kind or grade purchased or sold, and (b) the quantity of peeler logs (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 54 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1312.205 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 54, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 54, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 54; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 54 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 54. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of Douglas fir peeler logs, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1312.206 *Modification of Price Schedule No. 54.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 54 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 54.*

§ 1312.207 *Definitions.* When used in Price Schedule No. 54, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Douglas fir" means the botanical species of Pseudotsuga taxifolia.

(c) "Douglas fir peeler log" means a Douglas fir log suitable for the manufacture, by rotary cutting, of Douglas fir plywood, whether it is actually so used or not.

(d) "Deliver" means to make physical transfer of logs to a purchaser, or to a carrier, not owned or controlled by the seller, for carriage to a purchaser to whom the logs have been sold.

(e) "District" means any one of four districts, as follows:

Puget Sound district, including all counties in the State of Washington lying west of the crest of the Cascade Mountains except those named in the Gray's Harbor and Columbia River districts;

Gray's Harbor district, including the counties of Gray's Harbor and Pacific in the State of Washington;

Columbia River district, including the counties of Wahkiakum, Cowlitz, Clarke, and Skamania in the State of Washington and Clatsop, Columbia, Washington, Clackamus, and Hood River in the State of Oregon;

Willamette Valley district, including all counties in the State of Oregon lying

[1] Issued: 6 F.R. 6409. Renumbered and amended: 7 F.R. 81. Amended: 7 F.R. 756. Corrected: 7 F.R. 1009.

west of the crest of the Cascade Mountains except those named in the Columbia River district.

(f) "Price" means the delivered price, including freight and commissions to wholesalers, commission salesmen, or others. The price in the Puget Sound district means the price delivered in the waters of Puget Sound; the price in the Gray's Harbor district means the price delivered in the waters of Gray's Harbor; the price in the Columbia River district means the price delivered in the waters of the Columbia River; and the price in the Willamette Valley district, means the price delivered at the factory of the buyer. When logs are sold out of one district for delivery in another, the maximum prices and the grades shall be those of the district in which the buyer takes possession of the logs.

(g) "Peeler grade," "No. 1 selected for peeling," "No. 2 selected for peeling," and "core" shall mean such grades as understood between buyer and seller in the particular district on August 1, 1941.*

§ 1312.208 *Effective date of Price Schedule No. 54.* This Schedule (§§ 1312.201 to 1312.209, inclusive) shall become effective on December 20, 1941.*

§ 1312.209 *Appendix A: Maximum delivered prices per M. ft. l. s.*

Puget Sound district:	
No. 1 log selected for peeling, minimum diameter 30"----------	$40.00
No. 2 log selected for peeling, minimum diameter 30"----------	35.00
Core log, minimum diameter 26"--	27.00
Gray's Harbor district:	
Peeler grade, minimum diameter 36"----------	41.00
No. 1 log selected for peeling, minimum diameter 30"----------	33.00
No. 2 log selected for peeling, minimum diameter 26"----------	25.00
Columbia River district:	
No. 1 log selected for peeling, minimum diameter 30"----------	37.50
No. 2 log selected for peeling, minimum diameter 30"----------	31.50
Core log----------	24.00
Willamette Valley district:	
To obtain maximum prices for Willamette Valley district, take prices given above for Columbia River district, and subtract therefrom the transportation cost which would have been applicable to the shipment had it moved from the logger's loading-out point to the Columbia River market, and then add transportation costs from logger's loading-out point to the plant of the buyer: *Provided*, That regardless of the actual result of such computation, the prices for the Willamette Valley district shall in no event exceed the prices given above for the Columbia River district.	

Issued this 12th day of December 1941.[1]

LEON HENDERSON,
Administrator.

PART 1330—CONTAINERS

REVISED PRICE SCHEDULE NO. 55—SECOND HAND BAGS

The availability of large quantities of burlap and cotton bags is an important concern of Agriculture and National Defense. Curtailment of the supply of burlap, substantially all of which must be imported from India, is now threatened by the hostilities in the Pacific. The capacity of the cotton textile industry to produce fabrics of the type used for bagging purposes is inadequate to produce sufficient quantities to meet the increased demands of war-time economy, particularly to the extent that cotton bagging may have to be substituted for burlap.

The price of second hand bags has approximately doubled since January 1, 1941. Such increases add to the cost of packaging agricultural and other commodities to an unwarranted extent and cannot serve to augment the supply. Further unjustified price advances are now threatened unless remedial action is taken.

It is contemplated that, after completion of studies now being made by the Office of Price Administration, a revised schedule covering second hand bags may be issued. If the studies so justify, maximum prices lower than those set forth herein may be established.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1330.51 *Maximum prices for second hand bags.* (a) On and after February 16, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer second hand bags at prices higher than the maximum prices established herein: *Provided*, That contracts entered into prior to February 16, 1942, at prices in compliance with Price Schedule No. 55 (§§ 1330.51 to 1330.60, inclusive) prior to that date, may be carried out at the contract price: *Provided further*, That deliveries under any contracts executed between February 3, 1942, and February 15, 1942, inclusive, must be completed on or before March 30, 1942.

(b) (1) The maximum price shall be the highest price for which the seller sold, contracted to sell, or delivered during the period between October 1 and October 15, 1941, inclusive, second hand bags of the same type, size, weight, grade, and comparable quantity, to a purchaser of the same general class.

(2) If during the period between October 1, 1941 and October 15, 1941, inclusive, no such sale, contract to sell or delivery was made, the maximum price shall be a price in line with the maximum prices for related or similar types, sizes, weights, and grades of second hand bags determined in accordance with subparagraph (1) above, to purchasers of the same general class.

(c) Applications for permission to sell second hand bags at prices higher than the maximum prices determined in accordance with paragraphs (a) and (b) above, may be made by:

(1) Persons who made no sale, contract to sell, or delivery of second hand bags during the period between October 1, 1941 and October 15, 1941, inclusive; or

(2) Persons whose only transactions during the period between October 1, 1941 and October 15, 1941, were deliveries made pursuant to contracts entered into prior to October 1, 1941 at prices substantially below the market prices prevailing during said period:

Provided, That no such application shall be considered unless it contains a sworn statement setting forth:

(i) the facts upon which relief is sought;

(ii) a full description of each type, size, weight and grade of second hand bag which the applicant desires to sell;

(iii) a full statement of the relief sought; and

(iv) if such application is filed pursuant to subparagraph (2) above, a statement of the price or prices at which each such type, size, weight, and grade of second hand bags were last sold or delivered, prior to October 15, 1941, and the dates of such sales or deliveries.*

[§ 1330.51 as amended February 3, 1942, effective February 3, 1942; 7 F.R. 755]

*§§ 1330.51 to 1330.60, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1330.52 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 55 may be charged, demanded, paid or offered.*

§ 1330.53 *Evasion.* The price limitations set forth in Price Schedule No. 55 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of second hand bags, alone or in conjunction with any other material, or by way of any premium, commission, service, transportation, or other charge, or by a tying-agreement or other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 6, 1941, or by any other means.*

§ 1330.54 *Filing of prices.* On or before March 10, 1942, every person who, during any single calendar month of 1941, sold more than one thousand second hand bags shall file with the Office of Price Administration, a list of all sales, contracts to sell, and deliveries made during the period between October 1, 1941 and October 15, 1941, inclusive, showing with respect to each sale, contract to sell, or delivery (a) the date thereof; (b) the name and address of the purchaser; (c) the quantity of each type, size, weight, and grade of second hand bags sold, contracted to sell, or delivered; and (d) the price contracted for or received for each type, size, weight and grade of second hand bag.*

[§ 1330.54 as amended February 3, 1942, effective February 3, 1942; 7 F.R. 755]

§ 1330.55 *Records and reports.* Every person making sales of second hand bags after December 16, 1941, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records (a) of each such sale in aggregate lots of 100 bags or more, showing the date thereof, the name and address of the buyer, the price contracted for or received, and the quantity of each type, size, weight and grade of second hand bags sold; and (b) the quantity of each type, size, weight, and grade of second hand bags (1) on hand and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 55 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1330.56 *Affirmations of compliance.* On or before the 10th day of January, 1942, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month, has sold more than one thousand second hand bags, whether for immediate or future delivery, shall submit to the Office of Price Administration an Affirmation of Compliance on Form 155:1, containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 55 or with any exception therefrom or modification thereof. Copies of Form 155:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit Affirmations of Compliance hereunder.*

§ 1330.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 55, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 55, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 55; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 55, which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 55. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of second hand bags, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1330.58 *Modification of Price Schedule No. 55.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 55 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 55.*

§ 1330.59 *Definitions.* When used in Price Schedule No. 55, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Second-hand bag" means a container composed of burlap, jute, sisal, cotton cloth, gunny cloth, or other textile material which has been used once or more to package any product and thereafter emptied, and sold for re-use as a container, and shall include all containers manufactured from any such material which has itself been used once or more as a container or for any other commercial purpose.*

[§ 1330.59 as amended February 7, 1942, effective February 7, 1942; 7 F.R. 906]

§ 1330.60 *Effective date of Price Schedule No. 55.* This Schedule (§§1330.51 to 1330.60, inclusive) shall become effective December 16, 1941.*

Issued this 16th day of December 1941.[1]

LEON HENDERSON,
Administrator.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

REVISED PRICE SCHEDULE NO. 56—RECLAIMED RUBBER

The continuity of imports of crude rubber from the Far East is seriously threatened as a result of the outbreak of war with Japan. It has therefore become necessary to restrict consumption of crude rubber to a filling of military and essential civilian needs. This restriction upon the processing of crude rubber is expected to cause a marked increase in the use of all materials that serve as substitutes for crude rubber. The demand for reclaimed rubber, in particular, may be expected to expand sharply, thereby producing strong upward pressure upon its price. The Office of Price Administration has determined after investigation and after conference with members of the industry that an increase in prices above the present levels will not increase the supply of reclaimed rubber.

It is of vital importance to the nation's war effort that the process of substitution of reclaimed rubber for crude rubber should be facilitated in every possible manner by holding the cost of such substitution to a minimum. Consequently, the present emergency demands that maximum prices for reclaimed rubber be established.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1315.51 *Maximum prices for reclaimed rubber.* (a) On or after December 20, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, reclaimed rubber, and no person shall buy, offer to buy, or accept delivery of reclaimed rubber, at prices higher than the maximum price.

(b) (1) The maximum price shall be the highest price received by the seller for a sale during the period between November 5, 1941 and December 5, 1941, of reclaimed rubber of the same grade and quality, and of a comparable amount, to the same purchaser.

(2) If no such sale to the same purchaser was made, the maximum price shall be the highest price received by the seller for a sale during such period, of reclaimed rubber of the same grade and quality, and of a comparable amount, to a purchaser previously accorded similar treatment by the particular seller or recognized by the trade as entitled to similar treatment.

(3) If, for any grade and quality of reclaimed rubber, no sale was made during the period between November 5, 1941, and December 5, 1941, either to the same purchaser or to a purchaser so entitled to similar treatment, the maximum price for that grade and quality shall be a price which bears the same relationship to prices actually received by the seller during such period for other grades and qualities, as the price of that particular grade and quality normally bears to prices of such other grades and qualities.

(c) Notwithstanding the provisions of paragraph (b) above, the maximum price for red tube reclaimed rubber shall be as follows:

(1) Delivered to purchaser's plant in carload lots—12 cents per pound;

(2) Delivered to purchaser's plant in less than carload lots—12¼ cents per pound.*

[Paragraph (c) added by amendment January 30, 1942, effective February 5, 1942; 7 F.R. 657]

*§§ 1315.51 to 1315.60, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1315.52 *Less than maximum prices.* Lower prices than those set forth in § 1315.51 may be charged, demanded, paid or offered.*

§ 1315.53 *Evasion.* The price limitations set forth in Price Schedule No. 56 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of reclaimed rubber, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or by tying-agreement or other trade understanding, or by making discounts or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 5, 1941, or by any other means: *Provided*, That nothing contained herein shall be construed to require the offering of any cash discount or to prevent the making of sales on a net basis.*

[§ 1315.53 as amended January 30, 1942, effective February 5, 1942; 7 F.R. 657]

§ 1315.54 *Filing of prices.* On or before January 15, 1942, every person who sells reclaimed rubber shall file with the Office of Price Administration:

(a) Any printed price lists or quoted prices, including a complete statement

[1] Issued: 6 F.R. 6408.

[1] Issued: 6 F.R. 6456. Amended: 7 F.R. 755, 906.

of all terms and discounts, that were in effect during the period between November 5, 1941 and December 5, 1941.

(b) Prices which he received from each of his purchasers for each of his grades and qualities of reclaimed rubber on all sales made during the period between November 5, 1941 and December 5, 1941.*

§ 1315.55 *Records and reports.* Every person making sales or purchases of reclaimed rubber after December 20, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each grade and quality of reclaimed rubber purchased or sold, and (b) the quantity of each grade and quality of reclaimed rubber (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 56 shall submit such reports to the Office of Price Administration as it may, from time to time require.*

§ 1315.56 *Affirmations of compliance.* On or before January 10, 1942, and on or before the 10th day of each month thereafter, every person, who, during the preceding calendar month has sold reclaimed rubber, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 156:1, containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 56 or with any exception therefrom or modification thereof. Copies of Form 156:1 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1315.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 56, or in the event of evasion or attempt to evade the price limitations, or other provisions of Price Schedule No. 56, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government both state and federal are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 56; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 56 which may be regarded as grounds for the revocation of licenses and permits, and (d) that the Rubber Reserve Company and the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 56. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof are urged to communicate with the Office of Price Administration.*

§ 1315.58 *Modification of Price Schedule No. 56.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 56 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 56.*

§ 1315.59 *Definitions.* When used in Price Schedule No. 56, the term:

(a) "Person" means an individual, partnership, association, corporation or other business entity;

(b) "Reclaimed rubber" means all kinds, grades and qualities of the rubber material recovered from any vulcanized scrap rubber products.

(c) "Red tube reclaimed rubber" means reclaimed rubber made from red inner tube scrap rubber and having a specific gravity of from 1.15 to 1.32.

[Paragraph (c) added by amendment January 30, 1942, effective February 5, 1942; 7 F.R. 657]

§ 1315.60 *Effective date of Price Schedule No. 56.* The Schedule §§ 1315.51 to 1315.60, inclusive) shall become effective on December 20, 1941.

Issued this 16th day of December 1941.[1]

LEON HENDERSON,
Administrator.

PART 1352—FLOOR COVERINGS

REVISED PRICE SCHEDULE NO. 57—WOOL FLOOR COVERINGS

Wool floor coverings are an important item of household furnishings. Between August 1939 and May 1941 prices advanced 23.2% on a weighted average basis. The increase on one popular-priced item amounted to 33% in that period. In June 1941, the Office of Price Administration wrote the manufacturers of wool floor coverings requesting that they not increase prices on their lines to be marketed in the fall. Subsequently, individual voluntary agreements were reached with practically all members of the industry under which they agreed not to increase their prices prevailing on October 13 prior to December 15.

The outbreak of hostilities in the Far East, which is the source of all jute and much wool, the two principal raw materials, has a critical impact on the industry. Trade journal articles, and conferences with industry members, clearly indicate that price increases are planned. Efforts to obtain an extension of the individual voluntary agreements which expire on December 15 have been unsuccessful. In addition, requests by this Office to industry members on November 15 to submit detailed cost and profit data have elicted only a few replies. The cost study will continue. Meanwhile, effective measures must be taken to forestall further increases which may result in unwarranted prices. In order to prevent evasion of Price Schedule No. 57, changes in specifications are restricted.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1352.1 *Maximum prices for wool floor coverings.* On and after January 2, 1942, regardless of the terms of any contract or sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any unit or wool floor covering at a price higher than the maximum price.

(a) (1) The maximum price for any unit of wool floor covering, in his price list in effect on October 13, 1941, or for any unit differing therefrom only in color or pattern, shall be 105% of the price quoted therein for such unit to the same person or to a person in the same general class, except as set forth in subparagraph (2) of this paragraph (a).

(2) In the case of Karastan Rug Mills and Artloom Corporation, the maximum prices for the units of wool floor coverings listed below shall be the prices in effect on February 2, 1942:

Karastan Rug Mills—Karastan, Kara Louvre, and Karashah.

Artloom Corporation—Santoy, Kasharouk, and Home Pride.

(b) The maximum price for any unit of wool floor covering, not in his price list in effect on October 13, 1941, but sold (or contracted to be sold) by him during the period January 1–October 13, 1941, inclusive, or for any unit differing therefrom only in color or pattern, shall be 105% of the highest net price, f. o. b. manufacturer's point of shipment at which such unit was sold (or contracted to be sold) by him during such period to the same person or to a person in the same general class, or, if there is no such person, to any person.

(c) (1) The maximum price for any unit of wool floor covering differing in specifications (except for such changes in specifications as are authorized in § 1352.4) from any unit referred to in paragraphs (a) and (b) of this section, shall be the price approved in writing by the Office of Price Administration after submission of a report to it by the manufacturer in accordance with § 1352.7 (c); and no sale, offer to sell, delivery, or transfer of such unit shall be made until such approval shall have been given.

(2) *Approved prices.* The maximum prices for the units of wool floor coverings listed below of the designated manufacturers shall be the prices in effect on February 2, 1942:

Philadelphia Carpet Company—Fabric Nos. 592 and 568.

A & M Karagheusian Company—Lakewood.

Beattie Manufacturing Company—Grayson.

Magee Carpet Company—1612 A Special, Viceroy, Thriftex and Carver.

John Bromley & Sons, Inc.—Broadmoor.

Chas. P. Cochrane Company, Inc.—New Sculptone, Sculptex, Sierra.

Hardwick and Magee—Vernon.

C. H. Masland & Sons, Inc.—Grayson, Diamontex, Carfax, Marlin, Kendon, Lyndon.

Bigelow-Sanford Carpet Company—Corinthian-Lockweave, Shadowweave, Holden.

Alexander Smith & Sons Carpet Company—Crestwood and Normandie.

[§ 1352.1 as amended February 7, 1942, effective February 7, 1942; 7 F.R. 907]

*§§ 1352.1 to 1352.12 inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1352.2 *Less than maximum prices.* Lower prices than those established in § 1352.1 may be charged, demanded, paid or offered.*

§ 1352.3 *Evasion.* The price limitations set forth in Price Schedule No. 57 shall not be evaded whether by direct or indirect methods in connection with the manufacture of wool floor coverings by deterioration of quality or in connection with a purchase, sale, delivery or transfer of wool floor coverings, alone or in conjunction with any other material, or by way of any service, transportation, or other charge, or by tying-agreement or other trade understanding, or by making rebates, discounts or other terms and conditions of sale less favorable to the purchaser than those available or in effect on October 13, 1941, or by any other means.*

§ 1352.4 *Change in specifications.* On and after December 16, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any unit of wool floor covering, differing in specifications from:

(a) A unit of wool floor covering in his price list in effect on October 13, 1941;

(b) A unit of wool floor covering, not in his price list in effect on October 13, 1941, but sold (or contracted to be sold) by him during the period January 1–December 15, 1941, inclusive; and

(c) A unit of wool floor covering manufactured, or in process of actual weaving, between October 13–December 15, 1941, inclusive;

Provided, That (1) changes may be made in yarn specifications which do not reduce quality, and which, in addition, in the case of pile yarn, do not vary the percentages of wool and each of the other component materials; and (2) other changes may be made in specifications with the permission of the Office of Price Administration upon the submission to it by the manufacturer of satisfactory evidence (i) that the material previously used is unavailable or cannot be procured except (*a*) at prohibitive cost, or (*b*) in violation of any priority or allocation order or any regulation of a federal agency; and (ii) that the material substituted is one calculated to preserve quality.*

§ 1352.5 *Change in color or pattern.* Changes in color or pattern, or both, of any unit of wool floor covering may be made.*

§ 1352.6 *Records.* Every manufacturer making sales of wool floor coverings on or after December 16, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale showing the date thereof, the name and address of the buyer, the name, number or other designation of each unit, the price received for each unit, and the quantity sold.*

§ 1352.7 *Reports*—(a) *Units in price list in effect on October 13, 1941.* On or before January 1, 1942, every manufacturer shall submit to the Office of Price Administration a report on Form 157: 1 showing in the detail required by such form, the units whose maximum prices are determined by § 1352.1 (a), the maximum prices thus established, the name, number or other designation and the specifications of each such unit, and such other information as the form may require. Manufacturers who have already submitted information required on Form 157: 1 need not duplicate such information, but shall fill out such part of the form as is necessary to complete the information required, and shall enclose with the form a reference to the information already submitted. Copies of Form 157: 1 may be procured from the Office of Price Administration.

(b) *Other units sold during the period January 1–October 13, 1941, inclusive.* The maximum price and the specifications of every unit of wool floor covering whose maximum price is determined by § 1352.1 (b) shall be reported by the manufacturer on Form 157: 2 to the Office of Price Administration within ten days after such unit is delivered to a purchaser (or to a carrier for shipment to the purchaser) for the first time after the effective date of Price Schedule No. 57.

(c) *Other units.* The proposed price and the specifications of every unit of wool floor covering whose maximum price is determined by § 1352.1 (c) shall be reported by the manufacturer on Form 157: 3 to the Office of Price Administration at least ten days prior to his commencing the actual weaving of such unit, and at least twenty days prior to the date on which he first offers such unit for sale. Where, because of the effective date of Price Schedule No. 57, the report cannot be made within the prescribed time, it shall be made at the earliest possible date.

Persons affected by Price Schedule No. 57 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1352.8 *Affirmations of compliance.* On or before January 1, 1942, and on or before the first day of July and January thereafter, every manufacturer who is required to keep records of sales under Section 1352.6 hereof shall submit to the Office of Price Administration an affirmation of compliance on Form 157:4 containing a sworn statement that during such period all such sales were made at prices in compliance with Price Schedule No. 57 or with any exception therefrom or modification thereof. Copies of Form 157: 4 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½ inch paper, it may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1352.9 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 57, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 57, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with Price Schedule No. 57; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 57. Persons who have evidence of the receipt or demand of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of wool floor coverings or of the hoarding or accumulation of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1352.10 *Modification of Price Schedule No. 57.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 57 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That, no application under this section will be considered unless filed by persons complying with Price Schedule No. 57.*

§ 1352.11 *Definitions.* When used in Price Schedule No. 57, the term:

(a) "Person" means an individual, partnership, association or other business entity;

(b) "Manufacturer" means a person operating a factory, plant, or mill which manufactures any wool floor coverings;

(c) "Wool floor covering" means a floor covering in a manufacturing state, the pile of which consists in whole or in part of wool, used as a rug, mat, carpet or other floor decoration;

(d) "Unit" means a wool floor covering manufactured and offered for sale as a distinct item, differing in specifications, color, or pattern, from other wool floor coverings manufactured and offered for sale by the same manufacturer;

(e) "Specifications" means (i) construction specifications, which include size, weave, pitch, rows per inch, shot, frames, cut tuft length, and wire size, and (ii) yarn specifications, which include yarn material, yarn size, and ply.

§ 1352.12 *Effective date of Price Schedule No. 57.* This Price Schedule (§§ 1352.1 to 1352.12, inclusive) shall become effective on December 16, 1941.

Issued this 16th day of December 1941.[1]

LEON HENDERSON,
Administrator.

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[1] Issued: 6 F.R. 6455. Amended: 7 F.R.

[1] Issued: 6 F.R. 6459. Amended: 7 F.R. 124, 907.

PART 1354—WOOL AND WOOL PRODUCERS

REVISED PRICE SCHEDULE NO. 58—WOOL AND WOOL TOPS AND YARNS

The declaration by the Congress of the United States that a state of war exists between this country and the Axis nations makes it imperative that immediate steps be taken to protect the civilian population against increases in the cost of clothing and other primary requirements. Hostilities in the Pacific have raised the possibility of interference with the free flow of wool from foreign countries. At the same time there is every likelihood of an increase in the wool requirements of the armed forces of the United States. This combination of circumstances would, unless forestalled, result in a bidding up of the prices of raw wool, wool tops, yarns, waste, and wool by-products and substantially increase the cost of living of the civilian customer. As a measure of public interest it becomes necessary to establish maximum prices for such materials.

It is contemplated that, after completion of studies now being made by the Office of Price Administration, revised schedules covering wool and wool products will be issued. If the studies so justify, maximum prices lower than those set forth herein may be established.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1354.1 *Maximum prices for wool and wool tops and yarns.* (a) On and after February 2, 1942, no person shall sell, offer to sell, deliver or transfer wool or wool tops or yarns at prices higher than the maximum prices established herein: *Provided*, That contracts entered into prior to December 18, 1941, calling for a price higher than the maximum prices may be carried out at the contract price.

(b) (1) The maximum price for domestic shorn wool shall be the market price prevailing on October 1, 1941, or on December 15, 1941, for the same class, kind, type, condition and grade of domestic shorn wool: *Provided*, That, if there were no such market price, the maximum price shall be the highest price contracted for or received by the seller for the sale or delivery during the period between October 1, 1941 and December 15, 1941, inclusive, of domestic shorn wool of the same class, kind, type, condition and grade, to a purchaser of the same general class. If during said period no such sale or delivery were made, the maximum price shall be a price in line with the maximum prices for related kinds, types, conditions and grades, determined in accordance with this subparagraph (b) (1), to a purchaser of the same general class.

(2) The maximum price for wool, other than domestic shorn wool, and wool tops and yarns shall be the highest price contracted for or received by the seller for the sale or delivery during the period between October 1, 1941 and December 15, 1941, inclusive, of such wool or wool tops or yarns of the same class, kind, type, condition, and grade to a purchaser of the same general class: *Provided*, That if during said period no such sale or delivery were made, the maximum price shall be a price in line with the maximum prices for related kinds, types, conditions, and grades of such wool or wool tops or yarns, determined in accordance with this subparagraph (b) (2), to a purchaser of the same general class.

(3) The maximum price for wool sold by the importer thereof shall be increased or decreased by an amount equal to the actual increase or decrease in war risk insurance rates and freight rates over those prevailing for wool of the same class, kind, type, condition and grade during said period: *Provided*, That in all cases where the price is so increased, the invoice or similar document delivered to the purchaser shall show the amount of such increase.

(c) The maximum prices determined in accordance with paragraph (b) above shall be the maximum prices for all transactions except for grease wool and wool tops futures contracts traded on the Wool Associates of the New York Cotton Exchange, Inc. For such contracts, the maximum prices shall be the highest prices on said Exchange during the period between October 1, 1941 and December 15, 1941, inclusive: *Provided*, That contracts entered into on said Exchange prior to December 18, 1941, calling for a price higher than the maximum prices may be carried out at the contract price. Such maximum prices are as follows:

	Cents
Wool Top Futures	132.7
Grease Wool Futures	103.5

(d) Sales at retail are excepted from the operation of this Schedule.

(e) On and after January 17, 1942, notwithstanding the provisions of paragraphs (a) and (b) above, no person shall sell, offer to sell, deliver or transfer wools or wool tops or yarns of the types and grades enumerated in Appendices A, B, C and D hereof, incorporated herein as §§ 1354.10 to 1354.13, inclusive, and no person shall buy, offer to buy, or accept delivery or transfer of such wools or wool tops or yarns at prices higher than the maximum prices set forth in Appendices A, B, C, and D: *Provided*, That contracts entered into prior to December 18, 1941, calling for a price higher than the maximum prices may be carried out at the contract price.

[§ 1354.1 as amended February 2, 1942, effective February 2, 1942; 7 F.R. 725]

*§§ 1354.1 to 1354.9, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1354.2 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 58 may be charged, demanded, paid or offered.*

§ 1354.3 *Evasion.* The price limitations set forth in Price Schedule No. 58 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of wool or wool tops or yarns, alone or in conjunction with any other material, or by way of any premium, commission, service, transportation, or other charge, or by a tying-agreement or other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 6, 1941, or by any other means.*

§ 1354.4 *Records and reports.* Every person making sales of wool or wool tops or yarns after December 17, 1941, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the price contracted for or received, and the quantity of each class, kind, type, condition and grade of wool or wool tops or yarns sold. Every such person shall also on or before February 10, 1942, have available for the Office of Price Administration a record of his prices for all sales and deliveries of wool and wool tops and yarns during the period from October 1, 1941, to December 15, 1941.

Persons affected by Price Schedule No. 58 shall submit such reports to the Office of Price Administration as it may, from time to time, require.

[§ 1354.4 as amended February 2, 1942, effective February 2, 1942; 7 F.R. 725]

§ 1354.5 *Affirmations of compliance.* On or before January 10, 1942, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month has sold wool or wool tops or yarns, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 158:1 containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 58 or with any exception therefrom or modification thereof. Copies of Form 158:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1354.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 58, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 58, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 58; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 58 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services

of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 58. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of wool or wool tops or yarns, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1354.7 *Modification of Price Schedule No. 58.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 58 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 58.*

§ 1354.8 *Definitions.* When used in Price Schedule No. 58, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Wool" means the fibers from the fleece of the sheep or lamb, or hair of the Angora or Cashmere goat or of the camel, alpaca, llama and vicuna, and shall include noils, wool waste, clips and rags and reworked wool of all grades and mixtures;

(c) "Wool tops" means tops made wholly or in part of wool;

(d) "Yarns" means yarns containing 10% or more wool by fiber weight, except yarns dyed and converted for the hand knitting trade.

[Paragraph (d) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 725]

(e) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no manufacturer, processor, purchaser for resale or commercial user shall be deemed to be an ultimate consumer.*

§ 1354.9 *Effective date of Price Schedule No. 58.* This Schedule (§§ 1354.1 to 1354.9 inclusive) shall become effective December 18, 1941.*

§ 1354.9a *Effective dates of amendments.* (a) Amendment No. 1 adding a new subparagraph (4) to paragraph (b) of § 1354.1 shall become effective January 10, 1942: *Provided*, That firm commitments entered into prior to January 10, 1942 for the sale of wool or wool tops or yarns at prices not exceeding the maximum prices established by Price Schedule No. 58 prior to the effective date of Amendment No. 1 may be completed at contract prices.

(b) Amendment No. 2 adding a new paragraph (e) to section 1354.1 and adding § 1354.10 shall become effective January 16, 1942: *Provided*, That firm commitments entered into prior to January 16, 1942 for the sale of wool or wool tops or yarns at prices not exceeding the maximum prices established by Price Schedule No. 58 prior to the effective date of Amendment No. 2 may be completed at contract prices.

(c) Amendment No. 3 amending paragraph (e) of § 1354.1 and adding §§ 1354.11 and 1354.12 shall become effective January 17, 1942: *Provided*, That firm commitments entered into prior to January 17, 1942 for the sale of wool or wool tops or yarns at prices not exceeding the maximum prices established by Price Schedule No. 58 prior to the effective date of Amendment No. 3 may be completed at contract prices.

(d) Amendment No. 4 amending paragraphs (a) and (c) of § 1354.12 shall become effective January 20, 1942: *Provided*, That firm commitments entered into prior to January 20, 1942 for the sale of wool or wool tops or yarns at prices not exceeding the maximum prices established by Price Schedule No. 58 prior to the effective date of Amendment No. 4 may be completed at contract prices.

(e) Amendment No. 5 amending paragraph (e) of § 1354.1 and adding § 1354.13 shall become effective January 29, 1942: *Provided*, That firm commitments entered into prior to January 29, 1942 for the sale of wool or wool tops or yarns at prices not exceeding the maximum prices established by Price Schedule No. 58 prior to the effective date of Amendment No. 5 may be completed at contract prices.

(f) Amendment No. 6 amending §§ 1354.1, 1354.4 and paragraph (d) of § 1354.8 and adding § 1354.9a shall become effective February 2, 1942: *Provided*, That firm commitments entered into prior to February 2, 1942, for the sale of wool or wool tops or yarns at prices not exceeding the maximum prices established by Price Schedule No. 58 prior to the effective date of Amendment No. 6 may be completed at contract prices.

[§ 1354.9a added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 725]

§ 1354.10 *Appendix A: Maximum prices for South American wools.*

Table I

The prices set forth below are maximum prices per pound for wools of the types and grades enumerated on a clean basis, duty paid, ex dock or ex warehouse. The maximum prices for such wools scoured or otherwise processed in the United States shall be the prices set forth increased by the customary differentials in effect on December 6, 1941. Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

Charges for war risk insurance actually paid by the seller in excess of one-half of one per cent may be added to the maximum prices set forth below: *Provided*, That the invoice or similar document delivered to the purchaser shall show the amount of such charges.

(a) *Montevideo Greasy Shorn Combing Fleece Wools*

Grade	Super Skirted	Good to Super
64's	$1.10	$1.07
60-64's	1.08	1.06
60's	1.07	1.05
58-60's	1.05	1.03
1's	.99	.97
2's	.95	.95
3's	.92	.90
4's	.75	.70
5's	.70	.65
	Lambs	Second Clip
50-60's	$0.85	$0.87
46-50's	.78	.80
40-44's	.63	.65

(b) *Buenos Aires Greasy Shorn Wools*

Grade:	*Combing fleece*
64's (Australian Type)	$1.08
60-64's (Regular Type)	1.03
56-58's	.96
50's	.93
46-48's	.86
44's	.66
36-40's	.40
Low Cotts	.42
	Second clip
56-58's	.79
50-56's	.73
46-50's	.70
44's	.62
36-40's	.45

(c) *Second Clip Greasy Shorn Wools*

Grade	Pampa	Patagonia and Bahia Blanca
58-60s	$0.85	$0.87
50-56s	.77	.83
46-50s	.72	.75
44-40s	.55	.55

(d) *Greasy Shorn Chubut Combing Fleece Wools*

Grade:	
64-70's	$1.05
60-64's	1.03
60's	.99
58's	.97

(e) *Greasy Shorn Combing Fleece Wools*

Grade	Brazil	Entre Rios and Corrientes	Santa Cruz	Punta		Peruvian
				Super	Average	
60-64s	$1.02	$1.03	$1.03			
58-60s	.97	1.00	1.00			
56-58s	.94	.96	.96			
50s	.92	.92	.94			
46-48s	.88	.86	.88			
60s				$1.02		
56-58s				.98	$0.96	
50-56s				.96	.94	
46-48s				.92	.90	
Central 60-64s						$1.00
Central 58-60s						.95
Central 56s						.90
Central 50s						.88
Central 46-48s						.83
Regular Merino:						
#1						.86
#2						.73
Gray						.75

Table II

The prices set forth below are maximum prices per pound for wools of the types and grades enumerated in scoured condition, including all scouring costs, free or nearly free of burrs, duty paid, ex dock or ex warehouse. Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

Charges for war risk insurance actually paid by the seller in excess of one half of one percent may be added to the maximum prices set forth below: *Provided*, That the invoice or similar document delivered to the purchaser shall show the amount of such charges.

(a) *Scoured Foreign Pulled Wool—Montevideo, Buenos Aires, and Brazil*

Grade:	
60-64's Super Clothing & Lambs	$1.03
58-60's Super Clothing & Lambs	1.00
56's Super Clothing & Lambs	.98
50-56's Super Clothing & Lambs	.93
48-50's Super Clothing & Lambs	.86
46-48's Super Clothing & Lambs	.82
44's Super Clothing & Lambs	.68
40's Super Clothing & Lambs	.60

(a) *Scoured Foreign Pulled Wool—Montevideo, Buenos Aires, and Brazil*—Continued

Grade—Continued.	
60–64's Super Shearling	$0.88
58–60's Super Shearling	.85
56's Super Shearling	.83
50–56's Super Shearling	.80
48–50's Super Shearling	.70
46–48's Super Shearling	.68
44's Super Shearling	.60
36–40's Super Shearling	.55

Combing—Montevideo, Buenos Aires and Brazil

60–64's Super Combing	$1.05
58–60's Super Combing	1.02
56's Super Combing	1.00
50–56's Super Combing	.95
48–50's Super Combing	.88
46–48's Super Combing	.85
44's Super Combing	.72
40's Super Combing	.61

Super Lustre Spring Lambs, 44's quality 4¢ above list, 40's quality 8¢ above list. Inferior and Defective wools proportionately less.

Santa Cruz, Rio Gallegos, Punta, and Chubut

For 50–56's and finer grades, value, 2¢ premium.

All other grades below 50–56's, 7¢ premium.

Above comparative grades Montevideo, Buenos Aires, and Brazil List.

Chilean

Grade:	
Lambs & Sheep 56–58's up	$.90
Lambs & Sheep 50–56's	.87
Lambs & Sheep 44–50's	.78

Cape

64's Choice	$1.05
60–62's	1.00
56–58's	.98

(b) *Wools Imported in the Scoured State*

Buenos Aires

Grade	Fleeces	November or March Second Clip	Lambs	Grey
56–58s	$0.98	$0.91		
56–58s	.93	.87	$0.82	$0.78
50–48s	.88	.86	.80	.75
46–48s	.85	.85	.78	.73
40–44s	.63	.59	.58	.52
40–36s	.55	.51		.52

Chubut, Cordillera, Santa Cruz, Punta, Patagonia

Grade	Fleeces	Best pieces	Pieces and bellies
64s	$1.15		
60–64s	1.13	$0.97	$0.93
60–58s	1.08	.95	.90
56–58s	1.03	.92	.89
56s	1.00	.90	.86
54s	.98	.88	.85
46–48s	.94	.84	.82

Peruvian

Grade	Scoured	Washed
Merino	$1.00	$0.77
#1	.93	.72
#2	.83	.64
Grey	.80	.60

Chilean

56s and up	$0.96
54–56s	.94
46–48s	.83

[§ 1354.10 added by amendment January 15, 1942, effective January 16, 1942; 7 F.R. 399]

§ 1354.11 *Appendix B: Maximum prices for oil combed wool tops.* The prices set forth below are maximum prices per pound, f. o. b. combing plant, for oil combed wool tops (15% regain, 3¼% oil) of the types and grades enumerated below of qualities to meet Quartermaster Corps specifications. The maximum prices for dry combed tops shall be the maximum prices set forth below plus 2¼%.

Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

Grade	Price per lb.
64s and finer, Domestic	1.44
64s and finer, Foreign	1.32
64s and finer, Blend (50% domestic and 50% foreign)	1.38
60s–62s Domestic	1.40
60s–62s Foreign	1.30
60s–62s Blend (50% domestic and 50% foreign)	1.35

[§ 1354.11 added by amendment January 17, 1942, effective January 17, 1942; 7 F.R. 400]

§ 1354.12 *Appendix C: Maximum prices for yarns for military fabrics*—(a) *Serge O. D. 18 oz. (light and dark shades).*

	Price per lb.
Bradford Spun Domestic	$2.20
Bradford Spun Foreign	2.06
Bradford Spun 50% Foreign, 50% Domestic	2.13
French Spun Domestic	2.28
French Spun Foreign	2.14
French Spun 50% Foreign, 50% Domestic	2.21
(b) Shirting flannel 10½ oz.:	
French Spun Domestic	1.92
French Spun Foreign	1.82
French Spun 50% Foreign, 50% Domestic	1.87

(c) *Underwear.* Merino Yarns, 50% Wool, 50% cotton.

Domestic wool:	
Spun on woolen system	$1.36
Spun on cotton system	1.26
Foreign wool:	
Spun on woolen system	1.30
Spun on cotton system	1.20
50% Foreign wool, 50% Domestic wool:	
Spun on woolen system	1.33
Spun on cotton system	1.23

[§ 1354.12 added by amendment January 17, 1942, effective January 17, 1942; 7 F.R. 400, and amended January 20, 1942, effective January 20, 1942; 7 F.R. 446]

§ 1354.13 *Appendix D: Maximum prices for domestic pulled wools.* The prices set forth below are maximum prices per pound f. o. b. shipping point. Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

(a) *Strictly combing pulled wools.*

Grade	Price per lb, choice white clean basis
58s, 60s 3 inches & over	$1.09
56s, 58s 3 inches & over	1.07
54s, 56s 3 inches & over	1.04
50s, 54s 3 inches & over	.97
50s, 44s 4 inches & over	.85

(b) *Worsted type pulled wools.*

Grade	Price per lb, choice white	
	Clean basis	Scoured
64s, 1½ inches and over	$1.14	$1.20
62s, 1½ inches and over	1.12	1.17
60s, 1½ inches and over	1.09	1.14
58s, 2 inches and over	1.07	1.12
56s, 2 inches and over	1.03	1.08
54s, 2 inches and over	.96	1.00
50s, 2 inches and over	.92	.96
44s, 50s, 3 inches and over	.88	.94

(c) *Woolen type and lambs pulled wools*

Grade	Price per lb, choice white	
	Clean basis	Scoured
64s, under 1½ inches	$1.10	$1.16
62s, under 1½ inches	1.07	1.13
60s, under 1½ inches	1.07	1.12
58s, under 2 inches	1.05	1.10
56s, under 2 inches	1.01	1.06
54s, under 2 inches	.94	.98
50s, under 2 inches	.90	.94
44s, 50s under 3 inches	.86	.91

(d) *Off-color pulled wools*

Grade and description	Clean basis	Scoured
Super Grey 60s	$1.00	$1.05
Super Grey 58s	.95	1.00
Super Light Grey 56s	.95	1.00
Super Grey 56s, 58s	.92	.96
Average Grey 56s	.85	.90
Average Grey 50s, 46s	.82	.86
Shank Grey 44s, 50s	.66	.70
Black 60 and finer	1.03	1.08
Black 56s, 58s	.93	.99

(e) *Adjustments for inferior wool.* The maximum prices for inferior wools of the types and grades set forth above shall be the maximum prices set forth above with the following adjustments:

(1) The maximum price for slightly tinged wool shall be 2¢ less than the applicable maximum price.

(2) The maximum price for yellow or heavily stained wools shall be 5¢ less than the applicable maximum price.

(3) The maximum price for seedy or burry wools which, in accordance with established trade practice, do not require carbonizing shall be 3¢ less than the applicable price after adjustment has been made for color in accordance with subparagraphs 1 and 2 above.

(4) The maximum price for seedy or burry wools which, in accordance with established trade practice, require carbonizing shall be 10¢ less than the applicable maximum price after adjustment has been made for color in accordance with subparagraphs 1 and 2 above: *Provided*, That where such wools are sold in a carbonized state the actual carbonizing charges plus an allowance for actual shrinkage may be added to the maximum price so long as the amount of such charges is set forth in the invoice or a similar document delivered to the purchaser.

(f) *Broker's commissions.* The maximum prices set forth above shall include all commissions and other charges: *Provided*, That where a purchaser employs a broker or other agent to make a purchase on his behalf, a commission of not to exceed 1% may be charged for such services and paid by such purchaser. Such commission shall be permissible only if (1) the wool is purchased at a price in compliance with this Schedule and (2) the commission is not split or divided with the seller or with an agent or employee of the seller.

[§ 1354.13 added by amendment January 29, 1942, effective January 29, 1942; 7 F.R. 624]

Issued this 17th day of December, 1941.[1]

LEON HENDERSON,
Administrator.

PART 1353—VEGETABLE FIBERS

REVISED PRICE SCHEDULE NO. 59—KAPOK

The supply of kapok, used principally for life-saving devices, sleeping bags, mattresses, cushions, upholstery, and sound and thermal insulation, is obtained primarily from the Netherlands East Indies. The uncertainty of further shipments, occasioned by the hostilities in the Far East, may be expected to result in curtailment of the supply, which is already inadequate to meet normal civilian needs for any extended period of time.

Prices of kapok have risen appreciably since December 6, 1941, and a further rise may be expected unless remedial action is taken. Such price increases cannot serve to increase the supply.

It is contemplated that, after completion of studies now being made by the Office of Price Administration, a revised schedule covering various grades of kapok will be issued. If the studies so justify, maximum prices lower than those set forth herein may be established.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1353.1 *Maximum prices for kapok.* On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver, or transfer kapok, and no person shall buy, offer to buy, or accept delivery of kapok, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1353.11: *Provided*, That contracts entered into prior to February 2, 1942, at prices in compliance with Price Schedule No. 59 (§§ 1353.1 to 1353.10, inclusive) as amended prior to that date, may be carried out at the contract price.*

[§ 1353.1 as amended February 2, 1942, effective February 2, 1942; 7 F.R. 725]

*§§ 1353.1 to 1353.11, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1353.2 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 59 may be charged, demanded, paid or offered.*

§ 1353.3 *Evasion.* The price limitations set forth in Price Schedule No. 59 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of kapok, alone or in conjunction with any other material, or by way of any premium, commission, service, transportation, or other charge, or by a tying-agreement or other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 6, 1941, or by any other means.*

§ 1353.4 *Filing of prices.* On or before January 10, 1942, every seller of kapok shall file with the Office of Price Administration a list of all sales and deliveries made during the period between November 15, 1941, and December 6, 1941, inclusive, showing, with respect to each such sale or delivery (a) the date thereof; (b) the name and address of the purchaser; (c) the quantity of each type, grade, and quality of kapok sold or delivered; and (d) the price contracted for or received for each type, grade, and quality of kapok.*

§ 1353.5 *Records and reports.* Every person making sales of kapok after December 22, 1941, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records (a) of each such sale, showing the date thereof, the name and address of the buyer, the price contracted for or received, and the quantity of each type, grade and quality of kapok sold, and (b) the quantity of each type, grade and quality of kapok (1) on hand and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 59 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1353.6 *Affirmations of compliance.* On or before the 10th day of January 1942, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month, has sold kapok whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 159:1, containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 59 or with any exception therefrom or modification thereof. Copies of Form 159:1 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1353.7 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 59, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 59, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof: (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 59; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 59 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 59. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of kapok, or of the hoarding or accumulating of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1353.8 *Modification of Price Schedule No. 59.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 59 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this Section will be considered unless filed by persons complying with Price Schedule No. 59.*

§ 1353.9 *Definitions.* When used in Price Schedule No. 59, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Kapok" means the vegetable fiber derived from the species *Ceiba pentandra*, *Ceiba caribaea*, *Ceiba thonningii*, and *Ceiba guinensis*, regardless of the country of origin.*

§ 1353.10 *Effective date of Price Schedule No. 59.* This Schedule (§§ 1353.1 to 1353.10, inclusive) shall become effective December 22, 1941.*

§ 1353.11 *Appendix A: Maximum prices for kapok.* The maximum prices established by Price Schedule No. 59 (§§ 1353.1 to 1353.11, inclusive) do not apply to kapok sold in quantities of less than one bale or to blown or processed kapok.

[1] Issued: 6 F.R. 6551. Amendment No. 1: 7 F.R. 226; No. 2: 7 F.R. 399; No. 3: 7 F.R. 400; No. 4: 7 F.R. 446; No. 5: 7 F.R. 624. Correction to Amendment 2, 3: 7 F.R. 664. Amendment No. 6: 7 F.R. 725. Correction to Amendment No. 6: 7 F.R. 822.

The maximum prices established herein are gross prices, before discounts of any nature are deducted, and they include commissions and all other charges not specifically permitted herein.

There are two maximum prices for kapok, depending upon the port at which it is unloaded in the United States. The prices set forth in Paragraph (a) below, in Column I, are for kapok actually unloaded at any port on the Atlantic or Gulf Coast. The prices set forth in Column II are for kapok actually unloaded at any port on the Pacific Coast.

(a) *Maximum prices for carload lots.*

Grade	Prices per pound, ex dock port of discharge	
	I Atlantic or Gulf coast (cents)	II Pacific coast (cents)
Estate Kapok	20¾	19¾
Prime Japara	18½	16½
Average Java	17½	15½
All other Kapok	18⅝	16⅝

(b) *Maximum prices for less than carload lots.* For kapok sold in less than carload lots, the following premiums above the prices set forth in paragraph (a) may be charged:

	Cents per pound
Sales of 51-100 bales, inclusive	¼
Sales of 11-50 bales, inclusive	½
Sales of 6-10 bales, inclusive	¾
Sales of 1-5 bales, inclusive	1¼

(c) *Transportation charges.* Transportation charges may be added to the maximum prices set forth in paragraphs (a) and (b) above, as follows:

(1) *For sales on a delivered basis.* The transportation charges from actual port of discharge to destination: *Provided*, That if delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable in an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate.

(2) *For sales on an f. o. b. shipping point basis.* The actual transportation charges from actual port of discharge to actual shipping point: *Provided*, That if the kapok was transported from port of discharge to actual shipping point in a conveyance other than a commercial carrier, the transportation charge shall not exceed the charge which would be applicable in an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. *Provided*, That if the maximum prices are so increased, the invoice or similar document delivered to the purchaser shall show the amount of such transportation charges.

(d) *War risk insurance.* Charges for war risk insurance in excess of 2½ percent, actually paid with respect to the kapok sold, may be added to the maximum prices set forth in paragraphs (a) and (b) above: *Provided*, That if any such excess war risk insurance charges are added to the applicable maximum price, the invoice or similar document delivered to the purchaser shall show the amount of such charges.*

[§ 1353.11 added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 725]

Issued this 18th day of December 1941.[1]

LEON HENDERSON,
Administrator.

PART 1334—SUGAR

REVISED PRICE SCHEDULE NO. 60—DIRECT-CONSUMPTION SUGARS

Since August 14, 1941, the Office of Price Administration has had in effect a price schedule on raw cane sugars. Until recently this ceiling price has been an effective control on prices in the later stages of the processing and distribution of sugar. With conditions created by the outbreak of war, the prices charged by certain primary distributors and wholesalers have increased sharply in spite of the fact that the price of raw cane sugar has remained constant. To permit the continuation of this situation would be to countenance speculative profits at the expense of the American public. As an emergency measure to correct this situation the Office of Price Administration issues Price Schedule No. 60 to control the maximum prices at which refined and other direct-consumption sugars may be sold to the wholesale and retail outlets. The maximum prices established by Price Schedule No. 60 are set at the levels prevailing just before the recent advent of war and the subsequent unwarranted increases of prices of direct-consumption sugar.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1334.51 *Maximum prices for sales of direct-consumption sugars by primary distributors.* On and after January 9, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no primary distributor shall sell, offer to sell, deliver or transfer direct-consumption sugars at prices higher than the maximum prices established by this section. These maximum prices are gross prices and shall include prevailing commissions, discounts, and all other charges.

(a) (1) The maximum basis price for fine granulated sugar processed by continental United States cane sugar refineries shall be $5.45 per one hundred pounds f. o. b. refinery.

(2) The maximum basis price for fine granulated beet sugar manufactured in the continental United States shall be $5.35 per one hundred pounds f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(3) (i) The maximum basis price for fine granulated sugar delivered to the continental United States from offshore areas shall be $5.40 per one hundred pounds duty-paid basis, f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(ii) The maximum price for turbinado, washed-white, or similar sugar for direct consumption delivered to the continental United States from offshore areas shall be $5.20 per one hundred pounds duty-paid basis f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(4) The maximum basis price for direct-consumption sugars other than those sugars provided for in subparagraphs (a) (1), (a) (2), (a) (3), and (b) (1) of this section, processed from United States mainland sugar cane, including but not limited to turbinado, plantation white and high-washed sugars, shall be $5.35 per one hundred pounds f. o. b. United States seaboard cane sugar refinery nearest freightwise to point of delivery.

(5) The respective maximum basis prices established in subparagraphs (a) (1), (a) (2), (a) (3) (i), and (a) (4), of this section shall each be adjusted for grade and package differentials in accordance with the seller's differential therefor published or in effect on December 1, 1941.

(6) The maximum delivered price for each of the sugars provided for in subparagraphs (a) (1), (a) (2), (a) (3), and (a) (4) of this section, respectively, shall be determined by adding to the respective maximum basis f. o. b. prices, as adjusted for grades and packages, the transportation charges per one hundred pounds on a shipment of identical quantity from the refinery from which the lowest established transportation rate applies to the point of delivery. Such transportation rate shall be based on the mode of transportation and routing employed by the basing point refinery on December 1, 1941, in calculating the "freight application" or "selling prepay" to the point of delivery; provided, for deliveries in a refinery city metropolitan area, the maximum delivered price shall be determined by adding to the respective maximum basis f. o. b. prices, as adjusted for grades and packages, the delivery charge per one hundred pounds on an identical shipment based on the cartage rates employed by the seller on December 1, 1941.

(b) (1) The maximum price for direct-consumption raw cane sugar of 96 degrees, polarization, of domestic or foreign origin, shall be $4.60 per one hundred pounds United States mainland shipping point, including all taxes and duty.

(2) The maximum prices specified in subparagraph (b) (1) of this section, shall be adjusted by making allowances per pound for each degree of polarization above or below 96 degrees (fractions of a degree in proportion) in accordance with the method customarily used prior to the effective date of Price Schedule No. 60.*

[§ 1334.51 as amended January 9, 1942, effective January 9, 1942; 7 F.R. 225]

*§§ 1334.51 to 1334.60, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

[1] Issued: 6 F.R 6616. Amended: 7 F.R. 446, 725.

§ 1334.52 *Maximum prices for sales of direct-consumption sugars at wholesale by persons other than primary distributors.* On and after January 9, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer direct-consumption sugars at wholesale, and no person shall buy, offer to buy, or accept delivery of direct-consumption sugars at wholesale at prices higher than the maximum prices established by this section. These maximum prices are gross prices and include prevailing commissions, discounts, and all other charges.

(a) The basic maximum price shall be the highest price at which the seller sold such sugars of similar grade, package, and amount to a similar purchaser during either the period October 6, 1941 to October 11, 1941, inclusive, or the period December 1, 1941, to December 6, 1941, inclusive. The seller may select either period at his option. However, once having selected a period, the seller must use the period selected for all purposes of this section. The maximum price for sugars acquired subsequently at a higher net purchase cost shall be determined by adding to the basic maximum price the amount, if any, by which the said higher net purchase cost exceeds the net purchase cost of the sugars upon which the basic maximum price was based, provided the seller has first sold his entire inventory of lower cost sugars, and provided further, in calculating said maximum prices, the amount by which any net purchase cost exceeds the maximum prices established by § 1334.51 shall not be included.

(b) These maximum prices shall include at least the same absorption of transportation costs, and other charges, and at least the same rendition of services, as were or would have been observed or rendered by the seller on comparable shipments to the same place of destination during the period selected by the seller as provided for in paragraph (a) of this section.

(c) In cases where a person makes sales of such sugars through more than one selling unit, other than salesmen making sales at uniform prices, each such unit shall be deemed to be a separate entity for the purpose of determining the maximum prices established by this section.*

[§ 1334.52 as amended January 9, 1942, effective January 9, 1942; 7 F.R. 225]

§ 1334.53 *Sales at retail.* Sales at retail are excepted from the operation of Price Schedule No. 60.*

§ 1334.54. *Less than maximum prices.* Lower prices than those established in Price Schedule No. 60 may be charged, demanded, paid, or offered.*

§ 1334.55 *Evasion.* The price limitations established by Price Schedule No. 60 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of direct-consumption sugars alone or in conjunction with any other commodity or material or by way of any commission, service, transportation, or other charge or by a tying-agreement or other trade understanding or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 1, 1941, for purchasers from primary distributors or during the period selected by the seller as provided for in paragraph (a) of § 1334.52, or by any other means.*

[§ 1334.55 as amended January 9, 1942, effective January 9, 1942; 7 F.R. 225]

§ 1334.56 *Records and reports.* Every person making sales of direct-consumption sugars after December 22, 1941, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of every sale including the date thereof, the name of the purchaser, the price paid, the grade, package and amount sold, and the date of shipment.

Persons affected by Price Schedule No. 60 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1334.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 60, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 60, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 60; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 60 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government, both State and Federal, are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 60. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of direct-consumption sugars, or of the hoarding or accumulating of unnecessary inventories, are urged to communicate with the Office of Price Administration.*

§ 1334.58 *Modification of Price Schedule No. 60.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 60 may apply to the Office of Price Administration for approval of any modifications thereof or exception therefrom: *Provided*, That no applications under this Section will be considered unless filed by persons complying with Price Schedule No. 60.*

§ 1334.59 *Definitions.* When used in Price Schedule No. 60, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Direct-consumption sugars" means any grade, or type of saccharine product derived from sugar beets or sugarcane, which is not to be, and which shall not be, further refined or otherwise improved in quality; except sugar in liquid form which contains non-sugar solids (excluding any foreign substance that may have been added) equal to more than 6 per centum of the total soluble solids, and except also sirup of cane juice produced from sugarcane grown in continental United States.

(c) "Primary distributor" means any person who manufactures direct-consumption sugars or the agent of any such person, or any person who delivers to the continental United States from offshore areas or any person who takes such delivery or the agent of any such person who makes or takes such delivery. The term "agent" shall be deemed to include a broker, factor, commission merchant, or a person who takes title but actually performs functions commonly performed by agents, brokers, factors, or commission merchants.

(d) "At wholesale" means a sale other than a sale by a primary distributor or a sale at retail.

(e) "Sale at retail" means a sale to the ultimate consumer; *provided*, no manufacturer, processor, purchaser for resale, or commercial user shall be deemed to be an ultimate consumer.

(f) a grade, package, amount, or purchaser shall be deemed to be "similar" to another grade, package, amount, or purchaser, respectively, if the seller did or would have charged the same price for or to either during the period December 1, 1941, to December 6, 1941, inclusive.*

[Paragraph (g) revoked by amendment January 9, 1942, effective January 9, 1942; 7 F.R. 225]

§ 1334.60 *Effective date of Price Schedule No. 60.* This Schedule (§§ 1334.51 to 1334.60, inclusive) shall become effective December 22, 1941.*

Issued this 20th day of December 1941.[1]

LEON HENDERSON,
Administrator.

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

REVISED PRICE SCHEDULE NO. 61—LEATHER

The declaration by the Congress of the United States that a state of war exists between this country and the Axis nations makes it imperative that immediate steps be taken to protect the civilian population against increases in the cost of shoes and other leather products. Hostilities in the Pacific have raised the possibility of decreased supplies of imported hides and skins. At the same time there is every likelihood of an in-

[1] Issued: 6 F.R. 6651. Amended: 7 F.R. 225. Corrected: 7 F.R. 351.

crease in the leather requirements of the armed forces of the United States and of an increase in the quantities of leather and of leather raw materials to be furnished to those who are now our allies. This combination of circumstances, unless forestalled, would result in a bidding up of the prices of leather and leather products, which in time would substantially increase the cost of living of the civilian consumer, and at the same time increase the direct cost of the war effort. As a measure of public interest it becomes necessary to establish maximum prices for leather .

It is contemplated that, after completion of studies now being made by the Office of Price Administration, a revised schedule covering leather will be issued. If the studies so justify, maximum prices lower than those set forth herein may be established.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1314.51 *Maximum prices for leather.* (a) On and after December 29, 1941, no person shall sell, offer to sell, deliver or transfer leather at prices higher than the maximum prices established herein; except that contracts entered into prior to December 29, 1941, calling for a price higher than the maximum prices may be carried out at the contract price.

(b) (1) The maximum price shall be the highest price contracted for or received by the seller for the sale or delivery during the period between November 6, 1941 and December 6, 1941, inclusive, of leather of the same type, quality and grade to a purchaser of the same general class.

(2) If during said period no such sale or delivery was made, the maximum price shall be a price in line with the maximum prices for related types, qualities and grades of leather determined in accordance with subparagraph (1) above, to purchasers of the same general class.

(3) No seller of leather shall increase the maximum prices established by Price Schedule No. 61 by requiring a purchaser to pay transportation or other charges in connection with a sale or delivery of leather which such purchaser would not have borne during said period.

(c) Sales at retail are excepted from the operation of Schedule No. 61.*

*§§ 1314.51 to 1314.60, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1314.52 *Less than maximum prices.* Lower prices than those established by Price Schedule No. 61 may be charged, demanded, paid or offered.*

§ 1314.53 *Evasion.* The price limitations set forth in Price Schedule No. 61 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of leather, alone or in conjunction with any other material, or by way of any premium, commission, service, transportation, or other charge, or by tying-agreement or other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on December 6, 1941, or by any other means.*

§ 1314.54 *Records.* Every person making sales of leather after December 29, 1941, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the price contracted for or received, and the quantity of each type, quality and grade of leather sold. Every such person shall also on or before January 10, 1942, have available for inspection by the Office of Price Administration a record of his prices for all sales and deliveries of leather during the period between November 6, 1941 to December 6, 1941.*

§ 1314.55 *Reports.* Persons affected by Price Schedule No. 61 shall submit such reports to the Office of Price Administration, Washington, D. C., as it may, from time to time, require.*

§ 1314.56 *Affirmations of compliance.* On or before January 10, 1942, and on or before the 10th day of each month thereafter, every person who, during the preceding calendar month has sold leather, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 161:1, containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 61 or with any exception therefrom or modification thereof. Copies of Form 161:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1314.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 61, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 61, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 61; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 61, which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 61. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of leather, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1314.58 *Modification of Price Schedule No. 61.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 61 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 61.*

§ 1314.59 *Definitions.* When used in Price Schedule No. 61, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Leather" means the tanned or processed skins, other than dressed furs, of animals of all types; the term includes shearlings and is applicable to all types, qualities and grades of leather, whether whole pieces or cut stock;

(c) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no manufacturer, processor, purchaser for resale or commercial user shall be deemed to be an ultimate consumer.*

§ 1314.60 *Effective date of Price Schedule No. 61.* This Schedule (§ 1314.51 to 1314.60, inclusive) shall become effective December 29, 1941.*

Issued this 24th day of December 1941.[1]

LEON HENDERSON,
Administrator.

PART 1358—TOBACCOS

REVISED PRICE SCHEDULE NO. 62—CIGARETTES

The Office of Price Administration is charged with maintaining price stability and preventing unwarranted price increases. On December 27, 1941, the American Tobacco Company announced a substantial price increase on Lucky Strike cigarettes. Officials of the company were asked by the Office of Price Administration to rescind the increase pending investigation of factors justifying the price advance. This the company refused to do, unless formally required to do so by the Office of Price Administration. Therefore, pending full investigation, the Office of Price Administration hereby limits the price of all brands of cigarettes sold by manufacturers thereof to those levels prevailing on Friday, December 26, 1941. After completion of the studies under way, further action will be taken.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1358.1 *Maximum prices for cigarettes.* On and after December 30, 1941, regardless of the terms of any contract of sale or purchase or other commitment, no person manufacturing cigarettes shall sell, offer to sell, deliver or transfer any brand of cigarettes at prices higher than those charged for such brand by said person for a similar quantity to a similar purchaser on December 26, 1941, or, in the event no sale was made on said date, at prices higher than the prices he would have charged on said date for a similar quantity to a similar purchaser; *except*, that any manufacturer of regular size economy cigarettes may sell such cigarettes at a price not higher than $5.15 per thousand less 10 percent and 2 percent.*

[§ 1358.1 as amended January 9, 1942, effective January 9, 1942; 7 F.R. 226]

*§§ 1358.1 to 1358.9, inclusive, issued pursuant to the authority contained in E. O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1358.2 *Less than maximum prices:* Lower prices than those charged on December 26, 1941, may be charged by any person manufacturing cigarettes.*

§ 1358.3 *Evasion.* The price limitations set forth in Price Schedule No. 62 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of cigarettes, alone or in conjunction with any other commodity or tobacco product, or by way of any commission, service, transportation or other charge, or by combination sales or a tying agreement or other trade understanding, or by making discounts, premiums or coupons given, or other terms of sale more onerous to the purchaser than those available or in effect on December 26, 1941.*

§ 1358.4 *Records.* Every manufacturer of cigarettes making sales of cigarettes after December 30, 1941, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the price contracted for or received, and the quantity of each brand of cigarettes sold.*

§ 1358.5 *Reports.* Persons affected by Price Schedule No. 62 shall submit such reports to the Office of Price Administration, as it may from time to time require.*

§ 1358.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 62, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 62, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 62; (c) that full advantage will be taken of the cooperation of the various political subdivisions of federal, state, county and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 62 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 62. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of cigarettes, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1358.7 *Modification of Price Schedule No. 62.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 62 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 62.*

§ 1358.8 *Definitions.* When used in Price Schedule No. 62, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Cigarette" means any rolls of tobacco, or substitute therefor, wrapped in paper or any substance other than tobacco;

(c) "Similar quantity to a similar purchaser" means a purchaser with respect to whom the same price did apply or would have applied for the same brand on December 26, 1941.*

(d) "Economy cigarettes" means cigarettes frequently referred to as ten-cent brands including Avalons, Dominos, Marvels, Paul Jones, Sensations, and Twenty Grands (but not including "king size" economy cigarettes) which are commonly sold for less than such so-called popular brands as Camels, Chesterfields, Lucky Strikes, Old Golds, Philip Morris, and Raleighs.*

[Paragraph (d) added by amendment January 9, 1942, effective January 9, 1942; 7 F.R. 226]

§ 1358.9 *Effective date of Price Schedule No. 62.* This Schedule (§ 1358.1 to 1358.9, inclusive) shall become effective December 30, 1941.*

Issued this 30th day of December 1941.[1]

LEON HENDERSON,
Administrator.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

REVISED PRICE SCHEDULE NO. 63—RETAIL PRICES FOR NEW RUBBER TIRES AND TUBES

The outbreak of war with the Japanese Empire makes uncertain the future shipment of rubber from the Far East and necessitates for the present time a great curtailment in the consumption of rubber for new rubber tires and tubes so that the rubber stockpile already accumulated may be available for military and essential civilian purposes. There are large stocks of new rubber tires and tubes in the hands of retailers, and sales from these stocks are permitted only to those consumers who can demonstrate that it is in the national interest for them to have such new tires or tubes.

Since July 3, 1941, the Office of Price Administration with the complete cooperation of the members of the tire and tube industry has stabilized, within maximum levels, the wholesale prices received by manufacturers for new rubber tires and tubes. Stabilization of retail prices is now considered essential to the success of the Government's effort to insure that the limited number of new rubber tires and tubes available are used where they are most needed in our economy.

The maximum retail prices set forth in Price Schedule No. 63 are established, after investigation and conferences with members of both the manufacturing and distributive phases of the industry, on the basis of price lists presently used by the industry and which were so used shortly before the outbreak of the war in the Pacific. Observance of Price Schedule No. 63 will be fair to buyers and to sellers alike, and will further the Government's program for the allocation of rubber tires and tubes to consumers.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1315.101 *Maximum retail prices for new rubber tires and tubes.* On and after January 5, 1942, regardless of the terms of any contract of sale or other commitment, no person shall sell, offer to sell, deliver or transfer, at retail, any new rubber tire or tube, at prices higher than the maximum prices set forth in Appendices A and B, hereof, incorporated herein as § 1315.110 and § 1315.111.*

*§§ 1315.101 to 1315.111, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1315.102 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B (§ 1315.110 and § 1315.111) may be charged or demanded.*

§ 1315.103 *Evasion.* The price limitations set forth in Price Schedule No. 63 shall not be evaded whether by direct or indirect methods in connection with the sale, delivery, or transfer of a new rubber tire or tube, alone or in conjunction with any other article or material, or by way of any commission, service, transportation, or other charge, or by tying-agreement or other trade understanding, or by increasing the charges for the extension of credit or for the mounting of a tire or tube on a vehicle or for any other service over those in effect on November 25, 1941, or by making terms and conditions of sale more onerous to purchasers than those available or in effect on November 25, 1941, or by any other means. The purchaser shall always have the option of paying at the time of the purchase the full cash price of the tire or tube, which shall not exceed the maximum price less any trade-in allowance. He shall also have the option of receiving delivery of such tire or tube at the seller's place of business, without having it mounted on a vehicle or having any other service performed.*

§ 1315.104 *Posting of prices.* Every person engaged in the business of selling new rubber tires or tubes at retail, shall keep posted in a conspicuous place in each retail establishment at which such tires or tubes are offered for sale, a price

[1] Issued: 6 F.R. 6739.

[1] Issued: 6 F.R. 6854. Amended: 7 F.R. 226.

list setting forth the maximum retail prices applicable to such tires or tubes. Such statement shall be prepared and posted not later than 8:00 a. m. on January 5, 1942. Lists of maximum prices computed under the terms of Price Schedule No. 63 and prepared by manufacturers of manufacturers' brands and by owners of private brands, may be used for this purpose if received by the seller in time.

If on November 25, 1941 the seller made special charges for the extension of credit or for the mounting of tires and tubes or for any other services, and if he desires to continue such charges after January 5, 1942, such seller shall prepare a notarized statement listing the prices charged on November 25, 1941 for such extra services, and shall post such statement not later than 8:00 a. m. on January 5, 1942 along with the list of maximum tire and tube prices required to be posted by this section.*

§ 1315.105 *Records and reports.* Every person engaged in the business of selling new rubber tires or tubes at retail shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of every such sale of such articles, showing the date thereof, the name and address of the purchaser, the price, and the brand name, size, and quantity of all new rubber tires or tubes sold.

Persons affected by Price Schedule No. 63 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1315.106 *Enforcement.* In the event of refusal or failure to abide by the price limitations, posting or record requirements, or other provisions of Price Schedule No. 63, or in the event of evasion or attempt to evade the price limitations, or other provisions of Price Schedule No. 63, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government both state and federal are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 63; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county and local government by calling to the attention of the proper authorities failures to comply with Price Schedule No. 63 which may be regarded as grounds for the revocation of licenses and permits, and (d) that the Rubber Reserve Company and the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 63. Persons who have evidence of the receipt or demand of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof are urged to communicate with the Office of Price Administration.*

§ 1315.107 *Modification of Price Schedule No. 63.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 63 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 63.*

§ 1315.108 *Definitions.* When used in Price Schedule No. 63, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Sale at retail" means any sale to a purchaser for use by such purchaser and not for resale;

(c) "New rubber tire or tube" means any of the new rubber tires or tubes expressly covered by Appendix A hereof, incorporated herein as § 1315.110;

(d) "Manufacturers' brands" of new rubber tires or tubes means all tires or tubes marketed under brand names owned by the manufacturer of such tires or tubes;

(e) "Private brands" of new rubber tires or tubes means all tires or tubes marketed under brand names not owned by the manufacturer of such tires or tubes.*

§ 1315.109 *Effective date of Price Schedule No. 63.* This Schedule (§§ 1315.101 to 1315.111, inclusive) shall become effective on January 5, 1942.*

§ 1315.110 *Appendix A: Maximum retail prices for manufacturers' brands of new rubber tires and tubes.* The following prices are the maximum prices that may be charged at retail for new rubber tires or tubes at the seller's place of business. The maximum prices set forth herein may not be exceeded for any such sale, even though in a particular case no used tire or tube is traded in. If a used tire or tube is traded in, the trade-in allowance shall be deducted from the maximum price.

The actual dollar amount of the Federal Excise Tax paid on any tire or tube may in each case be added to the maximum price established by Price Schedule No. 63.

(a) The maximum retail prices for manufacturers' brands or passenger-car tires (4 ply) and truck tires (10 ply) listed in paragraph (b) below shall be:

PASSENGER-CAR TIRES

Size	Price
4.50—12	$9.10
4.00—15	7.80
5.00—15	10.80
6.50—15	17.50
7.00—15	19.80
8.25—15	28.15
5.00—16	10.70
5.50—16	13.15
6.00—16	14.75
6.25—16	16.60
6.50—16	17.90
7.00—16	20.30
7.50—16	25.75
5.25 5.50—17	13.55
6.00—17	16.00
5.25 5.50—18	12.35
6.00—18	17.25
4.75/5.00—19	11.05
5.25—20	15.10

TRUCK TIRES

Size	Price
8.25—15	$68.50
7.50—18 (32 x 7)	62.10
8.25—18	65.75
9.00—18	78.10
10.50/11.00—18	106.00
7.00—20 (32 x 6)	47.50
7.50—20 (34 x 7)	63.40
8.25—20	67.65
9.00—20	80.75
8.25—22	72.40
9.00—22	84.75
7.00—24 (36 x 6)	55.10
7.50—24 (38 x 7)	71.10
8.25—24	76.40
9.00—24	88.15

(b) The prices set forth in paragraph (a) above apply to tires carrying brand names of manufacturers as follows:

Manufacturer	Brand of passenger-car tires	Brand of truck tires
The Armstrong Rubber Co.	(1)	Heatmaster.
Brunswick Tires	Super Quality	Heavy Service.
The Century Tire & Rubber Co.	Deluxe	Commercial Service Rib Tread.
Columbia Tire & Rubber Co.	First Line Deluxe	Columbia—First Line.
The Cooper Corporation	Soft Ride	All Purpose.
Corduroy Rubber Co.	Deluxe	Universal.
The Dayton Rubber Manufacturing Co.	Thorobred	Thorobred.
Denman Tire and Rubber Co.	Double Duty	Super Truck and Bus Rib Tread.
Diamond Tires	Superbus	Heavy Service.
Dunlop Tire and Rubber Corporation	Super 105 Gold Cup	Gold Cup Heavy Duty Truck and Bus.
The Falls Rubber Co.	Road Master	Super Rib Truck and Bus.
Federal Tires	Classic	Commercial Double Blue Pennant (Cotton).
The Firestone Tire & Rubber Co.	Champion Deluxe	Transport Heavy Duty.
Fisk Tires	Air Flight Deluxe	Transport—Fisk (Cotton).
Fleetwood Tire & Rubber Co.	First Line Deluxe	Fleetwood—First Line.
Ford Motor Co.	Ford	Ford.
G & J Tires	Classic	Stalwart.
The Gates Rubber Co.	Vulco	Vulco Heavy Duty Truck and Bus.
The General Tire & Rubber Co.	New Dual Grip	Super Heavyway.
The Giant Tire & Rubber Co.	Deluxe	Super Rib Truck and Bus.
Gillette Tires	Ambassador (Cotton)	Super Rib Bus (Cotton).
The B. F. Goodrich Co.	Silvertown Deluxe	Speedliner Heavy Duty.
The Goodyear Tire & Rubber Co.	Deluxe All Weather	High Mileage Rib.
Hood Tires	Super	Heavy Service.
The Kelly-Springfield Tire Co.	Registered	Registered.
Lee Tire & Rubber Co.	Deluxe	Heavy Duty Special.
McCreary Tire & Rubber Co.	Super Service	Super Service.
The Mansfield Tire & Rubber Co.	Deluxe	Transport—First Line.
Miller Tires	Imperial	Heavy Service.
The Mohawk Rubber Co.	Chief	Chief Bus.
The Monarch Rubber Co.	Noble Deluxe	Truck and Bus Balloon.
National Tire Stores, Incorporated	National	Heavy Duty Truck and Bus Balloon.
The Norwalk Tire & Rubber Co.	N-40	N-6 Rib Traction.
Pennsylvania Rubber Co.	Advanced Deluxe	Universal.
The Pharis Tire & Rubber Co.	Road Gripper Super	Pharis First Line.
The Richland Rubber Co.	Deluxe	Rapid Transit.
F. G. Schemnit Rubber Co.	Schemnit Balloon	First Line Truck and Bus.
Sebering Rubber Co.	Special service Deluxe	Special Service—Heat Vented.
United States Rubber Co.	Royal Deluxe	Royal Fleetway.
The United Tire & Rubber Co.	Deluxe	Commercial.

(1) The word "Streamline" was revoked by amendment January 31, 1942, effective February 5, 1942, 7 F.R. 677.

(c) The maximum retail prices for manufacturers' brands of passenger-car tubes and truck tubes listed in paragraph (d) below shall be:

PASSENGER-CAR TUBES

Size	Price
4.25—12	$2.60
4.50—12	2.60
4.00—15	2.40
5.00—15	2.80
6.50—15	4.25
6.50—15	4.25
7.00—15	4.30
7.50—15	5.00
8.25—15	6.60
5.00—16	2.65
5.50—16	3.05
6.00—16	3.65
6.00—16	3.65
6.25—16	4.30
6.50—16	
7.00—16	
7.50—16	5.20
8.25—16	6.75
5.00—17	2.75
5.25—18	
5.50—18 D. C.	
5.25—17	
5.50—17	3.30
6.00—17	
6.50—17	
7.00—17	4.40
7.00—17	
7.50—17	4.40
7.00—18	
7.50—18	
7.50—17	5.40
5.50—18 FB	
6.00—18	
6.50—18	3.50
5.25—19	
5.50—19	
6.00—19	
6.50—19	
7.50—18	5.45
4.75—19	2.95
5.00—19	
7.50—19	6.00
5.25—20	2.75
5.50—20	3.90
6.00—20	

TRUCK TUBES

Size	Price
7.00—15	$4.50
7.50—15	6.75
8.25—15	9.85
9.00—15	11.30
9.75—15	11.90
10.00—15	
6.00—16	3.40
6.50—16	4.05
7.00—16	4.65
7.50—16	6.95
6.50—17	3.80
6.00—17	3.80
6.50—17	3.80
7.00—17	4.75
7.50—17	
7.50—17	4.75
6.50—18	5.00
7.00—18	4.80
7.50—18 (32 x 7)	8.45
8.25—18	10.00
9.00—18	11.55
9.75—18	12.25
10.00—18	
10.50—18	13.75
11.00—18	
11.25—18	18.90
12.00—18	
5.50—20	
6.00—20 (30 x 5)	4.15
6.00—20 (30 x 5)	4.15
6.50—20 (32 x 6-8)	5.10
6.50—20	5.10
7.00—20	
7.00—20 (32 x 6-10)	6.30
(32 x 7)	8.90
7.50—20 (34 x 7)	8.90

TRUCK TUBES—Continued

Size	Price
8.25—20	$10.25
9.00—20 (35 x 5)	11.75
9.75—20	12.60
9.75—20 (33 x 9)	12.60
10.00—20	
10.50—20	14.95
11.00—20	
11.25—20	20.00
12.00—20	20.00
12.00—20	
12.75—20	26.50
13.00—20	
13.50—20	30.80
14.00—20	
16.00—20	33.40
8.25—22	10.90
9.00—22	12.25
9.75—22	12.95
10.00—22	
10.50—22	16.05
11.00—22	
11.25—22	21.60
12.00—22	
7.00—24	6.80
7.00—24 (36 x 6)	6.80
(36 x 6)	6.80

TRUCK TUBES—Continued

Size	Price
7.50—24 (38 x 7)	$6.60
8.25—24	11.65
9.00—24 (40 x 8)	12.85
9.75—24	
10.00—24 (42 x 9)	13.40
10.50—24	
11.00—24 (44 x 10)	17.80
11.25—24	
12.00—24	22.30
12.00—24	22.30
12.75—24	
13.00—24	29.50
13.50—24	
14.00—24	35.05
16.00—24	64.15
18.00—24	78.30
21.00—24	123.00
24.00—32	138.85
18.00—40	78.90
30.00—40	402.20
36.00—40	502.15

(d) The prices set forth in paragraph (c) above apply to tubes carrying manufacturers' brand names as follows:

Manufacturer	Brand of passenger-car tubes	Brand of truck tubes
The Armstrong Rubber Co.	Heatmaster Deluxe	Heatmaster.
Brunswick Tire & Tubes	Deluxe	Heavy service (Black).
The Century Tire & Rubber Co.	Two Tone Heavy Duty	Century Heavy Duty.
The Cooper Corporation		Long Service.
Corduroy Rubber Co.	Universal	Universal.
The Dayton Rubber Manufacturing Co.	Thorobred	Thorobred.
Denman Tire and Rubber Co.	Mercury	First Line Truck Tube.
Diamond Tires & Tubes	Superlux	Heavy service.
Dunlop Tire and Rubber Corporation	Extra H. D. (Red)	
The Falls Rubber Co.		Ebonite.
Federal Tires & Tubes	Classic	Double Blue Pennant.
The Firestone Tire & Rubber Co.	Deluxe Champion	Transport.
Fisk Tires & Tubes		Transportation.
Ford Motor Co.	Ford	Ford.
G & J Tires & Tubes	Classic	Stalwart.
The Gates Rubber Co.	Vulco Heavy Duty Red	Vulco Heavy Duty Black.
The General Tire & Rubber Co.	Heavy Duty Molded	Heavy Duty Molded.
The Giant Tire & Rubber Co.		Super-Rib Truck and Bus.
Gillette Tires & Tubes	Ambassador	Gillette Heavy Service.
The B. F. Goodrich Co.	Silvertown	Silvertown.
The Goodyear Tire & Rubber Co.	Heavy Duty (Black)	Heavy Duty (Black).
Hood Tires & Tubes	Hood "400"	Heavy Service.
The Kelly-Springfield Tire Co.	Registered	Kelly Black.
Lee Tire & Rubber Co.		Heavy Duty Red.
McCreary Tire & Rubber Co.		McCreary.
The Mansfield Tire & Rubber Co.	Two Tone Heavy Duty	First Line Heavy Duty.
Miller Tires & Tubes	Imperial	Heavy service.
The Mohawk Rubber Co.	Heavy Duty	Heavy Duty.
The Monarch Rubber Co.	Noble	Noble.
National Tire Stores, Inc.	Safety Rim Fly	Heavy Duty Black.
Pennsylvania Rubber Co.	R-X Pinchproof	Pennsylvania.
The Pelson Rubber Co.	Super Heavy Duty Pinch Proof	Truck and Bus Super Heavy Duty.
The Richland Rubber Co.	Two Tone	Heavy Duty.
F. G. Schemnit Rubber Co.	First Line	First Line.
Sebering Rubber Co.	Special service Black	Special Service Black.
United States Rubber Co.	Royal Deluxe	Royal.
The United Tire & Rubber Co.	Dual Base	Commercial.

(e) (1) The maximum retail prices for 6.00/6.25—16 passenger-car tubes carrying the brand names of certain manufacturers shall be as follows:

Manufacturer	Brand of passenger-car tubes	Maximum price
Carlisle Tire & Rubber Co.	Greyhound, One Color.	$2.15
Columbia Tire & Rubber Co.	Hold Tite Heavy Duty.	1.95
The Cooper Corporation.	Long Service Deluxe.	3.35
The Durkee-Atwood Co.	Red Wing	2.45
The Falls Rubber Co.	Evergreen	3.05
Fisk Tires & Tubes	Safe-Base	2.75
Fleetwood Tire & Rubber Co.	Heavy Duty Red	1.95
The Giant Tire & Rubber Co.	Deluxe	3.20
Lee Tire & Rubber Co.	Heavy Duty Red	3.35
McCreary Tire & Rubber Co.	Super Heavy Duty	2.75
The Norwalk Tire & Rubber Co.	Extra Heavy Duty Carbon Base Pinch Proof.	2.57
The Pharis Tire & Rubber Co.	Heavy Duty	1.95

(2) The maximum retail prices for 8.25—20 truck tubes carrying the brand names of certain manufacturers shall be as follows:

Manufacturer	Brand of truck tubes	Maximum price
Carlisle Tire & Rubber Co.	Heavy Duty Truck and Bus.	$7.80
Columbia Tire & Rubber Co.	Columbia Black	7.80
Dunlop Tire and Rubber Corporation.	Gold Cup	9.15
Fleetwood Tire & Rubber Co.	Fleetwood Black	7.80
The Norwalk Tire & Rubber Co.	Extra Heavy Duty Carbon Base.	9.81
The Pharis Tire & Rubber Co.	Heat Proof	7.80

(f) The maximum retail prices for all sizes not included in paragraph (a) shall be calculated for manufacturers' brands of passenger-car tires (4 ply) included in paragraph (b) as follows:

(1) Take the manufacturer's consumer list price in effect November 25 1941 for the unlisted size of tire and express it as a percentage of the manufacturer's consumer list price of the same date for the 6.00—16 passenger-car tire included in paragraph (b).

(2) Apply this percentage to the maximum price for the 6.00—16 (4 ply) passenger-car tire as shown in paragraph (a).

Example. On a November 25, 1941 consumer list for one of the brands of passenger-car tires shown in paragraph (b), the 6.00—16 tire was listed at $15.00. On the same date an odd sized tire was listed at $18.00. Dividing the 18 by the 15, it appears that the odd sized tire was listed at 120 percent of the 6.00—16 size tire. Since the 6.00—16 tire is now not to sell in excess of $14.75, the odd sized tire may not sell in excess of 120 per cent of $14.75, or $17.70.

(g) The maximum retail prices for all sizes not included in paragraph (a) shall be calculated for manufacturers' brands of truck tires (10 ply) included in paragraph (b) as indicated in paragraph (f), except that the 8.25—20 truck-tire shall replace the 6.00—16 passenger-car tire in making the calculations.

(h) The maximum retail prices for all sizes not included in paragraph (c) shall be calculated for manufacturer's brands of passenger-car and truck tubes included in paragraph (d) as indicated in paragraph (f), using the appropriate price for the 6.00—16 size tube in all calculations for passenger-car tubes and the appropriate price for the 8.25—20 size tube for truck tubes. The same calculations shall be made for all sizes not specified in paragraph (e) of the brands included in that paragraph.

(i) The maximum retail prices for all other lines, levels, qualities, or weights of passenger-car and truck tires and tubes sold under manufacturers' brands of the manufacturers listed in paragraphs (b), (d), and (e) for which maximum retail prices are not specifically fixed by Price Schedule No. 63 shall be calculated as follows:

(1) Take the manufacturer's consumer list price in effect November 25, 1941 for the particular brand, line, level, quality, or weight of tire or tube for which no maximum price is specifically fixed by Price Schedule No. 63 and express it as a percentage of the manufacturer's consumer list price of the same date for the corresponding size of the brand of this manufacturer for which a maximum price is specifically fixed by Price Schedule No. 63.

(2) Apply this percentage to the maximum price, for the corresponding size, set forth in paragraph (a), for tires, and paragraphs (c) and (e), for tubes.

Example. On a November 25, 1941 manufacturer's consumer list for one of the brands of passenger-car tires shown in paragraph (b), the 6.00—16 size (4 ply) was listed at $16.00. On the same date the 6.00—16 size (4 ply) of a lower quality brand of the same manufacturer had a list price of $12.00. Dividing the 12 by the 16, it appears that the lower quality brand was listed at 75 percent of the price of the brand listed in paragraph (b). Since the 6.00—16 size (4 ply) of the brand listed in paragraph (b) is now to sell not in excess of $14.75, the 6.00—16 size (4 ply) of the lower quality brand may not sell in excess of 75 percent of $14.75 or $11.05.

(3) If for any particular size of a brand, line, level, quality or weight of tire or tube for which no maximum price is specifically fixed herein, there is no corresponding size on the consumer list price in effect November 25, 1941 for the brand of this manufacturer for which a maximum price is specifically fixed herein, the maximum price for such size of such brand for which no maximum price is specifically fixed shall be determined by using the 6:00 x 16 size in the calculations called for in subparagraphs (1) and (2) above, and maintaining the same relationship between such other size and the 6:00 x 16 size of the brand for which no maximum price is specifically fixed as existed between such sizes on the November 25, 1941 consumer list price for such brand.

[Subparagraph (3) added by amendment January 31, 1942, effective February 5, 1942; 7 F.R. 657]

(j) The maximum retail prices for manufacturers' brands of passenger-car tires other than 4 ply and truck tires other than 10 ply shall be calculated to maintain the relationship expressed in paragraph (i) above.

(k) For manufacturers who do not have a consumer list, the calculations of the percentages called for in paragraphs (f), (g), (h), (i), and (j), shall be made on the basis of the manufacturer's selling price list.

(l) The maximum retail prices for manufacturers' brands of passenger-car and truck tires and tubes owned by manufacturers not listed in paragraphs (b), (d), and (e) shall be those given in paragraph (a) for tires and paragraph (c) for tubes.

(m) Notwithstanding any other provision of this Schedule (§§ 1315.101-1315.111), the maximum retail prices for all brands of passenger car tires owned by the following manufacturers, shall be as follows:

(1) The Armstrong Rubber Company: Maximum prices for the "Streamline" brand of passenger car tires for all sizes listed in paragraph (a) shall be the prices listed in paragraph (a), with other sizes determined according to the method set forth in paragraph (f). Maximum prices for the 6:00 x 16, (4 ply) "Air Coaster" and "Standard" brands of passenger-car tires shall be $12.90 and $10.05 respectively. Other sizes and plies of these brands shall remain in the same percentage relationship to these prices as they bore on the Armstrong Rubber Company's Consumer Price List in effect on November 25, 1941:

[Paragraph (m) added by amendment January 31, 1942, effective February 5, 1942; 7 F.R. 657]

§ 1315.111 *Appendix B: Maximum retail prices for private brands of new rubber tires and tubes.* The following prices are the maximum prices that may be charged at retail for new rubber tires or tubes at the seller's place of business. The maximum prices set forth herein may not be exceeded for any such sale, even though in a particular case no used tire or tube is traded in. If a used tire or tube is traded in, the trade-in allowance shall be deducted from the maximum price.

The actual dollar amount of the Federal Excise Tax paid on any tire or tube may in each case be added to the maximum price established by Price Schedule No. 63.

(a) The maximum retail prices for private brands of passenger-car tires (4 ply) and truck tires (10 ply) listed in paragraph (b) below shall be:

PASSENGER-CAR TIRES

Size	Price
4.50—12	$8.20
4.00—15	7.00
5.00—15	9.70
6.50—15	16.75
7.00—15	17.80
8.25—15	25.35
5.00—16	9.65
5.50—16	11.85
6.00—16	13.25
6.25—16	14.95
6.50—16	16.10
7.00—16	18.30
7.50—16	23.20
5.25/5.50—17	12.20
6.00—17	14.40
5.25/5.50—18	11.10
6.00—18	15.50
4.75/5.00—19	9.95
5.25—20	13.60

TRUCK TIRES

Size	Price
8.25—15	$61.65
7.50—18 (32 x 7)	55.90
8.25—18	59.15
9.00—18	70.30
10.50/11.00—18	95.40
7.00—20 (32 x 6)	42.75
7.50—20 (34 x 7)	57.05
8.25—20	60.90
9.00—20	72.65
8.25—22	65.15
9.00—22	76.25
7.00—24 (36 x 6)	49.00
7.50—24 (38 x 7)	64.00
8.25—24	68.75
9.00—24	79.35

(b) The prices set forth in paragraph (a) apply to tires carrying brand names of distributors as follows:

Distributor	Brand of passenger-car tires	Brand of truck tires
A-1 Tire Co	Auburn Deluxe	
Abel Sales Corporation	Custombilt	
American Tire Alliance	Aristocrat	All-Service.
Apex Tire, Inc	Safety Deluxe	Regular Tread Balloon.
Arkansas Fuel Oil Co	Milemaster	Speedmaster.
Atlas Supply Co	Atlas Grip Safe	Atlas Truck-Coach (Cotton).
Banner Tire Co	Belmont Master	
Barco Oil Co	Be Square Supreme Rib Tread	Be Square Balloon Truck.
[1]Belknap Hardware & Manufacturing Co	Belknap Deluxe	[2]Extra Heavy Duty Ribbed.
[1]Broadway Tire Corporation	Carnegie Custom-Master	Traction.
The Brown Fence & Wire Co	First Line	
Cooper Tires, Ltd	Scout	
Certified Brands, Inc	Certified Deluxe	
Champlin Refining Co	Super Deluxe Custom Built	Champlin Super Deluxe.
Coast to Coast Stores	Super Safe-Flex	
Cooperative Distributors, Inc	"Californian First Liner"	
Cooperative G. L. F. Farm Supplies, Inc	Super Unico	Unico Truck.
Cooperative Seed & Farm Supply Service, Inc	Super Unico	Unico Truck.
Direct Service Oil Co	Viking	
Dunlap Tire & Rubber Co	Gold Seal Standard	Gold Seal Truck and Bus Balloon.
Farm Bureau Cooperative Association, Inc	Super Unico	Unico Truck.
Farm Bureau Services, Inc	Super Unico	Unico Truck.
Farmers Cooperative Exchange, Inc	Super Unico	Unico Truck.
Fordham Tire Co	Vanderbilt First Line (4 ply)	Vanderbilt Deluxe Truck-Bus.
Gamble Stores	Crest Deluxe	Super Crest Speed Special (Cotton).
The Globe Oil & Refining Co	Rocket	Rocket Truck.
Hardware Merchandising Corporation	Ever Best Master Premium	Ever Best Truck and Bus Balloon.
Hibbard, Spencer, Bartlett & Co	O. V. B. Deluxe	
Hicks Rubber Co., Inc	Lone Star	Star Masterpiece.
Illinois Farm Supply Co	Master	Master Rib.
Indiana Farm Bureau Cooperative Association, Inc	Coop Heavy Duty Regular Deluxe First Line	Coop Heavy Service Truck and Bus. Balloon Deluxe Ribbed Cotton.
Kotzen Tire Co	Mallory Deluxe	
Montgomery Ward & Co	Riverside Deluxe	Riverside First Quality—Non-Skid.
Moore's Auto Accessories	Deluxe	
Ohio Oil Co	Linco Deluxe	Linco J-1 Truck and Bus Balloon.
Pennsylvania Farm Bureau Co-operative Association	Super Unico	Unico Truck.
The Pep Boys	Cornell Clipper	
Richmond Rubber Co., Inc	Mile Master Deluxe	Super Miler.
S-K-M Tire & Auto Supply Co	Gold Medal Deluxe	Gold Medal—100 level.
Sears, Roebuck & Co	Allstate Deluxe	Allstate Deluxe Non Skid.
Shapleigh's Hardware Co	Shapleigh Deluxe	Shapleigh Transport Balloon Truck.
Sobol Bros	Oxford Deluxe	
Southern States Cooperative, Inc	Super Unico	Unico Truck.
Spiegel, Inc	Argyle Mauliner	Caravan.
The Standard Rubber Co		Truck Balloon.
Strauss Stores Corporation	Ajax Sawtooth	
Tiplex Tire Co	Streamline (4 ply)	
Tru Test Marketing & Merchandising Corporation	Tru Test Super	Tru Test Truck and Bus.
United Cooperatives, Inc	Super Unico	Unico Truck.
United Tire Co	Savoy "Master"	
Vanguard Tire & Rubber Co	Super Vanguard	
Vogue Rubber Co	Ritz	
Western Auto Supply Co	Super Safety	Davis High Speed.
Wisconsin Co-op Farm Supply Co	Master	Master Rib.
World Tire Corporation	Auburn Deluxe	

[1] Brand name amended January 31, 1942, effective February 5, 1942; 7 F.R. 657.
[2] Brand name changed from "Statesman" by amendment January 31, 1942, effective February 5, 1942; 7 F.R. 657.

(c) The maximum retail prices for private brands of passenger-car and truck tubes listed in paragraph (d) below shall be:

PASSENGER-CAR TUBES

Size	Price
4.25—12	$1.40
4.50—12	1.40
4.00—15	1.30
5.00—15	1.50
5.50—15	2.25
6.50—15, 7.00—15	2.25
7.00—15	2.30
7.50—15	2.65
8.25—15	3.55
5.00—16	1.40
5.50—16	1.65
6.00—16	1.95
6.00—16, 6.25—16, 6.50—16, 7.00—16	1.95
7.00—16	2.30
7.50—16	2.80
8.25—16	3.60

PASSENGER-CAR TUBES—Continued

Size	Price
5.00—17, 5.25—18, 5.50—18 D. C.	$1.45
5.25—17, 5.50—17, 6.00—17, 6.50—17	1.75
7.00—17	2.35
7.00—17, 7.50—17, 7.00—18, 7.50—18	2.35
7.50—17	2.90
5.50—18 FB, 6.00—18, 6.50—18, 5.25—19, 5.50—19, 6.00—19, 6.50—19	1.85
7.50—18	2.90
4.75—19, 5.00—19	1.60
7.50—19	3.20
5.25—20	1.45
5.50—20, 6.00—20	2.10

TRUCK TUBES

Size	Price
7.00—15	$3.40
7.50—15	5.15
8.25—15	7.50
9.00—15	8.60
9.75—15, 10.00—15	9.05
6.00—16	2.60
6.50—16	3.10
7.00—16	3.55
7.50—16	5.30
6.00—17	2.90
6.00—17, 6.50—17	2.90
6.50—17	2.90
7.00—17, 7.50—17	3.60
7.50—17	3.60
6.50—18	3.80
7.00—18	3.65
7.50—18 (32 x 7)	6.45
8.25—18	7.60
9.00—18	8.80
9.75—18, 10.00—18	9.30
10.50—18, 11.00—18, 11.25—18, 12.00—18	10.45
5.50—20, 6.00—20 (30 x 5)	14.40
6.00—20 (30 x 5)	3.15
6.50—20 (32 x 6-8)	3.15
6.50—20, 7.00—20	3.90
7.00—20 (32 x 6-10)	3.90
7.00—20 (32 x 6)	4.80
7.50—20 (34 x 7)	4.80
8.25—20	6.75
9.00—20 (36 x 8)	7.80
9.75—20, 10.00—20 (38 x 9)	8.95
10.50—20, 11.00—20, 11.25—20, 12.00—20	9.60
12.00—20	11.40
12.75—20, 13.00—20, 13.50—20, 14.00—20	15.20
16.00—20	20.15
8.25—22	25.40
9.00—22	8.30
9.75—22, 10.00—22, 10.50—22, 11.00—22, 11.25—22, 12.00—22	9.30
7.00—24	9.85
7.00—24 (36 x 6), 7.50—24 (36 x 6)	12.20
7.50—24 (38 x 7)	16.45
8.25—24	5.15
9.00—24 (40 x 8)	5.15
9.75—24, 10.00—24 (42 x 9)	7.30
10.50—24, 11.00—24 (44 x 10)	8.85
11.25—24, 12.00—24	9.80
12.00—24	10.20
12.75—24, 13.00—24, 13.50—24	13.55
14.00—24, 16.00—24	15.95
18.00—24	16.95
21.00—24	22.45
24.00—32	26.65
18.00—40	48.80
30.00—40	59.60
36.00—40	93.60
	105.65
	60.05
	306.05
	382.10

(d) The prices set forth in paragraph (c) above apply to tubes carrying distributors' brand names as follows:

Distributor	Brand of passenger-car tubes	Brand of truck tubes
A-1 Tire Co	Defender Heavy Duty Black	
Abel Sales Corporation	"Tube"	
Apex Tire Inc	Heavy Duty Red	Truck Tube.
Arkansas Fuel Oil Co	Standard	Standard.
Atlas Supply Co	Junior Atlas Red and Black	
Barco Oil Co	Be Square	Be Square.
Belknap Hardware & Manufacturing Co	Standard Heavy Duty	Speedimore.
The Brown Fence & Wire Co	Extra Heavy Red	Extra Heavy Black.
Champlin Refining Co	Extra Quality	Deluxe.
Coast to Coast Stores	Safe-Flex Red and Black	Safe-Flex Black.
Cooperative G. L. F. Farm Supplies, Inc	Unico Heavy Duty Tube	Unico Truck.
Cooperative Seed & Farm Supply Service, Inc.	Unico Heavy Duty Tube	Unico Truck.
Farm Bureau Cooperative Association, Inc	Unico Heavy Duty Tube	Unico Truck.
Farm Bureau Services, Inc	Unico Heavy Duty Tube	Unico Truck.
Farmers Cooperative Exchange, Inc	Unico Heavy Duty Tube	Unico Truck.
Gamble Stores	Crest Standard	Crest Truck.
The Globe Oil & Refining Co	Rocket Passenger-Car Tube	Rocket Truck Tube.
Hardware Merchandising Corporation	Ever Best Heavy Duty	Ever Best Heavy Duty.
Hicks Rubber Co., Inc	Meteor Red	
Holbrook Auto Stores	Victory	
Illinois Farm Supply Co	Ace	Master Truck.
Montgomery Ward & Co	Riverside	Riverside.
Pennsylvania Farm Bureau Cooperative Association.	Unico Heavy Duty Tube	Unico Truck.
Pep Boys	Cornell Deluxe	
Richmond Rubber Co., Inc	Ultra Heavy Duty	Ultra Heavy Duty.
S. & M. Tire & Auto Supply Co	Gold Medal	Gold Medal Heat Resisting Heavy Duty Black.
Sears, Roebuck & Co		Allstate Deluxe.
Shapleigh's Hardware Co		Good Service Truck and Bus.
Sobol Bros	Oxford Heavy Duty	
Southern States Cooperative, Inc	Unico Heavy Duty Tube	Unico Truck.
Spiegel, Inc	Argyle Heavy Duty	Caravan.
Stranss Stores Corporation	Regal Heavy Duty Black	
Tru Test Marketing & Merchandising Corporation.	Standard Red	
United Cooperatives, Inc	Unico Heavy Duty Tubes	Unico Truck.
Vanguard Tire & Rubber Co	Vanguard Red	Vanguard Truck and Bus.
Western Auto Supply Co	Standard	Davis Truck.
Wisconsin Co-op Farm Supply Co	Ace	Master Truck.
World Tire Corporation	Defender Heavy Duty Black	Heavy Duty Red.

(e) (1) The maximum retail prices for 6.00 6.25–16 passenger-car tubes carrying the brand names of certain distributors shall be as follows:

Distributor	Brand of passenger-car tubes	Maximum price
American Tire Alliance	Tri-Flex	$2.15
Englert Tire & Rubber Co	Red Seal	2.60
Fordham Tire Co	Vanderbilt Deluxe	2.45
Hibbard, Spencer, Bartlett & Co.	Inner tube	2.11
Indiana Farm Bureau Cooperative Association, Inc.	Heavy Duty	2.25
Moore's Auto Accessories	Deluxe	2.45
Ohio Oil Co	Regular	2.11
Sears, Roebuck & Co	Allstate Extra Heavy Red	2.20
Shapleigh's Hardware Co.	Good Service	2.11
Triplex Tire Co	Extra Heavy Hi-Tex Pinch Proof	3.45
United Tire Co	Savoy Red Passenger	2.75
Vogue Rubber Co	Red Pinch Proof	3.10

(2) The maximum retail prices for 8.25–20 truck tubes carrying the brand names of certain distributors shall be as follows:

Distributor	Brand of truck tubes	Maximum price
American Tire Alliance	All Service Truck and Bus.	$10.25
Atlas Supply Co	Truck Coach Tube	8.95
Englert Tire & Rubber Co	Gold Seal	9.65
Fordham Tire Co. (Vanderbilt Tire Co.)	Vanderbilt Truck and Bus Tube.	10.25
Hicks Rubber Co., Inc	Star Deluxe	10.25
Indiana Farm Bureau Cooperative Association, Inc	Super Heavy Duty Black.	10.25
Ohio Oil Co	Lirco Truck and Bus	9.32
Standard Rubber Co	Heavy Duty Black	10.25
Tru Test Marketing & Merchandising Corporation.	Heavy Service	8.75

(f) The maximum retail prices for all sizes not included in paragraph (a) shall be calculated for the private brands of passenger-car tires (4-ply) included in paragraph (b) as follows:

(1) Take the consumer list price in effect November 25, 1941, for the unlisted size of tire and express it as a percentage of the consumer list price of the same date for the 6.00—16 passenger-car tire included in paragraph (b).

(2) Apply this percentage to the maximum price for the 6.00—16 (4-ply) passenger-car tire as shown in paragraph (a).

Example: On a November 25, 1941, consumer list for one of the brands of passenger-car tires shown in paragraph (b) the 6.00—16 tire was listed at $12.00. On the same date an odd-sized tire was listed at $14.40. Dividing the 14.40 by the 12, it appears that the odd-sized tire was listed at 120 per cent of the 6.00—16 size tire. Since this 6.00—16 tire is now not to sell in excess of $13.25, the odd size may not sell in excess of 120 percent of $13.25 or $15.90.

(g) The maximum retail prices for all sizes not included in paragraph (a) shall be calculated for private brands of truck tires (10 ply) included in paragraph (b), as indicated in paragraph (f) except that the 8.25—20 truck tire shall replace the 6.00—16 passenger-car tire in making the calculation.

(h) The maximum retail prices for all sizes not included in paragraph (c) shall be calculated for private brands of passenger-car and truck tubes included in paragraph (d) as indicated in paragraph (f), using the appropriate price for the 6.00—16 size tube in all calculations for passenger-car tubes and the appropriate price for the 8.25—20 size tube for truck tubes. The same calculations shall be made for all sizes not specified in paragraph (e) of the brands included in that paragraph.

(i) The maximum retail prices for all other lines, levels, qualities or weights of passenger-car and truck tires and tubes sold under private brands by the distributors listed in paragraphs (b), (d), and (e) for which maximum retail prices are not specifically fixed by Price Schedule No. 63 shall be calculated as follows:

(1) Take the consumer list price in effect November 25, 1941, for the particular brand, line, level, quality or weight of tire or tube for which no maximum price is specifically fixed by Price Schedule No. 63 and express it as a percentage of the consumer list price of the same date for the corresponding size of the brand of this distributor for which a maximum price is specifically fixed by Price Schedule No. 63.

(2) Apply this percentage to the maximum price, for the corresponding size, set forth in paragraph (a), for tires, and paragraphs (c) and (e), for tubes.

Example: On a November 25, 1941, consumer list for one of the brands of passenger-car tires shown in paragraph (b), the 6.00—16 size (4 ply) was listed at $14.00. On the same date the 6.00—16 size (4 ply) of a lower quality private brand tire handled by the same distributor had a list price of $11.20. Dividing the 11.20 by the 14, it appears that the lower quality brand was listed at 80 percent of the price of the brand listed in paragraph (b). Since the 6.00—16 size (4 ply) of the brand listed in paragraph (b) is now not to sell in excess of $13.25, the 6.00—16 size (4 ply) of the lower quality brand may not sell in excess of 80 percent of $13.25 or $10.40.

(3) If for any particular size of a brand, line, level, quality or weight of tire or tube for which no maximum price is specifically fixed herein, there is no corresponding size on the consumer list price in effect November 25, 1941, for the brand of this distributor for which a maximum price is specifically fixed herein, the maximum price for such size of such brand for which no maximum price is specifically fixed shall be determined by using the 6:00 x 16 size in the calculations called for in subparagraphs (1) and (2) above, and maintaining the same relationship between such other size and the 6:00 x 16 size of the brand for which no maximum price is specifically fixed as existed between such sizes in the November 25, 1941, consumer list price for such brand.

[§ Subparagraph (3) added by amendment January 31, 1942, effective February 5, 1942; 7 F.R. 657]

(j) The maximum retail prices for private brands of passenger-car tires other than 4 ply and truck tires other than 10 ply shall be calculated to maintain the relationship expressed in paragraph (i) above.

(k) For private brand distributors who do not have a consumer list, the calculations of the percentages called for in paragraphs (f), (g), (h), (i), and (j) may be made on the basis of wholesale price lists.

(l) The maximum retail prices for private brands of passenger-car and truck tires and tubes owned by distributors not listed in paragraphs (b), (d), and (e) shall be those given in paragraph (a) for tires and paragraph (c) for tubes.

(m) Notwithstanding any other provisions of Price Schedule No. 63 (§§ 1315.101–1315.111), the maximum retail prices for all brands of passenger-car and truck tires owned by the following private brand distributors shall be as follows:

(1) Triplex Tire Company: Maximum prices shall be the consumer price list of the company on file with the Office of Price Administration which was in effect on September 30, 1941.*

[Paragraph (m) added by amendment January 31, 1942, effective February 5, 1942; 7 F.R. 657]

Issued this 30th day of December 1941.[1]

LEON HENDERSON,
Administrator.

PART 1356—COOKERS AND HEATERS

REVISED PRICE SCHEDULE NO. 64—DOMESTIC COOKING AND HEATING STOVES

Domestic cooking and heating stoves are essential household appliances. During the first ten months of 1941, stove manufacturers' prices have advanced approximately ten per cent on a weighted average basis. The increases on some items have amounted to more than thirty per cent. After a meeting with an industry panel on October 24, the Office of Price Administration on November 4 requested all stove manufacturers to forego increases in prices beyond the levels of October 24 pending the formulation of an industry-wide program. In general, members of the industry pledged their support to this request.

On December 13, 1941, the Office of Production Management issued General Limitation Order L–23[2] restricting the quantity of iron and steel which may be used for cooking stoves during the first four months of 1942. This order imposes an average cut of 35% below the monthly average of iron and steel used in the twelve months ended June 30, 1941. With further restriction of supply threatened, it becomes necessary to issue a price schedule at this time to prevent inflationary price increases.

It is the custom for stove manufacturers to announce their new lines and sales programs in January of each year. The issuance of a price schedule, at this time will enable manufacturers to follow this custom. The maximum price level permitted by Price Schedule No. 64 is 112% of the lowest prices prevailing during the period January 15–June 1, 1941. Price Schedule No. 64, which takes into consideration cost adjustments, substantially reflects mid-October prices, which represent an increase over January 15–June 1 prices. January 15–June 1 prices are used as a base because price relationships of the various manufacturers were then in more normal equilibrium. Price Schedule No. 64, while requiring some prices to be adjusted downward, has been determined after industry-wide studies of price, cost, and profit trends, and after consultation with members of an industry panel on December 27.

In order to prevent nullification of Price Schedule No. 64, changes in specification are restricted as an emergency measure. The restrictions, however, are subject to liberalization by this Office if experience shows the need.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1356.1 *Maximum prices for stoves.* On and after January 5, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any stove, at a price higher than the maximum price.

(a) (1) *Stoves offered for sale during the period January 15–June 1, 1941, inclusive.* The maximum price for any stove, other than a private brand stove, identical with a stove offered for sale by the manufacturer during the period January 15–June 1, 1941, inclusive (or differing therefrom only by such changes in specifications as are authorized in § 1356.4), shall be 112% of the lowest net price quoted by him during such period for the sale of such stove, to the same purchaser or to a purchaser in the same general class, except as set forth in subparagraph (2) of this paragraph (a).

(2) In the case of the Renown Stove Company, the maximum prices for models 1005—Cameo, 1015—Cameo, 1105—Crest, and 1115—Crest, shall be the prices in effect on February 2, 1942.

[Paragraph (a) as amended February 7, 1942, effective February 7, 1942; 7 F.R. 907]

(b) *Private brand stoves delivered during the period January 15–June 1, 1941, inclusive.* The maximum price for any private brand stove identical with a private brand stove delivered by the manufacturer during the period January 15–June 1, 1941, inclusive (or differing therefrom only by such changes in specifications as are authorized in § 1356.4), shall be 112% of the lowest net price charged by him for such stove during such period to the same purchaser or to a purchaser in the same general class, or if there was no such purchaser, to any purchaser.

(c) *Private brand stoves sold or delivered under cost-plus contracts*—(1) *Completion of outstanding cost-plus contracts.* The maximum price for any private brand stove delivered by the manufacturer after January 5, 1942, in order to complete a cost-plus contract outstanding on January 2, 1942, shall be determined by the terms of such contract.

(2) *Future cost-plus contracts.* On and after January 5, 1942, no private brand stove shall be sold, delivered, or transferred under a cost-plus contract not outstanding on January 2, 1942, until the manufacturer has submitted such contract to the Office of Price Administration, and the Office of Price Administration has approved such contract in writing.

(d) *Other stoves.* The maximum price for any stove (other than a stove sold or delivered pursuant to a cost-plus contract) which differs in specifications from any stove referred to in paragraphs (a) or (b) of this section, and which may be offered for sale under § 1356.4, shall be the price approved in writing by the Office of Price Administration after the manufacturer has submitted to it an application containing (1) the proposed price and specifications of such stove, and (2) such other data as the Office of Price Administration may request; and no sale, offer to sell, deliver, or transfer of such stove shall be made until such approval shall have been given.

(1) *Approved prices.* The maximum prices for the following models of stoves of the designated manufacturers shall be the prices in effect on February 2, 1942:

The Dixie Foundry Company, Cleveland, Tennessee, Models 2R30, 7R57, and 7R17;

The Majestic Manufacturing Company, St. Louis, Missouri, Models FB-120, FB-121, FB-122, FB-123, FB-130, FB-131, FB-132, FB-133, FB-020, FB-021, FB-022, FB-023, FB-030, FB-031, FB-032, FB-033, FS-120, FS-121, FS-130, FS-131, FS-020, FS-021, FS-030, FS-031, F-55-1, F-56-1, FL-57-1, FR-57-1, F-2, A-16-122, B-16-122, G-16-122, H-16-122;

General Electric Company, Bridgeport, Connecticut, Models AP-142A8, AP-342A8, CT-142A9, CD-242A9, DD-142A9, DD-242A9, CD-342A9;

Edison General Electric Appliance Company, Chicago, Illinois, Models 508RB8, 508RB11, 509RD3, 209RB15, 309RB16, 209RB17, 709RC4, 209RC8.

[Paragraph (d) as amended February 7, 1942, effective February 7, 1942; 7 F.R. 907]

(e) *Private brand stoves sold or delivered for resale to the ultimate consumer.* If a manufacturer desires to sell, deliver, or transfer a private brand stove to a person at a price higher than the maximum price allowable under Price Schedule No. 64, for resale by that person directly to the ultimate consumer, he may file an application with the Office of Price Administration for permission to take such action. The application shall contain (1) the specifications of such private brand stove; (2) a copy of the proposed contract of sale or order covering such private brand stove, clearly specifying: (i) the name and address of the purchaser, (ii) the proposed selling price, (iii) the number of private brand stoves to be delivered, and (iv) the date by which delivery must be completed; (3) the purchaser's proposed resale price to the ultimate consumer; (4) a statement by the manufacturer on Form 164:2 (copies of which may be obtained from the Office of Price Administration) that the selling price of any private brand stove delivered pursuant to such proposed contract or order will not be increased; (5) a statement by the purchaser on Form 164:3 (copies of which may be obtained from the Office of Price Administration) that the proposed selling price to the ultimate consumer of any private brand stove sold, delivered, or transferred by the manufacturer to him, pursuant to such proposed contract or order will not be increased; and (6) such other information as the Office of Price Administra-

[1] Issued: 7 F.R. 35. Corrected: 7 F.R. 206. Amended: 7 F.R. 657.
[2] 6 F.R. 6425.

tion may request. If the Office of Price Administration approves such application in writing, the manufacturer may sell, deliver, or transfer to the purchaser named each private brand stove covered by such proposed contract or order at a price no higher than that approved by manded, paid, or offered.*

[Paragraph (e) added by amendment February 7, 1942, effective February 7, 1942; 7 F.R. 907]

*§§ 1356.1 to 1356.12, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1356.2 *Stoves from which cover tops have been eliminated.* A manufacturer who at any time after June 1, 1941, eliminates the cover top from any stove manufactured by him shall adjust the maximum price established by § 1356.1 of Price Schedule No. 64 for such stove, in order to reflect decreases in cost which result from the elimination of the cover top, and shall report such adjustment to the Office of Price Administration in accordance with § 1356.6 (g).*

§ 1356.3 *Less than maximum prices.* Lower prices than those established by Price Schedule No. 64 may be charged, demanded, paid, or offered.*

§ 1356.4 *Provisions for changes in specifications of stoves, and new models.* On and after January 5, 1942, and until December 31, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any stove differing in specifications (a) from any stove referred to in § 1356.1 (a) or (b) hereof; and (b) from any stove manufactured or in process of manufacture by him during the period January 15–December 31, 1941, inclusive:

Provided, That the following changes in specifications may be made:

(1) *Non-substantial changes.* (i) Changes in details of frame construction which do not alter quality or overall dimensions;

(ii) Changes in exterior colors, provided that (a) the type of finish is not changed and (b) stipple or ground coat is not substituted for other porcelain enamel finishes;

(iii) Substitution of porcelain enamel or synthetic finishes for bright finishes, such as chrome, nickel, or copper plating;

(iv) Changes, additions, or elimination of non-structural decorative mouldings, strips, surface paneling or hardware;

(v) Changes in oil or gas piping, electric wiring, thermostats, switches, or gas valves which do not reduce the efficiency, convenience of operation, or safety of the stove;

(vi) Changes in the shape, size, or materials of oil or gas burners, provided that quality, efficiency, and B. t. u. output are not reduced;

(vii) Changes in electric heating elements: *Provided*, That quality is preserved and open type units are not substituted for enclosed types.

(2) *Changes in stoves manufactured for the Federal Government, etc.* Any manufacturer may make such further changes in specifications as are necessary to enable him to manufacture any stove for sale to (i) the United States Government or any department or agency thereof; (ii) the government of any of the following countries: The United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of Netherlands, Norway, Poland, Russia, and Yugoslavia; (iii) any agency of the United States Government for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act); or (iv) any public authority owning or operating a project financed in whole or in part by the United States Government or an agency thereof, and certified by the authority to be devoted in whole or in part to the housing of persons engaged in defense activity: *Provided*, That the contracts or orders involved were obtained as a result of competitive bidding. Any such sale shall be reported to the Office of Price Administration in accordance with § 1356.6 (h).

(3) *Necessary substitutions calculated to preserve quality.* Additional changes in specifications, including those which result in an entirely new model stove, may be made with the written approval of the Office of Price Administration after the manufacturer has submitted to it an application containing (i) the specifications and proposed price of such stove, and (ii) satisfactory evidence that (a) the material previously used is unavailable or prohibitive in cost, or (b) its use in stoves is so restricted by a priority or allocation order or other regulation of a federal agency as to require the proposed change, or (c) the proposed change will result in the substantial conservation of strategic materials, and (d) the change is one calculated to preserve quality.*

§ 1356.5 *Records.* Every manufacturer making sales of stoves on or after January 5, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale showing the date of billing, the name and address of the buyer, the name, number or other designation and the price received for each stove, the quantity of each stove sold, and discounts and allowances of any nature given.*

§ 1356.6 *Reports*—(a) *Stoves offered for sale during the period January 15–June 1, 1941, inclusive.* On or before February 1, 1942, every manufacturer shall submit to the Office of Price Administration a report of all stoves whose maximum prices are determined by § 1356.1 (a), showing (1) the maximum price established by § 1356.1 (a), including the computations used in determining such maximum price, (2) the specifications for each such stove, and (3) if the base price was not shown in a price list, the means by which it was quoted to the trade. In case any of the changes in specifications authorized in § 1356.4 were made in any of such stoves prior to January 5, 1942, the report shall include a statement of each such change. Manufacturers who have already submitted any of the foregoing information need not duplicate it, but shall make reference to the information already submitted.

(b) *Private brand stoves delivered during the period January 15–June 1, 1941, inclusive.* On or before February 1, 1942, every manufacturer shall submit to the Office of Price Administration a report of all private brand stoves whose maximum prices are determined by § 1356.1 (b), showing (1) the maximum price established by § 1356.1 (b), including the computations used in determining such maximum price, and (2) the specifications for each such stove. In case any of the changes in specifications authorized in § 1356.4 were made in any of such stoves prior to January 5, 1942, the report shall include a statement of each such change.

(c) *Cost-plus contracts.* On or before February 1, 1942, every manufacturer shall submit to the Office of Price Administration a copy of each of his cost-plus contracts for the sale of stoves outstanding on January 5, 1942.

(d) *Non-substantial changes in specifications.* Within 10 days after any stove, the specifications of which are changed in any of the respects permitted by § 1356.4 is first offered for sale, the manufacturer shall submit a report to the Office of Price Administration showing each such change made.

(e) *Discontinued stoves.* (1) On or before February 1, 1942, every manufacturer who has discontinued production of any stove offered for sale during the period January 1, 1941–January 31, 1942, inclusive, shall submit a report to the Office of Price Administration containing a description of the stove, the date of and the reason for discontinuing production, and the total number of completed units of such stove produced by him during such period.

(2) Within 10 days after any manufacturer discontinues production of any stove after January 31, 1942, he shall submit a report to the Office of Price Administration containing a description of the stove, the date of and the reason for discontinuing production, and the total number of completed units of such stove produced by him from January 1, 1941, to the date of discontinuance.

(f) *Monthly output of stoves.* On or before February 20, 1942, and on or before the twentieth day of each month thereafter, every manufacturer shall report to the Office of Price Administration the total number of completed units of each model stove produced by him in the preceding month. Such report shall refer to the model number or other appropriate designation of each such stove. If a report containing such information is required to be submitted to any other Federal agency, a copy thereof may be filed with the Office of Price Administration instead of a separate report.

(g) *Stoves from which cover tops have been eliminated.* (1) On or before February 1, 1942, every manufacturer who at any time after June 1, 1941, eliminated the cover top from any stove manufactured by him shall submit to the Office of Price Administration a report containing (i) the maximum price established for such stove by § 1356.1, (ii) the maximum price for such stove after adjustment pursuant to § 1356.2, and (iii) cost figures showing the actual decreases in cost and indicating the method used in computing them.

(2) Within 10 days after any manufacturer has eliminated the cover top, after January 31, 1942, from any stove manufactured by him, he shall submit to the Office of Price Administration a report containing the information required by subparagraph (1) above.

(h) *Stoves manufactured for the Federal Government, etc.* On or before February 1, 1942, or in the case of a sale made after January 31, 1942, within ten days after such sale, every manufacturer who has sold any stove referred to in § 1356.4 (2) shall submit to the Office of Price Administration a report containing a description of the stove, the specifications thereof, the date of sale, the name of the purchaser, the net sale price, and the quantity sold.

(i) *Other reports.* Persons affected by Price Schedule No. 64 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1356.7 *Evasion.* The limitations set forth in Price Schedule No. 64 shall not be evaded whether by direct or indirect methods in connection with the manufacturing or assembling of stoves by deterioration of quality or performance thereof, or in connection with a purchase, sale, or transfer of stoves, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by decreasing cash discounts, allowances for or absorption of transportation costs, or by any other means.*

§ 1356.8 *Affirmation of compliance.* Within 10 days after January 31, 1942, and within 10 days after the end of every three-month period thereafter, every manufacturer who is required to keep records of sales under § 1356.5 hereof shall submit to the Office of Price Administration an affirmation of compliance on Form 164:1 containing a sworn statement that during such period all such sales were made in compliance with Price Schedule No. 64 or with any exception therefrom or modification thereof. Copies of Form 164:1 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½ inch paper, it may be prepared by persons required to submit affirmations of compliance thereunder.*

§ 1356.9 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 64, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 64, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with Price Schedule No. 64; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 64. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of stoves, or of the hoarding or accumulation of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1356.10 *Modification of Price Schedule No. 64.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 64 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That, no application under this Section will be considered unless filed by persons complying with Price Schedule No. 64.*

§ 1356.11 *Definitions.* When used in Price Schedule No. 64, the term:

(a) "Person" means an individual, partnership, corporation, association or other business entity;

(b) "Manufacturer" means (1) a person operating a factory, plant or mill which manufactures or assembles stoves, (2) a person who resells private brand stoves to persons other than retailers or ultimate consumers, or (3) a person who resells private brand stoves, the patterns or dies for which he owns.

[Paragraph (b) as amended, February 7, 1942, effective February 7, 1942; 7 F.R. 907]

(c) "Stoves" mean stoves of the type commonly used in the household, camps, or trailers, for cooking or heating purposes (irrespective of the fuel or power used) except (1) those intended to be built into or permanently attached to the premises, and (2) electric stoves under 2½ k. w.;

(d) "Private brand stove" means a stove not offered for sale to the general trade, but manufactured for a particular person or persons irrespective of whether such person's name or brand name appears thereon;

(e) "Net price quoted" means the price shown in the manufacturer's price list or catalogue (or in case he has none, the price disseminated by him to the trade in any other manner) less all discounts except for cash;

(f) "A stove in process of manufacture" means a stove for which the manufacturer has obtained or contracted for patterns, tools, dies or parts, not otherwise useable by him.*

§ 1356.12 *Effective date of Price Schedule No. 64.* This Schedule (§§ 1356.1 to 1356.12, inclusive) shall become effective January 5, 1942.*

Issued this 31st day of December 1941.[1]

LEON HENDERSON,
Administrator.

[1] Issued: 7 F.R. 125. Amended: 7 F.R. 907.

PART 1352—FLOOR COVERINGS

REVISED PRICE SCHEDULE NO. 65—RESALE OF FLOOR COVERINGS

The outbreak of hostilities in the Far East, which is the source of all jute, much wool, and most imported floor coverings, has a critical impact on the floor covering industry at all levels. In addition, the Office of Production Management announced on December 30 that a plan would shortly be put into effect which, for the first quarter of 1942, would considerably limit the amount of wool that could be used by manufacturers of floor coverings. Price Schedule No. 57[1] fixes the price of wool floor coverings at the manufacturer's level at 105% of prices prevailing on October 13, 1941. At the distributor's level, the decrease in supply is likely to result in inflationary price increases in all types of floor covering unless preventive steps are taken by this Office.

After careful investigation, it has been determined that the most effective action for the present is to set maximum distributors' prices on wool floor coverings and imported floor coverings at approximately existing levels. As inflationary pressures affecting other types of floor coverings appear, both manufacturers' and distributors' ceilings will be extended to include them.

A ceiling at October 13, 1941, prices is placed on distributor's sales of wool floor coverings. Although Price Schedule No. 57 places a ceiling upon the manufacturer of 105% of October 13 prices, the existence of inventories adequate for the present will prevent unfair pressure upon distributors. Following the issuance of Price Schedule No. 65, which is to be effective only for sixty days, conferences will be held with distributors of wool and imported floor coverings with a view toward setting up a more permanent price control program. Meanwhile, any distributor whose present inventory becomes depleted may apply for relief under § 1352.58 of Price Schedule No. 65.

Imported floor coverings may, under Price Schedule No. 65, be sold at existing levels. Since insignificant imports are now being received, no problem of higher than current cost inventories is presented.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1352.51 *Maximum distributors' prices for wool and imported floor coverings.* On and after January 5, 1942, and until March 5, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no distributor shall sell, offer to sell, deliver, or transfer any unit of wool or imported floor covering at a price higher than the maximum price.

(a) (1) (i) The maximum price for any unit of wool floor covering shall be the highest net price received by the distributor for the sale, delivery or transfer during the period October 1–October 13, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person, or a person in the same general class, or if there is no such person, to any person, except

as set forth in subdivision (ii) of this subparagraph (1).

(ii) In the case of George B. Galbraith and Company, Incorporated, J. J. Haines and Company, and William Goodacre & Sons, Limited, the maximum prices for the units of imported floor coverings listed below shall be the prices in effect on February 2, 1942:

George B. Galbraith and Company, Incorporated—Imported English Chenille;
J. J. Haines and Company—Stenciled Mourzouk, Woven Mourzouk, and Coir Fiber;
William Goodacre & Sons, Limited—Simla, Travancore, and Victor.

[Paragraph (a) (1) as amended February 7, 1942, effective February 7, 1942; 7 F.R. 907]

(2) If no sale, delivery or transfer of an identical unit (or of a unit differing therefrom only in color or pattern) was made during such period, the maximum price shall be the highest net price received by the distributor for the sale, delivery or transfer during the period January 1–September 30, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person, or to a person in the same general class, or if there is no such person, to any person.

(3) If no sale, delivery, or transfer of an identical unit (or of a unit differing therefrom only in color or pattern) was made during either of such periods, the maximum price shall be a price in line with the maximum price for related types, qualities and grades of wool floor coverings sold by such distributor during the period January 1–October 13, 1941, inclusive, to the same person, or to a person in the same general class, or if there is no such person, to any person.

(4) If the distributor purchased a wool floor covering unit after January 2, 1942, the maximum price for that unit shall be the price quoted by the manufacturer of such unit in his price list to the retailer effective on January 7, 1942.

[Subparagraph (4) added by amendment January 7, 1942, effective January 7, 1942; 7 F.R. 183]

(b) *Imported floor coverings.* (1) The maximum price for any unit of imported floor covering shall be the highest net price received by the distributor for the sale, delivery or transfer during the period December 1–December 31, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person, or to a person in the same general class, or if there is no such person, to any person.

(2) If no sale, delivery or transfer of an identical unit (or of a unit differing therefrom only in color or pattern) was made during such period, the maximum price shall be the highest net price received by the distributor for the sale, delivery or transfer during the period January 1–November 30, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person, or to a person in the same general class, or if there is no such person, to any person.

(3) If no sale, delivery or transfer of an identical unit (or of a unit differing therefrom only in color or pattern) was made during either of such periods, the maximum price shall be a price in line with the maximum price for related types, qualities and grades of imported floor coverings sold by such distributor during the period January 1–December 31, 1941, inclusive, to the same person, or to a person in the same general class, or if there is no such person, to any person.*

*§§ 1352.51 to 1352.60, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1352.52 *Less than maximum prices.* Lower prices than those established by Price Schedule No. 65 may be charged, demanded, paid or offered.*

§ 1352.53 *Evasion.* The price limitations set forth in Price Schedule No. 65 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of wool or imported floor coverings, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or by way of discount, premium, or other privilege, or by way of tying-agreement or other trade understanding, or by any other means.*

§ 1352.54 *Records.* Every distributor making sales of wool or imported floor coverings on or after January 5, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale showing the date thereof, the name and address of the buyer, the name, number or other designation of each unit, the net price received for each unit, and the quantity sold.*

§ 1352.55 *Reports.* On or before January 15, 1942, and on or before the fifteenth day of February and March thereafter, every distributor of wool or imported floor coverings shall submit to the Office of Price Administration a report on Form 165:1 showing in the detail required by such form, a complete schedule of his inventories. Copies of Form 165:1 may be procured from the Office of Price Administration.

Persons affected by Price Schedule No. 65 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1352.56 *Affirmations of compliance.* Within 20 days after February 1, 1942, and within 10 days after March 5, 1942, every distributor of wool or imported floor coverings who is required to keep records of sales under § 1352.55 hereof shall submit to the Office of Price Administration an affirmation of compliance on Form 165:2 containing a sworn statement that during the designated period all such sales were made at prices in compliance with Price Schedule No. 65 or with any exception therefrom or modification thereof. Copies of Form 165:2 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the form and that it is reproduced on 8 x 10½ inch paper, it may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1352.57 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 65, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 65, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with Price Schedule No. 65; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 65. Persons who have evidence of the receipt or demand of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of wool or imported floor coverings or of the hoarding or accumulation of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1352.58 *Modification of Price Schedule No. 65.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 65 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered unless filed by persons complying with Price Schedule No. 65.*

§ 1352.59 *Definitions.* When used in Price Schedule No. 65, the term:

(a) "Person" means an individual, partnership, corporation, association or other business entity;

(b) "Distributor" means a person who resells floor coverings to any person other than the ultimate consumer, whether as distributor, jobber, agent, broker or importer;

(c) "Wool floor covering" means a floor covering in a manufactured state, the pile of which consists in whole or in part of wool, used as a rug, mat, carpet or other floor decoration;

(d) "Imported floor covering" means a floor covering in a manufactured state, imported from without the territorial limits of the United States, excluding hand knotted rugs;

(e) "Unit" means a floor covering offered for sale as a distinct item.*

§ 1352.60 *Effective date of Price Schedule No. 65.* This Schedule (§ 1352.51 to 1352.60, inclusive,) shall become effective January 5, 1942.*

Issued this 2d day of January 1942.[1]

LEON HENDERSON,
Administrator.

[1] Issued: 7 F.R. 124. Amended: 7 F.R. 168, 907.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

REVISED PRICE SCHEDULE NO. 66—RETREADED AND RECAPPED RUBBER TIRES, THE RETREADING AND RECAPPING OF RUBBER TIRES, AND BASIC TIRE CARCASSES

The war being waged with the Japanese Empire makes uncertain the future shipment of rubber from the Far East, which has hitherto been supplying this country with the greatest part of its crude rubber. In order to conserve for military and essential civilian purposes the rubber stockpile already accumulated in this country, it has been necessary to curtail sharply the consumption of rubber in the manufacture of products not essential to the immediate national defense. The production and sale of new rubber tires and tubes for ordinary civilian use have been greatly curtailed by Supplementary General Limitation Orders M–15–b[1] and M–15–c[2] of the Office of Production Management. The maximum prices for which new rubber tires and tubes may be sold at retail have been fixed by Price Schedule No. 63.[3]

A result of the regulation of the manufacture, sale and price of new rubber tires has been a sudden, greatly increased demand for basic tire carcasses, retreaded and recapped rubber tires and for the retreading and recapping of rubber tires. In a number of instances, in the last few weeks, prices, excited by the demand, have shot upward without regard to reason and with not even a claim of justification. Indeed, the price of camel back, the principal material used in the retreading and recapping process, was stabilized by action taken by the Office of Price Administration on December 3, 1941. To halt such flagrant profiteering and pending the outcome of a thorough investigation now in process of completion, the Office of Price Administration finds it necessary to issue a Price Schedule establishing as maximum prices the prices presently prevailing. These prices have been established after independent investigation and conferences with the industry.

Accordingly under the authority vested in me by Executive Order No. 8734 it is hereby directed that:

§ 1315.1201 *Maximum prices for retreaded and recapped rubber tires, the retreading and recapping of rubber tires, and basic tire carcasses.* On and after January 19, 1942, regardless of the terms of any contract of sale or other commitment: (a) no person shall sell, offer to sell, deliver or transfer any retreaded or recapped tire or any basic tire carcass at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1315.1210; and (b) no person shall retread or recap any tire at prices higher than the maximum prices set forth in Appendix A hereof.*

§§ 1315.1201 to 1315.1210, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1315.1202 *Less than maximum prices.* Lower prices than those set forth in § 1315.1210, Appendix A, may be charged or demanded.*

§ 1315.1203 *Evasion.* The price limitations set forth in Price Schedule No. 66 shall not be evaded whether by direct or indirect methods in connection with the sale, delivery or transfer of a tire carcass or retreaded or recapped rubber tire, alone or in conjunction with any other article or material, or in connection with the retreading or recapping of any rubber tire, by way of any commission, service, transportation or other charge, or by tying-agreement, or other trade understanding, or by increasing the charges for the extension of credit, or for the demounting or mounting of a tire on a vehicle, or rim or for any other service over those in effect on January 9, 1942, or by making the terms and conditions of sale more onerous to purchasers than those available or in effect on January 9, 1942, or by any other means. The purchaser shall always have the option of paying at the time of the purchase the full cash price for any basic tire carcass or retreaded or recapped rubber tire or for retreading or recapping any rubber tire. When a puchaser has a tire retreaded or recapped he shall have the option of bringing it to the seller's place of business without having it demounted from a vehicle or rim by the seller or having any other service performed, and of receiving delivery of any basic tire carcass or retreaded or recapped rubber tire at the seller's place of business without having it mounted on a vehicle or rim or having any other service performed.*

§ 1315.1204 *Posting of prices.* Every person engaged in the business of retreading or recapping rubber tires or of selling retreaded or recapped rubber tires or basic tire carcasses shall keep posted in a conspicuous place in each establishment at which such tires are offered for sale, or at which such retreading or recapping is contracted for, a statement setting forth the maximum prices which he is permitted to charge under Price Schedule No. 66 for such basic tire carcasses, retreaded or recapped rubber tires, and for retreading or recapping such rubber tires. For this purpose it shall be permissible to employ a copy of the printed list of maximum prices published by the Office of Price Administration if a copy of such list is then in the hands of such person. Such statement or list shall be posted not later than 8 AM on January 19, 1942.

If, on January 9, 1942, the seller made special charges for the extension of credit or for the demounting or mounting of tires or tubes on a rim or vehicle, or for any other service, and if he desires to continue such charges after January 19, 1942, such seller shall prepare a notarized statement listing the prices charged on January 9, 1942 for such extra service and shall post such statement not later than 8 AM on January 19, 1942, along with the statement or list of maximum prices required to be posted by this section.*

§ 1315.1205 *Records and reports.* (a) Every person engaged in the business of selling retreaded or recapped rubber tires or of retreading or recapping rubber tires shall furnish the purchaser with a written statement reciting (1) whether the tire has been retreaded, full capped, or top capped; (2) the market price of the camelback used; and (3) the depth of the nonskid tread at the center of the tire after the completion of the retreading or recapping.

(b) Every person engaged in the business of selling basic tire carcasses or retreaded or recapped rubber tires or of retreading or recapping rubber tires shall keep for inspection by the Office of Price Administration, for a period of not less than two years, complete and accurate records of every sale of such articles or of every retreading or recapping operation performed including the date thereof, the name and address of the purchaser, the price per unit, the quantity and size of tires sold, retreaded or recapped, specifying whether the work was retreading, full capping or top capping, the market price of the camelback used, and the depth of the nonskid tread at the center of the tire after the completion of the retreading or recapping.

(c) Every person engaged in the business of retreading or recapping rubber tires shall keep for inspection by the Office of Price Administration, for a period of not less than two years, complete and accurate records of his entire inventory of camelback, showing the date of each purchase or acquisition, the name of the seller or source, the price paid and the stocks on hand as of the 19th and 31st days of January 1942 and of the last day of each succeeding month thereafter.

(d) Persons affected by Price Schedule No. 66 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1315.1206 *Enforcement.* In the event of refusal or failure to abide by the price limitations, posting or record requirements, or other provisions of Price Schedule No. 66, or in the event of evasion or attempt to evade the price limitations, or other provisions of Price Schedule No. 66, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 66; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county and local government by calling to the attention of the proper authorities failures to comply with Price Schedule No. 66 which may be regarded as grounds for the revocation of licenses and permits, and (d) that the Rubber Reserve Company and the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 66. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of basic tire carcasses, retreaded or recapped rubber tires or retreading or recapping rubber tires, or the hoarding or accumulating of un-

[1] 6 F.R. 6406.
[2] 6 F.R. 6792, 7 F.R. 121.
[3] 7 F.R. 35.

necessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1315.1207 *Modification of Price Schedule No. 66.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 66 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 66.*

§ 1315.1208 *Definitions.* When used in Price Schedule No. 66 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Retreading" means the process of reconditioning a tire by removing all the original tread rubber from the worn tire down to the fabric and applying new rubber to the tread surface and side walls;

(c) "Recapping" means the process of applying a top cap or full cap to a used rubber tire;

(d) "Top cap" means a tread renewal where the worn tread of the tire is buffed off the top surface of the tire and new rubber is applied to the tread surface only;

(e) "Full cap" mean a tread renewal where in addition to buffing off the worn tread the shoulders of the tire also are buffed below the shoulder design and new rubber is applied to both the tread surface and tire shoulders;

(f) "Purchaser" means a person who buys or offers to buy a basic tire carcass or retreaded or recapped tire, or who has any tire retreaded or recapped;

(g) "Seller" means a person who sells or offers to sell a basic tire carcass or retreaded or recapped rubber tire, or who retreads or recaps or offers to retread or recap used tires;

(h) "Basic tire carcass" means a used rubber tire retaining a maximum of 2/32nds inch of the original tread when measured at the shallowest point of the center circumference;

(i) "Tire" means any rubber tire of the size and type described in § 1315.1210, Appendix A, to Price Schedule No. 66;

(j) "Camelback" means the uncured rubber compound applied to the worn tire to make the new tread in the process of retreading.*

§ 1315.1209 *Effective date of Price Schedule No. 66.* This Schedule (§§ 1315.1201 to 1315.1210, inc.) shall become effective on January 19, 1942.

§ 1315.1210 *Appendix A: Maximum prices for retreaded and recapped rubber tires, the retreading and recapping of rubber tires, and basic tire carcasses*—(a) *Retreading and recapping (tire carcass furnished by purchaser).* The maximum prices for retreading or recapping a tire are the prices set forth for such retreading or recapping in the following tables.

(b) *Retreaded and recapped tires (tire carcass furnished by seller).* The maximum prices for a retreaded or recapped tire, where the tire carcass is furnished by the seller are, regardless of the thickness of rubber on the tread of such tire carcass, the sum of the price for the retreading or recapping plus the price for the tire carcass as set forth herein under the designation "Basic tire carcasses."

(c) *Basic tire carcasses.* The maximum prices for basic tire carcasses are the prices set forth herein under the designation "Basic tire carcasses."

TABLE I—*Maximum prices for retreading, full capping or top capping passenger-car tires and for basic tire carcasses* [1]

Tire size	Maximum prices: When using camelback the market price of which, exclusive of Federal excise tax, is 25 cents per lb. or over. Tread design depths [2]: 12.32" or more	10–11/32"	Less than 10/32"	Maximum prices: When using camelback the market price of which, exclusive of Federal excise tax, is 21 to 26 cents per lb. Tread design depths [2]: 12/32" or more	10–12/32"	Less than 10/32"	Basic tire carcasses. Add this price whenever any tire carcass is furnished by seller
4.50—20	$5.25	$4.90	$4.55	$4.60	$4.15	$4.10	$1.50
4.50—21	5.70	5.30	4.90	5.15	4.80	4.55	1.50
4.75—19	5.80	5.10	5.00	5.25	4.90	4.65	1.50
5.00—19	5.95	5.55	5.15	5.45	5.05	4.65	1.50
5.25—17	6.25	6.10	5.65	5.95	5.55	5.15	1.50
5.25—18	6.85	6.10	5.95	6.30	5.85	5.40	1.50
5.25—19	6.90	6.15	6.00	6.35	5.90	5.45	1.50
5.25—20	6.95	6.20	6.05	6.40	5.95	5.50	1.50
5.50—16	7.10	6.40	6.10	6.50	6.05	5.60	1.50
5.50—17	7.20	7.20	6.70	7.10	6.60	6.10	1.50
5.50—18	7.95	7.10	6.85	7.30	6.80	6.30	1.50
5.50—19	7.90	7.00	6.70	6.65	6.45	5.95	1.50
6.00—16	8.45	7.90	7.35	7.85	7.30	6.75	1.50
6.00—17	9.10	8.50	7.90	8.45	7.85	7.25	1.50
6.00—18	9.55	8.90	8.25	8.85	8.25	7.65	1.50
6.25—17	8.25	7.70	7.15	7.65	7.10	6.55	1.50
6.70—15	8.70	8.10	7.50	8.05	7.50	6.95	1.50
6.70—17	10.10	9.40	8.70	9.35	8.70	8.05	1.50
6.70—18	10.55	9.55	8.85	9.50	8.85	8.20	1.50
6.70—14	10.35	9.65	8.95	9.60	8.95	8.30	1.50
7.00—15	10.15	9.45	8.75	9.40	8.75	8.10	1.50
7.00—16	10.35	9.65	8.95	9.60	8.95	8.30	1.50
7.00—17	11.45	10.65	9.85	10.65	9.90	9.15	1.50
7.00—18	11.55	10.75	9.95	10.75	10.00	9.25	1.50
7.00—19	11.90	11.10	10.30	11.15	10.35	9.55	1.50
7.00—15	11.45	10.65	9.85	10.65	9.90	9.15	1.50
7.50—15	11.60	10.80	10.00	10.80	10.05	9.30	1.50
7.50—16	12.00	11.20	10.40	11.25	10.45	9.65	1.50
7.50—17	12.20	11.35	10.50	11.35	10.55	9.75	1.50
7.50—18	12.45	11.60	10.75	11.60	10.80	10.00	1.50
8.25—16	15.35	14.30	13.25	14.10	13.40	12.40	1.50

Tire size	Maximum prices: When using camelback the market price of which, exclusive of Federal excise tax, is 17 to 21 cents per lb. Tread design depths [2]: 12/32" or more	10–12/32"	Less than 10/32"	Maximum prices: When using camelback the market price of which, exclusive of Federal excise tax, is less than 17 cents per lb. Tread design depths [2]: 12/32" or more	10–12/32"	Less than 10/32"	Basic tire carcasses. Add this price whenever any tire carcass is furnished by seller
4.50—20	$4.15	$3.85	$3.55	$3.55	$3.30	$3.05	$1.50
4.50—21	4.45	4.15	3.85	3.80	3.55	3.30	1.50
4.75—19	4.50	4.20	3.90	3.90	3.65	3.40	1.50
5.00—19	4.70	4.35	4.00	4.10	3.80	3.50	1.50
5.25—17	5.10	4.75	4.40	4.10	3.80	3.80	1.50
5.25—18	5.45	5.05	4.65	4.70	4.35	4.00	1.50
5.25—19	5.50	5.10	4.70	4.70	4.35	4.00	1.50
5.25—20	5.50	5.10	4.70	4.75	4.40	4.05	1.50
5.50—16	5.60	5.20	4.80	4.85	4.50	4.15	1.50
5.50—17	6.15	5.70	5.25	5.25	4.90	4.55	1.50
5.50—18	6.20	5.85	5.40	5.45	5.05	4.65	1.50
5.50—19	5.95	5.55	5.15	5.10	4.75	4.40	1.50
6.00—16	6.75	6.20	5.85	5.80	5.40	5.00	1.50
6.00—17	7.25	6.75	6.25	6.25	5.80	5.45	1.50
6.00—18	7.65	7.10	6.55	6.55	6.10	5.65	1.50
6.25—16	6.55	6.10	5.65	5.65	5.25	4.85	1.50
6.70—15	6.95	6.45	5.95	5.95	5.55	5.15	1.50
6.70—17	8.05	7.50	6.95	6.95	6.45	5.95	1.50
6.70—18	8.15	7.60	7.05	7.05	6.55	6.05	1.50
6.70—19	8.30	7.70	7.10	7.10	6.60	6.10	1.50
7.00—15	8.10	7.55	7.00	7.00	6.50	6.00	1.50
7.00—16	8.15	7.70	7.10	7.10	6.60	6.10	1.50
7.00—17	9.15	8.50	7.85	7.90	7.35	6.80	1.50
7.00—18	9.25	8.60	7.95	7.95	7.40	6.85	1.50
7.00—19	9.55	8.90	8.25	8.20	7.65	7.10	1.50
7.00—15	9.15	8.50	7.85	7.90	7.35	6.80	1.50
7.50—16	9.30	8.65	8.00	8.00	7.45	6.90	1.50
7.50—17	9.70	9.00	8.35	8.35	7.75	7.15	1.50
7.50—18	9.80	9.10	8.40	8.40	7.80	7.20	1.50
7.50—19	10.00	9.30	8.60	8.60	8.00	7.40	1.50
8.25—16	12.35	11.50	10.65	10.65	9.90	9.15	1.50

[1] When the tire carcass is furnished by the purchaser, the maximum prices for retreading or recapping such tire are the prices shown in any applicable column to the left of the last column. When the tire carcass is furnished by the seller, the maximum prices for a retreaded or recapped tire are (regardless of the thickness of the rubber on the tread of the tire carcass before it was retreaded or recapped), the sum of the price for the retreading or recapping, shown in any applicable column to the left of the last column, plus the tire carcass price indicated in the last column.

[2] Figures expressed in terms of 32d inches are the depths of the tread design imposed by the retreading or recapping process at the center circumference of the tire.

TABLE II—*Maximum prices for top capping truck and bus tires and for truck and bus basic tire carcasses* [1]

Tire size	Maximum prices: When using camelback the market price of which, exclusive of Federal excise tax, is 36 cents per lb. or over. Tread design depths [2]: 12/32" or more	Less than 12/32"	Maximum prices: When using camelback the market price of which, exclusive of Federal excise tax, is 26 cents per lb. Tread design depths [2]: 12/32" or more	Less than 12/32"	Basic tire carcasses. Add this price whenever any tire carcass is furnished by seller
6.00—20 30—5 6 ply	$6.50	$6.00	$5.70	$5.20	$4.20
6.00—20 30—5 8 ply	7.50	6.90	6.55	6.00	4.20
6.50—20 30—6 6 ply	8.55	8.05	7.45	6.90	4.20
6.50—20 32—6 8 ply	10.15	9.55	8.85	8.25	4.20
7.00—17 8 ply	10.90	10.05	9.50	8.80	4.50
7.00—20 32—6 10 ply	11.40	10.50	9.95	9.20	4.50
7.00—20 10 ply	11.40	10.50	9.95	9.20	4.50
7.50—18 8 ply	11.70	10.80	10.30	9.50	4.50
7.50—20 10 ply	12.30	11.40	10.80	10.00	4.50
7.50—18 32—7 10 ply	12.95	12.00	11.40	10.50	4.50
7.50—20 32—7 10 ply	13.50	12.50	11.70	10.80	4.50
8.25—20 10 ply	14.95	13.90	13.00	12.00	4.50
8.25—20 32—7 10 ply	16.20	15.00	14.05	13.00	4.50
9.00—20 10 ply	17.90	16.55	15.45	14.25	4.50
9.00—20 32—8 10 ply	18.85	17.45	16.30	15.05	4.50
9.00—20 12 ply	19.95	18.45	17.20	15.90	4.50
9.00—20 32—8 12 ply	20.50	19.05	17.80	16.45	4.50
10.00—20 12 ply	21.50	20.15	18.85	17.45	4.50
10.00—20 32—8 12 ply	22.35	20.70	19.35	17.90	4.50
11.00—20 12 ply	24.05	22.35	20.90	19.35	4.50
11.00—20 32—8 12 ply	25.00	23.20	21.75	20.15	4.50
12.00—20 12 ply	26.55	24.65	23.05	21.30	4.50
12.00—20 32—8 12 ply	27.60	25.60	23.95	22.15	4.50
13.00—20 12 ply	28.85	26.75	25.05	23.15	4.50
13.00—20 32—8 12 ply	29.90	27.75	25.95	24.00	4.50
14.00—20 12 ply	31.25	29.00	27.15	25.10	4.50
14.00—20 32—8 12 ply	32.35	30.00	28.10	26.00	4.50
15.00—20 12 ply	33.65	31.25	29.25	27.05	4.50
15.00—20 32—8 12 ply	34.85	32.35	30.25	28.00	4.50
16.00—20 12 ply	36.15	33.55	31.40	29.05	4.50
16.00—20 32—8 12 ply	37.40	34.70	32.45	30.05	4.50
18.00—20 12 ply	46.80	43.45	40.65	37.75	4.50
18.00—20 32—8 12 ply	51.35	47.65	44.60	41.40	4.50
20.00—20 12 ply	58.50	54.30	50.85	47.20	4.50
24.00—20 12 ply	68.05	63.15	59.15	54.90	4.50

Tire size	Maximum prices: When using camelback the market price of which, exclusive of Federal excise tax, is 17 cents per lb. or over. Tread design depths [2]: 12/32" or more	Less than 12/32"	Maximum prices: When using camelback the market price of which, exclusive of Federal excise tax, is under 26 cents per lb. Tread design depths [2]: 12/32" or more	Less than 12/32"	Basic tire carcasses. Add this price whenever any tire carcass is furnished by seller
6.00—20 30—5 6 ply	$7.60	$7.05	$6.75	$6.25	$4.20
6.00—20 30—5 8 ply	8.80	8.20	7.85	7.25	4.20
6.50—20 30—6 8 ply	10.00	9.25	8.55	7.95	4.20
6.50—20 32—6 8 ply	12.45	11.55	10.75	9.95	4.20
7.00—17 8 ply	13.30	12.40	11.50	10.70	4.50
7.00—20 32—6 10 ply	13.30	12.40	12.15	11.25	4.50
7.00—20 10 ply	13.45	12.50	12.35	11.45	4.50
7.50—18 8 ply	12.45	11.55	11.45	10.60	4.50
7.50—20 10 ply	13.30	12.35	12.20	11.30	4.50
7.50—18 32—7 10 ply	13.70	12.70	12.10	11.20	4.50
7.50—20 32—7 10 ply	14.15	13.10	12.70	11.75	4.50
8.25—20 10 ply	15.20	14.05	13.45	12.45	4.50
9.00—20 10 ply	16.80	15.60	14.85	13.75	4.50
9.00—20 32—8 10 ply	17.70	16.40	15.60	14.45	4.50
9.00—20 12 ply	18.70	17.30	16.50	15.25	4.50
9.00—20 32—8 12 ply	19.25	17.80	17.00	15.75	4.50
10.00—20 12 ply	20.15	18.65	17.80	16.50	4.50
10.00—20 32—8 12 ply	21.05	19.45	18.55	17.20	4.50
11.00—20 12 ply	22.55	20.85	19.90	18.45	4.50
11.00—20 32—8 12 ply	23.45	21.70	20.70	19.20	4.50
12.00—20 12 ply	24.90	23.05	22.00	20.40	4.50
12.00—20 32—8 12 ply	25.90	23.95	22.85	21.20	4.50
13.00—20 12 ply	27.05	25.05	23.90	22.15	4.50
13.00—20 32—8 12 ply	28.05	25.95	24.75	22.95	4.50
14.00—20 12 ply	29.30	27.15	25.90	24.00	4.50
14.00—20 32—8 12 ply	30.35	28.10	26.80	24.85	4.50
15.00—20 12 ply	31.55	29.25	27.90	25.85	4.50
15.00—20 32—8 12 ply	32.70	30.25	28.85	26.75	4.50
16.00—20 12 ply	33.90	31.40	29.95	27.75	4.50
16.00—20 32—8 12 ply	35.10	32.45	30.95	28.70	4.50
18.00—20 12 ply	43.90	40.65	38.75	35.95	4.50
18.00—20 32—8 12 ply	48.15	44.60	42.50	39.40	4.50
20.00—20 12 ply	54.90	50.85	48.45	44.90	4.50
24.00—20 12 ply	63.85	59.15	56.35	52.25	4.50

Tire size	Maximum prices: When using camelback the market price of which, exclusive of Federal excise tax, is 17 cents per lb. or over. Tread design depths [2]: 12/32" or more	Less than 12/32"	Maximum prices: When using camelback the market price of which, exclusive of Federal excise tax, is less than 17 cents per lb. Tread design depths [2]: 12/32" or more	Less than 12/32"	Basic tire carcasses. Add this price whenever any tire carcass is furnished by seller
6.00—20 30—5 6 ply	$7.60	$7.05	$5.75	$5.25	$4.20
6.00—20 30—5 8 ply	8.80	8.20	6.85	6.25	4.20
6.50—20 30—6 8 ply	10.00	9.25	7.95	7.25	4.20
6.50—20 32—6 8 ply	12.45	11.55	9.95	9.05	4.20
7.00—17 8 ply	13.30	12.40	10.65	9.85	4.50
7.00—20 32—6 10 ply	13.30	12.40	11.25	10.35	4.50
7.00—20 10 ply	13.45	12.50	11.45	10.55	4.50
7.50—18 8 ply	12.45	11.55	10.60	9.75	4.50
7.50—20 10 ply	13.30	12.35	11.30	10.40	4.50
7.50—18 32—7 10 ply	13.70	12.70	11.20	10.30	4.50
7.50—20 32—7 10 ply	14.15	13.10	11.75	10.80	4.50
8.25—20 10 ply	15.20	14.05	12.45	11.45	4.50
9.00—20 10 ply	16.80	15.60	13.75	12.65	4.50
9.00—20 32—8 10 ply	17.70	16.40	14.45	13.30	4.50
9.00—20 12 ply	18.70	17.30	15.25	14.05	4.50
9.00—20 32—8 12 ply	19.25	17.80	15.75	14.50	4.50
10.00—20 12 ply	20.15	18.65	16.50	15.20	4.50
10.00—20 32—8 12 ply	21.05	19.45	17.20	15.85	4.50
11.00—20 12 ply	22.55	20.85	18.45	17.00	4.50
11.00—20 32—8 12 ply	23.45	21.70	19.20	17.70	4.50
12.00—20 12 ply	24.90	23.05	20.40	18.80	4.50
12.00—20 32—8 12 ply	25.90	23.95	21.20	19.55	4.50
13.00—20 12 ply	27.05	25.05	22.15	20.40	4.50
13.00—20 32—8 12 ply	28.05	25.95	22.95	21.15	4.50
14.00—20 12 ply	29.30	27.15	24.00	22.10	4.50
14.00—20 32—8 12 ply	30.35	28.10	24.85	22.90	4.50
15.00—20 12 ply	31.55	29.25	25.85	23.80	4.50
15.00—20 32—8 12 ply	32.70	30.25	26.75	24.65	4.50
16.00—20 12 ply	33.90	31.40	27.75	25.55	4.50
16.00—20 32—8 12 ply	35.10	32.45	28.70	26.45	4.50
18.00—20 12 ply	43.90	40.65	35.95	33.10	4.50
18.00—20 32—8 12 ply	48.15	44.60	39.40	36.30	4.50
20.00—20 12 ply	54.90	50.85	44.90	41.35	4.50
24.00—20 12 ply	63.85	59.15	52.25	48.15	4.50

[1] When the tire carcass is furnished by the purchaser, the maximum prices for retreading or recapping such tire are the prices shown in any applicable column to the left of the last column. When the tire carcass is furnished by the seller, the maximum prices for a retreaded or recapped tire are (regardless of the thickness of the rubber on the tread of the tire carcass before it was retreaded or recapped), the sum of the price for the retreading or recapping, shown in any applicable column to the left of the last column, plus the tire carcass price indicated in the last column.

[2] Figures expressed in terms of 32d inches are the depths of the tread design imposed by the retreading or recapping process at the center circumference of the tire.

TABLE IV—*Maximum prices for retreading, full capping or top capping truck airwheel tires and for truck airwheel basic tire carcasses* [1]

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
6.00—16	$5.00	$1.[illegible]
6.50—16	5.75	1.9[illegible]
7.00—15 (7.1 x 15)	6.75	1.9[illegible]
7.00—16	6.85	1.9[illegible]
7.50—15	7.55	1.9[illegible]
7.50—16	7.70	1.9[illegible]
9.00—15	12.80	1.9[illegible]

TABLE V—*Maximum prices for retreading, full capping or top capping stop-start tires and for stop-start basic tire carcasses* [1]

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
No. 10	$8.10	$1.9[illegible]
No. 14	8.95	1.9[illegible]
No. 15	10.70	1.9[illegible]
No. 16	12.30	1.9[illegible]
No. 17	15.65	1.9[illegible]
No. 11	7.95	1.9[illegible]
No. 11	11.60	2.2[illegible]
No. 17	14.20	4.1[illegible]
No. 19	18.50	5.8[illegible]
No. 20	18.10	4.8[illegible]
No. 22	23.15	7.7[illegible]
No. 28	29.50	8.8[illegible]
No. 34	36.00	9.9[illegible]
No. 40	41.50	11.0[illegible]
No. 42	46.85	11.0[illegible]
No. 48	49.90	13.2[illegible]
No. 50	52.75	13.2[illegible]
No. 52	54.95	13.2[illegible]

TABLE VI—*Maximum prices for retreading, full capping or top capping studded ground grip types and for studded ground grip type basic tire carcasses*

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
6.25—17	$5.35	$1.[illegible]
6.50—17	5.85	1.[illegible]
6.00—16	6.15	1.[illegible]
6.25—16	6.80	1.[illegible]
6.75—16	7.10	1.[illegible]
7.00—15	8.40	1.[illegible]
7.00—16	8.60	1.[illegible]

[1] When the tire carcass is furnished by the purchaser, the maximum prices for retreading or recapping such tire are the prices shown in any applicable column to the left of the last column. When the tire carcass is furnished by the seller, the maximum prices for a retreaded or recapped tire are (regardless of the thickness of the rubber on the tread of the tire carcass before it was retreaded or recapped), the sum of the price for the retreading or recapping, shown in any applicable column to the left of the last column, plus the tire carcass price indicated in the last column.

TABLE VII—*Maximum prices for retreading, full capping or top capping grader tires and for grader tire basic tire carcasses* [1]

Tire size	Retreading, full capping and top capping	Basic tire car casses. Add this price whenever any tire carcass is furnished by the seller
6.00—20	$10.55	$3.85
6.50—20	13.40	3.55
7.00—20	22.10	5.50
7.00—24	26.50	6.60
7.50—24	29.05	7.70
8.25—20	30.40	8.80
8.25—24	32.70	8.80
9.00—24	24.65	9.90
10.00—24 (9.75—24)	36.60	11.00
11.00—24 (10.50—24)	37.65	13.20
12.00—24 (11.25—24)	40.00	15.40
13.00—20 (12.75—20)	41.70	16.50
13.00—24 (12.75—24)	45.15	16.50
14.00—20 (13.50—20)	62.95	17.60

TABLE VIII—*Maximum prices for retreading, full capping or top capping motorcycle types and for motorcycle type basic tire carcasses* [1]

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
4.00—18	$4.50	$1.10
4.00—19	4.65	1.10
4.50—18	4.95	1.10
4.50—19	5.10	1.10
5.00—16	5.40	1.10

TABLE IX—*Maximum prices for retreading, full capping or top capping ground grip type tires and for ground grip type basic tire carcasses* [1]

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
6.00—16 6 ply	$8.75	$1.92
6.00—20/30 x 5 6 ply	9.60	3.85
6.00—20/30 x 5 8 ply	11.35	5.50
6.50—20 6 ply	11.45	4.12
6.50—20/32 x 6 8 ply	14.40	5.50
7.00—17 6 ply	12.45	4.40
7.00—20 8 ply	14.95	5.50
7.00—20/32 x 6 10 ply	18.35	7.70
7.50—15 6 ply	11.20	4.00
7.50—16 8 ply	16.05	4.40
7.50—17 8 ply	17.70	5.50
7.50—20 8 ply	18.70	6.60
7.50—20/34 x 7 10 ply	20.60	8.80
8.25—20	27.60	9.90
8.25—24	31.20	9.90
9.00—18	29.95	10.00
9.00—20/36 x 8	32.95	11.00
9.00—24/40 x 8	36.00	11.00
10.00—20/38 x 9	41.75	12.10
10.00—24 42 x 9	45.25	12.10
11.00—18	46.20	12.10
11.00—20	49.10	12.10
11.00—24	53.80	12.10
12.00—20	64.25	15.40
12.00—24	68.80	15.40
14.00—24	104.10	19.80
18.00—24	214.20	55.00
18.00—40	473.75	55.00
21.00—24 16 ply	333.70	72.50
21.00—24 20 ply	367.45	93.50
24.00—32 24 ply	844.45	137.50
24.00—32 34 ply	1,044.40	192.50
30.00—40 28 ply	1,655.00	220.00
30.00—40 34 ply	2,013.40	330.00
36.00—40 34 ply	2,584.95	440.00

TABLE X—*Maximum prices for retreading, full capping or top capping truck and bus tires, off-the-road types, and for basic tire carcasses* [1]

Tire size	Retreading, full capping and top capping	Basic tire car casses. Add this price whenever any tire carcass is furnished by the seller
EARTH MOVER TIRES		
7.50—20	$17.80	$6.60
8.25—20	22.25	9.90
9.00—20	20.95	11.00
10.00—20 (9.75—20)	37.35	12.10
11.00—20 (10.50—20)	42.55	13.20
12.00—20	51.00	15.40
13.00—20	58.75	16.50
14.00—20 (13.50—20)	66.60	17.60
16.00—20	139.15	22.00
16.00—21	152.05	27.50
18.00—24	176.15	56.00
21.00—24	333.70	82.50
24.00—32	844.50	137.50
HARD ROCK TIRES		
7.00—20 (32 x 6)	22.45	7.70
7.50—20 (34 x 7)	29.85	8.80
8.25—20	31.90	9.90
9.00—20	38.00	11.00
9.00—24	41.50	11.00
10.00—20 (9.75—20)	48.10	12.10
10.00—24 (9.75—24)	52.10	12.10
11.00—20 (10.50—20)	56.54	13.20
11.00—24 (10.50—24)	62.05	13.20
12.00—20	74.05	14.00
12.00—24 (11.25—24)	79.30	15.40
13.00—24 (12.00—24)	91.90	16.50
14.00—24 (13.50—24)	119.85	27.50
16.00—24	245.15	33.00
18.00—24	276.00	55.00
21.00—24	350.35	82.50

TABLE XI—*Maximum prices for retreading, full capping or top capping tractor tires and for tractor tire basic tire carcasses* [1]

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
FRONT WHEEL		
4.00—9	$4.40	$1.37
4.00—15	4.75	1.37
4.00—19	5.10	1.37
4.75—15	5.95	1.37
5.00—15	6.25	1.37
5.25—21	7.00	1.37
5.50—16	6.90	1.10
6.00—9	10.70	2.10
6.00—12	7.85	1.37
6.00—16	7.90	1.37
6.00—20	8.60	2.75
6.50—16	8.90	1.37
7.50—10	11.60	2.20
7.50—16	10.05	1.37
7.50—18	10.80	2.20
7.50—20	12.00	3.30
9.00—10	11.85	3.30
REAR WHEEL		
6.00—22	8.85	3.30
6.50—32	17.95	3.85
6.50—40	22.45	4.15
7.00—22	12.95	4.15
7.00—24 (8—24)	16.35	4.40
7.00—40	24.95	4.40
7.50—22	13.50	4.40
7.50—24 (9—24)	18.70	4.95
7.50—36 (9—36)	32.05	6.60
7.50—40 (9—40)	34.35	6.60
8.25—36 (10—36)	31.90	6.60
9.00—24 (11—24)	30.95	6.60
9.00—28 (11—28)	33.25	6.60
9.00—36 (11—36)	34.50	9.90
9.00—40 (11—40)	35.60	10.45
10.00—36 (12—36)	43.30	11.00

[1] When the tire carcass is furnished by the purchaser, the maximum prices for retreading or recapping such tire are the prices shown in any applicable column to the left of the last column. When the tire carcass is furnished by the seller, the maximum prices for a retreaded or recapped tire are (regardless of the thickness of the rubber on the tread of the tire carcass before it was retreaded or recapped), the sum of the price for the retreading or recapping, shown in any applicable column to the left of the last column, plus the tire carcass price indicated in the last column.

(d) A special and limited exception from the maximum prices set forth in this Appendix has been granted to:

(1) The Texas Tire Treading Company, 1619 Congress Avenue, Houston, Texas by a letter of January 24, 1942 from the Office of Price Administration.

[Paragraph (d) added by amendment, February 3, 1942, effective February 3, 1942, 7 F.R. 727]

Issued this 10th day of January 1942.[4]

LEON HENDERSON,
Administrator.

[4] Issued: 7 F.R. 252. Amended: 7 F.R. 727.

Tire size	Retreading, full capping and top capping	Basic tire carcasses. Add this price whenever any tire carcass is furnished by the seller
REAR WHEEL		
10.00—40 (12—40)	$46.70	$11.00
11.25—24 (13—24)	38.40	12.20
11.25—28 (13—28)	42.00	12.65
11.25—36 (13—36)	47.45	13.20
11.25—40 (13—40)	53.10	13.75
12.75—24 (14—24)	46.55	14.30
12.75—28 (14—28)	51.50	14.85
12.75—32 (14—32)	56.65	15.40
13.50—24 (15—24)	52.00	15.40
13.50—28 (15—28)	57.70	15.95
13.50—32 (15—32)	62.40	16.50

Although the industry was asked, by a letter of May 6, 1941, to hold firm the prices quoted on that date, there have been increases since May which are not entirely reflected in the general index of machine tool prices as prepared by the Bureau of Labor Statistics. A substantial number of these increases have taken place without the approval of the Office of Price Administration.

Today, the War Program has placed upon this industry demands which far exceed anything experienced before. The Office of Price Administration believes that the voluntary program has not been adequate to meet the demands of the situation which has already developed.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1301.51 *Maximum prices for new machine tools and extras.* (a) On and after January 20, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, except as set forth in paragraph (b) of this section, no person shall sell, offer to sell, deliver or transfer any new machine tool or extra, and no person shall buy, offer to buy, or accept delivery of any new machine tool or extra (1) at a price higher than the list price of such machine tool or extra in effect on October 1, 1941; or,

(2) if there were no list price in effect on October 1, 1941, the maximum price shall be the last price at which such new machine tool or extra was sold from January 1, 1941 to October 1, 1941; or

(3) if the new machine tool or extra had no list price on October 1, 1941 and was not sold within the period from January 1, 1941 to October 1, 1941, the maximum price shall be the price on October 1, 1941 of the most nearly comparable machine tool or extra produced by the same manufacturer, adjusted to reflect increases or decreases in cost resulting from significant mechanical differences. If the maximum price is to be determined under this subparagraph, the proposed price and a description of such new machine tool or extra together with an indication of the machine tool or extra deemed by the manufacturer to be most nearly comparable and cost estimates indicating the changes in cost resulting from significant mechanical differences shall be submitted on Form 167:1 to the Office of Price Administration not less than 30 days before the date of delivery of such machine tool or extra and such price shall be the maximum price unless an objection is made by this Office within 15 days after the receipt of such information.

(b) The provisions of this section shall not apply to deliveries under contracts entered into by the Army, Navy, Defense Plant Corporation, Procurement Division of the Treasury or any other agency of the United States prior to the effective date of Price Schedule No. 67.

(c) Nothing in this section shall prevent the inclusion, in any contract for the sale of any new machine tool or extra of a provision for adjustment of the original contract price on deliveries actually made more than nine months after the date of execution of the contract, if such provision expressly limits payments made under the contract to the maximum price established by the Office of Price Administration or its successor and in effect on the date of delivery of any such new machine tool or extra.*

*§§ 1301.51 to 1301.59, inclusive, issued under the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1301.52 *Less than maximum prices.* Lower prices than those set forth herein may be charged, demanded, paid or offered.*

§ 1301.53 *Evasion.* The price limitations set forth in Price Schedule No. 67 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of new machine tools or extras, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other special charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise, as a result of which the net price received by the seller of a machine tool or extra will exceed the net price which would have been received by such seller if such machine tool or extra had been sold on October 1, 1941. The provisions of this section shall not apply to discounts, allowances or concessions on sales by a manufacturer of new machine tools to a dealer in new machine tools.*

§ 1301.54 *Records and reports.* (a) Every manufacturer of and every dealer in new machine tools making any sale after January 20, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the list price on the date of sale, the gross price on the date of sale if there is no list price, the net price received, and the number and description of each type of new machine tool or extra sold.

(b) On or before February 15, 1942, every manufacturer of new machine tools shall file a statement on Form 167:2 with the Office of Price Administration setting forth (1) the list price on October 1, 1941 of each type and size of machine tool and extra offered for sale by such manufacturer on such date, any special charges, discounts, allowances or concessions in effect on October 1, 1941, and the last price between January 1, 1941, and October 1, 1941 on every machine tool or extra for which there was no price list in effect on October 1, 1941; and (2) the list price on May 6, 1941 of any type of machine tool or extra on which the price has been increased and the amount of any such increase, and on Form 167:3 the names and addresses of all dealers in new machine tools to whom such manufacturer has sold new machine tools since January 1, 1941.

(c) On or before April 1, 1942, every manufacturer of new machine tools shall file with the Office of Price Administration a certified balance sheet as of December 31, 1941, and a certified profit and loss statement for the year, 1941.

PART 1301—MACHINE TOOLS

REVISED PRICE SCHEDULE NO. 67—NEW MACHINE TOOLS

Machine tools are the equipment by which countless manufacturers produce vitally needed war materials essential to the fulfillment of the War Program.

Pyramiding up from the machine tool industry are all of the manufacturing organizations of the country. The market for machine tools therefore is dependent upon the demand for the products of other manufacturers. The War Program has placed billions of dollars of new orders with manufacturers of all types of military products and the impact of these orders has fallen, with concentrated effect, upon the manufacturers of machine tools. The demand for these products has been so great and so urgent that machine tool builders were given the first and one of the highest priority ratings of any industry.

Machine tool makers have been unable to keep pace with the orders for machine tools. The back-log of unfilled orders has steadily grown. Under such pressure the importance of price as a controlling force has been minimized. The time of delivery has become more important to buyers of machine tools than the price. Under such circumstances the inflationary danger is apparent.

All balance sheets and profit and loss statements shall be duplicates of the statements filed with the Bureau of Internal Revenue in making income tax returns. Any corporation whose fiscal year does not coincide with the calendar year shall file a certified balance sheet and a profit and loss statement within three months of the close of such fiscal year in the same form as is required for corporations whose fiscal year coincides with the calendar year.

(d) Persons affected by Price Schedule No. 67 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1301.55 *Affirmations.* On or before April 10, 1942, and on or before the 10th day of each third month thereafter, every manufacturer of and every dealer in new machine tools who, during the preceding three calendar months has sold new machine tools or extras, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 167:4 containing as worn statement that during the preceding three months all offers to sell, sales, deliveries and transfers were made at prices in compliance with Price Schedule No. 67. Copies of Form 167:4 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8" x $10\frac{1}{2}$" paper, they may be prepared by persons required to submit affirmations hereunder.*

§ 1301.56 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 67, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 67, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 67; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 67 which may be regarded as grounds for the revocation of licenses and permits; (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 67, and (e) that the War Production Board is requested to direct the withholding of priority ratings and the allocation of materials to any person failing to comply with Price Schedule No. 67. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or attempt to evade the provisions hereof, or of speculation, or manipulation of prices of new machine tools, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1301.57 *Modification of Price Schedule No. 67.* Persons claiming hardship or inequity in the operation of Price Schedule No. 67 as a result of subcontracting or for any other reason may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 67.*

§ 1301.58 *Definitions.* When used in Price Schedule No. 67, the term:

(a) "Person" means an individual, partnership, association, corporation or other business entity;

(b) "Price" means the price for a machine tool or extra f. o. b. manufacturer's plant and before adjustment for any special charges, discounts, allowances or concessions;

(c) "Net price" means the price for a new machine tool or extra plus any applicable special charges and less any applicable discounts, allowances or concessions;

(d) "Manufacturer of new machine tools" includes any agent of such manufacturer and does not include any person whose work on machine tools is restricted solely to the reconditioning or repair of used machine tools;

(e) "Dealer in new machine tools" means any person engaged in the business of purchasing new machine tools for resale;

(f) "User" means any purchaser of a new machine tool or extra other than a dealer in new machine tools;

(g) "Certified" referring to a balance sheet or profit and loss statement means a balance sheet or profit and loss statement sworn to be a correct statement of the financial condition of a corporation by the principal accounting officer of the corporation or other person having knowledge of the relevant facts and authorized by the corporation to certify in its behalf;

(h) "Machine tool" means all machines for the cutting, abrading, shaping and forming of metals;

(i) "Extra" means standard supplementary equipment furnished by the manufacturer at added cost above the price of any machine tool.*

§ 1301.59 *Effective date of Price Schedule No. 67.* This Schedule (§§ 1301.51 to 1301.59, inclusive) shall become effective January 20, 1942.*

Issued this 20th day of January 1942.[1]

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 68—HIDE GLUE STOCK

Hide Glue Stock consists of a group of animal materials, which are waste products of the meat packing, tanning and fur cutting industries. From these materials hide glue, an important adhesive with essential defense and civilian uses, is manufactured.

As a result of economic activity induced by the national defense program, the demand for hide glue stock has increased greatly in recent months. Inadequacy of the supply of hide glue stock has forced glue manufacturers to curtail hide glue production. The prices of nearly all kinds of hide glue stock have risen sharply as a result of competition among hide glue manufacturers in attempting to retain their customary raw material suppliers and to obtain new sources of supply. One material, for instance, which sold for $1.75 per cwt. in 1940, is now commanding as much as $6.50 per cwt.. Such price advances have contributed to a 40% increase in hide glue prices since 1940. Further increases in the prices of hide glue stock are threatened.

After investigation and conferences with members of the hide glue stock industry and representatives of other government agencies, the Office of Price Administration has found that maximum prices should be established for hide glue stock to prevent inflationary trends not only in the price of such stock but also in the prices of hide glue and other related commodities.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.501 *Maximum prices for hide glue stock.* On and after January 20, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer hide glue stock in quantities of 100 pounds or more, and no person shall buy, offer to buy, or accept delivery of hide glue stock in quantities of 100 pounds or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.510.*

*§§ 1335.501 to 1335.510, inclusive, issued under the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.502 *Less than maximum prices.* Lower prices than those set forth in § 1335.510, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.503 *Evasion.* The price limitations set forth in Price Schedule No. 68 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of hide glue stock, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1335.504 *Records and reports.* Every person making purchases or sales of hide glue stock in quantities of 100 pounds or more after January 20, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the specifications and quantity, including the size of the containers, of the hide glue stock purchased or sold.

[1] Issued: 7 F.R. 445.

Persons affected by Price Schedule No. 68 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.505 *Affirmations of compliance.* On or before March 20, 1942, and on or before the 20th day of each month thereafter, every person, who during the preceding calendar month has purchased hide glue stock in quantities of 100 pounds or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 168:1 containing a sworn statement that during such month all such purchases were made at prices in compliance with Price Schedule No. 68 or with any exception therefrom or modification thereof. Copies of Form 168:1 can be procured from the Office of Price Administration, or, *Provided*, That no change is made in the style and content of the Form and that it is reproduced on 8 x $10\frac{1}{2}$ paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1335.506 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 68, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 68, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 68; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 68, which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to, or purchasing from those persons who fail to comply with Price Schedule No. 68. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of hide glue stock, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.507 *Modification of Price Schedule No. 68.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 68 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 68.*

§ 1335.508 *Definitions.* When used in Price Schedule No. 68 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Hide glue stock" means the materials listed in § 1335.510, Appendix A, hereof, regardless of the uses to which such materials are to be put;

(c) "Seller's shipping point" means point of production or other point of distribution maintained by a producer or seller.*

§ 1335.509 *Effective date of Price Schedule No. 68.* This Schedule (§§ 1335.501 to 1335.510, inclusive) shall become effective January 20, 1942.*

§ 1335.510 *Appendix A: Maximum prices for hide glue stock.* (a) The following maximum prices are established for hide glue stock, f. o. b. seller's shipping point:

	Per cwt.
1. Green salted hide trimmings—including green salted pates, green salted tips, cattle tail pieces	$1.10
2. Limed cattle trimmings—including limed hide trimmings, limed cattle pieces	.90
3. Goat trimmings and pieces—including long haired, short haired, de-haired	.45
4. Limed calf trimmings—including calf trimmings, green lined calf	1.00
5. Chrome stock—including chrome splits, chrome shavings, chrome trimmings	.50
6. Coney stock	3.50
7. Goat and sheep fleshings	.125
8. Packers trimmings—including green salted ears, lips, snouts and tails, green salted sinews and pizzles	1.00
9. Sheep trimmings—including limed sheep trimmings, limed sheep tails, pickled sheep	.60
10. Horse fleshings	.30
11. Calf fleshings	.40
12. Horse and Beam trimmings—including green salted horse trimmings, limed horse trimmings, beam trimmings, horse tail pieces	.50
13. Sole leather fleshings	1.00
14. Common and #2 fleshings	.75
15. Other cattle fleshings—including sulfide fleshings, kip fleshings	.65

(b) The above maximum prices do not apply to hide glue stock which is imported into the United States.*

Issued this 13th day of January 1942.[1]

LEON HENDERSON,
Administrator.

PART 1355—LEAD

REVISED PRICE SCHEDULE NO. 69—PRIMARY LEAD

The Office of Price Administration is charged with the maintenance of price stability and the prevention of undue price rises and price dislocations.

Military and essential civilian demands upon the supply of lead have become increasingly heavy. The present supply of lead will not suffice to meet these needs, and imports are threatened. The combination of increased demand and insufficient supply threatens a bidding up of the price of lead, which will materially increase the cost of the war effort and tend to create an inflationary price spiral.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1355.1 *Maximum prices for primary lead.* On and after January 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer primary lead, and no person shall buy, offer to buy, or accept delivery of primary lead, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1355.9.*

*§§ 1355.1 to 1355.9, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1355.2 *Less than maximum prices.* Lower prices than those set forth in § 1355.9, Appendix A, may be charged, demanded, paid or offered.*

§ 1355.3 *Evasion.* (a) The price limitations set forth in Price Schedule No. 69 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of primary lead, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium or other trade understanding, or otherwise.

(b) Any purchase, sale, delivery or transfer of primary lead in quantities less than requested by the buyer in order to enable the seller to obtain a higher less-than-carload-lot differential shall be considered to be an evasion of Price Schedule No. 69 provided that the buyer is willing to accept delivery thereof in a single shipment.*

§ 1355.4 *Records and reports.* Every person making purchases or sales of primary lead after January 15, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each grade or type purchased or sold, and (b) the quantity of primary lead (1) on hand, and (2), on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 69 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1355.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 69, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 69, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons

[1] Issued 7 F.R. 257.

who comply with Price Schedule No. 69; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 69 which may be regarded as grounds for the revocation of licenses and permits; (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Price Schedule No. 69; and (e) that the Supply Priorities and Allocations Board is requested to direct the withholding of priority ratings and the allocation of materials to any person failing to comply with this Price Schedule No. 69. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of primary lead, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1355.6 *Modification of Price Schedule No. 69.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 69 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 69 and other Schedules issued by the Office of Price Administration.*

§ 1355.7 *Definitions.* When used in Price Schedule No. 69, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but, where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment;

(c) "Primary lead" means (1) lead in the form of pigs, ingots, and other special shapes made from ores, concentrates, or bullion, even though other material is mixed therewith, provided such other material accounts for 50% or less of the lead content thereof, and (2) lead in the form of pigs, ingots, and other special shapes produced from lead made from ores, concentrates, or bullion even though other material is mixed therewith, provided such other material accounts for 50% or less of the lead content thereof;

(d) "Producer" means any person who makes pigs, ingots, or other special shapes of lead.

[§ 1355.7 as amended February 2, 1942, effective February 2, 1942; 7 F.R. 726]

§ 1355.8 *Effective date of Price Schedule No. 69.* This Schedule (§§ 1355.1 to 1355.9, inclusive) shall become effective January 15, 1942.*

§ 1355.9 *Appendix A: Maximum prices for primary lead*—(a) *Sold or shipped, delivered, or carried away in carload lots.*

Grade or type	Maximum price per pound (delivered buyer's rail receiving point)		
	St. Louis	New York	Other points
PIGS			
(1) Common lead	6.35¢	6.50¢	Base price.
(2) Corroding lead	6.45¢	6.60¢	Base price plus .10¢.
(3) Chemical lead	6.45¢	6.60¢	Base price plus .10¢.
(4) Copperized lead made from:			
(a) Common lead	6.10¢	6.55¢	Base price plus .05¢.
(b) Corroding lead	6.50¢	6.65¢	Base price plus .15¢.
INGOTS, LINERS INGOTS, OR OTHER SPECIAL SHAPES			
(1) Common lead	6.85¢	7.00¢	Base price plus .50¢.
(2) Corroding lead	6.95¢	7.10¢	Base price plus .60¢.
(3) Chemical lead	6.95¢	7.10¢	Base price plus .60¢.
(4) Copperized lead made from:			
(a) Common lead	6.90¢	7.05¢	Base price plus .55¢.
(b) Corroding lead	7.00¢	7.15¢	Base price plus .65¢.

When used in paragraph (a) of this section, in reference to carload lots, the term "Base Price" means the price quoted in paragraph (c) of this section at the point of delivery. If the point of delivery is not listed, the price listed for the nearest point in distance to the point of delivery shall prevail.

The above grades of primary lead are to be determined in accordance with the specifications of the American Society for Testing Materials. Primary lead which fails to meet such standards should be sold at normal differentials below the established maximum prices.

The minimum quantity making up a carload lot for the purposes of Price Schedule No. 69 shall be the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination.

(b) *Sold and shipped, delivered, or carried away in less than carload lots.* The term "Carload maximum price" referred to in subparagraphs (1) and (2) below means the maximum price as determined in paragraph (a) of this section, except that for the purposes of subparagraphs (1) and (2) below the maximum price shall be determined at the point of shipment instead of at the point of delivery. In this determination, the term "Base Price" means the price quoted in paragraph (c) of this section at the point of shipment. If the point of shipment is not listed, the price listed for the nearest point in distance to the point of shipment shall prevail.

(1) *Sales of primary lead by the producer of the lead sold.*

For sale in lots of:	Maximum price, per pound (f. o. b. point of shipment)
20,000 lb. and less than a carload	Carload maximum price plus .15¢.
10,000 lb. and less than 20,000 lb	Carload maximum price plus 25¢.
2,0000 lb. and less than 10,000 lb	Carload maximum price plus 40¢.
Less than 2,000 lb	Carload maximum price plus .50¢.

(2) *Sales by all other persons except plumbing supply houses.*

For sale in lots of:	Maximum price, per pound (f. o. b. point of shipment)
20,000 lb. and less than a carload	Carload maximum price plus .65¢.
10,000 lb. and less than 20,000 lb	Carload maximum price plus .75¢.
2,0000 lb. and less than 10,000 lb	Carload maximum price plus 1.00¢.
Less than 2,000 lb	Carload maximum price plus 1.50¢.

(3) *Sales by plumbing supply houses.* No plumbing supply house shall sell, offer to sell, deliver or transfer primary lead at prices in excess of the carload maximum prices established in paragraph (a) of this section plus an amount not to exceed the difference between (i) the highest price received by such supply house in a sale on October 1, 1941, or on the last date previous thereto on which such a sale took place, of a quantity similar to that presently being sold on the same grade of lead and (ii) the price paid by such supply house for such lead in the last purchase prior to such sale.

(4) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Primary lead in less than carload lots may, however, be sold, offered for sale, delivered, or transferred at a price delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by Price Schedule No. 69, in all price quotations (i) the transportation charge must be shown as a separate item and (ii) the price f. o. b. point of shipment, obtained by subtracting the transportation charge from the total delivered price, must not exceed the maximum f. o. b. point of shipment price set forth in Price Schedule No. 69.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases the transportation charge must be shown as a separate item in all price quotations.

When used in Price Schedule No. 69, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but, where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.

[The headnotes of § 1355.9 (b) (1), (b) (2) as amended; and 1355.9 (b) (3) as amended, February 10, 1942, effective February 10, 1942; 7 F.R. 936]

(c) *Table of base prices.*

Basing point	Price per lb. in cents
Alabama:	
Birmingham	6.55
Fairfield	6.55
California:	
Los Angeles	6.50
Melrose	6.50
Oakland	6.50
San Francisco	6.50
Colorado:	
Denver	6.50
Connecticut:	
Bridgeport	6.55
New Haven	6.55
New London	6.55
Torrington	6.55
Waterbury	6.55
Waterville	6.55
Georgia:	
Atlanta	6.55
Macon	6.90
Idaho:	
Silver King	6.50
Illinois:	
Aurora	6.40
Chicago	6.40
Cicero	6.40
Dixon	6.40
East Alton	6.35
Evanston	6.40
Granite City	6.40
Greenville	6.40
Greenwood Blvd	6.40
Joliet	6.40
Kensington	6.40
Peoria	6.40
Waukegan	6.40
W. Pullman	6.40
Indiana:	
Charlestown	6.50
Gary	6.40
Grasselli	6.40
Hammond	6.40
Indianapolis	6.50
Kokomo	6.50
Marion	6.50
Muncie	6.50
Whiting	6.40
Iowa:	
Keokuk	6.35
Kansas:	
Topeka	6.35
Kentucky:	
Louisville	6.50
Louisiana:	
Baton Rouge	6.50
New Orleans	6.60
Maryland:	
Baltimore	6.50
Massachusetts:	
Boston	6.55
Cambridge	6.55
Springfield	6.55
Worcester	6.55
Michigan:	
Detroit	6.50
Port Huron	6.50
River Rouge	6.50
Minnesota:	
Duluth	6.40
Minneapolis	6.40
St. Paul	6.40
Mississippi:	
Hattiesburg	6.75
Missouri:	
Joplin	6.40
Kansas City	6.35
Neosho	6.50
St. Louis	6.35
Montana:	
Anaconda	6.50
Black Eagle	6.50
Nebraska:	
Omaha	6.35
New Hampshire:	
Portsmouth	6.55
New Jersey:	
Bayonne	6.50
Bloomfield	6.50
Carney's Point	6.50
Dundee	6.50
Elizabeth	6.50
Grasselli	6.50
Irvington	6.50
Jersey City	6.50
Kearny	6.50
Newark	6.50
New Brunswick	6.50
Passaic	6.50
Paterson	6.50
Perth Amboy	6.50
Phillipsburg	6.50
Roebling	6.50
Trenton	6.50
New York:	
Albany	6.50
Brooklyn	6.50
Buffalo	6.50
Glendale, L. I.	6.50
Green Island	6.50
Hastings	6.50
Long Island City	6.50
Maspeth L. I.	6.50
New York	6.50
Niagara Falls	6.50
Richfield Springs	6.50
Rochester	6.50
Rome	6.50
Schenectady	6.50
Syracuse	6.50
West Albany	6.50
Yonkers	6.50
North Carolina:	
Charlotte	6.80
Durham	6.80
Raleigh	6.80
Winston-Salem	6.50
North Dakota:	
Fargo	6.50
Ohio:	
Akron	6.50
Canton	6.50
Cincinnati	6.50
Cleveland	6.50
Delta	6.50
E. Liverpool	6.55
Lorain	6.50
Martins Ferry	6.55
Niles	6.50
Portsmouth	6.55
Reading	6.50
Oklahoma:	
Oklahoma City	6.50
Pennsylvania:	
Allentown	6.50
Ambridge	6.55
Crescentville	6.50
Donora	6.55
E. Pittsburgh	6.55
Erie	6.50
Fort Washington	6.50
Monessen	6.55
New Castle	6.55
New Brighton	6.50
Philadelphia	6.50
Pittsburgh	6.55
Rankin	6.55
Reading	6.50
Scranton	6.50
Wilkes-Barre	6.50
Rhode Island:	
Bristol	6.55
Pawtucket	6.55
Phillipsdale	6.55
Providence	6.55
South Carolina:	
Spartanburg	6.75
Tennessee:	
Lenoir City	6.70
Memphis	6.50
Texas:	
Dallas	6.50
El Paso	6.50
Houston	6.50
San Antonio	6.50
Virginia:	
Norfolk	6.50
Richmond	6.50
Washington:	
Seattle	6.50
West Virginia:	
Charleston	6.50
Welrton	6.55
Wheeling	6.55
Wisconsin:	
Burlington	6.40
Kenosha	6.40
Milwaukee	6.40
New Glarus	6.40
New London	6.40

Issued this 13th day of January 1942.[1]

LEON HENDERSON,
Administrator.

PART 1355—LEAD

REVISED PRICE SCHEDULE NO. 70—LEAD SCRAP MATERIALS; SECONDARY LEAD, INCLUDING CALKING LEAD; BATTERY LEAD SCRAP; AND PRIMARY AND SECONDARY ANTIMONIAL LEAD

The Office of Price Administration is charged with the maintenance of price stability and the prevention of undue price rises and price dislocations.

Lead is a basic requirement for military and essential civilian needs. A considerable portion of the lead supply comes from secondary materials. The increased demands upon the supply of lead, together with threatened reduction in imports, have created a critical situation in the secondary lead field. Prices have advanced beyond those of primary lead, and further increases will raise the direct cost of the war effort, and tend to create an inflationary price spiral.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1355.51 *Maximum prices for lead scrap materials other than battery lead scrap.* On and after January 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer lead scrap materials, and no person shall buy, offer to buy, or accept delivery of lead scrap materials, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1355.64.*

*§§ 1355.51 to 1355.69, inclusive, issued pursuant to authority contained in E.O. 8734, 8875; 6 F.R. 1917, 4483.

§ 1355.52 *Maximum prices for secondary lead including calking lead.* On

[1] Issued: 7 F.R. 284. Amended: 7 F.R. 726, 936.

and after January 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer secondary lead, and no person shall buy, offer to buy, or accept delivery of secondary lead at prices higher than the maximum prices set forth in Appendix B hereof, incorporated herein as § 1355.65.*

§ 1355.53 *Maximum prices for battery lead plates purchased and sold by brokers.* On and after January 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, in the execution of a brokerage sale (a) no broker shall sell, offer to sell, deliver or transfer battery lead plates, and no broker shall buy, offer to buy, or accept delivery of battery lead plates, and (b) no person shall sell, offer to sell, deliver or transfer battery lead plates to a broker, and no person shall buy, offer to buy, or accept delivery of battery lead plates from a broker, at prices higher than the maximum prices set forth in Appendix C hereof, incorporated herein as § 1355.66.*

§ 1355.54 *Maximum prices for battery lead scrap purchased by smelters or battery manufacturers.* On and after January 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, (a) no smelter or battery manufacturer shall buy, offer to buy, or accept delivery of battery lead scrap, and (b) no person shall sell, offer to sell, deliver or transfer battery lead scrap to such smelter or battery manufacturer, at prices higher than the maximum prices set forth in Appendix D hereof, incorporated herein as § 1355.67.*

§ 1355.55 *Maximum prices for primary and secondary antimonial lead.* On and after January 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer antimonial lead, and no person shall buy, offer to buy, or accept delivery of antimonial lead, at prices higher than the maximum prices set forth in Appendix E hereof, incorporated herein as § 1355.63.*

§ 1355.56 *Less than maximum prices.* Lower prices than those set forth in Appendices A, B, C, D, E, and F may be charged, demanded, paid, or offered.*

§ 1355.57 *Evasion.* (a) The price limitations set forth in Price Schedule No. 70, shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of lead scrap materials, secondary lead, battery lead scrap, or antimonial lead, alone or in conjunction with any other material, or by way of any commission, except as provided in § 1355.66 hereof, or by way of any service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) Any purchase, sale, delivery or transfer of secondary lead or antimonial lead in quantities less than requested by the buyer in order to enable the seller to obtain a higher less-than-carload-lot differential shall be considered to be an evasion of Price Schedule No. 70, provided that the buyer is willing to accept delivery thereof in a single shipment.

(c) Any agreement or transaction in connection with which a smelter processes lead scrap materials or battery lead scrap for any person on toll shall be considered to be an evasion of Price Schedule No. 70, unless such agreement or transaction has first been approved in writing by the Office of Price Administration.*

§ 1355.58 *Records and reports.* (a) Any broker or smelter completing a contract for brokerage sales as defined in § 1355.62 of Price Schedule No. 70 shall submit under oath to the Office of Price Administration not later than the 10th day after the completion of delivery thereunder a complete and accurate record of such contract showing:

(1) The date of the contract,

(2) The names and addresses of the contracting parties,

(3) The dates of the first and last shipments thereunder made to and received by the smelter,

(4) The quantity contracted for and the quantity delivered, and

(5) The broker's commission paid, if any.

(b) Every person making purchases or sales of lead scrap materials, secondary lead, battery lead scrap, or antimonial lead after January 15, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each kind or grade purchased or sold, and (2) the quantity of lead scrap materials, secondary lead, battery lead scrap, or antimonial lead (i) on hand, and (ii) on order, as of the close of each calendar month.

(c) In addition to fulfilling the other requirements of Price Schedule No. 70, every smelter or battery manufacturer making purchases of battery lead plates after January 15, 1942, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each such purchase, including the date of purchase, the name and address of the seller, the price paid, the quantity received, and the results of the sample assay made thereof in accordance with the requirements of Price Schedule No. 70.

(d) All records recording the purchase, sale, or transfer after January 15, 1942, of lead scrap material, secondary lead, battery lead scrap, or antimonial lead shall refer thereto, in addition to such other classifications as may be employed by the maker or keeper of said records, in the terms in which they are respectively classified in Price Schedule No. 70.

(e) Persons affected by Price Schedule No. 70 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1355.59 *Affirmations of compliance by smelters of battery lead plates or battery manufacturers purchasing battery lead plates.* On or before February 10, 1942, and on or before the 10th day of each month thereafter, every smelter of battery lead plates or battery manufacturer purchasing battery lead plates shall submit to the Office of Price Administration an affirmation of compliance on Form 170:1, containing a sworn statement that during the preceding month in compliance with Price Schedule No. 70 an assay has been made in the manner prescribed in § 1355.67 of Price Schedule No. 70 of every shipment and delivery of battery lead plates received by said smelter or purchased by said battery manufacturer. Copies of Form 170:1 can be procured from the Office of Price Administration, or, provided no change is made in the style and content of the Form and that it is reproduced on 8" x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1355.60 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 70, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 70, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 70; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 70, which may be regarded as grounds for the revocation of licenses and permits; (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 70; and (e) that the Supply, Priorities and Allocations Board is requested to direct the withholding of priority ratings and the allocation of materials to any person failing to comply with Price Schedule No. 70. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of lead scrap materials, secondary lead, battery lead scrap, or antimonial lead, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1355.61 *Modification of Price Schedule No. 70.* (a) Persons complaining of hardship or inequity in the operation of Price Schedule No. 70 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 70, and other Schedules issued by the Office of Price Administration.

(b) Any person producing from scrap materials corroding lead of the specifications established by the American Society for Testing Materials may apply to the Office of Price Administration for permission to sell such materials at a premium to be established by the Office of Price Administration. Such permission will be granted only when it is proved to the satisfaction of the Office of Price Administration that the material for which such application is made meets the required specifications.*

§ 1355.62 *Definitions.* When used in Price Schedule No. 70, the term:

(a) "Antimonial lead" includes both primary and secondary antimonial lead and means any lead-antimony alloy in the form of pigs or special shapes containing not less than 98% antimony and lead combined, not less than 2% antimony, and not more than ½% tin;

(b) "Base price" means the price listed in § 1355.69, Appendix F, hereof at the point of shipment. If the point of shipment is not listed therein, the price listed for the nearest point in distance to the point of shipment shall prevail;

(c) "Battery lead plates" means scrap battery lead plates either with or without lugs, liners, separators, and/or battery mud;

(d) "Battery lead scrap" means the kinds, types, and grades of battery lead scrap set forth in Appendices C and D (§§ 1355.66 and 1355.67) of Price Schedule No. 70;

(e) "Broker" means any person who (1) contracts to supply a smelter with not less than 300 tons gross (wet) weight of battery lead plates to be delivered within a period of 30 days and (2) routes all shipments under such contracts from a point of shipment other than the broker's plant, warehouse, or yard, directly to the smelter;

(f) "Brokerage sale" means a sale under a firm contract in which any person agrees (1) to supply a smelter with not less than 300 tons gross (wet) weight of battery lead plates to be delivered within a thirty-day period, and (2) routes all shipments under such contract from a point of shipment other than the broker's plant, warehouse, or yard, directly to the smelter;

(g) "Carload lot" means the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination;

(h) "Hard lead scrap" means any scrap containing not less than 98% lead and antimony combined, and not less than 2% antimony;

(i) "Lead scrap materials" means the kinds, types, and grades of lead scrap materials set forth in § 1355.64, Appendix A, of Price Schedule No. 70;

(j) "On toll" means under an arrangement whereby the smelter is paid a servicing charge for processing the materials;

(k) "Person" means an individual, partnership, association, corporation, or other business entity;

(l) "Point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment;

(m) "Sample assay" means an assay performed according to the requirements set forth in § 1355.67, Appendix D, of Price Schedule No. 70;

(n) "Secondary lead" includes secondary calking lead, and means lead more than 50% of the lead content of which shall be obtained from scrap material;

[Paragraph (n) amended February 2, 1942, effective February 2, 1942; 7 F.R. 727]

(o) "Single shipment" means all deliveries made to a buyer by any one seller within a period of 48 consecutive hours, excluding Sundays and legal holidays;

(p) "Smelter" means any person who melts or fuses lead scrap materials including, but in no way limiting the generality thereof, battery lead plates.*

(q) "Producer" means any person who makes pigs, ingots, or other special shapes of lead.

[Paragraph (q) added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 727]

§ 1355.63 *Effective date of Price Schedule No. 70.* This Schedule (§§ 1355.51 to 1355.69, incl.) shall become effective January 15, 1942.*

§ 1355.64 *Appendix A: Maximum prices for lead scrap materials other than battery lead scrap*—(a) *Maximum prices.* "Base price" means the price listed in § 1355.69, Appendix F, hereof at the point of shipment. If the point of shipment is not listed therein, the price listed for the nearest point in distance to the point of shipment shall prevail.

Grade or type of lead scrap material	*Maximum price per pound (f. o. b. point of shipment)*
Soft lead scrap	Base price less .55¢
Hard lead scrap	Base price less .55¢
Battery lugs	Base price less .65¢
Lead content of lead-covered copper cable	Base price less .65¢
Cable lead scrap	Base price less .55¢

The maximum prices established herein are the maximum prices to be paid for the lead scrap materials enumerated above in a clean condition after the free iron, rubber, and other foreign materials are removed.

Hard lead scrap shall be considered to include any scrap containing not less than 98% lead and antimony combined, and not less than 2% antimony.

(b) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Lead scrap materials may, however, be sold, offered for sale, delivered, or transferred at a price delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by Price Schedule No. 70, in all price quotations (1) the transportation charge must be shown as a separate item, and (2) the price f. o. b. point of shipment obtained by subtracting the transportation charge from the total delivered price must not exceed the maximum f. o. b. point of shipment price set forth in Price Schedule No. 70.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in Price Schedule No. 70, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.*

§ 1355.65 *Appendix B: Maximum prices for secondary lead, including calking lead*—(a) *Maximum prices.* "Base price" means the price listed in § 1355.69, Appendix F, hereof at the point of shipment. If the point of shipment is not listed therein, the price listed for the nearest point in distance to the point of shipment shall prevail.

(1) *Sold or shipped, delivered, or carried away in carload lots.*

Grade or type	*Maximum price, per pound (f. o. b. point of shipment)*
Low-grade secondary pig lead (containing less than 99.73% lead)	Base price less .15¢.
Low-grade secondary lead ingots, linked ingots, and other special shapes (containing less than 99.73% lead).	Base price plus .10¢.
High-grade secondary pig lead (certified to contain not less than 99.73% lead).	Base price.
High-grade secondary lead ingots, linked ingots, and other special shapes (certified to contain not less than 99.73% lead).	Base price plus .50¢.

The minimum quantity making up a carload lot for the purposes of Price Schedule No. 70 will be the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination.

(2) *Sold and shipped, delivered, or carried away in less than carload lots—*

(i) *Sales of secondary lead by the producer of the lead sold.*

For sales of secondary lead in lots of	*Maximum price, per pound (f. o. b. point of shipment)*
20,000 lbs. and less than a carload	Carload price as determined in Paragraph (a) (1) of this Section plus .15¢.
10,000 lbs. and less than 20,000 lbs	Carload price as determined in Paragraph (a) (1) of this Section plus .25¢.
2,000 lbs. and less than 10,000 lbs	Carload price as determined in Paragraph (a) (1) of this Section plus .40¢.
Less than 2,000 pounds	Carload price as determined in Paragraph (a) (1) of this Section plus .50¢.

[Headnote (1) as amended February 2, effective February 2, 1942; 7 F.R. 727]

(ii) *Sales by all other persons except plumbing supply houses.*

For sales of secondary lead in lots of	*Maximum price, per pound (f. o. b. point of shipment)*
20,000 lbs. and less than a carload	Carload price as determined in Paragraph (a) (1) of this Section plus .65¢.
10,000 lbs. and less than 20,000 lbs	Carload price as determined in Paragraph (a) (1) of this Section plus .75¢.
2,000 lbs. and less than 10,000 lbs	Carload price as determined in Paragraph (a) (1) of this Section plus 1.00¢.
Less than 2,000 pounds	Carload price as determined in Paragraph (a) (1) of this Section plus 1.50¢.

[Headnote (ii) as amended February 10, effective February 10, 1942; 7 F.R. 936]

When used in Price Schedule No. 70, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.

(iii) *Sales by plumbing supply houses.* No plumbing supply house shall sell, offer to sell, deliver, or transfer primary lead at prices in excess of the carload maximum prices established in paragraph (a) (1) of this Section plus an amount not to exceed the difference between (a) the highest price received by such supply house in a sale on October 1, 1941, or on the last date previous thereto on which such a sale took place, of a quantity similar to that presently being sold of the same grade of lead and (b) the price paid by such supply house for such lead in the last purchase prior to such sale.

[Subdivision (iii) as amended February 10, effective February 10, 1942; 7 F.R. 936]

(b) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Secondary lead may, however, be sold, offered for sale, delivered, or transferred at a price delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by Price Schedule No. 70, in all price quotations (1) the transportation charge must be shown as a separate item, and (2) the price f. o. b. point of shipment obtained by subtracting the transportation charge from the total delivered price must not exceed the maximum f. o. b. point of shipment price set forth in Price Schedule No. 70.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable in an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in Price Schedule No. 70, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.*

§ 1355.66 *Appendix C: Maximum prices for battery lead plates purchased and sold by brokers*—(a) *Maximum prices for brokerage sales*—(1) *Single shipments of 8,000 pounds or more.* The maximum price per pound of the gross (wet) weight, f. o. b. point of shipment, shall be determined for each such shipment according to the following formula:

6.65¢
multiplied by
the percentage of metal content in the plates as determined by the smelter-purchaser thereof by a sample wet assay upon receipt of the shipment at his plant
less
1.10¢

(2) *Single shipments of less than 8,000 pounds.* For a single shipment of less than 8,000 pounds, not less than $3.00 shall be subtracted from the maximum price for the entire shipment as determined in accordance with subparagraph (a) (1) of this section.

(3) *Single shipment.* For the purposes of Prices Schedule No. 70 the term "single shipment" means all deliveries made to a buyer by any one seller within a period of 48 consecutive hours, excluding Sundays and legal holidays.

(4) *Lugs.* The above prices for battery lead plates are applicable whether said plates are sold with or without lugs attached.

(5) *Weight of shipment.* The weight of the battery lead plates at the time the assay sample is taken and the assay made shall be used to determine the maximum price in accordance with this section.

[Subparagraph (5) added by amendment February 2, 1942, effective February 2, 1942; 7 F.R. 727]

(b) *Commission on brokerage sales.* Any person who (1) contracts to supply a smelter with not less than 300 tons gross (wet) weight of battery lead plates to be delivered within a 30-day period and (2) routes all shipments under such contracts from a point of shipment other than the broker's plant, warehouse, or yard, directly to the smelter may receive from the smelter-purchaser, upon completion of each such contract, a commission not exceeding $1.00 a ton of the gross (wet) weight received under each contract provided all of the following requirements are fulfilled:

(1) Complete delivery of all the material called for in the contract is made to the smelter-purchaser within a period of 30 days;

(2) The commission is shown as a separate charge on all records;

(3) The broker does not split or divide the commission with any other person;

(4) The contract is fully performed before the commission, or any portion thereof, is received by the broker; and

(5) Complete and accurate records of each such sale are submitted to the Office of Price Administration as are required by § 1355.58 of Price Schedule No. 70.

(c) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Battery lead plates may, however, be sold, offered for sale, delivered, or transferred at a price delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by Price Schedule No. 70 in all price quotations (1) the transportation charge must be shown as separate item, and (2) the price f. o. b. point of shipment obtained by subtracting the transportation charge from the total delivered price must not exceed the maximum f. o. b. point of shipment price set forth in Price Schedule No. 70.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in Price Schedule No. 70 the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.*

§ 1355.67 *Appendix D: Maximum prices for battery lead scrap purchased by smelters or battery manufacturers*—(a) *Battery lead plates, with or without lugs attached*—(1) *Single shipments of 8,000 pounds or more.* The maximum price per pound of the gross (wet) weight, f. o. b. point of shipment, shall be determined for each such shipment according to the following formula:

6.65¢
multiplied by
the percentage of metal content in the plates as determined by the smelter-purchaser or battery manufacturer thereof by a sample wet assay upon receipt of the shipment at his plant
1.10¢
less

(2) *Single shipments of less than 8,000 lbs.* For a single shipment of less than 8,000 pounds, not less than $3.00 shall be subtracted from the maximum price for the entire shipment as determined in accordance with subparagraph (a) (1) of this section.

(3) *Single shipment.* For the purposes of this Schedule, the term "single shipment" means all deliveries made to a buyer by any one seller within a period of 48 consecutive hours, excluding Sundays and legal holidays.

(4) *Weight of shipment.* The weight of the battery lead plates at the time the assay sample is taken and the assay made shall be used to determine the maximum price in accordance with this section.

[Subparagraph (4) added by amendment February 2, 1942; 7 F.R. 727]

(b) *Used storage batteries (in boxes), drained of liquid.* The maximum price per cwt., f. o. b. point of shipment, is $2.39.

Used storage batteries (in boxes) may be shipped to a smelter or battery manufacturer in an undrained condition, but the weight and price thereof shall be determined after the boxes are drained.

The maximum prices for used storage batteries (in boxes) set forth herein do not apply to rebuilders of used storage batteries.

(c) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Battery lead scrap may, however, be sold, offered for sale, delivered, or transferred at a price delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by Price Schedule No. 70, in all price quotations (1) the transportation charge must be shown as a separate item, and (2) the price f. o. b. point of shipment obtained by subtracting the transportation charge from the total delivered price must not exceed the maximum f. o. b. point of shipment price set forth in Price Schedule No. 70.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in Price Schedule No. 70, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.

(d) *Sample assay.* Every sample assay of battery lead plates required to be made pursuant to Price Schedule No. 70 shall satisfy the following requirements:

(1) A wet or chemical assay shall be made of the metal and dross derived from the sample.

(2) The sample shall be selected at random from the shipment in a manner consistent with the past practice of the trade and shall be of a size not smaller than is consistent with such past practice.

(3) The assay in every other respect shall be performed in a manner consistent with the purpose of determining accurately the metal content of the shipment of battery lead plates.*

§ 1355.68 *Appendix E: Maximum prices for primary and secondary antimonial lead*—(a) *Maximum prices.* When used in Price Schedule No. 70, the term "base price" means the price quoted in § 1355.69, Appendix F hereof, at the point of shipment. If the point of shipment is not listed therein, the price listed for the nearest point in distance to the point of shipment shall prevail.

(1) *Sold or shipped, delivered, or carried away in carload lots.* The maximum price per pound, f. o. b. point of shipment, for any grade or type of antimonial lead sold in pigs shall be equal to 14 cents a pound for the antimony content plus the base price of lead for the remainder.

(2) *Sold and shipped, delivered, or carried away in less than carload lots.*

For sales of antimonial lead in lots of	*Maximum price, per pound (f. o. b. point of shipment)*
20,000 lbs. and less than a carload	Carload price as determined in Paragraph (a) (1) of this Section plus .15¢.
10,000 lbs. and less than 20,000 lbs	Carload price as determined in Paragraph (a) (1) of this Section plus .25¢.
2,000 lbs. and less than 10,000 lbs	Carload price as determined in Paragraph (a) (1) of this Section plus .40¢.
Less than 2,000 pounds	Carload price as determined in Paragraph (a) (1) of this Section plus .50¢.

(3) *Differentials for sales in special shapes.* For sales of antimonial lead in ingots, billets, or other special shapes, there may be added to the maximum prices set forth above a differential of .30 cent a pound.

(b) *Terms of sale.* The maximum prices set forth above are f. o. b. point of shipment. Antimonial lead may, however, be sold, offered for sale, delivered, or transferred at a price delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by Price Schedule No. 70, in all price quotations (1) the transportation charge must be shown as a separate item, and (2) the price f. o. b. point of shipment obtained by subtracting the transportation charge from the total delivered price must not exceed the maximum f. o. b. point of shipment price set forth in Price Schedule No. 70.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in Price Schedule No. 70, the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.

(c) *Antimonial lead.* When used in Price Schedule No. 70, the term "antimonial lead" means any lead-antimony alloy in the form of pigs or special shapes, containing not less than 98% antimony and lead combined, not less than 2% antimony, and not more than ½% tin.*

§ 1355.69 *Appendix F: List of base prices.*

Basing point	*Price per lb. in cents*
Alabama:	
Birmingham	6.55
Fairfield	6.55
California:	
Los Angeles	6.50
Melrose	6.50
Oakland	6.50
San Francisco	6.50
Colorado:	
Denver	6.50
Connecticut:	
Bridgeport	6.55
New Haven	6.55
New London	6.55
Torrington	6.55
Waterbury	6.55
Waterville	6.55
Georgia:	
Atlanta	6.55
Idaho:	
Silver King	6.50
Illinois:	
Aurora	6.40
Chicago	6.40
Cicero	6.40
Dixon	6.40
E. Alton	6.35
Evanston	6.40
Granite City	6.40
Greenville	6.40
Greenwood Blvd	6.40
Joliet	6.40
Kensington	6.40
Peoria	6.40
Waukegan	6.40
West Pullman	6.40
Indiana:	
Charlestown	6.50
Gary	6.40
Grasselli	6.40
Hammond	6.40
Indianapolis	6.50
Kokomo	6.50
Marion	6.50
Muncie	6.50
Whiting	6.40
Iowa:	
Keokuk	6.35
Kansas:	
Topeka	6.35
Kentucky:	
Louisville	6.50
Louisiana:	
Baton Rouge	6.50
New Orleans	6.60
Maryland:	
Baltimore	6.50
Massachusetts:	
Boston	6.55
Cambridge	6.55
Springfield	6.55
Worcester	6.55
Michigan:	
Detroit	6.50
Port Huron	6.50
River Rouge	6.50

Basing point	*Price per lb. in cents*
Minnesota:	
Duluth	6.40
Minneapolis	6.40
St. Paul	6.40
Missouri:	
Joplin	6.40
Kansas City	6.35
Neosho	6.50
St. Louis	6.35
Montana:	
Anaconda	6.50
Black Eagle	6.50
Nebraska:	
Omaha	6.35
New Hampshire:	
Portsmouth	6.55
New Jersey:	
Bayonne	6.50
Bloomfield	6.50
Carney's Point	6.50
Dundee	6.50
Elizabeth	6.50
Grasselli	6.50
Irvington	6.50
Jersey City	6.50
Kearny	6.50
Newark	6.50
New Brunswick	6.50
Passaic	6.50
Paterson	6.50
Perth Amboy	6.50
Phillipsburg	6.50
Roebling	6.50
Trenton	6.50
New York:	
Albany	6.50
Brooklyn	6.50
Buffalo	6.50
Glendale, L. I.	6.50
Green Island	6.50
Hastings	6.50
Long Island City	6.50
Maspeth, L. I.	6.50
New York	6.50
Niagara Falls	6.50
Richfield Springs	6.50
Rochester	6.50
Rome	6.50
Schenectady	6.50
Syracuse	6.50
West Albany	6.50
Yonkers	6.50
North Carolina:	
Winston-Salem	6.50
North Dakota:	
Fargo	6.50
Ohio:	
Akron	6.50
Canton	6.50
Cincinnati	6.50
Cleveland	6.50
Delta	6.50
E Liverpool	6.55
Lorain	6.50
Martins Ferry	6.55
Niles	6.50
Portsmouth	6.55
Reading	6.50
Oklahoma:	
Oklahoma City	6.50
Pennsylvania:	
Allentown	6.50
Ambridge	6.55
Crescentville	6.50
Donora	6.55
E Pittsburgh	6.55
Erie	6.50
Fort Washington	6.50
Monessen	6.55
New Castle	6.55
New Brighton	6.50
Philadelphia	6.50
Pittsburgh	6.55
Rankin	6.55
Reading	6.50
Scranton	6.50
Wilkes-Barre	6.50
Rhode Island:	
Bristol	6.55
Pawtucket	6.55
Phillipsdale	6.55
Providence	6.55
Tennessee:	
Memphis	6.50
Texas:	
Dallas	6.50
El Paso	6.50
Houston	6.50
San Antonio	6.50
Virginia:	
Norfolk	6.50
Richmond	6.50
Washington:	
Seattle	6.50
West Virginia:	
Charleston	6.50
Weirton	6.55
Wheeling	6.55
Wisconsin:	
Burlington	6.40
Kenosha	6.40
Milwaukee	6.40
New Glarus	6.40
New London	6.40

Issued this 13th day of January 1942.[1]

LEON HENDERSON,
Administrator.

PART 1357—CADMIUM

REVISED PRICE SCHEDULE NO. 71—PRIMARY & SECONDARY CADMIUM

The Office of Price Administration, being charged with the maintenance of price stability and the prevention of undue price rises and price dislocations, has determined that the establishment of maximum prices for primary and secondary cadmium is essential in order to accomplish these purposes and is in the interest of national defense and the national welfare.

Cadmium is required for both military and essential civilian needs. Increased demands upon the supply of cadmium have created a critical situation in the secondary cadmium field. Prices of secondary cadmium have advanced far beyond those of primary cadmium and tend to make it impossible for persons in the trade to cooperate with the Government in maintaining price stability and in preventing excessive and speculative price increases. Such increases in the price of secondary cadmium impose an unfair burden on producers of primary cadmium who have refrained from selling at prices higher than those approved by the Office of Price Administration.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1357.1 *Maximum prices for primary and secondary metallic cadmium.* On and after January 19, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer metallic cadmium, and no person shall buy, offer to buy, or accept delivery of metallic cadmium, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1357.9.*

*§§ 1357.1 to 1357.9, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875; 6 F.R. 1917, 4483.

§ 1357.2 *Less than maximum prices.* Lower prices than those set forth in § 1357.9, Appendix A, of Price Schedule No. 71 may be charged, demanded, paid, or offered.*

§ 1357.3 *Evasion.* (a) The price limitations set forth in Price Schedule No. 71 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of metallic cadmium, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) Any agreement or transaction in connection with which any material containing cadmium is processed or treated on toll to obtain metallic cadmium therefrom shall be considered to be an evasion of Price Schedule No. 71, unless the total of the cost of materials, the charge for processing or treating the material, and all other charges in connection with the processing, treatment, handling, and delivery of said material in order to obtain metallic cadmium therefrom, does not exceed, on a per pound basis, the maximum prices established by Price Schedule No. 71.*

§ 1357.4 *Records and reports.* Every person making purchases or sales of metallic cadmium after January 19, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each type or shape purchased or sold; and (b) the quantity of metallic cadmium (1) on hand and (2) on order as of the close of each calendar month.

Persons affected by Price Schedule No. 71 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1357.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 71 or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 71, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the government interest and the interests of those persons who comply with Price Schedule No. 71, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 71 which may be regarded as grounds for the revocation of licenses and permits. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of metallic cadmium, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the office of Price Administration.*

§ 1357.6 *Modification of Price Schedule No. 71.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 71 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom, provided that no application under this section will be considered unless filed by persons complying with Price Schedule No. 71 and all other Schedules issued by the Office of Price Administration.*

§ 1357.7 *Definitions.* When used in Price Schedule No. 71, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Metallic cadmium" means the types and shapes of metallic cadmium set forth in Appendix A, § 1357.9, of this Schedule, regardless of the materials from which they are produced; and

(c) "On toll" means an arrangement whereby a servicing charge is paid for processing or treating material containing cadmium.*

§ 1357.8 *Effective date of Price Schedule No. 71.* This Schedule (§§ 1357.1 to 1357.9, inclusive) shall become effective January 19, 1942.*

§ 1357.9 *Appendix A: Maximum prices for primary and secondary metallic cadmium.*

Type or Shape	*Maximum Price, per pound (Delivered)*
Anodes, balls, discs, and all other special or patented shapes	95¢
Bars, ingots, pencils, pigs, plates, rods, slabs, sticks, and all other "regular" straight or flat forms	90¢

The prices quoted above are delivered prices before discounts of any nature have been deducted. Deductions for percentage and character of impurities should be made according to customary trade practices.*

Issued this 16th day of January 1942.[1]

LEON HENDERSON,
Administrator.

[1] Issued: 7 F.R. 266. Amended: 7 F.R. 727, 936.

PART 1340—FUEL

REVISED PRICE SCHEDULE NO. 72—BUNKER C AND NO. 6 GRADE FUEL OILS, EAST AND GULF COASTS

Bunker C and No. 6 grade fuel oils are the heavy residual oils used extensively for fueling both merchant vessels and the navies of the United States and the United Nations. They are also used in large quantities by industrial plants, many of which are engaged in war production. Some is imported, some is shipped from the Gulf to the East Coast by tanker, and some is produced on the East Coast from crude petroleum shipped there by tanker. The bulk of the deliveries of Bunker C and No. 6 fuel oils is controlled by companies owning their own tanker fleets or producing these fuel oils at their own refineries.

Requests have been received from certain companies engaged in the sale of Bunker C fuel for approval of a higher price than the base price of $1.35 per barrel f. o. b. New York Harbor, which was the prevailing maximum contract price in the second half of 1941. After consideration of all pertinent factors, including the actual cost of ocean transportation, maximum time charter rates, handling charges, and the supply position and financial status of the companies in the trade, it was found that $1.35 per barrel f. o. b. New York Harbor is a proper maximum price on which to base the prices of Bunker C and No. 6 grade fuel oils.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1340.101 *Maximum prices for Bunker C and No. 6 grade fuel oils on the East and Gulf Coasts.* On and after January 9, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer Bunker C and No. 6 grade fuel oils and no person shall buy, offer to buy or accept delivery of Bunker C and No. 6 grade fuel oils at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1340.109.*

*§§ 1340.101 to 1340.109, inclusive, issued pursuant to authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§1340.102 *Less than maximum prices.* Lower prices than those set forth in § 1340.109, Appendix A, may be charged, demanded, paid or offered.*

§ 1340.103 *Evasion.* The price limitations set forth in Price Schedule No. 72 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of Bunker C and No. 6 grade fuel oils, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discounts, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1340.104 *Records and reports.* Persons affected by Price Schedule No. 72 shall keep such records and submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1340.105 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 72, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 72, or in the event of any ministration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 72; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 72 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement and other services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 72.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of Bunker C and No. 6 grade fuel oils, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1340.106. *Modification of Price Schedule No. 72.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 72 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 72.*

§ 1340.107 *Definitions.* When used in Price Schedule No. 72 the term "person" means an individual, partnership, association, corporation or other business entity.*

§ 1340.108 *Effective date of Price Schedule No. 72.* This Schedule (§ 1340.101 to 1340.109, inclusive) shall be effective as of January 9, 1942.*

§ 1340.109 *Appendix A: Maximum prices for Bunker C and No. 6 grade fuel oils on the East and Gulf Coasts, f. o. b. refineries and terminals (ex lighterage).*

Location of refineries or terminals:	*Maximum price per barrel*
Albany, N. Y.	$1.55
New York, N. Y.	1.35
Philadelphia, Pa.	1.35
Baltimore, Md.	1.35
Norfolk, Va.	1.35
Portland, Me.	1.35
Boston, Mass.	1.35
Providence, R. I.	1.35
Charleston, S. C.	1.30
Savannah, Ga.	1.30
Jacksonville, Fla.	1.30
Tampa, Fla.	1.25
New Orleans, La.	.85
Gulf Coast points not specified above	.85

Maximum differentials for ports on the East Coast not specified above shall be based on the low quotations for such ports in Platt's *Oilgram* on January 9, 1942.*

Issued this seventeenth day of January 1942.[1]

LEON HENDERSON,
Administrator.

[1] Issued: 7 F.R. 400.

[1] Issued: 7 F.R. 398.

PART 1363—FEEDINGSTUFFS

REVISED PRICE SCHEDULE NO. 73—FISH MEAL

The Office of Price Administration is charged with maintaining price stability and preventing unwarranted price increases. An adequate supply of food products can be obtained only by maintaining feed prices at levels consonant with the prices received for eggs, poultry and livestock. Sharp increases in the prices of certain essential feed ingredients have occurred since the outbreak of war. The prices of fish meal have risen approximately $16.00 per ton during the past two months. This price increase of approximately 26 percent indicates that supplies are being withheld in the expectation of further price increases, since the 1941 catch of fish was probably the largest on record. To prevent this withholding and to assure adequate food supplies it is evident that immediate action to prevent further increases in the prices of these ingredients is necessary. Price Schedule No. 73 temporarily establishes the general level of prices prevailing on January 17, 1942, as the maximum prices for fish meal. Upon the completion of studies now in progress, a permanent schedule of maximum prices for fish meal will be established.

Should unwarranted price rises occur at stages of distribution not covered by Price Schedule No. 73 appropriate action will be taken by this Office.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1363.1 *Maximum prices for fish meal.* On and after January 20, 1942, no person shall sell, offer to sell, deliver, or transfer fish meal at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1363.10, except that contracts entered into prior to January 20, 1942, providing for a higher price than the maximum prices may be carried out at the contract price. The maximum prices shall include commissions and all other charges.*

*§§ 1363.1 to 1363.10, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1363.2 *Exempt sales.* Sales at retail are excepted from the operation of Price Schedule No. 73.*

§ 1363.3 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 73 may be charged, demanded, paid or offered.*

§ 1363.4 *Evasion.* The price limitations set forth in Price Schedule No. 73 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of fish meal or by way of premium, commission, service, transportation or other charge, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on January 17, 1942, or by any other means.*

§ 1363.5 *Records and reports.* On and after January 20, 1942, every manufacturer of fish meal making any sale of fish meal and every person purchasing fish meal from a manufacturer of fish meal shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such purchase or sale, including the date thereof, the name of the seller or purchaser, the amount purchased or sold, and the price paid or received.

Every person affected by Price Schedule No. 73 shall submit such reports to The Office of Price Administration as it may from time to time require.*

§ 1363.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements or other provisions of Price Schedule No. 73, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 73, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 73; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 73 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government, both State and Federal, are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 73.

Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of the prices of fish meal, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1363.7 *Modification of Price Schedule No. 73.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 73 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom; *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 73.*

§ 1363.8 *Definitions.* When used in Price Schedule No. 73, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Fish meal" means clean, dry, ground tissues of undecomposed whole fish, fish cuttings, or fish scraps with or without the extraction of part of the oil.

(c) "Grade" refers to the percentage of protein content per ton of fish meal.

(d) "Sales at retail" means a sale to the ultimate user: *Provided*, That no manufacturer, processor, or purchaser for resale shall be deemed to be an ultimate user.

(e) "Commercial distributors" means persons performing a recognized function in the physical distribution of fish meal.

(f) In the phrase "similar amount to a similar purchaser" the word "similar" means that amount and that type of purchaser with respect to which the same mark-up applied or would have applied under the seller's trade practices on January 17, 1942.*

§ 1363.9 *Effective date of Price Schedule, No. 73.* This Schedule (§§ 1363.1 to 1363.10, inclusive) shall become effective on January 20, 1942.*

§ 1363.10 *Appendix A: Maximum prices for sales of fish meal*—(a) *Maximum prices for sales of fish meal, f. o. b. conveyance, at coastal shipping points*—(1) *Maximum prices for sales of fish meal in new bags.*

Guaranteed minimum percentage of protein per ton (percent)	Shipping point price per ton	
	Pacific coast	Atlantic and Gulf coasts
	Dollars	*Dollars*
55	63.50	65.00
58	67.00	70.00
60	69.50	72.50
62	71.50	75.00
65	75.00	77.50
67	77.50	80.00
70	81.00	82.50

(2) *Maximum prices for sales of fish meal in used bags.* To determine the maximum price per ton for fish meal sold in used bags, subtract $1.00 in each instance from the prices specified in subparagraph (1) above.

(3) *Maximum prices for sales of fish meal shipped in bulk.* To determine the maximum price per ton for fish meal shipped in bulk, subtract $3.00 in each instance from the prices specified in subparagraph (1) above.

(b) *Maximum delivered prices for sales of fish meal.* The maximum delivered price per ton to any point shall be the maximum shipping point price determined under paragraph (a) (1), (2), or (3) above, plus the transportation charge at the lowest established rate available for an identical shipment to such point.

(c) *Maximum prices for sales of fish meal manufactured at points other than coastal points.* (1) The maximum shipping point price per ton, f. o. b. conveyance, for fish meal manufactured at points other than coastal points shall be the maximum delivered price at the point of manufacture for the same type of fish meal shipped from the nearest coastal point where such type is manufactured, as determined under paragraph (b) above.

(2) The maximum delivered price per ton for fish meal manufactured at points other than coastal points shall be the shipping point price established under paragraph (c) (1) above, plus the transportation charge at the lowest established rate available for an identical shipment to the point of delivery.

(d) *Maximum price for sales of fish meal by commercial distributors.* The maximum price for sales of fish meal by commercial distributors shall be the maximum price established under paragraph (a) (b) or (c) above, or the price paid under Price Schedule No. 73 to another commercial distributor of fish meal, plus the mark-up in terms of dollars per ton charged or that would have been charged by the seller on January 17, 1942, in selling in the same locality the same kind and grade of fish meal in a similar amount to a similar purchaser. Fish meal purchased by a commercial distributor from a manufacturer or a commercial distributor of fish meal located outside the several States of the United States shall not be sold at prices higher than the maximum prices established under this paragraph for sales of fish meal purchased from a manufacturer or a commercial distributor of fish meal located within the several States of the United States.*

Issued this 17th day of January 1942.[1]

LEON HENDERSON,
Administrator.

[1] Issued: 7 F.R. 401.

PART 1363—FEEDINGSTUFFS

REVISED PRICE SCHEDULE NO. 74—ANIMAL PRODUCT FEEDINGSTUFFS

The Office of Price Administration is charged with maintaining price stability and preventing unwarranted price increases. An adequate supply of food products can be obtained only by maintaining feed prices at levels consonant with the prices received for eggs, poultry, and livestock. Sharp increases in the prices of certain essential feed ingredients have occurred since the outbreak of war. The prices of animal product feedingstuffs have risen approximately $12.50 per ton. This price increase of approximately 20 percent indicates that supplies are being held in expectation of further price increases. To prevent this withholding and to assure adequate food supplies it is evident that immediate action to prevent further increases in the prices of animal product feedingstuffs is necessary. Price Schedule No. 74 temporarily establishes the prices prevailing on January 17, 1942, as the maximum prices. Upon the completion of studies now in progress a permanent Schedule of maximum prices for animal product feedingstuffs will be established.

Should unwarranted price rises occur at stages of distribution not covered by Price Schedule No. 74 appropriate action will be taken by this Office.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1363.51 *Maximum prices for animal products used as feedingstuffs.* On and after January 20, 1942, no person shall sell, offer to sell, deliver or transfer animal product feedingstuffs at prices higher than the maximum prices, except that contracts entered into prior to January 20, 1942, providing for prices higher than the maximum prices may be carried out at the contract prices. The maximum prices shall include commissions and all other charges.

(a) The maximum shipping point price for any kind and grade of animal product feedingstuff shall be:

(1) The highest shipping point price (or delivered price converted to a shipping point price) at which the seller sold at such shipping point such kind and grade on January 17, 1942, for delivery within thirty days, in a similar amount to the same type of purchaser; or

(2) If the seller did not sell such grade on January 17, 1942, for delivery within thirty days in a similar amount to the same type of purchaser, the maximum shipping point price shall be the highest shipping point price (or delivered price converted to a shipping point price) at which the seller sold at such shipping point the same kind of animal product feedingstuff of a different grade or in a different amount or to a different type of purchaser on January 17, 1942, for delivery within thirty days, making the necessary adjustments for differences in grade, amount, or type of purchaser, in accordance with the seller's practice for determining price differentials existing on January 17, 1942; or

(3) If the seller did not sell such kind of animal product feedingstuff on January 17, 1942, for delivery within thirty days, the seller's maximum shipping point price for any one of the various grades of such kind of animal product feedingstuff shall be the shipping point price (or delivered price converted to a shipping point price) at which such grade was sold in the market nearest the seller's shipping point on January 17, 1942, for delivery within thirty days, in a similar amount to the same type of purchaser, making adjustment for the normal differential, if any, between the seller's shipping point price and the shipping point price in such market.

(b) The maximum delivered price to any point shall be the maximum shipping point price determined under paragraph (a) plus the transportation charge at the lowest available established rate available for an identical shipment to such point.*

*§§ 1363.51 to 1363.59, inclusive, issued pursuant to the authority contained in Executive Orders Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1363.52 *Exempt sales.* Sales at retail are excepted from the operation of Price Schedule No. 74.*

§ 1363.53 *Less than maximum prices.* Lower prices than those established in Price Schedule No. 74 may be charged, demanded, paid, or offered.*

§ 1363.54 *Evasion.* The price limitations established by Price Schedule No. 74 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of animal product feedingstuffs alone or in conjunction with any other commodity or material or by way of any commission, service, transportation, or other charge or by a tying-agreement or other trade understanding or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on January 17, 1942, or by any other means.*

§ 1363.55 *Records and reports.* Every person making sales, except sales at retail, of animal product feedingstuffs on and after January 20, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such sale, including the date thereof, the name of the purchaser, the price paid or received, and the kind and grade of animal product feedingstuff sold.

Every person affected by Price Schedule No. 74 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1363.56 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 74, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 74, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 74; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 74 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government, both State and Federal, are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 74.

Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of animal product feedingstuffs, or of the hoarding or accumulating of unnecessary inventories, are urged to communicate with the Office of Price Administration.*

§ 1363.57 *Modification of Price Schedule No. 74.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 74 may apply to the Office of Price Administration for approval of any modifications thereof or exception therefrom: *Provided*, That no applications under this Section will be considered unless filed by persons complying with Price Schedule No. 74.*

§ 1363.58 *Definitions.* When used in Price Schedule No. 74, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Feedingstuffs" means commodities used as such or as ingredients in the manufacture of mixed feeds for the feeding of livestock and poultry. The term

"animal product feedingstuff" includes the following:

Blood meal, Blood flour, Meat, Meat by-products, Meat meal, Meat scraps, Digester tankage, meat meal tankage or feeding tankage, Digester tankage with bone, meat and bone meal digester tankage, Meat and bone meal tankage, or feeding tankage with bone, Raw bone meal, Steamed bone meal, Special steamed bone meal, Bone charcoal or bone black, Spent bone black.

(c) "Grade" refers to the percentage of protein content per ton of feedingstuff.

(d) "Sale at retail" means a sale to the ultimate user: *Provided*, That, no manufacturer, processor, or purchaser for resale shall be deemed to be an ultimate user.

(e) In the phrase "similar amount to the same type of purchaser," the word "similar" means that amount, and the word "same" means that type of purchaser with respect to which the same price did apply or would have applied under the seller's trade practices on January 17, 1942.*

§ 1363.59 *Effective date of Price Schedule No. 74.* This Schedule (§§ 1363.51 to 1363.59, inclusive) shall become effective January 20, 1942.*

Issued this 17th day of January 1942.[1]

LEON HENDERSON,
Administrator.

PART 1362—CERAMIC PRODUCTS

REVISED PRICE SCHEDULE NO. 75—DEAD-BURNED GRAIN MAGNESITE

The most widely employed basic refractory material is dead-burned magnesite which is used in brick form largely to line basic open hearth steel and other metallurgical furnaces, and in grain form to maintain these furnaces by providing a protective covering for the refractory brick, principally on the furnace bottom. Price Schedule No. 75 establishes maximum prices only for the maintenance grades of domestic dead-burned grain magnesite.

Dead-burned magnesite is made by calcining crude magnesite (magnesium carbonate) or brucite (magnesium hydroxide) at high temperatures or by chemically processing brines or seawater bitterns. In the past the United States has imported substantial quantities of dead-burned magnesite, but the spread of war has almost entirely shut off foreign sources of supply. Existing domestic facilities are inadequate to satisfy expanded demands arising from increased output of steel, copper, and other materials required by the war effort. As a consequence, capacities of the domestic producers of dead-burned grain magnesite have been subject to vigorous competing demands of steel companies seeking maintenance material, and of refiners and smelters of non-ferrous metals and metallurgical products, and of brick manufacturers requiring other grades of grain magnesite.

[1] Issued: 7 F.R. 402.

The Office of Price Administration has determined that the establishment of maximum prices for maintenance grades of domestic dead-burned grain magnesite is essential to preserve price stability and prevent undue price rises and is necessary to protect consumers, the industry, and the national economy. Adoption of the prevailing market price as the maximum contained in Price Schedule No. 75 was determined to be fair and reasonable after extensive investigation; discussions with the Office of Production Management, and full consideration of all relevant factors, including the need of encouraging domestic production, and after a conference with the industry.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1362.1 *Maximum prices for maintenance grades of dead-burned magnesite.* (a) On and after January 28, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no person shall sell, offer to sell, deliver, or transfer, and no person shall buy, offer to buy, or accept delivery of maintenance grades of domestic dead-burned grain magnesite in carload quantities at prices higher than the maximum price.

(b) The maximum price for maintenance grades of domestic dead-burned grain magnesite in bulk shall be $22.00 a ton f. o. b. Chewelah, Washington. A delivered price in excess of the maximum f. o. b. Chewelah price may be charged, consisting of such maximum price plus railroad freight from Chewelah to the point of delivery designated by the purchaser.

(c) The maximum price for maintenance grades of domestic dead-burned grain magnesite in bags or sacks shall be the maximum price stated in paragraph (b) above, plus $4.00 a ton to cover the cost of packaging.

(d) The following exception to the maximum price set forth above has been granted: In sales by the Westvaco Chlorine Products Corporation from its Patterson plant to its regular customers located in California, the maximum price shall be $32.00 a ton f. o. b. Chewelah, Washington. Additions for delivered prices and sales in bags or sacks shall be the same as set forth above. This exception is subject to the terms and conditions contained in a letter from the Office of Price Administration to said company, dated February 9, 1942.*

[Paragraph (d) added by amendment February 9, 1942; effective February 9, 1942; 7 F.R. 935]

*§§ 1362.1 to 1362.9, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1362.2 *Less than maximum prices.* Lower prices than those established by Price Schedule No. 75 may be charged, demanded, paid, or offered.*

§ 1362.3 *Evasion.* The price limitations set forth in Price Schedule No. 75 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of maintenance grades of domestic dead-burned grain magnesite, alone or in conjunction with any other material; or by way of any commission, service, transportation or other charge; or by a tying-agreement or other trade understanding; or by making terms and conditions of sale more onerous to the purchaser than those available or in effect on January 6, 1942; or by any other means.*

§ 1362.4 *Records and reports.* Every person who, during any calendar month after January 1942, shall purchase or sell one carload or more of maintenance grades of domestic dead-burned grain magnesite, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, a complete and accurate record of each such purchase or sale showing (a) the date thereof, (b) the name and address of the buyer and the seller, (c) the point of delivery to the buyer, (d) the price paid or received, (e) whether the grain magnesite was shipped in bulk or in bags or sacks, and (f) the quantities sold or purchased

Persons affected by Price Schedule No. 75 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1362.5 *Affirmation of compliance.* On or before April 10, 1942, and on or before the tenth day of April, July, September, and January thereafter, every seller required by section 1362.4 to keep records, shall submit to the Office of Price Administration, Washington, D. C., an affirmation of compliance on Form 175:1, containing a sworn statement that during such months all sales governed by Price Schedule No. 75 were made at prices in compliance with Price Schedule No. 75 or with any exception therefrom or modification thereof. Copies of Form 175:1 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1362.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 75, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 75, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof, and (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 75; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 75 which may be regarded as grounds for the revocation of licenses and permits; and

(d) that the procurement and other services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 75. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of maintenance grades of domestic dead-burned grain magnesite, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1362.7 *Modification of Price Schedule No. 75.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 75 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 75.*

§ 1362.8 *Definitions.* When used in Price Schedule No. 75, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Delivered price" means the price including all commissions and freight to the railroad siding nearest the location designated by the purchaser;

(c) "Carload quantity" means a shipment of maintenance grades of domestic dead-burned grain magnesite the weight of which is sufficient to constitute a carload shipment or on which the charges would be collected at the car load rate under the tariffs of the railroad furnishing the car.*

§ 1362.9 *Effective date of Price Schedule No. 75.* This Schedule (§§ 1362.1 to 1362.9, inclusive) shall become effective January 28, 1942.*

Issued this 21st day of January 1942.[1]

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 76—HIDE GLUE

Hide glue is an essential adhesive used in the production of abrasives, furniture, printing press rollers, paper products, gum tape, rayon and matches. Abrasives produced from hide glue play an important part in the grinding and polishing of metals required in the manufacture of armaments.

As a direct consequence of expanded economic activity induced by the armament program, the demand for hide glue has risen greatly in recent months. In spite of increased production in 1941, there is a shortage of this commodity which is reflected in a sharp reduction in producers' inventories. The price of hide glue (251 gram jelly strength) in bags, carlot quantities, has increased from less than 17¢ per pound at the end of 1940 to 23¢ per pound at the close of 1941. This advance in price is only partly due to increased costs of production. Further price increases are threatened.

A major item in the cost of producing hide glue has recently been stabilized by the issuance of Price Schedule No. 68, establishing maximum prices for hide glue stock, from which hide glue is manufactured.

After investigation and conferences with members of the hide glue industry and representatives of other government agencies, the Office of Price Administration has found that maximum prices should be established for hide glue to prevent inflationary trends in the prices of hide glue and many other related commodities.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.701 *Maximum prices for hide glue.* On and after January 28, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer hide glue in quantities of 100 pounds or more, and no person shall buy, offer to buy or accept delivery of hide glue in quantities of 100 pounds or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.709.*

*§§ 1335.701 to 1335.709, inclusive issued pursuant to the authority contained in E.O. 8734, 8875; 6 F.R. 1917, 4483.

§ 1335.702 *Less than maximum prices.* Lower prices than those set forth in § 1335.709, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.703 *Evasion.* The price limitations set forth in Price Schedule No. 76 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of hide glue, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1335.704 *Records and reports.* (a) Every person making purchases or sales of hide glue in quantities of 100 pounds or more after January 27, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the kind and size of the containers of the hide glue purchased or sold.

(b) On or before March 10, 1942, and on or before the 10th day of each month thereafter, every jobber, who during the preceding calendar month has sold hide glue in containers of 100 pounds or more, whether for immediate or future delivery, shall submit to the Office of Price Administration an affidavit sworn to by such jobber showing for such previous calendar month (1) the aggregate amounts in pounds of his purchases and sales of hide glue; (2) the aggregate amount in pounds of his sales of hide glue for which he charged prices in excess of the maximum prices for sales by producers established by Price Schedule No. 76; (3) and such other information as the Office of Price Administration shall require.

(c) Persons affected by Price Schedule No. 76, shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.705 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 76, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 76, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 76; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 76 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 76.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of hide glue, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.706 *Modification of Price Schedule No. 76.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 76 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 76.*

§ 1335.707 *Definitions.* When used in Price Schedule No. 76, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Hide glue" means hide glue, including chrome glue and coney glue, of the grades listed in § 1335.709, Appendix A, hereof;

(c) "Jobber" means a person engaged in the warehousing and reselling of hide glue, but does not include a producer of hide glue, or any person controlled by or under common control with a producer, or a person consuming hide glue in the

[1] Issued: 7 F.R. 446. Amended: 7 F.R. 935.

production of materials other than adhesives.*

§ 1335.708 *Effective date of Price Schedule No. 76.* This Schedule (§§ 1335.701 to 1335.709, inclusive) shall become effective January 28, 1942.*

§ 1335.709 *Appendix A: Maximum prices for hide glue*—(a) *Carload lots*—(1) *Hide glue other than chrome glue and coney glue.* The following maximum prices are established for hide glue, other than chrome and coney glue, in carload lots:

[Dollars per pound, delivered]

Grade of hide glue (jelly test in grams)	Sold by producers		Sold by jobbers	
	Bags (100 lbs. or more)	Barrels	Bags (100 lbs. or more)	Barrels
100–121	$.14	$.145	$.16	$.165
122–149	.15	.155	.17	.175
150–177	.16	.165	.185	.19
178–206	.17	.175	.195	.20
207–236	.18	.185	.205	.21
237–266	.19	.195	.22	.225
267–288	.20	.205	.225	.23
289–320	.21	.215	.235	.24
321–362	.22	.225	.25	.255
363–394	.23	.235	.26	.265
395–427	.24	.245	.27	.275
428–460	.25	.255	.28	.285
461–491	.26	.265	.29	.295
495–529	.27	.275	.305	.31

(2) *Chrome glue and coney glue.* (i) The maximum prices for chrome glue and coney glue (jelly test in grams 267 or higher), in carload lots, are the maximum prices established in sub-paragraph (1) of this paragraph (a), plus 2¢ per pound.

(ii) The maximum prices for chrome glue and coney glue (jelly test in grams less than 267), in carload lots, are the maximum prices established in sub-paragraph (1) of this paragraph (a) plus 1¢ per pound.

(b) *Less than carload lots.* The maximum prices for hide glue, chrome glue and coney glue, in less than carload lots, are the maximum prices established in paragraph (a) above, plus 1¢ per pound.

(c) *Grinding of 30 mesh or finer.* The maximum prices for hide glue, chrome glue and coney glue, when ground to 30 mesh or finer, are the maximum prices established by paragraph (a) or (b) above, whichever the case may be, plus ½¢ per pound.

(d) *Containers.* No charges for containers may be added to the maximum prices established above.

Issued this 26th day of January 1942.

LEON HENDERSON,
Administrator.

PART 1345—COKE

REVISED PRICE SCHEDULE NO. 77—BEEHIVE OVEN FURNACE COKE PRODUCED IN PENNSYLVANIA

Maximum prices have already been established for pig iron (Price Schedule No. 10 [1]) and iron and steel scrap (Price Schedule No. 4 [2]), as well as by-product furnace and foundry coke (Price Schedule No. 29 [3]), vital elements of iron and steel costs. In the increased production of iron and steel necessitated by war requirements, beehive oven furnace coke becomes an essential raw material. Without question, the tremendous steel production achieved in 1941 would have been impossible without the greatly expanded use of beehive ovens located principally in Pennsylvania.

With only partial control of coke prices, the bidding of consumers is being diverted from by-product furnace and foundry coke now covered by a ceiling price regulation, with the creation of a constantly increasing pressure on prices of beehive oven furnace coke. A further upward movement of beehive oven furnace coke prices would unquestionably exert undue pressure on the costs and therefore the prices of iron and steel products which constitute the backbone of the war requirements. Prices of beehive oven furnace coke produced in Pennsylvania have risen during the 8-months period from January 1941 to October 1941 approximately 80¢ per ton, or about 15% of the market price. Since October 1, 1941, its price has been maintained with difficulty at $6.00 per ton f. o. b. cars ovens, Connellsville, Pennsylvania.

After full investigation and conferences with representatives of the coke industry, it has been determined that the establishment at this time of maximum prices for beehive oven furnace coke produced in Pennsylvania is in the interest of our national defense and the public welfare.

Accordingly, under the authority vested in me by Executive Order 8734, it is hereby directed that:

§ 1345.51 *Maximum delivered prices for beehive oven furnace coke produced in Pennsylvania.* On and after January 26, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, beehive oven furnace coke produced in Pennsylvania to any consumer, and no consumer shall buy, offer to buy or accept delivery of beehive oven furnace coke produced in Pennsylvania at a delivered price higher than $6.00 per net ton f. o. b. cars ovens Connellsville, Pennsylvania, plus the transportation charges from Connellsville, Pennsylvania, to the place of delivery as customarily computed.*

*§§ 1345.51 to 1345.59, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1345.52 *Less than maximum prices.* Lower prices than those set forth in § 1345.51 may be charged, demanded, paid or offered.*

§ 1345.53 *Evasion.* The price limitations set forth in Price Schedule No. 77 shall not be evaded either by direct or indirect methods in connection with a purchase, sale, barter, delivery or transfer of beehive oven furnace coke produced in Pennsylvania, alone or in conjunction with any other material, or by way of any commission, cross-billing, service, transportation, or other charge, or by way of discount, premium, or other privilege, or by way of tying agreement or other trade understanding, or otherwise.*

§ 1345.54 *Records and reports.* Every person making purchases or sales of beehive oven furnace coke produced in Pennsylvania after February 2, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price f. o. b. cars ovens at Connellsville, Pennsylvania, the price paid or received at the place of delivery and the quantity purchased or sold, and (b) the quantity of beehive oven furnace coke produced in Pennsylvania (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 77 shall submit such reports to the Office of Price Administration as it may from time to time, require.*

§ 1345.55 *Affirmations of compliance.* On or before February 2, 1942, and on or before the 10th day following each calendar quarter thereafter, every person selling beehive oven furnace coke produced in Pennsylvania shall submit to the Office of Price Administration an affirmation of Compliance on Form 177:1, containing a sworn statement that during such quarter all sales of beehive oven furnace coke produced in Pennsylvania were made at prices in compliance with Price Schedule No. 77 or with any exceptions thereto or modifications therefrom. Copies of Form 177:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x 10½" paper, such forms may be prepared by the producer submitting it.*

§ 1345.56 *Enforcement.* In the event of refusal or failure to abide by the terms and provisions of Price Schedule No. 77, the Office of Price Administration will use its full powers of enforcement to compel remedial action and future compliance by any such violator. These powers may include steps in an appropriate court of law, such administrative remedies as may be proper, as well as the informing of the Congress and the public, and the enlisting of the cooperation of the various state or federal governmental agencies, including the procurement services of the Government. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of the price of beehive oven furnace coke produced in Pennsylvania, or of the hoarding or accumulation of unnecessary inventories of such product, are urged to communicate with the Office of Price Administration.*

§ 1345.57 *Modification of Price Schedule No. 77.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 77 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no applications will be considered unless filed by persons complying with Price Schedule No. 77 and other Schedules issued by the Office of Price Administration. Such applications shall be submitted in a separate letter captioned "Application for Relief from Price Schedule No. 77—Beehive Oven Furnace Coke Produced in Pennsylvania," and shall not be contained in any filing of information or prices required to be filed under Price Schedule No. 77.*

§ 1345.58 *Definitions.* When used in Price Schedule No. 77 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity, as well as executors, trustees in bankruptcy, receivers, and other court-appointed officers;

(b) "Beehive oven furnace coke produced in Pennsylvania" means coke produced in Pennsylvania in beehive ovens and commonly used for smelting in the ferrous and non-ferrous industries, and for other industrial purposes: *Provided*, That foundry coke when used in an iron foundry shall not be deemed beehive oven furnace coke within the meaning of this section.

§ 1345.59 *Effective date of Price Schedule No. 77.* This Schedule (§ 1345.51 to 1345.59, inclusive) shall become effective January 26, 1942.*

§ 1345.60. *Geographical application.* The provisions of Price Schedule No. 77 shall apply only to sales, offers to sell or deliveries of beehive oven furnace coke produced in Pennsylvania moving within, into or out of one of the forty-eight States of the United States, or the District of Columbia.

[§ 1345.60 added by amendment February 5, 1942, effective February 5, 1942; 7 F.R. 822.]

Issued this 26th day of January 1942.*

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 78—OXALIC ACID

Oxalic acid is an organic acid used in the tanning of leather, in the production of celluloid, rayon, and blueprint paper, and for many other industrial purposes. It is also used in the manufacture of an explosive called "pentaerythritol."

As a direct consequence of expanded economic activity induced by the national defense program, the demand for oxalic acid has increased greatly in the last year. The price charged by producers for crystalline oxalic acid in barrels, carlot quantities, which had remained at 10¾ cents per pound for five years, increased between July 1 and October 1, 1941, to 11¼ cents per pound. Numerous sales by resellers have been reported at prices ranging from twenty to forty cents per pound. Further price increases are threatened.

After investigation and conferences with members of the oxalic acid industry and representatives of other government agencies, the Office of Price Administration has found that there are no justifiable reasons for prices of crystalline oxalic acid in barrels, carlot quantities, in excess of 11¼ cents per pound. Increases in such prices at this time would, therefore, be inflationary in character.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.551 *Maximum prices for oxalic acid.* On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer oxalic acid in containers of 100 pounds or more, and no person shall buy, offer to buy or accept delivery of oxalic acid in containers of 100 pounds or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.559.*

*§§ 1335.551 to 1335.559 inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.552 *Less than maximum prices.* Lower prices than those set forth in § 1335.559, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.553. *Evasion.* The price limitations set forth in Price Schedule No. 78 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of oxalic acid, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by alteration of grades of oxalic acid or otherwise.*

§ 1335.554 *Records and reports.* Every person making purchases or sales of oxalic acid in containers of 100 pounds or more after February 1, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the kind and size of the containers, of the oxalic acid purchased or sold.

Persons affected by Price Schedule No. 78 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§1335.555 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements or other provisions of Price Schedule No. 78, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 78, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 78; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 78 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 78.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of oxalic acid, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.556 *Modification of Price Schedule No. 78.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 78 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 78.*

§ 1335.557 *Definitions.* When used in Price Schedule No. 78, the term:

(a) "Person" means an individual, partnership, association, corporation or other business entity;

(b) "Oxalic acid" means crystalline and powdered oxalic acid.

(c) "Producer's shipping point" means any of the following points: Jersey City, N. J.; Niagara Falls, N. Y.; Buffalo, N. Y.; or Chicago Heights, Illinois.*

§ 1335.558 *Effective date of Price Schedule No. 78.* This Schedule (§§ 1335.551 to 1335.559, inclusive) shall become effective February 2, 1942.*

§ 1335.559 *Appendix A: Maximum prices for oxalic acid*—(a) *Delivered from producers' shipping points.* (1) The maximum prices for oxalic acid delivered from a producer's shipping point are established as follows:

	Carlots	Less than carlots
	(Over 20,000 lbs.)	(Over 1,000 lbs. but not over 20,000 lbs.)	(Over 100 lbs. but not over 1,000 lbs.)
	¢ per lb.	¢ per lb.	¢ per lb.
Crystalline Oxalic Acid in barrels or other containers (more than 250 lbs.)	.11¼	.11½	.12½
Crystalline Oxalic Acid in kegs, drums, or other containers (100 lbs. to 250 lbs. inclusive)	.11¾	.12	.13
Powdered Oxalic Acid in barrels or other containers (more than 250 lbs.)	.11¾	.12½	.13½
Powdered Oxalic Acid in kegs, drums, or other containers (100 lbs. to 250 lbs. inclusive)	.12¼	.13	.14

[1] Issued: 7 F.R. 544.
[2] 6 F.R. 3100.
[3] 6 F.R. 6688, 6766.
[4] 6 F.R. 4821.
[5] Issued: 7 F.R. 545. Amended: 7 F.R. 822.

(2) The above maximum prices are f. o. b. the producer's shipping point, with freight equalized at the rate for a shipment of identical quantity over standard routes from producers' shipping points, viz.: Jersey City, N. J.; Niagara Falls, N. Y.; Buffalo, N. Y.; or Chicago Heights, Illinois. The maximum prices which a purchaser may pay for oxalic acid delivered to him from a producer's shipping point shall not exceed the maximum prices listed above plus the transportation charge on a shipment of identical quantity to destination from that producer's shipping point from which the transportation rate to destination is least.

(b) *Delivered from local stocks.* The maximum prices for oxalic acid delivered from local stocks maintained at points other than a producer's shipping point shall not exceed a price ex seller's warehouse equal to the maximum prices listed in subparagraph (1) of paragraph (a) above, plus the transportation charge on a shipment of identical quantity over standard routes to seller's warehouse from that producer's shipping point from which the transportation rate to seller's warehouse is least.

(c) *Export sales and sales to territories and possessions of the United States.* The following maximum prices are established for export sales of oxalic acid to persons in foreign countries and for sales to persons in the territories or possessions of the United States, where the shipments pursuant to such sales originate in the continental United States exclusive of Alaska:

(1) The maximum prices for shipments by vessel, f. a. s. vessel at the port of shipment, are the maximum prices listed in subparagraph (1) of paragraph (a) above, plus the transportation charges on a shipment of identical quantity over standard routes to alongside vessel at the port of shipment from that producer's shipping point from which the transportation charges to alongside vessel at the port of shipment are least, plus $.006 per pound.

(2) The maximum prices for overland shipments are the maximum prices established by paragraphs (a) and (b) above, plus $.004 per pound.

(3) No expenses, commissions, or charges for services may be added to the maximum prices established by subparagraphs (1), (2), and (3) of this paragraph (d), except (i) ocean freight, (ii) marine and war risk insurance, (iii) in the case of overland shipments, transportation charges from seller's shipping point to destination permitted to be added by paragraphs (a) and (b) above and (iv) foreign agent's commission unless the foreign agent's commission or any part thereof is received by the exporter directly or indirectly for his own use.

(d) *Containers.* No charge for containers may be added to the maximum prices established above.*

Issued this 28th day of January 1942.

LEON HENDERSON,
Administrator.

[1] Issued: 7 F.R. 585.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 79—CARBON TETRACHLORIDE

Carbon tetrachloride is an important chemical used in dry cleaning fluids, fire extinguishers, fumigants, and the production of refrigerants. It is also used for the cleaning of machine tools and metal parts employed in the manufacture of airplane engines, military trucks, munitions and many other products.

As a result of economic activity induced by defense expenditures, there has been a substantial increase in the demand for carbon tetrachloride. A shortage of chlorine, essential in the manufacture of carbon tetrachloride, has restricted expansion in the production of the latter chemical. Consequently, the supply of carbon tetrachloride is inadequate. Producers' prices, after remaining constant for nearly three years, were increased on October 1, 1941, from the base price of 66 cents per gallon for drums in carload lots to 73 cents per gallon. Prices charged by resellers have advanced, in some instances, to two or three times their previous levels. Further price increases are threatened.

After complete investigation and conferences with members of the industry and representatives of other government agencies, the Office of Price Administration has determined that maximum prices should be established for carbon tetrachloride to prevent inflationary price trends in this commodity and that the maximum prices set forth below are fair and equitable.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.601 *Maximum prices for carbon tetrachloride.* On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer carbon tetrachloride in containers of five gallons or more, and no person shall buy, offer to buy or accept delivery of carbon tetrachloride in containers of five gallons or more, at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.609.*

*§§ 1335.601 to 1335.609, inclusive, issued under the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.602 *Less than maximum prices.* Lower prices than those set forth in § 1335.609, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.603 *Evasion.* The price limitations set forth in Price Schedule No. 79 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of carbon tetrachloride, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1335.604 *Records and reports.* Every person making purchases or sales of carbon tetrachloride in containers of five gallons or more on and after February 1, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity including the size of the containers of the carbon tetrachloride purchased or sold.

Persons affected by Price Schedule No. 79 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.605 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 79, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 79, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 79; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 79 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 79.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of carbon tetrachloride, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.606 *Modification of Price Schedule No. 79.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 79 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 79.*

§ 1335.607 *Definitions.* When used in Price Schedule No. 79, the term:

(a) "Person" means an additional partnership, association, corporation, or other business entity;

(b) "Seller's shipping point" means the point of manufacture or other point of distribution maintained by a producer or seller.*

§ 1335.608 *Effective date of Price Schedule No. 79.* This Schedule (§§ 1335.601 to 1335.609, inclusive) shall become effective February 2, 1942.*

§ 1335.609 *Appendix A: Maximum prices.* The following maximum prices are established for carbon tetrachloride.

	Zone 1	Zone 2	Zone 3	Zone 4
	Prices per pound, delivered			
(a) Tank cars	$.0525	$.0575	$.0675	$.06
	Prices per gallon, delivered			
(b) Carload lots:				
(i) 50-55 gal. drums	$.73	$.80	$.94	$.83
(ii) 5 and 10 gal. cans	.97	1.04	1.17	1.07
(c) Less-than-carload lots:				
(i) 50-55 gal. drums	.80	.87	1.00	.90
(ii) 5 and 10 gal. cans	1.07	1.14	1.27	1.17

The above maximum prices apply to deliveries in the respective Zones, regardless of the Zone from which shipment is made.

(d) *Export sales and sales to territories and possessions of the United States.* The following maximum prices are established for export sales of carbon tetrachloride to persons in foreign countries and for sales to persons in the territories or possessions of the United States where the shipments pursuant to such sales originate in the continental United States exclusive of Alaska:

(1) *Shipments by vessel.* The maximum prices for shipment by vessel are the maximum prices established by paragraphs (b) and (c) above for the Zone in which the port of shipment is located, f. a. s. vessel at the port of shipment, plus 6.5 cents per gallon.

(2) *Overland shipments.* (i) The maximum prices for overland shipments in tank cars, delivered to destination in Canada or Mexico, are the maximum prices established by paragraph (a) above for that Zone from which the shipment crosses the boundary into Canada or Mexico, plus $.003 per pound, plus transportation charges over a standard route from seller's shipping point to destination, less transportation charges over such route from seller's shipping point to the station in the United States which is at or nearest to that point on the boundary at which the shipment crosses from the United States into Canada or Mexico.

(ii) The maximum prices for overland shipments in carload lots and less than carload lots delivered to destination in Canada or Mexico, are the maximum prices established by paragraphs (b) and (c) above for that Zone from which the shipment crosses the boundary into Canada or Mexico plus $.05 per gallon, plus transportation charges over a standard route from seller's shipping point to destination, less transportation charges over such route from seller's shipping point to the station in the United States which is at or nearest to that point on the boundary at which the shipment crosses from the United States into Canada or Mexico.

(3) *Expenses.* (i) No expenses, commissions, or charges for services may be added to the maximum prices established by subparagraphs (1) and (2) of this paragraph (d), except (i) ocean freight, (ii) marine and war risk insurance, and (iii) foreign agent's commission unless the foreign agent's commission or any part thereof is received by the exporter directly or indirectly for his own use.

(e) *Zones.* When used in Price Schedule No. 79, the term:

(1) "Zone 1" means the States of Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, District of Columbia and the cities of Omaha, Nebraska and Kansas City, Kansas.

(2) "Zone 2" means the States of Alabama, Arkansas, Florida, Georgia, Kansas, Louisiana, Mississippi, Nebraska, North Dakota, Oklahoma, South Carolina, and South Dakota, excepting the cities of Omaha, Nebraska, and Kansas City, Kansas.

(3) "Zone 3" means the States of Colorado, New Mexico, Texas, Wyoming, and that part of Montana east of but not including the following counties: Toole, Pondera, Teton, Lewis and Clark, Broadwater and Gallatin.

(4) "Zone 4" means the States of Arizona, California, Idaho, Nevada, Oregon, Utah, Washington, and that part of Montana west of and including those counties mentioned above.

(f) *Containers.* No charges for containers may be added to the maximum prices established above.

Issued this 28th day of January 1942.[1]

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 80—LITHOPONE

A sharp increase in the demand for lithopone has occurred in recent months as a result of the national defense program. Lithopone is an extremely important chemical, essential in the production of a great many products necessary to the armed forces and civilian population.

After investigation and conferences with other government agencies and representatives of the industry, the Office of Price Administration, in December 1941, entered into an agreement with all of the producers of lithopone whereby it was agreed that lithopone would not be sold at prices in excess of $.0425 per pound for the normal grade delivered in bags in Eastern Territory.

Speculation by others than producers has greatly increased the resale prices of lithopone. These speculative prices are threatening to rise to even higher levels. It is necessary to curb such speculation, not only to prevent inflationary rises in the price of lithopone, but also to eliminate the danger of price rises in other industries that use lithopone.

[1] Issued: 7 F.R. 586. Corrected: 7 F.R. 619.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.651 *Maximum prices for lithopone.* On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer lithopone, and no person shall buy, offer to buy or accept delivery of lithopone at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.659.*

*§§ 1335.651 to 1335.659, inclusive, issued under the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.652 *Less than maximum prices.* Lower prices than those set forth in § 1335.659, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.653 *Evasion.* The price limitations set forth in Price Schedule No. 80 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of lithopone, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1335.654 *Records and reports.* Every person making purchases or sales of lithopone after February 1, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the specifications and quantity, including the size of the containers, of the lithopone purchased or sold.

Persons affected by Price Schedule No. 80 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.655 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 80, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 80, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 80; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 80 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to, or purchasing from those persons who fail to comply with Price Schedule No. 80. Persons who

have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of lithopone, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.656 *Modification of Price Schedule No. 80.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 80 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 80.*

§ 1335.657 *Definitions.* When used in Price Schedule No. 80 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Lithopone" means the grades of lithopone listed in § 1335.659, Appendix A, hereof.

§ 1335.658 *Effective date of Price Schedule No. 80.* This Schedule (§§ 1335.651 to 1335.659, inclusive) shall become effective February 2, 1942.

§ 1335.659 *Appendix A: Maximum prices for lithopone.* The following maximum prices are established for lithopone:

(a) *Deliveries in Eastern Territory.*[1]

Grade	Per pound delivered in bags	
	Carload lots	Less than carload lots
Normal	$0.0425	$0.0450
High Strength Barium	.0560	.0585
High Strength Calcium	.0560	.0585
High Strength Magnesium	.0575	.0600
Titanated	.0560	.0585
Zinc sulphide	.0825	.0850

(b) *Deliveries in Western Territory*[1]

Grade	Per pound delivered in bags (carload lots)	Per pound f. o. b. warehouse (less than carload lots)
Normal	$0.0450	$0.0475
High Strength Barium	.0585	.0610
High Strength Calcium	.0585	.0610
High Strength Magnesium	.0600	.0625
Titanated	.0585	.0610
Zinc sulphide	.0850	.0875

[1] When used in this Appendix, the term "Eastern Territory" means the States of New Mexico, Colorado, Wyoming, Montana and all States east thereof, and the term "Western Territory" means all other States of the United States.

(c) *Barrels.* The maximum prices for deliveries of lithopone in Eastern or Western Territory in barrels are the maximum prices established above in paragraphs (a) or (b), whichever the case may be, plus one quarter of a cent per pound.

(d) *Export Sales and Sales to Persons in Territories and Possessions of the United States—(1) Shipments by vessel from Eastern Territory.* The maximum prices for shipment by vessel from Eastern Territory are the maximum prices established above in paragraph (a) f. a. s. vessel at the port of shipment plus $.30 per hundred pounds.

(2) *Shipments by vessel from Western Territory.* The maximum prices for shipment by vessel from Western Territory are the maximum prices established above in paragraph (b) f. a. s. vessel at the port of shipment plus $.30 per hundred pounds.

(3) *Overland shipments.* The maximum prices for overland shipment are the maximum prices established in paragraph (a) or (b) above, whichever the case may be, delivered to that station in the United States which is at or nearest to that point on the boundary at which the shipment crosses from the United States into Canada or Mexico plus $.20 per hundred pounds except that for less than carload quantities shipped from warehouses in Western Territory the maximum prices are f. o. b. warehouse plus $.20 per hundred pounds.

(4) *Expenses.* No expenses, commissions, or charges for service may be added to the maximum prices established by subparagraphs (1), (2) and (3) of this paragraph (d), except (i) ocean freight, (ii) marine and war risk insurance, and (iii) foreign agents' commission unless such foreign agents' commission or any part thereof is received by the exporter directly or indirectly for his own use.*

[§ 1335.659 as amended February 2, 1942, effective February 2, 1942; 7 F.R. 717]

Issued this 28th day of January 1942.[1]

LEON HENDERSON,
Administrator.

PART 1303—ZINC

REVISED PRICE SCHEDULE NO. 81—PRIMARY SLAB ZINC

The Office of Price Administration, being charged with the maintenance of price stability and the prevention of undue price rises and price dislocations, has determined that the establishment of maximum prices for primary slab zinc is essential in order to accomplish these purposes and is in the interest of national defense and the national welfare.

The present supply of zinc does not suffice to meet both military and essential civilian needs. The combination of increased demand and insufficient supply threatens the stability of the price of zinc, any increase in which is reflected in the cost of the war effort and tends to contribute to an inflationary spiral. Primary producers, recognizing the importance of these factors to the national welfare, have cooperated with the Office of Price Administration in preventing increases in slab zinc prices charged by them. However, because of the stringency of the supply situation, zinc sales have taken place during recent months at prices considerably in excess of those approved by the Office of Price Administration.

After careful investigation and consultation, it has been determined that the maximum prices set forth herein are fair and reasonable.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1303.51 *Maximum prices on sales of primary slab zinc.* On and after January 29, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer primary slab zinc, and no person shall buy, offer to buy, or accept delivery of primary slab zinc, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1303.59: *Provided, however*, That sales of primary slab zinc, resulting from production in excess of any quota established by the War Production Board and the Office of Price Administration, made to Metals Reserve Company shall be excepted from the terms of Price Schedule No. 81.*

*§§ 1303.51 to 1303.59, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875; 6 F.R. 1917, 4483.

§ 1303.52. *Less than maximum prices.* Lower prices than those set forth in § 1303.59, Appendix A, may be charged, demanded, paid, or offered.*

§ 1303.53 *Evasion.* (a) The price limitations set forth in Price Schedule No. 81 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of primary slab zinc, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) Any purchase, sale, delivery or transfer of primary slab zinc in quantities less than requested by the buyer in order to enable the seller to obtain a higher less-than-carload-lot differential shall be considered to be an evasion of Price Schedule No. 81: *Provided*, That the buyer is willing to accept delivery of the requested quantity in a single shipment.

(c) (1) Any agreement or transaction entered into after January 29, 1942, in connection with which any ore or other material containing zinc is processed or treated on toll to obtain primary slab zinc therefrom shall be considered to be an evasion of Price Schedule No. 81 unless such agreement or transaction has first been approved in writing by the Office of Price Administration.

(2) Any such agreement entered into on or before January 29, 1942, and not completed on that date, may be completed at contract prices provided that

[1] Issued: 7 F.R. 587. Amended: 7 F.R. 717.

(i) full details of such agreement, and such other pertinent information as may be requested, are reported by each party thereto to the Office of Price Administration on or before February 28, 1942, and (ii) such agreement shall be completed on or before April 1, 1942, or such later date as may be permitted upon application made to the Office of Price Administration.*

§ 1303.54 *Records and reports.* Every person making purchases or sales of primary slab zinc after January 28, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (a) each such purchase or sale showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity in pounds or tons of each kind or grade purchased or sold; and (b) the quantity in pounds or tons of primary slab zinc (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 81 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1303.55 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 81, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 81, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 81; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 81, which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 81. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of primary slab zinc, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1303.56 *Modification of Price Schedule No. 81.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 81 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 81 and all other Schedules issued by the Office of Price Administration.*

§ 1303.57 *Definitions.* When used in Price Schedule No. 81, the term:

(a) "On toll" means under an arrangement whereby a servicing charge is paid for processing or servicing ore or other material containing zinc;

(b) "Person" means an individual, partnership, association, corporation, or other business entity;

(c) "Point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but, where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment;

(d) "Primary slab zinc" means slab zinc made from ores or concentrates, even though other material is mixed therewith, provided such other material accounts for 50% or less of the zinc content thereof, and must be produced by a process of distillation or by electrolysis;

(e) "Producer" means any person who produces slab zinc; and

[Paragraphs (d) and (e) amended February 2, effective February 2, 1942; 7 F.R. 701]

(f) "Carload lot" means the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination.

[Paragraph (f) added by amendment February 2, effective February 2, 1942; 7 F.R. 701]

§ 1303.58 *Effective date of Price Schedule No. 81.* This Schedule (§§ 1303.51 to 1303.59, inclusive) shall become effective January 29, 1942.*

§ 1303.59 *Appendix A: Maximum prices for primary slab zinc.*

(a) *Base prices.*

Grade	Base price, per pound
Prime Western	8.25 cents
Selected	8.35 cents
Brass Special	8.50 cents
Intermediate	8.75 cents
High Grade	9.25 cents
Special High Grade	9.25 cents

(b) *Sold or shipped, delivered, or carried away in carload lots.* The term "Base Price" referred to in this section means the price listed in paragraph (a) of this section for the respective grade of slab zinc.

Grade	Maximum price, per pound (delivered, buyer's receiving point)
Prime Western	Base Price plus carload freight from E. St. Louis to buyer's receiving point.
Selected	Base Price plus carload freight from E. St. Louis to buyer's receiving point.
Brass Special	Base Price plus carload freight from E. St. Louis to buyer's receiving point.
Intermediate	Base Price plus carload freight from E. St. Louis to buyer's receiving point.
High Grade	Base price.
Special High Grade.	

The minimum quantity making up a carload lot for the purposes of Price Schedule No. 81 shall be the minimum quantity required to obtain railroad carload lot rates from the point of shipment to the point of destination. [Sentence added by amendment, February 2, 1942; effective February 2, 1942, 7 F.R. 701]

(c) *Sold and shipped, delivered or carried away in less than carload lots.* The term "base price" referred to in this section means the price listed in paragraph (a) of this section for the respective grade of slab zinc.

(1) *Sales of primary slab zinc by the producer of the zinc sold.*

[Headnote as amended February 2, 1942, effective February 2, 1942; 7 F.R. 701]

For sales in lots of:	Maximum price per pound (f. o. b. point of shipment)	
	Prime western, selected, brass special, intermediate	High grade, special high grade
20,000 lbs. and less than a carload	Base price plus .15¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus .15¢.
10,000 lbs. and less than 20,000 lbs	Base price plus .25¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus .25¢.
2,000 lbs. and less than 10,000 lbs	Base price plus .40¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus .40¢
Less than 2,000 lbs.	Base price plus .50¢ plus carload freight from E. St. Louis to point of shipment	Base price plus .50¢

(2) *Sales by all persons except producers*

For sales in lots of:	Maximum price per pound (f. o. b. point of shipment)	
	Prime western, selected, brass special, intermediate	High grade, special high grade
20,000 lbs. and less than a carload	Base price plus .65¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus .65¢
10,000 lbs. and less than 20,000 lbs	Base price plus .75¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus .75¢.
2,000 lbs. and less than 10,000 lbs	Base price plus 1.00¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus 1.00¢
Less than 2,000 lbs.	Base price plus 1.50¢ plus carload freight from E. St. Louis to point of shipment.	Base price plus 1.00¢

(d) *Export sales.* Persons desiring to make sales of primary slab zinc for export to foreign countries at prices in excess of the maximum prices established by Price Schedule No. 81 shall file with the Office of Price Administration prior to the execution of such sales complete and accurate records of the name and address of the purchaser, the quantity, in pounds or tons, on order, the grade or grades ordered, the price or prices to be paid, the terms of shipment, the date of shipment, from whom said zinc has been purchased and the price paid therefor, the export commission desired, and all other relevant factors.

(e) *Specifications.* The grades of slab zinc specifically referred to above shall conform to the following chemical requirements:

Maximum impurities—percent

Grade	Lead	Iron	Cadmium	Aluminum	Total not over
Special High Grade	0.007	0.007	0.05	None	0.010
High Grade	0.07	0.02	0.07	None	0.10
Intermediate	0.20	0.03	0.50	None	0.50
Brass Special	0.60	0.05	0.50	None	1.00
Selected	0.80	0.04	0.75	None	1.25
Prime Western	1.60	0.08	----	----	----

Primary slab zinc which fails to meet such standards should be sold at normal differentials below the established maximum prices: *Provided, however,* That if a producer makes primary slab zinc to conform with individual specifications, other than those set forth above, required by an individual customer or customers, in accordance with a contract entered into on or before January 31, 1942, said producer may sell and deliver, and said individual customer or customers may purchase and accept delivery of such primary slab zinc conforming with individual specifications for a period of 60 days from and after February 2, 1942, at a price no higher than that price established by the terms of the said contract. Such producers shall submit to the Office of Price Administration not later than March 1, 1942, complete and accurate records of all such contracts, setting forth the name and address of the buyer, the required specifications, the quantity in pounds or tons required by the contract, the amounts and shipping dates of all deliveries made thereunder, and the price per pound or ton established by said contract.

[Paragraph (e) as amended February 2, 1942, effective February 2, 1942; 7 F.R. 701]

(f) *Terms of sale.* The maximum prices set forth in paragraph (c) of this section are f. o. b. point of shipment. Primary slab zinc may, however, be sold, offered for sale, delivered, or transferred in less than carload lots at prices delivered buyer's receiving point. In such cases, whenever the total delivered price exceeds the maximum f. o. b. point of shipment price fixed by Schedule Price No. 81, in all price quotations (1) the transportation charge must be shown as a separate item and (2) the price f. o. b. point of shipment, obtained by subtracting the transportation charge from the total delivered price, must not exceed the maximum f. o. b. point of shipment price set forth in Price Schedule No. 81.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same point of shipment to the same receiving point at the lowest available commercial transportation rate. In such cases, the transportation charge must be shown as a separate item in all price quotations.

When used in Price Schedule No. 81 the term "point of shipment" means the point from which the seller ships to the buyer. This is usually the seller's plant, warehouse, or yard, but where the material is shipped directly to the buyer from some point other than the seller's plant, warehouse, or yard, such other point is the point of shipment.*

Issued this 28th day of January, 1942.[1]

LEON HENDERSON,
Administrator.

PART 1349—ELECTRICAL GENERATION, TRANSMISSION, CONVERSION AND DISTRIBUTION APPARATUS

REVISED PRICE SCHEDULE NO. 82—WIRE, CABLE AND CABLE ACCESSORIES

The production of wire and cable products is essential both to this country's war program and to its civilian economy. Wire, cable and cable accessories are integral parts of every communication and power distribution system, ranging from far-flung utility operations to the more localized requirements of battleships, airplanes and tanks. Since January 1, 1941, prices of many types of wire and cable have been increased between five and twenty-five percent. On October 29, 1941, therefore, manufacturers of these products were requested not to increase prices over the level prevailing on October 15, 1941, pending a further study of the industry.

After numerous conferences with representative members of the industry and a study of costs and other factors relevant to the production and sale of wire and cable products it has been decided that the prices in effect on October 15, 1941, with the modifications contained herein, are fair and equitable and that the informal request should be supplanted by a formal Price Schedule.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1349.1 *Maximum prices for wire, cable and cable accessories.* (a) On and after January 29, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in paragraph (c) below, no manufacturer shall sell, offer to sell, deliver or transfer wire, cable or cable accessories and no person shall buy, offer to buy, or accept delivery of wire, cable or cable accessories at prices higher than the maximum prices set forth in Appendices A and B hereof, incorporated herein as §§ 1349.10 and 1349.11.*

*§§ 1349.1 to 1349.11 inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

(b) On and after January 29, 1942, regardless of the terms of any contract or other commitment, except as provided in paragraph (c) below, no person shall make a charge for rolling bars into rods or drawing wire therefrom in excess of the net charge made for similar operations on October 15, 1941, or on the latest date prior thereto on which such operation was performed.

(c) The provisions of this section shall not apply to any contract entered into by a manufacturer prior to November 1, 1941, nor to any contract entered into by the Army, Navy, Defense Plant Corporation, Maritime Commission, Panama Canal or the Procurement Division of the Treasury Department or any other agency of the United States prior to the effective date of Price Schedule No. 82.

(d) Nothing in this section shall prevent the inclusion in any contract for the sale of wire, cable or cable accessories of a provision for price adjustment to be applied only to those deliveries called for and made more than nine months after the date on which the contract is entered into: *Provided,* That the contract also contains a provision that the final prices, after all adjustments, will in no case exceed the maximum prices established by the Office of Price Administration at the dates of delivery. Any other form of price adjustment provision, whether contractual or set forth in a manufacturer's price list or discount sheet, purporting to establish automatic or other adjustment of the price of wire, cable or cable accessories, in the event of an increase in any cost or for any other reason shall be deemed a violation of Price Schedule No. 82 and of no effect.*

§ 1349.2 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 82 may be charged, demanded, paid or offered.*

§ 1349.3 *Evasion.* The price limitations set forth in Price Schedule No. 82 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of wire, cable or cable accessories, or the rolling of bars into rods or the drawing of wire therefrom: (a) by way of any commission, service, transportation or other charge; (b) by way of any change in customary terms or conditions of sales or services, discounts, premiums, warranties or other privileges; (c) by tying-agreements or other trade understanding; or (d) by any other means, as a result of which the net price received by the manufacturer of such wire, cable or cable accessories will exceed the net price which would have been received by the manufacturer if such wire, cable or cable accessories had been sold or such operations had been performed on October 15, 1941.*

[1] Issued: 7 F.R. 601. Amended: 7 F.R. 701.

§ 1349.4 *Records and reports.* (a) Every manufacturer of wire, cable, or cable accessories making any sale after January 29, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing (1) the date thereof, (2) the name and address of the buyer, (3) the price on the date of sale, (4) the net price received, and (5) the quantity and description of the wire, cable or cable accessories sold.

(b) Every person rolling bars into rods or drawing wire therefrom, after January 29, 1942, for a manufacturer of wire, cable or cable accessories, where bars or rods are furnished by such manufacturer, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such transaction, showing (1) the date thereof, (2) the name and address of the manufacturer for whom the operation was performed, (3) the net charge, and (4) description of the size, quality and quantity of wire drawn or bars rolled.

(c) On or before February 20, 1942, every manufacturer of wire, cable or cable accessories shall file with the Office of Price Administration, Washington, D. C., if it has not already done so, price lists and discount sheets setting forth prices and all extra charges, discounts and allowances applicable on October 15, 1941 to wire, cable and cable accessories offered for sale by such manufacturer.*

(d) If the maximum prices of wire, cable or cable accessories are to be determined in accordance with the provisions of Appendix B hereof, incorporated herein as § 1349.11, the manufacturer shall submit to the Office of Price Administration, Washington, D. C., the specifications of such wire, cable or cable accessories, the proposed price, price or cost estimate sheets employing costs existing on October 15, 1941, the proposed billing date, a statement that the procedures and standards employed in estimating costs and determining prices are the same as those employed on October 15, 1941, and the increase, if any, based on lead content, all certified by an authorized agent of the manufacturer having knowledge of the facts. Such information shall be submitted by mail postmarked not less than twenty days before the proposed date of billing of such wire, cable or cable accessories, and such price shall be the maximum price unless an objection is made by the Office of Price Administration by mail postmarked not less than five days before such proposed billing date.

(e) Every manufacturer of wire, cable or cable accessories shall file with the Office of Price Administration, Washington, D. C., any price lists or discount sheets issued subsequent to October 15, 1941, immediately after issuance and shall submit such information in the form of price data, cost data, profit and loss statements and balance sheets in such form and at such times as may be required by the Office of Price Administration.*

§ 1349.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 82, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 82, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see: (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 82, (c) that full advantage will be taken of the various political subdivisions of state, county and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 82, (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 82, and (e) that the War Production Board is requested to direct the withholding of priority ratings and the allocation of materials to any person failing to comply with Price Schedule No. 82.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or of manipulation of prices of wire, cable or cable accessories are urged to communicate with the Office of Price Administration.*

§ 1349.6 *Modification of Price Schedule No. 82.* Persons claiming hardship or inequity in the operation of Price Schedule No. 82 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided,* That no application under this section will be considered unless filed by persons complying with Price Schedule No. 82.*

§ 1349.7 *Products subject to Price Schedule No. 82.* The term: (a) "wire, cable and cable accessories" means:

(1) *Rods* which shall include hot rolled black or cleaned rods for electrical uses.

Any copper, copperclad or copper alloy wire or assembly of wires used for conducting electricity, including the following types:

(2) *Bare wire* which shall include all sizes and shapes of bare and metallic coated wire in solid or stranded form.

(3) *Weatherproof wire* which shall include bare wire over which either two or three cotton braids or the equivalent have been applied in any form and saturated with a weather resistant or heat resistant compound.

(4) *Magnet wire* which shall include all sizes and shapes, whether round, flats or squares, of bare copper wire insulated with enamel, paper, silk and silk substitutes, cotton, asbestos, glass, Formex and combinations of these and similar materials, including high frequency or "Litz" wires, as commonly used in the winding of coils employed for electrical purposes.

(5) *Non-metallic sheathed cable* which shall include an assembly of one or more rubber insulated conductors, each of which may be fibrous covered or protected by a non-metallic armor, with or without an uninsulated ground wire, the entire assembly enclosed in a fibrous sheath, treated with moisture-resistant and flame-resistant finishes, such as Romex or Durax.

(6) *Paper power cable* which shall include solid or fluid types of cable, exclusive of communication cable, in which the conductor is insulated with paper and enclosed in a metallic sheath with or without fibrous or metallic armor coverings to be used for the transmission and distribution of electrical energy.

(7) *Rubber sheathed cord and cable* which shall include a stranded insulated conductor or conductors encased in a rubber or synthetic jacket applied or cured under pressure.

(8) *Rubber power cable* which shall include all types of rubber or synthetic insulated or jacketed, single or multiple conductor cables, exclusive of building wire, finished with a rubber or synthetic jacket, fibrous coverings or metallic sheath, with or without metallic armor including all types of Parkway and Service Entrance Cable but excluding building wire.

(9) *Building wire* which shall include single or multiple conductor rubber or synthetic insulated wires and cables, protected with metallic or non-metallic coverings as used for interior electrical wiring, including wire for use in armored cable.

(10) *Asbestos insulated power cable* which shall include wires and cables insulated with either impregnated asbestos or combinations of impregnated asbestos and other insulating materials, such as varnished cambric, rubber, and synthetics, with all types and kinds of finishes and outer coverings.

(11) *Varnished cambric insulated power cable* which shall include single and multiple conductors, insulated with all types of varnished cambric or combination rubber and varnished cambric, paper and varnished cambric and paper, rubber and varnished cambric, protected with metallic and non-metallic coverings.

(12) *Telephone and telegraph wire* which shall include single or multiple conductor rubber or synthetic insulated assemblies with or without a fibrous or metallic protective covering suitable for service conditions encountered in inside and outside communication circuits.

(13) *Telephone, telegraph or signal cable* which shall include paper or other fibrous insulated conductors in lead or lead-alloy sheath with or without non-metallic or metallic armor.

(14) *Special purpose communication or signal wire* and cable which shall include single or multiple conductors, rubber or synthetic insulated, with or without a fibrous or metallic protective covering.

(15) *Armored conductors* which shall include assemblies of one or more conductors, each insulated with a rubber or synthetic compound and covered with fibrous covering, the single or multiple conductor assemblies having an overall fibrous or lead covering enclosed in a

metal armor of galvanized steel or other corrosion resistant metal strip of semi-interlocking construction, such as BX cable.

(16) *Shipboard cable* which shall include copper conductors insulated with rubber, asbestos, varnished cambric, synthetic material or other fibrous covering or any combination of such coverings and with or without a wire braid armor.

(17) *Flexible cord and cord sets—Flexible cords* which shall include single and multiple conductor wires consisting of flexible stranded bare wire, insulated with impregnated cotton, impregnated asbestos, rubber compounds or synthetics and finished with fibrous coverings, rubber or synthetic jackets suitable for use in the wiring of electric fixtures and as power supply for portable electrical appliances.

Cord sets which shall include any item or assembly of items of flexible cords cut to specified length or cut and equipped with soldered ends, eyelets, plugs, switches, or other similar appurtenances for use with electrical appliances or other electrical apparatus.

(18) *Cable accessories* which shall include (1) cable end sealing devices or parts thereof, including devices commonly known as potheads, cable terminals, cable terminators, and bells and junction boxes; (2) unit packages for splicing cable of one or more conductors and (3) miscellaneous materials used with joints for splicing cables of one or more conductors applicable to all cables of the solid insulated type for underground, aerial or submarine use.*

§ 1349.8 *Definitions.* When used in Price Schedule No. 82 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Manufacturer" means any person engaged in one or more operations in the manufacture or fabrications of wire, cable or cable accessories resulting in the production of a finished form of wire, cable or cable accessory.

(c) "Net price" means the manufacturer's price after adjustment for all applicable extra charges, discounts, or other allowances.

(d) "Extra charges" mean any additions to the price of wire, cable or cable accessories, whether or not specified in the price lists or discount sheets of a manufacturer, and, without limiting the generality of the term, includes cutting charges, freight charges or differentials, winding charges, charges for limited quantity, charges for reels, and charges for special specifications.

(e) "Discounts or other allowances" mean any deductions from the price of wire, cable or cable accessories, whether or not specified in the price lists or discount sheets of a manufacturer, and, without limiting the generality of the term, includes discounts based upon whether the purchaser is a wholesaler, jobber, dealer or contractor, the quantity and reel allowances.

(f) "Rolling bars into rods or drawing wire therefrom" includes any operation in the manufacture of rods from bars or of bare wire from bars or rods.

(g) "Net charge" means the toll charge made for rolling bars into rods or drawing wire therefrom, after adjustment for all applicable extra charges, discounts or other allowances.*

§ 1349.9 *Effective date of Price Schedule No. 82.* This Schedule (§§ 1359.1 to 1349.11, inclusive) shall become effective on January 29, 1942.*

§ 1349.10 *Appendix A: Maximum prices for wire, cable and cable accessories listed in price sheets.* (a) For all types of wire, cable and cable accessories listed in § 1349.7 hereof, except Weatherproof Wire, the prices of which can be determined from prices listed or methods of computation provided in price sheets in effect on October 15, 1941, maximum prices shall be the net prices of the manufacturer thereof on October 15, 1941. Maximum prices for any such wire, cable or cable accessories containing lead shall be the prices provided in the preceding sentence plus an amount equal to the number of pounds of lead contained on any such wire, cable or cable accessories multiplied by $0.00325.

(b) Maximum prices for Weatherproof Wire shall be computed by applying the terms and conditions contained in each manufacturer's price list in effect on October 15, 1941, to a base price of 17.5 cents per pound for solid, soft drawn, weatherproof copper wire and cable, shipped in less than carload lots.*

§ 1349.11 *Appendix B: Maximum prices for wire, cable and cable accessories not covered by § 1349.10, Appendix A.* Maximum prices for wire, cable and cable accessories not covered by Appendix A hereof, incorporated herein as § 1349.10, including new products, shall be the net prices the manufacturer thereof would have charged on October 15, 1941, if such prices had been calculated upon costs existing on such date and by the use of procedures and standards employed in estimating costs and determining prices on such date. Maximum prices for any such wire, cable or cable accessories containing lead shall be the prices provided in the preceding sentence plus an amount equal to the number of pounds of lead contained on any such wire, cable or cable accessories multiplied by $0.00325.*

Issued this 29th day of January 1942.[1]

LEON HENDERSON,
Administrator.

PART 1336—RADIO, X-RAY, AND COMMUNICATION APPARATUS

REVISED PRICE SCHEDULE NO. 83—RADIO RECEIVERS AND PHONOGRAPHS

Radio constitutes an important factor in defense. Besides serving as a source of news and of entertainment vital to morale, it furnishes the principal channel through which civilian defense authorities are enabled to disseminate directions and intelligence necessary to the public safety.

During 1941, wholesale and retail prices of radio equipment for domestic use have increased substantially. Demand for radio equipment, at an all-time high during 1941, is likely to be accentuated by the nation's entry into war. Supply is seriously threatened by shortages of critical materials needed for the production of armaments, and by the prospect that much of the industry's capacity will be diverted to the manufacture of radio materials for the armed forces of this country and its allies. These conditions create danger of further increases to unwarranted levels and require the application of effective controls.

In order to prevent nullification of the Schedule, limited restrictions are imposed upon model changes, as a temporary measure. These restrictions, in their present form, expire on December 31, 1942.

Electrical phonographs employ many of the same components as radios and are frequently combined with radios in a combination unit. They are subject to similar price influences and are, therefore, included in Price Schedule No. 83.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1336.51 *Maximum prices for radio receiving sets and phonographs.* On and after February 9, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any radio receiving set or phonograph at a price higher than the maximum price.

(a) *Current models offered for sale on or before October 15, 1941.* The maximum price, exclusive of federal excise tax, for any current model of radio receiving set or phonograph offered during the period July 15, 1941, to October 15, 1941, inclusive for sale during such period shall be the highest net price, f. o. b. seller's point of shipment and exclusive of federal excise tax, at which such model was billed by the manufacturer for a delivery made during such period or, if there was no such billing, the highest net price, exclusive of federal excise tax, at any time quoted in writing by the manufacturer for a delivery during such period to the same person or a person of the same general class.

(b) *Current models first offered for sale after October 15, 1941.* The maximum price, exclusive of federal excise tax, for any current model of radio receiving set or phonograph first offered after October 15, 1941 for sale after such date shall be (1) until the Office of Price Administration has approved a price on the basis of a report to it in accordance with § 1336.54 (a) the highest net price f. o. b. seller's point of shipment, and exclusive of federal excise tax, at which such model was billed by the manufacturer for a delivery made before February 9, 1942 (or, if there was no such billing, the highest net price, exclusive of federal excise tax, at any time quoted in writing by the manufacturer for a delivery prior to February 9, 1942), to the same person or a person of the same general class, and (2) after such approval, shall be such approved price.

(c) *Cost-plus contracts—(1) Completion of outstanding cost-plus contracts.* The maximum price for any radio receiving set or phonograph delivered by the manufacturer after February 9, 1942, in order to complete a cost-plus contract outstanding on such date shall be determined by the terms of such contract.

(2) *Future cost-plus contracts.* On and after February 9, 1942, no radio receiving set or phonograph shall be sold, delivered, or transferred under a cost-plus contract not outstanding on such date until the manufacturer has submitted a copy of such contract to the Office of Price Administration, and the Office of Price Administration has approved such contract in writing. No such cost-plus contract will be approved unless (i) it is in writing and (ii) expires on a definite date stipulated therein or after delivery thereunder of a specified number of units.

(d) *Discontinued models.* A manufacturer who has at any time discontinued sale of any model may thereafter restore such model to his line and sell, offer for sale, transfer or deliver it at a maximum price no higher than the price in effect at the date of discontinuance, provided such price was not in violation of Price Schedule No. 83.

(e) *Other models.* The maximum price for any model other than a model referred to in paragraphs (a), (b), (c) and (d) of this section shall be the price provided for such model in § 1336.53 hereof.*

*§§ 1336.51 to 1336.62, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1336.52 *Less than maximum prices.* Lower prices than those set forth in Price Schedule No. 83 may be charged, demanded, paid or offered.

§ 1336.53 *Limitation of model changes and maximum prices for new models.* Between February 9, 1942, and December 31, 1942, inclusive, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any model of radio receiving set or phonograph other than a model referred to in paragraphs (a), (b), (c) and (d) of § 1336.51 except as provided in paragraphs (a), (b), (c) and (d) of this section.

(a) *Replacement type models.* Ten days before first offering it for sale, a manufacturer wishing to offer for sale a model replacing or similar to any other model in his line at that time, shall submit to the Office of Price Administration an application on Form 183:1 for permission to take such action, containing (1) the specifications and description (including catalog, if any) of such model and (2) satisfactory evidence that the specifications of such model do not differ from those of such other model in a manner tending to degrade quality. Ten days after the mailing of such application, the manufacturer may sell, offer for sale, deliver or transfer such model at a price no higher than the maximum price for such other model.

(b) *Models in process.* A manufacturer wishing to offer for sale a model in process on the effective date of Price Schedule No. 83, which because of design and specifications cannot qualify under paragraph (a) hereof, shall submit to the Office of Price Administration an application on Form 183:2 for permission to take such action, containing (1) satisfactory evidence (i) that the model cannot qualify under paragraph (a) hereof, (ii) that the design and specifications of the model were completed before the effective date of Price Schedule No. 83, (iii) that firm commitments for parts or cabinet of such model were made by the manufacturer prior to the effective date of Price Schedule No. 83, and (iv) that any of such parts or cabinet are usable by such manufacturer only in such model, and (2) the specifications and description (including catalog, if any) and the proposed maximum price for such model. If the Office of Price Administration approves the application, the manufacturer may sell, offer for sale, deliver or transfer such model at a price no higher than the maximum price stipulated in such approval.

(c) *Models using new developments.* A manufacturer wishing to offer for sale a model embodying a new technical development shall submit to the Office of Price Administration an application on Form 183:3 for permission to take such action, containing (1) the specifications and description (including catalog, if any) and proposed maximum price for such model, and (2) satisfactory evidence that such model embodies a new technical development. If the Office of Price Administration approves the application, the manufacturer may sell, offer for sale, deliver or transfer such model at a price no higher than the maximum price stipulated in such approval.

(d) *Necessary substitutions.* Manufacturers may change the specifications of any model, provided such change does not increase the price thereof, if (1) the material previously used is (i) unavailable or prohibitive in cost or (ii) its use in radio receiving sets or phonographs is so restricted by a priority or allocation order or other regulation of a federal agency as to require the proposed change, or (iii) the proposed change will result in substantial conservation of strategic materials, and (2) the change is calculated to preserve quality.

(e) A manufacturer may at any time change the cabinet finish of any model or may add to his line at any time a model differing from an existing model only in respect of cabinet finish, provided the price is not thereby increased over the price of the existing model.*

§ 1336.54 *Reports—(a) Current models.* On or before March 15, 1942, every manufacturer shall submit to the Office of Price Administration on Form 183:4 (1) the maximum prices, as determined by paragraph (a) of § 1336.51 hereof, the general specifications and description in effect on October 15, 1941, for each current model offered for sale during the period from July 15, 1941, to October 15, 1941, inclusive, and (2) the maximum prices, as determined by paragraph (b) of § 1336.51 hereof, and the general specifications and description in effect on the effective date of Price Schedule No. 83 for each current model first offered for sale after October 15, 1941. If the general specifications and description of any model are set forth in a catalog, a manufacturer may submit such catalog to the Office of Price Administration in lieu of any other specifications and description of such model.

(b) *Substitutions of component parts.* Not later than March 15, 1942, every manufacturer shall submit a report to the Office of Price Administration on Form 183:5 describing all substitutions of component parts made in any model between February 9, 1942, and February 28, 1942, inclusive, pursuant to § 1336.53 (d); and not later than the 10th day of May, July, September and November, 1942, and January 1943, shall submit a similar report covering two months immediately preceding the month in which each such report is made.

(c) *Changes of cabinet finish.* Within 10 days after taking any action authorized by § 1336.53 (e), every manufacturer shall submit to the Office of Price Administration on Form 183:6 a report describing the action taken.

(d) *Cost-plus contracts.* On or before March 15, 1942, every manufacturer shall submit to the Office of Price Administration a copy of each of his cost-plus contracts for the sale of radio receiving sets and phonographs, outstanding on February 8, 1942. Any such contract which is not in writing shall be reduced to writing before March 15, 1942.

(e) *Discontinued models.* (1) On or before March 15, 1942, every manufacturer who has discontinued sale of any model of radio receiving set or phonograph offered for sale during the period from July 15, 1941, to January 31, 1942, inclusive, shall submit to the Office of Price Administration a report on Form 183:7 containing identification of such model, the date of and reason for discontinuing production thereof, and the total number of completed units thereof produced during such period. A model shall be deemed discontinued when notice of discontinuance is given by the manufacturer to his customers.

(2) Within 30 days after any manufacturer discontinues sale of any model of radio receiving set or phonograph after January 31, 1942, he shall submit to the Office of Price Administration a report on Form 183:7 containing identification of such model, the date and reason for discontinuing production thereof, and the total number of completed units produced from July 15, 1941, to the date of discontinuance.

(f) *Monthly output of radio receiving sets and phonographs.* On or before March 15, 1942, and on or before the 10th day of each month thereafter every manufacturer shall submit to the Office of Price Administration on Form 183:8 a report setting forth the total number of completed units of each model of radio receiving set and phonograph produced by him in the preceding month. Such report shall refer to the model number or other appropriate designation of each such model. If a report containing such information is required to be submitted

[1] Issued: 7 F.R. 622.

to any other federal agency, a copy therof may be filed with the Office of Price Administration at the time it is filed with such other agency instead of a separate report on Form 183:8.

(g) *Other reports.* Persons affected by Price Schedule No. 83 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1336.55 *Evasion.* The limitations set forth in Price Schedule No. 83 shall not be evaded whether by direct or indirect methods in connection with the manufacture of radio receiving sets or phonographs by deterioration of quality, or in connection with a purchase, sale, delivery or transfer of any radio receiving set or phonograph alone or in conjunction with any other article, or by way of any commission, service, transportation, or other charge or by tying-agreement or other trade understanding, or by making rebates, discounts or other terms and conditions of sale less favorable to the purchaser than those available or in effect on October 15, 1941, or by any other means.*

§ 1336.56 *Records.* Every manufacturer making sales of radio receiving sets or phonographs on or after February 9, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale showing the date thereof, the name and address of the buyer, the name and number or other designation of each unit, the price received therefor and the quantity of each unit sold.*

§ 1336.57 *Affirmations of compliance.* On or before April 1, 1942, and quarterly thereafter, every manufacturer who is required to keep records of sales under § 1336.56 hereof shall submit to the Office of Price Administration an affirmation of compliance on Form 183:9, containing a sworn statement that during such period all such sales were made at prices in compliance with Price Schedule No. 83 or with any exception therefrom or modification thereof. Copies of Form 183:9 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x $10^{1}/_{2}$ inch paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1336.58 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 83, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 83, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with Price Schedule No. 83; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 83. Persons who have evidence of the receipt or demand of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of radio receiving sets or phonographs or of the hoarding or accumulation or unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1336.59 *Modification of Price Schedule No. 83.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 83 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That, no application under this Section will be considered unless filed by persons complying with Price Schedule No. 83.

§ 1336.60 *Definitions.* (a) When used in Price Schedule No. 83, the term:

(1) "Person" means an individual, partnership, association, corporation, or other business entity.

(2) "Manufacturer" means any person regularly engaged in the manufacture or assembly of radio receiving sets or phonographs.

(3) "Radio receiving set" means any of the following, alone or in combination with a record-playing device: home receiving sets, portable receiving sets, automobile receiving sets, television receiving sets, facsimile receiving sets.

(4) "Phonograph" means any device for the playing of records by the use of electrical amplification.

(5) "Model" means any radio receiving set or phonograph sold as a distinct item.

(6) "Current model" means any model offered for sale by the manufacturer during the period July 15, 1941, to February 9, 1942, inclusive.

(7) "Net price" means the amount billed or quoted for a sale, after deducting all discounts and allowances.

(8) "Net price exclusive of federal excise tax" means (i) if such price is billed or quoted separately from the tax, the price as so billed or quoted; and (ii) if such price as billed or quoted includes the tax, such price less the amount of the tax.

(9) "Cost-plus contract" means an agreement providing for (i) a price equal to the manufacturer's cost plus a stated percentage or fixed fee, or (ii) a specified price which is subject to adjustments covering variances from the manufacturer's cost estimates.

(b) The definitions set forth in subparagraphs (3) and (4) of this § 1336.60 shall not include any equipment primarily designed for commercial, police, or military use or for use in the navy or merchant marine.*

§ 1336.61 Price Schedule No. 83 shall not be deemed to authorize the taking of any action prohibited by order of any other federal agency.*

§ 1336.62 *Effective date of Price Schedule No. 83.* This Schedule (§§ 1336.51 to 1336.62, inclusive) shall become effective February 9, 1942.*

Issued this 30th day of January, 1942.[1]

LEON HENDERSON,
Administrator.

PART 1336—RADIO, X-RAY, AND COMMUNICATION APPARATUS

REVISED PRICE SCHEDULE NO. 84—RADIO RECEIVER AND PHONOGRAPH PARTS

Radio constitutes an important factor in defense. Besides serving as a source of news and of entertainment vital to morale, it furnishes the principal channel through which civilian defense authorities are enabled to disseminate directions and intelligence necessary to the public safety.

During 1941, prices of parts for radios for domestic use have increased substantially and such increases have in many instances caused advances in prices of radio receiving sets. Demand for radio equipment, at an all-time high during 1941, is likely to be accentuated by the nation's entry into war. Supply of radio parts is seriously threatened by shortages of critical materials needed for the production of armaments and by the prospect that much of the industry's capacity will be diverted to the production of radio materials for the armed forces of this country and its allies. These conditions create danger of further increases to unwarranted levels and require the application of suitable controls.

The various branches of the industry may be found to require separate treatment after full economic data is at hand. Pending completion of a comprehensive study, it is essential to stabilize the price structure on a temporary basis.

Electrical phonographs employ many of the same parts as radios, and are frequently combined with radios in a combination unit. Phonograph parts are thus subject to price influences similar to those which affect radio parts, and are, therefore, included in Price Schedule No. 84.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1336.101 *Maximum prices for radio receiving set and phonograph parts.* On and after February 9, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any radio or phonograph part at a price higher than the maximum price.

(a) *Parts sold and offered for sale between July 15, 1941, and October 15, 1941.* The maximum price, exclusive of federal excise tax, for any part offered during the period between July 15, 1941, and October 15, 1941, inclusive, for sale during such period, shall be the highest net price f. o. b. seller's point of shipment and exclusive of federal excise tax, at which such part was billed by the manufacturer for delivery during such period, or if there was no such billing, the highest net price, exclusive of federal excise tax, at any time quoted in writing by the manufacturer for a delivery during such period to the same person or a person of the same general class.

(b) *New parts offered before October 15, 1941, for sale thereafter.* The maximum price, exclusive of federal excise tax, for a part offered before October 15, 1941, to be delivered for the first time after such date, shall be the highest net price f. o. b. seller's point of shipment and exclusive of federal excise tax, quoted in writing by the manufacturer for such part before October 15, 1941.

(c) *Parts first offered for sale between October 16, 1941, and February 9, 1942.* The maximum price, exclusive of federal excise tax, for any part offered for the first time during the period between October 16, 1941, and February 9, 1942, inclusive, for sale during or after such period, shall be (1) until the Office of Price Administration has approved a price on the basis of a report to it in accordance with § 1336.103 (a), the highest net price f. o. b. seller's point of shipment, and exclusive of federal excise tax, at which such part was billed by the manufacturer for a delivery made on or before February 9, 1942, (or, if there was no such billing, the highest net price, exclusive of federal excise tax, at any time quoted in writing by the manufacturer for a delivery of such part to the same person or a person of the same general class, and (2) after such approval, shall be such approved price.

(d) *Parts first offered for sale after February 9, 1942.* The maximum price, exclusive of federal excise tax, for any part offered for the first time after February 9, 1942, for sale after such date shall be the price approved by the Office of Price Administration on the basis of a report to it in accordance with § 1336.103 (b).

(e) *Parts sold pursuant to cost-plus contracts—(1) Completion of outstanding cost-plus contracts.* The maximum price for any part delivered by the manufacturer after February 9, 1942, in order to complete a cost-plus contract outstanding on such date shall be determined by the terms of such contract.

(2) *Future cost-plus contracts.* After February 9, 1942, no part shall be sold, delivered, or transferred under a cost-plus contract not outstanding on such date until the manufacturer has submitted such contract to the Office of Price Administration, and the Office of Price Administration has approved such contract in writing. No such contract will be approved unless it (i) is in writing, and (ii) expires on a definite date stipulated therein or after delivery thereunder of a specified number of units.*

*§§ 1336.101 to 1336.110, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R., 1917, 4483.

§ 1336.102 *Less than maximum prices.* Lower prices than those set forth in Price Schedule No. 84 may be charged, demanded, paid or offered.*

§ 1336.103 *Reports—(a) Parts offered for sale before February 9, 1942.* On or before March 15, 1942, every manufacturer shall submit to the Office of Price Administration (1) his maximum prices, as determined by paragraphs (a) and (b) and subparagraph (c) (1) of § 1336.101, for all parts referred to in such paragraphs; and (2) all lists, catalogues or other materials describing or identifying such parts.

(b) *Parts first offered for sale after February 9, 1942.* A manufacturer wishing to obtain approval of the maximum price for a part referred to in § 1336.101 (d) shall submit to the Office of Price Administration an application for such approval containing a description of such part and stating the proposed price therefor. If within ten days after the mailing of such application, it has not been disapproved by the Office of Price Administration, the manufacturer may sell, offer for sale, deliver or transfer such part at the proposed price.

(c) *Cost-plus contracts.* On or before March 15, 1942, every manufacturer shall submit to the Office of Price Administration a copy of each of his cost-plus contracts for the sale of parts, outstanding on February 9, 1942. Any such contract which is not in writing shall be reduced to writing before March 15, 1942.

(d) *Other reports.* Persons affected by Price Schedule No. 84 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1336.104 *Evasion.* The price limitations set forth in Price Schedule No. 84 shall not be evaded whether by direct or indirect methods in connection with the manufacture of radio or phonograph parts by deterioration of quality or in connection with a purchase, sale, delivery or transfer of any radio or phonograph part alone or in conjunction with any other article or by subdividing and selling separately the components of an assembled unit, or by way of any service, transportation, or other charge or by tying-agreement or other trade understanding, or by making rebates, discounts or other terms and conditions of sale less favorable to the purchaser than those available or in effect on October 15, 1941, or by any other means.*

§ 1336.105 *Records.* Every manufacturer making sales of radio or phonograph parts on or after February 9, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each sale showing the date thereof, the name and address of the buyer, the name, the number or other designation of each unit, the price received for each unit, and the quantity sold.*

§ 1336.106 *Affirmations of compliance.* On or before April 1, 1942, and quarterly thereafter, every manufacturer who is required to keep records of sales under § 1336.105 hereof shall submit to the Office of Price Administration an affirmation of compliance on Form 184:1, containing a sworn statement that during such period all such sales were made at prices in compliance with Price Schedule No. 84 or with any exception therefrom or modification thereof. Copies of Form 184:1 can be procured from the Office of Price Administration, or, provided that no change is made in the style and content of the Form and that it is reproduced on 8 x $10^{1}/_{2}$ inch paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1336.107 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 84, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 84, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with Price Schedule No. 84; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 84. Persons who have evidence of the receipt or demand of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of radio or phonograph parts, or of the hoarding or accumulation of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1336.108 *Modification of Price Schedule No. 84.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 84 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That, no application under this Section will be considered unless filed by persons complying with Price Schedule No. 84.*

§ 1336.109 *Definitions.* (a) When used in Price Schedule No. 84, the term:

(1) "Person" means an individual, partnership, association, corporation, or other business entity;

(2) "Manufacturer" means any person regularly engaged in the manufacture and sale of radio or phonograph parts;

(3) "Part" means any component, except a cabinet, of a radio receiving set or phonograph, whether such component is a separate unit or an assembly or combination of two or more units; including (particularly but not exclusively) parts built to the specifications of an individual purchaser.

(4) "Radio receiving set" means any of the following, alone or in combination with a record-playing device: home receiving sets, portable receiving sets, automobile receiving sets, television receiving sets, facsimile receiving sets;

(5) "Phonograph" means any device for the playing of records by the use of electrical amplification;

[1] Issued: 7 F.R. 619. Corrected: 7 F.R. 756.

(6) "Net price" means the amount billed or quoted for a sale, after deducting all discounts;

(7) "Net price exclusive of federal excise tax" means (1) if such price is billed or quoted separately from the tax, the price as so billed or quoted; and (2) if such price as billed or quoted includes the tax, such price less the amount of the tax;

(8) "Cost-plus contract" means an agreement providing for (i) a price equal to the manufacturer's cost plus a stated percentage or fixed fee, or (ii) a specified price which is subject to adjustments covering variances from the manufacturer's cost estimates.

(b) The definitions set forth in subparagraphs (3), (4), and (5) of this section shall not include any equipment, primarily designed for commercial, police, or military use or for use in the navy or merchant marine.*

§ 1336.110 *Effective date of Price Schedule No. 84.* This schedule (§§ 1336.101 to 1336.110, inclusive) shall become effective February 9, 1942.*

Issued this 30th day of January, 1942.[1]

LEON HENDERSON,
Administrator.

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

REVISED PRICE SCHEDULE NO. 85—NEW PASSENGER AUTOMOBILES

The complete diversion of automobile manufacturing facilities to war work has brought the production of passenger automobiles to an end. Rationing Order No. 2 of the Office of Price Administration restricts the sale of new automobiles to those persons who can show a need related to the public interest. Price Schedule No. 85 establishes maximum wholesale and retail prices for new passenger automobiles as a measure of coordination with the rationing program.

Prices announced by automobile manufacturers at the beginning of the 1942 model year represented an average advance of 14% over 1941 prices. At the request of the Office of Price Administration, each manufacturer agreed not to change the announced prices without prior consultation with the Office. Price Schedule No. 85 serves to formalize that agreement.

An investigation undertaken by the Office of Price Administration with respect to retail prices showed a general upward trend although there was a wide variation in prices among dealers. The rise in price had been effected not by an increase in the list price but by means of an advance in charges for handling and delivery, for services to be rendered after delivery, and for transportation. Price Schedule No. 85 fixes the maximum amount which may be charged at retail based on the list price established by the manufacturer, and the maximum charges which may be added for transportation and handling and delivery.

Because dealers and manufacturers may be obliged to carry their inventories over an abnormally long period due to the rationing program, the prices established are subject to monthly adjustment upward to compensate for the added burden.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1360.51 *Maximum wholesale prices for new passenger automobiles.* (a) On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer, distributor, or exporter of new passenger automobiles shall sell, offer to sell, deliver or transfer a new passenger automobile to any person at a price higher than the maximum price. The maximum price shall be the highest price prevailing for the same make and model between October 1, 1941, and October 15, 1941, for the same class of purchaser, except that, in the case of the Packard Motor Car Company and the Crosley Corporation the maximum price shall be the highest price prevailing on the effective date of Price Schedule No. 85.

(b) In the event that the automobile is without equipment which was standard on October 15, 1941, the maximum price shall be reduced by the wholesale value of the equipment removed.

(c) To the maximum price may be added an amount equal to 1% of the list price of the automobile, or $15, whichever is lower, for each calendar month or greater part thereof, after January 31, 1942, which elapses prior to the sale of the automobile by the manufacturer, distributor or exporter.*

*§§ 1360.51 to 1360.61, inclusive, issued under the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1360.52 *Maximum retail price for new passenger automobiles.* On and after February 2, 1942, regardless of the terms of any contract of sale, or other commitment, no person shall sell, offer to sell, deliver or transfer a new passenger automobile with standard equipment as of October 15, 1941, at retail, at a price higher than the maximum retail price for the automobile, which shall be the sum of the following items:

(a) The manufacturer's list price at the factory for the automobile with standard equipment as of October 15, 1941, as shown for each make and model of automobile in Appendix A hereof, incorporated herein as § 1360.61.

(1) If the automobile is without equipment which was standard on October 15, 1941, the list price shall be reduced by the retail value of the equipment removed.

(b) The Federal Excise Tax.

(c) An allowance for transportation which shall not exceed the actual rail freight charge for the transportation of the automobile from the factory to dealer at carload rate.

(d) An allowance of 5% of (a) and (c) above, or $75.00, whichever is lower, which includes the charge for handling and delivery, for which the dealer shall render all of the services customarily performed in order to prepare the automobile for delivery to the purchaser and all of the factory recommended get-ready and delivery operations.

(e) An amount equal to 1% of the list price of the automobile, or $15, whichever is lower, for each calendar month or greater part thereof, after January 31, 1942, which elapses prior to the sale of the automobile to the purchaser.*

§ 1360.53 *Less than maximum prices.* Lower prices than those set forth above may be charged, demanded, paid or offered.*

§ 1360.54 *Evasion.* (a) The price limitations set forth in Price Schedule No. 85 shall not be evaded either by direct or indirect methods in connection with the sale, delivery or transfer of a new passenger automobile, alone or in conjunction with any other consideration or by way of any commission, charge for transportation, for equipment, for handling or delivery services, or by the removal of parts or equipment from an automobile.

(b) No buyer of a new passenger automobile shall be required, as a condition of the sale, to agree to purchase any equipment other than standard equipment as defined by the manufacturer, or any after-delivery services. The price demanded for any such equipment or services shall be separately listed on the invoice or bill of sale given to the buyer, and on any price tag, display sign, or other advertising used by the dealer in connection with the sale or display of a new passenger automobile.

The State and local taxes imposed on the transaction and payable by the buyer, and the charge imposed under § 1360.52 (e) hereof, shall also be separately listed on the invoice or bill of sale.

Nor shall any buyer of a new passenger automobile be required, as a condition of the sale of a new passenger automobile, to agree to make payment over a period of time, nor to finance the purchase of the automobile through any lending agency, nor to agree to a transfer to the seller of a used car, in part payment of the purchase price.*

§ 1360.55. *Records and reports.* (a) Within twenty days of the effective date of Price Schedule No. 85, each manufacturer shall file with the Office of Price Administration a list of standard equipment as of October 15, 1941, for each make and model of passenger automobile manufactured by him.

(b) Every manufacturer, distributor, or exporter of, or retail dealer in, new passenger automobiles after the effective date of Price Schedule No. 85 shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each sale of a new passenger automobile, showing the date thereof, the make and model, the name and adress of the buyer, the price paid, and the make, model, model year, and valuation of any automobile which may be accepted in part payment of the purchase price, and any other consideration which may be accepted in payment of the price of the new passenger automobile.

(c) Persons affected by Price Schedule No. 85 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1360.56. *Notices to be posted.* Every retail dealer in new passenger automobiles shall post in a conspicuous place on his premises where new passenger automobiles are offered for sale, a notice not less than 18 inches by 24 inches in size which shall set forth in legible fashion the following:

(a) Section 1360.52 in its entirety;

(b) The make and model of each new passenger automobile offered for sale, accompanied by a break-down of the maximum retail price for the automobile, as specified in paragraphs (a) through (e) inclusive of § 1360.52 and the actual price charged for the automobile;

(c) A statement that lower prices may legally be charged or demanded;

(d) A statement that no buyer is required, as a condition of sale of a new passenger automobile, to agree to buy any equipment other than standard equipment as defined by the manufacturer, or any after-delivery services, or to agree to make payment over a period of time or to finance the purchase of the automobile through any lending agency or to agree to the sale of a used car in payment of the purchase price.*

§ 1360.57. *Enforcement.* In the event of refusal or failure to abide by the provisions of Price Schedule No. 85, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 85, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 85; and (c) that the procurement services of the Government are requested to refrain from purchasing from those persons who fail to comply with Price Schedule No. 85. Persons who have evidence of the offer, receipt, or demand of prices higher than the maximum prices, or of any evasion or effort to evade the provisions thereof, are urged to communicate with the Office of Price Administration.*

§ 1360.58 *Modification of Price Schedule No. 85.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 85 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 85.*

§ 1360.59 *Definitions.* When used in Price Schedule No. 85, the term:

(a) "Person" means an individual, partnership, association, corporation or other business entity;

(b) "Retail dealer" means any person engaged in the business of offering automobiles for sale to the public;

(c) "Manufacturer" means any person who manufactures passenger automobiles for sale to distributors or retail dealers.

(d) "Distributor" means any person, other than a manufacturer, who sells new passenger automobiles to retail dealers.

(e) "Exporter" means any person who is directly or indirectly engaged in the business of dealing in automobiles which are ultimately sold to a person in a foreign country.

(f) "List price" means the suggested retail price established by each manufacturer without any charge added thereto on account of transportation, the Federal Excise tax, or handling and delivery. These prices appear in Appendix A hereof and are incorporated herein as § 1360.62.

(g) "New passenger automobile" means a 1942 model automobile.

(h) "Standard equipment" means equipment stated to be standard equipment by the manufacturer as of October 15, 1941.*

§ 1360.60 *Effective date of Price Schedule No. 85.* This Schedule (§§ 1360.51 to 1360.61, inclusive) shall become effective February 2, 1942.*

§ 1360.61 *Appendix A: List prices of new passenger automobiles.*

Make and model	*List price 1942 models*
BUICK	
40 Special—118:	
Utility Coupe	$990.00
2-Door Business Sedan	1,010.00
2-Door Family Sedan	1,045.00
Convertible Coupe	1,260.00
4-Door Touring Sedan	1,080.00
40 Special—121:	
2-Door Business Sedan	1,020.00
2-Door Family Sedan	1,075.00
4-Door Touring Sedan	1,120.00
Estate Wagon	1,450.00
40 Special SE:	
2-Door Family Sedanet	1,130.00
4-Door Touring Sedan	1,200.00
50 Super:	
2-Door Sedanet	1,230.00
Convertible Coupe	1,450.00
4-Door Touring Sedan	1,280.00
60 Century:	
2-Door Sedanet	1,300.00
4-Door Touring Sedan	1,350.00
70 Roadmaster:	
2-Door Sedanet	1,395.00
Convertible Coupe	1,675.00
4-Door Touring Sedan	1,465.00
90 Limited:	
4-Door 6 P Touring Sedan	2,245.00
4-Door 8 P Touring Sedan	2,445.00
4-Door Formal Sedan	2,395.00
4-Door Limousine	2,545.00
CADILLAC	
Series—61:	
Sport Coupe	1,450.00
4-Door Sedan	1,530.00
Series—62:	
Sport Coupe	1,545.00
4-Door Sedan (4 Window)	1,630.00
Series—62 Deluxe:	
Sport Coupe	1,630.00
Convertible Coupe	1,880.00
4-Door Sedan (4 Window)	1,705.00
Series—63:	
4-Door Sedan	1,745.00
Series—60 Special:	
4-Door Sedan (4 Window)	2,265.00
Sedan with Division	2,415.00
Series—67:	
4-Door Sedan	2,700.00
8-Pass. Sedan	2,845.00
Sedan with Division	2,845.00
Imperial Sedan	2,995.00
Series—75:	
4-Door Sedan	3,090.00
8-Pass. Sedan	3,230.00
5-Pass. Formal Sedan	4,060.00
7-Pass. Formal Sedan	4,205.00
Sedan with Division	3,230.00
Imperial Sedan	3,375.00
9-Pass. Bus. Sedan	2,935.00
9-Pass. Bus. Imperial Sedan	3,080.00
CHEVROLET	
Stylemaster:	
Business Coupe	760.00
5 Passenger Coupe	790.00
Town Sedan	860.00
Sport Sedan	840.00
Coupe Pickup	800.00
Fleetmaster:	
Business Coupe	815.00
5 Passenger Coupe	845.00
Cabriolet	1,080.00
Town Sedan	855.00
Fleetline Aero Sedan (New)	880.00
Sport Sedan	895.00
Fleetline Sportmaster Sedan	920.00
Station Wagon	1,095.00
CHRYSLER	
Model No. C-34 S:	
4-Door Sedan	1,177.00
2-Door Sedan	1,154.00
Town Sedan	1,222.00
Sedan 7-Passenger	1,535.00
Limousine	1,605.00
Club Coupe	1,168.00
Coupe 3-Passenger	1,075.00
Model No. C-34 C:	
4-Door Sedan	1,255.00
2-Door Sedan	1,220.00
Town Sedan	1,295.00
Sedan 7-Passenger	1,605.00
Limousine	1,685.00
Club Coupe	1,228.00
Convertible Coupe	1,420.00
Coupe 3-Passenger	1,140.00
Station Wagon 6-Passenger	1,555.00
Station Wagon 9-Passenger	1,685.00
Model No. C-36 K:	
4-Door Sedan	1,405.00
2-Door Sedan	1,365.00
Town Sedan	1,450.00
Club Coupe	1,380.00
Coupe 3-Passenger	1,325.00
Model No. C-36 N:	
4-Door Sedan	1,475.00
2-Door Sedan	1,440.00
Town Sedan	1,520.00
Club Coupe	1,450.00
Convertible Coupe	1,640.00
Coupe 3-Passenger	1,385.00
CROSLEY	
Convertible Coupe	412.50
Convertible Sedan	467.50
Deluxe Sedan	515.90
Station Wagon	531.90
DE SOTO	
Model No. S-10 S:	
4-Door Sedan	1,103.00
2-Door Sedan	1,075.00
Town Sedan	1,147.00
Sedan 7-Passenger	1,455.00
Club Coupe	1,092.00
Coupe 3-Passenger	1,010.00
Model No. S-10 C:	
4-Door Sedan	1,152.00
2-Door Sedan	1,142.00
Town Sedan	1,196.00
Sedan 7-Passenger	1,504.00
Limousine	1,580.00
Club Coupe	1,142.00
Convertible Coupe	1,317.00
Coupe 3-Passenger	1,046.00

[1] Issued: 7 F.R. 621. Corrected: 7 F.R. 756.

Make and model	*List price 1942 models*
DODGE	
Model No. D 22 S:	
4-Door Sedan	$998.00
2-Door Sedan	959.00
Club Coupe	905.00
Coupe 3-Passenger	895.00
Model No. D 22 C:	
4-Door Sedan	1,048.00
2-Door Sedan	1,008.00
Town Sedan	1,105.00
Sedan 7-Passenger	1,395.00
Limousine	1,475.00
Club Coupe	1,045.00
Convertible Coupe	1,245.00
FORD	
Special Six:	
Coupe	780.00
Tudor Sedan	815.00
Fordor Sedan	850.00
Deluxe Six:	
2-Passenger Coupe	805.00
Tudor Sedan	840.00
Fordor Sedan	875.00
Sedan Coupe	865.00
Station Wagon	1,035.00
Super Deluxe Six:	
Coupe	850.00
Tudor Sedan	885.00
Fordor Sedan	920.00
Sedan Coupe	910.00
Convertible Coupe	1,070.00
Station Wagon	1,115.00
Deluxe Eight:	
2-Passenger Coupe	815.00
Tudor Sedan	850.00
Fordor Sedan	885.00
Station Wagon	1,090.00
Sedan Coupe	875.00
Super Deluxe Eight:	
2-Passenger Coupe	860.00
Sedan Coupe	920.00
Convertible Coupe	1,080.00
Tudor Sedan	895.00
Fordor Sedan	930.00
Station Wagon	1,125.00
Mercury:	
2 door sedan	1,030.00
4 door sedan—Town	1,065.00
Sedan Coupe	1,055.00
Coupe (5 Window)	995.00
Club Convertible	1,215.00
Station Wagon	1,260.00
HUDSON	
Six:	
3-Passenger Coupe	828.00
Club Coupe	897.00
2-Door Sedan	877.50
4-Door Sedan	904.50
Six—Deluxe:	
3-Passenger Coupe	916.00
Club Coupe	967.00
2-Door Sedan	945.50
4-Door Sedan	977.50
Convertible Sedan	1,212.00
Six—super:	
3-Passenger Coupe	1,036.00
Club Coupe	1,090.00
2-Door Sedan	1,064.50
4-Door Sedan	1,092.50
Convertible Sedan	1,332.00
Station Wagon	1,412.00
Six—Commodore:	
3-Passenger Coupe	1,115.00
Club Coupe	1,175.00
2-Door Sedan	1,152.50
4-Door Sedan	1,181.50
Convertible Sedan	1,402.00
Eight—Commodore:	
3-Passenger Coupe	1,156.00
Club Coupe	1,215.00
2-Door Sedan	1,186.50
4-Door Sedan	1,223.50
Convertible Sedan	1,451.00
Eight—Commodore—Custom:	
Club Coupe	1,311.00
4-Door Sedan	1,429.50

Make and model	*List price 1942 models*
LINCOLN	
Lincoln-Zephyr:	
3-Passenger Coupe	$1,650.00
Convertible Coupe	2,150.00
Club Coupe	1,700.00
4-Door Sedan	1,700.00
Lincoln-Zephyr (Custom):	
3-Passenger Coupe	1,735.00
4-Door Sedan	1,795.00
Club Coupe	1,795.00
Lincoln-Continental:	
Coupe	3,000.00
4-Door Cabriolet Sedan	3,000.00
Lincoln-Custom:	
4-Door 8-Passenger Sedan	2,950.00
4-Door Limousine	3,075.00
NASH	
Ambassador—600:	
Torpedo 4-Door Sedan	918.00
Brougham	883.00
Business Coupe	843.00
2-Door Sedan	873.00
Fast Back 4-Door Sedan	893.00
Ambassador—six:	
Torpedo 4-Door Sedan	1,069.00
Brougham	1,034.00
Business Coupe	994.00
Fast Back 4-Door Sedan	1,044.00
2-Door Sedan	1,024.00
Ambassador—eight:	
Torpedo 4-Door Sedan	1,119.00
Brougham	1,084.00
Fast Back 4-Door Sedan	1,094.00
OLDSMOBILE	
"66"—6:	
Business Coupe	915.00
Club Coupe	955.00
Convertible Coupe	1,165.00
2-Door Club Sedan	970.00
2-Door Sedan	960.00
4-Door Sedan	1,005.00
4-Door Town Sedan	1,005.00
Station Wagon	1,280.00
"68"—8:	
Business Coupe	955.00
Club Coupe	995.00
Convertible Coupe	1,225.00
2-Door Club Sedan	1,010.00
2-Door Sedan	1,000.00
4-Door Sedan	1,045.00
4-Door Town Sedan	1,045.00
Station Wagon	1,320.00
"76"—6:	
2-Door Club Sedan	1,010.00
4-Door Sedan	1,065.00
"76D"—6:	
2-Door Club Sedan	1,095.00
4-Door Sedan	1,150.00
"78"—8:	
2-Door Club Sedan	1,050.00
4-Door Sedan	1,105.00
"78D"—8:	
2-Door Club Sedan	1,135.00
4-Door Sedan	1,190.00
"98"—8:	
Club Coupe	1,220.00
Convertible Coupe	1,450.00
4-Door Sedan	1,275.00
PACKARD	
Six—Series 2000:	
Special:	
1588 Business Coupe	1,166.00
1585 Club Sedan	1,199.00
1582 Touring Sedan	1,232.00
Custom:	
1505 Club Sedan	1,266.00
1502 Touring Sedan	1,299.00
1589 Convertible	1,375.00
Eight—Series 2001:	
Special:	
1598 Business Coupe	1,208.00
1595 Club Sedan	1,241.00
1592 Touring Sedan	1,275.00

Make and model	*List price 1942 models*
PACKARD—continued	
Eight—Series 2001—Continued.	
Custom:	
1515 Club Sedan	$1,308.00
1512 Touring Sedan	1,341.00
1599 Convertible Coupe	1,469.00
Eight—Series 2003:	
1575 Club Sedan	1,630.00
1572 Touring Sedan	1,688.00
1579 Convertible Coupe	1,786.00
Eight—Series 2004:	
1562 Touring Sedan	1,893.00
Eight—Series 2005:	
1571 Touring Sedan	2,034.00
1570 Touring Limo	2,156.00
1591 Business Sedan	1,888.00
1690 Business Limo	2,010.00
Eight—Series 2006:	
1525 Club Sedan	2,099.00
1522 Touring Sedan	2,196.00
1529 Darrin Conv. Vic	4,519.00
Eight—Series 2007:	
1532 Formal Sedan	3,011.00
1542 Touring Sedan	2,440.00
894 Rollson Cabr. A. W	4,792.00
Eight—Series 2008:	
1551 Touring Sedan	2,523.00
1550 Touring Limo	2,645.00
895 Rollson Town Car A. W	4,889.00
1521 LeBaron Sedan	5,446.00
1520 LeBaron Limo	5,690.00
PLYMOUTH	
Model No. P-14 S:	
4-Door Sedan	889.00
2-Door Sedan	850.00
Utility Sedan	842.00
Club Coupe	885.00
Coupe—3 Passenger	812.00
Model No. P-14 C:	
4-Door Sedan	935.00
2-Door Sedan	895.00
Town Sedan	980.00
Club Coupe	928.00
Convertible Coupe	1,078.00
Coupe—3 Passenger	855.00
Station Wagon	1,145.00
PONTIAC	
Torpedo Six:	
Business Coupe	895.00
Sport Coupe	935.00
Convertible Coupe	1,165.00
Sedan Coupe	950.00
2-Door Sedan	940.00
4-Door Sedan	985.00
4-Door Sedan—Metropolitan	985.00
Streamliner Six:	
4-Door Sedan	1,035.00
Sedan Coupe	980.00
Station Wagon	1,265.00
Streamliner Chieftain Six:	
Sedan Coupe	1,030.00
4-Door Sedan	1,085.00
Station Wagon	1,315.00
Torpedo Eight:	
Business Coupe	920.00
Sport Coupe	960.00
Convertible Coupe	1,190.00
Sedan Coupe	975.00
2-Door Sedan	965.00
4-Door Sedan	1,010.00
4-Door Sedan—Metropolitan	1,010.00
Streamliner Eight:	
Sedan Coupe	1,005.00
4-Door Sedan	1,050.00
Station Wagon	1,290.00
Streamliner Chieftain:	
Sedan Coupe	1,055.00
4-Door Sedan	1,110.00
Station Wagon	1,340.00
STUDEBAKER	
Custom Champion:	
Cruising Sedan	804.00
Club Sedan	774.00
Coupe	744.00
Double Dater Coupe	769.00

Make and model	*List price 1942 models*
STUDEBAKER—continued	
Deluxstyle Champion:	
Cruising Sedan	$839.00
Club Sedan	809.00
Coupe	779.00
Double Dater Coupe	804.00
Custom Commander:	
Cruising Sedan	1,044.75
Land Cruiser	1,079.75
Sedan Coupe	1,024.75
Deluxstyle Commander:	
Cruising Sedan	1,089.75
Land Cruiser	1,124.75
Sedan Coupe	1,069.75
Skyway Commander:	
Cruising Sedan	1,124.75
Land Cruiser	1,159.75
Sedan Coupe	1,104.75
Custom President:	
Cruising Sedan	1,161.00
Land Cruiser	1,196.00
Sedan Coupe	1,141.00
Deluxstyle President:	
Cruising Sedan	1,206.00
Land Cruiser	1,241.00
Sedan Coupe	1,186.00
Skyway President:	
Cruising Sedan	1,241.00
Land Cruiser	1,276.00
Sedan Coupe	1,221.00
WILLYS-OVERLAND	
Coupe—Speedway	695.00
Sedan—Speedway	745.00
Coupe—Deluxe	769.00
Sedan—Deluxe	795.00
Coupe—Plainsman	819.00
Sedan—Plainsman	845.00
Station-Wagon	978.00

Issued this 31st day of January 1942.[1]

LEON HENDERSON,
Administrator.

PART 1380—HOUSEHOLD AND SERVICE INDUSTRY MACHINES

REVISED PRICE SCHEDULE NO. 86.—DOMESTIC WASHING MACHINES AND IRONING MACHINES

Manufacturers' prices for domestic laundry equipment, which includes washing machines and ironers, advanced approximately 12% on a weighted average basis between January 1 and September 15, 1941. By letter of September 16, 1941, to all industry members, the Office of Price Administration requested that it be consulted prior to the institution of any price increases. This served to check the upward trend of prices. Subsequently, this Office made the same request to the manufacturers of wringers, tubs and motors, the three major component parts of the washing machine. This has had a stabilizing effect upon manufacturing costs.

On October 29, 1941, the Office of Production Management issued an order cutting production of domestic laundry equipment to almost 80% of that in the base year ending June 30, 1941. Subsequent orders have cut production down to approximately 60%. With further restriction of production likely, it becomes necessary to take effective steps to prevent inflationary price increases. Price Schedule No. 86 has been determined after industry-wide studies of price, cost, and profit trends, and after consultation with members of an industry panel on January 21.

In order to prevent nullification of Price Schedule No. 86, changes in specifications are temporarily restricted.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1380.1 *Maximum prices for washing machines and ironing machines.* On and after February 9, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any washing machine or ironing machine, at a price higher than the maximum price:

(a) *Models in price list between October 1–October 15, 1941.* The maximum price for any model washing machine or ironing machine, in a price list of the manufacturer in effect at any time during the period October 1–October 15, 1941, inclusive, shall be the highest price quoted in any such price list for such model to the same person or to a person in the same general class, except that, in the case of the Apex Electrical Manufacturing Company the maximum price for any such model shall be the price in effect on February 2, 1942.

(b) *Other models sold between January 1–October 15, 1941.* The maximum price for any model washing machine or ironing machine, not in a price list of the manufacturer in effect at any time during the period October 1–October 15, 1941, inclusive, but sold, or contracted to be sold, by him during the period January 1–October 15, 1941, inclusive, shall be the highest net price, f. o. b. manufacturer's point of shipment at which such model was sold, or contracted to be sold, by him during the period October 1–October 15, 1941, inclusive, to the same person or to a person in the same general class, or, if there was no such person, to any person; or if such model was not sold, or contracted to be sold, by him during such period, the highest net price f. o. b. manufacturer's point of shipment at which such model was sold, or contracted to be sold, by him during the period January 1–September 30, 1941, inclusive, to the same person or to a person in the same general class, or, if there was no such person, to any person.

(c) (1) *Models first offered for sale between October 16, 1941–February 8, 1942.* The maximum price for any model washing machine or ironing machine offered for sale for the first time between October 16, 1941, and February 8, 1942, inclusive, shall be (i) the price already approved in writing by the Office of Price Administration, if a price has been so approved; or (2) until the Office of Price Administration has approved a price on the basis of a report to it in accordance with § 1380.5 (a) (2), the highest net price, f. o. b. manufacturer's point of shipment, at which such model was sold, or contracted to be sold, by the manufacturer prior to February 9, 1942 (or, if there was no such sale, or contract of sale, the highest net price f. o. b. manufacturer's point of shipment quoted in writing by the manufacturer for such model at any time prior to February 9, 1942), to the same person or to a person in the same general class, or, if there was no such person, to any person; and unless such report has been submitted by February 25, 1942, no sale, offer to sell, delivery or transfer of such model shall be made thereafter until such report is submitted; and (3) after such approval, shall be such approved price.

(2) *Approved prices.* The approved maximum price for ironer model No. S-424 of American Ironing Machine Company shall be (i) for a sale to a distributor, $23.38, and (ii) for a sale to a syndicate or dealer, $26.58.

[Paragraph (c) as amended February 7, 1942, effective February 7, 1942; 7 F.R. 908]

(d) *Cost-plus contracts and sales after the termination of cost-plus contracts—*(1) *Completion of outstanding cost-plus contracts.* The maximum price for any model washing machine or ironing machine delivered by the manufacturer after February 8, 1942, in order to complete a cost-plus contract outstanding on January 21, 1942, shall be determined by the terms of such contract: *Provided,* That no change in the terms of any such contract, which would increase the maximum price, shall be made by amendment, substitution of a new contract, or otherwise.

(2) *Future cost-plus contracts.* On and after February 9, 1942, no washing machine or ironing machine shall be sold, delivered or transferred under a cost-plus contract not outstanding on January 21, 1942, until the manufacturer has submitted such contract to the Office of Price Administration, and the Office of Price Administration has approved such contract in writing.

(3) *Sales after termination of cost-plus contracts.* The maximum price for any model washing machine or ironing machine referred to in sub-paragraphs (1) or (2) of this section, which on or after February 9, 1942, is sold, offered for sale, delivered or transferred upon terms other than cost-plus and whose maximum price is not otherwise determinable, shall be the price approved by the Office of Price Administration after the manufacturer has submitted to it an application containing (i) the proposed price and specifications of such model, and (ii) such other data as the Office of Price Administration may request; and no sale, offer to sell, delivery or transfer of such model shall be made until such approval shall have been given.

(e) *Other models in process of manufacture.* The maximum price for any model washing machine or ironing machine in process of manufacture during the period October 1, 1941–February 8,

[1] Issued: 7 F.R. 664.

1942, inclusive, and offered for sale for the first time on or after February 9, 1942, other than a model referred to in paragraph (g) of this section, shall be the price approved in writing by the Office of Price Administration after the manufacturer has submitted to it an application containing (1) the proposed price and specifications of such model and (2) such other data as the Office of Price Administration may request; and no sale, offer to sell, delivery or transfer of such model shall be made until such approval shall have been given.

(f) *Models involving elimination of features or changes in specifications which reduce quality, convenience of operation or efficiency of performance.* The maximum price for any model washing machine or ironing machine referred to in § 1380.3 (b) (2) shall be such price as is approved by the Office of Price Administration pursuant thereto.

(g) *Models incorporating changes in specifications which do not reduce quality, convenience of operation or efficiency of performance.* The maximum price for any model washing machine or ironing machine offered for sale for the first time on or after February 9, 1942, which incorporates any of the changes in specifications referred to in § 1380.3 (a) or (b) (1), shall be the maximum price chargeable for such model prior to the incorporation of any such change as determined by paragraphs (a), (b), (c), (d), (e) or (f) of this section.*

*§§ 1380.1 to 1380.10, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R., 1917, 4483.

§ 1380.2 *Less than maximum prices.* Lower prices than those set forth in § 1380.1 may be charged, demanded, paid or offered.*

§ 1380.3 *Limitation of changes in specifications of washing machines and ironing machines.* Between February 9, 1942, and December 31, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer, any washing machine or ironing machine differing in specifications from a washing machine or ironing machine referred to in § 1380.1 (a), (b), (c), (d) and (e), except as provided in paragraphs (a) and (b) of this section.

(a) *Non-substantial changes.* A manufacturer may make any of the following changes in specifications of any model washing machine or ironing machine, provided that quality, convenience of operation and efficiency of performance are not reduced and that he submits to the Office of Price Administration a report of each such change as required by § 1380.5 (b):

(1) Change in name plate.

(2) Change in decal.

(3) Change in color, trim or hardware.

(4) Change in any part (including a feature) other than a major component part.

Provided, further, That if the Office of Price Administration determines that any such change results in the reduction of quality, convenience of operation, or efficiency of performance, the manufacturer shall not sell, offer to sell, deliver or transfer such model at a price higher than that stipulated by the Office of Price Administration.

(b) *Changes in specifications of major component parts and elimination of features.* (1) A manufacturer may change the specifications of any major component part (as that term is defined in § 1380.9 (g)) of any model washing machine or ironing machine: *Provided,* That he submits to the Office of Price Administration a report as required by § 1380.5 (b) showing each such change made and containing satisfactory evidence that such change will not reduce the quality, convenience of operation, or efficiency of performance of such model and that such change (i) is necessary because (a) the part or material previously used is unavailable or prohibitive in cost, or (b) the material previously used is so restricted by a priority or allocation order or other regulation of a Federal agency as to require the change, or (ii) is desirable because it will result in substantial conservation of strategic materials: *Provided further,* That if the Office of Price Administration determines that any such change results in the reduction of quality, convenience of operation, or efficiency of performance the manufacturer shall not sell, offer to sell, deliver, or transfer such model at a price higher than that stipulated by the Office of Price Administration.

(2) In the event that the manufacturer proposes to make a change in the specifications of any major component part of any model which would reduce quality, convenience of operation, or efficiency of performance or to eliminate any feature (as that term is defined in § 1380.9 (h)) from any model, he should submit to the Office of Price Administration an application containing the proposed price for such model and satisfactory evidence (i) that such change or elimination is necessary because (a) the part, feature or material previously used is unavailable or prohibitive in cost, or (b) the material previously used is so restricted by a priority or allocation order or other regulation of a Federal agency as to require the proposed change, or (ii) that such change or elimination is desirable because it will result in substantial conservation of strategic materials. If the Office of Price Administration approves the application he may sell, offer to sell, deliver or transfer such model at a price no higher than the price so approved.*

§ 1380.4 *Records.* Every manufacturer, making sales of washing machines or ironing machines after February 8, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the model number or other designation of each model sold, the price received for each, the quantity sold and any discounts, allowances, or charges.*

§ 1380.5 *Reports*—(a) *Models offered for sale between January 1, 1941–February 8, 1942.* (1) On or before February 25, 1942, every manufacturer shall submit to the Office of Price Administration a report of each model washing machine and ironing machine whose maximum price is determined by § 1380.1 (a) or (b) showing the maximum price thus established and the specifications for each such model.

(2) On or before February 25, 1942, every manufacturer shall submit to the Office of Price Administration a report of each model washing machine and ironing machine whose temporary maximum price is determined by § 1380.1 (c) (2) showing the temporary maximum price thus established and the specifications for each such model.

(3) Manufacturers who have already submitted to the Office of Price Administration any of the information in subparagraphs (1) and (2) of this section need not duplicate it, but shall make reference to the information already submitted.

(b) *Changes in specifications.* On or before March 10, 1942, every manufacturer shall submit to the Office of Price Administration, a report of each change in specifications made in any model washing machine or ironing machine between February 9, 1942, and February 28, 1942, inclusive, containing the information required by § 1380.3 (a) or (b) (1), and on or before the tenth day of each May, July, September, November, January and March thereafter, a similar report covering the two months immediately preceding the month in which each such report is made.

(c) *Cost-plus contracts.* On or before February 25, 1942, every manufacturer shall submit to the Office of Price Administration a copy of each of his cost-plus contracts for the sale of washing machines or ironing machines, outstanding on January 21, 1942.

(d) *Discontinued models.* (1) On or before March 1, 1942, every manufacturer who has discontinued production of any model washing machine or ironing machine offered for sale during the period January 1, 1941–February 28, 1942, inclusive, shall submit a report to the Office of Price Administration containing a reference to such model, the date of and the reason for discontinuing production, and the total number of completed units of such model produced by him during such period.

(2) At least 10 days after a manufacturer discontinues production of any model washing machine or ironing machine after February 28, 1942, he shall submit a report to the Office of Price Administration containing a reference to such model, the date of and the reason for discontinuing production, and the total number of completed units of such model produced by him from January 1, 1941, to the date of discontinuance.

(e) *Monthly output of washing machines and ironing machines.* On or before the fifteenth day of each month thereafter, every manufacturer shall report to the Office of Price Administration the total number of completed units of each model washing machine and ironing machine produced by him in the preceding month. Such report shall refer to the model number of other appropriate designation of each such washing machine or ironing machine. If a report containing such information is required to be submitted to any other Federal agency, a copy thereof may be filed with the Office of Price Administration instead of a separate report.

(f) Persons affected by Price Schedule No. 86 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1380.6 *Evasion.* The limitations set forth in Price Schedule No. 86 shall not be evaded whether by direct or indirect methods in connection with the manufacture or assembling of washing machines or ironing machines by deterioration of quality or performance, or in connection with a purchase, sale, delivery or transfer of washing machines or ironing machines, alone or in conjunction with any other article, or by way of any commission, service, transportation, or other charge, or premium, or other privilege or by tying-agreement or other trade understanding, or by making discounts, or allowances of any sort, or other terms and conditions of sale, less favorable to the purchaser than those available or in effect on October 1, 1941; or by any other means.*

§ 1380.7 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements or other provisions of this Schedule, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 86, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 86; (c) that full advantage will be taken of the cooperation of the various political sub-divisions of state, county and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 86 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government, both State and Federal, are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 86.

Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of the prices of washing machines or ironing machines, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1380.8 *Modification of Price Schedule No. 86.* Persons complaining of hardships or inequity in the operation of Price Schedule No. 86 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided,* That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 86.*

§ 1380.9 *Definitions.* When used in Price Schedule No. 86, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Manufacturer" means any person operating a plant, factory, or other establishment engaged in the manufacture, or assembling of washing machines or ironing machines; or any person who resells washing machines or ironing machines to any person other than a retailer or ultimate consumer.

(c) "Washing machine" means a mechanically operated machine used in the home for washing clothes and other household articles;

(d) "Ironing machine" means a mechanically operated machine used in the home for ironing clothes and other household articles;

(e) "Model" means any washing machine or ironing machine offered for sale as a distinct item.

(f) "Any model washing machine or ironing machine in process of manufacture" means any model for which the manufacturer has obtained or contracted for patterns, tools, dies or parts, not otherwise useable by him.

(g) "Major component part" means (1) in the case of a washing machine, the transmission, tub, cover, wringer and roll, agitator, motor, base or legs; and (2) in the case of an ironing machine, the transmission, base, legs, roll, shoe or cover.

(h) "Feature" means (1) in the case of a washing machine, the timer, off and on switch, overload switch, cord reel, or thermometer; and (2) in the case of an ironing machine, thermostatic controls, lap shelf, end shelves, swiches, roll speeds, clothes racks, porcelain table top, shoe edge protector, light or emergency shoe release.*

§ 1380.10 *Effective date of Price Schedule No. 86.* This Schedule (§§ 1380.1 to 1380.10, inclusive) shall become effective February 9, 1942.*

Issued this 31st day of January 1942.[1]

LEON HENDERSON,
Administrator.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

REVISED PRICE SCHEDULE NO. 87—SCRAP RUBBER

The War being waged with the Japanese Empire makes uncertain the future shipments of rubber from the Far East. In order to conserve for military and essential civilian purposes the rubber stockpile already accumulated in this country, it has been necessary to curtail sharply the consumption of rubber in the manufacture of products not essential to the immediate national defense. This restriction upon the processing of crude rubber is expected to cause a marked increase in the use of such materials as reclaimed rubber which serve as substitutes for crude rubber. The demand for scrap rubber, the material from which reclaimed rubber is made, may be expected to expand sharply, thereby producing grave danger of further price increases.

Scrap rubber prices have been rising steadily in recent months. The maximum prices fixed by Price Schedule No. 87 are based on prices prevailing shortly before the outbreak of the war in the Pacific. The Office of Price Administration has determined, after investigation and conference with both the producing and consuming elements of the industry, that price advances beyond the maximum prices set forth hercin are not necessary to produce the maximum supply of scrap rubber.

Because of the vital importance to the nation's war effort of keeping the cost of substitution of reclaimed rubber for crude rubber to a minimum, the Office of Price Administration fixed the price of reclaimed rubber by Price Schedule No. 56. As an essential and integral part of the Government's rubber program, and in order to make the other steps effective, it is necessary during the present emergency to establish maximum prices for scrap rubber.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1315.1251 *Maximum prices for scrap rubber.* On and after February 5, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no person shall sell, offer to sell, deliver or transfer scrap rubber to any consumer, and no consumer shall buy, offer to buy, or accept delivery of scrap rubber at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1315.1260.*

*§§ 1315.1251 to 1315.1260, inclusive, issued under the authority contained in E.O. 8734, 8875; 6 F.R. 1917, 4483.

§ 1315.1252 *Less than maximum prices.* Lower prices than those set forth in § 1315.1260, Appendix A, may be charged, demanded, paid or offered.*

§ 1315.1253 *Evasion.* The price limitations set forth in Price Schedule No. 87 shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of scrap rubber, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1315.1254 *Records and reports.* Every person making any sale of scrap rubber to a consumer and every consumer making any purchase of scrap rubber after February 5, 1942, shall keep for

[1] Issued: 7 F.R. 672. Amended: 7 F.R. 908. Corrected: 7 F.R. 1009.

inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of (a) each such purchase or sale showing the date thereof, the name and address of the buyer and the seller, the quantity of each kind or grade purchased or sold, and the price paid or received, showing as a separate item any transportation charges added to the maximum price pursuant to paragraph (e) of § 1315.1260, Appendix A, and (b) the quantity of each grade of scrap rubber (1) on hand, and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 87 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1315.1255 *Affirmations of compliance.* On or before March 10, 1942, and on the 10th day of each month thereafter, every person who, during the preceding calendar month, has sold scrap rubber to a consumer, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 187:1, containing a sworn statement that during such month all such sales were made at prices in compliance with Price Schedule No. 87, or with any exception therefrom or modification thereof. Copies of Form 187:1 can be procured at the Office of Price Administration or, provided that no change is made in the style and content of the form and that it is reproduced on 8 by 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1315.1256 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements or other provisions of Price Schedule No. 87, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 87, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 87, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 87 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the Rubber Reserve Company and the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 87.

Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or any evasion or effort to evade the provisions thereof, or of speculation or manipulation of prices of scrap rubber, or of the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1315.1257 *Modification of Price Schedule No. 87.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 87 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 87.*

§ 1315.1258 *Definitions.* When used in Price Schedule No. 87 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Scrap rubber" means the kinds and grades of scrap rubber listed in § 1315.1260, Appendix A;

(c) "Consumer" means any person consuming scrap rubber in the manufacture of any product except tire repair materials or accessories. It does not include a person who repairs or reconditions scrap rubber articles to make them re-usable for the purpose for which they were originally manufactured.

(d) "Consuming mill" means a mill or other establishment where a consumer uses scrap rubber.

(e) "Consuming center" means one of the towns, listed in Tables I and II of § 1315.1260, Appendix A, in which consuming mills are located;

(f) "Ton" means a short ton of 2,000 pounds net weight determined at the consuming mill. Bags, coverings or containers shall not be included in the net weight.*

§ 1315.1259 *Effective date of Price Schedule No. 87.* This Schedule (§§ 1315.1251 to 1315.1260, inclusive) shall become effective on February 5, 1942.*

§ 1315.1260 *Appendix A: Maximum prices for scrap rubber*—(a) *Chief consuming centers.* The maximum prices listed in Tables I and II for each consuming center are applicable to every sale of scrap rubber to any consumer for use in a consuming mill located in such consuming center, regardless of the place from which the scrap rubber may have been shipped or where the actual sale may have been made.

TABLE I

[Dollars per short ton]

Grade	Maximum prices at consuming centers						
	Akron, Ohio	Buffalo, N. Y.	East St. Louis, Ill.	Gadsden, Ala.	Los Angeles, Calif.	Memphis, Tenn.	Naugatuck, Conn.
Passenger Tires[1]							
Mixed Passenger Tires[2]	$18.00	$17.50	$16.40	$14.00	$12.00	$17.50	$16.50
Beadless Passenger Tires[3]	24.00	23.50	22.00	19.00	16.50	20.88	22.12
Passenger S. A. G.[4]	18.50	18.00	16.90	14.50	12.50	16.00	17.00
Truck Tires[5]							
Mixed Truck Tires[6]	18.00	17.50	16.40	14.00	12.00	17.50	16.50
Beadless Truck Tires[7]	24.00	23.50	22.00	19.00	16.50	20.88	22.12
No. 1 Truck S. A. G.[8]	16.50	16.00	14.90	12.50	10.50	14.00	15.00
No. 2 Truck S. A. G.[9]	16.50	16.00	14.90	12.50	10.50	14.00	15.00

[1] *Passenger Tires.* Shall consist of whole pneumatic tire casings having six plies or less, and shall be free from hard, oxidized, burnt, filled, non-pneumatic, single tube and motorcycle tires, and from leather and metal.

[2] *Mixed Passenger Tires.* This grade shall consist of black whole tires free from strip tires. White or colored sidewall tires are permissible. A maximum of 10% may consist of roadworn tires.

[3] *Beadless Passenger Tires.* This grade shall consist of Mixed Passenger Tires from which the beads have been cut but which conform otherwise to the specifications for Mixed Passenger Tires.

[4] *Passenger S. A. G.* This grade shall consist of pieces of pneumatic passenger tires from which the treads and beads have been removed and may or may not contain sidewall rubber.

[5] *Truck Tires.* Shall consist of whole pneumatic tires casings for busses and trucks having seven plies or more, and shall be free from hard, oxidized, burnt, filled, non-pneumatic single tube tires, and from leather and metal.

[6] *Mixed Truck Tires.* This grade shall consist of black whole tires free from stripped tires. White or colored sidewall tires are permissible. A maximum of 10% may consist of Roadworn Tires.

[7] *Beadless Truck Tires.* This grade shall consist of Mixed Tires from which the beads have been cut but which conform otherwise to the specifications for Mixed Truck Tires.

[8] *No. 1 Truck S. A. G.* This grade shall consist of pieces of pneumatic bus and truck tires from which the tread and beads, but not the sidewall, have been removed.

[9] *No. 2 Truck S. A. G.* This grade shall consist of a mixture of No. 1 Passenger S. A. G. with No. 1 Truck S. A. G. and may or may not contain sidewall rubber.

TABLE II

Grade	Maximum prices at consuming centers	
	Akron, Ohio; Buffalo, N. Y.; East St. Louis, Ill.; Gadsden, Ala.; Memphis, Tenn.; Naugatuck, Conn.	Los Angeles, Calif.
	Dollars per short ton	*Dollars per short ton*
No. 1 Passenger Peelings[1]	47.50	40.00
No. 2 Passenger Peelings[2]	30.00	22.50
No. 3 Passenger Peelings[3]	22.50	20.00
No. 1 Truck Peelings[4]	47.50	37.50
No. 1 A Truck Peelings[5]	50.00	38.75
No. 2 Truck Peelings[6]	30.00	22.50
No. 3 Truck Peelings[7]	27.50	20.00
No. 1 Light Colored (Zinc) Carcass[8]	52.50	40.00
No. 2 Light Colored Carcass[9]	50.00	38.75
Gray Carcass[10]	47.50	37.50
	Cents per pound	*Cents per pound*
Passenger Tubes[11]	7¾	7¼
No. 2 Passenger Tubes[12]		
Light Colored No. 2 Passenger Tubes[13]	8¼	7¾
Red Passenger Tubes[14]	7½	7
Black Passenger Tubes[15]	6¾	6¼
Mixed Passenger Tubes[16]	6¾	6¼
Truck Tubes[17]		
No. 2 Truck Tubes[18]	7½	7
Red Truck Tubes[19]	7¼	6¾
Black Truck Tubes[20]	6¾	4¾
Two-Toned Black-Gold Tubes[21]	6¾	6¼
Two-Toned Red-Black Tubes[22]	6½	6

[1] *No. 1 Passenger Peelings.* This grade shall consist of treads stripped from black pneumatic passenger tires. The material shall be free from fabric, metal, leather, and hard, burnt or oxidized treads.

[2] *No. 2 Passenger Peelings.* This grade shall consist of treads stripped from black pneumatic passenger tires. The material may contain cushion rubber, breaker fabric and sidewalls plus no more than one full ply of canvas fabric.

[3] *No. 3 Passenger Peelings (Bald Head Peelings).* This grade is the same as No. 2 Passenger Peelings except that a part of the tread has been removed.

[4] *No. 1 Truck Peelings.* This grade shall consist of treads stripped from black pneumatic bus and truck tires. The material may contain cushion rubber, but shall be free from fabric, metal, leather, and hard, burnt, or oxidized treads. This grade may contain not more than 10% of No. 1 Passenger Peelings.

[5] *No. 1 A Truck Peelings.* This grade shall have the same specifications as No. 1 Truck Peelings except these peelings shall be free from cushion rubber.

[6] *No. 2 Truck Peelings.* This grade shall consist of treads stripped from black pneumatic bus and truck tires. The material may contain cushion rubber, breaker fabric and sidewalls but no more than one full ply of canvas fabric.

[7] *No. 3 Truck Peelings (Bald Head Peelings).* This grade is the same as No. 2 Truck Peelings except that a part of the tread has been removed.

[8] *No. 1 Light Colored Carcass.* This grade shall consist of all white zinc carcass free of black edges and any other colored rubber.

[9] *No. 2 Light Colored Carcass.* This grade shall consist of light colors as white, pink, light gray, pure gum and light brown carcass, free of all black edges and dark colored rubber.

[10] *Gray Carcass.* This grade shall consist of gray and colors too dark for delivery under No. 2 Light Colored Carcass, and shall be free of all black edges and black rubber.

[11] *Passenger Tubes.* Shall consist of inner tubes for pneumatic passenger tires, free from sections of tubes less than 12 inches long, free from truck, bus and punctured tubes, crusty and oxidized tubes, and free from metal and punchings. All passenger tubes, except Mixed Passenger Tubes, shall be free from metal valves. No passenger tubes, except Mixed Passenger tubes and Black Passenger Tubes, shall be free from black rubber valve cots and the bases of such valves.

[12] *No. 2 Passenger Tubes.* This grade shall consist of compounded passenger tubes free from black, red and two-toned passenger tubes.

[13] *Light Colored No. 2 Passenger Tubes.* This grade shall consist of No. 2 Passenger Tubes specially selected as to color by agreement between the buyer and the seller.

[14] *Red Passenger Tubes.* This grade shall be strictly RED tubes.

[15] *Black Passenger Tubes.* This grade shall be strictly black compounded passenger tubes. Black rubber valve cots and their bases may be present, but no metal valves or parts.

[16] *Mixed Passenger Tubes.* This grade shall be two-toned black and gold passenger or truck tubes.

[17] *Truck Tubes.* Shall consist of inner tubes for pneumatic truck and bus tires free from sections of tubes less than 12 inches long, and free from crusty, oxidized or punctured tubes, metal and punchings. All truck tubes, except Mixed Truck Tubes, shall be free from metal valves and from black rubber valve cots and the bases of such valves unless otherwise specified in the purchase contract.

[18] *No. 2 Truck Tubes.* This grade shall consist of compounded truck tubes free from black, red and two-toned tubes.

[19] *Red Truck Tubes.* This grade shall be strictly RED tubes.

[20] *Black Truck Tubes.* This grade shall be strictly black compounded truck tubes. Black rubber valve cots and their bases may be present, but no metal valves and parts.

[21] *Two-Toned Black-Gold Tubes.* This grade shall be two-toned black and gold passenger or truck tubes.

[22] *Two-Toned Red-Black Tubes.* This grade shall be two-toned red and black passenger or truck tub

(b) *Other consuming mills.* For any sale of scrap rubber to any consumer for use in a consuming mill not located in one of the consuming centers listed in Tables I and II, the applicable maximum prices shall be those set forth in Tables I and II for the one of the consuming centers there listed to which the freight charge on scrap rubber from such consuming mill is lowest. If from any such consuming mill the freight charge on scrap rubber to two or more of the consuming centers listed in Tables I and II is equal and it is not lower to any of the others, the maximum prices applicable to sales for consumption in such mill shall be the prices set forth in Tables I and II for the one of those consuming centers with equal freight rates whose maximum prices are lowest.

(c) *Delivered prices.* The prices specified in this Appendix are the maximum prices that may be paid by any consumer or charged by any person for scrap rubber delivered to a consuming mill. The maximum prices set forth herein shall include all transportation costs except as provided in paragraph (e) below.

(d) *Packing.* The maximum prices specified in this Appendix apply to scrap rubber that is packed as follows: Mixed and beadless passenger and truck tires as listed in Table I may be shipped bundled or loose in cars. All other grades of scrap rubber shall be packed in bags or bales, with each grade packed separately. Each bale shall weigh not less than 500 pounds, nor more than 1,500 pounds and shall be well and securely bound. Any scrap rubber not packed in accordance with the provisions of this paragraph must be sold at appropriate differentials below the maximum prices.

(e) *Freight allowance for long hauls.* For any scrap rubber consisting of mixed or beadless passenger or truck tires as listed in Table I on which the actual transportation charges paid for the direct shipment to a consuming mill exceed eight dollars ($8.00) per ton, the maximum prices specified in this Appendix may be increased by a sum per ton not in excess of the difference between $8.00 and such actual transportation cost involved per ton.

(f) *Premiums for large deliveries*—(1) *Allowance of premiums.* On any single sale of scrap rubber consisting of grades specified in subparagraph (2) below as belonging to one of the groups therein set forth and amounting to or exceeding the tonnage figure set forth in subparagraph (2) for that particular group, the amounts specified in subparagraph (3) below for each grade may be added to the maximum prices of each such grade, provided delivery to the consuming mill of the full amount of such sale is completed within 60 days after the receipt at such mill of the first delivery on such sale.

The amount of tonnage specified in subparagraph (2) for each group may consist of any combination of grades included in that group. In no case may the minimum tonnage required by subparagraph (2) for any group be figured by including grades listed in that subparagraph as falling within another group.

(2) *Groups entitled to premiums. Group A* consists of mixed or beadless passenger or truck tires as listed in Table I. To be entitled to a premium, a single sale of scrap rubber in this group must consist of 750 tons or more. *Group B* consists of grades listed in Tables I and II as S. A. G., peelings, or carcass. To be entitled to a premium, a single sale of scrap rubber in this group must consist of 400 tons or more. *Group C* consists of tubes as listed in Table II. To be entitled to a premium, a single sale of scrap rubber in this group must consist of 150 tons or more.

(3) *Amount of premium.* The amounts that may be added to the maximum prices for specific grades of scrap rubber under the provisions of this paragraph (f) are:

(i) One dollar and fifty cents ($1.50) per ton for beadless passenger or truck tires as listed in Table I;

(ii) One dollar ($1) per ton for any scrap rubber except beadless passenger or truck tires, the maximum price of which, as set forth in Tables I and II, is $20.00 per ton or less;

(iii) Five percent (5%) of the maximum price set forth in Tables I and II or $5.00 per ton, whichever is less, for any scrap rubber except beadless passenger or truck tires, the maximum price of which, as set forth in Tables I and II, is over $20 per ton.*

Issued this 31st day of January 1942.[1]

LEON HENDERSON,
Administrator.

PART 1340—FUEL

REVISED PRICE SCHEDULE NO. 88—PETROLEUM AND PETROLEUM PRODUCTS

The production, refining and distribution of petroleum and petroleum products constitute one of the largest industries in the United States. Ample supplies of petroleum products are of prime importance to the armed forces and are equally essential to the industrial activity required by the war effort and to the civilian life of the nation. Inflationary increases in the prices of petroleum and its products will not only be multiplied

[1] Issued: 7 F. R. 658. Corrected: 7 F. R. 755.

in the whole structure of costs and prices; they will directly increase the cost of living and the burden of supplying the armed forces.

Price stabilization in the petroleum industry was initiated on the basis of informal agreements between the Office of Price Administration and members of the industry. The increasing scope of control and the growing multiplicity of informal agreements and understandings has made it necessary to embody these agreements and understandings in a Price Schedule. Such action will serve to clarify the price policies of this Office as they affect the petroleum industry and to protect the industry and the public from the inflationary effects of unwarranted price increases.

Asphalt and asphalt products are sold principally on the basis of long-term contracts. In 1941 these contracts were agreed upon at low price levels, but by the end of 1941 it became apparent that contracts for 1942 were being negotiated at considerably higher prices. In order to prevent inflationary increases in the prices of asphalt and asphalt products, Price Schedule No. 88 has been amended to cover asphalt and asphalt products.

[Preamble as amended February 9, effective February 10, 1942; 7 F.R. 934]

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1340.151 *Maximum prices for petroleum and petroleum products.* On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, except as provided in § 1340.159, no person shall sell, offer to sell, deliver or transfer petroleum or petroleum products, and no person shall buy, offer to buy, or accept delivery of crude petroleum at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1340.159.

[§ 1340.151 as amended February 7, effective February 2, 1942; 7 F.R. 906]

*§§ 1340.151 to 1340.159, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1340.152 *Less than maximum prices.* Lower prices than those set forth in § 1340.159, Appendix A, may be charged, demanded, paid or offered.*

§ 1340.153 *Evasion.* The price limitations set forth in Price Schedule No. 88 shall not be evaded whether by direct or indirect methods in connection with a sale, delivery or transfer of petroleum products, or a purchase, sale, delivery or transfer of crude petroleum, alone or in conjunction with any other materials, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding or by a change in the quality of a product, or otherwise.*

§ 1340.154 *Records and reports.* All purchase prices for crude petroleum as of October 1, 1941, whether or not such purchase prices were posted, shall be filed with this Office within thirty days after the effective date of Price Schedule No. 88 (§§ 1340.151 to 1340.159, inclusive). Purchase prices for crude petroleum described above may be submitted in the form of such price schedules or price lists as were in use on the dates specified, provided such price schedules or price lists are corrected to indicate any variance between the schedule or list price and the purchase price.

Where a contract was in effect as of October 1, 1941 for the sale of crude petroleum at the well in excess of the posted purchase price for the pool involved, duly authenticated copies of such contracts shall be filed with this Office within thirty days after the effective date of Price Schedule No. 88.

Where maximum prices for any sale or purchase of crude petroleum or sale of petroleum products are not provided for in Section 1340.159, purchasers and sellers of crude petroleum and sellers of petroleum products shall, within ten days after the purchase or sale in question, submit to this Office the price and description of the crude petroleum or petroleum product in question.

Persons affected by Price Schedule No. 88 shall submit such other reports to the Office of Price Administration and keep such records as it may from time to time require.*

§ 1340.155 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 88 (§§ 1340.151 to 1340.159, inclusive), or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 88, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 88; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 88 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 88.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of speculation, or manipulation of prices of petroleum or petroleum products, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1340.156 *Modification of Price Schedule No. 88.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 88 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 88.*

§ 1340.157 *Definitions.* When used in Price Schedule No. 88 (§§ 1340.151 to 1340.159, inclusive), the term:

(a) "Person" means an individual, partnership, association, corporation or other business entity, including all producers, refiners, marketers and others who buy, sell or exchange petroleum and who sell or exchange petroleum products, including specifically but not exclusively the following classes of persons:

Crude oil producers
Crude oil purchasers
  Refiners
  Pipe line companies
  Crude oil purchasing companies
Marketers
  Integrated companies
  Non-integrated companies
  Terminal operators
  Distributors
  Jobbers
  Peddlers

(b) "Petroleum products" means:
All grades of gasoline, including natural gasoline and blending naphthas; also special hydrocarbon fractions utilized in the manufacture of gasoline or the components thereof
Liquefied petroleum gases
Tractor distillates and similar distillate type motor fuels other than gasoline
Kerosene, including range oil or stove oil
Distillate burning, heating or fuel oils
Diesel fuel oils
Residual burning, heating or fuel oils
Lubricating oils, including motor, aviation and stock oils (neutrals, bright stocks, steam refined stock and other stock oils)
Paving and cut-back asphalts, asphalt emulsions, road oils, roofing asphalt and roofing flux

For the time being industrial lubricating oils, industrial naphthas and solvents, greases, and specialty products (such as household oils and spot removers) are excluded from the list of petroleum products subject to Price Schedule No. 88.

Asphalts and asphalt products not listed above are not for the time being included in the term "petroleum products" as defined above.

[Paragraph (b) as amended February 9, effective February 10, 1942; 7 F.R. 934]

(c) "Pool" means any underground accumulation of crude petroleum or associated hydrocarbon substances, including but not limited to natural gas, constituting a single and separate reservoir or source of supply within a field, area, or horizon whether or not presently discovered or developed.

(d) "Consumer or commercial tank wagon prices" means the prices at which petroleum products are sold for delivery by tank wagon or tank truck to the ultimate consumer of such products or to persons not primarily resellers of such products.

(e) "Contract" means an agreement, the existence of which is established by written evidence."

(f) "Dealer tank wagon prices" means the prices at which petroleum products are sold for delivery by tank wagon or tank truck to resellers of such products.

(g) "Producers" means royalty owners or other sellers of crude petroleum at the well.

(h) "Producing well" means any well that has produced any crude petroleum during a period of ninety days prior to and including October 1, 1941.

(i) "Shut-in well" means any well that has not produced any crude petroleum during a period of ninety days prior to and including October 1, 1941.

(j) "Tank wagon area" means the area in which petroleum products are distributed by tank wagon or tank truck from the given shipping point.

(k) "Roofing flux" means the basic grade of soft asphalt (85–100 penetration or softer) which is used in the roofing industry for blowing or oxidizing into other saturants and coatings or as a saturant without further processing.

(l) "Roofing asphalt" means those grades of asphalt which have been oxidized or blown to harder penetrations than roofing flux.

(m) "Paving asphalt" means asphalt specially processed for use as a binder with certain aggregates for the purpose of forming a hard surface by means of hot application.

(n) "Cut-back asphalt" means asphalt manufactured by blending light petroleum distillates with asphalt for the purpose of forming a hard surface.

(o) "Asphalt emulsions" means a suspension of liquid asphalt in water with an emulsifying agent, prepared for the purpose of forming a hard surface by cold application.

(p) "Road oils" means residual oils obtained from asphaltic petroleum by distilling off the more volatile constituents; they range in consistency from liquid petroleum in crude form to viscous asphalt.

(q) "Asphalt" means petroleum asphalt as distinguished from natural asphalt.*

[Paragraphs (k) to (q), inclusive, as amended February 9, effective February 10, 1942; 7 F.R. 934]

§ 1340.158 *Effective date of Price Schedule No. 88.* This Schedule (§§ 1340.151 to 1340.159, inclusive) shall become effective February 2, 1942.*

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.* The maximum prices established by Price Schedule No. 88 (§§ 1340.151 to 1340.159, inclusive) shall include the prices on all domestic, export and import transactions, sales, transfers, exchanges or purchases of crude petroleum and on all domestic, export and import transactions, sales, transfers or exchanges of petroleum products, involving contract, bid or spot sales of crude petroleum at the well, the gathering point, tank farm or terminal, and of petroleum products for cargo or barge shipment, harbor delivery, f. o. b. refinery and terminal, and tank car and tank wagon delivery. Prices for petroleum products sold at retail at service stations, garages and stores are not governed by Price Schedule No. 88.

The prices on which Price Schedule No. 88 is based are the prices after all usual discounts, such as those for quantity, prompt payment or ease of handling.

Except as specifically provided hereinafter, and pending the preparation of a comprehensive schedule or schedules of specific prices, the maximum prices for petroleum and petroleum products shall be the prices determined according to paragraphs (a) and (b) below.

(a) *Crude petroleum.* (1) The maximum price at the well for crude petroleum shall be the posted purchase price as of October 1, 1941, for the pool in which any given well is located: *Provided*, That where a contract was in effect on October 1, 1941 for the purchase of crude petroleum at the well in excess of the posted purchase price for the given pool, such contract price shall be the maximum price at the well for any given well for the production covered by the contract, or any renewal of such contract, or a new contract between the same buyer and seller concerning the production from the same well.

(2) Where, on October 1, 1941, there was in any given pool more than one posted purchase price or no posted purchase price, the maximum price at the well for crude petroleum shall not be, for any given well, in excess of the price paid for crude petroleum from that given well as of October 1, 1941, unless this price is below the lower or lowest of the posted purchase prices, if any, and in that case the maximum price shall not be in excess of such lower or lowest posted purchase price: *Provided*, That where a contract was in effect on October 1, 1941, for the purchase of crude petroleum at the well in excess of the posted purchase price for the given pool, such contract price shall be the maximum price at the well for any given well for the production covered by the contract, or any renewal of such contract, or a new contract between the same buyer and seller concerning the production from the same well.

(3) Where a well was a producing well on October 1, 1941, but did not actually produce any crude petroleum on that date, the maximum price for crude petroleum at such well shall be subject to paragraph (4) (ii) (a) below, provided, that, however, where the price cannot be determined by this paragraph then the price shall be governed by paragraph (1) and (3) above.

(4) Where a well was a shut-in well on October 1, 1941, and is subsequently reopened, or where a new well is completed subsequent to October 1, 1941, the maximum price at the well for crude petroleum produced from such well shall be determined as follows:

(i) Where there was only one purchase price posted as of October 1, 1941, for the pool in which the well is located, such posted price shall be the maximum price at the well for crude petroleum produced from the well in question.

(ii) Where there was more than one purchase price posted as of October 1, 1941, for the pool in which the well is located, and

(*a*) Where the location of the new or reopened well was included in the same lease with one or more producing wells on October 1, 1941, the posted price applicable to those producing wells on October 1, 1941, shall be the maximum price at the well for crude from the new or reopened well.

(*b*) Where the above provision does not apply, the highest price posted as of October 1, 1941, for the pool in which the well is located shall be the maximum price at the well for crude from the new or reopened well.

(iii) Where there was no purchase price posted as of October 1, 1941, for the pool in which the well is located, a purchaser may set a temporary price for crude petroleum produced from the new or reopened well, subject to the provisions of § 1340.154 above. This provision covers wells representing discovery and development of new pools subsequent to October 1, 1941.

(5) The maximum prices for crude petroleum purchased at points other than at the well shall be at no greater differentials at such points over the maximum price for such crude at the well than existed on October 1, 1941.

(b) *Petroleum products.* (1) The maximum price on each product sold, contracted to be sold, delivered, or transferred by a seller shall be the lowest quoted price published in the October 2, 1941 issue of *Platt's Oilgram* and the *Chicago Journal of Commerce*, the October 8, 1941 issue of the *National Petroleum News*, or other publications designated by this Office, for a product of the same class, kind, type, condition and grade. Where such products are sold and prices are quoted on a delivered basis, then the maximum delivered price shall be the lowest quoted delivered price so published. Where products are sold and prices are quoted on an f. o. b. shipping point basis, then the maximum f. o. b. price shall be the lowest quoted f. o. b. price so published.

[Subparagraph (1) as amended February 5, effective February 5, 1942; 7 F.R. 821]

(2) Where the maximum price for a petroleum product at a given shipping or delivery point cannot be determined under subparagraph (1) of this section the maximum price for each seller at such shipping or delivery point shall not exceed the price charged at that point by him on the last sale of a substantial quantity of the same product within sixty days prior to October 15, 1941. Where the product is sold on a delivered basis at a given point the maximum price shall be the price charged on the last sale of a substantial quantity of the same product made on a delivered basis at that point in the period specified. Where the product is sold at a given point on an f. o. b. shipping point basis, the maximum price shall be the price charged on the last f. o. b. shipping point sale at that point of a substantial quantity of the same product in the period specified.

[Subparagraph (2) as amended February 7, 1942, effective February 2, 1942, 7 F.R. 906]

(3) Where the maximum price for products at a given shipping or delivery point cannot be determined under (1) or (2) above, sellers may sell such products at the market price prevailing at that point on October 1, 1941.

(4) Notwithstanding (1), (2) and (3), where contracts covering domestic sales of petroleum products had been made

prior to November 10, 1941, the prices in such contracts may be charged pursuant to such contracts up to and including March 1, 1942.

(5) Notwithstanding (1), (2) and (3), where contracts covering export sales of petroleum products had been made prior to January 20, 1942, the prices in such contracts may be charged pursuant to such contracts up to and including March 1, 1942.

(6) Notwithstanding (1), (2) and (3), sales of petroleum products may be made up to and including March 1, 1942 under the following provisions:

(i) The maximum price on each product sold, contracted to be sold, delivered, or transferred by a seller shall be the lowest quoted price published in the first issue after November 7, 1941 of the *National Petroleum News, Platt's Oilgram,* or the *Chicago Journal of Commerce,* for a product of the same class, kind, type, condition and grade. Where such products are sold and prices are quoted on a delivered basis, then the maximum delivered price shall be the lowest quoted delivered price so published. Where products are sold and prices are quoted on an f. o. b. shipping point basis, then the maximum f. o. b. price shall be the lowest quoted f. o. b. price so published.

(ii) Where the maximum price for products at a given shipping or delivery point cannot be determined under (i) above, sellers may sell such products at the market price prevailing at the time of the sale, providing, however, that notice of such price and sale is furnished to this Office within ten days after such sale.

[Subparagraphs (4), (5), and (6) added by amendment February 7, effective February 2, 1942; 7 F.R. 906].

(c) *Specific prices.* The following specific prices shall be the maximum prices for the items named at the points enumerated, notwithstanding Paragraphs (a) and (b) above:

(1) *Crude petroleum:*

Pennsylvania grade. The maximum prices at the well for Pennsylvania grade crude petroleum shall be those established in Price Schedule No. 22[1]—Pennsylvania Grade Crude Oil (§§ 1340.21 to 1340.29 of this chapter).

North and North Central Texas and Oklahoma. The maximum price at the well for crude petroleum of 40° gravity and above, determined by the American Petroleum Institute method, produced in Archer, Baylor, Brown, Callahan, Clay, Coleman, Comanche, Cooke, Eastland, Fisher, Foard, Haskell, Jack, Jones, Montague, Palo Pinto, Shackelford, Stephens, Taylor, Throckmorton, Wichita, Wilbarger, and Young Counties, Texas, and in the bed of the Red River in Tillman County, Oklahoma, shall be $1.21 per barrel with the customary differentials for lower gravity crudes.

Louisiana. The maximum price at the well for crude petroleum of 40 gravity and above, determined by the American Petroleum Institute method, produced in the Caddo Pool in Louisiana shall be $1.20 per barrel with the customary differentials for lower gravity crudes.

Oklahoma. The maximum price at the well for crude petroleum of 40 gravity and above, determined by the American Petroleum Institute method, produced in Carter County and in the Healdton and Oscar Pools in Oklahoma shall be $1.25 per barrel with the customary differentials for lower gravity crudes.

(2) *Gasoline:*

Maximum prices for cargo transactions on the Gulf Coast market. The maximum price on sales by the refiners listed below and their subsidiaries for cargo transactions on the Gulf Coast market shall be as follows:

Motor gasoline	*Cents per gallon*
Minimum 80 octane 1939 Research Method (as determined by Cooperative Fuel Research Committee) with a maximum of 2 cubic centimeters of lead	6.00
60–62 gravity, maximum 400 end point:	
72–74 octane leaded	5.75
70 octane unleaded	5.75
68 octane unleaded	5.75
65 octane unleaded	5.25
60 octane unleaded	5.00

(octane ratings as defined by American Society for Testing Materials)

Atlantic Refining Company, The.
Cities Service Company.
Consolidated Oil Corporation.
Continental Oil Company.
Gulf Oil Corporation.
Humble Oil and Refining Company.
Mid-Continent Petroleum Corporation.
National Refining Company.
Ohio Oil Company, The.
Pan American Petroleum and Transport Company.
Phillips Petroleum Company.
Pure Oil Company, The.
Shell Union Oil Corporation.
Skelly Oil Company.
Socony-Vacuum Oil Company, Inc.
Standard Oil Company of California.
Standard Oil Company (Indiana).
Standard Oil Company (New Jersey).
Sun Oil Company.
Texas Company, The.
Tidewater Associated Oil Company.

Maximum prices to be charged by other petroleum refiners for cargo transactions on the Gulf Coast market shall be as follows:

Motor gasoline	*Cents per gallon*
Minimum 80 octane 1939 Research Method (as determined by Cooperative Fuel Research Committee) with a maximum of 2 cubic centimeters of lead	6.5
60–62 gravity, maximum 400 end point:	
72–74 octane leaded	6.25
70 octane unleaded	6.25
68 octane unleaded	6.25
65 octane unleaded	5.75
60 octane unleaded	5.5

(octane ratings as defined by American Society for Testing Materials)

Maximum prices for gasoline on the Eastern Seaboard.

Eastern Seaboard. (Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia). The maximum prices for all sales of all motor gasoline sold in Connecticut, Delaware, District of Columbia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia and West Virginia, shall not be in excess of 3 cents per gallon above the prices in the above States and the District of Columbia on November 7, 1941. Such maximum increase of .3 cents per gallon shall apply to the communities in Maryland and Virginia adjacent to the District of Columbia in addition to the increase provided for those communities below.

Maximum tank wagon prices, excluding taxes

[In cents per gallon]

Tank wagon area	Third grade		Regular grade		Premium grade	
	Dealer	Consumer or commercial	Dealer	Consumer or commercial	Dealer	Consumer or commercial
IOWA						
Des Moines	9.4	10.4	9.9	11.4	11.4	13.4
OHIO						
Geneva	9.5	12	9.5	12	11	14
WISCONSIN						
Lodi	10.1	11.1	10.6	12.1	12.1	14.1
Madison	9.9	10.9	10.4	11.9	11.9	13.9
Mazomanie	9.9	10.9	10.4	11.9	11.9	13.9
Sauk City	10.1	11.1	10.6	12.1	12.1	14.1
Stoughton	9.9	10.9	10.4	11.9	11.9	13.9
Sun Prairie	10.1	11.1	10.6	12.1	12.1	14.1

Maryland and Virginia. The maximum tank wagon prices for those communities in Maryland and Virginia adjacent to the District of Columbia shall be not more than .5 cents per gallon in excess of the highest price between December 15, 1941 and December 31, 1941, where suppliers had been making allowances of .5 cents per gallon or more between December 15, 1941 and December 31, 1941.

(3) *Fuel oil: Maximum tank wagon prices for No. 2 fuel oil.*

	Cents per gallon
Tank wagon area:	
Washington, D. C.	7.6

Maximum prices for Bunker C and No. 6 grade fuel oil—Gulf and East Coasts. The maximum prices for Bunker C and No. 6 grade fuel oils on the Gulf and East Coasts shall be those established in Price Schedule No. 72[2]—Bunker C and No. 6 Grade Fuel Oils, East and Gulf Coasts (§§ 1340.101 to 1340.109 of this chapter).

(4) *Lubricants: Maximum prices f. o. b. refinery for Pennsylvania Grade neutral stocks*

[In cents per gallon]

Viscous Neutrals—No. 3 Color Viscosity at 70 Fahrenheit:	
200 Viscosity (180 at 100°) 420–425 Flash Point:	
0 pour test	40.5
10 pour test	39.5
15 pour test	38.5
25 pour test	33.0
150 Viscosity (143 at 100°) 400–405 Flash Point:	
0 pour test	38.5
10 pour test	37.5
15 pour test	36.5
25 pour test	31.0

(5) *Paving and cut-back asphalts, asphalt emulsions, road oils, roofing asphalt and roofing flux.*

Maximum prices for roofing flux f. o. b. refinery

	Price per ton
For refineries within 100 miles of the Atlantic coastline	$12.25
For refineries in Chicago, Ill., and within a 50 mile radius of the corporate limits of Chicago, Ill.	10.00
For refineries in St. Louis, Mo., and within a radius of 50 miles of the corporate limits of St. Louis, Mo.	8.25
For refineries in Ohio and within 50 miles south of the southern boundary of Ohio	11.75
For refineries in Kansas City, Mo., and within a radius of 50 miles of the corporate limits of Kansas City, Mo.	10.00
For refineries within 150 miles of the coastline of the Gulf of Mexico	11.10
For refineries in California, Washington, Oregon, Nevada, and Idaho on shipments to destinations in those states	7.25

For delivery to destinations other than in California, Washington, Oregon, Nevada and Idaho the maximum price for each refinery not located in the areas described above shall be not in excess of 75 cents per ton above the highest f. o. b. refinery price applicable to deliveries from such refinery to the given destination during January 1941 on contracts effective during that month.

Roofing asphalt. The maximum prices for each seller of roofing asphalt shall be at no greater differential over the maximum prices determined above for roofing flux than the differentials which were in effect on January 1, 1941.

Paving asphalt, cut-back asphalt, asphalt emulsions and road oils. Maximum prices for paving asphalt, cut-back asphalt, asphalt emulsions and road oils for shipment to a given destination shall be no higher than the weighted average of the prices provided in the three contracts of sale (or sales if not preceded or accompanied by contracts of sale), governing the largest volume made between July 1, 1941, and October 15, 1941, for a product of like specifications and quality shipped to the same destination.

Should there have been only two such contracts of sale or sales of paving asphalt, cut-back asphalt, asphalt emulsions and road oils for shipment to a given destination during this period, the maximum price for any such subject shall be the average of the two sales of such product to the given destination. Should there have been only one sale of a given product for shipment to a given destination, the price on such sale shall be the maximum price for shipment of a given product to the given destination.

Where a person wishes to make a sale to a particular destination and the maximum price cannot be determined upon the basis of the preceding two paragraphs, the maximum price shall be the price of the last contract made prior to October 15, 1941, but not before July 1, 1941, pursuant to open or public bidding, for shipment to that destination of a product of substantially the same quality.

When a person wishes to make a sale to a particular destination and the maximum price cannot be determined upon the basis of the preceding three paragraphs, the maximum price shall be computed upon the basis of the preceding three paragraphs, as if the sale were made for delivery to the destination nearest to the particular destination involved (nearest in terms of freight cost to the seller) and appropriate adjustments to reflect difference in freight costs to the seller shall be made.

[Subparagraph (5) added by amendment February 9, 1942, effective February 10, 1942; 7 F.R. 934]

Issued this 2d day of February 1942.[1]

LEON HENDERSON,
Administrator.

PART 1316—COTTON TEXTILES

REVISED PRICE SCHEDULE NO. 89—BED LINENS

Stable operation of the cotton textile industry is essential to the production of commodities necessary for the successful prosecution of the war and to the largest possible flow of goods to civilian consumers. The past several months have seen a rapid advance in the price of bed linens. Largely responsible for this inflationary trend have been the greatly expanded demand for bed linens resulting from increased consumer income and the heavy purchases of such goods for use by the military forces. The increase has not been justified on the basis of increased costs of materials and production, save to a negligible extent. In order to remedy the effects of the inflationary trend, and to insure stability of the price structure it is necessary that maximum prices be established for bed linens.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed:

§ 1316.101 *Maximum prices for bed linens.* (a) On and after February 2, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer bed linens, and no person shall buy, offer to buy, or accept delivery of bed linens at prices higher than the maximum prices set forth in Appendix A, incorporated herein as §1316.111.

(b) The provisions of Price Schedule No. 89 (§§ 1316.101 to 1316.111, inclusive) are not applicable:

(1) To sales or deliveries of bed linens made by any wholesaler, jobber or retailer in the performance of a recognized distributive function: *Provided,* That except in accordance with subparagraph (2) hereof, sales and deliveries of bed linens by the manufacturer thereof or by any agent of such manufacturer, shall not be made at prices higher than the established maximum prices;

(2) To sales or deliveries of brown sheeting to a manufacturer, converter, or finisher for further processing prior to resale.*

*§§ 1316.101 to 1316.111, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1316.102 *Less than maximum prices.* Lower prices than those set forth in § 1316.111, Appendix A, may be charged, demanded, paid or offered.*

§ 1316.103 *Evasion.* (a) The price limitations set forth in Price Schedule No. 89 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of bed linens, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) No price agreed upon in any contract shall be changed by amendment of such contract, by substitution therefor of a new contract, or otherwise (whether or not such change is made pursuant to the terms of the original contract) if the change so effected results in an agreed price in excess of the maximum price applicable under § 1316.111 hereof, in accordance with the date the original contract was made, to the original contract or to deliveries pursuant thereto.*

§ 1316.104 *Records and reports.* Every person making purchases or sales of bed linens after February 2, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of (a) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity in yards or dozens of pieces of each type of bed linens purchased or sold; (b) the quantity in yards or dozens of pieces of each type of bed linens (1) on hand, and (2) on order, as of the close of each calendar month; and (c) in the case of manufacturers, the quantity in yards or dozens of pieces of each type of bed linens manufactured during each calendar month.

No bed linens shall be sold on or after March 2, 1942, unless each piece bears a label containing:

(a) A statement of its type and size;

(b) if the piece is a second, a statement of that fact; and

(c) if the piece does not meet the minimum specifications set forth in Table I, the term "substandard."

Persons affected by Price Schedule No. 89 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1316.105 *Details required in contract of sale and invoice.* (a) Every seller of bed linens shall, with respect to each sale thereof, deliver to the purchaser a contract of sale which shall contain, in addition to the terms thereof, (1) the date on which the sale or contract of sale was made; (2) a full description of the bed linens sold including all details necessary to determine the applicable maximum price from Price Schedule No. 89; and where, in conformity with Price Schedule No. 89, a premium is charged or

[1] Issued: 7 F.R. 718. Amended: 7 F.R. 821, 906. Corrected: 7 F.R. 822. Amended: 7 F.R. 934.

deduction made, the feature of the goods for which such premium is allowed or deduction required; and (3) the discount required by Price Schedule No. 89 for prompt payment.

(b) Every seller of bed linens shall, with respect to each delivery thereof, transmit to the purchaser an invoice or similar document which shall either contain the information required by (a) above or make reference to the contract in which such information is set forth.*

§ 1316.106 *Affirmations of compliance.* On or before March 10, 1942, and on or before the 10th day of each month thereafter, every person, who during the preceding calendar month has purchased or sold bed linens, whether for immediate or future delivery, shall submit to the Office of Price Administration an affirmation of compliance on Form 189:1, containing a sworn statement that during such month all such purchases or sales were made at prices in compliance with Price Schedule No. 89 or with any exception therefrom or modification thereof. Copies of Form 189:1 can be procured from the Office of Price Administration, or provided that no change is made in the style and content of the form, and that it is reproduced on 8 x 10½" paper, they may be prepared by persons required to submit affirmations of compliance hereunder.*

§ 1316.107 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 89, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 89, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 89; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 89 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 89. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of bed linens, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1316.08 *Modification of Price Schedule No. 89.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 89 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 89.*

§ 1316.109 *Definitions.* When used in Price Schedule No. 89 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Bed linens" means finished sheets, finished pillow cases, finished bolster cases and shall include both brown sheeting and bleached sheeting: *Provided*, That the term "bed linens" shall include only goods made of cotton and shall not include any goods made entirely of combed yarn.

(c) "Brown sheeting" means grey sheeting put up on boards, doubled and rolled which is sold for use by the ultimate consumer without further processing.

(d) "For export" means to a person outside the United States, its territories and possessions.*

§ 1316.110 *Effective date of Price Schedule No. 89.* This Schedule (§§ 1316.101 to 1316.111, inclusive) shall become effective February 2, 1942.*

§ 1316.111 *Appendix A: Maximum prices for bed linens*—(a) *Terms of sale.* The maximum prices set forth in this Appendix are prices f. o. b. the seller's point of shipment. The prices are gross prices and include commissions and all other charges; they must be discounted as provided in subparagraph (1) of paragraph (d).

(b) *Determination of maximum price.* The maximum price (expressed in terms of a percentage discount from the base prices listed in Table II below) for any offer to buy or sell, sale or contract of sale, delivery or transfer of bed linens, shall be determined pursuant to Table III of paragraph (c), subject to the provisions of paragraph (d), in the following manner:

(i) *Offer to buy or sell.* By the spot cotton price[1] of the business day immediately preceding that on which the offer was made, except that, if the offering price is not otherwise specified, an offer to buy or sell at the maximum price applicable on the day the contract of sale is to be made shall not be a violation of Price Schedule No. 89;

(ii) *Sale or contract of sale.* By the spot cotton price of the business day immediately preceding the day on which the sale or contract of sale is made, regardless of the maximum price applicable to the offer pursuant to which such sale or contract is made;

(iii) *Delivery or transfer.*[2] By the spot cotton price of the business day immediately preceding that on which the sale or contract of sale is made, regardless of any change in the spot cotton price subsequent thereto.

(c) *Maximum price tables.*

TABLE I—*Key to types of bed linens listed in Table II*[1]

Specifications	Type 180	Type 140	Type 128	Type 112
Thread count per square inch (grade A)[2]	180	140	128	112
Weight per square yard (ounces)	3.6	4.0	4.0	3.7
Tensile strength (pounds): Warp	60	70	55	45
Filling	60	70	55	47
Selvage	Tape	Tape	Tape	Tape
Plain hems (total for both ends)	4"	4"	4"	4"
Stitches per inch[3]	11	11	11	11
Added sizing (maximum)[4]	4%	4%	4%	4%

[1] This table states minimum specifications except for added sizing for each type.

In any instance in which the buyer or seller is in doubt as to whether bed linens meet the stated specifications, such bed linens shall be tested by Federal Test Method 6 CCC-T 191A. The unit for such testing shall be the case, or its equivalent, which shall consist of more than twenty dozen sheets or fifty dozen pillow cases. Each case of the goods in respect to which such determination shall be tested separately. In the event of failure to meet minimum specifications as to any given type as set forth in Table I, the goods shall be deemed to fail all standards and the applicable maximum price shall be determined pursuant to subparagraph (1) of paragraph (d).

[2] Bed linens having a finish on thread count of less than 17% shall not be classified as Type 180, regardless of whether they meet all other specifications of that type.

[3] Not applicable to brown sheeting.

[4] Not applicable to Fleece-set sheeting.

TABLE II[1]—*Base prices for bed linens*

Classes and dimensions of goods	Types 180 and 140	Type 128	Type 112
	Cents per yard		
Brown Sheeting:			
42" width	22	17	14
45" width	23	18	15
48" width	24	20.5	16
54" width	30	23	18
63" width	34	26.5	21
72" width	38	29.5	24
81" width	43	32.5	27
90" width	46	36	31
96" width	52	40	33
108" width	58	46.5	
Bleached sheeting:			
42" width	24	18.5	17
45" width	26	20.5	18
54" width	30	24	21
63" width	38	29.5	25
72" width	42	32.5	27
81" width	46	36	30
90" width	52	40	33
96" width	58	46.5	
	Dollars per dozen		
Sheets:[2]			
42" x 99"		5.20	
42" x 72"	7.01	5.40	
45" x 99"	8.80	5.62	
45" x 72"	7.40	6.17	
45" x 76"	7.75	6.38	
54" x 72"	8.45	6.75	
54" x 76"	8.75	7.00	
54" x 90"	10.50	8.40	
54" x 72"	9.41		
54" x 76"	9.75		
54" x 99"	11.50	9.45	7.8
54" x 108"	12.72	10.25	8.5
54" x 108"	13.74	11.01	9.0
54" x 113"	14.30		
63" x 99"	12.50	10.75	9.0
63" x 99"	14.01	11.24	9.7
63" x 108"	17.18	12.12	10.2
63" x 113"	15.81		

[1] The term "spot cotton price," when used herein, means the average, published daily by the United States Department of Agriculture, Agricultural Marketing Service, of the price quotations for middling 15/16-inch cotton on ten designated spot markets.

[2] This method of determining the maximum price shall be used in connection with deliveries and transfers pursuant to sales or contracts of sale made before, as well as on or after February 2, 1942.

[1] The base price for bed linens differing in any dimension from those listed herein shall be the in the case of brown or bleached sheeting, the base price provided herein for such sheeting of the nearest inferior width and (b) in the case of sheets, pillow cases or bolster cases the base price provided herein for such goods of the nearest inferior area.

[2] The dimensions stated herein indicate length prior to hemming.

TABLE II—*Base prices for bed linens*—Continued

Classes and dimensions of goods	Types 180 and 140	Type 128	Type 112
	Dollars per dozen		
Sheets[1]—Continued.			
72" x 90"	14.10	11.25	9.90
72" x 99"	15.50	12.23	10.74
72" x 108"	16.92	13.20	11.58
72" x 113"	17.92		
81" x 90"	15.50	12.30	10.85
81" x 99"	16.68	13.38	11.73
81" x 108"	18.06	11.46	12.66
81" x 113"	18.82		
90" x 90"	16.50	13.50	12.00
90" x 99"	18.00	11.70	13.05
90" x 108"	19.50	15.90	14.10
90" x 113"	20.33		
100" x 108"	22.58		
100" x 113"	23.31		
Pillow Cases:[2]			
20" x 21"	1.87		
30" x 36"	3.27	2.70	
42" x 36"	3.65	2.97	2.55
42" x 38½"	3.83	3.12	2.68
42" x 40½"	3.99	3.25	
45" x 36"	3.87	3.21	2.47
45" x 38½"	4.09	3.38	2.80
45" x 40½"	4.26	3.52	
50" x 36"	4.25	3.51	
50" x 38½"	4.80	3.70	
50" x 40½"	4.80	3.86	
54" x 36"	4.83	3.93	
54" x 38½"	5.11	4.15	
54" x 40½"	5.34	4.32	
Bolster Cases:[2]			
42" x 54"	5.57		
42" x 60"	6.05		
42" x 63½"	6.34		
45" x 72"	7.01	5.69	4.85
45" x 76½"	7.57	5.96	
45" x 72"	7.49	6.17	5.09
45" x 76½"	7.88	6.40	

[1] The dimensions stated herein indicate length prior to hemming.

TABLE III—*Maximum prices for manufacturers, converters or finishers*

[Percentage discounts from base prices in table II]

Spot cotton price (cents per pound)	Type 180	Type 140	Type 128	Type 112
14.34 to 14.88	17.4	20.5	18	15.5
14.89 to 15.43	16.6	19.5	17	14.5
15.44 to 15.98	15.8	18.5	16	13.5
15.99 to 16.53	15.0	17.5	15	12.5
16.54 to 17.08	14.2	16.5	14	11.5
17.09 to 17.63	13.4	15.5	13	10.5
17.64 to 18.18	12.6	14.5	12	9.5
18.19 to 18.73	11.8	13.5	11	8.5
18.74 to 19.28	11.0	12.5	10	7.5
19.29 to 19.83	10.2	11.5	9	6.5
19.84 to 20.38	9.4	10.5	8	5.5

(d) *Deductions and premiums.*[1] (1) The maximum prices set forth in paragraph (c) shall be discounted (i) where payment is made within 10 days of delivery by three per cent; and (ii) where payment is made within the next 60 days by two per cent;

(2) For seconds of all types of bed linens, the price shall be discounted by ten per cent.

(3) For bed linens which fail to meet the specifications as to weight set forth in Table I, the price of the particular type shall be discounted by five per cent for each five per cent or fraction thereof of the specified weight by which such bed linens are deficient.

For bed linens which fail to meet the specifications as to tensile strength set forth in Table I, either as to warp or filling, the price of the particular type shall be discounted by five per cent for each five per cent or fraction thereof of the specified tensile strength by which the warp and by five per cent for each five per cent or fraction thereof of the specified tensile strength by which the filling is deficient.

For bed linens which contain added sizing in excess of the applicable maximum, prescribed in Table I, the price of the particular type shall be discounted by five per cent for each five per cent or fraction thereof by which the sizing contained in such bed linens exceeds the prescribed maximum.

(4) In addition to the maximum prices set forth in paragraph (c) the following premiums may be charged or paid for pieces which are hemstitched or scalloped. For any piece which is both hemstitched and scalloped, both premiums may be charged or paid.

Piece	Hemstitched	Scalloped
	Dollars per dozen	
Bolster cases	2.50	2.50
Bed Sheets (54 x 75 or larger)	2.50	2.50
Pillow Cases	1.25	1.25
Bed Sheets (smaller than 54 x 75)	1.25	1.25

(5) Application may be made by any buyer or seller to the Office of Price Administration for permission to pay or accept, in addition to the maximum prices appearing in paragraph (c), a premium for bed linens for which, because of special construction or special physical properties involving added production costs, a premium has been charged prior to the effective date of Price Schedule No. 89.

(6) In addition to the maximum prices set forth in paragraph (c), a seller may charge for bed linens sold for export[4] a premium which can be justified as commensurate with the difference in cost between the given export sale and a comparable domestic sale.*

Issued this 2d day of February 1942.[5]

LEON HENDERSON,
Administrator.

[1] The percentages stated in this paragraph are percentages of the applicable maximum prices expressed in terms of dollars and cents.

[4] See § 1316.109 for definition of "for export."

[5] Issued: 7 F.R. 715.

444899—42——23

PART 1401—SYNTHETIC TEXTILE PRODUCTS

REVISED PRICE SCHEDULE NO. 90—RAYON WASTE

The state of war existing between this country and the Axis nations makes it imperative that steps be taken to protect the civilian population against increases in the cost of clothing and other primary requirements. Hostilities in the Pacific have raised the possibility of interference with the free flow of wool from foreign countries. At the same time the wool requirements of the armed forces will be considerably increased. This combination of circumstances would, unless forestalled, result in a bidding up of the prices of raw wool substitutes such as rayon waste. As a measure of public interest it becomes necessary to establish maximum prices for such materials.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1401.51 *Maximum prices for rayon waste.* On and after February 3, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer rayon waste, and no person shall buy, offer to buy, or accept delivery of rayon waste at prices higher than the maximum prices set forth in Appendices A and B hereof, incorporated herein as §§ 1401.59 and 1401.60.*

*§§ 1401.51 to 1401.60 inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 FR. 1917, 4483.

§ 1401.52 *Less than maximum prices.* Lower prices than those set forth in §§ 1401.59 and 1401.60, Appendices A and B, may be charged, demanded, paid or offered.*

§ 1401.53 *Evasion.* The price limitations set forth in Price Schedule No. 90 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of rayon waste, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement, or other trade understanding, or by upgrading or otherwise.*

§ 1401.54 *Records and reports.* Every person making purchases or sales of rayon waste after February 3, 1942, aggregating 20,000 pounds or more in any calendar month shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each kind or grade purchased or sold.

Persons affected by Price Schedule No. 90 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1401.55 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 90, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 90, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof, (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 90, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county and local governments through calling to the attention of the proper authorities failures to comply with Price Schedule No. 90 which may be regarded as grounds for the revocation of licenses and permits; and

(d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 90.

Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions thereof, or of speculation or manipulation of prices of rayon waste or of the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1401.56 *Modification of Price Schedule No. 90.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 90 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 90.*

§ 1401.57 *Definitions.* When used in Price Schedule No. 90, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Rayon waste" means the kinds and grades of rayon waste enumerated in Appendices A and B hereof (§§ 1401.59 and 1401.60);

(c) "Producer" means a manufacturer of continuous filament rayon yarns or staple fiber.*

§ 1401.58 *Effective date.* Price Schedule No. 90 (§§ 1401.51 to 1401.60, inclusive) shall become effective on February 3, 1942.*

§ 1401.59 *Appendix A: Maximum prices for producers' rayon waste.* The prices set forth below are maximum prices for rayon waste produced by manufacturers of continuous filament rayon yarns or staple fiber, net weight basis.

The maximum prices shall include all commissions and other charges except as provided below.

Grades	Price per lb. f. o. b. shipping point
Bleached lustrous open waste, extra coarse [1]	$.24
Bleached lustrous open waste, coarse [2]	.22
Bleached lustrous open waste, semi-coarse [3]	.20
Bleached dull open waste, semi-coarse	.20
Bleached semi-dull open waste, sim-coarse	.20
Bleached lustrous open waste, fine [4]	.18
Bleached dull open waste, fine	.18
Bleached semi-dull open waste, fine	.18
Undesulphured open waste	.19
Unbleached [5] open waste, extra coarse and coarse	.2250
Unbleached open waste, semi-coarse	.19
Unbleached open waste, fine	.18
Unbleached open waste, mixed fine and coarse	.19
Bleached lustrous coarse threads	.20
Bleached lustrous semi-coarse threads	.1750
Bleached dull semi-coarse threads	.1750
Bleached semi-dull semi-coarse threads	.1750
Bleached lustrous fine threads	.1650
Bleached dull fine threads	.1650
Bleached semi-dull fine threads	.1650
Bleached mixed fine and coarse threads, lustrous or dull	.1650
Unbleached threads, mixed fine and coarse	$.1775
Unbleached threads, semi-coarse	.1750
Undesulphured threads	.1750
Staple fiber waste [6]	.15
Mixed open and thread waste, fine	.1650
Mixed open and thread waste, coarse	.22
Bleached and unbleached, fine semi-coarse	.1650

[1] "Extra Coarse" when used in this Appendix means rayon filaments over eight denier.

[2] "Coarse" when used in this Appendix means rayon filaments five denier and over, but not more than eight denier.

[3] "Semi-coarse" when used in this Appendix means rayon filaments two and a half denier and over, but less than five denier.

[4] "Fine" when used in this Appendix means rayon filaments less than two and a half denier.

[5] "Unbleached" when used in this Appendix means washed or desulphured whether lustrous, semi-dull or dull.

[6] "Staple Fiber Waste" when used in this Appendix means the waste that occurs during the manufacture of staple fiber and has no uniform lengths.

Premiums for sales by persons other than producers. The maximum prices for sales by persons other than producers shall be the maximum prices set forth above plus an amount equal to 6% of the applicable maximum price.*

[§ 1401.59 as amended February 10, 1942, effective February 11, 1942; 7 F.R. 954]

§ 1401.60 *Appendix B: Maximum prices for rayon tops and rayon noils.* The prices set forth below are maximum prices for rayon tops and rayon noils in cents per pound, net weight basis.

The maximum prices shall include all commissions and other charges.

Rayon tops [1]	Price per lb. f. o. b. shipping point
Rayon waste tops [2]	$.40
Staple fiber tops [3]	
Lustrous 5½ denier, any length staple	.40
Dull 5½ denier, any length staple	.42
Lustrous 3 denier, any length staple	.42
Dull 3 denier, any length staple	.44
Rayon noils [4]	
Rayon Waste noils [5]	.22
Staple fiber noils	
Lustrous 5½ denier, any length staple	.2050
Dull 5½ denier, any length staple	.2050
Lustrous 3 denier, any length staple	.2050
Dull 3 denier, any length staple	.2050

[1] "Rayon Tops" means a continuous sliver in balls of approximately ten pounds each made from rayon waste or rayon staple fiber.

[2] "Rayon Waste Tops" means tops made from viscose processed rayon waste, lustrous or dull.

[3] "Staple Fiber Tops" means tops made from viscose process staple fiber.

[4] "Rayon Noils" means the short fibers that are combed out during the process of making tops.

[5] "Rayon Waste Noils" means noils made from viscose processed rayon waste, lustrous or dull.*

[6] Corrected: 7 F.R. 822, February 7, 1942.

Issued this 3d day of February 1942.[1]

LEON HENDERSON,
Administrator.

[1] Issued: 7 F.R. 728. Amended: 7 F.R. 954. Corrected: 7 F.R. 822.

PART 1351—FOODS AND FOOD PRODUCTS

REVISED PRICE SCHEDULE NO. 91—TEA

Wholesale prices of tea, which had remained fairly stable during the four months previous to the outbreak of war on December 7, 1941, have increased sharply since that date. This increase has occurred in spite of substantial stocks of tea in the United States and continued large imports after the outbreak of war. The primary cause of the price rise has been a speculative markup of inventories by importers and brokers in anticipation of a shortage of shipping space available for tea. Studies made by this Office show that the prices prevailing from October 1 to October 15, 1941, are fair and equitable to producers and consumers and, in view of the actual cost of tea on hand in this country, form a satisfactory basis for trading. The establishment of maximum prices at this level will, therefore, remove unfair speculative profits, achieve price stability, and prevent further unwarranted price increases.

Should unwarranted price rises occur at stages of distribution not covered by Price Schedule No. 91, appropriate action will be taken by this Office.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.251 *Maximum prices for tea.* On and after February 3, 1942, regardless of the terms of any contract of sale or purchase or other commitment, except as provided in section 1351.254 hereof, no person shall sell, offer to sell, deliver, or transfer tea, and no person shall buy, offer to buy, or accept delivery of tea at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1351.261.*

*§§ 1351.251 to 1351.261, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1351.252 *Exempt sales.* Sales at retail, sales of less than chest lots, and sales of tea, blended or unblended, in one pound or smaller packages, shall be excepted from the operation of Price Schedule No. 91.*

§ 1351.253 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 91 may be charged, demanded, paid or offered.*

§ 1351.254 *Permission to carry out contracts entered into prior to February 3, 1942.* Any person who, prior to February 3, 1942, has entered into a contract of sale or other firm commitment calling for the delivery or transfer after that date, of tea, at prices higher than the maximum prices established by Price Schedule No. 91, may make application in a sworn statement to the Office of Price Administration for permission to deliver such tea at its actual cost. Such statement shall certify (a) the name and address of the buyer and seller; (b) the quantity, type and grade of tea involved; (c) the cost of that tea to the applicant; (d) the price contracted for with the buyer; and (e) the delivery date provided for in the contract. Permission will be granted only when necessary to protect the applicant against loss in the disposition of inventory acquired prior to February 3, 1942 at prices higher than the established maximum prices and held by the applicant on that date. Such application must be filed with the Office of Price Administration on or before February 17, 1942. No permission will be granted, in any case, to make delivery of tea on or after April 1, 1942 at prices higher than the established maximum prices.*

§ 1351.255 *Evasion.* The price limitations set forth in Price Schedule No. 91 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of tea, or by way of premium, commission, service, transportation or other charge, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on October 1, 1941, or by any other means.*

§ 1351.256 *Records and reports.* (a) All persons who have received deliveries of tea under contracts of sale entered into after October 15, 1941, at prices higher than the maximum prices established by Price Schedule No. 91, shall report the quantity and cost of such receipts to the Office of Price Administration on or before February 24, 1942.

(b) Every person making purchases or sales of tea on and after February 3, 1942 shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records thereof, including the name of the purchaser, the date of the contract, the price paid or received, and the type, grade, quality, and amount sold.

(c) Every person affected by Price Schedule No. 91 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1351.257 *Modification of Price Schedule No. 91.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 91 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 91.*

§ 1351.258 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 91, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 91, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government both State and Federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with this schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 91 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to, or purchasing from, those persons who fail to comply with Price Schedule No. 91. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of tea, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1351.258 *Modification of Price Schedule No. 91.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 91 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 91.* [Same as § 1351.257]

§ 1351.259 *Definitions.* When used in Price Schedule No. 91 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no packer, blender, purchaser for resale, or commercial user shall be deemed to be an ultimate consumer.

(c) "Cost of putting the tea into the warehouse" includes (1) "labor in and out" and (2) warehouse storage charges for "first month."*

§ 1351.260 *Effective date of Price Schedule No. 91.* This Schedule (§§ 1351.251 to 1351.261, inclusive) shall become effective on February 7, 1942.*

§ 1351.261 *Appendix A: Maximum prices for tea.* (a) The maximum prices shall include all commissions and all other charges except that increases in the charges prevailing prior to the opening of business on December 8, 1941, for ocean freight, war risk insurance, and marine insurance may be added to the maximum prices if such charges have been actually incurred by the seller on such sale. Decreases in said charges prevailing prior to the opening of business on December 8, 1941, shall be subtracted from the maximum prices.

(b) The maximum prices for tea shall be those listed below. All maximum prices are subject to three per cent discount for payment within thirty days.

	Cents per pound, ex warehouse New York City		
	Common	Medium	Fine
INDIA			
Broken Orange Pekoe	44	48	55
Orange Pekoe	44	49	53
Pekoe	42	46	52
CEYLON			
Broken Orange Pekoe	48	52	62
Orange Pekoe	49	52	59
Pekoe	47	51	60
JAVA			
Broken Orange Pekoe	42	44	53
Orange Pekoe	43	46	53
Pekoe	43	46	52

The maximum prices for tea imported from any other country or for grades of better or inferior quality not named shall be the prices at which sales of those grades were made in New York on October 15, 1941, or in the event no such sale was made on that date, the prices at which sales of the corresponding grades were last made prior to October 15, 1941, in that city.

(c) The maximum prices quoted above are ex warehouse New York City. The maximum prices ex warehouse any other port of entry shall be determined by adding to or subtracting from the New York City price the difference between the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to New York City and the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to such other port of entry.

(d) For any tea sold ex dock rather than ex warehouse New York City or any other port of entry, the cost of "putting the tea into the warehouse" as defined in § 1351.259 shall be subtracted from the ex warehouse price by the sellers.

(e) The delivered price for tea shall in no case exceed the maximum prices specified above plus actual transportation charges incurred from the dock or warehouse at New York City or other port of entry to the place of destination.*

Issued this 3d day of February 1942.[1]

LEON HENDERSON,
Administrator.

PART 1351—FOODS AND FOOD PRODUCTS

REVISED PRICE SCHEDULE NO. 92—SOY BEAN AND PEANUT OILS

The outbreak of war has led to sharp increases in the prices of soy bean and peanut oils. The recent heavy buying movement has added to the danger of inflationary price spiralling and makes it necessary that steps be taken to control prices of these important oils. The prices of soy bean oil specified herein are based on levels prevailing on October 1, 1941, with upward adjustment to conform with prices of competing oils and for other relevant factors. Peanut oil prices are based on levels prevailing October 1, 1941.

Should unwarranted price rises occur at stages of distribution not covered by Price Schedule No. 92 appropriate action will be taken by this Office. Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1351.301 *Maximum prices for soy bean and peanut oils.* (a) On and after February 4, 1942, no person shall sell, offer to sell, deliver, or transfer soy bean or peanut oils at prices higher than the maximum prices, except that contracts entered into prior to December 13, 1941 providing for a higher price than the maximum prices may be carried out at the contract price. The maximum prices shall include commissions and all other charges.

(b) (1) For any kind, grade, or quality of soy bean or peanut oil the maximum

[1] Issued: 7 F.R. 757.

price shall be the highest price at which the seller sold such kind of soy bean or peanut oil of the same grade and quality in a similar amount to a similar purchaser on October 1, 1941, for delivery within sixty days: *Provided*, That in determining the maximum prices for soy bean oil three-fourths of one cent per pound shall be added to such October 1, 1941 price.

(2) If the maximum price cannot be determined under paragraph (b) (1), the maximum price shall be the highest price at which the seller sold the same kind of soy bean or peanut oil of a different grade or quality or in a different amount or to a different type of purchaser on October 1, 1941, for delivery within sixty days, making the necessary adjustments for differences in grade, quality, amount or type of purchaser in accordance with the seller's practice for determining price differentials existing on October 1, 1941: *Provided*, That in determining the maximum price for soy bean oil three-fourths of one cent per pound shall be added to such October 1, 1941 price.

(3) If the maximum price cannot be determined under either paragraph (b) (1) or (b) (2), the maximum price shall be the price at which such kind of soy bean or peanut oil of the same grade or quality in a similar amount to a similar purchaser was sold in the locality of the seller's shipping point on October 1, 1941, for delivery within sixty days: *Provided*, That in determining the maximum prices for soy bean oil three-fourths of one cent per pound shall be added to such October 1, 1941 price.

(4) If the maximum price cannot be determined under paragraph (b) (1), (b) (2) or (b) (3), the maximum price shall be the price at which such kind of soy bean or peanut oil of the same grade and quality in a similar amount to a similar purchaser was sold in the nearest market in which such sale was made, making adjustments for the customary differential between the price in such market and the price in the locality of the seller's shipping point.

(5) If the maximum price determined under the above subparagraphs is less than 111 percent of the price at which the same kind of soy bean or peanut oil of the same grade and quality was sold by the seller or was sold in the locality of the seller's shipping point, or in the nearest market as the case may be, in a similar amount and to a similar purchaser on November 26, 1941, for delivery within sixty days, the maximum price shall be 111 percent of such November 26 price.

(c) The maximum price for both domestic and imported soy bean and peanut oils determined under paragraph (b) shall include at least the same absorption of transportation and other charges as were or would have been absorbed by the seller on comparable shipments to the same place of destination on October 1, 1941.

(d) The maximum prices established by Price Schedule No. 92 for soy bean and peanut oils shipped into or out of the United States by ocean transportation shall include the charges prevailing on October 1, 1941, for freight, war risk insurance, and marine insurance connected with such transportation. Increases in such charges may be added only if such charges have been actually incurred by the seller on such sales. Decreases in such charges shall be subtracted from the maximum prices established by Price Schedule No. 92.*

*§§ 1351.301 to 1351.309, inclusive, issued pursuant to the authority contained in E.O. 8734, 8575, 6 F.R. 1917, 4483.

§ 1351.302 *Exempt sales.* Sales of refined soy bean or peanut oils through wholesale and retail channels and directly to the baking, restaurant, hotel, and other cooking trades are exempt from the operation of Price Schedule No. 92.*

§ 1351.303 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 92 may be charged, demanded, paid or offered.*

§ 1351.304 *Evasion.* The price limitations set forth in Price Schedule No. 92 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of soy bean or peanut oils, or by way of premium, commission, service, transportation or other charge, or by any other trade understanding, or by making the discounts given or other terms and conditions of sale more onerous to the purchaser than those available or in effect on October 1, 1941, or by any other means.*

§ 1351.305 *Records and reports.* Every person making any sale of soy bean or peanut oils on and after December 13, 1941, except sales exempted under § 1351.151a, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such sale, including the date thereof, the name of the purchaser, the price paid or received, and the grade, quality and amount sold.

Every person affected by Price Schedule No. 92 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1351.306 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 92, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 92, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government both State and Federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with Price Schedule No. 92; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 92 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to, or purchasing from, those persons who fail to comply with Price Schedule No. 92. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of soy bean or peanut oils, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1351.307 *Modification of Price Schedule No. 92.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 92 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 92.*

§ 1351.308 *Definitions.* When used in Price Schedule No. 92, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Soybean and peanut oils" means crude and refined oils, their by-products and derivatives;

(c) "Refined soybean or peanut oils" means those soybean and peanut oils which have been cleaned, deodorized, or purified by settling, straining, filtering, distilling, treating with chemicals, or by any other means, and which at the conclusion of the refining process do not contain any added substance other than is necessary as a preservative, for example, salad oil, and oils used for the technical and protective coating trades.

(d) In the phrase "similar amount to a similar purchaser," the word "similar" means that amount and that type of purchaser with respect to which the same price did apply or would have applied under the seller's trade practices on October 1, 1941.*

§ 1351.309 *Effective date of Price Schedule No. 92.* This Schedule (§ 1351.301 to 1351.309, inclusive) shall become effective on February 4, 1942.*

Issued this 3d day of February 1942.[1]

LEON HENDERSON,
Administrator.

PART 1348—MERCURY

REVISED PRICE SCHEDULE NO. 93, MERCURY

Mercury is a material strategic to the national defense and essential for important civilian purposes. The price of mercury has risen to excessive and unwarranted levels, resulting in increased prices for other commodities of which mercury is a component. After full investigation and after consultation with representatives of the industry it has been determined that the establishment of maximum prices for mercury is necessary in the interest of the national defense and the public welfare.

[1] Issued: 7 F.R. 758.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1348.1 *Maximum prices for mercury.* On and after February 4, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer mercury, and no person shall buy, offer to buy, or accept delivery of mercury, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1348.9.*

*§§ 1348.1 to 1348.9, inclusive, issued pursuant to authority contained in E.O. 8734, 8575; 6 F.R. 1917, 4483.

§ 1348.2 *Less than maximum prices.* Lower prices than those set forth in § 1348.9, Appendix A, hereof may be charged, demanded, paid or offered.*

§ 1348.3 *Evasion.* The price limitations set forth in Price Schedule No. 93 shall not be evaded either by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of mercury, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1348.4 *Records and reports.* (a) On and after February 4, 1942, every person making purchases or sales of mercury or acting as a broker or other intermediary in the purchase or sale of mercury shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such purchase or sale, showing the name and address of the other party or parties to the transaction, the date thereof, the quantity, the price, and other terms of sale and shipment and (2) as of the close of each month, the quantity of mercury (i) on hand, (ii) on purchase order, and (iii) committed to be sold.

(b) Every person affected by Price Schedule No. 93 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1348.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 93, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 93, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 93, (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 93 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 93. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, are urged to communicate with the Office of Price Administration.*

§ 1348.6 *Modification of Price Schedule No. 93.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 93 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 93.*

§ 1348.7 *Definitions.* When used in Price Schedule No. 93, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Mercury" includes prime virgin mercury, and all other kinds and grades of mercury.*

§ 1348.8 *Effective date.* The Schedule (§§ 1348.1 to 1348.9, inclusive) shall become effective February 4, 1942.*

§ 1348.9 *Appendix A: Maximum prices for prime virgin mercury*[1]—(a) *Maximum base prices.* (1) The maximum base price for prime virgin mercury produced in California, Oregon, Washington, Idaho, Utah, Nevada, or Arizona shall be $191.00 per 76-pound flask, f. o. b. point of shipment.

(2) The maximum base price for prime virgin mercury produced outside the continental United States and Mexico, and entering the United States through Pacific Coast ports of entry shall be $191.00 per 76-pound flask, f. o. b. port of entry.

(3) The maximum base price for prime virgin mercury produced in Texas and Arkansas shall be $193.00 per 76-pound flask, f. o. b. point of shipment.

(4) The maximum base price for prime virgin mercury imported from Mexico shall be $193.00 per 76-pound flask, f. o. b. the freight station in the United States at or nearest to the point on the boundary at which the shipment enters the United States, duty, if any, included.

(b) *Sales by dealers.* (1) A dealer, regularly engaged in the business of buying and selling prime virgin mercury on his own behalf, may sell such mercury as he buys and to which he acquires title, at not more than a price equal to the applicable maximum base price set forth above, *plus* a premium of 2% thereof, *plus* the actual transportation charges paid or incurred by him: *Provided*, That, the applicable maximum base price, the premium, and the transportation charges are shown separately in invoicing and billing.

(2) From February 4, 1942, until March 2, 1942, any such dealer, who had mercury on hand, or in transit, on February 4, 1942, in order to meet a contract of sale made prior to February 4, 1942, may deliver such mercury in accordance with the terms of such contract: *Provided*, That within 10 days after such delivery, the dealer shall submit to the Office of Price Administration, Washington, D. C., a verified statement, setting forth: (i) the name and address of the purchaser; (ii) the date on which the contract of sale was made; (iii) the form of the contract, i. e. oral, exchange of letters, order form, signed agreement, etc.; (iv) the quantity of mercury which the dealer had on hand, or in transit, on February 4, 1942; (v) the quantity of mercury delivered under the contract of sale after February 4, 1942, and the date or dates of such delivery; and (vi) the selling price.

[Paragraph (b) as amended, February 10, 1942, effective February 10, 1942; 7 F.R. 954]

(c) *Commissions for brokers and agents.* In the event that a consumer of prime virgin mercury shall use or employ a broker or agent to purchase such mercury for the consumer's use, the consumer may pay for such mercury a sum not exceeding the applicable maximum base price set forth above, plus a commission of not more than 1% of such maximum price. The commission shall be payable only if (a) the commission is shown as a separate charge in invoicing and billing, and (b) the agent or broker does not split or divide the commission allowed him by a consumer with the seller or sellers of the mercury.

Issued this 3d day of February 1942.[1]

LEON HENDERSON,
Administrator.

[1] The maximum prices herein established are for prime virgin mercury. All other kinds and grades of mercury shall be sold and bought at their normal differentials from such maximum prices.

PART 1312—LUMBER AND LUMBER PRODUCTS

REVISED PRICE SCHEDULE NO. 94—WESTERN PINE LUMBER

Price Schedule No. 94 brings under a price ceiling Western pine lumber, the largest remaining section of the softwood lumber industry not previously regulated by a Price Schedule. It covers ponderosa pine, Idaho white pine, and sugar pine, which species account for approximately 21% of the total lumber production in the United States. Ponderosa, Idaho white, and sugar pine lumber are used in the manufacture of pine millwork and boxes, and for interior and exterior construction purposes, with a considerable degree of interchangeability. The lower grades of ponderosa and sugar pine are particularly well-adapted to the box market. In addition to the civilian demand for these woods both for building construction and for container purposes, particularly containers for agricultural products and canned goods, government buying, for use in cantonment construction purposes, as well as for boxes for armament and other war purposes, is becoming an increasingly important factor. A study of the Western pine industry reveals that the increase in prices has markedly outstripped cost advances, and that a ceiling is necessary in order to halt the upward trend in prices. The prices set herein generally follow the levels existing during the period October 1–15, 1941, and have been found to be

[1] Issued: 7 F.R. 764. Amended: 7 F.R. 954.

high enough to bring out the full volume of production called for by present needs. However, the schedule is subject to revision if further study of the profits in this industry shows the need for a decrease or other change in the schedule prices.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1312.251 *Maximum prices for western pine lumber.* On and after February 15, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver, or transfer, for domestic or export use, any Western pine lumber, where the shipment originates at the mill rather than at a distribution yard, at prices higher than the maximum prices set forth in Appendices A, B and C hereof, incorporated herein as §§ 1312.260, 1312.261, and 1312.262 respectively: *Provided*, That in the case of retail sales as defined in § 1312.257 (f), where the shipment originates at a mill rather than at a distribution yard, a mark-up of not more than $3.50 per 1,000 feet board measure may be added to the maximum prices set forth herein.*

*§§ 1312.251 to 1312.262, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1312.252 *Less than maximum prices.* Lower prices than those set forth in Appendices A, B and C (§§ 1312.260, 1312.261 and 1312.262) may be charged, demanded, paid, or offered.*

§ 1312.253 *Evasion.* The price limitations set forth in Price Schedule No. 94 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of Western pine lumber, alone or in conjunction with any other material; or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege; or by tying-agreement, or other trade understanding; or by making terms or conditions of sale more onerous than those in effect or available to the purchaser on October 1, 1941, or by unnecessarily routing lumber through a distribution yard; or by unreasonably refusing to ship except in specified lengths or widths, or under other circumstances entitling the seller to a premium; or by charges for delivery which exceed the actual cost to the seller of such delivery except as provided in § 1312.258 hereof; or by falsely or wrongly grading or invoicing lumber; or by grading as a special grade lumber which can be graded as a standard grade; or by any other means.*

§ 1312.254 *Records and reports.* Every person who, during any calendar month, shall sell, deliver or transfer 34,000 pounds or more of Western pine lumber for shipment originating at the mill, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of every sale, delivery or transfer of such lumber made during such month, showing the date thereof, the name and address of the buyer, the prices, and the quantities and grades sold.

Persons affected by Price Schedule No. 94 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1312.255 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 94, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 94, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 94, and (c) that the procurement services of the Government are requested to refrain from purchasing Western pine lumber from those persons who fail to comply with Price Schedule No. 94.

Persons who have evidence of any offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade provisions hereof, or of speculation, or of manipulation of prices of Western pine lumber, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1312.256 *Modification of Price Schedule No. 94.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 94 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom; *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 94.*

§ 1312.257 *Definitions.* When used in Price Schedule No. 94, the term:

(a) "Person" means an individual, association, partnership, corporation, or other business entity. The term includes, without restricting the generality of the foregoing, any mill operator, manufacturer, commission salesman, manufacturer's representative, concentration yard operator, wholesaler, wholesale distributor, wholesaler's agent, or retailer.

(b) "Western pine" includes ponderosa pine (pinus ponderosa), Idaho white pine (pinus monticola), and sugar pine (pinus lambertiana) produced in the states of Oregon, Washington, Idaho, California, and Montana.

(c) "Mill" means a manufacturing plant, concentration yard, or other establishment which processes, by sawing, or by planing or other comparable method at least 25 per cent of the volume of Western pine logs or lumber purchased or received by it.

(d) "Distribution yard" means a wholesale or retail lumber yard which purchases or receives Western pine logs or lumber from a producer, a mill, or another distribution yard for purposes of unloading, sorting, and resale or redistribution, which regularly maintains a stock of lumber, and which processes, by sawing, or by planing or other comparable method, less than 25 per cent of the volume of such logs or lumber so purchased or received by it.

(e) "Volume" means the board foot volume of lumber processed from logs, processed from other lumber, or sold, as the case may be, within six months immediately prior to the transaction subject to Price Schedule No. 94.

(f) "Retail sale" means a sale which satisfies all of the following tests:

(1) It must be a sale of lumber to a consumer or contractor for use in building, construction, remodeling, repair, maintenance, or fabrication, and not for resale in substantially the same form.

(2) It includes only sales in less than carload quantities. Where shipment is by water or by truck the maximum retail sale quantity shall be 20,000 feet board measure. For the purpose of this paragraph the size of the sale is determined by the size of the order.

(3) The sale must be accompanied by the following services: delivery to the job site or other point specified by the purchaser and at such times and in such quantities as the purchaser specifies; tallying and checking; the privilege of exchanging goods and returning unused material; and the readiness and ability of the seller to replace deficiencies and adjust complaints from stocks kept on hand for such purposes.

(g) "Deliver" means to make physical transfer of lumber to the purchaser, or to a carrier, not owned or controlled by the seller, for carriage to the purchaser to whom the lumber has been previously sold.

(h) Grade terms used herein have the meaning set forth in the Standard Grading Rules issued by the Western Pine Association, effective April 1, 1939.*

§ 1312.258 *Delivered prices.* A delivered price in excess of the maximum f. o. b. mill prices set forth in Appendices A, B, and C (§§ 1312.260, 1312.261 and 1312.262) may be charged, consisting of such maximum prices plus actual transportation costs paid by the seller. However, for the purposes of this section, the following two practices shall not be deemed a deviation from the use of actual transportation costs:

(1) the charging of a sum equivalent to the one-quarter of a dollar nearest to such actual transportation costs; and

(2) the computation of transportation costs on the basis of a system of estimated average weights established by the seller, and adhered to by him during the period October 1 to October 15, 1941: *Provided*, That a copy of such system of estimated average weights has been filed with the Office of Price Administration either before the use of such system in a transaction subject to Price Schedule No. 94, or within thirty days of the effective date of Schedule No. 94.*

§ 1312.259 *Effective date of Price Schedule No. 94.* This Schedule (§§ 1312.251 to 1312.262, inclusive) shall become effective February 15, 1942.*

§ 1312.260 *Appendix A: Maximum prices for ponderosa pine lumber.* (a) The maximum prices f. o. b. mill per 1000 feet board measure, surfaced, air dried or kiln dried, in mixed or straight load shipments, shall be as follows:

Select Grades

	4/4 RL S2S or S4S	5/4 RL S2S	6/4 RL S2S	8/4 RL S2S	10/4 RL S2S	12/4 RL S2S	16/4 RL S2S
1 and 2 Clear (B and Better):							
Random widths 1 x 4 & up	$71.00	$72.00	$72.00	$78.00	$103.00	$108.00	$116.00
2" Inc. Bdl	69.00	71.00	70.00	76.00			
3" Inc. Bdl	71.00	72.00	72.00	78.00			
4"	65.00	66.00	66.00	72.00	97.00	102.00	110.00
5"	71.00	72.00	72.00	78.00	103.00	108.00	116.00
6"	67.00	68.00	68.00	74.00	99.00	104.00	112.00
8"	69.00	70.00	70.00	76.00	101.00	106.00	114.00
10"	71.00	72.00	72.00	78.00	103.00	108.00	116.00
12"	86.00	87.00	87.00	93.00	118.00	124.00	131.00
C Select:							
Random Widths 1 x 4 & up	66.00	66.00	66.00	71.00	92.00	96.00	105.00
2" Inc. Bdl	64.00	64.00	64.00	69.00			
3" Inc. Bdl	66.00	66.00	66.00	71.00			
4"	60.00	60.00	60.00	65.00	86.00	90.00	99.00
5"	66.00	66.00	66.00	71.00	92.00	96.00	105.00
6"	62.00	62.00	62.00	67.00	88.00	92.00	101.00
8"	64.00	64.00	64.00	69.00	90.00	94.00	103.00
10"	66.00	66.00	66.00	71.00	92.00	96.00	105.00
12"	81.00	81.00	81.00	86.00	107.00	111.00	123.00
D Selects:							
Random Widths 1 x 4 & up	52.00	52.00	52.00	57.00	73.00	78.00	86.00
2" Inc. Bdl	50.00	50.00	50.00	55.00			
3" Inc. Bdl	52.00	52.00	52.00	57.00			
4"	46.00	46.00	46.00	51.00	67.00	72.00	80.00
5"	52.00	52.00	52.00	57.00	73.00	78.00	86.00
6"	48.00	48.00	48.00	53.00	69.00	71.00	82.00
8"	50.00	50.00	50.00	55.00	71.00	76.00	81.00
10"	52.00	52.00	52.00	57.00	73.00	78.00	86.00
12"	61.00	61.00	61.00	69.00	85.00	90.00	98.00

Specified lengths:	
4/4, 6', 8', 10', and 12'	Add $2.00 (includes bundling 2" and 3")
4/4, 16'	Add $5.00 (Includes bundling 2" and 3")
4/4, 18' and 20'	Add $10.00
5/4 and thicker, 16' and shorter	Add $5.00
5/4 and thicker, 18' and 20'	Add $10.00
Random lengths, 10' and longer	Add $2.00
Special random widths, S2S:	
8" & wider, RW	Add $2.00 to RW price
10" & wider, RW	Add $7.00 to RW price
13" & wider, RW	Same as 12" price
14" & wider, RW	Add $5.00 to 12" price
16" & wider, RW	Add $10.00 to 12" price
18" & wider, RW	Add $15.00 to 12" price
20" & wider, RW (except drainboards)	Add $20.00 to 12" price
22" & wider, RW (except drainboards)	Add $25.00 to 12" price
Specified widths:	
Specified widths over 12", for each inch over 12"	Add $2.00 to 12" price
Odd widths, 7", 9", 11"	Add $1.00 to 8", 10", 12" and so scaled
Rough, all thicknesses	Deduct $2.00
Stained selects	Deduct $5.00 from price of D select
Australian Clears	Same price as D Select
Short Select, 3' to 9', RL:	
1 x 4 & wider, RW	$41.00
5/4 & thicker, 4" & wider RW	$44.00
Select strips, 2" & 3", not bundled	Deduct $1.00

Common Boards

[Random lengths—6' and longer]

S2S or S4S (13" and wider RW S2S only)	1 x 4"	1 x 6"	1 x 8"	1 x 10"	1 x 12"	1 x 14"	1 x 16"	1 x 18"	1 x 20"
No. 1 Common	$12.00	$42.00	$40.00	$42.00	$46.00				
No. 2 Common	36.00	36.00	35.00	35.00	35.00	$38.00	$42.00	$46.00	$50.00
No. 3 Common	31.00	31.00	30.00	30.00	30.00	31.00	33.00	31.00	38.00
No. 4 Common	21.00	21.00	23.00	23.00	23.00				
No. 5 Common	11.00								

Additions for thickness:	
No. 1 Common: for 5/4, 6/4 and 8/4	Add $5.00
for 10/4 and 12/4	Add $12.00
No. 2 Common: for 5/4, 6/4 and 8/4	Add $4.00
for 10/4 and 12/4	Add $8.00
No. 3 Common: for 5/4, 6/4 and 8/4	Add $3.00
for 10/4 and 12/4	Add $6.00
No. 4 Common: for 5/4, 6/4 and 8/4	Add $2.00
No. 5 Common: for 5/4, 6/4 and 8/4	Add $1.00
Specified lengths:	
No. 1, 2 and 3 Common: 4" and 6" widths, 16', 18', and 20'	Add $2.00
8" and wider, 10', 12', 18', and 20'	Add $2.00
All widths, 6' and 8'	Deduct $3.00
No. 4 and 5 Common: All specified lengths	Add $2.00
R/L, 10' and longer	Add $1.00
No. 4 and 5 Common, RW and RL, may contain 20% 4' to 8' and 20% 4".	
Odd widths, 7", 9", & 11"	Add $1.00 to 8", 10", & 12" price, and so scaled.
Special Random Widths:	
No. 1 Common, 1 x 4 and wider	$21.00
1 x 6 and wider	21.50
No. 5 Common, 1 x 4 and wider	14.00
Rough, 5/4 & thicker	Deduct 1.00
Knotty Pine Paneling Stock	Add $5.00 to price of regular grade from which selected.
For 4/4, 16", use price of corresponding grade and width of 6/4" plus $2.50, less 25% for surface measure price.	

Shop Lumber

S2S RW & RL	4/4	5/4	6/4	8/4	10/4	12/4	16/4
4/4 Shop Common	$30.00						
No. 3 Clears	41.00	$56.00	$56.00	$69.00	$81.00	$89.00	$98.00
No. 1 Shop		41.00	41.00	72.00	67.00	71.00	80.00
No. 2 Shop		33.00	33.00	38.00	46.00	48.00	55.00
No. 3 Shop		27.00	27.00	27.00	30.00	33.00	37.00

Rough 4/4, No. 3 Clears & Thicker	Deduct $2.00	Rough 5/4 & Thicker No. 1 Shop	Deduct $2.00
Rough 4/4 Shop Common	Deduct 1.00	Rough 5/4 & Thicker No. 2 & No. 3 Shop	Deduct 1.00

Drainboard Stock

5/4 and 6/4 1 and 2 Clear S2S Selected:
20" and wider RW RL..... $107.00
22" and wider SW RL..... 122.00
For Rough Deduct $2.00.

Bevel Siding

		½" x 4"	½" x 5"	½" x 6"
B & Btr...	3' & Longer.....	$29.50	$32.00	$31.50
C.....	C & Longer.....	25.00	26.50	30.00
D.....	3' & Longer.....	20.50	23.50	23.00
E.....	.....	16.00	.....	19.50

B & Btr., C & D may contain 20% 3' to 8½' in multiples of 6".
E Siding may contain up to 40% of 8½' & Shorter.
Shorts when sold separately S and shorter in B and Btr., C & D, Deduct $8.00.
For 9' and longer add $4.00.

Moulding Stock

4/4 RW RL S2S 4" and up..... $43.00
5/4 to 8/4 RW RL S2S..... 45.00
For Rough: Deduct $1.00.

Moulding & Better

[Product of log above #1 Shop producing 50% rip 10' and longer 2" width]

4/4 RW RL Rough, Dry..... $51.00
5/4 & Thicker RW RL Rough, Dry..... 55.00

Mill Run Box

[Product of log below No. 2 Shop as produced by the mill]

Rough 5/4, 6/4 & Thicker RL, Air Dried..... $23.00
S2S—Add to Rough..... 2.00
4/4 Stock, Rough, Deduct from 5/4..... 2.00
Specified Widths..... No addition

Dimension

RL S1SE HM 1¼" x Standard Widths or S1S HM 1¼" x Std. & 1½" Widths Scaled as 2"	2 x 4"	2 x 6"	2 x 8"	2 x 10"	2 x 12"
No. 1 Dimension	$28.50	$27.00	$26.50	$27.00	$27.00
No. 2 Dimension	22.00	21.00	21.00	21.00	21.00
No. 3 Dimension	18.50	17.50	17.50	17.50	17.50

Specified Lengths:
11' and under 11'..... Add $1.00 to RL.
13'..... Add 2.00 to RL.
15' & 20'..... Add 2.00 to RL.
For Rough..... Deduct $1.00.
For 1¼ Dimension..... Add 15% to 1½" prices.
For 1¼ Flooring..... Add 4 to 12½" prices.

Differentials and Rules Applicable to All Grades of Ponderosa Pine

Ordinary Resawing..... Add $1.00
Resawing and S2S, all grades, all rates..... Add 2.00
Ripping, per rip..... Add 1.00
Novelty-Saw Ripping..... Add 2.00
Ripping and S4S..... Add 3.00
Cross Cutting, per cut..... Add 1.00
Cleating (ordinary)..... Add 1.50
Bundling (ordinary)..... Add 1.00
Bundling (expert)..... Add 5.00
4/4 and thicker stock dressed thicker than standard, for each ⅛"..... Add 1.00
For stock run S4S wider than standard width (may be hit or miss)..... Add 1.00
Standard Casing and Base, Jambs, Sill Stock, Pully Stiles, Log Cabin Siding, Bungalow Siding, Delly Varden Siding and all similar patterns (not moulding), 8" or 10" Beveled Siding, all grades, to price of grade desired..... Add 7.50

All other patterns except those conforming to Association Standard Patterns..... Add $2.50
All Standard patterns other than S2S or S4S except as noted above..... Add 2.00
Cutting to specified exact length... Add 1.00
All stock shipped in inter-divisional stopover cars..... Add 1.00

Random lengths are 6 feet and longer, unless otherwise provided in list.

§ 1312.261 *Appendix B: Maximum prices for Idaho white pine lumber.* (a) The maximum prices f. o. b. mill per 1,000 feet board measure, surfaced, air dried or kiln dried, in mixed or straight load shipments, shall be as follows:

Select grades

RL S2S or S4S Including Bundling 2" & 3"	1 x 2"	1 x 3"	1 x 4"	1 x 5"	1 x 6"	1 x 8"	1 x 10"	1 x 12"	13" & wider RW
B & Better	$76.00	$78.00	$74.00	$79.00	$77.00	$72.00	$79.00	$100.00	$100.00
C Select	69.00	71.00	67.00	72.00	70.00	70.00	72.00	91.00	91.00
D Select	55.00	55.00	51.00	54.50	51.00	51.00	59.50	76.50	76.50
RL S2S Including Bundling 2" & 3"	5/4 x 2"	5/4 x 3"	5/4 x 4" or 5/4 x 4" & wider	5/4 x 5"	5/4 x 6"	5/4 x 8"	5/4 x 10"	5/4 x 12"	13" & wider RW
B & Better	$85.00	$91.00	$87.00	$85.00	$87.00	$90.00	$95.00	$105.00	$105.00
C Select	79.00	81.00	77.00	85.00	77.00	80.00	85.00	95.00	95.00
D Select	69.00	71.00	65.00	75.00	67.00	70.00	75.00	85.00	85.00

Additions for thickness:
B & Btr. & C S2S RL 6/4 ... Add $10.00 to 5/4 price.
B & Btr. & C S2S RL 8/4 ... Add $20.00 to 5/4 price.
6/4 D Select ... Same as 5/4 price.
8/4 D Select ... Add $5.00 to 5/4 price.
Specified lengths:
4/4
8', 10', 12' & 14' ... Net.
16', 18', & 20' ... Add $10.00.
5/4 and thicker:
16' and shorter ... Add $5.00.
18' & 20' ... Add $10.00.
6" when sold separately in quantity lots ... Deduct $10.00 from RL.
4/4 D & Shorter RL (when no 16' included) ... Deduct $3.00.
Special Random Widths 5/4 & thicker S2S:
6" & wider RW ... Add $2.00 to 4" and wider price.
5" & wider RW ... Add $5.00 to 4" and wider price.
Odd Widths, 7", 9", & 11" ... Add $1.00 to 5", 10" and 12" price, and so scaled.
Rough, all thicknesses ... Deduct $2.00.
Stained Selects ... Deduct $5.00 from price of D select.
Short selects:
4/4, 1" and wider, D & Btr. ... $42.00.
4/4, 7/8" ... $41.00.
4/4, all 1" ... $42.00.
4/4, all 6/4" ... $42.00.
Select strips, 2" & 3", not bundled ... Deduct $1.00.
Random length may contain 2'6" shorter than 8' and 15' odd lengths.

Shop Lumber

RW and RL S2S	4/4	5/4	6/4	8/4
4/4 Shop Common...	$31.00			
No. 1 Shop ...	.....	$38.00	$38.00	$73.00
No. 2 shop ...	.....	37.00	37.00	42.00
No. 3 Shop...	.....	29.00	29.00	29.00

When sold as No. 3 & Better pile run on grade price deduct $5.00 from the No. 1 Shop price and $2.00 from the No. 2 Shop price.
Rough:
4/4 Shop Common ... Deduct $1.00
5/4 & thicker, No. 1 Shop ... Deduct $2.00
5/4 & thicker, No. 2 or No. 3 Shop... Deduct $1.00

Bevel Siding—$^{7}/_{16}$" x $3^{3}/_{16}$" SM

3' and longer	½" x 4"	½" x 5"	½" x 6"
B & Btr ...	$31.00	$35.50	$35.00
C ...	27.75	32.25	31.75
D ...	20.75	25.00	24.50
E ...	15.00	.....	16.00

May contain odd lengths, and 20% 3' to 8½' in multiples of 6", except that E siding may contain up to 40% of 8½' and shorter.
For all 9 ft. and longer add $3.00.
Short Siding 8' and shorter (when sold separately
Grade B & Btr., or C ... Deduct $7.00
Grade D ... Deduct $4.00

Common Boards

S4S or S2S RL	1 x 4" and wider	1 x 4"	1 x 5"	1 x 6"	1 x 8"	1 x 10"	1 x 12"	13" and wider RW S2S
No. 1 (Colonial Common ...	.....	$46.00	$46.00	$42.00	$44.00	$49.50	$70.00	$75.00
No. 2 (sterling) Common ...	.....	43.00	42.00	40.00	40.50	41.00	45.00	54.00
No. 3 (Standard) Common...	.....	31.50	33.00	34.00	32.00	32.00	33.50	33.50
No. 3 Common Shorts (7' to 8' RL) ...	$27.00	24.00	.....	27.50	.....	.....	.....	.....
No. 4 (Utility) Common ...	25.00	22.00	.....	25.00	25.00	25.00	25.00	.....
No. 4 Common Shorts (6' to 8' RL) ...	20.50	19.00	.....	20.50	.....	.....	.....	.....
No. 5 (Industrial) Common...	19.00	19.00	.....	19.00	19.50	19.50	19.50	.....

Additions for thickness:
No. 1 Common:
5/4, 6/4 & 8/4, RL or all 16' ... Add $0.00 to 4/4 RL price.
5/4, 6/4 & 8/4, specified lengths other than 16' ... Add $14.00 to 4/4 RL price.
5/4 x 5" ... Add $1.00 to 5/4 x 4" price.
No. 2 Common, 5/4, 6/4 & 8/4 RL or all 16' ... Add $7.00 to 4/4 RL price.
Specified lengths other than 16' ... Add $12.00 to 4/4 RL price.

Shop Lumber

RW and RL S2S	4/4	5/4	6/4	8/4	10/4	12/4	16/4
No. 2 Btr. Common ...	$29.00	$42.00	$42.00	$44.00	$44.00	$45.00	$45.00
No. 3 Common ...	20.00	33.00	33.00	33.00	36.00	36.00	36.00

Moulding Stock, and Moulding and Better

Moulding stock:
4/4 RW & RL ... $43.00
5/4 to 8/4 RW & RL ... 45.00
For Rough Deduct $1.00.

Moulding & Better (product of log above #1 Shop producing 50% rip 10' and longer 2" width):
4/4 RW & RL Rough ... $51.00
5/4 and thicker RW & RL Rough... 55.00

Common Boards

Random widths—Continued:
22" & Wdr. (Shop & Btr.) (except Drainboard Stock)..... Add $45.00
Additions for specified widths:
4, 6, & 8" (D Select & Btr. only)..... Net
5, 7, & 10" (D Select & Btr. only)..... Add 5.00
12 & 13"..... (Shop & Btr.)..... Add 15.00
14 & 15"..... (Shop & Btr.)..... Add 25.00
16 & 17"..... (Shop & Btr.)..... Add 30.00
18 & 19"..... (Shop & Btr.)..... Add 35.00
20 & 21"..... (Shop & Btr.)..... Add 45.00
22" & Wdr. (Shop & Btr.)..... Add 55.00
Additions for specified lengths:
4' 8' to 16' Select & Shop grades... Add 5.00
5' & thicker, 8' to 16' Select & Shop grades..... Add 5.00
1" & thicker, 16' to 20' Select & Shop grades..... Add 10.00
1" & thicker, 8' to 16' Common grades..... Add 2.00

Mill Run Box

[Product of log below #2 Shop as produced by Mill]

Rough 5/4, 6/4 & thicker RL
S2S $23.00
One-inch Stock, Rough. Add $2.00 to Rough.
Rough ..... Deduct $2.00 from it.

Differentials for Widths

Narrow widths:
2", 3" & Less, S4S all grades... Add $3.00
Random widths:
4 to 7" (D Select & Btr. only)... Deduct 5.00
10" & Wdr. (Shop & 2 Btr.) ... Add 5.00
12 or 13" & Wdr. (Shop & Btr.) ... Add 5.00
14" & Wdr. (Shop & Btr.) ... Add 15.00
16" & Wdr. (Shop & Btr.) ... Add 20.00
18" & Wdr. (Shop & Btr.) ... Add 25.00
20" & Wdr. (Shop & Btr.) (except Drainboard Stock) ... Add 30.00
22" & Wdr. (Shop & Btr.) (except Drainboard Stock) ... Add 35.00

Dimension

RL S1SE HM 1¼" x Standard Widths or S1S HM 1¼" x Std. & 1½" Widths Scaled as 2"	2 x 1"	2 x 6"	2 x 8"	2 x 10"	2 x 12"
No. 1 Dimension ...	.....	$27.00	$26.50	$27.00	$27.00
No. 2 Dimension ...	.....	21.00	21.00	21.00	21.00
No. 3 Dimension ...	.....	17.50	17.50	17.50	17.50

Specified Lengths:
11' and under 11' ... Add $1.00 to RL.
13' ... Add 2.00 to RL.
15' & 20' ... Add 2.00 to RL.
For Rough ... Deduct $1.00.
For 1¼ Dimension ... Add 15% to 1½" prices.
For 1¼ Flooring ... Add 4 to 12½" prices.

Drainboards

5/4 & 6/4 1 and 2 Clear selected:
20" and wider RW RL..... $107.00
22" and wider SW RL..... 122.00
For Rough, Deduct $2.00.

Additions for thickness—Continued:
No. 3 Common, 5/4, 6/4 & 8/4 RL ... Add $3.00 to 4/4 RL price.
No. 4 Common ... Add $6.00 to 4/4 RL price.
No. 5 Common ... Add $2.00 to 4/4 RL price.
No. 4 & 5 Common, 5/4, 6/4 and 8/4, RL ... Add $2.00 to 4/4 RL price.

Specified lengths:
No. 1, 2, & 3 Common:
4", 6" & 8"—10', 12' & 14' ... Deduct $1.00.
4", 6" & 8"—16', 18' & 20' ... Add $1.00.
5", 7", 9" & 11"—14' & 16' ... Deduct $1.00.
5", 7", 9" & 11"—18' & 20' ... Deduct $3.00.
All widths—6'.
No. 4 & 5 Common:
All specified lengths ... Add $2.00.
No. 1, 10" & Wider, 4' & longer ... Add $1.00.
Odd widths, 7", 9" & 11" ... Add $1.00 to 5", 10" & 12" price and so scaled.
Rough 5/4 and thicker, all commons ... Deduct $1.00.

No. 4 & 5 Common, RW & RL, may contain 20% 4' to 8' and 20% 6".
No. 5 Common Shorts, 1 x 4" & wider, may contain 30% of 4".
No. 4 Common shorts, 1 x 4" & wider, may contain 30% of 4".

Differentials and Rules Applicable to All Grades of Idaho White Pine

Ordinary Resawing ... Add $1.00
Resawing and S2S, all grades, all rates ... Add 2.00
Ripping, per rip ... Add 1.00
Novelty-Saw Ripping ... Add 2.00
Ripping and S4S ... Add 3.00
Cross Cutting, per cut ... Add 1.00
Cleating (ordinary) ... Add 1.50
Bundling (ordinary) ... Add 1.00
Bundling (export) ... Add 5.00
4/4 and thicker stock dressed thicker than standard, for each ⅛" ... Add 1.00
For stock run S4S wider than standard width (may be hit or miss) ... Add 1.00
Standard Casing and Base, Jambs, Sill Stock, Pully Stiles, Log Cabin Siding, Bungalow Siding, Delly Varden Siding and all similar patterns (not moulding), 8" or 10" Beveled Siding, all grades, to price of grade desired ... Add 7.50

All other patterns except those conforming to Association Standard Patterns ... Add $2.50
All standard patterns other than S2S or S4S except as noted above ... Add 2.00
Cutting to specified exact length... Add 1.00
All stock shipped in inter-divisional stopover cars ... Add 1.00
Specified widths, all grades, wider than 12", for each inch over 12" to price of 13" and wider ... Add 2.00
Random lengths are 6 feet and longer, unless otherwise provided in list.

[Tables headed "Dimension" and "Drainboards" were deleted from § 1312.261 and transferred to § 1312.262 by amendment February 9, 1942, effective February 15, 1942: 7 F.R. 981]

§ 1312.262 *Appendix C: Maximum prices for sugar pine lumber.* (a) The maximum prices f. o. b. mill per 1,000 feet board measure, surfaced, air dried or kiln dried, in mixed or straight load shipments, should be as follows:

Select Grades

S2S or S4S, RW and RL	4/4	5/4	6/4	8/4	10/4	12/4	16/4
B & C Btr (B & Btr) ...	$77.00	$78.00	$78.00	$80.00	$108.00	$116.00	$129.00
C Select ...	74.00	75.00	75.00	86.00	101.00	109.00	122.00
D Select ...	58.00	60.00	60.00	75.00	86.00	95.00	103.00

Stained Selects: Deduct $5.00 from price of D Select.
Australian Clears: Same price as D Select.

Other differentials, all grades

Rough 4 4 and thicker No. 1 Shop & Btr.	Deduct	$3.00
Rough 5 4 and thicker No. 2 Shop	Deduct	2.00
Rough 4 4 and thicker Common, Dimension and No. 3 Shop	Deduct	1.00
Rough Inch Shop	Deduct	2.00
Ordinary Resawing	Add	1.00
Resawing and S2S, all grades, all rates	Add	2.00
Ripping, per rip	Add	1.00
Novelty-Saw Ripping	Add	2.00
Ripping and S4S	Add	3.00
Cross Cutting, per cut	Add	1.00
Cleating (ordinary)	Add	1.50
Bundling (ordinary)	Add	1.00
Bundling (export)	Add	5.00
Random Lengths are 6 ft. & longer, unless otherwise provided in list.		
Stock dressed thicker than standard, for each ⅛"	Add	1.00
For stock run S4S wider than standard width (may be hit or miss)	Add	1.00
Standard Casing and Base, Jambs, Sill Stock, Pulley Stiles, Log Cabin Siding, Bungalow Siding, Dolly Varden Siding and all similar patterns (not mouldings), to price of grade desired	Add	7.50
All other patterns except those conforming to Association Standard Patterns	Add	2.50
All standard patterns other than S2S or S4S, except as noted above	Add	2.00
Cutting to specified exact length	Add	1.00
All stock shipped in interdivisional stopover cars	Add	1.00

[Tables headed "Dimension" and "Drainboards" were transferred to § 1312.262 from § 1312.261 by amendment February 9, 1942, effective February 15, 1942; 7 F.R. 931]

Issued this 3d day of February 1942.[1]

LEON HENDERSON,
Administrator.

PART 1401—SYNTHETIC TEXTILE PRODUCTS

REVISED PRICE SCHEDULE NO. 95—NYLON HOSE

Nylon hose constitutes an important commodity of civilian consumption. With the curtailment of the supply of silk and recent reductions in the supply of nylon yarn, prices of nylon hose have undergone an extremely rapid increase. This increase has not been occasioned by any comparable rise in the cost of production and is inflationary in character. Because of the scarcity of nylon hose, prices have been bid up and there is ample evidence that their present level reflects widespread profiteering. Further unjustified price advances are now threatened unless remedial action is taken.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1401.1 *Maximum prices for nylon hose.* (a) On or after February 10, 1942 regardless of the terms of any contract of sale or purchase, or other commitment no person shall sell, offer to sell, deliver or transfer nylon hose and no person shall buy, offer to buy, or accept delivery of nylon hose, at prices higher than the maximum prices set forth in § 1401.10, Appendix A: *Provided,* That contracts entered into prior to February 10, 1942, at prices in compliance with Price Schedule No. 95 (§§ 1401.1 to 1401.9, inclusive) may be carried out at the contract price.

(b) The provisions of Price Schedule No. 95 (§§ 1401.1 to 1401.10, inclusive) are not applicable to sales at retail.

[§ 1401.1 as amended February 9, 1942, effective February 10, 1942; 7 F.R. 935]

§§ 1401.1 to 1401.10, inclusive, issued pursuant to the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1401.2 *Less than maximum prices.* Lower prices than the maximum prices established by Price Schedule No. 95 may be charged, demanded, paid or offered.*

§ 1401.3 *Evasion.* The price limitations set forth in Price Schedule No. 95 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of nylon hose, alone or in conjunction with any other material or commodity, or by way of any premium, commission, service, transportation, or other charge, or by tying-agreement or other trade understanding or practice involving a related sale or allotment of other types of hosiery or any other commodity, or by making the discounts given or other terms or conditions of sale more onerous to the purchaser than those available or in effect on October 15, 1941, or by any other means.

[§ 1401.3 as amended February 9, 1942, effective February 10, 1942; 7 F.R. 935]

§ 1401.4 *Records and reports.* Every manufacturer or wholesaler making sales of nylon hose after February 4, 1942, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of (a) each such sale, showing the date thereof, the name and address of the buyer, the price received, and the quantity in dozens of pairs of nylon hose of each type, style and construction sold; and (b) the quantity in dozens of pairs of nylon hose of each type style and construction (1) on hand and (2) on order, as of the close of each calendar month.

Persons affected by Price Schedule No. 95 shall submit such reports to the Office of Price Administration as it may, from time to time require.*

§ 1401.5 *Details required in contract of sale and invoice.* (a) Every manufacturer or wholesaler shall, with respect to each sale of nylon hose, deliver to the purchaser a contract of sale which shall contain, in addition to the terms thereof, (1) the date on which the sale or contract of sale was made; (2) a full description of the nylon hose sold, including (i) the type, style and construction; (ii) the quantity in dozens of pairs of each type, style and construction; and (3) the discount, if any, allowed for prompt payment. Every such seller of nylon hose shall, with respect to each delivery thereof, transmit to the purchaser an invoice or similar document which shall either contain the information required by this paragraph or make reference to the contract in which such information is set forth.

§ 1401.6 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 95, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 95, the Office of Price Administration will make every effort to assure (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 95, and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 95. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of nylon hose or the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1401.7 *Modification of Price Schedule No. 95.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 95 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section will be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 95.*

§ 1401.8 *Definitions.* When used in Price Schedule No. 95 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Sale at retail" means sale to the ultimate consumer or sale to another for use by the ultimate consumer without further resale: *Provided,* That no manufacturer, processor, or purchaser for resale shall be deemed to be an ultimate consumer;

(c) "Nylon hose" means women's hosiery of the types, styles and constructions set forth in Table I of Appendix A.

[Paragraph (c) as amended February 9, 1942, effective February 10, 1942; 7 F.R. 935]

§ 1401.9 *Effective date of Price Schedule No. 95.* This Schedule (§§ 1401.1 to 1401.9, inclusive) shall become effective February 5, 1942.*

§ 1401.10 *Appendix A: Maximum prices for nylon hose.* (a) The prices set forth in Table I are maximum prices applicable to sales of nylon hose by manufacturers. Maximum prices applicable to sales of nylon hose by wholesalers or jobbers shall be the prices set forth in Table I increased by ten percent. They are prices f. o. b. the seller's point of shipment and are gross prices, before discounts of any nature are deducted, and include all commissions.

[1] Issued: 7 F.R. 759. Amended: 7 F.R. 931 Corrected: 7 F.R. 1069.

TABLE I[1]

Style	Construction		Type	
	Gauge	Denier	All nylon	Nylon leg
			Dollars per dozen	*Dollars per dozen*
Full Fashioned[2]	48 and lower	30 or 40	13.00	12.00
	51	30 or 40	14.00	13.00
	51 and 54	15 or 20	16.50	15.50
	Needles			
Circular Knit[3]	Under 360	30 or 40	11.50	10.50
	360 and higher	30 or 40	12.50	11.50
	400 only	15 or 20	13.50	12.50

[1] For irregulars the above maximum prices shall be discounted by not less than 10 percent. For seconds, the above maximum prices shall be discounted by not less than 25 percent.

[2] In addition to the above maximum prices, a premium of $2.00 per dozen may be charged for full fashioned mesh, lace, or non-run hose.

[3] In addition to the above maximum prices, a premium of $1.00 per dozen may be charged for circular knit mesh, lace, or non-run hose.

[§ 1401.10 added by amendment February 9, 1942, effective February 10, 1942; 7 F.R. 935]

Issued this 4th day of February 1942.[1]

LEON HENDERSON,
Administrator.

PART 1330—CONTAINERS

REVISED PRICE SCHEDULE NO. 96—DOMESTIC FUEL OIL STORAGE TANKS

Oil storage tanks are indispensible to domestic oil burner installations, many of which are used in defense housing projects. Jobbers' prices for a typical basement tank have more than doubled in some localities during the past year. These price increases far out strip the increased production costs and the increased selling prices to jobbers which were reported by manufacturers to the Office of Price Administration. Reports of hoarding have been numerous, and the market has been upset by a growing scarcity caused by shortages of steel.

Present inflated storage tank prices make it impractical in many localities to equip new defense houses with low cost, automatic oil heat. Moreover, high tank prices have not resulted in expanded production, because of preference orders affecting sheet steel, or in the development of satisfactory substitutes for steel tanks.

The Office of Price Administration has determined that the establishment of maximum prices for domestic fuel oil storage tanks is essential to maintain price stability and prevent undue price rises and is necessary to protect consumers, the industry, and the national economy. After analysis of information submitted by the industry, a conference with producers and distributors, and full consideration of all relevant factors, it was determined that representative prices charged by manufacturers during the first two weeks in October 1941, adjusted to allow distributors a reasonable markup, would constitute fair and equitable ceiling prices.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1330.101 *Maximum prices for fuel oil storage tanks.* On and after February 20, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver, or transfer any domestic fuel oil storage tanks, other than on an installed basis, at prices higher than the maximum prices set forth in Appendices A, B, and C hereof, incorporated herein as §§ 1330.110, 1330.111, and 1330.112, respectively.*

*§§ 1330.101 to 1330.112, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1330.102 *Less than maximum prices.* Lower prices than those set forth in Appendices A, B, and C (§§ 1330.110, 1330.111, and 1330.112) may be charged, demanded, paid, or offered.*

§ 1330.103 *Evasion.* The price limitations set forth in Price Schedule No. 96 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of domestic fuel oil storage tanks, alone or in conjunction with any other material; or by way of any commission, service, transportation or other charge; or by a tying-agreement or other trade understanding; or by making terms and conditions of sale more onerous to the purchaser than those available or in effect on October 15, 1941; or by unreasonably refusing to ship in carload and truckload quantities when available; or by excessive charges for tank accessories; or by any other means.*

§ 1330.104 *Labeling by manufacturers.* Every manufacturer shall permanently affix to each domestic fuel oil storage tank manufactured by him a durable label setting forth the name and location of the manufacturer, the size and capacity of the tank, and the gauge of steel used therein.*

§ 1330.105 *Records and reports.* (a) Every person making purchases or sales, other than on an installed basis, of domestic fuel oil storage tanks of a value of more than $100.00 during any calendar month after February 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of (1) each such purchase or sale, showing (i) the date thereof, (ii) the name and address of the buyer and the seller, (iii) the point of delivery of the tank to the buyer, (iv) the price paid or received for the tank (exclusive of accessories other than lugs), (v) the freight paid by the seller and charged to the buyer where the tank is delivered to the buyer within the Midwestern Area (as described in § 1330.111 (a)), (vi) the gauge of steel used in the tank, (vii) whether the tank was sold with or without lugs, (viii) the capacity of the tank in gallons, (ix) the size of the tank in inches, and (x) the quantity of each type of tank purchased or sold, and (2) the quantity of domestic fuel oil storage tanks (i) on hand, and (ii) on order, as of the close of each calendar month.

(b) Every person required by the above paragraph to keep records who purchases or sells tank accessories in conjunction with the transfer of a tank shall likewise keep records showing the details of the tank transfer of which the transfer of accessories is a part, the price paid or received for the accessories, and type and quantity of each such accessory purchased or sold.

(c) Persons affected by Price Schedule No. 96 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1330.106 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 96, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 96, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and public are fully informed thereof, and (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 96; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 96 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement and other services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 96. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of domestic fuel oil storage tanks, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1330.107 *Modification of Price Schedule No. 96.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 96 may apply to the Office of Price Administration for

[1] Issued: 7 F.R. 765. Corrected: 7 F.R. 822. Amended: 7 F.R. 935.

approval of any modification thereof or exception therefrom: *Provided*, That no applications under this section will be considered unless filed by persons complying with Price Schedule No. 96.*

§ 1330.108 *Definitions.* When used in Price Schedule No. 96, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity. The term includes, without restricting the generality of the foregoing, any manufacturer, commission salesmen, wholesaler, jobber, or dealer.

(b) "Domestic fuel oil storage tanks" means obround basement type steel tanks of the gauges of steel, capacities and sizes listed in the applicable Appendix (§§ 1330.110, 1330.111 or 1330.112) of Price Schedule No. 96.

(c) "F. o. b. factory price" means a price including all commissions but excluding all freight and delivery charges.

(d) "Delivered price" means a price including all commissions and freight and delivery charges to the location designated by the purchaser.

(e) "Carload quantity" means a shipment of domestic fuel oil storage tanks which is to be moved by rail, the aggregate weight of which totals at least the lowest applicable minimum carload weight as specified in the established tariff of the rail carrier involved, or for which a carload rate would be paid.

(f) "Truckload quantity", when shipment is by common or contract carrier by motor, means a shipment of domestic fuel oil storage tanks, the aggregate weight of which totals the applicable minimum truckload weight as specified in the established tariff of the common or contract carrier by motor involved, which minimum weight is closest to the carload weight referred to in (e) above for a comparable movement. In all other cases the term "truckload quantity" means 18 or more domestic fuel oil storage tanks, shipped by truck.

(g) "Installed basis", when used in reference to a sale or delivery, means a transaction in which the seller furnishes a domestic fuel oil storage tank and, in consideration of the total price paid by the purchaser, performs the service of connecting the tank to an oil burner.*

§ 1330.109 *Effective date of Price Schedule No. 96.* This Schedule (§§ 1330.101 to 1330.112, inclusive) shall become effective February 20, 1942.

§ 1330.110 *Appendix A: Maximum prices for domestic fuel oil storage tanks for the Eastern Area*—(a) *Application.* The provisions of Appendix A apply to all sales of domestic fuel oil storage tanks for which delivery to the buyer is within the states of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and the District of Columbia.

(b) *Delivered prices of tanks, with lugs, when delivery is within the Eastern Area.*

Nominal tank capacity in gallons	Gauge of steel in wrapper sheet	Minimum dimension of tank in inches	Car or truckload quantities	Less than car or truckload quantities
275	14	26-27	$17.25	$18.75
275	14	22	17.75	19.15
250	14	26-27	17.00	18.40
250	14	22	17.35	18.75
220	14	26-27	16.60	18.00
220	14	22	17.00	18.40
200	14	26-27	16.20	17.60
200	14	22	16.60	18.00
275	12	26-27	19.50	21.10
275	12	22	20.15	21.70
250	12	26-27	18.90	20.50
250	12	22	19.50	21.10
220	12	26-27	18.30	19.85
220	12	22	18.90	20.50
200	12	26-27	17.65	19.25
200	12	22	18.30	19.85

Maximum allowance for each extra transverse seam 75¢. No allowance for extra longitudinal seams.

§ 1330.111 *Appendix B: Maximum prices for domestic fuel oil storage tanks for the Midwestern Area*—(a) *Application.* The provisions of Appendix B apply to all sales of domestic fuel oil storage tanks for which delivery to the buyer is within the area between the Eastern Area and the Pacific Coast Area as defined in §§ 1330.110 and 1330.112, Appendices A and C of Price Schedule No. 96.

(b) *F. o. b. factory prices of tanks, without lugs, when delivery is within the Midwestern Area.*

Nominal tank capacity in gallons	Gauge of steel in wrapper sheet	Minimum dimension of tank in inches	Car or truckload quantities	Less than car or truckload quantities
275	14	26-27	$17.70	$19.75
275	14	22	18.05	20.15
250	14	26-27	17.30	19.40
250	14	22	17.70	19.75
220	14	26-27	16.90	19.00
220	14	22	17.30	19.40
200	14	26-27	16.50	18.60
200	14	22	16.90	19.00
275	12	26-27	19.85	22.15
275	12	22	20.45	22.80
250	12	26-27	19.25	21.55
250	12	22	19.85	22.15
220	12	26-27	18.60	20.95
220	12	22	19.25	21.55
200	12	26-27	18.00	20.30
200	12	22	18.60	20.95

Maximum allowance for each extra transverse seam, 75¢. No allowance for extra longitudinal seams. Maximum allowance for lugs: $1.00 per tank.

(c) Where shipment is made directly from factory to purchaser, a delivered price in excess of the maximum f. o. b. factory prices set forth in (b) hereof may be charged, consisting of such maximum prices plus actual transportation costs to the extent that such costs are paid by the seller.

(d) Where shipment is made to a purchaser from some place other than the factory, a delivered price in excess of the maximum f. o. b. factory prices set forth in (b) hereof may be charged, consisting of such maximum prices plus actual transportation costs from the factory to the place at which the shipment originates. No further addition to such maximum price may be made for transportation costs from the place at which such shipment originates to the location designated by the purchaser.

§ 1330.112 *Appendix C: Maximum prices for domestic fuel oil storage tanks for the Pacific Coast Area*—(a) *Application.* The provision of Appendix C apply to all sales of domestic fuel oil storage tanks for which delivery to the buyer is within the states of Washington, Oregon, and California.

(b) *F. o. b. factory prices of tanks, with lugs, when delivery is within the Pacific Coast Area:*

Nominal tank capacity in gallons	Gauge of steel in wrapper sheet	Minimum dimension of tank in inches	Car or truckload quantities	Less than car or truckload quantities
275	14	26-27	$31.95	$35.50
275	14	22	32.35	35.90
250	14	26-27	31.55	35.10
250	14	22	31.95	35.50
220	14	26-27	31.20	34.75
220	14	22	31.55	35.10
200	14	26-27	30.81	34.35
200	14	22	31.20	34.75
275	12	26-27	34.10	37.75
275	12	22	34.75	38.45
250	12	26-27	33.50	36.90
250	12	22	34.10	37.75
220	12	26-27	32.90	36.60
220	12	22	33.50	37.20
200	12	26-27	32.25	35.65
200	12	22	32.90	36.60

Maximum allowance for each extra transverse seam, 75¢. No allowance for extra longitudinal seams.

(c) Where shipment is made directly from factory to purchaser, a delivered price in excess of the maximum f. o. b. factory prices set forth in (b) hereof may be charged, consisting of such maximum prices plus actual transportation costs to the extent that such costs are paid by the seller.

(d) Where shipment is made to a purchaser from some place other than the factory, a delivered price in excess of the maximum f. o. b. factory prices set forth in (b) hereof may be charged, consisting of such maximum prices plus actual transportation costs from the factory to the place at which the shipment originates. No further addition to such maximum price may be made for transportation costs from the place at which such shipment originates to the location designated by the purchaser.*

Issued this 4th day of February 1942.[1]

LEON HENDERSON,
Administrator.

PART 1312—LUMBER AND LUMBER PRODUCTS

REVISED PRICE SCHEDULE NO. 97—SOUTHERN HARDWOOD LUMBER

Southern hardwood lumber is an industrial wood extensively used in the manufacture of furniture, automobile trucks, containers, radio cabinets, agricultural implements, and farm and household utensils. The war effort and the accompanying expanded economic activity have increased the demand for

[1] Issued: 7 F.R. 794.

certain species and grades of southern hardwood lumber beyond the readily available supply. As a consequence, inflationary pressure has caused and continues to cause price increases which outstrip advances in costs, and which will serve no purpose in bringing out appreciably increased production. Attempts by individual producers to maintain reasonable prices have proved unsatisfactory because demand is accelerating, and because many operators have refused to cooperate with the Government in stabilizing prices. Under these circumstances, voluntary cooperation with the request of the Office of Price Administration to maintain reasonable prices would subject those complying with the request to unjust discrimination.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1312.301 *Maximum prices for southern hardwood lumber.* On and after February 20, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no person shall sell, offer to sell, deliver, or transfer, for domestic use or export use, any southern hardwood lumber, where shipment originates at the mill rather than at a distribution yard, at prices higher than the maximum prices set forth in Appendices A and B, incorporated herein as §§ 1312.309 and 1312.310, respectively: *Provided*, That a shipment pursuant to an order of less than 1,000 feet of southern hardwood lumber shall not be subject to this Price Schedule No. 97: *And provided*, That Price Schedule No. 97 shall not apply where actual delivery has been made to a purchaser, or to a carrier for delivery to a purchaser, prior to February 20, 1942.*

*§§ 1312.301 to 1312.310, inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4403.

§ 1312.302 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B (§§ 1312.309, 1312.310) may be charged, demanded, paid or offered.*

§ 1312.303 *Evasion.* The price limitations set forth in Price Schedule No. 97 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of southern hardwood lumber, alone or in conjunction with any other material; or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege; or by tying-agreement, or other trade understanding; or by making terms or conditions of sale more onerous than those in effect or available to the purchaser on October 1, 1941; or by unnecessarily routing lumber through a distribution yard; or by unreasonably refusing to ship except in mixed cars or trucks, or under other circumstances entitling the seller to a premium; or by charges for delivery which exceed the actual cost to the seller of such delivery (except as provided in §§ 1312.309 (c) and 1312.310 (d)); or by falsely or wrongly grading or invoicing lumber; or by grading as a special grade lumber which can be graded as a standard grade; or by any other means.*

§ 1312.304 *Records and reports.* Every person who, during any calendar month after February 1942, shall sell 34,000 pounds or more of southern hardwood lumber for shipment originating at the mill shall keep for inspection by the Office of Price Administration, for a period of not less than one year, a complete and accurate record of every such sale made during such month, showing the date thereof, the name and address of the buyer, the prices, and the quantities and grades sold.

Persons affected by Price Schedule No. 97 shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1312.305 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 97, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 97, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 97; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 97 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement and other services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 97. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of southern hardwood lumber, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1312.306 *Modification of Price Schedule No. 97.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 97 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 97.*

§ 1312.307 *Definitions.* When used in Price Schedule No. 97, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity. The term includes, without restricting the generality of the foregoing, any mill operator, manufacturer, commission salesman, manufacturer's representative, concentration yard operator, wholesaler, distributor, wholesaler's agent, or retailer.

(b) "Feet" means board feet of lumber, except that with reference to lumber in thicknesses of $\frac{3}{4}$" and $\frac{5}{8}$" the term "feet" means surface feet.

(c) "Southern hardwood lumber" means lumber (1) produced from the botanical species of sap sweet gum and red sweet gum (Liquidamber styraciflua), tupelo (Nyssa aquatica), black gum (Nyssa sylvatica), yellow poplar (Liriodendron tulipifera), beech (Fagus americana), sycamore (Platanus occidentalis), soft maple (Acer rubrum); and the botanical species included in the genera of red oak and white oak (Quercus), magnolia (Magnolia), elm (Ulmus), cottonwood (Populus), willow (Salix), hackberry (Celtis), hickory (Hicoria), basswood (Tilia), and ash (Fraximus), and (2) processed into lumber at mills located in Alabama, Arkansas, Florida, Louisiana, Mississippi and Texas, and those portions of North Carolina, South Carolina, Virginia, Georgia, Kentucky and Tennessee not included in the "Appalachian hardwoods area". The "Appalachian hardwoods area" is that area circumscribed by a line beginning at the intersection of the western line of the State of West Virginia and the western line of the State of Pennsylvania; thence southwesterly on the western line of West Virginia to the western boundary of Boyd County, Kentucky; thence extending southwesterly through Kentucky along the generally northwestern boundaries of the following counties: Boyd, Carter, Rowan, Menifee, Powell, Estill, Jackson, Rockcastle, Pulaski, Wayne, and Clinton to the Tennessee state line; thence westerly along said state line to the western boundary of Pickett County, Tennessee; thence southerly in Tennessee along the western boundaries of Pickett, Fentress, Morgan, Roane, Rhea, and Hamilton Counties to the intersection of the western boundary of Hamilton County and the Nashville, Chattanooga, and St. Louis Railroad; thence easterly along said railroad through Chattanooga to the intersection of said railroad and the Georgia state line; thence easterly along said state line to the western boundary of Fannin County, Georgia; thence southeasterly in Georgia along the southwestern boundaries of Fannin County and Lumpkin County; thence generally easterly in Georgia along the southeastern boundary of Lumpkin County, the southern boundary of White County, and the southern and eastern boundaries of Habersham County to the South Carolina state line; thence southeasterly along said line to the southeastern boundary of Oconee County, South Carolina; thence in a generally northeasterly direction through South Carolina along the southeastern boundaries of Oconee and Pickens Counties, and the western, southern, and eastern boundaries of Greenville County to the North Carolina state line; thence easterly along the southern line of North Carolina to the eastern boundary of Cleveland County, North Carolina; thence northerly in North Carolina along the eastern bound-

(17) BEECH

(23) HICKORY

(28) STRIPS

aries of Cleveland and Burke Counties; thence continuing generally northeasterly in North Carolina along the eastern or southern boundaries of Alexander, Wilkes and Surry Counties to the Virginia state line; thence east on said state line to the eastern boundary of Patrick County, Virginia; thence northeasterly through Virginia, following the eastern boundary of Patrick County and the southeastern boundaries of Franklin, Bedford, Amherst, Nelson, Albemarle, Greene, Madison, and Rappahannock Counties, turning southerly along the southwestern boundary of Fauquier County, and resuming a generally northerly direction along the eastern boundaries of Fauquier and Loudoun Counties to the Maryland state line; thence northwesterly along said state line to the eastern boundary of Frederick County, Maryland; thence northerly through Maryland along the eastern boundary of Frederick County to the Pennsylvania state line; thence westerly and thence northerly along said state line to the starting point. All sawmills on the boundary line of the Appalachian hardwoods area shall be deemed to be in the southern hardwoods area, except that mills in West Virginia and Maryland on the lines touching Pennsylvania and Ohio shall be deemed to be in the Appalachian area.

(d) "Tough white ash" means the botanical species Fraxinus americana.

(e) "Mill" means a manufacturing plant, wholesale or retail lumber yard, or other establishment which processes, by sawing, or by planing or other comparable method, at least 25 percent of the volume of southern hardwood logs or lumber purchased or received by it.

(f) "Distribution yard" means a wholesale or retail lumber yard which purchases or receives southern hardwood lumber from a producer, a mill, or another distribution yard for purposes of unloading, sorting, and resale or redistribution, which regularly maintains a stock of lumber, and which processes, by sawing, or by planing or other comparable method, less than 25 percent of the volume of such lumber so purchased or received by it.

(g) "Volume" means the board feet volume of lumber processed from logs, processed from other lumber, or sold, as the case may be, within the six months immediately prior to the transaction subject to Price Schedule No. 97.

(h) "Deliver" means to make physical transfer of lumber to a purchaser, or to a carrier, not owned or controlled by the seller, for carriage to a purchaser.*

§ 1312.308 *Effective date of Price Schedule No. 97.* This Schedule (§§ 1312.301 to 1312.310, inclusive) shall become effective February 20, 1942.*

§ 1312.309 *Appendix A: Maximum prices for southern hardwood lumber (other than tough white ash).* (a) The maximum f. o. b. mill prices per 1,000 feet of southern hardwood lumber (other than tough white ash), rough, air dried, shall be as follows:

(1) WHITE OAK—QUARTERED

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	Sound Wormy	No. 3A Common	No. 3B Common
5/4"	$70.00	$40.00	$21.00	$16.00	.....	.....
6/4	82.00	43.00	27.00	18.00	.....	.....
1"	95.00	50.00	33.00	26.00	$25.00	$15.00
1 1/4"	105.00	60.00	35.00	32.00	.....	.....
1 1/2"	107.00	65.00	37.00	34.00	.....	.....
2"	125.00	70.00	35.00	38.00	.....	.....
2 1/2"	130.00	80.00	.....	.....	.....	.....
3"	115.00	85.00	.....	.....	.....	.....

(2) WHITE OAK—PLAIN

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	Sound Wormy	No. 3A Common	No. 3B Common
5/4"	$47.00	$20.00	$22.00	$16.00	.....	.....
6/4	70.00	32.00	22.00	18.00	.....	.....
1"	62.00	38.00	22.00	26.00	$25.00	$15.00
1 1/4"	95.00	47.00	32.00	32.00	.....	.....
1 1/2"	100.00	50.00	32.00	34.00	.....	.....
2"	120.00	55.00	32.00	38.00	.....	.....
2 1/2"	110.00	75.00	.....	.....	.....	.....
3"	110.00	80.00	.....	.....	.....	.....

(3) RED OAK—QUARTERED

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	Sound Wormy	No. 3A Common	No. 3B Common
5/4"	$50.00	$26.00	$23.00	$16.00	.....	.....
6/4	70.00	37.00	24.00	18.00	.....	.....
1"	60.00	42.00	32.00	26.00	$25.00	$15.00
1 1/4"	70.00	47.00	32.00	32.00	.....	.....
1 1/2"	72.00	49.00	32.00	34.00	.....	.....
2"	85.00	52.00	34.00	38.00	.....	.....

(4) RED OAK—PLAIN

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	Sound Wormy	No. 3A Common	No. 3B Common
5/4"	$40.00	$20.00	$23.00	$16.00	.....	.....
6/4	43.00	32.00	24.00	18.00	.....	.....
1"	52.00	37.00	32.00	26.00	$25.00	$15.00
1 1/4"	68.00	45.00	32.00	32.00	.....	.....
1 1/2"	70.00	47.00	32.00	34.00	.....	.....
2"	76.00	50.00	34.00	38.00	.....	.....
2 1/2"	105.00	70.00	.....	.....	.....	.....
3"	110.00	65.00	.....	.....	.....	.....

(5) RED GUM—QUARTERED

Thickness	F. A. S.	No. 1 Common and Selects. or No. 1 Common	No. 2 Common	No. 3 Common
1"	$66.00	$51.00	$32.00	$16.00
1 1/4"	100.00	60.00	33.00	17.00
1 1/2"	105.00	63.00	33.00	17.00
2"	105.00	65.00	37.00	18.00
2 1/2"	105.00	70.00	.....	.....
3"	110.00	75.00	.....	.....

(6) RED GUM PLAIN

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
5/4"	$62.00	$38.00	$21.00	.....
6/4	77.00	42.00	26.00	.....
1"	82.00	47.00	32.00	$16.00
1 1/4"	95.00	57.00	32.00	17.00
1 1/2"	95.00	58.00	32.00	17.00
2"	97.00	60.00	36.00	18.00

(7) SAP GUM—QUARTERED

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	$60.00	$46.00	$28.00	$16.00
1 1/4"	65.00	53.00	29.00	17.00
1 1/2"	67.00	54.00	29.00	17.00
2"	70.00	55.00	33.00	18.00
2 1/2"	75.00	61.00	36.00	.....
3"	78.00	65.00	41.00	.....

(8) SAP GUM—PLAIN

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
5/4"	$42.00	$33.00	$19.00	.....
6/4	46.00	35.00	21.00	.....
1"	56.00	42.00	26.00	$16.00
1 1/4"	60.00	47.00	27.00	17.00
1 1/2"	63.00	50.00	27.00	17.00
2"	68.00	52.00	30.00	18.00

(9) TUPELO—QUARTERED

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	$53.00	$43.00	$28.00	$16.00
1 1/4"	55.00	45.00	29.00	17.00
1 1/2"	57.00	47.00	29.00	17.00
2"	62.00	52.00	31.00	18.00
2 1/2"	70.00	55.00	36.00	.....
3"	75.00	60.00	39.00	.....

(10) TUPELO—PLAIN

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
5/4"	$40.00	$20.00	$17.00	.....
6/4	41.00	31.00	19.00	.....
1"	50.00	40.00	26.00	$15.00
1 1/4"	52.00	42.00	28.00	17.00
1 1/2"	55.00	45.00	28.00	17.00
2"	60.00	50.00	31.00	18.00

(11) BLACK GUM—QUARTERED

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	$53.00	$43.00	$28.00	$16.00
1 1/4"	55.00	45.00	29.00	17.00
1 1/2"	57.00	47.00	29.00	17.00
2"	62.00	52.00	31.00	18.00
2 1/2"	70.00	55.00	36.00	.....
3"	75.00	60.00	39.00	.....

(12) BLACK GUM—PLAIN

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
5/4"	$43.00	$20.00	$17.00	.....
6/4	41.00	31.00	19.00	.....
1"	50.00	40.00	26.00	$15.00
1 1/4"	52.00	42.00	28.00	17.00
1 1/2"	55.00	45.00	28.00	17.00
2"	60.00	50.00	31.00	18.00

(13) YELLOW POPLAR—QUARTERED

Thickness	F. A. S.	Saps and Selects	No. 1 Common and Selects; or No. 1 Common	No. 2A Common	No. 2B Common	No. 3 Common
1"	$71.00	$58.00	$46.00	$33.00	$27.00	$16.00
1 1/4"	76.00	61.00	49.00	36.00	28.00	17.00
1 1/2"	81.00	65.00	52.00	37.00	28.00	18.00
2"	91.00	68.00	56.00	39.00	31.00	18.00

(14) YELLOW POPLAR—PLAIN

Thickness	F. A. S.	Saps and Selects	No. 1 Common and Selects; or No. 1 Common	No. 2A Common	No. 2B Common	No. 3 Common
5/4"	$51.00	$46.00	$31.00	$19.00	$15.00	.....
6/4	56.00	50.00	35.00	26.00	17.00	.....
1"	66.00	58.00	44.00	30.00	27.00	$15.00
1 1/4"	71.00	58.00	46.00	36.00	28.00	17.00
1 1/2"	76.00	63.00	49.00	37.00	28.00	17.00
2"	86.00	63.00	54.00	39.00	31.00	18.00

(15) SYCAMORE—QUARTERED

Thickness	F. A. S.	No. 1 Common and Selects or No. 1 Common	No. 2 Common	No. 3 Common
5/4"	$48.00	$48.00	$28.00	.....
6/4	48.00	38.00	28.00	.....
1"	53.00	43.00	33.00	$15.00
1 1/4"	55.00	45.00	33.00	17.00
1 1/2"	56.00	46.00	33.00	17.00
2"	61.00	49.00	34.00	18.00

(16) SYCAMORE—PLAIN

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
5/4"	$42.00	$32.00	$21.00	.....
6/4	42.00	32.00	21.00	.....
1"	43.00	33.00	21.00	$15.00
1 1/4"	45.00	34.00	26.00	17.00
1 1/2"	45.00	35.00	26.00	17.00
2"	47.00	37.00	26.00	18.00

(17) BEECH

Thickness	F. A. S.	No. 1 Common	No. 2 Common	No. 3 Common
5/4"	$40.00	$20.00	$20.00	.....
6/4	41.00	31.00	21.00	.....
1"	43.00	33.00	23.00	$16.00
1 1/4"	48.00	38.00	24.00	17.00
1 1/2"	49.00	39.00	26.00	17.00
2"	53.00	43.00	26.00	18.00

(18) MAGNOLIA

Thickness	F. A. S.	No. 1 Common	No. 2 Common	No. 3 Common
1"	$69.00	$47.00	$31.00	$16.00
1 1/4"	73.00	50.00	36.00	17.00
1 1/2"	73.00	50.00	36.00	17.00
2"	76.00	71.00	37.00	18.00
2 1/2"	81.00	76.00	38.00	.....
3"	86.00	61.00	39.00	.....

(19) SOFT MAPLE

Thickness	WHND Log Run	WHAD			
		F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	$58.00	$51.00	$31.00	$28.00	$16.00
1 1/4"	62.00	63.00	35.00	29.00	17.00
1 1/2"	41.00	66.00	36.00	29.00	17.00
2"	57.00	69.00	36.00	32.00	18.00
2 1/2"	54.00	71.00	61.00	33.00	.....
3"	58.00	70.00	66.00	34.00	.....

(20) SOFT ELM

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	$43.00	$32.00	$23.00	$16.00
1 1/4"	45.00	37.00	27.00	17.00
1 1/2"	46.00	38.00	28.00	17.00
2"	47.00	37.00	28.00	18.00
2 1/2"	48.00	38.00	28.00	.....
3"	51.00	41.00	29.00	.....

(21) BASSWOOD

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	$57.00	$39.00	$27.00	$16.00

(22) COTTONWOOD

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	$41.00	$28.00	$20.00	$16.00
1 1/4"	46.00	30.00	31.00	17.00
1 1/2"	46.00	30.00	31.00	17.00
2"	36.00	39.00	31.00	18.00

(23) HACKBERRY

Thickness	Log Run	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	$24.00	.....	.....	.....	.....
1 1/4"	28.00	.....	.....	.....	.....
1 1/2"	35.00	$43.00	$33.00	$26.00	$16.00
2"	36.00	45.00	35.00	27.00	17.00
2 1/2"	37.00	45.00	35.00	28.00	17.00
3"	38.00	47.00	37.00	28.00	18.00
3 1/2"	.....	48.00	38.00	28.00	.....
4"	.....	51.00	41.00	29.00	.....

(24) WILLOW

Thickness	F. A. S.	No. 1 Common A Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	$55.00	$41.00	$28.00	$16.00
1 1/4"	57.00	43.00	29.00	17.00
1 1/2"	61.00	46.00	29.00	17.00
2"	63.00	46.00	29.00	18.00

(25) HICKORY

Thickness	Log Run	F. A. S.	No. 1 Common	No. 2 Common	No. 3 Common
1"	$35.00	$56.00	$37.00	$24.00	$16.00
1 1/4"	37.00	58.00	39.00	25.00	17.00
1 1/2"	40.00	61.00	43.00	33.00	17.00
2"	43.00	66.00	44.00	33.00	18.00

(26) ASH

[Other than Tough White Ash]

Thickness	F. A. S.	No. 1 Common and Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	$46.00	$53.00	$26.00	$16.00
1 1/4"	48.00	55.00	27.00	17.00
1 1/2"	50.00	57.00	28.00	17.00
2"	71.00	58.00	28.00	.....
3"	74.00	41.00	29.00	.....

(27) BOX BOARDS

Species	Thickness	Width	
		13" to 17"	9" to 12"
Sap Gum	1"	$52.00	$35.00
Cottonwood	1	56.00	48.00

(28) STRIPS

Species	Manufacture	Thickness	Width	Grade	
				Clear	No. 1 Common
White Oak	Quartered	1"	2" to 3 1/2"	$62.00	$40.00
Red Oak	Quartered	1	2" to 3 1/2"	45.00	31.00

(29) FIGURED WOOD

Species	Manufacture	Thickness	Grade	
			F. A. S.	No. 1 Common and Selects; or No. 1 Common
Red Gum	Quartered	1"	$62.00	$53.00
Red Gum	Plain	1	52.00	48.00

(30) PANEL AND WIDE NO. 1

Species	Width	Price
Sap Gum	18" and wider	$62.00
Cottonwood	18" and wider	73.00

(b) The following additions per 1,000 feet of southern hardwood lumber (other than tough white ash) may be charged for the specified treatments and workings:

(1) Kiln drying:

		5/4" thick	6/4" thick	8/4" thick	9/4" thick	10/4" thick	11/4" thick	12/4" thick
Cottonwood	Maple	$4.00	$4.50	$5.00	$6.00	$6.50	$7.00	$9.00	$11.00
Elm	Sycamore								
Hackberry	Willow								
Yellow Poplar	Basswood								
Magnolia									
Ash	Plain and Quartered Sap Gum	4.50	5.00	6.00	7.00	8.00	9.00	11.00	13.00
Beech									
Black Gum	Tupelo								
Hickory	Red Gum	5.00	5.50	6.50	8.00	9.50	12.00	15.00	20.00
Black Oak									
Quartered Oak		5.00	6.00	7.50	9.00	11.00	17.00	20.00	25.00

(2) Anti-stain treatment: 50c.

(3) Millworking:

	4/4" and 5/4" thick	6/4" to 12/4" thick
Resawing 1 face	$3.00	$2.50
Resawing 2 faces	3.50	4.00
Surfacing 1 or 2 sides	2.50	2.25
Surfacing 2 sides and 1 or 2 resawn	2.00	4.50
Resawn and surfacing 1 or 2 sides	5.50	4.75

(4) Inspecting, grading and measuring after kiln drying: 5 per cent of the f. o. b. mill price of the lumber.

(5) End-racking or band sawing: No addition.

(c) For mixed car or mixed truck shipments, $2.00 additional per 1,000 feet of southern hardwood lumber (other than tough white ash) may be charged. A mixed car shipment consists of four or more items as hereinafter defined, provided at least four items amount to not less than 3,000 feet each, or at least six items amount to not less than 2,000 feet each. A mixed truck shipment consists of four or more items as hereinafter defined, provided at least four items amount to not less than 500 feet each, or at least six items amount to not less than 300 feet each. An item consists of one species, thickness, and grade of southern hardwood lumber.

(d) For all export sales an addition of not more than $1.50 per 1,000 feet of southern hardwood lumber may be charged if the seller performs the services of marking and bundling. For export sales on a c. i. f. or on a c. a. f. basis a separate addition of $2.00 per 1,000 feet of southern hardwood lumber may be charged.

(e) A delivered price in excess of the maximum f. o. b. mill prices set forth in (a) hereof, may be charged, consisting of such maximum prices plus actual transportation costs paid by the seller. However, for the purposes of this section, the following two practices shall not be deemed a deviation from the use of actual transportation costs:

(1) the charging of a sum equivalent to the one-quarter of a dollar nearest to such actual transportation costs; and

(2) the computation of transportation costs on the basis of a system of estimated average weights established by the seller, and adhered to by him during the

period October 1 to October 15, 1941: *Provided*, That a copy of such system of estimated average weights has ben filed with the Office of Price Administration either before the use of such system in a transaction subject to Price Schedule No. 97, or within thirty days of the effective date of Price Schedule No. 97.*

§ 1312.310 *Appendix B: Maximum prices for tough white ash lumber.* (a) The maximum prices per 1,000 feet of rough, air dried or "shipping-dry" tough white ash lumber f. o. b. concentrating point (which is the point at which such tough white ash lumber is collected, or produced, and prepared for shipment in such grades, thickness, and quantities as specified by the consuming trade) shall be as follows:

Thickness	F. A. S.	No. 1 Common and 1 Selects; or No. 1 Common	No. 2 Common	No. 3 Common
1"	$70.00	$40.00	$29.00	$16.00
1¼	75.00	45.00	30.00	17.00
1½	82.00	55.00	31.00	17.00
2	90.00	65.00	32.00	18.00
2½	105.00	70.00	33.00	.....
3	115.00	80.00	35.00	.....

The above maximum prices do not apply to green tough white ash lumber.

(b) An addition of 50¢ per 1,000 feet of rough, air dried or "shipping-dry" tough white ash lumber may be charged for anti-stain treatment.

(c) For export sales, additions may be charged in accordance with the terms of paragraph (d) of § 1312.309, Appendix A.

(d) A delivered price in excess of the maximum f. o. b. concentrating point price set forth in (a) hereof may be charged in accordance with the terms of paragraph (e) of § 1312.309, Appendix A.

Issued this 4th day of February 1942.[1]

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 98—TITANIUM PIGMENTS

A sharp increase in the demand for titanium pigments has occurred in recent months as a result of the national defense program. Titanium pigments are extremely important pigments, essential in the production of a great many products necessary to the armed forces and civilian population.

In December 1941, after notice had been received of a proposed price advance by one of the largest producers, the Office of Price Administration requested the five United States producers of titanium pigments not to raise prices above those quoted on October 1, 1941. This request has been complied with by all of the producers.

Speculations by others than producers has greatly increased the resale prices of titanium pigments. These speculative prices are threatening to rise to even higher levels. It is necessary to curb such speculation, not only to prevent inflationary rises in the price of titanium pigments, but also to eliminate the danger of price rises in other industries that use titanium pigments.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.751 *Maximum prices for titanium pigments.* On and after March 1, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer titanium pigments in quantities of 50 pounds or more, and no person shall buy, offer to buy or accept delivery of titanium pigments in quantities of 50 pounds or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.759.*

*§§ 1335.751 to 1335.759, inclusive, issued under the authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.752 *Less than maximum prices.* Lower prices than those set forth in § 1335.759, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.753 *Evasion.* The price limitations set forth in Price Schedule No. 98 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of titanium pigments, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1335.754 *Records and reports.* Every person making purchases or sales of titanium pigments in quantities of 50 pounds or more on or after March 1, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the specifications and quantity, including the size of the containers, of the titanium pigments purchased or sold.

Persons affected by Price Schedule No. 98 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.755 *Enforcement.* In the event of refusal or failure to abide by the price limitations, records and report requirements, or other provisions of Price Schedule No. 98, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 98, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 98; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 98 which may be regarded as grounds for the revocations of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to, or purchasing from those persons who fail to comply with Price Schedule No. 98. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of price of titanium pigments, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.756 *Modification of Price Schedule No. 98.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 98 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 98.*

§ 1335.757 *Definitions.* When used in Price Schedule No. 98 the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Titanium pigments" means the grades of titanium pigments listed in § 1335.759 Appendix A hereof.*

§ 1335.758 *Effective date of Price Schedule No. 98.* This Schedule (§ 1335.751 to 1335.759, inclusive) shall become effective March 1, 1942.*

§ 1335.759 *Appendix A: Maximum prices for titanium pigments.* The following maximum prices are established for titanium pigments:

(a) *Deliveries in Eastern Territory*[1]—(1) *Twenty tons or more.*

Grade	Per pound delivered in bags (cents)
Titanium Dioxide (Regular Grades)	14½
Titanium Dioxide (Chalk Resistant Grade)	15
Titanium Dioxide (Non-Chalking Grade)	15½
Titanium Dioxide (Rutile Regular Grade)	15½
Titanium Dioxide (Rutile Chalk Resistant Grade)	16
Titanium Barium Pigments	5½
Titanium Calcium Pigments	5½
Titanium Magnesium Pigment	5½
Titanium Calcium Pigment (Rutile Grade)	5½
Lead Titanate	11

(2) *Five tons or more but less than twenty tons.* For titanium pigments sold in quantities of 5 tons of more but less than 20 tons, $.0025 per pound may be added to the maximum prices established in subparagraph (1) of this paragraph.

(3) *One thousand pounds or more but less than five tons.* For titanium pigments sold in quantities of 1,000 or more pounds but less than 5 tons, $.0025 per pound may be added to the maximum prices established in subparagraph (2) of this paragraph except in the case of Titanium Barium Pigment, Titanium Calcium Pigment, Titanium Magnesium Pigment, Titanium Calcium Pigment (Rutile Grade) where the maximum prices are the maximum prices established in subparagraph (2) of this paragraph.

(4) *Fifty pounds or more but less than one thousand pounds.* For titanium pigments sold in quantities of 50 pounds or more but less than 1,000 pounds, $.0025 per pound may be added to the maximum prices established in subparagraph (3) of this paragraph except in the case of Titanium Barium Pigment, Titanium Calcium Pigment, Titanium Magnesium Pigment, and Titanium Calcium Pigment (Rutile Grade) where the maximum prices are the maximum prices established in subparagraph (2) of this paragraph and except in the case of Lead Titanate where the maximum prices are the maximum prices established in subparagraph (3) of this paragraph.

(b) *Deliveries in Western Territory*[1]—(1) *Twenty tons or more.* The maximum prices for deliveries of titanium pigments in quantities of 20 tons or more in Western Territory are the maximum prices established in paragraph (a) of this section for deliveries in Eastern Territory, plus $.0025 per pound.

(2) *Less than twenty tons.* The maximum prices for deliveries of titanium pigments in quantities of less than 20 tons in Western Territory are the maximum prices established in paragraph (a) above for deliveries in Eastern Territory, plus $.0025 per pound f. o. b. warehouse in Western Territory.

(c) *Barrels.* The maximum prices for deliveries of titanium pigments in Eastern or Western Territory in barrels are the maximum prices established above in paragraphs (a) or (b) of this section, whichever the case may be, plus $.0025 per pound.

(d) *Export sales and sales to persons in Territories and Possessions of the United States*—(1) *Shipments by vessel from Eastern Territory.* The maximum prices for shipment by vessel from Eastern Territory are the maximum prices established in paragraph (a) of this section f. a. s. vessel at the port of shipment plus 10% of the applicable maximum price.

(2) *Shipments by vessel from Western Territory.* The maximum prices for shipment by vessel from Western Territory are the maximum prices established in paragraph (b) of this section f. a. s. vessel at the port of shipment plus 10% of the applicable maximum price.

(3) *Overland shipments.* The maximum prices for overland shipment are the maximum prices established in paragraph (a) or (b) of this section, whichever the case may be, delivered to that station in the United States which is at or nearest to that point on the boundary at which the shipment crosses from the United States into Canada or Mexico plus 5% of the applicable maximum price except that for quantities of less than 20 tons shipped from warehouse in Western Territory the maximum prices are f. o. b. warehouse plus 5% of the applicable maximum price.

(4) *Expenses.* No expenses, commissions, or charges for service may be added to the maximum prices established by subparagraphs (1), (2) and (3) of this paragraph (d), except (i) ocean freight, (ii) marine and war risk insurance, and (iii) foreign agents' commission unless such foreign agents' commission or any part thereof is received by the exporter directly or indirectly for his own use.

Issued this 5th day of February 1942.[2]

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 99—ACETYL SALICYLIC ACID

Increased domestic and foreign demands for acetyl salicyclic acid, commonly known as aspirin, has resulted in a shortage of supply. Speculation by others than producers has led to resale prices as high as $1.50 per pound, in sharp contrast to the manufacturers' price of 40 cents per pound for a comparable grade and quantity. Further increases in resale prices are threatened.

After conferences with producers, resellers, and exporters of acetyl salicyclic acid, and representatives of other government agencies, the Office of Price Administration has found that no justifiable reasons exist for producers and primary jobbers charging prices in excess of their prevailing price of 40 cents per pound, or for resellers and exporters charging prices in excess of 52 cents and 56 cents per pound, respectively, for acetyl salicylic acid, either powdered or in crystals for sales of large quantities. Increases in such prices would, consequently, be inflationary in character.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.801 *Maximum prices for acetyl salicylic acid.* On and after February 16, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, deliver, or transfer acetyl salicylic acid in quantities of one pound or more and no person shall buy, offer to buy or accept delivery of acetyl salicylic acid in quantities of one pound or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.809.*

*§§ 1335.801 to 1335.809, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.802 *Less than maximum prices.* Lower prices than those set forth in § 1335.809 Appendix A, may be charged, demanded, paid or offered.*

§ 1335.803 *Evasion.* The price limitations set forth in Price Schedule No. 99 shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer, of acetyl salicylic acid or in connection with a purchase, sale, delivery or transfer, of any other material, or by way of any commission, service, transportation, discount, premium, or other charge or privilege, or by alteration of grades of acetyl salicylic acid, or by tying-agreements or other trade understanding, or otherwise.*

§ 1335.804 *Records and reports.* Every person making purchases or sales of acetyl salicylic acid in quantities of one pound or more after February 15, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the specifications and quantity including the kind and size of the containers, of the acetyl salicylic acid purchased or sold.

Persons affected by Price Schedule No. 99 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.805 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 99, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 99, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 99; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 99 which may be regarded as ground for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to, or purchasing from, those persons who fail to comply with Price Schedule No. 99. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of acetyl salicylic acid, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.806 *Modification of Price Schedule No. 99.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 99 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 99.*

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[1] Issued: 7 F.R. 790.

[1] When used in this Appendix, the term "Western Territory" means the States of California, Oregon and Washington and the term "Eastern Territory" means all other states of the United States.

[2] Issued: 7 F.R. 817.

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§ 1335.807 *Definitions.* When used in Price Schedule No. 99, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Acetyl salicylic acid" means the varieties and mixtures referred to in Appendix A, incorporated herein as § 1335.809.

(c) "Producer" means a person who manufactures acetyl salicylic acid.

(d) "Primary jobber" means a person who buys acetyl salicylic acid from producers for resale.

Quantity	80 mesh powdered or 20-40 mesh crystals, per pound	Any special mixture or formula, per pound	10 percent starch granulation, per pound	16 percent starch granulation, per pound	20 percent starch granulation, per pound
200 pounds or more in barrels	$0.40	$0.45	$0.40	$0.38	$0.36
100 pounds or more in kegs	.40	.45	.40	.38	.36
25 pounds or more in drums	.41	.46	.41	.39	.37
5 pounds or more in 5 pound cartons	.51	.56	.51	.52	.50
1 pound or more in 1 pound cartons [1]	.56	.61	.56	.54	.52

[1] 3 cents per pound may be added for acetyl salicylic acid packaged in one pound canisters, and 8 cents per pound for acetyl salicylic acid packaged in one pound bottles.

(2) The above maximum prices are f. o. b. the producer's or primary jobber's shipping point, with freight equalized at the rate for a shipment of identical quantity over standard routes from the following points, viz.: New York City, New York; Philadelphia, Pennsylvania; Midland, Michigan; Chicago, Illinois; and St. Louis, Missouri. The maximum prices which a purchaser may pay for acetyl salicylic acid delivered to him from a producer's or primary jobber's shipping point shall not exceed the maximum prices listed above plus the transportation charge on a shipment of identical quality to destination from that City named above from which the transportation rate to destination is least.

(b) *Sales by resellers.* The maximum prices for sales of acetyl salicylic acid by resellers are established as follows, f. o. b. reseller's shipping point.

Quantity	80 mesh powdered or 20-40 mesh crystals, per pound	Any special mixture or formula, per pound	10 percent starch granulation, per pound	16 percent starch granulation, per pound	20 percent starch granulation, per pound
200 pounds or more in barrels	$0.52	$0.59	$0.52	$0.49	$0.47
100 pounds or more in kegs	.52	.59	.52	.49	.47
25 pounds or more in drums	.52	.60	.52	.50	.48
5 pounds or more in 5 pound cartons	.70	.77	.70	.68	.65
1 pound or more in 1 pound cartons [1]	.73	.79	.73	.70	.68

[1] 4 cents per pound may be added for acetyl salicylic acid packaged in one pound canisters and 9 cents per pound for acetyl salicylic acid packaged in one pound bottles.

(c) *Export sales and sales to persons in Territories and possessions of the United States.* The following maximum prices are established for export sales of acetyl salicylic acid to persons in foreign countries and for sales to persons in the territories or possessions of the United States, where the shipments pursuant to such sales originate in the continental United States exclusive of Alaska:

(1) *Exports and sales by producers and primary jobbers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in paragraph (a) of this Appendix, f. a. s. vessel at the port of shipment, plus 10 per cent of the applicable maximum price.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (a) of this Appendix, plus 5 per cent of the applicable maximum price, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel.

(2) *Exports and sales by resellers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in paragraph (a) of this Appendix, f. a. s. vessel at the port of shipment, plus 40 per cent of the applicable maximum price.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (b) of this Appendix, plus 5 per cent of the applicable maximum price, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel.

(3) *Expenses.* No expenses, commissions, or charges for services may be added to the maximum prices established in this paragraph (c), except (i) ocean or overland freight (ii) marine and war risk insurance, and (iii) foreign agents' commission, unless such foreign agents' commission or any part thereof is received by the exporter directly or indirectly for his own use.

(d) *Containers.* No charge for containers may be added to the maximum prices established by Price Schedule No. 99, except as specifically provided above.*

(e) "Reseller" means a person who buys acetyl salicylic acid for resale from persons other than producers.

(f) "Shipping point" means the point of distribution maintained by a seller from which actual shipment is made.*

§ 1335.808 *Effective date of Price Schedule No. 99.* This Schedule (§§ 1335.801 to 1335.809, inclusive) shall become effective February 16, 1942.*

§ 1335.809 *Appendix A: Maximum prices for acetyl salicylic acid.*—(a) *Sales by producers and primary jobbers.* (1) The maximum prices for sales of acetyl salicylic acid by producers or primary jobbers are established as follows:

Issued this 5th day of February 1942.[1]

LEON HENDERSON,
Administrator.

PART 1306—IRON AND STEEL

REVISED PRICE SCHEDULE NO. 100—CAST IRON SOIL PIPE AND FITTINGS

Cast iron soil pipe and fittings are extensively used in the construction industry to carry off drainage and waste. In the defense program they are widely employed in housing projects, cantonments and all types of factories and industrial plants. The increased need for cast iron soil pipe and fittings has prompted Government efforts to secure expanded production by allocating needed pig iron to the industry, but the supply has failed to keep pace with the augmented demands stemming from the defense program and the accompanying economic expansion. As a consequence, inflationary pressure has caused price increases which outstrip advances in costs, and which will serve no purpose in bringing out appreciably increased production. Issuance of a price schedule accordingly is necessary to protect consumers, the industry, and the national economy.

In this Price Schedule No. 100 the Office of Price Administration is utilizing the Birmingham, Alabama, single basing point system, presently in effect in the soil pipe industry. Such acceptance of this system, merely as a vehicle for determining maximum prices, should not be regarded as approval thereof, nor should this reservation be regarded as indicating disapproval.

Accordingly, pursuant to and under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1306.301 *Maximum prices for cast iron soil pipe and fittings.* On and after February 20, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no manufacturer, jobber, or wholesaler shall sell, offer to sell, deliver, or transfer any cast iron soil pipe and fittings, and no person shall buy, offer to buy or accept delivery of cast iron soil pipe and fittings from a manufacturer, jobber, or wholesaler at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1306.309.*

*§§ 1306.301 to 1306.310, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4463.

§ 1306.302 *Less than maximum prices.* Lower prices than those set forth in § 1306.309, Appendix A, may be charged, demanded, paid or offered.*

[1] Issued: 7 F.R. 819.

§ 1306.303 *Evasion.* The price limitations set forth in Price Schedule No. 100 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery, or transfer of cast iron soil pipe and fittings, alone or in conjunction with any other material or by way of any commission, service, transportation or other charge or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by making credit terms more onerous than those available or in effect on October 1, 1941, or by any other means.*

§ 1306.304 *Records and reports.* Every manufacturer, jobber and wholesaler who sells, and every person who buys from a manufacturer, jobber or wholesaler cast iron soil pipes and fittings of a value of more than $200.00 per month after February 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity of cast iron soil pipes and fittings purchased or sold.*

§ 1306.305 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 100, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 100, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 100; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 100 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement and other services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 100. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of cast iron soil pipe and fittings, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1306.306 *Modification of Price Schedule No. 100.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 100 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That, no application under this section will be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 100.*

§ 1306.307 *Definitions.* When used in Price Schedule No. 100, the term

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Manufacturer" means a person operating a foundry or plant which produces cast iron soil pipe and fittings. Except for purposes of the records requirements of § 1306.304, the term includes, without restricting the generality of the foregoing, any manufacturer's representative, factory commission salesman, or other manufacturer's agent.

(c) "Jobber" and the term "wholesaler" means a person who purchases cast iron soil pipe for purposes of resale, normally maintains a complete line of pipe and fittings, and sells primarily to plumbers, contractors and industrial concerns.

(d) "Cast iron soil pipe and fittings" means cast iron pipes and fittings of the types listed in § 1306.310, Appendix B, of Price Schedule No. 100.

(e) "Delivered price" means net price including all commissions and all freight and delivery charges incident to transporting the pipe and fittings to the place of delivery as described in paragraph (b) (3) of § 1306.309, Appendi A, of Price Schedule No. 100.

(f) "Carload shipment" or the term "carload quantity" means a shipment or quantity of cast iron soil pipe and fittings, the aggregate weight of which totals at least the lowest applicable minimum carload weight as specified in the established tariff of the rail carrier involved, or for which a carload rate would be paid.*

§ 1306.308 *Effective date of Price Schedule No. 100.* This Schedule (§§ 1306.301 to 1306.310, inclusive) shall become effective February 20, 1942.*

§ 1306.309 *Appendix A: Maximum prices for cast iron soil pipe and fittings.* (a) The maximum f. o. b. Birmingham, Alabama, prices for cast iron soil pipe and fittings shall be the prices arrived at by applying the following discounts to the prices set forth in § 1306.310, Appendix B, of Price Schedule No. 100.

	Carload shipments by rail; ten ton or greater shipments by motor carrier	Less than carload shipments by rail; less than ten ton shipments by motor carrier
2" to 6" Extra Heavy Pipe	52½-10-10	52½
2" to 6" Medium Pipe	47½-10-10	47½
2" to 6" Standard Pipe	42½-10-10	42½
2" to 6" Fittings	37½-10-10	37½
8" to 15" Pipe and Fittings	43½-10-10	43½

(b) The maximum delivered price for domestic sales of cast iron soil pipe and fittings shall be the maximum f. o. b. Birmingham, Alabama, price established in paragraph (a) hereof, plus a freight and delivery charge computed in accordance with the following provisions (whether shipment is by rail or motor carrier):

(1) Where shipment moves directly from foundry to purchaser (regardless of whether the seller is a manufacturer, jobber, or wholesaler), the delivery charge may not exceed the carload railroad freight from Birmingham, Alabama, to the railroad siding nearest to the point of delivery designated by the purchaser.

(2) Where shipment to a purchaser originates from some place other than a foundry (as where shipment originates at a distribution warehouse operated by a manufacturer, jobber, or wholesaler), the delivery charge may not exceed the carload railroad freight from Birmingham, Alabama, to the place at which the shipment originates. No further delivery charge may be made for transportation from the place at which the shipment originates to the location designated by the purchaser.

(3) For purposes of this paragraph, the seller shall be considered as having completed his delivery obligations when, in the case of a rail shipment, the shipment arrives at the rail siding nearest to the location designated by the purchaser; or when, in the case of shipment by motor carrier, the shipment arrives at the site designated by the purchaser.

(4) Carload railroad freight from Birmingham, Alabama, may be computed by deducting for every 25¢ ton freight ½ point from the applicable base (or first) discount.

(c) The maximum price for export sales of cast iron soil pipe and fittings shall be the maximum price, as established by subparagraph (1) of paragraph (b) hereof, for delivery of carload quantities of pipe and fittings to the export loading dock, plus ocean freight and marine insurance to the extent that such charges are paid by the seller. Where the seller performs the service of wiring or otherwise bundling pipe and fittings for export shipment, an added charge of $1.00 per ton of pipes and fittings may be made.

(d) No addition to the maximum prices herein established may be made for treating cast iron soil pipe and fittings with tar.*

§ 1306.310 *Appendix B: List prices on cast iron soil pipe and fittings.* The list prices of cast iron soil pipe and fittings shall be as follows:

Size		2"	3 x 2	3"	4 x 2	4 x 3	4"	5 x 2	5 x 3	5 x 4	5"	6 x 2	6 x 3	6 x 4	6 x 5	6"	8"	10"	12"	15"
Inverted Ys	Std	1.00	1.10	1.10	1.70	1.70	1.70	2.45	2.45	3.10	3.10	3.70	3.70	4.95	4.95	4.95				
Inverted Ys	XH	1.27	1.85	1.85	2.15	2.15	2.15	3.05	3.05	3.85	4.60	4.60	4.60	6.15	6.15	6.15				
Double Inverted Ys	Std	2.15	3.10	3.10	3.70	3.70	3.70													
Double Inverted Ys	XH	3.05	3.85	3.85	4.60	4.60	4.60													
Tapped Inverted Ys (Tapped for $\frac{1}{8}$")		1.10			2.00						2.80									
Tapped Inverted Ys (Tapped for $\frac{1}{4}$" or $\frac{3}{8}$")		1.70			2.15						3.50					4.25				
Tapped Inverted Ys (Tapped for $\frac{1}{2}$" or 2" I. P.)		1.70			2.15						3.50					4.25				
Combination Y and $\frac{1}{8}$ Bends	Std	1.07	1.70	1.70	1.70	1.70	1.70	3.70	3.70	3.70	3.70	5.55	5.55	5.55	5.55	5.55	11.00	18.00	24.00	
Combination Y and $\frac{1}{8}$ Bends	XH	1.30	2.15	2.15	2.15	2.15	2.15	4.60	4.60	4.60	4.60	6.90	6.90	6.90	6.90	6.90	13.85	22.65	30.00	
Double Combination Y and $\frac{1}{8}$ Bends	Std	1.90	2.80	2.80							5.50			8.30		8.30				
Double Combination Y and $\frac{1}{8}$ Bends	XH	2.40	3.70	3.70							6.90			10.35		10.35				
Long Combination Y and $\frac{1}{8}$ Bends, 18" long	Std				3.60	4.00	4.15													
Long Combination Y and $\frac{1}{8}$ Bends, 18" long	XH				4.70	5.00	5.75													
Long Combination Y and $\frac{1}{8}$ Bends, 24" long	Std	2.60		3.90	4.30	4.70	5.30			5.45										
Long Combination Y and $\frac{1}{8}$ Bends, 24" long	XH	3.25		4.85	5.35	5.90	6.60			7.15										
Long Combination Y and $\frac{1}{8}$ Bends, 30" long	Std									6.00				7.70						
Long Combination Y and $\frac{1}{8}$ Bends, 30" long	XH									7.55				9.60						
Long Combination Y and $\frac{1}{8}$ Bends, 36" long	Std			5.05			6.10			6.70				8.60	9.00	9.00				
Long Combination Y and $\frac{1}{8}$ Bends, 36" long	XH			6.90			7.60			9.20				10.75	11.25	11.25				
Ventilating Branches	Std	.90	1.15	1.15	1.15	1.40	1.40	4.35	4.35	4.45	4.45	6.15	6.15	6.15	6.15	6.15				
Ventilating Branches	XH	1.10	1.40	1.40	1.40	1.85	1.85	5.10	5.10	5.40	5.40	7.70	7.70	7.70	7.70	7.70				
Tapped Ventilating Branch	Std					3.15														
Tapped Ventilating Branch	XH					4.00														
Double Ventilating Branches	Std	2.45		3.10	3.70		3.70													
Double Ventilating Branches	XH	3.05		3.85	4.60		4.60													
Tapped Double Ventilating Branches	Std				3.50															
Tapped Double Ventilating Branches	XH				4.35															
Upright Y Branch	Std	1.85	1.85	1.85	1.85	3.10	3.10	3.70	1.85	1.90	5.50	1.90	1.90	5.50	6.15	7.35				
Upright Y Branch	XH	2.30	2.30	2.30	2.30	3.85	3.85	4.60	3.10	6.15	6.90	6.15	6.15	6.90	7.70	9.20				
Double Upright Ys take twice the list of single.																				
H Branch	Std	.95	1.45	1.45	2.15		2.15													
H Branch	XH	1.20	1.80	1.80	2.70		2.70													
H Branch All High Ends	Std	1.10	2.20	3.00	3.00		3.00													
H Branch All High Ends	XH	1.35	2.75	3.75	3.75		3.75													
Double H Branch	Std						2.70													
Double H Branch	XH						3.10													
Reducing $\frac{1}{4}$ and $\frac{1}{8}$ Bends	Std		.90		1.25	1.30				1.90				2.10						
Reducing $\frac{1}{4}$ and $\frac{1}{8}$ Bends	XH		1.10		1.50	1.60				2.20				3.00						
Reducing $\frac{1}{2}$ and $\frac{1}{8}$ Bends w/BTS-Co	Std													3.50						
Reducing $\frac{1}{2}$ and $\frac{1}{8}$ Bends w/BTS-Co	XH													4.35						
Tee Saddle, Plain or Connolly	Std	.75	.80	.80	.80	.90	.90	.90	.95	1.00	1.00	1.00	1.00	1.00	1.05	1.15				
Tee Saddle, Plain or Connolly	XH	.95	1.00	1.00	1.00	1.10	1.10	1.10	1.15	1.25	1.25	1.25	1.25	1.25	1.30	1.40				
Y and $\frac{1}{8}$ Y Saddle, Plain or Connolly	Std	.80	.90	.90	.90	.95	.95	.95	1.00	1.05	1.05	1.15	1.15	1.15	1.25	1.35				
Y and $\frac{1}{8}$ Y Saddle, Plain or Connolly	XH	1.00	1.10	1.10	1.10	1.15	1.15	1.15	1.25	1.30	1.30	1.40	1.40	1.40	1.55	1.65				
Plain Pipe Bands	Std	.90		1.00			1.15				1.45					2.00				
Plain Pipe Bands	XH	1.10		1.25			1.40				1.70					2.60				
Pipe Bands with Tee or Y Branch	Std	1.05	1.20	1.20	1.30	1.35	1.50	1.60	1.60	1.75	1.85	1.95	1.95	2.10	2.20	2.50				
Pipe Bands with Tee or Y Branch	XH	1.30	1.45	1.45	1.60	1.70	1.85	2.00	2.00	2.15	2.50	2.45	2.45	2.60	2.75	3.10				
Washington Special Y Thimble	XH													2.10	2.55	2.60				

Size		Standard 2"	3"	4"	5"	6"	8"	10"	12"	15"	Extra heavy 2"	3"	4"	5"	6"	8"	10"	12"	15"
Traps, S, $\frac{3}{4}$ S, $1\frac{1}{2}$ S or P and Running, Plain		.90	1.15	1.70	1.30	1.95	10.00	18.00	28.00	60.00	1.10	1.10	1.85	5.40	6.15	13.00	23.00	35.00	75.00
Ditto with 2" Vent		1.20	1.35	2.25	1.55	2.25					1.50	1.70	2.75	5.70	6.50				
Ditto with 3" Vent			1.35	2.20	1.55	2.25						1.70	2.75	5.70	6.50	15.00	27.00		
Ditto with 4" Vent				2.20	1.55	2.25	12.00	21.00						5.70	6.50				
Ditto with 5" Vent					1.55	2.25									6.50	15.00	27.00	40.00	90.00
Ditto with 6" Vent						2.25	12.00	21.00	32.00	75.00							27.00	40.00	90.00
Ditto with 8" Vent								21.00	32.00	75.00									
Running Traps with 2" Double Vent		1.60	1.80	2.60							2.00	2.25	3.25						
Running Traps with 3" Double Vent			1.80									2.25							
Running Traps with 4" Double Vent				2.60	1.80	3.60	13.60	21.00					3.25	6.04	7.60	17.00	30.00		
Running Traps with 5" Double Vent					1.80									6.04					
Running Traps with 6" Double Vent						3.60	13.60	21.00	35.00	85.00					7.60	17.00	30.00	43.00	100.00
Running Traps with 8" Double Vent								21.00	35.00	85.00							30.00	43.00	100.00
Traps, S, $\frac{3}{4}$ S, $1\frac{1}{2}$ S or P and Running w/HH&C		1.25	1.85	2.50	1.95	3.55	10.75	22.00	32.00	68.00	1.55	2.30	3.10	6.15	6.90	13.75	27.75	40.00	85.00
Traps, ditto w/HH&C and 2" Heel Inlet		2.25	2.85	3.50	2.95	4.55	11.75				2.55	3.30	4.10	7.15	7.90	14.75			
Traps, Plain $1\frac{1}{2}$ S or P Tapped $\frac{3}{8}$" or $\frac{1}{2}$" in Heel				1.75									2.40						
Traps, San Francisco, $1\frac{1}{2}$ S or P, 2" HH Inlet						3.20					1.55		3.15	4.40	5.90				
Traps, Deep Seal, S, $\frac{3}{4}$ S, $1\frac{1}{2}$ S or P and Rg		1.25	1.75	2.50	3.50	4.75					2.00	2.70							
Traps, ditto, with 2" Vent		1.60	2.00										3.70	5.50	6.50				
Traps, ditto, with 1" Vent				2.80	3.10	5.50							6.15		8.00				
Traps, Running with 1" Y or $\frac{1}{8}$ Y Vent				4.05		6.50								6.04					
Traps, Running with 5x4" Red. with 1" SHV														7.00					
Traps, Running with 5x4" Red. with 1" DHV																			

Size		2"	3"	4"	5"	6"	8"	10"	12"	15"	2"	3"	4"	5"	6"	8"	10"	12"	15"
Traps, Running with 6x4" Red. with 4" SHV															7.00				
Traps, Running with 6x4" Red. with 4" Y Vent															8.00				
Traps, Improved Running, Single Cleanout		1.70	2.50	3.45	5.40	6.20					2.10	3.10	4.30	6.75	7.75				
Traps, Improved Running, Double Cleanout		2.40	3.20	3.90	6.60	7.40	20.60				3.04	4.00	4.80	8.25	9.25	25.00			
Spigot End Vent Caps		.40	.70	.80	1.85	2.00	6.00	9.60			.75	.85	1.10	2.25	2.50	7.50	12.00		
Spigot End Vent Caps 12" long		.70	1.15	1.30	3.60	4.15					.85	1.45	1.65	4.50	5.20				
Spigot End Vent Caps 14" long				1.65	3.80								2.45	4.75					
Spigot End Vent Caps 18" long		1.30			4.25	4.75					1.65		4.05	5.60	5.95				
Spigot End Vent Caps 20" long					4.50								4.35						
Spigot End Vent Caps 30" long					5.05								6.30						
Hub End Vent Caps		1.15	1.20	1.30	2.20	2.60					1.30	1.45	1.55	2.75	3.25				
Hub End Vent Caps 12" long		1.15	1.55	1.60	3.30	4.40					1.45	1.80	2.60	4.85	5.50				
Hub End Vent Caps 18" long		1.45		3.50	4.80	7.05					1.80		4.40	6.00	6.30				
Hub End Vent Caps 24" long				3.75									4.65						
Hub End Vent Caps 30" long				5.30									6.65						
Vent Cap with Set Screw		.40	.65	.80	1.25	1.55					.60	.65	.80	1.25	1.55				
Rearly Vent Cap		.40	.65	.80	1.25	1.55					.60	.65	.80	1.25	1.55				
Fresh Air Inlet Standard Pattern		.90	1.10	1.10							1.15	1.25	1.40						
Fresh Air Inlet 4 x 12" Pattern				1.60									2.00						
Fresh Air Inlet Pittsburgh Pattern		.40	.70	.65	.85	1.25					.70	.60	.80	.95	1.50				
Floor Plates		.40	.60	.75	.80	1.00					.50	.75	.90	1.00	1.25	3.00			
Roof Irons		.95	.95	1.05	1.25	1.55					1.20	1.20	1.25	1.50	1.80				
Pipe Plugs		.25	.40	.45	.60	.75	1.20	2.60	3.45	5.60	.30	.45	.60	.75	.90	1.50	3.25	4.30	7.00
Sleeves		.60	.75	.75	1.25	1.85	2.80	4.85	8.65	17.85	.75	.90	.90	1.55	2.30	3.50	6.20	10.80	22.30
Bar Grates		.10	.15	.20	.25	.30	.45	.90											
Bar Grates with Legs		.20	.30	.40	.50	.60													
Plain Pipe Rests		.20	.40	.40	.75	.95	1.75	2.15	3.45	5.60	.40	.45	.45	.90	1.15	2.25	3.25	4.30	7.00
Open Pipe Rests		.30		.40							.40		.45						
Pipe Rests Tapped for I. P.		.65	.85	1.00	1.20	1.45	2.35	3.60			.75	1.00	1.15	1.40	1.75	3.00	4.35		
Single Hub Fittings		.50	.65	.70	1.25	1.85	2.50	3.90			.60	.90	.90	1.55	2.45	3.50	4.85		
Double Hub Fittings		.40	.50	.60	1.00	1.25	2.80	4.85	8.65	17.85	.45	.75	.75	1.25	1.55	3.50	6.20	10.80	22.30
Tapped Hubs											1.50	2.00	2.50						
Tee Cleanout with Round Handhole and Cover		1.05	1.70	1.85	2.45	3.70	5.00				1.25	2.15	2.30	3.05	4.60	7.50			
Tee Cleanout with Square HH&C		1.20	1.90	2.10	3.30	4.30					1.50	2.40	2.65	4.00	5.35	26.00	31.00	39.00	40.50
Washington Test Tee with Brass Plugs											3.00	3.75	4.25	5.50	8.00	16.25			
Washington Test Tee with Iron Plugs											1.90	2.00	2.50	3.75	5.00	11.00			
Washington Test Tee with no Plug											1.50	1.75	2.10	2.90	3.80				
Philadelphia Test Tee		1.30	1.60	1.90	2.75	3.55					1.60	2.60	2.40	3.45	4.80				
Tee Cleanout with Trap Screw on Branch		1.50	1.70	1.70	3.25	3.70	10.00	13.50	17.50		1.85	2.15	2.15	4.00	4.60	12.50	17.50	22.50	
San Tee or Y with BTS on Main or Branch		1.50	1.95	2.45	4.30	4.95					1.85	2.45	3.05	5.40	6.15				
Combination Y and $\frac{1}{8}$ Bend with BTS on Main		1.85	2.45	3.10	4.95	6.15					2.30	3.05	3.85	6.15	7.70				
Combination Y and $\frac{1}{8}$ Bend with BTS on Main, California Pattern		1.70	1.95	2.45							1.85	2.45	3.05						
Closet TY without Vent R or L Inlet				2.60									3.25						
Closet TY without Vent R and L Inlet				3.80									4.75						
Closet TY with Vent R or L Inlet				3.00									3.75						
Closet TY with Vent R and L Inlet				4.20									5.25						
Wisconsin San Tee with one 2" Inlet			3.00	3.30								3.70	4.00						
Wisconsin San Tee with two 2" Inlets			3.75	4.00								4.70	5.00						
Boston Long TY and Long Y with 2" Vent		2.05		2.70							2.30		3.15						
Double Angle Y Branches		1.90	3.20	3.60	4.60	5.80					2.40	4.00	4.50	5.75	7.25				

Size		3x2x2	3x2x3	3x2x4	3x3x3	3x3x4	3x4x3	4x2x2	4x2x4	4x3x4	4x4x4	5x3x4	5x4x4	5x4x5	6x3x4	6x4x4	6x4x5	6x4x6	6x5x4	6x5x5	6x5x6
Reducing San Tees and Ys	Std	2.20	2.20	2.95			2.95	2.95	2.95	2.95		3.80	3.80	3.80	4.60	4.60	4.60	4.60	4.60	4.60	4.60
Reducing San Tees and Ys	XH	2.70	2.50	3.70			3.70	3.70	3.70	3.70		4.75	4.75	4.75	5.75	5.75	5.75	5.75	5.75	5.75	5.75
Special Pittsburgh Reducing San Tee and Y	Std					1.70															
Branch	XH					2.15															
Reducing Combination Y and $\frac{1}{8}$ Bend	Std								3.20					7.00							
	XH								4.00					8.00							
Washington Pat. Comb. Y and $\frac{1}{8}$ Bend	Std					2.00															
	XH					2.50															
Combination San Tee with one 45 Deg. Angle	Std				2.35	3.00					3.00										
Tee	XH				2.60	3.35					3.35										
Combination San Tee with two 45 Deg. Angle	Std				3.35	3.70					3.70										
Taps	XH				3.60	4.00					4.00										
Combination San Cross with four 45 Deg. Angle	Std				4.65	5.80					5.80										
Taps	XH				6.00	6.15					6.15										

Medium fittings take same lists as standard.

Issued February 5, 1942.[1]

[1] Issued: 7 F.R. 869.

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 101—CITRIC ACID

Citric acid is produced by fermentation of beet molasses and extraction from lemon culls and pineapples. Its most important uses are in pharmaceutical manufacture, and in food and beverage flavoring. While estimated production for 1942 is in excess of the amount produced in 1941, it is anticipated that there will be an increased consumer demand for goods and beverages which will be reflected in the demand for citric acid.

In recent months, speculation in citric acid has led to resales of this commodity at prices over three times the prices quoted by producers. In addition, export sales have been made at abnormally high prices. Further increases in these prices are threatened.

After conferences with producers, resellers, and exporters of citric acid, and representatives of other government agencies, the Office of Price Administration has found that no justifiable reasons exist for producers and primary jobbers charging prices in excess of 20 cents per pound, or for resellers and exporters charging prices in excess of 26 cents and 28 cents per pound, respectively, for sales of U. S. P. granular citric acid in carload lots. Increases above those prices would, consequently, be inflationary in character.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.851 *Maximum prices for citric acid.* On and after February 16, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, deliver, or transfer citric acid in quantities of 5 pounds or more, and no person shall buy, offer to buy or accept delivery of citric acid in quantities of 5 pounds or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.859.*

*§§ 1335.851 to 1335.859, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.852 *Less than maximum prices.* Lower prices than those set forth in § 1335.859, Appendix A, may be charged, demanded, paid or offered.*

§ 1335.853 *Evasion.* The price limitations set forth in Price Schedule No. 101 shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer, of citric acid or in connection with a purchase, sale, delivery or transfer, of any other material, or by way of any commission, service, transportation, discount, premium, or other charge or privilege, or by alteration of grades of citric acid, or by tying-agreements or other trade understanding, or otherwise.*

§ 1335.854 *Records and reports.* Every person making purchases or sales of citric acid in quantities of one pound or more after February 15, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or seller, the price paid or received, and the specifications and quantity including the kind and size of the containers, of the citric acid purchased or sold.

Persons affected by Price Schedule No. 101 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.855 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 101, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 101, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of the Government, both state and federal are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 101; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 101 which may be regarded as grounds for the revocations of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to, or purchasing from those persons who fail to comply with Price Schedule No. 101. Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of citric acid, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.856. *Modification of Price Schedule No. 101.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 101 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided,* That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 101.*

§ 1335.857 *Definitions.* When used in Price Schedule No. 101, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity.

(b) "Citric acid" means the various grades referred to in § 1335.859, Appendix A, of this Schedule.

(c) "Producer" means a person who synthesizes, extracts, or otherwise manufactures or makes citric acid.

(d) "Primary jobber" means a person who buys citric acid from producers for resale.

(e) "Reseller" means a person who buys citric acid from other than producers for resale.

(f) "Shipping point" means the point of distribution maintained by a seller from which actual shipment is made.*

§ 1335.858 *Effective date of Price Schedule No. 101.* This Schedule (§§ 1335.851 to 1335.859, inclusive) shall become effective February 16, 1942.*

§ 1335.859 *Appendix A: Maximum prices for citric acid—*(a) *Sales by producers and primary jobbers—*(1) *Citric acid produced in the continental United States.* (i) The maximum prices for sales by producers or primary jobbers of citric acid produced in the continental United States are established as follows:

Quantity	U. S. P. granular per pound	U. S. P. powder per pound	U. S. P. anhydrous granular per pound	U. S. P. anhydrous powder per pound
Carload or more	$0.20	$0.205	$0.225	$0.230
10,000 pounds or more in barrels	.205	.21	.23	.235
200 to 10,000 pounds in barrels	.21	.215	.235	.24
100 pounds or more, in 100-pound kegs or drums	.215	.22	.24	.245
50 pounds or more, in 50-pound drums or cartons	.23	.235	.255	.26
25 pounds or more, in 25-pound drums or cartons	.24	.245	.265	.27
5 pounds or more, in 5-pound containers	.29	2.95	.315	.32

(ii) The above maximum prices are f. o. b. the producer's or primary jobber's shipping point, with freight equalized at the rate for a shipment of identical quantity over standard routes from the following points, viz.: Boston, Massachusetts; Philadelphia, Pennsylvania; Baltimore, Maryland; New York City, New York; Portland, Oregon; and Seattle, Washington. The maximum prices which a purchaser may pay for citric acid delivered to him from a producer's or primary jobber's shipping point shall not exceed the maximum prices listed above plus the transportation charge on a shipment of identical quantity to destination from that city named above from which the transportation rate to destination is least.

(iii) The maximum prices for sales by producers or primary jobbers of citric acid produced in the United States and delivered from local stocks maintained in Chicago, Illinois or St. Louis, Missouri are the maximum prices listed above, plus one-half cent per pound, f. o b. the warehouse in whichever city from which actual shipment is made.

(2) *Citric acid produced in territories of the United States.* The maximum prices for sales by producers or primary jobbers of citric acid produced in the territories of the United States are the maximum prices listed in subparagraph (i) of this paragraph (a), f. o. b. point of shipment in such territories.

(b) *Sales by resellers.* The maximum prices for sales of citric acid by resellers are established as follows, f. o. b. reseller's shipping point.

Quantity	U. S. P. granular per pound	U. S. P. powder per pound	U. S. P. anhydrous granular per pound	U. S. P. anhydrous powder per pound
Carload or more	$0.26	$0.27	$0.29	$0.30
10,000 pounds or more in barrels	.27	.27	.30	.31
200 to 10,000 pounds in barrels	.27	.28	.31	.31
100 pounds or more, in 100-pound kegs or drums	.28	.29	.31	.32
50 pounds or more, in 50-pound drums or cartons	.30	.31	.33	.34
25 pounds or more, in 25-pound drums or cartons	.31	.32	.34	.35
5 pounds or more, in 5-pound containers	.38	.38	.41	.42

(c) *Export sales and sales to persons in territories and possessions of the United States.* The following maximum prices are established for export sales of citric acid and for sales to persons in the territories or possessions of the United States, where the shipments originate in the continental United States exclusive of Alaska:

(1) *Exports and sales by producers and primary jobbers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in subparagraph (1) (i) of paragraph (a) of this Appendix, f. a. s. vessel at the port of shipment, plus 10 per cent of the applicable maximum price.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in subparagraph (1) (i) of paragraph (a) of this Appendix, plus 5 per cent of the applicable maximum price, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel.

(2) *Exports and sales by resellers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in subparagraph (1) (i) of paragraph (a) of this Appendix, f. a. s. vessel at the port of shipment, plus 40 percent of the applicable maximum price.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (b) of this Appendix, plus 5 percent of the applicable maximum price, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel.

(3) *Expenses.* No expenses, commissions, or charges for services may be added to the maximum prices established in this paragraph (c), except (a) ocean or overland freight, (b) marine and war risk insurance, and (c) foreign agents' commission, unless such foreign agents' commission or any part thereof is received by the exporter directly or indirectly for his own use.

(d) *Containers.* No charge for containers may be added to the maximum prices established above.

Issued this 5th day of February 1942.[1]

LEON HENDERSON,
Administrator.

[1] Issued: 7 F.R. 820.

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PART 1380—HOUSEHOLD AND SERVICE INDUSTRY MACHINES

PRICE SCHEDULE NO. 102—HOUSEHOLD MECHANICAL REFRIGERATORS

Household mechanical refrigerators are of considerable importance to the consuming public. Between January and June, 1941, manufacturers' prices on these refrigerators were revised upwards on three occasions and advanced on the average 5.9 per cent. On June 23 the Office of Price Administration requested refrigerator manufacturers not to make further increases without consultation with this Office. Thereafter, no price increases have become effective without the approval of the Office of Price Administration and this approval has been granted only on the basis of a demonstrated rise in costs of production. In effect, therefore, the present level of prices accords with that prevailing between October 1 and October 15, 1941, with necessary adjustments for these increased costs for all companies except the General Electric Company and the Frigidaire Division of General Motors Corporation who have not yet submitted their cost figures.

After investigation it has been determined that efficient administration, and uniform treatment of all manufacturers, make advisable the formalization of the existing arrangement by the issuance of a Price Schedule.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1380.51 *Maximum prices for household mechanical refrigerators.* On and after February 9, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no manufacturer shall sell, offer to sell, deliver or transfer any model of household mechanical refrigerator at a price higher than the maximum price:

(a) *Manufacturer's brand household mechanical refrigerators.* (1) In the case of all manufacturers who have had price lists on 1942 models approved by the Office of Price Administration, the maximum price, exclusive of federal excise tax, for any model of household mechanical refrigerator sold under the manufacturer's brand during the two-month period ended February 2, 1942, shall be the net price quoted to the same general class of purchasers for such model in the manufacturer's price list in effect on February 2, 1942.

(2) In the case of all other manufacturers, the maximum price, exclusive of federal excise tax, for any model manufactured for sale under the manufacturer's brand during the two-month period ended February 2, 1942, shall be the net price quoted to the same general class of purchaser for the most comparable model in the most recent 1941 price list, until a new price list has been approved by the Office of Price Administration.

(b) *Private brand household mechanical refrigerators.* The maximum price, exclusive of federal excise tax, for any model of household mechanical refrigerator sold under a brand other than the manufacturer's brand during the two-month period ended February 2, 1942, shall be the highest price, exclusive of federal excise tax, specified for such model in a contract with a purchaser of the same general class in effect on February 2, 1942.

(c) *New models.* The maximum price for any 1942 model not manufactured or offered for sale before February 2, 1942, and for any other model not offered for sale by the manufacturer in the two-month period ended February 2, 1942, shall be the price approved in writing by the Office of Price Administration after the submission to it of a report in accordance with § 1380.54 (c), and no sale, offer to sell, delivery or transfer of such model shall be made until such approval shall have been given.*

*§§ 1380.51 to 1380.59, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1380.52 *Less than maximum prices.* Lower prices than those established by Price Schedule No. 102 may be charged, demanded, paid, or offered.*

§ 1380.53 *Evasion.* The limitations set forth in Price Schedule No. 102 shall not be evaded whether by direct or indirect methods in connection with the manufacturing or assembling of household mechanical refrigerators by deterioration of quality or performance thereof, or in connection with a purchase, sale, or transfer of household mechanical refrigerators, alone or in conjunction with any other material, or by way of any commission, service, transportation or other charge or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by decreasing cash discounts, allowances for or absorption of transportation costs, or by any other means.*

§ 1380.54 *Reports—*(a) *Present line.* On or before February 25, 1942, every manufacturer shall submit to the Office of Price Administration a report on all models currently offered for sale, giving the maximum price established for each model by § 1380.51, the specifications, and the terms of sale. Manufacturers who have already submitted all or any part of this information need not duplicate such material but shall send a reference to the material already submitted.

(b) *Approval of price lists.* Manufacturers who have not had price lists on 1942 models approved, may submit to the Office of Price Administration price lists on 1942 models for approval, giving the necessary description of the models, cost, profit, and other information which may be required by the Office of Price Administration.

(c) *New models.* Manufacturers wishing to offer for sale a new model as defined in § 1380.51 (c) shall submit to the Office of Price Administration a report on such model, giving proposed maximum price, the specifications and the terms of sale.

Persons affected by Price Schedule No. 102 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1380.55 *Records.* Every manufacturer making sales of household mechanical refrigerators on or after February 9, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale

showing the date of billing, the name and address of the buyer, the name, number or other designation and the price received for each household mechanical refrigerator, the quantity of each household mechanical refrigerator sold, and discounts and allowances of any nature given.*

§ 1380.56 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 102, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 102, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interest of those persons who comply with Price Schedule No. 102; and (c) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 102. Persons who have evidence of the receipt or demand of prices higher than the maximum prices or of any evasion or effort to evade the provisions hereof, or of the speculations, or manipulation of prices of household mechanical refrigerators, or of the hoarding or accumulation of unnecessary inventories thereof are urged to communicate with the Office of Price Administration.*

§ 1380.57 *Modification of Price Schedule No. 102.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 102 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered unless filed by persons complying with Price Schedule No. 102.*

§ 1380.58 *Definitions.* When used in Price Schedule No. 102, the term:

(a) "Person" means an individual, partnership, association, corporation, or other business entity;

(b) "Manufacturer" means a person operating a factory or plant which manufactures or assembles household mechanical refrigerators;

(c) "Household mechanical refrigerator" means any refrigerator for household use which operates either by compression or by absorption;

(d) "Model" means any combination of size and specifications of equipment;

(e) "Net price quoted" means the actual price, exclusive of federal excise tax but including charges for warranty and cooperative advertising, to be received by the manufacturer, f. o. b. seller's point of shipment, or delivered to the purchaser, whichever the price list specifies.*

§ 1380.59 *Effective date of Price Schedule No. 102.* This Schedule (§§ 1380.51 to 1380.59, inclusive) shall become effective February 9, 1942.*

Issued this 4th day of February 1942.[1]

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 103—SALICYLIC ACID

Salicylic acid is chiefly used in the production of aspirin and other internal and external medicinals, in making chrome and khaki dyes, and in vulcanizing natural rubber. The acid is itself made from phenol, which is under allocation by the War Production Board on account of its importance in the production of plastics and explosives. As a result, present and future supplies of salicylic acid are distinctly limited by the amount of phenol which can be spared for its production.

At the same time, increased demand for aspirin and khaki dye, coupled with anticipated increased demand for the acid in rubber vulcanization, has led to speculation on the resale market at prices nearly triple the manufacturers' prices for comparable grades and quantities. These forces threaten further upward pressure on the price of salicylic acid.

After conferences with producers, resellers, and exporters of salicylic acid, and representatives of other government agencies, the Office of Price Administration has found that no justifiable reasons exist for producers and primary jobbers charging prices in excess of 35 cents per pound, or for resellers charging prices in excess of 46 cents per pound, for U. S. P. salicylic acid in 100 to 150 pound barrels. Increases above these prices would, consequently, be inflationary in character.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.951 *Maximum prices for salicylic acid.* On and after February 16, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, deliver, or transfer salicylic acid in quantities of one pound or more, and no person shall buy, offer to buy, or accept delivery or salicylic acid in quantities of one pound or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.959.*

*§§ 1335.951 to 1335.959, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.952 *Less than maximum prices.* Lower prices than those set forth in § 1335.959 Appendix A, may be charged, demanded, paid, or offered.*

§ 1335.953 *Evasion.* The price limitations set forth in Price Schedule No. 103 shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer, of salicylic acid or in connection with a purchase, sale, delivery or transfer, of any other material, or by way of any commission, service, transportation, discount, premium, or other charge or privilege, or by alteration of grades of salicylic acid, or by tying-agreements or other trade understanding, or otherwise.*

§ 1335.954 *Records and reports.* Every person making purchases or sales of salicylic acid in quantities of one pound or more after February 15, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity including the kind and size of the containers, of the salicylic acid purchased or sold.

Persons affected by Price Schedule No. 103 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.955 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements, or other provisions of Price Schedule No. 103, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 103, the Office of Price Administration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both state and federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 103; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 103 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 103.

Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation, or manipulation of prices of salicylic acid, or of the hoarding or accumulation of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1335.956 *Modification of Price Schedule No. 103.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 103 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section shall be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 103.*

§ 1335.957 *Definitions.* When used in Price Schedule No. 103, the term:

(a) "Person" means individual, partnership, association, corporation, or other business entity.

[1] Issued: 7 F.R. 908.

(b) "Salicylic acid" includes the grades of ortho-hydroxybenzoic acid referred to in Appendix A, incorporated herein as § 1335.959.

(c) "Producer" means every person who manufactures salicylic acid.

(d) "Primary jobber" means every person who buys salicylic acid from producers for resale purposes.

(e) "Reseller" means every person who buys salicylic acid from other than producers for resale.

(f) "Shipping point" means the point of distribution maintained by a seller from which actual shipment is made.*

§ 1335.958 *Effective date of Price Schedule No. 103.* This Schedule (§§ 1335.951 to 1335.959, inclusive) shall become effective February 16, 1942.*

§ 1335.959 *Appendix A: Maximum prices for salicylic acid.* The following maximum prices are established for salicylic acid:

(a) *Sales by producers and primary jobbers.* (1) The maximum prices for sales of salicylic acid by producers or primary jobbers are established as follows:

Quantity	U. S. P., per pound	Technical, per pound
Carlot	$0.28	$0.26
150 pounds or more in barrels	.35	.33
50 pounds or more in 50-pound drums	.37	.35
100 pounds or more in 25-pound drums	.36	.34
50 to 100 pounds in 25-pound drums	.37	.35
25 to 50 pounds in 25-pound drums	.38	.36
5 pounds or more in 5-pound drums	.41	.42
1 pound or more in 1-pound cartons	.46	.41

(2) The above maximum prices are f. o. b. the producer's or primary jobber's shipping point, with freight equalized at the rate for a shipment of identical quantity over standard routes from the following points, viz: New York City, New York; Philadelphia, Pennsylvania; Chicago, Illinois; and St. Louis, Missouri. The maximum prices which a purchaser may pay for salicylic acid delivered to him from a producer's or primary jobber's shipping point shall not exceed the maximum prices listed above plus the transportation charge on a shipment of identical quantity to destination from that city named above from which the transportation rate to destination is least.

(b) *Sales by resellers.* The maximum prices for sales of salicylic acid are established as follows, f. o. b. reseller's shipping point.

Quantity	U. S. P., per pound	Technical, per pound
Carlot	$0.36	$0.34
100 pounds or more in barrels	.46	.43
50 pounds or more in 50-pound drums	.48	.46
100 pounds or more in 25-pound drums	.47	.44
50 to 100 pounds in 25-pound drums	.48	.46
25 to 50 pounds in 25-pound drums	.49	.47
5 pounds or more in 5-pound cartons	.57	.55
1 pound or more in 1-pound cartons	.60	.57

(c) *Export sales and sales to persons in Territories and possessions of the United States.* The following maximum prices are established for export sales of salicylic acid to persons in foreign countries and for sales to persons in the territories or possessions of the United States, where the shipments pursuant to such sales originate in the continental United States exclusive of Alaska:

(1) *Exports and sales by producers and primary jobbers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in paragraph (a) of this Appendix, f. a. s. vessel at the port of shipment, plus 10 percent of the applicable maximum price.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (a) of this Appendix, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel, plus 5 percent.

(2) *Exports and sales by resellers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in paragraph (a) of this Appendix, f. a. s. vessel at the port of shipment, plus 40 percent of the applicable maximum price.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (b) of this Appendix, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel, plus 5 percent of the applicable maximum price.

(3) *Expenses.* No expenses, commissions, or charges for services may be added to the maximum prices established in this paragraph (c), except (i) ocean or overland freight, (ii) marine and war risk insurance, and (iii) foreign agents' commission, unless such foreign agents' commission or any part thereof is received by the exporter directly or indirectly for his own use.

(d) *Containers.* No charge for containers may be added to the maximum prices established by Price Schedule No. 103.

Issued this 9th day of February 1942.[1]

LEON HENDERSON,
Administrator.

PART 1335—CHEMICALS

REVISED PRICE SCHEDULE NO. 104—VITAMIN C

Progress during recent years in biochemical research has led to the isolation of vitamin C, also known as ascorbic acid. This vitamin is indispensable to the development of sound bony structure in humans. Although it is found in fresh fruits and raw vegetables, vitamin C which is used in therapy is mainly a synthetic product.

Wider use of vitamin therapy, coupled with the scarcity of fresh fruits and raw vegetables in some foreign countries, has stimulated a sharply increased domestic and foreign demand for vitamin C produced in this country. This pressure has led to speculation by resellers to such an extent that a number of transactions have been made at prices approximately double the prices quoted by producers. This speculation has taken place and threatens to lead to even higher prices in the resale market, in spite of a distinct downward trend in producers' prices.

After conferences with producers, resellers, and exporters of vitamin C, and representatives of other government agencies, the Office of Price Administration has found that no justifiable reasons exist for producers and primary jobbers charging prices in excess of $1.65 per ounce, or for resellers charging more than $2.15 per ounce, for sales of large quantities. Increases above those prices would, consequently, be inflationary in character.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1335.901 *Maximum prices for vitamin C.* On and after February 16, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, deliver or transfer vitamin C in quantities of one ounce or more, and no person shall buy, offer to buy or accept delivery of vitamin C in quantities of one ounce or more at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1335.909.*

*§§ 1335.901 to 1335.909, inclusive, issued pursuant to authority contained in E.O. 8734, 8875, 6 F.R. 1917, 4483.

§ 1335.902 *Less than maximum prices.* Lower prices than those set forth in § 1335.909, Appendix A may be charged, demanded, paid or offered.*

§ 1335.903 *Evasion.* The price limitations set forth in Price Schedule No. 104 shall not be evaded by direct or indirect methods in connection with a purchase, sale, delivery, or transfer, of vitamin C or in connection with a purchase, sale, delivery or transfer, of any other material, or by way of any commission, service, transportation, discount, premium, or other charge or privilege, or by alteration of grades of vitamin C, or by tying-agreements or other trade understanding, or otherwise.*

§ 1335.904 *Records and reports.* Every person making purchases or sales of vitamin C in quantities of one pound or more after February 15, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the specifications and quantity, including the kind and size of the containers, of the vitamin C purchased or sold.

Persons affected by Price Schedule No. 104 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1335.905 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record and report requirements or other provisions of Price Schedule No. 104, or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 104, the Office of Price Ad-

[1] Issued: 7 F.R. 933.

ministration will invoke all appropriate sanctions at its command including taking action to see (a) that the Congress and the public are fully informed thereof, (b) that the powers of the Government, both state and federal, are fully exerted in order to protect the public interest and interests of those persons who comply with Price Schedule No. 104; (c) that full advantage will be taken of the cooperation of the various political subdivisions of state, county, and local governments by calling to the attention of the proper authorities, failures to comply with Price Schedule No. 104 which may be regarded as grounds for the revocation of licenses and permits; and (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 104.

Persons who have evidence of the offer, receipt, demand or payment of prices higher than the maximum prices, or of any evasion or effort to evade the provisions hereof, or of speculation or manipulation of prices of vitamin C, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration."

§ 1335.906 *Modification of Price Schedule No. 104.* Persons complaining of hardship or inequity in the operation of Price Schedule No. 104 may apply to the Office of Price Administration for approval of any modification thereof or exception therefrom: *Provided*, That no application under this section will be considered by the Office of Price Administration unless filed by persons complying with Price Schedule No. 104."

§ 1335.907 *Definitions.* When used in Price Schedule No. 104, the term:

(a) "Person" means an individual partnership, association, corporation, or other business entity.

(b) "Vitamin C" means ascorbic acid, U. S. P.

(c) "Producer" means a person who manufactures vitamin C.

(d) "Primary jobber" means a person who buys vitamin C from producers for resale purposes.

(e) "Reseller" means a person who buys vitamin C from other than producers for resale.

(f) "Shipping point" means the point of distribution maintained by a seller from which actual shipment is made."

§ 1335.908 *Effective date of Price Schedule No. 104.* This Schedule (§§ 1335.901 to 1335.909, inclusive) shall become effective February 16, 1942."

§ 1335.909 *Appendix A: Maximum prices for vitamin C*—(a) *Sales by producers and primary jobbers.* (1) The maximum prices for sales of vitamin C by producers or primary jobbers are established as follows:

Quantity in ounces:	Price per ounce
1,000 or more	$1.65
500 up to 1,000	1.66
100 up to 500	1.67
50 up to 100	1.69
25 up to 50	1.72
5 up to 25	1.77
1 up to 5	1.85

(2) The above maximum prices are f. o. b. the producer's or primary jobber's shipping point, with freight equalized at the rate for a shipment of identical quantity over standard routes from the following points, viz: Philadelphia, Pennsylvania; St. Louis, Missouri; Chicago, Illinois; Rahway and Nutley, New Jersey; and New York, New York. The maximum prices which a purchaser may pay for vitamin C delivered to him from a producer's or primary jobber's shipping point shall not exceed the maximum prices listed above plus the transportation charge on a shipment of identical quantity to destination over standard routes from that city named above from which the transportation rate to destination is least.

(b) *Sales by resellers.* The maximum prices for sales of vitamin C by resellers are established as follows, f. o. b. reseller's shipping point.

Quantity in ounces:	Price per ounce
1,000 or more	$2.15
500 to 1,000	2.16
100 to 500	2.17
50 to 100	2.20
25 to 50	2.24
5 to 25	2.30
1 to 5	2.41

(c) *Export sales and sales to persons in territories and possessions of the United States.* The following maximum prices are established for export sales of vitamin C to persons in foreign countries and for sales to persons in the territories or possessions of the United States, where the shipments pursuant to such sales originate in the continental United States exclusive of Alaska:

(1) *Exports and sales by producers and primary jobbers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in paragraph (a) of this Appendix, f. a. s. vessel at the port of shipment, plus 10 per cent of the applicable maximum price.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (a) of this Appendix, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel, plus 5 per cent of the applicable maximum price.

(2) *Exports and sales by resellers.* (i) The maximum prices, except for export sales to persons in Canada or Mexico, are the maximum prices listed in paragraph (a) of this Appendix, plus 40 per cent of the applicable maximum price, f. a. s. vessel at the port of shipment.

(ii) The maximum prices for export sales to persons in Canada or Mexico are the maximum prices listed in paragraph (b) of this Appendix, f. o. b. shipping point in case of overland shipments, or f. a. s. vessel at the port of shipment in case of shipment by vessel, plus 5 per cent of the applicable maximum price.

(3) *Expenses.* No expenses, commissions, or charges for services may be added to the maximum prices established in this paragraph (c), except (a) ocean or overland freight (b) marine and war risk insurance, and (c) foreign agents' commission, unless such foreign agents' commission or any part thereof is received by the exporter directly or indirectly for his own use.

(d) *Containers.* No charge for containers may be added to the maximum prices established by Price Schedule No. 104."

Issued this 9th day of February 1942.[1]

LEON HENDERSON,
Administrator.

PART 1406—MECHANICAL POWER-TRANSMISSION EQUIPMENT

REVISED PRICE SCHEDULE NO. 105—GEARS, PINIONS, SPROCKETS, AND SPEED REDUCERS

Gears, pinions, sprockets, and speed reducers are used in the transmission of power. They are an important and integral part of most industrial mechanical equipment. Large quantities are used in the necessary machinery of modern warfare.

During the past year, as the expenditures of the War Program have expanded, the demand for these vital products has grown with great rapidity. The need for them in machines for industry and for war has become acute. Under this pressure, output has been more than doubled and schedules calling for continuous production have been introduced in many plants manufacturing this type of equipment. In spite of this there exists an increasing unsatisfied demand for these products creating a condition favorable to inflationary price changes.

During the year 1941, the prices of these articles moved sharply upward. In the absence of price control there is imminent danger that prices will increase even further. To avoid this consequence and the inflation which price increases occasion under the conditions described it has been decided, as a result of a study of pertinent facts and of conferences with representative members of the industry, that controls should be established over the prices of gears, pinions, sprockets, and speed reducers.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1406.1 *Maximum prices for gears, pinions, sprockets, and speed reducers.* (a) On and after February 18, 1942, regardless of the terms of any contract of sale or purchase, except as provided in paragraph (b) of this section, no manufacturer shall sell, offer to sell, deliver or transfer, and no person shall buy, offer to buy or accept delivery from a manufacturer of any gear, pinion, sprocket, or speed reducer at prices higher than the maximum prices set forth in Appendix A incorporated herein as § 1406.9.

(b) The provisions of Price Schedule No. 105 shall not apply to deliveries under contracts entered into by the Army, Navy, Defense Plant Corporation, Maritime Commission, Panama Canal, Procurement Division of the Treasury or any other agency of the United States prior

[1] Issued: 7 F.R. 932.

to the effective date of Price Schedule No. 105.

(c) Nothing in Price Schedule No. 105 shall prevent the inclusion in any contract for the sale of gears, pinions, sprockets, or speed reducers of a provision for price adjustment to be applied only to those deliveries called for and made more than nine months after the date on which the contract is entered into: *Provided*, That the contract also contains a provision that the final prices, after all adjustments, will in no case exceed the maximum prices established by the Office of Price Administration at the dates of delivery. Any other form of price adjustment provision, whether contractual or otherwise, shall be deemed to be in violation of Price Schedule No. 105.

(d) The provisions of Price Schedule No. 105 shall apply both to domestic sales and sales for export, but nothing in Price Schedule No. 105 shall prevent the inclusion in the price of gears, pinions, sprockets, or speed reducers sold for export of the amount of expenses actually incurred in packing for export and in shipment, and the amount of any other expenses not ordinarily incurred in connection with domestic sales, provided that the amount of all such expenses is stated separately on the invoice."

"§§ 1406.1 to 1406.9 inclusive, issued pursuant to authority contained in E.O. 8734, 8375, 6 F.R. 1917, 4483.

§ 1406.2 *Lower prices.* Lower prices, rents or charges than those provided for in § 1406.1 above may be charged, demanded, paid or offered."

§ 1406.3 *Evasion.* The price limitation set forth in § 1406.1 shall not be evaded in connection with the purchase, sale, delivery, or transfer of any gears, pinions, sprockets, or speed reducers, alone or in conjunction with any other material, whether by direct or indirect methods, by way of barter or exchange, or by way of any service, transportation or other such charge, or by way of any change in discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise, as a result of which the net price received by the manufacturer will exceed the net price which would have been received by him if the sale had been made on October 15, 1941."

§ 1406.4 *Records and reports.* (a) Every manufacturer making any sale of gears, pinions, sprockets, or speed reducers after February 18, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such sale showing the date thereof, the name and address of the buyer, the list price, if any, on the date of sale, the net price received after adjustment for all extra charges, discounts, and allowances, and the quantity and description of each type of gear, pinion, sprocket, or speed reducer sold, and in addition, in the case of "special" gears, pinions, sprockets, or speed reducers, as defined in § 1406.7; the actual cost incurred in the production of the gear, pinion, sprocket, or speed reducer sold, and a summary of the calculations made in the computation of the price charged.

(b) On or before March 1, 1942, every manufacturer of gears, pinions, sprockets, or speed reducers, shall file with the Office of Price Administration the following: published or confidential price lists and discount sheets setting forth prices and all extra charges, discounts, and allowances in effect on October 15, 1941, applicable to gears, pinions, sprockets, or speed reducers; and a statement of the standard method of estimating net, selling prices in use October 15, 1941, for special gears, pinions, sprockets and speed reducers, together with an illustrative computation.

(c) On or before April 10, 1942, and on or before the tenth day of every month thereafter, every manufacturer of gears, pinions, sprockets, and speed reducers shall file with the Office of Price Administration a report of sales during the preceding month of all "recurring special" gears, pinions, sprockets, and speed reducers, as to which no such report has previously been filed. The first such report shall cover the period February 18 to March 31, 1942.

(1) For each "recurring special" gear, pinion, sprocket, or speed reducer sold during the preceding month, of which a sale was made during the year ending February 18, 1942, the report shall be filed on Form 205:1 and shall contain the following information: (i) A description of the item; (ii) the date of the last sale of the item prior to February 18, 1942, the quantity sold and the net price charged at that time; (iii) the net price which would have been charged for this quantity on October 15, 1941, if such price had been calculated on the basis of labor rates and material prices existing on that date by the use of procedures and standards employed in estimating costs and determining prices on that date and making use of the manufacturer's experience as to actual machine hours and materials required; (iv) the date of the sale being reported, the quantity sold and the net price charged.

(2) For each "recurring special" gear, pinion, sprocket, or speed reducer sold during the preceding month, of which no sale was made during the year ending February 18, 1942, the report shall be filed on Form 205:2 and shall contain the following information: (i) A description of the item; (ii) the date of the first sale of the item after February 18, 1942, the quantity sold, and the net price charged; (iii) the date of the sale being reported, by force of which the item became a "recurring special," the quantity sold and the net price charged.

If reports have been filed in previous months as to all the "recurring special" gears, pinions, sprockets, or speed reducers sold during any single month, or if no sales of "recurring special" gears, pinions, sprockets, or speed reducers have been made during any single month, a report shall nonetheless be filed, containing a statement of the relevant fact, signed by an authorized person. Copies of Forms 205:1 and 205:2 can be obtained from the Office of Price Administration, or Forms 205:1 and 205:2 can be reproduced by the manufacturer providing no change is made in style or content of the forms.

(d) Persons affected by Price Schedule No. 105 shall submit such other reports, including periodic profit and loss statements and balance sheets, to the Office of Price Administration, as it may from time to time require."

§ 1406.5 *Enforcement.* In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of Price Schedule No. 105 or in the event of any evasion or attempt to evade the price limitations or other provisions of Price Schedule No. 105, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with Price Schedule No. 105; (c) that full advantage will be taken of the cooperation of the various political subdivisions of State, county, and local governments by calling to the attention of the proper authorities failures to comply with Price Schedule No. 105 which may be regarded as ground for the revocation of licenses and permits; (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with Price Schedule No. 105; and (e) that the War Production Board is requested to direct the withholding of priority ratings and the allocation of materials to any person failing to comply with Price Schedule No. 105. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or attempt to evade the provisions hereof, or of speculation, or manipulation of prices of gears, pinions, sprockets, or speed reducers, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration."

§ 1406.6 *Modification of Price Schedule No. 105.* Persons claiming hardship or inequity in the operation of Price Schedule No. 105 may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: *Provided*, That such application will not be considered unless filed by persons complying with Price Schedule No. 105."

§ 1406.7 *Definitions.* When used in Price Schedule No. 105 the term:

(a) "Person" means any individual, partnership, association, corporation or other business entity.

(b) "Manufacturer" means any person engaged in one or more operations in the manufacture of gears, pinions, sprockets, or speed reducers resulting in the production of finished gears, pinions, sprockets, or speed reducers.

(c) "Gear" means a toothed wheel or cog wheel used in the transmission of mechanical power, and includes, among others, the following types of gears: spur gears, bevel gears, mitre gears, spiral gears, worm gears, herringbone gears, helical gears, pinions, and worms.

(d) "Pinion" means a type of gear.

(e) "Sprocket" means a toothed wheel or cog wheel used in the transmission of

power by means of silent chain, link chain, roller or block chain, or other types of chain used in the transmission of power.

(f) "Speed reducer" means an enclosed gear drive for use in the transmission of power at increased or decreased speed, either horizontally, vertically, or angularly.

(g) "Standard gear, pinion, sprocket or speed reducer" means any gear, pinion, sprocket or speed reducer listed or described in the manufacturer's price lists, whether published or confidential, in effect on October 15, 1941.

(h) "Recurring special gear, pinion, sprocket, or speed reducer" means any gear, pinion, sprocket, or speed reducer other than those above defined as "standard," for which at least two orders have been or may be received subsequent to February 18, 1941, and of which the manufacturer's sale since that date amount to either $1,000 or more, or 500 units or more.

(i) "Special gear, pinion, sprocket, or speed reducer" means any gear, pinion, sprocket or speed reducer not included in the above definitions of "standard" and "recurring special" gears, pinions, sprockets, and speed reducers.

(j) "Net price" means the manufacturer's price after adjustment for all applicable extra charges, discounts, including quantity discounts, and other allowances.*

§ 1406.8 *Effective date of Price Schedule No. 105.* This Schedule (§§ 1406.1 to 1406.9, inclusive) shall become effective February 18, 1942.*

§ 1406.9 *Appendix A: Maximum prices for gears, pinions, sprockets, and speed reducers.* (a) The maximum price for "standard" gears, pinions, sprockets, or speed reducers, as defined in § 1406.7, shall be the net price in effect on October 15, 1941.

(b) (1) Upon the first sale on or after February 18, 1942, of any "recurring special" gear, pinion, sprocket, or speed reducer, as defined in § 1406.7, of which a sale had been made in the year ending February 18, 1942, the maximum price shall be the price which would have been charged on October 15, 1941, if such price had been calculated on the basis of labor rates and material prices existing on that date by the use of precedures and standards employed by the manufacturer in estimating or determining prices on that date, making use of the manufacturer's experience as to actual machine hours and materials required. Upon any subsequent sale of the same "recurring special" gear, pinion, sprocket, or speed reducer, the maximum price shall be the price charged upon such first sale after February 18, 1942, and filed in column 11 of Form 205:1, as required in § 1406.4, adjusted to reflect differences in cost consequent upon substantial differences, if any, in the quantity sold.

(2) Upon the sale after February 18, 1942, of any gear, pinion, sprocket, or speed reducer, of which no sales had been made in the year ending February 18, 1942, which is not a "standard" item and which becomes a "recurring special" by force of such sale, the maximum price shall be the price which would have been charged on October 15, 1941, if such price had been calculated on the basis of labor rates and material prices existing on that date by the use of procedures and standards employed by the manufacturer in estimating or determining prices on that date, making use of the manufacturer's experience as to actual machine hours and materials required. Upon any subsequent sale of this new "recurring special" gear, pinion, sprocket, or speed reducer, the maximum price shall be the price charged upon such sale, by force of which the item became a "recurring special," and filed in column 10 of Form 205:2 as required in § 1406.4, adjusted to reflect differences in costs consequent upon substantial differences, if any, in the quantity sold.

(c) The maximum price for any "special" gear, pinion, sprocket, or speed reducer shall be the price which would have been charged on October 15, 1941, if such price had been calculated upon labor and material costs existing on that date by the use of procedures and standards employed by the manufacturer in estimating costs and determining prices on that date.*

Issued this 10th day of February 1942.[1]

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1500; Filed, February 20, 1942; 11:18 a. m.]

[1] Issued: 7 F. R. 954.

FEB 24 1942

FEB 25 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 38

Washington, Wednesday, February 25, 1942

The President

EXECUTIVE ORDER

AUTHORIZING THE SECRETARY OF WAR TO PRESCRIBE MILITARY AREAS

WHEREAS the successful prosecution of the war requires every possible protection against espionage and against sabotage to national-defense material, national-defense premises, and national-defense utilities as defined in Section 4, Act of April 20, 1918, 40 Stat. 533, as amended by the Act of November 30, 1940, 54 Stat. 1220, and the Act of August 21, 1941, 55 Stat. 655 (U.S.C., Title 50, Sec. 104);

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, and Commander in Chief of the Army and Navy, I hereby authorize and direct the Secretary of War, and the Military Commanders whom he may from time to time designate, whenever he or any designated Commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded, and with respect to which, the right of any person to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military Commander may impose in his discretion. The Secretary of War is hereby authorized to provide for residents of any such area who are excluded therefrom, such transportation, food, shelter, and other accommodations as may be necessary, in the judgment of the Secretary of War or the said Military Commander, and until other arrangements are made, to accomplish the purpose of this order. The designation of military areas in any region or locality shall supersede designations of prohibited and restricted areas by the Attorney General under the Proclamations of December 7 and 8, 1941,[1] and shall supersede the responsibility and authority of the Attorney General under the said Proclamations in respect of such prohibited and restricted areas.

I hereby further authorize and direct the Secretary of War and the said Military Commanders to take such other steps as he or the appropriate Military Commander may deem advisable to enforce compliance with the restrictions applicable to each Military area hereinabove authorized to be designated, including the use of Federal troops and other Federal Agencies, with authority to accept assistance of state and local agencies.

I hereby further authorize and direct all Executive Departments, independent establishments and other Federal Agencies, to assist the Secretary of War or the said Military Commanders in carrying out this Executive Order, including the furnishing of medical aid, hospitalization, food, clothing, transportation, use of land, shelter, and other supplies, equipment, utilities, facilities, and services.

This order shall not be construed as modifying or limiting in any way the authority heretofore granted under Executive Order No. 8972,[1] dated December 12, 1941, nor shall it be construed as limiting or modifying the duty and responsibility of the Federal Bureau of Investigation, with respect to the investigation of alleged acts of sabotage or the duty and responsibility of the Attorney General and the Department of Justice under the Proclamations of December 7 and 8, 1941, prescribing regulations for the conduct and control of alien enemies, except as such duty and responsibility is superseded by the designation of military areas hereunder.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 19, 1942.

[No. 9066]

[F. R. Doc. 42-1563; Filed, February 21, 1942; 12:51 p. m.]

[1] 6 F.R. 6321, 6323, 6324.

EXECUTIVE ORDER

PROVIDING FOR THE TRANSFER OF PERSONNEL TO WAR AGENCIES

By virtue of the authority vested in me by the Civil Service Act (22 Stat. 403), and by Section 1753 of the Revised Statutes of the United States (U.S.C., title 5,

[1] 6 F.R. 6420.

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the several Executive departments and agencies, or of parts or activities thereof, in respect to their relative importance to the war program, and such classifications shall be controlling as to transfers under the provisions of this Order.

2. The Civil Service Commission is authorized to secure information as to employees of Executive departments and agencies who are deemed competent to perform essential war work in departments or agencies having a higher priority classification, and, with the consent of the employee concerned, to effect the transfer of any such employee to meet the personnel needs of a department or agency having a higher priority classification.

3. Whenever a transfer is proposed under the provisions of section 2, it shall become effective not later than ten days after notification to the department or agency in which the employee is serving. If, within that period, the employing department or agency presents to the Civil Service Commission evidence that its work will be jeopardized by the loss of the employee's services, the Civil Service Commission shall consider such evidence and make a final decision. Transfers to departments and agencies having the same or lower classifications, shall not be effected without the consent of the department or agency in which the employee is serving.

4. Any employee transferred pursuant to this Order shall be entitled to all the reemployment benefits provided by Executive Order No. 8973 [1] of December 12, 1941.

5. The Civil Service Commission is authorized to adopt such rules and regulations and to establish such procedures as may be necessary to carry out its responsibilities under this Order. Each Executive department and agency shall promptly furnish the Civil Service Commission such information regarding its employees as the Commission may require for the effectuation of this Order.

6. This Order shall supersede any provisions of Executive Order No. 8973 of December 12, 1941, or of any other Executive Order or Rule of the Civil Service Commission which is in conflict therewith.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 20, 1942.

[No. 9067]

[F. R. Doc. 42-1564; Filed, February 21, 1942; 12:51 p. m.]

EXECUTIVE ORDER

PARTIAL REVOCATION OF EXECUTIVE ORDER NO. 6795 OF JULY 26, 1934, WITHDRAWING PUBLIC LANDS

WYOMING

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, Executive Order No. 6795 of July 26, 1934, withdrawing public lands in Wyoming pending a resurvey, is hereby revoked as to the following-described townships:

SIXTH PRINCIPAL MERIDIAN

Tps. 12, 13, and 14 N., R. 93 W.
Tps. 12, 13 and 14 N., R. 94 W.
Tps. 13, 15 and 16 N., R. 95 W.
Tps. 14 and 15 N., R. 96 W.

This order shall become effective upon the date of the official filing of the plats of the resurvey of the above-described townships.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 20, 1942.

[No. 9068]

[F. R. Doc. 42-1565; Filed, February 21, 1942; 10:05 a. m.]

EXECUTIVE ORDER

CONSOLIDATING CERTAIN AGENCIES WITHIN THE DEPARTMENT OF AGRICULTURE

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941 (Public Law 354, 77th Congress), approved December 18, 1941, and to further the successful prosecution of the war through the better utilization of agricultural resources and industries, it is hereby ordered as follows:

1. (a) The Surplus Marketing Administration (including the Federal Surplus Commodities Corporation as an agency of the Department of Agriculture), the Agricultural Marketing Service (except the Agricultural Statistics Division), and the Commodity Exchange Administration of the Department of Agriculture and their functions, personnel, property, and records are consolidated into an agency to be known as the Agricultural Marketing Administration of the Department of Agriculture, which agency shall be administered under the direction and supervision of such officer as the Secretary of Agriculture shall designate.

(b) The Agricultural Statistics Division of the Agricultural Marketing Service, Department of Agriculture, and its functions and the personnel, property, and records used primarily in the administration of its functions are transferred to the Bureau of Agricultural Economics of the Department of Agriculture.

2. The Agricultural Adjustment Administration, the Soil Conservation Service, the Federal Crop Insurance Corporation, and the Sugar Division of the Department of Agriculture and their functions, personnel, property, and records are consolidated into an agency to be known as the Agricultural Conservation and Adjustment Administration of the Department of Agriculture, which agency shall be administered under the direction and supervision of such officer as the Secretary of Agriculture shall designate.

3. The Bureau of Animal Industry, the Bureau of Dairy Industry, the Bureau of Plant Industry, the Bureau of Agricultural Chemistry and Engineering, the Bureau of Entomology and Plant Quarantine, the Bureau of Home Economics, the Office of Experiment Stations, and the Beltsville Research Center of the Department of Agriculture and their functions, personnel, property, and records are consolidated into an agency to be known as the Agricultural Research Administration of the Department of Agriculture, which agency shall be administered under the direction and supervision of such officer as the Secretary of Agriculture shall designate.

4. All libraries administered by agencies of the Department of Agriculture and all units of the Department providing library and bibliographical service and their functions, personnel, property, and records are consolidated and shall be administered through such facilities of the Department as the Secretary of Agriculture shall designate.

5. So much of the unexpended balances, appropriations, allocations, or other funds available (or to be made available) for the use of any agency in the exercise of any function transferred or consolidated by this order or for the use of the head of any agency in the exercise of any function so transferred or consolidated, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred for use in connection with the exercise of the function so transferred or consolidated. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer.

6. This order shall remain in force during the continuance of the present war and for six months after termination thereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 23, 1942.

[No. 9069]

[F. R. Doc. 42-1617; Filed, February 24, 1942; 10:53 a. m.]

[POWER AND AUTHORITY DELEGATED TO SECRETARY OF TREASURY]

THE WHITE HOUSE,
WASHINGTON, *February 12, 1942.*

Memorandum to the Secretary of the Treasury: All power and authority conferred upon me by Sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended, are hereby delegated to the Secretary of the Treasury.

FRANKLIN D ROOSEVELT

[F. R. Doc. 42-1582; Filed, February 23, 1942; 11:54 a. m.]

[1] 6 F.R. 6420.

sec. 631), and in order to expedite the transfer of personnel to war agencies, it is hereby ordered as follows:

1. For the purpose of facilitating transfers of employees under the provisions of this Order, the Director of the Bureau of the Budget shall from time to time establish priority classifications of

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

[ACP-1942-7]

PART 701—AGRICULTURAL CONSERVATION PROGRAM

SUBPART D—1942

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148; 16 U.S.C. 590g to 590q), as amended, the 1942 Agricultural Conservation Program, as amended,[1] is further amended as follows:

1. Section 701.301 (i) (1) is amended by adding the following item to the list of cropland uses shown therein:

§ 701.301 *Allotments, yields, grazing capacities, payments, and deductions.*

* * * * *

(i) *Minimum soil-conserving and soil-building requirements* * * *

(1) *Minimum conserving acreage.*

* * * * *

(xii) New seedings of perennial grasses or legumes, or biennial legumes, seeded in accordance with good farming practice with flax, peas or small grains as a nurse crop. The maximum acreage which may qualify under this item shall be limited to 40 percent of the sum of the 1942 acreages of the following crops on the farm: Soybeans for beans, peanuts for oil, flax, hemp, castor beans, sugar beets, dry field peas, dry beans, canning peas, and canning tomatoes.

2. Section 701.301 (i) (2) is amended by adding the following item to the list of crops and uses shown therein:

* * * * *

(2) *Minimum acreage of erosion-resisting crops.* * * * Winter legumes, ryegrass, and small grains (except wheat) seeded in the fall of 1942 on land from which peanuts are harvested in 1942. The maximum acreage which may qualify under this item shall be limited to 12½ percent of the cropland but not in excess of the amount by which the 1942 acreage of peanuts exceeds the 1942 peanut allotment.

Done at Washington, D. C., this 23d day of February 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-1596; Filed, February 23, 1942; 3:37 p. m.]

[1] 6 F.R. 4111, 5520, 5581, 6472, 7 F.R. 56, 57, 923.

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VII—PERSONNEL

PART 77—MEDICAL AND DENTAL ATTENDANCE[1]

§ 77.15 *Persons who may be admitted to Army hospitals*—(a) *General.* When suitable facilities for hospitalization are available, sick and injured persons enumerated in paragraph (b) of this section may be admitted to Army hospitals, except that admissions to the Army and Navy General Hospital, Hot Springs, Ark., and to the Fitzsimons General Hospital, Denver, Colo., will be governed by special provisions relating to those hospitals, as published in §§ 77.24 and 77.27, respectively.

(b) *List.* (1) Officers, Army nurses, warrant officers, cadets of the United States Military Academy, and enlisted men in the Army; also contract surgeons serving full time. The admission of retired personnel on inactive status will be limited to cases which, in the judgment of the commanding officer of the hospital, will be benefited by hospitalization for a reasonable time. Those requiring merely domiciliary care by reason of age or chronic invalidism will not be admitted. Officers on the Emergency Officers' Retired List and officers retired under the provisions of the act of April 3, 1939 (53 Stat. 557; 10 U.S.C. 456), are not admissible except under the provisions of subparagraphs (16) or (20) of this paragraph.

(2) Members of the Officers' Reserve Corps, and of the Enlisted Reserve Corps of the Army who suffer personal injury or contract disease while on active duty under proper orders; or who are injured while voluntarily participating in aerial flights in Government owned aircraft by proper authority as an incident to their military training, but not on active duty; or who are readmitted under proper authority for further treatment of injuries or diseases incurred in line of duty.

(3) Officers, warrant officers, and enlisted men of the National Guard who suffer personal injury or contract disease in line of duty while en route to or from, or during attendance at encampments, maneuvers, or other exercises, or at service schools, under the provisions of sections 94, 97, and 99 of the National Defense Act of June 3, 1916, as amended; or who suffer personal injury in line of duty when participating in aerial flights prescribed under the provisions of section 92 of the National Defense Act, as amended, and members of the National Guard of the United States who suffer injury or contract disease in line of duty while on active duty under proper orders; or who are readmitted under proper authority for further treatment thereof. Hospitalization must be authenticated in each case by the National Guard Bureau, subject to the report of a line of duty board convened by the camp or school commander, or the State adjutant general.

(4) Members of the Reserve Officers' Training Corps, and members of the Citizens' Military Training Camps who suffer personal injury or contract disease in line of duty while en route to or from, or during their attendance at camps of instruction under the provisions of the National Defense Act of June 3, 1916, as amended, or who are readmitted under proper authority for further treatment of the same.

(5) Officers, commissioned warrant officers, warrant officers, and enlisted men of the Navy or Marine Corps, and members of the Navy Nurse Corps, in active service or on retired, inactive, or leave (furlough) status, including enlisted men transferred to the Fleet Naval Reserve after 16 or more years of service, as follows:

(i) In active service. On the request of their commanding officers, or on their own request if the commanding officer of the hospital concerned deems their admission necessary. Whenever authority has not been received from the commanding officer of such active duty personnel, a report of hospitalization should be made immediately to the Bureau of Medicine and Surgery, Navy Department, Washington, D. C., and authorization for such hospitalization requested.

(ii) On inactive status. On the request of the proper representative of the Navy Department, or on their own request if their admission be deemed necessary by the commanding officer of the hospital concerned, provided beds are available in the hospital concerned. In emergency admissions involving personnel admitted from a leave (furlough) status, reports should be made immediately to the Bureau of Medicine and Surgery, Navy Department, Washington, D. C., and authorization for such hospitalization requested.

The admission of patients requiring merely domiciliary care by reason of age or chronic invalidism is not authorized.

(6) (i) Commissioned officers of the United States Public Health Service on active duty, disabled on account of sickness or injury, upon the individual officer's own written request.

(ii) Officers or employees of the United States Public Health Service on duty at any national quarantine station or on a national quarantine vessel, or detached for duty in foreign ports, suffering from sickness or injury, upon written authorization by a responsible officer of the United States Public Health Service.

(7) Officers, cadets, and enlisted men of the United States Coast Guard, on active duty, including those on shore duty, and those on detached duty, upon written authorization of the responsible Coast Guard officer.

(8) Commissioned officers, ship officers, and members of the crew of vessels of the United States Coast and Geodetic Survey, on active duty, including those on shore duty, and those on detached duty, upon written authorization of the responsible Coast and Geodetic Survey officer.

(9) The wife and dependent children of officers, warrant officers, and enlisted men, and other dependent members of the family when residing with such persons, provided, they are not legally dependent upon an individual not in the military service, requiring hospital treatment or isolation, when suitable accommodations for their care are available. Application in each case will be made to the commanding officer of the hospital concerned by the officer, warrant officer, or enlisted man with evidence, satisfactory to the commanding officer, showing the relationship, dependency, residence, and, also, the nature of the illness and the need for hospital treatment. Dependents of military personnel should not undertake travel to a military hospital without first ascertaining whether and when accommodations will be available. If the case is under the care or within the province of an attending surgeon of the Army, the application will be made by him; otherwise, it will be made direct.

(10) Civilian employees compensable by the United States Employees' Compensation Commission who suffer personal injury while in the performance of official duty, or who acquire a disease as a natural result of such injury, or who acquire an occupational disease in the performance of official duty, are entitled to hospitalization or treatment in conformity with circular letters issued from time to time by The Surgeon General.

(11) Any civilian employed at a military station and paid from an exchange, mess, company, or similar unit fund, provided civilian hospital service is not available.

(12) Recently discharged soldiers needing hospital treatment who arrive in the United States on Government transports may be sent to one of the military hospitals in the vicinity of the port of debarkation, and commutation of rations drawn for them while undergoing treatment.

(13) A civilian seaman or river boatman, only on a permit issued by a medical officer of the United States Public Health Service or by a customs officer, unless his condition demands immediate relief, when, in the discretion of the station commander, he may be admitted in advance of the receipt of the permit.

(14) An enrolled Indian who is a beneficiary of the Indian Service, upon written approval by the Office of Indian Affairs, Department of Interior, or, preferably, by the superintendent of the agency to which the Indian belongs, provided beds are available.

(15) Red Cross field directors and other officially recognized welfare workers on duty at military stations for treatment, on the status of officer patients.

(16) Beneficiaries of the United States Veterans' Administration may be admitted, in limited numbers, to certain designated Army hospitals upon request of the proper representatives of the United States Veterans' Administration.

(17) Prisoners of war, persons undergoing internment, and other persons in military custody or confinement.

(18) Civilian Conservation Corps enrollees and former enrollees when undergoing hospitalization at the expense of CCC funds, provided beds are available.

(19) Civilians not in the public service (other than those enumerated above) may be admitted only in case of extreme necessity, and when in the opinion of the commanding officer of the hospital or his authorized representative such admission is necessary to save life or prevent greater suffering. Under these circumstances, a written report will be submitted immediately to the post commander.

(20) Such other persons as may be designated by the Secretary of War.* [Par. 6]

*§§ 77.15 to 77.20, inclusive, issued under authority contained in R.S. 161; 5 U.S.C. 22.

§ 77.16 *Disposition of patients*—(a) *General.* Unless directed by higher authority, the commanding officer of a hospital will not order a patient discharged or transferred from the hospital until, in such commanding officer's opinion, the discharge or transfer in question would not endanger the life of the patient concerned. The commanding officer may appoint a board composed of three or more medical officers, to be known as a disposition board, to advise him in such cases as he considers necessary. The report of the disposition board will be forwarded with his recommendations to higher authority in appropriate cases. For disposition of the insane see §§ 76.1 and 76.2 and AR 600-505.[2]

(b) *Discharge.* (1) Persons other than those in the public service will, in the discretion of the commanding officer of the hospital, be discharged from hospital upon completion of hospital treatment.

(2) Civilians admitted to Army hospitals as patients must, in all particulars, conform to the rules and regulations governing the operation of such hospitals, and, in the event of failure or refusal to comply therewith, the patient at once becomes liable to discharge from the hospital in the discretion of the commanding officer. A patient so discharged from hospital for disregard or disobedience of rules and regulations will be refused admission thereto or to any other Army hospital within 90 days after such discharge, except when, in the opinion of the commanding officer, earlier admission is necessary to save life or to prevent extreme suffering. Whenever beneficiaries of the United States Veterans' Administration are discharged from hospital under the preceding conditions, the commanding officer of the hospital involved will forward to the Director of the United States Veterans' Administration, through the regional manager, a report giving the reasons for the patient's discharge, together with his full name and address, and condition at the time of discharge.

(c) *Transfer.* Patients may be transferred, under proper military authority, from one hospital to another, for observation or to obtain better treatment or hospital accommodations. See AR 40-600.[3]

(d) *Discharge of members of civilian components.* Members of the civilian components, hospitalized or rehospitalized under provisions of § 77.15 (b) (2), (3), or (4) for personal injury or for disease requiring treatment after expiration of the period of active duty during which contracted, will be brought before boards of medical officers for final disposition when hospital treatment is no longer necessary, or when discharged upon their own request before maximum improvement has been reached. The medical boards acting on cases of individuals remaining in hospital subsequent to completion of the period of active duty in which their disability was incurred will recommend the final disposition of the patients, and will incorporate in the proceedings the diagnosis, line of duty status, physical condition on completion of hospitalization, statement that further hospitalization is not required, and a concise medical history of the case. If further medical or surgical treatment will be required after return home, the reasons therefor, and the probably duration of such treatment will be included in the proceedings. Arrangement for such treatment as is required after return home will be made by the local commanding officer in accordance with § 77.3, and with the approval of the corps area commander. The proceedings of the disposition board will be forwarded in duplicate to the corps area commander, stating the date upon which hospitalization was terminated, and, in the case of Reserve personnel, will be accompanied by the report of physical examination made by the board of W.D., A.G.O. Form No. 63 (Report of Physical Examination). Any claim for injuries sustained while en route to or from, or while at camps of instruction will be acted on by a board of officers convened by the military commander having immediate jurisdiction.* [Par. 7]

§ 77.17 *Patients' effects*—(a) *General.* These provisions have particular application to and are intended to cover the ordinary requirements of peacetime conditions. In time of war, when large numbers of patients are being received daily, strict adherence to the procedures herein prescribed may be impracticable; therefore, such deviations as the commanding officer of the hospital concerned may deem necessary may be made to assure the safeguarding of patients' effects.

[1] §§ 77.15 to 77.21 are superseded. The regulations contained in §§ 77.15 to 77.20 are also contained in AR 40-590, dated February 2, 1942, the particular paragraphs being shown in brackets at the end of sections.

[2] Administrative regulations of the War Department relative to Army Commitment Boards.

[3] Administrative regulations of the War Department relating to hospitals.

(b) *Responsibility.* The commanding officer of a hospital is responsible that due care is observed in safeguarding the money, valuables, clothing, and other effects of patients admitted to hospital. The registrar ordinarily will be the custodian of money and valuables turned over to the hospital by patients for safekeeping.

(c) *Money and valuables.* Patients will be informed by the admitting officer that the hospital will receive, for safekeeping, money and valuables, including watches, trinkets, personal papers, keepsakes, etc., and that receipts will be given for such articles by a commissioned officer. In case the patient is unconscious, he will be searched by the admitting officer, in the presence of a witness, for money and valuables, which will be receipted for by a commissioned officer and properly safeguarded. Money and valuables will be received and receipted for without condition or other evasion of complete responsibility by the commanding officer or by an officer designated by him. Money and valuables of considerable intrinsic value, such as watches and jewelry, will be deposited in a bank or locked in the hospital safe. Articles of lesser value may be stored in locked compartments in a well safeguarded storeroom. Enlisted men are forbidden to receive money or other valuables from patients for safekeeping. When a patient is discharged, transferred, dies, or deserts, his money and other valuables will be disposed of as prescribed for the disposition of effects other than public property.* [Par. 8]

§ 77.18 *Subsistence and other charges for patients—(a) Subsistence charges; rates.* The following is the schedule of rates for subsistence charges for patients in Medical Department establishments (except the Army and Navy and the Fitzsimons General Hospitals), who are not entitled to commutation of rations under the provisions of Army Regulations. Rates for patients in the Army and Navy and the Fitzsimons General Hospitals will be found in § 77.24 and § 77.27, respectively.

(1) For officers, Army nurses, warrant officers, and cadets of the United States Military Academy, $1 a day, except in mobile hospital units, where the rate will be an amount equal to the commutation rate prescribed in Army Regulations. Retired enlisted men who have been advanced on the retired list to commissioned or warrant grades under the provisions of the act of Congress approved May 7, 1932, will be subsisted as officer patients unless they elect to be subsisted on enlisted status. See subparagraph (4) of this paragraph.

(2) For officers, commissioned warrant officers, and warrant officers of the Navy and Marine Corps, active or retired, and for active and retired members of the Navy Nurse Corps, the same rates as prescribed for officers of the Army in subparagraph (1) of this paragraph.

(3) For retired enlisted men of the Army and for enlisted men of the Navy and Marine Corps, active or retired, an amount per day equal to the commutation rate prescribed in Army Regulations.

(4) For civilians in the status of officers $1.25 a day for civilians in the status of enlisted men, the same rate as that prescribed for enlisted patients plus 10 cents a day, except that in the Philippines the commanding general may prescribe such special reduced rates for Filipino civilians as will cover the cost of their subsistence. The surgeon will determine in each case, subject to instructions from higher authority, whether civilian patients will be on the footing of officers or of enlisted men.

(5) When necessary to protect the hospital fund at stations in Alaska against actual loss, the station commander may prescribe an additional charge for each patient not to exceed 25 cents a day, except in the case of retired enlisted men of the Army, Navy, and Marine Corps.

(b) *Medicine charges; rates.* Per diem charges of 50 cents for medicines and dressings will be collected from civilian employees and other civilians who are patients in Medical Department establishments and who are not entitled to medical relief at the expense of public funds.* [Par. 12]

§ 77.19 *Civilian hospital employees—(a) General.* The employment of civilians necessary for the proper care of sick officers and enlisted men is authorized in the annual appropriations "Medical and Hospital Department" under such regulations fixing their number, qualifications, assignment, pay, and allowances as may be prescribed by The Surgeon General with the approval of the Secretary of War.

(b) *Number and assignment.* The number and assignment of civilians employed for the proper care of the sick will be determined by The Surgeon General for hospitals within the continental limits of the United States, and by the department or expeditionary force surgeons under instructions of The Surgeon General for hospitals beyond the continental limits of the United States.

(c) *Qualifications.* The employment of hospital employees is subject to the requirements of the Civil Service Commission under the procedure established by the Civil Service Act and rules.

(d) *Appointment, promotion, demotion, suspension, and discharge.* Hospital employees will be appointed, promoted, demoted, suspended without pay, and discharged under the provisions of such regulations as The Surgeon General may from time to time prescribe with the approval of the office of the Secretary of War and the Civil Service Commission.

(e) *Rations.* Whenever it is found necessary or deemed desirable, civilian employees, irrespective of their rate of pay, may be either furnished meals at the hospital, or, by special authority of The Surgeon General in exceptional circumstances, furnished with a ration in kind: *Provided*, That deductions are taken from their pay for such subsistence or ration, or that reimbursement in cash is received. Civilian employees permitted or required to take meals regularly at the hospital will have appropriate deductions made from their gross compensation. Civilian employees permitted to take an occasional meal at the hospital will make reimbursement to the hospital fund in cash. The deductions for subsistence will be made according to the evaluation set forth in AR 35-3840. The cash value of subsistence furnished will be determined by The Surgeon General.

(f) *Quarters.* Such quarters as may be available will be furnished for the use of employees whose constant presence at the hospital is necessary or appropriate.* [Par. 13]

§ 77.20 *Laundry—(a) General.* The hospital laundry will consist of—

(1) The linen, clothing, and bedding belonging to the Medical Department.

(2) The washable clothing of Army nurses and enlisted men while patients in the hospital.

(3) The white coats and trousers of enlisted attendants.

(4) The uniforms of Army nurses and of civilian nurses, paid from Veterans' Administration or Civilian Conservation Corps funds, employed in the hospital.

(5) Washable clothing of civilian attendants when their contracts of employment entitle them to this service.

(b) *Purchase from commercial sources.* Any excess laundry service required at hospitals with laundries, and the entire laundry service at other hospitals, and at dispensaries, unless otherwise provided for under special instructions from The Surgeon General, will be purchased from commercial sources as prescribed in paragraph (c) of this section.

(c) *Instructions governing purchases—(1) General provisions.* For general instructions governing the contracts for or the purchase of laundry services, see §§ 81.1 to 81.9. The paragraphs thereof defining supplies as including nonpersonal services (such as laundry service), prescribing the duties of contracting officers, citing general laws, directing how purchases will be made, prescribing the forms to be used, and indicating the offices of permanent record for various purchase papers should be given special attention.

(2) *Periods for which purchases are to be made and estimates of services required.* Ordinarily, laundry services will be purchased for one entire fiscal year. Under special conditions, they may cover other periods within one fiscal year, but in no case will a purchase cover services in different fiscal years. Decision having been made as to this period, an estimate will be prepared to show, for each different piece of laundry, the quantity thereof which will probably be required to be laundered during the future period. This estimate will be based upon the total services which have been required by the hospital or dispensary concerned for the preceding 12 months, or based upon the average monthly service required in the case of large general hospitals. Applying to the above estimate the unit prices being paid under the current contract or, in the absence of such, local commercial prices for laundry service, an estimate of the total money value of the future services required will be made.* [Par. 14]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-1595; Filed, February 23, 1942; 1:15 p. m.]

PART 78—DECORATIONS, MEDALS, RIBBONS, AND SIMILAR DEVICES[1]

AMERICAN DEFENSE SERVICE MEDAL

§ 78.40 *American Defense Service Medal; how earned—(a) Service required.* The Secretary of War has authorized the issuance of American Defense Service Medals to military personnel for honorable service by those who entered upon a period of active Federal service of 12 months or longer and who in the discharge of such service served at any time between September 8, 1939, and December 7, 1941, both dates inclusive.

(b) *Organizations in which service required.* (1) American Defense Service Medals are awarded for rendition of the prescribed service in any one or more of the following only:

(i) Regular Army, including the Philippine Scouts and the Regular Army Reserve while serving on active duty.

(ii) Volunteer forces duly mustered into the Federal service.

(iii) National Guard called or ordered into the Federal service.

(iv) Organized Reserves, including the Enlisted Reserve Corps, while serving on active duty to which ordered or on which placed by the President.

(2) An American Defense Service Medal will not be awarded by the War Department for service in any one or more of the following:

(i) United States Navy.
(ii) United States Marine Corps.
(iii) United States Coast Guard.
(iv) National Guard not called or ordered into Federal service.
(v) Philippine Constabulary.
(vi) Home defense organizations.

(c) *Bronze stars.* Bronze stars will be awarded for wear on the suspension ribbons of the medals in cases where personnel were exposed to hostile attack during the period for which the medal may be awarded, one star for each separate hostile attack. *[Pars. 2, 3, 4, and 5]

*§§ 78.40 to 78.44, inclusive, issued under authority contained in E.O. No. 8808, (6 F.R. 3209), and 45 Stat. 500, 47 Stat. 158; 10 U.S.C. 1415a, 1415b.

§ 78.41 *Award of medals—(a) Limitation on number of medals awarded.* Not more than one American Defense Service Medal will be awarded to any individual regardless of the number of periods of honorable active service rendered subsequent to September 7, 1939.

(b) *Original supply.* Original issue of American Defense Service Medals, accompanying ribbons, and lapel buttons will be made gratuitously.

(c) *To whom furnished.* American Defense Service Medals are furnished only to—

(1) Members and former members of the Army who have rendered the required service.

(2) Next of kin of those deceased who shall have rendered the required service. By next of kin is meant the first of the following who are living: widow (if not remarried), eldest son, eldest daughter, father, mother, eldest brother, eldest sister, eldest grandchild.

(d) *By whom furnished; method of delivery.* (1) American Defense Service Medals are furnished by the quartermaster of the nearest military post or station upon requisition therefor submitted by organization commanders or other officers of the Army who are in custody of records upon which such awards may be based.

(2) Officers, warrant officers, nurses, enlisted men, and other personnel of the Army detached from commands and at places where a supply of the medals is not available will make application for the medal on W.D., A.G.O. Form No. 0714 to The Adjutant General, Washington, D. C.

(3) Officers, warrant officers, nurses, enlisted men, and other personnel of the Army who have been honorably separated from the Army or returned to an inactive status should make application for the medal on W.D., A.G.O. Form No. 0714 to The Adjutant General, Washington, D. C.

(4) In case an individual dies before delivery has been made to him of an American Defense Service Medal the medal will be returned to the issuing quartermaster for cancellation or delivery to the next of kin, as the case may be.* [Pars. 6, 7, 8, and 9]

§ 78.42 *Action to be taken in case of loss.* In case of loss of an American Defense Service Medal, the loser will at once make all reasonable efforts to recover it. If in the service he will also inform his immediate commanding officer, who will cause an investigation to be made with a view to determining the circumstances of loss and with a view to recovering the medal.* [Par. 12]

§ 78.43 *Duplicates—(a) When furnished.* Under authority contained in the act of May 12, 1928 (45 Stat. 500; 10 U.S.C. 1415b), a duplicate of an American Defense Service Medal will be furnished in case the original has been lost, destroyed, or rendered unfit for use without fault or neglect on the part of the person to whom originally presented.

(1) *By gratuitous issue.* To persons in the military service.

(2) *By sale.* To all others.

(b) *How obtained—(1) Application for; when made.* In the cases of persons in the military service, and in other cases when the loss is the result of fire, tornado, earthquake, shipwreck, or similar catastrophe, application may be made immediately; otherwise, the application should not be made until after the lapse of 3 months.

(2) *To whom application addressed.* Applications should be addressed to The Adjutant General.

(3) *Forms of application.* (i) If from a person in the military service, the application will be in the form of a letter.

(ii) If from a person not in the military service, it will be on a blank form furnished by The Adjutant General.

(4) *Matter to accompany application.* In any case the application will be supported by proof in the form of an affidavit setting forth the circumstances attending the loss or destruction, showing that such loss or destruction was without fault or neglect on the part of the applicant, and what efforts, if any, were made toward recovery.

(5) *How application forwarded.* (i) If the application is from a person in the military service, it will be forwarded through military channels to The Adjutant General together with recommendations as to issue of a duplicate.

(ii) If from a person not in the military service, it will be forwarded direct to The Adjutant General.

(c) *Purchase from authorized dealers.* If the applicant so desires, he may purchase a duplicate American Defense Service Medal from any of the individuals, firms, or corporations authorized under the provisions of §§ 7.1 to 7.9 of this title to sell or manufacture and sell service medals, etc., by exhibiting some official paper or document, such as a discharge certificate or true copy thereof, or a letter from an officer of the War Department or other official document containing a definite proof of his authority to wear the American Defense Service Medal.* [Par. 13]

§ 78.44 *Exhibition purposes.* Upon approval by the Secretary of War, samples of American Defense Service Medals awarded by the War Department will be furnished at cost prices, plus transportation and packing charges (except to the War Department or a governmental agency), to museums, libraries, historical, numismatic, and military societies, or institutions of such a public nature as will insure an opportunity to the public to view the exhibits. Except for a War Department or a governmental agency exhibit, all sample American Defense Service Medals so furnished will be engraved at the expense of the purchaser with the words "For exhibition purposes only."* [Par. 14]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-1553; Filed, February 21, 1942; 11:11 a. m.]

[1] §§ 78.40 to 78.44 are added.

TITLE 12—BANKS AND BANKING

CHAPTER II—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 204—RESERVES OF MEMBER BANKS

Part 204 is amended in the following respects, effective with the reserve computation period beginning February 28, 1942:

Section 204.3 (a) is changed to read as follows:

§ 204.3 *Deficiencies in reserves—(a) Computation of deficiencies.* (1) Deficiencies in reserve balances of member banks in central reserve cities and in reserve cities shall be computed on the basis of average daily net deposit bal-

ances covering weekly periods. Deficiencies in reserve balances of other member banks shall be computed on the basis of average daily net deposit balances covering semimonthly periods.'

(2) In computing such deficiencies the required reserve balance of each member bank at the close of business each day shall be based upon its net deposit balances at the opening of business on the same day; and the weekly and semimonthly periods referred to in subparagraph (1) of this paragraph shall end at the close of business on days to be fixed by the Federal Reserve banks with the approval of the Board of Governors of the Federal Reserve System.

Section 204.4 is changed to read as follows:

§ 204.4 *Loans and dividends while reserves are deficient.* It is unlawful for any member bank the reserves of which are deficient to make any new loans or pay any dividends unless and until the total reserves required by law are fully restored, and the payment of penalties for deficiencies in reserves does not exempt member banks from this prohibition of law. As provided in § 204.3, penalties for deficiencies in reserves are computed on the basis of the average reserve balances for weekly or semimonthly periods; but this prohibition of law applies whenever the reserves are deficient for one day or more, regardless of whether or not the average reserve balances for the weekly or semimonthly period are deficient. (Sec. 11 (c), (e), (i), 38 Stat. 262, sec. 10, 40 Stat. 239, sec. 4, 40 Stat. 970, sec. 207, 49 Stat. 706, sec. 324, 49 Stat. 714; 12 U.S.C. 248 (c), (e), (i), 462, 466, 12 U.S.C., Sup., 462b, 461, 462a1, 465)

Board of Governors of the Federal Reserve System.

[SEAL] S. R. CARPENTER,
Assistant Secretary.

[F. R. Doc. 42-1597; Filed, February 23, 1942; 4:16 p. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendments 40-8, 40-9, Civil Air Regulations]

PART 40—AIR CARRIER OPERATING CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 10th day of February, 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective March 6, 1942, Part 40 of the Civil Air Regulations is amended as follows:

1. By striking §§ 40.4 to 40.79, inclusive, and inserting in lieu thereof the following:

§ 40.4 *Air carrier operating certificate.*

§ 40.40 *Application for and issuance of air carrier operating certificate.* (a) Application for an air carrier operating certificate shall be made upon the applicable forms prescribed and furnished by the Administrator.

(b) An air carrier operating certificate may be issued by the Administrator to an applicant after approval of application made and proof submitted in connection therewith, if the Administrator finds, after investigation, that such person is properly and adequately equipped and able to conduct a safe operation in accordance with the requirements of the Act and the applicable rules, regulations and standards prescribed thereunder for such operation.

§ 40.41 *Display.* The air carrier operating certificate shall be presented for inspection upon the request of any duly authorized representative of the Administrator or Board.

§ 40.42 *Duration.* An air carrier operating certificate shall be of indefinite duration unless cancelled, suspended, or revoked.

§ 40.43 *Surrender.* Upon the cancellation, suspension, or revocation of an air carrier operating certificate, or part thereof, the holder shall, upon request, surrender such certificate, or part thereof, to any officer or employee of the Administrator.

§ 40.44 *Non-transferability.* An air carrier operating certificate is not transferable except with the written consent of the Administrator.

§ 40.45 *Inspection.* A duly authorized representative of the Administrator shall be permitted at any time and place to make such inspection or examination as may be deemed necessary to determine the operator's compliance with the requirements of the Civil Air Regulations and the Civil Aeronautics Act of 1938, as amended.

§ 40.46 *Amendment.* Application by the air carrier to amend the air carrier operating certificate shall be made upon the applicable form prescribed and furnished by the Administrator.

2. By amending the Table of Contents of Part 40 to conform with paragraph No. 1 of this amendment.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1547; Filed, February 21, 1942; 9:47 a. m.]

[Amendment 60-53, Civil Air Regulations]

PART 60—AIR TRAFFIC RULES

AIR CARRIER OPERATING CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 10th day of February, 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective March 6, 1942, Part 60 of the Civil Air Regulations is amended as follows:

By striking from the first paragraph of § 60.351 the words "competency letters" and inserting in lieu thereof the words "air carrier operating certificate."

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1548; Filed, February 21, 1942; 9:47 a. m.]

[Amendments 61-21 through 61-31, Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES

AIR CARRIER OPERATING CERTIFICATES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 10th day of February, 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective March 6, 1942, Part 61 of the Civil Air Regulations is amended as follows:

1. By striking § 61.00 and inserting in lieu thereof a new section to read as follows:

§ 61.00 *Certificate required.* No air carrier shall operate aircraft in scheduled interstate air transportation within the continental limits of the United States carrying mail, goods or persons, or any combination thereof unless such air carrier is possessed of a valid air carrier operating certificate issued by the Administrator of Civil Aeronautics.

2. By striking § 61.01 and inserting in lieu thereof the following:

§ 61.01 *(Unassigned).*

3. By amending § 61.10 to read as follows:

§ 61.10 *Service performed.* No scheduled air carrier shall perform or render any service, as related to the carriage of mail, goods or persons, or to day or night operation, until rated competent to render such service in the air carrier operating certificate issued by the Administrator.

4. By amending § 61.20 to read as follows:

§ 61.20 *Route operation.* No scheduled air carrier shall operate over any route or part thereof until rated competent to operate thereover in the air carrier operating certificate issued by the Administrator.

5. By striking the phrase "route competency letter" in §§ 61.21, 61.22, 61.23, and 61.24 and inserting in lieu thereof the phrase "air carrier operating certificate".

6. By striking the phrase "an appropriate competency letter" in § 61.24 and inserting in lieu thereof the phrase "the air carrier operating certificate".

7. By amending § 61.30 to read as follows:

§ 61.30 *Aircraft operation.* No scheduled air carrier shall operate any aircraft until rated competent with respect thereto in the air carrier operating certificate issued by the Administrator.

8. By striking the phrase "aircraft and maintenance competency letters" in § 61.3500 and inserting in lieu thereof the phrase "air carrier operating certificate".

9. By striking the phrase "the current maintenance competency letter" in § 61.41 and inserting in lieu thereof the phrase "that portion of the air carrier operating certificate pertaining to maintenance".

10. By amending § 61.453 (d) to read as follows:

§ 61.453 (d) Any data not issuing from the Administrator may be changed by the operator without the approval of the Administrator, provided such change is not inconsistent with any Federal regulation, the air carrier operating certificate, or safe maintenance practice. Notice of such change shall be promptly given in accordance with § 61.450.

11. By striking the last sentence of § 61.50.

12. By striking the phrase "airmen competency letter" in §§ 61.511, 61.513, 61.552, and 61.7100 and inserting in lieu thereof the phrase "air carrier operating certificate".

13. By amending § 61.55304 (e) to read as follows:

§ 61.55304 (e) He shall be familiar with all portions of the air carrier operating certificate pertaining to enroute operations and airport specifications for the route or part thereof for which qualification is sought.

14. By striking the phrase "route and weather competency letter" in § 61.55316 (q) and inserting in lieu thereof the phrase "air carrier operating certificate".

15. By striking the phrase "airmen competency letter" in § 61.554 and inserting in lieu thereof the phrase "operating certificate".

16. By striking the phrase "weather competency letter" in §§ 61.555, 61.71070 (a), 61.71071 (b), 61.71080, 61.71090, 61.71091, 61.71092, 61.7208, 61.7300, 61.7301, 61.750, 61.751, and 61.761 and inserting in lieu thereof the phrase "air carrier operating certificate".

17. By striking the phrase "letter of competency" in § 61.7110 and inserting in lieu thereof the phrase "air carrier operating certificate".

18. By striking the phrase "competency letters" in § 61.742 and inserting in lieu thereof the phrase "air carrier operating certificate".

19. By amending § 61.810 (a) to read as follows:

§ 61.810 (a) A copy of that portion of the air carrier operating certificate pertaining to enroute operations and airport specifications,

20. By amending § 61.850 (a) to read as follows:

§ 61.850 (a) Any change issuing from the Administrator pertaining to that portion of the air carrier operating certificate covering enroute operations and airport specifications shall be promptly incorporated in the operations manual and a copy thereof sent, in the form of a new page of such manual, to each person required to hold a copy of the manual. Each amended page of the manual shall be properly dated.

21. By striking §§ 61.852 (c) and 61.853 (d) and inserting in lieu thereof the following:

§ 61.852 (c) Any data not issuing from the Administrator may be changed by the operator, without approval of the Administrator, providing such change is not inconsistent with any Federal regulation or the air carrier operating certificate. Notice of any such change shall be given promptly in accordance with the provisions of § 61.850.

22. By amending the Table of Contents of Part 61 to conform with paragraphs Nos. 1, 2, 3, 4, and 7 of this amendment.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1546; Filed, February 21, 1942; 9:47 a. m.]

[Orders, Serial Number 1561]

PART 202—ACCOUNTS, RECORDS AND REPORTS

UNIFORM SYSTEM OF ACCOUNTS FOR DOMESTIC AIR CARRIERS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of February 1942.

The Civil Aeronautics Board, on January 21, 1942, having promulgated an amendment of section 202.2 of the Economic Regulations relating to Forms of Accounts for Air Carriers; and

It appearing to the Board that certain amendments to the Uniform System of Accounts for Domestic Air Carriers[1] therein prescribed are now necessary to clarify the intention of the Board with respect thereto; and

The Board finding that its action is in the public interest and is necessary to carry out the provisions of the Civil Aeronautics Act of 1938, as amended, and to enable the Board to exercise and perform its powers and duties under that Act;

It is ordered, That the Uniform System of Accounts for Domestic Air Carriers be and the same is amended as set forth in Exhibit A attached hereto.[2]

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1627; Filed, February 24, 1942; 11:22 a. m.]

[Regulations, Serial No. 206]

PART 248—INTERLOCKING DIRECTORS AND OFFICERS

APPROVALS OF INTERLOCKING RELATIONSHIPS

Adopted by the Civil Aeronautics Board at its office in Washington, D. C., on the 18th day of February, 1942.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 409 (a) thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

Effective March 10, 1942, § 248.1 of the Economic Regulations is hereby amended in its entirety to read as follows:

§ 248.1 *Approvals of interlocking relationships*—(a) *Application.* If approval by the Board is desired of an interlocking relationship which would otherwise be prohibited by section 409 (a) of the Act (hereinafter referred to as an "interlocking relationship"), an application for such approval shall be filed with the Board by the individual (hereinafter referred to as the "individual applicant") occupying or seeking to occupy the interlocking relationship, and by each air carrier (hereinafter referred to as the "air carrier applicant") in which such individual holds or seeks to hold the position of officer or director. At their election such applicants may join in a single application. If separate applications are submitted it is desirable that all shall be filed at the same time. An application may incorporate by specific reference current information contained in another application in the same matter or in any document then on file with the Board.

(b) *Formal requirements.* Applications filed pursuant to this section shall conform generally to the outline set forth in paragraph (c) hereof and to the requirements of rule 3 of § 285.1 of the Economic Regulations, with the additional requirement that each individual verifying the application shall include in his verification a statement that

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[1] Deficiencies in reserve balances of member banks in outlying sections of central reserve and reserve cities which have been authorized by the Board of Governors of the Federal Reserve System, under the provisions of § 204.2 (a), to maintain seven per cent reserves against demand deposits, will also be computed on the basis of average daily net deposit balances covering semimonthly periods.

[1] 7 F.R. 500.

[2] Filed as part of the original document.

he has personally made a careful investigation of the proposed interlocking relationship and that the application includes all of the information required by this section of the Economic Regulations and that it contains no misleading statement and does not omit information which would tend to show that the public interest would be adversely affected by the existence of the proposed interlocking relationship. If a joint application is filed it shall be verified by the individual applicant and by a responsible officer of each air carrier applicant. However, any individual verifying any such joint application may disclaim responsibility for any statements therein except statements concerning matters which are peculiarly within his knowledge. In any such case, however, every allegation contained in the application shall be verified by one or more qualified individuals.

(c) *General provisions concerning contents.* Each application (except one filed pursuant to paragraph (d) hereof) shall, among other things, include the following information;

(1) the full name, place of residence and citizenship of the individual applicant.

(2) The name and address of the major business or professional activity of the individual applicant.

(3) A complete description of the interlocking relationship for which approval is sought, as well as a description of any other interlocking relationship occupied by the individual applicant which has been approved by the Board. This description shall include the date and manner of the individual applicant's election or appointment to the position or positions which he occupies or seeks to occupy, and shall state the name or names of the persons primarily responsible, directly or indirectly, for his election or appointment. It shall also include a statement of his present or contemplated duties in connection with the interlocking relationship for which approval is sought and the approximate amount of time devoted or expected to be devoted thereto.

(4) The name of the person or persons, if any, whom the individual applicant represents or will represent on the board of directors of each air carrier applicant, together with a statement as to any financial interest held by such person or persons in any air carrier, common carrier, person engaged in any phase of aeronautics otherwise than as an air carrier, or person whose principal business, in purpose or in fact, is the holding of stock in, or control of any other person engaged in any phase of aeronautics.

(5) The name and address of each business (including but not limited to corporations, partnerships, trusts, etc.) of which the individual applicant is an officer, director, partner, trustee, receiver, manager, attorney, agent, or controlling stockholder or employee, the general character of each such business and a description of the individual applicant's financial interest therein.

(6) A complete description of any benefit and of the amount of and basis for any money or thing of value (i) received by the individual applicant during the last year from each air carrier applicant and from any person with whom the individual applicant has or seeks to have an interlocking relationship, whether for services, reimbursement of expenses or otherwise, and (ii) which the applicant contemplates receiving from any such person during the continuance of the interlocking relationship.

(7) The names and titles of all officers and directors of each air carrier applicant, and of each person with whom the individual applicant has or seeks to have an interlocking relationship.

(8) With respect to each officer and director (including the individual applicant) of each air carrier applicant, a statement that the information contained in the most recent reports filed with the Board pursuant to § 280.1 of the Economic Regulations for each of such individuals is the same as of the date within 30 days of the filing of the application pursuant to this section, or, if such information has changed, a statement setting forth the details of such changes. If no such report is on file with respect to any such officer or director (including the individual applicant), it shall be filed concurrently with the application pursuant to this section.

(9) The name of each stockholder, but not exceeding the twenty largest stockholders of each air carrier applicant, holding 1 per centum or more of the voting capital stock of at least one air carrier applicant, and the name of each person with whom the individual applicant has or seeks to have an interlocking relationship, together with the number of shares of each class of stock held by each of such stockholders and the percentage which such shares bear to the total authorized and outstanding number of shares of the same class. If all or any part of such shares are held for the account of any person other than the holder the names of such other persons shall be disclosed.

(10) A description of the shares of stock or other interests held by each air carrier applicant for its account in persons other than itself.

(11) A full description of any professional, financial or other business transactions or arrangements which have been entered into within one year prior to the date of the filing of the application by each air carrier applicant with the individual applicant and by each air carrier applicant or individual applicant with any person with whom the individual applicant has or seeks to have an interlocking relationship, together with a full statement as to any such transactions or arrangements which it is contemplated may be entered into while such interlocking relationship continues.

Each application shall state fully such further facts as the applicants respectively deem desirable in order to show that the public interest will not be adversely affected by the approval by the Board of the interlocking relationship.

(d) *System of affiliated and subsidiary companies.* In the event that an individual occupies or seeks to occupy an interlocking relationship falling within the purview of section 409 (a) of the Act which involves only the holding by him of the position of officer or director in two or more companies within the same system of affiliated and subsidiary companies (as hereinafter defined), an application for approval of such relationships need not comply with the requirements of paragraph (c) (11), of this section, but shall comply with all other requirements of that paragraph. Such application shall also include:

(1) Such information as is necessary to disclose the fact that the companies in which the individual applicant occupies or seeks to occupy the interlocking relationships are members of the system of affiliated and subsidiary companies as defined herein, and

(2) A statement that the individual applicant does not occupy or seek to occupy any interlocking relationship falling within the purview of section 409 (a) of the Act other than those within the same system of affiliated and subsidiary companies.

The individual applicant may include in any application made by him pursuant to this regulation a request for an order authorizing him to hold generally, in addition to the positions so specifically requested, directorships or offices within the same system of affiliated and subsidiary companies, and it shall not be necessary to file a separate application with respect to each such relationship. Any applicant assuming a directorship or office pursuant to such authorization shall, not later than 15 days after assuming such directorship or office, make or cause to be made a full and complete report thereof to the Board. As used in this regulation, the term "system of affiliated and subsidiary companies" shall include only a specified company and those companies of which it, directly, or indirectly, through one or more intermediate companies, owns 50 per centum or more of the voting capital stock issued by such companies.

(e) *Supplements.* Applicants under this section shall, upon requests of the Board and within such time as may be allowed, supplement any application with such information as may be required by the Board. In the event of any substantial change in the information set forth in the application prior to a decision by the Board upon such application, either by reason of the individual applicant's election or appointment to another position or positions involving an interlocking relationship or otherwise, the application shall be supplemented by such information as will fully describe such change. Such supplements shall comply with the formal requirements of paragraph (b) hereof.

(f) *Uninterrupted tenure.* After the individual applicant has been authorized by the Board to hold a particular position, further application in connection with each successive term will not be required so long as he continues in uninterrupted tenure of such position, except as may be ordered by the Board.

(g) *Notice of changes.* In the event of the individual applicant's resignation, withdrawal or failure of reelection or reappointment with respect to any of the positions for which authorization has been granted by the Board or in the event of any other material or substantial change therein, the individual and each air carrier applicant shall promptly and not more than thirty days after any such change occurs give notice thereof to the Board, setting forth fully the details of any such change. Such notices shall comply with the formal requirements of paragraph (b) hereof, except that the verification may be in simple form.

(h) *Extent of authorization.* An order by the Board authorizing an individual applicant to hold the position of director of a company will be construed as sufficient to authorize him to serve also as chairman of the board of directors or as a member or chairman of any committee or committees of such board.

(i) *Revocation of authorization.* Any order issued by the Board pursuant to section 409 (a) of the Act shall be subject to revocation in whole or in part by the Board at any time if it deems that the public interest will be adversely affected by the holding by the individual applicant of any or all of the positions authorized to be held by such order. If any individual or air carrier applicant knowingly or wilfully withholds any information called for by this regulation or any other information which may be material or relevant to the application, or misrepresents facts disclosed in the application, such omission or misrepresentation may be considered sufficient cause for the immediate revocation of any such order.

(j) *Effect of order.* No order of the Board entered in connection with any application filed pursuant to this regulation shall constitute approval by the Board of any interlocking relationship which was not fully disclosed.

(k) *Reports.* An individual occupying an interlocking relationship pursuant to authorization of the Board may be required to file such periodic or special reports as the Board may deem necessary.

(l) *Effect of regulation on prior applications.* Any application filed prior to the effective date of this regulation shall not be subject to the provisions of this regulation, except to the extent that the Board may, by appropriate request, in particular cases require compliance with any specific provision or provisions hereof.

(m) *Procedure governing disposition of applications.* (1) Each application will be docketed as received and applicants will be advised of the docket number assigned thereto.

(2) If the Board is convinced by the application and its consideration and investigation thereof that applicants have made a due showing that the public interest will not be adversely affected by the interlocking relationships for which approval is sought, an order of approval will be entered.

(3) If the Board is not convinced that applicants have made a due showing, applicants will be advised to that effect by letter. Thereupon applicants may file with the Board a petition in the proceeding for leave to withdraw the application; may request that the application be assigned for hearing; or may submit, within a reasonable time to be fixed by the Board, such additional information as they believe will result in a due showing.

(4) In the event additional information is submitted, the Board reserves the right to assign the application for hearing on its own initiative or to enter an order of approval or an order of disapproval in accordance with its determination that a due showing has or has not been made.

(5) The Board further reserves the right to vary the procedure herein set forth insofar as necessary or desirable in disposing of any particular application. (Secs. 205 (a), 409 (a), 52 Stat. 984, 1002; 49 U.S.C., 425 (a), 489 (a))

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1567; Filed, February 23, 1942; 8:50 a. m.]

CHAPTER II—ADMINISTRATOR OF CIVIL AERONAUTICS, DEPARTMENT OF COMMERCE

PART 600—DESIGNATION OF CIVIL AIRWAYS

FEBRUARY 6, 1942.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend the designation of civil airways as follows:

1. By striking Part 300 of the Regulations of the Administrator of Civil Aeronautics, "Designation of Civil Airways".

2. By adopting the following regulations:

§ 600.1 *Civil airway designation.* The following described paths through the navigable airspace of the United States are suitable for interstate, overseas, or foreign air commerce and are hereby designated as civil airways:

§ 600.10 *Scope.* (a) Each civil airway shall include the navigable air space of the United States above all that area on the surface of the earth lying within 10 miles of the center line prescribed for each such airway, but shall not include any of the air space of an air-space reservation set apart as provided in section 4 of the Air Commerce Act of 1926.

(b) The center line of each civil airway shall be a line extended in the manner hereinafter prescribed through the center of the points specified for such airway.

§ 600.100 *Green civil airways:*

§ 600.10000 *Green civil airway No. 1 (United States-Canadian Border to Forest City, Maine).* From the intersection of the center line of the on course signal of the east leg of the Megantic, Quebec, Canada, radio range and the United States-Canadian Border, via the Millinocket, Maine, radio range station; to Forest City, Maine. (United States-Canadian Border.)

§ 600.10001 *Green civil airway No. 2 (Seattle, Wash., to Boston, Mass.).* From Boeing Field, Seattle, Wash., via the Seattle, Wash., radio range station; Ellensburg, Wash., radio range station; Ephrata, Wash., radio range station; Spokane, Wash., radio range station; Coeur D'Alene, Idaho, radio range station; Mullan Pass, Idaho, radio range station; Superior, Mont., radio range station; Missoula, Mont., radio range station; Drummond, Mont., radio range station; Helena, Mont., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Helena, Mont., radio range and the northwest leg of the Belgrade, Mont., radio range; Belgrade, Mont., radio range station; Livingston, Mont., radio range station; Billings, Mont., radio range station; Custer, Mont., radio range station; Miles City, Mont., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Miles City, Mont., radio range and the west leg of the Golva, N. Dak., radio range; Golva, N. Dak., radio range station; Dickinson, N. Dak., radio range station; Bismarck, N. Dak., radio range station; Jamestown, N. Dak., radio range station; Fargo, N. Dak., radio range station; Alexandria, Minn., radio range station; Minneapolis, Minn., radio range station; La Cresse, Wis., radio range station; Lone Rock, Wis., radio range station; Madison, Wis., radio range station; Milwaukee, Wis., radio range station; Muskegon, Mich., radio range station; Grand Rapids, Mich., radio range station; Lansing, Mich., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Lansing, Mich., radio range and the northwest leg of the Detroit, Mich., (Wayne County Airport), radio range; and the Detroit, Mich., (Wayne County Airport), radio range station; to the intersection of the center line of the on course signal of the east leg of the Detroit, Mich., (Wayne County Airport), radio range and the U. S.-Canadian Border. From the intersection of the center line of the on course signal of the west leg of the Buffalo, N. Y., radio range and the U. S.-Canadian Border, via the Buffalo, N. Y., radio range station; Syracuse, N. Y., radio range station; Utica, N. Y., radio range station; Albany, N. Y., radio range station; Westfield, Mass., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Westfield, Mass., radio range and the southwest leg of the Boston, Mass., radio range; and the Boston, Mass., radio range station; to the Municipal Airport, Boston, Mass.

§ 600.10002 *Green civil airway No. 3 (San Francisco, Calif., to New York, N. Y.).* From the Municipal Airport, San Francisco, Calif., via the San Francisco, Calif., radio range station; Oakland, Calif., radio range station; Sacra-

mento, Calif., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Sacramento, Calif., radio range and the southwest leg of the Donner Summit, Calif., radio range; Donner Summit, Calif., radio range station; Reno, Nev., radio range station; Humboldt, Nev., radio range station; Buffalo Valley., Nev., radio range station; Elko, Nev., radio range station; Wendover, Utah, radio range station; Salt Lake City, Utah, radio range station; Ogden, Utah, radio range station; Fort Bridger, Wyo., radio range station; Rock Springs, Wyo., radio range station; Wamsutter, Wyo., radio range station; Parco, Wyo., radio range station; the intersection of the center lines of the on course signals of the east leg of the Parco, Wyo., radio range and the northwest leg of the Laramie, Wyo., radio range; the intersection of the center lines of the on course signals of the northwest leg of the Laramie, Wyo., radio range and the northwest leg of the Cheyenne, Wyo., radio range; Cheyenne, Wyo., radio range station; Sidney, Nebr., radio range station; North Platte, Nebr., radio range station; Grand Island, Nebr., radio range station; Omaha, Nebr., radio range station; Des Moines, Iowa, radio range station; Montezuma, Iowa, radio marker station; Iowa City, Iowa, radio range station; Moline, Ill., radio range station; the intersection of the center lines of the on course signals of the east leg of the Moline, Ill., radio range and the southwest leg of the Chicago, Ill., radio range; Chicago, Ill., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Chicago, Ill., radio range and the west leg of the Goshen, Ind., radio range; Goshen, Ind., radio range station; Toledo, Ohio, radio range station; Cleveland, Ohio, radio range station; Mercer, Pa., radio range station; Brookville, Pa., radio marker station; Bellefonte, Pa., radio range station; the intersection of the center lines of the on course signals of the east leg of the Bellefonte, Pa., radio range and the west leg of the Allentown, Pa., radio range; Allentown, Pa., radio range station; the intersection of the center lines of the on course signals of the east leg of the Allentown, Pa., radio range and the southwest leg of the New York, N. Y., (New York, LaGuardia Field), radio range; and the New York, N. Y., (New York, LaGuardia Field), radio range station; to the New York Municipal Airport, LaGuardia Field, New York, N. Y.

§ 600.10003 *Green civil airway No. 4 (Los Angeles, Calif., to Philadelphia, Pa.).* From the Municipal Airport, Los Angeles, Calif., via the Los Angeles, Calif., radio range station; the intersection of the center lines of the on course signals of the north leg of the Los Angeles, Calif., radio range and the southwest leg of the Palmdale, Calif., radio range; Palmdale, Calif., radio range station; Daggett, Calif., radio range station; the intersection of the center lines of the on course signals of the east leg of the Daggett, Calif., radio range and the southwest leg of the Kingman, Ariz., radio range; Kingman, Ariz., radio range station; the intersection of the center lines of the on course signals of the east leg of the Kingman, Ariz., radio range and the southeast leg of the Ashfork, Ariz., radio range; Winslow, Ariz., radio range station; El Morro, N. Mex., radio range station; Acomita, N. Mex., radio range station; Albuquerque, N. Mex., radio range station; Otto, N. Mex., radio range station; Tucumcari, N. Mex., radio range station; Amarillo, Tex., radio range station; Gage, Okla., radio range station; Wichita, Kans., radio range station; Lebo, Kans., radio range station; Kansas City, Mo., radio range station; Columbia, Mo., radio range station; St. Louis, Mo., radio range station; Effingham, Ill., radio range station; Terre Haute, Ind., radio range station; Indianapolis, Ind., radio range station; Dayton, Ohio, radio range station; the intersection of the center lines of the on course signals of the north leg of the Dayton, Ohio, radio range and the west leg of the Columbus, Ohio, radio range; Columbus, Ohio, radio range station; Cambridge, Ohio, radio marker station; Pittsburgh, Pa., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Pittsburgh, Pa., radio range and the west leg of the Cove Valley, Pa., radio range; Cove Valley, Pa., radio range station; Harrisburg, Pa., radio range station; the intersection of the center lines of the on course signals of the east leg of the Harrisburg, Pa., radio range and the southwest leg of the Philadelphia, Pa., radio range; and the Philadelphia, Pa., radio range station; to the Municipal Airport, Philadelphia, Pa.

§ 600.10004 *Green civil airway No. 5 (Los Angeles, Calif., to Wash., D. C.).* From the Los Angeles, Calif., radio range station, via the Riverside, Calif., radio range station; the intersection of the center lines of the on course signals of the east leg of the Riverside, Calif., radio range and the west leg of the Blythe, Calif., radio range; Blythe, Calif., radio range station; Phoenix, Ariz., radio range station; the intersection of the center lines of the on course signals of the south leg of the Phoenix, Ariz., radio range and the northwest leg of the Tucson, Ariz., radio range; Tucson, Ariz., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Tucson, Ariz., radio range and the west leg of the Cochise, N. Mex., radio range; Cochise, N. Mex., radio range station; Rodeo, N. Mex., radio range station; Columbus, N. Mex., radio range station; El Paso, Tex., radio range station; Salt Flat, Tex., radio range station; Wink, Tex., radio range station; Big Spring, Tex., radio range station; Abilene, Tex., radio range station; Fort Worth, Tex., radio range station; Texarkana, Ark., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Texarkana, Ark., radio range and the southwest leg of the Little Rock, Ark., radio range; Little Rock, Ark., radio range station; Brinkley, Ark., radio range station; Memphis, Tenn., radio range station; Jacks Creek, Tenn., radio range station; Nashville, Tenn., radio range station; Smithville, Tenn., radio range station; Knoxville, Tenn., radio range station; Bristol, Tenn., radio range station; Pulaski, Va., radio range station; Roanoke, Va., radio range station; Gordonsville, Va., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Gordonsville, Va., radio range and the south leg of the Washington, D. C., radio range; and the Washington, D. C., radio range station; to the Washington National Airport, Washington, D. C.

§ 600.10005 *Green civil airway No. 6 (Corpus Christi, Tex., to Norfolk, Va.).* From the Municipal Airport, Corpus Christi, Tex., via the Corpus Christi, Tex., radio range station; Palacios, Tex., Houston, Tex., radio range station; Beaumont, Tex., range station; Lake Charles, La., radio range station; New Orleans, La., radio range station; Mobile, Ala., radio range station; Gunter Field, Montgomery, Ala.; Atlanta, Ga., radio range station; Spartanburg, S. C., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Spartanburg, S. C., radio range and the west leg of the Charlotte, N. C., radio range; the intersection of the center lines of the on course signals of the north leg of the Charlotte, N. C., radio range and the southwest leg of the Greensboro, N. C., radio range; Greensboro, N. C., radio range station; South Boston, Va., radio marker station; Richmond, Va., radio range station; and the Norfolk, Va., radio range station; to the Municipal Airport, Norfolk, Va.

§ 600.101 *Amber civil airways:*

§ 600.10100 *Amber civil airway No. 1 (San Diego, Calif., to U. S.-Canadian Border).* From the Municipal Airport, San Diego, Calif., via the San Diego, Calif., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the San Diego, Calif., radio range and the southeast leg of the Long Beach, Calif., radio range; and the Long Beach, Calif., radio range station. From the intersection of the center lines of the on course signals of the north leg of the Los Angeles, Calif., radio range and the southwest leg of the Palmdale, Calif., radio range, via the Bakersfield, Calif., radio range station; Fresno, Calif., radio range station; and the Modesto, Calif., radio range station; to the Oakland, Calif., radio range station. From the intersection of the center lines of the on course signals of the northeast leg of the Oakland, Calif., radio range and the south leg of the Williams, Calif., radio range, via the Williams, Calif., radio range station; Red Bluff, Calif., radio range station; Fort Jones, Calif., radio range station; Medford, Oreg., radio range station; Eugene, Oreg., radio range station; Portland, Oreg., radio range station; Toledo, Wash., radio range station; Seattle, Wash., radio range station; Everett, Wash., radio range station; and the Bellingham, Wash., radio range station to the intersection of the center line of the on course signal of the northwest leg of the Bellingham, Wash., radio range and the United States-Canadian Border.

§ 600.10101 *Amber civil airway No. 2 (Daggett, Calif., to U. S.-Canadian Border).* From the Daggett, Calif., radio range station, via the Silver Lake, Calif., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Silver Lake, Calif., radio range and the southwest leg of the Las Vegas, Nev., radio range; Las Vegas, Nev., radio range station; Mormon Mesa, Nev., radio range station; Enterprise, Utah, radio range station; Milford, Utah, radio range station; Delta, Utah, radio range station; Tintic, Utah, radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Tintic, Utah, radio range and the south leg of the Salt Lake City, Utah, radio range; to the Salt Lake City, Utah, radio range station. From the Ogden, Utah, radio range station, via the Plymouth, Utah, radio range station; Pocatello, Idaho, radio range station; Idaho Falls, Idaho, radio range station; Dubois, Idaho, radio range station; Dillon, Mont., radio range station; Whitehall, Mont., radio range station; Helena, Mont., radio range station; the intersection of the center lines of the on course signals of the north leg of the Helena, Mont., radio range and the southwest leg of the Great Falls, Mont., radio range; Great Falls, Mont., radio range station; to the intersection of the center line of the on course signal of the southeast leg of the Lethbridge, Alberta, Canada, radio range and the U. S.-Canadian Border.

§ 600.10102 *Amber civil airway No. 3 (El Paso, Tex., to Great Falls, Mont.).* From the intersection of the center lines of the on course signals of the west leg of the El Paso, Tex., radio range and the south leg of the Engle, N. Mex., radio range via the Engle, N. Mex., radio range station; to the Albuquerque, N. Mex., radio range station. From the intersection of the center lines of the on course signals of the east leg of the Otto, N. Mex., radio range and the southwest leg of the Las Vegas, N. Mex., radio range, via the Las Vegas, N. Mex., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Las Vegas, N. Mex., radio range and the south leg of the Trinidad, Colo., radio range; Trinidad, Colo., radio range station; Pueblo, Colo., radio range station; Denver, Colo., radio range station; Cheyenne, Wyo., radio range station; the intersection of the center lines of the on course signals of the north leg of the Cheyenne, Wyo., radio range and the southeast leg of the Douglas, Wyo., radio range; Douglas, Wyo., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Douglas, Wyo., radio range and the east leg of the Casper, Wyo., radio range; Casper, Wyo., radio range station; the intersection of the center lines of the on course signals of the north leg of the Casper, Wyo., radio range and the southeast leg of the Sheridan, Wyo., radio range; Sheridan, Wyo., radio range station; Billings, Mont., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Billings, Mont., radio range and the southeast leg of the Lewistown, Mont., radio range; and the Lewistown, Mont., radio range station; to the Great Falls, Mont., radio range station.

§ 600.10103 *Amber civil airway No. 4 (Brownsville, Tex., to Bismarck, N. Dak.)* From the Municipal Airport, Brownsville, Tex., via the Brownsville, Tex., radio range station; the intersection of the center lines of the on course signals of the north leg of the Brownsville, Tex., radio range and the southwest leg of the Corpus Christi, Tex., radio range; Corpus Christi, Tex., radio range station; San Antonio, Tex., radio range station; Austin, Tex., radio range station; Waco, Tex., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Waco, Tex., radio range and the south leg of the Fort Worth, Tex., radio range; Fort Worth, Tex., radio range station; the intersection of the center lines of the on course signals of the north leg of the Fort Worth, Tex., radio range and the south leg of the Oklahoma City, Okla., radio range; Oklahoma City, Okla., radio range station; the intersection of the center lines of the on course signals of the east leg of the Oklahoma City, Okla., radio range and the southwest leg of the Tulsa, Okla., radio range; Tulsa, Okla., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Tulsa, Okla., radio range and the south leg of the Chanute, Kans., radio range; and the Chanute, Kans., radio range station; to the intersection of the center lines of the on course signals of the northeast leg of the Chanute, Kans., radio range and the southwest leg of the Kansas City, Mo., radio range. From the Kansas City, Mo., radio range station, via the St. Joseph, Mo., radio range station; Omaha, Nebr., radio range station; Sioux City, Iowa, radio range station; Sioux Falls, S. Dak., radio range station; Huron, S. Dak., radio range station; Aberdeen, S. Dak., radio range station; and the intersection of the center lines of the on course signals of the northwest leg of the Aberdeen, S. Dak., radio range and the southeast leg of the Bismarck, N. Dak., radio range; to the Bismarck, N. Dak., radio range station.

§ 600.10104 *Amber civil airway No. 5 (New Orleans, La., to Milwaukee, Wis.).* From the New Orleans, La., radio range station, via the Tylertown, Miss., radio range station; Jackson, Miss., radio range station; Greenwood Miss., radio range station; Memphis, Tenn., radio range station; Advance, Mo., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Advance, Mo., radio range and the south leg of the St. Louis, Mo., radio range; St. Louis, Mo., radio range station; the intersection of the center lines of the on course signals of the north leg of the St. Louis, Mo., radio range and the southwest leg of the Springfield, Ill., radio range; Springfield, Ill., radio range station; and the Joliet, Ill., radio range station; to the intersection of the center lines of the on course signals of the northeast leg of the Joliet, Ill., radio range and the southwest leg of the Chicago, Ill., radio range. From the Chicago, Ill., radio range station, via the intersection of the center lines of the on course signals of the northwest leg of the Chicago, Ill., radio range and the south leg of the Milwaukee, Wis., radio range; to the Milwaukee, Wis., radio range station.

§ 600.10105 *Amber civil airway No. 6 (Jacksonville, Fla., to United States-Canadian Border).* From the Jacksonville, Fla., radio range station; via the Alma, Ga., radio range station; Macon, Ga., radio range station; Atlanta, Ga., radio range station; Adairsville, Ga., radio marker station; Chattanooga, Tenn., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Chattanooga, Tenn., radio range and the southeast leg of the Nashville, Tenn., radio range; Nashville, Tenn., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Nashville, Tenn., radio range and the southwest leg of the Smiths Grove, Ky., radio range; Smiths Grove, Ky., radio range station; Louisville, Ky., radio range station; and the Cincinnati, Ohio, radio range station; and the intersection of the center lines of the on course signals of the northwest leg of the Cincinnati, Ohio, radio range and the southwest leg of the Dayton, Ohio, radio range; to the Dayton, Ohio, radio range station. From the Columbus, Ohio, radio range station, via Hayesville, Ohio, radio marker station; Cleveland, Ohio, radio range station; Perry, Ohio, radio marker station; Erie, Pa., radio range station; Dunkirk, N. Y., radio marker station; to the Buffalo, N. Y., radio range station; and the intersection of the center lines of the on course signals of the northeast leg of the Buffalo, N. Y., radio range and the southeast leg of the Malton, Ontario, radio range, to the intersection of the center line of the on course signal of the southeast leg of the Malton, Ontario, radio range and the U. S.-Canadian Border.

§ 600.10106 *Amber civil airway No. 7 (Key West, Fla., to Caribou, Maine.)* From the Key West, Fla., radio range station, via the intersection of the center lines of the on course signals of the east leg of the Key West, Fla., radio range and the southwest leg of the Miami, Fla., radio range; Miami, Fla., radio range station; the intersection of the center lines of the on course signals of the north leg of the Miami, Fla., radio range and the southeast leg of the Melbourne, Fla., radio range; Melbourne, Fla., radio range station; Daytona Beach, Fla., radio range station; Jacksonville, Fla., radio range station; Savannah, Ga., radio range station; Charleston, S. C., radio range station; Florence, S. C., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Florence, S. C., radio range and the south leg of the Raleigh, N. C., radio range; Raleigh, N. C., radio range station; and the Richmond, Va., radio range station; to the intersection of the center lines of the on course signals of

the northeast leg of the Gordonsville, Va., radio range and the south leg of the Washington, D. C., radio range. From the Washington, D. C., radio range station, via the intersection of the center lines of the on course signals of the northeast leg of the Washington, D. C., radio range and the southwest leg of the Philadelphia, Pa., radio range; Philadelphia, Pa., radio range station; Newark, N. J., radio range station; and the Hartford, Conn., radio range station; to the intersection of the center lines of the on course signals of the east leg of the Westfield, Mass., radio range and the southwest leg of the Boston, Mass., radio range. From the Boston, Mass., radio range station, via the Portland, Maine, radio range station; Augusta, Maine, radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Augusta, Maine, radio range and the southwest leg of the Bangor, Maine, radio range; Bangor, Maine, radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Bangor, Maine, radio range and the southwest leg of the Millinocket, Maine, radio range; Millinocket, Maine, radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Millinocket, Maine, radio range and the southeast leg of the Caribou, Maine, radio range, to the Caribou, Maine, radio range station.

§ 600.102 *Red civil airways:*

§ 600.10200 *Red civil airway No. 1 (Portland, Oreg., to Fort Bridger, Wyo.)* From the Portland, Oreg., radio range station, via the intersection of the center lines of the on course signals of the northeast leg of the Northdalles, Wash., radio range and the west leg of the Arlington, Oreg., radio range; Arlington, Oreg., radio range station; Pendleton, Oreg., radio range station; Baker, Oreg., radio range station; Boise, Idaho, radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Boise, Idaho, radio range and the northwest leg of the Burley, Idaho, radio range; Burley, Idaho, radio range station; and the Locomotive Springs, Utah, radio range station; Salt Lake City, Utah, radio range station; to the Fort Bridger, Wyo., radio range station.

§ 600.10201 *Red civil airway No. 2 (Whitehall, Mont., to Belgrade, Mont.).* From the Whitehall, Mont., radio range station; to the Belgrade, Mont., radio range station.

§600.10202 *Red civil airway No. 3 (Philadelphia, Pa., to New York, N. Y.).* From the Philadelphia, Pa., radio range station, via the intersection of the center lines of the on course signals of the east leg of the Philadelphia, Pa., radio range and the southwest leg of the New York, N. Y. (New York, LaGuardia Field) radio range; to the intersection of the center lines of the on course signals of the east leg of the Allentown, Pa., radio range and the southwest leg of the New York, N. Y. (New York, LaGuardia Field), radio range.

§ 600.10203 *Red civil airway No. 4 (Dallas, Tex., to Shreveport, La.).* From the intersection of the center lines of the on course signals of the east leg of the Dallas, Tex., radio range and the northwest leg of the Tyler, Tex., radio range, via the Tyler, Tex., radio range station; to the intersection of the center lines of the on course signals of the north leg of the Tyler, Tex., radio range and the west leg of the Shreveport, La., radio range.

§ 600.10204 *Red civil airway No. 5 (Sioux Falls, S. Dak., to Minneapolis, Minn.).* From the Sioux Falls, S. Dak., radio range station to the Minneapolis, Minn., radio range station.

§ 600.10205 *Red civil airway No. 6 (Parco, Wyo., to Omaha, Nebr.).* From the intersection of the center lines of the on course signals of the northwest leg of the Laramie, Wyo., radio range and the northwest leg of the Cheyenne, Wyo., radio range, via the Laramie, Wyo., radio range station; to the intersection of the center lines of the on course signals of the southeast leg of the Laramie, Wyo., radio range and the north leg of the Denver, Colo., radio range. From the Denver, Colo., radio range station, via the Akron, Colo., radio range station; and the Hayes Center, Nebr., radio range station; Overton, Nebr., radio marker station to the Grand Island, Nebr., radio range station. From the intersection of the center lines of the on course signals of the west leg of the Omaha, Nebr., radio range and the northwest leg of the Lincoln, Nebr., radio range via the Lincoln, Nebr., radio range station to the Omaha, Nebr., radio range station.

§ 600.10206 *Red civil airway No. 7 (Spartanburg, S. C., to Greensboro, N. C.).* From the intersection of the center lines of the on course signals of the northeast leg of the Spartanburg, S. C., radio range and the west leg of the Charlotte, N. C., radio range, via the Charlotte, N. C., radio range station; to the intersection of the center lines of the on course signals of the north leg of the Charlotte, N. C., radio range and the southwest leg of the Greensboro, N. C., radio range.

§ 600.10207 *Red civil airway No. 8 (Concord, N. H., to Portland, Maine).* From the Concord, N. H., radio range station; to the Portland, Maine, radio range station.

§ 600.10208 *Red civil airway No. 9 (Tallahassee, Fla., to Alma, Ga.).* From the intersection of the center lines of the on course signals of the east leg of the Tallahassee, Fla., radio range and the southwest leg of the Alma, Ga., radio range, to the Alma, Ga., radio range station.

§ 600.10209 *Red civil airway No. 10 (Amarillo, Tex., to Charleston, S. C.).* From the intersection of the center lines of the on course signals of the east leg of the Amarillo, Tex., radio range and the northwest leg of the Clarendon, Tex., radio range, via the Clarendon, Tex., radio range station; Wichita Falls, Tex., radio range station; to the intersection of the center lines of the on course signals of the southeast leg of the Wichita Falls, Tex., radio range and the north leg of the Fort Worth, Tex., radio range. From the Fort Worth, Tex., radio range station, via the Dallas, Tex., radio range station; the intersection of the center lines of the on course signals of the east leg of the Dallas, Tex., radio range and the northwest leg of the Tyler, Tex., radio range; the intersection of the center lines of the on course signals of the north leg of the Tyler, Tex., radio range and the west leg of the Shreveport, La., radio range; Shreveport, La., radio range station; Monroe, La., radio range station; Jackson, Miss., radio range station; Meridian, Miss., radio range station; and the Birmingham, Ala., radio range station; to the Atlanta, Georgia, radio range station. From the intersection of the center lines of the on course signals of the northeast leg of the Atlanta, Ga., radio range and the northwest leg of the Augusta, Ga., radio range, via the Augusta, Ga., radio range station; to the Charleston, S. C., radio range station.

§ 600.10210 *Red civil airway No. 11 (Tulsa, Okla., to St. Louis, Mo.).* From the Tulsa, Okla., radio range station, via the Neosho, Mo., radio range station; Springfield, Mo., radio range station; and the Spring Bluff, Mo., radio range station; to the intersection of the center lines of the on course signals of the northeast leg of the Spring Bluff, Mo., radio range and the south leg of the St. Louis, Mo., radio range.

§ 600.10211 *Red civil airway No. 12 (Kansas City, Mo., to Detroit, Mich.).* From the Kansas City, Mo., radio range station, via the Kirksville, Mo., radio range station; Burlington, Iowa, radio range station; to the intersection of the center lines of the on course signals of the east leg of the Moline, Ill., radio range and the southwest leg of the Chicago, Ill., radio range. From the Chicago, Ill., radio range station, via the South Bend, Ind., radio range station; to the Detroit, Mich. (Wayne County Airport), radio range station.

§ 600.10212 *Red civil airway No. 13 (Westfield, Mass., to Boston, Mass.).* From the Westfield, Mass., radio range station, via the intersection of the center lines of the on course signals of the south leg of the Westfield, Mass., radio range and the northwest leg of the Hartford, Conn., radio range; Hartford, Conn., radio range station; and the Providence, R. I., radio range station; to the Boston, Mass., radio range station.

§ 600.10213 *Red civil airway No. 14 (Lone Rock, Wis., to Louisville, Ky.).* From the Lone Rock, Wis., radio range station, via the Rockford, Ill., radio range station; and the intersection of the center lines of the on course signals of the southeast leg of the Rockford, Ill., radio range and the northwest leg of the Chicago, Ill., radio range; to the intersection of the center lines of the on course signals of the northwest leg of the Chicago, Ill., radio range and the south leg of the Milwaukee, Wis., radio range. From the intersection of the center lines of the on course signals of the southeast leg of the Chicago, Ill., radio range and the west leg of the Goshen, Ind., radio range, via the Lafayette, Ind., radio range station; and the Indianapolis, Ind., radio range station; to the Louisville, Ky., radio range station.

§ 600.10214 *Red civil airway No. 15 (Las Vegas, Nev., to Phoenix, Ariz.).* From the Las Vegas, Nev., radio range station; to the Kingman, Ariz., radio range station. From the intersection of the center lines of the on course signals of the east leg of the Kingman, Ariz., radio range and the southeast leg of the Ashfork, Ariz., radio range, via the intersection of the center lines of the on course signals of the southeast leg of the Ashfork, Ariz., radio range and the northwest leg of the Phoenix, Ariz., radio range; to the Phoenix, Ariz., radio range station.

§ 600.10215 *Red civil airway No. 16 (Augusta, Ga., to Charleston, S. C.).* From the Augusta, Ga., radio range station, via the Columbia, S. C., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Columbia, S. C., radio range and the northwest leg of the Charleston, S. C., radio range; to the Charleston, S. C., radio range station.

§ 600.10216 *Red civil airway No. 17 (Martinsburg, W. Va., to Baltimore, Md.).* From the Martinsburg, W. Va., radio range station; to the Baltimore, Md., radio range station.

§ 600.10217 *Red civil airway No. 18 (Indianapolis, Ind., to Washington, D. C.).* From the intersection of the center lines of the on course signals of the east leg of the Indianapolis, Ind., radio range and the northwest leg of the Cincinnati, Ohio, radio range; to the intersection of the center lines of the on course signals of the northwest leg of the Cincinnati, Ohio, radio range and the southwest leg of the Dayton, Ohio, radio range. From the Cincinanti, Ohio, radio range station; via the intersection of the center lines of the on course signals of the southeast leg of the Cincinnati, Ohio, radio range and the northwest leg of the Huntington, W. Va., radio range; Huntington, W. Va., radio range station; Charleston, W. Va., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Charleston, W. Va., radio range and the southwest leg of the Elkins, W. Va., radio range; Elkins, W. Va., radio range station; and the Front Royal, Va., radio range station; to the intersection of the center lines of the on course signals of the east leg of the Front Royal, Va., radio range and the northwest leg of the Washintgon, D. C., radio range.

§ 600.10218 *Red civil airway No. 19 (Dayton, Ohio, to Grand Rapids, Mich.).* From the Dayton, Ohio, radio range station, via the Fort Wayne, Ind., radio range station; to the intersection of the center lines of the on course signals of the northwest leg of the Fort Wayne, Ind., radio range and the east leg of the Goshen, Ind., radio range. From the Goshen, Ind., radio range station, via the intersection of the center lines of the on course signals of the north leg of the Goshen, Ind., radio range and the southwest leg of the Grand Rapids, Mich., radio range; to the Grand Rapids, Mich., radio range station.

§ 600.10219 *Red civil airway No. 20 (Sault Ste. Marie, Mich., to Washington, D. C.).* From the Sault Ste. Marie, Mich., radio range station via the intersection of the center lines of the on course signals of the southwest leg of the Sault Ste. Marie, Mich., radio range and the northeast leg of the Traverse City, Mich., radio range; Traverse City, Mich., radio range station; Saginaw, Mich., radio range station; the intersection of the center lines of the on course signals of the southwest leg of the Saginaw, Mich., radio range and the northwest leg of the Detroit, Mich. (Wayne County Airport), radio range; to the intersection of the center lines of the on course signals of the southeast leg of the Lansing, Mich., radio range and the northwest leg of the Detroit, Mich. (Wayne County Airport), radio range. From the intersection of the center line of the on course signal of the northwest leg of the Cleveland, Ohio, radio range and the U. S.-Canadian Border, via the Cleveland, Ohio, radio range station; and the Akron, Ohio, radio range station, to the intersection of the center lines of the on course signals of the southeast leg of the Cleveland, Ohio, radio range and the west leg of the Pittsburgh, Pa., radio range. From the Pittsburgh., Pa., radio range station, via the Martinsburg, W. Va., radio range station; to the Washington, D. C., radio range station.

§ 600.10220 *Red civil airway No. 21 (Detroit, Mich., to Woodward, Pa.).* From the Detroit, Mich. (Wayne County Airport), radio range station; to the intersection of the center lines of the on course signals of the southeast leg of the Detroit, Mich. (Wayne County Airport), radio range and the east leg of the Toledo, Ohio, radio range. From the intersection of the center lines of the on course signals of the west leg of the Cleveland, Ohio, radio range and the northwest leg of the Akron, Ohio, radio range, via the Akron, Ohio, radio range station; Pittsburgh, Pa., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Pittsburgh, Pa., radio range and the north leg of the Cove Valley, Pa., radio range; to the Woodward, Pa., radio marker station.

§ 600.10221 *Red civil airway No. 22 (Roanoke, Va., to Gordonsville, Va.)* From the Roanoke, Va., radio range station, via the Lynchburg, Va., radio range station; to the Gordonsville, Va., radio range station.

§ 600.10222 *Red civil airway No. 23 (Buffalo, N. Y., to New York, N. Y.).* From the Buffalo, N. Y., radio range station, via the intersection of the center lines of the on course signals of the east leg of the Buffalo, N. Y., radio range and the northwest leg of the Elmira, N. Y., radio range; Elmira, N. Y., radio range station; to the New York, N. Y. (New York, LaGuardia Field), radio range station.

§ 600.10223 *Red civil airway No. 24 (Amarillo, Tex., to Oklahoma City, Okla.).* From the Amarillo, Tex., radio range station; to the Oklahoma City, Okla., radio range station.

§ 600.10224 *Red civil airway No. 25 (Daytona Beach, Fla., to Miami, Fla.).* From the Daytona Beach, Fla., radio range station, via the Orlando, Fla., radio range station; Tampa, Fla., radio range station; and the Fort Myers, Fla., radio range station; to the Miami, Fla., radio range station.

§ 600.10225 *Red civil airway No. 26 (New York, N. Y., to Syracuse, N. Y.).* From the intersection of the center lines of the on course signals of the southeast leg of the Elmira, N. Y., radio range; and the south leg of the Syracuse, N. Y., radio range; to the Syracuse, N. Y., radio range station.

§ 600.10226 *Red civil airway No. 27 (Dayton, Ohio, to Detroit, Mich.).* From the intersection of the center lines of the on course signals of the northeast leg of the Dayton, Ohio, radio range and the west leg of the Columbus, Ohio, radio range, via the Toledo, Ohio, radio range station; to the Detroit, Mich. (Wayne County Airport), radio range station.

§ 600.10227 *Red civil airway No. 28 (Chicago, Ill., to Grand Rapids, Mich.).* From the Chicago, Ill., radio range station, via the intersection of the center lines of the on course signals of the northeast leg of the Chicago, Ill., radio range and the southwest leg of the Grand Rapids, Mich., radio range; to the Grand Rapids, Mich., radio range station.

§ 600.10228 *Red civil airway No. 29 (Baltimore, Md., to Elmira, N. Y.).* From the Baltimore, Md., radio range station, via the Harrisburg, Pa., radio range station; Williamsport, Pa., radio range station; to the intersection of the center lines of the on course signals of the southeast leg of the Elmira, N. Y., radio range and the north leg of the Williamsport, Pa., radio range.

§ 600.10229 *Red civil airway No. 30 (Mobile, Ala., to Jacksonville, Fla.).* From the Mobile, Ala., radio range station, via the Crestview, Fla., radio range station; the intersection of the center lines of the on course signals of the east leg of the Crestview, Fla., radio range and the northwest leg of the Tallahassee, Fla., radio range; and the Tallahassee, Fla., radio range station; to the Jacksonville, Fla., radio range station.

§ 600.10230 *Red civil airway No. 31 (Cheyenne, Wyo., to Minneapolis, Minn.).* From the intersection of the center lines of the on course signals of the east leg of the Cheyenne, Wyo., radio range, and the southwest leg of the Scottsbluff, Neb., radio range, via the Scottsbluff, Neb., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Scottsbluff, Neb., radio range and the south leg of the Rapid City, S. Dak., radio range; Rapid City, S. Dak., radio range station, Municipal Airport, Pierre, S. Dak.; Huron, S. Dak., radio range station; Watertown, S. Dak., radio range station; and the Willmar, Minn., radio range station; to the intersection of the center lines of the on course signals of the east leg of the Willmar, Minn., radio range and the northwest leg of the Minneapolis, Minn., radio range.

§ 600.10231 *Red civil airway No. 32 (San Antonio, Tex., to Houston, Tex.).* From the intersection of the center lines of the on course signals of the southeast leg of the San Antonio, Tex., radio range and the west leg of the Yoakum, Tex., radio range, via the Yoakum, Tex., radio range station; to the intersection of the center lines of the on course signals of the east leg of the Yoakum, Tex., radio range and the southwest leg of the Houston, Tex., radio range.

§ 600.10232 *Red civil airway No. 33 (Harrisburg, Pa., to New York, N. Y.).* From the intersection of the center lines of the on course signals of the east leg of the Harrisburg, Pa., radio range and the southwest leg of the Allentown, Pa., radio range, via the Allentown, Pa., radio range station; to the intersection of the center lines of the on course signals of the northeast leg of the Allentown, Pa., radio range and the northwest leg of the New York, N. Y. (LaGuardia Field), radio range.

§ 600.10233 *Red civil airway No. 34 (Raleigh, N. C., to Pulaski, Va.).* From the Raleigh, N. C., radio range station, via the Greensboro, N. C., radio range station; to the Pulaski, Va., radio range station.

§ 600.10234 *Red civil airway No. 35 (Pueblo, Col., to Wichita, Kan.).* From the Pueblo, Col., radio range station, via the La Junta, Col., radio range station; Garden City, Kan., radio range station; Hutchinson, Kan., radio range station; the intersection of the center lines of the on course signals of the east leg of the Hutchinson, Kan., radio range and the north leg of the Wichita, Kan., radio range, to the Wichita, Kan., radio range station.

§ 600.10235 *Red civil airway No. 36 (Rochester, Minn., to La Crosse, Wis.).* From the Rochester, Minn., radio range station, to the intersection of the center lines of the on course signals of the northeast leg of the Rochester, Minn., radio range and the northwest leg of the La Crosse, Wis., radio range.

§ 600.103 *Blue civil airways:*

§ 600.10300 *Blue civil airway No. 1 (Pendleton, Oreg., to Spokane, Wash.).* From the Pendleton, Oreg., radio range station, via the intersection of the center lines of the on course signals of the east leg of the Pendleton, Oreg., radio range and the southwest leg of the Walla Walla, Wash., radio range and the Walla Walla, Wash., radio range station; to the Spokane, Wash., radio range station.

§ 600.10301 *Blue civil airway No. 2 (Birmingham, Ala., to Erie, Pa.).* From the intersection of the center lines of the on course signals of the east leg of the Birmingham, Ala., radio range and the southwest leg of the Chattanooga, Tenn., radio range, via the Chattanooga, Tenn., radio range station; to the intersection of the center lines of the on course signals of the northeast leg of the Chattanooga, Tenn., radio range and the west leg of the Knoxville, Tenn., radio range. From the intersection of the center lines of the on course signals of the northeast leg of the Bristol, Tenn., radio range and the south leg of the Charleston, W. Va., radio range; to the Charleston, W. Va., radio range station. From the Elkins, W. Va., radio range station; to the intersection of the center lines of the on course signals of the north leg of the Elkins, W. Va., radio range and the west leg of the Pittsburgh, Pa., radio range. From the intersection of the center lines of the on course signals of the northwest leg of the Pittsburgh, Pa., radio range and the south leg of the Mercer, Pa., radio range, via the Mercer, Pa., radio range station; to the Erie, Pa., radio range station.

§ 600.10302 *Blue civil airway No. 3 (Memphis, Tenn., to Tampa, Fla.).* From the intersection of the center lines of the on course signals of the northeast leg of the Memphis, Tenn., radio range and the northwest leg of the Muscle Shoals, Ala., radio range, via the Muscle Shoals, Ala., radio range station; the intersection of the center lines of the on course signals of the southeast leg of the Muscle Shoals, Ala., radio range and the north leg of the Birmingham, Ala., radio range; Birmingham, Ala., radio range station; Gunter Field, Montgomery, Ala.; and the Dothan, Ala., radio range station, to the intersection of the center lines of the on course signals of the southeast leg of the Dothan, Ala., radio range and the northwest leg of the Tallahassee, Fla., radio range. From the intersection of the center lines of the on course signals of the east leg of the Tallahassee, Fla., radio range and the northwest leg of the Cross City, Fla., radio range; via the Cross City, Fla., radio range station; and the intersection of the center lines of the on course signals of the southeast leg of the Cross City, Fla., radio range and the north leg of the Tampa, Fla., radio range; to the Tampa, Fla., radio range station.

§ 600.10303 *Blue civil airway No. 4 (Boston, Mass., to Rouses Point, N. Y.).* From the Boston, Mass., radio range station, via the intersection of the center lines of the on course signals of the northwest leg of the Boston, Mass., radio range and the south leg of the Concord, N. H., radio range; Concord, N. H., radio range station; and the Burlington, Vt., radio range station; to Rouses Point, N. Y. (U. S.-Canadian Border).

§ 600.10304 *Blue civil airway No. 5 (Galveston, Tex., to Wichita, Kans.).* From the Municipal Airport, Galveston, Tex., via the Galveston, Tex., radio range station; Houston, Tex., radio range station; Navasota, Tex., radio range station; Waco, Tex., radio range station; the intersection of the center lines of the on course signals of the northeast leg of the Waco, Tex., radio range and the south leg of the Dallas, Tex., radio range; and the Dallas, Tex., radio range station; to the intersection of the center lines of the on course signals of the northwest leg of the Dallas, Tex., radio range and the north leg of the Fort Worth, Tex., radio range. From the Oklahoma City, Okla., radio range station, via the intersection of the center lines of the on course signals of the north leg of the Oklahoma City, Okla., radio range and the southeast leg of the Wichita, Kans., radio range; to the Wichita, Kans., radio range station.

§ 600.10305 *Blue civil airway No. 6 (Abilene, Tex., to Oklahoma City, Okla.)* From the Abilene, Tex., radio range station, via the Wichita Falls, Tex., radio range station; to the intersection of the center lines of the on course signals of the northeast leg of the Wichita Falls, Tex., radio range and the south leg of the Oklahoma City, Okla., radio range.

§ 600.10306 *Blue civil airway No. 7 (Springfield, Ill., to Morse, Ill.).* From the Springfield, Ill., radio range station, via the Peoria, Ill., radio range station; to the intersection of the center lines of the on course signals of the north leg of the Peoria, Ill., radio range and the southwest leg of the Chicago, Ill., radio range.

§ 600.10307 *Blue civil airway No. 8 (Fargo, N. Dak., to U. S.-Canadian Border.)* From the Fargo, N. Dak., radio range station, via the Grand Forks, N. Dak., radio range station; and the Pembina, N. Dak., radio range station; to the intersection of the center line of the on course signal of the north leg of the Pembina, N. Dak., radio range and the U. S.-Canadian Border.

§ 600.10308 *Blue civil airway No. 9 (Columbia, Mo., to Duluth, Minn.).* From the Columbia, Mo., radio range station, via the Kirksville, Mo., radio range station; the intersection of the center lines of the on course signals of the northwest leg of the Kirksville, Mo., radio range and the south leg of the Des Moines, Iowa, radio range; Des Moines, Iowa, radio range station; and the intersection of the center lines of the on course signals of the north leg of the Des Moines, Iowa, radio range and the southwest leg of the La Crosse, Wis., radio range; Rochester, Minn., radio range station; to the intersection of the center lines of the on course signals of the north leg of the Rochester, Minn., radio range and the southeast leg of the Minneapolis, Minn., radio range. From the Minneapolis, Minn., radio range station to the Duluth, Minn., radio range station.

§ 600.10309 *Blue civil airway No. 10 (Modesto, Calif., to Williams, Calif.)* From the Modesto, Calif., radio range station, via the intersection of the center lines of the on course signals of the northeast leg of the Modesto, Calif., radio range and the southeast leg of the Sacramento, Calif., radio range; and the Sacramento, Calif., radio range station; to the Williams, Calif., radio range station.

§ 600.10310 *Blue civil airway No. 11 (Muscle Shoals, Ala., to Nashville, Tenn.).* From the Muscle Shoals, Ala., radio range station; to the intersection of the center lines of the on course signals of the north leg of the Muscle Shoals, Ala., radio range and the southwest leg of the Nashville, Tenn., radio range.

§ 600.10311 *Blue civil airway No. 12 (Northdalles, Wash., to Ellensburg, Wash.).* From the Northdalles, Wash., radio range station, via the Yakima, Wash., radio range station; to the Ellensburg, Wash., radio range station.

§ 600.10312 *Blue civil airway No. 13 (Lake Charles, La., to Texarkana, Ark.).* From the Lake Charles, La., radio range station, via the intersection of the center lines of the on course signals of the north leg of the Lake Charles, La., radio range and the southeast leg of the Shreveport, La., radio range; and the Shreveport, La., radio range station; to the intersection of the center lines of the on course signals of the northwest leg of the Shreveport, La., radio range and the southwest leg of the Texarkana, Ark., radio range.

§ 600.10313 *Blue civil airway No. 14 (Riverside, Calif., to Bakersfield, Calif.).* From the Riverside, Calif., radio range station, via the intersection of the center lines of the on course signals of the northwest leg of the Riverside, Calif., radio range and the southeast leg of the Palmdale, Calif., radio range; and the Palmdale, Calif., radio range station; to the intersection of the center lines of the on course signals of the northwest leg of the Palmdale, Calif., radio range and the south leg of the Bakersfield, Calif., radio range.

§ 600.10314 *Blue civil airway No. 15 (Columbus, Ohio, to Erie, Pa.).* From the intersection of the center lines of the on course signals of the east leg of the Columbus, Ohio, radio range and the southwest leg of the Akron, Ohio, radio range, via the Akron, Ohio, radio range station; to the intersection of the center lines of the on course signals of the northeast leg of the Akron, Ohio, radio range and the southwest leg of the Erie, Pa., radio range.

§ 600.10315 *Blue civil airway No. 16 (Dilion, Mont., to Helena, Mont.).* From the Dillon, Mont., radio range station, via the intersection of the center lines of the on course signals of the west leg of the Dillon, Mont., radio range and the south leg of the Butte, Mont., radio range; Butte, Mont., radio range station; to the Helena, Mont., radio range station.

§ 600.10316 *Blue civil airway No. 17 (Blythe, Calif., to Kingman, Ariz.).* From the Blythe, Calif., radio range station, via the Needles, Calif., radio range station; to the intersection of the center lines of the on course signals of the north leg of the Needles, Calif., radio range and the southwest leg of the Kingman, Ariz., radio range.

§ 600.10317 *Blue civil airway No. 18 (Newark, N. J., to Burlington, Vt.).* From the intersection of the center lines of the on course signals of the northeast leg of the Newark, N. J., radio range and the south leg of the New Hackensack, N. Y., radio range, via the New Hackensack, N. Y., radio range station; and the Albany, N. Y., radio range station; to the Burlington, Vt., radio range station.

§ 600.10318 *Blue civil airway No. 19 (Melbourne, Fla., to Orlando, Fla.).* From the Melbourne, Fla., radio range station; to the Orlando, Fla., radio range station.

§ 600.10319 *Blue civil airway No. 20 (Philadelphia, Pa., to Allentown, Pa.).* From the Philadelphia, Pa., radio range station, to the Allentown, Pa., radio range station.

§ 600.10320 *Blue civil airway No. 21 (Grand Rapids, Mich., to Traverse City, Mich.).* From the Grand Rapids, Mich., radio range station to the Traverse City, Mich., radio range station.

§ 600.10321 *Blue civil airway No. 22 (Wichita, Kans., to Tulsa, Okla.).* From the Wichita, Kans., radio range station, via the intersection of the center lines of the on course signals of the southeast leg of the Wichita, Kansas, radio range and the northwest leg of the Tulsa, Okla., radio range to the Tulsa, Okla., radio range station.

§ 600.104 *Additional civil airways:*

§ 600.10400 *Anchorage, Alaska, to Fairbanks, Alaska, Civil Airway.* From the center of Anchorage, Alaska, via the Talkeetna, Alaska, Airways Communications Station (Lat. 62°18'54" N.; Long. 150°05'36" W.); and the Summit, Alaska, Airways Communications Station (Lat. 63°19'45" N.; Long. 149°09'20" W.), to the center of Fairbanks, Alaska.

§ 600.10401 *Anchorage, Alaska, to Naknek, Alaska, Civil Airway.* From the center of Anchorage, Alaska, via the center of Kenai, Alaska; and the center of Iliamna, Alaska, to the center of Naknek, Alaska.

§ 600.10402 *Anchorage, Alaska, to Nome, Alaska, Civil Airway.* From the center of Anchorage, Alaska, via Farwell, Alaska, (Lat. 62°11' N.; Long. 153° 09' W.); and the center of McGrath, Alaska, to the center of Nome, Alaska.

§ 600.10403 *Anchorage, Alaska, to Unalaska, Alaska, Civil Airway.* From the center of Anchorage, Alaska, via the center of Seward, Alaska; the center of Kodiak, Alaska; and the center of Chignik, Alaska; and the center of King Cove, Alaska, to the center of Unalaska, Alaska.

§ 600.10404 *Bismarck, N. Dak., to Minot, N. Dak., Civil Airway.* From the Municipal Airport, Bismarck, N. Dak., to the Municipal Airport, Minot, N. Dak.

§ 600.10405 *Boundary, Alaska, to Fairbanks, Alaska, Civil Airway.* From Boundary, Alaska (Lat. 62°31' N.; Long 141°15' W.), via the center of Tanana Crossing, Alaska; and the center of Big Delta, Alaska, to the center of Fairbanks, Alaska.

§ 600.10406 *Charleston, W. Va., to Pittsburgh, Pa., Civil Airway.* From the Municipal Airport, Charleston, W. Va., via the Municipal Airport, Parkersburg, W. Va., to the Municipal Airport, Pittsburgh, Pa.

§ 600.10407 *Cordova, Alaska, to Big Delta, Alaska, Civil Airway.* From the center of Cordova, Alaska, via the center of Valdez, Alaska; the center of Copper Center, Alaska; and the center of Paxson, Alaska, to the center of Big Delta, Alaska.

§ 600.10408 *Du Bois, Idaho, to West Yellowstone, Mont., Civil Airway.* From the Du Bois, Idaho, Intermediate Field of the Civil Aeronautics Administration to the Municipal Airport, West Yellowstone, Mont.

§ 600.10409 *Fairbanks, Alaska, to Bethel, Alaska, Civil Airway.* From the center of Fairbanks, Alaska, via the center of Nenana, Alaska; the center of McGrath, Alaska; and the center of Aniak, Alaska, to the center of Bethel, Alaska.

§ 600.10410 *Fairbanks, Alaska, to Nome, Alaska, Civil Airway.* From the center of Fairbanks, Alaska, via the center of Tanana, Alaska; the center of Ruby, Alaska; and Moses Point, Alaska, (Lat. 64°42' N.; Long. 161 57' W.), to the center of Nome, Alaska.

§ 600.10411 *Juneau, Alaska, to Anchorage, Alaska, Civil Airway.* From the center of Juneau, Alaska, via Cape Spencer, Alaska, (Lat. 58°13' N.; Long. 137°13' W.); the center of Yakutat, Alaska; the center of Yakataga, Alaska; the center of Cordova, Alaska; and the center of Portage, Alaska, to the center of Anchorage, Alaska.

§ 600.10412 *Ketchikan, Alaska, to Haines, Alaska, Civil Airway.* From the center of Ketchikan, Alaska, via the center of Petersburg, Alaska; and the center of Juneau, Alaska, to the center of Haines, Alaska.

§ 600.10413 *Kodiak, Alaska, to Nome, Alaska, Civil Airway.* From the center of Kodiak, Alaska, via the center of Naknek, Alaska; the center of Goodnews Bay, Alaska; and the center of Bethel, Alaska, to the center of Nome, Alaska.

§ 600.10414 *Los Angeles, Calif., to San Francisco, Calif., Civil Airway (Coastal Route).* From the Municipal Airport, Los Angeles, Calif., via the Goleta Airport, Santa Barbara, Calif.; Santa Maria Airport, Santa Maria, Calif.; Paso Robles Airport, Paso Robles, Calif., and the Municipal Airport, Salinas, Calif.; to Mills Field, San Francisco, Calif.

§ 600.10415 *Nome, Alaska, to Point Barrow, Alaska, Civil Airway.* From the center of Nome, Alaska, via the center of Kotzebue, Alaska, to the center of Point Barrow, Alaska.

§ 600.10416 *Norfolk, Va., to Washington, D. C., Civil Airway.* From the Municipal Airport, Norfolk., Va., to the National Airport, Washington, D. C.

§ 600.10417 *Petersburg, Alaska, to Cape Spencer, Alaska, Civil Airway.* From the center of Petersburg, Alaska, via the center of Sitka, Alaska, to Cape Spencer, Alaska (Lat. 58 13' N.; Long. 137°13' W.).

§ 600.10418 *Rapid City, S. Dak., to Spearfish, S. Dak., Civil Airway.* From the Municipal Airport, Rapid City, S. Dak., to the Municipal Airport, Spearfish, S. Dak.

§ 600.10419 *St. Louis, Mo., to Des Moines, Iowa, Civil Airway.* From the Municipal Airport, St. Louis, Mo., via the Municipal Airport, Quincy, Ill., and the Municipal Airport, Ottumwa, Iowa, to the Municipal Airport, Des Moines, Iowa.

§ 600.10420 *St. Louis, Mo., to Louisville, Ky., Civil Airway.* From the Municipal Airport, St. Louis, Mo., via the Municipal Airport, Evansville, Ind., to the Municipal Airport, Louisville, Ky.

§ 600.10421 *Tallahassee, Fla., to Atlanta, Ga., Civil Airway.* From the Municipal Airport, Tallahassee, Fla., via the Municipal Airport, Albany, Ga., to Candler Field, Atlanta, Ga.

§ 600.10422 *Winslow, Ariz., to Las Vegas, Nev., Civil Airway.* From the

T. & W. A. Airport, Winslow, Ariz., via the South Rim Airport, Grand Canyon, Ariz., and the Boulder City Airport, Boulder City, Nev., to the Western Air Express Airport, Las Vegas, Nev.

The foregoing designation of civil airways shall become effective, and all other designations of civil airways heretofore made by the Administrator of Civil Aeronautics shall be repealed at, 00:01, E. S. T., March 1, 1942. (Sec. 302, 52 Stat. 985; 49 U.S.C. 452)

CHARLES I. STANTON,
Acting Administrator.

[F. R. Doc. 42-1550; Filed, February 21, 1942; 9:49 a. m.]

[Amendment No. 5 of Part 601]

PART 601[1]—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS, AND RADIO FIXES

REDESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS AND DELETION OF CERTAIN CONTROL ZONES OF INTERSECTION

FEBRUARY 20, 1942.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and sections 60.22 and 60.23 of the Civil Air Regulations, and finding that this action is necessary in the interest of safety and for the proper control of air traffic, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics which became effective January 1[illegible], 1942, as follows:

1. By amending § 601.1001 to read as follows:

§ 601.1001 *Green civil airway No. 1 airway traffic control areas (U. S.-Canadian Border to Forest City, Maine).* All of green civil airway No. 1.

2. By amending § 601.1003 to read as follows:

§ 601.1003 *Green civil airway No. 3 airway traffic control areas (San Francisco, Calif., to New York, N. Y.).* All of green civil airway No. 3.

3. By amending § 601.1006 to read as follows:

§ 601.1006 *Green civil airway No. 6 airway traffic control areas (Corpus Christi, Tex., to Norfolk, Va.).* That portion of green civil airway No. 6: From the Municipal Airport, Corpus Christi, Tex., to the Richmond, Va., radio range station.

4. By amending § 601.1013 to read as follows:

§ 601.1013 *Amber civil airway No. 3 airway traffic control areas (El Paso, Tex., to Great Falls, Mont.).* That portion of amber civil airway No. 3: From a line extended at right angles across such airway through a point on the center line thereof 25 miles north of the Engle, N. Mex., radio range station to the Great Falls, Mont., radio range station.

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[1] 7 F R. 378, 528, 597, 841, 1016.

5. By amending § 601.10201 to read as follows:

§ 601.10201 *Red civil airway No. 1 airway traffic control areas (Portland, Oreg., to Fort Bridger, Wyo.).* All of red civil airway No. 1.

6. By amending § 601.10206 to read as follows:

§ 601.10206 *Red civil airway No. 6 airway traffic control areas (Parco, Wyo., to Omaha, Nebr.).* All of red civil airway No. 6.

7. By amending § 601.10220 to read as follows:

§ 601.10220 *Red civil airway No. 20 airway traffic control areas (Sault Ste. Marie, Mich., to Washington, D. C.).* All of red civil airway No. 20.

8. By amending § 601.10231 to read as follows:

§ 601.10231 *Red civil airway No. 31 airway traffic control areas (Cheyenne, Wyo., to Minneapolis, Minn.).* All of red civil airway No. 31.

9. By adding a new section, § 601.10235 to read as follows:

§ 601.10235 *Red civil airway No. 35 airway traffic control areas (Pueblo, Colo., to Wichita, Kans.).* All of red civil airway No. 35.

10. By adding a new section, § 601.10236 to read as follows:

§ 601.10236 *Red civil airway No. 36 airway traffic control areas (Rochester, Minn., to La Crosse, Wis.).* All of red civil airway No. 36.

11. By amending § 601.10309 to read as follows:

§ 601.10309 *Blue civil airway No. 9 airway traffic control areas (Columbia, Mo., to Duluth, Minn.).* All of blue civil airway No. 9.

12. By adding a new section, § 601.-10320 to read as follows:

§ 601.10320 *Blue civil airway No. 20 airway traffic control areas (Philadelphia, Pa., to Allentown, Pa.).* All of blue civil airway No. 20.

13. By adding a new section, § 601.-10321 to read as follows:

§ 601.10321 *Blue civil airway No. 21 airway traffic control areas (Grand Rapids, Mich., to Traverse City, Mich.).* All of blue civil airway No. 21.

14. By adding a new section, § 601.-10322 to read as follows:

§ 601.10322 *Blue civil airway No. 22 airway traffic control areas (Wichita, Kans., to Tulsa, Okla.).* All of blue civil airway No. 22.

15. By striking the following control zones of intersection appearing in § 601.2: Cheyenne, Wyo.; Denver, Colo.; Grand Island, Nebr.; Laramie, Wyo.

This amendment shall become effective 00:01 E. S. T., March 1, 1942.

CHARLES I. STANTON,
Acting Administrator.

[F. R. Doc. 42-1549; Filed, February 21, 1942; 9:49 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4242]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CONSUMERS MERCANTILE SERVICE

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce of cameras, silverware, broilers, fishing tackle, clocks, pens, pencils, and other articles of merchandise, (1) supplying others with push cards or other devices which are to be used, or may be used, in the sale or distribution of said merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; (2) shipping, etc., to agents or distributors, etc., push cards or other devices which are to be used or may be used in the sale and distribution of said merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Consumers Mercantile Service, Docket 4242, February 16, 1942]

In the Matter of John J. Schocket, Individually and Trading as Consumers Mercantile Service

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of February, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence taken before W. W. Sheppard and A. B. Duvall, trial examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiners upon the evidence and exceptions filed thereto, and briefs filed in support of the complaint and in opposition thereto; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, John J. Schocket, an individual trading as Consumers Mercantile Service, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of cameras, silverware, broilers, fishing tackle, clocks, pens, pencils, and other articles of merchandise in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Supplying, or placing in the hands of others, push cards or other devices which are to be used, or may be used, in the sale or distribution of said merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme;

(2) Shipping, mailing, or transporting to agents or to distributors or to members of the purchasing public, push cards or other devices which are to be used or may be used in the sale and distribution of said merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme;

(3) Selling, or otherwise disposing of, any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1556; Filed, February 21, 1942; 11:41 a. m.]

[Docket No. 4541]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF BATTLE CREEK DRUGS, INC., ET AL.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc., of respondents' "BonKora", or any other similar product, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said product, which advertisements represent, directly or through inference, that their said preparation "BonKora" is a popular cocktail preparation; that it is a preparation which, if taken as directed, will relieve or overcome obesity or reduce excess fat without dieting; that the use of said preparation will reduce fat from designated parts of the body such as the hips, waist and bust and reduce the measurements of such parts of the body; that said preparation contains no dangerous drugs and may be taken repetitiously with safety; or which advertisements fail to reveal that said preparation should not be used by persons suffering from nausea, vomiting, abdominal pains or other symptoms of appendicitis; prohibited, subject to the provision, however, that if the directions for use, wherever they appear on the label, in the labeling, or both on the label and in the labeling, contain a warning of the potential dangers in the use of said preparation as hereinabove set forth, such advertisements need contain only the cautionary statement: Caution, Use Only as Directed. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Battle Creek Drugs, Inc., et al., Docket 4541, February 17, 1942]

In the Matter of Battle Creek Drugs, Inc., a Corporation, and Consoltdated Royal Chemical Corporation, a Corporation, Trading and Doing Business as Consolidated Drug Trade Products, and as Bonkora Company

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C. on the 17th day of February, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents and a stipulation as to the facts entered into by counsel for respondents herein and counsel for the Commission, which provides, among other things, that without further evidence or other intervening procedure the Commission may issue and serve upon the respondents herein findings as to the facts and its conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondents Battle Creek Drugs, Inc., a corporation, and Consolidated Royal Chemical Corporation, a corporation trading as Consolidated Drug Trade Products, and as BonKora Company, or under any other name, their officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their product now named BonKora or any other product containing the same or similar ingredients, whether sold under the same name or any other name, do forthwith cease and desist from:

(1) Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails, or (b) by any means in commerce, as commerce is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference, that their preparation "BonKora" is a popular cocktail preparation; that it is a preparation which, if taken as directed, will relieve or overcome obesity or reduce excess fat without dieting; that the use of said preparation will reduce fat from designated parts of the body such as the hips, waist and bust and reduce the measurements of such parts of the body; that said preparation contains no dangerous drugs and may be taken repetitiously with safety; or which advertisement fails to reveal that said preparation should not be used by persons suffering from nausea, vomiting, abdominal pains or other symptons of appendicitis: *Provided, however*, That if the directions for use, wherever they appear on the label, in the labeling, or both on the label and in the labeling, contain a warning of the potential dangers in the use of said preparation as hereinabove set forth, such advertisement need contain only the cautionary statement: Caution, Use Only As Directed;

(2) Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as commerce is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in Paragraph (1) hereof, or which fails to reveal the affirmative cautionary statement required in Paragraph (1) hereof.

It is further ordered, That respondents shall within sixty (60) days after service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1628; Filed, February 24, 1942; 11:32 a. m.]

[Docket No. 3418]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF THE HARDWOOD INSTITUTE, ET AL.

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.27 (b) *Combining or conspiring—To eliminate competition—In conspirators' goods:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* In connection with offer, etc., in commerce, of hardwood lumber, or products thereof, and on the part of respondent Hardwood Institute, and twenty-one corporate respondents, and on the part of their representatives, officers, etc., and among other things, as in order set forth, entering into, carrying out, or aiding or abetting in the carrying out, or the continuing of any agreement, understanding, combination, or conspiracy or cooperation or concert of action (to produce harmonious individual action) between and among any two or more of said respondents or between any one or more of said respondents and any other persons, partnerships, or corporations, for the purpose or with the effect of restricting, restraining, or eliminating competition in price; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, The Hardwood Institute, et al., Docket 3418, February 20, 1942]

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.27 (b) *Combining or conspiring—To eliminate competition—In conspirators'*

goods: § 3.27 (d) *Combining or conspiring — To enhance, maintain or unify prices.* In connection with offer, etc., in commerce, of hardwood lumber, or products thereof, and on the part of respondent Hardwood Institute, and twenty-one corporate respondents, and on the part of their representatives, officers, etc., and among other things, as in order set forth, by cooperative or concerted action, or agreement or understanding between and among any two or more of said respondents, or between any one or more of said respondents and any other persons, partnerships or corporations, (a) fixing, establishing, or maintaining prices, terms or conditions of sale, or promising or attempting to adhere to prices, terms, and conditions of sale of hardwood lumber or products thereof so fixed; (b) adopting, maintaining, or using a method or system for calculating and quoting prices predicated upon the use of figures f. o. b. Wausau, Wis., or any other basing point, plus freight therefrom, for the purpose or with the effect of matching or making the same the delivered price quotations of any two or more sellers of hardwood lumber or the products thereof at any given destination; (c) preparing, calculating, or circulating a compilation or compilations of delivery charges, freight factors, or so-called freight rates for use by sellers of hardwood lumber or products thereof for the purpose or with the effect of making or aiding in making the same delivered price quotations on the part of any two or more sellers of hardwood lumber or the products thereof at any given destination; (d) quoting prices, terms, and conditions of sale determined under a method or system of basing point—delivered price—quotations for the purpose or with the effect of matching or making the delivered price quotations of any two or more sellers of hardwood lumber or the products thereof the same at any given destination; or quoting prices, terms, or conditions of sale f. o. b. point of production or shipment that are dependent on, related to, or determined by such method or system; (e) treating buyers and users of hardwood lumber and the products thereof in any unfair or discriminatory manner or differently by systematically demanding, charging, accepting, or receiving, as an incident to the use of any basing-point method or system or any freight equalization method or system of delivered price quoting, larger mill net sums and amounts for products equal in quality and quantity from buyers and users located at or near the respective places of production of the respondents, than from other buyers and users more distantly located freight-wise from such respective places of production or shipment, for the purpose or with the effect of matching or making the same the delivered price quotations on the part of any two or more sellers of hardwood lumber and the produces thereof at any given destination; (f) reporting, filing, or exchanging among themselves, or with other competing sellers of hardwood lumber or the products thereof, base or other price lists, or adhering or agreeing to adhere to any extent to the prices quoted or included in such lists or collaborating among themselves or with other competing sellers concerning any price quotations included in such lists; (g) the opening of books or other records for examination by a common agent, or the reporting, filing, or exchanging among themselves or with others through a common agent or otherwise, information regarding the sales of any individual seller of hardwood lumber or products thereof, including the prices at which such sales are made, for the purpose or with the effect of securing a collective or cooperative comparison, through a common agent or otherwise, of the prices therein with the price quotations previously announced by any seller of hardwood lumber or products thereof; (h) filing or exchanging among themselves or with others, through a common agent or otherwise, statistical or other intimate details of sales made by any one seller of hardwood lumber or products thereof for the purpose or with the effect of aiding or abetting in eliminating or restraining competition in the sale of hardwood lumber or the products thereof; (i) formulating, adopting or using price quotations, business practices, terms, or conditions of sale, including discounts or other amounts to be allowed wholesalers, retailers, or other tradesmen, for the purpose or with the effect of producing uniformity in such quotations, business practices, terms, and conditions of sale and discounts among competitors in their sale of or offers to sell hardwood lumber or the products thereof; and (j) discussing or collaborating in the course of meetings or otherwise, among themselves or with others, or cooperating among themselves or with others, for the purpose or with the effect of continuing or carrying out or aiding in the continuing or the carrying out of any of the methods or practices specified and set forth in the immediately preceding prohibitions lettered (a) to (i) inclusive; prohibited, subject to the provision, however, that prohibition (f) shall not be construed as a prohibition against a seller giving to a customer price lists on items involved in sales by such seller to such customer. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, The Hardwood Institute, et al., Docket 3418, February 20, 1942]

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.27 (b) *Combining or conspiring—To eliminate competition—In conspirators' goods:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices.* In connection with offer, etc., in commerce, of hardwood lumber, or products thereof, and on the part of respondent Hardwood Institute, and twenty-one corporate respondents, and on the part of their representatives, officers, etc., and among other things, as in order set forth, (1) reporting, filing, or exchanging, among themselves or with other competing sellers of hardwood lumber or the products thereof, base or other price lists; and (2) opening books or other records for examination by a common agent, or reporting, filing, or exchanging among themselves or with others through a common agent or otherwise, information regarding the sales of any individual seller of hardwood lumber or products thereof, including the prices at which such sales are made, for the purpose or with the effect of securing a collective or cooperative comparison, through a common agent or otherwise, of prices with price quotations previously announced by any seller of hardwood lumber or products thereof; prohibited, subject to the provision, however, that said first prohibition shall not be construed as one against seller giving to a customer price lists on items involved in sales by such seller to such customer. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, The Hardwood Institute, et al., Docket 3418, February 20, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 20th day of February, A. D. 1942.

In the Matter of The Hardwood Institute, an Unincorporated Association; A. L. Osborn, Individually, and as Manager and Secretary of The Hardwood Institute; and The Antrim Iron Company, The Bay de Noquet Company, The Bonifas Gorman Company (Referred to in the Complaint as The Boniface Gorman Company), The Brownlee Company, The Edward Hines Lumber Company, William Bonifas Lumber Company (Referred to in the Complaint as William Boniface Lumber Company), Holt Lumber Company, Kinzel Lumber Company, Marathon Paper Mills Company, Menominee and Bay Shore Lumber Company, Northwestern Cooperage and Lumber Company, The Oconto Company, The Rib Lake Lumber Company, The Underwood Veneer Company, The Von Platen and Fox Company, The M. J. Wallrich Land and Lumber Company, Weidman Lumber Company, Roddis Lumber and Veneer Company, Sawyer-Goodman Company, I. Stephenson Company, Thunder Lake Lumber Company, The Wisconsin Land and Lumber Company, The Yawkey-Bissel Company, The Yawkey-Alexander Lumber Company, Corporations, Members of The Hardwood Institute

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission, the answers of respondents, testimony and other evidence taken before Robert S. Hall, a trial examiner of the Commission theretofore duly designated by it, in support of and in opposition to the allegations of said complaint, and a stipulation as to certain facts entered into between Edward J. Dempsey, attorney for the respondents (except respondents A. L. Osborn, Kinzel Lumber Company, Menominee and Bay Shore Lumber Company and Northwestern Cooperage and Lumber Company), and W. T. Kelley, Chief Counsel for the Commission, which provided, among other things, that the Commission might proceed upon the entire record, including such statement of stipulated facts, to make its report, stating its findings as to the facts (including inferences which it might draw from the entire records, the admissions made by representatives of the respondents in the pleadings and as otherwise disclosed by the record, and by such statement of stipulated facts), and its conclusion based thereon, and might enter its order disposing of the proceeding without the presentation of further argument or the filing of additional briefs, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondents The Hardwood Institute, an unincorporated association, and The Antrim Iron Company, The Bay de Noquet Company, The Bonifas Gorman Company, the Brownlee Company, The Edward Hines Lumber Company, William Bonifas Lumber Company, Holt Lumber Company, Marathon Paper Mills Company, The Oconto Company, The Rib Lake Lumber Company, The Underwood Veneer Company, The Von Platen and Fox Company, The M. J. Wallrich Land and Lumber Company, Weidman Lumber Company, Roddis Lumber and Veneer Company, Sawyer-Goodman Company, I. Stephenson Company, Thunder Lake Lumber Company, The Wisconsin Land and Lumber Company, The Yawkey-Bissel Company, and The Yawkey-Alexander Lumber Company, corporations, both separately and as representatives of each other, and said respondents' officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce among and between the several states of the United States and in the District of Columbia, of hardwood lumber or products thereof, do forthwith cease and desist from:

1. Entering into, carrying out, or aiding or abetting in the carrying out, or the continuing of any agreement, understanding, combination or conspiracy or cooperation or concert of action to produce harmonious individual action) between and among any two or more of said respondents or between any one or more of said respondents and any other persons, partnerships or corporations, for the purpose or with the effect of restricting, restraining or eliminating competition in price;

2. Doing and performing, by cooperative or concerted action, or agreement or understanding between and among any two or more of said respondents, or between any one or more of said respondents, and any other persons, partnerships or corporations, the following acts, practices or things:

(a) Fixing, establishing, or maintaining prices, terms or conditions of sale or promising or attempting to adhere to prices, terms and conditions of sale of hardwood lumber or products thereof so fixed;

(b) Adopting, maintaining or using a method or system for calculating and quoting prices predicated upon the use of figures f. o. b. Wausau, Wisconsin, or any other basing point, plus freight therefrom, for the purpose or with the effect of matching or making the same the delivered price quotations of any two or more sellers of hardwood lumber or the products thereof at any given destination;

(c) Preparing, calculating, or circulating a compilation or compilations of delivery charges, freight factors, or so-called freight rates for use by sellers of hardwood lumber or products thereof for the purpose or with the effect of making or aiding in making the same delivered price quotations on the part of any two or more sellers of hardwood lumber or the products thereof at any given destination;

(d) Quoting prices, terms and conditions of sale determined under a method or system of basing point—delivered price—quotations for the purpose or with the effect of matching or making the delivered price quotations of any two or more sellers of hardwood lumber or the products thereof the same at any given destination; or quoting prices, terms or conditions of sale f. o. b. point of production or shipment that are dependent on, related to, or determined by such method or systems;

(e) Treating buyers and users of hardwood lumber and the products thereof in an unfair or discriminatory manner or differently by systematically demanding, charging, accepting or receiving, as an incident to the use of any basing-point method or system or any freight equalization method or system of delivered price quoting, larger mill net sums and amounts for products equal in quality and quantity from buyers and users located at or near the respective places of production of the respondents, than from other buyers and users more distantly located freightwise from such respective places of production or shipment, for the purpose or with the effect of matching or making the same the delivered price quotations on the part of any two or more sellers of hardwood lumber and the products thereof at any given destination;

(f) Reporting, filing, or exchanging among themselves, or with other competing sellers of hardwood lumber or the products thereof, base or other price lists, or adhering or agreeing to adhere to any extent to the prices quoted or included in such lists, or collaborating among themselves or with other competing sellers concerning any price quotations included in such lists; Provided, this sub-paragraph (f) shall not be construed as a prohibition against a seller giving to a customer price lists on items involved in sales by such seller to such customer;

(g) The opening of books or other records for examination by a common agent, or the reporting, filing or exchanging among themselves or with others through a common agent or otherwise, information regarding the sales of any individual seller of hardwood lumber or products thereof, including the prices at which such sales are made, for the purpose or with the effect of securing a collective or cooperative comparison, through a common agent or otherwise, or the prices therein with the price quotations previously announced by any seller of hardwood lumber or products thereof;

(h) Filing or exchanging among themselves or with others, through a common agent or otherwise, statistical or other intimate details of sales made by any one seller of hardwood lumber or products thereof for the purpose or with the effect of aiding or abetting in eliminating or restraining competition in the sale of hardwood lumber or the products thereof;

(i) Formulating, adopting or using price quotations, business practices, terms, or conditions of sale, including discounts or other amounts to be allowed wholesalers, retailers, or other tradesmen, for the purpose or with the effect of producing uniformity in such quotations, business practices, terms and conditions of sale and discounts among competitors in their sale of or offers to sell hardwood lumber or the products thereof;

(j) Discussing or collaborating in the course of meetings or otherwise, among themselves or with others, or cooperating among themselves or with others, for the purpose or with the effect of continuing or carrying out or aiding in the continuing or the carrying out of any of the methods or practices specified and set forth in the immediately preceding subparagraphs lettered (a) to (i), inclusive;

3. Reporting, filing, or exchanging, among themselves or with other competing sellers of hardwood lumber or the products thereof, base or other price lists; Provided this paragraph 3 shall not be construed as a prohibition against a seller giving to a customer price lists on items involved in sales by such seller to such customer;

4. Opening of books or other records for examination by a common agent, or reporting, filing or exchanging among themselves or with others through a common agent or otherwise, information regarding the sales of any individual seller of hardwood lumber or products thereof, including the prices at which such sales are made, for the purpose or with the effect of securing a collective or cooperative comparison, through a common agent or otherwise, of prices with price quotations previously announced by any seller of hardwood lumber or products thereof.

It is further ordered, That said respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

The respondent corporations Kinzel Lumber Company, Menominee and Bay Shore Lumber Company and Northwestern Cooperage and Lumber Company having been dissolved: *It is further ordered*, That this proceeding be, and it hereby is, dismissed as to said respondents.

The individual respondent A. L. Osborn having died subsequent to the institution of this proceeding: *It is further ordered*, That this proceeding be, and it hereby is, dismissed as to said respondent.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-1629; Filed, February 24, 1942; 11:33 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50568]

PART 4—APPLICATION OF CUSTOMS LAWS TO AIR COMMERCE

PRESQUE ISLE AIR BASE, PRESQUE ISLE, MAINE, DESIGNATED AS AN AIRPORT OF ENTRY FOR A PERIOD OF ONE YEAR[1]

FEBRUARY 20, 1942.

The Presque Isle Air Base, Presque Isle, Maine, is hereby designated as an airport of entry for civil aircraft and merchandise carried thereon arriving from places outside the United States, as defined in section 9 (b) of the Air Commerce Act of 1926 (U.S.C. title 49, sec. 179 (b)), for a period of one year from February 20, 1942. (Sec. 7 (b), 44 Stat. 572; 49 U.S.C. 177 (b)).

[SEAL] HERBERT E. GASTON, *Acting Secretary of the Treasury.*

[F. R. Doc. 42-1539; Filed, February 23, 1942; 11:54 a. m.]

TITLE 21—FOOD AND DRUGS

CHAPTER I—FOOD AND DRUG ADMINISTRATION

PART 170—REGULATIONS FOR THE ENFORCEMENT OF THE FEDERAL TEA ACT

Pursuant to the authority of sections 2 and 3 of the Federal Tea Act (29 Stat. 604; 35 Stat. 163; as amended 41 Stat. 712; 21 U.S.C. 41), the following standards prepared and submitted by the Board of Tea Experts are hereby fixed and established as standards under the Tea Act for the year beginning May 1, 1942, and ending April 30, 1943. § 170.19 (b) is hereby amended to read as follows:

§ 170.19 *Tea standards.*

* * * * * * *

(b) The following standards prepared and submitted by the Board of Tea Experts are hereby fixed and established as standards under the Tea Act for the year beginning May 1, 1942, and ending April 30, 1943:

(1) Java (to be used for all fully fermented East India type teas).

(2) China Congou (to be used for all fully fermented teas of similar type or manufacture).

(3) China Gunpowder (to be used for all green [unfermented] teas).

(4) Canton Oolong (to be used for all oolong [semifermented] teas).

(5) Scented Canton (to be used for all scented teas).

These standards apply to tea shipped from abroad on or after May 1, 1942. Tea shipped prior to May 1, 1942, will be governed by the standards which became effective May 1, 1941. (Secs. 2, 3, 29 Stat. 605, 41 Stat. 712; 21 U.S.C. 42, 42)

[SEAL] PAUL V. MCNUTT, *Administrator.*

FEBRUARY 17, 1942.

[F. R. Doc. 42-1551; Filed, February 21, 1942; 10:29 a. m.]

[1] This document affects the tabulation in 19 CFR 4.13.

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER B—ESTATE AND GIFT TAXES

[Regulations 105]

PART 81—REGULATIONS RELATING TO ESTATE TAX

Sec.

81.1 Scope of regulations.
81.2 General description.
81.3 Gross estate.
81.4 Net estate.
81.5 Definition of "resident" and "nonresident".
81.6 Manner of determining liability.
81.7 Rates and computation of tax.
81.8 Credit for gift tax.
81.9 Credit for estate, inheritance, legacy, or succession taxes.
81.10 Valuation of property.
81.11 Optional valuation date.
81.12 Description of property listed on return.
81.13 Property of decedent at time of death.
81.14 Dower and curtesy.
81.15 Transfers during life.
81.16 Transfers in contemplation of death.
81.17 Transfers conditioned upon survivorship.
81.18 Transfers with possession or enjoyment retained.
81.19 Transfers with right retained to designate who shall possess or enjoy.
81.20 Transfers with power to change the enjoyment.
81.21 Power relinquished in contemplation of death.
81.22 Property held jointly or by the entirety.
81.23 Taxable portion.
81.24 Property passing under general power of appointment.
81.25 Taxable insurance.
81.26 Insurance in favor of the estate.
81.27 Insurance receivable by other beneficiaries.
81.28 Valuation of insurance.
81.29 Deduction of administration expenses, claims, etc.
81.30 Effect of court decree.
81.31 Funeral expenses.
81.32 Administration expenses.
81.33 Executor's commissions.
81.34 Attorney's fees.
81.35 Miscellaneous administration expenses.
81.36 Claims against the estate.
81.37 Taxes.
81.38 Unpaid mortgages.
81.39 Losses from casualties or theft.
81.40 Support of dependents.
81.41 Deduction of the value of transfers previously taxed.
81.42 Property originally received.
81.43 Property acquired in exchange.
81.44 Transfers for public, charitable, religious, etc., uses.
81.45 Religious, charitable, scientific, and educational corporations.
81.46 Conditional bequests.
81.47 Proof required.
81.48 Specific exemption.
81.49 Gross estate.
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81.51 Net estate.
81.52 Deductions of administration expenses, claims, etc.
81.53 Deduction of the value of property previously taxed.
81.54 Deduction of value of transfers for public, charitable, religious, etc., uses.
81.55 Determination of net estate.
81.56 Payment of tax.
81.57 When notice required.
81.58 Notice by executor or administrator.
81.59 Notice by others than duly qualified executor or administrator.
81.60 Estates of nonresidents not citizens; preliminary notice.
81.61 Information return by corporation or transfer agent.
81.62 Transfer certificates.
81.63 When return required; date of filing.
81.64 Persons liable for return.
81.65 Preparation of return.
81.66 Supplemental data.
81.67 Return of estates of nonresidents not citizens.
81.68 Supplemental data.
81.69 Extension of time by collector.
81.70 Extension of time by Commissioner.
81.71 Examination of return and determination of tax by the Commissioner.
81.72 Authorization of attorneys and others required.
81.73 Deficiency, petitions, and closing agreements.
81.74 Assessments.
81.75 Payment of tax; general.
81.76 The executor shall pay the tax.
81.77 Payment by check.
81.78 Payment with bonds or notes of the United States.
81.79 Extension of time.
81.80 Extension of time for payment of deficiency tax.
81.81 Interest on tax.
81.82 Interest on deficiency tax.
81.83 Sale of property.
81.84 Right to reimbursement.
81.85 Property subject to lien.
81.86 Release of lien.
81.87 Nature of penalties.
81.88 Penalties for false or fraudulent notice or return.
81.89 Penalty for failure to give notice or make and file return.
81.90 Penalty for failure to pay tax, exhibit property, keep or exhibit records, etc., and for concealment of assets.
81.91 Penalty for assisting, procuring, or advising the preparation or presentation of false or fraudulent documents.
81.92 Claim for abatement.
81.93 Collection of jeopardy assessment stayed by filing bond.
81.94 Accrual of interest as affected by the stay of the collection of a jeopardy assessment.
81.95 Limitation of time to file bond to stay collection of jeopardy assessment.
81.96 Claim for refund.
81.97 Payment of claims and interest.
81.98 Compromise of taxes and penalties.
81.99 Personal liability.
81.100 Securing evidence—Taking testimony.
81.101 Power to compel compliance.
81.102 Remedies for collection and administrative proceedings for enforcing liability of a transferee or fiduciary.
81.103 Executor's duty to keep records.
81.104 Executor's duty to render statements.
81.105 Notice of persons acting as fiduciary.

INTRODUCTORY PROVISIONS

SEC. 800. [Part I, Subchapter A.] APPLICATION OF SUBCHAPTER.

The provisions of this subchapter shall apply only to estates of decedents dying after the date of the enactment of this title. Estate taxes in the case of decedents dying on or prior to the date of the enactment of this title shall not be affected by the provisions of this subchapter, but shall remain subject to the applicable provisions of the Revenue Act of 1926 and prior revenue acts, except as such provisions are modified by legislation enacted subsequent to the Revenue Act of 1926.

SEC. 801. [Part I, Subchapter A.] CLASSIFICATION OF PROVISIONS.

The provisions of this subchapter are herein classified and designated as—

Part I—Introductory provisions.

Part II—Citizens or residents of the United States.

Part III—Nonresidents not citizens of the United States.

Part IV—Supplemental provisions.

SEC. 802. [Part I, Subchapter A.] APPLICATION OF PARTS.

Part II shall apply to the estates of citizens or residents of the United States and, except as otherwise provided, to the estates of nonresidents not citizens of the United States, subject to the exceptions and additional provisions contained in Part III. Part IV shall apply to the estates both of citizens or residents of the United States and nonresidents not citizens of the United States.

SCOPE OF REGULATIONS

§ 81.1 *Scope of regulations.* The regulations in this part relate and shall apply only to estate taxes imposed by chapter 3 of the Internal Revenue Code (53 Stat., Part 1) on the estates of decedents dying after February 10, 1939, the date of the enactment of the Code. They do not supersede or otherwise affect estate tax regulations (including Treasury decisions) applicable under any provision of law in effect prior to February 11, 1939. Such prior regulations remain in full force and effect and continue to apply to estate taxes on the estates of decedents dying prior to February 11, 1939.

Each section, subsection, or paragraph of the Internal Revenue Code set forth in the regulations in this part shall be considered as a part of the respective regulations sections to which it corresponds.*

*§§ 81.1 to 81.105, inclusive, issued under the authority contained in section 3791 of the Internal Revenue Code (53 Stat. 467; 26 U.S.C. 3791).

DEFINITION OF TERMS

SEC. 930. [Part IV, Subchapter A.] "EXECUTOR," "NET ESTATE," "MONTH," "COLLECTOR."

When used in this subchapter—

(a) The term "executor" means the executor or administrator of the decedent, or, if there is no executor or administrator appointed, qualified, and acting within the United States, then any person in actual or constructive possession of any property of the decedent;

(b) The term "net estate" means the net estate as determined under the provisions of section 812 or 861;

(c) The term "month" means calendar month; and

(d) The term "collector" means the collector of internal revenue of the district in which was the domicile of the decedent at the time of his death, or, if there was no such domicile in the United States, then the collector of the district in which is situated the part of the gross estate of the decedent in the United States, or, if such part of the gross estate is situated in more than one district, then the collector of internal revenue of such district as may be designated by the Commissioner.

RATES OF TAX

(Basic Estate Tax—Estates of Citizens or Residents of the United States)

SEC. 810. [Part II, Subchapter A.] RATE OF TAX.

A tax equal to the sum of the following percentages of the value of the net estate (determined as provided in section 812) shall be imposed upon the transfer of the net estate of every decedent, citizen or resident of the United States, dying after the date of the enactment of this title.

1 per centum of the amount of the net estate not in excess of $50,000;

2 per centum of the amount by which the net estate exceeds $50,000 and does not exceed $100,000;

3 per centum of the amount by which the net estate exceeds $100,000 and does not exceed $200,000;

4 per centum of the amount by which the net estate exceeds $200,000 and does not exceed $400,000;

5 per centum of the amount by which the net estate exceeds $400,000 and does not exceed $600,000;

6 per centum of the amount by which the net estate exceeds $600,000 and does not exceed $800,000;

7 per centum of the amount by which the net estate exceeds $800,000 and does not exceed $1,000,000;

8 per centum of the amount by which the net estate exceeds $1,000,000 and does not exceed $1,500,000;

9 per centum of the amount by which the net estate exceeds $1,500,000 and does not exceed $2,000,000;

10 per centum of the amount by which the net estate exceeds $2,000,000 and does not exceed $2,500,000;

11 per centum of the amount by which the net estate exceeds $2,500,000 and does not exceed $3,000,000;

12 per centum of the amount by which the net estate exceeds $3,000,000 and does not exceed $3,500,000;

13 per centum of the amount by which the net estate exceeds $3,500,000 and does not exceed $4,000,000;

14 per centum of the amount by which the net estate exceeds $4,000,000 and does not exceed $5,000,000;

15 per centum of the amount by which the net estate exceeds $5,000,000 and does not exceed $6,000,000;

16 per centum of the amount by which the net estate exceeds $6,000,000 and does not exceed $7,000,000;

17 per centum of the amount by which the net estate exceeds $7,000,000 and does not exceed $8,000,000;

18 per centum of the amount by which the net estate exceeds $8,000,000 and does not exceed $9,000,000;

19 per centum of the amount by which the net estate exceeds $9,000,000 and does not exceed $10,000,000;

20 per centum of the amount by which the net estate exceeds $10,000,000.

(Basic Estate Tax—Estates of Nonresidents not Citizens of the United States)

SEC. 860. [Part III, Subchapter A.] RATE OF TAX.

A tax equal to the sum of the percentages set forth in section 810 of the value of the net estate (determined as provided in section 861) shall be imposed upon the transfer of the net estate of every decedent nonresident not a citizen of the United States dying after the date of the enactment of this title.

(Additional Estate Tax—Estates of Citizens or Residents of the United States and Nonresidents not Citizens of the United States)

SEC. 935. [Subchapter B.] RATE OF TAX.

(a) In addition to the estate tax imposed by section 810 or 860, there shall be imposed upon the transfer of the net estate of every decedent dying after the date of the enactment of this title, whether a citizen or resident of the United States or a nonresident not a citizen of the United States, a tax equal to the excess of—

(1) the amount of a tentative tax computed under subsection (b) of this section, over

(2) the amount of the tax imposed by section 810, in the case of a citizen or resident of the United States, or 860, in the case of a nonresident not a citizen of the United States, computed without regard to the provisions of this subchapter.

(b) (As amended by section 401 (a) of the Revenue Act of 1941; effective September 21, 1941.) The tentative tax referred to in subsection (a) (1) of this section shall be the tentative tax shown in the following table:

If the net estate is—	*The tentative tax shall be—*
Not over $5,000	3% of the net estate.
Over $5,000 but not over $10,000	$150, plus 7% of excess over $5,000.
Over $10,000 but not over $20,000	$500, plus 11% of excess over $10,000.
Over $20,000 but not over $30,000	$1,600, plus 14% of excess over $20,000.
Over $30,000 but not over $40,000	$3,000, plus 18% of excess over $30,000.
Over $40,000 but not over $50,000	$4,800, plus 22% of excess over $40,000.
Over $50,000 but not over $60,000	$7,000, plus 25% of excess over $50,000.
Over $60,000 but not over $100,000	$9,500, plus 28% of excess over $60,000.
Over $100,000 but not over $250,000	$20,700, plus 30% of excess over $100,000.
Over $250,000 but not over $500,000	$65,700, plus 32% of excess over $250,000.
Over $500,000 but not over $750,000	$145,700, plus 35% of excess over $500,000.
Over $750,000 but not over $1,000,000	$233,200, plus 37% of excess over $750,000.
Over $1,000,000 but not over $1,250,000	$325,700, plus 39% of excess over $1,000,000.
Over $1,250,000 but not over $1,500,000	$423,200, plus 42% of excess over $1,250,000.
Over $1,500,000 but not over $2,000,000	$528,200, plus 45% of excess over $1,500,000.
Over $2,000,000 but not over $2,500,000	$753,200, plus 49% of excess over $2,000,000.
Over $2,500,000 but not over $3,000,000	$998,200, plus 53% of excess over $2,500,000.
Over $3,000,000 but not over $3,500,000	$1,263,200, plus 56% of excess over $3,000,000.
Over $3,500,000 but not over $4,000,000	$1,543,200, plus 59% of excess over $3,500,000.
Over $4,000,000 but not over $5,000,000	$1,838,200, plus 63% of excess over $4,000,000.
Over $5,000,000 but not over $6,000,000	$2,468,200, plus 67% of excess over $5,000,000.
Over $6,000,000 but not over $7,000,000	$3,138,200, plus 70% of excess over $6,000,000.
Over $7,000,000 but not over $8,000,000	$3,838,200, plus 73% of excess over $7,000,000.
Over $8,000,000 but not over $10,000,000	$4,568,200, plus 76% of excess over $8,000,000.
Over $10,000,000	$6,088,200, plus 77% of excess over $10,000,000.

(c) For the purposes of this section the value of the net estate shall be determined as provided in subchapter A, except that in lieu of the exemption of $100,000 provided in section 812 (a), the exemption shall be $40,000.

SEC. 935. (b) (As enacted on February 10, 1939.) The tentative tax referred to in subsection (a) (1) of this section shall equal the sum of the following percentages of the value of the net estate:

Upon net estates not in excess of $10,000, 2 per centum.

$200 upon net estates of $10,000; and upon net estates in excess of $10,000 and not in excess of $20,000, 4 per centum in addition of such excess.

$600 upon net estates of $20,000; and upon net estates in excess of $20,000 and not in excess of $30,000, 6 per centum in addition of such excess.

$1,200 upon net estates of $30,000; and upon net estates in excess of $30,000 and not in excess of $40,000, 8 per centum in addition of such excess.

$2,000 upon net estates of $40,000; and upon net estates in excess of $40,000 and not in excess of $50,000, 10 per centum in addition of such excess.

$3,000 upon net estates of $50,000; and upon net estates in excess of $50,000 and not in excess of $70,000, 12 per centum in addition of such excess.

$5,400 upon net estates of $70,000; and upon net estates in excess of $70,000 and not in excess of $100,000, 14 per centum in addition of such excess.

$9,600 upon net estates of $100,000; and upon net estates in excess of $100,000 and not in excess of $200,000, 17 per centum in addition of such excess.

$26,600 upon net estates of $200,000; and upon net estates in excess of $200,000 and not in excess of $400,000, 20 per centum in addition of such excess.

$66,600 upon net estates of $400,000; and upon net estates in excess of $400,000 and not in excess of $600,000, 23 per centum in addition of such excess.

$112,600 upon net estates of $600,000; and upon net estates in excess of $600,000 and not in excess of $800,000, 26 per centum in addition of such excess.

$164,600 upon net estates of $800,000; and upon net estates in excess of $800,000 and not in excess of $1,000,000, 29 per centum in addition of such excess.

$222,600 upon net estates of $1,000,000; and upon net estates in excess of $1,000,000 and not in excess of $1,500,000, 32 per centum in addition of such excess.

$382,600 upon net estates of $1,500,000; and upon net estates in excess of $1,500,000 and not in excess of $2,000,000, 35 per centum in addition of such excess.

$557,600 upon net estates of $2,000,000; and upon net estates in excess of $2,000,000 and not in excess of $2,500,000, 38 per centum in addition of such excess.

$747,600 upon net estates of $2,500,000; and upon net estates in excess of $2,500,000 and not in excess of $3,000,000, 41 per centum in addition of such excess.

$952,600 upon net estates of $3,000,000; and upon net estates in excess of $3,000,000 and not in excess of $3,500,000, 44 per centum in addition of such excess.

$1,172,600 upon net estates of $3,500,000; and upon net estates in excess of $3,500,000 and not in excess of $4,000,000, 47 per centum in addition of such excess.

$1,407,600 upon net estates of $4,000,000; and upon net estates in excess of $4,000,000 and not in excess of $4,500,000, 50 per centum in addition of such excess.

$1,657,600 upon net estates of $4,500,000; and upon net estates in excess of $4,500,000 and not in excess of $5,000,000, 53 per centum in addition of such excess.

$1,922,600 upon net estates of $5,000,000; and upon net estates in excess of $5,000,000 and not in excess of $6,000,000, 56 per centum in addition of such excess.

$2,482,600 upon net estates of $6,000,000; and upon net estates in excess of $6,000,000 and not in excess of $7,000,000, 59 per centum in addition of such excess.

$3,072,600 upon net estates of $7,000,000; and upon net estates in excess of $7,000,000 and not in excess of $8,000,000, 61 per centum in addition of such excess.

$3,682,600 upon net estates of $8,000,000; and upon net estates in excess of $8,000,000 and not in excess of $9,000,000, 63 per centum in addition of such excess.

$4,312,600 upon net estates of $9,000,000; and upon net estates in excess of $9,000,000 and not in excess of $10,000,000, 65 per centum in addition of such excess.

$4,962,600 upon net estates of $10,000,000; and upon net estates in excess of $10,000,000 and not in excess of $20,000,000, 67 per centum in addition of such excess.

$11,662,600 upon net estates of $20,000,000; and upon net estates in excess of $20,000,000 and not in excess of $50,000,000, 69 per centum in addition of such excess.

$32,362,600 upon net estates of $50,000,000; and upon net estates in excess of $50,000,000, 70 per centum in addition of such excess.

(Defense Tax: Effective After June 25, 1940, and Before September 21, 1941)

SEC. 951. [Subchapter C, as added by section 206 of the Revenue Act of 1940.] DEFENSE TAX.

In the case of a decedent dying after the date of the enactment of the Revenue Act of 1940 and before the expiration of five years after such date, the total amount of tax payable under this chapter shall be 10 per centum greater than the amount of tax which would be payable if computed without regard to this section. For the purposes of this section, the tax computed without regard to this section shall be such tax, after the application of the credits provided for in section 813 and section 936.

SEC. 401. (b) [Revenue Act of 1941.] DEFENSE TAX REPEALED.—

Subchapter C of Chapter 3 of the Internal Revenue Code is repealed.

SEC. 401. (c) [Revenue Act of 1941; enacted September 20, 1941.] EFFECTIVE DATE.

Subsections (a) and b) shall be effective only with respect to estates of decedents dying after the date of the enactment of this Act.

DESCRIPTION OF THE TAX

§ 81.2 *General description.* Federal estate taxation under the Internal Revenue Code (chapter 3), applicable to estates of decedents dying on or after February 11, 1939, consists of, first, the basic tax, second, the additional tax, and, third, if the decedent died after June 25, 1940, and before September 21, 1941, the defense tax. Prior estate tax statutes are applicable to the estates of decedents who died before February 11, 1939.

The basic estate tax is imposed under subchapter A (Part II, section 810, estates of citizens or residents of the United States, and Part III, section 860, estates of nonresidents not citizens of the United States). The additional estate tax is imposed under subchapter B (section 935). The defense tax, imposed under subchapter C (section 951), as added by the Revenue Act of 1940 and repealed by the Revenue Act of 1941, is applicable to estates of decedents who died after June 25, 1940, and before September 21, 1941.

A credit is authorized against the basic estate tax (not in excess of 80 per cent thereof) for estate, inheritance, legacy, or succession taxes paid a State, Territory, or the District of Columbia (or, if the decedent died after June 29, 1939, a possession of the United States). A specific exemption of $100,000 is authorized for the purpose of the basic estate tax in the case of a resident or citizen of the United States.

No credit is allowable against the additional estate tax for estate, inheritance, legacy, or succession taxes paid a State, Territory, the District of Columbia, or any possession of the United States. A specific exemption of $40,000 is authorized for the purpose of the additional estate tax in the case of a resident or citizen of the United States.

Credits for Federal gift taxes are, under certain conditions and limitations, allowable against both the basic and the additional estate taxes. No specific exemption is authorized if the decedent was a nonresident not a citizen of the United States.

The Federal estate tax is neither a property nor an inheritance tax. It is imposed upon the transfer of the entire net estate and not upon any particular legacy, device, or distributive share. The relationship of the beneficiary to the decedent has no bearing on the question of liability or the extent thereof. The transfer of property is taxable although it escheats to the State for lack of heirs.*

§ 81.3 *Gross estate.* In addition to the general provisions of subsection (a) of section 811 requiring the inclusion in the gross estate of property (except real property situated outside the United States) to the extent of the interest therein of the decedent, other subsections of section 811 more specifically include in the gross estate for the purpose of the estate tax, as more fully explained hereafter in these regulations, certain transfers made during the decedent's life without an adequate and full consideration in money or money's worth, joint estates with right of survivorship, tenancies by the entirety, life insurance even though payable to beneficiaries other than the estate, property over which the decedent exercised a general power of appointment and dower or courtesy of the surviving spouse or statutory estate in lieu thereof.*

§ 81.4. *Net estate.* The term "net estate" has a distinct meaning in the statute, signifying the difference between the total value of the gross estate and the total amount of the authorized deductions. There is no basis for tax if the value of the gross estate does not exceed the total amount of the authorized deductions, but whether taxable or not, a return must be filed for every estate, unless in the case of a resident or citizen the value of the gross estate at the date of death does not exceed the specific exemption of $40,000.*

§ 81.5 *Definition of "resident" and "nonresident."* A resident is one who, at the time of his death, had his domicile in the United States; or one who was a citizen of the United States at the time of death and with respect to whose property any probate or administration proceedings are had in the United States Court for China. (See section 851.) A missionary who, at the time of death, was serving as such under a foreign missionary board of any religious denomination in the United States, will be presumed to have died a resident of the United States, if domiciled therein at the time of his or her commission and departure for such service, and not a nonresident merely by reason of his or her intention to remain permanently in such service. (See section 850.)

All persons not residents of the United States as above defined, or to whom the presumption just stated does not apply, are nonresidents.

Section 3797 (a) (9) of the Internal Revenue Code provides that (where not otherwise distinctly expressed or manifestly incompatible with the intent thereof) the term "United States" when used in a geographical sense includes only the States, the Territories of Alaska and Hawaii, and the District of Columbia.

A citizen of the United States is a nonresident if his domicile is in Puerto Rico, the Philippine Islands, or otherwise outside the United States as defined in section 3797 (a) (9), whereas a subject or citizen of a foreign country is a resident if his domicile is in the United States; i. e., in any of the States, the Territory of Alaska or Hawaii, or the District of Columbia. A person acquires a domicile in a place by living there, for even a brief period of time, with no definite present intention of later removing therefrom. Residence without the requisite intention to remain indefinitely will not suffice to constitute domicile, nor will intention to change domicile effect such a change unless accompanied by actual removal.

Different provisions control the determination of the tax liability of the estates of citizens or residents of the United States and the estates of nonresidents not citizens of the United States.*

DETERMINATION OF TAX LIABILITY

§ 81.6 *Manner of determining liability.* The first step in the determination of tax liability is to ascertain the total value of the decedent's gross estate. (See §§ 81.20 to 81.28, inclusive, also § 81.49.) The second step is to determine the total amount of the deductions authorized and to subtract such total from the value of the gross estate in order to arrive at the value of the net estate. (See §§ 81.29 to 81.48, inclusive, and §§ 81.50 to 81.55, inclusive.) The third step is to compute the tax and any allowable credits. (See §§ 81.7, 81.8, and 81.9.)

If the decedent was a resident or citizen of the United States, a net estate computed with a specific exemption of $100,000 must be determined for the purpose of the basic estate tax, and another net estate computed with a specific exemption of $40,000 must be determined for the purpose of the additional estate tax.*

§ 81.7 *Rates and computation of tax.* Both the basic estate tax and the additional estate tax are computed in accordance with progressively graduated rates. The basic tax schedule provides rates from 1 per cent on the first $50,000 to 20 per cent on any amount in excess of $10,000,000. The additional tax schedule applicable to estates of decedents dying after September 20, 1941, provides rates from 3 per cent on the first $5,000 to 77 per cent on any amount in excess of $10,000,000. The additional tax schedule applicable to estates of decedents

dying on or before September 20, 1941, provides rates from 2 per cent on the first $10,000 to 70 per cent on any amount in excess of $50,000,000.

The gross basic tax is computed, in accordance with the basic tax schedule, on the value of the net estate determined for the purpose of the basic tax. The gross additional tax is ascertained by subtracting the gross basic tax from an amount computed, in accordance with the additional tax schedule applicable, on the value of the net estate determined for the purpose of the additional tax. In the case of a resident or citizen of the United States, the value of the net estate determined for the purpose of the basic tax differs from the value of the net estate determined for the purpose of the additional tax, since for the former a specific exemption of $100,000 is authorized while for the latter the amount of the specific exemption is $40,000.

Table for computation of estate tax

(A)	(B)	(1) For basic estate tax		(2) For additional estate tax (tentative tax—total gross basic and additional taxes). In effect prior to September 21, 1941		(3) For additional estate tax (tentative tax—total gross basic and additional taxes). In effect after September 20, 1941	
Net estate equaling—	Net estate not exceeding—	Tax on amount in column (A)	Rate of tax on excess over amount in column (A)	Tax on amount in column (A)	Rate of tax on excess over amount in column (A)	Tax on amount in column (A)	Rate of tax on excess over amount in column (A)
			Per cent		*Per cent*		*Per cent*
	$5,000		1		2		3
$5,000	$10,000	$50	1	$100	2	$150	3
$10,000	$20,000	100	1	200	4	500	11
$20,000	$30,000	200	1	600	6	1,700	14
$30,000	$40,000	300	1	1,200	8	3,100	18
$40,000	$50,000	400	1	2,000	10	4,900	22
$50,000	$60,000	500	2	3,000	12	7,100	25
$60,000	$70,000	700	2	4,200	12	9,500	28
$70,000	$100,000	900	2	5,400	14	12,300	28
$100,000	$200,000	1,500	3	9,600	17	20,700	30
$200,000	$250,000	4,500	4	26,600	20	50,700	30
$250,000	$500,000	6,500	4	36,600	20	65,700	32
$500,000	$750,000	12,500	5	66,600	23	113,700	32
$750,000	$1,000,000	17,500	5	80,600	23	145,700	35
$1,000,000	$1,250,000	22,500	6	112,600	26	180,700	35
$1,250,000	$1,500,000	31,500	6	151,600	26	233,200	37
$1,500,000	$1,750,000	38,500	7	164,600	29	251,700	37
$1,750,000	$2,000,000	48,500	8	222,600	32	325,700	39
$2,000,000	$2,250,000	68,500	8	302,600	32	425,200	42
$2,250,000	$2,500,000	88,500	9	382,600	35	528,200	45
$2,500,000	$2,750,000	133,500	10	537,600	38	753,200	49
$2,750,000	$3,000,000	183,500	11	747,600	41	998,200	53
$3,000,000	$3,500,000	238,500	12	952,600	44	1,263,200	56
$3,500,000	$4,000,000	298,500	13	1,172,600	47	1,543,200	59
$4,000,000	$4,500,000	363,500	14	1,407,600	50	1,838,200	63
$4,500,000	$5,000,000	433,500	14	1,657,600	53	2,153,200	63
$5,000,000	$6,000,000	503,500	15	1,922,600	56	2,468,200	67
$6,000,000	$7,000,000	653,500	16	2,482,600	59	3,138,200	70
$7,000,000	$8,000,000	813,500	17	3,072,600	61	3,838,200	73
$8,000,000	$9,000,000	983,500	18	3,682,600	63	4,568,200	76
$9,000,000	$10,000,000	1,163,500	19	4,312,600	65	5,328,200	76
$10,000,000	$20,000,000	1,353,500	20	4,962,600	67	6,088,200	77
$20,000,000	$50,000,000	3,353,500	20	11,662,600	69	13,788,200	77
$50,000,000		9,353,500	20	32,362,600	70	36,888,200	77

Column (A) of the table sets forth the net estates of specified amounts to which the taxes shown in the first subcolumn of each of the numbered columns relate. Column (B) indicates the respective maximum limits to which the rates shown in the second subcolumn of each of the numbered columns are applicable. Column (1) of the table sets forth the gross basic tax upon net estates of specified amounts and the rate for the gross basic tax upon the excess of such amounts. Column (2) of the table sets forth the total gross basic and additional taxes for net estates of specified amounts in the case of decedents dying prior to September 21, 1941, and the rate for the total gross basic and additional taxes upon the excess of such amounts. Column (3) of the table sets forth the total gross basic and additional taxes for net estates of specified amounts in the case of decedents dying on or after September 21, 1941, and the rate for the total gross basic and additional taxes upon the excess of such amounts.

The net basic tax is obtained by subtracting any authorized credits for gift, estate, and inheritance taxes from the amount of the gross basic tax. The net additional tax is obtained by subtracting any further authorized credit for gift tax from the amount of the gross additional tax. The total estate tax payable is the sum of the net basic tax and the net additional tax, unless the decedent died after June 25, 1940, and before September 21, 1941. The defense tax, applicable if the decedent died after June 25, 1940, and before September 21, 1941, is obtained by computing 10 per cent of the total of the net basic and net additional taxes. If the decedent died within such period, the sum of the net basic and net additional taxes, plus the defense tax, is the total estate tax payable.

There is provided below a table for the computation of the estate tax imposed by the provisions of the Code, together with an explanation thereof:

An illustration of the table's use is as follows: The net estate for the basic estate tax amounts to $1,240,00. By reference to the table it will be seen that the specified amount in column (A) nearest to the value of the decedent's net estate but less than such value is $1,000,000. The tax upon this amount as indicated in column (1) opposite $1,000,000 in column (A) is $48,500. Upon the remainder of the net estate, $240,000, the tax is computed at the rate of 8 percent set out in the second subcolumn of column (1) opposite $1,000,000 in column (A). The tax on this remainder is, consequently, $19,200. The following result is thus obtained:

Tax on	$1,000,000	$48,500
Tax on	240,000	19,200
Total	1,240,000	67,700

Example (1) (estate subject to both the basic tax and the additional tax, and involving credit for State inheritance tax). A resident decedent died July 15, 1939, leaving a net estate of the value of $210,000 after deducting the specific exemption of $100,000 allowed by section 812 (a). The tax shown in the first subcolumn of column (1) of the table on a net estate equaling $200,000 is $4,500. As $210,000 exceeds $200,000 and falls below $400,000, the tax on the excess of $10,000 is computed at the rate of 4 per cent, the rate shown in the second subcolumn of column (1). The $400 tax on such excess added to $4,500 gives $4,900, the gross basic tax computed under section 810. (Credit for gift tax is not involved in this example.) It will be assumed that the maximum amount of credit, $3,920, or 80 per cent of $4,900, is allowed for inheritance tax. The net basic tax is the difference between $4,900 and $3,920, or $980. For the purpose of the additional tax, the decedent's net estate after deducting the specific exemption of $40,000 is $270,000. The total gross basic and additional taxes shown in the first subcolumn of column (2) on a net estate equaling $200,000 is $26,600. As $270,000 exceeds $200,000 and falls below $400,000, the total gross taxes on the excess of $70,000 is computed at 20 per cent, the rate shown in the second subcolumn of column (2). The total gross taxes on such excess is, consequently, $14,000. The $14,000 added to the $26,600 gives $40,600, the total gross basic and additional taxes computed upon the net estate of $270,000 at the rates set forth under section 935. The difference between the total gross taxes, $40,600, and the gross basic tax, $4,900, is $35,700, the gross additional tax. As in this example no credit for gift tax is involved, the amount of the gross additional tax is the same as the net additional tax. The net basic tax $980, added to the net additional tax, $35,700, results in a total estate tax payable of $36,680. A tabulation of this example is as follows:

Gross basic tax	$4,900
Credit for gift tax	0
Gross basic tax, less credit for gift tax	4,900
Credit for estate or inheritance tax	3,920
Net basic tax	980
Total gross taxes (basic and additional taxes)	40,600
Gross basic tax	4,900
Gross additional tax	35,700
Credit for gift tax	0
Net additional tax	35,700
Total estate tax payable	36,680

Example (2) (estate subject only to the additional tax imposed by section 935). The gross estate of a resident decedent who died August 1, 1939, amounts to $85,000. Deductions for administration expenses and claims against the estate are allowed in the amount of $10,000, leaving $75,000 before the deduction of the specific exemption authorized by section 812 (a). As that exemption is $100,000, it is apparent that the estate is not subject to the basic tax under section 810. However, as the specific exemption authorized by subsection (c) of section 935 is only $40,000, the estate is subject to the additional tax imposed by that section. For the purpose of such additional tax the net estate amounts to $35,000. The tax shown in the first subcolumn of column (2) of the table on a net estate of $30,000 is $1,200. As $35,000 exceeds $30,000 and falls below $40,000, the tax on the excess of $5,000 is computed at 8 per cent, the rate shown in the second subcolumn of column (2). The tax on such excess is, consequently, $400. The $400 added to the $1,200 gives $1,600, the tax computed upon the net estate of $35,000 at the rates prescribed by section 935. Inasmuch as, in this example, the estate is not subject under section 810 to the basic tax, $1,600 is the gross additional tax under section 935. As credit for gift tax is not involved in this example, the gross additional tax is the same as the net additional tax. It will be noted that credit for estate or inheritance taxes is not allowable against the additional tax imposed by section 935.

Example (3) (estates subject to both the basic tax and the additional tax, and involving credits for State inheritance tax and for gift tax). The value of the gross estate of a resident decedent who died April 15, 1940, is $400,000 and the value of the net estate for the purpose of the basic tax is $225,000. The gross basic tax computed on that net estate is $5,500. (See illustration for use of table in computing the tax.) On January 15, 1940, the decedent, in contemplation of death, transferred certain real estate to his daughter as a gift. The value of the real estate as of the date of the gift, and as of the time of death, was $144,000. As the result of this gift, a gift tax was paid in the amount of $7,200 on a net gift of $100,000 after deducting an exclusion of $4,000 and the $40,000 specific exemption allowed by provisions of the gift tax chapter. As the value of the transferred real estate is included in the decedent's gross estate, a credit for gift tax is allowed against the gross basic tax in such amount as does not exceed an amount which bears the same ratio to the gross basic tax, $5,500, as the value at which the taxable gift ($144,000 less the gift tax exclusion of $4,000) is included in the gross estate bears to the value of the entire gross estate. (See section 81.8.) This ratio, which is ascertained by dividing $140,000 by $400,000, is 0.35. The credit for gift tax is, therefore, allowed in the amount which results from multiplying $5,500 by 0.35, or $1,925. The gross basic tax $5,500, less the credit for gift tax, is $3,575. It will be assumed that State inheritance taxes paid equal or exceed the maximum amount of the credit allowable therefor (80 per cent of the difference between the gross basic tax and and the gift tax credit). Accordingly, $2,860 is allowed as the credit for State inheritance taxes. The difference between $3,575 and $2,860 is $715, which is the net basic tax.

The net estate for the purpose of the additional tax is $285,000. The total gross basic and additional taxes computed in accordance with the table are $43,600. The difference between such total gross taxes and $5,500, the gross basic tax, is $38,100, the gross additional tax. The credit for gift tax against such gross additional tax (1) cannot exceed an amount which bears the same ratio to the gross additional tax as the value at which the taxable gift is included in the gross estate bears to the value of the entire gross estate ($38,100, the gross additional tax, multiplied by 0.35 equals $13,335), and (2) cannot exceed the difference between the total amount of the gift tax paid and the credit for gift tax allowed against the gross basic tax. The credit here allowed is $7,200 less $1,925, or $5,275. A tabulation of this example is as follows:

Gross basic tax	$5,500
Credit for gift tax	1,925
Gross basic tax, less gift tax credit	3,575
Credit for estate or inheritance tax	2,860
Net basic tax	715
Total gross taxes (basic and additional taxes)	43,600
Gross basic tax	5,500
Gross additional tax	38,100
Credit for gift tax	5,275
Net additional tax	32,825
Total estate tax payable (net basic and additional taxes)	33,540

Example (4) (estate subject to the basic tax, the additional tax, and the defense tax, and involving credits for State inheritance tax and for gift tax). Assume the same facts stated in example (3) except that the date of the decedent's death is July 15, 1940. To the total net basic and additional taxes of $33,540 is added the defense tax of 10 per cent thereof, $3,354, resulting in a total estate tax payable of $36,894.

If the decedent died after September 20, 1941, the date of the enactment of the Revenue Act of 1941, column (3) instead of column (2) of the table must be used in computing the total gross basic and additional taxes, and the defense tax is not applicable to such an estate.

CREDITS AGAINST ESTATE TAX

(GIFT TAX CREDIT)

(Credit Against Basic Tax)

SEC. 813. [Part II, Subchapter A.] CREDITS AGAINST TAX.

(a) *Gift tax*—(1) *Revenue Act of 1924.* In case a tax has been imposed under section 319 of the Revenue Act of 1924, 43 Stat. 313, as amended by section 324 of the Revenue Act of 1926, 44 Stat. 86, upon any gift, and thereafter upon the death of the donor the amount thereof is required by any provision of this subchapter to be included in the gross estate of the decedent then there shall be credited against and applied in reduction of the estate tax, which would otherwise be chargeable against the estate of the decedent under the provisions of this subchapter, an amount equal to the tax paid with respect to such gift; and in the event the donor has in any year paid the tax imposed by said section 319 with respect to a gift or gifts which upon the death of the donor must be included in his gross estate and a gift or gifts not required to be so included, then the amount of the tax which shall be deemed to have been paid with respect to the gift or gifts required to be so included shall be that proportion of the entire tax paid on account of all such gifts which the amount of the gift or gifts required to be so included bears to the total amount of gifts in that year.

(2) (As amended by Joint Resolution, approved March 17, 1941, Public Law 18, Seventy-seventh Congress, effective as of February 11, 1939.) *Revenue Act of 1932 or Chapter 4.* (A) If a tax has been paid under chapter 4 or under Title III of the Revenue Act of 1932, 47 Stat. 245, on a gift, and thereafter upon the death of the donor any amount in respect of such gift is required to be included in the value of the gross estate of the decedent for the purposes of this subchapter, then there shall be credited against the tax imposed by section 810 or 860 the amount of the tax paid under chapter 4 or under Title III of the Revenue Act of 1932 with respect to so much of the property which constituted the gift as is included in the gross estate, except that the amount of such credit shall not exceed an amount which bears the same ratio to the tax imposed by section 810 or 860 as the value (at the time of the gift or at the time of the death, whichever is lower) of so much of the property which constituted the gift as is included in the gross estate, bears to the value of the entire gross estate.

(B) For the purposes of paragraph (A), the amount of tax paid for any year under chapter 4 or under Title III of the Revenue Act of 1932 with respect to any property shall be an amount which bears the same ratio to the total tax paid for such year as the value of such property bears to the total amount of net gifts (computed without deduction of the specific exemption) for such year.

(Credit Against Additional Tax)

SEC. 936. [Subchapter B.] CREDITS AGAINST TAX.

* * * * *

(b) (as amended by Joint Resolution, approved March 17, 1941, Public Law 18, Seventy-seventh Congress, effective as of Febru-

ary 11, 1939) (1) If a tax has been paid under chapter 4 or under Title III of the Revenue Act of 1932, 47 Stat. 245, on a gift, and thereafter upon the death of the donor any amount in respect of such gift is required to be included in the value of the gross estate of the decedent for the purposes of this subchapter, then there shall be credited against the tax imposed by section 935 the amount of the tax paid under chapter 4 or under Title III of the Revenue Act of 1932 with respect to so much of the property which constituted the gift as is included in the gross estate, except that the amount of such credit (A) shall not exceed an amount which bears the same ratio to the tax imposed by section 935 as the value (at the time of the gift or at the time of the death, whichever is lower) of so much of the property which constituted the gift as is included in the gross estate, bears to the value of the entire gross estate, and (B) shall not exceed the amount by which the gift tax paid under chapter 4 or under Title III of the Revenue Act of 1932 with respect to so much of the property as constituted the gift as is included in the gross estate, exceeds the amount of the credit under section 813 (a) (2).

(2) For the purposes of paragraph (1), the amount of tax paid for any year under chapter 4 or under Title III of the Revenue Act of 1932 with respect to any property shall be an amount which bears the same ratio to the total tax paid for such year as the value of such property bears to the total amount of net gifts (computed without deduction of the specific exemption) for such year.

(INHERITANCE TAX CREDIT)

SEC. 813 [Part II, Subchapter A.] CREDITS AGAINST TAX.

* * * * *

(b) (as amended by section 403 of the Revenue Act of 1939, effective as of June 29, 1939, and by Joint Resolution, approved March 17, 1941, Public Law 18, Seventy-seventh Congress, effective as of February 14, 1939) *Estate, succession, legacy, and inheritance taxes.* The tax imposed by section 810 or 860 shall be credited with the amount of any estate, inheritance, legacy, or succession taxes actually paid to any State or Territory or the District of Columbia or any possession of the United States, in respect of any property included in the gross estate (not including any such taxes paid with respect to the estate of a person other than the decedent). The credit allowed by this subsection shall not exceed 80 per centum of the tax imposed by section 810 or 860 (after deducting from such tax the credits provided by section 813(a)(2)), and shall include only such taxes as were actually paid and credit therefor claimed within four years after the filing of the return required by section 821 or 864, except that—

(1) If a petition for redetermination of a deficiency has been filed with the Board of Tax Appeals within the time prescribed in section 871, then within such four-year period or before the expiration of 60 days after the decision of the Board becomes final.

(2) If, under section 822(a)(2) or section 871(h), an extension of time has been granted for payment of the tax shown on the return, or of a deficiency, then within such four-year period or before the date of the expiration of the period of the extension.

Refund based on the credit may (despite the provisions of sections 910 to 912, inclusive), be made if claim therefor is filed within the period above provided. Any such refund shall be made without interest.

SEC. 936. [Subchapter B.] CREDITS AGAINST TAX.

(a) The credit provided in section 813(b) (80 per centum credit), shall not be allowed in respect of such additional tax.

SEC. 802. [Part I, Subchapter A.] APPLICATION OF PARTS.

Part II shall apply to the estates of citizens or residents of the United States and, except as otherwise provided, to the estates of nonresidents not citizens of the United States, subject to the exceptions and additional provisions contained in Part III. * * *

SEC. 813. [Part II, Subchapter A.] CREDITS AGAINST TAX.

* * * * *

(b) (as originally enacted) *Estate, succession, legacy, and inheritance taxes.* The tax imposed by section 810 shall be credited with the amount of any estate, inheritance, legacy, or succession taxes actually paid to any State or Territory or the District of Columbia, in respect of any property included in the gross estate (not including any such taxes paid with respect to the estate of a person other than the decedent). The credit allowed by this subsection shall not exceed 80 per centum of the tax imposed by section 810 (after deducting from such tax the credits provided by section 813 (a) (2)), and shall include only such taxes as were actually paid and credit therefor claimed within four years after the filing of the return required by section 821 or 864, except that—

* * * * *

SEC. 403. Revenue Act of 1939. CREDITS AGAINST ESTATE TAX OF TAX PAID TO POSSESSIONS.

(a) Section 813 (b) of the Internal Revenue Code (relating to the 80 per centum credit for estate, legacy, succession, and inheritance taxes paid) is amended by inserting after "District of Columbia," the following: "or any possession of the United States."

(b) The amendment made by subsection (a) shall be applicable only with respect to estates of decedents dying after the date of the enactment of this Act.

§ 81.8 *Credit for gift tax.* The estate is entitled, with certain limitations, to credit against the estate tax for Federal gift tax paid in respect of property included in the gross estate.

(a) *Credit against the basic tax imposed by section 810 or section 860.* Credit against the basic tax as authorized by section 813 (a) (2) for Federal gift tax paid on gifts made by the decedent cannot exceed an amount which bears the same ratio to the gross basic tax as the value of the property which was included for the purpose of the gift tax and also included in the gross estate bears to the value of the entire gross estate. In computing this ratio, the value of such property is the value determined for the purpose of the gift tax or the value determined for the purpose of the estate tax, whichever is the lower. In accordance with section 813 (a) (1) of the Internal Revenue Code, credit for the entire amount of gift tax paid under the Revenue Act of 1924 in respect of property included in the gross estate is allowed against the basic tax.

(b) *Credit against the additional tax imposed by section 935.* Credit against the additional tax as authorized by section 936 for Federal gift tax paid on gifts made by the decedent cannot exceed an amount which bears the same ratio to the gross additional tax as the value of the property which was included for the purpose of the gift tax and also included in the gross estate bears to the value of the entire gross estate. In computing this ratio, the value of sueh property is the value determined for the purpose of the gift tax or the value determined for the purpose of the estate tax, whichever is the lower. Furthermore, the credit cannot exceed the difference between the total amount of such gift tax paid and the amount of the credit therefor against the gross basic tax imposed by section 810 or section 860. No credit for gift tax paid under the Revenue Act of 1924 is allowed against the additional tax imposed by section 935.

Property included for the purpose of the gift tax and also included in the gross estate does not embrace any portion of the gift excluded under the provisions of the statute imposing the gift tax, and due allowance must be made for any such exclusions when computing the credit in accordance with the limitations set forth in the foregoing paragraphs (a) and (b). For example: A donor, in contemplation of death, transferred property valued at $100,000 to his five children subsequent to the effective date of the gift tax imposed by chapter 4 of the Internal Revenue Code, and paid the resulting tax. The property is thereafter included in his gross estate for the purpose of the estate tax imposed by the Internal Revenue Code at a value of $90,000. As the total value of the property at the time of the gift was $100,000 and the amount of $20,000 was excluded under the provisions of section 1003 (b) (2), the amount of $80,000, or four-fifths of the property, was included for the purpose of the gift tax. As the total value of the property determined for the purpose of the estate tax is $90,000, the value of four-fifths thereof is $72,000. Since $72,000 is the lower of the two values ($80,000 and $72,000), this amount is used in computing the ratio.

If only a part of the property, included for the purpose of a gift tax imposed upon transfers made during a certain calendar year, is also included in the decedent's gross estate for the purpose of the estate tax, the gift tax paid in respect of such a part of the property is an amount which bears the same ratio to the total gift tax paid for such calendar year as the value of such part of the property bears to the total amount of the net gifts (computed without deduction of the specific exemption) for such year. For the purpose of computing this proportion the values finally determined for the purpose of the gift tax will control, irrespective of the values determined for the purpose of the estate tax.

If all of the property, included for the purpose of a gift tax imposed upon transfers made during a certain calendar year, is included in the decedent's gross estate for the purpose of the estate tax, the gift tax paid in respect of the property included in the gross estate is the amount of the gift tax paid for that calendar year.

Example. On May 15, 1940, a resident donor gave to his son personal property valued at $52,000, donated cash of $50,000 to a charitable organization, and, in contemplation of death, transferred to his wife real property valued at $100,000. The total amount of gifts for the year for the purpose of the gift tax was $190,000, the amount of $4,000 for each of the three donees being excluded from the total gifts under the provisions of chapter 4 of the Internal Revenue Code. After deducting $40,000 specific exemption and $46,000 for the gift to the charitable organization, the net gifts amounted $104,000. The gift tax of $7,710 on the net gifts was paid. The donor later died and the value of the real property transferred in contemplation of death was included in his gross estate for the purpose of the estate tax. The gift tax paid in respect of the property included in the gross estate is an amount which bears the same ratio to $7,710 as $96,000 bears to $144,000 or $5,140. Note that $96,000 is the portion of the real property subject to gift tax ($100,000 less the excluded $4,000) and that $144,000 is the amount of the net gifts computed without deduction of the specific exemption, $40,000.

The credit is allowable even though the gift tax is paid by the executor after the decedent's death and the amount of the gift tax is deductible from the gross estate as a debt of the decedent.

For a further illustration of the computation of gift tax credit, see example (3) in § 81.7.*

§ 81.9 *Credit for estate, inheritance, legacy, or succession taxes.* Under certain conditions a credit is authorized against the basic Federal estate tax for estate, inheritance, legacy, or succession taxes actually paid with respect to the estate of the decedent to any State or Territory or the District of Columbia. If the decedent died after June 29, 1939, the credit against the basic Federal estate tax, is, under the same conditions, authorized by section 813 (b) of the Internal Revenue Code, as amended by section 403 of the Revenue Act of 1939, for estate, inheritance, legacy, or succession taxes paid to any State or Territory, the District of Columbia, or any possession of the United States. The credit is limited to 80 per cent of such Federal estate tax, after deduction of the credit allowed, if any, against such tax for Federal gift taxes paid. No credit for payment of estate, inheritance, legacy, or succession taxes is allowed against the additional estate tax imposed by section 935. The credit is limited to the amount of the estate, inheritance, legacy, or succession taxes paid to any State, Territory, possession of the United States, or the District of Columbia in respect of property included in the gross estate of the decedent for Federal estate tax purposes.

The credit is also limited to such taxes as were actually paid and credit therefor claimed within four years after the filing of the return, required by section 821 or 864 except as otherwise provided in this paragraph. If a petition was filed with the Board of Tax Appeals for the redetermination of a deficiency within the time prescribed by section 871 (a) (see § 81.73), the credit is limited to such taxes as were actually paid and credit therefor claimed within four years after the filing of the return or before the expiration of 60 days after the decision of the Board becomes final, whichever period is the longer. If an extension of time has been granted for payment of the tax shown on the return or of a deficiency under section 822 (a) (2) or section 871 (h), the credit is limited to such taxes as were actually paid and credit therefor claimed within four years after the filing of the return or before the date of the expiration of the extension, whichever period is the longer. Should the executor, in accordance with the provisions of sections 925 and 926, elect to postpone the payment of the Federal estate tax attributable to a reversionary or remainder interest, the credit allowable against the basic tax attributable to such interest is limited to estate, inheritance, legacy, or succession taxes attributable to such interest as are actually paid to any State or Territory or the District of Columbia (or, if the decedent died after June 29, 1939, to any possession of the United States) and credit therefor claimed prior to the expiration of 60 days after the termination of the precedent interest. (See section 927 of the Internal Revenue Code and § 81.79 (b) of these regulations.)

Refund based on the credit, despite the provisions of sections 910, 911, and 912, will be made if claim therefor is filed within the period provided for filing claim for credit. Such refunds will be made without interest.

Before the Commissioner allows any credit for any estate, inheritance, legacy, or succession taxes, there must be submitted to him the following:

(a) Certificate of the proper officer of the taxing State, Territory, District of Columbia, or possession of the United States showing: (1) the total amount of tax imposed (before adding interest and penalties and before allowing discount); (2) the amount of discount allowed; (3) the amount of penalties and interest imposed or charged; (4) the total amount actually paid in cash; and (5) the date of payment.

(b) A certificate of the above-mentioned officer showing whether (1) a claim for refund of such taxes or any part thereof is pending and (2) whether a refund of such taxes or any part thereof has been authorized. If any refund has been made, the date, the amount thereof, and a description of the property or interest in respect to which such refund was made must be shown in the certificate.

The evidence described above should be filed with the return, but if that is not convenient or possible, then it should be submitted as soon thereafter as practicable.

The Commissioner may require the submission of such additional proof as is deemed necessary to establish the right to the credit. For example, he may require an itemized list of the property in respect to which such taxes were imposed by the State, Territory, District of Columbia, or possession of the United States, certified by the officer having custody of the records pertaining to such taxes, and an affidavit of the executor stating whether any litigation has been instituted, or appeal taken, or any such action is designed or contemplated, either by him or, to his knowledge, by any beneficiary or other person, the final determination of which may affect the amount of such taxes.

If, subsequent to the allowance of a credit by the Commissioner, a refund is made of any such estate, inheritance, legacy, or succession taxes, the executor, or if the refund is made after the executor is discharged, then any person or persons to whom the refund is made, is required to advise the Commissioner of the date of the refund and the amount thereof, to furnish the Commissioner with a description of the property or interest in respect of which the refund was made, and to pay the Federal estate tax, if any, due as a result of such refund, together with interest.*

GROSS ESTATE—VALUATION

SEC. 811. [Part II, Subchapter A.] GROSS ESTATE.

The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated, except real property situated outside of the United States—

* * * * *

(j) *Optional valuation.* If the executor so elects upon his return (if filed within the time prescribed by law or prescribed by the Commissioner in pursuance of law), the value of the gross estate shall be determined by valuing all the property included therein on the date of the decedent's death as of the date one year after the decedent's death, except that (1) property included in the gross estate on the date of death and, within one year after the decedent's death, distributed by the executor (or, in the case of property included in the gross estate under subsection (c), (d), or (f) of this section, distributed by the trustee under the instrument of transfer), or sold, exchanged, or otherwise disposed of, shall be included at its value as of the time of such distribution, sale, exchange, or other disposition, whichever first occurs, instead of its value as of the date one year after the decedent's death, and (2) any interest or estate which is affected by mere lapse of time shall be included at its value as of the time of death (instead of the later date) with adjustment for any difference in its value as of the later date not due to mere lapse of time. No deduction under this subchapter of any item shall be allowed if allowance for such item is in effect given by the valuation under this subsection. Wherever in any other subsection or section of this chapter, reference is made to the value of property at the time of the decedent's death, such reference shall be deemed to refer to the value of such property used in determining the value of the gross estate. In case of an election made by the executor under this subsection, then for the purposes of the deduction under section 812 (d) or section 861 (a) (3), any bequest, legacy, devise, or transfer enumerated therein shall be valued as of the date of decedent's death with adjustment for any difference in value (not due to mere lapse of time or the occurrence or nonoccurrence of a contingency) of the property as of the date one year after the decedent's death (substituting the date of sale or exchange in the case of property sold or exchanged during such one-year period).

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SEC. 802. [Part I, Subchapter A.] APPLICATION OF PARTS.

Part II shall apply to the estates of citizens or residents of the United States and, except as otherwise provided, to the estates of nonresidents not citizens of the United States, subject to the exceptions and additional provisions contained in Part III. * * *

§ 18.10 *Valuation of property*—(a) *General.* The value of every item of property includible in the gross estate is the fair market value thereof at the time of the decedent's death; or, if the executor elects in accordance with the provisions of § 81.11, it is the fair market value thereof at the date therein prescribed or such value adjusted as therein set forth. The fair market value is the price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion to buy or to sell. The fair market value of a particular kind of property includible in the gross estate is not to be determined by a forced sale price. Such value is to be determined by ascertaining as a basis the fair market value as of the applicable valuation date of each unit of the property. For example, in the case of shares of stock or bonds, such unit of property is a share or a bond. All relevant facts and elements of value as of the applicable valuation date should be considered in every case.

(b) *Real estate.* The property should not be returned at the local assessed value thereof unless such value represents the fair market value as of the applicable valuation date. (See § 81.12 for the manner of listing and describing real estate.)

(c) *Stocks and bonds.* The value of stocks and bonds, within the meaning of the Internal Revenue Code, is the fair market value per share or bond on the applicable valuation date.

In the case of stocks and bonds listed on a stock exchange the mean between the highest and lowest quoted selling prices on the valuation date shall be considered as the fair market value per share or bond. If there were no sales on the valuation date, such value shall be determined by taking the mean between the highest and lowest sales on the nearest date before and the nearest date after the valuation date (both such nearest dates being within a reasonable period), and by prorating the difference between such mean prices to the valuation date, and by adding or subtracting, as the case may be, such prorated portion of the difference to or from the mean price obtaining on such nearest date before the valuation date. For example, assume that sales of stock nearest the valuation date (June 15) occurred two days before (June 13) and three days after (June 18) and that on such days the mean sale prices per share were $10 and $15, respectively. The price of $12 shall be taken as representing the fair market value of a share of such stock as of the valuation date. If, however, on June 13 and June 18 the mean sale prices per share were $15 and $10, respectively, the price of $13 shall be taken as representing the fair market value of a share of such stock as of the valuation date. If the security was listed on more than one exchange, the records of the exchange where the security is principally dealt in should be employed. In valuing listed stocks and bonds the executor should observe care to consult accurate records to obtain values as of the applicable valuation date.

In the case of stocks and bonds which are not listed upon an exchange, but are dealt in through brokers, or have a market, the fair market value shall be determined by taking the mean between the highest and lowest selling prices as of the valuation date; or, if there were no sales on that date, such value shall be determined by taking the mean between the highest and lowest sales on the nearest date before and the nearest date after the valuation date (both such nearest dates being within a reasonable period), and by prorating the difference between such mean prices to the valuation date, and by adding or subtracting, as the case may be, such prorated portion of the difference to or from the mean price obtaining on such nearest date before the valuation date. If quotations are obtained from brokers, or evidence as to the sale of securities is obtained from the officers of the issuing companies, the executor should preserve in his files the letters furnishing such quotations or evidence of sale for inspection when the return is verified by an investigating officer.

If actual sales are not available during a reasonable period beginning before and ending after the valuation date, the fair market value may be determined by taking the mean between the bona fide bid and asked prices on the nearest date before and the nearest date after the valuation date (both such nearest dates being within a reasonable period), and by prorating the difference between such mean prices to the valuation date, and by adding or subtracting, as the case may be, such prorated portion of the difference to or from the mean price obtaining on such nearest date before the valuation date.

If actual sale prices or quoted bona fide bid and asked prices are available on a date within a reasonable period prior to the valuation date, but if no actual sale prices or bona fide bid and asked prices are available on a date within a reasonable period after the valuation date, or vice versa, then the mean between such highest and lowest available sale prices or bid and asked prices may be taken as the value.

If actual sales or bona fide bid and asked prices are not available, then, in the case of corporate or other bonds, the value is to be arrived at by giving consideration to the soundness of the security, the interest yield, the date of maturity, and other relevant factors, and in the case of shares of stock, upon the basis of the company's net worth, earning power, dividend-paying capacity, and all other relevant factors having a bearing upon the value of the stock. Complete financial and other data upon which the valuation is based should be submitted with the return.

In cases in which it is established that the value per bond or share of any security determined on the basis of selling or bid and asked prices as herein provided does not reflect the fair market value thereof, then some reasonable modification of such basis or other relevant facts and elements of value shall be considered in determining fair market value.

The full value of securities pledged to secure an indebtedness of the decedent should be included in the gross estate. If the decedent had a trading account with a broker, all securities belonging to the decedent and held by the broker at the date of death must be included at their fair market value as of the applicable valuation date. Securities purchased on margin for the decedent's account and held by a broker should also be returned at their fair market value as of the applicable valuation date. The amount of the decedent's indebtedness to a broker or other person with whom securities were pledged will be allowed as a deduction from the gross estate in accordance with §§ 81.29, 81.36, and 81.52. (See § 81.12 for manner of listing and describing stocks and bonds.)

(d) *Interest in business.* Care should be taken to arrive at an accurate valuation of any business in which the decedent was interested, whether as partner or proprietor. A fair appraisal as of the applicable valuation date should be made of all the assets of the business, tangible and intangible, including good will, and the business should be given a net value equal to the amount which a willing purchaser, whether an individual or corporation, would pay therefor to a willing seller in view of the net value of the assets and the demonstrated earning capacity. Special attention should be given to fixing an adequate figure for the value of the good will of the business in all cases in which the decedent has not agreed, for an adequate and full consideration in money or money's worth, that his interest therein shall pass at his death to his surviving partner or partners.

The factors hereinbefore stated relative to the valuation of other property, if applicable, will be considered in determining the valuation of an interest in a business held as proprietor or partner. All evidence bearing upon such valuation should be submitted with the return, including copies of reports in any case in which examinations of the business have been made by accountants, engineers, or any technical experts as of or near the applicable valuation date.

(e) *Notes, secured and unsecured.* The value of notes, whether secured or unsecured, will be presumed to be the amount of unpaid principal, plus interest, unless the executor establishes a lower value, or it is shown that they are worthless. However, items of interest should be separately listed on the estate tax return. Unless returned at face value, together with accrued interest, it must be shown by satisfactory evidence that the note is worth less than the unpaid amount because of the interest rate, or date of maturity, or other cause, or that it is uncollectible, either in whole or in part, by reason of the insolvency of the party or parties liable, or for other cause, and that the property, if any, pledged or mortgaged as security is insufficient to satisfy it.

(f) *Cash on hand or on deposit.* The amount of cash belonging to the decedent, either in his possession at the date of death or in the possession of another, or deposited with a bank, should be included. If bank checks outstanding at the time of the decedent's death, given in discharge of bona fide, legal obligations of the decedent incurred for an adequate and full consideration in money or money's worth, and not as transfers coming within the provisions of section 811 (c) or (d) are subsequently honored by the bank and charged to the account, the balance remaining may be returned, provided the payments effected thereby are not claimed as deductions from the gross estate.

(g) *Household and personal effects.* All household and personal effects of the decedent should be included at the price which a willing buyer would pay to a willing seller. A room by room itemization is desirable. All the articles should be named specifically, except that a number of articles contained in the same room, none of which has a value in excess of $50, may be grouped. A separate value should be given for each article named. The executor may furnish, in lieu of an itemized list, a sworn statement, in duplicate, setting forth the aggregate value of the property as appraised by a competent appraiser, or appraisers of recognized standing and ability, or by a dealer or dealers in the class of personalty involved.

If, however, there are included among the household and personal effects articles having marked artistic or intrinsic value of a total value in excess of $2,000, such as jewelry, silverware, paintings, etchings, engravings, antiques, books, statuary, vases oriental rugs, collections of coins and stamps, the appraisal of an expert or experts, under oath, should be filed with the return, Form 706, accompanied by the affidavit, in duplicate, of the executor as to the completeness of the itemized list of such property and of the disinterested character and the qualifications of the appraiser or appraisers.

If it is desired to effect distribution or sale of any portion of the household or personal effects in advance of the investigation by an officer of the Bureau of Internal Revenue, information to that effect should be given to the internal revenue agent in charge. The statement to the internal revenue agent in charge should be accompanied by a verified appraisal of such property and an affidavit of the executor as to the completeness of the list of such property and the qualifications of the appraiser, as already referred to, but such an appraisal and affidavit need not be in duplicate. If a personal inspection by an officer of the Bureau is not deemed necessary, the executor will be so advised. This procedure is designed to facilitate disposition of such property and to obviate future expense and inconvenience to the estate by affording the Commissioner an opportunity to make an investigation should one be deemed necessary prior to sale or distribution. (For location of the offices of the internal revenue agents in charge and the territory embraced in each division, see Appendix [1].)

If expert appraisers are employed care should be taken to see that they are reputable and of recognized competency to appraise the particular class of property involved. In the appraisal, books in sets by standard authors should be listed in separate groups. In listing paintings having artistic value, the size, subject, and artist's name should be stated. In the case of oriental rugs, the size, make, and general condition should be given. Sets of silverware should be listed in separate groups. Groups or individual pieces of silverware should be weighed and the weights given in troy ounces. In arriving at the value of silverware, the appraisers should take into consideration its antiquity, utility, desirability, condition, and obsolescence.

(h) *Other property.* Any property not specifically treated in this section should be valued in accordance with the rule laid down in paragraph (a) of this section. Live stock, farm machinery, harvested and growing crops should be itemized and the value of each item separately returned.

(i) *Annuities, life, remainder, and reversionary interests.* (1) If the executor adopts the option set forth in § 81.11, any annuity, life, remainder, or reversionary interest includible in the gross estate should be valued as of the date of the decedent's death in accordance with the provisions of this section and then such value should be adjusted as explained in § 81.11 for any difference in value between the date of death and the applicable subsequent date due to causes other than mere lapse of time. If the executor does not adopt the option set forth in § 81.11, the value of any such interest should be computed as hereinafter prescribed without such further adjustment for any decrease or increase in the value of the property subsequent to the date of death.

(2) The value of an annuity contract issued by a company regularly engaged in the selling of contracts of that character is established through the sale by that company of comparable contracts.

(3) All other future payments are to be discounted upon the basis of compound interest at the rate of 4 per cent a year. If the time of payment or of payments is dependent upon the continuation of, or upon the termination of a life or of lives, the Actuaries' or Combined Experience Table of Mortality, as extended, and established actuarial principles are to be used in the computation of the present worth. For the purpose of the computation the age of a person is to be taken as the age of that person at his nearest birthday. Table A, a part of this section, gives factors applicable to a case in which only one life is involved. (See paragraphs (4) to (8), inclusive.) Table B, a part of this section, gives factors applicable to a case in which only a term-certain is involved. (See paragraphs (9) to (11), inclusive.) If the time of payment or of payments is dependent upon the continuation of, or termination of more than one life, or there is a term-certain concurrent with one or more lives, a special computation in accordance with the first two sentences of this paragraph is necessary. A case requiring a special computation may be stated to the Commissioner who will furnish the applicable factor, provided such request is made sufficiently in advance of the due date of the return. Such request must fully disclose all relevant facts. The date of birth of each person, the duration of whose life may affect the value of the interest, should be established by affidavit.

(4) If the decedent had a remainder interest in property subject to the life estate of another, the present worth of the remainder interest at the time of death should be obtained by multiplying the value of the property at the time of death by the figure in column 3 of Table A opposite the number of years nearest to the actual age of the life tenant.

Example. The decedent was entitled to receive property worth $50,000 upon the death of his elder brother, to whom the income for life had been bequeathed. The brother at the time of the decedent's death was 31 years 5 months old. By reference to Table A, it is found that the figure in column 3, opposite 31 years, is 0.31262. The present worth of the remainder interest at the date of death is, therefore, $15,631 ($50.000 multiplied by 0.31262).

(5) In case the decedent was entitled to receive an annuity of a definite amount during the lifetime of another person, payable at the end of annual periods, the present worth at the time of the decedent's death must be computed upon the basis of the value of a life annuity at the age of the other person. The amount payable annually should be multiplied by the figure in column 2 of Table A opposite the number of years in column 1 nearest to the actual age of the other person.

Example. The decedent received under the terms of his father's will an annuity of $10,000 for the life of his elder brother. The brother at the decedent's death was 40 years 8 months old. By reference to Table A, the figure in column 2 opposite 41 years, the number nearest to the brother's actual age, is found to be 14.86102. The present worth of the annuity at the date of the decedent's death is, therefore, $148,610.20.

(6) In the case of an annuity under which the decedent was entitled to receive during the life of another payments at the end of each semiannual, quarterly, or monthly period, the value of the annuity is to be determined by multiplying the aggregate amount to be paid within a year by the figure in column 2 of Table A opposite the number of years in column 1 nearest the actual age of the person whose life measures the duration of the annuity, and then multiplying the product by 1.01820 for monthly payments, by 1.01483 for quarterly payments, or by 1.00990 for semiannual payments.

Example. If, in the example given in paragraph (5), the annuity is payable in semiannual installments of $5,000 at the end of each semiannual period, the aggregate annual amount, $10,000, should be multiplied by the factor 14.86102, and the product should be multiplied by 1.00990. The present worth of the annuity at the date of death is, therefore, $150,081.44 ($10,000×14.86102×1.00990).

(7) If the first payment of an annuity for the life of an individual is to be paid at once, the value of the annuity is the

[1] Filed as part of the original document.

sum of the first payment plus the present worth of a similar annuity, the first payment of which is not to be made until the end of the first period.

Example. The decedent was entitled to receive an annuity of $50 a month payable during the life of another. The decedent died on the day a payment was due. At the date of the decedent's death the person whose life measures the duration of the annuity was 50 years of age. The value of the annuity at the date of decedent's death is $50 plus the product of $50×12×12.47032 (see Table A)×1.01820 (see preceding paragraph (6)), or $7,668.38 [$50 plus ($50×12×12.47032×1.01820)].

(8) If the decedent was entitled to receive the entire income of certain property during the life of another person, or was entitled to the use of nonincome-producing property during the life of another person, a hypothetical annuity at a rate of 4 per cent of the value of the property should be made the basis of the calculation. A provision for the payment of income in semiannual, quarterly, or monthly installments does not affect the value to be assigned to the life interest.

Example. The decedent was entitled to receive the income from a fund of $100,000 during the life of a person 41 years old. The value of a hypothetical annuity of $4,000, dependent upon the life of such a person, is indicated by the table to be $59,444.08 ($4,000 multiplied by 14.86102).

(9) If the decedent was entitled to receive property at the end of a specified number of years, Table B or an extension thereof should be used.

Example. The decedent, who was entitled to receive $100,000 at a certain date, died 30 years prior to such date. The value of his right is the product of $100,000 multiplied by 0.308319, the factor in column 3, Table B, opposite 30 years in column 1.

(10) In the case of an annuity under which the decedent was entitled during a term-certain to receive payments at the end of each semiannual, quarterly or monthly period, the value of the annuity is to be determined by multiplying the aggregate amount to be paid within a year by the applicable factor in column 2 of Table B and the product is to be multiplied by 1.01820 for monthly payments, by 1.01483 for quarterly payments, or by 1.00990 for semiannual payments.

Example. The decedent was an annuitant for a term-certain, being entitled to $1,000 annually payable in installments of $500 at the end of each semiannual period. A semiannual payment of $500 had been made just before the death of the decedent and there remained 20 payments to be made over a period of 10 years. The value of the annuity as of the date of the decedent's death is the product of $500×2×8.11089 (see Table B)×1.00990, or $8,191.19.

(11) If the first payment of an annuity for a definite number of years is to be paid at once, the applicable factor is the product of the factor shown in Table B multiplied by 1.02154 for monthly payments, by 1.02488 for quarterly payments, by 1.02990 for semiannual payments, or by 1.04 for annual payments.

Example. The decedent was the beneficiary of an annuity of $50 a month. On the day a payment was due, the decedent died. There were 300 payments to be made, including the payment due. The value of the annuity as of the date of decedent's death is the product of $50×12×15.62208 (see Table B)×1.02154, or $9,575.15 ($50×12×15.62208×1.02154).

TABLE A—*Table, single life, 4 per cent, showing the present worth of an annuity, or a life interest, and of a reversionary interest*

1 Age	2 Annuity, or present value of $1 due at the end of each year during the life of a person of specified age	3 Reversion, or present value of $1 due at the end of the year of death of a person of specified age
	Annuity	*Reversion*
0	$14.78529	$0.39507
1	17.71771	.26585
2	18.00778	.23247
3	19.12964	.22465
4	19.41256	.21491
5	19.67251	.20970
6	19.91731	.20701
7	19.02442	.20573
8	19.04197	.20727
9	19.23113	.21022
10	19.42579	.21332
11	19.36843	.21626
12	19.28184	.21844
13	19.18465	.22011
14	19.06540	.22208
15	18.93764	.22386
16	18.80249	.22478
17	18.70410	.22584
18	18.64620	.22365
19	18.57651	.22170
20	18.47038	.22161
21	18.32552	.22426
22	18.2 116	.22638
23	18.07471	.22636
24	17.94997	.22750
25	17.83274	.22762
26	17.69884	.22751
27	17.71224	.22879
28	17.53648	.22685
29	17.39295	.22661
30	17.02241	.22617
31	16.87126	.31292
32	16.62846	.31929
33	16.51164	.32517
34	16.33503	.32927
35	16.14357	.33460
36	15.94726	.34017
37	15.71257	.34599
38	15.53121	.35407
39	15.31722	.37241
40	15.08295	.38154
41	14.86102	.38986
42	14.62122	.39948
43	14.37376	.40871
44	14.11840	.41852
45	13.87513	.42857
46	13.62078	.43846
47	13.31698	.44935
48	13.06842	.46042
49	12.77716	.47088
50	12.47032	.48191
51	12.17019	.49311
52	11.85408	.50448
53	11.58831	.51595
54	11.28025	.52757
55	10.97789	.53931
56	10.69282	.55116
57	10.39531	.56310
58	10.09539	.57514
59	9.73131	.58726
60	9.41474	.59923
61	9.09765	.61103
62	8.78052	.62283
63	8.46412	.63900
64	8.14888	.64812
65	7.84752	.66017
66	7.52476	.67212
67	7.21660	.68397
68	6.91208	.69565
69	6.61301	.70719
70	6.31716	.71857
71	6.02312	.72976
72	5.74003	.74077
73	5.42923	.75157

TABLE A—*Table, single life, 4 per cent, showing the present worth of an annuity, or a life interest, and of a reversionary interest*—Continued

1 Age	2 Annuity, or present value of $1 due at the end of each year during the life of a person of specified age	3 Reversion, or present value of $1 due at the end of the year of death of a person of specified age
	Annuity	*Reversion*
74	$5.15402	.7623
75	4.91465	.7731
76	4.65125	.7844
77	4.39853	.7951
78	4.14286	.8059
79	3.88858	.8170
80	3.69071	.8274
81	3.42100	.8395
82	3.20258	.8506
83	2.98024	.8621
84	2.76106	.8734
85	2.54366	.8847
86	2.32755	.8960
87	2.11284	.9073
88	1.90115	.9186
89	1.69107	.9299
90	1.48540	.9411
91	1.28432	.9524
92	1.09024	.9636
93	.89947	.9749
94	.72057	.9861
95	.58435	.9974
96	.46182	1.0085
97	.36208	1.0197
98	.29168	1.0309
99	.05000	1.0421

TABLE B—*Table showing the present worth at 4 per cent of an annuity for a term-certain, and of a reversionary interest postponed for a term-certain*

1 Number of years	2 Present worth of an annuity of $1, payable at the end of each year, for a certain number of years	3 Present worth of $1, payable at the end of a certain number of years
	Annuity	*Reversion*
1	$0.96154	.96154
2	1.88609	.92456
3	2.77509	.88900
4	3.62989	.85480
5	4.45182	.82193
6	5.24214	.79031
7	6.00205	.75992
8	6.73274	.73069
9	7.43533	.70259
10	8.11089	.67556
11	8.76047	.64958
12	9.38507	.62460
13	9.98565	.60057
14	10.56312	.57748
15	11.11839	.55526
16	11.65229	.53391
17	12.16567	.51337
18	12.65930	.49363
19	13.13394	.47464
20	13.59032	.45639
21	14.02916	.43883
22	14.45111	.42196
23	14.85684	.40573
24	15.24696	.39012
25	15.62208	.37512
26	15.98277	.36069
27	16.32958	.34682
28	16.66306	.33348
29	16.98371	.32065
30	17.29203	.30832

§ 81.11 *Optional valuation date.* In general, the object of subsection (j) of section 811 is to make provision whereby the amount of tax otherwise payable may be lessened when, within the year following the decedent's death, the gross estate has suffered a shrinkage in its aggregate value.

The executor may, by an election upon his return, Form 706, if filed within the time prescribed by law or prescribed by the Commissioner in pursuance of law, have the property which was included in the gross estate on the date of the decedent's death valued as of the applicable dates, as follows:

(a) Any property distributed, sold, exchanged, or otherwise disposed of within one year after the decedent's death, valued as of the date of such distribution, sale, exchange, or other disposition, whichever first occurs;

(b) Any property not distributed, sold, exchanged, or otherwise disposed of within such 1-year period, valued as of the date one year after the date of decedent's death;

(c) Any property, interest, or estate which is affected by mere lapse of time, valued as of the date of decedent's death; except that an adjustment is to be made for any difference in its value, not due to such lapse of time, as of the date one year after the date of decedent's death, or as of the date of its distribution, sale, exchange, or other disposition, whichever date first occurs.

Property "distributed" is limited to distributions thereof by the executor, or by the trustee in the case of property included in the gross estate under subsection (c), (d), or (f) of section 811. Distribution may be effected by the entry of the order or decree of distribution, or, if there is no such order or decree, by the segregation or separation of the property from the estate or the trust, or by the actual paying over or delivery of the property to the person entitled thereto by the will, or under the law, or by the terms of the trust.

The sale, exchange, or other disposition, to which subsection (j) refers, may be one made by the executor, or by the trustee of property included in the gross estate under subsection (c), (d), or (f) of section 811, or by any other person to whom the property had not been distributed by the executor or by such a trustee, or to whom it had not passed from the gross estate as the result of a sale, exchange, or other disposition, as, for example, a sale, exchange, or other disposition by an heir, devisee, donee, or grantee to whom the decedent in his lifetime transferred the property, or by the survivor of the decedent if the property had been held by them subject to the right of survivorship.

Property, in the case of a sale, exchange, or other disposition within the 1-year period, is to be valued as of the date when it ceases to form a part of the gross estate, that is, the date when the title passes as the result of a sale, exchange, or other disposition. The terms "distributed," "sold," "exchanged," and "otherwise disposed of" comprehend all possible ways by which property may be separated or passed from the gross estate. Thus, money on hand at decedent's death which is thereafter used in the payment of the funeral expenses, or in settlement of claims against the estate, or is invested, falls within the term "otherwise disposed of."

In valuing the gross estate under the optional valuation method, all of the property interests existing at the date of death which are a part of the gross estate as determined under the subsections of section 811 constitute the property to be valued as of one year after the date of the decedent's death, or as of the date of the decedent's death, or as of some intermediate date. Such property is hereinafter referred to as "included property." "Included property" as of the date of the decedent's death remains "included property" for the purpose of valuing the gross estate under the optional valuation method even though it is changed in form during the optional valuation period by being actually received, or disposed of, in whole or in part, by the estate. However, property earned or accrued (whether received or not) after the decedent's death and during the optional valuation period with respect to any property interest existing at the date of death, which does not represent a form of "included property" itself or the receipt thereof, is to be excluded in valuing the gross estate at the subsequent valuation date and is hereinafter referred to as "excluded property." Among the items of "included property" to be valued in accordance with these principles are the following:

(1) *Interest-bearing obligations.* Interest-bearing obligations, such as bonds and notes, may, at the date of death, comprise two elements of "included property," the principal of the obligation itself and interest accrued to the date of death, and each is to be separately valued as of the applicable valuation date. The bond or note is to be valued as of the applicable valuation date without regard to accrued interest. Interest accrued after the date of death and prior to the subsequent valuation date constitutes "excluded property." However, any part payment of principal made between the date of death and the subsequent valuation date, or any advance payment of interest for a period after the subsequent valuation date made during the optional valuation period which has the effect of reducing the value of the principal obligation as of the subsequent valuation date, will be included in the gross estate, and valued as of the date of such payment.

(2) *Leased property.* The principles applicable with respect to interest-bearing obligations also apply to leased realty or personality included in the gross estate with the obligation to pay rent reserved. Both the realty or personalty itself and the rents accrued to the date of death constitute "included property," and each is to be separately valued as of the applicable valuation date. Any rent accrued after the date of death and prior to the subsequent valuation date is "excluded property." The principle applicable with respect to interest paid in advance also applies to advance payments of rent.

(3) *Noninterest-bearing obligations.* In the case of noninterest-bearing obligations sold at a discount, such as Treasury bills, the principal obligation and the discount amortized to the date of death are property interests existing at the date of death and constitute "included property." The obligation itself is to be valued thereafter at the subsequent valuation date without regard to any further increase in value due to amortized discount. The additional discount amortized after death and during the optional valuation period is the equivalent of interest accruing during that period and is, therefore, not to be included in the gross estate under the optional valuation method.

(4) *Stock of a corporation.* Shares of stock in a corporation and dividends declared to stockholders of record on or before the date of the decedent's death and not collected at the date of death constitute "included property" of the estate. Ordinary dividends out of earnings and profits, whether in cash or in shares of the corporation or in other property, declared to stockholders of record after the date of the decedent's death are "excluded property" and are not to be valued under the optional valuation method. If, however, dividends are declared to stockholders of record after the date of the decedent's death with the effect that the shares of stock at the subsequent valuation date do not reasonably represent the same "included property" of the gross estate as existed at the date of the decedent's death, such dividends are "included property" except to the extent that such dividends are out of earnings of the corporation after the date of the decedent's death. For example, if a corporation makes a distribution in complete or partial liquidation to stockholders of record during the optional valuation period, the amount of such distribution received on stock included in the gross estate is itself "included property," except to the extent that the distribution was out of earnings and profits since the date of the decedent's death. Another example is where a corporation, in which the decedent owned 50 percent of the shares and which possessed at the date of the decedent's death accumulated earnings and profits equal to its paid-in capital, distributed all of its accumulated earnings and profits as a cash dividend to shareholders of record during the optional valuation period. In such a case the amount of the dividends received on stock includible in the gross estate will be included in the gross estate under the optional valuation method.

The operation of this section may be further illustrated by the following example in which the death of the decedent will be taken to have occurred on January 1, 1940:

Description		Subsequent valuation date	Value under option	Value at date of death
Bond, par value $1,000, bearing interest at 4 percent payable quarterly on Feb. 1, May 1, Aug. 1, and Nov. 1. Bond to legatee on Mar. 1, 1940	ble quarterly; distributed	Mar. 1, 1940	$1,000.00	$1,000.00
Interest coupon of $10 attached to bond and not cashed at date of death although due and payable Nov. 1, 1939. Cashed by executor on Feb. 1, 1940	d at date ashed by	Feb. 1, 1940	10.00	10.00
Interest accrued from Nov. 1, 1939, to Jan. 1, 1940, collected on Feb. 1, 1940	lected on	Feb. 1, 1940	6.67	6.67
Real estate. Not disposed of within year following death; $300 due at the end of each quarter, Feb. 1, May 1, Aug. 1, and Nov. 1	Rent of g. 1, and	Jan. 1, 1941	11,000.00	12,000.00
Rent due for quarter ending Nov. 1, 1939, but not collected until Feb. 1, 1940	cted until	Feb. 1, 1940	300.00	300.00
Rent accrued for November and December, 1939, collected on Feb. 1, 1940	llected on	Feb. 1, 1940	200.00	200.00
Common stock, X Corporation, 500 shares, not disposed of within year following decedent's death	within year	Jan. 1, 1941	47,500.00	50,000.00
Dividend of $2 per share declared Dec. 10, 1939, and paid on Jan. 10, 1940, to holders of record on Dec. 30, 1939	id on Jan.	Jan. 10, 1940	1,000.00	1,000.00

Properties, interests, or estates which are affected by mere lapse of time include patents, estates for the life of a person other than the decedent, remainders, reversions, and other like properties, interests, or estates. The phrase "affected by mere lapse of time" has no reference to obligations for the payment of money, whether or not interest-bearing, the value of which changes with the passing of time. However, such an obligation, like any other property, may become affected by lapse of time when made the subject of a bequest or transfer which itself is creative of an interest or estate so affected.

The date of valuation of any property, interest, or estate so affected is, as prescribed in subsection (j), the date of decedent's death, but with an adjustment to be made of the value then obtaining, which adjustment, while disregarding any later increase or decrease in value due solely to lapse of time, adds to or subtracts from the value at death any difference between that value and the value as of the date one year after decedent's death, or the applicable intermediate date, if, and to the extent that, such difference was due to a cause or causes other than lapse of time. Accordingly, in the valuation of any property, interest, or estate affected by lapse of time, the difference between its value at decedent's death and its value as of the later date must be analyzed to determine the portion of such difference attributable to other cause or causes, and that portion only is to be applied in adjusting the value as of the date of the decedent's death. If, for example, the decedent owned a patent which on the date of his death had an unexpired term of 10 years and a value of $100,000, and if the patent was sold 6 months after the decedent's death, at which time, because of the lapse of time and other causes, only $65,000 was realized therefor, the value would be determined as follows:

Value of patent on date of decedent's death	$100,000
Difference between value on date of death and date of sale ($100,000 minus $65,000)	35,000
Portion of such difference due to the 6 months elapsing between date of death and date of sale (one-half of 10 percent of $100,000)	$5,000
Portion of difference due to causes other than lapse of time	30,000
Adjusted value of patent	70,000

Or, to give another example, it may supposed that the decedent was entitled to receive property (which at the time of his death was worth $50,000) upon the death of another person who was entitled to the income therefrom for life and who was 31 years old at the time of the decedent's death. The value at decedent's death of his remainder interest would, as explained in § 81.10 (l) of these regulations, be $15,631, and if, due to economic conditions, the property declined in value and became worth $40,000 one year after the date of decedent's death, the value of the remainder interest would be determinable in the following manner:

Value of remainder interest at decedent's death ($50,000 times factor (0.31262) shown opposite age 31 in column 3 of Table A, section 81.10)	$15,631.00
Value of remainder interest one year after decedent's death ($40,000 times factor (0.31929) shown in Table A, for age 32)	12,771.60
Net difference due in part to decline in value of the property and in part to increase in the value of the remainder interest due to lapse of time	2,859.40
Elimination of the increase due to lapse of time ($50,000 times the difference between the factor for age 32 and the factor for age 31, or 0.00667)	333.50
Portion of the difference in value due to the decline in value of the property	3,192.90
Value of remainder interest at decedent's death	15,631.00
Less portion of difference not due to lapse of time	3,192.90
Adjusted value of remainder interest	12,438.10

(The amount of the adjustment may be computed more readily by multiplying the decline in the value of the property ($10,000) by the factor (0.31929) applicable to the later date.)

Deductions authorized under sections 812 and 861 are limited to the extent that allowance thereof is not, in effect, given in the valuing of the gross estate. Property passing by decedent's will, or passing by a transfer made by the decedent in his lifetime (if the transfer was such as to require the property transferred to be included in the gross estate) to or for any such public, charitable, or religious uses as are described in section 812 (d) or in section 861 (a) (3), is deductible at its value as of the date of the decedent's death, subject, however, to adjustment for any difference in value one year after such death, or at the date of the sale or exchange in the case of property sold or exchanged during such 1-year period. But no such adjustment may take into account any difference in value due to lapse of time or to the occurrence or nonoccurrence of a contingency.

The election of the executor to have the gross estate valued in accordance with the method authorized by section 811 (j), in order to be effective, must be made on the return filed within 15 months from the decedent's death or within the period of any extension of time granted under the provisions of §§ 81.69 or 81.70 of these regulations. Unless the executor makes such election, all property included in the gross estate must be valued as of the date of the decedent's death. In no case may the election be exercised, or a previous election changed, after the expiration of the time for the filing of the return. The election applies to all the property included in the gross estate on the date of the decedent's death. It cannot be applied only to a portion of such property.

In every case where the election is exercised, the return, Form 706, must set forth (1) an itemized description of all property included in the gross estate on the date of the decedent's death, together with the value of each item as of that date, (2) an itemized disclosure of all distributions, sales, exchanges, and other dispositions of any of the property during the 1-year period after the decedent's death, together with the dates thereof, and (3) the value of each item of property determined in accordance with the provisions of subsection (j). Interest and rents accrued at the date of the decedent's death and dividends declared to stockholders of record on or before the date of the decedent's death and not collected at such date shall be separately shown. All the information indicated by Form 706 must be supplied. Statements as to distributions, sales, exchanges, and other dispositions of the property within the 1-year period must be supported by evidence. If the court makes an order or decree of distribution during that period, a certified copy thereof must be submitted as part of the evidence. The Commissioner may require the submission of such additional evidence as is deemed necessary.*

§ 81.12 *Description of property listed on return.* In listing upon the return the property constituting the gross estate (other than household and personal effects, as to which see § 81.10 (g)), the description thereof should be such that the property may be readily identified. Thus, a legal description should be given of each parcel of real estate, and, if located in a city, the name of street and number, its area, and, if improved, a short statement of the character of the improvements. Description of bonds should include number held, principal amount, name of obligor, date of maturity, rate of interest, date or dates on which interest is payable, series number if there is more than one issue, the exchange upon which listed, or the principal business office of the corporation, if unlisted. Description of stocks should include number of shares, whether common or preferred, and, if preferred, what issue thereof, par value, quotation at which returned, exact name of corporation, and, if the stock is unlisted, the location of the principal business office and State in which incorporated and the date of incorporation. If a listed security, state principal exchange upon which sold. Description of notes should include name of maker, date on which given, date of maturity, amount of principal, amount of principal unpaid, rate of interest and whether simple or compound, date to which interest has been paid and amount of unpaid interest. Description of land contracts received should include name of vendee, date of contract, description of property, sale price, initial payment, amounts of installment payments, unpaid balance of principal and accrued interest, interest rate and date prior to decedent's death to which interest had been paid.

Description of bank accounts should disclose name and address of depository, amount on deposit, whether a checking, savings, or a time-deposit account, rate of interest, if any payable, amount of interest accrued and payable, and serial number. Description of life insurance should give the name of the insurer, number of policy, name of the beneficiary, and the amount of the proceeds. For every policy of life insurance listed on the return, the executor must procure a statement by the company on Form 712 and file it with the collector. (See § 81.28.) In describing an annuity, the name and address of the grantor of the annuity should be given, or, if the annuity is payable out of a trust or other funds, such a description as will fully identify it. If the annuity is payable for a term of years, the duration of the term and the date on which it began should be given, and if payable for the life of a person other than the decedent, the date of birth of such person should be stated. Judgments should be described by giving the title of the cause and the name of the court in which rendered, date of judgment, name and address of judgment debtor, amount of judgment, and rate of interest to which subject, and by stating whether any payments have been made thereon, and, if so, when and in what amounts.*

GROSS ESTATE—GENERAL

SEC. 811. [Part II, Subchapter A.] GROSS ESTATE.

The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated, except real property situated outside of the United States—

(a) *Decedent's interest.* To the extent of the interest therein of the decedent at the time of his death;

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SEC. 802. [Part II, Subchapter A.] APPLICATION OF PARTS.

Part II shall apply to the estates of citizens or residents of the United States and, except as otherwise provided, to the estates of nonresidents not citizens of the United States, subject to the exceptions and additional provisions contained in Part III. • • •

§ 81.13 *Property of decedent at time of death.* It is designed by the foregoing provisions of the Internal Revenue Code that there shall be included in the gross estate all property of the decedent, whether real or personal, tangible or intangible, the beneficial ownership of which was in the decedent at the time of his death, except real property situated outside the United States.

All real property situated in the United States and owned by the decedent at the date of his death is included in the gross estate, whether the decedent was a resident or a nonresident, a citizen or not a citizen, and whether the property came into the possession and control of the executor or administrator or passed directly to heirs or devisees. All personal property owned by the decedent at the date of his death is included in the gross estate, regardless of its situs. However, in the case of a decedent who was a nonresident not a citizen, only the property situated in the United States is included in the net estate and property situated outside the United States need not be disclosed unless deductions are claimed or such information is specifically requested. (See §§ 81.52, 81.53, 81.54, and 81.66.) As to the situs of the personal property of decedents who were nonresidents not citizens, see § 81.50.

A cemetery lot owned by the decedent is part of his gross estate, but its value is limited to the salable value of such part of it as is not designed for the interment of the decedent or members of his family. Property subject to homestead or other exemptions under local law must be included in the gross estate. Notes or other claims held by the decedent should be included, though they are canceled by his will. As to the valuation of notes and claims, see § 81.10 (e).

Interest and rents accrued at the date of the decedent's death and dividends declared to stockholders of record on or before the date of the decedent's death and not collected at such date constitute part of the gross estate.

Various statutory provisions, which exempt bonds, notes, bills, and certificates of indebtedness of the Federal Government or its agencies and the interest thereon from taxation, are not applicable to the estate tax, since this tax is an excise tax on the transfer, and is not a tax on the property transferred. In case the decedent was a nonresident who was not a citizen and not engaged in business in the United States, bonds, notes, and certificates of indebtedness of the United States, beneficially owned by such decedent should not be included; however, bonds, notes, and certificates of indebtedness of the United States, issued on or after March 1, 1941, which such decedent beneficially owned, should be included in the gross estate.*

GROSS ESTATE—DOWER AND CURTESY

SEC. 811. [Part II, Subchapter A.] GROSS ESTATE.

The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated, except real property situated outside of the United States—

• • • • • •

(b) *Dower or curtesy interests.* To the extent of any interest therein of the surviving spouse, existing at the time of the decedent's death as dower, curtesy, or by virtue of a statute creating an estate in lieu of dower or curtesy;

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SEC. 802. [Part I, Subchapter A.] APPLICATION OF PARTS.

Part II shall apply to the estates of citizens or residents of the United States and, except as otherwise provided, to the estates of nonresidents not citizens of the United States, subject to the exceptions and additional provisions contained in Part III. • • •

§ 81.14 *Dower and curtesy.* The above provisions of the Internal Revenue Code include in the gross estate dower and curtesy and all interests created by statute in lieu thereof, although the estate or interest so created may differ in character from dower or curtesy. The effect of the provision is to require the inclusion of the full value of the property, without deduction of the value of the interest of the surviving husband or wife, and without regard to the time when the right to such an interest arose.*

GROSS ESTATE—TRANSFERS BY DECEDENT DURING LIFETIME

SEC. 811. [Part II, Subchapter A.] GROSS ESTATE.

The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated, except real property situated outside of the United States—

• • • • • •

(c) *Transfers in contemplation of, or taking effect at death.* To the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, in contemplation of or intended to take effect in possession or enjoyment at or after his death, or of which he has at any time made a transfer, by trust or otherwise, under which he has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death (1) the possession or enjoyment of, or the right to the income from, the property, or (2) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom; except in case of a bona fide sale for an adequate and full consideration in money or

money's worth. Any transfer of a material part of his property in the nature of a final disposition or distribution thereof, made by the decedent within two years prior to his death without such consideration, shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this subchapter;

(d) *Revocable transfers.*—(1) *Transfers after June 22, 1936.* To the extent of any interest therein of which the decedent has at any time made a transfer (except in case of a bona-fide sale for an adequate and full consideration in money or money's worth), by trust or otherwise, where the enjoyment thereof was subject at the date of his death to any change through the exercise of a power (in whatever capacity exercisable) by the decedent alone or by the decedent in conjunction with any other person (without regard to when or from what source the decedent acquired such power), to alter, amend, revoke, or terminate, or where any such power is relinquished in contemplation of decedent's death;

(2) *Transfers on or prior to June 22, 1936.* To the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, where the enjoyment thereof was subject at the date of his death to any change through the exercise of a power, either by the decedent alone or in conjunction with any person, to alter, amend, or revoke, or where the decedent relinquished any such power in contemplation of his death, except in case of a bona-fide sale for an adequate and full consideration in money or money's worth. Except in the case of transfers made after June 22, 1936, no interest of the decedent of which he has made a transfer shall be included in the gross estate under paragraph (1) unless it is includible under this paragraph;

(3) *Date of existence of power.* For the purposes of this subsection the power to alter, amend, or revoke shall be considered to exist on the date of the decedent's death even though the exercise of the power is subject to a precedent giving of notice or even though the alteration, amendment, or revocation takes effect only on the expiration of a stated period after the exercise of the power, whether or not on or before the date of the decedent's death notice has been given or the power has been exercised. In such cases proper adjustment shall be made representing the interests which would have been excluded from the power if the decedent had lived, and for such purpose if the notice has not been given or the power has not been exercised on or before the date of his death such notice shall be considered to have been given, or the power exercised, on the date of his death.

(4) *Relinquishment of power in contemplation of death.* The relinquishment of any such power, not admitted or shown to have been in contemplation of the decedent's death, made within two years prior to his death without such a consideration and affecting the interest or interests (whether arising from one or more transfers or the creation of one or more trusts) of any one beneficiary of a value or aggregate value, at the time of such death, in excess of $5,000, then, to the extent of such excess, such relinquishment or relinquishments shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this subchapter.

• • • • • •

(i) *Transfers for insufficient consideration.* If any one of the transfers, trusts, interests, rights, or powers, enumerated and described in subsections (c), (d), and (f) is made, created, exercised, or relinquished for a consideration in money or money's worth, but is not a bona fide sale for an adequate and full consideration in money or money's worth, there shall be included in the gross estate only the excess of the fair market value at the time of death of the property otherwise to be included on account of such transaction, over the value of the consideration received therefor by the decedent.

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SEC. 812. [Part II, Subchapter A.] NET ESTATE.

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(b) (5) • • • For the purposes of this subchapter, a relinquishment or promised relinquishment of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in the decedent's property or estate, shall not be considered to any extent a consideration "in money or money's worth."

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SEC. 802. [Part I, Subchapter A.] APPLICATION OF PARTS.

Part II shall apply to the estates of citizens or residents of the United States and, except as otherwise provided, to the estates of nonresidents not citizens of the United States, subject to the exceptions and additional provisions contained in Part III. • • •

SEC. 302. (c) Revenue Act of 1926 (as originally enacted) To the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, in contemplation of or intended to take effect in possession or enjoyment at or after his death, except in case of a bona fide sale for an adequate and full consideration in money or money's worth. Where within two years prior to his death but after the enactment of this Act and without such a consideration the decedent has made a transfer or transfers, by trust or otherwise, of any of his property, or an interest therein, not admitted or shown to have been made in contemplation of or intended to take effect in possession or enjoyment at or after his death, and the value or aggregate value, at the time of such death, of the property or interest so transferred to any one person is in excess of $5,000, then, to the extent of such excess, such transfer or transfers shall be deemed and held to have been made in contemplation of death within the meaning of this title. Any transfer of a material part of his property in the nature of a final disposition or distribution thereof, made by the decedent within two years prior to his death but prior to the enactment of this Act, without such consideration, shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this title;

Joint Resolution of March 3, 1931 (Public, No. 131, Seventy-first Congress):

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the first sentence of subdivision (c) of section 302 of the Revenue Act of 1926 is amended to read as follows:

To the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, in contemplation of or intended to take effect in possession or enjoyment at or after his death, including a transfer under which the transferor has retained for his life or any period not ending before his death (1) the possession or enjoyment of, or the income from, the property or (2) the right to designate the persons who shall possess or enjoy the property or the income therefrom; except in case of a bona fide sale for an adequate and full consideration in money or money's worth.

SEC. 803. Revenue Act of 1932.

(a) Section 302 (c) of the Revenue Act of 1926, as amended by the Joint Resolution of March 3, 1931, is amended to read as follows:

(c) To the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, in contemplation of or intended to take effect in possession or enjoyment at or after his death, or of which he has at any time made a transfer, by trust or otherwise, under which he has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death (1) the possession or enjoyment of, or the right to the income from, the property, or (2) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom; except in case of a bona fide sale for an adequate and full consideration in money or money's worth. Any transfer of a material part of his property in the nature of a final disposition or distribution thereof, made by the decedent within two years prior to his death without such consideration, shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this title.

SEC. 302. (d) Revenue Act of 1926 (as originally enacted). To the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, where the enjoyment thereof was subject at the date of his death to any change through the exercise of a power, either by the decedent alone or in conjunction with any person, to alter, amend, or revoke, or where the decedent relinquished any such power in contemplation of his death, except in case of a bona fide sale for an adequate and full consideration in money or money's worth. The relinquishment of any such power, not admitted or shown to have been in contemplation of the decedent's death, made within two years prior to his death but after the enactment of this Act without such a consideration and affecting the interest or interests (whether arising from one or more transfers or the creation of one or more trusts) of any one beneficiary of a value or aggregate value, at the time of such death, in excess of $5,000, then, to the extent of such excess, such relinquishments shall be deemed and held to have been made in contemplation of death within the meaning of this title;

SEC. 401. REVENUE ACT OF 1934.

Section 302 (d) of the Revenue Act of 1926 is amended to read as follows:

(d) (1) To the extent of any interest therein of which the decedent has at any time made a transfer, by trust or otherwise, where the enjoyment thereof was subject at the date of his death to any change through the exercise of a power, either by the decedent alone or in conjunction with any person, to alter, amend, or revoke, or where the decedent relinquished any such power in contemplation of his death, except in case of a bona fide sale for an adequate and full consideration in money or money's worth.

(2) For the purposes of this subdivision the power to alter, amend, or revoke shall be considered to exist on the date of the decedent's death even though the exercise of the power is subject to a precedent giving of notice or even though the alteration, amendment, or revocation takes effect only on the expiration of a stated period after the exercise of the power, whether or not on or before the date of the decedent's death notice has been given or the power has been exercised. In such cases proper adjustment shall be made representing the interests which would have been excluded from the power if the decedent had lived, and for such purpose if the notice has not been given or the power has not been exercised on or before the date of his death, such notice shall be considered to have been given, or the power exercised, on the date of his death.

(3) The relinquishment of any such power, not admitted or shown to have been in contemplation of the decedent's death, made within two years prior to his death without such a consideration and affecting the interest or interests (whether arising from one or more transfers or the creation of one or more trusts) of any one beneficiary of a value or aggregate value, at the time of such death, in excess of $5,000, then, to the extent of such excess, such relinquishment or relinquishments shall, unless shown to the contrary, be deemed to have been made in contemplation of death within the meaning of this title;

SEC. 805. REVENUE ACT of 1936.

(a) Section 302 (d) (1) of the Revenue Act of 1926, as amended, is amended to read as follows:

(d) (1) To the extent of any interest therein of which the decedent has at any time made a transfer (except in case of a bona-fide sale for an adequate and full consideration in money or money's worth), by trust or otherwise, where the enjoyment thereof was subject at the date of his death to any change through the exercise of a power (in whatever capacity exercisable) by the decedent alone or by the decedent in conjunction with any other person (without regard to when or from what source the decedent acquired such power), to alter, amend, revoke, or terminate, or where any such power is relinquished in contemplation of decedent's death.

(b) Except in the case of transfers made after the date of the enactment of this Act, no interest of the decedent of which he has made a transfer shall be included in the gross estate under such section 302 (d) (1) unless it was includible under such section before its amendment by this section.

§ 81.15 *Transfers during life.* The following classes of transfers made by the decedent prior to his death, whether in trust or otherwise, if not constituting bona fide sales for an adequate and full consideration in money or money's worth, are subject to the tax: (1) transfers in contemplation of death (see § 81.16); (2) transfers conditioned upon the decedent's death (see § 81.17); (3) transfers under which the decedent reserved or retained (in whole or in part) the use, possession, rents, or other income or enjoyment of the transferred property, for his life, or for a period not ascertainable without reference to his death, or for a period of such duration as to evidence an intention that it should extend to his death; including also the reservation or retention of the use, possession, rents, or other income, the actual enjoyment of which was to await the termination of a transferred precedent interest or estate (see § 81.18); (4) transfers under which the decedent retained the right, either alone or in conjunction with another person or persons, to designate who should possess or enjoy the property or the income therefrom (see § 81.19); and (5) transfers under which the enjoyment of the transferred property was subject at decedent's death to a change through the exercise, either by the decedent alone or in conjunction with another person or persons, of a power to alter, amend, revoke, or terminate, or where such a power was relinquished in contemplation of decedent's death (see §§ 81.20 and 81.21).

The value of transferred property includible in the gross estate is the value thereof at the date of decedent's death, or if the executor has duly elected pursuant to the provisions of section 811 (j) to have the value of the gross estate determined as of the dates therein prescribed, then the value will be that as of the applicable date or dates so prescribed (see § 81.11). If a portion only of the property was so transferred as to come within the terms of the statute, only a corresponding proportion of the value of the property should be included in ascertaining the value of the gross estate. If the transferee has made additions to the property, or betterments, the enhanced value of the property due thereto should not be included.

To constitute a bona fide sale for an adequate and full consideration in money or money's worth the transfer must have been made in good faith, and the price must have been an adequate and full equivalent reducible to a money value. If the price was less than such a consideration, only the excess of the fair market value of the property (as of the date of decedent's death, or as of the applicable date under such an election as is mentioned in the last preceding paragraph) over the price received by the decedent should be included in ascertaining the value of the gross estate. For the purposes of the tax a relinquishment or promised relinquishment of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in decedent's property or estate, is not to any extent a consideration in money or money's worth.

In case a transfer, by trust or otherwise, was made by a written instrument, duplicate copies thereof should be filed with the return. If of public record, one of the copies should be certified; if not of record, one copy should be verified. If the decedent was a nonresident, only one copy, certified or verified, need be filed.

All transfers made by the decedent during his life of an amount of $5,000 or more, except bona fide sales for an adequate and full consideration in money or money's worth, must be disclosed in the return, whether the executor regards such transfers as subject to the tax or not. If the executor believes that such a transfer is not subject to the tax, a brief statement of the pertinent facts should be made.*

§ 81.16 *Transfers in contemplation of death.* Transfers in contemplation of death made by the decedent after September 8, 1916, other than bona fide sales for an adequate and full consideration in money or money's worth, must be included in the gross estate. A transfer in contemplation of death is subject to the tax although the decedent parted absolutely and immediately with his title to, and possession and enjoyment of, the property.

The phrase "contemplation of death," as used in the statute, does not mean, on the one hand, that general expectation of death such as all persons entertain, nor, on the other, is its meaning restricted to an apprehension that death is imminent or near. A transfer in contemplation of death is a disposition of property prompted by the thought of death (though it need not be solely so prompted). A transfer is prompted by the thought of death if it is made with the purpose of avoiding the tax, or as a substitute for a testamentary disposition of the property, or for any other motive associated with death. The bodily and mental condition of the decedent and all other attendant facts and circumstances are to be scrutinized to determine whether or not such thought prompted the disposition.

Any transfer without an adequate and full consideration in money or money's worth, made by the decedent within two years of his death, of a material part of his property in the nature of a final disposition or distribution thereof, is, unless shown to the contrary, deemed to have been made in contemplation of death.

If the executor contends that the value of a transfer of $5,000 or more made by the decedent subsequent to September 8, 1916, should not be included in the gross estate because he considers that such transfer was not made in contemplation of death, he should file sworn statements with the return, in duplicate, of all the material facts and circumstances, including those directly or indirectly indicating the decedent's motive in making the transfer and his mental and physical condition at that time, and one copy of the death certificate.

The fact that a gift was made as an advancement to be taken into account upon the final distribution of the decedent's estate is not, in and of itself, determinative of its taxability. (See § 81.15.)*

§ 81.17 *Transfers conditioned upon survivorship.* The statutory phrase, "a transfer • • • intended to take effect in possession or enjoyment at or after his death," includes a transfer by the decedent prior to his death (other than a bona fide sale for an adequate and full consideration in money or money's worth) whereby and to the extent that the beneficial title to the property transferred (if the transfer was in trust), or the legal title thereto (if the transfer was otherwise than in trust), is not to pass from the decedent to the donee unless the decedent dies before the donee or another person, or its passing is otherwise conditioned upon decedent's death; or, if title passed to the donee it is to be defeated and the property is to revert to the decedent as his own should he survive the donee or another person, or the reverting of the property to the decedent is conditioned upon some other contingency terminable by his death. In such instances, it is immaterial whether the decedent's interest arose by implication of law or by the express terms of the instrument of transfer. Since in such transfers the decedent's death is requisite to a termination of his interest in the property, it is unimportant whether his interest be denominated a reversion or a possibility of reverter, and whether the interest of the donee be contingent or vested subject to be divested, and the tax will apply, unless otherwise provided in the next succeeding paragraph, without

regard to the time when the transfer was made, whether before or after the enactment of the Revenue Act of 1916. Thus, upon a transfer by a decedent of property in which an estate for life is given to one and an estate in remainder to another, but with a provision added that the estate in remainder shall revest in the decedent should he survive the owner of the life estate, there is to be included, in determining the value of the decedent's gross estate following his death, the value as of the date of his death of the estate in remainder, if the life estate is then outstanding. The value of the outstanding life estate is not to be included in determining the value of the gross estate, unless that estate had been transferred in contemplation of the decedent's death, or otherwise as to render it a part of the gross estate. If by reason of an election by the executor the valuation of the gross estate is governed by the provisions of § 81.11, adjustments in the values of such transferred estates may be required. (See § 81.15.)

Where the transfer was made during the period between November 11, 1935 (that being the date upon which the Supreme Court of the United States rendered its decisions in the cases of *Helvering* v. *St. Louis Union Trust Co.* (296 U. S., 39) and *Becker* v. *St. Louis Union Trust Co.* (296 U. S., 48)), and January 29, 1940 (that being the date upon which such Court rendered its decisions in *Helvering* v. *Hallock* and companion cases (309 U. S., 106)), and the Commissioner, whose determination therein shall be conclusive, determines that such transfer is classifiable with the transfers involved in such two cases decided on November 11, 1935, rather than with the transfer involved in the case of *Klein* v. *United States* (283 U. S., 231), previously decided by such Court, then the property so transferred shall not be included in the decedent's gross estate under the provisions of this section, if the following condition is also met: Such transfer shall have been finally treated for all gift tax purposes, both as to the calendar year of such transfer and subsequent calendar years, as a gift in an amount measured by the value of the property undiminished by reason of a provision in the instrument of transfer by which the property, in whole or in part, is to revert to the decedent should he survive the donee or another person, or the reverting thereof is conditioned upon some other contingency terminable by decedent's death.*

§ 81.18 *Transfers with possession or enjoyment retained.* Except in the case of a bona fide sale for an adequate and full consideration in money or money's worth, the gross estate embraces (section 811 (c)) all property transferred by the decedent, whether in trust or otherwise, if he retained or reserved the use, possession, right to the income, or other enjoyment of the transferred property, and if the transfer was made—

(1) At any time after 10:30 p. m., eastern standard time, March 3, 1931, and such retention or reservation is for his life, or for such a period as to evidence his intention that it should extend at least for the duration of his life and his death occurs before the expiration of such period; or

(2) At any time after 5 p. m., eastern standard time, June 6, 1932, and such retention or reservation is for any period mentioned in (1) or for any period not ascertainable without reference to his death.

A reservation for a "period not ascertainable without reference to his death" may be illustrated by a reservation of the right to receive, in quarterly payments, the income of the transferred property where none of the income between the last quarterly payment and decedent's death was to be received by him or his estate; or by a reservation of a life estate following a precedent estate for life or a term of years.

The use, possession, right to the income, or other enjoyment of the property will be considered as having been retained by or reserved to the decedent to the extent that during any such period it is to be applied towards the discharge of a legal obligation of the decedent, or otherwise for his pecuniary benefit.

If such retention or reservation is of a part only of the use, possession, income, or other enjoyment of the property, then only a corresponding proportion of the value of the property should be included in determining the value of the gross estate. (See § 81.51.)*

§ 81.19 *Transfers with right retained to designate who shall possess or enjoy.* The Internal Revenue Code (section 811 (c) provides that, except in the case of a bona fide sale for an adequate and full consideration in money or money's worth, the gross estate shall embrace all property transferred by the decedent, whether in trust or otherwise, if there is retained by or reserved to him for his life, or for such a period as to evidence his intention that it should extend at least for the duration of his life and his death occurs before the expiration of such period, or for a period not ascertainable without reference to his death, the right either alone or in conjunction with any other person or persons to designate the person or persons who shall possess or enjoy the transferred property, or the income thereof.

This provision of the Internal Revenue Code covers, in the main, transfers to which also apply the provisions of certain other subsections of section 811. Thus, to the extent that the enjoyment of the transferred property is subject to any change through the exercise of a power by the decedent alone or in conjunction with any other person or persons to alter, amend, revoke, or terminate, the provisions of section 811 (d) and of § 81.20 will apply. Or, if the decedent reserved to himself a general power of appointment and the property passed in his lifetime or by his will pursuant to the exercise of such power, the property may be required by section 811 (f) to be included in the gross estate, and in such case the provisions of § 81.24 will apply without regard to when such power was created.

A transfer of the kind dealt with in this section, when not also falling within the provisions of some other subsection of section 811, requires the inclusion of the transferred property within the gross estate, if the transfer was made—

(1) At any time after 10:30 p. m., eastern standard time, March 3, 1931, and the right to so designate was retained by or reserved to the decedent alone for his life, or for such a period as to evidence his intention that it should extend at least for the duration of his life and his death occurs before the expiration of such period; or

(2) At any time after 5 p. m., eastern standard time, June 6, 1932, and the right to so designate was retained by or reserved to the decedent alone or in conjunction with any other person or persons for decedent's life, or for such a period as to evidence his intention that it should extend at least for the duration of his life and his death occurs before the expiration of such period, or for any period not ascertainable without reference to his death.

If the retention or reservation of the right described pertains to a part only of the transferred property, or to a part only of the income therefrom, then only a corresponding proportion of the value of the transferred property is includible in determining the value of the gross estate.

The right to so designate will be treated as having been retained or reserved if at the time of the transfer there was an understanding, either expressed or implied, that such right would later be created or conferred. (See § 81.15.)*

§ 81.20 *Transfers with power to change the enjoyment*—(a) *Transfers included.* Subsection (d) of section 811 embraces a transfer by trust or otherwise (if not amounting to a bona fide sale for an adequate and full consideration in money or money's worth) when at the time of decedent's death the enjoyment of the transferred property, or some part thereof or interest therein, was subject to any change through a power exercisable either by the decedent alone, or by him in conjunction with some other person or persons, to alter, or amend, or revoke, or terminate. (See § 81.15.)

The addition to subdivision (d) (1) of the Revenue Act of 1926, by section 805 of the Revenue Act of 1936, of the phrase to the effect that it is not material in what capacity the power was subject to exercise by the decedent or by the other person or persons in conjunction with the decedent (which phrase is also embodied in subsection (d) (1) of section 811 of the Internal Revenue Code), is considered merely declaratory of the meaning of the subdivision prior to the addition of the phrase.

The second phrase added to this subdivision of the Revenue Act of 1926 by amendment in 1936 (also embodied in section 811 (d) (1) of the Internal Revenue Code), namely, "without regard to when or from what source the decedent acquired such power," is not considered declaratory of the meaning of the subdivision prior to the amendment in a case

in which no one of the powers enumerated in the subdivision was reserved at the time of the making of the transfer, but one or more thereof were conferred subsequent thereto (whatever the source from which conferred) without any understanding, expressed or implied, had in connection with the making of the transfer that such power or powers should be later conferred.

The third change made in the subdivision by the Revenue Act of 1936 (which is also embodied in subsection (d) (1) of section 811 of the Internal Revenue Code) consists of the addition of the words "or terminate" following the words "to alter, amend, revoke." Such addition is considered but declaratory of the meaning of the subdivision prior to the amendment. A power to terminate capable of being so exercised as to revest in the decedent the ownership of the transferred property or an interest therein, or as otherwise to inure to his benefit or the benefit of his estate, is, to that extent, the equivalent of a power to "revoke," and when otherwise so exercisable as to effect a change in the enjoyment, is the equivalent of a power to "alter."

(b) *Taxability.* The property or any interest therein transferred as described in paragraph (a) shall be included in the gross estate if it comes within any one of the following paragraphs:

(1) If the transfer was made prior to the enactment of the Revenue Act of 1924 (4:01 p. m., eastern standard time, June 2, 1924), and the power was reserved at the time of the transfer and was exercisable by the decedent alone or in conjunction with a person or persons having no substantial adverse interest or interests in the transferred property, or if exercisable in conjunction with a person having a substantial adverse interest or with several persons some or all of whom held such an adverse interest, then to the extent of any interest or interests held by a person or persons not required to join in the exercise of the power and to the extent of any adverse interest which was not substantial.

(2) If the transfer was made after the enactment of the Revenue Act of 1924 (4:01 p. m., eastern standard time, June 2, 1924) and before the amendment of the subdivision by the Revenue Act of 1936 became effective (June 23, 1936), and the power was reserved at the time of the transfer and was exercisable by the decedent alone or in conjunction with a person or persons either having or not having a substantial adverse interest or interests in the transferred property, or in conjunction with persons one or more of whom had and one or more of whom had not such an adverse interest.

(3) If the transfer was made after June 22, 1936 (the date of the enactment of the Revenue Act of 1936), and the power was either reserved at the time of the transfer or later created or conferred, without regard to the source from which the power was acquired, and whether exercisable by the decedent alone or in conjunction with a person or persons either having or not having a substantial adverse interest or interests in the transferred property, or in conjunction with persons one or more of whom had and one or more of whom had not such an adverse interest.

As used in this and in the next succeeding section, the expression "reserved at the time of the transfer" refers to a power to which the transfer was subject when made, whether the power arose by implication of law or by the express terms of the instrument of transfer, and which continued to the date of decedent's death (see the paragraph next following as to the conditions under which the power will be considered as existent at decedent's death) to be exercisable by decedent alone or by him in conjunction with some other person or persons, and includes any understanding, expressed or implied, had in connection with the making of the transfer that the power should later be created or conferred.

The power to alter, amend, revoke, or terminate will be considered to have existed on the date of the decedent's death, though the exercise of the power was subject to a precedent giving of notice, or though the alteration, amendment, revocation, or termination would take effect only on the expiration of a stated period after the exercise of the power, whether or not on or before the date of the decedent's death notice had been given or the power had been exercised, or though the exercise of the power was restricted to a particular time which had not arrived, or the happening of a particular event which had not occurred, at decedent's death. In determining the value of the gross estate in such cases the full value of the property transferred subject to the power should be discounted for the period required to elapse between the date of decedent's death and the date upon which the alteration, amendment, revocation, or termination could take effect. (See § 81.10 (j) (3).)

The provisions of this section do not apply to a transfer if the power may be exercised only with the consent of all parties having an interest, vested or contingent, in the transferred property, and if the power adds nothing to the rights of the parties as conferred by the applicable local law.*

§ 81.21 *Power relinquished in contemplation of death.* If the decedent had previously held, either alone or in conjunction with another person or persons, a power to alter, amend, revoke, or terminate a transfer made by him, and the power was subsequently relinquished in contemplation of the decedent's death (the relinquishment not amounting to a bona fide sale for an adequate and full consideration in money or money's worth), then to the extent that the transferred property or any interest therein had been subject to such relinquished power it is to be included in the gross estate if coming within any one of the following paragraphs:

(a) If the transfer was made prior to the enactment of the Revenue Act of 1924 (4:01 p. m., eastern standard time, June 2, 1924), and the power was reserved at the time of the transfer and was relinquished after the enactment of the Revenue Act of 1916 (September 8, 1916), and the power was exercisable by the decedent alone or in conjunction with a person or persons having no substantial adverse interest or interests in the transferred property, or if exercisable in conjunction with a person having a substantial adverse interest or with several persons some or all of whom held such an adverse interest, then to the extent of any interest or interests held by a person or persons not required to join in the exercise of the power and to the extent of any adverse interest which was not substantial.

(b) If the transfer was made after the enactment of the Revenue Act of 1924 (4:01 p. m., eastern standard time, June 2, 1924) and before the amendment of the subdivision by the Revenue Act of 1936 became effective (June 23, 1936), and the power was reserved at the time of the transfer and was exercisable by the decedent alone or in conjunction with a person or persons either having or not having a substantial adverse interest or interests in the transferred property, or in conjunction with persons one or more of whom had and one or more of whom had not such an adverse interest.

(c) If the transfer was made after June 22, 1936 (the date of the enactment of the Revenue Act of 1936), and the power was either reserved at the time of the transfer or later created or conferred without regard to the source from which the power was acquired, and whether exercisable by the decedent alone or in conjunction with a person or persons either having or not having a substantial adverse interest or interests in the transferred property, or in conjunction with persons one or more of whom had and one or more of whom had not such an adverse interest. If the transfer was made after June 22, 1936, and the person or persons, in conjunction with whom the decedent could exercise the power, relinquished the power in contemplation of the decedent's death and thereby extinguished the power, the transfer is includible in the decedent's gross estate.

If the relinquishment be not admitted or shown to have been in contemplation of decedent's death, but occurred within two years prior to such death, and affected the interest or interests (whether arising from one or more transfers or the creation of one or more trusts) of any one beneficiary of a value or aggregate value in excess of $5,000 (as of the date of decedent's death, or as of the applicable date under such an election as is referred to in the second paragraph of § 81.15) then, to the extent of such excess, the relinquishment will be deemed, unless shown to the contrary, to have been in contemplation of decedent's death. (See § 81.15.)*

GROSS ESTATE—PROPERTY HELD JOINTLY

SEC. 811. [Part II, Subchapter A] GROSS ESTATE.

The value of the gross estate of the decedent shall be determined by including the

value at the time of his death of all property, real or personal, tangible or intangible, wherever situated, except real property situated outside of the United States—

• • • • •

(e) *Joint interests.* To the extent of the interest therein held as joint tenants by the decedent and any other person, or as tenants by the entirety by the decedent and spouse, or deposited, with any person carrying on the banking business, in their joint names and payable to either or the survivor, except such part thereof as may be shown to have originally belonged to such other person and never to have been received or acquired by the latter from the decedent for less than an adequate and full consideration in money or money's worth: *Provided*, That where such property or any part thereof, or part of the consideration with which such property was acquired, is shown to have been at any time acquired by such other person from the decedent for less than an adequate and full consideration in money or money's worth, there shall be excepted only such part of the value of such property as is proportionate to the consideration furnished by such other person: *Provided further*, That where any property has been acquired by gift, bequest, devise, or inheritance, as a tenancy by the entirety by the decedent and spouse, then to the extent of one-half of the value thereof, or, where so acquired by the decedent and any other person as joint tenants and their interests are not otherwise specified or fixed by law, then to the extent of the value of a fractional part to be determined by dividing the value of the property by the number of joint tenants.

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SEC. 812. [Part II, Subchapter A.] NET ESTATE.

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(b) (5) • • • For the purposes of this subchapter, a relinquishment or promised relinquishment of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in the decedent's property or estate, shall not be considered to any extent a consideration "in money or money's worth."

• • • • •

SEC. 802. [Part I, Subchapter A.] APPLICATION OF PARTS.

Part II shall apply to the estates of citizens or residents of the United States and, except as otherwise provided, to the estates of nonresidents not citizens of the United States, subject to the exceptions and additional provisions contained in Part III. • • •

§ 81.22 *Property held jointly or by the entirety.* The foregoing provisions of the Internal Revenue Code extend to joint ownerships wherein the right of survivorship exists, regardless of when such ownerships were created. They specifically reach property held jointly by the decedent and any other person or persons, or by the decedent and spouse as tenants by the entirety, or deposited with any person or institution carrying on a banking business in the name of the decedent and any other person and payable to either or the survivor, provided the decedent contributed toward the acquisition of the property so held or deposited, or acquired it by gift, bequest, devise, or inheritance. Section 811 (e) applies to all classes of property, whether real or personal, in case the survivor takes the entire interest therein by right of survivorship and no interest therein forms a part of the decedent's estate for purposes of administration. It has no reference to property held by the decedent and any other person or persons as tenants in common.*

§ 81.23 *Taxable portion.* The entire property is prima facie a part of the decedent's gross estate. But it is not the intent of the statute that there should be so included a greater part or proportion thereof than is represented by an outlay of funds, which, in the first instance, were decedent's own, or more than a fractional part equal to that of the other joint owner should neither have parted with any consideration in its acquirement. Facts which in a given case bring it within any one of the exceptions enumerated in the statute may be submitted by the executor.

Whether the entire property, or only a part, or none of it, enters into the make-up of the gross estate depends upon the following considerations: (1) So much of the property (whether the whole, or a part thereof) as originally belonged to the other joint owner, and which at no time in the past had been received or acquired by the latter from the decedent for less than an adequate and full consideration in money or money's worth, forms no part of the decedent's gross estate. (2) If the facts are otherwise the same as in (1), but the decedent paid to such other joint owner a consideration for the interest by him (the decedent) acquired in the property, then such portion of the property, proportionate to the consideration so paid, constitutes a part of the gross estate. (3) If the property, or a part thereof, or a part of the consideration wherewith it was acquired, had at any time been acquired by the other joint owner from the decedent as a gift, or for less than an adequate and full consideration in money or money's worth, then such portion of the entire property, proportionate to the consideration, if any, which in the first instance was paid from such other joint owner's own funds, forms no part of the gross estate. (4) If the property was acquired by the decedent and his or her surviving spouse as tenants by the entirety by gift, bequest, devise, or inheritance, then only one-half of the property becomes a part of the gross estate. (5) If the property was acquired by the decedent and the other joint owner as joint tenants by gift, bequest, devise, or inheritance, and their interests are not otherwise specified or fixed by law, then only one-half of the property is a part of the gross estate; or, if so acquired by the decedent and two or more persons, and the interests of the several joint tenants are not otherwise determinable, then the decedent and the other joint tenants surviving him shall be deemed the owners of equal fractional parts, and only one of such fractional parts is to be included in the gross estate.

The following are given as illustrative: (a) If the decedent furnished the entire purchase price, the entire property should be included in the gross estate; (b) if the decedent furnished a part only of the purchase price, only a corresponding portion of the property should be so included; (c) if the decedent, prior to the acquisition of the property by himself and the other joint owner, gave the latter a sum of money which later constituted such other joint owner's entire contribution to the purchase price of the property, the entire property should be included; (d) if the other joint owner, prior to the acquirement of the property, received from the decedent, for less than an adequate and full consideration in money or money's worth, property which thereafter became, as such, or in a converted form, part of the purchase price of the property, the value of the property to be included is to be reduced proportionately to the consideration furnished by the other joint owner in the original transaction; (e) if the decedent furnished no part of the purchase price, no part of the property should be included; (f) if the decedent and spouse acquired the property by will as tenants by the entirety, one-half of the property should be included.

For the purposes of the estate tax, a relinquishment or promised relinquishment of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other martial rights in the decedent's property or estate, is not to any extent a consideration in money or money's worth.*

GROSS ESTATE—PROPERTY PASSING UNDER POWER OF APPOINTMENT

SEC. 811. [Part II, Subchapter A.] GROSS ESTATE.

The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated, except real property situated outside of the United States—

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(f) *Property passing under general power of appointment.* To the extent of any property passing under a general power of appointment exercised by the decedent (1) by will, or (2) by deed executed in contemplation of or intended to take effect in possession or enjoyment at or after his death, or (3) by deed under which he has retained for his life or any period not ascertainable without reference to his death or for any period which does not in fact end before his death (A) the possession or enjoyment of, or the right to the income from, the property, or (B) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom; except in case of a bona fide sale for an adequate and full consideration in money or money's worth; and

• • • • •

(i) *Transfers for insufficient consideration.* If any one of the transfers, trusts, interests, rights, or powers, enumerated and described in subsections (c), (d), and (f) is made, created, exercised, or relinquished for a consideration in money or money's worth, but is not a bona fide sale for an adequate and full consideration in money or money's worth, there shall be included in the gross estate only the excess of the fair market value at the time of death of the property otherwise to be included on account of such transaction, over the value of the consideration received therefor by the decedent.

• • • • •

SEC. 812. [Part II, Subchapter A.] NET ESTATE.

(b) (5) • • • For the purposes of this subchapter, a relinquishment or promised relinquishment of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in the decedent's property or estate, shall not be considered to any extent a consideration "in money or money's worth".

• • • • •

SEC. 802. [Part I, Subchapter A.] APPLICATION OF PARTS.

Part II shall apply to the estates of citizens or residents of the United States and, except as otherwise provided, to the estates of non-residents not citizens of the United States, subject to the exceptions and additional provisions contained in Part III. • • •

SEC. 302. (f) Revenue Act of 1926 (as originally enacted). To the extent of any property passing under a general power of appointment exercised by the decedent (1) by will, or (2) by deed executed in contemplation of, or intended to take effect in possession or enjoyment at or after, his death, except in case of a bona fide sale for an adequate and full consideration in money or money's worth; and • • •

SEC. 302. (f) Revenue Act of 1926 (as amended by section 803 (b) of the Revenue Act of 1932). To the extent of any property passing under a general power of appointment exercised by the decedent (1) by will, or (2) by deed executed in contemplation of or intended to take effect in possession or enjoyment at or after his death, or (3) by deed under which he has retained for his life or any period not ascertainable without reference to his death or for any period which does not in fact end before his death (A) the possession or enjoyment of, or the right to the income from, the property, or (B) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom; except in case of a bona fide sale for an adequate and full consideration in money or money's worth; and • • •

§ 81.24 *Property passing under general power of appointment.* Property passing under a general power of appointment must be included in the gross estate of the person exercising the power (known as the donee, or appointor), if the power is exercised by will. It should also be so included if the power is exercised by deed or other instrument either (1) in contemplation of death, (2) with the intent that the transfer shall take effect in possession or enjoyment at or after the death of the donee of the power, (3) with the retention or reservation by the decedent of the use, possession, right to the income, or other enjoyment of the transferred property, or (4) with the retention or reservation by the decedent of the right to designate the person or persons who shall possess or enjoy the transferred property or the income thereof. (For description of such transfers and the taxability thereof with reference to when made and when the death occurred, see §§ 81.16, 81.17, 81.18, and 81.19.) The statute, however, does not require inclusion in the gross estate of the appointed property in the case of a bona fide sale thereof by the donee of the power for an adequate and full consideration in money or money's worth.

Only property passing under a general power should be included. Ordinarily a general power is one to appoint to any person or persons in the discretion of the donee of the power, or, however limited as to the persons or objects in whose favor the appointment may be made, is exercisable in favor of the donee, his estate, or his creditors. Duplicate copies of the instrument granting the power and of the instrument by which the power was exercised, one of each to be certified or verified, must be filed with Form 706 in all cases, unless the decedent was a nonresident, in which case only one copy of each instrument, certified or verified, is required. The copies must be filed even though it is contended that the power was a limited one and the property passing thereunder is not returned for tax.*

GROSS ESTATE—INSURANCE

SEC. 811. [Part II, Subchapter A.] GROSS ESTATE.

The value of the gross estate of the decedent shall be determined by including the value at the time of his death of all property, real or personal, tangible or intangible, wherever situated, except real property situated outside of the United States—

• • • • •

(g) *Proceeds of life insurance.* To the extent of the amount receivable by the executor as insurance under policies taken out by the decedent upon his own life; and to the extent of the excess over $40,000 of the amount receivable by all other beneficiaries as insurance under policies taken out by the decedent upon his own life.

• • • • •

SEC. 802. [Part I, Subchapter A.] APPLICATION OF PARTS.

Part II shall apply to the estates of citizens or residents of the United States and, except as otherwise provided, to the estates of nonresidents not citizens of the United States, subject to the exceptions and additional provisions contained in Part III. • • •

§ 81.25 *Taxable insurance.* Section 811 (g) of the Internal Revenue Code provides for the inclusion in the gross estate of insurance taken out by the decedent upon his own life, as follows: (a) All insurance receivable by, or for the benefit of, the estate; (b) all other insurance to the extent that it exceeds in the aggregate $40,000.

The term "insurance" refers to life insurance of every description, including death benefits paid by fraternal beneficial societies operating under the lodge system. Insurance receivable by beneficiaries other than the estate is considered to have been taken out by the decedent where he paid, either directly or indirectly, all the premiums or other consideration wherewith the insurance was acquired, whether or not he made the application. Such insurance is not considered to have been so taken out, even though the application was made by the decedent, if no part of the premiums or other consideration was paid either directly or indirectly by him. Where a portion of the premiums or other consideration was actually paid by another and the remaining portion by the decedent, either directly or indirectly, such insurance is considered to have been taken out by the latter in the proportion that the payments therefor made by him bear to the total amount paid for the insurance.

Life insurance not includible in the gross estate under the provisions of subsection (g) of section 811 and §§ 81.26, 81.27, or this section of these regulations may, depending upon the facts of the particular case, be includible under some other subsection of section 811 and the sections of these regulations pertaining thereto, such as subsection (c) in the case of insurance taken out by the decedent prior to January 10, 1941, the date of Treasury Decision 5032, and also transferred by him prior to such date in contemplation of death.*

§ 81.26 *Insurance in favor of the estate.* The Internal Revenue Code requires the inclusion in the gross estate of all insurance receivable by the executor or administrator or payable to the decedent's estate, and all insurance which is in fact receivable by, or for the benefit of, the estate. It includes insurance effected to provide funds to meet the estate tax, and any other taxes, debts, or charges which are enforceable against the estate. The manner in which the policy is drawn is immaterial so long as there is an obligation, legally binding upon the beneficiary, to use the proceeds in payment of such taxes, debts, or charges. The full amount of the proceeds so receivable, without the benefit of any exemption, forms a part of the gross estate, though all the premiums or other consideration wherewith the insurance was acquired may have been paid by a person other than the decedent. If the decedent procured insurance in favor of another person or corporation as collateral security for a loan or other accommodation, the insurance is considered to be receivable for the benefit of the estate. The amount of the loan outstanding at decedent's death will be deductible in determining the net estate, and the interest thereon will be deductible in accordance with the provisions of § 81.36.*

§ 81.27 *Insurance receivable by other beneficiaries.* The amount in excess of $40,000 of the aggregate proceeds of all insurance on the decedent's life not receivable by or for the benefit of his estate must be included in his gross estate, as follows:

(a) To the extent to which such insurance was taken out by the decedent upon his own life (see § 81.25) after January 10, 1941, the date of Treasury Decision 5032, and

(b) To the extent to which such insurance was taken out by the decedent upon his own life (see § 81.25) on or before January 10, 1941, and with respect to which the decedent possessed any of the legal incidents of ownership at any time after such date or, in the case of a decedent dying on or before such date, at the time of his death.

Legal incidents of ownership in the policy include, for example, the right of the insured or his estate to its economic benefits, the power to change the beneficiary, to surrender or cancel the policy, to assign it, to revoke an assignment, to pledge it for a loan, or to obtain from the insurer a loan against the surrender value of the policy, etc. The insured possesses a legal incident of ownership if

his death is necessary to terminate his interest in the insurance, as, for example, if the proceeds would become payable to his estate, or payable as he might direct, should the beneficiary predecease him.

The estate is entitled to only one exemption of $40,000 upon insurance receivable by beneficiaries other than the estate. For instance, if the decedent left life insurance otherwise includible under the provisions of this section and payable to three such beneficiaries in amounts of $10,000, $40,000, and $50,000 (total, $100,000), the full amount should be listed on the return and therefrom subtracted the $40,000 exemption as provided in the appropriate schedule of Form 706. The word "beneficiaries," as used in reference to this $40,000 exemption, means persons entitled to the actual enjoyment of the insurance money.

Example. Insurance on the life of the decedent who died after the date of Treasury Decision 5032 totaled $200,000. It was payable to his son as beneficiary and the decedent never possessed any of the legal incidents of ownership therein. Premiums aggregating $100,000 were paid for the insurance, of which the decedent paid $50,000 before the date of Treasury Decision 5032 and $30,000 after that date. The remaining premiums of $20,000 were paid by the son. The extent to which the insurance was taken out by the decedent after the date of the Treasury decision is the proportion of $200,000 that the amount of the premiums paid by him after such date, $30,000, bears to the total amount of the premiums paid for the insurance, $100,000. Such proportion is three-tenths of $200,000, or $60,000. As the decedent possessed none of the legal incidents of ownership in the insurance at any time after the date of the Treasury decision, $100,000 of the insurance, the extent to which it was taken out by the decedent before such date

$$\left(\frac{50{,}000\times\$200{,}000}{100{,}000}\right),$$

is excluded from the gross estate. The amount of $40,000, the extent to which the insurance was not taken out by the decedent

$$\left(\frac{20{,}000\times\$200{,}000}{100{,}000}\right),$$

is also excluded from the gross estate. The amount of the insurance taken out by the decedent after the date of the Treasury decision, $60,000, is reduced by $40,000, the special insurance exemption, and the amount of the insurance included in the gross estate is $20,000.*

§ 81.28 *Valuation of insurance.* The amount to be returned if the policy is payable to or for the benefit of the estate is the amount receivable. If the proceeds of a policy are payable to a beneficiary other than the estate, and not to or for the benefit of the estate, the amount to be listed in the appropriate schedule of the return is the full amount receivable. (For taxable portion see § 81.27.) In case the proceeds of a policy are made payable to the beneficiary in the form of an annuity for life or for a term of years, there should be listed in the appropriate schedule of the return the one sum payable at death under an option which could have been exercised either by the insured or by the beneficiary, or if no option was granted, the sum used by the insurance company in determining the amount of the annuity.

With respect to each policy there should be filed a certificate, Form 712, from the insurance company showing the following:

(a) The face amount of the policy.
(b) The amount of any indebtedness to the company which reduced the amount otherwise payable.
(c) The amount of accumulated dividends.
(d) The amount of postmortem dividends.
(e) Any other facts affecting the value. (See next paragraph.)
(f) The value as of the date of death of the insured of the benefits payable under the policy.

In the case of any policy providing for deferred payments (other than payments measured by the facts disclosed under (a), (b), (c), and (d) above), the certificate should include the following information:

(g) The provisions with respect to the deferred payments or to the installments.
(h) The amounts of the deferred payments or installments.
(i) If the number of installments to be paid may be measured by the life of any individual, the date of birth of such individual.
(j) The amount applied by the insurance company as a single premium representing the purchase of the installment benefits.
(k) The basis (Mortality Table and rate of interest) employed by the insurance company in valuing the installment benefits.*

GROSS ESTATE—RETROACTIVE PROVISIONS

SEC. 811. [Part II, Subchapter A.] GROSS ESTATE.

* * * * *

(h) *Prior interests.* Except as otherwise specifically provided therein, subsections (b), (c), (d), (e), (f), and (g) shall apply to the transfers, trusts, estates, interests, rights, powers, and relinquishment of powers, as severally enumerated and described therein, whether made, created, arising, existing, exercised, or relinquished before or after February 26, 1926.

* * * * *

SEC. 802. [Part I, Subchapter A.] APPLICATION OF PARTS.

Part II shall apply to the estates of citizens or residents of the United States and, except as otherwise provided, to the estates of nonresidents not citizens of the United States, subject to the exceptions and additional provisions contained in Part III. * * *

DEDUCTIONS—ESTATES OF CITIZENS OR RESIDENTS ADMINISTRATION EXPENSES, CLAIMS, ETC.

SEC. 812. [Part II, Subchapter A.] NET ESTATE.

For the purpose of the tax the value of the net estate shall be determined, in the case of a citizen or resident of the United States by deducting from the value of the gross estate—

* * * * *

(b) *Expenses, losses, indebtedness, and taxes.* Such amounts—

(1) for funeral expenses,
(2) for administration expenses,
(3) for claims against the estate,
(4) for unpaid mortgages upon, or any indebtedness in respect to, property where the value of decedent's interest therein, undiminished by such mortgage or indebtedness, is included in the value of the gross estate, and
(5) reasonably required and actually expended for the support during the settlement of the estate of those dependent upon the decedent,

as are allowed by the laws of the jurisdiction, whether within or without the United States, under which the estate is being administered, but not including any income taxes upon income received after the death of the decedent, or property taxes not accrued before his death, or any estate, succession, legacy, or inheritance taxes. The deduction herein allowed in the case of claims against the estate, unpaid mortgages, or any indebtedness shall, when founded upon a promise or agreement, be limited to the extent that they were contracted bona fide and for an adequate and full consideration in money or money's worth. There shall also be deducted losses incurred during the settlement of estates arising from fires, storms, shipwrecks, or other casualties, or from theft, when such losses are not compensated for by insurance or otherwise, and if at the time of the filing of the return such losses have not been claimed as a deduction for income tax purposes in an income tax return.

For the purposes of this subchapter, a relinquishment or promised relinquishment of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in the decedent's property or estate, shall not be considered to any extent a consideration "in money or money's worth."

* * * * *

SEC. 935. [Subchapter B.] RATE OF TAX.

* * * * *

(c) For the purposes of this section the value of the net estate shall be determined as provided in subchapter A, except that in lieu of the exemption of $100,000 provided in section 812 (a), the exemption shall be $40,000.

§ 81.29 *Deduction of administration expenses, claims, etc.* In order to be deductible under the foregoing provisions of the Internal Revenue Code, the item must fall within one of the several classes of deductions specifically enumerated therein, and must also, except in the case of deductible losses during the administration of the estate, be one the payment of which out of the estate is authorized by the laws of the jurisdiction under which the estate is being administered. Unless both of these conditions exist the item is not deductible. If the item is not one of those described it is not deductible merely because payment is allowed by the local law. If the amount which may be expended for the particular purpose is limited by the local law no deduction in excess of such limitation is permissible. If a claim against the estate, an unpaid mortgage, or an indebtedness is founded upon a promise or agreement, the deduction therefor is limited to the extent that the liability was contracted bona fide and for an adequate and full consideration in money or money's worth. A relinquishment of dower, curtesy, or of a statutory estate created in lieu of dower or curtesy, or of other marital rights in the decedent's property or estate, is not to any extent a consideration in money or money's worth.

An item may be entered on the return for deduction though the exact amount thereof is not then known, provided it is ascertainable with reasonable certainty, and will be paid. No deduction may be taken upon the basis of a vague or uncertain estimate. In the event the amount of the liability was unascertainable at the time of final audit of the return by the Commissioner, and, as a consequence, deduction was not allowed therefor in such audit, and subsequently the amount of the liability is ascertained, relief may be sought as provided by §§ 81.73 and 81.96.*

§ 81.30 *Effect of court decree.* The decision of a local court as to the amount of a claim or administration expense will ordinarily be accepted if the court passes upon the facts upon which deductibility depends. If the court does not pass upon such facts, its decree will, of course, not be followed. For example, if the question before the court is whether a claim should be allowed, the decree allowing it will ordinarily be accepted as establishing the validity and amount of the claim. The decree will not necessarily be accepted even though it purports to decide the facts upon which deductibility depends. It must appear that the court actually passed upon the merits of the case. This will be presumed in all cases of an active and genuine contest. If the result reached appears to be unreasonable, this is some evidence that there was not such a contest, but it may be rebutted by proof to the contrary. If the decree was rendered by consent, it will be accepted, provided the consent was a bona fide recognition of the validity of the claim—not a mere cloak for a gift—and was accepted by the court as satisfactory evidence upon the merits. It will be presumed that the consent was of this character, and was so accepted, if given by all parties having an interest adverse to the claimant. The decree will not be accepted if it is at variance with the law of the State; as, for example, an allowance made to an executor in excess of that prescribed by statute.*

§ 81.31 *Funeral expenses.* An executor may deduct such amounts for funeral expenses as are actually expended by him and, under the laws of the local jurisdiction, are payable out of the decedent's estate. A reasonable expenditure by the executor for a tombstone, monument, or mausoleum, or for a burial lot, either for the decedent or his family, may be deducted under this heading, provided such an expenditure is allowable by the local law. Included in funeral expenses is the cost of transportation of the person bringing the body to the place of burial.*

§ 81.32 *Administration expenses.* The amounts deductible from the gross estate as "administration expenses" are such expenses as are actually and necessarily incurred in the administration of the estate; that is, in the collection of assets, payment of debts, and distribution among the persons entitled. The expenses contemplated in the law are such only as attend the settlement of an estate by the legal representative preliminary to the transfer of the property to individual beneficiaries or to a trustee, whether such trustee is the executor or some other person. Expenditures not essential to the proper settlement of the estate, but incurred for the individual benefit of the heirs, legatees, or devisees, may not be taken as deductions. Administration expenses include (1) executor's commissions; (2) attorney's fees; and (3) miscellaneous expenses. Each of these classes is considered separately in §§ 81.33 to 81.35, inclusive.*

§ 81.33 *Executor's commissions.* The executor or administrator, in filing the return, may deduct his commissions in such an amount as has actually been paid, or in an amount which at the time of such filing it is reasonably expected will be paid, but no deduction may be taken if no commissions are to be collected. In case the amount of the commissions has not been fixed by decree of the proper court, the deduction will be allowed on the final audit of the return, provided: (1) That the Commissioner is reasonably satisfied that the commissions claimed will be paid; (2) that the amount entered as a deduction is within the amount allowable by the laws of the jurisdiction wherein the estate is being administered; and (3) that it is in accordance with the usually accepted practice in said jurisdiction to allow such an amount in estates of similar size and character. If the deduction is disallowed in whole or in part on final audit, the disallowance will be subject to modification as the facts may later require. If the deduction is allowed in advance of payment and payment is thereafter waived, it shall be the duty of the executor to notify the Commissioner and to pay the resulting tax, together with interest. Executors should note that the commissions received as compensation for their services constitute taxable income and that the amounts received or receivable by them as such compensation are cross-referenced for income-tax purposes.

A bequest or devise to the executor in lieu of commissions is not deductible. If, however, the decedent fixed by his will the compensation payable to the executor for services to be rendered in the administration of the estate, deduction may be taken to the extent that the amount so fixed does not exceed the compensation allowable by the local law or practice.

Amounts paid as trustees' commissions do not constitute expenses of administration and are not deductible, whether received by the executor acting in the capacity of a trustee or by a separate trustee as such.*

§ 81.34 *Attorney's fees.* The executor or administrator, in filing the return, may deduct such an amount of attorney's fees as has actually been paid, or in an amount which at the time of such filing it is reasonably expected will be paid. If on the final audit of a return the fees claimed have not been awarded by the proper court and paid, the deduction will, nevertheless, be allowed, provided the Commissioner is reasonably satisfied that the amount claimed will be paid and that it does not exceed a reasonable remuneration for the services rendered, taking into account the size and character of the estate and the local law and practice. If the deduction is disallowed in whole or in part on final audit, the disallowance will be subject to modification as the facts may later require.

Attorney's fees incurred by beneficiaries incident to litigation as to their respective interests do not constitute a proper deduction, inasmuch as expenses of this character are properly charged against the beneficiaries personally and are not administration expenses.*

§ 81.35 *Miscellaneous administration expenses.* This includes such expenses as court costs, surrogates' fees, accountants' fees, appraisers' fees, clerk hire, etc. Expenses necessarily incurred in preserving and distributing the estate are deductible, including the cost of storing or maintaining property of the estate, if it is impossible to effect immediate distribution to the beneficiaries. Expenses for preserving and caring for the property may not include outlays for additions or improvements; nor will such expenses be allowed for a longer period than the executor is required to retain the property. A brokerage fee for selling property of the estate is deductible if the sale is necessary in order to pay the decedent's debts, the expenses of administration, or to effect distribution. Other expenses attending the sale are deductible, such as the fees of an auctioneer, if it is reasonably necessary to employ one.*

§ 81.36 *Claims against the estate.* The amounts that may be deducted under this heading are such only as represent personal obligations of the decedent existing at the time of his death, whether or not then matured, and interest thereon which had accrued at the time of death. Only interest accrued at the date of the decedent's death is allowable even though the executor, in accordance with the provisions of section 811 (j) of the Internal Revenue Code, elects to have the gross estate valued as of a date or dates subsequent to the decedent's death. Only claims enforceable against the decedent's estate may be deducted. If the claim is founded upon a promise or agreement, the deduction therefor is limited to the extent that the liability was contracted bona fide and for an adequate and full consideration in money or money's worth. Thus, a pledge or a subscription, evidenced by a promissory note or otherwise, even though enforceable against the estate, is deductible only to the extent that liability therefor was contracted bona fide and for an adequate and full consideration in cash or its equivalent. Liabilities imposed by law or arising out of torts are deductible. See § 81.29 as to the relinquishment or promised relinquishment of dower and other marital interests.*

§ 81.37 *Taxes.* The deduction for property taxes is limited to such taxes as accrued prior to the decedent's death. Property taxes must, in order to be deductible, constitute enforceable obliga-

tions of the decedent existing at the time of death.

Unpaid taxes upon income received during the decedent's lifetime are deductible but taxes upon income received after death are not deductible. No estate, succession, legacy, or inheritance tax is deductible.*

§ 81.38 *Unpaid mortgages.* Deduction is allowed of the full unpaid amount of a mortgage upon, or of an indebtedness in respect of, any property of the gross estate, including interest which had accrued thereon at the time of death, provided the value of the property, undiminished by the amount of the mortgage or indebtedness, is returned as part of the value of the gross estate. If decedent's estate is liable for the amount of the mortgage or indebtedness, the full value of the property subject to the mortgage or indebtedness must be included as part of the value of the gross estate; the amount of the mortgage or indebtedness being in such case allowed as a deduction. But if decedent's estate is not so liable, only the value of the equity of redemption (or value of the property, less the indebtedness) need be returned as part of the value of the gross estate. In no case may the deduction on account of the mortgage or indebtedness exceed the liability therefor contracted bona fide and for an adequate and full consideration in money or money's worth. Only interest accrued at the date of the decedent's death is allowable even though the executor, in accordance with the provisions of section 811(j) of the Internal Revenue Code, elects to have the gross estate valued as of a date or dates subsequent to the decedent's death. Inasmuch as real property situated outside of the United States does not form a part of the gross estate, no deduction may be taken of any mortgage thereon or any indebtedness in respect thereof.*

§ 81.39 *Losses from casualties or theft.* There may be deducted under this heading losses incurred during the settlement of the estate arising from fires, storms, shipwrecks, or other casualties, or from theft, if such losses are not compensated for by insurance or otherwise. Such losses are not deductible if, at the time of the filing of the estate tax return, they have been claimed as a deduction for income tax purposes in an income tax return. If the loss is partly compensated for, the excess of the loss over such compensation may be deducted. Losses not of the nature described are not deductible. In order to be deductible a loss must occur during the settlement of the estate. If a loss with respect to an asset occurs after distribution thereof to the distributee it may not be deducted.*

§ 81.40 *Support of dependents.* The support of dependents of the decedent during the settlement of the estate is deductible pursuant to the following rules:

(a) In order to be deductible, the allowance must be authorized by the laws of the jurisdiction in which the estate is being administered, and not in excess of what is reasonably required.

(b) The allowance for which deduction may be made is limited to support during the settlement of the estate. Any allowance for a more extended period is not deductible.

(c) There must be an actual disbursement from the estate to the dependents, but after payment has been made the right of deduction is not affected by the fact that the dependents do not expend the entire amount for their support during the settlement of the estate.*

DEDUCTIONS—PROPERTY PREVIOUSLY TAXED

SEC. 812. [Part II, Subchapter A.] NET ESTATE.

For the purpose of the tax the value of the net estate shall be determined, in the case of a citizen or resident of the United States by deducting from the value of the gross estate—

* * * * *

(c) (as amended by Joint Resolution, approved March 17, 1941, Public Law 18, Seventy-seventh Congress, effective as of February 11, 1939) *Property previously taxed.* An amount equal to the value of any property (A) forming a part of the gross estate situated in the United States of any person who died within five years prior to the death of the decedent, or (B) transferred to the decedent by gift within five years prior to his death, where such property can be identified as having been received by the decedent from the donor by gift, or from such prior decedent by gift, bequest, devise, or inheritance, or which can be identified as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax imposed under chapter 4, or under Title III of the Revenue Act of 1932, 47 Stat. 245, or an estate tax imposed under this subchapter, the Revenue Act of 1926, 44 Stat. 69, or any prior Act of Congress, was finally determined and paid by or on behalf of such donor, or the estate of such prior decedent, as the case may be, and only in the amount finally determined as the value of such property in determining the value of the gift, or the gross estate of such prior decedent, and only to the extent that the value of such property is included in the decedent's gross estate, and only if in determining the value of the net estate of the prior decedent no deduction was allowable under this paragraph in respect of the property or property given in exchange therefor.

Where a deduction was allowed of any mortgage or other lien in determining the gift tax, or the estate tax of the prior decedent, which was paid in whole or in part prior to the decedent's death, then the deduction allowable under this paragraph shall be reduced by the amount so paid. The deduction allowable under this subsection shall be reduced by an amount which bears the same ratio to the amounts allowed as deductions under subsections (a), (b) and (d) as the amount otherwise deductible under this subsection bears to the value of the decedent's gross estate. Where the property referred to in this subsection consists of two or more items the aggregate value of such items shall be used for the purpose of computing the deduction.

* * * * *

SEC. 935. [Subchapter B.] RATE OF TAX.

* * * * *

(c) For the purposes of this section the value of the net estate shall be determined as provided in subchapter A, except that in lieu of the exemption of $100,000 provided in section 812 (a), the exemption shall be $40,000.

§ 81.41 *Deduction of the value of transfers previously taxed.* If there is included in the decedent's gross estate property received by him by gift from any person within five years prior to his death, or received by gift, bequest, devise, or inheritance from any person who died within five years prior to his death, or property acquired in exchange for property so received, the Internal Revenue Code authorizes a deduction in respect thereof, subject to the following conditions and limitations, namely:

(a) *Conditions.* (1) The property respecting which the deduction is sought must have been received by the decedent as a gift within five years prior to his death, or received by him by gift, bequest, devise, or inheritance from a prior decedent who died within five years of the decedent's death.

(2) The property must be identified either as the same property which the decedent so received or as property acquired in exchange therefor.

(3) The property must have formed a part of the gross estate, situated in the United States, of such prior decedent, or have been included in the total amount of the donor's gifts made within five years prior to the decedent's death.

(4) An estate tax by or on behalf of the estate of such prior decedent, or a gift tax by or on behalf of the donor, must have actually been paid (the mere filing of a return for such estate or donor not being sufficient).

(5) No such deduction, in respect of the property or property given in exchange therefor, must have been allowable in determining the value of the net estate of the prior decedent.

(b) *Limitations.* (1) The deduction is limited to the value of the property, or the aggregate value of such property if more than one item, as finally determined for the purpose of the gift tax or for the purpose of the prior estate tax, or to the value of such property or aggregate items thereof (or property acquired in exchange therefor) included in the decedent's gross estate, whichever is the lower.

(2) The deduction, as limited in (1), is reduced by the total amount paid prior to the decedent's death on any mortgage or other lien on the property previously taxed, provided such mortgage or other lien was deducted in determining the estate tax of the prior decedent or the gift tax of the donor.

(3) The deduction is further reduced on account of the deductions allowed under subsections (a), (b), and (d) of section 812. The amount of this further reduction is that proportion of such deductions which the amount otherwise deductible for property previously taxed bears to the value of the decedent's gross estate.

Property included in the total amount of gifts of a donor for the purpose of the gift tax and also included in the donee's gross estate does not embrace any portion of the gifts excluded under the provisions of section 1003 (b) of the Internal Revenue Code or corresponding provisions of prior gift tax statutes, and due allowance must be made for any such exclusions when computing the deduction for property previously taxed.

For example: A donor gave his daughter a house and lot valued at $24,000, of which only $20,000 was included in the total amount of his gifts for the purpose of the gift tax. This property is included in the daughter's gross estate at a value of $18,000. As only 20,000/24,000 of the property was included for the purpose of the gift tax, in accordance with the third condition previously set forth in this section, the amount of the property previously taxed which is also included in the daughter's gross estate is 20,000/24,000×$18,000 or $15,000.

The application of this section may be illustrated by the following example:

Example. The decedent died June 15, 1940. The value of his gross estate for the purpose of the estate tax is $1,000,000, of which $200,000 is the value of insurance in excess of $40,000 payable to beneficiaries other than the estate, $600,000 is the value of property previously taxed, and $200,000 is the value of stocks and bonds not so taxed. The property previously taxed was inherited from the decedent's father, who died on June 1, 1939. The tax on the father's estate was paid. The property previously taxed may be set forth as follows:

	Decedent's estate	Prior estate
Item 1	$150,000	$100,000
Item 2	40,000	85,000
Item 3	110,000	125,000
Item 4	130,000	120,000
Item 5	90,000	115,000
Item 6	80,000	50,000
Total	600,000	595,000

Item 1, $150,000, is specifically bequeathed to a charitable organization free of estate, inheritance, legacy, or succession taxes. Administration expenses and debts of the decedent amount to $150,000. At the time of the father's death there was an unpaid mortgage of $60,000 on item 5 which was deducted in determining the estate tax liability of the father's estate. This mortgage was entirely paid before the son's death.

The deduction for property previously taxed is limited to the aggregate value of the items constituting such property as finally determined in the case of the prior decedent or donor, or to the aggregate value of such property included in the decedent's gross estate, whichever is the lower. Accordingly, the amount of the deduction for property previously taxed thus ascertained is $595,000. In accordance with (b) (2) of this section this deduction is reduced by $60,000, the amount paid in the discharge of the mortgage on item 5. The deduction thus reduced is $535,000.

The deduction is further reduced by a proportionate amount computed under the provisions of (b) (3) of this section. As the amount of the specific exemption authorized by subchapter A is greater than the amount of the specific exemption authorized by subchapter B, the amount so computed in determining the deduction for the purpose of the basic tax imposed by subchapter A differs from the amount so computed in determining the deduction for the purpose of the additional tax imposed by subchapter B.

In this example the deductions, except for property previously taxed, amount to $400,000, as follows: $150,000 for the charitable bequest, $150,000 for administration expenses and debts, and $100,000 for the specific exemption authorized by subchapter A. The proportionate amount by which the deduction for property previously taxed is further reduced for the purpose of the basic tax imposed by subchapter A is ascertained by multiplying the above mentioned $400,000 by 0.535, the ratio which the said $535,000 bears to the value of the gross estate, $1,000,000, and amounts to $214,000. The difference between $535,000 and $214,000 is $321,000, the amount in which the deduction for property previously taxed is allowable in determining the tax imposed by subchapter A. The total amount of the deductions, $721,000, subtracted from the value of the gross estate, $1,000,000, leaves a net estate of $279,000, the transfer of which is subject to the tax imposed by subchapter A.

Subchapter B provides for a specific exemption of $40,000. Accordingly, the deductions, other than the deduction for property previously taxed, allowable under that subchapter, amount to $340,000, and 0.535 of that amount is $181,900, the proportionate amount by which the deduction for property previously taxed is further reduced for the purpose of the additional tax. The difference between $533,000 and $181,900 is $353,100, the amount in which the deduction for property previously taxed is allowable in determining the additional tax. The total amount of the deductions, $693,100, subtracted from the value of the gross estate, $1,000,000, leaves a net estate of $306,900, the transfer of which is subject to the additional tax imposed by subchapter B.*

§ 81.42 *Property originally received.* If the property originally received from a donor or prior decedent is included in the decedent's gross estate, the executor must describe it fully and prove its identity.*

§ 81.43 *Property acquired in exchange.* The deduction for substituted property is not limited to property acquired by a single exchange of property received from the donor or the prior decedent, but extends to substituted property acquired by the process of exchange, whether through the medium of money or otherwise, irrespective of the number of conversions involved, including the proceeds of the sale or other disposition of property so received or acquired, as well as property acquired by purchase with the proceeds of the sale or other disposition of such property so long as such proceeds can be conclusively identified as such and clearly traced to the property originally so received.

The executor must describe and fully identify both the property originally received from the donor or the prior decedent and the substituted property for which deduction is claimed, giving the date and stating the nature of the transaction by which the substituted property was acquired, together with the name and address of the transferee. If the transaction was evidenced by written instrument of public record, precise reference to such record must be made, and if by instrument not of record, a verified copy thereof must be supplied. If there was no written instrument, there must be furnished the affidavit of one or more persons having personal knowledge of the matter, setting forth the facts in connection therewith.

The burden of identifying property as acquired in exchange for property included in the gross estate of the prior decedent for Federal estate tax purposes rests upon the executor.*

DEDUCTIONS—TRANSFERS FOR PUBLIC, CHARITABLE, RELIGIOUS, ETC., USES

SEC. 812. [Part II, Subchapter A.] NET ESTATE.

For the purpose of the tax the value of the net estate shall be determined, in the case of a citizen or resident of the United States by deducting from the value of the gross estate—

* * * * *

(d) *Transfers for public, charitable, and religious uses.* The amount of all bequests, legacies, devises, or transfers, to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, or to a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals. If the tax imposed by section 810, or any estate, succession, legacy, or inheritance taxes, are, either by the terms of the will, by the law, of the jurisdiction under which the estate is administered, or by the law of the jurisdiction imposing the particular tax, payable in whole or in part out of the bequests, legacies, or devises otherwise deductible under this paragraph, then the amount deductible under this paragraph shall be the amount of such bequests, legacies, or devises reduced by the amount of such taxes. The amount of the deduction under this subsection for any transfer shall not exceed the value of the transferred property required to be included in the gross estate.

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SEC. 935. [Subchapter B.] RATE OF TAX.

* * * * *

(c) For the purposes of this section the value of the net estate shall be determined as provided in subchapter A, except that in lieu of the exemption of $100,000 provided in section 812 (a), the exemption shall be $40,000.

§ 81.44 *Transfers for public, charitable, religious, etc., uses.* Deduction may be taken of the value of all property transferred by will or by the decedent in his lifetime not to exceed the value of the transferred property required to be

included in the gross estate if in either case the property was transferred (1) to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes; or (2) to or for the use of any corporation or association organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes (including the encouragement of art and the prevention of cruelty to children or animals), if no part of the net earnings of the corporation or association inures to or is payable to or for the benefit of any private stockholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation; or (3) to a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, if such transfers, legacies, bequests, or devises are to be used by such trustee, trustees, fraternal society, order, or association exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals.

If a trust is created for both a charitable and a private purpose, deduction may be taken of the value of the beneficial interest in favor of the former only insofar as such interest is presently ascertainable, and hence severable from the interest in favor of the private use. § 81.10 indicates the principles to be applied in the computation of the present worth of deferred uses, but such computation will not be made by the Commissioner on behalf of the executor. Thus, if money or property is placed in trust to pay the income to an individual during his life, or for a term of years, and then to pay or deliver the principal to the charitable corporation, or to apply it to a charitable purpose, the present value of the remainder is deductible. To determine the present value of such remainder, use the appropriate factor in column 3 of Table A or B of § 81.10. If the present worth of a remainder bequeathed for a charitable use is dependent upon the termination of more than one life, or in any other manner rendering inapplicable Table A or B of § 81.10, the claim for the deduction must be supported by a full statement, in duplicate, of the computation of the present worth made, in accordance with the principle set forth in § 81.10, by one skilled in actuarial computations.

The deduction is not limited, in the estates of citizens or residents, to transfers to domestic corporations or associations, or to trustees for use within the United States.

If under the terms of the will, or the law of the jurisdiction wherein the estate is administered, or the law of the jurisdiction imposing the particular tax, the Federal estate tax, or any estate, succession, legacy, or inheritance tax is payable in whole or in part out of any bequest, legacy, or devise deductible under section 812 (d), the sum deductible is the amount of such bequest, legacy, or devise so reduced. Thus, if $50,000 is bequeathed for a charitable purpose and is subjected to a State inheritance tax of $5,000, the amount deductible is $45,000; or if a life estate is bequeathed to an individual with remainder over to a charitable corporation, and by the local law the legacy tax upon the life estate is taken out of the corpus with the result that the charitable corporation will be entitled to receive only the amount of the fund less the tax, the deduction is limited to the present worth, as of the date of the testator's death, of the remainder of the fund so reduced; or if the testator bequeaths his residuary estate, or a portion thereof, to charity, and his will contains a direction that certain inheritance taxes, otherwise payable from legacies in respect of which they were laid, shall be payable out of such residuary estate, the deduction may not exceed the bequest to charity thus reduced pursuant to the direction of the will; or if a residuary estate, or a portion thereof, be bequeathed to charity, and by the local law the Federal estate tax is payable out of the residuary estate, the deduction may not exceed that portion of the residuary estate bequeathed to charity as reduced by the Federal estate tax. The statute in effect provides that the deduction shall be based on the amount actually available for charitable uses, that is, the amount of the fund remaining after the payment of all death taxes. The return should fully disclose the computation of the amount to be deducted. If such amount is dependent upon the amount of any death tax which has not been paid before the filing of the return, Form 706, there should be submitted with the return a computation of such tax.

If as the result of a controversy involving a charitable bequest or devise, the charitable organization assigns or surrenders a part thereof pursuant to a compromise agreement in settlement of such controversy, the amount so assigned or surrendered is not deductible as a bequest or devise to such charitable organization.*

§ 81.45 *Religious, charitable, scientific, and educational corporations.* A corporation or association to which a transfer for a religious, charitable, scientific, or educational purpose was made must meet four tests: (1) It must be organized and operated for one or more of the specified purposes; (2) it must be organized and operated exclusively for such purposes; (3) no part of its net earnings shall inure to or be paid to or for the benefit of private stockholders or individuals; and (4) no substantial part of its activities shall be carrying on propaganda, or otherwise attempting, to influence legislation.

The estate is not deprived of the right to deduct the value of property so transferred by reason of the fact that private individuals are the recipients of the benefits which the corporation or association dispenses. Such right is, however, lost if any part of the net earnings of the corporation or association inures to or is payable to or for the benefit of a private stockholder or individual.*

§ 81.46 *Conditional bequests.* If as of the date of decedent's death the transfer to charity is dependent upon the performance of some act or the happening of a precedent event in order that it might become effective, no deduction is allowable unless the possibilty that charity will not take is so remote as to be negligible. If an estate or interest has passed to or is vested in charity at the time of decedent's death and such right or interest woud be defeated by the performance of some act or the happening of some event which appeared to have been highly improbable at the time of decedent's death, the deduction is allowable.

If the legatee, devisee, donee, or trustee is empowered to divert the property or fund, in whole or in part, to a use or purpose which would have rendered it, to the extent that it is subject to such power, not deductible had it been directly so bequeathed, devised, or given by the decedent, deduction will be limited to that portion, if any, of the property or fund which is exempt from an exercise of such power.*

§ 81.47 *Proof required.* In establishing the right of the estate to this deduction, the executor must submit:

(a) Duplicate copies of the will of the decedent, and of the order admitting the will to probate, one copy of each of which should be certified, if the deduction is claimed of property transferred by such will. Duplicate copies of any instrument in writing by which the decedent made a transfer of property in his lifetime the value of which is required by the statute to be included in his gross estate, if the deduction is claimed of property so transferred. If the instrument is of record one copy thereof should be certified, and if not of record, one copy should be verified. The certified or verified copy should be forwarded by the collector to the Commissioner.

(b) An affidavit by the executor stating whether any action has been instituted to have interpreted or to contest the will or any provision thereof affecting the charitable deduction claimed and whether, according to his information and belief, any such action is designed or contemplated.

(c) Such other documents or evidence as may be requested by the Bureau.*

SPECIFIC EXEMPTION

SEC. 812. [Part II, Subchapter A.] NET ESTATE.

For the purpose of the tax the value of the net estate shall be determined, in the case of a citizen or resident of the United States by deducting from the value of the gross estate—

(a) *Exemption.* An exemption of $100,000;

* * * * *

SEC. 935. [Subchapter B.] RATE OF TAX.

* * * * *

(c) For the purposes of this section the value of the net estate shall be determined as provided in subchapter A, except that in lieu of the exemption of $100,000 provided in section 812 (a), the exemption shall be $40,000.

§ 81.48 *Specific exemption.* A specific exemption should be deducted in determining the net estate of a citizen or resident of the United States. The specific exemption deductible in determining the net estate upon which the basic tax is imposed by section 810 of the Internal Revenue Code (subchapter A) is $100,000. The specific exemption deductible in determining the net estate of a citizen or resident upon which the additional tax is imposed by section 935 of the Internal Revenue Code (subchapter B) is $40,000. No specific exemption is authorized in the case of the estate of a nonresident not a citizen.*

ESTATES OF NONRESIDENTS NOT CITIZENS

SEC. 862. [Part III, Subchapter A.] PROPERTY WITHIN THE UNITED STATES.

For the purpose of this subchapter—

(a) *Stock in domestic corporation.* Stock in a domestic corporation owned and held by a nonresident not a citizen of the United States shall be deemed property within the United States; and

(b) *Revocable transfers and transfers in contemplation of death.* Any property of which the decedent has made a transfer, by trust or otherwise, within the meaning of section 811 (c) or (d), shall be deemed to be situated in the United States, if so situated either at the time of the transfer, or at the time of the decedent's death.

SEC. 863. [Part III, Subchapter A.] PROPERTY WITHOUT THE UNITED STATES.

The following items shall not, for the purpose of this subchapter, be deemed property within the United States:

(a) *Proceeds of life insurance.* The amount receivable as insurance upon the life of a nonresident not a citizen of the United States; and

(b) *Bank deposits.* Any moneys deposited with any person carrying on the banking business, by or for a nonresident not a citizen of the United States who was not engaged in business in the United States at the time of this death.

SEC. 850. [Part II, Subchapter A.] MISSIONARIES IN FOREIGN SERVICE.

Missionaries duly commissioned and serving under boards of foreign missions of the various religious denominations in the United States, dying while in the foreign missionary service of such boards, shall not, by reason merely of their intention to permanently remain in such foreign service, be deemed nonresidents of the United States, but shall be presumed to be residents of the State, the District of Columbia, or the Territories of Alaska or Hawaii wherein they respectively resided at the time of their commission and their departure for such foreign service.

SEC. 851. [Part II, Subchapter A.] CITIZENS WITH ESTATES IN CHINA.

The term "resident" as used in this subchapter includes a citizen of the United States with respect to whose property any probate or administration proceedings are had in the United States Court for China.

§ 81.49 *Gross estate.* The gross estate of a nonresident not a citizen is made up in the same way as that of a citizen or resident of the United States. For computation of the net estate of a nonresident not a citizen, see § 81.51. For meaning of the terms "residents" and "nonresidents," and of the presumption applying as to the residence of missionaries, see § 81.5.*

§ 81.50 *Situs of property.* Real estate, tangible personal property, and the written evidence of intangible personal property which is treated as being the property itself are within the United States if physically situated therein. For example, a bond for the payment of money is not within the United States unless physically situated therein. Stock of a domestic corporation, however, constitutes property within the United States, irrespective of where the certificates thereof are physically located.

Intangible personal property the written evidence of which is not treated as being the property itself constitutes property within the United States if consisting of a property right issuing from or enforceable against a resident of the United States or a domestic corporation (public or private), if not subject to the exceptions prescribed in section 863 (a) and (b). Under the provisions of that section the amount receivable as insurance upon the life of a decedent who was a nonresident not a citizen, and moneys deposited by or for such a decedent, who was not engaged in business in the United States at the time of his death, with any person carrying on the banking business, shall not be deemed property within the United States.

Property of which the decedent has made a transfer taxable under the provisions of § 81.15 is deemed to be situated in the United States if so situated either at the time of the transfer or at the time of the decedent's death. (See §§ 81.15 to 81.21, inclusive.)*

DEDUCTIONS—ESTATES OF NONRESIDENTS NOT CITIZENS

SEC. 861. [Part III, Subchapter A.] NET ESTATE.

(a) *Deductions allowed.* For the purpose of the tax the value of the net estate shall be determined, in the case of a nonresident not a citzen of the United States, by deducting from the value of that part of his gross estate (determined as provided in section 811), which at the time of his death is situated in the United States.—

(1) *Expenses, losses, indebtedness, and taxes.* That proportion of the deductions specified in subsection (b) of section 812 which the value of such part bears to the value of his entire gross estate, wherever situated.

(2) (as amended by Joint Resolution, approved March 17, 1941, Public Law 18, Seventy-seventh Congress, effective as of February 11, 1939) *Property previously taxed.* An amount equal to the value of any property (A) forming a part of the gross estate situated in the United States of any person who died within five years prior to the death of the decedent, or (B) transferred to the decedent by gift within five years prior to his death, where such property can be identified as having been received by the decedent from the donor by gift, or from such prior decedent by gift, bequest, devise, or inheritance, or which can be identified as having been acquired in exchange for property so received. This deduction shall be allowed only where a gift tax imposed under chapter 4, or under Title III of the Revenue Act of 1932, 47 Stat. 245, or an estate tax imposed under this subchapter, the Revenue Act of 1926, 44 Stat. 69, or any prior Act of Congress, was finally determined and paid by or on behalf of such donor, or the estate of such prior decedent, as the case may be, and only in the amount finally determined as the value of such property in determining the value of the gift, or the gross estate of such prior decedent, and only to the extent that the value of such property is included in that part of the decedent's gross estate which at the time of his death is situated in the United States, and only if in determining the value of the net estate of the prior decedent no deduction was allowable under this paragraph in respect of the property or property given in exchange therefor. Where a deduction was allowed of any mortgage or other lien in determining the gift tax, or the estate tax of the prior decedent, which was paid in whole or in part prior to the decedent's death, then the deduction allowable under this paragraph shall be reduced by the amount so paid. The deduction allowable under this paragraph shall be reduced by an amount which bears the same ratio to the amounts allowed as deductions under paragraphs (1) and (3) of this subsection as the amount otherwise deductible under this paragraph bears to the value of that part of the decedent's gross estate which at the time of his death is situated in the United States. Where the property referred to in this paragraph consists of two or more items the aggregate value of such items shall be used for the purpose of computing the deduction.

(3) *Transfers for public, charitable, and religious uses.* The amount of all bequests, legacies, devises, or transfers, to or for the use of the United States, any State, Territory, any political subdivision thereof, or the District of Columbia, for exclusively public purposes, or to or for the use of any domestic corporation organized and operated exclusively for religious, charitable, scientific, literary, or educational purposes, including the encouragement of art and the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private stockholder or individual, and no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, or to a trustee or trustees, or a fraternal society, order, or association operating under the lodge system, but only if such contributions or gifts are to be used within the United States by such trustee or trustees, or by such fraternal society, order, or association, exclusively for religious, charitable, scientific, literary, or educational purposes, or for the prevention of cruelty to children or animals. If the tax imposed by section 860, or any estate, succession, legacy, or inheritance taxes, are, either by the terms of the will, by the law of the jurisdiction under which the estate is administered, or by the law of the jurisdiction imposing the particular tax, payable in whole or in part out of the bequests, legacies, or devises otherwise deductible under this paragraph, then the amount deductible under this paragraph shall be the amount of such bequests, legacies, or devises reduced by the amount of such taxes. The amount of the deduction under this paragraph for any transfer shall not exceed the value of the transferred property required to be included in the gross estate.

(b) *Condition of allowance of deductions.* No deduction shall be allowed in the case of a nonresident not a citizen of the United States unless the executor includes in the return required to be filed under section 864 the value at the time of his death of that part of the gross estate of such nonresident not situated in the United States.

SEC. 935. [Subchaper B.] RATE OF TAX.

* * * * * *

(c) For the purposes of this section the value of the net estate shall be determined as provided in subchapter A. * * *.

§ 81.51 *Net estate.* The Internal Revenue Code imposes the tax upon the transfer of only the portion of the estate of a nonresident not a citizen that was situated in the United States. In determining the net estate, the deductions specifically authorized for this class of cases may be taken from the portion of the gross estate situated in the United States.*

§ 81.52 *Deductions of administration expenses, claims, etc.* In estates of non-

residents not citizens, deductions from the gross estate may be taken, subject to the limitations set forth in §§ 81.29 to 81.40, inclusive, and to the limitations hereinafter stated, for the following: Funeral expenses; administration expenses; claims against the estate; unpaid mortgages; losses incurred during the settlement of the estate arising from fires, storms, shipwrecks, or other casualties, or from theft, if such losses are not compensated for by insurance or otherwise; and amounts reasonably required and actually expended for the support during the settlement of the estate of those dependent upon the decedent. It is immaterial whether the amounts to be deducted were incurred or expended within or without the United States, but certain limitations are imposed which do not apply to estates of residents or citizens, namely:

(a) Only that proportion of the aggregate thereof is deductible which the value of that part of the gross estate situated (within the meaning of the statute) in the United States, bears to the value of the entire gross estate, wherever situated. (See § 81.55.)

(b) No deduction whatever may be taken unless the executor includes in the return the value of that part of the gross estate not situated in the United States. Such part of the gross estate must be valued as of the date of the decedent's death; or, if the option authorized by section 811 (j) is exercised, such part must be valued in accordance with the provisions of § 81.11.

In order that the Bureau may properly pass upon the items claimed as deductions, the executor should submit a certified copy of the schedule of liabilities, claims against the estate, and expenses of administration filed under the foreign death-duty act; or, if no such schedule was filed, a certified copy of the schedule of such liabilities, claims, and expenses filed with the foreign court in which administration was had; or, if items of deduction allowable under section 861 (a) (1) were not included in either such schedule, or if no such schedules were filed, then the affidavit of the foreign executor setting forth the facts relied upon as entitling the estate to the benefit of the particular deduction or deductions.*

§ 81.53 *Deduction of the value of property previously taxed.* The right to deduct the value of property received by a decedent who was a nonresident not a citizen by gift from any person within five years prior to his death, or by gift, bequest, devise, or inheritance from any person who died within five years prior to his death, or the value of property acquired in exchange for property so received, is governed by the same rules as those applying to estates of citizens or residents (§§ 81.41 to 81.43, inclusive), subject to the three following exceptions:

(1) The deduction is not available to any extent unless the executor includes in the return the value of that part of the gross estate not situated in the United States. Such part of the gross estate must be valued as of the date of the decedent's death; or, if the option authorized by section 811 (j) is exercised, such part must be valued in accordance with the provisions of § 81.11.

(2) The property for which the deduction is claimed must be included in that part of the gross estate situated in the United States at the time of the decedent's death.

(3) Instead of the amount of the deduction being reduced in accordance with the third limitation set forth under § 81.41 (b), the amount of the deduction is reduced by the proportion of the total other deductions, allowed under paragraphs (1) and (3) of subsection (a) of section 861, which the amount otherwise deductible for property previously taxed bears to the value of the part of the gross estate situated in the United States at the time of the decedent's death.*

§ 81.54 *Deduction of value of transfers for public, charitable, religious, etc., uses.* The right to deduct the value of property transferred by nonresidents not citizens for public, religious, charitable, scientific, literary, or educational purposes is governed by the same rules as those applying to estates of citizens or residents (§§ 81.44 to 81.47, inclusive), subject, however, to the two following exceptions:

(a) The right is limited to transfers to corporations and associations created or organized in the United States, or to trustees for use within the United States.

(b) The right is available only if the executor includes in the return the value of that part of the gross estate not situated in the United States. Such part of the gross estate must be valued as of the date of the decedent's death; or, if the option authorized by section 811 (j) is exercised, such part must be valued in accordance with the provisions of § 81.11.

Instead of duplicate copies of the documents specified in § 81.47, only one copy is required to be filed.*

§ 81.55 *Determination of net estate.* The following example will show the manner of determining the net estate of a nonresident not a citizen. The gross estate, wherever situated, amounts to $1,000,000, of which $200,000 represents the value of the property having its situs within the United States (the term "United States" including not only the several States, but also the Territories of Alaska and Hawaii, and the District of Columbia). The funeral expenses, administration expenses, and claims against the estate aggregate $150,000, and there are charitable bequests, for use within the United States, amounting to $25,000. Hence the property situated within the United States constitutes 20 per cent of the entire gross estate wherever situated, and a like percentage of the $150,000 is $30,000. The following result is accordingly obtained:

Gross estate within the United States	$200,000
20 percent of $150,000	30,000
Charitable bequests for use within the United States	25,000
	55,000
Net estate	145,000

For the manner of computing the tax on the net estate, see § 81.7.*

§ 81.56 *Payment of tax.* The provisions relating to credits (see §§ 81.8 and 81.9) and to rates and payment of the tax are the same in estates of nonresidents not citizens and of residents or citizens. The Internal Revenue Code provides that the executor shall pay the tax. If there is no executor or administrator appointed, qualified, and acting within the United States, every person in either the actual or constructive possession of any property of the decedent is constituted by the Internal Revenue Code as executor for the purpose of tax payment, and is liable for the tax to the extent of the property so in his possession. (See §§ 81.75 to 81.82, inclusive.) All checks, drafts, or money orders should be made payable to the order of the collector of internal revenue.*

PRELIMINARY NOTICE—ESTATES OF CITIZENS OR RESIDENTS

SEC. 820. [Part II, Subchapter A.] EXECUTOR'S NOTICE.

The executor, within two months after the decedent's death, or within a like period after qualifying as such, shall give written notice thereof to the collector.

SEC. 937. [Subchapter B.] ASSESSMENT, COLLECTION, AND PAYMENT OF TAX.

Except as provided in section 926, the tax imposed by section 935 shall be assessed, collected, and paid, in the same manner, and shall be subject to the same provisions of law (including penalties), as the tax imposed by subchapter A, except that in the case of a citizen or resident of the United States a return shall be required if the value of the gross estate at the time of decedent's death exceeds the amount of the specific exemption provided in section 935 (c).

SEC. 935. [Subchapter B.] RATE OF TAX

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(c) For the purposes of this section the value of the net estate shall be determined as provided in subchapter A, except that in lieu of the exemption of $100,000 provided in section 812 (a), the exemption shall be $40,000.

§ 81.57 *When notice required.* A preliminary notice is required to be filed in the case of every citizen or resident whose gross estate exceeded $40,000 in value at the date of death. The value of the gross estate at the date of death governs with respect to the filing of the notice regardless of whether the value of the gross estate is, at the executor's election, finally determined as of a date subsequent to the date of death pursuant to the provisions of section 811 (j). The notice must be filed in duplicate within two months after the decedent's death or within two months after the executor has qualified. In the case of a resident, it must be filed with the collector in whose district the decedent had his domicile at the time of death. In the case of a nonresident citizen, it must be filed with the collector in whose district the gross estate in the United States was situated; or, if the gross estate in the United States was situated in more than one district, or if no part of the gross estate was situated in the United States, it must be filed with the collector for the second district of New York, or with such collector as the Commissioner may designate. If there is doubt as to whether the gross estate exceeded $40,000, the notice should be filed as a matter of precaution in order to avoid the possibility of penalties attaching.*

§ 81.58 *Notice by executor or administrator.* The duly qualified executor or administrator is required to file such preliminary notice on Form 704, copies of which may be obtained from the collector, within two months after qualifying as such, if notice has not already been filed. The primary purpose of the notice is to advise the Government of the existence of taxable estates, and filing should not be delayed beyond the two months' period because of uncertainty as to the exact value of the assets. The filing of the notice within the prescribed period is mandatory, and the estimate of the gross estate called for by the notice should be the best approximation of value which can be made within the time allowed. The instructions upon the back of the form should be read carefully before executing the notice. The signature of one executor or administrator upon Form 704 is sufficient. For penalties for delinquency in filing notice, or for filing a false or fraudulent notice, see §§ 81.88, 81.89, and 81.91.*

§ 81.59 *Notice by others than duly qualified executor or administrator.* The term "executor" embraces any person in actual or constructive possession of any property of the decedent at or after the time of the latter's death, if within two months after the decedent's death no executor or administrator qualifies. The notice on Form 704 must be filed by such persons in every case in which an executor or administrator has not duly qualified within such period. If, within the period mentioned, an executor or administrator qualifies, the duty of filing the notice devolves upon him, and all other persons are relieved therefrom.*

PRELIMINARY NOTICE—ESTATES OF NONRESIDENTS NOT CITIZENS

SEC. 820. [Part II, Subchapter A.] EXECUTOR'S NOTICE.

The executor, within two months after the decedent's death, or within a like period after qualifying as such, shall give written notice thereof to the collector.

SEC. 802. [Part I, Subchapter A.] APPLICATION OF PARTS.

Part II shall apply to the estates of citizens or residents of the United States and, except as otherwise provided, to the estates of nonresidents not citizens of the United States, subject to the exceptions and additional provisions contained in Part III. * * *

§ 81.60 *Estates of nonresidents not citizens; preliminary notice.* In estates of nonresidents not citizens, notice on Form 705, copies of which may be obtained from the Commissioner of Internal Revenue, Washington, D. C., or from any collector of internal revenue, is required if any part of the gross estate was situated (see § 81.50) in the United States. The notice must be filed, in duplicate, by every appointed, qualified, and acting executor or administrator within the United States with the collector of internal revenue of the district in which such part of the gross estate was situated, or, if such part of the gross estate was situated in more than one district, it must be filed with the collector for the second district of New York or with such collector as the Commissioner may designate. The notice is necessary if any part of the decedent's gross estate was situated, within the meaning of the statute, in the United States, regardless of the value of that part of the entire gross estate. If no executor or administrator has qualified, notice must be filed within two months after the date of death by every person in either the actual or constructive possession of any property of the decedent so within the United States at or after the time of his death. If such person has no knowledge of the decedent's death within two months following its occurrence, he should file the notice immediately upon obtaining such knowledge. The term "person in actual or constructive possession of any property of the decedent" (section 930) includes, among others, the decedent's agents and representatives; safe-deposit companies, warehouse companies, and other custodians of property in this country; brokers holding, as collateral, securities belonging to the decedent or investment funds owned by the decedent, and debtors of the decedent in this country. As to any moneys deposited by or for a decedent of this class with any person, corporation, or association carrying on the banking business, no notice is required, unless, however, the decedent was engaged in business in the United States at the time of his death.*

§ 81.61 *Information return by corporation or transfer agent.* Upon notification from the Bureau of Internal Revenue a corporation (organized or created in the United States), or its transfer agent will be required to file a return disclosing the following information pertaining to stocks or bonds registered in the name of a nonresident decedent (regardless of citizenship): (1) Name of decedent as registered; (2) date of death, residence, place of death, and names and addresses of executors, attorneys, or other representatives, within and without the United States, if known; and (3) a description of the securities and the number of shares or bonds and the par values. Treasury Department Form 714, which will be supplied by the Bureau upon request, may be used for the return.*

§ 81.62 *Transfer certificates.* Certificates permitting the transfer of property of nonresident decedents (regardless of citizenship) without liability will be issued by the Commissioner when he is satisfied that the tax imposed upon the estate, if any, has been fully discharged or provided for. The tax will be considered fully discharged for the purpose of the issuance of a transfer certificate only when investigation has been completed and payment of the tax, including any deficiency finally determined, has been made. If the tax liability has not been fully discharged transfer certificates may be issued permitting the transfer of particular items of property without liability upon the filing with the Commissioner of such security as he may require. No domestic corporation or its transfer agent should transfer stock registered in the name of a nonresident decedent without first requiring a transfer certificate covering all of the decedent's stock of the corporation and showing that such transfer may be made without liability. Banks, trust companies, and others in actual or constructive possession of property of nonresident decedents should require transfer certificates before transferring such property. However, a transfer certificate need not be required for bonds owned by a decedent who was a nonresident not a citizen if it is known that such bonds were not physically situated in the United States at the time of death. Corporations, transfer agents, banks, trust companies, or other custodians can insure avoidance of liability for tax and penalties only by demanding and receiving transfer certificates, as herein provided, prior to transfer of property of nonresident decedents.

The requirements of this and the preceding section do not apply if there is an executor or administrator appointed, qualified, and acting within the United States.*

THE RETURN—ESTATES OF CITIZENS OR RESIDENTS

SEC. 821. [Part II, Subchapter A.] RETURNS.

(a) *Requirement*—(1) *Returns by executor.* In all cases where the gross estate at the death of a citizen or resident exceeds the amount of the specific exemption provided in section 812 (a), the executor shall make a return under oath in duplicate, setting forth (1) the value of the gross estate of the decedent at the time of his death; (2) the deductions allowed under section 812; (3) the value of the net estate of the decedent as defined in section 812; and (4) the tax paid or payable thereon; or such part of such information as may at the time be ascertainable and such supplemental data as may be necessary to establish the correct tax.

(2) *Returns by beneficiaries.* If the executor is unable to make a complete return as to any part of the gross estate of the decedent, he shall include in his return a description of such part and the name of every person holding a legal or beneficial interest therein, and upon notice from the collector such person shall in like manner make a return as to such part of the gross estate.

(3) *Cross reference.* For provision requiring a return where the gross estate exceeds $40,000, see section 937.

(b) *Time for filing.* The return required of the executor under subsection (a) shall be filed at such times and in such manner as may be required by regulations made pursuant to law.

(c) *Place for filing.* The return required of the executor under subsection (a) shall be filed with the collector of the district in which was the domicile of the decedent at the time of his death, or, if there was no such domicile in the United States, then the collector of the district in which is situated the part of the gross estate of the decedent in the United States, or, if such part of the gross estate is situated in more than one district, then the collector of internal revenue of such district as may be designated by the Commissioner.

SEC. 937. [Subchapter B.] ASSESSMENT, COLLECTION, AND PAYMENT OF TAX.

Except as provided in section 936, the tax imposed by section 935 shall be assessed, collected, and paid, in the same manner, and shall be subject to the same provisions of law (including penalties), as the tax imposed by subchapter A, except that in the case of a

citizen or resident of the United States a return shall be required if the value of the gross estate at the time of decedent's death exceeds the amount of the specific exemption provided in section 935 (c).

SEC. 935. [Subchapter B.] RATE OF TAX.

* * * * *

(c) For the purposes of this section the value of the net estate shall be determined as provided in subchapter A, except that in lieu of the exemption of $100,000 provided in section 812 (a), the exemption shall be $40,000.

§ 81.63 *When return required; date of filing.* A return on Form 706 is required in the case of every citizen or resident, whose gross estate, as defined in the statute, exceeded $40,000 in value at the date of death. The duty to file a return depends upon the value of the gross estate on the date of the decedent's death, regardless of any valuation as of a subsequent time that the executor may use by virtue of his election under subsection (j) of section 811, since such election may be made only upon the return. In the case of a resident, the return must be filed with the collector in whose district the decedent had his domicile at the time of death. In the case of a nonresident citizen, it must be filed with the collector in whose district the gross estate in the United States was situated; or, if the gross estate in the United States was situated in more than one district, or, if no part of the gross estate was situated in the United States, it must be filed with the collector for the second district of New York, or with such collector as the Commissioner may designate. The return on Form 706 must be filed in duplicate within 15 months after the date of death. The due date is the day of the fifteenth calendar month after the decedent's death numerically corresponding to the day of the calendar month in which death occurred, except that, if there is no numerically corresponding day in such fifteenth month, the last day of such fifteenth month is the due date. For example, if the decedent died on August 31, 1939, the due date is November 30, 1940. If the due date for filing the return falls on a Sunday or on a legal holiday, the due date for filing will be the day following such Sunday or legal holiday. If placed in the mails the return should be posted in ample time to reach the collector's office, under ordinary handling of the mails, on or before the date on which the return is required to be filed. If a return is made and placed in the mails in due course, properly addressed, and postage paid, in ample time to reach the office of the collector on or before the due date, the filing will not be regarded as delinquent should the return not be actually received by such officer until subsequent to that date. As to penalty for failure to file the return within the time prescribed, see § 81.89. As to loss of the option to have the property valued as of a date or dates subsequent to the decedent's death by failing to file the return within the time prescribed, see § 81.11.*

§ 81.64 *Persons liable for return.* The Internal Revenue Code provides that the duly qualified executor or administrator shall file the return. If there is more than one executor or administrator, the return must be made jointly by all. If no executor or administrator has been appointed, every person in actual or constructive possession of any property of the decedent is constituted by the Internal Revenue Code an executor for the purposes of the tax (section 930), and is required to make and file a return as provided by section 821. If, in any case, the executor is unable to make a complete return as to any part of the gross estate, he is required to give all the information he has as to such property, including a full description, and the name of every person holding a legal or beneficial interest in the property. If the executor is unable to make a return as to any property, the Internal Revenue Code requires that every person holding a legal or beneficial interest therein shall, upon notice from the collector, make return as to such part of the gross estate. For penalties for delinquency in filing return, or for filing a false or fraudulent return, see §§ 81.88, 81.89, and 81.91.*

§ 81.65 *Preparation of return.* The return must be made on Form 706, copies of which will be supplied by the collector upon application. It must be filed in duplicate under oath and contain an itemized inventory by schedule of the property constituting the gross estate and lists of the deductions under the appropriate schedules. The return must set forth (1) the value of the gross estate (see §§ 81.10–81.28), (2) the deductions allowed (see §§ 81.29–81.48), (3) the value of the net estate, and (4) the tax paid or payable thereon. The return must set forth (1) both the net estate determined in accordance with the provisions of subchapter A imposing the basic tax and the net estate for the purposes of the additional estate tax imposed by subchapter B and (2) the basic tax, the additional tax, and, when applicable, the defense tax. The amount payable upon the return is the total of the net basic and net additional taxes, unless the decedent died after June 25, 1940 and before September 21, 1941. If the decedent died within such period, the total tax payable is the total of such net taxes plus the defense tax. The instructions printed on the form should be carefully followed. All documents and vouchers used in preparing the return should be retained by the executor so as to be available for inspection whenever required. Duplicate copies of the will, if the decedent died testate, one of which should be certified, must be submitted with the return, together with copies of such other documents as are required in Form 706 and in the applicable sections of these regulations. There may also be filed in duplicate copies of any documents which the executor may desire to submit with the return in explanation thereof.

In every case of an estate of a nonresident citizen, the executor should file the following documents with the return: (1) A copy of the inventory of property and the schedule of liabilities, claims against the estate and expenses of administration filed with the foreign court of probate jurisdiction, certified by a proper official of such court; and (2) a copy of the return filed under the foreign inheritance, estate, legacy, or succession tax act, certified by a proper official of the foreign tax department, if the estate is subject to such a foreign tax.*

§ 81.66 *Supplemental data.* The Internal Revenue Code provides that the executor, in addition to filing notice and return, shall furnish such supplemental data as may be necessary to establish the correct tax (section 821). It is therefore the duty of the executor to furnish upon request copies of any documents in his possession relating to the estate, or on file in any court having jurisdiction over the estate, appraisal lists of any items included in the gross estate, copies of balance sheets or other financial statements relating to the value of stock, and any other information obtainable by him that may be found necessary in the determination of the tax. Failure to comply with such a request will render the executor liable to penalties (§ 81.90), and proceedings may be instituted in the proper court of the United States to secure compliance therewith (section 3633 (a)).

Persons having possession or control of any records or documents containing or supposed to contain any information concerning the estate, or having knowledge or information of any fact or facts of a material bearing upon the liability, or the extent of liability, of the estate to the tax, shall, upon request of the Commissioner or any revenue agent or inspector designated by him for that purpose, make disclosure thereof. Failure on the part of any person to comply with such request will render him liable to penalties (§ 81.90), and compliance with the request may be enforced in the proper court of the United States (section 3633 (a)).*

THE RETURN—ESTATES OF NONRESIDENTS NOT CITIZENS

SEC. 864. [Part III, Subchapter A.] RETURNS.

(a) *Requirement*—(1) *Returns by executor.* In the case of the estate of every nonresident not a citizen of the United States any part of whose gross estate is situated in the United States, the executor shall make a return under oath in duplicate, setting forth (1) the value of that part of the gross estate of the decedent situated in the United States at the time of his death; (2) the deductions allowed under section 861; (3) the value of the net estate of the decedent as defined in section 861; (4) the tax paid or payable thereon; or such part of such information as may at the time be ascertainable and such supplemental data as may be necessary to establish the correct tax.

(2) *Returns by beneficiaries.* If the executor is unable to make a complete return as to any part of the gross estate of the decedent, he shall include in his return a description of such part and the name of every person holding a legal or beneficial interest therein, and upon notice from the collector such person shall in like manner make a return as to such part of the gross estate.

(b) *Time for filing.* The return required of the executor under subsection (a) shall be filed at such times and in such manner as may be required by regulations made pursuant to law.

(c) *Place for filing.* The return required of the executor under subsection (a) shall be filed with the collector of the district in which is situated the part of the gross estate of the decedent in the United States, or, if such part of the gross estate is situated in more than one district, then the collector of such district as may be designated by the Commissioner.

SEC. 865. CROSS REFERENCE.

For missionaries in foreign service, see section 850.

SEC. 937. [Subchapter B.] ASSESSMENT, COLLECTION, AND PAYMENT OF TAX.

Except as provided in section 936, the tax imposed by section 935 shall be assessed, collected, and paid, in the same manner, and shall be subject to the same provisions of law (including penalties), as the tax imposed by subchapter A, * * *.

§ 81.67 *Return of estates of nonresidents not citizens.* A return on Form 706, copies of which may be obtained from the Commissioner of Internal Revenue, Washington, D. C., or from any collector of internal revenue, is required in the case of every nonresident not a citizen any part of whose gross estate was situated (see § 81.50) in the United States. The return must set forth an itemized list of that part of the gross estate situated in the United States and the total value thereof (see § 81.51), the deductions claimed, if any (see §§ 81.52–81.54), the value of the net estate (see § 81.55), and the tax paid or payable thereon. The return must set forth the basic tax imposed by subchapter A (section 860), the additional tax imposed by subchapter B (section 935), and, if the decedent died after June 25, 1940, and before September 21, 1941, the defense tax imposed by subchapter C, as added by the Revenue Act of 1940. The return must be filed with the collector of internal revenue of the district in which such part of the gross estate was situated, or, if such part of the gross estate was situated in more than one district, it must be filed with the collector for the second district of New York, or with such collector as the Commissioner may designate. The return must be filed in duplicate and under oath within 15 months from the date of death, unless an extension is obtained pursuant to §§ 81.69 or 81.70. If the due date for filing the return falls on a Sunday or on a legal holiday, the due date for filing will be the day following such Sunday or legal holiday. If placed in the mails the return should be posted in ample time to reach the collector's office, under ordinary handling of the mails, on or before the date on which the return is required to be filed. If a return is made and placed in the mails in due course, properly addressed, and postage paid, in ample time to reach the office of the collector on or before the due date, the filing will not be regarded as delinquent should the return not be actually received by such officer until subsequent to that date. As to penalty for failure to file the return within the time prescribed, see § 81.89. As to loss of the option to have the property valued as of a date or dates subsequent to the decedent's death by failing to file the return within the time prescribed, see § 81.11. The return should be made and filed by the executor or administrator appointed, qualified, and acting within the United States, or, if none, then by any person in actual or constructive possession of any property of the decedent situated in the United States, whatever its value. If the qualified executor or administrator is unable to make a complete return as to any part of the gross estate, he is required to give all the information available to him as to such part, including a description thereof and the name of every person holding a legal or beneficial interest therein. As to the meaning of the term "person in actual or constructive possession of any property of the decedent," see § 81.60.*

§ 81.68 *Supplemental data.* Pursuant to the provisions of section 864 (a) (1), with respect to furnishing supplemental data, if the decedent is a nonresident not a citizen, the executor is required to file with the return:

(a) A certified copy of the will, if decedent died testate, or, if the decedent left several wills to govern in different jurisdictions, a certified copy of each will.

(b) If any deductions are claimed, a copy of the inventory of property filed under the foreign death-duty act; or, if no such inventory was filed, a certified copy of the inventory filed with the foreign court of probate jurisdiction.

The Commissioner may require the documents specified in paragraph (b) regardless of whether deductions are claimed. For requirements dealing with the duty to furnish other documents or information relating to the tax liability of the estate, and penalties in connection therewith, see § 81.66.*

EXTENSION OF TIME FOR FILING RETURN

SEC. 3634. [Chapter 34.] EXTENSION OF TIME FOR FILING RETURNS.

If the failure to file a return (other than a return of income tax) or list at the time prescribed by law or by regulation made under authority of law is due to sickness or absence, the collector may allow such further time, not exceeding thirty days, for making and filing the return or list as he deems proper.

§ 81.69 *Extension of time by collector.* In case of sickness or absence, collectors are authorized to grant an extension of time for filing the return for a period not in excess of 30 days from the due date. No such extension of time may be granted unless the application therefor is received by the collector prior to the expiration of the period for which the extension is requested and authorized. An extension of time for filing the return does not in itself operate to extend the time for the payment of the tax, which is due and payable 15 months after the date of death. For extension of time of payment, see § 81.79.*

§ 81.70 *Extension of time by Commissioner.* In case it is impossible for the executor to file a reasonably complete return within 15 months from the date of death, the Commissioner may, upon written application submitted on or prior to the due date showing good and sufficient cause, grant an extension of time not to exceed 3 months from the due date. Before the expiration of the extension period granted a return as complete as possible must be filed. The return thus filed will be the return required by section 821 (a) (1) or 864 (a) (1) and any tax shown thereon will be the "amount determined by the executor as the tax" referred to in section 822 (a) (2), or the "amount shown as the tax by the executor upon his return" referred to in section 870 (1). Such return cannot thereafter be amended, although supplemental information may subsequently be filed that may result in a finally determined tax different from the amount shown as the tax by the executor upon his return. An extension of time for filing the return does not operate to extend the time for payment of the tax, which is due 15 months after the date of death. An extension of time in which to make payment of the tax may be secured as provided in § 81.79.*

DETERMINATION OF TAX BY COMMISSIONER

SEC. 824. [Part II, Subchapter A.] EXAMINATION OF RETURN AND DETERMINATION OF TAX.

As soon as practicable after the return is filed the Commissioner shall examine it and shall determine the correct amount of the tax.

SEC. 525. [Part II, Subchapter A.] DISCHARGE OF EXECUTOR FROM PERSONAL LIABILITY.

(a) *Application for discharge.* If the executor makes written application to the Commissioner for determination of the amount of the tax and discharge from personal liability therefor, the Commissioner (as soon as possible, and in any event within one year after the making of such application, or, if the application is made before the return is filed, then within one year after the return is filed, but not after the expiration of the period prescribed for the assessment of the tax in sections 874 and 875) shall notify the executor of the amount of the tax. The executor, upon payment of the amount of which he is notified, shall be discharged from personal liability for any deficiency in tax thereafter found to be due and shall be entitled to a receipt or writing showing such discharge.

(b) *Cross reference.* For continuance of lien upon the gross estate after discharge of executor, see section 827 (c).

SEC. 802. [Part I, Subchapter A.] APPLICATION OF PARTS.

Part II shall apply to the estates of citizens or residents of the United States and, except as otherwise provided, to the estates of nonresidents not citizens of the United States, subject to the exceptions and additional provisions contained in Part III. * * *

§ 81.71 *Examination of return and determination of tax by the Commissioner.* As soon as practicable after returns are filed, they will be examined and the amount of the tax determined by the Commissioner under such procedure as he may from time to time prescribe.

If the executor makes written application to the Commissioner for a determination of the tax and discharge from personal liability therefor, the Commissioner will, within one year after receipt of such application, or if the application is made before the return is filed then within one year after the return is filed, notify the executor of the amount of the tax, and upon payment thereof, the executor will be discharged from personal liability for any deficiency in the tax thereafter found to be due.*

§ 81.72 *Authorization of attorneys and others required.* If an attorney or other person asks a ruling on a question

of law arising in a specific case, the Commissioner will require satisfactory evidence of the right to obtain such ruling. Hypothetical questions cannot be answered.

In all cases in which information is sought regarding an estate, or an interview is asked, by an attorney or by an agent of the executor or administrator, the information or interview will be denied unless the attorney or agent presents a duly executed power of attorney from the executor or administrator authorizing the attorney or agent to act in his behalf. Powers of attorney should be filed in the office of the internal revenue agent in charge in which the case is under consideration.

No attorney or agent will be recognized as representing an estate or executor unless such attorney or agent is enrolled to represent claimants or others before the Treasury Department. For regulations governing enrollment, reference should be made to Treasury Department Circular No. 230, as revised, copies of which may be obtained upon application to the Secretary of the Committee on Practice, Treasury Department, Washington, D. C.*

DEFICIENCY TAX

SEC. 870. [Part IV, Subchapter A.] DEFINITION OF DEFICIENCY.

As used in this subchapter in respect of the tax imposed by this subchapter the term "deficiency" means—

(1) The amount by which the tax imposed by this subchapter exceeds the amount shown as the tax by the executor upon his return; but the amount so shown on the return shall first be increased by the amounts previously assessed (or collected without assessment) as a deficiency, and decreased by the amounts previously abated, refunded, or otherwise repaid in respect of such tax; or

(2) If no amount is shown as the tax by the executor upon his return, or if no return is made by the executor, then the amount by which the tax exceeds the amounts previously assessed (or credited without assessment) as a deficiency; but such amounts previously assessed, or collected without assessment, shall first be decreased by the amounts previously abated, refunded, or otherwise repaid in respect of such tax.

SEC. 871. [Part IV, Subchapter A.] PROCEDURE IN GENERAL.

(a) (1) *Petition to Board of Tax Appeals.* If the Commissioner determines that there is a deficiency in respect of the tax imposed by this subchapter, the Commissioner is authorized to send notice of such deficiency to the executor by registered mail. Within 90 days after such notice is mailed (not counting Sunday or a legal holiday in the District of Columbia as the ninetieth day) the executor may file a petition with the Board of Tax Appeals for a redetermination of the deficiency. No assessment of a deficiency in respect of the tax imposed by this subchapter and no distraint or proceeding in court for its collection shall be made, begun, or prosecuted until such notice has been mailed to the executor, nor until the expiration of such 90-day period, nor, if a petition has been filed with the Board, until the decision of the Board has become final. Notwithstanding the provisions of section 3653 (a) the making of such assessment or the beginning of such proceeding or distraint during the time such prohibition is in force may be enjoined by a proceeding in the proper court.

* * * * *

(e) *Increase of deficiency after notice mailed.* The Board shall have jurisdiction to redetermine the correct amount of the deficiency even if the amount so redetermined is greater than the amount of the deficiency, notice of which has been mailed to the executor, and to determine whether any additional amount or addition to the tax should be assessed, if claim therefor is asserted by the Commissioner at or before the hearing or a rehearing.

(f) *Further deficiency letters restricted.* If the Commissioner has mailed to the executor notice of a deficiency as provided in subsection (a), and the executor files a petition with the Board within the time prescribed in such subsection, the Commissioner shall have no right to determine any additional deficiency, except in the case of fraud, and except as provided in subsection (e) or section 872 (c). If the executor is notified that, on account of a mathematical error appearing upon the face of the return, an amount of tax in excess of that shown upon the return is due, and that an assessment of the tax has been or will be made on the basis of what would have been the correct amount of tax but for the mathematical error, such notice shall not be considered, for the purposes of this subsection or of subsection (a), or of section 911, as a notice of a deficiency, and the executor shall have no right to file a petition with the Board of Tax Appeals based on such notice, nor shall such assessment or collection be prohibited by the provisions of subsection (a).

* * * * *

SEC. 937. [Subchapter B.] ASSESSMENT, COLLECTION, AND PAYMENT OF TAX.

Except as provided in section 936, the tax imposed by section 935 shall be assessed, collected, and paid, in the same manner, and shall be subject to the same provisions of law (including penalties), as the tax imposed by subchapter A, except that in the case of a citizen or resident of the United States a return shall be required if the value of the gross estate at the time of decedent's death exceeds the amount of the specific exemption provided in section 935 (c).

SEC. 3760. [Chapter 36.] CLOSING AGREEMENTS.

(a) *Authorization.* The Commissioner (or any officer or employee of the Bureau of Internal Revenue, including the field service, authorized in writing by the Commissioner) is authorized to enter into an agreement in writing with any person relating to the liability of such person (or of the person or estate for whom he acts) in respect of any internal revenue tax for any taxable period.

(b) *Finality.* If such agreement is approved by the Secretary, the Under Secretary, or an Assistant Secretary, within such time as may be stated in such agreement, or later agreed to, such agreement shall be final and conclusive, and, except upon a showing of fraud or malfeasance, or misrepresentation of a material fact—

(1) The case shall not be reopened as to the matters agreed upon or the agreement modified, by any officer, employee, or agent of the United States, and

(2) In any suit, action, or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside, or disregarded.

§ 81.73 *Deficiency, petitions, and closing agreements.* Section 870 by its definition of the word "deficiency" provides a term which will apply to any amount of tax determined to be due in excess of the amount of tax reported by the executor, or in excess of the amount reported by the executor as adjusted by way of prior assessments, abatements, refunds, or collections without assessment. In defining the term "deficiency" section 870 recognizes two classes of cases—one, in which the executor makes a return showing some tax liability; the other, in which the executor makes a return showing no tax liability, or in which the executor fails to make a return. Additional tax, resulting from supplemental information filed after the return has been filed, is a deficiency within the meaning of the Internal Revenue Code.

When a case is considered for the first time, the deficiency is the excess of the amount determined to be the correct amount of the tax over the amount shown as the tax by the executor on his return, or, if it is a case in which no tax was reported by the executor, the deficiency is the amount determined to be the correct amount of the tax. Subsequent information sometimes discloses that the amount previously determined to be the correct amount of the tax is less than the correct amount, and that a redetermination of the tax is necessary. In such a case the deficiency on redetermination is the excess of the amount determined to be the correct amount of the tax over the sum of the amount of tax reported by the executor and the deficiency assessed in connection with the previous determination. If it is a case in which no tax was reported by the executor, the deficiency is the excess of the amount determined to be the correct amount of the tax over the amount of the deficiency disclosed by the previous determination. If the previous determination resulted in a refund to the executor, the deficiency upon the second determination is the excess of the amount determined to be the correct amount of the tax over the amount of tax reported by the executor decreased by the amount of the tax refunded.

In all cases in which a deficiency in respect of a tax (including penalties or other additions to the tax provided by law) is determined by the Commissioner, a notice thereof will be sent to the executor by registered mail in accordance with the provisions of section 871 (a) of the Internal Revenue Code even though a jeopardy assessment (see § 81.74) is made. If, subsequent to the mailing of such notice, a jeopardy assessment is made in respect of the deficiency to which such notice relates no subsequent notice will be sent to the executor by the Commissioner, but if such jeopardy assessment is made, and the amount thereof is in excess of the deficiency to which the notice relates, the Commissioner will mail a notice to the executor as required by section 871 (a) of the determination of such additional deficiency provided no petition has theretofore been filed with the Board of Tax Appeals. If a deficiency is determined in respect of the basic tax imposed by subchapter A, the additional tax imposed by subchapter B, and the defense tax imposed by subchapter C (effective between June 25, 1940, and September 21, 1941), notice of all such deficiencies may be incorporated in the same communication.

Within 90 days (not counting Sunday or a legal holiday in the District of Columbia as the ninetieth day) after the mailing of the registered letter notifying him of the final determination of a deficiency by the Commissioner, the executor may file a petition with the Board of Tax Appeals for a redetermination of the deficiency, other than a deficiency resulting from the correction of a mathematical error appearing upon the return.

The executor and the Commissioner (or any officer or employee authorized by the Commissioner), subject to approval by the Secretary, the Under Secretary, or an Assistant Secretary of the Treasury, may, under the provisions of section 3760, enter into a closing agreement in writing relating to the tax liability of the estate which will be final and conclusive except upon a showing of fraud or malfeasance, or misrepresentation of a material fact.*

ASSESSMENT OF TAX

SEC. 3640. [Chapter 35.] ASSESSMENT AUTHORITY.

The Commissioner is authorized and required to make the inquiries, determinations, and assessments of all taxes and penalties imposed by this title, or accruing under any former internal revenue law, where such taxes have not been duly paid by stamp at the time and in the manner provided by law.

SEC. 822. [Part II, Subchapter A.] PAYMENT OF TAX.

(a) *Time of payment.*

* * * * *

(2) *Extension of time.* Where the Commissioner finds that the payment on the due date of any part of the amount determined by the executor as the tax would impose undue hardship upon the estate, the Commissioner may extend the time for payment of any such part not to exceed ten years from the due date. In such case the amount in respect of which the extension is granted shall be paid on or before the date of the expiration of the period of the extension, and the running of the statute of limitations for assessment and collection, as provided in section 874, shall be suspended for the period of any such extension. If an extension is granted, the Commissioner may, if he deems it necessary, require the executor to furnish security for the payment of the amount in respect of which the extension is granted in accordance with the terms of the extension.

* * * * *

SEC. 871 [Part IV, Subchapter A.] PROCEDURE IN GENERAL.

* * * * *

(b) *Collection of deficiency found by Board.* If the executor files a petition with the Board, the entire amount redetermined as the deficiency by the decision of the Board which has become final shall be assessed and shall be paid upon notice and demand from the collector. No part of the amount determined as a deficiency by the Commissioner but disallowed as such by the decision of the Board which has become final shall be assessed or be collected by distraint or by proceeding in court with or without assessment.

(c) *Failure to file petition.* If the executor does not file a petition with the Board within the time prescribed in subsection (a) the deficiency, notice of which has been mailed to the executor, shall be assessed, and shall be paid upon notice and demand from the collector.

(d) *Waiver of restrictions.* The executor shall at any time have the right, by a signed notice in writing filed with the Commissioner, to waive the restrictions provided in subsection (a) on the assessment and collection of the whole or any part of the deficiency.

(e) *Increase of deficiency after notice mailed.* The Board shall have jurisdiction to redetermine the correct amount of the deficiency even if the amount so redetermined is greater than the amount of the deficiency, notice of which has been mailed to the executor, and to determine whether any additional amount or addition to the tax should be assessed, if claim therefor is asserted by the Commissioner at or before the hearing or a rehearing.

(f) *Further deficiency letters restricted.* If the Commissioner has mailed to the executor notice of a deficiency as provided in subsection (a), and the executor files a petition with the Board within the time prescribed in such subsection, the Commissioner shall have no right to determine any additional deficiency, except in the case of fraud, and except as provided in subsection (e) or section 872 (c). If the executor is notified that, on account of a mathematical error appearing upon the face of the return, an amount of tax in excess of that shown upon the return is due, and that an assessment of the tax has been or will be made on the basis of what would have been the correct amount of tax but for the mathematical error, such notice shall not be considered, for the purposes of this subsection or of subsection (a), or of section 911, as a notice of a deficiency, and the executor shall have no right to file a petition with the Board of Tax Appeals based on such notice, nor shall such assessment or collection be prohibited by the provisions of subsection (a).

(g) *Final decisions of board.* For the purposes of this subchapter the date on which a decision of the Board becomes final shall be determined according to the provisions of section 1140.

(h) *Extension of time for payment of deficiency.* Where it is shown to the satisfaction of the Commissioner that the payment of a deficiency upon the date prescribed for the payment thereof will result in undue hardship to the estate, the Commissioner, under regulations prescribed by the Commissioner, with the approval of the Secretary (except where the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax), may grant an extension for the payment of such deficiency or any part thereof for a period not in excess of four years. If an extension is granted, the Commissioner may require the executor to furnish a bond in such amount, not exceeding double the amount of the deficiency, and with such sureties as the Commissioner deems necessary, conditioned upon the payment of the deficiency in accordance with the terms of the extension. In such case the running of the statute of limitations for assessment and collection, as provided in section 874, shall be suspended for the period of any such extension.

* * * * *

SEC. 872. [Part IV, Subchapter A.] JEOPARDY ASSESSMENTS.

(a) *Authority for making.* If the Commissioner believes that the assessment or collection of a deficiency will be jeopardized by delay, he shall immediately assess such deficiency (together with all interest, additional amounts, or additions to the tax provided for by law) and notice and demand shall be made by the collector for the payment thereof.

(b) *Deficiency letters.* If the jeopardy assessment is made before any notice in respect of the tax to which the jeopardy assessment relates has been mailed under section 871 (a), then the Commissioner shall mail a notice under such subsection within 60 days after the making of the assessment.

(c) *Amount assessable before decision of board.* The jeopardy assessment may be made in respect of a deficiency greater or less than that notice of which has been mailed to the executor, despite the provisions of section 871 (f) and whether or not the executor has theretofore filed a petition with the Board of Tax Appeals. The Commissioner may, at any time before the decision of the board is rendered abate such assessment, or any unpaid portion thereof, to the extent that he believes the assessment to be excessive in amount. The Commissioner shall notify the board of the amount of such assessment, or abatement, if the petition is filed with the board before the making of the assessment or is subsequently filed, and the board shall have jurisdiction to redetermine the entire amount of the deficiency and of all amounts assessed at the same time in connection therewith.

(d) *Amount assessable after decision of board.* If the jeopardy assessment is made after the decision of the board is rendered such assessment may be made only in respect of the deficiency determined by the board in its decision.

(e) *Expiration of right to assess.* A jeopardy assessment may not be made after the decision of the board has become final or after the executor has filed a petition for review of the decision of the board.

(f) *Bond to stay collection.* When a jeopardy assessment has been made the executor, within 30 days after notice and demand from the collector for the payment of the amount of the assessment, may obtain a stay of collection of the whole or any part of the amount of the assessment by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of so much of the amount, the collection of which is stayed by the bond, as is not abated by a decision of the Board which has become final, together with interest thereon as provided in section 892 or 893 (b) (4). If any portion of the jeopardy assessment is abated by the Commissioner before the decision of the Board is rendered, the bond shall, at the request of the taxpayer, be proportionately reduced.

(g) *Same—Further conditions.* If the bond is given before the executor has filed his petition with the Board under subsection (a) of section 871, the bond shall contain a further condition that if a petition is not filed within the period provided in such subsection, then the amount the collection of which is stayed by the bond will be paid on notice and demand at any time after the expiration of such period, together with interest thereon at the rate of 6 per centum per annum from the date of the jeopardy notice and demand to the date of notice and demand under this subsection.

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(i) *Collection of unpaid amounts.* When the petition has been filed with the Board and when the amount which should have been assessed has been determined by a decision of the Board which has become final, then any unpaid portion, the collection of which has been stayed by the bond, shall be collected as part of the tax upon notice and demand from the collector, and any remaining portion of the assessment shall be abated. If the amount already collected exceeds the amount determined as the amount which should have been

assessed, such excess shall be refunded. If the amount determined as the amount which should have been assessed is greater than the amount actually assessed, then the difference shall be assessed and shall be collected as part of the tax upon notice and demand from the collector.

SEC. 874. [Part IV, Subchapter A.] PERIOD OF LIMITATION UPON ASSESSMENT AND COLLECTION.

(a) *General rule.* Except as provided in subsection (b) the amount of estate taxes imposed by this subchapter shall be assessed within three years after the return was filed, and no proceeding in court without assessment for the collection of such taxes shall be begun after the expiration of three years after the return was filed.

(b) *Exceptions*—(1) *False return or no return.* In the case of a false or fraudulent return with intent to evade tax or of a failure to file a return the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.

(2) *Collection after assessment.* Where the assessment of any tax imposed by this subchapter has been made within the statutory period of limitation properly applicable thereto, such tax may be collected by distraint or by a proceeding in court, but only if begun (1) within six years after the assessment of the tax, or (2) prior to the expiration of any period for collection agreed upon in writing by the Commissioner and the executor.

SEC. 875. [Part IV, Subchapter A.] SUSPENSION OF RUNNING OF STATUTE.

The running of the statute of limitations provided in section 874 on the making of assessments and the beginning of distraint or a proceeding in court for collection, in respect of any deficiency, shall (after the mailing of a notice under section 871 (a)) be suspended for the period during which the Commissioner is prohibited from making the assessment or beginning distraint or a proceeding in court (and in any event, if a proceeding in respect of the deficiency is placed on the docket of the Board, until the decision of the Board becomes final), and for 60 days thereafter.

SEC. 937. [Subchapter B.] ASSESSMENT, COLLECTION, AND PAYMENT OF TAX.

Except as provided in section 936, the tax imposed by section 935 shall be assessed, collected, and paid, in the same manner, and shall be subject to the same provisions of law (including penalties), as the tax imposed by subchapter A, except that in the case of a citizen or resident of the United States a return shall be required if the value of the gross estate at the time of decedent's death exceeds the amount of the specific exemption provided in section 935 (c).

§ 81.74 *Assessments.* In any case in which the Commissioner believes that the assessment or collection of a deficiency tax will be jeopardized by delay, he will make an immediate assessment thereof. In such case the assessment may be made before the mailing of the notice provided by section 871 (a), or at any time thereafter prior to the filing of a petition for a review by the court of a decision rendered by the Board. If the jeopardy assessment is made subsequent to a decision of the Board, then the assessment is limited to the amount of the deficiency determined by the Board. If the jeopardy assessment is made before any notice in respect of the deficiency to which the jeopardy assessment relates has been mailed under subsection (a) of section 871, the Commissioner will mail a notice as provided by such subsection within 60 days after the making of such jeopardy assessment. The Commissioner may, at any time before the decision of the Board is rendered, abate such an assessment or any portion thereof, to the extent that he believes it to be excessive in amount.

If an amount of tax in excess of that shown upon the return is determined to be due as a result of the correction of a mathematical error appearing upon the face of the return, the executor will be duly notified and an assessment made of the tax which would have been the correct tax but for the mathematical error. The notice that the correct amount of the tax has been assessed will not be a notice within the meaning of subsection (a) of section 871 or section 911 and the executor has no right to file a petition with the Board of Tax Appeals based upon such notice.

If a petition is filed with the Board, the entire amount redetermined as the deficiency by the decision of the Board which has become final will be assessed, except such portion as may have been assessed as a jeopardy assessment and not abated. If no petition is filed with the Board within the time prescribed in section 871 (a), the deficiency, notice of which has been mailed to the executor, will be assessed. If the executor by a signed notice in writing filed with the Commissioner waives the restrictions on the assessment and collection of the whole or any part of the deficiency, assessment of such whole or part will be made immediately. (As to payment, see §§ 81.75 to 81.82, inclusive.)

All assessments against executors (as to assessments against transferees and fiduciaries, see § 81.102), except in the case of a false or fraudulent return, or of a failure to file a return within the time required by law, must be made within three years after the return was filed. If notice of a deficiency is mailed in accordance with the provisions of subsection (a) of section 871, then the running of the statute of limitations on assessment of any deficiency shall be suspended for the period during which the Commissioner is prohibited from making the assessment (and in any event, if a proceeding in respect of the deficiency is placed on the docket of the Board, until the decision of the Board becomes final), and for 60 days thereafter. If an extension of time for payment of tax is granted in accordance with section 822 (a) (2) or section 871 (h), then the running of the statute of limitations on assessment shall be suspended for the time covered by such extension.

In case of a false or fraudulent return with intent to evade the tax, or of a failure to file a required return, the tax may be assessed, or proceedings in court for collection may be begun without assessment, at any time.*

PAYMENT OF AND RECEIPTS FOR TAXES

SEC. 822. [Part II, Subchapter A.] PAYMENT OF TAX.

(a) *Time of payment*—(1) *General rule.* The tax imposed by this subchapter shall be due and payable fifteen months after the decedent's death.

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(b) *Liability for payment.* The tax imposed by this subchapter shall be paid by the executor to the collector.

SEC. 871. [Part IV, Subchapter A.] PROCEDURE IN GENERAL.

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(b) *Collection of deficiency found by board.* If the executor files a petition with the Board, the entire amount redetermined as the deficiency by the decision of the Board which has become final shall be assessed and shall be paid upon notice and demand from the collector. • • •

(c) *Failure to file petition.* If the executor does not file a petition with the Board within the time prescribed in subsection (a) the deficiency, notice of which has been mailed to the executor, shall be assessed, and shall be paid upon notice and demand from the collector.

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SEC. 823. [Part II, Subchapter A.] DUPLICATE RECEIPTS.

The collector shall grant to the person paying the tax duplicate receipts, either of which shall be sufficient evidence of such payment, and shall entitle the executor to be credited and allowed the amount thereof by any court having jurisdiction to audit or settle his accounts.

SEC. 3656. [Chapter 36] PAYMENT BY CHECK.

(a) *Certified checks*—

(1) *Authority to receive.* It shall be lawful for collectors to receive for internal revenue taxes certified checks drawn on national and state banks and trust companies during such time and under such regulations as the Secretary may prescribe.

(2) *Discharge of liability*—(A) *Check duly paid.* No person who may be indebted to the United States on account of internal revenue taxes who shall have tendered a certified check or checks as provisional payment for such taxes, in accordance with the terms of this subsection, shall be released from the obligation to make ultimate payment thereof until such certified check so received has been duly paid.

(B) *Check unpaid.* If any such check so received is not duly paid by the bank on which it is drawn, and so certifying, the United States shall, in addition to its right to exact payment from the party originally indebted therefor, have a lien for the amount of such check upon all the assets of such bank; and such amount shall be paid out of its assets in preference to any or all other claims whatsoever against said bank, except the necessary costs and expenses of administration and the reimbursement of the United States for the amount expended in the redemption of the circulating notes of such bank.

(b) *Uncertified checks*—(1) *Authority to receive.* Collectors may receive uncertified checks in payment of income, war profits, and excess profits taxes, and any other taxes payable other than by stamp, during such time and under such rules and regulations as the Commissioner, with the approval of the Secretary, shall prescribe.

(2) *Ultimate liability.* If a check so received is not paid by the bank on which it is drawn the person by whom such check has been tendered shall remain liable for the payment of the tax and for all legal penalties and additions to the same extent as if such check had not been tendered.

SEC. 937. [Subchapter B.] ASSESSMENT, COLLECTION, AND PAYMENT OF TAX.

Except as provided in section 936, the tax imposed by section 935 shall be assessed, collected, and paid, in the same manner, and shall be subject to the same provisions of law (including penalties), as the tax imposed by subchapter A, except that in the case of a citizen or resident of the United States a return shall be required if the value of the

gross estate at the time of decedent's death exceeds the amount of the specific exemption provided in section 935 (c).

§ 81.75 *Payment of tax; general.* The tax is due and must be paid within 15 months from the date of death unless an extension of time for payment thereof has been granted by the Commissioner. (See also § 81.79.) If the tax is due 15 months after the decedent's death, the due date is the day of the fifteenth calendar month after his death numerically coresponding to the day of the calendar month on which death occurred, except that, if there is no numerically corresponding day in such fifteenth month, the last day of such fifteenth month is the due date. For example, if the decedent died on August 31, 1939, the due date is November 30, 1940. No discount will be allowed for payment in advance of the due date. The collector will grant to the person paying the tax duplicate receipts, either of which will be sufficient evidence of such payment and entitle the executor to be credited with the amount by any court having jurisdiction to audit or settle his accounts.

Following an investigation of the return, the tax liability will be determined by the Commissioner. If the amount of tax shown on the return has been paid and exceeds the amount of tax as determined, a certificate of overassessment will be prepared and issued, regardless of whether or not a claim for refund of such excess payment is filed unless refundment of such excess is barred by the statute of limitations, or such excess is otherwise not refundable, as in the case of a compromise (see § 81.98), a closing agreement (see § 81.73) conclusively fixing the amount of tax liability, or an estoppel. If the amount of tax as determined exceeds the amount of tax already paid but is less than the amount shown on the return, the executor will be notified of the amount of the unpaid tax and payment thereof should be made to the collector. If the audit of the return does not disclose a deficiency tax or overpayment the executor will be notified to that effect. If, as a result of the audit of the return, a deficiency in respect of the tax is finally determined and such deficiency is in whole or in part assessed (see § 81.74), the executor should pay the amount of the deficiency assessed upon notice and demand from the collector, except in the case a stay of the collection of a jeopardy assessment is obtained by the filing of a bond (see § 81.93), or an extension of time for payment is granted (see § 81.80). Until the tax, including any deficiency, is finally determined, the executor should reserve a sufficient portion of the estate to satisfy the liability.*

§ 81.76 *The executor shall pay the tax.* The Internal Revenue Code provides that the executor shall pay the tax. This duty applies to the entire tax, regardless of the fact that the gross estate consists in part of property which will not come into his possession. If there is no duly qualified executor or administrator, all persons in actual or constructive possession of any property of the decedent are liable for and required to pay the tax to the extent of the value of such property. (See section 930 (a).) As to the personal liability of the executor, see § 81.99.*

§ 81.77 *Payment by check.* Collectors may accept uncertified checks in payment of the tax, provided such checks are collectible at par, that is, for the full amount, without any deduction for exchange or other charges. The collector will stamp upon the face of each check before deposit thereof the words "This check is in payment of an obligation to the United States and must be paid at par. No protest." This should be followed by his name and title. The day on which the check is received will be considered the date of payment so far as the taxpayer is concerned, unless the check is returned dishonored. If the bank on which a check is drawn should refuse to pay it at par, the check should be returned through the depositary bank.

All expenses incident to the attempt to collect such a check and the return of it through the depositary bank must be paid by the drawer of the check to the bank on which it is drawn. (See section 3971 of the Internal Revenue Code.) In case a check has been returned uncollected by the depositary bank, the collector should proceed to collect the tax as though no check had been given, and the taxpayer will remain liable for payment of the tax and for all interest, legal penalties, and additions, if any attach, to the same extent as though such check had not been tendered. A taxpayer who tenders a certified check in payment of the tax is not released from his obligation until the check has been paid.

Treasury Department Circular No. 176, as amended, prescribes detailed regulations governing the deposit and collection of checks. Collectors are referred to paragraphs 13–16 and paragraph 26 thereof as to the deposit of taxpayers' checks and the handling of uncollected or lost items.*

§ 81.78 *Payment with bonds or notes of the United States.* Payment of the tax may be made with certain bonds of the United States in accordance with section 14 of the Second Liberty Bond Act, as amended (U.S.C., 1940 edition, Title 31, section 765), and Department Circular 225, as amended and supplemented, issued pursuant thereto. Such bonds must bear interest at a higher rate than 4 per cent per annum, and are receivable at par value, together with interest accrued at the time of payment, provided they were owned by the decedent continuously for at least six months prior to the date of his death, and upon such date constituted a part of his gross estate.

With respect to payment of tax with United States Treasury notes, the latest Treasury decision pertaining thereto should be consulted. (See Appendix.)*

EXTENSION OF TIME FOR PAYMENT OF TAX

SEC. 822. [Part II, Subchapter A.] PAYMENT OF TAX.

(a) *Time of payment.*

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(2) *Extension of time.* Where the Commissioner finds that the payment on the due date of any part of the amount determined by the executor as the tax would impose undue hardship upon the estate, the Commissioner may extend the time for payment of any such part not to exceed ten years from the due date. In such case the amount in respect of which the extension is granted shall be paid on or before the date of the expiration of the period of the extension, and the running of the statute of limitations for assessment and collection, as provided in section 874, shall be suspended for the period of any such extension. If an extension is granted, the Commissioner may, if he deems it necessary, require the executor to furnish security for the payment of the amount in respect of which the extension is granted in accordance with the terms of the extension.

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SEC. 925. [Part IV, Subchapter A.] PERIOD OF EXTENSION.

Where there is included in the value of the gross estate the value of a reversionary or remainder interest in property, the payment of the part of the tax imposed by this subchapter attributable to such interest may, at the election of the executor, be postponed until six months after the termination of the precedent interest or interests in the property, and the amount the payment of which is so postponed shall then be payable, together with interest thereon at the rate of 4 per centum per annum from eighteen months after the date of the decedent's death until such amount is paid.

SEC. 926. [Part IV, Subchapter A.] REQUIREMENTS FOR EXTENSION.

The postponement of payment of such amount shall be under such regulations as the Commissioner with the approval of the Secretary may prescribe, and shall be upon condition that the executor, or any other person liable for the tax, shall furnish a bond in such an amount, and with such sureties, as the Commissioner deems necessary, conditioned upon the payment within six months after the termination of such precedent interest or interests of the amount the payment of which is so postponed, together with interest thereon, as provided in section 925.

SEC. 927. [Part IV, Subchapter A.] CREDIT FOR STATE DEATH TAXES.

Such part of any estate, inheritance, legacy, or succession taxes allowable as a credit against the tax imposed by this subchapter as is attributable to such reversionary or remainder interest may be allowed as a credit against the tax attributable to such interest, subject to the percentage limitation contained in section 813 (b), if such part is paid, and credit therefor claimed, at any time prior to the expiration of 60 days after the termination of the precedent interest or interests in the property.

SEC. 871. [Part IV, Subchapter A.] PROCEDURE IN GENERAL.

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(h) *Extension of time for payment of deficiency.* Where it is shown to the satisfaction of the Commissioner that the payment of a deficiency upon the date prescribed for the payment thereof will result in undue hardship to the estate, the Commissioner, under regulations prescribed by the Commissioner, with the approval of the Secretary (except where the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax), may grant an extension for the payment of such deficiency or any part thereof for a period not in excess of four years. If an extension is granted, the Commissioner may require the executor to furnish a bond in such amount, not exceeding double the amount of the deficiency, and with such sureties as the Commissioner deems necessary, conditioned upon the payment of the deficiency in accordance with the terms of the extension. In such case the running of the statute of limitations for assessment and

collection, as provided in section 874, shall be suspended for the period of any such extension.

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SEC. 937. [Subchapter B.] ASSESSMENT, COLLECTION, AND PAYMENT OF TAX.

Except as provided in section 936, the tax imposed by section 935 shall be assessed, collected, and paid, in the same manner, and shall be subject to the same provisions of law (including penalties), as the tax imposed by subchapter A, except that in the case of a citizen or resident of the United States a return shall be required if the value of the gross estate at the time of decedent's death exceeds the amount of the specific exemption provided in section 935 (c).

§ 81.79 *Extension of time*—(a) *For payment of tax shown on return.* In any case in which the Commissioner finds that payment, on the due date, of any part of the tax shown on the return would impose undue hardship upon the estate, he may extend the time for payment thereof for a period or periods not to exceed in all 10 years from the due date.

The extension will not be granted upon a general statement of hardship. The term "undue hardship" means more than an inconvenience to the estate. It must appear that substantial financial loss, for example, due to the sale of property at a sacrifice price, will result to the estate from making payment of the tax at the due date. If a market exists, a sale of property at the current market price is not ordinarily considered as resulting in an undue hardship.

An application for such an extension must be in writing and must contain, or be supported by, information under oath showing the undue hardship that would result to the estate if the requested extension were refused. The application, with the supporting information, must be filed with the collector, who will transmit it to the Commissioner with his recommendations as to the extension. When it is received by the Commissioner, it will be examined, and, if possible, within 30 days will be denied, granted, or tentatively granted subject to certain conditions of which the executor will be notified. The Commissioner will not consider an application for such an extension unless request therefor is made to the collector on or before the due date. If the executor desires to obtain an additional extension, the request therefor must be made to the collector on or before the date of the expiration of the previous extension. No single extension for more than one year will be granted. The granting of an extension of time for paying the tax is discretionary with the Commissioner, and such authority will be exercised under such conditions as he may deem advisable.

If an extension is granted, the Commissioner may, if he deems it necessary, require the executor to furnish security for the payment of the amount in respect of which the extension is granted in accordance with the terms of the extension.

The amount of the tax for which an extension is granted, with the additions thereto, shall be paid on or before the expiration of the period of the extension without the necessity of notice and demand from the collector. Payment of the amount for which the extension was granted and the additions thereto before the expiration of the extension will not relieve the executor from paying the entire amount of interest provided for in the extension.

The granting of such an extension will not relieve the executor from the duty of filing the return on or before the date fixed by the regulations, nor will it operate to prevent the running of interest. (See § 81.81.) An extension of time to pay the tax may extend the period within which taxes allowed as a credit by section 813 (b) are required to be paid and the credit therefor claimed. (See § 81.9.) The running of the statute of limitations for assessment and collection, as provided in section 874, is suspended for the period of the extension. (See §§ 81.74 and 81.102.)

(b) *For payment of tax attributable to a reversionary or remainder interest.* In case there is included in the gross estate a reversionary or remainder interest in property, the payment of the part of the tax attributable to such interest may at the election of the executor, be postponed until six months after the termination of the precedent interest or interests in the property. This provision is limited to cases in which the reversionary or remainder interest is included in the decedent's gross estate as such and does not extend to cases in which the decedent creates future estates by his own testamentary act.

Notice of the exercise of the election to postpone the payment of the tax attributable to a reversionary or remainder interest should be filed with the Commissioner before the date prescribed for payment of the tax. There should be filed with the notice of election a certified copy of the will or other instrument under which the reversionary or remainder interest was created. The Commissioner may require the submission of such additional proof as is deemed necessary to disclose the complete facts. If the duration of the precedent interest is dependent upon the life of any person, the application must show the date of birth of such person.

As a prerequisite to the postponement of the payment of the tax attributable to a reversionary or remainder interest, a bond must be furnished in such an amount (at least double the amount of the tax and interest for the estimated duration of the precedent interest), and with such sureties as the Commissioner deems necessary, conditioned upon the payment of the tax and interest accrued thereon within six months after the termination of the precedent interest. In case the duration of the precedent interest is dependent upon the life or lives of any person or persons, or is otherwise indefinite, the bond must be further conditioned upon the principal or surety promptly notifying the Commissioner when such precedent interest terminates and upon the principal or surety notifying the Commissioner during the month of September of each year as to the continuance of the precedent interest. If after the acceptance of a bond it is determined that the amount of the tax attributable to the reversionary or remainder interest was understated in the bond, a new bond or a supplemental bond may be required, or such tax to the extent of the understatement may be collected.

If the decedent's gross estate consists of both a reversionary or remainder interest in property and other property, the tax attributable to the reversionary or remainder interest, within the meaning of section 925 and this section, is an amount which bears the same ratio to the total tax which the value of the reversionary or remainder interests bears to the entire gross estate, subject to the following qualification: In determining the ratio, the value of the reversionary or remainder interest should be reduced by (1) the amount of claims, mortgages, and indebtedness which is a lien upon such interest; (2) losses in respect of such interest during the settlement of the estate which are deductible under the provisions of sections 812 (b) (5) and 861 (a) (1); (3) any amount in respect of such interest identified as previously taxed property under the provisions of sections 812 (c) and 861 (a) (2); (4) any amount deductible on account of devises or bequests of such interests to charitable, etc., uses as described in sections 812 (d) and 861 (a) (3). In determining the ratio, the gross estate should likewise be reduced by such deductions having similar relationship to items in the gross estate other than the remainder or reversionary interest.

If the time for payment of the Federal estate tax attributable to a reversionary or remainder interest in property is postponed, all estate, inheritance, legacy, or succession taxes allowable as a credit under the provisions of section 813 (b), as amended, which are paid and for which credit is claimed within the period provided in such section, will be allowed not to exceed 80 percent respectively, of that portion of the Federal basic tax attributable to such interest and to that portion attributable to the other property, and will be applied first to the respective portion of the Federal basic tax which is attributable to the same interests in property to which the estate, inheritance, legacy, or succession taxes are attributable. Estate, inheritance, legacy, or succession taxes, as described in section 813 (b), as amended, which are attributable to the reversionary or remainder interest and which are paid and for which credit is claimed after the expiration of the period provided in that section will also be allowed as a credit against the Federal basic tax attributable to such interest (limited by the requirement that the total credit may not exceed 80 percent of the total Federal basic tax) if such taxes are paid and credit therefor is claimed prior to the expiration of 60 days after the termination of the preceding interest or interests in the property.

Example. The Federal basic tax attributable to the reversionary or remainder interest is $5,000, and that attributable to all other property is $10,000. The estate, inheritance, legacy, or succession taxes paid to the State within the 4-year period are $9,000, all attributable to property other than the reversionary or remainder interest. Of this $9,000, the maximum of $8,000 is credited against the Federal basic tax of $10,000 attributable to property other than the reversionary or remainder interest, and the balance of $1,000 is credited to the Federal basic tax attributable to the reversionary interest. Accordingly, the estate will be required to pay $2,000 (Federal basic tax of $10,000 attributable to property other than the reversionary or remainder interest, minus the credit of $8,000) at once, and an extension will be allowed for payment of $4,000 (Federal basic tax of $5,000 attributable to the reversionary interest, minus credit of $1,000). After expiration of the 4-year period, but before expiration of 60 days after termination of the life estate or precedent interest, the estate pays additional State estate, inheritance, legacy, or succession taxes of $5,000 attributable to the reversionary or remainder interest. As the maximum credit is $12,000 (80 percent of $15,000, the total Federal basic tax) and $9,000 has already been allowed, there will be an additional allowance of $3,000, and the estate will be required to pay $1,000 at the end of the extension period.

If any estate, inheritance, legacy, or succession taxes are imposed by any of the several States, Territories, or possessions of the United States, or the District of Columbia upon a reversionary or a remainder interest in property and other property, without definitely apportioning the tax between such classes of property, for the purposes of this section the amount of such estate, inheritance, legacy, or succession taxes which will be deemed to be attributable to the reversionary or remainder interest will be an amount which bears the same ratio to the total of such taxes as the value of such property bears to the value of the decedent's entire estate upon which the estate, inheritance, legacy, or succession tax was imposed. In determining the ratio, reduction will be made in the value of the reversionary or remainder interest and the value of the gross estate as previously provided in this section for determining the Federal estate tax attributable to the reversionary or remainder interest.

The amount of tax the payment of which is postponed under the provisions of section 925 bears interest at the rate of 4 per cent per annum from the expiration of 18 months after the date of the decedent's death until such amount is paid. (See § 81.81 (b).)*

§ 81.80 *Extension of time for payment of deficiency tax.* If it is shown to the satisfaction of the Commissioner that the payment of the deficiency upon the date prescribed for the payment thereof will result in undue hardship to the estate, the Commissioner may grant an extension of time for the payment of the deficiency or any part thereof for a period not to exceed in all four years from the date prescribed for the payment of the deficiency.

The extension will not be granted upon a general statement of hardship. The term "undue hardship" means more than an inconvenience to the estate. It must appear that substantial financial loss, for example, due to the sale of property at a sacrifice price, will result to the estate from making payment of the deficiency at the due date. If a market exists, the sale of property at the current market price is not ordinarily considered as resulting in an undue hardship. No extension will be granted where the deficiency is due to negligence or intentional disregard of the rules and regulations, or to fraud with intent to evade the tax.

An application for such an extension must be in writing and must contain, or be supported by, information under oath showing the undue hardship that would result to the estate were the requested extension refused. The application, with the supporting information, must be filed with the collector, who will transmit it to the Commissioner with his recommendations as to the extension. When it is received by the Commissioner, it will be examined, and, if possible, within 30 days will be denied, granted, or tentatively granted subject to certain conditions of which the executor will be notified. The Commissioner will not consider an application for an extension of time for the payment of a deficiency unless request therefor is made to the collector on or before the date prescribed for payment thereof, as shown by the notice and demand from the collector. If the executor desires to obtain an additional extension, the request therefor must be made to the collector on or before the date of the expiration of the previous extension. No single extension for more than one year will be granted. The granting of an extension of time for paying the deficiency is discretionary, and such authority will be exercised under such conditions as may be deemed advisable.

As a condition to the granting of such an extension, the Commissioner will usually require the executor to furnish a bond in an amount not exceeding double the amount of the deficiency, or to furnish other security satisfactory to the Commissioner for the payment of the liability on or before the date prescribed for payment in the extension, so that the risk of loss to the Government will not be more at the end of the extension period than it was at the beginning of the period. If a bond is required it shall be conditioned upon the payment of the deficiency, interest, and any additional amounts assessed in connection therewith in accordance with the terms of the extension granted, and shall be executed by a surety company holding a certificate of authority from the Secretary of the Treasury as an acceptable surety on Federal bonds, and shall be subject to the approval of the Commissioner. In lieu of such a bond, the executor may file a bond secured by the deposit of bonds or notes of the United States, any public debt obligations of the United States, or any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, equal in their total par value to the amount of such bond. (See section 1126 of the Revenue Act of 1926, as amended by section 7 of the Act of February 4, 1935, 49 Stat. 22, U.S.C., 1940 edition, Title 6, section 15.)

The amount of the deficiency for which an extension is granted, with any additions thereto, shall be paid on or before the expiration of the period of the extension without the necessity of notice and demand from the collector. Payment of the amount for which the extension was granted and any additions thereto before the expiration of the extension will not relieve the executor from paying the entire amount of interest provided for in the extension.

The granting of such an extension will not operate to prevent the running of interest. (See § 81.82.) An extension of time to pay the deficiency may extend the period within which taxes allowed as a credit by section 813 (b) are required to be paid and the credit therefor claimed. (See § 81.9.) The running of the statute of limitations for assessment and collection, as provided in section 874, is suspended for the period of the extension. (See §§ 81.74 and 81.102.)*

INTEREST ON TAX

SEC. 890. [Part IV, Subchapter A.] INTEREST ON EXTENDED PAYMENTS.

(a) *Tax shown on return.* If the time for the payment is extended as provided in section 822 (a) (2) there shall be collected, as a part of such amount, interest thereon from the expiration of three months after the due date of the tax to the expiration of the period of the extension. In the case of any such extension, the rate of interest shall be 4 per centum per annum.

(b) *Deficiency.* In case an extension for the payment of a deficiency is granted, as provided in section 871 (h), there shall be collected, as a part of the tax, interest on the part of the deficiency the time for payment of which is so extended, at the rate of 6 per centum per annum for the period of the extension, and no other interest shall be collected on such part of the deficiency for such period.

SEC. 925. [Part IV, Subchapter A.] PERIOD OF EXTENSION.

Where there is included in the value of the gross estate the value of a reversionary or remainder interest in property, the payment of the part of the tax imposed by this subchapter attributable to such interest may, at the election of the executor, be postponed until six months after the termination of the precedent interest or interests in the property, and the amount the payment of which is so postponed shall then be payable, together with interest thereon at the rate of 4 per centum per annum from eighteen months after the date of the decedent's death until such amount is paid.

SEC. 891. [Part IV, Subchapter A.] INTEREST ON DEFICIENCIES.

Interest upon the amount determined as a deficiency shall be assessed at the same time as the deficiency, shall be paid upon notice and demand from the collector, and shall be collected as a part of the tax, at the rate of 6 per centum per annum from the due date of the tax to the date the deficiency is assessed, or, in the case of a waiver under section 871 (d), to the thirtieth

day after the filing of such waiver or to the date the deficiency is assessed whichever is the earlier.

SEC. 871. [Part IV, Subchapter A.] PROCEDURE IN GENERAL.

* * * * *

(i) *50 per cent addition treated as deficiency.* The 50 per centum addition to the tax provided by section 3612 (d) (2) shall, when assessed in connection with an estate tax, be assessed, collected, and paid in the same manner as if it were a deficiency, except that the provisions of section 891 shall not be applicable.

SEC. 892. [Part IV, Subchapter A.] INTEREST ON JEOPARDY ASSESSMENTS.

In the case of the amount collected under section 872 (i) there shall be collected at the same time as such amount, and as a part of the tax, interest at the rate of 6 per centum per annum upon such amount from the date of the jeopardy notice and demand to the date of notice and demand under section 872 (i), or, in the case of the amount collected in excess of the amount of the jeopardy assessment, interest as provided in section 891.

SEC. 893. [Part IV, Subchapter A.] ADDITIONS TO THE TAX IN CASE OF NONPAYMENT.

(a) *Tax shown on return*—(1) *Payment not extended.* Where the amount determined by the executor as the tax imposed by this subchapter, or any part of such amount, is not paid on the due date of the tax, there shall be collected as a part of the tax, interest upon such unpaid amount at the rate of 6 per centum per annum from the due date until it is paid.

(2) *Payment extended.* Where an extension of time for payment of the amount so determined as the tax by the executor has been granted, and the amount the time for payment of which has been extended, and the interest thereon determined under section 890 (a), is not paid in full prior to the expiration of the period of the extension, then, in lieu of the interest provided for in paragraph (1) of this subsection, interest at the rate of 6 per centum per annum shall be collected on such unpaid amount from the date of the expiration of the period of the extension until it is paid.

(b) *Deficiency*—(1) *Payment not extended.* Where a deficiency, or any interest assessed in connection therewith under section 891, or any addition to the tax provided for in section 3612 (d), is not paid in full within 30 days from the date of notice and demand from the collector, there shall be collected as part of the tax, interest upon the unpaid amount at the rate of 6 per centum per annum from the date of such notice and demand until it is paid.

(2) *Filing of jeopardy bond.* If a bond is filed, as provided in section 872, the provisions of paragraph (1) of this subsection shall not apply to the amount covered by the bond.

(3) *Payment extended.* If the part of the deficiency the time for payment of which is extended as provided in section 871 (h) is not paid in accordance with the terms of the extension, there shall be collected, as a part of the tax, interest on such unpaid amount at the rate of 6 per centum per annum for the period from the time fixed by the terms of the extension for its payment until it is paid, and no other interest shall be collected on such unpaid amount for such period.

(4) *Jeopardy assessment—Payment stayed by bond.* If the amount included in the notice and demand from the collector under section 872 (i) is not paid in full within 30 days after such notice and demand, then there shall be collected, as part of the tax, interest upon the unpaid amount at the rate of 6 per centum per annum from the date of such notice and demand until it is paid.

SEC. 872. [Part IV, Subchapter A.] JEOPARDY ASSESSMENTS.

* * * * *

(i) *Bond to stay collection.* When a jeopardy assessment has been made the executor, within 30 days after notice and demand from the collector for the payment of the amount of the assessment, may obtain a stay of collection of the whole or any part of the amount of the assessment by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties as the collector deems necessary, conditioned upon the payment of so much of the amount, the collection of which is stayed by the bond as is not abated by a decision of the Board which has become final, together with interest thereon as provided in section 892 or 893 (b) (4). If any portion of the jeopardy assessment is abated by the Commissioner before the decision of the Board is rendered, the bond shall at the request of the taxpayer, be proportionately reduced.

(g) *Same—Further conditions.* If the bond is given before the executor has filed his petition with the Board under subsection (a) of section 871, the bond shall contain a further condition that if a petition is not filed within the period provided in such subsection, then the amount the collection of which is stayed by the bond will be paid on notice and demand at any time after the expiration of such period, together with interest thereon at the rate of 6 per centum per annum from the date of the jeopardy notice and demand to the date of notice and demand under this subsection.

* * * * *

(i) *Collection of unpaid amounts.* When the petition has been filed with the Board and when the amount which should have been assessed has been determined by a decision of the Board which has become final, then any unpaid portion, the collection of which has been stayed by the bond, shall be collected as part of the tax upon notice and demand from the collector, and any remaining portion of the assessment shall be abated. If the amount already collected exceeds the amount determined as the amount which should have been assessed, such excess shall be refunded. If the amount determined as the amount which should have been assessed is greater than the amount actually assessed, then the difference shall be assessed and shall be collected as part of the tax upon notice and demand from the collector.

SEC. 937. [Subchapter B.] ASSESSMENT, COLLECTION, AND PAYMENT OF TAX.

Except as provided in section 936, the tax imposed by section 935 shall be assessed, collected, and paid, in the same manner, and shall be subject to the same provisions of law (including penalties), as the tax imposed by subchapter A, except that in the case of a citizen or resident of the United States a return shall be required if the value of the gross estate at the time of decedent's death exceeds the amount of the specific exemption provided in section 935 (c).

§ 81.81 *Interest on tax*—(a) *Shown on return.* If any portion of the tax shown on the executor's return is not paid on or before the due date, and no extension of time for payment thereof has been granted, such unpaid portion bears interest from the due date until payment is received by the collector at the rate of 6 per cent per annum.

If an extension of time has been granted for paying any portion of the tax shown on the executor's return, in accordance with § 81.79 (a), interest accrues thereon at the rate of 4 per cent per annum from the expiration of 18 months after the decedent's death to the expiration of the period of the extension. If the amount of the tax, the time for payment of which has been extended, together with any interest accrued thereon, is not paid in full on or before the date of the expiration of the extension, the total unpaid amount (tax and any accrued interest) bears interest from the expiration of the extension until payment is received by the collector at the rate of 6 per cent per annum.

Interest at 4 or 6 per cent per annum is computed on the basis of 365 days to the year, or 366 days in a leap year.

(b) *Attributable to a reversionary or remainder interest.* If the time for the payment of the tax attributable to a reversionary or remainder interest is postponed in accordance with the provisions of section 925, the amount the payment of which is so postponed will bear interest at the rate of 4 per cent per annum from the expiration of 18 months after the date of the decedent's death until such amount is paid. However, if the amount of the tax, the time for payment of which is so postponed, together with interest accrued thereon, is not paid in full on or before the date of the expiration of the period of the postponement (six months after the termination of the precedent interest or interests in the property), the unpaid amount bears interest at the rate of 6 per cent per annum from the date of the expiration of the period of the postponement until payment is received by the collector.*

§ 81.82 *Interest on deficiency tax.* The Internal Revenue Code provides that any deficiency shall bear interest at the rate of 6 per cent per annum from the due date for payment of the tax (15 months after the date of death) to the date the deficiency is assessed, except in the case of a waiver of the restrictions against the assessment and collection of the deficiency, and that such interest shall be assessed at the same time as the deficiency of which it becomes an integral part. The deficiency in respect of which the restrictions against the assessment and collection are waived under section 871 (d) bears interest at the rate of 6 per cent per annum from the due date of the tax to the thirtieth day after the filing of such waiver or to the date the deficiency is assessed, whichever is the earlier. The term "deficiency" includes any tax resulting from the correction of a mathematical error appearing upon the face of a return. (See second paragraph of § 81.74.)

If any portion of the deficiency assessed is not paid within 30 days from the date of the notice and demand issued by the collector (except a deficiency or any part thereof with respect to which a jeopardy assessment is made and collection is stayed by the filing of a bond) and no extension of time for payment thereof has been granted, such unpaid portion bears interest from the date of the notice and demand until payment is received by the collector at the rate of 6 per cent per annum.

If an extension of time is granted for paying any portion of the deficiency assessed, in accordance with section 81.80, interest accrues thereon at the rate of 6 per cent per annum for the period of the extension, i. e., from the date prescribed for the payment (30 days after the date of the notice and demand) to the expiration of the period of the extension. If the amount of the deficiency, the time for payment of which has been extended, together with interest accrued thereon, is not paid in full on or before the date of the expiration of the extension, the total unpaid amount) tax, interest and any addition thereto) bears interest from the expiration of the extension until payment is received by the collector at the rate of 6 per cent per annum.

Any addition to the tax resulting from the imposition of an ad valorem penalty under the provisions of section 3612 (d) is not subject to any interest between the due date for payment of the tax (15 months after the date of death) and the date of the assessment of the penalty.

If a stay of the collection of a jeopardy assessment of a deficiency tax, or any addition to the tax resulting from the imposition of an ad valorem penalty, is obtained and a petition for a redetermination of the deficiency is filed with the Board of Tax Appeals, interest accrues on such unpaid portion of the deficiency or penalty, if any, determined by a decision of the Board which is made final, at the rate of 6 per cent per annum from the date of the notice and demand from the collector following the jeopardy assessment to the date of the notice and demand by the collector subsequent to the final action taken on the petition filed with the Board. If the amount which the Board determines should have been assessed is not paid in full within 30 days from the date of such notice and demand issued subsequent to the decision of the Board which has become final, interest accrues upon the unpaid amount from the date of such notice and demand until it is paid at the rate of 6 per cent per annum. If the amount (exclusive of any ad valorem penalty) determined by the Board as the amount which should be assessed is greater than the amount actually assessed the difference bears interest at the rate of 6 per cent per annum from the due date of the tax until assessment of such difference. If the collection of the jeopardy assessment is stayed, and no petition is filed with the Board for a redetermination of the deficiency, interest accrues upon the deficiency so assessed at the rate of 6 per cent per annum from the date of the jeopardy notice and demand to the date of the notice and demand made by the collector after the expiration of the 90 days from the mailing by the Commissioner of the notice of the deficiency. If such amount is not paid within 30 days from the date of such further notice and demand, interest accrues upon the unpaid amount from the date of such further notice and demand until it is paid at the rate of 6 per cent per annum.

Interest at 6 per cent per annum is computed on the basis of 365 days to the year, or 366 days in a leap year.*

COLLECTION OF TAX

SEC. 826. [Part II, Subchapter A.] COLLECTION OF UNPAID TAX.

(a) *Sale of property.* If the tax herein imposed is not paid on or before the due date thereof the collector shall, upon instruction from the Commissioner, proceed to collect the tax under the provisions of general law; or appropriate proceedings may be commenced in any court of the United States having jurisdiction, in the name of the United States, to subject the property of the decedent to be sold under the judgment or decree of the court. From the proceeds of such sale the amount of the tax, together with the costs and expenses of every description to be allowed by the court, shall be first paid, and the balance shall be deposited according to the order of the court, to be paid under its direction to the person entitled thereto. This subsection in so far as it applies to the collection of a deficiency shall be subject to the provisions of sections 871 and 891.

(b) *Reimbursement out of estate.* If the tax or any part thereof is paid by, or collected out of that part of the estate passing to or in the possession of, any person other than the executor in his capacity as such, such person shall be entitled to reimbursement out of any part of the estate still undistributed or by a just and equitable contribution by the persons whose interest in the estate of the decedent would have been reduced if the tax had been paid before the distribution of the estate or whose interest is subject to equal or prior liability for the payment of taxes, debts, or other charges against the estate, it being the purpose and intent of this subchapter that so far as is practicable and unless otherwise directed by the will of the decedent the tax shall be paid out of the estate before its distribution.

(c) *Liability of life insurance beneficiaries.* If any part of the gross estate consists of proceeds of policies of insurance upon the life of the decedent receivable by a beneficiary other than the executor, the executor shall be entitled to recover from such beneficiary such portion of the total tax paid as the proceeds, in excess of $40,000, of such policies bear to the net estate. If there is more than one such beneficiary the executor shall be entitled to recover from such beneficiaries in the same ratio.

§ 81.83 *Sale of property.* The remedy by action provided in section 826 (a) is not exclusive. For other available remedies for the collection of the tax, see § 81.102.*

§ 81.84 *Right to reimbursement.* If any portion of the tax is paid by or collected out of that part of the estate passing to, or in the possession of, any person other than the duly qualified executor or administrator, such person may be entitled to reimbursement, either out of the undistributed estate or by contribution from other beneficiaries whose shares or interests in the estate would have been reduced had the tax been paid before distribution of the estate, or whose shares or interests are subject either to an equal or prior liability for the payment of taxes, debts, or other charges against the estate. The executor is entitled to require beneficiaries under insurance policies to bear their proportion of the tax. These provisions, however, are not designed to curtail the right of the Commissioner to collect the tax from any person, or out of any property, liable therefor. The Commissioner cannot be required to apportion the tax among the persons liable, nor to enforce any right to reimbursement or contribution.*

LIEN FOR TAX

SEC. 827. [Part II, Subchapter A.] LIEN FOR TAX.

(a) *Upon gross estate.* Unless the tax is sooner paid in full, it shall be a lien for ten years upon the gross estate of the decedent, except that such part of the gross estate as is used for the payment of charges against the estate and expenses of its administration, allowed by any court having jurisdiction thereof, shall be divested of such lien. If the Commissioner is satisfied that the tax liability of an estate has been fully discharged or provided for, he may, under regulations prescribed by him with the approval of the Secretary, issue his certificate, releasing any or all property of such estate from the lien herein imposed.

(b) *Upon property of transferee.* If (1) except in the case of a bona fide sale for an adequate and full consideration in money or money's worth, the decedent makes a transfer, by trust or otherwise, of any property in contemplation of or intended to take effect in possession or enjoyment at or after his death, or makes a transfer, by trust or otherwise, under which he has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death (A) the possession or enjoyment of, or the right to the income from, the property, or (B) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom, or (2) if insurance passes under a contract executed by the decedent in favor of a specific beneficiary, and if in either case the tax in respect thereto is not paid when due, then the transferee, trustee, or beneficiary shall be personally liable for such tax, and such property, to the extent of the decedent's interest therein at the time of such transfer, or to the extent of such beneficiary's interest under such contract of insurance, shall be subject to a like lien equal to the amount of such tax. Any part of such property sold by such transferee or trustee to a bona fide purchaser for an adequate and full consideration in money or money's worth shall be divested of the lien and a like lien shall then attach to all the property of such transferee or trustee, except any part sold to a bona fide purchaser for an adequate and full consideration in money or money's worth.

(c) *Continuance after discharge of executor.* The provisions of section 825 shall not operate as a release of any part of the gross estate from the lien for any deficiency that may thereafter be determined to be due, unless the title to such part of the gross estate has passed to a bona fide purchaser for value, in which case such part shall not be subject to a lien or to any claim or demand for any such deficiency, but the lien shall attach to the consideration received from such purchaser by the heirs, legatees, devisees, or distributees.

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SEC. 825. [Part II, Subchapter A.] DISCHARGE OF EXECUTOR FROM PERSONAL LIABILITY.

(a) *Application for discharge.* If the executor makes written application to the Commissioner for determination of the amount of the tax and discharge from personal liability therefor, the Commissioner (as soon as possible, and in any event within one year after the making of such application, or, if the application is made before the return is filed, then within one year after the return is

filed, but not after the expiration of the period prescribed for the assessment of the tax in sections 874 and 875) shall notify the executor of the amount of the tax. The executor, upon payment of the amount of which he is notified, shall be discharged from personal liability for any deficiency in tax thereafter found to be due and shall be entitled to a receipt or writing showing such discharge.

§ 81.85 *Property subject to lien.* The lien imposed by section 827 attaches at the date of the decedent's death to every part of the gross estate, whether or not the property comes into the possession of the duly qualified executor or administrator. It attaches to the extent of the tax shown to be due by the return and of any deficiency tax found to be due upon review and audit.

The lien upon the entire property constituting the gross estate continues for a period of 10 years after the decedent's death, except—

(a) If the tax is paid in full before the expiration of such period.

(b) Such portion of the gross estate as is used for the payment of charges against the estate and expenses of its administration allowed by any court having jurisdiction thereof.

(c) Such portion of the gross estate as has passed to a bona fide purchaser for value if payment is made of the full amount of tax determined by the Commissioner pursuant to a request of the executor for discharge from personal liability, as authorized by sections 825 (a) and 827 (c) (see § 81.71), but there is substituted a like lien upon the consideration received from such purchaser by the heirs, legatees, devisees, or distributees.

(d) Such property as was received from the decedent as a transfer by trust or otherwise in contemplation of or intended to take effect in possession or enjoyment at or after his death, or under which he has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death (1) the possession or enjoyment of, or the right to the income from, the property, or (2) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom (except in case the transfer was a bona fide sale for an adequate and full consideration in money or money's worth), and was sold by the transferee or trustee to a bona fide purchaser for such a consideration. In such case the lien attaches to all the property of the transferee or trustee except such thereof as may be sold to a bona fide purchaser for such a consideration.

(e) If a certificate releasing such lien is issued. (See § 81.86.)*

§ 81.86 *Release of lien.* The statute provides that if the Commissioner is satisfied that the tax liability of an estate has been fully discharged or provided for, he may issue his certificate releasing any or all property of the estate from the lien. The issuance of certificates releasing such lien is a matter resting within the discretion of the Commissioner, and certificates will be issued only in case there is actual need therefor. The primary purpose of such release is not to evidence payment or satisfaction of the tax, but to permit the transfer of property free from the lien in case it is necessary to clear title. Receipts for payment of the tax are issued by the collector.

If the tax liability has been fully discharged a certificate may be issued releasing the lien as to any or all property of the estate. If the tax liability has not been fully discharged, no general release of all property of the estate will be granted but certificates releasing the lien upon particular items of property may be issued by the Commissioner, who may require as a prerequisite, in such an amount as he may designate, a partial payment of tax or the furnishing of an indemnity bond with such surety or sureties as he deems necessary. In lieu of such surety or sureties, the bond may be secured by the deposit of bonds or notes of the United States, any public debt obligations of the United States, or any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, equal in their total par value to the amount of such bond. (See section 1126 of the Revenue Act of 1926, as amended by section 7 of the Act of February 4, 1935, 49 Stat. 22, U.S.C., 1940 edition, Title 6, section 15.) The tax will be considered fully discharged only when investigation has been completed and payment of the tax, including any deficiency finally determined, has been made.

The application for a release should be filed with the Commissioner and should explain the circumstances that require the release, fully describe the particular items for which the release is desired, and show the applicant's relationship to the estate, such as executor, heir, devisee, legatee, beneficiary, transferee, or purchaser. If the return, Form 706, has not been filed, an affidavit may be required showing the value of the property to be released, the basis for such valuation, the approximate value of the gross estate, the approximate value of the total real property included in the gross estate, and in case the property is to be sold or transferred, the name and address of the purchaser or transferee and the consideration to be received.*

PENALTIES

SEC. 894. [Part IV, Subchapter A.] PENALTIES.

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(b) *Specific*—(1) *Civil.* Whoever fails to comply with any duty imposed upon him by section 820, 821, or 864, or, having in his possession or control any record, file, or paper, containing or supposed to contain any information concerning the estate of the decedent, or, having in his possession or control any property comprised in the gross estate of the decedent, fails to exhibit the same upon request to the Commissioner or any collector or law officer of the United States or his duly authorized deputy or agent, who desires to examine the same in the performance of his duties under this subchapter, shall be liable to a penalty of not exceeding $500, to be recovered, with costs of suit, in a civil action in the name of the United States.

(2) *Criminal.* (A) Whoever knowingly makes any false statement in any notice or return required to be filed under this subchapter shall be liable to a penalty of not exceeding $5,000, or imprisonment not exceeding one year, or both.

(B) Any person required under this subchapter to pay any tax, or required by law or regulations made under authority thereof to make a return, keep any records, or supply any information, for the purposes of the computation, assessment, or collection of any tax imposed by this subchapter, who willfully fails to pay such tax, make such return, keep such records, or supply such information, at the time or times required by law or regulations, shall, in addition to other penalties provided by law, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both, together with the costs of prosecution.

(C) Any person required under this subchapter to collect, account for and pay over any tax imposed by this subchapter, who willfully fails to collect or truthfully account for and pay over such tax, and any person who willfully attempts in any manner to evade or defeat any tax imposed by this subchapter or the payment thereof, shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(D) The term "person" as used in paragraphs (B) and (C) includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

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SEC. 3793. [Chapter 38.] PENALTIES AND FORFEITURES.

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(b) *Fraudulent returns, affidavits, and claims*—(1) *Assistance in preparation or presentation.* Any person who willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the internal revenue laws, of a false or fraudulent return, affidavit, claim, or document, shall (whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document) be guilty of a felony, and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

(2) *Person defined.* The term "person" as used in this subsection includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

SEC. 3710. [Chapter 36.] SURRENDER OF PROPERTY SUBJECT TO DISTRAINT.

(a) *Requirement.* Any person in possession of property, or rights to property, subject to distraint, upon which a levy has been made, shall, upon demand by the collector or deputy collector making such levy, surrender such property or rights to such collector or deputy, unless such property or right is, at the time of such demand, subject to an attachment or execution under any judicial process.

(b) *Penalty for violation.* Any person who fails or refuses to so surrender any of such property or rights shall be liable in his own person and estate to the United States in a sum equal to the value of the property or rights not so surrendered, but not exceeding the amount of the taxes (including penalties and interest) for the collection of which such levy has been made, together with costs and interest from the date of such levy.

(c) *Person defined.* The term "person" as used in this section includes an officer or employee of a corporation or a member or employee of a partnership, who as such officer, employee, or member is under a duty to perform the act in respect of which the violation occurs.

SEC. 3612. [Chapter 34.] RETURNS EXECUTED BY COMMISSIONER OR COLLECTOR.

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(d) *Additions to tax.*

(1) *Failure to file return.* In case of any failure to make and file a return or list within the time prescribed by law, or prescribed by the Commissioner or the collector in pursuance of law, the Commissioner shall add to the tax 25 per centum of its amount, except that when a return is filed after such time and it is shown that the failure to file it was due to a reasonable cause and not to willful neglect, no such addition shall be made to the tax: *Provided*, That in the case of a failure to make and file a return required by law, within the time prescribed by law or prescribed by the Commissioner in pursuance of law, if the last date so prescribed for filing the return is after August 30, 1935, then there shall be added to the tax, in lieu of such 25 per centum: 5 per centum if the failure is for not more than 30 days, with an additional 5 per centum for each additional 30 days or fraction thereof during which failure continues, not to exceed 25 per centum in the aggregate.

(2) *Fraud.* In a case a false or fraudulent return or list is willfully made, the Commissioner shall add to the tax 50 per centum of its amount.

* * * * * *

(e) *Collection of additions to tax.* The amount added to any tax under paragraphs (1) and (2) of subsection (d) shall be collected at the same time and in the same manner and as a part of the tax unless the tax has been paid before the discovery of the neglect, falsity, or fraud, in which case the amount so added shall be collected in the same manner as the tax.

(f) *Determination and assessment.* The Commissioner shall determine and assess all taxes, other than stamp taxes, as to which returns or lists are so made under the provisions of this section.

SEC. 3762. [Chapter 36.] PENALTIES.

Any person who, in connection with any compromise under section 3761, or offer of such compromise, or in connection with any closing agreement under section 3760, or offer to enter into any such agreement, willfully—

(a) *Concealment of property.* Conceals from any officer or employee of the United States any property belonging to the estate of a taxpayer or other person liable in respect of the tax, or

(b) *Withholding, falsifying, and destroying records.* Receives, destroys, mutilates, or falsifies any book, document, or record, or makes under oath any false statement, relating to the estate or financial condition of the taxpayer or other person liable in respect of the tax—

Shall, upon conviction thereof, be fined not more than $10,000 or imprisoned for not more than one year, or both.

SEC. 937. [Subchapter B.] ASSESSMENT, COLLECTION, AND PAYMENT OF TAX.

Except as provided in section 936, the tax imposed by section 935 shall be assessed, collected, and paid, in the same manner, and shall be subject to the same provisions of law (including penalties), as the tax imposed by subchapter A, except that in the case of a citizen or resident of the United States a return shall be required if the value of the gross estate at the time of decedent's death exceeds the amount of the specific exemption provided in section 935 (c).

§ 81.87 *Nature of penalties.* Two kinds of penalties are provided for delinquency with respect to the duties imposed by the statute:

(1) A specific penalty, to be recovered by suit, unless previously paid or adjusted by the acceptance of an offer in compromise; and

(2) A penalty of a certain percentage of the tax, to be added to and collected in the same manner as the tax.

In any case in which more than one penalty is provided the Government may assert any one or more thereof.*

§ 81.88 *Penalties for false or fraudulent notice or return.* In case any statement in the notice or return is knowingly false, the person making it is subject to a penalty not exceeding $5,000, or imprisonment for a period not exceeding one year, or both, and for a false or fraudulent return, 50 per cent will be added to the amount of the tax. Any person required to file any notice or make a return who willfully fails to do so at the time required shall be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both, together with the costs of prosecution.

Any person who willfully aids or assists in the preparation or presentation of a false or fraudulent notice or return, or procures, counsels, or advises the preparation or presentation of such a notice or return, whether such falsity or fraud is with or without the knowledge or consent of the person required to make the notice or return, will be guilty of a felony and, upon conviction thereof, fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.*

§ 81.89 *Penalty for failure to give notice or make and file return.* For failure to give the notice required by section 820 or make and file the return required by section 821, 864, or 937 within the time prescribed in § 81.63 or 81.67, the person in default is subject to a penalty not exceeding $500.

For failure to make and file such return within the time prescribed, or within an extension of time granted by the Commissioner or the collector, 5 per cent will be added to the tax if the failure is for not more than 30 days, with an additional 5 per cent for each 30 days or fraction thereof during which failure continues, not to exceed 25 per cent in the aggregate, except that if the return is filed after the time allowed and it is shown that the failure to file within the time so allowed was due to a reasonable cause and not to willful neglect, no such addition will be made to the tax.*

§ 81.90 *Penalty for failure to pay tax, exhibit property, keep or exhibit records, etc., and for concealment of assets.* Any person in possession or control of any record, file, or paper, containing or supposed to contain information relating to the estate, or having in his possession or control property comprised in the gross estate of the decedent, who fails to exhibit the same upon the request of the Commissioner or any collector or law officer of the United States, or his duly authorized deputy or agent, in the performance of his duties, or having knowledge or information of any fact or facts of a material bearing upon the liability, or the extent of liability, of the estate to the tax, who fails to make disclosure thereof upon request of the Commissioner or any revenue agent or inspector designated by him for that purpose, is liable to a penalty not to exceed $500, to be recovered by civil action. Such a request must be granted whether or not he believes that a compliance therewith is material.

Any person required to pay the tax, keep any records, or supply any information, for the purpose of the computation, assessment, or collection of the tax, who willfully fails to pay such tax, keep such records, or supply such information, as required by the law or regulations, shall, in addition to other penalties, be guilty of a misdemeanor and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both, together with the costs of prosecution.

Any person who willfully attempts in any manner to evade or defeat the tax or the payment thereof, shall, in addition to other penalties, be guilty of a felony and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.

Any person who in connection with any compromise entered into or offer made under the provisions of section 3761, or, who in connection with any closing agreement under section 3760, or the offer to enter into any such agreement, willfully conceals from any officer or employee of the United States any property belonging to the estate or any person liable in respect of the tax, or receives, destroys, mutilates, or falsifies any book, document, or record, or makes under oath any false statement, relating to the estate or its value or the financial condition of any person liable in respect of the tax, shall, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than one year, or both.*

§ 81.91 *Penalty for assisting, procuring, or advising the preparation or presentation of false or fraudulent documents.* Any person who willfully aids or assists in, or procures, counsels, or advises, the preparation or presentation under, or in connection with any matter arising under, the internal revenue laws, of a false or fraudulent affidavit, claim, or document, shall, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such affidavit, claim, or document, be guilty of a felony, and, upon conviction thereof, be fined not more than $10,000, or imprisoned for not more than five years, or both, together with the costs of prosecution.*

ABATEMENT AND STAY OF COLLECTION OF JEOPARDY ASSESSMENT

SEC. 872. [Part IV, Subchapter A.] JEOPARDY ASSESSMENTS.

* * * * * *

(f) *Bond to stay collection.* When a jeopardy assessment has been made the executor, within 30 days after notice and demand from the collector for the payment of the amount of the assessment, may obtain a stay of col-

lection of the whole or any part of the amount of the assessment by filing with the collector a bond in such amount, not exceeding double the amount as to which the stay is desired, and with such sureties, as the collector deems necessary, conditioned upon the payment of so much of the amount, the collection of which is stayed by the bond, as is not abated by a decision of the Board which has become final, together with interest thereon as provided in section 892 or 893 (b) (4). If any portion of the jeopardy assessment is abated by the Commissioner before the decision of the Board is rendered, the bond shall, at the request of the taxpayer, be proportionately reduced.

(g) *Same—Further conditions.* If the bond is given before the executor has filed his petition with the Board under subsection (a) of section 871, the bond shall contain a further condition that if a petition is not filed within the period provided in such subsection, then the amount the collection of which is stayed by the bond will be paid on notice and demand at any time after the expiration of such period, together with interest thereon at the rate of 6 per centum per annum from the date of the jeopardy notice and demand to the date of notice and demand under this subsection.

(h) *Waiver of stay* Upon the filing of the bond the collection of so much of the amount assessed as is covered by the bond shall be stayed. The executor shall have the right to waive such stay at any time in respect of the whole or any part of the amount covered by the bond, and if as a result of such waiver any part of the amount covered by the bond is paid, then the bond shall, at the request of the executor, be proportionately reduced. If the Board determines that the amount assessed is greater than the amount which should have been assessed, then when the decision of the Board is rendered the bond shall, at the request of the executor, be proportionately reduced.

(i) *Collection of unpaid amounts.* When the petition has been filed with the Board and when the amount which should have been assessed has been determined by a decision of the Board which has become final, then any unpaid portion, the collection of which has been stayed by the bond, shall be collected as part of the tax upon notice and demand from the collector, and any remaining portion of the assessment shall be abated. If the amount already collected exceeds the amount determined as the amount which should have been assessed, such excess shall be refunded. If the amount determined as the amount which should have been assessed is greater than the amount actually assessed, then the difference shall be assessed and shall be collected as part of the tax upon notice and demand from the collector.

SEC. 873. [Part IV, Subchapter A.] CLAIMS IN ABATEMENT.

No claim in abatement shall be filed in respect of the assessment of any estate tax imposed by this subchapter.

SEC. 937. [Subchapter B.] ASSESSMENT, COLLECTION, AND PAYMENT OF TAX.

Except as provided in section 936, the tax imposed by section 935 shall be assessed, collected, and paid, in the same manner, and shall be subject to the same provisions of law (including penalties), as the tax imposed by subchapter A, except that in the case of a citizen or resident of the United States a return shall be required if the value of the gross estate at the time of decedent's death exceeds the amount of the specific exemption provided in section 935 (c).

§ 81.92 *Claim for abatement.* No claim for abatement may be filed in respect of any assessment of estate tax imposed by the Internal Revenue Code. The amount of any assessment directed to be abated by the statute as the result of a decision of the Board of Tax Appeals which has become final and all overassessments determined as a result of audit or examination of returns will be abated by the Commissioner without action on the part of the executor.*

§ 81.93 *Collection of jeopardy assessment stayed by filing bond.* If a jeopardy assessment has been made, the executor, within 30 days after notice and demand from the collector for payment of the amount of the jeopardy assessment may obtain a stay of collection of the whole, or any part, of the amount of such assessment by filing with the collector a bond in such amount not exceeding double the amount as to which the stay is desired, and with such sureties as the collector deems necessary, conditioned upon the payment of so much of the amount, the collection of which is stayed by the bond, as is not abated as a result of a decision of the Board which has become final, together with the interest thereon, as provided in the statute. (See § 81.82.) In lieu of such sureties, the bond may be secured by the deposit of bonds or notes of the United States, any public debt obligations of the United States, or any bonds, notes, or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, equal in their total par value to the amount of such bond. (See section 1126 of the Revenue Act of 1926, as amended by section 7 of the Act of February 4, 1935, 49 Stat. 22, U.S.C., 1940 edition, Title 6, section 15.) The petition with the Board of Tax Appeals for redetermination of the deficiency in respect of which the jeopardy assessment was made must be filed within 90 days (not counting Sunday or a legal holiday in the District of Columbia as the ninetieth day) after the mailing by the Commissioner of the notice of deficiency. (See § 81.73.) If any portion of the jeopardy assessment is abated by the Commissioner before the decision of the Board is rendered, the bond will, upon request of the executor, be proportionately reduced. If the bond is given before the petition is filed with the Board, the bond shall contain a further condition that if a petition is not filed within the 90 days, then the amount, the collection of which is stayed by the bond, shall be paid on notice and demand at any time after the expiration of such 90-day period, together with interest thereon at the rate of 6 per cent per annum from the date of the jeopardy notice and demand made by the collector to the date of notice and demand made after the expiration of the 90-day period.*

§ 81.94 *Accrual of interest as affected by the stay of the collection of a jeopardy assessment.* For rules relating to the accrual of interest where the collection of a jeopardy assessment is stayed by the filing of a bond, see § 81.82.*

§ 81.95 *Limitation of time to file bond to stay collection of jeopardy assessment.* If it is desired to stay the collection of the whole, or any part, of the amount in respect of which a jeopardy assessment has been made, the bond referred to in § 81.93 must be filed with the collector within 30 days after notice and demand by the collector for the payment of the amount of the jeopardy assessment.*

REFUNDS

SEC. 910. [Part IV, Subchapter A.] PERIOD OF LIMITATION FOR FILING CLAIMS.

All claims for the refunding of the tax imposed by this subchapter alleged to have been erroneously or illegally assessed or collected must be presented to the Commissioner within three years next after the payment of such tax. The amount of the refund shall not exceed the portion of the tax paid during the three years immediately preceding the filing of the claim, or if no claim was filed, then during the three years immediately preceding the allowance of the refund.

SEC. 911. [Part IV, Subchapter A.] EFFECT OF PETITION TO BOARD.

If the Commissioner has mailed to the executor a notice of deficiency under section 871 (a) and if the executor files a petition with the Board of Tax Appeals within the time prescribed in such subsection, no refund in respect of the tax shall be allowed or made and no suit for the recovery of any part of such tax shall be instituted in any court, except—

(a) As to overpayments determined by a decision of the Board which has become final; and

(b) As to any amount collected in excess of an amount computed in accordance with the decision of the Board which has become final; and

(c) As to any amount collected after the statutory period of limitations upon the beginning of distraint or a proceeding in court for collection has expired; but in any such claim for refund or in any such suit for refund the decision of the Board which has become final, as to whether such period had expired before the notice of deficiency was mailed, shall be conclusive.

SEC. 912. [Part IV, Subchapter A.] OVERPAYMENT FOUND BY BOARD.

If the Board finds that there is no deficiency and further finds that the executor has made an overpayment of tax, the Board shall have jurisdiction to determine the amount of such overpayment, and such amount shall, when the decision of the Board has become final, be credited or refunded to the executor as provided in section 3770 (a). No such refund shall be made of any portion of the tax unless the Board determines as part of its decision that such portion was paid within three years before the filing of the claim or the filing of the petition, whichever is earlier, or that such portion was paid after the mailing of the notice of deficiency.

SEC. 937. [Subchapter B.] ASSESSMENT, COLLECTION, AND PAYMENT OF TAX.

Except as provided in section 936, the tax imposed by section 935 shall be assessed, collected, and paid, in the same manner, and shall be subject to the same provisions of law (including penalties), as the tax imposed by subchapter A. * * *.

SEC. 3746. [Chapter 36.] SUITS FOR RECOVERY OF ERRONEOUS REFUNDS.

(a) *Refunds after limitation period.* Any portion of an internal revenue tax (or any interest, penalty, additional amount, or addition to such tax) refund of which is erroneously made, within the meaning of section 3774, may be recovered by suit brought in the name of the United States, but only if such suit is begun within two years after the making of such refund.

(b) *Refunds otherwise erroneous.* Any portion of an internal revenue tax (or any interest, penalty, additional amount, or addition to such tax) which has been erroneously refunded (if such refund would not be considered as erroneous under section 3774) may

be recovered by suit brought in the name of the United States, but only if such suit is begun before the expiration of two years after the making of such refund.

(c) *Refunds based on fraud or misrepresentation.* Despite the provisions of subsections (a) and (b) such suit may be brought at any time within five years from the making of the refund if it appears that any part of the refund was induced by fraud or the misrepresentation of a material fact.

(d) *Interest.* Erroneous refunds recoverable by suit under this section shall bear interest at the rate of 6 per centum per annum from the date of the payment of the refund.

SEC. 3760. [Chapter 36.] CLOSING AGREEMENTS.

(a) *Authorization.* The Commissioner (or any officer or employee of the Bureau of Internal Revenue, including the field service, authorized in writing by the Commissioner) is authorized to enter into an agreement in writing with any person relating to the liability of such person (or of the person or estate for whom he acts) in respect of any internal revenue tax for any taxable period.

(b) *Finality.* If such agreement is approved by the Secretary, the Under Secretary, or an Assistant Secretary, within such time as may be stated in such agreement, or later agreed to, such agreement shall be final and conclusive, and, except upon a showing of fraud or malfeasance, or misrepresentation of a material fact—

(1) The case shall not be reopened as to the matters agreed upon or the agreement modified, by any officer, employee, or agent of the United States, and

(2) In any suit, action, or proceeding, such agreement, or any determination, assessment, collection, payment, abatement, refund, or credit made in accordance therewith, shall not be annulled, modified, set aside, or disregarded.

SEC. 3770. [Chapter 37.] AUTHORITY TO MAKE ABATEMENTS, CREDITS, AND REFUNDS.

(a) *To taxpayers—(1) Assessments and collections generally* (as amended by section 508 (b) of the Second Revenue Act of 1940).—Except as otherwise provided by law in the case of income, war-profits, excess-profits, estate, and gift taxes, the Commissioner, subject to regulations prescribed by the Secretary, is authorized to remit, refund, and pay back all taxes erroneously or illegally assessed or collected, all penalties collected without authority, and all taxes that appear to be unjustly assessed or excessive in amount, or in any manner wrongfully collected.

(2) *Assessments and collections after limitation period.* Any tax (or any interest, penalty, additional amount, or addition to such tax) assessed or paid after the expiration of the period of limitation properly applicable thereto shall be considered an overpayment and shall be credited or refunded to the taxpayer if claim therefor is filed within the period of limitation for filing such claim.

(3) *Date of allowance.* Where the Commissioner has signed a schedule of overassessments in respect of any internal revenue tax imposed by this title, the Revenue Act of 1932, or any prior revenue Act, the date on which he first signed such schedule (if after May 28, 1928) shall be considered as the date of allowance of refund or credit in respect of such tax.

* * * * *

(b) *To collectors and officers.* The Commissioner, subject to regulations prescribed by the Secretary, is authorized to repay—

(1) *Collections recovered.* To any collector or deputy collector the full amount of such sums of money as may be recovered against him in any court, for any internal revenue taxes collected by him, with the cost and expense of suit; also

(2) *Damages and costs.* All damages and costs recovered against any collecter, deputy collector, agent or inspector, in any suit brought against him by reason of anything done in the due performance of his official duty.

SEC. 3772. [Chapter 37.] SUITS FOR REFUND.

(a) *Limitations—(1) Claim.* No suit or proceeding shall be maintained in any court for the recovery of any internal revenue tax alleged to have been erroneously or illegally assessed or collected, or of any penalty claimed to have been collected without authority, or of any sum alleged to have been excessive or in any manner wrongfully collected until a claim for refund or credit has been duly filed with the Commissioner, according to the provisions of law in that regard, and the regulations of the Secretary established in pursuance thereof.

(2) *Time.* No such suit or proceeding shall be begun before the expiration of six months from the date of filing such claim unless the Commissioner renders a decision thereon within that time, nor after the expiration of two years from the date of mailing by registered mail by the Commissioner to the taxpayer of a notice of the disallowance of the part of the claim to which such suit or proceeding relates.

(3) *Reconsideration after mailing of notice.* Any consideration, reconsideration, or action by the Commissioner with respect to such claim following the mailing of a notice by registered mail of disallowance shall not operate to extend the period within which suit may be begun. This paragraph shall not operated (A) to bar a suit or proceeding in respect of a claim reopened prior to June 22, 1936, if such suit or proceeding was not barred under the law in effect prior to that date, or (B) to prevent the suspension of the statute of limitations for filing suit under section 3774 (b) (2).

(b) *Protest or duress.* Such suit or proceeding may be maintained, whether or not such tax, penalty, or sum has been paid under protest or duress.

* * * * *

SEC. 177. Judicial Code (as amended by section 808 of the Revenue Act of 1936, 49 Stat. 1746 [U.S.C., 1940 edition, Title 28, section 284 (b)]).

* * * * *

(a) In any judgment of any court rendered (whether against the United States, a collector or deputy collector of internal revenue, a former collector or deputy collector, or the personal representative in case of death) for any overpayment in respect of any internal-revenue tax, interest shall be allowed at the rate of 6 per centum per annum upon the amount of the overpayment, from the date of the payment or collection thereof to a date preceding the date of the refund check by not more than thirty days, such date to be determined by the Commissioner of Internal Revenue. The Commissioner is hereby authorized to tender by check payment of any such judgment, with interest as herein provided, at any time after such judgment becomes final, whether or not a claim for such payment has been duly filed, and such tender shall stop the running of interest, whether or not such refund check is accepted by the judgment creditor.

SEC. 3774. [Chapter 37.] REFUNDS AFTER PERIODS OF LIMITATION. A refund of any portion of an internal revenue tax (or any interest, penalty, additional amount, or addition to such tax) shall be considered erroneous—

(a) *Expiration of period for filing claim.* If made after the expiration of the period of limitation for filing claim therefor, unless within such period claim was filed; or

(b) *Disallowance of claim and expiration of period for filing suit.* In the case of a claim filed within the proper time and disallowed by the Commissioner if the refund was made after the expiration of the period of limitation for filing suit, unless—

(1) within such period suit was begun by the taxpayer, or

(2) within such period, the taxpayer and the Commissioner agreed in writing to suspend the running of the statute of limitations for filing suit from the date of the agreement to the date of final decision in one or more named cases then pending before the Board of Tax Appeals or the courts. If such agreement has been entered into, the running of such statute of limitations shall be suspended in accordance with the terms of the agreement.

* * * * *

§ 81.96 *Claim for refund.* A claim for refund of estate tax, or for refund of interest or penalties, erroneously or illegally collected, should be made on the form prescibed by the Treasury Department (Form 843), and should be filed with the collector of internal revenue, although a claim will not be considered defective solely by reason of the fact that it is not made on the form or that it is filed with the Commissioner of Internal Revenue. The claim must set forth in detail and under oath each ground upon which a refund is claimed, and facts sufficient to apprise the Commissioner of the exact basis thereof. Any claim which does not comply with the requirements of the preceding sentence will not be considered for any purpose as a claim for refund.

Claims for the refund of estate tax imposed by the Internal Revenue Code must be filed within three years next after the payment of the amount sought to be refunded.

The amount of the refund shall not exceed the portion of the tax paid during the three year period immediately preceding the filing of the claim, or the filing of the petition with the Board of Tax Appeals. Upon receipt of any claim for refund, other than a claim for refund of an overpayment determined in accordance with a decision of the Board of Tax Appeals which has become final, the return of the estate will be reaudited and only the excess payment determined by the Commissioner as a result of consideration of the claim and reaudit will be refunded. If the reaudit reveals that the tax has been underpaid, the amount of such underpayment will be collected unless the collection thereof is barred.

If a petition was filed with the Board of Tax Appeals for the redetermination of a deficiency, as provided by section 871 (a), and the Board finds that the executor has made an overpayment of the tax, and further determines as part of its decision that any portion of the overpayment was made within three years before the filing of the claim or the filing of the petition, whichever is earlier, or that such portion was paid after the mailing of the notice of deficiency, the amount of such portion of the overpayment will be refunded.

Save in the case of a claim for refund of an overpayment computed in accordance with a decision of the Board of Tax Appeals which has become final, the burden of proof rests upon the claimant and

all facts relied upon in support of the claim must be clearly set forth under oath. Every affidavit, argument, brief, or statement of facts, prepared or filed by an attorney or agent as argument or evidence in the matter of a protest, must have therein a statement signed by such attorney or agent showing whether or not he prepared such document and whether or not the attorney or agent knows of his own knowledge that the facts contained therein are true. In case there is a hearing, should the executor not appear in person, his representative who appears must present a properly executed power of attorney and be enrolled to practice before the Treasury Department. (See § 81.72.)

(a) If the claim is made by an executor or administrator, a certificate of the court must be furnished showing that the appointment remains in full force and effect.

(b) If the executor or administrator has been discharged and no administrator de bonis non has been appointed and qualified, there should be submitted, in lieu of the certificate above mentioned, (1) a certified copy of the court order granting the discharge, and (2) a certified copy of the order of distribution, or, if such order does not fully disclose the identity of the person or persons entitled to receive any amount that may be refunded and the percentage or proportion thereof to which each, if more than one, is entitled, there should be submitted a certified copy of the decedent's will, if any, and such further proof as may be requisite to establish both the identity of such person or persons and the percentage or proportion of the amount sought to be refunded to which each, in case there are more than one, is entitled.

If upon audit of the return filed by the executor the Commissioner determines that an overassessment has been made on account of the tax, a certificate of overassessment will be prepared and issued, even though claim for refund of such excess payment has not been filed. However, in such case the documentary evidence, as set out above, identifying the person or persons entitled to receive the refund will be required.

A refund is erroneous if made after the expiration of the period of limitation for filing claim therefor, unless within such period claim was filed. In case a claim was filed for the refund of the tax within the proper time and was disallowed by the Commissioner, and the period of limitation for filing suit by the executor had expired prior to the making of the refund, a refund based upon such claim is erroneous unless suit was begun by the executor within the period of limitation for filing suit, or unless within such period the executor and the Commissioner agreed in writing to suspend the running of the statute of limitations for filing suit from the date of the agreement to the date of final decision of one or more named cases then pending before the Board of Tax Appeals or the courts. Erroneous refunds, as above described, may be recovered by suit brought in the name of the United States within two years after the making of such refunds. An erroneous refund, though not considered as erroneous under section 3774, may be recovered in the same manner if the suit is begun within two years after the making of such refund. Erroneous refunds, whether erroneous under the provisions of section 3774 or otherwise, may be recovered by suit brought within five years of the making of the refund if it appears that any part of the refund was induced by fraud or misrepresentation of a material fact.

A claim for the payment of a judgment rendered against a collector of internal revenue representing Federal estate tax, penalties, or other sums collected in connection therewith should be made on Form 843 and filed with the Commissioner of Internal Revenue, Washington, D. C. The claimant should state the names of all parties to the action, the date of its commencement, the date of the judgment, the court in which it was recovered, its amount, and the fact that the action related to Federal estate tax or interest or penalties in connection therewith. To the claim there should be annexed two certified copies of the final judgment, a certificate of probable cause (see section 939 of the Revised Statutes [U.S.C., 1940 edition, Title 28, section 842]) and, if refund is claimed, an itemized bill of the costs paid, receipted by the clerk or other proper officer of the court.

A claim for the payment of a judgment rendered against the United States representing Federal estate tax, penalties, or other sums collected in connection therewith should be made on Form 843 in the manner prescribed in the preceding paragraph, except that—

(a) a certificate of probable cause is not required,

(b) the claims shall be executed in duplicate, and

(c) in the case of a judgment rendered by the Court of Claims there may be submitted, in place of a certified copy of the final judgment, a certificate of the judgment issued by the clerk of the court and two copies of the court's opinion, if any was rendered.*

INTEREST ON REFUNDS

SEC. 813. [Part II, Subchapter A.] CREDITS AGAINST TAX.

* * * * * *

(b) *Estate, succession, legacy, and inheritance taxes.* * * * Refund based on the credit may (despite the provisions of sections 910 to 912, inclusive), be made if claim therefor is filed within the period above provided. Any such refund shall be made without interest.

SEC. 3771. [Chapter 37.] INTEREST ON OVERPAYMENTS.

(a) *Rate.* Interest shall be allowed and paid upon any overpayment in respect of any internal revenue tax at the rate of 6 per centum per annum.

(b) *Period.* Such interest shall be allowed and paid as follows:

* * * * * *

(2) *Refunds.* In the case of a refund, from the date of the overpayment to a date preceding the date of the refund check by not more than thirty days, such date to be determined by the Commissioner, whether or not such refund check is accepted by the taxpayer after tender of such check to the taxpayer. The acceptance of such check shall be without prejudice to any right of the taxpayer to claim any additional overpayment and interest thereon.

* * * * * *

§ 81.97 *Payment of claims and interest.* Under the law, warrants in payment of claims allowed can only be drawn payable to the person or persons entitled to the proceeds, and consequently cannot be drawn payable to attorneys or agents. If the claimants are indebted to the United States for taxes, such taxes must be paid before the warrants are delivered. (U.S.C., 1940 edition, Title 31, section 227.)

Upon the allowance of the claim for refund of any tax or penalty paid, unless the refund results from the allowance of a credit for payment of estate, inheritance, legacy, or succession taxes, the statute provides for the payment of interest upon the total amount of such refund at the rate of 6 per cent per annum from the date such tax or penalty was paid to a date preceding the date of the refund check by not more than 30 days, such date to be determined by the Commissioner, whether or not such check is accepted by the taxpayer. Acceptance of a refund warrant or check will not prejudice the right of the claimant to have refunded to him any additional overpayment and interest thereon. If a refund is based upon the credit for payment of estate, inheritance, legacy, or succession taxes allowed by subsection (b) of section 813 (see § 81.9), the refund will be made without interest.*

POWER TO COMPROMISE OR REMIT PENALTIES

SEC. 3761. [Chapter 36.] COMPROMISES.

(a) *Authorization.* The Commissioner, with the approval of the Secretary, or of the Under Secretary of the Treasury, or of an Assistant Secretary of the Treasury, may compromise any civil or criminal case arising under the internal revenue laws prior to reference to the Department of Justice for prosecution or defense; and the Attorney General may compromise any such case after reference to the Department of Justice for prosecution or defense.

(b) *Record.* Whenever a compromise is made by the Commissioner in any case there shall be placed on file in the office of the Commissioner the opinion of the General Counsel for the Department of the Treasury or of the officer acting as such, with his reasons therefor, with a statement of—

(1) The amount of tax assessed,

(2) The amount of additional tax or penalty imposed by law in consequence of the neglect or delinquency of the person against whom the tax is assessed, and

(3) The amount actually paid in accordance with the terms of the compromise.

* * * * * *

§ 81.98 *Compromise of taxes and penalties.* Offers in compromise should be filed with the appropriate collector of internal revenue. No offer in compromise of tax, interest, and ad valorem penalty collectible as part of the tax will be accepted unless there is a substantial doubt as to either liability or collectibility.*

PERSONAL LIABILITY OF EXECUTOR, TRANSFEREE, TRUSTEE, AND BENEFICIARY

SEC. 3467. Revised Statutes (as amended by section 518 (a) of the Revenue Act of 1934 [U.S.C., 1940 edition, Title 31, section 192]). Every executor, administrator, or assignee, or other person, who pays, in whole or in part, any debt due by the person or estate for whom or for which he acts before he satisfies and pays the debts due to the United States from such person or estate, shall become answerable in his own person and estate to the extent of such payments for the debts so due to the United States, or for so much thereof as may remain due and unpaid.

SEC. 827. [Part II, Subchapter A.] LIEN FOR TAX.

* * * * * *

(b) *Upon property of transferee.* If (1) except in the case of a bona fide sale for an adequate and full consideration in money or money's worth, the decedent makes a transfer, by trust or otherwise, of any property in contemplation of or intended to take effect in possession or enjoyment at or after his death, or makes a transfer, by trust or otherwise, under which he has retained for his life or for any period not ascertainable without reference to his death or for any period which does not in fact end before his death (A) the possession or enjoyment of, or the right to the income from, the property, or (B) the right, either alone or in conjunction with any person, to designate the persons who shall possess or enjoy the property or the income therefrom, or (2) if insurance passes under a contract executed by the decedent in favor of a specific beneficiary, and if in either case the tax in respect thereto is not paid when due, then the transferee, trustee, or beneficiary shall be personally liable for such tax, and such property, to the extent of the decedent's interest therein at the time of such transfer, or to the extent of such beneficiary's interest under such contract of insurance, shall be subject to a like lien equal to the amount of such tax. Any part of such property sold by such transferee or trustee to a bona fide purchaser for an adequate and full consideration in money or money's worth shall be divested of the lien and a like lien shall then attach to all the property of such transferee or trustee, except any part sold to a bona fide purchaser for an adequate and full consideration in money or money's worth.

* * * * * *

§ 81.99 *Personal liability.* If the executor, before paying all the estate tax, pays, in whole or in part, any debt due by the decedent or the decedent's estate, or distributes any portion of the estate, he is personally liable, to the extent of such payment or distribution, for so much of the estate tax as remains due and unpaid.

The term "executor" includes every person in actual or constructive possession of any property of the decedent if there is no appointed, qualified, and acting personal representative within the United States. For provisions of the statute and regulations prescribing conditions authorizing release of the executor from his personal liability for payment of the tax, see section 825 and § 81.71.

If the tax in respect of a transfer of property includible in the gross estate under the provisions of section 811 (c), or in respect of insurance receivable by a beneficiary other than the estate and includible in the gross estate under the provisions of section 811 (g), is not paid when due, then the transferee, trustee, or beneficiary shall be personally liable for such tax.*

EXAMINATION OF RECORDS AND TAKING OF TESTIMONY

SEC. 3614. [Chapter 34.] EXAMINATION OF BOOKS AND WITNESSES.

(a) *To determine liability of the taxpayer.* The Commissioner, for the purpose of ascertaining the correctness of any return or for the purpose of making a return where none has been made, is authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon the matters required to be included in the return, and may require the attendance of the person rendering the return or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons.

(b) *To determine liability of a transferee.* The Commissioner, for the purpose of determining the liability at law or in equity of a transferee of the property of any person with respect to any Federal taxes imposed upon such person, is hereby authorized, by any officer or employee of the Bureau of Internal Revenue, including the field service, designated by him for that purpose, to examine any books, papers, records, or memoranda bearing upon such liability, and may require the attendance of the transferor or transferee, or of any officer or employee of such person, or the attendance of any other person having knowledge in the premises, and may take his testimony with reference to the matter, with power to administer oaths to such person or persons.

SEC. 3633. [Chapter 34.] JURISDICTION OF DISTRICT COURTS.

(a) *To enforce summons.* If any person is summoned under the internal revenue laws to appear, to testify, or to produce books, papers, or other data, the district court of the United States for the district in which such person resides shall have jurisdiction by appropriate process to compel such attendance, testimony, or production of books, papers, or other data.

* * * * * *

SEC. 3800. [Chapter 38.] JURISDICTION OF DISTRICT COURTS TO ISSUE ORDERS, PROCESSES, AND JUDGMENTS.

The district courts of the United States at the instance of the United States shall have such jurisdiction to make and issue, both in actions at law and suits in equity, writs and orders of injunction, and of ne exeat republica, orders appointing receivers, and such other orders and process, and to render such judgments and decrees, granting in proper cases both legal and equitable relief together, as may be necessary or appropriate for the enforcement of the internal revenue laws. The remedies hereby provided are in addition to and not exclusive of any and all other remedies of the United States in such courts or otherwise to enforce such laws.

§ 81.100 *Securing evidence; taking testimony.* In order to ascertain the correctness of a return, or to make a return if none has been made, the Commissioner has power to require the attendance, and to take the testimony, of the person rendering the return, or any officer or employee of such person, or any other person having knowledge in the premises. Such persons may be required to produce any relevant book, paper, or other record. The Commissioner also is authorized, for the purpose of determining the liability at law or in equity of a transferee of the property of any person with respect to any Federal taxes imposed upon such person, to examine any books, papers, records, or memoranda bearing upon such liability and may require the attendance of the transferor or transferee, or any officer or employee of such person and take his testimony with reference to the matter. The Commissioner has the authority to administer oaths to the persons required to testify. The power and authority herein described may be exercised by any officer or employee of the Bureau of Internal Revenue, including the field force, designated by the Commissioner for that purpose. (For penalties, see § 81.90.)*

§ 81.101 *Power to compel compliance.* If any person is summoned to appear and testify, or to produce books, papers, or other data, the District Court of the United States for the district in which such person resides has power to compel the giving of the testimony, the production of the books, papers, or data, and to issue any appropriate process, writ, or order.*

REMEDIES FOR COLLECTION AND PROCEEDINGS FOR ENFORCING LIABILITY OF A TRANSFEREE OR FIDUCIARY

SEC. 822. [Part II, Subchapter A.] PAYMENT OF TAX.

(a) TIME OF PAYMENT.

* * * * * *

(2) *Extension of time.* Where the Commissioner finds that the payment on the due date of any part of the amount determined by the executor as the tax would impose undue hardship upon the estate, the Commissioner may extend the time for payment of any such part * * *. In such case the amount in respect of which the extension is granted shall be paid on or before the date of the expiration of the period of extension, and the running of the statute of limitations for assessment and collection, as provided in section 874, shall be suspended for the period of any such extension.

* * * * * *

SEC. 871. [Part IV, Subchapter A.] PROCEDURE IN GENERAL.

* * * * * *

(h) *Extension of time for payment of deficiency.* Where it is shown to the satisfaction of the Commissioner that the payment of a deficiency upon the date prescribed for the payment thereof will result in undue hardship to the estate, the Commissioner, under regulations prescribed by the Commissioner, with the approval of the Secretary (except where the deficiency is due to negligence, to intentional disregard of rules and regulations, or to fraud with intent to evade tax), may grant an extension for the payment of such deficiency * * *. In such case the running of the statute of limitations for assessment and collection, as provided in section 874, shall be suspended for the period of any such extension.

* * * * * *

SEC. 874. [Part IV, Subchapter A.] PERIOD OF LIMITATION UPON ASSESSMENT AND COLLECTION.

(a) *General rule.* Except as provided in subsection (b) the amount of estate taxes imposed by this subchapter shall be assessed within three years after the return was filed, and no proceeding in court without assessment for the collection of such taxes shall

be begun after the expiration of three years after the return was filed.

(b) EXCEPTIONS—(1) *False return or no return.* In the case of a false or fraudulent return with intent to evade tax or of a failure to file a return the tax may be assessed, or a proceeding in court for the collection of such tax may be begun without assessment, at any time.

(2) *Collection after assessment.* Where the assessment of any tax imposed by this subchapter has been made within the statutory period of limitation properly applicable thereto, such tax may be collected by distraint or by a proceeding in court, but only if begun (1) within six years after the assessment of the tax, or (2) prior to the expiration of any period for collection agreed upon in writing by the Commissioner and the executor.

SEC. 900. [Part IV, Subchapter A.] TRANSFERRED ASSETS.

(a) *Method of collection.* The amounts of the following liabilities shall, except as hereinafter in this section provided, be assessed, collected, and paid in the same manner and subject to the same provisions and limitations as in the case of a deficiency in a tax imposed by this subchapter (including the provisions in case of delinquency in payment after notice and demand, the provisions authorizing distraint and proceedings in court for collection, and the provisions prohibiting claims and suits for refunds):

(1) *Transferees.* The liability, at law or in equity, of a transferee of property of a decedent, in respect of the tax (including interest, additional amounts, and additions to the tax provided by law) imposed by this subchapter.

(2) *Fiduciaries.* The liability of a fiduciary under section 3467 of the Revised Statutes (U.S.C., Title 31, § 192) in respect of the payment of any such tax from the estate of the decedent.

Any such liability may be either as to the amount of tax shown on the return or as to any deficiency in tax.

(b) *Period of limitation.* The period of limitation for assessment of any such liability of a transferee or fiduciary shall be as follows:

(1) Within one year after the expiration of the period of limitation for assessment against the executor.

(2) If a court proceeding against the executor for the collection of the tax has been begun within the period provided in paragraph (1)—then within one year after return of execution in such proceeding.

(c) *Suspension of running of statute of limitations.* The running of the statute of limitations, upon the assessment of the liability of a transferee or fiduciary shall, after the mailing of the notice under section 871 (a) to the transferee or fiduciary, be suspended for the period during which the Commissioner is prohibited from making the assessment in respect of the liability of the transferee or fiduciary (and in any event, if a proceeding in respect of the liability is placed on the docket of the Board, until the decision of the Board becomes final), and for 60 days thereafter.

(d) *Prohibition of suits to restrain enforcement of liability of transferee or fiduciary.* No suit shall be maintained in any court for the purpose of restraining the assessment or collection of (1) the amount of the liability, at law or in equity, of a transferee of property of a taxpayer in respect of any estate tax, or (2) the amount of the liability of a fiduciary under section 3467 of the Revised Statutes (U.S.C., Title 31, § 192) in respect of any such tax.

(e) *Definition of "transferee".* As used in this section, the term "transferee" includes heir, legatee, devisee, and distributee.

SEC. 3653. [Chapter 36.] PROHIBITION OF SUITS TO RESTRAIN ASSESSMENT OR COLLECTION.

(a) *Tax.* Except as provided in sections 272 (a), 871 (a) and 1012 (a), no suit for the purpose of restraining the assessment or collection of any tax shall be maintained in any court.

(b) *Liability of transferee or fiduciary.* No suit shall be maintained in any court for the purpose of restraining the assessment or collection of (1) the amount of the liability, at law or in equity, of a transferee of property of a taxpayer in respect of any income, war-profits, excess-profits, or estate tax, (2) the amount of the liability, at law or in equity, of a transferee of property of a donor in respect of any gift tax, or (3) the amount of the liability of a fiduciary under section 3467 of the Revised Statutes (U. S. C., Title 31, § 192) in respect of any such tax.

SEC. 937. [Subchapter B.] ASSESSMENT, COLLECTION, AND PAYMENT OF TAX.

Except as provided in section 936, the tax imposed by section 935 shall be assessed, collected, and paid, in the same manner, and shall be subject to the same provisions of law (including penalties), as the tax imposed by subchapter A. • • •.

§ 81.102. *Remedies for collection and administrative proceedings for enforcing liability of a transferee or fiduciary*—(a) *Remedies for collection.* Three remedies are provided for the collection of the estate tax imposed by the Internal Revenue Code: (1) The collector may issue warrant of distraint authorizing the seizure and sale of any or all of the assets of the estate. (See section 3690 of the Internal Revenue Code.) (2) The collector may commence in any court of the United States appropriate proceedings, in the name of the United States, to subject the property of the decedent to sale under the judgment or decree of the court. (3) The personal liability of the executor and of certain transferees, trustees, and beneficiaries, set forth in § 81.99, may be enforced by any appropriate action.

The period of limitation, except in case of fraud or in case no return was filed, for collection of the tax by distraint or suit is six years after assessment if assessment of the tax was made within the statutory period of limitation or prior to the expiration of any period for collection agreed upon in writing by the Commissioner and the executor. If an extension of time for payment of tax is granted under the provisions of section 822 (a) (2) or section 871 (h), the running of the statute of limitations on collection by distraint or suit is suspended for the period of such extension.

(b) *Administrative proceedings for enforcing liability of a transferee or fiduciary.* The amount for which a transferee of the property of a decedent is liable, at law or in equity, and the amount of the personal liability of a fiduciary under section 3467 of the Revised Statutes, as amended, in respect of any estate tax imposed by the Internal Revenue Code, whether shown on the return of the executor or determined as a deficiency in the tax, shall be assessed against such transferee or such fiduciary, as the case may be, and collected and paid, in the same manner and subject to the same provisions and limitations as in the case of a deficiency, except as hereinafter provided.

The term "transferee" as used in section 900 includes an heir, legatee, devisee, and distributee of an estate of a deceased person.

The period of limitation for assessment of the liability of a transferee or of a fiduciary is as follows:

(1) Within one year after the expiration of the period of limitation for assessment against the executor. (See sections 871, 872, 874, and 875, and § 81.74.)

(2) If a court proceeding against the executor for the collection of the tax has been begun within the period of limitation for the bringing of such proceeding, then within one year after the return of execution in such proceeding.

If a notice of the liability of a transferee, or the liability of a fiduciary, has been mailed to such transferee or to such fiduciary under the provisions of section 871 (a) (see § 81.73), then the running of the statute of limitations shall be suspended for the period in which the Commissioner is prohibited from making the assessment (and in any event, if a proceeding in respect of the liability is placed on the docket of the Board, until the decision of the Board becomes final), and for 60 days thereafter.

If assessments have been made against several persons covering the same tax liability, and payment of such liability by one or more such persons has been duly certified to the Commissioner, the Commissioner, for the purpose of temporarily relieving the collector from liability under section 3950 of the Internal Revenue Code, may authorize him to take credit temporarily with respect to the assessments not specifically paid. Such action, however, shall not constitute an abatement and shall not discharge the liability of the persons concerned.*

RECORDS, STATEMENTS, AND SPECIAL RETURNS

SEC. 821. [Part II, Subchapter A.] RETURNS.

• • • • • •

(d) *Records, statements, and returns.* Every person liable to any tax imposed by this subchapter, or for the collection thereof, shall keep such records, render under oath such statements, make such returns, and comply with such rules and regulations, as the Commissioner, with the approval of the Secretary, may from time to time prescribe.

• • • • • •

SEC. 3603. [Chapter 34.] NOTICE REQUIRING RECORDS, STATEMENTS, AND SPECIAL RETURNS.

Whenever in the judgment of the Commissioner necessary he may require any person, by notice served upon him, to make a return, render under oath such statements, or keep such records as the Commissioner deems sufficient to show whether or not such person is liable to tax.

SEC. 3632. [Chapter 34.] AUTHORITY TO ADMINISTER OATHS, TAKE TESTIMONY, AND CERTIFY.

(a) *Internal revenue personnel—(1) Persons in charge of administration of internal revenue laws generally.* Every collector, deputy collector, internal revenue agent, and internal revenue officer assigned to duty under an internal revenue agent, is authorized to administer oaths and to take evidence touching any part of the administration of the internal revenue laws with which he is charged, or where such oaths and evidence are authorized by law or regulation authorized by law to be taken.

• • • • • •

(b) *Others.* Any oath or affirmation required or authorized by any internal revenue law or by any regulations made under authority thereof may be administered by any person authorized to administer oaths for general purposes by the law of the United States, or of any State, Territory, or possession of the United States, or of the District of Columbia, wherein such oath or affirmation is administered, or by any consular officer of the United States. This subsection shall not be construed as an exclusive enumeration of the persons who may administer such oaths or affirmations.

§ 81.103 *Executor's duty to keep records.* It is the duty of the executor to keep such records as the Commissioner may require. Executors are required to keep such complete and detailed records of the affairs of the estate as will enable the Commissioner to determine accurately the amount of the tax liability.*

§ 81.104 *Executor's duty to render statements.* It is the duty of the executor not only to make the formal return, but also to render any other sworn statement which the Commissioner may require for the purpose of determining whether a tax liability exists and, if so, the extent thereof.*

ESTATES ADMINISTERED IN THE UNITED STATES COURT FOR CHINA

SEC. 851. [Part II, Subchapter A.] CITIZENS WITH ESTATES IN CHINA.

The term "resident" as used in this subchapter includes a citizen of the United States with respect to whose property any probate or administration proceedings are had in the United States Court for China.

SEC. 920 [Part IV, Subchapter A.] PAYMENT OF TAX.

In the case of a resident within the meaning of section 851—

(a) *To Clerk of United States Court for China.* Where no part of the gross estate of the decedent is situated in the United States at the time of his death, the total amount of tax due under this subchapter shall be paid to or collected by the clerk of the United States Court for China;

(b) *To Collector.* Where any part of the gross estate of the decedent is situated in the United States at the time of his death, the tax due under this subchapter shall be paid to or collected by the collector of the district in which is situated the part of the gross estate in the United States, or, if such part is situated in more than one district, then the collector of such district as may be designated by the Commissioner.

SEC. 921. [Part IV, Subchapter A.] AUTHORITY OF CLERK OF UNITED STATES COURT FOR CHINA TO ACT AS COLLECTOR.

For the purpose of section 920 the clerk of the United States Court for China shall be a collector for the territorial jurisdiction of such court, and taxes shall be collected by and paid to him in the same manner and subject to the same provisions of law, including penalties, as the taxes collected by and paid to a collector in the United States.

NOTICE OF PERSONS ACTING AS FIDUCIARY

SEC. 901. [Part IV, Subchapter A.] NOTICE OF FIDUCIARY RELATIONSHIP.

(a) *Fiduciary of decedent.* Upon notice to the Commissioner that any person is acting as executor, such person shall assume the powers, rights, duties, and privileges of an executor in respect of the tax imposed by this subchapter until notice is given that such person is no longer acting as executor.

(b) *Fiduciary of transferee.* Upon notice to the Commissioner that any person is acting in a fiduciary capacity for a person subject to the liability specified in section 900, the fiduciary shall assume on behalf of such person the powers, rights, duties, and privileges of such person under such section (except that the liability shall be collected from the estate of such person), until notice is given that the fiduciary capacity has terminated.

(c) *Manner of notice.* Notice under subsection (a) or (b) shall be given in accordance with regulations prescribed by the Commissioner with the approval of the Secretary.

(d) *Address for notice of liability.* In the absence of any notice to the Commissioner under subsection (a) or (b), notice under this subchapter of a deficiency or other liability, if addressed in the name of the decedent or other person subject to liability and mailed to his last known address, shall be sufficient for the purposes of this subchapter.

§ 81.105 *Notice of persons acting as fiduciary.* The "notice to the Commissioner" provided for in section 901 shall be in writing signed by the fiduciary and filed with the Commissioner, setting forth the name and address of the person for whom he is acting in a fiduciary capacity and also the nature of the liability of such person, accompanied by satisfactory evidence of his authority to act for such person in the fiduciary capacity. If the fiduciary capacity exists by order of court, a certified copy of the order of the court may be regarded as such satisfactory evidence. The written notice to the Commissioner need not be accompanied by evidence of the authority of the fiduciary to act if there is already on file with the Commissioner satisfactory evidence of the authority to act. Any such written notice which has been filed with the Commissioner since the enactment of the Internal Revenue Code shall be considered as sufficient notice to the Commissioner within the meaning of section 901 if and when there is or has been filed with the Commissioner the satisfactory evidence herein provided for. When the fiduciary capacity has terminated, the fiduciary, in order to be relieved of any further duty or liability as such, must file with the Commissioner written notice that the fiduciary capacity has terminated as to him, accompanied by satisfactory evidence of the termination of the fiduciary capacity. Such written notice should state the name and address of the person, if any, who has been substituted as fiduciary.

This section, made under the provisions of section 901; shall not be taken to abridge in any way the powers and duties of fiduciaries provided for in other sections of the Internal Revenue Code.*

MISCELLANEOUS PROVISIONS

SEC. 840. [Part II, Subchapter A.] OTHER LAWS APPLICABLE.

All administrative, special, or stamp provisions of law, including the law relating to the assessment of taxes, so far as applicable, shall be extended to and made a part of this subchapter.

SEC. 3791. [Chapter 38.] RULES AND REGULATIONS.

(a) *Authorization—(1) In general.* • • • the Commissioner, with the approval of the Secretary, shall prescribe and publish all needful rules and regulations for the enforcement of this title.

(2) *In case of change in law.* The Commissioner may make all such regulations, not otherwise provided for, as may have become necessary by reason of any alteration of law in relation to internal revenue.

(b) *Retroactivity of regulations or rulings.* The Secretary, or the Commissioner with the approval of the Secretary, may prescribe the extent, if any, to which any ruling, regulation, or Treasury Decision, relating to the internal revenue laws, shall be applied without retroactive effect.

SEC. 3902. [Chapter 38.] SEPARABILITY CLAUSE.

If any provision of this title, or the application thereof to any person or circumstances, is held invalid, the remainder of the title, and the application of such provisions to other persons or circumstances, shall not be affected thereby.

In pursuance of the Internal Revenue Code, approved February 10, 1939, and applicable only to estate taxes on estates of decedents dying after that date, the foregoing regulations are hereby prescribed and Regulations 80 (1937 Edition), as amended by Treasury decisions relating thereto, insofar as they relate or have been made applicable to the estate taxes imposed by the Internal Revenue Code, are hereby superseded.

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: February 18, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-1581; Filed, February 23, 1942; 11:54 a. m.]

[T.D. 5119]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

REGULATIONS 103 AMENDED TO CONFORM TO PUBLIC LAW 436 (77TH CONGRESS), SIMPLIFYING THE PROCEDURE IN CONNECTION WITH THE AMORTIZATION OF CERTAIN FACILITIES

In order to conform Regulations 103 [Part 19, Code of Federal Regulations, 1940 Sup.] to the provisions of Public Law 436 (77th Congress), approved February 6, 1942, such regulations are amended as follows:

PARAGRAPH 1. By inserting immediately preceding § 19.124-1, as added by Treasury Decision 5016,[1] approved October 23, 1940, and as amended by Treasury Decision 5049,[2] approved May 29, 1941, and Treasury Decision 5104, approved December 23, 1941, the following:

PUBLIC LAW 436, APPROVED FEBRUARY 6, 1942

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, effective as of October 8, 1940, section 124 (f), as amended, of the Internal Revenue Code, is hereby repealed.

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[1] 5 F.R. 4217.
[2] 6 F.R. 2711.
[3] 6 F.R. 6731.

PAR. 2. By amending the first sentence of § 19.124–2, as added by Treasury Decision 5016 and amended by Treasury Decision 5104, to read as follows:

If the Secretary of the Department concerned makes the required certification of necessity, a corporation is entitled, at its election, to a deduction with respect to the amortization of the adjusted basis of an emergency facility, such amortization to be based generally on a period of 60 months.

PAR. 3. By striking out § 19.124–9, as added by Treasury Decision 5016 and amended by Treasury Decisions 5049 and 5104.

(This Treasury decision is issued under the authority contained in Public Law 436 (77th Congress), approved February 6, 1942, and section 62 of the Internal Revenue Code, 53 Stat. 32 (26 U.S.C. 62))

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: February 23, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-1631; Filed, February 24, 1942; 11:35 a. m.]

[T. D. 5118]

PART 182—INDUSTRIAL ALCOHOL

AMENDMENT OF APPENDIX TO REGULATIONS NO. 3, REVISED 1938

Pursuant to authority in sections 3070 (a), 3105 (a), 3124 (a) (6), and 3176 (a), Internal Revenue Code, the Appendix to Regulations No. 3, approved December 29, 1938 (Appendix to Part 182, Code of Federal Regulations) is hereby amended by modifying Specially Denatured Alcohol Formula No. 27–B and by authorizing a new Specially Denatured Alcohol Formula No. 40–A, as follows:

Formula No. 27–B

To every 100 gallons of ethyl alcohol of not less than 190° proof add:

1 gallon Oil of Lavender Flowers U. S. P. or

1 gallon Oil of Cedar Leaf U. S. P. and 100 pounds Soft Soap U. S. P.

Formula No. 40–A

To every 100 gallons of ethyl alcohol of not less than 190° proof add:

5 pounds of Sucrose Octa Acetate, and

$\frac{1}{8}$ gallon Denaturing Grade Tertiary Butyl Alcohol.

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: February 23, 1942.

JOHN L. SULLIVAN.
Acting Secretary of the Treasury.

[F. R. Doc. 42-1630; Filed, February 24, 1942; 11:35 a. m.]

TITLE 28—JUDICIAL ADMINISTRATION

CHAPTER I—DEPARTMENT OF JUSTICE

PART 30 [1]—TRAVEL AND OTHER CONDUCT OF ALIENS OF ENEMY NATIONALITIES

Section 30.2 is amended by adding thereto paragraphs (c), (d) and (e).

§ 30.2 *Classes of persons not required to comply with these regulations.* • • •

• • • • • •

(c) Subjects or citizens of Italy who were, prior to August 6, 1924 (1) Turkish subjects or persons of Greek extraction and (2) habitual residents of the Aegean, or Dodecanese Islands, or Islets dependent thereon, provided that said aliens have not at any time voluntarily become German, Italian or Japanese citizens or subjects.

(d) Aliens who became subjects or citizens of Italy by virtue of marriage or relationship to the persons described in paragraph (c) of this section, provided that said aliens have not at any time voluntarily become German, Italian or Japanese citizens or subjects.

(e) Aliens of enemy nationalities during their term of military service in the armed forces of the United States.

Dated: February 19, 1942.

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 42-1623; Filed, February 24, 1942; 10:48 a. m.]

PART 30 [1]—TRAVEL AND OTHER CONDUCT OF ALIENS OF ENEMY NATIONALITIES

Section 30.7 is amended by changing the title thereof and adding thereto paragraph (c).

§ 30.7 *Change of place of abode, employment, or name and use of assumed name.*

• • • • • •

(c) The several United States Attorneys are hereby authorized to grant permission in writing to an alien of enemy nationality to assume or use a name for business or professional purposes, other than that given as the alien's legal name in the Certificate of Identification, where it appears to the satisfaction of the United States Attorney that the granting of the permission is needful or useful to the applicant's regular and customary mode of earning a livelihood and it appears that the granting of permission will not in any manner be detrimental to the national security. The alien shall make written application to the United States Attorney for the District of his residence stating his name, Certificate of Identification number after it is obtained, residence, business address, the name which he desires to assume, the reasons therefor and any prior use by him of the assumed name for which he desires permission or any other assumed name. Where granted, such permission shall be in writing and shall be expressly limited to the needs of the particular case and may, in the discretion of the United States Attorney, be further limited and restricted in any manner and respect which he shall deem to be in the interest of national security.

Dated: February 21, 1942.

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 42-1619; Filed, February 24, 1942; 10:43 a. m.]

[1] 7 F.R. 844, 1084.

PART 30 [1]—TRAVEL AND OTHER CONDUCT OF ALIENS OF ENEMY NATIONALITIES

Upon the recommendations of the Secretary of War, § 30.15 (a) is amended by adding thereto as subparagraph (4), the following areas which are designated as prohibited areas in which no alien of enemy nationality (German, Italian or Japanese) shall reside, enter upon, remain or be found after February 15, 1942 with such exceptions as hereafter may be provided by the Attorney General:

§ 30.15 *Prohibited and restricted areas.* • • •

(a) • • •

(4) Prohibited Areas in State of California:

Prohibiting Area No. 3. Commencing at the mouth of the Mad River and following up Mad River to U. S. Highway No. 101; then southward on U. S. Highway No. 101 to the Eel River to the Pacific Ocean and up along the coast to the point of beginning.

Prohibited Area No. 6. Commencing at the mouth of South Fork Ten Mile River, thence up the South Fork Ten Mile River to State Highway No. 1, turning south along State Highway No. 1 to the Navarro River, then down the Navarro River to the Pacific Ocean, thence north along the coast to the point of beginning.

Prohibited Area No. 8. Commencing at the mouth of Salmon Creek going up Almon Creek to State Highway No. 1, turning south on State Highway No. 1 to U. S. Highway No. 101, following south along U. S. Highway No. 101 to the northern boundary line of the military reservations of Forts Baker and Barry, then along the northern boundary line of Forts Baker, Barry, and Cronkhite to the Pacific Ocean, then up the coast to the point of beginning.

Prohibited Area No. 10. Commencing at the north end of the Carquinez Toll Bridge, then north along United States Highway No. 40 to the intersection of Highway No. 40 and an unnamed highway which extends between Sulphur Springs and Flosden just north of Lake Chabot, following the said unnamed highway westward to Flosden, then southwest along State Highway No. 48 to the westerly boundary of the Mare Island, U. S. Navy Yard; continuing south along that western boundary of the Mare Island, U. S. Navy Yard to San Pablo Bay, and following in a southeasterly direction the shore line of Mare Island and across Mare Island Strait to the point of beginning.

Prohibited Area No. 12. Commencing on the bank of the Sacramento River just west of Middle Point. The boundary line of this area then runs south along an unnamed road to the Contra Costa Canal, then easterly along the Contra Costa Canal to the road which is immediately east of the Black Diamond Railroad, then south along the road through Nortonville and Summerville; then east along said road, to a certain road running north to Antioch, continuing north along the latter road through Antioch to the bank of the San Joaquin River opposite Kimball Island.

Prohibited Area No. 13. Commencing at the west end of Berkeley Municipal Fishing Pier. The line runs then east along said pier to University Avenue, then east along University Avenue to Grove Street, then north along Grove Street to Arlington Avenue, then continues north along Arlington Avenue to Barret Avenue to United States Highway No. 40, follows United States Highway No. 40 north to San Pablo Creek Road, then along San Pablo Creek Road easterly to the road across Sobrante Ridge which connects the San Pablo Creek Road and the Pinole Valley Road to the Alhambra Valley Road and easterly along the Alhambra Valley Road to a road running north to Muir, continues along said road to Muir then east along California State Highway No. 4 to the Sacramento Northern Ry., and continues north along the Sacramento Northern Ry. to Suisun Bay.

Prohibited Area No. 16. Alameda County. The area in Oakland bounded on the east by the Southern Pacific Railroad tracks, on the north by the Bay Bridge Approach, on the south by 7th Street and on the west by the Outer Harbor from the intersection of Terminal and 7th Street Northeast to the Key System ferry slips.

Prohibited Area No. 18. Commencing at the north end of the San Leandro Bay Bridge. The line runs northeast from that point along High Street to East 12th Street, then northwest along East 12th Street and 8th Street to Harrison Street, then south along Harrison Street through Posey Tube and along Webster Street to San Francisco Bay at Neptune Beach, then along the shore to the point of beginning.

Prohibited Area No. 19. Covers the Embarcadero from Pier #46 to Pier #14, and the entire waterfront from China Basin to the Presidio Reservation boundary line.

Prohibited Area No. 26. Commencing at the mouth of Purisima Creek, then up the creek to State Highway No. 1 continuing north on State Highway No. 1 to Princeton, then due west from Princeton to the Pacific Ocean and following south along the shore line to the point of beginning.

Prohibited Area No. 28. Commencing at the mouth of Laguna Creek running up the Creek to State Highway No. 1, then south on State Highway No. 1 to the Carmel River and along the Carmel River to the Pacific Ocean, then up the shore line to the point of beginning.

Prohibited Area No. 31. Commencing at Cambria on the Pacific Ocean and running south along State Highway No. 1 to the Santa Maria River, then following the Santa Maria River west to the Pacific Ocean and along the shore line up to the point of beginning.

Prohibited Area No. 32. The area bounded on the north by Stockton Channel, on the east by Lincoln Street (from 100 block to 1300 block), on the south by Charter Way Road to Santa Fe Railroad, on the west by the San Joaquin River.

Prohibited Area No. 33. It is a rectangle which includes the Municipal Airport and is bounded by the shore line on the west, Rosecrans Avenue on the south, Western Avenue on the east and Manchester Avenue on the north.

Prohibited Area No. 34. The area in Santa Monica bounded by Centinella Street, Pico Street, Lincoln Blvd. and Venice Blvd.

Prohibited Area No. 36. The area in Inglewood bounded by Industrial Street, Centinella Blvd., Exton Street and Hazel Street.

Prohibited Area No. 48. Beginning at the water front along Beach Street east to Kettner Blvd., then north and northwest to Vine Street, then northwest on Hancock Street to Winder Street, then northwest on La Jolla Avenue to San Diego Avenue, then northwest on San Diego Avenue to Taylor Street turning west on Taylor Street to Rosecrans Street then southwest on Rosecrans Street to Mission Bay Causeway (Midway Road), then southeast to U. S. Marine Corps Base.

(5) Prohibited Areas in State of Arizona:

Prohibited Area No. 1. Cochise Radio Beam Tower. From the intersection of Highway 81 and a paved road to Manzoro, four miles south of Cochise, south 225 yards along Highway 81, thence 225 yards west along fence, thence north 255 yards along fence to paved road, thence 225 yards east along paved road to intersection with Highway 81. All roads exclusive.

Prohibited Area No. 2. KSUN Broadcasting Station, Bisbee, Arizona. From the intersection on the Southern Pacific Railroad and an oiled road at the Lowell Station, north along the Southern Pacific Railroad 150 yards, thence east to an unimproved road, thence south along the unimproved road to the intersection with an oiled road, thence west along the oiled road to the intersection with the Southern Pacific Railroad. All roads exclusive.

Prohibited Area No. 3. Central Arizona Light and Power Company Plant, Phoenix, Arizona. From the intersection of Lateral 16 and the Southern Pacific Railroad, south along Lateral 16 880 yards, thence west along Highway 80 880 yards thence north 880 yards to Southern Pacific Railroad thence east along Southern Pacific Railroad 880 yards to the intersection with Lateral 16. All roads exclusive.

Prohibited Area No. 4. KOY Broadcasting Station, Phoenix, Arizona. From the intersection of Camel Back Road and 11th Street, west along Camel Back Road 500 feet, thence north 500 feet, thence east 500 feet to 12th Street, thence south along 12th Street to the intersection with Camel Back Road. All roads exclusive.

Prohibited Area No. 5. KPHO Broadcasting Station, Phoenix, Arizona. From the intersection of Buckeye Road and 24th Avenue, east along Buckeye Road 465 feet, thence south 465 feet, thence west 465 feet to 24th Avenue, thence along 24th Avenue 465 feet to the intersection with Buckeye Road. All roads exclusive.

Prohibited Area No. 6. Water Users' Sub-station (Switching Point). From a point on the south side of Buckeye Road, 300 feet east of 17th Avenue, east 165 feet along Buckeye Road, thence south 600 feet, thence west 165 feet, thence north 600 feet to the intersection with Buckeye Road. All roads exclusive.

Prohibited Area No. 7. Phoenix Sub-Station (Switching Point). From a point at the intersection of 1st Avenue and the Southern Pacific Railroad, south along 1st Avenue to the intersection with West Lincoln Street, thence west along West Lincoln Street to the intersection with 3rd Avenue, thence north along 3rd Avenue to the intersection with West Buchanan Street, thence east along West Buchanan Street to the intersection with 2nd Avenue, thence north along 2nd Avenue to the intersection with the Southern Pacific Railroad, thence east along the Southern Pacific Railroad to the intersection with 1st Avenue. All roads exclusive.

Prohibited Area No. 8. KTAR Broadcasting Station, Phoenix, Arizona. From the intersection of East Thomas Road and 36th Street, east on East Thomas Road, 440 yards, thence south 440 yards, thence west 440 yards to 36th Street, thence north along 36th Street 440 yards to the intersection with East Thomas Road. All roads exclusive.

Prohibited Area No. 9. Water Supply Reservoir, Phoenix, Arizona. A rectangular space 200 yards by 250 yards located on the north side of East Thomas Road 600 yards west of intersection of East Thomas Road with Ingleside Avenue.

Prohibited Area No. 10. Phoenix Radio Beam Tower. From a point on Hunter Drive, $1\frac{1}{8}$ miles north of 8th Street, Tempe, 225 yards north along fence, thence 225 yards east along fence, thence 225 yards south along fence, thence 225 yards west along fence to Hunter Drive. All roads exclusive.

Prohibited Area No. 11. Cross-Cut Power Plant, Tempe, Arizona. From the intersection of the Overflow Canal and Highway 80, north 165 yards along Highway 80, thence west 165 yards to South-

ern Pacific Railroad, thence south along Southern Pacific Railroad 165 yards to Overflow Canal, thence east 165 yards along Overflow Canal to the intersection with Highway 80.

Prohibited Area No. 12. Mesa Sub-Station (Switching Point). From a point on the north side of 4th Street, 1 mile east of Mesa Drive at the intersection of 4th Street and a paved road, east along 4th Street 400 feet, thence north 400 feet, thence west 400 feet to a paved road, thence south 400 feet along the paved road to the intersection with 4th Street. All roads exclusive.

Prohibited Area No. 13. KVOA, Broadcasting Station, Tucson, Arizona. From the intersection of 12th Avenue and Lee Street, west along Lee Street 600 feet, thence north 600 feet, thence east 600 feet to 12th Avenue, thence south along 12th Avenue to the intersection with Lee Street. All roads exclusive.

Prohibited Area No. 14. Tucson Gas, Electric Light and Power Co., Tucson, Arizona. From the intersection of 5th and Court Streets, south along Court Street to the intersection with 6th Street, thence west along 6th Street to the intersection with Main Street, thence north along Main Street to the intersection with 5th Street, thence along 5th Street to the intersection with Court Street. All roads exclusive.

Prohibited Area No. 15. KTUC, Broadcasting Station, Tucson, Arizona. From the intersection of 6th Avenue and 12th Street, west along 12th Street to intersection with Scott Street, thence north along Scott Street to the intersection with Broadway, thence east along Broadway to the intersection with 6th Avenue, thence along 6th Ave. to the intersection with 12th St. All roads exclusive.

Prohibited Area No. 16. Imperial Dam, located at the southern end of Imperial Reservoir, on the Colorado River, 20 miles north of Yuma, Arizona.

Prohibited Area No. 17. Laguna Dam, located at the southern end of Laguna Reservoir, on the Colorado River, 15 miles north of Yuma, Arizona.

Prohibited Area No. 18. KYUM, Broadcasting Station, Yuma, Arizona. From the intersection of 1st Street and 19th Avenue, south along 19th Avenue to the intersection with the West Main Canal, thence west along the West Main Canal to the intersection with 20th Avenue, thence north along 20th Avenue to the intersection with 1st Street, thence east along 1st Street to the intersection with 19th Avenue. All roads exclusive.

Dated: February 21, 1942.

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 42-1621; Filed, February 24, 1942; 10:47 a. m.]

PART 30 [1]—TRAVEL AND OTHER CONDUCT OF ALIENS OF ENEMY NATIONALITIES

Section 30.15 is amended by adding to paragraph (b) thereof subparagraph (1).

[1] 7 F.R. 844, 1084.

§ 30.15 *Prohibited and restricted areas.* Notwithstanding the provisions of § 30.3, the presence and conduct of an alien of enemy nationality are controlled in certain areas as follows:

* * * * *

(b) * * *

(1) The following conditions are prescribed:

(i) No alien of enemy nationality shall between the hours of 9 P. M. and 6 A. M be absent from the place of residence indicated on his Certificate of Identification.

(ii) At all other times an alien of enemy nationality shall be found only (*a*) at said place of residence or within a distance of five miles therefrom; (*b*) at the place of employment indicated on his Certificate of Identification; or (*c*) travelling between the said place of residence and the said place of employment.

(iii) The several United States Attorneys are hereby authorized to grant exceptions to the above prescribed conditions where, after sufficient investigation, a compelling reason for such an exception is found to exist. The alien shall make written application to the United States Attorney for the District of his residence for such an exception stating his name, Certificate of Identification number after it is obtained, residence, business address, the specific exception which he desires and the reasons therefor. During the pendency of his application the applicant must comply with the above conditions. Where granted, such exception shall be expressly limited to the needs of the particular case and may, in the discretion of the United States Attorney, be further limited and restricted in any manner and respect which he shall deem to be in the interest of national security. When granted, the exception shall be endorsed in full by the United States Attorney on the applicant's Certificate of Identification.

Dated: February 21, 1942.

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 42-1618; Filed, February 24, 1942; 10:43 a. m.]

PART 30 [1]—TRAVEL AND OTHER CONDUCT OF ALIENS OF ENEMY NATIONALITIES

Upon the recommendation of the Secretary of War, § 30.15 (b) is amended by adding thereto as subparagraph (2) the following areas which are designated as restricted areas in which no aliens of enemy nationality (German, Italian or Japanese) shall reside in, enter upon, remain in, or be found within after February 24, 1942 except that permits may be issued to such aliens to be in such restricted areas under prescribed conditions:

§ 30.15 *Prohibited and restricted areas.* * * *

* * * * * *

(b) * * *

* * * * * *

(2) Restricted areas of California:

Restricted Area No. 1. The area comprised within the boundaries of the Oregon-California State Line on the north, the Pacific Ocean on the west, the boundary between the Northern California Sector and the Southern California Sector on the south and on the east by a line running north and south beginning at the point where the easterly boundary line of the right-of-way of U. S. Highway No. 99 crosses the Oregon-California State Line in Siskiyou County northeast of Hilt and ending at a point on Route No. 99 above Wheeler Ridge, Kern County. There is excluded from this area, Prohibited Areas Nos. 1 to 32, inclusive, which have been designated as Prohibited Areas. The north and south line representing the eastern boundary follows an irregular course and is described as follows: Commencing at the Oregon-California State Line and following the easterly boundary line of the right-of-way of U. S. Highway No. 99 in a southerly direction to the point where the said easterly boundary line intersects the southerly boundary line of the right-of-way of the California State Highway No. 96, projected. The line then runs in a westerly and southerly direction along the easterly boundary line of California State Highway No. 96 to the point where that Highway intersects the northerly boundary of the right-of-way of U. S. Highway No. 299; it then follows in a southeasterly direction along U. S. Highway No. 299 to the point where the northerly boundary line of the right-of-way of U. S. Highway No. 299 intersects the eastern boundary line of Humboldt County to the north boundary line of Mendocino County, California, then west along the north boundary of Mendocino County to the easterly boundary line of the right-of-way of U. S. Highway No. 101. The line follows then in a southerly direction along the easterly boundary of U. S. Highway No. 101 to the point where it intersects the northerly boundary line of California State Highway No. 20 and then in an easterly direction along the California State Highway No. 20 northerly boundary line to the point where it intersects the easterly boundary line of the right-of-way of U. S. Highway No. 99 East at or near Marysville, California. The line then follows in a southerly direction along the easterly boundary line of the right-of-way of U. S. Highway No. 99 East to the point where it intersects the easterly boundary line of the right-of-way of U. S. Highway No. 99 in or near the city of Sacramento, California, and then in a southerly direction along the easterly boundary line of the right-of-way of U. S. Highway No. 99 to the point where it intersects the southerly boundary line of California State Highway No. 120 in or near the town of Mantega, California. It follows then in a westerly direction along the southerly boundary line of the right-of-way of California State Highway No. 120 to the point where the same intersects the southerly boundary line of the right-of-way of U. S. Highway No. 50. It follows then in a westerly direction along the southerly boundary line of the right-of-way of U. S. Highway No. 50 to the point where the same intersects the easterly boundary line of the right-of-way of California State Highway No. 33, near Tracy, California. It follows then in a southerly direction along the easterly boundary line of the right-of-way of California State Highway No. 33, near Tracy, California. It follows then in a southerly direction along the easterly boundary line of the right-of-way of California State Highway No. 33 to the point where it, if projected, intersects the southerly boundary line of the right-of-way of California State Highway No. 152, in or near the town of Los Banos, California. It follows then in a westerly direction along the southerly boundary line of the right-of-way of California State Highway No. 152 to the point where the same intersects the easterly boundary line of the right-of-way of California State Highway No. 156. It follows then in a southerly direction along the easterly boundary line of the right-of-way of California State Highway No. 156 to the point where the same intersects the easterly boundary line of the right-of-way of California State Highway No. 25 in or near the town of Hollister, California. It follows then in a southerly direction along the easterly boundary line of the right-of-way of California State Highway No. 25 to the point where it intersects the northerly boundary line of the right-of-way of California State Highway No. 198 at or near the town of Priest Valley, California. It follows then in an easterly direction along the northerly boundary line of the right-of-way of California State Highway No. 198 to the point where it intersects the easterly boundary line of the right-of-way of California State Highway No. 33, projected in or near the town of Coalinga, California. It follows then in a southerly direction along the easterly boundary line of the right-of-way of California State Highway No. 33 to the point where it intersects the northerly boundary line of the right-of-way of California State Highway No. 166 in or near the town of Maricopa, California. It follows then in an easterly direction along the northerly boundary line of the right-of-way of California State Highway No. 166 to the point where it, projected, intersects the easterly boundary line of the right-of-way of U. S. Highway No. 99. It follows then in a southerly direction along the easterly boundary line of the right-of-way of U. S. Highway No. 99 to the point where the same intersects the boundary between the Northern California Sector and the Southern California Sector of the Western Defense Command. The boundary between the Northern California Sector and the Southern California Sector of the Western Defense Command commences at a point on the coast line slightly below Point Sal and follows in an east, northeast direction through Schuman, just below Lake View, just above Gates, just below Pattiway and ends at a point on U. S. Highway No. 99 slightly below California State Highway 166. The southern boundary of Restricted Area No. 1 commences at a point below 35 degrees latitude and extends west, northwest so as to cross the line of 35 degrees latitude and ends at a point above 35 degrees latitude.

Restricted Area No. 2. Shasta County. The area within a distance of 500 ft. in any direction from the Hat Creek No. 1 Hydro Electric Generating Plant of the Pacific Gas and Electric Company. Postoffice address, Cassel, California.

Restricted Area No. 3. Shasta County. The area within a distance of 500 ft. in any direction from the Hat Creek No. 2 Hydro Electric Generating Plant of the Pacific Gas and Electric Company. P. O. address, Cassel, California.

Restricted Area No. 4. Shasta County. The area within a distance of 500 ft. in any direction from the Coleman Hydro Electric Generating Plant of the Pacific Gas and Electric Company. P. O. Address, Cottonwood, California.

Restricted Area No. 5. Butte County. The area within a distance of 500 ft. in any direction from the De Salba Hydro Electric Generating Plant of the Pacific Gas and Electric Company. P. O. Address, De Salba, California.

Restricted Area No. 6. Yuba County. The area within a distance of 500 ft. in any direction from the Colgate Hydro Electric Generating Plant of the Pacific Gas and Electric Company. P. O. Address, Dobbins, California.

Restricted Area No. 7. Nevada and Placer Counties. The area within a distance of 300 ft. in any direction from the Spaulding No. 1 Hydro Electric Generating Plant of the Pacific Gas and Electric Company. P. O. Address, Emigrant Gap, California.

Restricted Area No. 8. Nevada and Placer Counties. The area within a distance of 300 ft. in any direction from the Spaulding No. 2 Hydro Electric Generating Plant of the Pacific Gas and Electric Company. P. O. Address, Emigrant Gap, California.

Restricted Area No. 9. Nevada and Placer Counties. The area within a distance of 300 ft. in any direction from the Spaulding No. 3 Hydro Electric Generating Plant of the Pacific Gas and Electric Company. P. O. Address, Emigrant Gap, California.

Restricted Area No. 10. Placer County. The area within a distance of 500 ft. in any direction from the Halsey Hydro Electric Generating Plant of the Pacific Gas and Electric Company, P. O. Address, Auburn, California.

Restricted Area No. 11. Placer County. The area within a distance of 500 ft. in any direction from the Wise Hydro Electric Generating Plant of the Pacific Gas and Electric Company. P. O. Address, Auburn, California.

Restricted Area No. 12. Mono County. The area within a distance of 500 ft. in any direction from the Big Creek Hydro Electric Generating Plant of the California Electric Pacific Company located 7 miles north of Bishop, California.

Effective date of these designations is February 24, 1942.

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 42-1620; Filed, February 24, 1942; 10:43 a. m.]

PART 30—TRAVEL AND OTHER CONDUCT OF ALIENS OF ENEMY NATIONALITIES

Part 30 [1] is amended by adding the following new sections:

Sec.
30.51 Persons required to apply.
30.52 Persons not required to apply.
30.53 Places to apply.
30.54 Time to apply.
30.55 Modifications of time to apply.
30.56 Method of making application for Certificate of Identification.
30.57 Certificates of Identification.
30.58 Disposition of application forms.
30.59 Nature of information.
30.60 Changes of name, residence, or employment.
30.61 Use of assumed name.
30.62 Compliance with all regulations of conduct of applicants.
30.63 Violation of regulations.

§ 30.51 *Persons required to apply.* Except as hereinafter expressly excluded by § 30.52, persons in the United States (including Puerto Rico and the Virgin Islands) required to apply for Certificates of Identification, and otherwise to comply with these regulations, are as follows:

(a) All aliens who are of the age of 14 years or upward and who are German, Italian, or Japanese citizens or subjects.

(b) All aliens of the age of 14 years or upward who at present are stateless but who, at the time at which they became stateless, were German, Italian, or Japanese citizens or subjects.

(c) All aliens, of the classes described in paragraphs (a) and (b) of this section, who have not reached the age of 14 years at the time that applications for Certificates of Identification are required, shall from that time forward and so long as the said Presidential Proclamation dated January 14, 1942, shall remain in effect, immediately upon reaching the age of 14 years, present themselves at the nearest appropriate post office or such other place as may be hereafter designated, and make application for such Certificate of Identification.*

*§§ 30.51 to 30.63 inclusive issued under the authority contained in Proclamation 2525, December 7, 1941, Proclamations 2526 and 2527, December 8, 1941, and 6 F.R. 6321, 6323 and 6324, December 10, 1941 and Proc. 2537, January 14, 1942, 7 F.R. 329, January 17, 1942; Rev. Stat. sec. 4067, 50 U.S.C. sec. 21.

§ 30.52 *Persons not required to apply.* Classes of aliens not required to apply for Certificates of Identification, or otherwise to comply with these regulations, include the following:

(a) German, Italian, or Japanese citizens or subjects who, before December 7, 1941, in the case of former Japanese subjects and before December 8, 1941, in the case of former German or Italian citizens, became citizens of any nation other than Germany, Italy, or Japan: *Provided*, That such persons have not, by special license or otherwise, retained their status as German, Italian, or Japanese citizens or subjects.

(b) Austrians or Austrian-Hungarians (Austro-Hungarians), who registered as such under the Alien Registration Act of

[1] 7 F.R. 844, 1084.

1940: *Provided*, That such persons have not at any time voluntarily become German, Italian, or Japanese citizens or subjects.

(c) Koreans who, under the Alien Registration Act of 1940, registered as Koreans, provided that such persons have not at any time voluntarily become German, Italian, or Japanese citizens or subjects.

(d) These regulations shall not be construed as defining or limiting the classes of "alien enemies" who are subject to apprehension, detention or internment, or to any of the other provisions of the Presidential Proclamations of December 7 and 8, 1941, and regulations heretofore or hereafter issued pursuant thereto.*

§ 30.53 *Places to apply.* (a) Persons required to apply for Certificates of Identification shall present themselves at the first-class, second class, or county-seat post office nearest to their places of residence, or at any other post office or other place which may hereafter be designated in accordance with instructions issued by the Post Office Department unless otherwise.

(b) Persons required to apply for Certificates of Identification who are unavoidably absent from their places of residence during the dates hereinafter designated for such places may, in order to relieve themselves from the penalties prescribed for failure to make such applications, present themselves at the place and time prescribed for applications in the district in which they temporarily are, and shall then and there file applications in the regular way, which applications, duly executed in duplicate, shall be immediately forwarded to the first-class, second-class, or county-seat post office nearest the habitual places of residence of such applicants and such post office shall deliver the Certificate of Identification to applicant as hereinafter provided.*

§ 30.54 *Time to apply.* Persons required to apply for Certificates of Identification shall apply at the time hereinafter set forth, as follows:

(a) Persons present within the States of Arizona, California, Idaho, Montana, Nevada, Oregon, Utah and Washington are required to apply between the dates of February 2 and February 9, 1942, both inclusive.

(b) Persons present within the continental United States elsewhere than in the above-enumerated States are required to apply between the dates of February 9, and February 28, 1942, both inclusive.

(c) Special provisions will be made as to the times and places to apply for Certificates of Identification in Puerto Rico and the Virgin Islands.*

§ 30.55 *Modifications of time to apply.* Provided that a person, who is subject to the regulations in this part and who falls into one of the following-described categories, has registered in compliance with the provisions of the Alien Registration Act of 1940, as evidenced by his possession of an Alien Registration Receipt Card, he shall be entitled to the following modification of the requirements of the regulations in this part:

(a) Persons who are inmates of asylums, jails, prisons, or penitentiaries, Federal or State, shall not be obliged to make application for a Certificate of Identification so long as they remain inmates of such institutions. Immediately upon their discharge from such institutions, however, such persons shall be under obligation to apply for such Certificates. Their applications shall be made either at (1) such institutions, if facilities therefor exist, or at (2) the first-class, second-class, or county-seat post office, or (3) such other place, nearest their residence, as may then be designated for the receiving of such applications.

(b) Persons who are so aged or infirm as to be confined permanently to their places of residence or to institutions shall not be obliged to make application for a Certificate of Identification so long as they shall be physically incapable of making such application at a post office.

(c) Persons who, during the period fixed for the filing of applications for Certificates of Identification, are temporarily bedridden, in hospitals or at their residences, must within 5 days of their recovery, make application for a Certificate of Identification at the place, nearest their place of residence, at which such applications are then being received. In order, however, to qualify for such temporary modification of the time requirements for making application, such persons must give, or must cause to be given in their behalf, a written notice setting forth their name, address, Alien Registration Receipt Card Number, age, nationality, the nature of their physical incapacity and its probable duration. Such notice must be accompanied by a Doctor's certificate and must be mailed or delivered, within the period fixed for the filing of applications for Certificates of Identification to the postmaster of the nearest first- or second-class or county-seat post office.

In the event that any person, subject to these regulations and falling within one of the above-enumerated categories, has not registered in compliance with the requirements of the Alien Registration Act of 1940, he shall give notice, or shall cause notice to be given in his behalf, to the postmaster of the nearest first-class, second-class, or county-seat post office; such notice shall contain his name, address, the fact of nonregistration, and shall be given during the period fixed for the filing of applications for Certificates of Identification.*

§ 30.56 *Method of making application for certificate of identification.* (a) Any postmaster in a first- or second-class post office in the United States, or in the post office at the seat of government of any county, parish, or equivalent subdivision in the United States, or in any other post office or other place which may hereafter be designated, or any postal employee designated by such postmaster, shall be an identification official, authorized to receive applications for Certificates of Identification in accordance with these regulations.

(b) Any postmaster who shall designate any person as an identification official shall certify that fact to the Department of Justice.

(c) Application shall be made by each person required to apply hereunder upon Form AR–AE–22, and the application shall in all respects conform to said form.

(d) A notice to all persons subject to these regulations, including abbreviated instructions and suggestions (Form AR–AE–21) shall be printed and placed in post offices and in such other places as may be deemed appropriate for general distribution; and, together with copies of these regulations, shall be posted at prominent places in post offices at which applications for Certificates of Identification will be filed.

(e) The identification official shall deliver to the applicant two copies of the form of application for Certificate of Identification (AR–AE–22).

(f) The applicant shall fill in the application forms (AR–AE–22) in duplicate, either personally or through a representative. If the applicant is unable to write or is unable to write clearly and legibly, the identification official shall, upon request of such applicant, fill in the application forms, in duplicate, with information furnished him by the applicant.

(g) The identification official shall request the applicant to produce his alien registration receipt card, and, upon its production, shall verify the number appearing thereon with the registration number inserted on the application for Certificate of Identification (Form AR–AE–22).

(h) After the application for Certificate of Identification (Form AR–AE–22) has been completed in duplicate, the identification official shall fill in the description of the applicant as the information is called for at the bottom of the Form AR–AE–22.

(i) The applicant shall furnish to the identification official three unmounted photographs of the applicant, with light background, 2 by 2 inches in size, on thin paper. Such photographs, in order to be acceptable, must clearly show a front view of the face of the applicant without hat, and applicant must state, and such must appear to be the fact, that such photographs were taken not more than 30 days prior to the date on which the application is presented.

(j) The application forms (AR–AE–22) must be personally signed in duplicate and sworn to (or affirmed) by the applicant before an identification official.

(k) If the applicant is unable to write, he must make his mark in the signature space in the application forms, and his mark shall be witnessed by a witness other than the identification official. The witness shall sign his name and address on the application forms near the mark, and the words "witnessed by" shall precede the signature of the witness.

(l) If the applicant has conscientious scruples against taking an oath, he may make affirmation to the truth and completeness of his statements and answers in the application.

(m) All identification officials are hereby authorized to administer to applicants the oath or affirmation required herein. The oath is to be taken by the applicant's raising his right hand and swearing to the truth and completeness of the statements and answers made by him in the application. Affirmation may be made by applicant's raising his right hand and declaring that he solemnly affirms the truth and completeness of the statements and answers made by him in the application.

(n) The following information shall be furnished by each applicant:

(1) The applicant shall give in full his present legal name in the English alphabet.

(2) The applicant shall give the name (not including aliases) under which he registered in accordance with the provisions of the Alien Registration Act of 1940, providing that such name is different from the present legal name of applicant. If the name under which applicant registered in accordance with the provisions of the Alien Registration Act of 1940 is different from applicant's present legal name, applicant shall explain briefly the reason for the difference.

(3) The applicant shall give the location of his residence; that is, the place where the applicant habitually sleeps. If he has no such place, he shall so state. He shall give the address where his mail is regularly received or delivered. He shall also state the location of other residences since January 1, 1941, in each case stating the approximate period spent at each such residence.

(4) The applicant shall state the names and addresses of all persons, firms, or corporations by which he has been employed since January 1, 1941, together with a statement of the capacity in which he was so employed and the approximate dates covered by each such employment. If the applicant, during said period, was himself engaged in some trade, business, or profession, he shall so indicate, stating his business address and the period covered.

(5) The applicant shall state the month, day, and year of his birth according to the American (that is, Gregorian) calendar. The applicant shall also name the country, if any, of which he is a citizen or subject, or to which he owes allegiance. If the applicant is not a citizen of any country he shall so state; he shall, in such case, state the country of which he was last a citizen or subject, or to which he last owed allegiance.

(6) The applicant shall give the names, state the relationships, and give the addresses of parents, brothers or sisters, husband or wife, or children of the applicant living in the United States on the date of making the application.

(7) The applicant shall state whether or not he has any children serving, at the time of the application, in the armed forces of the United States, including the auxiliary arms of service. If the applicant has such children he shall state their names and indicate in each case the branch of service in which such child is serving.

(8) The applicant shall give the names, state the relationship and give the last known address or country of residence of parents, brothers or sisters, husband or wife, or children of the applicant living outside the United States. If any of said relatives are, or when last known to applicant were, serving in the armed forces of a foreign nation, the applicant shall state this fact.

(9) The applicant shall state whether or not, he has, since August 27, 1940, either applied for or received first citizenship papers in the United States or petitioned for naturalization in the United States. In the event that the applicant has so applied, received, or petitioned, he shall state which and give the place and date. The applicant shall state also whether or not he has ever been refused or denied naturalization in the United States. If he has been refused or denied naturalization he shall state the court, place, and reasons or causes given, and whether said reasons or causes have since been removed.

(10) If the applicant has at any time taken any steps toward naturalization in a country other than the United States, he shall so indicate and shall state when and where and in what country.

(11) If the applicant has at any time taken an oath of allegiance to any country, state, or nation other than the United States he shall so indicate and shall state the time, place, and country.

(12) The applicant shall state whether he has read or had read to him a summary of the provisions of Presidential proclamations and regulations concerning the conduct of persons of enemy nationalities, and he shall further state whether or not he has complied with such proclamations and regulations, and further whether any exemption of any kind has been granted to him.

(13) The applicant shall indicate whether he was registered for Selective Service, and if he was, the applicant shall state the place and his local draft board order number.

(14) The applicant shall list the clubs, organizations, or societies of which he has been a member or officer, or with which he has been affiliated, at any time during the period of 5 years preceding the date of such application either in the United States or abroad. In the event that any such listed membership or affiliation has ceased prior to the date of the application, the applicant shall give the approximate date thereof. If the applicant spent any part of said 5-year period outside the United States, he shall include a statement of his foreign political party or national organization affiliation during such portion of said 5-year period as he spent outside the United States.

(15) The applicant shall be given the opportunity, and space shall be provided on the form (AR–AE–22) for the purpose, to make any additional statement concerning himself, or his status, he may wish to make. But there shall be no obligation upon the applicant to insert any additional information in such space. In the event that the applicant uses such space to give the names and addresses of persons who might vouch for the applicant's loyalty to the United States, the applicant shall write either personally or through his representative, or the identification official shall write for him, a statement substantially as follows:

I have neither given anything of value nor obligated myself in any manner whatsoever for permission to use the above names.

and applicant shall be obliged to swear to or affirm the truth of such statement.

(o) Whenever an applicant states that he is unable to supply any of the information required by Form AR–AE–22, the identification official shall ask the applicant if he has exhausted all possible sources of information. If the applicant answers that he has done so, the applicant or the identification official shall write "Don't know" in the space reserved for such information in said form.

(p) After the applicant shall have duly executed and sworn to (or affirmed) his application in duplicate, the identification official shall transfer from such form to the Certificate of Identification (Form AR–AE–23) such information as is called for in said Form AR–AE–23. The identification official shall then affix one of said photographs to each of the executed applications (AR–AE–22) and one of such photographs to the Certificate of Identification (Form AR–AE–23). The applicant, if able to write, shall sign each of said three photographs of himself in such directed manner as not to obscure the features and applicant shall affix his signature also at the place indicated in the Certificate of Identification (Form AR–AE–23).

The applicant shall place a single specified fingerprint on each of the forms of application for a Certificate of Identification (AR–AE–22) and in the Certificate of Identification (AR–AE–23). The identification official in each case shall take the applicant's fingerprint or cause the same to be taken under his supervision.*

§ 30.57 *Certificates of identification.* (a) At the earliest practicable date after the filing of the application there shall be delivered to the applicant, in accordance with instructions issued by the Post Office Department, a Certificate of Identification (Form AR–AE–23). The issuance of such certificate shall not relieve the applicant or holder from full compliance with any and all laws and regulations of the United States now existing or which hereafter may exist, concerning aliens of enemy nationalities; nor shall it be construed to confer on the holder immunity from any liability, pain, penalty or punishment incurred by the holder for violation of any law of the United States either before or after its issuance.

(b) All persons, required to apply for and obtain Certificates of Identification, shall carry such certificates with them at all times and present them if required to do so by any police officer or other government officer. Any such person shall promptly report his loss of Certificate of Identification to the nearest United States attorney.

(c) A Certificate of Identification shall not be issued to any person who has already received one unless he surrenders his former certificate, except in case of loss as provided below. No person shall use a Certificate of Identification relating to any other person. If any person loses his Certificate of Identification he may make affidavit under oath (or affirmation) to that effect, and, upon proof thereof, there may be issued to him a copy, which shall be plainly marked as such. If the holder dies or permanently departs from the United States, his Certificate of Identification shall be returned to the Department of Justice. If any person finds a lost Certificate of Identification he shall forward it to the United States Department of Justice.*

§ 30.58 *Disposition of application forms.* (a) One copy of the completely executed application for Certificate of Identification (AR–AH–22) shall be sent promptly to the Alien Registration Division of the Department of Justice in accordance with the instructions of the Post Office Department.

(b) The second copy of the completely executed application for Certificate of Identification shall be sent to the nearest field office of the Federal Bureau of Investigation in accordance with the instructions of the Post Office Department.*

§ 30.59 *Nature of information.* All information furnished by the applicant in connection with his application shall be secret and confidential and shall be available only to such persons or agencies as may be designated by the Attorney General. It shall be unlawful for any identification official to divulge any such information to any person or agency not so designated.*

§ 30.60 *Changes of name, residence, or employment.* (a) Whenever the holder of a Certificate of Identification changes his (1) name, under legal authority, (2) residence address, or (3) place of employment, written notices thereof shall immediately be given to (i) the Alien Registration Division of the Immigration and Naturalization Service, and (ii) the Federal Bureau of Investigation at the office shown in the holder's Certificate of Identification.

(b) Nothing herein contained shall relieve any alien or parent or guardian of any alien less than 14 years of age who is not a permanent resident of the United States, and who was or is required to register under the Alien Registration Act of 1940 from reporting to the Commissioner of Immigration and Naturalization the alien's residence at the end of each 3 months' residence in the United States, regardless of whether or not the alien has changed his residence.*

§ 30.61 *Use of assumed name.* No person to whom a Certificate of Identification has been issued shall for any purpose assume or use, or purport to assume or use, or continue the assumption or use, of any name other than that given as his legal name in his application for a Certificate of Identification, except such changes as may be duly authorized by or under the law.*

§ 30.62 *Compliance with all regulations of conduct of applicants.* No alien of enemy nationality as hereinbefore defined shall enter or be found at any time in any area hereafter designated by the Attorney General as an area in which an alien of enemy nationality shall not be found except in accordance with such regulations and permission as may be prescribed by the Attorney General. All such aliens of enemy nationalities shall obey all regulations heretofore and hereafter issued governing travel, change of residence, occupation or employment, and possession of various articles such as cameras, radios, firearms, ammunition, explosives, signal devices, and similar articles.*

§ 30.63 *Violation of regulations.* (a) Any alien of enemy nationality herein defined who fails to comply with the regulations in this part or any other regulations governing the conduct of aliens of enemy nationalities, is subject to apprehenson, detention, and interment for the duration of the war.

(b) Any alien of enemy nationality herein defined who shall aid, abet, counsel, command, induce, or procure any other alien of enemy nationality to fail to comply with any of the regulations in this part or any other regulations governing the conduct of aliens of enemy nationalities, is subject to apprehension, detention, and internment for the duration of the war.*

Dated: January 22, 1942.

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 42–1624; Filed, February 24, 1942; 10:48 a. m.]

PART 30[1]—TRAVEL AND OTHER CONDUCT OF ALIENS OF ENEMY NATIONALITIES

Section 30.61 is amended to read as follows:

§ 30.61 *Use of assumed name.* No person to whom a Certificate of Identification has been issued shall, for any purpose, assume or use, or purport to assume or use, or continue the assumption or use, of any name other than that given as his legal name in his application for a Certificate of Identification, except such changes as may be duly authorized in § 30.7 (c).

Dated: February 21, 1942.

FRANCIS BIDDLE,
Attorney General.

[F. R. Doc. 42–1622; Filed, February 24, 1942; 10:47 a. m.]

[1] 7 F.R. 844, 1084.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A–1155]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An order granting temporary relief and conditionally providing for final relief was issued in the above-entitled matter on December 13, 1941, 6 F. R. 6754, establishing price classifications and minimum prices for the coals of certain mines in District No. 1, including the establishment of price classifications and minimum prices for the coals of Bald Eagle #1 Mine, Mine Index No. 3206, and Bald Eagle #2 Mine, Mine Index No. 3207, of John D. Walker, code member, for all shipments except truck and for truck shipments.

The original petitioner in the above-entitled matter subsequently filed an amendment to its petition alleging that the price classifications and minimum prices established for the coals of the Bald Eagle #1 Mine, Mine Index No. 3206, and the Bald Eagle #2 Mine, Mine Index No. 3207, of John D. Walker, in Size Groups 4 and 5, for truck shipments are five cents higher than the prices for comparable and analogous coals for such shipments, and requesting a five-cent reduction in the minimum prices established for the coals of the said mine index numbers in Size Groups 4 and 5 for truck shipments.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth, that no pleadings in opposition to the said amendment to the original petition have been filed with the Division in the above-entitled matter, and that the following action is necessary in order to effectuate the purposes of the Act.

Now, therefore, it is ordered, That the said order granting temporary relief and conditionally providing for final relief dated December 13, 1941, in the above-entitled matter be, and it is hereby amended, by revoking the minimum prices established therein for the coals of Bald Eagle #1 Mine, Mine Index No. 3206 and Bald Eagle #2 Mine, Mine Index No. 3207, in Size Groups 4 and 5 for truck shipments;

It is furthered ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the said amendment to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division with forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

It is further ordered, That in all other respects the said Order of December 13, 1941, be, and it hereby is, continued in full force and effect until otherwise ordered.

Dated: February 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump cut double screened top Size 2" and over	Double screened top Size 2" and over, passing through Size 3"	Run of mine (prepared) R M	2" and under slack	3/4" and under slack
						1	2	3	4	5
Walker, John D.	3206	Bald Eagle #1	12	Clearfield	D	(*)	....	(*)	195	195
Walker, John D.	3207	Bald Eagle #2	12	Clearfield	E	(*)	....	(*)	195	195

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 42–1519; Filed, February 20, 1942; 10:56 a. m.]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

[Docket No. A–1274]

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine index number	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group number	1	2	3	4	5
2646	Bish, Guy	Bish	6	D	Punxsutawney, Pa	B&O-PRR	63	E	(†)	(*)	E	(†)
3333	Commercial Truck Mine (L. H. Lambing)	Commercial	26	B	Twin Rocks, Pa	PRR	53	(†)	(†)	(*)	(†)	(†)
389	Enterprise Coal Mining Company	Ponfeigh #7	41	Pittsburgh	Garrett, Pa	W. Md	102	G	G	(*)	G	G
390	Enterprise Coal Mining Company	Ponfeigh #7-A	41	Sewickley	Garrett, Pa	W. Md	102	E	E	(*)	E	E
3341	Flick, John (Flick Coal Co.)	Barnhart	37	C	Stoyestown, Pa	B&O	100	(†)	(†)	E	(†)	(†)
3356	Flick, John (Flick Coal Co.)	Flick	37	D	Stoyestown, Pa	B&O	100	(†)	(†)	B	(†)	(†)
3317	Garfield Fuel Company c/o F. B. McFeely	Garfield #3	28	B	Bolivar, Pa	PRR	82	(†)	(†)	G	(†)	(†)
3368	Shaw, Kenneth	Shaw, #1	33	D	Windber, Pa	PRR	49	(†)	(†)	E	(†)	(†)

† Indicates no classifications effective for these size groups.

* Indicates coal in this size group previously classified and priced.

NOTE: If coals within either of the following groups are shipped from the same mine at the same time, the price shall apply to the [illegible] by the price which is listed for the coal in the mixture which has the higher price classifications: Mine Index Nos. 389 and 390 of Enterprise Coal Mining Company; Mine Index Nos. 326 and 769 of Mohawk Mining Company.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R.M.	2" and under slack	¾" and under slack
						1	2	3	4	5
Bish, Guy	2646	Bish	6	Jefferson	D	250	....	(*)	215	....
Commercial Truck Mine (L. H. Lambing)	3333	Commercial	26	Cambria	B	....	....	235	....	....
Enterprise Coal Mining Company	389	Ponfeigh #7	41	Somerset	Pittsburgh	240	215	(*)	205	195
Enterprise Coal Mining Company	390	Ponfeigh #7-A	41	Somerset	Sewickley	250	225	(*)	215	205
Flick, John (Flick Coal Co.)	3341	Barnhart	37	Somerset	C	....	....	225	....	....
Flick, John (Flick Coal Co.)	3356	Flick	37	Somerset	D	....	....	240	....	....
Garfield Fuel Company c/o F. B. McFeely	3317	Garfield #3	28	Indiana	B	....	....	215	....	....
Shaw, Kenneth	3368	Shaw #1	33	Somerset	D	....	....	225	....	....
Sturtz, George & Walter (George Sturtz)	3357	Kennell #4	41	Somerset	Pittsburgh	....	....	220	....	....
Treese, Blaine E	3331	Treese	42	Indiana	E	....	....	215	....	....
Vollmer, Laurence B	3376	Vollmer	2	Elk	B	....	....	210	....	....

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 42-1521; Filed, February 20, 1942; 10:57 a. m.]

[Docket No. A-1000, Part II]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE SCOTCH HILL MINES NOS. 1 TO 35, INCLUSIVE (MINE INDEX NOS. 240, 241 AND 252 TO 284, INCLUSIVE), IN DISTRICT NO. 3

This proceeding having been instituted upon a petition filed with the Bituminous Coal Division by District Board 3 on August 6, 1941, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, praying for, *inter alia*, price classifications and minimum prices for the coals of the Scotch Hill Mines Nos. 1 to 35 (Mine Index Nos. 240, 241, and 252 to 284, inclusive) of The Henry Clay Coal Mining Company;

Temporary relief having been granted by an Order of the Director dated September 19, 1941, 6 F.R. 4849;

A petition of intervention having been filed by The Henry Clay Coal Mining Company on October 8, 1941, requesting that the Scotch Hill Mines Nos. 1 to 35 be designated as the Scotch Hill Mine No. 1 and that the same classifications and minimum prices established by the Order of September 19, 1941, for the coals of the Scotch Hill Mines Nos. 1 to 35 be established for the coals of Scotch Hill Mine No. 1;

A petition of intervention having also been filed by District Board 2;

Pursuant to appropriate orders and after due notice to all interested persons, a hearing in this matter having been held on October 27, November 25 and 28, and December 1, 1941, before Floyd McGown, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard and at which District Boards 2 and 3 and The Henry Clay Coal Mining Company appeared;

The parties having waived the preparation and submission of a report by the Examiner, and the record in the proceeding having therefore been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That § 323.6 (*Alphabetical list of code members*), § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) and § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) in the Schedule of Effective Minimum Prices for District No. 3 for All Shipments Except Truck and § 323.23 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 3 for Truck Shipments be and they hereby are amended to include therein the price classifications and mine, freight origin group, and other designations contained in Supplements R–I, R–II, R–III, and T attached hereto and made a part hereof, as the price classifications and designations of Scotch Hill Mines Nos. 1–13, 15–19, 21, 23–26, 28–30, and 32–35 of The Henry Clay Coal Mining Company.

It is further ordered, That the prayers for relief contained in the several petitions filed herein are granted to the extent set forth above and in all other respects denied.

Dated: February 5, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

FOR ALL SHIPMENTS EXCEPT TRUCK

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

§ 323.6 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
265	Henry Clay Coal Mining Co., The	Scotch Hill #16	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	..	....	....	....	....	....
240	Henry Clay Coal Mining Co., The	Scotch Hill #1	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
260	Henry Clay Coal Mining Co., The	Scotch Hill #11	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
270	Henry Clay Coal Mining Co., The	Scotch Hill #21	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
273	Henry Clay Coal Mining Co., The	Scotch Hill #24	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
268	Henry Clay Coal Mining Co., The	Scotch Hill #19	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
241	Henry Clay Coal Mining Co., The	Scotch Hill #2	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
252	Henry Clay Coal Mining Co., The	Scotch Hill #4	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
253	Henry Clay Coal Mining Co., The	Scotch Hill #1	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
254	Henry Clay Coal Mining Co., The	Scotch Hill #5	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
255	Henry Clay Coal Mining Co., The	Scotch Hill #6	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
256	Henry Clay Coal Mining Co., The	Scotch Hill #7	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
257	Henry Clay Coal Mining Co., The	Scotch Hill #8	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
258	Henry Clay Coal Mining Co., The	Scotch Hill #9	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
259	Henry Clay Coal Mining Co., The	Scotch Hill #10	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
261	Henry Clay Coal Mining Co., The	Scotch Hill #12	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	..	....	....
262	Henry Clay Coal Mining Co., The	Scotch Hill #13	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
264	Henry Clay Coal Mining Co., The	Scotch Hill #15	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
266	Henry Clay Coal Mining Co., The	Scotch Hill #17	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
267	Henry Clay Coal Mining Co., The	Scotch Hill #18	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
272	Henry Clay Coal Mining Co., The	Scotch Hill #23	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
274	Henry Clay Coal Mining Co., The	Scotch Hill #25	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
275	Henry Clay Coal Mining Co., The	Scotch Hill #26	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
277	Henry Clay Coal Mining Co., The	Scotch Hill #28	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
278	Henry Clay Coal Mining Co., The	Scotch Hill #29	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
279	Henry Clay Coal Mining Co., The	Scotch Hill #30	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
281	Henry Clay Coal Mining Co., The	Scotch Hill #32	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
282	Henry Clay Coal Mining Co., The	Scotch Hill #33	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
283	Henry Clay Coal Mining Co., The	Scotch Hill #34	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....
284	Henry Clay Coal Mining Co., The	Scotch Hill #35 (Strip)	Pittsburgh	Newburg, W. Va	B&O	70	H	H	H	H	H	H	H	H	H	H	....	....	....	....	....	....

§ 323.8 *Special prices*—(b) *Railroad fuel prices for all movements except via lakes*—Supplement R–II

For railroad fuel prices, add the above mine index numbers to Group No. 1 as set forth in § 323.8 (b) in Minimum Price Schedule.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R–III

For railroad fuel prices, add the above mine index numbers to Group No. 1 as set forth in § 323.8 (c) in Minimum Price Schedule.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups						
					Lump over 2", egg over 2", bottom size	Lump 2" egg 2" bottom size but over 1¼"	Lump 1¼" and under egg 1¼" and under bottom size	All nut and pea 2" and under	Run of mine, resultant over 2"	1¼" and 2" Slack	¾" Slack
					1	2	3	4	5	6	7
Henry Clay Coal Mining Co., The	235	Scotch Hill #16	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	240	Scotch Hill #1	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	269	Scotch Hill #11	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	270	Scotch Hill #21	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	273	Scotch Hill #24	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	238	Scotch Hill #19	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	241	Scotch Hill #2	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	252	Scotch Hill #3	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	253	Scotch Hill #4	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	254	Scotch Hill #5	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	255	Scotch Hill #6	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	256	Scotch Hill #7	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	257	Scotch Hill #8	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	258	Scotch Hill #9	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	259	Scotch Hill #10	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	261	Scotch Hill #12	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	262	Scotch Hill #13	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	264	Scotch Hill #15	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	266	Scotch Hill #17	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	267	Scotch Hill #18	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	272	Scotch Hill #23	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	274	Scotch Hill #25	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	275	Scotch Hill #26	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	277	Scotch Hill #28	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	278	Scotch Hill #29	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	279	Scotch Hill #30	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	281	Scotch Hill #32	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	282	Scotch Hill #33	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	283	Scotch Hill #34	Pittsburgh	Preston	230	230	230	205	205	195	185
Henry Clay Coal Mining Co., The	284	Scotch Hill #35 (strip)	Pittsburgh	Preston	230	230	230	205	205	195	185

[F. R. Doc. 42-1518; Filed, February 20, 1942; 10:56 a. m.]

[District No. A-1264]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is furthered ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is furthered ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Price classification by size group No.								
						1	2	3	4	5	6	7	8	9	10
291	England, Oscar	England	5	Pocahontas	Mullens, W. Va	(1)	(1)	(1)	(1)	(1)	B	B	(1)	(1)	(1)
VON Ky			11												

(1) Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	Size groups					
						All lump 4" or larger; all egg and all slack	All but not less than 1¼" top size or smaller	Screened M/R	Shredded mine run	1¼" screenings	¾" screenings
						1	2	3	4	5	6
England, Oscar	291	England	5	Wyoming	Pocah. 6	-	-	280	215	-	-
Lilly, J. C	284	Lilly	2	Fayette	Lit. Eagle	-	-	280	215	-	-

[F. R. Doc. 42-1523; Filed, February 20, 1942; 10:57 a. m.]

[Docket No. A-1196]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8

An original petition as amended, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for all shipments of this mine for all shipments except truck. Prices have been established for Mine Index No. 1533 as belonging to T. H. Mayers, however, for the reason that the name on the code acceptance of this member is spelled "Mayers" and in § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) and § 328.42 (*General prices for low volatile coals*) is amended by adding thereto Supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

The original petition lists Mine Index No. 1533 as belonging to T. H. Moyers and prays for the establishment of price classifications and minimum prices for the coals of this mine for all shipments except truck. Prices have been established for Mine Index No. 1533 as belonging to T. H. Mayers, however, for the reason that the name on the code acceptance of this member is spelled "Mayers" and in § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) and § 328.42 (*General prices for low volatile coals*) is amended by adding thereto Supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: January 15, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 328.21 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10
3039	Franks, J. H.	J. H. Franks C. Co. No. 8	9	Cary	Raven, Virginia[1]	N. & W.	21	C	C	D	D	D	C	(*)	H	H	H

[1] Indicates change in shipping point from that shown for predecessor company.

§ 328.11 *Alphabetical list of code members*—Supplement R–II

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. — For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
3286	Acorn Coal Company	Acorn Coal Co	No. 3	6	Somerset, Ky	CNO&TP	171	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
3501	Ayers, Herbert & William S. York.	Elmtree	Stray	6	Kelos, Ky	Sou. & L&N	113	H	H	F	E	E	C	E	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)	H	H	F	C	H	F	C	E	M	K	(†)	(†)	(†)	(†)
870	Bailey, Dewey	Dewey Bailey	Douglas	5	Baileysville, W. Va.	VIR	230	H	H	D	C	A	A	A	A	A	F	(†)	(†)	(†)	(†)	(†)	(†)	H	F	E	A	A	A	A	H	F	(†)	(†)	(†)	(†)	(†)
824	Baker, V. W. (Stanford Coal Co.).	Stanford	Horse Creek	6	Livingston, Ky	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
3887	Brafford, J. C. & Earl (J. C. Brafford).	Brafford	Jellico	6	Grays, Ky	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)	O	M	J	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5118	Cawthorne, R. L	Mayflower	Horse Creek	6	Livingston, Ky	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
3977	Childers, Brice	Brice Childers	Upper Elkhorn	1	Big Branch, Ky	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
2554	Coe, Lillian Lewallen	Daisy	Harlan	2	Bardo, Ky	L&N	80	K	N	H	G	F	D	D	B	C	H	(†)	(†)	(†)	(†)	(†)	C	M	L	J	E	C	C	D	(*)	(*)	(†)	(†)	(†)	(†)	C
341	Coleord Coal Company	Montcoal No. 1	Dorothy	4	Montcoal, W. Va	C&O	123	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(*)	(*)	C	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(†)	(*)	(*)	(*)	C
342	Coleord Coal Company	Montcoal No. 2	Dorothy	4	Montcoal, W. Va	C&O	123	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(*)	(*)	C	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(*)	(*)	(†)	(*)	(*)	(*)	C
1362	Combs, James M	James M. Combs	Hazard No. 4	3	Combs, Ky	L&N	100	K	K	J	H	G	E	G	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	J	F	D	D	G	L	K	(†)	(†)	(†)	(†)	(†)
643	Consumers Mining Corporation.	Graceland	Upper Banner	7	Red Ash, Va	N&W	20	M	M	K	J	F	C	E	C	(*)	K	(†)	(†)	(†)	(†)	(†)	C	M	M	K	F	D	D	E	(*)	K	(†)	(†)	(†)	(†)	C
3640	Consumers Mining Corporation.	No. 5	Upper Banner	8	Red Ash, Va	N&W	20	M	M	K	J	F	C	E	C	(*)	K	(†)	(†)	(†)	(†)	(†)	(*)	M	M	K	F	D	D	E	(*)	K	(†)	(†)	(†)	(†)	(*)
3641	Consumers Mining Corporation.	No. 6	Upper Banner	8	Red Ash, Va	N&W	20	M	M	K	J	F	C	E	C	(*)	K	(†)	(†)	(†)	(†)	(†)	(*)	M	M	K	F	D	D	E	(*)	K	(†)	(†)	(†)	(†)	(*)
1363	Cornett, Fred	Fred Cornett	Hazard No. 4	3	Combs, Ky	L&N	100	K	K	J	H	G	E	G	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	J	F	D	D	G	L	K	(†)	(†)	(†)	(†)	(†)
3878	Douglas, Roscoe Conklin (Peter Pan Mine).	Peter Pan	Jellico	6	Saxton, Ky	L&N	111	H	H	F	E	E	C	E	B	C	G	(†)	(†)	(†)	(†)	(†)	(†)	H	H	F	C	B	C	E	K	G	(†)	(†)	(†)	(†)	(†)
840	Ewell, Logan	Ewell	Pittsburg	6	East Bernstadt, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)
3075	Foote, S. E. (Arrow Hart Coal Company).	Arrow Hart #1	Coalburg	4	Bickmore, W. Va	Mid. Cr.	126	Q	Q	P	O	M	K	M	F	F	M	(†)	(†)	(†)	(†)	(†)	(*)	Q	Q	O	K	H	H	M	Q	M	(†)	(†)	(†)	(†)	(†)
5117	Hall Coal Co. (H. L. Hall)	Hall	Coal Creek	6	Lake City, Tenn	Sou	40	O	O	H	G	G	E	G	E	C	M	(†)	(†)	(†)	(†)	(†)	(†)	O	M	K	F	D	D	G	L	M	(†)	(†)	(†)	(†)	(†)
5168	Harris & Harris (Arnold H. Harris).	No. 3	Widow Kennedy.	7	Honaker, Va	N&W	20	K	K	E	E	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	E	C	B	B	E	M	K	(†)	(†)	(†)	(†)	(†)
5170	Imperial Colliery Company	Imperial No. 6	Dorothy	4	Burnwell, W. Va	C&O	123	E	E	E	D	E	C	E	B	B	G	(†)	(†)	A	A	A	(†)	G	G	G	E	C	C	E	H	G	(†)	A	A	A	(†)
607	Logan County Coal Corp	MacGregor #6	No. 5 Block	5	Slagle, W. Va	C&O	150	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	A	C	C	D	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	A	C	C	D
3917	Miller, Thomas J	Miller Coal Co	Elkhorn No. 3	1	Garrett, Ky	C&O	61	H	H	H	G	E	C	E	B	C	H	(†)	(†)	(†)	(†)	(†)	C	H	H	H	D	B	B	E	K	H	(†)	(†)	(†)	(†)	C
1838	Moses, Everett N	Jess Cox	Blue Gem	6	Pleasant View, Ky.	L&N	111	A	A	A	A	A	C	A	A	L	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	L	(†)	(†)	(†)	(†)	(†)
1533	Muyers, T. H		Mason	6	Kelos, Ky	Sou. & L&N.	113	H	H	F	E	E	C	E	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)	H	H	F	C	B	C	E	M	K	(†)	(†)	(†)	(†)	(†)
3993	Osburn, Ottis	Laurel Fork Coal Co.	No. 5 Block	8	East Lynn, W. Va.	N&W	139	Q	Q	O	L	L	J	L	H	G	M	(†)	(†)	(†)	(†)	(†)	(†)	Q	P	N	G	G	G	L	P	M	(†)	(†)	(†)	(†)	(†)

See notes at end of table.

§ 328.11 *Alphabetical list of code members*—Supplement R–II—Continued

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. — For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
266	Paintsville Coal Co., Inc. c/o O. L. Risner.	Paintsville No. 1	Millers Creek	1	Collista, Ky[1]	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)
2690	Patrick, G. K. (Meab Coal Co.).	Graham Bros	Blair	7	Norton, Va	L&N and N&W[2]	205	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(*)
3983	Pelfrey, Joe	Pelfrey	Elkhorn	1	Pikeville, Ky	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	G	K	(†)	(†)	(†)	(†)	C
1755	Puckett, George	George Puckett	Hazard No. 4	6	Combs, Ky	L&N	100	K	K	J	H	G	E	G	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	J	F	D	D	G	L	K	(†)	(†)	(†)	(†)	(†)
3994	Rains, Josh	Blue Gem	Blue Gem	6	Yaden, Ky	L&N	111	A	A	A	A	A	A	C	A	A	L	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	L	(†)	(†)	(†)	(†)	(†)
645	Rains, R. M	R. M. Rains	Blue Gem	6	Yaden, Ky	L&N	111	A	A	A	A	A	A	C	A	A	L	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	L	(†)	(†)	(†)	(†)	(†)
5174	Sanders, Barney (Sanders Coal Co.).	Sanders No. 3	No. 5 Block	8	East Lynn, W. Va.	N&W	139	Q	Q	O	L	L	J	L	H	G	M	(†)	(†)	(†)	(†)	(†)	(†)	Q	P	N	G	G	G	L	P	M	(†)	(†)	(†)	(†)	(†)
[3]2341	Tate, G. S. (Tacoma Coal Co.).	Tacoma C. Co. #1	Lower Banner.	7	Tacoma, Va	N&W	30	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)
[3]820	Tate, G. S. (Tacoma Coal Co.).	Tacoma C. Co. #2	Upper Banner.	7	Tacoma, Va	N&W	30	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)
3467	Taylor, Raymond	Raymond Taylor	Elkhorn	1	Kona, Ky	L&N	62	K	K	K	J	G	E	G	D	D	J	(†)	(†)	(†)	(†)	(†)	(†)	K	K	K	F	D	D	G	L	J	(†)	(†)	(†)	(†)	(†)
5208	Taylor, Wilse	Taylor	Straight Creek	6	Cary, Ky	L&N	111	F	F	E	D	C	C	A	B	C	H	(†)	(†)	(†)	(†)	(†)	A	F	F	E	E	C	B	C	A	J	H	(†)	(†)	(†)	(†)	A
5171	Thompson, A. A	No. 4	Widow Kennedy.	7	Swords Creek, Va	N&W	20	K	K	E	E	E	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	K	K	E	C	B	F	E	H	M	K	(†)	(†)	(†)	(†)	(†)
3908	Toney, Bernie	Hunter	Alma	5	Big Creek, W. Va	C&O	150	Q	Q	L	K	H	F	H	F	E	K	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	B	F	H	O	K	(†)	(†)	(†)	(†)	(†)
637	Vanderpool, Ottis	Vanderpool #1	Elkhorn No. 1	1	McDowell, Ky	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(*)
3973	Vanderpool, Ottis	Vanderpool #2	Elkhorn #1 & 2	1	McDowell, Ky	C&O	61	H	H	H	G	E	C	E	B	C	G	L	(†)	A	A	A	A	H	H	H	D	B	B	E	J	G	L	A	A	A	A
3974	Vanderpool, Ottis	Vanderpool #3	Elkhorn #1 & 2	1	McDowell, Ky	C&O	61	H	H	H	G	E	C	E	B	C	G	L	(†)	A	A	A	A	H	H	H	D	B	B	E	J	G	L	A	A	A	A
3988	Wilder, R. J	Wilder Blue Gem No. 2.	Blue Gem	6	Saxton, Ky	L&N	111	A	A	A	A	A	C	A	A	L	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	L	(†)	(†)	(†)	(†)	(†)
1752	Woody, William W	Woody	Horse Creek	6	London, Ky	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	(†)

[1] Indicates change in shipping point from that shown for predecessor company.
[2] Indicates change in Railroad which was erroneously shown as the Interstate in Docket A–1091.
[3] Listed to change name of Code Member, shown in error in Docket A–1012 as "Tate, G. S. (Steel Fork Coal Company)."
†Indicates no classification effective for these size groups.
*Indicates previously classified these size groups.

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 3" x 2" egg	Lump 3" and under, over 2" x 2" egg	Lump 3" and under, egg	Egg 2" x 3/4"	Stove 2" and under, nut 3/4" and under	Straight mine run	2" and under slack	3/4" and under slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT No. 5—LOGAN COUNTY, W. VA.											
Toney, Bernie	Hunter	2906	Alma	215	225	220	215	195	210	155	150
SUB-DISTRICT No. 6—SOUTH-ERN APPALACHIAN											
BELL COUNTY, KY.											
Farmer, James R	Farmer	3873	Rim	285	265	230	210	215	210	155	150
Mahon, Tom	Mahon Coal Co	3886	Elkhorn	255	265	215	220	205	205	145	140
Thompson, E. M	Thompson	3841	Dean	240	250	225	210	185	195	135	130
Taylor, Wylie	Taylor	3508	Straight Creek	245	255	225	215	215	215	165	160
CLAY COUNTY, KY.											
Ferrell, Roy	Ferrell No. 2	3752	Horse Creek	265	245	220	220	205	210	155	150
KNOX COUNTY, KY.											
Brafford, J. C. & Earl (J. C. Brafford).	Brafford	3887	Jellico	255	235	235	225	205	215	155	150
OWSLEY COUNTY, KY.											
Jackson, G. W		3576		265	245	220	220	205	210	155	150
ROCKCASTLE COUNTY, KY.											
Copthorne, R. L	Mayflower	5118	Horse Creek	265	245	220	220	205	210	155	150
Collins, Morris	Old Hickory	3079	Horse Creek	265	245	220	220	205	210	155	150
Crowder, Homer	Roadside	5107	Horse Creek	265	245	220	220	205	210	155	150
Mink, Henry	Saw Mill	5115	Horse Creek	265	245	220	220	205	210	155	150
Rowe & Dean (Walter Rowe)	Red Maple	3571	Horse Creek	265	245	220	220	205	210	155	150
Smith, Fred	Hamilton	3570	Horse Creek	265	245	220	220	205	210	155	150
WHITLEY COUNTY, KY.											
Bailey, Lewis	James Roe	5107	Jellico	285	265	225	240	225	215	170	165
Bailey, Lewis	Baird	3576	Blue Gem	315	295	255	260	225	225	145	140
Carr, Walter	Owens	5110	River Gem	275	255	230	250	215	210	145	140
Douglas, Reece Conklin (Peter Pan Mine).	Peter Pan	3878	Jellico	285	265	225	240	215	215	170	165
Peace, Dillard	Peace	3982	Blue Gem	325	315	285	290	225	225	145	140
Peace, Mallory	Prewitt	3984	Blue Gem	335	315	285	290	225	225	145	140
Sains, Josh	Josh Sains	3994	Blue Gem	335	315	285	290	225	225	145	140
Rose, Tom	Tom Rose	3969	Jellico	285	265	225	240	225	215	155	150
Wilder, R. J	Wilder Blue Gem No. 2.	3958	Blue Gem	335	315	285	290	225	225	145	140
ANDERSON COUNTY, TENN.											
Kiser, Joe	Joe Kiser	3965	Coal Creek	275	255	225	240	225	215	145	140
CAMPBELL COUNTY, TENN.											
Hall Coal Co. (H. L. Hall)	Hall	5117	Coal Creek	275	255	225	240	225	215	145	140
Moore, William E	Moores	5209	Big Split	285	265	230	250	215	215	155	150
Stansberry, H. F. & W. R. (H. Stansberry Coal Co.).	Stansberry	3115	Rex	275	255	230	250	215	205	145	140
Ward, Luther (Lowery Honeycutt (Luther Ward).	Reynolds' Ridge	3967	Rex	295	277	250	270	210	215	155	150

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 3" x 2" egg	Lump 3" and under, over 2" x 2" egg	Lump 3" and under, egg	Egg 2" x 3/4"	Stove 3" and under, nut 3/4" and under	Straight mine run	2" and under slack	3/4" and under slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT No. 1—BIG SANDY-ELKHORN											
BOYD COUNTY, KY.											
Morrison-Morrison (Frank-Morrison Coal Co.).	Morrison	5106	No. 7	295	245	210	220	205	210	155	145
FLOYD COUNTY, KY.											
Kentucky, Everett	Kentucky	3991	Elkhorn No. 1	285	265	225	250	215	215	165	160
Miller, Thomas J	Miller Coal Co	3947	Elkhorn No. 3	285	265	225	250	215	215	165	160
Vanderpool, Otis	Vanderpool #2	3973	Elkhorn #2	285	265	225	250	215	215	165	160
Vanderpool, Otis	Vanderpool #3	3971	Elkhorn #1 & 2	285	265	225	250	215	215	170	165
GREENUP COUNTY, KY.											
Brown, Matthew (Tackett & Hensley (Bruce Tackett).	Matthew Brown	3978	No. 7	295	245	210	220	205	200	150	145
	Tackett	3986	Clod	295	245	210	220	205	200	150	145
JOHNSON COUNTY, KY.											
Cole, Lloyd	Preston	5104	Millers Creek	305	285	235	210	215	225	170	165
LAWRENCE COUNTY, KY.											
Ables & Hewlett (Wesley Ables)	Ables #3	3075	McHenry	295	245	210	220	205	200	170	145
MAGOFFIN COUNTY, KY.											
Cole, Nute	Nute Coal	3980	No. 7	295	245	210	220	205	200	170	145
MORGAN COUNTY, KY.											
Ball, A. E	Ball	5119	Top Vein	305	245	210	220	205	200	150	145
PIKE COUNTY, KY.											
Childers, Brice	Brice Childers	3977	Upper Elkhorn	275	255	230	250	215	210	170	165
Pelfrey, Joe	Pelfrey	3982	Elkhorn	275	255	230	250	215	210	170	165
SUB-DISTRICT No. 3—HAZARD											
WOLFE COUNTY, KY.											
Hollon, Wiley	Hollon No. 2	3964	No. 4	295	245	210	220	205	200	150	145
SUB-DISTRICT No. 4—KANAWHA											
KANAWHA COUNTY, W. VA.											
Imperial Colliery Company	Imperial #6	5170	Dorothy	300	280	230	250	215	220	170	165
NICHOLAS COUNTY, W. VA.											
Sims, M. H	Sims	5217	Big Eagle	295	245	230	250	205	225	165	160
PUTNAM COUNTY, W. VA.											
Landers, James Darold	Newcomer	5194	Pittsburgh #8	345	295	265	295	250	250	195	190

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 3" x 2" egg	Lump 3" and under, over 2" x 2" egg	Lump 3" and under, egg	Egg 2" x 3/4"	Stove 3" and under, nut 3/4" and under	Straight mine run	2" and under slack	3/4" and under slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT No. 7—VIRGINIA											
RUSSELL COUNTY, VA.											
Baldwin & Church (W. W. Baldwin).	Baldwin & Church No. 2.	5169	Widow Kennedy	275	255	220	240	225	210	155	150
Barnhart Brothers (R. C. Barnhart).	Barnhart Bros	5166	Widow Kennedy.	275	255	220	240	225	210	155	150
Franks & Rector (J. R. Rector).	Franks & Rector	5161	Widow Kennedy.	275	255	220	240	225	210	155	150
Harris & Harris (Arnold H. Harris).	Harris & Harris No. 3.	5168	Widow Kennedy.	275	255	220	240	225	210	155	150
Keene, Harold C	Keene	5124	Widow Kennedy.	275	255	220	240	225	210	155	150
Thompson, A. A	No. 4	5171	Widow Kennedy.	275	255	220	240	225	210	155	150
Whited, C. T	C. T. Whited Coal Co.	5165	Widow Kennedy.	275	255	220	240	225	210	155	150
TAZEWELL & RUSSELL COUNTIES, VA.											
Consumers Mining Corporation.	Gracelend	643	Upper Banner	265	245	220	220	215	(*)	155	150
WISE COUNTY, VA.											
Tate, G. S. (Tacoma Coal Co.) [1]	Tacoma C. Co. #2	820	Upper Banner	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
SUB DISTRICT No. 8—WILLIAMSON											
PIKE COUNTY, KY.											
Burgett, Julis	Burgett	3889	Thacker	245	225	210	200	195	200	155	150
BUCHANAN COUNTY, VA											
Ashby, John C	Meeting House	3913	Lower Banner	265	245	220	220	215	210	155	150
Consumers Mining Corporation.	No. 5	3640	Upper Banner	265	245	220	220	215	(*)	155	150
Consumers Mining Corporation.	No. 6	3641	Upper Banner	265	245	220	220	215	(*)	155	150
WAYNE COUNTY, WEST VA.											
Osburn, Ottis	Laurel Fork Coal Co.	3693	No. 5 Block	245	225	205	210	185	195	145	140
Sanders, Barney (Sanders Coal Co.).	Sanders No. 3	5174	No. 5 Block	245	225	205	210	185	195	145	140

*Indicates previously classified these size groups.

[1] Relisted to change Name of Code Member, shown in error in Docket A-1015 as "Tate, G. S. (Steel Fork Coal Company)"

§ 328.42 *General prices for low volatile coals*—Supplement T–II

Code member index	Mine	Mine index No.	Seam	All lump	Egg, Barrett (from 3" top	Stove, 3" top	Nut (from 1¼" to 3/4" bars)	Screened M/R	Straight M/R	1¼" screenings	¾" screenings
				1	2	3	4	5	6	7	8
SUB-DISTRICT No. 9—BUCHANAN COUNTY LOW VOLATILE AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS											
TAZEWELL COUNTY, VA.											
Smith Bros. Coal Co. (Wallace M. Smith).	Smith Bros. C. Co. No. 1.	5123	Raven	305	305	300	250	280	215	155	150
Smith Bros. Coal Co. (Wallace M. Smith).	Smith Bros. C. Co. No. 2.	5122	Raven	305	305	300	250	280	215	155	150
RUSSELL COUNTY, VA.											
Horton, J. C	Horton	5125	Red Ash	305	305	300	250	280	215	155	150

[F. R. Doc. 42–1525; Filed, February 20, 1942; 10:58 a. m.]

[Docket No. A–191 and A–195]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT No. 11

ORDER AMENDING MEMORANDUM OPINION AND ORDER APPROVING AND ADOPTING, WITH MODIFICATIONS, THE PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING, IN PART, PERMANENT RELIEF IN THE MATTER OF THE PETITION OF MAUMEE COLLIERIES COMPANY FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR MINE INDEX 68, DISTRICT 11, BY PROVIDING DEDUCTIONS IN MINE PRICES BASED UPON DIFFERENCES IN FREIGHT RATES AMONG DISTRICT 11 MINES FOR SHIPMENT TO MARKET AREAS 32, 33, AND 35–38, INCLUSIVE, AND IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT 11 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR DISTRICT 11, BY PROVIDING DEDUCTIONS IN MINE PRICES BASED UPON DIFFERENCES IN FREIGHT RATES AMONG DISTRICT 11 MINES FOR SHIPMENT TO MARKET AREAS 20, 21, AND 30–38, INCLUSIVE

The above-entitled proceedings were instituted by original petitions filed with this Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. A final Order granting in part the relief sought was entered in this proceeding on November 15, 1941. On December 7, 1941, District Board No. 11, the original petitioner in Docket No. A–195, filed a petition praying a modification of the relief granted in the Order dated November 15, 1941, 6 F.R. 6500, and as grounds therefor alleged that the adjustments in the effective minimum prices made by that Order for deliveries to Charlestown, Indiana, were predicated upon freight rates effective prior to February 28, 1941, that on February 28, 1941, however, the freight rates for shipments from all subdistricts of District No. 11, except the Evansville Subdistrict, were reduced 22¢ per net ton for delivery to Charlestown, Indiana; and that the adjustments in the effective minimum prices made by the Order of November 15, 1941, for deliveries to Speeds, Indiana, were predicated upon freight rates effective prior to June 23, 1941, that on June 23, 1941, however, the freight rates applicable on shipments from all except the Evansville and Boonville Subdistricts and those mines in the Princeton-Ayrshire Subdistrict located on the AW&W Railroad and the Southern Railway were reduced 22¢ per net ton for delivery to Speeds, Indiana.

It appears, therefore, that in order to effectuate the Order of the Director dated November 15, 1941, in the above-entitled proceedings, that Order should be modified so as to reflect the presently effective freight rates to Charlestown and Speeds, Indiana, from the various producing subdistricts in District No. 11. Moreover, no petitions in opposition to the prayer of District Board No. 11 have been filed and it appears that no parties will be injured by the requested modifications.

Now, therefore, it is ordered, That the part of the Order, Supplement R–II, § 331.9 (*Adjustments in f. o. b. mine prices*), herein dated November 15, 1941, relating to permissible freight absorp-

tions to Charlestown and Speeds, Indiana, is deleted, and Supplement R, § 331.9 (*Adjustments in f. o. b. mine prices*), attached hereto and hereby made a part hereof, is effective in its stead.

It is further ordered, That pleadings in opposition to, and applications to stay, terminate or modify, the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.9 *Adjustments in f. o. b. mine prices.* Freight Origin Group Numbers and the Amount of Deductions for Freight Rate Differences for coal shipped from Mines Included in each Freight Origin Groups to Destination as Listed Below:

PRODUCING SUBDISTRICTS

Destination	BC	LS	EV
	30, 31, 32, 33, 34, 40, 41, 42, 43	60, 61, 62, 63, 64, 65, 66, 67, 68, 80, 81	51, 52
Charlestown	17	07	32
Speeds	17	07	[1]32

[1] Does not apply from Freight Origin Group No. 51 for the reason that there are no published through rates in effect from mines located on the Evansville and Ohio Valley Railway to Speeds, Indiana.

[F. R. Doc. 42-1520; Filed, February 20, 1942; 10:56 a. m.]

[Docket No. A-1089 Part II]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 1261 AND 1293 IN DISTRICT 13, FOR RAIL SHIPMENT

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by District Board 13, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The Board, in its petition, proposed price classifications and minimum prices for the coals of certain mines in District 13, including, among others, the coals of the Riverside Mine (Mine Index No. 1261) of the Pratt-American Coal Company and the Winn-Pratt No. 1 Mine (Mine Index No. 1293) of D. F. Winn, both code members in District 13. The petition requested temporary and final relief.

In accordance with this prayer for relief, the Director, in an Order dated November 4, 1941, 6 F. R. 6512, granted temporary relief and conditionally provided for final relief for the coals of the Winn-Pratt No. 1 Mine for rail shipment, for all use except steamship bunker fuel, railroad locomotive fuel and blacksmithing. However, no price classifications and minimum prices were established for the coals of the Riverside Mine for rail shipment and for the coals of the Riverside Mine and the Winn-Pratt No. 1 Mine for steamship vessel use.

Thereafter, by an Order of the Director dated November 4, 1941, the requests for rail prices for the Riverside Mine and prices for the coals of the Riverside and Winn-Pratt No. 1 Mines for steamship vessel use were severed from Docket No. A-1089 and designated as Docket No. A-1089 Part II. At the same time, temporary relief, pending final disposition of these matters, was granted.

Pursuant to Order of the Director and after due notice to all interested persons, a hearing in the matter was held on December 10, 1941, before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Petitioner, District Board 13, appeared. The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned.

Two matters are up for consideration in this proceeding. The first is the establishment of permanent price classifications and minimum prices for the coals of the Riverside Mine for rail shipment. No objection has been raised against the prices temporarily established in the Order of November 4, 1941, and I find that they are proper and should be made permanent.

Secondly, there is the matter of the establishment of permanent price classifications and minimum prices for the coals of the Riverside Mine and the Winn-Pratt No. 1 Mine for steamship vessel fuel use. District Board 13 in its petition proposed the price of $2.65 per ton for Size Group 13 coals for both of these mines for vessel fuel. The Director, in his Order of November 4, 1941, established a temporary price of $2.70 per ton. At the hearing, witness N. E. Cross, Secretary to District Board 13, contended on behalf of District Board 13 that the proper price should be $2.65 per ton. Witness Cross explained that both of these mines operate in the Pratt Seam in Walker County, Alabama, and were not to be confused with the mines operating in the Pratt Seam in Jefferson County, Alabama, for the reason that the all-rail prices, including vessel fuel, are generally higher for Pratt seam mines operating in Jefferson County than for those operating in the same seam in Walker County. It appears that there is a material difference in the quality of coal mined from this seam in the two counties. Furthermore, the witness stated that a price of $2.65 per ton would relate these mines to other Walker County, Pratt Seam mines, such as Mine Index No. 70, whereas $2.70 per ton would relate these mines to other Pratt Seam mines located in Jefferson County. In view of the nature of the coals produced at the Riverside and the Winn-Pratt No. 1 Mines, it appears that this 5-cent differential is necessary in order to permit the Pratt Seam coals produced by Walker County mines to maintain their existing fair competitive opportunities. Therefore, I find that $2.65 per ton is proper and should be permanently established.

Upon the basis of the uncontroverted testimony in this proceeding, I find and conclude that the establishment of such price classifications and effective minimum prices as set forth in Supplements R-I and R-II, annexed hereto, effectuates the purposes of sections 4 II (a) and 4 II (b) of the Act and complies in all respects with the standards thereof.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof, § 333.6 (*General prices*), and § 333.7 (*Special prices—Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*) in the Schedule of Effective Minimum Prices for District 13 For All Shipments Except Truck be and it is hereby amended in accordance with the classifications and minimum prices set forth in Supplements R-I and R-II, annexed hereto and made a part hereof.

Dated: January 30, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 *General prices*—Supplement R-I

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine Index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	WALKER COUNTY, ALA.				
1261	Pratt-American Coal Co.	Riverside	1	Pratt	31

Shipping Point: Colta, Ala. Railroad: L&N.
This mine shall have a price in size groups 13, 19, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 12, 14, 17 and 18, respectively, for mine with Index Number 55.
This mine shall have the same price in size group 24 on all price tables as listed for mine with Index Number 55.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 19

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 339, Minimum Price Schedule for District No. 19 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

The following price classification and minimum prices shall be inserted in Price Schedule No. 1 for District No. 19:

§ 339.4 *Code member price index*—Supplement R. Insert the following listings in proper alphabetical order:

Producer	Mine	Mine Index No.	County	Subdistrict price group	Prices Rail	Prices Truck
Holmberg, Arthur N.	Arts	250	Sheridan	7	------	$.30.21
Shaw, Truman & Lyle (Truman Shaw)	Pursley	253	Johnson	9	------	$.30.21
Turner, Isaac	Turner	251	Sheridan	7	------	$.30.21
Welton, Herman	Cedar Hills	252	Fremont	6	------	$.30.21

FOR TRUCK SHIPMENTS

§ 339.21 *General prices in cents per net ton for shipment into all market areas*—Supplement T. Insert the following code member names, mine names and counties under Subdistricts 6, 7 and 9, and the following prices:

Code Member Mine Name	County	Size groups 1	2	3	4	5	6	7	8	9	10	12	14	15	16	17
SUBDISTRICT NO. 6																
Welton, Herman Cedar Hills	Fremont	325	325	300	275	275	250	250	150	150	195	195	125	115	----	----
SUBDISTRICT NO. 7																
Holmberg, Arthur N., Arts Mine; Turner, Isaac, Turner Mine	Sheridan	280	280	270	260	260	250	250	150	150	185	170	110	90	----	----
	Sheridan	280	280	270	260	260	250	250	150	150	185	170	110	90	----	----
SUBDISTRICT NO. 9																
Shaw, Truman & Lyle (Truman Shaw) Pursley Mine	Johnson	----	----	240	240	240	240	240	240	240	125	125	150	125	125	100	50

[F. R. Doc. 42-1522; Filed, February 20, 1942; 10:57 a. m.]

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§ 333.7 *Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R-II

[Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions]

Mine Index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	WALKER COUNTY, ALA.				
1261	Pratt-American Coal Co.	Riverside	1	Pratt	31
1293	Winn, D. F.	Winn-Pratt #1	1	Pratt	31

These mines shall have a price of $2.65 for size group 13 for Steamship Vessel Fuel.

[F. R. Doc. 42-1524; Filed, February 20, 1942; 10:58 a. m.]

[Docket No. A-1201]

PART 339—MINIMUM PRICE SCHEDULE, DISTRICT NO. 19

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 19 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 19 FOR TRUCK SHIPMENT

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 19 for truck shipment; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 339.4 (*Code member price index*) is amended by adding thereto Supplement R, and § 339.21 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

AMENDMENT OF GENERAL LICENSE NO. 42 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

FEBRUARY 23, 1942.

General License No. 42 [1] is amended to read as follows:

§ 131.42 *General License No. 42.* (a) A general license is hereby granted:

(1) Licensing as a generally licensed national any individual residing in the United States on February 23, 1942, and

(2) Licensing as a generally licensed national any partnership, association, corporation or other organization which is a national of a foreign country designated in the Order solely by reason of the interest therein of a person or persons licensed as generally licensed nationals pursuant to this general license.

(b) The following provisions shall govern the filing of reports under this general license:

(1) Before effecting any transaction pursuant to this general license, the following persons licensed herein as generally licensed nationals shall file a report in triplicate on Form TFR–42 with the appropriate Federal Reserve Bank:

(i) Every individual who was not residing in the United States on June 17, 1940; and

(ii) Every partnership, association, corporation or other organization which prior to February 23, 1942, was not a generally licensed national solely by reason of the interest of an individual or individuals referred to in (i) above.

Any person failing to comply with this reporting requirement is not authorized to engage in any transaction pursuant to this general license.

(2) Individuals and other persons licensed herein as generally licensed nationals and not falling within classes referred to in 2 (a) need not file reports on Form TFR–42.

(3) This general license shall not be deemed to suspend, cancel, or otherwise modify in any way the requirements of the Order and regulations relating to reports on Form TFR–300 with respect to the property interests of certain persons licensed herein as generally licensed nationals: *Provided, however,* That if reports on TFR–300 were not, prior to February 23, 1942, required to be filed in any case or class of cases, such reports are not required to be filed pursuant to this general license.

(c) This general license shall not be deemed to license as a generally licensed national:

(1) Any individual who on or since the effective date of the Order has acted or purported to act directly or indirectly for the benefit or on behalf of any blocked country, including the government thereof;

(2) Any individual who is a national of a blocked country by reason of any fact other than that such individual has been domiciled in, or a subject, citizen, or resident of a blocked country at any time on or since the effective date of the Order;

(3) Any individual who enters a blocked country after February 23, 1942; or

(4) Any national of Japan. Nationals of Japan shall continue to be governed by the provisions of General License No. 68A in so far as General License No. 68A may be applicable. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr.
Acting Secretary of the Treasury.

[F. R. Doc. 42–1625; Filed, February 24, 1942; 11:01 a. m.]

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

REVOCATION OF GENERAL LICENSES NOS. 42A [2] AND 68 [3] UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

FEBRUARY 23, 1942.

General Licenses Nos. 42A (§ 131.42a) and 68 (§131.68) are hereby revoked.

Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Public No. 354, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 42–1626; Filed, February 24, 1942; 11:01 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER C—BOARD OF ECONOMIC WARFARE

EXPORT CONTROL SCHEDULE C

By virtue of the authority vested in me by Executive Orders No. 8900 [4] and 8713,[5] and by Order No. 1 [6] of the Board of Economic Warfare of September 15, 1941, and by Proclamation No. 2506 [7] of August 27, 1941, it is hereby ordered and determined as follows:

1. Effective March 1, 1942, Export Control Schedule A is revoked.

2. Effective March 1, 1942, the articles and materials designated in Proclamation No. 2465 [8] of March 4, 1941, issued pursuant to section 6 of the Act of July 2, 1940 (54 Stat. 714, 50 U.S.C. Sup. sec. 99) shall include any model, design, photograph, photographic negative, document or other article or material, containing a plan, specification, or descriptive or technical information of any kind (other than that appearing generally in a form available to the public) which can be used or adapted for use in connection with any process, synthesis or operation in the production, manufacture, reconstruction, servicing, repair, or use of any of the articles or materials hereinafter listed the exportation of which is prohibited or curtailed in accordance with the provisions of section 6 of the act of Congress approved July 2, 1940, or of any basic or intermediary constituent of any such articles or materials.

3. The articles and materials hereinafter listed include all of the forms, conversions and derivatives of such articles and materials described in Export Control Schedules No. 1 through 27 inclusive and Export Control Schedules Y and Z.

List [9]

1. Abrasive Manufactures.
2. Aircraft—Parts, Equipment & Accessories (In addition to those listed in the President's Proclamation of May 1, 1937).
3. Aluminum Alloy Products.
4. Aluminum Ores & Concentrates.
5. Aluminum Products.
6. Antimony.
7. Beryllium.
8. Bismuth.
9. Carbon Electrodes.
10. Chemicals.
11. Chromium.
12. Cobalt.
13. Columbium (Niobium).
14. Copper.
15. Cryolite.
16. Diamonds, Industrial.
17. Drugs, Herbs, Leaves & Roots.
18. Electrical Machinery & Apparatus.
19. Engines—Aircraft, Parts.
20. Engines—Diesel & Semi-Diesel.
21. Ferro-Alloys.
22. Fibers & Manufactures of Nylon and Silk.
23. Firearms, Ammunition & Fireworks.
24. Glass—Bullet-proof laminated glass containing 3 or more sheets.
25. Graphite.
26. Graphite Manufactures.
27. Insecticides, Fungicides & Disinfectants.
28. Instruments, (All types listed).
29. Iridium.
30. Iron-Ferro-Alloys.
31. Iron & Steel Mfrs.—Tools, Tubular Products, Wire.
32. Lead.
33. Locomotives.
34. Machinery—All except Farm Machinery, Printing & Bookbinding, Textile, Sewing & Shoe.
35. Magnesium.
36. Manganese.
37. Mercury.
38. Mica—Built-up & Mica Products, Manufactures, Natural, Raw and Processed.
39. Molybdenum.
40. Naval Stores.
41. Nickel.
42. Oils & Fats—Animal, Fish & Marine Mammal & Vegetable.
43. Optical Elements.
44. Petroleum Products and Tetraethyl Lead.
45. Pigments.
46. Platinum Group Salts & Compounds.
47. Platinum Group Metals.
48. Quartz Crystals.
49. Radium.
50. Rubber (Including all types synthetic rubber).
51. Scientific & Professional Instruments, Apparatus & Supplies.
52. Tantalum.
53. Thorium.
54. Tin.
55. Titanium.
56. Tools—(incorporating) Industrial Diamonds.
57. Tungsten.
58. Uranium.
59. Valves.
60. Vanadium.
61. Vehicles, Motor.
62. Wood Pulp.
63. Zinc.
64. Zirconium.
65. Arms, ammunition and implements of war as defined in the President's Proclamation of May 1, 1937.
66. Clothing (other than dress uniforms) designed for military or naval use.
67. Electronic Apparatus and Systems.
68. Gas masks and components.
69. Kyanite & Sillimanite.
70. Magnesite.
71. Radioactive Materials.
72. Silver Alloys and Plating Processes.
73. Sonic Apparatus and Systems.
74. Synthetic textiles, including: Nylon (including all forms thereof) Rayon (including all forms thereof) Synthetic textiles in all forms thereof other than rayon and nylon.
75. Vessels or boats of all kinds in addition to those specified in the President's Proclamation of May 1, 1937.
76. Vitamins, vitamin preparations and concentrated foods.
77. Any articles or materials, other than those specified above, designed or intended primarily for military or naval use.

By direction of the President.

MILO PERKINS,
Executive Director.

WASHINGTON, D. C.
February 20, 1942.

[F. R. Doc. 42–1544; Filed, February 20, 1942; 4:52 p. m.]

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER A—GENERAL PROVISIONS

PART 903—DELEGATION OF AUTHORITY

Amended Definition of "Passenger Automobiles"—Amendment No. 1 to Supplementary Directive No. 1A

Paragraph (b) of Supplementary Directive No. 1A (§ 903.2),[1] issued February 2, 1942, is hereby amended to read as follows:

§ 903.2 *Further delegation of authority to the Office of Price Administration with reference to rationing of passenger automobiles.*

* * * * *

(b) As used in this Supplementary Directive, the term "new passenger automobiles" means any 1942 model passenger automobile having a seating capacity of not more than 10 persons, irrespective of the number of miles it has been driven, or any other passenger automobile which has been driven less than 1,000 miles, including other body types such as ambulances, hearses, station wagons and taxis, built upon a standard or lengthened passenger car chassis. (E.O. 9024, Jan. 16, 1942, 7 F.R. 329, E.O. 9040, Jan. 24, 1942, 7 F.R. 567; Sec. 2(a), Pub. No. 671, 76th Cong. 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.; W.P.B. Dir. No. 1, Jan. 24, 1942, 7 F.R. 562)

Issued this 21st day of February 1942.

DONALD M. NELSON,
Chairman, War Production Board.

[F. R. Doc. 42–1599; Filed, February 23, 1942; 5:17 p. m.]

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

Interpretation No. 1 of § 944.14 of Priorities Regulation No. 1 [2] as Amended

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 944.14 of Priorities Regulation No. 1 as amended December 23, 1941.

Any inventory of any grade of wood pulp in excess of sixty days' supply of that grade, on the basis of current method and rate of operation during any ninety continuous working days of the previous six months, stored either at a plant or in separate warehouses, shall be deemed to be in excess of a "practicable minimum working inventory": *Provided, however,* That this interpretation shall not apply to pulp held for the manufacture of products for Ordnance purposes or to pulp held for delivery under the Lend-Lease Act of March 11, 1941.

Issued this 20th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1543; Filed, February 20, 1942; 5:04 p. m.]

PART 989—DOMESTIC MECHANICAL REFRIGERATORS

Interpretation No. 2 of Supplementary General Limitation Order L–5–b

The following interpretation is hereby issued by the Director of Industry Operations with respect to § 989.3, Supplementary General Limitation Order L–5–b,[1] dated February 14, 1942.

New Domestic Mechanical Refrigerators which were sold, leased and traded, but not delivered, shipped or transferred prior to 10:00 A. M., Eastern War Time, February 14, 1942, may not be delivered, shipped or transferred unless such delivery, shipment or transfer is made pursuant to the provisions of subparagraph (a) (1), or unless such refrigerators were actually in transit at 10:00 A. M., Eastern War Time, February 14, 1942.

Issued this 23rd day of February, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1586; Filed, February 23, 1942; 11:57 a. m.]

PART 989—DOMESTIC MECHANICAL REFRIGERATORS

Supplementary General Limitation Order L–5–c Further Restricting and Finally Prohibiting the Production of Domestic Mechanical Refrigerators

In accordance with the provisions of §§ 989.1, 989.2, and 989.3 (General Limitation Orders L–5,[2] L–5–a,[3] and L–5–b [4]), which the following order supplements, *It is hereby ordered that:*

§ 989.4 *Supplementary General Limitation Order L–5–c*—(a) *Prohibition of production of domestic mechanical refrigerators after April 30, 1942.* Effective May 1, 1942, no Manufacturer shall produce any Domestic Mechanical Refrigerators.

(b) *Restrictions for the period up to April 30, 1942.* During the period from

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[1] 6 F.R. 2907.

[2] 6 F.R. 6104; 7 F.R. 468.
[3] 6 F.R. 3726.
[4] 6 F.R. 1501.
[5] 6 F.R. 1502.
[6] 6 F.R. 4828.
[7] 6 F.R. 4469.
[8] 6 F.R. 1300.
[9] As to items No. 1–64, inclusive, exporters will find it convenient to refer to Comprehensive Export Control Schedule No. 6 (March–April, 1942), issued by the Board of Economic Warfare, Office of Export Control, Washington, D. C. Wherever the corresponding entry in the Comprehensive Export Control Schedule appears in bold face type, the entry on the above list is intended to include all the articles and materials indented under such entry in bold face type in the Comprehensive Export Control Schedule. For example, the term "Chemicals" as used in this list includes all the chemicals and chemical compounds listed under the entry "Chemicals" in Comprehensive Export Control Schedule No. 6.

[1] 7 F.R. 698.
[2] 6 F.R. 4490, 6682.

[1] 7 F.R. 1063.
[2] 6 F.R. 5008.
[3] 6 F.R. 6256, 7 F.R. 116.
[4] 7 F.R. 1063.

February 14, 1942 to April 30, 1942, inclusive:

(1) No Manufacturer shall produce more Domestic Mechanical Refrigerators than three times the number of such Refrigerators which he could produce under the provisions of paragraph (a) of Supplementary Limitation Order L–5–a during either month of January or February, 1942.

(2) The ratio of Deluxe Models to all other models of Domestic Mechanical Refrigerators produced by any Manufacturer shall not exceed the ratio of Deluxe Models to all other models of Domestic Mechanical Refrigerators produced by him during the period from August 1, 1941 to January 31, 1942, inclusive.

(3) From its effective date the provisions of this Order shall supersede the provisions of Supplementary General Limitation Order L–5–a.

(c) *Governmental orders included in the foregoing restrictions.* The restrictions of paragraphs (a) and (b) above, shall apply to the production of all Domestic Mechanical Refrigerators, including those required to fulfill contracts or orders coming under the provisions of Paragraph (c) of Supplementary General Limitation Order L–5–a, as amended January 6, 1942.

(d) *Replacement parts.* Nothing in this Order shall be construed to prohibit or limit the production of replacement parts for Domestic Mechanical Refrigerators.

(e) *Definition.* For the purposes of this Order:

(1) "Deluxe Model" means any Domestic Mechanical Refrigerator of the type customarily known as a "Deluxe," "Semi-Deluxe," or "High-Humidity" model.

(f) *Effective date.* This Order shall take effect on the date of its issuance and shall continue in effect until revoked.

Issued this 23d day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1588; Filed, February 23, 1942; 11:57 a. m.]

PART 1013—CHLORINATED RUBBER

Amendment No. 1 to General Preference Order No. M–46 To Conserve the Supply and Direct the Distribution of Chlorinated Rubber

Section 1013.1 (General Preference Order No. M–46[1]) is hereby amended in the following particulars:

Paragraph (f) is hereby relettered and made paragraph (i).

A new paragraph (f) is hereby added to read as follows:

§ 1013.1 *General Preference Order M–46.*

• • • • •

(f) *Restrictions on use.* Except as may be otherwise directed by the Director of Industry Operations, on and after the effective date hereof,

(1) No person shall use Chlorinated Rubber for a use not specified below:

(i) As a paint, for interior use (not including floor coating) in industrial plants where resistance to chemical corrosion is required. As a paint, for interior use in arsenals. For marine use in ship-bottom and submarine paints.

(ii) For flame-proofing fabric for military tents, tarpaulins and other fabric for military use.

(iii) For tracer bullets.

(iv) For adhering natural and synthetic rubber articles to metal.

(v) For electrical insulation.

(2) No person shall knowingly deliver Chlorinated Rubber for a use not specified in paragraph (f) (1) above.

(3) The provisions of this paragraph (f) shall apply with respect to stocks of Chlorinated Rubber on hand on the effective date of this Order. Persons who have stocks of Chlorinated Rubber on hand on said date, the use of which said stocks is prohibited by provisions of this paragraph (f), shall forthwith report such fact and the details thereof to the Chemicals Branch, War Production Board, and shall hold such Chlorinated Rubber for disposition by the Director of Industry Operations.

A new paragraph (g) is hereby added to read as follows:

(g) *Notification of consumers.* Producers shall, as soon as practicable, notify each of their regular consumers of the requirements and restrictions contained in this Order, but the failure to give such notice shall not excuse any person for the obligation of complying with the terms of this Order.

A new paragraph (h) is hereby added to read as follows:

(h) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Chlorinated Rubber conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board, Reference: M–46, attention Chemicals Branch, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942; 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527, sec. 2(a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong. 1st Sess.

This Order shall take effect immediately.

Issued this 23d day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc 42–1587; Filed, February 23, 1942; 11:57 a. m.]

PART 1116—SHOTGUNS

Limitation Order No. L–55 to Restrict the Manufacture and Sale of Shotguns

Whereas national defense requirements have created a shortage of shotguns for plant patrol and other local guard duties, and it is necessary in the public interest and to promote the defense of the United States to conserve the supply and direct the distribution thereof; and

Whereas it is expected that Government orders for large numbers of 12-gauge shotguns will be placed, and it is desired that all manufacturers thereof convert to and utilize for the manufacture of such shotguns all facilities which can be so converted or used;

Now, therefore, it is hereby ordered, That:

§ 1116.1 *Limitation Order L–55*—(a) *Definitions.* For the purposes of this Order:

(1) "Shotgun" means single barrel, double barrel, repeating, riot, pump and any other type of Shotgun of any gauge whatsoever.

(2) "Manufacturer" means any person engaged in the manufacture of Shotguns.

(b) *Prohibition of sales.* From and after the effective date of this Order no manufacturer shall sell, deliver, ship, transfer or otherwise dispose of any 12-gauge shotgun (whether produced before or after the effective date of this Order) except:

(i) For Government use only to any Agency, Department, Office, or Officer of the Federal Government or of any state or local government; or pursuant to orders placed by the government of the United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia; or for the account of any foreign country pursuant to the Act of March 11, 1941, "An Act to Promote the Defense of the United States" (Lend-Lease Act);

(ii) That any such shotguns actually in transit on the effective date of this Order may be delivered to their immediate destination;

(iii) Pursuant to a specific order to the Director of Industry Operations.

(c) *Prohibition of manufacture.* From and after the effective date of this order no person shall, except pursuant to specific order of the Director of Industry Operations:

(1) Use any machinery, machine tools, dies, jigs, fixtures or other equipment which could be used to assemble or manufacture a 12-gauge shotgun or any part thereof, or any part which could be used therein, for the purpose of assembling or manufacturing any shotgun other than a 12-gauge shotgun or any part thereof, or any part to be used therein.

(2) Manufacture during the period February 23 to February 28 inclusive, more shotguns other than 12-gauge shotguns than 50% of 5/365 of the aggregate number of such guns manufactured by such person during the calendar year 1940.

(3) Manufacture during the month of March 1942 or in any calendar month thereafter more shotguns other than 12-gauge shotguns than 50% of one-twelfth of the aggregate number of such guns manufactured by such person during the calendar year 1940.

(d) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(e) *Records.* All persons affected by this Order shall keep and preserve for not less than 2 years accurate and complete records concerning inventories, purchases, production and sales.

(f) *Reports.* All persons affected by this Order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(g) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representative of the War Production Board.

(h) *Violations or false statements.* Any person who violates this Order or who willfully falsifies any records which he is required to keep by the terms of this Order, or otherwise willfully furnishes false information to the War Production Board may be deprived of priorities assistance or may be prohibited by the War Production Board from obtaining any further deliveries of materials subject to allocation. The War Production Board may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U. S. C. 80).

(i) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from nondefense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The War Production Board may thereupon take such action, if any, as it deems appropriate by the amendment of this Order or otherwise.

(j) *Communications.* All communications concerning this Order shall be addressed to War Production Board, Washington, D. C., Ref.: L–55.

(k) *Effective date.* This Order shall take effect at 9:00 A. M. Eastern War Time of the date of its issuance. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law. 89, 77th Cong. 1st Sess.)

Issued this 23d day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1580; Filed, February 23, 1942; 11:57 a. m.]

PART 1041—PRODUCTION, REFINING, TRANSPORTATION, AND MARKETING OF PETROLEUM

Amendment No. 1 to Preference Rating Order No. P–98[1]

1. Section 1041.1 (Preference Rating Order No. P–98, paragraph (e) (2)) is hereby amended to read as follows:

§ 1041.1 *Preference rating order P–98.*

• • • • • •

(e) • • •.

(2) In addition to the requirements of paragraph (e) (1), the Operator (but not a Supplier) in order to apply any of the preference ratings of A–2 or higher assigned by paragraph (b) of this Order, other than ratings assigned by paragraphs (b) (1) (ii) and (b) (2) (iv) hereof, must communicate with the Office of Petroleum Coordinator, Washington, D. C., Ref: P–98, supplying in detail the following information:

(i) date of actual breakdown or suspension of operations (if applicable);

(ii) the equipment to be repaired and its operating importance (if applicable);

(iii) the Material and quantity thereof necessary to effectuate the Repair or to initiate or maintain operations;

(iv) the supply of the necessary Material which the Operator has on hand or available; and

(v) the names and addresses of Suppliers from whom the Material is to be obtained and the earliest delivery dates assured by any such Supplier for delivery of the minimum necessary quantity of Material.

The Director of Industry Operations will notify the Operator whether, and to what extent, the application is approved. A copy of such notification shall be furnished by the Operator to any Supplier to evidence the proper rating granted pursuant to the provisions of this Order.

2. Section 1041.1 (Preference Rating Order No. P–98, paragraph (e) (3)) is hereby amended to read as follows:

(3) In addition to the requirements of paragraph (e) (1), the Operator (but not a Supplier) in order to apply any preference ratings, other than those of A–2 or higher assigned by paragraph (b) of this Order, must obtain the countersignature of the Director in Charge of the nearest District Office of the Office of Petroleum Coordinator upon the purchase order which such Supplier has endorsed and signed pursuant to paragraphs (e) (1); unless,

[1] 7 F.R. 978, 903.

PART 1110—GOOSE AND DUCK FEATHERS

Conservation Order M–102—To Conserve the Supply and Direct the Distribution of Goose and Duck Feathers

Whereas the fulfillment of requirements for the defense of the United States has created a shortage of goose and duck feathers for the combined needs of defense, private account, and export, rendering it necessary that all goose and duck feathers be used in the manufacture of products for the armed forces of the United States; and it is necessary in the public interest and to promote the National Defense to conserve the supply and direct the distribution of goose and duck feathers in the manner hereafter in this Order provided:

Now, therefore, it is hereby ordered, That:

§ 1110.1 *General conservation order M–102*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Definitions.* For the purposes of this Order:

(1) "Goose Feathers" means goose feathers and goose down, both domestic and imported, which have been plucked.

(2) "Duck Feathers" means duck feathers and duck down, both domestic and imported, which have been plucked.

(3) "Dealer" means any person who purchases, sorts, grades, and resells goose feathers or duck feathers.

(c) *Restrictions on sales and deliveries of goose and duck feathers.* No person except Defense Supplies Corporation shall hereafter sell or deliver any goose or duck feathers as such except to a Dealer, Defense Supplies Corporation or a manufacturer for use by such manufacturer in filling Defense Orders having a preference rating of A–1–j or better.

(d) *Restrictions on use of goose and duck feathers.* No person shall hereafter use any goose or duck feathers in the

(i) any completely fabricated, individual item to which a preference rating is to be applied has a cost to the Operator of $500 or less; and

(ii) the rating which is to be applied in obtaining delivery of such an item is assigned by paragraphs (b) (1) (iv); (b) (2) (v), (vi) or (vii); (b) (3) (ii), (iii), (iv); or (b) (4) (i) or (ii).

3. This amendment shall take effect immediately.

Issued this 20th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1542; Filed, February 20, 1942; 5:04 p. m.]

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[1] 6 F.R. 5534.

[1] 7 F.R. 978, 903.

manufacture or production of any article except for the purposes of filling Defense Orders having a preference rating of A-1-j or better.

(e) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of goose and duck feathers conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board by letter or telegram, Ref: M-102, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(f) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(g) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref: M-102.

(h) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(i) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680, W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2(a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 24th day of February, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1632; Filed, February 24, 1942; 11:48 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1343—FATS AND OILS AND THEIR PRODUCTS

ORDER REVOKING SCHEDULE NO. 25—ELIMINATION OF SPECULATIVE AND INFLATIONARY PRICE PRACTICES WITH RESPECT TO FATS AND OILS AND THEIR PRODUCTS

Schedule 25 [1] was issued on August 28, 1941, by the Office of Price Administration and Civilian Supply for the purpose of preventing speculation, hoarding, and undue price rises through the elimination and regulation of certain trade practices. On February 3, 1942, Amendment No. 2 to Price Schedule No. 53 [2] was issued by the Office of Price Administration, establishing maximum prices upon fats and oils and their products. Schedule No. 25 is no longer necessary to effectuate the above purposes. Therefore, under the authority vested in me by the Emergency Price Control Act of 1942, it is hereby directed that:

Sections 1343.1 to 1343.11, inclusive, Schedule No. 25, is hereby revoked. (Pub., No. 421, 77th Cong. 2d Sess.)

This Order of Revocation is effective February 23, 1942. Issued this 23d day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1598; Filed, February 23, 1942; 5:07 p. m.]

PART 1367—FERTILIZERS

TEMPORARY MAXIMUM PRICE REGULATION NO. 1—MIXED FERTILIZER, SUPERPHOSPHATES AND POTASH

In the judgment of the Price Administrator, it is necessary, in order to effectuate the purposes of the Emergency Price Control Act of 1942, to issue a temporary regulation establishing as a maximum price or maximum prices for mixed fertilizer, superphosphate and potash, the price or prices prevailing with respect thereto within five (5) days prior to the date of issuance of such temporary regulation.

Therefore, under the authority vested in me by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1 issued by the Office of Price Administration, this Temporary Maximum Price Regulation No. 1 is hereby issued.

§ 1367.1 *Maximum prices for mixed fertilizer, superphosphate and potash.* (a) On and after February 27, 1942, to and including April 27, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver mixed fertilizer, superphosphate or potash, in quantities of 250 pounds or more, to a consumer at prices higher than the maximum prices established herein.

(b) (1) The maximum price shall be the price as set forth in either (i) (*a*) the written or printed price schedule or list last issued, prior to February 21, 1942, and effective for any portion of the period from and including February 16, 1942, to and including February 20, 1942, by the manufacturer of the mixed fertilizer, superphosphate or potash being sold, or (*b*) the written or printed schedule or list last issued, circulated or displayed, prior to February 16, 1942, and effective for any portion of the period from and including February 16, 1942, to and including February 20, 1942, by the person making the sale (including a dealer, agent or other person). This price shall be the price stated in such schedule or list for a sale (ii) (*a*) to a consumer in the locality, (*b*) of the same quantity, grade and kind of mixed fertilizer, superphosphate or potash, (*c*) delivered in the same type of container or bag, (*d*) under the same terms of payment (time, cash, etc.), and (*e*) by the same methods and under the same conditions of delivery.

(2) Instead of the maximum price set forth in subparagraph (1) above, the maximum price may be the "average price" charged either by the manufacturer of the mixed fertilizer, superphosphate or potash being sold, or by the person making the sale (including a dealer, agent or other person), upon "sales of the same type" for the period from and including February 16, 1942 to and including February 20, 1942, minus any customary allowances for transportation or otherwise. The "average price" shall be the price obtained by dividing the total of the prices charged during that five-day period upon "sales of the same type" (before deduction of any transportation or other allowances) by the amount of goods so sold. "Sales of the same type" means sales (i) to a consumer in the same locality, (ii) of the same quantity, grade and kind of mixed fertilizer, superphosphate or potash, (iii) delivered in the same type of container or bag, (iv) under the same terms of payment (time, cash, etc.), and (v) by the same methods and under the same conditions of delivery.

The manufacturer or other person making the sale (including a dealer or an agent) may use either the maximum price established by this subparagraph (2) or the maximum price established by subparagraph (1) above.

(3) If there is no applicable maximum price under either subparagraph (1) or (2) above, then the maximum price shall be the price as set forth in the written or printed price schedule last issued, prior to February 21, 1942, and effective for any portion of the period from and including February 16, 1942, to and including February 20, 1942, by any manufacturer of mixed fertilizer, superphosphate or potash. This price shall be the price stated in such schedule or list for a sale (i) to a consumer in the same locality, (ii) of the same quantity, grade and kind of mixed fertilizer, superphosphate or potash, (iii) delivered in the same type of container or bag, (iv) under the same terms of payment (time, cash, etc.), and (v) by the same methods and under the same conditions of delivery.

(c) On and after February 27, 1942, to and including April 27, 1942, no person shall sell or contract to sell mixed fertilizer, superphosphate or potash, in quantities of 250 pounds or more, to a consumer for delivery after April 27, 1942, at prices higher than the maximum prices set forth in paragraph (b) above, or accomplish such result by postponing until after such date the acceptance or fulfillment of any order received prior thereto. No person shall establish terms of payment or conditions of delivery in connection with the sale of mixed fertilizer, superphosphate or potash, in quantities of 250 pounds or more, to a consumer, more onerous than those in effect or available to such consumer for the period from and including February 16, 1942, to and including February 20, 1942. No person shall offer, solicit or attempt to do any of the foregoing, or offer or attempt to sell or deliver mixed fertilizer, superphosphate or potash, in quantities of 250 pounds or more, to a consumer at prices higher than the maximum prices set forth in paragraph (b) above.

(d) The provisions of this section shall not be applicable to sales or deliveries to consumers of mixed fertilizer, superphosphate or potash, received prior to February 27, 1942, by a carrier, other than a carrier owned or controlled by the person making the sale (including a dealer, agent or other person) for shipment to a consumer.*

*§§ 1367.1 to 1367.11, inclusive, issued pursuant to Pub. No. 421, 77th Cong., 2d Sess.

§ 1367.2 *Less than maximum prices.* Lower prices than those set forth in § 1367.1 above may be charged, demanded, paid or offered.*

§ 1367.3 *Conditional agreements.* On and after February 27, to and including April 27, 1942, no person shall agree to sell or deliver mixed fertilizer, superphosphate or potash, in quantities of 250 pounds or more, to a consumer at a price higher than the maximum price set forth in § 1367.1 (b) above, nor shall any person make an agreement which would provide for adjustment of the price to a price higher than such maximum price in the event that this Temporary Maximum Price Regulation No. 1 is hereafter amended or invalidated by a Court, or provide for such adjustment upon any other condition.*

§ 1367.4 *Evasion.* The price limitations set forth in this Temporary Maximum Price Regulation No. 1 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of mixed fertilizer, superphosphate or potash, alone or in conjunction with any other commodity or by way of any commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding: *Provided, however,* That nothing contained herein shall be construed to prohibit the granting of any customary allowances or discounts for transportation, quantity or otherwise, or the charging of prices lower than the maximum prices established by this Temporary Maximum Price Regulation No. 1.*

§ 1367.5 *Records and reports.* (a) Every person (including an agent) making a sale of mixed fertilizer, superphosphate or potash, in quantities of 250 pounds or more, to a consumer during the period from and including February 16, 1942, to and including April 27, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years, complete and accurate records of each such sale, showing the date thereof; the name and address of the buyer, of the person (including an agent) making the sale, and of the manufacturer of the mixed fertilizer, superphosphate or potash; the quantity, grade and kind of the mixed fertilizer, superphosphate or potash sold; the bags or containers in which delivered; the price charged or received therefor; the terms of payment (time, cash, etc.); and the method and conditions of delivery.

(b) Not later than March 5, 1942, every manufacturer of mixed fertilizer, superphosphate or potash, who is engaged in the business of selling the same to consumers, whether by or through any agent or other person, shall file with the Office of Price Administration in Washington, D. C., one copy of each and every written or printed price schedule, whether temporary or permanent, issued by him in connection with the sale thereof to consumers from and after November 1, 1940, until February 27, 1942, together with all written or printed amendments and supplements to any of such schedules; and from and after February 27, 1942, each such person shall continue, until further notice, to file with the Office of Price Administration in Washington, D. C., one copy of any and all such price schedules, and supplements and amendments thereto, whose issuance is thereafter contemplated, at least five (5) business days prior to the contemplated effective date thereof. Neither such filing, nor the failure to object to the contents thereof, shall constitute authorization therefor, or approval thereof, by the Office of Price Administration.

(c) Not later than March 5, 1942, every manufacturer of mixed fertilizer, superphosphate or potash, who is engaged in the business of selling the same to consumers, shall mail or cause to be mailed, to his agents, written notice of the issuance and terms of this Temporary Maximum Price Regulation No. 1 and a direction to comply therewith. Such manufacturer shall also, not later than March 10, 1942, notify the Office of Price Administration in writing that he has mailed or caused to be mailed such written notice and direction.

Persons affected by this Temporary Maximum Price Regulation No. 1 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1367.6 *Enforcement.* (a) Persons violating any provision of this Temporary Maximum Price Regulation No. 1 will be subject to the civil and criminal penalties provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Temporary Maximum Price Regulation No. 1 or of any regulation or order issued by the Office of Price Administration or of any acts or practices which constitute or will constitute such a violation are urged to communicate with the nearest Field or Regional Office or the principal office of the Office of Price Administration in Washington, D. C.*

§ 1367.7 *Export sales.* The maximum prices established by this Temporary Maximum Price Regulation No. 1 shall not apply to sales of mixed fertilizer, superphosphate or potash for delivery to persons in a foreign country or in a territory or possession of the United States.*

§ 1367.8 *Import sales.* The maximum prices established by this Temporary Maximum Price Regulation No. 1 shall not apply to sales of mixed fertilizer, superphosphate or potash, in a foreign country for delivery to the United States or to a territory or possession of the United States, or to the resale thereof, after such importation, to persons in the United States, or a territory or possession of the United States.*

§ 1367.9 *Petitions for amendment.* Persons seeking modification of any provision of this Temporary Maximum Price Regulation No. 1 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.*

§ 1367.10 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 1, the term:

(1) "Person" includes an individual, corporation, partnership, association, farmers' or consumers' cooperative or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" means a person who produces, mixes, or processes, or who markets for his own account and under his own brand or trade name, mixed fertilizer, superphosphate, potash or nitrogenous material for use as an aid to the growth of crops or plants.

(3) "Consumer" means a person purchasing mixed fertilizer, superphosphate or potash for use in aiding the growth of crops or plants (and not for resale).

(4) "Mixed fertilizer" means any substance containing any two, or more, of potash, superphosphate, and nitrogenous material, when marketed or sold as an aid to the growth of crops or plants.

(5) "Superphosphate" means any product which is obtained by mixing rock phosphate with either sulphuric acid or phosphoric acid or with both acids, when marketed or sold as an aid to the growth of crops or plants.

(6) "Potash" means muriate, chloride, or sulphate of potash, manure salts and any other substance containing potassium oxide (K_2O), when marketed or sold as an aid to the growth of crops or plants.

(7) "Nitrogenous material" means any organic or inorganic substance containing nitrogen, when marketed or sold as an aid to the growth of crops or plants, except when so marketed or sold without the admixture of any potash or superphosphate.

(8) "Grade" means the minimum guarantee of the plant food content of mixed fertilizer, superphosphate, or potash, expressed in terms of nitrogen, available phosphoric acid, and water soluble potash, e. g. 4-8-4, 3-8-5, etc.

[1] 6 F.R. 4491, 4684, 4685.

[2] 7 F.R. 756.

(9) "Kind" as distinguished from the term "grade" refers only to mixed fertilizer and means the substances, and the proportions thereof, containing the guaranteed plant food content of mixed fertilizer, as, for example, in the case of nitrogenous material, 80% inorganic and 20% insoluble organic nitrogen; or in the case of potash, 75% sulphate of potash and 25% muriate of potash.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.*

§ 1357.11 *Effective period.* This Temporary Maximum Price Regulation No. 1 (§§ 1367.1 to 1367.11 inclusive) shall become effective on February 27, 1942, and shall, unless earlier revoked or replaced, expire on April 27, 1942.*

Issued this 21st day of February 1942.

LEON HENDERSON,
Price Administrator.

[F. R. Doc. 42-1565; Filed, February 21, 1942; 12:44 p. m.]

PART 1377—WOODEN CONTAINERS

TEMPORARY MAXIMUM PRICE REGULATION NO. 2—USED EGG CASES

In the judgment of the Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942 to establish temporarily as the maximum prices for used egg cases the prices prevailing with respect thereto within five days prior to the issuance of this Regulation.

Therefore, under the authority vested in me by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Temporary Maximum Price Regulation No. 2 is hereby issued.

§ 1377.1 *Maximum prices for used egg cases.* (a) On and after February 23, 1942, to and including April 22, 1942, regardless of any contract, agreement, lease, or other obligation, no egg case emptier, or used egg case dealer, trucker, peddler, or retailer shall sell or deliver used egg cases, and no person shall buy or receive used egg cases in the course of trade or business from such sellers at prices higher than the maximum prices established in this Section; and no such person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of used egg cases to a purchaser if prior to February 23, 1942, such cases had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) The maximum price for used egg cases sold by an egg case emptier, or a used egg case dealer, trucker, or peddler shall be as follows:

(1) For a No. 1 used egg case, which is hereby defined as a case (i) ready to be used by an egg producer, (ii) sound and firm throughout, with no broken parts, (iii) clean or reasonably clean on the outside, (iv) clean and free of all stains on the inside, (v) free of all odors, (vi) having a one or two piece full cover, and (vii) with a full complement of clean, sound (unbroken), unstained, standard flats and fillers, the maximum price f. o. b. the point from which the case is transported to the purchaser shall be 22¢ if the case is transported to the purchaser from within the Eastern area and 26¢ if the case is transported to the purchaser from within the Mid-continent area.

(2) For a No. 2 used egg case, which is hereby defined as a case (i) ready to be used by an egg producer, (ii) sound and reasonably firm, (iii) free from odor and reasonably clean on the inside, (iv) having a one or two piece full cover, and (v) with a full complement of reasonably clean, sound, standard flats and fillers, the maximum price f. o. b. the point from which the case is transported to the purchaser shall be 17¢ if the case is transported to the purchaser from within the Eastern area and 21¢ if the case is transported to the purchaser from within the Mid-continent area.

(3) For a No. 3 used egg case, which is hereby defined as a case which does not meet the requirements (as herein provided) of a No. 1 or No. 2 case, the maximum price f. o. b. the point from which the case is transported to the purchaser shall be 12¢ if the case is transported to the purchaser from within the Eastern area and 16¢ if the case is transported to the purchaser from within the Mid-continent area.

(c) A delivered price in excess of the maximum price established in paragraph (b) hereof may be charged by an egg case emptier, or a used egg case dealer, trucker, or peddler, consisting of such maximum price plus transportation charges to the extent that transportation costs are paid or incurred by the seller in delivering the case to the purchaser; such transportation costs must be shown as a separate item in the billing or invoice.

(d) The maximum price for used egg cases sold by a retailer who purchases such cases from an egg case emptier or a used egg case dealer, trucker, or peddler, and who distributes such cases to egg producers or egg gatherers, shall be the total price paid for the case by the retailer plus 3¢.*

* §§ 1377.1 to 1377.8, inclusive, issued pursuant to Pub., No. 421, 77th Cong. 2d Sess.

§ 1377.2 *Less than maximum prices.* Lower prices than those set forth in § 1377.1 hereof may be charged, demanded, paid or offered.*

§ 1377.3 *Evasion.* The price limitations set forth in this Temporary Maximum Price Regulation No. 2 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of used egg cases, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise.*

§ 1377.4 *Records and reports.* Every person making purchases or sales subject to this Regulation of used egg cases after February 23, 1942, shall keep for inspection by the Office of Price Administration for a period of two years complete and accurate records of each such purchase or sale showing the date thereof, the name and the address of the buyer or seller, the price paid or received, and the quantity of each grade of used egg case purchased or sold.

Persons affected by this Temporary Maximum Price Regulation No. 2 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1377.5 *Enforcement.* (a) Persons violating any provision of this Temporary Maximum Price Regulation No. 2 will be subject to the civil and criminal penalties provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Temporary Maximum Price Regulation No. 2 or any other regulation or order issued by the Office of Price Administration or any acts or practices which constitute or will constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.*

§ 1377.6 *Petitions for amendment.* Persons seeking modification of any provision of this Temporary Maximum Price Regulation No. 2 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.*

§ 1377.7 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 2:

(1) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) The term "egg case emptier" means any person who unpacks a case of eggs.

(3) The term "used egg case dealer" means any person who purchases used egg cases and (i) resells such cases after such warehousing and/or re-conditioning as may be necessary to meet trade requirements, or (2) acts as a broker of used egg cases and resells such cases without further handling.

(4) The term "trucker" of used egg cases means any person who transports by motor carrier used egg cases from egg case emptiers, or used egg case dealers or peddlers, to egg producers or retailers of used egg cases.

(5) The term "peddler" of used egg cases means any person who collects used egg cases and sells such cases without reconditioning or warehousing.

(6) The term "retailer" of used egg cases means any person other than an egg case emptier or used egg case dealer, trucker, or peddler, as herein defined, who operates in a rural egg producing area an establishment which renders the service of supplying used egg cases to egg producers in that area.

(7) The term "used egg cases" means standard wooden containers designed to pack 30 dozen average size eggs.

(8) The term "Eastern area" means the states of Maine, Vermont, New Hampshire, Rhode Island, Connecticut, Massachusetts, New York, New Jersey, Pennsylvania, Virginia, West Virginia, Maryland, Delaware, North Carolina, South Carolina, Georgia, Florida, and the District of Columbia.

(9) The term "Mid-continent area" means the states of Ohio, Indiana, Michigan, Illinois, Wisconsin, Tennessee, Kentucky, Alabama, Mississippi, Louisiana, Texas, Oklahoma, Arkansas, Missouri, Iowa, Minnesota, North Dakota, South Dakota, Nebraska, and Kansas.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.*

§ 1377.8 *Effective date.* This Temporary Maximum Price Regulation No. 2 (§§ 1377.1 to 1377.8, inclusive) shall become effective on February 23, 1942 and shall, unless earlier revoked or replaced, expire April 22, 1942.

Issued this 21st day of February 1942.

LEON HENDERSON,
Price Administrator.

[F. R. Doc. 42-1591; Filed, February 23, 1942; 11:59 a. m.]

CHAPTER XVI—OFFICE OF CENSORSHIP

PART 1801—CABLE AND RADIO CENSORSHIP REGULATIONS

U. S. CABLE AND RADIO CENSORSHIP REGULATIONS[1]

Sec.
1801.1 Discretion of censor.
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1801.18 Subjects excluded.
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§ 1801.1 *Discretion of censor.* All messages will be accepted for transmission at the sender's risk, and may be stopped, delayed, or otherwise dealt with at the discretion of the censor, without notice to the sender.*

*§§ 1801.1 to 1801.19, inclusive, issued under the authority contained in E.O. 8985, 6 F.R. 6625.

§ 1801.2 *Transmission to enemy-occupied territory.* No message will be accepted for transmission to territory under enemy occupation, unless the communication is a government message to or from one of the other American Republics, or unless special license has been granted by the Office of Censorship to send the message.*

§ 1801.3 *Information regarding delivery.* Service involving notification by the company to the sender as to the fact or time of delivery of any international message is suspended except for international press dispatches. Inquiries at Censorship Stations regarding messages can not be handled by telephone.

Patrons filing "reply prepaid" messages, and communication companies which accept "collect" messages, must do so at their own risk, since no information regarding deliveries can be given and thus no refunds made.*

§ 1801.4 *Proper address.* On every message there must be an address which will clearly identify the addressee for whom the message is intended.

Except where a cable address is permitted under these regulations, the address must be in plain language. The use of an abbreviation of the entire postal address, provided such abbreviation is sufficient in itself to insure the identification of the addressee by the censors through whose hands the message will pass, is not prohibited; but all abbreviations of address are used at the risk of the senders, and Censorship can give no assurance that any specific abbreviation will suffice in all cases to insure identification of the addressee or ready delivery of the message.

The names of large or well-known buildings such as banks, hotels, etc., are sufficient without street addresses.*

§ 1801.5 *Cable addresses.* Cable addresses are not permitted at present. However, in order to expedite the assembly of a complete file of cable addresses being used in other countries, it is requested that persons or firms who are usual patrons of the cable and radio inform the Chief Cable Censor, Washington, D. C., by letter, showing the names, addresses, and corresponding cable addresses of the foreign persons or firms to whom their messages are sent.*

§ 1801.6 *Supplementary address information.* Full name and full address as used in this section, in either (a) or (b) below, shall be understood to mean given name, middle initials, and surname; street and number, or name of office building; and town or city, with name of State or country where necessary to avoid ambiguity.

The following supplementary information will not be transmitted as a part of the message, but may, by direction of the sender and on payment by him of the landline toll, be transmitted as far as the station of the first cable censor to act on the message:

(a) *Addressee.* When any cable address or any abbreviation of a plain language address is used in a message, the full name and full address of the addressee must also be recorded on the manuscript form on which such message is filed with the communication company.

If the message is addressed to an individual acting on behalf of a firm or other organization, the name and address of such firm or organization, and the addressee's connection with it, must appear on the form as well as the name and address of the addressee.

(b) *Sender.* In addition to the signature required on the message, the full name and full address of the sender must be recorded, as supplementary information, on the manuscript form on which each message is filed with the communication company.

When a frequent patron of the cables or radio changes his address, it will expedite his traffic to give both the old and the new address on two or three of his first dispatches sent from the new address.

If the message is signed by an individual acting in behalf of a firm or organization, or by an abbreviated form of the name of that organization, the full name and full address of that organization must also be given on the form.

(c) The name of the commodity, if any, involved in the message, must be stated on the form, and should be stated in the text of the message.*

§ 1801.7 *Signature.* All messages must be signed.

The signature transmitted should, when considered in connection with the text and the addressee, be such as to identify the sender clearly, and distinguish him from any other individual, firm or organization with a similar name.

The transmitted signature of an individual must consist of the surname at least. Such signatures as "Father", "Aunt Bess", or a nickname, will not be accepted.

The transmitted signature of a firm or organization must be sufficiently complete to identify it clearly. The name of a responsible member of the firm or officer of the organization may be used, provided satisfactory information regarding him is made available to the censor.

A cable address as signature is not permitted, but where a surname or the name of an organization is also registered, the fact that it is so registered will not preclude its use as a signature.*

§ 1801.8 *Text.* Messages will not be passed unless the meaning of the text is clear to the censor.

Single-word texts satisfy this requirement only in rare instances, and then only with appreciable delay necessary for inquiry or investigation.

Messages consisting of address and signature only, with no text, are not permitted.*

§ 1801.9 *Language permitted.* All plain language messages must be in English, French, Portuguese, or Spanish. However, all press dispatches should be

[1] 7 F.R. 971.

[1] Strict compliance with the regulations in this part, while required, will not insure the passage of any message either by the United States or foreign censorships. Senders of messages should keep themselves informed as to foreign censorship rules through the operating companies.

filed in English; otherwise they may be subject to delay. Transit traffic may be in any plain language which is acceptable at destination.

Legitimate terms or words common in any profession or trade may be used if intelligible to the censor and not susceptible to double meaning as used.*

§ 1801.10 *Commercial codes.* The use of the following commercial codes is permitted in terminal traffic:

Name of code	*Indicating symbol*
ABC Sixth Edition	ABC.
ACME Code and Supplement	ACME.
Bentley's Complete Phrase Code	BENCOM.
Bentley's Second Phrase Code	BENSEC.
Lombard General Code	LOMGEN.
Lombard shipping Code and Appendix.	LOMSHIP.
New Standard Half Word Code	STANHAF.
New Standard Three Letter Code	STANTER.
Peterson's Third Edition	PET.

In every coded message the code used must be indicated by placing the appropriate indicating symbol in the heading of the message. The symbol is not a chargeable word so used.

Cable and radio patrons should ascertain from the communication companies whether the code is acceptable by the censorship, if any, at the destination of the message.

The use of private codes is not permitted except by special license granted by the Director of Censorship. Such licenses cannot be granted unless the licensee is in a position to furnish fifteen copies of the code book for the use of censors.

The use of code words from catalogues and price lists cannot be permitted since there is little likelihood that they can be made intelligible to the censor. (See § 1801.8)

It is advised that those issuing catalogues or price lists containing code words mark them with a statement as follows:

"During the continuance of the U. S. Cable and Radio Censorship, these code words are not permitted in cablegrams."*

§ 1801.11 *Test words.* Banks and other business institutions which have previously used test words in the conduct of their business may continue to use test words in transmitting international messages: *Provided, however,* That the Office of Censorship may, at any time, and without notice, withdraw such privilege: *And provided further,* That any user of test words shall at any time furnish such information pertinent to his international communications as may be required by the Office of Censorship.

Any bank or business institution desiring to obtain the privilege of using test words in transmitting its international messages may apply to the Office of Censorship, but before such privilege is granted, and at any time thereafter, must furnish such information as may be required by the Office of Censorship.*

§ 1801.12 *Information required from sender.* Information required by the censor from the sender in the United States in regard to a specific message may be requested when necessary by a "collect" telegram from the censor to the sender.

Any information which the sender may consider necessary to make the meaning of his cablegram or radiogram clear to the censor may be imparted in a prepaid domestic telegram addressed to the censor having jurisdiction. This telegram ("Memorandum Message") should be filed with the cablegram or radiogram to which it refers.*

§ 1801.13 *Unrelated numbers in text.* Numbers that are unrelated to the text and not easily understandable to the censor are not permitted, whether expressed in plain figures or by code words translating into plain figures.*

§ 1801.14 *Serial numbers.* Serial numbers in messages are subject to deletion, but may, at the sender's risk, be included as the first word on the message, when they can be easily understood by the censor and plainly do not convey a hidden meaning.*

§ 1801.15 *Delivery of radiograms to ships.* Due to restrictions on the use of radio by ships at sea, there can be no assurance of immediate delivery of, or reply to, radiograms addressed by the public to seagoing vessels.*

§ 1801.16 *Stock market daily reports.* Routine stock market daily reports (including curb market, cotton, grain, and similar market reports) will be expedited by the censor the same as press dispatches when received from properly recognized and trustworthy agencies. However, reports concerning individual transactions and messages between brokers, dealers, firms, and individuals relative to bids, offers, acceptances, inquiries, quotations, etc., shall be subject to all of the regulations in this part.*

§ 1801.17 *Financial transactions.* In connection with any messages relating to financial transactions, the censor may require complete information relative to the identity of the payor and payee, and the ultimate purpose of the transaction.*

§ 1801.18 *Subjects excluded.* Except in press dispatches (for which separate regulations have been issued), no reference, either open or hidden, will be made to any of the following subjects in any international communication:

(a) The location, identity, description, movement or prospective movement of any merchant vessel, aircraft, naval or military vessel or naval or military force, including the collective or individual personnel thereof, operated by the United States or other nations opposing the Axis powers. Messages pertaining to the shipment of material or movements of vessels must be so worded as not to associate any two of the following elements: (1) The name of the vessel; (2) the nature of the cargo; and (3) the name of port or arrival or departure. The specific date of arrival or departure on any present or future voyage is not permitted, but approximate date may be used, employing such expressions as "next week", or "late next month", etc. No such expression shall be more specific than one week's time. This applies to American, anti-Axis, and Neutral ships alike.

(b) The location, identity, description, test, performance, production, movement or prospective movement, of defensive or offensive weapons, installations, supplies, material, or equipment of the United States or other anti-Axis nations.

(c) The location, description, production, capacity, or specific output of existing or proposed private or government-owned or -controlled plants, yards, docks, dams, structures, experimental or other facilities, or to contracts, plans, and rates of industrial activity in connection therewith.

This extends to any process, synthesis, or operation in the production, manufacture, or reconstruction of any article the export of which is prohibited or limited by the Government.

(d) The civil, military, industrial, financial, or economic plans of the United States or other countries opposing the Axis powers, or the personal or official plans of any official thereof.

(e) The employment of any naval, military, or civil defense unit of the United States or other anti-Axis nations.

(f) Reports on production and conditions in the mining, lumbering, fishing, livestock, and farming industries, and shortages or surpluses in connection therewith.

(g) Weather conditions (past, present, or forecast).

(h) The effect of enemy operations or casualties to personnel or material, suffered by the United States or other anti-Axis nations, until the information is officially released.

(i) The fact or effect of our military or naval operations against the enemy, until the information is officially released.

(j) The number, description, location, or identity of prisoners of war.

(k) Criticism of equipment, appearance, physical condition or morale of the collective or individual armed forces of the United States or other nations opposing the Axis powers.

(l) Any data whatever concerning military or naval communication or intelligence methods or results.

(m) Any other matter, the dissemination of which might directly or indirectly bring aid or comfort to the enemy, or which might interfere with the national effort of, or disparage the foreign relations of, the United States or other anti-Axis nations.*

§ 1801.19 *Messages to military and naval personnel.* Due to the necessity of avoiding disclosure of the location of military and naval units, personal messages to naval personnel afloat or military personnel in the field, may be subject to considerable delay. At times it may be necessary, due to the exigencies of the situation, not to accept radio messages to such personnel.*

February 19, 1942.

BYRON PRICE,
Director.

THE WHITE HOUSE,
February 20, 1942.

Approved:

FRANKLIN D ROOSEVELT

[F. R. Doc. 42-1594; Filed, February 23, 1942; 12:24 p. m.]

PART 1802—RADIOTELEPHONE CENSORSHIP REGULATIONS

U. S. RADIOTELEPHONE CENSORSHIP REGULATIONS [1]

Sec.

1802.1 Transmission to enemy-occupied territory.
1802.2 Call requirements.
1802.3 Calls, "person to person", "station to station".
1802.4 Calls from hotels.
1802.5 Calls from public pay stations.
1802.6 Languages permitted.
1802.7 Subjects excluded.
1802.8 Application of regulations to incoming calls.

§ 1802.1 *Transmission to enemy-occupied territory.* No communication will be established with anyone in a locality under enemy control.*

*§§ 1802.1 to 1802.8, inclusive, issued under the authority contained in E.O. 8985, 6 F.R. 6625.

§ 1802.2 *Call requirements.* Before an outgoing international radiotelephone call can be completed, the patron must furnish the telephone operator with his full name, his home or business address, the number and address of the telephone instrument from which the call is put through, and the full name and address of the person called. If other than immediate service is desired, the patron may state the time at which he desires his call to be completed. Patrons will not be permitted to "hold the 'phone" while calls are being completed. It is permissible, if the censor is notified beforehand of the names and addresses of all persons participating, for personal conversations to be shared by various persons at either end of the line.*

§ 1802.3 *Calls, "person to person," "station to station."* Only "person to person" calls will be completed, except in certain cases where, in order to expedite legitimate business, permission may be granted to call a certain specifically named and located office or firm. Also, where the station addressed is suitably identified as a safe station, station-to-station calls may be permitted.*

§ 1802.4 *Calls from hotels.* Patrons calling from hotels must be identified by the hotel management or other known authority. They may call from any instrument in the hotel.*

§ 1802.5 *Calls from public pay stations.* Calls will not be completed from public pay stations or from other telephone stations where the person calling can not subsequently be identified.*

§ 1802.6 *Languages permitted.* The English, French, Spanish, and Portuguese languages will be permitted. Use of these foreign languages will be denied only in the event that translators are not available at the Censorship point.*

§ 1802.7 *Subjects excluded.* No reference, either open or hidden, will be made to any of the following subjects in any international communication:

(a) The location, identity, description, movement, or prospective movement of any merchant vessel, aircraft, naval or military vessel or naval or military force, including the collective or individual personnel thereof, operated by the United States or other nations opposing the Axis powers. Messages pertaining to the shipment of material or movements of vessels must be so worded as not to associate any two of the following elements: (1) The name of the vessel; (2) the nature of the cargo; and (3) the name of port or arrival or departure. The specific date of arrival or departure on any present or future voyage is not permitted, but approximate dates may be used, employing such expressions as "next week", or "late next month", etc. No such expression shall be more specific than one week's time. This applies to American, anti-Axis, and Neutral ships alike.

(b) The location, identity, description, test, performance, production, movement or prospective movement, of defensive or offensive weapons, installations, supplies, material, or equipment of the United States or other anti-Axis nations.

(c) The location, description, production, capacity, or specific output of existing or proposed private or government-owned or controlled plants, yards, docks, dams, structures, experimental or other facilities, or to contracts, plans, and rates of industrial activity in connection therewith. This extends to any process, synthesis, or operation in the production, manufacture, or reconstruction of any article the export of which is prohibited or limited by the Government.

(d) The civil, military, industrial, financial, or economic plans of the United States or other countries opposing the Axis powers, or the personal or official plans of any official thereof.

(e) The employment of any naval, military, or civil defense unit of the United States or other anti-Axis nations.

(f) Reports on production and conditions in the mining, lumbering, fishing, livestock, and farming industries, and shortages or surpluses in connection therewith.

(g) Weather conditions (past, present, or forecast).

(h) The effect of enemy operations or casualties to personnel or material, suffered by the United States or other anti-Axis nations, until the information is officially released.

(i) The effect of our military or naval operations against the enemy, until the information is officially released.

(j) The number, description, location, or identity of prisoners of war.

(k) Criticism of equipment, appearance, physical condition or morale of the collective or individual armed forces of the United States or other nations opposing the Axis powers.

(l) Any data whatever concerning military or naval communication or intelligence methods or results.

(m) Any other matter, the dissemination of which might directly or indirectly bring aid or comfort to the enemy, or which might interfere with the national effort, or disparage the foreign relations, of the United States or other anti-Axis nations.

(n) Any former communication by cable or radio involving the parties to the conversation or their representatives.*

§ 1802.8 *Application of regulations to incoming calls.* Where any of the regulations in this part apply specifically to outgoing calls, the general principles apply as well to incoming calls.*

February 19, 1942.

BYRON PRICE,
Director.

THE WHITE HOUSE,
February 20, 1942.

Approved:

FRANKLIN D ROOSEVELT

[F. R. Doc. 42-1592; Filed, February 23, 1942; 12:23 p. m.]

[1] Delay in completing international radiotelephone calls, and possible interruptions in the conversations, will be minimized if patrons take steps with the telephone company to familiarize themselves with United States and foreign Radiotelephone Censorship Regulations before putting in a radiotelephone call to any person outside the jurisdiction of the United States.

PART 1803—RULES FOR COMPANIES OPERATING OVERSEAS CABLE AND RADIO CIRCUITS AND AFFILIATED LANDWIRE COMPANIES

RULES FOR OPERATING COMPANIES

Sec.

1803.1 General provisions.
1803.2 Employees.
1803.3 Continental censorship stations and jurisdiction.
1803.4 Overseas censors.
1803.5 Field censors.
1803.6 Communications between censors and operating companies.
1803.7 Primary responsibility.
1803.8 Landlines and domestic radio circuits.
1803.9 Copies.
1803.10 Files.
1803.11 Methods of censoring, and action in connection therewith.
1803.12 Credit.
1803.13 Time of delivery.
1803.14 Complaints.
1803.15 Refunds.
1803.16 Code.
1803.17 Cable addresses.
1803.18 Cable address records.
1803.19 Abstract of traffic.
1803.20 Reports of suspicious circumstances.
1803.21 Fixed holiday greetings.
1803.22 Transmission of call letters, etc. to enemy-occupied territory.
1803.23 Diversion or rerouting of traffic.
1803.24 Press dispatches.
1803.25 Statements to patrons by telephone operators.

The following instructions and rules for companies operating overseas cable and radio circuits and affiliated landwire companies concern the handling of international traffic, and are known as "Rules for Operating Companies". These rules affect only the relationship between the carriers and Censorship. It should be clearly understood that the rules are not intended to, nor do they have the effect of, authorizing action by the carriers which is in violation of the Communications Act of 1934, as amended, the rules, regulations and orders of the Federal Communications Commission

promulgated thereunder, or the tariffs filed by the carriers with the Federal Communications Commission.

§ 1803.1 *General provisions.* Such landwire traffic as is involved in the handling of international cable or radio traffic between the point of entry to or departure from the country and the cable user is subject to control of Cable and Radio Censorship.

Throughout the rules in this part, the word "cable" or "cablegram" includes also "radio" or "radiogram".

Cable and Radio Censorship desires to interfere as little as possible with legitimate business, including the business and regular operations of the communication companies and their affiliates.*

*§§ 1803.1 to 1803.25, inclusive, issued under the authority contained in E.O. 8985, 6 F.R. 6625.

§ 1803.2 *Employees.* All employees in contact with cable patrons, and all operating personnel at the sending and receiving apparatus must be thoroughly familiar with "U. S. Cable and Radio Censorship Regulations", and "U. S. Radiotelephone Censorship Regulations". They must be furnished also with such data on foreign censorship regulations as will best serve the interests of their patrons.*

§ 1803.3 *Continental censorship stations and jurisdiction.* Cable Censorship Stations have been established in New York, Miami, New Orleans, San Antonio, San Francisco, and Seattle, and will be established at Los Angeles and such other places as experience shall from time to time indicate to be necessary. The jurisdiction of each of these Cable Censorship Stations extends to all international traffic by cable, radio, ship-shore, radio, or other means, over the seaboard areas specified below:

(a) *New York.* The Atlantic seaboard north of the State of Georgia. Traffic to Mexico over the Galveston-Tampico-Vera Cruz cable of the Western Union Company shall be routed via New York for censoring.

(b) *Miami.* The seaboard of the States of Florida and Georgia.

(c) *New Orleans.* The seaboard of the States of Alabama, Mississippi, Louisiana, and Texas.

(d) *San Antonio.* The Mexican Border of the State of Texas.

(e) *San Francisco.* The Pacific seaboard of the State of California.

(f) *Seattle.* The Pacific seaboard of the States of Washington and Oregon, and traffic to or from Alaska.*

NOTE: The jurisdiction of the Los Angeles station when established will include the Pacific Seaboard of the State of California south of and including Santa Barbara, the Mexican Borders of the States of California, Arizona, and New Mexico.

§ 1803.4 *Overseas censors.* Overseas Censors have been established in the Virgin Islands, Puerto Rico, Guantanamo, Panama, Honolulu, Alaska, and Iceland.*

§ 1803.5 *Field censors.* Field Censors are established in the operating rooms of the commercial companies as a necessary contact with Censorship. Their duties are:

(a) To insure that Cable Censorship has acted upon all outgoing cable and radio traffic before transmission and upon all incoming cable and radio traffic before delivery. (See § 1803.7)

(b) To cooperate with the commercial companies to see that all readable messages comply with "U. S. Cable and Radio Censorship Regulations" before being submitted to the Censorship Stations.

(c) To cooperate with the commercial companies in preventing or mending mutilations.

(d) To pass on the commercial companies' "service" messages if communicated beyond the jurisdiction of the United States.

(e) Any other liaison required.*

§ 1803.6 *Communications between censors and operating companies.* (a) Censors will communicate directly with the officials of the commercial companies in their respective areas as regards:

(1) The enforcement of instructions, regulations, and rules already established.

(2) The establishment or adjustment of local routine arrangements not affecting other Censorship Stations or Censorship as a whole.

(b) All other communications between Cable Censorship and the commercial companies will be conducted by the Chief Cable Censor.*

§ 1803.7 *Primary responsibility.* (a) It is the primary responsibility of the commercial companies to see that all cablegrams are submitted to Cable Censorship for action either before being sent out of the country on any circuit, or before being delivered or further transmitted for delivery to the addressee after receipt in this country. Included also are abnormally routed cablegrams which might not otherwise have entered the jurisdiction of the United States.

(b) All transit traffic irrespective of code or language except traffic originating in or addressed to enemy-occupied territory will be passed by the Field Censor at the point of departure from continental United States. The Field Censor will retain "Ditto" copy. Transit traffic originating in or addressed to enemy-occupied territory shall pass through full censorship at the point of departure from the United States.*

§ 1803.8 *Landlines and domestic radio circuits.* Commercial companies operating landwire communication facilities within the jurisdiction of the United States will route all cable or radiograms as follows:

(a) *Outgoing terminal international traffic.* Outgoing terminal international traffic carried by landwire telegraph will be sent to the office of the cable or radio company where the message is to be transmitted out of the country. This company, before transmitting the message, will submit it, as provided in § 1803.7, for censoring to the Censorship Station having jurisdiction. (See §§ 1803.3 and 1803.5 (a))

(b) *Incoming terminal international traffic.* Incoming terminal international traffic entails no responsibility on the part of the landline companies, except that, in cases where jurisdiction is surrendered by one Continental Censor to another, passmarks, etc., must be transmitted as indicated. (See § 1803.11 (b))

(c) *Marine radiograms.* Marine radiograms will be sent to the office of the radio company over whose facilities the message is to be transmitted. This company, before transmitting the message, will submit it for censoring to the Censorship Station having jurisdiction. (See §§ 1803.3 and 1803.5 (a)) Companies filing such radiograms must ascertain whether messages are replies to previous cablegrams or radiograms and, if so, how and when such previous messages were routed. In order that censors may achieve a clear understanding of messages, it is sometimes necessary to consider the message to which the one being handled is a reply. Therefore, it may be necessary that a reply message be censored at the continental station which censored the original message.

(d) *Shipboard radio stations.* All persons filing radiograms on board ship shall register their full names and addresses and, if the radiogram is in answer to a message censored by the U. S. authorities, shall also state when and by what communication company such original message was handled. Radio companies shall furnish the censor with this information by service message. This section applies, however, only to vessels from which radio transmissions are permitted under wartime conditions. (See regulations covering the use, control, supervision, inspection or closure of radio stations on all vessels under the jurisdiction of the United States; 7 F.R. 42)

(e) *Domestic point-to-point radio traffic.* Point-to-point commercial radio traffic which can be heard outside the jurisdiction of the United States may be examined by censorship before being transmitted by radio, and may by this authority be suppressed or diverted to landlines for transmission. This is an exception to § 1803.8 (a) which applies to landline telegraph only.*

§ 1803.9 *Copies.* With respect to either incoming or outgoing international messages the operating company shall deliver to Censorship two copies of each message; namely, the original hard copy and a "Ditto" copy. The operating company may retain a carbon copy of each message for accounting purposes. If, because of physical location, it is necessary to transmit messages to Censorship by teletype, then Censorship will make the required copies.*

§ 1803.10 *Files.* It is of first importance to Censorship that the companies preserve, during the entire continuance of the Censorship, all messages now on file in the offices of the companies and all messages that may be received either for transmission or for delivery during the continuance of Censorship, and that such files be made available to Censorship if required.*

§ 1803.11 *Methods of censoring, and action in connection therewith—(a) Types of action.* Censors may: (1) Pass, (2) Delay, (3) Paraphrase, (4) Delete a part, (5) Suppress, (6) Cancel or permit cancellation of, (7) Return for correction (technical irregularity), or (8) Refer to Chief Cable Censor for his action or advice.

Every message received in Censorship will eventually receive one of the treatments listed above.

(b) *Censorship marks.* Censors in acting on messages may place thereon either in the preamble, or in Memorandum Messages (MM's) following, certain censorship indicators for the information of other censors. Such additions made to messages by censors *will not be removed by the personnel of the operating companies*, but will be transmitted by the operating companies until removed by a censor. MM's will be charged for at Government rates and billed to the Office of Censorship, Washington, D. C. Censor's "Passmarks", inserted in the preamble, will be carried free, but if lost from a message and recovered by a "service" message, will be replaced at the expense of the company.

Censorship marks, etc., will be removed from traffic by the censor who last handles the messages either before transmission beyond United States Censorship jurisdiction or before release for delivery to the addressee.

(c) *Technical irregularities.* Operating companies are expected to notify by service message the station of origin of any messages when a cablegram does not conform to Censorship Regulations or is badly mutilated or garbled, and for such reason is "Returned for Correction" by the censor. Operating companies should not accept messages not conforming to Censorship Regulations, and the burden of obtaining their technical readjustment is therefore on the company. Technical irregularities must be corrected either by the sender or by the operating company before a message can be released by a censor.

In case the technical irregularity is, in the censor's opinion, not capable of being readjusted, the censor, instead of returning the message for correction, may cancel the message because of technical irregularities. (See § 1803.11 (h))

(d) *Inquiries to senders.* Explanations required by a Censor from a cable sender in the United States as to any message filed by him may be obtained by a "collect" message from the censor to the sender, or by a free service message to the office of origin, at the discretion of the censor.

(e) Censorship requests that the operating companies report to the originating censor the inability of a company to obtain a reply to a service message or to deliver an inquiry, and the reason therefor. This cooperation will make it possible to censor immediately cablegrams that otherwise might be held in expectation of receiving either a reply from the sender, or action by the office of origin.

(f) *Non-delivery.* When a cablegram is *refused* by an addressee, no further, and *no other*, attempt to deliver to the same, or to any other addressee, will be made without receiving permission from the censor who passed the cablegram. However, the operating company is invited to advise the censor as to some other addressee or address where it is believed delivery is intended or will be accepted.

When an operating company is unable immediately to deliver a message, but learns later that the addressee has moved to another city, the company shall *not* forward the message, but shall return it to the censor, with the explanation, and the new address.

(g) When Censorship deletes or paraphrases a message, it shall be re-typed by the Censor on an operating company form which shall be identical with the form used by the operating company in the transmission of the message to Censorship, and returned to the operating company for transmission or delivery.

(h) *Action not to be revealed.* All operating companies, their executives or employees, are required *not* to reveal the action taken by a censor on commercial traffic other than press dispatches, except by written permission of, and to the extent prescribed by, the Director of Censorship. (See § 1803.24.) The one exception to this rule is that *cancellation* of a message for any reason carries with it the requirement that the operating company notify the sender and consider a refund.

In this connection, before making delivery of a message, operating companies will insure that the delivery copy does not reveal any action of the censor, such as deletion, paraphrase, indication of a difference between the number of words charged for and the number of words delivered, passmarks, impressions of rubber stamps, etc.

(i) *Copies.* The operating companies may furnish a patron, upon request, a copy of previously delivered message, provided it was passed by the censor and is in the exact censored form and does not reveal any action of or change by the censor.*

§ 1803.12 *Credit.* When extending credit to the sender of a cablegram, operating companies will charge for the actual number of words filed, and not merely for the actual number of words transmitted. The entire number of words filed will be charged for even if the message is not returned by the censor for transmission. Credits for words not transmitted will be allowed only if and when permission to consider refund has been granted by the Director of Censorship.

Collect messages. In the case of a deleted "Receiver to Pay" or "Collect" cablegram, with the single exception of recognized Press Cablegrams, collection is required to be made for the actual number of words delivered, and not for the actual number of words transmitted.*

§ 1803.13 *Time of delivery.* No information regarding the fact or time of delivery of messages will be furnished to patrons without the permission of the Director of Censorship. (See § 1803.11 (h).) For this reason, patrons filing "reply prepaid" messages and communication companies which accept "collect" messages must do so at their own risk.*

§ 1803.14 *Complaints.* (a) When complaints are received by the operating companies as to errors in transmission, mutilation, omission, delay, etc., the following rules shall govern:

When the company ascertains that the difficulty was due to some irregularity or error made by it, or an affiliate, as a matter of company operation, the matter may be disposed of as the company sees fit, without reference either to the local censor or to the Director of Censorship.

When the company ascertains that the error or irregularity complained of is due to some action taken by a censor, the complaint is required to be referred to the Director of Censorship without, of course, disclosing to the cable patron that this has been done and without in either case entering into explanations. (See § 1803.11 (h).)

(b) When complaints of non-delivery are received by the operating companies, the matter is required to be referred to the Director of Censorship, and *no information* will be given out by the company. This course may be adhered to even though the company's records may show that the cablegram in question was passed by Censorship.

There is one exception to this rule: When a cablegram is cancelled by the censor, the company is expected to notify the sender. (See § 1803.11 (h).)*

§ 1803.15 *Refunds.* (a) The interest of Censorship in matters of refund extends only to the control of the possible revelation of the action of Censorship by the adjustment of a refund between an operating company and a patron. Where secrecy is necessary, refunds are not permissible, since they would disclose the fact that a message has been censored. Where secrecy is not necessary, the granting of a refund is not subject to objection *as far as Censorship is concerned.* If carriers, however, determine to make refunds in such cases, they must assume the responsibility that such action is consistent with the Communications Act of 1934, the rules, regulations and orders of the Federal Communications Commission, and the tariffs filed by the carriers.

(b) Requests for refund must be made to the operating company and not to Censorship. When such a request is made to a censor, he will reply that such request must be made to the company with which the message was filed for transmission, but the following rules will be observed:

(1) When requests for refunds are received by an operating company, they will not be considered until permission has been given by the Director of Censorship, except in the case of cancelled cablegrams. (See § 1803.11 (h))

(2) Each application for refund must be accompanied by a copy of the cablegrams with the full name and address of the addressee and sender thereof, and a written statement from the addressee

that a cablegram in question has not been delivered.

(c) The "U. S. Cable and Radio Censorship Regulations" (Regulation 4) provide that no information whatever concerning the treatment or disposition of a cablegram may be given to the public. Therefore, in forwarding to the Director of Censorship requests from cable users for refunds, it is unnecessary to inquire what explanations to make to the sender. The following procedure will be observed:

(1) In answer to a patron's request for information concerning the disposition of a message, or for a report of the service on a message, it will be understood that the company will reply stating that "U. S. Cable and Radio Censorship Regulations" forbid giving any information, calling attention to Regulation 4.

(2) The only inquiry that need then be forwarded to the Director of Censorship with refund papers will be whether or not the Director of Censorship grants permission to consider the patron's request.

(3) Letters regarding refunds are required in duplicate, and must be accompanied by supporting papers and data, including the original request from the cable user, statement of non-receipt of the message in question, and copy of the message. The reply will be simply that permission is or is not given, and no explanatory notes are required to be given by, nor expected from, the Director of Censorship.

(4) In order to avoid possible injustice, and inadvertent errors, it may be suggested to the patron that formal complaint in writing be made to the Director of Censorship, sending a copy of the message in question, a statement of the circumstances under which it was sent, explanation of the text, and full information concerning himself, his correspondent (addressee), his business, and any person or firm mentioned. Such complaints will be investigated carefully, but the Director of Censorship will rely upon the operating companies to see that care and discretion are employed in making such suggestions to patrons.*

§ 1803.16 *Code.* "U. S. Cable and Radio Censorship Regulations" prohibit the use of private codes. However, censors are instructed that the use of the communication company's private code may be permitted on the company's own circuit for official business, provided a copy of the code is in the possession of the censor. Field Censors may pass "service" messages themselves, if such messages are perfectly clear to them and legitimate. But nothing in this paragraph shall be construed as excepting such company messages in private code from the scrutiny and control of the censor.*

§ 1803.17 *Cable addresses.* (a) "U. S. Cable and Radio Censorship Regulations" prohibit the use of cable addresses until approved by the Director of Censorship. This means that all the cable addresses of all companies are no longer officially in existence.

(b) However, it may be expected that the Director of Censorship will announce a modification of that regulation.

(c) Censorship will not undertake to usurp the peacetime system of the registration of addresses, but will control it. Addresses will continue to be registered with the operating companies, and the companies will charge the proper fee for the service, but the companies will not accept new registrations, nor renew old ones, nor make any alterations, transfers, or changes of any kind, except upon the presentation by the applicant of the necessary authority from the Director of Censorship.

(d) Applicants for cable addresses, or for renewals, transfers, or changes, shall be instructed to apply in writing to the Director of Censorship for exactly what they want. The application must state:

(1) Exactly where they desire to register the address;

(2) Exactly the code word and its cable address that they desire to register; and

(3) That the substance of (2) is acceptable for registration at the place the registration is desired.

(e) When applications are granted, the Director of Censorship will so inform the applicant in writing, stating exactly what is granted. A copy of the letter of authority will be sent to the place where the registration is desired to be made. Before accomplishing the registration, the authority presented by the applicant must be checked against the copy from the Director of Censorship.

(f) If the papers are not in agreement, the registration will be rejected, and both copies of the authority will be returned to the Director of Censorship by the office rejecting the application, with an appropriate statement of the circumstances. This should be done without the knowledge of the applicant, if possible.

(g) In some cases, for well-known firms, organizations, and individuals, the Director of Censorship, in the interest of efficiency and time saving, may authorize future periodic renewals of registered addresses without further reference to him. Such cases will be handled with particular care by the registration bureaus. If periodic renewals are desired, the letter of application must cover this point in full. (See paragraph (d) of this section.)

(h) When a cable user or company submits evidence of the exclusive and continued use of an address, which has thereby become a business or personal asset, Censorship will gladly cooperate in confirming such a cable address.*

§ 1803.18 *Cable address records.* (a) All cable address records shall be opened and made available to censors at any time, both for their own information when required, and to enable Censorship to investigate old registrations when necessary in connection with applications for new registrations, or for any other reason.

(b) If the cable address is not available or on record with the company at the place of the Censorship Station, it must be obtained through the company's connections and affiliates.*

§ 1803.19 *Abstract of traffic.* The operating companies may be required by the Director of Censorship to furnish the Cable Censor at each Censorship Station a daily abstract of all international cable and radio traffic entering or leaving the country at said Censorship Stations or under the jurisdiction thereof, indicating for each message: (1) Number of words; (2) where from; (3) destination; (4) sent to (addressee); and (5) signed by.*

§ 1803.20 *Reports of suspicious circumstances.* The Director of Censorship and all local censors will welcome any information of suspicious circumstances in connection with the filing of messages. This may be a rare occurrence, but if it uncovers only one enemy effort it will be worth while. Agents of the operating companies may communicate such circumstances by MM on the message. It should be pointed out to said agents that they should not consider themselves as exercising the functions of Censorship, and should not alter or delay a message without the knowledge of the patron. Their action would be in the nature of that of any citizen rendering patriotic assistance to his government, which is the natural obligation of all citizens.*

§ 1803.21 *Fixed holiday greetings.* Hereafter no fixed greeting ("canned") messages or "XLT" messages will be accepted without the permission of the Director of Censorship, whose decision will be based upon existing circumstances and published in sufficient time prior to holidays.*

§ 1803.22 *Transmission of call letters, etc., to enemy-occupied territory.* No communication company will permit the transmission of any call letters, signals, service messages or any communication whatever intended for reception in enemy-occupied territory without the specific authority of the Censor in each case.*

§ 1803.23 *Diversion or rerouting of traffic.* Censors may divert traffic from one carrier to another, or reroute traffic, at their discretion, when such action is necessary in the public interest.*

§ 1803.24 *Press dispatches.* The following action is authorized in connection with the handling of press dispatches:

(a) Communications companies handling press dispatches are authorized to inform any recognized news agency and correspondent of the fact and the time of transmission of any bona fide news dispatch, including news service dispatch, filed by that agency or correspondent.

(b) The communication company may also inform the news agency or correspondent of the actual number of words transmitted in any of his news dispatches and may make arrangements with the news agency to charge for the number of words transmitted rather than for the number of words filed.

(c) Communication companies which offer their facilities to the press on a time basis may keep the news agencies informed of the copy on hand in order that available transmission time may be fully utilized.*

§ 1803.25 *Statements to patrons by telephone operators.* In connection with international radiotelephone communications, when telephone operators are questioned by patrons as to the need for the information required, the patron may be told that the information is required under Government Regulations.*

February 19, 1942.

BYRON PRICE,
Director.

THE WHITE HOUSE,
February 20, 1942.

Approved:

FRANKLIN D ROOSEVELT

[F. R. Doc. 42-1593; Filed, February 23, 1942; 12:23 p. m.]

TITLE 46—SHIPPING

CHAPTER III—WAR SHIPPING ADMINISTRATION

[General Order No. 1]

PART 301—REGULATIONS AFFECTING MARITIME CARRIERS

UNIFORM TIME CHARTER FOR ALL DRY CARGO VESSELS

Whereas, vessels in addition to those otherwise available are necessary for transportation of foreign commerce of the United States or of commodities essential to the national defense and to the prosecution of the war, and

Whereas, from time to time the War Shipping Administration will deem certain vessels suitable for such transportation;

Now, therefore;

§ 301.1 *Uniform time charter for all dry cargo vessels.* (a) The attached form of Time Charter consisting of Part I and Part II is hereby adopted as the uniform time charter for all dry cargo vessels.[1]

(b) Appropriate special provisions shall be inserted as the owner and the War Shipping Administration shall agree. (E.O. 9054, 7 F.R. 837)

E. S. LAND,
Administrator.

FEBRUARY 20, 1942.

[F. R. Doc. 42-1557; Filed, February 21, 1942; 11:45 a. m.]

[1] Filed as part of the original document.

[General Order No. 2]

PART 301—REGULATIONS AFFECTING MARITIME CARRIERS

§ 301.2 *Information required from ship owners offered charters.* (a) All owners who are American citizens, within the meaning of section 2 of the Shipping Act, 1916, as amended, of ocean-going passenger and dry cargo vessels of one thousand gross register tons or more shall, and all such shipowners of other nationalities (except of nations with which the United States of America is at war) may, file with the War Shipping Administrator within ten days after the effective date hereof with respect to each of such vessels owned by them the following information as set forth in the following form:

WAR SHIPPING ADMINISTRATION,
Washington, D.C.

Attention: Charter Section.

VESSEL DATA

1. Name and Ex Names of Vessel: SS/MS_____
2. Flag_____ Official Number_____
3. (a) When Built____ (b) Classed_____ at_____
4. Present Owner (Correct Corporate Name) _____ Incorporated under laws of_____
5. If now under charter, name of charterer _____ Form of Charter (Bareboat or Time)_____ Period of Charter_____
6. Name and address for Notices and Payments under any Charter to United States_____
7. (a) Bulk Cargo Capacity:_____(grain/bale) cubic feet (b) Deadweight capacity for cargo, fresh water and stores _____ ton (of 2,240 lbs.), including permanent bunkers of_____ (tons/barrels) of fuel on mean draft (_____normal Summer freeboard) of _____ft. and_____in.
8. Gross tonnage_____ (b) Net tonnage _____
9. Passenger Capacity by Classes_____
10. Capacity of Accommodations for Crew_____
11. Refrigerated Space for Commercial Cargo_____ Temperature Range_____
12. Maximum Warranted Capacity of gear in tons:_____
13. Speed in Knots (U. S. Maritime Commission formula)_____
14. Daily Fuel Consumption at such speed_____ State kind of fuel used_____
15. Horsepower_____ Indicated / Shaft
16. Any special features of the ship or any pertinent factors which the undersigned wishes to have considered in arranging terms and rate of hire:

The undersigned agrees to advise you of any changes in the foregoing information from time to time.

By:_____
_____
(Date)

(b) Such information shall constitute the representations of the owner with respect to the vessel for which it is filed for the purposes of any charter which shall be offered by the Administrator to such owner.

(c) Where any such owner has heretofore filed any such information with the United States Maritime Commission, such information may be incorporated by reference in a letter setting forth so much of the foregoing information beyond that filed with said Commission as is required by this General Order. (E.O. 9054, 7 F.R. 837)

E. S. LAND,
Administrator.

FEBRUARY 20, 1942.

[F. R. Doc. 42-1558; Filed, February 21, 1942; 11:45 a. m.]

Notices

WAR DEPARTMENT.

[AG 210.1 Sig. Corps (2-12-42) RB-A]

APPOINTMENTS OF SECOND LIEUTENANTS, ARMY OF THE UNITED STATES (SIGNAL CORPS)

1. Vacancies exist for the immediate appointment of a limited number of Second Lieutenants in the Army of the United States (Signal Corps) under the following conditions:

(a) Applicants must have a college degree or its practical equivalent in electrical engineering or electronic physics.

(b) Applicants for commissions may be civilians or enlisted personnel in any component of the Army of the United States in either active or inactive status.

(c) Applicants for commissions must be between 18 and 46 years of age, and must be able to meet the prescribed physical standards.

(d) Commissioned personnel who meet the physical and educational qualifications, and who wish to transfer to the signal Corps in grade, may make application therefor.

(e) Personnel commissioned under this authority will be ordered to active duty at Fort Monmouth, N. J., for a brief course of military instruction. Their training will be continued at other locations to be designated.

2. Applications will be submitted by letter to the Chief Signal Officer, Washington, D. C., giving name, address, age, military status, if any, and an outline of technical qualifications and experience. (Act of Sept. 22, 1941, Public Law 252, 77th Congress)

Dated: February 17, 1942.

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-1552; Filed, February 21, 1942; 11:11 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-211]

IN THE MATTER OF C. H. AMSLER AND C. W. AMSLER, INDIVIDUALLY AND AS CO-PARTNERS DOING BUSINESS AS C. H. AND C. W. AMSLER, A PARTNERSHIP, CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 10, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 27, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 203, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows: That said defendants whose address is Marble, Pennsylvania, wilfully violated section 4 Part II (e) and (g) of the Act and Part II (e) and (g) of the Code by:

(a) Selling and delivering at $2.30 per net ton to the White Swan Laundry Company, Oil City, Pennsylvania, during the period June 23 to August 7, 1941, both dates inclusive, approximately 62 tons of run of mine coal, Size Group 3, produced by said defendants at their Amsler Mine, Mine Index No. 3138, located in Clarion County, Pennsylvania, in Subdistrict 1, District No. 1, whereas the applicable minimum price for said coal is $2.20 per net ton f. o. b. said mine as contained in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments as amended by Order of the Director dated June 21, 1941, entered in Docket No. A–853, Part II;

(b) Selling and delivering at $2.30 per net ton to the White Swan Laundry Company, Oil City, Pennsylvania, during the period August 8 to August 15, 1941, both dates inclusive, approximately 20 tons of run of mine coal, Size Group 3, produced by said defendants at their aforesaid mine, whereas the applicable minimum price for said coal was $2.15 per net ton f. o. b. said mine as contained in said schedule as amended by Order of the Director dated August 8, 1941, in Docket No. A–356; and

(c) Selling and delivering at $3.00 per net ton to the Norwich Chemical Company, Smithport, Pennsylvania, during the period July 11 to 15, 1941, both dates inclusive, approximately 12 tons of run of mine coal, Size Group No. 3, produced by said defendants at said mine, whereas the applicable minimum price established for said coal was $2.20 per net ton f. o. b. said mine as contained in said schedule as amended by Order of the Director dated June 21, 1941, entered in Docket No. A–853, Part II.

The delivered price of $2.30 per net ton referred to in (a) and (b) hereof and the delivered price of $3.00 per net ton referred to in (c) hereof included haulage charges for transporting said coal by truck from said mine to said purchasers, the coal referred to in (a) and (b) hereof having been hauled approximately 20 miles and that referred to in (c) hereof, a distance of approximately 50 miles. Said defendants sold and delivered said coal contrary to the provisions of Price Instruction No. 6 as amended, in Supplement No. 1 to the Price Schedule referred to herein, by failing to add to the applicable minimum f. o. b. mine prices provided in said orders, amounts at least equal, as nearly as practicable, to the actual transportation charges, handling charges or incidental charges of whatsoever kind or character from the transportation facilities at the mine to the points from which all such charges were assumed and directly paid by the purchasers. Said transactions, therefore, constituted sales and deliveries of coal at prices below the minimums established therefor.

Dated: February 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–1569; Filed, February 23, 1942; 11:15 a. m.]

[Docket No. B–219]

IN THE MATTER OF FREEBROOK CORPORATION, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 4, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 10, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 26, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 203, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, That the hearing in the above-entitled matter and orders entered therein may concern,

in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That said defendant, whose address is 293 Main Street, Brookville, Pennsylvania, wilfully violated section 4 Part II (e) of the Act, Part II (e) of the Code, and Rule 1 of Section III of the Marketing Rules and Regulations, by selling, during the period October 1, 1940 to February 28, 1941, both dates inclusive, at prices ranging from $2.05 per net ton f. o. b. the McWilliams Mine to $2.15 per net ton f. o. b. the Freebrook No. 7 Mine, approximately 27,249.35 tons of run of mine coal produced by said defendant at its Freebrook No. 7 Mine, Mine Index No. 664, located in Indiana County, Pennsylvania, in Subdistrict 5 of District No. 1 and at its McWilliams Mine, Mine Index No. 583, located in Armstrong County, Pennsylvania, in Subdistrict No. 11 of District No. 1, to the Pittsburg and Shawmut Coal Company, a Registered Distributor, Registration No. 7349, whose address is Kittanning, Pennsylvania, which coal was physically handled by said distributor and allowing said distributor unauthorized excessive distributor's discounts in the form of commissions, deductions for reject coal, amounts paid for railroad car stop-over, transfer, cleaning and sizing charges in the amount of $12,329.77 on coal purchased for resale. Said coal was classified as Size Group 3 in the Schedule of Effective Minimum Prices for District No. 1 For All Shipments Except Truck and priced at $2.15 per net ton f. o. b. the McWilliams Mine, and $2.25 per net ton f. o. b. the Freebrook No. 7 Mine.

That said defendant also wilfully violated Section 4 Part II (i) (8) of the Act, Part II (i) (8) of the Code and Rule 3 of Section XII and Rule 8 of section XIII of the Marketing Rules and Regulations, by filing on March 31, 1941, for the period of October 1, 1940 to February 28, 1941, copies 28, 1941, copies of false and untrue invoices with the Statistical Bureau for District No. 1, in that the transactions referred to above were reported as coal "sold to various railroads by the Pittsburg & Shawmut Coal Company, Kittanning, Pennsylvania," whereas in fact said coal was purchased by said Pittsburg & Shawmut Coal Company and shipped from said mines over the Pittsburg & Shawmut Railroad Company to the Ringgold Cleaning and Preparation Plant, located at Ringgold, Pennsylvania, cleaned, prepared, otherwise physically handled, and sold by the Pittsburgh & Shawmut Coal Company to various purchasers. Said Code member thereby subjected itself to the appropriate penalties prescribed by the Act, the Bituminous Coal Code and Section XIV of the Marketing Rules and Regulations by its wilful violation of said requirements.

That said defendant also wilfully violated Order No. 14 dated July 15, 1937, and adopted as an Order of the Division by the Secretary of the Interior on July 1, 1939, Rule 3 of Section V and Rule 7 of Section VI of the Marketing Rules and Regulations, in that said code member did not file with the Statistical Bureau for District No. 1 during the period October 1, 1940 to February 28, 1941 (a) copies of certain contracts entered into for the sale of coal to the Pittsburg & Shawmut Coal Company, Kittanning, Pennsylvania, within 15 days after enterng into said contracts and (b) copies of certain spot orders for the sales of coal, referred to above, to the Pittsburg & Shawmut Coal Company, Kittanning, Pennsylvania, accepted by said code member, within 10 days from the date of accepting said spot orders, as is prescribed in said orders and regulations.

Dated: February 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–1570; Filed, February 23, 1942; 11:16 a. m.]

[Docket No. A–1325]

PETITION OF [illegible]INOUS COAL CONSUMERS' COU[illegible]. THE ESTABLISHMENT OF THE SA[illegible] PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT MINES IN SUBDISTRICT 4 OF DISTRICT NO. 13 FOR SHIPMENTS BY RIVER AS ARE APPLICABLE TO SUCH COALS FOR TRUCK SHIPMENTS

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 16, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Chancery Court Room, Chattanooga, Tennessee.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 11, 1942.

All persons are hereby notified that the hearing in the above-entitled matter, and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Bituminous Coal Consumers' Counsel for the establishment of the same price classifications and minimum prices f. o. b. mine for the coals produced at mines in Subdistrict 4 of District No. 13 for shipments by river as are applicable to such coals for truck shipments.

Dated: February 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–1571; Filed, February 23, 1942; 11:16 a. m.]

[Docket No. B–204]

IN THE MATTER OF HERMAN J. MORRISON, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 8, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 24, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 27, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 203, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That Joseph A. Huston, or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue

said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the said defendant, Herman J. Morrison, whose address is Brockway, Pennsylvania, and who operates the Morrison Mine, Mine Index No. 1803, located in Jefferson County, Pennsylvania, in District No. 1, willfully violated section 4 Part II (e) and (g) of the Act and Part II (e) and (g) of the Code by selling and delivering during the months commencing with October 1940 and including July 1941, to the Brockway Clay Products Company, Brockway, Pennsylvania, approximately 8,048 tons of run of mine coal produced by said defendant at said mine at $2.15 per net ton delivered to the said purchaser's plant at Brockway, a distance of 4 miles from said mine, whereas said coal was classified as Size Group 3 and priced at $2.15 per net ton f. o. b. said mine as shown in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, to which price there must be added an amount at least equal as nearly as practicable to the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operations) from the transportation facilities at the said mine to the point from which all such charges were assumed and directly paid by the purchaser, pursuant to Price Instruction No. 6 of the said schedule, as amended.

That said defendant wilfully violated Orders Nos. 296 and 297, dated September 23, 1940 and October 22, 1940, respectively, by failing to comply with the provisions of said orders during the period from October 1, 1940 to January 1, 1941, in that said defendant failed to maintain and file with the Division, records, sales slips, other memoranda and reports on all coal sold and shipped by truck or wagon within the time and in the manner prescribed in said orders.

That said defendant wilfully violated Orders Nos. 307 and 308, dated December 11, 1940, and January 14, 1941, respectively, by failing to comply with the said orders during the period from January 1, 1941, to April 1941, in that the said defendant failed to maintain and file with the Division said records and data on all coal sold and shipped by truck or wagon within the time and in the manner prescribed in said orders.

That the said defendant wilfully violated Orders Nos. 308 and 312, dated January 14, 1941 and February 24, 1941, respectively, by failing to comply with the said orders during the period from April through July 1941, in that the said defendant failed to maintain and file with the Division certain records and data on all coal sold and shipped by truck or wagon within the time and in the manner prescribed in said orders.

Dated: February 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1572; Filed, February 23, 1942; 11:17 a. m.]

[Docket No. B 186]

IN THE MATTER OF GEORGE B. REED AND J. S. WALLACE, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF THE REED COAL COMPANY, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 13, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on January 15, 1942, by Bituminous Coal Producers Board for District No. 10, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 23, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Circuit Court Room, Peoria, Illinois.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

1. That George B. Reed, 633 Custer Place, Canton, Illinois, and J. S. Wallace, 520 Harding Avenue, Detroit, Michigan, individually and as co-partners, doing business under the name and style of the Reed Coal Company, 633 Custer Place, Canton, Illinois, wilfully violated Section 4 II (e) of the Act and Part II (e) of the Code, section 4 II (i) 8 of the Act and Part II (i) 8 of the Code, Rule 8 of Section XIII of the Marketing Rules and Regulations, by selling to the Toledo, Peoria and Western Railroad during the month of July 1941, through the Ed Fox Coal Company, Pekin, Illinois, Registered Distributor, Registration No. 3133, as sales agent for said code member, approximately two cars (Car Nos., T. P. & W. Nos. 452 and 466) of run of mine coal produced at the Reed Coal Company Mine, Mine Index No. 717, located in Fulton County, Illinois, at $1.40 per net ton f. o. b. railroad cars located in Glasford, Illinois, falsely invoicing it as screenings whereas said coal was classified as Size Group 7 and priced at $2.00 per net ton f. o. b. cars, Glasford, Illinois, as set forth in the Supplement annexed to and made a part of Order dated April 7, 1941, granting temporary and conditionally final relief in Docket No. A-770, which transactions constituted (a) sales of coal at prices which were 60 cents below the minimum established therefor; and (b) an intentional misrepresentation of the size of said coal.

2. That said code member wilfully violated Rule 13 of section II of the Marketing Rules and Regulations, by paying to the said Ed Fox Coal Company, Pekin, Illinois, a commission of 10 cents per net ton for sales on said code member's behalf of approximately four cars (Car Nos. C. B. & Q. No. 78331, C. B. & Q. No. 166116, T. P. & W. No. 452 and T. P. & W. No. 466) during the period from July 5, 1941 to July 16, 1941, both dates inclusive, which commissions were and are 5 cents per net ton in excess of the maximum discounts allowable to a registered distributor on sales of on-line railroad fuel as established by Order of the Director dated June 19, 1940, in General Docket No. 12, and which commissions were paid pursuant to a sales agency agreement entered into between said code member and said Ed Fox Coal Company on or about June 1, 1941, and filed with the Division on or about June 20, 1941, and although at the time of said transactions said code member had not filed an application for permission to pay commissions in excess of the maximum discounts allowable to a registered distributor, as required by Rule 13 of section II of the Marketing Rules and Regulations.

Dated: February 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1573; Filed, February 23, 1942; 11:17 a. m.]

[Docket No. B-217]

IN THE MATTER OF LOUIS GODIN & CHARLES JOHNSON, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF GODIN & JOHNSON, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 10, 1942, by Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 23, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 203, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the said defendants, whose addresses are Houtzdale, Pennsylvania, and whose code membership became effective as of November 8, 1939, wilfully violated sections 4 II (e) and (g) of the Bituminous Coal Act of 1937 and Parts II (e) and (g) of the Bituminous Coal Code as follows: (a) by selling and delivering to the Woodward Township School District during the period from October 22, 1940, to March 5, 1941, both dates inclusive, approximately 58.45 tons of run of mine coal produced by said defendants at their Atlantic No. 3 Mine, Mine Index No. 2319, located in Clearfield County, Pennsylvania, in Subdistrict 14 of District No. 1, at a price of $2.25 per net ton f. o. b. the bins of said School District located in Clearfield County, Pennsylvania, a distance of approximately 3.5 miles from said mine, whereas said coal was classified as Size Group 3 and priced at $2.25 per net ton f. o. b. said mine as set forth in Supplement No. 2 to the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments; and (b) by failing to add to the applicable f. o. b. mine price provided in said supplement an amount at least equal, as nearly as practicable, to the actual transportation charges, handling charges or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operation) from the transportation facilities at the mine to the above-named School District, as required by Price Instruction No. 6 as amended by Supplement No. 1 to said schedule.

Dated: February 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1574; Filed, February 23, 1942; 11:17 a. m.]

[Docket No. B-146]

IN THE MATTER OF ZIMMERMAN COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 9935, RESPONDENT

ORDER POSTPONING HEARING

The above-entitled matter having heretofore been scheduled for hearing on March 5, 1942, at 10:00 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana; and

It appearing to the Acting Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the above-entitled matter be, and the same hereby is postponed from 10:00 o'clock in the forenoon of March 5, 1942, to a date and place to be hereafter designated by an appropriate Order of the Division.

Dated: February 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1575; Filed, February 23, 1942; 11:18 a. m.]

[Docket No. B 185]

IN THE MATTER OF OLD BEN COAL CORPORATION, REGISTERED DISTRIBUTOR, REGISTRATION NO. 6983

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled, by Order dated

January 26, 1942, for hearing at 10:00 a. m. on March 2, 1942, at a hearing room of the Bituminous Coal Division in Room 705, United States Custom Court Building, Chicago, Illinois; and

Said Old Ben Coal Corporation having requested the postponement of said hearing; and

The Acting Director deeming it advisable that said hearing be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same is hereby postponed to a date and place to be hereafter designated by a proper Order.

Dated: February 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1576; Filed, February 23, 1942; 11:18 a. m.]

[Docket No. B-98]

IN THE MATTER OF H. G. LUCAS, CODE MEMBER, DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

District Board 1 having filed a complaint with the Bituminous Coal Division on November 19, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by Harry G. Lucas,[1] a code member, of the Bituminous Coal Code and the rules and regulations thereunder as follows:

That the defendant, with full knowledge of the requirements contained in the Schedule of Effective Minimum Prices for District 1 for Truck Shipments, and with intent to violate the same and in violation thereof, sold coal falling within the description of Size Group 3 (Mine Run Coal), produced by the defendant at his Lucas Mine, Mine Index No. 1702, in District 1, at a price of $2.00 per net ton f. o. b. the mine, when the effective minimum price applicable thereto was $2.20 per net ton f. o. b. the mine;

Pursuant to Orders of the Director and the Acting Director and after notice to all interested persons, a hearing having been held in this matter on December 15, 1941, before Joseph A. Huston, a duly designated Examiner of the Division at a hearing room thereof;

All parties having joined in waiving the preparation and filing of a report by the Examiner; the record of the proceeding thereupon having been submitted to the undersigned for consideration; the undersigned having made Findings of Fact, Conclusions of Law and having rendered an Opinion, which are filed herewith;[2]

Now, therefore, it is ordered, That effective fifteen (15) days from the date of this order the code membership of the defendant, Harry G. Lucas, be and it hereby is cancelled.

It is further ordered, That prior to the reinstatement of the defendant to membership in the Code there shall be paid to the United States a tax, as provided in section 5 (c) of the Act, in the amount of $794.51.

Dated: February 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1577; Filed, February 23, 1942; 11:18 a. m.]

[Docket No. B-72]

IN THE MATTER OF THE B & B COAL COMPANY, A CORPORATION, REGISTERED DISTRIBUTOR, REGISTRATION NO. 0339, RESPONDENT

ORDER FOR RESTORATION OF REGISTRATION

The Acting Director having entered an Order in the above-entitled matter dated January 5, 1942, suspending the registration of the respondent, The B & B Coal Company, as a distributor, Registration No. 0339, for a period of thirty (30) days from the date of service of said Order; and

Said Order having been served upon the respondent on January 12, 1942; and

The B & B Coal Company, respondent herein, having duly filed with the Division on February 7, 1942, an affidavit dated February 5, 1942, pursuant to the provisions of said Order dated January 5, 1942, and § 304.15 of the Rules and Regulations for the Registration of Distributors; and

It appearing to the Acting Director that said affidavit of The B & B Coal Company sufficiently complies with the provisions of said Order dated January 5, 1942, and § 304.15 of the Rules and Regulations for the Registration of Distributors;

Now, therefore, it is ordered, That the registration of The B & B Coal Company as a distributor, be, and it is hereby restored as of February 12, 1942.

Dated: February 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1578; Filed, February 23, 1942; 11:19 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Acting Director:

Name and address	*Date application filed*
Haverhill Coal Co., 1606 First Nat'l Bank Bldg., Pittsburgh, Pa	Feb. 9, 1942
M. L. Hoekstra, Hoekstra Coal & Supply, 228 E Parson St., Galion, Ohio	Feb. 10, 1942
Michigan Foundation Co., Inc., 110 W. Jefferson Ave., Trenton, Mich	Feb. 7, 1942
Speed Shipping Co., 16½ E. Government St., Pensacola, Fla	Feb. 4, 1942
John R. Taylor, Madisonville, Ky	Feb. 4, 1942
L. M. Muldrow, Walker Coal Sales Co., Jasper, Ala	Feb. 11, 1942
Wilmington Coal Mng. Corp., Morris, Ill	Feb. 9, 1942
Francis P. Young, Francis P. Young Coal Co., 2600 N. American St., Philadelphia, Pa	Feb. 4, 1942

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before March 23, 1942. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: February 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1579; Filed, February 23, 1942; 11:19 a. m.]

[Docket No. B-213]

IN THE MATTER OF THOMAS B. BLEAKNEY, AN INDIVIDUAL, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 10, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 25, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 203, Post Office Building, Altoona, Pennsylvania.

It is further ordered, That Joseph A Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That said defendant, whose address is Shelocta, Pennsylvania, wilfully violated section 4, Part II (e) of the Act and Part II (e) of the Code

(a) By selling to various purchasers during the period from October 1, 1940, to November 25, 1940, both dates inclusive, approximately 68.9 tons of run of mine coal produced by said defendant at his Bleakney Mine, Mine Index No. 1107, located in Armstrong County, Pennsylvania, in Subdistrict 22 of District No. 1, at $1.875, $2.00 and $2.125 per net ton, whereas said coal was classified as Size Group No. 3 and priced at $2.15 per net ton f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 1 For Truck Shipments; and

(b) By selling to C. E. Coblers, whose address is Indiana, Pennsylvania, on or about November 11, 1940, approximately 1,600 pounds (.8 net tons) of slack sized coal produced by said defendant at his said mine at $1.75 per net ton f. o. b. the mine, contrary to the provisions of Price Instruction No. 4 of the Schedule referred to in (a) hereof, whereas the size of said coal falls within a size group for which no price is listed; therefore, such size should have been sold at the price and classification applicable to the size group for the next larger size for which a price is listed for the same mine; therefore, said coal should have been sold at $2.15 per net ton f. o. b. said mine.

That said defendant also wilfully violated Orders Nos. 296 and 297, dated September 23, 1940, and October 22, 1940, respectively, by failing, during the month of December, 1940, to maintain and file with the Bituminous Coal Division copies of all records, sales slips, other memoranda and reports relating to sales and shipments of bituminous coal produced by said code member.

That said defendant also wilfully violated Orders Nos. 307, 308 and 312 dated December 11, 1940, January 14, 1941, and February 24, 1941, respectively, by failing, during the period from January 1, 1941, to April 1, 1941, both dates inclusive, in violation of Orders Nos. 307 and 308 and from April 2, 1941, to date, in violation of Orders Nos. 308 and 312, to maintain and file with the Statistical Bureau of the Division for District No. 1, as is prescribed in said Orders, copies of all truck tickets, sales slips, other memoranda or records relating to sales and shipments of bituminous coal produced by said code member and shipped by truck or wagon.

Dated: February 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1603; Filed, February 24, 1942; 10:21 a. m.]

[Docket No. A-1256]

PETITION OF DISTRICT BOARD NO. 18 FOR THE ESTABLISHMENT AND THE REVISION OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES AND FOR THE REVISION OF CERTAIN SUBDISTRICT CLASSIFICATIONS IN DISTRICT NO. 18

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF AND NOTICE OF AND ORDER FOR HEARING

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, has been duly filed with this Division by the above-named party. The petitioner requests relief, both temporary and permanent, in the following matters:

(1) The establishment of price classifications and minimum prices for the coals of certain mines in Valencia County, New Mexico, and in Subdistrict No. 2 in District No. 18, for shipment by truck.

(2) The establishment of price classifications and minimum prices for the coals of certain mines in Subdistrict No. 8 in District No. 18, for shipment by truck. The petition alleges that these mines, fifteen in number, are operated by new acceptants of the Bituminous Coal Code; that the coals of four of them possess marketing factors similar to the previously classified and priced coals in Subdistrict 8; that the coals of eleven of those mines possess marketing factors superior to and values in excess of the previously classified and priced coals in that subdistrict and, consequently, should be subject to minimum prices in excess of the prices that are applicable to the latter coals.

(3) The revision of the effective minimum prices for the coals, for shipment by truck, being produced in Subdistrict No. 8. The petition alleges that the effective minimum prices for those coals are based upon and reflect their past depressed market values which were the result of competition with the heretofore unpriced coals produced by the new code acceptants mentioned in paragraph (2) hereof; that due to the elimination of that unregulated competition by reason of the fifteen operators having joined the Code, and in order to reflect more accurately the relative market value of those coals as compared with competing coals produced in other subdistricts, the effective minimum prices for the Subdistrict No. 8 coals should be raised, in Size Group 2, from $2.50 to $3.00 per ton and in Size Group 11, from 50 cents to 75 cents per ton.

(4) The revision of the boundaries of Subdistrict No. 1—Gallup in District No. 18. The petition alleges that one of the mines referred to in paragraph (1) hereof, namely the Taylor Mine, is located in Valencia County, New Mexico, which county is not presently within any subdistrict in District No. 18; that the coals of the Taylor Mine possess marketing factors similar to those previously priced and produced generally in Subdistrict No. 1—Gallup and that, accordingly, the boundaries of that subdistrict should be extended to include Valencia County.

(5) The revision of the boundaries of Subdistrict No. 8—San Juan in District No. 18. The petition alleges that the group of eleven mines mentioned in paragraph (2) hereof, the coals of which are allegedly superior to the other coals being produced in Subdistrict No. 8, are located in the territory described as follows:

> That part of San Juan County, New Mexico, lying north of the San Juan River and west of the Hogback; and

that such territory should be excluded from Subdistrict No. 8 and should be classified as Subdistrict No. 10.

(6) The revision of the effective minimum price for the coals in Size Group 9, and the establishment of a minimum price for the coals in Size Group 11 produced at the Kinney No. 1 Mine (Mine Index No. 12) in Subdistrict No. 6 in District No. 18 for all shipments.

The petition does not set forth sufficient facts to warrant the granting of any relief prior to a hearing with respect to the requested revisions of the subdistrict boundaries or the requested revisions of the presently effective minimum prices for coals being produced in Subdistricts Nos. 6 and 8. It appears, however, that an adequate showing of necessity has been made for the granting of temporary relief with respect to the establishment of price classifications and minimum prices for the coals to be produced at the mines operated by the new code acceptants in Valencia County, New Mexico, and in Subdistricts Nos. 2 and 8; also, as to such Subdistrict No. 8 coals, that the minimum prices should reflect the alleged differentials, in their market values, but that the level of such prices should be based upon and correlated with the level of the presently effective minimum prices for the coals of the other mines in Subdistrict 8 rather than the higher price level requested for the latter coals.

The petition also requests the establishment of minimum prices for coals in additional size groups being produced in

[1] Harry G. Lucas and H. G. Lucas are one and the same person.

[2] Not filed with the original document.

Subdistrict No. 8. It appears that an adequate showing of necessity has been made for the granting of temporary relief in this respect but that the level of such prices should be based upon and correlated with the level of the presently effective minimum prices for those coals in other size groups rather than the higher price level requested for those coals.

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 23, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Cuff or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 18, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 18 for:

(1) The establishment of price classifications and minimum prices in cents per net ton for the coals, for shipment by truck, of the Mount Taylor Mine of T. J. Coghill in Valencia County, New Mexico, as follows:

Size groups	1	2	4	6	7	8	9	11	12	13	15
Prices	450	425	400	350	325	300	240	190	170	130	325

(2) The establishment of price classifications and minimum prices in cents per net ton for the coals, for shipment by truck, of the Omero Mine of Antonio Simoni in Subdistrict No. 2 in District No. 18, as follows:

Size groups	1	3	4	5	6	7	8	9	11	12	13	14	15
Prices	365	375	370	350	350	325	300	215	190	170	130	325	326

(3) The establishment of a minimum price of $2.50 per net ton for the coals in Size Group 11 and an increase from $2.15 to $2.50 per net ton in the effective minimum prices for the coals in Size Group 9 produced at the Kinney Mine No. 1 (Mine Index No. 12) in Subdisirict No. 6 in District No. 18, for all shipments:

(4) The establishment of price classifications and minimum prices in cents per net ton for the coals of Mine No. 6 of the Clah Chee Begay, of Mine No. 5 of Juan Begay, of Mine No. 3 of Thomas Dan and of Mine No. 4 of Warner Watson, those mines being located in Subdistrict No. 8 in District No. 18, for shipment by truck, as follows:

Size groups	1	2	8	9	10	11	15
Prices	350	300	175	150	100	75	200

(5) The establishment of price classifications and minimum prices in cents per net ton for the coals of Mine No. 10 of Ben Begay, of Mine No. 11 of Fred Begay, of Mine No. 1 of Cuyler Benally, of Mine No. 8 of Daniel Benally, of Mine No. 9 of Mark Dan, of Mine No. 5 of Shorty Duncan, of Mine No. 7 of Tom Foster, of Mine No. 3 of Richard Hobson, of Mine No. 2 of Tom Lee, of Mine No. 4 of H. B. Lewis and of Mine No. 6 of Jim Smart in Subdistrict 10 of District No. 18, for shipment by truck, as follows:

Size groups	1	2	8	9	10	11	15
Prices	375	325	200	175	125	100	225

(6) Revision of the effective minimum prices for the coals in certain size groups produced at all mines in Subdistrict No. 8 in District No. 18, and, more particularly, for an increase from $2.50 to $3.00 and from 50 cents to 75 cents per net ton for those coals in Size Groups 2 and 11, respectively:

(7) Revision of the boundaries of Subdistrict No. 1—Gallup in District No. 18 to include therein Valencia County, New Mexico;

(8) Revision of the boundaries of Subdistrict No. 8—San Juan in District No. 18 to exclude therefrom and to place within a new subdistrict that part of San Juan County, New Mexico, lying north of the San Juan River and west of the Hogback and to designate that territory as Subdistrict No. 10—Hogback.

No petitions of intervention having been filed with the Division in the above-entitled matter and, as indicated above, a reasonable showing of necessity having been made for the granting of temporary relief in the manner hereinafter set forth and the following action being deemed necessary in order to effectuate the purposes of the Act;

It is further ordered, That, pending final disposition of the above-entitled matter, the temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 18 For All Shipments is supplemented to include the price classifications and minimum prices set forth in the Schedule marked "Supplement R and T" annexed hereto and hereby made a part hereof.

Notice is hereby given that applications to stay, terminate or modify the temporary relief granted herein, may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: February 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R Doc. 42-1604; Filed, February 24, 1942 10:21 a. m.]

[Docket No. B-142]

IN THE MATTER OF SAHARA COAL COMPANY, CODE MEMBER, DEFENDANT

ORDER EXTENDING TIME TO FILE APPLICATION BASED UPON ADMISSIONS FOR DISPOSITION OF COMPLIANCE PROCEEDING WITHOUT FORMAL HEARING, EXTENDING TIME TO FILE ANSWER, AND POSTPONING HEARING

The above-entitled matter having been scheduled for hearing on February 27, 1942, at 10 o'clock a. m. at a hearing room of the Bituminous Coal Division at Room 705, United States Customs Court, Chicago, Illinois, pursuant to a Notice of and Order for Hearing entered herein on January 14, 1942, and said Notice of and Order for Hearing having been served upon defendant on January 23, 1942; and

A motion having been filed by said defendant on February 14, 1942 requesting an extension of time within which to file its answer to the complaint herein from February 12 to February 21, 1942; and

The defendant having filed with the Division on February 16, 1942 a request for an extension of time within which to file its application for disposition of the above-entitled proceeding without formal hearing, pursuant to § 301.132 of the Rules and Regulations of the Division, and having submitted therewith such application; and

The Acting Director deeming it advisable that said motion and request of the defendant, respectively, be granted and that under such circumstances the hearing herein be postponed;

Now, therefore, it is ordered, That the time within which defendant must file its verified application pursuant to said § 301.132 of the Rules of Practice and Procedure Before the Division, be and the same hereby is extended to and including February 16, 1942, the date on which said application was submitted;

It is further ordered, That the time within which defendant shall file its answer herein be and it hereby is extended to a date ten days after the date of final determination on said verified application pursuant to § 301.132 (f) of the Rules of Practice and Procedure Before the Division; and

It is further ordered, That the hearing in the above-entitled matter be postponed from 10 a. m. on February 27, 1942 to a date and place to be hereafter designated by an appropriate order of the Division.

Dated: February 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1605; Filed, February 24, 1942; 10:21 a. m.]

[Docket Nos. B-192, B-194]

IN THE MATTERS OF IRA P. FOSTER, AND SCOTT L. REARICK, CODE MEMBERS, DEFENDANTS

ORDER ADVANCING AND CONSOLIDATING HEARINGS

The above-entitled matters having been heretofore scheduled for hearings on March 10, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania, by Orders of the Acting Director, dated February 2, 1942, and February 3, 1942, respectively; and

By Waiver and Agreement filed with the Division on February 18, 1942, each of said defendants having waived the thirty (30) days' written notice of the issues and date of the respective hearings, and requested that the above-entitled matters be consolidated and heard jointly with the matters of O. E. Houser, et al., Dockets Nos. B-172, et al., heretofore set for hearing on February 24, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Armstrong County Court House at Kittanning, Pennsylvania, pursuant to an Order of the Acting Director dated February 5, 1942, and said defendants, having waived and relinquished all rights with respect to the advancement and consolidation of the hearings in the above-entitled matters, the conduct of said hearings, and in all other respects; and

The Acting Director deeming it advisable that the requests to advance and consolidate the hearings in the above-entitled matters should be granted;

Now, therefore, it is ordered, That the hearings in the above-entitled matters be, and the same hereby are, advanced from 10 a. m. on March 10, 1942, to 10 a. m. on February 24, 1942, at a hearing room of the Bituminous Coal Division at the Armstrong County Court House at Kittanning, Pennsylvania, and before the officer or officers heretofore designated to preside; and

It is further ordered, That the above-entitled matters are hereby consolidated for the purpose of hearing only with the matters of O. E. Houser, et al., Dockets No. B-172, et al., heretofore set for hearing on February 24, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Armstrong County Court House, Kittanning, Pennsylvania, pursuant to an order of the Acting Director dated February 5, 1942; and

It is further ordered, That the Notices of and Orders for Hearings in the above-entitled matters, dated February 2, 1942, and February 3, 1942, respectively, shall in all other respects remain in full force and effect.

Dated: February 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1606; Filed, February 24, 1942; 10:21 a. m.]

[Docket No. 1744-FD]

IN THE MATTER OF CARL NYMAN, DEFENDANT

ORDER REVOKING AND CANCELLING CODE MEMBERSHIP

A complaint having been filed with the Bituminous Coal Division on June 16, 1941, by District Board 20, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 alleging wilful violation by Carl Nyman (National Coal Mine), a code member in District 20, the defendant, of the Bituminous Coal Code and rules and regulations thereunder, as follows:

That on various dates since January 9, 1941, the defendant sold and delivered various amounts of 1⅝" lump and slack coal produced at defendant's mine (Mine Index No. 179) to various purchasers, at prices below the effective minimum price established for such coal;

Pursuant to an Order of the Acting Director and after notice to interested persons, a hearing in this matter having been held before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof, in Price, Utah, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard, and the complainant and the defendant having appeared at the hearing;

The preparation of a report by the Examiner having been waived and the record in the proceedings having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;[1]

Now, therefore, it is ordered, That, effective fifteen (15) days from the date of this Order, the code membership of the defendant, Carl Nyman (National Coal Mine), operating in Carbon County, Utah, District 20, be, and it hereby is, revoked and cancelled.

It is further ordered, That prior to any reinstatement of the defendant, Carl Nyman (National Coal Mine), to membership in the Code, the defendant shall pay to the United States a tax in the amount of $114.60, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: February 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1607; Filed, February 24, 1942; 10:22 a. m.]

[Docket No. 1872-FD]

IN THE MATTER OF THE APPLICATIONS OF WHEELING VALLEY COAL CORPORATION FOR PERMISSION TO PAY, UNDER CERTAIN SALES AGENCY CONTRACTS, SALES AGENTS' COMMISSIONS IN EXCESS OF THE AMOUNTS PRESCRIBED AS MAXIMUM DISTRIBUTORS' DISCOUNTS, AS PROVIDED BY RULE 13, SECTION II OF THE MARKETING RULES AND REGULATIONS

ORDER GRANTING REQUEST FOR DISMISSAL OF HEARING AND DENYING PERMISSION TO PAY SALES AGENCY COMMISSIONS IN EXCESS OF MAXIMUM DISCOUNTS ALLOWED REGISTERED DISTRIBUTORS

An application having been filed by the Wheeling Valley Coal Corporation, Wheeling, West Virginia, pursuant to Rule 13 of Section II of the Marketing Rules and Regulations, for permission to pay agency commissions to the Pocahontas Coal Corporation, C. M. Cross Coal Sales Company, Davis Wilson Coal Company, Milnes Coal Company, Delaware Fuel Corporation, Scotch Anthracite Coal Company, and the Miller Coal Company, sales agents,[2] in excess of the maximum discounts allowed to registered distributors;

The Director having determined, pursuant to the provisions of Rule 13, Section II of the Marketing Rules and Regulations, that the granting of the permission requested in the application of the Wheeling Valley Coal Corporation to pay sales agency commissions should be deferred until further order of the undersigned and that the applicant should not be permitted to pay such sales agency commissions pending further proceedings and orders of this matter;

The said applicant, a code member in District No. 6, having requested by letter

[1] Not filed with the original document.

[2] These companies are, in fact, sub-sales agents of the Wheeling Valley Coal Corporation. The Costanzo Coal Mining Company is the general sales agent for the applicant.

dated September 22, 1941, that it be afforded hearing on said applications; a hearing in this matter having been called for December 1, 1941, at a hearing room of the Bituminous Coal Division at Washington, D. C., at which time the applicant withdrew its request for a hearing.

Therefore, it is ordered, That request of the applicant, Wheeling Valley Coal Corporation, for the dismissal of the hearing be and is hereby granted; and

It is further ordered, That the application of the Wheeling Valley Coal Corporation, producer, for permission to pay sales agency commissions to the above-named sub-sales agents of the Wheeling Valley Coal Corporation in excess of the maximum discounts allowed registered distributors be and the same hereby is denied.

Dated: February 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1608; Filed, February 24, 1942; 10:22 a. m.]

[Docket No 504-FD]

THE APPLICATION OF KENTUCKY COAL AGENCY, INCORPORATED, FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY: IN RE AMENDMENT OF THE CONTRACTS BETWEEN THE APPLICANT AND ITS PRODUCER MEMBERS RELATIVE TO THE RIGHT TO TERMINATE SAID CONTRACTS

ORDER PROVIDING FOR CONDITIONALLY FINAL RELIEF

Kentucky Coal Agency, Incorporated, a marketing agency, is operating under provisional approval granted by Order of the National Bituminous Coal Commission (predecessor of the Division) dated November 29, 1938, in the above-entitled matter pursuant to Section 12 of the Bituminous Coal Act of 1937. By the said Order, the Commission provisionally approved the form of contract existing between Kentucky Coal Agency, Incorporated, and its producer members. This contract included, among others, the following provision:

This agreement shall continue in force until the 1st day of September, 1939, and after said date shall continue for periods of one year, from year to year, unless and until either party shall elect to terminate this agreement, at the end of any one year period, by giving to the other fifteen (15) days' written notice of such intention. Upon receipt of such notice the Selling Agent shall promptly notify all producers with whom it has entered into identical or similar Agency Agreements, and within five (5) days from the receipt by the producers of any such notices, the producers may serve notice of termination, to take effect on the same date.

On February 10, 1942, Kentucky Coal Agency, Incorporated, filed an application in the above-entitled matter, requesting that the provisional approval heretofore granted by the Commission be amended to permit the applicant to revise the afore-mentioned provision of its contracts between it and its producer members to read as follows:

This Agreement shall continue in force until the first day of September, 1942, and after said date shall continue for periods of one year, from year to year, unless sooner terminated, as herein provided. Either party may terminate this agreement by giving the other party thirty days written notice. The termination will take effect thirty days after the receipt of such written notice, and upon the date when same shall become effective, the selling agent shall promptly notify all producers with whom it has entered into identical or similar agency agreements, and within five days from the receipt by a producer of any such notice, the producer may serve notice of termination of his contract, to take effect at the end of the five day period. The termination of this contract, as herein provided, shall not affect the performance of contracts then in force and binding on the selling agent, for the delivery of coal.

It appears that a reasonable showing of necessity has been made for the granting of relief in the manner hereinafter set forth, that no petitions of intervention have been filed with the Division in this matter, and that this action will effectuate the purposes of the Act.

Now, therefore, it is ordered, That effective twenty-five (25) days from the date hereof, the Order of November 29, 1938, granting provisional approval to Kentucky Coal Agency, Incorporated, be, and it hereby is, amended to permit Kentucky Coal Agency, Incorporated, to revise the contracts between it and its producer members as prayed for in the said application of February 10, 1942.

It is further ordered, That pleadings in opposition to the original application in this matter and applications to stay or modify the relief herein granted may be filed with the Division within twenty (20) days from the date of this Order, pursuant to the Rules of Practice and Procedure before the Bituminous Coal Division.

It is further ordered, That this order is subject to further orders herein.

Dated: February 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1609; Filed, February 24, 1942; 10:22 a. m.]

[Docket No. B-23]

IN THE MATTER OF NICK LUCIANI & SONS, A PARTNERSHIP, CODE MEMBER, DEFENDANT

CEASE AND DESIST ORDER

District Board No. 18 having filed a complaint with the Bituminous Coal Division on August 25, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by Nick Luciani & Sons, a code member in District No. 18, of the Bituminous Coal Code or rules and regulations thereunder, by selling during October, November and December 1940, approximately 239 tons of 1½" lump bar screen coal (Size Group 2) produced at its mine to various purchasers for shipment by truck at a price of $3.00 per net ton f. o. b. the mine, whereas the effective minimum price established for such coal was $3.65 per net ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 18 For All Shipments;

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing having been held in this matter on December 1, 1941, before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof in Albuquerque, New Mexico, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The complainant and the defendant having appeared, and all interested parties having joined in waiving the preparation and filing of a report by the Examiner; the record of the proceeding thereupon having been submitted to the undersigned for consideration; the undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith;[1]

Now, therefore, it is ordered, That the defendant, Nick Luciani & Sons, a partnership composed of Nick Luciani, A. A. Luciani, U. D. Luciani, A. M. Luciani and N. R. Luciani, and each partner thereof, their representatives, servants, agents, employees, attorneys, successors or assigns, and all persons acting or claiming to act in their behalf or interest, cease and desist, and they are hereby permanently enjoined and restrained from selling or offering for sale coal at prices below the effective minimum prices, from violating the provisions of the Bituminous Coal Act, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 18 For All Shipments, and the Marketing Rules and Regulations.

It is further ordered, That if the defendant, or any of the partners thereof, fails or neglects to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States within any circuit where such defendant carries on business for the enforcement hereof, or take any other appropriate action.

Dated: February 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1610; Filed, February 24, 1942; 10:23 a. m.]

Bureau of Reclamation.

FIRST FORM RECLAMATION WITHDRAWAL, ANDERSON RANCH RESERVOIR SITE, BOISE PROJECT, IDAHO

Correction

The land description for section 15 of Township 1 South, Range 8 East, on

[1] Not filed with the original document.

page 1094 of the issue for Thursday, February 19, 1942, should read as follows:

Section 15, Lots 1, 2, 3, 4, 5, 9, NW¼NE¼, NW¼, S½SE¼;

RECOMMENDATION OF THE BOULDER CANYON PROJECT WAGE BOARD TO THE SECRETARY OF THE INTERIOR

Pursuant to the Order of the Secretary of the Interior, dated December 6, 1941, and entitled *Wage Fixing Procedures, Boulder Canyon Project*, the Boulder Canyon Project Wage Board has determined prevailing wage rates for certain classes of laborers and mechanics for work of a similar nature prevailing in the vicinity of the project. Public hearings were held in Boulder City, Nevada, on December 8 and 9. Witnesses at the hearings included representatives of labor organizations, of employees' associations, and of unorganized workers on the project, officials of the Bureau of Reclamation, and other operating agencies, and the Commissioner of Labor of the State of Nevada. Representatives of the United States Department of Labor also participated in the hearings.

In addition to the testimony offered by witnesses at the hearings, the Wage Board has considered wage rate data included in collective bargaining agreements; decisions of the Secretary of Labor made pursuant to the Davis-Bacon Act, as amended; statements of wages paid to and benefits earned by employees of the Bureau of Power and Light, City of Los Angeles, and the Southern California Edison Company; and tabular analyses of wages and other compensation paid by the Bureau of Reclamation.

The Wage Board finds that the hourly wage rates listed below are prevailing for similar work in the vicinity of the project and recommends them for your adoption.

Labor classification	Prevailing hourly rate on private work	Recommended basic hourly rate for B/R employees
Air tool operator	$1.00	$1.00
Blacksmith	1.37½	1.37
Blacksmith helper	1.00	1.00
Cableway operator	1.60	1.60
Carpenter	1.25	1.25
Carpenter helper	.80	.80
Concrete finisher	1.70	1.70
Concrete laborer	.90	.90
Concrete mixer operator	1.25	1.25
Concrete mixing plant engineer	1.50	1.50
Core drill operator	1.25	1.25
Core drill operator helper	.80	.80
Crane operator	1.60	1.60
Diamond driller	1.25	1.25
Dragline operator (under 1 yd.)	1.60	1.60
Dragline operator (1 yd. and over)	1.75	1.75
Electrician	1.50	1.50
Electrician helper	.90	.90
Floor sander (maintenance)	1.00	1.00
Gasoline engine	1.12½	1.12½
Gasoline engine helper	.90	.90
Grinder operator	1.60	1.60
Grout caulker	.90	.90
Grout mix operator	1.00	1.00
Grout pump operator	1.25	1.25
Hooktender	$1.00	$1.00
Laborer	.80	.80
Lineman	1.50	1.50
Machinist	1.50	1.50
Machinist helper	1.00	1.00
Mason helper	.80	.80
Mechanic	1.50	1.50
Mechanic helper	1.00	1.00
Motor boat operator	1.15	1.15
Motortruck driver (on construction):		
Under 7½ tons	.87½	.87½
7½ to 10 tons	1.00	1.00
10 to 15 tons	1.12½	1.12½
15 to 20 tons	1.25	1.25
20 tons or more	1.37½	1.37½
Oiler and greaser	1.00	1.00
Painter (brush)	1.25	1.25
Painter (spray)	1.87½	1.87½
Painter (swing stage & st. steel)	1.50	1.50
Painter helper	.80	.80
Plumber	1.50	1.50
Plumber helper	1.00	1.00
Pipefitter	1.50	1.50
Pipefitter helper	1.00	1.00
Pump operator	1.12½	1.12½
Rigger	1.50	1.50
Structural steel worker	1.50	1.50
Terrazzo polisher (maintenance)	1.00	1.00
Track repairman	1.00	1.00
Tractor operator	1.50	1.50
Valve operator	1.12½	1.12½
Welder	1.50	1.50
Welder helper	1.00	1.00

It is the understanding of the Wage Board that Bureau of Reclamation employees paid in accordance with this schedule will receive overtime pay on a basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week. Refer to 40-hour week act (Sec. 23, Act of March 28, 1934; 48 Stat., 522).

Effective date. The Wage Board recommends that these recommendations be made effective as of the close of business December 15, 1941.

The foregoing recommendations approved and adopted by the Boulder Canyon Project Wage Board this twenty-ninth day of January, 1942.

DUNCAN CAMPBELL,
Chairman.
CHARLES A. BISSELL,
Member.

Approved: February 12, 1942.

HAROLD L. ICKES,
Secretary of the Interior.

I concur: February 17, 1942.

FRANCES PERKINS,
Secretary of Labor.

[F. R. Doc. 42-1600; Filed, February 23, 1942; 4:08 p. m.]

WAGE FIXING PROCEDURES, BOULDER CANYON PROJECT

DECEMBER 6, 1941.

In aid fo the administration of Section 15 of the Boulder Canyon Project Adjustment Act (54 Stat. 774) and for the purpose of determining the prevailing rate of wages to be paid certain classes of Government employees on the Boulder Canyon Project, the following procedure is established:

I. Wage Board

Wage Board, composed of two representatives of the Department, one selected from the office of the Secretary of the Interior and one selected from the Bureau of Reclamation, is hereby established to determine prevailing wages for similar work in the locality of the Project for all laborers and mechanics employed by the Government in the construction or operation and maintenance of the Project, excluding employees whose wages are fixed on an annual basis pursuant to the Classification Act of 1923, as amended, and to make recommendations with respect to such wages to the Secretary of the Interior. The representative selected from the office of the Secretary of the Interior shall act as Chairman of the Board.

II. Procedure to be followed by Board

In determining the prevailing wages of various classes of laborers and mechanics being considered by the Board in the locality of the Project, the Board shall procure evidence of the wages and compensation being paid to and perquisites received by such laborers and mechanics from local contractors, Federal agencies (including wage scales currently being paid pursuant to minima established pursuant to the Bacon-Davis Act), private industrial employers, and others employing labor in the locality, whether pursuant to union agreements or otherwise. Hearings for the purpose of adducing evidence of wages paid in the locality may be held when, in the judgment of the Board, this is required in order to determine the prevailing rates of wages.

Based on the evidence procured as to prevailing wages and the perquisites of employment in the locality in the classifications under consideration by the Wage Board, the Board shall make its recommendation as to the rates of wages to be paid to the Government employees of the classes above specified on the Boulder Canyon Project to the Secretary of the Interior. The wages recommended shall become effective upon such date as shall be recommended by the Wage Board, unless otherwise directed by the Secretary of the Interior: *Provided*, That the Secretary of the Interior may direct the Board to reconsider any recommendation in whole or in part when, in his judgment, the recommended wage does not accord with the evidence procured as to the prevailing wage in the locality or there is insufficient evidence to support the wage recommended.

III. Effective period of approved wage determinations

Any wage rate fixed in the manner above provided shall remain in effect until that rate has been supplanted by a different rate determined by the Wage Board with the concurrence of the Secretary of the Interior, and of the Secretary of Labor in cases governed by said Section 15. Unless directed by the Secretary of the Interior to do so at other intervals, the Wage Board shall review

wage rates at six-month intervals beginning with the effective date of the first schedule of wages made in accordance with the procedure herein provided: *Provided*, That the Secretary of the Interior may direct a review at any other time when, in his judgment, this is desirable.

IV

For the purpose of the first hearing and determination under this procedure, the Board shall be composed of these departmental representatives: Mr. Duncan Campbell, selected from the office of the Secretary of the Interior, and Mr. Charles A. Bissell, selected from the Bureau of Reclamation.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-1601; Filed, February 23, 1942; 4:08 p. m.]

DEPARTMENT OF AGRICULTURE.

Surplus Marketing Administration.

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED AMENDED ORDER NO. 27 AND A PROPOSED AMENDED MARKETING AGREEMENT REGULATING THE HANDLING OF MILK IN THE NEW YORK METROPOLITAN MARKETING AREA, PREPARED BY THE ADMINISTRATOR OF THE SURPLUS MARKETING ADMINISTRATION

Pursuant to § 900.12 (a), General Regulations, Surplus Marketing Administration, Department of Agriculture, notice is hereby given of the filing with the Hearing Clerk, in the Solicitor's Office of the Department, of this report of the Administrator of the Surplus Marketing Administration of the Department with respect to a proposed amended marketing order and a proposed amended marketing agreement regulating the marketing of milk in the New York metropolitan marketing area. Interested parties may file exceptions to this report with the Hearing Clerk, Room 0312, South Building, Department of Agriculture, Washington, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER.

HISTORY, ISSUES, AND CONCLUSIONS

In connection with the issuance of Amendment No. 3 [1] to Federal Order No. 27, as amended, issued August 29, 1941, which became effective October 1, 1941,[2] the Secretary of Agriculture indicated that an early hearing on matters not covered in the above amendment would be held at the request of interested parties. It was also indicated that, if conditions so changed as to make it necessary, the question of fluid milk prices would be considered at an early hearing. Producer representatives submitted a petition for a hearing on revision of the Class I price on November 6, 1941. This petition was denied because it did not include consideration of other provisions of the order. On December 9, 1941, producer representatives submitted a new request for a hearing on several proposals to amend the order. A press release, dated December 17, 1941, was issued and sent to all interested parties requesting them to file with the Hearing Clerk, not later than December 22, other proposals for amending the order.

Twenty-two interested parties filed proposals for amending the order. More than 75 changes in the order were contained in the proposals. However, many of the proposed changes were interrelated.

A notice was issued over the signature of the Assistant to the Secretary of Agriculture, dated December 29, 1941, of hearing to begin in the Saint George Hotel, Brooklyn, New York, January 7, 1942, at 9:30 a. m.

A similar notice of hearing was issued by Mr. Kenneth F. Fee, Director of Division of Milk Control for the Commissioner of Agriculture and Markets for the State of New York. The joint hearing formally convened January 7 pursuant to the notices.

The hearing proceeded January 7, 8, and 9 at Brooklyn and was recessed to Utica, New York, January 12. The hearing proceeded during the period January 12–14 in Utica; January 15–17 in Binghampton; January 19–20 in Utica; and January 21–23 and 26–28 in Brooklyn, New York.

Time for filing briefs was set at the closing of the hearing, to expire at the close of business February 16, 1942.

The issues developed in this proceeding were as follows:

1. What shall be the level of Class I or fluid milk price for the marketing area?
2. What shall be the level of Class I or fluid milk price for milk sold outside the marketing area?
3. Shall provision be made for automatic adjustment of prices following a drought?
4. Shall the classification and pricing of "surplus" cream be separated from the present Class III provisions?
5. Shall skim milk be classified and priced according to its use?
6. Shall the pricing provision for milk used in American cheese be changed?
7. Shall the basis for payments to cooperative associations be changed, the payments increased, or all payments to cooperatives be discontinued?
8. Shall diversion payments be discontinued, limited to fewer classes, or made subject to the direction of a diversion committee?
9. Shall cooperative associations be permitted to account for milk at less than the stated class prices, if after posting milk for sale in certain classes with the market administrator, no buyer is found for the milk?
10. Shall the marketing area be expanded to include additional territory in New York and parts of New Jersey and Pennsylvania? In connection with the expansion of the marketing area, shall producer-dealers be required to equalize, shall city differentials be allowed, and shall the special cream area be changed?
11. Shall there be included in the order a definition of a "new producer"?
12. Shall nearby location differentials be changed or discontinued?
13. Shall a plan for encouraging level production of milk be included in the order?
14. Shall transportation differentials be changed?
15. Shall butterfat differentials be changed?
16. Shall the definition of producer and handler be changed?
17. Shall a provision be included in the order requiring twice-a-month payments to producers?

On these issues, it is concluded from the record as follows:

1. That the present level of Class I price, with adjustment for seasonal change, should be maintained. This can best be done by including in the present formula based on the price of butter, some factor to reflect the unusual value of milk solids-not-fat;
2. That the present provision for pricing Class I milk sold outside the marketing area be continued;
3. That although it might be desirable to include an automatic adjustment for prices following a drought, additional data on weather stations to be included, effect of the proposal, etc., are needed;
4. That "surplus cream" shall be removed from Class III classification and set up under subdivisions of Class II; that three classifications be set up, II–D (mainly Philadelphia and Pennsylvania cream); II–E (mainly Boston and New England cream); and II–F (mainly ice cream in the special cream area and cream cheese); that the price for each of these new classifications be based on the competitive price of cream in the market where sold;
5. That skim milk shall be classified into two classes: V–A (mainly skim milk for fluid consumption in the marketing area) and V–B (mainly skim milk for manufacture). That Class V–A be priced at the Class I price less the price set for butterfat in Class II–A and Class V–B be priced at the value of skim milk for making skim milk powder;
6. That milk for American cheese shall be priced on the basis of the Wisconsin Cheese Exchange quoted price for "Twins" rather than "Single Daisies";
7. That the present provisions for payments to cooperative associations be continued;
8. That diversion payments on all cream classes be discontinued to permit the pricing of cream on a competitive basis. That diversion payments be continued on Class III and Class IV–B;
9. That the provision to permit cooperative associations to account for milk at less than the stated class price, if after posting milk for sale in certain classes with the market administrator, no buyer is found for the milk, should not be included in the order;
10. That, because it was so ruled by the hearing master, after consultation with counsel in attendance at the hearing, the proposal for extending the marketing area and related matters be held over for further consideration at a new hearing;
11. That no action be taken at this time on the issues raised at the hearing and noted under paragraphs 11, 12, 13, 14, 15, and 16 above and that these issues be considered further at a new hearing; and
12. That because most producers are now being paid twice a month on a voluntary basis, such a provision should not be included in the order.

The proposed amended marketing order and proposed amended marketing agreement are recommended as the detailed means by which these conclusions may be carried out.

This report filed at Washington, D. C., the 24th day of February 1942.

[SEAL] E. W. GAUMNITZ,
Administrator.

Approved by:
ROY F. HENDRICKSON,
Agricultural Marketing Administrator.

[1] 6 F.R. 4507
[2] 6 F.R. 4954

PROPOSED AMENDED MARKETING ORDER REGULATING THE HANDLING OF MILK IN THE NEW YORK METROPOLITAN MARKETING AREA. PREPARED BY THE ADMINISTRATOR OF THE SURPLUS MARKETING ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE [1]

FINDINGS

It is found upon the evidence introduced at the public hearing held in Brooklyn, New York, on January 7 through 9; Utica, New York, January 12 through 14; Binghamton, New York January 15 through 17; Utica, New York, January 19 and 20; and Brooklyn, New York, January 22 through 28; said findings being in addition to the findings made upon the evidence introduced at all prior hearings on said order and amendments thereto (which findings are hereby ratified and affirmed, save only as such findings are in conflict with findings hereinafter set forth):

1. That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to section 2 and section 8c of the act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and that the minimum prices set forth in this order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

2. That the order, as amended, as herewith amended, regulates the handling of milk in the same manner as a marketing agreement upon which a hearing has been held; and

3. That the issuance of this amended order will tend to effectuate the declared policy of the act.

PROVISIONS

§ 927.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Secretary" means the Secretary of Agriculture of the United States.

(c) "New York metropolitan milk marketing area" means the city of New York, the counties of Nassau, Suffolk (except Fisher's Island), and Westchester, all in the State of New York, and is hereinafter called the "marketing area."

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person who produces milk which is delivered to a handler at a plant which is approved by any health authority for the receiving of milk to be sold in the marketing area.

(f) "Handler" means any person who engages in the handling of milk or cream; or milk products therefrom, which milk was received at a plant approved by any health authority for the receiving of milk to be sold in the marketing area, which handling is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce. This definition shall be deemed to include a cooperative association of producers with respect to any milk received from producers at any plant approval for which is held by such association, or with respect to any milk which it causes to be delivered from producers to any other handler for the account of such association and for which such association receives payment.

(g) "Market administrator" means the agency, which is described in § 927.2, for the administration of this order.

(h) "Special cream area" means the territory, with the exception of the marketing area, which lies within the boundaries of the State of New York and of the following counties in the State of New Jersey:

Bergen.	Morris.
Essex.	Passaic.
Hudson.	Somerset.
Hunterdon.	Sussex.
Middlesex.	Union.
Monmouth.	Warren.

(i) "New England" means the territory which lies within the boundaries of the States of Connecticut, Maine, New Hampshire, Rhode Island, and Vermont, and the Commonwealth of Massachusetts.

§ 927.2 *Market administrator—(a) Selection, removal, and bond.* The agency for the administration of this order shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) *Compensation.* The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

(c) *Powers.* The market administrator shall have power to administer the terms and provisions hereof, and to receive, investigate, and report to the Secretary complaints of violations of this order.

(d) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein;

(2) Submit his books and records to examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request;

(4) Obtain a bond with reasonable security thereon covering each employee who handles funds entrusted to the market administrator;

(5) Publicly disclose, after reasonable notice, the name of any person who has not made reports pursuant to § 927.5 (a), or made payments required by § 927.7;

(6) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this order as do not reveal confidential information;

(7) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(8) Pay out of the funds received pursuant to § 927.8 the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties; and

(9) Maintain a main office and such branch offices as may be necessary.

(e) *Announcement of prices.* The market administrator shall compute and publicly announce prices as follows:

(1) Not later than the 25th day of each month, the average for 30 days immediately preceding, of the prices reported daily by the United States Department of Agriculture for 92-score butter at wholesale in the New York market, and the average of all the hot roller process dry skim milk quotations for "other brands, animal feed, carlots, bags, or barrels," and for "other brands, human consumption, carlots, bags, or barrels" (using midpoint of any range as one quotation), published during the preceding 30 days in "The Producers' Price-Current," and the Class I, Class II–A and the Class V–A prices to be in effect for the following month, pursuant to § 927.4 (a).

(2) Not later than the 5th day of each month, the prices for all other classes pursuant to § 927.4 (a) and the differentials pursuant to § 927.4 (b) in effect for the preceding month.

[1] This proposed amended marketing order is prepared by the Administrator pursuant to § 900.12 (a) of the general regulations, Surplus Marketing Administration, and has not received the approval of the Secretary of Agriculture.

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(2) Not later than the 14th day of

(b) *Classes of utilization.* Subject to

or in the form of frozen desserts or in

(12) Class V–B milk shall be the skim

(5) For Class II–A milk, the price dur-

which such milk was received, multiply

(3) Not later than the 14th day of each month, the uniform price computed pursuant to § 927.6 (b).

§ 927.3 *Classification of milk*—(a) *Basis of classification.* All milk received during any month from producers by handlers shall be classified in the classes set forth in paragraph (b) of this section in accordance with the form in which it is held at or moved from, within 8 days after the end of the month, the plant where received from producers, including members of any cooperative association, except that milk which is moved to some other plant outside the marketing area, or milk the butterfat from which is moved to some other plant outside the marketing area, may be classified at the first plant subject to the following conditions:

(1) If the other plant is approved for the sale of milk in the marketing area, and all products moved from or held at such plant would classify milk in classes to which diversion payments are applicable, the allocation of the several classes to the first plant may be at the option of the handler or handlers involved, but shall be pro rata in case of failure to exercise the option, or in case there is milk or product moved from or held at such plant which would classify milk in classes to which diversion payments are not applicable.

(2) If the other plant is not approved for the sale of milk in the marketing area, allocation of classes to the first plant shall, in the absence of proof of use in a specific class, be pro rata in accordance with the form in which all milk, all cream, or all of both, as the case may be, received during the month at the other plant, was held at or moved from such plant except as provided in subparagraph (3) of this paragraph.

(3) If the other plant is a plant the handling of milk at which is subject to another order of the Secretary for another marketing area, the allocation of classes to the first plant shall be as follows: If the milk is moved to such other plant in the form of milk, it shall be Class I milk; or if the milk is moved to such other plant in the form of cream, it shall be Class II–D or Class II–E: *Provided*, That the cream is not subsequently moved or shipped in the form of cream so as to classify it as Class II–A, Class II–B, or Class II–C.

(4) In establishing the classification of any milk received at a plant from producers the burden rests upon the handler who receives the milk from producers to show that it should not be classified as Class I milk; likewise, having established the manufacture of cream, the burden rests upon such handler to show that the milk the butterfat from which was manufactured into cream, should not be classified in Class II–A, and that the skim milk resulting from the manufacture of cream should not be classified as Class V–A: *Provided*, That the only form in which butterfat received as cream at any plant in the marketing area may leave such plant so that it may be classified other than in Classes I or II–A is in the form of frozen desserts or homogenized mixtures.

(b) *Classes of utilization.* Subject to all of the conditions set forth in paragraph (a) of this section, the classes of milk shall be as follows:

(1) Class I milk shall be all milk which leaves a plant as milk, or cultured or flavored milk drinks containing 3.0 percent butterfat or more, and all milk the classification of which is not established in some other class named in this paragraph, except that loss or waste of milk in a plant where milk is received from producers, not to exceed 2 percent of the total quantity of milk received, may be prorated to each class or price subdivision of such class except Class V–A and Class V–B, in the proportion in which the milk in such class or price subdivision of such class is of the total quantity of milk received at such plant: *Provided*, That any loss or waste in excess of 2 percent shall be subject to the price set forth in § 927.4 (a) (1).

(2) Class II–A milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of cultured or flavored milk drinks containing less than 3.0 percent butterfat or in the form of cream, sweet or sour, unless such cream is established to have been subsequently so handled or marketed as to classify such milk in some other class.

(3) Class II–B milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of plain condensed milk or, except as set forth in subparagraphs (5), (6), and (7) of this paragraph, frozen desserts or homogenized mixtures; or which leaves or is on hand at a plant in the form of cream which is subsequently held in a licensed cold storage warehouse at an average temperature below zero degrees Fahrenheit for 7 consecutive days, and below 15 degrees Fahrenheit for at least 21 days thereafter, as shown by charts of a recording thermometer, and which is subject at all times to being inspected by a representative of the market administrator to determine the physical presence of the cream and the temperature of the room where stored. After the first 7 consecutive days such cream may be moved from one licensed cold storage warehouse to another: *Provided*, That the market administrator receives notice of such removal within 48 hours thereafter. Any handler whose report claimed the original classification of milk in this class shall be liable under the provisions of § 927.7 (j) for the difference between the Class II–B and Class II–A prices for the month in which the II–B classification was claimed on any such milk if the storage of the cream does not comply with all the requirements of this subparagraph.

(4) Class II–C milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of cream which is delivered to a plant or a purchaser in the special cream area, is not moved as cream to a plant in the marketing area or sold in the marketing area, and the classification of which is not established in some other class.

(5) Class II–D milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of cream or in the form of frozen desserts or in the form of homogenized mixtures used in frozen desserts, which is delivered to a plant or a purchaser outside the marketing area, outside the special cream area and outside New England: *Provided*, That the cream is not moved to a plant in the marketing area, in the special cream area, or in New England; or sold in the marketing area, in the special cream area, or in New England: *And provided further*, That the frozen desserts, or the homogenized mixtures used in frozen desserts are not moved to a plant in New York City, or sold in New York City.

(6) Class II–E milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of cream or in the form of frozen desserts or in the form of homogenized mixtures in frozen desserts, which is delivered to a plant or a purchaser in New England: *Provided*, That the cream is not moved to a plant outside New England or sold outside New England: *And provided further*, That the frozen desserts or homogenized mixtures used in frozen desserts are not moved to a plant in New York City or sold in New York City.

(7) Class II–F milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of frozen desserts or in the form of homogenized mixtures used in frozen desserts, except as set forth in subparagraphs (5) and (6) of this paragraph, provided the frozen desserts in both instances were sold and remained outside of New York City; or all the butterfat which leaves or is on hand at a plant in the form of cream cheese.

(8) Class III milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of evaporated milk in hermetically sealed cans, sweetened condensed milk, milk chocolate, and other candy products, milk powder, malted milk powder, or cheeses other than those specified in subparagraphs (7) and (10) of this paragraph.

(9) Class IV–A milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of butter.

(10) Class IV–B milk shall be all milk which leaves or is on hand at a plant in the form of Cheddar cheese, American Cheddar cheese, Colby cheese, washed curd cheese, or part-skim Cheddar cheese.

(11) Class V–A milk shall be the skim milk in all milk which is classified pursuant to subparagraphs (2), (3), (4), (5), (6), (7), and (9) of this paragraph, which skim milk enters the marketing area in the form of fluid skim milk or cultured or flavored milk drinks, and which is not utilized in some other product: *Provided*, That for the purposes of this subparagraph and of subparagraph (12) of this paragraph there shall be 91.25 pounds of skim milk in each 100 pounds of milk having a butterfat content of 3.5 percent, plus an additional 0.25 pounds of skim milk for each point of butterfat in such milk below 3.5 percent or minus an additional 0.25 pounds of skim milk for each point of butterfat in such milk above 3.5 percent.

(12) Class V–B milk shall be the skim milk in all milk which is classified pursuant to subparagraphs (2), (3), (4), (5), (6), (7), and (9) of this paragraph, which skim milk is not classified pursuant to subparagraph (11) of this paragraph.

§ 927.4 *Minimum prices.* For milk received during each month from producers or cooperative associations of producers, each handler shall pay per hundredweight not less than the prices set forth in this section. Any handler who purchases or receives, during any month, milk from a cooperative association of producers which is also a handler shall, on or before the 15th day of the following month, pay such cooperative association in full for such milk at not less than the minimum class prices applicable pursuant to this section.

(a) *Class prices.* (1) For Class I milk the price per hundredweight during each month shall be, except as specified in subparagraphs (2), (3), and (4) of this paragraph, as set forth in the table in this subparagraph:

92-score butter, wholesale at New York, average announced pursuant to §927.2 (e), plus an amount calculated as follows: deduct 4 cents from the average dry skim milk quotations announced pursuant to 927.2 (e) and multiply by 1.3	Class I price	
	April through June	July through March
Cents	*Dollars per cwt.*	*Dollars per cwt.*
Under 25	1.85	2.10
25 or over, but under 30	2.05	2.30
30 or over, but under 35	2.25	2.50
35 or over, but under 40	2.45	2.70
40 or over, but under 45	2.65	2.90
45 or over, but under 50	2.85	3.10
50 or over, but under 55	3.05	3.30
55 or over, but under 60	3.25	3.50
60 or over, but under 65	3.45	3.70
65 or over, but under 70	3.65	3.90
70 or over, but under 75	3.85	4.10
75 or over	4.05	4.30

(2) For Class I milk sold by a handler in the marketing area under a program approved by the Secretary and upon which payment is made out of Federal funds, the price shall be 57 cents per hundredweight less than the price in effect pursuant to subparagraph (1) of this paragraph.

(3) For Class I milk which has not passed through the marketing area, but which is ultimately distributed in an area regulated by another order of the Secretary, the price shall be the Class I price set forth in such other order for milk sold in such marketing area subject to the butterfat and location differentials set forth in such other order.

(4) For Class I milk which has not passed through the marketing area, but including Class I milk which was received direct from producers at a plant in the marketing area, and which is ultimately distributed in an area not regulated by an order of the Secretary, the price shall be the uniform price computed by the market administrator pursuant to § 927.6 (b) plus 20 cents per hundredweight included in the net pool obligation for such milk pursuant to § 927.6 (a).

(5) For Class II–A milk, the price during each month shall be as set forth in the following table:

92-score butter, wholesale, at New York, average announced pursuant to § 927.2 (e)	Class II–A price	
	March through July	August through February
Cents per pound	*Dollars per cwt.*	*Dollars per cwt.*
Under 21.5	1.35	1.50
21.5 or over, but under 25.0	1.50	1.65
25.0 or over, but under 28.5	1.65	1.80
28.5 or over, but under 32.0	1.80	1.95
32.0 or over, but under 35.5	1.95	2.10
35.5 or over, but under 39.0	2.10	2.25
39.0 or over, but under 42.5	2.25	2.40
42.5 or over, but under 46.0	2.40	2.55
46 or over	2.55	2.70

(6) For Class II–B milk, the price during each month shall be 12 cents less than the Class II–A price.

(7) For Class II–C milk, the price during each month shall be 10 cents higher than the Class II–E price applicable at a plant located within the 0–250 mile zone from Boston.

(8) For Class II–D milk the price during each month shall be a price calculated by the market administrator as follows: add all weekly market quotations (using midpoint of any weekly range as one quotation) of prices reported by the United States Department of Agriculture for the month during which such milk was received from producers for a 40-quart can of 40 percent sweet cream approved for Pennsylvania only, and for Pennsylvania, Newark, and Lower Merion Township, divide by the number of quotations, subtract 28 cents, divide by 33.48, multiply by 3.5, subtract 21.5 cents. Such price shall be subject to the minus differentials set forth in the following table applicable to the location of the plant at which the cream, frozen desserts, or homogenized mixtures are made with reference to its mileage distance from the City Hall in Philadelphia; and any such mileage distance shall be that recognized for rate-making purposes by the Interstate Commerce Commission:

Miles:	*Cents*
0–30	0
31–70	−3.5
71–150	−4.5
151–230	−5.5
231–310	−6.5
311–390	−7.5
391–470	−8.5

Provided, That in no event shall the Class II–D price at any plant be lower than the Class IV–A price plus 10 cents.

(9) For Class II–E milk the price during each month shall be a price calculated by the market administrator as follows: divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market, as reported by the United States Department of Agriculture for the month during which such milk was received from producers, or the last such price reported for a month if no such price is reported for the month during which such milk was received, multiply by 3.5, subtract 21.5 cents. Such price shall be subject to the minus differentials set forth in the following table applicable to the location of the plant at which the cream, frozen desserts, or homogenized mixtures are made with reference to its mileage distance from the State House in Boston and any such mileage distance shall be that recognized for rate-making purposes by the Interstate Commerce Commission:

Miles:	*Cents*
0–250	−5.2
251–300	−6.2
301–350	−7.2
351–400	−8.2
401–450	−9.2

Provided, That in no event shall the Class II–E price at any plant be lower than the Class IV–A price plus 10 cents.

(10) For Class II–F milk the price during each month shall be the price for Class II–E milk.

(11) For Class III milk the price during each month shall be 10 cents higher than the average, computed by the market administrator, of prices, as reported to the United States Department of Agriculture, paid during such month to farmers by each of the evaporated milk plants which purchase milk at places listed in this subparagraph and for which prices are reported: *Provided*, That in no event shall the Class III price be less than a price computed by the market administrator as follows: To the average price of 92-score butter at wholesale in the Chicago market for such month, as reported by the United States Department of Agriculture, add 30 percent, multiply by 3.5, and add 7 cents.

Locations of evaporated milk plants

Mt. Pleasant, Mich.	Berlin, Wis.
Sparta, Mich.	Richland Center, Wis.
Hudson, Mich.	Oconomowoc, Wis.
Wayland, Mich.	Jefferson, Wis.
Coopersville, Mich.	New Glarus, Wis.
Greenville, Wis.	Belleville, Wis.
Manitowoc, Wis.	New London, Wis.
Black Creek, Wis.	Coldwater, Ohio.
Orfordville, Wis.	Delta, Ohio.
Chilton, Wis.	West Bend, Wis.

(12) For Class IV–A milk the price during each month shall be a price computed by the market administrator as follows: From the average of the highest prices reported daily during each month by the United States Department of Agriculture for 92-score butter at wholesale in the New York market, deduct 4 cents, add 20 percent, and multiply by 3.5.

(13) For Class IV–B milk the price during each month shall be a price computed by the market administrator as follows: From the average of weekly quotations at Wisconsin Cheese Exchange, Plymouth, Wisconsin, for Cheddars, or in the absence of such quotations for Cheddars, the weekly quotations at Wisconsin Cheese Exchange for Twins, subtract ¾ cent and multiply the result by 9.45.

(14) For Class V–A milk the price during each month shall be the difference

between the price for Class I milk set forth in subparagraph (1) of this paragraph and the price for Class II–A milk set forth in subparagraph (5) of this paragraph, and the result divided by 0.9125.

(15) For Class V–B milk the price during each month shall be a price computed by the market administrator as follows: From the average of all the hot roller process dry skim milk quotations for "other brands, animal feed, carlots, bags, or barrels" and for "other brands, human consumption, carlot, bags, or barrels" (using midpoint of any range as one quotation), published for the delivery period in "The Producers' Price-Current," subtract 4 cents, and multiply by 8.3.

(b) *Butterfat differentials.* The minimum prices for Class I milk specified in paragraph (a) of this section shall be plus or minus 4 cents for each one-tenth of 1 percent of butterfat therein above or below 3.5 percent. The minimum price for Class IV–B milk containing more or less than 3.5 percent butterfat shall be plus or minus, for each one-tenth of 1 percent butterfat above or below 3.5 percent, an amount equal to the price set forth in subparagraph (13) of paragraph (a) of this section, divided by 9.45 and multiplied by 0.23. The minimum prices for each of the other classes except Classes V–A and V–B containing more or less than 3.5 percent butterfat shall be plus or minus, for each one-tenth of 1 percent butterfat above or below 3.5 percent, an amount equal to the repective prices set forth in paragraph (a) of this section, divided by 35.

(c) *Transportation differentials.* The market administrator shall from time to time publicly announce for each plant outside the marketing area, operated by each handler, the freight zone set forth in the schedule below in this section according to the railway mileage distance from New York City terminals of its nearest railway shipping point, or its highway mileage distance from New York City, if the latter is less than the former by more than five miles. Any such mileage distance shall be that recognized for rate-making purposes by the Interstate Commerce Commission. For the purposes of this paragraph each plant within the marketing area shall be assigned by the market administrator to the 1–10 mile freight zone. The minimum prices set forth in paragraph (a) of this section shall be plus or minus the amounts as set forth in the following schedule:

A	B	C
Freight zone (miles)	Classes I and V–A	Classes II–A, II–B, and II–C
	Cents per cwt.	*Cents per cwt.*
1–10	+6	+4
11–20	+5	+4
21–25	+5	+3
26–30	+4	+3
31–40	+3.5	+3
41–50	+2.5	+2
51–60	+2.5	+2
61–70	+1.5	+2
71–75	+1.5	+1
76–80	+1.5	+1
81–90	0	+1
91–100	0	0
101–110	−1	0
111–120	+6	+4
121–125	+5	+4
126–130	+5	+3
131–140	+5	+3
141–150	+3.5	+3
151–160	+2.5	+2
161–170	+2.5	+2
171–175	+1.5	+2
176–180	+1.5	+1
181–190	+1.5	+1
191–200	0	+1
201–210	0	0
211–220	−1	0
221–225	−1	0
226–230	−1	−1
231–240	−2	−1
241–250	−2	−1
251–260	−3.5	−2
261–270	−3.5	−2
271–275	−3.5	−2
276–280	−3.5	−3
281–290	−4.5	−3
291–300	−5.5	−3
301–310	−5.5	−4
311–320	−5.5	−4
321–325	−7	−4
326–330	−7	−5
331–340	−7	−5
341–350	−8	−5
351–360	−8	−6
361–370	−8	−6
371–375	−9	−6
376–380	−9	−7
381–390	−9	−7
391–400	−9	−7
401–410	−10.5	−8
411–420	−10.5	−8
421–425	−10.5	−8
426–430	−10.5	−9
431–440	−11.5	−9
441–450	−11.5	−9
451–460	−11.5	−10
461–470	−12.5	−10
471–475	−12.5	−10
476–480	−12.5	−11
481–490	−14	−11
491–500	−14	−11

§ 927.5 *Reports of handlers*—(a) *Monthly reports.* On or before the 10th day of each month each handler shall report to the market administrator, in the manner and on forms prescribed by the market administrator, with respect to milk received at each plant during the preceding month:

(1) The total quantity of milk, with the average butterfat content thereof, received from producers, from other plants, from such handler's own farm, and from other handlers;

(2) The total quantity of such milk and of each product of such milk moved out of, or on hand at, such plant within 5 days after the end of such month, the butterfat content of each product, and the destination of any milk which moved out of such plant;

(3) If the classification of any milk is claimed by such handler on the basis of disposition in some other plant, the disposition of such milk at such other plant covered by statement signed by the operator of the other plant if not a handler; and

(4) The computation, pursuant to § 927.6 (a), of such handler's net pool obligation.

(b) *Producer pay roll reports.* Each handler shall report with respect to producers as follows:

(1) On or before the 10th day after the end of each month, the information required by the market administrator with respect to producer additions, producer withdrawals, and changes in names of farm operators;

(2) On or before the last day of each month, such handler's producer pay roll for the preceding month, which shall show for each producer;

(i) The total delivery of milk with the average butterfat test thereof;

(ii) The amount of payment due such producers;

(iii) Any deductions and charges made by the handlers;

(iv) The net amount of payment to such producer made pursuant to § 927.7; and

(v) Such other information with respect thereto as the market administrator may require.

(c) *Verification of reports and payments.* The market administrator shall promptly verify all reports and payments of each handler by audit of such handler's records, and of the records of any other handler or person upon whose disposition of milk such handler claims classification, and each such handler shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities, of his own or of other persons, as will enable the market administrator to:

(1) Verify the receipts and disposition of all milk required to be reported pursuant to this section, and, in case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends;

(3) Verify the payments to producers prescribed in § 927.7; and

(4) Verify all claims for payments pursuant to § 927.7 (d), (e), and (f).

§ 927.6 *Determination of uniform prices*—(a) *Net pool obligation of handlers.* The net pool obligation of each handler for milk received from producers during each month shall be a sum of money computed for such month as follows:

(1) Determine the total quantity of milk in each class at each plant;

(2) Subtract pro rata out of each class the quantity of milk received from the handler's own farm or from a farm in Nassau or Suffolk Counties, not approved for sale of milk in New York City;

(3) Prorate in the case of each plant where milk is received from producers, to each class or price subdivision of each class, the loss or waste of milk at such plant not to exceed 2 percent of the total quantity of milk in all classes except Class V–A and Class V–B and calculate any remainder as Class I milk subject to the price set forth in § 927.4 (a) (1);

(4) Subtract from the remaining quantity of milk, or skim milk as the case may be, in each class, the quantity of such milk, or skim milk, as the case may be, received from any other plant, or received from any other handler which result shall be known as the "net pooled milk" in each class at each plant;

(5) Subject to adjustment for appropriate differentials applicable pursuant to § 927.4 (b) and (c), multiply the Class I milk priced pursuant to § 927.4 (a) (4) by 20 cents per hundredweight, multiply the remaining net pooled milk, or skim milk, as the case may be, in each class, by the class price, and add together the resulting values;

(6) Deduct, in the case of each plant where the average butterfat content of all milk received from producers is in excess of 3.5 percent and add, in the case of each plant where the butterfat content of all milk received from producers is less than 3.5 percent, the total value of the butterfat differential applicable pursuant to § 927.7 (c);

(7) Deduct, in the case of each plant nearer New York City than the 201–210 mile zone, and add, in the case of each plant farther from New York City than the 201–210 mile zone, the sum obtained by multiplying the net pooled milk by the zone differential set forth in column B of the schedule in § 927.4 (c) applicable to the plant;

(8) With respect to net pooled milk in classes other than Classes V–A and V–B, deduct 30 cents per hundredweight at plants in the marketing area; and 20 cents per hundredweight at plants located at Accord, Ellenville, Gardiner, Kyserike, New Paltz, Phinney's Crossing, Wallkill, and West Coxsackie, New York, and in the following counties:

New Jersey counties. Burlington, Essex, Hunterdon, Morris, Passaic, Somerset, Sussex, Union, and Warren,

New York counties. Columbia, Dutchess, Orange, Putnam, and Rockland.

Connecticut county. Litchfield.

Massachusetts county. Berkshire.

(9) Add together the handler's net pool obligation for all plants at which milk was received from producers.

(b) *Computation of the uniform price.* The market administrator shall, on or before the 14th day of each month, audit for mathematical correctness and obvious errors the report submitted for the preceding month by each handler. If the unreserved cash balance in the producer-settlement fund to be included in the computation is less than 2 cents per hundredweight of net pooled milk on all reports, the report of any handler who has not made payment of the last monthly pool debit account rendered pursuant to § 927.7 (g) shall not be included in the computation of the uniform price. The report of such handler shall not be included in the computation for succeeding months until he has made full payment of outstanding monthly pool debits. Subject to the aforementioned conditions the market administrator shall compute the uniform price in the following manner:

(1) Combine into one total the net pool obligations of all handlers;

(2) Subtract the total of payments required to be made for such month by § 927.7 (d) and the total of payments claimed pursuant to § 927.7 (e);

(3) Add the amount of unreserved cash in the producer-settlement fund;

(4) Subtract an amount equal to not less than 4 cents nor more than 5 cents per hundredweight of net pooled milk in classes other than Class V–A and Class V–B to provide against the contingency of errors in reports and payments or of delinquencies in payments by handlers;

(5) Subtract, from the total net pooled milk of all handlers whose reports are included in this computation, the Class I milk priced pursuant to § 927.4 (a) (6) and subtract the skim milk classified pursuant to subparagraphs (11) and (12) of § 927.3 (b); and

(6) Divide the result obtained in (4) by the result obtained in (5). The result shall be known as the uniform price for milk containing 3.5 percent butterfat received from producers at plants in 201–210 mile zone.

§ 927.7 *Payment to producers*—(a) *Time of payment.* On or before the 25th day of each month each handler shall make payment to each producer for all milk delivered by such producer during the preceding month at not less than the uniform price subject to differentials set forth in paragraphs (b) and (c) of this section: *Provided,* That each handler which is also a cooperative marketing association determined by the Secretary to be qualified under the Capper-Volstead Act, may, with respect to producers who are members of and under contract with such association make distribution, in accordance with the contract between the association and such members, of the net proceeds of all its sales in all markets in all use classifications.

(b) *Transportation and location differentials.* The uniform price at any plant shall be—

(1) Plus or minus the differential shown in column B of the schedule contained in § 927.4 (c) for the zone of the plant in effect pursuant to § 927.4 (c); and

(2) Plus the differentials, if any, applicable pursuant to § 927.6 (a) (8) plus 5 cents.

(c) *Butterfat differential.* The uniform price shall be plus or minus, as the case may be, 4 cents per hundredweight for each one-tenth of 1 percent above or below 3.5 percent of average butterfat content of milk delivered by any producer during any month.

(d) *Cooperative payments.* Any cooperative association of producers may apply to the Secretary for a determination of its qualifications to receive payments pursuant to this paragraph by reason of its having and exercising full authority in the sale of the milk of its members; arranging for and supplying, in a manner commensurate with the marketing capacity of the several types of cooperative associations designated in this paragraph, in times of short supply, Class I milk to the marketing area; securing utilization of milk, in times of long supply, in a manner to assure the greatest possible returns to all producers; having its entire activities under the control of its members; and complying with all provisions of this order applicable to it.

After the Secretary has determined any cooperative to be qualified to receive payments pursuant to this paragraph, such cooperative shall from time to time, as requested by the market administrator, make reports to the market administrator with respect to services rendered to the market and the use of the sums received under this paragraph. Whenever the market administrator has reason to believe that any cooperative qualified by the Secretary is failing to perform the obligations covered by the payments under this paragraph, he shall suspend and hold in reserve such payments, notifying the Secretary and the cooperative of his action and the reasons therefor. Such suspended payments shall be held in reserve until the Secretary has, after hearing, disqualified such cooperative or ruled upon the performance of the cooperative and either ordered the suspended payments to be paid to the cooperative in whole or in part or disqualified the cooperative, in which event the balance of payments held in reserve shall be returned to the producer-settlement fund.

The market administrator shall make the payments authorized by this paragraph, or issue credit therefor, out of the producer-settlement fund on or before the 25th day of each month, subject to verification of the reports upon which such payment is based. Such payments shall be made to each cooperative association of producers under the following conditions and at the following rates:

(1) Three-quarters of one cent per hundredweight of net pooled milk at any handler's plant which was caused to be delivered from its members by such associations and on which such handler has made the reports and payments required by this order;

(2) Except as set forth in subparagraph (3) of this paragraph, two cents per hundredweight of net pooled milk at plants of other complying handlers which was reported and collected for by such association; and

(3) Four cents per hundredweight of net pooled milk at plants operated by such association and, if, in addition to the other qualifications, such association has been determined by the Secretary to have sufficient plant capacity to receive all the milk of producers who are members and to be willing and able to receive milk from producers not members, four cents per hundredweight of any net pooled milk which was caused by it to be delivered to any other complying handler and which is reported and collected for by such association.

(e) *Diversion payments.* Any handler may make claims, on forms supplied by the market administrator, for payments out of the producer-settlement fund under the conditions set forth in this paragraph with respect to milk which was received from producers at a plant not having any equipment other than that needed for the receiving and shipping of milk which was moved to a second plant outside of the marketing area and there manufactured. The market administrator shall make payment to such handler, subject to audit, out of the producer-settlement fund, or issue credit against balances due by such handler to the producer-settlement fund, at the fol-

lowing rates and under the following conditions:

(1) Payments may be made only on milk which has been, pursuant to § 927.3, properly classified, for any month of the year in Classes III and IV–B.

(2) No claim shall be allowed if the milk on which the claim is made is manufactured at a second plant which is one-half mile or less from the first plant.

(3) Claims shall be paid at a rate for handling through the receiving plant of 17 cents per hundredweight, plus a hauling allowance at the rate of ¼ cent per hundredweight per mile for 20 miles and 1/10 cent per hundredweight per additional mile for the shortest highway distance between the two plants: *Provided, however*, That no claim for a hauling allowance shall be paid for a haul greater than 65 miles.

(4) The market administrator shall from time to time cause inspections to be made of the buildings, facilities, and surroundings of plants and notify handlers of his determination as to what constitutes the plant and its equipment for the purpose of this § 927.7 (e). Such determination shall be ruling for all other purposes under this order.

(5) Diversion payments shall not be paid to any handler making claim therefore if, during the month for which such claim is made, such handler has a less proportion of net pooled milk in Class I than the proportion of total net pooled milk in Class I of all other handlers, and such handler has refused to sell milk to other handlers who do not operate or control country receiving plants or has refused to sell to such handlers milk of a butterfat test nearest to that desired by the purchaser if available in the seller's country plants which are eligible for diversion payments, provided the offer of purchase met the following conditions:

(i) Cash on delivery for a quantity of not less than 200 cans per shipment; method of delivery at the option of the buyer.

(ii) Purchase price equal to the price applicable pursuant to § 927.4 (a) (1), subject to the applicable differentials pursuant to (a) § 927.4 (c); (b) the butterfat differentials set forth in § 927.4 (b); (c) plus not more than 23 cents per hundredweight for handling through the country plants; and (d) plus the payments provided by § 927.8.

(f) *Storage cream payments.* With respect to butterfat in frozen cream held in one or more licensed cold-storage warehouses for more than 28 days under the conditions set forth in § 927.3 (b) (3), the handler whose net pool obligations included such butterfat as Class II–B milk may make claim, on forms supplied by the market administrator, for payments out of the producer-settlement fund, if such butterfat was stored during the months of April to September, inclusive, and was used in Classes II–D, II–E, or II–F during the months of October to March, inclusive, or in Class IV–A during the months of January to March, inclusive. The market administrator shall, after investigation and audit of such claim, make payment to such handler out of the producer-settlement fund, or issue credit against balances due from such handler to the producer-settlement fund in an amount equal to the difference between the Class II–B price and the class price for such utilization in effect for the month during which the milk was received from producers.

(g) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as "the producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraphs (h) and (j) of this section and out of which he shall make all payments to handlers pursuant to paragraphs (e), (f), and (j) of this section, and to cooperative associations of producers pursuant to paragraph (d) of this section: *Provided*, That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each month the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the amount obtained by multiplying the uniform price by the quantity of such handler's net pooled milk remaining after subtracting therefrom the Class I milk priced pursuant to § 927.4 (a) (4), and shall enter such amount on each handler's account as such handler's pool debit or credit as the case may be, and render such handler a transcript of his account.

(h) *Payments to the producer-settlement fund.* On or before the 18th day of each month, each handler shall make full payment of any pool debit balance shown in the account rendered, pursuant to paragraph (g) of this section, for the preceding month.

(i) *Payments out of producer-settlement fund.* On or before the 20th day of each month the market administrator shall remit to each handler the pool credit of such handler, if any, for the preceding month less any unpaid obligations. If, at such time, the balance in the producer-settlement fund is insufficient to make full payment due to each handler, the market administrator shall reduce uniformly the payments made to each handler and shall complete such payments as soon as the necessary funds are available. No handler who, on the 25th day of the month, has not received the balance of such reduced payment from the market administrator shall be deemed to be in violation of paragraph (a) of this section if he reduces his total payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(j) *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to or from the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount, and such handler shall, within 5 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler, the market administrator shall, within 5 days, make such payment to such handler. Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment next following such disclosure.

§ 927.8 *Expense of administration*—(a) *Payment by handlers.* As his prorata share of the expense of administration hereof, each handler shall, on or before the 20th day of each month, pay to the market administrator a sum not exceeding 2 cents per hundredweight on the total quantity of milk which was received from producers at plants operated by such handler, directly or at the instance of a cooperative association of producers, and which was properly classified in Classes I, II–A, and II–B, the exact amount to be determined by the market administrator subject to review by the Secretary. This section shall not be deemed to duplicate any similar payment by any handler under an order issued by the Commissioner of Agriculture and Markets of the State of New York, with respect to the marketing area.

§ 927.9 *Suspension, termination, and liquidation*—(a) *Continuing obligations of handlers.* Unless otherwise provided by the Secretary in any notice of amendment, termination, or suspension of any or all of the provisions hereof, such amendment, termination, or suspension shall not affect, waive, or terminate any right, duty, obligation, or liability which shall have risen or may thereafter arise in connection with any provision of this order; release or waive any violation of this order occurring prior to the effective date of such amendment, termination, or suspension; or affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

(b) *Continuing power and duty of market administrator.* The market administrator shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, to such person as the Secretary shall direct; and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator pursuant hereto.

(c) *Liquidation.* Upon the termination or suspension hereof, the market administrator shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possessions or under his control, together with claims for any funds which are unpaid and owing at the time of such termination or suspension. Any funds collected for expenses, pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator in liquidating the business of the market administrator's office shall be distributed by the market administrator to handlers in an equitable manner.

PROPOSED MARKETING AGREEMENT, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE NEW YORK METROPOLITAN MILK MARKETING AREA PREPARED BY THE ADMINISTRATOR OF THE SURPLUS MARKETING ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE [1]

Whereas the parties hereto, in order to effectuate the declared policy of the said act, desired to enter into this marketing agreement.

Now, therefore, the parties hereto agree as follows:

1. The terms and provisions of § 927.1 through § 927.9 of Order No. 27, as Amended, Regulating the Handling of Milk in the New York Metropolitan Marketing Area, issued -------- 1942, shall be the terms and provisions of § 927.1 through § 927.9 of the marketing agreement with the exception that wherever the word "order" is used the words "marketing agreement" shall be substituted therefor; and

2. The following sections shall also be a part of the marketing agreement in addition to § 927.1 through § 927.9 of said order:

§ 927.10 *Termination.* The Secretary may terminate this agreement whenever he finds that this agreement obstructs or does not tend to effectuate the declared policy of the act.

Any handler signatory to this agreement may withdraw as a party to it upon 30 days' written notice to the Secretary effective at midnight on the last day of the month first succeeding the expiration of such 30 days. Such notice of withdrawal may be given to the Secretary by sending it by postpaid, registered mail addressed to the Secretary of Agriculture, Washington, D. C. Such termination shall not release such handler from any obligations under this agreement in respect of transactions occurring prior to the effective date of withdrawal.

Such handler has signed this agreement on the express condition, and the Secretary agrees and confirms, that the execution of this agreement and compliance therewith and with the order of the Secretary for the period that the agreement remains in effect shall be without prejudice to any and all rights of the handler, and shall not constitute an admission by the handler of the validity of the Agricultural Marketing Agreement Act of 1937 or of the order of the Secretary or any of its terms, or any obligation imposed in connection therewith, or any waiver by such handler or estoppel of his rights to question the validity of the Agricultural Marketing Agreement Act of 1937 or the order of the Secretary or any provision thereof, on any and all grounds; all of which rights are hereby expressly reserved to any such handler upon and after withdrawal from the agreement with the same force and effect as if the handler had never become party hereto.

This agreement shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

§ 927.11 *Liability*—(a) *Handlers.* The liability of the handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

§ 927.12 *Antitrust laws.* Any exemption from the antitrust laws and any validation of any acts or things, which otherwise would have been unlawful, resulting from the execution of this agreement by the Secretary, shall not extend or be construed to extend further than is absolutely necessary for the purpose of carrying out the provisions of this agreement.

§ 927.13 *Duration of immunities.* The benefits, privileges, and immunities conferred by virtue of this agreement shall cease upon its termination, except with respect to acts done under and during the existence of this agreement, and the benefits, privileges, and immunities conferred by this agreement upon any parties signatory hereto shall cease upon its termination as to such party, except with respect to acts done under and during the existence of this agreement.

§ 927.14 *Counterparts and additional parties*—(a) *Counterparts.* This agreement may be executed in multiple counterparts, and when one counterpart is signed by the Secretary, all such counterparts shall constitute, when taken together, one and the same instrument, as if all such signatures were obtained in one original.

(b) *Additional parties.* After this agreement first takes effect, any handler may become a party to this agreement if a counterpart thereof is executed by him and delivered to the Secretary. This agreement shall take effect as to such new contracting party at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement shall then be effective as to such new contracting party.

§ 927.15 *Authorization to correct typographical errors and record of milk handled during the month of April 1941*—(a) *Authorization to correct typographical errors.* The undersigned hereby authorizes O. M. Reed, Chief, Dairy Division, Surplus Marketing Administration, to correct any typographical errors which may have been made in this marketing agreement, as amended.

(b) *Record of milk handled during the month of* ----------. The undersigned certifies that he handled during the month of ----------, ------ hundredweight of milk covered by this agreement, as amended, and disposed of within the marketing area.

§ 927.16 *Signature of parties.* In witness whereof, the contracting handlers, acting under the provisions of the act, for the purposes and subject to the limitations herein contained and not otherwise, have hereunto set their respective hands and seals.

---------- Signature

By ---------- Name

---------- Title

---------- Address

Attest ----------

---------- Date

[F. R. Doc. 42–1633; Filed, February 24, 1942; 11:53 p. m.]

[1] This proposed marketing agreement is prepared by the administrator pursuant to § 900.12 (a) of the general regulations, Surplus Marketing Administration, and has not received the approval of the Secretary of Agriculture.

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination

and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective February 23, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Quakertown Clothing Manufacturing Company, 10th and Juniper Streets, Quakertown, Pennsylvania; Pants; 5 percent (T); February 23, 1943.

Stratbury Manufacturing Company, East Church Street, Galion, Ohio; Overcoats, Topcoats; 5 percent (T); February 23, 1943.

M. Wile and Company, Inc., 77 Goodell Street, Buffalo, New York; Men's Clothing; 30 learners (T); February 23, 1943.

Single Pants, Shirts, and Allied Garments and Women's Apparel

Cotton City Wash Frocks, Inc., 52 12th Street, Fall River, Massachusetts; Cotton Dresses, Housecoats and Playsuits; 10 percent (T); February 23, 1943.

W. R. Darling, 127 East 9th Street, Los Angeles, California; Slacks, Playsuits, Shorts; 5 learners (T); February 23, 1943.

N. Farah and Sons, Inc., 188 Huntington Street, Brooklyn, New York; Housecoats; 10 learners (T); August 23, 1942.

Maderite Shirt Company, 1027 Metropolitan Avenue, Brooklyn, New York; Men's Shirts; 10 percent (T); August 23, 1942.

Manheim Manufacturing Company, 35 South Spring Street, Elizabeth, New Jersey; Dresses and Blouses; 10 learners (T); February 23, 1943.

Merit Shirt Corporation, Herbert and Smith Streets, Perth Amboy, New Jersey; Shirts; 10 percent (T); February 23, 1943.

Nickols Manufacturing Company, Inc., 1521 Tenth Avenue, Seattle, Washington; Ladies' Cotton and Rayon Garments; 5 learners (T); February 23, 1943.

Outdoor Frocks, Inc., Philmont, New York; Dresses; 10 percent (T); February 23, 1943.

Portland Overall Company, 127 Middle Street, Portland, Maine; Work Pants; 10 learners (T); February 23, 1943.

Prime Shirt and Sportwear Company, 82 White Street, Brooklyn, New York; Sport Shirts; 10 percent (T); June 8, 1942.

Seaford Garment Company, Phillips Street, Seaford, Delaware; Shirts; 10 percent (T); February 23, 1943.

Strouse Baer Company, 110 South Paca Street, Baltimore, Maryland; Infants' & Children's Boys' Wear; 10 percent (T); February 23, 1943.

Gloves

The Frank Russell Glove Company, 203 Park Avenue, Berlin, Wisconsin; Leather Dress and Knit Fabric Gloves; 5 learners (T); February 23, 1943.

Hosiery

Bloomsburg Hosiery Mills, Inc., Bloomsburg, Pennsylvania; Seamless Hosiery; 5 percent (T); February 23, 1943.

Cooksville Hosiery Mills, No. 3, Vale, North Carolina; Seamless Hosiery; 5 learners (T); February 23, 1943.

Knitted Wear

New Knit Manufacturing Company, 95 Bridge Street, Lowell, Massachusetts; Knitted Outerwear; 5 learners (T); February 23, 1943.

Millinery

Kaufman and Company, 2022 West Broad Street, Richmond, Virginia; Popular-Priced Millinery; 15 learners (E); August 16, 1942. (This certificate effective February 16, 1942 and omitted from FEDERAL REGISTER of that date.)

Signed at New York, N. Y., this 21st day of February 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-1568; Filed, February 23, 1942; 9:10 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 405, 406, 443, 457, 559, 568]

IN THE MATTER OF THE APPLICATIONS OF ALASKA AIR LINES, INC., PACIFIC ALASKA AIRWAYS, INC., AND WOODLEY AIRWAYS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND AMENDMENT OF EXISTING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING AIR TRANSPORTATION TO AND FROM ANCHORAGE, ALASKA; ALASKA AIR LINES, INC., FOR APPROVAL OF CERTAIN INTERLOCKING RELATIONSHIPS, AND APPROVAL OF THE PURCHASE OF CERTAIN PROPERTIES OF LAVERY AIRWAYS BY PACIFIC ALASKA AIRWAYS, INC., AND A CONSOLIDATION OF ALASKA AIR LINES, INC., WITH WOODLEY AIRWAYS

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Sections 406 and 1001 of said Act, in the above-entitled proceeding, that oral argument is hereby assigned to be held on February 24, 1942, at 10 a. m. (Eastern Standard Time) in Room 5042 Commerce Building, Washington, D. C., 14th Street and Constitution Avenue NW., before the Board.

Dated Washington, D. C., February 20, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1562; Filed, February 21, 1942; 12:32 p. m.]

[Docket Nos. 405, 406, 443, 457, 559, 568]

IN THE MATTER OF THE APPLICATIONS OF ALASKA AIR LINES, INC., PACIFIC ALASKA AIRWAYS, INC., AND WOODLEY AIRWAYS FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AND AMENDMENT OF EXISTING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING AIR TRANSPORTATION TO AND FROM ANCHORAGE, ALASKA; ALASKA AIR LINES, INC., FOR APPROVAL OF CERTAIN INTERLOCKING RELATIONSHIPS, AND APPROVAL OF THE PURCHASE OF CERTAIN PROPERTIES OF LAVERY AIRWAYS BY PACIFIC ALASKA AIRWAYS, INC., AND A CONSOLIDATION OF ALASKA AIR LINES, INC., WITH WOODLEY AIRWAYS

NOTICE OF POSTPONEMENT OF ORAL ARGUMENT

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Sections 406 and 1001 of said Act, in the above-entitled proceeding, that oral argument now assigned to be held on February 24, 1942, is hereby postponed to March 3, 1942, at 10 a. m. (Eastern Standard Time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated Washington, D. C., February 23, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1590; Filed, February 23, 1942; 12:00 m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-200, G-207]

CITY OF DETROIT, MICHIGAN, AND COUNTY OF WAYNE, MICHIGAN V. PANHANDLE EASTERN PIPE LINE COMPANY AND MICHIGAN GAS TRANSMISSION CORPORATION; AND IN THE MATTER OF PANHANDLE EASTERN PIPE LINE COMPANY AND MICHIGAN GAS TRANSMISSION CORPORATION

ORDER DENYING PETITION FOR CONTINUANCE AND CHANGING PLACE OF HEARING

FEBRUARY 17, 1942.

Upon application filed February 4, 1942, by Panhandle Eastern Pipe Line Company, Defendant, for a continuance of the hearing in this proceeding for a period of at least 60 days; and

It appearing that: (a) The City of Detroit, Michigan, and County of Wayne, Michigan, Complainants, on February 11, 1942, filed objections to the said petition for continuance;

(b) Subsequent to the filing of said petition for continuance, the hearing was recessed by the Commission's Examiner to reconvene on February 23, 1942;

(c) No good cause exists for a 60-day postponement of the hearing;

The Commission *orders* that: (A) The said petition for a continuance of 60 days be and it is hereby denied;

(B) The hearing in this proceeding be resumed on February 24, 1942, at 9:45 a. m., C. W. T., in Room 406, County Building, at Detroit, Michigan.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-1566; Filed, February 23, 1942; 8:59 a. m.]

[Docket No. IT-5772]

IN THE MATTER OF CENTRAL ILLINOIS PUBLIC SERVICE COMPANY

ORDER TO SHOW CAUSE AND FIXING DATE OF HEARING

FEBRUARY 20, 1942.

It appearing to the Commission that:

(a) Central Illinois Public Service Company (hereinafter referred to as Company) is engaged in the transmission and sale at wholesale of electric energy in interstate commerce and may be, therefore, a public utility within the meaning of the Federal Power Act subject to the jurisdiction of the Commission;

(b) The Company has filed purported reclassification of accounts and original cost studies pursuant to Electric Plant Accounts Instruction 2-D of the Commission's Uniform System of Accounts Prescribed for Public Utilities and Licensees and the Commission's order of May 11, 1937, pertaining thereto;

(c) The staff of the Federal Power Commission has made a field study of the Company's purported reclassification of accounts and original cost studies;

(d) The Company has failed in many respects to comply with the requirements of the Commission's Uniform System of Accounts concerning the reclassification of its plant accounts, and the Commission's order of May 11, 1937, pertaining thereto, and more particularly as follows:

(i) The Company has failed to make proper analyses of records of cost of its electric plant to permit a proper reclassification thereof to the prescribed accounts;

(ii) The Company has not made such analyses as would permit the determination of unrecorded or underpriced retirements;

(iii) The Company has made estimates of costs which appear to be arbitrary, unsupported and unnecessary because of available records;

(iv) The Company has classified as Unsegregated Plant Acquisition Adjustments the difference between the recorded cost of acquired plant, all departments, and its determination of original cost of electric and gas utility plant plus amounts transferred to other utility plant accounts, no classification being made of amounts includible in Account 100.5, Electric Plant Acquisition Adjustments;

(v) The Company has reflected in other accounts amounts properly includible in Account 107, Electric Plant Adjustments, contrary to the provisions of Electric Plant Instruction 1-F;

The Commission *orders* that:

(A) Central Illinois Public Service Company show cause, if any, there be, at a public hearing to be held on March 23, 1942, at 10 a. m., Central War Time, in the Offices of the Illinois Commerce Commission, Centennial Building, at Springfield, Illinois, why the Commission should not by order require the Company to prepare and submit reclassification of accounts and original cost studies in accordance with the requirements of the Commission's Uniform System of Accounts and its order of May 11, 1937; all in accordance with the evidence adduced at such public hearing;

(B) The Illinois Commerce Commission may participate in the hearing as provided in Part 39, Section 39.4, of this Commission's Rules of Practice and Regulations prescribed pursuant to the provisions of the Federal Power Act.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-1602; Filed, February 24, 1942; 9:30 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4661]

IN THE MATTER OF NESTLE'S MILK PRODUCTS, INC., A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of February, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 USCA, section 41),

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, March 6, 1942, at ten o'clock in the forenoon of that day (Eastern Standard Time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc 42-1555; Filed, February 21, 1942; 11:40 a. m.]

[Docket No. 4598]

IN THE MATTER OF CODRIN CORPORATION, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 19th day of February, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 USCA, section 41)

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, March 4, 1942, at ten o'clock in the forenoon of that day, (Eastern Standard Time), Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1554; Filed, February 21, 1942; 11:41 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 7-486; 7-523 to 7-550 inc.]

IN THE MATTER OF APPLICATIONS BY THE DETROIT STOCK EXCHANGE FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES TO TWENTY-NINE (29) STOCKS

ORDER DISPOSING OF APPLICATIONS FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 18th day of February 1942.

The Detroit Stock Exchange having made application to the Commission, pursuant to section 12 (f) of the Securities Exchange Act of 1934 and Rule X-12F-1, for permission to extend unlisted trading privileges to twenty-nine (29) stocks; and

After appropriate notice, a hearing having been held in this matter in Cleveland, Ohio; and

The Commission having this day made and filed its findings and opinion herein:

It is ordered, Pursuant to section 12 (f) of the Securities Exchange Act of 1934, that the applications of the Detroit Stock Exchange for permission to extend unlisted trading privileges to Allegheny-Ludlum Steel Corporation Common Stock, No Par Value; American Rolling Mill Company $25 Par Value Common Stock; The Aviation Corporation $3 Par Value Capital Stock; Bendix Aviation Corporation $5 Par Value Common Stock; Bethlehem Steel Corporation Common Stock, No Par Value; Edward G. Budd Manufacturing Company Common Stock, No Par Value; Commercial Solvents Corporation Common Stock, No Par Value; Curtiss-Wright Corporation $1 Par Value Common Stock; Dome Mines, Limited, Common Stock, No Par

Value; General Electric Company Common Stock, No Par Value; The Goodyear Tire and Rubber Company Common Stock, No Par Value; Hayes Manufacturing Corporation $2 Par Value Common Stock; Illinois Central Railroad Company $100 Par Value Common Stock; Kelsey-Hayes Wheel Company $1 Par Value Class A Stock; Kelsey-Hayes Wheel Company $1 Par Value Class B Stock; Mueller Brass Company $1 Par Value Common Stock; National Automotive Fibres, Inc. $1 Par Value Common Stock; National Steel Corporation $25 Par Value Common Stock; Paramount Pictures, Inc. $1 Par Value Common Stock; Radio Corporation of America Common Stock, No Par Value; Republic Steel Corporation Common Stock, No Par Value; Reynolds Spring Company $1 Par Value Common Stock; Southern Railway Company Common Stock, No Par Value; Standard Oil Company (Indiana) $25 Par Value Capital Stock; Studebaker Corporation $1 Par Value Common Stock; Western Union Telegraph Company $100 Par Value Common Stock; Willys-Overland Motors, Inc. $1 Par Value Common Stock; and F. W. Woolworth Company $10 Par Value Capital Stock, be and the same are hereby approved.

It is further ordered, That the application of the Detroit Stock Exchange for permission to extend unlisted trading privileges to P. Lorillard Company $10 Par Value Common Stock be and the same is hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1559; Filed, February 21, 1942; 11:59 a. m.]

[File Nos. 7-558 to 7-574, incl.]

IN THE MATTER OF APPLICATIONS BY THE PHILADELPHIA STOCK EXCHANGE FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES TO SEVENTEEN (17) STOCKS

ORDER DISPOSING OF APPLICATIONS FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 18th day of February 1942.

The Philadelphia Stock Exchange having made application to the Commission, pursuant to Section 12 (f) of the Securities Exchange Act of 1934 and Rule X-12F-1, for permission to extend unlisted trading privileges to seventeen (17) stocks; and

After appropriate notice, a hearing having been held in this matter in Washington, D. C.; and

The Commission having this day made and filed its findings and opinion herein;

It is ordered, Pursuant to section 12 (f) of the Securities Exchange Act of 1934, that the applications of the Philadelphia Stock Exchange for permission to extend unlisted trading privileges to American Viscose Corporation $14 Par Value Common Stock; Blaw Knox Company Common Stock, No Par Value; Commonwealth Edison Company $25 Par Value Shares; Consolidated Aircraft Corporation $1 Par Value Common Stock; Consolidated Cigar Corporation Common Stock, No Par Value; Consolidated Copermines Corporation $5 Par Value Capital Stock; Eastern Air Lines, Inc. $1 Par Value Common Stock; International Mercantile Marine Company Common Stock, No Par Value; Pan American Airways Corporation $5 Par Value Capital Stock; Pressed Steel Car Company, Inc. $1 Par Value Common Stock; Standard Oil Company (Indiana) $25 Par Value Capital Stock; United Aircraft Products, Inc. $1 Par Value Common Stock; White Motor Company $1 Par Value Common Stock; and Willys-Overland Motors, Inc. $1 Par Value Common Stock, be and the same are hereby approved.

It is further ordered, That the applications of the Philadelphia Stock Exchange for permission to extend unlisted trading privileges to American Airlines, Inc. $10 Par Value Common Stock; Crown Zellerbach Corporation $5 Par Value Common Stock; and National Aviation Corporation $5 Par Value Common Stock, be and the same are hereby denied.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1560; Filed, February 21, 1942; 11:59 a. m.]

[File Nos. 54-40, 59-40]

IN THE MATTERS OF CONSOLIDATED ELECTRIC AND GAS COMPANY, APPLICANT; AND CENTRAL PUBLIC UTILITY CORPORATION, AND CONSOLIDATED ELECTRIC AND GAS COMPANY, RESPONDENTS

MEMORANDUM OPINION AND ORDER DENYING APPLICATION OF HARRISON E. FRYBERGER FOR LEAVE TO INTERVENE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of February, A. D. 1942.

Practice and Procedure—Intervention

Application by claimant for leave to intervene denied where it appeared that claim had not been reduced to judgment and that claimant was neither a stockholder nor a creditor of either of respondent companies, the Commission finding that the requirements of Rule XVII of its Rules of Practice had not been satisfied.

The Commission, on December 27, 1941, issued its Notice of and Order for Hearing on a plan filed under section 11 (e) of the Public Utility Holding Company Act of 1935, by Consolidated Electric and Gas Company; Notice of and Order instituting proceedings against the Respondents and setting date for hearing under sections 11(b) (1) and 11(b) (2) of said Act; and Order consolidating such proceedings for purposes of hearing.

Harrison E. Fryberger has filed an application for leave to intervene in the above-entitled matters in his own behalf as a so-called claimant and on behalf of a class of persons also styled as claimants. Since it does not appear that the applicant has been authorized to represent any other persons, this will be treated solely as an application by Fryberger in his own behalf.

Fryberger presently owns no securities of either Central Public Utility Corporation or Consolidated Electric and Gas Company. He does not assert that he is a consumer of any of the public utility companies in the holding-company system here involved.

Applicant alleges that he has a claim against Consolidated Electric and Gas Company arising from a purchase of stock in Central Public Service Corporation, a predecessor holding company, substantially all of whose assets were transferred to Consolidated Electric and Gas Company in 1932, pursuant to a so-called Voluntary Plan of Reorganization, which plan was consummated in its ultimate form in 1935 in the course of proceedings under Section 77B of the Bankruptcy Act in the United States District Court for the District of Maryland.

A suit in the Supreme Court of the State of New York, seeking to establish this claim as a cause of action against Consolidated Electric and Gas Company and others, resulted in a decision in favor of the defendants, which decision was affirmed by both the Appellate Division and the Court of Appeals of the State of New York. A bill in equity in the Court of Chancery of Delaware was dismissed on the grounds that the matter was *res judicata*. A third suit in New York has resulted in an adverse decision, although the right of appeal in this action is still available. We express no opinion with regard to the merits of Fryberger's claim; it is sufficient to state that this claim has not been established in a court of competent jurisdiction and that Fryberger has not established his status as a creditor of either of the respondent companies.

Furthermore, it does not appear that these proceedings will in any way prejudice any rights of action that Fryberger may have against either of the Respondents herein. The Commission finds that he has not established that he possesses or represents an interest which is or may be inadequately represented in the proceedings as required by Rule XVII of the Commission's Rules of Practice and that his participation in the proceedings would not be in the public interest or for the protection of investors or consumers.

Accordingly, it is ordered, That the application of Harrison E. Fryberger for leave to intervene in the above-entitled proceedings be, and the same hereby is, in all respects *denied*, without prejudice however to the renewal of such application at such time as the said Harrison E. Fryberger shall have established himself as a judgment creditor of either Central Public Utility Corporation or Consolidated Electric and Gas Company.

By the Commission (Chairman Purcell and Commissioners Healy and Pike), Commissioners Burke and O'Brien being absent and not participating.

FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1561; Filed, February 21, 1942; 12:00 m.]

[File No. 70-485]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA, INC., WEST INDIANA UTILITIES COMPANY, AND BRAZIL ELECTRIC COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 20th day of February, A. D. 1940.

The above named parties having filed a joint declaration pursuant to the Public Utility Holding Company Act of 1935, particularly sections 12 (c) and 12 (f) thereof, and Rules U-42 and U-43 promulgated thereunder regarding:

(1) The surrender by West Indiana Utilities Company ("West Indiana") of all the outstanding securities of Brazil Electric Company ("Brazil"), the dissolution of Brazil and the transfer of Brazil's assets to West Indiana; and

(2) The surrender by Public Service Company of Indiana, Inc. ("Public Service") of all the outstanding securities of West Indiana, the dissolution of West Indiana and the transfer of West Indiana assets, including those received from Brazil, to Public Service.

Said declaration having been filed on January 16, 1942 and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 pursuant to said Act and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice or otherwise and not having ordered a hearing thereon; and the above named persons having requested that said declaration be permitted to become effective as soon as possible; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective pursuant to section 12 (c) and 12 (f) of the Act and Rules U-42 and U-43 promulgated thereunder and being satisfied that the effective date of said declaration should be advanced;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the above declaration be and it hereby is permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1585; Filed, February 23, 1942; 12:01 p. m.]

[File No. 70-465]

IN THE MATTER OF FORD R. JENNINGS AND GEORGE N. FLEMING, PROPOSED ORGANIZERS OF A PROTECTIVE COMMITTEE FOR THE CLARION RIVER POWER COMPANY 6% NON-CUMULATIVE PARTICIPATING CAPITAL STOCK; SUCH PROTECTIVE COMMITTEE TO REPRESENT ITS DEPOSITORS IN PROCEEDINGS BEFORE THIS COMMISSION CAPTIONED: AND IN THE MATTER OF PENNSYLVANIA ELECTRIC COMPANY, THE CLARION RIVER POWER COMPANY, ERIE LIGHTING COMPANY, YOUGHIOGHENY HYDRO-ELECTRIC CORPORATION, ASSOCIATED MARYLAND ELECTRIC POWER CORPORATION, ASSOCIATED ELECTRIC COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 20th day of February, A. D. 1942.

Notice is hereby given that a declaration on Form U-R-I has been filed by Ford R. Jennings and George N. Fleming pursuant to Rule U-62 promulgated under the Public Utility Holding Company Act of 1935. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the undertakings therein proposed, which are summarized as follows:

Declarants propose to solicit deposits from the public holders of the 6% Non-Cumulative Participating Capital Stock $100 par value of The Clarion River Power Company. Of a total of 44,530 shares of such stock outstanding 4,267.6 shares are in the hands of the public.

The purpose of such solicitation, as set forth in the declaration, is to obtain the right to represent depositors in a proceeding before this Commission which proceeding is involved, among other things, with the sale to Pennsylvania Electric Company, parent of The Clarion River Power Company, of all of the assets of The Clarion River Power Company, it being represented that a consummation of the sale as proposed by Pennsylvania Electric Company and The Clarion River Power Company would leave no equity for the Participating Capital Stock of The Clarion River Power Company. (On February 17, 1942 this Commission allowed the declarations to become effective and approved the applications embracing, among other things, the sale above mentioned. Our order, however, expressly reserved jurisdiction "to determine whether and the extent to which the indebtedness of The Clarion River Power Company to Pennsylvania Electric Company should be subordinated to the publicly held Participating Capital Stock • • •" Holding Company Act Release No. 3332.)

The declaration discloses that declarants, Ford R. Jennings and George N. Fleming, are each engaged in the securities business and each own Participating Capital Stock of The Clarion River Power Company, the holdings of Jennings being 30 shares and Fleming's being 75 shares.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on March 17, 1942 at 10:00 o'clock A. M., at the offices of the United States Securities and Exchange Commission located in the former Penn-Athletic Club Building situated at 18th and Locust Streets, Philadelphia, Pennsylvania. At such hearing, cause shall be shown why such declaration shall become effective. Notice is hereby given of said hearing to the above-named declarants and to all interested persons, said notice to be given to said declarants by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said declaration otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed method of charging and the amounts of expenses and compensation by such committee is consisent with the applicable standards of the Act and the Rules thereunder, and whether such solicitation material should provide that no fees and expenses will be paid except pursuant to approval by this Commission;

2. Whether and to what extent additional facts should be stated in the solicitation material with respect to the interests of said committee members in the securities of The Clarion River Power Company and concerning the interests therein of any partnership, firm, or corporation of which any of such committee members are interested;

3. Generally, whether the proposed solicitation is consistent with the applicable standards of the Act and the Rules thereunder, and whether, if such solicitation be permitted, the interests of the public or of investors or consumers require the imposition of terms and conditions with respect thereto.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1583; Filed, February 23, 1942; 12:01 p. m.]

[File No. 70-475]

IN THE MATTER OF ELECTRIC BOND AND SHARE COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE IN PART

At a regular session of the Securities and Exchange Commission held at its

office in the city of Washington, D. C., on the 20th day of February, A. D. 1942.

Electric Bond and Share Company, a registered holding company, having filed a declaration under section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 promulgated thereunder regarding the acquisition of shares of its $5 and $6 Preferred Stocks through the expenditure of not more than $5,000,000 of its cash, to be effected by purchases from time to time on the New York Curb Exchange; a public hearing on said declaration having been held after appropriate notice; the Commission having examined the record and having made and filed its findings herein;

It is ordered, That said declaration be, and the same hereby is, permitted to become effective to the extent of $2,000,000, subject to the following conditions:

1. That all purchases shall be effected on the New York Curb Exchange and the company shall not solicit or cause to be solicited the sale of any shares to the company;

2. That the company shall furnish to the Commission, promptly after the 15th day and the last day of each month, a schedule showing for each day covered by such report the number of shares of each class purchased, the prices at which purchased and the name of the broker through whom purchased.

3. That the company shall include in its quarterly reports to stockholders information as to the total number of shares of each class purchased and the aggregate purchase price for each class;

4. That no purchases shall be made after the expiration of six months from the date of this Order, subject, however, to the right of the company to apply for an extension or extensions of such period;

5. That the Commission reserves jurisdiction in its discretion, to rescind or modify this Order upon notice to the company at any time prior to the expiration of such six months' period or any extension or extensions thereof; any such rescission or modification to be applicable only to such portion of the $2,000,000 as shall not have been previously expended;

6. That the Commission reserves jurisdiction with respect to the remaining $3,000,000 covered by the declaration filed in the present proceeding, pending formulation by the company of an exchange plan or other plan or plans for distribution of assets to the preferred stockholders; and

7. That the Commission reserves jurisdiction to require that all shares of preferred stock acquired by the company pursuant to the present declaration and Order be retired and canceled.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1584; Filed, February 23, 1942; 12:01 p. m.]

FEB 27 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 39

Washington, Thursday, February 26, 1942

The President

EXECUTIVE ORDER

CONSOLIDATING THE HOUSING AGENCIES AND FUNCTIONS OF THE GOVERNMENT INTO THE NATIONAL HOUSING AGENCY

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Congress), and as President of the United States, it is hereby ordered as follows:

1. The following agencies, functions, duties, and powers are consolidated into a National Housing Agency and shall be administered as hereinafter provided under the direction and supervision of a National Housing Administrator:

(a) The Federal Housing Administration and its functions, powers, and duties, including those of the Administrator thereof.

(b) All functions, powers, and duties of the Federal Home Loan Bank Board and of its members.

(c) The Home Owners Loan Corporation and the functions, powers, and duties of its Board of Directors.

(d) The Federal Savings and Loan Insurance Corporation and the functions, powers, and duties of its Board of Trustees.

(e) The United States Housing Authority and its functions, powers, and duties, including those of the Administrator thereof.

(f) All functions, powers, and duties relating to defense housing of (1) the Federal Works Administrator under the act of October 14, 1940, entitled "An Act to expedite the provision of housing in connection with national defense, and for other purposes," as amended, and under acts making appropriations to carry out the purposes of said act, (2) the War Department and the Navy Department with respect to housing units for persons (with families) engaged in national defense activities (except housing units located on military or naval reservations, posts, or bases) under Title IV of the Naval Appropriation Act for the fiscal year 1941, and (3) any agencies heretofore designated (including the Federal Works Agency and the Farm Security Administration) to provide temporary shelter in defense areas under the Urgent Deficiency Appropriation Act, 1941, and the Additional Urgent Deficiency Appropriation Act, 1941, and the Third Supplemental National Defense Appropriation Act, 1942.

(g) All functions, powers, and duties of the Farm Security Administration relating to such housing projects as such Administration determines are for families not deriving their principal income from operating or working upon a farm.

(h) The Defense Homes Corporation and its functions, powers, and duties, including those of its officers and Board of Directors.

(i) All functions, powers, and duties of the Federal Loan Administrator, the Federal Works Administrator, and the head of any department or other agency relating to the administration or supervision of the agencies, functions, powers, and duties transferred hereunder.

(j) All functions, powers, and duties of the Division of Defense Housing Coordination established by Executive Order No. 8632[1] of January 11, 1941, and of the Coordinator of Defense Housing: *Provided*, That such Division and such Coordinator shall continue to exercise such functions, powers, and duties until the appointment or designation of the National Housing Administrator.

(k) All powers, rights, privileges, duties, and functions transferred to the Federal Works Administrator by Executive Order No. 8186[2] of June 29, 1939:

Provided, That with respect to any functions, powers, and duties enumerated in sub-paragraphs (f) and (g) above, any agency now engaged in the construction or management of any project shall continue such activities on behalf of the National Housing Agency until such time as the National Housing Administrator shall determine that it is expedient for the Federal Public Housing Authority, herein provided for, to discharge such functions, powers, and duties with respect to such project through its own facilities.

[1] 6 F.R. 295.
[2] 4 F.R. 2749.

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FEDERAL REGISTER

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2. The National Housing Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary of $12,000 a year unless the Congress shall otherwise provide. Pending such appointment, an existing officer of the Government designated by the President shall act as National Housing Administrator.

3. There shall be three main constituent units in the National Housing Agency. Each such unit shall be administered by a commissioner acting under the direction and supervision of the National Housing Administrator. The unit administering the Federal Housing Administration and its functions, powers, and duties shall be known as the Federal Housing Administration, and the Federal Housing Administrator shall serve as Federal Housing Commissioner. The unit administering the functions, powers, and duties of the Federal Home Loan Bank Board and its members shall be known as the Federal Home Loan Bank Administration, and the Chairman of the Federal Home Loan Bank Board shall serve as Federal Home Loan Bank Commissioner. The United States Housing Authority and its functions, powers, and duties shall be administered as the Federal Public Housing Authority, one of the main constituent units, and the Administrator of the United States Housing Authority shall serve as Federal Public Housing Commissioner. The agencies, functions, powers, and duties enumerated in sub-paragraphs (c), (d), and (k) of paragraph 1 shall be administered in the Federal Home Loan Bank Administration, and those enumerated in sub-paragraphs (f) and (g) shall be administered in the Federal Public Housing Authority. The agency, functions, powers, and duties enumerated in sub-paragraph (h) of paragraph 1 shall also be administered by the Federal Public Housing Commissioner. The Administrator of the National Housing Agency may centralize in the office of the National Housing Administrator such budget, personnel, legal, procurement, research, planning, or other administrative services or functions common to the said constituent units as he may determine.

4. The capital stock of the Defense Homes Corporation shall be transferred from the Federal Loan Administrator to the National Housing Administrator, and the Federal Loan Administrator and the Defense Homes Corporation shall take all necessary action to effectuate such transfer and carry out the purposes hereof.

5. The Central Housing Committee is hereby abolished, and all of its assets, contracts, property (including office equipment and records), and unexpended balances of funds available for its use are hereby transferred to the National Housing Agency.

6. All assets, contracts, and property (including office equipment and records) of any agency hereby consolidated, and all assets, contracts, and property (including office equipment and records) which other agencies, including departments, have been using primarily in the administration of any function, power, or duty hereby consolidated or transferred, are hereby transferred, respectively, with such agency, function, power or duty.

7. Except as provided in paragraph 8, hereof, (1) all personnel of any agency hereby consolidated, and (2) all personnel of other agencies, including departments, who have been engaged primarily in the administration of any function, power, or duty hereby consolidated or transferred and who within thirty days after the appointment or designation of the National Housing Administrator are jointly certified for transfer by said Administrator and the head of the department or agency to which such personnel is attached, shall be transferred, respectively, with such agency, functions, power or duty; but any personnel transferred with functions, powers, or duties pursuant to this paragraph who are found by the National Housing Administrator to be in excess of the personnel necessary for the administration of such functions, powers, and duties shall be re-transferred under existing law to other positions in the Government or separated from the service.

8. The following personnel are not transferred hereunder: (1) The Directors and Officers of the Defense Homes Corporation, (2) the members of the Federal Home Loan Bank Board other than the Chairman, (3) the Directors of the Home Owners' Loan Corporation, and (4) the Trustees of the Federal Savings and Loan Insurance Corporation. The offices of the foregoing personnel excepted from transfer by this paragraph (except in the case of the Defense Homes Corporation) are hereby vacated for the duration of this order: *Provided*, That the offices of the members of the Federal Home Loan Bank Board shall not be vacated until sixty days from the date of this order. The personnel of the Division of Defense Housing Coordination and of the Central Housing Committee are not transferred hereunder, except that the National Housing Administrator, within 60 days after his appointment or designation, may take over such of this personnel as are needed. During such period, all personnel of such Division and of such Committee may be retained by them in connection with the winding up of their affairs.

9. So much of the unexpended balances of appropriations, authorizations, allocations, or other funds (not otherwise transferred hereunder) available for the use of any agency in the exercise of any function, power, or duty consolidated by this order, or for the use of the head of any department or agency in the exercise of any such function, power, or duty, as the Director of the Bureau of the Budget shall determine (with the approval of the President), shall be transferred, respectively, to the National Housing Agency or the main constituent unit therein concerned, for its use in connection with the exercise of the functions, powers, or duties, respectively, to be administered by it hereunder. In determining the amount to be transferred, the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, authorizations, allocations, or other funds prior to transfer.

10. All housing now owned by the United States and located on a military or naval reservation, post, or base is hereby transferred to the jurisdiction of the War or Navy Department, respectively, having jurisdiction of such reservation, post or base: *Provided*, That with respect to all housing developed by the War or Navy Department under Title II of Public 671, approved June 28, 1940, the Federal Public Housing Authority shall take all necessary steps to transfer such jurisdiction and carry out the purpose hereof, including the transfer of title to the United States and including repayment (out of any funds available therefor) of the cost of such housing for reimbursement of the Bond Account from which funds were transferred to pay such costs.

11. The Director of the Bureau of the Budget shall allocate to the National Housing Agency, from appropriations, authorizations, allocations, or other funds available for the administrative expenses of the Federal Loan Agency and the Federal Works Agency (relating to the administration of the agencies and functions transferred therefrom hereunder) and of the agencies and functions, powers, and duties consolidated hereunder, such sums, and in such proportions, as he may find necessary for the administrative expenses of the National Housing Agency. None of the agencies established or consolidated hereunder shall incur any obligations for administrative expenses except pursuant to appropriations, allocations, or other authorizations of funds specifically available now or hereafter for administrative expenses.

12. The National Housing Administrator may appoint necessary personnel and make necessary expenditures to carry out the functions, powers, and duties of the National Housing Agency. The Administrator and the Commissioners hereunder may delegate their respective functions, powers, and duties to such agencies, officials, or personnel as they may designate, respectively. Until the appointment or designation of a National Housing Administrator, the Commissioners respectively shall exercise such of the functions, powers, and duties of the National Housing Administrator as relate to the agencies, functions, powers, and duties to be administered by such Commissioners respectively.

13. Nothing herein shall impair or affect any outstanding obligations or contracts of any agency consolidated hereunder or of the United States of America (including its pledge of faith to the payment of all annual contributions now or hereafter contracted for pursuant to the United States Housing Act, as amended), or of any Insurance Funds created under the National Housing Act.

14. All orders, rules, regulations, permits, or other privileges made, issued or granted by or in respect of any agency, function, power, or duty consolidated hereunder shall continue in effect to the same extent as if such consolidation had not occurred until modified, superseded, or repealed, except that the regulations of January 11, 1941, relating to defense housing coordination shall hereby be revoked upon the appointment or designation of the National Housing Administrator.

15. All unexpended balances of appropriations, authorizations, allocations, or other funds transferred under this order shall be used only for the respective purposes and in the administration of the respective functions for which such funds were made available.

16. Transfers of available funds under this order shall include funds available for the fiscal year ending June 30, 1943.

17. This order shall become effective as of the date hereof and shall be in force and effect so long as Title I of the First War Powers Act, 1941, remains in force.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 24, 1942.

[No. 9070]

[F. R. Doc. 42-1663; Filed, February 25, 1942; 12:16 p. m.]

EXECUTIVE ORDER

TRANSFERRING FUNCTIONS OF THE FEDERAL LOAN AGENCY TO THE DEPARTMENT OF COMMERCE

Whereas by an Executive order issued this date[1] under Title I of the First War Powers Act several agencies were transferred from the Federal Loan Agency to the National Housing Agency established by such order, and it is deemed advisable that the remaining functions of the Federal Loan Agency be administered in the Department of Commerce;

Now, therefore, by virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941, it is hereby ordered as follows:

SEC. 1. *Transfer of Functions.* All functions, powers, and duties of the Federal Loan Agency and of the Federal Loan Administrator which relate to the Reconstruction Finance Corporation, Electric Home and Farm Authority, RFC Mortgage Company, Federal National Mortgage Association, Disaster Loan Corporation, Export-Import Bank of Washington, Defense Plant Corporation, Rubber Reserve Company, Metals Reserve Company, Defense Supplies Corporation, and War Insurance Corporation, together with all other functions, powers, and duties not transferred by the Executive order establishing the National Housing Agency, are transferred to the Department of Commerce and shall be administered under the direction and supervision of the Secretary of Commerce.

SEC. 2. *Transfer of Records, Property, and Personnel.* All records and property (including office equipment) and all personnel of the Federal Loan Agency used in the administration of the functions transferred by this order are transferred to the Department of Commerce for use in the administration of the functions transferred by this order.

SEC. 3. *Transfer of Funds.* So much of the unexpended balances of the appropriations, allocations, or other funds available or to be made available for the use of the Federal Loan Agency in the exercise of any function transferred by this order, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred to the Department of Commerce for use in connection with the exercise of the functions so transferred. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer.

SEC. 4. *Effective and Termination Dates.* This order shall become effective as of the date hereof and shall continue in force and effect until the termination of Title I of the First War Powers Act, 1941.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 24, 1942.

[No. 9071]

[F. R. Doc. 42-1664; Filed, February 25, 1942; 12:17 p. m.]

[1] E.O. 9070, *supra*.

EXECUTIVE ORDER

TRANSFERRING CERTAIN VESSELS AND PERSONNEL FROM THE COAST AND GEODETIC SURVEY TO THE WAR AND NAVY DEPARTMENTS

By virtue of the authority vested in me by section 16 of the act of May 22, 1917, 40 Stat. 87 (U.S.C., title 33, sec. 855), and as President of the United States, and in view of the existing national emergency, it is hereby ordered as follows:

1. The following-named vessels are transferred from the Coast and Geodetic Survey to the service and jurisdiction of the Navy Department:

PIONEER (Ex ARGUS)
GUIDE (Ex ANDRADITE)
PRATT (Ex (YP-96)

2. The following-named commissioned officers are hereby transferred from the Coast and Geodetic Survey to the service and jurisdiction of the Navy Department:

Lieut. Comdr. Lyman D. Graham
Lieut. Comdr. George L. Bean
Lieut. Charles M. Thomas
Lieut. William M. Gibson
Lieut. (jg) Walter J. Chovan
Lieut. (jg) Junius T. Jarman
Lieut. (jg) Edgar F. Hicks, Jr.
Ensign Ernst E. Stohsner
Ensign Charles A. Schoene

3. The following-named commissioned officers are hereby transferred from the Coast and Geodetic Survey to the service and jurisdiction of the War Department:

Lieut. Ralph W. Woodworth
Lieut. Albert J. Hoskinson
Lieut. H. Arnold Karo
Lieut. Hubert A. Paton
Lieut. Riley J. Sipe
Lieut. Frank G. Johnson
Lieut. Alvin C. Thorson
Lieut. (jg) Maurice A. Hecht
Lieut. (jg) William C. Russell
Ensign Fair J. Bryant

4. The above-named officers shall, while under the jurisdiction of the War or Navy Department, serve under their commissions in the Coast and Geodetic Survey, and while so serving shall constitute a part of the active military or naval forces of the United States and shall be under direct orders of the War or Navy Department and subject to the laws, regulations, and orders for the government of the Army or Navy so far as they may be applicable.

5. The above-named vessels and officers shall be returned to the Coast and Geodetic Survey when the present national emergency ceases to exist.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 24, 1942.

[No. 9072]

[F. R. Doc. 42-1665; Filed, February 25, 1942; 12:17 p. m.]

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VI—ORGANIZED RESERVES

PART 64—ENLISTED RESERVE CORPS[2]

§ 64.5 *Enlistments*—(a) *Eligibility.* Subject to the provisions of paragraph 6, enlistments will be limited to persons eligible for enlistment in the Regular Army except that for original enlistments in all affiliated units the maximum age limit will be 45 years. The grade in which a particular enlistment may be made will be determined by the applicant's previous military or technical training as set forth below: (39 Stat. 195, 41 Stat. 780, 44 Stat. 705; 10 U.S.C. 421, 423–427) [Par. 5, AR 150–5, as amended by Cir. 50, W.D., February 20, 1942]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–1654; Filed, February 25, 1942; 11:35 a. m.]

CHAPTER VII—PERSONNEL

PART 79—PRESCRIBED SERVICE UNIFORM[1]

§ 79.25 *Insignia of grade.*

* * * * *

(d) *Enlisted men.* (1) Noncommissioned officers, technicians, and privates, first class, will have insignia of grade on a background forming an edging around the entire insignia and between each chevron, as follows:

(i) Cotton, khaki chevrons, arcs, Ts, and lozenge on a dark blue cotton background.

(ii) Olive-drab wool chevrons, arcs, Ts, and lozenge on a dark blue wool background.

* * * * *

(6) *Technician (third grade).* Three chevrons and an arc of one bar forming a tie to the lower chevron. In the angle between lower chevrons and bar a letter T.

(7) *Sergeant (fourth grade).* Three chevrons.

(8) *Technician (fourth grade).* Three chevrons above a letter T.

(9) *Corporal (fifth grade) and acting corporal.* Two chevrons.

(10) *Technician (fifth grade).* Two chevrons above a letter T.

(11) *Private, first class (sixth grade).* One chevron. (R.S. 1296; 10 U.S.C. 1391) [Par. 25*d*, AR 600–35, as amended by Cir. 49, W.D., February 19, 1942]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–1655; Filed, February 25, 1942; 11:35 a. m.]

[2] § 64.5 (a) is amended.
[1] § 79.25 (d) is amended.

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS[1]

§ 81.10 *Invitations for bids.*

* * * * *

(f) *Special conditions authorized or required to be included.*

* * * * *

(25) *Wage scales in connection with purchase of coal.* In conformity with § 81.10 (a) (8) invitations for bids for coal will have included therein the following:

WAGE SCALES

Bidder's attention is directed to the fact that paragraph 3, "Wage scales," of Standard Government Purchase Conditions for Coal (Standard Form No. 43) has been deleted and the following provisions included as a part of Standard Form No. 43 shall be substituted therefor:

The contract price specified herein for the coal is based upon the wage scale in effect with mine employees on the date of opening of bids, and any changes in the said wage scale shall increase or decrease the contract price of coal by the method herein stated.

In event of a change in the wage rate for the herein specified predominant occupational class of mine employees, approved generally for the mining district in which the mine herein named is located, the contract price shall be increased or decreased on any tonnage shipped from the mine after date of such increase or decrease in the wage rate, according to whether the wage rate is increased or decreased, by an amount which is the product of the f. o. b. mine price times 0.6, times the percent change in the wage rate expressed as a decimal (the percent increase or decrease in the wage rate shall be computed to the nearest tenth percent and the increase or decrease in the contract price shall be computed to the nearest tenth of a cent). If the change is an increase in the wage rate for the stated class of employees, the right is reserved to the contracting officer to disallow any increase in the contract price if in his opinion the increase in the wage rate as reported by the contractor was not approved generally by the operators of mines in the mining district in which the mine named is located, and the contracting officer's decision shall be final and conclusive on the parties hereto subject only to appeal, within 60 days, by the contractor to the head of the department concerned, whose decision on such appeal shall be final and conclusive on the parties hereto. Such determined increase or decrease in the contract price shall be final and conclusive, and no additional claim by the contractor will be considered covering any changes in wage rates of other classes of mine labor employed on a per ton, or a monthly, or a daily, or an hourly, or in any other labor factor or factors entering into the cost of producing coal at the mine named.

In the event of a change in the wage rate for the specified predominant occupational class of mine employees there shall be furnished to the contracting officer, within 60 days from the date of the change in the wage rate, authenticated copies of the new wage scale and of the wage scale which was in effect on the date of opening of bids.

When there has been no change in the wage rate, subsequent to the date of opening of bids and during the contract period, the contractor shall so certify on each invoice or voucher submitted for payment.

[1] § 81.10 (f) (25) is added.

In connection with the changed wage scale provisions included in Standard Form No. 43, the following is the prescribed method for changing contract price in event of a change in the wage scale with mine employees during the term of this contract:

The bidder must specify on the appropriate bidding form that particular occupational class of mine employees receiving the same wage rate that has a predominant effect on the cost of producing coal at the mine named by him; i. e., that particular occupational class of employees receiving the same wage rate to which on the payroll a predominant amount is regularly paid for producing coal. The class selected shall not be for supervisory or clerical employees.

The predominant wage rate class of employees so specified must be described in such a manner that it may be clearly identified in the wage agreement between the operator of the mine and the mine employees in effect on the date of opening of bids.

In the event of a change in the wage rate for the predominant occupational class of labor specified by the bidder, the f. o. b. mine price is multiplied by a percentage factor of 60 percent, and the product thereof is multiplied by the percent change in the wage rate, and the resultant obtained is the amount that the contract price will be increased or decreased on account of an increase or decrease in the wage rate.

It is to be noted that this method is based on the f. o. b. mine price. If the invitation calls for bids for coal on any other than the f. o. b. mine basis (the bid price including freight rate and/or cost of trucking), the bidder must state also in his bid the f. o. b. price at the mine named.

Following is an example of applying the above stated method: The f. o. b. mine price stated in the contract is $2.00 per ton. The predominant occupational class of mine employees specified in the contract is "Coal drillers." (This classification is given only for information purposes, being quoted from the wage agreement of a certain district. For other districts the predominant occupational class may contain an entirely different listing of employees receiving the same wage rate. Bidder must *not* specify more than one occupational class.) The wage rate in effect on the date of opening of bids, for the said predominant occupational class of mine employees is $0.729 per hour. The new wage rate therefor is $0.802 per hour. The increase in such wage rate is 10.0 percent. The increase in the contract price, using the following indicated formula and by computation, is:

$2.00 by 0.6 by 0.100=12.0 cents per ton

Conversely, if there is a reduction in the wage scale, the contract price would be decreased in like manner. (R.S. 3709; 31 Stat. 905, 32 Stat. 514; 10 U.S.C. 1201, 41 U.S.C. 5) [Proc. Cir. 15, W.D., February 6, 1942]

* * * * *

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42–1634; Filed, February 24, 1942; 4:16 p. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A–1017]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

FINDINGS OF FACT, CONCLUSIONS OF LAW AND MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR REVISION OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR COALS OF CERTAIN MINES IN DISTRICT NO. 1

This proceeding was instituted upon an original petition filed pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 with the Bituminous Coal Division by District Board No. 1. The petition requests that temporary and permanent relief be granted by revising the price classifications and minimum prices heretofore established for coals of certain code member producers in District 1.

In accordance with an Order of the Director and after notice to all interested parties a hearing in this matter was held before Joseph A. Huston, a duly designated Examiner of the Division at a hearing room of the Division in Washington, D. C. at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Only original petitioner appeared. At the conclusion of the hearing the preparation and filing of a Report by the Examiner was waived and the record was thereby submitted to the undersigned who has considered the same.

The petition of District Board 1 herein requested a revision in price classifications and effective minimum prices established for the coals produced at sixteen mines in District 1. The testimony of a representative of District Board 1 shows that minimum prices were originally established for the coals in question but that due to errors in designating the seam in which the coals were produced or in designating the subdistrict in which the mines were located, the classifications and minimum prices which were established do not properly reflect the relative value of the coals and they are not in proper coordination with other coals produced in District 1.

The classifications and prices sought by the board will, it appears, effect proper coordination between the coals to which said prices apply and competing coals.

Upon the basis of the uncontroverted evidence I find that the classifications and minimum prices as well as the seam and subdistrict designations shown in the schedules hereto attached for the coals specified therein are proper and should be established; that such classifications and minimum prices conform in all respects to those heretofore established for comparable coals in District 1 and will preserve fair competitive opportunities for the producers of said coals.[1]

The district board also requested permission for the White Coal Company to load and mix coal from its mines (Mines Index Nos. 651, 488, 2651, 2981, 804, and 652), in the same car. The coals from these mines are all loaded from the same siding at Hillman, Pennsylvania, and it seems appropriate to grant this request. However, the price of all the coal so mixed shall be the price which is listed for the mine in this group which has the highest price.

The witness stated that when coal is shipped by truck from the White Coal Company mines it is not first sent to the crusher. Therefore, it was testified that only a price in Size Group No. 3 for these coals for shipment by truck is required, and I so find. Prices in other size groups are to be deleted.

Now therefore it is ordered, That § 321.7 *(Alphabetical list of code members)* in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck and § 321.24 *(General prices)* in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments be and they hereby are amended in accordance with the schedules marked "Supplement R" and "Supplement T" attached hereto and made a part hereof.

Dated: February 2, 1942.

DAN H. WHEELER,
[SEAL] *Acting Director.*

[1] The initial petition herein requested a change in the prices for Mine Index No. 1687 listed under the ownership of Frank McMillan (Mack Coal Company). At the hearing the witness explained that this request was in error and asked leave to amend the petition accordingly. This request was granted by the Examiner.

PERMANENT SUPPLEMENT

NOTE: The material contained in this permanent supplement is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Freight origin group No.	Shipping point	Railroad	1	2	3	4	5
2845	Bish, Guy	Bish	6	D	63	Punxsutawney, Pa	PRR-B&O	(1)	(1)	E	(1)	(1)
2766	Dailey, Thomas	Freeport #1	44	E	63	Westernport, Md	C&PRR	H	H	H	H	H
1455	(Grove Coal Co. (Ray Grove)	Grove Coal Co	4	E	50	Grantsville, Md	WM Ry	(1)	(1)	(1)	(1)	(1)
651	White, James A. (James A. White Coal Company)*	White #2	6	E	50	Hillman, Pa	PRR	H	H	H	H	H
488	White, James A. (James A. White Coal Company)*	White #3	6	E	50	Hillman, Pa	PRR	(1)	(1)	(1)	(1)	(1)
2651	White, James A. (James A. White Coal Company)*	White #4	12	E	50	Hillman, Pa	PRR	H	H	H	H	H
2981	White, James A. (James A. White Coal Company)*	White #5	6	E	50	Hillman, Pa	PRR	(1)	(1)	(1)	(1)	(1)
804	White, James A. (James A. White Coal Company)*	White #6	6	E	50	Hillman, Pa	PRR	H	H	H	H	H
652	White, James A. (James A. White Coal Company)*											

[1] Indicates no classifications effective for these size groups.
*NOTE: When coals of Mine Index Nos. 651, 488, 2651, 2981, 804, and 652 of James A. White (James A. White Coal Company) are loaded in the same car the price that shall apply to such mixture shall be the price which is listed for the mine of this group which has the highest price classification

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Sub-district No.	County	Seam	All lump coal double screened, top size 2" and over	Double screened, top size 2" and under	Run of mine, modified M/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Behun, Michael W	1056	Behun	21	Clearfield	A	(†)	(†)	210	(†)	(†)
Bish, Guy	2646	Bish	6	Jefferson	D	(†)	(†)	225	(†)	(†)
Dailey, Thomas	766	Freeport #1	44	Garrett	E	235	210	210	190	180
Grove Coal Co. (Ray Grove)	1455	Grove Coal Co	44	Garrett	E	235	(†)	210	190	180
Harvey, Arthur	2655	Harvey	44	Garrett	E	(†)	(†)	210	(†)	(†)
Roth, E. A. (Roth Coal Mining Co.)	2423	Roth	44	Garrett	E	(†)	(†)	210	(†)	(†)
White, James A. (James A. White Coal Company).	651	White #1	6	Jefferson	E	(†)	(†)	220	(†)	(†)
White, James A. (James A. White Coal Company).	488	White #2	6	Indiana	E	(†)	(†)	220	(†)	(†)
White, James A. (James A. White Coal Company).	2651	White #3	6	Indiana	E	(†)	(†)	220	(†)	(†)
White, James A. (James A. White Coal Company).	2981	White #4	12	Indiana	E	(†)	(†)	215	(†)	(†)
White, James A. (James A. White Coal Company).	804	White #5	6	Indiana	E	(†)	(†)	220	(†)	(†)
White, James A. (James A. White Coal Company).	652	White #6	6	Clearfield	E	(†)	(†)	220	(†)	(†)

†Indicates no prices effective for these size groups.

[F. R. Doc. 42-1615; Filed, February 24, 1942; 10:25 a. m.]

[Docket No. A-1105, Part II]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 2870, 306, 2907, 310, 4 AND 200, IN DISTRICT 4

This proceeding was instituted upon an original petition dated October 9, 1941, filed with the Bituminous Coal Division on October 11, 1941, by District Board 4, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests the establishment of price classifications for shipment from more than one loading point for the coals of the following mines:

Darst Mine (Mine Index No. 2870) of Darst Bros. (Kenneth Earl Darst);

Brilliant No. 2 Mine (Mine Index No. 306) of C. C. Fay (Fay Collieries Company);

Lucky Mine (Mine Index No. 2907) of Luck Coal Company (E. L. Luckadoo);

Black Betsey Mine (Mine Index No. 310) of Peacock Coal Company.

District Board 4, Petitioner, requested that the price classifications and minimum prices previously established for the coals of the Allen Mine (Mine Index No. 4) of Allen Coal Co., and the Jacobs Mine (Mine Index No. 200) of Pearl Jacobs, be made applicable to shipments from additional loading points.[1]

By Order dated November 21, 1941, 6 F.R. 6278, temporary price classifications and minimum prices were established for shipment from one of the loading points for the coals of the Darst Mine (Mine Index No. 2870), Brilliant No. 2 Mine (Mine Index No. 306), Lucky Mine (Mine Index No. 2907), and Black Betsey Mine (Mine Index No. 310), but no relief was granted to the Allen Mine (Mine Index No. 4) or the Jacobs Mine (Mine Index No. 200).[2]

Pursuant to the Order of the Director referred to above, and after notice to interested persons, a hearing in this matter was held on January 5, 1942, before W. A. Shipman, a duly designated Examiner of the Bituminous Coal Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The original petitioner appeared. The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned.

The petition of District Board 4 sought and proposed price classifications and minimum prices from more than one loading point for the coals produced by certain code members for which such price classifications had not theretofore been established and also requested the designation of additional shipping points for two mines for whom price classifications had previously been established. By Order of the Director dated November 21, 1941, temporary effective price classifications were established as requested for those mines for which such classifications had not been established except that such prices were made effective for only one of the shipping points requested and in those instances where price classifications had already been established, the request for additional shipping points was not granted.

It was testified on behalf of the Board that it knew of no reason why any of these mines should have two shipping points and that it would not urge their being granted. Under these circumstances the request for dual loading points cannot be granted.

The record shows that in the case of the Darst Mine (Mine Index No. 2870) the producer preferred, if only one loading point was designated, that such loading point be Pomeroy on the C & O instead of Hobson on the New York Central as set forth in Supplement R attached to the Order of the Director in Docket No. A-1105 dated November 21, 1941. The record also indicated that in the case of the Black Betsey Mine (Mine Index No. 310) the producer preferred Pomeroy on the C & O to Hobson on the N. Y. C. as a shipping point in the event that they were confined to one shipping point.

The classifications and prices for the mines here involved which should be established are those which are the same as those previously established for comparable coals.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date of this Order, § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-V, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That the prayer of the original petition is granted to the extent above and in all other respects is denied.

Dated: February 13, 1942.

DAN H. WHEELER, *Acting Director.*

[SEAL]

[1] The original petition herein requested the establishment of price classifications and minimum prices for shipments by rail and truck for the coals of various other mines in District 4. By Order dated November 21, 1941, that portion of the petition relating to the above-mentioned mines was severed from the remainder of Docket No. A-1105 and designated Docket No. A-1105, Part II.

[2] On December 27, 1941, the petitioner filed a motion to modify the Order of the Director, by changing the shipping point given the Brilliant No. 2 Mine from "Mingo Junction" on the Wheeling and Lake Erie to "Jewett" on the Pennsylvania and to change the Freight Origin Group from "18" to "15".

(Recapitulation of price classifications) is amended by adding thereto Supplement R-V, and § 324.11 *(Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel)* is amended by adding thereto Supplement R-III, § 324.9 *(Recapitulation of price classifications)* is amended by adding thereto Supplement R-V, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That the prayer of the original petition is granted to the extent above and in all other respects is denied.

Dated: February 13, 1942.

DAN H. WHEELER, *Acting Director.*

[SEAL]

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material in this "Supplement R" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 *Alphabetical list of code members*—Supplement R-I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Sub-district No.	Seam	Type	Shipping points in Ohio	Price classifications by size group Nos.											
							1	2	3	4	5	6	7	8	9	10	11	12
2870	Darst Bros. (Kenneth Earl Darst)	Darst	8	8	Deep	Pomeroy												
306	Fay, C. C. (Fay Collieries Company)	Brilliant #2	1	8	Strip	Jewett	K Q	K Q	O Q	O Q	O Q	O Q	Q Q	Q Q	Q Q	---- ----	---- ----	Q Q
2907	Luck Coal Co. (E. L. Luckadoo)	Lucky	8	8	Deep	Rutland												
310	Peacock Coal Co.	Black Betsy	8	8A	Deep	Hobson	K K	K K	O O	O O	O O	O O	Q Q	Q Q	Q Q	---- ----	---- ----	Q Q

§ 324.8 *Numerical list of mines*—Supplement R-II

[On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. Those seasonal discounts apply for shipments to all inland (lake cargo except market areas 1 to 13, inclusive, 98 and 99 (Great Lakes), river shipments, vessel fuel and railroad fuel)]

Mine index No.	Mine	Code member	Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of—					
								Apr.	May	June	July	Aug.	Sept.
306	Brilliant #2	Fay, C. C. (Fay Collieries Company)	Ohio No. 8	15		PRR	1						
310	Black Betsy	Peacock Coal Co	Pomeroy	23	8	NYC	8						
2870	Darst	Darst Bros. (Kenneth Earl Darst)	Pomeroy	23	8	C&O	8						
2907	Lucky	Luck Coal Co. (E. L. Luckadoo)	Pomeroy	23	8	NYC	8						

§ 324.2 *Seasonal discounts*[1]—Supplement R-III

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of—					
					Apr.	May	June	July	Aug.	Sept.
Ohio No. 8	12, 14, 17, 18	Add 15	12, 16, 37, 45, 68, 92, 110, 161	Add mine index No. 306.	30	20	10			
Pomeroy	23, 25		14, 22, 38, 70, 82, 100, 101, 105, 112, 113.	Add mine index Nos. 310, 2870, 2907.	50	40	30	20	10	

[1] Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.9 *Recapitulation of price classifications*—Supplement R-IV

[Prices for all rail shipment from mines indexed below into market areas as shown. For shipment into all market areas, see schedule of effective minimum prices, §§ 324.9 and 324.10; also applies to market areas 98 and 99 (Great Lakes), §§ 324.11 (b), 324.11 (c), and vessel fuel, § 324.11 (d)]

Railroad	Freight origin group Nos.	Freight origin districts	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
C&O	23	Ohio No. 8	Add 15	12, 16, 37, 45, 68, 92, 110, 161	Add mine index No. 306.
PRR	15			14, 22, 38, 70, 82, 100, 101, 105, 112, 113	Add mine index Nos. 310, 2870, 2907.
NYC	25				

Prices as shown in §§ 324.9, 324.10, 324.11 (b), 324.11 (c), 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.11 *Special prices*—(a)[1] *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*—Supplement R-V

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—See schedule of effective minimum prices, § 324.11 (a)]

Name of railroad	Freight origin districts	Freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Chesapeake & Ohio Railway Co	Ohio No. 8	12, 14, 17, 18	14, 38, 41, 47, 61, 70, 72, 75, 78, 82, 86, 101, 105, 112, 113, 160, 161, 166, 170, 171	Add mine index No. 2870.
New York Central System	Ohio No. 8 Pomeroy	12, 14, 17, 18 23, 25	1, 4, 6, 18, 22, 27, 28, 34, 35, 47, 61, 70, 64, 66, 73, 74, 83, 90, 91, 100, 107, 110, 125, 126, 138, 141, 143, 158, 168, 172.	Add mine index Nos. 310-2907.
Pennsylvania Railroad Co			166	Add mine index No. 306.

[1] Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.11 *Special prices—(a) Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*—Supplement R–V—Continued

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown—See schedule of effective minimum prices, § 324.11 (a)]

Name of railroad	Mine index Nos.	Additional mine index Nos.
Akron, Canton & Youngstown Railway Co. Ann Arbor Railroad Co. Canadian National Railways and Grand Trunk Railway System. Canadian Pacific Railway Co. Detroit and Mackinac Railway Company. Detroit & Toledo Shore Line Railroad Co. Erie Railroad. Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.). Pere Marquette Railway Co.	From all mine index numbers except those shown below. From mine index Nos. 3, 5, 7, 8, 12, 13, 16, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add mine index Nos. 310, 2870, 2907. Add mine index No. 306.
For all Railroads not shown above.	From all mine index numbers except those shown below. From mine index Nos. 3, 5, 7, 8, 12, 13, 16, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add mine index Nos. 310, 2870, 2907. Add mine index No. 306.

[F. R. Doc. 42–1613; Filed, February 24, 1942; 10:24 a. m.]

[Dockets No. A–1072 and A–1072 Part II]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

MEMORANDUM OPINION AND ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN DOCKET NO. A–1072 SEVERING DOCKET NO. A–1072, PART II FROM DOCKET NO. A–1072, AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A–1072 PART II, AND GRANTING TEMPORARY RELIEF IN DOCKET NO. A–1072 PART II IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7; AND OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF PEERLESS NO. 4 MINE, MINE INDEX NO. 248, OF PEERLESS COAL & COKE COMPANY, IN DISTRICT NO. 7

The original petition in the above-entitled matters filed with this Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the establishment of temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 7. By an Order Granting Temporary Relief and Conditionally Providing for Final Relief, dated October 14, 1941, 6 F.R. 5529, in Docket No. A–1072, price classifications and minimum prices were established for the coals of certain mines in District No. 7, including the establishment for the coals of the Peerless No. 4 Mine Index No. 248, of Peerless Coal & Coke Company of Price Classification "B" in Size Groups 1, 6, and 7, and Price Classification "D" in Size Group 8, for all shipments except truck, and minimum prices of 315, 290, 215, and 185 cents per net ton in Size Groups 1, 3, 4, and 5, respectively, for truck shipments.

The original petitioner subsequently filed a motion to modify the said Order of October 14, 1941, as to the said mine by changing Price Classifications "B" to "D" in Size Group 1, Price Classification "B" to "E" in Size Group 6, Price Classification "B" to "D" in Size Group 7, Price Classification "D" to "H" in Size Group 8, and by establishing Price Classification "H" in Size Group 9 for all shipments except truck, and making corresponding changes in the minimum prices for truck shipments. It appears that an adequate showing of necessity has been made that temporary relief should be granted changing the effective price classifications and minimum prices and establishing certain additional price classifications and minimum prices for the coals of the above-mentioned mine for all shipments except truck and for truck shipments, as requested in the said Motion, and that such action is necessary in order to effectuate the purposes of the Act. The Acting Director is of the opinion, however, that the original petitioner has not set forth sufficient facts to warrant the establishing of permanent price classifications and minimum prices, as prayed for in said motion, and without a hearing.

Now, therefore, it is ordered, That the price classifications and minimum prices established in the said Order of October 14, 1941 in Supplement R, § 327.11 (*Low volatile coals: Alphabetical list of code members*), and in Supplement T, § 327.34 (*General prices in cents per net ton for shipment into any market area*), for the coals of Peerless No. 4 Mine, Mine Index No. 248, of Peerless Coal and Coke Company, be, and they hereby are, revoked, and that in all other respects the said order be, and it hereby is, continued in full force and effect until otherwise ordered.

It is further ordered, That the portion of Docket No. A–1072 relating to the coals of Peerless No. 4 Mine, Mine Index No. 248, of Peerless Coal and Coke Company be, and it hereby is, severed from Docket No. A–1072, and designated as Docket No. A–1072 Part II.

It is further ordered, That a hearing in Docket No. A–1072 Part II under the applicable provisions of said Act and the rules of the Division be held on March 11, 1942, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendations of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding, may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 4, 1942.

The matter concerned herewith is in regard to the establishment of permanent price classifications and minimum prices for the coals of Peerless No. 4 Mine, Mine Index No. 248, of Peerless Coal and Coke Company for all shipments except truck and for truck shipments; and, more particularly, for the establishment for the coals of the Peerless No. 4 Mine, Mine Index No. 248, of Peerless Coal and Coke Company, a code member in District No. 7, of price classifications "D," "E," "H," and "H" in Size Groups 1, 6, 7, 8, and 9, respectively, for all shipments except truck, and minimum prices of 290, 250, 195, 165 and 160 cents per net ton in Size Groups 1, 3, 4, 5, and 6, respectively, for truck shipments.

It is further ordered, That, pending final disposition of Docket No. A–1072 Part II, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 7, For All Shipments Except Truck, is supplemented to include: Price Classifications "D," "E," "D," "H," and "H" in Size Groups 1, 6, 7, 8, and 9, respectively, for all shipments except truck, and minimum prices of 290, 250, 195, 165, and 160 cents per net ton in Size Groups 1, 3, 4, 5, and 6, respectively, for truck shipments, of the coals of Mine Index No. 248.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the rules and regulations governing practice and procedure before the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: February 12, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42–1616; Filed, February 24, 1942; 10:25 a. m.]

[Dockets Nos. A–1055 and A–1068]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 REQUESTING REVISION OF THE EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9, FOR TRUCK SHIPMENT, APPLICABLE TO THE COALS OF CERTAIN MINES IN DAVIESS COUNTY, KENTUCKY

Original petitions having been filed with the Bituminous Coal Division on September 10 and October 1, 1941, by District Board 9, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that temporary and permanent relief be granted by revising the minimum prices established for truck shipment of certain coals produced in Daviess and Ohio Counties, Kentucky, in District 9;

Pursuant to Orders duly issued, and after notice to interested persons, a consolidated hearing having been held in this matter on December 18 and 19, 1941, before Floyd McGown, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That effective fifteen (15) days from the date hereof § 329.24 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

Dated: February 12, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

Price Classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 329.24 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1,2	3	4	5	6	7	8	9	10, 11, 12	13, 14	15	17	18, 19, 20	21, 22	23, 24	25	26	28
DAVIESS COUNTY																					
Beloit, Bennett & C. G. Morris	230	Beloit & Morris	#2	205	195	185	175	170	160	160	150	140	110	90					120		115
Henry, Herman	671	Henry	#2	205	195	185	175	170	160	160	150	140	110	90					120		115
Kurz Coal Company, Inc.	244	Kurz	#2	205	195	185	175	170	160	160	150	140	110	90					120		115
Lily Meade Coal & Land Company, Inc.	245	Lily Meade	#2	205	195	185	175	170	160	160	150	140	110	90					120		115
McNulty, John A., Jr.	246	J. W. Moseley	#2	205	195	185	175	170	160	160	150	140	110	90					120		115
Mitchell, Coy	247	Dogwood	#2	205	195	185	175	170	160	160	150	140	110	90					120		115
Miller, T. P.	248	T. P. Miller Coal Co.	#2	205	195	185	175	170	160	160	150	140	110	90					120		115
Rafferty, E. D.	253	Rafferty	#2	205	195	185	175	170	160	160	150	140	110	90					120		115
Rudy & Co., Inc., George H.	254	Rudy	#2	205	195	185	175	170	160	160	150	140	110	90					120		115
Vanover, Robert	257	Vanover #1	#2	205	195	185	175	170	160	160	150	140	110	90					120		115
Williams, Ezra	269	Ezra Williams	#2	205	195	185	175	170	160	160	150	140	110	90					120		115
OHIO COUNTY																					
Alvey Bros. (Bernard Alvey)	237	Alvey's	#2	205	195	185	175	170	160	160	150	140	110	90					120		115
Alvey, E. L. (Alvey Mines)	404	Alvey	#2	205	195	185	175	170	160	160	150	140	110	90					120		115
Hodges & Moon (Fred Hulse)	645	Hodges	#2	205	195	185	175	170	160	160	150	140	110	90					120		115
Bairo & Son (L. C. Baize)	401	Bradley Coal Co.	#11	205	195	185	175	170	160	160	150	140	110	90					120		115
Baker, Richard	397	Baker	#11	205	195	185	175	170	160	160	150	140	110	90					120		115
Bishop, F. C.	398	Blankenship	#2	205	195	185	175	170	160	160	150	140	110	90					120		115
Blankenship, F. E.	405	Burgess	#11	205	195	185	175	170	160	160	150	140	110	90					120		115
Burgess, Albert C.	602	W. H. Stevens & Son	#11	205	195	185	175	170	160	160	150	140	110	90					120		115
Camp & Thurman	437	Chinn Bros.	#11	205	195	185	175	170	160	160	150	140	110	90					120		115
Chinn Bros. (John & Ellis)	603	Chinn	#11	205	195	185	175	170	160	160	150	140	110	90					120		115
Chinn, Lest T. & Leathers	606	Goff	#11	205	195	185	175	170	160	160	150	140	110	90					120		115
Claxton, Hook & Lorey (Geo. Claxton)	596	Cooper	#2	205	195	185	175	170	160	160	150	140	110	90					120		115
Cooper, Cecil (Cooper Mines)	410																				

Note: The material contained in this supplement is to be read in the light of the classifications, definitions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

§ 339.24 *General prices in cents per net ton for shipment into any market area*—Supplement T—Continued

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																			
				1,2	3	4	5	6	7	8	9	10, 11, 12	13, 14	15	17	18, 19, 20	21, 22	23, 24	25	26, 27	28, 29
OHIO COUNTY—continued																					
Dogall, W. R.	414	Dogall	#14	205	195	185	175	170	160	160	150	140	110	80						120	115
Engler, Earl	607	Engler	#1	205	195	185	175	170	160	160	150	140	110	80						120	115
Ford, Sam	419	Sam Ford	#5	205	195	185	175	170	160	160	150	140	110	80						120	115
Helm, Boyd	612	Helm	#1	205	195	185	175	170	160	160	150	140	110	80						120	115
Millard, Scott	488	Millard	#11	205	195	185	175	170	160	160	150	140	110	80						120	115
Phelps, Fyet & John Childers	618	Phelps & Childers	#11	205	195	185	175	170	160	160	150	140	110	80						120	115
Phelps, H. M.	432	Wilkerson		205	195	185	175	170	160	160	150	140	110	80						120	115
Stone, Teddy	490	Stone	#9	205	195	185	175	170	160	160	150	140	110	80						120	115
Thomas, D. A.	621	Thomas	#11	205	195	185	175	170	160	160	150	140	110	80						120	115
Turner, Williams & James	441	Turner & Turner	#9	205	195	185	175	170	160	160	150	140	110	80						120	115
Woodruff, Wylie	444	Woodruff Coal Co.	#9	205	195	185	175	170	160	160	150	140	110	80						120	115

[F. R. Doc. 42-1613; Filed, February 24, 1942; 10:24 a. m.]

[Docket No. A-1079]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10 FOR RAIL SHIPMENT

A proceeding having been instituted upon an original petition filed with the Bituminous Coal Division on September 27, 1941, by District Board 10, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937; the petition requesting the establishment of price classifications and minimum prices for certain coals produced in District 10 for rail shipment, these coals being those produced at 37 mines heretofore classified and priced only for truck shipment; the petition having set forth that these mines, if relief was granted, would load their coals for rail shipment from facilities at Marion, Illinois, maintained by the McLaren Fuel Company in conjunction with the preparation plant which it was erecting at that point, and that coals of these 37 mines with a top size of 2" or less would be prepared at that plant;

By Order of the Director dated October 20, 1941, temporary relief having been denied; but, upon the filing of additional statements by District Board 10 showing the necessity therefor, the Director having granted temporary price classifications and minimum prices by an Order dated November 4, 1941, 6 F.R. 6049;

Pursuant to Orders of the Director dated October 20, 1941, and November 22, 1941, and after notice to interested persons, a hearing in this matter having been held on December 10, 1941, before W. A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C.; all interested persons having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard; the original petitioner having appeared; the preparation and filing of a report by the Examiner having been waived and the matter having thereupon been submitted to the undersigned;

The undersigned having considered the record in this matter and having made his Findings of Fact, Conclusions of Law and having rendered an Opinion in this matter which is filed herewith;

Now, therefore, it is ordered, That § 330.2 (*Mine index numbers*) in the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck be and it is hereby amended to provide prices for Mine Index Nos. 1171, 1183, 1176, 1178, 1179, 1305, 1184, 1216, 1185, 1239, 1188, 1190, 1232, 1192, 1221, 1193, 1195, 1199, 1200, 1201, 1412, 1203, 1367, 1204, 1205, 1212, 1227, 1218, 1222, 1223, 1202, 1226, 1233, 1414, 1234, 1238, 1241 f. o. b. the shipping point Marion, Illinois, the same as the prices provided for the mines in Price Group 5 in Price Schedule No. 1 of the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck, for all size groups and for all uses and for shipment to all market areas, as is set forth in Supplement R attached hereto and made a part hereof; and

It is further ordered, That § 330.8 (b) (*Price exceptions and exceptions—instructions*) in the Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck be and it is hereby is amended by the addition to the following price exception: Coals produced at Mine Index Nos. 1171, 1183, 1176, 1178, 1179, 1305, 1184, 1216, 1185, 1239, 1188, 1190, 1232, 1192, 1221, 1193, 1195, 1199, 1200, 1201, 1412, 1203, 1367, 1204, 1205, 1212, 1227, 1218, 1222, 1223, 1202, 1226, 1233, 1414, 1234, 1238, 1241 may be sold f. o. b. the McLaren Fuel Company's Preparation Plant, Marion, Illinois, at a price of 90 and 80 cents per net ton, respectively, but only when it is purchased for the purpose of storing, cleaning, sizing and otherwise preparing and loaded by the McLaren Fuel Company into railroad cars for shipment by rail: *Provided, however*, That McLaren Fuel Company shall resell the coal at not less than the prices provided for the mines in Price Group 5 in Price Schedule No. 1 of the District No. 10 rail schedule for the same size groups and for the same uses for shipment to all market areas: *Provided further*, That McLaren Fuel Company register with the Division the producers from whom it proposes to purchase coal at the prices and under the conditions established in this order: *And provided further*, That McLaren Fuel Company file with the Statistical Bureau for District No. 10 copies of all invoices for coal loaded at the facilities of its preparation plant at Marion, Illinois: *And provided further*, That all invoices shall indicate a list of mines regularly contributing to the preparation plant and indicate that the shipment is comprised of commingled coals produced at more than one of the mines listed.

Dated: February 17, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-1612; Filed, February 24, 1942; 10:24 a. m.]

FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.2 *Mine index numbers*—Supplement R

Price group No.	Producer	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
5	Angel & Fry	Cedar Hill	1171	142	Marion, Ill	IC-MP.
5	Black Banner Coal Co. (Carl H. Grisham).	Black Banner Coal Co	1183	142	Marion, Ill	IC-MP.
5	Bradley, Jack	Quality Coal Co	1176	142	Marion, Ill	IC-MP.
5	Brown, David	Blue Ribbon #2	1178	142	Marion, Ill	IC-MP.
5	Brown & Roberts Coal Company	Brown & Roberts	1179	142	Marion, Ill	IC-MP.
5	Cline, Oscar (Square Deal Coal Co.)	Square Deal	1305	142	Marion, Ill	IC-MP.
5	Corder, Vallie (Vallie Corder Coal Mine).	Vallie Corder	1184	142	Marion, Ill	IC-MP.
5	Cox, Lester	Cox	1216	142	Marion, Ill	IC-MP.
5	Diamond Star Coal Co. (Loren Scott).	Diamond Star	1185	142	Marion, Ill	IC-MP.
5	Ferges Bros. (Ed Ferges)	Ferges Bros	1239	142	Marion, Ill	IC-MP.
5	Fry, C. F	Walnut Valley	1188	142	Marion, Ill	IC-MP.
5	Gentry, Ed. (New Black Diamond Coal Co.).	Black Diamond #4	1190	142	Marion, Ill	IC-MP.
5	Graves, M. C	M. C. Graves	1232	142	Marion, Ill	IC-MP.
5	Helm, R. E	Helm #3	1192	142	Marion, Ill	IC-MP.
5	Henson, Loren	Henson Coal Co	1221	142	Marion, Ill	IC-MP.
5	Hickey Coal Company	Hickey	1193	142	Marion, Ill	IC-MP.
5	Howerton, James O. (Howerton Coal Co.).	Howerton	1195	142	Marion, Ill	IC-MP.
5	Mitchell Coal Co. (Ed Mitchell & H. Lantrip).	Mitchell	1199	142	Marion, Ill	IC-MP.
5	Moore & Son Coal Company	Moore & Son	1200	142	Marion, Ill	IC-MP.
5	Moren Coal Company (R. M. Winters).	Moren	1201	142	Marion, Ill	IC-MP.
5	New Prosperity Coal Company	New Prosperity	1412	142	Marion, Ill	IC-MP.
5	Norris Coal Co. (Louis Norris)	Norris Coal Co	1203	142	Marion, Ill	IC-MP.
5	O. B. C. Coal Company (George Overby).	O. B. C	1367	142	Marion, Ill	IC-MP.
5	Oak Grove Coal Co. (James Palmer).	W. H. B	1204	142	Marion, Ill	IC-MP.
5	Ozment & Chase (Cherry Hill Coal Co.).	Cherry Hill	1205	142	Marion, Ill	IC-MP.
5	Pulley, Guy (Pulley Coal Co.)	Pulley	1212	142	Marion, Ill	IC-MP.
5	Ramsey, Charles (Black Diamond Mine).	Chas. Ramsey	1227	142	Marion, Ill	IC-MP.
5	Sims Coal Co. (Ray Sims)	Sims	1218	142	Marion, Ill	IC-MP.
5	Steel Tipple Coal Co. (Claude Angell).	Steel Tipple	1222	142	Marion, Ill	IC-MP.
5	Strobel, A. O	A. O. Strobel	1223	142	Marion, Ill	IC-MP.
5	Stump, C. C	New Superior Coal Co	1202	142	Marion, Ill	IC-MP.
5	Sunny Brook Coal Company	Sunny Brook	1226	142	Marion, Ill	IC-MP.
5	White Heat Coal Company (George Frame).	White Heat	1233	142	Marion, Ill	IC-MP.
5	Wilkins, Arleigh (Spillertown Coal Co.).	New Spillertown	1414	142	Marion, Ill	IC-MP.
5	Willow Spring Co. (C. H. McNeil)	Willow Spring	1234	142	Marion, Ill	IC-MP.
5	Winning Coal Co. (W. T. Winning).	Green Valley	1235	142	Marion, Ill	IC-MP.
5	Yearack Brothers (Frank Yearack)	Egyptian	1241	142	Marion, Ill	IC-MP.

The f. o. b. mine prices for Mine Index Nos. 1171, 1183, 1176, 1178, 1179, 1305, 1184, 1216, 1185, 1239, 1188, 1190, 1232, 1192, 1221, 1193, 1195, 1199, 1200, 1201, 1412, 1203, 1367, 1204, 1205, 1212, 1227, 1218, 1222, 1223, 1202, 1226, 1233, 1414, 1234, 1238, 1241 shall be the same as the prices provided for the mines in Price Group 5 in Price Schedule No. 1 for District No. 10, for All Shipments Except Truck, for all size groups and for all uses and for shipment to all market areas: *Provided, however*, That these prices apply f. o. b. transportation facilities at the McLaren Fuel Co.'s Preparation Plant, Marion, Ill. The railroad locomotive fuel prices shall be: mine run—$2.15; screenings—$1.70.

[F. R. Doc. 42-1614; Filed, February 24, 1942; 10:24 a. m.]

[Docket No. A-1243]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF NEW TEMPLETON NO. 4 MINE (MINE INDEX NO. 184) OF THE LINTON-SUMMIT COAL COMPANY, INC., A CODE MEMBER IN DISTRICT NO. 11

An original petition and an amendment thereto, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of New Templeton No. 4 Mine (Mine Index No. 184) of the Linton-Summit Coal Company, Inc., a code member in District No. 11; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 331.9 (*Adjustments in f. o. b. mine prices*) is amended by adding thereto Supplement R–II, § 331.10 (*Special prices: Railroad locomotive fuel*) is amended by adding thereto Supplement R–III, and § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in

Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 3, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 331.5 *Alphabetical list of code members*—Supplement R–I

Mine Index No.	Name of code member	Mine	Seam	Subdistrict	Freight origin group	Price group: Shipping point	Price group: Railroad
184	Linton-Summit Coal Company, Inc.	New Templeton No. 4	4	1	1	Linton, Ind.	PRR.

[1] Mine Index No. 184 shall be included in Price Group 13 and for shipment into various market areas shall be accorded the prices shown for other mines in Price Group 13 listed in Price Schedule No. 1 for District No. 11—For All Shipments Except Truck.

FOR TRUCK SHIPMENTS

tion for shipment into all market areas—Supplement T

§ 331.24 *General prices in cents per net ton for*

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34	165
SULLIVAN COUNTY																															
Linton-Summit Coal Company, Inc.	184	New Templeton No. 4	4		275	270	265	255	250	245	215	215	190	180	160	160	100	70	200	195	195	185	175	145	170	160	125	----	125	165

[F. R. Doc. 42–1611; Filed, February 24, 1942; 10:23 a. m.]

a. On Shipments to the CMStP&P Railroad—the same prices as have been established for Mine Index Nos. 51 and 78 for shipment to said railroad.

b. On shipments to the Pennsylvania Railroad—the same prices as have been established for Mine Index Nos. 48 and 49 for shipment to said railroad.

c. On shipments to all railroads other than the CMStP&P Railroad and the Pennsylvania Railroad:

1. When shipping via the CMStP&P Railroad, the same prices as have been established for Mine Index Nos. 51, 78 and 1294 when said mines ship via the CMStP&P Railroad:

2. When shipping via the Pennsylvania Railroad, the same prices as have been established for Mine Index Nos. 48 and 49.

[illegible] listed above to accomplish the required delivery.

§ 331.9 *Adjustments in f. o. b. mine prices*—Supplement R–II. Deductions for freight rate differences for Mine Index No. 184.[1]

a. On shipments originating on the CMStP&P Railroad the same absorptions as have been established for mines included in Freight Origin Group No. 61.

b. On shipments originating on the Pennsylvania Railroad the same absorptions as have been established for mines included in Freight Origin Group No. 63.

c. On shipments to Market Areas 32, 33 and 34 the same absorptions as have been established for Mine Index Nos. 48, 49, 51, 78 and 1294.

§ 331.10 *Special prices: Railroad locomotive fuel*—Supplement R–III. Prices for railroad locomotive fuel.[1]

[1] In no case shall the permissible deduction to any destination exceed the deduction applicable via the lowest rated route.

[1] The maximum deductions permitted shall be the lowest absorption via either railroad

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 992—LAUNDRY EQUIPMENT

Supplementary General Limitation Order L–6–b—Further Restricting the Production of Domestic Laundry Equipment

In accordance with the provisions of § 992.1 (General Limitation Order L–6[1]) which the following order supplements, *It is hereby ordered*, That:

§ 992.3 *Supplementary General Limitation Order L–6–b—(a) March 1–15 restrictions.* During the period beginning March 1, 1942 and ending March 15, 1942:

(1) No Class A Manufacturer shall produce more domestic laundry equipment than the greater of the following two limits:

(i) 3,900 units of such equipment, or
(ii) 30% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.

(2) No Class B Manufacturer shall produce more domestic laundry equipment than the greater of the following two limits:

(i) 1,875 units of such equipment, or
(ii) 32½% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.

(3) No Class C Manufacturer shall produce more domestic laundry equipment than the greater of the following two limits:

(i) 570 units of such equipment, or
(ii) 37½% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.

(4) No Class D Manufacturer shall produce more than 47½% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.

(b) *Appeal.* Any manufacturer who considers that compliance with this order would disrupt or impair a program of conversion from non-defense to defense work may appeal to the Director of Industry Operations by means of a letter addressed to the Industrial and Office Machinery Branch, Division of Industry Operations, Ref: L-6-b, setting forth in such letter all facts pertinent to the appeal. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3rd Sess. as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 24th day of February, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1662; Filed, February 25, 1942; 11:51 a. m.]

[1] 6 F.R. 5533, 6407.

PART 1027—SULPHITE PULP

Amendment to General Preference Order M–52[1]

The "Allocation Schedule of Sulphite Wood Pulp" attached to § 1027.1 (General Preference Order M–52 as amended) is hereby further amended to read as follows:

Allocation schedule of sulphite wood pulp

Government supplier	Total scheduled allocated tonnage per month	Producer	Individual producers' scheduled allocated tonnage per month	Designation of brand or grade used commercially by producer
Rayonier, Inc.	7,380	Algonquin Paper Corp.	62	Unbl. Sulphite.
		Anacortes Pulp Co.	*71	Raybook.
		Badger Paper Mills	53	Wet Lap Bond Bleached.
		Brown Company	450	Bl. & Unbl. Sulphite.
		Castanea Paper Co.	72	Wet Lap Soft Book Bl.
		Champion Paper & Fibre Co.	132	Aspen Bl. Sulphite.
		Columbia River Paper Mills	74	Col. River Unbl. Rolls.
		Consolidated Water Power	256	Bl. Sulphite.
		Coos Bay Pulp Corp.	*63	Raybook.
		Crown Zellerbach Corp.	470	(Camas Strong Unbl. & West Lynn Unbl.)
		Detroit Sulphite	84	Unbl. Sulphite.
		Dexter Sulphite	70	Bl. Sulphite.
		Eastern Corporation	211	Bl. Sulphite.
		Falls Pulp & Paper Co.	39	Wet Lap Newsgrade Unbl.
		Fibreboard Products, Inc.	90	Fibreboard Unbl. Rolls.
		Flambeau Paper Co.	44	Wet Lap Soft Book Bl. & Wet Lap Easy Bleaching Unbl.
		Gould Paper Company	21	Wet Lap Newsgrade Unbl.
		Groveton Paper Company	70	Bl. Sulphite.
		Great Northern Paper Co.	106	Unbl. Sulphite.
		Hammermill Paper Company	180	Bl. Sulphite.
		Hawley Pulp & Paper Co.	99	Newsgrade Unbl. Rolls.
		Hoberg Paper Mills	93	Wet Lap Hardwood Unbl.
		Hollingsworth & Whitney	143	(Weyerhaeuser Strong Unbl. & Wet Lap Strong.)
		Inland Empire Paper Co.	31	Newsgrade Unbl. Rolls.
		International Paper Co.	238	Bl. Sulphite.
		Kennebec Pulp & Paper Co.	49	Wet Lap Easy Bl. Unbl.
		Kimberly Clark Corp.	196	Wet Lap Strong Unbl.
		Maine Seaboard Paper Co.	78	Wet Lap Newsgrade Unbl.
		Marathon Paper Mills Co.	*98	Soundview Bond Bl.
		Minnesota & Ontario Paper Co.	130	Wet Lap Newsgrade Unbl.
		Mount Tom Sulphite Pulp Co.	39	Bl. Sulphite.
		Munising Paper Co.	66	Wet Lap Book Bl.
		Nekoosa Edwards Paper Co.	98	Wet Lap Bl.
		Northern Paper Mills	115	(Wet Lap Book Bl. and Wet Lap Newsgrade Unbl.)
		Northwest Paper Co.	62	(Wet Lap Book Bl. and Wet Lap Easy Bl. Unbl.)
		Oregon Pulp & Paper Co.	*85	Col. River Unbl. Rolls.
		Oxford Paper Co.	188	Soft Book Bl.
		Penobscot Chemical Fibre Co.	77	Penobscot Bond Bl.
		Parker-Young Company	62	Bl. Sulphite.
		Port Huron Sulphite & Paper Company.	43	
		Puget Sound Pulp & Timber Company.	47	Puget Sound Strong Unbl.
		Racquette River Paper Co.	30	Wet Lap Strong Unbl.
		Rayonier, Inc.	*69	Bl. & Unbl.
		Rhinelander Paper Co.	50	(Wet Lap Bl. and Wet Lap Unbl.)
		J. & J. Rogers & Co.	34	Bl. Sulphite.
		St. Croix Paper Co.	39	Wet Lap Newsgrade Unbl.
		St. Regis Paper Co.	*85	Raybond or other.
		Soundview Pulp Co.	495	(Soundview Bond Bl. and Soundview Book Bl.)
		Spaulding Pulp & Paper Co.	71	Strong Unbl.
		Sterling Pulp & Paper Co.	64	"Slush" Bl. & Unbl.
		Wausau Paper Mills Co.	48	(Wet Lap Bl. and Wet Lap Unbl.)
		West Virginia Pulp & Paper Company.	*132	(Canadian Unbl. and Wet Lap Bl.)
		Weyerhaeuser Timber Co.	471	(Weyerhaeuser Bond Bl. & Weyerhaeuser Book Bl.)
		Wolf River Paper & Fibre Company.	26	Wet Lap Newsgrade Unbl.
			7,380	

*Contribution made by releasing pulp purchased from other producer

This Amendment shall take effect as of March 1, 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 25th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1661; Filed, February 25, 1942; 11:51 a. m.]

[1] 7 F.R. 204, 517, 784, 1087.

PART 1055—WOOL

Amendment No. 1 to Conservation Order No. M–73 Curtailing the Use of Wool

Section 1055.1 (*Wool Conservation Order No. M–73*)[1] is hereby amended as follows:

The word "wool", in the paragraphs (a) (1) (i), (ii), (iii), (iv) and (v), is hereby amended to read "wool owned by such person" in each instance.

Paragraph (e) is amended by adding at the end thereof the following subparagraph:

[1] 7 F.R. 120, 543.

(9) *Assignment of preference rating.* Any order for fabric to be used in the manufacture of the following types of uniforms is hereby assigned the preference rating of A-10 and shall, therefore, be included as a Defense Order for the purposes of paragraph (a) (1):

(i) U. S. Army Officers.
(ii) U. S. Navy Officers and Chief Petty Officers.
(iii) U. S. Marine Corps Officers.
(iv) U. S. Coast Guard Officers and Chief Petty Officers.
(v) U. S. Coast and Geodetic Officers.
(vi) U. S. Government Military and Naval Academy and Training Schools Students.
(vii) Maritime Commission Employees.

Provided, however, That such Purchase Order is accompanied by a certificate in duplicate, signed on behalf of the person placing such Purchase Order by a person duly authorized thereto which states the following: "The undersigned hereby represents that the fabric covered by this Purchase Order will be either re-sold, or used by the undersigned, for and only for the manufacture of one or more of the types of uniforms specified in paragraph (e) (9) of General Conservation Order No. M-73 and this Purchase Order is therefore entitled to a preference rating of A-10." (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

This amendment shall take effect immediately. Issued this 24th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1635; Filed, February 24, 1942; 5:06 p. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

RATIONING ORDER NO. 2A—NEW PASSENGER AUTOMOBILE RATIONING REGULATIONS[1]

Pursuant to the authority vested in me by Directive No. 1[2] of the War Production Board, issued January 24, 1942, and by Supplementary Directive No. 1A, issued February 5, 1942

It is hereby ordered, That:

DEFINITIONS

Sec.
1360.310 Definitions.

ORGANIZATION

1360.321 Personnel.
1360.322 Duties.
1360.328 Jurisdiction.

RESTRICTION OF TRANSFERS

1360.331 Restriction of transfers.
1360.332 Exemption of automobiles purchased prior to January 2, 1942.
1360.333 Rights of parties who have entered into contracts for the sale or purchase of new passenger automobiles, when delivery is prohibited by law.
1360.334 Prohibition of transfer of pool cars not shipped prior to January 16, 1942.

NEW PASSENGER AUTOMOBILE QUOTAS

1360.341 Establishment of quotas.
1360.342 Allotment of quotas to Boards.
1360.343 Application for adjustment of quotas to cover special situations.
1360.344 Adjustment of State quotas by Office of Price Administration.
1360.345 Government agencies exempted from quota restrictions.

PERSONS AUTHORIZED TO ACQUIRE NEW PASSENGER AUTOMOBILES BY WAR PRODUCTION BOARD

1360.351 Military forces and certain government agencies; exports.

TRANSFERS WITHOUT CERTIFICATES

1360.361 Persons eligible to acquire for use.
1360.362 Persons eligible to acquire only for purposes of resale.
1360.363 Procedure for transfers without certificates.

PERSONS ELIGIBLE TO ACQUIRE NEW PASSENGER AUTOMOBILE BY TRANSFERS WITH CERTIFICATES

1360.371 Proof of necessity.
1360.372 Eligibility classification.

FEDERAL AGENCIES

1360.381 Application; certificates.

APPLICATIONS BY PERSONS OTHER THAN FEDERAL AGENCIES

1360.391 Application for certificate to purchase new passenger automobiles by persons other than federal agencies.
1360.392 Preparation of application.
1360.393 Action by the Board upon applications.
1360.394 Basis for Board consideration.
1360.395 Notation of reasons for action.

CERTIFICATES FOR NEW PASSENGER AUTOMOBILES

1360.401 Notification.
1360.402 Form of certificate.
1360.403 Execution by issuing Board.
1360.404 Action by purchaser.
1360.405 Action by dealer or transferor.

APPEALS

1360.411 Grounds for appeal to the State Rationing Administrator.
1360.412 Filing of appeals.
1360.413 Action on appeals.
1360.414 Review by the Office of Price Administration.

RECORDS

1360.421 Records to be kept by Board; posting.
1360.422 Records to be kept by dealers.
1360.423 Filing of reports.

ENFORCEMENT

1360.431 Criminal prosecutions.
1360.432 Denial of materials.
1360.433 Publicity.
1360.434 Other methods of enforcement.
1360.435 Complaint of violation.

EFFECTIVE DATES

1360.441 Effective date.

Definitions

§ 1360.310 *Definitions.* When used in this Rationing Order No. 2A, New Passenger Automobile Rationing Regulations:

(a) "Agency of the government" or "government agency" means and includes any government agency, department, bureau, commission, office, or other government unit, whether federal, state, or local, and any corporation wholly owned by any such government or government unit.

(b) "Board" means a Local Rationing Board as established by Revised Tire Rationing Regulations, issued February 11, 1942.

(c) "Dealer" means any person regularly engaged in the business of offering passenger automobiles for sale at retail to the public.

(d) "Distributor" means any person, other than a manufacturer, regularly engaged in the business of selling new passenger automobiles to dealers.

(e) "Manufacturer" means any person who manufactures passenger automobiles.

(f) "New passenger automobile" means any 1942 model passenger automobile having a seating capacity of not more than 10 persons, irrespective of the number of miles it has been driven, or any other passenger automobile which has been driven less than 1,000 miles, including other body types such as ambulances, hearses, station wagons, and taxis, built upon a standard or lengthened passenger car chassis.

(g) "Person" means any individual, partnership, corporation, association, government or government agency, or other form of enterprise.

(h) "Pool car" means any new passenger automobile which was not shipped by a manufacturer prior to January 16, 1942.

(i) "Transfer" means sell, lease, trade, lend, give, deliver, ship, or physically transfer in any other way which involves the use of the automobile, after the transfer, by a person other than the transferor, but does not include delivery to a carrier for shipment, or delivery by a carrier to a consignee, does not include a lease or loan made in good faith for a period of one week or less, and does not include a technical transfer of title for security purposes to a person financing a conditional sale or similar type of transaction, made simultaneously with a transfer of the automobile itself to the conditional-sales buyer. It also includes the change of the designation of the registered owner.*

*§§ 1360.310 to 1360.441, inclusive, issued under the authority contained in Pub. No. 421, 77th Cong., 2d Sess., W.P.B. Directive No. 1, Supp. Dir. No. 1A, 7 F.R. 562, 698.

Organization

§ 1360.321 *Personnel.* The new passenger automobile rationing program established in this Rationing Order No. 2A will be administered by the Local Rationing Boards, the Local Rationing Administrators and the State Rationing Administrators, established by the Revised Tire Rationing Regulations issued February 11, 1942, and by the Office of Price Administration.*

§ 1360.322 *Duties.* The Local Rationing Boards, Local Rationing Administrators and State Rationing Administrators shall have such duties and responsibilities in the administration of this Rationing Order No. 2A as the Office of Price Administration may assign.*

§ 1360.323 *Jurisdiction.* For purposes of this Rationing Order No. 2A, each Local Rationing Board shall have jurisdiction over every person applying for a new passenger automobile which is to be garaged or normally stationed in the area which the Board is designated to serve, except as otherwise provided in § 1360.381.*

Restriction of Transfers

§ 1360.331 *Restriction of transfers.* (a) Regardless of the terms of any contract of sale or purchase, or other commitment, no person shall transfer, or accept a transfer of, a new passenger automobile except as provided in this Rationing Order No. 2A.

(1) The word "transfer" is broadly defined by this Rationing Order No. 2A. For example, the term includes not only transfers by sale, lease, or trade of the automobile, but also by gift from one person to another. Unless specifically exempted, all physical transfers involving a change in the actual use of the car are included. Thus, if a partnership gives what has been exclusively a partnership car to one of the partners for his own use, a transfer has occurred. On the other hand, putting a car in a garage or warehouse, or letting a repairman drive it to his shop, is not a transfer within this Rationing Order No. 2A.

(2) There are certain specific exemptions from the broad definition of "transfer." Delivery to a railroad or other carrier for shipment, and delivery by such carrier to the consignee, are not included. In this situation, the transfer takes place between the consignor and the consignee.

(3) A lease or loan made in good faith for a week or less is also not included in the word "transfer." This exception allows temporary loans to friends and does not prevent the leasing of new passenger automobiles possessed on January 2, 1942, by concerns which lease automobiles to the public for short periods. The requirement of good faith means that the lease or loan must really be temporary. If a person continually lends a car to the same person for six days of the week and takes it back on Sundays, he has made a loan for less than a week but, since he is clearly attempting to evade this Rationing Order No. 2A, he has not made the loan in good faith and the transaction is a "transfer."

(4) The term "transfer" does not include a technical transfer of title for security purposes without an accompanying transfer of use. Thus, security transactions, such as conditional sales contracts, bailment leases, or chattel mortgages, do not involve "transfers."*

§ 1360.332 *Exemption of automobiles purchased prior to January 2, 1942.* The restriction of transfers of new passenger automobiles provided by § 1360.331 shall not apply to transfers of new passenger automobiles purchased prior to January 2, 1942, the transfer of which is governed by Rationing Order No. 2: *Provided, however,* That if such purchasers have not applied, on or before March 2, 1942, to their Local Rationing Boards for certificates entitling them to such automobiles, transfers of such automobiles shall be governed by this Rationing Order No. 2A.*

§ 1360.333 *Rights of parties who have entered into contracts for the sale or purchase of new passenger automobiles when delivery is prohibited by law.* If performance of any agreement of sale or purchase of a new passenger automobile is forbidden by Supplemental General Limitation Order L-2-f[1] of the Office of Production Management restricting sale and delivery of passenger automobiles and the amendments thereto or by Rationing Order No. 2, 2A, or amendments thereto issued by the Office of Price Administration, any person who has made any payment on account of the purchase of such new passenger automobile shall upon demand be entitled to the return of the amount of any deposit or any other consideration paid or in the event the consideration has been materially altered in condition or cannot be returned, then its fair net value. No person who agreed to sell and deliver a new passenger automobile shall be liable for failure to perform such an agreement if performance is prevented by the aforesaid orders except if a deposit or consideration has been paid to him on account of the purchase of the new passenger automobile, in which event, his liability shall be limited to the amount paid or other consideration paid.*

§ 1360.334 *Prohibition of transfer of pool cars not shipped prior to January 16, 1942.* This Rationing Order No. 2A shall not be construed to permit the transfer of pool cars, and the transfer of any such cars is prohibited except where they are required by the United States Army, Navy, Marine Corps, or Coast Guard, in which case they are governed by the provisions of § 1360.351: *Provided, however,* That this shall not prohibit the transfer of pool cars to dealers, distributors, manufacturers or security holders therein for purposes of resale and otherwise in accordance with this Rationing Order No. 2A.

New Passenger Automobile Quotas

§ 1360.341 *Establishment of quotas.* The Office of Price Administration will from time to time set quotas and reserve quotas stating the maximum number of new passenger automobiles for the transfer of which certificates may be issued, which quotas may be altered or revoked as the occasion may demand. No Board shall issue a quota certificate for the transfer of a new passenger automobile in excess of its quota.*

§ 1360.342 *Allotment of quotas to Boards.* The Office of Price Administration will forward to each State Rationing Administrator the quotas applicable to his state. The State Rationing Administrator shall then forward to each Board its quota, if any. If there are two or more Boards established within a single county the State Rationing Administrator shall forward to the Local Rationing Administrator, if one has been appointed, the county quota for allotment among the different Boards within the county. If no Local Rationing Administrator has been appointed, the State Rationing Administrator shall himself allot such quotas among the different Boards within the county.*

§ 1360.343 *Application for adjustment of quotas to cover special situations.* (a) Where a Board believes that the public interest requires that it issue a certificate for the transfer of a new passenger automobile in excess of its quota, the Board shall make application to the State Rationing Administrator for authority to issue such certificate by filing an application with the State Rationing Administrator setting forth the full facts of the case. The State Rationing Administrator at his discretion may draw upon his state reserve, if any, to augment the quota of such Board to the extent necessary to grant such a certificate.

(b) In no case shall the State Rationing Administrator grant blanket authority to exceed a quota.

(c) The State Rationing Administrator shall not issue certificates himself but may add a specific number of new passenger automobiles to the quota of a Board which may issue certificates therefor, but he shall not increase quotas in excess of his state reserve.*

§ 1360.344 *Adjustment of state quotas by Office of Price Administration.* A State Rationing Administrator may apply to the Office of Price Administration for an allotment from the national reserve, if any, to replenish his state reserve. Such application shall be accompanied by a statement setting forth in full the facts giving rise to such application. The Office of Price Administration may draw upon any national reserve to adjust state reserve.*

§ 1360.345 *Government agencies exempted from quota restrictions.* Upon satisfaction of the conditions and requirements set forth in §§ 1360.371 and 1360.372 and irrespective of quota provisions, an agency of the federal, state,

[1] These Regulations apply to all new passenger automobiles and supplement Rationing Order No. 2 and Amendment No. thereto. (7 F.R. 667, 936, 1009, 1131) In all cases of conflict between Rationing Order No. 2 and these Regulations, these Regulations shall prevail. "Pool cars" as defined in these Regulations are not within the scope of these Regulations except where specifically mentioned.

[2] 7 F.R. 62.

[1] 7 F.R. 698.

[1] 7 F.R. 116, 219, 311, 435.

or local government may acquire a new passenger automobile to replace any agency-owned automobile which is no longer serviceable if it is necessary to assure the effective operation of the specified services by the agency and if no other automobile is available for that purpose. Within the meaning of this section, an automobile is no longer serviceable, only when it (a) has been rendered substantially unusable by accidental physical damage or theft, or (b) is a 1937 or older automobile, or (c) has been driven more than 100,00 miles.*

Persons Authorized To Acquire New Passenger Automobiles by War Production Board

§ 1360.351 *Military forces and certain government agencies; exports.* The following persons are eligible to acquire new passenger automobiles without certificates: *Provided, however,* That, until the War Production Board establishes a system of permits to cover acquisitions by such persons, they shall complete in quadruplicate Form R–203 (Revised) covering each such acquisition and such forms shall be filed in the manner provided in paragraph (b) of § 1360.363:

(a) The Army, Navy, or Marine Corps of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civilian Aeronautics Authority, the National Advisory Commission for Aeronautics, or the Office of Scientific Research and Development.

(b) Any person who acquires a new passenger automobile for export to and consumption or use in any foreign country.*

Transfers Without Certificates

§ 1360.361 *Persons eligible to acquire for use.* The following persons are eligible to acquire a new passenger automobile for use, but cannot transfer such automobile except in accordance with the provisions of this Rationing Order No. 2A.

(a) Persons acquiring new automobiles through transfer by will or intestacy, who may use such automobiles for any purpose.

(b) Trustees and receivers who acquire new passenger automobiles as part of the assets of a business, who may use such automobiles in connection with the operation of the business if they are allowed to do so by the court of their appointment.

(c) Insurers, junk dealers, or salvage companies acquiring any new passenger automobile which has been substantially destroyed by collision, fire, or otherwise: *Provided,* That such automobile shall be used only for scrap or salvage of its parts.*

§ 1360.362 *Persons eligible to acquire only for purposes of resale.* The following persons are eligible to acquire new passenger automobiles by transfer without certificate only for purposes of resale:

(a) Dealers, distributors, manufacturers, or the Reconstruction Finance Corporation.

(b) Persons who in good faith have lent money on the security of or have financed the sale of the new passenger automobile being acquired.

(c) Persons distraining, levying by execution, attachment, or similar forms of judicial process, or repossessing on default.*

§ 1360.363 *Procedure for transfers without certificates*—(a) *Documents required.* Any person receiving a transfer made pursuant to this chapter shall fill out and execute in quadruplicate Form R–203 (Revised) to be issued by the Office of Price Administration, giving the information required by the form and obtaining the necessary supporting statement required on the form. The transferor, upon delivery of the automobile, shall retain for himself one copy of Form R–203 (Revised).

(b) *Filing of documents of transfer for use.* If a transfer is made pursuant to § 1360.361, the transferor shall file, within 5 days of the transfer, one copy of Form R–203 (Revised) with the state or local agency having jurisdiction over the registration of motor vehicles, if a change of registration is involved; and two copies with the Board designated to serve the area in which the transfer is made. This Board shall forward one copy to the Office of Price Administration, Automobile Inventory Unit, New York, N. Y.

(c) *Filing of documents of transfer for resale.* If a transfer is made pursuant to § 1360.362, the transferor shall file, within 5 days of the transfer, three copies of Form R–203 (Revised) with the Board designated to serve the area in which the transfer is made. This Board shall forward one copy to the Office of Price Administration, Automobile Inventory Unit, New York, N. Y., and one copy to the Local Board designated to serve the area in which the transferee or purchaser is located, if the transferor and transferee are not located in the same Board area.

(d) *Duty.* If the transferor is a person other than a dealer or if the transferor refuses or is unable to fill out the statement on the form, the transferee shall file the documents with the agencies listed.*

Persons Eligible to Acquire New Passenger Automobiles by Transfers With Certificates

§ 1360.371 *Proof of necessity.* An applicant specified in § 1360.372 may obtain a certificate only if he can establish the following facts:

(a) That use of the automobile is necessary to the efficient performance of the services specified in § 1360.372.

(1) The Board may not issue certificates under this section if the applicant can secure transportation without using such automobile. The applicant may establish that the transportation services for which he proposes to use the automobile are not otherwise available to him by showing (i) that no public transportation system reaches the areas to which he must go to carry on his business or occupation; or (ii) that public transportation services do not function at the times when it is necessary for the applicant to travel or with the speed required by the applicant; or (iii) that public transportation will not enable him to carry material or equipment necessary to his work; or (iv) that the public transportation facilities are already too heavily loaded to afford the applicant transportation service. The Board may make such additional inquiry or require the applicant to show such other facts as will establish to the satisfaction of the Board that he would be unable to secure transportation if he did not obtain the automobile. The applicant may also be required to show that he regularly transports other persons to work with him or that he has exhausted the possibilities of doubling up with persons employed at the same place or with persons who travel the same route when such doubling up is advisable, as in the case of factory workers.

(2) Unless the applicant satisfies the Board that it will be impossible for him otherwise to perform services listed in § 1360.372, he must not be granted an automobile. The proof which the applicant must present to satisfy the Board will vary with the nature of the applicant's business or occupation. If public transportation facilities will enable the applicant to carry on his affairs or if the applicant's business or occupation can be carried on by correspondence or by telephone, transportation service rendered by a passenger automobile is not essential and, therefore, a certificate for an automobile must be denied.

(b) That the applicant needs not only automobile transportation but a new automobile for such transportation, because he does not own or have the use of a passenger automobile adequate for his purpose. In addition, to prevent an applicant from selling or otherwise disposing of an automobile which would meet his needs so that he could place himself in a position to claim eligibility for a new automobile, the Board should require applicants to list, and give reasons for, all recent transfers of automobiles made by him after January 1, 1942.

(c) That such passenger automobile will render services sufficiently valuable to the community and the nation to justify its operation, in view of the shortage of new automobiles and the size of the quota from which allotments must be made to all other applicants qualified under this section.

(1) Unless the applicant can prove that the services which the automobile will enable him to render are important to the community and to the war effort, no certificate should be granted to him, regardless of whether he can be supplied under the quota.

(2) Certificates should be granted by the Board with a view to the fact that many more persons may apply than can be satisfied under the quota. The Board should, whenever possible, apportion its quota so that it will have certificates to insure continued transportation facilities for persons whose services are most vital to the war effort.

(3) In deciding among applicants for the limited quota, the Board shall be guided not only by the nature of the services which the applicant renders but also by the extent to which others who do not require automobiles can render such services and the extent to which the automobile will be confined to use for services specified in § 1360.372 and will provide transportation for more than one person performing services included in that section.*

§ 1360.372 *Eligibility classification.* When the conditions established in § 1360.371 and other applicable provisions of this Rationing Order No. 2A are fulfilled, certificates authorizing the transfer of new passenger automobiles may be granted to the following persons:

(a) Physicians, surgeons, visiting nurses, or farm veterinaries who will use the automobile principally for professional services.

(1) The Board shall issue certificates only to those physicians, surgeons, and farm veterinaries who are licensed as such by the appropriate government authority, whose professional practice requires regular calls outside their offices, who must use the automobile to make their professional calls, and who will use it principally for that purpose.

(2) For the purposes of this subparagraph, "visiting nurse" means a nurse who is employed by a clinic, hospital, government agency, or similar organization, or by an industrial concern to make nursing or inspection calls for such agencies. The term "visiting nurse" does not include private nurses.

(b) Regularly practicing ministers of a religious faith when the automobile will be used principally for, and is essential to, the performance of religious duties in meeting the religious needs of the congregation served.

(c) Persons requiring ambulances. A certificate may be issued for any new passenger automobile used principally as an ambulance, even though such automobile is used also but not primarily as a hearse or for other purposes.

(d) Persons engaged in fire-fighting services. The Board may grant a certificate to a person so engaged only if it is assured that the automobile will be used exclusively for the performance of such services.

(e) Persons requiring new passenger automobiles to maintain necessary police services.

(1) In issuing certificates the Board shall be governed by the necessity of enabling the uniformed and nonuniformed personnel of any federal, state, or local police force to render efficient service in the prevention and detection of crime.

(2) Certificates shall not be issued for any new passenger automobile to be used in performing police services if such services can be performed without the use of such automobile. Such automobile shall not be used for licensing or inspection duty when regular public transportation will serve.

(f) Persons requiring new passenger automobiles to enable them to enforce such laws as relate specifically to the protection of public health and safety.

(1) This paragraph provides only for law enforcement services which relate directly and specifically to the protection of the public from accident and injury to health.

(2) The inspection of buildings and the establishments of sellers and producers of food and the discharge of similar duties do not in most instances require the use of automobiles. Certificates shall under no circumstances be issued except for automobiles to be used in the performance of services which cannot be performed satisfactorily by officers using public transportation facilities.

(3) The enforcement of laws relating directly to the public health and safety shall include inspection by employees of federal, state, or local governments of food and similar commodities and establishments engaged in producing such commodities when the primary purpose of such inspection is the discovery of contamination or similar danger to the public health, but shall not include inspection where the primary purpose is to grade, standardize, prevent fraud, or establish sound business practices.

(g) Persons requiring new passenger autmobiles to maintain mail services by or on behalf of the United States.

(h) Persons furnishing licensed jitney, taxi, or similar transportation service to the general public.

(1) Certificates may be issued under this paragraph for passenger automobiles, used principally to provide jitney, taxi, or similar services, licensed by an appropriate government authority to transport the general public, but only in areas where streetcars, busses, and similar transportation services are inadequate to meet the needs of the public. Such services may be inadequate because of a shortage of suitable equipment or because they do not extend to outlying areas which use taxi service as a normal means of mass transportation and not as a luxury service.

(2) Certificates may not be granted under this paragraph for passenger automobiles which are rented, with or without chauffeurs, for the exclusive use of individuals rather than for taxi, jitney, or similar service to the general public.

(i) Persons who require automobiles for transportation between places where construction or mechanical, structural, or highway maintenance and repair services are needed. Certificates may be issued under this paragraph only to provide transportation between jobs and not to provide the applicant with transportation from his residence to his principal place of business or employment.

(j) Executives, engineers, technicians, and workers, requiring automobiles for transportation to and from, or within, factories, power plants, transportation or communication facilities, farms, lumber camps, mines, military or naval establishments, or similar places of employment when the work done at such places of employment is essential, directly or indirectly, to the prosecution of the war.

(k) Officers and employees of federal, state, or local or foreign governments engaged in the performance of government functions essential to the public health, safety, or the war effort and requiring such automobiles for transportation on official business.

(1) Certificates may be granted under this paragraph to enable government employees to perform functions essential to public health, safety, or the war effort, including such officials as fire wardens, ordnance inspectors and mine inspectors.

(2) Certificates may be granted under this paragraph only to government employees who use their cars principally for their official functions and only when such functions cannot, because of the lack of other transportation facilities, be performed without the use of such cars. Certificates may not be granted under this paragraph to make possible the transportation of government employees from their residences to their places of employment.

(3) Certificates may be granted under this paragraph to enable government employees to preserve or protect natural resources or to discover natural resources vital to the war effort.

(l) Persons requiring automobiles for the transportation of produce and supplies to and from a farm if the applicant does not own or possess a truck or other practicable means of transportation.

(m) Traveling salesmen who are engaged in the sale of machinery, or similar equipment, for farms, factories, mines, oil wells, lumber camps, and similar productive establishments, and of foods and medical supplies.

(1) Certificates may be granted under this paragraph only to salesmen of the commodities specified and only in cases where the sale of such commodities cannot be made by other means, including mail and telephone.

(n) Persons requiring automobiles to transport newspapers for wholesale delivery.*

Federal Agencies

§ 1360.381 *Application; certificates.* Any federal agency, other than those provided for in § 1360.351, which is eligible to acquire a new passenger automobile under §§ 1360.371 and 1360.372 shall make application on OPA Form R–216 to the Procurement Division of the Treasury Department. If the Procurement Division finds that the statements made in the application are true, it shall present the application to the Office of Price Administration. If the Office of Price Administration finds the applicant to be eligible, it may issue to the Procurement Division a certificate authorizing the purchase, subject to the quota established for this purpose.*

Applications by Persons Other Than Federal Agencies

§ 1360.391 *Application for certificate to purchase new passenger automobiles by persons other than federal agencies.* (a) Any person other than a federal agency who believes that he comes within

one of the classifications set forth in §§ 1360.371 and 1360.372 may file with the Board an application for authority to purchase a new passenger automobile. Such application shall be filed on Form No. R–213.*

§ 1360.392 *Preparation of application.* (a) Copies of Form No. R–213 may be obtained from Local Rationing Boards. Form No. R–213 may be reproduced by any person provided that no change is made in the size, style, and content thereof.

(b) (1) *Name of applicant.* (i) An individual shall state his given name, middle name, and surname. In all cases where an individual regularly doing business under a trade name makes an application, he shall state, in addition to his name, the trade name under which he is doing business; for example, John James Doe, doing business as Doe Trucking Co.

(ii) A partnership shall state the trade name regularly used by such partnership and the fact that it is a partnership; for example, Doe & Roe Transportation Co., a partnership.

(iii) A corporation shall give its full name as it appears on its corporate charter; for example, Doe Transportation Co., Inc.

(iv) A state or any political subdivision thereof shall state its name; for example, the State of Wisconsin; Village of Winnetka, Ill.

(2) *Addresses and telephone numbers of applicant.* (i) An individual shall state his residence or business or office address and telephone number thereof.

(ii) A partnership shall state the address and telephone number of one place of business of the partnership within the area administered by the Board.

(iii) A corporation shall state the address and telephone number of one place of business of the corporation within the area administered by the Board.

(iv) A State or any political subdivision thereof shall state the address and telephone number of one of its offices within the area administered by the Board.

(v) If there is no place of business or office within the area administered by the Board, although the automobile applied for is to be garaged or stationed within that area, the applicant shall state the address of the place of business or office nearest the place where the automobile is to be garaged or stationed.

(3) *Certification by applicant.* The applicant shall certify the facts stated in the application, in the manner and form provided for such certification. In executing the certification:

(i) An individual shall sign his full name. In cases where an individual does business under a trade name, he shall set forth such trade name following his signature; for example, John Doe doing business as Doe Transportation Co.

(ii) A partnership shall set forth the name of the partnership followed by the legend, "a partnership," following which a partner or a duly authorized agent of the partnership shall sign his name, giving his position, preceded by the word "by"; for example, Doe Transportation Co., a partnership, by John James Doe, a partner; or Doe Transportation Co., a partnership, by Richard Roe, store manager, its duly authorized agent.

(iii) A corporation shall set forth the full name of the corporation as it appears on its charter, followed by the legend, "a corporation," following which an officer of the corporation, or a duly authorized agent thereof, shall sign his name, giving his position, preceded by the word "by"; for example, Doe Transportation Co., Inc., a corporation, by John James Doe, president; or Doe Transportation Co., Inc., a corporation, by Richard Roe, truck superintendent, its duly authorized agent.

(iv) A state or political subdivision thereof shall set forth its name, followed by the signature of an officer or duly authorized representative, giving his position, preceded by the word "by"; for example, State of ----------, by John James Doe, Superintendent of Highways.*

§ 1360.393 *Action by the Board upon applications.* Before granting an application for a certificate of permission to purchase a new passenger automobile, the Board shall satisfy itself that the applicant has properly executed his application, including all the agreements therein contained, that all the facts stated in the application are true, and that the applicant has satisfied all the applicable requirements and conditions specified by this Rationing Order No. 2A.*

§ 1360.394 *Basis for Board consideration.* If the Board has before it applications for new passenger automobiles which in its judgment satisfy all the requirements of this Rationing Order No. 2A, but which together call for the allotment of passenger automobiles in excess of the applicable quota of the Board, the Board shall, in determining which of the competing needs are to be satisfied, be governed by the relative importance to the war program, public safety, health and morale of the operation of a passenger automobile in the various services named in the applications.

The determination of facts shall be made upon the basis of the application and all other information which comes to the knowledge of the Board. In acting upon applications, the Board shall observe all regulations herein contained and all additional regulations from time to time hereafter issued by the Office of Price Administration. The Board shall at all times serve the objectives sought by the automobile rationing program and allocate new automobiles to the most vital civilian uses and to uses essential to the war effort. The Board may, in its discretion, request the applicant or his authorized representative to appear in person at a designated time at the office of the Board to answer pertinent questions. The Board should keep in mind and should impress upon applicants that the supply of new passenger automobiles is extremely limited and that it is not sufficient for the applicant to show that he comes within one of the eligibility classifications in order for him to receive a certificate. He must also show the relative importance of his need.*

§ 1360.395 *Notation of reasons for action.* When the Board determines that an application shall be granted, the reasons therefor shall be noted upon the application, together with the serial number of the certificate issued, and a notation shall be made as to whether the certificate issued is a quota or non-quota certificate. In all cases where an application is refused, the reasons for such refusal shall likewise be noted upon the application.*

Certificates for New Passenger Automobiles

§ 1360.401 *Notification.* After acting upon an application, the Board shall notify the applicant of its decision. In cases where the Board authorizes an applicant to purchase a new passenger automobile, the Board shall immediately issue to such applicant a nontransferable certificate for the purchase of a new passenger automobile. The certificate shall be issued on Form R–214 if the applicant is entitled to a quota certificate and on Form R–215 if the applicant is entitled to a non-quota certificate.*

§ 1360.402 *Form of certificate.* (a) The nontransferable certificate for the purchase of a new passenger automobile shall be serially numbered and shall be divided into five parts bearing the same serial number: (1) Part A shall be delivered to the dealer or transferor and be filed by him with the Board serving the area where the transfer was made (said Board shall forward this part to the issuing Board); (2) Part B shall be filed by the purchaser, within 5 days after delivery of the automobile, with the state or local agency having jurisdiction over registration of motor vehicles; (3) Part C shall be retained by the dealer or transferor; (4) Part D shall be mailed within 5 days after delivery of the automobile by the dealer or transferor to the Local Board designated to serve the area in which the transfer was made (this part shall be forwarded by the Board to the Office of Price Administration, Automobile Inventory Unit, New York, N. Y.); (5) Part E shall be retained by the purchaser or transferee.*

§ 1360.403 *Execution by issuing Board.* It shall be the responsibility of the Board, prior to issuing a certificate, to insert on each part the information designated to be filled in by the Board. No certificate will be valid unless Parts A and B are signed by at least two members of the issuing Board. Prior to delivering the certificate to the applicant, the Board shall require the applicant or his agent to sign Parts A and B of the certificate in the presence of a member or the clerk of the Board. When all the foregoing steps have been taken by the issuing Board, the Board shall deliver the certificate to the applicant or his agent.*

§ 1360.404 *Action by purchaser.* (a) Upon receiving the certificate so executed, the applicant may, within 30 days from the date of issue, purchase a new passenger automobile from any dealer or transferor at a price not in excess of the maximum price established by the Office of Price Administration.

(b) The applicant must present to the dealer or transferor all parts of the certificate, in the form in which it was given to him by the issuing Board.*

§ 1360.405 *Action by dealer or transferor.* (a) Prior to delivering a new passenger automobile pursuant to a certificate surrendered to him, a dealer or transferor shall require the purchaser or the purchaser's agent to sign his name in the space provided for this purpose on Parts A and C of the certificate. If the signatures do not appear to be the signatures of the person who signed in the presence of a member or clerk of the Board on Parts A and B, the dealer or transferor shall refuse to sell or deliver an automobile to the person presenting the certificate and shall report the facts to the issuing Board.

(b) If the signatures appear to be executed by the same person, the dealer or transferor or his authorized agent shall, in the presence of the purchaser, or the purchaser's agent, fill in the remaining portions of Parts A, B, C, D, and E, which have not been completed by the issuing Board.*

Appeals

§ 1360.411 *Grounds for appeal to the State Rationing Administrator.* Any applicant for a new passenger automobile whose application has been denied by the Board and who believes that such action is in conflict with this Rationing Order No. 2A may file an appeal from such action with the State Rationing Administrator.*

§ 1360.412 *Filing of appeals.* (a) An appeal from an action taken by a Board may be filed only within 30 days after such action has been taken.

(b) The applicant shall file a statement in writing and under oath setting forth the specific section of this Rationing Order No. 2A which he believes to be inconsistent with the action taken by the Board and stating in full the facts on which he grounds his appeal.*

§ 1360.413 *Action on appeals.* The State Rationing Administrator may require the Board or the appellant to furnish pertinent information, in addition to that furnished before the Board, with respect to any appeal pending before him. The State Rationing Administrator may affirm the decision of the Board, or may reverse or modify such decision and remand the matter to the Board for consistent action. The State Rationing Administrator's ruling shall be in writing and shall be communicated to the appellant and to the Board. If he reverses or modifies the decision, he shall send a copy of his ruling to the Office of Price Administration. He shall act on the appeal within 30 days after its filing.*

§ 1360.414 *Review by the Office of Price Administration.* If an appellant feels aggrieved by the ruling of the State Rationing Administrator, he may, within 30 days thereafter, file a written petition for review with the Office of Price Administration, Washington, D. C. If the Office of Price Administration, in its discretion, elects to review the matter, it may require the furnishing of additional pertinent information. The Office of Price Administration may affirm the ruling of the State Rationing Administrator, or may reverse or modify such ruling and remand the matter to the Board for consistent action. The ruling of the Office of Price Administration shall be in writing and shall be communicated to the appellant, to the Board, and to the State Rationing Administrator.*

Records

§ 1360.421 *Records to be kept by Board; posting.* All applications for new passenger automobiles received by the Board shall be filed. Records shall be kept by the Board of such pertinent and material data as may be required by the Office of Price Administration. At intervals of not more than one week, a list of all certificates issued and names of recipients shall be posted at the office of the Board and shall be released to the press.*

§ 1360.422 *Records to be kept by dealers.* (a) Every person selling a new passenger automobile shall maintain a file containing all certificates which have been presented by applicants to whom transfers of new passenger automobiles have been made and prepare reports requested by the Board in his area and by the Office of Price Administration.

(b) Any dealer who discontinues business may turn over to the Local Rationing Board in his area the records he is required to keep under paragraph (a) of this section.*

§ 1360.423 *Filing of reports.* All persons shall file reports to the extent required elsewhere in this Rationing Order No. 2A. In addition, all persons affected by this Rationing Order No. 2A shall make such reports as may from time to time be required by the Office of Price Administration and the War Production Board.*

Enforcement

§ 1360.431 *Criminal prosecutions.* Any person who violates any provision of this Rationing Order No. 2A or who by any act or omission knowingly falsifies an application, certificate or any record which he is required to keep by the terms of this Rationing Order No. 2A or who otherwise knowingly furnishes false information to a Board, State Rationing Administrator, or to the Office of Price Administration, or who conspires with another person to perform any of the foregoing acts, shall be subject to the penalties therefor, including a recommendation to the Attorney General for prosecution pursuant to section 35A of the Criminal Code (title 18, U.S.C., sec. 80) and other applicable statutes.*

§ 1360.432 *Denial of materials.* Any person who violates this Rationing Order No. 2A will also be denied the right to receive any new passenger automobile materials which are now or in the future may be under allocation by the Office of Price Administration, and the Office of Price Administration will recommend to the War Production Board that he be denied the right to receive any other materials which are now or in the future may be under allocation.*

§ 1360.433 *Publicity.* In the event of a refusal or failure to abide by the provisions of this Rationing Order No. 2A, the Office of Price Administration in addition to the foregoing penalties, will make every effort to insure that complete information is given to the public and to appropriate officials of the local, state, and federal governments.*

§ 1360.434 *Other methods of enforcement.* The Office of Price Administration may also take such other action for the enforcement of the provisions of this Rationing Order No. 2A as may be necessary, including application to courts and to appropriate agencies of local, state and federal governments in order to invoke such powers as may be available and appropriate in connection therewith.*

§ 1360.435 *Complaint of violations.* Any person may report a violation of this Rationing Order No. 2A to a Board, Local Rationing Administrator, State Rationing Administrator, Regional or Field Office of the Office of Price Administration, or to the Office of Price Administration at Washington, D. C. An official or employee of the office to which the report is made shall fill out a complaint, secure the signature of the complainant if possible, and transmit the complaint for investigation and action in accordance with the instructions of the Office of Price Administration.*

Effective Dates

§ 1360.441 *Effective date.* This rationing Order No. 2A—New Passenger Automobile Rationing Regulations shall become effective March 2, 1942.*

Issued this 21st day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1640; Filed, February 25, 1942; 9:43 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

[Order No. 214]

FEBRUARY 25, 1942.

Section 1.41 is amended to read as follows:

§ 1.41 *Issue of temporary document upon sale.* (a) When a vessel entitled to be documented changes ownership and

is in a port other than the home port designated by the new owner, a temporary document may be issued by the collector at that port.

(1) If application is made to the collector at the home port designated by the new owner and all requirements of law are complied with except the issuance of the document, he shall authorize the collector at the port where the vessel then is to issue a temporary document to the vessel.

(2) If application is made to the collector at the port where the vessel then is, the same proceedings shall be had as are required by law at the vessel's home port, except that the bill of sale shall not be recorded at the former port.

(i) If the bill of sale is presented to the collector at the port of issue of the temporary document, it shall be noted on his records and then forwarded to the collector at the home port designated by the new owner. The recording fees shall be collected by the issuing collector in such case and forwarded with the bill of sale to the collector at such home port.

(3) The bill of sale shall be recorded by the collector at the home port designated by the new owner, but only after there has been furnished to him by the collector at the former port of documentation a certified copy of the record of the vessel at the latter port (Commerce Form 1331) as required by subsection H (c) of section 30 of the Ship Mortgage Act, 1920 (46 U.S.C. 926 (c)).

(b) The temporary document must be surrendered within ten days after the arrival of the vessel within the district to which she belongs, or the owner and master shall severally be liable to a penalty of $100. (R.S. 161, sec. 2, 23 Stat. 118, R.S. 4159, R.S. 4160; 5 U.S.C. 22, 46 U.S.C. 2, 29, 30).

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 42-1656; Filed, February 25, 1942; 11:29 a. m.]

CHAPTER III—WAR SHIPPING ADMINISTRATION

[General Order No. 1, Sup. 1[1]]

PART 301—REGULATIONS AFFECTING MARITIME CARRIERS

TANK VESSELS—UNIFORM TIME CHARTER

Whereas tank vessels in addition to those otherwise available are necessary for transportation of foreign commerce of the United States or of commodities essential to the national defense and to the prosecution of the war, and

Whereas from time to time the War Shipping Administration will deem certain tank vessels suitable for such transportation;

Now, therefore;

§ 301.1a *Uniform time charter for all tank vessels.* (a) The attached form of Time Charter consisting of Part I and Part II is hereby adopted as the uniform time charter for all tank vessels.[2]

(b) Appropriate special provisions shall be inserted as the owner and the War Shipping Administration shall agree.

E. S. LAND,
Administrator.

FEBRUARY 24, 1942.

[F. R. Doc. 42-1639; Filed, February 25, 1942; 10:37 a. m.]

[1] 7 F.R. 1508.

[2] Filed as part of the original document.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-215]

IN THE MATTER OF JACK SMITH, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 10, 1942, by Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 30, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, That answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, That the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That said defendant, Jack Smith, whose address is R. F. D. #1, Indiana, Pennsylvania, whose code membership became effective as of June 20, 1941, operator of the Flora Dale Mine, Mine Index No. 781, located in Indiana County, Pennsylvania, Subdistrict 12 of District No. 1 wilfully violated section 4 II (e) of the Bituminous Coal Act of 1937 and Part II (e) of the Bituminous Coal Code as follows:

(a) By selling through one Murray Smith, Glen Campbell, Pennsylvania, to the Arcadia Company, Arcadia, Pennsylvania, during the period June 21, 1941, to August 29, 1941, both dates inclusive, at a price of $1.97 per net ton f. o. b. the Arcadia Company's tipple at Arcadia, Pennsylvania, approximately 471.35 tons of run of mine coal produced at said mine, whereas the effective minimum price for said coal was $2.15 per net ton f. o. b. the mine as set forth in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments as amended by Order of the Director dated June 21, 1941, entered in Docket No. A-903.

(b) By failing to add in the transactions referred to in paragraph (a) hereof to the said applicable minimum f. o. b. mine price an amount at least equal as nearly as practicable to the actual transportation charges, handling charges, or incidental charges of whatsoever kind or character (exclusive of customary costs of mine operation) from the transportation facilities at the mine to the purchaser's tipple, from which all such charges were assumed and directly paid by the purchaser as set forth in said schedule, and Price Instruction No. 6 as amended and contained in said schedule.

Dated: February 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1641; Filed, February 25, 1942; 10:55 a. m.]

[Docket No. A-1319]

PETITION OF DISTRICT BOARD NO. 8 FOR AN INCREASE IN THE PRICE CLASSIFICATIONS AND MINIMUM PRICES APPLICABLE TO THE COALS OF THE WINDROCK MINE, MINE INDEX NO. 589, OF BESSEMER COAL, IRON & LAND COMPANY, A CODE MEMBER IN DISTRICT NO. 8

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 24, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 19, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 8 for a change in price classifications and minimum prices applicable to the coals of the Windrock Mine, Mine Index No. 589, of Bessemer Coal, Iron & Land Company, a code member in District No. 8, and more specifically, a change in the price classifications applicable to the coals of this Mine, for all shipments except truck.

SIZE GROUP NUMBERS

	Rail destinations other than Great Lakes									
	1, 2	3, 4	5, 6	7	8	9	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	26
From	HA	HA	FA	EA	EA	CA	CA	CA	HG	BA
To										

	For Great Lakes Cargo Only								
	1, 2	3, 4	5, 6	7	8	9	16, 17	18, 19, 20, 21	26
From	HA	HA	FA	CA	CA	DA	JB	HG	BA
To									

	For truck shipments							
	1	2	3	4	5	6	7	8
From	285	265	225	240	215	215	165	160
To	335	315	235	260	225	225	170	165

Dated: February 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1640; Filed, February 25, 1942; 10:55 a. m.]

[Docket No. B-146]

IN THE MATTER OF ZIMMERMAN COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 9985

NOTICE OF FILING APPLICATION PURSUANT TO § 301.132 FOR DISPOSITION OF PROCEEDING WITHOUT FORMAL HEARING

Notice is hereby given that Zimmerman Coal Company, registered distributor, respondent in the above-entitled matter on February 12, 1942, filed an application dated February 10, 1942, pursuant to § 301.132 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division for the Disposition Without Formal Hearing of Compliance Proceedings.

In said application the respondent

1. Admits that:

(a) During the period from November 9, 1940 to March 28, 1941, respondent acting as sales agent for the Lone Star Coal Co., Inc., a code member in District No. 11, sold and delivered by rail to Columbian Enameling and Stamping Company, Inc., at Terre Haute, Indiana, 22 cars of ¾" carbon coal produced by said code member, and prepaid the freight charges upon such shipments of coal;

(b) During the period from May 6, 1941 to May 8, 1941, respondent purchased from the F. C. Morgan Coal Company, a code member, 2 cars of 2" screennigs produced by said code member and resold and shipped said coal by rail to the Columbian Enameling and Stamping Company, Inc., at Terre Haute, Indiana, and prepaid the freight charges thereon;

(c) On or about May 14, 1941, respondent purchased from Goodman Coal Corporation of Chicago, Illinois, sales agent for Big Bend Collieries, Inc., a code member, 1 car of 2" screenings produced by said code member, and on or about the said date resold and reshipped said coal by rail to the Columbian Enameling and Stamping Company, Inc., at Terre Haute, Indiana, and prepaid the freight charges thereon; and

(d) Subsequent to September 30, 1940, respondent failed to file with the Statistical Bureau for District No. 11 its invoices currently as rendered as required by Order No. 295 of the Director dated June 14, 1940 and Order No. 313 of the Director dated February 24, 1941,

all as set forth in the Notice of and Order for Hearing herein dated January 21, 1942, resulting in violations of section 4 II (i) (3) of the Act, Part II (i) (3) of the Code, Rule 3 of section XIII and Rule I (J) of section VII of the Marketing Rules and Regulations, and paragraphs (c) and (e) of its Distributor's Agreement.

2. Consents to the entry of an order revoking or suspending its registration and agrees to restore to code members or others the amounts unlawfully accepted by the respondent as discounts or sales commissions on the transactions involved herein.

Interested parties desiring to do so may within fifteen (15) days from the date of this notice file recommendations or requests for informal conferences in respect to the above described application.

Dated: February 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1643; Filed, February 25, 1942; 10:55 a. m.]

General Land Office.

STOCK DRIVEWAY WITHDRAWAL NO. 56, ARIZONA NO. 2, MODIFIED

Under the authority of section 7 of the act of June 28, 1934, as amended by the act of June 26, 1936, 48 Stat. 1272, 49 Stat. 1976, 43 U.S.C. 315f, the following-described public lands in Arizona are hereby classified as necessary and suitable for the purpose and, under the provisions of section 10 of the act of December 29,

1916, as amended by the act of January 29, 1929, 39 Stat. 865, 45 Stat. 1144, 43 U.S.C. 300, such lands, excepting any mineral deposits therein, are withdrawn from all disposal under the public-land laws and reserved for the use of the general public as an addition to Stock Driveway Withdrawal No. 56, Arizona No. 2, subject to valid existing rights:

GILA AND SALT RIVER MERIDIAN

T. 8 N., R. 2 E.,
sec. 30, E½ and NW¼;
T. 11 N., R. 2 E.,
sec. 5, N½SE¼,
sec. 8, W½E½;
T. 12 N., R. 2 E.,
sec. 32, lot 5;
aggregating 734.21 acres.

Any mineral deposits in the lands shall be subject to location and entry only in the manner prescribed by the Secretary of the Interior in accordance with the provisions of the aforesaid act of January 29, 1929, and existing regulations.

And the departmental order of February 4, 1919, establishing this stock driveway, as adjusted July 3, 1936, to a subsequent survey, is hereby revoked so far as it affects the following described lands:

T. 8 N., R. 2 E.,
sec. 29, SW¼;
T. 11 N., R. 2 E.,
sec. 5, lots 3, 4, and SW¼NW¼,
sec. 17, E½NE¼,
sec. 28, SE¼SW¼ and SW¼SE¼,
sec. 26, NW¼NE¼, S½NE¼, and NE¼SE¼;
T. 14 N., R. 4 W.,
sec. 35, lots 2 to 8, inclusive, lots 11 to 14, inclusive, NW¼NW¼, and SW¼;
aggregating 1,394.41 acres.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.
FEBRUARY 10, 1942.

[F. R. Doc. 42-1638; Filed, February 25, 1942; 9:55 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective February 26, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

C. T. Barbieri and Company, Inc., 1630 Walnut Street, Philadelphia, Pennsylvania; Men's Suits and Overcoats; 2 learners (T); February 23, 1943. (This certificate effective February 23, 1942 and omitted from FEDERAL REGISTER of that date).

Spruce Cravats, 420 Market Street, Philadelphia, Pennsylvania; Men's Neckwear; 5 learners (T); February 23, 1943. (This certificate effective February 23, 1942 and omitted from FEDERAL REGISTER of that date.)

Universal Coat Company, 104 Essex Street, Haverhill, Massachusetts; Mackinaws, Leather Jackets, Sportswear; 10 learners (T); August 26, 1942.

Single Pants, Shirts, and Allied Garments and Women's Apparel Industries

Blue Bell-Globe Manufacturing Company, 626 South Elm Street, Greensboro, North Carolina; Overalls; 10 percent (T); February 26, 1943.

Carbondale Products Company, Inc., 21-23 Dundaff Street, Carbondale, Pennsylvania; Rayon Ladies' Underwear; 5 learners (T); February 26, 1943.

Creery Shirt Shop, Inc., 713 East Main Street, Richmond, Virginia; Shirts & Pajamas; 2 learners (T); February 26, 1943.

Elgin Dress Company, 19 North Spring Street, Elgin, Illinois; Ladies' Cotton Garments; 10 percent (T); February 26, 1943.

The Grace Company, Belton, Missouri; Play Suits, Sunsuits, Pinafores & Crawlers; 10 percent (T); February 26, 1943.

Lawrence Children's Underwear Company, 64 West 36th Street, New York, N. Y.; Children's Underwear; 10 percent (T); June 11, 1942.

Lucy Lockett Company, 5872 Cabanne Avenue, St. Louis, Missouri; Children's Dresses; 2 learners (T); February 26, 1943.

J. & S. Milberg, Inc., 251 Grant Avenue, East Newark, N. J.; Ladies' Underwear; 12 learners (T); February 26, 1943.

Morley Shirt Company, Inc., 9 Desbrosses Street, New York, N. Y.; Men's Shirts; 5 learners (T); July 16, 1942.

William Nagel Sportwear, 750 Broadway, New York, N. Y.; Men's Sport Shirts; 10 percent (T); July 23, 1942. (This certificate effective February 23, 1942 and omitted from Register of that date.)

Pillow Manufacturing Company, Pillow, Pennsylvania; Shirts; 10 percent (T); February 26, 1943.

Southern States Manufacturing Company, Douglasville, Georgia; Work and Semi-Dress Pants; 10 percent (T); February 26, 1943.

Southland Manufacturing Company, 741 Florida Avenue, Jacksonville, Florida; Pants, Shirts, Overalls; 10 percent (T); February 26, 1943.

Sunnyvale, Inc., 614 Wyoming Avenue, Scranton, Pennsylvania; Wash Dresses; 10 percent (T); February 26, 1943.

Wolfe and Lang, Inc., 35 West 32nd Street, New York, N. Y.; Corsets and Girdles; 10 percent (T); June 11, 1942.

Gloves

Wings Knitting Company, 827 East Locust Street, Milwaukee, Wisconsin; Knit Wool Gloves; 10 percent (T); August 23, 1942. (This certificate effective February 23, 1942 and omitted from Register of that date.)

Hosiery

Fisher Hosiery Company, Inc., 7th and Court Streets, Reading, Pennsylvania; Seamless Hosiery; 5 percent (T); February 26, 1943.

Knitted Wear

I. Bennett, Inc., 594-6 Broadway, New York, N. Y.; Knitted Underwear; 5 percent (T); February 26, 1943.

Project Knitting Mills, 750 Grant Street, Brooklyn, New York; Men's & Boys' Sweaters; 4 learners (T); July 23, 1942. (This certificate effective February 23, 1942 and omitted from Register of that date.)

Textile

Green River Mills, Inc., Tuxedo, North Carolina; Cotton Yarn; 3 percent (T); February 26, 1943.

J & C Cottons, Ellijay, Georgia; Tufting Yarn; 35 learners (B); June 26, 1942.

Kendall Mills, Addison Plant, Edgefield, South Carolina; Cotton; 3 percent (T); February 26, 1943.

Kendall Mills, Mollohon Plant, Newberry, South Carolina; Bandages, Surgical Gauze, Diapers; 3 percent (T); February 26, 1943.

Signed this 24th day of February, at New York, N. Y., 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-1636; Filed, February 25, 1942; 9:10 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6273]

NOTICE OF HEARING

Application of Eddie Erlbacher (KMP), dated September 6, 1941, for construction permit; class of service, public coastal; class of station, coastal harbor; location, Cape Girardeau, Missouri;

Operating assignment specified: Frequencies, 2782; 4162.5, 6455, 8840, 11090 kcs.; power, 1000 watts day; 500 watts at all other times; emission A-3; points of communication; Mississippi River and tributaries.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the need for the proposed additional service.

2. To determine whether the interference that would result to other stations from use of the frequencies and power requested could be satisfactorily reduced or eliminated by cooperative measures.

3. To determine whether the applicant intends to operate a general public service coastal harbor station.

4. To determine applicant's financial and other qualifications to render a general public service by means of the proposed facilities.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Eddie Erlbacher, 231 North Main Street, Cape Girardeau, Missouri.

Dated at Washington, D. C., February 23, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1659; Filed, February 25, 1942; 11:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-504]

IN THE MATTER OF THE MILWAUKEE ELECTRIC RAILWAY & TRANSPORT COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of February, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party;

Notice is further given that any interested person may, not later than March 17, 1942, at 4:45 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt the transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

The Milwaukee Electric Railway & Transport Company proposes to redeem on April 1, 1942, at par plus accrued interest, $500,000 principal amount of its First Mortgage 4% Bonds; such bonds being outstanding in the aggregate principal amount of $9,700,000 and being pledged under the Mortgage of Wisconsin Electric Power Company, the parent of The Milwaukee Electric Railway & Transport Company.

The application or declaration states that the parent company will obtain the release of the required amount of bonds from its Mortgage by certifying to the Trustee thereof a sufficient amount of net bondable property additions, and will re-invest the funds to be received by it from the proposed redemption in extensions and improvements to its electric utility plant; that the expenditure of $500,000 by The Milwaukee Electric Railway & Transport Company will not impair its ability to adequately meet its increasing demands for transportation service in and around the City of Milwaukee, Wisconsin; that the Public Service Commission of Wisconsin has no jurisdiction over the proposed transaction, and that there are no underwriters or persons to whom fees, commissions, or other remuneration is to be paid other than a nominal fee to be paid to said Trustee by Wisconsin Electric Power Company in connection with the release from the trust estate of the bonds to be redeemed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1657; Filed, February 25, 1942; 11:38 a. m.]

[File No. 70-505]

IN THE MATTER OF THE UNITED CORPORATION

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 24th day of February, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The United Corporation. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

The United Corporation, a registered holding company, proposes, subject to the approval of its stockholders, and without changing the carrying value of its assets, to reduce the stated value of its presently outstanding 2,488,712½ shares of $3 Cumulative Preference Stock from $50 per share, as presently stated, to $5 per share. It is proposed that the amount of such reduction in the stated value of the Preference Stock, aggregating $111,992,047.50, will be maintained in a separate account designated as capital surplus which will be described as resulting from the reduction in the stated value of Preference Stock and as unavailable for Common Stock dividends, or any charge for any deficit in earned surplus, or for any other purpose which will reduce the amount thereof below $45 per share of Preference Stock outstanding. The company states that the proposed restatement will facilitate the declaration and payment of dividends accrued and to accrue on its $3 Cumulative Preference Stock. At December 31,

1941, dividend arrearages on the Preference Stock aggregated $7,406,136 or $3 per share. As at the same date, the company's capital stock, per balance sheet, was stated at: Preference Stock, $124,435,608.34, Common Stock (stated at $1 per share) $14,529,491.50. Capital Surplus was $15,223,603.83 and Earned Surplus was $6,699,097.63. The United Corporation's net income was $9,557,142.18 in 1940 and $6,811,213.48 in 1941, both figures per books.

Sections 6 (a), 7 (a) and 7 (e) of the Public Utility Holding Company Act of 1935 are designated as applicable to the proposed transactions.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and rules of the Commission thereunder be held on March 12, 1942, at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. On such day the hearing-room clerk will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaration or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarant and applicant and to all interested persons, said notice to be given to said declarant and applicant by registered mail and to all other persons by publication in the FEDERAL REGISTER. In accordance with the agreement of the applicant and declarant, it is ordered that a copy of this Notice and Order be mailed to all Preference Stockholders of record as of February 24, 1942.

It is further ordered, That Richard Townsend or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. The purpose and appropriateness, in the public interest and in the interests of investors and consumers, of the proposed restatement;

2. The appropriateness of the accounting entries proposed to be made in connection with said restatement;

3. Whether the proposed restatement is detrimental to the carrying out of the provisions of section 11 of the Act;

4. Whether and to what extent it is appropriate, in the public interest or for the protection of investors and consumers, to impose terms and conditions with respect to the proposed restatement.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1658; Filed, February 25, 1942; 11:39 a. m.]

MAR 2 1942

FEDERAL REGISTER

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Washington, Friday, February 27, 1942

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER I—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 5—SAFEGUARDING MILITARY INFORMATION[1]

§ 5.25 *Information on War Department contracts and site locations.* The following instructions will apply to the publication of information concerning site locations of war industries and military installations, contract awards, and other matters relating to production.

(a) *Construction.* (1) No announcement of site locations will be made in the field.

(2) When the War Department Bureau of Public Relations deems it in the public interest to announce the selection of a site it will do so in substantially the following form:

(i) The War Department announced today the selection of Jonesville, Kentucky, as a site for a possible future cantonment. This is a pre-planning site and construction of the cantonment is contingent upon the future needs of the Army.

(ii) The War Department announced today its intention to construct a manufacturing plant in Indiana.

(3) No announcement of awards of those construction contracts which require the approval of the Under Secretary of War will be made in the field without the approval of the War Department Bureau of Public Relations.

(4) When the War Department Bureau of Public Relations deems it in the public interest to announce the award of a construction contract approved by the Under Secretary of War, it will make such announcement or authorize the Chief of Engineers to do so. Such announcement will be substantially in the following form:

(i) The War Department announced today the award of a contract to Jones and Company, Richmond, Virginia, for the construction of a cantonment in Kentucky. The award was made by the Louisville District Office of the Corps of Engineers.

(ii) The War Department announced today the award of a contract to the Smith Corporation, St. Louis, Missouri, for the construction of a manufacturing plant in Indiana. The award was made by the St. Louis District Office of the Corps of Engineers.

(5) When the Chief of Engineers deems it in the public interest to announce the award of a construction contract which does not require the approval of the Under Secretary of War, he may make such announcement. Such announcement will be substantially in the form prescribed for announcements in subparagraph (4) of this paragraph.

(6) When, in the opinion of the Chief of Engineers, it is necessary to the proper functioning of suppliers of labor, materials, facilities, and other services, he may authorize the furnishing of necessary information to appropriate Government offices and agencies, and to properly accredited persons, who, in his opinion, have a legitimate interest in such information. The offices authorized to furnish such information should be cautioned against release of any procurement information to others than those duly identified as having a bona fide interest, and when such information is so released to responsible persons they should be cautioned against its publication.

(b) *Supply contracts.* (1) No announcement of those supply contracts which require the approval of the Under Secretary of War will be made in the field without the approval of the War Department Bureau of Public Relations.

(2) When the War Department Bureau of Public Relations deems it in the public

[1] § 5.25 is added.

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FEDERAL REGISTER

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interest to announce the award of a supply contract approved by the Under Secretary of War, it will make such announcement or authorize the chief of the appropriate supply arm and service to do so.

(3) When the chief of the appropriate supply arm and service deems it in the public interest to announce the award of a supply contract which does not require the approval of the Under Secretary of War, he may make such announcement.

(4) When, in the opinion of the chief of the appropriate supply arm and service, it is necessary to the proper functioning of suppliers of labor, materials, facilities, and other services, he may authorize the furnishing of necessary information to appropriate Government offices and agencies, and to properly accredited persons, who, in his opinion, have a legitimate interest in such information. The offices authorized to furnish such information should be cautioned against release of any procurement information to others than those duly identified as having a bona fide interest, and when such information is so released to responsible persons they should be cautioned against its publication.

(c) *General.* (1) Properly accredited persons may obtain information with regard to invitations for bids and abstracts of same by personal application to the Purchase Information Office of the Under Secretary of War or directly to the appropriate contracting office. Written requests to the Under Secretary of War for information relating to specific projects will be referred to the appropriate contracting office.

(2) Under no circumstances will the following information about war contracts be published:

(i) The exact type of production.
(ii) Production schedules.
(iii) Dates of delivery.
(iv) Progress of work.
(v) "Round-ups" of locally published procurement data.

(3) Chiefs of supply arms and services will take steps to inform all War Department contractors and subcontractors of the restrictions imposed upon them and the necessity for strict compliance. To that end War Department contractors and subcontractors should—

(i) Refrain from publication of photographs and drawings of Army equipment which have not been released by the War Department.

(ii) Refrain from referring in advertising, which gives the location of a plant, to specific products being manufactured in that plant.

(iii) Refrain from publication of the names of subcontractors or accessory manufacturers to a prime contractor.

(iv) Release no production figures nor figures indicating total number of employees, backlog of orders, or area of land occupied.

(v) Not permit aerial photographs of plants.

(vi) Observe these restrictions in their radio programs, other publicity, including financial statements and reports, and public discussion.

(vii) Give no information either verbal or otherwise contrary to this policy. (R.S. 161; 5 U.S.C. 22) [Cir. 41, W.D., February 11, 1942]

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-1666; Filed, February 25, 1942; 2:43 p. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Order No. 334]

PART 308—REPORTS AND RECORDS

ORDER REQUIRING REPORTS FROM PRODUCERS OF BITUMINOUS COAL COVERING PRODUCTION AND MINE OPERATION FOR THE CALENDAR YEAR 1941

Pursuant to the provisions of the Bituminous Coal Act of 1937, and particularly section 10 (a) thereof, it is hereby ordered that:

Part 308 is amended by adding thereto § 308.25 to read as follows:

§ 308.25 *Reports from producers of bituminous coal covering production and mine operation for the calendar year 1941.* (a) Each producer of bituminous coal, whether or not a code member, and whether or not engaged in commerce in coal which is subject to the provisions of section 4 of the Bituminous Coal Act of 1937, shall file, on the appropriate form hereinafter designated, and in the manner hereinafter set forth, a report of production and other items relating to mine operation, as more fully described in said appropriate form. Each of the hereinafter designated forms is by this reference incorporated herein and made a part of this order.[1]

(b) For each mine having rail or river connections regardless of the amount of daily average production, and for each mine having a daily average production of more than fifty (50) net tons irrespective of whether it has rail or river connections, the reports required by this order shall be filed on Form BCD No. 453 (Revised Nov. 1941) T–1.

(c) For each mine without rail or river connections, having a daily average production of less than fifty (50) net tons, the report herein required shall be made on Form BCD No. 454 (Revised Nov. 1941) T–2.

(d) The reports required to be made on Form BCD No. 453 (Revised Nov. 1941) T–1, and the reports required to be made on Form BCD No. 454 (Revised Nov. 1941) T–2, shall be filed at the office of the Statistical Bureau of the Division for the district in which the reporting mine is located, on or before the 26th day of February 1942. A separate report, either on Form BCD No. 453 (Revised Nov. 1941) T–1, or Form BCD No. 454 (Revised Nov. 1941) T–2, as the case may be, shall be filed for each mine operated by the producer during any part of the calendar year, even though said mine may have been in operation for only a very limited period. Likewise, a separate report shall be filed for each mine maintained by the producer during the calendar year 1941, even though such mine was not in actual operation during any part of such period.

(e) Each report required to be filed by this section shall be certified as being correct by the producer, if an individual, or by a member of the firm, if a partnership, or in the case of a corporation, by a responsible officer thereof who is familiar with the facts. (Sec. 10 (a), 50 Stat. 88, 15 U.S.C. Sup. 840 (a))

Dated: November 18, 1941.

H. A. GRAY,
Director.

[SEAL]

[F. R. Doc. 42-1655; Filed, February 26, 1942; 10:50 a. m.]

[Docket No. A-1970]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing the Rules and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 13, 1942.

DAN H. WHEELER,
Acting Director.

[SEAL]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine Index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3345	Decker & Sons, W. F. (William F. Decker)	Decker	40	B	Garrett, Pa.	B&O	100	(†)	(†)	G	(†)	(†)
3323	Desmond Brothers (Wm. F. Desmond).	Desmond #1	3	B	Westport, Pa.	PRR	68	O	OOOO	OOOO	O	
7281	Higgs, I. Frank	Kootsey	44	E	Morgan, Md.	W.M.	44	OOOO	OOOO	OOOO	OOOO	
3323	Kolodkey, Joe	Deep View Coal Co.	15	D A B	Hamer, Pa.	NYC	44	OOOO	OOOO	OOOO	OOOO	
3323	Riverside Coal Co. (Geo. W. Fox, Karl V. Fox and Burton Hubler).		8		Conrey, Pa.	NYC	44	OOOO	OOOO	OOOO	OOOO	
3321	Thurstin, L. C.	Thurstin	7	E	Curwensville, Pa.	B&O	113	(†)	(†)	F	(†)	(†)

†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened, top size 2" and over	Double screened, top size 2" and under	Run of mine, modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Beer, William E.	3301	Upper Freeport	4	Armstrong	E	240	215	215	200	190
Black, John & Roy E. (Roy E. Black).	3324	Barnettstown #1	39	Huntingdon.	Barnett			240		
Blu-Flame Coal Company (Joe Toth).	3323	Blu-Flame #1	41	Somerset	C'			220		
Davis Coal Co. (Charles Davis)	3292	Davis Bros.	18	Cambria	B			220		
Decker & Sons, W. F. (William F. Decker).	3345	Decker	40	Somerset	B			215		
Desmond Brothers (Wm. F. Desmond).	3328	Desmond #1	3	Clinton	B	260		235	225	
Genchur, Joseph	3326	Genchur	15	Indiana	C			220		
Higgs, I. Frank	3285	Head	44	Grant	E			225		
Koloskey, Jos.	3320	Koloskey	15	Indiana	D			220		
Riverside Coal Co. (Geo. W. Fox, Karl V. Fox and Burton Hubler).	3260	Deep View Coal Co.	8	Clearfield	B			225		
Studley, C. L.	3322	Campbell Ridge	18	Cambria	E			220		
Summerville Coal Mine (George R. Summerville).	3319	Summerville Coal	4	Clarion	C'	240	215	215	200	190
Thurstin, L. C.	3321	Thurstin	7	Clearfield	E			220		
Turza, Michael	3346	Turza #2	14	Clearfield	E			220		

[F. R. Doc. 42-1649; Filed, February 25, 1942; 10:58 a. m.]

[Docket Nos. A-524 and A-706]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

MEMORANDUM OPINION AND ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 7 FOR THE ESTABLISHMENT OF A MINIMUM PRICE FOR REFUSE FUEL PRODUCED AT MINE INDEX NOS. 21, 94, 117 AND 126 IN DISTRICT 7 AND IN THE MATTER OF THE PETITION OF DISTRICT BOARD 7 FOR THE ESTABLISHMENT OF A MINIMUM PRICE FOR REFUSE FUEL PRODUCED AT MINE INDEX NO. 207 IN DISTRICT 7

These are proceedings instituted upon petitions filed by District Board 7 with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition in Docket No. A-524 seeks the establishment of effective minimum prices for shipments of refuse coal to the plant of the Appalachian Electric Power Company at Glenlyn, Virginia, and to the plant of the Virginian Railway Company at Narrows, Virginia, from Mine Index Nos. 21, 94, 117, and 126. The petition in Docket No. A-706 requests the establishment of an effective minimum price for shipments of refuse coal from Mine Index No. 207 to the two above-mentioned consumers.

Pursuant to an Order of the Director, and after due notice to all interested persons, a hearing was held in Docket A-524 before Edward J. Hayes, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C. Thereafter, on March 22, 1941, the Director made Findings of Fact and Conclusions of Law and rendered his Opinion, and on the basis thereof, issued a final Order amending the Schedule of Effective Minimum Prices for District 7 for All Shipments Except Truck to provide the following effective minimum prices for refuse coal shipped to the above-mentioned consumers only: From Mine Index Nos. 21, 94 and 117, $1.10 per ton, and from Mine Index No. 126, $1.30 per ton.

Subsequently, the petitioner, District Board 7, filed a supplemental petition requesting that the Order of the Director in Docket No. A-524, dated March 22, 1941, 6 F.R. 1593, be vacated on the ground that fair competitive opportunities could not be maintained under the prices ordered; that this proceeding be reopened to permit the introduction of certain relevant data omitted in the previous hearing; and that the Director, in the interim, issue a temporary Order permitting shipments of refuse coal to the above-mentioned consumers at the following effective minimum prices: From Mine Index Nos. 21, 94, and 117, 90 cents per ton; and from Mine Index No. 126, $1.10 per ton. The petitioner also filed a motion requesting that Docket No. A-706 be consolidated for hearing with Docket No. A-524 on the ground that the issues raised in both matters were related. The Order of March 22, 1941, was vacated and temporary relief granted in accordance with such requests.

Pursuant to Order of the Director a consolidated hearing on these two matters was held before Examiner Hayes, at a hearing room of the Division in Washington, D. C. A petition of intervention was filed by District Board 1. Appearances were entered by District Board 7, and the Lillybrook Coal Company, a code member producer in District 7. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard.

The evidence indicates that the disposal of refuse coal, a necessary product of the operations of the specific mines involved, has become an expensive and difficult task. The evidence indicates further that such a problem can be obviated by the sale of such coal to the Appalachian Electric Power Company and the Virginian Railway Company; but that such sale can be effected only at a special low price of 90 cents per ton for Mine Index Nos. 21, 94, and 117, respectively; and $1.10 per ton for Mine Index No. 126. The relief granted in the Order of the Director dated March 22, 1941 in Docket No. A-524 does not appear to have been sufficient since the two above-mentioned consumers have ceased to purchase such refuse coal. The testimony shows that Mine Index No. 207, the subject of Docket No. A-706, is confronted with the same problem of disposal of refuse coal as the mines which are the subject of Docket No. A-524; and from the analyses available, it appears that refuse coals of Mine Index No. 207 are comparable to those of Mine Index Nos. 21, 94, and 117.

The record discloses that no party appeared in opposition to the requested relief. While I have concluded that the requested relief and that the prices requested should be granted and to that extent that the orders previously issued should be modified, it is well to repeat here what was said by Director Gray in his Findings in Docket No. A-524, dated March 22, 1941. Director Gray there stated "that the producers of refuse coals should not be deprived of the limited markets which they have in the past built up for such inferior coals. It appears that these markets can be retained only if lower effective minimum prices are established for refuse coals than for 'normal quality' coals. The establishment of such a price differential, however, poses new problems of policing and enforcement, for attempts may be made to evade the price provisions of the Act by shipping 'normal quality' coals, as refuse coals. Accordingly, permission to ship refuse coals at prices lower than those established for 'normal quality' coals should be granted only to those producers who show that they do produce such coals and have markets for them, and such permission must be circumscribed by requirements that the coals so shipped will approximate in analyses those represented as typical for the refuse coals involved. The exception for refuse coals can be safely continued in effect only as long as those conditions are adhered to." To all of this the undersigned subscribes.

Now, therefore, it is ordered, That commencing forthwith § 327.12 (*General prices for low volatile coals*) in the Schedule of Effective Minimum Prices for District No. 7 for All Shipments Except Truck, be and it hereby is amended as follows:

For shipments of refuse coal to the plants of the Appalachian Electric Power Company at Glenlyn, Virginia, and the Virginian Railway at Narrows, Virginia, *only* the effective minimum prices shall be as follows: From the Besoco Mine of the Leconey Smokeless Fuel Company, the Killarney Mine of the Lillybrook Coal Company, the No. 2 and No. 3 Mines of the Mead Coal Company, and the Wyco Mine of the Gulf Smokeless Coal Company (Mine Index Nos. 21, 94, 117, and 207, respectively), 90 cents per ton; and from the Minter Mine of the Minter Coal Company (Mine Index No. 126), $1.10 per ton: *Provided, however*, That all orders, acknowledgments and invoices covering shipments of said coal shall specifically designate it as "refuse coal": *And provided, further*, That the analyses of all said coal shipped as refuse coal shall approximate for the respective mines, those contained in Exhibit 2 of Docket No. A-524: *And provided further*, That upon order, at any time, analyses of said refuse coal shall be made and filed with the Division.

Dated: February 12, 1942.

DAN H. WHEELER, *Acting Director.*

[SEAL]

[F. R. Doc. 42-1644; Filed, February 25, 1942; 10:56 a. m.]

[Docket No. A-1286]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 12, 1942.

DAN H. WHEELER, *Acting Director.*

[SEAL]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

FOR ALL SHIPMENTS EXCEPT TRUCK

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Railroad	Freight origin group No.	Price classification by size group No.									
				1	2	3	4	5	6	7	8	9	10
	VON		14	(†)	(†)	(†)	(†)	(†)	B	B	(†)	(†)	(†)

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine name	Subdist. No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group No.									
								1	2	3	4	5	6	7	8	9	10
616	Lewis, McKinley & W. V. Walton (W. V. Walton).	Pines Creek	5	Poca. 6	Besoco, W. Va.	VGN	14	(†)	(†)	(†)	(†)	(†)	B	B	(†)	(†)	(†)

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

(†) Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump 5/16" or larger, all egg and stove	All nut or pea, 1 1/4" top size or smaller	Screened M/R	Straight mine run	1 1/4" screenings	3/4" screenings
						1	2	3	4	5	6
Eastern Gas and Fuel Associates (Koppers Coal Division) c/o H. Doolittle.	106	Long Branch	2	Fayette	Eagle	315	250	(*)	(*)	190	(*)
Eastern Gas and Fuel Associates (Koppers Coal Division) c/o H. Doolittle.	107	Mikvale #2	2	Fayette	No. 2 Gas	315	250	(*)	(*)	190	(*)

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 42-1650; Filed, February 25, 1942; 10:56 a. m.]

[Docket No. A-1296]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R-I, and § 327.21 (*High volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R-II, § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 13, 1942.

[SEAL] DAN H. WHEELER, *Acting Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R-I

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdist. No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group No.									
								1	2	3	4	5	6	7	8	9	10
296	Canellas, Joe	Grapevine #2	4	Red Ash	Garland, W. Va.	N&W	30	A	(†)	(†)	(†)	(†)	B	B	D	D	(†)
297	Stone, George T	House Coal #2	2	Sewell	Lookout, W. Va.	C&O	10	A	(†)	(†)	(†)	(†)	A	A	(†)	B	(†)

†Indicates no classifications effective for these size groups.

§ 327.21 *High volatile coals: Alphabetical list of code members*—Supplement R-II

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos.																						
								For destinations other than Great Lakes																	For Great Lakes cargo only						
								1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
295	Deepwater Coal Company c/o E. L. Michle.	Deepwater	No. 2 Gas	2	Deepwater, W. Va.	VGN. Ry.	15	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)	(†)

†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump 5/16" or larger, all egg and stove	All nut or pea, 1 1/4" top size or smaller	Screened M/R	Straight mine run	1 1/4" screenings	3/4" screenings
						1	2	3	4	5	6
Canellas, Joe	296	Grapevine #2	4	McDowell	Red Ash	315	----	280	215	185	180
Deepwater Coal Company c/o E. L. Michle.	295	Deepwater	2	Fayette	No. 2 Gas	----	----	280	215	----	----
Moore, J. C.	294	Blue Bird	2	Fayette	Sewell	----	----	280	215	----	----
Stone, George T	297	House Coal #2	2	Fayette	Sewell	330	----	280	215	----	190

[F. R. Doc. 42-1647; Filed, February 25, 1942; 10:57 a. m.]

[Docket No. A-1125]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR REDUCTION OF THE EFFECTIVE MINIMUM PRICES AND PRICE CLASSIFICATIONS FOR THE COALS OF THE BROWN (K. Y. 6) MINE (MINE INDEX NOS. 97 AND/OR 235) IN DISTRICT NO 9, FOR TRUCK AND RAIL SHIPMENTS, AND FOR THE ESTABLISHMENT OF MINIMUM PRICES AND PRICE CLASSIFICATIONS FOR THE COALS OF SAID MINE IN SIZE GROUPS 17 TO 25, INCLUSIVE, FOR SHIPMENT BY RAIL

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division on October 20, 1941, by District Board 9, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests that temporary and permanent relief be granted by revising the price classifications and minimum prices heretofore established for the coals of the Brown Mine (Mine Index No. 235)[1] of R. L. Brown for truck shipment and for the establishment of price classifications and minimum prices for the coals of said mine in Size Groups 17 to 25, inclusive, for rail shipment.

Pursuant to an Order of the Director dated November 12, 1941, and after notice to interested persons, a hearing in this matter was held on December 18 and 19, 1941, before Floyd McGown,[2] a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. The petitioner appeared. The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned, who has considered the record of the proceeding.

The petition of District Board 9 herein requests, in part, a revision in the price classifications and minimum prices heretofore established for the coals of the Brown Mine (Mine Index No. 235) of R. L. Brown, for both truck and rail shipments.

The evidence shows that the Brown Mine, located in Christian County, Kentucky, in District 9, is producing in the No. 6 Seam. According to the testimony of the witness for the District Board, there is a considerable variance in the analytical characteristics, as well as in the color, of the coal produced in this seam. The witness stated that the Brown Mine coal is inferior in quality to other coals produced from the same seam which is similarly priced, and is similar in quality to coal produced from the No. 9 Seam, which is priced considerably lower. Thus the District Board requests that the prices established for the Brown Mine coals be reduced to conform with the prices established for the base No. 9 Seam coals, such as produced at the Beech Creek Mine (Mine Index No. 1) of the Beech Creek Coal Co. It was shown that there are other mines of the district operating in the No. 6 Seam which have the same prices as are requested for the Brown Mine coals.

The District Board also requests the establishment of classifications and corresponding minimum prices for the coals of the Brown Mine in Size Groups 17 to 25, inclusive, for rail shipment, for which minimum prices have not heretofore been established. The classifications and prices proposed for these sizes are the same as those established for No. 9 Seam coals, as produced at the Beech Creek Mine.

The witness for the District Board stated that the operator of the Brown Mine was unable to dispose of his coal at the present prices and that all the members of the District Board were of the opinion that those prices should be reduced as requested. He expressed the belief that the requested prices would reflect the relative market value of the coals and would enable them to compete on a fair basis with other coals of District 9.

The evidence adduced by the District Board was uncontroverted and upon the basis of that evidence I find and conclude: (1) that the price classifications and minimum prices herein requested for the coals of the Brown Mine are proper and should be established, and that the Schedules of Effective Minimum Prices for District No. 9, For Truck Shipments and For All Shipments Except Truck, should be amended accordingly;

[1] It was shown that the Brown Mine, formerly operated by the K. Y. 6 Coal Mines, was listed in Docket No. A-562 as Mine Index No. 97, but that it should properly be designated Mine Index No. 235.

[2] By Order of the Acting Director dated November 28, 1941, Floyd McGown was designated Examiner vice Scott A. Dahlquist who had previously been designated to preside at the hearing.

(2) that such amendments of the Price Schedules for District No. 9 are required in order to effectuate the purposes of the Act and to comply with the standards thereof.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof § 329.5 (*Alphabetical list of code members*) and § 329.24 (*General prices in cents per net ton for shipment into any market area*) in the Schedules of Effective Minimum Prices for District No. 9 For All Shipments Except Truck and For Truck Shipments, be, and they hereby are, amended to provide price classifications and minimum prices for the coals of the Brown Mine (Mine Index No. 235) of R. L. Brown for rail and truck shipments as set forth in Supplements R and T hereto attached and made a part hereof, in lieu of the classifications and minimum prices presently effective therefor.

Dated: February 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 *Alphabetical list of code members*—Supplement R

Mine Index No.	Code member	Mine	Seam	F. O. G. No.	Shipping point	Railroad
235	Brown, R. L.	Brown	No. 6	30	Mannington, Ky.	L&N.

The f. o. b. mine prices for coal shipped by Mine Index No. 235 to any market area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Price Schedule No. 1 for District No. 9 For All Shipments Except Truck.

FOR TRUCK SHIPMENTS

§ 329.24 *General prices in cents per net ton for shipment into any market area*—Supplement T.

The f. o. b. mine prices for coal shipped by Mine Index No. 235 are the same as the prices shown for Beech Creek Coal Company, Mine Index No. 1, in Price Schedule No. 1 for District No. 9 For Truck Shipments, except Size Groups 17 to 25, inclusive.

[F. R. Doc. 42-1645; Filed, February 25, 1942; 10:56 a. m.]

[Docket No. A-1300]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 9, FOR TRUCK SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9, for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 329.24 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 329.24 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine Index No.	Mine	Seam	Prices and size group Nos. 1, 2	3	4	5	6	7	8	9	10, 11, 12	13, 14	15	16, 17	18, 19, 20	21, 22	23, 24	25	26, 27	28, 29
HENDERSON COUNTY																					
Haselwood, Dolph	986	Lick Creek	#9	235	225	215	175	170	160	160	150	140	110	80						120	115
HOPKINS COUNTY																					
Braden & Lovan (Rosco A. Braden)	997	Morton Hill	#11	205	195	185	175	170	160	160	150	140	110	50						120	115
Farmer, Tom	994	Farmer	#6	230	220	210	200	195	185	185	150	150	110	100						170	165
Jenkins & Manire (B. L. Manire)	995	J. & M. #3	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Morgan, George (George Morgan Coal Co.)	990	Morgan #2	#6	230	220	210	200	195	185	185	150	150	110	100						170	165
Morris, C. A.	983	C. A. Morris	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Orton, James	988	Happy Hollow #6	#6	230	220	210	200	195	185	185	150	150	110	100						170	165
MUHLENBERG COUNTY																					
Barnes, O. A. & Son (O. A. Barnes)	987	Campbell	#11	205	195	185	175	170	160	160	150	140	110	50						120	115
Bethel Brothers (Sam Bethel)	982	Bethel	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Morgan, Georges (George Morgan Coal Co.)	989	Powderly	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Paradise Mining Co. (W. C. Bates)	984	Paradise Mining Co.	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
OHIO COUNTY																					
Aull, Clarence M.	993	Aull	#9	205	195	185	175	170	160	160	150	140	110	50						120	115
Rosch, G. H.	992	G. H. Rosch	#9	205	195	185	175	170	160	160	150	140	110	50						120	115

[F. R. Doc. 42-1646; Filed, February 25, 1942; 10:57 a. m.]

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[Docket No. A-1291]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10, FOR TRUCK SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 10, for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																										
				1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
SECTION No. 3																														
MERCER COUNTY																														
Easley, F. H. & W. F. (W. F. Estep)	1551	Black Diamond	1	255	250	245	235	230	225	185	165	160	165	155	155	125	115	60												
SECTION No. 4																														
FULTON COUNTY																														
Harmon, Robert	1546	Justice	2	255	250	245	235	230	225	185	165	160	165	155	155	125	115	60												
Hendee Bros. Coal Co. (Howard Hendee)	1552	Hendee Bros. #2	2	255	250	245	235	230	225	185	165	160	165	155	155	125	115	60												
SECTION No. 5																														
GREENE COUNTY																														
Axley, Isaac E.	1556	Axley's	2	255	250	245	235	230	225	170	165	160	165	155	155	125	115	60												
SECTION No. 6																														
SHELBY COUNTY																														
Anderson, Floyd	1553	Floyd Anderson #2	7	280	275	270	260	255	250	245	165	160	165	155	155	125	115	60												
SECTION No. 7																														
VERMILION COUNTY																														
Gondry, Morris	1560	Morris Gondry	6	240	235	230	220	215	210	170	165	160	165	155	155	125	115	60												
Turner, Floyd	1554	Turner #2	7	240	235	230	220	215	210	170	165	160	165	155	155	125	115	60												
SECTION No. 8																														
MADISON COUNTY																														
Goscher, Everett	1555	Goscher #2	6	235	230	225	215	210	205	165	145	150	145	145	145	115	105	50												

[F. R. Doc. 42-1648; Filed, February 25, 1942; 10:57 a. m.]

[Docket No. A-1078]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 13 REQUESTING AN INCREASE IN THE MINIMUM PRICES FOR THE COAL PRODUCED AT THE WILSON MINE OF THE RIVER VALLEY CAHABA COAL COMPANY (MINE INDEX NO. 509), IN DISTRICT NO. 13 FOR TRUCK AND RAIL SHIPMENTS AND REQUESTING ADDITIONAL RAIL SHIPPING POINTS FOR THE AFORESAID MINE AND FOR THE M'CARTY COAL COMPANY MINE OF DAVID M'CARTY, MINE INDEX NO. 115, IN DISTRICT NO. 13

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by District Board 13, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests that relief be granted by revising the price classifications and minimum prices for the coals produced at the Wilson Mine (Mine Index No. 509) of the River Valley Cahaba Coal Company, a code member in District 13, by establishing an additional loading point for said mine, and by changing the rail shipping point for the McCarty Coal Company Mine (Mine Index No. 115) of David McCarty, also a code member in District 13.

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter was held on November 25, 1941, before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board 13 appeared. At the conclusion of the hearing the preparation and filing of a report by the Examiner was waived and the record in the proceeding was thereupon submitted to the undersigned.

The petition of District Board 13 requests relief in three respects and is supported by the testimony of N. E. Cross, Secretary of District Board 13, the sole witness at the hearing. The requests for relief will be discussed seriatim.

The petition alleges that the Wilson Mine (Mine Index No. 509) of the River Valley Cahaba Coal Company was originally classified and priced as being on the Nunnally Seam. The District Board contends that this mine is on the Wadsworth Seam and, accordingly, proposes an increase in its prices for rail and truck shipments upon the basis of properly relating them to prices already established for another mine on the Wadsworth Seam. The record reveals that the District Board concluded that the Wilson Mine was on the Wadsworth Seam upon the basis of analyses submitted by the producer and of discussions with the owner of the mine, other mine operators in the same area, and two geologists familiar with the coals in that area. The prices that have been proposed are similar to those that have been established for other mines on the Wadsworth Seam, such as Pen's Wadsworth, Mine Index No. 514, and the owner of the Wilson Mine has agreed to the proposed increased prices. Accordingly, it would appear that these proposed revised prices should be established so as to keep the coals of this mine in a fair competitive position with other coals in District 13.

The petition further alleges that the shipping point designated for the Wilson Mine for rail shipments at Chelsea, Alabama, on the A. B. and C. Railroad is of little value to the mine at the present time and that an additional shipping point should be established at Birmingham, Alabama, Avenue A and 15th Street, on the team tracks of the L. & N. Railroad and Southern Railroad. It appears that the producer has been able to have freight rates established by the A. B. and C. Railroad only from Chelsea to the Birmingham district and that no freight rates have been established to any destinations on other railroads. Consequently, the mine does not have an adequate shipping point. It further appears that the length of the haul from the mine to Chelsea is about the same as it is to Birmingham, and that the coals of the Wilson Mine are usually hauled by truck to Birmingham. In the circumstances, the proposal to establish an additional shipping point for the Wilson Mine appears reasonable. Such additional shipping point should be established, however, subject to the restriction that prices established for this mine are not applicable for shipment from the Birmingham shipping point to destinations within the switching limits of Birmingham, Alabama. Also, the shipping point at Chelsea should be kept, for the record discloses that there are possibilities of the sale of locomotive fuel to the A. B. and C. Railroad.

The petition further requests that the shipping point for the coals of the McCarty Coal Company Mine (Mine Index No. 115) of David McCarty be changed from Morris, Alabama, on the L. & N. Railroad, to Coalburg, Alabama, on the Southern Railroad. The record reveals that McCarty has never been able to make arrangements with the L. & N. Railroad to load at Morris, Alabama, and is thus in substance without a shipping point. However, arrangements have been made to load at Coalburg, Alabama, on the Southern Railroad. Consequently, the proposal of the District Board should be adopted.

Upon the basis of the uncontroverted testimony, I find and conclude that the revision of the seam designation and applicable minimum prices of the coals of the Wilson Mine (Mine Index No. 509),[1] the establishment of an additional loading point for said mine, and the change of the rail shipping point of the McCarty Coal Company Mine (Mine Index No. 115), as set forth above, is necessary in order to effectuate the purposes of section 4 II (a) and 4 II (b) of the Act and to comply in all respects with the standards thereof.

Now, therefore, it is ordered, That, commencing fifteen (15) days from the date hereof, § 333.6 (*General prices*) is amended by adding thereto Supplement R, § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: February 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[1] The rail prices requested for the Wilson Mine in Size Groups 8 and 11 were $2.95 and $2.70, respectively. These are apparently in error. To carry out the proper relationship these should be $2.85 and $2.80, respectively.

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 333.6 *General prices*—Supplement R

[Prices F. O. B. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	SHELBY COUNTY, ALA.				
509	River Valley Cahaba Coal Co.	Wilson [1]	1	Wadsworth	25
	JEFFERSON COUNTY, ALA.				
115	McCarty, David	McCarty Coal Co.[2]	1	Pratt	50

[1] Shipping Point: Chelsea, Ala. (for Railroad Fuel only) Railroad: AB&C. Shipping Point: Birmingham, Ala. Railroad: L&N and Sou. (Team Tracks).
This mine shall have the same prices in size groups 1, 7, 9, 10, 13, 17, 18, 22 and 23 on all price tables as listed for mine with Index Number 514. (Docket No. A-631).
This mine shall have the same price in size group 2 on all price tables as listed for mine with Index Number 20.
This mine shall have a price in size groups 6 and 8 on all price tables, 10¢ higher than the prices listed in size groups 7 and 9, respectively, for mine with Index Number 514. (Docket No. A-631).
This mine shall have a price in size group 11 on all price tables, 10¢ under the price listed in size group 10 for mine with Index Number 514. (Docket No. A-631).
This mine shall have the same price in size group 26 on all price tables as listed for mine with Index Number 9.
(These prices not applicable to destinations within the switching limits of Birmingham, Alabama.)

[2] Shipping Point: Coalburg, Ala. Railroad: Southern.

FOR TRUCK SHIPMENTS

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Sub-district	Mine index No.	Seam	Lump: over 3", egg: top size over 6"	Egg: top size 6" and under	Lump: 2" and under	Nut: top size 3" and under; bot. size over ½"		Chestnut: top size 3" and under; bot. size ½" and under		Chestnut: top size 1½" and under; bot. size ½" and under		Run of mine, modified R/M	Resultants: 3" and under		Screenings: 1½" and under		Industrial coal
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
ALABAMA																			
SHELBY COUNTY																			
River Valley Cahaba Coal Co.	Wilson	2	509	Wadsworth	365	365	340	335	315	315	290	300	275	275	260	190	250	175	275

[F. R. Doc. 42-1652; Filed, February 25, 1942; 10:59 a. m.]

[Docket No. A-1267]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 15

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 15; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 335.8 (*Special prices*—(a) *Oklahoma "smithing coal" from production group No. 12*) is amended by adding thereto Supplement R-II, and § 335.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No relief is granted herein for the coals of the Gray Mine (Mine Index No. 1570) of code member James Gray, for the coals of the Hanlin & Lee Mine (Mine Index No. 1571) of the Hanlin & Lee Coal Company nor for the coals of the Floyd Mine (Mine Index No. 1567) of code member C. A. Harbur for the reason set forth in the Order severing that portion of Docket No. A-1267 relating to such coals from the remainder of the docket, designating such portion as Docket No. A-1267 Part II and granting temporary relief therein.

Dated: February 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 *Alphabetical list of code members*—Supplement R-I

[Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use]

Code member	Mine index No.	Mine name	Production group No.	Shipping point	Railroad	Freight origin group No.	Price classification by size group													
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
							Classification, special purpose coal, blacksmithing (see schedule below).														
Hicks, A. L.[1]	681	A. L. Hicks	12	Porum, Okla.	MV	50	A	A	A	A	C	C	C	C	A	C	A	A	------	A	A
Jones, Russell[1]	1325	Greenwood Coal Co.	3	Macon, Missouri	CB&Q	90	A	A	A	A	------	A	------	A	A	A	------	------	------	A	------
Newman, Floyd	1558	------	8	Hartshorne, Okla.	RI	100	A	A	A	A	------	A	------	A	A	A	------	------	------	A	------
Parker Coal Company (Ed. Parker)[1]	1386	Parker	8	McAlester, Okla.	MKT	101	A	A	A	A	------	A	------	A	A	A	------	------	------	A	------

[1] Previously classified as truck mine.
A is Market Area list price as listed in Price Schedule No. 1; C, Minus 10 cents from list price.

§ 335.8 *Special prices*—(a) *Oklahoma "smithing coal" from production group No. 12*—Supplement R-II

Special Purpose Coal Schedule—Part 2

Oklahoma "Smithing Coal" From Production Group No. 12

[Minimum prices f. o. b. mine for coal shipped by rail to destinations as shown]

Size	To Minneapolis and St. Paul, Minn. and M. A. No. 40	To all other destinations
Crushed Mine Run—Bulk	465	500
Crushed Mine Run—Sacked	615	[1] 650
Lump—Over 2½"	515	550

[1] 130 cents per ton may be deducted when buyer furnishes sacks.

FOR TRUCK SHIPMENTS

§ 335.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Production group No.	County	3" lump	½" up	10" x 1½"	10" x 1¼"	3" x 2"	3" x 1¾"	2" x 1¾"	1¼" x 1"	Mine run	3" x 0	1¾" x ¾"	1¾" x ¾ (R)	1¾" x 0 (W)	1¾" x 0 (R)	¾" x 0
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Brittingham, A. F.	1569		2	Linn, Kans.	250	280	250	250	225	210	195	190	210	185	185	170	170	160	95
Fernwood Coal Co. (Joe McQuerry)	1573	Fernwood Coal Co.	11	Tulsa, Okla.	330	330	330	300	------	270	------	160	220	140	180	------	------	115	------
Newman, Floyd	1558	------	8	Latimer, Okla.	435	435	435	395	------	335	------	210	295	165	------	------	------	140	------
Thompson, Joe	1568	Pecan Creek	11	Muskogee, Okla.	330	330	330	300	------	270	------	160	220	140	180	------	------	116	------

[F. R. Doc. 42-1651; Filed, February 25, 1942; 10:58 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER III—BUREAU OF MINES

PART 303—GENERAL LICENSES PERTAINING TO EXPLOSIVES

EXTENSION OF EXPIRATION DATE OF GENERAL LICENSES NOS. 1, 2, 3, 4, AND 5

The expiration date of General License No. 1 (§ 303.1) for manufacturers; General License No. 2, (§ 303.2) for vendors; General License No. 3, (§ 303.3) for purchases; General License No. 4, (§ 303.4) for foremen; and General License No. 5, (§ 303.5) for analysts, educators, inventors. and investigators, all published February 3, 1942[1], is hereby extended as follows:

In the Territories and Island Possessions of the United States, at the close of business on April 1, 1942.

In the continental United States, to the close of business on March 16, 1942.

(Sec. 6, Pub. Law 381, 77th Cong., December 26, 1941)

R. R. SAYERS,
Director.

The foregoing extension is hereby approved and all regulations inconsistent therewith are waived: February 26, 1942.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42–1691; Filed, February 26, 1942; 11:27 a. m.]

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 933—COPPER

Amendment No. 2 to General Preference Rating Order M–9–a as Amended January 7, 1942—To Conserve the Supply and Direct the Distribution of Copper and Copper Base Alloys

Section 933.2 (General Preference Order M–9–a[2] as Amended January 7, 1942) is hereby amended by deleting paragraphs (f) and (g) thereof. (P.D. Reg. 1, as amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This amendment shall take effect as of the date of issuance. Issued this 25th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1673; Filed, February 26, 1942; 9:26 a. m.]

[1] 7 F.R. 649.
[2] 7 F.R. 162, 809, 1105.

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

Amendment No. 1 of Priorities Regulation No. 3

Effective at once, Priorities Regulation No. 3[1] is hereby amended to read as follows:

The following regulation is issued by the Director of Industry Operations to promote the defense of the United States and for the purpose of improving and facilitating the operation of the Priorities System.

§ 944.23 *Priorities Regulation No. 3*—(a) *Adoption of revised forms of Preference Rating Certificates.* On and after February 2, 1942, preference ratings to be assigned by Preference Rating Certificates *may* be assigned, and on and after March 15, 1942, *shall* be assigned, in the manner and subject to the provisions hereinafter set forth, by revised forms of preference rating certificates hereby designated as Preference Rating Certificate PD–1A and Preference Rating Certificate PD–3A, which are hereby adopted in place of the Preference Rating Certificates Forms PD–1, PD–2, PD–3, PD–4, and PD–5: *Provided*, That all Preference Rating Certificates Forms PD–1, PD–2, PD–3, PD–4, and PD–5 duly issued prior to March 15, 1942, are valid and shall continue valid and in effect until termination or expiration by the terms thereof or by the circumstances or conditions of their application, or until hereafter canceled, modified, changed, or amended by the Director of Industry Operations, and any rating assigned by Forms PD–3, PD–4, or PD–5 must on or after, but not before, March 15, 1942 be extended in accordance with the terms of paragraph (c) (4) of this section and on or after said date, all the provisions of this Regulation applicable to Preference Rating Certificates PD–3A and the ratings assigned thereby, shall be equally applicable to said Forms and the ratings assigned thereby.

(b) *Categories for use of prescribed Preference Rating Certificates.* (1) Preference Rating Certificate PD–3A shall be used to assign preference ratings, where appropriate, to deliveries under contracts or purchase orders of the Army, Navy, Coast Guard, Maritime Commission, Coast and Geodetic Survey, Panama Canal, National Advisory Committee on Aeronautics, Civil Aeronautics Authority, Office of Scientific Research and Development, Selective Service System; and may be used, where appropriate, to assign preference ratings to deliveries under Lend-Lease contracts or purchase orders of the Procurement Division of the Department of the Treasury and of the Surplus Marketing Administration of the Department of Agriculture, contracts or purchase orders of, or for the account of, foreign governments, and other contracts or purchase orders as may be prescribed from time to time in Division Administrative Orders issued by the Director of Industry Operations.

(2) Preference Rating Certificate PD–1A shall be used to assign, where appropriate, preference ratings to deliveries under all other contracts and purchase orders; including, where appropriate, Lend-Lease contracts or purchase orders and contracts or purchase orders of, or for the account of, foreign governments.

(c) *Extension of preference ratings to deliveries under contracts and purchase orders and subcontracts and suborders.* (1) Preference ratings assigned by Preferncе Rating Certificates PD–1A and PD–3A may be extended to deliveries under contracts and purchase orders and subcontracts and suborders by endorsing on the purchase order or other equivalent document furnished to the supplier or subsupplier a certification in the form prescribed by the appropriate certificate, filled in and manually signed by an official of the purchasing company duly authorized for such purpose.

(2) In cases where Preference Rating Certificates PD–3A issue under letters of intent and therefore no contract number can be inserted in the space provided in the certification form, reference to a footnote addition shall be inserted and in such footnote the Supply Arm or Bureau of the Army or Navy or other government agency issuing the letter of intent and the date of such letter, together with any identificaton symbol on such letter, shall be stated.

(3) A supplier or subsupplier who has received two or more contracts or purchase orders bearing ratings of the same grade originally assigned by Preference Rating Certificates PD–1A and PD–3A, may include in a single contract or purchase order, and (within the limitations of paragraph (e) of this section) may extend such rating to, any or all of the material which he in turn requires to make delivery in accordance with such contracts or purchase orders or to replace in inventory material so delivered, but must specify in the certification endorsed on such single purchase order or equivalent document all of the Preference Rating Certificate Form Numbers and corresponding Serial Numbers of the ratings which have been so received by him and pursuant to which he is extending the rating. All spaces must be filled in where applicable.

(4) Preference Ratings assigned by Preference Rating Certificates Forms PD–3, PD–4, and PD–5 must, on or after, but not before, March 15, 1942 be extended by endorsing on the purchase order or other equivalent document furnished to the supplier or subsupplier a certification in the form prescribed by Preference Rating Certificate PD–3A provided that the following conditions are complied with:

[1] 7 F.R. 250.

(i) The rating at the time of its extension is assigned by a valid Preference Rating Certificate Form PD–3, PD–4, or PD–5, which has not terminated or expired by its terms or by the circumstances or conditions of its application or has not been canceled, modified, changed or amended in such a way as to invalidate such extension:

(ii) The extension of the rating assigned by a Form PD–3, PD–4 or PD–5 is made subject to all the restrictions and conditions applicable to the extension of a rating assigned by a Preference Rating Certificate PD–3A;

(iii) In the certification form prescribed by Preference Rating Certificate PD–3A the words "applied pursuant to Certificate PD–3A" are eliminated and the words "is hereby applied pursuant to Certificate Form PD–3 (PD–4 or PD–5)" are substituted therefor.

(d) *False statements.* The execution and transmission of the Certification above set forth to a supplier or subsupplier shall be deemed a representation to the War Production Board for the purpose of section 35 (A) of the Criminal Code (18 U.S.C. 80), which makes it a criminal offense to make a false statement or representation to any Department or Agency of the United States as to any matter within its jurisdiction.

(e) *Restrictions on extension of ratings assigned by a Preference Rating Certificate PD–1A or PD–3A.* (1) A supplier or subsupplier may extend the preference rating only to:

(i) Deliveries of material which will itself be ultimately delivered by him or by another supplier pursuant to the original preference rating, or which will be physically incorporated into material to be so delivered, or which will be used within the limitations of paragraphs (e) (1), (2), (3) and (4) of this section to replace in inventory material so delivered;

(ii) Material which is neither greater in quantity nor to be delivered on dates earlier than required to make on schedule a rated delivery or, within the limitations of (2) and (3) below, to replace in inventory material so delivered. Material shall not be deemed to be so required if the rated delivery may be made and a practicable working minimum inventory thereof still retained; and if, in making such delivery, the inventory is reduced below such minimum, the rating may be extended only to the extent necessary to restore the inventory to such minimum.

(2) A supplier or subsupplier who supplies material which he has in whole or in part manufactured, processed, assembled or otherwise physically changed, may not extend the rating to restore his inventory to a practicable working minimum unless he extends the rating before completing the rated delivery which reduces his inventory below such minimum.

(3) A supplier or subsupplier who supplies material which he has not in whole or in part manufactured, processed, assembled or otherwise physically changed may, in restoring his inventory to a practicable working minimum, defer extensions of the rating originally assigned by a Preference Rating Certificate PD–1A or PD–3A for such material until he can place a purchase order or contract for the minimum quantity procurable on his customary terms; *Provided*, That he shall not defer the extension of any rating for more than three months after he becomes entitled to apply it.

(4) Any supplier or subsupplier who receives a contract or purchase order bearing an AA preference rating and who can fill the same out of inventory or goods in process may not extend the AA rating, but may within the limitations of paragraphs (e) (1), (2) and (3) of this section extend an A–1–a rating.

(5) The extension of preference ratings assigned by Preference Rating Certificate PD–3A may be made subject to such additional provisions and conditions as may from time to time be prescribed by the appropriate Supply Arm or Bureau of the Army or Navy, with the approval of the Army and Navy Munitions Board and of the Director of Industry Operations.

(6) Any supplier or subsupplier who extends the preference rating shall be subject to all of the terms and conditions of this section.

(f) *Records, audit and inspection, and reports.* Any person who applies for or extends a preference rating or to whom a preference rating certificate is issued, and any supplier or subsupplier who receives a contract or purchase order bearing a rating, shall maintain such records and shall be subject to such audit and inspection as are provided by Priorities Regulation No. 1 as the same may be amended or supplemented from time to time; and shall make such reports as may be required by the Director of Industry Operations from time to time hereafter.

(g) *Violations.* Any person who wilfully violates any provision of this Regulation or of Preference Rating Certificates PD–1A or PD–3A or who, by any act or omission, falsifies records to be kept or information to be furnished pursuant to this section, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Reproduction of forms.* Preference Rating Certificate Form PD–1A may be reproduced in blank by or for the user thereof, but Preference Rating Certificate Form PD–3A may not be reproduced. Preference Rating Certificate Form PD–1A may be procured from the Division of Industry Operations of the War Production Board or any of the field offices thereof; Preference Rating Certificate Form PD–3A may be procured from the duly authorized contracting and procurement officers and inspectors of the Army and Navy.

(i) *Effective date.* This section shall take effect at once. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 25th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1672; Filed, February 26, 1942; 9:26 a. m.]

PART 960—CHLORINE AND PRODUCTS CONTAINING AVAILABLE CHLORINE

General Preference Order No. M–19 as Amended February 25, 1942—To Conserve the Supply and Direct the Distribution of Chlorine and Products Containing Available Chlorine

Section 960.1 (General Preference Order No. M–19,[1] as amended) is hereby amended to read as follows:

Whereas national defense requirements have created a shortage of chlorine and products containing available chlorine, as hereinafter defined, for the combined needs of defense, private account and export, and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 960.1 *General Preference Order M–19*—(a) *Definitions.* (1) "Chlorine" means gaseous and liquid chlorine;

(2) "Products containing available chlorine" means any product which readily releases chlorine; such products include, but are not limited to, all combinations of chlorine with caustic soda, soda ash, or lime, such combinations being commonly known by one or more of the following names: sodium hypochlorite, liquid bleach, true or high-test calcium hypochlorite, chlorinated lime, chloride of lime, bleaching powder, or sodium chlorite; and also includes solutions of any such products or any mixture containing one percent (1%) or more of any such products;

(3) "Producer" means any person engaged in the production of chlorine or products containing available chlorine, and includes any person who has such materials produced for him pursuant to toll agreement;

(4) "Distributor" means any person who purchases chlorine or products containing available chlorine for resale;

(5) "Supplier" means any producer, distributor or other person who sells or offers for sale chlorine or products containing available chlorine.

(6) "Base period" means the period July 1, 1940, to June 30, 1941.

(b) *Restrictions on use*—(1) *Curtailment in certain uses.* Hereafter the use or consumption by any person of chlo-

[1] 6 F.R. 3730, 6645.

rine and products containing available chlorine shall be, in terms of chlorine or available chlorine content, curtailed or restricted in the following processes to the following quantities:

(i) In the manufacture of pulp and paper, to such quantity of such materials as are or may be required to comply with General Limitations Order No. L–11, or any supplement or amendment thereto,

(ii) In textile bleaching or processing, in any one calendar month commencing with March 1942 to not more than 50% of one-twelfth of such materials consumed by him during the base period.

(iii) In shellac bleaching and processing, in any one calendar month commencing with March 1942 to not more than 75% of one-twelfth of such materials consumed by him during the base period.

(iv) In linen-supply, hotel and commercial laundry operations, in any one calendar month commencing with March 1942 to not more than 10% of one-twelfth of such materials consumed by him during such period.

(v) In the manufacture of sodium hypochlorite solutions for retail sale in containers of one-gallon capacity or less, in any one calendar month commencing with March 1942 to not more than 60% of one-twelfth of such materials consumed by him during the base period.

(vi) In sanitation of swimming pools, other than public and institutional swimming pools, in any one calendar month commencing with March 1942 to not more than 25% of one-twelfth of such materials consumed by him during the base period.

(vii) In the case of any person acquiring chlorine or products containing available chlorine for any use specified in this paragraph (b) (1), but who was not a consumer in the base period, his permitted consumption shall be in the same relative proportions hereinabove indicated but shall be based on his consumption during the month of September 1941 or such other period as may be directed by the Director of Industry Operations.

(2) *Prohibited uses.* Hereafter, the use or consumption by any person of chlorine or of products containing available chlorine is prohibited for any one or more of the following purposes: bleaching of foodstuffs, bleaching of wiping rags and waste, and manufacture of cosmetics and toilet preparations.

(c) *Placing orders.* Anything in Priorities Regulation No. 1, as amended to the contrary notwithstanding:

(1) No producer of chlorine shall, except as the Director of Industry Operations may otherwise direct, accept an order, whether it be that of a distributor, another producer, or a consumer, for delivery of chlorine unless such order has been placed with him on or before the 10th day of the month preceding the month in which delivery is sought, and unless such order is accompanied by Form PD–190 (in duplicate) properly executed by the person placing such an order. The Form PD–190 submitted by a distributor must be accompanied by the original and one copy of each Form PD–190 submitted to him in accordance with paragraph (c) (2) of this section in connection with orders accepted by him.

(2) No distributor of chlorine shall, except as the Director of Industry Operations may otherwise direct, accept an order for delivery of chlorine unless such order has been placed with him on or before the 5th day of the month preceding the month in which delivery is sought and unless such order is accompanied by Form PD–190 (in triplicate) properly executed by the person placing such order.

(3) No producer or distributor of chlorine shall make, and no person shall accept, delivery of chlorine unless and until such Form PD–190 has been properly executed and timely filed in accordance with the provisions of paragraphs (c) (1) and (2) of this section.

(4) Each pulp and paper manufacturer requiring chlorine, either purchased or his own production, in addition to filing Form PD–190 with his supplier as provided in paragraph (c) (1) of this section, shall on or before the 15th day of the month preceding the month in which delivery is sought on said Form PD–190 file with the Pulp and Paper Branch of the War Production Board, Washington, D. C., Form PD–190A (in duplicate) properly executed, which shall list among other things the quantity of chlorine ordered from each supplier, the amount of his requirements to be supplied from his own production, if any, and his estimated distribution by use in pulp and paper manufacture of the total quantity of chlorine ordered from others and produced by himself.

(5) No supplier of products containing available chlorine shall, commencing with March 1, 1942, except as the Director of Industry Operations may otherwise direct, accept an order, whether it be that of a distributor, producer or a consumer, for delivery of such products unless such order is accompanied by Form PD–277, properly executed by the person placing such order. Such order, accompanied by the properly executed Form PD–277, may be placed with supplier at the times and in the manner usually followed by such person in placing orders.

(6) Anything in paragraph (c) to the contrary notwithstanding, no Form PD–190 nor Form PD–277 need accompany any order for chlorine or for products containing available chlorine placed with a supplier for use for potable water treatment and sewage treatment; however, in lieu of such Forms, the following certification, properly executed, should be inscribed on such orders:

It is hereby certified by the undersigned that the chlorine or products containing available chlorine ordered hereon will, upon delivery, be used only for potable water treatment or sewage treatment or both.

Purchaser

By ---
Signature of official

Title

Date

Also anything in paragraph (c) to the contrary notwithstanding, no Form PD–277 need accompany any order placed with retail outlets for products containing available chlorine in liquid form in a container of one-gallon capacity or less or in solid form in a quantity of five pounds or less.

(d) *Withholdings from scheduled deliveries.* (1) Each producer of liquid chlorine in scheduling in each calendar month beginning with February 1942 deliveries of liquid chlorine to be made during the succeeding month shall withhold from scheduling for delivery five percent (5%) of his total estimated production of liquid chlorine for such succeeding month; and except as provided in paragraph (d) (3) of this section no producer shall make commitments for the sale or delivery during such succeeding month with respect to five percent (5%) of such estimated production.

(2) In addition to the chlorine withheld from delivery in accordance with paragraph (d) (1), each producer who normally supplies liquid chlorine for potable water treatment and sewage treatment shall also each month withhold from scheduling for other uses from the succeeding month's production a quantity of liquid chlorine estimated to fulfill requirements for those purposes during such succeeding month. This quantity shall be distributed in such succeeding month for potable water treatment and sewage treatment in accordance with paragraph (e) (3).

(3) No producer shall deliver liquid chlorine as to which commitments may not be made pursuant to paragraph (d) (1) of this section, except upon express instructions of the Director of Industry Operations. If prior to the 15th day of the month in which a producer is required by the provisions of paragraph (d) (1) of this section to withhold deliveries of liquid chlorine, the Director of Industry Operations has issued no instructions with respect to the disposition of such liquid chlorine, or if on such date it appears that any portion of the liquid chlorine estimated to fulfill requirements for potable water treatment and sewage treatment by paragraph (d) (2) of this section will not be required for such purposes in such month, producers may make deliveries of such liquid chlorine without regard to the restrictions contained in paragraphs (b) and (c) of this section, or otherwise, except that the same shall be subject to the provisions of Priorities Regulation No. 1, as amended.

(e) *Delivery schedules.* (1) Each producer of chlorine shall, except as the Director of Industry Operations may otherwise direct, on or before the 15th day of each calendar month, file with the Chemicals and Allied Products Branch of the War Production Board, Washington, D. C., Form PD–191 (in duplicate) properly executed, which shall list among other things a schedule of deliveries of chlorine which such producer proposes to make in the succeeding month, the preference rating, if any, applicable to each delivery, the orders tendered to him for delivery during the succeeding month which he has not scheduled, his estimated production for the succeeding month and the amount of liquid chlorine to be reserved for the succeeding month in accordance with the provisions of paragraphs (d) (1) and (2) of this section. Each original Form PD–191 shall be accompanied by a single copy of each Form PD–190 submitted to the producer and listed on said Form PD–191. After such Forms have been filed with the Chemicals and Allied Products Branch of the War Production Board, any changes of circumstances or matters occurring thereafter affecting the accuracy of the statements contained in such Form PD–191 shall be forthwith reported to the Chemicals Branch of the War Production Board.

(2) On and after February 1, 1942, except as provided in paragraph (e) (3) of this section and except as may be otherwise specifically authorized by the Director of Industry Operations, producers of chlorine shall make no deliveries to any person unless and until the same shall have been authorized to do so by the Director of Industry Operations. Such authorization by the Director of Industry Operations shall be based primarily upon insuring the satisfaction of all defense requirements and providing an adequate supply for essential civilian uses. Each producer of chlorine shall, upon being apprised of the deliveries which have been authorized by the Director of Industry Operations, forthwith notify his customers of the extent of such authorization as the same may affect them. Each distributor shall, upon being apprised by the producer of the extent to which deliveries to such distributor have been authorized by the Director of Industry Operations, forthwith notify his customers of the extent of such authorization as the same may affect them. If, however, by the 25th day of the month preceding the month in which deliveries are to be made, no instructions have been issued by the Director of Industry Operations, producers may make deliveries of chlorine in accordance with, and only in accordance with, the schedules filed by them with the Chemicals and Allied Products Branch of the War Production Board. Nothing in this paragraph contained shall require a Producer as a condition to making delivery of chlorine for a use for potable water treatment or sewage treatment to obtain authorization by the Director of Industry Operations, nor shall a producer or distributor be required to notify his customer to whom delivery is to be made for either such use with respect to any such authorization.

(3) Producers of chlorine shall in their usual manner, and whether directly to the consumer or through their distributors, distribute for potable water treatment and sewage treatment the liquid chlorine withheld in accordance with paragraph (d) (2). In case of distribution through distributors, the distributors must, prior to delivery of chlorine to them for either such purpose, certify that the chlorine so delivered will not be distributed for any use other than potable water treatment or sewage treatment and will not exceed an estimated thirty-day supply for such purposes.

(4) Each distributor of products containing available chlorine, other than a reseller through retail outlets of such products in liquid form in containers of one gallon capacity or less or in solid form in quantities of five pounds or less, shall, on or before the 5th day of each calendar month commencing with April 1942, file with his supplier or suppliers Form PD–278 properly executed, which shall list among other things a schedule of deliveries of such products made by such distributor during the preceding calendar month, the particular product delivered, the use to which such product was devoted, and the inventory of such distributor as of the first day of such calendar month.

(f) *Restrictions on sales and deliveries.* (1) No producer or distributor shall knowingly sell or, directly or indirectly, deliver or cause to be delivered any chlorine, or products containing available chlorine, for any one or more of the uses specified in paragraph (b) (1) of this section in greater quantities than are therein specified or for any prohibited use; and no person shall accept deliveries of such materials for any one or more of the uses specified in paragraph (b) (1) in greater quantities than for permitted consumption and inventory or for any prohibited use.

(2) Nothing herein contained shall be construed to restrict any person to the same product or type of product, be it chlorine or product containing available chlorine, that he has heretofore purchased: *Provided, however,* That the substitution or replacement of any one such product for or by another shall be made only on an equivalent available chlorine basis.

(g) *Assignment of preference ratings.* (1) For purposes of scheduling deliveries, defense orders which have not been assigned a higher preference rating are hereby assigned a preference rating of A–10.

(2) Unless a higher preference rating has been specifically assigned by order or the Director of Industry Operations, and subject to Priorities Regulation No. 1, as amended, orders for chlorine and for products containing available chlorine for the uses (or for the manufacture of products for such uses) set forth below are hereby assigned the preference rating set opposite each such uses as follows:

Use	Preference rating
Potable water treatment	A–2
Sewage treatment	A–2
Hospital, clinic and sanitoria sanitation	A–6
Dairy and other food processing plant sanitation	A–6
Public eating and drinking establishment sanitation	A–6
Public and institutional swimming-pool sanitation	A–6
Sanitation in surgical and medical supplies manufacture	A–6
Diaper laundry sanitation and bleaching	A–6
Manufacture of products for medicinal, surgical, dental and veterinarian uses	A–6
Flour processing	A–9
Sugar refining	A–9
Foodstuff processing and refining other than bleaching not elsewhere classified	A–9
Food preservation	A–9
Use by Industrial, Research & Educational Laboratories	A–10
Manufacture of vitamin products	A–10
Manufacture of insecticides and fungicides	A–10
Manufatcure of catalyst materials	A–10
Industrial water treatment	A–10
Metals refining	A–10
Petroleum production and refining	A–10
Processing of pulps, as follows:	
(a) High alpha pulps (not less than 90% alpha cellulose content)	B–2
(b) Dissolving pulps	B–2
(c) Nitrating pulps	B–2
(d) Pulps used in manufacture of photographic base papers	B–2
(e) Pulps in which Chlorine is a processing rather than a bleaching chemical	B–2
Manufacture of petroleum product additives	B–2
Manufacture of industrial chemicals, coal tar chemicals, dyestuffs and intermediates	B–2
Manufacture of industrial plastics and rubberlike products	B–2
Pulp and paper bleaching not elsewhere classified	B–5
Textile bleaching and processing	B–5
Shellac bleaching and processing	B–5
Laundry operations in linen supply, hotel and commercial laundries	B–5
Packaged products containing available Chlorine for retail sale	B–5
Sanitation of swimming pools not elsewhere classified	B–5
Foodstuff bleaching	Use prohibited
Wiping rag and waste bleaching	Use prohibited
Cosmetics and toilet preparation	Use prohibited

(h) *Intra-company transactions.* The prohibitions or restrictions contained in this section with respect to acceptances of orders and deliveries in the absence of a contrary direction apply not only to acceptances of orders from and deliveries to other persons, including affiliates and subsidiaries, but also to acceptances of orders from and deliveries to one branch, division or section of a single enterprise by or from another branch, division or section of the same or any other enterprise owned or controlled by the same person.

(i) *Inventory restrictions.* No producer, or distributor, shall make, and no person shall accept deliveries of chlorine or products containing available chlorine which will effect an increase (or a further increase) in said person's inventory of chlorine or products containing available chlorine beyond a thirty day supply thereof except as may be necessitated for reason of economic delivery.

(j) *Reports.* Each producer and distributor shall file with the Chemicals and Allied Products Branch of the Materials Division of the War Production Board such reports and questionnaires as said office shall from time to time specify.

(k) *Records.* All persons affected by this section shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(l) *Audit and inspection.* All records required to be kept by this section shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(m) *Appeal.* Any person affected by this section who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may appeal to the Division of Industry Operations by addressing a letter to the Division of Industry Operations, War Production Board, Washington, D. C., setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(n) *Notification of customers.* Producers and distributors shall, as soon as practicable, notify each of their regular customers of the requirements of this section, but failure to give such notice shall not excuse any person from the obligation of complying with the terms of this section.

(o) *Applicability of Priorities Regulation No. 1.* This section and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this section shall govern.

(p) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref: M–19.

(q) *Violations.* Any person who wilfully violates any provision of this section, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this section, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(r) *Effective date.* This section shall take effect upon the date of issuance thereof and shall continue in effect until revoked by the Director of Industry Operations subject to such amendments or supplements thereto as may be issued from time to time by the Director of Industry Operations. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6580; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 25th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1669; Filed, February 26, 1942; 9:24 a. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 6 to Supplementary General Limitation Order L–1–c[1] Restricting Sale and Delivery of Medium and Heavy Motor Trucks and Truck Trailers

Paragraph (a) of § 976.10 (Supplementary General Limitation Order L–1–c) is hereby further amended by adding thereto, immediately following subparagraph (2), the following subparagraph:

(3) *Sales of fire apparatus.* Nothing in this order shall prevent any person from making a sale, lease, trade, loan, delivery, shipment or transfer, or any person from accepting any such sale, lease, trade, loan, delivery, shipment or transfer of any fire apparatus; *Provided:* That a preference rating of A–10 or higher has been issued to and names the specific person seeking to purchase or obtain delivery of such fire apparatus, and that such preference rating is assigned specifically to the delivery of such fire apparatus. For the purpose of this order "fire apparatus" means self-propelled motorized fire apparatus and trailer types of fire apparatus. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6580; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This Amendment shall take effect immediately. Issued this 25th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1670; Filed, February 26, 1942; 9:25 a. m.]

PART 1055—WOOL

Conservation Order No. M–73[2] as Amended and Extended to July 4, 1942 Curtailing the Use of Wool

Whereas the fulfillment of requirements for the defense of the United States has created a shortage of wool for the combined needs of defense, private account, and export; and the supply is, and may continue to be, insufficient for defense and essential civilian requirements, unless its use is curtailed or prohibited as hereinafter provided; and it is necessary in the public interest and to promote the national defense to allocate wool in the manner hereinafter in this Order provided;

Now, therefore, it is hereby ordered, That:

§ 1055.1 *Conservation Order M–73—(a) Restrictions on use of wool for non-defense orders—(1) Curtailment from April 5, 1942 to July 4, 1942.* During the period from April 5, 1942 to July 4, 1942, both dates inclusive:

(i) *Curtailment for non-defense use on worsted system.* No person shall put into process, or cause to be put into process by others for his account for non-defense orders, on the worsted system, more wool owned by such person than 20 percent of his basic quarterly poundage except as provided in paragraph (a) (1) (iii) of this section.

(ii) *Curtailment for non-defense use on woolen, cotton or felt system.* No person shall put into process or cause to be put into process by others for his account for non-defense orders, on the woolen, cotton or felt system, more wool owned by such person than 10 percent of his basic quarterly poundage, except as provided in paragraph (a) (1) (iii) of this section.

(iii) *Curtailment on use of floor covering.* No person shall put into process or cause to be put into process by others for his account for the manufacture of floor covering, or any component part thereof, more carpet wool owned by such person than 25 percent of his basic quarterly poundage or any wool of any other kind.

(iv) *Curtailment for non-defense use on methods of manufacture not otherwise covered.* No person shall put into process or cause to be put into process by others for his account for non-defense orders for manufacture on any system not covered above, more wool owned by such person than 10 percent of his basic quarterly poundage, except as provided in paragraph (a) (1) (iii) of this section.

(b) *Prohibitions against sales or deliveries.* No person shall hereafter sell or deliver any wool to any person if he knows, or has reason to believe, such material is to be used in violation of this section.

(c) *Limitation of inventories.* No person shall receive delivery of wool or products thereof in the form of raw materials, semi-processed wool materials or finished goods containing wool, in quantities which shall result in an inventory of such material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the use of wool by this section: *Provided, however,* That nothing herein contained shall be deemed to restrict the purchase or delivery of any imported wool to the person importing the same either directly or through an agent or to the person to whom such wool may be sold prior to landing in this country.

(d) *Fair distribution of products.* In making sales or deliveries of wool yarns, fabrics, styles, or patterns, no person shall make discriminatory cuts in amounts or quantities in acceptance of orders or deliveries between former customers and new customers who meet such person's regularly established prices and terms, or between former customers, new customers and his own consumption of these products, or any of them.

[1] 7 F.R. 116, 219, 311, 435, 699, 971.
[2] 7 F.R. 120, 543.

(e) *Curtailment of use of wool reprocessed and reused wool in the manufacture of blankets.* During the period from April 5, 1942 to July 4, 1942 no person shall manufacture any blanket for non-defense use containing more than 80 percent of wool, wool waste, noils, or reused and reprocessed wool, in the aggregate.

(f) *Miscellaneous provisions—(1) Priorities Regulation No. 1.* This section and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this section shall govern.

(2) *Assignment of preference rating.* Any order for fabric to be used in the manufacture of the following types of uniforms is hereby assigned a preference rating of A–10 and shall, therefore, be included as a defense order for the purposes of paragraph (a) (1):

(i) U. S. Army Officers
(ii) U. S. Navy Officers and Chief Petty Officers
(iii) U. S. Marine Corps Officers
(iv) U. S. Coast Guard Officers and Chief Petty Officers
(v) U. S. Government Military and Naval Academy and Training School Students
(vi) U. S. Coast and Geodetic Officers
(vii) Maritime Commission Employees

Provided, however, That such purchase order is accompanied by a certificate in duplicate signed on behalf of the person placing such purchase order by a person duly authorized thereto which states the following:

> The undersigned hereby represents that the fabric covered by this purchase order will be either re-sold, or used by the undersigned, for and only for the manufacture of one or more of the types of uniforms specified in paragraph (f) (2) of General Conservation Order No. M–73, as amended and extended to July 4, 1942, and this purchase order is therefore entitled to a preference rating of "A–10".

(3) *Appeal.* Any person affected by this section who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of wool conserved, or that compliance with this section would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board on the form provided therefor setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(4) *Applicability of section.* The prohibtions and the restrictions contained in this section shall apply to the use of wool in all articles hereafter manufactured. In so far as any other order of the Director of Industry Operations may have the effect of limiting or curtailing to a greater extent than herein provided the use of wool in the production of any article, the limitation of such other order shall be observed.

(5) *Violations or false statements.* Any person who violates this section, or who wilfully falsifies any records which he is required to keep by the terms of this section, or by the Director of Industry Operations, or who otherwise wilfully furnishes false information to the Director of Industry Operations or to the War Production Board may be deprived of priorities assistance or may be prohibited by the Director of Industry Operations from obtaining any further deliveries of materials subject to allocation. The Director of Industry Operations may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U. S. C. 80).

(6) *Definitions.* For the purposes of this section:

(i) "Wool" means the fiber from the fleece of the sheep or lamb, or hair of the Angora or Cashmere goat or camel or the alpaca, llama, or vicuna, and related fibers, including wool known as carpet wool, but, (except for the purposes of paragraph (d)) shall not include noils, waste, reprocessed or reused wool, or yarn or cloth.

(ii) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(iii) "Manufacture" means any and all processing on any system beyond the scouring operation, excepting only the carding and combing operations on the worsted system.

(iv) "Put into process" means:

(a) On the worsted system, the first process of drawing after combing,

(b) On any other system using tops, the first change in form from tops including dyeing,

(c) On the woolen, felt, or any other system not using tops, the first step after scouring, carbonizing, dusting or similar cleaning process;

Provided, however, That any person, for each pound of grown mohair (not including kid mohair) or wool of grades 44s and lower put into process or caused to be put into process by others for his account after April 5, 1942 within the limits of subparagraphs (a) (1) (i), (ii), and (iv) shall be entitled to put into process or cause to be put into process by others for his account, except for the manufacture of floor covering:

On the worsted system an additional two pounds of grown mohair (not including kid mohair) or wool of grades 44s and lower.

On the woolen, cotton or felt system an additional five pounds of grown mohair (not including kid mohair) or wool of grades 44s and lower.

(v) "Basic quarterly poundage" for any single system of manufacture shall mean one half of the number of pounds of wool put into process on that system by a person or for his account during the period from December 29, 1940 to June 28, 1941, both inclusive, or for the period from January 1, 1941 to June 30, 1941, both inclusive, according to the method of keeping production records maintained by such person during such period. Such poundage shall be determined as follows:

(a) On the worsted system or any other system using tops, the weight of tops put into process at 15 percent moisture regain, 3¼ percent of oil and natural fats,

(b) On the woolen system, scoured wool at 12 percent moisture,

(c) On the felt or any other system, the weight of wool in the stage immediately preceding putting into process.

(vi) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency or any organized group of persons, whether incorporated or not.

(7) *Reports and records.* (i) Each person who puts wool into process shall file with the Textile Branch, War Production Board, reports or forms to be prescribed by the Director of Industry Operations.

(ii) All persons who put wool into process shall keep and preserve such records as will clearly and adequately show their methods and amounts of consumption hereunder.

(8) *Reports and correspondence.* All applications, statements, or other communications filed pursuant to this section or concerning the subject matter hereof should be addressed to the War Production Board, Washington, D. C., Ref: M–73.

(9) *Effective date.* This section shall take effect April 5, 1942 and shall continue in effect until July 4, 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6580; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 25th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1671; Filed, February 26, 1942; 9:25 a. m.]

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

Schedule II—Pipe Fittings—to Limitation Order No. L–42,[1] Grey Cast Iron, Malleable Iron and Brass and Bronze Pipe Fittings—Simplification

§ 1076.3 *Schedule II to Limitation Order L–42—(a) Definitions.* For the purposes of this Schedule:

[1] 7 F.R. 951.

(1) "Producer" means any person who manufactures, processes or fabricates pipe fittings.

(2) "Pipe Fittings" means all pipe fittings made from grey cast iron, malleable iron and brass or bronze, other than those known as "hydraulic" or "high pressure" pipe fittings.

(b) *Simplified practices.* Pursuant to Limitation Order No. L-42 the sizes and types set forth in the Appendix hereto are hereby established for grey cast iron, malleable iron and brass or bronze pipe fittings.

(c) *Effective date of simplified practices; exceptions.* On and after March 1, 1942, no grey cast iron, malleable iron or brass or bronze pipe fittings which do not conform to the sizes and standards established by paragraph (b) hereof (and set forth in the Appendix hereto) shall be produced or delivered by any producer or accepted by any person from any such producer, except with the express permission of the Director of Industry Operations: *Provided, however,* That the foregoing shall not prohibit the delivery by any producer of such pipe fittings as were in his stock in finished form on March 1, 1942 or which had, on said date, been cast, machined or otherwise processed in such manner that their manufacture in conformity with this Schedule would be impractical, nor the receipt of such pipe fittings from such producer.

(d) *Records covering excepted pipe fittings.* Each producer shall retain in his files records showing his inventory of excepted pipe fittings (by types and sizes) as of March 1, 1942, and such records shall be kept readily available and open to audit and inspection by duly authorized representatives of the War Production Board. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong. 1st Sess.)

Issued this 25th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

APPENDIX TO SCHEDULE II, LIMITATION ORDER L-42, PLUMBING AND HEATING BRANCH, WAR PRODUCTION BOARD

NOTE: (1) *Abbreviations.* SWP stands for steam working pressure; WWP, for water working pressure.

(2) *Sizes.* The fittings listed herein are designated by the nominal pipe size of the pipe with which the fittings are intended to be used. All dimensions are in inches. Reducing tees, three-way reducing elbows, and reducing Y branches, are designated by size in the following order: (1) largest size on the run, (2) opposite size, (3) size of outlet or inlet. Reducing double Y branches are designated by (1) size of run openings, and (2) size of inlets. The last size given for circulating boiler fittings is the inside opening of the boiler end of the fitting. In the case of fittings with side outlets the size of the outlet is given last. The second dimension given for flanges is the outside diameter of the flange.

(3) *Threads.* All fittings have right hand threads, except where otherwise specified.

(4) *Column Markings.* Where columnar spaces are provided, an X in the applicable box indicates that the size specified in the heading is to be retained.

TABLE 1. GREY CAST IRON PIPE FITTINGS—STRAIGHT

[For reducing and other fittings identified by two or more dimensions see table 2]

Kind	Nominal pipe size															
	⅛	¼	⅜	½	¾	1	1¼	1½	2	2½	3	3½	4	5	6	8	10
SCREWED FITTINGS																	
125 lb SWP, Standard:																	
90° elbows	---	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	---
90° elbows, right and left hand	---	---	---	---	X	X	X	X	X	---	---	---	---	---	---	---	---
90° elbows, pitched	---	---	---	X	X	X	X	X	---	---	---	---	---	---	---	---	---
45° elbows	---	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	---
Tees	---	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	---
Crosses	---	---	---	---	X	X	X	X	X	X	X	---	X	---	---	---	---
45° Y bends	---	---	---	---	X	X	X	X	X	X	X	---	X	---	---	---	---
Caps	---	---	---	X	X	X	X	X	X	X	X	---	X	X	X	X	---
Flange unions, standard, gasket type	---	---	---	X	X	X	X	X	X	X	X	X	X	X	X	X	---
250 lb SWP, short pattern:																	
90° elbows	---	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	---
45° elbows	---	---	---	X	X	X	X	X	X	X	X	X	X	X	X	X	---
Tees	---	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	---
Plugs, bushings, locknuts, and floor flanges (see table 5)																	
Drainage fittings:																	
90° elbows	---	---	---	---	---	---	X	X	X	X	X	---	X	X	X	X	X
90° elbows, long turn	---	---	---	---	---	---	X	X	X	X	X	---	X	X	X	---	---
90° elbows, extra long turn	---	---	---	---	---	---	X	X	X	X	X	---	X	---	---	---	---
90° elbows, with 2-inch side outlet	---	---	---	---	---	---	---	---	---	---	---	---	X	---	---	---	---
90° elbows, with 2-inch heel outlet	---	---	---	---	---	---	---	---	---	---	---	---	X	---	---	---	---
90° street elbows	---	---	---	---	---	---	X	X	X	---	---	---	---	---	---	---	---
60° elbows	---	---	---	---	---	---	X	X	X	X	X	---	X	X	X	---	---
45° elbows	---	---	---	---	---	---	X	X	X	X	X	---	X	X	X	X	X
45° elbows, long turn	---	---	---	---	---	---	X	X	X	X	X	---	X	X	X	---	---
45° street elbows	---	---	---	---	---	---	X	X	X	---	---	---	---	---	---	---	---
22½° elbows	---	---	---	---	---	---	X	X	X	X	X	---	X	---	---	---	---
11¼° elbows	---	---	---	---	---	---	X	X	X	X	X	---	X	---	---	---	---
Three-way elbows	---	---	---	---	---	---	X	X	X	---	---	---	---	---	---	---	---
Tees	---	---	---	---	---	---	X	X	X	X	X	---	X	---	---	---	---
Basin tees	---	---	---	---	---	---	X	X	X	X	---	---	---	---	---	---	---
90° Y branches, tee pattern	---	---	---	---	---	---	X	X	X	X	X	---	X	X	X	---	---
90° Y branches, long turn, tee pattern	---	---	---	---	---	---	X	X	X	X	X	---	X	---	---	---	---
90° double Y branches, tee pattern	---	---	---	---	---	---	X	X	X	---	X	---	X	---	---	---	---
90° double Y branches, long turn, tee pattern	---	---	---	---	---	---	X	X	X	---	X	---	X	---	---	---	---
45° Y branches	---	---	---	---	---	---	X	X	X	X	X	---	X	X	X	X	X
45° double Y branches	---	---	---	---	---	---	X	X	X	X	X	---	X	---	---	---	---
P traps	---	---	---	---	---	---	X	X	X	---	X	---	X	---	---	---	---
Bath P traps	---	---	---	---	---	---	---	X	X	---	---	---	---	---	---	---	---
Running traps	---	---	---	---	---	---	X	X	X	---	X	---	X	---	---	---	---
Roof connections	---	---	---	---	---	---	---	X	X	---	X	---	X	---	---	---	---
Tucker connections	---	---	---	---	---	---	X	X	X	---	X	---	X	X	X	---	---
Couplings	---	---	---	---	---	---	X	X	X	X	X	---	X	X	X	X	---
FLANGED FITTINGS																	
125 lb SWP:																	
90° elbows	---	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
90° elbows, long radius	---	---	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
90° base elbows, square or round base	---	---	---	---	---	---	X	X	X	X	X	---	---	---	---	---	---
45° elbows	---	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	---
Side outlet elbows	---	---	---	---	---	---	X	X	X	X	X	---	---	---	---	---	---
Tees, standard or regular sweep	---	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	---
Crosses	---	---	X	X	X	---	X	X	X	X	X	---	---	---	---	---	---
45° laterals	---	---	X	X	X	---	X	X	X	X	X	---	---	---	---	---	---
250 lb SWP:																	
90° elbows	---	---	X	X	X	---	X	X	X	X	X	---	---	---	---	---	---
90° base elbows, round base	---	---	---	---	---	---	X	X	X	X	X	---	---	---	---	---	---
45° elbows	---	---	X	X	X	---	X	X	X	X	X	---	---	---	---	---	---
Tees, standard or regular sweep	---	---	X	X	X	---	X	X	X	X	X	---	---	---	---	---	---
Crosses	---	---	X	X	X	---	X	X	X	X	X	---	---	---	---	---	---
45° laterals	---	---	---	---	X	---	X	X	X	X	X	---	---	---	---	---	---
SPRINKLER FITTINGS																	
175 lb WWP, American Standard:																	
90° elbows, flanged, screwed	---	---	---	---	---	X	---	X	X	X	---	---	---	---	---	---	---
Tees, flanged, screwed, screwed	---	---	---	---	---	X	---	X	X	X	---	---	---	---	---	---	---
Tees, flanged, screwed, flanged	---	---	---	---	---	---	---	X	X	X	---	---	---	---	---	---	---
125 lb SWP, and 175 lb. WWP:																	
90° elbows, short turn, flanged, screwed	---	---	---	X	X	---	X	---	X	---	---	---	---	---	---	---	---
45° elbows, short turn, flanged, screwed	---	---	---	X	X	---	X	X	X	---	---	---	---	---	---	---	---

TABLE 2. GREY CAST IRON PIPE FITTINGS—REDUCING, ETC.

Screwed, 125 lb SWP, Standard

90° reducing elbows

Right hand

⅛ x ⅛	2½ x 1
¼ x ¼	3 x 2½
¾ x ¾	3 x 2
1 x ¾	3 x 1½
1 x ½	3 x 1¼
1¼ x 1	3½ x 3
1¼ x ¾	4 x 3½
1¼ x ½	4 x 3
1½ x 1¼	4 x 2½
1½ x 1	4 x 2
1½ x ¾	5 x 4
2 x 1½	5 x 3
2 x 1¼	5 x 2½
2 x 1	6 x 5
2 x ¾	6 x 4
2½ x 2	6 x 3
2½ x 1½	8 x 6
2½ x 1¼	

Pitched

¾ x ⅜	1½ x 1¼
1 x ¾	2 x 1½
1¼ x 1	

Reducing tees

⅛ x ⅛ x ¾	1½ x 1½ x 2
¼ x ¼ x ⅜	2½ x 2½ x 2
¾ x ¾ x ½	2½ x 2½ x 1½
¾ x ¾ x ¾	2½ x 2½ x 1¼
¾ x ¾ x 1	2½ x 2½ x 1
¾ x ½ x ¾	2½ x 2½ x ¾
¾ x ½ x ½	2½ x 2½ x ½
½ x ½ x ¾	2½ x 2 x 2½
1 x 1 x ¾	2½ x 2 x 2
1 x 1 x ½	2½ x 2 x 1½
1 x ¾ x 1	2½ x 2 x 1¼
1 x ¾ x ¾	2½ x 2 x 1
1 x ½ x ¾	2½ x 2 x ¾
1 x ½ x ½	2½ x 2 x ½
1¼ x ¾ x 1	2½ x 1½ x 2½
1¼ x 1¼ x ¾	2½ x 1½ x 2
1¼ x 1¼ x ½	2½ x 1¼ x 2½
1¼ x 1 x 1¼	2½ x 1¼ x 2
1¼ x 1 x ¾	2½ x 1 x 2½
1¼ x 1 x ½	2½ x ¾ x 2½
1¼ x ¾ x ¾	2½ x ½ x 2½
1¼ x ¾ x ½	2 x 2 x 2½
1¼ x ½ x ¾	3 x 3 x 2½
1¼ x ½ x ½	3 x 3 x 2
1½ x 1¼ x 1¼	3 x 3 x 1½
1½ x 1¼ x 1	3 x 3 x 1¼
1½ x 1 x 1¼	3 x 3 x 1
1½ x 1 x 1	3 x 3 x ¾
1½ x ¾ x ¾	3 x 3 x ½
1½ x ¾ x ½	3 x 2½ x 3
1½ x ½ x ¾	3 x 2½ x 2½
1½ x ½ x ½	3 x 2½ x 2
1½ x 1 x 1½	3 x 2½ x 1½
1½ x 1 x 1¼	3 x 2½ x 1¼
1½ x 1 x 1	3 x 2½ x 1
1½ x ¾ x ¾	3 x 2 x 3
1½ x ¾ x ½	3 x 2 x 2½
1½ x ½ x ½	3 x 2 x 2
1¼ x 1 x 1½	3 x 2 x 1½
1¼ x 1 x 1¼	3 x 1½ x 3
1¼ x 1 x 1	3 x 1¼ x 3
1¼ x ¾ x 1¼	3 x 1 x 3
1¼ x ¾ x 1	3 x ¾ x 3
1¼ x ½ x 1¼	2½ x 2½ x 3
1¼ x 1¼ x 1½	2 x 2 x 3
1 x 1 x 1½	3½ x 3½ x 3
2 x 2 x 1½	3½ x 3½ x 2½
2 x 2 x 1¼	3½ x 3½ x 2
2 x 2 x 1	3½ x 3½ x 1½
2 x 2 x ¾	3½ x 3½ x 1¼
2 x 2 x ½	3½ x 3½ x 1
2 x 1½ x 2	4 x 4 x 3½
2 x 1½ x 1½	4 x 4 x 3
2 x 1½ x 1¼	4 x 4 x 2½
2 x 1½ x 1	4 x 4 x 2
2 x 1¼ x ¾	4 x 4 x 1½
2 x 1¼ x ½	4 x 4 x 1¼
2 x 1¼ x 1	4 x 4 x 1
2 x 1¼ x 1¼	4 x 4 x ¾
2 x 1 x 2	4 x 3 x 4
2 x ¾ x 2	4 x 3 x 3
2 x ½ x 2	4 x 3 x 2½
1½ x 1½ x 2	4 x 3 x 2

TABLE 2. GREY CAST IRON PIPE FITTINGS—REDUCING, ETC.—Continued

Screwed, 125 lb SWP, Standard—Continued

Reducing tees—Continued

4 x 2½ x 4	5 x 2 x 5
4 x 2 x 4	4 x 4 x 5
4 x 2 x 3	6 x 6 x 5
4 x 2 x 2	6 x 6 x 4
4 x 1¼ x 4	6 x 6 x 3
4 x 1¼ x 4	6 x 6 x 2½
4 x 1 x 4	6 x 6 x 2
3 x 2 x 4	6 x 6 x 1½
2½ x 2½ x 4	6 x 6 x 1¼
2 x 2 x 4	6 x 6 x 1
5 x 5 x 4	6 x 5 x 5
5 x 5 x 3	6 x 5 x 4
5 x 5 x 2½	6 x 5 x 3
5 x 5 x 2	6 x 5 x 2½
5 x 5 x 1½	6 x 5 x 2
5 x 5 x 1¼	6 x 4 x 6
5 x 5 x 1	6 x 4 x 5
5 x 4 x 6	6 x 4 x 4
5 x 4 x 4	6 x 3 x 6

Return bends

Close pattern, right hand		Open pattern				Wide pattern, right hand	
		Right hand		Right and left			
Size	Center to center	Size	Center to center	Size	Center to center	Size	Center to center
⅛	1⅛	¾	1⅞	1	2½	1	3
¼	1½	1	2½	1½	3	1¼	4
½	1¾	1¼	3	1½	3½	1½	4
1	2¼	1½	3½			1¾	5
1¼	2½	2	4½			2	6
1½	2¾	2½	5½				
2	3¼	3	6½				

Screwed flanges and blind flanges

1 x 4¾	6 x 11
1½ x 4¾	8 x 13½
1½ x 6	10 x 16
2 x 6	12 x 19
2½ x 7	14 x 21
3 x 7½	16 x 23½
3½ x 8½	18 x 25
4 x 9	20 x 27½
5 x 10	24 x 32

Reducing screwed flanges

1 x 5	3 x 10
1 x 6	4 x 10
1¼ x 6	2 x 11
1½ x 6	2½ x 11
1½ x 7	3 x 11
2 x 7	4 x 11
1½ x 7½	5 x 11
2 x 7½	3 x 13½
2½ x 7½	4 x 13½
3 x 8½	5 x 13½
1½ x 9	6 x 13½
2 x 9	6 x 16
2½ x 9	8 x 16
3 x 9	8 x 19
3½ x 9	10 x 19

Screwed, 250 lb SWP, Short Pattern

Reducing tees

⅜ x ⅜ x ⅛	1½ x 1¼ x 1
1 x 1 x ⅜	1¼ x 1¼ x ¾
1 x 1 x ½	2 x 2 x 1½
1¼ x 1¼ x 1	2 x 2 x 1¼
1¼ x 1¼ x ¾	2 x 2 x 1
1¼ x 1¼ x ½	2 x 2 x ¾

Screwed, 250 lb SWP, Short Pattern—Continued

Screwed flanges and blind flanges

1⅛ x 6⅛	5 x 11
2 x 6½	6 x 12½
2½ x 7½	8 x 15
3 x 8½	10 x 17½
3½ x 9	12 x 20½
4 x 10	

Reducing screwed flanges

2 x 8¼	4 x 12½
2½ x 8¼	5 x 12½
3 x 10	6 x 15
4 x 11	

(For iron plugs, bushings, locknuts, and floor flanges see table 5)

Screwed Drainage Fittings

90° reducing elbows

1½ x 1¾	2 x 1½

Three-way reducing elbows

1¼ x 1¼ x 1½	1½ x 1½ x 2

Reducing tees

1¼ x 1¼ x 1½	3 x 3 x 2
2 x 2 x 1½	3 x 3 x 1½
2 x 2 x 1¼	4 x 4 x 3
2½ x 2½ x 1¼	4 x 4 x 2

TABLE 2. GREY CAST IRON PIPE FITTINGS—REDUCING, ETC.—Continued

Flanged, 250 lb SWP

90° reducing elbows	Taper reducers	Reducing tees—standard or regular sweep
2½ x 2	3 x 2½	6 x 6 x 2
3 x 2½	4 x 2½	6 x 6 x 4
4 x 2½	4 x 3	6 x 6 x 5
4 x 3	5 x 4	8 x 6 x 4
5 x 4	6 x 4	8 x 6 x 5
6 x 4	8 x 4	8 x 8 x 3
6 x 5	8 x 5	8 x 8 x 4
	10 x 6	8 x 8 x 5
	10 x 8	8 x 8 x 6
	12 x 8	10 x 10 x 8
	12 x 10	10 x 10 x 6
		10 x 10 x 5
		10 x 10 x 4
		10 x 8 x 8
		10 x 8 x 6
		10 x 8 x 5
		10 x 8 x 4
		10 x 6 x 6
		10 x 6 x 5
		10 x 6 x 4
		8 x 8 x 10

TABLE 2. GREY CAST IRON PIPE FITTINGS—REDUCING, ETC.—Continued

Flanged, 125 lb SWP—Continued

Eccentric reducers	Reducing tees—standard or regular sweep
3 x 2	2½ x 2 x 1½
4 x 3	3 x 3 x 1½
5 x 4	3 x 3 x 2
6 x 5	4 x 4 x 2
6 x 4	4 x 4 x 2½
8 x 6	4 x 4 x 3
10 x 8	5 x 5 x 2
12 x 10	5 x 5 x 2½
	5 x 5 x 3
	5 x 5 x 4
	6 x 6 x 2
	6 x 6 x 2½
	6 x 6 x 3
	6 x 6 x 4
	6 x 6 x 5
	8 x 8 x 3
	8 x 8 x 4
	8 x 8 x 5
	8 x 8 x 6
	10 x 10 x 8
	10 x 10 x 6
	10 x 10 x 5
	10 x 10 x 4
	10 x 8 x 8
	10 x 8 x 6
	10 x 8 x 5
	10 x 6 x 6
	10 x 6 x 5
	8 x 6 x 4
	6 x 4 x 3
	6 x 3 x 2½

TABLE 2. GREY CAST IRON PIPE FITTINGS—REDUCING, ETC.—Continued

Screwed Drainage Fittings—Continued

90° reducing Y branches, tee pattern	90° reducing Y branches, long turn, tee pattern	90° reducing double Y branches, tee pattern	90° reducing double Y branches, long turn, tee pattern	45° reducing Y branches	45° reducing double Y branches
1¼ x 1¼ x 1¼	1¼ x 1¼ x 1¼	1¼ x 1¼	1¼ x 1¼	1¼ x 1¼ x 1¼	2 x 1½
1½ x 1½ x 1½	1½ x 1½ x 1½	1½ x 1½	1½ x 1½	1½ x 1½ x 1½	
2 x 2 x 1½	2 x 2 x 1½	2 x 1½	2 x 1½	2 x 1½ x 1½	
2 x 2 x 2	2 x 2 x 2	2 x 2	2 x 2	2 x 2 x 1½	
2 x 1½ x 2	2 x 1½ x 2			2½ x 2½ x 1½	
2½ x 2½ x 2	2½ x 2½ x 2			3 x 3 x 1½	
3 x 3 x 2	3 x 3 x 2			3 x 3 x 2	
				4 x 4 x 2	
				4 x 4 x 2½	
				4 x 4 x 3	
				5 x 5 x 2	
				5 x 5 x 2½	
				5 x 5 x 3	
				5 x 5 x 4	
				6 x 6 x 2	
				6 x 6 x 3	
				6 x 6 x 4	
				6 x 6 x 5	
				8 x 8 x 4	
				8 x 8 x 5	
				8 x 8 x 6	
				10 x 10 x 8	
				10 x 10 x 6	
				10 x 10 x 5	
				10 x 10 x 4	
				10 x 8 x 8	
				10 x 8 x 6	
				10 x 8 x 5	
				10 x 8 x 4	
				10 x 6 x 6	
				10 x 6 x 5	
				10 x 6 x 4	
				8 x 6 x 4	
				6 x 4 x 3	
				6 x 3 x 2½	

TABLE 2. GREY CAST IRON PIPE FITTINGS—REDUCING, ETC.—Continued

Screwed Drainage Fittings—Continued

Increasers	90° reducing elbows	Taper reducers	Reducing tees—standard or regular sweep
2 x 1¼	2½ x 2	2½ x 1¼	2½ x 2 x 1¼
3 x 2	3 x 2½	3 x 2	3 x 3 x 1¼
4 x 3	4 x 3	4 x 3	3 x 3 x 2
5 x 4	5 x 4	4 x 2½	4 x 4 x 2
6 x 4	6 x 5	4 x 3	4 x 4 x 2½
		5 x 4	4 x 4 x 3
		6 x 4	5 x 5 x 2
		8 x 5	5 x 5 x 2½
			5 x 5 x 3
			5 x 5 x 4
			6 x 6 x 2
			6 x 6 x 3
			6 x 6 x 4
			6 x 6 x 5
			8 x 8 x 4
			8 x 8 x 5
			8 x 8 x 6
			10 x 10 x 8
			10 x 10 x 6
			10 x 10 x 5
			10 x 10 x 4
			10 x 8 x 8
			10 x 8 x 6
			10 x 8 x 5
			10 x 6 x 6
			10 x 6 x 5
			8 x 6 x 4
			6 x 4 x 3
			6 x 3 x 2½

90° reducing elbows, long radius	Taper reducers	Reducing tees
3 x 2½	6 x 4	6 x 2
4 x 3	8 x 6	6 x 4
5 x 4	10 x 8	6 x 6
6 x 5	12 x 10	8 x 2
		8 x 4
		8 x 6
		8 x 8
		10 x 6
		10 x 8
		10 x 10
		12 x 8
		12 x 10
		12 x 12
		14 x 10
		14 x 12
		14 x 14
		16 x 12
		16 x 16

TABLE 3. MALLEABLE IRON PIPE FITTINGS—STRAIGHT

[For reducing and other fittings identified by two or more dimensions see table 4]

Kind	Nominal pipe size: ⅛	¼	⅜	½	¾	1	1¼	1½	2	2½	3	3½	4	5	6	8	10	12
FITTINGS																		
150 lb SWP, standard, banded:																		
90° elbows		x	x	x	x	x	x	x	x	x	x	x	x	x	---	---	---	---
90° street elbows		x	x	x	x	x	x	x	x	x	---	x	---	---	---	---	---	---
45° elbows		x	x	x	x	x	x	x	x	x	x	x	x	x	---	---	---	---
45° street elbows		x	x	x	x	x	x	x	x	---	---	---	---	---	---	---	---	---
Tees		x	x	x	x	x	x	x	x	x	x	x	x	x	---	---	---	---
Service tees		---	x	x	x	x	x	x	x	---	---	---	---	---	---	---	---	---
Crosses		x	x	x	x	x	x	x	x	x	x	x	x	x	---	---	---	---
45° Y bends		---	---	x	x	x	x	x	x	x	x	---	x	---	---	---	---	---
Couplings		x	x	x	x	x	x	x	x	x	x	x	x	x	---	---	---	---
Couplings, right and left		---	---	---	x	x	x	x	x	x	---	---	---	---	---	---	---	---
Caps		x	x	x	x	x	x	x	x	x	x	x	x	x	---	---	---	---
150 lb SWP, standard, plain:																		
90° elbows		x	x	x	x	x	x	x	x	---	---	---	---	---	---	---	---	---
Side outlet elbows		---	x	x	x	x	x	x	x	---	---	---	---	---	---	---	---	---
Tees		x	x	x	x	x	x	x	x	---	---	---	---	---	---	---	---	---
Four-way tees		---	x	x	x	x	x	x	x	---	---	---	---	---	---	---	---	---
Couplings		x	x	x	x	x	x	x	x	---	---	---	---	---	---	---	---	---
Caps		x	x	x	x	x	x	x	x	---	---	---	---	---	---	---	---	---
Extension pieces		---	---	x	x	x	---	---	---	---	---	---	---	---	---	---	---	---
Drop elbows, female		---	x	x	x	---	---	---	---	---	---	---	---	---	---	---	---	---
Waste nuts		x	x	x	x	x	x	x	x	---	---	---	---	---	---	---	---	---
250 and 300 lb SWP, including AAR: [1] [3]																		
90° elbows		---	A	A	A	A	A	A	A	A	A	A	x	x	x	x	x	x
90° street elbows		---	x	x	A	A	A	A	A	A	A	A	---	---	---	---	---	---
45° elbows		---	A	A	A	A	A	A	A	A	A	A	x	x	x	x	x	x
45° street elbows		---	---	---	A	A	A	A	A	A	A	A	---	---	---	---	---	---
Tees		---	A	A	A	A	A	A	A	A	A	A	x	x	x	x	x	x
Crosses		---	A	A	A	A	A	A	A	A	A	A	x	x	---	---	---	---
Couplings		---	A	A	A	A	A	A	A	A	A	A	---	---	---	---	---	---
Caps		---	A	A	A	A	A	A	A	A	A	A	---	---	---	---	---	---
Plugs, bushings, locknuts, and floor flanges (see table 5).																		
Railing fittings, ball pattern:																		
90° elbows, right hand		---	---	---	x	x	x	x	x	---	---	---	---	---	---	---	---	---
90° elbows, side outlet, right hand		---	---	---	x	x	x	x	x	---	---	---	---	---	---	---	---	---
Tees, right hand		---	---	---	x	x	x	x	x	---	---	---	---	---	---	---	---	---
Tees, right, left, right		---	---	---	x	x	x	x	x	---	---	---	---	---	---	---	---	---
Tees, side outlet, right hand		---	---	---	x	x	x	x	x	---	---	---	---	---	---	---	---	---
Tees, side outlet, right, left, right; side outlet right		---	---	---	x	x	x	x	x	---	---	---	---	---	---	---	---	---
Crosses, right hand		---	---	---	x	x	x	x	x	---	---	---	---	---	---	---	---	---
Crosses, right, right, right, left		---	---	---	x	x	x	x	x	---	---	---	---	---	---	---	---	---
Crosses, side outlet, right hand		---	---	---	x	x	x	x	x	---	---	---	---	---	---	---	---	---
Crosses, side outlet, right, right, right, left; side outlet right hand		---	---	---	x	x	x	x	x	---	---	---	---	---	---	---	---	---
Floor flanges, square, right hand		---	---	---	x	x	x	x	x	---	---	---	---	---	---	---	---	---
Ornaments, ball, male, right hand		---	---	---	x	x	x	x	x	---	---	---	---	---	---	---	---	---
Ornaments, ball, male, left hand		---	---	---	x	x	x	x	x	---	---	---	---	---	---	---	---	---
Ornaments, ball, female, right hand		---	---	---	x	x	x	x	x	---	---	---	---	---	---	---	---	---
GROUND JOINT UNIONS AND UNION FITTINGS																		
150 lb SWP:																		
Unions, female		---	x	x	x	x	x	x	x	x	x	---	---	---	---	---	---	---
Unions, male and female		---	x	x	x	x	x	x	x	x	---	---	---	---	---	---	---	---
90° elbows with female union		---	x	x	x	x	x	x	x	---	---	---	---	---	---	---	---	---
90° elbows with male union		---	x	x	x	x	x	x	x	---	---	---	---	---	---	---	---	---
Tees with female union on run		---	x	x	x	x	x	x	x	---	---	---	---	---	---	---	---	---
Tees with male union on run		---	x	x	x	x	x	x	x	---	---	---	---	---	---	---	---	---
200 lb SWP:																		
90° elbows with female union		---	x	x	x	x	x	x	x	---	---	---	---	---	---	---	---	---
90° elbows with male union		---	x	x	x	x	x	x	x	---	---	---	---	---	---	---	---	---
250 lb SWP:																		
Unions, female		---	x	x	x	x	x	x	x	x	x	---	---	---	---	---	---	---
Unions, male and female		---	x	x	x	x	x	x	x	x	---	---	---	---	---	---	---	---
300 lb SWP, including AAR unions and union fittings: [2]																		
Unions, female	x		A	A	A	A	A	A	A	A	A	---	---	---	---	---	---	---
Unions, male and female		---	A	A	A	A	A	A	A	A	A	---	---	---	---	---	---	---
90° elbows with female union		---	A	A	A	A	A	A	A	A	A	---	---	---	---	---	---	---
90° elbows with male union		---	A	A	A	A	A	A	A	A	A	---	---	---	---	---	---	---
45° elbows with female union		---	A	A	A	A	A	A	A	A	A	---	---	---	---	---	---	---
45° elbows with male union		---	A	A	A	A	A	A	A	A	A	---	---	---	---	---	---	---
Tees with female union on run		---	A	A	A	A	A	A	A	A	A	---	---	---	---	---	---	---
Tees with male union on run		---	A	A	A	A	A	A	A	A	A	---	---	---	---	---	---	---
Tees with female union on outlet		---	A	A	A	A	A	A	A	A	A	---	---	---	---	---	---	---
Tees with male union on outlet		---	A	A	A	A	A	A	A	A	A	---	---	---	---	---	---	---
GASKET-TYPE UNIONS AND UNION FITTINGS																		
150 lb SWP:																		
Unions, female		---	x	x	x	x	x	x	x	x	x	---	---	---	---	---	---	---
90° elbows with female union		---	x	x	x	x	x	x	x	x	x	---	---	---	---	---	---	---
THREE-PART FLANGE UNIONS [3]																		
200 lb SWP:																		
Unions, female	---	---	---	---	---	---	---	---	---	---	---	---	x	x	x	x	---	---
300 lb SWP:																		
Unions, female	---	---	---	---	---	---	x	x	x	x	x	x	x	x	---	---	---	---

[1] Sizes ¼ to 6 inches, inclusive are for 300 lb. SWP, sizes 8 to 12 inches, inclusive, for 250 lb SWP.
[2] Sizes identified by a capital A may be made to conform with specifications of the Association of American Railroads.
[3] A flange union with a separate bolting ring on one half to facilitate alignment of the bolt holes.

TABLE 4. MALLEABLE IRON PIPE FITTINGS—REDUCING, ETC.

150 lb SWP, Standard, Banded

90° reducing elbows

¼ x ⅛	1¼ x ¼
⅜ x ¼	1½ x 1¼
⅜ x ⅛	1½ x 1
½ x ⅜	1½ x ¾
½ x ¼	2 x 1½
¾ x ½	2 x 1¼
¾ x ⅜	2 x 1
¾ x ¼	2 x ¾
1 x ¾	2½ x 2
1 x ½	2½ x 1½
1 x ⅜	3 x 2½
1¼ x 1	3 x 2
1¼ x ¾	4 x 3

90° reducing street elbows

½ x ¾	1½ x 1¼
¾ x ½	1½ x 1
1 x ¾	1½ x ¾
1¼ x 1	2 x 1½
1¼ x ¾	

Reducing tees

¼ x ¼ x ⅛	1½ x 1¼ x ½
⅜ x ⅜ x ¼	1½ x 1 x 1½
⅜ x ⅜ x ⅛	1½ x 1 x 1¼
½ x ½ x ⅜	1½ x 1 x ¾
½ x ½ x ¼	1½ x ¾ x 1¼
½ x ¼ x ⅛	1½ x ½ x 1½
¾ x ¾ x ½	1¼ x 1¼ x 1¼
¾ x ¾ x ⅜	1¼ x 1¼ x 1
¾ x ¾ x ¼	1¼ x 1¼ x ¾
¾ x ½ x ¾	1¼ x 1 x 1¼
¾ x ½ x ½	1¼ x 1 x 1
¾ x ½ x ⅜	1¼ x 1 x ¾
¾ x ½ x ¼	1¼ x ¾ x 1¼
¾ x ¾ x ¾	1¼ x ¾ x 1
½ x ½ x ¾	1 x 1 x 1
1 x 1 x ¾	1 x 1 x ¾
1 x 1 x ½	1 x ¾ x 1
1 x 1 x ⅜	1 x ¾ x ¾
1 x ¾ x 1	1 x ½ x ¾
1 x ¾ x ½	1 x ½ x ½
1 x ½ x ½	1¼ x 1¼ x 1
¾ x ¾ x 1	1¼ x 1 x 1
½ x ½ x 1	1¼ x ¾ x 1
1¼ x 1¼ x 1	1¼ x ¾ x ¾
1¼ x 1 x ¾	1¼ x ½ x 1
1¼ x ¾ x ½	1¼ x ½ x ¾
1¼ x 1¼ x ½	1¼ x ½ x ½
1¼ x 1 x ½	1 x 1 x ¾
1¼ x ¾ x ½	¾ x ¾ x ½

Reducing service tees

1 x 1 x ¾	1¼ x 1¼ x 1⅜
1¼ x 1 x 1¾	1½ x 1 x 1½
1¼ x 1 x 1	2 x 2 x 1
1¼ x ¾ x 1¼	2 x 1½ x 2
1 x 1 x 1¼	

TABLE 4. MALLEABLE IRON PIPE FITTINGS—REDUCING, ETC.—Continued

150 lb SWP, Standard, Banded—Continued

Reducers

¼ x ⅛	1 x ¾
⅜ x ⅛	1¼ x 1
⅜ x ¼	1¼ x ¾
½ x ⅛	1¼ x 1
½ x ¼	1¼ x 1¼
½ x ⅜	1¼ x ¾
¾ x ⅜	1¼ x 1
¾ x ½	1½ x ¾
1 x ¾	1½ x 1
1 x ½	1½ x 1¼
	2 x 1¼
	2 x 1
	2 x ¾

Return bends

Close pattern		Medium pattern		Open pattern	
Size	Center to center	Size	Center to center	Size	Center to center
⅛	1	⅛	1¼	⅛	1½
¼	1⅛	¼	1½	¼	2
⅜	1½	⅜	1⅝	⅜	2½
½	1¾	½	2¼	½	3
¾	2⅛	¾	2½	¾	3½
1	2⅜	1	3	1	4
1¼		1¼		1¼	4½
1½		1½		1½	5
2		2		2	6

150 lb SWP, Standard, Plain

Reducers

¼ x ⅛	⅜ x ¼
⅜ x ⅛	1 x ⅜
⅜ x ¼	1 x ½
½ x ⅜	1 x ¾
¾ x ⅜	1 x ½
¾ x ½	1¼ x 1
1 x ½	1¼ x 1¼
1 x ¾	

300 lb SWP, Including AAR Sizes [1]

90° reducing elbows

¾ x ¾	1¼ x ¾
*¼ x ⅜	*1¼ x 1¼
*¾ x ½	*1½ x 1
¾ x ⅜	*2 x 1½
*1 x ¾	2 x 1¼
1 x ½	*2½ x 2
*1¼ x 1	*3 x 2½

Reducing tees

¾ x ¾ x ¼	1¼ x 1 x 1
*¼ x ¼ x ⅜	1¼ x ¾ x 1¼
¼ x ¼ x ½	*1¼ x 1½ x 1¼
*½ x ¼ x ¾	*1½ x 1½ x 1
½ x ½ x ¼	*1½ x 1¼ x ¾
½ x ½ x ⅜	*1½ x 1½ x 1½
¾ x ¼ x ½	*1½ x 1¼ x 1¼
¾ x ½ x ¾	*2 x 2 x 1½
*¾ x ¾ x ½	*2 x 2 x 1¼
½ x ½ x ¾	*2 x 2 x 1
*1 x 1 x ¾	*2 x 2 x ¾
*1 x 1 x 1½	*2 x 2 x 1½
*1 x 1 x ¾	*2 x 1½ x 2
1 x 1 x 1¼	*2½ x 2½ x 2
*1 x ¾ x 1	*2½ x 2½ x 1½
1 x ¾ x ¾	*2½ x 2 x 2½
1 x 1½ x 1	*3 x 3 x 2½
¾ x ¾ x 1	*3 x 3 x 2
*1¼ x 1¼ x 1	3 x 3 x 1½
*1¼ x 1¼ x ¾	*3 x 2½ x 3
*1¼ x 1¼ x 1½	4 x 4 x 3
*1¼ x 1¼ x 2	4 x 4 x 2½
*1¼ x 1 x 1¼	4 x 4 x 2

[1] Sizes identified by an asterisk (*) may be made to conform with specifications of the Association of American Railroads.

TABLE 4. MALLEABLE IRON PIPE FITTINGS—REDUCING, ETC.—Continued

150 lb SWP, Standard, Banded—Continued

Reducers—Continued

2 x ½	3½ x 3
2½ x 2	3½ x 2½
2½ x 1½	3½ x 2
2½ x 1¼	4 x 3½
2½ x 1	4 x 3
3 x 2½	4 x 2½
3 x 2	4 x 2
3 x 1½	4 x 1½
3 x 1¼	5 x 4
3 x 1	6 x 4

Return bends

Size	Center to center
1	1¼
1	2½
1	3
1¼	2¼
1¼	2½
1¼	3
1½	3
1½	3½
1½	6
2	4
2	6
2	8

(For plugs, bushings, locknuts and floor flanges see table 5.)

300 lb SWP, Ground Joint Union Fittings and Unions, Including AAR Sizes [1]

Reducing tees with female union on run, and Reducing tees with male union on run

*1 x 1 x ¾	*1 x 1 x ¾
*1 x 1 x 1¼	

Air pump unions

*1 x ¾	*2 x 1
*1¼ x 1	*2 x 1¼
*1¼ x 1¼	*2 x 1½

Circulating Boiler Fittings—Gasket or Ground Joint Type

90° elbows with unions
90° elbows without unions
Couplings with unions
Couplings without unions

½ x ½ x 1	¾ x ¾ x 1
¾ x ½ x 1	

TABLE 4. MALLEABLE IRON PIPE FITTINGS—REDUCING, ETC.—Continued

300 lb SWP, Including AAR Sizes—Continued

Reducers

*¾ x ⅜	*1¼ x ¾
*½ x ⅜	*1¼ x ½
½ x ¼	*2 x 1½
*¾ x ⅜	*2 x 1¼
¾ x ½	*2 x 1
¾ x ¾	*2 x ¾
*1 x ¾	*2 x ½
*1 x 1½	*2½ x 2
1 x ¾	2½ x 1½
1 x ½	*3 x 2½
*1¼ x 1	*3 x 2
*1¼ x ¾	*3 x 1¼
*1¼ x ½	4 x 3
*1¼ x 1¼	4 x 2½
*1½ x 1	4 x 2

TABLE 5. IRON PLUGS, BUSHINGS. LOCKNUTS, AND FLOOR FLANGES

Plugs

Kind	Nominal pipe size													
	⅛	¼	⅜	½	¾	1	1¼	1½	2	2½	3	3½	4	5	6	8
Square head:																
Cored				x	x	x	x	x	x	x	x	x				
Solid	x	x	x	x	x	x	x	x	x	x	x	x				
Bar:																
Cored													x	x	x	x
Solid													x	x	x	x
Countersunk		x	x	x	x	x	x	x	x	x	x	x	x			

Hexagon bushings

†⅛ x ¼	†1 x ¾
†⅜ x ⅛	1 x ½
⅜ x ¼	1 x ¾
†½ x ⅛	1 x ⅜
½ x ¼	1 x 1¼
½ x ⅜	†1¼ x 1
†¾ x ⅛	1¼ x ¾
¾ x ¼	1¼ x 1
¾ x ⅜	1¼ x 1¼
¾ x ½	

†Malleable iron or steel. Others, cast iron, malleable iron, or steel.

Hexagon bushings—continued

†1¼ x 1¼	†2½ x 2
1¼ x 1	2½ x 1½
1¼ x ¾	2½ x 1¼
1¼ x ½	2½ x 1
1¼ x ⅜	2½ x ¾
1¼ x ¼	2½ x ½
†2 x 1½	3 x 2½
2 x 1¼	3 x 2
2 x 1	3 x 1½
2 x ¾	3 x 1¼
2 x ½	3 x 1
2 x ¾	3 x ¾
2 x ¼	3 x ½

TABLE 5. IRON PLUGS, BUSHINGS, LOCKNUTS, AND FLOOR FLANGES—Continued

Hexagon bushings—Continued

3½ x 3	5 x 3
3½ x 2½	5 x 2½
3½ x 2	5 x 2
3½ x 1¼	6 x 5
3½ x 1½	6 x 4
3½ x 1	6 x 3½
4 x 3½	6 x 3
4 x 3	6 x 2½
4 x 2½	6 x 2
4 x 2	8 x 6
4 x 1½	8 x 5
4 x 1¼	8 x 4
4 x 1	8 x 3½
5 x 4	8 x 3
5 x 3½	

Face bushings

†¼ x ⅛	†¼ x ¼
†⅜ x ⅛	†⅜ x ⅜
†⅜ x ¼	†½ x ½
†½ x ⅜	†¾ x ¾

TABLE 5. IRON PLUGS, BUSHINGS, LOCKNUTS, AND FLOOR FLANGES—Continued

Face bushings—Continued

†¾ x ¾	†2½ x 1¼
†1 x ¾	†3 x 2½
†1 x 1½	3 x 2
†1 x ⅜	3 x 1¼
†1 x ½	3 x 1¾
†1¼ x 1	†3½ x 3
†1¼ x ¾	3½ x 2½
†1¼ x 1¼	3½ x 2
†1½ x 1	4 x 3
†1½ x 1¼	†4 x 3½
†1½ x ¾	4 x 2½
†1½ x 1½	4 x 2
†2 x 1½	†5 x 4
†2 x 1¼	5 x 3
†2 x 1	†6 x 5
†2 x ¾	6 x 4
†2 x ½	6 x 3
†2½ x 2	†8 x 6
†2½ x 1½	

†Malleable iron or steel. Others, cast iron, malleable iron or steel.

Hexagon locknuts

Kind	Nominal pipe size												
	⅛	¼	⅜	½	¾	1	1¼	1½	2	2½	3	3½	4
Cast iron		x	x	x	x	x	x	x	x	x	x		x
Malleable iron	x	x	x	x	x	x	x	x	x				

Round floor flanges

*¼ x 2 13/16	1 x 4
*⅜ x 3	1¼ x 4
1½ x 3½	1½ x 4½
¾ x 3½	2 x 5½

*Cast iron. Othe s, cast iron and malleable iron.

TABLE 6. BRASS OR BRONZE SCREWED FITTINGS—STRAIGHT

[For reducing and other fittings identified by two or more dimensions see table 7]

Kind	Nominal pipe size											
	⅛	¼	⅜	½	¾	1	1¼	1½	2	2½	3	4
FITTINGS												
125 lb. SWP, standard:												
90° elbows	x	x	x	x	x	x	x	x	x	x	x	x
90° street elbows	x	x	x	x	x	x	x	x	x			
45° elbows	x	x	x	x	x	x	x	x	x	x	x	x
45° street elbows	x	x	x	x	x	x	x	x	x			
Tees	x	x	x	x	x	x	x	x	x	x	x	x
Crosses	x	x	x	x	x	x	x	x	x	x	x	x
45° Y bends			x	x	x	x	x	x	x			
Couplings	x	x	x	x	x	x	x	x	x	x	x	x
Couplings, right and left	x	x	x	x	x	x	x	x	x	x	x	
Caps	x	x	x	x	x	x	x	x	x	x	x	x
250 lb. SWP:												
90° elbows		x	x	x	x	x	x	x	x	x	x	x
45° elbows		x	x	x	x	x	x	x	x	x	x	x
Tees		x	x	x	x	x	x	x	x	x	x	x
Crosses		x	x	x	x	x	x	x	x	x	x	x
Couplings		x	x	x	x	x	x	x	x	x	x	x
Plugs, bushings, locknuts, and floor flanges (see table 8).												
UNIONS AND UNION FITTINGS												
125 lb SWP:												
Unions, female		x	x	x	x	x	x	x	x	x	x	
150 lb SWP:												
Unions, female		x	x	x	x	x	x	x	x	x	x	
200 lb SWP:												
Unions, female	x	x	x	x	x	x	x	x	x			
Unions, female, octagon end	x	x	x	x	x	x	x	x	x	x	x	
Union elbows, female	x	x	x	x	x	x	x	x	x			
250 lb SWP:												
Unions, female		x	x	x	x	x	x	x	x			
300 lb SWP:												
Unions, female		x	x	x	x	x	x	x	x			

TABLE 7. BRASS OR BRONZE SCREWED FITTINGS—REDUCING, ETC.

125 lb SWP, Standard

90° reducing elbows

¼ x ⅛	1¼ x ¾
⅜ x ⅛	1¼ x 1¼
⅜ x ¼	1½ x 1
½ x ⅜	2 x 1½
½ x ¼	2 x 1¼
¾ x ½	2½ x 2
1 x ¾	3 x 2½
1 x ½	3 x 2
1¼ x 1	4 x 3

Reducing tees

¼ x ⅛ x ⅛	1¼ x ¼ x 1¼
⅜ x ⅛ x ⅛	1 x 1 x 1¼
⅜ x ¼ x ⅛	1½ x 1½ x 1¼
⅜ x ¼ x ¼	1½ x 1½ x 1
½ x ⅛ x ⅛	1½ x 1¼ x ¾
½ x ¼ x ⅛	1½ x 1¼ x 1
½ x ¼ x ¼	1½ x 1¼ x 1¼
½ x ⅜ x ⅛	1½ x 1¼ x 1½
½ x ⅜ x ¼	1½ x 1½ x 1
½ x ⅜ x ⅜	1½ x 1 x 1¼
¾ x ¼ x ⅛	1½ x ¾ x 1¼
¾ x ¼ x ¼	1¼ x 1¼ x 1¼
¾ x ¼ x ½	1 x 1 x 1½
¾ x ⅜ x ⅛	2 x 2 x 1½
¾ x ⅜ x ¼	2 x 2 x 1¼
¾ x ⅜ x ⅜	2 x 2 x 1
¾ x ½ x ⅜	2 x 2 x ¾
1 x ¼ x ¼	2 x 2 x ½
1 x ¼ x ½	2 x 1½ x 2
1 x ½ x ¼	2 x 1¼ x 1½
1 x ½ x ½	1¼ x 1¼ x 2
1 x ½ x ¾	2½ x 2½ x 2
¾ x ¾ x 1	2½ x 2 x 2
1¼ x 1½ x 1	2 x 2 x 2½
1¼ x 1¼ x ¾	3 x 3 x 2½
1¼ x 1 x 1¼	3 x 3 x 2
1¼ x 1 x 1	4 x 4 x 3
1¼ x 1 x ¾	4 x 4 x 2
1¼ x ¾ x 1¼	

Reducers

¼ x ⅛	1¼ x ¾
⅜ x ⅛	1½ x 1¼
⅜ x ¼	1½ x 1
½ x ⅜	1½ x ¾
½ x ¼	2 x 1½
¾ x ½	2 x 1¼
¾ x ¾	2 x 1
1 x ¾	2½ x 2
1 x ½	3 x 2½
1¼ x 1	3 x 2
	4 x 3

Return bends

Close pattern		Open pattern	
Size	Center to center	Size	Center to center
⅛	1	⅛	1½
¼	1⅛	¼	2
⅜	1½	⅜	2½
½	1¾	½	3
¾	2⅛	¾	3½
1	2⅜	1	4
1¼		1¼	4½
1½		1½	5
2		2	6

150 lb SWP

Companion flanges

1 x 4¼	2½ x 7
1¼ x 4⅝	3 x 7½
1½ x 6	4 x 9
2 x 6	6 x 11

TABLE 7. BRASS OR BRONZE SCREWED FITTINGS—REDUCING, ETC.—Continued

250 lb SWP

90° reducing elbows

⅛ x ¼	1¼ x ¾
¼ x ⅛	1¼ x 1¼
¼ x ⅜	1¼ x 1
⅜ x ¼	1½ x 1
⅜ x ½	2 x 1½
½ x ¾	

Reducing tees

⅛ x ¼ x ⅜	¼ x ½ x ¾
¼ x ⅛ x ⅜	¼ x 1 x ¾
¼ x ⅜ x ½	¼ x 1 x ½
¼ x ⅜ x ¾	¼ x 1¼ x ¾
⅜ x ¼ x ½	¼ x 1¼ x 1
⅜ x ½ x ¾	¾ x ¾ x ½

TABLE 7. BRASS OR BRONZE SCREWED FITTINGS—REDUCING, ETC.—Continued

250 lb SWP—Continued

Reducing tees—Continued

½ x ¾ x 1	1¼ x 1¼ x 1¼
½ x 1¼ x 1	1½ x 1¼ x 1
¾ x 1½ x ¾	1½ x 1 x 1½
¾ x 1 x 1¼	1¼ x 1¼ x 1½
¾ x 1 x 1	2 x 2 x 1½
¾ x ¾ x 1¼	2 x 2 x 1¼
x 1 x 1¼	2 x 2 x 1
1 x 1¼ x 1¼	2 x 2 x ¾
1 x 1¼ x 1	2 x 2 x ½
1 x 1½ x ¾	2½ x 2½ x 2
1 x 1½ x ½	3 x 3 x 2

(For plugs, bushings, locknuts and floor flanges see table 8)

TABLE 8. BRASS OR BRONZE PLUGS, BUSHINGS, LOCKNUTS AND FLOOR FLANGES

Plugs

Kind	Nominal pipe size											
	⅛	¼	⅜	½	¾	1	1¼	1½	2	2½	3	4
Square head					x	x	x	x	x	x	x	x
Cored					x	x	x	x	x	x	x	x
Solid	x	x	x		x	x	x	x	x	x	x	x
Countersunk												

Hexagon bushings

⅛ x ⅛	1¼ x ¾
¼ x ⅛	1¼ x 1¼
¼ x ⅜	1½ x 1
⅜ x ⅛	1½ x ¾
⅜ x ¼	1½ x 1½
⅜ x ½	2 x 1½
½ x ¼	2 x 1¼
½ x ⅜	2 x 1
¾ x ⅜	2 x ¾
¾ x ½	2 x ½
1 x ¾	2½ x 2
1 x ½	2½ x 1½
1 x ¾	2½ x 1¼
1¼ x 1	2½ x 1
1¼ x ¾	3 x 2½
1¼ x 1½	3 x 2

Hexagon bushings—continued

3 x 1½	4 x 2½
3 x 1¼	4 x 2
4 x 3	4 x 1½

Face bushings

⅛ x ¼	1 x ½
¼ x ⅜	1¼ x 1
⅜ x ½	1½ x 1¼
½ x ¾	2 x 1½
¾ x ½	2 x 1¼
1 x ¾	

Hexagon locknuts

Kind	Nominal pipe size											
	⅛	¼	⅜	½	¾	1	1¼	1½	2	2½	3	4
Locknuts, hexagon	x	x	x	x	x	x	x	x	x	x	x	x

Round floor flanges

¼ x 2⅛	1 x 3⅛
⅜ x 2⅝	1¼ x 4
½ x 3	1½ x 4⅜
¾ x 3¼	2 x 5

[F. R. Doc. 42-1660; Filed, February 25, 1942; 11:56 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1352—FLOOR COVERINGS

TEMPORARY MAXIMUM PRICE REGULATION NO. 3—NOVELTY FLOOR COVERING

In the judgment of the Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942 to establish temporarily as the maximum prices for novelty floor coverings the prices prevailing with respect thereto within five days prior to the issuance of this Regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, Temporary Maximum Price Regulation No. 3 is hereby issued:

§ 1352.101 *Maximum prices for novelty floor coverings.* On and after March 2, 1942, to and including April 30, 1942, regardless of any contract, agreement, lease, or other obligation, no manufacturer or distributor shall sell, offer to sell, deliver or transfer any unit of novelty floor covering at a price higher than the maximum price. The provisions of this section shall not be applicable to sales or deliveries of novelty floor coverings to a purchaser if, prior to March 2, 1942, such novelty floor coverings have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(a) The maximum price for any unit of novelty floor covering offered for sale by the manufacturer or distributor at any time during the period January 1, 1941–March 1, 1942, inclusive, shall be the net price in effect for such unit on February 20, 1942, to the same general class of purchasers.

(b) If the unit of novelty floor covering is offered for sale by the manufacturer or distributor for the first time on or after March 2, 1942, the maximum price shall be a price in line with the net price in effect on February 20, 1942 for the most comparable unit (upon the basis of price, type, quality and other relevant factors) which was offered for sale by him prior to March 2, 1942; and within five days after he first offers such unit for sale, he shall submit to the Office of Price Administration an application on Form 3T1 (copies of which can be obtained from the Office of Price Administration). If the Office of Price Administration should determine that such maximum price was not arrived at in accordance with the provisions of this paragraph, the maximum price shall be such price as it approves in writing; and no sale, offer to sell, delivery or transfer of such unit shall be made thereafter by him at a higher price than that so approved.

(c) If the maximum price cannot be determined by paragraphs (a) or (b) of this section, it shall be such price as is approved in writing by the Office of Price Administration after the submission to it by the manufacturer or distributor of an application on Form 3T2 (copies of which can be obtained from the Office of Price Administration); and no sale, offer to sell, delivery or transfer of such unit shall be made until such approval shall have been given.*

*§§ 1352.101 to 1352.110, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1352.102 *Less than maximum prices.* Lower prices than those set forth in this Temporary Maximum Price Regulation No. 3 may be charged, demanded, paid or offered.*

§ 1352.103 *Evasion.* The limitations set forth in this Temporary Maximum Price Regulation No. 3 shall not be evaded whether by direct or indirect methods in connection with the manufacturing of novelty floor coverings by deterioration of quality, or in connection with an offer, solicitation, agreement, sale or delivery of novelty floor coverings alone or in conjunction with any other commodity or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by decreasing cash discounts, or by any other means.*

§ 1352.104 *Limitation on changes in basic construction.* During the period March 2, 1942–April 30, 1942, inclusive, regardless of any contract, agreement, lease or other obligation entered into before or during that period, no manufacturer shall sell, offer to sell, deliver or transfer any unit of novelty floor covering, differing in basic construction from:

(a) A unit of novelty floor covering offered for sale by him during the period January 1, 1941–March 1, 1942, inclusive; and

(b) A unit of novelty floor covering in any stage of manufacture by him on March 2, 1942:

Provided, That changes may be made in the basic construction of any unit of novelty floor covering referred to in paragraphs (a) or (b) of this Section, with the written approval of the Office of Price Administration, after the manufacturer has submitted to it an application containing (1) the basic construction and proposed price of such unit, and (2) satisfactory evidence that (i) the material previously used is unavailable or prohibitive in cost, or (ii) its use in novelty floor coverings is so restricted by a priority or allocation order or other regulation of a Federal agency as to require the proposed change, and (iii) the change is one calculated to preserve quality.*

§ 1352.105 *Records.* Every manufacturer and distributor, making sales of novelty floor coverings on and after March 2, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the name, number or other designation and the price received for each unit of novelty floor covering, the quantity of each unit sold, and discounts and allowances of any nature given.*

§ 1352.106 *Reports*—(a) *To be submitted by manufacturers.* (1) On or before March 17, 1942, every manufacturer shall submit to the Office of Price Administration (i) a copy of each of his price lists for novelty floor coverings in effect on February 20, 1942, and a statement of any discounts or allowances relating thereto, and (ii) a report on Form 3T3 (copies of which can be obtained from the Office of Price Administration) showing the basic construction and cost details of each unit of novelty floor coverings in each of his price lists in effect on February 20, 1942.

(2) Within fifteen days after first offering for sale (after March 1, 1942) any unit of a novelty floor covering not in his price list in effect on February 20, 1942, but offered for sale by him at any time during the period January 1, 1941–March 1, 1942, inclusive, every manufacturer shall submit to the Office of Price Administration a report showing the maximum price of each such unit as determined by § 1352.101 (a) and a report on Form 3T4 (copies of which can be obtained from the Office of Price Administration) showing the basic construction and cost details of each such unit.

(b) *To be submitted by distributors.* (1) On or before March 17, 1942, every distributor shall submit to the Office of Price Administration a copy of each of his price lists for novelty floor coverings in effect on February 20, 1942, and a statement of any discounts or allowances relating thereto.

(2) Within fifteen days after first offering for sale (after March 1, 1942) any unit of novelty floor covering not in his price list in effect on February 20, 1942, but offered for sale by him at any time during the period January 1, 1941–March 1, 1942, inclusive, every distributor shall submit to the Office of Price Administration, a report showing the maximum price for each such unit as determined by § 1352.101 (a).

(c) *Other reports.* Persons affected by this Temporary Maximum Price Regulation No. 3 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1352.107 *Enforcement.* (a) Persons violating any provision of this Temporary Maximum Price Regulation No. 3 will be subject to the civil and criminal penalties provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Temporary Maximum Price Regulation No. 3 or of any regulation or order issued by the Office of Price Administration or of any acts or practices which constitute or will constitute such a violation are urged to communicate with the nearest Field or Regional Office or the principal office of the Office of Price Administration in Washington, D. C.*

§ 1352.108 *Petitions for amendment.* Persons seeking modification of any provision of this Temporary Maximum Price Regulation No. 3 or an adjustment or exception not provided for elsewhere therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.*

§ 1352.109 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 3:

(1) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) The term "manufacturer" means a person operating a factory, plant, or mill which manufactures any novelty rugs.

(3) The term "distributor" means a person who resells novelty floor coverings to any person other than the ultimate consumer, whether he resells such novelty floor coverings as a distributor, jobber, agent, broker, or importer, and includes a person who resells both to ultimate consumers and others.

(4) The term "net price in effect" means (i) the price quoted in a price list used by the particular manufacturer or distributor in offering for sale a unit of novelty floor covering (or in case there is no such price list, the price regularly quoted by the particular manufacturer or distributor in any other manner) less all discounts and allowances, except cash discounts; or (ii) in case there is no price list or price regularly quoted in any other manner, the price (less all discounts and allowances, except cash discounts) at which the particular unit of novelty floor covering was sold or contracted to be sold.

(5) The term "floor covering" means a floor covering in a manufactured state used as a rug, mat, carpet, or other floor decoration.

(6) The term "novelty floor covering" means:

(i) Any flat woven floor covering manufactured of cotton, wool, rayon, jute, flax, rags, or coir;

(ii) Any braided floor covering manufactured of cotton, wool, rayon, jute, flax, or rags;

(iii) Any tufted floor covering manufactured of cotton, wool, or rayon;

(iv) Any stitched floor covering manufactured of cotton, wool, rayon, or rags;

(v) Any hooked floor covering manufactured of cotton, wool, rayon, jute, or rags;

(vi) Any felted floor covering manufactured of cotton, wool, or rayon;

(vii) Any woven pile (cut or uncut) floor covering manufactured of cotton, rayon, jute, coir, or rags (other than wool).

(7) The term "unit" means a novelty floor covering offered for sale as a distinct item.

(8) The term "basic construction" means:

(i) In the case of a flat woven floor covering, (*a*) construction specifications, which include size, weave, warp ends, picks, weight and, (*b*) material specifications, which include warp yarn, filler material and stuffer, by size, ply, type and weight, and type of dye used;

(ii) In the case of a braided floor covering, (*a*) construction specifications which include size, type of braid, method of sewing, weight and, (*b*) material specifications which include filler material and braided material by size, ply, type and weight, and type of dye used;

(iii) In the case of a tufted floor covering, (*a*) construction specifications which include size, pile weight, stitches per inch, rows per inch, weight and, (*b*) material specifications which include backing material and pile yarn by size, ply, type, and weight, and type of dye used;

(iv) In the case of a stitched floor covering, (*a*) construction specifications which include size and weight and, (*b*) material specifications which include backing material and pile or surface material by size, ply, type and weight, and type of dye used;

(v) In the case of a hooked floor covering, (a) construction specifications which include size, pile height, weight, method of hooking, and, (b) material specifications which include backing material and pile material by size, ply, type and weight;

(vi) In the case of a felted floor covering, (a) construction specifications which include size, method of felting, method of applying design, weight, and (b) material specifications which include component parts by type, and weight;

(vii) In the case of a woven pile floor covering, (a) construction specifications which include size, weave, pitch, rows per inch, shot, frames, pile height and, (b) material specifications which include yarn material by size and ply.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1352.110 *Effective period of the Regulation.* This Temporary Maximum Price Regulation No. 3 (1352.101 to 1352.110, incl.) shall become effective March 2, 1942, and shall, unless earlier revoked or replaced, expire April 30, 1942.

Issued this 25th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1667; Filed, February 25, 1942; 3:22 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER I—COAST GUARD, DEPARTMENT OF THE NAVY

PART 7—ANCHORAGE AND MOVEMENTS OF VESSELS AND THE LADING AND DISCHARGING OF EXPLOSIVE OR INFLAMMABLE MATERIAL, OR OTHER DANGEROUS CARGO

Pursuant to the authority contained in section 1, Title II of the Act of June 15, 1917, 40 Stat. 220 (50 U.S.C. 191), as amended by the Act of November 15, 1941 (Public Law 292, 77th Congress), and by virtue of the Proclamation and Executive Order issued June 27, 1940 (5 F.R. 2419) and November 1, 1941 (6 F.R. 5581), respectively, the Rules and Regulations Governing the Anchorage and Movements of Vessels and the Lading and Discharging of Explosive or Inflammable Material, or Other Dangerous Cargo, approved October 29, 1940 (5 F.R. 4401), as amended, are hereby further amended as follows:

Section 7.10 (c) (18) [1] is amended by adding the following subparagraphs:

§ 7.10 *Anchorage regulations for certain ports of the United States.*

• • • • •

(c) • • •

(18) • • •

Manhasset Bay, New York; South Anchorage at Port Washington. The portion of the Port of New York, Long Island Sound Anchorage No. 4 northward of latitude 40°49'06"; eastward of a line ranging 346° true from the flagpole on the end of the Whitney Dock at Plandome to the flagpole on the Columbia Yacht Club pier at Manorhaven; and southward of a line (latitude 40°49'21") ranging due east to the flagpole on the dock of the Port Washington Yacht Club. (See U.S.C. & G.S. Chart No. 223).

Manhasset Bay, New York; North Anchorage at Port Washington. The portion of the Port of New York, Long Island Sound Anchorage No. 4 northward of a line (latitude 40°49'28") ranging due west from the southwest corner of the boat sheds on the Purdy Boat Company pier at Port Washington; eastward of a line ranging 346° true from the flagpole on the end of the Whitney Dock at Plandome to the flagpole on the pier of the Columbia Yacht Club at Manorhaven; southeastward of a line ranging 63° true to the cupola of the old Sands Point schoolhouse at Port Washington; and southward of a line (latitude 40°49'51") ranging due east to the weather vane of the Port Washington Junior High School: Except, that no vessel shall anchor without lights within 100 feet of the buoyed east-west channel leading to the town dock at Port Washington and to Mill Pond. (See U.S.C. & G.S. Chart No. 223).

Manhasset Bay, New York; Anchorage at Manorhaven. The portion of the Port of New York, Long Island Sound Anchorage No. 4 westward of a line (longitude 73°42'53") ranging due south from the end of the Town of North Hempstead pier at Manorhaven; northward of a line ranging 233° true from the intersection between the shore and the northerly line of Corchang Avenue (extended) on Tom Point to Black Can Buoy No. 3; and eastward of a line (longitude 73°43'11") ranging due north to the west wall of the locker house on the Copp Estate at Manorhaven. (See U.S.C. & G.S. Chart No. 223).

Chesapeake and Delaware Canal, easterly of Courthouse Point, Maryland. Southerly of a line joining the northermost extremity of Courthouse Point and the westermost point of Herring Island; westerly of a line bearing due south from the westermost point of Herring Island; and northerly and easterly of the shore line.

JAMES FORRESTAL,
Acting Secretary of the Navy.

Approved:

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
Feb. 10, 1942.

[F. R. Doc. 42-1637; Filed, February 25, 1942; 9:55 a. m.]

[1] 6 F.R. 5255.

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER III—GRAZING SERVICE

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

ADDITION TO OREGON GRAZING DISTRICT NO. 2 [1]

Under and pursuant to the provisions of the act of June 28, 1934, 48 Stat. 1269, U.S.C., title 43, secs. 315, *et seq.*, as amended, commonly known as the Taylor Grazing Act, and subject to the limitations and conditions therein contained, Oregon Grazing District No. 2, as established and defined by departmental orders of July 9, 1935, December 7, 1936, February 8, 1937, February 17, 1938, January 28, 1939, October 14, 1940, and July 1, 1941, is hereby augmented to include all vacant, unappropriated, and unreserved public lands, all lands withdrawn for other purposes which may hereafter be included in the district in accordance with the provisions of section 1 of the Taylor Grazing Act by approval of the head of the Department having jurisdiction thereover, all lands hereafter acquired by lease under the provisions of the act of June 33, 1938, 52 Stat. 1033, U.S.C., title 43, secs. 315 m-1 *et seq.*, commonly known as the Pierce Act, not excluding lands withdrawn by Executive Order of November 26, 1934 (No. 6910), and all lands placed under Interior Department administration by Executive Order of February 12, 1942 (No. 9061), within the following-described legal subdivisions:

OREGON

WILLAMETTE MERIDIAN

T. 28 S., R. 12 E.,
Sec. 36, all;
T. 27 S., R. 13 E.,
Sec. 22, E½;
Sec. 27, E½;
T. 29 S., R. 13 E.,
Sec. 16, E½;
T. 29 S., R. 14 E.,
Sec. 8, W½;
Sec. 16, SE¼;
Sec. 17, N½;
Sec. 18, N½;
T. 29 S., R. 15 E.,
Sec. 13, SE¼;
Sec. 24, S½;
Secs. 25 and 26;
Sec. 27, S½;
Sec. 28, S½;
T. 29 S., R. 16 E.,
Secs. 19, 20, 27, 28, 29, and 30;
Sec. 35, N½, SE¼;
T. 30 S., R. 16 E.,
Sec. 2, E½;
Sec. 11, E½;
T. 33 S., R. 17 E.,
Sec. 23, N½;
Sec. 24, N½;
T. 33 S., R. 18 E.,
Sec. 19, S½;
Secs. 27, 28, 29, 32, 33, and 34;
T. 34 S., R. 18 E.,
Secs. 3 and 4.

[1] Affects tabulation in § 502.1e.

The Federal Range Code, as revised, shall be effective as to the lands embraced herein from and after the date of the publication of this order in the FEDERAL REGISTER.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

JANUARY 9, 1942.

[F. R. Doc. 42-1676; Filed, February 26, 1942; 9:33 a. m.]

TITLE 46—SHIPPING

CHAPTER II—UNITED STATES MARITIME COMMISSION

[Amendment No. 3]

PART 291 [1]—REGULATIONS FOR THE GOVERNMENT OF THE UNITED STATES MARITIME SERVICE

The regulations for the government of the United States Maritime Service, approved by the Commission on September 5, 1939, as amended, are hereby further amended, as follows:

Article I, section 2, paragraph 4 (Establishment of service—§ 291.1 of Title 46 of the Code of Federal Regulations), is amended to read:

§ 291.1 *Establishment of service.* Enrollment and training in the United States Maritime Service shall be voluntary and shall be open to all licensed and unlicensed personnel of the United States merchant marine who comply with the requirements prescribed by the Commission as well as to young American citizens between the ages of 18 and 30 years who desire to train for service in the American Merchant Marine and who qualify for such training under regulations prescribed by the Commission. In the selection of applicants for enrollment no discrimination shall be practiced because of the applicant's race or creed, or because of membership or nonmembership in any organization. Eligibility for enrollment shall be determined by the Commandant of the Coast Guard in accordance with rules and regulations prescribed by the Commission.

Article III, section 3 (a) (Enrollment; original and regular—§ 291.33 of Title 46 of the Code of Federal Regulations) is amended to read:

§ 291.33 *Enrollment; original and regular.* (a) All original enrollments, except for apprentice seamen, shall be deemed probational for a period not to exceed three months, unless otherwise prescribed by the Commandant.

Article III, section 5 (Disenrollment; voluntary and involuntary—§ 291.35 of Title 46 of the Code of Federal Regulations) is amended by adding to paragraph (b) (2) the sentence:

When computing any 36-month period under this subsection, active duty in the military or naval establishments of the United States, or on administrative duty with the Maritime Service, shall be excluded.

so that this subparagraph, as now amended, shall read:

§ 291.35 *Disenrollment; voluntary and involuntary.*

• • • • •

(b) • • •

(2) For failure to serve 24 months in any period of 36 consecutive months on merchant vessels of the United States, provided that an enrollee shall be disenrolled for failure to serve 15 months in any such period of 36 months on merchant vessels of the United States. When computing any 36-month period under this subsection, active duty in the military or naval establishments of the United States, or on administrative duty with the Maritime Service, shall be excluded.

Article IV, section 1 (a), (Rates of Pay—§ 291.41 of Title 46 of the Code of Federal Regulations) is amended by changing the monthly rate of pay of a Chief Warrant Officer from $200.00 to $166.67, other rates remaining unchanged.

Section 1 (b) of the same article is amended to read:

§ 291.41 *Rates of pay.*

• • • • •

(b) A regular enrollee of the grade of Warrant Officer or above detailed by the Commandant to administrative duty or to duty as an instructor, shall, while so detailed, receive in addition to authorized pay the allowances prescribed for Commissioned and Warrant Officers of the United States Coast Guard Reserve of similar grade or rank. These allowances are as follows:

	Allowances with dependents		Allowances without dependents	
	Rental	Subsistence	Rental	Subsistence
Lieutenant commander	$100.00	$54.00	$60.00	$18.00
Lieutenant	80.00	36.00	60.00	18.00
Lieutenant (j. g.)	60.00	36.00	40.00	18.00
Ensign	40.00	18.00	40.00	18.00
Chief warrant officer	60.00	36.00	40.00	18.00
Warrant officer	40.00	18.00	40.00	18.00

A regular enrollee below the grade of Warrant Officer shall, while detailed by the Commandant to administrative duty or to duty as an instructor, receive additional pay not exceeding 40 per cent (40%) of the pay of his grade as prescribed in section 1 (a) of this article.

Article IV, section 5 (b) (Pay periods—§ 291.45 of Title 46 of the Code of Federal Regulations), as amended, is further amended by inserting in the last sentence thereof after the word "capacity" and before the word "shall" the following:

with the Maritime Service or on active duty in the military or naval establishments of the United States • • •

so that this paragraph, as now amended, shall read:

§ 291.45 *Pay periods.*

• • • • •

(b) Each regular enrollee who has served a minimum of eight months within each 12-month regular enrollment period (or 16 months in each regular enrollment period of 24 months, or 24 months in each regular enrollment period of 36 months) of his regular enrollment on merchant vessels of the United States and whose service on active duty in the Maritime Service complies with prescribed standards shall be entitled to one month's pay of his rank or rating in the Maritime Service for each such 12-month period, such retainer pay to be in addition to his pay for active duty, and to become payable only upon the submission to the Commandant of satisfactory proof of the minimum service hereinabove required, provided that in any computation of regular enrollment periods or service for retainer pay purposes, all service on active duty in an administrative capacity with the Maritime Service or on active duty in the military or naval establishments of the United States shall be excluded.

Article IV, section 6 (f) (Transportation and Travel—§ 291.46 of Title 46 of the Code of Federal Regulations) is hereby rescinded.

Article IV, section 6 (g) is amended to read:

§ 291.46 *Transportation and travel.*

• • • • •

(g) The Commandant shall prescribe the travel allowances and transportation in kind for probationary enrollees originally enrolled as apprentice seamen in connection with their original enrollment, release from active duty, or disenrollment, and shall have authority to transport them to such place or places as may be determined to be for the interest of the Government, under such instructions as he may prescribe.

Article VI, section 1 (Original Enrollment—§ 291.61 of Title 46 of the Code of Federal Regulations) is amended to read:

§ 291.61 *Original enrollment.* Each original enrollment in a grade above apprentice seaman shall be for a period of three months on active duty unless otherwise prescribed by the Commandant.

By Order of the United States Maritime Commission.

[SEAL] W. C. PEET, JR.,
Secretary.

JANUARY 30, 1942.

[F. R. Doc. 42-1668; Filed, February 25, 1942; 3:57 p. m.]

[1] 4 F.R. 3995, 4887; 5 F.R. 1655.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-778]

PETITION OF WALLACE COAL COMPANY FOR TEMPORARY REVISION OF MINIMUM PRICES ESTABLISHED FOR RAILROAD LOCOMOTIVE FUEL, MINE INDEX NO. 182, DISTRICT NO. 10, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITION

An Order to Show Cause Why Petition Should Not Be Dismissed having been issued on January 27, 1942, in the above-entitled matter and scheduling a hearing thereon on February 26, 1942; and

The original petitioner having subsequently moved that its petition in the above-entitled matter be dismissed, without prejudice, and without further hearing;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be, and it hereby is, dismissed, without prejudice, and that the proceedings in the above-entitled matter be closed.

Dated: February 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1676; Filed, February 26, 1942; 10:27 a. m.]

[Docket No. A-1298]

PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 9 FOR ALL SHIPMENTS EXCEPT TRUCK

[Docket No. A-1298, Part II]

PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 266 AND FOR A CHANGE IN SHIPPING POINT FOR THE COALS OF MINE INDEX NO. 984, IN DISTRICT NO. 9, FOR ALL SHIPMENTS EXCEPT TRUCK

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1298 PART II FROM DOCKET NO. A-1298 AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1298 PART II

The original petition in the above-entitled matter filed with this Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the establishment of temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 9.

As was found in a separate Order issued in Docket No. A-1298, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except in so far as the establishment of price classifications and minimum prices for the coals of Mine Index No. 266 or O. T. Rice & Ben DeJarnette for rail shipments originating at Hawesville, Kentucky, and the establishment of an additional shipping point at Drakesboro, Kentucky, for the coals of Mine Index No. 984 of Paradise Mining Company (W. C. Bates) are concerned.

It appears that no price classifications and minimum prices should be established for the coals of Mine Index No. 266 of O. T. Rice & Ben DeJarnette for rail shipments originating at Hawesville, Kentucky, without a hearing for the reason that no freight rates for coal shipments from this point have been published.

The original petition does not set forth sufficient facts to warrant the establishment of an additional shipping point at Drakesboro, Kentucky, for the coals of Mine Index No. 984 of Paradise Mining Company (W. C. Bates) and it appears that a hearing should be ordered to determine the necessity of this additional shipping point.

Now, therefore, it is ordered, That the portion of Docket No. A-1298 relating to Mine Index No. 266 of O. T. Rice & Ben DeJarnette and to the establishment of an additional shipping point at Drakesboro, Kentucky, for the coals of Mine Index No. 984 of Paradise Mining Company (W. C. Bates) be and the same hereby is severed from the remainder of Docket No. A-1298 and designated as Docket No. A-1298 Part II.

It is further ordered, That a hearing in Docket No. A-1298 Part II under the applicable provisions of said Act and the rules of the Division be held on March 18, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 13, 1942.

All persons are hereby notified that the hearing in Docket No. A-1298 Part II and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 9 for the establishment of price classifications and minimum prices for the coals of Mine Index No. 266 of O. T. Rice & Ben DeJarnette for rail shipments originating at Hawesville, Kentucky, and the establishment of an additional shipping point at Brakesboro, Kentucky, for the coals of Mine Index No. 984 of Paradise Mining Company (W. C. Bates), code members in District No. 9.

Dated: February 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1677; Filed, February 26, 1942; 10:27 a. m.]

Bureau of Reclamation.

RECOMMENDATION OF THE BOULDER CANYON PROJECT WAGE BOARD TO THE SECRETARY OF THE INTERIOR

Correction

The wage rate for "Blacksmith" in the table in the first column on page 1515 of the issue for Wednesday, February 25, 1942, should read "1.37½" in both columns of the table.

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 661]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 16, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
South Carolina 2019D1 Laurens	$12,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-1690; Filed, February 26, 1942; 11:18 a. m.]

[Administrative Order No. 662]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 16, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project Designation:	*Amount*
North Dakota 2008D1 Benson	$284,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-1689; Filed, February 26, 1942; 11:18 a. m.]

[Administrative Order No. 663]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 16, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Missouri 2038C1 Reynolds	$285,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-1688; Filed, February 26, 1942; 11:18 a. m.]

[Administrative Order No. 664]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 16, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Kentucky 2052E1 Fleming	$64,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-1687; Filed, February 26, 1942; 11:18 a. m.]

[Administrative Order No. 665]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 16, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Michigan 2040G3 Allegan	$10,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-1686; Filed, February 26, 1942; 11:18 a. m.]

[Administrative Order No. 666]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 16, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Alaska 2002A2 Matanuska	$47,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-1685; Filed, February 26, 1942; 11:18 a. m.]

[Administrative Order No. 667]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 16, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Delaware 2002D2 Sussex	$60,000
Illinois 2039B2 Fulton	35,000
Illinois 2043B3 Pulaski	20,000
Indiana 2044A2 Allen	25,000
Iowa 2038D2 Pocahontas	20,000
Iowa 2040C3 Marion	18,000
Iowa 2052C2 Howard	30,000
Mississippi 2023E3 Copiah	30,000
Pennsylvania 2019B2 Warren	9,000
Tennessee 2009K2 Macon	65,000
Washington 2031A2 Chelan	8,000
Wisconsin 2035E2 Richland	20,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-1684; Filed, February 26, 1942; 11:17 a. m.]

[Administrative Order No. 668]

CHANGE IN ALLOCATION DESIGNATIONS

FEBRUARY 16, 1942.

Inasmuch as Northern Idaho Rural Electrical Rehabilitation Association, Inc., has assumed the entire indebtedness to United States of America of Sanders Electric Cooperative, Inc., arising out of the loans made by United States of America pursuant to the Rural Electrification Act of 1936, as amended, I hereby amend the Administrative Orders designated below to change the allocation designations specified therein as follows:

Project designation	Administrative order No.	Administrative order Date	Amount of allocation	Amount of allocation Advanced	Amount of allocation Not advanced	New project designation
Montana 11 Sanders	19	Sept. 19, 1936	$70,000	$70,000		Idaho 4 Bonner (Montana 11 Sanders).
Montana 11B Sanders	65	Apr. 5, 1937	15,000	15,000		Idaho 4 Bonner (Montana 11B Sanders).
Montana 8011C Sanders	170	Dec. 6, 1937	9,000	9,000		Idaho 4 Bonner (Montana 8011C Sanders
Montana 0011W1 Sanders.	389	Sept. 11, 1939	5,000	612		Idaho 4 Bonner (Montana 0011W1 Sanders).
					$4,388	Idaho 000482 Bonner.
Montana 0011D1 Sanders.	398	Oct. 6, 1939	29,000	22,573.54		Idaho 4 Bonner (Montana 0011D1 Sanders).
					6,426.46	Idaho 0004D2 Bonner.

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-1683; Filed, February 26, 1942; 11:17 a. m.]

[Administrative Order No. 669]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 16, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Arkansas 2029A2 Clark	$13,000
Colorado 2025A3 Pueblo	10,000
Florida 2025A2 Lee	12,000
Georgia 2081C2 Towns	18,000
Illinois 2002D2 Wayne	20,000
Illinois 2034B2 Jackson	65,000
Indiana 2053B2 Steuben	30,000
Iowa 2009K2 Scott	35,000
Iowa 2074C2 Allamakee	45,000
Kentucky 2037D2 Owen	50,000
Project designation—Con.	*Amount*
Kentucky 2040C2 Jessamine	15,000
South Carolina 2082A2 Calhoun	34,000
South Carolina 2401A2 York	33,000
Virginia 2011H2 Rockingham	35,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-1682; Filed, February 26, 1942; 11:17 a. m.]

[Administrative Order No. 670]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 16, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for

a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Arkansas 2029B1 Clark	$180,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-1681; Filed, February 26, 1942; 11:17 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4641]

IN THE MATTER OF GAETANO ROSSITTO, AN INDIVIDUAL DOING BUSINESS AS EMPIRE PEAT SOIL SPONGE COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of February, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Andrew B. Duvall, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, March 5, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 900, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1697; Filed, February 26, 1942; 11:48 a. m.]

[Docket No. 4631]

IN THE MATTER OF COPPER ROOFS CORPORATION, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of February, A. D. 1942.

This matter being at issue and ready for the taking of testimony and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Andrew B. Duvall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, March 16, 1942, at ten o'clock in the forenoon of that day (Central Standard Time) in Room 372, Federal Building, Milwaukee, Wisconsin.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1696; Filed, February 26, 1942; 11:48 a. m.]

[Docket No. 4654]

IN THE MATTER OF SUPERIOR HUMUS & PEAT MOSS CORPORATION, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of February, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Andrew B. Duvall, a Trial Examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, March 9, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 900, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the Trial Examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The Trial Examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1698; Filed, February 26, 1942; 11:48 a. m.]

[Docket No. 4687]

IN THE MATTER OF H. W. LEDERER, ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of February, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That W. W. Sheppard, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Friday, March 6, 1942, at two o'clock in the afternoon of that day (Eastern Standard Time), in Hearing Room, Federal Trade Commission Building, 6th and Constitution Avenue, Washington, D. C.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1699; Filed, February 26, 1942; 11:48 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-835]

IN THE MATTER OF ALTORFER BROTHERS COMPANY $3.00 CUMULATIVE CONVERTIBLE PREFERENCE STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of February, A. D. 1942.

The Altorfer Brothers Company, pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its $3.00 Cumulative Convertible Preference Stock, No Par Value, from listing and registration on the Chicago Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Monday, March 23, 1942, at the office of the Securities & Exchange Commission, 105 West Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1692; Filed, February 26, 1942; 11:32 a. m.]

[File No. 811-421]

IN THE MATTER OF RAPID TRANSIT INVESTMENT FUND NO. 2

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of February, A. D. 1942.

An application having been filed by the above named applicant under and pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company.

It is ordered, That a hearing on the aforesaid application be held on March 9, 1942, at 10:00 o'clock of the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1693; Filed, February 26, 1942; 11:32 a. m.]

[File No. 811-422]

IN THE MATTER OF INTERURBAN INVESTMENT FUND NO. 2

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of February A. D. 1942.

An application having been filed by the above named applicant under and pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company.

It is ordered, That a hearing on the aforesaid application be held on March 9, 1942, at 10:30 o'clock of the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1694; Filed, February 26, 1942; 11:32 a. m.]

[File No. 70-282]

IN THE MATTER OF COMMUNITY POWER AND LIGHT COMPANY; GENERAL PUBLIC UTILITIES, INC.; SOUTHWESTERN PUBLIC SERVICE COMPANY; TEXAS-NEW MEXICO UTILITIES COMPANY; AND GULF PUBLIC SERVICE COMPANY

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of February, A. D. 1942.

The Commission having on the 11th day of February 1942 issued its order reconvening hearing with respect to plan filed under section 11 (e) of the Public Utility Holding Company Act of 1935 in the above entitled matter which order provides that said reconvened hearing shall be held on February 26, 1942, at the office of the Securities and Exchange Commission, 1778 Pennsylvania Avenue NW., Washington, D. C.; and

The parties aforesaid having advised that additional time will be required to secure certain facts and information in connection with the matter aforesaid and having requested that the hearing aforesaid be postponed;

Now, therefore, it is ordered, That the reconvened hearing in the above entitled matter be held at the office of the Securities and Exchange Commission, 18th and Locust Street, Philadelphia, Pa., in such room as may be designated on such date by the hearing room clerk on the 18th day of March 1942.

It is further ordered, That in all other respects the order of this Commission dated February 11th be and the same hereby is affirmed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1695; Filed, February 26, 1942; 11:32 a. m.]

MAR 2 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 41

Washington, Saturday, February 28, 1942

The President

EXECUTIVE ORDER

DIRECTING THE SECRETARY OF THE NAVY TO TAKE ACTION NECESSARY TO PROTECT VESSELS, HARBORS, PORTS, AND WATERFRONT FACILITIES

By virtue of the authority vested in me as President of the United States and as Commander in Chief of the Army and Navy, it is hereby ordered as follows:

1. The Secretary of the Navy shall be primarily responsible for, and shall take such steps, institute such measures, and issue such regulations and orders as shall be necessary for, the safeguarding against destruction, loss or injury from sabotage or other subversive acts, accident, or other causes of a similar nature, of vessels, harbors, ports, and waterfront facilities in the United States and in Alaska, the Territory of Hawaii, Puerto Rico, and the Virgin Islands, except such waterfront facilities as may be directly operated by the War Department. Executive Order No. 8972[1] of December 12, 1941, authorizing the Secretary of War and the Secretary of the Navy to protect certain national-defense material, premises, and utilities from injury or destruction, is modified accordingly.

2. All agencies and authorities of the Government of the United States shall conform to all regulations and orders issued by the Secretary of the Navy pursuant to Section 1 hereof, and shall give such assistance and support to the Secretary of the Navy as their available facilities and personnel will permit.

3. All state and local authorities and all persons are urged to assist and support the Secretary of the Navy at all times in the enforcement of this order, and to conform to all regulations issued hereunder.

4. Except as provided by Section 1 hereof, nothing herein contained shall be construed as relieving any agency or authority of the United States from the performance of any duties now imposed by law upon it; and nothing herein shall limit or modify the duty and responsibility of the Federal Bureau of Investigation, Department of Justice, with respect to the investigation of alleged acts of sabotage, espionage, or other types of subversive activities, or require it to furnish facilities or personnel under Section 2 of this order.

5. The Secretary of the Navy may delegate to such officers under his direction as he may deem necessary any of the powers and duties conferred upon him by any of the provisions of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 25, 1942.

[No. 9074]

[F. R. Doc. 42-1713; Filed, February 27, 1942; 10:50 a. m.]

[1] 6 F.R. 6420.

EXECUTIVE ORDER

AUTHORIZING AND DIRECTING THE SECRETARY OF WAR TO ISSUE CITATIONS IN THE NAME OF THE PRESIDENT OF THE UNITED STATES TO ARMY UNITS FOR OUTSTANDING PERFORMANCE IN ACTION

By virtue of the authority vested in me as President of the United States, and as Commander in Chief of the Army and Navy of the United States, it is ordered as follows:

1. The Secretary of War is hereby authorized and directed to issue a citation in the name of the President of the United States, as public evidence of deserved honor and distinction, to any organization, unit, detachment, or installation of the Army of the United States or the Army of the Philippine Commonwealth for outstanding performance of duty in action on or after December 7, 1941.

2. An appropriate streamer, emblem, or guidon band, of such form and design as may be determined by the Secretary of War, may be displayed by the organization, unit, detachment, or installation described above, to which such citation is issued.

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THE PRESIDENT

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FEDERAL REGISTER

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3. After any organization, unit, detachment, or installation of the Army of the United States or the Army of the Philippine Commonwealth is so cited on two or more separate occasions for outstanding performance of duty in action occurring on or after December 7, 1941, a suitable device identifying such citations shall be issued to all officers and enlisted men who are assigned or attached as members of such organization, the device to become a part of the uniform of that organization; and any individual who was assigned or attached as member of such organization on one of the two or more occasions for which citations were issued as provided herein, shall be entitled to wear the individual device, as a part of the uniform, at all times and wherever serving.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 26, 1942.

[No. 9075]

[F. R. Doc. 42–1712; Filed, February 27, 1942; 10:49 a. m.]

EXECUTIVE ORDER

AUTHORIZING INSPECTION BY THE OFFICE OF PRICE ADMINISTRATION OF CORPORATION STATISTICAL TRANSCRIPT CARDS PREPARED FROM INCOME AND DECLARED-VALUE EXCESS-PROFITS TAX RETURNS

By virtue of the authority vested in me by sections 55 (a) and 702 (b) of the Revenue Act of 1934 (48 Stat. 698, 770); section 106 (c) of the Revenue Act of 1935 (49 Stat. 1019); section 55 (a) of the Revenue Act of 1936 (49 Stat. 1671); sections 55 (a) and 602 (c) of the Revenue Act of 1938 (52 Stat. 478, 568); and sections 55 (a) and 603 of the Internal Revenue Code (53 Stat. 29, 111), it is hereby ordered that corporation statistical transcript cards prepared by the Bureau of Internal Revenue from corporation income and declared-value excess-profits (termed prior to October 8, 1940, merely excess-profits) tax returns made under the Revenue Acts of 1934, 1935, 1936, 1938, or the Internal Revenue Code, or under such Revenue Acts and Code as amended, for any taxable year beginning after June 30, 1935, and ending before July 1, 1941, shall be open to inspection by the Office of Price Administration; such inspection to be in accordance and upon compliance with the rules and regulations prescribed by the Secretary of the Treasury in the Treasury decision relating to the inspection of such cards by the Office of Price Administration, approved by me this date.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 26, 1942.

[No. 9076]

[F. R. Doc. 42–1711; Filed, February 27, 1942; 10:49 a. m.]

EXECUTIVE ORDER

EXTENDING THE LIMITS OF THE CUSTOMS PORT OF ENTRY OF DETROIT, MICHIGAN, IN CUSTOMS COLLECTION DISTRICT NUMBER 38 (MICHIGAN)

By virtue of the authority vested in me by section 1 of the act of August 1, 1914, 38 Stat. 609, 623 (U.S.C. title 19, sec. 2), it is ordered that the limits of the customs port of entry of Detroit, Michigan, in Customs Collection District Number 38 (Michigan), be, and they are hereby, extended to include the following-named municipalities and townships in the State of Michigan:

MUNICIPALITIES

Grosse Pointe Shores	Wyandotte
Grosse Pointe Farms	Riverview
Grosse Pointe	Trenton
Grosse Pointe Park	Highland Park
River Rouge	Hamtramck
Ecorse	Dearborn

TOWNSHIPS

Grosse Ile, Van Buren, Romulus — Wayne County

This order shall become effective on the thirtieth day following the date hereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 25, 1942.

[No. 9073]

[F. R. Doc. 42–1700; Filed, February 26, 1942; 3:25 p. m.]

Rules, Regulations, Orders

TITLE 24—HOUSING CREDIT

CHAPTER III—FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION

PART 302—REGULATIONS GOVERNING FEDERAL SAVINGS AND LOAN INSURANCE CORPORATION NOTES, BONDS, DEBENTURES, AND OTHER SUCH OBLIGATIONS

ISSUANCE OF SECURITIES BY THE CORPORATION

Pursuant to the authority conferred upon the Federal Savings and Loan Insurance Corporation (hereinafter referred to as the Corporation) by section 402, subsection (d), and section 405, subsection (b) of Title IV of the National Housing Act, as amended, (U.S.C., title 12, section 1724, subsection (d) and section 1728, subsection (b)), the following regulations governing the issuance of Federal Savings and Loan Insurance Corporation notes, bonds, debentures and other such obligations and interim certificates (hereinafter referred to as securities); the payment of interest thereon; the granting of relief on account of the loss, theft, destruction, mutilation, or defacement of the securities; and other transactions and operations therein, are hereby promulgated.

Sec.
302.1 Form of securities
302.2 Transactions and operations.
302.3 Relief on account of lost, stolen, destroyed, mutilated or defaced securities.
302.4 Administration.
302.5 Amendments.

§ 302.1 *Form of securities.* The securities shall be in such forms and denominations, shall have such maturities, shall bear such rates of interest, shall be subject to such terms and conditions, shall be issued in such manner and amount, and sold at such prices, as may be prescribed by the board of trustees of the Corporation, subject to the provisions of the authorizing Act. The Corporation may from time to time issue interim certificates temporarily in lieu of definitive securities, in such form and in such manner as the Corporation may determine. The securities shall be executed in the name of the Corporation and authenticated by the facsimile signature of its Chairman and Secretary, and the seal of the Corporation shall be affixed. The principal and interest shall be payable, when due, at the Treasury Department, Washington, D. C., or at any Federal Reserve Bank or at such other agency or agencies as the Secretary of the Treasury may from time to time designate for that purpose. A coupon security shall be payable to bearer and shall have attached interest coupons likewise payable to bearer representing interest payable thereon, such coupons being signed by the Corporation by the facsimile signature of its Chairman. A registered security and interest thereon shall be payable to the registered owner whose name is inscribed thereon or registered assigns. Definitive securities will be fully transferable, and those of the same class and series will be freely interchangeable as between the various authorized denominations. Unless otherwise provided by specific reference or plain context, the term "security" as used herein will be deemed to include interim certificates.*

*§§ 302.1 to 302.5, inclusive, issued under the authority contained in sec. 402 (d), 405 (b) of N.H.A., 48 Stat. 1256, 1259; 12 U.S.C. 1725 (d), 1728 (b).

§ 302.2 *Transactions and operations.* The United States Treasury Department will act as agent for the Corporation in connection with the transactions and operations hereunder. The general regulations of the United States Treasury Department now or hereafter in force governing transactions and operations in United States securities and the payment of interest thereon, are hereby adopted, so far as applicable, as the regulations of the Corporation for similar transactions and operations in its securities and the payment of interest thereon.*

§ 302.3 *Relief on account of lost, stolen, destroyed, mutilated or defaced securities.* The statutes of the United States and the regulations of the United States Treasury Department now or hereafter in force, governing relief on account of the loss, theft, destruction, mutilation, or defacement of United States securities and coupons, so far as applicable, and as necessarily modified to relate to securities of the Corporation, are hereby adopted as the regulations of the Corporation for the issuance of substitute securities or the payment of lost, stolen, destroyed, mutilated, or defaced securities and coupons.*

§ 302.4 *Administration.* The Secretary of the Treasury or the Acting Secretary of the Treasury is hereby authorized and empowered, on behalf of the Corporation, to administer the regulations governing any transactions and operations in securities, to do all things necessary to conduct such transactions and operations, and to delegate such authority at his discretion to other officers, employees, and agents of the United States Treasury Department. Any such regulations may be waived on behalf of the Corporation by the Secretary of the Treasury or the Acting Secretary of the Treasury or by any officer of the Treasury Department authorized to waive similar regulations with respect to United States securities, but only in any particular case in which a similar regulation of the United States Treasury Department with respect to United States bonds or interest thereon would be waived.*

§ 302.5 *Amendments.* The Corporation reserves the right at any time or from time to time, with the approval of the Secretary of the Treasury, to revoke or amend these regulations or to prescribe and issue supplemental or amendatory rules and regulations governing securities or interest thereon.*

Effective February 26th, 1942.

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 42–1701; Filed, February 26, 1942; 3:01 p. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Order No. 336]

PART 308—REPORTS AND RECORDS

ORDER EXTENDING THE TIME OF FILING REPORTS REQUIRED BY PRODUCERS OF BITUMINOUS COAL COVERING PRODUCTION AND MINE OPERATION FOR THE CALENDAR YEAR 1941

In § 308.25 (d) (*Reports from producers of bituminous coal covering production and mine operation for the calendar year 1941*), it was provided that reports covering production and mine operation for the calendar year 1941 (Form BCD No. 453 (Revised Nov. 1941) T–1 and Form BCD No. 454 (Revised Nov. 1941) T–2) should be filed with the Statistical Bureaus of the Division by February 28, 1942. Owing to delays in printing and securing stocks of envelopes for mailing, the distribution of these forms was delayed. Therefore the time for filing reports on these forms is hereby extended from February 28, 1942 to March 31, 1942. (Sec. 10 (a), 50 Stat. 88, 15 U.S.C. Sup. 840 (a))

Dated: February 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–1723; Filed, February 27, 1942; 11:02 a. m.]

[Docket No. A–1102]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 7 FOR THE REVISION IN SIZE GROUP NO. 1 OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES ESTABLISHED FOR THE COALS OF THE SEMOCO MINE (MINE INDEX NO. 164) OF SHOCKLEY CREEK COAL COMPANY, A CODE MEMBER IN DISTRICT 7

A petition, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 7, requesting that the effective price classifications and minimum prices established for the coal in Size Group 1 produced at the Semoco Mine (Mine Index No. 164) of the Shockley Creek Coal Company, a code member in District 7, be reduced from "B" to "D" for all shipments except truck;

Temporary relief having been granted herein by Order of the Acting Director, dated December 1, 1941, 6 F.R. 6248;

Pursuant to an Order of the Director, and after due notice to interested persons, a hearing in this matter having been held on November 24, 1941, before a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The Examiner, Joseph A. Huston, having made and filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated January 10, 1942;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs and no such exceptions and supporting briefs having been filed;

The undersigned having determined that the Proposed Findings of Fact and

Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and they hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That § 327.11 (*Low Volatile coals: Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 7 for all Shipments Except Truck be, and it hereby is, amended by reducing the effective classification and corresponding minimum prices established for the Size Group 1 coal produced at the Semoco Mine (Mine Index No. 164) of the Shockley Creek Coal Company from "B" to "D".

Dated: February 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1722; Filed, February 27, 1942; 11:02 a. m.]

[Docket No. A-947]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF THE BIG BEND COLLIERIES, INC., ET AL., FOR THE ESTABLISHMENT OF EFFECTIVE MINIMUM PRICES FOR SUBSTANDARD COALS PRODUCED FROM THE BRAZIL BLOCK VEIN, IN DISTRICT NO. 11

An original petition having been filed with the Bituminous Coal Division on July 3, 1941, by the Big Bend Collieries, Inc., the Maumee Collieries Company, the Birch Creek Coal Co., Inc., the Mariah Hill Super Block Coal Company, Ray Morgan (F. C. Morgan Coal Company), the Dixon Block Co., Inc., and the G. & F. Coal Corporation, code member producers in District 11, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of effective minimum prices for all code member producers in Price Groups Nos. 15, 16, and 17 for substandard coals mined from the Brazil Block Vein in District 11;

Petitions of intervention having been filed by District Boards 9 and 10; and

A hearing having been held in this matter pursuant to an Order of the Director, on September 18, 1941, before a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division, Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard; and

Temporary relief pending final disposition of the original petition having been granted by Order of the Acting Director dated November 29, 1941, 6 F.R. 6191; and

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned; and

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That § 331.1 (*Price instructions and exceptions*—(b) *Price exceptions*) in the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck be, and it hereby is, amended by adding to the price exceptions in said Schedule, a new price exception to read as follows:

The effective minimum prices established for Brazil Block Vein coals produced at mines in Price Groups Nos. 15, 16, and 17 may be reduced by not more than the following amounts, where such coals are substandard, that is, soft or shelly:

Size group Nos.:	*Maximum reduction, cents per ton*
1 and 2	50
3	30
4 to 7, inclusive	25

Provided, however, That (1) the determination of the substandard classification of said coals shall be under the direct supervision of District Board 11, (2) the classification of the coals shall be made by a representative of District Board 11 at the mine, (3) said representative shall issue a certificate or notice of substandard classification which certificate or notice shall be filed with the Field Office of the Division for District 11, and (4) District Board 11 shall approve and certify all orders, acknowledgments, and invoices involving substandard coals. Certificates or notices filed with the Field Office pursuant to this Order shall contain an indication to that effect: *And provided further*, That coals sold as substandard pursuant to this Order shall not be subject to the allowances for substandard coals permitted by § 318.10 (a) in Part 318, Marketing Rules and Regulations.

It is further ordered, That relief should be granted to the extent set forth above, and in all other respects, be, and it hereby is, denied.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1679; Filed, February 26, 1942; 10:28 a. m.]

[Docket No. A-1258]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF DATED JANUARY 21, 1942, IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 13

In an Order Granting Temporary Relief and Conditionally Providing for Final Relief dated January 21, 1942, 7 F.R. 743, price classifications and minimum prices were established for certain mines in District No. 13 among which is the Mammoth Mine (Mine Index No. 1417) of the Mammoth Coal Mining Co. (Amos Reid). The shipping point designated therein for the coals of this mine is Mammoth, Alabama, on the Southern Railway.

On February 9, 1942, the original petitioner in the above-entitled matter filed a motion requesting a change in shipping point for the coals of Mine Index No. 1417 from Mammoth, Alabama, to Saragossa, Alabama, also on the Southern Railway, and 1½ miles further from the mine. This change is requested because of the inability of the Mammoth Coal Mining Co. (Amos Reid) to arrange for the loading of their coals from Mine Index No. 1417 at Mammoth, Alabama. Petitioner alleges that unless this change be established it will be unable to ship any coals for rail shipment.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the motion of original petitioner for additional relief, temporary relief is granted as follows: Commencing forthwith, Supplement R–I, § 333.6 (*General prices*) in the Order Granting Temporary Relief and Conditionally Providing for Final Relief in the above-entitled proceeding, dated January 21, 1942, is amended and the shipping point shown therein for the coals of Mine Index No. 1417 is changed from Mammoth, Alabama, on the Southern Railway, to Saragossa, Alabama, on the Southern Railway.

It is further ordered, That pleadings in opposition to the motion of original petitioner for further relief in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

It is further ordered, That in all other respects the Order of January 21, 1942, in the above-entitled matter shall continue in full force and effect unless it shall otherwise be ordered.

Dated: February 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1680; Filed, February 26, 1942; 10:28 a. m.]

[Docket No. A-1313]

PART 336—MINIMUM PRICE SCHEDULE, DISTRICT NO. 16

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 16 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE MARSHALL MINE, OPERATED BY CODE MEMBER TED YORK, IN DISTRICT NO. 16

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Marshall Mine, operated by Code Member Ted York, and located in Subdistrict 5 in District No. 16, for shipment by truck; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 336.21 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 16 For Truck Shipments is amended to include for the coals for shipment by truck, produced from the Marshall Mine (Mine Index No. 153), of Code Member Ted York, located in Boulder County, Colorado, in Subdistrict No. 5 in District No. 16, the following effective minimum prices in cents per net ton f. o. b. the transportation facilities at the mine:

Size groups	1	2	3	4	5	6	8	9	10	11	12	13
Prices	465	415	415	440	415	395	340	290	215	205	185	355

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1721; Filed, February 27, 1942; 11:02 a. m.]

[Docket No. A-1119]

PART 339—MINIMUM PRICE SCHEDULE, DISTRICT NO. 19

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF THE BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 19, FOR PRELIMINARY AND PERMANENT RELIEF REGARDING A CHANGE IN THE EFFECTIVE MINIMUM PRICES FOR RAIL SHIPMENTS INTO MARKET AREA 247 (WASHINGTON) IN SIZE GROUPS 1, 2, 3, 4, AND 5

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by District Board 19, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests reductions in effective minimum f. o. b. mine prices of the coals produced in Subdistricts 1 to 9, inclusive, of District 19 when for shipment by rail to Market Area 247, as follows: 25 cents per net ton in Size Groups 1 and 2, and 20 cents per net ton in Size Groups 3, 4, and 5.

In accordance with an Order of the Director and after due notice to all interested persons, a hearing in this matter was held on November 17 and 22, 1941, before Scott A. Dahlquist, a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division in Thermopolis, Wyoming, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The Petitioner and the Sheridan-Wyoming Coal Company, Inc., a code member in District 19, appeared. The preparation and filing of a report by the Examiner were waived and the matter was thereupon submitted to the undersigned.

The evidence shows that in General Docket No. 15 coordination of minimum prices of the coals produced in Districts 19 and 20 was effected in Market Area 247 and minimum f. o. b. mine prices established pursuant thereto.

Thereafter District Board 20, in a proceeding under section 4 II (d) of the Act (Docket No. A-277) requested and obtained reductions in the minimum f. o. b. mine prices of coals in Size Groups Nos. 2, 3, and 5 produced in Subdistrict 1 of District 20 for shipment by rail to Market Area 247.[1] The reductions thus established for District 20 coals were granted primarily to enable those coals to compete with Canadian coals in that market area (Seattle, Washington). The result was to upset the existing coordination between Districts 19 and 20.[2]

[1] The reduction in that proceeding was said to be necessary in order to permit the producers in Subdistrict 1 of District 20 to meet the competition of Canadian producers.

[2] In Docket No. A-277, District Board 20 stated that it had no objection to the granting of a reduction in the prices of District 19 coals in the same amount as that granted District 20 coals. However, since District Board 19 made no such request there no relief to District 19 was granted District Board 20 has not intervened in this proceeding.

Size Groups 1, 2, 3, 4, and 5 in District 19 cover the range of actual sizes contained in Size Groups 2, 3, and 5 in District 20. Only small quantities of these sizes have in the past been shipped into Market Area 247 by District 19 producers. However, some coal has moved to this market from District 19 and unless relief is here granted that market is likely to be lost. No one objected to the granting of relief here.

The evidence shows and I find and conclude that reductions in the minimum f. o. b. mine prices in Size Groups 1, 2, 3, 4, and 5 in District 19 corresponding with the reductions in Subdistrict 1 of District 20, are necessary to restore the proper coordination, and that reductions of 25 cents per net ton in Size Groups 1 and 2, and 20 cents per net ton in Size Groups 3, 4, and 5 in Subdistricts 1 to 9, inclusive, in District 19 in the effective minimum f. o. b. mine prices for shipments by rail to Market Area 247, will reflect the relative market value of such coals, preserve existing fair competitive opportunities of District 19 code members, and will restore the proper coordination in Market Area 247 with coals produced in District 20.

There was no intervention and no opposition to the relief requested expressed at the hearing.

Now, therefore, it is ordered, That § 339.1 (*Price instructions and exceptions*) in the Schedule of Effective Minimum Prices for District No. 19 For All Shipments Except Truck be, and the same hereby is, amended by the addition of a Price Instruction and Exception, as follows:

§ 339.1 *Price instructions and exceptions.*

* * * * *

(r) The minimum f. o. b. mine prices in cents per net ton for shipment via rail transportation, as the same now appear in § 339.5 (*General prices; minimum prices for shipment via rail transportation*) for shipment from Subdistricts 1 to 9, inclusive, to Market Area 247, are reduced 25 cents per net ton for Size Groups 1 and 2, and 20 cents per net ton for Size Groups 3, 4, and 5.

Dated: February 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1724; Filed, February 27, 1942; 11:02 a. m.]

[Docket No. A-1301]

PART 340—MINIMUM PRICE SCHEDULE, DISTRICT NO. 20

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 20 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 20

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, re-

questing the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 20, for shipment by truck; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 340.4 (*Code member price index*) is amended by adding thereto Supplement R, and § 340.21 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 20

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 340, Minimum Price Schedule for District No. 20 and supplements thereto.

FOR TRUCK SHIPMENTS

The following price classifications and minimum prices shall be inserted in Price Schedule No. 1 for District No. 20.

§ 340.4 *Code member price index*—Supplement R. Insert the following listing in proper alphabetical order:

Producer	Mine	Mine index No.	County	Subdistrict price group	Prices	
					Rail	Truck
Gable, James C. (Best Coal Mine)	Best	199	Carbon	1		§ 340.21
King Cannel Coal Company, Inc.	Gillis No. 1	197	Kane	2		§ 340.21
Storrs, K. L.	Oak Spring	198	Carbon	1		§ 340.21

§ 340.21 *General prices in cents per net ton for shipment into all market areas*—Supplement T. Insert the following code member names, counties and prices in proper alphabetical order under Subdistricts 1 and 2:

Code member mine	County	Size groups													
		1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
SUBDISTRICT NO. 1																
Gable, James C., Best Mine	Carbon	414	374	359	339	344	284	259	219	209	175	169	144	264	234	209
Storrs, K. L., Oak Spring Mine	Carbon	392	352	337	317	322	262	237	197	187	157	147	122	242	212	187
SUBDISTRICT NO. 2																
King Cannel Coal Co., Inc., Gillis No. 1 Mine	Kane	365	330	320	310	310	255	230	185	175	150	140	140	225	200	185

[F. R. Doc. 42-1678; Filed, February 26, 1942; 10:27 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 950—CUTTING TOOLS

Extension No. 2 of Supplementary Order No. E-2-a[1]

It is hereby ordered, That Supplementary Order No. E-2-a (§ 950.2) shall continue in effect until revoked by the Director of Industry Operations.

This Order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a) Pub. Law 671, 76th Cong., 3d Sess., as amended by Public Law 89, 77th Cong., 1st Sess.)

Issued this 27th day of February 1942.

JAMES S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1706; Filed, February 27, 1942; 10:13 a. m.]

[1] 6 F.R. 4524, 6143.

PART 1002—IRON AND STEEL PRODUCTION, MAINTENANCE, REPAIR, AND SUPPLIES

Amendment No. 2 and Extension No. 1 of Preference Rating Order P-68

Preference Rating Order P-68 (§ 1002.1) is hereby amended to read as follows:

§ 1002.1 *Preference Rating Order P-68.* For the purpose of facilitating the acquisition of material for operating supplies and for the maintenance and repair of property and equipment used in the production of iron, steel, blast furnace coke, ferroalloys, and detinned iron and steel scrap, preference ratings are hereby assigned to deliveries of such material on the terms hereinafter set forth. Such terms shall control until such time as the War Production Board certifies specific quantities of such material to which the preference ratings herein assigned may be applied.

(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Producer" means any person operating a plant physically situated within the limits of the United States, its territories and possessions, or the Dominion of Canada, and actually engaged in the production of any one or more of the materials or products listed in Schedule A hereto.

(3) "Material" means any commodities, equipment, accessories, parts, assemblies, or products of any kind.

(4) "Maintenance" means upkeep necessary to continue the working condition of essential operating equipment used by a producer at its then current rate of production.

(5) "Repair" means the restoration of property and equipment used by a producer to a sound working condition after wear and tear, damage, destruction or failure of parts, or the like, have made such property or equipment unfit or unsafe for service.

(6) "Operating supplies" means any material which is essential to the operation of property and equipment used by a producer and which is generally carried as producer's stores and charged to operating expense accounts. The term does not include raw materials which enter into or form part of the finished product.

(7) "Supplier" means any person with whom a purchase order or contract has been placed by a producer or by another supplier for material:

(i) Directly required by a producer for maintenance, repair, or operating supplies, or

(ii) To be physically incorporated in other material so required by a producer.

(b) *Assignment of preference ratings.* Subject to the terms of this section, the following preference ratings are hereby assigned, but nothing herein contained shall prevent the use of any other or higher rating to which any person may be entitled by reason of any other preference rating certificate or order:

(1) A-1-a to deliveries to a producer of material for repair of property or equipment used in and essential to the production of any one or more of the materials or products listed in Schedule A hereto, when and only when there has been an actual breakdown or suspension of operations because of damage, wear and tear, destruction or failure of parts, or the like, and the essential repair parts are not otherwise available.

(2) A-1-c to deliveries to a producer of material, described in paragraph (b) (1), up to the minimum required to make reasonable advance provision to avert an actual breakdown of existing facilities or suspension.

(3) A-3 to deliveries to a producer of material for other repairs to, for maintenance of, and for operating supplies for, property and equipment used in and essential to the production of any one or more of the materials or products listed in Schedule A hereto.

(4) A-3 to deliveries to a supplier of material for delivery to a producer pursuant to paragraph (b) (1), (2), or (3), or to be physically incorporated in such material.

(5) A-10 to deliveries to a producer of material for all other repairs, maintenance, and operating supplies.

(6) A-10 to deliveries to a supplier of material for delivery to a producer pursuant to paragraph (b) (5), or to be physically incorporated in such material.

(c) *Persons entitled to apply preference ratings.* The preference ratings hereby assigned may, in the manner and to the extent hereby authorized, be applied by:

(1) A producer;

(2) Any supplier of material to the delivery of which a preference rating has been applied as provided in paragraph (d) of this section.

(d) *Application of preference rating.* (1) No producer shall apply any preference rating assigned by paragraph (b) until:

(i) It shall have filed with the Iron and Steel Branch, War Production Board, a statement in the form prescribed by the Director of Industry Operations, setting forth amounts of material used for repair, maintenance and operating supplies for the preceding calendar half-year and inventories of such material at the beginning and end of such period and further stating that it accepts the terms and conditions of this section.

(ii) It shall have received from the Iron and Steel Branch, War Production Board, a serial number which shall thereafter be endorsed on all purchase orders or contracts for material by it or for its account which are rated pursuant to this section.

(2) A producer, in order to apply the A-1-a preference rating assigned by paragraph (b) (1) or the A-1-c preference rating assigned by paragraph (b) (2), must communicate with the Iron and Steel Branch, War Production Board, describing the material needed for emergency repair and the nature of the emergency, or the reasons why advance provision is necessary to avert breakdown, or suspension. The Director of Industry Operations will notify such producer whether, and to what extent, its application is approved, and a copy of such notification shall be furnished by the producer to its supplier to evidence the A-1-a or A-1-c rating.

(3) A producer or a supplier, in order to apply any preference rating assigned by paragraph (b) must endorse the following statement on the original and all copies of the purchase order or contract for such material, signed by a responsible official duly designated for such purpose by such producer or supplier:

Material for Repair, Maintenance, or Operating Supplies of an Iron, Steel, Blast Furnace Coke, or Ferroalloys Plant. Rating A-_____ under Preference Rating Order P-68, Serial No. _____ and in compliance therewith.

_____
(Name of Producer or Supplier)
By_____
(Authorized Signature)

Such purchase order or contract so endorsed shall be delivered to the seller of such material. Such endorsement shall constitute a certification to the War Production Board that the terms of the Preference Rating Order are accepted and that such material is required for the purposes stated therein. Such purchase order or contract must be in writing and shall be restricted to material the delivery of which is rated in accordance herewith. With respect to any purchase order or contract for such material placed before October 31, 1941, such preference rating may be applied by delivering to the seller a duplicate copy of such purchase order or contract so endorsed.

(4) A producer or supplier placing any such rated purchase order or contract and the seller of the material covered thereby must each retain endorsed copies of all such purchase orders or contracts segregated from all other purchase orders or contracts for a period of two years from the date thereof, for inspection by authorized representatives of the War Production Board.

(e) *Restrictions on use of rating*—(1) *Restrictions on producer.* The producer may not apply any rating hereby assigned to obtain delivery of material on earlier dates than required for the operation, maintenance or repair of its property or equipment.

(2) *Restrictions on supplier.* (i) No supplier may apply the rating to obtain material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or, within the limitations of (ii) and (iii) below, to replace in his inventory material so delivered. He shall not be deemed to require such material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if, in making such delivery, he reduced his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(ii) A supplier who supplies material which he has in whole or in part manufactured, processed, assembled or otherwise physically changed may not apply the rating to restore his inventory to a practicable working minimum unless he applies the rating before completing the rated delivery which reduces his inventory below such minimum.

(iii) A supplier who supplies material which he has not in whole or in part manufactured, processed, assembled or otherwise physically changed may defer applications of the rating hereunder to purchase orders or contracts for such material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided*, That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(f) *Restrictions of inventory.* (1) A producer shall not, during any calendar quarter, accept, and a supplier shall not knowingly make to a producer, deliveries (whether or not rated pursuant to this section) of any material to be used as operating supplies or for maintenance or repair the aggregate dollar volume of which shall exceed 55 percent of the aggregate dollar volume of the withdrawals for such purposes by the producer from stores or inventory during the preceding calendar half-year unless such deliveries shall be specifically authorized in advance by the War Production Board on the producer's application therefor.

(2) A producer shall not at any time accept deliveries (whether or not rated pursuant to this section) of any material to be used as operating supplies or for maintenance or repair until the producer's inventory and stores of such material have been reduced to a reasonable minimum, unless such delivery shall be specifically authorized in advance by the War Production Board on the producer's application therefor. Such reasonable minimum shall in no case exceed 125 percent of the aggregate dollar volume of such material in inventory and stores on the last day of the preceding calendar half-year.

(3) A producer shall not, during any calendar quarter, make withdrawals from stores or inventory of any material to be used as operating supplies or for maintenance or repair the aggregate dollar volume of which shall exceed 55 percent of the aggregate dollar volume of the withdrawals of such material during the preceding calendar half-year, unless such withdrawals shall be specifically authorized in advance by the War Production Board on the producer's application therefor.

(g) *Relief.* If the sound working condition of a producer is adversely affected by any provision or application of this section or by inability to obtain material essential for repair, maintenance or operating supplies, the producer may apply for relief to the Director of Industry Operations. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Resale of material prohibited.* Except with specific permission of the Director of Industry Operations, a producer shall not resell any material acquired for repair, maintenance or oper-

ating supplies (whether or not obtained pursuant to rating assigned by this section): *Provided*, That nothing herein contained shall prohibit sale by the producer of used material acquired prior to October 31, 1941.

(i) *Conservation and standardization.* Every person affected by this Order shall use his best efforts to effectuate conservation of materials by elimination, simplification or standardization of types, sizes or forms or otherwise, and shall cooperate in any program developed for such purpose by the War Production Board. The Director of Industry Operations may from time to time issue specific directions as to conservation, elimination, and standardization.

(j) *Records, audits and reports.* Each producer and each supplier shall keep and preserve for a period of not less than two years accurate and complete records of all transactions affected by this section and shall submit from time to time to audit and inspection by duly authorized representatives of the War Production Board. Each producer and each supplier shall execute and file with the War Production Board or other designated agency such reports and in such form as the War Production Board shall from time to time require. Until further direction, on March 31, 1942, and semi-annually thereafter, each producer shall file on Form PD–228 a report for the preceding calendar half-year.

(k) *Violations.* Any person who willfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this section may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(l) *Revocation or modification.* This section may be revoked or modified by the Director of Industry Operations at any time as to any producer or supplier. In the event of revocation or modification, or upon expiration of this Order, deliveries already rated pursuant to this section shall be completed in accordance with said rating, unless said rating has been specifically revoked or modified with respect thereto. No additional application of said rating to any other deliveries shall thereafter be made by any producer or supplier affected by such revocation, modification or expiration.

(m) *Amendment of prior orders.* The provisions of Preference Rating Orders P–22 and P–100 shall not apply to deliveries to which a preference rating is assigned by this section.

(n) *Effective date.* This section shall take effect immediately and shall continue in effect until revoked.

This amendment and extension shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 229; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Public Law 89, 77th Cong., 1st Sess.)

Issued this 27th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

Schedule A to Preference Rating Order P–68

1. Pig iron and ferroalloys.

2. The following iron and steel products, including alloys: Ingots, blooms (including forged), billets (including forged), slabs (including forged), tube rounds, sheet and tin bars, structural shapes, piling, plates (universal and sheared), rails, tie plates, track spikes, splice bars, rail joints, hot rolled bars (including hoops and bands and concrete reinforcing bars), cold finished bars, pipe and tubes (except conduit), wire rods, wire as drawn (not including further fabrications therefrom), black plate, tin and terne plate, sheets, strip, tool steel bars (including high speed), steel wheels and axles (for railroad use only), railroad locomotive tires, armor plate, ordnance forgings, steel castings (rough as cast), skelp, rolling mill rolls, ingot molds.

3. Coke for use in the production of pig iron and ferroalloys.

4. Detinned scrap iron and steel, and tin produced in the detinning process.

[F. R. Doc. 42–1704; Filed, February 27, 1942; 10:12 a. m.]

PART 1051—JUTE AND JUTE PRODUCTS

General Conservation Order M–70—to Conserve the Supply and Direct the Distribution of Jute and Jute Products

Whereas, the uncertainty of future shipments of Raw Jute and Jute Products from abroad and the fulfillment of requirements for the defense of the United States have resulted in a shortage in the supply of raw jute and both domestic and imported jute products for defense, for private account and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution of raw jute and jute products, and to allocate the supply thereof in the manner hereinafter in this Order provided:

Now, therefore, it is hereby ordered, That:

§ 1051.1 *General Conservation Order M–70*—(a) *Applicability of Priorities Regulation No. 1.* This section and all transactions affected thereby are subject to the provisions and definitions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this section shall govern.

(b) *Additional definitions.* For the *purpose of this section:* (1) "Raw jute" means unprocessed jute, including Meshta and butts, imported from India, in the original shipping bales, and does not include jute processed into yarn, roving or other fabricated product.

(2) "Jute product" means any product processed from raw jute, either alone or in combination with other fibres, and including, but not limited to, yarn, letter mail twine, roving, twine, scrim, webbing, brattice cloth, linoleum burlap, burlap other than of the Hessian cloth type, sacking, interlinings, and new or rewoven bale covering for covering raw cotton, but the term shall not include burlap of the Hessian cloth type imported from India, as defined in Order M–47, as amended or supplemented from time to time, or sugar sacking imported into continental United States for reexport to, and which is in fact reexported to, sugar producing areas in the Western Hemisphere.

(3) "Domestic jute product" means any jute product processed in continental United States.

(4) "Imported jute product" means any jute product processed abroad and imported from India into continental United States in the processed form.

(5) "Scrim" means a woven jute fabric composed of single jute yarns, not exceeding 10 threads per inch, counting the warp and filling, and weighing not more than 3.6 ounces per yard, forty inches in width.

(6) "Webbing" means a woven jute fabric, with fast edges, not exceeding 12 inches in width.

(7) "Burlap other than of the Hessian cloth type" means a woven jute fabric weighing not less than 3.6 nor more than 6 ounces per yard, forty inches in width.

(8) "Processor" means any person who processes raw jute in the continental United States by performing any operation up to or through the manufacture of yarn or roving, and the term shall not include any person in his manufacturing capacity beyond the production of yarn or roving.

(9) "Put into process" means the removal of jute from original shipping bales and the placing thereof upon processing machines, and shall also include the placing upon processing machines of any jute received by a processor not in original shipping bales, other than reclaimed or reworked jute.

(c) *Restrictions on use of subsequently imported jute and import quotas for importers of raw jute.* (1) Unless specifically authorized by the Director of Industry Operations, no person shall hereafter sell or use any raw jute hereafter arriving in the continental United States except to fill defense orders.

(2) No processor or importer shall import from India to continental United States in any single cargo an amount of raw jute in excess of the amount which bears the same ratio to the total amount of raw jute to be imported in such cargo that his "quota percentage" (determined as hereinafter provided) bears to the total of the "quota percentages" of all processors or importers loading jute in such cargo. Except as adjusted in accordance with paragraph (c) (3), the "quota percentage" of each processor of raw jute shall be determined by dividing the total receipts of raw jute from India of such processor in the period 1939 to 1941 both inclusive by the total receipts of all processors in the same period: *Provided, however,* That nothing in this paragraph shall be construed to limit the importation of raw jute for its own account by Defense Supplies Corporation.

(3) The Director of Industry Operations may make appropriate adjustments in the quotas of all processors where the application of the formula in paragraph (c) (2) of this section would result in an exceptional or unreasonable reduction in raw jute available to a processor on the basis of the amount of raw jute put into process by said processor in the period from 1939 to 1941, as compared with the total amount of raw jute put into process by all processors during such period.

(d) *Restrictions on transactions in raw jute.* Unless specifically authorized by the Director of Industry Operations, no person shall hereafter sell, transfer his title to, or deliver any raw jute, except to a processor, or a person importing such raw jute. No person, except a processor or a person importing such raw jute, shall hereafter purchase or accept delivery of, or a transfer of title to, any raw jute, unless specifically authorized by the Director of Industry Operations.

(e) *Restrictions on opening bales of raw jute.* No person other than a processor shall hereafter open any bale of raw jute, except to the extent necessary to permit examination of damaged jute by an insurance company, or to the extent necessary to prevent deterioration of damaged jute. Every such bale of jute opened by any person other than a processor shall, despite such action, continue subject to the restrictions of paragraph (d).

(f) *Restrictions on processing of raw jute and disposition of domestic jute products.* (1) Subject to the provisions of paragraph (i), no processor shall hereafter, unless specifically authorized by the Director of Industry Operations, sell, transfer title to or deliver, and no person shall purchase, accept delivery of, or title to, or use the following domestic jute products, except for the following purposes:

(i) Single or plied yarn or roving for use in:

(a) The manufacture of fuses;

(b) The manufacture of electric cable or electric appliances, whether such yarn or roving is treated or untreated.

(c) The manufacture of caulking or for braiding into packing material to fill Defense Orders.

(d) The manufacture of letter-mail twine for the United States Post Office Department.

(e) The manufacture of new or rewoven bale covering for covering raw cotton: *Provided, however,* That no raw jute, except butts, shall be used in the manufacture of such yarn or roving.

(ii) Single yarn or scrim for use in the manufacture of reinforced paper.

(iii) Oakum or twisted jute packing rope for use for shipbuilding or other marine purposes or to fill defense orders: *Provided, however,* That no raw jute except butts shall be used in the manufacture of such oakum or twisted jute packing rope.

(iv) Carded jute or jute sliver for use in the manufacture of insulating materials to fill defense orders bearing a preference rating better than A–2; and *Provided, however,* That no raw jute, except butts, shall be used in the manufacture of such carded jute or jute sliver.

(2) No processor shall hereafter in any calendar month put into process for the manufacture of any domestic jute product any raw jute except:

(i) As to each of the domestic jute products listed in paragraph (f) (1), the minimum amounts necessary to meet his required deliveries of each such domestic jute product and to maintain a practicable minimum working inventory of his domestic jute products as measured by the monthly average of his deliveries of each such product in the preceding three calendar months. The term "practicable minimum working inventory" is to be strictly construed as meaning the minimum inventory which will permit of economical operation of plant, and will depend, in each case, upon the ease with which machines can be adjusted to the manufacture of products made thereon.

(ii) As to each of the following domestic jute products, in each calendar month listed below, an amount of single or plied yarn or roving in pounds (based on raw jute fiber content) for the total of his defense and non-defense business for each use specified below equal to the amount represented by the following percentages of his average monthly shipments of each such product during the calendar year 1941:

Year 1942	Manufacture of twine and rope (excluding letter mail twine)	Manufacture of carpet yarns	Manufacture of webbing	Manufacture of weaving and miscellaneous yarns, N. S. P.
	Percent	*Percent*	*Percent*	*Percent*
March	80	50	70	75
April	80	40	60	75

(3) In making sales or deliveries of jute products listed in paragraph (f) (2) (ii) no person shall make discriminatory cuts in amounts or quantities in acceptance of orders or deliveries between former customers and new customers who meet such person's regularly established prices and terms, or between former customers, new customers and his own consumption of these products.

(g) *Restrictions on disposition of imported jute products.* (1) Subject to the provisions of paragraph (i) no person now or hereafter importing, owning, possessing or controlling any of the following imported jute products in the continental United States, shall, unless specifically authorized by the Director of Industry Operations, sell, transfer title to or deliver, and no person shall hereafter purchase, accept title to or delivery of any such imported jute product except:

(i) To fill orders for the following imported jute products:

(a) Brattice cloth, provided such orders are placed by mine operators as defined in Preference Rating Order No. P–56, as amended from time to time;

(b) Bale covering for use only in covering raw cotton;

(c) Scrim for use only in the manufacture of reinforced paper (provided, however, such reinforced paper shall be delivered to fill defense orders therefor).

(ii) To fill orders, within the limits of deliveries hereafter prescribed for the following imported jute products:

(a) Linoleum burlap;

(b) Burlap, other than of the Hessian cloth type;

(c) Webbing;

Provided, however, That no person shall deliver in any of the following calendar months a quantity of each such imported jute product in excess of the quantity represented by the following percentages of average monthly shipments in the calendar year 1941:

	Percent
March 1942	70
April 1942	60

(2) Nothing in this paragraph (g) contained shall limit the right of any person to import any jute product into the continental United States.

(h) *Restrictions on use and acquisition of both domestic and imported jute products.* (1) No person shall use, in manufacturing any product, any of the following domestic and/or imported jute products at a rate per month in excess of the following percentages of his average monthly use of such jute product during the calendar year 1941:

Year 1942	Carpet yarns	Webbing (both domestic and imported)	Linoleum burlap	Burlap other than of the hessian cloth type	Weaving and miscellaneous yarns N. S. P.
	Pct.	*Pct.*	*Pct.*	*Pct.*	*Pct*
March	50	70	70	70	75
April	40	60	60	60	75

(2) Unless expressly authorized by the Director of Industry Operations, no person other than a processor or the United States Post Office Department shall acquire, receive, or accept delivery of any domestic and/or imported jute products of any type (other than bale covering and twine or rope) which will at any time in any calendar month result in an inventory thereof in excess of one month's inventory of such type of product based upon current rate of operations determined as follows:

(i) In the case of single or plied yarn or roving to be used in the manufacture of fuses, electric cable or electrical appliances, caulking or braided packing material; single yarn or scrim to be used in the manufacture of reinforced paper; oakum, or jute butts for the manufacture of oakum; carded jute or jute sliver

to be used in the manufacture of insulating materials; and brattice cloth; such current rate shall not exceed the rate required to fill orders which at the beginning of any calendar month are scheduled to be delivered during the said calendar month for the purposes specified in paragraphs (f) (2) and (g) (1) (ii) of this section.

(ii) In the case of single or plied yarn or roving to be used in the manufacture of carpets, webbing, weaving and miscellaneous yarns, *n. s. p.*; domestic and imported webbing; linoleum burlap; and wide burlap, such current rate shall not exceed the rate specified in paragraph (h) (1) of this section for the particular month or months.

(iii) In the case of new or rewoven bale covering for covering raw cotton, no purchaser or user shall, between the effective date of this section and September 15, 1942, acquire an amount of such bale covering which in the aggregate (together with his inventory on the effective date of this section) is greater than the amount which such persons sold or used during the cotton crop year 1940–1941.

(i) *Certification.* No processor or manufacturer of domestic jute products or person importing, owning, possessing or controlling stocks of Imported jute products shall deliver, and no purchaser or user (except the United States Post Office Department or a distributor or user of twine and rope) of such products shall accept delivery of any such products unless such purchaser or user has certified to the processor or manufacturer or other such person from whom he receives delivery, the following on the purchase order for such products manually signed by a person authorized to sign for such purchaser.

The undersigned hereby certifies that the total receipts of Domestic and/or Imported Jute Products by the undersigned from all sources, including the Jute Products hereby ordered, will not bring the stocks of the undersigned, of the kind herein ordered, over a one month's inventory based on current rate of operations determined as provided in General Preference Order M–70 (or in the case of new or rewoven bale covering will not result in the acquisition by the undersigned in the period from the effective date of General Preference Order M–70 to September 15, 1942, of an amount of new or rewoven bale covering which in the aggregate is greater than the amount thereof sold or used by the undersigned in the cotton crop year 1940–1941), and that the undersigned will not use such Jute Products except to fill orders of the types specified in paragraphs (f) and (g) of Order M–70, with the terms of which he is familiar. These Jute Products are to be used to produce or to fill orders for

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(here specify use, including, if any, limitations to rated orders)

Name of Purchaser

By ---

Duly Authorized Person

The undersigned individual hereby certifies that he signed the foregoing on behalf of and by authority of the above-mentioned purchaser.

Signature

Such certification shall constitute a certification to the War Production Board that such jute products are required for the purposes stated and in the quantities permitted by this section.

(j) *Reports.* (1) Every processor shall on or before March 10, 1942, file with the War Production Board, on Form PD–318, a report showing receipts of raw jute and the amounts put into process by such processor during each of the calendar years 1939–1941; his total shipments in each month in 1941 of the domestic jute products specified in paragraph (f) (2); and his total deliveries for each month in 1941 of the imported jute products specified in paragraph (g) (1) (ii).

(2) Every processor and every person importing, possessing, owning or controlling any jute product shall:

(i) File such monthly and other reports with the War Production Board as shall from time to time be required by said Board.

(ii) Submit from time to time to an audit and inspection by representatives of the War Production Board concerning all records required to be kept by this section.

(3) Every person using any single or plied jute yarn or roving in the manufacture of any other product shall:

(i) File such monthly and other reports with the War Production Board as shall from time to time be required by said office.

(ii) Submit from time to time to an audit and inspection by representatives of the War Production Board concerning all records required to be kept by this section.

(k) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this section, shall unless otherwise directed be addressed to: War Production Board, Washington, D. C. Ref.: M–70.

(l) *Appeals.* Any person affected by this section who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of jute conserved, or that compliance with this section would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board on Form PD–319, Ref.: M–70, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(m) *Violations.* Any person who willfully violates any provision of this section, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this section, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (a) of the Criminal Code (18 U.S.C. 80).

(n) *Effective date.* This section shall take effect immediately, and shall continue in effect until April 30, 1942, subject to such amendments or supplements thereof as may be issued from time to time: *Provided, however,* That the provisions of paragraph (c) shall take effect with the loading for a port in continental United States, of the first cargo of raw jute in a vessel departing from any point of shipment in India on or after April 1, 1942, and the provision of paragraphs (f) (2), (g) (1) and (h) (2) shall take effect on March 1, 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 27th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1708; Filed, February 27, 1942; 10:14 a. m.]

PART 1066—MOTORIZED FIRE APPARATUS

General Limitation Order No. L–43 To Prevent Unnecessary Consumption of Scarce Materials in the Production of Motorized Fire Apparatus

Whereas fulfillment of requirements for the defense of the United States have created a shortage of the materials hereinafter set forth for defense and private account; and the present supply of these materials will be insufficient for war and civilian requirements unless restrictions on the manufacture of Motorized Fire Apparatus are instituted

Now, therefore, it is hereby ordered, That:

§ 1066.1 *General Limitation Order No. L–43—(a) Definitions.* For the purposes of this section:

(1) "Motorized fire apparatus" means self-propelled motorized fire apparatus and trailer types of fire apparatus and parts and accessories therefor.

(2) "Sedan" means motorized fire apparatus of which more than 50 percent of the area behind the windshield is enclosed, excluding, however, "cab type" apparatus in which the canopy covers not more than 9 persons, seated.

(3) "Service ladder truck" means motorized fire apparatus on which the equipment carried consists of service or ground ladders, miscellaneous equipment, and tools.

(4) "Squad car" means motorized fire apparatus designed primarily to carry men.

(5) "Salvage car" means motorized fire apparatus designed to carry canvas covers, life nets, etc.

(6) "Rescue car" means motorized fire apparatus designed to carry first aid equipment.

(7) "Pumper" means motorized fire apparatus designed to carry a water tank, a pump, and hose.

(8) "Copper base alloy" means any alloy in the composition of which the weight of copper equals or exceeds 40 percent of the weight of all metal in the alloy.

(b) *Restrictions on products.* Except upon specific authorization of the Director of Industry Operations, no person shall, on or after the effective date of this section, take any action to commence or complete the manufacture of:

(1) Any piece of self-propelled motorized fire apparatus or parts or accessories therefor, except to fill a defense order received by such person before taking such action;

(2) Any sedan, service ladder truck, squad car, salvage car, or rescue car;

(3) Any pumper except one which shall:

(i) Carry a pump of one of the following capacities as rated by the National Board of Fire Underwriters;

(*a*) 500 to 600 g. p. m.
(*b*) 750 g. p. m.
(*c*) 1,000 to 1,250 g. p. m.

(ii) Carry a water tank of content capacity from 100 to 200 gallons; and

(iii) Be designed to carry not more than 1,000 feet of 2½-inch cotton, rubber-lined hose;

(4) Any piece of Motorized Fire Apparatus on which is combined both a pump of a capacity of 500 g. p. m. or more, and an aerial ladder.

(c) *Restrictions on use of materials and parts.* (1) No person shall include a bell on any motorized fire apparatus manufactured or delivered on or after the effective date of this section.

(2) Except as provided in paragraph (d) of this section, or upon specific authorization of the Director of Industry Operations, no person shall on or after the effective date of this section, incorporate in the manufacture of any motorized fire apparatus, or of component parts thereof, any aluminum, copper, copper base alloy, nickel, chromium, cadmium, tin, zinc, steel, neoprene, or other synthetic rubber, except to the extent permitted by Appendix A.

(d) *General exceptions.* Parts which were finished and ready for assembly on the effective date of this section, the incorporation of which in the manufacture of motorized fire apparatus is prohibited by the provisions of paragraphs (b) and (c) of this section, may, nevertheless, be assembled by the person owning such parts on said date to fill contracts or orders for Motorized Fire Apparatus bearing a preference rating of A–2 or higher.

(e) *Applicability of Priorities Regulation No. 1.* This section and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this section shall govern.

(f) *Violations.* Any person who willfully violates any provision of this section, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this section, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(g) *Appeal.* Any person affected by this section who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal to the War Production Board, setting forth pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Communications.* All reports required to be filed hereunder, or communications concerning this section shall, unless otherwise directed, be addressed to: War Production Board, Safety and Technical Equipment Branch, Fire Equipment Section, Washington, D. C. Reference: L–43.

(i) *Effect on other orders.* With respect to the use of the materials named herein for incorporation in the products named herein or in component parts thereof, this section shall prevail so far as in permitting any specific use it is deemed to conflict with provisions curtailing or prohibiting such use in the following Conservation Orders, as amended to the effective date of this section.

M–1–a (Aluminum).
M–18–a (Chromium).
M–9–c (Copper and Copper Base Alloys).
M–6–b (Nickel).
M–21–a (Steel Alloys).
M–43 (Tin).
M–11 (Zinc).
M–79 (Asbestos).
M–13 (Synthetic Rubber).
M–15–b (Rubber).

The use of such materials is, however, subject to Orders providing for a preference rating in deliveries or for allocation which are now or hereafter may be in force.

(j) *Effective date.* This section shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

J. S. KNOWLSON,
Director of Industry Operations.

Appendix "A"

Pursuant to paragraph (c) (2) of the above Order, the following materials may be incorporated in the manufacture of motorized fire apparatus, or of component parts thereof, to the extent indicated;

(i) Secondary aluminum in pistons and oil pans; and in zinc die castings up to 2 percent by weight, or up to 4 percent upon specific authorization of the Director of Industry Operations;

(ii) Copper, in radiator cores, electrical equipment, sirens, horns, gauge lines, and inner coolers and fittings;

(iii) Copper Base Alloys, in section tube caps, discharge valve caps, sirens, horns, engine bearings, valves (not including the handles), relief valves, pump bodies, impellers, rotors, bushings, governors and swivels; in rollers in section hose couplings, and in pumps if iron cannot be effectively substituted;

(iv) Nickel, in piston pins for engines over 125 horsepower; in engine exhaust valves; in cylinder iron if not in excess of 1½ percent; in heavy duty gears; and in plating to the extent essential to the efficient functioning of the parts plated;

(v) Chromium, in relief valves and seats and highly stressed steel parts; including axles, shafts, gears, springs and motor valves; and in plating to the extent essential to the efficient functioning of the parts plated;

(vi) Cadmium, in plating to the extent essential to the efficient functioning of the parts plated;

(vii) Tin, in Copper Base Alloys the use of which is permitted by subparagraph (iii) above, but only where no tin-free alloy can be used and only to the extent essential to efficient functioning; and in solder up to 30 percent by weight, or up to 50 percent upon specific authorization of the Director of Industry Operations.

(viii) Zinc, in carburetors, fuel pumps, and speedometers; and in windshield wipers and in plating to the extent essential to the efficient functioning of the windshield wipers or of the parts plated;

(ix) Steel, to the extent essential to the efficient functioning of the parts;

(x) Synthetic rubbers other than neoprene, in valve packing, pump packing, hydraulic hose lines and fuel pump lines.

[F. R. Doc. 42–1707; Filed, February 27, 1942; 10:13 a. m.]

PART 1073—FIRE PROTECTIVE EQUIPMENT

General Limitation Order No. L–39 To Prevent Unnecessary Consumption of Scarce Materials in the Production of Fire Protective Equipment

Whereas, fulfillment of requirements for the defense of the United States have created a shortage of the materials hereinafter set forth for defense and private account; and the present supply of these materials will be insufficient for war and essential civil'an requirements unless restrictions on the manufacture of fire protective equipment are instituted:

Now, therefore, it is hereby ordered that:

§ 1073.1 *General Limitation Order L–39—(a) Definitions.* For the purposes of this section:

(1) Fire protective equipment means installed or portable equipment of the following types for preventing or extinguishing fires:

Couplings, playpipes and allied fittings.
Fire Hydrants.
Hose Dryers.
Hose Racks.
Indicator Posts.
Lightning Rods.
Portable Fire Extinguishers, including Back Pack Types and Stirrup Pumps.
Water Spray Nozzles.
Automatic Sprinkler Systems.
Automatic Fire Alarm Systems.
Portable Generators or Piped Extinguisher Systems.

(2) "Copper base alloy" means any alloy in the composition of which the weight of copper equals or exceeds 40 percent of the weight of all metal in the alloy.

(b) *Restrictions on use of scarce materials.* Except as provided in paragraph (c) below, or upon specific authorization of the Director of Industry Operations, no person shall incorporate in the manufacture of fire protective equipment, or of component parts thereof, aluminum, bismuth, cadmium, chromium, copper, copper base alloy, lead, mercury, monel metal, nickel, tin, stainless steel, zinc, asbestos, rubber, or neoprene or other synthetic rubber, except to the extent permitted by Appendix A.

(c) *General exceptions.* Parts which were finished and ready for assembly on the effective date of this section, the incorporation of which in the manufacture of fire protective equipment is prohibited by the provision of paragraph (b) of this section, may, nevertheless, be assembled by the person owning such parts on said date to fill contracts or orders for fire protective equipment bearing a preference rating of A–2 or higher.

(d) *General restrictions.* (1) No person shall, in any quarter, beginning with the quarter ending March 31, 1942, complete the manufacture of a quantity of any type of foam extinguishers or anti-freezing extinguishers in excess of twenty-five percent (25%) of the total quantity of such type of foam extinguishers or anti-freezing extinguishers respectively, manufactured by him during the twelve-month period ending November 30, 1941. In determining the quantity permitted under this restriction, amounts manufactured to fill contracts with any of the following shall be excluded:

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(ii) The government of any of the following countries: the United Kingdom, Canada, and other dominions, Crown Colonies and protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia, and Yugoslavia;

(iii) Any agency of the United States Government for materials, supplies, or equipment to be delivered to or for the account of any country listed above, or any other country including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." Lend-Lease Act)

(2) No person shall purchase or accept delivery of any foam extinguishers:

(i) To replace in his inventory or supplies any other type extinguishers in general use; or

(ii) Except for use in the protection of hazardous liquids.

(3) No person shall hereafter sell or deliver any foam extinguisher which he knows or has reason to believe is being purchased or accepted or will be used in violation of this section.

(e) *Applicability of Priorities Regulation No. 1.* This section and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this section shall govern.

(f) *Violations.* Any person who wilfully violates any provision of this section, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this section, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(g) *Appeal.* Any person affected by this section who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal to the War Production Board, setting forth pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Communications.* All reports required to be filed hereunder, or communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Safety and Technical Equipment Branch, Fire Equipment Section, Washington, D. C. Reference: L–39.

(i) *Effect on other Orders.* With respect to the use of the materials named herein for incorporation in the products named herein or in component parts thereof, this section shall prevail so far as in permitting any specific use it is deemed to conflict with provisions curtailing or prohibiting such use in the following Conservation Orders, as amended to the effective date of this section:

M–1–c (Aluminum).
M–18–a (Chromium).
M–9–c (Copper and Copper Base Alloys).
M–6–h (Nickel).
M–21–a (Steel Alloys).
M–43 (Tin).
M–11 (Zinc).
M–79 (Asbestos).
M–13 (Synthetic Rubber).
M–15–h (Rubber).

The use of such materials is, however, subject to orders providing for a preference rating in deliveries or for allocation which are now or hereafter may be in force.

(j) *Effective date.* This section shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law No. 671, 76th Cong., 3d Sess., as amended by Pub. Law No. 89, 77th Cong., 1st Sess.)

J. S. KNOWLSON,
Director of Industry Operations.

Appendix A

Pursuant to the provisions of paragraph (f) of the above Order, the following materials may be incorporated in the manufacture of fire protective equipment, or of component parts thereof, to the extent indicated:

(1) Aluminum, primary or secondary:

(i) In extinguishers for use in airplanes;

(ii) As foil in electric condensers for automatic fire alarm systems, approved by Underwriters' Laboratories, Inc., or Factory Mutual Laboratories, to the extent essential to the efficient functioning of such condensers; or

(iii) (Secondary aluminum only) in zinc die castings not in excess of 2 percent by weight; or up to 4 percent upon specific authorization of the Director of Industry Operations;

(2) Bismuth, as a component of fusible link alloy:

(3) Cadmium:

(i) As a component of fusible link alloy or solder;

(ii) For plating parts of automatic fire alarm systems to the extent essential to the efficient functioning of such systems; or

(iii) In protective anti-corrosion coatings up to 10 percent of the coating alloy by weight;

(4) Chromium:

(i) For plating of parts of automatic fire alarm systems and sprinkler heads to the extent essential to the efficient functioning of such systems or heads; or

(ii) As a component of stainless steel the use of which is permitted by paragraph (ii) hereof;

(5) Copper or copper base alloys, in:

(i) Fire extinguisher pumps of all types, not including, however, pumps such as (A) stirrup pumps which are not incorporated in extinguishers or (B) back pack pumps, except those used by the Forest Service, Department of Agriculture;

(ii) Lock nuts on removable hose connections:

(iii) Bodies, ends, inner chambers, valves and their component parts for vaporizing liquid, or 2½ gallon foam or anti-freezing extinguishers requiring carbon dioxide or a chemical reaction as a propellant;

(iv) Fittings, strainers, syphon tubes and valves for carbon dioxide and gas operated dry powder extinguishers;

(v) Twin and special nozzles of pump type extinguishers;

(vi) Snap clamps, clamp pins and expansion rings on "Jones" type fire hose couplings;

(vii) Latch assembly and expansion rings of British type fire hose couplings to the extent essential to the efficient functioning of the parts;

(viii) Swivels, wires and expansion rings on screw type fire hose couplings;

(ix) Swivels, wires, rollers and expansion rings of suction hose couplings;

(x) Hose and hydrant adaptors;

(xi) Swivels, wires, clappers and seats of Siamese connections;

(xii) Playpipes made only from drawn or brazed sheet brass, no more than 2½ inches in diameter at the base, and no more than 15 inches long;

(xiii) Ball type and cylinder type shut-off nozzles;

(xiv) Nozzle tips;

(xv) Portable deluge nozzles, not including tips and handles;

(xvi) The following hydrant fittings to the extent essential to their efficient functioning: valve seat discs, guides, operating valve stems, stuffing boxes, nuts and bolts;

(xvii) The following indicator post fittings to the extent essential to their efficient functioning: valve stems, seats, discs, packing glands and glands of bonnet openings;

(xviii) The following parts of portable generators and fixed pipe systems, to the extent essential to their efficient functioning: generator bodies with the exception of bases; shut-off valves with the exception of handles; screens and check valves;

(xix) Water spray nozzles with orifice openings in head of ⅛-inch diameter and smaller;

(xx) Lightning rods for electrical power stations and industrial plant stacks;

(xxi) Valve seats, discs, stems and guides;

(xxii) The following parts of automatic sprinkler systems and automatic fire alarm systems, approved by Underwriters' Laboratories, Inc., or Factory Mutual Laboratories:

Actuating units of Aero Alarms.
Air Check Housing.
Air Tubing A.
Angle Pieces.
Armature Links.
Arm Links.
Attaching Collars.
Auxiliary Levers.
Baffles.
Balls.
Ball Rivets.
Bearing Plates.
Bearings.
Bell Line Bleeders.
Bolts.
Bonnets.
Brushes.
Bucket Wheels.
Burrs.
Bushings.
Caps.
Center Pieces.
Clappers.
Clapper Latches.
Clapper Latch Levers.
Clapper Stops.
Clips.
Condenser Parts.
Conductors.
Connections.
Connection Links.
Connectors.
Contact Holders.
Contact Operating Levers.
Contact Plungers.
Contact Posts.
Contacts.
Contact Sockets.
Couplings.
Covers.
Cylinder Valve Supports.
Deflectors.
Diaphragms.
Diaphragm Plates.
Diaphragm Plungers.
Diaphragm Rods.
Discs.
Disc Clamps.
Disc Holders.
Disc Rods.
Ejector Bodies.
Elbows.
Enclosing Boxes and Covers.
Escapment Levers, holders, and ratchets.
Frames for Sealed Sprinkler Heads.
Fulcrum Levers.
Gaskets.
Gates.
Glands.
Gland Clamps.
Gland Holders.
Glass Holders.
Guide Rods.
Guide Rod Plates.
Hammers.
Hooks.
Housings.
Inlet Restrictions.
Inserts.
Jumpers.
Keys.
Knee Pieces.
Labels of inspecting laboratories.
Latches.
Latch Rollers.
Lever Heads.
Lever Rollers.
Levers for Sprinkler Heads.
Liners.
Links.
Lock Bars.
Lock Spacers.
Lower Shells.
Manifold Blocks.
Manual Pull Gams.
Manual Pull Levers.
Mercoid Plates.
Mercury Check Header Bars and Manifolds.
Monitor Valve Holders.
Monitor Valve seats.
Nipples.
Nozzle Strainers.
Nuts.
Operating Levers.
Pawls.
Pilots.
Pilot Valve Parts.
Pin Holders.
Pinions.
Pins.
Plates.
Plugs.
Plungers.
Plunger Discs.
Pressure Regulator Parts.
Pull Cables.
Pull Rods.
Pump Valve Levers.
Pump Valve Seats.
Quadrants.
Reduction Levers.
Release Frames.
Releasing Levers.
Relief Valve Housings.
Reseating Latches.
Reset Buttons.
Restrictions.
Reset Lugs.
Restriction Tubes.
Retaining Plates.
Rocker Arms.
Roll Rams.
Rollers.
Screens.
Screws.
Sealing Eyes.
Sealing Wires.
Seat Holders.
Seats.
Shafts.
Sight Slides.
Siren Valve Bodies.
Siren Valve Seats.
Snap Action Frames.
Snap Action Rolls.
Socket Pieces.
Spacers.
Spring Guides.
Spring Lugs.
Spring Retainers.
Springs.
Stems.
Studs.
Supports.
Switches.
Switch Carriages.
Switch Holders.
Sylphons.
Sylphon Bases.
Sylphon Caps.
Terminals.
Test Connectors.
Test Fingers.
Test Tubing Connections.
Tie Rods.
Tongue Flanges.
Tongue Latches.
Tongue Plates.
Tube Solder Plates.
Tubing and fittings.
Upper Shells.
Valve Holders.
Valve Guides.
Valve Rods.
Valves, not over 2 inches.
Valve Stems.
Velocity Bodies.
Velocity Check Plugs.
Velocity Clappers.
Vent Adaptors.
Vent Bodies.
Vent Elbows.
Vent Ties.

Washers.
Wedges.
Weight Bottom Plates.
Weight Guide Rods.
Weight Guides.
Weight Latches.
Weight Pawls.
Weight Stops.
Wire and Cable.
Yokes.
Yokes Collars.

(6) Lead:

(i) As a component of fusible link alloy or solder;

(ii) In underground pipe connections to the extent essential to efficient functioning of such connections;

(iii) In copper Base alloys, the use of which is permitted by paragraph (5) hereof;

(iv) As required for extinguisher nozzles;

(7) Mercury, as required in check valves for automatic alarm systems;

(8) Nickel, as a component of stainless steel the use of which is permitted by subparagraph (10) hereof;

(9) Tin:

(i) As a component of fusible link alloy;

(ii) In copper base alloys the use of which is permitted by paragraph (5) hereof, but only where no tin-free alloy can be used and only to the extent essential to efficient functioning;

(iii) In condenser parts for automatic fire alarms;

(iv) Up to 30 percent by weight, in metals used in the coating of copper or of copper alloys for anti-corrosion protection;

(v) Up to 5 percent by weight in metal for coating steel shells or malleable iron couplings;

(vi) In terne plate where metal protected steel is required and galvanized iron cannot be used; or

(vii) In solder up to 30 percent by weight; or up to 50 percent upon specific authorization by the Director of Priorities;

(10) Stainless steel:

(i) In hinge pins; or

(ii) In the construction of mercury check valves.

(11) Zinc:

(i) In automatic fire alarm systems, to the extent essential to efficient functioning;

(ii) In copper alloys, the use of which is permitted by paragraph (5) hereof;

(iii) In die cast parts;

(iv) As protection of iron or steel parts against corrosion; or

(v) As sheet to the extent that corrosion-resistant metal is essential to efficient functioning.

(12) Asbestos in gaskets on fixed foam applicator pipes;

(13) Crude rubber for diaphragms or gaskets for dry valves on sprinkler systems and reclaimed rubber for hose for fire extinguishers.

(14) Synthetic rubber other than neoprene, to the extent essential to efficient functioning.

[F. R. Doc. 42-1709; Filed, February 27, 1942; 10:14 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1302—ALUMINUM

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 2—ALUMINUM SCRAP AND SECONDARY ALUMINUM INGOT

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[1]

Sections 1302.1 and 1302.8 (b) are hereby amended to read as set forth below, and § 1302.9a is added:

§ 1302.1 *Maximum prices of aluminum scrap and secondary aluminum ingot.* (a) On and after November 1, 1941, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer, aluminum scrap or secondary aluminum ingot, and no person shall buy, offer to buy, or accept delivery of, aluminum scrap or secondary aluminum ingot, at prices higher than the maximum prices set forth in §§ 1302.10 and 1302.11, Appendices A and B hereof, except as provided in paragraph (b) of this section.

(b) On and after February 26, 1942, any person may sell, offer to sell, deliver or transfer, to the Metals Reserve Company, or its duly authorized agent or agents, aluminum scrap, pursuant to the program with respect to idle or excessive inventories of aluminum materials adopted and announced by the War Production Board, Division of Industry Operations, on February 24, 1942, and the Metals Reserve Company, or its duly authorized agent or agents, may buy, offer to buy, or accept delivery of, aluminum scrap, pursuant to such program, without regard to the provisions of Price Schedule No. 2: *Provided, however,* That the provisions of Price Schedule No. 2 shall apply to all sales, deliveries or transfers, of such aluminum scrap by the Metals Reserve Company or its duly authorized agent or agents.

§ 1302.8 *Definitions.*

• • • • •

(b) "Aluminum scrap" means the grades of aluminum scrap set forth in § 1302.10, Appendix A, of this Revised Price Schedule No. 2. These grades include all aluminum materials which are the waste or by-product of any kind of metal working, as well as materials which have been discarded from inventory or use because of obsolescence, failure or other reason, and which are to be remelted for further use.

• • • • •

§ 1302.9a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1302.1, 1302.8 (b) and 1302.9a) to Revised Price Schedule No. 2 shall become effective February 26, 1942.

(Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 26th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1705; Filed, February 26, 1942; 5:11 p. m.]

PART 1339—BURLAP AND BURLAP PRODUCTS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 18[1]—BURLAP

A statement of the considerations involved in the issuance of this Amendment No. 1 to Revised Price Schedule No. 18 has been prepared and is issued simultaneously herewith.[2]

Section 1339.11 is hereby amended by designating the provisions thereof as paragraph (a) and by adding thereto two new paragraphs (b) and (c), and a new § 1339.10a is added, as set forth below:

§ 1339.11 *Appendix A: Maximum prices for burlap.*

• • • • •

(b) Charges for war risk insurance in excess of 2½% actually paid with respect to the burlap sold, may be added to the maximum prices set forth in paragraph (a) of this section: *Provided,* That if any such excess war risk insurance charges are added to the applicable maximum prices, an invoice or similar document shall be delivered to the purchaser showing the amount of such charges.

(c) Charges for ocean freight, from India to port of discharge, in excess of $25.00 per 40 cubic feet, or $25.00 per 16 cwt., actually paid with respect to the burlap sold, may be added to the maximum prices set forth in paragraph (a) of this section: *Provided,* That if any such excess ocean freight charges are added to the applicable maximum prices, an invoice or similar document shall be delivered to the purchaser showing the amount of such charges.

§ 1339.10a *Effective dates of amendments.* (a) Amendment No. 1 (§ 1339.11 (a), (b), and (c), and § 1339.10a) to Revised Price Schedule No. 18 shall become effective March 3, 1942.

(Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 26th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1702; Filed, February 26, 1942; 5:09 p. m.]

[1] The statement of considerations has been filed with the Division of the Federal Register.

[1] 7 F.R. 1241.

[2] The statement of considerations has been filed with the Division of the Federal Register.

PART 1347—PAPER AND PAPER PRODUCTS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 30—WASTEPAPER[1]

Section 1347.10, (a), footnote 4 (a), thereof, is amended to be footnote 4 (b); a new footnote 4 (a) is added, and paragraph (b) of § 1347.10 is amended to read as follows; and a new § 1347.9a is added:

§ 1347.10 *Appendix A: Maximum prices for wastepaper.*

• • • • •

[4a] If, in any sale of wastepaper, the point of shipment is the premises of the seller, then, if there is no rail siding or barge dock at or upon such premises, and if the wastepaper is transported to and loaded on a freight car or barge at a team track or public dock for transportation to the buyer by or at the expense of the seller, the seller may add to the price, which in no event may exceed the maximum price provided by the Schedule, an amount not in excess of $1.00 per short ton. If the point of shipment is at premises other than those of the seller, and there is no rail siding or barge dock at or upon such premises, the aforesaid allowance may be added for transportation to and loading at a public team track or public barge dock by the seller for transportation to the buyer, in the manner aforesaid, provided the wastepaper so transported and loaded was not sorted, packed, baled or accumulated by the seller. This allowance, whenever added, must be shown as a separate item in the invoice, and may only be added under the circumstances hereinbefore described. No such allowance may be added if either the point of shipment or the team track or barge dock at which the wastepaper is loaded is within the limits of the railway switching district of Chicago, Illinois.

• • • • •

(b) The maximum delivered price for waste paper shall not exceed the established point of shipment price set forth in (a) hereof, plus such of the following transportation allowances as are shown as separate items in the billing or invoice:

(1) When transportation to the buyer is by public (common or contract) carrier, the lowest established transportation rate for an identical shipment;

(2) When transportation to the buyer is by vehicle owned or controlled by the seller other than a common or contract carrier;

(i) An amount not in excess of $1.00 per short ton, plus actual toll charges, when the point of shipment and the buyer's premises are located in the same city, town or municipality, or at a distance of ten miles or less from each other by the shortest available public highway route.

(ii) An amount per short ton not in excess of the charge at the lowest published rail rate for full carload shipments of waste paper, when the point of shipment and the buyer's premises are not located in the same city, town or municipality and are at a distance of more than ten miles from each other by the shortest available public highway route.

All sales of wastepaper to a consumer shall be invoiced. The invoice shall state as separate items the origin and destination of the wastepaper, and if delivered in a vehicle owned or controlled by the seller, the mileage and the charge for such service.

§ 1347.9a *Effective dates of amendments.* (a) Amendment No. 1 (§ 1347.10 (a), § 1347.10 (b) and § 1347.9a) to Revised Price Schedule No. 30 shall become effective February 27, 1942. (Pub. No. 421, 77th Cong. 2d Sess.)

Issued this 27th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1728; Filed, February 27, 1942; 11:59 a. m.]

[1] 7 F.R. 1201.

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

[Order No. 216]

CERTAIN VESSELS OPERATING IN FOREIGN AND INTERCOASTAL TRADE

FEBRUARY 27, 1942.

Upon the recommendation of the Chairman of the United States Maritime Commission and by virtue of the authority vested in me by the provisions of Executive Order No. 8976, dated December 12, 1941, (6 F.R. 6441), I hereby waive compliance with the provisions of section 4178 R.S., as amended, (46 U.S.C. 46), and of section 4495 R.S., (46 U.S.C. 493), in the case of vessels of 1,000 gross tons and over operating in foreign and intercoastal trade.

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R Doc. 42-1730; Filed, February 27, 1942; 11:55 a. m.]

[Order No. 217]

REQUIREMENT FOR CERTAIN OFFICERS TO BE MEMBERS OF UNITED STATES NAVAL RESERVE

FEBRUARY 27, 1942.

Upon the written recommendation of the War Shipping Administrator and by virtue of the authority vested in me by the provisions of Executive Order No. 8976, dated December 12, 1941 (6 F.R. 6441), I hereby waive compliance with so much of subsection (g) of section 302 of the Merchant Marine Act, 1936, as amended (46 U.S.C. 1132 (g)) as requires that all of the deck and engineer officers employed on the United States Maritime Commission's vessels, if eligible, be members of the United States Naval Reserve.

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 42-1731; Filed, February 27, 1942; 12:03 p. m.]

SUBCHAPTER E—LOAD LINES

[Order No. 215]

PART 47—TEMPORARY VARIANCE FOR COASTWISE VOYAGES BY SEA AND GREAT LAKES VOYAGES

FEBRUARY 26, 1942.

Section 47.7 (*Seasonal freeboards*) is amended to read as follows:

§ 47.7 *Seasonal freeboards.* For coastwise voyages by sea, the determination of seasonal freeboards, other than the summer freeboard determined in § 47.6, are to be as provided in Part 43; the freeboard for all seasons is the seasonal freeboard of the loading port. For voyages on the Great Lakes, no change in the position of the intermediate and winter marks will be made from the position determined by Part 45 and, for voyages on the Great Lakes, the winter season shall be that period from November 1 through April 15 of the next year, the intermediate seasons from April 16 through April 30 and from October 1 through October 31, and the summer season from May 1 through September 30. (Sec. 2, 49 Stat. 888, 1543; 46 U.S.C., 88a, and the Act of July 3, 1941)

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 42-1729; Filed, February 27, 1942; 11:55 a. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 1—RULES OF PRACTICE AND PROCEDURE

The Commission on February 24, 1942, effective immediately, amended paragraph (b) of § 1.196 (*Notice of hearing under part I of title III*) to read as follows:

§ 1.196 *Notice of hearing under part I of Title III.*

• • • • •

(b) Notice of the filing of applications under Part I of Title III of the Act and of the date fixed for hearing on such applications shall be published weekly in the office of the Commission and posted in the office of the Secretary. (Sec. 4 (i), 48 Stat. 1068; 47 U.S.C. 154 (i))

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1703; Filed, February 27, 1942; 10:05 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-216]

IN THE MATTER OF R. H. LUTZ & WALTER CONDON, A PARTNERSHIP, DOING BUSINESS AS LUTZ & CONDON, CODE MEMBERS, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 4, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 10, 1942, by Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bitu-

minous Coal Code or rules and regulations thereunder:

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 30, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given, that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified, that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, whose address is Shawville, Pennsylvania, willfully violated section 4 Part II (e) of the Act and Part II (e) of the Code by selling and delivering to R. S. Walker, doing business as Bradford Coal Company, Bigler, Pennsylvania, during the period April 15 through May 1941 approximately 88 tons of run of mine coal produced by the defendants at their Lutz and Condon Mine, Mine Index No. 2885, located in Clearfield County, Pennsylvania, in Subdistrict 8 of District No. 1 at a price of $2.00 per net ton delivered by truck to the Bradford No. 4 siding, Surveyor, Pennsylvania, the applicable minimum price established for such coal for truck shipment being $2.20 per net ton f. o. b. said mine, as contained in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments; or the defendants wilfully violated the provisions of the Director's Order dated October 9, 1940, entered in General Docket No. 19, by selling to R. S. Walker, doing business as Bradford Coal Company, Bigler, Pennsylvania, during the period April 15 through May 1941, approximately 88 tons of run of mine coal produced at said mine at $2.00 per net ton f. o. b. Bradford #4 railroad car loading dock or siding located at Surveyor, Pennsylvania, whereas at the time of said transactions no rail classification or prices were established for the coal produced at said mine.

Dated: February 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1714; Filed, February 27, 1942; 11:00 a. m.]

[Docket No. B-202]

IN THE MATTER OF H. R. KIRKBRIDE, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 21, 1941, and amended complaint dated January 29, 1942, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on December 31, 1941, and on February 2, 1942, respectively, by the Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division, alleging wilful violation by the defendant of the Bituminous Coal Code and the rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such amended complaint be held on March 30, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under Section 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the amended complaint.

Notice is hereby given that answer to the amended complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the amended complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the amended complaint herein, other matters incidental and related thereto, whether raised by amendment of the amended complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the amended complaint, filed by said complainant, alleging wilful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the said defendant whose address is R. D. 1, Kittanning, Pennsylvania, and who operates the Kirkbride Mine, Mine Index No. 1610, located in Armstrong County, Pennsylvania, in District No. 1, wilfully violated section 4 Part II (e) of the Act and Part II (e) of the Code by selling to various purchasers during the period from April 2, 1941 to August 12, 1941, both dates inclusive, at 5¢ per bushel (equivalent to approximately $1.25 per ton) f. o. b. the said mine, approximately 55 tons of run of mine and modified run of mine coal produced by said defendant at said mine, whereas said coal was classified as Size Group 3 and priced at $2.15 per net ton f. o. b. the mine as shown in the Schedule of Effective Minimum Prices for Truck Shipments for District No. 1. Therefore, said sales were made at a price of approximately 90¢ below the minimum established therefor by the Division; and

By selling to various purchasers during the period from August 12, 1941, to August 22, 1941, both dates inclusive, at 8¢ per bushel (equivalent to approximately $2.00 per ton) f. o. b. said mine, approximately 7 tons of run of mine and modified run of mine coal produced by said defendant at said mine, whereas such coal was classified as Size Group 3 and priced at $2.15 per net ton f. o. b. the said mine as shown in the said schedule. Therefore, said sales were made at a price which was approximately 15¢ below the minimum established therefor by the Division.

That the said defendant wilfully violated Orders Nos. 308 and 312, dated January 14, 1941, and February 24, 1941, respectively, by failing to comply with the provisions of the said orders during the period from August 1, 1941 to August 25, 1941, in that the said defendant failed to maintain and keep proper records and to file with the Division reports of all coal sold and shipped, by truck or wagon within the time and in the manner prescribed in said order.

That the said defendant also wilfully violated Rule 2 of section XII of the Marketing Rules and Regulations.

Dated: February 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1715; Filed, February 27, 1942; 11:00 a. m.]

[Docket No. A-1282]

PETITION OF GLENN SMALL, A CODE MEMBER IN DISTRICT NO. 15, FOR REVISION IN THE EFFECTIVE MINIMUM PRICES FOR THE COALS OF THE SMALL MINE (MINE INDEX NO. 962) IN DISTRICT NO. 15 FOR SHIPMENT BY TRUCK INTO ALL MARKET AREAS

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 23, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, at Room 536, Dwight Building, Kansas City, Missouri.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 18, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Glenn Small, a code member in Production Group No. 6 in District No. 15, for reductions in the effective minimum prices applicable to the coals of the Small Mine (Mine Index No. 962) in Size Groups 2 and 9, for shipment by truck into all market areas.

Dated: February 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1716; Filed, February 27, 1942; 11:00 a. m.]

[Docket No. B-203]

IN THE MATTER OF RAYMOND BILLOTTE, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 20, 1941, and amended complaint dated January 29, 1942, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on December 31, 1941, and on February February 2, 1942, respectively, by the Bituminous Coal Producers Board for District No. 1, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code and the rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such amended complaint be held on March 27, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania;

It is further ordered, That Joseph A. Huston or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under Section 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the amended complaint.

Notice is hereby given that answer to the amended complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the amended complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the amended complaint herein, other matters incidental and related thereto, whether raised by amendment of the amended complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the amended complaint, filed by said complainant, alleging wilful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the said defendant whose address is Surveyor, Pennsylvania, and who operates the Goshen Mine, Mine Index No. 131, located in Clearfield County, Pennsylvania, in District No. 1, wilfully violated section 4 Part II (e) of the Act and Part II (e) of the Code by selling to the Bradford Coal Company, Bigler, Pennsylvania, during the period from October 4, 1940 to May 16, 1941, both dates inclusive, approximately 2,246 tons of run of mine coal produced at the said mine at prices ranging from $1.40 to $2.10 per net ton dumped in railroad cars at the Bradford No. 4 siding in Surveyor, Penn-

sylvania, whereas said coal was classified in Size Group 3 and priced at $2.25 per net ton f. o. b. the said railroad loading facility, as set forth in temporary schedule "A", annexed to and made a part of the order granting temporary relief dated October 3, 1940, in Docket No. A–57, supplementing the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck.

Dated: February 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–1717; Filed, February 27, 1942; 11:01 a. m.]

[Docket No. A–1177]

PETITION OF L. O. RYALS, A CODE MEMBER PRODUCER IN DISTRICT NO. 15 FOR A REDUCTION IN THE EFFECTIVE MINIMUM PRICE FOR MINE RUN COAL PRODUCED FROM THE RYALS MINE (MINE INDEX NO. 935) FOR TRUCK SHIPMENTS TO ALL MARKET AREAS

ORDER REOPENING AND CHANGING PLACE OF HEARING

A hearing upon the original petition and an amendment thereto of L. O. Ryals, filed in the above-entitled matter, convened at Washington, D. C., on January 27, 1942, pursuant to a Notice of and Order for Hearing entered in that matter on December 4, 1941.

The original petitioner was not represented and offered no evidence in support of his petition at that hearing. Upon the original petitioner's failure in that respect, District Board No. 15, an intervening petitioner in the matter and represented at the hearing, moved that the original petition be dismissed without prejudice. The hearing was thereupon closed by the Examiner and the motion for dismissal referred to the Acting Director for determination.

It appears that the failure of the original petitioner to present evidence in support of his petition on the occasion of the hearing held in Washington, D. C., was due to the amount of the expense attendant the necessary travel between his residence at Mendota, Missouri, and Washington, D. C.; also that a hearing on his petition may now be scheduled at the time and place hereinafter designated at no undue expense to the Division or to any of the parties to the matter and that such rescheduling of the hearing will tend to promote the best interests of all such parties.

Now, therefore, it is ordered, That the hearing in the above-entitled matter be reopened and that the reopened hearing be held on March 23, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, at Room 536, Dwight Building, 10th and Baltimore, in Kansas City, Missouri, before the officers heretofore designated to preside at such hearings.

Determination of the motion of the intervening petitioner, District Board No. 15, for the dismissal, without prejudice, of the original petition is deferred pending the holding of the reopened hearing herein scheduled for March 23, 1942.

Dated: February 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–1718; Filed, February 27, 1942; 11:01 a. m.]

[Docket No. 1855–FD]

IN THE MATTER OF DAVID JOPLING (CODE MEMBER), DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on March 10, 1942, at 10:00 a. m. at a hearing room of the Bituminous Coal Division at the State Capitol Building, Des Moines, Iowa; and

It appearing to the Acting Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same is hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate Order.

Dated: February 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–1719; Filed, February 27, 1942; 11:01 a. m.]

[Docket No. A–1252]

PETITION OF ONTARIO GAS COAL COMPANY FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF ITS TIDEWATER NO. 1 MINE, MINE INDEX NO. 289, IN DISTRICT NO. 7 PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER GRANTING POSTPONEMENT

The original petitioner having moved that the hearing in the above-entitled matter be postponed until April 20, 1942, and having shown good cause why its motion should be granted, and there having been no opposition thereto;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of February 26, 1942, to 10 o'clock in the forenoon of April 20, 1942, at the place heretofore designated and before the officers previously designated to preside at said hearing.

Dated: February 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–1720; Filed, February 27, 1942; 11:01 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF CANCELLATION OF SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE APPAREL INDUSTRY

Notice is hereby given that a special certificate for the employment of learners not to exceed at any one time five workers issued to the Solomon Underwear Company, Inc., 406 Broad Avenue, Palisades Park, New Jersey, on October 22, 1940, has been ordered cancelled as of the first date of violation because of violations of its terms.

The order of cancellation shall not become effective and enforceable until after the expiration of a fifteen-day period following the date on which this notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any directly interested and aggrieved party pursuant to § 522.13 of the Regulations. If a petition is properly filed, the effective date of the order of cancellation shall be postponed until final action is taken on the petition.

Signed at City of New York this 26th day of February 1942.

ALEX G. NORDHOLM,
Duly Authorized Representative of the Administrator.

[F. R. Doc. 42–1710; Filed, February 27, 1942; 10:43 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1–2590]

IN THE MATTER OF WILLIAM J. LEMP BREWING COMPANY, $5 PAR VALUE CAPITAL STOCK

ORDER GRANTING APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 26th day of February, A. D. 1942.

The St. Louis Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2–1 (b) promulgated thereunder, having made application to strike from listing and registration the $5 Par Value Capital Stock of William J. Lemp Brewing Company.

After appropriate notice, a hearing having been held in this matter; and

The Commission having considered said application together with the evidence introduced at said hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of the trading session on March 9, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–1725; Filed, February 27, 1942; 11:28 a. m.]

[File Nos. 59–17, 59–11, 54–25]

IN THE MATTERS OF THE UNITED LIGHT AND POWER COMPANY, THE UNITED LIGHT AND RAILWAYS COMPANY, AMERICAN LIGHT & TRACTION COMPANY, CONTINENTAL GAS & ELECTRIC CORPORATION, UNITED AMERICAN COMPANY, AND IOWA-NEBRASKA LIGHT AND POWER COMPANY, RESPONDENTS; THE UNITED LIGHT AND POWER COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS; AND THE UNITED LIGHT AND POWER COMPANY, APPLICANT

ORDER GRANTING APPLICATION NO. 8

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 25th day of February, A. D. 1942.

The Commission having directed, by an order entered in this proceeding on March 20, 1941, pursuant to section 11 (b) (2) of the Public Utility Holding Company Act of 1935, that The United Light and Power Company be liquidated and dissolved and that said company make application to the Commission for the entry of any further orders necessary or appropriate for such purpose;

Said order having further provided that said company might submit to the Commission for its approval a plan proposing a method for complying with said order, on a basis which should be fair and equitable to its security holders, and providing for a determination of the relative rights and interests of its security holders in connection therewith;

The Commission having expressly reserved in said order jurisdiction to enter such further orders in this proceeding as may be necessary or appropriate for the purpose of carrying out the steps required by said order;

The United Light and Power Company having filed an application herein designated as Application No. 8, proposing a plan for the immediate payment of its long-term debt represented by three series of debentures maturing according to their terms on January 1, 1973, May 1, 1974, and November 1, 1975, respectively;

A hearing having been held, and the Commission being fully advised in the premises and having this day issued and filed its findings and opinion herein; now therefore, on the basis of said findings and opinion, and pursuant to the applicable provisions of said Act, the applicable rules thereunder, and the Commission's said order of March 20, 1941, it is

Ordered, That the plan proposed by Application No. 8 be and it hereby is approved as submitted, and that said application be and it hereby is granted subject to the terms and conditions specified in Rule U-24;

Further ordered, That the outstanding debentures of each series issued by The United Light and Power Company shall become due and payable, in accordance with the provisions of said plan, on May 1, 1942, at the principal amount thereof plus accrued interest at that date, and that interest shall cease to accrue on said debentures on and after May 1, 1942;

Further ordered, That The United Light and Power Company be and it hereby is authorized and directed to consummate said plan according to its terms, and as soon as practicable to submit to the Commission for its approval such further plan or plans as may be necessary or appropriate for compliance with section 11 (b) (2) of said Act and with the Commission's aforesaid order of March 20, 1941.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–1726; Filed, February 27, 1942; 11:28 a. m.]

[File No. 37–28]

IN THE MATTER OF ATLANTIC UTILITY SERVICE CORPORATION

ORDER POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of February, A. D. 1942.

The Commission having, on February 13, 1942, issued its Order postponing the date of hearing, in the above entitled matter, from February 17, 1942 to March 6, 1942; and

Representatives of the Public Utility Commission of the Commonwealth of Pennsylvania having requested that said date of hearing be postponed, to some date in March, after March 9, 1942, and the Commission being of the opinion that said request may appropriately be granted;

It is ordered, That the date of the hearing in this matter be and is hereby postponed to March 19, 1942 at 10:00 A. M., at the offices of the Securities and Exchange Commission, located in the former Penn-Athletic Club Building, situated at 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated by the hearing room clerk, before the officer of the Commission previously designated herein.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–1727; Filed, February 27, 1942; 11:28 a. m.]

UNITED STATES TARIFF COMMISSION.

[Investigation No. 116]

WOOL KNIT OR CROCHETED GLOVES AND MITTENS

INVESTIGATION DISCONTINUED AND DISMISSED

The Tariff Commission on February 20, 1942 discontinued and dismissed the investigation with respect to—

(a) Gloves and mittens, knit or crocheted, finished or unfinished, wholly or in chief value of wool, valued as defined in subdivisions (c), (d), (e), and (f) of section 402 of the Tariff Act of 1930, in the order specified in section 402 (a), at not more than $3.50 per dozen pairs, and provided for in paragraph 1114 (b) of the Tariff Act of 1930

(b) Gloves and mittens, knit or crocheted, finished or unfinished, wholly or in chief value of wool, and provided for in paragraph 1529 (a) of the Tariff Act of 1930

This investigation was ordered by the Tariff Commission on October 29, 1940, pursuant to the provisions of Section 336 of Title III of the Tariff Act of 1930.

[SEAL] E. M. WHITCOMB,
Acting Secretary.

[F. R. Doc. 42–1674; Filed, February 27, 1942; 9:18 a. m.]

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FEDERAL REGISTER

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Washington, Tuesday, March 3, 1942

The President

EXECUTIVE ORDER

JOINT MEXICAN-UNITED STATES DEFENSE COMMISSION

By virtue of the authority vested in me by the Constitution and as President of the United States, and acting jointly and in full accord with His Excellency, the President of the Republic of Mexico, I hereby authorize, on the part of the Government of the United States, the creation of a joint commission to be known as the Joint Mexican-United States Defense Commission.

The purposes of the Commission shall be to study problems relating to the common defence of the United States and Mexico, to consider broad plans for the defense of Mexico and adjacent areas of the United States, and to propose to the respective governments the cooperative measures which, in its opinion, should be adopted.

As United States members of the Commission I hereby appoint the following:

Lieutenant General Stanley D. Embick, United States Army, Retired, Chairman,

Vice Admiral Alfred W. Johnson, United States Navy, Retired.

The Commission will convene initially at a time and place agreeable to both governments, and may thereafter proceed at any time with its professional and clerical assistants to such place or places in Mexico, with the approval of the Government of Mexico, or in the Unites States as it may consider desirable or necessary to visit for the accomplishment of its purposes.

The United States members of the Commission, in agreement with their Mexican colleagues, may prescribe their own procedure. They are also empowered to employ such professional and clerical assistants as may be deemed necessary, and to incur such expenses for travel, services, supplies, and other purposes as may be required for the accomplishment of their mission.

Each of the United States members of the Commission and each of their professional assistants, including civilian advisers and any United States Army, Navy, or Marine Corps officers so employed, detailed, or assigned, shall receive, in lieu of subsistence while outside of the continental limits of the United States in connection with the business of the Commission, a per diem allowance of ten dollars.

All expenses incurred by the United States Section of the Commission shall be paid by Army disbursing officers from allocations to be made to the War Department for that purpose from the Emergency Fund for the President.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 27, 1942.

[No. 9080]

[F R Doc. 42-1737; Filed, February 28, 1942; 10:07 a. m.]

EXECUTIVE ORDER

ESTABLISHING THE ARMY SPECIALIST CORPS

By virtue of the authority vested in me by section 1753 of the Revised Statutes of the United States (U.S.C., title 5, sec. 631), by the Civil Service Act (22 Stat. 403), as amended, and as President of the United States, and for the purpose of obtaining the temporary services of certain qualified civilian employees for the War Department, it is ordered as follows:

1. There is hereby established in the War Department, under the supervision and direction of the Secretary of War, a corps of uniformed civilian employees to be known as the Army Specialist Corps, hereinafter referred to as the Corps. The Corps shall consist of such number of qualified persons, whether or not theretofore upon any civil-service register, as may be appointed to positions therein from time to time by the Secretary of War: *Provided*, that no position shall be included in the Corps which ranks below Grade P&S-2 or Grade CAF-7 established by the Classification Act of 1923, as amended, except by agreement between

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the War Department and the United States Civil Service Commission.

2. The appointment, assignment, supervision, promotion, regulation, and discharge of members of the Corps shall be in accordance with regulations to be prescribed from time to time by the Secretary of War.

3. The pay rates of persons appointed to positions in the Corps shall be fixed under the pay scales set forth in section 13 of the Classification Act of 1923, as amended, and in accordance with the provisions of other existing law.

4. Payment of expenses authorized by an act entitled, "An act to provide for uniformity of allowances for the transportation of household goods of civilian officers and employees when transferred from one official station to another for permanent duty", approved October 10, 1940 (54 Stat. 1105), shall be allowed and paid for persons appointed or employed under the provisions of this order when such payment is specifically authorized or approved by such administrative official of the War Department as the Secretary of War may designate to perform such function in his stead and behalf.

5. The responsibility of recruiting persons for the Corps is hereby vested in the Civil Service Commission, which is authorized to exercise such function in conformity with the provisions of this Order without regard to the Civil Service Act and the Rules and Regulations promulgated thereunder. Persons appointed to positions in the Corps shall not thereby acquire a classified civil-service status.

6. Any person occupying a position, other than a temporary position, in the government of the United States, its territories or possessions, or the District of Columbia, may, with the consent of the head of the department or establishment in which he is employed, be transferred or appointed to a position in the Corps, and shall during the period of employment therein be deemed to be on leave of absence without pay from such position, but shall, upon application within forty days after termination of employment in the Corps, be restored to such position or to a position of like seniority, status, and pay without loss of seniority, retirement benefits, or other benefits.

This order shall remain in force during the continuance of the present war and for six months after the termination thereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 26, 1942.

[No. 9078]

[F. R. Doc. 42-1735; Filed, February 27, 1942; 2:32 p. m.]

EXECUTIVE ORDER

MAKING CERTAIN PUBLIC HEALTH SERVICE HOSPITALS AVAILABLE FOR THE CARE AND TREATMENT OF INSANE PERSONS

WHEREAS, on account of the increase in the armed forces of the United States, the number of insane persons now admitted and entitled to admission to St. Elizabeth's Hospital, at Washington, D. C., is greater than that hospital can accommodate properly; and

WHEREAS the United States Public Health Service Hospitals at Lexington, Kentucky, and Fort Worth, Texas, have adequate facilities and personnel for the care and treatment of insane persons without impairing the efficiency of the service for the purposes for which such hospitals were created and are maintained; and

WHEREAS the use of such hospitals for the care and treatment of insane persons will promote the public interest and aid in the successful prosecution of the war:

NOW, THEREFORE, by virtue of the authority vested in me by section 4 of the act of July 1, 1902, 32 Stat. 713, as modified by section 1 of the act of August 14, 1912, 37 Stat. 309 (U.S.C., title 42, sec. 8), and by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Congress), it is hereby ordered as follows:

1. The Federal Security Administrator is authorized to admit, to the extent that he may deem desirable, insane persons (except those from the District of Columbia) to the Public Health Service Hospitals at Lexington, Kentucky, and Fort Worth, Texas, for care and treatment upon the same terms and conditions as such persons may be entitled to admission to St. Elizabeth's Hospital, at Washington, D. C.

2. The Federal Security Administrator is authorized to transfer, to the extent that he may deem desirable, insane persons (except those from the District of Columbia) from St. Elizabeth's Hospital to the said Public Health Service Hospitals for care and treatment.

3. The agency of the Government responsible for the care and treatment of any insane person admitted or transferred to either of the said Public Health Service Hospitals under authority of this order shall pay the Superintendent of St. Elizabeth's Hospital for the care and treatment of such person in the same manner and amount as it would be required to pay if the patient were in St. Elizabeth's Hospital. All sums so paid shall be deposited in the United States Treasury to the credit of the appropriation made for the care and maintenance of patients at St. Elizabeth's Hospital.

4. To the extent deemed necessary and proper by the Federal Security Administrator, and under his direction, the appropriation for the operation and maintenance of said Public Health Service Hospitals shall be reimbursed from time to time from the appropriation for the care and maintenance of patients at St. Elizabeth's Hospital.

5. This order shall remain in force during the continuance of the present war and for six months after the termination thereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 26, 1942.

[No. 9079]

[F. R. Doc. 42-1738; Filed, February 28, 1942; 10:07 a. m.]

EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT FOR AVIATION PURPOSES

ARIZONA

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the following-described public lands be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department for aviation purposes:

Gila and Salt River Meridian

T. 17 S., R. 15 E., secs. 18, 19, and 30; containing 2,062.72 acres.

This order shall take precedence over, but shall not rescind or revoke, Executive Order No. 6910 of November 26, 1934, as amended, so far as such order affects any of the above-described lands.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 27, 1942.

[No. 9081]

[F. R. Doc. 42-1739; Filed, February 28, 1942; 10:08 a. m.]

EXECUTIVE ORDER

REORGANIZATION OF THE ARMY OF THE UNITED STATES AND TRANSFER OF FUNCTIONS WITHIN THE WAR DEPARTMENT

Under and by virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Congress), and as Commander-in-Chief of the Army and Navy and as President of the United States, it is hereby ordered as follows:

1. The Army of the United States is reorganized to provide under the Chief of Staff a ground force, under a Commanding General, Army Ground Forces; an air force, under a Commanding General, Army Air Forces; and a service of supply command, under a Commanding General, Services of Supply; and such overseas departments, task forces, base commands, defense commands, commands in theaters of operations, and other commands as the Secretary of War may find to be necessary for the national security.

2. The functions, duties, and powers of the chiefs of the following-named branches of the Army of the United States are transfered to the Commanding General, Army Ground Forces: Infantry, Cavalry, Field Artillery, and Coast Artillery Corps (except those relating to procurement, storage, and issue).

3. The functions, duties, and powers of the Commanding General, General Headquarters Air Force (Air Force Combat Command) and of the Chief of the Air Corps are transferred to the Commanding General, Army Air Forces.

4. The functions, duties, and powers of the Chief of Coast Artillery relating to procurement, storage, and issue are transferred to the Commanding General, Services of Supply.

5. Any officers holding offices the functions, duties, and powers of which are transferred by this order shall be reassigned to suitable duties but shall continue to hold their respective offices until vacated.

6. The Secretary of War is authorized and directed to prescribe such functions, duties, and powers of the commanders of the various forces and commands of the Army of the United States and the agencies of the War Department and to issue from time to time such detailed instructions regarding personnel, funds, records, property, routing of correspondence, and other matters as may be necessary to carry out the provisions of this order. Such duties by the Secretary of War are to be performed subject always to the exercise by the President directly through the Chief of Staff of his functions as Commander-in-Chief in relation to strategy, tactics, and operations.

7. This order shall become effective on March 9, 1942, and shall remain in force during the continuance of the present war and for six months after the termination thereof.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 28, 1942.

[No. 9082]

[F. R. Doc. 42-1810; Filed, March 2, 1942; 2:59 p. m.]

EXECUTIVE ORDER

REDISTRIBUTION OF MARITIME FUNCTIONS

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941, and in order to expedite the prosecution

of the war effort, it is hereby ordered as follows:

SECTION 1. *Transfer of Functions of Bureau of Marine Inspection and Navigation*

As provided in Sections 2 and 3 of this order, there are transferred to the Bureau of Customs and the United States Coast Guard all functions of: the Bureau of Marine Inspection and Navigation, the office of the director thereof, the offices of supervising inspectors, principal traveling inspectors, traveling inspectors, local inspectors, assistant inspectors, shipping commissioners, deputy shipping commissioners, and the Board of Supervising Inspectors, the Boards of Local Inspectors, the Marine Casualty Investigation Board, the Marine Boards, and those functions of the Secretary of Commerce which pertain thereto.

SECTION 2. *Functions Transferred to Bureau of Customs*

Those functions of the Bureau, Offices and Boards specified in Section 1, and of the Secretary of Commerce, pertaining to registry, enrollment, and licensing of vessels, including the issuance of commissions to yachts, the assignment of signal letters, and the preparation of all reports and publications in connection therewith; measurement of vessels, administration of tonnage duties, and collection of tolls; entrance and clearance of vessels and aircraft, regulation of vessels in the coasting and fishing trades, and limitation of the use of foreign vessels in waters under the jurisdiction of the United States; recording of sales, conveyances, and mortgages of vessels; protection of steerage passengers; all other functions of such Bureau, Offices and Boards which are now performed by the Bureau of Customs on behalf thereof; and the power to remit and mitigate fines, penalties and forfeitures incurred under the laws governing these functions, are transferred to the Commissioner of Customs, to be exercised by him under the direction and supervision of the Secretary of the Treasury.

SECTION 3. *Functions Transferred to U. S. Coast Guard*

Those functions of the Bureau, Offices and Boards specified in Section 1, and of the Secretary of Commerce, pertaining to approval of plans for the construction, repair, and alteration of vessels; approval of materials, equipment, and appliances; classification of vessels; inspection of vessels and their equipment and appliances; issuance of certificates of inspection, and of permits indicating the approval of vessels for operations which may be hazardous to life or property; administration of load line requirements; enforcement of other provisions for the safety of life and property on vessels; licensing and certificating of officers, pilots, and seamen; suspension and revocation of licenses and certificates; investigation of marine casualties; enforcement of manning requirements, citizenship requirements, and requirements for the mustering and drilling of crews; control of log books; shipment, discharge, protection, and welfare of merchant seamen; enforcement of duties of shipowners and officers after accidents; promulgation and enforcement of rules for lights, signals, speed, steering, sailing, passing, anchorage, movement, and towlines of vessels and lights and signals on bridges; numbering of undocumented vessels; prescription and enforcement of regulations for outfitting and operation of motorboats; licensing of motorboat operators; regulation of regattas and marine parades; all other functions of such Bureau, Offices and Boards which are not specified in Section 2; and all other functions of the Secretary of Commerce pertaining to shipping which are not specified in Section 2, including the remission and mitigation of fines, penalties and forfeitures incurred under the laws governing these functions and those incurred under Public Law 351 of the 77th Congress, are transferred to the Commandant of the United States Coast Guard, to be exercised by him under the direction and supervision of the Secretary of the Navy.

SECTION 4. *Transfer of Functions from Bureau of Customs*

Those functions relating to the award of numbers to undocumented vessels, now vested in the Collectors of Customs, are transferred to the Commandant of the Coast Guard to be exercised by him under the direction and supervison of the Secretary of the Navy.

SECTION 5. *Transfer of Training Functions from Maritime Commission*

Those functions of the United States Maritime Commission pertaining to establishing, developing, and operating the United States Maritime Service and the cadet and cadet officer training program; the prescribing of extension and correspondence courses, including the printing, publishing, and purchasing of textbooks, equipment and supplies required for such courses; the examination, inspection, rating, and certification of civilian nautical schools; the furnishing, maintaining, and repairing of vessels for the State Marine or Nautical Schools and administering grants of funds for the support of such schools and the jurisdiction over vessels, apparel, charts, books, and instruments loaned to such schools, are transferred to the Commandant of the United States Coast Guard, to be exercised by him under the direction and supervision of the Secretary of the Navy.

SECTION 6. *Authority to Waive Navigation and Vessel Inspection Laws*

The authority vested in the Secretary of Commerce by Executive Order No. 8976,[1] December 12, 1941, to waive compliance with the navigation and vessel inspection laws is transferred to the Secretary of the Navy and the Secretary of the Treasury, who shall exercise such authority with respect to the functions transferred to the United States Coast Guard and the Bureau of Customs, respectively.

SECTION 7. *Transfer of Records, Property and Personnel*

All records and property (including office equipment and floating equipment) of the Bureau of Marine Inspection and Navigation, the Department of Commerce, the Collectors of Customs, and the United States Maritime Commission used primarily in the administration of functions transferred by this order, and all personnel used primarily by these agencies in the administration of such functions are transferred to the respective agencies concerned, for use in the administration of the functions transferred by this order.

SECTION 8. *Transfer of Funds*

So much of the unexpended balances of appropriations, allocations, or other funds available or to be made available for the use of any agency in the exercise of any function transferred by this order, or for the use of the head of any agency in the exercise of any function so transferred, as the Director of the Bureau of the Budget with the approval of the President shall determine, shall be transferred to the agency concerned for use in connection with the exercise of the function so transferred. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: *Provided*, That the use of the unexpended balances of appropriations, allocations, or other funds transfered by this order shall be restricted to the purposes for which such monies were appropriated.

SECTION 9. *Effective and Termination Dates*

This order shall become effective on March 1, 1942 and remain in force until the termination of Title I of the First War Powers Act, 1941.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
February 28, 1942.

[No. 9083]

[F. R. Doc. 42-1811; Filed, March 2, 1942; 2:59 p. m.]

[1] 6 F.R. 6441.

Rules, Regulations, Orders

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4266]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF SOUTHERN CANDY COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of candy, or any other merchandise, (1) selling, etc., any merchandise so packed and assembled that sales of such candy or other merchandise are to be made, or may be made, by means of a game of chance, gift enterprise, or lottery scheme; (2) supplying, etc., others with push or pull cards, punch boards or other lottery devices, either with assortments of candy or with other merchandise, or separately, which said push or pull cards, punch boards or other lottery devices are to be used, or may be used, in selling or distributing such candy or other merchandise; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Southern Candy Company, Docket 4266, February 24, 1942]

In the Matter of Hugh C. Mitchum and Carl B. Tucker, Individually and Trading as Southern Candy Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of February, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and a stipulation as to the facts entered into by counsel for the respondents in behalf of the respondents and W. T. Kelley, Chief Counsel for the Commission, which provides, among other things, that without adducing further evidence or without other intervening procedure the Commission may issue and serve upon the respondents its findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That Hugh C. Mitchum and Carl B. Tucker, individually and trading as Southern Candy Company, or trading under any other name, their representatives, agents and employees directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce as "commerce" is defined by the Federal Trade Commission Act, do forthwith cease and desist from:

1. Selling or distributing candy or any merchandise so packed and assembled that sales of such candy or other merchandise are to be made, or may be made, by means of a game of chance, gift enterprise, or lottery scheme;

(2) Supplying to or placing in the hands of others push or pull cards, punch boards or other lottery devices, either with assortments of candy or with other merchandise, or separately, which said push or pull cards, punch boards or other lottery devices are to be used, or may be used, in selling or distributing such candy or other merchandise;

3. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1751; Filed February 28, 1942; 11:28 a. m.]

[Docket No. 3572]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF STATISTICAL RESEARCH BUREAU, ETC.

§ 3.6 (a 10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (b) *Advertising falsely or misleadingly—Competitors and their products—competitors' products:* § 3.48 (b) *Disparaging competitors and their products—Goods—Qualities or properties:* § 3.48 (b) *Disparaging competitors and their products—Goods—Value.* In connection with offer, etc., in commerce, of respondent's "The Mining Manual", or other similar publications, and among other things, as in order set forth, (1) making, or causing to be made, in any form or manner, any false or disparaging statements with reference to the authenticity, reliability, or present value of the publication known as "The Mines Register", published by the Atlas Publishing Company, Inc., or any other competitive publication furnishing similar information or service; and (2) representing, directly or indirectly, that the information contained in respondent's publication "The Mining Manual" is more authentic or reliable, or has greater present value, than the publication "The Mines Register," or any other competitive publication furnishing similar information or service; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Statistical Research Bureau, etc., Docket 3572, February 24, 1942]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—History:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Qualifications:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (dd 10) *Advertising falsely or misleadingly—Success, use or standing:* § 3.6 (ff 10) *Advertising falsely or misleadingly—Unique nature or advantages:* § 3.6 (gg) *Advertising falsely or misleadingly—Value.* In connection with offer, etc., in commerce, of respondent's "The Mining Manual", or other similar publications, and among other things, as in order set forth, (1) representing, directly or indirectly, that respondent can furnish authentic, reliable, and up-to-date information through and by means of his publication "The Mining Manual," or any other similar publication, when the facilities for the issuance of such publication are not immediately available to the respondent; (2) misrepresenting, in any manner, the nature, extent, or value of respondent's publication "The Mining Manual," or any other publication, or the length of time in which said respondent has been engaged in business; and (3) representing, directly or indirectly, that respondent's publication "The Mining Manual," or any similar publication is a standard reference work on mines and mining companies in the United States, or that it supplies the only up-to-date information service on mines published; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Statistical Research Bureau, etc., Docket 3572, February 24, 1942]

In the Matter of Clarence B. Council, Individually, and Trading as Statistical Research Bureau, and Metals and Minerals Research Bureau

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of February, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the amended complaint of the Commission, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, in support of the allegations of said amended complaint and in opposition thereto, report of the trial examiners upon the evidence, and brief filed in support of the amended complaint; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Clarence B. Council, an individual trading as Statistical Research Bureau and as Metals and Minerals Research Bureau, or under any other trade name, his representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of his publication known as "The Mining Manual," or any other similar publication known as "The Mining Manual," or any other similar publication, in commerce as "commerce" is defined in the Federal Trade Commisison Act, do forthwith cease and desist from:

(1) Making, or causing to be made, in any form or manner, any false or disparaging statements with reference to the authenticity, reliability, or present value of the publication known as "The Mines Register," published by the Atlas Publishing Company, Inc., or any other competitive publication furnishing similar information or service;

(2) Representing, directly or indirectly, that the information contained in respondent's publication "The Mining Manual" is more authentic or reliable, or has greater present value, than the publication "The Mines Register," or any other competitive publication furnishing similar information or service;

(3) Representing, directly or indirectly, that respondent can furnish authentic, reliable, and up-to-date information through and by means of his publication "The Mining Manual," or any other similar publication, when the facilities for the issuance of such publication are not immediately available to the respondent;

(4) Misrepresenting, in any manner, the nature, extent, or value of respondent's publication "The Mining Manual," or any other publication, or the length

of time in which said respondent has been engaged in business;

(5) Representing, directly or indirectly, that respondent's publication "The Mining Manual," or any similar publication, is a standard reference work on mines and mining companies in the United States, or that it supplies the only up-to-date information service on mines published.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-1795; Filed, March 2, 1942; 11:41 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 250—GENERAL RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

AMENDMENT TO RULE U-70 (A) (7) PROVIDING EXEMPTIONS FROM SECTION 17 (C) OF THE ACT

Acting pursuant to the Public Utility Holding Company Act of 1935, particularly sections 12 (f), 17 (c) and 20 (a) thereof, and finding that such action is in the public interest and necessary to carry out the provisions of the Act, the Securities and Exchange Commission hereby amends § 250.70 (a) (7) [Rule U-70 (a) (7)] so that the exemption provided by the same shall expire March 1, 1943, instead of March 1, 1942.

Effective February 28, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1760; Filed, February 28, 1942; 11:43 a. m.]

TITLE 21—FOOD AND DRUGS

CHAPTER I—FOOD AND DRUG ADMINISTRATION

[Docket No. FDC-23]

PART 27—REGULATIONS FIXING AND ESTABLISHING DEFINITIONS AND STANDARDS OF IDENTITY FOR CANNED APRICOTS, CANNED CHERRIES, CANNED PEACHES, AND CANNED PEARS

ORDER PROMULGATING AMENDED REGULATIONS

By virtue of the authority vested in the Federal Security Administrator by provisions of the Federal Food, Drug, and Cosmetic Act (Sec. 401, 52 Stat. 1046; 21 U.S.C., 341; and sec. 701 (e), 52 Stat. 1055; 21 U.S.C., 371 (e); the Reorganization Act of 1939 (53 Stat. 561 ff.; 5 U.S.C., 133 ff.); Reorganization Plan No. 1, Part 2 (53 Stat. 1423, 5 U.S.C., 82); and Reorganization Plan No. IV (54 Stat. 1234, 5 U.S.C., 97); and on the basis of evidence of record at the above-entitled hearing duly held pursuant to notice thereof issued by the Administrator on August 16, 1940,[1] and the evidence of record at the hearings duly held pursuant to notice thereof issued by the Secretary of Agriculture on March 4, 1932,[2] the following order is hereby promulgated:

Findings of Fact

Finding 1. One of the factors on the basis of which the different kinds of each of the canned fruits is differentiated is the packing medium used.

Finding 2. Until comparatively recently the sweetened packing media used in canned fruits have been water solutions of sugar within four different density ranges. Each density range of sugar solution was designed to contribute a particular degree of sweetness. The density range in which each such solution falls has, therefore, become the basis on which consumers identify such solutions as to sweetness.

Finding 3. The density of any such packing medium is usually changed when it is mixed with the fruit by reason of its commingling with the fruit juice present. If the density of the medium is greater than that of the juice, the density becomes less; if the density of the medium is less than that of the juice, the density becomes greater. It is customary to refer to the liquid drained from the finished canned fruit as the "cut-out" liquid and to the liquid before canning as "ingoing" liquid.

Finding 4. Such a change in the density of the packing medium in the sealed and heat-processed can progresses until the density reaches an equilibrium which is normally reached within about fifteen days from the date of canning.

Finding 5. In the existing regulations fixing definitions and standards of identity for canned fruits the densities of the various sweetened packing media are specified for the ingoing liquid; but it has been the commercial practice over a long period to buy and sell canned fruits on the basis of the density of the cut-out liquid. Consumers generally are acquainted with the density of such packing media only at the time of opening the can.

Finding 6. By following accepted commercial practices in preparing sweetened liquid packing media, the desired degree of density of the cut-out liquid can be obtained with a reasonable degree of certainty.

Finding 7. The degree of sweetness of different kinds of canned fruits packed in sweetened packing media of a like density sometimes varies because of the difference in the acidity and other characteristics of the kind or variety of fruit used. However, consumers and the trade desire a substantially equivalent degree of sweetness in different kinds of canned fruits packed in sweetened packing media. Therefore it is the practice of canners to vary the densities of such packing media on the basis of the kind and variety of fruit being canned. (See finding 10.) For example, the cut-out density of heavy sirup from canned peaches is not less than 19° Brix and such density of heavy sirup from red sour cherries is not less than 22° Brix and that from sweet cherries not less than 20° Brix.

Finding 8. The term "sirup", as applied to packing media for canned fruits and irrespective of qualifying terms, connotes to consumers a liquid that is characterized primarily by a certain minimum degree of density and sweetness.

Finding 9. The optional packing media specified in subparagraphs (A) and (B) of paragraph (2) of subsection (a) of each of the existing definitions and standards of identity for canned fruit and therein designated as "light sirup" are not of sufficient density so that the cut-out liquid will have a density and sweetness normally associated with the word "sirup", and they are, therefore, not sirups but slightly sweetened water, or slightly sweetened fruit juice, as the case may be. The packing media therein designated as "medium sirup" are of the lightest density and sweetness of the sugar solutions regarded by consumers as sirups and they are, therefore, in fact light sirups or light fruit juice sirups, as the case may be, and not medium sirups.

Finding 10. The sweetened packing media which are suitable for use and are used in canned fruits are the aqueous solutions of saccharine substances, slightly sweetened water, light sirup, heavy sirup, extra heavy sirup, and the corresponding fruit juice solutions of saccharine substances in the juice of the fruit being canned, such solutions having the same densities as the water solutions. The respective densities of such packing media are such that fifteen days or more after canning the density of each, as measured by the Brix hydrometer, is within the range specified after its name, as follows:

In case of peaches. Slightly sweetened water, or slightly sweetened peach juice, as the case may be: Less than 14°.

Light sirup, or light peach juice sirup, as the case may be: 14° or more, but less than 19°.

Heavy sirup, or heavy peach juice sirup, as the case may be: 19° or more, but less than 24°.

Extra heavy sirup, or extra heavy peach juice sirup, as the case may be: 24° or more, but not more than 35°.

In case of apricots. Slightly sweetened water, or slightly sweetened apricot juice, as the case may be: Less than 16°.

Light syrup, or light apricot juice sirup, as the case may be: 16° or more, but less than 21°.

Heavy sirup, or heavy apricot juice sirup, as the case may be: 21° or more, but less than 25°.

Extra heavy sirup, or extra heavy apricot juice sirup, as the case may be: 25° or more, but not more than 40°.

In case of pears. Slightly sweetened water, or slightly sweetened pear juice, as the case may be: Less than 14°.

[1] 5 F.R. 2879.

[2] 4 F.R. 1143.

Light sirup, or light pear juice sirup, as the case may be: 14° or more, but less than 18°.

Heavy sirup, or heavy pear juice sirup, as the case may be: 18° or more, but less than 22°.

Extra heavy sirup, or extra heavy pear juice sirup, as the case may be: 22° or more, but not more than 35°.

In case of sweet cherries. Slightly sweetened water, or slightly sweetened sweet cherry juice, as the case may be: Less than 16°.

Light sirup, or light sweet cherry juice sirup, as the case may be: 16° or more, but less than 20°.

Heavy sirup, or heavy sweet cherry juice sirup, as the case may be: 20° or more, but less than 25°.

Extra heavy sirup, or extra heavy sweet cherry juice sirup, as the case may be: 25° or more, but not more than 35°.

In case of red sour cherries. Slightly sweetened water, or slightly sweetened red sour (or red tart) cherry juice, as the case may be: Less than 18°.

Light sirup, or light red sour (or red tart) cherry juice sirup, as the case may be: 18° or more, but less than 22°.

Heavy sirup, or heavy red sour (or red tart) cherry juice sirup, as the case may be: 22° or more, but less than 28°.

Extra heavy sirup, or extra heavy red sour (or red tart) cherry juice sirup, as the case may be: 28° or more, but not more than 45°.

Each of such packing media is an optional ingredient in canned fruits and, when relating to the kind of canned fruit indicated, the term whereby each is designated above is its common name.

Finding 11. Since about 1937 certain additional packing media (findings 12 and 13) have been used in relatively small portions of the annual pack of canned fruit.

Finding 12. Sometimes fruit juice, and sometimes fruit juice mixed with water, is used in preparing a packing medium, but whenever any quantity of water is introduced into fruit juice, directly or indirectly, the entire liquid of the packing medium is considered to be water and not fruit juice when used as a packing medium in canned fruit, because of the inherent opportunity for fraud in introducing water into fruit juices.

Finding 13. On the basis of recent limited commercial and experimental packing of canned fruits, water solutions or fruit juice solutions of sugar and dextrose, or corn sirup, or dried corn sirup, or any mixture of these, in which the quantity of dextrose, corn sirup, and dried corn sirup is limited, are regarded as suitable packing media for canned fruits.

Finding 14. Sugar is the refined product in crystallized form commonly obtained from sugar cane or sugar beet; it is chemically known as sucrose.

Finding 15. When sugar in solution is subjected to certain treatments with the enzyme invertase or certain acids, it is wholly or partly converted into levulose and dextrose, the quantities of levulose and dextrose produced being equal. This chemical reaction is commonly known as the inversion of sugar.

Finding 16. Invert sugar sirup is an aqueous solution of refined or partly refined sugar which has been wholly or in large part inverted with the enzyme invertase or with hydrochloric or other acid, and which, if acid is used, has been neutralized with a carbonate.

Finding 17. The quantity of ash present in invert sugar sirup is in general indicative of the degree of refinement of such sirup.

Finding 18. An invert sugar sirup which is insufficiently refined and which has an abnormally high ash content contributes a characteristic flavor, odor, and color which render it unsuitable for use as a saccharine substance in preparing packing media for canned fruit.

Finding 19. An invert sugar sirup which is sufficiently refined to be suitable for use as a saccharine substance in preparing a packing medium for canned fruit contains not more than 0.3 percent of ash in its solids, and is colorless, odorless, and flavorless except for sweetness.

Finding 20. Dextrose is the refined anhydrous or hydrated monosaccharide obtained from hydrolized starch.

Finding 21. Corn sirup is the product prepared by incompletely hydrolizing cornstarch and is a concentrated aqueous solution of the resulting reducing sugars and the non-sugar substance dextrin. When suitably refined for use as a saccharine substance in a packing medium for canned fruits, its solids contain not less than 58 percent of reducing sugars.

Finding 22. Dried corn sirup differs from corn sirup only in that water has been removed from it by drying. When suitably refined for use as a saccharine substance in a packing medium for canned fruit, its solids contain not less than 58 percent of reducing sugars.

Finding 23. Important factors on the basis of which packing media of canned fruits are differentiated from each other are their density, flavor, food value, and sweetness; each of such factors is a significant element in the production cost and sale price of canned fruits, and in consumers' preference.

Finding 24. The density, and hence the degree of sweetness, of a sweetened packing medium is not fixed precisely but only within a specified range. Therefore the same kind of packing medium may vary in density and sweetness within its own range to a noticeable degree irrespective of the saccharine substance from which it is made.

Finding 25. Different varieties of the same fruit, and fruits of the same variety of different degrees of maturity, and fruits of the same variety and substantially the same degree of maturity but obtained from different localities or from different parts of the same tree, frequently differ in acidity, sugar content, and other properties, and such differences affect the sweetness of the sweetened packing media in which fruits are packed, so that even though a packing medium of a fixed density made from the same saccharine substance is used for each of such fruits there is some detectable difference in sweetness between such finished canned fruits.

Finding 26. One of the differences, among others, between the saccharine substances used in the preparation of the packing media for canned fruits is a difference in their degree of sweetness, sugar being the sweetest, dextrose being about two-thirds as sweet as sugar, and corn sirup being about one-half as sweet as sugar.

Finding 27. When equal weights of the solids of sugar (whether inverted or not), of dextrose, and of corn sirup (whether added as corn sirup or as dried corn sirup), are each dissolved in water to make solutions of the same volume, the densities and calorific food values of such solutions are not materially different from each other.

Finding 28. There are slight differences in the cost of the different saccharine substances from which sweetened packing media are made, but such differences are not of material significance to consumers.

Finding 29. By reason of their lesser sweetening properties, dextrose or corn sirup, or any mixture of these, are always used in combination with sugar when used in preparing sweetened packing media for canned fruits, and the quantity of dextrose or corn sirup used is always limited to such amounts that the packing medium in the finished canned fruits is substantially of the same degree of sweetness as one of like density prepared from sugar alone.

Finding 30. The degree of sweetness of any packing medium in which dextrose or corn sirup, or any mixture of these, is used in combination with sugar becomes progressively less in relation to the density of such packing medium as the quantity of dextrose or corn sirup, or any mixture of these, is increased, so that, in the absence of a limitation of such quantity, the density within the range specified for any given packing medium would cease to provide a basis for identifying such packing medium as to sweetness.

Finding 31. On the basis of weights of the solids of sugar, dextrose, and corn sirup, a sweetened packing medium prepared from a mixture of sugar and dextrose in a proportion of two parts of sugar and one part of dextrose, or from a mixture of sugar and corn sirup in a proportion of three parts of sugar and one part of corn sirup, or from a mixture of sugar, dextrose, and corn sirup in such proportion that the weight of the dextrose multiplied by two plus the weight of the corn sirup multiplied by three equals the weight of the sugar, is substantially as sweet as a finished packing medium of like density prepared from sugar alone.

Finding 32. There is no substantial difference in the degree of sweetness between a fruit packed in any one of the packing media specified in finding 31 and the same kind of fruit packed in any one of the other packing media therein specified. Such difference as may exist between such packing media is ordinarily not noticeable to consumers in the

finished canned fruits unless they make comparative tasting tests and some consumers cannot distinguish between them upon making such tests.

Finding 33. When sugar is replaced with dextrose or corn sirup, or any mixture of these, in proportions greater than those specified in finding 31, so as to produce a packing medium equivalent in sweetness to one prepared from sugar alone, as is provided in the existing regulations, the relationship between density and sweetness normally expected in sweetened packing media is destroyed.

On the basis of the foregoing findings of fact it is found and concluded—

(a) That the regulations fixing and establishing definitions and standards of identity for canned peaches,[4] canned apricots,[5] canned cherries,[6] and canned pears,[7] respectively, should be amended in the following respects:

(1) By repealing paragraph (a) (2) of each of said regulations and promulgating in lieu thereof a new paragraph (c) as contained in each of the amended regulations hereinafter set forth;

(2) By promulgating a new paragraph (d) as contained in each of the amended regulations hereinafter set forth;

(3) By repealing paragraph (b) of each of said regulations and promulgating in lieu thereof a new paragraph (e) as contained in each of the amended regulations hereinafter set forth; and

(4) By making certain editorial revisions in each of said regulations.

(b) That promulgation of regulations so amending and revising said existing regulations will promote honesty and fair dealing in the interest of consumers and that said regulations as so amended and revised are reasonable definitions and standards of identity for such foods.

Each of the said regulations, therefore, is hereby amended and revised to read, respectively, as follows:

Regulations

Sec.

27.000 Canned peaches, identity; label statement of optional ingredients.
27.010 Canned apricots, identity; label statement of optional ingredients.
27.020 Canned pears, identity; label statement of optional ingredients.
27.030 Canned cherries, identity; label statement of optional ingredients.

§ 27.000 *Canned peaches, identity; label statement of optional ingredients.* (a) Canned peaches is the food prepared from one of the optional peach ingredients specified in paragraph (b) and one of the optional packing media specified in paragraph (c). Such food may be seasoned with one or more of the following optional ingredients:

(1) spice;
(2) flavoring, other than artificial flavoring;
(3) a vinegar;
(4) peach pits, except in the cases of peeled whole peaches and unpeeled whole peaches, in a quantity not more than 1 peach pit to each 8 ounces of finished canned peaches; and
(5) peach kernels, except in the cases of peeled whole peaches and unpeeled whole peaches, and except when optional ingredient (4) is used.

Such food is sealed in a container and is so processed by heat as to prevent spoilage.

(b) The optional peach ingredients referred to in paragraph (a) of this section are prepared from mature peaches of the yellow clingstone, yellow freestone, white clingstone, or white freestone varietal group, and are in the following forms of units: peeled whole, unpeeled whole, peeled halves, peeled quarters, peeled slices, peeled dice, peeled mixed pieces of irregular sizes and shapes. Each such form of units prepared from each such varietal group is an optional peach ingredient. Each such ingredient, except in the case of peeled whole peaches and unpeeled whole peaches, is pitted. For the purpose of paragraph (e) of this section, the names of such optional peach ingredients are the words "Yellow Cling" or "Yellow Clingstone", "White Cling" or "White Clingstone", "Yellow Free" or "Yellow Freestone" or "White Free" or "White Freestone", as the case may be, preceded or followed by the word or words "Whole", "Unpeeled Whole", "Halves" or "Halved", "Unpeeled Halves", or "Unpeeled Halved", "Quarters" or "Quartered", "Slices" or "Sliced", "Dice" or "Diced", or "Mixed Pieces of Irregular Sizes and Shapes", as the case may be.

(c) The optional packing media referred to in paragraph (a) of this section are:

(1) water,
(2) peach juice,
(3) slightly sweetened water,
(4) light sirup,
(5) heavy sirup,
(6) extra heavy sirup,
(7) slightly sweetened peach juice,
(8) light peach juice sirup,
(9) heavy peach juice sirup, and
(10) extra heavy peach juice sirup.

As used in this paragraph the term "water" means, in addition to water, any mixture of water and peach juice; and the term "peach juice" means the fresh or canned expressed juice of mature peaches, of any varietal group specified in paragraph (b) of this section, to which no water is added, directly or indirectly.

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and peach juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10), inclusive, are prepared is one of the following: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup. A packing medium prepared with peach juice and any invert sugar sirup or corn sirup other than dried corn sirup, is considered to be prepared with water as the liquid ingredient.

The respective densities of packing media (3) to (10), inclusive, as measured on the Brix hydrometer fifteen days or more after the peaches are canned, are within the range prescribed for each in the following list:

Number of packing medium:	*Brix measurement*
(3) and (7)	Less than 14°.
(4) and (8)	14° or more but less than 19°.
(5) and (9)	19° or more but less than 24°.
(6) and (10)	24° or more but not more 35°.

(d) For the purposes of this section—

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(e) The label shall bear the name of the optional peach ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "In" or "Packed in". When any of the optional ingredients permitted by one of the following specified subparagraphs of paragraph (a) of this section is used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice", or, in lieu of the word "Spice", the common name of the spice;
(2) "Flavoring Added" or "With Added Flavoring", or, in lieu of the word "Flavoring", the common name of the flavoring;
(3) "Seasoned with Vinegar" or "Seasoned with ---------- Vinegar", the blank being filled in with the word showing the kind of vinegar used;
(4) "Seasoned with Peach Pits";
(5) "Seasoned with Peach Kernels".

When two or more of the optional ingredients specified in paragraph (a) (1), (2), (3), and (4) or (5) of this section are used, such words may be combined, as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon Oil, and Peach Kernels".

Wherever the name "peaches" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the peaches may so intervene.[1]

§ 27.010 *Canned apricots, identity; label statement of optional ingredients.* (a) Canned apricots is the food prepared from one of the optional apricot ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may be seasoned with one or more of the following optional ingredients:

(1) spice;
(2) flavoring, other than artificial flavoring;
(3) a vinegar;
(4) apricot pits, except in the cases of unpeeled whole apricots and peeled whole apricots, in a quantity not more than 1 apricot pit to each 8 ounces of finished canned apricots;
(5) apricot kernels, except in the cases of unpeeled whole apricots and peeled whole apricots, and except when optional ingredient (4) is used.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional apricot ingredients referred to in paragraph (a) of this section are prepared from mature apricots and are in the following forms of units: unpeeled whole, peeled whole, unpeeled halves, peeled halves, unpeeled quarters, peeled quarters, unpeeled slices, peeled slices, unpeeled mixed pieces of irregular sizes and shapes, peeled mixed pieces of irregular sizes and shapes. Each such form of units is an optional apricot ingredient. Each such ingredient, except in the cases of unpeeled whole apricots and peeled whole apricots, is pitted. For the purposes of paragraph (e) of this section, the names of such optional apricot ingredients are "Whole", "Halves" or "Halved", "Quarters" or "Quartered", "Slices" or "Sliced", "Mixed Pieces of Irregular Sizes and Shapes", as the case may be, preceded or followed by "Unpeeled" or "Peeled", as the case may be.

(c) The optional packing media referred to in paragraph (a) of this section are:

(1) water,
(2) apricot juice,
(3) slightly sweetened water,
(4) light sirup,
(5) heavy sirup,
(6) extra heavy sirup,
(7) slightly sweetened apricot juice,
(8) light apricot juice sirup,
(9) heavy apricot juice sirup, and
(10) extra heavy apricot juice sirup.

As used in this paragraph the term "water" means, in addition to water, any mixture of water and apricot juice; and the term "apricot juice" means the fresh or canned expressed juice of mature apricots to which no water is added, directly or indirectly.

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and apricot juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10), inclusive, are prepared is one of the following: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup. A packing medium prepared with apricot juice and any invert sugar sirup or corn sirup other than dried corn sirup, is considered to be prepared with water as the liquid ingredient.

The respective densities of packing media (3) to (10), inclusive, as measured on the Brix hydrometer fifteen days or more after the apricots are canned, are within the range prescribed for each in the following list:

Number of packing medium:	*Brix measurement*
(3) and (7)	Less than 16°.
(4) and (8)	16° or more but less than 21°.
(5) and (9)	21° or more but less than 25°.
(6) and (10)	25° or more but not more than 40°.

(d) For the purposes of this section—

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more that 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(e) The label shall bear the name of the optional apricot ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "In" or "Packed in". When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (a) is used, the labels shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice", or, in lieu of the word "Spice", the common name of the spice;
(2) "Flavoring Added" or "With Added Flavoring", or, in lieu of the word "Flavoring", the common name of the flavoring;
(3) "Seasoned with Vinegar" or "Seasoned with ---------- Vinegar", the blank being filled in with the word showing the kind of vinegar used;
(4) "Seasoned with Apricot Pits";
(5) "Seasoned with Apricot Kernels".

When two or more of the optional ingredients specified in paragraph (a) (1), (2), (3), and (4) or (5) of this section are used, such words may be combined, as for example, "Seasoned with Cider Vinegar, Cloves, Cinnamon Oil, and Apricot Kernels".

Wherever the name "apricots" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the apricots may so intervene.[2]

§ 27.020 *Canned pears, identity; label statement of optional ingredients.* (a) Canned pears is the food prepared from one of the optional pear ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may be seasoned with one or more of the following optional ingredients:

(1) spice;
(2) flavoring, other than artificial flavoring; and
(3) a vinegar.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

[4] 4 F.R. 4921.
[5] 5 F.R. 94.
[6] 5 F.R. 99.
[7] 5 F.R. 104.

[1] §§ 27.000 to 27.030, inclusive, issued under the authority contained in secs. 401 and 701 (e) of the Federal Food, Drug, and Cosmetic Act (52 Stat. 1046. 21 U.S.C. 341, and 52 Stat. 1055, 21 U.S.C. 371 (e)); the Reorganization Act of 1939 (53 Stat. 561 ff.; 5 U.S.C., secs. 133–133t); Reorganization Plan No. I, Part 2 (53 Stat. 1423, 5 U.S.C. 82); and Reorganization Plan No. IV (54 Stat. 1234, 5 U.S.C. 97).

(b) The optional pear ingredients referred to in paragraph (a) of this section are prepared from mature pears and are in the following forms of units: peeled whole, unpeeled whole, peeled halves, unpeeled halves, peeled quarters, peeled slices, peeled dice, peeled mixed pieces of irregular sizes and shapes. Each such form of units is an optional pear ingredient. Each such ingredient, except in the cases of peeled whole pears and unpeeled whole pears, is cored. For the purposes of paragraph (e) of this section, the respective names of such optional pear ingredients are "Whole", "Halves" or "Halved", "Quarters" or "Quartered", "Slices" or "Sliced", "Dice" or "Diced", "Mixed Pieces of Irregular Sizes and Shapes", preceded or followed, in case the units are whole or halves and are unpeeled, by the word "Unpeeled".

(c) The optional packing media referred to in paragraph (a) of this section are:

(1) water,
(2) pear juice,
(3) slightly sweetened water,
(4) light sirup,
(5) heavy sirup,
(6) extra heavy sirup,
(7) slightly sweetened pear juice,
(8) light pear juice sirup,
(9) heavy pear juice sirup, and
(10) extra heavy pear juice sirup.

As used in this paragraph the term "water" means, in addition to water, any mixture of water and pear juice; and the term "pear juice" means the fresh or canned expressed juice of mature pears to which no water is added, directly or indirectly.

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and pear juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10), inclusive, are prepared is one of the following: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup. A packing medium prepared with pear juice and any invert sugar sirup or corn sirup other than dried corn sirup, is considered to be prepared with water as the liquid ingredient.

The respective densities of packing media (3) to (10), inclusive, as measured on the Brix hydrometer fifteen days or more after the pears are canned, are within the range prescribed for each in the following list:

Number of packing medium:	*Brix measurement*
(3) and (7)	Less than 14°.
(4) and (8)	14° or more but less than 18°.
(5) and (9)	18° or more but less than 22°.
(6) and (10)	22° or more but not more than 35°.

(d) For the purposes of this section—

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(e) The label shall bear the name of the optional pear ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "In" or "Packed in." When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (a) of this section is used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice", or, in lieu of the word "Spice", the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring", or, in lieu of the word "Flavoring", the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with _____ Vinegar", the blank being filled in with the word showing the kind of vinegar used.

When two or all of the optional ingredients specified in paragraph (a) (1), (2), and (3) of this section are used, such words may be combined, as for example, "Seasoned with Cider Vinegar, Cloves, and Cinnamon Oil."

Wherever the name "pears" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the pears may so intervene.*

§ 27.030 *Canned cherries, identity; label statement of optional ingredients.* (a) Canned cherries is the food prepared from one of the optional cherry-ingredients specified in paragraph (b) of this section and one of the optional packing media specified in paragraph (c) of this section. Such food may be seasoned with one or more of the following optional ingredients:

(1) spice;
(2) flavoring, other than artificial flavoring;
(3) a vinegar.

Such food is sealed in a container and so processed by heat as to prevent spoilage.

(b) The optional cherry ingredients referred to in paragraph (a) of this section are prepared from mature cherries of the red sour, light sweet, or dark sweet varietal group. Pitted cherries of each such group and unpitted cherries of each such group are an optional cherry ingredient. For the purposes of paragraph (e) of this section, the names of such optional cherry ingredients are the words "Red Sour" or "Red Tart", "Light Sweet" or "Dark Sweet", as the case may be, preceded or followed by the word "Pitted" in case such ingredients are pitted.

(c) The optional packing media referred to in paragraph (a) of this section are:

(1) water,
(2) cherry juice,
(3) slightly sweetened water,
(4) light sirup,
(5) heavy sirup,
(6) extra heavy sirup,
(7) slightly sweetened cherry juice,
(8) light cherry juice sirup,
(9) heavy cherry juice sirup, and
(10) extra heavy cherry juice sirup.

As used in this paragraph the term "water" means, in addition to water, any mixture of water and cherry juice; and the term "cherry juice" means the fresh or canned expressed juice of mature cherries, of any varietal group specified in paragraph (b) of this section, to which no water is added, directly or indirectly.

Each of packing media (3) to (10), inclusive, is prepared with a liquid ingredient and a saccharine ingredient. Water is the liquid ingredient from which packing media (3) to (6), inclusive, are prepared, and cherry juice is the liquid ingredient from which packing media (7) to (10), inclusive, are prepared. The saccharine ingredient from which packing media (3) to (10), inclusive, are prepared is one of the following: sugar; or any combination of sugar and dextrose in which the weight of the solids of the dextrose used is not more than one-half the weight of the solids of the sugar used; or any combination of sugar and corn sirup in which the weight of the solids of the corn sirup used is not more than one-third the weight of the solids of the sugar used; or any combination of sugar, dextrose, and corn sirup in which twice the weight of the solids of the dextrose used added to three times the weight of the solids of the corn sirup used is not more than the weight of the solids of the sugar used; except that packing media (7) to (10), inclusive, are not prepared with any invert sugar sirup or with any corn sirup other than dried corn sirup. A packing medium prepared with cherry juice and any invert sugar sirup or corn sirup other than dried corn sirup, is considered to be prepared with water as the liquid ingredient.

The respective densities of packing media (3) to (10), inclusive, as measured on the Brix hydrometer fifteen days or more after the cherries are canned, are within the range prescribed for each in the following list:

Number of packing medium:	*Brix measurement*
In case of sweet cherries:	
(3) and (7)	Less than 16°.
(4) and (8)	16° or more but less than 20°.
(5) and (9)	20° or more but less than 25°.
(6) and (10)	25° or more but not more than 35°.
In case of red sour cherries:	
(3) and (7)	Less than 18°.
(4) and (8)	18° or more but less than 22°.
(5) and (9)	22° or more but less than 28°.
(6) and (10)	28° or more but not more than 45°.

(d) For the purposes of this section—

(1) The term "sugar" means refined sucrose or invert sugar sirup. The term "invert sugar sirup" means an aqueous solution of inverted or partly inverted, refined or partly refined sucrose, the solids of which contain not more than 0.3 percent by weight of ash, and which is colorless, odorless, and flavorless except for sweetness.

(2) The term "dextrose" means the hydrated or anhydrous, refined monosaccharide obtained from hydrolized starch.

(3) The term "corn sirup" means an aqueous solution obtained by the incomplete hydrolysis of cornstarch, and includes dried corn sirup; the solids of corn sirup and of dried corn sirup contain not less than 58 percent by weight of reducing sugars.

(e) The label shall bear the name of the optional cherry ingredient used, as specified in paragraph (b) of this section, and the name whereby the optional packing medium used is designated in paragraph (c) of this section, preceded by "In" or "Packed in". When any optional ingredient permitted by one of the following specified subparagraphs of paragraph (a) of this section is used, the label shall bear the words set forth below after the number of such subparagraph:

(1) "Spiced" or "Spice Added" or "With Added Spice", or, in lieu of the word "Spice", the common name of the spice;

(2) "Flavoring Added" or "With Added Flavoring", or, in lieu of the word "Flavoring", the common name of the flavoring;

(3) "Seasoned with Vinegar" or "Seasoned with _____ Vinegar", the blank being filled in with the word showing the kind of vinegar used.

When two or all of the optional ingredients specified in paragraph (a) (1), (2), and (3) of this section are used, such words may be combined, as for example, "Seasoned with Cider Vinegar, Cloves, and Cinnamon Oil".

Wherever the name "cherries" appears on the label so conspicuously as to be easily seen under the customary conditions of purchase, the words herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name without intervening written, printed, or graphic matter, except that the specific varietal name of the cherries may so intervene.*

The regulations hereby promulgated shall become effective on the ninetieth day following the date of publication of this order in the FEDERAL REGISTER, *except* that, in so far as it relates to any of the optional packing media numbered 3 to 10, inclusive, the provision of each regulation that the label shall bear the name whereby the optional packing medium used is designated in said regulations shall become effective one year from the date hereof.

February 26, 1942.

[SEAL] PAUL V. MCNUTT,
Administrator.

[F. R. Doc. 42-1761; Filed, February 28, 1942; 11:33 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T. D. 5120]

SUBCHAPTER E—ADMINISTRATIVE PROVISIONS COMMON TO VARIOUS TAXES

PART 458—INSPECTION OF CORPORATION STATISTICAL TRANSCRIPT CARDS BY THE OFFICE OF PRICE ADMINISTRATION

Pursuant to the provisions of sections 55 (a) and 702 (b) of the Revenue Act of 1934; section 106 (c) of the Revenue Act of 1935; section 55 (a) of the Revenue Act of 1936; sections 55 (a) and 602 (c) of the Revenue Act of 1938; and sections 55 (a) and 603 of the Internal Revenue Code, corporation statistical transcript cards prepared by the Bureau of Internal Revenue from corporation income and declared value excess-profits (termed prior to October 8, 1940, merely excess-profits) tax returns made under the Revenue Acts of 1934, 1936, 1938, or the Internal Revenue Code, or under such Revenue Acts and Code as amended, for any taxable year beginning after June 30, 1935, and ending before July 1, 1941, may be open to inspection by the Office of Price Administration. The inspection of such transcript cards herein authorized may be made by any officer or employee of the Office of Price Administration duly authorized by the Administrator to make such inspection. Upon written notice by such Administrator to the Secretary of the Treasury giving the classes of corporations whose transcript cards it is desired to inspect, the Secretary and any officer or employee of the Treasury Department, with the approval of the Secretary, may furnish such Office of Price Administration with any data on such cards or may make the cards or any of them available in the office of the Commissioner of Internal Revenue for inspection and copying by the Office of Price Administration or by such examiners or agents as the Administrator thereof may designate. The information so obtained may be published or disclosed in statistical form provided such publication does not disclose, directly or indirectly, the name or address of any corporate taxpayer. (E.O. 9076, Feb. 26, 1942, 7 F.R. 1538, and secs. 55 (a), 702 (b), 48 Stat. 698, 770, 106 (c), 49 Stat. 1019, sec. 55 (a), 49 Stat. 1671, secs. 55 (a), 602 (c), 52 Stat. 478, 568, secs. 55 (a), 603, 53 Stat. 29, 111; 26 U.S.C. 55, 341, 342, 26 U.S.C. 1940 ed., 55 (a), 603)

[SEAL] H. MORGENTHAU, Jr.,
Secretary of the Treasury.

Approved: February 26, 1942.

FRANKLIN D ROOSEVELT,
The White House.

[F. R. Doc. 42-1790 Filed, March 2, 1942; 10:52 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1051]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF ADDITIONAL LOADING POINTS FOR THE COALS PRODUCED AT THE MINES OF CERTAIN CODE MEMBERS IN DISTRICT NO. 9, FOR SHIPMENT BY RAIL

An original petition having been filed with the Bituminous Coal Division on September 6, 1941, by District Board 9, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 requesting that temporary and permanent relief be granted by the establishment of additional railroad loading points for the coals of certain code members in District 9;

Pursuant to Orders duly issued, and after notice to interested persons, a hearing in this matter having been held before Floyd McGown, a duly designated Examiner of the Division, at a hearing room thereof, in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

A petition of intervention having been filed on November 21, 1941, by District Board 10;

Appearances having been entered at the hearing by District Boards 9 and 10;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That effective fifteen (15) days from the date hereof § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That the prayers of the original petition and the petition of intervention are granted to the extent set forth above and in all other respects are denied.

Dated: February 21, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 *Alphabetical list of code members*—Supplement R

Mine index No.	Code member	Mine	Seam No.	Freight origin group No.	Shipping point	Railroad
300	Peyton, James Q.	Peacock	11	40	Nortonville, Ky.	IC-L&N.
					St. Charles, Ky.	IC.
297	Porter, B. L.	Dempster Strip	9	40	Nortonville, Ky.	IC-L&N.
					St. Charles, Ky.	IC.
561	Warner, George	Warner	11	40	Greenville, Ky.	IC.
					Central City, Ky.	IC-L&N.
947	West Kentucky Coal Company.	Hecla	9	40	Earlington, Ky.	L&N.
					Madisonville, Ky.	IC-L&N.

The f. o. b. mine prices for coal shipped by Mine Index Nos. 300, 297, 561 and 947 to any Market Area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck.

[F. R. Doc. 42-1768; Filed, March 2, 1942; 10:37 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VIII—EXPORT CONTROL

SUBCHAPTER B—PROCLAIMED LIST OF CERTAIN BLOCKED NATIONALS

SUPPLEMENT 1, FEBRUARY 28, 1942, TO REVISION I OF FEBRUARY 7, 1942[1]

By virtue of the authority vested in the Secretary of State, acting in conjunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Board of Economic Warfare, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), the following Supplement 1 containing certain additions to, deletions from, and amendments to The Proclaimed List of Certain Blocked Nationals, Revision I of February 7, 1942 (7 F.R. 855), is hereby promulgated.

By direction of the President:

SUMNER WELLES,
Acting Secretary of State.
HENRY MORGENTHAU, JR.,
Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
JESSE H. JONES,
Secretary of Commerce.
MILO PERKINS,
Executive Director, Board of Economic Warfare.
NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

FEBRUARY 28, 1942.

[1] 7 F.R. 855.

GENERAL NOTES: The Proclaimed List is divided into two parts: part I relates to listings in the American republics; part II relates to listings outside the American republics.

In part I titles are listed in their letter-address form, word for word as written in that form, with the following exceptions:

If the title includes a full personal name, that is, a given name or initial and the surname, the title is listed under the *surname*.

Personal name prefixes such as de, la, von etc., are considered as part of the surname and are the basis for listing.

The listing is made under the next word of the title when the initial word or phrase, or abbreviation thereof, is one of the following Spanish forms or similar equivalent forms in other languages:

Compañía; Cía.; Comp.
Compañía Anónima; C. A.; Comp. Anón.
Sociedad; Soc.
Sociedad Anónima; S. A.; Soc. Anón.

The indication of an address for a name on the list is not intended to exclude other addresses of the same firm or individual. A listed name refers to all branches of the business in the country.

PART I—LISTINGS IN AMERICAN REPUBLICS

ADDITIONS

Argentina

Amann, Eugenio.—Pampa 2975, Buenos Aires.

Argentina Representaciones Productos Extranjeros, S. de R. L., Cía.—25 de Mayo 252, Buenos Aires.

Baltzer, Werner.—Monroe 1378, Buenos Aires.

Barahona, Julio G.—Ayacucho 134, Buenos Aires.

Beutelspacher, Ernesto.—Sarmiento 815, Buenos Aires.

Brandt, Gottfried (Dr.).—Obligado 1720, Belgrano, Buenos Aires.

C. A. R. P. E., Compañía Argentina Representaciones Productos Extranjeros, S. de R. L.—25 de Mayo 252, Buenos Aires.

Caimi y Pozzi.—Rincón 226, Buenos Aires.

Cartonería e Imprenta "Oefinger".—Córdoba 5653, Buenos Aires.

Casa "Don Juan".—Segurola 1101, Buenos Aires.

Casa Fehling.—Avenida Alvear 3154, Buenos Aires.

Cilander, Augusto.—Simbrón 3328, Buenos Aires.

Cubiña y Cía.—Corrientes 424, Buenos Aires.

Di Fiore, Nicolás Eduardo.—Corrientes 565, Buenos Aires.

Editora Italo Argentina, S. A.—Tucumán 439, Buenos Aires.

Electro Metalúrgica Argentina S. A., Soc.—Camino a la Plata y Carlos Florito, Avellaneda; Belgrano 857, Buenos Aires; and all branches in Argentina.

Erb, Emilio.—Vera 1034, Buenos Aires.

Falhetty, Horacio.—Ovidio Lagos 1087, Rosario.

Federación de las Asociaciones de Exportadores e Importadores del Japón para la América del Sud.—Corrientes 330, Buenos Aires.

Fehling, Guillermo E.—Avenida Alvear 3154, Buenos Aires.

Fontán, Marcos José.—El Hornero 265, Buenos Aires.

Frers y Cía.—Segurola 1101, Buenos Aires.

Gando, Pedro.—Yerbal 2186, Buenos Aires.

García, Germán.—French 2859, Buenos Aires.

Gramm, Herbert.—Avenida de Mayo 1229, Buenos Aires.

Haase, Alfonso.—Cochabamba 760, Buenos Aires.

Hartenstein, Wolf.—General Rodríguez 110, Lomas de Zamora.

Hattori, Sadao.—Independencia 2650, Buenos Aires.

Hellmuth, Max.—Reconquista 390 y Corrientes 424, Buenos Aires.

Herbener, Carlos O.—Cabildo 1268, Buenos Aires.

Hirota, Ichiro.—Chile 1029, Buenos Aires.

Homann, Heinrich.—San Isidro, F. C. C. A.

Il Mattino D'Italia.—Tucumán 439, Buenos Aires.

Instituto Behring de Terapéutica Experimental, S. de R. L.—Intendente Tomkinson s/n, San Isidro, F. C. C. A.

Iwai y Cía., Ltda.—25 de Mayo 145, Buenos Aires.

Kaiseki, S.—Rivadavia 1133, Buenos Aires.

Kato Bussan Kaisha Ltda.—Sarmiento 643, Buenos Aires.

Kumasaka, Seishiro.—Guayaquil 87, Buenos Aires.

La Plata Post.—Corrientes 672, Buenos Aires.

"La Querencia" S. A., Compañía Inmobiliaria y Financiera.—Bernardo de Irigoyen 330, Buenos Aires.

Laborda, Manuel J.—Lavalle 900, Buenos Aires.

Lohmann & Walther.—Córdoba 5653, Buenos Aires.

López, J. Mario.—25 de Mayo 140, Buenos Aires.

Malvar, José.—Defensa 119, Buenos Aires.

Mang, Erwin.—25 de Mayo 347, Buenos Aires.

Martínez, Manuel.—Corrientes 330, Buenos Aires.

Mimoto, S.—Presidente Roque Sáenz Peña 616, Buenos Aires.

"Moldavia", S. de R. L.—Corrientes 2551, Buenos Aires.

Morseletto S. A., Establecimientos Metalúrgicos.—Helguera 1481, Buenos Aires.

Motte, Otto.—Buenos Aires.

Muchall, Juan.—Victoria 561, Buenos Aires.

Nakkacha e Hijos, M.—Carlos Pellegrini 635, Buenos Aires.

Nellen y Cía.—Azopardo 1271, Buenos Aires.

Niebuhr, C. Ernesto (Dr.).—Reconquista 336, Buenos Aires.

Oficina de Turismo del Japón.—Florida 746, Buenos Aires.

Ogawa, I.—Jujuy 136, Buenos Aires.

Ohno, K.

Pazcazzi, Antonio.—Laprida 888, Rosario.

Pazcazzi, Joaquín.—Laprida 888, Rosario.

Pierini, Américo.—Ayacucho 134, Buenos Aires.

Potrykus, Wladislaus.—Avenida Presidente Roque Sáenz Peña 615, Buenos Aires.

Racca, Angel.—Rosario.

Racca, Edgardo.—Rosario.

S. E. M. A., Sociedad Electro Metalúrgica Argentina S. A.—Camino a la Plata y Carlos Florito, Avellaneda; Belgrano 857, Buenos Aires; and all branches in Argentina.

Schweizer & Malvar.—Defensa 119, Buenos Aires.

Seufer, Emilio.—Corrientes 550, Buenos Aires.

Shimozato, Minosuke.—25 de Mayo 516, Buenos Aires.

Spahr, Carlos.—Buenos Aires.

Suda, K.—25 de Mayo 145, Buenos Aires.

Teatro Belgrano.—Calles San Martín y San Juan, Rosario.

Tobías, Julius.—Corrientes 4910, Buenos Aires.

Tsukamoto, T.—Sarmiento 643, Buenos Aires.

Uhlitzsch y Cía.—Cramer 1376, Buenos Aires.

"Unitas" Compañía Financiera Argentina S. A.—Bernardo de Irigoyen 330, Buenos Aires.

Valdani, Victor.—Tucumán 439, Buenos Aires.

Von Borries, Kurt.—25 de Mayo 195, Buenos Aires.

Von Borries & Bubach.—25 de Mayo 195, Buenos Aires.

Von Ehrenstein, H. S.—5 de Julio 1289, Vicente López.

Walther, Emilio.—Buenos Aires.

Wasser, Rudolfo.—Buenos Aires.

Wella-Sudamerica, S. A.—General Paz 1891-99 y Sucre 2500, Buenos Aires.

Wendel, Rodolfo.—Bernardo de Irigoyen 4400, Buenos Aires.

Wenkebach, Georg.—San Isidro, F. C. C. A.

Wollanke, Federico.—25 de Mayo 347, Buenos Aires.

Yamashita Kisen, Kaisha, Ltda.—25 de Mayo 516, Buenos Aires.

Yokohama, Kenkichi.—Esmeralda 1080, Buenos Aires.

Bolivia

Adad, Selín.—La Paz.

Ashton & Schulz.—Calles Mercado y Colón, La Paz.

Baer, H.—La Paz.

Barber, Alfredo O.—Cochabamba.

Biggemann, Antonio.—Socabaya 274, La Paz.

Biggemann Company, Antonio.—Socabaya 274, La Paz.

Cazorla, Miguel.—La Paz.

Daug, Beatriz Denz de.—Oruro.

de Fujiike, Takeko.—Mercado 216, La Paz.

Dillmann, Ricardo.—Cochabamba.

Dorado, Manuel.—La Paz.

"El Cóndor."—Calles Mercado y Colón, La Paz.

Excelsior, The.—La Paz.

Ferretería y Barraca Nacional.—Casilla 102, Oruro; and Potosí.

Fujiike y Cía.—Mercado 216, La Paz.

Gitschtaler, José.—La Paz.

Goto, Masayoshi.—Mercado 216, La Paz.

Gottschalk, Friedrich.—Cochabamba.

Guidi, Armando.—Sucre.

Guidi Hermanos.—Sucre.

Hagen y Cía., S. en C.—Calle La Plata, Oruro.

Imprenta y Editorial Eléctrica.—La Paz.

Inoue, Koichiro.—Comercio 468, La Paz.

López, Alberto.—La Paz.

Ocularium—Instituto de Optica Moderna.—Género Sanjinés 429, La Paz.

Rodríguez, Francisco.—La Paz.

Salchichería y Fábrica de Conservas Cochabamba.—Cochabamba.

Schmidt, Willie.—Casilla 102, Oruro.

Tamaki, José.—Avenida Saavadra 408, La Paz.

Tencer, Hermann.—La Paz.

Von Gartzen, Curt.—La Paz.

Wagener, Guillermo.—Oruro.

Witt, Rudolfo.—Casilla 899, La Paz.

Yamane, Y.—Mercado 216, La Paz.

Yoshizaki, Kozo.

Brazil

Albrecht, Emil Erich.—Rua São Pedro 28, Rio de Janeiro.

Bastos Eléctrica Ltda.—Fazenda Bastos, São Paulo.

Bebion, Wilhelm.—Rua General Câmara 129, Rio de Janeiro.

Beneficiamento de Arroz de Alecrim Ltda., Soc.—Pedro de Toledo, São Paulo.

Berude, Dan H.—Rua Saddock de Sá 305, Rio de Janeiro.

Bozzi, Luciano.—Rua São Bento 405, São Paulo; and Rua do Commercio 25, Santos.

Bredenick, Frederico.—Nossa Senhora Aparecida 7, Villa Conceição, Pôrto Alegre, Rio Grande do Sul.

Bürgers, Richard.—Caixa Postal 92, Natal, R. G. do Norte.

Casa Systema Ltda.—Rua Carijos 226, Bello Horizonte, Minas Geraes.

Casa Tokio.—Rua Santa Ephigenia 37, São Paulo.

Casa Yashima.—Garça, São Paulo.

Cindric, Erich.—Caixa Postal 3747, São Paulo.

Colonia de Pescadores Z-1 José Bonifácio.—Santos, São Paulo.

Colonisadora Brasil, Soc.—Lussanvira (P. B.), São Paulo.

Coóperativa Agricola de Avaré.—São Paulo.

Coóperativa Agrícola de Bastos.—Fazenda Bastos, São Paulo.

Coóperativa Agricola Três Barras.—Jatái, São Paulo.

Coóperativa Bastos Ltda.—Fazenda Bastos, São Paulo.

Coóperativa da Fazenda Aliança.—Com. Arbues, São Paulo.

Doi e Cia., N.—Biguá and Registro, São Paulo.

Douglas Trading Company.—Caixa Postal 1795, Rio de Janeiro.

Eifler e Cia., Bernhard.—Rua Duque de Caxias 340-1°, Recife, Pernambuco.

Empreza da Pesca Ltda.—Paranagua, Paraná.

Empreza Gráfica Leuzinger S. A.—Rua do Lavradio 162, Rio de Janeiro.

Empreza Japoneza de Pesca Ltda.—Paranaguá, Paraná.

Empreza Theatral Nichiyama.—Londrina and Cornelio Procopio, Paraná.

Engelbrecht e Cia.—Rua Augusto de Queriroz 158, São Paulo.

Fábrica de Gelo "Rita María."—Florianópolis.

Fábrica de Pontas "Rita María."—Florianópolis.

Fábrica de Rendas e Bordados Hoepcke Ltda.—Florianópolis.

Fábrica Tupy.—Rua General Bruce 40, Rio de Janeiro.

Fujihira e Cia., Ltda.—Largo do Ouvidor 5, São Paulo.

Fukuda e Cia.—Pompéia, São Paulo.

Grasmuck, Albert.—Rua da Alfândega 171, Rio de Janeiro.

Hachiya, Andrade e Cia., Ltda.—Rio de Janeiro.

Hackradt e Cia., Fernando.—Rua de São Bento 217, São Paulo.

Hirth, Laubisch e Cia., Georg.—Rua do Ouvidor 86, Rio de Janeiro.

Hoepcke S. A., Fábrica de Gelo Carlos.—Florianópolis.

Hotel Lutecia.—Rua das Larangeiras 486, Rio de Janeiro.

Joest, Pedro.—Santos, São Paulo.

Katsura Ltda., Soc. de.—São Paulo.

Koehler e Cia., Ernest.—Guajará-Mirim, Mato Grosso, and all branches in Brazil.

Kozuki e Cia.—Pres. Prudente, São Paulo.

Laboratório Zambeletti, Ltda.—Rua Albuquerque Lima 480, São Paulo.

Laubisch & Hirth, Carlos.—Rua Riachuelo 81-87, Rio de Janeiro.

Maebata & Ohira.—Garça, São Paulo.

Mineração Oldenburg Ltda.—Rio de Janeiro.

Murakami e Cia.—Duartina, São Paulo.

Nichikida Ltda., F. T.—Assaí, São Paulo.

Nitihaku Takushoku Kaisha.—São Paulo.

Ohara, Irmão & Co.—Rua Paula Souza 224, São Paulo.
Okamoto e Cia., Haruichi.—Marília, São Paulo.
"Piam" Farmaceutica e Commercial do Brasil Ltda.—Rua do Ouvidor 15, Rio de Janeiro.
Pietrocolla, Akiyoshi e Cia.—Rua Cardeal Arcoverde 2544, São Paulo.
Rossi, Evaristo.—Rua São Bento 405, São Paulo; Rua do Commercio 25, Santos.
Shimizú e Cia.—Paranaguá, Paraná.
Sugimoto, Yosinosuke.—Rua Santa Ephigenia 37, São Paulo.
Tone e Cia.—Ourinhos, São Paulo.
Yoshio e Cia.—Pres. Prudente, São Paulo.

Chile

Agelindus, Sociedad Industrial Wenz y Cía.—Augustinas 1122 (Casilla 2522), Santiago.
Agencia Stefani.—Avenida Colón 796 y Agustinas 571, Santiago.
Andriola P., Nicolás.—Prat 437, Antofagasta.
Asmundsen, Juan Nicholas.—Covadonga 668, Iquique.
Atala, Abraham.—Las Rosas 1055 (Casilla 488), Santiago.
Bahamondes y Cía., Ltda.—Huérfanos 1180, Santiago.
Barz, Dietrich.—Morandé 291, oficina 50, Santiago.
Barz y Cía., D. (Sucrs. de Erick Schiele).—Morandé 291, oficina 50, Santiago.
Bekker von Tietzen, Werner.—Catedral 1151 (Casilla 4086), Santiago.
Bekker & Feise.—Catedral 1151 (Casilla 4086), Santiago.
Bolland, Augusto.—Avenida Brasil 2136, Valparaíso.
Bolland y Cía.—Avenida Brasil 2136, Valparaíso.
Boric & Arzic.—Talca 1143, Punta Arenas.
Campodonico R., Pedro.—Errázuriz 1028 y Blanco 1041, Valparaíso.
Capio, José.—Talca 1200, Punta Arenas.
Casa Hargo.—Esmeralda 970, Valparaíso.
Cerutti y Cía., Ltda.—Lautaro esquina Prat, Angol.
Chilena de Artículos para Calzado Soc.—Teatinos 975 (Clasificador 117), Santiago.
Corporación Chilena de Films.—Estado 91, Santiago.
Dell'Orto y Cía., Ltda.—Estado 149 (Casilla 558), Santiago.
Díaz Berguecio, Guillermo.—Catedral 1312, Santiago.
Eggers G., Bruno.—Prat 732 (Casilla 1505) Valparaíso; and Huérfanos 972, oficina 603, Santiago.
Eggers G., Otto.—Prat 732 (Casilla 1505), Valparaíso; and Huérfanos 972, oficina 603, Santiago.
Fábrica Nacional de Carrocerías S. A.—Casilla 11-D, Viña del Mar.
Feise Washnschaffer, Hermann.—Catedral 1151 (Casilla 4086), Santiago.
Gamm, Hermann.—Antonio Varas 2143, Santiago.
Gevert & Neeb.—Amunategui 480, Santiago.
González Jamett, Eduardo.—Esmeralda 970, Valparaíso.
González y Cía., Ltda.—Esmeralda 970, Valparaíso.
Groeger, Walter.—Santo Domingo 831, Santiago.
Groeger y Cía., Ltda.—Santo Domingo 831, Santiago.
Gubernatis, Germán.—Antofagasta.
Guzmán Palacios, Jorge.—Estado 91, Santiago.
Haardt, Carlos.—Avenida Brasil 2136, Valparaíso.
Harries, Ltda., H. W.—Cochrane 843 (Casilla 955), Valparaíso.
Harries & Weinborn.—Casilla 244, Arica.
Hartung, Alfredo J.—Esmeralda 970, Valparaíso.
Hegeler, Walter.—Ramón Carnicer 5 (Casilla 9394), Santiago.
Heise, Alberto.—Estado 91 (Casilla 1567), Santiago.
Hirsch K., Martín.—Huérfanos 880, oficina 9, Santiago.
Knop Niederhoff, Pablo.—San Martín 324, Valparaíso.
Knop Niederhoff, Reinaldo.—San Martín 324, Valparaíso.
Knop y Cía., R.—San Martín 324, Valparaíso.
Kraemer y Cía., Ltda., Robert.—Agustinas 975 (Casilla 1194), Santiago.
Lanera, Ltda., Soc.—Calle 15 Norte 960, Viña del Mar.
Laroche P., Edmundo.—Agustinas 972 (Clasificador D-538), Santiago.
Lejeune, Storm y Cía.—Cochrane 557, Valparaíso.
Lobenstein, Roberto.—Agustinas 1153, Santiago.
Neeb & Kirchgaessener Ltda.—General Korner 1282, Santiago.
Nevermann, Herman.—Arica.
Nevermann, Kurt.—Arica.
Nevermann y Cía.—Arica.
Niemeyer, Carlos.—Esmeralda 973, Valparaíso.
Pieder & Boek.—Galería Alessandri 7 (Casilla 13102), Santiago.
Pieper, Franz.—Bandera 242 (Casilla 1982), Santiago.
Reble, Oscar.—Moneda 873, Santiago.
Richter, Erich.—Vicuña Mackenna 6703 (La Florida), Santiago.
Richter y Cía., E.—Vicuña Mackenna 6703 (La Florida), Santiago.
Sedat, Albert.—Santo Domingo 831, Santiago.
"SOCAPAC" Sociedad Chilena de Artículos para Calzado.—Teatinos 975 (Clasificador 117), Santiago.
Spoerke L., Arturo.—Portal Alcaldesa 1842, Santiago.
Spoerke L., Arturo.—Portal Alcaldesa 1842, Santiago.
Storm, Teodoro.—Cochrane 557, Valparaíso.
Tagle Cerda, José.—Agustinas 975, oficina 608, Santiago.
Teatro Comedia.—Huérfanos 1180, Santiago.
Truffello Hnos., Ltda.—Blanco 1041, Valparaíso; and Agustinas 975, Santiago.
Vatter & Hirsch Ltda.—Huérfanos 880, oficina 9, Santiago.
Von Johnn Marteville, H.—Agustinas 972, oficina 645 (Casilla 2824), Santiago.
Wachtel y Cía.—Casilla 87, Loncoche.
Weller, Bruno.—Aldunate 635, Coquimbo.
Wiese y Cía., Ltda., Eleberto.—Huérfanos 930, oficina 66, Santiago.

Colombia

Agrícola Exportadora S.A., Cía.—Bogotá.
Almacén Cali.—Cali.
Almacén Palma.—Barranquilla.
Ariyoshi, Toshiro.
Barletta, Blas.—Boyacá, La Paz y Progreso, Barranquilla.
Beck, Alfred.—Calle 54 No. 4-71 (Apartado 1304), Bogotá.
Biancardi, Giovanni.—Bogotá.
Bothe, Helmuth.—Apartado 1124, Bogotá.
Bruckmann, Erich.—Belalcazar 50-44, Medellín.
Cabrera, Leónidas.—Bogotá.
Capasso, Miguel.—Bogotá.
Capasso e Hijos, Ltda., Nicolás.—Apartado Nacional 745, Bogotá.
Caputo, Jorge.—Comercio, 20 de Julio y Cuartel, Barranquilla.
Caputo y Cía.—Comercio, 20 de Julio y Cuartel, Barranquilla.
Cardone, Gayetano.—Barranquilla.
Cardone, Vicente.—Barranquilla.
Cardone, Hermanos.—Carrera Mercado, Real y Comercio, Barranquilla.
Castelli, Antonio.—Bogotá.
Castelli y Biancardi.—Bogotá.
Celia, Antonio.—Boyacá, La Paz y Progreso, Barranquilla.
Celia & Barletta.—Boyacá, La Paz y Progreso, Barranquilla.
Cristoph, Hans.—Armero.
Claussen, Herman.—Bogotá.
"COFEX" Compañía Agrícola Exportadora S. A.—Bogotá.
Colombiana de Inmuebles S. A., Cía.—Cartagena.
Cozza, José.—Comercio, 20 de Julio y Cuartel, Barranquilla.
Cromográficas.—Bogotá.
Da Deppo, Gino.—Carrera 8a No. 13-37, Bogotá.
Deneke, Heinz.—Bogotá.
Deneke & Gerberth.—Bogotá and Barranquilla.
Dicoa.—Medellín.
Di Domenico, José.—Ríohacha Magdalena.
Di Napoli, Aquiles.—Santander, República y Olaya Herrera, Barranquilla.
Di Napoli, Blas.—Santander, República y Olaya Herrera, Barranquilla.
Distribuidora Colombo - Americana, Ltda., Cía.—Medellín.
Elger, Otto.—Manizales.
"El Serrucho".—Calle 13 No. 5-56, Cali.
Fábrica de Pinturas y Productos Luqui S. A.—Apartado 437, Barranquilla.
Fábrica de Sombreros "Colombia."—Barranquilla.
Fábrica Italiana de Calzado.—Boyacá, La Paz y Progreso, Barranquilla.
"Faltalá".—Boyacá, La Paz y Progreso, Barranquilla.
Ferretería "El Serrucho".—Calle 13 No. 5-56, Cali.
Ferretería Girardot.—Carrera 9, Girardot, Cundinamarca.
Friedrich, Walter.—Medellín.
Fuchs, Emil.—Apartado 428, Barranquilla.
Fuchs, Erich.—Calle 12 No. 6-90, Bogotá.

Gallo y Cía., S. en C., Vicente (Jr.).—Apartado Nacional 306, Cartagena.
Garavito, Ramón.—Pereira.
Gethe, Juan.—Pasto, Nariño.
Gruetzmacher, Herbert Adolf.—Bogotá.
Gunter, Emil.—Pasto, Nariño.
Gutiérrez Portocarrero, Henrique.—Carrera 8a No. 15-93 Bogotá.
Harders, Hans Joachim.—Calle 12 No. 10-68, Bogotá.
Heimann, Kaiser y Cía.—Tumaco, Nariño.
Hernández, A., Sucesores, J. M.—Amargura 2, Cartagena.
Herrera S., Cesáreo.—Calle 13 No. 5-56, Cali.
Hoshino, Jorge Enrique.—Bogotá.
Industrial Manufacturera Imperial Ltda., Soc.—Calle 24 No. 5-31, Bogotá.
Joyería Alemana.—Carrera 7 No. 12-47, Bogotá.
Joyería Fux.—Calle 12 No. 6-90, Bogotá.
Joyería "La Diadema".—Calle 12 No. 7-58, Bogotá.
Kaiser, Hans.—Tumaco, Nariño.
Koch, Alfredo.—Pasto, Nariño.
Krick, Martín.—Carrera 7 No. 12-47, Bogotá.
La Proveedora.—San Blas y 20 de Julio, Barranquilla.
Larsen, H. H.—Barranquilla.
Litografía Italo-Francesa.—Bogotá.
Lullemann, Walter.—Cali.
"Lys" S. A.
Mainero, Manuel.—Cartagena.
Merendoni, Verginio.—Circuito ABC, Oficina en Teatro Rex, Barranquilla.
Mesa, Francisco A.—Medellín.
Mesa, Quijano y Cía.—Medellín.
Nasi, Vicente.—Apartado 1311, Bogotá.
Neumueller, Hans Inesberger (Dr.).—Cartagena.
Nichikuni, Kenichi.—Cali.
Oficina Técnica Industrial Comercial.—Medellín.
"OTICO" Oficina Técnica Industrial Comercial.—Medellín.
Pfeil-Schneider, Götz.—Manizales, Caldas.
Productos Metálicos Ltda.—Barranquilla.
Puccini V., Alberto.—San Blas y 20 de Julio, Barranquilla.
Puccini y Cía., Alberto.—San Blas y 20 de Julio, Barranquilla.
Rankin, James.—Old Providence Island.
Redeker, Kurt.—Buenaventura, Valle.
Restaurant Miami.—Bogotá.
Restrepo, Eduardo E.—Medellín.
Rinkel, Heinrich.—Barranquilla.
Rozo E., Santiago (Dr.).—Barranquilla.
Rullhusen, Heinz.—Bogotá.
Salvino y Cía., Alejandro.—Cucuta, Santander del Norte.
Schumacher, Hermann.—Calle 12 No. 7-58, Bogotá.
Selbstaedt, Hans D.—Barranquilla.
Siegler, Otto.—Ríohacha.
"SIMI" Sociedad Industrial Manufacturera Imperial Ltda.—Calle 24 No. 5-31, Bogotá.
Strauss, Hans.—Apartado 104, Barranquilla.
Striepke, Wilhelm F.—Cartagena.
Taura, Michi.—Cali.
Thiel, Otto (Dr.).—Medellín.
Trumpke, B. F.—Apartado 818, Bogotá.
Volpe, Emilio.—Barranquilla.
Volpe, Vicente.—Barranquilla.
Von Bauer, Peter Paul (Dr.).—Barranquilla.
Weisbach, Everhard.—Bogotá.
Yoshida, Roberto.—Bogotá.

Costa Rica

Alvarado, G., A.—San José.
Alvarado, José.—San José.
Alvarez Iraeta, Manuel (Dr.).—San José.
Appel, Willey.—San José.
Arend, Walter.—Puntarenas.
Bartorelli, Gabriello.—San José.
Bartorelli, Gastone.—San José.
Botica La Violeta.—San José
Brammer, Eric.—San José.
Brenes Díaz-Granados, Mario.—Apartado 1166, San José.
Carvajal, Marino.—Apartado XIX, San José.
Chacón, Alberto.—Puntarenas.
Deipholz, Sophie.—San José.
Gurcke, Karl Oskar.—Tilarán.
Gurcke, Werner.—San José.
Gutman, Jacobo.—San José.
Hernández Mosquero, Pedro—San José and Puerto Limón.
Lachner, Rafael (Dr.).—Cartago.
Lohrengel, C. W.—Apartado XIX, San José; and Tres Ríos.
Los Baños.[1]—Puntarenas.
Manhartsberger, Carlos.—San José.
Mata Meneses, Roberto.—San José.
Méndez, Haydeé Zeledón Barrantes, vda. de Ríos.—San José.
Méndez & Co., H. Z. de R.—San José.
Miller, Bruno.—Tres Ríos.
Miller, Kurt.—San José and Tres Ríos.
Miller, Otto.—Tres Ríos.
Niehaus, Guillermo.—San José.
Niehaus, Hans.—San José.
Niehaus, Willie.—Apartado 167, San José.
Pandolfi, Antonio.—Calles A. V. y 2, Avenida F. G., San José.
Pandolfi, Pascuale.—Calles A. V. y 2, Avenida F. S., San José.
Pandolfi Hermanos.—Calles A. V. y 2, Avenida F. G., San José.
Paschka, Kurt.—Cartago.
Pérez Solano, Andrés.—San José.
Química Bayer, S. A.—San José.
Reimers, Fritz.—San José.
Salazar, Carlos.—San José.
Sauter, Federico.—San José.
Sauter, Josef.—San José.
Staufer, José.—San José.
Steinvorth, Botho.—San José.
Steinvorth, Ernesto.—San José.
Steinvorth, Gerardo.—San José.
Steinvorth, Ricardo.—San José.

Cuba

Bona, Alejandro.—Empedrado 4, Habana.
Bona y Cía., A.—Empedrado 4, Habana.
Emmermann, Hans.—Cristo 27, Habana.
Emmermann, S. en C., H.—Cristo 27, Habana.
Fábrica de Cuchillas "Aevos".—Regla Habana.
Gómez Varela, Manuel.—10 de Octubre 13, Habana.
Heckl, Luis.—Gertrudes 109, Habana.
Hoppe, Eugene.—Marti 73, Regla, Habana.
Inversiones Sadomoco S. A., Cía. de.—Habana.
Kohl, Erich.—Neptuno 755 Altos, Habana.
Ohira, Hugo.—Villegas 115, Habana.
Valiño, Joaquín Díaz.—San Rafael 263, Habana.
"Vanity".—San Rafael 263, Habana.

Dominican Republic

Bodden, César A.—Isabel la Católica 40, Ciudad Trujillo.
Dohse, Ernst Heinrich.—Ciudad Trujillo.
Dohse-Jorge, Ernesto.—Ciudad Trujillo.
Grosshart, Albert.—Monte Cristi.
Jurgens, Kurt.—Santiago.
Knebol, Martín.—Ciudad Trujillo.
Prieto, Esteban (Jr.).—19 de Marzo 50, Ciudad Trujillo.
Productos Dominicanos, C. por A., Cía. de.—Santiago.
Rua y Cía., Antonio.—Colón esquina Mercedes, Ciudad Trujillo.

Ecuador

Agencia Italo-Ecuatoriana.—Casilla 205, Guayaquil.
Almerini, Giovanni.—Casilla 345, Guayaquil.
Almerini, Fossati y Cía.—Casilla 345, Guayaquil.
Bittner, Rudolfo.—Avenida Nueve de Octubre, Guayaquil.
Bockmann, Hans.—Casilla 405, Guayaquil.
Bonzi, Giacomo.—Casilla 205, Guayaquil.
Boscetti, Tulio T.—Casilla 492, Quito.
Botica Eloy Alfaro.—Casilla 1050, Guayaquil
Constructora Técnica S. A., Soc.—Casilla 584, Guayaquil.
Contag, Arturo.—Tomás Martínez, 305 (Casilla 200), Guayaquil.
Contag, Ernesto.—Pasaje Pérez, Quito.
Dreher, Benjamin.—Chimborazo 1508 (Casilla 731), Guayaquil.
Endemann, Hans.—Casilla 584, Guayaquil.
Espinosa Tamayo, Luis.—Casilla 1050, Guayaquil.
Ferrari, Herederos de Luis.—Casilla 126, Guayaquil.
Fossati, Luigi.—Casilla 345, Guayaquil.
Galeotti, Piero.—Casilla 1157, Guayaquil.
González y Cía., Florentino.[1]—Casilla 1150, Guayaquil.
Hotel Majestic.—Salinas.
Jeremías, Herederos de L.—Guayaquil.
Jeremías, Siegfried.—Casilla 112, Guayaquil.
Jeremías y Robinson.—Guayaquil.
Joyería "El Brillante".—Guayaquil.
Joyería "Queirola".—Guayaquil.
Kehrer, Wilhelm.—Salinas.
Kiefel, Gottlieb.—Casilla "B", Guayaquil.
Klaere, Adolfo.—Salinas.
Mestichelli, Leo.—Salinas.
Miranda, Pietro.—Casilla 252, Quito.

[1] Not to be confused with Hotel "Los Baños" of Puntarenas.

[1] Not to be confused with Gonzáles Hermanos y Cía., 108 Malecon Simón Bolívar (Casilla 372), Guayaquil.

Misaale, Emilio.—Casilla 1058, Guayaquil.
Pernigotti, Ernesto.—Casilla 1100, Guayaquil.
Pernigotti, Gabriel.—Casilla 1100, Guayaquil.
Pernigotti y Cia.—Casilla 1100, Guayaquil.
Radiotécnica Ecuatoriana, Soc.—Quito.
Rap y Galeotti.—Casilla 1157, Guayaquil.
Schulte, Heinz.—El Batán Grande, Quito.
Schultz, Wilhelm.—Calle Pablo Herrera y Baquerizo, Quito.
Sebelefsky, W.—Casilla 1101, Guayaquil.
Stornaiolo, Cosimo.—Palacio de Comercio, Carrera Venezuela 60, Quito.
Timmer, Helmut.—Casilla 584, Guayaquil.
Weber, Walter.—Malecón 814, Guayaquil.
Wickenhauser, Julio.—Casilla 346, Guayaquil.

El Salvador

Beneficio "Giessler".—Chinameca.
Beneficio "Los Ausoles".—Ahuachapán.
Beneficio "San Guillermo".—Tepecoyo.
Beneficio "San Jacinto".—San Salvador.
Beneficio "San José".—Zacatecoluca, La Paz.
Beneficio "Santa Elena".—San Pedro Puxtla, Ahuachapán.
Borghwardt, Enrique.—Santa Ana.
Bruce, Augusto.—Santa Ana.
"Carnicería Modelo".—4a Calle Poniente 4, San Salvador.
Caruso, Alfonso.—San Salvador.
Castelli, Antonio.—San Salvador.
Clar, Carlos.—Santa Ana.
Crisonino, Virgilio.—San Salvador.
Cristiani, Alfredo.—San Vicente.
Custode, Juan.—San Salvador.
Dreiss, Ernesto.—Santa Ana.
Fábrica de Jabón y Velas "La Salvadoreña".—San Salvador.
Ferracuti, Alberto.—San Salvador.
Ferracuti, Antonio.—San Salvador.
Ferracuti, Piero.—San Salvador.
Finca "El Paraíso".—Santa Ana.
Finca "Santa Bárbara".—Santa Ana.
Groskorth, Ernesto.—San Salvador.
Kleipel, Francisco.—Ciudad Barrios, San Miguel.
Krutz, José.—Santa Ana.
Mathies, Gustavo.—Santa Ana.
Mathies, Luis Federico.—Santa Ana.
Mathies, Salvador.—Santa Ana.
Muller, Guillermo.—Santa Ana.
Oertel, Pablo.—San Salvador.
Salandra Hermanos.—4a Avenida Norte 2, San Salvador.
Santimone y Cía., Generoso.—1a Calle Poniente 7, San Salvador.
Santimone y Cía., José.—Ahuachapán.
Schmidt, Carlos A.—San Pedro Puxtla, Ahuachapán.
Seoane, José María.—Zacatecoluca, La Paz.
Standard Photo Supply Company.—San Salvador.
Tillino, Juan.—4a Calle Poniente 4, San Salvador.
Wilmes, Heriberto W.—San Salvador.

Guatemala

Abdo e Hijos, Julio.—8a Calle Oriente y 8a Avenida Sur, Guatemala, Guatemala.
Albingia, Versicherungs A. G.—Guatemala, Guatemala.
Almacén "La Gloria".—8a Calle Oriente y 8a Avenida Sur, Guatemala, Guatemala.
Almacén "La Oriental".—12a Avenida Sur 25-27, Guatemala, Guatemala.
Almacén La Perla.—Quezaltenango.
Braeuner y Cía., R. O.—19a Calle Oriente 10, Guatemala, Guatemala.
Camisería "España".—8a Avenida Sur 13, Guatemala, Guatemala.
Diestel, Eberhardt.—10a Calle Poniente 3, Guatemala, Guatemala.
Dietz, José (Jr.).—Quezaltenango.
El Fénix Sudamericano.—Guatemala, Guatemala.
Fernández García, Rafael.—12a Avenida Sur 25-27, Guatemala, Guatemala.
Finca "El Carmen".—Tajumulco, San Marcos.
Finca "El Recuerdo".—Pochuta, Chimaltenango.
Finca "Las Luces".—Tumbador, San Marcos.
Finca "Lucita Linda".—Tumbador, San Marcos.
Finca "Nahuatancillo".—Tumbador, San Marcos.
Finca "Thuringia".—San Miguel Panam, Suchitepequez.
Franke, Conrado.—Quezaltenango.
Fresse & Rubien.—Candelaria-Xolhuitz, Retalhuleu.
Frey, Martin.—Cobán.
Ganzauge, Herbert.—Quezaltenango.
Grote, Wilhelm.—Guatemala, Guatemala.
Hahmann, Bruno.—Quezaltenango.
Hartleben, Alberto.—Finca "El Carmen", Tajumulco, San Marcos.
Hastedt, Herbert W.—10a Calle Poniente 3, Guatemala, Guatemala.
Ingenio Concepción.—Escuintla.
Luttmann, Rodolfo.—Finca "Lucita Linda", Tumbador, San Marcos.
Mohr, Max Christian Johannes.—Tumbador.
Overdick Kern, Hans.—Guatemala, Guatemala.
Paetau, Max.—Guatemala, Guatemala.
Paetau, Max (hijo).—Guatemala, Guatemala.
Peitzner, Gustavo.—Finca "El Recuerdo", Pochuta, Chimaltenango.
Petersen, Teodoro.—Malacatán, San Marcos.
Schieber, Eugenio.—2a Avenida Sur 26, y Pasaje Providencia, Tivoli, Guatemala, Guatemala.
Schuster, Lisy.—Guatemala, Guatemala.
Seguros, Albingia, Cía. de.—Guatemala, Guatemala.
Singer, Ernesto.—Malacatán, San Marcos.
Transportes Diesel M. A. N.—2a Avenida Sur 26, Guatemala, Guatemala.
Wietfeldt, Hans.—Finca "Candelaria-Xolhuitz" Nuevo San Carlos, Quezaltenango.
Zoller, Enrique.—Ayutla.

Haiti

Haehner, George.—Rue Roux, Port-au-Prince.
Rieper, Joachim.

Honduras

Appenzeller, Richard.—San Pedro Sula.
Ariza, Vicente Alfredo (Dr.).—Tegucigalpa.
Cornelsen, Heinz.—Tegucigalpa.
Droguería Rischbieth.—Tegucigalpa.
Hupp, Alfonso.—Tegucigalpa.
Jardín de Italia.—Avenida Paz Barahona, Tegucigalpa.
Koster, Karl.—Tegucigalpa.
Meyer, Albert.—Apartado 108, Tegucigalpa.
Paysen, Detlef.—Amapala.
Paysen, Erich George Wilhelm.—Tegucigalpa.
Rizzo, Carmelo.—Avenida Paz Barahona, Tegucigalpa.
Rossner y Cía., J.—Tegucigalpa.
Schutte, Willi.—Tegucigalpa.
Schwenn, Gerhard.—Tegucigalpa.
Siercke, Víctor.—Tegucigalpa.
Tostmann, Willi.—Tegucigalpa.

Mexico

Abastecedora de Cal de Apasco, S. A.—Ferrocarriles Nacionales 155, México, D. F.
Abe, J.—M. Ocampo 321, Mazatlán.
Adachi, Mutsumi.—Manzanillo.
Aguilar, Carlos.—5 de Febrero 30, México, D. F.
Ahnert, Alfred.—Victoria 203 Oriente, Ciudad Lerdo.
Alt Heidelberg.—Nuevo León 16, México, D. F.
Amano, J. K. (Dr.).—Cristerna 19, Rosario, Sinaloa.
Antigua Botica de Tacuba.—Tacuba 80, México, D. F.
Arita, Leonardo T.—Rosales 24 B. P., Culiacán, Sinaloa.
Arvide, Manuel.—Avenida Independencia 91, Veracruz.
Bando, Roberto.—Mazatlán, Sinaloa.
Botica Japonesa.—Tapachula, Chiapas.
Botica Moderna.—Chihuahua.
Breidsprecher, Kurt.—México, D. F.
Buchenau y Cía., Sucrs.—Torreón.
Bustillos Hijos, J. E.—Tacuba 80, México, D. F.
Calera de Apasco S .A., Cía.—Ferrocarriles Nacionales 155, México, D. F.
Calidra, S. A.—Ferrocarriles Nacionales 155, México, D. F.
Carillo, Miguel.—Tacuba 14, México, D. F.
Carrero, G. A.—Pasaje América, despacho 408, México, D. F.
Carvajal, Antonio.—Bajío 52, México, D. F.
Casa Eléctrica de Torreón.—Valdez Carillo 415 Sur, Torreón.
"CODIPA" S. A., Compañía Distribuidora de Papel y Maquinaria para las Artes Gráficas.—República del Salvador 59, México, D. F.
Comercial Dahlhaus, S. de R. L., Cía.—México, D. F.
Comercial de Mazatlán S. A., Cía.—5 de Mayo 166, Mazatlán, Sinaloa.
Delmar, Eduardo.—Pasaje América, despacho 408, México, D. F.

Delmar, G., Eduardo.—Pasaje América, despacho 408, México, D. F.
Deportes del Noroeste.—21 de Marzo 202, Mazatlán, Sinaloa.
Distribuidora de Papel y Maquinaria para las Artes Gráficas, Cía.—República del Salvador 59, México, D. F.
El Escritorio S. A.—Orizaba, Veracruz.
El Palacio de Hierro.—Parral, Chihuahua.
El Sol Naciente.—Edificio Royal, Calle A. Flores, Mazatlán, Sinaloa.
Estambres y Artiselas, S. A.—República del Salvador 78, México, D. F.
Faber, Hans.—Nuevo León 16, México, D. F.
Fábrica de Productos Químicos y Farmacéuticos.—Carpio 105, México, D. F.
Farmacia Arvide.—Avenida Independencia 91, Veracruz.
Farmacia Central.—Tapachula, Chiapas.
Farmacia Nacional.—Tapachula.
Ferretería Aztlán, S. de R. L.—República Salvador 60, México, D. F.
Fucumura, Kiyoso.—Coatzacoalcos, Veracruz.
Furukawa, Fernando.—Tapachula, Chiapas.
Gertz, José Cornelio.—Apartado 100, Veracruz.
Goerling, Dora Lehmann de.—Bolívar 23, Mexico, D. F.
Guitrón, Manuel V.—Ciudad Juárez.
Gutiérrez, Ismael.—Parral, Chihuahua.
Gutiérrez y Cía., S. en C. por A., Eduardo.—Isabel la Católica 85, México, D. F.
Hahne, Albert.—Mesones 41, México, D. F.
Hama, Choji Sio.—El Pozo de Morelos, Agua Prieta.
Herfurth, Ricardo.—Serapia Rendón 57, México, D. F.
Herrasti Amaya, Adolfo.—Apartado 2110, México, D. F.
Herrasti & Co., Adolfo.—México, D. F.
Hirata, Alfonso.—Avenida Juárez 35, Cananea.
Hirata, Natzuyo.—Cananea.
Hirata, Pablo.—Agua Prieta.
Hirata, Pablo.—Nacozari, Sonora.
Hirata, Sakae.—Cananea.
Homberg, Martha Lehman de.—Apartado 2672, México, D. F.
Homberg, W.—Apartado 2672, México, D. F.
Ichizu, H.—Avenida Reforma 530, Mexicali.
Imada, Sosho.—Avenida Reforma 210, Mexicali.
Kajiwara, Manuel.—Tapachula, Chiapas.
Kasai Uyehala, Moriji.—Colonia Morelos, Agua Prieta.
Kato, Hideo.—Coatzacoalcos, Veracruz.
Kataura, Jorge.—San Lorenzo y Plaza Juárez, Gustavo Madero, D. F.
Kaufmann, Luis.—Tapachula.
Kawamoto, Ramón.—Calzada Gabriel Leyva s/n, Mazatlán, Sinaloa.
Kawata, Luis Yoshini.—Nacozari, Sonora.
Kientzle, R. T.—Torreón.
Kiessler P., Fritz.—Apartado 2009, México, D. F.
Kiyota, Kiyoshi.—Avenida Madero 226, Mexicali.
Klinkisch y Cía., Pablo.—Palma 38, México, D. F.
Kobayoshi, T.—Avenida Madero 496, Mexicali.
Koehler, Jorge Ernesto.—Avenida Centenario 10, Tampico.
Koga Koga, Chiyoko.—Calle 3a No. 13, Agua Prieta.
Koyama, Yubi.—Rosales 64 Poniente, Culiacán, Sinaloa.
Kunagay, Victor.—Muixtla, Chiapas.
Kunitaki, Jesús Y.—Avenida 3a, Agua Prieta.
La Antigua Ferretería de la Palma, S. A.—Palma 38, México, D. F.
"La Barmenia" S. A.—Dr. Lucio 181, México, D. F.
"La Equitativa" S. A., Compañía Mexicana de Seguros.—16 de Septiembre 58, México, D. F.
"La Peletera" S. A.—Mesones 41, México, D. F.
La Suministradora S. A.—Isabel la Católica 24, México, D. F.
Laboratorios Biológicos Nacionales.—Avenida Guatemala 44, México, D. F.
Laboratorios Quimofarma.—Carpio 105, México, D. F.
Linga, Carlos.—México, D. F.
López Calderón, Heberto.—Avenida Uruguay 74, México, D. F.
López Calderón, I.—Avenida Uruguay 74, México, D. F.
Lozano, E.—México, D. F.
Mattes, Hans.—Puebla.
Máquinas para Organizaciones Comerciales.—Bolívar 23, México, D. F.
Matzuo, Kin.—Altamirano 198, Mexicali.
Meguro, Benito.—Tapachula, Chiapas.
Minera "El Talismán" S. A., Cía.—Ciudad Lerdo.
Minera "La Purísima", Cía.—Torreón.
Misawa, Ryo.—Aquiles Serdán 309, Mazatlán.
Misawa, S. J. (Dr.).—Aquiles Serdán 309, Mazatlán.
Moriyama, Eduardo (Dr.).—Rosales 24 Poniente, Culiacán, Sinaloa.
Murakami, Masanobu.—Avenida Madero 456, Mexicali.
Mutsumi, Adachi.—Manzanillo.
Nakakawa, Jesús.—Mazatlán, Sinaloa.
Nakakawa, Matilde.—Mazatlán, Sinaloa.
Nakamura, Carlos.—Bajos del Hotel Carrillo, Mexicali.
Nakasono Hermanos.—Avenida Guerrero, Nuevo Laredo.
Nakazano, Eduardo H. (Dr.).—Rosales 3, Navolato, Sinaloa.
Narihiro, N. (Dr.).—Nacozari, Sonora.
Niederschuck, Walter.—Apartado 2749, México, D.F.
Nishiyama, Jesús.—Avenida Guerrero 303, Nuevo Laredo.
Noguchi, J. C.—Salina Cruz, Oaxaca.
Okamura, Francisco Z.—Cananea.
Okamura, José S. (Dr.).—Calles Rosales e Independencia, Culiacán, Sinaloa.
Olguín Ruiz, Antonio.—Lauro Aguirre 127, México, D.F.
Paredes, Enrique M.—Tlalpam, D.F.
Productos Químico-Farmacéuticos S.A.—Pasaje América, despacho 408, México, D.F.
Rancho Rusballo.—Colonia Morelos, Agua Prieta.
Restaurant Alt Heidelberg.—Nuevo León 16, México, D.F.
Riefkohl, Alejandro. — Ferrocarriles Nacionales 155, México, D.F.
Riefkohl, Luis. — Ferrocarriles Nacionales 155, México, D.F.
Rodríguez, Roberto.—% Alberto M. Cabezut y Cía., S. de R.L., Edificio Alijadores, or Avenida Colón 18-A Norte, Tampico.
Rohde, Kurt V.—Palma 38, México, D.F.
Rubiel, Ricardo.—La Montiel 2, Colonia Gustavo A. Madero, México, D.F.
Salas, Antonio.—México, D.F.
Salchichonería "Rex".—Morelos 125 Poniente, Monterrey.
Sato, Félix.—Avenidas 6a y 7a Agua Prieta; and Rancho Rusballo, Colonia Morelos, Agua Prieta.
Sato Gasirro, Saburo.—Avenidas 6a y 7a Agua Prieta; and Rancho Rusballo, Colonia Morelos, Agua Prieta.
Sem, Zuzuki.—Avenida Reforma 256, Mexicali.
Shibata, Masahide.—Avenida 3a No. 27, Agua Prieta.
Shili, Alois.—Casas Grandes.
Shimanuki, S. I.—Tapachula, Chiapas.
Shimizu, Luis K.—Mazatlán, Sinaloa.
Shimizu, Toshio K. (Dr.).—3 de Mayo 152, Mazatlán, Sinaloa.
Shiyama, Mitori. — Coatzacoalcos, Veracruz.
Siebert, Alfred.—Dr. Lucio 37, Colonia Doctores.
Stallforth, Hermann.—García Conde 20, México, D.F.
Susumo, Tomeo.—Coatzacoalcos, Veracruz.
Takaki, José M.—Cananea.
Takeda, Julio.—Hidalgo 2, Navolato, Sinaloa.
Tamaura, S.A. — M. Ocampo 321, Mazatlán.
Tanabe Kodai, Jesús.—Calle 5a No. 37, Agua Prieta.
Torres, Hilario.—Monterrey.
Toyota, Jorge.—Mazatlán, Sinaloa.
Tsurumi, Masakichi.—Avenida Juárez 35, Cananea.
Tugamoto Sigeno, Tisakichi.—El Pozo de Morelos, Agua Prieta.
Unión Mercantil S.A.—Serapia Rendón 57, México, D.F.
Uyeno, Inosaku.—Coatzacoalcos, Veracruz.
Vanguardia.—México, D.F.
Vegeler, Guillermo.—Matamoros 1526 Poniente, Monterrey.
Volnie, Bernard.—República del Salvador 59, México, D.F.
Von Riegen, Arend.—13 Poniente 311, Puebla.
Von Riegen, Hans.—23 Sur 302, Puebla.
Von Schlebrugge, Franz.—Motolinia 20, México, D. F.
Wabst, Alberto.—Avenida Morelos 125 Poniente, Monterrey.
Wakido, T.—5 de Mayo 166, Mazatlán, Sinaloa.
Watanabe, Sintá.
Yamashita, Teriyo Sinchara Tanaka.—Avenida 3a No. 110, Agua Prieta.

Yamashita Yanagi, Rikita.—Avenida 3a No. 110, Agua Prieta.
Ychizu, Masahichi.—Mexico 210, Ensenada.
Yida, M. M. (Dr.).—Cananea.
Ykeo, H.—Cananea.
Ykeo, Shizuco viuda de.—Colonia Morelos, Agua Prieta.
Yoshida, Josefine de.—Navolato, Sinaloa.
Zawadski, Kurt.—México, D. F.
Zuber, Carlos Lessee.—Manzanillo.
Zuzuki, J. K.—Navolato, Sinaloa.

Nicaragua

Delgadillo, V. M.—Avenida Primera 508, Managua.
Delgadillo y Cía, Víctor M.—Avenida Primera 508, Managua.
Hüper, Guillermo (hijo).—Matagalpa.
Moller, Pablo.—Jinotega.
Palazio, Alfredo.—Corinto.
Palazio, Carlos.—Corinto.
Palazio, Enrique.—Corinto.
Palazio, Luis.—Corinto.
Palazio y Cía., Ltda., E.—Corinto.
Puschendorf, Eric.—Managua.
Puschendorf, Walter.—Managua.

Panama

de Azevedo, Horacio V.—Panamá.

Paraguay

Ballasch, Enrique.—25 de Noviembre 130, Asunción.
Claude, José W.—Palma 531 y 14 de Julio 315, Asunción.
Confitería y Fiambrería "Felsina".—Palma 190, Asunción.
Electro Técnica Alemana.—Palma 351 Asunción.
Fukuoka, Shortaro.—14 de Mayo 261 Asunción.
Hahlweg, Arno.—General Díaz 258, Asunción.
Jardín Japonés.—14 de Mayo 261, Asunción.
Jessen, Franz.—Palma 351, Asunción.
Klug y Cía.—Alberdi 120, Asunción.
Muller, Werner.—Asunción.
Pane, Juan (hijo).—Perú esquina 25 de Mayo, Asunción.
Schorkau, Juan.—Asunción.
Stefani Agency, The.—Asunción.
"Transocean" Agency, The.—Asunción.

Peru

Baba, M.—Lima.
"Casa Rayo Lux."—Lima.
Chávez, Pedro.—Junín 442, Lima.
Fábrica de Jabón Rosalinda.—Chávez 1341, Lima.
Higa, Gempo.—Chávez 1341, Lima.
Jaeger, Wil H.—Lampa 669 (Edificio El Porvenir 231-233), Lima.
Joyería Welsch.—Unión 498, Lima.
Mizuta, N.—Lima.
Mizuta & Co.—Manoa 248, Lima, and all branches in Peru.
Moreno Velez, Rafael.—Lampa 569, Depto. 229, Lima.
Murakami Hermanos, S.—Esparanza 323, Miraflores, Lima.
Muroy y Hnos., Y.—Ica 135, Lima.
Nagatani Hermanos.—Lima.
Orihuela, Mariano.—Cuadro 15, Avenida Brasil, Magdalena Vieja, Lima.
Perazzo & Cañedo.—Ocoña 242, Lima.
Roedenbeck, Ernesto J.—Avenida Arequipa 4160, Lima.
Salazar, Juan Andrés.—Casilla 67, Lima.
Sasaki, S.—Huancavelica 141, Lima.
Shimizu, N.—Lima.
Shimizu, S.—Lima.
Shimizu, T.—Lima.
Shintani, K.—Puno 650, Lima.
Sindicato Explotador de Sayapullo.—Departamento de Cajamarca.
Suárez Sauri, F.—Callao 327, Lima.
Zeballos, Juan C.—Lima.

Uruguay

Albacete, Juan.—Paraguay 1263, Montevideo.
Arquati, Juan A.—Arenal Grande 1641, Montevideo.
Balverde, José.—Río Branco 1575, Montevideo.
Bernitt, R.—Misiones 1472 y Laguna Merín 12, Montevideo.
Borrás, Juan B.—Industria 3589, Montevideo.
Buchard, Rodolfo.—Montevideo.
Bujard, Rodolfo.—Montevideo.
Delfino y Espinosa, Eduardo.—Piedras 439 y Durazno 1818, Montevideo.
Dürnhofer, O. M.—Zabala 1463 y L. B. Cavia 2873, Montevideo.
Echague, Julio.—Camino Santos 4232, Montevideo.
Hotel Maas.—18 de Julio 937, Montevideo.
Kahl, Henry.—Ituzaingó 1467, sala 32, Montevideo.
Klimesch, Erico.—Colonia 1268 (Casilla 470), Montevideo.
Klimesch, Guillermo.—Colonia 1268 (Casilla 470), Montevideo.
Koch, Juan.—Avenida General Rondeau 2126 (Casilla 35), Montevideo.
Larsen, Herbert.—25 de Mayo 731-7 y Pedro F. Berro 1091, Montevideo.
Lavadero Aguila.—Industria 3589, Montevideo.
Lichtenberger, Hans.—Roque Graseras 672 y 25 de Mayo 731-7, Montevideo.
Luttich, H.—Misiones 1380 y Boulevard España 2418, Montevideo.
Maas, Carlos F.—18 de Julio 937, Montevideo.
Mangino y Cía., Alberto.—Piedras 439, Montevideo.
Meerhoff, Walter (Dr.).—Paraguay 1281, Montevideo.
Moreno, Humberto.—Garibaldi 2379, Montevideo.
Nantillo, Alfonso.—Rincón 472 y José Ellauri 1034 (Casilla 108), Montevideo.
Pascual, Pablo M.—Convención 1263, Montevideo.
Pfeiffer, J.—Mariano Soler 3260, Montevideo.
Quincke, Erich.—Cerro Largo 851 y Ciaguá 1300, Montevideo.
Rein, Oscar.—Plaza Zabala 306, Montevideo.
Restaurant "Al Franciscano".—Juan Carlos Gómez 1435, Montevideo.
Rey, Ricardo.—Río Branco 1575, Montevideo.
Roosen, Herbert.—25 de Mayo 477 (Ap. 29) y Hidalgos 469, Montevideo.
Schaeffer, R.—Uruguay 1016 y Palacio Salvo piso 7, Montevideo.
Schuler, Hermann.—José L. Terra 3427-29, Montevideo.
Sickinger, Reinardo.—25 de Mayo 477 (Ap. 5A); y Avenida Sarmiento, Montevideo.
Trouillier, Gayetano.—Yaguarón 1416, Montevideo.
Tucci, Homero Miguel.—Uruguay 989, Montevideo.
Tucci e Hijo, Francisco.—Uruguay 989, Montevideo.
Wedekind, Willy.—Juan Carlos Gómez 1435, Montevideo.
Wild, Augusto.—25 de Mayo 667, Montevideo.
Wild, Rodolfo.—Colonia 2242, Montevideo.
Zambra Hermanos.—Agraciada 3909, Montevideo.

Venezuela

Becker, Alfredo.—Pyrineo a Brisas, Caracas.
Casa Ganar.—Reducto a Miracielos 21, Caracas.
D'Ambrosio B., Félix.—Apartado 64, Caracas.
De Stefano, Rafael F.—Gradillas a Sociedad 4, Caracas.
Fujinacka, C. Sucamu.—Caracas.
Hermanos Nakata.—Esquina San Vicente, Parroquia la Pastora, Caracas.
Jagenberg, Adolf Harry Adalbert.—Caracas.
La Casa de Abasto "La Popular".—Calle Real, Parroquia El Recreo, Caracas.
Marmolería la Nueva Industria.—Caracas.
Mestern y Cía.—Puerto Cabello and Valencia.
Nakata, Kizazi.—Caracas.
Nakata, Shigeo.—Caracas.
Pesci Feltri, Carlos.—Urbanización Mis Encantos, Chacad, Estado Miranda.
Peters, W. H.—Maracaibo.
Pigna, José.—Guayabal a Puente de Hierro, Caracas.
Pigna Sucrs., Francisco.—Caracas.
Riese y Cía. Sucrs.—Camejo a Pajaritos 7 (Apartado 372), Caracas.
Roversi J., Sucrs.—Avenida Sur 55 (Apartado 2012), Caracas.
Roversi Monaco, Franco.—Avenida Sur 55 (Apartado 2012), Caracas.
Rupertus, Heinrich.—Pasaje Benzo 22, Caracas.
Sakakibara, Tatuzo.—Caracas.
Sakakibara y Cía, Tatuzo.—Esquina la Esmeralda, Parroquia Candelaria, Caracas.
Serizawa, Isamu.—Caracas.
Steinvorth y Cía.—San Cristóbal and Caracas.
Susuki, Kunihei.—Caracas.
Uchida, Umekiche.—Caracas.
Von Einem, Karl.—Reducto a Miracielos 21 (Apartado 1606), Caracas.
Yawasaki, Kikuye.—Caracas.
Yawasaki, Shigeo.—Caracas.
Yokoy, Hiroe.—Caracas.

AMENDMENTS

Bolivia

Relative to Benavides, I. A.—La Paz,[1] *for* Yamada, Seizen.—Yanacocha 391, La Paz, *substitute* Yamada y Hermano, S.—Yanacocha 391, La Paz.

Brazil

For Accumuladores Varta do Brasil, Ltda.—Avenida Graça Aranha 49, Rio de Janeiro, *substitute* Acumuladores Varta do Brasil, Ltda.—Ave. Nilo Peçanha 38, Rio de Janeiro.

[1] Not to be confused with Alberto Benavides.

Colombia

For Yamanaka, Sinuilco.—Barranquilla, *substitute* Yamanaka, Simuilko.—Barranquilla.

Costa Rica

Relative to Fernandez P., C.—San José.[2]
Relative to Siebe, Luis O.—Calles A. V. y 2, Avenida F. G., San José.[2]

Mexico

For Coello, Jaime.—Ciudad del Carmen, Chiapas, *substitute* Coello, Jaime H.—Tuxtla Gutiérrez, Chiapas.

DELETIONS

Bolivia

Fábrica Nacional de Sedas.—La Paz.
"Inti".—La Paz.
Komori y Cía., Hugo.—La Paz.

Brazil

Horst do Brasil, Ltda., Theodor Jos.—Rua Carnot 548, São Paulo.
Lorenzetti e Cia., Ltda.—Avenida Presidente Wilson 1230, São Paulo.

Colombia

Almacén Cocoa.—Calle 13, Bogotá.
Banco Alemán Antioqueño.—Medellín, and all branches in Colombia.
Derka, Anton.—Medellín.
Empresa Colombiana de Transportes S. A.—Barranquilla.
Igarishi Almacén Cocoa.—Calle 13, Bogotá.
Puente y González.—Bucaramanga and Barranquilla.
Siegler, Carlos.—Ríohacha.
Siegler, John.—Ríohacha.
Vásquez P., Martín.—Barranquilla.
Ziegler, Carlos.—Ríohacha.
Ziegler, John.—Ríohacha.

Ecuador

Merchan & Co.—Casilla 37, Cuenca.

Guatemala

Finca "Santa Actelá".—Senahú, Alta Verapaz.
Finca "Santa Elena".—Tumbador, San Marcos.

Mexico

Casa Queralt Mir.—Sinaloa 56, México, D. F.
Estambres y Lanas, S. A.—Boleo 57 (Apartado 952), México, D. F.
Haas, Walterio.—Avenida Morelos 454 (Apartado 163), Monterrey.
Mexicana Aérofoto, Cía.—Artículo 123 número 68, México, D. F.
Productos Medicinales y Farmacéuticos S. A.—Ramón Guzmán 61 (Apartado 1074) México, D. F.
Relojería Suiza.—Avenida Morelos 464 (Apartado 163), Monterrey.
Thomé, Laboratorios J. C.—Ramón Guzmán 58, México, D. F.

Panama

Arosemana, Francisco Alvarado.—Calle 13 número 46, Panamá.
Friese & Co., Carl.—Bocas del Toro.

Uruguay

Jung, Antonio.—General Freire 1308, Montevideo.

PART II—LISTINGS OUTSIDE AMERICAN REPUBLICS

ADDITIONS

Portugal and Possessions

Portugal

Aragao, Jose Trigueiros Coelho de.—Bolsa de Mercadorias, Praca do Commercio, and Ave. Berne 10, Lisbon.
Beaumont, Count Antoine W. R. G. M. J. A. de.—Rua da Palma 40, and Rua das Fabrica das Sedas 24, Lisbon.
Borges, Mario Pinto.—Rua da Palma 40, and Rua Coelho da Rocha 22, Lisbon.
Borges & Pacheco Ltda.—Rua da Prata 98, Lisbon.
Conceicao, Jose E. R.—Vila Real de Santo Antonio.
Cruz, M. F. Ltda.—Rua de D. Estefania 7, Lisbon, and all branches in Portugal.
Cruz, Manoel Freire da.—Rua de D. Estafania 7, Lisbon, and all branches in Portugal.
Fabrica S. Francisco (Viuva e Herdeiros de Francisco Feria Tenorio).—Vila Real de Santo Antonio.
Macedo e Conto, Joaquim.—Calcada dos Barbadinhos 15, Lisbon.
Nunes, Artur.—Rua de Belomonte 59, Oporto.
Simoes, Virgilio Duque (owner of S. S. *Mareante*).—Rua do Ataide 9, Lisbon.
Sociedade de Engenharia Michaelis de Vasconcelos.—Ave. dos Aliados 6, Oporto, and Rua Fialho de Almeida 1, Lisbon.
Stone, Humberto da Camara Pereira.—Rua de D. Estafania 7, Lisbon.
Tenorio, Viuva e Herdeiros de Francisco Feria—Fabrica S. Francisco.—Vila Real de Santo Antonio.
Vincent, A. Ltda.—Rua Ivens 56, Lisbon.
Vincent, Fernand.—Rua Ivens 56, Lisbon.
Vogel, Elka.—Rua da Palma 40, Lisbon.

Cape Verde Islands

Ferro, Henrique da Silva Pinto (owner of S.V. *Carvalho*).—Paul, Sao Antao.

Mozambique

Berg, Karl Heinrich.—Bellavista Farm, Machipanda.

Spain and Possessions

Spain

Afelan, Narciso Bagos.—Calle Mallorca 217, Barcelona.
Alvarez Gonzalez, Francisco.—Calle Jupiter 6, Seville.
Araoz Arejula, Daniel (Baron de Sacro Lirio).—Carretera de Madrid 101, Getafe, Madrid.
Arp, Dr. Enrique (Heinz).—Calle Rodriguez Arias 32, Apartado 200, Bilbao.
Baum, Carlos.—Rambla Cataluna 66, Barcelona, and all branches in Spain.
Baum, Mrs. Carlos.—Rambla Cataluna 66, Barcelona, and all branches in Spain.
Biro, Albin.—Marques de Cuba 25, Madrid.
Combalia Sagrera S. A., Comercial.—Via Layetana 15, Barcelona, and all branches in Spain.
D. K. W. Espanola Soc. Ltda.—Barcelona.
Direnzo, Francisco.—Marques de Cuba 25, Madrid.
Dondit, Juan.—Calle de Madrazo 105, Barcelona.
Eger, Alberto.—Galileo 83, Madrid.
Espanola de Motores Deutz S. A., Cia. (Otto Deutz).—Serrano 16, Madrid.
F. I. S. A.—Fomento Immobiliaro S. A.—Genova 7, and Ave. Jose Antonio 27, Madrid.
Finanzauto S. A.—Plaza de las Cortes 8, Madrid, and Calle Urgel 112, Barcelona.
Gassol Camprecios, Manuel.—Balmes 109, Barcelona.
La Fodina S. A.—Sallent.
La Minera S. A.—Calle de Muntaner 6, and Paseo de Gracia 93, Barcelona.
Mamut, Bujàs.—Galileo 28, Madrid.
Maristany Jnr., Amadeo.—Via Layetana 15, Barcelona.
Maristany Snr., Amadeo.—Via Layetana 15, Barcelona.
Martinengo Zaveifel, Alberto.—Calle Zurbano 61, Madrid.
Meyer, Pablo Juan.—Calle Montesa 27, Madrid.
Meyrin, Federico.—Valverde 49, Madrid.
Moritz, W. A.—Via Layetana 28, Barcelona.
Radiotecnica Iberica S. A.—Carretera de Madrid 101, Getafe, Madrid.
Sacro Lirio, Baron de (Daniel Araoz Arejula).—Carretera de Madrid 101, Getafe, Madrid.
Sagrera Ferran, Eduardo.—Via Layetana 15, Barcelona.
Sagrera Ferran, Pablo.—Via Layetana 15, Barcelona.
Sainz de Inchaustegui (Marques del Real Socorro).—Madrid.
Schad, Ernesto.—Concha 28, Bilbao.
Socorro, Marques del Real (Sainz de Inchaustegui).—Madrid.
Stussel Schuts, Alfred.—Via Layetana 178, Barcelona.
Tetzlaff y Wenzel.—Via Layetana 128, Barcelona.
Ventura, Carlos.—Calle Balmes 178, Barcelona.
Von Appen, Gunther.—Sagasta 15, Madrid.
Zimmer, Enrique.—Calle Jupiter 6, Seville.

Canary Islands

"Electro Moderno" Walter Jablonowski.—Las Palmas, Grand Canary.
Rodriquez, Manuel (owner of S. V. *Fermina Concepcion*).—Arrecife, Lanzarote.

Fernando Po and Spanish Guinea

Gonzalez Pena, Pedro.—Fernando Po.

Sweden

B. M. W.—Argenturen, A/B.—Artilleri-gatan 6, Stockholm.
Gratenau, H. & A. A/B.—Smalands-gatan 4, Stockholm.
Hartig A/B., Hugo.—Nybrogatan 3, Stockholm.
Olmypia Skrivmaskiner A/B.—Kungs-gatan 16-18, Stockholm.

[2] Not to be confused with P. C. Fernandez & Co., 727 Atlantic Avenue, Boston, Massachusetts, nor its subsidiary P. C. Fernandez & Co., Avenida Ancón 72, Panamá.
[3] Not to be confused with Luis Olle Seuba, San José.

Pennco, Bilkol A/B.—Stockholmsvagan 22, Norrkoping.
Pennco, Cistern A/B.—Drottninggatan 1, Norrkoping.
Pennco, Garage A/B.—Stockholmsvagan 22, Norrkoping.
Schimmelpfeng W., Auskunftei.—Drottninggatan 86, Stockholm.
Tenconi A/B., Angelo.—Hertzia Packhuspltsn 2, Gothenburg.
Zeuthen & Aagard A/B.—Kungsgatan 44, Stockholm, and all branches in Sweden.

Switzerland

Comptoir de Vente et D'Achat.—Rue de Bourg 27, Lausanne.
Del Bianco, Mario.—St. Jakobstr. Basle.
Flamenot, Edmee.—Rue du Grand Chene 5, Lausanne.
Flamenot-Rouvenaz.—Rue du Grand Chene 5, Lausanne.
Gefuag, A. G.—Monbijoustr. 10, Berne.
Hentsch et Cie.—Rue de la Corraterie 15, Geneva.
Hochrhein Lagerungs A.G.—Rheinhafen 70, Birsfelden, Basle.
Mavor, Louis.—Ave. du Simplon 12, Chene-Bourg, Geneva.
Rognon, Alfred.—Ave. Vinet 13, Lausanne.
Rouvenaz, Blanche.—Rue du Grand Chene 5, Lausanne.
Sacova.—Ave. Vinet 13, Lausanne.

Turkey

Simeonides, Constantin.—Degirmen Han, Hasircillar Cad. 43, Istanbul.

DELETIONS

Portugal and Possessions

Cape Verde Islands

Faustino, Joao Antonio (owner of S. S. *Rapido*).—St. Vincent.

Switzerland

Aluminum Industrie A.G.—Chippis.
L'Aluminium, S.A. pour l'Industrie de.—Ave. D'Ouchy, Lausanne.

[F. R. Doc. 42-1765; Filed, February 28, 1942; 11:26 a. m.]

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 933—COPPER

Amendment to Conservation Order No. M-9-c[1] as Amended December 10, 1941, Curtailing the Use of Copper in Certain Items

Section 933.4 (*Conservation Order M-9-c*) is hereby amended as follows:

By adding at the end of List "B" the following:

Essential operating parts for railroad locomotives, cars, and equipment, and essential repair and maintenance parts for such locomotives, cars, and equipment.

This amendment shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; O.P.M. Reg. 3 Amended, Sept. 2, 1941, 6 F.R. 4865; E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8875, Aug. 28, 1941, 6 F.R. 4453; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 28th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1776; Filed, February 28, 1942; 12:42 p. m.]

PART 954—MATERIAL FOR THE PRODUCTION OF CUTTING TOOLS SPECIFIED HEREIN

Extension No. 2 of Preference Rating Order No. P-18-a[1]

It is hereby ordered, That:

Preference Rating Order No. P-18-a (§ 954.2) shall continue in effect until the 1st day of July, 1942, unless sooner revoked by the Director of Industry Operations.

This Order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a) Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 28th day of February 1942.

JAMES S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1772; Filed, February 28, 1942; 12:41 p. m.]

PART 958—REPAIRS, MAINTENANCE, AND OPERATING SUPPLIES

Amendment No. 1 to Preference Rating Order No. P-100[2] as Amended

Section 958.2 (*Preference Rating Order P-100*) as amended is hereby amended by inserting immediately after paragraph (b) (1) (ii) (*k*) thereof the following new paragraph:

(*l*) Inspection—Examining or inspecting industrial installations in order to discover faults or defects which threaten continued safe operation thereof: (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a) Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 28th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1774; Filed, February 28, 1942; 12:42 p. m.]

PART 962—STEEL

Amendment No. 3 to Supplementary Order M-21-b[1] Relating to Steel Warehouses

Supplementary Order M-21-b (§ 962.3), is hereby amended to read as follows:

§ 962.3 *Supplementary Order M-21-b*—(a) *Additional definitions.* For the purpose of this Supplementary Order:

(1) "Warehouse" means any person who receives physical delivery of iron or steel from a producer for sale or resale in the form received.

(2) "Deliveries" includes deliveries on consignment.

(b) *Schedule A products.* With respect to the iron and steel products listed in Schedule A hereto:

(1) *Quota restriction.* No warehouse shall accept from any person during any calendar quarter deliveries except within the limits of the quota established for such warehouse by the Director of Industry Operations. Application for such quota shall be made on Form PD-83-a. Such quota shall be computed on the base tonnage herein described. The base tonnage of any Schedule A product classification is the tonnage of such product classification shipped by the warehouse from stock during the first calendar quarter of 1941. The quota of the warehouse in each calendar quarter is the percentage of such base tonnage shown in column 2 of Schedule A. The base tonnage or the quota may be changed from time to time by the Director of Industry Operations.

(2) *Preference rating.* The Director of Industry Operations will issue to each warehouse for which a quota is established pursuant to paragraph (b) (1), a certificate assigning a preference rating of A-9 to deliveries of iron or steel to such warehouse, within the limits of such quota. Such preference rating may be changed from time to time by the Director of Industry Operations.

(3) *Reports.* Each warehouse shall file with the Iron and Steel Branch, War Production Board, Washington, D. C., on or before the 15th day of each month a report on Form PD-83, or in such other form as may from time to time be prescribed by the Director of Industry Operations.

(c) *Schedule B products.* With respect to the iron and steel products listed in Schedule B hereto:

(1) *Quota restriction.* No producer shall make to a warehouse, and no warehouse shall accept from any producer during any calendar quarter, deliveries except within the limits of the quota which such warehouse is entitled to receive from such producer. Such quota shall be computed on the base tonnage herein described. The base tonnage of any Schedule B product classification is the tonnage of such product classification shipped by the producer to the warehouse during the corresponding calendar quarter of 1940. By written notice delivered to the producer on or before February 1, 1942, the warehouse may change the base tonnage of any product classification to one-fourth of the tonnage of such product classification shipped by the producer to the warehouse during the year 1940; but the base tonnage cannot thereafter be changed for any subsequent calendar quarter. The quota which each producer may deliver to each warehouse in each calendar quarter is the percentage of such base tonnage shown in column 3 of Schedule B. The base tonnage or the quota may be changed from time to time by the Director of Industry Operations. Any warehouse whose base tonnage of all Schedule B products with any producer for the calendar year is 120,000 pounds or less may accept his total quota from such producer at any time during the calendar year, provided that not more than two minimum carloads are accepted in any calendar quarter. After approval by the Iron and Steel Branch, War Production Board, on Form PD-83-e, the base tonnage and quota of a warehouse may be transferred from one producer to another.

(2) *Preference rating.* A preference rating of A-9 is assigned to deliveries of each product classification from a producer to a warehouse up to the percentage of the base tonnage shown in column 2 of Schedule B. The tonnage of each product classification which a producer may deliver to a warehouse under the A-9 rating shall be reduced in each calendar quarter by the tonnage of such product classification delivered by the producer to the warehouse during such calendar quarter under any higher rating. Where the amount of Schedule B products assigned the A-9 rating in any calendar quarter is less than one minimum carload for the territory in question, but more than 26,000 pounds, such rating may be applied up to one minimum carload.

(3) *Reports.* Each producer making deliveries of Schedule B products to a warehouse shall file with the Iron and Steel Branch, War Production Board, on or before April 15, 1942, and quarterly thereafter a report on Form PD-83-f.

(d) *Limitation of deliveries by warehouses.* No warehouse shall make deliveries in whole or in part of alloy or carbon steel plates over 90 inches wide in any thickness, or over 48 inches wide and heavier than ¾-inch except on a preference rating higher than A-2. Except as permitted by paragraph (e), no warehouse shall make deliveries of other sizes of steel plates or of other types of alloy steel from its stock, except on a preference rating of A-10 or higher. After making provision for such rated orders and subject to the provisions of Priorities Regulation No. 1 and of paragraph (h), a warehouse may make deliveries of other iron and steel products from its stock to other customers. In addition to the foregoing, deliveries of any alloy or carbon iron or steel product by a warehouse shall be subject to the same restrictions as those imposed by any Order of the Director of Industry Operations on deliveries of such product by a producer.

(e) *Exemption of certain sales by warehouses.* A warehouse may make deliveries of carbon steel plates in dimensions other than those restricted in paragraph (d) above, alloy tool steel, and other alloy steel on unrated orders only when such orders are certified by the purchaser to be for necessary repair or maintenance purposes; *Provided*, That the total amount of each such material delivered to all customers in this manner during any calendar month shall not exceed ten percent (10%) of the average monthly deliveries of such material by the warehouse to all customers during the first calendar quarter of 1941; *And further provided*, That nothing contained in this paragraph shall be construed to excuse any person from complying with the applicable provisions of General Preference Order M-14, to conserve the supply and direct the distribution and use of tungsten in high-speed steel.

(f) *Special instructions.* The Director of Industry Operations may from time to time issue specific directions to warehouses requiring them to earmark stocks or to make deliveries during specified periods in fulfillment of contracts, commitments, or purchase orders for particular purposes or to particular persons. Such directions will be made primarily to insure satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made, in the discretion of the Director of Industry Operations, without regard to any preference ratings assigned to particular contracts, commitments, or purchase orders, and without regard to any quota established under paragraphs (b) or (c).

(g) *Foreign warehouses.* The Director of Industry Operations may establish quotas for warehouses located outside the United States, its territories and possessions (including the Commonwealth of the Philippines), and may assign ratings to deliveries to such warehouses.

(h) *Application of higher ratings.* The provisions of any Preference Rating Certificate or Order heretofore or hereafter issued to the contrary notwithstanding, no rating higher than A-9 shall be applied by a warehouse for deliveries to stock except in accordance with the following:

(1) For the purposes of extension, the ratings received by the warehouse for each product classification and type of steel as shown in Schedule C shall be separately accumulated.

(2) Extension of a rating higher than A-9 for any product classification and type shall be made only when the warehouse has, within 90 days prior to such extension, shipped from stock on ratings higher than A-9 an accumulated total weight of such product classification and type not less than the minimum shown in Schedule C.

(3) The rating to be extended to the delivery of any product classification and type shall be the lowest rating received on the shipment of such product classification and type within the accumulated total.

(4) An amount of each product classification equal to the amount obtained through the use of preference ratings higher than A-2 shall be reserved for a period of 90 days following date of receipt by the warehouse for delivery on orders rated higher than A-2, except when otherwise specifically ordered by the Director of Industry Operations. If such material is not sold at the end of 90 days on ratings higher than A-2, it may then be sold on other orders, subject to the provisions of this or other Orders.

(5) Consolidated ratings established pursuant to this paragraph (h) must be based solely on deliveries from one location, and deliveries pursuant to such consolidated ratings must be made to the same location.

(i) *Extension of preference rating.* The A-9 preference rating assigned by this Order, or any higher rating applied by a warehouse pursuant thereto, may be applied by a producer to deliveries of material to be physically incorporated into material to be delivered by the producer to a warehouse under the rating assigned above, or to be used within the limitations of this paragraph to replace in the producer's inventory material so delivered. Such application of the rating shall be subject to the following:

(1) No producer may apply the rating to obtain material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder, or to replace in his inventory material so delivered. He shall not be deemed to require such material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(2) To extend such rating a producer must endorse on each purchase order or contract to be covered by a rating assigned hereunder a statement in the following form, manually signed by an official duly authorized for such purpose:

> The undersigned hereby certifies that the iron and steel products herein ordered are required to complete purchase order Nos. ——— received from a steel warehouse, Preference Rating ———.
>
> ———————————
> (Name of producer)
> By———————————
> (Duly authorized official)

Such endorsement shall constitute a representation to the War Production Board and to the person with whom the purchase order or contract is placed that such purchase order or contract is duly rated in accordance herewith. The seller shall be entitled to rely on such representation unless he knows or has reason to believe it to be false. Any such purchase order or contract shall be restricted to material the delivery of which is rated in accordance herewith.

[1] 6 F.R. 5394, 5589, 6354, 6424; 7 F.R. 27, 950.

[1] 6 F.R. 4525, 6143.
[2] 6 F.R. 6548; 7 F.R. 925, 1009.

[1] 6 F.R. 4587, 5255, 5995, 6736.

(3) Each producer extending any rating in accordance with this paragraph (i) shall file such reports as may be required from time to time by the War Production Board, and until further notice shall file form PD–81, (or, at his election, form PD–81–a accompanied by copies of all endorsed purchase orders or contracts for material to which the preference rating has been applied by him during the preceding month) on or before the 15th day of each month.

(j) *Effective dates.* This Supplementary Order shall take effect immediately and, unless sooner terminated by direction of the Director of Industry Operations, shall expire on the expiration date of § 962.1 (General Preference Order M–21).

This amendment shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 28th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

SCHEDULE A

[*Base tonnage*—Sales from warehouse stock, 1st calendar quarter, 1941 as approved on Form PD–83–a]

Product classification (column 1)	*Quota percent of base tonnage* (column 2)
1. Ingots, blooms, billets, slabs, tube rounds, sheet and tin bars	100
2. Structural shapes and piling	100
3. Plates (Universal and Sheared)	100
4. Rails—over 60 lbs	100
5. Rails—all other	100
6. Tie plates and track accessories, including track spikes	100
7. Hot rolled bars, carbon, including hoops and bands	100
9. Hot rolled bars, alloy	100
10. Cold finished bars, carbon and alloy	100
11b. Tubes (Mechanical and Pressure)	100
12. Wire rods (For wire drawing only)	100
14. Black plate	100
16. Sheets and strip, hot rolled	100
17. Sheets and strip, cold reduced	100
19. Sheets and strip, all other (including long ternes)	100
20. Tool steel bars	100
21. Wheels and axles	100
22. Forgings, armor plate, and ordnance	100
23. Forgings, all other (rough forgings only)	100
24. Steel castings (rough castings only)	100
25. Skelp	100
26. All other	100

SCHEDULE B

[*Base tonnage*—Shipments from producers to warehouse stock during corresponding calendar quarter of 1940, or (on specific election of warehouse pursuant to paragraph (c) (1) of Order) one-fourth of total shipments to stock in 1940]

Product classification (column 1)	Percent of base tonnage: Rated A–9 (column 2)	Percent of base tonnage: Maximum which may be shipped (column 3)
8. Hot rolled bars, concrete reinforcing	80	110
11a. Pipe and tubes (all kinds except mechanical and pressure tubing)	80	110
13. Wire and wire products:		
a. Bale ties, mails, and welding rods (uncoated)	100	140
b. Wire, woven fence wire, poultry netting, stucco netting, barbed wire, staples, fence posts and gates	70	110
15. Tin and terne plate (short ternes)	70	110
18. Galvanized sheet and strip (including corrugated)	70	110

SCHEDULE C—*Minimum size orders of steel for warehouse stock to which a rating higher than A–9 may be extended*

	Type of steel (pounds): Carbon	Alloy	Stainless
SCHEDULE A PRODUCTS			
1. Ingots, Blooms, Billets, Slabs, Tube Rounds, and Sheet and Tin Bars	40,000	20,000	------
2. Structural Shapes and Piling	40,000	20,000	------
3. Plates (Universal and Sheared)	40,000	20,000	6,000
4. Rails—Over 60 lbs	40,000	------	------
5. Rails—All other			
6. Tie Plates and Track Accessories, including Track Spikes			
7. Hot Rolled bars, Carbon, Including Hoops and Bands	40,000	------	------
9. Hot Rolled Bars, Alloy	------	20,000	6,000
10. Cold Finished Bars, Carbon and Alloy	20,000	10,000	6,000
11b. Tubing (Mechanical and Pressure)	40,000	10,000	2,000
12. Wire Rods (For wire drawing only)	40,000	------	------
14. Black Plate	40,000	------	------
16. Sheets and Strip, Hot Rolled	40,000	20,000	6,000
17. Sheets and Strip, Cold Reduced	20,000	10,000	6,000
19. Sheets and Strip, all other (including long ternes)	20,000	10,000	------
20. Tool Steel Bars	1,000	1,000	------
21. Wheels and Axles	40,000	20,000	------
22. Forgings, Armor Plate and Ordnance	20,000	20,000	------
23. Forgings, All Other (Rough Forgings only)	20,000	20,000	------
24. Steel Castings (Rough Castings only)	20,000	20,000	2,000

SCHEDULE C—*Minimum size orders of steel for warehouse stock to which a rating higher than A–9 may be extended*—Continued

	Type of steel (pounds): Carbon	Alloy	Stainless
SCHEDULE A PRODUCTS—con.			
25. Skelp	40,000	------	------
26. All Other	40,000	20,000	6,000
SCHEDULE B PRODUCTS			
8. Hot Rolled Bars, concrete reinforcing	40,000	------	------
11a. Pipe and Tubes (all kinds except mechanical and pressure tubing)	40,000	------	------
13. Wire and wire products:			
a. Bale ties, nails, and welding rods (uncoated)	40,000	------	2,000
b. Wire, woven fence wire, poultry netting, stucco netting, barbed wire, staples, fence posts and gates.			
15. Tin and terne plate (short ternes)	40,000	------	------
18. Galvanized sheet and strip (including corrugated)	40,000	------	------

[F. R. Doc. 42–1777; Filed, February 28, 1942; 12:43 p. m.]

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 6 to Supplementary General Limitation Order L–3–e[1] *Further Restricting Sale and Delivery of Light Motor Trucks*

Section 976.9 (*Supplementary General Limitation Order L–3–e*) as amended, is hereby further amended by changing the expiration date thereof from February 28, 1942 to and including March 8, 1942.

This Amendment shall take effect immediately. Issued this 28th day of February 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R 527; sec. 2 (a), Pub. Law 671, 76th Cong. 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

J. S. KNOWLSON,
Director of Industry Operations,

[F. R. Doc. 42–1773; Filed February 28, 1942; 12:41 p. m.]

[1] 7 F.R. 116, 218, 311, 435, 699, 971.

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 7 to Supplementary General Limitation Order L–1–c[1] *Further Restricting Sale and Delivery of Medium and Heavy Motor Trucks and Truck Trailers*

Section 976.10 (*Supplementary General Limitation Order L–1–c*) as amended, is hereby further amended by changing the expiration date thereof February 28, 1942 to and including March 8, 1942.

This Amendment shall take effect immediately. Issued this 28th day of February 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942; 7 F.R. 329; E.O. 9040 Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong. 3 Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1771; Filed, February 28, 1942; 12:41 p. m.]

PART 989—DOMESTIC MECHANICAL REFRIGERATORS

Amendment No. 1 to Supplementary General Limitation Order L–5–c

Section 989.4 (*Supplementary General Limitation Order L–5–c*[2]) is hereby amended by adding at the end thereof a new paragraph (g) as follows:

(g) *Restrictions on inventories.* (1) Until otherwise ordered by the Director of Industry Operations, no manufacturer shall sell, deliver, or otherwise transfer any part of the inventory of raw materials, semi-processed parts or finished parts which he holds for use in the production of domestic mechanical refrigerators to any other person, or to any other department, division, or section of his not engaged in the production of domestic mechanical refrigerators, except on the following conditions:

(i) Raw materials, semi-processed parts and finished parts may be sold, delivered or otherwise transferred to other manufacturers of domestic mechanical refrigerators for their use in the production of such refrigerators pursuant to the provisions of paragraph (b); and

(ii) Raw materials, semi-processed parts, and finished parts may be sold, delivered or otherwise transferred in connection with the manufacture and sale of repair and maintenance parts for domestic mechanical refrigerators.

(2) Each manufacturer shall file with the War Production Board on or before March 15, 1942, an estimate of the inventory of raw materials, semi-processed parts, and finished parts which will remain in his hands pursuant to this paragraph after he has completed his production of domestic mechanical refrigerators pursuant to paragraph (b). (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942; 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a) Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This amendment shall take effect immediately. Issued this 27th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1744; Filed, February 27, 1942; 5:13 p. m.]

[1] 7 F.R. 116, 219, 311, 435, 699, 971, 1570.
[2] 7 F.R. 1493.

PART 1023—JEWEL BEARINGS

Amendment No. 1 of Conservation Order No. M–50[1] *To Conserve the Supply and Direct the Distribution of Jewel Bearings and Jewel Bearing Material*

Section 1023.1 (*Conservation Order M–50*) is hereby amended to read as follows:

Whereas, National Defense requirements have created a shortage of jewel bearings (as hereafter defined) for the combined needs of defense and private account, and the supply of jewel bearings now is and will be insufficient for defense and essential civilian requirements, unless the supply of jewel bearings and jewel bearing material (as hereinafter defined) is conserved and their use in certain products manufactured for civilian use is curtailed; and it is necessary in the public interest to promote the defense of the United States, to conserve the supply and direct the distribution and use thereof.

Now, therefore, it is hereby ordered that:

§ 1023.1 *Conservation Order M–50*—(a) *Definitions.* For the purpose of this Order:

(1) "Jewel bearing material" means any natural or synthetic sapphire or ruby of industrial quality or any other material of similar chemical composition and physical properties.

(2) "Jewel bearing" means any jewel bearing material which has been processed in any manner for use where friction occurs.

(3) "Large ring jewel bearing" means any round disk made from jewel bearing material and which has a diameter greater than .050 inch, and a thickness greater than .012 inch, and which has a hole pierced through it of a diameter greater than .006 inch.

(4) "Vee jewel bearing" means any round disk made from jewel bearing material and which has a conically shaped cavity cut into one of the flat surfaces.

(5) "Supplier" means any person who engages in the importation, manufacture or processing of jewel bearings or jewel bearing material.

(6) "Manufactured" means fabricated or processed in any manner.

(b) *Restrictions on the sale, purchase and use of jewel bearings and jewel bearing material after March 1, 1942.* (1) On and after March 1, 1942, each supplier is hereby directed to set aside his entire stock of jewel bearings and his entire stock of jewel bearing material as a reserve for the fulfillment of present and future defense orders and uses as may be authorized from time to time by the Director of Industry Operations. No deliveries or withdrawals shall be made from this reserve either for customers of such supplier or for purposes of manufacture or process by such supplier except pursuant to specific directions hereafter by the Director of Industry Operations. Not later than March 1, for the month of March, 1942, and thereafter prior to the first day of each subsequent calendar month, the Director of Industry Operations will issue to each supplier a monthly allocation schedule covering the use of jewel bearings by such supplier and deliveries of jewel bearings which may be made by such supplier to his customers during such month, and further directing the kinds and quantities of jewel bearing material which may be delivered, manufactured or processed by such supplier. The use, process to final product and delivery by such supplier of jewel bearings and jewel bearing material shall be made as directed in such monthly allocation schedules.

(2) Unless otherwise specifically authorized by the Director of Industry Operations, after the effective date of this Order no person shall use large ring jewel bearings in the manufacture of any article other than articles to be delivered under a defense order bearing a preference rating of A–9 or higher.

(3) Unless otherwise specifically authorized by the Director of Industry Operations, after the effective date of this Order no person shall use vee jewel bearings in the manufacture of any article other than articles to be delivered under a defense order bearing a preference rating of A–9 or higher.

(c) *General exception.* The prohibitions and restrictions contained in this Order shall not apply to any jewel bearing which on January 14, 1942 had been physically incorporated in a device in which it was subjected to friction.

(d) *Reports.* (1) Each supplier shall file with the War Production Board, Ref: M–50, on or before the fifteenth day of February, 1942, and on or before the fifteenth day of each calendar month thereafter all the information required by Form PD–235.

(2) Any person using jewel bearings in the manufacture of any article shall file with the War Production Board, Ref: M–50, on or before the fifteenth day of February, 1942, and on or before the fifteenth day of each calendar month thereafter all the information required by Form PD–236.

(e) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to

[1] 7 F.R. 278.

time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: M–50.

(3) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(4) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 28th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1768; Filed, February 28, 1942; 12:40 p. m.]

PART 1064—ASBESTOS

Amendment No. 1 of Conservation Order No. M–79[1] Curtailing the Use of Certain Types of Asbestos

Paragraph (a) (3) of § 1064.1 (*Conservation Order M–79*) is hereby amended to read as follows:

(a) *Restrictions on the use of certain types of asbestos.*

* * * * *

(3) In addition to the above limitations, unless otherwise specifically authorized by the Director of Industry Operations, after February 1, 1942 no person shall install eighty-five percent magnesia or other high temperature pipe covering except (i) in installations where temperatures of 200° F. or over occur, or (ii) in installations on ships. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This amendment shall take effect immediately. Issued this 28th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1775; Filed, February 28, 1942; 12:42 p. m.]

[1] 7 F.R. 436.

PART 1081—ELECTRIC POWER

Limitation Order No. L–46 To Provide for the Curtailment of Electric Power in the Niagara Frontier Area

Whereas, shortages of electric power for war, essential civilian, and other uses in the Niagara Frontier Area have already occurred in the year 1942, and further shortages will occur in the event of unfavorable ice conditions, low water in the Niagara River, emergency breakdown, or other unfavorable conditions; and

Whereas, the limitations upon deliveries and consumption of electric power and the integration of power systems hereinafter ordered are necessary in order to conserve electric power for war production during periods of power shortage;

Now, therefore, it is ordered that:

§ 1081.1 *General Limitation Order L–46*—(a) *Definitions for the purposes of this section.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental agency or corporation, or any organized group of persons whether incorporated or not.

(2) "Utility" means any person who generates, transmits, or distributes electric power directly or indirectly for general use by the public.

(3) "Consumer" means any person who is an ultimate user of electric power, purchased or otherwise acquired from any Utility.

(4) "Base power demand" for any consumer means the maximum measured demand for electric power of such consumer during the month of January, 1942, or such other month as the Director of Industry Operations may designate.

(5) "Power demand quota" for any consumer subject to curtailment under the provisions of paragraph (c) (2) of this section, means whichever is the greater of the following amounts:

(i) 200 kilowatts, or

(ii) Consumer's base power demand multiplied by fifty percent (50%) or such other percentage as may be established from time to time by direction of the Director of Industry Operations.

(b) *Integration of power system operation.* (1) The Niagara Falls Power Company, Niagara Lockport & Ontario Power Company, Buffalo Niagara Electric Corporation, Rochester Gas & Electric Corporation, and New York State Electric & Gas Corporation shall, during any period of power shortage on the twenty-five cycle system of the aforementioned utilities, so operate their generating plants, frequency changers, substations, transmission lines, and other facilities, and shall interchange power in such a manner as to make available to the twenty-five cycle power system of said utilities the maximum energy and capacity of such facilities. Such operations during periods of power shortage shall include, in particular, the following:

(i) Buffalo Niagara Electric Corporation shall operate its twenty-five cycle generators at the Huntley No. 1 Station in such a manner as to make available to the twenty-five cycle system the maximum power output from such generators.

(ii) In the event that sufficient water is not available for full-capacity operation of all twenty-five cycle generators in the Schoellkopf Station of the Niagara Falls Power Company, said utility shall reduce, so far as practicable, the operation of the sixty cycle generators in the Schoellkopf Station, so that the water, which would otherwise be used for sixty cycle generation, will be made available for the maximum production of twenty-five cycle power.

(iii) The Niagara Falls Power Company, Niagara Lockport & Ontario Power Company, Buffalo Niagara Electric Corporation, and the Rochester Gas & Electric Corporation shall so operate their facilities as to transfer from the sixty cycle system through frequency changers the maximum amount of power to the twenty-five cycle system.

(2) Whenever a shortage of power occurs on the twenty-five cycle system of the Niagara Falls Power Company, Niagara Lockport & Ontario Power Company, or Buffalo Niagara Electric Corporation, said utilities shall give notice thereof to all other interconnected utilities in New York, New Jersey, Pennsylvania, or New England, and thereupon said interconnected utilities shall make available the maximum amount of sixty cycle power for conversion to twenty-five cycle power for the purpose of relieving such shortage.

(3) If a shortage of electric power occurs on the sixty cycle system of any of the utilities affected by this paragraph (b), immediate telegraphic notice thereof shall be given to the Power Branch, War Production Board, Washington, D. C., and thereupon the Director of Industry Operations will issue specific directions for curtailment of electric power deliveries to consumers receiving sixty cycle power.

(4) Where necessary for the purposes herein set forth, the Director of Industry Operations will issue further specific directions as to the operation of the power facilities of such utilities and as to deliveries of power.

(c) *Limitation on consumption and deliveries of electric power.* In the event that the supply of twenty-five cycle power available in the area served by the Niagara Falls Power Company, Niagara Lockport & Ontario Power Company, Buffalo Niagara Electric Corporation, and New York State Electric & Gas Corporation is insufficient to meet the demand therefor, after full operation and integration of facilities as provided in paragraph (b) above, said utilities shall reduce deliveries to their consumers in the following manner:

(1) First, the Niagara Falls Power Company, Niagara Lockport & Ontario Power Company, Buffalo Niagara Electric Corporation, and New York State Electric & Gas Corporation shall reduce deliveries to consumers who have electric power generating facilities, the increased operation of which can directly or indirectly reduce the requirements of such consumers for purchased twenty-five cycle power. Said utilities shall notify each such consumer of the reduction in deliveries required, and no consumer shall thereupon accept deliveries of twenty-five cycle power unless his electric power generating facilities are being operated at maximum capability.

(2) Second, said utilities shall not make, and no consumer shall accept, deliveries of twenty-five cycle power at a rate in excess of such consumer's power demand quota. The provisions of this paragraph (c) (2) shall not apply to:

(i) Consumers of the Buffalo Niagara Electric Corporation who are served from that portion of the twenty-five cycle system located on the Huntley Station side of Terminal Station C and whose curtailed use of electric power will not increase the power supply available for the rest of the twenty-five cycle system of the Niagara Falls Power Company, Niagara Lockport & Ontario Power Company, and Buffalo Niagara Electric Corporation; or

(ii) Consumers listed in Exhibit "B" annexed hereto; or

(iii) Consumers included in the classifications listed in Exhibit "A" annexed hereto, as the same may be amended or modified from time to time by the Director of Industry Operations.

The Director of Industry Operations shall determine which consumers are included in the classes specified in said Exhibit "A" and no consumer is entitled to the exemption provided for herein until he shall have received notice of such determination. Any other consumer who considers that his uncurtailed operations are necessary to the War Production Program or to essential civilian services may apply for such exemption to the Director of Industry Operations.

Each utility shall from time to time notify each of its consumers to be curtailed hereunder of his power demand quota.

(3) Third, in the event that after full compliance with the provisions of paragraphs (b), (c) (1), and (c) (2) of this section, further reduction in deliveries to consumers becomes necessary, the Niagara Falls Power Company and Niagara Lockport & Ontario Power Company shall, to the extent necessary to meet the shortage, reduce on a pro-rata basis deliveries to the consumers listed in Exhibit "B". In making such reductions, an equal percentage shall, as far as practicable, be applied to the base power demand of each consumer, provided that no consumer shall be reduced below his minimum power demand therein set forth. Whenever it becomes necessary to make such reduction in power deliveries, said utilities shall notify each of their consumers of the required reduction in power deliveries; and no consumer shall, upon receiving such notice, accept deliveries of power at a rate in excess of the amount specified. Whenever the power supply requires further reduction or permits partial restoration of power deliveries, said Utilities shall notify their consumers of the change in power deliveries; and no consumer, upon receiving notice of such change, shall use power at a rate in excess of the amount then specified. Whenever the power supply permits full restoration of service, said utilities shall so notify each consumer affected thereby.

(4) Notwithstanding any of the provisions of paragraphs (c) (1), (2), and (3), the Niagara Falls Power Company, Niagara Lockport & Ontario Power Company, Buffalo Niagara Electric Corporation, or New York State Electric and Gas Corporation may, within the limits of their contractual rights, reduce deliveries to any consumer for the time and to the extent necessary to meet emergency operating conditions: *Provided, however,* That the provisions of paragraphs (c) (1), (2), and (3) shall be observed as soon as safe operating practices permit.

(d) *Limitations on increases in deliveries of electric power.* (1) The Niagara Falls Power Company, Niagara Lockport & Ontario Power Company, and Buffalo Niagara Electric Corporation shall not, after the effective date of this section, increase the rate of deliveries of twenty-five cycle power (except for swings in demand of less than one hour's duration) to any consumer over the maximum demand of such consumer during the month of January, 1942, and no consumer shall accept such increased deliveries of power unless:

(i) The amount of such increase in deliveries for any consumer is less than 100 kilowatts; or

(ii) Such increase has been specifically authorized in advance by the Director of Industry Operations.

(2) The provisions of this paragraph (d) shall not apply to allotments by the Federal Power Commission of the power generated from the 5,000 c. f. s. emergency diversion made available to the United States by special agreement with Canada, dated May 20, 1941, and approved by the Senate on June 12, 1941.

(3) The Niagara Falls Power Company shall not be relieved, by reason of any of the provisions of this section, from compliance with the requirements heretofore or hereafter prescribed pursuant to the Federal Power Act of 1935 by the Federal Power Commission with respect to the diversion of water from the Niagara River, including the 5,000 c. f. s. and 7,500 c. f. s. made available to the United States by the special agreements with Canada, dated May 20, 1941, and October 27, 1941, and approved by the Senate on June 12, 1941, and November 27, 1941, respectively.

(e) *Appeal.* Any person affected by this section who considers that compliance therewith would work an exceptional or unreasonable hardship upon him, may appeal for relief to the Director of the Industry Operations who may grant such specific exemptions or take such other action as he shall deem appropriate for and consistent with the purposes of this section.

(f) *Reports and information.* (1) The Niagara Falls Power Company, Niagara Lockport & Ontario Power Company, and Buffalo Niagara Electric Corporation, shall keep and preserve, for not less than two years, accurate and complete records concerning deliveries of electric power to consumers. Such records shall be subject to inspection by duly authorized representatives of the War Production Board.

(2) Whenever it is necessary for any utility herein named to reduce deliveries of twenty-five cycle power to any consumer, such utility shall immediately give telegraphic notice thereof to the Power Branch of the War Production Board and shall prepare and file daily reports showing the time or times when reduction in power deliveries was made, the duration thereof, and the extent to which each consumer was curtailed.

(3) All persons affected by this section shall execute and file with the War Production Board such reports and questionnaires as said Board may from time to time request.

(g) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: L–46.

(h) *Violations.* Any person who wilfully violates any provision of this section, or any other order, direction, or regulation, issued pursuant hereto, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this section, may be prohibited from delivering or receiving electric power or any other material subject to allocation by the Director of Industry Operations, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(i) *Applicability of Priorities Regulation No. 1.* This section and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this section shall govern.

(j) *Effective date.* This section shall take effect immediately and unless sooner terminated by the Director of Industry Operations shall expire on the 31st of December 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 27th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operation.

Exhibit A—Classes of Electric Power Consumers Exempt From the Mandatory Curtailment Provisions of Paragraph (c) (2) of Limitation Order L–46

1. The following Federal, State, County, and Municipal services: Fire, Police, and Prisons.
2. Hospitals.
3. Transportation services:
(a) Railways.

(b) Commercial and Military airports and airfields.
(c) Oil and gas pipe lines, and pumping stations.

4. Communications services including:
(a) Post offices.
(b) Radio stations.
(c) Telephone and telegraph systems.
(d) Traffic control and signal systems.

5. Water supply and public sanitation systems.

6. Military establishments.

7. Plants exclusively engaged in the production of any of the following materials or products:

(a) Airplanes, airplane engines, and parts.
(b) Naval ships and parts.
(c) Merchant ships and parts.
(d) Army vehicles and parts.
(e) Ordnance items including guns, ammunitions, and explosives.
(f) Aluminum.
(g) Magnesium.
(h) Copper or brass.
(i) Zinc.
(j) Manganese.
(k) Mercury.
(l) Ferroalloys.
(m) Abrasives.
(n) Machine and Metal Cutting tools, Cranes and Hoisting equipment, Welding machines, Heat Treating Furnaces, and Foundry equipment.
(o) Forgings.
(p) Graphite Electrodes.
(q) Artificial gas.
(r) Pig Iron.
(s) Coke.
(t) Steel, rolled cast, or forged shapes.
(u) Iron ore (preparation, transportation, or processing).
(v) Sulphuric Acid.
(w) Liquid Oxygen.
(x) Rubber.

Exhibit B—Group B Consumers

The Niagara Falls Power Company

	Base power demand	Minimum power demand
Aluminum Company of America	2, 560	
Carborundum Company, The	16, 279	
Electro Metallurgical Company	[1] 137, 520	
General Abrasive Company, Inc.	3, 139	
Great Lakes Carbon Corp	5, 501	
Hooker Electrochemical Company	20, 196	13, [illegible]
Innis, Speiden & Company	2, 722	1, [illegible]
International Graphite & Electrode Corp	6, 912	
Mathieson Alkali Works, Inc., The	20, 736	13, [illegible]
National Carbon Company, Inc.	22, 194	
Niacet Chemicals Corp	3, 960	
Niagara Alkali Company	10, 930	8, [illegible]
Oldbury Electric Chemical Co.	16, 992	11, [illegible]
Pittsburgh Metallurgical Co., Inc.	24, 300	
R. & H. Chemicals Dept. of E. I. duPont de Nemours & Co., Inc., The	41, 600	36, [illegible]
Titanium Alloy Mfg. Co., The	10, 483	
Vanadium Corp. of America	40, 608	
Niagara, Lockport & Ontario Power Co.		
Niagara Smelting Co	3, 485	3, [illegible]

[1] Exclusive of 47,380 kw. delivered by Niagara Falls Power Company for the Hydro Electric Power Commission of Ontario in accordance with original contract agreement executed Aug. 27, 1940 and amendatory agreements of Oct. 5 and Dec. 27, 1940.

[F. R. Doc. 42-1736; Filed, February 27, 1942; 3:16 p. m.]

PART 1111—RATIONING OF NEW COMMERCIAL MOTOR VEHICLES

General Conservation Order M-100—Rationing of Light, Medium and Heavy Trucks, Truck-Tractors and Trailers

Whereas the fulfillment of requirements for the defense of the United States has resulted in a shortage in the supply of new commercial motor vehicles for defense, for private use and for export, and it has now become necessary in the public interest, and to promote the national defense, to ration or allocate such vehicles in the manner hereinafter provided:

It is hereby ordered, That:

§ 1111.1 *General Conservation Order M-100*—(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "New commercial motor vehicle" means any light, medium or heavy truck, truck-tractor or trailer manufactured otherwise than under specifications of the United States Army or Navy, propelled or drawn by mechanical power for use on the highways for transportation of property or persons, which was manufactured subsequently to July 31, 1941 and either (i) has been driven less than 1,000 miles or (ii) irrespective of mileage driven, has not been transferred except to a sales agency for the purpose of resale.

(3) "Manufacturer" means any person who manufactures commercial motor vehicles.

(4) "Dealer" means any person regularly engaged in the business of offering commercial motor vehicles for sale at retail to the public.

(5) "Distributor" means any person other than the manufacturer regularly engaged in the business of selling commercial motor vehicles to dealers.

(6) "Sales agency" means any distributor or dealer, and includes any agency or branch of a manufacturer which sells commercial motor vehicles.

(7) "Transfer" means to sell, lease, trade, lend, give, deliver, ship or physically transfer in any other way which involves the use of the commercial motor vehicle after the transfer by a person other than the transferor; or to convert to use a commercial motor vehicle held by a manufacturer, distributor or dealer; or to change the designation of the registered owner. Transfer does not include delivery to a carrier for shipment, nor delivery by a carrier to a consignee; nor does it include a lease or loan made in good faith by any person other than a dealer, distributor or other sales agency; nor does it include a technical transfer of title for security purposes to a person financing a conditional sale or similar transaction made simultaneously with the transfer of the vehicle itself to the purchaser.

(8) "Application" means a written application, in prescribed form, for authorization to acquire by transfer a new commercial motor vehicle.

(9) "Certificate of transfer" means a non-transferable certificate in prescribed form, issued by the Director of Industry Operations, authorizing the transfer of a new commercial motor vehicle.

(10) "Government Exemption Permit" means a non-transferable permit in prescribed form, issued by the Director of Industry Operations, authorizing a transfer of a new commercial motor vehicle to or for the account of: the United States Army, Navy or Marine Corps, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Civil Aeronautics Administration, the National Advisory Committee for Aeronautics or the Office of Scientific Research and Development; or for export.

(11) "Usage Classification List" means the list attached hereto as Schedule A, as the same may be amended from time to time, classifying commercial motor vehicles upon the basis of the relative importance of the use to which such vehicles will be put in respect to the prosecution of the war and esssential civilian requirements.

(b) *Restrictions on transfers of new commercial motor vehicles.* On and after March 9, 1942, irrespective of the terms of any contract of sale or purchase, or of any other commitment, no person shall transfer or accept transfer of any new commercial motor vehicle, except pursuant to a Certificate of Transfer or as provided in paragraph (c) of this Order, or as otherwise expressly ordered.

(c) *Persons authorized to acquire new commercial motor vehicles without Certificate of Transfer.* Nothing in paragraph (b) of this Order shall prevent the following persons from acquiring by transfer a new commercial motor vehicle, but thereafter no transfer of such vehicle shall be made except as provided in said paragraph (b):

(1) Any person holding a Government Exemption Permit.

(2) A person acquiring title to a new commercial motor vehicle through or under the terms of a will, or by intestacy under any State Law, or through bankruptcy or receivership proceedings.

(3) A manufacturer, distributor, or dealer, in respect only of new commercial motor vehicles which are acquired for the purpose of resale.

(4) A person who in good faith lends money on the security of, or finances the sale of, a commercial motor vehicle.

(5) A person distraining upon the new commercial motor vehicle levying by execution, attachment, or similar form of judicial process, or any person repossessing on default.

Provided, however, That any person acquiring a new commercial motor vehicle pursuant to Clause (3), (4) or (5) above may acquire the same only for resale and not for use.

(d) *Transfer of new commercial motor vehicles by Certificate of Transfer.* Except as provided in paragraph (c) hereinabove, a new commercial motor vehicle may be transferred only pursuant to a Certificate of Transfer. Such Certificate will be issued by the Director of Industry Operations in his discretion, pursuant to an Application filed with the Office of Defense Transportation and upon recommendation by the Office of Defense Transportation based upon its determination that the transfer of the vehicle for a specified use included in the Usage Classification List is required for the maximum utilization of domestic transportation facilities for the prosecution of the war or essential civilian requirements.

(e) *Transfers required.* Any manufacturer or sales agency to whom a Certificate of Transfer or Government Exemption Permit is presented and who has in stock a new commercial vehicle of the type specified shall transfer such vehicle to the person named therein, irrespective of the terms of any contract of sale or any other commitment with any other person.

(f) *Local Appeal Boards.* The Office of Defense Transportation is hereby authorized to establish such Local Appeal Boards as it may require to hear and determine Appeals from its determination in respect to the transfer of new commercial motor vehicles, and to prescribe procedure for the same.

(g) *Instructions and forms.* The Office of Defense Transportation is hereby authorized to issue jointly with the War Production Board such Instructions and Forms as may be required from time to time to carry out the provisions of this Order.

(h) *Records.* All persons affected by this Order shall preserve for not less than two years accurate and complete records concerning inventories and transfers of new commercial motor vehicles, which records shall be available for audit and inspection by authorized representatives of the War Production Board and the Office of Defense Transportation.

(i) *Reports.* All persons affected by this Order shall submit such reports to the Office of Defense Transportation and to the War Production Board as may be, from time to time, required.

(j) *Violations.* Any person who violates any provisions of this Order, or who, by any act or omission, knowingly falsifies an application, certificate, or any record required to be kept by him pursuant to this Order, or who otherwise knowingly furnishes false information to the War Production Board, the Office of Defense Transportation or to any of their agents, shall be subject to the penalties therefor, including a recommendation to the Attorney General for prosecution pursuant to section 35 (A) of the Criminal Code of the United States (Title 18, U.S.C. sec. 80). In addition, the Director of Industry Operations and the Office of Defense Transportation may deny such person the right to receive any commercial motor vehicle, and the War Production Board may deny such person the right to receive any other material which now or hereafter may be subject to allocation.

(k) *Inapplicability of preference ratings.* No preference rating heretofore or hereafter assigned by any preference rating certificate or preference rating order shall entitle any person to receive any new commercial motor vehicle.

(l) *Effective date of this Order.* This Order shall take effect on Monday, March 9, 1942, and may be amended or revoked by the Director of Industry Operations at any time. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong. 3d Sess., as amended by Pub. Law 89, 77th Cong. 1st Sess.)

Issued this 28th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

SCHEDULE A TO GENERAL CONSERVATION ORDER M-100—*Usage Classification List for Commercial Motor Vehicles*

The following classification of commercial motor vehicles on the basis of use applies to light, medium and heavy trucks, truck-tractors, trailers, and chassis thereof. It will serve as a broad general basis for the preferential allocation of the supply of such new vehicles. The various classes are arranged in the order of their importance from the standpoint of the national war effort. Individual groups within a given class are shown as illustrations of the coverage of the class and do not indicate preference groups within the class.

All vehicles are to be classified according to their predominant or principal use into five classes arranged in the order in which preference is to be granted. As a general rule, predominant or principal use means 50 per cent or more of the applicant's operations.

The Usage Classification List is as follows: [1]

CLASS I

Vehicles principally used in connection with military forces (in action or on maneuvers), public health or safety, or with essential channels of communication, such as—

In connection with military forces in the field (in action or on maneuvers).

To maintain public police services; fire-fighting services; services essential to protection of public health and safety, including the regulation of highway traffic and prevention of highway accidents.

To construct and maintain mail, telegraph, telephone and organized radio communication services.

To furnish and maintain water supply, sewage and garbage disposal and other sanitation services.

CLASS II

Vehicles principally used directly in connection with the war effort, such as—

In connection with fixed military and naval posts and establishments.

In the transportation of all materials, supplies and equipment of industry and business directly connected with the war effort, including farm and forest products, and food.

In service operations connected with the construction, maintenance and supply of essential rail, highway, water, pipe line, and air transportation facilities.

In the transportation of material and equipment for the construction of defense housing facilities.

In the transportation of material and equipment for the construction and maintenance of public utilities other than those specified in Class I above.

In the transportation of persons engaged in business, industry, etc., directly connected with the war effort.

CLASS III

Vehicles principally used in connection with essential functions indirectly connected with the war effort, such as—

In the transportation of all materials, supplies and equipment of industry and business indirectly connected with the war effort, including farm and forest products, and food.

For the transportation of ice, and fuel for heating and power to the ultimate consumer for personal, family or household use.

For the rendering of essential roofing, plumbing, heating, electrical, building and vehicle repair services.

For the collection of waste and scrap material other than services performed in connection with Class I.

In the transportation of persons in business, industry, etc., indirectly connected with the war effort.

In the service of public and private schools and educational institutions.

CLASS IV

Vehicles used for the transportation of persons or goods, except as above classified, not connected with the war effort, and which are used in the less essential activities.

This includes all essential forms of retail delivery, except that of ice and fuel (see Class III).

CLASS V

Vehicles used in connection with non-essential functions or so-called "luxury" uses and not connected with the war effort.

[1] This classification covers civilian transportation only. Vehicles owned and operated by the armed forces and other governmental services directly concerned with the prosecution of the war are not included, since they are not subject to the allocation procedure.

[F. R. Doc. 42-1770; Filed, February 28, 1942; 12:41 p. m.]

PART 1121—PISTOLS, RIFLES AND SHOTGUNS

Limitation Order No. L-60

Whereas national defense requirements have created a shortage of pistols, rifles and shotguns for use in police work, plant patrol and other local guard duties, and it is necessary in the public interest and to promote the defense of the United States to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 1121.1 *General Limitation Order L-60*—(a) *Definition.* For the purposes of this Order, "manufacturer" means any person engaged in the manufacture of pistols, rifles, and/or shotguns.

(b) *Prohibition of sales.* Until June 1, 1942, no person other than a manufacturer shall sell, lease, trade, lend, de-

liver, ship, transfer or otherwise dispose of any new pistol, rifle or shotgun using an explosive cartridge to propel a metal bullet or metal shot, except:

(1) Pursuant to a specific order of the Director of Industry Operations;

(2) For Government use only to any Agency, Department, Office, or Officer of the Federal Government or of any state or local government; or pursuant to orders placed by the government of the United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia; or for the account of any foreign country pursuant to the Act of March 11, 1941, "An Act to Promote the Defense of the United States" (Lend-Lease Act);

(3) That any Pistol, Rifle or Shotgun actually in transit on the effective date of this Order may be delivered to its immediate destination;

(4) That where, as of the effective date of this Order, a person has received a purchase order for or has contracted for the sale or delivery of any Pistol, Rifle and/or Shotgun, to which purchase order or contract a preference rating of A-1-i, or higher, has been applied, then that person may sell or deliver the said Pistol, Rifle and/or Shotgun in accordance with the terms of such purchase order or contract, and

(5) That the limitations of this paragraph do not apply to any sales or deliveries to or by the Defense Supplies Corporation.

(d) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(e) *Records.* All persons affected by this Order shall keep and preserve for not less than 2 years accurate and complete records concerning inventories, purchases, production and sales.

(f) *Reports.* All persons affected by this Order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require. All dealers, jobbers, wholesalers, and distributors having in their possession Pistols, Rifles, and/or Shotguns shall file a complete inventory, stating make and model, of such items with the War Production Board within forty-five days after the date of the issuance of this Order.

(g) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representative of the War Production Board.

(h) *Violations or false statements.* Any person who violates this Order or who willfully falsifies any records which he is required to keep by the terms of this Order, or otherwise willfully furnishes false information to the War Production Board may be deprived of priorities assistance or may be prohibited by the War Production Board from obtaining any further deliveries of materials subject to allocation. The War Production Board may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(i) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from nondefense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The War Production Board may thereupon take such action, if any, as it deems appropriate by the amendment of this Order or otherwise.

(j) *Communications.* All communications concerning this Order shall be addressed to War Production Board, Washington, D. C., *Ref.*: L-60.

(k) *Effective date.* This Order shall take effect at 9:00 A. M. Eastern War Time of the date of its issuance. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 27th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1769; Filed, February 28, 1942; 12:40 p. m.]

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

Amendment No. 5 to Supplementary Order No. M-15-b, to Restrict the Use and Sale of Rubber

Supplementary Order No. M-15-b[1] is hereby amended by substituting the attached lists designated A, B, C and D for lists A, B, C and D, respectively, now attached to such Order.

This Order shall take effect on March 1, 1942.

Issued this 28th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

LIST A (REVISED EFFECTIVE MARCH 1, 1942) TO SUPPLEMENTARY ORDER No. M-15-B AS AMENDED

	Percent
Group 1	125
Belt Splicing and Repair Material	
Concentrator Belts	
Conveyor Belts	
Elevator Belts	
Industrial Brake Linings and Clutch Facings	
Polishing Belts	
Screen Diaphragms	
Group 2	100
Cleats and Bucket Pads	
Hatters' Belts	
Last Puller Belts	
Pulley Lagging	
Round Belts	
Street Sweeper Belts	
Group 3	100
V-Belts (non-automotive)	
Group 4	80
Flat Transmission Belts	
Hog Beater Belts	
Group 5	125
Acid Hose	
Chemical Hose	
High Pressure Hose	
Jetting and Hydraulic Hose	
Railroad Hose (all types)	
Rotary Drillers Hose	
Sand Blast Hose	
Wire Braid Hose	
Group 6	100
Air Drill Hose	
Dredging Sleeves	
Industrial Vacuum Hose	
Oil Suction and Discharge Hose	
Pneumatic Hose	
Spray Hose (except low pressure)	
Steam Hose	
Suction Hose	
Welding Hose	
Group 7	80
Brewers' Hose	
Gasoline and Oil Tank Wagon Hose	
Sanitary Hose	
Group 8	40
Fire and Mill Hose	
Group 9	140
Rubber lined tanks, drums, pipes and fittings (hard and soft)	
Group 10	100
Hard rubber pipe and fittings	
Rubber buckets, pails, dippers, funnels, measures, bottles, beakers, frames, baskets, racks, trays (for handling corrosive materials)	
Rubber-insulated fume-ducts, fans, racks, frames, trays, screens, pipe, buckets, pails, dippers, agitators, funnels and measures (for handling corrosive materials)	
Rubber pumps, pump lining, valves and parts	
Rubber covered rolls and roll coverings (except wringers, printers, fingerprint and business machines)	
Group 11	125
Storage battery parts (including only separators, retainers, binding stripe, element support rods, tie rods, plate support rods, hand-built jars and containers excepting those for automotive starting and lighting batteries)	
Hard rubber sheets, rods, and tubing (for dielectric purposes)	
Insulated tools	
Magneto parts	
Mine safety battery parts	
Mine safety lamp parts	
Respirators, hose masks, gas masks, goggles, inhalators, skull guards (mining and industrial types)	
Group 12	125
Cable splicing compound (including necessary cement)	
Group 13	100
Chute lining (including lining for sand blast chambers)	
Oil well specialties (packers, testing, lining, bumper and swab rubbers; blow-out preventers; drill pipe protectors; stabilizers; slush pump pistons and liners; mud and oil pump pistons and liners; mud and oil pump pistons, valves and parts; valve cups; strippers; stuffing box rings)	
Press die pads	

[1] 6 F.R. 6406, 6644, 6792; 7 F.R. 511, 1106.

	Percent
Sheet, strip and mechanical packings	
Vibration dampers (nonautomotive)	
Group 14	100
Airplane de-icer parts	
Card clothing	
Gaskets and washers (not elsewhere listed) necessary for use with products in lists "A" "B" "C" and "D"	
Gas main bags	
Hat forming bags	
Lineman's protective devices (line hose, insulator hoods, blankets, cable and test caps and separators, insulating stools)	
Locomotive drive units	
Loom pickers, lug straps, bumpers, holdups and spinning cots	
Nine ventilating tubing	
Molded, extruded and lathe-cut goods and tubing (not elsewhere listed) constituting component parts of machinery for the processing and fabrication of raw and semi-finished materials and for the transmission of mechanical power	
Pipe coupling rings	
Pipe lining discs	
Shoe diaphragms	
Stuff pump balls	
Group 15	80
Finger print rolls	
Cutting rubbers	
Offset and Newspaper blankets	
Printing plates (including cements but excluding rubber stamps, box dies, band daters and toy stamps)	
Printers rollers	
Suction cups for printers equipment	
Rubber solution for wet plate negatives	
Group 16	40
Engravers' rubber (including necessary cements)	
Group 17	140
Couplings for pasteurizers and milk bottle and can washers	
Gaskets for milk separators and clarifiers	
Milk bottle filler rubbers	
Milking machine inflations and tubing	
Group 18	160
Abrasive wheels	
Group 19	70
Flush valve balls	
Washers, including fuller balls and diaphragms, for controlling the flow of fluids	
Water meter parts	
Group 20	50
Vacuum cleaner belts	
Group 21	25
Switchboard mats and matting	
Group 22	20
Wringer rolls	
Group 23	75
Automotive Parts:	
Hydraulic Brake Cylinder Parts, excepting boots	
Hydraulic Brake Hose	
Air Brake and Vacuum Brake Parts, excepting boots	
Air Brake and Vacuum Brake Hose	
Torsional Vibration Dampers	
Clutch Facings, Brake Linings and Brake Blocks	
Shock Absorber Bushings	
Steering Post Alignment Bushings	
Pitman Arm Bushings for independent suspensions	
Steering Box-to-Frame Pads for independent suspensions	
Windshield Wiper Blades and Pivot to Housing Gaskets	
Suspension and Torque Arm Bushings	
Engine, Transmission and Propeller Center Bearing Mountings	
Remote Control Gearshift Bushings	
Spring Bumpers—front and rear	
Cements and Tie-gums (for bonding rubber to metal only)	
Sealed Beam Gaskets	
Hydraulic Clutch and Throttle Controls	
Group 24	80
Automotive Fan Belts (for trucks, buses, tractors, and farm implements)	
Group 25	100
Full-circle and sectional airbags (for repairing, retreading and re-capping tires	
Group 26	150
Electricians' Gloves (including seconds)	
Group 27	200
Commercial Diving Equipment	
Group 28	100
Acoustic Aids	
Blood Pressure Bags	
Brain Surgery Caps	
Breast Pumps	
Colostomy Outfits	
Dental Separating Strips and Mouth Props	
Dilators	
Evacuators	
Finger Cots (medical, surgical, dental, veterinary and laboratory)	
Inhalation Bags and Face Pieces (medical, surgical, dental and veterinary)	
Invalid Rings	
Irrigators and Hard Rubber Syringes	
Medicine Droppers	
Nipples (Feeding)	
Operating Cushions	
Orthodontia Bands	
Parts for Medical, Surgical, Dental, Veterinary and Mortuary Instruments	
Pessaries and prophylactics	
Prostatic bags	
Rubber bands for artificial limbs	
Rubber denture, denture suctions and model formers	
Surgeons' gloves (medical, surgical, dental, mortuary and veterinary use)	
Surgical tape, medicated footpads and plasters	
Tourniquets	
Tubes, tubing, including catheters, stoppples and rubber policemen, (medical, surgical, dental, mortuary, veterinary and laboratory)	
Umbilical belts	
Urinal—individual wear	
Vaccine caps	
X-Ray sheets, gloves, aprons and cooling hose	
Group 29	75
Bulbs (medical, surgical, dental, mortuary, veterinary and laboratory)	
Water bottles and combination syringes	
Group 30	50
Dental dam	
Fountain syringes	
Hard rubber pipe, connections and accessories (medical, surgical, dental, mortuary and veterinary)	
Hospital sheeting (hospital, ambulance, mortuary and first aid use only)	
Ice bags	
Metatarsal cushion or pad (not part of shoe)	
Truss pad cover	
Group 31	50
Cements for the manufacture and repair of shoes (but not the manufacture of component parts, except Gem Duck and Leather Welting)	

LIST B (REVISED EFFECTIVE MARCH 1, 1942) TO SUPPLEMENTARY ORDER No. M-15-b AS AMENDED

	Percent
Group 1:	
Compounds for insulating wire and cable	
Group 2:	
Rubberized fabrics for heating pads	
Group 3:	
Rubberized fabric for firemen's and policemen's clothing and occupational protective clothing, other than footwear and gloves, consisting of industrial pants, coats, jackets, hats and aprons	
Group 4:	
Waterproof boots, pacs, arctics, gaiters and overshoes, (for other than severe occupational uses provided for in Group 5)	
Group 5:	
Steel toe, conductive tread and other boots, mine pacs and heavy waterproof work shoes	
Group 6:	
Vulcanizing materials, patches, blow-out shoes and similar items for repair of tires and tubes, and cements for repair or retreading of tires and repair of tubes	
Group 7:	
Thread for:	
Industrial shoes, belting and flexible metallic hose	
Repair cords and webs	
Sanitary belts	
Supporters (Men's athletic)	
Surgical elastic bandage	
Surgical stockings	
Surgical supports for abdomen, back and breast	
Suspensories	
Trusses	
Group 8:	
Container sealing compounds	
Jar rings	
Sealing gaskets (cut rings)	
Group 9:	
Pneumatic, solid and cushion tires and tubes (including flaps, cements, airbags and valves) of the following types:	
Passenger car	
Truck and bus (incl. road-builder, earth mover and excavator)	
Industrial (power-driven vehicles only)	
Agricultural	
Motorcycle	
Bicycle	
Airplane	
Group 10:	
Camelback, capping stock, filler strip, stripping stock, cushion stock, lug stock and base stock for retreading and recapping tires	

LIST C (REVISED EFFECTIVE MARCH 1, 1942) TO SUPPLEMENTARY ORDER No. M-15-b AS AMENDED

	Percent
Group 1	100
Blood Pressure Bags	
Colostomy Outfits	
Finger Cots (medical, surgical, dental, mortuary and veterinary use)	
Inhalation Bags and face pieces (medical, surgical, dental, laboratory and veterinary)	
Irrigators	
Nipples (feedings)	
Operating cushions	
Pessaries and prophylactics	
Prostatic bags	
Sinus and cautery bulbs	
Surgeons' Gloves (medical, surgical, dental, mortuary and veterinary use)	
Tubes, Tubing, including catheters medical, surgical, dental, mortuary, veterinary and laboratory use)	
Urinals, individual wear	
Veterinary sleeves	
Group 2	85
Flat belts	
Round belts	
V-Belts (non-automotive)	
Group 3	50
Cements for the manufacture of shoes (but not for the manufacture of any component parts except Gem Duck and Leather Welting)	

	Percent
Group 4	25
Latex insulation for fume ducts, fans, racks, frames, trays, screens, pipes and fittings, buckets, dippers, funnels, measures, drums, pumps, valves, baskets and agitators (for handling corrosive material)	
Group 5	50
Industrial rubberized fabric gloves for handling corrosive materials. (Percentage to be reduced to 20% April 1)	

LIST D (REVISED EFFECTIVE MARCH 1, 1942) TO SUPPLEMENTARY ORDER NO. M–15–b AS AMENDED

Group 1:
Container Sealing Compounds
Group 2:
Compounds for treating Tire Cords
Group 3:
Meteorological Balloons

(P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

[F. R. Doc. 42–1805; Filed, March 2, 1942; 11:53 a. m.]

PART 955—MATERIAL ENTERING INTO THE CONSTRUCTION OF DEFENSE PROJECTS

Preference Rating Order No. P–55 Amended—Material Entering Into the Construction of Defense Housing Projects

§ 955.4 *Preference rating order P–55.* For the purpose of facilitating the acquisition of Material for the construction of the Defense Housing Project hereinafter described, a preference rating is hereby assigned to deliveries to the above named Builder and to deliveries to his Subcontractors and Suppliers upon the following terms:

(a) *Definitions.* (1) "Builder" means the specific person to whom this Order is addressed above.

(2) "Defense housing project" means the housing project described in the Builder's Application on Form PD–105, No. --------, dated ----------, comprising ------ units, as finally approved (hereinafter referred to as the "Application").

(3) "Subcontractor" means any person with whom the Builder has placed a contract pursuant to which the Subcontractor has agreed to furnish both labor on, and Defense Housing Material to be incorporated in, the Defense Housing Project.

(4) "Supplier" means any person (i) who supplies Defense Housing Material *which he has not in whole or in part manufactured, processed, assembled or the form of which he has not otherwise substantially changed,* and

(ii) with whom a contract or purchase order has been placed for delivery, to the Builder, to a Subcontractor or to another Supplier, of Defense Housing Material which will enter into the construction of the Defense Housing Project.

(5) "Defense housing material" means any material included in the Defense Housing Critical List, *and only such Material.* Copies of this List may be obtained from any local office of the Federal Housing Administration, from any priority field office of the Bureau of Field Operations, War Production Board, or from the Housing Branch, Division of Industry Operations, War Production Board, Washington, D. C.

(b) *Assignment of preference rating.* Preference Rating ------ is hereby assigned (1) to deliveries to the Builder of those quantities and kinds of Defense Housing Material which may be specifically authorized for such rating by the Director of Industry Operations on the copy of the Application returned to the Builder.

(2) to deliveries to a Subcontractor of Defense Housing Material which will ultimately be delivered by him to the Builder under the rating hereby assigned or will be physically incorporated into Defense Housing Material which will be so delivered or which will be used, within the limitation of paragraph (d) (2) hereof, to replace in such Subcontractor's inventory Defense Housing Material so delivered.

(3) to deliveries to a Supplier of Defense Housing Material, which will ultimately be delivered to the Builder under the rating hereby assigned, or which will be physically incorporated into Defense Housing Material to be so delivered, or which will be used, within the limitations of paragraph (d) (2) hereof, to replace in such Supplier's inventory Defense Housing Material so delivered.

(c) *Persons entitled to apply preference rating.* The preference rating hereby assigned may, within the limitations of paragraph (d) hereof, be applied by: (1) The Builder;

(2) Any Subcontractor or Supplier who supplies Defense Housing Material to the delivery of which a rating has been applied as provided in paragraph (e) hereof.

(d) *Restrictions on use of preference rating—(1) Restrictions on the builder:*

(i) The Builder may apply the preference rating hereby assigned only to those quantities and kinds of Defense Housing Material specifically authorized for such rating by the Director of Industry Operations on the copy of the Application returned to the Builder. This Order will be cancelled immediately if the Builder is found to have applied the rating to deliveries in excess of his specific authorization.

(ii) The Builder may not apply said preference rating to obtain delivery of Defense Housing Material in greater quantities or on earlier dates than required to enable him to maintain his construction schedule on the Defense Housing Project.

(2) *Restrictions on subcontractor and supplier.* (i) No Subcontractor or Supplier may apply the preference rating hereby assigned to obtain Defense Housing Material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or, within the limitations of paragraph (d) (2) (ii) below, to replace in his inventory Defense Housing Material so delivered. He shall not be deemed to require such Defense Housing Material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if in making such delivery he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum;

(ii) Any Subcontractor or Supplier entitled to apply the preference rating hereby assigned may defer applications of such ratings to purchase or contracts to be placed by him for Defense Housing Material until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided,* That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it;

(iii) A Supplier may only apply the preference rating hereby assigned to deliveries of Defense Housing Material which he will resell without substantial change in form to fill a specific purchase order or contract rated hereunder or which he will use within the limitations of paragraph (d) (2) (ii) above to replace in his inventory Defense Housing Material so resold.

(e) *Application of preference rating.* (1) The Builder or any Subcontractor or Supplier in order to apply the preference rating hereby assigned to deliveries of Defense Housing Material to him must:

(i) Serve a copy of this Order upon each Subcontractor or Supplier with whom he has placed a contract or purchase order for Defense Housing Material to the delivery of which he elects to apply the preference rating. After he has furnished one such copy to a particular Subcontractor or Supplier, he need furnish no additional copies to that Subcontractor or Supplier to cover any subsequent deliveries of Defense Housing Material; and

(ii) Endorse on each purchase order or contract rated hereunder a statement in the following form manually signed by an official duly authorized for such purpose:

Preference Rating ------ is applied hereto under Preference Rating Order No. P–55 Amended, Serial No.(s). --------, with the terms of which Order the undersigned Builder (Subcontractor, Supplier) is familiar.

(Name of builder, subcontractor or supplier)

(Duly authorized official)

Such endorsement shall constitute a representation to the War Production Board and the person with whom the purchase order or contract is placed that such purchase order or contract is duly rated in accordance herewith. Such person shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Any such purchase order or contract shall be restricted to Defense Housing Material, the delivery of which is rated in accordance herewith.

(2) The Builder and each Subcontractor (but not a Supplier) must, in addition to the requirements set forth in paragraphs (e) (1) (i) and (e) (1) (ii) above, submit in triplicate to the same local office of the Federal Housing Administration, with which the Builder filed his Application, each purchase order or contract which is to be rated hereunder for the countersignature of an authorized agent of the Federal Housing Administrator. No purchase order or contract placed by the Builder or any Subcontractor can validly apply the rating hereby assigned without such countersignature.

(3) Any Subcontractor or Supplier, who has received two or more endorsed purchase orders or contracts for Defense Housing Material bearing the same rating under this or any other Preference Rating Order or Orders No. P–55, Amended, may (within the limitations of paragraph (d) hereof) include in a single purchase order or contract any or all of the Defense Housing Material to which he is entitled to apply the rating assigned by such Order or Orders, but must specify in the endorsement on such single purchase order or contract all of the Serial Numbers contained in the purchase orders or contracts which have been so received by him.

(f) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, as amended from time to time, the Builder and each Subcontractor and Supplier placing or receiving any purchase order or contract rated hereunder, shall retain, for a period of two years, for inspection by representatives of the War Production Board, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such a manner that they can be readily segregated for such inspection.

(g) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to:

War Production Board
Washington, D. C.
Ref.: P–55

(h) *Violations.* Any Person who willfully violates any provisions of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further delivery of any Material subject to allocation, and such further action may be taken as is deemed appropriate including a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(i) *Revocation or amendment.* This Order may be revoked or amended by the Director of Industry Operations at any time as to the Builder, or any Subcontractor or Supplier.

(j) In the event of revocation, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the Builder or any Subcontractor or Supplier affected by such revocation.

(2) Upon expiration of this Order, deliveries already rated pursuant thereto shall be completed in accordance with said rating. No additional applications of the rating to any other deliveries shall thereafter be made by the Builder but a Subcontractor or Supplier may continue to apply the rating to deliveries of Defense Housing Material required by him to fill purchase orders or contracts duly rated hereunder or, within the limitations of paragraph (d) (2) hereof, to replace in his inventory Defense Housing Material so delivered.

(j) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(k) *Effective date.* This Order shall take effect when countersigned by a District Manager, Bureau of Field Operations, War Production Board, and unless sooner revoked, shall expire on the ---- day of ----------.

Issued this 2d day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

This order is not valid unless countersigned by a District Manager, Bureau of Field Operations, War Production Board.

Countersigned by

Name

Effective Date

Title

Field Office

Instructions regarding reproduction of orders. This Order may be reproduced by any process, photographic, printing, mimeographing or otherwise: *Provided,* That (1) All copies must be identical with the officially published Order as to size, wording, paragraphing and punctuation, and must be substantially the same as to color of paper;

(2) The name and address of the Builder to whom the Order is addressed, and the Serial Number of the Order must be included in all copies in the space provided therefor at the head of the Order;

(3) The name of J. S. Knowlson, Director of Industry Operations, must be included in all copies in type or print preceded by "(Signed)" in the space provided therefor at the end of the Order unless the entire Order is reproduced by photographic process. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong. 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

[F. R. Doc. 42–1802; Filed, March 2, 1942; 11:52 a. m.]

PART 982—MINES

Preference Rating Order P–56 (as Amended to March 2, 1942)

Section 982.1 is hereby amended to read as follows:

§ 982.1 *Preference Rating Order P–56.* For the purpose of facilitating the acquisition of material for continued and expanded operation of Mining Enterprises in the public interest and to promote the national defense, preference ratings are hereby assigned to deliveries of such material upon the terms hereinafter set forth:

(a) *Definitions.* (1) "Person" means any individual, partnership, association, business trust corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(2) "Mining Enterprise" means (i) Any plant actually engaged in the extraction by surface, open-pit, or underground methods, or in the beneficiation, concentration, or preparation for shipment of the products of mining activity, but not including any plant more than 30 percent of the production of which in dollar value consists of gold and/or silver;

(ii) Any plant wholly engaged in the processing and burning of refractories;

(iii) Any prospecting enterprise for the discovery or exploration of new or additional mining projects.

(3) "Operator" means any person operating a Mining Enterprise, who holds a Serial Number issued in accordance with the provisions of paragraph (b).

(4) "Supplier" means any person with whom a purchase order or contract has been placed for delivery of material to an Operator or to another Supplier.

(5) "Material" means any commodities, equipment, accessories, parts, assemblies, or products of any kind.

(6) "Maintenance" means minimum upkeep necessary to continue the working condition of equipment used by an Operator in the operation of a Mining Enterprise at its then current rate of production or operation.

(7) "Repair" means the restoration of property or equipment used by an Operator in the operation of a Mining Enterprise to a sound working condition after wear and tear, damage, destruction, or failure of parts or the like have made the property or equipment unfit or unsafe for service.

(8) "Operating Supplies" means material which is essential to and consumed in the operation of property and equipment used by an Operator in the operation of a Mining Enterprise and which is generally carried as Operator's stores and charged to operating expense account. The term does not include raw materials which enter into or form part of the finished product.

(b) *Certification of mining enterprises.* (1) *Domestic Mining Enterprises.* The agency designated by the Governor or other chief executive officer of each State, territory, or possession of the United States, including the Commonwealth of the Philippines, shall furnish to the War Production Board a certificate setting forth the names of the per-

sons operating Mining Enterprises within such State, territory, or possession. The War Production Board will thereupon issue a Serial Number or Numbers to each such person who may be approved by the Director of Industry Operations. Any person aggrieved by failure or refusal of a State agency to certify him as an Operator may apply in writing to the Director of Industry Operations for issuance of a Serial Number. The Director of Industry Operations may thereupon take such action as he deems appropriate. Serial Numbers may be cancelled by the Director of Industry Operations in appropriate cases.

(2) *Foreign mining enterprises.* The Director of Industry Operations may, in his discretion, issue a Serial Number or Numbers to a person operating a Mining Enterprise outside the limits of the United States, its territories, and possessions and may cancel any such Serial Number.

(3) *Standards.* In issuing, denying, or cancelling Serial Numbers, the Director of Industry Operations will consider the importance to National defense of the present and prospective output of materials to be produced, the consumption of essential materials by the Mining Enterprise in its operations, the necessity to the Mining Enterprise of obtaining priorities assistance, and the available alternative methods of obtaining such assistance.

(c) *Assignment of preference ratings.* Subject to the terms of this Order, the following preference ratings are hereby assigned; provided, that no preference rating is assigned to the delivery of any machinery or equipment, or repair parts therefor, unless such machinery and equipment are used primarily to maintain or to increase the existing production of the Mining Enterprise, and not primarily to reduce operating costs. Nothing herein contained shall prevent the use of any other or higher rating to which any person may be entitled by reason of any other Preference Rating Certificate or Order.

(1) *As to deliveries to an operator.* (i) A–1–a to deliveries of material for repair of property and equipment used in and essential to the operation of a Mining Enterprise, when and only when there has been an actual breakdown or suspension of operations because of damage, wear and tear, destruction or failure of parts, or the like, and the essential material is not otherwise available.

(ii) A–1–c to deliveries of repair parts for machinery and equipment of the types listed in Schedule A hereto; provided, that such repair parts are for use in a Mining Enterprise less than 30 percent of the production of which in dollar value for the previous calendar quarter was derived from any one or more of the following:

Sand (except foundry sand), gravel, crushed stone, and slag, including all commercially recognized forms of these products;

Clay of all types, except those used for refractories and ceramics for electrical use;

Building and ornamental stone of all types;

Gypsum, talc, soapstone, slate (except for electrical use), and all raw material for the manufacture of lime and calcareous cements.

Such rating shall be applied by any Operator only to deliveries in any calendar quarter of a quota consisting of such dollar value of repair parts as may be expressly authorized by the Director of Industry Operations after application by such Operator in form prescribed by the Director of Industry Operations. For the first calendar quarter of 1942 such quota shall be the dollar value of repair parts which bears the same ratio to the dollar value of repair parts delivered to the Operator in the last calendar quarter of 1941 as the dollar value of the Operator's production in the first calendar quarter of 1942 bears to the dollar value of the Operator's production in the last calendar quarter of 1941.

(iii) A–1–c to deliveries of repair parts for essential productive facilities to other Mining Enterprises and/or for other types of machinery and equipment up to the minimum required to make reasonable advance provision to avert an actual breakdown or suspension as described in paragraph (c) (1) (i).

(iv) A–8 to deliveries of material for other repairs to, for maintenance of, and for operating supplies for, property and equipment used in and essential to the operation of a Mining Enterprise.

(v) to deliveries of essential machinery and equipment, whether or not included in Schedule A, such preference ratings as the Director of Industry Operations may from time to time assign to particular orders for such equipment submitted to him for approval in the manner described in paragraph (e) (2) below.

(vi) A–10 to deliveries of material for all other repairs, maintenance and operating supplies.

(2) *As to deliveries to a supplier.* Deliveries of material which will be delivered (or physically incorporated into material which will be delivered) to an Operator under any preference rating assigned by or pursuant to paragraph (c) (1) are assigned the same preference rating as that assigned to the delivery to the Operator.

(d) *Persons entitled to apply preference ratings.* The preference ratings hereby assigned may be applied by (1) An Operator, or (2) A Supplier to enable it to make to an Operator or to another Supplier deliveries on purchase orders or contracts endorsed or otherwise identified pursuant to paragraph (e).

(e) *Application of preference ratings—*(1) *Application of A–1–a or A–1–c rating by operator.* An Operator, in order to apply the A–1–a preference rating assigned by paragraph (c) (1) (i) or the A–1–c preference rating assigned by paragraph (c) (1) (iii) must communicate with the War Production Board, Washington, D. C., Ref.: P–56, describing the material needed for emergency repair and the nature of the emergency, or the reasons why advance provision is necessary to avert breakdown or suspension, and such other information as may be required. The Director of Industry Operations will notify such Operator, whether, and to what extent, its application is approved, and a copy of such notification shall be furnished by the Operator to its Supplier to evidence the A–1–a or A–1–c rating.

(2) *Application of ratings by an operator to deliveries of machinery or equipment.* An Operator, in order to apply the ratings assignable under paragraph (c) (1) (v), must communicate with the War Production Board, Washington, D. C., Ref: P–56, describing the machinery or equipment needed and the reasons why such machinery or equipment is essential for the proper operation of the Mining Enterprise. The Director of Industry Operations will notify such Operator whether its application is approved, and if approved, shall assign a Preference Rating thereto; a copy of such notification and assignment of rating shall be furnished by the Operator to his Supplier.

(3) *Standards.* In acting on any application pursuant to paragraph (e) (1) or (2), the Director shall consider the importance to national defense of the material to be produced by the machinery, equipment, or other material for which rating is requested, and the consumption of scarce materials in the construction thereof.

(4) *Application of other ratings by operator or supplier.* An Operator in order to apply the A–1–c preference rating assigned by paragraph (c) (1) (ii), the A–8 preference rating assigned by paragraph (c) (1) (iv), or the A–10 rating assigned by paragraph (c) (1) (vi), or a Supplier in order to apply any preference rating assigned by paragraph (c) (2), must endorse the following statement on the original and all copies of the purchase order or contract for such material, signed by a responsible official duly designated for such purpose by such Operator or Supplier:

Materials for a Mining Enterprise, Rating A-------- under Preference Rating Order P–56, Serial No. -------- and in compliance therewith.

(Name of operator or supplier)

By----------
(Authorized signature)

If the material is for export outside the limits of the United States, its territories and possessions, the Commonwealth of the Philippines, or the Dominion of Canada, such endorsement shall also contain the sentence:

This material is for export and is covered by Export License No. ----------, dated ----------.

Such purchase order or contract so endorsed shall be delivered to the Supplier of such material. Such endorsement shall constitute a representation to the War Production Board and the Supplier with whom the purchase order or contract is placed that such purchase order or contract is duly and properly rated in accordance herewith. Such Supplier shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Any such purchase order or contract shall be restricted to material the delivery of which is rated in accordance herewith. With respect to any purchase order or contract for such material placed before the effective date of this Order, such preference rating may be applied by delivering to the seller a duplicate copy of such purchase order or contract so endorsed.

(5) An Operator or Supplier placing any such rated purchase order or contract, and the Supplier of the material covered thereby, must each retain endorsed copies of all such purchase orders or contracts, and certificates and notifications made or received pursuant to this paragraph (e), for a period of two years from the date thereof, for inspection by authorized representatives of the War Production Board.

(6) *Restrictions on deliveries by supplier.* No Supplier shall deliver machinery, equipment, or repair parts to an Operator or another Supplier under any rating:

(i) Unless such Supplier has received from such Operator or such other Supplier all certificates and notifications required by paragraph (e).

(ii) If such Supplier knows or has reason to believe that such material is not properly rated under the terms of this Order.

A Supplier must report forthwith to the War Production Board the details of any such attempt to apply any rating in violation of the terms of this Order.

(f) *Restrictions on application of rating.* (1) The preference ratings hereby assigned shall not be applied:

(i) Unless the material to be delivered cannot be secured when required without such rating;

(ii) To obtain deliveries greater in quantity or on dates earlier than required for the operation, maintenance, or repair of the property or equipment used by an Operator in and essential to the operation of a Mining Enterprise;

(iii) By a Supplier to obtain material in excess of the amount necessary to make rated deliveries.

(g) *Restrictions on inventory.* No Operator shall accept deliveries (whether or not rated pursuant to this Order) of operating supplies or other material which will increase such Operator's inventory of such operating supplies or other material to an amount greater than the minimum necessary for the efficient operation of his business, and the ratio of inventory to current production shall in no event exceed the ratio of average inventory to average production for the years 1938, 1939, and 1940.

(h) *Resale of operating supplies and other material prohibited.* Except with specific permission of the Director of Industry Operations, no Operator shall resell any operating supplies or other materials (whether or not obtained pursuant to rating assigned by this Order) except to another Operator.

(i) *Conservation and standardization.* Every person affected by this Order shall use his best efforts to effectuate conservation of materials by elimination, simplification, or standardization of types, sizes, or forms, or otherwise, and to cooperate in any program developed for such purpose by the War Production Board. The Director of Industry Operations may from time to time issue specific directions as to conservation, elimination, and standardization.

(j) *Relief.* In case the productivity or sound working condition of any Mining Enterprise is adversely affected by any provision or application of this Order or by inability to obtain essential operating supplies or other materials, the person operating such Mining Enterprise may apply for relief to the Director of Industry Operations. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(k) *Records, audit, and reports.* Each Operator and each Supplier shall keep and preserve for a period of not less than two years accurate and complete records of all transactions affected by this Order and shall submit from time to time to audit and inspection by duly authorized representatives of the War Production Board. Each Operator and each Supplier shall execute and file with the War Production Board or other designated agency, such reports and questionnaires as the War Production Board shall from time to time require. Until otherwise directed, each Operator shall file with the designated State Agency on or before the 10th day of each month a report on form PD–119 of purchases made during the preceding month pursuant to the ratings granted by this Order.

(l) *Violations.* Any person affected by this Order who violates any of its provisions, or a provision of any other Order, regulation, or other directive of the War Production Board may be deprived of priorities assistance, or subjected to such other or further action as the Director of Industry Operations may deem appropriate.

(m) *Revocation or modification.* This Order may be revoked or modified by the Director of Industry Operations at any time as to any Operator or Supplier. In the event of revocation, or upon expiration of this Order, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of this rating to any other deliveries shall thereafter be made by the Operator or Supplier affected by said revocation or expiration.

(n) *Amendment of prior order.* The provisions of Preference Rating Orders P–22 or P–100 shall not apply to deliveries to which a preference rating is assigned by this Order.

(o) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 2d day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

SCHEDULE A

As to all machines listed below, the rating provided herein likewise applies to equipment items, accessories, and tools customarily sold with such machines.

Aerial tramway equipment
Air compressors for mine use
Air distribution equipment
Assaying and testing laboratory equipment at the mine
Ball-casting machines
Boxcar loaders
Cages and skips
Car dumpers—rotary or end
Equipment for Cleaning plants
Equipment for concentrating plants
Conveyors—shaking, belt, chain, or gravity type, including duckbills and other self-loading heads
Cutting machines—cable reel and self-propelling transportation trucks therefor
Diamond core drilling machines
Dragline dredges, excavators, and scraper units
Dredges—continuous bucket, including pumps
Drills and drilling machines, power driven, and reconditioning equipment therefor
Dust control equipment
Electrical equipment for mine transportation and power
Hoists—including room hoists and car pullers
Hydraulic monitors, with feed pipe and fittings
Jacks for lifting and roof support
Lamps—mine, miners', safety, and ore-exploration types
Locomotives for mine use
Loaders, mobile, including mucking machines
Equipment for Milling plants
Mine cars, track or trackless
Pit-car loaders and elevating conveyors
Equipment for Preparation plants
Pumps, pipe and fittings for mine drainage or material transport
Rock dusting equipment
Safety and defense equipment
Sand dryers
Scraper loaders
Sheaves and sheave blocks
Shovels, power
Shuttle cars, track or trackless
Slusher hoists and scrapers
Steel sections for support of mine openings
Storage batteries for mine use
Tanks and bins for storage of mine products
Tipples and head frames
Track and track accessories for mine transportation
Equipment for Treating plants

Trucks, tractors, and trailers for mine use
Ventilation equipment
Waste disposal equipment
Weighing equipment, including automatic devices
Wire rope for haulage and hoisting

[F. R. Doc. 42-1800; Filed, March 2, 1942; 11:51 a. m.]

PART 984—LEAD

Supplementary Order No. M-38-f

§ 984.7 *Supplementary Order M-38-f.* (a) The Director of Industry Operations hereby determines that the amount of lead to be set aside by each refiner pursuant to paragraph (c) (2) of § 984.1 (General Preference Order M-38) for the month of March, 1942, shall be 15% of the total amount of lead produced by such refiner during the month of January, 1942.

(b) *Communications to War Production Board.* All communications concerning this Supplementary Order should be addressed to the Tin, Lead and Ilmenite Branch, War Production Board, Social Security Building, Washington, D. C., Reference: M-38-f.

(c) This Order shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 28th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1799; Filed, March 2, 1942; 11:50 a. m.]

PART 1026—PRODUCTION OF CHEMICALS, MAINTENANCE, REPAIR AND OPERATING SUPPLIES

Preference Rating Order P-89, Amended

Section 1026.1 (Preference Rating Order No. P-89) is hereby amended to read as follows:

§ 1026.1 *Preference Rating Order P-89.* For the purpose of facilitating the acquisition of Materials, in the public interest and to promote the national defense, for the Maintenance, Repair and Operation of plants and equipment used by Producers of chemicals, preference ratings are hereby assigned to deliveries of such Materials on the terms hereinafter set forth.

(a) *Definitions.* For the purposes of this Order:

(1) "Producer" means any person (provided he shall have received a serial number from the War Production Board in accordance with the provisions of paragraph (d) (1) hereof) operating a plant physically situated within the limits of the United States, its territories and possessions, or the Dominion of Canada, and actually engaged in the production of chemicals.

(2) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(3) "Supplier" means any person with whom a contract or purchase order has been placed for delivery, to the Producer or to another Supplier, of Material for Repair, Maintenance or Operating Supplies.

(4) "Maintenance" means the minimum upkeep necessary to continue the working condition of the Producer's plant at its then current rate of production.

(5) "Repair" means the restoration of the Producer's plant to a sound working condition after wear and tear, damage, destruction or failure of parts, or the like, have made it unfit or unsafe for service.

(6) "Operating Supplies" means any Material which is essential to the operation of the Producer's plant including, but not limited to, lubricants, fuels, catalysts, and small perishable tools; provided, however, it shall not include:

(i) Any Material which is physically or chemically incorporated, at any stage of production, in whole or in part, into any Material which the Producer manufactures.

(ii) Any Material which, at any stage of production, enters into the chemical reaction necessary to the manufacture, or is used in the purification (including, among other things, washes, solvents, extractants and the like) of any Material which the Producer manufactures.

(7) Material for Repair or Maintenance and Operating Supplies shall include:

(i) Material which would be carried on the Producer's books as Maintenance, Repair, Operating Supplies or the equivalent in the Producer's established method of bookkeeping.

(ii) Material for the improvement of the Producer's plant through the replacement of Material in the existing installation, but only when such equipment is beyond economical repair.

but shall not include

(iii) Material for additions to, or expansions of, the Producer's plant.

(b) *Assignment of preference rating.* Subject to the terms of this Order, the following preference ratings are hereby assigned, but nothing herein contained shall prevent the use of any other or higher rating to which any person shall be entitled by reason of any other preference rating certificate or Order:

(1) A-1-s to deliveries to the Producer of Material for Repair when, and only when, there has been an actual breakdown or suspension of operations in the plant;

(2) A-1-c to deliveries to the Producer of Material for Repair up to the minimum required to make reasonable advance provision to avert an immediately threatened breakdown or suspension of operations in the plant;

(3) A-3 to deliveries to the Producer, of other Material for Repair, Maintenance or Operating Supplies;

(4) A-3 to deliveries, to a Supplier, of any Material for Repair, Maintenance or Operating Supplies which is to be delivered by him or by another Supplier to the Producer under a rating assigned above, or which will be used within the limitations of paragraph (e) to replace in a Supplier's inventory Material so delivered.

(c) *Persons entitled to apply preference rating.* The preference ratings hereby assigned may, in the manner and to the extent hereby authorized, be applied by:

(1) The Producer;

(2) Any Supplier of Material to the delivery of which a preference rating has been applied as provided in paragraph (f).

(d) *Restrictions upon application of ratings by the producer.* (1) A Producer shall not apply any preference rating assigned by paragraph (b) until

(i) he shall have filed with the Chemicals Branch, War Production Board, a statement (in triplicate) properly executed, on Form PD-315.

(ii) he shall have received from the War Production Board, a Serial Number which shall thereafter be endorsed on all purchase orders or contracts for Material by him or for his account which are rated pursuant to this Order.

(2) The Producer shall not apply any preference rating assigned by subparagraphs (b) (1) or (2) above to deliveries of Material to replace other Material withdrawn from his inventory or stores for Maintenance, Repair or Operating Supplies.

(3) The Producer shall not apply any preference rating assigned by subparagraph (b) (3) above if, in view of the current rate of consumption of his inventory and stores for Repair and Maintenance or Operating Supplies, the delivery of the Material to be rated would increase such inventory or stores above the minimum permitted as provided in paragraph (g) below.

(4) The Producer shall not apply any preference rating hereunder unless the Material to be delivered cannot be secured when required without such rating.

(5) The Producer shall not apply any preference rating hereunder to obtain scarce Material, the use of which can be eliminated without serious loss of efficiency by the substitution of less scarce Material or by simplification of design.

(e) *Restrictions upon application of ratings by the supplier.* (1) No Supplier shall extend any preference rating hereunder assigned by subparagraphs (b) (1), (2) or (3) above. A supplier may extend the preference rating hereunder assigned by subparagraph (b) (4) above under the following conditions:

(i) No Supplier may apply the rating to obtain Material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder, or, within the limitations of (ii) and (iii) below, to replace in his inventory Material so delivered. He shall not be deemed to require such Material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(ii) A Supplier who supplies Material which he has in whole or in part manufactured, processed, assembled or otherwise physically changed may not apply the rating to restore his inventory to a practicable working minimum unless he applies the rating before completing the rated delivery which reduces his inventory below such minimum.

(iii) A Supplier who supplies Material which he has not in whole or in part manufactured, processed, assembled or otherwise physically changed may, in restoring his inventory to a practicable working minimum, defer applications of the rating hereunder to purchase orders or contracts for such Material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided*, That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(f) *Application of preference rating.* (1) The Producer or any Supplier, in order to apply a preference rating assigned hereunder to deliveries to him must:

(i) Furnish one copy of Preference Rating Order No. P-89 with the attached form of acceptance thereof unsigned, to each of his Suppliers with whom he places a contract or purchase order for Material to the delivery of which he elects to apply the preference rating. After one such copy, regardless of Serial Number, has been furnished to a particular Supplier, no additional copy need be furnished to that Supplier to cover any subsequent application of any preference rating assigned hereunder; and

(ii) Endorse on each purchase order or contract which is covered by the rating assigned hereunder, a statement in the following form, signed by an official duly authorized for such purpose, specifying the rating assigned and the appropriate Serial Number or Numbers:

Preference Rating A -------- is applied hereto under Preference Rating Order No. P-89, amended, Serial No.(s). ---------, with the terms of which Order the undersigned is familiar.

(Name of producer or supplier)

By ---
(Duly authorized official)

(2) A Supplier who has received from two or more Producers or Suppliers endorsed purchase orders or contracts for Material to the delivery of which the same rating has been applied in accordance with this Order, may (within the limitations of paragraph (e) hereof) include in a single purchase order or contract any or all of the Material which he in turn requires to make such rated deliveries, but must specify in the endorsement on such single purchase order or contract all of the Serial Numbers contained in the purchase orders or contracts which have been so received by him and to fill which he is applying the preference rating.

(3) In addition to the foregoing requirements, the Producer shall not apply any preference rating assigned by subparagraphs (b) (1) or (2) above unless he shall have communicated with the War Production Board, Ref: P-89, describing the Material needed for Repair, the value of the same, the facilities involved, the nature of the emergency, the name and address of the Supplier (if known), the percentage effect that a breakdown will have on production, and shall have received from the Director of Industry Operations a specific authorization to apply such rating. Such application for authorization may be made by telegram.

(4) In addition to the foregoing requirements, a Supplier (but not a Producer), before he first applies the preference rating assigned hereunder to deliveries to him, must accept Preference Rating Order No. P-89, amended, by executing the form of acceptance attached at the end hereof, and file it with the War Production Board. No additional acceptance need be filed for any subsequent application of Preference Rating Order No. P-89, amended, regardless of the Serial Number under which, or of the name of the Producer to whom, it is issued.

(g) *Inventory provisions.* The Producer shall not accept deliveries (whether rated hereunder or not) of Material for Repair and Maintenance or Operating Supplies which will increase the inventory or stores available to the Producer for such purpose to an amount greater than the minimum necessary for Repair and Maintenance and to sustain the current level of operations of the Producer, and the ratio of such inventory and stores to current operations shall in no event exceed the ratio of average inventory to average operation for the years 1938, 1939 and 1940.

(h) *Resale of material prohibited.* Except with specific permission of the War Production Board, a Producer shall not resell any Material acquired for Repair, Maintenance or Operating Supplies (whether or not obtained pursuant to rating assigned by this Order), provided that nothing herein contained shall prohibit sale by the Producer of used Material acquired prior to the effective date of this Order.

(i) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, the Producer and each Supplier, placing or receiving any purchase order or contract rated hereunder, shall each retain, for a period of two years, for inspection by representatives of the War Production Board, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such manner that they can be readily segregated for such inspection.

(j) *Reports.* The Producer and each Supplier, who in any month applies a preference rating assigned hereunder, shall file on forms to be prescribed hereafter such reports as may be required by the War Production Board.

(k) *Communications to War Production Board.* Acceptances of this Order, all reports required to be filed hereunder, and all communications concerning this Order shall, unless otherwise directed, be addressed to:

War Production Board
Washington, D. C. Ref.: P-89

(l) *Violations.* Any person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(m) *Revocation or amendment.* This Order may be revoked or amended at any time as to the Producer or any Supplier. In the event of revocation, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the Producer or Supplier affected by such revocation.

(n) *Conservation and standarization.* Every person affected by this Order shall use his best efforts to effectuate conservation of Materials by elimination, simplification or standarization of types, sizes or forms or otherwise, and shall cooperate in any program developed for such purpose by the War Production Board. The Director of Industry Operations may from time to time issue specific directions as to conservation, elimination and standardization.

(o) *Relief.* If the sound or efficient working condition of a Producer is adversely affected by any provision or application of this Order or by inability to obtain Material essential for Maintenance and Repair or Operating Supplies, the Producer may apply for relief to the Director of Industry Operations. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(p) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case, the provisions of this Order shall govern.

(q) *Effective date.* This Order shall take effect immediately, and shall continue in effect until revoked. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec.

2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 2d day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

SUPPLIER'S ACCEPTANCE OF PREFERENCE RATING ORDER NO. P–89, AMENDED

MATERIAL FOR REPAIR, MAINTENANCE, AND OPERATING SUPPLIES FOR PRODUCERS OF CHEMICALS

(Before signing this acceptance, read carefully the terms of the foregoing Order)

To: WAR PRODUCTION BOARD,
Washington, D. C. Ref.: P–89.

The undersigned has received a purchase order or contract containing an endorsement in the form provided in Preference Rating Order No. P–89, amended. For the purpose of applying to deliveries to the undersigned the rating assigned by said Order, the undersigned hereby accepts said Order and agrees to be bound by the terms and conditions thereof.

Dated this _____ day of _____ 194...

_____
Legal name of supplier

By _____
Signature of duly authorized official

_____
Title

_____
Address of supplier

(Section 35 (A) of the Criminal Code (18 U.S.C. 80) makes it a criminal offense to make a false statement or representation to any Department or Agency of the United States as to any matter within its jurisdiction.)

Instructions

The requirements for furnishing copies of the foregoing Order to Suppliers and for execution of the above form of acceptance by Suppliers are set out in detail in paragraph (f) of the Order. Copies may be obtained for such purpose from the War Production Board, Washington, D. C.; or Producers or Suppliers required to furnish the copies may make them by any process, photographic, printing, mimeographing or otherwise. Such copies must be identical as to wording, paragraphing, punctuation and size and substantially the same as to color of paper and location on the page of spaces to be filled in, with the Order and acceptance as issued by the War Production Board.

Copies furnished to Suppliers by Producers or other Suppliers, pursuant to the requirements of paragraph (f) of the foregoing Order, should have the form of acceptance left blank for execution by the Suppliers to whom they are furnished.

[F. R. Doc. 42–1801; Filed, March 2, 1942; 11:51 a. m.]

PART 1090—AGAVE RUBBER

Amendment No. 1 to General Preference Order M–84[1] to Conserve the Supply and Direct the Distribution of Agave Fiber and Agave Cordage and Twine

Section 1090.1 (General Preference Order M–84) is hereby amended as follows:

Paragraph (c) (3) is hereby amended to read as follows:

[1] 7 F.R. 1128.

(3) by importers, dealers, or jobbers to dealers, jobbers, or Processors pursuant to contracts entered into on or before the date of this Order.

Paragraph (d) (1) is amended by changing the phrase "February, 1942—80 per cent" to read "February 1942—100 per cent."

This amendment shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024; Jan. 16, 1942, 7 F.R. 329; E. O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Cong. 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 28th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1804; Filed, March 2, 1942; 11:50 a. m.]

PART 1095—COMMUNICATIONS

General Conservation Order L–50—To Limit the Use of Scarce and Critical Materials by the Wire Telephone Industry

Whereas the requirements of war have created a shortage of copper, brass, aluminum, nickel, and other materials used by persons engaged in wire telephone service; action has already been taken to conserve the supply and direct the distribution of such materials to assure deliveries for war and essential civilian requirements; the measures hereinafter set forth have been recommended by the Defense Communications Board; and it is necessary, in the public interest and to promote the defense of the United States to take such measures;

Now, therefore, it is hereby ordered, That:

§ 1095.1 *General Conservation Order No. L–50*—(a) *Definitions.* For the purposes of this order: "Telephone Company" means any individual partnership, association, business trust, corporation, governmental corporation or agency, receiver, or any organized group of persons, whether incorporated or not, engaged in wire telephone service in the United States, its territories or possessions.

(b) *Limitations on changes in equipment and facilities.* Unless expressly authorized by the Director of Industry Operations, all Telephone Companies shall:

(1) In submitting to the War Production Board, directly or indirectly, applications for material requirements for installations of new facilities or equipment or expansion of existing facilities or equipment, limit the margins for expected growth of service requirements to a maximum of three years, but not to exceed one-half the period for which provision normally is made: *Provided, however,* That this requirement shall not require the limitation of the margin of growth to a period less than one year: *And provided further,* That conductors in cables designed or suitable for use in carrier current systems may be provided (but not equipped) in such numbers that when fully utilized by present or immediately contemplated carrier current system technique they will provide for a margin of expected growth of one-half the normal provision for such growth, even though such provision exceeds a three-year period.

(2) Discontinue the conversion of manual offices to dial offices, or the conversion of one type of manual office to another type.

(3) Discontinue the replacement of manual private branch exchanges by dial exchanges.

(4) Discontinue the replacement of existing wall and desk types of subscribers' instruments with hand sets, except in any instance where any such subscriber's instrument is beyond repair.

(5) Discontinue the installation of extension telephones in residences except when such extensions are necessary for the use of those who are charged with responsibilities for the public health, welfare or security.

(6) Employ party-line service in those instances where party-line installation will conserve scarce and critical materials.

(7) Discontinue replacements or additions to existing plant for the betterment or relocation of such plant, except to replacements essential to the maintenance or protection of service.

(8) Conserve or re-use existing telephone equipment and facilities, whenever such conservation or reuse will reduce the use of scarce and critical materials.

(c) *Non-applicability to changes under construction.* The terms of paragraph (b) hereof shall not apply to changes in equipment or facilities actually in the course of physical installation.

(d) *Exemption of armed services.* The provisions of paragraph (b), except (b) (4), above shall not apply to installations for the official use of the armed services of the United States.

(e) *Appeals.* Any person affected by the Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board, Washington, D. C., Ref: L–50, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(f) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong. 1st Sess.)

Issued this 2d day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1798; Filed, March 2, 1942; 11:50 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1309—COPPER

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 20—COPPER AND COPPER ALLOY SCRAP

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.[1]

Section 1309.69 is amended by deleting footnote 9 to paragraph (h) and a new § 1309.68a is added as set forth below:

§ 1309.68a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1309.68a and 1309.69 (h)) to Revised Price Schedule No. 20 shall become effective February 27, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 27th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1741; Filed, February 27, 1942; 5:02 p. m.]

PART 1309—COPPER

ORDER NO. 1 UNDER REVISED PRICE SCHEDULE NO. 20,[2] COPPER AND COPPER ALLOY SCRAP—GRANTING EXCEPTION

An opinion setting forth the grounds upon which this Order is issued has been prepared and is issued simultaneously herewith.[3]

Pursuant to the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1[4] and § 1309.69 (h) of Revised Price Schedule No. 20, issued by the Office of Price Administration, it is hereby ordered that:

§ 1309.101 *Maximum prices.* On and after February 27, 1942, regardless of the terms of any existing contract of sale or other commitment, the maximum price at which any person may sell, offer to sell, deliver or transfer special purpose copper scrap meeting the specifications set forth in § 1309.102 of this Order No. 1 to any consumer named in that Section as buying such scrap, and the maximum price at which each such consumer may buy, offer to buy, or accept delivery of such scrap shall be the price set forth in that Section for such consumer with respect to such scrap subject to the conditions provided in § 1309.103 of this Order No. 1.*

*§§ 1309.101 to 1309.104, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

[1] The statement of considerations has been filed with the Division of the Federal Register.

[2] 7 F.R. 1245.

[3] The opinion has been filed with the Division of the Federal Register.

[4] 7 F.R. 971.

§ 1309.102 *Names and addresses of consumers, maximum prices, and specifications for special purpose copper scrap.*

Name and address of consumer	Maximum price (cents per lb. f. o. b. point of shipment)	Special purpose copper scrap to be purchased by consumer and its specifications
Metals Refining Company, Hammond, Ind.	11.25	Soft copper wire no larger than 6 B & S wire gauge nor smaller than 18 B & S wire gauge, entirely free from solder ends, insulation, lacquer, ash, or any foreign substance and packed in loose bales or coils.
The Sherwin-Williams Company, Bound Brook, N. J.	11.25	Copper wire with a copper content of not less than 98 percent, containing 80 percent or more of 10 B & S wire gauge or smaller wire, reasonably free from tin and packed in loose bales, boxes or barrels.
Superior Copper Products Co., Chicago, Ill.	11.25	Strictly No. 1 copper which is no larger than 8 B & S wire gauge nor smaller than 16 B & S wire gauge, free from all tin, lead, solder, insulation, connections, lugs, et cetera, and packed in bales.
Harshaw Chemical Company, Cleveland, Ohio.	11.25	Copper wire no larger than 6 B & S wire gauge nor smaller than 18 B & S wire gauge, clean, free from all solder, lacquer, enamel, insulation, brazing, iron, and other metallic impurities and either cut in lengths of 8 to 12 inches or packed in bales of approximately 6 x 6 x 12 inches weighing 12 to 20 pounds, or 6 x 12 x 12 inches weighing 20 to 40 pounds.

§ 1309.103 *Conditions.* (a) The exceptions granted under this Order No. 1 shall terminate on July 1, 1942, or on such earlier date as the Price Administrator may order.

(b) The provisions of this Order shall apply only to such quantities of copper scrap as each consumer listed in § 1309.102 shall be authorized by the War Production Board to purchase in any given month.

(c) Each consumer granted permission to pay a special premium by this Order shall use all of the copper scrap purchased pursuant thereto only in its own plant and only for the manufacture of copper powder, copper sulphate or other chemicals, or iron, steel or aluminum alloys.

(d) Each of the consumers granted permission to pay a special premium by this Order shall file a report with the Office of Price Administration on form 120:7 on or before the tenth day of each month beginning with the month of March, 1942, and shall comply with all of the provisions of Revised Price Schedule No. 20 not inconsistent herewith.*

§ 1309.104 *Effective date.* This Order No. 1 (§§ 1309.101 to 1309.104, incl.) shall become effective February 27, 1942.*

Issued this 27th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1740; Filed, February 27, 1942; 5:02 p. m.]

PART 1335—CHEMICALS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 80[1]—LITHOPONE

Section 1335.659 is hereby amended by the addition thereto of a new paragraph (e), and a new § 1335.658 A, is added as set forth below: [2]

§ 1335.659 *Appendix A: Maximum prices for lithopone.*

* * * * * *

(e) *Pre-existing contracts.* On and after February 2, 1942, any dealer or exporter who was not engaged in manufacturing lithopone or engaged in any other manufacturing activity, prior to such date, and who, prior to February 2, 1942, had lithopone on hand or in the hands of a carrier or warehouse, other than a carrier or warehouse owned and controlled by the person from whom such lithopone was purchased, in order to meet a contract of sale made prior to February 2, 1942, may deliver such lithopone in accordance with the terms of such contract; and any dealer or exporter to whom such delivery of lithopone is made and who had entered into a contract for the sale thereof prior to February 2, 1942, may deliver such lithopone in accordance with the terms of such contract: *Provided,* That, any dealer or exporter making a delivery of lithopone pursuant to this paragraph shall, within 10 days after such delivery submit to the Office of Price Administration, Washington, D. C., a verified statement, setting forth: (1) the date upon which he received delivery of such lithopone or the date upon which such lithopone had been received by the carrier or warehouse; (2) the name and address of his supplier; (3) the name and address of the purchaser; (4) the date upon which the contract of sale was made; (5) the form of the contract, i. e. oral, exchange of letters, order form, signed agreement, etc.; (6) the quantity of lithopone which the dealer had on hand, or in transit, on February 2, 1942; (7) the quantity of lithopone delivered under the contract of sale after

[1] 7 F.R. 567.717.

[2] A statement of consideration supporting the issuance of this Amendment No. 1 has been prepared and filed with the Division of the Federal Register.

February 2, 1942, and the date or dates of such delivery; and (8) the selling price.

§ 1335.658a *Effective dates of amendments.* Amendment No. 1 (§§ 1335.659 (e) and 1335.658a) to Revised Price Schedule No. 80, shall become effective February 27, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 27th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1734; Filed, February 27, 1942; 2:09 p. m.]

PART 1338—SILK AND SILK PRODUCTS

TEMPORARY MAXIMUM PRICE REGULATION NO. 7—SILK WASTE

In the judgment of the Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942 to establish temporarily as the maximum prices for silk waste the prices prevailing with respect thereto within five days prior to the issuance of this Regulation.

Therefore, under the authority vested in me by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Temporary Maximum Price Regulation No. 7 is hereby issued.

§ 1338.51 *Maximum prices for silk waste.* (a) On and after February 28, 1942, to and including April 28, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver silk waste, and no person shall buy or receive silk waste in the course of trade or business from such seller, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1338.60; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of silk waste to a purchaser if prior to February 28, 1942, such silk waste had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.*

*§§ 1338.51 to 1338.60, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong. 2d Sess.

§ 1338.52 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§§ 1338.60) hereof may be charged, demanded, paid or offered.*

§ 1338.53 *Conditional agreements.* No seller of silk waste shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1338.60, in the event that this Temporary Maximum Price Regulation No. 7 is amended or is determined by a court to be invalid or upon any other contingency: *Provided,* That if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.*

§ 1338.54 *Evasion.* The price limitations set forth in this Temporary Maximum Price Regulation No. 7 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to silk waste, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying agreement or other trade understanding, or otherwise.*

§ 1338.55 *Records and reports.* (a) Every person making a purchase or sale of silk waste in the course of trade or business, or otherwise dealing therein, after February 28, 1942, shall keep for inspection by the Office of Price Administration for a period of two years complete and accurate records of each such purchase or sale showing the date thereof, the name and the address of the buyer or seller, the price paid or received, and the quantity of each type and grade of silk waste purchased or sold.

(b) Such persons shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1338.56 *Enforcement.* (a) Persons violating any provision of this Temporary Maximum Price Regulation No. 7 will be subject to the civil and criminal penalties provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Temporary Maximum Price Regulation No. 7 or any price schedule, regulation or order issued by the Office of Price Administration or any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.*

§ 1338.57 *Petitions for amendment.* Persons seeking modification of any provision of this Temporary Maximum Price Regulation No. 7 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.*

§ 1338.58 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 7, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successors or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Silk waste" means the types and grades of silk waste set forth in § 1338.60, Appendix A, hereof.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.*

§ 1338.59 *Effective date.* This Temporary Maximum Price Regulation No. 7 (§§ 1338.51 to 1338.60, inclusive) shall become effective on February 28, 1942 and shall, unless earlier revoked or replaced, expire at midnight of April 28, 1942.*

§ 1338.60 *Appendix A: Maximum prices for silk waste.*

TABLE I

Imported Silk Waste:[1]	*Maximum price*
Canton Open Waste	$0.64 per lb., ex seller's warehouse.
China Long Waste	.92 per lb., ex seller's warehouse.
Pierced Cocoons	.85 per lb., ex seller's warehouse.
Peignees	1.85 per lb., in bond, Warehouse, Port of New York.

[1] The maximum prices established herein are applicable to all imported silk waste which arrived in the United States prior to February 28, 1942, but are not applicable to imported silk waste arriving in the United States on or after that date. No maximum prices are established herein for imported silk waste arriving at a United States port on or after February 28, 1942.

TABLE II

	Maximum price per lb., f. o. b. shipping point
Domestic Silk Waste:	
Winders waste (untwisted):	
untinted	$0.90
tinted	.85
Tram Waste (1–5 turns per inch)	.80
Crepe or Grenadine waste (6 or more turns per inch)	.22
Cut skeins	.95

Issued this 27th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1745; Filed, February 28, 1942; 9:55 a. m.]

PART 1341—CANNED AND PRESERVED FOODS

TEMPORARY MAXIMUM PRICE REGULATION NUMBER 6—CANNED FRUITS AND VEGETABLES

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, to establish temporarily as the maximum prices for canned fruits and vegetables the prices prevailing with respect thereto within five days prior to the date of issuance of this Regulation.

The maximum prices established herein are not below prices which will reflect to producers of the agricultural commodities from which canned fruits and vegetables are manufactured, a price for their products equal to the highest of any of the following prices therefor determined and published by the Secretary of Agriculture: (1) 110 percentum of the parity price for such commodity, adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials; (2) the market prices prevailing for such commodity on October 1, 1941; (3) the market prices prevailing for such commodity on December 15, 1941; or (4) the average prices for such commodity during the period July 1, 1919, to June 30, 1929.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Temporary Maximum Price Regulation No. 6 is hereby issued.

§ 1341.1 *Maximum prices for canned fruits and vegetables.* (a) From March 2, 1942 to April 30, 1942, inclusive, regardless of any contract, agreement, or other obligation, no person shall sell or deliver, or offer, solicit, attempt, or agree to sell or deliver any canned fruits and vegetables at a price higher than the maximum price therefor. The provisions of this Section shall not be applicable to sales or deliveries of canned fruits or vegetables to a purchaser if prior to March 2, 1942 such canned fruits or vegetables have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) (1) The maximum price for each kind, grade, brand, and container size of the following canned fruits and vegetables shall be the highest price at which the seller sold, contracted to be sold for delivery within sixty days delivered, or transferred such kind of canned fruits and vegetables of the same grade, brand, container size, and in a similar amount to a similar purchaser in the locality of the delivery point during the period February 23, 1942 to February 27, 1942, inclusive:

Canned Fruits

Apples
Apple Sauce
Apricots
Cherries, Red Sour Pitted
Cherries, Sweet
Fruit Cocktail
Fruit Salad
Peaches
Pears
Pineapples
Plums

Canned Vegetables

Asparagus
Beans (all dry varieties)
Beans (lima)
Beans, Snap (green and wax)
Beets
Carrots
Corn
Peas
Pumpkin
Sauerkraut
Spinach
Sweet Potatoes
Tomatoes
Tomato Catsup
Tomato Juice

[1] 7 F.R. 971.

(b) (2) If the maximum price cannot be determined under paragraph (b) (1), the maximum price shall be the highest price at which the seller sold, contracted to be sold for delivery within sxty days, delivered or transferred such kind of canned fruits or vegetables during the period February 23, 1942 to February 27, 1942, inclusive, making a price adjustment for differences in grade, brand, container size, type of purchaser, and locality of delivery point, equivalent to the differences customarily charged by the seller during a period of ninety days preceding March 2, 1942.

(b) (3) If the maximum price cannot be determined under either paragraphs (b) (1) or (b) (2), the maximum price shall be the highest market price in the locality of the delivery point during the period February 23, 1942 to February 27, 1942, inclusive, for the same kind of canned fruits and vegetables of the same brand, grade, and container size sold to a similar purchaser in a similar amount and in case of differences in any of the above respects, making adjustments in accordance with the customary price differentials.*

*§§ 1341.1 to 1341.12, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1341.2 *Maximum price adjustments for increased or decreased inventory replacement costs.* (a) If a person has sold all of the inventory the cost of which was the basis for the selling prices that became his maximum prices under paragraphs (b) (1), (b) (2), or (b) (3) of § 1341.1 and there remains in his inventory canned fruits and vegetables purchased at a higher net purchase cost than such inventory cost, or if he purchases canned fruits or vegetables at such higher net purchase cost, he may add to the maximum prices determined under paragraphs (b) (1), (b) (2), or (b) (3) of § 1341.1 the difference between such net purchase cost and such inventory cost: *Provided,* That in all cases the quantity equivalent to the canned fruits and vegetables first purchased shall be sold first.

(b) If a person sells canned fruits and vegetables purchased at a lower net purchase cost than the cost which was the basis for the selling prices that became his maximum prices under paragraphs (b) (1), (b) (2), or (b) (3) of § 1341.1, he shall substract from the maximum prices determined under paragraphs (b) (1), (b) (2), or (b) (3) of § 1341.1 the difference between such lower net purchase cost and the cost which was the basis for the selling prices that became his maximum prices.*

§ 1341.3 *Conditional agreements.* No seller of canned fruits and vegetables shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1341.1, in the event that this temporary Maximum Price Regulation No. 6 is amended or is determined by a court to be invalid or upon any other contingency: *Provided,* That if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.*

§ 1341.4 *Exempt sales.* The provision of this Temporary Maximum Price Regulation No. 6 shall not apply to sales at retail.*

§ 1341.5 *Less than maximum prices.* Lower prices than those set forth in § 1341.1 may be charged, demanded, paid, or offered.*

§ 1341.6 *Evasion.* The price limitations set forth in this Temporary Maximum Price Regulation No. 6 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to canned fruits and vegetables, alone or in conjunction with any other commodity or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1341.7 *Records and reports.* (a) Every person, except persons who make sales at retail, making any sale of any kind, grade, brand, and container size of canned fruits or vegetables on and after March 2, 1942, in the course of trade or business or otherwise dealing therein, shall make and preserve for a period of not less than one year a complete and accurate record of the actual inventory and purchase cost of each kind, grade, brand, and container size of canned fruits and vegetables on hand as of February 23, 1942, and for each purchase of canned fruits and vegetables subsequent to March 2, 1942, showing the inventory on hand as of the date of the receipt of such canned fruits and vegetables, the date of the purchase, the quantity purchased, and the actual price paid therefor; and every person who makes sales as aforesaid, except persons who make sales at retail, on and after March 2, 1942, shall make and preserve for a period of not less than one year a complete and accurate record of the highest price at which he sold such kind, grade, brand, and container size of canned fruits and vegetables during the period February 23, 1942, to February 27, 1942, inclusive, showing the date thereof, the name and address of the buyer and seller, the price paid or received, the kind, grade, and container size, and the quantity purchased or sold.

(b) Persons affected by paragraph (a) of this section shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1341.8 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 6 are subject to the civil and criminal penalties provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 6 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.*

§ 1341.9 *Petitions for amendment.* Persons seeking any modification of this Temporary Maximum Price Regulation No. 6 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.*

§ 1341.10 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 6, the term:

(1) "Person" means an individual, corporation, partnership, association, or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other Government, or any of its political subdivisions, or any agency of any of the foregoing;

(2) "Canned fruits and vegetables" means the fruits and vegetables processed and packed in hermetically sealed containers of metal or glass, set forth in paragraph (b) (1) of § 1341.1;

(3) "Locality of the delivery point" means all points at which the same kind, grade, brand and container size of canned fruits and vegetables were or would have been delivered in a similar amount to a similar purchaser at the same price;

(4) "Similar", when in the phrase "similar amount to a similar purchaser", shall refer to the amount of the purchase and type of purchaser with respect to which the same price applied or would have applied during the period February 23, 1942 to February 27, 1942, inclusive;

(5) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no canner, packer, purchaser for resale, or other commercial user shall be deemed to be an ultimate consumer.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.*

§ 1341.11 *Replacement of regulation.* This Temporary Maximum Price Regulation No. 6 may be replaced by a permanent Maximum Price Regulation or Order issued under the Emergency Price Control Act of 1942.*

§ 1341.12 *Effective period.* This Temporary Maximum Price Regulation No. 6 shall become effective on March 2, 1942 and shall, unless earlier revoked or replaced, expire at 12 o'clock midnight, April 30, 1942.*

Issued this 28th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1746; Filed, February 28, 1942; 9:55 a. m.]

PART 1359—BATTING, PADDING, WADDING, AND UPHOLSTERY FILLING

TEMPORARY MAXIMUM PRICE REGULATION NO. 4—SISAL PADS

In the judgment of the Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942 to establish temporarily as the maximum prices for sisal pads the prices prevailing with respect thereto within five days prior to the issuance of this Regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, Temporary Maximum Price Regulation No. 4 is hereby issued:

§ 1359.51 *Maximum prices for sisal pads.* On and after March 4, 1942, to and including May 2, 1942, regardless of any contract, agreement, lease, or other obligation, no manufacturer shall sell or deliver any sisal pad at a price higher than the maximum price. The provisions of this Section shall not be applicable to sales or deliveries of sisal pads to a purchaser if, prior to March 4, 1942, such sisal pads had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(a) The maximum price per pound for any sisal pad shall be the net price per pound in effect on February 23, 1942 (or in case there was no net price per pound in effect on that date, the net price per pound in effect on the nearest preceding date) for an identical or substantially identical sisal pad to the same general class of purchasers.*

*§§ 1359.51 to 1359.59, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1359.52 *Less than maximum prices.* Lower prices than those set forth in this Temporary Maximum Price Regulation No. 4 may be charged, demanded, paid or offered.*

§ 1359.53 *Evasion.* The limitations set forth in this Temporary Maximum Price Regulation No. 4 shall not be evaded whether by direct or indirect methods in connection with the manufacturing of sisal pads by deterioration of quality, or in connection with an offer, solicitation, agreement, sale or delivery of sisal pads alone or in conjunction with any other commodity or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by any other means.*

§ 1359.54 *Records.* Every manufacturer making sales of sisal pads on and after March 4, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the name or other designation of the sisal pads, the price per pound, and the number of pounds sold, and discounts and allowances of any nature given.*

§ 1359.55 *Reports.* (a) On or before March 20, 1942, every manufacturer shall submit to the Office of Price Administration a report on Form 4T1 (copies of which can be obtained from the Office of Price Administration) showing the maximum price per pound, as determined by § 1359.51, and the specifications of each sisal pad, which he is currently offering for sale or intends to offer for sale during the period March 4–May 2, 1942, inclusive.

(b) Persons affected by this Temporary Maximum Price Regulation No. 4 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1353.56 *Enforcement.* (a) Persons violating any provision of this Temporary Maximum Price Regulation No. 4 will be subject to the civil and criminal penalties provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Temporary Maximum Price Regulation No. 4 or of any regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.*

§ 1359.57 *Petitions for amendment.* Persons seeking modification of any provision of this Temporary Maximum Price Regulation No. 4 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.*

§ 1359.58 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 4, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" means a person operating a factory, plant, or mill which manufactures sisal pads.

(3) "Net price per pound in effect" means (i) the price per pound quoted in the manufacturer's price list (or in case there is no such price list, the price per pound regularly quoted by the manufacturer in any other manner) less all discounts and allowances, or (ii) in case there is no price list or price per pound regularly quoted in any other manner, the price per pound (less all discounts and allowances) at which the particular sisal pad is sold or contracted to be sold by the manufacturer.

(4) "Sisal pad" means any pad composed in whole or in part of sisal, henequen, cantala, maguey, ixtle or other related fibers (including waste and tow) or a combination of any of these, used as a component part of mattresses, box springs, studio couches or any other upholstered article.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.*

§ 1359.59 *Effective period of the Regulation.* This Temporary Maximum Price Regulation No. 4 (§§ 1359.51 to 1359.59 inclusive) shall become effective March 4, 1942, and shall, unless earlier revoked or replaced, expire May 2, 1942.*

Issued this 27th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1742; Filed, February 27, 1942; 5:08 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

AMENDMENT NO. 1 TO RATIONING ORDER NO. 2A[1]—NEW PASSENGER AUTOMOBILE RATIONING REGULATIONS

The footnote to the title—Rationing Order No. 2a—New Passenger Automobile Rational Regulations—is amended to read as follows; and a new § 1360.442 is added:

[1] These regulations apply to all new passenger automobiles and supplement Rationing Order No. 2 and Amendments No. 1 and 2 thereto. In all cases of conflict between Rationing Order No. 2 and the amendments thereto, and these regulations, these regulations shall prevail, except that Sections 1360.201–1360.203 inclusive, of Rationing Order No. 2, governing the transfer of new passenger automobiles by persons serving with the armed forces; persons receiving an order for induction into, or called for active duty with, the armed forces; or persons who have volunteered for, and have taken oaths of service for, the armed forces of the United States; are in full force and effect until March 9, 1942. "Pool cars" as designed in these regulations are not within the scope of these regulations except where specifically mentioned.

§ 1360.442 *Effective dates of amendments.* (a) Amendment No. 1 (footnote 1 to the title and § 1360.442) to Rationing Order No. 2a shall become effective March 2, 1942. (Pub. Law 421, 77th Cong., 2d Sess., W.P.B. Directive No. 1, Supp. Dir. No. 1A, 7 F.R. 562, 698)

Issued this 28th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1766; Filed, February 28, 1942; 12:45 p. m.]

PART 1365—HOUSEHOLD FURNITURE

TEMPORARY MAXIMUM PRICE REGULATION NO. 5—MATTRESSES, SPRINGS, STUDIO COUCHES AND METAL BEDS AND COTS

In the judgment of the Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942 to establish temporarily as the maximum prices for mattresses, springs, studio couches and metal beds and cots the prices prevailing with respect thereto within five days prior to the issuance of this Regulation.

Therefore, under the authority vested in me by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1, issued by the Office of Price Administration, Temporary Maximum Price Regulation No. 5 is hereby issued:

§ 1365.1 *Maximum prices for bedding.* On and after March 4, 1942, to and including May 2, 1942, regardless of any contract, agreement, lease, or other obligation, no manufacturer shall sell or deliver any article of bedding at a price higher than the maximum price. The provisions of this section shall not be applicable to sales or deliveries of articles of bedding to a purchaser if, prior to March 4, 1942, such articles have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(a) The maximum price for any article of bedding shall be the net price in effect for such article on February 23, 1942 (or in case there was no net price in effect on that date, the net price in effect on the nearest preceding date) to the same general class of purchasers.

(b) If the article of bedding is offered for sale by the manufacturer for the first time on or after March 4, 1942, the maximum price shall be a price in line with the maximum price, as determined by paragraph (a) of this section, of the most comparable article (upon the basis of price, type, quality and other relevant factors) which was offered for sale by him prior to March 4, 1942; and within five days after he first offers such article for sale, he shall submit to the Office of Price Administration a report on Form 5T1, copies of which can be obtained from the Office of Price Administration. If the Office of Price Administration should determine that such maximum price was not arrived at in accordance with the provisions of this paragraph, the maximum price shall be such price as it approves in writing; and no sale, offer to sell, delivery or transfer of such article shall be made thereafter by him at a higher price than that so approved.

(c) The maximum price for any article of bedding in which an alternate material is substituted for sisal, subsequent to February 12, 1942, may be adjusted by adding to such maximum price an amount equal to the actual increase in cost, if any, of such alternate material, but not to exceed $1.30: *Provided*, That within five days after first offering such article of bedding for sale, the manufacturer shall submit to the Office of Price Administration a report on Form 5T2 (copies of which can be obtained from the Office of Price Administration) showing the alternate material used, the actual increase in cost, the method used in computing such increase, and the maximum price as adjusted.*

*Issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1365.2 *Less than maximum prices.* Lower prices than those set forth in this Temporary Maximum Price Regulation No. 5 may be charged, demanded, paid or offered.*

§ 1365.3 *Evasion.* The limitations set forth in this Temporary Maximum Price Regulation No. 5 shall not be evaded whether by direct or indirect methods in connection with the manufacturing of articles of bedding by deterioration of quality, or in connection with an offer, solicitation, agreement, sale or delivery of articles of bedding alone or in conjunction with any other commodity or by way of any commission, service, transportation or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by any other means.*

§ 1365.4 *Records.* Every manufacturer making sales of articles of bedding on and after March 4, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the name, number or other designation and the price received for each article of bedding, the quantity sold, and discounts and allowances of any nature given.*

§ 1365.5 *Reports.* (a) On or before March 20, 1942, every manufacturer shall submit to the Office of Price Administration the maximum price and general sales specifications of every article of bedding whose maximum price is determined by § 1365.1 (a), and which he is currently offering for sale or intends to offer for sale during the period March 4–May 2, 1942, inclusive.

(b) Persons affected by this Temporary Maximum Price Regulation No. 5 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1365.6 *Enforcement.* (a) Persons violating any provision of this Temporary Maximum Price Regulation No. 5 will be subject to the civil and criminal penalties provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Temporary Maximum Price Regulation No. 5 or of any regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.*

§ 1365.7 *Petitions for amendment.* Persons seeking modification of any provision of this Temporary Maximum Price Regulation No. 5 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.*

§ 1365.8 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 5, the term:

(1) "Person" includes an individual, corporation, partnership, association, or

any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Manufacturer" means a person operating a factory, plant, or mill which manufactures articles of bedding.

(3) "Net price in effect" means (i) the price quoted in the manufacturer's price list (or in case there is no such price list, the price regularly quoted by the manufacturer in any other manner) less all discounts and allowances, or (ii) in case there is no price list or price regularly quoted in any other manner, the price (less all discounts and allowances) at which the particular article of bedding is sold or contracted to be sold by the manufacturer.

(4) "Bedding" means (i) mattresses of all types, including innerspring mattresses but excluding latex mattresses, (ii) bed springs of all types including upholstered box springs (with or without legs), metal coil springs (with or without legs) and metal flat springs (with or without legs), (iii) studio couches, (iv) metal beds and (v) metal cots of all types including folding end cots, sandwich folding cots, roll-a-way cots and sliding couches.

(5) "Article" means any unit of bedding offered for sale as a distinct item.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.*

§ 1365.9 *Effective period of the Regulation.* This Temporary Maximum Price Regulation No. 5 shall become effective March 4, 1942, and shall, unless earlier revoked or replaced, expire May 2, 1942.*

Issued this 27th day of February 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1743; Filed, February 27, 1942; 5:05 p. m.]

PART 1410—WOOL

MAXIMUM PRICE REGULATION NO. 106—DOMESTIC SHORN WOOL

In the judgment of the Price Administrator the prices of domestic shorn wool have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of domestic shorn wool prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability, and has established prices which are not below the highest of any of the following prices for domestic shorn wool, as determined and published by the Secretary of Agriculture: (1) 110 per centum of the parity price adjusted by the Secretary of Agriculture for grade, location, seasonal differentials; (2) the market price prevailing on October 1, 1941; (3) the market price prevailing on December 15, 1941; or (4) the average price during the period July 1, 1919 to June 30, 1929. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. The issuance of this Regulation has been heretofore approved by the Secretary of Agriculture. A statement of the considerations involved in the issuance of this Regulation has been prepared and is issued simultaneously herewith.[1]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, Maximum Price Regulation No. 106 is hereby issued.

§ 1410.1 *Maximum prices for domestic shorn wool.* On and after February 28, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver domestic shorn wool, and no person shall buy or receive domestic shorn wool in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1410.10; and no person shall agree, whether on condition that this Maximum Price Regulation No. 106 is thereafter amended or is thereafter determined by any court to be invalid or on any other condition or otherwise to do any of the foregoing; and no person shall offer, solicit or attempt to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of domestic shorn wool to a purchaser if prior to February 28, 1942 such wool has been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.*

* §§ 1410.1 to 1410.10, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1410.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1410.10) may be charged, demanded, paid or offered.*

§ 1410.3 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 106 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of domestic shorn wool, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by upgrading or by any collusive, reckless or deliberate false estimate of shrinkage, or otherwise.*

§ 1410.4 *Records and reports.* Every person making purchases or sales of domestic shorn wool on a clean basis after February 28, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years, complete and accurate records of each such purchase or sale, showing the date thereof, the name and address of the buyer and seller, the price contracted for or received, and the quantity of each kind, condition and grade of domestic shorn wool so purchased or sold.

Persons affected by this Maximum Price Regulation No. 106 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1410.5 *Enforcement.* (a) Any person who willfully violates any provision of this Maximum Price Regulation No. 106, and any person who makes any statement or entry false in any material respect in any document or report required to be kept or filed pursuant to this Maximum Price Regulation No. 106 or any regulation or order issued by the Office of Price Administration under Section 2 or Section 202 of the Emergency Price Control Act of 1942, shall be subject to all civil and criminal penalties provided for by said Act and the United States Criminal Code.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 106 or any other regulation or order issued by the Office of Price Administration or of any acts or practices which constitute or will constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.*

§ 1410.6 *Petitions for amendment, adjustment or exception.* Petitions for amendment of this Maximum Price Regulation No. 106 or for adjustment or exception may be filed in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.*

§ 1410.7 *Definitions.* (a) When used in this Maximum Price Regulation No. 106:

(1) The term "person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) The term "domestic shorn wool" means wool shorn from sheep or lambs in the continental United States.

(b) Unless the context otherwise requires, the definitions set forth in Section 202 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.*

§ 1410.8 *Amendment of Price Schedule No. 58—Wool and wool tops and yarns.*[1] This Maximum Price Regulation No. 106 amends paragraph (b) (1) of § 1354.1 of Revised Price Schedule No. 58—Wool and Wool Tops and Yarns, by inserting the word "scoured" before the words "domestic shorn wool" wherever these words appear in said paragraph so that paragraph (b) (1) of § 1354.1 shall read as follows:

(b) (1) The maximum price for scoured domestic shorn wool shall be the market price prevailing on October 1, 1941, or on December 15, 1941, for the same class, kind, type, condition and grade of scoured domestic shorn wool: *Provided*, That, if there were no such market price, the maximum price shall be the highest price contracted for or received by the seller for the sale or delivery during the period between October 1, 1941 and December 15, 1941, inclusive of scoured domestic shorn wool of the same class, kind, type, condition and grade, to a purchaser of the same general class. If during said period no such sale or delivery were made, the maximum price shall be a price in line with the maximum prices for related kinds, types, conditions and grades, determined in accordance with this subparagraph (b) (1), to a purchaser of the same general class.

Provided, That contracts entered into prior to February 28, 1942 for the sale of domestic shorn wool at prices in compliance with Revised Price Schedule No. 58 may be completed at contract prices.*

§ 1410.9 *Effective date.* This Maximum Price Regulation No. 106 (§§ 1410.1 to 1410.10, inclusive) shall become effective February 28, 1942.*

§ 1410.10 *Appendix A: Maximum prices for domestic shorn wool.* The prices set forth below are maximum prices for domestic shorn wools of average to good character. The maximum prices for wools of choice character, for inferior wools and for wools sold in lots containing mixed grades or lengths shall be determined in accordance with paragraphs (b), (c) and (d) of this section.

All maximum prices are prices per pound clean basis and shall include all commissions and other charges except as provided in paragraph (e) of this section.

(a) *Wools of average to good character.*

Worsted type—grade and lengths	*Prices—cents per pound clean basis*
Fine, 70s, 2 inches and longer	$1.20
Fine, 64s and finer:	
2½ inches and longer	1.18
1½ to 2½ inches	1.13
½ Blood and Fine, 60s, 64s:	
2½ inches and longer	1.16
1½ to 2½ inches	1.11
½ Blood 60s:	
3 inches and longer	1.15
1½ to 3 inches	1.11
½ Blood 58s:	
3 inches and longer	1.09
2 to 3 inches	1.06
⅜ Blood 56s:	
3½ inches and longer	1.04
2 to 3½ inches	1.01
¼ Blood 50s:	
4 inches and longer	.96
2 to 4 inches	.93
¼ Blood 48s:	
4 inches and longer	.93
2 to 4 inches	.91
Worsted type—grade and lengths	*Prices—cents per pound clean basis*
Low ¼ Blood, 46s:	
5 inches and longer	$0.92
3 to 5 inches	.90
Under 3 inches	.88
Common and Braid, 36s, 40s, 44s:	
5 inches and over	.93
Under 5 inches	.88
Woolen type—grade and length	
Fine, 64s and finer, under 1½ inches	1.08
½ Blood 60s, under 1½ inches	1.05
½ Blood 58s, under 2 inches	1.01
⅜ Blood 56s, under 2 inches	.96
¼ Blood 50s, under 2 inches	.90
¼ Blood 48s, under 2 inches	.89

The maximum price on any sale of domestic shorn wool shall be the applicable price set forth above; where wool is shipped, such maximum price must be computed in accordance with subparagraphs (1), (2) or (3) below. Where such maximum is a shipping point price, the total delivered price may not exceed the shipping point price plus actual cost of transportation from shipping point to destination. Where such maximum is a delivered price, the shipping point price may not exceed such delivered price less actual cost of transportation from shipping point to destination.

Whenever delivery is made in the seller's conveyance, the transportation charge shall not exceed the charge which would be applicable on an identical shipment from the same shipping point to the same destination at the lowest available commercial rate. In such cases, the transportation charge must be separately shown in the invoice or similar document delivered to the purchaser.

(1) *Shipments from Boston to other points.* On shipments from Boston to other points, the maximum price shall be a shipping point price no higher than the applicable price set forth above ex warehouse at Boston.

(2) *Shipments to Boston from other points.* On shipments to Boston from other points, the maximum price shall be a delivered price no higher than the applicable price set forth above f. o. b. at destination in Boston.

(3) *Other shipments.* On other shipments, the maximum price shall be a delivered price no higher than the applicable price: *Provided*, That (i) if the transportation charge per pound from shipping point to the railroad siding nearest the point of destination at the lowest railroad carload rate applicable to shipments of greasy wool is more than such charge from shipping point to Boston, then the amount of such excess may be added; and (ii) on resales of wool where the point of shipment is in the same locality as the point of destination, the cost of local cartage and loading may be added.

(b) *Wools of choice character.* The maximum prices for wools of choice character shall be the maximum prices set forth above plus the following amounts:

	Cents per pound
(1) Grades 70s to 58s, inclusive	3
(2) Grades 56s to 48s, inclusive	5
(3) Grades 46s and coarser	8

(c) *Inferior wools.* The maximum prices for inferior wools shall be determined by deducting from the applicable maximum price for wools of average to good character, set forth in paragraph (a) of this section, the following amounts:

(1) Slightly stained wools, 2¢ per lb.

(2) Yellow or heavily stained wools, 5¢ per lb.

(3) Seedy or burry wools not requiring carbonizing,[1] and cotts, 3¢ per lb., after adjustment has been made for color in accordance with (1) or (2) above.

(4) Seedy or burry wools requiring carbonizing,[1] 10¢ per lb. after adjustment has been made in accordance with (1) or (2) above: *Provided*, That where such wools are sold in a caronized state the actual carbonizing charges plus an allowance for actual shrinkage may be added to the maximum price so long as such charges and shrinkage allowance are set forth in the invoice or similar document delivered to the purchaser.

(5) Black or grey wools, 20¢ per lb.

(6) Dead wools, 25¢ per lb.

(7) Karrakul wools, 35¢ per lb.

(8) Wools tied with sisal or loom-spun jute twine, 10¢ per lb.

(9) Improved navajo wools, 5¢ per lb.

(10) Unimproved navajo wools, 10¢ per lb.

(d) *Wools sold in lots containing mixed grades or lengths.* When wools are sold in original bags or in lots containing different grades or lengths, the amounts of each grade and length included shall be determined by grading a sample portion of the lot or by an estimate made in accordance with established trade practices, and the maximum price for the quantity sold shall be based upon the applicable maximum price for each grade or length included.

(e) *Brokers' commissions.* In cases where a purchaser or a seller of domestic shorn wool employs a broker or other agent to make a purchase or sale on his behalf, a commission of not to exceed 1% of the applicable maximum price may be charged for such services and added to the applicable maximum price. A commission may not be charged to both buyer and seller on the same lot of wool. Such commission shall be payable only if (1) the wool is purchased at a price not exceeding the maximum price established by Maximum Price Regulation No. 106, (2) it is shown as a separate charge on the invoice or similar document delivered to the purchaser and (3) the commission is not split or divided with the seller or with an agent or an employee of the seller.*

Issued this 28th day of February 1942.

LEON HENDERSON,
Price Administrator.

Approved:

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-1767; Filed, February 28, 1942; 12:45 p. m.]

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[1] The statement of considerations has been filed with the Division of the Federal Register.

[2] 7 F.R. 971.

[1] 7 F.R. 1316.

[1] According to established trade practice.

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

CHAPTER I—VETERANS' ADMINISTRATION

PART 3—ADJUDICATION: DISALLOWANCE AND AWARDS

PAYMENT TO MINORS

§ 3.1298 *Payment of compensation or pension to minors discharged from the military service.* The minority of a person who has been discharged from the military or naval forces of the United States will not preclude direct payment of either compensation or pension to such person. (Section 21 (1), World War Veterans' Act as amended by Public 262, 74th Congress.) (February 28, 1942.) (Sec. 1, 49 Stat. 607–609; 38 U.S.C. 450)

[SEAL] FRANK T. HINES, *Administrator.*

[F. R. Doc. 42–1747; Filed, February 28, 1942; 10:12 a. m.]

PART 5—ADJUDICATION: DEPENDENTS' CLAIMS

PENSIONABLE AND COMPENSABLE SERVICE FOR DEATH PENSION AND COMPENSATION PURPOSES

§ 5.2539 *Death compensation payable by virtue of Public No. 196, 76th Congress (Act of July 19, 1939) or under that Act as amended by sections 7 and 8, Public No. 866, 76th Congress (Act of October 17, 1940).* (a) For the purposes of the second proviso of section 1, Public No. 196, 76th Congress (Act of July 19, 1939), on and after July 19, 1939, the surviving widow and child or children of a World War veteran who was in receipt of compensation on March 19, 1933, for paralysis, paresis or blindness or who on that date was in receipt of compensation because of being helpless or bedridden from a service-connected disability and who died from such disease or injury shall be entitled to receive compensation at the monthly rates specified in § 5.2640 (b) subject to the conditions of § 5.2514 (b) as to widowhood, § 5.2514 (c) (2) as to definition of the term "child", § 5.2548 (f) (2) as to annual income restrictions and § 5.2575 (a) as to date of commencement, and § 2.1000 as to service.

(b) For the purposes of Public No. 196, 76th Congress, as amended by sections 7 and 8, Public No. 866, 76th Congress (Act of October 17, 1940), on and after October 17, 1940, the surviving widow, child or children of a World War veteran, regardless of whether he was in receipt of compensation on March 19, 1933, and regardless of the cause of death, who dies or has died and service connection for any disease, injury or condition mentioned in paragraph (a) of this section is or would have been established under the laws or interpretations governing this class of cases prior to March 20, 1933, regardless of the date of death, shall be entitled to receive compensation at the monthly rates specified in § 5.2640 (b) subject to the conditions of § 5.2514 (b) as to widowhood, § 5.2514 (c) (2) as to definition of the term "child", § 5.2548 (f) (2) as to annual income restrictions, and § 5.2575 (b) as to date of commencement, and § 2.1000 as to service.

(c) Determinations of whether a veteran was suffering from paralysis, paresis or blindness or was helpless or bedridden at the time of death will be made under the criteria contained in § 2.1139. In making a determination of helplessness, the duration or length of time thereof is not a material factor. (March 2, 1942.) (48 Stat. 9; 38 U.S.C. 707)

[SEAL] FRANK T. HINES, *Administrator.*

[F. R. Doc. 42–1749; Filed, February 28, 1942; 10:16 a. m.]

PART 5—ADJUDICATION: DEPENDENTS' CLAIMS

EFFECTIVE DATES OF READJUSTMENT IN RATES TO DEPENDENTS

§ 5.2590 *Readjustment after contingency.* In any claim under Public No. 2, 73d Congress, or sections 28 and 31, Title III, Public No. 141, 73d Congress, Public No. 304, 75th Congress (Act of August 16, 1937), Public No. 198, 76th Congress (Act of July 19, 1939), Public No. 359, 77th Congress (Act of December 19, 1941), and Public No. 484, 73d Congress, as amended, in which death pension or compensation is being paid the widow and other dependents of a person who served, and an adjustment in the rates payable becomes necessary because of the death, remarriage or forfeiture of title of one or more of the beneficiaries, readjustment will be made without the filing of a formal application. The rates for the remaining beneficiary or beneficiaries shall be the amount which would have been payable if they had been the sole original beneficiaries and will become effective the day following the date of discontinuance of payments under the prior award, provided the evidence necessary to effect an adjustment or resumption of payments is received in the Veterans' Administration within one year from the date of request therefor; if the evidence is not received within one year from the date of request therefor, payments will be authorized from the date of receipt of the evidence. (See § 3.1286.) (February 28, 1942.) (Public No. 359, 77th Congress)

[SEAL] FRANK T. HINES, *Administrator.*

[F. R. Doc. 42–1750; Filed, February 28, 1942; 10:20 a. m.]

PART 10—INSURANCE

BENEFICIARY

§ 10.3153 *Payment of insurance benefits to minors following discharge from the military or naval forces.* The minority of a person who has been discharged from the military or naval forces of the United States will not preclude direct payment of either Government Life Insurance or National Service Life Insurance to such person. (Section 21 (1), World War Veterans' Act as amended by Public 262, 74th Congress.) (February 28, 1942.) (Sec. 1, 49 Stat. 607–609; 38 U.S.C. 450)

[SEAL] FRANK T. HINES, *Administrator.*

[F. R. Dec. 42–1748; Filed, February 28, 1942; 10:12 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 223]

SUBCHAPTER A—DOCUMENTATION, ENTRANCE AND CLEARANCE OF VESSELS, ETC.

PART 1—DOCUMENTATION OF VESSELS

FEBRUARY 28, 1942.

Section 1.26 is amended to read as follows:

§ 1.26 *Owner's oath before State officer.* In the case of an application for registry, enrollment and license or license, the requirement that the owner's oath be taken before the collector may be waived, and the oath may be taken before an officer authorized by the laws of the State to administer oaths generally and may be mailed to the collector. (R.S. 161, 44 Stat. 830, sec. 2, 23 Stat. 118; 5 U.S.C. 22, 92a, 46 U.S.C. 2)

[SEAL] WAYNE C. TAYLOR, *Acting Secretary of Commerce.*

[F. R. Doc. 42–1808; Filed, March 2, 1942; 11:55 a. m.]

[Order No. 221]

FEBRUARY 28, 1942.

PART 2—ENTRY OF VESSELS

Section 2.1 (*Boarding of vessels*) is amended by adding at the end thereof a new paragraph reading as follows:

§ 2.1 *Boarding of vessels.*

* * * * * *

(k) As used in this part, the time of arrival shall be the time at which a vessel first comes to rest, whether at anchor or at a dock, in the harbor of a port or place within the limits of a customs collection district; and the time of departure shall be the time at which a vessel finally gets under way on her outward voyage and proceeds on such voyage without thereafter coming to rest in the harbor of the port or place from which she is going. (R.S. 161; 5 U.S.C. 22)

Paragraph (f) of § 2.3 (*Report of arrival of vessels*) is amended to read as follows:

§ 2.3 *Report of arrival of vessel.*

* * * * * *

(f) In the case of passenger vessels and vessels used exclusively as ferry boats, including car ferries, falling within the purview of section 441 (2) of the Tariff Act of 1930, as amended, (19 U.S.C. 1441 (2)), report shall be made as provided for therein and as provided for in paragraph (a) of this section. (R.S. 161; 5 U.S.C. 22)

PART 5—FOREIGN CLEARANCES

Section 5.1 (*Requirements of clearance*) is amended by adding at the end thereof a new paragraph reading as follows:

§ 5.1 *Requirements of clearance.*

* * * * * *

(g) As used in this part, the time of arrival shall be the time at which a vessel first comes to rest, whether at anchor or at a dock, in the harbor of a port or place within the limits of a customs collection district; and the time of departure shall be the time at which a vessel finally gets under way on her outward voyage and proceeds on such voyage without thereafter coming to rest in the harbor of the port or place from which she is going. (R.S. 161; 5 U.S.C. 22)

PART 6—COASTWISE PROCEDURE

Section 6.3 (*Manifests, permits, and reports of arrival of vessels coastwise*) is amended by adding at the end thereof a new paragraph reading as follows:

§ 6.3 *Manifests, permits, and reports of arrival of vessels coastwise.*

* * * * * *

(d) As used in this part, the time of arrival shall be the time at which a vessel first comes to rest, whether at anchor or at a dock, in the harbor of a port or place within the limits of a customs collection district; and the time of departure shall be the time at which a vessel finally gets under way on her outward voyage and proceeds on such voyage without thereafter coming to rest in the harbor of the port or place from which she is going. (R.S. 161; 5 U.S.C. 22)

[SEAL] WAYNE C. TAYLOR, *Acting Secretary of Commerce.*

[F. R. Doc. 42–1806; Filed, March 2, 1942; 11:55 a. m.]

PART 3—TONNAGE DUTY AND LIGHT MONEY

FEBRUARY 28, 1942.

Section 3.1 (*Tonnage duty or tax*) is amended by adding at the end thereof a new paragraph reading as follows:

§ 3.1 *Tonnage duty or tax.*

* * * * * *

(g) As used in this part, the time of arrival shall be the time at which a vessel first comes to rest, whether at anchor or at a dock, in the harbor of a port or place within the limits of a customs collection district; and the time of departure shall be the time at which a vessel finally gets under way on her outward voyage and proceeds on such voyage without thereafter coming to rest in the harbor of the port or place from which she is going. (R.S. 161, Sec. 3, 23 Stat. 119; 5 U.S.C. 22, 46 U.S.C. 3)

[SEAL] R. S. FIELD, *Director.*

Approved:

WAYNE C. TAYLOR, *Acting Secretary of Commerce.*

[F. R. Doc. 42–1807; Filed March 2, 1942; 11:55 a. m.]

TITLE 50—WILDLIFE

CHAPTER I—FISH AND WILDLIFE SERVICE

PART 1—REGULATIONS AND ORDERS RELATING TO MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

KILLING CERTAIN INJURIOUS MIGRATORY BIRDS

Under authority and direction of section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936 (49 Stat. 1555), the administration of which act was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II (53 Stat. 1431), and in accordance with regulation 10 of the Migratory Bird Treaty Act Regulations approved by Proclamation No. 2345[1] of August 11, 1939, as amended by Proclamation No. 2367[2] of September 28, 1939, and Proclamation No. 2420[3] of August 9, 1940, I, Harold L. Ickes, Secretary of the Interior, having determined that serious injury is being done to agriculture and other interests by certain migratory birds, and having determined that the most practical means of safeguarding against such injury is to reduce the numbers of said birds, it is ordered as follows:

§ 1.41 *Order permitting the killing of certain depredating migratory birds.* The Director, Fish and Wildlife Service, United States Department of the Interior, or, when authorized by said Director, the regional directors of said Service, in their respective regions, upon ascertainment of any serious injury in any particular community may issue permits to kill loons, grebes, herons, bitterns, waterfowl, sandhill cranes, coots, gulls, terns, pigeons, doves, martins, woodpeckers, larks, mockingbirds, catbirds, waxwings, shrikes, meadowlarks, orioles, blackbirds, grackles, bobolinks, robins, and sparrows, which may be found, under extraordinary conditions, to be committing or about to commit injury to agricultural crops or other interests in any community, such permits to be effective during the period therein specified and subject to the following conditions, restrictions, and requirements, and such others as the issuing officer may deem necessary to include in the permit to guard against abuses thereof:

(a) No permit authorizing the killing of any species of birds shall be effective unless such permit is countersigned by the chief game official, or by his authorized representative, of the State in which the permit is operative, or unless the applicant is in possession of a permit from such chief game official, or his authorized representative, permitting such killing.

(b) The permission conferred by any permit is nontransferable and may be exercised solely by those named in the permit and on the premises specified.

(c) Birds authorized to be killed under any permit shall not be shot at or killed by shooting (1) from any blind, sink, pit, or any other device or means of concealment, whether natural or artificial, movable or stationary, or on laid or water; (2) by means of any gun larger than No. 10 gage, or of any gun to which a silencer has been attached or otherwise affixed; or, (3) by the use of decoys of any description or of traps or nests of any kind.

(d) Every bird killed pursuant to a permit, and every part thereof, shall be totally destroyed as promptly as possible and shall not be sold or offered for sale or be shipped, transported, or carried in any manner except for the purpose of destruction in the immediate vicinity where killed, but such birds or parts thereof may be shipped or transported as a gift, but not for sale, to public, scientific, or educational institutions for scientific purposes; the birds may be requisitioned for scientific purposes by the officer issuing the permit; and, when specifically authorized by the permit, game birds so killed may be donated to charitable institutions for food. All packages containing such birds or parts thereof when shipped or transported as authorized by the permit shall be plainly and clearly marked to show the names and addresses of the shipper and consignee, the number of the permit, and the species and number of each species contained therein.

(e) The permittee shall keep a record of the species and number of birds of each species killed by him, and whenever requested by the Director of the Service or by the regional director, shall submit promptly a report thereof, and in any event shall submit such report to the regional director on or before January 10 of each year.

(f) The permittee shall at all reasonable times, and particularly during any operations authorized by the permit, allow any Federal or State game or deputy game agent, warden, protector, or other game-law enforcement officer free and unrestricted access to the premises on which such operations have been or are being conducted and shall promptly furnish such officer all information regarding his operations as such officer shall require.

(g) A permit is revocable at any time in the discretion of the Secretary of the Interior or the officer who issued it and when revoked shall be surrendered by the permittee promptly upon demand of said Secretary or of such officer or his authorized representative.

It is further ordered that this section shall in no way affect or supersede the order of the Secretary of the Interior dated February 13, 1942, authorizing the killing of red-winged, yellow-headed, and Brewer's blackbirds; meadowlarks; horned larks; Gambel's Nuttall's, golden-crowned, white-crowned, and other crowned sparrows; goldfinches; and juncos in California when necessary to protect crops from their depradations, and the order of February 13, 1942, authorizing the killing of yellow-headed, red-winged, bicolored red-winged, tricolored red-winged, and Brewer's blackbirds and boat-tailed grackles by the owner or custodian of any agricultural crop or of ornamental or shade trees.

[1] 4 F.R. 3621.
[2] 4 F.R. 4107.
[3] 5 F.R. 2813.

(Sec. 3, 40 Stat. 755; 49 Stat. 1555; 16 U. S. C. 704)

HAROLD L. ICKES,
Secretary of the Interior.

FEBRUARY 13, 1942.

[F. R. Doc. 42-1763; Filed, February 28, 1942; 10:48 a. m.]

PART 1—REGULATIONS AND ORDERS RELATING TO MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

KILLING OF CERTAIN INJURIOUS MIGRATORY BIRDS

Under authority and direction of section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936 (49 Stat. 1555), the administration of which act was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II (53 Stat. 1431), and in accordance with regulation 10 of the Migratory Bird Treaty Act Regulations approved by Proclamation No. 2345[1] of August 11, 1939, as amended by Proclamation No. 2367[2] of September 28, 1939, and Proclamation No. 2420[3] of August 9, 1940, I, Harold L. Ickes, Secretary of the Interior, having determined that serious injury is being done to agriculture and other interests by certain migratory birds, and having determined that the most practical means of safeguarding against such injury is to reduce the numbers of said birds, it is ordered as follows:

§ 1.51 *Order permitting and governing the shooting of certain blackbirds and boat-tailed grackles when found seriously injurious to agricultural crops or other interests.* The owner or custodian of any agricultural crop or of ornamental or shade trees is hereby authorized to shoot yellow-headed, red-winger, bronze-colored, red-winged, tri-colored red-winged, and Brewer's blackbirds and boat-tailed grackles, under the following conditions, restrictions, and requirements, when found committing or about to commit serious depredations upon such crop or trees owned by him or in his custody:

(a) No birds killed pursuant to this section shall be shipped or transported or sold or offered for sale except that they may be transported to such place within the vicinity as may be necessary to bury or otherwise destroy their carcasses, but the State agricultural departments, colleges, or other public institutions and the United States Department of the Interior may requisition such number of birds so killed as they may need for scientific purposes.

(b) Every person availing himself of the privileges of this section shall permit at all reasonable times, and particularly during any operations thereunder, any Federal or State game or deputy game agent, warden, protector, or other game-law enforcement officer free and unrestricted access to the premises on which such operations have been or are being conducted and shall furnish promptly such officer all such information touching his operations as such officer may require.

(c) This section does not permit the killing of any of the aforesaid birds in violation of any State law or regulation, and if a State permit to kill the birds is required, such permit must be procured before exercising the privileges conferred by this section.

(d) On or before January 1 of each year during the continuance of this order every person who kills any of the aforesaid birds under the authority hereby conferred shall submit to the Director, Fish and Wildlife Service, United States Department of the Interior, Washington, D. C., a report of his operations.

(e) This section is not effective in California, provision having been otherwise made for the abatement of depredations by the county agricultural commissioners.

The order of the Acting Secretary of Agriculture of November 17, 1937, is hereby revoked. (Sec. 3, 40 Stat. 755; 49 Stat. 755; 49 Stat. 1555; 16 U.S.C. 704)

HAROLD L. ICKES,
Secretary of the Interior.

FEBRUARY 13, 1942.

[F. R. Doc. 42-1762; Filed, February 28, 1942; 10:48 a. m.]

PART 1—REGULATIONS AND ORDERS RELATING TO MIGRATORY BIRDS AND CERTAIN GAME MAMMALS

KILLING CERTAIN INJURIOUS MIGRATORY BIRDS

Under authority and direction of section 3 of the Migratory Bird Treaty Act of July 3, 1918 (40 Stat. 755), as amended by the act of June 20, 1936 (49 Stat. 1555), the administration of which act was transferred to the Secretary of the Interior on July 1, 1939, by Reorganization Plan No. II (53 Stat. 1431), and in accordance with regulation 10 of the Migratory Bird Treaty Act Regulations approved by Proclamation No. 2345[1] of August 11, 1939, as amended by Proclamation No. 2367[2] of September 28, 1939, and Proclamation No. 2420[3] of August 9, 1940, I, Harold L. Ickes, Secretary of the Interior, having determined that serious injury is being done to agriculture and other interests by certain migratory birds, and having determined that the most practical means of safeguarding against such injury is to reduce the numbers of said birds, it is ordered as follows:

§ 1.53 *Order permitting and governing the killing of certain blackbirds, sparrows, and other birds in California when found to be economically injurious.* In any county in California in which red-winged, yellow-headed, and Brewer's blackbirds; meadowlarks; horned larks; Gambel's Nuttall's, golden-crowned, white-crowned, and other crowned sparrows; goldfinches; and California woodpeckers, Lewis woodpeckers, and flickers are, under extraordinary conditions, seriously injurious to agricultural or other interests, the agricultural commissioner is hereby authorized to kill, or to have killed under his general supervision and direction, such of the aforesaid migratory birds as may be necessary to safeguard from their depredations any agricultural or horticultural crop in such county, subject to the following conditions, restrictions and requirements:

(a) Any commissioner exercising the privileges conferred by this order shall keep a record of the persons authorized by him to kill such birds and of the number of birds killed by each person so authorized, as well as by himself, and shall make a report thereof to the Secretary of the Interior when requested so to do and in any event on or before January 1 of each year during the continuance of this section.

(b) No birds shall be killed except when necessary to protect crops from their depredations, and no birds killed pursuant to this section, or the plumage or any other part thereof, shall be sold or removed from the area upon which they may have been killed, but such birds shall be totally destroyed on said area, except that such specimens as may be needed for scientific purposes may be salvaged by the agricultural commissioner or on the order of the State Department of Agriculture or the United States Department of the Interior.

(c) No gun or other implement employed in killing the birds shall be equipped with any silencer or other device to minimize the report of such gun or implement.

The order of the Secretary of Agriculture of June 5, 1937, is hereby revoked. (Sec. 3, 40 Stat. 755; 49 Stat. 1555; 16 U.S.C. 704)

HAROLD L. ICKES,
Secretary of the Interior.

FEBRUARY 13, 1942.

[F. R. Doc. 42-1764; Filed, February 28, 1942; 10:49 a. m.]

Notices

WAR DEPARTMENT.

[AG 320.2 or (2-12-42) MR-M-C]

ORDERING 85TH INFANTRY DIVISION INTO ACTIVE SERVICE

1. In accordance with the authority contained in Executive Order No. 9049 dated February 6, 1942,[1] subject, "Ordering Certain Organizations and Units of the Organized Reserves into the Active Military Service of the United States," the 85th Infantry Division will be ordered into active military service by the Commanding General, Sixth Corps Area, effective May 15, 1942.

2. The division will carry into the field the colors, standards and other organization equipment now issued to it. 54 Stat. 858; 50 U.S.C. 401, as amended by Public Law 338, 77th Cong.)

Dated: February 14, 1942.

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-1779; Filed, March 2, 1942; 10:11 a. m.]

[1] 7 F.R. 839.

[1] 4 F.R. 3621.
[2] 4 F.R. 4107.
[3] 5 F.R. 2813.

[AG 320.2 or (2-10-42) MR-M-C]

ORDERING THE 77TH, 82D, AND 90TH INFANTRY DIVISIONS, ORGANIZED RESERVES, INTO ACTIVE SERVICE

1. In accordance with the authority contained in Executive Order No. 9049, dated February 6, 1942,[1] subject, "Ordering Certain Organizations and Units of the Organized Reserves into the Active Military Service of the United States," the following units of the Organized Reserves will be ordered into the active military service by the Corps Area commander concerned, effective March 25, 1942:

77th Infantry Division
82d Infantry Division
90th Infantry Division

2. The divisions will carry into the field, colors, standards and other organization equipment now issued to them. (54 Stat. 858; 50 U.S.C. 401, as amended by Public Law 338, 77th Cong.)

Dated: February 14, 1942.

[SEAL] E. S. ADAMS,
Major General,
The Adjutant General.

[F. R. Doc. 42-1780; Filed, March 2, 1942; 10:11 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1277]

PETITION OF H. S. SCRANTON, ET AL., CODE MEMBERS, FOR REVISION OF THE EFFECTIVE MINIMUM PRICES FOR COALS IN SIZE GROUP 15 PRODUCED IN SUBDIVISIONS 2 AND 3 IN DISTRICT NO. 17, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER POSTPONING AND CHANGING PLACE OF HEARING

A hearing upon the petition of H. S. Scranton, et al, filed with this Division in the above-entitled matter, having been scheduled to be held at Washington, D. C., on March 4, 1942, pursuant to a Notice of and Order for Hearing issued January 30, 1942; and

The petitioners having requested that said hearing be postponed and that the place thereof be changed from Washington, D. C. to some place within the vicinity of Florence, Colorado; and

No oppostion to such request having been interposed, and good cause for the granting thereof having been shown;

Now, therefore, it is ordered, That the hearing in this matter be postponed from March 4, 1942 until 10 o'clock in the forenoon of April 1, 1942 and that the place of hearing be changed from Washington, D. C. to a hearing room of the Division at Room 244, Pueblo County Court Room, in Pueblo, Colorado.

It is further ordered, That the time within which petitions of intervention may be filed in this matter be, and it hereby is, extended from February 27, 1942 to March 27, 1942.

In all other respects, the Notice of and Order for Hearing issued in this matter on January 30, 1942, shall remain in full force and effect.

Dated: February 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1781; Filed, March 2, 1942; 10:35 a. m.]

[1] 7 F.R. 839.

[Docket No. A-1294]

PETITION OF DISTRICT BOARD NO. 23 FOR PERMISSION TO CODE MEMBERS TO GRANT MOISTURE ALLOWANCES FROM THE EFFECTIVE MINIMUM PRICES FOR CERTAIN WASHED OR WET SCREENED COALS, FOR SHIPMENT BY TRUCK, PRODUCED IN DISTRICT NO. 23, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER POSTPONING AND CHANGING PLACE OF HEARING

A Notice of and Order for Hearing, issued in the above matter on February 10, 1942, schedules such hearing at Washington, D. C., on March 6, 1942.

It appearing, however, that the best interests of the persons concerned in the matter will be served by postponing such hearing and changing the place thereof to the time and place hereinafter designated.

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from March 6, 1942 until 10 o'clock in the forenoon of April 7, 1942 and the place of such hearing be changed from Washington, D. C. to a hearing room of the Division at Room 220, United States Post Office Building, in Salt Lake City, Utah.

It is further ordered, That the time for filing of petitions of intervention in this matter be, and it hereby is, extended from February 28, 1942 to April 1, 1942.

In all other respects the Notice of and Order for Hearing entered in this matter on February 10, 1942 shall remain in full force and effect.

Dated: February 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1782; Filed, March 2, 1942; 10:35 a. m.]

[Docket No. D-11]

IN THE MATTER OF THE APPLICATION OF THE ASSOCIATED PRODUCERS COAL COMPANY FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS AND DISTRIBUTORS' DISCOUNTS ON COAL SOLD TO ASSOCIATED SALES COMPANY.

ORDER CHANGING PLACE OF HEARING

The above entitled matter having been set for hearing in Washington, D. C., at 10 o'clock in the forenoon of March 24, 1942, pursuant to a Notice of and Order for Hearing entered therein on January 19, 1942; and

The applicant, Associated Producers Coal Company, having requested that such hearing be held within the confines of District No. 15; and

Good cause having been shown for the granting of such request and no opposition thereto having been interposed; and

It now appearing to be administratively convenient to hold such hearing at Kansas City, Missouri, in compliance with the request of the applicant;

It is ordered, That the place of the hearing in the above entitled matter be, and it hereby is, changed from Washington, D. C. to a hearing room of the Division at Room 536, Dwight Building, in Kansas City, Missouri.

In all other respects the Notice of and Order for Hearing entered in this matter on January 19, 1942 shall remain in full force and effect.

Dated: February 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1783; Filed, March 2, 1942; 10:35 a. m.]

[Docket No. A-1272]

PETITION OF DISTRICT BOARD NO. 6 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF RIVERCOAL MINE, MINE INDEX NO. 29, OF RIVERCOAL, INC., IN DISTRICT NO. 6

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on April 21, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings

instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before April 16, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the establishment of price classifications and minimum prices for the coals of the Rivercoal Mine, Mine Index No. 29, of Rivercoal, Inc., for all shipments except truck and for truck shipments.

For the coals of the Rivercoal Mine, petitioner requested the establishment of temporary minimum prices for rail shipments which are lower than those heretofore permanently established for other coals in District No. 6 for such shipments. As the freight rates applicable to rail shipments from this mine to certain destinations are lower than those applicable to such shipments from other District No. 6 mines, it appears that the proposed minimum prices would give the Rivercoal Mine a competitive advantage over other mines in District No. 6 for such shipments. The petition does not allege any facts in support of such a differential. Accordingly, it appears that temporary price classifications and minimum prices should be established to permit all such coals to compete on an equal basis.

It is, therefore, ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedules of Effective Minimum Prices for District No. 6, For All Shipments Except Truck, and For Truck Shipments are supplemented to include the price classifications and minimum prices set forth in the Schedules marked "Supplement R" and "Supplement T," annexed hereto and hereby made a part hereof.

Notice is hereby given that application to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated February 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1784; Filed, March 2, 1942; 10:36 a. m.]

[1] Not filed with the original document.

[Docket No. 1719-FD]

IN THE MATTER OF B. A. HOWARD (DEER CREEK COAL COMPANY), DEFENDANT

ORDER OF DISMISSAL

A complaint having been filed with the Bituminous Coal Division on June 16, 1941, by District Board 20, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by B. A. Howard (Deer Creek Coal Company), a code member in District 20, of the Bituminous Coal Code or rules and regulations thereunder, as follows:

That the defendant, B. A. Howard, with full knowledge of the requirements contained in the Schedule of Effective Minimum Prices for District No. 20 For Truck Shipments and in violation thereof, after October 1, 1940, gave to Neil Howard a large quantity of 1" x 0 slack, produced by the defendant at his mine (Mine Index No. 131) located in Emery County, Utah, at the price of $1.05 below the effective minimum price for such coal;

The defendant having filed an answer denying material allegations of the complaint;

Pursuant to an order of the Acting Director and after due notice to all interested persons, a hearing in this matter having been held on September 2, 1941, before D. C. McCurtain, a duly designated Examiner of the Division at a hearing room thereof in Price, Utah, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard, and at which appearances were entered for the complainant and the defendant.

The matter having thereupon been submitted to the undersigned, and the undersigned having made Findings of Fact, Conclusions of Law, and rendered an opinion, which are filed herewith;[1]

Now, therefore, it is ordered, That the complaint herein against the defendant, B. A. Howard (Deer Creek Coal Company) be, and it hereby is, dismissed, without prejudice however to the taking of appropriate disciplinary action in any other proceeding which may be now pending or which may hereafter be instituted against this defendant.

Dated: February 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1785; Filed, March 2, 1942; 10:36 a. m.]

[Docket No. 1813-FD]

IN THE MATTER OF ALSTON COAL COMPANY, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATION OF THE EXAMINER, AND CEASE AND DESIST ORDER

A complaint, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division on July 21, 1941, by the Bituminous Coal Producers Board for District No. 15, alleging that Alston Coal Company, a code member in District No. 15, has violated the provisions of the Bituminous Coal Code or rules and regulations thereunder, and praying that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder;

A hearing having been held before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof in Kansas City, Missouri, on October 20, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated January 20, 1942, in which it was recommended that an order be entered directing the defendant to cease and desist from violating the Act, the Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck, the Code and rules and regulations thereunder;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptons or supporting briefs having been filed;

The undersigned having determined after consideration of the record that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That the defendant, Alston Coal Company, its representatives, agents, servants, employees, attorneys, and successors or assigns, and all persons acting or claiming to act in its behalf or interest, cease and desist, and they are hereby permanently enjoined and restrained from selling or offering to sell coal below the prescribed minimum price therefor and from violating the Bituminous Coal Act, the Schedule of Effective Minimum Prices for District No. 15 for All Shipments Except Truck, the Bituminous Coal Code, and rules and regulations thereunder;

It is further ordered, That the Division may, upon failure of the defendant herein to comply with this order, forthwith apply to the Circuit Court of Appeals of the United States within any circuit where the defendant carries on business, for the enforcement thereof or take any other appropriate action.

Dated: February 27, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1786; Filed, March 2, 1942; 10:36 a. m.]

[Docket No. 1852-FD]

IN THE MATTER OF ROBERT L. SCOTT, TRADING AS ROBERT L. SCOTT COAL COMPANY, DEFENDANT

CEASE AND DESIST ORDER

A complaint having been filed on August 9, 1942, with the Bituminous Coal Division, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 15, complainant, alleging that Robert L. Scott, trading as Robert L. Scott Coal Company, a code member in District 15, has wilfully violated the provisions of the Bituminous Coal Code and the Effective Minimum Prices for District 15 for Truck Shipments as follows:

That on various occasions between September 30, 1940 and April 7, 1941, inclusive, the defendant sold and delivered various amounts of lump coal produced at the defendant's mine (Mine Index No. 946) to the Board of Education at Vinita, Oklahoma, at prices below the effective minimum price established for such coal;

Pursuant to orders of the Director and after due notice to interested persons, the hearing in this matter having been held before Scott A. Dahlquist, a duly designated Examiner of the Division, at a hearing room thereof, at Vinita, Oklahoma, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The complainant and the defendant having appeared at the hearing, the preparation of a report by the Examiner having been waived, and the record in the proceedings having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;[1]

Now, therefore, it is ordered, That the defendant, his officers, representatives, agents, servants, employees, attorneys, and successors or assigns, and all persons acting or claiming to act in his behalf or interest, cease and desist, and they hereby are permanently enjoined and restrained from selling or offering to sell coal produced by the defendant at less than the applicable effective minimum prices established therefor, contrary to the Bituminous Coal Act or any rules and regulations promulgated thereunder; the Bituminous Coal Code; the Schedule of Effective Minimum Prices for District 15 for Truck Shipments; and the Marketing Rules and Regulations.

It is further ordered, That if the defendant fails or neglects to obey this order the Division may in its discretion forthwith apply to the Circuit Court of Appeals of the United States within any Circuit where such defendant carries on business for the enforcement hereof or take any other appropriate action.

Dated: February 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1787; Filed, March 2, 1942; 10:37 a. m.]

[1] Not filed with the original document.

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES FOR THE BOLT, NUT, AND RIVET MANUFACTURING INDUSTRY

NOTICE OF HEARING

All interested parties are hereby notified that a hearing will be held before the Public Contracts Board in Room 3229, Department of Labor Building, Washington, D. C., commencing at 10 a. m. on Tuesday, March 10, 1942, to take testimony and receive evidence upon what findings of fact and recommendations shall be made by the Board to assist the Secretary of Labor in determining the prevailing minimum wages in the Bolt, Nut, and Rivet Manufacturing Industry pursuant to the provisions of section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), otherwise known as the Walsh-Healey Public Contracts Act.

The Bolt, Nut, and Rivet Manufacturing Industry, for the purpose of this notice, is that industry which manufactures bolts (including, among other types of bolts, toggle and eye bolts), nuts, rivets, studs, clevis pins, quilting pins, silo rods, and turnbuckles. Specifically excluded are: stove bolts; connecting rod bolts; stripper bolts; machine screw nuts; and tabular, split, and outside pronged rivets.

A tabulation of wage schedules voluntarily submitted by members of the industry through the American Institute of Bolt, Nut, and Rivet Manufacturers and collated by the Research Section of the Division of Public Contracts, Department of Labor will be submitted in evidence at the hearing. Copies of this wage tabulation may be had on application to the Administrator of the Division of Public Contracts, Washington, D. C.

Evidence will also be received for the purpose of determining (1) what, if any, provision should be made in the prevailing minimum wage determination for the employment of apprentices and learners, and (2) whether the Screw Manufacturing Industry and the Bolt, Nut, and Rivet Manufacturing Industry should be considered as one industry for the purposes of determining the prevailing minimum wages under the Public Contracts Act or whether a separate wage determination should be issued for each industry.

At the hearing an opportunity to be heard, either in person or by duly appointed representatives, will be given to persons engaged in the above named industries, either as employers or as employees, to groups of such persons, and to others within the discretion of the Board. Briefs or telegraphic communications may be filed with the Administrator, Division of Public Contracts, Department of Labor, and they should be received on or before the hearing date. No form for the brief is prescribed, but an original and four copies must be submitted.

The entire record will be considered by the Secretary of Labor before the wage determination is made.

Dated: February 27, 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-1732; Filed, February 27, 1942; 12:05 p. m.]

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE SCREW MANUFACTURING INDUSTRY

NOTICE OF HEARING

All interested parties are hereby notified that a hearing will be held before the Public Contracts Board in Room 3229, Department of Labor Building, Washington, D. C., commencing at 10 a. m. on Wednesday, March 11, 1942, to take testimony and receive evidence upon what findings of fact and recommendations shall be made by the Board to assist the Secretary of Labor in determining the prevailing minimum wages in the Screw Manufacturing Industry pursuant to the provisions of section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U. S. C. Sup. III 35), otherwise known as the Walsh-Healey Public Contracts Act.

The Screw Manufacturing Industry, for the purpose of this notice, is that industry which manufactures screws, machine screw nuts, stove bolts, connecting rod bolts, stripper bolts, and socket screw wrenches.

A tabulation of wage schedule voluntarily submitted by members of the industry, at the request of the Industry Service Bureaus, and collected by the Research Section of the Division of Public Contracts, Department of Labor will be submitted in evidence at the hearing. Copies of this wage tabulation may be had on application to the Administrator of the Division of Public Contracts, Washington, D. C. Evidence will also be received for the purpose of determining (1) what, if any, provision should be made in the prevailing minimum wage determination for the employment of apprentices and learners, and (2) whether the Screw Manufacturing Industry and the Bolt, Nut, and Rivet Manufacturing Industry should be considered as one industry for the purposes of determining the prevailing minimum wages under the Public Contracts Act or whether a sep-

arate wage determination should be issued for each industry.

At the hearing an opportunity to be heard, either in person or by duly appointed representatives, will be given to persons engaged in the above named industries, either as employers or as employees, to groups of such persons, and to others within the discretion of the Board. Briefs or telegraphic communications may be filed with the Administrator, Division of Public Contracts, Department of Labor, and they should be received on or before the hearing date. No form for the brief is prescribed, but an original and four copies must be submitted.

The entire record will be considered by the Secretary of Labor before the wage determination is made.

Dated: February 27, 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-1733; Filed, February 27, 1942; 12:05 p. m.]

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective March 2, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

C. G. Manufacturing Company, 90 Hatch Street, New Bedford, Massachusetts; Boys' Clothing; 5 percent (T); March 2, 1943.

Evans Sportswear Company, 97 Prince Street, New York, N. Y.; Sportswear and Outerwear; 5 learners (T); June 15, 1942.

Knickerbocker Manufacturing Company, West Main Street, West Point, Mississippi; Shorts 5 learners (T); March 2, 1943.

McLoughlin Manufacturing Company, Peru, Indiana; Blouses, Men's & Boys' Woven Underwear, Men's Night Shirts; 5 percent (T); March 2, 1943.

Single Pants, Shirts, and Allied Garments and Women's Apparel

Artistic Foundations, Inc., 417 Fifth Avenue, New York, N. Y.; Corsets and Girdles; 10 percent (T); June 15, 1942.

Dainty Maid Brassiere Manufacturing Company, 5 East 16th Street, New York, N. Y.; Brassieres; 10 percent (T); June 15, 1942.

Glassboro Shirt Company, 31 N. Main Street, Glassboro, New Jersey; Boys' Wash Suits; 4 learners (T); March 2, 1943.

Holland-Hessol Company, Inc., 136 Madison Avenue, New York, N. Y.; Ladies' Slips and Underwear; 10 percent (T); June 15, 1942.

Jac Sportswear, Inc., 702 Broadway, New York, New York; Ladies' & Men's Sportswear; 10 percent (T); June 29, 1942.

Little and Martin Ltd., 1108 South Los Angeles Street, Los Angeles, California; Children's Dresses and Playtogs; 10 learners (T); March 2, 1943.

Model Pants Company, Inc., 808 Washington Avenue, St. Louis, Missouri; Pants, Shirts; 10 percent (T); March 2, 1943.

Peerless Dress Company, North High Street, Burlington, New Jersey; Women's & Children's Dresses and Housecoats; 5 learners (T); March 2, 1943.

Powell Corset Company, 913 West Van Buren Street, Chicago, Illinois; Foundation Garments; 10 percent (T); March 2, 1943.

United Mills, Inc., Mt. Gilead, North Carolina; Ladies' Slips; 10 learners (T); March 2, 1943.

United Pants Company, Inc., Shoemaker Street, Swoyerville, Pennsylvania; Work Pants, Sport Shirts; 10 percent (T); March 2, 1943.

Roxa Wright Company, 319 West 9th Street, Kansas City, Missouri; Children's Outerwear; 6 learners (T); March 2, 1943.

Gloves

Northern Glove and Mitten Company, Green Bay, Wisconsin; Work Gloves; 10 percent (T); March 2, 1943.

Hosiery

Custom Hosiery Mills, 1234 Carpenter Street, Philadelphia, Pennsylvania; Seamless and Full Fashioned Hosiery; 36 learners (E); September 2, 1942.

Knitted Wear

Elmira Knitting Mills, Prescott Avenue, Elmira Heights, New York; Knitted Underwear and Commercial Knitting; 30 learners (E); July 2, 1942.

Utica Knitting Company, Mill No. 6, 700 Whitesboro Street, Utica, New York; Knitted Underwear; 18 learners (E); September 2, 1942.

Textile

Plaza Mills, Beavertown, Pennsylvania; Rayon Cloths; 6 percent (T); March 2, 1943.

Stunzi Sons Silk Company, Inc., Ephrata, Pennsylvania; Woven Fabrics, Silk and Synthetic; 3 percent (T); March 2, 1943.

Signed at New York, N. Y., this 28th day of February 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-1789; Filed, March 2, 1942; 10:41 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

INFORMATION TO BE FILED BY COMPANIES OPERATING CABLES

[Order No. 92]

At a meeting of the Federal Communications Commission held in its office in Washington, D. C., on the 24th day of February, 1942.

Pursuant to section 218 of the Communications Act, as amended, for the purpose of obtaining information necessary to enable the Commission to perform its duties and carry out the objects for which it was created.

It is ordered, That each common carrier operating international submarine cable telegraph circuits and land line telegraph circuits forming part of respondent's cable system shall file with the Commission on or before April 20, 1942, in triplicate, under oath, the following information:

1. A list of all respondent's cables showing the percentage of original cable in circuit and the average age of each cable as of December 31, 1941.

2. A list of all interruptions to the above cables during the year 1941 showing the date of interruption, the location of the interruption, the cause of the interruption, and the date of restoration of service. In the event that the interruption required the rerouting of respondent's traffic show the rerouting during such periods.

3. A list of all cable circuit channels available for operation by the respondent in each direction on March 25, 1942, giving the following information for each channel in accordance with Form 1, attached hereto:

(a) The channel designator.

(b) The land line or cable sections used to establish each through circuit.

(c) The sending and receiving terminals.

(d) The actual times (Local Standard Time) at which each channel was opened and closed for traffic and the total time in minutes during which the circuit was open.

(e) The capacity in words per minute at which the channel was operated (6 characters—5 characters and a space—per word).

(f) Method of operation of the channel (i. e. Morse, Recorder Code, 5 Unit Printer, Cable Code Printer, etc.).

(g) The number of paid messages and paid words handled on each channel with each terminal and the estimated ratio of total words transmitted to paid words.

(h) A statement under "Remarks" of any differences between the operation of each channel on March 25, 1942 and its normal present day operation.

It is further ordered, That each common carrier operating international and/or domestic radiotelegraph circuits shall file with the Commission, at the same time and in the same manner, the following information:

1. A list of radiotelegraph circuits operated by respondent between the Continental United States and foreign countries and territories and possessions of the United States with which direct radiotelegraph circuits are established and between points within the United States, in each direction, on March 25, 1942, giving the following information for each circuit in accordance with Form 2 attached hereto:

(a) The transmitting and receiving control terminals.

(b) The transmitting and receiving radiotelegraph stations in the United States.

(c) A list of frequencies used for establishing each circuit to and from each terminal.

(d) The actual times (Local Standard Time) each frequency was used (start and end) to establish each radio circuit and the total minutes each frequency was so used. In the event a circuit is operated on a "Schedule" basis, give the schedule and the total minutes of actual operation on each frequency.

(e) The actual capacity in words per minute at which the circuit was operated (6 characters—5 characters and a space—per word).

(f) Method of operation at each terminal (automatic transmitting heads, hand signalling keys, multiplex, tape recorder reception, ear phones, printer reception, etc.).

(g) Number of paid messages and paid words handled on each circuit with each terminal and the estimated ratio of total words transmitted to paid words.

(h) A statement under "Remarks" of any differences between the operation of each circuit on March 25, 1942, and its normal present day operation.

2. Information similar to that specified in 1 above with respect to radiotelegraph facilities operated by respondent between each territory and possession of the United States and each foreign country and other territory and possession of the United States with which direct radiotelegraph circuits are established.

It is further ordered, That each common carrier engaged in international telegraph communication shall file with the Commission, at the same time and in the same manner, the number of messages transferred during the year 1941 to other American carriers operating international telegraph circuits, because of service interruptions to respondent's circuits, giving the date and point of transfer, the carriers to which the messages were transferred and the reasons therefor. Messages transferred to other carriers because of changes in normal routing caused by lasting interruptions of former normal routing due to the war, shall not be reported.

It is further ordered, That each common carrier operating international radiotelephone circuits shall file with the Commission, at the same time and in the same manner, the following information:

1. A list of radiotelephone circuits operated by the respondent between the United States and foreign countries and territories and possessions of the United States with which direct radiotelephone circuits are established on March 25, 1942 giving the following information for each circuit in accordance with Form 3, attached hereto:

(a) The transmitting and receiving control terminals.

(b) The transmitting and receiving radiotelephone stations in the United States.

(c) A list of frequencies used for establishing each circuit to and from each terminal.

(d) The actual times (Local Standard Time) each frequency was used (start and end) to establish each radio circuit and the total minutes each frequency was so used. In the event a circuit is operated on a "Schedule" basis, give the schedule and the total minutes of actual operation on each frequency.

(e) The number of messages handled on each circuit with each terminal, the total holding time and the total "charged" time.

(f) A statement under "Remarks" of any difference between the operation of each circuit on March 25, 1942, and its normal present day operation.

2. Information similar to that specified in 1 above with respect to radiotelephone facilities operated by respondent between each territory and possession of the United States and each foreign country and other territory and possession of the United States with which direct radiotelephone circuits are established.

It is further ordered, That each common carrier operating land-line telegraph circuits between the United States and Canada and Mexico (not reported in response to this Order under ocean cable facilities) shall file with the Commission at the same time and in the same manner:

1. The following information for each circuit in each direction operated on March 25, 1942, in accordance with Form 4 attached hereto:

(a) The transmitting and receiving terminals.

(b) The point at which each circuit crosses the border of the United States.

(c) The name of the agency operating the foreign terminals.

(d) The actual capacity in words per minute at which each circuit was operated (6 characters—5 characters and a space—per word).

(e) Method of operation at each terminal (Morse, printer, ------ channel multiplex, etc.).

(f) If any of the above facilities are leased for private use, give the names and addresses of the customers in the United States and in foreign countries.

2. The total number of paid messages and paid words of international telegraph classifications handled in each direction between the United States and:

(a) Europe, Africa and the Near East.

(b) The West Indies, Central and South America.

(c) Asia and Oceania.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1791; Filed, February 27, 1942; 10:05 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4482]

IN THE MATTER OF SCIENTIFIC MANUFACTURING COMPANY, INC., A CORPORATION, AND HOWARD J. FORCE, AN INDIVIDUAL

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of February, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That Randolph Preston, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, March 16, 1942, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Court Room, County Court House, Scranton, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1792; Filed, March 2, 1942; 11:40 a. m.]

[Docket No. 4623]

IN THE MATTER OF WILLIAM WHEELER, AN INDIVIDUAL, TRADING AS MIRACLE MANUFACTURING COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 27th day of February, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41).

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, March 12, 1942, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 3088-K, Federal Building, 9th and Chestnut Streets, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1793; Filed, March 2, 1942; 11:40 a. m.]

[File No. 21-308]

IN THE MATTER OF PROPOSED ADDITIONAL TRADE PRACTICE RULES FOR THE RIBBON INDUSTRY

NOTICE OF HEARING, AND OF OPPORTUNITY TO PRESENT VIEWS, SUGGESTIONS, OR OBJECTIONS

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 28th day of February, A. D. 1942.

Opportunity is hereby extended by the Federal Trade Commission to any and all persons, partnerships, corporations, associations, groups, or other parties, affected by or having an interest in the proposed additional trade practice rules for the Ribbon Industry, to present to the Commission, orally or in writing, their views concerning such rules, including such pertinent information, suggestions, or objections, if any, as they desire to submit. For this purpose they may, upon application to the Commission, obtain copies of the proposed rules. Matters submitted in writing should be filed with the Commission not later than March 20, 1942. Opportunity for oral hearing and presentation will be afforded at 10 a. m., March 20, 1942, in Room 532, Federal Trade Commission Building, Constitution Avenue at Sixth Street, Washington, D. C., to any such persons, partnerships, corporations, associations, groups, or other parties as may desire to appear and be heard. After giving due consideration to all matters presented concerning the proposed additional rules, the Commission will proceed to their final consideration.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1794; Filed, March 2, 1942; 11:40 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 70-262, 59-11, 59-17, 54-25]

IN THE MATTERS OF COMMUNITY POWER AND LIGHT COMPANY, THE KANSAS UTILITIES COMPANY, ET AL.; AND THE UNITED LIGHT AND POWER COMPANY, CONTINENTAL GAS & ELECTRIC CORPORATION, AND EASTERN KANSAS UTILITIES, INC., ET AL.

NOTICE OF AND ORDER FOR HEARING AND ORDER CONSOLIDATING PROCEEDINGS FOR PURPOSES OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of February, A. D. 1942.

Notice is hereby given that declarations and applications have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Community Power and Light Company and The Kansas Utilities Company in the form of amendments to applications and declarations heretofore filed by Community Power and Light Company and others in connection with a comprehensive plan of corporate simplification and integration (File No. 70-282) which amendments relate specifically to the following proposed transactions:

The Kansas Utilities Company proposes to sell all of its properties and assets to Eastern Kansas Utilities, Inc., a subsidiary to be acquired by Continental Gas & Electric Corporation, for the sum of $2,300,000 in cash, plus such further sum as shall represent net current assets of The Kansas Utilities Company. The proceeds of such sale will be used by The Kansas Utilities Company to make payment in full to the holders of the Preferred Stock of The Kansas Utilities Company and the remainder thereof will be paid to Community Power and Light Company as and for a liquidating dividend;

The sum so received by Community Power and Light Company will be used to retire First Mortgage 5% Collateral Bonds, due March 1, 1957, of Community Power and Light Company; and

It appearing to the Commission that it is appropriate and in the public interest and in the interest of investors and consumers that a hearing be held with respect to said matters and that said declarations shall not become effective nor said applications be granted except pursuant to further order of this Commission; and

Continental Gas & Electric Corporation, a registered holding company and a subsidiary of The United Light and Power Company, and Eastern Kansas Utilities, Inc., a newly organized Kansas corporation, having filed an application designated as Application No. 9, regarding the proposed acquisition by Eastern Kansas Utilities, Inc. of the utility assets and other property of The Kansas Utilities Company, aforesaid; and

The Commission having ordered that a hearing be held at its office at 1778 Pennsylvania Avenue NW., Washington, D. C., at 10:00 a. m., on March 10, 1942, for the purpose of considering said Application No. 9; and

It further appearing that the matters herein concerned are related and involve common questions of law or fact and that evidence offered in respect of each of the matters will have a bearing on the other; and substantial savings in time, effort, and expense may result if the hearings on said matters are consolidated so that they may be heard as one matter and so that the evidence adduced in each matter may stand as evidence in the other for all purposes; and

It further appearing that it is appropriate that the hearing with respect to Application No. 9 aforesaid be postponed from the time and place aforesaid to such time as shall hereinafter be designated for the hearing with respect to the declarations and applications by Community Power and Light Company and The Kansas Utilities Company;

It is hereby ordered, That the proceedings herein involved be consolidated for hearing and that a hearing be held thereon at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing-room clerk at 10:00 a. m. on the 17th day of March, 1942. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by Rule XVII of the Commission's Rules of Practice on or before March 12, 1942.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of the Act and to a trial examiner under the Commission's Rules of Practice; and

Notice of such hearing is hereby given to such declarants and applicants and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors and consumers.

It is further ordered, That the Secretary of the Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to the respondents, applicants and declarants, and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1752; Filed, February 28, 1942; 11:42 a. m.]

IN THE MATTER OF F. W. DYER, DOING BUSINESS AS EMPIRE SERVICE COMPANY, 1835 CHAMPA STREET, DENVER, COLORADO

FINDINGS AND ORDER REVOKING REGISTRATION AS INVESTMENT ADVISER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27th day of February, A. D. 1942.

1. F. W. Dyer, doing business as Empire Service Company, is registered with this Commission as an investment adviser under section 203 (c) of the Investment Advisers Act of 1940. We instituted this proceeding to determine whether his registration as such should be suspended or revoked pursuant to section 203 (d) of the Act.

2. Respondent has admitted that he is permanently enjoined by an order of the United States District Court for the District of Colorado, entered on January 3, 1942, from engaging in certain conduct and practices in connection with the purchase and sale of securities and in connection with his business as an investment adviser. He further admitted that in the conduct of his business as an investment adviser he:

(a) Has misrepresented the nature of his advisory service:

(b) Has offered to make good any losses sustained by his clients, when he was unable to carry out such an offer;

(c) Has accepted clients' funds for the purchase of securities and has represented that the securities had been purchased when he had not so purchased the securities;

(d) Has converted to his own use and benefit the money sent him by clients for the purchase of securities;

(e) Has represented that clients' funds were used in purchasing securities and paying charges and failed to account for remaining balances;

(f) Has purchased securities contrary to the authority of his clients and converted remaining balances to his own use and benefit.

Respondent has consented to the revocation of his registration as an investment adviser.

3. We find that respondent is permanently enjoined by an order of the United States District Court for the District of Colorado, entered on January 3, 1942, from engaging in certain conduct and practices in connection with his business as an investment adviser and in connection with the purchase and sale of securities, and that revocation of his registration as an investment adviser is in the public interest.

Accordingly, *It is ordered*, That the registration as an investment adviser of F. W. Dyer, doing business as Empire Service Company, be, and it hereby is, revoked.

By the Commission (Chairman Purcell, Commissioners Healy, Pike, and O'Brien), Commissioner Burke being absent and not participating.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1753; Filed, February 28, 1942; 11:42 a. m.]

[File No. 31-494]

IN THE MATTER OF MANUFACTURERS TRUST COMPANY

ORDER MODIFYING PREVIOUS ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 26th day of February, A. D. 1942.

Manufacturers Trust Company, the owner of all of the capital stock of Utility Service Company, a registered holding company, and of more than ten per centum of the voting securities of New England Public Service Company, also a registered holding company, having filed an application for an order extending for a period of one year from February 17, 1942 the exemption granted it pursuant to Section 3 (a) (4) of the Public Utility Holding Company Act of 1935 by our orders in the above styled and numbered cause dated April 20, 1939 and May 17, 1941 with respect to its indirect ownership of the voting securities of The Marion-Reserve Power Company, Eastern Minnesota Power Corporation and Wisconsin Hydro Electric Company, each a subsidiary of Utility Service Company; and representatives of the applicant having represented that the applicant would take immediate steps to recapitalize Eastern Minnesota Power Corporation and Wisconsin Hydro Electric Company and would cause Utility Service Company to dispose of its interest in The Marion-Reserve Power Company and in Eastern Minnesota Power Corporation or in any company which might be formed pursuant to the recapitalization of the latter within the requested extended period and would during said period do all things possible to improve the operating and financial condition of The Marion-Reserve Power Company; and the Commission having considered said application and all of the reasons in support thereof and finding that the same should be granted subject, however, to the conditions hereinafter set forth;

It is therefore ordered, That the fourth paragraph of our order dated May 17, 1941 in the above styled and numbered cause (Holding Company Act Release No. 2755) be and the same is hereby changed and modified by the following paragraph;

It is hereby ordered, That Manufacturers Trust Company be and it is hereby exempted from all of the provisions of said Act applicable to a holding company with respect to its direct and indirect ownership of the voting securities of Utility Service Company, The Marion-Reserve Power Company, Eastern Minnesota Power Corporation and Wisconsin Hydro Electric Company for a period of one year from the date hereof at which time such exemption shall terminate: *Provided, however*, That such exemption shall terminate forthwith (1) unless within forty-five days from the date hereof Eastern Minnesota Power Corporation and Wisconsin Hydro Electric Company file recapitalization plans with the Commission, and (2) if during the extension of the exemption period hereby granted The Marion-Reserve Power Company declares dividends on its common stock in an amount aggregating in excess of $100,000.

It is further ordered, That all other provisions of our order of May 17, 1941 in this matter remain in full force and effect until the further order of this Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1754; Filed, February 28, 1942; 11:42 a. m.]

[File No. 70-488]

IN THE MATTER OF CENTRAL NEW YORK POWER CORPORATION

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of February, A. D. 1942.

Central New York Power Corporation, a subsidiary of Niagara Hudson Power Corporation, in turn a subsidiary of The United Corporation, a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof, for an exemption from the provisions of section 6 (a) thereof, regarding the issue and sale to Metropolitan Life Insurance Company of $1,000,000 aggregate principal amount of General Mortgage Bonds, 2⅞% Series due 1965, at a price of 97.90% of the principal amount thereof plus accrued interest from January 1, 1942 to the closing date, the proceeds to be used, together with other funds of the company, to pay at maturity a like principal amount of Five Per Cent Forty-Year Gold Bonds due April 1, 1942; and

Said application having been filed on January 26, 1942, and amendment

thereto having been filed on February 14, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified by said notice or otherwise and not having ordered a hearing thereon; and

The Commission finding that the proposed issue and sale has been expressly authorized by the Public Service Commission of the State of New York, the State Commission of the State in which applicant is organized and does business, and that the proceeds of said issue and sale are solely for the purpose of financing the business of applicant, and finding that said application, as amended, furnishes no basis for imposing terms and conditions, other than the terms and conditions prescribed in Rule U-24, and that applicant is entitled to an exemption from the provisions of section 6 (a) of said Act with respect to said issue and sale;

It is hereby ordered, Pursuant to said Rule U-23 and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application, as amended, be and it hereby is granted forthwith.

By the Commission (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–1755; Filed, February 28, 1942; 11:42 a. m.]

[File 70–496]

IN THE MATTER OF THE ALBION GAS LIGHT COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 26th day of February, A. D. 1942.

The Albion Gas Light Company, a subsidiary of The Middle West Corporation, a registered holding company, has filed an application under section 6 (b) of the Public Utility Holding Company Act of 1935 for an exemption from the provisions of section 6 (a) (1) of said Act, and a declaration under Rules U-42 and U-43 promulgated under the Act, with respect to a proposal to extend to March 1, 1943 the maturity date on applicant's First Mortgage Seven Per cent Twenty-Year Gold Bonds, due March 1, 1942, and the solicitation of the consents of holders of said bonds to such extension in maturity date.

The Middle West Corporation, and its subsidiary Michigan Public Service Company, have joined in such application and declaration as holders of $29,900 and $36,700 principal amounts, respectively, of said bonds, requesting approval under section 10 of the Act of their assents to such proposed extension of maturity.

A public hearing on such application and declaration having been held after appropriate notice; the Commission having examined the record and having made and filed its findings herein:

It is ordered, That, subject to the terms and conditions prescribed in Rule U-23, said application be, and the same hereby is, granted forthwith, and that said declaration be, and it hereby is, permitted to become effective, subject further to the following particular conditions:

1. No payments in cash, property or services shall be made by Albion on the principal or interest (accrued or to become due) on the demand notes presently held by The Middle West Corporation except pursuant to a further order or orders of the Commission.

2. A copy of the Findings and Opinion of the Commission filed herein shall be enclosed with each initial letter of solicitation sent to bondholders of Albion requesting assents to the proposed extension of maturity.

It is further ordered, That jurisdiction be, and it hereby is, reserved—

1. To require the Albion Gas Light Company to take such steps as may be required under Section 11 (b) (2) of the Act for the purpose of fairly and equitably distributing voting power among the company's security holders and as may be necessary and appropriate to simplify its capital structure.

2. To require that The Middle West Corporation and Michigan Gas and Electric Company shall take such action with respect to their continued ownership of securities of the Albion Gas Light Company, as may be necessary to comply with the provisions of section 11 (b) (1) of the Act.

3. To determine, in appropriate proceedings, the validity and relative priority, among all security holders and claimants, of the claims of The Middle West Corporation and Michigan Gas and Electric Company against The Albion Gas Light Company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–1756; Filed, February 28, 1942; 11:43 a. m.]

[File No. 70–476]

IN THE MATTER OF NATIONAL GAS & ELECTRIC CORPORATION AND WISCONSIN FUEL AND LIGHT COMPANY

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 27 day of February, A. D. 1942.

The above named persons having filed declarations pursuant to the Public Utility Holding Company Act of 1935, particularly Sections 12 (b) and 12 (c) thereof and Rules U-42 and U-45 thereunder, regarding the surrender for cancellation by National Gas & Electric Corporation, a registered holding company, of the following securities and obligations (including accrued interest thereon to the date of the consummation of this transaction) owned by it of its subsidiary, Wisconsin Fuel and Light Company, and regarding the reacquisition and cancellation by Wisconsin Fuel and Light Company of such securities and obligations:

7% Debentures	$101,500.00
Notes	463,250.00
Open Account	44,284.69
Accrued interest on $101,500 principal amount 7% Debentures to 10/31/41	56,713.10
Accrued interest on notes to 10/31/41	73,061.26
7% Preferred Stock—$100 par	140,900.00
	$879,709.05

Said declarations having been filed on January 3, 1942, and certain amendments having been filed thereto, the last of which was filed on February 21, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declarations within the period specified in the said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declarations, as amended, to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declarations, as amended, be, and the same hereby are, permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–1757; Filed, February 28, 1942; 11:43 a. m.]

[File No. 70–493]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION AND BINGHAMTON GAS WORKS

ORDER PERMITTING DECLARATIONS TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 26th day of February, A. D. 1942.

The above-named parties having filed declarations pursuant to the Public Utility Holding Company Act of 1935, particularly sections 12 (c) and 12 (d) thereof and Rules U-42 and U-43 promulgated thereunder regarding the sale by Columbia Gas & Electric Corporation to its subsidiary, Binghamton Gas Works, of $3,000 principal amount of the latter company's General Mortgage 5% Bonds, to be retired by Binghamton Gas Works, for $2,895 which amount represents the cost of said bonds to the Columbia System.

Said declarations having been filed on January 31, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice or otherwise and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declarations to become effective pursuant to sections 12 (c) and 12 (d) and Rules U-42 and U-43 promulgated thereunder, and being satisfied that the effective date of said declarations should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that the above declarations be and hereby are permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–1758; Filed, February 28, 1942; 11:43 a. m.]

[File No. 70–502]

IN THE MATTER OF MOUNTAIN STATES POWER COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 26th day of February, A. D. 1942.

Mountain States Power Company, a subsidiary of Standard Gas and Electric Company, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly Section 7 thereof, with regard to its issuance to the Provident Trust Company of Philadelphia of eleven unsecured serial notes in the principal amount of $30,000 each, or in the aggregate principal amount of $330,000, dated April 1, 1942 bearing interest at the rate of 1¾ per centum per annum and maturing serially at the end of each successive three months period thereafter; said declarant proposes to use the proceeds from said notes, together with other corporate funds to prepay the principal and the interest and a premium of ¾ of one per centum on its unsecured serial notes dated January 1, 1940 payable to The Chase National Bank of the City of New York bearing interest at the rate of 3 per centum per annum in the aggregate principal amount of $330,000; and

Said declaration having been filed on February 18, 1942, and amendments thereto having been filed on February 25, 1942 and on February 25, 1942, and notice of the filing of the declaration having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice or otherwise and not having ordered a hearing thereon; and the declarant having requested that said declaration, as amended, be permitted to become effective on or before February 27, 1942; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration, as amended, to become effective, and finding with respect to said declaration, as amended, that the requirements of Section 7 of said Act are satisfied; and being further satisfied that the effective date of said declaration, as amended, should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that said declaration, as amended, be and the same is hereby permitted to become effective forthwith.

By the Commission, Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–1759; Filed, February 28, 1942; 11:43 a. m.]

[File Nos. 70–254, 70–267, 70–292]

IN THE MATTER OF CENTRAL STATES POWER & LIGHT CORPORATION (PUBLIC UTILITY HOLDING COMPANY ACT OF 1935)

SUPPLEMENTAL ORDER GRANTING DECLARANT'S REQUESTS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of February, A. D. 1942.

The Commission, by its order issued December 23, 1941, as modified January 31, 1942, having permitted Central States Power & Light Corporation, a registered holding company in the Ogden Corporation holding company system, to utilize approximately $2,835,015 for the purchase of its First Mortgage and First Lien Gold Bonds, 5½% Series, due January 1, 1953, pursuant to the solicitation of tenders at 100 and accrued interest up to and including February 28, 1942; and

Declarant having filed an amendment herein requesting that the period within which such tenders may be accepted be extended to and including March 31, 1942, and also requesting that, during such period, it be permitted to purchase its first mortgage bonds in the open market at 100 and accrued interest; and

It appearing to the Commission that Declarant's requests should be granted

It is ordered, that such requests be granted, subject, however, to the following terms and conditions:

1. The terms and conditions set forth in Rule U-24 and the requirements as to post-amendments and supplementary solicitations set forth in paragraphs (d) and (f) of Rule U-62, which requirement as to post-amendments shall be deemed applicable in the event that any person shall be directly or indirectly employed to solicit bondholders in connection with the proposed transactions.

2. That on or before April 10, 1942, the declarant file with the Commission a statement showing the names and addresses of the holders of bonds who tendered their bonds and the principal amount of bonds tendered by each during the period commencing March 1, 1942 and ending March 31, 1942, and showing also the aggregate principal amount of bonds purchased in the open market during said period.

3. That no fees incurred in connection with the purchase of bonds as herein proposed be paid until the same have been approved by further order of this Commission.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–1796; Filed, March 2, 1942; 11:43 a. m.]

[File No. 70–500]

IN THE MATTER OF THE NORTH AMERICAN COMPANY

FINDINGS AND ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 28th day of February, A. D. 1942.

The North American Company, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (d) thereof and Rule U-44 thereunder regarding a proposed distribution on or about April 1, 1942, in payment of a dividend on its common stock, of not more than 155,000 shares of the Capital Stock of The Detroit Edison Company; and

A public hearing having been held after appropriate notice thereof, and the Commission after examining the record finding that the declarant will charge earned surplus with the cost of said shares, and intends "to dispose of the balance of its holdings of common stock of The Detroit Edison Company, when practicable, either by sale or other disposition;" and finding further that it is appropriate in the public interest and in the interest of investors and consumers that the declaration be permitted to become effective;

It is ordered, That subject to the terms and conditions prescribed in Rule U-24, said declaration be and the same is hereby permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42–1797; Filed, March 2, 1942; 11:43 a. m.]

WAR PRODUCTION BOARD.

Division of Industry Operations.

NOTICE OF EXTENSION OF PREFERENCE RATING ORDER No. P-43 [1]

Preference Rating Order No. P-43 has been continued in effect to, and including, August 31, 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Dated: February 28, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1778; Filed, February 28, 1942; 12:42 p. m.]

[1] Not filed with the Division of the Federal Register.

NOTICE OF AMENDMENT OF PREFERENCE RATING ORDER P-56-A

Notice is hereby given that Preference Rating Order P-56-a,[1] Material Entering into the Production of Mining Machinery and Equipment, has been amended today.

Copies of the Order as amended have been sent to all producers to whom serially numbered copies of the original Order were issued.

Issued this 2nd day of March 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public, No. 671, 76th Cong., 3d Sess., as amended by Public, No. 89, 77th Cong., 1st Sess.)

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1803; Filed, March 2, 1942; 11:52 a. m.]

MAR 5 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 43

Washington, Wednesday, March 4, 1942

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

PART 27—FEDERAL LAND BANK OF SAINT PAUL

Correction

Paragraphs (c) and (d) of F. R. Doc. 42-1475, appearing in the issue of February 20, 1942 at page 1101, are corrected to read as follows:

(c) Where sales of gravel, timber, or other material constituting security, are hereafter made, there shall be charged a fee, as set out in paragraph numbered (a), above, based upon the aggregate consideration paid during the 12 months' period commencing with the date the first payment from such sale(s) is received by the Bank, or the date other disposition thereof is ordered by the Bank.

(d) Where sales of lots or other parcels of land, constituting security, are made hereafter, there shall be charged a fee, as set out in paragraph numbered (a), above, based upon the aggregate consideration paid during the 12 months' period commencing with the date the first payment from such sale(s) is received by the Bank, or the date other disposition thereof is ordered by the Bank.

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT ADMINISTRATION

PART 721—CORN

REVISED PROCLAMATION OF ACREAGE ALLOTMENTS FOR COMMERCIAL CORN-PRODUCING AREA, 1942

Whereas section 328 of the Agricultural Adjustment Act of 1938, as Amended, provides in part as follows:

The acreage allotment of corn for any calendar year shall be that acreage in the commercial corn-producing area which, on the basis of the average yield for corn in such area during the ten calendar years immediately preceding such calendar year, adjusted for abnormal weather conditions and trends in yield, will produce an amount of corn in such area which the Secretary determines will, together with corn produced in the United States outside the commercial corn-producing area, make available a supply for the marketing year beginning in such calendar year, equal to the reserve supply level. The Secretary shall proclaim such acreage allotment not later than February 1 of the calendar year for which such acreage allotment was determined * * *

Whereas subsection (c) of section 301 of said Act provides as follows:

The latest available statistics of the Federal Government shall be used by the Secretary in making the determinations required to be made by the Secretary under this Act.

Whereas the proclamation of the acreage allotment of corn issued by Mr. Grover B. Hill, Acting Secretary of Agriculture of the United States of America, on September 18, 1941,[1] which was based upon the latest statistics of the Federal Government then available, does not now properly reflect current trends in domestic consumption and exports of corn and would likely result in an inadequate supply of corn for the 1942-43 marketing year to meet consumption and reserve requirements in view of the profound changes in conditions which have occurred since September 18, 1941, and

Now, therefore, be it known that I, Claude R. Wickard, Secretary of Agriculture of the United States of America, acting under and pursuant to, and by virtue of, the authority vested in me by the Act of Congress known as the Agricultural Adjustment Act of 1938, as Amended, upon the basis of the latest available statistics of the Federal Government, do hereby ascertain, determine, and proclaim under section 328 of said Act, thereby superseding the proclamation of the acreage allotment of corn issued September 18, 1941:

§ 721.402 *Corn acreage allotment for the commercial corn-producing area for*

[1] 6 F.R. 4812.

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FEDERAL REGISTER

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Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 27, 1942, Part 61 of the Civil Air Regulations is amended as follows:

1. By striking paragraph (c) of § 61.7803[1] and substituting in lieu thereof the following:

§ 61.7803 *Pilots' compartment.*

* * * * *

(c) Unless a seat is also available for his use in the passenger compartment, no person shall be admitted to the pilots' compartment during scheduled flight except:

(1) A member of the flight crew;

(2) A person engaged during flight in the checking of pilots' operations for the Federal Government or for the air carrier;

(3) Flight supervisory personnel of the air carrier concerned who are certificated pilots;

(4) First or second pilots listed in Operations Specifications of the air carrier concerned or any first or second pilots listed in the Operations Specifications—Airmen of another air carrier who have been authorized by the air carrier concerned and the Administrator to make the trips over the route being flown for the purpose of route qualification or familiarization;

(5) Certificated aircraft dispatchers of the air carrier concerned or certificated aircraft dispatchers of another air carrier who have been authorized by the air carrier concerned and the Administrator to make the trips over the route being flown for the purpose of establishing or maintaining dispatcher route qualification; or

(6) Certificated mechanics of the air carrier concerned, in the performance of duty.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN, *Secretary.*

[F. R. Doc. 42-1874; Filed, March 3, 1942; 11:55 a. m.]

[1] 6 F.R. 540, 1334, 5485.

1942. That the acreage allotment of corn for the commercial corn-producing area for the calendar year 1942, shall be 41,338,000 acres. (52 Stat. 52,202, 7 U.S.C. 1940 ed. 1328)

Done at Washington, D. C. this 3d day of March 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD, *Secretary of Agriculture.*

[F. R. Doc. 42-1862; Filed, March 3, 1942; 11:30 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendment 61-32, Civil Air Regulations]

PART 61—SCHEDULED AIR CARRIER RULES

REGULATING OCCUPANCY OF PILOTS' COMPARTMENT

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 27th day of February 1942.

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4237]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF MASTERKRAFT GUILD WEAVERS, INC., ET AL.

§ 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place—Domestic product as imported:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Imported product or parts as domestic:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Source or origin—Place—Imported product or parts as domestic:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Place—Foreign product as domestic.* In connection with offer, etc., in commerce, of respondents' rugs, and among other things, as in order set forth, using the names "Chatham", "Dixie" or "New Cape Colony", or any other distinctively American name, to designate or describe rugs which are not in fact made in the United States; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Masterkraft Guild Weavers, Inc., et al., Docket 4237, February 24, 1942]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Manufacturer:* § 3.66 (g) *Misbranding or mislabeling—Producer status of dealer or seller:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Producer status of dealer:* § 3.96 (b) *Using misleading name—Vendor—Producer or laboratory status of dealer or seller.* In connection with offer, etc., in commerce, of respondents' rugs, and among other things, as in order set forth, using the word "Weavers" as a part of the corporate or trade name of respondent Masterkraft Guild Weavers, Inc., or otherwise representing that respondent Masterkraft Guild Weavers, Inc. manufactures the rugs sold by respondents; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Masterkraft Guild Weavers, Inc., et al., Docket 4237, February 24, 1942]

§3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place—Foreign, in general:* § 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Foreign, in general:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Nature:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Source or origin—Place—Foreign, in general:* § 3.96 (a) *Using misleading name—Goods—Nature:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Place—Foreign, in general.* In connection with offer, etc., in commerce, of respondents' rugs, and among other things, as in order set forth, (1) using the words "Hong Kong" or "Canton", or any other word indicative of Chinese origin, to designate or describe rugs which are not in fact made in China and which do not possess all of the essential characteristics of Chinese Oriental rugs; and (2) using the words "Mahah", "Numda", "Kirma", "Oriental", "Orienta" or Bagdad", or any other word indicative of the Orient, to designate or describe rugs which are not in fact made in the Orient and which do not possess all of the essential characteristics of Oriental rugs; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Masterkraft Guild Weavers, Inc., et al., Docket 4237, February 24, 1942]

§ 3.6 (m 10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product.* In connection with offer, etc., in commerce, of respondents' rugs, and among other things, as in order set forth, using the word "reproduction", or any other word of similar import, to designate or describe rugs which are not in fact reproductions in all respects of the type named, including material; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Masterkraft Guild Weavers, Inc., et al., Docket 4237, February 24, 1942]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (a 7) *Misbranding or mislabeling—Composition:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Composition:* § 3.96 (a) *Using misleading name—Goods—Composition.* In connection with offer, etc., in commerce, of respondents' rugs, and among other things, as in order set forth, using the term "Wool-Tex", or any other term of similar import, to designate or describe rugs which are not composed wholly of wool; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U. S. C., Sup. IV, sec. 45b) [Cease and desist order, Masterkraft Guild Weavers, Inc., et al., Docket 4237, February 24, 1942]

§ 3.18 *Claiming indorsements or testimonials falsely:* § 3.66 (c) *Misbranding or mislabeling—Indorsements, approvals or awards.* In connection with offer, etc., in commerce, of respondents' rugs, and among other things, as in order set forth, representing that respondents' rugs have been "approved" or "accepted" by the "American Bureau of Home Standards"; or representing that respondents' rugs have been approved or accepted by any agency or organization unless such is the fact, and unless the purported agency or organization is a disinterested, independent body qualified to pass judgment on such matters; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Masterkraft Guild Weavers, Inc., et al., Docket 4237, February 24, 1942]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Individual or corporate business as association or guild:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Individual or private business as professional person, association or guild:* § 3.96 (b) *Using misleading name—Vendor—Individual or corporate business as association or guild.* In connection with offer, etc., in commerce, of respondents' rugs, and among other things, as in order set forth, using the word "Guild", or any other word of similar import, as a part of the corporate or trade name of respondent Masterkraft Guild Weavers, Inc., or otherwise representing that said respondent is a guild; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Masterkraft Guild Weavers, Inc., et al., Docket 4237, February 24, 1942]

In the Matter of Masterkraft Guild Weavers, Inc., a Corporation; Asia Mohi Company, Ltd., a Corporation, and C. James Garofalo, Individually and as President of Masterkraft Guild Weavers, Inc., and Asia Mohi Company, Ltd.

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 24th day of February, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of the respondents, and a stipulation as to the facts entered into between the respondents and Richard P. Whiteley, Assistant Chief Counsel for the Commission, which provides that without further evidence or other intervening procedure the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon, and an order disposing of the proceeding, and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Asia Mohi Company, Ltd., a corporation, Masterkraft Guild Weavers, Inc., a corporation, their officers, and C. James Garofalo, individually and as an officer of said corporations, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of respondents' rugs in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the names "Chatham", "Dixie" or "New Cape Colony", or any other distinctively American name, to designate or describe rugs which are not in fact made in the United States;

2. Using the words "Weavers" as a part of the corporate or trade name of respondent Masterkraft Guild Weavers, Inc., or otherwise representing that respondent Masterkraft Guild Weavers, Inc. manufactures the rugs sold by respondents.

It is further ordered, That respondents Asia Mohi Company, Ltd., its officers, and C. James Garofalo, individually and as an officer of said corporation, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of respondents' rugs in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the words "Hong Kong" or "Canton", or any other word indicative of Chinese origin, to designate or de-

scribe rugs which are not in fact made in China and which do not possess all of the essential characteristics of Chinese Oriental rugs;

2. Using the words "Mahah", "Numda", "Kirma", "Oriental", "Orienta" or "Bagdad", or any other word indicative of the Orient, to designate or describe rugs which are not in fact made in the Orient and which do not possess all of the essential characteristics of Oriental rugs;

3. Using the word "reproduction", or any other word of similar import, to designate or describe rugs which are not in fact reproductions in all respects of the type named, including material;

4. Using the term "Wool-Tex", or any other term of similar import, to designate or describe rugs which are not composed wholly of wool;

5. Representing that respondents' rugs have been "approved" or "accepted" by the "American Bureau of Home Standards"; or representing that respondents' rugs have been approved or accepted by any agency or organization unless such is the fact, and unless the purported agency or organization is a disinterested, independent body qualified to pass judgment on such matters.

It is further ordered, That respondents Masterkraft Guild Weavers, Inc., its officers, and C. James Garofalo, individually and as an officer of said corporation, and said respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of respondents' rugs in commerce, as commerce is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

Using the word "Guild", or any other word of similar import, as a part of the corporate or trade name of respondent Masterkraft Guild Weavers, Inc., or otherwise representing that said respondent is a guild.

It is further ordered, That all of the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1846; Filed, March 3, 1942; 11:16 a. m.]

[Docket No. 4481]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF TUF-NUT GARMENT MANUFACTURING COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of work garments, or any other merchandise, (1) supplying, etc., retail dealers or others, with display posters or any other sales plans or devices which are to be used, or may be used, in the sale or distribution of work garments or any other merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme; and (2) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Tuf-Nut Garment Manufacturing Company, Docket 4481, February 24, 1942]

In the Matter of Little Rock Tent & Awning Company, a Corporation, Trading as Tuf-Nut Garment Manufacturing Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of February, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, stipulation as to the facts entered into by and between counsel for the Commission and counsel for the respondent upon the record, and briefs filed in support of the complaint and in opposition thereto; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That the respondent, Little Rock Tent & Awning Company, a corporation, trading under the name of Tuf-Nut Garment Manufacturing Company, or under any other name, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of work garments, or any other merchandise, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Supplying to, or placing in the hands of, retail dealers or others, display posters or any other sales plans or devices which are to be used, or may be used, in the sale or distribution of work garments or any other merchandise to the public by means of a game of chance, gift enterprise, or lottery scheme;

(2) Selling, or otherwise disposing of, any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1848; Filed, March 3, 1942; 11:17 a. m.]

[Docket No. 4487]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF PACIFIC FRUIT & PRODUCE COMPANY, ET AL.

§ 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.27 (d) *Combining or conspiring—To enhance, maintain or unify prices:* § 3.27 (f) *Combining or conspiring—To limit distribution to regular or established channels:* § 3.27 (g) *Combining or conspiring—To maintain monopoly:* § 3.33 (a) *Cutting off competitors' supplies—Exclusive contracts with suppliers.* In connection with offer, etc., in commerce, of broad leaf spinach or other produce, and on the part of respondent shippers, brokers, and jobbers, and their respective agents, etc., or any two or more of them, and with or without the cooperation of others not a party hereto, (1) entering into, continuing, or carrying out, or directing, instigating, or cooperating in, any common course of action, mutual agreement, combination, or conspiracy which is designed to, or has the capacity, tendency, or effect of, restricting, restraining, suppressing, or eliminating competition in, or monopolizing the trade in, broad leaf spinach or other produce in commerce among and between the several states of the United States, and particularly that produced in the Walla Walla district of the State of Washington and sold in the trade area in and around the City of Chicago in the State of Illinois; (2) entering into, continuing, or carrying out, or directing, instigating, or cooperating in, any common course of action, mutual agreement, combination, or conspiracy which is designed to, or has the capacity, tendency, or effect of (a) restricting the sale and purchase of broad leaf spinach or other produce, to selected shippers and jobbers; (b) determining, controlling, or limiting the number of jobbers or wholesalers who shall purchase or offer said broad leaf spinach or other produce for sale in any designated area or market; (c) causing all purchases and sales of broad leaf spinach and other produce to be made through C. H. Robinson Company or any other designated broker or brokers; (d) preventing jobbers and wholesalers not parties to such agreement, from purchasing from selected shippers of broad leaf spinach and other produce from the Walla Walla district of the State of Washington; (e) fixing, maintaining, manipulating, or enhancing the price of broad leaf spinach or other produce, to dealers or to the public in the City of Chicago and surrounding area, or any other district; and (3) curtailing, restricting, or regulating the amount of broad leaf spinach or other produce to be shipped into the Chicago market, or any other designated area, from the Walla Walla district of the State of Washington; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Pacific Fruit & Produce Company, et al., Docket 4487, February 24, 1942]

In the Matter of Pacific Fruit & Produce Company, a Corporation; Walla Walla Gardeners' Association, a Cooperative Association; Mojonnier & Sons, Inc., a Corporation; Walla Walla Produce Company, a Corporation; Ewing M. Stephens and Eugene Tausich, Co-partners, Trading as Valley Fruit Company; C. H. Robinson Company, a Corporation; La Mantia Brothers Arrigo Company, a Corporation; Owen T. Hill and Robert S. Hill, Co-partners, Trading as Mark Owen & Company; John Plennert and John Mahoney, Co-partners, Trading as P. & M. Distributing Company; Arthur Applebaum and Maurice J. Missner, Co-partners, Trading as Applebaum-Missner Company; and Robert M. Steinberg, Individually and as Manager of the Chicago Branch of C. H. Robinson Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 24th day of February, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answers of the respondents, testimony and other evidence taken before William C. Reeves and W. W. Sheppard, trial examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiners upon the evidence and exceptions filed thereto, and briefs filed in support of the complaint and in opposition thereto; and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents Pacific Fruit & Produce Company, a corporation; Walla Walla Gardeners' Association, a cooperative association; Mojonnier & Sons, Inc., a corporation; Walla Wall Produce Company, a corporation; C. H. Robinson Company, a corporation; and LaMantia Brothers Arrigo Company, a corporation; and their respective officers, agents, representatives, and employees; and Ewing M. Stephens and Eugene Tausich, co-partners trading as Valley Fruit Company; Owen T. Hill and Robert S. Hill, co-partners trading as Mark Owen & Company; John Plennert and John Mahoney, co-partners trading as P. & M. Distributing Company; Arthur Applebaum, surviving partner of co-partnership composed of Arthur Applebaum and Maurice J. Missner, trading as Applebaum-Missner Company; and Robert M. Steinberg, an individual and manager of the Chicago branch of C. H. Robinson Company; and their respective agents, representatives, and employees, or any two or more of said respondents, with or without the cooperation of others not party hereto, in connection with the offering for sale, sale and distribution of broad leaf spinach or other produce in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Entering into, continuing, or carrying out, or directing, instigating, or cooperating in, any common course of action, mutual agreement, combination, or conspiracy which is designed to, or has the capacity, tendency, or effect of, restricting, restraining, suppressing, or eliminating competition in, or monopolizing the trade in, broad leaf spinach or other produce in commerce among and between the several states of the United States, and particularly that produced in the Walla Walla district of the State of Washington and sold in the trade area in and around the City of Chicago in the State of Illinois;

(2) Entering into, continuing, or carrying out, or directing, instigating, or cooperating in, any common course of action, mutual agreement, combination, or conspiracy which is designed to, or has the capacity, tendency, or effect of

(a) Restricting the sale and purchase of broad leaf spinach or other produce, to selected shippers and jobbers;

(b) Determining, controlling, or limiting the number of jobbers or wholesalers who shall purchase or offer said broad leaf spinach or other produce for sale in any designated area or market;

(c) Causing all purchases and sales of broad leaf spinach and other produce to be made through C. H. Robinson Company or any other designated broker or brokers;

(d) Preventing jobbers and wholesalers not parties to such agreement, from purchasing from selected shippers of broad leaf spinach and other produce from the Walla Walla district of the State of Washington;

(e) Fixing, maintaining, manipulating, or enhancing the price of broad leaf spinach or other produce, to dealers or to the public in the City of Chicago and surrounding area, or any other district;

(3) Curtailing, restricting, or regulating the amount of broad leaf spinach or other produce to be shipped into the Chicago market, or any other designated area, from the Walla Walla district of the State of Washington.

It is further ordered, That the complaint herein be, and the same hereby is, dismissed as to the respondent Maurice J. Missner, deceased.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1847; Filed, March 3, 1942; 11:17 a. m.]

TITLE 25—INDIANS

CHAPTER I—OFFICE OF INDIAN AFFAIRS

PART 130—ORDERS FIXING OPERATION AND MAINTENANCE CHARGES

CROW INDIAN IRRIGATION PROJECT, MONTANA

FEBRUARY 24, 1942.

This Order as amended by the Acting Assistant Secretary of the Interior on March 5, 1940 (5 F.R. 1213), is further amended by modifying § 130.12 thereof to read as follows:

§ 130.12 *Charges.* Pursuant to the Act of August 1, 1914 (38 Stat. 583, 25 U.S.C., 385), the charges for operation and maintenance on lands under the Crow Indian Irrigation Project, Montana, to which water can be delivered, are hereby fixed on the several units as follows until further order:

Government operated units, except Coburn Ditch, per acre	$1.25
Two Leggins Unit, per acre	1.20
Boseman Trail Unit, per acre	.65

(38 Stat. 583, 44 Stat. 660, 45 Stat. 210; 25 U.S.C. 385, 387)

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-1843; Filed, March 3, 1942; 9:48 a. m.]

PART 130—ORDERS FIXING OPERATION AND MAINTENANCE CHARGES

FLATHEAD INDIAN IRRIGATION PROJECT, MONTANA

FEBRUARY 24, 1942.

This Order as amended by the Assistant Secretary of the Interior on March 22, 1941 (6 F.R. 1712), is further amended by modifying § 130.17 thereof to read as follows:

§ 130.17 *Charges, Mission Valley and Camas Divisions.* A minimum charge of one dollar and eighteen cents ($1.18) per acre shall be levied against all irrigable land within these divisions as defined in § 130.16 (a) to which water can be delivered, regardless of whether water is used.

This charge shall entitle the farm unit, allotment, or tract of land to receive one and one-half acre-feet of water per irrigable acre or, in case of shortage, the proportionate share of the available supply.

For water delivered in excess of one and one-half acre-feet per irrigable acre there shall be an additional charge of seventy-five cents (75¢) per acre-foot. (38 Stat. 583, 39 Stat. 142, 45 Stat. 210; 25 U.S.C. 385, 387)

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-1844; Filed, March 3, 1942; 9:49 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER A—INCOME AND EXCESS PROFITS TAXES

[T.D. 5122]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

Computation of Limitation Upon the Credit for Foreign Taxes in Relation to Excess Profits Tax

In order to conform Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.], relating to the income tax under the Internal Revenue Code, to the Revenue Act of 1941 (Public Law 250, Seventy-seventh Congress), approved September 20, 1941, such regulations are amended as follows:

Section 19.131–8 [1] is amended by adding at the end thereof the following:

§ 19.131–8 *Limitations on credit for foreign taxes.* • • •

Under the provisions of section 202, Revenue Act of 1941, amending section 23 (c) of the Internal Revenue Code, the excess profits tax imposed by Subchapter E of Chapter 2 is, for years beginning after December 31, 1940, allowed as a deduction in the computation of net income for the purposes of Chapter 1. An aliquot part of such excess profits tax shall be attributable to the net income from sources within each foreign country. The amount so attributable is that proportion of the total excess profits tax which the excess profits net income from sources within such country bears to the total excess profits net income. In the determination of the limitation provided in section 131 (b) (1), relating to the amount of credit against the normal tax, the numerator of the limitation fraction shall reflect reduction for the amount of the excess profits tax thus attributed to the net income from sources within the foreign country.

The operation of this method of computing the limitation fraction may be illustrated by the following example relating to a domestic corporation for the calendar year 1941:

Excess profits credit		$100,000
Net income for taxable year (before deducting excess profits tax):		
From sources in Country A	$50,000	
From sources in United States	80,000	
Total net income		130,000
Less: Credit for dividends received (85 percent of $10,000 dividends from a domestic corporation)		8,500
		121,500
Normal tax net income (before deducting excess profits tax)		
Excess profits tax net income:		
Net income from sources in Country A	$50,000	
Net income from sources in United States	None	
Less: Adjustments under section 711		
		50,000
Excess profits net income from sources in Country A	$50,000	
Net income from sources in United States	8,500	
Less: Dividends from domestic corporations as above		
	71,500	
Less: Adjustments under section 711	None	
		71,500
Excess profits net income		121,500
Less: Excess profits credit plus specific exemption of $5,000		105,000
Adjusted excess profits net income		16,500
Excess profits tax		5,775
Normal tax net income (before deducting excess profits tax)		121,500
Less: Excess profits tax		5,775
		115,725
Normal tax net income		35,624.75
Normal tax and surtax (before foreign tax credit)		

COMPUTATION OF FOREIGN TAX CREDIT FOR PURPOSES OF NORMAL TAX AND SURTAX

Foreign Tax paid on Country A income	$16,000
Net income from Country A adjusted for ratable part of excess profits tax deduction	
$50,000 (net income from sources in Country A before deducting excess profits tax) × $50,000 (excess profits net income from Country A) / $121,500 (total excess profits net income) × $5,775 (total excess profits tax) =	$47,623.46
	$115,725.00
Normal tax net income	
Limitation on credit (section 131 (b) (1)):	
$47,623.46 / $115,725.00 × $35,624.75	14,660.39
Amount allowable as credit	14,660.39

COMPUTATION OF CREDIT FOR THE PURPOSES OF EXCESS PROFITS TAX

Foreign tax paid on Country A income	$16,000.00
Amount allowed as credit with respect to tax imposed by Chapter 1	14,660.39
Balance available as a credit for purposes of the excess profits tax	1,339.61
Limitation on credit (sections 131 (b) (1) and 729 (d) ()):	
$50,000 (excess profits net income from Country A) / $121,500 (entire excess profits net income) × $5,775 = $2,376.54	
Amount allowable as credit	$1,339.61

Similarly under section 131 (b) (2), the taxpayer's net income from sources without the United States shall be reduced by that portion of the total excess profits tax which is attributable to the net income from sources without the United States.

(This Treasury decision is issued under the authority contained in section 131 of the Internal Revenue Code (53 Stat. 59, 26 U.S.C. 1940 Ed. 131) and section 202 of the Revenue Act of 1941 (Public Law 250—77th Congress).)

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: March 2, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42–1841; Filed, March 2, 1942; 4:58 p. m.]

[1] 5 F.R. 486.

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

[T.D. 5121]

PART 171—MISCELLANEOUS REGULATIONS RELATED TO LIQUOR

Subpart H—Transportation of Distilled Spirits, Alcohol and Specially Denatured Alcohol by Tank Trucks

By virtue of sections 3108 (a), 3124 (a) (6), and 3176, Internal Revenue Code, and the Act of January 24, 1942 (Public Law 412—77th Congress), the following regulations are prescribed:

§171.40 *General.* Subject to the conditions prescribed hereinafter, distilled spirits, alcohol, and specially denatured alcohol described below may be transported in tank trucks owned and operated by the consignor or the consignee, or by a motor carrier. The term "motor carrier" shall mean a motor carrier licensed under the Motor Carrier Act of 1935, or an applicable state law.

(a) Distilled spirits of 160 degrees or more of proof:

(1) Withdrawn from a registered distillery, fruit distillery, or an internal revenue bonded warehouse, pursuant to withdrawal permits on Form 1444 (Distilled Spirits) issued to the United States or any governmental agency thereof, for use at arsenals, munitions plants, ordnance depots, and similar places; or

(2) Transferred in bond from a registered distillery, fruit distillery, or an internal revenue bonded warehouse to a denaturing plant.

(b) Alcohol produced under the provisions of Part II, Subchapter C, Chapter 26, Internal Revenue Code:

(1) Withdrawn from an industrial alcohol plant, or an alcohol bonded warehouse, pursuant to withdrawal permits on Form 1444 issued to the United States or any governmental agency thereof, for use at arsenals, munitions plants, ordnance depots, and similar places; or

(2) Transferred in bond between industrial alcohol plants, alcohol bonded warehouses, and denaturing plants pursuant to withdrawal permits, Forms 1436, 1438, 1464, or 1465.

(c) Specially denatured alcohol withdrawn from denaturing plants pursuant to withdrawal permits, Forms 1477, 1485, or 1486, for use at powder plants, arsenals, munitions plants, and similar places. (Secs. 3108 (a), 3124 (a) (6), 3176, I.R.C., Act of January 24, 1942)

§ 171.41 *Permits and bonds*—(a) *New carriers.* Motor carriers, in order to transport specially denatured alcohol, tax-free alcohol, and tax-free distilled spirits, or any one of such products, by tank trucks, must procure permits so to do, in accordance with section 3114, Internal Revenue Code, and Regulations 3 (26 CFR, Part 182), and file bond, Form 49. The terms of the bond shall be modified to cover distilled spirits of 160 degrees or more of proof withdrawn for tax-free purposes, in addition to tax-free and denatured alcohol, and shall be in the penal sum of $50,000 for each tank truck used, and not more than $200,000 for the total of all tank trucks used. Where such permit is obtained and bond is filed, the permit will also authorize transportation of such products in barrels or drums without additional bond requirement.

(b) *Transportation by consignors or consignees.* A consignor or consignee, in order to transport in tank trucks distilled spirits, alcohol, and specially denatured alcohol described in § 171.40, must file application on Form 144 and procure permit, Form 145, authorizing such transportation, and file consent of surety, Form 1533, on his bond, Form 30, 30½, 1571, 1432–A, or 1480, as the case may be, extending the terms thereof to be liable for such distilled spirits, alcohol, or specially denatured alcohol transported by him, as follows:

(1) In the case of tax-free alcohol and distilled spirits, the bond, Form 30, 30½, 1571, or 1432–A, shall be extended to be liable for an amount equal to the tax, together with interest, if such alcohol or distilled spirits are transported, used, or sold contrary to law or regulations now or hereafter in force.

(2) In the case of specially denatured alcohol, bond, Form 1432–A or 1480, shall be extended to be liable for the tax, together with penalties and interest, on all specially denatured alcohol withdrawn, transported, used, or sold in violation of laws or regulations now or hereafter in force.

If the maximum of the present bond is not sufficient when computed as set forth in paragraph (a), the consent of surety (or a new bond in lieu thereof) must assume the additional liability.

These requirements shall not apply where specially denatured alcohol, tax-free alcohol, or tax-free distilled spirits are withdrawn by the United States or any governmental agency thereof and are transported in tank trucks operated by employees of the United States.

(c) *Present permits and bonds.* Basic permits and bonds now held by motor carriers, and by consignors and consignees which authorize the transportation of tax-free alcohol and specially denatured alcohol, may, on application and the filing of consents of surety, be modified to authorize tank truck shipments of specially denatured alcohol, tax-free alcohol, and tax-free distilled spirits, and to contain an undertaking to be liable for the tax, or an amount equal to the tax, as provided in subparagraph (1) or (2) of paragraph (b), as the case may be. The consent of surety (or, if preferred, a new bond) must be modified so that the principal and surety will be responsible to the extent of $50,000 on each tank truck used, and not more than $200,000 for the total of all tank trucks used. (Secs. 3108 (a), 3124 (a) (6), 3176, I.R.C. Act of January 24, 1942)

§ 171.42 *Procedure*—(a) *Gauging, filling, and labeling.* Distilled spirits, alcohol, and specially denatured alcohol transferred by tank trucks will be shipped pursuant to the applicable provisions of Regulations 3, 4, 5, and 10 (26 CFR, Parts 182, 183, 184, and 185), concerning transfers in bond by tank cars, including the provisions relating to gauging, filling, and labeling.

(b) *Data respecting carrier.* The name of the carrier (licensed carrier, consignor or consignee), the state license tag number of the tank truck, the driver's name, the driver's permit number, and the name of the state issuing such permit will be recorded by the storekeeper-gauger or the proprietor of the plant, as the case may be, on the applicable Form 1520 or 1440, and on Form 1439, 1453, or 1473, as the case may be. An extra copy of Form 1473 will be prepared for use as provided in § 171.43. (Secs. 3108 (a), 3124 (a) (6), 3176, I.R.C., Act of January 24, 1942)

§171.43 *Shipment.* Tank trucks used for transporting the distilled spirits, alcohol, and specially denatured alcohol, after filling, shall be sealed by the storekeeper-gauger at the consignor's premises in such manner as will secure all openings affording access to the tank. Serially-numbered cap seals furnished by the Government will be used for this purpose. The number of the cap seal will be recorded on Form 1520, 1440, or 1468D, and on Form 1439, 1453, or 1473, as the case may be. The storekeeper-gauger will place the Form 1439, 1453, or 1473, as the case may be, in a sealed envelope addressed to the consignee, and give the same to the driver of the tank truck for delivery to the consignee. On receipt at the consignee's premises, the consignee will receipt for the shipment, verify the information shown on Form 1439, 1453, or 1473, and note on such form any discrepancies relative to the shipment. The Form 1439, 1453, or 1473 will be forwarded by the consignee immediately to the District Supervisor of the district in which the consignor is located. (Secs. 3108 (a), 3124 (a) (6), 3176, I.R.C., Act of January 24, 1942)

§ 171.44 *Action by District Supervisor.* The District Supervisor will check the forms daily against the Form 1520 or 1440, and, in the case of specially denatured alcohol, Form 1473, and make any inquiry which he deems necessary with respect to any discrepancy. In the event of failure to receive Form 1439, 1453, or 1473 from the consignee within the time normally required for the truck to make the shipment and the form to be sent by mail, the District Supervisor will also make an appropriate investigation. (Secs. 3108 (a), 3124 (a) (6), 3176, I.R.C., Act of January 24, 1942)

§ 171.45 *Accounting.* The distilled spirits, alcohol, and specially denatured alcohol shipped, transported, and received under these regulations will be accounted for in accordance with the applicable provisions of Regulations 3, 4, 5, and 10, and Treasury Decision 5111, relating to shipments by tank cars. (Secs. 3108 (a), 3124 (a) (6), 3176, I.R.C., Act of January 24, 1942)

§ 171.46 *Termination of regulations.* The regulations in this part shall cease to be effective upon the termination of the unlimited national emergency proclaimed by the President on May 27, 1941. (Secs. 3108 (a), 3124 (a) (6), 3176, I.R.C., Act of January 24, 1942)

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: February 26, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42–1812; Filed, March 2, 1942; 3:41 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER A—GENERAL PROVISIONS

PART 903—DELEGATIONS OF AUTHORITY

Supplementary Directive No. 1C—Amendment of Delegation With Respect to Rationing of Commercial Vehicles

§ 903.4 *Supplementary Directive No. 1C.* (a) Notwithstanding the provisions of § 903.1, Directive No. 1,[1] all authority with respect to the exercise of rationing control over commercial vehicles shall remain in the Chairman of the War Production Board, and in the Director of Industry Operations to the extent that the authority of said Chairman has been delegated to the said Director by War Production Board Regulation No. 1, issued January 26, 1942.

(b) As used in this Supplementary Directive the term "commercial vehicles" means any light, medium or heavy trucks, truck tractors or trailers propelled or drawn by mechanical power for use on the highways for transportation of property or persons. (E.O. 9024, Jan. 16, 1942, 7 F.R. 329, E.O. 9040, Jan. 24, 1942, 7 F.R. 567; Sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law, 89, 77th Cong., 1st Sess.; W.P.B. Dir. No. 1, Jan. 24, 1942, 7 F.R. 562)

Issued this 28th day of February 1942.

DONALD M. NELSON,
Chairman, War Production Board.

[F. R. Doc. 42–1867; Filed, March 3, 1942; 11:45 a. m.]

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 937—ZINC

Supplementary Order No. M–11–i

§ 937.10 *Supplementary Order M–11–i.* (a) The Director of Industry Operations hereby determines that the amount of Metallic Zinc, Zinc Oxide and Zinc Dust to be set aside by Producers under paragraph (c) of § 937.1 as extended, for the month of March, 1942, and for each month thereafter until otherwise determined by him, shall be as follows:

[1] 7 F.R. 562.

(1) Metallic Zinc: An amount equal to 50% of Producer's December 1941 production of High Grade and/or Special High Grade Zinc, and 40% of Producer's December 1941 production of all other grades of Zinc.

(2) Zinc Oxide: An amount equal to 20% of Producer's December 1941 production of Lead Free Zinc Oxide (American and French Processes) and 10% of Producer's December 1941 production of Leaded Zinc Oxide (American Process).

(3) Zinc Dust—None.

(b) This Order shall take effect on the 1st day of March, 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a) Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 28th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1868; Filed, March 3, 1942; 11:45 a. m.]

PART 989—DOMESTIC MECHANICAL REFRIGERATORS

Amendment No. 1 to General Limitation Order L-5

Subparagraph (a) (1) of § 989.1 (*General Limitation Order L-5*[1]) is hereby amended to read as follows:

(1) "Domestic mechanical refrigerator" means any refrigerator for household use which operates either by compression or absorption and which has a net capacity (N.E.M.A. rating) of sixteen cubic feet or less. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This amendment shall take effect immediately. Issued this 3d day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1870; Filed, March 3, 1942; 11:47 a. m.]

PART 989—DOMESTIC MECHANICAL REFRIGERATORS

Amendment No. 1 to Supplementary General Limitation Order L-5-b[2]

Paragraph (a) of § 989.3 (*Supplementary General Limitation Order L-5-b*) is hereby amended by adding thereto subparagraph (4) to read as follows:

(4) Any New Domestic Mechanical Refrigerators may be sold, leased, traded, delivered, shipped or transferred by any person to the Army or Navy of the United States, or the United States Maritime Commission; *Provided* That such person files with the War Production Board on or before the 10th day of each calendar month a list of all such refrigerators by size and type which he delivered, shipped and transferred pursuant to this subparagraph during the preceding calendar month. (P.D. Reg 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This amendment shall take effect immediately.

Issued this 2d day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1837; Filed, March 2, 1942; 5:20 p. m.]

PART 1055—WOOL

General Conservation Order M-73-a to Conserve the Supply of Wool Cloth Entering Into the Production of Men's and Boys' Clothing

Whereas it appears that the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of wool for the combined needs of defense, private account and export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply of wool cloth entering into the production of men's and boys' clothing:

Now, therefore, it is hereby ordered, That:

§ 1055.2 *General Conservation Order M-73-a*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* (1) "Wool Cloth" means any cloth containing new wool, reprocessed wool or reused wool.

(2) "Put into process" means the first cutting operation of the wool cloth in the manufacture of Men's or Boys' clothing by any Person, including tailors-to-the-trade and merchant tailors.

(3) "Men's" means clothing graded as men's, young men's, students', or all that does not normally grade from size 14.

(4) "Boys'" shall mean all clothing normally graded from size 14.

(5) Measurements—Whenever particular measurements are set forth in this Order, such shall refer to finished measurements after all manufacturing operations have been completed and the garment is ready for shipment.

(c) *Restrictions on use of wool cloth in the manufacture of men's and boys' clothing*—(1) *Curtailments on use of wool cloth in the manufacture of suits.* No person shall put into process or cause to be put into process by others for his account any wool cloth for the manufacture of:

(i) A second pair of trousers for any suit, whether two or three pieces, of the same or matching material,

(ii) A vest for a double-breasted suit of the same or matching material,

(iii) A sack coat exceeding the following lengths:

(a) Men's—29¾ inches for a size 37 Regular with other sizes and variations in normal proportion.

(b) Boys'—24¾ inches for a size 14 with other sizes in normal proportion.

(iv) A sack coat with outside patch pockets or inside patch pockets of wool cloth.

(v) A sack coat with a vent, a belted back or any other type of fancy back with pleats, tucks, bellows, gussets, or yokes,

(vi) A pair of trousers exceeding a maximum width of 22 inches at the knee and 18½ inches at the bottom for a pair of trousers size 32 in. waist Regular with other sizes and variations in normal proportion,

(vii) A pair of trousers with inseam measurement exceeding

(a) Men's—35 inches (including the turn-up) for a pair of trousers size 32 in. waist Regular with other sizes and variations in normal proportion,

(b) Boys'—30½ inches (including turn-up) for a size 14 with other sizes in normal proportion.

(viii) A pleated, tucked, or continuous waistband pair of trousers,

(ix) A trouser belt,

(x) A pair of trousers with patch pockets,

(xi) A vest with patch pockets, collar, lapels, or of a double-breasted style.

(2) *Curtailments on finishing trousers.* No person shall finish a pair of trousers made of wool cloth with cuffs or cause such to be finished with cuffs by others for his account.

(3) *Curtailments on the use of wool cloth in the manufacture of topcoats and overcoats.* No person shall put into process or cause to be put into process by others for his account any wool cloth for the manufacture of:

(i) (a) A man's single-breasted topcoat or overcoat exceeding 43¼ inches in length and 56 inches in sweep for a size 37 Regular with other sizes and variations in normal proportion,

(b) A boy's single-breasted topcoat or overcoat exceeding 37¼ inches in length and 48 inches in sweep for a size 14 with other sizes in normal proportion,

(ii) (a) A man's double-breasted topcoat or overcoat exceeding 44¼ inches in length and 62 inches in sweep for a size 37 Regular with other sizes and variations in normal proportion,

(b) A boy's double-breasted topcoat or overcoat exceeding 37¼ inches in length and 53 inches in sweep for a size 14 with other sizes in normal proportion,

(iii) A topcoat or overcoat with inside or outside patch pockets of wool cloth, any type of cuffs on the sleeves, a belt, pleats, or any type of fancy back,

(iv) A topcoat or overcoat with a lining cloth containing new wool,

(v) A reversible coat made of wool cloth on more than one side.

(4) *Curtailments on reference swatches and selling samples.* No person shall cut or cause to be cut by others for his account a selling sample containing over 54 square inches of wool cloth or a reference swatch containing over 6 square inches of wool cloth.

(5) *Curtailments on the manufacture of full-dress coats, cutaway coats, or double-breasted tuxedo coats.* No person shall hereafter put into process or cause to be put into process by others for his account any wool cloth in the manufacture of a full-dress coat, a cutaway coat, or a double-breasted tuxedo coat.

(d) *Exclusions from this Order.* The provisions and terms of this Order shall not apply to the cutting or manufacturing of garments on Defense Orders or uniforms for any of the following:

(1) U. S. Army Officers.

(2) U. S. Navy Officers and Chief Petty Officers.

(3) U. S. Marine Corps Officers.

(4) U. S. Coast Guard Officers and Chief Petty Officers.

(5) U. S. Coast and Geodetic Officers.

(6) U. S. Government Military and Naval Academy and Training Schools Students.

(7) Maritime Commission Employees.

(e) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of wool cloth conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or telegram, Ref: M-73-a, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(f) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any material subject to allocation and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35(A) of the Criminal Code (18 U.S.C. 80).

(g) *Reports and communications.* All applications, statements, or other communications filed pursuant to this Order or concerning the subject matter hereof, shall be addressed to the War Production Board, Washington, D. C., Ref: M-73-a.

(h) *Effective date.* This Order shall take effect on March 30, 1942, as respects all persons except tailors-to-the-trade or merchant tailors, and shall take effect upon them on May 30, 1942. (P.D. Reg. 1, amended December 23, 1941; 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Issued this 2d day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1838; Filed, March 2, 1942; 5:21 p. m.]

PART 1094—COTTON DUCK

General Preference Order M-91 To Conserve the Supply and Direct the Distribution of Cotton Duck

Whereas the national defense requirements have created a shortage of cotton duck, as hereinafter defined, for defense, for private account, and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 1094.1 *General Preference Order M-91*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* For the purposes of this Order:

(1) "Cotton Duck" shall mean any cotton fabric in duck constructions in the greige, dyed, or proofed state, of widths from 15 inches to 87 inches, both inclusive, and in weights from 7¾ ounces to 29 inches to 30 ounces to a square yard, both inclusive, constructed with single or plied warp yarns and single or plied filling yarns, commonly designated as:

(i) Army Duck (including Shelter Tent Duck and Woven Awning Stripe Duck);
(ii) Numbered (Wide or Sail) Duck;
(iii) Narrow or Naught Duck;
(iv) Hose or Belting Duck;
(v) Shoe Duck;
(vi) Harvester Duck;
(vii) Filter Duck (including plied yarn filter twills);
(viii) Single or Double-Filling Duck;
(ix) Ounce Duck; or
(x) Chafer Duck (Chafer Fabric) single or plied yarns.

(c) *Restrictions on purchases and sales of cotton duck.* Except as provided in paragraph (f), no Person, unless specifically authorized by the Director of Industry Operations, shall hereafter purchase or sell any cotton duck, except

(1) upon contracts carrying preference ratings of better than A-2; or

(2) upon contracts (including blanket or requirement contracts) existing on January 15, 1942, but only to the extent of making deliveries prior to March 1, 1942:

Provided, however, That after March 1, 1942, such preference ratings of better than A-2 shall include only those evidenced by a preference rating certificate issued by the Director of Industry Operations (or his predecessor, the Director of Priorities) or under his authority by the Army or Navy of the United States, directly to and naming the person requesting such sales (not including a certificate issued to and naming some other person who is to be supplied by the person requesting such sale or an order rated under any General Preference Order), for the specific purpose of rating deliveries of cotton duck.

(d) *Restrictions on deliveries of cotton duck after March 1, 1942.* Except as provided in paragraph (f), no Person, unless specifically authorized by the Director of Industry Operations, shall, on or after March 1, 1942, deliver or accept delivery of any cotton duck, except to fill any defense order carrying a preference rating higher than A-2, evidenced by a preference rating certificate issued by the Director of Industry Operations (or his predecessor, the Director of Priorities) or under his authority by the Army or Navy of the United States, directly to and naming the person requesting such deliveries (not including a certificate issued to and naming some other person who is to be supplied by the person requesting such sale or an order rated under any General Preference Order), for the specific purpose of rating deliveries of cotton duck: *Provided, however,* That no deliveries shall be made under any such certificates unless the person to whom such delivery is to be made shall file with his supplier a certificate in substantially the following form:

The cotton duck to be delivered under Preference Rating Certificate No. ---------- is not to be used to replace inventory, but is required for use immediately in filling a purchase order bearing an equal or better preference rating.

Name of person

By---
Authorized signer

(e) *Restrictions on the use of cotton duck.* Except as provided in paragraph (f), no Person, unless specifically authorized by the Director of Industry Operations, shall, on or after March 1, 1942, use any cotton duck in the manufacture of any article in which cotton duck, either with or without further processing, is physically incorporated, except when such cotton duck has been rejected as unfit for use by both the Army and the

[1] 6 F.R. 5006.
[2] 7 F.R. 1063, 1493.

Navy of the United States, or except upon orders carrying preference ratings higher than A–2, evidenced by a preference rating certificate issued by the Director of Industry Operations (or his predecessor, the Director of Priorities) or under his authority by the Army or Navy of the United States, directly to and naming the person requesting delivery (not including a certificate issued to and naming some other person who is to be supplied by the person requesting such sale or an order rated under any General Preference Order), for the specific purpose of rating deliveries of cotton duck: *Provided, however,* That cotton duck cut in lengths of 10 yards or less on the effective date of this Order may be used without restriction hereunder.

(f) *Exceptions for certain cotton ducks*—(1) *Prior to April 1, 1942.* Notwithstanding the provisions of paragraphs (c), (d), and (e), and to the extent that deliveries under preference rated orders carrying higher ratings are not thereby delayed or postponed, deliveries of the following types of cotton duck may continue to be made until March 31, 1942, upon contracts, including blanket or requirement contracts existing on January 15, 1942, to the extent that such deliveries have already been scheduled for shipment on or before March 31, 1942:

(i) Hose or Belting Duck
(ii) Filter Duck and Filter Twill
(iii) Apron Duck
(iv) Harvester Duck
(v) Single and Plied Yarn Chafer Fabrics
(vi) Enameling Duck
(vii) Single or Double Filling Duck or Ounce Duck weighing 8 ounces to 29 inches and lighter.

(2) *Exception for cotton duck in lengths of 10 yards or less.* Nothing in this Order contained shall restrict the sale or use of pieces of cotton duck in lengths of 10 yards or less produced in the ordinary course of the manufacture of cotton duck or cotton duck products as permitted hereunder.

(g) *Restrictions on the manufacture and delivery of certain cotton duck products.* (1) After March 31, 1942, notwithstanding anything in Priorities Regulation No. 1 or anything in any preference rating certificate or General Preference or other Order, now or hereafter issued, unless specifically issued for the purpose of modifying this paragraph, manufacturers of cotton duck of constructions suitable for manufacture into articles of the types set forth on Schedule "A" hereof shall set aside such production as may be specifically designated for the purpose by the Director of Industry Operations for sale to Persons engaged in the production of articles listed on the said Schedule "A". The production so designated shall be the production of looms of a specified number operated at maximum productive capacity for such period or periods as may be specified by the Director of Industry Operations, regardless of § 944.14 of the said Priorities Regulation No. 1.

(2) Unless specifically authorized by the Director of Industry Operations, no Person engaged in the manufacture of any of the articles of the types set forth on Schedule "A" shall accept delivery from the production of looms specifically designated by the Director of Industry Operations, pursuant to paragraph (g) (1) hereof, in any calendar month, of an amount of cotton duck in excess of 1/12 of the number of pounds or yards, whichever is the standard unit of purchase, of cotton duck which such person withdrew from inventory and put into process for the manufacture of articles of the types set forth on Schedule "A" in the calendar year 1941: *Provided, however,* That no such person shall accept delivery of any cotton duck of a particular construction from the said designated production when such Person's inventory of such construction of duck is in excess of 1/12 of the amount thereof or its equivalent put into process by such Person in the calendar year 1941.

(3) No manufacturer of cotton duck of constructions suitable for manufacture into articles of the types set forth in Schedule "A" shall deliver any cotton duck from the said designated production to any Person engaged in the manufacture of any of the said articles, unless and until such manufacturer shall have first received from such Person a certificate, signed by such Person or on his behalf by an individual authorized to sign for such Person, in substantially the following form:

The undersigned hereby certifies to his vendor and to the War Production Board that the undersigned requires the amount of cotton duck from the production designated by the Director of Industry Operations, covered by the undersigned's purchase order No. ---------- for delivery in the calendar month of ---------- for manufacture into one or more of the types of articles listed on Schedule "A" of General Preference Order M–91; that the undersigned will not use the said cotton duck in the manufacture of any type of article in which its use is prohibited by the provisions of said Schedule "A"; that the undersigned will not receive delivery from all sources of supply in the same calendar month of an amount of cotton duck from the production designated under paragraph (g) (1) of General Preference Order M–91, in excess of 1/12 of the amount of cotton duck of the same or equivalent constructions put into process by the undersigned in the calendar year 1941, except upon orders accompanied by preference rating certificates having ratings better than A–2 as provided in General Preference Order M–91; and that the undersigned's inventory of cotton duck of the particular constructions covered by the said purchase order is not in excess of 1/12 of the amount thereof put into process by the undersigned in the calendar year 1941.

Name of person
By: ---
Authorized individual
Date: ---

(4) No Person engaged in the manufacture of articles of the types set forth on Schedule "A" herein shall use in the manufacture of any of the articles listed on the said Schedule "A" any particular construction of cotton duck in the manufacture of any particular article in which the use of the said construction is prohibited by the terms of the said Schedule "A".

(5) On or after April 1, 1942, no Person engaged in the manufacture of any of the articles of the types set forth on Schedule "A", unless specifically authorized by the Director of Industry Operations, shall deliver any cotton duck product to any Person, and no Person shall, on or after April 1, 1942, unless specifically authorized by the Director of Industry Operations, accept delivery of any article of the type set forth on Schedule "A", unless and until the Person who is to receive delivery of such article shall have first filed with his vendor a certificate signed by such Person or on behalf of such Person by an individual authorized to sign for such Person, in substantially the following form:

The undersigned hereby certifies to his vendor and to the War Production Board that the undersigned is engaged in the ---------- industry; the undersigned requires delivery of the product listed on purchase order No. ---------- in the month of ---------- for actual use by the undersigned within sixty days from the receipt thereof by the undersigned; that his estimate of the time within which he will put the said articles into actual use is based upon the actual experience of the undersigned in the calendar years 1940 and 1941; and the undersigned further certifies that to the knowledge of the responsible officials and technicians of the undersigned there is no substitute not made from cotton duck obtainable for such actual use.

Name of person
By ---
Authorized individual
Date: ---

Any Person accepting delivery of any article of the type set forth on Schedule "A" and intending to resell the same, either in the form in which he received it or incorporated in any other product, shall, in the certificate to be filed with his vendor as provided above in this subparagraph, substitute the words "for resale" in the place of the words "for actual use" and the words "resell the said articles" in place of the words "put the said articles into actual use." No such Person shall resell any such cotton duck products except to a Person filing with him a proper certificate in the form specified above. Any manufacturer filing the certificate required by this subparagraph shall fill in the blank appearing in the certificate form immediately before the word "industry" by specifying the principal products he produces by the use of the cotton duck products to be delivered to him by his vendor.

(6) Any Person with whom any certificate is filed pursuant to this Order is entitled to rely upon the facts stated in any such certificate in the absence of knowledge or reason to have knowledge that the facts stated in such certificates are incomplete, misleading, or untrue.

(h) *Control of stocks of cotton duck and certain cotton duck products.* Control is hereby taken of the distribution and use of the cotton duck products listed on Schedule "A" and of cotton duck. Any cotton duck or any such cotton duck product at any time hereafter in the inventory of any Person shall be sold and delivered by such Person if and as specifically directed in any Order of the Director of Industry Operations, which may be issued whenever the Director of Industry Operations shall determine that a shortage of such cotton duck or such cotton duck product for defense, for private account, and for export, exists and that it is necessary or appropriate so to allocate such cotton duck or such cotton duck product in the public interest, or to promote the national defense, by so directing its sale and delivery by such Person. Any such sale shall be made at the established prices and terms of sale and payment therefor. No Person shall dispose of or use any cotton duck or cotton duck product which is the subject of such an Order in any manner inconsistent with the terms of any such Order.

(i) *Other allocations of cotton duck.* Applications for specific authority to purchase, accept delivery of, or use cotton duck or any cotton duck product otherwise than as permitted by paragraphs (c), (d), (e), (f), and (g), may be made to the Director of Industry Operations by the Person desiring to use such cotton duck or such cotton duck product on Form PD–329, or such other form or forms as may be prescribed as appropriate for particular applications. Any such application shall, among other things, set forth a statement of the technical necessity for the use of cotton duck in the manner and to the extent that application therefor is made. Such application shall also summarize the efforts made by the Applicant to use substitutes, and shall contain a statement of the reasons why the Applicant contends that the use of cotton duck in the manner and the extent that application therefor is made will promote the national defense or will be in the public interest. The Director of Industry Operations will allocate cotton duck to such Applicant in the manner and to the extent that he determines to be in the public interest or to promote national defense. Such allocations of cotton duck shall take precedence over any preference rated orders.

(j) *Appeals.* Any Person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of cotton duck conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board, Reference M–91, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(k) *Reports.* On or before the 15th day of March, 1942, and on or before the 15th day of each calendar month thereafter, each Person with whom one or more certificates have been filed pursuant to subparagraph (g) (5) hereof shall file with the War Production Board a tabulation showing the number and kind of cotton duck products delivered by him during the calendar month immediately preceding to each type of industry specified in each such certificate filed with him. All Persons affected by this Order shall execute and file with the War Production Board such other reports and questionnaires as may be required by said Board from time to time.

(l) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Reference M–91.

(m) *Records.* All Persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(n) *Modification of telegraphic orders.* The telegraphic orders issued January 15, 30, February 9, and 19, 1942, are hereby amended, as of the date of the issuance of this Order, in accordance with the terms of this Order. Purchase orders with preference ratings made subject to review under the telegram of January 30, 1942, which, however, comply with the provisions of paragraph (d) hereof, may be filled without further review.

(o) *Violations.* Any Person who willfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U. S. C. 80).

(p) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Cong., 3d sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 28th day of February 1942.

J. S. KNOWLSON,
Director of Industry Operations.

SCHEDULE A

Part I—Hose Manufactured from Hose Duck

A. Air Drill (2" size and over, only)
Butane and Propane
Cement Gun (1½" size and over, only)
Flexible Pipe (3" size and over, only)
Grouting, Hydraulic, Jetting
Lubrication, high pressure (1" and over, only)
Pneumatic (2" size and over, only)
Railroad (Car and Engine Equipment)
Air Brake
Air Signal
Railroad (Shop and Maintenance)
Air or Pneumatic (2" size and over, only)
Steam (for uses involving pressure of 50 lbs. or more)
Rotary Drilling
Sand Blast (1¼" size and over, only)
Steam Hose (for uses involving pressures of 50 lbs. or more)
Suction (and/or discharge) — 3" sizes and over, only
Oil, and other petroleum products and molasses
Sand
Water
Water (3" size and over, only)

B. Acid
Air Drill (sizes under 2")
Beverage
Cement Gun (sizes under 1½")
Chemical
Creamery
Divers Air
Dredging Sleeves
Dust
Flexible Pipe (sizes under 3")
Lubrication, high pressure (sizes under 1")
Pneumatic (sizes under 2")
Radiator
Railroad (car and engine equipment)
Tender Tank
Railroad (Shop and Maintenance)
Air (sizes under 2") Steam (for working pressures less than 50 lbs.)
Water, Welding, and other essential types
Sand Blast (sizes under 1¼")
Spray (Industrial and Agricultural)
Steam (for working pressures less than 50 lbs.)
Suction (and/or discharge) (sizes under 3")
Oil, and other petroleum products and molasses
Sand
Water
Tank Wagon, oil and other petroleum products
Vacuum (Industrial)
Ventilating
Water (sizes under 3")
Welding

Provided, however, That no Hose in group B shall use any "Cotton Duck" weighing between 18 and 24 ounces, both inclusive, to 40-inch width.

Part II—Belting, Packing and Miscellaneous Rubber and Fabric Products Manufactured From Belting or Other Cotton Ducks

A. Belting
Conveyor (all types)
Elevator
Hog-Beater
Power Transmission, flat
Power Transmission, Vee Type, Industrial and Agricultural Machinery

B. Packings
Sheet, Strip, Rod, Coil and other mechanical packings

C. Miscellaneous Products
Band Saw Bands
Card Clothing
Chute and Tumbling Barrel Liners
Cleats and Bucket Pads
Draper and Feed Aprons
Drop Hammer Pads
Escalator Hand Rails
Granite Slings
Laundry Machine Tapes
Linoleum Forming Belts

Linemen's Straps
Loom and Harness Strapping
Polishing Belts
Printers and Lithographers Supplies
Pulley Lagging
Round Belts and Belting
Rut Aprons and Condenser Tapes
Screen Diaphragms
Street Sweepers Belts
Tank and Dam Seals

Provided, however, That no "Cotton Duck" product in this Part II shall be manufactured from any Duck weighing between 17 ounces and 26 ounces to 40-inch width.

Part III—"Cotton Duck" Products Produced From Numbered or Filter Duck and Filter Twills

Chemical Filters
Beet Sugar Industrial Filters
Oil and Wax Filters
Paint Filters
Dyestuff Filters
Filters Used in the Processing of Food Products
Mining Filters
Filters Used in the Processing of Ceramics

Part IV—Chafer Fabrics

Chafer Fabrics for Use in Automobile Tires

[F. R. Doc. 42-1636; Filed, March 2, 1942; 5:20 p. m.]

PART 1117—GAS MASKS

General Limitation Order L-57 to Restrict the Production of Unapproved Gas Masks and Anti-Gas Devices

Whereas, the fulfillment of requirements for the defense of the United States will result in a shortage in the supply of materials used in the manufacture of Gas Masks and Anti-Gas Devices, and the present supply of these materials will be insufficient for defense and essential civilian requirements unless steps are taken to prevent waste by curtailing the manufacture and distribution of Unapproved Gas Masks and Unapproved Anti-Gas Devices for civilian sale and use.

Now, therefore, it is hereby ordered, That:

§ 1117.1 *General Limitation Order L-57—(a) Definitions.* For the purposes of this Order:

(1) "Gas Mask" means any mask, hood, shield, canister, or other device adapted, claimed or purported to be adapted for use by civilians for individual protection against enemy attack, or held or advertised for sale for such use.

(2) Any Gas Mask shall be presumed to be an "Unapproved Gas Mask" within the meaning of this Order unless it affirmatively appears:

(i) That it is manufactured according to specifications of the Chemical Warfare Service of the United States Army on actual order for use by military, naval, or air forces, or by the Office of Civilian Defense, or by any other agency of the United States Government, or for use by any foreign government, under a Defense Order as defined in Priorities Regulation No. 1 (Part 944) as amended from time to time, or to be supplied to Civilians by any of the foregoing; or

(ii) That it is manufactured according to specifications established and used in the manufacture of masks for fire-fighting, mining, industrial, scientific, or other like non-military uses, and is sold for such purposes, and is not claimed, purported, advertised to be or offered for sale as a Gas Mask for protection against enemy attack.

(3) "Anti-Gas Device" means any canister or other device adapted, claimed or purported to be adapted for use by civilians as a collective protector in buildings or shelters against enemy gas attack, or held or advertised for sale for such use.

(4) Any Anti-Gas Device shall be presumed to be an Unapproved Anti-Gas Device within the meaning of this Order unless the circumstances set forth in paragraph (a) (2) (i) affirmatively appear.

(5) "Put into Production" means to begin the assembly of component parts.

(6) "Material" means any commodity, equipment, accessory, part assembly, or product of any kind.

(b) *General restrictions.* From the effective date of this Order:

(1) No person shall manufacture, purchase, or sell an Unapproved Gas Mask or Unapproved Anti-Gas Device;

(2) No person shall receive delivery of any Laminated Cloth, Laminated Glass or Plastic Lenses, Metal Buckles or Buttons, Primary or Activated Charcoal, Rubber, Synthetic Rubber, Webbing or Duck to be physically incorporated in any Unapproved Gas Mask or Unapproved Anti-Gas Device.

(3) No person shall sell or deliver any Laminated Cloth, Laminated Glass or Plastic Lenses, Metal Buckles or Buttons, Primary or Activated Charcoal, Rubber, Synthetic Rubber, Webbing, or Duck to any person if he knows or has reason to believe that such Materials are to be used in the manufacture of any Unapproved Gas Masks or Unapproved Anti-Gas Devices, in violation of this Order, or any other and further Orders of the Director of Industry Operations.

(c) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(d) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(e) *Reports.* Reports shall be made at such times, on such forms, and with respect to such matters as shall be prescribed by the War Production Board. Persons who have manufactured or sold any Unapproved Gas Masks or Unapproved Anti-Gas Devices since January 1, 1941 or who on the effective date of this Order had in their possession or under their control more than ten Unapproved Gas Masks or Unapproved Anti-Gas Devices shall forthwith report such fact (and the details thereof), in writing to said War Production Board, on Form PD-328.

(f) *Violations and false statements.* Any person who violates this Order, or who by any act or omission falsifies any records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(g) *Application of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision thereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(h) *Communications.* All reports to be filed, appeals and other communications concerning this Order shall be addressed to the: Fire Equipment Section, War Production Board, Washington, D. C., Reference: L-57.

(i) *Appeal.* (1) Any person having in his possession or under his control an Unapproved Gas Mask or Unapproved Anti-Gas Device manufactured or put into production before the date of this Order, who believes that such Mask or Device is or may be of value for defense, and who desires to complete or sell such mask or device for such purposes, may submit Form PD-328, and request of the War Production Board, in writing, permission to complete and sell such mask or device for such purposes. He shall submit such further information as the Board may require and shall make such Mask or Device available for tests and inspection as may be required. The Board may test and inspect such Mask or Device through the agency of the Chemical Warfare Service of the United States Army and may consult with the Office of Civilian Defense, and may issue such orders with respect to the completion or sale of such mask or device as in its opinion may be consistent with the requirements of defense.

(2) Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(j) *Effective date.* This Order shall take effect on the date of issuance. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 3d day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1669; Filed, March 3, 1942; 11:45 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1312—LUMBER AND LUMBER PRODUCTS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 97 [1]—SOUTHERN HARDWOOD LUMBER

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.[2]

Section 1312.307 (c) (2) is amended by adding the following new sentence at the end thereof and a new § 1312.308a is added:

§ 1312.307 *Definitions.*

* * * * *

(c) * * *

(2) * * * Any sawmill located within the southern hardwoods area, as herein defined, which processes lumber primarily from logs originating in the Appalachian hardwoods area shall, upon approval by the Office of Price Administration of an application by the operator of the mill, be classified within the Appalachian area.

§ 1312.308a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1312.307 (c) (2) and 1312.308a) to Revised Price Schedule No. 97 shall become effective March 3, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 2d day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1833; Filed, March 2, 1942; 4:03 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

ORDER NO. 1, UNDER PRICE SCHEDULE NO. 97 [1]—SOUTHERN HARDWOOD LUMBER

For the reasons set forth in an opinion, issued simultaneously herewith,[2] and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered that:

§ 1312.350 The Louisville, Kentucky, mill of the Wood Mosaic Company, Inc. and the Russell Springs, Kentucky, mill of the Wood Mosaic Company, Inc., are classified within the Appalachian Hardwoods area for the purposes of § 1312.307 (c) of Price Schedule No. 97 until such time as these mills cease processing lumber primarily from logs originating in the Appalachian area. (Pub. Law 421, 77th Cong. 2d Sess.)

This Order shall become effective March 3, 1942. Issued this 2d day of March, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1834; Filed, March 2, 1942; 4:04 p. m.]

[1] 7 F.R. 1388.
[2] The statement of considerations has been filed with the Division of the Federal Register.
[3] The opinion has been filed with the Division of the Federal Register.

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 85 [4]—NEW PASSENGER AUTOMOBILES

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.[2]

Sections 1360.52 (a), 1360.52 (a) (1), and 1360.52 (b) and two models of Ford make in § 1360.61 are amended to read as follows and a new paragraph (i) is added to § 1360.59 and a new § 1360.60a is added, as set forth below, and three new Chrysler models are added to § 1360.61, as set forth below:

§ 1360.52 *Maximum retail price for new passenger automobiles.* * * *

(a) The manufacturers' list price at the factory for the automobile with standard equipment as of October 15, 1941, as shown for each make and model of automobile in § 1360.61, as amended.

(1) If the manufacturer has removed standard equipment from the automobile, the list price shall be reduced to the extent of the manufacturer's reduction therefor in the price of the automobile to the retail dealer; if the retail dealer has removed such equipment, the list price shall be reduced by 75% of the retail price of such equipment, purchased separately, as of October 15, 1941.

(b) An allowance for Federal excise taxes not to exceed the manufacturer's charge approximating and averaging same, which charge shall be filed with the Office of Price Administration within twenty days of the effective date of this amendment. This item shall not include taxes on any removed equipment.

* * * * *

§ 1360.59 *Definitions.*

* * * * *

(i) "Wholesale value" as used in § 1360.51 (b) means the manufacturer's allowance for such equipment to a retail dealer, but not less than the cost of such equipment to the manufacturer.

§ 1360.61 *Appendix A: List prices of new passenger automobiles.*

Make and model	List price 1942 models
CHRYSLER	
Model No. C-37:	
4-Door Sedan	$2,815.00
7-Passenger Sedan	2,915.00
Limousine	3,065.00
FORD	
Super Deluxe Six:	
Convertible Coupe	1,080.00
Super Deluxe Eight:	
Convertible Coupe	1,090.00

§ 1360.60a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1360.52 (a), (a) (1), (b), 1360.59 (i), 1360.60a, 1360.61) to Revised Price Schedule No. 85 shall become effective March 3, 1942. (Pub. Law 421, 77th Cong. 2nd Sess.)

Issued this 2d day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1835; Filed, March 2, 1942; 4:56 p. m.]

[4] 7 F.R. 1364.

PART 1388—DEFENSE-RENTAL AREAS

SAN DIEGO—DESIGNATION OF THE SAN DIEGO DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the area described below inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Administrator, it is necessary and proper in order to effectuate the purposes of said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization and reduction of rents for defense-area housing accommodations within the defense-rental area described below;

Therefore, under the authority vested in the Administrator by said Act, this designation and rent declaration is issued.

§ 1388.1 *Designation.* The following area is designated by the Administrator as an area where defense activities have

resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "San Diego Defense-Rental Area":

In the State of California, in the County of San Diego the Judicial Townships of Encinitas, National, and San Diego in their entireties, and that part of the Judicial Township of El Cajon lying west of the Cleveland National Forest.*

*§§ 1388.1 to 1388.5, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2nd Sess.

§ 1388.2 *Necessity.* The necessity for the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area is as follows:

The designated area is and has been the location of establishments of the armed forces of the United States and war production industries. The increase in employment reflecting the expansion of defense activities, the influx of production workers and their families, and of the families of military and naval personnel have resulted in an acute shortage of rental housing accommodations in the local market. The President has found that an acute shortage of housing exists or impends in the San Diego area under Public No. 849, 76th Congress, 3d session (Lanham Act); Public No. 9, 77th Congress, 1st Session; and Public No. 24, 77th Congress, 1st Session (Title VI, National Housing Act). He has also allocated funds to the Navy Department for the construction of housing units under Public No. 781, 76th Congress, 3d Session, upon certification by the Secretary of the Navy that such housing was important for purposes under his jurisdiction and necessary to the national defense program. San Diego has been placed on the list of Defense Housing Areas in which builders may secure priority ratings on critical materials for residential construction.

Surveys in the San Diego area have reported low vacancy ratios for rental housing accommodations, indicative of the abnormality of the local market. New construction in this area by private industry and by the Government has not been sufficient to restore a normal rental market for housing accommodations.

Defense activities have resulted in substantial and widespread increases in rents, affecting most of the rental housing accommodations in the San Diego area. Official governmental surveys of rental change conducted in this area have shown a marked upward movement in the general level of residential rents during the past two years. By reason of these substantial increases the rents prevailing in the San Diego area are not generally fair and equitable.*

§ 1388.3 *Recommendations.* It is the judgment of the Administrator that by April 1, 1941 defense activities already had resulted in increases in rents for housing accommodations within the designated area inconsistent with the purposes of the Act. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within such area on or about January 1, 1941; and it is his judgment that the most recent date which does not reflect increases in rents for such housing accommodations inconsistent with the purposes of the Act is on or about that date. The Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes, and other costs. It is the judgment of the Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area are as follows:

(a) Maximum rents for housing accommodations should be:

(1) For housing accommodations rented on January 1, 1941 the rent for such accommodations on that date.

(2) For housing accommodations not rented on January 1, 1941 but rented at any time within the six months ending on that date, the last rent prior to said date.

(3) For housing accommodations not rented on January 1, 1941 nor within the six months ending on that date, the first rent after that date, but in no event more than the rent generally prevailing in the San Diego Defense-Rental Area for comparable housing accommodations on January 1, 1941.

(b) Provision consistent with the purposes of the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of the maximum rent for the following classifications of housing accommodations, but in principle maximum rents for such housing accommodations should not be greater than the rent for comparable accommodations prevailing in the San Diego Defense-Rental Area on January 1, 1941:

(1) For housing accommodations completed and first rented after January 1, 1941, or changed after January 1, 1941 in any manner resulting in an increase or decrease in the number of units in such accommodations, or substantially altered by an improvement or deterioration subsequent to January 1, 1941.

(2) For housing accommodations owned by the United States or any agency thereof or by the State of California or any political subdivision thereof, or any agency of any of the foregoing.

(3) For substantial increase or decrease of services in connection with housing accommodations subsequent to January 1, 1941.

(4) In cases where the rent on January 1, 1941 was materially affected by the blood, personal or other special relationship between landlord and tenant or was determined by a written lease which had been in force for six months or more on said date and such rent was greater or less than the rent for comparable accommodations in the San Diego Defense-Rental Area on January 1, 1941.

(c) Appropriate provision should be made with respect to evictions, other actions relating to the recovery of possessions, and the modification of services; and appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.*

§ 1388.4 *Maximum rent regulation.* If within sixty days after the issuance of this declaration, rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by state or local regulation, or otherwise, in accordance with the foregoing recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.*

§ 1388.5 *Effective date.* This designation and rent declaration (§§ 1388.1 to 1388.5, inclusive) is effective March 2, 1942.*

Issued this 2d day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1831; Filed, March 2, 1942; 4:19 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

WATERBURY—DESIGNATION OF THE WATERBURY DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the foregoing recommendations, the Administrator may by regulations or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the area described below inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Administrator, it is necessary and proper in order to effectuate the purposes of said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization and reduction of rents for defense-area housing accommodations within the defense-rental area described below:

Therefore, under the authority vested in the Administrator by said Act, this designation and rent declaration is issued.

§ 1388.51 *Designation.* The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Waterbury Defense-Rental Area":

In the State of Connecticut, in the County of Litchfield the Towns of Plymouth, Thomaston, and Watertown; and in the County of New Haven the Towns of Beacon Falls, Cheshire, Middlebury, Naugatuck, Prospect, Waterbury, and Wolcott.*

*§§ 1388.51 to 1388.55, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1388.52 *Necessity.* The necessity for the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area is as follows:

The designated area is and has been the location of war production industries. The increase in employment reflecting the expansion of defense activities and the influx of production workers and their families have resulted in an acute shortage of rental housing accommodations in the local market. The President has found that an acute shortage of housing exists or impends in the Waterbury area under Public No. 849, 76th Congress, 3d Session (Lanham Act) and Public No. 24, 77th Congress, 1st Session (Title VI, National Housing Act). Waterbury has been placed on the list of Defense Housing Areas in which builders may secure priority ratings on critical materials for residential construction.

Surveys in the Waterbury area have reported low vacancy ratios for rental housing accommodations, indicative of the abnormality of the local market. New construction in this area by private industry and by the Government has not been sufficient to restore a normal rental market for housing accommodations.

Defense activities have resulted in substantial and widespread increases in rents, affecting most of the rental housing accommodations in the Waterbury area. Official governmental surveys of rental change conducted in this area have shown a marked upward movement in the general level of residential rents during the past two years. By reason of these substantial increases the rents prevailing in the Waterbury area are not generally fair and equitable.*

§ 1388.53 *Recommendations.* The Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the designated area on or about April 1, 1941. It is his judgment that prior to April 1, 1941, defense activities had not yet resulted in increases in rents for such housing accommodations inconsistent with the purposes of the Act, but did result in such increases commencing on or about that date. The Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area are as follows:

(a) Maximum rents for housing accommodations should be:

(1) For housing accommodations rented on April 1, 1941 the rent for such accommodations on that date.

(2) For housing accommodations not rented on April 1, 1941 but rented at any time within the six months ending on that date, the last rent prior to said date.

(3) For housing accommodations not rented on April 1, 1941 nor within the six months ending on that date, the first rent after that date, but in no event more than the rent generally prevailing in the Waterbury Defense-Rental Area for comparable housing accommodations on April 1, 1941.

(b) Provision consistent with the purposes of the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of the maximum rent for the following classifications of housing accommodations, but in principle maximum rents for such housing accommodations should not be greater than the rent for comparable accommodations prevailing in the Waterbury Defense-Rental Area on April 1, 1941:

(1) For housing accommodations completed and first rented after April 1, 1941, or changed after April 1, 1941 in any manner resulting in an increase or decrease in the number of units in such accommodations, or substantially altered by an improvement or deterioration subsequent to April 1, 1941.

(2) For housing accommodations owned by the United States or any agency thereof or by the State of Connecticut or any political subdivision thereof, or agency of any of the foregoing.

(3) For substantial increase or decrease of services in connection with housing accommodations subsequent to April 1, 1941.

(4) In cases where the rent on April 1, 1941 was materially affected by the blood, personal or other special relationship between landlord and tenant or was determined by a written lease which had been in force for six months or more on said date and such rent was greater or less than the rent for comparable accommodations in the Waterbury Defense-Rental Area on April 1, 1941.

(c) Appropriate provision should be made with respect to evictions, other actions relating to the recovery of possession, and the modification of services; and appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.*

§ 1388.54 *Maximum rent regulation.* If within sixty days after the issuance of this declaration, rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the foregoing recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.*

§ 1388.55 *Effective date.* This designation and rent declaration (§§ 1388.51 to 1388.55, inclusive) is effective March 2, 1942.*

Issued this 2nd day of March, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1829; Filed, March 2, 1942; 4:18 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

BIRMINGHAM—DESIGNATION OF THE BIRMINGHAM DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the area described below inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Administrator, it is necessary and proper in order to effectuate the purposes of said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization and

reduction of rents for defense-area housing accommodations within the defense-rental area described below;

Therefore, under the authority vested in the Administrator by said Act, this designation and rent declaration is issued.

§ 1388.101 *Designation.* The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Birmingham Defense-Rental Area":

In the State of Alabama, the County of Jefferson in its entirety.*

*§§ 1388.101 to 1388.105, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2nd Sess.

§ 1388.102 *Necessity.* The necessity for the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area is as follows:

The designated area is and has been the location of war production industries. The increase in employment reflecting the expansion of defense activities and the influx of production workers and their families have resulted in an acute shortage of rental housing accommodations in the local market. The President has found that an acute shortage of housing exists or impends in the Birmingham area under Public No. 849, 76th Congress, 3d Session (Lanham Act), and Public No. 24, 77th Congress, 1st Session (Title VI, National Housing Act). Birmingham has been placed on the list of Defense Housing Areas in which builders may secure priority ratings on critical materials for residential construction.

Surveys in the Birmingham area have reported low vacancy ratios for rental housing accommodations, indicative of the abnormality of the local market. New construction in this area by private industry and by the Government has not been sufficient to restore a normal rental market for housing accommodations.

Defense activities have resulted in substantial and widespread increases in rents, affecting most of the rental housing accommodations in the Birmingham area. Official governmental surveys of rental change conducted in this area have shown a marked upward movement in the general level of residential rents during the past two years. By reason of these substantial increases the rents prevailing in the Birmingham area are not generally fair and equitable.*

§ 1388.103 *Recommendations.* The Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the designated area on or about April 1, 1941. It is his judgment that prior to April 1, 1941, defense activities had not yet resulted in increases in rents for such housing accommodations inconsistent with the purposes of the Act, but did result in such increases commencing on or about that date. The Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area are as follows:

(a) Maximum rents for housing accommodations should be:

(1) For housing accommodations rented on April 1, 1941 the rent for such accommodations on that date.

(2) For housing accommodations not rented on April 1, 1941 but rented at any time within the six months ending on that date, the last rent prior to said date.

(3) For housing accommodations not rented on April 1, 1941 nor within the six months ending on that date, the first rent after that date, but in no event more than the rent generally prevailing in the Birmingham Defense-Rental Area for comparable housing accommodations on April 1, 1941.

(b) Provision consistent with the purposes of the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of the maximum rent for the following classifications of housing accommodations, but in principle maximum rents for such housing accommodations should not be greater than the rent for comparable accommodations prevailing in the Birmingham Defense-Rental Area on April 1, 1941:

(1) For housing accommodations completed and first rented after April 1, 1941, or changed after April 1, 1941 in any manner resulting in an increase or decrease in the number of units in such accommodations, or substantially altered by an improvement or deterioration subsequent to April 1, 1941.

(2) For housing accommodations owned by the United States or any agency thereof or by the State of Alabama or any political subdivision thereof, or agency of any of the foregoing.

(3) For substantial increase or decrease of services in connection with housing accommodations subsequent to April 1, 1941.

(4) In cases where the rent on April 1, 1941 was materially affected by the blood, personal or other special relationship between landlord and tenant or was determined by a written lease which had been in force for six months or more on said date and such rent was greater or less than the rent for comparable accommodations in the Birmingham Defense-Rental Area on April 1, 1941.

(c) Appropriate provision should be made with respect to evictions, other actions relating to the recovery of possession, and the modification of services; and appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.*

§ 1388.104 *Maximum rent regulation.* If within sixty days after the issuance of this declaration, rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by state or local regulation, or otherwise, in accordance with the foregoing recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.*

§ 1388.105 *Effective date.* This designation and rent declaration (§§ 1388.101 to 1388.105, inclusive) is effective March 2, 1942.*

Issued this 2nd day of March, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1816; Filed, March 2, 1942; 4:07 a. m.]

PART 1388—DEFENSE-RENTAL AREAS

MOBILE—DESIGNATION OF THE MOBILE DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the foregoing recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.*

In the judgment of the Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the area described below inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Administrator, it is necessary and proper in order to effectuate the purposes of said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization and reduction of rents for defense-area housing accommodations within the defense-rental area described below:

Therefore, under the authority vested in the Administrator by said Act, this designation and rent declaration is issued.

§ 1388.151 *Designation.* The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Mobile Defense-Rental Area":

In the State of Alabama, the County of Mobile in its entirety.*

*§§ 1388.151 to 1388.155, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2nd Sess.

§ 1388.152 *Necessity.* The necessity for the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area is as follows:

The designated area is and has been the location of establishments of the armed forces of the United States and war production industries. The increase in employment reflecting the expansion of defense activities, the influx of production workers and their families, and of the families of military personnel have resulted in an acute shortage of rental housing accommodations in the local market. The President has found that an acute shortage of housing exists or impends in the Mobile area under Public No. 849, 76th Congress, 3d Session (Lanham Act), and Public No. 24, 77th Congress, 1st Session (Title VI, National Housing Act). Mobile has been placed on the list of Defense Housing Areas in which builders may secure priority ratings on critical materials for residential construction.

Surveys in the Mobile area have reported low vacancy ratios for rental housing accommodations, indicative of the abnormality of the local market. New construction in this area by private industry and by the Government has not been sufficient to restore a normal rental market for housing accommodations.

Defense activities have resulted in substantial and widespread increases in rents, affecting most of the rental housing accommodations in the Mobile area. Official governmental surveys of rental change conducted in this area have shown a marked upward movement in the general level of residential rents during the past two years. By reason of these substantial increases the rents prevailing in the Mobile area are not generally fair and equitable.*

§ 1388.153 *Recommendations.* The Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the designated area on or about April 1, 1941. It is his judgment that prior to April 1, 1941, defense activities had not yet resulted in increases in rents for such housing accommodations inconsistent with the purposes of the Act, but did result in such increases commencing on or about that date. The Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in propery taxes and other costs. It is the judgment of the Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area are as follows:

(a) Maximum rents for housing accommodations should be:

(1) For housing accommodations rented on April 1, 1941 the rent for such accommodations on that date.

(2) For housing accommodations not rented on April 1, 1941 but rented at any time within the six months ending on that date, the last rent prior to said date.

(3) For housing accommodations not rented on April 1, 1941 nor within the six months ending on that date, the first rent after that date, but in no event more than the rent generally prevailing in the Mobile Defense-Rental Area for comparable housing accommodations on April 1, 1941.

(b) Provision consistent with the purposes of the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of the maximum rent for the following classifications of housing accommodations, but in principle maximum rents for such housing accommodations should not be greater than the rent for comparable accommodations prevailing in the Mobile Defense-Rental Area on April 1, 1941:

(1) For housing accommodations completed and first rented after April 1, 1941, or changed after April 1, 1941 in any manner resulting in an increase or decrease in the number of units in such accommodations, or substantially altered by an improvement or deterioration subsequent to April 1, 1941.

(2) For housing accommodations owned by the United States or any agency thereof or by the State of Alabama or any political subdivision thereof, or agency of any of the foregoing.

(3) For substantial increase or decrease of services in connection with housing accommodations subsequent to April 1, 1941.

(4) In cases where the rent on April 1, 1941 was materially affected by the blood, personal or other special relationship between landlord and tenant or was determined by a written lease which had been in force for six months or more on said date and such rent was greater or less than the rent for comparable accommodations in the Mobile Defense-Rental Area on April 1, 1941.

(c) Appropriate provision should be made with respect to evictions, other actions relating to the recovery of possession, and the modification of services; and appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.*

§ 1388.154 *Maximum rent regulation.* If within sixty days after the issuance of this declaration, rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by state or local regulation, or otherwise, in accordance with the foregoing recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.*

§ 1388.155 *Effective date.* This designation and rent declaration (§§ 1388.151 to 1388.155, inclusive) is effective March 2, 1942.*

Issued this 2d day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1825; Filed, March 2, 1942; 4:15 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

BRIDGEPORT—DESIGNATION OF THE BRIDGEPORT DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the area described below inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Administrator, it is necessary and proper in order to effectuate the purposes of said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization and reduction of rents for defense-area housing accommodations within the defense-rental area described below;

Therefore, under the authority vested in the Administrator by said Act, this designation and rent declaration is issued.

§1388.201 *Designation.* The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents

for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Bridgeport Defense-Rental Area":

In the State of Connecticut, in the County of Fairfield the Towns of Bridgeport, Easton, Fairfield, Shelton, Stratford, Trumbull, and Westport.*

*§§ 1388.201 to 1388.205, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1388.202 *Necessity.* The necessity for the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area is as follows:

The designated area is and has been the location of war production industries. The increase in employment reflecting the expansion of defense activities and the influx of production workers and their families have resulted in an acute shortage of rental housing accommodations in the local market. The President has found that an acute shortage of housing exists or impends in the Bridgeport area under Public No. 849, 76th Congress, 3d Session (Lanham Act), and Public No. 24, 77th Congress, 1st Session (Title VI, National Housing Act). Bridgeport has been placed on the list of Defense Housing Areas in which builders may secure priority ratings on critical materials for residential construction.

Surveys in the Bridgeport area have reported low vacancy ratios for rental housing accommodations, indicative of the abnormality of the local market. New construction in this area by private industry and by the Government has not been sufficient to restore a normal rental market for housing accommodations.

Defense activities have resulted in substantial and widespread increases in rents, affecting most of the rental housing accommodations in the Bridgeport area. Official governmental surveys of rental change conducted in this area have shown a marked upward movement in the general level of residential rents during the past two years. By reason of these substantial increases the rents prevailing in the Bridgeport area are not generally fair and equitable.*

§ 1388.203 *Recommendations.* The Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the designated area on or about April 1, 1941. It is his judgment that prior to April 1, 1941, defense activities had not yet resulted in increases in rents for such housing accommodations inconsistent with the purposes of the Act, but did result in such increases commencing on or about that date. The Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area are as follows:

(a) Maximum rents for housing accommodations should be:

(1) For housing accommodations rented on April 1, 1941 the rent for such accommodations on that date.

(2) For housing accommodations not rented on April 1, 1941 but rented at any time within the six months ending on that date, the last rent prior to said date.

(3) For housing accommodations not rented on April 1, 1941 nor within the six months ending on that date, the first rent after that date, but in no event more than the rent generally prevailing in the Bridgeport Defense-Rental Area for comparable housing accommodations on April 1, 1941.

(b) Provision consistent with the purposes of the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of the maximum rent for the following classifications of housing accommodations, but in principle maximum rents for such housing accommodations should not be greater than the rent for comparable accommodations prevailing in the Bridgeport Defense-Rental Area on April 1, 1941:

(1) For housing accommodations completed and first rented after April 1, 1941, or changed after April 1, 1941 in any manner resulting in an increase or decrease in the number of units in such accommodations, or substantially altered by an improvement or deterioration subsequent to April 1, 1941.

(2) For housing accommodations owned by the United States or any agency thereof or by the State of Connecticut or any political subdivision thereof, or agency of any of the foregoing.

(3) For substantial increase or decrease of services in connection with housing accommodations subsequent to April 1, 1941.

(4) In cases where the rent on April 1, 1941 was materially affected by the blood, personal or other special relationship between landlord and tenant or was determined by a written lease which had been in force for six months or more on said date and such rent was greater or less than the rent for comparable accommodations in the Bridgeport Defense-Rental Area on April 1, 1941.

(c) Appropriate provision should be made with respect to evictions, other actions relating to the recovery of possession, and the modification of services; and appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.*

§ 1388.204 *Maximum rent regulation.* If within sixty days after the issuance of this declaration, rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by state or local regulation, or otherwise, in accordance with the foregoing recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.*

§ 1388.205 *Effective date.* This designation and rent declaration (§§ 1388.201 to 1388.205, inclusive) is effective March 2, 1942.*

Issued this 2d day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1815; Filed, March 2, 1942; 4:06 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

HARTFORD-NEW BRITAIN—DESIGNATION OF THE HARTFORD-NEW BRITAIN DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the area described below inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Administrator, it is necessary and proper in order to effectuate the purposes of said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization and reduction of rents for defense-area housing accommodations within the defense-rental area described below;

Therefore, under the authority vested in the Administrator by said Act, this designation and rent declaration is issued.

§ 1388.251 *Designation.* The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Hartford-New Britain Defense-Rental Area":

In the State of Connecticut, in the County of Hartford the Towns of Berlin, Bloomfield, Bristol, East Hartford, East Windsor, Farmington, Glastonbury, Hartford, Manchester, New Britain, Newington, Plainville, Rocky Hill, Southington, South Windsor, West Hartford, Wethersfield, Windsor, and Windsor Locks; in the County of Middlesex the Towns of Cromwell, Middlefield, Middletown, and Portland; in the County of New Haven the Towns of Meriden and Wallingford; and in the County of Tolland, the Town of Vernon.*

*§§ 1388.251 to 1388.255, inclusive, issued pursuant to Pub. No. 421, 77th Cong., 2nd Sess.

§ 1388.252 *Necessity.* The necessity for the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area is as follows:

The designated area is and has been the location of establishments of the armed forces of the United States and war production industries. The increase in employment reflecting the expansion of defense activities, the influx of production workers and their families, and of the families of military personnel have resulted in an acute shortage of rental housing accommodations in the local market. The President has found that an acute shortage of housing exists or impends in a number of localities in the Hartford-New Britain area under Public No. 671, 76th Congress, 3d Session; Public No. 849, 76th Congress, 3d Session (Lanham Act); Public No. 9, 77th Congress, 1st Session; and Public No. 24, 77th Congress, 1st Session (Title VI, National Housing Act). A number of localities in the Hartford-New Britain area have been placed on the list of Defense Housing Areas in which builders may secure priority ratings on critical materials for residential construction.

Surveys in the Hartford-New Britain area have reported low vacancy ratios for rental housing accommodations, indicative of the abnormality of the local market. New construction in this area by private industry and by the Government has not been sufficient to restore a normal rental market for housing accommodations.

Defense activities have resulted in substantial and widespread increases in rents, affecting most of the rental housing accommodations in the Hartford-New Britain area. Official governmental surveys of rental change conducted in this area have shown a marked upward movement in the general level of residential rents during the past two years. By reason of these substantial increases the rents prevailing in the Hartford-New Britain area are not generally fair and equitable.*

§ 1388.253 *Recommendations.* The Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the designated area on or about April 1, 1941. It is his judgment that prior to April 1, 1941, defense activities had not yet resulted in increases in rents for such housing accommodations inconsistent with the purposes of the Act, but did result in such increases commencing on or about that date. The Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area are as follows:

(a) Maximum rents for housing accommodations should be:

(1) For housing accommodations rented on April 1, 1941 the rent for such accommodations on that date.

(2) For housing accommodations not rented on April 1, 1941 but rented at any time within the six months ending on that date, the last rent prior to said date.

(3) For housing accommodations not rented on April 1, 1941 nor within the six months ending on that date, the first rent after that date, but in no event more than the rent generally prevailing in the Hartford-New Britain Defense-Rental Area for comparable housing accommodations on April 1, 1941.

(b) Provisions consistent with the purposes of the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of the maximum rent for the following classifications of housing accommodations, but in principle maximum rents for such housing accommodations should not be greater than the rent for comparable accommodations prevailing in the Hartford-New Britain Defense-Rental Area on April 1, 1941:

(1) For housing accommodations completed and first rented after April 1, 1941, or changed after April 1, 1941 in any manner resulting in an increase or decrease in the number of units in such accommodations, or substantially altered by an improvement or deterioration subsequent to April 1, 1941.

(2) For housing accommodations owned by the United States or any agency thereof or by the State of Connecticut or any political subdivision thereof, or agency of any of the foregoing.

(3) For substantial increase or decrease of services in connection with housing accommodations subsequent to April 1, 1941.

(4) In cases where the rent on April 1, 1941 was materially affected by the blood, personal or other special relationship between landlord and tenant or was determined by a written lease which had been in force for six months or more on said date and such rent was greater or less than the rent for comparable accommodations in the Hartford-New Britain Defense-Rental Area on April 1, 1941.

(c) Appropriate provision should be made with respect to evictions, other actions relating to the recovery of possession, and the modification of services; and appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.*

§ 1388.254 *Maximum rent regulation.* If within sixty days after the issuance of this declaration, rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by state or local regulation, or otherwise, in accordance with the foregoing recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.*

§ 1388.255 *Effective date.* This designation and rent declaration (§§ 1388.251 to 1388.255, inclusive) is effective March 2, 1942.*

Issued this 2d day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1823; Filed, March 2, 1942; 4:14 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

COLUMBUS—DESIGNATION OF THE COLUMBUS, GEORGIA, DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the area described below inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Administrator, it is necessary and proper in order to effectuate the purposes of said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization and reduc-

tion of rents for defense-area housing accommodations within the defense-rental area described below;

Therefore, under the authority vested in the Administrator by said Act, this designation and rent declaration is issued.

§ 1388.301 *Designation.* The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Columbus, Georgia Defense-Rental Area":

In the State of Georgia, the County of Muscogee in its entirety; and in the State of Alabama, in the County of Russell, Election Precinct One, including the City of Phenix City.*

*§§ 1388.301 to 1388.305, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2nd Sess.

§ 1388.302 *Necessity.* The necessity for the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area is as follows:

The designated area is and has been the location of establishments of the armed forces of the United States. The increase in employment reflecting the expansion of defense activities and the influx of the families of military personnel have resulted in an acute shortage of rental housing accommodations in the local market. The President has found that an acute shortage of housing exists or impends in the Columbus area under Public No. 671, 76th Congress, 3d Session; Public No. 849, 76th Congress, 3d Session (Lanham Act); and Public No. 24, 77th Congress, 1st Session (Title VI, National Housing Act). Columbus has been placed on the list of Defense Housing Areas in which builders may secure priority ratings on critical materials for residential construction.

Surveys in the Columbus area have reported low vacancy ratios for rental housing accommodations, indicative of the abnormality of the local market. New construction in this area by private industry and by the Government has not been sufficient to restore a normal rental market for housing accommodations.

Defense activities have resulted in substantial and widespread increases in rents, affecting most of the rental housing accommodations in the Columbus area. Official governmental surveys of rental change conducted in this area have shown a marked upward movement in the general level of residential rents during the past two years. By reason of these substantial increases the rents prevailing in the Columbus area are not generally fair and equitable.*

§ 1388.303 *Recommendations.* It is the judgment of the Administrator that by April 1, 1941 defense activities already had resulted in increases in rents for housing accommodations within the designated area inconsistent with the purposes of the Act. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within such area on or about January 1, 1941; and it is his judgment that the most recent date which does not reflect increases in rents for such housing accommodations inconsistent with the purposes of the Act is on or about that date. The Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area are as follows:

(a) Maximum rents for housing accommodations should be:

(1) For housing accommodations rented on January 1, 1941 the rent for such accommodations on that date.

(2) For housing accommodations not rented on January 1, 1941 but rented at any time within the six months ending on that date, the last rent prior to said date.

(3) For housing accommodations not rented on January 1, 1941 nor within the six months ending on that date, the first rent after that date, but in no event more than the rent generally prevailing in the Columbus, Georgia Defense-Rental Area for comparable housing accommodations on January 1, 1941.

(b) Provision consistent with the purposes of the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of the maximum rent for the following classifications of housing accommodations, but in principle maximum rents for such housing accommodations should not be greater than the rent for comparable accommodations prevailing in the Columbus, Georgia Defense-Rental Area on January 1, 1941:

(1) For housing accommodations completed and first rented after January 1, 1941, or changed after January 1, 1941 in any manner resulting in an increase or decrease in the number of units in such accommodations, or substantially altered by an improvement or deterioration subsequent to January 1, 1941.

(2) For housing accommodations owned by the United States or any agency thereof or by the States of Georgia or Alabama, or any political subdivision thereof, or agency of any of the foregoing.

(3) For substantial increase or decrease of services in connection with housing accommodations subsequent to January 1, 1941.

(4) In cases where the rent on January 1, 1941 was materially affected by the blood, personal or other special relationship between landlord and tenant or was determined by a written lease which had been in force for six months or more on said date and such rent was greater or less than the rent for comparable accommodations in the Columbus, Georgia Defense-Rental Area on January 1, 1941.

(c) Appropriate provision should be made with respect to evictions, other actions relating to the recovery of possession, and the modification of services; and appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.*

§ 1388.304 *Maximum rent regulation.* If within sixty days after the issuance of this declaration, rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by state or local regulation, or otherwise, in accordance with the foregoing recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.*

§ 1388.305 *Effective date.* This designation and rent declaration (§§ 1388.301 to 1388.305, inclusive) is effective March 2, 1942.*

Issued this 2d day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1821; Filed, March 2, 1942; 4:12 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

SOUTH BEND—DESIGNATION OF THE SOUTH BEND DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the area described below inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Administrator, it is necessary and proper in order to effectuate the purposes of said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization and reduction of rents for defense-area housing accommodations within the defense-rental area described below;

Therefore, under the authority vested in the Administrator by said Act, this designation and rent declaration is issued.

§ 1388.351 *Designation.* The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "South Bend Defense-Rental Area":

In the State of Indiana, the Counties of St. Joseph and Elkhart in their entireties.*

*§§ 1388.351 to 1388.355, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2nd Sess.

§ 1388.352 *Necessity.* The necessity for the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area is as follows:

The designated area is and has been the location of war production industries. The increase in employment reflecting the expansion of defense activities and the influx of production workers and their families have resulted in an acute shortage of rental housing accommodations in the local market. The President has found that an acute shortage of housing exists or impends in the South Bend area under Public No. 849, 76th Congress, 3d Session (Lanham Act); and Public No. 24, 77th Congress, 1st Session (Title VI, National Housing Act). South Bend has been placed on the list of Defense Housing Areas in which builders may secure priority ratings on critical materials for residential construction.

Surveys in the South Bend area have reported low vacancy ratios for rental housing accommodations, indicative of the abnormality of the local market. New construction in this area by private industry and by the Government has not been sufficient to restore a normal rental market for housing accommodations.

Defense activities have resulted in substantial and widespread increases in rents, affecting most of the rental housing accommodations in the South Bend area. Official governmental surveys of rental change conducted in this area have shown a marked upward movement in the general level of residential rents during the past two years. By reason of these substantial increases the rents prevailing in the South Bend area are not generally fair and equitable.*

§ 1388.353 *Recommendations.* It is the judgment of the Administrator that by April 1, 1941 defense activities already had resulted in increases in rents for housing accommodations within the designated area inconsistent with the purposes of the Act. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within such area on or about January 1, 1941; and it is his judgment that the most recent date which does not reflect increases in rents for such housing accommodations inconsistent with the purposes of the Act is on or about that date. The Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area are as follows:

(a) Maximum rents for housing accommodations should be:

(1) For housing accommodations rented on January 1, 1941 the rent for such accommodations on that date.

(2) For housing accommodations not rented on January 1, 1941 but rented at any time within the six months ending on that date, the last rent prior to said date.

(3) For housing accommodations not rented on January 1, 1941 nor within the six months ending on that date, the first rent after that date, but in no event more than the rent generally prevailing in the South Bend Defense-Rental Area for comparable housing accommodations on January 1, 1941.

(b) Provision consistent with the purposes of the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of the maximum rent for the following classifications of housing accommodations, but in principle maximum rents for such housing accommodations should not be greater than the rent for comparable accommodations prevailing in the South Bend Defense-Rental Area on January 1, 1941:

(1) For housing accommodations completed and first rented after January 1, 1941, or changed after January 1, 1941 in any manner resulting in an increase or decrease in the number of units in such accommodations, or substantially altered by an improvement or deterioration subsequent to January 1, 1941.

(2) For housing accommodations owned by the United States or any agency thereof or by the State of Indiana or any political subdivision thereof, or any agency of any of the foregoing.

(3) For substantial increase or decrease of services in connection with housing accommodations subsequent to January 1, 1941.

(4) In cases where the rent on January 1, 1941 was materially affected by the blood, personal or other special relationship between landlord and tenant or was determined by a written lease which had been in force for six months or more on said date and such rent was greater or less than the rent for comparable accommodations in the South Bend Defense-Rental Area on January 1, 1941.

(c) Appropriate provision should be made with respect to evictions, other actions relating to the recovery of possession, and the modification of services; and appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.*

§ 1388.354 *Maximum rent regulation.* If within sixty days after the issuance of this declaration, rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by state or local regulation, or otherwise, in accordance with the foregoing recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.*

§ 1388.355 *Effective date.* This designation and rent declaration (§§ 1388.351 to 1388.355 inclusive) is effective March 2, 1942.*

Issued this 2d day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1819; Filed, March 2, 1942; 4:09 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

BURLINGTON—DESIGNATION OF THE BURLINGTON DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the area described below inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Administrator, it is necessary and proper in order to effectuate the purposes of said Act to issue this declaration, setting forth the

necessity for, and recommendations with reference to, the stabilization and reduction of rents for defense-area housing accommodations within the defense-rental area described below;

Therefore, under the authority vested in the Administrator by said Act, this designation and rent declaration is issued.

§ 1388.401 *Designation.* The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Burlington Defense-Rental Area":

In the State of Iowa, in the County of Des Moines the Townships of Augusta, Burlington, Concordia, Danville, Flint River, Tama, and Union; in the County of Henry the Townships of Baltimore, Center, Mount Pleasant, and New London; and in the County of Lee the Townships of Denmark, Green Bay, Madison, and Washington.*

*§§ 1388.401 to 1388.405, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1388.402 *Necessity.* The necessity for the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area is as follows:

The designated area is and has been the location of war production industries. The increase in employment reflecting the expansion of defense activities and the influx of production workers and their families have resulted in an acute shortage of rental housing accommodations in the local market. The President has found that an acute shortage of housing exists or impends in the Burlington area under Public No. 849, 76th Congress, 3d Session (Lanham Act); Public No. 9, 77th Congress, 1st Session; and Public No. 24, 77th Congress, 1st Session (Title VI, National Housing Act). Burlington has been placed on the list of Defense Housing Areas in which builders may secure priority ratings on critical materials for residential construction.

Surveys in the Burlington area have reported low vacancy ratios for rental housing accommodations, indicative of the abnormality of the local market. New construction in this area by private industry and by the Government has not been sufficient to restore a normal rental market for housing accommodations.

Defense activities have resulted in substantial and widespread increases in rents, affecting most of the rental housing accommodations in the Burlington area. Official governmental surveys of rental change conducted in this area have shown a marked upward movement in the general level of residential rents during the past two years. By reason of these substantial increases the rents prevailing in the Burlington area are not generally fair and equitable.*

§ 1388.403 *Recommendations.* It is the judgment of the Administrator that by April 1, 1941 defense activities already had resulted in increases in rents for housing accommodations within the designated area inconsistent with the purposes of the Act. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within such area on or about January 1, 1941; and it is his judgment that the most recent date which does not reflect increases in rents for such housing accommodations inconsistent with the purposes of the Act is on or about that date. The Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes, and other costs. It is the judgment of the Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area are as follows:

(a) Maximum rents for housing accommodations should be:

(1) For housing accommodations rented on January 1, 1941 the rent for such accommodations on that date.

(2) For housing accommodations not rented on January 1, 1941 but rented at any time within the six months ending on that date, the last rent prior to said date.

(3) For housing accommodations not rented on January 1, 1941 nor within the six months ending on that date, the first rent after that date, but in no event more than the rent generally prevailing in the Burlington Defense-Rental Area for comparable housing accommodations on January 1, 1941.

(b) Provision consistent with the purposes of the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of the maximum rent for the following classifications of housing accommodations, but in principle maximum rents for such housing accommodations should not be greater than the rent for comparable accommodations prevailing in the Burlington Defense-Rental Area on January 1, 1941:

(1) For housing accommodations completed and first rented after January 1, 1941, or changed after January 1, 1941 in any manner resulting in an increase or decrease in the number of units in such accommodations, or substantially altered by an improvement or deterioration subsequent to January 1, 1941.

(2) For housing accommodations owned by the United States or any agency thereof or by the State of Iowa or any political subdivision thereof, or agency of any of the foregoing.

(3) For substantial increase or decrease of services in connection with housing accommodations subsequent to January 1, 1941.

(4) In cases where the rent on January 1, 1941 was materially affected by the blood, personal or other special relationship between landlord and tenant or was determined by a written lease which had been in force for six months or more on said date and such rent was greater or less than the rent for comparable accommodations in the Burlington Defense-Rental Area on January 1, 1941.

(c) Appropriate provision should be made with respect to evictions, other actions relating to the recovery of possession, and the modification of services; and appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.*

§ 1388.404 *Maximum rent regulation.* If within sixty days after the issuance of this declaration, rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by state or local regulation, or otherwise, in accordance with the foregoing recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.*

§ 1388.405 *Effective date.* This designation and rent declaration (§§ 1388.401 to 1388.405, inclusive) is effective March 2, 1942.*

Issued this 2d day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1813; Filed, March 2, 1942; 4:05 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

WICHITA—DESIGNATION OF THE WICHITA DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the area described below inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Administrator, it is necessary and proper in order to effectuate the purposes of said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization and reduction of rents for defense-area housing accommodations within the defense-rental area described below;

Therefore, under the authority vested in the Administrator by said Act, this designation and rent declaration is issued.

§ 1388.451 *Designation.* The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Wichita Defense-Rental Area":

In the State of Kansas, the County of Sedgwick in its entirety.*

*§§1388.451 to 1388.455, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1388.452 *Necessity.* The necessity for the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area is as follows:

The designated area is and has been the location of war production industries. The increase in employment reflecting the expansion of defense activities and the influx of production workers and their families have resulted in an acute shortage of rental housing accommodations in the local market. The President has found that an acute shortage of housing exists or impends in the Wichita area under Public No. 849, 76th Congress, 3d Session (Lanham Act), and Public No. 24, 77th Congress, 1st Session (Title VI, National Housing Act). Wichita has been placed on the list of Defense Housing Areas in which builders may secure priority ratings on critical materials for residential construction.

Surveys in the Wichita area have reported low vacancy ratios for rental housing accommodations, indicative of the abnormality of the local market. New construction in this area by private industry and by the Government has not been sufficient to restore a normal rental market for housing accommodations.

Defense activities have resulted in substantial and widespread increases in rents affecting most of the rental housing accommodations in the Wichita area. Official governmental surveys of rental change conducted in this area have shown a marked upward movement in the general level of residential rents during the past two years. By reason of these substantial increases the rents prevailing in the Wichita area are not generally fair and equitable.*

§ 1388.453 *Recommendations.* It is the judgment of the Administrator that by April 1, 1941 defense activities had not yet resulted in increases in rents for housing accommodations within the designated area inconsistent with the purposes of the Act. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within such area on or about July 1, 1941; and it is his judgment that the most recent date which does not reflect increases in rents for such housing accommodations inconsistent with the purposes of the Act is on or about that date. The Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area are as follows:

(a) Maximum rents for housing accommodations should be:

(1) For housing accommodations rented on July 1, 1941 the rent for such accommodations on that date.

(2) For housing accommodations not rented on July 1, 1941 but rented at any time within the six months ending on that date, the last rent prior to said date.

(3) For housing accommodations not rented on July 1, 1941 nor within the six months ending on that date, the first rent after that date, but in no event more than the rent generally prevailing in the Wichita Defense-Rental Area for comparable housing accommodations on July 1, 1941.

(b) Provision consistent with the purposes of the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of the maximum rent for the following classifications of housing accommodations, but in principle maximum rents for such housing accommodations should not be greater than the rent for comparable accommodations prevailing in the Wichita Defense-Rental Area on July 1, 1941:

(1) For housing accommodations completed and first rented after July 1, 1941, or changed after July 1, 1941 in any manner resulting in an increase or decrease in the number of units in such accommodations, or substantially altered by an improvement or deterioration subsequent to July 1, 1941.

(2) For housing accommodations owned by the United States or any agency thereof or by the State of Kansas or any political subdivision thereof, or agency of any of the foregoing.

(3) For substantial increase or decrease of services in connection with housing accommodations subsequent to July 1, 1941.

(4) In cases where the rent on July 1, 1941 was materially affected by the blood, personal or other special relationship between landlord and tenant or was determined by a written lease which had been in force for six months or more on said date and such rent was greater or less than the rent for comparable accommodations in the Wichita Defense-Rental Area on July 1, 1941.

(c) Appropriate provision should be made with respect to evictions, other actions relating to the recovery of possession, and the modification of services; and appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.*

§ 1388.454 *Maximum rent regulation.* If within sixty days after the issuance of this declaration, rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by state or local regulation, or otherwise, in accordance with the foregoing recommendations, the Administrator may be regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.*

§ 1388.455 *Effective date.* This designation and rent declaration (§§ 1388.451 to 1388.455, inclusive) is effective March 2, 1942.*

Issued this 2d day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1828; Filed, March 2, 1942; 4:18 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

DETROIT—DESIGNATION OF THE DETROIT DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the area described below inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Administrator, it is necessary and proper in order to

effectuate the purposes of said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization and reduction of rents for defense-area housing accommodations within the defense-rental area described below;

Therefore, under the authority vested in the Administrator by said Act, this designation and rent declaration is issued.

§ 1388.501 *Designation.* The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Detroit Defense-Rental Area":

In the State of Michigan, the Counties of Macomb, Oakland, and Wayne in their entireties.*

* §§ 1388.501 to 1388.505, inclusive, issued under the authority contained in Pub. No. 421, 77th Cong., 2d Sess.

§ 1388.502 *Necessity.* The necessity for the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area is as follows:

The designated area is and has been the location of establishments of the armed forces of the United States and war production industries. The increase in employment reflecting the expansion of defense activities, the influx of production workers and their families, and of the families of military and naval personnel have resulted in an acute shortage of rental housing accommodations in the local market. The President has found that an acute shortage of housing exists or impends in localities in the Detroit area under Public No. 849, 76th Congress, 3d Session (Lanham Act), and Public No. 24, 77th Congress, 1st Session (Title VI, National Housing Act). Localities in the Detroit area have been placed on the list of Defense Housing Areas in which builders may secure priority ratings on critical materials for residential construction.

Surveys in the Detroit area have reported low vacancy ratios for rental housing accommodations; indicative of the abnormality of the local market. New construction in this area by private industry and by the Government has not been sufficient to restore a normal rental market for housing accommodations.

Defense activities have resulted in substantial and widespread increases in rents, affecting most of the rental housing accommodations in the Detroit area. Official governmental surveys of rental change conducted in this area have shown a marked upward movement in the general level of residential rents during the past two years. By reason of these substantial increases the rents prevailing in the Detroit area are not generally fair and equitable.*

§ 1388.503 *Recommendations.* The Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the designated area on or about April 1, 1941. It is his judgment that prior to April 1, 1941, defense activities had not yet resulted in increases in rents for such housing accommodations inconsistent with the purposes of the Act, but did result in such increases commencing on or about that date. The Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area are as follows:

(a) Maximum rents for housing accommodations should be:

(1) For housing accommodations rented on April 1, 1941 the rent for such accommodations on that date.

(2) For housing accommodations not rented on April 1, 1941 but rented at any time within the six months ending on that date, the last rent prior to said date.

(3) For housing accommodations not rented on April 1, 1941 nor within the six months ending on that date, the first rent after that date, but in no event more than the rent generally prevailing in the Detroit Defense-Rental Area for comparable housing accommodations on April 1, 1941.

(b) Provision consistent with the purposes of the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of the maximum rent for the following classifications of housing accommodations, but in principle maximum rents for such housing accommodations should not be greater than the rent for comparable accommodations prevailing in the Detroit Defense-Rental Area on April 1, 1941:

(1) For housing accommodations completed and first rented after April 1, 1941, or changed after April 1, 1941 in any manner resulting in an increase or decrease in the number of units in such accommodations, or substantially altered by an improvement or deterioration subsequent to April 1, 1941.

(2) For housing accommodations owned by the United States or any agency thereof or by the State of Michigan or any political subdivision thereof, or agency of any of the foregoing.

(3) For substantial increase or decrease of services in connection with housing accommodations subsequent to April 1, 1941.

(4) In cases where the rent on April 1, 1941 was materially affected by the blood, personal or other special relationship between landlord and tenant or was determined by a written lease which had been in force for six months or more on said date and such rent was greater or less than the rent for comparable accommodations in the Detroit Defense-Rental Area on April 1, 1941.

(c) Appropriate provision should be made with respect to evictions, other actions relating to the recovery of possession, and the modification of services; and appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.*

§ 1388.504 *Maximum rent regulation.* If within sixty days after the issuance of this declaration, rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by state or local regulation, or otherwise, in accordance with the foregoing recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.*

§ 1388.505 *Effective date.* This designation and rent declaration (§§ 1388.501 to 1388.505, inclusive) is effective March 2, 1942.*

Issued this 2d day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1822; Filed, March 2, 1942; 4:13 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

SCHENECTADY—DESIGNATION OF THE SCHENECTADY DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the area described below inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Administrator, it is necessary and proper in order to effectuate the purposes of said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization and reduction of rents for defense-area housing accommodations within the defense-rental area described below;

Therefore, under the authority vested in the Administrator by said Act, this designation and rent declaration is issued.

§ 1388.551 *Designation.* The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Schenectady Defense-Rental Area":

In the State of New York, the County of Schenectady in its entirety; and in the County of Saratoga the Towns of Ballston, Charlton, and Clifton Park.*

*§§ 1388.551 to 1388.555, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2nd Sess.

§ 1388.552 *Necessity.* The necessity for the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area is as follows:

The designated area is and has been the location of war production industries. The increase in employment reflecting the expansion of defense activities and the influx of production workers and their families have resulted in an acute shortage of rental housing accommodations in the local market. The President has found that an acute shortage of housing exists or impends in the Schenectady area under Public No. 24, 77th Congress, 1st Session (Title VI, National Housing Act). Schenectady has been placed on the list of Defense Housing Areas in which builders may secure priority ratings on critical materials for residential construction.

Surveys in the Schenectady area have reported low vacancy ratios for rental housing accommodations, indicative of the abnormality of the local market. New construction in this area by private industry and by the Government has not been sufficient to restore a normal rental market for housing accommodations.

Defense activities have resulted in substantial and widespread increases in rents, affecting most of the rental housing accommodations in the Schenectady area. Official governmental surveys of rental change conducted in this area have shown a marked upward movement in the general level of residential rents during the past two years. By reason of these substantial increases the rents prevailing in the Schenectady area are not generally fair and equitable.*

§ 1388.553 *Recommendations.* The Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the designated area on or about April 1, 1941. It is his judgment that prior to April 1, 1941, defense activities had not yet resulted in increases in rents for such housing accommodations inconsistent with the purposes of the Act, but did result in such increases commencing on or about that date. The Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area are as follows:

(a) Maximum rents for housing accommodations should be:

(1) For housing accommodations rented on April 1, 1941 the rent for such accommodations on that date.

(2) For housing accommodations not rented on April 1, 1941 but rented at any time within the six months ending on that date, the last rent prior to said date.

(3) For housing accommodations not rented on April 1, 1941 nor within the six months ending on that date, the first rent after that date, but in no event more than the rent generally prevailing in the Schnectady Defense-Rental Area for comparable housing accommodations on April 1, 1941.

(b) Provision consistent with the purposes of the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of the maximum rent for the following classifications of housing accommodations, but in principle maximum rents for such housing accommodations should not be greater than the rent for comparable accommodations prevailing in the Schenectady Defense-Rental Area on April 1, 1941:

(1) For housing accommodations completed and first rented after April 1, 1941, or changed after April 1, 1941 in any manner resulting in an increase or decrease in the number of units in such accommodations, or substantially altered by an improvement or deterioration subsequent to April 1, 1941.

(2) For housing accommodations owned by the United States or any agency thereof or by the State of New York or any political subdivision thereof, or agency of any of the foregoing.

(3) For substantial increase or decrease of services in connection with housing accommodations subsequent to April 1, 1941.

(4) In cases where the rent on April 1, 1941 was materially affected by the blood, personal or other special relationship between landlord and tenant or was determined by a written lease which had been in force for six months or more on said date and such rent was greater or less than the rent for comparable accommodations in the Schenectady Defense-Rental Area on April 1, 1941.

(c) Appropriate provision should be made with respect to evictions, other actions relating to the recovery of possession, and the modification of services; and appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.*

§ 1388.554 *Maximum rent regulation.* If within sixty days after the issuance of this declaration, rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by state or local regulation, or otherwise, in accordance with the foregoing recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.*

§ 1388.555 *Effective date.* This designation and rent declaration (§§ 1388.551 to 1388.555, inclusive) is effective March 2, 1942.*

Issued this 2d day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1830; Filed, March 2, 1942; 4:19 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

WILMINGTON—DESIGNATION OF THE WILMINGTON, NORTH CAROLINA DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the area described below inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Administrator, it is necessary and proper in order to effectuate the purposes of said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization and reduction of rents for defense-area housing accommodations within the defense-rental area described below;

Therefore, under the authority vested in the Administrator by said Act, this designation and rent declaration is issued.

§ 1388.601 *Designation.* The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Wilmington, North Carolina Defense-Rental Area":

In the State of North Carolina, the County of New Hanover in its entirety.*

*§§ 1388.601 to 1388.605, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2nd Sess.

§ 1388.602 *Necessity.* The necessity for the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area is as follows:

The designated area is and has been the location of war production industries, and establishments of the armed forces of the United States are located nearby. The increase in employment reflecting the expansion of defense activities and the influx of production workers and their families, and of the families of military personnel have resulted in an acute shortage of rental housing accommodations in the local market. The President has found that an acute shortage of housing exists or impends in the Wilmington area under Public No. 849, 76th Congress, 3d Session (Lanham Act); Public No. 9, 77th Congress, 1st Session; and Public No. 24, 77th Congress, 1st Session (Title VI, National Housing Act). Wilmington has been placed on the list of Defense Housing Areas in which builders may secure priority ratings on critical materials for residential construction.

Surveys in the Wilmington area have reported low vacancy ratios for rental housing accommodations, indicative of the abnormality of the local market. New construction in this area by private industry and by the Government has not been sufficient to restore a normal rental market for housing accommodations.

Defense activities have resulted in substantial and widespread increases in rents, affecting most of the rental housing accommodations in the Wilmington area. Official governmental surveys of rental change conducted in this area have shown a marked upward movement in the general level of residential rents during the past two years. By reason of these substantial increases the rents prevailing in the Wilmington area are not generally fair and equitable.*

§ 1388.603 *Recommendations.* The Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the designated area on or about April 1, 1941. It is his judgment that prior to April 1, 1941, defense activities had not yet resulted in increases in rents for such housing accommodations inconsistent with the purposes of the Act, but did result in such increases commencing on or about that date. The Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area are as follows:

(a) Maximum rents for housing accommodations should be:

(1) For housing accommodations rented on April 1, 1941 the rent for such accommodations on that date.

(2) For housing accommodations not rented on April 1, 1941 but rented at any time within the six months ending on that date, the last rent prior to said date.

(3) For housing accommodations not rented on April 1, 1941 nor within the six months ending on that date, the first rent after that date, but in no event more than the rent generally prevailing in the Wilmington, North Carolina Defense-Rental Area for comparable housing accommodations on April 1, 1941.

(b) Provision consistent with the purposes of the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of the maximum rent for the following classifications of housing accommodations, but in principle maximum rents for such housing accommodations should not be greater than the rent for comparable accommodations prevailing in the Wilmington, North Carolina Defense-Rental Area on April 1, 1941:

(1) For housing accommodations completed and first rented after April 1, 1941, or changed after April 1, 1941 in any manner resulting in an increase or decrease in the number of units in such accommodations, or substantially altered by an improvement or deterioration subsequent to April 1, 1941.

(2) For housing accommodations owned by the United States or any agency thereof or by the State of North Carolina or any political subdivision thereof, or agency of any of the foregoing.

(3) For substantial increase or decrease of services in connection with housing accommodations subsequent to April 1, 1941.

(4) In cases where the rent on April 1, 1941, was materially affected by the blood, personal or other special relationship between landlord and tenant or was determined by a written lease which had been in force for six months or more on said date and such rent was greater or less than the rent for comparable accommodations in the Wilmington, North Carolina Defense-Rental Area on April 1, 1941.

(c) Appropriate provision should be made with respect to evictions, other actions relating to the recovery of possession, and the modification of services; and appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.*

§ 1388.604 *Maximum rent regulation.* If within sixty days after the issuance of this declaration, rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by state or local regulation, or otherwise, in accordance with the foregoing recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.*

§ 1388.605 *Effective date.* This designation and rent declaration (§§ 1388.601 to 1388.605, inclusive) is effective March 2, 1942.*

Issued this 2d day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1817; Filed, March 2, 1942; 4:07 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

AKRON—DESIGNATION OF THE AKRON DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Administrator, defense activities have resulted in an increase in rents for housing accommodations in the area described below inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Administrator, it is necessary and proper in order to effectuate the purposes of said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization and reduction of rents for defense-area housing accommodations within the defense-rental area described below;

Therefore, under the authority vested in the Administrator by said Act, this designation and rent declaration is issued.

§ 1388.651 *Designation.* The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Akron Defense-Rental Area":

In the State of Ohio, the County of Summit in its entirety; and in the County of Medina the Township of Wadsworth.*

*§§ 1388.651 to 1388.655, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2nd Sess.

§ 1388.652 *Necessity.* The necessity for the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area is as follows:

The designated area is and has been the location of war production industries. The increase in employment reflecting the expansion of defense activities and the influx of production workers and their families have resulted in an acute shortage of rental housing accommodations in the local market. The President has found that an acute shortage of housing exists or impends in the Akron area under Public No. 849, 76th Congress, 3d Session (Lanham Act), and Public No. 24, 77th Congress, 1st Session (Title VI, National Housing Act). Akron has been placed on the list of Defense Housing Areas in which builders may secure priority ratings on critical materials for residential construction.

Surveys in the Akron area have reported low vacancy ratios for rental housing accommodations, indicative of the abnormality of the local market. New construction in this area by private industry and by the Government has not been sufficient to restore a normal rental market for housing accommodations.

Defense activities have resulted in substantial and widespread increases in rents, affecting most of the rental housing accommodations in the Akron area. Official governmental surveys of rental change conducted in this area have shown a marked upward movement in the general level of residential rents during the past two years. By reason of these substantial increases the rents prevailing in the Akron area are not generally fair and equitable.*

§ 1388.653 *Recommendations.* The Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the designated area on or about April 1, 1941. It is his judgment that prior to April 1, 1941, defense activities had not yet resulted in increases in rents for such housing accommodations inconsistent with the purposes of the Act, but did result in such increases commencing on or about that date. The Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area are as follows:

(a) Maximum rents for housing accommodations should be:

(1) For housing accommodations rented on April 1, 1941 the rent for such accommodations on that date.

(2) For housing accommodations not rented on April 1, 1941 but rented at any time within the six months ending on that date, the last rent prior to said date.

(3) For housing accommodations not rented on April 1, 1941 nor within the six months ending on that date, the first rent after that date, but in no event more than the rent generally prevailing in the Akron Defense-Rental Area for comparable housing accommodations on April 1, 1941.

(b) Provision consistent with the purposes of the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of the maximum rent for the following classifications of housing accommodations, but in principle maximum rents for such housing accommodations should not be greater than the rent for comparable accommodations prevailing in the Akron Defense-Rental Area on April 1, 1941:

(1) For housing accommodations completed and first rented after April 1, 1941, or changed after April 1, 1941 in any manner resulting in an increase or decrease in the number of units in such accommodations, or substantially altered by an improvement or deterioration subsequent to April 1, 1941.

(2) For housing accommodations owned by the United States or any agency thereof or by the State of Ohio or any political subdivision thereof, or agency of any of the foregoing.

(3) For substantial increase or decrease of services in connection with housing accommodations subsequent to April 1, 1941.

(4) In cases where the rent on April 1, 1941 was materially affected by the blood, personal or other special relationship between landlord and tenant or was determined by a written lease which had been in force for six months or more on said date and such rent was greater or less than the rent for comparable accommodations in the Akron Defense-Rental Area on April 1, 1941.

(c) Appropriate provision should be made with respect to evictions, other actions relating to the recovery of possession and the modification of services; and appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.*

§ 1388.654 *Maximum rent regulation.* If within sixty days after the issuance of this declaration, rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by state or local regulation, or otherwise, in accordance with the foregoing recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.*

§ 1388.655 *Effective date.* This designation and rent declaration (§§ 1388.651 to 1388.655, inclusive) is effective March 2, 1942.*

Issued this 2nd day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1814; Filed, March 2, 1942; 4:05 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

CANTON—DESIGNATION OF THE CANTON DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the area described below inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Administrator, it is necessary and proper in order to effectuate the purposes of said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization and reduction of rents for defense-area housing accommodations within the defense-rental area described below;

Therefore, under the authority vested in the Administrator by said Act, this designation and rent declaration is issued.

§ 1388.701 *Designation.* The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be

known as the "Canton Defense-Rental Area":

In the State of Ohio, the County of Stark in its entirety.*

*§§ 1388.701 to 1388.705, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2nd Sess.

§ 1388.702 *Necessity.* The necessity for the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area is as follows:

The designated area is and has been the location of war production industries. The increase in employment reflecting the expansion of defense activities and the influx of production workers and their families have resulted in an acute shortage of rental housing accommodations in the local market. The President has found that an acute shortage of housing exists or impends in a number of localities in the Canton area under Public No. 849, 76th Congress, 3d Session (Lanham Act), and Public No. 24, 77th Congress, 1st Session (Title VI, National Housing Act). A number of localities in the Canton area have been placed on the list of Defense Housing Areas in which builders may secure priority ratings on critical materials for residential construction.

Surveys in the Canton area have reported low vacancy ratios for rental housing accommodations, indicative of the abnormality of the local market. New construction in this area by private industry and by the Government has not been sufficient to restore a normal rental market for housing accommodations.

Defense activities have resulted in substantial and widespread increases in rents, affecting most of the rental housing accommodations in the Canton area. Official governmental surveys of rental change conducted in this area have shown a marked upward movement in the general level of residential rents during the past two years. By reason of these substantial increases the rents prevailing in the Canton area are not generally fair and equitable.*

§ 1388.703 *Recommendations.* The Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the designated area on or about April 1, 1941. It is his judgment that prior to April 1, 1941, defense activities had not yet resulted in increases in rents for such housing accommodations inconsistent with the purposes of the Act, but did result in such increases commencing on or about that date. The Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area are as follows:

(a) Maximum rents for housing accommodations should be:

(1) For housing accommodations rented on April 1, 1941 the rent for such accommodations on that date.

(2) For housing accommodations not rented on April 1, 1941 but rented at any time within the six months ending on that date, the last rent prior to said date.

(3) For housing accommodations not rented on April 1, 1941 nor within the six months ending on that date, the first rent after that date, but in no event more than the rent generally prevailing in the Canton Defense-Rental Area for comparable housing accommodations on April 1, 1941.

(b) Provision consistent with the purposes of the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of the maximum rent for the following classifications of housing accommodations, but in principle maximum rents for such housing accommodations should not be greater than the rent for comparable accommodations prevailing in the Canton Defense-Rental Area on April 1, 1941:

(1) For housing accommodations completed and first rented after April 1, 1941, or changed after April 1, 1941 in any manner resulting in an increase or decrease in the number of units in such accommodations, or substantially altered by an improvement or deterioration subsequent to April 1, 1941.

(2) For housing accommodations owned by the United States or any agency thereof or by the State of Ohio or any political subdivision thereof, or agency of any of the foregoing.

(3) For substantial increase or decrease of services in connection with housing accommodations subsequent to April 1, 1941.

(4) In cases where the rent on April 1, 1941 was materially affected by the blood, personal or other special relationship between landlord and tenant or was determined by a written lease which had been in force for six months or more on said date and such rent was greater or less than the rent for comparable accommodations in the Canton Defense-Rental Area on April 1, 1941.

(c) Appropriate provision should be made with respect to evictions, other actions relating to the recovery of possession, and the modification of services; and appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.*

§ 1388.704 *Maximum rent regulation.* If within sixty days after the issuance of this declaration, rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by state or local regulation, or otherwise, in accordance with the foregoing recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.*

§ 1388.705 *Effective date.* This designation and rent declaration (§§ 1388.701 to 1388.705, inclusive) is effective March 2, 1942.*

Issued this 2d day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1832; Filed, March 2, 1942; 4:20 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

CLEVELAND—DESIGNATION OF THE CLEVELAND DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the area described below inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Administrator, it is necessary and proper in order to effectuate the purposes of said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization and reduction of rents for defense-area housing accommmodations within the defense-rental area described below;

Therefore, under the authority vested in the Administrator by said Act, this designation and rent declaration is issued.

§ 1388.751 *Designation.* The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Cleveland Defense-Rental Area":

In the State of Ohio, the County of Cuyahoga in its entirety; and in the County of Lake the Township of Willoughby and those parts of the Township of Kirtland included within the corporate limits of the Villages of Waite Hill and Willoughby.*

*§§ 1388.751 to 1388.755, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1388.753 *Necessity.* The necessity for the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area is as follows:

The designated area is and has been the location of war production industries. The increase in employment reflecting the expansion of defense activities and the influx of production workers and their families have resulted in an acute shortage of rental housing accommodations in the local market. The President has found that an acute shortage of housing exists or impends in the Cleveland area under Public No. 849, 76th Congress, 3d Session (Lanham Act), and Public No. 24, 77th Congress, 1st Session (Title VI, National Housing Act). Cleveland has been placed on the list of Defense Housing Areas in which builders may secure priority ratings on critical materials for residential construction.

Surveys in the Cleveland area have reported low vacancy ratios for rental housing accommodations, indicative of the abnormality of the local market. New construction in this area by private industry and by the Government has not been sufficient to restore a normal rental market for housing accommodations.

Defense activities have resulted in substantial and widespread increases in rents, affecting most of the rental housing accommodations in the Cleveland area. Official governmental surveys of rental change conducted in this area have shown a marked upward movement in the general level of residential rents during the past two years. By reason of these substantial increases the rents prevailing in the Cleveland area are not generally fair and equitable.*

§ 1388.752 *Recommendations.* It is the judgment of the Administrator that by April 1, 1941, defense activities had not yet resulted in increases in rents for housing accommodations within the designated area inconsistent with the purposes of the Act. The Administrator has therefore ascertained and given due consideration to the rents prevailing for housing accommodations within such area on or about July 1, 1941; and it is his judgment that the most recent date which does not reflect increases in rents for such housing accommodations inconsistent with the purposes of the Act is on or about that date. The Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area are as follows:

(a) Maximum rents for housing accommodations should be:

(1) For housing accommodations rented on July 1, 1941 the rent for such accommodations on that date.

(2) For housing accommodations not rented on July 1, 1941 but rented at any time within the six months ending on that date, the last rent prior to said date.

(3) For housing accommodations not rented on July 1, 1941 nor within the six months ending on that date, the first rent after that date, but in no event more than the rent generally prevailing in the Cleveland Defense-Rental Area for comparable housing accommodations on July 1, 1941.

(b) Provision consistent with the purposes of the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of the maximum rent for the following classifications of housing accommodations, but in principle maximum rents for such housing accommodations should not be greater than the rent for comparable accommodations prevailing in the Cleveland Defense-Rental Area on July 1, 1941:

(1) For housing accommodations completed and first rented after July 1, 1941, or changed after July 1, 1941 in any manner resulting in an increase or decrease in the number of units in such accommodations, or substantially altered by an improvement or deterioration subsequent to July 1, 1941.

(2) For housing accommodations owned by the United States or any agency thereof or by the State of Ohio or any political subdivision thereof, or agency of any of the foregoing.

(3) For substantial increase or decrease of services in connection with housing accommodations subsequent to July 1, 1941.

(4) In cases where the rent on July 1, 1941 was materially affected by the blood, personal or other special relationship between landlord and tenant or was determined by a written lease which had been in force for six months or more on said date and such rent was greater or less than the rent for comparable accommodations in the Cleveland Defense-Rental Area on July 1, 1941.

(c) Appropriate provision should be made with respect to evictions, other actions relating to the recovery of possession, and the modification of services; and appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.*

§ 1388.754 *Maximum rent regulation.* If within sixty days after the issuance of this declaration, rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by state or local regulation, or otherwise, in accordance with the foregoing recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.*

§ 1388.755 *Effective date.* This designation and rent declaration (§§ 1388.751 to 1388.755, inclusive) is effective March 2, 1942.*

Issued this 2d day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1820; Filed, March 6, 1942; 4:10 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

RAVENNA—DESIGNATION OF THE RAVENNA DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the area described below inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Administrator, it is necessary and proper in order to effectuate the purposes of said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization and reduction of rents for defense-area housing accommodations within the defense-rental area described below:

Therefore, under the authority vested in the Administrator by said Act, this designation and rent declaration is issued.

§ 1388.801 *Designation.* The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and

shall constitute a defense-rental area to be known as the "Ravenna Defense-Rental Area":

In the State of Ohio, the County of Portage in its entirety.*

*§§ 1388.801 to 1388.806, inclusive, issued under the authority contained in Pub. Law No. 421, 77th Cong., 2d Sess.

§ 1388.802 *Necessity.* The necessity for the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area is as follows:

The designated area is and has been the location of war production industries. The increase in employment reflecting the expansion of defense activities and the influx of production workers and their families have resulted in an acute shortage of rental housing accommodations in the local market. The President has found that an acute shortage of housing exists or impends in the Ravenna area under Public No. 849, 76th Congress, 3d Session (Lanham Act); Public No. 9, 77th Congress, 1st Session; and Public No. 24, 77th Congress, 1st Session; and Public No. 24, 77th Congress, 1st Session (Title VI, National Housing Act). Ravenna has been placed on the list of Defense Housing Areas in which builders may secure priority ratings on critical materials for residential construction.

Surveys in the Ravenna area have reported low vacancy ratios for rental housing accommodations, indicative of the abnormality of the local market. New construction in this area by private industry and by the Government has not been sufficient to restore a normal rental market for housing accommodations.

Defense activities have resulted in substantial and widespread increases in rents, affecting most of the rental housing accommodations in the Ravenna area. Official governmental surveys of rental change conducted in this area have shown a marked upward movement in the general level of residential rents during the past two years. By reason of these substantial increases the rents prevailing in the Ravenna area are not generally fair and equitable.*

§ 1388.803 *Recommendations.* The Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the designated area on or about April 1, 1941. It is his judgment that prior to April 1, 1941, defense activities had not yet resulted in increases in rents for such housing accommodations inconsistent with the purposes of the Act, but did result in such increases commencing on or about that date. The Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area are as follows:

(a) Maximum rents for housing accommodations should be:

(1) For housing accommodations rented on April 1, 1941 the rent for such accommodations on that date.

(2) For housing accommodations not rented on April 1, 1941 but rented at any time within the six months ending on that date, the last rent prior to said date.

(3) For housing accommodations not rented on April 1, 1941 nor within the six months ending on that date, the first rent after that date, but in no event more than the rent generally prevailing in the Ravenna Defense-Rental Area for comparable housing accommodations on April 1, 1941.

(b) Provision consistent with the purposes of the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of the maximum rent for the following classifications of housing accommodations, but in principle maximum rents for such housing accommodations should not be greater than the rent for comparable accommodations prevailing in the Ravenna Defense-Rental Area on April 1, 1941:

(1) For housing accommodations completed and first rented after April 1, 1941, or changed after April 1, 1941 in any manner resulting in an increase or decrease in the number of units in such accommodations, or substantially altered by an improvement or deterioration subsequent to April 1, 1941.

(2) For housing accommodations owned by the United States or any agency thereof or by the State of Ohio or any political subdivision thereof, or agency of any of the foregoing.

(3) For substantial increase or decrease of services in connection with housing accommodations subsequent to April 1, 1941.

(4) In cases where the rent on April 1, 1941 was materially affected by the blood, personal or other special relationship between landlord and tenant or was determined by a written lease which had been in force for six months or more on said date and such rent was greater or less than the rent for comparable accommodations in the Ravenna Defense-Rental Area on April 1, 1941.

(c) Appropriate provision should be made with respect to evictions, other actions relating to the recovery of possession, and the modification of services; and appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.*

§ 1388.804 *Maximum rent regulation.* If within sixty days after the issuance of this declaration, rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the foregoing recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.*

§ 1388.805 *Effective date.* This designation and rent declaration (§§ 1388.801 to 1388.805, inclusive) is effective March 2, 1942.*

Issued this 2d day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1827; Filed, March 2, 1942; 4:17 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

YOUNGSTOWN-WARREN—DESIGNATION OF THE YOUNGSTOWN-WARREN DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the area described below inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Administrator, it is necessary and proper in order to effectuate the purposes of said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization and reduction of rents for defense-area housing accommodations within the defense-rental area described below;

Therefore, under the authority vested in the Administrator by said Act, this designation and rent declaration is issued.

§ 1388.851 *Designation.* The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Youngstown-Warren Defense-Rental Area":

In the State of Ohio, the Counties of Mahoning and Trumbull in their entireties.*

*§§ 1388.851 to 1388.855, inclusive, issued under the authority contained in Pub. Law No. 421, 77th Cong., 2nd Sess.

§ 1388.852 *Necessity.* The necessity for the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area is as follows:

The designated area is and has been the location of war production industries. The increase in employment reflecting the expansion of defense activities and the influx of production workers and their families have resulted in an acute shortage of rental housing accommodations in the local market. The President has found that an acute shortage of housing exists or impends in localities in the Youngstown-Warren area under Public No. 849, 76th Congress, 3d Session (Lanham Act); and Public No. 24, 77th Congress, 1st Session (Title VI, National Housing Act). Localities in the Youngstown-Warren area have been placed on the list of Defense Housing Areas in which builders may secure priority ratings on critical materials for residential construction.

Surveys in the Youngstown-Warren area have reported low vacancy ratios for rental housing accommodations, indicative of the abnormality of the local market. New construction in this area by private industry and by the Government has not been sufficient to restore a normal rental market for housing accommodations.

Defense activities have resulted in substantial and widespread increases in rents, affecting most of the rental housing accommodations in the Youngstown-Warren areas. Official governmental surveys of rental change conducted in this area have shown a marked upward movement in the general level of residential rents during the past two years. By reason of these substantial increases the rents prevailing in the Youngstown-Warren area are not generally fair and equitable.*

§ 1388.853 *Recommendations.* The Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the designated area on or about April 1, 1941. It is his judgment that prior to April 1, 1941, defense activities had not yet resulted in increases in rents for such housing accommodations inconsistent with the purposes of the Act, but did result in such increases commencing on or about that date. The Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area are as follows:

(a) Maximum rents for housing accommodations should be:

(1) For housing accommodations rented on April 1, 1941 the rent for such accommodations on that date.

(2) For housing accommodations not rented on April 1, 1941 but rented at any time within the six months ending on that date, the last rent prior to said date.

(3) For housing accommodations not rented on April 1, 1941 nor within the six months ending on that date, the first rent after that date, but in no event more than the rent generally prevailing in the Youngstown - Warren Defense - Rental Area for comparable housing accommodations on April 1, 1941.

(b) Provision consistent with the purposes of the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of the maximum rent for the following classifications of housing accommodations, but in principle maximum rents for such housing accommodations should not be greater than the rent for comparable accommodations prevailing in the Youngstown-Warren Defense-Rental Area on April 1, 1941:

(1) For housing accommodations completed and first rented after April 1, 1941, or changed after April 1, 1941 in any manner resulting in an increase or decrease in the number of units in such accommodations, or substantially altered by an improvement or deterioration subsequent to April 1, 1941.

(2) For housing accommodations owned by the United States or any agency thereof or by the State of Ohio or any political subdivision thereof, or agency of any of the foregoing.

(3) For substantial increase or decrease of services in connection with housing accommodations subsequent to April 1, 1941.

(4) In cases where the rent on April 1, 1941 was materially affected by the blood, personal or other special relationship between landlord and tenant or was determined by a written lease which had been in force for six months or more on said date and such rent was greater or less than the rent for comparable accommodations in the Youngstown-Warren Defense-Rental Area on April 1, 1941.

(c) Appropriate provision should be made with respect to evictions, other actions relating to the recovery of possession, and the modification of services; and appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.*

§ 1388.854 *Maximum rent regulation.* If within sixty days after the issuance of this declaration, rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by state or local regulation, or otherwise, in accordance with the foregoing recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.*

§ 1388.855 *Effective date.* This designation and rent declaration (§§ 1388.851 to 1388.855, inclusive) is effective March 2, 1942.*

Issued this 2nd day of March, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1818; Filed, March 2, 1942; 4:09 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

HAMPTON ROADS—DESIGNATION OF THE HAMPTON ROADS DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the area described below inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Administrator, it is necessary and proper in order to effectuate the purposes of said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization and reduction of rents for defense-area housing accommodations within the defense-rental area described below;

Therefore, under the authority vested in the Administrator by said Act, this designation and rent declaration is issued.

§ 1388.901 *Designation.* The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Hampton Roads Defense-Rental Area":

In the State of Virginia, the Independent Cities of Hampton, Newport News, Norfolk, Portsmouth, and South Norfolk; the County of Elizabeth City in its entirety; in the County of Norfolk

the Magisterial Districts of Deep Creek, Tanners Creek, Washington, and Western Branch; in the County of Princess Anne the Magisterial Districts of Kempsville and Lynnhaven; and in the County of Warwick the Magisterial District of Newport.*

*§§ 1388.901 to 1388.905, inclusive, issued under the authority contained in Pub. No. 421, 77th Cong., 2nd Sess.

§ 1388.902 *Necessity.* The neccessity for the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area is as follows:

The designated area is and has been the location of establishments of the armed forces of the United States and war production industries. The increase in employment reflecting the expansion of defense activities, the influx of production workers and their families, and of the families of military and naval personnel have resulted in an acute shortage of rental housing accommodations in the local market. The President has found that an acute shortage of housing exists or impends in a number of localities in the Hampton Roads area under Public No. 671, 76th Congress, 3d Session; Public No. 849, 76th Congress, 3d Session (Lanham Act); Public No. 9, 77th Congress, 1st Session; and Public No. 24, 77th Congress, 1st Session (Title VI National Housing Act). He has also allocated funds to the Navy Department for the construction of housing units under Public No. 781, 76th Congress, 3d Session, upon certification by the Secretary of the Navy that such housing was important for purposes under his jurisdiction and necessary to the national defense program. A number of localities in the Hampton Roads area have been placed on the list of Defense Housing Areas in which builders may secure priority ratings on critical materials for residential construction.

Surveys in the Hampton Roads area have reported low vacancy ratios for rental housing accommodations, indicative of the abnormality of the local market. New construction in this area by private industry and by the Government has not been sufficient to restore a normal rental market for housing accommodations.

Defense activities have resulted in substantial and widespread increases in rents, affecting most of the rental housing accommodations in the Hampton Roads area. Official governmental surveys of rental change conducted in this area have shown a marked upward movement in the general level of residential rents during the past two years. By reason of these substantial increases the rents prevailing in the Hampton Roads area are not generally fair and equitable.*

§ 1388.903 *Recommendations.* The Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the designated area on or about April 1, 1941. It is his judgment that prior to April 1, 1941, defense activities had not yet resulted in increases in rents for such housing accommodations inconsistent with the purposes of the Act, but did result in such increases commencing on or about that date. The Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area are as follows:

(a) Maximum rents for housing accommodations should be:

(1) For housing accommodations rented on April 1, 1941 the rent for such accommodations on that date.

(2) For housing accommodations not rented on April 1, 1941 but rented at any time within the six months ending on that date, the last rent prior to said date.

(3) For housing accommodations not rented on April 1, 1941 nor within the six months ending on that date, the first rent after that date, but in no event more than the rent generally prevailing in the Hampton Roads Defense-Rental Area for comparable housing accommodations on April 1, 1941.

(b) Provision consistent with the purposes of the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of the maximum rent for the following classifications of housing accommodations, but in principle maximum rents for such housing accommodations should not be greater than the rent for comparable accommodations prevailing in the Hampton Roads Defense-Rental Area on April 1, 1941:

(1) For housing accommodations completed and first rented after April 1, 1941, or changed after April 1, 1941 in any manner resulting in an increase or decrease in the number of units in such accommodations, or substantially altered by an improvement or deterioration subsequent to April 1, 1941.

(2) For housing accommodations owned by the United States or any agency thereof or by the State of Virginia or any political subdivision thereof, or agency of any of the foregoing.

(3) For substantial increase or decrease of services in connection with housing accommodations subsequent to April 1, 1941.

(4) In cases where the rent on April 1, 1941 was materially affected by the blood, personal or other special relationship between landlord and tenant or was determined by a written lease which had been in force for six months or more on said date and such rent was greater or less than the rent for comparable accommodations in the Hampton Roads Defense-Rental Area on April 1, 1941.

(c) Appropriate provision should be made with respect to evictions, other actions relating to the recovery of possession, and the modification of services; and appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.*

§ 1388.904 *Maximum rent regulation.* If within sixty days after the issuance of this declaration, rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by state or local regulation, or otherwise, in accordance with the foregoing recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.*

§ 1388.905 *Effective date.* This designation and rent declaration (§§ 1388.901 to 1388.905, inclusive) is effective March 2, 1942.*

Issued this 2d day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1824; Filed, March 2, 1942; 4:15 p. m.]

PART 1388—DEFENSE-RENTAL AREAS

PUGET SOUND—DESIGNATION OF THE PUGET SOUND DEFENSE-RENTAL AREA AND RENT DECLARATION RELATING TO THAT AREA

The Emergency Price Control Act of 1942 provides that whenever in the judgment of the Administrator such action is necessary or proper in order to effectuate the purposes of that Act, he shall issue a declaration setting forth the necessity for, and recommendations with reference to, the stabilization or reduction of rents for any defense-area housing accommodations within a particular defense-rental area; and that if within sixty days after the issuance of any such recommendations rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by State or local regulation, or otherwise, in accordance with the recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of that Act; and

In the judgment of the Administrator, defense activities have resulted in an increase in the rents for housing accommodations in the area described below inconsistent with the purposes of the Emergency Price Control Act of 1942; and

In the judgment of the Administrator, it is necessary and proper in order to effectuate the purposes of said Act to issue this declaration, setting forth the necessity for, and recommendations with reference to, the stabilization and reduction of rents for defense-area housing accommodations within the defense-rental area described below;

Therefore, under the authority vested in the Administrator by said Act, this designation and rent declaration is issued.

§ 1388.951 *Designation.* The following area is designated by the Administrator as an area where defense activities have resulted in an increase in the rents for housing accommodations inconsistent with the purposes of the Emergency Price Control Act of 1942 and shall constitute a defense-rental area to be known as the "Puget Sound Defense-Rental Area":

In the State of Washington, the County of Kitsap in its entirety and those parts of the Counties of King and Pierce lying west of the Snoqualmie National Forest.*

*§§ 1388.951 to 1388.955, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1388.952 *Necessity.* The necessity for the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area is as follows:

The designated area is and has been the location of establishments of the armed forces of the United States and of war production industries. The increase in employment reflecting the expansion of defense activities, the influx of production workers and their families, and of the families of military and naval personnel have resulted in an acute shortage of housing exists or impends in a number of localities in the Puget Sound area under Public No. 671, 76th Congress, 3d Session; Public No. 849, 76th Congress 3d Session (Lanham Act); Public No. 9, 77th Congress, 1st Session; and Public No. 24, 77th Congress, 1st Session (Title VI, National Housing Act). He has also allocated funds to the Navy Department for the construction of housing units under Public No. 781, 76th Congress, 3d Session, upon certification by the Secretary of the Navy that such housing was important for purposes under his jurisdiction and necessary to the national defense program. A number of localities in the Puget Sound area have been placed on the list of Defense Housing Areas in which builders may secure priority ratings on critical materials for residential construction.

Surveys in the Puget Sound area have reported low vacancy ratios for rental housing accommodations, indicative of the abnormality of the local market. New construction in this area by private industry and by the Government has not been sufficient to restore a normal rental market for housing accommodations.

Defense activities have resulted in substantial and widespread increases in rents, affecting most of the rental housing accommodations in the Puget Sound area. Official governmental surveys of rental change conducted in this area have shown a marked upward movement in the general level of residential rents during the past two years. By reason of these substantial increases the rents prevailing in the Puget Sound area are not generally fair and equitable.*

§ 1388.953 *Recommendations.* The Administrator has ascertained and given due consideration to the rents prevailing for housing accommodations within the designated area on or about April 1, 1941. It is his judgment that prior to April 1, 1941, defense activities had not yet resulted in increases in rents for such housing accommodations inconsistent with the purposes of the Act, but did result in such increases commencing on or about that date. The Administrator has considered, so far as practicable, relevant factors deemed by him to be of general applicability, including fluctuations in property taxes and other costs. It is the judgment of the Administrator that the recommendations hereinafter set forth are generally fair and equitable and will effectuate the purposes of the Act.

Recommendations with reference to the stabilization and reduction of rents for defense-area housing accommodations in said defense-rental area are as follows:

(a) Maximum rents for housing accommodations should be:

(1) For housing accommodations rented on April 1, 1941 the rent for such accommodations on that date.

(2) For housing accommodations not rented on April 1, 1941 but rented at any time within the six months ending on that date, the last rent prior to said date.

(3) For housing accommodations not rented on April 1, 1941 nor within the six months ending on that date, the first rent after that date, but in no event more than the rent generally prevailing in the Puget Sound Defense-Rental Area for comparable housing accommodations on April 1, 1941.

(b) Provision consistent with the purposes of the Emergency Price Control Act of 1942 should be made for the determination, adjustment, and modification of the maximum rent for the following classifications of housing accommodations, but in principle maximum rents for such housing accommodations should not be greater than the rent for comparable accommodations prevailing in the Puget Sound Defense-Rental Area on April 1, 1941:

(1) For housing accommodations completed and first rented after April 1, 1941, or changed after April 1, 1941 in any manner resulting in an increase or decrease in the number of units in such accommodations, or substantially altered by an improvement or deterioration subsequent to April 1, 1941.

(2) For housing accommodations owned by the United States or any agency thereof or by the State of Washington or any political subdivision thereof, or agency of any of the foregoing.

(3) For substantial increase or decrease of services in connection with housing accommodations subsequent to April 1, 1941.

(4) In cases where the rent on April 1, 1941 was materially affected by the blood, personal or other special relationship between landlord and tenant or was determined by a written lease which had been in force for six months or more on said date and such rent was greater or less than the rent for comparable accommodations in the Puget Sound Defense-Rental Area on April 1, 1941.

(c) Appropriate provision should be made with respect to evictions, other actions relating to the recovery of possession, and the modification of services; and appropriate provision should be made to prevent the circumvention or evasion of maximum rents by any method whatever.*

§ 1388.954 *Maximum rent regulation.* If within sixty days after the issuance of this declaration, rents for any such accommodations within such defense-rental area have not in the judgment of the Administrator been stabilized or reduced by state or local regulation, or otherwise, in accordance with the foregoing recommendations, the Administrator may by regulation or order establish such maximum rent or maximum rents for such accommodations as in his judgment will be generally fair and equitable and will effectuate the purposes of the Emergency Price Control Act of 1942.*

§ 1388.955 *Effective date.* This designation and rent declaration (§§ 1388.951 to 1388.955, inclusive) is effective March 2, 1942.*

Issued this 2d day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1826; Filed, March 2, 1942; 4:17 p. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER III—GRAZING SERVICE

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

MODIFICATION OF OREGON GRAZING DISTRICT NO. 2[1]

JANUARY 9, 1942.

Under and pursuant to the provisions of the act of June 28, 1934, 48 Stat. 1269, U.S.C., title 43, secs. 315 *et seq.*, as amended, commonly known as the Taylor Grazing Act, departmental order of July 9, 1935, establishing Oregon Grazing District No. 2, is hereby revoked as far as it affects the following described lands, such revocation to be effective upon the inclusion of the lands within the boundaries of the Fremont National Forest:

OREGON

WILLAMETTE MERIDIAN

T. 29 S., R. 12 E., sec. 2, all;
T. 29 S., R. 13 E.,
Sec. 14, SW¼;
Sec. 15, S½;
Sec. 16, S½;

T. 29 S., R. 14 E., sec. 16, S½;
T. 32 S., R. 16 E., sec. 35, E½;
T. 33 S., R. 17 E.,
Sec. 7, E½;
Sec. 17, W½;
T. 34 S., R. 16 E.,
Sec. 26, S½;
Sec. 26, SE¼;
Sec. 35, N½;
Sec. 36, all;
T. 36 S., R. 19 E., sec. 13, all;
T. 36 S., R. 20 E.,
Sec. 20, NE¼;
Sec. 21, N½;
T. 37 S., R. 22 E., sec. 34, NE¼;
T. 38 S., R. 22 E.,
Sec. 3, all;
Sec. 5, all;
Sec. 7, Lots 3, 4, E½, E½SW¼;
Sec. 8, all;
Sec. 9, all;
Sec. 10, all;
Sec. 15, N½, SW¼;
Sec. 16, all;
Sec. 17, all;
Sec. 18, all;
Sec. 19, all;
Sec. 20, all;
Sec. 29, W½;
Sec. 30, all;
Sec. 31, all;
T. 39 S., R. 22 E.,
Sec. 5, all;
Sec. 6, all;
Sec. 7, all;
Sec. 8, all;
Sec. 17, all;
Sec. 20, N½;
T. 40 S., R. 22 E.,
Sec. 5, W½;
Sec. 6, E½;
Sec. 8, NW¼;
Sec. 17, SW¼SW¼;
Sec. 20, W½;
Sec. 29, S½NE¼, NW¼, S½;
Sec. 32, NW¼;
Sec. 33, all.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

[F. R. Doc. 42-1842; Filed, March 3, 1942; 9:48 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

SUBCHAPTER B—MEASUREMENT

[Order No. 224]

FEBRUARY 28, 1942.

Upon the request of the Secretary of the Navy and by virtue of the authority vested in me by the provisions of Executive Order No. 8976, dated December 12, 1941 (6 F.R. 6441), I hereby waive compliance with the provisions of section 4153 R.S., as amended (46 U.S.C. 77), to the extent and upon the terms hereinafter set forth.

(1) So much of section 4153 R.S., as amended, as requires the tonnage of the shelter deck space above the upper deck, which is under cover and permanently closed in, to be added to the gross tonnage is waived to the extent necessary to permit the tonnage of that space to be omitted from the gross tonnage: *Provided*, That,

(a) At the time of construction of the vessel the space above referred to was open to the weather and not permanently closed in.

(b) After construction the space above referred to is closed in by making the weather tight hatch in the shelter deck shelter tight, and by closing the tonnage openings in the transverse bulkheads between the freeboard and shelter decks, making those bulkheads water tight.

(c) The load line of the vessel is not raised as a result of the closing in of the space above referred to.

[SEAL] WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 42-1839; Filed, March 2, 1942; 3:49 p. m.]

[Order No. 225]

EMERGENCY REGULATIONS, AMENDMENTS

FEBRUARY 28, 1942.

Pursuant to the authority of R.S. 4405, as amended (46 U.S.C. 375), the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, convened in the conference room, No. 1851, Department of Commerce, Washington, D. C., on January 21, 1942, at which session, after public hearings, the following regulations, amendments, and other actions were adopted:

SUBCHAPTER O—REGULATIONS APPLICABLE TO CERTAIN VESSELS AND SHIPPING DURING EMERGENCY

Subchapter O is amended by the addition of a new Part 152, reading as follows:

PART 152—MARINE ENGINEERING; REGULATIONS DURING EMERGENCY

Sec.
152.1 Definition of terms.
152.2 Degaussing of ocean and coastwise vessels of 2,000 gross tons or over.

§ 152.1 *Definition of terms.* Certain terms used in the regulations of this part are defined as follows:

(a) *Emergency.* The term "emergency" means the Unlimited National Emergency proclaimed by the President on May 27, 1941. (R.S. 4405, 4417, 4417a, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391, 391a, 367)

§ 152.2 *Degaussing of ocean and coastwise vessels of 2,000 gross tons or over.* Effective immediately, every vessel of the United States of 2,000 gross tons or over mentioned in §§ 33.2-1, 33.2-3, 59.1, 60.1, or 63.1a, of this chapter shall be degaussed in accordance with the requirements of, and at such time as may be fixed by, the United States Maritime Commission. (R.S. 4405, 4417, 4417a, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391, 391a, 367)

PART 153—BOATS, RAFTS, AND LIFESAVING APPLIANCES; REGULATIONS DURING EMERGENCY

Section 153.2 is amended to read as follows:

§ 153.2 *Additional lifesaving equipment on ocean and coastwise vessels.* Ocean and coastwise vessels shall, during the emergency, be provided with additional lifesaving appliances as follows:

(a) *Passenger vessels*—(1) *Life rafts.* Passenger vessels shall be equipped with a sufficient number of approved life rafts to accommodate at least 25 percent of all persons on board, in addition to the lifeboats and buoyant apparatus required by Subchapter 6 of this chapter. Rafts shall be of not less than 15-person capacity each.

(2) *Life preservers.* Passenger vessels shall, in addition to having on board a life preserver for each person allowed to be carried, be provided with life preservers stowed on the boat deck for at least 25 percent of the total number of persons. These life preservers shall be stowed in chests so as to be readily accessible and in a manner as to float free of the vessel. The covers of the chests shall be of the "lift-off" type to insure release of the life preservers.

(b) *Cargo vessels and tank ships*—(1) *Lifeboats and rafts.* Cargo vessels and tank ships shall carry a sufficient number of lifeboats on each side to accommodate all persons on board: *Provided*, That where the number of persons permitted by the certificate of inspection is augmented by the addition of Naval personnel for the purpose of protection or observation, additional lifeboat capacity will not be required. Cargo vessels and tank ships shall, in addition to the lifeboatage required, be equipped with sufficient approved life rafts as to accommodate all persons on board. Rafts shall not have a greater capacity than 20 persons nor less capacity than 15 persons. The minimum number of rafts to be furnished such vessels operating on routes exceeding 200 miles offshore shall be four.

(2) *Life preservers.* Cargo vessels and tank ships shall, in addition to having a life preserver for each person allowed to be carried, be provided with life preservers stowed on the boat deck for at least 25 percent of the total number of persons. These life preservers shall be stowed in chests so as to be readily accessible and in a manner as to float free of the vessel. The covers of the chests shall be of the "lift-off" type to insure release of the life preservers.

(3) *Ladders.* Cargo vessels and tank ships shall be provided with suitable ladders to enable persons to descend to lifeboats and rafts, one ladder to be provided for each set of boat davits. These ladders shall be kept ready and convenient for use on the boat deck and shall reach to the vessel's light load water line.

(c) *Towing vessels, manned barges, and miscellaneous craft*—(1) *Life rafts.* Towing vessels, manned barges, and miscellaneous craft shall carry sufficient lifeboats to accommodate all persons on board. In addition, approved rafts to accommodate all persons on board shall be carried: *Provided*, That where lack of space or operating conditions prevent the proper stowage of life rafts, approved life floats may be substituted. Rafts shall not have a greater capacity than 15 persons nor a less capacity than 5 persons.

(2) *Life preservers.* Towing vessels, manned barges, and miscellaneous craft shall, in addition to having a life preserver for each person allowed to be carried, be provided with life preservers stowed on the boat deck, or uppermost deck, for at least 25 percent of the total number of persons. These life preservers shall be stowed in chests so as to be readily accessible and in a manner as to float free of the vessel. The covers of the chests shall be of the "lift-off" type to insure release of the life preservers. (R.S. 4405, 4417, 4417a, 4426, 4488, as amended, secs. 10 and 11 of 35 Stat. 428, 49 Stat. 1544; 46 U.S.C. 375, 391, 391a, 404, 481, 395, 396, 367)

Section 153.3 is amended to read as follows:

§ 153.3 *Lifeboats on ocean and coastwise vessels.* During the emergency, lifeboats on all vessels operating on ocean or coastwise waters shall comply with the following additional requirements:

(a) *Grab rails.* Grab rails or other suitable means shall be substantially attached to each lifeboat, below the turn of the bilge, where practicable. Grab rails shall extend approximately two-thirds of the length of the lifeboat. Where wires or manila ropes are attached to the lifeboats in lieu of grab rails, they shall be so arranged that they may be detached when the lifeboat is waterborne.

(b) *Air tanks.* The air tanks of lifeboats shall be filled with kapok of about three pounds density per cubic foot, and the airtightness of the tank shall be restored after inserting the kapok. The tanks shall be stenciled "Kapok Filled" with the date. (R.S. 4405, 4417a, 4426, 4488, as amended, secs. 10 and 11 of 35 Stat. 428, 49 Stat. 1544; 46 U.S.C. 375, 391a 404, 481, 395, 396, 367)

The first sentence of § 153.4 is amended to read as follows:

§ 153.4 *Construction of life rafts.* During the emergency, life rafts on all vessels operating on ocean or coastwise waters shall comply with the following additional requirements: * * * (R.S. 4405, 4417a, 4426, 4488, as amended, secs. 10 and 11 of 35 Stat. 428, 49 Stat. 1544; 46 U.S.C. 375, 391a, 404, 481, 395, 396, 367)

Section 153.4 is further amended by the addition of a new paragraph (b) reading as follows:

(b) *Stowage.* Life rafts shall be stowed on skids, launching ways or other alternative means to provide quick release of the rafts directly into the water and, arranged so that they would have the best chance of floating free of the ship if there is no time to launch them. (R.S. 4405, 4417a, 4426, 4488, as amended, secs. 10 and 11 of 35 Stat. 428, 49 Stat. 1544; 46 U.S.C. 375, 391a, 404, 481, 395, 396, 367)

The headnote and first sentence of § 153.6 are amended to read as follows:

§ 153.6 *Additional equipment for lifeboats on ocean and coastwise vessels.* The following additional equipment shall, during the emergency, be provided: * * * (R.S. 4405, 4417a, 4426, 4488, as amended, secs. 10 and 11 of 35 Stat. 428, 49 Stat. 1544; 46 U.S.C. 375, 391a, 404, 481, 395, 396, 367)

Section 153.6 (b) is amended to read as follows:

(b) *Blankets.* At least six woolen blankets in waterproof covers. (R.S. 4405, 4417a, 4426, 4488, as amended, secs. 10 and 11 of 35 Stat. 428, 49 Stat. 1544; 46 U.S.C. 375, 391a, 404, 481, 395, 396, 367)

Section 153.6 (e) is amended to read as follows:

(e) *First-aid kit.* A unit-type, first-aid kit in a weather-tight metal container. The following items or their equivalent should be included:

Adhesive compress.
Ammonia inhalant.
Iodine in applicator vial.
Assorted bandage compresses.
Triangular bandage.
Burn compound.
Eye dressing.
Gauze bandage.
Gauze compress.
Tourniquet and forceps.
Splint-wire.
Safety pins.
Scissors.

The number and kind of unit dressings or treatments per carton may be found in Simplified Practice Recommendation R 178-41 titled "Packaging of First-Aid Kit, Dressings and Treatment" approved by the Secretary of Commerce as effective on June 30, 1941. (R.S. 4405, 4417a, 4426, 4488, as amended, secs. 10 and 11 of 35 Stat. 428, 49 Stat. 1544; 46 U.S.C. 375, 391a, 404, 481, 395, 396, 367)

Section 153.6 (i) is amended to read as follows:

(i) *Massage oil.* One gallon of oil of a type suitable for massaging the feet and legs. (R.S. 4405, 4417a, 4426, 4488, as amended, secs. 10 and 11 of 35 Stat. 428, 49 Stat. 1544; 46 U.S.C. 375, 391a, 404, 481, 395, 396, 367)

Section 153.6 (l) is amended to read as follows:

(l) *Painter.* The painter required by § 59.11 of this chapter shall be secured in the forward part of the boat with a strop eye and toggle so that it may be rigged as a sea painter and readily released from the boat. An additional painter, 15 fathoms of 2¾ inch—manila, shall be secured to the stem and coiled in the boat ready for use. (R.S. 4405, 4417a, 4426, 4488, as amended, secs. 10 and 11 of 35 Stat. 428, 49 Stat. 1544; 46 U.S.C. 375, 391a, 404, 481, 395, 396, 367)

Section 153.6 (m) (3) is amended to read as follows:

(3) Fourteen ounces of chocolate tablets in waterproof packages or containers, or an additional fourteen ounces of biscuits "Type C" rations covered by U. S. Army Specifications. (R.S. 4405, 4417a, 4426, 4488, as amended, secs. 10 and 11 of 35 Stat. 428, 49 Stat. 1544; 46 U.S.C. 375, 391a, 404, 481, 395, 396, 367)

Section 153.6 is amended by the addition of a new subparagraph (m) (6) reading as follows:

(6) Equivalents in calorific value may be substituted for pemmican required by item (2) and the milk tablets required by item (4) or both, provided that the substitutes and packing are satisfactory for lifeboat use. Samples of proposed substitutes shall be submitted to the Director for approval. (R.S. 4405, 4417a, 4426, 4488, as amended, secs. 10 and 11 of 35 Stat. 428, 49 Stat. 1544; 46 U.S.C. 375, 391a, 404, 481, 395, 396, 367)

The headnote and first sentence of § 153.7 is amended to read as follows:

§ 153.7 *Additional equipment for life rafts on ocean and coastwise vessels.* The following additional equipment shall, during the emergency, be provided: * * * (R.S. 4405, 4417a, 4426, 4488, as amended, secs. 10 and 11 of 35 Stat. 428, 49 Stat. 1544; 46 U.S.C. 375, 391a, 404, 481, 395, 396, 367)

Section 153.7 (c) (3) is amended to read as follows:

(3) Fourteen ounces of chocolate tablets in waterproof packages or containers, or an additional fourteen ounces of biscuits "Type C" rations covered by U. S. Army specifications. (R.S. 4405, 4417a, 4426, 4488, as amended, secs. 10 and 11 of 35 Stat. 428, 49 Stat. 1544; 46 U.S.C. 375, 391a, 404, 481, 395, 396, 367)

Section 153.7 is amended by the addition of a new subparagraph (c) (6) reading as follows:

(6) Equivalents in calorific value may be substituted for pemmican required by item (2) and the milk tablets required by item (4) or both, provided that the substitutes and packing are satisfactory for lifeboat use. Samples of proposed substitutes shall be submitted to the Director for approval. (R.S. 4405, 4417a, 4426, 4488, as amended, secs. 10 and 11 of 35 Stat. 428, 49 Stat. 1544; 46 U.S.C. 375, 291a, 404, 481, 395, 396, 367)

Section 153.7 is also amended by the addition of a new paragraph (g) reading as follows:

(g) At least 15 fathoms of 12-thread manila. (R.S. 4405, 4417a, 4426, 4488, as amended, secs. 10 and 11 of 35 Stat. 428, 49 Stat. 1544; 46 U.S.C. 375, 391a, 404, 481, 395, 396, 367)

Part 153 is amended by the addition of a new § 153.8 reading as follows:

§ 153.8 *Removal of vessel's name and home port.* (a) Vessels of 1,000 gross tons and over operating in coastal, intercoastal, or foreign trade are to have all exterior ship's identification and distinguishing marks removed, including the painting out of the name and hailing port. Portable name boards may be utilized when entering and departing from port as may be required.

(b) To effectuate the intent and purpose of paragraph (a) of this section, any part of Subchapter G, Ocean and Coastwise; General Rules and Regula-

[1] Affects tabulation in § 502.1e.

tions and the appropriate rule relating to tank vessels, which are contrary thereto are hereby suspended for the period of the National Emergency. (R.S. 4405, 4417a, 4488, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 481, 367)

Part 153 is further amended by the addition of a new § 153.9 reading as follows:

§ 153.9 *Construction of ring life buoys.* The following provisions are, during the emergency, applicable as alternative details of construction for ring life buoys to those provided by §§ 37.3–2, 59.56, 60.49, 76.53, 94.53, and 113.46 of this chapter:

(a) *Thread.* Thread used in the construction of ring life buoys may be of No. 10, six-cord, glazed finish, heavy cotton thread. (R.S. 4405, 4417a, 4426, 4488, as amended, secs. 10 and 11 of 35 Stat. 428, 49 Stat. 1544; 46 U.S.C. 375, 391a, 404, 481, 395, 396, 367)

Part 153 is finally amended by the addition of a new § 153.10 reading as follows:

§ 153.10 *Construction of life preservers.* The following provisions are, during the emergency, applicable as alternative details of construction for life preservers to those provided in §§ 28.4–1 to 28.4–10, inclusive, of this chapter:

(a) *Balsa wood life preservers.* The balsa wood shall be of the genus Ochroma, thoroughly kiln-dried, and heat treated to a moisture content not to exceed 5 percent and shall weigh not more than 10 pounds per cubic foot. It shall be sound, free from rot, dote, knots, pith, checks, and other defects. The block in any one pocket of the life preserver may be in not more than two pieces cut lengthwise with the grain, the smaller piece to be not less than 2" in width; or, of not more than three pieces when glued together with waterproof glue. The weight of the finished balsa wood used in life preservers constructed under the provisions of § 28.4–5 of this chapter shall be not less than 2⅜ lbs. nor more than 3¾ lbs. (R.S. 4405, 4417a, 4426, 4488, as amended, secs. 10 and 11 of 35 Stat. 428, 49 Stat. 1544; 46 U.S.C. 375, 391a, 404, 481, 395, 396, 367)

PART 155—LICENSED OFFICERS AND CERTIFICATED MEN; REGULATIONS DURING EMERGENCY

Section 155.2, *Third mate of ocean steam or motor vessels,* is deleted. (R.S. 4405, 4417a, 4438, 4440, as amended; 46 U.S.C. 375, 391a, 224, 228)

Section 155.3, *Third assistant engineer of ocean steam or motor vessels, or both,* is deleted. (R.S. 4405, 4417a, 4438, 4441, as amended; 46 U.S.C. 375, 391a, 224, 229)

Section 155.4, *Third assistant engineer of ocean steam vessels,* is deleted. (R.S. 4405, 4417a, 4438, 4441, as amended; 46 U.S.C. 375, 391a, 224, 229)

Section 155.5, *Third assistant engineer of motor vessels,* is deleted and the following is substituted in its stead:

§ 155.5 *Third mate of ocean steam or motor vessels.* The following provisions are, during the emergency, applicable as alternative qualifying experience to that provided by §§ 36.3–7 and 62.39 of this chapter:

(a) Twenty-two months sea service in the deck department of ocean vessels. Time spent at a U. S. Maritime Service School for prospective officers, upon completion of the prescribed course of training, may be credited as a part of the required sea service, but not less than eighteen months shall be served at sea; or,

(b) Cadets of the U. S. Maritime Commission's cadet system, after having served twelve months at a Maritime Commission shore school together with ten months service on deck on an ocean vessel; or,

(c) Cadets on active duty as midshipmen in the U. S. Navy, upon completion of twenty-two months service on deck aboard a merchant or Naval vessel; or,

(d) Cadets at a State Maritime Academy, after serving six months in the deck department at sea together with sixteen months shore training. (R.S. 4405, 4417a, 4426, 4438, 4440; as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 404, 224, 228, 367)

Part 155 is amended by the addition of a new § 155.8 reading as follows:

§ 155.8 *Second assistant engineer of ocean steam vessels.* The following provision is, during the emergency, applicable as alternative qualifying experience to that provided by §§ 36.3–11 and 62.52 of this chapter:

(a) Any person holding a license as chief engineer of steam vessels on the Great Lakes, bays, sounds and lakes other than the Great Lakes, and rivers, who has served one year under a license may be considered eligible to sit for the examination as second assistant engineer of ocean steam vessels of unlimited tonnage. (R.S. 4405, 4417a, 4426, 4438, 4441, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 404, 224, 229, 367)

Part 155 is further amended by the addition of a new § 155.9 reading as follows:

§ 155.9 *Third assistant engineer of ocean steam vessels.* The following provisions are, during the emergency, applicable as alternative qualifying experience to that provided by §§ 36.3–12 and 62.53 of this chapter:

(a) Twenty-two months service in the engine department of an ocean, Great Lakes, or bays, sounds and lakes other than the Great Lakes steam or motor vessel, one year of which must have been served as a qualified member of the engine department. Time spent at a U. S. Maritime Service School for prospective officers, upon completion of the prescribed course of training, may be credited as part of the required service, but not less than eighteen months shall be served in the engine department of ocean, Great Lakes, or bays, sounds, and lakes other than the Great Lakes vessels; or,

(b) Cadets of the U. S. Maritime Commission's cadet system, after having served twelve months at a Maritime Commission shore school together with ten months sea service in the engine department of an ocean steam or motor vessel; or,

(c) Cadets on active duty as midshipmen in the U. S. Navy, upon completion of twenty-two months service in the engine department of a steam or motor merchant or Naval vessel; or,

(d) State Maritime Academy engineering cadets who have completed six months aboard ship on training cruises together with sixteen months shore training; or,

(e) Any person holding a license as motor engineer may be considered eligible to sit for the examination as third assistant engineer of ocean steam vessels of appropriate tonnage; or,

(f) Any person holding a limited license as first assistant engineer of ocean steam vessels and who has served one year under authority of a license may be considered eligible to sit for the examination as third assistant engineer of ocean steam vessels of unlimited tonnage; or,

(g) Any person holding a license as first assistant engineer of steam vessels on the Great Lakes, bays, sounds, and lakes other than the Great Lakes, and rivers, and who has served one year under authority of a license may be considered eligible to sit for examination as third assistant engineer of ocean steam vessels of unlimited tonnage. (R.S. 4405, 4417a, 4426, 4438, 4441, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 404, 224, 229, 367)

Part 155 is further amended by the addition of a new § 155.14 reading as follows:

§ 155.14 *Experience required for license as pilot, Great Lakes.* The following provision is, during the emergency, applicable as alternative qualifying experience to that provided by §§ 36.5–3 and 78.36 of this chapter:

(a) No original license for pilot of any class shall be issued to any person who has not served at least two and one-half years in the deck department of a steam vessel, motor vessel, or sail vessel, one year of which experience must have been obtained within the three years next preceding the date of application for license, which fact the inspectors shall require, when practicable, to be verified by the certificate, in writing, of the licensed master or pilot under whom the applicant has served, such certificate to be filed with the application of the candidate. (R.S. 4405, 4417a, 4426, 4438, 4442, as amended; 46 U.S.C. 375, 391a, 404, 224, 214)

Part 155 is further amended by the addition of a new § 155.18 reading as follows:

§ 155.18 *Third assistant engineer of Great Lakes steam vessels.* The following provisions are, during the emergency, applicable as alternative qualifying experience to that provided by §§ 36.5–8 and 78.46 of this chapter:

(a) Twenty-two months service in the engine department of an ocean, Great Lakes, or bays, sounds and lakes other than the Great Lakes steam or motor vessel, one year of which must have been served as a qualified member of the engine department. Time spent at a U. S. Maritime Service School for prospective officers, upon completion of the prescribed course of training, may be credited as part of the required service, but not less than eighteen months shall be served in the engine department of ocean, Great Lakes, or bays, sounds, and lakes other than the Great Lakes vessels. (R.S. 4405, 4417a, 4426, 4438, 4441, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 404, 224, 229, 367)

Part 155 is further amended by the addition of a new § 155.23 reading as follows:

§ 155.23 *Experience required for license as pilot, bays, sounds, and lakes other than the Great Lakes.* The following provision is, during the emergency, applicable as alternative qualifying experience to that provided by §§ 36.6–3 and 96.35 of this chapter:

(a) No original license for pilot of any class shall be issued to any person who has not served at least two and one-half years in the deck department of a steam vessel, motor vessel, or sail vessel, one year of which experience must have been obtained within the three years next preceding the date of application for license, which fact the inspectors shall require, when practicable, to be verified by the certificate, in writing, of the licensed master or pilot under whom the applicant has served, such certificate to be filed with the application of the candidate. (R.S. 4405, 4417a, 4426, 4438, 4442, as amended; 46 U.S.C. 375, 391a, 404, 224, 214)

Part 155 is further amended by the addition of a new § 155.27 reading as follows:

§ 155.27 *Third assistant engineer of bays, sounds, and lakes other than the Great Lakes, steam vessels.* The following provisions are, during the emergency, applicable as alternative qualifying experience to that provided by §§ 36.6–8 and 96.45 of this chapter:

(a) Twenty-two months service in the engine department of an ocean, Great Lakes, or bays, sounds and lakes other than the Great Lakes steam or motor vessel, one year of which must have been served as a qualified member of the engine department. Time spent at a U. S. Maritime Service School for prospective officers, upon completion of the prescribed course of training, may be credited as part of the required service, but not less than eighteen months shall be served in the engine department of ocean, Great Lakes, or bays, sounds, and lakes other than the Great Lakes vessels. (R.S. 4405, 4417a, 4426, 4438, 4441, as amended; 46 U.S.C. 375, 391a, 404, 224, 229, 367)

Part 155 is further amended by the addition of a new § 155.30 reading as follows:

§ 155.30 *Second assistant engineer of motor vessels.* The following provision is, during the emergency, applicable as alternative qualifying experience to that provided by §§ 36.3–16 and 62.57 of this chapter:

(a) Any person holding a license as chief engineer of motor vessels of not less than 350 gross tons who has served one year under authority of a license may be considered eligible to sit for the examination as second assistant engineer of motor vessels of unlimited tonnage. (R.S. 4405, 4417a, 4426, 4438, 4441, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 404, 224, 229, 367)

Part 155 is further amended by the addition of a new § 155.31 reading as follows:

§ 155.31 *Third assistant engineer of motor vessels.* The following provisions are, during the emergency, applicable as alternative qualifying experience to that provided by §§ 36.3–17 and 62.58 of this chapter:

(a) Twenty-two months service in the engine department of an ocean, Great Lakes, or bays, sounds and lakes other than the Great Lakes steam or motor vessel, one year of which must have been served as a qualified member of the engine department. Time spent at a U. S. Maritime Service School for prospective officers, upon completion of the prescribed course of training, may be credited as part of the required service, but not less than eighteen months shall be served in the engine department of ocean, Great Lakes, or bays, sounds, and lakes other than the Great Lakes vessels; or,

(b) Cadets of the U. S. Maritime Commission's cadet system, after having served twelve months at a Maritime Commission shore school together with ten months sea service in the engine department of an ocean steam or motor vessel; or,

(c) Cadets on active duty as midshipmen in the U. S. Navy, upon completion of twenty-two months service in the engine department of a steam or motor merchant or Naval vessel; or,

(d) State Maritime Academy engineering cadets who have completed six months aboard ship on training cruises together with sixteen months shore training; or,

(e) Any person holding a license as steam engineer of ocean vessels may be considered eligible to sit for examination as third assistant engineer of motor vessels of appropriate tonnage; or,

(f) Any person holding a license as first assistant engineer of motor vessels of not less than 350 gross tons, who has served one year under authority of a license, may be considered eligible to sit for examination as third assistant engineer of motor vessels of unlimited tonnage. (R.S. 4405, 4417a, 4426, 4438, 4441, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 404, 224, 229, 367)

Part 155 is finally amended by the addition of a new § 155.32 reading as follows:

§ 155.32 *Experience required for license as pilot, Rivers.* The following provision is, during the emergency, applicable as alternative qualifying experience to that provided by §§ 36.7–3 and 115.34 of this chapter:

(a) No original license for pilot of any class shall be issued to any person who has not served at least two and one-half years in the deck department of a steam vessel, motor vessel, or sail vessel, one year of which experience must have been obtained within the three years next preceding the date of application for license, which fact the inspectors shall require, when practicable, to be verified by the certificate, in writing, of the licensed master or pilot under whom the applicant has served, such certificate to be filed with the application of the candidate. (R.S. 4405, 4417a, 4426, 4438, 4442, as amended; 46 U.S.C. 375, 391a, 404, 224, 214)

Subchapter O is amended by the addition of a new Part 159 reading as follows:

PART 159—STORAGE OF HIGH EXPLOSIVES ON TANK VESSELS; REGULATIONS DURING EMERGENCY

Sec.

159.1 Definition of terms.
159.2 Authorization.
159.3 Storage of high explosives.
159.4 Storage of small-arms ammunition.
159.5 Care of ammunition.
159.6 Construction of magazines.

§ 159.1 *Definition of terms.* Certain terms used in the regulations of this part are defined as follows:

(a) *Emergency.* The term "emergency" means the Unlimited National Emergency proclaimed by the President on May 27, 1941.*

*§§ 159.1 to 159.6, inclusive, issued under the authority contained in R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a.

§ 159.2 *Authorization.* Armed tanker vessels of the United States may accept, transport, carry, convey, store, stow or use such high explosives as are necessary for such armament when said high explosives are accepted, transported, carried, conveyed, stored, stowed or used in accordance with the provisions of §§ 159.3 to 159.6, inclusive.*

§ 159.3 *Storage of high explosives.* Magazines shall be provided on board the vessel for the storage of high explosive ammunition (either fixed or separate loaded). Magazines may be located in a dry cargo space or a poop or forecastle space not utilized for crew quarters. The maximum separation possible shall be maintained between any magazine and any space allotted to the use of crew or persons other than crew. Magazines shall not be constructed in bearing with the collision bulkhead nor with a bulkhead forming a boiler room, engine room, coal bunker or galley boundary. If it is necessary to construct such magazines in proximity to these bulkheads, a cofferdam space of at least 4 feet shall be provided between the bulkhead and the magazine side. Consistent with the above restrictions, magazines shall be constructed in locations selected by the Navy Department. A "ready" supply of shells may be stowed in "ready boxes" on deck adjacent to

the gun mount. These "ready boxes" shall be as provided by, or constructed to a design furnished by, the Bureau of Ships, Navy Department.*

§ 159.4 *Storage of small-arms ammunition.* Small-arms ammunition having all the component parts necessary for one firing, all in one assembly, may be stowed in boxes or lockers in a location adjacent to the gun mounts, such location to be selected by the Navy Department. Boxes or lockers for the storage of small-arms ammunition, shall be as provided by, or constructed to a design furnished by the Bureau of Ships, Navy Department.*

§ 159.5 *Care of ammunition.* The loading, stowage, handling and use of all ammunition intended for the guns mounted on the vessel shall be under the control of the commander of the armed guard or other representative of the Navy Department.*

§ 159.6 *Construction of magazines.* Magazines shall be constructed in accordance with specifications furnished by, or approved by, the Bureau of Ships, Navy Department.*

Miscellaneous Items of Equipment Approved

The following miscellaneous items of equipment for the better security of life at sea are approved:

Low-pressure Heating Boilers

Heating boiler having drum diameter of 31" to 61", inclusive (Dwg. No. 186.09), dated Dec. 16, 1941) (Working pressure not to exceed 30 lbs. per square inch); manufactured by Pacific Steel Boiler Division of the U. S. Radiator Corp., Detroit, Michigan.

Heating boiler having drum diameter less than 30" (Dwg. No. 187.091, dated Dec. 16, 1941) (Working pressure not to exceed 30 lbs. per square inch); manufactured by Pacific Steel Boiler Division of the U. S. Radiator Corp., Detroit, Michigan.

Safety Valves

Type M safety valves (Maximum working pressure of 300 lbs. per square inch and maximum temperature of 450° F.), bronze in 2" and 2½" sizes (Dwg. No. 818 dated 11/27/41), steel in 3" to 4½" sizes, inclusive (Dwg. No. 817-A dated 12/3/41); manufactured by Coale Muffler & Safety Valve Company, Baltimore, Maryland.

Lifeboat

22' x 7'8" x 3'3" W. P. plywood lifeboat (Dwg. marked "1941"); manufactured by Gunderson Bros., Portland, Oregon.

Disengaging Apparatus

Welin Hand Release Hook (Dwg. No. 1818-3), (Maximum working load of 9,500 lbs. per hook); manufactured by Welin Davit & Boat Corp., Perth Amboy, New Jersey.

Welin Mills Hooks, Size "A" for maximum working load of 6,000 lbs. per hook, size "B" for maximum working load of 11,700 lbs. per hook, and size "C" for maximum working load of 17,900 lbs. per hook (Dwg. No. 1862, dated Dec. 11, 1940); manufactured by Welin Davit & Boat Corp., Perth Amboy, New Jersey.

Davits

Schat rolling gravity davit with adjustable track, Type 51-66. (Arrangement Dwg. No. AA 111, dated Nov. 10, 1941) (Maximum working load of 9,500 lbs. per arm); manufactured by Lane Lifeboat & Davit Corp., Brooklyn, New York.

Landley Type 5-SS-6-0 Crescent boom sheath screw davit (Arrangement Dwg. No. NY-4032, dated Jan. 29, 1941) (Maximum working load of 2,248 lbs. per arm); manufactured by The Landley Company, Inc., New York, New York.

Landley Type 8-SS-6-0 Straight boom sheath screw davit (Arrangement Dwg. No. 5661-E, dated Feb. 21, 1941) (Maximum working load of 3,500 lbs. per arm); manufactured by The Landley Company, Inc., New York, New York.

Landley Type 3-SS-7-0 Crescent boom sheath screw davit (Arrangement Dwg. No. NY-4010, dated Aug. 13, 1940) (Maximum working load of 8,375 lbs. per arm); manufactured by The Landley Company, Inc., New York, New York.

Welin Crescent sheath screw davit, Type "C" (Arrangement Dwg. No. 2082, dated 10/17/41) (Maximum working load of 6,500 lbs. per arm); manufactured by Welin Davit & Boat Corp., Perth Amboy, New Jersey.

Welin Crescent sheath screw davit, Type "B" (Arrangement Dwg. No. 1974, dated Nov. 4, 1941) (Maximum working load of 5,000 lbs. per arm); manufactured by Welin Davit & Boat Corp., Perth Amboy, New Jersey.

Welin Crescent sheath screw davit, Type "A" (Arrangement Dwg. No. 1952, dated Oct. 31, 1941) (Maximum working load of 2,535 lbs. per arm); manufactured by Welin Davit & Boat Corp., Perth Amboy, New Jersey.

Welin-Maclachlan gravity davit, Type 60-75 (Dwg. No. 6075, dated Nov. 24, 1941 and 6075-1, dated Nov. 25, 1941) (Maximum working load of 10,500 lbs. per arm); manufactured by Welin Davit & Boat Corp., Perth Amboy, New Jersey.

Welin-Maclachlan gravity davit for nested lifeboats (Dwgs. Nos. 2027, dated 12/16/41; 2096, dated 12/10/41; and 2128, dated 12/19/41) (Maximum working load of 17,200 lbs. per arm taken by falls together with 4,300 lbs. per arm taken by davit head); manufactured by Welin Davit & Boat Corp., Perth Amboy, New Jersey.

Winches

Welin-Maclachlan Type CWB Single Drum lifeboat winch (Arrangement Dwg. No. 2118, dated Jan. 10, 1942) (Maximum working load of 6,970 lbs. at the drum with not more than 3 wraps of the fall on the drum; maximum working load of 4,820 lbs. at the drum with not more than 9 wraps of the fall on the drum); manufactured by Welin Davit & Boat Corp., Perth Amboy, New Jersey.

Welin Type BWB lifeboat winch with quick return gear (Arrangement Dwg. No. 2114, dated Dec. 17, 1941) (Maximum working load of 17,200 lbs. at the drums); manufactured by Welin Davit & Boat Corp., Perth Amboy, New Jersey.

Types HS, HSX, & HSN lifeboat winches (Modified Dwgs. H-3, HX-1, HX-2, HX-3, HSX-1, 1720-26, 2123 & 2124) (Maximum working load of 6,800 lbs. at the drums); manufactured by Welin Davit & Boat Corp., Perth Amboy, New Jersey.

Life Rafts

Life rafts, flush-deck type, balsa wood pontoons (Dwg. No. L. R. 11 dated Jan. 26, 1942, and Dwg. No. L. R. 6-A, dated Feb. 2, 1942); manufactured by Winner Manufacturing Co., Inc., Trenton, New Jersey.

Life rafts, flush-deck type, plywood pontoons (Dwg. No. L-32, dated Feb. 4, 1942); manufactured by Williams & Wells Co., New York, New York.

Life raft, solid balsa wood pontoons (Dwg. No. L-201); manufactured by Sculler Safety Corp., New York, New York.

Life raft (Dwg. No. RLR-15); manufactured by Zobel's Sea Skiff and Yacht Works, Sea Bright, New Jersey.

Life raft, well-deck type (Dwg. No. NM-15, dated 1-26-42); manufactured by Todd Galveston Dry Docks, Inc., Galveston, Texas.

Life raft, well-deck type (Dwg. No. NM-16, dated 1-30-42); manufactured by Todd Galveston Dry Docks, Inc., Galveston, Texas.

Life raft, catamaran type (Dwg. No. XC-913, dated Feb. 4, 1942); manufactured by The Texas Company, Port Arthur, Texas.

Life raft, catamaran type (Dwg. No. S-18, rev. date Feb. 12, 1942); manufactured by Frank Morrison & Son Co., Cleveland, Ohio.

Life, raft, catamaran type (Dwg. No. No. R-15, rev. date Feb. 12, 1942); manufactured by Frank Morrison & Son Co., Cleveland, Ohio.

Life rafts, well-deck type, plywood pontoons (Dwg. No. LR-8, dated Feb. 17, 1942); manufactured by Winner Manufacturing Co. Inc., Trenton, New Jersey.

Life raft, flush-deck type (Dwg. No. 100, dated Feb. 17, 1942); manufactured by Ansel Raynor, Seaford, Long Island.

Life raft, flush-deck type (Dwg. dated Feb. 3, 1942); manufactured by Pennsylvania Shipping Co., Philadelphia, Pennsylvania.

Life raft, flush-deck type (Dwg. Nos. B-1031 and B-1032, dated Feb. 3, 1942); manufactured by Los Angeles Boiler Works, Los Angeles, California.

Life raft, flush-deck type (Dwg. No. 154-A, dated Feb. 10, 1942); manufactured by Lane Lifeboat & Davit Corp., Brooklyn, New York.

Life raft, flush-deck type, solid balsa wood pontoons (Dwg. No. 153-A, dated 2/13/42); manufactured by Lane Lifeboat & Davit Corp., Brooklyn, New York.

Buoyant Apparatus

Buoyant apparatus, 20-person capacity, solid balsa interior and plywood decks (Dwg. No. B. A.-20); manufactured by Sculler Safety Corp., New York, New York.

Buoyant apparatus, 20-person capacity, hollow balsa wood box float (Dwg. No. BA-5, dated January 22, 1942); manufactured by Winner Manufacturing Co., Inc., Trenton, New Jersey.

Buoyant apparatus, 18-person capacity, with No. 20 B. W. G. galvanized steel air tanks (Dwg. No. CS-300, dated August 20, 1941); manufactured by Colvin-Slocum Boats, Inc., New York, New York.

Life Preserver

Nonstandard quilted kapok life preserver vest No. 10-A (Dwg. dated October 16, 1941), Approval No. B-97; manufactured by The American Pad & Textile Co., Greenfield, Ohio.

Life Preserver Light

Snap on or pocket water actuated light for attaching to life preservers; manufactured by Triumph Explosives, Inc., Elkton, Maryland.

Thread for Life Preservers

Kingston No. 10/4 soft or glazed finish cotton thread; manufactured by The American Thread Co., Inc., New York, New York.

No. 10/3 waterproofed and mildewproofed glazed finish cotton thread; manufactured by Dean & Sherk Co., Inc., Lawrenceburg, Kentucky.

Flashlights for Lifeboats

Bond flashlight No. 3252 XB; manufactured by Bond Electric Corp., New Haven, Connecticut.

Hand Distress Signals

Cowdry-Standard Red Ship Signals, hand distress signals; manufactured by Standard Railway Fusee Corp., Boonton, New Jersey.

Water Light

Automatic Electric Water Light (gravity switch) U. S. N. Type (Dwg. No. W.L.-1); manufactured by Sculler Safety Corp., New York, New York.

Buoyant Cushions

Kapok buoyant cushion, identified by Drawing No. SK3681, marked "Cushion No. 1", dated January 20, 1942, Approval No. B-70; manufactured by Chris-Craft Corp., Algonac, Michigan.

Kapok buoyant cushion, identified by Drawing No. SK3681, marked "Cushion No. 4", dated January 20, 1942, Approval No. B-73; manufactured by Chris-Craft Corp., Algonac, Michigan.

Kapok buoyant cushion, identified by Drawing No. SK3681, marked "Cushion No. 5", dated January 20, 1942, Approval No. B-74; manufactured by Chris-Craft Corp., Algonac, Michigan.

Kapok buoyant cushion, identified by Drawing No. SK3681, marked "Cushion No. 7", dated January 20, 1942, Approval No. B-76; manufactured by Chris-Craft Corp., Algonac, Michigan.

Kapok buoyant cushion, identified by Drawing No. SK3681, marked "Cushion No. 8", dated January 20, 1942, Approval No. B-77; manufactured by Chris-Craft Corp., Algonac, Michigan.

Kapok buoyant cushion, identified by Drawing No. SK3681, marked "Cushion No. 9", dated January 20, 1942, Approval No. B-78; manufactured by Chris-Craft Corp., Algonac, Michigan.

Kapok buoyant cushion, identified by Drawing No. SK3681, marked "Cushion No. 12", dated January 20, 1942, Approval No. B-81; manufactured by Chris-Craft Corp., Algonac, Michigan.

Kapok buoyant cushion, identified by Drawing No. SK3681, marked "Cushion No. 14", dated January 20, 1942, Approval No. B-83; manufactured by Chris-Craft Corp., Algonac, Michigan.

Kapok buoyant cushion, identified by Drawing No. SK3681, marked "Cushion No. 15", dated January 20, 1942, Approval No. B-85; manufactured by Chris-Craft Corp., Algonac, Michigan.

Kapok buoyant cushion, identified by Drawing No. SK3681, marked "Cushion No. 18", dated January 20, 1942, Approval No. B-87; manufactured by Chris-Craft Corp., Algonac, Michigan.

Kapok buoyant cushion, identified by Drawing No. SK3681, marked "Cushion No. 20", dated January 20, 1942, Approval No. B-89; manufactured by Chris-Craft Corp., Algonac, Michigan.

Kapok buoyant cushion, identified by Drawing No. SK3681, marked "Cushion No. 26", dated January 20, 1942, Approval No. B-94; manufactured by Chris-Craft Corp., Algonac, Michigan.

Kapok buoyant cushion, identified by Drawing No. SK3681, marked "Cushion No. 28", dated January 20, 1942, Approval No. B-96; manufactured by Chris-Craft Corp., Algonac, Michigan.

Rectangular kapok buoyant cushions: Type No. 2, 17½" x 19½" x 2½", Approval No. B-71; Type No. 3, 18½" x 19½" x 2½", Approval No. B-72; Type No. 6, 17" x 17" x 2½", Approval No. B-75; Type No. 10, 17" x 18" x 2¾", Approval No. B-79; Type No. 11, 17½" x 18½" x 2½", Approval No. B-80; Type No. 13, 17" x 19½" x 2½", Approval No. B-82; Type No. 15, 19½" x 19½" x 2½", Approval No. B-84; Type No. 17, 17" x 21" x 2½", Approval No. B-86; Type No. 19, 16½" x 37½" x 3", Approval No. B-88; Type No. 21, 18½" x 24" x 3", Approval No. B-90; Type No. 23, 19" x 40" x 3", Approval No. B-91; Type No. 24, 18" x 19" x 2", Approval No. B-92; Type No. 25, 20" x 28½" x 3", Approval No. B-93; and Type No. 27, 21" x 31" x 2¾", Approval No. B-95; manufactured by Chris-Craft Corp., Algonac, Michigan.

Oblong (rectangular) kapok buoyant cushions: Type No. 1, 12" x 20" x 2", Approval No. B-98; Type No. 2, 12" x 24" x 2", Approval No. B-99; Type No. 3, 12" x 30" x 2", Approval No. B-100; Type No. 4, 12" x 36" x 2", Approval No. B-101; Type No. 5, 12" x 42" x 2", Approval No. B-102; Type No. 6, 12" x 45" x 2", Approval No. B-103; Type No. 7, 12" x 48" x 2", Approval No. B-104; Type No. 8, 12" x 54" x 2", Approval No. B-105; Type No. 9, 13" x 18" x 2", Approval No. B-106; Type No. 11, 14" x 18" x 2", Approval No. B-107; Type No. 12, 14" x 20" x 2", Approval No. B-108; Type No. 13, 14" x 24" x 2", Approval No. B-109; Type No. 14, 14" x 30" x 2", Approval No. B-110; Type No. 15, 14" x 36" x 2", Approval No. B-111; Type No. 16, 14" x 42" x 2", Approval No. B-112; Type No. 17, 14" x 45" x 2", Approval No. B-113; Type No. 18, 14" x 48" x 2", Approval No. B-114; Type No. 19, 15" x 20" x 2", Approval No. B-115; Type No. 20, 15" x 25" x 2", Approval No. B-116; Type No. 21, 15" x 30" x 2", Approval No. B-117; Type No. 22, 15" x 35" x 2", Approval No. B-118; Type No. 23, 15" x 40" x 2", Approval No. B-119; Type No. 24, 15" x 45" x 2", Approval No. B-120; Type No. 25, 16" x 18" x 2", Approval No. B-121; Type No. 26, 16" x 22" x 2", Approval No. B-122; Type No. 27, 16" x 26" x 2", Approval No. B-123; Type No. 28, 16" x 30" x 2", Approval No. B-124; Type No. 29, 16" x 36" x 2", Approval No. B-125; Type No. 30, 16" x 42" x 2", Approval No. B-126; Type No. 31, 18" x 24" x 2", Approval No. B-127; Type No. 32, 18" x 30" x 2", Approval No. B-128; Type No. 33, 18" x 36" x 2", Approval No. B-129; Type No. 34, 20" x 24" x 2", Approval No. B-130, Type No. 35, 20" x 28" x 2", Approval No. B-131; and Type No. 36, 20" x 32" x 2", Approval No. B-132; manufactured by Atlantic-Pacific Manufacturing Corp., Brooklyn, New York.

Double kapok buoyant cushions: Type No. 1, 12" x 14" x 2" seat, 12" x 18" x 2" back, Approval No. B-133; Type No. 2, 14" x 14" x 2" seat, 14" x 14" x 2" back, Approval No. B-134; Type No. 3, 14" x 14" x 2" seat, 14" x 20" x 2" back, Approval No. B-135; and Type No. 4, 15" x 15" x 2" seat, 15" x 20" x 2" back, Approval No. B-136; identified by Drawing "B"; manufactured by Atlantic-Pacific Manufacturing Corp., Brooklyn, New York.

Chair design kapok buoyant cushions: Type No. 1, 16" x 18" x 2", Approval No. B-137; Type No. 2, 17" x 19" x 2", Approval No. B-138; Type No. 3, 18" x 20" x 2", Approval No. B-139; and Type No. 4, 19" x 21" x 2", Approval No. B-140; identified by Drawing "C"; manufactured by Atlantic-Pacific Manufacturing Corp., Brooklyn, New York.

Fishing chair design kapok buoyant cushions: Type No. 1, 16" x 18" x 2", Approval No. B-141; Type No. 2, 17" x 19" x 2", Approval No. B-142; Type No. 3, 18" x 20" x 2", Approval No. B-143; and Type No. 4, 19" x 21" x 2", Approval No. B-144; identified by Drawing "D"; manufactured by Atlantic-Pacific Manufacturing Corp., Brooklyn, New York.

Square kapok buoyant cushions: Type No. 1, 16" x 16" x 2", Approval No. B-145; Type No. 2, 18" x 18" x 2", Approval No. B-146; Type No. 3, 20" x 20" x 2", Approval No. B-147; manufactured by Atlantic-Pacific Manufacturing Corp., Brooklyn, New York.

Angler's kapok buoyant cushions: Type No. 1, 13" x 19" x 2", Approval No. B-148; and Type No. 2, 14" x 20" x 2", Approval No. B-149; identified by Drawing "F"; manufactured by Atlantic-Pacific Manufacturing Corp., Brooklyn, New York.

Approval Withdrawn

Approval is withdrawn from the following items of equipment:

Embarkation Ladder

Withdrawal of approval of Myerstuen embarkation ladder, Type No. 2, R. E. (Originally approved February 19, 1940, and listed in FEDERAL REGISTER of Feb-

ruary 20, 1940); manufactured by Hamilton Engineering Co., Boston, Massachusetts.

Low Pressure Heating Boiler

Withdrawal of approval of Special 33" oil-burning boiler, working pressure not to exceed 30 lbs. psi. (Dwg. No. 1116.051, dated July 8, 1941) (Originally approved August 19, 1941, and listed in FEDERAL REGISTER of August 21, 1941); manufactured by Pacific Steel Boiler Division of the U. S. Radiator Corp., Detroit, Michigan. (R.S. 4405, 4417a, 4426, 4433, 4481, 4482, 4488, 4491, as amended, 49 Stat. 1544, sec. 6, 54 Stat. 164; 46 U.S.C. 375, 391a, 404, 411, 473, 474, 481, 489, 367, 526e)

[SEAL] BOARD OF SUPERVISING INSPECTORS,
R. S. FIELD,
Director, Chairman.
CHARLES M. LYONS,
U. S. Supervising Inspector, 1st District, Boston, Mass.
GEORGE FRIED,
U. S. Supervising Inspector, 2d District, New York, N. Y.
EUGENE CARLSON,
U. S. Supervising Inspector. 3d District, Norfolk, Va.
JOHN F. OETTL,
U. S. Supervising Inspector, 4th District, New Orleans, La.
ROBERT E. COOMBS,
U. S. Supervising Inspector. 5th District, Cincinnati, Ohio.
EARL B. HULL,
U. S. Supervising Inspector. 6th District, Cleveland, Ohio.
WILLIAM FISHER,
U. S. Supervising Inspector. 7th District, San Francisco, Calif.

Approved:
WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 42-1840; Filed, March 2, 1942; 5:24 p. m.]

TITLE 47—TELECOMMUNICATION

CHAPTER I—FEDERAL COMMUNICATIONS COMMISSION

PART 3—RULES GOVERNING STANDARD AND HIGH-FREQUENCY BROADCAST STATIONS

MEMORANDUM OPINION IN THE MATTER OF POLICY AND PROCEDURE FOR HANDLING STANDARD BROADCAST APPLICATIONS

Because of the present war emergency the Commission is called upon to formulate a policy and procedures for the future handling of standard broadcast station applications. The effective conduct of the war is, of course, a paramount consideration for all of us. The requirements of the armed services have created a shortage of the critical materials and skilled personnel required for the construction, operation, and maintenance of radio broadcast stations. This must inevitably affect plans for the increase or improvement of broadcast facilities.

However, it is not clear at this time that the expansion of broadcasting should be entirely eliminated for the duration of the war. For the best war effort, it is important that there be adequate broadcast facilities throughout the nation. The three governmental agencies concerned with this problem—the Defense Communications Board, the War Production Board, and the Federal Communications Commission—are in agreement that, so far as possible, every part of the country should receive a good radio service. We have not yet reached that goal.

It follows that the scarce materials and limited personnel available to the broadcast services should be carefully conserved to meet this basic need. The public interest clearly requires such conservation and the Commission must apply the test of public interest in exercising its licensing functions. The problem as to materials is, of course, primarily the concern of the War Production Board. On January 30, 1942, the Commission announced in a press release that at the request of the Defense Communications Board, pending the adoption of a specific policy by that Board and the War Production Board, the Commission would make no further grants for the construction of stations or authorize changes in existing standard broadcast transmitting facilities where all or a substantial part of the proposed new primary service area already receives primary service from one or more other stations. The Defense Communications Board, on February 12, made its further specific recommendations to the Commission and to the War Production Board. Cooperating with both those Boards, the Commission has now worked out a policy and procedures for the handling of new and pending standard broadcast applications.

Under the policy adopted, the Commission will grant no standard broadcast station application unless a showing is made that:

(1) Construction (if any) pursuant to the grant will not involve the use of materials of a type determined by the War Production Board to be critical; or

(2) Where the application is for a new standard broadcast station, the station will provide primary coverage of an area no substantial part of which already receives primary service [1] from one or more standard broadcast stations; or

(3) Where the application is for a change in the facilities of an existing standard broadcast station, the change will result in a substantial new primary service area no substantial part of which is already provided with primary service [1] from one or more standard broadcast stations.

The Federal Communications Commission Standards of Good Engineering Practice will be used as a guide in the determination of primary service. For the time being, requests involving essential requirements for repair or maintenance will be treated as heretofore.

Applications not heretofore acted upon which do not fall within one of the three described categories will be designated for hearing upon appropriate issues. In cases heretofore designated for hearing, where notice of issues has already been announced, specific issues appropriate to the new policy will be added. Cases which have already been heard will, when necessary to apply the new policy, be redesignated for hearing upon issues under this policy. Cases in which proposed findings have already been issued will be determined as heretofore.

Applicants who consider that their applications satisfy the new requirements may wish to support their applications by filing a proper petition supported by affidavit setting forth detailed data on this point.

In cases where an application has heretofore been granted subject to approval of a further application to be filed by the applicant, such further application will not be granted unless the proposal meets the requirements set forth above, or the applicant has, pursuant to the grant, actually commenced construction or made substantial expenditures for materials or equipment prior to the date hereof.

The Communications Act contemplates that construction permits should not be issued or allowed to remain outstanding where there is no reasonable prospect of completion of the proposed construction within a reasonable period of time. Hence, requests for extensions of completion dates under standard broadcast authorizations will not be granted by the Commission unless the applicant can by proper petition show that the proposed construction meets the requirements set forth above, or that the applicant has actually commenced construction prior to the date hereof and has available all the critical materials and equipment necessary to the completion thereof. However, requests for extension of completion dates under authorizations issued in cases where proposed findings are now outstanding will be granted if the requirements set forth above are met, or if the applicant has available all critical materials and equipment necessary for completion.

The foregoing requirements may be waived where changes in facilities are required to be made by an agency of the Federal Government.

Special policies are now being developed with respect to experimental operation, frequency modulation and television stations, facsimile, and auxiliary broadcast services, taking into account the technical experimental benefits to be gained especially insofar as they may assist the war effort. Applications involving international broadcast stations will be considered and acted upon in accordance with policies worked out in cooperation with other Governmental agencies concerned with this field.

Dated: February 23, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1809; Filed, March 2, 1942; 1:14 p. m.]

[1] As here used, "primary service" includes service to be rendered pursuant to an outstanding broadcast construction authorization.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. D-9]

IN THE MATTER OF THE APPLICATION OF THE STERLING LUMBER AND INVESTMENT COMPANY FOR PERMISSION TO RECEIVE DISTRIBUTORS' DISCOUNTS ON COAL PURCHASED FOR RESALE AND RESOLD TO CERTAIN RETAIL YARDS IN WHICH IT IS FINANCIALLY OR OTHERWISE INTERESTED

ORDER POSTPONING AND CHANGING PLACE OF HEARING

The above entitled matter having been set for hearing at Washington, D. C. on March 11, 1942, pursuant to a Notice of and Order for Hearing entered therein on January 3, 1942; and

The applicant therein, The Sterling Lumber and Investment Company, having requested that the place of such hearing be changed to Denver, Colorado; and

It now appearing to be administratively convenient to hold such hearing in Denver, as requested, at the time hereinafter designated and no opposition having been interposed to the request of the applicant and good cause appearing for the granting of such request and for the postponement of the hearing;

It is hereby ordered, That the hearing in the above entitled matter be, and it hereby is, postponed from 10 o'clock in the forenoon of March 11, 1942 to 10 o'clock in the forenoon of April 10, 1942; and

It is further ordered, That the place of such hearing be, and it hereby is, changed from Washington, D. C., to a hearing room of the Division at Court Room, Circuit Court of Appeals, in Denver, Colorado; and

It is further ordered, That the time within which persons desiring to be heard at such hearing may file notice thereof with the Division be, and it hereby is, extended to March 30, 1942.

In all other respects the Notice of and Order for Hearing entered herein on January 3, 1942 shall remain in full force and effect.

Dated: March 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1849; Filed, March 3, 1942; 11:02 a. m.]

[Docket No. A-1266]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF A PROVISION IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11, FOR ALL SHIPMENTS EXCEPT TRUCK, PERMITTING THE ABSORPTION OF THE ES&N RAILWAY SWITCHING CHARGE APPLICABLE ON SHIPMENTS FROM THE STAR HILL NO. 2 MINE (MINE INDEX NO. 81) OF THE BOONVILLE COAL SALES CORPORATION, A CODE MEMBER IN DISTRICT NO. 11, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER POSTPONING HEARING AND DENYING MOTION FOR PERMANENT RELIEF

The petitioner has moved that the temporary relief in the above-entitled matter, heretofore granted by Memorandum Opinion and Order dated February 18, 1942, be made permanent or in the alternative that the hearing in this matter heretofore scheduled for March 3, 1942, be postponed to April 1, 1942.

It appears to the Acting Director that the temporary relief heretofore granted should not be made permanent at this time, but that good cause has been shown why the motion to postpone the hearing should be granted.

Now, therefore, it is ordered, That the hearing in the above-entitled matter is postponed from 10 o'clock in the forenoon of March 3, 1942 until 10 o'clock in the forenoon of April 1, 1942, at that place and before the officers heretofore designated.

It is further ordered, That in all other respects the Motion is denied.

Dated: March 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1850; Filed, March 3, 1942; 11:02 a. m.]

[Docket No. D-8]

IN THE MATTER OF THE APPLICATION OF REPUBLIC COAL AND COKE COMPANY FOR PERMISSION TO RECEIVE SALES AGENTS' COMMISSIONS ON COAL SOLD TO CERTAIN RETAIL YARDS OWNED BY IT

ORDER GRANTING MOTION TO DISMISS AND CANCELLING NOTICE OF AND ORDER FOR HEARING

The above-entitled matter having been heretofore scheduled for hearing at 10 a. m. on March 2, 1942, at a hearing room of the Bituminous Coal Division, Washington, D. C., pursuant to an Order of the Acting Director dated January 2, 1942; and

The Applicant having filed on February 21, 1942, with the Division its Motion to Withdraw its application; and

The Acting Director deeming it appropriate that the said matter be dismissed and said hearing be cancelled:

Now, therefore, it is ordered, That the above-entitled matter be and the same is hereby dismissed without prejudice.

It is further ordered, That the hearing in the above-entitled matter be and the same is hereby cancelled.

Dated: February 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1851; Filed, March 3, 1942; 11:02 a. m.]

[Docket No. A-1284]

PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR CERTAIN COALS OF MINE INDEX NO. 637 FOR ALL SHIPMENTS EXCEPT TRUCK AND FOR TRUCK SHIPMENT AND FOR THE REVISION OF THE EFFECTIVE MINIMUM PRICES FOR THE COALS OF SUCH MINE IN SIZE GROUPS 3, 5 AND 6, FOR TRUCK SHIPMENTS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER AMENDING NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF

A Notice of and Order for Hearing and Order Granting Temporary Relief having been issued in the above-entitled matter on February 12, 1942, stating, among other matters, that:

"The Matter Concerned Herewith Is in regard to: • • •

3. The revision of the effective minimum prices from $2.80, $1.95, and $1.90, to $2.60, $1.90, and $1.85 per net ton, respectively, in Size Groups 3, 5, and 6, respectively, for the coals of such mine, for truck shipments;" and

It appearing that the prayer of the petition in this matter was to the contrary;

Now, therefore, it is ordered, That the Order of February 12, 1942, in the above-entitled matter be and the same is hereby amended as follows:

"The Matter Concerned Herewith Is in regard to: • • •

3. The revision of the effective minimum prices from $2.60, $1.90, and $1.85 per net ton, to $2.80, $1.95, and $1.90 per net ton, respectively, in Size Groups 3, 5, and 6, respectively, for the coals of such mine for truck shipments;"

It is further ordered, That in all other respects the Order of February 12, 1942, shall remain in full force and effect until otherwise ordered.

Dated: February 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1852; Filed, March 3, 1942; 11:02 a. m.]

[Docket No. A-1268]

PETITION OF THE MUSKINGUM COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 4, FOR THE ESTABLISHMENT OF MINIMUM PRICES FOR CRUSHED COAL FROM ITS MINES FOR TRUCK SHIPMENTS (DURING EMERGENCY PERIODS) TO PHILO POWER PLANT, PHILO, OHIO, IN MARKET AREA 14, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITION

The original petitioner in the above-entitled matter having moved that its petition therein be dismissed without prejudice, and there having been no opposition thereto;

Now, therefore, it is ordered, That the original petition in the above-entitled matter be dismissed without prejudice.

Dated: February 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1853; Filed, March 3, 1942; 11:03 a. m.]

[Docket No. A-1289]

PETITION OF DISTRICT BOARD NO. 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2

[Docket No. A-1289 Part II]

PETITION OF DISTRICT BOARD NO. 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE CLINTON NO. 1 MINE (STRIP), MINE INDEX NO. 2318, OF THE UNION COLLIERIES COMPANY

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1289 PART II FROM DOCKET NO. A-1289, AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1289 PART II

The original petition in the above-entitled matter which was filed with this Division requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 2.

As indicated in an order issued today in Docket No. A-1289, a reasonable showing of necessity has been made for the granting of relief prayed for by the original petitioner, except as to the establishment of price classifications and minimum prices for the coal produced by the Clinton No. 1 Mine (Strip), Mine Index No. 2318, of the Union Collieries Company, a code member in District No. 2, for all shipments except truck and for truck shipments.

The original petition of District Board 2 proposes the establishment of price classifications and minimum prices for the coals of the said Clinton No. 1 Mine (Strip), Mine Index No. 2318, of the Union Collieries Company, for all shipments except truck and for truck shipments. District Board 3 has filed a motion for permission to file a petition of intervention and protest together with a petition of intervention and protest and a motion for severance of docket and other relief. The said petition of intervention alleges in substance that the price classifications and minimum prices proposed for the coals of this mine would deprive certain producers in District No. 3 of their fair competitive opportunities and would disrupt the coordination of minimum prices between such producers and producers in District No. 2, and prays that such price classifications and minimum prices shall not be temporarily established therefor without an informal conference, pursuant to § 301.106 (d) of the Rules and Regulations in Proceedings Instituted Pursuant to section 4 II (d) of the Act, and that they shall not be permanently established without a hearing.

Upon the basis of the said petition of intervention and protest, it appears that District Board 3 should be given permission to intervene in this proceeding and that the price classifications and minimum prices proposed for the coals of the said mine should not be temporarily established without an informal conference and should not be permanently established without a hearing. It further appears that the portion of the original petition in Docket No. A-1289 relating to the coals of the said Clinton No. 1 Mine (Strip), for all shipments except truck and for truck shipments, and the said petition of intervention should be severed from the remainder of the said original petition and designated as Docket No. A-1289 Part II, and that a hearing should be scheduled thereon. An informal conference has heretofore been scheduled as to the price classifications and minimum prices proposed for the coals of the said mine as a matter of temporary relief.

Now, therefore, it is ordered, That that portion of Docket No. A-1289 relating to the coals of the Clinton No. 1 Mine (Strip), Mine Index No. 2318, of the Union Collieries Company, be, and it hereby is, severed from the remainder of Docket No. A-1289 and designated Docket No. A-1289 Part II.

It is further ordered, That the said motion of District Board 3 to intervene in Docket No. A-1289 Part II be, and it hereby is, granted.

It is further ordered, That a hearing in Docket No. A-1289 Part II under the applicable provisions of said Act and rules of the Division be held on March 31, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and submit to the undersigned proposed findings of fact, conclusions, and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 26, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board 2 for the establishment of price classifications and minimum prices for the coals of Clinton No. 1 Mine (Strip), Mine Index No. 2318, of the Union Collieries Company, a code member in District No. 2, for all shipments except truck, and for truck shipments; and more particularly, for the establishment of price classifications "L," "L," "J," "J," "J," "J," "K," "K," "K" for the coals of the said mine in Size Groups 1 to 9, inclusive, respectively, for all shipments except truck, and minimum prices of 275, 265, 255, 240, 215, 210, 210, 220, 180, 170, and 160 cents per net ton for the coals of the said mine in Size Groups 1 to 11, inclusive, respectively, for truck shipments.

Dated: March 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1854; Filed, March 3, 1942; 11:03 a. m.]

DEPARTMENT OF LABOR.

Children's Bureau.

NOTICE OF HEARING ON PROPOSED FINDING AND ORDER RELATING TO THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE IN OCCUPATIONS INVOLVING EXPOSURE TO RADIOACTIVE SUBSTANCES

MARCH 3, 1942.

Whereas section 12 (a) of the Fair Labor Standards Act of 1938 (Act of June 25, 1938, c. 676, 52 Stat. 1060, U. S. Code, title 29, sec. 201) prohibits the shipment or delivery for shipment of goods in commerce, as defined in the act, which are produced in establishments situated in the United States in or about which within 30 days prior to the removal of such goods therefrom any oppressive child labor has been employed; and

Whereas section 3 (l) of the said act which defines oppressive child labor provides in part as follows:

(l) "Oppressive child labor" means a condition of employment under which (1) any employee under the age of sixteen years is employed by an employer * * * in any occupation, or (2) any employee between the ages of sixteen and eighteen years is employed by an employer in any occupation which the Chief of the Children's Bureau in the Department of Labor shall find and by order declare to be particularly hazardous for the employment of children between such ages or detrimental to their health or well-being; * * *

and

Whereas the Chief of the Children's Bureau issued on November 3, 1938, a regulation prescribing the procedure governing determinations of hazardous occupations; [1] and

Whereas pursuant to the said regulation, an investigation has been conducted with respect to the hazardous nature of occupations involving exposure to radioactive substances with special reference to the employment of minors between 16 and 18 years of age; and

Whereas a report of the investigation, entitled "Occupational Hazards to Young Workers, Report No. 6; Radioactive Substances," has been submitted to the Chief of the Children's Bureau, copies of which will be sent upon request directed to the Children's Bureau, United States Department of Labor, Washington, D. C., showing that:

1. A hazard to health because of exposure to radioactive substances is associated with the manufacture and application of self-luminous compound and the manufacture of incandescent mantles.

2. Ingestion or inhalation of radioactive substances may result in profound anemia, radiation osteitis, malignant tumors of bones or lungs, and death. External radiation of the body may result in skin lesions and anemia.

3. In spite of great improvements in safe practices since the many deaths from radium poisoning in the earlier days of the self-luminous dial-painting industry, there continues to be some hazard in this industry at the present time.

4. Reported measurements of radioactivity in the air of a large plant which manufactures incandescent mantles and which is believed to be representative of the industry showed concentrations of radioactive gas which were from 23 to 400 times as great as the maximum permissible limit recommended by some authorities and as much as 4 times the most liberal proposed maximum permissible limit.

5. The hazard of exposure to radioactive substances is present in all occupations in workrooms in which radium is stored or used in the manufacture of self-luminous compound, and in which self-luminous compound is made, processed, or packaged; in all occupations in workrooms in which self-luminous compound is stored, used, or worked upon; and in all occupations in workrooms in which incandescent mantles are made from fabric and solutions containing thorium salts, or are processed or packaged.

6. The hazard is greater for young persons because they are not as likely as older persons to possess the qualities of carefulness, neatness, forethought, and attention to personal hygiene that are essential in the observance of safe practices.

7. The opinion was generally held by the employers interviewed that minors under 18 years of age should not be employed in self-luminous dial-painting plants or departments. While employers generally believed that there is little hazard associated with occupations in modern dial-painting plants or departments, the opinion expressed by several employers that minors of 16 and 17 years are less reliable than older workers is added reason to believe that persons under 18 are less likely to observe rules for safe practice conscientiously.

8. Industrial hygienists and other experts who have studied the hazard of exposure to radioactive substances are agreed that it would be desirable to adopt an 18-year minimum-age standard for employment in occupations hazardous because of exposure to radioactive substances; and

Whereas the Chief of the Children's Bureau, under the authority of section 3 (l) of said act proposes to issue a finding and order in the form set forth below relating to occupations involving exposure to radioactive substances,

Now, therefore, notice is hereby given of a public hearing to be held on March 25, 1942, commencing at 10 a. m. in room 7129, United States Department of Labor Building, Fourteenth Street and Constitution Avenue, Washington, D. C., before a presiding officer to be designated hereafter, at which interested parties will be given opportunity to appear and to be heard with respect to the said report and proposed finding and order. All parties desiring to appear at the hearing are requested to notify the Children's Bureau at least 5 days prior to the date fixed for the hearing. Any interested party who is unable to appear in person or by representative may submit a written comment or brief to the Children's Bureau not later than the day prior to the date fixed herein for said hearing in order that the same may be made part of the record of the hearing.

PROPOSED FINDING AND ORDER

Part 422—Occupations Particularly Hazardous for the Employment of Minors Between 16 and 18 Years of Age or Detrimental to Their Health or Well-Being

§ 422.6 *Occupations involving exposure to radioactive substances*—(a) *Finding and Declaration of Fact.* By virtue of and pursuant to the authority conferred by section 3 (l) of the Fair Labor Standards Act of 1938 [2] and pursuant to the regulation prescribing the procedure governing determinations of hazardous occupations; [3] an investigation having been conducted with respect to the hazards for minors between 16 and 18 years of age in employment in occupations involving exposure to radioactive substances; and a report of the investigation having been submitted to the Chief of the Children's Bureau;

Now, therefore, I, Katharine F. Lenroot, Chief of the Children's Bureau of the United States Department of Labor, hereby find and declare that the following occupations involving exposure to radioactive substances are particularly hazardous for minors between 16 and 18 years of age:

Any work in any workroom in which (a) radium is stored or used in the manufacture of self-luminous compound, (b) self-luminous compound is made, processed, or packaged, (c) self-luminous compound is stored, used, or worked upon, or (d) incandescent mantles are made from fabric and solutions containing thorium salts, or are processed or packaged.

(b) *Definitions.* As used in this section—

(1) The term "self-luminous compound" shall mean any mixture of phosphorescent material and radium, mesothorium, or other radioactive element.

(2) The term "workroom" shall include the entire area bounded by walls of solid material and extending from floor to ceiling.

This order shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established herein. This order shall become effective on May 1, 1942, and shall be in force and effect until amended or repealed by order hereafter made and published by the Chief of the Children's Bureau.

[SEAL] KATHARINE F. LENROOT,
Chief of the Children's Bureau.

[F. R. Doc. 42-1871; Filed, March 3, 1942; 11:51 a. m.]

[1] Published in 3 F.R. 2640, under the heading Title 29—Labor, Chapter IV.—Children's Bureau—Child Labor—Part 421, Procedure Governing Determinations of Hazardous Occupations.

[2] Act of June 25, 1938, c. 676, 52 Stat. 1060, U. S. Code, title 29, sec. 201.

[3] Issued November 3, 1938, pursuant to authority conferred by section 3 (l) of the Fair Labor Standards Act of 1938, published in 3 F.R. 2640, November 5, 1938, Procedure Governing Determinations of Hazardous Occupations.

CIVIL AERONAUTICS BOARD.

[Docket No. 436]

IN THE MATTER OF THE APPLICATION OF WEST COAST AIRLINES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING SCHEDULED AIR TRANSPORTATION OF MAIL AND PROPERTY BY THE PICKUP METHOD

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly Sections 1001 and 401 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on March 9, 1942, 10 o'clock a. m. (eastern standard time) in Room 181, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before an examiner of the Board.

Dated Washington, D. C., March 2, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1872; Filed, March 3, 1942; 11:55 a. m.]

[Orders, Serial No. 1577]

IN THE MATTERS[1] OF THE PETITIONS OF BRANIFF AIRWAYS, INC., CHICAGO AND SOUTHERN AIR LINES, INC., CONTINENTAL AIR LINES, INC., INLAND AIR LINES, INC., MID-CONTINENT AIRLINES, INC., NATIONAL AIRLINES, INC., NORTHEAST AIRLINES, INC., NORTHWEST AIRLINES, INC., PENNSYLVANIA-CENTRAL AIRLINES CORPORATION, TRANSCONTINENTAL & WESTERN AIR, INC., UNITED AIR LINES TRANSPORT CORPORATION AND WESTERN AIR LINES, INC., FOR ORDERS FIXING AND DETERMINING THE FAIR AND REASONABLE RATE OF COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH, PURSUANT TO SECTION 406 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

IN THE MATTERS[1] OF THE COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH, OF DELTA AIR CORPORATION, CONTINENTAL AIR LINES, INC. AND CHICAGO AND SOUTHERN AIR LINES, INC.

ORDER CONSOLIDATING PROCEEDINGS FOR HEARING

The Board having, by orders dated February 19, 1942 in the above-mentioned proceedings (such orders being Serial Nos. 1545 to 1559, inclusive), reopened said proceedings and directed the several carriers to appear on March 10, 1942, and show cause why the respective rate orders heretofore entered therein should not be modified to provide for automatic adjustment of the rates of compensation fixed therein upon certain terms and conditions fully set forth in the orders reopening such proceedings; and

It appearing to the Board that said reopened proceedings involve common issues and can be more advantageously and expeditiously heard in a single public hearing thereon; and

The Board finding that its action in this matter is in the public interest and will enable it to effectuate the purposes of the Civil Aeronautics Act of 1938, as amended;

It is ordered, That the aforesaid proceedings, Dockets Nos. 1-406 (A)-1, 541, 543, 382, 26-406 (A)-1, 3-406 (A)-1, 451, 128, 219, 129, 407, 18-406 (A)-1, 154, 16-406 (A)-1, 31-406 (A)-1 and 31-406 (A)-2, 331, 333, 332 as reopened by the aforementioned orders dated February 19, 1942, be and they are consolidated for the purposes of public hearing thereon, and said hearing is assigned for March 10, 1942, at 10:00 o'clock a. m. (EST), at the offices of the Civil Aeronautics Board, Washington, D.C., before an examiner of the Board hereafter to be designated.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN, *Secretary.*

[F. R. Doc. 42-1873; Filed, March 3, 1942; 11:55 a. m.]

[1] Docket Nos. 1-406 (A)-1, 541, 543, 382, 26-406 (A)-1, 3-406 (A)-1, 451, 128, 219, 129, 407, 18-406 (A)-1, 154, 16-406 (A)-1, 31-406 (A)-1 and 31-406 (A)-2; 331, 332 and 333.

FEDERAL TRADE COMMISSION.

[Docket No 4627]

IN THE MATTER OF GENERAL FOODS CORPORATION, A CORPORATION; FROSTED FOODS SALES CORPORATION, A CORPORATION; GENERAL SEAFOODS CORPORATION, A CORPORATION; AND 40-FATHOM FISH, INC., A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 28th day of February, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, March 11, 1942, at ten o'clock in the forenoon, of that day (Eastern Standard Time), in Court Room No. 4, 12th Floor, Post Office Building, Boston, Massachusetts.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-1845; Filed, March 3, 1942; 11:16 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File Nos. 59-33, 70-263, 70-371, 70-387, 70-430, 70-431]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION, COLUMBIA OIL & GASOLINE CORPORATION, PANHANDLE EASTERN PIPE LINE COMPANY, MICHIGAN GAS TRANSMISSION CORPORATION, INDIANA GAS DISTRIBUTION CORPORATION, THE OHIO FUEL GAS COMPANY, RESPONDENTS

NOTICE OF AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of February, A. D. 1942.

Hearings having been held with respect to certain of the matters involved in the above-entitled consolidated proceeding as to which the record has been closed, and the remaining matters involved in the said proceeding being the following:

(1) The applications and declarations of Columbia Gas & Electric Corporation and Columbia Oil & Gasoline Corporation with respect to the proposed exchange between those corporations including, among other things, the acquisition by Columbia Oil & Gasoline Corporation from Columbia Gas & Electric Corporation of the 400,000 shares of its non-cumulative participating preferred stock held by Columbia Gas & Electric Corporation and the sale by the former to the latter of all of the outstanding stocks and indebtedness of its five wholly-owned oil and gasoline subsidiary companies;

(2) The steps, if any, required to be taken to achieve an equitable distribution of voting power among the security holders of Columbia Oil & Gasoline Corporation, in accordance with the provisions of section 11 (b) (2) of the Act;

(3) The action, if any, necessary under Section 15 (f) of the Act so as to bring the plant, investment, surplus, capital and other accounts of Columbia Oil & Gasoline Corporation into compliance with the standards of the Act; and

It appearing to the Commission that evidence should be received with respect to such matters; and

It appearing that, in view of the pending removal of the offices of the Commission from Washington, D. C. to Philadelphia, Pennsylvania, it would be inadvisable to hold said hearing on March 3, 1942 as earlier suggested by the staff of the Public Utilities Division and certain of the parties to the proceeding

It is ordered, That the hearing in the above-entitled proceeding be reconvened for the purpose of receiving evidence with respect to the remaining issues therein on March 24, 1942 at 10 o'clock in the forenoon of that day at the offices of the Securities and Exchange Commission, 18th and Locust, Philadelphia, Pennsylvania. On such day the hearing-room clerk in the hearing room on the third floor will advise as to the room where such hearing will be held;

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matters. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the applicants, declarants and respondents, to other interested parties, and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors and consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1863; Filed, March 3, 1942; 11:39 a. m.]

[File No. 70-478]

IN THE MATTER OF NORTHEASTERN WATER AND ELECTRIC CORPORATION, GENERAL GAS & ELECTRIC CORPORATION, AND ASSOCIATED ELECTRIC COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3d day of March, A. D. 1942.

A declaration having been filed by Northeastern Water and Electric Corporation, pursuant to Rule U-43 promulgated under the Public Utility Holding Company Act of 1935, concerned with the proposed sale by Northeastern, for a cash consideration of $75,600, to General Gas & Electric Corporation of 4200 shares of $6 Cumulative Preferred Stock of Georgia Power and Light Company, a wholly owned operating public utility subsidiary of General Gas & Electric Corporation; and

General Gas & Electric Corporation having filed an application pursuant to Section 10 of the Act concerned with the acquisition of the above described preferred stocks; and

Associated Electric Company having filed a declaration pursuant to Rule U-43 promulgated under the Act, concerned with the sale for a cash consideration of $75,600 to Northeastern Water and Electric Corporation of 600 shares of common stock, being the total capitalization of Clarion Water Company, and an open account indebtedness running to Associated Electric Company, which as at November 30, 1941 amounted to $172,236.53, of Clarion Water Company, a wholly owned operating subsidiary water company; and

Northeastern Water and Electric Corporation having filed an application pursuant to section 10 of the Act concerned with the acquisition of the above described common stock and open account of Clarion Water Company; and

The Commission finding with respect to said applications that the requirements of sections 10 (c) (1) and 10 (c) (2) of the Act are satisfied, and being satisfied that the declarations should be allowed to become effective;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 that said applications, as amended, be and the same hereby are, approved and that said declarations be, and the same hereby are, permitted to become effective forthwith.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1864; Filed, March 3, 1942; 11:39 a. m.]

[File No. 70-473]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA, INC.

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 28th day of February, A. D. 1942.

Public Service Company of Indiana, Inc., subsidiary of Hugh M. Morris, trustee of the estate of Midland United Company, a registered holding company, having filed an application pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935 for an exemption of the issue and sale of $1,520,000, principal amount of its 4% serial notes to be issued in connection with the settlement of a dispute between Public Service Company of Indiana, Inc., as successor lessee, and Indianapolis, Columbus, and Southern Traction Company, as lessor, arising under a certain lease dated September 7, 1912, by which Indiana, Columbus, and Southern Traction Company leased all of its property to a predecessor company of Public Service Company of Indiana, Inc.; and

Public Service Company of Indiana, Inc., having requested that the issue and sale of the said serial notes be exempted from the provisions of the Rule U-50; and

A public hearing, having been held upon such application and request after appropriate notice, the Commission, having considered the record and having made and filed its Findings and Opinion herein;

It is ordered, That the said application and request be and the same hereby are granted, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1865; Filed, March 3, 1942; 11:39 a. m.]

[File No. 1-1953]

IN THE MATTER OF GENERAL INVESTMENT CORPORATION COMMON STOCK, $1 PAR VALUE

ORDER GRANTING APPLICATIONS

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 28th day of February, A. D. 1942.

The General Investment Corporation, pursuant to section 12 (d) of the Securities Exchange Act of 1934, and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, $1 Par Value, from listing and registration on the Boston Stock Exchange; and

The Commission having instituted proceedings under section 12 (f) of the Securities Exchange Act of 1934 to determine whether unlisted trading privileges in said security on the New York Curb Exchange should be terminated; and

After appropriate notice, the hearings on these matters having been consolidated; and

The Commission having considered said application and the questions arising in the proceedings under section 12 (f), together with the evidence introduced at the hearing, and having due regard for the public interest and the protection of investors;

It is ordered, That said application be and the same is hereby granted, effective at the close of business on March 10, 1942, subject to the condition that the General Investment Corporation file with the New York Curb Exchange a copy of each report filed pursuant to section 30 (a) or 30 (b) (1) of the Investment Company Act of 1940; and

It is further ordered, That the proceeding instituted by the Commission pursuant to section 12 (f) of the Securities Exchange Act of 1934 be dismissed.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1866; Filed, March 3, 1942; 11:40 a. m.]

MAR 6 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 44

Washington, Thursday, March 5, 1942

The President

EXECUTIVE ORDER

AMENDING EXECUTIVE ORDER No. 8512[1] OF AUGUST 13, 1940, PRESCRIBING REGULATIONS PERTAINING TO BUDGETARY ADMINISTRATION AND FINANCIAL REPORTING

By virtue of the authority vested in me by the Budget and Accounting Act, 1921, approved June 10, 1921 (42 Stat. 20), and as President of the United States, Executive Order No. 8512 of August 13, 1940, prescribing regulations pertaining to budgetary administration and financial reporting, is hereby amended as follows:

1. The word "reporting" is substituted for the word "accounting" in the first sentence of section 6 (b) of the order.

2. A colon is substituted for the period at the end of section 7 of the order and the following proviso is added thereto:

Provided, that prior to establishing such uniform terminology, classifications, principles, and standards, they shall be referred to the Comptroller General of the United States for consideration and determination as to whether they are in conflict with the forms, systems, and procedures prescribed by the Comptroller General as required by section 309 of the Budget and Accounting Act. If the Comptroller General determines that such conflict exists, then they shall not be established except by him as provided in section 309 of the said Act.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 3, 1942.

[No. 9084]

[F. R. Doc. 42-1902; Filed, March 4, 1942; 12:18 p. m.]

[1] 5 F.R. 2849.

Rules, Regulations, Orders

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendments 04-14, 04-15, Civil Air Regs.]

PART 04—AIRPLANE AIRWORTHINESS

REQUIREMENTS FOR POSITION LIGHTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of February 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective July 1, 1942, Part 04 of the Civil Air Regulations is amended as follows:

1. By amending § 04.531 (a) to read as follows:

§ 04.531 *ACP landplanes—Visual-contact night flying.* * * *

(a) A set of certificated air carrier airplane position lights. The forward lights may be air carrier forward position lights or a combination of standard forward position lights and a set of auxiliary forward position lights. (See Part 15 for light requirements and § 04.5827 for installation requirements.)

2. By amending § 04.5827 to read as follows:

§ 04.5827 *Position lights.* Position lights shall be installed so that, with the airplane in normal flying position, the

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THE PRESIDENT

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forward red position light is displayed on the left side and the forward green position light on the right side, each showing unbroken light between two vertical planes whose dihedral angle is 110 degrees when measured to the left and right, respectively, of the airplane from dead ahead. Such forward position lights shall be spaced laterally as far apart as practicable. One rear position light shall be installed on the airplane at the rear and as far aft as possible and shall show a light visible aft throughout a dihedral angle of 140 degrees bisected by a vertical plane through the longitudinal axis of the airplane. Such light shall emit (a) in the case of a non-air carrier airplane, a continuous white light and (b) in the case of an air carrier airplane, alternate red and white flashes as specified in § 15.2015. In lieu of such single rear position light, an air carrier airplane may carry two rear position lights, one red and one white, spaced as closely as possible to each other with one unit above the other and in combination emitting the red and white flashes specified in § 15.2015.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1880; Filed, March 4, 1942; 9:52 a. m.]

[Amendment 15-1, Civil Air Regs.]

PART 15—AIRCRAFT EQUIPMENT AIRWORTHINESS

REQUIREMENTS FOR POSITION LIGHTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of February 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective July 1, 1942, Part 15 of the Civil Air Regulations is amended as follows:

1. By striking the title of § 15.2014 and inserting in lieu thereof the title, *Non-air carrier airplane rear position lights.*

2. By adding a new section after § 15.2014 to read as follows:

§ 15.2015 *Air carrier airplane rear position lights.* Air carrier airplane rear position lights shall emit an alternate aviation red and aviation white flash repeated at a frequency of 40 cycles a minute; each cycle shall have the following characteristics: 150 degrees white—10 degrees dark—150 degrees red—50 degrees dark. A tolerance of plus or minus 10% will be allowed in the above figures. Both white and red lights shall be fitted with 32 candlepower lamps. The red and white units of the light may be separate units spaced as closely as possible. Each color of light shall be completely visible in dihedral angle A. If separate red and white units are used, certificated white tail lights may be converted into such units as follows: (a) the candlepower of the lamps shall conform to the requirements of this section, (b) the clear cover glass for the intended red unit shall be replaced by a red cover glass of the same design. No photometric tests of such converted lights will be considered necessary when the above changes are made. If the light is of a new type, it shall emit light in all directions in dihedral angle A, as specified in § 15.2014.

3. By amending § 15.202 except subparagraphs (a), (b) and (c) to read as follows:

§ 15.202 *Color.* All left forward position lights shall be aviation red, all right forward position lights shall be aviation green, and all rear position lights for non-air carrier aircraft shall be aviation white. These colors are defined as follows:

* * * * *

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1881; Filed, March 4, 1942; 9:52 a. m.]

[Amendments 60-59, 60-60, Civil Air Regs.]

PART 60—AIR TRAFFIC RULES

REQUIREMENTS FOR POSITION LIGHTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 21st day of February 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective July 1, 1942, Part 60 of the Civil Air Regulations is amended as follows:

1. By amending § 60.60 to read as follows:

§ 60.60 *Unassigned.*

2. By amending §§ 60.61, 60.610 (a), and 60.611 (b) to read as follows:

§ 60.61 *Airplane lights.* Between sunset and sunrise, all airplanes in flight shall show position lights certificated and installed in accordance with the applicable provisions of Parts 15 and 04.

3. By amending § 60.62 to read as follows:

§ 60.62 *Airship lights.* Between sunset and sunrise, airships shall carry and display the same lights prescribed for non-air carrier airplanes, except that the side lights shall be doubled horizontally in a fore and aft position and the rear light shall be doubled vertically. Lights in a pair shall be at least 7 feet apart.

4. By amending § 60.63 to read as follows:

§ 60.63 *Balloon lights.* Between sunset and sunrise, a free balloon shall display one steady white light and one flashing red light, both lights to be visible all around the horizon at a distance of at least 2 miles under clear atmospheric conditions. The white light shall be located not less than 20 feet below the car and the red light shall be located not less than 7, nor more than 10, feet below the white light. Between sunset and sunrise, a fixed balloon, or airship, shall carry 3 lights—red, white, and red—in a vertical line, one over the other, visible at least 2 miles under clear atmospheric conditions. The top light shall not be less than 20 feet below the car, and the lights shall be not less than 7, nor more than 10, feet apart.

5. By amending § 60.64 to read as follows:

§ 60.64 *Lights on stationary aircraft.* Between sunset and sunrise, all airplanes which are on the surface of water and not under way, or which are moored or anchored in navigation lanes, shall show in all directions an anchor light in accordance with the applicable provisions of Part 04. Between sunset and sunrise, balloon and airship mooring cables shall show groups of 3 red lights at intervals of at least every 100 feet, measured from the car. The first light in the first group shall be approximately 20 feet from the lower red balloon light. The object to which the balloon is moored on the ground shall have an adequate group of lights to mark its position.

6. By striking the words § 60.60 *Angular limits* as they appear in the table of contents of Part 60 and inserting in lieu thereof the following:

§ 60.60 *Unassigned.*

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1882; Filed, March 4, 1942; 9:35 a. m.]

[Amendment 60-61, Civil Air Regs.]

PART 60—AIR TRAFFIC RULES

AIR CARRIER TO MAKE AVAILABLE WEATHER INFORMATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 24th day of February 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 601 of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 24, 1942, Part 60 of the Civil Air Regulations is amended as follows:

By inserting after § 60.954 a new § 60.96 to read as follows:

§ 60.96 *Weather information.* Air carriers and their employees, except pilots while in scheduled flight within the continental limits of the United States, shall make available to the United States Weather Bureau and to the Administrator such weather information and data in their possession as the Administrator may direct, to be submitted in the form and manner prescribed by the Administrator.

By the Civil Aeronautics Board.—

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1883; Filed, March 4, 1942; 9:53 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

[T.D. 5123]

PART 182—INDUSTRIAL ALCOHOL

AMENDMENT OF REGULATIONS NO. 3

By virtue of and pursuant to sections 3105 (a), 3108 (c), 3114 (a), 3124 (a) (6), and 3176 of the Internal Revenue Code, Article 86 of Regulations No. 3, as amended, is hereby further amended so as to read:

ART. 86. Tax-free alcohol withdrawn under the foregoing provisions of law and regulations for use of the United States must be used solely for nonbeverage purposes. Such alcohol, when withdrawn by States and Territories, or any municipal subdivision thereof, or the District of Columbia, must be used solely for mechanical and scientific purposes, or for hospitals or clinics as hereafter specified, and such use, or the use of any resulting product, must be confined to premises under the control of the State or Territory, or municipal subdivision thereof, or the District of Columbia, except that bona fide medicines compounded with such alcohol withdrawn for the use of clinics operated for charity and not for profit, may be used outside of such clinics for treatment of the patients thereof, but such medicines may not be sold.

Tax-free alcohol withdrawn by hospitals or sanatoriums, or by clinics operated for charity and not for profit, may be used only for medicinal, mechanical, and scientific purposes and in the treatment of patients. Scientific universities or colleges of learning shall use such alcohol only for scientific, mechanical, and medicinal purposes, and any laboratory withdrawing alcohol free of tax must use the same exclusively in scientific research. The use of the alcohol and resulting products shall be confined strictly to the premises of the institution withdrawing the alcohol, except that where any such resulting product does not contain alcohol and is to be used in further research, it may be removed, without sale, for that purpose only, such research to be conducted at any scientific university or college of learning, laboratory engaged in scientific research, or hospital or clinic, and except that bona fide medicines compounded with alcohol withdrawn by clinics operated for charity and not for profit may be used outside of such clinics for treatment of the patients thereof, but such medicines may not be sold.

In no case shall alcohol withdrawn tax-free be used in the preparation of food products for use in any manner, and under no circumstances shall such alcohol be used for beverage purposes or in any product which may be so used.

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: March 2, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-1875; Filed, March 3, 1942; 3:09 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1306]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 23, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine index No.	Code member	Mine name	Sub-dist. No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
2805	Badowski and Sons, Frank	Badowski #2	33	B	Windber, Pa	PRR	49	(†)	(†)	APF	(†)	(†)
3362	Creekside Coal Co. (Wm. Hawkins)	Creekside	13	E	McCartney, Pa	PRR	45	(†)	(†)	APF	(†)	(†)
3372	Humphrey, Lee B. (The Humphrey Brick & Tile Co.).	Fuller #2	5	C'	Fuller, Pa	PRR	122	(†)	(†)	APF	(†)	(†)
3335	Jackson Coal Co. (R. E. Jackson)	Jackson #1	44	E	Gorman, Md	W.Md	68	(†)	(†)	DHD(*)E	(†)	(†)
3336	Jackson Coal Co. (R. E. Jackson)	Jackson #2	44	Bakerstown	Gorman, Md	W.Md	68	(†)	(†)	DHD(*)E	(†)	(†)
3337	Jackson Coal Co. (R. E. Jackson)	Jackson #3	44	Elk Lick	Gorman, Md	W.Md	68	(†)	(†)	DHD(*)E	(†)	(†)
709	Keys, W. A. (Keys Coal Company)	Beechton	5	D	Beechton, Pa	P&S	119	(†)	(†)	E	(†)	(†)
3335	Lasky, Sherman	Lasky #2	36	C'	Boswell, Pa	B&O	100	(†)	(†)	E	(†)	(†)
3363	Merrill, Charles A. (Ponfeigh Smokeless Coal Co.).	Ponfeigh	41	Sewickley	Garrett, Pa	W.Md	102	(†)	(†)	E	(†)	(†)
2860	Miller & Sayles (George F. Sayles)	Miller & Sayles	7	B	Clearfield, Pa	PRR	45	(†)	(†)	FEE	(†)	(†)
3386	Pile, R. M	Pile #3	37	C'	Hooversville, Pa	B&O	100	(†)	(†)	FEE	(†)	(†)
2900	Will & Sons, M. H	Klotz	36	D	Friedens, Pa	B&O	100	(†)	(†)	FEE	(†)	(†)

*Indicates Coal in this size group previously classified and priced.
†Indicates no classifications effective for these size groups.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	6" and under slack
						1	2	3	4	5
Clark, Harry	3370	Clark	44	Mineral	Big Vein			230		
Creekside Coal Co. (Wm. Hawkins).	3362	Creekside	13	Clearfield	E			220		
Croyl, J. P. & Sons (J. P. Croyl).	3373	Croyl	37	Somerset	E			225		
Humphrey, Lee B. (The Humphrey Brick & Tile Co.).	3372	Fuller #2	5	Jefferson	C'			220		
Jackson Coal Co. (R. E. Jackson).	3335	Jackson #1	44	Grant	E			230		
Jackson Coal Co. (R. E. Jackson).	3336	Jackson #2	44	Grant	Bakerstown			210		
Jackson Coal Co. (R. E. Jackson).	3337	Jackson #3	44	Grant	Elk Lick			230		
Keys, W. A. (Keys Coal Company)	709	Beechton	5	Jefferson	D			(*)	215	205
Lasky, Sherman	3385	Lasky #2	36	Somerset	C'			225		
Merrill, Charles A. (Ponfeigh Smokeless Coal Co.).	3363	Ponfeigh	41	Somerset	Sewickley			225		
Pile, R. M	3386	Pile #3	37	Somerset	C'	250		225	215	
Rossey, Russell, Earl, & Everett (Russell Rossey).	3366	Rossey	1	Clarion	B	245	220	220	210	200
Scott, Mesimo	3371	Cool Spring	2	Elk	B			210		
Smith, Harry	3360	Birch	14	Clearfield	E			220		

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 42-1861; Filed, March 3, 1942; 11:05 a. m.]

[Docket No. A-1314]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R–II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Seam	Sub-district No.	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2331	Guseman, A. Ray	Ray (Deep)	Sewickley	3	Shaw, Pa	PRR	114	J	J	H	H	H	H	H	H	H	---	---	---	---	---	---	---
2330	Hough, H. N	Hough (Strip)	Pittsburgh	3	Sackett, Pa	B&O	80	---	---	---	---	---	E	E	E	E	---	---	---	---	---	---	---
2328	Miller, John (Miller Coal Co.)	Miller (Strip)	Pittsburgh	7	Imperial, Pa	Montour	72	L	L	J	J	J	J	K	K	K	---	---	---	---	---	---	---
2332	P. & O. Construction Co. c/o Robert J. Boyd.	El Dorado #2 (Strip)	Freeport	1	Hooker, Pa	WA	21	F	F	E	E	E	E	F	F	F	---	---	---	---	---	---	---
2335	Sunnyhill Coal Co	Sunnyhill #4 (Strip)	Pittsburgh	7	Boggs, Pa	Montour	72	L	L	J	J	J	J	K	K	K	---	---	---	---	---	---	---

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II. In § 322.9 (c) in Minimum Price Schedule, add the mine index numbers in groups shown.

Group No. 2: 2335, 2338; Group No. 7: 2329; Group No. 8: 2331; Group No. 12: 2332.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes										
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea ¾" x 1¼"	Run of mine	2" N/S	1¼" slack	¾" slack
				1	2	3	4	5	6	7	8	9	10	11
ALLEGHENY COUNTY														
Schmidt & Snyder (Frank Snyder).	2329	McCrady	Pittsburgh	285	275	265	240	220	220	220	220	190	180	170
BUTLER COUNTY														
P. & O. Construction Co. c/o Robert J. Boyd.	[illegible]	El Dorado #2 (Strip).	Freeport	325	305	285	265	260	245	245	230	190	180	170
FAYETTE COUNTY														
Guseman, A. Ray	2331	Ray (Deep)	Sewickley	275	265	255	240	220	210	210	210	195	190	175
Hough, H. N.	[illegible]	Hough (Strip)	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Inks, Donald F.	2333	Carroll	Freeport	265	255	245	235	215	205	205	205	190	185	170
Johnson, Gust O.	2327	Brant	Freeport	265	255	245	235	215	205	205	205	190	185	170
Parshall & Crow Coke Co. (Frank R. Crow, Jr.).	2334	Brownfield	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
WASHINGTON COUNTY														
Sunnyhill Coal Co.	2335	Sunnyhill #4 (Strip).	Pittsburgh	275	265	255	235	215	215	210	220	190	180	170
WESTMORELAND COUNTY														
Gusik & Sons, John	2336	Gusik #2	Pittsburgh	280	270	260	250	230	220	220	220	215	195	185	175
Jamison Coal & Coke Co.	2337	Jamison #21	Pittsburgh	290	280	270	260	240	230	230	230	225	205	195	175

[F. R. Doc. 42–1856; Filed, March 3, 1942; 11:03 a. m.]

[Docket No. A–1305]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding there to Supplement R–II, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplement R–III, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 18, 1942.

[SEAL] DAN H. WHEELER, *Acting Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Code member index	Mine index No.	Mine	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos.													
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
Casto, Bert & Arthur E. Stewart (Bert Casto)	1297	Scott #1	Pittsburgh	Wolf Summit, W. Va	B&O	60	F	F	F	F	F	F	F	F	F	F						
Dean, Earl L.	643	Scott	H. V. Kitt	Philippi, W. Va	B&O	31	1	1	1	1	1	1	1	H	H	H						
Kray Coal Company, Inc.	1298	Ream #7	M. V. Freeport	Howesville, W. Va	WVN	71	1	1	1	1	1	1	1	H	H	H						
Kray Coal Company, Inc.	1299	Ream #8	M. V. Freeport	Howesville, W. Va	WVN	71	1	1	1	1	1	1	1	H	H	H						
Kray Coal Company, Inc.	1300	Ream #9	M. V. Freeport	Howesville, W. Va	WVN	71	1	1	1	1	1	1	1	H	H	H						
Rosedale No. 3 (Jesse L. Van Voorhis)	1302	Rosedale #3B	Pittsburgh	West Van Voorhis, W. Va	Mon	82	F	F	F	F	F	F	F	F	F	F						
Smith, H. D. (Triangle Coal Company)	1294	Arthur #2 (Strip)	Redstone	Lost Creek, W. Va	B&O	60	F	F	F	F	F	F	F	F	F	F						
Smith, H. D. (Triangle Coal Company)	1295	Righter #1	Pittsburgh	Lost Creek, W. Va	B&O	60	F	F	F	F	F	F	F	F	F	F						
Smith, H. D. (Triangle Coal Company)	1296	Righter #2 (Strip)	Pittsburgh	Lost Creek, W. Va	B&O	60	F	F	F	F	F	F	F	F	F	F						

§ 323.8 *Special prices*—(b) *Railroad fuel prices for movement via all lakes*—Supplement R–II. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule.

Group No. 1: 1295, 1296, 1297, 1302 (a); Group No. 2: 1294; Group No. 3: 643, 1298, 1299, 1300.

§ 323.8 *Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*—Supplement R–III. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule.

Group No. 1: 1295, 1296, 1297, 1302; Group No. 2: 1294; Group No. 3: 643, 1298, 1299, 1300.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups						
					Lump over 2", egg over 2", bottom size	Lump 2", egg 2", bottom size but over 1¼"	Lump 1¼" and under, egg 1¼" and under bottom size	All nut and pea 2" and under	Run of mine resultant over 2"	1¼" and 2" slack	¾" slack
					1	2	3	4	5	6	7
Kray Coal Company, Inc.	1296	Ream #7	M. V. Freeport	Preston	225	225	225	200	200	190	180
Kray Coal Company, Inc.	1299	Ream #8	M. V. Freeport	Preston	225	225	225	200	200	190	180
Kray Coal Company, Inc.	1300	Ream #9	M. V. Freeport	Preston	225	225	225	200	200	190	180
Martin, A. H.	1301	McCoy	Redstone	Upshur	223	218	218	193	193	178	168
Moffatt, H. E.	1303	Moffat	Sewell	Webster	233	248	248	223	223	213	198
Nowels, No. 3 (Jesse L. Van Voorhis)	1302	Rosedale #3B	Pittsburgh	Monongalia	223	218	218	193	193	178	168
Saurborn, W. G.	1304	Fortney #3	Pittsburgh	Marion	223	218	218	193	193	178	168
Smith, H. D. (Triangle Coal Company)	1294	Arthur #2 (6)	Redstone	Harrison	223	218	218	193	193	178	168
Smith, H. D. (Triangle Coal Company)	1295	Righter #1	Pittsburgh	Harrison	223	218	218	193	193	178	168
Smith, H. D. (Triangle Coal Company)	1296	Righter #2 (6)	Pittsburgh	Harrison	223	218	218	193	193	178	168
Wolfe, Blair	1305	Wolfe #5	Waynesburg	Marion	208	208	203	178	178	163	148

[F. R. Doc. 42–1855; Filed, March 3, 1942; 11:03 a. m.]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

[Docket No. A–1031 Part II]

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE GREEN RIVER COAL MINE (MINE INDEX NO. 230) IN DISTRICT NO. 9 FOR SHIPMENTS ORIGINATING AT BEAVER DAM, KENTUCKY

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division on August 28, 1941, by District Board 9, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests that the classifications and minimum prices heretofore established for the coals of the Green River Coal Mine (Mine Index No. 230) be made effective for an additional shipping point. The petition contained a prayer for temporary relief.

District Board 10 intervened, requesting that no relief be granted that would disturb the competitive opportunities of code members in District 10.

Pursuant to Orders duly issued, and after notice to interested persons, a hearing in this matter was held on December 18 and 19, 1941, before Floyd McGown, a duly designated Examiner of the Division, at a hearing room thereof, in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. The original petitioner and District Board 10 appeared. The preparation and filing of a report by the Examiner was waived and the matter thereupon was submitted to the undersigned who has considered the record of the proceeding.

District Board 9 requests that the price classifications and minimum prices heretofore established for the coals of the Green River Coal Mine, Mine Index No. 230, be made effective for shipments from Beaver Dam, Kentucky, over the Illinois Central Railroad, in addition to the present shipping points established for the mine at Drakesboro and Bowling Green, Kentucky, on the Louisville and Nashville Railroad. From the evidence, it appears that the mine is located approximately 22 miles from Bowling Green and some 40 miles from Drakesboro. Beaver Dam is about 23 miles from the mine; Beaver Dam is the nearest shipping point to the mine on the Illinois Central Railroad.

T. J. Hoffman, a member of District Board 9, testified that although certain destinations could be reached over the Illinois Central Railroad at lower freight rates than if shipments were made over the Louisville and Nashville Railroad, there were destinations which are served only by the Illinois Central Railroad. Since other producers in the District have been accorded a similar privilege of shipping over both railroads, the witness was of the opinion that in order for the operator of the Green River Coal Mine to compete with the other mines he should be granted an additional shipping point on the Illinois Central Railroad. The witness estimated that the mine produces only about 40 tons of coal per day during the winter months and that it closes down during the summer. He expressed the belief that only an occasional car of coal would be loaded at Beaver Dam. While the amount of coal which the producer has in the past shipped from Beaver Dam, or the destinations to which it was shipped, was not shown, the witness expressed the belief that the producer did ship some coal from this point prior to October 1, 1940.

There was no evidence offered in opposition to the relief requested, except that the testimony of W. Y. Wildman, a witness for District Board 10 in Docket No. A–1051, was incorporated in the record by reference. In Docket No. A–1051, witness Wildman opposed the granting of additional shipping points to certain code members in District 9, principally on the ground that the policy, if extended to District 10, would there lead to harmful results. It is sufficient to note that the requests in Docket No. A–1051 were in many respects similar to the request made here, and the undersigned, after a consideration of the record, found that the additional shipping points therein requested should be granted.

Therefore, upon the basis of the evidence I find and conclude: (1) that in order to preserve fair competitive opportunities for the coals of the Green River Coal Mine, Mine Index No. 230, provision should be made for shipment of those coals from Beaver Dam, Kentucky over the Illinois Central Railroad at the prices heretofore established for said coals, and that the Schedule of Effective Minimum Prices for District 9 for All Shipments Except Truck should be amended accordingly; (2) that such amendment of the District 9 Price Schedule is required in order to effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and to comply with the standards thereof.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

Dated: February 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 *Alphabetical list of code members*—Supplement R

Mine Index No.	Code member	Mine	Seam	Freight origin group No.	Shipping point	Railroad
230	Green River Coal Mine (L. A. Lovejoy).	Green River...	Stray	40	{Drakesboro, Ky. & Bowling Green, Ky. Beaver Dam, Ky.	L&N. IC.

The f. o. b. mine prices for coal shipped by Mine Index No. 230 to any market area for any use, including Railroad Locomotive Fuel, for Size Groups 1 to 4, inclusive, shall be the same as the prices shown for Sentry Coal Mining Co., Sentry Mine, Mine Index No. 72, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck; for Size Groups 5 to 29, inclusive, the prices shall be the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Price Schedule No. 1 for District No. 9 for All Shipments Except Truck.

[F. R. Doc. 42–1859; Filed, March 3, 1942; 11:04 a. m.]

[Docket No. A–1074 Part II]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES AND OF CHARLESTON AND DAWSON SPRINGS, KENTUCKY, AS RAILROAD SHIPPING POINTS FOR THE COAL OF THE DUNN #3 (MINE INDEX NO. 941) OF FRANK L. DUNN AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES AND OF SULLIVAN AND STURGIS, KENTUCKY, AS RAILROAD SHIPPING POINTS FOR THE COAL OF THE WILSON MINE (MINE INDEX NO. 944) OF WILLIAMS BROS. (SAM WILLIAMS)

A petition having been filed with the Bituminous Coal Division on September 19, 1941, by District Board 9, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that temporary and permanent relief be granted by the establishment of effective price classifications for shipment by rail of certain coals produced in District 9;

Temporary relief having been granted in part by Order of the Director dated October 29, 1941, 6 F.R. 5772;

A petition of intervention having been filed by District Board 10;

Pursuant to Orders duly issued, and after notice to interested persons, a hearing in this matter having been held before Floyd McGown, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That commencing fifteen (15) days from the date of this Order, § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That the prayer of the original petition is granted to the extent set forth above and in all other respects denied.

Dated: February 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§329.5 *Alphabetical list of code members*—Supplement R

Mine Index No.	Code member	Mine	Seam	Freight origin group No.	Shipping point	Railroad
941	Dunn, Frank L.	Dunn #3	No. 9	40	{Dawson Springs, Ky. Charleston, Ky. Nebo, Ky.	IC. L&N.
944	Williams Bros. (Sam Williams).	Wilson	No. 9	20	{Sturgis, Ky. Sullivan, Ky.	IC. IC.

The f. o. b. mine prices for coal shipped by mine index nos. 941 and 944 to any market area in any size group and for any use, including railroad locomotive fuel, are the same as the prices shown for Beech Creek Coal Co., Beech Creek Mine, mine index No. 1, in price schedule No. 1 for district No. 9 for all shipments except truck.

[F. R. Doc. 42–1860; Filed, March 3, 1942; 11:05 a. m.]

[Docket No. A–1298]

PART 329—MINIMUM PRICE SCHEDULE, DISTRICT NO. 9

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 9 FOR ALL SHIPMENTS EXCEPT TRUCK

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 9 for all shipments except truck; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 329.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, which supplement is hereinafter set forth and hereby made a part hereof.

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[1] The petition herein, originally designated Docket No. A–1031, requested the establishment of price classifications and minimum prices for the coals of various other mines in District 9. By Order of the Director dated October 3, 1941, that part of the petition relating to the above-mentioned mine was severed from the remainder of Docket No. A–1031 and was designated Docket No. A–1031, Part II.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No relief is granted herein for the coals of Mine Index No. 266 of O. T. Rice & Ben DeJarnette and no additional shipping point at Drakesboro, Kentucky, is established for the coals of Mine Index No. 934 of Paradise Mining Company (W. C. Bates) for the reasons set forth in the Order designating that portion of Docket No. A–1298 as Docket No. A–1298 Part II.

Dated: February 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 9

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 329, Minimum Price Schedule for District No. 9 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 329.5 *Alphabetical list of code members*—Supplement R[1] [2]

Mine Index No.	Code member	Mine	Seam	Freight origin group No.	Shipping point	Railroad
967	Barnes, O. A. & Son (O. A. Barnes)	Campbell	11	30	Central City	L&N.
982	Bethel Brothers (Sam Bethel)	Bethel	9	10	Greenville	IC.
997	Braden & Loran (Rosco A. Braden)	Morton Hill	11	10	Madisonville	L&N-IC.
697	Cook, Garland	Sweet	9	10	Madisonville	L&N-IC.
836	Corbitt & Dickerson (Robert T. Corbitt, Jr.)	C & D	11	40	Madisonville	L&N-IC.
895	Dixon, D. A.	Clayton	9	10	Richland	IC.
874	Embry & Sons	F & S	9	10	Beaver Dam	IC.
263	Franklin & Clements (Chesley Franklin)	F. C. H.	9	10	Dawson Springs	IC.
903	Jenkins & Manire (B. L. Manire)	J & M #3	9	50	Providence	L&N-I.C.
450	McCraw, Robert	McCraw	9	20	Wheatcroft[3]	IC.
834	Moore, B. D.	Moore	9	20	Morton	L&N.
269	Morgan, George (George Morgan Coal Co.)	Powderly	9	10	Powderly	IC.
301	Nashville Coal Mining Co. (W. C. Bates)	Baxter	9	30	Providence[4]	L&N.
984	Paradise Mining Co. (W. C. Bates)	Paradise No. 9	9	10	Rockport	IC.
961	Satterfield, L. W.	C. T. B. #2	9	10	Beaver Dam	IC.
973	Tyson, R. L. (Rickard & Tyson)	Sunrise	11	30	Ashbyburg	L&N.
992	Midway Mining Co. (Paul Rideout)	Possum Hollow	9	30	Empire Mine	L&N.
990	Morgan, O. J. (George Morgan Coal Co.)	Morgan #2	6	10	White Plains	IC.
988	Orton, James	Happy Hollow #3	6	30	Empire Mine	L&N.

[1] The f. o. b. mine prices for coal shipped by Mine Index Nos. 967, 982, 997, 697, 836, 895, 874, 263, 903, 450, 834, 269, 301, 961, 973 to any market area in any size group and for any use, including Railroad Locomotive Fuel, are the same as the prices shown for Beech Creek Coal Company, Beech Creek Mine, Mine Index No. 1, in Price Schedule No. 1 for District No. 9 for All Shipments Except Truck.

[2] The f. o. b. mine prices for coal shipped by Mine Index Nos. 992, 990, 988 to any market area in any size group and for any use including Railroad Locomotive Fuel are the same as the prices shown for Dawson Springs Mine, Mine Index No. 1, in Price Schedule No. 1 for District No. 9, for All Shipments Except Truck.

[3] Shipping Point Sullivan, Ky., Freight Origin Group 20, is no longer applicable.

[4] Shipping Point Charleston, Ky., Freight Origin Group 10, is no longer applicable.

[F. R. Doc. 42–1858; Filed, March 3, 1942; 11:04 a. m.]

[Docket No. A-1304]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 11, FOR TRUCK SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11, for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 18, 1942.

DAN H. WHEELER,
Acting Director.

[SEAL]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The matter contained in this supplement T is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos.																				
				1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
CLAY COUNTY																													
Urbain, Emil	996	Urbain	B	310	285	265	255	250	240	215	215	195	185	155	145	80	50												
			8B	275	260	235	245	240	230	205	205	185	175	155	145	80	50												
GREENE COUNTY																													
McHenry, George and Homer (George McHenry)	1290	McHenry																											

[F. R. Doc. 42-1857; Filed, March 3, 1942; 11:04 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 4 to Limitation Order L–1–a to Further Restrict the Production of Medium and Heavy Motor Trucks

Section 976.1 (General Limitation Order No. L–1–a as amended by Amendment No. 2[1] issued December 31, 1941, and Amendment No. 3,[2] issued January 23, 1942) is hereby amended by inserting at the end of paragraph (b) (1) thereof the following:

Provided, however, That (i) No such trucks shall be made with a gross vehicle weight of less than 16,000 pounds;

(ii) No such trucks shall be made except from semi-fabricated and fabricated materials which were on hand February 28, 1942 and were so reported to the Automotive Branch of the War Production Board; and

(iii) Nothing in this Order shall affect production in March, 1942 of such vehicles as have previously been authorized by the Director of Industry Operations to be produced in March under quotas originally established for February, 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942; 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 2d day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1878; Filed, March 3, 1942; 5:03 p. m.]

PART 980—RAYON YARN

Supplementary Order M–37–c To Conserve the Supply and Direct the Distribution of Rayon Yarn

Whereas the national defense requirements have created a shortage of rayon yarn, as hereinafter defined, for defense, for private account, and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 980.4 *Supplementary order M–37–c*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* For the purposes of this Order:

(1) "Rayon yarn" means continuous filament rayon yarn made by the viscose, cuprammonium, or acetate process.

(2) "Fine rayon yarn" means rayon yarn of 300 deniers or finer.

(3) "Reserved domestic yarn" means fine rayon yarn set aside for domestic consumption pursuant to the provisions of this Order.

(4) "Yarn-dyed silk" means silk which was fast dyed before being woven or knitted.

(5) "Producer" means any person who produces rayon yarn.

(6) "Domestic manufacturer" means any person consuming silk, nylon, or rayon in the first six months of the year 1941.

(7) "Jobber" means any person purchasing and reselling silk, nylon or rayon yarns.

(8) "Merchant yarn converter" means any person who does merchant throwing, repackaging, waxing, dyeing or any similar converting function on yarn owned by him.

(9) "Fabric converter" means any person who prior to July 26, 1941, bought silk, nylon or rayon, and caused it to be woven or knit for him on commission.

(10) "Basic monthly poundage," for any month, means a poundage in terms of 100 denier rayon yarn equal to the monthly average number of pounds of raw silk (or its thrown silk equivalent) and/or nylon consumed by a person during the first six months of the year 1941, minus the poundage of raw silk and/or nylon scheduled to be consumed by such person during such month. In applying the above definition to a domestic manufacturer, the poundage consumed shall refer to the poundage consumed by such domestic manufacturer on his own machinery. In the case of a jobber or merchant yarn converter, it shall refer to the poundage sold by such jobber and, in the case of a fabric converter, it shall refer to the poundage knit or woven by others for his account.

(11) "The equivalent of the basic monthly poundage" means a poundage calculated as follows: divide the basic monthly poundage by 100 and multiply the result by the denier desired, but in no event by more than 200.

(12) "Foreign manufacturer" means any manufacturer resident outside of the jurisdiction of the United States.

(13) "Basic quarterly eligibility," for any quarter, means the poundage in terms of 150 denier rayon yarn which a foreign manufacturer shall be eligible to cause to be exported during each calendar quarter as determined by the Board of Economic Warfare.

(14) "The equivalent of the basic quarterly eligibility" means a poundage calculated as follows: divide the basic quarterly eligibility by 150 and multiply the result by the denier desired, but in no event by more than 200.

(15) "Export yarn" means fine rayon yarn set aside for export pursuant to the provisions of this Order.

(c) *Directions with respect to export orders.* (1) On and after April 1, 1942, each producer of viscose or acetate yarn shall, notwithstanding any preference rating which may be served upon him, each day set aside, to the extent that he possesses active spindles capable of producing fine rayon yarn, an amount of such yarn equal to the production of 4% of the total number of his active spindles producing viscose and acetate rayon yarn, respectively. The yarn thus set aside shall be known as "export yarn," and shall be set aside, as nearly as practicable, in such denier sizes as will fill the producer's orders on hand for such yarn at the time the producer sets his production schedule.

(2) Export yarn shall be disposed of to or for the account of foreign manufacturers holding export licenses issued by the Board of Economic Warfare, showing their basic quarterly eligibility, and the amount thereof to be covered by the particular license.

(3) Each producer shall open his books for the booking of orders for export yarn for the quarter beginning April 1, 1942, on the effective date of this paragraph, and, thereafter, not les sthan 45 days prior to the commencement of each calendar quarter. Each producer shall continue to book orders for any unsold or unreleased export yarn until the close of the calendar quarter. Each foreign manufacturer placing an order with a particular producer shall exhibit to the producer an export license for at least the amount of the said order, and each producer accepting an order for all or a portion of the basic quarterly eligibility or for all or a portion of the equivalent of the basic quarterly eligibility shall endorse on the said license the following:

Orders placed pursuant to the within license have been accepted by the undersigned in the amount of _____ pounds of the basic quarterly eligibility shown thereon.

_____
Name of producer

By_____
Authorized signer

Date_____

Each license may be successively endorsed until the total amount for which it was issued has been booked.

(4) No producer shall sell or deliver any export rayon yarn to or for the account of any foreign manufacturer in excess of the equivalent of the basic quarterly eligibility shown on such foreign manufacturer's export license, less the amounts thereof covered by any prior endorsements thereon by any rayon producer.

(5) All export yarn set aside from the production of any one month pursuant to the provisions of this Order, and which has not been delivered or booked prior to the end of the month succeeding such month, shall thereupon be immediately available for sale to any person without restriction hereunder, subject only to § 944.14 of Priorities Regulation No. 1.

(6) A foreign manufacturer may place orders for export yarn either directly or through an agent, but no foreign manufacturer shall resell any export yarn in yarn form, unless specifically authorized by the Director of Industry Operations.

[1] 7 F.R. 29.
[2] 7 F.R. 514.

(d) *Directions with respect to residual supply*—(1) *Viscose and cuprammonium yarn.* (i) On and after April 1, 1942, each producer of viscose or cuprammonium yarn shall, after providing for defense and other rated orders in accordance with the provisions of Priorities Regulation No. 1, each day set aside, to the extent that he possesses spindles capable of producing fine viscose or cuprammonium rayon yarn, an amount of such yarn equal to the production of 17% of the total number of his remaining spindles producing viscose or cuprammonium yarn of any denier, excluding from such total the number of spindles the production from which is equivalent to that required for filling defense and other rated orders and for producing export yarn. The reserved domestic yarn thus set aside shall be selected in various denier sizes so as to yield an average denier equal to the average denier of the fine rayon yarn heretofore set aside by the producer for silk replacement. Nothing in the preceding sentence shall be deemed to prevent any producer from setting aside yarn so as to yield a finer average denier.

(ii) The reserved domestic yarn so set aside shall be disposed of as follows:

(a) An amount of reserved domestic yarn equal to the production of 1.0% of the total number of spindles referred to in paragraph (d) (1) (i) above, shall be reserved and held by the producer for disposition according to specific allocations to be issued by the Director of Industry Operations.

(b) An amount of reserved domestic yarn equal to the production of 1.0% of the total number of spindles referred to in paragraph (d) (1) (i) above, shall be subject to the limitations of paragraph (d) (4) of this Order, be made available immediately and without further Governmental action, to domestic manufacturers for manufacture of products other than hosiery to replace their former consumption of yarn-dyed silk.

(c) An amount of reserved domestic yarn equal to the production of 15.0% of the total number of spindles referred to in paragraph (d) (1) (i) above, shall, subject to the limitations of paragraph (d) (4) of this Order, be made available immediately and without further Governmental action, to domestic manufacturers for the manufacture of hosiery, to replace their former consumption of silk and nylon.

(2) *Acetate yarn.* (i) On and after April 1, 1942, each producer of acetate yarn shall, after providing for defense and other rated orders in accordance with the provisions of Priorities Regulation No. 1, each day set aside to the extent that he possesses spindles capable of producing fine acetate rayon yarn, an amount of such yarn equal to the production of 6% of the total number of his active spindles producing acetate yarn of any denier, excluding from such total the number of spindles the production from which is equivalent to that required for filling defense and other rated orders, and for producing export yarn. The reserved domestic yarn thus set aside shall be selected in various denier sizes so as to yield an average denier equal to the average denier of the fine rayon yarn heretofore set aside by the producer for silk replacement. Nothing in the preceding sentence shall be deemed to prevent any producer from setting aside yarn so as to yield a finer average denier.

(ii) The reserved domestic yarn so set aside shall be disposed of as follows:

(a) An amount of reserved domestic yarn equal to the production of 0.5% of the total number of spindles referred to in paragraph (d) (2) (i) above, shall be reserved and held by the producer for disposition according to specific allocations to be issued by the Director of Industry Operations.

(b) An amount of reserved domestic yarn equal to the production of 5.5% of the total number of spindles referred to in paragraph (d) (2) (i) above shall, subject to the limitations of subparagraph (d) (4) of this Order, be made available, immediately and without further Governmental action, to domestic manufacturers of any textile product to replace their former consumption of silk and nylon.

(3) Any allocation made by the Director of Industry Operations pursuant to paragraph (d) (1) (ii) (*a*) or (d) (2) (ii) (*a*) above will be evidenced by an order, the original and two signed duplicates of which will be forwarded to the purchaser applying for relief. The purchaser shall forward the two duplicates to the producer or jobber holding the yarn which has been allocated, together with the purchaser's order therefor. The purchaser's order shall be accepted except under circumstances in which defense orders may be rejected pursuant to § 944.2 of Priorities Regulation No. 1. If a purchaser's order is rejected, the provisions of § 944.3 of Priorities Regulation No. 1 shall apply as if such order were a defense order. If, for any reason, the producer or jobber is unwilling to sell and deliver the yarn pursuant to the allocation order, he shall immediately notify the Director of Industry Operations by letter, reference M–37–c, stating the reasons for his unwillingness.

(4) No producer, jobber, merchant yarn converter, or fabric converter shall deliver any reserved domestic yarn to or for the account of any domestic manufacturer, jobber, merchant yarn converter or fabric converter as the case may be, unless:

(i) Such delivery has been specifically authorized by the Director of Industry Operations; or

(ii) Such producer, jobber, merchant yarn converter or fabric converter delivering such reserved domestic yarn shall have first received from the domestic manufacturer, jobber, merchant yarn converter or fabric converter purchasing such reserved domestic yarn, a certificate in form to be prescribed by the Director of Industry Operations, accompanied by such copies thereof as the Director of Industry Operations may prescribe. Each person shall file one set of such certificates for each of the following capacities in which reserved domestic yarn is to be received by him:

(*a*) As a domestic manufacturer replacing silk and nylon formerly consumed on his own machinery.

(*b*) To replace silk and nylon formerly sold by him as the jobber or merchant yarn converter.

(*c*) As a fabric converter to replace silk and nylon formerly sent out by him for commission weaving or knitting: *Provided, however,* That any such fabric converter shall attach to each set of such certificates filed by him the sets of the same certificate received by him from each commission weaver or knitter by whom such reserve yarn is to be woven or knit, as the case may be;

Provided, That deliveries shall not be made if the person delivering the reserved domestic yarn knows, or has reason to know that such yarn, if delivered, will result in the receipt by the domestic manufacturer, jobber, merchant yarn converter or fabric converter, as the case may be, of an amount of reserved domestic yarn in excess of such recipient's equivalent of the basic monthly poundage for that month or, together with stocks on hand, will increase such recipient's inventory of reserved domestic yarn in the aggregate to above such equivalent. The person delivering reserved domestic yarn shall be entitled to rely upon any facts stated in any certificate filed with him in the absence of actual knowledge or reason for knowledge to the contrary.

(5) In making sales or deliveries of any rayon yarn, no person shall make discriminatory cuts in amounts or quantities between former customers and new customers, or between new customers, who meet such person's regularly established prices and terms, and no person shall discriminate between such former customers, new customers and his own consumption of such rayon yarn in any capacity.

(6) After providing for all deliveries under defense and other rated orders and export orders, and after setting aside the amounts of fine rayon yarn specified in subparagraphs (1) and (2) above, each producer may sell and deliver rayon yarn without limitation, subject only to § 944.14 of Priorities Regulation No. 1.

(7) No domestic manufacturer, jobber, merchant yarn converter or fabric converter shall accept delivery of reserved yarn, unless such delivery is authorized as provided in subparagraph (4) above.

(8) No domestic manufacturer, jobber, merchant yarn converter or fabric converter shall order, purchase, or receive from all sources for delivery in any one calendar month an amount of reserved domestic yarn in excess of the equivalent of his basic monthly poundage for that month.

(9) No domestic manufacturer, jobber, merchant yarn converter or fabric converter shall own, control, or otherwise hold as inventory at any time an amount of reserved domestic yarn in excess of the equivalent of his basic monthly poundage for that month. For the purpose of this provision, inventory shall include all reserved domestic rayon yarn owned, controlled, or otherwise held by the domestic manufacturer, jobber, merchant yarn converter or fabric converter up to the time that it is placed on the knitting machine, loom, or other similar fabricating machine.

(10) No reserved yarn shall be resold in yarn form by a domestic manufacturer, jobber, merchant yarn converter or fabric converter, except upon the specific authorization by the Director of Industry Operations. The exchanging of yarn by a domestic manufacturer, jobber, merchant yarn converter or fabric converter shall be deemed reselling. Notwithstanding the foregoing, a jobber may resell reserved yarn in yarn form *or after converting by him as a merchant yarn converter,* but with respect to such resale he shall, unless the Director of Industry Operations specifically authorizes otherwise, be subject to the restrictions of subparagraphs (4) and (5) above applicable to a producer, and resales shall be made for only the purposes for which such yarn was originally set aside by the producer.

(11) All reserved rayon yarn set aside from the production of any one month pursuant to the provisions of Supplementary Order M–37–a, as amended, and all reserved domestic yarn set aside from the production of any one month pursuant to the provisions of this Order, shall be distributed in accordance with the provisions of this Order or shall be held by the producer until disposed of, specifically allocated or released by the Director of Industry Operations.

(12) In the event that knitting machines, looms or similar fabricating machines which consumed the basic monthly poundage of the domestic manufacturer in the first half of 1941, are or have been moved from one location to another, scrapped, their operation discontinued, or their ownership or operation changed, the person or persons concerned shall immediately advise the Director of Industry Operations who shall thereupon take any necessary action in connection therewith, including any appropriate revisions of the basic monthly poundage, and the assignment of appropriate basic monthly poundages to any new owners or operators thereof.

(e) *Doubtful cases.* Whenever there is reasonable doubt as to the eligibility of any person to receive reserved yarn hereunder, the matter should be referred for determination to the Director of Industry Operations, by a letter addressed to the War Production Board, Reference M–37–c, stating all pertinent facts.

(f) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of rayon yarn conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense work to defense work, may appeal to the Director of Industry Operations, by letter or telegram, or on such forms as may be prescribed, setting forth the pertinent facts and the reasons he considers himself entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate, including the assignment, for such period or periods of time as he may determine, of basic monthly poundages or of increases in the basic monthly poundage, as the case may be.

(g) *Reports and records.* (1) Each producer and jobber shall file with the War Production Board, at the time to be specified thereon, reports on Forms to be prescribed by the Director of Industry Operations, setting forth the information called for therein.

(2) All persons operating under this Order shall keep and preserve such records f,or not less than two years, as will clearly and adequately show their methods and rates of operation hereunder. Such information shall include a complete file of invoices covering the delivery of any and all yarn under this Order.

(3) Each person shall promptly forward to the Allocation and Appeals Section, Textile Branch, War Production Board, Washington, D. C., one duplicate of every certificate furnished to him by a purchaser pursuant to paragraph (d) (4) (ii) hereof and one duplicate of every allocation order furnished by a purchaser pursuant to paragraph (d) (3), endorsed as follows: "Supplied by our order No. --------," filling in the number of such supply order; together with a copy of the producer's or jobber's letter accepting the purchaser's order. He shall also preserve and keep available for inspection by the Government, during reasonable business hours, the original or a signed duplicate of every such certificate.

(h) *Communications to the War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Reference, M–37–c.

(i) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, or who fails to endorse an export license when required by the terms hereof so to do, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(j) *Effective date.* This Supplementary Order shall take effect April 1, 1942, except that paragraph (c) (3) shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 4th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1895; Filed, March 4, 1942; 11:36 a. m.]

PART 1041—PRODUCTION, TRANSPORTATION, REFINING AND MARKETING OF PETROLEUM

Extension of Preference Rating Order No. P–98

It is hereby ordered, That § 1041.1 (*Preference Rating Order P–98*), issued January 14, 1942, as amended by Amendment No. 1 to Preference Rating Order No. P–98,[1] issued February 20, 1942, shall continue in effect until March 15, 1942, unless sooner revoked by the Director of Industry Operations. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong. 3d Sess., as amended by Pub. Law No. 89, 77th Cong., 1st Sess.)

Issued this 28th day of February, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1877; Filed, March 3, 1942; 5:03 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER I—COAST GUARD

PART 9—GENERAL LICENSES FOR MOVEMENTS OF VESSELS WITHIN, OR DEPARTURE FROM, TERRITORIAL WATERS

Pursuant to the authority contained in § 6.6 (d) of this Chapter (6 F.R. 5222), paragraph (a) of General License No. 1 (6 F.R. 5342) is amended as follows:

§ 9.1 *General License No. 1.*

* * * * * *

(a) Except when proceeding to, or departing from, a pier or other water front facility with the prior permission of the owner or operator of such pier or facility, all vessels under 100 feet in overall length (other than barges, scows, rafts and similar craft having no means of self-propulsion) when operating within 100 feet of any Navy yard, shipbuilding plant, power plant, oil terminal, marine terminal, munitions plant, military or Navy arsenal or depot, warehouse, freight pier, bridge pier or abutment, or shore terminal or facility of any tunnel, within the limits of the harbors of:

* * * * * *

R. R. WAESCHE,
Commandant.

Approved:

FRANK KNOX,
Secretary of the Navy.

DECEMBER 5, 1941.

[F. R. Doc. 42–1879; Filed, March 4, 1942; 9:52 a. m.]

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[1] 7 F.R. 278, 1495.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-208]

IN THE MATTER OF WALKER BUCKLES, CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 5, 1942, by The Bituminous Coal Producers Board for District No. 8, a District Board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 10, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the United States Post Office Building, London, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows: That the defendant, Walker Buckles, London, Kentucky, code member, who operates the Buckles Mine, Mine Index No. 2785, located at Laurel County, Kentucky, sold, delivered and offered to sell for shipment by truck coal produced at said mine (a) to the London Ice Company, London, Kentucky, on or about September 9, 1941, at a price of approximately 23 cents per net ton f. o. b. said mine, approximately 30 tons of high volatile, Size Group No. 8, or ⅜" x 0 slack coal, the established minimum price for such coal being $1.50 per net ton f. o. b. said mine as contained in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments; (b) to the London Ice Company, London, Kentucky, on or about September 25, 1941 at a price of approximately 23 cents pet net ton f. o. b. said mine approximately 30 tons of high volatile, Size Group No. 8 or ⅜" x 0 slack coal, the established minimum price for said coal being $1.50 per net ton f. o. b. said mine as contained in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments; and (c) to Dyche Jones during the period between September 1 and October 31, 1941, at a price of approximately $1.00 per net ton f. o. b. said mine, approximately 50 tons of high volatile, Size Group No. 7, or 1½" nut and slack coal, the established minimum price for said coal being $1.55 per net ton f. o. b. said mine as contained in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments; the sales referred to in (a), (b) and (c) hereof being below the effective minimum prices resulted in violations of section 4 II (e) of the Bituminous Coal Act of 1937 and Part II (e) of the Bituminous Coal Code.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Bituminous Coal Code or directing the Code member to cease and desist from violating the Bituminous Coal Code and regulations made thereunder.

Dated: March 3, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1884; Filed, March 4, 1942; 10:55 a. m.]

[Docket No. A-1253]

PETITION OF THE BROWN COAL COMPANY AND THE H & M COAL COMPANY, CODE MEMBERS IN DISTRICT NO. 15, FOR REVISION IN THE EFFECTIVE MINIMUM PRICES FOR THE COALS IN SIZE GROUPS 1, 2, AND 3 PRODUCED FROM MINE INDEX NOS. 311 AND 1203 IN DISTRICT NO. 15 FOR SHIPMENT BY TRUCK INTO ALL MARKET AREAS

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named parties;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 27, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, at the Sebastian County Circuit Court, Fort Smith, Arkansas.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 21, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of the Brown Coal Company and the H & M Coal Co. for a reduction in the minimum price, from $3.30 per ton to $2.60 per ton, for coals in Size Groups 1, 2, and 3, produced from the Brown Pit Mine (Mine Index No. 311), of the Brown Coal Company and the H & M Mine (Mine Index No. 1203), of the H & M Coal Co., for shipment by truck into all market areas.

Dated: March 3, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1885; Filed, March 4, 1942; 10:55 a. m.]

[Docket No. B-220]

IN THE MATTER OF ARTHUR GIBBS AND WILSON GIBBS, INDIVIDUALS AND AS COPARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF GIBBS BROTHERS (GIBBS BROTHERS), CODE MEMBERS, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 10, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 12, 1942, by the Bituminous Coal Producers Board for District No. 11, a District Board complainant, with the Bituminous Coal Division alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 13, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the United States Post Office Building, Bedford, Indiana.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaints filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

1. That defendants, whose addresses are R. F. D. #1, Shoals, Indiana, during the period October 1, 1940, to August 31, 1941, both dates, sold to Joel Jones, Cecil Elliott, and Roy Purkhiser, all of French Lick, Indiana, approximately 111 tons of 1" x 0 screenings, Size Group No. 14, produced by the defendants at their Gibbs Mine, Mine Index No. 414, located in Center Township, Martin County, Indiana, at a price of 60 cents per net ton f. o. b. said mine, the effective minimum price for said coal being $1.55 per net ton f. o. b. said mine as contained in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments.

2. That during the period October 1, 1940, to August 31, 1941, both dates inclusive, the defendants failed to maintain and file tickets, sales tickets, invoices, other memoranda and records and data as required by Order No. 296, dated September 23, 1940; Order No. 297, dated October 22, 1940; Order No. 307, dated December 11, 1940, and Order No. 312, dated November 24, 1941.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

Dated: March 3, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1886; Filed, March 4, 1942; 10:55 a. m.]

[Docket No. A-1158 Part II]

PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE PRAIRIE CREEK COAL COMPANY NO. 1 MINE (MINE INDEX NO. 540) AND FOR THE COALS OF THE NEW BLUE VALLEY COAL COMPANY, BLUE VALLEY MINE (MINE INDEX NO. 562)

ORDER RESCHEDULING AND CHANGING PLACE OF HEARING

The above-entitled matter having been scheduled for hearing at a hearing room of the Bituminous Coal Division in Washington, D. C. on January 21, 1942, and having been continued on that date by the examiner to a date and place to be determined by the Acting Director; and

District Board No. 14, the petitioner, having moved that either it and Prairie Creek Coal Company be given leave to introduce evidence on the issues herein by depositions of that the hearing in the matter be held in Fort Smith, Arkansas; and

No opposition to the foregoing motion having been interposed and good cause for the granting thereof in the manner hereinafter provided having been shown;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be rescheduled and held on March 27, 1942, at 10 o'clock a. m. at a hearing room of the Division at the Sebastian County Circuit Court, Fort Smith, Arkansas.

In all other respects the Notice of and Order for Hearing dated December 16, 1941, shall remain in full force and effect.

Dated: March 3, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1887; Filed, March 4, 1942; 10:55 a. m.]

[Docket No. A-1256]

PETITION OF DISTRICT BOARD NO. 18 FOR THE ESTABLISHMENT AND REVISION OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES AND FOR THE REVISION OF CERTAIN SUB-DISTRICT CLASSIFICATIONS IN DISTRICT NO. 18

ORDER POSTPONING AND CHANGING PLACE OF HEARING

The above-entitled matter having been, by order of the Acting Director entered therein on February 23, 1942, set for hearing at Washington, D. C. on March 23, 1942; and

It now appearing that the best interests of the persons interested in such proceeding and of the Division will be served by postponing such hearing and changing its place to the date and place hereinafter set forth;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from March 23, 1942, to April 10, 1942, and that the place of such hearing be changed from Washington, D. C.,

to a hearing room of the Division at Court Room, Circuit Court of Appeals, in Denver, Colorado;

It is further ordered, That the time within which petitions of intervention may be filed in such matter be, and it hereby is, extended from March 18, 1942, to April 4, 1942.

It is further ordered, That Scott A. Dahlquist shall preside at such hearing vice W. A. Guff.

In all other respects the Notice of and Order for Hearing entered in this matter on February 23, 1942, shall remain in full force and effect.

Dated: March 3, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1888; Filed, Mar. 4, 1942; 10:56 a. m.]

[Docket Nos. B-64, B-117, B-118]

IN THE MATTER OF LEFT FORK FUEL COMPANY, INCORPORATED, CODE MEMBER, DEFENDANT, AND IN THE MATTER OF ANDREW J. FRY AND J. C. FRY, INDIVIDUALLY AND AS COPARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF J. C. FRY AND A. J. FRY (ALSO KNOWN AS CAMP CREEK COAL CO.), CODE MEMBER, DEFENDANTS AND IN THE MATTER OF ANDREW J. FRY (ALSO KNOWN AS ANDREW J. FRY, DOING BUSINESS AS CAMP CREEK COAL COMPANY), CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARINGS

The above-entitled matters having heretofore been scheduled for hearings on March 11, 1942, at 10 o'clock a. m. at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky; and

The above-named defendants having filed with the Division applications pursuant to § 301.132 of the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division for the Disposition without Formal Hearing of Compliance Proceedings; and

It appearing to the Acting Director that under such circumstances it is advisable to postpone said hearings;

Now, therefore, it is ordered, That the hearings in the above-entitled matters be and the same hereby are postponed to dates and at hearing rooms to be hereafter designated by an appropriate Order, or Orders, of the Division.

Dated: March 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director

[F. R. Doc. 42-1889; Filed, March 4, 1942; 10:56 a. m.]

[Docket No. B-118]

IN THE MATTER OF ANDREW J. FRY (ALSO KNOWN AS ANDREW J. FRY, DOING BUSINESS AS CAMP CREEK COAL COMPANY), CODE MEMBER, DEFENDANT

NOTICE OF FILING OF APPLICATION FOR THE DISPOSITION WITHOUT FORMAL HEARING OF COMPLIANCE PROCEEDING

Notice is hereby given that Andrew J. Fry (also known as Andrew J. Fry, doing business as Camp Creek Coal Company), code member, defendant in the above-entitled matter, on February 19, 1942, filed an application dated February 17, 1942, pursuant to § 301.132 of the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division for the Disposition without Formal Hearing of Compliance Proceedings.

In said application the defendant:

1. Admits that he wilfully violated the provisions of the Bituminous Coal Code and the minimum prices effected thereunder, as set forth in the complaint dated October 13, 1941, filed herein by Bituminous Coal Producers Board for District No. 8, as complainant, by selling, delivering and offering to sell, on various dates between May 25 and June 8, 1941, to the Ann Arbor Railroad Company, Norman B. Pitcairn and Frank C. Nicodemus, Jr., Receivers, for use as railway locomotive fuel, 350 tons of Size Group 7, or 5" x 2" egg coal, produced by the defendant at the defendant's mine, located in Wayne County, West Virginia, and designated as Mine Index No. 2420, at a price of $1.85 per net ton f. o. b. said mine, the effective minimum price established for such coal being $2.30 per net ton f. o. b. said mine at the time said transactions occurred.

2. Consents to the entry of an order cancelling and revoking his code membership, or of an order directing him to cease and desist from violations of the Code and regulations thereunder, or of an order revoking his code membership and also enjoining and restraining him from violations of the Code and regulations made thereunder upon restoration of his code membership.

Interested parties desiring to do so may, within fifteen (15) days from the date of this notice, file recommendations or requests for informal conferences in respect to the above-described application.

Dated: March 3, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1890; Filed, March 4, 1942; 10:56 a. m.]

[Docket No. B-64]

IN THE MATTER OF LEFT FORK FUEL COMPANY, INCORPORATED, CODE MEMBER, DEFENDANT

NOTICE OF FILING OF APPLICATION FOR THE DISPOSITION WITHOUT FORMAL HEARING OF COMPLIANCE PROCEEDING

Notice is hereby given that Left Fork Fuel Company, Incorporated, code member, defendant in the above-entitled matter on February 16, 1942, filed an application dated February 14, 1942, pursuant to § 301.132 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division for the Disposition Without Formal Hearing of Compliance Proceedings.

In said application the defendant:

1. Admits that it wilfully violated the provisions of the Bituminous Coal Code and the minimum prices effected thereunder as set forth in the complaint dated October 2, 1941, filed herein by Bituminous Coal Producers Board for District No. 8, as complainant, by selling, delivering and offering to sell on various dates between May 25 and June 8, 1941, to the Ann Arbor Railroad Company, Norman B. Pitcairn, and Frank C. Nicodemus, Jr., receivers, for use as railway locomotive fuel, 450 tons of Size Group 7, or 5" x 2" egg coal produced by the defendant at the defendant's mine located in Wayne County, West Virginia, and designated as Mine Index No. 2431, at a price of $1.85 per net ton f. o. b. said mine, the effective minimum price established for such coal being $2.30 per net ton f. o. b. said mine at the time said transactions occurred.

2. Consents to the entry of an order cancelling and revoking its code membership or of an order directing it to cease and desist from violations of the Code and regulations thereunder, or to an order revoking its code membership and also enjoining and restraining it from violations of the Code and regulations made thereunder upon restoration of its code membership.

Interested parties desiring to do so may within fifteen (15) days from the date of this notice file recommendations or requests for informal conferences in respect to the above-described application.

Dated: March 3, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1891; Filed, March 4, 1942; 10:57 a. m.]

[Docket No. B-117]

IN THE MATTER OF ANDREW J. FRY AND J. C. FRY, INDIVIDUALLY AND AS COPARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF J. C. FRY AND A. J. FRY (ALSO KNOWN AS CAMP CREEK COAL COMPANY), CODE MEMBER, DEFENDANTS

NOTICE OF FILING OF APPLICATION FOR THE DISPOSITION WITHOUT FORMAL HEARING OF COMPLIANCE PROCEEDING

Notice is hereby given that Andrew J. Fry and J. C. Fry, individually and as copartners, doing business under the name and style of J. C. Fry and A. J. Fry (also known as Camp Creek Coal Company), code member, defendants in the above-entitled matter, on February 19, 1942, filed an application dated February 17, 1942, pursuant to § 301.132 of the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division for the Disposition without Formal Hearing of Compliance Proceedings.

In said application the defendants:

1. Admit that they wilfully violated the provisions of the Bituminous Coal Code and minimum prices effected thereunder, as set forth in the complaint dated October 13, 1941, filed herein by the Bituminous Coal Producers Board for District No. 8, as complainant, by selling, delivering and offering to sell, on various dates between May 25 and June 8, 1941, to the Ann Arbor Railroad Company, Norman B. Pitcairn and Frank Nicodemus, Receivers, for use as railway locomotive fuel, 350 tons of Size Group 7, or 5" x 2" egg coal, produced by the defendants at the defendants' mine, located in Wayne County, West Virginia, and designated as Mine Index No. 2421, at the price of $1.85 per net ton f. o. b. said mine, the effective minimum price established for such coals being $2.30 per net ton f. o. b. said mine at the time said transaction occurred.

2. Consent to the entry of an order cancelling and revoking their code membership, or of an order directing them to cease and desist from violations of the Code and regulations thereunder, or of an order revoking their code membership and also enjoining and restraining them from violations of the Code and regulations made thereunder upon restoration of their code membership.

Interested parties desiring to do so may, within fifteen (15) days from the date of this notice, file recommendations or requests for informal conferences in respect to the above-described application.

Dated: March 3, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1892; Filed, March 4, 1942; 10:57 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective March 5, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

I. Lewis Cigar Manufacturing Company, Morgan Street, Selma, Alabama; Cigar Industry; 150 learners; 320 hours for any one learner; 75% of the applicable minimum wage; Cigar machine operator, Packer; May 16, 1942. (This certificate effective March 3, 1942.)

Signed at New York, N. Y., this 3d day of March 1942.

PAULINE C. GILBERT,
Authorized Representative,
of the Administrator.

[F. R. Doc. 42-1893; Filed, March 4, 1942; 11:12 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under Section 6 of the Act are issued under Section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective March 5, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Single Pants, Shirts, and Allied Garments and Women's Apparel

Fountain Hill Underwear Mills, Inc., Bishopthorpe and Cherokee Streets, Bethlehem, Pennsylvania; Ladies' Underwear; 40 learners (E); September 3, 1942. (This certificate effective March 3, 1942.)

Fountain Hill Underwear Mills, Inc., Bishopthorpe and Cherokee Streets, Bethlehem, Pennsylvania; Ladies' Underwear; 10 learners (T); March 3, 1943. (This certificate effective March 3, 1942.)

Friedman Brothers, Inc., 1111 Spring Garden Street, Easton, Pennsylvania; Men's Pants; 10 learners (T); March 5, 1943.

Oberman and Company, Brooks Street, Jefferson City, Missouri; Separate Pants and Breeches; 10 percent (T); March 5, 1943.

Oberman and Company, 700 Booneville Avenue, Springfield, Missouri; Separate Pants, Breeches and Shirts; 10 percent (T); March 5, 1943.

Signed at New York, N. Y., this 3d day of March 1942.

PAULINE C. GILBERT,
Authorized Representative
of the Administrator.

[F. R. Doc. 42-1894; Filed, March 4, 1942; 11:12 a. m.]

CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS SATURDAY, FEBRUARY 28, 1942

Important. The apportioned classified Civil Service includes central offices physically located in Washington, D. C., or elsewhere. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his state of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico	1,269	53
2. Virgin Islands	17	1
3. Hawaii	267	24
4. Alaska	49	14
5. California	4,660	1,402
6. Louisiana	1,655	665
7. Michigan	3,569	1,583
8. Arizona	289	178
9. Texas	4,346	2,336
10. Georgia	2,121	1,242
11. Kentucky	1,972	1,166
12. Alabama	1,928	1,184
13. South Carolina	1,290	799
14. Ohio	4,690	3,060
15. Mississippi	1,493	983
16. North Carolina	2,425	1,407
17. Nevada	75	53
18. Arkansas	1,324	930
19. New Jersey	2,825	2,062
20. New Mexico	361	257
21. Indiana	2,327	1,861
22. Tennessee	1,980	1,649
23. Illinois	5,362	4,538
24. Florida	1,288	1,100
25. Oregon	749	640
26. Delaware	181	161
27. Connecticut	1,161	1,055
28. Wisconsin	2,130	1,953
29. Idaho	856	329
30. Washington	1,179	1,151
IN EXCESS		
31. Pennsylvania	6,722	6,795
32. Rhode Island	484	493
33. Vermont	244	249
34. West Virginia	1,291	1,357
35. Missouri	2,570	2,735
36. Massachusetts	2,931	3,138
37. Utah	374	408
38. New Hampshire	334	366
39. Maine	575	651
40. Oklahoma	1,586	1,854
41. Colorado	763	956
42. Minnesota	1,866	2,402
43. Iowa	1,723	2,214
44. New York	9,152	11,821
45. Wyoming	170	224
46. Montana	380	507
47. Kansas	1,223	1,765
48. North Dakota	436	657
49. Virginia	1,818	2,809
50. South Dakota	437	743
51. Nebraska	993	1,712
52. Maryland	1,237	3,024
53. District of Columbia	450	9,793
GAINS		
By appointment		3,667
By transfer		80
By classification		18
By reinstatement		3
By correction		
Total		3,778
LOSSES		
By separation		362
By transfer		139
By correction		
Total		418
Total appointments		91,027

NOTE: Number of employees occupying apportionment positions who are excluded from the apportionment figures under sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934—20,806.

By direction of the Commission.

[SEAL] L. A. MOYER,
Executive Director and Chief Examiner.

[F. R. Doc. 42-1876; Filed, March 3, 1942; 3:37 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5737]

IN THE MATTER OF KANSAS CITY POWER & LIGHT COMPANY

ORDER POSTPONING HEARING

MARCH 3, 1942.

It appearing to the Commission that: Good cause has been shown for the postponement of the hearing in the above-entitled matter;

The Commission *orders* that: The hearing in the above-entitled matter heretofore set for March 9, 1942, be and it is hereby postponed to May 4, 1942, at 9:45 a. m., (C. W. T.) in Jury Room 525, United States Court House, Kansas City, Missouri.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-1901; Filed, March 4, 1942; 11:55 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-465]

IN THE MATTER OF PENNSYLVANIA ELECTRIC COMPANY, THE CLARION RIVER POWER COMPANY, ERIE LIGHTING COMPANY, SOLAR ELECTRIC COMPANY, YOUGHIOGHENY HYDRO-ELECTRIC CORPORATION, ASSOCIATED MARYLAND ELECTRIC POWER CORPORATION, ASSOCIATED ELECTRIC COMPANY

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 3d day of March, A. D. 1942.

The Commission having on February 17, 1942, entered its Findings and Opinion and Order herein, granting an exemption, pursuant to Section 6 (b) of the Public Utility Holding Company Act of 1935, with respect to the issue and sale by Pennsylvania Electric Company, a subsidiary of Associated Electric Company, a registered holding company, of 30-year First Mortgage Bonds in the principal amount of $32,500,000, and 34,000 shares of $100 par value Cumulative Preferred Stock, in accordance with the provisions of the application, as amended, subject, however, to certain conditions, among which was that applicant report to the Commission the results of the competitive bidding as required by Rule U-50 (c) and comply with such supplemental orders as the Commission might enter in view of the facts disclosed thereby; and

The applicant having made such report to the Commission in the form of a further amendment to the application herein, specifying its action taken to obtain competitive bids for the purchase of such securities, together with a copy of each proposal received pursuant to the invitation of competitive bids therefor, and stating that applicant had accepted a bid from a group of underwriters headed by Mellon Securities Corporation of 102.3177% of the principal amount for said First Mortgage Bonds, having a coupon rate of 3⅜% per annum, representing an annual cost of money to the company of approximately 3.2534%, together with accrued interest from January 1, 1942, to the date of delivery of said Bonds, said Bonds to be resold at 103.5% of the principal amount, representing a spread to the underwriters of 1.1823, and said applicant further stating that it had accepted a bid from the same group of underwriters of $100.3789 per share for the Cumulative Preferred Stock, having a dividend rate of $5.10, plus accrued dividends from March 1, 1942 to the date of delivery, such Preferred Stock having a calculated yield of 5.0807% per year, and such stock to be resold to the public at $103.75, representing a spread to the underwriters of $3.3711 per share; and

A hearing having been held with respect to said amendment, and the Commission having examined the record, and finding that the terms for the sale of said Bonds and Preferred Stock at such prices and with such spread are not unreasonable;

It is ordered, That the application, as amended, for exemption under section 6 (b) of the Act with respect to the issuance and sale of the aforesaid First Mortgage Bonds and Cumulative Preferred Stock to the persons and upon the terms and conditions hereinabove set out be and the same is hereby granted, subject, however, to the terms and conditions prescribed in Rule U-24 and in the Commission's order of February 17, 1942, and subject to the reservations of jurisdiction contained in said order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1896; Filed, March 4, 1942; 11:50 a. m.]

[File No. 811-410]

IN THE MATTER OF VOTING TRUSTEES UNDER VOTING TRUST AGREEMENT DATED OCTOBER 20, 1931 FOR STOCK OF ASSOCIATED GENERAL UTILITIES COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2d day of March, A. D. 1942.

An application having been duly filed by the above named applicant under and pursuant to the provisions of Section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company.

It is ordered, That a hearing on the aforesaid application be held on March 11, 1942, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1897; Filed, March 4, 1942; 11:50 a. m.]

[File No. 70-503]

IN THE MATTER OF PHILADELPHIA ELECTRIC COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3d day of March, A. D. 1942.

Philadelphia Electric Company having filed an application and an amendment thereto pursuant to the Public Utility Holding Company Act of 1935, particularly section 6 (b) thereof, and Rule U-50 (a) (5) thereunder, regarding the following transactions:

(1) The issue and sale, at $110 per share and accrued dividends, of 48,221 shares of 4.4% preferred stock, cumulative, $100 par value, to the following institutions: New York Life Insurance Company, 17,000 shares; Prudential Insurance Company of America, 15,000 shares; Insurance Company of North America, 9,800 shares; and Provident Trust Company of Philadelphia, Trustee for Philadelphia Electric Company Service Annuity Fund, 6,421 shares; the proceeds, aggregating $5,304,310, are to be applied to the retirement of a like amount of outstanding notes payable to banks;

(2) The exemption of said issue and sale from the competitive bidding requirements of Rule U-50; and

A public hearing having been held after appropriate notice and the Commission having considered the record in this matter and having made and filed its Findings and Opinion herein:

It is ordered, That said application, as amended, be and hereby is granted forthwith, subject to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1898; Filed, March 4, 1942; 11:50 a. m.]

[File No. 70-506]

IN THE MATTER OF THE OHIO PUBLIC SERVICE COMPANY AND OHIO RIVER POWER, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 3d day of March, A. D. 1942.

Applications and declarations having been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by The Ohio Public Service Company and Ohio River Power, Inc.; and

Such applications and declarations concerning the following:

The Ohio Public Service Company proposes to sell certain of its real estate known as the Dille's Bottom power site, located in the County of Belmont, Ohio, together with certain easements and rights-of-way at the value thereof as carried on the books of the Company on December 31, 1941, to wit, $379,840.62, to a new Ohio company known as Ohio River Power, Inc., all of whose stock will be owned by The Ohio Public Service Company. The Property will be conveyed free and clear of all liens and the purchase price will be cash.

The Ohio Public Service Company proposes to acquire from the Power Company all of its common stock, to wit, 5,000 shares of the par value of $100 per share, and to pay therefor the sum of $500,000 in cash. The Power Company proposes to use the proceeds received from the said subscription to pay for the Property acquired, and the balance of approximately $120,000 will be placed in the treasury of the Power Company.

The Ohio Public Service Company proposes to advance to the Power Company from time to time on open account and without interest, sums of money (not in excess, however, of $250,000 in the aggregate) as the Power Company may from time to time require to pay capital expenses incurred subsequent to December 31, 1941 in the development of the Property and prior to the receipt of funds therefor from the Reconstruction Finance Corporation.

The Power Company is applying to Reconstruction Finance Corporation for a loan sufficient to enable the Power Company to complete a plant on the Property, and initially to install therein a 50,000 K. W. turbo-generating unit, two boilers with a capacity of 350,000 pounds of steam per hour for each unit, together with auxiliaries for a pulverized coal-fired condensing steam electric plant, and to construct a transmission line from such plant to the transmission system of the Company at Alliance, Ohio. The terms and conditions of the loan to the Reconstruction Finance Corporation, the securities to be issued by Ohio River Power, Inc. and any guarantee thereof by The Ohio Public Service Company are to be supplied by amendment.

By an amendment to such applications and declarations The Ohio Public Service Company and Ohio River Power, Inc. have requested the Commission to issue an interim order permitting The Ohio Public Service Company to forthwith purchase and Ohio River Power, Inc. to sell 250 shares of common stock of the Ohio River Power, Inc. for a cash consideration of $25,000 in order to facilitate Ohio River Power, Inc. in making application to the Reconstruction Finance Corporation for such loan.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said declarations and applications, and that said declarations shall not become effective or said applications be granted except pursuant to further order of the Commission, and that at said hearing there be considered, among other things, the various matters hereinafter set forth:

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the Rules of the Commission thereunder be held on March 19, 1942 at 10 o'clock A. M. at the offices of the Securities and Exchange Commission, Penn Athletic Club Building, corner 18th and Locust Streets, Philadelphia, Pa. On such day the hearing room clerk in Room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why the declarations as filed shall become effective;

It is further ordered, That James G. Ewell, or any other officer or officers of the Commission designated by it for that purpose, shall preside in the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That, without limiting the scope of issues presented by said applications and declarations as filed or as amended, particular attention will be directed at said hearing to the following matters and questions:

1. Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers or to prevent the circumvention of the provisions of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders thereunder, to impose any conditions regarding the consideration to be received for such sale, the maintenance of competitive conditions, fees and commissions, accounts, disclosure of interest, and similar matters

with respect to the (1) sale by The Ohio Public Service Company to Ohio River Power, Inc. of such assets of The Ohio Public Service Company and (2) the issue and sale to The Ohio Public Service Company of the securities to be issued by Ohio River Power, Inc.

2. Whether it is necessary or appropriate in the public interest or for the protection of investors or consumers or to prevent the circumvention of the provisions of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders thereunder, to impose any conditions regarding the proposed advances to Ohio River Power, Inc. by The Ohio Public Service Company.

3. Whether the issue and sale of common stock and the issue of securities by Ohio River Power, Inc. in connection with the loan from the Reconstruction Finance Corporation and any guarantee thereof by The Ohio Public Service Company are solely for the purpose of financing the business of such companies and have been expressly authorized by the Public Utilities Commission of Ohio, and whether any terms or conditions with respect thereto should be imposed.

4. Whether the accounting entries to be made in connection with any or all of such proposed transactions comply with the requirements of the Public Utility Holding Company Act of 1935 and all rules and regulations promulgated thereunder.

5. Whether the terms and conditions of any or all of the proposed transactions are detrimental to the public interest or the interest of investors or consumers.

6. Whether all actions proposed to be taken comply with the requirements and standards of such Act and rules, regulations or orders promulgated thereunder and whether terms and conditions are necessary to be imposed to insure such compliance.

7. Whether the proposed acquisition of assets by Ohio River Power, Inc. has been expressly authorized by the Public Utilities Commission of Ohio and whether the proposed acquisition of the common stock of Ohio River Power, Inc., by The Ohio Public Service Company will unduly complicate the capital structure of the holding company system of which such companies are a part or will be detrimental to the public interest or the interest of investors or consumers or the proper functioning of such holding company system.

Notice of such hearing is hereby given to such declarants or applicants and to any other person whose participation in such proceeding may be in the public interest and for the protection of investors and consumers.

It is further ordered, That such notice shall be given further by general release of the Commission distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935. Further notice shall be given to all persons by publication in the FEDERAL REGISTER, not later than two weeks prior to the date hereinbefore fixed for the hearing, of a copy of this Notice of and Order for Hearing.

It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect to the Commission on or before the sixteenth day of March 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1899; Filed, March 4, 1942; 11:30 a. m.]

[File No. 68-7]

IN THE MATTER OF NORTHERN STATES POWER COMPANY (DELAWARE)

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 4th day of March, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party;

Notice is further given that any interested person may, not later than March 13, 1942, at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt the transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

Northern States Power Company (Delaware), a registered holding company, proposes to solicit proxies to secure a quorum necessary to conduct the annual stockholders' meeting held on May 13, 1942, and in connection therewith said company proposes, in addition to bearing the cost of preparing, assembling and mailing proxies, proxy statements, and accompanying data, to expend the estimated amount of $6,000, $5,000 for telephone tolls and fees or salaries and out-of-pocket expenses of specially engaged employees to solicit proxies by personal interview or by telephone, and $1,000 for the services of experts to be used in the solicitation of the proxies.

Northern States Power Company (Delaware) states in its declaration that (a) it is expected that eleven directors will be elected for the ensuing year at the above referred to annual meeting and that it does not know of any other matter that may be presented at the meeting; (b) because of the diversity of holdings of its stock, it is necessary for it to solicit proxies to secure a quorum necessary to conduct the meeting; (c) the solicitation of proxies during the year 1941 indicates that the actual expenses may be substantially less than the estimated sum of $6,000; and (d) that it does not, at this time, know of any contest which has arisen or may arise with respect to the subject matter of such solicitation.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1900; Filed, March 4, 1942; 11:51 a. m.]

MAR 9 1942

THE NATIONAL ARCHIVES

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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION

PART 411—1942 COTTON CROP INSURANCE CONTRACT REGULATIONS [1]

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act of 1938, approved February 16, 1938, as amended, the 1942 Cotton Crop Insurance Contract Regulations are amended as follows:

(1) Section 411.1 of said regulations is amended to read as follows:

§ 411.1 *Application for insurance.* Application for insurance on a form prescribed by the Corporation for such purpose, may be made by any person to cover his interest as landlord, owner, tenant, or sharecropper in cotton to be grown in 1942. An application shall cover each insurance unit in the county, in which the applicant has an interest in the cotton crop at the beginning of the planting thereof: *Provided, however,* That if an applicant has an interest in both American Upland cotton and American Egyptian cotton, such applicant may elect to omit from the insurance contract the insurance units on which American Egyptian cotton will be planted. Applications must be submitted to the office of the county committee on or before the closing date. Secs. 506 (e), 507 (c), 509, 516 (b); 52 Stat. 73, 74, 75, 77; 7 U.S.C. 1506 (e), 1507 (c), 1508, 1509, 1516 (b), as amended by 55 Stat. 255.)

(2) Section 411.30 of said regulations is amended by the addition of the following new paragraph which is as follows:

§ 411.30 *Determination of farm average yields per acre of lint cotton.*

* * * * *

(f) Notwithstanding the provisions of paragraphs (a), (b), (c), (d), and (e) of this section, the average yield of American Egyptian cotton per acre for the farm shall be determined without reference to the years 1934 or 1935. If reliable and applicable records of the actual average yield of American Egyptian cotton are available for at least four years of the period 1936–40, the county committee shall appraise the yield for one year in conformity with the method for appraising yields provided for in paragraph (a) of this section and determine the simple average of the annual yields per acre for such period. If reliable and applicable records of actual average yields are not available for at least four of the years 1936–40, the average yield shall be determined by comparison with a "key farm" in conformity with the method for such comparison provided for in paragraph (b) of this section. (Secs. 506 (e), 507 (c), 509, 516 (b); 52 Stat. 73, 74, 75, 77; 7 U.S.C. 1506 (e), 1507 (c), 1508, 1509, 1516 (b), as amended by 55 Stat. 255)

(3) Section 411.31, paragraph (a) of said regulations is amended to read as follows:

§ 411.31 *Determination of premium rates for insurance.* (a) For all farms in the county for which the average yield is established under paragraph (a), (c), (d), or (f) of § 411.30 the premium rate, for lint cotton insurance only, shall be determined (1) by obtaining the average loss cost, that is, the simple average of the extent to which the yield on the farm during each year of the period 1934–40 (or the period 1936–40 where determining premium rates for insurance on American Egyptian cotton) fell below 75 percent of the average yield for the farm to be insured, and (2) by averaging such figure with the county check premium rate for 75-percent insurance of the average yield, giving a weight of three to the average farm loss cost and a weight of one to the county check premium rate, or equal weights to each such figure where the Corporation determines that such procedure more adequately reflects the risks to be incurred on the farms in the county. The same method of weighting shall be used for all farms in

[1] 6 F.R. 6442.

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FEDERAL REGISTER

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the county, unless the Corporation determines that cotton farming conditions within a county are so different as to warrant the use of one method of weighting in one or more administrative areas within the county and the other method in the other administrative area or areas within the county. (Secs. 506 (e), 507 (c), 509, 516 (b); 52 Stat. 73, 74, 75, 77; 7 U. S. C. 1940 ed. 1506 (e), 1507 (c), 1508, 1509, 1516 (b), as amended by 55 Stat. 255)

(4) § 411.36, paragraph (o) of said regulations is amended to read as follows:

§ 411.36 *Meaning of terms.*

* * * * *

(o) *Maximum insurable acreage* means the largest number of acres of cotton which may be insured on an insurance unit. Such acreage shall be the cotton acreage allotment for the insurance unit under the 1942 Agricultural Conservation Program. In the event that the insurance unit is a part of the farm for which such cotton acreage allotment is established under the 1942 Agricultural Conservation Program, the total of the maximum insurable acreages for all units constituting the farm shall not exceed such allotment, and, if the cotton planted on all such units does exceed such allotment, the maximum insurable acreage for each such unit shall be the same percentage of the acreage planted to cotton on the unit as the cotton acreage allotment for the farm is of the total acreage planted to cotton on all such units. The term cotton acreage allotment shall also mean permitted acreage where applicable. The maximum insurable acreage of American Egyptian cotton shall be 80 percent of the cropland on the farm, or the intended acreage to be planted, as indicated on the application, whichever is the smaller. (Secs. 506 (e), 507 (c), 509, 516 (b); 52 Stat. 73, 74, 75, 77; 7 U.S.C. 1506 (e), 1507 (c), 1508, 1509, 1516 (b), as amended by 55 Stat. 255)

Adopted by the Board of Directors on March 2, 1942.

[SEAL] R. M. EVANS,
Chairman of Board.

Approved: March 4, 1942.

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-1903; Filed, March 4, 1942; 12:48 p. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

PART 04—AIRPLANE AIRWORTHINESS

ORDER RENUMBERING CERTAIN AMENDMENTS TO PART 04 AND REPEALING OTHERS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 27th day of February 1942.

Whereas the Civil Aeronautics Board heretofore on February 6, 1942, at a regular session at its office in Washington, D. C., adopted amendments numbered 04-03 to 04-13 inclusive, and on February 21, 1942, adopted amendments numbered 04-14 and 04-15; and

Whereas the Civil Aeronautics Board finds it desirable to make certain changes in the aforesaid amendments and the numbers which have been assigned to such amendments:

Now, therefore, the Civil Aeronautics Board, acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended:

Orders, (1) that amendments 04-4, 04-9, 04-10, 04-11, and 04-13 to the Civil Air Regulations as adopted on February 6, 1942, be, and the same hereby are, repealed; and

(2) That those amendments now bearing amendment numbers 04-5, 04-6, 04-7, 04-8, 04-12, 04-14, and 04-15 be, and the same hereby are, renumbered respectively as follows: 04-4, 04-5, 04-6, 04-7, 04-8, 04-9, and 04-10.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1929; Filed March 5, 1942; 12:00 m.]

[Amendments 04-12 and 04-13, Civil Air Regs.]

PART 04—AIRPLANE AIRWORTHINESS

PERFORMANCE REQUIREMENTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 4th day of March 1942.

Acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective July 1, 1942, Part 04 of the Civil Air Regulations is amended as follows:

1. By amending the first full paragraph of § 04.70 to read as follows:

§ 04.70 *Performance requirements.* All airplanes shall comply with the performance requirements set forth in §§ 04.707 and 04.708. All airplanes except those certificated in the transport category shall comply with §§ 04.700 through 04.7061, inclusive. Compliance with such performance requirements shall be shown in standard atmosphere, at all weights up to and including the standard weight (§ 04.102) and under all loading conditions within the center of gravity range certified (§ 04.742): *Provided*, That demonstration of compliance with landing-speed requirements, and with those relating to take-off time and distance, may be limited to an intermediate range of center of gravity positions if it can be shown that it is possible for the airplane to continue flight with one engine inoperative, and that passengers or other load can be easily and rapidly shifted while in flight to permit the realization, at the pilot's discretion, of a center of gravity position within the range covered by this demonstration. There shall be no flight or handling characteristics which, in the opinion of the Administrator, render the airplane unairworthy.

2. By amending the table of contents of Part 04 by striking the section heading as now set forth in the table of contents opposite the number 04.01 and inserting in lieu thereof "Airplane categories", by striking 04.75 together with the section heading opposite such number and inserting in lieu thereof the following: "04.75-T Performance requirements for transport category airplanes", and by striking the number 04.76 together with the section heading now opposite such heading.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1930; Filed, March 5, 1942; 12:00 m.]

[Amendment 04-11, Civil Air Regs.]

PART 04—AIRPLANE AIRWORTHINESS

PROVISIONAL WEIGHT FOR AIR CARRIER AIRPLANES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 27th day of February 1942.

Acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective February 27, 1942, Part 04 of the Civil Air Regulations is amended as follows:

By amending the first full paragraph of § 04.71 to read as follows:

§ 04.71 *Modified performance requirements for air carrier airplanes not certificated in the transport category.* The weight of any multi-engine air carrier aircraft manufactured pursuant to a type certificate issued prior to January 1, 1941, and which aircraft is being operated in accordance with the requirements of Part 61, may be increased beyond the values corresponding to the landing speed specified in § 04.700 and take-off requirements of § 04.701, subject to the following conditions:

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1928; Filed, March 5, 1942; 12:00 m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER III—FEDERAL TRADE COMMISSION

[Docket No. 4569]

PART 1—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF PARFUMS RONNI, INC.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondent's "Ronni Mascara," "Ronni Cream Mascara," "Mascara by Ronni," and "Mascara," or any other similar cosmetic preparation, disseminating, etc., any advertisements by means of United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparation, which advertisements represent, directly or through inference, that respondent's said cosmetic preparation is "smudge proof", or "waterproof," or "run-proof", or "tearproof" by the use of any of the terms stated or by the use of any other words or terms of similar import or meaning; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Parfums Ronni, Inc., Docket 4569, March 2, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2d day of March, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, testimony and other evidence in support of the allegations of said complaint taken before an examiner of the Commission theretofore duly designated by it, and report of the trial examiner, and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent Parfums Ronni, Inc., a corporation, its officers, directors, agents, representatives, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of the cosmetic preparation variously designated as "Ronni Mascara," "Ronni Cream Mascara," "Mascara by Ronni," and "Mascara," or any other cosmetic preparation which is substantially similar in composition, or possesses substantially similar properties, whether sold under the same name or any other name or names, do forthwith cease and desist from directly or indirectly:

(1) Disseminating or causing to be disseminated, by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or through inference, that respondent's said cosmetic preparation is "smudge proof," or "waterproof," or "runproof," or "tearproof" by the use of any of the terms stated or by the use of any other words or terms of similar import or meaning;

(2) Disseminating or causing to be disseminated, by any means, any advertisement for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said cosmetic preparation, which advertisement contains any of the representations prohibited in Paragraph (1) hereof.

It is further ordered, That respondent shall, within sixty (60) days after the service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-1924; Filed, March 5, 1942; 11:19 a. m.]

TITLE 24—HOUSING CREDIT

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 8-232]

PART 402—LOAN SERVICE DIVISION

INSURANCE

Amending Part 402, Chapter IV, Title 24 of the Code of Federal Regulations.

Section 402.25-23[1] is amended to read as follows:

§ 402.25-23 *Reinstatement after loss.* Reinstatement of Insurance is required as follows:

(a) In cases where the loss is partially or entirely covered by direct policies, the home owner shall be requested to furnish reinstatement of that part of the loss covered by direct policies if such part of the loss is in excess of $200 and the remaining insurance in force is not sufficient to fulfill the requirements of the Corporation.

(b) In cases where the loss is partially or entirely covered by certificates, the insurer under contract will reinstate insurance for that part of the loss covered by certificates up to the amount of the certificates without order from the Corporation.

Where the home owner has a Tax and Insurance Account and part of the loss is covered by direct policies, and reinstatement is not made of this part because the amount involved is $200 or less, the Regional Manager, if necessary, may issue a new Form 198 to reflect the change in the amount of insurance required.

Cancellation of reinstatement endorsements. In any case where insurance is reinstated by the insurer under contract without order from the Corporation, if it is found that the circumstances are such that the reinstatement of insurance should not have been made, the reinstatement endorsement should be returned to the insurer under contract for cancellation. Insurance so reinstated should not be in excess of the Corporation's requirements.

(Effective March 1, 1942)

(Above procedure promulgated by the General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a) and 4 (k) of Home Owners' Loan Act of 1933, 48

[1] 6 F.R. 5646.

Stat. 129, 132, as amended by sections 1 and 13 of the Act of April 27, 1934, 48 Stat. 643 and 647: 12 U.S.C. 1463 (a), (k).)

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 42-1906; Filed, March 4, 1942; 4:09 p. m.]

TITLE 29—LABOR

CHAPTER VI—NATIONAL WAR LABOR BOARD

PART 802—RULES OF PROCEDURE[1]

AMENDMENT 1 TO ADMINISTRATIVE REGULATION NO. 2

Section 802.10 is amended by adding at the end thereof the following new sentence:

§ 802.10 *Hearings before the Board.* * * * The Hearings Sessions of the Board shall be open to the public unless in particular cases the Board rules otherwise. However, there shall be no public hearings before any agency of the Board prior to the Public Hearings Sessions of the Board. (E.O. 9017, 7 F.R. 237)

Dated: February 24, 1942.

GEORGE KIRSTEIN, *Executive Secretary.*

[F. R. Doc. 42-1904; Filed, March 4, 1942; 2:27 p. m.]

[Amendment 2 to Administrative Regulation No. 2]

PART 802—RULES OF PROCEDURE[1]

Section 802.5 is amended by adding to the first sentence.

§ 802.5 *Appointment of mediators.* * * * or from the Board's special list of public, industry, and labor mediators. (E.O. 9017, 7 F.R. 237)

Dated: March 3, 1942.

GEORGE KIRSTEIN, *Executive Secretary.*

[F. R. Doc. 42-1927; Filed, March 5, 1942; 11:52 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER A—GENERAL PROVISIONS

PART 904—PROCUREMENT

Directive No. 2

Pursuant to the authority vested in me by Executive Order No. 9024 of January 16, 1942, and Executive Order No. 9040 of January 24, 1942, the following policy is prescribed for all Departments and Agencies now or hereafter authorized by the President to exercise the powers set forth in Title II, section 201 of the First War Powers Act, 1941 (Public No. 354, 77th Congress):

[1] 7 F.R. 600.

§ 904.1 *Placing supply contracts.* (a) Except as hereinafter provided, all such Departments and Agencies shall place all supply contracts relating to war procurement by negotiation: *Provided,* That where consistent with the required speed of war procurement, notification of the proposed procurement shall be given to qualified possible contractors and quotations secured from them. The procedure provided by section 3709 of the Revised Statutes (41 U.S.C. section 5) shall be used only upon the specific authorization of the Director of Purchases of the War Production Board, or of such person or persons as he may designate.

(b) (1) In placing such contracts, particular regard shall be paid to the following considerations:

(i) Primary emphasis shall be upon securing delivery in the time required by the war program.

(ii) In so far as it will effectuate the policy set forth in subparagraph (i) above, such contracts shall be placed so as to conserve, for the more difficult war production problems, the facilities of concerns best able, by reason of engineering, managerial, and physical resources, to handle them. Accordingly, contracts for standard or other items which involve relatively simple production problems shall be placed with concerns, normally the smaller ones, which are less able to handle the more difficult war production problems.

(iii) Subject to the considerations stated in subparagraphs (i) and (ii), such contracts shall be placed with concerns needing to acquire the least amounts of additional machinery and equipment for performance of the contracts. Accordingly, as an essential part of each negotiation, procurement officials shall secure from prospective contractors statements listing all additional machinery and equipment which will be needed for performance of the contract.

(2) Authority to depart from this policy may, upon specific request, be granted by the Director of Purchases of the War Production Board, or by such person or persons as he may designate for this purpose. (E.O. 9024, Jan. 16, 1942, 7 F.R. 329, E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 201, Pub. Law 354, 77th Cong., 1st Sess.)

D. M. NELSON, *Chairman.*

MARCH 3, 1942.

[F. R. Doc. 42-1907; Filed, March 4, 1942; 5:02 p. m.]

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 1 to Limitation Order No. L-35[1]

Paragraph (a) (5) (Definition of replacement parts) of § 976.11 (General Limitation Order L-35, issued January 22, 1942) is hereby amended to read as follows:

§ 976.11 *General Limitation Order L-35*—(a) *Definitions.*

* * * * *

(5) "Replacement parts" means only the following parts (including components entering into such parts) used for the repair or maintenance of heavy trucks, medium trucks, truck trailers, passenger carriers, and school bus bodies: engine, clutch, transmission, power dividers and take offs, transfer cases, propeller shafts, universal joints, axles, braking system, wheels, starting apparatus, frame and spring suspension assemblies, shock absorbers, speedometers, fusees and flares directional signals, driving mirrors, windshield wiper assemblies, steering apparatus, coupling devices, trailer landing gears; exhaust, cooling, fuel, lubricating and electrical systems, including generators, starters, motors, lights, reflectors, signal horns, batteries; seats, fenders, hoods, doors and door hardware, radiator guards, defroster heaters; truck refrigeration units, liquid measuring gauges; and, but only as to parts for passenger carriers and school bus bodies, body structural repair parts, sash, destination signs, fare boxes, guards and grab rails, door operating mechanisms, signaling devices, heating and ventilating equipment.

* * * * *

Paragraph (b) (1) (General restrictions) of said § 976.11 is hereby amended to read as follows:

(b) *General restrictions.* (1) Notwithstanding the provisions of Extension No. 2 of Limitation Order L-1-a, issued November 6, 1941:

(i) During the period commencing January 1, 1942, and ending June 30, 1942, a producer shall not manufacture more than 75% of that number of each of the replacement parts named in § 976.11 (a) (5) hereinabove, sold by him for replacement purposes during the base period from January 1, 1941 to December 31, 1941;

(ii) During the period commencing January 1, 1942 and ending September 30, 1942, a producer shall not manufacture more than 112½% of the number of said replacement parts sold by him for replacement purposes during said base period;

(iii) During the calendar year 1942 a producer shall not manufacture more than 150% of the number of said replacement parts sold by him for replacement purposes during said base period.

* * * * *

Paragraph (b) (General restrictions) of § 976.11 is hereby amended by adding thereto, immediately following subparagraph (2) thereof, the following:

(3) No producer shall accept delivery of any material which will cause his inventory thereof to exceed an amount necessary to complete his succeeding 90 days' production scheduled in accordance with section (b) (1) hereof. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Effective date. This Order shall take effect immediately. Issued this 5th day of March 1942.

J. S. KNOWLSON, *Director of Industry Operations.*

[F. R. Doc. 42-1909; Filed, March 5, 1942; 11:13 a. m.]

[1] 7 F.R. 470.

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Amendment No. 1 to Preference Rating Order No. P-107[1]

Paragraph (a) (5) (Definition of replacement parts) of § 976.12 (Limited Preference Rating Order No. P-107, issued January 22, 1942) is hereby amended to read as follows:

§ 976.12 *Limited Preference Rating Order P-107.* * * *

(a) *Definitions.*

* * * * *

(5) "Replacement parts" means only the following parts (including components entering into such parts) used for the repair or maintenance of heavy trucks, medium trucks, truck trailers, passenger carriers, and school bus bodies: engine, clutch, transmission, power dividers and take offs, transfer cases, propeller shafts, universal joints, axles, braking system, wheels, starting apparatus, frame and spring suspension assemblies, shock absorbers, speedometers, fusees and flares, directional signals, driving mirrors, windshield wiper assemblies, steering apparatus, coupling devices, trailer landing gears; exhaust, cooling, fuel, lubricating and electrical systems, including generators, starters, motors, lights, reflectors, signal horns, batteries; seats, fenders, hoods, doors and door hardware, radiator guards, defroster heaters; truck refrigeration units, liquid measuring gauges; and, but only as to parts for passenger carriers and school bus bodies, body structural repair parts, sash, destination signs, fare boxes, guards and grab rails, door operating mechanisms, signaling devices, heating and ventilating equipment.

* * * * *

Paragraph (b) (Assignment of preference rating) of said § 976.12 is hereby amended to read as follows:

(b) *Assignment of preference rating.* Subject to the terms of this Order preference rating A-2 is hereby assigned:

(1) To deliveries to a producer by his suppliers of materials to be physically incorporated by him in replacement parts: *Provided, however,* That when his production of the replacement parts is limited by Limitation Order No. L-35 or by any other order or direction of the Director of Industry Operations, no materials shall be obtained in quantity greater than required for this production as so limited: *And provided further,* That the preference rating assigned herein

(i) shall not be effective with respect to any deliveries to be made after June 30, 1942, if the producer has not prior to June 1, 1942, filed an application for priority assistance under the Production Requirements Plan on Form PD-25A (or such other form as may be prescribed in lieu thereof) and

(ii) shall be revoked or modified in whole or in part as to any producer if the Director of Industry Operations at any time after June 30, 1942, determines that such preference rating is not appropriate.

(2) To deliveries to any supplier of material which will ultimately be delivered by him or another supplier to the producer under the rating assigned above, or will be physically incorporated into material which will be so delivered.

* * * * *

Paragraph (e) (1) (Restrictions on application of rating—by a producer) is hereby amended to read as follows:

(e) *Restrictions on application of rating.* * * *

(1) By a producer to obtain deliveries of materials in excess of the amount needed for the production of the replacement parts, taking into consideration existing inventories of the producer, and subject to any limitation contained in Limitation Order L-35, or in any other Order or direction issued by the Director of Industry Operations; or to obtain more material than is required to produce (i e., to be physically incorporated into) 40% of the number of replacement parts permitted to be manufactured by Limitation Order L-35 which are capable of being used interchangeably in both (i) medium and/or heavy motor trucks, truck trailers, passenger carriers and school bus bodies and (ii) passenger cars (as defined in General Limitation Order L-2, issued September 13, 1941) and light trucks (as defined in Amendment No. 1 to General Limitation Order No. L-3, issued February 12, 1942). If a producer has sufficient material to produce the authorized number of replacement parts and still have a practicable minimum working inventory, he shall not make use of the rating to obtain delivery of such material.

* * * * *

Paragraph (e) (3) (Restrictions on Application of Rating—by a Producer or a Supplier) is hereby amended to read as follows:

(3) *By a producer or a supplier.* (i) Unless the Material to be delivered cannot be obtained when required without such rating,

(ii) To obtain deliveries earlier than required,

(iii) To deliveries of Materials on purchase orders calling for delivery after December 31, 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

* * * * *

Effective date. This Order shall take effect immediately and unless sooner revoked shall expire on the 31st day of December, 1942. Issued this 5th day of March 1942.

J. S. KNOWLSON, *Director of Industry Operations.*

[F. R. Doc. 42-1908; Filed, March 5, 1942; 11:13 a. m.]

[1] 7 F.R. 471.

PART 1080—TEAK

General Preference Order No. M-83 To Conserve the Supply and Direct the Distribution of Teak

Whereas the national defense requirements have created a shortage of teak, for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States to conserve the supply and direct the distribution of teak:

Now, therefore, it is hereby ordered, That:

§ 1080.1 *General Preference Order M-83*—(a) Definitions. For the purposes of this Order:

(1) "Teak" means wood of the species *Tectona grandis* in the form of logs, hewn timbers, or lumber, including boards, planks, dimension, squares, cants, flitches, timbers and other sawed forms, whether rough or dressed.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(3) "Dealer" means any person selling teak.

(b) *Application of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(c) *Restrictions on use and delivery of teak.* Notwithstanding anything contained in Priorities Regulation No. 1 to the contrary, unless otherwise specifically authorized by the Director of Industry Operations, after the effective date of this Order, no dealer shall sell or deliver and no person, except an importer acting as such, shall buy or accept delivery of teak, and no person shall use or process into veneer, plywood or other products any teak, except upon orders by or on behalf of the Army or the Navy of the United States, or unless such teak is to be physically incorporated in material or equipment to be delivered to the Army or the Navy of the United States.

(d) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that

it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of teak conserved, or that compliance with this Order, would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board, Reference: M–83, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(e) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref.: M–83.

(f) *Violations.* Any Person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(g) *Effective date.* This Order shall take effect immediately. Issued this 5th day of March 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–1910; Filed, March 5, 1942; 11:13 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1362—CERAMIC PRODUCTS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 75 [1]—DEAD-BURNED GRAIN MAGNESITE

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[2]

Section 1362.1 is amended, a new paragraph (d) is added to § 1362.8 and a new § 1362.9a is added as set forth below:

§ 1362.1 *Maximum prices for maintenance grades of dead-burned magnesite.* (a) On and after January 28, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver maintenance grades of dead-burned grain magnesite, and no person shall buy or receive maintenance grades of dead-burned grain magnesite in the course of trade or business, at prices higher than the maximum price established in this Section; and no person shall offer, solicit or attempt to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of maintenance grades of dead-burned grain magnesite to a purchaser if prior to January 23, 1942, such grain magnesite had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) The maximum price for domestic shipments of maintenance grades of domestic dead-burned grain magnesite in bulk shall be $22.00 a ton f. o. b. Chewelah, Washington. A delivered price in excess of the maximum f. o. b. Chewelah price may be charged, consisting of such maximum price plus the transportation charge computed at the carload rate from Chewelah to the point of delivery designated by the purchaser. Where the purchaser requests delivery from stocks accumulated at some point other than the place of production, a delivered price in excess of the maximum f. o. b. Chewelah price may be charged, consisting of such maximum price plus the transportation charge computed at the railroad carload rate from Chewelah to the point of accumulation and from such point to the place of delivery designated by the purchaser, and $1.00 a ton.

(c) The maximum price for domestic shipments of maintenance grades of domestic dead-burned grain magnesite in bags or sacks shall be the maximum price stated in paragraph (b) of this section, plus $4.00 a net ton.

(d) The maximum f. a. s. price for export shipments of maintenance grades of domestic dead-burned grain magnesite shall be the maximum price for delivery to the export dock computed in accordance with paragraph (b) hereof, plus $7.50 a net ton where the product is packed in double jute sacks or $12.50 a net ton where the product is packed in wooden barrels. Where the export sale is consummated on a c. i. f. or c. & f. basis, the maximum price shall be that price which yields the seller the same net realization as he is permitted by this paragraph when he sells on an f. a. s. basis.

(e) The following exception to the maximum price set forth in paragraph (b) of this section has been granted: In sales by the Westvaco Chlorine Products Corporation from its Patterson plant and stocks at Permanente to its regular customers located in California, the maximum price shall be $32.00 a ton f. o. b. Chewelah, Washington. Additions for delivered prices and sales in bags or sacks shall be the same as set forth in paragraph (c) of this section. This exception is subject to the terms and conditions contained in a letter from the Office of Price Administration to said company, dated February 9, 1942.

§ 1362.8 *Definitions.*

* * * * *

(d) "Maintenance grades of domestic dead-burned grain magnesite" means standard commercial grain magnesite which is virtually run of the kiln and which is not re-processed after leaving the kiln.

§ 1362.9a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1362.1, 1362.8 (d) and 1362.9a) to Revised Price Schedule No. 75, shall become effective March 5, 1942. Until such date Revised Price Schedule No. 75 continues in effect as if not amended by Amendment No. 1. Firm commitments entered into before March 5, 1942 for the sale of dead-burned grain magnesite at prices not exceeding the maximum prices established by Revised Price Schedule No. 75 prior to the effective date of Amendment No. 1 may be completed at contract prices.

(Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 5th day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1918; Filed, March 5, 1942; 11:32 a. m.]

TITLE 36—PARKS AND FORESTS

CHAPTER II—FOREST SERVICE

PART 261—TRESPASS

ORDER FOR THE REMOVAL OF TRESPASSING CATTLE IN LOS PADRES NATIONAL FOREST—SISQUOC RIVER AND MANZANA ALLOTMENTS, SANTA MARIA RANGER DISTRICT

Whereas a number of cattle are trespassing and grazing on land in the Sisquoc River and Manzana Allotments, Santa Maria District, Los Padres National Forest, in the State of California; and

Whereas these cattle are consuming forage needed for game, are causing extra expense to an established permittee, and are injuring national-forest lands;

Now, therefore, by virtue of the authority vested in the Secretary of Agriculture by the Act of June 4, 1897 (30 Stat., 35; 16 U.S.C. 551) and the Act of February 1, 1905 (33 Stat., 628; 16 U.S.C. 472) the following order for the occupancy, use, protection, and administration of the Sisquoc River and Manzana Allotments, Santa Maria District, Los Padres National Forest, is issued:

§ 261.50 *Temporary closure from livestock grazing.* (a) The Sisquoc River and Manzana Allotments, Santa Maria District, Los Padres National Forest, are hereby closed for the period beginning February 15, 1942 and ending December 31, 1942, to the grazing of cattle, except those cattle that are lawfully grazing on or crossing land in such allotments pursuant to the regulations of the Secretary of Agriculture or that are used in connection with operations authorized by such regulations.

(b) Officers of the United States Forest Service are hereby authorized to dispose of, in the most humane manner, all cattle found trespassing or grazing in violation of this order.

(c) Public notice of intention to dispose of such cattle shall be given by posting notices in public places or advertising in a newspaper of general circulation in the locality in which Los Padres National Forest is located.

Done at Washington, D. C., this 3d day of March 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42–1905; Filed, March 4, 1942; 12:48 p. m.]

[1] 7 F.R. 1350.

[2] The statement of considerations has been filed with the Division of the Federal Register.

Notices

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO THE MARKETING ORDER, AS AMENDED, AND THE TENTATIVELY APPROVED MARKETING AGREEMENT REGULATING THE HANDLING OF MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MILK MARKETING AREA, PREPARED BY THE ADMINISTRATOR OF THE AGRICULTURAL MARKETING ADMINISTRATION

Pursuant to § 900.12 (a) General Regulations, Surplus Marketing Administration, Department of Agriculture, notice is hereby given of the filing with the Hearing Clerk in the Solicitor's Office of the Department of this report of the Administrator of the Agricultural Marketing Administration of the Department with respect to proposed amendments to the marketing order, as amended, and the tentatively approved marketing agreement, as amended, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, milk marketing area. Interested parties may file exceptions to this report with the Hearing Clerk, Room 0312, South Building, Department of Agriculture, Washington, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER.

Order No. 34, regulating the handling of milk in the Lowell-Lawrence, Massachusetts, marketing area, was issued by the Secretary, February 6, 1939, and became effective February 12, 1939. Since that time, it has been amended on three separate occasions, effective dates being February 4, 1940, August 1, 1941, and November 1, 1941.

PRELIMINARY STATEMENT

This proceeding formally began with a petition dated December 1, 1941, from the New England Milk Producers' Association, asking that the Secretary hold a hearing on proposed amendments to the order. After receipt of this petition, all handlers and the Massachusetts Milk Control Board were notified by letter of the pending petition and were requested to submit any additional proposals for amendment not later than December 29, 1941. Notice of hearing was issued January 14 for a hearing that was held at Andover, Massachusetts, on January 21, 1942. The notice included ten separate proposed amendments to the order, some of which had been proposed by producers, some by handlers, and some by the Dairy Division.

The principal issues with which the taking of testimony was concerned were:

1. The request for an increase in Class I price;

2. Various proposals to revise the provisions of classifying milk including transferring buttermilk and cultured skim milk from Class II to Class I and two proposals allowing all normal plant shrinkage as Class II rather than Class I milk;

3. A proposal to change from the individual-handler to the market-wide type of pool; and

4. A proposal to revise the pricing of Class I milk sold outside of the marketing area.

From the testimony received, it is evident that producers are anxious to have a higher Class I price although the supply of milk for the market continues to be ample. The increasing impracticability of administering the present provision that requires handlers to pay the prevailing price for Class I milk sold outside of the marketing area indicates a need for revising this provision to provide for the pricing of all Class I milk wherever sold at the Lowell-Lawrence marketing area price. Handlers object strenuously to the provision made effective August 1, 1941, which requires them to pay the Class I price for plant shrinkage associated with the handling of Class I milk, principally, because it increases their handling costs slightly. No inequity among handlers was shown to result from the present arrangement.

It is concluded on the record that an amendment be issued and a marketing agreement offered to the handlers which will provide changes in Order No. 34 as follows:

1. Buttermilk and cultured skim milk to be Class I rather than Class II milk;

2. The present Class I price which will otherwise automatically be reduced 37 cents per hundredweight on April 1, 1942, to be continued through the flush production season of this year with no reduction and to April 1, 1943;

3. The formula providing a value for the skim milk portion of Class II milk to be revised to make use of price quotations for dry skim milk powder that are published by the U. S. Department of Agriculture rather than those published by the "Producers' Price Current"; and

4. The applicable marketing area Class I price to be paid for all Class I milk whether distributed within or outside the marketing area.

The proposed amendment and the proposed marketing agreement, as amended, are recommended as the detailed means by which the above conclusions may be put into effect.

This report filed at Washington, D. C., the 4th day of March 1942.

Approved:

[SEAL] ROY F. HENDRICKSON,
Administrator.

PROPOSED AMENDMENTS TO THE MARKETING ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA, AFFECTING §§ 934.3 AND 934.4, THEREOF [1]

It is found upon the evidence introduced at the public hearing held at Andover, Massachusetts, on January 21, 1942, such findings being in addition to the findings made upon the evidence introduced at the hearing on the order and the various amendments thereto, and being in addition to the other findings made prior to or at the time of the original issuance of the order or the various amendments thereto (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

Findings

1. That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to §§ 2 and 8 (e) of said act, 50 Stat. 246; 7 U.S.C. 602, 608e, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk, and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

2. That the order, as amended by this amendment, regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement, as amended, upon which a hearing has been held; and

3. That the issuance of this amendment to the order, as amended, and all of the terms and conditions of the order, as so amended, tend to effectuate the declared policy of the act.

Provisions

1. Delete § 934.3 (b) (2) (i) and substitute therefor the following:

(i) as being sold, distributed, or disposed of other than as or in milk which contains ½ of 1 percent or more, but less than 16 percent of butterfat, and other than as chocolate or flavored whole or skim milk, buttermilk, and cultured skim milk, and.

2. In § 934.4 (b) (1) delete the date "1942" and substitute therefor the following: "1943".

3. Delete part (a) of the proviso in § 934.4 (c) (2) and substitute therefor the following:

(a) compute the average of all the dry skim milk powder quotations for "human

[1] These proposed amendments are prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, Surplus Marketing Administration, and have not received the approval of the Secretary of Agriculture.

food products (roller process) in barrels" and for "animal feed products (hot roller) in bags" (using midpoint of any range as one quotation), published during such delivery period by the United States Department of Agriculture for New York City, subtract 4.56 cents, multiply by 7; and.

4. Delete § 934.4 (d).

PROPOSED MARKETING AGREEMENT REGULATING THE HANDLING OF MILK IN THE LOWELL-LAWRENCE, MASSACHUSETTS, MARKETING AREA PREPARED BY THE ADMINISTRATOR OF THE AGRICULTURAL MARKETING ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE [1]

Whereas the parties hereto, in order to effectuate the declared policy of the said act, desire to enter into this marketing agreement, as amended.

Now, therefore the parties hereto agree as follows:

1. The terms and provisions of § 934.1 through § 934.11 of Order No. 34, as Amended, Regulating the Handling of Milk in the Lowell-Lawrence, Massachusetts, Marketing Area, issued effective August 1, 1941, and as amended by Amendment No. 1, issued effective November 1, 1941, and as further amended by Amendment No. 2, to said order, as amended, issued effective ----------, 1942, shall be the terms and provisions of this marketing agreement, as amended, with the exception that wherever the word "order" is used the words "marketing agreement" shall be substituted therefor; and

2. The following sections shall also be a part of the marketing agreement, as amended, in addition to § 934.1 through § 934.11 of said order, as amended:

§ 934.12 *Liability*—(a) *Liability of handlers.* The liability of the handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

§ 934.13 *Counterparts and additional parties*—(a) *Counterparts of marketing agreement, as amended.* This agreement, as amended, may be executed in multiple counterparts, and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument, as if all such signatures were obtained in one original.

(b) *Additional parties to the marketing agreement, as amended.* After this agreement, as amended, first takes effect, any handler may become a party to this agreement, as amended, if a counterpart hereof is executed by him and delivered to the Secretary. This agreement, as amended, shall take effect as to such new contracting parties at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement, as amended, shall then be effective as to such new contracting party.

[1] This proposed marketing agreement is prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, Surplus Marketing Administration, and has not received the approval of the Secretary of Agriculture.

§ 934.14 *Record of milk handled during the month of May 1941, and authorization to correct typographical errors*—(a) *Record of milk handled during the month of May 1941.* The undersigned certifies that he handled during the month of May 1941, ---------- hundredweight of milk covered by this agreement, as amended, and disposed of within the marketing area.

(b) *Authorization to correct typographical errors.* The undersigned hereby authorizes Otie M. Reed, Chief, Dairy Division, Agricultural Marketing Administration, to correct any typographical errors which may have been made in this marketing agreement, as amended.

§ 934.15 *Signature of parties.* In witness whereof, the contracting handlers, acting under the provisions of the act, for the purposes and subject to the limitations herein contained and not otherwise, have hereunto set their respective hands and seals.

[F. R. Doc. 42-1925; Filed, March 5, 1942; 11:28 a. m.]

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO A PROPOSED AMENDMENT NO. 2 TO MARKETING ORDER NO. 4, AS AMENDED, AND THE TENTATIVELY APPROVED MARKETING AGREEMENT REGULATING THE HANDLING OF MILK IN THE GREATER BOSTON, MASSACHUSETTS, MILK MARKETING AREA. PREPARED BY THE ADMINISTRATOR OF THE AGRICULTURAL MARKETING ADMINISTRATION

Pursuant to § 900.12 (a) General Regulations, Surplus Marketing Administration, Department of Agriculture, notice is hereby given of the filing with the Hearing Clerk in the Solicitor's Office of the Department of this report of the Administrator of the Agricultural Marketing Administration of the Department with respect to a proposed amendment to Order No. 4 and the tentatively approved marketing agreement regulating the handling of milk in the Greater Boston, Massachusetts, milk marketing area. Interested parties may file exceptions to this report with the Hearing Clerk, Room 0312, South Building, Department of Agriculture, Washington, D. C., not later than the close of business on the 10th day after the publication of this notice in the FEDERAL REGISTER.

Order No. 4, regulating the handling of milk in the Greater Boston, Massachusetts, marketing area, was issued by the Secretary, February 7, 1936, and became effective Febraury 9, 1936. The order was suspended on August 1, 1936, and reinstated and amended on July 1, 1937. Since that time, it has been amended on four separate occasions, effective dates being January 16, 1939, February 4, 1940, August 1, 1941, and October 28, 1941.

This proceeding formally began with a petition dated November 27, 1941, from several producers' cooperatives active in the Boston marketing area asking that the Secretary hold a hearing on proposed amendments to the order. After receipt of this petition all handlers and the State milk control boards that would be affected were notified by letter of the pending petition and were requested to submit, not later than December 29, 1941, petitions for any additional amendments desired. Notice was issued January 14 of a hearing that began at Montpelier, Vermont, on January 19, and which was continued in Boston, Massachusetts, January 20 and 26. The notice included twenty-one separate proposed amendments to the order, some of which had been proposed by producers, some by handlers, and some by the Dairy Division, either on its own behalf or on behalf of the administrator of Order No. 4.

The hearing, which lasted three days, covered 690 typewritten pages of testimony with 51 separate exhibits. The time for filing of briefs was set at the close of the hearing to expire at midnight, February 8, 1942.

The principal issues with which the taking of testimony was concerned were:

1. A request for an increase in Class I price;
2. Proposals to revise the classification provisions, which included a proposal to transfer buttermilk and cultured skim milk from Class II to Class I, and two proposals to classify all normal plant shrinkage as Class II rather than as Class I milk;
3. Several proposals to revise freight and receiving plant handling allowances on both Class I and Class II milk;
4. Proposals to revise the pricing of Class I milk sold outside of the marketing area;
5. Proposals to revise both the level of and the character of the Class II price formula;
6. Proposals to delete or revise the provisions pertaining to payments to cooperative associations for marketing services from the market-wide pool; and
7. A proposal to increase the maximum rate of assessment for costs of administering the order.

From the testimony received, it is evident that producers are anxious to have a higher Class I price although the supply of milk for the market continues to be ample. An increasing impracticability of administering the present provision that requires handlers to pay the prevailing price for Class I milk sold outside of the marketing area and the lack of justification for using the Federal order to require handlers to pay different Class I prices from those in effect for Boston for milk sold in other markets indicate a need for revising this provision to provide for pricing at the applicable Boston marketing area price of all Class I milk, wherever sold.

Handlers object strenuously to the provision made effective August 1, 1941, which requires them to pay the Class I price for plant shrinkage associated with the handling of Class I milk, principally, because it increases their handling costs slightly. No inequity among handlers was shown to result from the present arrangement. The arrangement made effective August 1, 1941, for allowing payments to cooperative associations that meet certain qualifications from the equalization funds used to balance the market-wide pool was strenuously opposed by several individual producers, certain cooperatives who are not on the qualified list, and by the principal Boston handlers. In all the testimony objecting to the payment plan, little evidence was received which had not already been considered at one or more hearings held in the past.

It is concluded from the record that an amendment be issued and a marketing agreement offered to the handlers which will provide changes in Order No. 4 relating to seven of the proposed amendments as follows:

1. Buttermilk and cultured skim milk to be Class I rather than Class II milk;
2. The present Class I price which will otherwise automatically be reduced 37 cents per hundredweight on April 1, 1942, to be continued through the flush production season of this year with no reduction, and until April 1, 1943;
3. The Class II price for milk delivered directly from producers' farms to plants in the marketing area to be increased 14 cents per hundredweight to reflect the full amount of freight costs of transporting fluid milk from country plants to Boston;
4. The formula providing a value for the skim milk portion of Class II milk to be revised to make use of price quotations for dry skim milk powder that are published by the United States Department of Agriculture rather than those published by the "Producers' Price Current";
5. The Boston marketing area Class I price for the mileage zone of the plant where milk is first received to apply to all Class I milk whether distributed within or outside the marketing area;
6. The provisions pertaining to payments to cooperative associations from the market-wide pool to be revised for clarity and to facilitate the administration of the plan; and
7. The maximum assessment for cost of administration of the order to be increased from 2.0 cents to 2.5 cents per hundredweight of milk received from producers.

The proposed amendment No. 2 and the proposed marketing agreement are recommended as the detailed means by which the above conclusions may be put into effect.

This report filed at Washington, D. C., the 4th day of March 1942.

[SEAL] ROY F. HENDRICKSON,
Administrator.

PROPOSED AMENDMENT NO 2 TO THE ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA, AFFECTING §§ 904.3, 904.4, 904.7, 904.8, 904.9, AND 904.10 THEREOF [1]

It is found upon the evidence introduced at the public hearing held in Montpelier, Vermont, on January 19, 1942, and at Boston, Massachusetts, on January 20 and 26, 1942, such findings being in addition to the findings made upon the evidence introduced at the hearings on the order and the various amendments thereto, and being in addition to the other findings made prior to or at the time of the original issuance of the order or the various amendments thereto (which findings are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

Findings

1. That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to Secs. 2 and 8 (e) of said act, 50 Stat. 246; 7 U.S.C. 602, 608e, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk, and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

2. That the order, as amended by this amendment, regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement, as amended, upon which a hearing has been held; and

3. That the issuance of this amendment to the order, as amended, and all of the terms and conditions of the order, as so amended, tend to effectuate the declared policy of the act.

Provisions

1. Delete § 904.3 (b) (2) (i) and substitute therefor the following:

(i) as being sold, distributed, or disposed of other than as or in milk which contains ½ of 1 percent or more, but less than 16 percent of butterfat, and other than as chocolate or flavored whole or skim milk, buttermilk, and cultured skim milk; and

2. In § 904.4 (a) (1) delete "1942" and substitute therefor the following: "1943."

3. In § 904.4 (b) (1) change "17 cents" to "31 cents."

4. Delete part (a) of the proviso in § 904.4 (b) (2) and substitute therefor the following:

(a) compute the average of all the dry skim milk powder quotations for "human food products (roller process) in barrels" and for "animal feed products (hot roller) in bags," (using midpoint of any range as one quotation), published during such delivery period by the United States Department of Agriculture for New York City, subtract 4.56 cents, multiply by 7.

5. Delete § 904.4 (c) and renumber § 904.4 (d) to § 904.4 (c).

6. Delete § 904.7 (b) (6) and substitute therefor the following:

(6) Subtract not less than 5½ cents nor more than 6½ cents for the purpose of retaining a cash balance in connection with the payments and reserves set forth in §§ 904.8 (b) (3) and 904.9 (b).

7. Delete § 904.9 and substitute therefor the following:

§ 904.9 *Payments to cooperative associations*—(a) *Eligibility of cooperative associations.* Upon application to the Secretary, any cooperative association duly organized under the laws of any State which he determines, after appropriate inquiry or investigation, to be conforming to the provisions of such laws and of the Capper-Volstead Act, as amended, as to character of organization, voting requirements, dividend payments, dealing in products of nonmembers; to be operating as a responsible producer-controlled marketing association exercising full authority in the sale of the milk of its members; to be systematically checking the weights and tests of milk delivered by its members to plants other than those which may be operated by itself; to guarantee payments to its producers; to be maintaining, either individually or in collaboration with other qualified cooperative associations, a competent staff for dealing with marketing problems and providing information to its members with whom close working relationships are constantly maintained; to be collaborating with other similar associations in activities incident to the maintenance and strengthening of collective bargaining by producers and the operation of a plan of uniform pricing of milk to handlers; and to be complying with all provisions of this order applicable to such cooperative association, shall be entitled to receive payments in the amount and under the conditions herein specified from the date of qualification, as fixed by the Secretary, until it has been found by the Secretary after notice and opportunity for a hearing, that it has failed to continue to meet any condition or to maintain and exercise the authority or to perform any of the functions required by this section for the receipt or use of such payments.

(1) Any such cooperative association shall receive an amount computed at not more than the rate of 1½ cents per hundredweight of milk marketed by it on behalf of its members in conformity with the provision of this order, the value of which is determined pursuant to § 904.7 (a), and with respect to which a handler has made payments as required by § 904.8 (b) (3) and § 904.10: *Provided*, That the amount paid with respect to milk received at a plant not operated by the cooperative association shall not exceed the amount which handlers are obligated to deduct from payments to members under paragraph (e) hereof. Such monies paid to such a cooperative association are not to be used in paying patronage dividends or other payments to members with respect to milk delivered except in fulfilling the guarantee of payments to

[1] This proposed amendment is prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, Surplus Marketing Administration, and has not received the approval of the Secretary of Agriculture.

producers; and that in cases where two or more of such cooperative associations participate in the marketing of the same milk, payment under this paragraph shall be available only to the association which the individual producer has made his exclusive agent in the marketing of such milk.

(2) Any such cooperative association shall receive an amount computed at the rate of 5 cents per hundredweight on Class I milk received from producers at a plant operated under the exclusive control of member producers or member associations which is sold to proprietary handlers and for which it accounts to the market administrator under § 904.8 (b) (3). This amount shall not be received on milk sold to stores, to handlers in which the cooperative, or any of its member or affiliated associations, or any other qualified association, has any ownership or control, or to a handler with which the cooperative has such sales arrangements that its milk not sold as Class I milk to such handler is not available for sale as Class I milk to other handlers.

(b) *Payment to qualified cooperative associations.* The market administrator shall, upon notice of the filing of an application, set aside each pay period from the cash balance credited pursuant to § 904.7 (b) (6) such sum as he estimates is ample to make payments to the applicant and hold it in reserve until the Secretary has ruled upon said application and shall, upon claim, in form as prescribed by him, submitted not later than the tenth day of the second month subsequent to the delivery period to which the claim applies or in which the Secretary's ruling is made, make payments authorized under paragraph (a), or issue credit therefor out of the said cash balance, subject to verification of the receipts and other items on which the amount of such payment is based.

(c) *Reports.* Each cooperative association qualified to receive payments pursuant to this section shall, from time to time, as requested by the market administrator, make reports to him with respect to the use of such payments and the performance of any service or function set forth as the basis for such payment, and shall file with him a copy of its balance sheet and operating statement at the close of each fiscal year.

(d) *Suspension.* The market administrator shall suspend payments upon request by the Secretary or such officer of the Department of Agriculture as he may designate, or upon his own initiative, by giving written notice to such association whenever there is reason to believe that a beneficiary of such payments is no longer qualified. Such suspended payments shall be segregated and held in reserve until the Secretary has, after notice and opportunity for a hearing, ruled upon the performance of the cooperative and either ordered the suspended payment to be paid to it in whole or in part, or disqualified such cooperative, in which event the balance of payments held in reserve shall be added to the cash balance, if any, in his hands pursuant to § 904.8 (b) (3).

(e) *Authorized member deductions.* In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members and which is qualified to receive payments pursuant to this section, each handler shall make such deductions from the payments to be made to such producers pursuant to § 904.8 as may be authorized by such producers and, on or before the 25th day after the end of each delivery period, pay over such deductions to the association in whose favor such authorizations were made.

8. In § 904.10, delete "2.0 cents" and substitute therefor the following: "2.5 cents."

PROPOSED MARKETING AGREEMENT REGULATING THE HANDLING OF MILK IN THE GREATER BOSTON, MASSACHUSETTS, MARKETING AREA PREPARED BY THE ADMINISTRATOR OF THE AGRICULTURAL MARKETING ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE[1]

Whereas the parties hereto, in order to effectuate the declared policy of the said act, desire to enter into this marketing agreement, as amended.

Now, therefore the parties hereto agree as follows:

1. The terms and provisions of § 904.1 through § 904.11 of Order No. 4, as Amended, Regulating the Handling of Milk in the Greater Boston, Massachusetts, Marketing Area, issued effective August 1, 1941, and as amended by Amendment No. 1, issued effective October 28, 1941, and as further amended by Amendment No. 2, to said order, as amended, issued effective ———— —, 1942, shall be the terms and provisions of this marketing agreement, as amended, with the exception that wherever the word "order" is used the words "marketing agreement" shall be substituted therefor; and

2. The following sections shall also be a part of the marketing agreement, as amended, in addition to § 904.1 through § 904.11 of said order, as amended:

§ 904.12 *Liability*—(a) *Liability of handlers.* The liability of the handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

§ 904.13 *Counterparts and additional parties*—(a) *Counterparts of marketing agreement, as amended.* This agreement, as amended, may be executed in multiple counterparts, and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument, as if all such signatures were obtained in one original.

(b) *Additional parties to the marketing agreement, as amended.* After this agreement, as amended, first takes effect, any handler may become a party to this agreement, as amended, if a counterpart hereof is executed by him and delivered to the Secretary. This agreement, as amended, shall take effect as to such new contracting parties at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement, as amended, shall then be effective as to such new contracting party.

§ 904.14 *Record of milk handled during the month of May 1941, and authorization to correct typographical errors*—(a) *Record of milk handled during the month of May 1941.* The undersigned certifies that he handled during the month of May 1941, ------ hundredweight of milk covered by this agreement, as amended, and disposed of within the marketing area.

(b) *Authorization to correct typographical errors.* The undersigned hereby authorizes Otie M. Reed, Chief, Dairy Division, Agricultural Marketing Administration, to correct any typographical errors which may have been made in this marketing agreement, as amended.

§ 904.15 *Signature of parties.* In witness whereof, the contracting handlers, acting under the provisions of the act, for the purposes and subject to the limitations herein contained and not otherwise, have hereunto set their respective hands and seals.

[F. R. Doc. 42-1926; Filed, March 5, 1942; 11:28 a. m.]

[1] This proposed marketing agreement is prepared by the Administrator pursuant to § 900.13 (a) of the General Regulations, Surplus Marketing Administration, and has not received the approval of the Secretary of Agriculture.

Rural Electrification Administration.

[Administrative Order No. 671]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 19, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project Designation:	Amount
Minnesota 2003D1 Meeker	$58,500

[SEAL] HARRY SLATTERY, *Administrator.*

[F. R. Doc. 42-1911; Filed, March 5, 1942; 11:27 a. m.]

[Administrative Order No. 672]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 19, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Mississippi 2040D2 Smith	$60,000

[SEAL] HARRY SLATTERY, *Administrator.*

[F. R. Doc. 42-1912; Filed, March 5, 1942; 11:27 a. m.]

[Administrative Order No. 673]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 19, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	Amount
Tennessee 2019L2 Rutherford	$51,000

[SEAL] HARRY SLATTERY, *Administrator.*

[F. R. Doc. 42-1913; Filed March 5, 1942; 11:26 a. m.]

[Administrative Order No. 674]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 19, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Texas 2021A2 Milam	$13,000
Texas 2083C2 Fisher	16,000
Texas 2103B2 Polk	42,000

[SEAL] HARRY SLATTERY, *Administrator.*

[F. R. Doc. 42-1914; Filed, March 5, 1942; 11:26 a. m.]

[Administrative Order No. 675]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 19, 1942.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Florida 2022S2 Escambia	$12,000
Idaho 2014S2 Valley	2,000
Illinois 2045S1 Clinton	5,000
Louisiana 2020S1 Concordia	10,000
Michigan 2020S2 Delta	5,000
Missouri 2040S3 Pettis	17,000
Missouri 2047S3 Cooper	15,000
Montana 2001S2 Ravalli	15,000
Nebraska 2071S2 Madison District Public	10,000
North Carolina 2052S2 Cumberland	15,000
South Carolina 2040S1 Hampton	15,000
Texas 2054S5 Wood	6,000
Washington 2032S2 Okanogan	10,000
Wisconsin 2014S3 Oconto	10,000
Wisconsin 2063S1 Bayfield	20,000
Wyoming 2006S1 Goshen	10,000

[SEAL] HARRY SLATTERY, *Administrator.*

[F. R. Doc. 42-1915; Filed, March 5, 1942; 11:26 a. m.]

[Administrative Order No. 676]

ALLOCATION OF FUNDS FOR LOANS

FEBRUARY 20, 1942.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	Amount
Alabama 2026S3 Barbour	$10,000
Colorado 2031S3 Larimer	5,000
Colorado 2036S2 Routt	10,000
Florida 2029S3 Gadsden	15,000
Georgia 2031S3 Upson	10,000
Georgia 2042S1 Toombs	10,000
Georgia 2065S3 Irwin	13,000
Georgia 2067S5 Bacon	15,000
Georgia 2068S5 Grady	8,000
Illinois 2008S2 Coles	7,500
Illinois 2027S2 Edgar	5,000
Illinois 2037S1 Saline	10,000
Indiana 2027S2 Decatur	6,000
Indiana 2089S2 Harrison	15,000
Iowa 2032S2 Butler	4,500
Kansas 2026S2 Coffey	2,000
Kansas 2031S2 Crawford	15,000
Kentucky 2054S3 Wayne	5,000
Maine 2008S3 Aroostook	5,000
Michigan 2005S2 Lenawee	3,000
Missouri 2020S2 Marion	2,000
Missouri 2023S1 Lewis	10,000
Missouri 2041S4 Platte	10,000
Missouri 2043S2 Laclede	5,000
Missouri 2057S1 Lincoln	38,500
Montana 2010S2 Madison	5,000
Nebraska 2004S7 Polk District Public	5,000
Nebraska 2079S1 Redwillow District Public	5,000
North Carolina 2021S5 Sampson	2,000
North Carolina 2034S2 Anson	30,000
North Carolina 2039S2 Union	12,000
North Carolina 2046S2 Madison	25,000
Ohio 2039S4 Paulding	20,000
Ohio 2042S3 Darke	15,000
Ohio 2083S3 Huron	25,000
Oklahoma 2021S2 Washita	15,000
Oklahoma 2025S2 Rogers	15,000
Pennsylvania 2004S2 Crawford	5,000
South Carolina 2019S2 Laurens	20,000
South Carolina 2021S3 Lancaster	5,000
South Carolina 2024S3 Marion	10,000
South Carolina 2032S2 Calhoun	7,000
South Carolina 2036S3 Barnwell	10,000
Tennessee 2046S1 Warren	25,000
Texas 2069S3 Erath	7,000
Texas 2115S1 Grimes	5,000
Vermont 2008S4 Washington	5,000
Wisconsin 2037S5 Trempealeau	5,000
Wisconsin 2048S4 Waupaca	12,000
Wisconsin 2054S4 Polk-Burnett	10,000
Wyoming 2016S1 Hot Springs	10,000

[SEAL] HARRY SLATTERY, *Administrator.*

[F. R. Doc. 42-1916; Filed, March 5, 1941; 11:26 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 436]

IN THE MATTER OF THE APPLICATION OF WEST COAST AIRLINES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING SCHEDULED AIR TRANSPORTATION OF MAIL AND PROPERTY BY THE PICKUP METHOD

NOTICE OF HEARING

Correction

"Room 181" should read "Room 1851" in the document appearing on page 1705 of the issue for Wednesday, March 4, 1942.

FEDERAL COMMUNICATIONS COMMISSION.

[Docket Nos. 6252, 6253]

IN RE APPLICATIONS OF WJMS, INC.

NOTICE OF HEARING

In re application of WJMS, Incorporated (WJMS), dated September 24, 1941, for renewal of license; class of service, broadcast; class of station, broadcast; location, Ironwood, Michigan; operating assignment: Frequency, 1450 kc.; power, 250 w.; hours of operation, unlimited.

In re application of WJMS, Incorporated (WATW), dated September 24, 1941, for renewal of license; class of service, broadcast; class of station, broadcast; location, Ashland, Wisconsin; operating assignment: Frequency, 1400 kc.; power, 100 w.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described applications and has designated the matter for a consolidated hearing for the following reasons:

1. To determine the qualifications of the licensee, its officers, directors and stockholders, to continue the operation of Stations WJMS and WATW.

2. To determine whether the returns executed by the licensee pursuant to § 43.1, Federal Communications Commission Rules, and data reported in an application for modification of construction permit for Station WATW (B4-MP-920) truly and accurately reflected the facts with respect to the stock distribution of said licensee.

3. To determine whether the licensee has complied with § 43.1, Federal Communications Commission Rules.

4. To obtain in general full information respecting the failures of the licensee to comply with directions and requests of the Federal Communications Commission.

5. To determine whether the licensee, its officers, directors and stockholders exercise supervision and control over the operation of Stations WJMS and WATW.

6. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served by the granting of these applications for renewal of licenses and the continued operation of Stations WJMS and WATW.

The applications involved herein will not be granted by the Commission unless

the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's addresses are as follows: WJMS, Incorporated, Radio Station WJMS, 215 So. Suffolk St., Ironwood, Michigan.

WJMS, Incorporated, Radio Station WATW, 321 Second Street, W., Ashland, Wisconsin.

Dated at Washington, D. C., March 3, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2252; Filed, March 5, 1942; 11:30 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 59-38]

IN THE MATTER OF UNITED PUBLIC UTILITIES CORPORATION AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

ORDER DIRECTING CERTAIN ACTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of March 1942.

The Commission having previously instituted these proceedings pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935 and the Commission having included a statement of Tentative Conclusions therein setting forth the action which it believed should be taken by the respondents to comply with the provisions of section 11 (b) (1); and

Notice having been duly given to all interested persons and all such persons having been given an opportunity to be heard with respect to what action should be required to be taken by said respondents to comply with certain of the requirements of section 11 (b) (1); and

The Commission having filed its Findings and Opinion herein, in which the Commission finds, among other things, that the action hereafter directed to be taken by United Public Utilities Corporation is necessary and appropriate for the purpose of bringing about partial compliance by said company with section 11 (b) (1);

It is hereby ordered, pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, that: United Public Utilities Corporation shall divest itself of all of its interests in, and in the properties and assets owned or operated by, the following companies: Fort Smith Gas Company, Southern Gas Producing Company, Cap. F. Bourland Ice Company, Alabama United Ice Company, Louisiana Ice Service, Incorporated, and Texas Ice & Refrigerating Company.

It is further ordered, That the respondent shall proceed with due diligence to comply with the foregoing order and shall submit to the Commission for its approval in these proceedings appropriate applications or declarations for the purpose of complying with the provisions of this order in accordance with the applicable standards of the Act; and jurisdiction is hereby expressly reserved to enter such orders in these proceedings as may be necessary or appropriate for the purpose of carrying out the provisions of this order.

It is further ordered, That jurisdiction be and is hereby also reserved to enter such further orders as may be necessary or appropriate with respect to any of the remaining issues in these proceedings and particularly for the purpose of determining what further action should be ordered to be taken by the respondents pursuant to section 11 (b) (1) of the Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1920; Filed, March 5, 1942; 11:43 a. m.]

[File No. 59-38]

IN THE MATTER OF UNITED PUBLIC UTILITIES CORPORATION AND ITS SUBSIDIARY COMPANIES, RESPONDENTS

ORDER CHANGING PLACE OF AND POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 2d day of March 1942.

The Commission having on October 31, 1941 issued its Notice of and Order for Hearing instituting proceedings under section 11 (b) (1) of the Public Utility Holding Company Act of 1935 in the above-entitled matter, and hearings having been held pursuant to said Notice and Order on February 5, 1942; and said hearings having been adjourned until March 23, 1942 in the Hearing Rooms of the Securities and Exchange Commission at Washington, D. C.; and

It appearing to the Commission that it will be necessary to change the place and postpone the date of the foregoing described hearings;

It is ordered, That the date of the hearing in this matter set for March 23, 1942 be and is hereby postponed to April 15, 1942 at 10:00 o'clock A. M., and that the place of such hearing shall be changed to the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on said day by the Hearing Room Clerk.

It is further ordered, That the Secretary of this Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to the respondents and intervenor and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1919; Filed, March 5, 1942; 11:43 a. m.]

[File No. 70-165]

IN THE MATTER OF NORTHERN STATES POWER COMPANY (DEL.) AND NORTHERN STATES POWER COMPANY (MINN.)

INTERIM ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of March, A. D. 1942.

A joint declaration and amendments thereto having been filed pursuant to section 12 (b) of the Public Utility Holding Company Act of 1935 and Rule U-12B-1 promulgated pursuant thereto, by Northern States Power Company (Minnesota), a registered holding company and a public utility company, and by its parent, Northern States Power Company (Delaware), a registered holding company, regarding the waiver by the first-named company of the payment of interest charges accruing on and after July 1, 1940 on an open account indebtedness of $8,526,037.79 and the same as may be reduced from time to time by payment on the principal sum by Northern States Power Company (Delaware); and

A public hearing having been held after appropriate notice, and the Commission having considered the record and having made and entered its interim findings and opinion and interim order on December 30, 1940, permitting the declaration to become effective insofar as it related to the payment of interest due on December 31, 1940; and

The Commission having by an interim order dated May 21, 1941 permitted said declaration to become effective insofar as it related to the waiver of interest for the calendar year 1941; and

The Commission finding that said declaration should be permitted to become effective insofar as it relates to the waiver of interest for the calendar year 1942;

It is hereby ordered, That said declaration insofar as it relates to the waiver of interest for the calendar year 1942 be and the same is hereby permitted to become effective.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1921; Filed, March 5, 1942; 11:44 a. m.]

[File No. 70-495]

IN THE MATTER OF CALIFORNIA WATER SERVICE COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 4th day of March, A. D. 1942.

California Water Service Company, a subsidiary of General Water Gas & Electric Company, in turn a subsidiary of International Utilities Corporation, both registered holding companies, having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly 6 (b) thereof, for an exemption from the provisions of section 6 (a) thereof, regarding the issue and sale to Northwestern Mutual Life Insurance Company and Equitable Life Insurance Company of Iowa of $350,000 principal amount of First Mortgage 4% Bonds, Series B, due May 1, 1961, at a price of 106.5% of the principal amount thereof, the proceeds to be used by California Water Service Company for the extension of its plant and the construction of additional facilities; and

Said application having been filed on February 3, 1942, and certain amendments having been filed thereto, the last of said amendments having been filed on February 27, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified by said notice or otherwise and not having ordered a hearing thereon; and

The above-named party having requested that said application, as amended, be granted on or before March 4, 1942; and

The Commission finding that the proposed issue and sale has been expressly authorized by the Railroad Commission of the State of California, the State Commission of the State in which applicant is organized and doing business and that the proceeds of said issue and sale are solely for the purpose of financing the business of applicant, and finding that said application, as amended, furnishes no basis for imposing terms and conditions, other than the terms and conditions prescribed in Rule U-24, and that applicant is entitled to an exemption from the provisions of section 6 (a) of said Act with respect to said issue and sale, and being satisfied that the date of granting such application, as amended, should be advanced:

It is hereby ordered, Pursuant to said Rule U-23 and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application, as amended, be and it hereby is granted forthwith.

By the Commission (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1922; Filed, March 5, 1942; 11:44 a. m.]

[File No. 70-455]

IN THE MATTER OF NORTHEASTERN WATER AND ELECTRIC CORPORATION, DENIS J. DRISCOLL AND WILLARD L. THORP, AS TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, APPLICANTS-DECLARANTS

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 3d day of March, A. D. 1942.

Northeastern Water and Electric Corporation, a registered holding company, and Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, also a registered holding company, having filed applications and declarations pursuant to the Public Utility Holding Company Act of 1935, particularly sections 9 (a), 10, 12 (d) and 12 (f) thereof, and Rules U-9, U-43 and U-44 of the General Rules and Regulations thereunder, with respect to the following transactions:

1. The sale by Northeastern Water and Electric Corporation and the acquisition by the Trustees of Associated Gas and Electric Corporation of all of the securities of General Utilities Company, The Ohio Northern Public Service Company, Western Reserve Power and Light Company, and New London Power Company, all incorporated under the laws of, and operating in, the state of Ohio, such securities to be acquired for a consideration of $1,500,000.

2. The sale by the Trustees of Associated Gas and Electric Corporation of 155,747 shares of the common stock of Northeastern Water and Electric Corporation, to John H. Ware, Jr. and Penn-Jersey Water Company.

The hearing with respect to said applications and declarations having been held after appropriate notice to all persons interested therein; and the Commission having considered the record of the proceedings and having entered its findings and opinion herein; and having found that upon consummation of the proposed transactions Northeastern Water and Electric Corporation will, under the provisions of Rule U-9 of the General Rules and Regulations, no longer be subject to the requirements of the Act;

Applicants-declarants having proposed the said disposition by Northeastern Water and Electric Corporation of the securities of its said four subsidiaries operating in the State of Ohio as a plan under section 11 (e) of the Act for the purpose of enabling Northeastern Water and Electric Corporation to comply with the provisions of section 11 (b) thereof, and the Commission finding that such plan as so submitted is necessary to effectuate the provisions of Subsection (b) of section 11 (b) (1) and is fair and equitable to the persons affected thereby, and that an order should be entered approving such plan and directing the carrying out of the steps required to be taken thereunder;

It is hereby ordered, That the aforesaid declarations pursuant to sections 12 (d) and 12 (f) of the Act and Rules U-43 and U-44 of the General Rules and Regulations thereunder, be and hereby are permitted to become effective forthwith and the aforesaid applications pursuant to sections 9 (a) and 10 of the Act be and hereby are granted forthwith subject, however, to the terms and conditions prescribed in Rule U-24, and subject to the further condition that a proposed sale by Northeastern Water and Electric Corporation of the preferred stock which it owns of Georgia Power and Light Company be consummated;

It is further ordered, That the said plan pursuant to section 11 (e) of said Act be and hereby is approved and that Northeastern Water and Electric Corporation be and is hereby ordered to take all steps necessary to carry out said plan.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-1923; Filed, March 5, 1942; 11:44 a. m.]

Reference

MAR 1942

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET

FEDERAL REGISTER

OF THE UNITED STATES 1934

VOLUME 7 NUMBER 46

Washington, Saturday, March 7, 1942

The President

EXECUTIVE ORDER

TRANSFER OF JURISDICTION OVER CERTAIN LANDS CONTAINING OIL AND GAS DEPOSITS FROM THE WAR DEPARTMENT TO THE DEPARTMENT OF THE INTERIOR

WHEREAS the hereinafter-described lands, title to which has been acquired by the United States for use by the War Department in connection with flood-control purposes and navigation of the Sacramento River, are reported to be within the geologic structure of a producing gas field and are subject to drainage of their oil and gas deposits by wells on adjacent lands in private ownership; and

WHEREAS it is necessary in the public interest that such protective action be taken as will prevent loss to the United States by reason of the drainage or threatened drainage from the lands; and

WHEREAS, in order to facilitate such action, it is considered advisable to transfer jurisdiction over such lands so far as the oil and gas deposits are concerned to the Department of the Interior:

NOW, THEREFORE, by virtue of the authority vested in me as President of the United States, it is ordered as follows:

1. The jurisdiction over the hereinafter-described parcels of land in the State of California is hereby transferred as to oil and gas deposits therein from the War Department to the Department of the Interior.

2. The Secretary of the Interior shall take such action as may be necessary to protect the United States from loss on account of drainage or threatened drainage of oil and gas from such lands.

3. The jurisdiction of the Department of the Interior over such lands shall be subject to the primary jurisdiction of the War Department over the lands for flood-control and navigation purposes.

4. All moneys received as royalties under leases, or otherwise, on account of oil and gas extracted from such lands shall be paid into the Treasury of the United States and credited to miscellaneous receipts.

PARCEL I

Part of Lot 7 of the Rancho los Ulpinos. Beginning at a post marked D. on the line between the land belonging to the heirs of Mrs. Marie Joseph and land of W. G. Joseph, near the Town of Rio Vista, California, which post is about 19.09 chains S. 45¼ E. from the Southerly side of County Road No. 189 as now fenced, and from which post U. S. Geological Survey Pier No. 6 bears N. 50°25' W. 11.50 chains. Thence N. 15½° E. 3.70 chs. to the line between land of W. G. Joseph and land of St. Gertrudes Academy, a corporation, thence along said line S. 45¼° E. 2.30 chs. to low water line on Sacramento River, thence along said line of low water southerly about 3.80 chains to the line between land of heirs of Mrs. Marie Joseph and land of W. G. Joseph, thence along same N. 45¼° W. 2.81 chains to the place of beginning, containing 85/100 of an acre. Being part of Section 31, T. 4 N., R. 3 E. M. D. M. Being same premises conveyed by William G. Joseph and Mary Joseph, his wife, to the parties hereto of the first part by deed dated November 10, 1909, and recorded November 16th, 1909, in Book 172 of Deeds at Page 437 in the office of the County Recorder of the County of Solano, State of California.

PARCEL II

Part of Lot Eight (8) of the Rancho los Ulpinos. Beginning at a post marked I. on the line between land belonging to the grantors herein and lands of W. G. Joseph near the town of Rio Vista, California, which post is about 9 chains S. 45¼ E. from the southerly side of County Road No. 189, as now fenced. From which post U. S. Geological Survey Pier No. 6 bears N. 83° W. 1.71 chains; thence S. 18° W. 14.20 chains to an oak tree 7 inches in diameter marked II. at 9.95 chains on this course two small oaks close together; thence S. 14½° W. 16.89 chains to post marked III at the line between land of said grantors and land now or formerly of James Hamilton, thence along said line S. 45° E. 31.80 chains to low water line on the Sacramento River, thence northerly along same about 43.60 chains to the said line between Joseph Heirs and land of W. G. Joseph, thence along same N. 45¼° W. 12.90 chains to the place of beginning, containing 60.90 acres—being part of Section 31 Township 4 North Range 3 East and part of Section 36, Township 4 North Range 2 East, Mount Diablo Base and Meridian. Reference is hereby made to map of said land as surveyed by E. N. Eager, licensed Sur-

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FEDERAL REGISTER

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veyor, Sept. 11, 1909, which map is on file in the office of the Recorder of Solano County, California.

Being the same premises conveyed by William G. Joseph, Antome Joseph, sometimes called Anthony Joseph, John Joseph, Rosa Joseph, sometimes called Rose Joseph or Rosie Joseph and John Francis Serpa and Joseph R. Serpa to the parties hereto of the first part by deed dated November 22nd, 1909, and recorded November 24th, 1909, in Book 172 of Deeds at Page 447 in the office of the County Recorder of the County of Solano, State of California.

PARCEL III

That certain tract of land lying on the West Bank of the Sacramento River a short distance below the Town of Rio Vista and being a part of Lot 9 of the Rancho los Ulpinos, and bounded as follows: Beginning at a post marked III on the line between land belonging to the heirs of Mrs. Marie Joseph and the land of James Hamilton, and running thence along the dividing line between swamp and upland S. 10¾° W. 5.60 chs. to a post marked IV, thence S. 30½° W. 8.75 chs. to post marked V, thence S. 8°55' W. 15.35 chs. to post marked VI, thence S. 19¾° W. 15.83 chs. to fence post marked VII on the line between land of James Hamilton and land of Patrick and Catherine McCormick at the division line between swamp and upland; thence along said line between Hamilton and McCormick S. 45° E. 34.60 chs. to low water line on the Sacramento River, thence Northerly along same about 47 chs. to said line between land of Joseph Heirs and land of James Hamilton, thence along same N. 45° W. 31.80 chs. to the place of beginning, containing 138.53 acres.

Being part of Section 31, T. 4 N. R. 3 E. and part of Section 36, T. 4 N. R. 2 E., and part of Section 6, T. 3 N. R. 3 E., and part of Section 1, T. 3 N. R. 2 E. M. D. M.

Being the same premises conveyed by James Hamilton and Margaret C. Hamilton, his wife, to A. E. Anderson by deed dated September 22, 1909, and recorded September 24th, 1909, in Book 172 of Deeds at page 311 in the office of the County Recorder of the County of Solano, State of California, and being a part of the premises conveyed by A. E. Anderson and Florence I. Anderson, his wife, to the parties hereto of the first part by Deed dated September 23rd, 1909, and recorded October 2nd, 1909, in Book 172 of Deeds at page 366 in the office of the County Recorder of the County of Solano, State of California.

PARCEL IV

Part of Lot 10 of the Rancho los Ulpinos. Beginning at a fence post marked VII on the line between land now or formerly of James Hamilton and land of Patrick McCormick, and on the line dividing the upland and swamp land, thence along said line between the upland and swamp land, as follows, S. 23°05' W. 13.20 chains to post marked VIII, thence S. 45° W. 3.70 chains to post marked IX, thence S. 13° W. 19.77 chains to post marked X, thence S. 18°10' W. 8.83 chains to fence post marked XI, at the line between land of said McCormick and land now or formerly of Perry Anderson, being at stake marked T. R. on the northeastern boundary of the Toland Ranch at line between swamp and upland as shown on map made by George F. Allardt, civil engineer and surveyor, in the year A. D. 1880, and filed in the office of the Recorder of said Solano County, California, May 14, 1881. Thence along the line between McCormick and Anderson S. 45¼° E. 34.38 chains to low water line on the Sacramento River, thence northerly along same about 44.80 chains to the line between land of McCormick and land now or formerly of Hamilton—thence along said line N. 45° W. 34.60 chains to the place of beginning, containing 143.20 acres. Being part of Section 6, in T. 3 N. R. 3 E. and part of Sections 1 and 12 in T. 3 N. R. 2 E. M. D. M. Reference is made to map of survey of said land by E. N. Eager, licensed surveyor, September 11, 1909, which map is on file in the office of the Recorder of Solano County, California.

Being the same premises conveyed by Patrick McCormick and Catherine McCormick, his wife, to A. E. Anderson by Deed dated November 12th, 1909, and recorded November 16th, 1909, in Book 172 of Deeds at Page 438 in the office of the County Recorder of the County of Solano, State of California, and also conveyed by the said A. E. Anderson and Florence I. Anderson, his wife, to the parties hereto of the first part by deed dated December 7th, 1909, and recorded December 10th, 1909, in Book 172 of Deeds at Page 458 in the office of the County Recorder of the County of Solano, State of California.

PARCEL V

That certain tract of land lying on the West bank of the Sacramento River a short distance below the Town of Rio Vista and being part of the Rancho los Ulpinos, and bounded as follows:

BEGINNING at a fence post marked XI being at the same place as a stake marked T. R. set at the intersection of the Northeastern boundary of the Toland Ranch with the line dividing the upland from the swamp land as shown on a map of the Toland Ranch in Solano County, California, which map was made by George F. Allardt, Civil Engineer and Surveyor, in the year A. D. 1880, and filed in the office of the Recorder of Solano County, California, May 14th, 1881; thence along said dividing line between swamp and upland S. 22° W. 7.12 chs. S. 29° W. 5.80 chs. S. 18¼° W. 3.50 chs. S. 21° W. 6.40 chs. S 34¾° W. 1.80 chs. South 3.20 chs. S. 54° W. 1.50 chs. S. 22½° W. 1.88 chs. to Station 8, S. 30¾° W. 2.00 chs. S. 3° W. 2.80 chs. S. 30° W. 1.80 chs. S. 5° W. 1.90 chs. S. 25¾° W. 1.60 chs. S. 51¼° W. 1.30 chs. S 11½° W. 5.00 chs. S. 18° W. 8.60 chs. S. 23° W. 3.20 chs. to Station No. 17, thence S. 31° W. 2.51 chs. to post on division line between land of Perry Anderson and land of Hind Estate Company; thence along said division line S. 54° E. 18.73 chs. to low water line on the Sacramento River, thence Northeasterly along same about 54 chs. to land of Patrick and Catherine McCormick; thence along the boundary of said land N. 45¼° W. 34.38 chs. to the place of beginning, containing 154.70 acres.

Being the same premises conveyed by Perry Anderson and Annie Anderson, his wife, to A. E. Anderson by Deed dated September 22nd, 1909, and recorded September 24th, 1909, in Book 172 of Deeds at Page 310, in the office of the County Recorder of the County of Solano, State of California, and being a part of the premises conveyed by A. E. Anderson and Florence I. Anderson, his wife, to the parties hereto of the first part by Deed dated September 23rd, 1909, and recorded October 2nd, 1909, in Book 172 of Deeds at Page 366, in the office of the County Recorder of the County of Solano, State of California.

The above description copied from deed dated July 21, 1911 from W. J. Smith, et al., to the United States of America.

PARCEL VI

That certain land situated in the County of Sacramento, State and Northern District of California, particularly described as follows, to wit:

Commencing at a point herein designated as Point "Q", which said point is distant 3861 feet south, 16°11¼' East, from a concrete monument known as United States Geological Survey Pier No. 4, which is located on the mainland opposite Baker's Point on a high hill about 500 feet northeasterly from the machine shop at Toland's Landing and about 450 feet Northwesterly from the northerly bank of the Sacramento River. (This concrete monument is in shape a truncated pyramid about one foot square at the top, in which is set a lettered metal tablet. Two sides of the monument bear the inscriptions "U. S. G. S. No. 4" and "Cal. 1906", respectively). From said point designated as Point "Q" run South 56°44¾' West, 3046 feet; thence south 60°32¾' West, 1689 feet; thence North 28' East 295 feet more or less, to low water line on the left bank of the Sacramento River; thence up stream along low water line on the left bank of the Sacramento River to a point which is north 55°07½' East, and about 2600.6 feet more or less, distant from said Point "Q"; and thence South 55°07½' West, 2600.6 feet more or less to said Point "Q", being the point of commencement. Also the small island or sand bar situated near the left bank of the Sacramento River commencing about 500 feet above the lower end of the land above described and extending thence up stream about 400 feet.

The above description copied from FINAL ORDER OF CONDEMNATION dated May 12, 1913; Condemnation Suit No. 15,554, United States of America vs. Swamp Land Reclamation District No. 341.

PARCEL VII

That certain land situate in the County of Sacramento, State of California, known as Garnett Island, and also known as Swamp and Overflowed Land Survey Number 916 of said Sacramento County, as described in the field notes of said Survey and in the Patent therefor issued by the State of California to L. S. Taylor dated April 9th 1868, and recorded in Book One of Patents at page 329 in the office of the County Recorder of said County of Sacramento, together with all accretions thereto, the said real property and accretions thereto being bounded and described as follows:

Beginning at a point on the shore of the Sacramento River at Garnett Island where the shore line of the Sacramento River intersects an old fence line, bearing S. 14°12' W. and at a distance of 175 feet more or less, from the southwest corner of an old warehouse; and also bearing S. 47°42½' W. and at a distance of 12053 feet more or less from a certain concrete monument, known as U. S. Geological Survey Pier No. 4, which is located on a high hill about 500 feet northeasterly from the machine shop at Toland's Landing, and about 450 feet northwesterly from the northerly bank of the Sacramento River this concrete monument being in shape a truncated pyramid about one foot square at the top, in which is set a lettered metal tablet; from the said point of beginning running along the old fence line west 380 feet; thence along the old fence line S. 88°26' W. 365.1 feet; thence along the old fence line S. 79°52' W. 381 feet; thence along the old fence line S. 75°55' W. 1257.8 feet; thence along the old fence line S. 70°43' W. 530 feet more or less, to the center line of a slough, thence following the meandering center line of the slough to a point on the shore line of the Sacramento River, bearing S. 33°19' W. and distant 1630 feet more or less, in a straight line from the last preceding point; thence along the shore line of the Sacramento River, to the point of beginning; comprising Garnett Island, with accretions, and containing about 67.7 acres. The bearings are referred to the meridian of longitude 121°33'59.50". The Court hereby finds that the land is as described by metes and bounds and contains 67.7 acres.

The above description copied from FINAL ORDER OF CONDEMNATION dated December 19, 1942; Condemnation Suit No. 15,614, United States of America vs. Christian Larsen.

PARCEL VIII

All that portion of sections 21 and 28 in Township 3 North Range 2 East, Mount Diablo Base and Meridian bounded and described as follows:

Beginning at a point on the line between the lands of R. D. Robbins and the Toland Ranch, (now the Dozier and Pressley Ranch) which point is south 50°02' W. 4643.8 feet from an established point, being United States Geological Survey Pier number 4; thence north 60°31'30" east, 680 feet; thence north 58°06' east 2564.8 feet to the shore line of the Sacramento River as at present existing; thence westerly along the shore line of the Sacramento River as at present existing to the line of the land of R. D. Robbins; thence along the line between the land of R. D. Robbins and the tract herein described north 12' east 1600 feet to a point; thence north 89°48' west 253.6 feet to the place of beginning, containing 63.03 acres.

PARCEL IX

All that portion of sections 14, 15, 22, and 23 of Township 3 North, Range 2 East, Mount Diablo Base and Meridian, bounded and described as follows:

Beginning at a point on the north side of the shore line of the Sacramento River as at present existing, which point is south 83° 04'40" east 904 feet from an established point, being United States Geological Survey Pier number 4; thence north 54°56'15" east 2225 feet; thence north 47°39'15" east 2819 feet to the line of the lands of H. Glassell and others; thence along the line between the lands of H. Glassell and others and the tract herein described, south 34°26' east 2725.9 feet; thence south 47°39'15" west 3661.25 feet to the shore line of the Sacramento River as at present existing; thence northerly along the shore line of said river as at present existing to the place of beginning; containing 260.75 acres.

The above description copied from FINAL ORDER IN CONDEMNATION SUIT dated March 20, 1915; Condemnation Suit No. 15,627, United States of America vs. Dozier and Pressley Company, et al.

PARCEL X

That certain land situated in the County of Solano, State and Northern District of California, particularly described as follows, to-wit:

All that portion of sections 14 and 23 of Township 3 North, Range 2 East, Mount Diablo Base and Meridian, bounded and described as follows, to-wit:

Beginning at a point on the line between what was formerly known as the Toland Ranch, now owned by Dozier and Pressley, and the lands herein described belonging to H. Glassell and others, which point is north 57°25'14" East 5698.9 feet from an established point known as United States Geological Survey Pier No. 4; thence South 34°26' East 2725.9 feet to a point; thence North 47°39'15" East 4818.2 feet to a point, which point marks the boundary line between the lands of Glassell and others, and the lands of the Hind Estate Company, and others; thence North 67°29' West 2982.5 feet to a point; thence South 47°39'15" West 3176.2 feet to the point of beginning, and containing 246.64 acres of land.

The above description copied from FINAL ORDER OF CONDEMNATION dated August 20, 1913; Condemnation Suit No. 15,615, United States of America vs. Hugh Glassell, et al.

PARCEL XI

All that portion of sections 11, 12, 13 and 14, of township 3 north, range 2 east, Mount Diablo Base and Meridian, and situated in the County of Solano State and Northern District of California, and bounded and described as follows, to wit:

Beginning at a point on the line between the lands hereinafter described, and the lands owned by H. Glassell and others, which point is located N. 53°55'40" E. 8845.6 feet from an established point, being United States Geological Survey Pier Number 4; thence S. 67°29' E. 2982.5 feet to a point; thence N. 47°39'15" E. 2022.7 feet to the shore of the Sacramento River as at present existing; thence northeasterly along the shore line of the Sacramento River as at present existing, to the line of the land formerly owned by Perry Anderson; thence along the line of the lands of the said Perry Anderson N. 54° W. 906 feet to a point; thence S. 41°06'05" W. 2745.7 feet to a point; thence S. 47°39'15" W. 4285 feet to a point, and place of beginning; and containing 303.75 acres of land.

The above description copied from FINAL ORDER OF CONDEMNATION dated November 27, 1912; Condemnation Suit No. 15, 609,

United States of America vs. The Hind Estate Company, et al.

PARCEL XII

All that portion of sections 25, 26, 35 and 36 of township 3 North, Range 1 East, M. D. B. & M., in the County of Solano, State and Northern District of California bounded and described as follows:

Beginning at a point on the north side of the Sacramento River at the shore line thereof as at present existing, which point is S. 13°31'15" W. 1928.5 feet from United States Geological Survey Pier No. 2; thence S. 70° 53'30" E. 2550.5 feet to a point; thence S. 66°05' E. 418.6 feet to a point, which point is on the boundary line of the land of Mrs. A. Kierce and others; thence along the line of the land of the said Mrs. A. Kierce and others S. 23°06' W. 1210 feet to the shore line of the Sacramento River as at present existing; thence westerly, along the shore line of the Sacramento River as at present existing, to the place of beginning, containing 41.03 acres.

The above description copied from FINAL ORDER OF CONDEMNATION dated February 15, 1913; condemnation suit No. 15, 617, United States of America vs. Lindsay P. Marshall.

PARCEL XIII

That certain land situate in the County of Solano, State and Northern District of California, particularly described as follows, to wit:

All that portion of sections 25 and 36 of Township 3 North, Range 1 East, Mount Diablo Base and Meridian, bounded and described as follows:

Beginning at a point on the line between the lands of L. P. Marshall and Mrs. A. Kierce, which point is south 39°13'34" East 3706.4 feet from United States Geological Survey Pier Number 2; thence south 66°05' East 3429.4 feet to the line of the land of R. D. Robbins; thence along the Robbins line South 23' West 1900 feet to the shore line of the Sacramento River; thence westerly along the shore line of the Sacramento River, to the line of the land of L. P. Marshall; thence along the Marshall line North 22°06' East 1210 feet to the place of beginning, containing 145.70 acres.

The above description copied from FINAL ORDER OP CONDEMNATION Suit No. 15,405, United States of America vs. Anne Kierce, et al.

PARCEL XIV

All that certain real property situated on and adjacent to Sherman Island, in the County of Sacramento, State of California, bounded and described as follows:

Commencing at a point (designated as Point "O") which point is distant 5400 feet due south from United States Geological Survey Pier No. 2. (The said United States Geological Survey Pier No. 2 is a concrete monument located on high ground in Solano County about one mile easterly from Collinsville and about 300 feet easterly and across the highway from Montezuma Club House. This concrete monument is, in shape, a square truncated pyramid, about one foot square at the top, in which is set a lettered metal tablet; and two sides of the monument bear the inscriptions "U.S.G.S. No. 2", and "Cal. 1906" respectively.) Running thence from said Point "O" S., 67°19' E., 3600 feet; thence S., 80° E., to the main channel of the Sacramento River; thence down the main channel of the Sacramento River to its intersection with the main channel of the San Joaquin River; thence up the main channel of the San Joaquin River to a point which bears N., 84°26¾' W., from said Point "O"; and thence S., 84°26¾'E., to said point of commencement.

The above description copied from deed dated October 31, 1912 from the City of Sacramento to the United States of America.

PARCEL XV

All that real property situated, lying and being in the County of Sacramento, State of California, at the southwesterly end of Grand Island, in Sections 17 and 20 of Township Four (4) North, Range Three (3) East, Mt. Diablo Base and Meridian, being a portion of Swamp and Overflowed Lands Survey No. 697, together with accretions, located westerly of and immediately adjoining the 100-foot strip of land deeded by George McIntyre to Trustees of Reclamation District No. Three by deed dated November 14, 1908, and recorded November 27, 1908, in Book 277 of Deeds at page 72, et seq., and being more particularly described as follows:

BEGINNING at a point on top of a small levee at the westerly end of Grand Island, which point of beginning bears N. 58°35½' E. 4641.99 feet distant from an iron pipe set in concrete in the fence line common to lands of Ciometti and Nunes—Kalber at the southeast corner of the Nunes—Kalber lands; thence from said point of beginning running in a northeasterly direction along the arc of a circle curving to the right from a tangent bearing N. 39°19' E. with a radius of 3000.00 feet, for a distance of 1500.00 feet to a point on the low water line on the southerly bank of Steamboat Slough; thence following upstream along the said low water line of Steamboat Slough N. 75°01½' E. for a distance of 1359.45 feet to a point on the low water line on the southerly bank of Steamboat Slough, being the northwest corner of the 100-foot strip of land deeded by George McIntyre to Trustees of Reclamation District No. 3 above referred to; thence leaving said southerly bank of Steamboat Slough, crossing the westerly point of Grand Island and following along the westerly boundary line of the said 100-foot strip of land S. 1°16' W. for a distance of 2520.00 feet more or less, to the southwest corner of the said 100-foot strip, being a point on the low water line on the northerly bank of the Sacramento River; thence following down stream along the low water line of the northerly bank of the Sacramento River by the following courses and distances: N. 77°26' W. 510.00 feet; S. 77°04' W. 282.00 feet; N. 63°01' W. 915.00 feet; N. 69°19' W. 1251.30 feet to a point on the low water line at the junction of the northerly bank of the Sacramento River with the southerly bank of Steamboat Slough; thence following along the low water line of the southerly bank of Steamboat Slough upstream N. 36°49' E., for a distance of 241.25 feet to a point, thence leaving the low water line N. 39°19' E. 250.00 feet more or less to the place of beginning, containing 101.46 acres of land more or less.

All courses are referred to the true meridian.

The above description copied from deed dated February 20, 1930 from Nellie Plant to the United States of America.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 5, 1942.

[No. 9087]

[F. R. Doc. 42-1953; Filed, March 6, 1942; 10:45 a. m.]

EXECUTIVE ORDER

WITHDRAWAL OF PUBLIC LAND FOR USE AS AN ADMINISTRATIVE SITE BY THE ALASKAN FIRE CONTROL SERVICE

ALASKA

By virtue of the authority vested in me as President of the United States, it is ordered that the following-described public land in Alaska be, and it is hereby, withdrawn and reserved, subject to valid existing rights, for the use of the Alaskan Fire Control Service, General Land Office, Department of the Interior, as a site for a patrol station.

COPPER RIVER MERIDIAN

T. 4 N., R. 2 W., sec. 23, E½SW¼ (unsurveyed); containing 80 acres.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 4, 1942.

[No. 9085]

[F. R. Doc. 42-1934; Filed, March 5, 1942; 3:01 p. m.]

EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS A GENERAL BOMBING RANGE

NEVADA

By virtue of the authority vested in me by the act of July 9, 1918, c. 143, 40 Stat. 845, 848 (U.S.C. title 10, sec. 1341), it is ordered that, subject to valid existing rights, the public lands in the following-described areas be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as a general bombing range:

MOUNT DIABLO MERIDIAN

Tps. 1, 2, 3, and 4 S., R. 44 E.;
Tps. 1, 2, 3, and 4 S., R. 45 E.

The areas described, including both public and non-public lands, aggregate 184,371.28 acres.

This order shall take precedence over, but shall not rescind or revoke, the order of the Secretary of the Interior of November 24, 1937, withdrawing certain public lands for a proposed grazing district, so far as such order affects any of the public lands in the above-described areas.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purposes for which they are reserved.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 4, 1942.

[No. 9086]

[F. R. Doc. 42-1935; Filed, March 5, 1942; 3:01 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER IV—FEDERAL CROP INSURANCE CORPORATION

[FCI-Regulations-201-W, 1942]

PART 404—1942 WHEAT CROP INSURANCE REGULATIONS

By virtue of the authority vested in the Federal Crop Insurance Corporation by the Federal Crop Insurance Act, approved February 16, 1938, the 1942 Wheat Crop Insurance Regulations are amended to read as follows:

(1) Section 404.72,[1] paragraph (d) of said regulations is amended to read as follows:

§ 404.72 *Settlement under the certificate of indemnity.*

* * * * *

(d) The expiration date of the certificate of indemnity shall be fifteen (15) days after the date established by the Commodity Credit Corporation as the latest maturity date for loans made by it with respect to the 1942 wheat crop, or ninety days after the date of issuance of the certificate, whichever is later. If any of these dates falls on other than a business day, the next following business day shall apply. (Secs. 506 (e), 507 (c), 509, 516 (b); 52 Stat. 73, 74, 75, 77; 7 U.S.C. 1940 ed. 1506 (e), 1507 (c), 1508, 1509, 1516 (b))

Adopted by the Board of Directors on March 2, 1942.

[SEAL] R. M. EVANS,
Chairman of Board.

Approved: March 6, 1942.

GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-1968; Filed, March 6, 1942; 11:48 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VI—ORGANIZED RESERVES

PART 64—ENLISTED RESERVE CORPS[2]

§ 64.5 *Enlistments*—(a) *Eligibility.*

* * * * *

Classes	*For what grade eligible*
(3) Persons whose occupations or training in civil life particularly qualify them for technical duties; graduates of recognized universities or colleges. Any student of technical training or applicant therefor whose course of instruction is such as to meet special requirements for military service.	Seventh grade, except that chief of arms or services and corps area commanders may, except for Cavalry, Field Artillery, and Infantry, authorize enlistments of this class in noncommissioned grades for which previous military service is not essential. In such case, personnel specifications for the several arms or services should generally determine qualifications.

(39 Stat. 195, 41 Stat. 780, 44 Stat. 705; 10 U.S.C. 421, 423–427) [Par. 5c, AR 150–5, September 30, 1931, as amended by Cir. 56, W.D., February 25, 1942]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-1945; Filed, March 6, 1942; 10:23 a. m.]

CHAPTER VII—PERSONNEL

PART 71—ENLISTMENT IN THE REGULAR ARMY[3]

§ 71.4 *Men with dependents, including married men.* Enlistments and reenlistments in the Army of the United States of married men or men with dependents are authorized provided the applicant signs a statement that his dependents have sufficient means of support. (41 Stat. 765; 10 U.S.C. 42) [Par. 14, AR 600–750, April 10, 1939, as amended by Cir. 57 W.D., February 26, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-1944; Filed March 6, 1942; 10:23 a.m.]

[1] 6 F.R. 3518.
[2] § 64.5 (a) (3) is amended.
[3] § 71.4 is superseded.

PART 75—ADMISSION TO THE UNITED STATES MILITARY ACADEMY[1]

§ 75.22 *Physical requirements.*

* * * * *

(e) *Physical proportions for height, weight, and chest measurement for all candidates except Filipinos.* (1) The requirements of the following table of physical proportions are for growing youths and are for guidance in connection with the other data of the examination, a consideration of all of which will determine the candidate's physical eligibility. Mere fulfillment of the requirements of the standard table does not determine eligibility.

[1] § 75.22 (e) (1) is amended.

Height, inches	Weight, pounds		Chest measure at expiration, inches
	Minimum	Maximum	
66	120	170	30.50
67	124	176	30.50
68	128	181	31.00
69	132	185	31.50
70	136	187	32.00
71	140	189	32.00
72	144	192	32.50
73	148	195	32.50
74	152	198	33.00
75	156	201	33.00
76	160	204	33.50

Fractions greater than ½ inch in height will be considered as an additional inch, but candidates must be at least 66 inches in height. (R.S. 161; 5 U.S.C. 22) [Cir. 54, W.D., Feb. 24, 1942]

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[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-1943; Filed, March 6, 1942; 10:23 a. m.]

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS[1]

§ 81.1a *Advance payments to facilitate the prosecution of the war effort*—(a) *General.* Executive Order No. 9001 dated December 27, 1941 (6 F.R. 6787) (sec. III, Bull. No. 41, W.D., 1941), issued pursuant to title II, First War Powers Act, 1941, Public Law 354, 77th Congress, approved December 18, 1941 (Bull. No. 36, W.D., 1941), in order to facilitate the prosecution of the war effort, grants authority, with certain limitations, to the Secretary of War, to make advance payments in any amount under agreements of all kinds (whether contracts, purchase orders, letters of intent, or otherwise) under such regulations as he may prescribe. The executive order provides that advance payments shall be made only after careful scrutiny to determine that such payments will promote the national interest.

(b) *Policy.* In order to expedite the war effort, the policy of the War Department is to make advance payments upon request of the contractor in the case of any contract for supplies, or for the equipping and operation of new facilities, where production will be facilitated thereby or the national interest will be otherwise served: *Provided,* That the Government will be adequately protected.

(c) *Procedure.* In conformity with the authority referred to in paragraph (a) of this section, and in order further

[1] § 81.1a is superseded.

to decentralize and expedite the making of advance payments, the procedure prescribed in the following subparagraphs will be followed.

(1) *Delegation of authority to chiefs of supply arms and services.* Authority is hereby delegated to the chiefs of supply arms and services to approve the making, within the limits hereafter stated and without reference to the Under Secretary of War, of advance payments on contracts pertaining to their respective arms or services when the amount of the contract (or the estimated amount in the case of a cost-plus-a-fixed-fee contract) is less than $5,000,000. The chief of each supply arm or service in his discretion is authorized further to delegate all or part of the authority granted herein to contracting officers under his jurisdiction. Under this authorization chiefs of supply arms and services may decentralize the authority to make advance payments on contracts less than $5,000,000 in amount under the general plan of decentralization of procurement contained in § 81.33 (f) (2) (i) (a) (b) and (c).

(2) *Limitation to 30 percent with certain exceptions.* Advance payments approved in accordance with the authority delegated above will be limited to 30 percent of the contract price, except where—

(i) Required by special circumstances, or

(ii) The contractor agrees to advance to subcontractors requiring financing of subcontracts the entire amount of advances to it in excess of 30 percent of the contract price.

Any advances authorized in excess of 30 percent upon a contract entered into prior to December 27, 1941, will be under supplemental agreement which contains provisions therefor made on or after said date.

(3) *Approval of Under Secretary of War required in certain cases.* Requests for advance payments in excess of 50 percent of the contract price of any contract and for advance payments on all contracts amounting to $5,000,000 or more, as well as any cases in which there are substantial departures from approved contract provisions, will be submitted through the chief of the supply arm or service concerned for approval of the Under Secretary of War.

Minor deviations in contracts and supplemental agreements from standard contract provisions covering advance payments that will expedite the negotiation and the awarding of defense contracts, or of production thereunder, may be made without prior approval of the Under Secretary of War.

(4) *Performance bonds on principal contracts.* Where a performance bond on the principal contract has been required and advance payments are provided for by supplemental agreement, or where an advance payment bond is furnished as additional security, the official authorized to approve the advance payments may use his discretion as to whether the actual making of such payments should be withheld pending the approval by The Judge Advocate General of a consent of surety on a preexisting bond or his approval of the applicable advance payment bond. (First War Powers Act, 1941, Public Law 354, 77th Congress) [Proc. Cir. 17, W.D., February 24, 1942]

§ 81.3 *Taxes.*

* * * * * *

(c) *Federal taxes.*

* * * * * *

(1) *Items on which imposed.* The last two sentences of subparagraph (1)[1] are rescinded and the following is substituted therefor:

Detailed information as to the taxes imposed is published in Treasury Department Bureau of Internal Revenue, Regulations Nos. 44 (as amended by T.D. 4990, approved July 19, 1940 and T.D. 5082, approved October 3, 1941) and 46 (as amended by T.D. 4998, approved August 1, 1940 and T.D. 5099, approved November 28, 1941). Regulations relating to tax-free sales of articles for use of the United States are published in T.D. 5114, approved January 27, 1942. These publications will be obtained in the same manner as those referred to in paragraph 1, AR 5-320.[2] (Sec. 5, 41 Stat. 764, 765; 10 U.S.C. 1193) [Proc. Cir. 18, W.D., February 26, 1942]

* * * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-1937; Filed, March 6, 1942; 9:41 a. m.]

TITLE 14—CIVIL AVIATION

[Amendment No. 1]

CHAPTER II—ADMINISTRATOR OF CIVIL AERONAUTICS, DEPARTMENT OF COMMERCE

PART 600—DESIGNATION OF CIVIL AIRWAYS[1]

REDESIGNATION OF GREEN CIVIL AIRWAY NO. 5 AND AMBER CIVIL AIRWAY NO. 7; DESIGNATION OF RED CIVIL AIRWAY NO. 37

MARCH 4, 1942.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend the Designation of Civil Airways which became effective March 1, 1942, as follows:

1. By striking the following words appearing in § 600.10004:

the intersection of the center lines of the on course signals of the northeast leg of the Texarkana, Ark., radio range and the southwest leg of the Little Rock, Ark., radio range; Little Rock, Ark., radio range station; Brinkley, Ark., radio range station;

2. By striking the words "Caribou, Maine, radio range, to the Caribou, Maine, radio range station." appearing at the end of § 600.10106 and inserting in lieu thereof the following:

Presque Isle, Maine, radio range; Presque Isle, Maine, radio range station; to the Municipal Airport, Caribou, Maine.

3. By adding a new section, § 600.10236 to read as follows:

§ 600.10236 *Red civil airway No. 37 (Texarkana, Ark., to Memphis, Tenn.)* From the intersection of the center lines of the on course signals of the northeast leg of the Texarkana, Ark., radio range and the southwest leg of the Little Rock, Ark., radio range, via the Little Rock, Ark., radio range station; the intersection of the center lines of the on course signals of the east leg of the Little Rock, Ark., radio range and the west leg of the Brinkley, Ark., radio range; and the Brinkley, Ark., radio range station; to the intersection of the center lines of the on course signals of the east leg of the Brinkley, Ark., radio range and the southwest leg of the Memphis, Tenn., radio range.

This amendment shall become effective 0001 C. S. T., March 15, 1942.

CHARLES I. STANTON,
Acting Administrator.

[F. R. Doc. 42-1939; Filed, March 6, 1942; 9:42 a. m.]

[Amendment No. 6]

PART 601—DESIGNATION OF AIRWAY TRAFFIC CONTROL AREAS, CONTROL ZONES OF INTERSECTION, CONTROL AIRPORTS AND RADIO FIXES[1]

REDESIGNATION OF CERTAIN AIRWAY TRAFFIC CONTROL AREAS AND RADIO FIXES

MARCH 4, 1942.

Acting pursuant to the authority vested in me by section 308 of the Civil Aeronautics Act of 1938, as amended, and §§ 60.23 and 60.112 of the Civil Air Regulations, and finding that this action is necessary in the interest of safety and for the proper control of air traffic, I hereby amend Part 601 of the Regulations of the Administrator of Civil Aeronautics which became effective January 15, 1942, as follows:

1. By striking the words "Caribou, Maine, radio range station." appearing in § 601.1017 and inserting in lieu thereof the following: Municipal Airport, Caribou, Maine.

2. By adding a new section, § 601.10237 to read as follows:

§ 601.10237 *Red civil airway No. 37 airway traffic control areas (Texarkana, Ark., to Memphis, Tenn.).* All of red civil airway No. 37.

3. By striking the words "Little Rock, Ark., radio range station; Brinkley, Ark., radio range station" appearing in § 601.4005 and inserting in lieu thereof the following:

the intersection of the center lines of the on course signals of the southeast leg of the Little Rock, Ark., radio range and the southwest leg of the Memphis, Tenn., radio range

4. By striking the words "; Caribou, Maine, radio range station" appearing at the end of § 601.4017.

5. By adding a new section, § 601.40237 to read as follows:

§ 601.40237 *Red civil airway No. 37. (Texarkana, Ark., to Memphis, Tenn.).* Little Rock, Ark., radio range station; Brinkley, Ark., radio range station.

This amendment shall be come effective 0001 C. S. T. March 15, 1942.

CHARLES I. STANTON,
Acting Administrator.

[F. R. Doc. 42-1938; Filed, March 6, 1942; 9:41 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

CHAPTER II—SECURITIES AND EXCHANGE COMMISSION

PART 275—GENERAL RULES AND REGULATIONS, INVESTMENT ADVISERS ACT OF 1940

ADOPTION OF FORM FOR APPLICATION FOR REGISTRATION AS AN INVESTMENT ADVISER FORMED AS A SUCCESSOR TO A REGISTERED INVESTMENT ADVISER

The Securities and Exchange Commission, acting pursuant to the authority conferred upon it by the Investment Advisers Act of 1940, particularly sections 203 and 211 thereof, hereby adopts the following § 275.203-2 [Rule R-203-2]:

§ 275.203-2 *Adoption of Form 3-R: Application for Registration as an Investment Adviser Formed as a Successor to a Registered Investment Adviser.* Form 3-R, entitled "Application for Registration of an Investment Adviser Formed as a Successor to a Registered Investment Adviser,"[1] is hereby prescribed as the application form for registration to be used by a person who, as successor, takes over substantially all of the assets of a registered investment adviser and continues its business as an investment adviser. [Rule R-203-2, effective March 7, 1942] (Sec. 203, 54 Stat. 850; 15 U.S.C. 80b-3: Sec. 211, 54 Stat. 855; 15 U.S.C. 80b-11)

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1963; Filed, March 6, 1942, 11:47 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER A—INCOME AND EXCESS PROFITS TAXES

[T. D. 5125]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

PARAGRAPH 1. Section 19.101-1 of Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] is amended to read as follows:

§ 19.101-1 *Proof of exemption.* A corporation is not exempt merely because it is not organized and operated for profit. In order to establish its exemption it is necessary that every organization claiming exemption file with the collector for the district in which is located the principal place of business or principal office of the organization an affidavit or a questionnaire as set forth below. An organization claiming exemption under section 101 (1), (3), (4), except a bona fide credit union, (6), (7), (8), (9), (10, (12), (14), or (16) shall file the form of questionnaire appropriate to its activities, filled out in accordance with the instructions on the form or issued therewith. Copies of the following questionnaire forms may be obtained from any collector: For corporations claiming exemption under section 101 (6), Form 1023; under section 101 (1), (3), (7), or (8), Form 1024; under section 101 (9), Form 1025; under section 101 (10), (14), or (16), Form 1026; under section 101 (4), except bona fide credit unions, Form 1027; and under section 101 (12), Form 1028. All other organizations claiming exemption, including bona fide credit unions, shall file an affidavit showing the character of the organization, the purpose for which it was organized, its actual activities, the sources of its income and the disposition of such income, whether or not any of its income is credited to surplus or may inure to the benefit of any private shareholder or individual, and in general all facts relating to its operations which affect its right to exemption. To each such affidavit or questionnaire shall be attached a copy of the articles of incorporation, declaration of trust, or other instrument of similar import, setting forth the permitted powers or activities of the organization, the by-laws or other code of regulations, and the latest financal statement showing the assets, liabilities, receipts, and disbursements of the organization. An organization claiming exemption under section 101 (5), (6), except organizations organized and operated exclusively for religious purposes, (7), (8), (9), or (14), shall also file with the other information specified herein a return of information on Form 990 relative to the business of the organization for the last complete year of operation.

The words "private shareholder or individual" in section 101 refer to individuals having a personal and private interest in the activities of the corporation. Although religious or apostolic associations or corporations exempt under section 101 (18) are relieved from paying the tax, they are required to file returns of income (see § 19.101 (18)-1).

In the case of the particular classes of organizations listed below, the following additional information shall be embodied in or attached to, and made a part of, the affidavit or questionnaire referred to above:

(a) Mutual insurance companies shall submit (1) copies of the policies or certificates of membership; (2) if any substantial amount of income is claimed to be held for the payment of losses or expenses, a statement based upon a reliable table of loss experience demonstrating that the amount so held for the payment of losses is reasonably necessary; or in the case of expenses, a statement based upon reliable statistics showing that the expenses were incurred or that in all probability they will be incurred;

(b) In the case of holding companies claiming exemption under section 101 (14), if the organization for which title is held has not been specifically notified in writing by the Bureau of Internal Revenue that it is held to be exempt under section 101, the holding company shall submit the information indicated herein as necessary for a determination of the status of the organization for which title is held.

The collector, upon receipt of the affidavit, or questionnaire, and other papers, will examine them as to completeness and will forward completed documents to the Commissioner for decision as to

[1] 7 F.R. 1417.
[2] 6 F.R. 5483.
[3] Administrative regulations of the War Department relating to procurement of supplies.

[1] 7 F.R. 378, 528, 597, 841, 1016, 1424.

[1] Filed with the original document.

whether the organization is exempt. In addition to the information specified herein, the Commissioner may require any additional information deemed necessary for a proper determination of whether a particular organization is exempt under section 101, and when deemed advisable in the interest of an efficient administration of the internal revenue laws he may in the cases of particular types of organizations provide additional questionnaires or otherwise prescribe the form in which the proof of exemption shall be furnished.

When an organization has established its right to exemption, it need not thereafter make a return of income or any further showing with respect to its status under the law, unless it changes the character of its organization or operations or the purpose for which it was originally created, except that every organization exempt or claiming exemption under section 101 (5), (6), except organizations organized and operated exclusively for religious purposes, (7), (8), (9), or (14), shall file annually returns of information on Form 990 with the collector for the district in which is located the principal place of business or principal office of the organization. The first return of information on Form 990 required by this regulation shall be for the taxable year ending in 1941 and shall be filed on or before May 15, 1942. The returns for subsequent taxable years shall be filed on or before the first day of the third month following the close of the taxable year. See § 19.101 (18)–1 with respect to returns by religious or apostolic associations or corporations exempt under section 101 (18). See also sections 275 (a) and 276 (a) with respect to the statute of limitations.

Collectors will keep a list of all organizations held to be exempt to the end that they may occasionally inquire into their status and ascertain whether or not they are observing the conditions upon which their exemption is predicated.

The exemption under section 101 referred to in this section and §§ 19.101 (1)–1 to 19.101 (13)–1, inclusive, from filing returns of income does not apply to returns of information (see sections 147 to 149, inclusive.)

PAR. 2. The foregoing provisions relative to proof of exemption under section 101 of the Internal Revenue Code are hereby made applicable in the case of any organization which claims exemption under the Revenue Act of 1938, 1936, 1934 or 1932 and which has not proven exemption under the corresponding provisions of Regulations 101 [Part 9, Title 26, Code of Federal Regulations, 1939 Sup.], 94 [Part 3, Title 26, Code of Federal Regulations], 86, or 77. The foregoing provisions relative to the filing annually of returns of information on Form 990 are hereby made applicable to organizations held exempt under the sections of the Revenue Act of 1938, 1936, 1934 or 1932 which correspond to section 101 (5), (6), (7), (8), (9), or (14) of the Internal Revenue Code.

(This Treasury decision is issued under the authority contained in sections 62 and 101 of the Internal Revenue Code (53 Stat. 32, 33 as amended by 53 Stat. 876, 26 U.S.C., 1940 ed., 62, 101); sections 62 and 101 of the Revenue Acts of 1938, 1936, and 1934 (52 Stat. 480, 26 U.S.C. Sup. 62, 101; 49 Stat. 1673, 26 U.S.C. Sup. 62, 101; 48 Stat. 700, 26 U.S.C. 62, 101); and sections 62 and 103 of the Revenue Act of 1932 (47 Stat. 191, 193).)

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: March 5, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42–1942; Filed, March 6, 1942; 9:51 a. m.]

[T. D. 5124]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE

Income of Ambassadors, Ministers, and Other Diplomatic Personnel—Regulations 103 Amended

PARAGRAPH 1. Section 19.116–1 of Regulations 103 [Part 19, Title 26, Code of Federal Regulations, 1940 Sup.] is amended—

(A) By striking out the second paragraph thereof.

(B) By eliminating from the third paragraph thereof the following:

(other than ambassadors, ministers, and members of their households, including secretaries, attaches, and servants).

PAR. 2. The amendment made by this Treasury decision shall be effective for taxable years beginning after December 31, 1941.

(This Treasury decision is issued under the authority of section 116 of the Internal Revenue Code (53 Stat. 56, 26 U.S.C., 1940 Ed. 116).)

NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: March 5, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42–1941; Filed, March 6, 1942; 9:51 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A–1295]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith, the shipping points appearing in the aforesaid Supplement R for Mine Index No. 2602 are effective in place of the shipping points heretofore established for these mines.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The Material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine Index No.	Code member	Mine name	Sub-Dist. No.	Seam	All lump coal double screened top size 2" and over	Double screened top also 2" and under	Run of mine (mod. Sd. R/M)	2" and under slack	¾" and under slack
					1	2	3	4	5
3348	Dale Coal Co. (Charles Winters)	Dale Coal Co.	14	E					
1443	Grantsville Coal Co. (Henry Patton)	Patton	42	E					
3340	Herman, Irvin G	Herman	44	E					
919	Morrisdale Coal Mining Co., The	Bailey #4	8	D & E					
2602	Murawski, Bernard A	Monahannon #6	21	D					
3334	Penn-York Coal Co. (Lee S. Ford)	Clermont	2	Clermont					
3378	Wallwork Coal Company (J. C. Wallwork)	Wallwork #7	4	E					

*Indicates coal in this size group previously classified and priced.
†Indicates no classifications effective for these size groups.
‡Denotes new shipping point, but with no change in Freight Origin Group. Shipping point at Morrisdale, Pa., on the New York Central Railroad Company shall no longer be applicable.
§Denotes new shipping point, but with no change in Freight Origin Group. Shipping point at Amesville, Pa., on the Pennsylvania Railroad Company shall no longer be applicable.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine Index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top also 2" and under	Run of mine (mod. Sd. R/M)	2" and under slack	¾" and under slack
						1	2	3	4	5
Alibonse, Daniel G.	3339	D. G. Alibonse	5	Jefferson	E			215		
Bell Coal Company, The (John Balchunas)	3334	The Bell Coal Co.	44	Garrett	E			210		
Callander, Merle, Ronald & Donald (Merle Callander)	3338	Callander	4	Clarion	C'	240	215	215	200	190
Chamberlain Bros.	3377	Chamberlain #2	39	Bedford	Barnett			240		
Dale Coal Co. (Charles Winters)	3348	Dale Coal Co.	14	Centre	E			220		
Grantsville Coal Co. (Henry Patton)	1443	Patton	42	Garrett	E	250	(*)	215		
Greenwait Coal Company (John M. Greenwait)	3330	Greenwait	8	Clearfield	B			230		
Herman, Irvin G	3340	Herman	44	Garrett	E	240	215	210	200	190
Meredith, Paul	3338	Meredith	4	Clarion	D & E	255	230	(*)	220	210
Morrisdale Coal Mining Co., The	919	Bailey #4	8	Clearfield						
Pawlak Coal Co. (Raymond Pawlak)	3329	Raymond Pawlak	3	Tioga	Blossburg			302		
Penn-York Coal Co. (Lee S. Ford)	3334	Clermont	2	Elk	Clermont			210		
Wallwork Coal Company (J. C. Wallwork)	3378	Wallwork #7	4	Clarion	E	240	215	215	200	190

*Indicates coal in th is size group previously classified and priced.

[F. R. Doc. 42–1931; Filed, March 5, 1942; 12:25 p. m.]

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group numbers]

Mine Index No.	Code member	Mine name	Subdist. No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
1512	Himes, Telford	Himes	5	B	Knoxdale, Pa	P&S	119	(†)	(†)	C	(†)	(†)
3382	Jenkins, James, Jr	Pine Hill #1	43	Big Vein	Smithing, Md	W. Md	67	(†)	(†)	C	(†)	(†)
3388	Kenbrook Coal Company (J. G. Butler)	Kenbrook #1	4	B	Shirley, Pa	PRR	98	(†)	(†)	F	(†)	(†)
3389	P & G Coal Company (A. D. Grasso)	Jones	1	B	Holden, Pa	LE&C	32	(†)	(†)	F	(†)	(†)

†When shown under Size Group Numbers indicates no classification effective for these size groups.

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	County	Subdistrict No.	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine mod-ified R/M	2" and under slack	¾" and under slack
Harliger, Clair	3375	Harliger	Jefferson	5	B					
Heflick Coal Mine (E. Ruth Wheeler)	3394	Heflick Coal	Indiana	12	D		225	215		
Jenkins, James, Jr	3382	Pine Hill #1	Allegany	43	Big Vein		230			
Kenbrook Coal Company (J. G. Butler)	3388	Kenbrook #1	Clarion	4	B	240	215	205	190	
O'Neill, Paul & Louis Himes (Louis Himes)	3374	O'Neill	Indiana	15	D		220			
P & G Coal Company (A. D. Grasso)	3389	Jones	Clar.-Jeff	1	B	245	220	210	200	

[F. R. Doc. 42-1932; Filed, March 5, 1942; 12:25 p. m.]

[Docket No. A-922]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF M'COY BROTHERS, A CODE MEMBER IN DISTRICT NO. 2, FOR ESTABLISHMENT OF MINIMUM PRICES, FOR SHIPMENTS VIA PENNSYLVANIA RAILROAD, OF COALS PRODUCED AT THE CRYSTAL MINE, MINE INDEX NO. 1693

A petition and an amended petition having been filed with the Bituminous Coal Division by District Board No. 8, requesting the establishment of temporary and permanent price classifications and minimum prices for the coals produced at the Crystal Mine, Mine Index No. 1693, for rail shipments via the Baltimore & Ohio Railroad from Crystal Spring, Cass, Pennsylvania, or via the Pennsylvania Railroad from Fairchance, Pennsylvania.

§ 322.9 *Special prices*—(c) *Railroad fuel.*

By revoking the assignment of Group 8 and assigning Group 6 for the coals of said mine for railroad fuel use.

It is further ordered, That the prayers for relief contained in the several petitions filed herein are granted to the extent set forth and in all other respects are denied.

Dated: March 3, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-1933; Filed, March 5, 1942; 12:25 p. m.]

[Docket No. A-1101 Part II]

PART 321—MINIMUM PRICE SCHEDULE DISTRICT NO. 1

ORDER IN PART GRANTING AND IN PART DENYING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE HELMICK MINE, MINE INDEX NO. 927, JOHNSON NO. 1 MINE, MINE INDEX NO. 932, BEAVER NO. 1 MINE, MINE INDEX NO. 666, BEAVER NO. 2 MINE, MINE INDEX NO. 3170, BEAVER NO. 3 MINE, MINE INDEX NO. 3171, MILLIRON MINE, MINE INDEX NO. 655, AND MILLIRON NO. 2 MINE, MINE INDEX NO. 3176 IN DISTRICT NO. 1

A petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 1, requesting the establishment of temporary and permanent price classifications and minimum prices for the coals and for the mixtures of the coals of certain mines in District 1;

An Order having been issued by the Director on November 12, 1941, 6 F.R. 6201, granting temporary relief and conditionally providing for final relief with respect to price classifications and minimum prices for the coals produced at various mines named in the petition;

An Order having been issued by the Director on November 12, 1941, 6 F.R. 6190, severing that portion of Docket No. A-1101 relating to the establishment, for all shipments except truck, of price classifications and minimum prices for the coals of the Helmick and Johnson No. 1 Mines and for a mixture of the coals produced at the Beaver Nos. 1, 2, and 3 Mines, and for a mixture of the coals produced at Milliron Nos. 1 and 2 Mines, and, in the same Order, granting temporary relief by establishing, for all shipments except truck, price classifications with corresponding minimum prices, for the coals produced by the Helmick and Johnson No. 1 Mines;

A hearing having been held in this matter, pursuant to Orders of the Director and the Acting Director, after due notice to all interested persons, before Charles O. Fowler, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., and all interested persons having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

All parties having waived the preparation and filing of a report by the Examiner, and the record thereupon being submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That, § 321.7 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck be and it hereby is, amended as follows:

1. By making permanent, effective forthwith, the temporary relief establishing the price classification in Size Group 3 for the coals produced at the Helmick Mine (Mine Index No. 927) of the Abram Creek Coal Company, set forth in Supplement R annexed hereto and made a part hereof, and by assigning the corresponding minimum prices to such coals.

2. By continuing in effect, for 15 days from the date of this Order, the temporary relief establishing Gorman, Maryland, as the shipping point for the coals produced at the Helmick Mine (Mine Index No. 927) of the Abram Creek Coal Company, and by establishing commencing thereafter, for the coals produced at that mine, in lieu of such temporary relief, the shipping point set forth in Supplement R annexed hereto and made a part hereof.

3. By making permanent, effective forthwith, the temporary relief establishing the price classification in Size Group 3 for the coals produced at the Johnson No. 1 Mine (Mine Index No. 932) of Von B. Johnson, set forth in Supplement R annexed hereto and made a part hereof, and by assigning the corresponding minimum prices for such coals.

4. By continuing in effect, for 15 days from the date of this Order, the temporary relief establishing the New York Central as the railroad designation for the coals produced at the Johnson No. 1 Mine (Mine Index No. 932) of Von B. Johnson, and establishing, commencing thereafter, for the coals produced at that mine, in lieu of such temporary relief, the railroad designation set forth in Supplement R annexed hereto and made a part hereof.

5. By appending, effective 15 days from the date of this Order, the note set forth in Supplement R, annexed hereto and made a part hereof, establishing the minimum prices to be supplied to a mixture of the coals produced at the Beaver Nos. 1, 2, and 3 Mines (Mine Index Nos. 666, 3170, and 3171, respectively) of Beaver & Snyder (W. C. Snyder).

6. By appending, effective 15 days from the date of this Order, the note set forth in Supplement R annexed hereto and made a part hereof, establishing the minimum prices to be applied to the mixture of the coals produced at the Milliron Nos. 1 and 2 Mines (Mine Index Nos. 655 and 3176, respectively) of Frank Milliron (Milliron Coal Company).

It is further ordered, That in all other respects the prayers for relief contained in the petition filed herein be, and they hereby are, denied.

Dated: February 26, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

PERMANENT SUPPLEMENT, DISTRICT NO. 1

NOTE: The material contained in this permanent supplement is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine Index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
927	Abram Creek Coal Company, c/o A. L. Helmick	Helmick	44	E	Blaine, W. Va	WM	68	(†)	(†)	D	(†)	(†)
932	Johnson, Von B	Johnson #1	9	D	Gillintown (Moshannon), Pa.	PRR	49	(†)	(†)	D	(†)	(†)

†When shown under Size Group Numbers indicates no classification on effective for these size groups.

NOTE.—If coals within either of the following groups of mines are loaded into the same car the minimum price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the highest price classification: Mine Index Nos. 666, 3170, and 3171 of Beaver and Snyder (W. C. Snyder); Mine Index Nos. 655 and 3176 of Frank Milliron (Milliron Coal Company).

[F. R. Doc. 42-1952; Filed, March 6, 1942; 10:25 a. m.]

[Dockets Nos. A-617 and A-628]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER AMENDING ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED IN DISTRICT NO. 7, FOR WHICH PRICE CLASSIFICATIONS AND MINIMUM PRICES HAVE NOT HERETOFORE BEEN ESTABLISHED; OF THE PETITION OF DISTRICT BOARD NO. 7, FOR ESTABLISHMENT OF MINIMUM PRICES FOR LOW VOLATILE SIZE GROUP 8 SCREENINGS PRODUCED AT THE ROBIOUS MINE OF THE NATIONAL INDUSTRIAL ENGINEERS, INC., AND ORDERS NOS. 303 AND 305 OF THE DIRECTOR

In an Order, dated September 6, 1941, 6 F.R. 5067, Granting Permanent Relief in the above-entitled matters, price classifications and minimum prices were established for the coals of certain mines in District No. 7, including the Vance Mine (Mine Index No. 711) of Richard Vance.

District Board No. 8 subsequently filed an original petition in Docket No. A-1283 requesting the establishment of price classifications and minimum prices for the coals of certain mines in District No. 8, including therein the Crozier Red Ash Mine (Mine Index No. 5205) of J. B. Crozier (Crozier Red Ash Coal Co.) which is the same mine as the Vance Mine (Mine Index No. 711), records of the Division indicating that J. B. Crozier succeeded Richard Vance as owner thereof, and by a letter dated February 5, 1942, District Board No. 7 has indicated that a subsequent investigation discloses that this mine is located in District No. 8.

In an Order Granting Temporary Relief and Conditionally Providing for Final Relief issued this day in Docket No. A-1283, price classifications and minimum prices are established inter alia for the coals of the Crozier Red Ash Mine

(Mine Index No. 5205) of J. B. Crozier (Crozier Red Ash Coal Co.), to become effective fifteen (15) days from the date thereof, and it thus appears that the said Order of September 6, 1941, in the above-entitled matter should be revoked as to Mine Index No. 711.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof the prices as set forth in Supplement T, § 327.34 (*General prices in cents per net ton for shipment into any market area*), established by the said Order of September 6, 1941, in the above-entitled matter for the coals of the Vance Mine (Mine Index No. 711) for truck shipments be revoked.

And it is further ordered, That in all other respects the said Order of September 6, 1941, in the above-entitled matter be, and it hereby is, continued in full force and effect, unless otherwise ordered.

Dated: March 5, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1951; Filed, March 6, 1942; 10:25 a. m.]

[Docket No. A-1117]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER CORRECTING TYPOGRAPHICAL ERRORS IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8

In an Order dated November 22, 1941, 6 F.R. 6592, granting temporary relief and conditionally providing for final relief in the above-entitled proceeding, the following typographical errors occurred:

In § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) in Supplement T–I annexed to and made a part of the aforementioned Order, 205 cents was erroneously listed as the effective minimum price of the coals of Mine Index No. 3763 of Edward Branham in Size Group 6. The correct price is 200 cents.

Also in § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) in the aforementioned Supplement T–I, the Mine Index Number of the Pigg Mine of Ben Pigg was written as Mine Index No. 3616. The correct Mine Index No. is 3676.

In § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) in the aforementioned Supplement T–I, the Mine Index Number of the Kinder Mine of Thompson Kinder was written as 3671. The correct Mine Index No. is 3631.

In § 328.11 (*Alphabetical list of code members*) in Supplement R–I and in § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) in Supplement T–I, annexed to and made a part of the aforementioned Order, the Mine Index Number of the Austin Nickels Coal Co. Mine of Austin Nickels (Austin Nickels Coal Co.) was written as Mine Index No. 3677. The correct Mine Index No. is 3687.

It appears that these typographical errors should be corrected as set forth above.

Accordingly, it is so ordered.

Dated: February 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1950; Filed, March 6, 1942; 10:25 a. m.]

[Docket No. A-1321]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING CONDITIONALLY FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE REVOCATION OF THE DEDUCTION FOR FREIGHT RATE DIFFERENCES ON SHIPMENTS INTO MARKET AREA 33 PERMITTED THE COALS OF MINE INDEX NO. 55 IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11, FOR ALL SHIPMENTS EXCEPT TRUCK

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with this Division by the above-named party, requesting that the deduction for freight rate differences permitted the coals of the Lone Star Mine (Mine Index No. 55) of the Lone Star Coal Company, Incorporated, a code member in District No. 11, on shipments to Market Area 33 be deleted from the Schedule of Effective Minimum Prices for District No. 11, For All Shipments Except Truck. This deduction of 10 cents appears on the chart setting forth deductions for shipments to Market Area 33 in § 331.9 (*Adjustments in f. o. b. mine prices*) in the Schedule of Effective Minimum Prices for District No. 11, For All Shipments Except Truck.

It appears that the schedule of deductions for freight rate differences for coal shipped from mines in District No. 11 to all destinations in Market Area 33 was established in General Docket No. 15 upon a basis of a freight rate of 53 cents per net ton enjoyed by certain mines in District No. 11. All mines which had freight rates on such shipments in excess of 53 cents per ton were permitted an absorption not exceeding 10 cents per ton in order to coordinate with the mines enjoying the lower freight rate of 53 cents per ton. The Lone Star Mine (Mine Index No. 55) enjoys a freight rate on shipments to Market Area 33 of 53 cents per ton which rate was established in Supplement 30 to Illinois Freight Rate Association Tariff Bureau, Freight Tariff 9–B, I. C. C. No. 292, I. R. C. No. 67, issued by R. A. Sperry, Agent, effective July 12, 1937.

It appears, therefore, that the establishment of a freight rate deduction of 10 cents for the coals of Mine Index No. 55 was the result of a typographical error and that this error should be corrected;

Now, therefore, it is ordered That, Commencing fifteen (15) days from the date hereof, the chart setting forth deductions for shipments to Market Area 33 appearing in § 331.9 (*Adjustments in f. o. b. mine prices*) in the Schedule of Effective Minimum Prices for District No. 11, For All Shipments Except Truck, be amended by deleting therefrom the deduction of 10 cents for Mine Index No. 55.

It is further ordered, That applications to stay, terminate, or modify this order may be filed with the Division within forty-five (45) days from the date hereof pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That this order shall become final sixty (60) days from the date hereof unless it shall otherwise be ordered.

Dated: March 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1949; Filed, March 6, 1942; 10:24 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 1055—WOOL

Amendment No. 1 to General Conservation Order M–73–a[1]

Section 1055.2 (*General Conservation Order M–73–a*) is hereby amended in the following respect:

The first clause of paragraph (c) (1) is amended to read as follows:

(1) *Curtailment on use of wool cloth in the manufacture of coats, trousers, vests or suits.* No person shall put into process or cause to be put into process by others for his account any wool cloth for the manufacture of * * *.

This amendment shall take effect immediately. Issued this 6th day of March 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Session, as amended by Pub. No. 89, 77th Cong., 1st Sess.)

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1970; Filed, March 6, 1942; 11:59 a. m.]

PART 1109—MICA

Conservation Order No. M–101 Curtailing the Use of Mica

Whereas national defense requirements have created a shortage of certain types of Mica for the combined needs

[1] 7 F.R. 1670.

of defense, private account and export; and the supply of such Mica now is and will be insufficient for defense and civilian requirements unless its use in the manufacture of many products where such use is not absolutely necessary for the defense or essential civilian requirements is curtailed or prohibited as hereinafter provided;

Now, therefore, it is hereby ordered, That:

§ 1109.1 *Conservation Order M–101*—(a) *Definitions.* (1) "Block Mica", as hereinafter used, means mica in block form, and all mica either cut or split to specified size or thickness therefrom.

(2) The term "of a quality better than heavy-stained", as hereinafter used, means that the mica in question contains no mineral inclusions. The term "heavy-stained" means that the mica in question contains mineral inclusions.

(3) "To put into process" means to use or assemble mica, or to make any change in the form, shape or size of mica from that form, shape or size in which it was received by the person making the change.

(b) *Restrictions on use of block mica.* On and after the effective date of this Order, no person shall put into process any Block Mica of a quality better than heavy-stained except when such Block Mica is to be physically incorporated into any article which is being produced for delivery under a contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development or for any foreign country pursuant to the Act of March 11, 1941 entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act), and then only when in any such case the use of Block Mica of a quality better than heavy-stained is required by the specifications of the prime contract.

(c) *Forms.* Each person putting into process after the effective date hereof any Block Mica of a quality better than heavy-stained pursuant to paragraph (b) hereof or following the granting of an appeal, shall make a report on Form PD–325 covering the putting into process of such Block Mica for each week in which such putting into process takes place. Such reports shall be filed with the War Production Board within 7 days of the end of the week for which the report is made.

(d) *Miscellaneous provisions*—(1) *Appeals.* Any Person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Block Mica of a quality better than "heavy-stained" Block Mica conserved, or that compliance with this Order would disrupt or impair defense work may appeal to the War Production Board, Washington, D. C., Reference M–101 setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(2) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(3) *Applicability of Order.* The prohibitions and restrictions contained in this Order shall apply to the putting into process of material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof. Insofar as any other Order of the Director of Priorities or of the Director of Industry Operations may have the effect of limiting or curtailing to a greater extent than herein provided the putting into process of Block Mica of a quality better than "heavy-stained", the limitations of such other Order shall be observed.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed be addressed to: War Production Board, Mica-Graphite Branch, Washington, D. C. Ref: M–101.

(5) *Violations or false statements.* Any Person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Industry Operations, or who otherwise wilfully furnishes false information to the Director of Industry Operations or to the War Production Board or its Chairman, may be deprived of priorities assistance or may be prohibited by the Director of Industry Operations from obtaining any further deliveries of materials subject to allocation. The Director of Industry Operations may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(6) *Effective date.* This Order shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 6th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1979; Filed, March 6, 1942; 11:59 a. m.]

PART 1112—OFFICE MACHINERY

General Limitation Order L–54—Temporarily Restricting Delivery of New and Used Typewriters

Whereas the conduct of this war requires a heavy increase in the production of war material, it is necessary to convert existing facilities to secure increased production thereof; and the production of typewriters is to be curtailed; and

Whereas the requirements of war have created a shortage for defense, private account and export of metals and other materials used by typewriter manufacturers; and

Whereas it is necessary to take the measures hereinafter set forth in the public interest, to promote the defense of the United States, to secure increased production of war material, and to insure an adequate supply of typewriters for war and essential civilian requirements:

Now, therefore, it is hereby ordered, That:

§ 1112.1 *General Limitation Order L–54*—(a) *Prohibition of deliveries of new and used typewriters.* On and after the date of issue of this order, regardless of the terms of any contract of sale or purchase or other commitment, or of any preference rating certificate, no person shall physically deliver to any other person any new or used typewriter except as follows:

(1) Unless expressly authorized by the Director of Industry Operations, a new typewriter may be physically delivered, only as follows:

(i) To any consignee, if actually in transit at the time this order takes effect;

(ii) To any Manufacturer of typewriters located in the United States; or

(iii) To any dealer or distributor by any other dealer or distributor.

(2) Any used typewriter may be physically delivered to any person who presents such certificate and complies with such conditions as may be prescribed by the Office of Price Administration.

Pending the issuance of rules and regulations by the Office of Price Administration, rationing the sale, transfer, or other disposition of used typewriters, physical deliveries of used typewriters may be made as follows:

(i) To any of the persons in categories (i), (ii), (iii), above;

(ii) To any person for repair, and to return a repaired typewriter to the owner;

(iii) To return a leased typewriter to the lessor, or to extend for a period expiring not later than April 1, 1942, any lease in effect at the time this order takes effect;

(iv) To any person who in good faith has lent money on the security of a typewriter, or has financed the sale of a typewriter and who repossesses or otherwise acquires the same in conform-

ity with the terms of an agreement of loan or sale;

(v) By any user who possesses only one typewriter, to any person.

(b) The term "used typewriter" means any portable or non-portable typewriter (including noiseless and electric types) which at any time has been delivered to any person acquiring it for use, and includes rebuilt typewriters.

The term "new typewriter" means any portable or non-portable typewriter (including noiseless and electric types) which has not yet been delivered to any person acquiring it for use, but does not include rebuilt typewriters.

(c) *Communications.* All communications concerning this Order shall be addressed to: War Production Board, Washington, D. C.; Ref.: L-54.

(d) *Effective date.* This Order shall take effect at 12:01 a. m., Eastern War Time, March 6, 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 5th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1969; Filed, March 6, 1942; 11:59 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

[Docket No. 3055-2-E]

PART 1330—CONTAINERS

IN THE MATTER OF GODCHAUX SUGARS, INC., NEW ORLEANS

Order No. 1 Under Revised Price Schedule No. 55 [1]—Second Hand Bags

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

§1330.51 *Order 1 under Revised Price Schedule 55.* (a) Godchaux Sugars, Inc., New Orleans, Louisiana, may sell and deliver, and agree, offer, solicit, and attempt to sell and deliver, the kinds and grades of second hand bags set forth in paragraph (b), at prices not in excess of those stated therein. Any person may buy and receive, and agree, offer, solicit, and attempt to buy and receive, such kinds and grades of second hand bags at such prices from Godchaux Sugars, Inc., New Orleans, Louisiana.

[1] 7 F.R. 1312.

(b).

Size	Weight	Description	Grade	Maximum price per bag, f. o. b. point of shipment
	Lb.			*Ct.*
48" x 29".	2¼	Second hand Cuban raw sugar bags.	Mendable...	20
48" x 29".	2½	Second hand Cuban raw sugar bags.	Mended....	26

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(d) Unless the context otherwise requires, the definitions set forth in § 1330.59 of Revised Price Schedule No. 55 shall apply to the terms used herein.

(e) (1) This Order No. 1 shall become effective March 6, 1942. (Pub. No. 421, 77th Cong., 2d Sess.)

Issued this 5th day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1954; Filed, March 6, 1942; 9:20 a. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

Correction

The signature to F.R. Doc. 42-1766 appearing at page 1647 of the issue for March 3, 1942, should read as follows:

LEON HENDERSON,
Administrator.

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER III—GRAZING SERVICE

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

ELIMINATION FROM UTAH GRAZING DISTRICT NO. 2 [1]

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U.S. Code, sec. 315, *et seq.*), as amended, commonly known as the Taylor Grazing Act, the departmental order of April 8, 1935, establishing Utah Grazing District No. 2, is hereby revoked as far as it affects the following-described lands, such revocation to be effective upon the reservation of the land for the use of the War Department as a range for the use of the Chemical Warfare Service:

[1] Affects tabulation in § 502.1e.

UTAH

SALT LAKE MERIDIAN

Tps. 7 and 8 S., R. 10 W., all;
Tps. 6, 7, and 8 S., R. 11 W., all;
T. 8 S., R. 12 W, secs 1 to 3, secs. 10 to 15, secs. 22 to 27, and secs. 34 to 36, inclusive.

HAROLD L. ICKES,
Secretary of the Interior.

JANUARY 29, 1942.

[F. R. Doc. 42-1936; Filed, March 5, 1942; 3:40 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-221]

IN THE MATTER OF LONE STAR COAL COMPANY, INCORPORATED, CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 15, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on January 17, 1942, by Bituminous Coal Producers Board for District No. 11, complainant, with the Bituminous Coal Division (the "Division"), alleging violation by the Lone Star Coal Company, Incorporated (the "Code member") of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 8, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to Sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging violations by the above-named Code member as follows:

That during the period November 9, 1940, to July 15, 1941, both dates inclusive, the Lone Star Coal Company, Inc., Code member, Terre Haute, Indiana, or its duly authorized agent, prepaid freight charges of 53 cents per net ton on 34 cars of rail coal, ⅜" x 0 carbon, Size Group 15, produced by it at its Lone Star No. 3 Mine, Mine Index No. 118, located in Nevins Township, Vigo County, Indiana, and at its Lone Star No. 1 Mine, Mine Index No. 55, located in Posey Township, Clay County, Indiana, which it sold to the Columbian Enameling and Stamping Company, Inc., Terre Haute, Indiana, thereby violating the provisions of Rule 1 (J) of section VII of the Marketing Rules and Regulations.

Dated: March 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-1946; Filed, March 6, 1942; 10:24 a. m.]

[Docket No. A-1297]

PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 13

[Docket No. A-1297, Part II]

PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED BY THE CONNELLSVILLE DRIFT MINE, MINE INDEX NO. 1466, OF THE PLATEAU COAL & COKE CO., IN SIZE GROUP 11 FOR ALL SHIPMENTS EXCEPT TRUCK; PRODUCED BY MINES HAVING MINE INDEX NOS. 113, 136, 141, 193, 198, 221, 298, 301, 317, 339, 342, 356, 367, 386, 744, 1059, 1128, 1215, 1271, 1276, 1318, 1360, AND 1433, IN SIZE GROUP 20 FOR ALL SHIPMENTS EXCEPT TRUCK; AND PRODUCED BY THE JEFFERSON NO. 1 MINE, MINE INDEX NO. 1458, OF W. P. HEADRICK, IN SIZE GROUP 23 FOR TRUCK SHIPMENTS

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1297 PART II FROM DOCKET NO. A-1297, ORDER GRANTING TEMPORARY RELIEF IN PART IN DOCKET NO. A-1297 PART II, AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1297 PART II

The original petition in the above-entitled matter which was filed with this Division requests the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 13.

As found in an order issued in Docket No. A-1297, a reasonable showing of necessity has been made for the relief prayed for by the petitioner except as to the establishment of price classifications and minimum prices of the coals produced by The Connellsville Drift Mine, Mine Index No. 1466, of the Plateau Coal & Coke Co., in Size Group 11, for all shipments except truck; produced by mines having Mine Index Nos. 113, 136, 141, 193, 198, 221, 298, 301, 317, 339, 342, 356, 367, 386, 744, 1059, 1128, 1215, 1271, 1276, 1318, 1360, and 1433, in Size Group 20, for all shipments except truck; or produced by the Jefferson No. 1 Mine, Mine Index No. 1458, of W. J. Headrick, in Size Group 23, for truck shipments.

The petition of District Board No. 13 proposes a minimum price of $2.90 in Size Group 11 for all shipments except truck for the Connellsville Drift Mine, Mine Index No. 1466, of the Plateau Coal & Coke Co. It appears, however, that the coals of no mine in District 13 have a minimum price of $2.90 in Size Group 11, for all shipments except truck, and that the original petition has not set forth sufficient facts to warrant the establishment of this minimum price upon a temporary and conditionally final basis.

The petition of District Board 13 proposes a minimum price of $2.80 in Size Group 20, for all shipments except truck, for the coals produced by the mines having Mine Index Nos. 113, 136, 141, 193, 198, 221, 298, 301, 317, 339, 342, 356, 367, 386, 744, 1059, 1128, 1215, 1271, 1276, 1318, 1360, and 1433. It appears, however, that the coals of no mine in District 13 have a minimum price of $2.80 in Size Group 20, for all shipments except truck, and that the original petition has not set forth sufficient facts to warrant the establishment of this minimum price upon a temporary and conditionally final basis.

The petition of District Board No. 13 proposes a minimum price of $2.25 in Size Group 23, for truck shipments, for the coals of the Jefferson No. 1 Mine, Mine Index No. 1458, of W. P. Headrick. It appears, however, that the coals of no mine in the Jefferson Seam have a minimum price lower than $2.50 in Size Group 23, for truck shipments, and that the original petition has not set forth sufficient facts to warrant the establishment of the minimum price proposed.

Now, therefore, it is ordered, That the portion of Docket No. A-1297 relating to the coals produced by the Connellsville Drift Mine, Mine Index No. 1466, of the Plateau Coal & Coke Co., in Size Group 11, for all shipments except truck; produced by the mines having Mine Index Nos. 113, 136, 141, 193, 198, 221, 298, 301, 317, 339, 342, 356, 367, 386, 744, 1059, 1128, 1215, 1271, 1276, 1318, 1360, and 1433, in Size Group 20, for all shipments except truck; and produced by the Jefferson No. 1 Mine, Mine Index No. 1458, of W. P. Headrick, in Size Group 23, for truck shipments, respectively, be and the same hereby is severed from the remainder of Docket No. A-1297 and designated as Docket No. A-1297 Part II.

It is further ordered, That a hearing in Docket No. A-1297 Part II under the applicable provisions of said Act and the rules of the Division be held on April 2, 1942, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said

hearing from time to time, and to prepare and submit to the undersigned proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 28, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 13 For the Establishment of Price Classifications and Minimum Prices for the coals produced by the Connellsville Drift Mine, Mine Index No. 1466, of the Plateau Coal & Coke Co., in Size Group 11, for all shipments except truck; produced by mines having Mine Index Nos. 113, 136, 141, 193, 198, 221, 298, 301, 317, 339, 342, 356, 367, 386, 744, 1059, 1128, 1215, 1271, 1276, 1318, 1360, and 1433, in Size Group 20, for all shipments except truck; and produced by the Jefferson No. 1 Mine, Mine Index No. 1458, of W. P. Headrick, in Size Group 23, for truck shipments.

It is further ordered, That pending final disposition of Docket No. A–1297 Part II, temporary relief is granted as follows: Commencing forthwith Price Schedule No. 1 for District No. 13, For All Shipments Except Truck, is supplemented to include the price classifications and minimum prices set forth in the Schedules marked "Supplement R" and "Supplement T" annexed hereto and made a part hereof.

Notice is hereby given that applications to stay, terminate or modify the temporary relief granted herein may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: March 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–1947; Filed, March 6, 1942; 10:24 a. m.]

[Docket No. A–1302]

PETITION OF RIMERSBURG COAL MINING COMPANY, INC., FOR PERMISSION TO SELL 17 CARLOADS OF SLACK COAL TO THE PENNSYLVANIA RAILROAD FOR RAILROAD FUEL USE AT A PRICE OF $1.50 PER NET TON F. O. B. THE MINE

MEMORANDUM OPINION AND ORDER CONCERNING PRAYER FOR TEMPORARY RELIEF

A petition, pursuant to the Bituminous Coal Act of 1937, was filed on February 3, 1942, with this Division by the Rimersburg Coal Mining Company, Inc., a code member in District 1, requesting permission to sell to the Pennsylvania Railroad for locomotive fuel use sixteen 70-ton railroad carloads of 2" nut and slack coal and one 70-ton railroad carload of 1¼" slack coal, produced at its Fox Mine (Mine Index No. 2989), presently loaded and unbilled at the petitioner's mine, at an f. o. b. mine price of $1.50 per net ton.

Pursuant to the request of the petitioner for temporary relief and pursuant to the provisions of Section 301.106 of the Rules and Regulations Governing Practice and Procedure in 4 II (d) cases, and pursuant to due notice to all interested persons, an informal conference concerning the prayer for temporary relief was held by this Division on February 18, 1942.

The original petitioner, District Boards Nos. 2 and 3, and the Bituminous Coal Consumers' Counsel were represented at the conference. The record of the conference was submitted to the undersigned.

From the record the following appears: Early in December 1941, the Central-West Coal Company, sales agent of the petitioner, advised the petitioner that it expected to be able to dispose of approximately twenty 70-ton railroad carloads of slack coal, for shipment to the lakes. Relying upon this advice, the petitioner loaded the twenty carloads at its Fox Mine. For some reason, the steamer was not available and petitioner was not able to dispose of the twenty carloads of coal for shipment over the lakes, and the twenty cars remained on hand as unbilled coal. Excessive rains and snows raised the moisture content considerably and, when this was followed by heavy freezes, the coal froze in the cars, practically into a solid frozen mass. Petitioner exerted special effort to make sales of the coal in question and succeeded in disposing of 3 carloads in that condition but the purchasers declined to accept further shipments, and at the time of filing the original petition the petitioner had 17 cars on hand unbilled. It has made special effort to dispose of the 17 cars and has been unable to do so, with the exception that the Pennsylvania Railroad, in order to release the railroad equipment and in consideration of the condition of the coal, has agreed to purchase it at $1.50 per net ton f. o. b. the mine. It appears that the coal is crop coal.

District Boards 1 and 6 indicated by telegraph to the Division that they have no objection to granting the relief requested. District Board 3 participated actively in the conference in opposition to the relief requested. District Board 2 and the Consumers' Counsel were favorable to granting the relief prayed for by the petitioner.

It appears that the principal basis for the opposition is the fear that the granting of the relief requested will establish a precedent for the granting of similar relief under similar and related circumstances, and that such precedent would be unwise. It further appears that there is little likelihood of the petitioner being able to move the coal until the cold weather is over, unless it disposes of it to the railroad which has facilities for thawing frozen coal. It also appears that it would be desirable to release the railroad equipment involved, and there appears no way in which such equipment can be released unless at exorbitant expense to the petitioner.

The granting of temporary relief in this case should not and will not be permitted to serve as a precedent unless for guidance in peculiarly abnormal situations such as are presented in this record. Consequently, the granting of relief on the particular facts and circumstances disclosed by this record will not serve as a precedent for reducing the prices of slack coal ordinarily produced and stored in or about the mine, or otherwise. The coal in question was not "stored" in any point of view. The petitioner loaded the coal into cars with the understanding that the coal was sold. In this he was wrong.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in this proceeding, and that injury is imminent unless such relief is granted. It further appears that the granting of the temporary relief requested would not injure or place at any disadvantage any of the petitioner's competitors or code members generally.

Now, therefore, it is ordered, That, temporary relief is granted as follows: Rimersburg Coal Mining Company, Inc., a code member in District No. 1 is authorized to sell to the Pennsylvania Railroad sixteen 70-ton carloads of 2" nut and slack coal and one 70-ton carload of 1¼" slack coal (which coal is now loaded in these seventeen cars and is in a frozen state) produced at its Fox Mine (Mine Index No. 2989) at a price of not less than $1.50 per ton f. o. b. the mine.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted, may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: March 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–1948; Filed, March 6, 1942; 10:24 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

[Docket No. AO–165]

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER REGULATING THE HANDLING OF FRESH PEACHES GROWN IN THE STATES OF SOUTH CAROLINA AND NORTH CAROLINA

Notice is hereby given of a hearing to be held in the Hotel Cleveland, Spartanburg, South Carolina, at 9:30 a. m., e. w. t., March 23, 1942, and in the Superior Court Room, Court House, Rockingham, North Carolina, at 9: 30 a. m., e. w. t., March 26, 1942, relative to a proposed marketing agreement and a proposed order regulating such handling of fresh peaches grown in the States of South Carolina and North Carolina as is in the current of interstate or foreign commerce, or as directly burdens, obstructs, or affects such commerce.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 *et seq.*), and in accordance with the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (7 CFR 900.4).

This public hearing is for the purpose of receiving evidence (a) as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and (b) as to the specific provisions which a marketing agreement and order should contain.

The proposed marketing agreement and the proposed order provide, in similar terms, a plan for the regulation of the aforesaid handling of peaches, and include, among other matters relating to such regulation, provisions for: (1) the establishment of the Industry Committee consisting of 12 producer members; (2) the establishment of the Distributors' Advisory Committee consisting of 9 handler members; (3) the levying of assessments to cover expenses of the committees incident to the administration of such program; (4) prohibiting the handling of peaches which do not meet the maturity requirements set forth in the U. S. Standards for Peaches, issued by the United States Department of Agriculture, effective April 22, 1933, or as such standards may be modified, revised, or new standards promulgated; (5) the regulation of shipments by grades or sizes, or combinations thereof; (6) inspection of shipments by an authorized representative of the Federal-State Inspection Service; and (7) reports by handlers to the Industry Committee.

Copies of the proposed marketing agreement and order may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0312 South Building, Washington, D. C., or may be there inspected.

Dated: March 6, 1942.

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture.[1]

[F. R. Doc. 42–1967; Filed, March 6, 1942; 11:48 a. m.]

[Docket No. AO 163]

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND A PROPOSED ORDER REGULATING THE HANDLING OF MILK IN THE COOK-DUPAGE COUNTIES, ILLINOIS, MARKETING AREA (INCLUDING THE CITY OF BARRINGTON, LAKE COUNTY, ILLINOIS)

Notice is hereby given of a hearing to be held at the DuPage County Court House, Wheaton, Illinois, beginning at 10:00 a. m., c. w. t., March 26, 1942, with respect to a proposed marketing agreement and a proposed order regulating the handling of milk in the Cook-DuPage Counties, Illinois, marketing area (including the city of Barrington, Lake County, Illinois).

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 et seq.), and in accordance with the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (7 CFR 900.4).

This public hearing is for the purpose of receiving evidence with respect to the proposed marketing agreement and order the provisions of which are hereinafter set forth in detail. The proposed marketing agreement and order have not received the approval of the Secretary of Agriculture, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposed marketing agreement and order. The provisions of the proposed marketing agreement and order are as follows:

PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER AS SUBMITTED BY PURE MILK ASSOCIATION

SECTION 1. *Definitions*—(a) *Terms.* The following terms used herein shall have the following meanings:

(1) "Marketing area" means all of the territory within the corporate limits of the city of Barrington in Lake County, Illinois, and all of the territory within Cook and Du Page Counties, Illinois, except the marketing area described in Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area, and excepting the townships of Bremen, Calumet, Thornton, Rich, Orland, Bloom, and Hanover, and excepting that part of the city of Blue Island which is in the township of Worth, in Cook County, Illinois.

(2) "Person" means individual, partnership, corporation, association, or other business unit.

(3) "Producer" means any person who produces milk which is purchased or received by a handler at a plant from which fluid milk is used as Class I milk in the marketing area, excluding any person who is a producer under Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area:

Provided, That upon proof satisfactory to the market administrator that such plant does not regularly furnish milk for Class I use in the marketing area, persons delivering milk to such plant shall not be considered to be producers.

(4) "Handler" means any person who engages in handling milk, all, or any portion, of which is used as Class I milk in the marketing area, and who engages in such handling of milk as is in the current of interstate commerce, or which directly burdens, obstructs, or affects interstate commerce in milk and its products. This definition shall not be deemed to include the handling of any milk which is subject to the provisions of Federal Order No. 41, as amended, regulating the handling of milk in the Chicago, Illinois, marketing area.

(5) The term "market administrator" means the agency which is described in section 2 for the administration hereof.

(6) The term "delivery period" means the period from the effective date hereof until the end of the month in which such effective date occurs, and thereafter such term shall mean the current marketing period from the first to the last day of each month, both days inclusive.

(7) The term "cooperative association" means any cooperative association of producers which the Secretary determines (a) to have its entire activities under the control of its members and (b) to have and to be exercising full authority in the sale of milk of its members.

(8) The term "act" means Public Act No. 10, 73rd Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937.

(9) The term "Secretary" means the Secretary of Agriculture of the United States.

SEC. 2. *Market administrator*—(a) *Selection, removal, and bond.* The agency for the administration hereof shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

[1] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192).

(b) *Compensation.* The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

(c) *Powers.* The market administrator shall have the power: (1) to administer the terms and provisions hereof, and (2) report to the Secretary complaints of violations hereof.

(d) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein;

(2) Submit his books and records to examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request;

(4) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(5) Publicly disclose, after reasonable notice, the name of any person who has not made reports pursuant to section 3, or make payments required by section 8;

(6) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation hereof as does not reveal confidential information;

(7) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof; and

(8) Pay, out of the funds received pursuant to section 9, the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties.

(e) *Announcement of prices.* The market administrator shall compute and publicly announce prices as follows:

(1) Not later than the 5th day after the end of each delivery period, the prices for all classes of milk pursuant to section 5 (a), the differential pursuant to section 5 (c), and the Class I prices applicable pursuant to section 5 (e).

(2) Not later than the 14th day after the end of each delivery period, the uniform price for each handler computed pursuant to section 7 (b).

SEC. 3. *Reports of handlers*—(a) *Submission of reports.* Each handler shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(1) On or before the 7th day after the end of each delivery period, each handler who purchases or receives milk during such delivery period from associations of producers and other handlers, with respect to all milk purchased or received from such sources, shall submit to the market administrator and to the association of producers or handlers from whom the milk was received, a record of the utilization of such milk, classified pursuant to section 4.

(2) On or before the 10th day after the end of each delivery period, the quantity, the butterfat test, and butterfat pounds of (a) the receipts of milk at each plant from producers, (b) the receipts of milk and cream at each plant from other handlers, (c) the receipts of milk or cream from sources other than producers and handlers, if any, (d) the receipts at each plant of the milk produced by him, if any, and (e) the utilization of all receipts of milk and cream for the delivery period.

(3) On or before the 10th day after the end of each delivery period, the information requested with respect to producer additions, producer withdrawals, and changes in names of farm operators.

(4) On or before the 10th day after the end of each delivery period, the sale or disposition of milk outside the marketing area pursuant to section 5 (e) as follows: (a) the amount and the utilization of such milk, (b) the butterfat test thereof, (c) the point of use, (d) the plant from which such milk was shipped, and (e) such other information with respect thereto as the market administrator may request.

(5) On or before the 25th day after the end of each delivery period, his producer pay roll which shall show for each producer (a) the total delivery of milk with the average butterfat test thereof, (b) the net amount of payment to such producer made pursuant to section 8, (c) any deductions and charges made by the handler, and (d) such other information with respect thereto as the market administrator may request.

(b) *Verification of reports and payments.* The market administrator shall verify all reports and payments of each handler by audit of such handler's records, and of the records of any other handler or person upon whose disposition of milk such handler claims classification. Each handler shall keep adequate records of receipts and utilization of milk and shall make available to the market administrator or his representatives during the usual hours of business such records and facilities as will enable the market administrator to:

(1) Verify the receipts and disposition of all milk required to be reported pursuant to this section, and, in case of errors or omissions, ascertain the correct figures;

(2) Weight, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends; and

(3) Verify the payments to producers prescribed in section 8.

SEC. 4. *Classification of milk*—(a) *Basis of classification.* All milk received by a handler from producers, associations of producers, and other handlers, including milk produced by him, if any, and including milk or cream purchased or received from sources other than producers or handlers, if any, shall be reported by the handler in the classes set forth in paragraph (b) of this section, subject to the following conditions: (1) Milk or skim milk delivered by a handler to another handler shall be classified as Class I milk, and cream so delivered shall be classified as Class II milk: *Provided*, That if a different classification is agreed upon in written reports to the market administrator then the milk, skim milk, and cream shall be classified according to such agreement: *Provided*, That in no event, the amount so reported in any class be greater than the amount used in that class by the receiving handler. (2) Any milk moving from the plant of a handler to the plant of a nonhandler who distributes fluid milk shall be classified as Class I milk and any cream moved to such nonhandler shall be classified as Class II milk except for milk and cream in excess of the amount of Class I or Class II milk distributed by such nonhandler. (3) Any milk or cream moving from the plant of a handler to the plant of a nonhandler who does not distribute fluid milk shall be classified according to its use by such nonhandler, subject to verification by the market administrator. (4) Milk that has moved from a plant, which has been determined by the market administrator as not regularly furnishing milk for Class I use and as not receiving milk from producers, to a handler's plant at which milk is received from producers shall be classified in the lowest class for which such handler has milk: *Provided*, That, upon satisfactory evidence to the market administrator, that such milk was needed and used in a higher classification, then such milk may be prorated on the basis of such handler's utilization of all milk. (5) Milk received by a handler in the form of cream from a nonhandler shall be prorated to and on the basis of such handler's Class II, Class III, and Class IV milk. (6) Any milk or cream subject to Order 41, as amended, and received by a handler shall be classified as Class I or Class II milk respectively.

(b) *Classes of utilization.* Subject to the conditions set forth in paragraph (a) of this section, the classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk disposed of in the form of fluid milk, including bulk milk disposed of to hotels, restaurants, and other retail food establishments, but excluding bulk milk disposed of to bakeries, soup companies, and candy manufacturing establishments which do not distribute fluid milk, and all milk not accounted for as Class II milk, Class III milk, or Class IV milk.

(2) Class II milk shall be all milk, except skim milk, disposed of in the form of flavored milk and flavored milk drinks, and all milk the butterfat from which is disposed of in the form of sweet or sour cream, cottage cheese, and buttermilk.

(3) Class III milk shall be all milk the butterfat from which is used to produce a milk product other than one of those specified in Class II and Class IV, and all bulk milk disposed of to bakeries, soup companies, and candy manufacturing establishments, which do not distribute fluid milk.

(4) Class IV milk shall be all milk the butterfat from which is used to produce butter and cheese, except cottage cheese, and all milk accounted for as actual plant shrinkage: *Provided*, That such plant shrinkage shall not exceed 2 percent of the total receipts of milk from producers.

(c) *Responsibility of handlers in establishing the classification of milk.* In establishing the classification of milk as required in paragraph (b) of this section, the responsibilities of handlers in establishing the classification of milk received by them shall be as follows:

(1) In establishing the classification of any milk received by a handler from producers, the burden rests upon the handler who receives the milk from producers to account for the milk and to prove to the market administrator that such milk should not be classified as Class I milk.

(2) With respect to milk, or skimmed milk, disposed of to another handler, the burden rests upon the handler who purchased the milk from producers to account for the milk, or skimmed milk, and to prove to the market administrator that such milk, or skimmed milk, should not be classified as Class I milk: *Provided*, That if verification by the market administrator discloses a higher utilization than that reported pursuant to section 3 (a) (1) for milk purchased by a handler from a cooperative association, the market administrator shall notify the purchasing handler and such handler shall within 5 days after notification by the market administrator make adjustment to such cooperative association on the basis of such higher utilization as verified by the market administrator.

(d) *Computation of milk in each class.* For each delivery period, each handler shall compute, in the manner and on forms prescribed by the market administrator, the amount of milk in each class, as defined in paragraph (b) of this section, as follows:

(1) Determine the total pounds of milk (a) received from producers, (b) produced by him, if any, (c) received from other handlers, if any, (d) received from other sources, if any, and (e) add together the resulting amounts.

(2) Determine the total pounds of butterfat received as follows: (a) multiply the weight of the milk received from producers by its average butterfat test, (b) multiply the weight of the milk produced by him, if any, by its average butterfat test, (c) multiply the weight of the milk received from other handlers, if any, by its average butterfat test, (d) multiply the weight of the milk received from other sources if any, by average butterfat tests, and (e) add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows: (a) convert to quarts the quantity of milk disposed of in the form of milk except such milk as is used for purposes for which no approval by health authorities in the marketing area is necessary, and multiply by 2.15, (b) multiply the result by the average butterfat test of such milk, and (c) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk, Class III milk, and Class IV milk, computed pursuant to subparagraphs (4) (b), (5) (b), and (6) (c) of this paragraph, is less than the total pounds of butterfat received, computed in accordance with subparagraph (2) of this paragraph, an amount equal to the difference shall be divided by 3.5 percent and added to the quantity of milk determined pursuant to (a) of this subparagraph.

(4) Determine the total pounds of milk in Class II as follows: (a) multiply the actual weight of each of the several products of Class II milk by its average butterfat test, (b) add together the resulting amounts, and (c) divide the result obtained in (b) of this subparagraph by 3.5 percent.

(5) Determine the total pounds of milk in Class III as follows: (a) multiply the actual weight of each of the several products of Class III milk by its average butterfat test, (b) add together the resulting amounts, and (c) divide the result obtained in (b) of this subparagraph by 3.5 percent.

(6) Determine the total pounds of milk in Class IV as follows: (a) multiply the actual weight of each of the several products of Class IV milk by its average butterfat test, (b) add together the resulting amounts, (c) subtract the total pounds of butterfat in Class I milk, Class II milk, and Class III milk, computed pursuant to subparagraphs (3) (b), (4) (b), and (5) (b) of this paragraph, and the total pounds of butterfat computed pursuant to (b) of this subparagraph, from the total pounds of butterfat computed pursuant to subparagraph (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shrinkage allowance exceed 2 percent of the total receipts of butterfat from producers by the handler) and shall be added to the result obtained in (b) of this subparagraph, and (d) divide the result obtained in (b) of this subparagraph by 3.5 percent.

(7) Determine the classification of milk received from producers as follows:

(i) Subtract from the total pounds of milk in each class the total pounds of milk which were received from other handlers and used in such class.

(ii) Subtract from the total pounds of milk in each class the total pounds of milk which were received from sources other than producers and handlers and used in such class.

(iii) Subtract pro rata out of the remaining milk in each class the quantity of milk received from the handler's own farm.

(iv) Except as set forth in paragraph (e) of this section, the result shall be known as the "net pooled milk" in each class.

(e) *Reconciliation of utilization of milk by classes with receipts of milk from producers.* (1) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (d) of this section, is less than the receipts of milk from producers, the market administrator shall increase the total pounds of milk in Class IV for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler, which result shall be known as the "net pooled milk" in each class.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (d) of this section, is greater than the receipts of milk from producers, the market administrator shall decrease the total pounds of milk in Class IV for such handler by an amount equal to the difference between the receipts of milk from producers and the total utilization of milk by classes for such handler, which result shall be known as the "net pooled milk" in each class.

SEC. 5. *Minimum prices*—(a) *Class prices.* (1) Except as set forth in paragraph (e) of this section and subject to the differentials set forth in paragraphs (c) and (d) of this section, each handler shall pay, at the time and in the manner set forth in Section 8, for milk purchased or received by such handler at any plant located not more than 70 miles by rail or highway, whichever is the shorter, from the City Hall in Chicago, Illinois, not less than the prices set forth in this paragraph. Any handler who purchases or receives, during any delivery period, milk from a cooperative association which is also a handler shall, on or before the 15th day after the end of the delivery period, pay such cooperative association in full for such milk at not less than the minimum class prices, with appropriate differentials, applicable pursuant to this section.

(2) Class I milk—The price per hundredweight for Class I milk during each delivery period, except the delivery periods of May and June, shall be the price determined pursuant to paragraph (b) of this section, plus 70 cents; and during the delivery periods fo May and June the price per hundredweight for Class I milk shall be the price determined pursuant to paragraph (b), plus 50 cents: *Provided*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be $2.20 per hundredweight.

(3) Class II milk—The price per hundredweight for Class II milk during each delivery period, except the delivery periods of May and June, shall be the price determined pursuant to paragraph (b) of this section, plus 32 cents; and during the delivery periods of May and June the price per hundredweight for Class II milk shall be the price determined pursuant to paragraph (b) of this section, plus 20 cents.

(4) Class III milk—The price per hundredweight for milk containing 3.5 percent butterfat during each delivery period shall be the average, computed by the administrator, of prices, as reported to the United States Department of Agriculture, paid during such delivery period to farmers at each of the places or evaporated milk plants where milk is purchased or received for evaporating

purposes listed in this subparagraph and for which prices are reported, but in no event shall such price be less than the price computed pursuant to the formula set forth in paragraph (b) of this section.

Location of evaporated milk plants:

Mt. Pleasant, Mich.
Sparta, Mich.
Hudson, Mich.
Wayland, Mich.
Coopersville, Mich.
Greenville, Wis.
Black Creek, Wis.
Oxfordville, Wis.
Chilton, Wis.
Berlin, Wis.
Richland Center, Wis.
Oconomowoc, Wis.
Jefferson, Wis.
New Glarus, Wis.
Belleville, Wis.
New London, Wis.
Manitowoc, Wis.
West Bend, Wis.

(5) Class IV milk—Multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 20 percent: *Provided*, That such price shall be subject to the following adjustments: (1) add 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption is above 5½ cents per pound, or (2) subtract 3½ cents per hundredweight for each full one-half cent that the price of such dry skim milk is below 5½ cents per pound. For purposes of determining this adjustment the price per pound of dry skim milk to be used shall be the average of the carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, as published by the United States Department of Agriculture for a Chicago area during the delivery period, including in such average the quotations published for any fractional part of the previous delivery period which were not published and available for the price determination of such dry skim milk for the previous delivery period. In the event the United States Department of Agriculture does not publish carlot prices for dry skim milk for human consumption, f. o. b. manufacturing plant, the average of the carlot prices for dry skim milk for human consumption, delivered at Chicago, shall be used. In the latter event the Class IV price shall be subject to the following adjustments: (1) add 3½ cents per hundredweight for each full one-half cent that the price of dry skim milk for human consumption, delivered at Chicago, is above 7½ cents per pound, or (2) subtract 3½ cents per hundredweight for each full one-half cent that such price of dry skim milk is below 7½ cents per pound.

(b) *Basic formula price to be used in determining Class I and Class II prices.* The basic formula price to be used in determining the Class I and Class II prices, set forth in this section, per hundredweight of milk shall be the price for Class III milk, determined pursuant to subparagraph (4) of paragraph (a) of this section, or that derived from the following formula, whichever is higher:

(1) Multiply the average wholesale price per pound of 92-score butter at Chicago for said delivery period as reported by the United States Department of Agriculture by six (6).

(2) Add 2.4 times the average weekly prevailing price per pound of "Twins" during said delivery period on the Wisconsin Cheese Exchange at Plymouth, Wisconsin: *Provided*, That if the price of "Twins" is not quoted on the Wisconsin Cheese Exchange the weekly prevailing price of "Cheddars" shall be deemed to be the prevailing price for "Twins" and shall be used in determining the price pursuant to this paragraph.

(3) Divide by seven (7), the sum so determined being hereafter referred to in this paragraph as the "combined butter and cheese value."

(4) To the combined butter and cheese value add 30 percent thereof.

(5) Multiply the sum computed in subparagraph (4) above by 3.5.

(c) *Butterfat differential to handlers.* If any handler has purchased or received milk from producers containing more or less than 3.5 percent butterfat, such handler shall add or deduct, per hundredweight of milk, for each one-tenth of 1 percent butterfat above or below 3.5 percent, an amount computed as follows: to the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which the milk was received, add 20 percent and divide the result obtained by 10.

(d) *Location adjustments to handlers.* (1) With respect to milk purchased or received from producers at a plant located more than 70 miles by rail or highway, whichever is the shorter, from the City Hall in Chicago, Illinois, which is classified as Class I milk or Class II milk, there shall be deducted 2 cents per hundredweight and ¼ cent per hundredweight, respectively, for each additional 15 miles or part thereof that such plant is located in excess of 70 miles from the City Hall in Chicago, Illinois: *Provided*, That no such deduction shall apply to unaccounted for milk classified as Class I milk pursuant to Section 4 (d) (3) and such milk shall be considered to have been received at the most distant plant at which the handler received milk from producers: *Provided*, That if any handler can prove to the market administrator that the l. c. l. freight rate, approved by the Interstate Commerce Commission, or the State authorities having the power to fix intrastate rail rates, for the movement of cream in 40-quart cans from the shipping point for the plant where such milk is received from producers to the marketing area is greater than ¼ cent per hundredweight of milk, such actual freight rate shall be allowed such handler on Class II milk, but in no case shall such rate exceed ½ cent per hundredweight of milk. There shall be no location adjustment to handlers with respect to Class III milk or Class IV milk.

(2) For purposes of this paragraph, Class I milk shall be considered to be that milk purchased or received from producers at plants located nearest to the marketing area from which whole milk is shipped to the marketing area: *Provided*, That when actual shipments of milk by any handler from two or more plants located in different zones are shown to be in excess of such handler's Class I milk, the location adjustments on Class I milk, as provided in this section shall be applied to such milk, up to and including 110 percent of such handler's Class I milk. Class II milk shall be considered to be that milk purchased or received from producers at plants located nearest to the marketing area, after accounting for Class I milk, from which whole milk or cream is shipped to the marketing area: *Provided*, That upon proof satisfactory to the market administrator that Class II milk was received from producers at a more distant plant, location adjustment shall be allowed from the plant at which such Class II milk was received from producers.

(e) *Sales outside the marketing area.* (1) The price to be paid by a handler for Class I milk disposed of outside the marketing area, in lieu of the price otherwise applicable pursuant to this section and except as provided in subparagraph (2) of this paragraph, shall be the price, as ascertained by the market administrator, which is being paid for milk of equivalent use in the market where such milk is disposed of: *Provided*, That in the event such Class I milk is disposed of outside the 70-mile one, such Class I price as ascertained by the market administrator shall be subject to a transportation adjustment of 2 cents per hundredweight of such milk for every 15 miles or fraction thereof up to and including 105 miles and thereafter 1 cent for every 10 miles or fraction thereof from the shipping point for the plant where such milk is received from producers to the market where such milk is utilized as Class I milk: *Provided further*, That such Class I price as ascertained by the market administrator, less the adjustment for transportation, shall not be lower than the Class I price f. o. b., 70-mile zone as set forth in Section 5 (a) (2) minus 20 cents.

(2) The price to be paid by a handler for Class I milk disposed of outside the marketing area for which no price can be ascertained on the basis provided for in paragraph (1) of this subsection, and for Class I milk disposed of to Government institutions and establishments on a basis of bids, shall be the price for Class I milk set forth in Section 5 (a) (2) applicable for the plant at which such milk is received from producers, which price shall not be subject to adjustment for transportation as provided in subparagraph (1) of this paragraph.

SEC. 6. *Application of provisions*—(a) *Handlers who are also producers.*

(1) No provision hereof shall apply to a handler who is also a producer and who purchases or receives no milk from producers or an association of producers, except that such handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

(2) In computing the value of milk for any handler pursuant hereto, the administrator shall consider any milk or cream received in bulk by such handler from a handler who is also a producer as described in this section as a receipt from a producer.

(b) *Payment for milk received from sources determined as other than from producers or other handlers.* If any handler has received milk from sources determined by the market administrator to be other than producers or handlers, the difference between the value of such milk, according to its use, as computed pursuant to Section 4 and the price paid for such milk shall be paid to producers if such use value is greater than the price paid.

(c) *Payment for excess milk or butterfat.* In the event that a handler, after subtracting receipts from his own production, receipts from other handlers, and receipts from sources determined as other than producers or other handlers, has disposed of milk and/or butterfat in excess of the milk and/or butterfat which has been credited to his producers as having been delivered by them, the value of such milk and/or of the milk equivalent of such butterfat in accordance with its utilization shall be added to such handlers' obligations to producers pursuant to section 7 in the computation of the uniform price for the next subsequent delivery period.

SEC. 7. *Determination of minimum prices to be paid to producers*—(a) *Computation of value of milk for each handler.* For each delivery period the market administrator shall compute the value of milk received by each handler from producers by (i) multiplying the quantity of such milk in each class as determined pursuant to § 956.4 by the price applicable pursuant to section 5, (ii) adding together the resulting values of each class, and (iii) adding any amount computed to be paid pursuant to section 6.

(b) *Computation of uniform price for each handler.* The market administrator shall compute for each handler the uniform price per hundredweight of milk received at such handler's plant, as follows:

(1) Add to the value computed pursuant to paragraph (a) of this section the total amount of the location adjustments applicable pursuant to section 8 (c).

(2) Add or subtract the moneys resulting from the fractional cents used in adjusting previous month's price to the nearest cent.

(3) Divide by the hundredweight of milk received from producers.

(4) Adjust the resulting price to the nearest cent.

SEC. 8. *Payment for milk*—(a) *Time and method of payment.* On or before the 18th day after the end of each delivery period each handler shall pay each producer, for milk purchased or received during the delivery period, an amount of money representing not less than the total value of such milk, at the uniform price per hundredweight, computed pursuant to Section 7 (b) and subject to the location adjustments and butterfat differential set forth in this section.

(b) *Butterfat differential to producers.* The price paid to producers shall be plus or minus, as the case may be, 4 cents per hundredweight for each one-tenth of 1 percent above or below 3.5 percent average butterfat content of milk delivered by any producer during any delivery period.

(c) *Location adjustments to producers.* In making payments to producers pursuant to paragraph (a) of this section, handlers shall deduct with respect to all milk purchased or received from producers at a plant located more than 70 miles by rail or highway, whichever is the shorter, from the City Hall in Chicago, Illinois, the amount specified as follows:

	Cents per hundredweight
Within 71 to 85 miles	2
Within 85.1 to 100 miles	4
Within 100.1 to 115 miles	6
Within 115.1 to 130 miles	8
Within 130.1 to 145 miles	10
Within 145.1 to 160 miles	12
Within 160.1 to 175 miles	14

For each 15 miles or part thereof beyond 175 miles from the City Hall in Chicago, Illinois, an additional ½ cent per hundredweight.

SEC. 9. *Expense of administration*—(a) *Payments by handlers.* As his pro rata share of the expense of the administration hereof each handler, except those handlers exempt from the provisions hereof as set forth in Section 6 (a), shall pay to the market administrator, on or before the 18th day after the end of each delivery period, a sum not exceeding 2 cents per hundredweight with respect to all milk purchased or received by him during such delivery period from producers, or produced by him, the exact sum to be determined by the market administrator: *Provided*, That each handler which is a cooperative association shall pay such pro rata share of expense of administration only on that milk of producers actually received at a plant of such cooperative association, or caused to be delivered by such cooperative association to a plant from which no milk or cream is disposed of in the marketing area.

(b) *Suits by market administrator.* The market administrator may maintain a suit in his own name against any handler for the collection of such handler's pro rata share of expense set forth in this section.

SEC. 10. *Marketing services*—(a) *Marketing service deduction.* In making payments to producers pursuant to section 8, each handler, with respect to all milk received from each producer during each delivery period, at a plant not operated by a cooperative association of which such producer is a member, shall, except as set forth in paragraph (b) of this section, deduct 3 cents per hundredweight, or such lesser amount as the market administrator shall determine to be sufficient, and shall, on or before the 18th day after the end of such delivery period, pay such deductions to the market administrator. Such moneys shall be expended by the market administrator for verification of weights, samples, and tests of milk received from such producers and in providing for market information to such producers. The market administrator may contract with an association or associations of producers for the furnishing of the whole or any part of such services to, or with respect to the milk received from, such producers.

(b) *Marketing service deductions with respect to members of a producers' cooperative association.* In the case of producers whose milk is received at a plant not operated by a cooperative association of which such producers are members and for whom a cooperative association is actually performing the services set forth in paragraph (a) of this section, each handler shall, in lieu of the deductions specified in paragraph (a) of this section, make such deductions from payments made pursuant to section 8 as may be authorized by such producers, and pay over on or before the 18th day after the end of each delivery period such deductions to the associations rendering such service of which such producers are members. (The following provisions would apply only to the proposed marketing agreement.)

SEC. 11. *Effective time, suspension, or termination of marketing agreement, as amended*—(a) *Effective time.* The provisions hereof, or any amendment hereto, shall become effective at such time as the Secretary may declare and shall continue in force until suspended, or terminated, pursuant to paragraph (b) of this section.

(b) *Termination.* The Secretary may terminate this agreement (order) whenever he finds that this agreement (order) obstructs or does not tend to effectuate the declared policy of the act. This agreement (order) shall, in any event, terminate whenever the provisions of the act authorizing it cease to be in effect.

(c) *Continuing power and duty of the market administrator.* If, upon the suspension or termination of any or all provisions hereof, there are any obligations arising hereunder, the final accrual or ascertainment of which requires further acts by any handler, by the market administrator, or any other person, the power and duty to perform such further acts shall continue notwithstanding such suspension or termination: *Provided*, That any such acts required to be performed by the market administrator shall, if the Secretary so directs, be performed by such other person, persons, or agency as the Secretary may designate.

(1) The market administrator, or such other person as the Secretary may designate, shall (a) continue in such capacity until removed by the Secretary, (b) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market admin-

istrator, or such person, to such person as the Secretary shall direct, and (c) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator or such person pursuant thereto.

(d) *Liquidation after suspension or termination.* Upon the suspension or termination of any or all provisions hereof, the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office, and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid or owing at the time of such suspension or termination. Any funds collected pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

SEC. 12. *Liability*—(a) *Liability of handlers.* The liability of handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

Additional copies of this notice of hearing may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0312, South Building, Washington, D. C., or may be there inspected.

Dated: March 6, 1942.

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture.[1]

[F. R. Doc. 42-1966; Filed, March 6, 1942; 11:49 a. m.]

Farm Security Administration.

DESIGNATION OF LOCALITIES IN COUNTIES IN WHICH LOANS, PURSUANT TO TITLE I OF THE BANKHEAD-JONES FARM TENANT ACT, MAY BE MADE

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, loans made in the counties mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

Region IV—West Virginia

Wayne County:
Locality I—Consisting of the districts of Butler, Ceredo, Union, and Westmoreland, $2,673.

[1] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 6192).

Wayne County—Continued.
Locality II—Consisting of the districts of Grant, Lincoln, and Stonewall, $1,095.

Region V—Alabama

Dale County:
Locality I—Consisting of the precincts of Clayhatchie, Daleville, Midland City, Newton, and Pinckard, $2,399.
Locality II—Consisting of the precincts of Ozark, Rocky Head, Echo, Skipperville, Barnes Cross Roads, Bells Schoolhouse, Ewell, Westville, Arguta, and Clopton, $1,772.

The purchase price limits previously established for the counties above-mentioned are hereby cancelled.

Approved: February 24, 1942.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-1964; Filed, March 6, 1942; 11:48 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 436]

IN THE MATTER OF THE APPLICATION OF WEST COAST AIRLINES, INC., FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING SCHEDULED AIR TRANSPORTATION OF MAIL AND PROPERTY BY THE PICKUP METHOD

NOTICE OF POSTPONEMENT OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 1001 and 401 of said Act, in the above-entitled proceeding, that hearing now assigned to be held on March 9, 1942, is hereby postponed to a time and place to be hereafter assigned.

Dated Washington, D. C., March 5, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-1940; Filed, March 6, 1942; 10:07 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6175]

IN RE APPLICATION OF NEWS SYNDICATE CO., INC.

AMENDED NOTICE OF HEARING

In re application of News Syndicate Co., Inc., (new), dated January 24, 1941, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, New York, N. Y.; operating assignment: frequency, 47,900 kcs.; coverage, 8,500 sq. mi.; hours of operation, unlimited.

Upon further examination of the above described application, the Commission has *amended* the issues on which the hearing will be based, as shown below.

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.
2. To determine the type and character of the proposed service, both program and technical.
3. To determine whether the granting of this application and the applications of The American Network Incorporated, Docket No. 6275; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179; and WBNX Broadcasting Company, Inc., Docket No. 6013 (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity.
4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The filing of appearance will not be required and the hearing date will remain as scheduled for April 20, 1942.

The applicant's address is as follows:

News Syndicate Co., Inc., Att: Roy C. Holliss; 220 East 42nd St., New York, N. Y.

Dated at Washington, D. C., March 4, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1971; Filed, March 6, 1942; 12:04 p. m.]

[Docket No. 6176]

IN RE APPLICATION OF FM RADIO BROADCASTING CO., INC.

AMENDED NOTICE OF HEARING

In re application of FM Radio Broadcasting Company, Inc. (New), dated December 10, 1940, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, New York, N. Y.; operating assignment specified: Frequency, 48,300 kcs.; coverage, 8,600 sq. mi.; hours of operation, unlimited.

Upon further examination of the above-described application, the Commission has *amended* the issues on which the hearing will be based as shown below:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.
2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of The American Network Incorporated, Docket No. 6275; News Syndicate Company, Inc., Docket No. 6175; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179; and WBNX Broadcasting Company, Inc., Docket No. 6013, (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity.
4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The filing of appearance will not be required and the hearing date will remain as scheduled for April 20, 1942.

The applicant's address is as follows:

FM Radio Broadcasting Company, Inc., % P. K. Leberman, 400 Madison Avenue, New York, N. Y.

Dated at Washington, D. C., March 4, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-1972; Filed, March 6, 1942; 12:02 p. m.]

[Docket No. 6275]

IN RE APPLICATION OF THE AMERICAN NETWORK, INC.

NOTICE OF HEARING

In re application of The American Network Incorporated (New), dated December 17, 1941, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, New York, N. Y.; operating assignment specified: Frequency, 47,900 kcs.; coverage, 8,840 sq. mi.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for a consolidated hearing with the applications of WBNX Broadcasting Co., Inc., Docket No. 6013; News Syndicate Co., Inc., Docket No. 6175; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Co., Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; and Greater New York Broadcasting Corp., Docket No. 6179, to be held on April 20, 1942 at the hour of 10:00 a. m. at the offices of the Commission, Washington, D. C., for the following reasons:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.
2. To determine the type and character of the proposed service, both program and technical.
3. To determine whether the granting of this application and the applications of News Syndicate Company, Inc., Docket No. 6175; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179; and WBNX Broadcasting Company, Inc., Docket 6013, would serve public interest, convenience and necessity.
4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

The American Network Incorporated. Att: John R. Latham, 60 East 42nd Street, New York, N. Y.

Dated at Washington, D. C., March 4, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

Rules Referred to in Attached Notice

§ 1.382 (b) In order to avail himself of the opportunity to be heard the applicant, in person or by his attorney, shall, within 15 days of the mailing of the notice of designation for hearing by the Secretary, file with the Commission a written appearance stating that he will appear and present evidence on the issues specified in the statement of reasons furnished by the Commission on such date as may be fixed for the hearing. In cases other than standard broadcast, high frequency broadcast, international broadcast and television, the applicant will accompany his appearance with an additional copy of his application and supporting documents.

§ 1.102 *Intervention.* Petitions for intervention must set forth the grounds of the proposed intervention, the position and interest of the petitioner in the proceeding, the facts on which the petitioner bases his claim that his intervention will be in the public interest and must be subscribed and verified in accordance with § 1.122. The granting of a petition to intervene shall have the effect of permitting intervention before the Commission but shall not be considered as any recognition of any legal or equitable right or interest in the proceeding. The granting of such petition shall not have the effect of changing or enlarging the issues which shall be those specified in the Commission's notice of hearing unless on motion the Commission shall amend the same.

§ 1.122 *Pleadings.* All pleadings (not including applications or amendments thereto) filed by any party represented by an attorney, shall be signed by at least one attorney of record in his individual name, whose address shall be stated. A party who is not represented by an attorney shall sign and verify his pleading and state his address. Except when otherwise specifically provided by rule or statute, pleadings signed by the attorney for a party need not be verified or accompanied by affidavit. The signature of an attorney constitutes a certificate by him that he has read the pleading; that to the best of his knowledge, information, and belief there is good ground to support it; and that it is not interposed for delay. If a pleading is not signed or is signed with intent to defeat the purpose of this rule, it may be stricken as sham and false and the matter may proceed as though the pleading had not been served. For a wilful violation of this rule an attorney may be subjected to appropriate disciplinary action. Similar action may be taken if scandalous or indecent matter is inserted.

[F. R. Doc. 42-1973; Filed, March 6, 1942; 12:03 p. m.]

[Docket No. 6177]

IN RE APPLICATION OF KNICKERBOCKER BROADCASTING CO., INC.

AMENDED NOTICE OF HEARING

In re application of Knickerbocker Broadcasting Co., Inc. (New), Dated January 31, 1941, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, New York, N. Y.; operating assignment specified: Frequency, 48,300 kcs.; coverage, 8,550 sq. mi.; hours of operation, unlimited.

Upon further examination of the above-described application, the Commission has *amended* the issues on which the hearing will be based as shown below:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.
2. To determine the type and character of the proposed service, both program and technical.
3. To determine whether the granting of this application and the applications of The American Network Incorporated,

Docket No. 6275; FM Radio Broadcasting Company, Inc., Docket No. 6176; News Syndicate Company, Inc., Docket No. 6175; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179, and WBNX Broadcasting Company, Inc., Docket No. 6013 (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity.

4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The filing of appearance will not be required and the hearing date will remain as scheduled for April 20, 1942.

The applicant's address is as follows:

Knickerbocker Broadcasting Co., Inc., Attention: C. S. Guthrie, Secretary, 1657 Broadway, New York, New York.

Dated at Washington, D. C., March 4, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-1974; Filed, March 6, 1942; 12:03 p. m.]

[Docket No. 6013]

IN RE APPLICATION OF WBNX BROADCASTING CO., INC.

AMENDED NOTICE OF HEARING

In re application of WBNX Broadcasting Co., Inc. (New), dated, December 17, 1940, for construction permit; class of service, high frequency broadcast; location, New York, N. Y.; operating assignment specified: frequency, 48,300 kcs.; coverage, 8,730 sq. mi.; hours of operation, unlimited.

Upon further examination of the above-described application, the Commission has *amended* the issues on which the hearing will be based as shown below:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of The American Network Incorporated, Docket No. 6275; News Syndicate Company, Inc., Docket No. 6175; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; and Greater New York Broadcasting Corporation, Docket No. 6179, (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity.

4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The filing of appearance will not be required and the hearing date will remain as scheduled for April 20, 1942.

The applicant's address is as follows:

WBNX Broadcasting Co., Inc., W. C. Alcorn, Vice President, 260 East 161st Street, New York, N. Y.

Dated at Washington, D. C., March 4, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-1975; Filed, March 6, 1942; 12:03 p. m.]

[Docket No. 6178]

IN RE APPLICATION OF DEBS MEMORIAL RADIO FUND, INC.

AMENDED NOTICE OF HEARING

In re application of Debs Memorial Radio Fund, Inc. (New), dated April 24, 1941, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, New York, N. Y.; operating assignment specified: Frequency, 48,700 kcs.; coverage, 8,600 sq. mi.; hours of operation, unlimited.

Upon further examination of the above described application the Commission has *amended* the issues on which the hearing will be based as shown below:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of The American Network Incorporated, Docket No. 6275; News Syndicate Company, Inc., Docket No. 6175; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Greater New York Broadcasting Corporation, Docket No. 6179; and WBNX Broadcasting Company, Inc., Docket No. 6013, (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity.

4. To determine whether the granting of the aforementioned applications and the application of Frequency Broadcasting Corporation, Docket No. 6182 or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The filing of appearance will not be required and the hearing date will remain as scheduled for April 20, 1942.

The applicant's address is as follows:

Debs Memorial Radio Fund, Inc., 117 West 46th Street, New York, N. Y.

Dated at Washington, D. C., March 4, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-1976; Filed, March 6, 1942; 12:03 p. m.]

[Docket No. 6179]

IN RE APPLICATION OF GREATER NEW YORK BROADCASTING CORP.

AMENDED NOTICE OF HEARING

In re application of Greater New York Broadcasting Corp. (New) dated February 24, 1941, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, New York, New York; operating assignment specified: Frequency, 48,700 kcs.; coverage, 8,500 sq. mi.; hours of operation, unlimited.

Upon further examination of the above-described application, the Commission has *amended* the issues on which the hearing will be based as shown below:

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the applications of The American Network Incorporated, Docket No. 6275; FM Radio Broadcasting Company, Inc., Docket No. 6176; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; News Syndicate Company, Inc., Docket No. 6175; and WBNX Broadcasting Company, Inc., (for the frequencies therein specified), or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The filing of appearance will not be required and the hearing date will remain as scheduled for April 20, 1942.

The applicant's address is as follows:

Greater New York Broadcasting Corp. Attention: Harold A. Lafount, 730 Fifth Avenue, New York, New York.

Dated at Washington, D. C., March 4, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-1977; Filed, March 6, 1942; 12:02 p. m.]

[Docket No. 6182]

IN RE APPLICATION OF FREQUENCY BROADCASTING CORP.

AMENDED NOTICE

In re application of Frequency Broadcasting Corporation (New) dated October 4, 1940, for construction permit; class of service, high frequency broadcast; class of station, high frequency broadcast; location, Brooklyn, N. Y.; operating assignment specified: Frequency, 45,900 kcs.; coverage, 8,500 sq. mi.; hours of operation, unlimited.

Upon further examination of the above described application, the Commission has *amended* the issues on which the hearing will be based, as shown below.

1. To determine the applicant's qualifications to construct and operate a high frequency broadcast station.

2. To determine the type and character of the proposed service, both program and technical.

3. To determine whether the granting of this application and the operation of the station herein proposed, using the frequency 45,900 kilocycles, would serve public interest, convenience and necessity better than the operation of the station proposed by permittee, Interstate Broadcasting Company, as authorized in the grant of June 17, 1941, of application B1-PH-109.

4. To determine whether the granting of this application and the applications of The American Network Incorporated, Docket No. 6275; News Syndicate Company, Inc., Docket No. 6175; Knickerbocker Broadcasting Company, Inc., Docket No. 6177; Debs Memorial Radio Fund, Inc., Docket No. 6178; Greater New York Broadcasting Corporation, Docket No. 6179; FM Radio Broadcasting Company, Inc., Docket No. 6176; and WBNX Broadcasting Company, Inc., Docket No. 6013, or any of them, would serve public interest, convenience and necessity through the operation of the proposed stations on any of the following frequencies: 47,900, 48,300 and 48,700 kilocycles.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The filing of appearance will not be required and the hearing date will remain as scheduled for April 15, 1942.

The applicant's address is as follows:

Frequency Broadcasting Corporation, 1250 Atlantic Avenue, Brooklyn, New York.

Dated at Washington, D. C., March 4, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-1978; Filed, March 6, 1942; 12:02 p. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4668]

IN THE MATTER OF THE CLIMAX CLEANER MANUFACTURING COMPANY, A CORPORATION

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 5th day of March, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, March 19, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 417, Old Post Office Building, Cleveland, Ohio.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-1965; Filed, March 6, 1942; 11:50 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-507]

IN THE MATTER OF ASSOCIATED ELECTRIC COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of March, A. D. 1942.

Notice is hereby given that a declaration has been filed with this Commission, pursuant to the Public Utility Holding Company Act of 1935, and especially section 12 (d) thereof, and Rule U-44 of the Rules and Regulations promulgated thereunder, by Associated Electric Company, a registered holding company and subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Company, a registered holding company, for the sale for $800,000 in cash (subject to adjustment for net earnings applicable to the securities and indebtedness to be sold from January 1, 1941 to date of closing) of all the outstanding securities and other indebtedness of Union Gas & Electric Company owned by Associated Electric Company which, at December 31, 1941, consisted of the following:

7,500 shares of common stock, $100 par value.

$202,000 principal amount of First Mortgage 5% Bonds, due 1940, with accrued interest thereon aggregating $3,366.67.

$563,662.75 principal amount of open account indebtedness, bearing interest at the rate of 6% per annum to the extent earned in any calendar year, with interest accrued thereon aggregating $5,056.70.

Associated Electric Company will sell the securities it owns of Union Gas & Electric Company to Union Utilities Company, an Illinois corporation, which is not at present a registered holding company, a subsidiary of a registered holding company, or an affiliate of any public utility or holding company.

At or subsequent to the sale, Union Gas & Electric Company proposes to refund its First Mortgage 5% Bonds and the open account indebtedness by issuing $600,000 principal amount of 4% First Mortgage Bonds, Series A, $90,000 principal amount of a 3½% unsecured installment note, and 1000 shares of $100 par value 6% Cumulative Preferred Stock. Such new securities are to be sold to Union Utilities Company, which in turn has contracted to sell the First Mortgage Bonds to The Connecticut Mutual Life Insurance Company and the installment note to City National Bank and Trust Company of Chicago.

The declarant considers section 12 (d) of the Public Utility Holding Company Act of 1935 and Rule U-44 of General Rules and Regulations as being applicable to the proposed transaction.

It appearing to the Commission that it is appropriate and in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declaration and that said declaration shall not become effective except pursuant to future order of the Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and the rules of the Commission thereunder be held on March 13, 1942 at 10:00 a. m. at the offices of the

Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk will advise as to the room where such hearing will be held.

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said applications and declarations, particular attention be directed at said hearing to the following matters and questions:

1. What is the basis for determining the consideration to be paid for the securities and whether such consideration is reasonable;

2. Whether the property account contains write-ups which should be eliminated;

3. Whether the reserve for retirement of fixed capital is adequate;

4. Whether the capital structure of Union Gas & Electric Company conforms with the standards of the Act and, if not, whether it should be made to conform thereto prior to the proposed sale by Associated Electric Company;

5. Whether any conditions are necessary to be imposed to insure compliance with the requirements of the Public Utility Holding Company Act of 1935 or any rules, regulations or orders promulgated thereunder.

6. Generally, whether all actions proposed to be taken comply with the requirements of the Act or any rules, regulations or orders promulgated thereunder.

It is further ordered, That any interested public agency, municipality, security holder, or other person desiring to be heard or to intervene in such proceeding shall file an appropriate notice, request, or application for that purpose with the Commission not later than March 12, 1942, stating the reasons for such request and the nature of his interest. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1955; Filed, March 6, 1942; 11:46 p. m.]

[File No. 812-264]

IN THE MATTER OF OLD COLONY INVESTMENT TRUST

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of March, A. D. 1942.

An application having been filed by the above named applicant under and pursuant to the provisions of section 23 (c) (3) of the Investment Company Act of 1940 for an order permitting it to redeem on May 1, 1942, by lot, at one hundred and one-half per cent (100½%) plus accrued interest to the redemption date five hundred thousand dollars ($500,000) aggregate principal amount of its 4½% Debentures (Series A) due February 1, 1947.

It is ordered, That a hearing on the aforesaid application be held on March 11, 1942 at 10:00 o'clock on the forenoon of that day in the Securities and Exchange Commission Building, 1778 Pennsylvania Avenue NW., Washington, D. C. On such day the hearing room clerk in Room 1102 will advise interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esquire, or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hearby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other persons whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1956; Filed, March 6, 1942; 11:46 a. m.]

[File No. 812-263]

IN THE MATTER OF EQUITY CORPORATION (THE), AMERICAN GENERAL CORPORATION, AND FIRST YORK CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of March, A. D. 1942.

Application having been duly filed by the above named applicants for an order of the Commission under and pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940 exempting from the provisions of section 17 (a) the sale by Equity Corporation and its subsidiary, American General Corporation, to First York Corporation of certain securities now held by Equity Corporation and American General Corporation.

It is ordered, That a hearing on the matter of this application be held on March 18, 1942 at 10:00 o'clock in the forenoon of that day in the hearing room of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Charles S. Lobingier, or any officer or officers of the Commission designated by it for that purpose, shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing hereby is given to the above-named applicants and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of the investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1957; Filed, March 6, 1942; 11:46 a. m.]

[File No. 54-46]

IN THE MATTER OF LONE STAR GAS CORPORATION, LONE STAR GAS COMPANY, COMMUNITY NATURAL GAS COMPANY, TEXAS CITIES GAS COMPANY, THE DALLAS GAS COMPANY, COUNCIL BLUFFS GAS COMPANY AND LONE STAR GASOLINE COMPANY

NOTICE OF AND ORDER FOR HEARING ON PLAN FILED UNDER SECTION 11 (e) OF THE PUBLIC UTILITY HOLDING COMPANY ACT OF 1935, NOTICE OF AND ORDER INSTITUTING PROCEEDINGS AND SETTING DATE FOR HEARING UNDER SECTION 11 (b) (1) OF SAID ACT, AND ORDER CONSOLIDATING SUCH PROCEEDINGS FOR PURPOSES OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 4th day of March 1942.

I

The above-named parties having filed applications and declarations, designated as a plan pursuant to section 11 (e) and all other applicable sections of the Public Utility Holding Company Act of 1935, which plan provides for the following:

1. Lone Star Gas Corporation will offer to sell to its stockholders of record its holdings of 304,500 shares of the common stock of Northern Natural Gas Company in the ratio of one share of Northern Natural Gas Company stock to each eighteen shares of its own stock. The Northern Natural Gas Company stock will be offered to Lone Star Gas Corporation's stockholders at $19 per share, which approximates the cost thereof to Lone Star Gas Corporation. All Northern Natural Gas Company stock not disposed of in this manner will be sold in the open market.

2. Lone Star Gas Corporation will sell all of the business and assets of Council Bluffs Gas Company and that subsidiary will be dissolved.

3. Lone Star Gas Corporation will apply the proceeds from the sale of the Northern Natural Gas Company stock and the proceeds from the sale of the Council Bluffs Gas Company assets to reduce the principal of its outstanding bank loan notes.

4. Lone Star Gas Company, Community Natural Gas Company, Texas Cities Gas Company, The Dallas Gas Company and Lone Star Gasoline Company will convey all of their business and assets to Lone Star Gas Corporation, for which Lone Star Gas Corporation will surrender to said subsidiaries their stock, cancel all of their notes and assume all of their liabilities. Said subsidiaries will then dissolve.

5. Lone Star Gas Corporation will pay Lone Star Gas Company an amount of cash equal to the liquidating value of the 64 shares of Lone Star Gas Company stock owned by minority stockholders, and this sum will be paid to those stockholders upon dissolution of Lone Star Gas Company.

6. Lone Star Gas Corporation will transfer all of its assets to a new Texas corporation, designated for the present as Corporation A, in exchange for which Corporation A will assume all of the liabilities of Lone Star Gas Corporation and its subsidiaries not theretofore cancelled or satisfied, including the surplus accounts, and will issue to Lone Star Gas Corporation its $20 par value common stock in an amount equal to the net book value of said assets, less the liabilities assumed.

7. Lone Star Gas Corporation will then dissolve and distribute the stock of Corporation A to its stockholders in the ratio of 1 share thereof for each 2 shares of Lone Star Gas Corporation stock.

8. Corporation A will transfer to a second new Texas corporation, presently designated as Corporation B, all of the assets previously owned by Lone Star Gasoline Company, the oil and gas leases and gas producing properties formerly owned by Lone Star Gas Company and Community Natural Gas Company, and approximately $1,000.00 in cash, in exchange for which Corporation B will assume the liabilities of Lone Star Gasoline Company not theretofore cancelled, and will issue 85,000 shares of its $100 par value common stock to Corporation A.

The applications and declarations state that the plan is filed for the purpose of enabling the applicants and the declarants, and the holding company system constituted by them, to meet the requirements of section 11 (b) of said Act, reorganize the holding company system in such manner as to effect substantial economies of operation and qualify for an exemption from said Act afforded by section 3 (a) thereof. The applications and declarations also request a report on the plan by this Commission pursuant to section 11 (g) of said Act.

The applications and declarations state that, in addition to the approval of this Commission and the majority vote of the stockholders of all the applicant companies, Lone Star Gas Corporation will obtain the written consent of certain banks to the proposed plan, as required by the Bank Loan Agreement pursuant to which Lone Star Gas Corporation's outstanding bank loan notes were issued.

II

The Commission's public official files disclose that:

1. Lone Star Gas Corporation is a registered holding company, organized under the laws of Delaware, with its principal offices for the doing of business located in Dallas, Texas. It has eight direct subsidiaries, Lone Star Gas Company, Community Natural Gas Company, Texas Cities Gas Company, The Dallas Gas Company, Council Bluffs Gas Company and Northwest Cities Gas Company, all public utility companies within the meaning of the Public Utility Holding Company Act of 1935, Lone Star Gasoline Company, not a public utility company within the meaning of said Act, and Northern Natural Gas Company, a registered public utility holding company.

2. Lone Star Gas Company, organized under the laws of Texas, produces, purchases, transports and sells natural gas in Texas, and produces and transports natural gas in an adjoining portion of Oklahoma.

3. Community Natural Gas Company, organized under the laws of Delaware, operates natural gas distribution properties in Texas and an adjoining portion of Oklahoma.

4. Texas Cities Gas Company, organized under the laws of Texas, operates natural gas distribution properties in the cities of El Paso, Galveston, Paris, and Waco, Texas.

5. The Dallas Gas Company, organized under the laws of Texas, operates natural gas distribution properties in and around the city of Dallas, Texas.

6. Council Bluffs Gas Company, organized under the laws of Delaware, operates natural gas distribution properties in the City of Council Bluffs, Iowa.

7. Northwest Cities Gas Company, organized under the laws of Delaware, operates natural gas distribution properties in Oregon, Washington, and Idaho.

8. Lone Star Gasoline Company, organized under the laws of Delaware, engages in oil and gas production and refining in Texas.

III

The Commission having been advised by its Public Utilities Division that the information set out in paragraph II hereof and other and further information contained in the Commission's public official files tends to show that the holding company system of Lone Star Gas Corporation is not confined in its operations to those of a single integrated public-utility system as provided by section 11 (b) (1) of said Act or to such single system and additional systems which may be retained under Clauses (A), (B) and (C) of section 11 (b) (1) and to such other businesses as are reasonably incidental, or economically necessary or appropriate to the operations of such system or systems; and

IV

It being the duty of the Commission, pursuant to section 11 (b) (1) of the Act, to require, by order, after notice and opportunity for hearing, that each registered holding company and each subsidiary company thereof, shall take such action as the Commission shall find necessary to limit the operations of the holding company system, of which said company is a part, to a single integrated public utility system and to such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such integrated public-utility system, and to such additional integrated public-utility system or systems which the Commission finds to be in compliance with the standards of subsections (A), (B) and (C) of section 11 (b) (1); and

The Commission, before approving any plan under the provision of section 11 (e) of said Act, being required to find such plan, as submitted or as modified, necessary to effectuate the provisions of subsection (b) of section 11, and fair and equitable to the persons affected by such plan, and

It appearing appropriate to the Commission that notice be given and a hearing be ordered to be held for the purpose of giving an opportunity to be heard with respect to what action should be ordered to be taken under section 11 (b) (1) of the Act, as more particularly hereinafter ordered, and with respect to said plan filed under section 11 (e) of the Act; and

It further appearing that the matters here concerned are related and involve common questions of law or fact and that evidence offered in respect of each of the matters may have a bearing on the other; and that substantial savings in time, effort, and expense will result if the hearings on said matters are consolidated so that they may be heard as one matter and so that evidence adduced in each matter may stand as evidence in the other for all purposes;

It is hereby ordered, That the proceedings here involved be consolidated for hearing and that a hearing be held thereupon at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such day by the hearing room clerk, at 10:00 A. M. on the 24th day of March, 1942, at which hearing the above named parties shall be given an opportunity to be heard as to:

1. Whether or not the plan, as submitted or as modified, pursuant to section 11 (e) of said Act is necessary to effectuate the provisions of subsection (b) of section 11, and is fair and equitable to the persons affected thereby.

2. Whether any of the acquisitions of securities or utility assets contemplated by said plan will be detrimental to the carrying out of the provisions of Section 11 of said Act, and whether such acquisitions will serve the public interest by tending towards the economical and efficient development of an integrated public-utility system.

3. Whether the non-utility operations and businesses of said holding company system are reasonably incidental, or economically necessary or appropriate to the public utility operations of such system.

4. Whether the allegations of paragraphs numbered II and III hereof, inclusive, are true and accurate.

5. What order, if any, should be entered pursuant to section 11 (b) (1) of said Act requiring that said Lone Star Gas Corporation and/or its above named subsidiaries limit the operations of their holding company system to a single in-

tegrated public-utility system and to such other businesses as are reasonably incidental or economically necessary or appropriate to the operations of such integrated public utility system.

The Commission reserves the right if at any time it may appear conducive to an orderly and economical disposition of any one or all of the matters here involved to order a separate hearing concerning any such matter, to close the record with respect to any such matter, or to take appropriate action on any such matter prior to closing the record on other matters.

It is further ordered, That the above-named parties, respondents herein, file with the Secretary of the Commission on or before March 21, 1942 their respective answers admitting, denying or otherwise explaining their respective positions as to each of the allegations of paragraphs II and III hereof.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice; and

It is further ordered, That the Secretary of the Commission shall serve notice of the hearing aforesaid by mailing a copy of this order, by registered mail, to the above named parties; and that notice of said hearing shall be and hereby is given to all security holders of Lone Star Gas Corporation and its above named subsidiaries, to all consumers of said corporation, to all States, municipalities, or subdivisions thereof, in which are located any of the utility assets of the holding company system of Lone Star Gas Corporation or under the laws of which any of said companies are incorporated, to all state commissions, state security commissions and all agencies, authorities or instrumentalities of one or more states, municipalities, or other bodies politic or subdivisions thereof having jurisdiction over Lone Star Gas Corporation or its above named subsidiaries or of any of the business affairs of any of them, and to all other persons, such notice to be given by a general release of the Commission, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935, and by publication of this order in the FEDERAL REGISTER; and

It is further ordered, That any person desiring to be heard in connection with these proceedings shall file with the Secretary of the Commission on or before the 21st day of March, 1942, a written statement relative thereto; any person proposing to intervene shall file with the Secretary of the Commission on or before such date his application therefor, as provided by Rule XVII of the Commission's Rules of Practice.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1958; Filed, March 6, 1942; 11:46 a. m.]

[File No. 70-499]

IN THE MATTER OF SOUTHERN-HENKE ICE AND STORAGE COMPANY

ORDER GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 5th day of March, A. D. 1942.

Southern-Henke Ice and Storage Company, and indirect subsidiary of The Middle West Corporation, a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935 regarding the issuance of an unsecured one-year promissory note in the principal amount of $125,000 to City National Bank and Trust Company of Chicago to refund or renew the outstanding one-year promissory note of the company in the principal amount of $195,000, dated February 8, 1941, bearing interest from the date thereof at the rate of 5% per annum prior to maturity (and at the rate of 6% per annum after maturity) and on which the unpaid principal balance is $125,000, now held by said bank; said proposed note to be dated February 9, 1942, be payable February 9, 1943, and bear interest at the rate of 4% per annum prior to maturity and at the rate of 6% per annum after such maturity;

Said application having been filed on February 12, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and-

The above named company having requested that the said application, as filed or as amended, be granted as soon as possible; and

The Commission finding with respect to said application that the requirements of the Act are satisfied, and being further satisfied that the date of granting such application should be advanced:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application be, and it hereby is, granted.

By the Commission (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1959; Filed, March 6, 1942; 11:47 a. m.]

[File No. 43-200]

IN THE MATTER OF WEST TEXAS UTILITIES COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of March, A. D. 1942.

The above named company having filed an application or declaration pursuant to the Public Utility Holding Company Act of 1935 regarding the following:

West Texas Utilities Company, a subsidiary of American Public Service Company, a registered holding company, proposes to reduce from 3½% to 2¾% the interest rate on $2,404,000 principal amount of outstanding unsecured 3½% Serial Notes due June 13, 1942 to December 13, 1946, pursuant to an agreement dated February 10, 1942 with the holders of said notes.

Said application or declaration having been filed on February 12, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application or declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above named company having requested that said application or declaration, as filed or as amended, be granted or become effective as soon as practicable; and

The Commission finding with respect to said application or declaration that the requirements of said Act are satisfied, and being further satisfied that the effective date of said application or declaration should be advanced:

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act, and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid application or declaration be granted and permitted to become effective forthwith.

By the Commission (Commissioner Healy dissenting for the reasons set forth in his memorandum of April 1, 1940).

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1960; Filed, March 6, 1942; 11:47 a. m.]

[File No. 70-477]

IN THE MATTER OF LOUISVILLE GAS AND ELECTRIC COMPANY (KENTUCKY), LOUISVILLE TRANSMISSION CORPORATION (KENTUCKY), AND LOUISVILLE TRANSMISSION CORPORATION (INDIANA)

SUPPLEMENTAL FINDINGS AND ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 4th day of March, A. D. 1942.

The Commission having entered an order herein on March 3, 1942 approving the application, as amended, and permitting the declaration, as amended, to become effective, with certain conditions; and

An amendment having been filed by the applicants and declarants herein on March 4, 1942 changing the time of publication of the public invitation for proposals for the purchase of $3,850,000 principal amount of First Mortgage Sinking Fund Bonds of Louisville Transmission Corporation (a Kentucky corporation), from March 4, 1942 to March 5, 1942, and specifying that in place of the newspapers previously named, said public invitation will be published in The Wall Street Journal and the Louisville Times;

The Commission finding that the modifications provided in said amendment are not detrimental to the public interest or the interest of investors or consumers;

It is ordered, Subject to the conditions and reservation of jurisdiction in our order of March 3, 1942, that said application, as amended, is approved.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1961; Filed, March 6, 1942; 11:47 a. m.]

[File No. 70-477]

IN THE MATTER OF LOUISVILLE GAS AND ELECTRIC COMPANY (KENTUCKY), LOUISVILLE TRANSMISSION CORPORATION (KENTUCKY), AND LOUISVILLE TRANSMISSION CORPORATION (INDIANA)

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C. on the 3rd day of March, A. D. 1942.

Louisville Gas and Electric Company (Kentucky), a holding company and a subsidiary of a registered holding company, and Louisville Transmission Corporation (Kentucky) and Louisville Transmission Corporation (Indiana) subsidiaries thereof, having filed applications and declarations and amendments thereto with the Commission pursuant to Sections 6 (a), 6 (b), 9 (a), 10, 12 (d) and 12 (f) of the Public Utility Holding Company Act of 1935 and Rules U-43, U-44, U-45 and U-50 promulgated thereunder in regard to the following proposals:

(1) By Louisville Transmission Corporation (Indiana):

(a) The issuance and sale of 1,000 shares of its Capital Stock $10 par value for cash at par;

(b) The issuance and sale of its note in an amount not to exceed $400,000 dated March 1, 1942 and due on demand or in the absence of demand on March 1, 1967 bearing interest from the date of demand at the rate of 4% per annum;

(2) By Louisville Transmission Corporation (Kentucky):

(a) The issuance and sale of 1,000 shares of its Capital Stock $10 par value for cash and at par;

(b) The issuance and sale of $3,850,000 of First Mortgage Sinking Fund Bonds;

(c) The pledge of the note executed by its subsidiary, Louisville Transmission Corporation (Indiana);

(d) The acquisition at principal amount of the note of its subsidiary, Louisville Transmission Corporation (Indiana);

(e) The acquisition of 1,000 shares of the Capital Stock of $10 par value for cash at par of its subsidiary, Louisville Transmission Corporation (Indiana).

(3) By Louisville Gas and Electric Company:

The acquisition of 985 shares of the Capital Stock $10 par value for cash at par of its subsidiary, Louisville Transmission Corporation (Kentucky).

Pursuant to Rule U-50 of the General Rules and Regulations of the Commission under the Act, Louisville Transmission Corporation (Kentucky) will publicly invite proposals for the purchase of the $3,850,000 principal amount First Mortgage Sinking Fund Bonds due March 1, 1967, the interest rate of said bonds to be determined in accordance with the provisions of the accepted bid.

A public hearing having been held after appropriate notice, and the Commission having considered the record in this matter and having made and filed its findings and opinion herein;

It is ordered, That said declaration as amended, be and it is hereby permitted to become effective and that said application, as amended, be and it is hereby granted forthwith: *Provided*, That the Commission reserves jurisdiction in regard to the sale price and spread, if any, as to which matter further findings will be made and a further order entered upon the filing of the amendment provided in Rule U-50 (c); and subject to the following terms and conditions:

(1) That upon the liquidation of the indebtedness of Louisville Transmission Corporation (Kentucky) the applicant, Louisville Gas and Electric Company (Kentucky) shall cause the dissolution of the former company and the transfer of its assets to the latter company;

(2) The terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1962; Filed, March 6, 1942; 11:47 a. m.]

[File No. 54-43]

IN THE MATTER OF GREAT LAKES UTILITIES COMPANY

NOTICE OF FILING OF AMENDED PLAN AND ORDER RECONVENING HEARINGS

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of March 1942.

Great Lakes Utilities Company (sometimes hereinafter referred to as "Great Lakes"), a registered holding company, having on December 17, 1941 filed a Plan pursuant to section 11 (e) of the Public Utility Holding Company Act for the purpose of enabling Great Lakes and its subsidiaries to comply with the provisions of Section 11 (b) of said Act, and the Commission having instituted proceedings involving the Great Lakes holding-company system under sections 11 (b) (1) and 11 (b) (2) of the Act, the hearings in these proceedings and in the proceedings in respect of the section 11 (e) Plan having been consolidated (Holding Company Act Release No. 3243, January 5, 1942); and

Great Lakes having filed an amended Plan dated March 1, 1942 under section 11 (e) in substitution for the earlier Plan, the amended Plan being necessary because of the anticipated sale by Great Lakes prior to May 1, 1942 of its interest in Gas Corporation of Michigan, Virginia Gas & Utilities Company and Martinsville Gas Company; if this expectation is realized, approximately $1,000,000 in cash will be available on May 1, 1942 for application on the bonded indebtedness. The amended Plan may be briefly summarized as follows:

(1) Extension of the maturity date of the First Lien Collateral Trust Bonds, 5½%, Series due 1942, outstanding with the public in principal amount of $1,582,500, for one year, or upon inability earlier to accomplish the necessary liquidation of assets, for two years.

(2) Diligent efforts by Great Lakes to liquidate its assets, the proceeds thereof and any other available cash to be applied ratably to the payment of the principal and interest on such bonds and to payment of necessary expenses.

(3) Distribution to the stockholders (whose interest is presently represented by Voting Trust Certificates) of any cash (or other assets if by that time not reduced to cash) remaining after payment in full of the principal and interest on said bonds and of any other liabilities, and the subsequent dissolution of Great Lakes.

The application states that the amended Plan is subject to approval by the Commission and, on application by the Commission at the request of the Company, by the United States District Court having jurisdiction thereof under section 11 of the Act; and

The Commission being required by the provisions of section 11 (e) of said Act, before approving any Plan thereunder, to find, after notice and opportunity for hearing, that such Plan, as submitted or as modified, is necessary to effectuate the provisions of subsection (b) of section 11, and fair and equitable to the persons affected thereby;

It is ordered, That a hearing on such matters under the applicable provisions of the Act and the Rules of the Commission thereunder be held on March 19, 1942 at 10:00 A. M. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in the hearing room to be assigned for such purpose by the hearing room clerk. At such hearing cause shall be shown why such amended Plan should be approved by the Commission and why orders should not be entered pursuant to sections 11 (b) (1) and 11 (b) (2) of said Act requiring Great Lakes to take such action as the Commission deems necessary and appropriate to comply with the pertinent statutory requirements;

Notice is hereby given of said hearing to the Great Lakes Utilities Company, to all security holders of Great Lakes and to any other interested persons, said notice to be given to said company by registered mail and to all other persons by a general release of this Commission, dis-

tributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935 and by publication in the FEDERAL REGISTER; and

It is further ordered, That Great Lakes give notice of this hearing to each holder of Voting Trust Certificates and to each holder of First Lien and Collateral Trust Bonds of Great Lakes (in so far as the identity of such security holders is known or available to Great Lakes) by mailing to each of said persons a copy of this notice at his last-known place of address at least ten days prior to the date of this hearing.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rule of Practice.

It is further ordered, That without limiting the scope of the issues presented by said amended Plan or proceedings under sections 11 (b) (1) and 11 (b) (2) involving this holding-company system otherwise to be considered, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed amended Plan is necessary to effectuate the provisions of Section 11 of said Act.

2. Whether such Plan is fair and equitable to the persons affected thereby.

3. Whether transactions incidental to consummation of such Plan comply with the requirements of all other applicable standards of said Act.

4. What orders, if any, should be entered pursuant to Section 11 (b) (1) of the Act, requiring Great Lakes to divest itself of its interest in any or all of its subsidiaries or the properties thereof.

5. What orders, if any, should be entered pursuant to Section 11 (b) (2) of the Act, requiring Great Lakes to take such steps as the Commission shall find necessary to ensure that the corporate structure or continued existence of any company in the holding-company system does not unduly or unnecessarily complicate the structure, or unfairly or inequitably distribute voting power among the security holders, of such holding-company system.

6. What conditions, if any, should be imposed by the Commission, in the public interest or for the protection of investors or consumers.

It is further ordered, That jurisdiction be and is hereby reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, these proceedings under sections 11 (b) (1) and 11 (b) (2) and in respect of the application for approval of said amended Plan filed under Section 11 (e).

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1980; Filed, March 6, 1942; 1:55 p. m.]

[File Nos. 59-17, 59-11, 54-25]

IN THE MATTERS OF THE UNITED LIGHT AND POWER COMPANY, THE UNITED LIGHT AND RAILWAYS COMPANY, AMERICAN LIGHT & TRACTION COMPANY, CONTINENTAL GAS & ELECTRIC CORPORATION, AND IOWA-NEBRASKA LIGHT AND POWER COMPANY, RESPONDENTS; THE UNITED LIGHT AND POWER COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS; AND THE UNITED LIGHT AND POWER COMPANY, APPLICANT

NOTICE OF FILING OF RESPONDENTS' APPLICATION NO. 10 AND ORDER RECONVENING HEARING FOR PURPOSE OF CONSIDERING SAID APPLICATION NO. 10

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 5th day of March 1942.

The Commission having previously, by order entered in these proceedings on March 20, 1941, ordered among other things the dissolution of The United Light and Power Company; and the Commission having also by order entered in these proceedings on August 5, 1941 ordered among other things the disposition of various properties and assets pursuant to section 11 (b) (1) of the Public Utility Holding Company Act of 1935, and said order having provided that the respondents should make application to the Commission for the entry of such further orders as were necessary or appropriate for that purpose, and the Commission having reserved jurisdiction to enter such further orders as might be necessary or appropriate with respect to other matters in this proceeding;

Notice is hereby given that The United Light and Power Company (Power), a registered holding company, The United Light and Railways Company (Railways) and Continental Gas & Electric Corporation (Continental), subsidiaries of Power and also registered holding companies, have filed on March 3, 1942, an application designated as "Application No. 10" pursuant to Sections 11 and 12 of the Act and Rule U-44 and any other applicable sections of the Act or Rules thereunder with respect to a proposed transaction hereinafter summarized as follows:

Continental has entered into a written agreement with Community Power and Light Company (Community), a registered holding company, whereby, subject to the approval of this Commission, Continental agrees to sell and Community agrees to buy all the stocks, notes and open account indebtedness of certain subsidiary companies, namely, Panhandle Power and Light Company (Panhandle), Cimarron Utilities Company (Cimarron) and the Guymon Gas Company (Guymon) for a consideration of $7,250,000 cash, subject to certain adjustments.

The outstanding capital stocks, notes and open account indebtedness of Panhandle, Cimarron and Guymon which Continental owns and proposes to sell to Community are, as of December 31, 1941 as follows:

Panhandle:
- 3,000 shares of capital stock without par value, stated value $100 per share, constituting all of the issued and outstanding capital stock of Panhandle;
- $3,762,500 6% demand note dated February 1, 1934; $600,000 5% demand note dated March 31, 1937; and $405,500 Open Account indebtedness, representing advances in open account at 6%.

Cimarron:
- 334 shares of capital stock, par value $100 per share, constituting all of the issued and outstanding capital stock of Cimarron; and
- $1,393,184.92 6% demand note dated February 1, 1934.

Guymon:
- 3,000 shares of common stock without par value, stated value $3.00 per share, constituting all of the issued and outstanding capital stock of Guymon.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that hearings herein be reconvened for the purpose of considering said Application No. 10:

It is ordered, That the hearing in this proceeding shall be reconvened at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, at 10:00 A. M. E. W. T., on the 27th day of March, 1942. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by our Rules of Practice, Rule XVII, on or before March 24, 1942. At said reconvened hearing on that day the issues will be limited to a consideration of the matters presented by said Application No. 10 with respect to all of the various transactions previously summarized above.

All interested persons are referred to said Application No. 10 which is on file in the office of said Commission for a full statement of the transactions therein proposed.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to assert all powers granted to the Commission under section 18 (c) of the Act and to the trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said application, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether the consideration to be received by Continental for the sale of the common stock, notes and open account indebtedness is reasonable and whether competitive conditions were maintained;

(2) Whether the fees, commissions and expenses proposed to be paid, particularly the fee of $60,000 payable to Jesse L. Terry, in connection with the sale of the common stock, notes and open accounts owned by Continental are or are not reasonable;

(3) Whether the proposed transactions as outlined in Application No. 10 are in consonance with the previous orders of this Commission dated March 20 and August 5, 1941 in these proceedings and of the applicable statutory standards.

(4) In the event the Commission finds the proposed transaction appropriate, what terms and conditions, if any, are necessary and desirable to be imposed on such transactions.

Notice of such hearing is hereby given to such declarants or applicants and to any other person whose participation in such proceeding may be in the public interest and for the protection of investors and consumers.

It is further ordered, That the Secretary of this Commission serve notice of the entry of this order by mailing a copy thereof by registered mail to the respondents and applicants and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-1981; Filed, March 6, 1942; 1:55 p. m.]

MAR 11 1942

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Washington, Tuesday, March 10, 1942

The President

EXECUTIVE ORDER

PRESCRIBING REGULATIONS CONCERNING CIVILIAN DEFENSE

By virtue of the authority vested in me by the act entitled "An Act to provide protection of persons and property from bombing attacks in the United States, and for other purposes", approved January 27, 1942, and as President of the United States and Commander in Chief of the Army and Navy, I hereby prescribe the following regulations concerning civilian defense:

1. Such funds as may be available to enable the Director of Civilian Defense to carry out the provisions of the aforementioned act of January 27, 1942, shall be used only for acquiring facilities, equipment and supplies necessary to provide for the adequate protection of persons and property from bombing attacks, sabotage and other war hazards in the United States, its territories and possessions; for providing services necessary to facilitate effective use of all such facilities, equipment and supplies; for defraying expenses of procurement (including research and development), inspection, transportation, storage, maintenance, protection, distribution, recovery and return of facilities, equipment and supplies; and for accounting and administration with respect to such facilities, equipment and supplies, services and expenses.

2. The Director of Civilian Defense from time to time within the limitations of such funds as may be available to the Office of Civilian Defense shall determine the general types and respective quantities of equipment which he shall deem necessary and desirable to be purchased. In making such determinations, the Director shall be afforded the advice and assistance of the War Department and may make use of any other technical assistance, studies, reports or information which may be available to him.

3. The Director of Civilian Defense shall notify the Secretary of War, or such chiefs of services, bureaus or divisions of the War Department as the Secretary may direct, of each determination by the Director of the necessity of and desirability for the purchase of equipment in accordance with paragraph 2 of this order. The War Department shall thereupon undertake all steps necessary for the procurement as promptly as possible of equipment of the type and in the quantity specified by the Director of Civilian Defense.

4. In connection with the procurement of items of equipment for the Office of Civilian Defense the War Department shall undertake all necessary research, development and standardization of such equipment; shall contract for the purchase of such equipment; shall conduct all necessary inspections during and upon completion of manufacture or assembly; and shall see that all equipment conforms to specifications prior to acceptance.

5. The War Department shall keep the Director of Civilian Defense informed of specific items of equipment being procured and of the approximate or probable dates for delivery thereof, and the Director of Civilian Defense shall furnish to the War Department timely instructions as to the place or places at which such equipment shall be delivered to the Office of Civilian Defense or upon its order. The War Department shall make all necessary and appropriate arrangements for the shipment of such equipment to the place or places so designated and shall be responsible for such equipment until delivery at such place or places. Thereafter the Office of Civilian Defense shall be responsible for such equipment, including its storage, maintenance, protection, issue and distribution.

6. There shall be made available to the War Department, from time to time, within the limitations of such funds as may be available to the Office of Civilian Defense, sufficient funds to cover all proper expenses incurred by the War Department in pursuance of this order, including costs of research, development, procurement, inspection, transportation, and furnishing of facilities and services. The War Department shall have au-

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thority to pay all such expenses out of the funds so made available to it. The War Department shall keep the Office of Civilian Defense informed from time to time of all expenditures made from, and obligations incurred against, the funds so made available to it.

7. In addition to facilities, equipment and supplies provided for the Office of Civilian Defense through the War Department as hereinbefore authorized, the Director of Civilian Defense may accept equipment or supplies transferred from any other department or agency of the Federal Government in conformity with applicable law, and may accept donations of, or may borrow or lease facilities equipment or supplies from, states, municipalities or other political subdivisions, or from private individuals or corporations. The Office of Civilian Defense shall maintain at all times full and accurate records of all property received by it and of the disposition thereof. The Director of Civilian Defense shall make adequate arrangements for the storage, maintenance and protection of all equipment, facilities and supplies of the Office of Civilian Defense in its possession.

8. Within the limitations of such funds as may be available to the Office of Civilian Defense, the Director may arrange with other public or private agencies for such research or development work, in addition to that of the War Department in connection with the procurement of equipment, as he may deem advisable in order better to provide for the adequate protection of persons and property from bombing attacks, sabotage or other war hazards.

9. The Director of Civilian Defense shall make available the facilities, supplies, and services of the Office of Civilian Defense in such localities in the United States, its territories and possessions as he shall determine to be in need of, but unable to provide, adequate protection of persons and property from bombing attacks, sabotage or other war hazards. The Director shall have full discretionary authority from time to time (a) to define localities on the basis of existing political subdivisions or on such other bases as he may deem appropriate in view of areas of population density, the location of vital war activities, or other factors giving rise to particular risks from bombing attacks, sabotage or other war hazards, (b) to allocate, under such priorities as he may establish facilities, supplies and services to or among localities in need of, but unable to provide, adequate protection of persons and property from bombing attacks, sabotage or other war hazards, and (c) to recall any facilities or supplies, or discontinue any services so allocated to any locality. In allocating facilities, supplies or services to any particular locality the Director may rely upon certificates of duly constituted civil authorities of any state, territory, municipality or other political subdivision comprising or situated within such locality, setting forth the particular facilities, supplies or services which such state, territory, municipality or other political subdivision is unable to provide for the protection of persons and property from bombing attacks, sabotage, or other war hazards.

10. All equipment, facilities and supplies which shall at any time be provided by the Director of Civilian Defense for any locality shall be at the disposition of the United States Government, and the United States Government shall retain in full its rights in such property as owner, lessee or borrower, as the case may be. To such extent as may be practicable, all such property shall be clearly and distinctly marked as the property of, or property under the control of, the United States Government, Office of Civilian Defense. It shall be the duty of the Director of Civilian Defense to report to the Attorney General for appropriate prosecution under the applicable provisions of the Federal Criminal Code any theft, unlawful use, injury to or depredation committed against any such property.

11. The equipment, facilities and supplies of, or under the control of, the Office of Civilian Defense shall be made available in any locality only by loan to duly constituted civil authorities of any state, territory, municipality or other political subdivision comprising or situated within such locality, and any such authority may distribute the same to responsible and qualified individuals or organizations, in accordance with regulations issued by the Director of Civilian Defense; provided that it shall be a condition of all such loans that the civil authority to which each loan is made shall give assurance to the Director that the property loaned shall be adequately protected and maintained, that it shall not be used otherwise than for the protection of persons or property from bombing attacks, sabotage or other war hazards or for training or instruction incidental to such use, and that such property unless lost, destroyed or consumed in the course of such use shall be returned to the United States Government at any time upon order of, or pursuant to rules or regulations prescribed by, the Director of Civilian Defense.

12. The Director of Civilian Defense may prescribe insignia, arm bands and other distinctive articles which may be worn by persons engaged in civilian defense activities and may establish rules and regulations for the wearing thereof. The wearing of any such insignia, arm band or other distinctive article otherwise than in accordance with such rules or regulations by any person having knowledge thereof shall subject such person to the penalties provided in section 2 of the act of January 27, 1942.

13. The Director of Civilian Defense may make and issue such rules, regulations and orders, may prescribe and adopt such forms, and may make and enter into such agreements, leases and arrangements, not inconsistent with the act of January 27, 1942, the terms of any appropriations thereunder, and the regulations prescribed in this order, as he may deem necessary or desirable to carry out the purposes of such act. The Director may exercise any of the powers or duties conferred upon him by this order or by the act of January 27, 1942, through any responsible person in the employ of the Office of Civilian Defense that he may designate.

14. All purchases and contracts for supplies or services made pursuant to this order shall be exempt from the requirements of section 3709 of the Revised Statutes to the extent permitted by law.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 6, 1942.

[No. 9088]

[F. R. Doc. 42-1982; Filed, March 6, 1942; 3:34 p. m.]

EXECUTIVE ORDER

PRESCRIBING REGULATIONS GOVERNING THE USE, CONTROL, AND CLOSING OF STATIONS AND FACILITIES FOR WIRE COMMUNICATIONS

WHEREAS section 606 (d) of the Communications Act of 1934 (48 Stat. 1104; U.S.C., title 47, sec. 606), as amended by the act of January 26, 1942, Public Law 413, 77th Congress, provides, in part, as follows:

Upon proclamation by the President that there exists a state or threat of war involving the United States, the President, if he deems it necessary in the interest of the national security and defense, may, during the period ending not later than six months after the termination of such state or threat of war and not later than such earlier date as the Congress by concurrent resolution may designate * * * (2) cause the closing of any facility or station for wire communication and the removal therefrom of its apparatus and equipment, or (3) authorize the use or control of any such facility or station and its apparatus and equipment by any department of the Government under such regulations as he may prescribe, upon just compensation to the owners.

WHEREAS the United States is now at war with the Empire of Japan, Germany, and Italy; and

WHEREAS it is necessary in the interest of the national security and defense, and for the successful prosecution of the war, that the Government of the United States take over, use, and operate certain facilities for wire communication, or parts thereof, within the jurisdiction of the United States, and inspect, supervise, control, or close certain facilities for wire communication, or parts thereof, within the jurisdiction of the United States:

NOW, THEREFORE, by virtue of the authority vested in me by the aforementioned section 606 (d), as amended, of the Communications Act of 1934, and as President of the United States, it is hereby ordered that from and after this date the Defense Communications Board (hereinafter referred to as the Board) created by Executive Order No. 8546[1] of September 24, 1940, shall exercise the power and authority vested in me by section 606 (d) of the said Communications Act of 1934, as amended, pursuant to and under the following regulations:

1. The Board shall determine and prepare plans for the allocation of such portions of governmental and non-governmental wire facilities as may be required to meet the needs of the armed forces, due consideration being given to the needs of other governmental agencies, of industry, and of other civilian activities.

2. The Board shall, if the national security and defense and the successful conduct of the war so demand, designate specific facilities for wire communication or portions thereof for the use, control, supervision, inspection or closure by the Department of War, Department of Navy or other agency of the United States Government.

3. The Board shall, if the national security and defense and the successful conduct of the war so demand, prescribe classes and types of facilities for wire communication or portions thereof which shall be subject to use, control, supervision, inspection or closure, in accordance with such prescription, by the Department of War, Department of Navy or other agency of the United States Government designated by the Board.

4. Every department and independent agency of the Government shall submit to the Defense Communications Board, at such time and in such manner as the Board may prescribe, full information with respect to all use made or proposed to be made of any facility for wire communication and of any supervision, control, inspection or closure which has been or is proposed to be effected pursuant to paragraph 3 hereof.

5. No facility for wire communication shall be taken over and operated in whole or in part or subjected to governmental supervision, control or closure unless such action is essential to national de-

[1] 5 F.R. 3817.

fense and security and the successful conduct of the war. So far as possible, action taken pursuant to this Order shall not interfere with the procurement needs of civilian governmental agencies, the normal functioning of industry or the maintenance of civilian morale.

6. Until and except so far as said Board shall otherwise provide, the owners, managers, boards of directors, receivers, officers and employees engaged in wire communication shall continue the operation thereof in the usual and ordinary course of business, in the names of their respective companies, associations, organizations, owners or managers, as the case may be.

7. The head of any department or agency which uses or controls any facility for wire communication pursuant to the terms of this Order shall ascertain the just compensation for the use or control of such facility and recommend such just compensation in each such case to the President for approval and action by him in accordance with the provisions of subsection (e) of Section 606, as amended, of the Communications Act of 1934.

8. By subsequent order of the Board, the use, control, or supervision of any facility for wire communication or class or type thereof assumed under the provisions of this Order may be relinquished in whole or in part to the owners thereof and any restrictions placed on any station or facility for wire communication pursuant hereto may be removed in whole or in part.

9. All terms herein used shall have the meanings ascribed to such terms in Section 3, as amended, of the Communications Act of 1934.

10. All regulations of general applicability issued by the Secretary of War, the Secretary of the Navy, or any other governmental agency under these Presidential regulations shall be published in the FEDERAL REGISTER.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 6, 1942.

[No. 9089]

[F. R. Doc. 42-2034; Filed, March 9, 1942; 11:23 a. m.]

EXECUTIVE ORDER

ESTABLISHING AN AIRSPACE RESERVATION OVER PORTIONS OF ULSTER AND DUTCHESS COUNTIES, NEW YORK

By virtue of the authority vested in me by section 4 of the Air Commerce Act of May 20, 1926 (44 Stat. 570), the air space above the following-described portions of Ulster and Dutchess Counties, New York, is hereby reserved and set apart for national defense and other governmental purposes and for public safety purposes as an airspace reservation within which no person shall navigate a civil aircraft except by special permission of the Administrator of Civil Aeronautics:

All that area within Ulster and Dutchess Counties, New York, lying within the following-described boundary:

Beginning at the River Landing on the West Bank of Hudson River at East Kingston, Ulster County; thence in an East-Northeasterly direction to the center line of the Central New England Railroad Bridge over Shehomeko Creek at Pine Plains, Dutchess County; thence South-Southeast to the center line of the New York Central Railroad Bridge over Ten-Mile River at Dover Plains, Dutchess County; thence West-Southwest to the Southeast corner of the Mid-Hudson Bridge at Poughkeepsie, New York, and continuing on this line to the West Bank of the Hudson River, Ulster County; thence along the West Bank of the Hudson River to the point of origin.

Any person navigating an aircraft within this airspace reservation in violation of the provisions of this order will be subject to the penalties prescribed in the Civil Aeronautics Act of 1938 (52 Stat. 973), as amended.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 6, 1942.

[No. 9090]

[F. R. 42-2037; Filed, March 9, 1942; 11:24 a. m.]

EXECUTIVE ORDER

ESTABLISHING THE BELTRAMI WILDLIFE MANAGEMENT AREA

MINNESOTA

WHEREAS certain lands, hereinafter described, in the State of Minnesota, together with the improvements thereon, have been, or are in process of being, acquired by the United States in connection with the Beltrami Island Land Utilization Project under the authority of Title II of the National Industrial Recovery Act, approved June 16, 1933 (48 Stat. 200), the Emergency Relief Appropriation Act of 1935, approved April 8, 1935 (49 Stat. 115), and Title III of the Bankhead-Jones Farm Tenant Act, approved July 22, 1937 (50 Stat. 522, 525); and

WHEREAS by Executive Order No. 7908,[1] of June 9, 1938, all the right, title, and interest of the United States in such lands as were acquired, or are in process of acquisition, under Title II of the said National Industrial Recovery Act and the said Emergency Relief Appropriation Act of 1935 were transferred to the Secretary of Agriculture for use, administration, and disposition in accordance with the provisions of Title III of the said Bankhead-Jones Farm Tenant Act, and the related provisions of Title IV thereof; and immediately upon acquisition of legal title to those lands now in process of acquisition under the said acts, the said Executive order, under the terms thereof, will become applicable to all the additional right, title, and interest thereby acquired by the United States; and

WHEREAS the Secretary of Agriculture has recommended that jurisdiction over such lands be transferred to the Department of the Interior, and that such lands be reserved as a refuge and breeding ground for native birds and other wildlife, under the conditions hereinafter stated:

NOW, THEREFORE, by virtue of the authority vested in me by section 32, Title III, of the said Bankhead-Jones Farm Tenant Act, and as President of the United States, it is ordered that, subject to valid existing rights, jurisdiction over 81,049.33 acres, more or less, of lands, together with the improvements thereon, acquired, or in process of acquisition, by the United States within the following-described area in Beltrami, Lake of the Woods, and Roseau Counties, Minnesota, be, and it is hereby, transferred to the Department of the Interior, together with such equipment in use in connection with such lands as may be designated by the Secretary of Agriculture; and the lands hereby transferred are hereby reserved as a refuge and breeding ground for native birds and other wildlife and for research relating to wildlife and associated forest resources, under such conditions of use and administration as will best carry out the purposes of the land-conservation and land-utilization program for which such lands have been, or are being acquired: *Provided, however*, (1) That such lands shall remain available to the State of Minnesota for use and management by its Department of Conservation, under the custody of the Fish and Wildlife Service, of the Department of the Interior, so long as there remains in force and effect a cooperative and license agreement between the United States of America and the State of Minnesota providing for such use and management; and (2) that the Secretary of Agriculture shall retain such jurisdiction over the lands now in process of acquisition by the United States as may be necessary to enable him to complete their acquisition:

FIFTH PRINCIPAL MERIDIAN

T. 155 N., R. 31 W.,
sec. 21, S½SE¼;
sec. 22, E½;
sec. 23, NE¼;
sec. 24, E½NE¼ and S½S½;
sec. 25, NW¼NW¼, E½SW¼, NW¼SE¼, and S½SE¼;
sec. 26, SE¼NE¼, S½NW¼, SW¼, and E½SE¼;
sec. 27, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
sec. 28, SW¼NE¼, SW¼SW¼, and W½SE¼;
sec. 29, NE¼NE¼, S½NE¼, and SE¼;
fractional sec. 32, lots 1 and 2;
fractional sec. 33, all;
fractional sec. 34, W½ of lot 2, and lots 3 and 4;
fractional sec. 35, lots 1, 3, and 4;
fractional sec. 36, lot 3;

T. 155 N., R. 32 W.,
fractional sec. 25, SE¼SW¼;
sec. 27, SW¼SE¼;
fractional sec. 32, lot 2;
fractional sec. 34, lots 3 and 4;
fractional sec. 36, lot 1;

T. 157 N., R. 32 W.,
fractional sec. 3, SE¼NW¼, NE¼SW¼, and N½SE¼;
sec. 10, NE¼NE¼ and N½SE¼;
sec. 15, SE¼NE¼, NW¼, and NW¼SE¼;
sec. 17, SW¼ and S½SE¼;
fractional sec. 18, lot 4, SE¼SW¼, and SW¼SE¼;
sec. 24, SW¼NE¼, NE¼NW¼, S½NW¼, and NW¼SW¼;
fractional sec. 30, NE¼;

T. 158 N., R. 32 W.,

T. 157 N., R. 33 W.,
fractional sec. 19, lots 2 and 3;
sec. 9, E½NE¼;
sec. 10, W½NW¼;
sec. 13, SE¼SE¼;

[1] 3 F.R. 1389.

fractional sec. 18, lot 1, E½NE¼, and NE¼SE¼;
fractional sec. 19, lots 2 and 3, and NE¼NW¼;
sec. 20, N½NE¼ and SE¼NE¼;
sec. 21, SW¼NW¼;
sec. 24, W½NE¼ and SE¼NE¼;
sec. 25, NE¼;

T. 158 N., R. 33 W.,
fractional sec. 1, SW¼SW¼;
fractional sec. 2, SE¼NW¼, N½SW¼, SE¼SW¼, and S½SE¼;
fractional sec. 3, SW¼NW¼, W½SW¼, SE¼SW¼, and S½SE¼;
fractional sec. 4, SE¼NE¼, NW¼SW¼, S½SW¼SW¼SW¼, and S½SE¼;
fractional sec. 5, lot 4, SW¼NW¼, S½SW¼, NE¼SE¼, and S½SE¼;
fractional sec. 6, lots 1, 2, and 4, S½NE¼, SE¼SW¼, and SE¼;
fractional sec. 7, lots, 1, 2, 3, and 4, N½NE¼, SE¼NE¼, and NE½NW¼;
sec. 8, N½NE¼, SW¼NE¼, NW¼, W½SW¼, and NW¼SE¼;
sec. 9, NE¼, NW¼NW¼, S½NW¼, E½SW¼, and SE¼;
sec. 10, N½, E½SW¼, and SE¼;
sec. 11, W½NW¼, SE¼NW¼, SW¼, and SW¼SE¼;
sec. 13, SW¼NE¼, N½SE¼, and SW¼SE¼;
sec. 14, S½NE¼, NE¼NW¼, S½NW¼, N½SW¼, and W½SE¼;
sec. 15, W½NE¼ and E½NW¼;
sec. 16, N½N½;
sec. 17, E½NE¼;
fractional sec. 18, SE¼NW¼, NE¼SW¼, and NW¼SE¼;
fractional sec. 19, lots 1, 2, 3, and 4, SW¼NE¼, E½W½, and NW¼SE¼;
sec. 20, E½SE¼;
sec. 21, SW¼;
sec. 22, SE¼NE¼, SE¼SW¼, NE¼SE¼, and S½SE¼;
sec. 23, NW¼NE¼, S½NW¼, N½SW¼, SW¼SW¼, N½SE¼, and SE¼SE¼;
sec. 24, NW¼NE¼, SE¼NE¼, NE¼NW¼, S½NW¼, and NE¼SE¼;
sec. 25, N½N½, SW¼NW¼, and NW¼SW¼;
sec. 26, E½NE¼, NE¼SE¼, and S½SE¼;
sec. 27, W½NE¼, N½NW¼, SE¼NW¼, E½SW¼, and W½SE¼;
sec. 28, NE¼NE¼, S½NE¼, W½, NE¼SE¼, and W½SE¼;
sec. 29, W½NE¼, SE¼NE¼, N½NW¼, and S½;
fractional sec. 30, lots 1, 2, 3, and 4, W½NE¼, E½NW¼, and SE¼;
fractional sec. 31, lots 1, 2, and 4, NE¼, E½NW¼, and N½SE¼;
sec. 32, E½NE¼ and N½NW¼;
sec. 33, N½;
sec. 34, NW¼NE¼, NE¼NW¼, and W½NW¼;

T. 159 N., R. 33 W.,
fractional sec. 1, W½SW¼;
fractional sec. 2, lots 3 and 4, S½N½, and S½;
fractional sec. 3, lots 1 and 4, SE¼NE¼, SW¼NW¼, and E½SE¼;
fractional sec. 4, lot 1 and SE¼NE¼;
fractional sec. 5, SW¼SW¼;
fractional sec. 6, lots 2, 3, and 4, SW¼NE¼, NE¼SE¼, and S½SE¼;
fractional sec. 7, lots 1, 2, and 4, E½NW¼, SE¼SW¼, and SW¼SE¼;
sec. 12, NW¼;
sec. 15, NW¼SW¼;
sec. 16, NE¼SE¼;
fractional sec. 18, lots 1 and 2, and SW¼SE¼;
fractional sec. 19, lots 1, 2, and 3, W½NE¼, SE¼NE¼, and SE¼NW¼;
sec. 20, SE¼;
sec. 23, SE¼;
sec. 24, NW¼;
sec. 26, NE¼;
sec. 27, NE¼NE¼ and S½NE¼;
fractional sec. 30, E½SW¼ and W½SE¼;
fractional sec. 31, lots 1 and 2, NE¼, and E½NW¼;
sec. 32, S½NE¼;

T. 160 N., R. 33 W.,
fractional sec. 31, lots 3 and 4, and E½SW¼;

T. 157 N., R. 34 W.,
sec. 9, NE¼SW¼ and S½SW¼;
sec. 12, S½NE¼ and E½SE¼;
sec. 13, NE¼NE¼;
sec. 16, NE¼NW¼;
sec. 25, NE¼;
fractional sec. 30, S½SE¼;

T. 158 N., R. 34 W.,
fractional sec. 1, lots 1, 2, and 4, S½NE¼, NW¼SW¼, and S½S½;
fractional sec. 2, lots 1, 2, and 3, SE¼NE¼, NW¼SW¼, S½SW¼, and E½SE¼;
fractional sec. 3, SE¼;
fractional sec. 4, S½SW¼ and SW¼SE¼;
fractional sec. 5, lots 3 and 4;
fractional sec. 6, lots 1, 2, 3, 4, and 7, SE¼NE¼, and SE¼SW¼;
fractional sec. 7, lots 1 and 2, NE¼NE¼, S½NE¼, E½NW¼, and SE¼SE¼;
sec. 8, N½NE¼ and NW¼NW¼;
sec. 9, NW¼NE¼, W¼NW¼, and SE¼;
sec. 10, E½NW¼, N½SW¼, SW¼SW¼, and SE¼;
sec. 11, NE¼NE¼, S½N½, SW¼, and E½SE¼;
sec. 12, N½, SW¼, N½SE¼, and SE¼SE¼;
sec. 13, N½NW¼;
sec. 14, SE¼SW¼;
sec. 15, W½NE¼, and W½;
sec. 16, N½, and SE¼;
sec. 17, NE¼, SE¼NW¼, and NE¼SW¼;
sec. 20, SW¼NE¼, N½NW¼, SE¼NW¼, and NE¼SE¼;
sec. 21, N½NE¼, SE¼NE¼, NW¼, and N½SW¼;
sec. 22, NW¼NE¼, S½NE¼, and NW¼;
sec. 23, NE¼, NE¼NW¼, S½NW¼, and N½SW¼;
sec. 24, SE¼NE¼, S½NW¼, and SE¼;
sec. 25, N½, NE¼SW¼, S½SW¼, NE¼SE¼, and W½SE¼;
sec. 26, N½, N½SE¼, and SE¼SE¼;
sec. 27, NE¼, NE¼SW¼, S½SW¼, and W½SE¼;
sec. 28, NW¼SW¼ and S½S½;
fractional sec. 31, N½SE¼;
sec. 33, NE¼NE¼;
sec. 34, NW¼NW¼;
sec. 35, N½NE¼ and NW¼;
sec. 36, NE¼, NE¼SW¼, and N½SE¼;

T. 159 N., R. 34 W.,
fractional sec. 2, lot 4;
fractional sec. 3, lots 2 and 3;
fractional sec. 4, lot 1, SE¼NE¼, and E½SE¼;
fractional sec. 6, SE¼NE¼ and NE¼SE¼;
sec. 10, SW¼;
sec. 11, SE¼NE¼ and SE¼;
fractional sec. 12, N½NW¼, SW¼NW¼, N½SW¼, and SE¼SW¼;
fractional sec. 13, lots 1 and 3, and that part of lot 4 described by metes and bounds as follows: Beginning at the southeast corner of sec. 13; thence west, 20 rods; thence north, 16 rods; thence east, 20 rods; thence south, 16 rods, to the place of beginning; W½NE¼, E½W½, and W½SE¼;
sec. 15, NW¼;
sec. 22, N½ and SE¼;
sec. 23, NE¼;
sec. 24, lots 1, 2, 3, and 4, W½NE¼, NW¼NW¼, and W½SE¼;
sec. 25, NW¼;
sec. 27, NW¼;
sec. 29, S½NE¼ and NW¼;
fractional sec. 30, lots 1 and 2, E½NW¼, and N½SE¼;
sec. 33, SW¼NW¼ and W½SW¼;
sec. 36, lots 1, 2, 3, and 4, and W½E½;

T. 160 N., R. 34 W.,
fractional sec. 1, N½SW¼;
fractional sec. 2, N½SE¼;
fractional sec. 3, lots 3 and 4, S½NW¼, and SW¼;
fractional sec. 4, lots 3 and 4, S½NW¼, and N½SW¼;
fractional sec. 5, N½SE¼ and SE¼SE¼;
fractional sec. 6, lots 3, 4, and 5, and SE¼NW¼;
fractional sec. 9, SW¼NE¼, SE¼NW¼, and E½SW¼;
sec. 10, NE¼ and SW¼SW¼;
sec. 11, SE¼;
fractional sec. 12, lots 1, 2, 3, and 4, W½NE¼, S½SW¼, and SW¼SE¼;
fractional sec. 13, lots 1, 2, 3, and 4, and W½NW¼;
sec. 14, NW¼NW¼ and S½;
sec. 15, NE¼, N½NW¼, SW¼NW¼, N½SW¼, SE¼SW¼, and SE¼;
fractional sec. 16, E½;
sec. 22, NE¼NE¼, W½NE¼, N½NW¼, SE¼NW¼, NW¼SE¼, and S½SE¼;
sec. 23, NE¼NE¼, S½NE¼, NW¼, SW¼SW¼, and SE¼;
fractonal sec. 24, lot 4, SW¼, and SW¼SE¼;
sec. 25, NW¼NW¼;
sec. 27, NE¼NE¼, S½NW¼, and NW¼SW¼;
sec. 28, S½NE¼, SE¼NW¼, N½SE¼, and SW¼SE¼;
sec. 33, N½NE¼;
sec. 34, SE¼SW¼ and SW¼SE¼;
sec. 35, SW¼ and SW¼SE¼;

T. 156 N., R. 35 W.,
fractional sec. 5, SE¼SE¼;
fractional sec. 6, lots 6 and 7, E½SW¼, and E½SE¼;
fractional sec. 7, lots 1 and 2, and E½NW¼;
sec. 9, NW¼NW¼ and SW¼SW¼;
sec. 21, N½NE¼;

T. 157 N., R. 35 W.,
sec. 17, SW¼;
fractional sec. 36, lot 3;

T. 158 N., R. 35 W.,
sec. 11, NE¼;
sec. 12, SW¼;
sec. 29, SE¼;
sec. 34, S½SW¼ and W½SE¼;

T. 159 N., R. 35 W.,
fractional sec. 4, S½N½, N½SW¼, and W½SE¼;
fractional sec. 5, SE¼NE¼ and NE¼SE¼;
fractional sec. 6, N½SE¼;
sec. 9, S½NW¼;
sec. 15, SW¼;
sec. 17, SW¼;
fractional sec. 18, NE¼SE¼;
fractional sec. 19, N½NE¼ and NE¼NW¼;
sec. 20, NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, and W½SE¼;
sec. 21, N½, N½SW¼, and SE¼SW¼;
sec. 22, W½NW¼;
sec. 25, N½NW¼;
sec. 28, NE¼NW¼ and SE¼;
sec. 29, NW¼NE¼ and NE¼NW¼;
fractional sec. 30, SE¼;
fractional sec. 32, lots 3 and 4;

T. 160 N., R. 35 W.,
fractional sec. 1, lots 3 and 4;
fractional sec. 2, N½SE¼;
fractional sec. 3, lots 2 and 3, SW¼NE¼, and SE¼NW¼;
fractional sec. 4, lots 1, 2, and 3, and S½NE¼;
fractional sec. 5, lots 2 and 3, SW¼NE¼, and S½SE¼;
fractional sec. 6, lots 1, 2, 3, 4, and 5, and E½SW¼;
sec. 7, lots 3 and 4, E½SW¼, and SE¼;
sec. 8, SW¼;
sec. 17, W½NW¼;
sec. 18, lots 1, 2, and 3, and E½NW¼;
sec. 19, lots 1, 2, 3, and 4, E½W½, and E½;
sec. 20, W½;
sec. 29, W½;
sec. 30, all;
sec. 31, N½;
sec. 32, N½;

T. 161 N., R. 35 W.,
fractional sec. 31, lots 1, 2, 3, and 4, E½W½, and E½;
fractional sec. 32, lots 1, 2, 3, and 4, W½;
fractional sec. 33, lots 1, 2, 3, and 4, W½;

T. 162 N., R. 35 W.,
fractional sec. 29, lots 1, 2, 3, and 4, W½;
fractional sec. 30, lots 1, 2, 3, and 4, E½W½, and E½;
fractional sec. 31, lots 1, 2, 3, and 4, E½W½, and E½;
fractional sec. 32, lots 1, 2, 3, and 4, W½;

T. 163 N., R. 35 W.,
fractional sec. 29, lots 1, 2, 3, and 4, W½;
fractional sec. 30, lots 1, 2, 3, and 4, E½W½, and E½;
fractional sec. 31, lots 1, 2, 3, and 4, E½W½, and E½;
fractional sec. 32, lots 1, 2, 3, and 4, W½;

T. 164 N., R. 35 W.,
fractional sec. 29, lots 1, 2, 3, and 4, W½;
fractional sec. 30, lots 1, 2, 3, and 4, E½W½, and E½;
fractional sec. 31, lots 1, 2, 3, and 4, E½W½, and E½;
fractional sec. 32, lots 1, 2, 3, and 4, W½;

T. 165 N., R. 35 W.,
fractional sec. 29, lots 1, 2, 3, and 4, W½;
fractional sec. 30, lots 1, 2, 3, and 4, E½W½, and E½;
fractional sec. 31, lots 1, 2, 3, and 4, E½W½, and E½;
fractional sec. 32, lots 1, 2, 3, and 4, W½;

T. 166 N., R. 35 W.,
fractional sec. 29, lots 1, 2, 3, and 4, W½;
fractional sec. 30, lots 1, 2, 3, and 4, E½W½, and E½;
fractional sec. 31, lots 1, 2, 3, and 4, E½W½, and E½;
fractional sec. 32, lots 1, 2, 3, and 4, W½;

T. 167 N., R. 35 W.,
fractional sec. 29, lots 1, 2, 3, and 4, W½;
fractional sec. 30, lots 1, 2, 3, and 4, E½W½, and E½;
fractional sec. 31, lots 1, 2, 3, and 4, E½W½, and E½;
fractional sec. 32, lots 1, 2, 3, and 4, W½;

T. 168 N., R. 35 W.,
fractional sec. 29, lots 1, 2, 3, and 4, W½;
fractional sec. 30, lots 1, 2, 3, and 4, E½W½, and E½;
fractional sec. 31, lots 1, 2, 3, and 4, E½W½, and E½;
fractional sec. 32, lots 1, 2, 3, and 4, W½;

T. 169 N., R. 35 W.,
fractional sec. 29, lots 1, 2, 3, and 4, W½;
fractional sec. 30, lots 1, 2, 3, and 4, E½W½, and E½;
fractional sec. 31, lots 1, 2, 3, and 4, E½W½, and E½;
fractional sec. 32, lots 1, 2, 3, and 4, W½;

T. 160 N., R. 36 W.,
fractional sec. 1, N½SW¼;
fractional sec. 2, N½SE¼;
fractional sec. 3, lots 3 and 4, S½NW¼, and SW¼;
fractional sec. 4, lots 3 and 4, S½NW¼, and N½SW¼;
fractional sec. 5, N½SE¼ and SE¼SE¼;
fractional sec. 6, lots 3, 4, and 5, and SE¼NW¼;
fractional sec. 9, SW¼NE¼, SE¼NW¼, and E½SW¼;
sec. 10, NE¼ and SW¼SW¼;
sec. 11, SE¼;
fractional sec. 12, lots 1, 2, 3, and 4, W½NE¼, S½SW¼, and SW¼SE¼;
fractional sec. 13, lots 1, 2, 3, and 4, and W½NW¼;
sec. 14, NW¼NW¼ and S½;
sec. 15, NE¼, N½NW¼, SW¼NW¼, N½SW¼, SE¼SW¼, and SE¼;
fractional sec. 16, E½;
sec. 22, NE¼NE¼, W½NE¼, N½NW¼, SE¼NW¼, NW¼SE¼, and S½SE¼;
sec. 23, NE¼NE¼, S½NE¼, NW¼, SW¼SW¼, and SE¼;
fractonal sec. 24, lot 4, SW¼, and SW¼SE¼;
sec. 25, NW¼NW¼;
sec. 27, NE¼NE¼, S½NW¼, and NW¼SW¼;
sec. 28, S½NE¼, SE¼NW¼, N½SE¼, and SW¼SE¼;
sec. 33, N½NE¼;
sec. 34, SE¼SW¼ and SW¼SE¼;
sec. 35, SW¼ and SW¼SE¼;

T. 156 N., R. 35 W.,
fractional sec. 5, SE¼SE¼;
fractional sec. 6, lots 6 and 7, E½SW¼, and E½SE¼;
fractional sec. 7, lots 1 and 2, and E½NW¼;
sec. 9, NW¼NW¼ and SW¼SW¼;
sec. 21, N½NE¼;

T. 157 N., R. 35 W.,
sec. 17, SW¼;
fractional sec. 36, lot 3;

T. 158 N., R. 35 W.,
sec. 11, NE¼;
sec. 12, SW¼;
sec. 29, SE¼;
sec. 34, S½SW¼ and W½SE¼;

T. 159 N., R. 35 W.,
fractional sec. 4, S½N½, N½SW¼, and W½SE¼;
fractional sec. 5, SE¼NE¼ and NE¼SE¼;
fractional sec. 6, N½SE¼;
sec. 9, S½NW¼;
sec. 15, SW¼;
sec. 17, SW¼;
fractional sec. 18, NE¼SE¼;
fractional sec. 19, N½NE¼ and NE¼NW¼;
sec. 20, NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, and W½SE¼;
sec. 21, N½, N½SW¼, and SE¼SW¼;
sec. 22, W½NW¼;
sec. 25, N½NW¼;
sec. 28, NE¼NW¼ and SE¼;
sec. 29, NW¼NE¼ and NE¼NW¼;
fractional sec. 30, SE¼;
fractional sec. 32, lots 3 and 4;

T. 160 N., R. 35 W.,
fractional sec. 1, lots 3 and 4;
fractional sec. 2, lot 1, SE¼NE¼, and SE¼SE¼;
fractional sec. 3, lots 2 and 3, SW¼NE¼, and SE¼NW¼;
fractional sec. 4, lots 1, 2, and 3, and S½NE¼;
fractional sec. 7, lots 3 and 4, and SE¼SW¼;
sec. 11, NE¼NE¼;
sec. 14, W½;
sec. 15, E½SW¼ and SE¼;
sec. 16, SE¼;
sec. 17, SE¼;
fractional sec. 18, lot 1, W½NE¼, and NE¼NW¼;
sec. 20, N½SE¼;

sec. 22, N½NW¼;
sec. 32, NW¼ and SE¼;
sec. 33, W½SW¼;
T. 161 N., R. 35 W.,
sec. 20, SW¼SW¼;
sec. 22, E½W½ and SE¼;
sec. 23, NW¼NE¼, SE¼NE¼, E½W½, and SE¼;
sec. 24, NW¼NE¼, SW¼NW¼, and NW¼SW¼;
sec. 25, NW¼NE¼, N½NW¼, SW¼NW¼, W½SW¼, and SE¼SW¼;
sec. 26, W½NE¼, NE¼NW¼, W½NW¼, and N½SW¼;
sec. 27, N½ and SE¼;
sec. 28, NE¼, E½NW¼, and S½;
sec. 29, N½NE¼, SE¼NE¼, and NW¼;
fractional sec. 30, lots 3 and 4, and E½SW¼;
sec. 33, N½NE¼, SE¼NE¼, and NE¼NW¼;
sec. 34, NE¼NE¼, S½NE¼, NW¼, and NE¼SE¼;
sec. 35, NW¼, S½S½S½NW¼SW¼, and S½SW¼;
sec. 36, NW¼;
T. 157 N., R. 36 W.,
sec. 6, NE¼;
T. 158 N., R. 36 W.,
fractional sec. 4, SE¼SW¼;
fractional sec. 5, lot 4;
sec. 9, NW¼NE¼ and NW¼;
sec. 10, N½NW¼;
sec. 19, S½SE¼;
sec. 20, W½W½;
sec. 30, N½NE¼;
T. 159 N., R. 36 W.,
fractional sec. 7, lots 2, 3, and 4, S½NE¼, SE¼NW¼, E½SW¼, and SE¼;
sec. 8, SE¼SE¼;
sec. 9, S½S½;
sec. 10, S½SW¼ and SW¼SE¼;
sec. 13, SE¼;
sec. 14, NW¼ and S½SW¼;
sec. 15, NE¼ and E½NW¼;
sec. 16, E½NE¼, W½NW¼, and S½;
sec. 17, N½, W½SW¼, and SE¼SW¼;
fractional sec. 18, NE¼;
fractional sec. 19, NE¼ and SE¼SW¼;
sec. 20, NW¼;
sec. 21, NE¼;
sec. 22, NE¼ and SE¼SE¼;
sec. 23, NE¼, SE¼NW¼, and S½SE¼;
sec. 24, NE¼, NE¼SW¼, and S½SW¼;
sec. 25, NW¼;
sec. 26, S½NE¼;
sec. 28, N½NW¼;
sec. 29, E½NE¼;
fractional sec. 30, NW¼NE¼, S½NE¼, E½NW¼, NE¼SW¼, and NE¼SE¼;
fractional sec. 31, lots 3 and 4, and E½SW¼;
sec. 32, W½SW¼;
T. 160 N., R. 36 W.,
fractional sec. 3, lots 2 and 3, SW¼NE¼, and SE¼NW¼;
fractional sec. 4, SE¼;
fractional sec. 5, SE¼;
fractional sec. 6, lots 6 and 7, and E½SW¼;
fractional sec. 7, lots 1, 3, and 4, and NE¼NW¼;
sec. 8, all;
sec. 9, NW¼ and W½SW¼;
sec. 17, N½NW¼;
fractional sec. 18, lots 1 and 2, and E½NW¼;
fractional sec. 19, lots 1, 2, and 3, SE¼NW¼, NE¼SW¼, and N½SE¼;
sec. 20, SW¼;
sec. 22, SE¼;
sec. 23, NE¼ and SW¼;
sec. 24, NW¼;
sec. 26, SW¼NE¼, N½NW¼, SW¼NW¼, N½SW¼, and NW¼SE¼;
sec. 27, NE¼NE¼, S½NE¼, and W½;
sec. 28, SW¼;
sec. 29, NE¼SE¼ and SW¼SE¼;
fractional sec. 30, lots 2 and 3, SE¼NW¼, NE¼SW¼, and SW¼SE¼;
fractional sec. 31, lots 1, 2, 3, and 4, N½NE¼, and E½W½;
sec. 32, W½NE¼, SE¼NE¼, and W½;
T. 161 N., R. 36 W.,
fractional sec. 19, that part of SE¼SE¼ lying east of State Road No. 7;
sec. 20, E½;
sec. 21, NW¼ and SE¼;
sec. 22, S½SW¼;
sec. 24, NW¼;
sec. 26, SW¼;
sec. 27, all;
sec. 28, W½SW¼SW¼;
sec. 29, NE¼SW¼: that part of NW¼SW¼ described by metes and bounds as follows: Beginning at a point 29 rods south of the northwest corner of the NW¼SW¼, sec. 29; thence south, 10 rods; thence east, 16 rods; thence north, 10 rods; thence west, 16 rods, to the place of beginning; S½SW¼, and NW¼SE¼;
fractional sec. 30, lot 1, NE¼, NE¼NW¼, and NW¼SE¼;
sec. 32, S½NE¼, N½NW¼, and SE¼NW¼;
sec. 35, NE¼;
T. 158 N., R. 37 W.,
fractional sec. 1, lot 4;
fractional sec. 3, lots 1, 2, and 3;
fractional sec. 5, lots 1 and 2;
T. 159 N., R. 37 W.,
fractional sec. 1, lots 1, 2, 3, and 4, W½NE¼, SW¼, and W½SE¼;
sec. 2, W½ and SE¼;
sec. 3, NE¼, S½NW¼, and S½;
sec. 4, NE¼, N½NW¼, and SW¼;
fractional sec. 6, lots 1, 2, 3, and 4, NW¼NE¼, and E½NW¼;
fractional sec. 7, lots 1, 2, 3, and 4, S½NE¼, E½SW¼, and SE¼;
sec. 8, S½;
sec. 9, SW¼;
sec. 10, N½, N½SW¼, and SE¼;
sec. 11, NW¼NE¼, S½NE¼, NW¼, W½SW¼, and SE¼;
fractional sec. 12, lots 3 and 4, NW¼, and W½SE¼;
fractional sec. 13, all;
sec. 14, NE¼, E½NW¼, NE¼SW¼, and S½SW¼;
sec. 15, S½NW¼, SW¼, W½SE¼, and SE¼SE¼;
sec. 16, NE¼ and W½;
sec. 17, all;
fractional sec. 18, E½;
fractional sec. 19, E½;
sec. 20, SW¼NE¼, NW½, NW¼SE¼, and S½SE¼;
sec. 21, NE¼, N½NW¼, and E½SE¼;
sec. 22, N½NW¼;
sec. 23, E½;
fractional sec. 24, lots 1 and 2, and W½NE¼;
fractional sec. 25, lots 2 and 3, SW¼NE¼, SW¼, and NW¼SE¼;
sec. 26, S½SW¼ and SE¼;
sec. 27, S½N½ and N½S½;
sec. 28, NE¼ and N½SE¼;
sec. 29, S½NE¼, NW¼, and S½;
fractional sec. 30, NE¼;
fractional sec. 32, lots 1, 2, 3, and 4, N½, N½SW¼, and NW¼SE¼;
fractional sec. 33, lots 3 and 4, S½SE¼, and N½SE¼;
fractional sec. 34, lots 1, 2, 3, and 4, NW¼, and N½S½;
fractional sec. 35, N½ and N½S½;
fractional sec. 36, lots 2 to 7, inclusive, SW¼NE¼, SW¼NW¼, NW¼SW¼, and NW¼SE¼;
T. 160 N., R. 37 W.,
fractional sec. 2, lots 3 and 4, S½NW¼, and SW¼;
fractional sec. 4, W½SW¼ and N½SE¼;
fractional sec. 5, E½SE¼;
sec. 9, NE¼NE¼;
fractional sec. 13, lots 1 and 2, and W½NE¼;
sec. 14, SW¼;
fractional sec. 18, lot 4;
fractional sec. 19, lot 1;
sec. 23, NW¼;
fractional sec. 24, lots 1 and 2, W½NE¼, and E½NW¼;
sec. 25, E½NE¼ and SE¼;
sec. 29, NW¼ and W½SW¼;
fractional sec. 30, NE¼ and E½SE¼;
fractional sec. 31, NE¼;
sec. 32, E½SE¼;
sec. 33, W½SW¼;
sec. 34, SE¼SW¼;
sec. 35, SW¼;
sec. 36, SW¼;
T. 161 N., R. 37 W.,
sec. 13, SW¼NW¼, NW¼SW¼, and SE¼;
sec. 14, W½NE¼, SE¼NE¼, E½NW¼, and NE¼SE¼;
sec. 17, N½ and N½SW¼;
fractional sec. 18, NE¼ and N½SE¼;
fractional sec. 19, NE¼SE¼;
sec. 20, N½SW¼ and SE¼SW¼;
sec. 22, N½NE¼;
sec. 23, NW¼NW¼;
sec. 24, SW¼;
sec. 25, N½, NW¼SW¼, S½SW¼, and SE¼;
sec. 26, N½NE¼, SW¼NE¼, SE¼NW¼, and E½SE¼;
sec. 27, NE¼NW¼ and S½NW¼;
sec. 29, N½NE¼, SE¼NE¼, NE¼NW¼, and S½SW¼;
sec. 32, N½NW¼;
sec. 35, NE¼NE¼;
T. 159 N., R. 38 W.,
sec. 1, N½SE¼ and SE¼SE¼;
sec. 3, N½NW¼;
sec. 4, N½NE¼;
sec. 12, E½NE¼;
T. 160 N., R. 38 W.,
fractional sec. 1, lot 4;
fractional sec. 2, lots 1, 2, 3, and 4, S½N½, and SW¼;
fractional sec. 3, lots 1, 2, 3, and 4, and S½NE¼;
sec. 10, NE¼, SE¼NW¼, N½SW¼, and NW¼SE¼;
sec. 11, NW¼;
sec. 14, W½NE¼, E½NW¼, and S½SW¼;
sec. 23, S½NE¼, NW¼, N½SW¼, and SE¼SW¼;
sec. 24, N½NE¼ and S½SW¼;
sec. 25, N½NW¼;
sec. 26, NE¼NW¼ and SW¼SW¼;
sec. 27, NE¼, SE¼SW¼, and SE¼SE¼;
sec. 28, E½SW¼;
sec. 33, E½NW¼ and S½SE¼;
sec. 34, N½N½ and S½SW¼;
sec. 35, SW¼NE¼ and NW¼.

This reservation shall be known as the Beltrami Wildlife Management Area.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 6, 1942.

[No. 9091]

[F. R. Doc. 42-2035; Filed, March 9, 1942; 11:23 a. m.]

EXECUTIVE ORDER

DESIGNATING THE HONORABLE A. CECIL SNYDER AS ACTING JUDGE OF THE DISTRICT COURT OF THE UNITED STATES FOR PUERTO RICO

By virtue of the authority vested in me by section 41 of the act entitled "An Act to provide a civil government for Puerto Rico, and for other purposes", approved March 2, 1917, as amended by section 2 of the act of March 26, 1938, 52 Stat. 118 (U.S.C., title 48, sec. 863), I hereby designate and authorize the Honorable A. Cecil Snyder, Associate Justice of the Supreme Court of Puerto Rico, to perform and discharge the duties of Judge of the District Court of the United States for Puerto Rico and to sign all necessary papers and records as Acting Judge of the said Court, without extra compensation, during the absence, illness, or other legal disability of the Judge thereof during the current calendar year.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 6, 1942.

[No. 9092]

[F. R. Doc. 42-2036; Filed, March 9, 1942; 11:23 a. m.]

[SOLID FUELS COORDINATOR FOR NATIONAL DEFENSE]

THE WHITE HOUSE
Washington, Nov. 5, 1941

MY DEAR MR. SECRETARY:

As the defense effort progresses it becomes increasingly urgent to assure that the supply of solid fuels will be adequate and that they will be readily available at consuming points when required for military, industrial, and civilian purposes. Difficult problems are already arising with respect to their supply and availability for such uses. These problems require the efficient and carefully coordinated development, production, distribution, utilization, transportation and handling of solid fuels.

You have in your Department extensive information and facilities with respect to solid fuels. I refer particularly to the Bituminous Coal Division, the Bureau of Mines, and the Geological Survey. In addition, in your capacity as Petroleum Coordinator for National Defense you have important functions with respect to oil and gas. It is essential that the handling of solid fuel and of oil and gas problems should be closely coordinated in the present emergency.

I am, therefore, requesting that you as the Secretary of the Interior shall act as solid fuels coordinator for national defense in performing the following duties:

1. Obtain currently from the appropriate defense and other Federal agencies, from the various States and their subdivisions, and from any other sources, private or governmental, information as to the military and civilian needs for solid fuels;

2. Obtain currently from the solid fuels industries and from any other sources, governmental or private, information relating to development, production, supply, availability, distribution, utilization, transportation and handling of solid fuels;

3. Make recommendations to the Supply Priorities and Allocations Board, the Office of Production Management, the Office of Price Administration, the transportation agencies of the Federal Government and to any other appropriate Federal departments and agencies concerning measures relating to the production, storage, pooling, transportation, distribution, marketing and consumption of solid fuels for the purpose of promoting the maintenance of a ready and adequate supply at reasonable prices;

4. In cooperation with the solid fuels and related industries and with consumers of solid fuels, and in coordination with the Office of Production Management, carry on such programs as will promote economy and efficiency in the development, production, distribution, utilization, transportation and handling of solid fuels, and as will facilitate the operation of the solid fuels industries so as to meet the requirements of the national defense program;

5. Advise and make recommendations to the Supply Priorities and Allocations Board, the Office of Production Management, and other appropriate defense agencies with respect to the material, equipment and supplies which will be required by the solid fuels industries in producing, transporting, and distributing the tonnage needed for civilian and defense purposes;

6. Make other recommendations to appropriate Federal departments and agencies concerning measures affecting the supply and availability of solid fuels as may seem necessary from time to time.

In carrying out these responsibilities, the determinations of the Supply Priorities and Allocations Board and of the Office of Production Management will, of course, govern as to the requirements for national defense, direct and indirect, and as to the establishment and administration of priorities and allocations.

The heads of the agencies and departments concerned are being informed of this designation and I am requesting that they inform you in advance of any action proposed which may affect the maintenance of an adequate supply of solid fuels and of all meetings or conferences dealing with these problems.

I anticipate that you will use your present staff in the discharge of these responsibilities to the fullest extent possible. Within the limits of such funds as may be made available, you may make provision for the necessary services and facilities and you may employ necessary additional personnel, including the appointment or designation, with my approval, of an assistant to whom you may make any necessary delegation of functions.

Sincerely yours,

FRANKLIN D ROOSEVELT

The Honorable
THE SECRETARY OF THE INTERIOR.

[F. R. Doc. 42-2016; Filed, March 9, 1942; 9:46 a. m.]

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER II—AIRCRAFT

PART 22—ASSISTANCE TO CIVIL AIRCRAFT[1]

§ 22.8 *Use of Army Air Forces bases by commercial airlines.* Bases and fields of the Army Air Forces may be used as alternate airports by commercial airlines when weather or other emergency conditions prevail, making scheduled airline terminal airports unsafe; or when required under the military situation; subject to the following conditions:

(a) Authority must be obtained from the commanding officer of the base or field, and a complete flight plan filed with him prior to the time of departure of the aircraft involved.

(b) The commanding officer must be notified immediately upon the decision to use his base or field and advised of the estimated time of arrival of the aircraft thereat.

(c) The pilot of the aircraft involved must be made familiar, prior to take-off for the scheduled airport, with the communications and radio aids facilities, the air and ground traffic regulations, and the general rules and regulations currently in effect at the alternate airport.

(d) The commanding officer of the alternate airport must be notified immediately in the event the aircraft is landed at the scheduled terminal airport instead of the alternate as planned.

(e) No services or supplies will be furnished, except in emergencies. See §§ 22.4 to 22.7, inclusive.)

(f) The United States Government will assume no liability or responsibility arising by reason of the condition of the landing area, radio aids, or adjacent establishment; or by the acts of its agents in connection with the control of flight or flights involved; or in connection with the granting of the right to use such Army Air Forces base or field as an alternate airport. (44 Stat. 570; 49 U.S.C. 175) [AAF Regs. 85-4, January 29, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-1999; Filed, March 7, 1942; 10:08 a. m.]

[1] § 22.8 is added.

CHAPTER VII—PERSONNEL

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS[1]

APPOINTMENT OF WARRANT OFFICERS

§ 73.318 *General scope of final examination (technical); administrative—*(a) *General.*

* * * * * * *

(2) *Scope of final examination in specific arms and services.*

* * * * * * *

(ii) *Clerical (Judge Advocate General's Department, with typing and dictation optional).* Important subject matter covered in the Manual for Courts-Martial, United States Army (1928), including the current circulars and memoranda pertaining thereto, and the Articles of War and other appendices; military personnel; management and records; recruiting; wearing of the uniform; efficiency reports; designation of beneficiaries; awards; leaves; furloughs; passes, delays, transfers, details, assign-

[1] § 73.318(a)(2)(ii) is amended.

ments, traveling, and separation from the service; general provisions relating to pay; prisoners; the deceased; organization of the Army; general duties with which The Adjutant General is charged; organization and operation of The Adjutant General's Department; staff data; general provisions for warrant officers; expenses of courts martial, courts of inquiry, military commissions, and retirement boards; administration of posts, camps, and stations; exchanges.

This examination will also include a practical demonstration of the applicant's ability to type at a speed of 40 words per minute and to take dictation at a speed of 120 words per minute for those who have chosen typing and dictation as an optional subject. (Act of August 21, 1941, Public Law 230, 77th Congress) [Par. 29b, AR 610–10, September 13, 1941, as amended by Cir. 60, W.D., March 2, 1942]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–1998; Filed, March 7, 1942; 10:06 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendment 01–1, Civil Air Regs.]

PART 01—AIRWORTHINESS CERTIFICATES

AIRCRAFT ACCIDENTS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 6th day of March, 1942.

Acting pursuant to sections 205 (a) and 601 of the Civil Aeronautics Act of 1938, as amended, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective March 6, 1942, Part 01 of the Civil Air Regulations is amended by adding a new § 01.33 immediately following § 01.32 to read as follows:

§ 01.33 *Aircraft accidents.* An accident involving aircraft is an occurrence involving either or both of the following conditions:

(a) an accident which results in serious injury or death to an occupant of an aircraft, or to any other person by direct contact with the aircraft;

(b) an accident which results in damage to an aircraft sufficiently serious to render it unairworthy. Defects or damage first discovered during routine maintenance, inspection or overhaul shall not be considered as constituting damage under this definition regardless of its nature or extent.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42–2049; Filed, March 9, 1942; 12:04 p. m.]

[Regulations, Serial No. 207]

PART 239—CHARTER TRIPS AND SPECIAL SERVICES

AMENDMENT OF ECONOMIC REGULATIONS—AIR CARRIERS HOLDING CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY

At a session of the Civil Aeronautics Board held at its offices in Washington, D. C., on the 6th day of March 1942.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, particularly sections 205 (a) and 401 (f) thereof and deeming its action necessary to carry out the provisions of said act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

§ 239.1 *Charter trips and special services by air carriers holding certificates of public convenience and necessity.* (a) No air carrier holding a certificate of public convenience and necessity shall operate any charter trip or other special service, either between points named in its certificate or otherwise, unless it shall have first secured approval thereof by the Military Director of Civil Aviation or his designee, or unless authorized by such further regulations as the Board may from time to time promulgate.

(b) This section shall become effective on March 12, 1942. (Sec. 205 (a), 401 (f), 52 Stat. 984, 988; 49 U.S.C., 425 (a), 481 (f).)

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42–2033; Filed, March 9, 1942; 10:44 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 3735]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF WESTERN CHEMICALS, INC., ET AL.

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety.* In connection with offer, etc. of respondents' "Alcoban," or other similar preparations, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of their preparation, which advertisements represent, directly or through inference (1) that said preparation constitutes a competent or effective treatment for alcoholism; or that said preparation may be used with safety or without danger of ill effects upon the body; or which advertisements fail to reveal that the use of said preparation may produce toxic conditions in the body, and may result in serious injury to the nerves, heart and lungs; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Western Chemicals, Inc., et al., Docket 3735, March 2, 1942].

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 2nd day of March, A. D. 1942.

In the Matter of Western Chemicals, Inc., a Corporation; Maffett Sales Corporation, a Corporation; Bartell Drug Company, a Corporation; and Frank L. Wilson, N. B. Wilson, and Reuel K. Yount, Individuals

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, in support of and in opposition to the allegations of the complaint, report of the trial examiners upon the evidence and the exceptions to such report, and brief in support of the complaint (no brief having been filed by respondents and oral argument not having been requested); and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Western Chemicals, Inc., a corporation; Maffett Sales Corporation, a corporation; Bartell Drug Company, a corporation; and their officers, and Frank L. Wilson, N. B. Wilson, and Reuel K. Yount, individuals, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of respondents' preparation "Alcoban", or any other preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or under any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication, that said preparation constitutes a competent or effective treatment for alcoholism; or that said preparation may be used with safety or without danger of ill effects upon the body; or which advertisement fails to reveal that the use of said preparation may produce toxic conditions in the body, and may result in serious injury to the nerves, heart and lungs;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparation, which advertisement contains any of the representations prohibited in paragraph 1 hereof, or which fails to reveal that the use of said preparation may produce toxic conditions in the body, and may result in serious injury to the nerves, heart and lungs.

It is further ordered, That the respondents shall, within ten (10) days after service upon them of this order, file with the Commission an interim report in writing stating whether they intend to comply with this order and, if so, the manner and form in which they intend to comply; and that within sixty (60) days after service upon them of this order, said respondents shall file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42–2007; Filed, March 7, 1942; 11:18 a. m.]

TITLE 18—CONSERVATION OF POWER

CHAPTER I—FEDERAL POWER COMMISSION

PART 160—MISCELLANEOUS ACCOUNTING ORDERS

[Order No. 69–A]

PRESCRIBING ACCOUNTING WITH RESPECT TO ACCOUNT 100.5, GAS PLANT ACQUISITION ADJUSTMENTS

MARCH 3, 1942.

The Commission, having under consideration the matter of uniform systems of accounts, particularly the text of Account 100.5,[1] Gas Plant Acquisition Adjustments, of the Commission's Uniform System of Accounts Prescribed for Natural Gas Companies by order of the Commission adopted November 3, 1939; and

It appearing to the Commission that:

(a) Gas Plant Accounts Instruction 2–A of the said Uniform System of Accounts provides that each utility[2] shall classify its gas plant in accordance with the Gas Plant Accounts as prescribed in said Uniform System of Accounts;

(b) Instruction 2–C of said Gas Plant Accounts provides that the detailed Gas Plant Accounts of each utility shall be stated on the basis of cost to the utility of gas plant constructed by it and on the basis of original cost, estimated if not known, of gas plant acquired by it as an operating unit or system; and further, that the difference between the original cost as above, and the cost to the utility of gas plant includible in Accounts 100.1 to 100.4, inclusive, after giving effect to the depreciation, depletion, or amortization recorded by the accounting utility at the time of acquisition, shall be recorded in Account 100.5, Gas Plant Acquisition Adjustments;

(c) Subdivision C of Account 100.5, Gas Plant Acquisition Adjustments, provides as follows:

The amounts recorded in this account with respect to each property acquisition shall be depreciated, amortized, or otherwise disposed of, as the Commission may approve or direct.

The Commission *finds* that:

(1) Studies of original cost, as provided for in paragraph (a) above, are being completed by utilities and amounts entered in the appropriate primary Gas Plant Accounts in accordance with Instruction 2–C above referred to, or will be so entered in said accounts in the near future;

(2) It is appropriate to consider the matter of disposition of such amounts as may be lodged in said Account 100.5 Gas Plant Acquisition Adjustments; and

The Commission *orders* that:

§ 160.2 *Accounting with respect to account 100.5, gas plant acquisition adjustments.* (a) Debit amounts in Account 100.5, Gas Plant Acquisition Adjustments, may be charged to Account 414, Miscellaneous Debits to Surplus, in whole or in part, or may be amortized over a reasonable period by charges to Account 537, Miscellaneous Amortization, without further order of the Commission;

(b) Should a utility desire to account for debit amounts in Account 100.5, Gas Plant Acquisition Adjustments, in any manner different from that indicated in (a) above, it shall petition the Commission for authority to do so;

(c) Debit balances shall not be determined by application of credit amounts thereto;

(d) Credit amounts in Account 100.5, Gas Plant Acquisition Adjustments, shall be accounted for as directed by the Commission;

(e) Where a utility, subject to both Federal and State regulations, petitions the Commission in accordance with paragraph (b) above, the cooperative procedure heretofore adopted between Federal and State Commissions shall be invoked;

(f) Disposition of amounts in Account 100.5, Gas Plant Acquisition Adjustments, as above directed, is for accounting purposes only and such disposition shall not be construed as determining or controlling the consideration to be accorded these items in rate or other proceedings, nor shall anything contained herein prevent the Commission from subsequently ordering the amounts to be charged directly to Account 414, Miscellaneous Debits to Surplus, or from modifying the adopted amortization period.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42–2045; Filed, March 9, 1942; 11:32 a. m.]

[1] Account 100.5 for Classes A and B Natural Gas Companies as hereinafter used refers also to Accounts 1100.5 and 2100.5 for Classes C and D Natural Gas Companies. Likewise other account references for Classes A and B Natural Gas Companies apply also to comparable accounts for Classes C and D Natural Gas Companies.

[2] The term "utility" as used herein means any natural gas company to which the Commission's Uniform System of Accounts is applicable.

TITLE 24—HOUSING CREDIT

CHAPTER IV—HOME OWNERS' LOAN CORPORATION

[Administrative Order No. 374]

PART 403—PROPERTY MANAGEMENT DIVISION

RECONDITIONING IN CONNECTION WITH SALES

Section 403.10–33 is amended by the addition, at the end thereof, of a paragraph reading as follows:

§ 403.10–33 *Reconditioning by purchaser.* Any agreement for sale obligating the purchaser to perform reconditioning shall specify the time in which the work is to be completed.

Section 403.10–34 is amended to read as follows:

§ 403.10–34 *Supervision of reconditioning to be performed by the purchaser.* When an offer to purchase is accepted by the Corporation which requires the purchaser to perform reconditioning, the work will be supervised by the Loan Service Division, as provided in Part 402 of the Code of Federal Regulations.

(Effective March 9, 1942)

(Above procedure promulgated by the General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a) and 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Sections 1 and 13 of the Act of April 27, 1934, 48 Stat. 643 and 647; 12 U.S.C. 1463 (a), (k).)

[SEAL] J. FRANCIS MOORE,
Secretary.

[F. R. Doc. 42–2047; Filed, March 9, 1942; 11:46 a. m.]

[Administrative Order No. 536]

PART 405—RECONDITIONING SECTION

RECONDITIONING IN CONNECTION WITH SALES

Section 405.01–66 is amended to read as follows:

§ 405.01–66 *Reconditioning by purchaser at his expense.* In cases where the agreement for sale provides for reconditioning to be performed by the purchaser at his expense, inspection of the property shall be made as may be advisable in the particular case and a report shall be made concerning completion or non-completion by a Loan Service Representative, except where the Control

Supervisor determines that a technical inspection is advisable, in which event he shall refer the case to the Reconditioning Section for an inspection report.

Reports to Regional Managers. In the event the work is not being satisfactorily performed or has not been satisfactorily completed, such fact, together with any recommendation as to the action, if any, to be taken by the Corporation with respect to such default, shall be promptly reported to the Regional Manager for further action in accordance with the provisions of Part 402 of the Code of Federal Regulations.

(Effective March 9, 1942)

(Above procedure promulgated by the General Manager and General Counsel pursuant to authority vested in them by the Federal Home Loan Bank Board acting pursuant to Secs. 4 (a) and 4 (k) of Home Owners' Loan Act of 1933, 48 Stat. 129, 132, as amended by Sections 1 and 13 of the Act of April 27, 1934, 48 Stat. 643 and 647: 12 U.S.C. 1463 (a), (k).)

[SEAL] J. FRANCIS MOORE, *Secretary.*

[F. R. Doc. 42-2046; Filed, March 9, 1942; 11:46 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER A—INCOME AND EXCESS PROFITS TAXES

[T. D. 5127]

PART 23—CONSOLIDATED RETURNS OF AFFILIATED RAILROAD CORPORATIONS AND PAN AMERICAN TRADE CORPORATIONS

Income Tax—Regulations 104, Amended

Regulations 104 [Part 23,[1] Title 26, Code of Federal Regulations, 1940 Sup.] are amended as follows:

PARAGRAPH 1. Section 23.2 is amended as follows:

(A) By striking from (b) the last sentence in the second paragraph and inserting in lieu thereof the following:

• • • The option to treat such foreign corporation as a domestic corporation so that it may be included in a consolidated return must be exercised at the time of making the consolidated return, and cannot be exercised at any time thereafter. If the election is exercised to treat such foreign corporation as a domestic corporation, it must be included in the consolidated return of the affiliated group of which it is a member for each year thereafter for which such group makes or is required to make a consolidated return.

(B) By striking from (b) the last sentence in the fourth paragraph and inserting in lieu thereof the following:

• • • A corporation ceases to be a member of an affiliated group when the members of the group cease to own directly at least 95 percent, or, in the case of a Pan-American trade corporation, the parent corporation ceases to own directly 100 percent, of its stock.

(C) By changing paragraph (e) to read as follows:

(e) *Tax.* The term "tax" means the income tax imposed by the Code, and includes any interest, penalty, additional amount, or addition to the tax, payable in respect thereof.

(D) By changing paragraph (f) to read paragraph (g), and by inserting in such paragraph immediately preceding the expression "'net income,' section 21" the following: "'corporation surtax net income,' section 15;".

(E) By inserting immediately after paragraph (e) the following:

(f) *Consolidated return.* The term "consolidated return" means a consolidated income tax return.

PAR. 2. Section 23.13 (a) is amended by striking the period at the end, and by inserting in lieu thereof: "of the affiliated group."

PAR. 3. Section 23.14 is amended to read as follows:

§ 23.14 *Accounting period of an affiliated group.* The taxable year of an affiliated group which makes a consolidated income tax return shall be the same as the taxable year of the common parent corporation; and, upon having elected to file consolidated returns, each subsidiary corporation shall, not later than the close of the first consolidated income tax taxable year ending thereafter, adopt an annual accounting period, fiscal year or calendar year as the case may be, in conformity with that of the common parent.

If a change of accounting period is made by a subsidiary in order to conform with that of the common parent and if the requirements of § 19.46-1, Regulations 103, relating to notice of change, cannot otherwise be complied with, such notice shall be furnished at or before the time of filing the consolidated return.

With respect to computations for years involved in the change to the consolidated basis, see § 23.32.

PAR. 4. Section 23.15 is amended by changing paragraphs (b), (c), and (d) to read, respectively, (c), (d), and (e), and by inserting immediately after paragraph (a) the following:

(b) *Liability of a corporation in bankruptcy or receivership.* If, at the time of filing a consolidated return, one or more, but not all, of the members of the affiliated group are in bankruptcy under the laws of the United States or in receivership in any court of the United States or of any State, Territory, or the District of Columbia, then the liability under paragraph (a) of each such member of the group with respect to the period covered by such return shall not exceed such portion of the consolidated tax liability for such period as the several corporations included in the consolidated return may, subject to the approval of the Commissioner, agree upon, or, in the absence of such an agreement, an amount equal to its liability for such year computed as if a separate return had been filed.

PAR. 5. Section 23.16 (a) is amended as follows:

(A) By inserting immediately after the second semicolon in the third sentence the following:

• • • notice and demand for payment of taxes will be given only to the common parent, and such notice and demand shall be considered as a notice and demand to each such corporation; • • •

(B) By striking from the fourth sentence that portion following the semicolon and by inserting in lieu thereof the following:

• • • any notice and demand for payment will name each corporation which was a member of the affiliated group during any part of such period (but a failure to include the name of any such corporation will not affect the validity of the notice and demand as to the other corporations); and any distraint (or warrant in respect thereof), any levy (or notice in respect thereof), any notice of a lien, or any other proceeding to collect the amount of any assessment, after the assessment has been made, will name the corporation from which such collection is to be made.

PAR. 6. Section 23.30 is amended as follows:

(A) By changing the heading of paragraph (b) to read: "*Years beginning in 1940.*"

(B) By striking the asterisk at the end of paragraph (b), and by inserting immediately after such paragraph the following:

(c) *Years beginning after December 31, 1940.* In the case of an affiliated group which makes, or is required to make, a consolidated return for any taxable year beginning after December 31, 1940, the tax liability of each corporation for the period during such year that it was a member of such group shall be computed upon the consolidated normal-tax net income and the consolidated corporation surtax net income of the group, determined in accordance with these regulations. (See, however, § 23.15, relating to the liability of the members of the group.)

PAR. 7. Section 23.31 (a) is amended as follows:

(A) By striking out the heading and that portion of the paragraph preceding the numbered subparagraphs, and by inserting in lieu thereof the following:

(a) *Definitions—Years beginning prior to January 1, 1941*—(1) *In general.* In the case of an affiliated group of corporations which makes or is required to make a consolidated return for any taxable year beginning prior to January 1, 1941, and except as otherwise provided in these regulations— • • •

(B) By changing the subparagraph formerly designated as (1) to read as follows:

(i) The consolidated net income shall be the combined net income of the several affiliated corporations, reduced, in the case of a taxable year beginning in 1940, by the consolidated net operating loss deduction;

(C) By changing the subparagraph formerly designated as (2) to read as follows:

(ii) The consolidated adjusted net income shall be the consolidated net income minus the combined credit of the several affiliated corporations provided in section 26 (a), relating to interest on certain obligations of the United States and Government corporations;

(D) By renumbering as (ix) the subparagraph formerly designated (9), by inserting immediately after the second parentical expression in such subparagraph the following: "of the several affiliated corporations having net income", and by inserting immediately preceding the semicolon at the end of such subparagraph the following: "computed without regard to the qualification expressed in paragraph (c) relating to net operating loss deductions".

(E) By renumbering as (x) the subparagraph formerly designated (10), and by renumbering as (aa) and (bb), respectively, of inferior subdivision (A) the inferior subdivisions formerly designated (i) and (ii).

(F) By renumbering as (iii), (iv), (v), (vi), (vii), and (viii), respectively, the subparagraphs formerly designated as (3), (4), (5), (6), (7), and (8).

PAR. 8. Section 23.31 (aa) is amended as follows:

(A) By striking out the heading and inserting in lieu thereof the following:

(2) *Years beginning in 1939.* • • •

(B) By changing the subparagraph formerly designated as (1) to read as follows:

(i) The consolidated special class net income shall be the consolidated adjusted net income minus the consolidated credit for dividends received;

(C) By renumbering as (ii) and (iii), respectively, the subparagraphs formerly designated as (2) and (3).

PAR. 9. Section 23.31 (aaa) is amended as follows:

(A) By striking out the heading and that portion of the paragraph preceding the numbered subparagraphs, and by inserting in lieu thereof the following:

(3) *Years beginning in 1940.* In the case of an affiliated group of corporations which makes or is required to make a consolidated return for taxable years beginning after December 31, 1939, and before January 1, 1941, and except as otherwise provided in these regulations— • • •

(B) By changing the subparagraph formerly designated as (1) to read as follows:

(i) The consolidated normal-tax net income shall be the consolidated adjusted net income minus the consolidated credit for dividends received;

(C) By renumbering as (iv) the subparagraph formerly designated as (4), and by inserting immediately after the second parenthetical expression in such subparagraph the following:

• • • of the several affiliated corporations having net income.

(D) By renumbering as (ii) and (iii), respectively, the subparagraphs formerly designated as (2) and (3).

PAR. 10. Section 23.31 is further amended by inserting immediately after paragraph (a) (3) (iv) (C) the following:

(b) *Definitions; years beginning after December 31, 1940.* In the case of an affiliated group of corporations which makes or is required to make a consolidated return for any taxable year beginning after December 31, 1940, and except as otherwise provided in these regulations—

(1) The consolidated net income shall be the combined net income of the several affiliated corporations—

(i) Minus any consolidated net operating loss deduction,

(ii) Plus any consolidated net short-term capital gain, and

(iii) Plus or minus, as the case may be, any consolidated net long-term capital gain or consolidated net long-term capital loss;

(2) The consolidated net short-term capital gain shall be the excess of the sum of the short-term capital gains of the several affiliated corporations over the sum of the short-term capital losses of such corporations;

(3) The consolidated net long-term capital gain shall be the excess of the sum of the long-term capital gains of the several affiliated corporations over the sum of the long-term capital losses of such corporations;

(4) The consolidated net long-term capital loss shall be the excess of the sum of the long-term capital losses of the several affiliated corporations over the sum of the long-term capital gains of such corporations;

(5) The consolidated net operating loss deduction shall be an amount equal to the consolidated net operating loss carry-over reduced by the amount, if any, by which the consolidated net income (computed with the exceptions and limitations provided in section 122 (d)) exceeds the consolidated normal-tax net income (computed without any net operating loss deduction);

(6) The consolidated net operating loss carry-over shall be the sum of—

(i) The amount of the consolidated net operating loss, if any, for the first preceding taxable year,

(ii) The amount of the consolidated net operating loss, if any, for the second preceding taxable year reduced by the excess, if any, of the consolidated net income (computed with the exceptions and limitations provided in section 122 (d)) for the first preceding taxable year over the consolidated net operating loss for the third preceding taxable year, and, with respect to net operating losses sustained by a corporation for taxable years prior to the first taxable year in respect of which its income is included in the consolidated return—

(iii) The amount of the net operating loss, if any, sustained by such corporation for the first preceding taxable year, and

(iv) The amount of the net operating loss, if any, sustained by such corporation for the second preceding taxable year reduced by the excess, if any, of the net income of such corporation for the first preceding taxable year or, if the income of such corporation is included in the consolidated return for the first preceding taxable year, either the net income of such corporation increased by the separate net short-term and long-term capital gains of such corporation or the consolidated net income for such year (computed in either case with the exceptions and limitations provided in section 122 (d), whichever is the lesser, over the net operating loss of such corporation for the third preceding taxable year;

(7) The consolidated net operating loss shall be an amount equal to the excess of the combined net operating losses of the several affiliated corporations having net operating losses (computed subject to the exceptions and limitations provided in section 122 (d)) over the sum of—

(i) The combined net income of the several affiliated corporations having net income (adjusted with respect to the exceptions and limitations provided in section 122 (d) in connection with the computation of net operating losses), and

(ii) The consolidated net short-term capital gain and the consolidated net long-term capital gain;

(8) The consolidated normal-tax net income shall be the consolidated adjusted net income minus the consolidated credit for dividends received;

(9) The consolidated adjusted net income shall be the consolidated net income minus the consolidated credit relating to interest on certain obligations of the United States and Government corporations;

(10) The consolidated credit for dividends received shall be an amount equal to 85 percent of the aggregate dividends, of the class with respect to which credit is allowed by section 26 (b), received by the several affiliated corporations, but not in excess of 85 percent of the consolidated adjusted net income;

(11) The consolidated credit relating to interest on certain obligations of the United States and Government corporations shall be an amount equal to the aggregate of the interest, of the class with respect to which credit is allowed by section 26 (a), received by the several affiliated corporations;

(12) The consolidated corporation surtax net income shall be the consolidated net income minus the consolidated credit for dividends received, computed by limiting such credit to 85 percent of the

[1] 5 F.R. 7; 6 F.R. 525.

consolidated net income in lieu of 85 percent of the consolidated adjusted net income;

(13) The consolidated dividends paid credit shall be the sum of—

(i) The consolidated basic surtax credit, and

(ii) The consolidated dividend carry-over;

(14) The consolidated basic surtax credit shall be the sum of—

(i) The aggregate amount of dividends paid by the several affiliated corporations during the taxable year,

(ii) The combined consent dividends credits of the several affiliated corporations provided in section 28, and

(iii) The consolidated net operating loss credit;

(15) The consolidated dividend carry-over shall be the sum of—

(i) The amount, if any, by which the consolidated basic surtax credit for the first preceding taxable year exceeds the consolidated adjusted net income for such year, and

(ii) The amount of the consolidated basic surtax credit for the second preceding taxable year reduced by the consolidated adjusted net income for such year, and further reduced by the amount, if any, by which the consolidated adjusted net income for the first preceding taxable year exceeds the sum of—

(A) The consolidated basic surtax credit for such year, and

(B) The excess, if any, of the consolidated basic surtax credit for the third preceding taxable year over the consolidated adjusted net income for such year,

and, with respect to the unused basic surtax credit of a corporation for taxable years prior to the first taxable year in respect of which its income is included in the consolidated return—

(iii) The amount, if any, by which the basic surtax credit of such corporation for the first preceding taxable year exceeds the adjusted net income of such corporation for such year, and

(iv) The amount of the basic surtax credit of such corporation for the second preceding taxable year reduced by the adjusted net income of such corporation for such year, and further reduced by—

(A) The excess, if any, of the adjusted net income of such corporation for the first preceding taxable year over the sum of—

(aa) The basic surtax credit of such corporation for such year, and

(bb) The amount, if any, by which the basic surtax credit of such corporation for the third preceding taxable year exceeds the adjusted net income of such corporation for such year, or

(B) If the income of such corporation is included in the consolidated return for the first preceding taxable year, the lesser of the amount of the excess computed under (A) or the excess, if any, of the consolidated adjusted net income for the first preceding taxable year over the sum of—

(aa) The consolidated basic surtax credit for such year, and

(bb) The amount, if any, by which the basic surtax credit of such corporation for the third preceding taxable year exceeds the adjusted net income of such corporation for such year;

(16) The consolidated net operating loss credit shall be an amount equal to the consolidated net operating loss, computed for the purposes of the net operating loss credit, for the preceding taxable year, but not in excess of the consolidated adjusted net income for the taxable year;

(17) The consolidated net operating loss, computed for the purposes of the net operating loss credit, shall be the sum of—

(i) The excess of the combined net operating losses of the several affiliated corporations having net operating losses, computed subject to the exceptions and limitations provided in section 26 (c) (2), over the combined net income, adjusted with respect to the exceptions and limitations provided in such subsection in connection with the computation of net operating losses, of the several affiliated corporations having net income, and

(ii) With respect to the net operating loss sustained by a corporation for the taxable year prior to the first taxable year in respect of which its income is included in the consolidated return, the amount of such net operating loss for such prior taxable year, subject to the exceptions and limitations provided in section 26 (c) (2), in an amount not in excess of the adjusted net income of such corporation for the taxable year computed without regard to the qualifications expressed in (d) (1) (ii) and (iii).

PAR. 11. The section formerly designated § 23.31 (b) is amended as follows:

(A) By changing the heading thereof to read as follows:

(c) *Computations—Years beginning prior to January 1, 1941.*

(B) By striking the period at the end of the first sentence of the first paragraph, and by inserting in lieu thereof the following:

* * *, and without taking into account any net operating loss deduction. * * *

(C) By striking from the second paragraph thereof the following:

* * * the special class net income, the normal-tax net income, * * *

(D) By striking from the second paragraph thereof the expression, "section 22 (a)" and inserting in lieu thereof: "section 122 (a)".

(E) By striking the word "and" from the expression, "and the credit provided by section 27 (a) (4) relating to amounts used or irrevocably set aside to pay or to retire indebtednes," appearing in that portion of the second paragraph preceding the numbered subparagraphs, and by inserting immediately after such expression the following: "and gains or losses from sales or exchanges of capital assets,".

(F) By striking from subparagraph (6) the word "and"; by striking the period at the end of subparagraph (7) and inserting a semicolon and the word "and" in lieu thereof; and by inserting the following new subparagraph:

(8) In the computation of gains or losses from sales or exchanges of capital assets, there shall be eliminated any gains or losses arising in intercompany transactions.

PAR. 12. Section 23.31 is further amended by renumbering as (e) and (g), respectively, the paragraphs formerly designated (c) and (e), and by inserting immediately preceding the paragraph renumbered (e) the following:

(d) *Computations—Years Beginning After December 31, 1940.* In the case of affiliated corporations which make, or are required to make, a consolidated return for a taxable year beginning after December 31, 1940, and except as otherwise provided in these regulations—

(1) The net income of such corporations shall be computed in accordance with the provisions covering the determination of net income of separate corporations, except—

(i) There shall be eliminated unrealized profits and losses in transactions between members of the affiliated group and dividend distributions from one member of the group to another member of the group (referred to in these regulations as intercompany transactions),

(ii) No net operating loss deduction shall be taken into account, and

(iii) No capital gains or losses shall be taken into account.

Intercompany profits and losses which have been realized by the group through final transactions with persons other than members of the group, and intercompany transactions which do not affect the consolidated taxable net income, shall not be eliminated. As used in this paragraph, the term "net income" includes the case in which the allowable deductions of a member (not including any net operating loss deduction) exceed its gross income.

(2) The adjusted net income, the dividends received of a class with respect to which credit is allowed by section 26 (b), the interest received of a class with respect to which credit is allowed by section 26 (a), the short-term capital gains and losses and the long-term capital gains and losses as defined in section 117 (a), the net operating loss as defined in section 26 (c) (2) for the purpose of the net operating loss credit, the net operating loss as defined in section 122 (a) for the purpose of the net operating loss deduction, the amount of dividends paid, and the consent dividends credit allowed pursuant to section 28 shall be computed and determined in the case of each affiliated corporation in the same manner and subject to the same conditions as if a separate return were filed, except—

(i) The net income used in any such computation shall be the net income of the corporation determined in accordance with the provisions of this section;

(ii) In the computation of the dividends received, there shall be excluded all dividends received from other members of the affiliated group;

(iii) In the computation of short-term capital gains and losses and long-term capital gains and losses, there shall be eliminated any gains or losses arising in intercompany transactions;

(iv) In the computation of the net operating loss as defined, either in section 26 (c) (2) or in section 122 (a), the provisions of this section pertaining to the determination of net income shall apply;

(v) In the computation of dividends paid, there shall be excluded all dividends paid by one member of the group to another; and

(vi) In the computation of the consent dividends credit, no amounts shall be included with respect to consents given by other members of the group.

(3) In no case shall there be included in the consolidated net operating loss carry-over under (b) (6) (iii) and (iv) of this section (relating to net operating losses sustained by a corporation in years prior to the first taxable year in respect of which its income is included in the consolidated return) an amount in excess of the net income of such corporation (computed with the exceptions and limitations provided in section 122 (d)) included in the computation of the consolidated net income for the taxable year increased by the separate net short-term and long-term capital gains of such corporation.

(4) If a portion of the consolidated net operating loss carry-over arises pursuant to the provisions of (b) (6) (iii) or (iv) of this section (relating to losses sustained by a corporation prior to the first taxable year in respect of which its come is included in the consolidated return), the consolidated net operating loss deduction shall not be less than the amount of such portion reduced by the amount, if any, by which the net income of such corporation (computed with the exceptions and limitations provided in section 122 (d)) exceeds the normal-tax net income of such corporation (computed without any net operating loss deduction but taking into account any net long-term capital loss), or, in the case of two or more such corporations, the sum of such portions so reduced.

(5) If, in the computation of the consolidated net operating loss carry-over for the second consolidated return period in respect of which the income of a corporation is included in the consolidated returns of the group, there is involved the net operating loss separately sustained by such corporation for the second preceding taxable year together with a consolidated net operating loss for the taxable year in which such loss or such unused basic surtax credit originated and continuing to the date of the termination of the group, the group had been a single corporation, the common parent corporation; and no net operating loss or unused basic surtax credit attributable to a consolidated return period of a group shall be used in computing the net operating loss deduction, the net operating loss credit, or the dividend carry-over of a subsidiary (or the consolidated net operating loss deduction, the consolidated net operating loss credit, or the consolidated dividend carry-over of another affiliated group of which such subsidiary becomes a member) for any taxable year subsequent to the last consolidated return period of the group. No part of any unused basic surtax credit of a corporation for a year prior to the first consolidated return period of the affiliated group of which such corporation becomes a subsidiary shall be used in computing the dividend carry-over of such corporation (or the consolidated dividend carry-over of another affiliated group of which such subsidiary becomes a member) for any taxable year subsequent to the last consolidated return period, but any part of such unused basic surtax credit which, except for this restriction, might be so used shall be treated as attributable to the common parent corporation of the group for a year in which such common parent had no adjusted net income and no other basic surtax credit. No part of any net operating loss sustained by a corporation prior to the first consolidated return period of the affiliated group of which such corporation becomes a subsidiary shall be used in computing the net operating loss deduction of such corporation (or the consolidated net operating loss deduction of another affiliated group of which such corporation becomes a member) for any taxable year subsequent to the last consolidated return period, but any part of such net operating loss which, except for this restriction, might be so used shall be treated as having been sustained by the common parent corporation of the group.

(6) If, in the computation of the consolidated dividend carry-over for the second consolidated return period in respect of which the income of a corporation is included in the consolidated return of the group, there is involved a separate unused basic surtax credit of such corporation for the second preceding taxable year together with a consolidated unused basic surtax credit for the second preceding taxable year, or if, for the second consolidated return period in respect of which the income of two or more members of the affiliated group is included in the consolidated return of the group, there are involved the separate unused basic surtax credits of such corporations for the second preceding taxable year, no portion of the excess of the consolidated adjusted net income over the consolidated basic surtax credit for the first preceding taxable year shall be taken into account more than once in giving effect to the provisions of (b) (15) (ii) and (iv) of this section relating to the computation of that part of the dividend carry-over attributable to the unused basic surtax credit of the second preceding taxable year.

PAR. 13. Section 23.31 is further amended by striking out the paragraph formerly designated as (d) and inserting in lieu thereof the following:

(f) *Net operating loss deduction, net operating loss credit, and dividend carry-over after consolidated return period.* The consolidated net operating loss (whether computed for the purpose of the deduction or the credit) or the unused consolidated basic surtax credit of an affiliated group for any consolidated return period of the group shall be used in computing the net operating loss deduction, the net operating loss credit, or the dividend carry-over, as the case may be, in the return of the common parent corporation (or the consolidated net operating loss deduction, the consolidated net operating loss credit, or the consolidated dividend carry-over in the consolidated return of another affiliated group of which such common parent becomes a member) for a taxable year subsequent to the last consolidated return period of the group in the same manner, to the same extent, upon the same conditions, and subject to the same limitations as if, during the taxable year in which such loss or such unused basic surtax credit originated and continuing to the date of the termination of the group, the group had been a single corporation, the common parent corporation; and no net operating loss or unused basic surtax credit attributable to a consolidated return period of a group shall be used in computing the net operating loss deduction, the net operating loss credit, or the dividend carry-over of a subsidiary (or the consolidated net operating loss deduction, the consolidated net operating loss credit, or the consolidated dividend carry-over of another affiliated group of which such subsidiary becomes a member) for any taxable year subsequent to the last consolidated return period of the group. No part of any unused basic surtax credit of a corporation for a year prior to the first consolidated return period of the affiliated group of which such corporation becomes a subsidiary shall be used in computing the dividend carry-over of such corporation (or the consolidated dividend carry-over of another affiliated group of which such subsidiary becomes a member) for any taxable year subsequent to the last consolidated return period, but any part of such unused basic surtax credit which, except for this restriction, might be so used shall be treated as attributable to the common parent corporation of the group for a year in which such common parent had no adjusted net income and no other basic surtax credit. No part of any net operating loss sustained by a corporation prior to the first consolidated return period of the affiliated group of which such corporation becomes a subsidiary shall be used in computing the net operating loss deduction of such corporation (or the consolidated net operating loss deduction of another affiliated group of which such corporation becomes a member) for any taxable year subsequent to the last consolidated return period, but any part of such net operating loss which, except for this restriction, might be so used shall be treated as having been sustained by the common parent corporation of the group.

PAR. 14. Section 23.33 is amended as follows:

(A) By changing the title thereof to read: "*gain or loss from sale of stock, or bonds or other obligations.*"

(B) By striking out the expression, "any bond or obligation issued by another corporation" and inserting in lieu thereof the following: "any bond or other obligation issued or incurred by another corporation".

(C) By renumbering as (a) the paragraph formerly designated (1), and by striking out the first parenthetical expression appearing therein and inserting in lieu thereof the following:

* * * (by sale, or in complete or partial liquidation not involving cash in an amount in excess of the adjusted basis of both the stock and the bonds and other indebtedness liquidated, or otherwise) * * *

(D) By renumbering as (b) the paragraph formerly designated (2).

(E) By renumbering as (c) the paragraph formerly designated (3), and by striking from the parenthetical expression appearing therein the last three

words and inserting in lieu thereof the following: "stock, or bonds or other obligations".

PAR. 15. Section 23.34 is amended as follows:

(A) By striking from paragraph (b) the parenthetical expression and by inserting in lieu thereof: "But see § 23.38 (b)."

(B) By striking from paragraph (c) (1) the last parenthetical expression and by inserting in lieu thereof the following:

• • •, but without regard to any adjustment under the last sentence of section 113 (a) (11) with respect to losses of the issuing corporation sustained by such corporation after it became a member of the affiliated group and included in a consolidated income tax return of the group.

(C) By striking paragraph (e) and inserting in lieu thereof the following:

(e) *Definition of "loss," "consolidated loss," and "net loss" or "net operating loss."* As used in this section the term "loss" means the excess over the gross income of the issuing corporation of the sum of its allowable deductions (not including any net loss or net operating loss deduction) plus the proportionate part properly attributable to such corporation of the credits relating to interest on certain Government obligations and dividends received allowable in computing consolidated normal-tax net income, the consolidated special class net income, or consolidated net income subject to tax; the term "consolidated loss" means the excess of the sum of the losses separately computed, over the sum of the normal-tax net income, the special class net income, or the net income subject to tax, separately computed, of the several members of the affiliated group, determined in accordance with the provisions of the Code, or the Revenue Act, and pursuant to the provisions of consolidated returns regulations, applicable to the period; and the term "net loss" or "net operating loss" means the net loss or net operating loss, as the case may be, determined in accordance with the provisions of the Code, or the Revenue Act, and pursuant to the provisions of consolidated returns regulations, applicable to the period.

PAR. 16. Section 23.35 is amended to read as follows:

§ 23.35 *Sale of bonds or other obligations—Basis for determining gain or loss.* In the case of a sale or other disposition by a corporation, which is (or has been) a member of an affiliated group which makes (or has made) a consolidated income tax return for the taxable year 1929 or any subsequent taxable year, of bonds or other obligations issued or incurred by another member of such group (whether or not issued or incurred while it was a member of the group and whether issued or incurred before, during, or after the taxable year 1929), the basis of each bond or obligation, for determining the gain or loss upon such sale or other disposition, shall be determined in accordance with the Code (see, particularly, section 113), but the amount of any loss otherwise allowable shall be decreased by the excess (if any) of the aggregate of the deductions computed under paragraph (c) (2) of § 23.34 over the sum of the aggregate bases of the stock of the debtor corporation as computed under paragraph (c) (1) or (d), as the case may be, held by the members of the group. (See, also, § 23.40, relating to disallowance of loss upon intercompany bad debts.)

PAR. 17. Section 23.36 is amended by changing the title thereof to read: *"Limitation on allowable losses on sale of stock, or bonds or other obligations."*

PAR. 18. Section 23.37 (a) is amended by striking out the first paragraph and inserting in lieu thereof the following:

Gain or loss thall not be recognized upon a distribution during a consolidated return period, by a member of an affiliated group to another member of such group, in cancellation or redemption of all or any portion of its stock, except—

(1) Where such distribution is in complete liquidation and redemption of all of its stock (whether in one distribution or a series) and of its bonds and other indebtedness, if any, falls without the provisions of section 112 (b) (6), and is the result of a bona fide termination of the business and operations of such member of the group, in which case it shall be treated as a sale of the stock, or bonds or other indebtedness, the adjustments specified in §§ 23.34 and 23.35 will be made, and § 23.36 will be applicable; or

(2) Where such a distribution without the provisions of section 112 (b) (6) is one made in cash in an amount in excess of the adjusted basis of the stock, and bonds and other indebtedness, in which case gain shall be recognized to the extent of such excess.

PAR. 19. Section 23.38 (c) is amended as follows:

(A) By striking out that portion of subparagraph (3) preceding the numbered subdivisions and by inserting in lieu thereof the following:

Where property is acquired during a taxable year beginning after December 31, 1938, upon a distribution (not a complete liquidation within the provisions of section 112 (b) (6)) in which gain or loss to the distributee is not recognized as provided in § 23.37 (a), the basis of such property shall be the same as the basis (determined in accordance with sections 111 to 115, inclusive, and §§ 23.34 and 23.35) of the stock and the bonds and other obligations exchanged therefor, adjusted—

(B) By renumbering as (3) (i), (ii); and (iii), respectively, the subparagraphs formerly designated (3) (A), (B), and (C).

(C) By renumbering as (4) (i), (ii), (iii), and (iv), respectively, the subparagraphs formerly designated as (4) (A), (B), (C), and (D).

PAR. 20. Section 23.39 is amended as follows:

(A) By renumbering as subparagraph (1) the paragraph formerly designated (a), and by inserting immediately preceding such subparagraph the following new paragraph heading:

(a) *Years beginning prior to January 1, 1941.*

(B) By renumbering as subparagraph (2) the paragraph formerly designated (b), and by striking the asterisk at the end and inserting in lieu thereof the following:

(b) *Years beginning after December 31, 1940*—(1) *Consolidated return for first year of affiliation.* If the income of an affiliated corporation is included in a consolidated return for the period immediately following the date upon which such corporation became a member of the affiliated group, the value of its opening inventory to be used in computing the consolidated net income shall be the proper value of the closing inventory used in computing its net income for the preceding taxable year.

(2) *Consolidated return after separate return by affiliates.* If a corporation which is a member of the affiliated group for the first consolidated return period was a member of the group in the preceding taxable year, the value of its opening inventory to be used in computing the consolidated net income for the first consolidated return period shall be the proper value of the closing inventory used in computing its net income for the preceding taxable year decreased in the amount of profits or increased in the amount of losses reflected in such inventory which arose in transactions between members of the affiliated group and which have not been realized by the group through final transactions with persons other than members of the group.

(3) *Separate returns made after consolidated returns.* If a corporation which was a member of an affiliated group in a consolidated return period makes or is required to make a separate return for the succeeding taxable year, the value of its opening inventory to be used in computing its net income for such succeeding taxable year shall be the proper value of its closing inventory used in computing consolidated net income for the last consolidated return period.

PAR. 21. Section 23.40 (a) is amended by striking at the end thereof the words, "any other member of the group." and by inserting in lieu thereof the following:

• • • any other corporation which was a member of the group as of the last day of the taxable year or which was liquidated by the group during such year except as a loss in connection with a liquidation of such other member in which losses are recognized pursuant to section 23.37 (a).

PAR. 22. Section 23.41 (b) is amended by inserting immediately preceding the words "in determining the gain or loss to the issuing company" the following:

• • • and in a transaction other than a distribution in a liquidation in which gain or loss to the distributee is recognized pursuant to § 23.37 (a), • • •

PAR. 23. Section 23.42 is amended as follows:

(A) By inserting the following new paragraph heading immediately after the section heading: "(a) *Years Beginning Prior to January 1, 1941.*"

(B) By striking "and 117 (d)" and inserting in lieu thereof the following: ", 117 (d) and (e), and 122 (d)".

(C) By inserting immediately after the words "consolidated return period" the following: "beginning prior to January 1, 1941".

(D) By striking the asterisk at the end and inserting in lieu thereof the following:

(b) *Years beginning after December 31, 1940.* The provisions of sections 23 (g) and (k), 117 (d) and (e), and 122 (d) with respect to gains and losses from sales or exchanges of capital assets shall be applied, in respect of such gains and losses sustained during a consolidated return period beginning after December 31, 1940, as if the affiliated group were the taxpayer.

With respect to a net short-term capital loss sustained by a corporation in a year prior to the first consolidated return period in respect of which the income of such corporation is included in the consolidated return, such loss (in an amount not in excess of the net income of such corporation for such year or in excess of the net short-term capital gain of such corporation for the first consolidated return period) shall, for the purposes of section 117 (e), relating to a net short-term capital loss carry-over, be treated as if such net short-term capital loss had been sustained by the affiliated group.

A consolidated net short-term capital loss sustained by the affiliated group during the last consolidated return period of the group (in an amount not in excess of the consolidated net income for such year) shall be treated in the succeeding taxable year, subject to the exception provided in section 117 (e), as a short-term capital loss of the common parent corporation. No portion of any consolidated net short-term capital loss sustained during a consolidated return period of an affiliated group shall be used in computing short-term capital losses of a subsidiary for any subsequent taxable year.

PAR. 24. Section 23.43 is amended as follows:

(A) By inserting the following new paragraph heading immediately after the section heading: "(a) *Years beginning prior to January 1, 1941.*"

(B) By striking from that portion of the section preceding the numbered subparagraphs the words "the consolidated return period" and by inserting in lieu thereof the following: "a consolidated return period beginning prior to January 1, 1941".

(C) By striking from subparagraphs (1) and (2) the expression "§ 23.31 (b)" and by inserting in each case in lieu thereof the following: "§ 23.31 (c)".

(D) By striking the asterisk at the end and inserting in lieu thereof the following:

(b) *Years beginning after December 31, 1940.* The credit allowed to an affiliated group for taxes paid or accrued during a consolidated return period beginning after December 31, 1940, to any foreign country or to any possession of the United States (under section 131) shall be computed and allowed as if the affiliated group were the taxpayer.

(This Treasury decision is issued under the authority contained in section 141 of the Internal Revenue Code (53 Stat. 58), as amended by section 210 of the Revenue Act of 1939 (53 Stat. 866), section 152 of the Internal Revenue Code (53 Stat. 880), and sections 104 and 118 of the Revenue Act of 1941 (Public Law 250, 77th Congress).)

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: March 5, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-1986; Filed, March 6, 1942; 4:00 p. m.]

[T. D. 5126]

PART 33—CONSOLIDATED RETURNS OF AFFILIATED CORPORATIONS PRESCRIBED UNDER SECTION 730 (b) OF THE EXCESS PROFITS TAX ACT OF 1940

Regulations 110, Relating to Consolidated Excess Profits Tax Returns, Amended

Regulations 110 [Part 33,[1] Title 26, Code of Federal Regulations, 1941 Sup.] are amended as follows:

PARAGRAPH 1. Section 33.16 (a) is amended as follows:

(A) By inserting immediately after the second semicolon in the third sentence the following:

• • • notice and demand for payment of taxes will be given only to the common parent, and such notice and demand shall be considered as a notice and demand to each such corporation; • • •

(B) By striking from the fourth sentence that portion following the semicolon and by inserting in lieu thereof the following:

• • • any notice and demand for payment will name each corporation which was a member of the affiliated group during any part of such period (but a failure to include the name of any such corporation will not affect the validity of the notice and demand as to the other corporations); and any distraint (or warrant in respect thereof), any levy (or notice in respect thereof), any notice of a lien, or any other proceeding to collect the amount of any assessment, after the assessment has been made, will name the corporation from which such collection is to be made.

PAR. 2. Section 33.30 is amended as follows:

(A) By changing the heading of paragraph (c) to read:

(c) *In case of profits from mining strategic metals for years beginning prior to January 1, 1941.* • • •

(B) By striking "for any taxable year" from the first sentence of paragraph (c) and inserting in lieu thereof "for any taxable year beginning prior to January 1, 1941".

PAR. 3 Section 33.31 (a) is amended as follows:

(A) By striking out subparagraph (16) and inserting in lieu thereof the following:

(16) The consolidated excess profits credit based on invested capital—

(i) For a taxable year beginning prior to January 1, 1941, shall be 8 percent of the consolidated invested capital for such year, and

(ii) For a taxable year beginning after December 31, 1940, shall be 8 percent of the consolidated invested capital for such year not in excess of $5,000,000, plus 7 percent of that portion of the consolidated invested capital for such year in excess of $5,000,000; • • •

(B) By striking out "and" at the end of subdivision (i) of subparagraph (18) and inserting in lieu thereof "or any amount under section 718 (a) (6) for new capital,"; by striking out the semicolon at the end of subdivision (ii) of such subparagraph and inserting in lieu thereof a comma and the word "and"; and by inserting at the end of such subparagraph the following:

(iii) For a taxable year beginning after December 31, 1940, an amount equal to 25 percent of the consolidated new capital for such year;

(C) By renumbering as (24) the subparagraph formerly designated (23), and by striking therefrom the expression "(a) (22) (ii)" and inserting in lieu thereof "(a) (23) (ii)".

(D) By changing subparagraphs (21), (22), (24), (25), (26), (27), (28), (29), (30), (31), (32), and (33) to read, respectively, (22), (23), (25), (26), (27), (28), (29), (30), (31), (32), (33), and (34), and by inserting immediately after subparagraph (20), the following:

(21) The consolidated new capital for a taxable year beginning after December 31, 1940, shall be an amount equal to the aggregate new capital of the several affiliated corporations for each day of such year (subject to the limitations imposed by section 718 (a) (6) (D), (E), and (F) of the Code) divided by the number of days in such year; the limitations imposed by section 718 (a) (6) (D), (E), and (F) with respect to increases in inadmissible assets, maximum new capital allowable, and reductions on account of distributions out of pre-1941 accumulated earnings and profits shall be determined by reference to aggregate

[1] 6 F.R. 1463, 5251.

equity invested capital (computed without regard to (b) (2) (iv) (A) of this section), the aggregate accumulated earnings and profits; the aggregate inadmissible assets, the aggregate borrowed capital, the aggregate money or property paid in but excluded by reason of section 718 (a) (6) (A) or (B), and the aggregate distributions, of the several affiliated corporations, computed in each case pursuant to the provisions of these regulations, both with respect to the taxable year for which the computation is being made and with respect to the beginning of the first taxable year beginning after December 31, 1940, and intervening years (regardless of whether or not such corporations were affiliated and regardless of whether or not consolidated returns were made or were required prior to the current year, except that no elimination of intercompany profits or losses shall be made for separate return years) in the same manner and to the same extent as if such aggregates were, respectively, the equity invested capital, the accumulated earnings and profits, the inadmissible assets, the borrowed capital, the money or property paid in, and the distributions, of a separate corporation.

PAR. 4. Section 33.31 (b) is amended as follows:

(A) By inserting immediately after the words "the accumulated earnings and profits or deficit in accumulated earnings and profits as of the beginning of the taxable year," appearing in that portion of subparagraph (2) preceding subdivision (i), the following: "the new capital for any day of a taxable year beginning after December 31, 1940, the equity invested capital, the borrowed capital, the amount of distributions from earnings and profits for the purposes of new capital computations."

(B) By changing subdivisions (iv) (B), (C), (D), (E), (G), and (H) of subparagraph (2) to read, respectively, (iv) (C), (D), (E), (F), (H), and (I), and by inserting immediately after subdivision (iv) (A) of subparagraph (2) the following:

(B) For a taxable year beginning after December 31, 1940, there shall be excluded any amount under section 718 (a) (6) for new capital.

(C) By inserting in subdivision (iv) (E) of subparagraph (2), renumbered (iv) (F) by this Treasury decision, immediately after the words, "by reference to the basis of such stock" the following: ", or of other property," and by striking from such subdivision the parenthetical expression appearing therein and inserting in lieu thereof the following:

• • • (not including as a preceding owner a member of former member of the group from which such stock or other property was acquired during a consolidated income or excess profits tax return period, whether in complete or partial liquidation or otherwise, and not including as such stock the stock acquired from another member with a basis determined under section 113 (a) (7) of the Code, or a corresponding section of prior revenue laws, if, immediately prior to the transfer, such stock was held by such other member with a basis by reference to which this inferior subdivision (§ 33.31 (b) (2) (iv) (F)) would be inapplicable, and not including as such stock the stock acquired in a liquidation subject to the provisions of section 112 (b) (6) of the Code, or a corresponding section of prior revenue laws, if, immediately prior to such liquidation, the stock of the liquidated corporation was held by the distributee, or the stock acquired in such liquidation was held by the liquidated corporation, with a basis by reference to which this inferior subdivision would be inapplicable) • • •

and by striking from (aa) of such inferior subdivision "(C) and (D)" and inserting in lieu thereof "(D) and (E)".

(D) By striking out the inferior subdivision formerly designated (F) of subparagraph (2) (iv), and by inserting in lieu thereof the following:

(G) In the case of a member of the affiliated group the stock of which is held by other members of such group with a basis for determining loss upon a sale or exchange not fixed, either directly or indirectly, by reference to the basis of such stock, or of other property, in the hands of any preceding owner (not including as a preceding owner a member or former member of the group from which such stock or other property was acquired during a consolidated income or excess profits tax return period, whether in complete or partial liquidation or otherwise, but including as such stock the stock acquired from another member with a basis determined under section 113 (a) (7) of the Code, or a corresponding section of prior revenue laws, if, immediately prior to the transfer, such stock was held by such other member with a basis by reference to which this inferior subdivision (§ 33.31 (b) (2) (iv) (G)) would be applicable, and including as such stock the stock acquired in a liquidation subject to the provisions of section 112 (b) (6) of the Code, or a corresponding section of prior revenue laws, if, immediately prior to such liquidation, the stock of the liquidated corporation was held by the distributee, or the stock acquired in such liquidation was held by the liquidated corporation, with a basis by reference to which this inferior subdivision would be applicable), there shall be excluded as of the date on which such corporation became a member of the group within the meaning of section 730 (d) that portion of its average invested capital attributed to the shares of stock so held; there shall also be excluded, as of the date of any subsequent acquisition, that portion of its average invested capital attributable to shares of stock similarly acquired and held by other members of the group; no addition shall be made on account of money or property (not including stock of another member of the group held with a basis by reference to which (F) is applicable) thereafter paid in for stock held by any other member of the group or as paid-in surplus or a contribution to capital paid in with respect to shares of stock subject to the provisions of this paragraph; and no reduction shall be made on account of any distribution thereafter made to any other member of the group; stock of one member of the group indirectly acquired or held through the acquisition or ownership of stock of another member of the group (not including stock indirectly acquired or held through the acquisition or ownership of stock in a member which owns, directly or indirectly, stock in the acquiring corporation) shall, to the extent the stock of such other member is of the character described in this paragraph, be deemed to be of the same character; thus, if the P Corporation acquires for cash all the stock of the S^1 Corporation which in turn owns all the stock of the S^2 Corporation, the consolidated average invested capital of the P–S^1–S^2 group will be the average invested capital of the P Corporation (plus its accumulated earnings and profits and any earnings and profits accumulated by S^1 and S^2 after acquisition by P) regardless of the manner in which S^1 acquired the stock of S^2;

(E) By striking out inferior subdivision (A) of subparagraph (2) (v), and by inserting in lieu thereof the following:

(A) In the case of a member of the affiliated group the stock of which is held by other members of such group with a basis for determining loss upon a sale or exchange not fixed, either directly or indirectly, by reference to the basis of such stock, or of other property, in the hands of any preceding owner (not including as a preceding owner a member or former member of the group from which such stock or other property was acquired during a consolidated income or excess profits tax return period, whether in complete or partial liquidation or otherwise, but including as such stock the stock acquired from another member with a basis by reference to which this inferior subdivision (§ 33.31 (b) (2) (v) (A)) would be applicable, and including as such stock the stock acquired in a liquidation subject to the provisions of section 112 (b) (6) of the Code, or a corresponding section of prior revenue laws, if, immediately prior to such liquidation, the stock of the liquidated corporation was held by the distributee, or the stock acquired in such liquidation was held by the liquidated corporation, with a basis by reference to which this inferior subdivision would be applicable), there shall be excluded as of the date on which such corporation became a member of the group within the meaning of section 730 (d) that portion of its earnings and profits, or deficit in earnings and profits, previously accumulated and properly allocable to the shares of stock so held; there shall also be excluded, as of the date of any subsequent acquisition, any earnings and profits, or deficit in earnings and profits, previously accumulated and properly allocable to any shares of stock similarly acquired and held by other members of the group; and stock of one member of the group indirectly acquired or held through the acquisition or ownership of stock of another member of the group (not including stock indirectly acquired or held through the acquisition or ownership of stock in a member which owns, directly or indirectly, stock in the acquiring corporation) shall, to the extent the stock of such other member is of the character described in this paragraph, be deemed to be of the same character;

(F) By striking out subdivision (v) (C) of subparagraph (2) and inserting in lieu thereof the following:

(C) With respect to distributions from such accumulated earnings and profits made during the taxable year by one member of the affiliated group to another member of the group, such accumulated earnings and profits of the distributee shall be increased in an amount equal to that by which such accumulated earnings and profits of the distributor are decreased.

(G) By striking from subdivision (v) (F) of subparagraph (2) the expression "(b) (iv) (F)" and inserting in lieu thereof "(b) (2) (iv) (G)".

(H) By changing subdivisions (vi), (vii), (viii), and (ix) of subparagraph (2) to read, respectively, (x), (xi), (xii), and (xiii), and by inserting immediately after subdivision (v) (G) of such subparagraph the following:

(vi) In the computation of new capital for any day of a taxable year beginning after December 31, 1940, the adjustments provided in section 718 (a) (6) (D), (E), and (F) shall be disregarded;

(vii) In the computation of equity invested capital (which, under this section, may be a minus amount), effect shall be given to the adjustments prescribed in (B) (2) (iv) of this section (relating to the computation of average invested capital) to the extent that such adjustments pertain to the computation of equity invested capital;

(viii) In the computation of borrowed capital, there shall be excluded the amount of any outstanding indebtedness of the corporation owing to another member of the affiliated group;

(ix) In the computation of distributions from earnings and profits for the purposes of new capital computations, intercompany distributions shall be disregarded;

(I) By striking from subparagraph (6) the expression "(a) (31) (iii)" and inserting in lieu thereof "(a) (32) (iii)", and by inserting immediately preceding the period at the end of such subparagraph the following: "but with its net income computed subject to the provisions of (b) (1) (i) of this section".

(J) By striking from subparagraph (7) the expression "(a) (31) (ii) and (iv)" and inserting in lieu thereof "(a) (32) (ii) and (iv)".

PAR. 5. Section 33.33 is amended as follows:

(A) By changing the title thereof to read: *Gain or loss from sale of stock, or bonds or other obligations.*

(B) By striking out the expression, "any bond or obligation issued by another corporation" and inserting in lieu thereof the following: "any bond or other obligation issued or incurred by another corporation".

(C) By striking out the first parenthetical expression appearing in paragraph (a) and inserting in lieu thereof the following:

• • • (by sale, or in complete or partial liquidation not involving cash in an amount in excess of the adjusted basis of both the stock and the bonds and other indebtedness liquidated, or otherwise) • • •

(D) By striking from the parenthetical expression appearing in paragraph (c) the last three words and inserting in lieu thereof the following: "stock, or bonds or other obligations".

PAR. 6. Section 33.34 (c) is amended by striking from subparagraph (1) the words "or excess profits".

PAR. 7. Section 33.35 is amended to read as follows:

§ 33.35 *Sale of bonds or other obligations—Basis for determining gain or loss.* In the case of a sale or other disposition by a corporation, which is (or has been) a member of an affiliated group which makes (or has made) a consolidated income or excess profits tax return for the taxable year 1929 or any subsequent taxable year, of bonds or other obligations issued or incurred by another member of such group (whether or not issued or incurred while it was a member of the group and whether issued or incurred before, during, or after the taxable year 1929), the basis of each bond or obligation, for determining the gain or loss upon such sale or other disposition, shall be determined in accordance with the Code (see, particularly, section 113), but the amount of any loss otherwise allowable shall be decreased by the excess (if any) of the aggregate of the deductions computed under § 33.34 (c) (2) over the sum of the aggregate bases of the stock of the debtor corporation as computed under paragraph (c) (1) or (d), as the case may be, held by the members of the group. (See, also, § 33.40, relating to disallowance of loss upon intercompany bad debts.)

PAR. 8. Section 33.36 is amended by changing the title thereof to read: *Limitation on allowable losses on sale of stock, or bonds or other obligations.*

PAR. 9. Section 33.37 (a) is amended by striking out the first paragraph and inserting in lieu thereof the following:

Gain or loss shall not be recognized upon a distribution during a consolidated return period, by a member of an affiliated group to another member of such group, in cancellation or redemption of all or any portion of its stock, except—

(1) Where such distribution is in complete liquidation and redemption of all of its stock (whether in one distribution or a series) and of its bonds and other indebtedness, if any, falls without the provisions of section 112 (b) (6), and is the result of a bona fide termination of the business and operations of such member of the group, in which case it shall be treated as a sale of the stock, or bonds or other indebtedness, the adjustments specified in §§ 33.34 and 33.35 will be made, and § 33.36 will be applicable; or

(2) Where such a distribution without the provisions of section 112 (b) (6) is one made in cash in an amount in excess of the adjusted basis of the stock, and bonds and other indebtedness, in which case gain shall be recognized to the extent of such excess.

• • • • • •

PAR. 10. Section 33.38 (c) (3) is amended by striking out the portion preceding the numbered subdivisions and by inserting in lieu thereof the following:

• • • Where property is acquired during a taxable year beginning after December 31, 1939, upon a distribution (not a complete liquidation within the provisions of section 112 (b) (6)) in which gain or loss to the distributee is not recognized as provided in § 33.37 (a), the basis of such property shall be the same as the basis (determined in accordance with sections 111 to 115, inclusive, and §§ 33.34 and 33.35) of the stock and the bonds and other obligations exchanged therefor, adjusted. • • •

PAR. 11. Section 33.40 is amended as follows:

(A) By striking at the end of paragraph (a) the words "any other member of the group." and inserting in lieu thereof the following:

• • • any other corporation which was a member of the group as of the last day of the taxable year or which was liquidated by the group during such year except as a loss in connection with a liquidation of such other member in which losses are recognized pursuant to § 33.37 (a) • • •

(B) By striking the parenthetical expression at the end of paragraph (b) and inserting in lieu thereof: "(See § 33.35.)"

PAR. 12. Section 33.41 (b) is amended by inserting immediately preceding the words "in determining the gain or loss to the issuing company" the following:

• • • and in a transaction other than a distribution in a liquidation in which gain or loss to the distributee is recognized pursuant to § 33.37 (a), • • •

(This Treasury decision is issued under the authority contained in section 730 (b) of the Internal Revenue Code,

added by the Excess Profits Tax Act of 1940 (54 Stat. 989), and sections 201, 203, 204, and 205 of the Revenue Act of 1941 (Public Law 250, 77th Congress).)

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: March 5, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-1985; Filed, March 6, 1942; 4:00 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER A—GENERAL PROVISIONS

PART 903—DELEGATIONS OF AUTHORITY

Supplementary Directive No. 1D

§ 930.5 *Further delegation of authority to the Office of Price Administration with reference to rationing of typewriters:*

(a) The authority delegated to the Office of Price Administration by Directive No. 1 (§ 903.1) is hereby extended to the exercise of rationing control over the sale, transfer or other disposition of used typewriters by or to any person. The exercise of such authority shall be subject to the terms and conditions specified in said Directive No. 1.

(b) The authority delegated to the Office of Price Administration by Directive No. 1 (§ 903.1) is hereby extended and limited to the exercise of rationing control over the sale, transfer or other disposition of new typewriters, in such quantities only as may be expressly allocated for rationing by the Director of Industry Operations from time to time, by or to any person except the following:

(1) Any agency of the government of the United States; and

(2) Government agencies or other persons acquiring such products for export to and consumption or use in any foreign country. The exercise of such authority shall be subject to the terms and conditions specified in said Directive No. 1.

(c) As used in this Supplementary Directive the term "used typewriter" means any portable or non-portable typewriter (including noiseless and electric types) which at any time has been delivered to any person acquiring it for use, and shall include rebuilt typewriters; and the term "new typewriter" means any portable or non-portable typewriter (including noiseless and electric types) which has not been delivered to any person acquiring it for use, but does not include rebuilt typewriters. (E.O. 9024, Jan. 16, 1942, 7 F.R. 329, E.O. 9040, Jan. 24, 1942, 7 F.R. 567; Sec. 2(a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.; W. P. B. Dir. No. 1, Jan. 24, 1942, 7 F.R. 562)

Issued this 5th day of March 1942.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 42-1992; Filed, March 6, 1942; 4:47 p. m.]

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 976—MOTOR TRUCKS, TRUCK TRAILERS AND PASSENGER CARRIERS

Extension No. 4 to Limited Preference Rating Order No. P-54 as Amended[1]*—Material Entering Into the Production of Defense Products*

It is hereby ordered, That:

Section 976.2 (*Limited Preference Rating Order No. P-54*, issued September 12, 1941, as amended by Amendments No. 1 and 2 thereto) shall, insofar as concerns Passenger Carriers, Truck Trailers, and the bodies and cabs for Medium and/or Heavy Motor Trucks as defined therein, but not insofar as concerns Medium and/or Heavy Motor Trucks (excluding the bodies or cabs therefor) as defined therein, continue in effect until the 30th day of April, 1942, unless sooner revoked by the Director of Industry Operations.

In order to make this extension effective it is hereby ordered that § 976.2 (e) (3) be amended to read as follows:

(3) *By a producer or a supplier.*

(i) Unless the material to be delivered cannot be obtained when required without such rating,

(ii) To obtain deliveries earlier than required,

(iii) To deliveries of materials on purchase orders placed after April 1, 1942,

(iv) To deliveries of materials on purchase orders calling for delivery after April 30, 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This order shall take effect immediately.

Issued this 6th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1989; Filed, March 6, 1942; 4:47 p. m.]

Amendment No. 1 to Supplementary General Limitation Order L-7-a

It is hereby ordered that:

Subparagraph (a) (1) of Supplementary General Limitation Order L-7-a[2] (§ 993.2) is hereby amended to read as follows:

(a) (1) Except as provided in subparagraph (2), during the period of three months from January 1, 1942, to March 31, 1942, no manufacturer of domestic ice refrigerators shall use in the production of such refrigerators more steel than the greater of the following two limits:

(i) Three times 60 percent of the monthly average of steel used by him during the twelve months' period ending June 30, 1941.

(ii) Three times 60 percent of the monthly average of steel used by him during the three years' period ending June 30, 1941. (P.D. Reg. 1, amended Dec. 3, 1941, 6 F.R. 6680; W. P. B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This amendment shall take effect immediately.

Issued this 6th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-1988; Filed, March 6, 1942; 4:47 p. m.]

PART 962—STEEL

Supplementary Order M-21-c—Plates

Section 962.4[1] (General Allocation Order No. 1—Plates) is hereby amended to read as follows:

§ 962.4 *Supplementary Order M-21-c*—(a) *Definitions.* For the purposes of this Order:

(1) When applied to carbon steel and alloy steel (except stainless steel), the term "plates" means flat hot rolled steel products, including skelp and floor plates:

Over 6 inches wide and ¼ inch or more thick, or

Over 6 inches wide and weighing 10.2 pounds or more per square foot, or

Over 48 inches wide and $\frac{3}{16}$ inch or more thick, or

Over 48 inches wide and weighing 7.65 pounds or more per square foot.

(2) When applied to stainless steel, the term "plates' means flat hot rolled steel products:

10 inches or more wide and $\frac{3}{16}$ inch or more thick, or

10 inches or more wide and weighing 7.65 pounds or more per square foot.

(b) *Customers' reports.* Each person desiring to obtain plates from a Producer shall file with such Producer and with the War Production Board monthly reports of requirements on form PD-298, and shall file with the War Production Board monthly reports of inventory and consumption on form PD-299.

(c) *Producers' reports.* Each Producer shall file with the War Production Board monthly schedules on forms PD-169 and PD-169A showing all plates requested by cusotmers on form PD-298 for shipment by the Producer during the following month. The Director of Industry Operations may make such changes in such schedules as to him shall seem appropriate, and may from time to time issue supplementary instructions with respect thereto.

(d) *Restrictions on deliveries.* (1) No Producers shall deliver plates and no person shall accept delivery thereof from a Producer, except pursuant to a preference rating of A-10 or higher or a specific allocation issued by the Director of Industry Operations.

(2) No Producer shall deliver plates except in accordance with such Producer's schedule on form PD-169 as modified, or with such supplementary instructions as may from time to time be issued by the Director of Industry Operations.

(3) After March 31, 1942, no Producer shall deliver plates to any person, and no person shall accept delivery thereof from a Producer, unless such plates have been reported on form PD-298 filed by such person or have been specifically allocated to such person by the Director of Industry Operations.

(e) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W. P. B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This amendment shall take effect immediately. Issued this 7th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2002; Filed, March 7, 1942; 11:13 a. m.]

PART 977—MANILA FIBER AND MANILA CORDAGE

Interpretation No. 1 of Amendment No. 3 to General Preference Order No. M-36 to Conserve the Supply and Direct the Distribution of Manila Fiber and Manila Cordage

The following official Interpretation is hereby issued by the Director of Industry Operations with respect to § 977.1, General Preference Order No. M-36,[1] as amended by Amendment No. 3,[1] issued February 20, 1942:

"Manila cordage" as defined in paragraph (b) (2) and as restricted in paragraph (e) includes all Manila Cordage located in the United States of America, regardless of where such Manila Cordage was manufactured. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W. P. B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 7th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2004; Filed, March 7, 1942; 11:13 a. m.]

[1] 6 F.R. 4534, 5217, 6614; 7 F.R. 1127.
[2] 7 F.R. 1127.

PART 977—MANILA FIBER AND MANILA CORDAGE

Amendment No. 4 to General Preference Order No. M-36[1] *to Conserve the Supply and Direct the Distribution of Manila Fiber and Manila Cordage*

Section 977.1 (General Preference Order No. M-36, as amended) is hereby amended as follows:

Paragraphs (e) (1) and (e) (2) are combined and amended to read as follows:

(1, 2) Unless specifically authorized by the Director of Industry Operations, from March 2, 1942 until August 1, 1942, no Cordage Processor shall sell or deliver more Manila Cordage than five times his basic monthly poundage, and after July 31, 1942, no Cordage Processor shall sell or deliver in any one month more Manila Cordage than his basic monthly poundage. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W. P. B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This Amendment shall take effect immediately. Issued this 7th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2003; Filed, March 7, 1942; 11:13 a. m.]

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

Schedule III to Limitation Order No. L-42[2]*—Low Pressure Heating Boilers*

§ 1076.4 *Schedule III to Limitation Order L-42*—(a) *Definitions.* For the purposes of this Schedule:

(1) "Producer" means any person who manufactures, processes, fabricates, or assembles low pressure heating boilers, or metal jackets for such boilers, as the case may be.

(2) "Low pressure heating boiler" means any cast iron or steel boiler with a maximum working pressure of fifteen pounds for steam boilers or thirty pounds for water boilers, and boiler-burner units, fired by solid or liquid fuel.

(b) *Simplified practices.* Pursuant to Limitation Order No. L-42 the following simplified practices are hereby established for low pressure heating boilers:

(1) Elimination of metal jackets.
(2) Elimination of fusible plugs.
(3) Elimination of tri-cocks (compression cocks).

(c) *Effective date of simplified practices; exceptions.* (1) On and after June 1, 1942, no low pressure heating boilers which do not conform to the practices established by paragraph (b) of this section shall be produced or delivered by any producer or accepted by any person from any such producer, except with the express permission of the Director of Industry Operations: *Provided, however,* That the foregoing shall not prohibit the delivery by any producer of such boilers as were in his stock in finished form on June 1, 1942, or which had, on said date, been cast, machined or otherwise processed in such manner that their manufacture in conformity with this Schedule would be impractical, nor the receipt of such boilers from such producer;

(2) On and after March 16, 1942, no metal jackets for low pressure heating boilers shall be produced or delivered by any producer or accepted by any person from any such producer except with the express permission of the Director of Industry Operations: *Provided, however,* That the foregoing shall not prohibit the delivery by any producer of such jackets as were in his stock in finished form on March 16, 1942, or which had on said date been cast, machined, or otherwise processed so that the use of the metal therein for any other purpose would be impractical, nor the receipt of such jackets from such producer.

(d) *Records covering excepted articles.* (1) Each producer (of low pressure boilers) shall retain in his files records showing his inventory of excepted low pressure heating boilers as of June 1, 1942, and such records shall be kept readily available and open to audit and inspection by duly authorized representatives of the War Production Board;

(2) Each producer (of metal jackets) shall retain in his files records showing his inventory of excepted metal jackets as of March 16, 1942, and such records shall be kept readily available and open to audit and inspection by duly authorized representatives of the War Production Board. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W. P. B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024; Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 7th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2005; Filed, March 7, 1942; 11:14 a. m.]

PART 1077—RADIO RECEIVERS AND PHONOGRAPHS

Supplementary General Limitation Order L-44-a Further Restricting and Finally Prohibiting the Production of Radio Receivers and Phonographs

In accordance with the provisions of § 1077.1[1] (*General Limitation Order L-44*), which the following Order supplements,

[1] 7 F.R. 520.

[1] 6 F.R. 4534, 5217, 6614; 7 F.R. 1127.
[2] 7 F.R. 951, 1571.

It is hereby ordered, That:

§ 1077.2 *Supplementary General Limitation Order L–44–a*—(a) *Definitions.* For the purposes of this Order:

(1) "Manufacturer" means any person who puts into production any set.

(2) All the definitions contained in paragraph (a) of Limitation Order L–44 shall apply to this Order.

(b) *Prohibition of production of sets after April 22, 1942.* Effective April 23, 1942, no manufacturer shall put into production any sets.

(c) *Limit on use of materials.* From the effective date of this Order, no Manufacturer shall use in any manner in the production of sets more than $500 worth of materials and parts obtained under contracts or orders executed or placed after February 11, 1942, except that nothing in this paragraph shall impose any limit or restrictions on the use of wooden cabinets or materials for making such cabinets.

(d) *Appeal.* Any Manufacturer who considers that relief from the specific provisions of this Order will affirmatively facilitate his program of conversion from civilian to war work, may apply for relief by addressing a letter to the War Production Board, Washington, D. C. Ref: L–44–a, setting forth the pertinent facts and the reasons why he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(e) *Effective date.* This Order shall take effect on the date of its issuance, and shall continue in effect until revoked. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 7th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2001; Filed, March 7, 1942; 11:13 a. m.]

PART 1112—OFFICE MACHINERY

Amendment No. 1 to General Limitation Order L–54[1]

Paragraph (a) (2) of § 1112.1 (*General Limitation Order L–54*) is hereby amended by amending subdivision (ii) thereof, and adding subdivision (vi) as follows:

• • • • •

(ii) To any person for repair, to return a repaired typewriter to the owner, and to lend another used typewriter to the user, pending the repair of the damaged typewriter;

• • • • •

(vi) To any person for the specific purpose of taking a Civil Service examination, provided the typewriter is returned immediately thereafter. (P.D Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 7th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2010; Filed, March 7, 1942; 12:22 p. m.]

PART 958—REPAIRS, MAINTENANCE, AND OPERATING SUPPLIES

Amendment No. 2 to Preference Rating Order No. P–100 as Amended

Section 958.2 (paragraph (b) (1) (iii) of Preference Rating Order (P–100[1]) is hereby amended to read as follows:

(iii) Any person located in the United States, its territories and possessions, using tools or equipment to repair or maintain agricultural machinery, refrigerating equipment located in stores or restaurants, or the property of any Producer as defined in paragraph (b) (1) (i) and (ii).

Section 958.2 (paragraph (b) (5) (i) of Preference Rating Order P–100) is hereby amended to read as follows:

(i) Any Material which is physically incorporated, in whole or in part, into any Material which the Producer manufactures, distributes, sells, stores, or transports, excepting Material used by a Producer to repair or maintain refrigerating equipment located in stores or restaurants, agricultural machinery, or the property of another Producer, or

• • • • •

This amendment shall take effect immediately. Issued this 9th day of March 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2038; Filed, March 9, 1942; 11:26 a. m.]

PART 960—CHLORINE AND PRODUCTS CONTAINING AVAILABLE CHLORINE

Amendment No. 1 to General Preference Order No. M–19 as Amended February 25, 1942

Section 960.1 (General Preference Order No. M–19[2] as amended February 25, 1942) is hereby amended to read as follows:

Present paragraph (r) is hereby amended to read as follows:

(r) *Effective date.* This Order, as and to the extent amended February 25, 1942, shall take effect April 1, 1942, and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 9th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2040; Filed, March 9, 1942; 11:27 a. m.]

PART 981—PASSENGER AUTOMOBILES

Supplementary Limitation Order No. L–2–i To Prevent the Dispersal of Inventories of Automotive Manufacturers

Whereas limitations have been placed upon the manufacture of automobiles which will result in inventories of critical materials becoming idle and it is necessary to prevent dispersal of such inventories so as to conserve them for essential civilian and war uses:

Now, therefore, it is hereby ordered, That:

§ 981.10 *Supplementary Limitation Order L–2–i*—(a) *Restrictions on dispersal of inventories.* After the effective date hereof, no manufacturer of passenger automobiles or of parts therefor shall sell any part of his inventory of steel except

(1) On orders bearing the following preference ratings which have been duly assigned pursuant to regulations, orders, or certificates:

As to alloy steel (including stainless), A–1–k or higher.

As to all other steel, A–3 or higher.

Such orders must be accompanied by letter from the prospective purchaser, signed in duplicate and certifying material and quantity ordered and preference rating applied. Each automotive manufacturer must forward duplicate letter to Distressed Stocks Unit, Iron and Steel Branch, War Production Board, Washington, D. C., at the time shipment is made, or

(2) To Defense Supplies Corporation, Metals Reserve Company, or any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended, or any person acting as agent for any such Corporation, or

(3) With specific consent of the Director of Industry Operations.

(b) *Effect on other orders.* This Order shall not be deemed to limit or prevent the processing by a manufacturer of any part of his own inventory to the extent that such processing is not restricted or prohibited by any other Order of the Director of Industry Operations.

(c) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941 ,6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 9th day of March, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2042; Filed, March 9, 1942; 11:28 a. m.]

PART 1029—FARM MACHINERY AND EQUIPMENT AND ATTACHMENTS AND REPAIR PARTS THEREFOR

Supplementary Limitation Order No. L–26–a Restricting the Manufacture of Farm Tractors Requiring Rubber Tires

In accordance with the provisions of paragraph (c) (2) of § 1029.1 (Limitation Order L–26, issued December 31, 1941), which the following order supplements,

It is hereby ordered, That:

§ 1029.2 *Supplementary Limitation Order L–26–a*—(a) *Limitation on manufacture of farm tractors requiring rubber tires.* No producer shall: (1) During the calendar month of March, 1942, manufacture any quantity of Farm Tractors of each of the types hereinafter mentioned requiring rubber tires which is in excess of 55% of the average monthly number of each of such types requiring rubber tires manufactured by him during the base period of January and February, 1942; namely: Wheel Type Tractors of under 30 Belt Horse Power, Wheel Type Tractors of 30 Belt Horse Power and over, and Garden Tractors; nor

(2) During the calendar month of April, 1942, manufacture any quantity of such types of Tractor requiring rubber tires which is in excess of 40% of the average monthly number of each such type manufactured by him during such base period.

(b) After May 1, 1942, no producer shall manufacture any such Tractors which require rubber tires. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This order shall take effect immediately. Issued this 9th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2039; Filed, March 9, 1942; 11:27 a. m.]

PART 1059—PRODUCTION AND DELIVERY OF LAND TURBINES

General Preference Order M–76

Whereas orderly scheduling of production and delivery of land turbines is necessary in order that maximum productive efficiency and capacity can be maintained and the most important war requirements for same fulfilled.

Now therefore, it is hereby ordered, That:

§ 1059.1 *General Preference Order M–76*—(a) *Production and delivery of land turbines.* (1) Each producer of land turbines shall schedule its production and make deliveries of land turbines in accordance with such specific directions as may be issued from time to time by the Director of Industry Operations.

(2) The production and delivery schedules established by any specific direction which may be issued from time to time pursuant to paragraph (a) (1) of this section shall be maintained without regard to any preference ratings already assigned or hereafter assigned to particular contracts, commitments, or purchase orders and may be altered only upon specific directions of the Director of Industry Operations.

(3) If it becomes impossible for any producer to maintain production and delivery of land turbines in accordance with any such schedule, he shall immediately notify the Director of Industry Operations, and, unless otherwise directed by the Director of Industry Operations, he shall continue to produce and deliver land turbines in the order set forth in such schedule and shall postpone production and delivery of any such turbines only to the extent required by the circumstances causing his failure to maintain production and delivery as required by such schedule.

(b) *Effective date.* This Order shall take effect immediately and shall continue in full force and effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 9th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2041; Filed, March 9, 1942; 11:27 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1306—IRON AND STEEL

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 100[1]—CAST IRON SOIL PIPE AND FITTINGS

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[2]

Section 1306.304 is amended by designating the paragraph therein as (a) and adding a new paragraph (b). A new § 1306.308a is added, and § 1306.309 (b) (1) and (b) (2) are amended to read as set forth below:

§1306.304 *Records and reports.*

• • • • • •

(b) Every manufacturer, jobber or wholesaler who sells cast iron soil pipe and fittings for shipment originating from some place other than a foundry shall file with the Office of Price Administration before April 1, 1941, a notarized document containing a description and explanation of the free delivery zone or zones recognized by the seller on October 1, 1941, or a notarized statement that no such zone or zones were recognized.

§1306.309 *Appendix A: Maximum prices for cast iron soil pipe and fittings.*

• • • • • •

(b) • • •

(1) Where a carload shipment by rail moves directly from foundry to purchaser (regardless of whether the seller is a manufacturer, jobber, or wholesaler), the delivery charge may not exceed the transportation charge at the railroad carload rate from Birmingham, Alabama, to the railroad siding nearest to the point of delivery designated by the purchaser.

(2) Where shipment to a purchaser originates from some place other than a foundry (as where shipment originates at a distribution warehouse operated by a manufacturer, jobber, or wholesaler), the delivery charge may not exceed the transportation charge at the railroad carload rate from Birmingham, Alabama, to the place at which the shipment originates. A further delivery charge for transportation from the place at which shipment originates to the location designated by the purchaser may be made if (i) the seller on October 1, 1941 did not recognize a free delivery zone for a shipment of the size ordered by the purchaser; or (ii) the delivery location designated by the purchaser is outside of the free delivery zone, if any, recognized by the seller on October 1, 1941, for a shipment of the size ordered by the purchaser. The further charge may not exceed (i) the actual cost incurred by the seller for such transportation; or (ii) in the event transportation is by carrier other than a common carrier, the further delivery charge may not exceed the charge which would be applicable had the carrier been a common carrier.

§ 1306.308a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1306.304 (b), 1306.308a and 1306.309 (b) (1) and (b) (2)) to Revised Price Schedule No. 100 shall become effective March 7, 1942.

(Pub. No. 421, 77th Cong., 2d Sess.)

Issued this 6th day of March, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1991; Filed, March 6, 1942; 4:40 p. m.]

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[1] 7 F.R. 1755.

[1] 6 F.R. 6548; 7 F.R. 925, 1009, 1626.

[2] 6 F.R. 3730, 6645; 7 F.R. 1567.

[1] 7 F.R. 1394.

[2] The statement of considerations has been filed with the Division of the Federal Register.

PART 1312—LUMBER AND LUMBER PRODUCTS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 94 [1]—WESTERN PINE LUMBER

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.[2]

Sections 1312.255, 1312.260, 1312.261 and 1312.262 are amended to read as follows and a new section, § 1312.259a, is added as set forth below:

§ 1312.255 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 94 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Price Schedule No. 94 or any other price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1312.260 *Appendix A: Maximum prices for ponderosa pine lumber.* (a) The maximum prices f. o. b. mill per 1,000 feet board measure, surfaced, air dried or kiln dried, in mixed or straight load shipments, shall be as follows:

[1] 7 F.R. 1361.

[2] The statement of considerations has been filed with the Division of the Federal Register.

SELECT GRADES

	4/4 RL S2S or S4S	5/4 RL S2S	6/4 RL S2S	8/4 RL S2S	10/4 RL S2S	12/4 RL S2S	16/4 RL S2S
1 and 2 clear (B and better):							
Random widths 1 x 4 and up	$71.00	$72.00	$72.00	$78.00	$103.00	$108.00	$116.00
2" inc. bdl	69.00	76.00	76.00	82.00			
3" inc. bdl	71.00	76.00	76.00	82.00			
4"	65.00	72.00	72.00	78.00	103.00	108.00	116.00
5"	71.00	82.00	82.00	88.00	113.00	118.00	126.00
6"	67.00	72.00	72.00	78.00	103.00	108.00	116.00
8"	69.00	77.00	77.00	83.00	108.00	113.00	121.00
10"	71.00	82.00	82.00	88.00	113.00	118.00	126.00
12"	90.00	92.00	92.00	98.00	123.00	128.00	136.00
C selects:							
Random widths 1 x 4 and up	67.00	66.00	66.00	71.00	92.00	96.00	105.00
2" inc. bdl	65.00	70.00	70.00	75.00			
3" inc. bdl	67.00	70.00	70.00	75.00			
4"	61.00	66.00	66.00	71.00	92.00	96.00	105.00
5"	67.00	76.00	76.00	81.00	102.00	106.00	115.00
6"	63.00	66.00	66.00	71.00	92.00	96.00	105.00
8"	65.00	71.00	71.00	76.00	97.00	101.00	110.00
10"	67.00	76.00	76.00	81.00	102.00	106.00	115.00
12"	86.00	86.00	86.00	91.00	112.00	116.00	125.00
D selects:							
Random widths 1 x 4 and up	54.00	52.00	52.00	57.00	73.00	78.00	86.00
2" inc. bdl	52.00	56.00	56.00	61.00			
3" inc. bdl	54.00	56.00	56.00	61.00			
4"	48.00	52.00	52.00	57.00	73.00	78.00	86.00
5"	54.00	62.00	62.00	67.00	83.00	88.00	96.00
6"	50.00	52.00	52.00	57.00	73.00	78.00	86.00
8"	52.00	57.00	57.00	62.00	78.00	83.00	91.00
10"	54.00	62.00	62.00	67.00	83.00	88.00	96.00
12"	68.00	72.00	72.00	77.00	93.00	98.00	106.00

Specified lengths:
4/4, 6', 8', 10', 12', and 14', add $2.00 (Includes bundling 2" and 3").
4/4, 16', add $5.00 (Includes bundling 2" and 3").
4/4, 18', and 20', add $10.00.
5/4 and thicker, 16', and shorter, add $5.00.
5/4 and thicker, 18' and 20', add $10.00.
Random lenghts, 10' and longer, add $2.00.

Special random widths, S2S:
8" and wider, RW, add $2.00 to RW price.
10" and wider, RW, add $7.00 to RW price.
12" and wider, RW, same as 12" price.

Special random widths, S2S—Continued.
14" and wider, RW, add $5.00 to 12" price.
16" and wider, RW, add $10.00 to 12" price.
18" and wider, RW, add $15.00 to 12" price.
20" and wider, RW (except drainboards), add $20.00 to 12" price.
22" and wider, RW (except drainboards), add $25.00 to 12" price.

Specified widths:
Specified widths over 12", for each inch over 12", add $2.00 to 12" price.

Specified widths—Continued.
Odd widths, 7", 9", 11", add $1.00 to 8", 10", 12" and so scaled.
Rough, all thicknesses, deduct $2.00.
Stained selects, deduct $5.00 from price of appropriate grade.

Australian Clears, same price as D select.
Short Selects 5' to 9', RL:
1 x 4 and wider, RW, D and better, $44.00.
5/4 and thicker, 4" and wider, RW, D and better, $47.00.
Select strips, 2" and 3", not bundled, deduct $1.00.

SHOP LUMBER

S2S RW and RL	4/4	5/4	6/4	8/4	10/4	12/4	16/4
4/4 shop common	$30.50						
	42.00						
No. 3 clears		$56.00	$56.00	$70.00	$81.00	$89.00	$98.00
No. 1 shop		43.00	43.00	51.00	65.00	69.00	76.00
No. 2 shop		35.00	35.00	38.00	47.00	49.00	56.00
No. 3 shop		28.00	28.00	28.00	33.00	35.00	39.00

Rough 4/4, No. 3 clears and thicker, deduct $2.00.
Rough 4/4 shop common, deduct $1.00.
Rough 5/4 and thicker No. 1 shop, deduct $2.00.
Rough 5/4 and thicker No. 2 and No. 3 shop, deduct $1.00.

DRAINBOARD STOCK

RW RL, $110.00. 22" and wider SW RL, $125.00.
For rough, deduct $2.00. For 8/4, add $5.00.

BEVEL SIDING

	½"x4"	½"x5"	½"x6"
B & Btr., 3' and longer	$29.50	$32.00	$31.50
C, 3' and longer	28.00	30.50	30.00
D, 3' and longer	20.50	23.50	23.00
E	16.00		16.50

B & Btr., C & D may contain 20% 3' to 8½' in multiples of 6".
E Siding may contain up to 35% of 8½' and shorter.
Shorts when sold separately 8' and shorter in B and Btr., C & D, deduct $8.00.
For 9' and longer, add $3.00.

MOULDING LUMBER

4/4 RW RL S2S, $43.00.
5/4 to 8/4 RW RL S2S, $45.00.
For rough, deduct $1.00.

MOULDING LUMBER & BETTER

(Product of log above No. 1 shop producing 50% rip 10' and longer 1" width)

4/4 RW RL rough, dry, $48.00.
5/4 and thicker RW RL rough, dry, $50.00.

MILL RUN BOX

(Product of log below No. 2 shop as produced by the mill)

Rough 5/4, 6/4 and thicker RL, air dried, $25.50.
S2S—add to rough, $1.00.
4/4 stock, rough, deduct from 5/4, $2.00.
Specified widths, no additions.

DIMENSION

RL S1S1E HM 1¾" x standard widths or S4S HM 1½" x standard widths.

Scaled as 2"	2x4"	2x6"	2x8"	2x10"	2x12"
No. 1 dimension	$28.00	$27.00	$26.50	$27.00	$27.00
No. 2 dimension	25.00	24.00	24.00	24.00	24.00
No. 3 dimension	18.50	17.50	17.50	17.50	17.50

Specified lengths:
14' and under 14', add $1.00 to RL.
16', add $0.50 to RL.
18' and 20', add $2.00 to RL.
For rough, deduct $1.00.
For 1⅝ dimension, add ⅛ to 1⅞6" prices.
For 1¾ dimension, add ¼ to 1⅞6" prices.

COMMON BOARDS

(Random lengths—6' and longer)

S2S or S4S (13" and wider RW S2S only)	1 x 4"	1 x 6"	1 x 8"	1 x 10"	1 x 12"	1 x 14"	1 x 16"	1 x 18"	1 x 20"
No. 1 common	$43.00	$43.00	$43.00	$44.00	$49.00				
No. 2 common	37.00	36.00	35.00	35.00	37.00	$40.00	$44.00	$48.00	$52.00
No. 3 common	32.00	32.00	31.00	31.00	31.00	32.00	34.00	36.00	38.00
No. 4 common	21.00	22.00	23.00	23.00	23.00				
No. 5 common	14.00								

Additions for thickness:
No. 1 common:
for 5/4, 6/4 and 8/4, add $5.00.
for 10/4 and 12/4 add $12.00.
No. 2 common:
for 5/4, 6/4 and 8/4, add $4.00.
for 10/4 and 12/4, add $8.00.
No. 3 common:
for 5/4, 6/4 and 8/4, add $3.00.
for 10/4 and 12/4, add $6.00.
No. 4 common, for 5/4, 6/4 and 8/4, add $2.00.
No. 5 common, for 5/4, 6/4 and 8/4, add $2.00.

Specified lengths:
No. 1, 2, and 3 common:
4" and 6" widths, 16', 18', and 20', add $2.00.
8" and wider, 8', 10', 12', 18', and 20', add $2.00.
all widths, 6', deduct $3.00.
No. 4 and 5 common, all specified lengths, add $2.00.
All common, R/L 10' and longer, add $1.00.
N. 4 and 5 common, RW and RL, may contain 20% 4' to 8' and 20% 4".
Odd widths, 7", 9", & 11", add $1.00 to 8", 10", & 12" price, and so scaled.

Special random widths:
No. 4 common:
1 x 4 and wider, $22.00.
1 x 6 and wider, $22.50.
No. 5 common, 1 x 4 and wider, $14.00.
Rough, 4/4 and thicker, deduct $1.00.
Knotty pine paneling stock, add $5.00 to price of regular grade from which selected:
For 11/16", use price of corresponding grade and width of 6/4" plus $2.50, less 25% for surface measure price.

DIFFERENTIALS AND RULES APPLICABLE TO ALL GRADES OF PONDEROSA PINE

Ordinary resawing, add $1.00.
Resawing and S2S, all grades, all rates, add $2.00.
Ripping, per rip, add $1.00.
Novelty-Saw Ripping, add $2.00
Ripping and S4S, add $3.00
Cross Cutting, per cut, add $1.00.
Cleating (ordinary), add $1.50
Bundling (ordinary), add $1.00.
Bundling (export), add $5.00.
4/4 and thicker stock dressed thicker than standard, for each ½6", add $1.00.
For stock run S4S wider than standard width (may be hit or miss), add $1.00.
Standard Casing and Base, Jambs, Sill Stock, Pulley Stiles, Log Cabin Siding, Bungalow Siding, Dolly Varden Siding and all similar patterns (not mouldings) 8" or 10" Beveled Siding, all grades, to price of grade desired, add $5.00.
All other patterns except those conforming to Association Standard Patterns, add $2.50
All Standard patterns other than S2S or S4S, T & G or Shiplap, add $2.00.
Cutting to specified exact length, add $1.00.
All stock shipped in inter-divisional stopover cars, add $1.00.
Random lengths are 6 feet and longer, unless otherwise provided in list.

§ 1312.261 *Appendix B: Maximum prices for Idaho white pine lumber.* (a) The maximum prices f. o. b. mill per 1,000 feet board measure, surfaced, air dried or kiln dried, in mixed or straight load shipments, shall be as follows:

SELECT GRADES

RL S2S or S4S including bundling 2" and 3"	1 x 2"	1 x 3"	1 x 4"	1 x 5"	1 x 6"	1 x 8"	1 x 10"	1 x 12"	13" and wider RW
B and better	$79.00	$80.00	$76.00	$79.00	$77.00	$77.00	$81.00	$100.00	$100.00
C select	72.00	73.00	69.00	72.00	70.00	70.00	74.00	90.00	90.00
D select	55.50	55.50	52.50	57.50	52.50	52.50	61.00	77.00	77.00
RL S2S including bundling 2" and 3"	**5/4 x 2"**	**5/4 x 3"**	**5/4 x 4" or 5/4 x 4" and wider**	**5/4 x 5"**	**5/4 x 6"**	**5/4 x 8"**	**5/4 x 10"**	**5/4 x 12"**	**13" and wider RW**
B and better	$93.00	$95.00	$89.00	$99.00	$91.00	$94.00	$99.00	$109.00	$109.00
C select	83.00	85.00	79.00	89.00	81.00	84.00	89.00	99.00	99.00
D select	71.00	73.00	67.00	77.00	69.00	72.00	77.00	87.00	87.00

Additions for thickness:
B & Btr. and C S2S RL 6/4, same as 5/4 price.
B & Btr. and C S2S RL 8/4, add $14.00 to 5/4 price.
6/4 D Select, same as 5/4 price.
8/4 D Select, add $5.00 to 5/4 price.

Specified lengths:
4/4:
8', 10', 12' and 14', net.
16', 18', and 20', add $10.00.
5/4 and thicker:
16' and shorter, add $5.00.
18' and 20', add $10.00.
Random lengths 10' and longer, add $2.00.
4/4 11' and shorter RL (when no 16' included), deduct $3.00.

Special random widths 5/4 and thicker S2S:
6" and wider RW, add $2.00 to 4" and wider price.
8" and wider RW, add $5.00 to 4" and wider price.

Odd widths, 7", 9", and 11", add $1.00 to 8", 10" and 12" price, and so scaled.
Rough, all thicknesses selects, deduct $2.00.
Stained selects, deduct $5.00 from price of appropriate grade.

Short selects 5' to 9' inclusive:
4/4, 4" and wider, D and Btr. (35% 4"), $46.00.
4/4, all 4", $44.00.
4/4, all 6", $45.00.
4/4, all 8", $48.00.
Select strips, 2" and 3", not bundled, deduct $1.00.
Random length may contain 5% shorter than 8' and 15% odd lengths.
Knotty pine panel stock, add $5.00.

SHOP LUMBER

RW & RL S2S	4/4	5/4	6/4	8/4	10/4	12/4
4/4 shop common	$32.00					
No. 1 shop		$57.50	$57.50	$72.50	$97.50	$107.50
No. 2 shop		39.00	39.00	44.00	64.50	66.50
No. 3 shop		29.50	29.50	30.50	44.50	46.50

When sold as No. 3 and better pile run on grade prices, deduct $5.00 from the No. 1 shop price and $2.00 from the No. 2 shop price.
Rough:
4/4 shop common, deduct $1.00.
5/4 and thicker No. 1 shop, deduct $2.00.
5/4 and thicker, No. 2 or No. 3 shop, deduct $1.00.

BEVEL SIDING

5/16" x 3 1/16" SM

3' and longer	½" x 4"	½" x 5"	½" x 6"
B and Btr	$32.25	$37.50	$37.00
C	29.00	34.25	33.75
D	20.75	25.00	24.75
E	15.00		16.50

May contain odd lengths, and 20% 3' to 8½' in multiples of 6", except that E siding may contain up to 35% of 8½' and shorter.
For all 9' and longer add $3.00:
Short Siding 8' and shorter (when sold separately).
Grade B and Btr., or C., deduct $7.50.
Grade D, deduct $5.00.

COMMON BOARDS

S4S or S2S RL	1 x 4" and wider	1 x 4"	1 x 5"	1 x 6"	1 x 8"	1 x 10"	1 x 12"	13" and wider RW, S2S
No. 1 (Colonial) common		$47.50	$45.50	$45.50	$45.50	$51.75	$73.00	$78.00
No. 2 (Sterling) common		43.50	44.00	41.50	41.50	43.00	47.00	52.00
No. 3 (Standard) common		32.00	32.00	34.50	33.50	33.50	33.50	38.50
No. 3 and Better common shorts (6' to 8' RL)	$28.00	24.00		27.50	29.50	29.50	29.50	
No. 4 (Utility) common	25.50	23.00		26.00	27.00	26.00	26.00	
No. 4 and Better common shorts (6' to 8' RL), deduct $1.00 from No. 3 and better common shorts.								
No. 5 (Industrial) common	19.00	17.50		18.50	19.50	19.50	19.50	

Additions for thickness:
No. 1 common:
5/4, 6/4 and 8/4 RL or all 16', 10" and 12", add $9.00 to 4/4 RL price.
4", 6" and 8", add $12.00 to 4/4 RL price.
Specified lengths other than 16', add $5.00 to 5/4 and thicker RL price.
5/4 x 5", add $1.00 to 5/4 x 10" price.
No. 2 common, 5/4, 6/4 and 8/4:
RL or all 16', add $7.00 to 4/4 RL price.
Specified lengths other than 16', add $12.00 to 4/4 RL price.
No. 3 common, 5/4, 6/4 and 8/4:
RL or all 16', add $3.00 to 4/4 RL price.
Specified lengths other than 16', add $8.00 to 4/4 RL price.
No. 4 and 5 common, 5/4, 6/4 and 8/4, RL, add $2.00 to 4/4 RL price.

Specified lengths:
No. 1, 2, and 3 common:
4" and 6"—10', 12' and 14', deduct $1.00.
4" and 6"—16', 18', and 20', add $1.00.
8", 10", and 12"—10', 12', 18' and 20', add $1.00.
8", 10", and 12"—14' and 16', deduct $1.00.
All widths—6', deduct $3.00.
No. 4 and 5 common:
All specified lengths, add $2.00.
All common RL 10' and longer, add $1.
No. 4, 1 x 6" and wider, 4' and longer, $27.00.
Odd widths, 7", 9", and 11", add $1.00 to 8", 10", and 12" price and so scaled.
Rough 4/4 and thicker, all commons, deduct $1.00.
No. 4 and 5 common RW and RL, may contain 20% 4' to 8', and 20% 4".

DIFFERENTIALS AND RULES APPLICABLE TO ALL GRADES OF IDAHO WHITE PINE

Ordinary resawing, add $1.00.
Resawing and S2S, all grades, all rates, add $2.00.
Ripping, per rip, add $1.00.
Novelty-saw ripping, add $2.00.
Ripping and S4S, add $3.00.
Cross cutting, per cut, add $1.00.
Cleating (ordinary), add $1.50.
Bundling (ordinary), add $1.00.
Bundling (export), add $5.00.
4/4 and thicker stock dressed thicker than standard, for each ½2", add $1.00.
Per stock run S4S wider than standard width (may be hit or miss), add $1.00.
Standard Casing and Base, Jambs, Sill Stock, Pully Stiles, Log Cabin Siding, Bungalow Siding, Dolly Varden Siding and all similar patterns (not mouldings), 8" or 10" Beveled Siding, all grades, to price of grade desired, add $5.00.
All other patterns except those conforming to Association Standard Patterns, add $2.50.
All standard patterns other than S2S or S4S, T and G or Shiplap, add $2.00.
Cutting to specified exact length, add $1.00.
All stock shipped in inter-divisional stopover cars, add $1.00.
Specified widths, all grades, wider than 12", add $2.00 for each inch over 12" to price of 13" and wider.
Random lengths are 6 feet and longer, unless otherwise provided in list.

§ 1312.262 *Appendix C: Maximum prices for sugar pine lumber.* (a) The maximum prices f. o. b. mill per 1,000 feet board measure, surfaced, air dried or kiln dried, in mixed or straight load shipments, should be as follows:

SELECT GRADES

S2S or S4S, RW and RL	4/4	5/4	6/4	8/4	10/4	12/4	16/4
1 and 2 clear (S and str.)	$77.00	$78.00	$78.00	$92.00	$108.00	$117.00	$127.00
C select	75.00	76.00	75.00	88.00	105.00	112.00	122.00
D select	62.00	64.00	63.00	78.00	89.00	97.00	106.00

Stained Selects, deduct $5.00 from price of appropriate grade.
Australian Clears, same price as D select.

SHOP LUMBER

	4/4 x 5" and wider	5/4 x 5" and wider	6/4 x 5" and wider	8/4 x 5" and wider	10/4 x 5" and wider	12/4 x 5" and wider	16/4 x 5" and wider
No. 3 clear	$47.00	$52.00	$61.00	$82.00	$94.00	$98.00	$106.00
No. 1 shop		46.00	48.00	59.00	72.00	77.00	87.00
No. 2 shop		34.00	38.00	44.00	54.00	55.00	61.00
No. 3 shop		30.00	31.00	32.00	33.00	33.00	38.00
4/4 shop common RW	35.00						

MOULDING LUMBER, AND MOULDING AND BETTER

Moulding lumber:
4/4 RW and RL, $50.00.
5/4–6/4 RW and RL, $52.00.
8/4 RW and RL, $55.00.
For rough deduct $1.00

Moulding Lumber and Better (Product of log above #1 Shop producing 50% rip 10' and longer 1" width):
4/4 RW and RL Rough, $55.00.
5/4 and thicker RW and RL Rough, $59.00.

COMMON BOARDS

S2S, RL and RW	4/4	5/4	6/4	8/4	10/4	12/4	16/4
No. 2 and Better Common	$39.00	$42.00	$42.00	$43.00	$44.00	$45.00	$45.00
No. 3 Common	30.00	31.00	33.00	33.00	36.00	36.00	36.00

MILL RUN BOX

(Product of log below #2 shop as produced by mill)

Rough 5/4, 6/4 and thicker RL, $25.50.
S2S, add $1.00 to rough.

One inch stock, rough, deduct $2.00 from 5/4.

DIFFERENTIALS FOR WIDTHS AND LENGTHS

Narrow widths:
2¼" and less, S4S all grades, add $3.00.

Random widths:
4 to 7" (D Select and Btr. only), deduct $5.00.
10" and wdr. (Shop and Btr.), add $5.00.
12 or 13" and wdr. (Shop and Btr.), add $15.00.
14" and wdr. (Shop and Btr.), add $20.00.
16" and wdr. (Shop and Btr.), add $25.00.
18" and wdr. (Shop and Btr.), add $30.00
20" and wdr. (Shop and Btr.) (except Drainboard Stock), add $35.00.
22" and wdr. (Shop and Btr.) (except Drainboard Stock), add $45.00.

Additions for specified widths:
4, 6, and 8" (D Select and Btr. only), net.
5, 7, and 10" (D Select and Btr. only), add $5.00.
12 and 13" (Shop and Btr.), add $15.00.
14 and 15" (Shop and Btr.), add $25.00.
16 and 17" (Shop and Btr.), add $30.00.
18 and 19" (Shop and Btr.), add $35.00.
20 and 21" (Shop and Btr.), add $45.00.
22" and wdr. (Shop and Btr.), add $55.00.

Additions for specified lengths:
4/4 8' to 16' Select and Shop grades, add $5.00.
5/4 and thicker, 8' to 16' Select and Shop grades, add $5.00.
4/4 and thicker, 18' to 20' Select and Shop grades, add $10.00.
4/4 and thicker, 8' to 16' Common grades, add $2.00.

DIMENSIONS

RL, S1S1E HM 1-9/16" x standard widths or S4S HM 1½" x standard widths scaled as 2"	2x4"	2x6"	2x8"	2x10"	2x12"
No. 1 dimension	$28.00	$27.00	$26.50	$27.00	$27.00
No. 2 dimension	25.00	24.00	24.00	24.00	24.00
No. 3 dimension	18.50	17.50	17.50	17.50	17.50

Specified lengths:
14' and under 16', add $1.00 to RL.
16', add $.50 to RL.
18' and 20', add $2.00 to RL.
For rough, deduct $1.00.
For 1⅜" dimension, add 1/16 to 1 9/16" prices.
For 1¼" dimension, add 1/16 to 1 1/16" prices.

DRAINBOARDS

5/4 and 6/4, S2S 1 and 2 clear selected:
20" and wider, RW, RL 5/4 and 6/4, $125.00.
20" and wider, RW, RL 8/4, $130.00.
22" and wider, SW, RL 5/4 and 6/4, $135.00.
22" and wider, SW, RL 8/4, $140.00.
For rough, deduct $3.00.

OTHER DIFFERENTIALS, ALL GRADES

Rough 4/4 and thicker No. 1 shop and btr. deduct $3.00.
Rough 5/4 and thicker No. 2 shop, deduct $2.00.
Rough 4/4 and thicker common, dimension and No. 3 shop, deduct $1.00.
Rough inch shop, deduct $2.00.
Ordinary resawing, add $1.00.
Resawing and S2S, all grades, all rates, add $2.00.
Ripping, per rip, add $1.00.
Novelty-saw ripping, add $2.00.
Ripping and S4S, add $3.00.
Cross cutting, per cut, add $1.00.
Cleating (ordinary), add $1.50.
Bundling (ordinary)..add $1.00.
Bundling (export), add $5.00.
Random lengths are 6 ft. and longer, unless otherwise provided in list. Stock dressed thicker than standard, for each 1/32", add $1.00.
For stock run S4S wider than standard width (may be hit or miss), add $1.00.
Standard casing and base, jambs, sill stock, pulley stiles, log cabin siding, bungalow siding, Dolly Varden siding and all similar patterns (not mouldings), to price of grade desired, add $5.00.
All other patterns except those conforming to Association Standard Patterns, add $2.50.
All standard patterns other than S2S or S4S, T & G or shiplap, add $2.00.
Cutting to specified exact length, add $1.00.
All stock shipped in inter-divisional stopover cars, add $1.00.

§ 1312.259a *Effective dates of amendments.* (a) This amendment No. 1 (§§ 1312.255, 1312.259a, 1312.260, 1312.261 and 1312.262), to Revised Price Schedule No. 94 shall become effective March 9, 1942. Until such date Revised Price Schedule No. 94 continues in effect as if not amended by this amendment No. 1. Firm commitments entered into before March 9, 1942 at prices not exceeding the maximum prices established by Revised Price Schedule No. 94 prior to the effective date of this amendment No. 1 may be completed at contract prices.

(Pub. No. 421, 77th Cong. 2d Sess.)

Issued this 6th day of March, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–1990; Filed, March 6, 1942; 4:38 p. m.]

PART 1330—CONTAINERS

IN THE MATTER OF GODCHAUX SUGARS, INC., NEW ORLEANS

Correction

The section headnote of F. R. Doc. 42–1954 appearing on page 1756 of the issue for Saturday, February 7, 1942, should read as follows:

"§ 1330.151 *Order 1 under Revised Price Schedule 55.*"

PART 1340—FUEL

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 88 [1]—PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.[2]

§ 1340.154 is amended by designating the first four paragraphs thereof (a), (b), (c) and (e), respectively, and adding after (c) a new paragraph (d), and two new sections, §§ 1340.158a and 1340.160 are added, as set forth below:

§ 1340.154 *Records and reports.*

* * * * *

(d) Duly authenticated copies of all contracts entered into after the issuance of this amendment involving the sale, purchase or exchange of the commodities exempted from §§ 1340.151 and 1340.159 of Price Schedule No. 88, shall be filed in this Office within fifteen days after the signing of such contracts, except as otherwise authorized by the Price Administrator or persons designated by him.

* * * * *

§ 1340.160 *Exceptions.* The following petroleum products shall be exempt from §§ 1340.151 and 1340.159:

(a) All aviation gasoline of 91 octane rating or higher;

(b) The following to the extent purchased or sold for use in the manufacture of aviation gasoline of 91 octane rating or higher: components of aviation gasoline of 91 octane rating or higher, including alkylate, neohexane, iso-octane, hydrocodimers, isomate and hot acid octanes; iso-pentane, iso-butane, normal butane and butylenes, and mixtures of iso-butane, normal butane and butylenes; and aromatic hydrocarbons and base stocks or fractions to the extent manufactured for and used in aviation gasoline of 91 octane rating or higher.

1340.158a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1340.154 (d), 1340.158a, 1340.160) to Revised Price Schedule No. 88 shall become effective March 7, 1942. Until such date Revised Price Schedule No. 88 continues in effect as if not amended by Amendment No. 1. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 7th day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–2012; Filed, March 7, 1942; 12:46 p. m.]

PART 1340—FUEL

AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 88 [1]—PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.[2]

§ 1340.154 is amended by the addition of a new paragraph (e), and § 1340.158a is amended by the addition of a new paragraph (b), as set forth below:

[1] 7 F.R. 1371.

[2] The statement of considerations has been filed with the Division of the Federal Register.

§ 1340.154 *Records and reports.*

* * * * *

(e) Reports required to be filed with this Office under paragraphs (a) and (b) above may be filed up to and including March 23, 1942, notwithstanding the time limitations contained in said paragraphs.

§ 1340.158a *Effective dates of amendments.*

* * * * *

(b) Amendment No. 2 (§§ 1340.154 (e), 1340.158a (b)) to Revised Price Schedule No. 88 shall become effective as of March 4, 1942. Until such date Revised Price Schedule No. 88 continues in effect as if not amended by Amendment No. 2. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 7th day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–2011; Filed, March 7, 1942; 12:48 p. m.]

PART 1352—FLOOR COVERINGS

MAXIMUM PRICE REGULATION NO. 65—RESALE OF FLOOR COVERINGS

In the judgment of the Price Administrator resale prices of wool floor coverings have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to resale prices of wool floor coverings prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation. Price Schedule No. 65, which was issued by the Price Administrator on January 2, 1942, and was effective until March 5, 1942, dealt with the same subject matter as this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been prepared and is issued simultaneously herewith.[1]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, Maximum Price Regulation No. 65 is hereby issued.

§ 1352.51 *Maximum distributors' prices for wool floor coverings.* On and after March 9, 1942, regardless of any contract, agreement, lease, or other obligation, no distributor shall sell or deliver any unit of wool floor covering at a price higher than the maximum price. The provisions of this section shall not be applicable to sales or deliveries of wool floor coverings to a purchaser, if prior to March 9, 1942 such wool floor coverings had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(a) The maximum price for any unit of wool floor covering purchased and received by the distributor prior to January 2, 1942 shall be:

(1) the highest net price received by the distributor for the sale or delivery during the period October 1–October 13, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person or a person in the same general class, or if there is no such person, to any person;

(2) or if no sale or delivery of an identical unit (or of a unit differing therefrom only in color or pattern) was made during such period, the maximum price shall be the highest net price received by the distributor for the sale or delivery during the period January 1–September 30, 1941, inclusive, of an identical unit (or of a unit differing therefrom only in color or pattern) to the same person or a person in the same general class, or if there is no such person, to any person;

(3) or if no sale or delivery of an identical unit (or of a unit differing therefrom only in color or pattern) was made during either of such periods, the maximum price shall be a price in line with the maximum price as determined by subparagraphs (1) or (2) of paragraph (a) of this Section, for related types, qualities and grades of wool floor coverings sold by such distributor during the period January 1–October 13, 1941, inclusive, to the same person or a person in the same general class, or if there is no such person, to any person:

Provided, That whenever the aggregate value (upon the basis of actual cost) of the undelivered portion of the units of wool floor coverings purchased and received by the distributor on or before January 1, 1942, becomes reduced to 10% or less of the aggregate value (upon the basis of actual cost) of the undelivered portion thereof on January 1, 1942, the distributor, after mailing to the Office of Price Administration a sworn statement on Form 165:3 (copies of which can be obtained from the Office of Price Administration) setting forth such facts, may sell or deliver any of such units of wool floor coverings at a price not in excess of the maximum price as determined in accordance with paragraph (b) of this section.

(b) The maximum price for any other unit of wool floor covering shall be:

(1) the price quoted by the manufacturer of such unit in his current low-basis price list;

(2) or if the maximum price cannot be determined under subparagraph (1) of paragraph (b) of this section, it shall be the price approved in writing by the Office of Price Administration, after the distributor has submitted to it an application containing (i) the name or other

[1] 7 F.R. 971.

designation and the manufacturer of such unit, (ii) the proposed selling price of such unit, and (iii) such other data as the Office of Price Administration may request; and no sale or delivery of such unit shall be made until such approval shall have been given.*

*§§ 1352.51 to 1352.62, inclusive, issued pursuant to Pub. Law 421, 77th Cong., 2d Sess.

§ 1352.52 *Deductions from maximum prices.* The maximum price for any unit of wool floor covering, upon which the distributor has received a discount from the manufacturer because such unit is a drop, second, imperfect, trial-run, remnant, mill end, or other similar unit, shall be adjusted by deducting therefrom any such discount.*

§ 1352.53 *Sales for export.* In the case of sales for export, the maximum price for any unit of wool floor covering shall be determined in accordance with §§ 1352.51 and 1352.52, to apply f. o. b. port of exit, except as provided in paragraphs (a), (b), (c), and (d) of this section.

(a) Where sales are made f. a. s. vessel, f. o. b. vessel, c. & f. destination, c. i. f. destination, or f. o. b. foreign destination, the maximum price may be increased by an amount not in excess of the cost of ocean freight, marine insurance, war risk or other standard charges legally authorized under the terms of sale, to the extent actually incurred by the distributor.

(b) The maximum price for any unit of wool floor covering may be increased by the actual cost of packing for export, if customarily charged as a separate item or where, because of the special character of the packing, additional expense is customarily necessary in order to provide for the safe carriage of the shipment: *Provided*, That such charge is authorized by the sales contract. In no event shall such charge exceed the actual cost for such packing.

(c) A distributor who sells or delivers for export, any unit of wool floor covering for his own account and risk, may add to the maximum price thereof an amount not in excess of the customary mark-up for a sale or delivery of a similar quality, type, quantity, and packing to the same or a comparable foreign market and to a purchaser of the same general class.

(d) A distributor who sells or delivers any unit of wool floor covering as an export agent, export commission house or export merchant, acting on behalf of and for the account of a foreign principal domiciled abroad and doing business out of headquarters abroad, may add to the maximum price thereof, commissions for buying or usual mark-ups, or charges for documentary and shipping services, not in excess of customary commissions or charges for similar services.*

§ 1352.54 *Less than maximum prices.* Lower prices than those set forth in § 1352.51 may be charged, demanded, paid, or offered.*

§ 1352.55 *Conditional agreements.* No distributor shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1352.51, in the event that this Maximum Price Regulation No. 65 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment (or for adjustment or for exception under § 1352.60) has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this Section permitting the making of contracts adjustable upon the granting of the petition for amendment (or for adjustment or exception, as the case may be). Requests for such an exception may be included in the aforesaid petition for amendment (or for adjustment or for exception under § 1352.60).*

§ 1352.56 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 65 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, or delivery of or relating to wool floor coverings, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1352.57 *Records.* Every distributor making a sale of wool floor coverings in the course of trade or business or otherwise dealing therein, after March 8, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years complete and accurate records of each sale, showing the date thereof, the name and address of the buyer, the name, number, or other designation and the manufacturer of each unit, the net price received for each unit and the quantity sold.*

§ 1352.58 *Reports.* (a) On or before March 25 and on or before the twentieth day of each month thereafter every distributor of wool floor coverings shall submit to the Office of Price Administration a report on Form 165: 4 showing in the detail required by such Form a complete schedule of his inventory and sales of wool floor coverings. Copies of Form 165:4 may be obtained from the Office of Price Administration.

(b) Such distributors shall submit such other reports to the Office of Price Administration as the Office of Price Administration may, from time to time, require.*

§ 1352.59 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 65 are subject to the civil and criminal penalties provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 65 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.*

§ 1352.60 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 65 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.*

§ 1352.61 *Definitions.* (a) When used in this Maximum Price Regulation No. 65, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Distributor" means a person who resells wool floor coverings to any person other than the ultimate consumer, whether he resells such wool floor coverings as a distributor, jobber, agent or broker, and includes a person who resells wool floor coverings to both ultimate consumers and others, but does not include a person who regularly purchases wool floor coverings from the manufacturer at no discount from the manufacturer's low-basis price list (with the exception of cash discounts and discounts for seconds, drops, imperfects, trial-runs, remnants, mill ends, or other similar units).

(3) "Wool floor covering" means a woven floor covering in a manufactured state, the pile of which consists in whole or in part of wool, used as a rug, mat, carpet, or other floor decoration, excluding floor coverings manufactured outside the United States.

(4) "Unit" means a wool floor covering offered for sale as a distinct item.

(5) "Manufacturer's low-basis price list" means the manufacturer's price list which quotes net prices for wool floor coverings to retailers and includes price lists designated as "mill A", "mill net" and "jobber" price lists.

(6) "For export" means to a person outside the United States.

(7) "Export agent" means any exporter who performs the duties of an agent directly to and for a foreign purchaser in a sale between any seller in the United States and such foreign purchaser, and who does not (i) take title to the goods being exported, nor (ii) assume a risk of loss because of demurrage, failure to secure shipping space, credits, or otherwise.

(8) "Export commission house" means any exporter who acts as a principal, and (i) buys for his own account only upon his foreign customers' direct orders, at a fixed price or at a previously agreed upon commission, (ii) takes title to the goods directly or through an agent, and (iii) assumes all risk of loss or expense until the title of goods passes to his foreign buyers according to named terms of sales.

(9) "Export merchant" means any exporter who acts as a principal, and (i) buys for his own account in anticipation of foreign orders in general, (ii) takes title to the goods, and (iii) sells them direct, or through customary trade channels, to any or all buyers in the foreign country, and (iv) assumes all risks of loss or expense until title to the goods passes to a foreign buyer according to terms of sales.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.*

§ 1352.62 *Effective date.* This Maximum Price Regulation No. 65 (§§ 1352.51 to 1352.62, inclusive) shall become effective March 9, 1942.*

Issued this 6th day of March, 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-1993; Filed, March 6, 1942; 4:38 p. m.]

CHAPTER XIII—OFFICE OF PETROLEUM COORDINATOR FOR NATIONAL DEFENSE

[Recommendation No. 33, Amendment]

PART 1500—ADMINISTRATIVE: GENERAL

SPECIAL SUBCOMMITTEES FOR STATISTICAL INFORMATION

To the District Industry Committees, and to all persons in the petroleum industry:

The Congress of the United States has declared the existence of a state of war between the Government and the people of the United States and the Imperial Japanese Government, the Government of Germany, and the Government of Italy.

The diversion, for war and other essential purposes, of a part of the American tanker fleet normally providing transportation of petroleum and petroleum products for the needs of various areas of the United States has resulted in a shortage of tanker tonnage to serve those needs. The exigencies of warfare result in added imperative requirements for petroleum and petroleum products in many areas, reduce the efficiency of operations of tankers remaining in service, and impair the regularity of sailing schedules. These factors threaten, unless counteracted, to result in periods of scarcity of petroleum and petroleum products for essential needs in various areas of the United States dependent on or affected by tanker transportation.

It is imperative in the national interest that all possible steps be taken to avert or alleviate the serious adverse effects on the progress of the war effort and the public generally which such periods of scarcity of petroleum and petroleum products would occasion.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, Recommendation No. 33 [1] (§§ 1508.17 to 1508.24, inclusive, of this chapter) is hereby amended to read, and the section numbering thereof changed, as follows:

§ 1500.22 *Designation of special subcommittees; statistical information.* When the General Committee for any District of the Office of Petroleum Coordinator for National Defense shall find that a problem of petroleum supply or distribution exists which affects two or more of the natural divisions of the industry and therefore does not fall entirely within the jurisdiction of a single district functional committee, or affects two or more of the districts and therefore does not fall entirely within the jurisdiction of a single district, and shall further find that, for these reasons, it is necessary or desirable to designate special committees to analyze facts concerning the problem and to devise and carry into effect plans for the solution of the problem, then the Chairman of the General Committee shall, with the approval of the General Committee and of the Petroleum Coordinator for National Defense or the Deputy Petroleum Coordinator, designate such special committee with a title descriptive of the functions it is to perform and the area in which it is to operate. Any such special committee may be organized as a subcommittee of the District General Committee, or as a joint subcommittee so designated by the Chairman of the General Committees for two or more districts. Each subcommittee so designated shall obtain, analyze, and keep current all pertinent and available facts, figures, and other data with respect to the available supplies of and the demand for petroleum and petroleum products in the area for which it is designated and with respect to transportation facilities serving said area, and the information obtained by each such subcommittee shall be furnished currently to any other subcommittee so designated.*

*§§ 1500.22 to 1500.29, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1500.23 *Plans.* (a) Each subcommittee designated pursuant to § 1500.22 shall devise and submit, with the approval of the District General Committee, to the Chief Counsel of the Office of Petroleum Coordinator for National Defense, from time to time as may be necessary or advisable, plans designed to facilitate and assure the distriution of supplies of petroleum and petroleum products available to the area in which such subcommittee is to operate, to meet in such area and in the order of statement, the needs of (1) the military forces of the United States, (2) the war industries, (3) the essential civilian requirements, and (4) other reasonable civilian requirements.

(b) Any plan prepared pursuant to this section may, without limitation as to other necessary or appropriate provisions:

(1) Analyze and determine the amounts of petroleum and petroleum products and the transportation facilities available to the area involved to meet the needs hereinabove described in such area;

(2) Provide for the exchange, loan, sale, lease, or pooling of petroleum products and of the physical facilities for the production and handling thereof wherever and to whatever extent may be necessary to supply in the area involved the amounts of petroleum and petroleum products prescribed pursuant to subparagraph (1) of this paragraph.*

§ 1500.24 *Effectuating plans.* The subcommittees designated pursuant to § 1500.22 and all persons affected by any plan formulated in accordance with § 1500.23 shall, upon the approval of any such plan by the Chief Counsel of the Office of Petroleum Coordinator for National Defense and pursuant to the direction of the Petroleum Coordinator for National Defense or the Deputy Petroleum Coordinator, carry into effect such plan according to its terms, conditions and intent.*

§ 1500.25 *Sale, exchange, and loan of petroleum products under emergency conditions.* In cases of an emergency character which may arise pending approval of appropriate plans pursuant to § 1500.23 or which may not be adequately provided for under any such plan, any subcommittee designated pursuant to § 1500.22 or the executive secretary of such subcommittee shall, subject to the direction of the appropriate functional district director of the Office of Petroleum Coordinator for National Defense, coordinate and arrange for the sale, exchange or loan of petroleum and petroleum products among the various operators in said area to accomplish the objectives of §§ 1500.22 to 1500.29, inclusive.*

§ 1500.26 *Distribution and division of available petroleum.* Sales, exchanges, and loans of petroleum and petroleum products among the several operators pursuant to § 1500.25 shall be made in such manner, at such times, and in such amounts, as will result in the most efficient method of assuring a continuous supply of petroleum and petroleum products to meet war, defense, and essential civilian demands as they arise, and at the same time, so far as is not inconsistent therewith, will provide equal treatment for all operators affected thereby. The operators affected thereby shall comply with such arrangements and shall carry into effect such sales, exchanges, or loans of petroleum and petroleum products. The appropriate functional district director of each district shall promptly submit to the Chief Counsel of the Office of Petroleum Coordinator for National Defense a full report on any action taken under the provisions of § 1500.25.*

§ 1500.27 *Meetings.* Meetings of subcommittees designated pursuant to § 1500.22, and other persons who may

[1] 7 F.R. 1069.

be affected, may be held from time to time for the purpose of preparing plans in the manner provided in § 1500.23 and of effectuating the provisions of §§ 1500.25 and 1500.26. The said subcommittees and persons affected may, after receipt of approval of any of the aforesaid plans by the Chief Counsel of the Office of Petroleum Coordinator for National Defense and of the direction of the Petroleum Coordinator or Deputy Petroleum Coordinator to carry such plan into effect, meet from time to time for the purpose of doing all things necessary to carry into effect any such plan in accordance with the purposes of §§ 1500.22 to 1500.29.

In carrying out their duties, responsibilities and functions, the subcommittees shall consult with the other committees and subcommittees in their respective Districts and in other Districts to the extent that proposals or activities hereunder may effect such other Districts, and to this end all such committees and subcommittees shall supply the said subcommittees with such information, material and assistance as may be necessary and desirable to carry into effect the purposes and intent hereof.*

§ 1500.28 *Administration.* The subcommittees designated pursuant to § 1500.22 of this chapter may maintain such staff and appoint such persons as they find necessary to carry out their duties, responsibilities and functions. The General Committees of the several Districts and the subcommittees may, from time to time, propose to the Petroleum Coordinator for National Defense or to the Deputy Petroleum Coordinator changes in the membership of the said subcommittees and may submit nominations for new members. Operating expenses of the subcommittees shall be met as provided in § 1500.7 (j).*

§ 1500.29 *Conflicting provisions.* The provisions of §§ 1500.22 to 1500.28 shall supersede and cancel Recommendation No. 5 to the extent that there is any conflict therewith.*

R. K. DAVIES,
Deputy Petroleum Coordinator for National Defense.

[F. R. Doc. 42-1996; Filed, March 7, 1942; 10:07 a. m.]

[Recommendation No. 32]

PART 1503—PRODUCTION

FORMATION OF DRILLING UNITS

To the State regulatory agencies having jurisdiction over the exploration, development, production, or conservation of petroleum, to the respective Production Committees of the several Districts, to all producers of crude petroleum or natural gas and to all producers of liquid and gaseous hydro-carbons from condensate pools:

In order to facilitate the administration of paragraphs (c) (7) and (c) (8) of § 1047.1 (Conservation Order M-68, as amended[1]), the War Production Board has issued Amendment No. 3[2] of Conservation Order M-68, as amended, which defines the term "uniform well-spacing pattern." Such amendment, as well as the provisos included within such paragraphs, provides that separate property interests within the borders of drilling units of the prescribed size must be first consolidated before wells can be drilled thereon.

In order to avoid the creation of tracts within fields whose owners do not have the opportunity to participate in production, it is necessary that such tracts be consolidated with the adjoining tracts or drilling units within which they would most logically fall, irrespective of whether such consolidations occur prior or subsequent to the formation of such adjoining tracts into drilling units upon which wells are or are to be located. If a portion of the owners in a field fail or refuse to afford the remainder of such owners a reasonable opportunity to participate in the development thereof or the production derived therefrom, those who have been so deprived may apply for exceptions to those Orders which prohibit the use of material to drill wells except in specified instances, by reason of their own willingness to enter into reasonable consolidation agreements and the failure or refusal of the adjoining owners to undertake such consolidations.

To assure the development of the respective fields pursuant to uniform well-spacing patterns and, at the same time, to assure that the drilling units therein be so constructed as to afford all owners a reasonable opportunity to participate in development and production, it is necessary that the formation of drilling units be accomplished in such manner as will effectuate such policy.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

§ 1503.25 *Formation of drilling units.* All persons, natural or artificial, engaged in the exploration for, or development or production of petroleum, shall, in the construction or formation of drilling units pursuant to paragraphs (c) (7) and (c) (8) of Conservation Order M-68, as amended, upon which wells have been or are to be drilled, so construct or form such units as to afford all owners within each field a reasonable opportunity to participate in the development thereof and production derived therefrom. Whenever such participation can only be accomplished by consolidating all or parts of two or more adjoining tracts into a drilling unit or drilling units, such tracts or portions thereof as would not otherwise participate in the development of or production from a field shall be consolidated with the adjoining tracts or drilling units within which they would most logically fall. (President's letter, May 28, 1941, 6 F.R. 2760)

§ 1503.26 *Applications for exceptions.* Whenever a portion of the owners in a field refuse or fail to afford the remainder of such owners a reasonable opportunity to participate in the development thereof or the production derived therefrom, irrespective of whether such participation would be accomplished by consolidations occurring prior or subsequent to the formation of drilling units within adjoining tracts, those who have been so deprived should file, with the Petroleum Coordinator for National Defense, applications for consideration by the Division of Industry Operations of the War Production Board, requesting exceptions to those Orders which prohibit the use of material except in specified instances, setting forth, in addition to the information required by the appropriate Form, not only their willingness to enter into reasonable consolidation agreements but the circumstances surrounding the refusal of the adjoining owners to undertake such consolidations. (President's letter, May 28, 1941, 6 F.R. 2760)

R. K. DAVIES,
Deputy Petroleum Coordinator for National Defense.

FEBRUARY 24, 1942.

[F. R. Doc. 42-1995; Filed, March 7, 1942; 10:07 a. m.]

[Amendments to Recommendation No. 8 and Supplement]

PART 1504—PROCESSING AND REFINING

AVIATION GASOLINE

Pursuant to the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760) establishing the Office of Petroleum Coordinator for National Defense, § 1504.2 (Recommendation No. 8 dated August 23, 1941, 6 F.R. 5017) and § 1504.4 (Supplement dated December 2, 1941, to Recommendation No. 8, 6 F.R. 6329) are hereby amended, effective immediately and until further notice, to read as follows:

§ 1504.2 *Use of blending agents.* All persons, natural or artificial, engaged directly or indirectly in the production or manufacture of aviation gasoline or in the production or manufacture of gasolines containing blending agents of a petroleum origin, such as but not limited to, Iso-octanes, including alkylates, hot acid octanes, and hydrocodimers, Iso-pentanes, and Neo-hexanes, shall cease to use such blending agents except for the production and manufacture of 100-octane aviation gasoline or such other aviation gasolines as may hereafter be designated by the Office of the Petroleum Coordinator generally or in specific instances which, in the opinion of said Office, do not adversely affect or conflict with the war effort. (President's letter, May 28, 1941, 6 F.R. 2760)

§ 1504.4 *Base stock of aviation gasoline of 85.0 octane number or less.* All grades of gasoline used for aviation purposes having an octane number of 85.0 or less, as determined by the 1-C aviation method, shall be produced by the addition of tetraethyl lead to a clear gasoline having an octane number not greater than 67.0 as determined by the 1-C aviation method, except as may otherwise be designated by the Office of Petroleum Coordinator for National Defense in special cases which, in the opinion of said Office, do not adversely affect or conflict with the war effort. (President's letter, May 28, 1941)

R. K. DAVIES,
Deputy Petroleum Coordinator for National Defense.

FEBRUARY 28, 1942.

[F.R. Doc. 42-1994; Filed, March 7, 1942; 10:07 a. m.]

[Recommendation No. 36]

PART 1505—TRANSPORTATION

ALLOCATION OF TANKER TONNAGE, DISTRICT ONE

To the Transportation Committee for District One and to all persons, natural or artificial, owning, operating, chartering tankers or otherwise utilizing tanker space in District One:

The diversion for war and other essential purposes of a part of the American tanker fleet normally in Atlantic Coast service and the loss through war action of other tankers of that fleet has resulted in a shortage of tanker tonnage available for the transportation of petroleum and pertoleum products on the Atlantic Coast. Because of the exigencies of warfare, the efficiency of operation of the tankers remaining in this service has been reduced and the regularity of sailing schedules has been impaired. These factors threaten, unless abated, to result in a scarcity of petroleum and petroleum products in areas of the Atlantic Coast states dependent chiefly upon tanker transportation for petroleum.

It is imperative in the national interest that all steps be taken which will cause the most efficient utilization and operation of available tanker tonnage in order to render such threatened shortage less acute and, in so far as is not inconsistent therewith, to provide equitable sharing of available tanker tonnage among all affected units of the petroleum industry.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

§ 1505.55 *Plan for allocation of tanker tonnage.* The Transportation Committee for District One shall obtain and analyze all pertinent and available facts, figures, and other data with respect to the operation and utilization of tankers in District One, including facts, figures, and other data with respect to the past and present utilization by specific persons, natural or artificial, of tanker tonnage for the transportation of petroleum and petroleum products to points of discharge in District One, and shall prepare therefrom a plan for submission to the Chief Counsel of the Office of Petroleum Coordinator for National Defense for the efficient and equitable distribution among all persons, natural or artificial, affected, of the tanker tonnage available for the transportation of petroleum and petroleum products in and to District One.*

*§§ 1505.55 to 1505.59, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1505.56 *Appointment of Tanker Managing Subcommittee.* A Tanker Managing Subcommittee shall be designated by the Transportation Committee for District One, the membership of which shall be subject to the approval of the Petroleum Coordinator for National Defense or the Deputy Petroleum Coordinator, to execute and administer the provision of any approved plan prepared pursuant to the provisions of § 1505.55.*

§ 1505.57 *Meetings.* Meetings of the Transportation Committee, the Tanker Managing Subcommittee, representatives of the persons, natural or artificial, engaged in the petroleum industry in District One and other persons wherever located who may be affected, may be held from time to time for the purpose of gathering information and preparing the plans provided for in § 1505.55. The said Committee, Subcommittee, representatives and persons may, upon the approval of any plan by the Chief Counsel of the Office of Petroleum Coordinator for National Defense, meet from time to time for the purpose of doing all things necessary to carry into effect any such plan in accordance with the provisions of this Recommendation.*

§ 1505.58 *Effectuating plans.* The Tanker Managing Subcommittee and all persons, natural or artificial, affected by any plan formulated in accordance with § 1505.55 shall, upon the approval of any such plan by the Chief Counsel of the Office of Petroleum Coordinator for National Defense, and pursuant to the direction of the Petroleum Coordinator for National Defense or the Deputy Petroleum Coordinator, carry into effect such plan according to its terms, conditions and intent.*

§ 1505.59 *Administration.* In carrying out the duties, responsibilities, and functions under this Recommendation and any approved plan authorized herein, the Tanker Managing Subcommittee shall consult with the other committees and subcommittees in District One and with the committees in the other Districts to the extent that plans or activities hereunder may affect such other Districts, and to this end all such committees and subcommittees shall supply the Tanker Managing Subcommittee with such information, material and assistance as may be necessary and desirable to carry into effect the provisions of this Recommendation. The Tanker Managing Subcommittee shall maintain such staff and appoint such persons as it finds necessary to carry out its duties, responsibilities and functions under this Recommendation. The Transportation Committee or the said Subcommittee may propose from time to time to the Petroleum Coordinator for National Defense or to the Deputy Petroleum Coordinator changes in the membership of the said Subcommittee and may submit nominations for new members. The Tanker Managing Subcommittee shall coordinate its activities under this Recommendation with the policies of the Tanker Coordinating Board established by the Petroleum Coordinator for National Defense.*

R. K. DAVIES,
Deputy Petroleum Coordinator for National Defense.

FEBRUARY 16, 1942.

[F. R. Doc. 42-1997; Filed, March 7, 1942; 10:07 a. m.]

TITLE 34—NAVY

CHAPTER I—DEPARTMENT OF THE NAVY

PART 7—UNITED STATES MARINE CORPS[1]

ORGANIZATION AND MISSION

Section 7.3 is amended to read as follows:

§ 7.3 *Recruit depots.* This distribution of recruits from the various recruiting divisions to the recruit depots will be as directed by the Commandant of the Marine Corps. [Art. 2-71, M.C.M.]

The reference to M.C.M. cited at the end of § 7.6, Fleet Marine Force, is changed from art. 1-52 to art. 5-71.

Section 7.7 is added:

§ 7.7 *Authorized strength.* The authorized enlisted strength of the active list of the Marine Corps shall be 20 per cent of the authorized enlisted strength of the active list of the Navy. (Act of April 22, 1941, Public No. 39—77th Congress)

Section 7.11 is amended by amending paragraph (b) and adding paragraphs (c), (d) and (e).

§ 7.11 *Commissioned personnel.*

* * * * * * *

(b) The number of appointments from civil life is limited to the vacancies remaining after appointments are made from the Naval Academy and ranks. Appointees from civil life must be more than twenty but less than twenty-five years of age on appointment. They are selected from (1) graduates of the Platoon Leaders' Class, Marine Corps Reserve; (2) commissioned officers of the Marine Corps Reserve; (3) naval aviators in the Marine Corps Reserve; (4) graduates of approved colleges and universities having Navy or Army ROTC courses. Persons in the Reserve will be separated therefrom prior to appointment in the Regular Marine Corps. (30 Stat. 1003-09, 32 Stat. 1198, 35 Stat. 155, 37 Stat. 73, 38 Stat. 103, 39 Stat. 610-11; 34 U.S.C. 634 to 637) [Art. 2-1, M.C.M.]

(c) The officers of the Marine Corps shall be, in relation to rank, on the same

[1] The regulations contained in these sections are also published in the Marine Corps Manual, as approved by the Secretary of the Navy, June 3, 1940, the particular article numbers appearing in brackets at the end of the codified paragraphs or sections.

[1] 6 F.R. 6667; 7 F.R. 281, 601, 1088.
[2] 7 F.R. 1069.

footing as officers of similar grades in the Army. (4 Stat. 713; 34 U.S.C. 651)

(d) Commissions by brevet may be conferred upon commissioned officers of the Marine Corps upon the same conditions, and in the same manner, as are or may be provided by law for officers of the Army. (R.S. 1604; 34 U.S.C. 652)

(e) Any officer of the Marine Corps may, by and with the advice and consent of the Senate, be advanced one grade, if, upon the recommendation of the President by name, he receives the thanks of Congress for highly distinguished conduct in conflict with the enemy, or for extraordinary heroism in the line of his profession. (R.S. 1607; 34 U.S.C. 672)

Section 7.12 is amended by designating the present section as paragraph (a) and by adding a new paragraph (b).

§ 7.12 *Warrant officers.*

* * * * *

(b) The number of commissioned warrant, and warrant officers and the distribution in the grades of commissioned warrant and warrant officers shall be as the President from time to time may deem necessary. (54 Stat. 400)

Section 7.13 is amended by adding new paragraphs (e), (f) and (g).

Section 7.13 *Enlisted men.* (a) Add reference to M.C.M., Art. 2–95 (2).

(b) Add reference Art. 2–31 M.C.M.

(c) Change reference to M.C.M. from Art. 2–110 to 2–114.

(d) Change reference R.S. 1612, 1620; 34 U.S.C. 971, 714 to 37 U.S.C. 13 as amended by 54 Stat. 865, and to M.C.M. from Arts. 2–45, 2–46 and 2–49 to Chapter 25.

§ 7.13 *Enlisted men.*

* * * * *

(e) The Secretary of the Navy is authorized, in his discretion, to establish such grades and ratings as may be necessary for the proper administration of the enlisted personnel of the Marine Corps, and to distribute such personnel among the various grades as he deems to be for the best interests of the naval service. (41 Stat. 836, 54 Stat. 865; 34 U.S.C. 176)

(f) An enlisted man discharged from the Marine Corps, except by way of punishment for an offense, shall receive 5 cents per mile for the distance from the place of his discharge to the place of his acceptance for enlistment. (39 Stat. 217, 40 Stat. 1203, 42 Stat. 1021; 34 U.S.C. 895) [Art. 25–181 M.C.M.]

(g) Marines shall be exempt, while enlisted in said service, from all personal arrest for debt or contract (R.S. 1610; 34 U.S.C. 695)

Sections 7.14 to 7.19 are added.

§ 7.14 *Naval aviators.* (a) Naval aviators of the Marine Corps Reserve, who are former aviation cadets, are eligible for appointment to the Regular Marine Corps, under the provisions of the Naval Aviation Personnel Act of 1940, in such numbers as the President may authorize and the authorized number of commissioned officers of the Marine Corps is increased accordingly.

(b) Such officers, on 30 June of the calendar year in which appointed, must have completed not less than 18 months of continuous active service next following the completion of their active duty as aviation cadets undergoing training and be less than twenty-six years of age. They must also establish their moral, physical, mental and professional qualifications to the satisfaction of the Secretary of the Navy. They will be appointed in the Regular Marine Corps in the same grade occupied by them in the Marine Corps Reserve at the time of such appointment and will take precedence in such grade in accordance with the provisions of Article 13–41 (2), M.C.M.

(c) A board will be convened each year at Headquarters Marine Corps for the purpose of selecting recommended applicants for appointment in the Regular Marine Corps under the provisions of the Naval Aviation Personnel Act of 1940.

(d) To be eligible for consideration each applicant must meet the age and service requirements stated above and must be recommended therefor by his present commanding officer. Such recommendation must include a specific notation as to the moral and mental fitness of the applicant as determined from personal interviews. No applicant selected shall be appointed in the Marine Corps until he shall have successfully passed a physical examination before a board of naval medical examiners.

(e) In computing the pay of officers so appointed, credit for longevity shall be given them for all service, including service as aviation cadets, with which they have heretofore been credited.

(f) Each officer so appointed to the grade of second lieutenant and each officer so appointed to a grade above that of second lieutenant, shall, respectively, become eligible for promotion or for consideration by a selection board as of the date the line officer next junior to him at the date of appointment becomes so eligible.

(g) In applying the provisions of General Order No. 117 to officers so appointed, the phrase "marriage within two years subsequent to original commission" in paragraph 1 (b) shall be interpreted to mean two years from the date entering upon active duty undergoing training as aviation cadets. (54 Stat. 865) [Art. 13–182 M.C.M.]

§ 7.15 *Duty on aircraft.* The number of officers and enlisted men of the Marine Corps detailed to duty in aircraft shall after July 12, 1921 be in accordance with the requirements of naval aviation as determined by the Secretary of the Navy. (42 Stat. 141; 34 U.S.C. 732)

§ 7.16 *Oath.* The officers and enlisted men of the Marine Corps shall take the same oaths, respectively, which are provided by law for the enlisted men of the Army. (R.S. 1609; 34 U.S.C. 694)

§ 7.17 *Care of insane.* The Secretary of the Navy may cause persons in the Marine Corps who become insane while in the service to be placed in such hospital for the insane as in his opinion will be most convenient and best calculated to promise a restoration of reason. (R.S. 155; 39 Stat. 309; 34 U.S.C. 595)

§ 7.18 *Marine band.* The band of the United States Marine Corps shall consist of one leader with pay and allowances of a captain, one second leader, ten principal musicians, 25 first class, 20 second class, and ten third-class musicians. A member of the band shall not as an individual furnish music or accept an engagement to furnish music when such furnishing of music places him in competition with any civilian musician or musicians, and shall not accept or receive remuneration for furnishing music except under special circumstances when authorized by the President. (39 Stat. 612, 43 Stat. 1724, 44 Stat. 565; 34 U.S.C. 701) [Art. 25–131 M.C.M.]

§ 7.19 *Deserters.* (a) It shall be lawful for any civil officer having authority under the laws of the United States or of any State, Territory, or District to arrest offenders, to summarily arrest a deserter from the Marine Corps and deliver him into the custody of the naval authorities. (35 Stat. 622; 34 U.S.C. 1011)

(b) The President is authorized to remove the charge of desertion from the record of an enlisted man where he had subsequent honorable service in the World War, but no back pay or allowance or pension for service prior to the World War shall thereby accrue. (42 Stat. 1270; 34 U.S.C. 1017)

Sections 7.21 to 7.25 are amended to read as follows:

§ 7.21 *Establishment and mission.* The Marine Corps Reserve was established under the Act of August 29, 1916 (39 Stat. 593), reestablished under the Act of February 28, 1925 (sec. 2, 43 Stat. 1080; 34 U.S.C. 753) and again reestablished under the Act of June 25, 1938 (sec. 2, 52 Stat. 1175; 34 U.S.C. 853a). It is a component part of the Marine Corps, and is organized and administered by the Commandant of the Marine Corps. The mission of the Marine Corps Reserve is to provide a trained force of officers and enlisted men available to serve as reinforcements to the Regular Marine Corps in time of war or national emergency. [Art. 13–2 M.C.M.]

§ 7.22 *Classes.* The Marine Corps Reserve is divided into the Fleet, Organized, Volunteer, and Limited Service Marine Corps Reserve. (52 Stat. 1175; 34 U.S.C. 853a; Public Law 408, approved Jan. 20, 1942) [Art. 13–20 M.C.M.] The Fleet Marine Corps Reserve is composed of enlisted men transferred thereto after 16 or 20 years naval service and ex-officers and ex-enlisted men of the Regular Marine Corps who have been honorably discharged therefrom after not less than four years' service therein. (52 Stat. 1178; 34 U.S.C. 854 [Art. 13–20 M.C.M.] The Organized Marine Corps Reserve consists of officers and enlisted men required to perform annual training and other duties and be available for immediate mobilization, and assigned to organized units. (52 Stat. 1185; 34 U.S.C. 855p) [Art. 13–20 M.C.M.] The Volunteer Marine Corps Reserve is composed of those members of the Marine Corps Reserve not assigned to the Fleet, Organized or Limited Service Reserve, and who are qualified or partially qualified for prescribed mobilization duties. (52 Stat. 1185; 34 U.S.C. 855s) [Art. 13–20 M.C.M.] The Limited Service Marine Corps Reserve consists of men enlisted for duty as guards at naval shore activities within the continental limits of the United States to replace men qualified for combat duty. Men so enlisting are required to be physically qualified although they are not required to measure up in all respects to standards required for men subject to combat duty. (Public Law 408, approved January 20, 1942)

§ 7.23 *Citizenship.* Members of the Reserve must be male citizens of the United States or of the insular possessions. (52 Stat. 1176; 34 U.S.C. 853b) [Art. 13–50 M.C.M.]

§ 7.24 *Rank and grade.* There are allowed in the Reserve the various ranks and grades corresponding to those in the Regular Marine Corps, plus the rank of aviation cadet. (49 Stat. 156, 52 Stat. 1175, 53 Stat. 820; 34 U.S.C. 842 and 853a)

§ 7.25 *Appointments as commissioned officers.*—(a) *Meritorious noncommissioned officers.* Meritorious noncommissioned officers of the Regular Marine Corps and Marine Corps Reserve may be commissioned second lieutenants in the Marine Corps Reserve, depending on the needs of the service, provided they meet the following conditions:

(1) Be over 20 and not over 27 years of age when commissioned.

(2) Have served one year in the Marine Corps on the date of appointment. Only service in the Regular Marine Corps or on active duty in the Marine Corps Reserve will be credited in computing this length of service.

(3) Be a citizen of the United States or of its insular possessions and a noncommissioned officer.

(4) Be recommended for a reserve commission by his commanding officer.

(5) Be qualified for a commission as established by standing in his community, character, appearance, manner and bearing, and capacity for leadership.

(6) Have the physical qualifications prescribed for officers of the Regular Marine Corps.

(7) Present satisfactory evidence of educational qualifications as prescribed for noncommissioned officer applicants for regular commissions.

(b) *Graduates of platoon leaders' classes.* Graduates of platoon leaders' classes may qualify for commission by the successful completion of the senior course and:

(1) Make application, in writing, for appointment to commissioned rank in the Marine Corps Reserve.

(2) Furnish documentary evidence of graduation with a degree from college. Graduates who do not possess a degree from college must meet the educational qualifications prescribed for noncommissioned officer applicants for regular commissions.

(3) Furnish birth certificate or sworn affidavit of parents showing date and place of birth.

(4) Furnish a report of physical examination.

(c) Any specially desirable or qualified candidates for commission who do not meet the foregoing requirements, and whose services are required, may be appointed not above the rank of major, upon specific recommendation of the Commandant of the Marine Corps for assignment to the special duty for which qualified. [Art. 13–51 M.C.M.]

Section 7.27 (*Enlistments*) is amended by amending paragraphs (c) and (d), deleting paragraphs (h) and (k) and renumbering (i) and (j), to (h) and (i) respectively.

§ 7.27 *Enlistments.*

* * * * *

(c) The physical requirements for enlistment in or assignment to the Fleet, Organized, or Volunteer Marine Corps Reserve will be the same as those prescribed for enlistment in the Regular Marine Corps, except that waivers may be granted by the Commandant of the Marine Corps for enlistment in the Volunteer and Limited Service Marine Corps Reserve in the case of applicants whose physical defects are not such as to prevent them from performing limited duty on shore in the United States.

(d) To be acceptable for first enlistment in the Marine Corps Reserve, applicants must not be less than 17 or more than 35 years of age, except that in cases where the applicant has served honorably in the Regular Marine Corps and in other exceptional cases, the upper age limit may be waived by the Commandant of the Marine Corps. An applicant under 21 years of age is required to furnish the written consent of his parent(s) or guardian(s). With the exception of men enlisted for the Limited Service Marine Corps Reserve, men over 35 years of age will not be reenlisted after 3 months expiration from date of discharge, unless in special cases, the age limit is waived by the Commandant of the Marine Corps.

* * * * *

Section 7.28 (*Aviation cadets*) is added.

§ 7.28 *Aviation cadets.* (a) Aviation cadets shall be appointed by the Secretary of the Navy from male citizens of the United States under such regulations as he may prescribe. (49 Stat. 156, 53 Stat. 820; 34 U.S.C. 842) An applicant must be not less than 20 years at the time of appointment in the Marine Corps Reserve, and not over 27 years of age at the time the training course is completed; be unmarried during the first two years of training; agree to remain on active duty for four years; agree to maintain flying efficiency by associating himself with a Marine Corps Reserve aviation unit, after completing his training and required active duty; be physically, mentally, morally, and psychologically qualified; and submit five letters of recommendation signed by persons of recognized standing in the community in which the applicant resides.

(b) While on active duty undergoing training, aviation cadets will receive pay at the rate of $75 per month, which pay shall include extra pay for flying risk as provided by law, plus a subsistence allowance at the rate of $1 per diem. (49 Stat. 157; 34 U.S.C. 843) During their period of active duty aviation cadets will be issued Government life insurance in the amount of $10,000, the premiums of which shall be paid by the Government. Upon discharge or completion of active duty aviation cadets will have the option of continuing such policies at their own expense. (49 Stat. 157; 34 U.S.C. 849).

The following new sections are added:

SUPPLIES AND SERVICES

Sec.
7.50 Authorized purchases.
7.51 Specification of proposals.
7.52 Specification of supplies.
7.53 Repairs to motor vehicles and other mechanical devices.
7.54 Bidders for labor.
7.55 Duplicate proposals.
7.56 Method of signing proposals.
7.57 Unit price of proposals.
7.58 Erasures or interlineations.
7.59 Guarantying proposals.
7.60 Delivery of proposals.
7.61 Right to withdraw bids.
7.62 Items involving tax.
7.63 Opening of proposals.
7.64 No award.
7.65 Substantial compliance.
7.66 To lowest responsible bidder.
7.67 Entries to be made on abstract.
7.68 Purchases of less than $500.
7.69 Purchases over or under $500.

AGREEMENTS

7.70 Purchase of supplies or engagement for services.

CONTRACTS

7.71 Forms used.
7.72 Public utility services.
7.73 With regular dealer.
7.74 By whom made.
7.75 How signed.
7.76 Distribution of copies.

BONDS

7.77 When required.
7.78 Not required.
7.79 How executed.
7.80 Individual sureties.
7.81 A firm as surety.
7.82 Sufficiency of individual guarantors or sureties.
7.83 Payment of subcontractors.
7.84 Suit by subcontractors.
7.85 Corporations as individual sureties.
7.86 Authority to do business with the United States.

EMERGENCIES

7.87 Emergency purchases.
7.88 Obtaining of proposals.
7.89 Minor emergency repairs to machinery.
7.90 An exigency must be shown to exist.
7.91 Certificate required.

DEFAULTING CONTRACTORS

7.92 Purchases against accounts of defaulting contractors.

DECEASED PERSONS

7.93 Shipment of body and effects.
7.94 Burial expenses.

DESERTERS AND STRAGGLERS

7.95 Payment of reward.

SUPPLIES AND SERVICES

§ 7.50 *Authorized purchases.* (a) No contract or purchase shall be made unless it is authorized by law, or is under an appropriation adequate to its fulfillment, except for clothing, subsistence, forage, fuel, quarters, or transportation, which, however, shall not exceed the necessities of the current year. (R.S. 3732; 34 Stat. 255; 41 U.S.C. 11) No officer of

the Marine Corps shall accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in case of emergency involving loss of life or destruction of property. (R.S. 3679; 33 Stat. 1257, 34 Stat. 48; 31 U.S.C. 665)

(b) *Persons from whom purchases not authorized.* Officers will not purchase supplies for the Marine Corps from any other person in the military or naval service, nor contract with any such person to furnish supplies or service to the Corps, nor make any Government purchase or contract in which such person shall be admitted to share or receive benefit except as a member of an incorporated company. (34 U.S.C. 1200, Art. 11) [Art. 18–2 M.C.M.]

(c) *Advance of public moneys.* No advance of public money shall be made in any case whatever. And in all cases contracts for the performance of any service, or the delivery of articles of any description, for the use of the United States, payment shall not exceed the value of the service rendered, or of the articles delivered previous to such payment. Partial payments not in excess of value of work done may be made during progress of work on contracts. (37 Stat. 32; 34 U.S.C. 582)

§ 7.51 *Specifications of proposals.* Information in regard to supplies or services for which proposals have been invited will be furnished, on application, to all persons desiring it, but no person belonging to or employed in the military or naval service will render assistance in the preparation of proposals. (R.S. 3716; 26 Stat. 197, 27 Stat. 243, 27 Stat. 724; 34 U.S.C. 561)

§ 7.52 *Specifications of supplies.* (a) Bidders for supplies will be informed of the kind, quantity, quality, sizes, dimensions, etc., of articles desired, the place, time, and rate of delivery, conditions of payment, and the date, hour, and place appointed for the opening of proposals. They will be furnished with such specifications as have been adopted and will be permitted to examine the standard samples at the places where deposited. [Art. 18–21 M.C.M.]

(b) In order that bidders may be fully informed of the basis on which the purchasing officer intends to make the award, there will be indicated on each request for proposals by entering thereon "Award will be made by item" or "Award will be made either by item or for the lot, as may be most advantageous to the Government," according to which of these methods it is intended to follow.

(c) *Time of delivery.* When proposals for bids inform prospective bidders that time of delivery will be considered an important factor in making awards, and a higher bidder is awarded the contract because of proposing to make delivery within a shorter period of time than the low bidder, and the contractor is delinquent in making delivery within the specified time, there will be deducted from the contract price a proportionate amount of the difference between the low bid and the accepted bid, based on the ratio between the number of days' delay in making delivery to the difference in time stated in the accepted figure and the low figure. For example: John Doe Co. bids $50 on an item and proposes to effect delivery within 10 days; James Smith Co. bids $60 on the same item and proposes to effect delivery within 4 days. The bid of the latter is accepted, but this firm effected delivery 5 days beyond the specified time. There should be deducted five-sixths of $10 as actual damages, there being a difference of $10 in price and 6 days in time of delivery, and the contractor was 5 days delinquent. (9 Comp. Gen. 65) [Art. 18–21 M.C.M.]*

*§§ 7.52 to 7.92, inclusive, issued under the authority contained in R.S. 1621; 34 U.S.C. 715; R.S. 3714; 34 U.S.C. 560.

§ 7.53 *Repairs to motor vehicles and other mechanical devices.* Bids for repairs to motor vehicles which involve both spare parts and labor should be drawn to include an itemized list of prices of spare parts which it is estimated will be required, with the understanding that only such parts as are actually used will be paid for, and an hourly rate for the labor not exceeding an aggregate maximum therefor. No aggregate amount will be stated for spare parts and only such of the repair parts listed as are actually used will be vouchered for payment. (Comp. Gen. A–30702, Feb. 28, 1930.) The same method will be followed in connection with obtaining bids and vouchering accounts covering repairs to electric refrigerators and other mechanical devices. Bids must include the provisions of the 8-hour-labor law in accordance with an act approved June 19, 1912. (37 Stat. 137–38, 39 Stat. 1192; 40 U.S.C. 324–26) [Art. 18–22 M.C.M.]*

§ 7.54 *Bidders for labor.* Bidders for labor will be informed of the nature and extent of the services required and where they are to be performed. They will be furnished with or allowed to examine plans and specifications of all work upon which they desire to bid and in general will be furnished with any information needed to enable them to act understandingly. [Art. 18–24 M.C.M.]*

§ 7.55 *Duplicate proposals.* When the amount involved will probably exceed $500, the purchasing officer will require bidders to submit their proposals in duplicate, in strict accordance with the requirements of the advertisement or specifications. When the amount involved is not likely to exceed $500, bidders need not be required to submit their proposals in duplicate. However, a duplicate copy, complete except as to signature of the bidder, will be prepared by the purchasing officer in all cases to be attached to the memorandum copy of the voucher when forwarded to the disbursing officer for payment. Proposals should make specific reference to the advertisements, if any, and to any plans or specifications which may have been furnished. [Art. 18–25 M.C.M.]*

§ 7.56 *Method of signing proposals.* Each proposal should give the full business address of the bidder and be signed by him with his usual signature. Proposals by partnerships should be signed with the partnership name by one of the members of the partnership, followed by the signature and designation of the person signing. Proposals by corporations should be signed with the name of the corporation, followed by the signature and designation of the president, secretary, or other person authorized to bind it in the matter. A proposal signed by a person who affixes to his signature the word "president," "secretary," "agent," or other designation, without disclosing his principal, may be held to be the proposal of the individual signing. If the signature to a proposal is that of an officer, attorney, or agent of a corporation, or of an attorney or agent of a firm or individual, the officer who opens such proposal should, before considering it, satisfy himself that the signer is vested with sufficient authority to act for his principal, and unless fully satisfied on this point should require him to file evidence of his authority to do so. [Art. 18–26 M.C.M.]*

§ 7.57 *Unit price of proposals.* In proposals numbers and prices will be expressed in figures, and will ordinarily provide for both unit price and extension of each item. The unit price will govern in case of error. It will be sufficient if specifications are referred to and are declared to form a part of the proposal. [Art. 18–27 M.C.M.]*

§ 7.58 *Erasures or interlineations.* Erasures or interlineations should be explained by the bidder, in the proposal, over his signature. [Art. 18–28 M.C.M.]*

§ 7.59 *Guarantying proposals.* (a) Every proposal exceeding $500 in total amount shall be accompanied by a guaranty (in duplicate) executed by an authorized bonding company or two responsible persons, or in lieu of such guaranty, by a certified check payable to the order of the Secretary of the Navy, for 25 percent of the full amount of the proposal, unless the bidder has an approved annual guaranty on file in the office of the Quartermaster, and no such proposal unaccompanied by the required guaranty or certified check will be considered. The guaranty must be made out and executed, with the proper justification, in the form shown on Standard Form 24 or Standard Form 31. Neither bidders nor their employees, agents, or partners will be accepted as guarantors. (R.S. 3719–20; 29 Stat. 136, 34 Stat. 841, 36 Stat. 951; 34 U.S.C. 562 to 564)

(b) *Custody and disposition of United States bonds, notes, and certified checks.* (1) Certified checks furnished in lieu of other form of guaranty shall be retained in the custody of the purchasing officer and shall not be negotiated even in case of default, nor taken into the official Treasury accounts, except by direction of the Quartermaster. United States bonds or notes furnished in lieu of other form of guaranty shall be forwarded immediately to the Quartermaster for deposit with the Treasurer of the United States.

(2) If the officer who opens the bids does not consummate the purchase, such guaranties will be forwarded with the proposals to the office actually consummating the purchase.

(3) Certified checks received with bids which are rejected shall be returned to the unsuccessful bidders without delay after award of the items on their bids.

(4) A certified check received with the bid which is accepted shall be retained by the purchasing officer until the covering contract and surety bond are in hand; then it shall be returned without delay to the proper bidder. However, if the bidder so requests, such certified check may be retained and be applied as part of the requisite bond on his contract, provided the regulations promulgated by the Secretary of the Treasury, as set forth in Treasury Department Circular No. 154, are complied with.

(5) Certified checks may be returned to bidders by hand-to-hand delivery, receipts to be taken therefore, and in case of delivery by mail, proper record will be maintained. Certified checks returned by mail need not be registered. [Art. 18–29 M.C.M.*]

§ 7.60 *Delivery of proposals.* (a) Proposals, with their guaranties, will be securely sealed in suitable envelopes, endorsed and addressed as required by the advertisement, and must be in the possession of the officer addressed before the hour appointed for the opening.

(b) Proposals received prior to the time of opening will be securely kept. The officer whose duty it is to open them will decide when that time has arrived. No proposals received thereafter will be considered, except that when a proposal arrives by mail after the time fixed for the opening, but before the award is made, and it is clearly shown that the nonarrival on time was due solely to delay in the mails, for which the bidder was not responsible, such proposal will be received and considered. (R.S. 3718, R.S. 3714; 19 Stat. 249, 26 Stat. 197, 27 Stat. 243, 27 Stat. 724, 42 Stat. 24; 34 U.S.C. 560–61) [Art. 18–30 M.C.M.]*

§ 7.61 *Right to withdraw bid.* A bidder has a right to withdraw his bid at any time prior to the time fixed for opening. Where there is a mistake in a proposal submitted and notice thereof is given and request for withdrawal made by the bidder after bids have been opened, but before award is made, and the difference in the bids received is sufficient to put the contracting officer on notice as to the probability of a mistake in the low bid, the request for withdrawal may not be granted and award made to the next lowest bidder. For the purpose of determining the correction of withdrawal of such bid before acceptance on the basis of a mistake alleged after the opening of bids the evidence of mistake must be such as to show conclusively that a mistake was made, of what it consists, and how it occurred, requiring the immediate presentation of such convincing proof of the existence and character of the error as to leave no room for doubt that there was in fact a bona fide mistake in the bid sought to be corrected or withdrawn and to remove any reasonable suspicion that the claim of error is for the purpose of obtaining some undue advantage or of avoiding the consequence of an ill-advised bid. Such facts will be submitted to the General Accounting Office via the Quartermaster for determination as to whether the erroneous bid may be withdrawn, but in urgent cases where the Government's needs will not permit of the delay incident to such procedure the bid should be accepted and the bidder instructed to perform services, leaving the matter of price to be determined subsequently by the Comptroller General. (8 Comp. Gen. 397) [Art. 18–31 M.C.M.]*

§ 7.62 *Items involving tax.* (a) Proposals for the purchase of motor fuels, lubricants, and other items which usually involve a tax will contain the following clause: "The prices herein quoted are net prices exclusive of any State or local tax imposed on the purchase or sale of the product herein named, the United States not being liable directly or indirectly for the payment of such tax." (*Panhandle Oil Co.* v. *State of Mississippi*, 277 U. S. 218)

(b) In the purchase, for exclusive Government use, of motor fuels, lubricants, or other commodities which are subject to Federal, State, or local taxes, the following standard forms have been prescribed and will be used by personnel traveling on official business in Government-owned motor vehicles; No. 1094—United States Government Tax Exemption Certificate; No. 1094a—Cover of United States Government Tax Exemption Certificate Book; No. 1094b— Tabulation sheet; and No. 1094c—United States Government Tax Exemption Identification Card. If the merchandise purchased is not subject to any tax, or if subject only to the Federal tax and such tax is included in the price paid, these forms should not be used; nor should they be used by officers, enlisted men, or civilian employees when performing travel by their personally owned motor vehicles for which a mileage allowance is authorized.

(c) In order to secure exemption from a tax in the purchase of motor fuels, etc., for exclusive Government use, the purchaser should be properly identified by means of Standard Form 1094c, United States Government Tax Exemption Identification Card.

(d) Standard Form 1094 will be used in all cases where a State or local tax is attached at the time of sale, and will indicate, in the space provided for such purpose, whether the tax is included or excluded from the purchase price. If excluded, the form will be properly completed and given to the vendor for his use in claiming exemption from payment of the tax to the State or local taxing agency. If included, the signature of the vendor will be obtained and the form transmitted with the cash-payment voucher, Form NMC–727, to the disbursing officer who advanced funds for the purchase. Standard Form 1094 may also be used when the merchandise purchased is subject to Federal Tax and such tax is excluded from the price paid. A separate certificate will be prepared for each kind of tax involved (Federal, State, local, etc.).

(e) When Standard Form 1094 is received by a disbursing officer because of payment of a State or local tax, as provided by paragraph (d) of this section the disbursing officer will bill the State or local taxing agency for refund of the taxes paid. Upon receipt of refund, the amount involved will be taken up in the disbursing officer's accounts and credited to the appropriation charged with the expenditure, making proper reference on the collection voucher to the voucher on which payment for the merchandise was made. In the event the disbursing officer fails to secure refund of the amount of taxes paid, he will insert the number of the voucher covering payment for the merchandise in the space provided in the lower right-hand corner of the tax-exemption certificate and transmit the form, with all correspondence relating thereto, to the General Accounting Office, for use by that office in securing refund.

(f) The above forms may be obtained by requisition to the Quartermaster, and care will be exercised to prevent their unauthorized use. A strict record of the forms by serial number will be maintained, and semi annual reports will be made to the Quartermaster on September 30 and March 31, showing the balance of United States Government Tax Exemption Certificates and United States Government Tax Exemption Identification Cards on hand at the beginning of the period, the number of each received during the period, the number of each issued during the period, and the balance on hand at the end of the period.

(g) In addition to the above forms, receipts in triplicate on Form NMC–867 will be obtained in connection with all cash purchases, the original to be attached in support of the original cash payment voucher, Form NMC–727, and the duplicate and triplicate copies attached to the duplicate and triplicate copies of the cash payment voucher.

(h) Standard Form 1094 may also be used where purchases are made under contract providing for deliveries extending over a period of time, in which case a certificate may be issued by the purchasing officer and given to the contractor to support invoices covering actual deliveries of the commodity and in the quantity stated. [Art. 18–32 M.C.M.]*

§ 7.63 *Opening of proposals.* Proposals will be opened and read aloud at the time and place appointed for the opening (bidders having the right to be present), and each proposal will then and there be numbered and entered on an abstract, the items being entered in the order in which they appear on the proposals. If the number of proposals is large, those relating to specific articles or classes of articles may be entered on separate abstracts. The number of each proposal, with the quantities and prices of articles offered and dates of delivery, will appear in the proper columns, and a copy of the advertisement or notice under which the proposals are received, with a copy of the specifications, if any, will be attached to the upper left-hand corner of the abstract. When two or more sheets are used for the abstract they will be prop-

erly fastened together and paged on the upper right-hand corner. (R.S. 3710; 41 U.S.C. 8) [Art. 18–33 M.C.M.]*

§ 7.64 *No award.* In case the Government desires to change the specifications in any manner after proposals have been received and opened, all proposals shall be rejected and new proposals, embodying the changed specifications advertised for. [Art. 18–34 M.C.M.]*

§ 7.65 *Substantial compliance.* Slight failures by a bidder to comply strictly with the terms of an advertisement should not necessarily lead to the rejection of his bid, but the best interests of the Government will be fully considered in making the award. Delivery of supplies of an inferior quality, under a previous agreement, by a firm, does not in itself constitute sufficient grounds for the rejection of a low bid from such firm under subsequent opening of bids and the acceptance of a higher bid. (Comp. Gen. MS. Dec. A–7852, March 16, 1925) [Art. 18–35 M.C.M.]*

§ 7.66 *To lowest responsible bidder.* Except in rare cases, when the United States elects to exercise the right to reject proposals, awards will be made to the lowest responsible bidder, provided that his bid is reasonable, is in accordance with specifications, and that it is to the interest of the Government to accept it. The awarding officer will, when necessary, prior to making an award, satisfy himself that the low bidder is qualified and in a position to complete the contract satisfactorily. The determination of award where discounts are offered in bids is a matter for decision by the purchasing officer. If, by reason of the offered discount, a bid is low and there appears, in the judgment of the purchasing officer, reasonable certainty that the performance of the necessary administrative duties in connection with the receipt, inspection, and payment is practicable of accomplishment, the bid should be accepted; if not, the bid should not be regarded as low. [Art. 18–36 M.C.M.]*

§ 7.67 *Entries to be made on abstract.* A notation indicating the accepted bid will be made on the abstract of proposals. If a bid is rejected and one at a higher price accepted, the reason for the rejection will also be noted on the abstract. When no award requiring the execution of a contract is made on a set of proposals, the reasons for rejection must be certified on rejected proposals. When contracts are made, the fact will be stated on the abstract. [Art. 18–37 M.C.M.]*

§7.68 *Purchases of less than $500.* (a) The purchase of supplies and the procurement of services for all branches of the naval service may be made in open market in the manner common among business men, without formal contract or bond, when the aggregate of the amount required does not exceed $500, and when, in the opinion of the proper administrative officers, such limitation of amount is not designed to evade purchase under formal contract or bond, and equally or more advantageous terms can thereby be secured. (34 Stat. 1193; 34 U.S.C. 571)*

(b) *Purchases in the manner common among business men.* (1) Officers appointed for Assistant Quartermaster duty only, officers serving under their direct supervision, and such other officers as are specifically designated by the Quartermaster, are authorized to make purchases of articles and to procure services on approved requisitions in a direct manner such as is common among business men.

(2) No article, material, or services may be purchased in this manner which, under other instructions, require procurement thereof from or through some other department or establishment of the Government.

(3) Services of continuous nature, such as water, electric power, etc., required from month to month will be procured under written contract in the usual manner.

(4) The limit of cost of any one item or group of items of similar material that may be so purchased is $500.

(5) The authority contained herein is not intended to be used as a means to circumvent the established methods of procurement nor to obtain special or nonstandard material in contravention of existing regulations and orders. The methods of purchase provided in § 7.70 (a) (2) and (3) will be used in all cases except those in which it is to the best interests of the Government to make the purchases in the manner common among business men.

(6) *Procedure.* Under this authority, the purchasing officer may purchase articles or services without advertisement and without formal bids or written awards. Bids may be obtained orally (over the counter), by telephone, by telegraph, or by written invitations. Competition should be secured whenever it is practicable to do so without delaying procurement, unduly increasing the work involved in the procurement, or otherwise obviating the benefits derived by this method of purchase. A written record showing the form of bids (oral, telephonic, telegraphic, or written) will be made of bids received and kept in files of the purchasing officer. When competition is obtained, the order will be placed with the dealer quoting the lowest price for satisfactory delivery. The order may be placed in writing, or orally (over the counter), by telephone, or by telegraph, and written confirmation is not required. Public voucher (Standard Form 1034) will be prepared, based on dealer's invoice in the prescribed manner. In the administrative certificate on the face of the public voucher, in the blank following "No." enter the figure "4"; on back of the public voucher, the "Method or absence of advertising," enter opposite "4" the words "Act of March 2, 1907 (34 Stat. 1193)." Purchases of articles of small value in the manner common among business men are not covered by written agreement, therefore, neither proposal form (NMC–26), purchase order (NMC–18 (Revised)), nor statement and certificate of award (Standard Form 1036), will be required. [Art. 18–38 M.C.M.]*

§ 7.69 *Purchase over or under $500.* (a) With the exception of those stations where officers are empowered to execute contracts, and unless otherwise directed, when proposals are received for one or more items and the amount of any award thereunder exceeds $500, all proposals will be forwarded to the Quartermaster with suitable recommendations for awards. The Quartermaster will make all awards thereunder and will prepare formal contract and bond for awards exceeding $500. In placing orders for deliveries under schedules where both formal and informal contracts are involved, the Quartermaster will use letters of award in making awards in all cases where the amount involved is $500 or less and the quantities covered are approximate, and will use the purchase orders (Form NMC–18), where the amount is $500 or less and the quantities covered are definite. Under such awards where it is necessary to assign contract symbol numbers the Statement and Certificate of Awards (Standard Form 1036), will be prepared, attached to the purchase order or letter of award, and forwarded direct to the General Accounting Office. Where it is not necessary to number such awards, the original order or copy of letter of award with the Statement and Certificate of award will be forwarded direct to the disbursing officer concerned for attaching to voucher and transmittal to the General Accounting Office. In such cases where awards are made by the Quartermaster, it will not be necessary for the post to attach copies of the purchase orders or letters of award in vouchering accounts for payment. These copies are to be retained for the records of the post.

(b) When no award exceeds $500, the purchasing officer is authorized to place orders. In such cases a signed copy of the purchase order prepared on NMC–18, will be sent to the successful bidder by the purchasing officer, and the original signed purchase order will be kept with the proposal or agreement.

(c) In urgent cases when the amount of any award exceeds $500 and where immediate award is necessary, the officer receiving the bids should obtain telegraphic authority from the Quartermaster to make awards, and should then forward all bids received, together with abstract of bids, and copies of all awards, to the Quartermaster for the preparation of formal contracts where required. Such letters of award involving more than $500 should state that formal contract will be forwarded by the Quartermaster.

(d) At stations, other than Headquarters, where purchasing officers are empowered to execute contracts, awards amounting to $500 or less under a schedule or set of proposals involving the execution of a contract in connection with any other item or items on the same schedule or set of proposals will be made by letter if the quantities are approximate, and by purchase order if the quantities are definite. If such awards involve more than one payment, contract symbol numbers will be assigned at the time awards are made. Copies of the letters of award, or original signed purchase orders, together with properly accomplished statement and certificate of award (Standard Form 1036), will be forwarded by letter direct to the General Accounting Office at least once a month where contract symbol numbers have been assigned, and those proposals or statement and certificates of awards which do not involve contract numbers will be attached to the vouchers covering the awards.

(e) Where several awards are made under one set of proposals covering purchases not in excess of $500, all of the proposals received from bidders will be forwarded to the disbursing officer paying the accounts immediately upon placing orders; each accepted proposal to be supported by the original signed purchase order and a statement and certificate of award (Standard Form 1036). The approved open purchase requisition or authority for purchase will be forwarded with the first set of proposals. Where only one award is made, all proposals, together with the purchase order and statement and certificate of award will be attached to the voucher when forwarded for payment.

(f) Each set of proposals with the papers pertaining thereto will be securely fastened together with a paper fastener (not pasted or otherwise permanently fastened together) before being forwarded to the disbursing officer.

(g) *Purchase order.*—The purchase order, Form NMC–18, when properly executed, constitutes the acceptance in cases of purchases made under written proposals and acceptance not involving the execution of a formal contract, as well as the order for the articles or services offered by the successful bidder, except where in certain cases the use of a letter of award has been authorized. It will be prepared in quadruplicate, addressed to the bidder whose bid has been accepted, and the original and duplicate signed by the purchasing officer. The original and quadruplicate must be attached to the agreement, or first voucher submitted for payment, the duplicate forwarded to the person, firm, or corporation to whom it is addressed (the vendor), and the triplicate retained. This form will also be used when emergency purchases are made on bids obtained orally, either in person or by telephone. (See sec. 7.86)

(h) In placing orders for supplies or services, the letters of award, or purchase orders, will make request on contractors that their bills be rendered in quadruplicate, or in accordance with the number of copies of the bills required. [Art. 18–39 M.C.M.]*

FORMS OF AGREEMENT

§ 7.70 *Purchase of supplies or engagement for services.* (a) A purchase of supplies or engagement of services will be made:

(1) By contract, reduced to writing and signed by the contracting parties with their names at the end thereof. Agreements of this character only are termed "contracts" in these regulations for supplies and services. This method will, subject to such exceptions as may be duly authorized by regulations, be used when the amount involved exceeds $500, or when delivery, or performance does not immediately follow the award. (R.S. 3744; 40 Stat. 198; 41 U.S.C. 16)

(2) By less formal agreement. By written proposal and written acceptance. This method may be resorted to when delivery, or performance immediately follows award, or when specifically authorized, and when the amount involved is $500, or less.

(3) By informal agreement. This method may be used under circumstances indicated in the following paragraph if delivery, or performance immediately follows the agreement, and will include oral agreements immediately executed. (17 Comp. Gen. 302)

(b) An open-market purchase of supplies or engagement of services is one made without advertising, in the manner in which one person in civil life ordinarily purchases from another in private business, and is authorized in the following cases:

(1) In an emergency, as when the public exigencies require immediate delivery or performance, and there is not time to advertise by newspapers, posters, or circulars. (§§ 7.85 and 7.87)

(2) When it is impracticable to secure competition.

(3) When proposals have been invited, and none have been received.

(4) When proposals are above the market price, or otherwise unreasonable.

(5) As authorized by Act of March 2, 1907. (34 Stat. 1193; 34 U.S.C. 571) [Art. 18–40 M.C.M.]*

CONTRACTS

§ 7.71 *Forms used.* Contracts for supplies and services will be made on forms furnished by the Quartermaster's Department in cases where such forms are applicable. No deviation will be made from these standard forms, except as provided for in the directions, without prior approval of the Director of the Bureau of the Budget obtained via the Quartermaster, through the Procurement Division, Treasury Department. Where interlineations, deletions, additions or other alterations are permitted, specific notation of the same shall be entered in the blank space following the article entitled "Alterations" before signing. All conditions of the contract will be stated therein as fully and clearly as possible. [Art. 18–42 M.C.M.]*

§ 7.72 *Public utility services.* Contracts, whether formal or informal, will be entered into for public utility services such as telephone, gas, electric current, steam, power, and water. Standard Form 40 will be used in contracting for telephone services at all posts and stations, except those obtaining such services under agreements entered into by other departments or establishments of the Federal Government, the form to be prepared strictly in accordance with the instructions printed on the reverse thereof. Formal contracts will be executed to cover utility services when the amount during the fiscal year is likely to exceed $500 (§ 7.69 (a)), and informal contracts will be made in all cases when the amount involved is less than $500 during the fiscal year. The informal transactions may be accomplished by obtaining letters of quotation or contract forms of utility concerns properly filled in and signed by duly authorized representatives of such concerns, except in the case of telephone services which will be handled as herein explained. [Art. 18–43 M.C.M.]*

§ 7.73 *With regular dealer.* No person shall be received as a contractor who is not a manufacturer of, or regular dealer in, the articles which he offers to supply. A person to be a regular dealer, within the meaning of the law, must be regularly engaged in the business of buying the articles and selling the same to the general public. (R.S. 3722; 34 U.S.C. 572) [Art. 18–44 M.C.M.]*

§ 7.74 *By whom made.* Contracts for supplies and services will be made in the name of the United States, and will be signed by the Quartermaster or other officer designated by him. They will not be made at posts unless authorized by the Quartermaster. [Art. 18–45 M.C.M.]*

§ 7.75 *How signed.* (a) When a contract is entered into with a partnership, the firm name should be given in the body of the instrument, and it may be signed with the name of the firm by one of the partners, who will append his own signature over the remark "Member of firm."

(b) A contract with a corporation should have the name of the corporation written in the body of the instrument, as one of the parties thereto, and should be signed by the officer or person authorized to contract in its behalf, who should sign the corporate name and his own, followed by his official designation. Evidence of his authority to sign contracts on behalf of the corporation must be furnished and filed in the office of the contracting officer (unless already on file there) whenever the contracts amount to $500 or over. In all such cases the contract will be indorsed or stamped immediately following the signature thereto, "Authority for signature on file in the office of (official designation of contracting officer.)"

(c) When the contract amounts to less than $500, and in cases of service contracts with public-service corporations, such as telegraph and telephone companies, etc., executed by officers or officials thereof who are authorized to and do sign service contracts on behalf of such corporations with the public generally, it is not necessary to file with the contract the evidence of authority to sign called for in the preceding paragraph. In all such cases the contracting officer must satisfy himself that the person signing on behalf of the corporation is authorized to do so, and place on or attach to the contract the following certificate:

I certify that I have satisfied myself that the (officer, or official, as the case may be), who signed this contract has authority to do so, being an (officer, or official, as the case may be) who signs similar contracts on behalf of the corporation with the public generally.

[Art. 18–46 M.C.M.]*

§ 7.76 *Distribution of copies.* (a) After the contract has been executed the necessary copies will be prepared the distribution thereof made as follows: The original will be forwarded immediately to the General Accounting Office, audit division; but where it is accompanied by a bond on which an approved surety company appears as surety, it will be forwarded to the Judge Advocate General, Navy Department, for transmission by him through the section of surety bonds to the General Accounting Office; one copy will be forwarded to the Quartermaster, one to the contractor, one to the contracting officer (or officer at the place where the services are to be performed or supplies delivered, when the Quartermaster is the contracting officer), and one to the Returns Office of the General Accounting Office. Drawings or blueprints forming a part of a contract will be omitted from all contracts sent to the Returns Office of the General Accounting Office.

(b) Whenever leases, agreements, or other instruments are executed under which property is to be occupied by the Marine Corps, such leases, agreements, or other instruments will be executed in duplicate, when the lessor desires an executed copy, the original to be forwarded for file in the General Accounting Office and the executed copy, if one is required to be retained by the owner of the property affected. Copies (not necessarily signed and executed) shall be forwarded to the Judge Advocate General, Navy Department, the Quartermaster, and the disbursing officer making payments under the leases. Such additional copies as are required for local use of the office preparing the lease should also be made. The copies for the Returns Office, General Accounting Office, will be filed by the executing officer. When practicable a copy of the instrument which is forwarded for file with the Judge Advocate General shall be accompanied by a map showing in greater or less detail the location of the property affected.

(c) Whenever non-Government property is to be occupied by the Marine Corps within the continental limits of the United States, leases will be forwarded to the Quartermaster for approval, and clearance through proper channels if required. Leases, or renewals thereof, for the east coast will be executed by the Quartermaster, Headquarters. Leases and renewals for the west coast will be cleared by the Quartermaster, Headquarters, and executed by the Depot Quartermaster, San Francisco, Calif.

(d) In the case of lease of a building or part of a building, the annual rental of which is in excess of $2,000, a signed and certified statement will be furnished giving satisfactory evidence that the proposed annual rental is not in excess of 15 per centum of the fair market value of the rented premises at the date of the lease. (47 Stat. 412, 47 Stat. 1517; 40 U.S.C. 40a)

(e) Leases of property outside the continental limits of the United States will be executed without clearance, by the quartermaster officer concerned, and copies thereof will be distributed in accordance with paragraph (b) of this section.

(f) All leases will be prepared on standard form of Government lease No. 2, and renewals thereof on Form NMC–886. [Art. 18–47 M.C.M.] *

BONDS

§ 7.77 *When required.* (a) Bonds for the faithful performance of contracts for supplies will be required when the consideration exceeds $500, or, in lieu thereof, a certified check payable to the order of the Secretary of the Navy, the check to be held by the officer mentioned until the requirements of the contract shall be complied with and as a guaranty for compliance with the same. (R.S. 3719; 34 U.S.C. 562)

(b) *Penalty.* The amount of penalty in a contractor's bond will be fixed by the contracting officer and will be in accordance with the following table:

(1) Contract over $500 up to $50,000—25 percent of the amount of the contract (but not more than $10,000).

(2) Contract over $50,000 up to $100,000—20 percent of the amount of the contract (but not more than $15,000).

(3) Contract over $100,000 up to $200,000—15 percent of the amount of the contract (but not more than $20,000). [Art. 18–49 M.C.M.] *

§ 7.78 *Not required.* No bond will be required when the contract is for furnishing lodging and meals to recruits and recruiting parties and rent of recruiting offices and building for other purposes. [Art. 18–50 M.C.M.] *

§ 7.79 *How executed.* When bonds with individual sureties are given for the faithful performance of contracts they will be made and executed with the necessary justification and certification of sufficiency of sureties, in accordance with the instruction printed on the blank forms of contractors' bonds furnished by the Quartermaster's Department. Such bonds must be executed by the contractor as principal, and by at least two responsible persons, who must be citizens of the United States, as sureties. Each must affix to his signature a seal, and each signature must be attested by at least one witness. When practicable, there will be a separate witness to each signature. [Art. 18–51 M.C.M.] *

§ 7.80 *Individual sureties.* (a) Each individual surety shall justify in a sum not less than the penalty of the bond.

(b) Each individual surety must justify, under oath, according to the form appearing on the bond before a United States commissioner, a clerk of a United States court, a notary public, or some other officer having authority to administer oaths generally. If the officer has an official seal it shall be affixed, otherwise the proper certificate as to his official character shall be furnished. The certificate of sufficiency must be signed by an officer of a bank or trust company, a judge or clerk of a court of record, a United States district attorney or commissioner, a postmaster, a collector or deputy collector of internal revenue, or any other officer of the United States acceptable to the contracting officer, stating that the sureties are known to him, and that to the best of his knowledge and belief each is pecuniarily worth, over and above all his debts liabilities, and legal exemptions, the sum stated in his affidavit of justification.

(c) Sureties must be citizens of the United States, except that sureties on bonds executed in any foreign country, the Canal Zone, the Philippine Islands, Porto Rico, Hawaii, Alaska, or any possession of the United States, for the performance of contracts entered into in these places, need not be citizens of the United States, but if not citizens of the United States shall be domiciled in the place where contract is to be performed. The affidavits of justification of such sureties may be taken before a notary or other officer having a seal who by the laws of the place is authorized to administer such oaths, the official seal of the notary or other officer to be affixed. The certificate of sufficiency of such sureties may be made by a United States consul or by the judge or clerk of any court in such place having a seal, the official seal of the officer or court to be affixed. The regular blank forms of bonds when used as above will be modified accordingly and the changes will be fully explained over the signatures and seals of all parties to the bond. [Art. 18–52 M.C.M.] *

§ 7.81 *A firm as surety.* A firm will not be accepted as surety, nor will a partner be accepted as surety for a copartner or for a firm of which he is a member. An officer or stockholder of a corporation will not be accepted as surety for the corporation unless his affidavit of justification shows that he is pecuniarily worth the amount of the bond over and above his debts, liabilities, legal exemptions, and holdings of stock of such corporation. [Art. 18–53 M.C.M.] *

§ 7.82 *Sufficiency of individual guarantors or sureties.* The sufficiency of individual guarantors or sureties on a bidder's guaranty or bond should be certified in the same manner as that of individual sureties on the bond of a contractor. Guarantors may, if the offer of a bidder be accepted, become sureties on his bond as contractor if they are able to qualify as such. All bidders' guaranties and bonds are to be executed in duplicate. On contractors' bonds a single copy only need be executed. [Art. 18–54 M.C.M.] *

§ 7.83 *Payment of subcontractors.* Before any contract exceeding $2,000 in amount for the construction, alteration, or repair of any public building or public work of the United States is awarded to any person, such person shall furnish to the United States a performance bond and a payment bond. Every person who has furnished labor or material in the prosecution of the work provided for in such contract, in respect of which a payment bond is furnished and who has not been paid in full therefor, before the expiration of a period of ninety (90) days after the day on which the last of the labor was done or performed by him or material was furnished or supplied by him, for which such claim is made, shall have the right to sue on such payment bond for the amount, or the balance thereof, unpaid at the time of institution of such suit and to prosecute said action to final execution and judgment for the sum or sums justly due him. [Art. 18–55 M.C.M.] *

§ 7.84 *Suit by subcontractors.* Any person who has furnished such labor or materials and has not been paid therefor may, under the conditions prescribed by 40 U.S.C. 270, obtain from the department a certified copy of the contract and bond and bring suit thereon against the contractor and his sureties for enforcement of his claim. [Art. 18–56 M.C.M.] *

§ 7.85 *Corporations as individual sureties.* A corporation not holding a certificate from the Secretary of the Treasury as acceptable sole surety on Federal bonds may be accepted as one of the individual sureties if guaranteeing the act of another is within its corporate powers. In such case, an excerpt from the charter granting such power, a citation of a court opinion upholding such power, or a citation of a legislative act conferring such power, should be attached to the bond. The authority of the officer executing the bond on behalf of such corporation must be shown. The requirements for justification and certificate of sufficiency, set forth in § 7.80, must be complied with. [Art. 18–57 M.C.M.] *

§ 7.86 *Authority to do business with the United States.* (a) Before a corporation will be accepted as a sole surety it must obtain authority in writing from the Secretary of the Treasury to do business with the United States (6 U.S.C. 8), and before it will be accepted as surety on the bond of a principal residing in a State or Territory other than the one in which it was incorporated it must comply with the requirements of 6 U.S.C. 7 as to the appointment of an agent on whom process may be served, etc. Lists of surety companies that have conformed to the requirements of these laws will be published from time to time by the Treasury Department. Such companies will be accepted as sole sureties on official, contract, and other bonds, subject, however, to the following limitations:

(1) Limitations. No company having authority, under the Act of Congress of August 13, 1894, as amended by the Act of March 23, 1910, above mentioned, to do business with the United States shall be accepted as sole surety on any recognizance, stipulation, bond, or undertaking under the Navy Department, which shall execute any recognizance, stipulation, bond, or undertaking on behalf of any individual, firm, association, or corporation, whether or not the United States is interested as a party thereto, the penal sum of which is greater than 10 percent of the paid-up capital and surplus of such company.

(2) Two or more companies may be accepted as sureties on any recognizance, stipulation, bond, or undertaking under the Navy Department the penal sum of which does not exceed the limit herein prescribed of their aggregate paid-up capital and surplus. In such cases each company shall limit its liability, in terms, upon the face of the bond, to a definite specified amount, such amount to be in all cases, however, within the limitations herein prescribed. In cases where the law especially requires it every such recognizance, stipulation, bond, or undertaking shall be executed by the principal and sureties jointly and severally.

(3) No portion of any recognizance, stipulation, bond, or undertaking shall be included in determining the limitations herein prescribed which shall have been reinsured at the time of execution and delivery of the original obligation, or within 20 days thereafter, in a company authorized to do business under the acts above referred to, within the limitations herein prescribed, or in such companies and under such limitations as the Secretary of the Treasury shall have approved.

(4) No portion of any recognizance, stipulation, bond, or undertaking shall be included in determining the limitations herein prescribed upon which such company shall have been secured at the time of execution and delivery of the original obligation, by the deposit in pledge, or by conveyance in trust, for its protection of property equal in value to such excess.

(5) No portion of any recognizance, stipulation, bond, or undertaking executed on behalf or on account of a fiduciary holding property in a trust capacity shall be included in determining the limitations herein prescribed, upon which such company shall have been secured by deposit or other disposition of a suitable and sufficient portion of the estate so held that no further sale, mortgage, pledge, or other disposition can be made thereof without such company's approval, except by the decree of a court having proper jurisdiction.

(6) In determining the limitations herein prescribed the full penalty of a bond will be regarded as the liability, and no setoff will be allowed on account of any estimate of risk which is less than the full penalty of the bond except in the following cases: Appeal bonds; in which cases the liability will be regarded as the amount of the judgment appealed from, plus 10 percent of said amount to cover interest and costs. Bonds of executors, administrators, trustees, guardians, and other fiduciaries; in which cases a certificate of the judge of the probate court, setting forth the measure of liability upon which he fixed the penalty of the bond, will be accepted by the department as evidence of the amount at risk when such certificate is filed with the supplement covering the bond. Credit will also be allowed for indemnifying agreements executed by sole heirs or beneficiaries of estates releasing the surety from liability: *Provided*, That a copy of such agreement shall, in each instance, be filed with the supplement covering such risk, together with satisfactory proof as to outstanding debts. Contract bonds given in excess of the amount of a contract; in which cases the amount of the contract will be regarded as the liability. Bonds for banks or trust companies as principals, conditioned to repay moneys on deposit, where by any law or decree of a court the amount to be deposited shall be less than the penalty of the bond; in which cases the maximum amount on deposit at any one time will be regarded as the liability. Each company will be required to report quarterly to the Secretary of the Treasury, as provided by subparagraph (1) of this paragraph, every such obligation the penal sum of which is greater than 10 percent of its paid-up capital and surplus, together with a full statement of the facts which tend to bring it within the provisions of this paragraph.

(b) Every such company will be required to file with the Secretary of the Treasury, on or before the last day of January of each year, a statement of its financial condition at the close of the preceding year upon the form provided by the Treasury Department. On or before the last day of April, July, and October of each year every such company will be required to file with the Secretary of the Treasury a statement of its financial condition at the close of the preceding 3 months. With each of said statements every such company will be required to file with the Secretary of the Treasury a schedule of the single obligations which it has executed during the preceding 3 months in excess of the limitations herein prescribed, showing the manner in which each of such excess has been covered under these instructions.

(1) The amount of paid-up capital and surplus of every such company will be determined by an audit of the annual and quarterly financial statements filed with the Secretary of the Treasury or by reports upon current examinations made by the insurance departments of the several States or by such examination of the companies at their own expense as the Secretary of the Treasury may deem necessary.

(2) The qualifying powers of the respective companies will be published promptly on the 1st day of March and the 15th days of May, August, and November of each year, and the ratings of companies which fail to file or to complete their statements within the time herein provided will be omitted. The Secretary of the Treasury will keep the Navy Department advised from time to time as to the status and qualifying power of the various companies under these instructions.

(3) In the event that it becomes necessary to waive the limitations herein prescribed on any recognizance, stipulations, bond, or undertaking given to the United States, notice of such waiver and the manner which the excess is required to be covered shall in each instance be immediately transmitted by letter to the head of each of the other executive departments.

(4) Failure on the part of any company to comply with the provisions of these instructions will be considered sufficient ground for refusing further to accept such company as surety on obligations under the Navy Department during the continuance of such delinquency,

and in the event of persistent failure to observe the provisions of these instructions the name of any such company will be removed from the list of sureties acceptable to the Navy Department.

(c) In case of financial embarrassment, failure, or other disqualifying cause on the part of the surety to a bond, the Secretary of the Navy will require the bond to be renewed to his satisfaction, upon notification to the principal. Official bonds may not be renewed at the will of the principal or the surety, but only with the approval of the Secretary, and the substitution of one surety for another on a bond will not be permitted except with the approval of the Secretary, or after the bond has run for a period of four years, when a renewal thereof is required by law. [Art. 18–59 M.C.M.]*

EMERGENCIES

§ 7.87 *Emergency purchases.* In order that the Quartermaster may keep himself advised of the condition of the appropriation, expenses should not be created without his approval or the approval of an officer of the Quartermaster's Department competent to give such approval. Emergencies may arise or conditions be such that the procurement of labor and material in the open market without the authority of the Quartermaster's Department is necessary. Such occasions are to be regarded as exigencies, and officers of the Corps, in preparing vouchers to cover such purchases, shall certify on the vouchers that an emergency existed and state the circumstances thereof, and that it was impracticable to communicate with the Quartermaster either by telegraph, telephone, or letter. An exigency is defined by the United States Supreme Court to be "an immediate pressing necessity and one requiring resort to unusual power and effort." When time will permit, the Quartermaster shall be communicated with previous to an expense being created, but telegraphic or telephonic communication should not be resorted to when the sum involved does not justify it. An emergency purchase will not be made when avoidable. [Art. 18–60 M.C.M.]*

§ 7.88 *Obtaining of proposals.* Before making such a purchase the officer will inform himself concerning prevailing prices by inquiry among responsible dealers in his locality, and, if practicable, obtain oral proposals either by telephone or in person. The bids should be confirmed in writing in order that the resultant agreements may be filed as required by 41 U.S.C. 20. [Art. 18–61 M.C.M.]*

§ 7.89 *Minor emergency repairs to machinery.* In cases of minor emergency repairs to machinery, plumbing and heating systems, etc., when it is intended to have the work done by the public works department, where an annual allotment for this purpose has not been authorized, the matter should be referred to the Quartermaster by letter or dispatch, requesting an allotment of the necessary funds, and stating nature and necessity of repairs and that work is to be performed by public works department. [Art. 18–62 M.C.M.]*

§ 7.90 *An exigency must be shown to exist.* (a) An exigency cannot be presumed to exist, because the statute requires evidence of its existence. An officer who has let a contract without complying with the law requiring him to advertise for bids cannot by permitting performance under it to proceed to any extent make such contract binding upon the United States.

(b) The law does not presume the continuance of the exigency, because the statute provides that it shall be met by an immediate contract. The law requiring advertisements and proposals for public contracts obviously was intended by Congress to invite competition among bidders, and to prevent favoritism and fraudulent combinations in awarding contracts. This competition in the procurement of public supplies as required by law in practice results in economy in the expenditures. [Art. 18–63 M.C.M.]*

§ 7.91 *Certificate required.* A certificate as to the number of bids solicited and received will be made on each voucher, and the bids received will accompany the first voucher, together with statement and certificate of award, Standard Form 1036, and original signed purchase order. If it is not practicable to obtain confirmation of oral or telephonic bids at the time of purchase, the statement and certificate of award will not be required; but the voucher, Standard Form 1034, on the reverse side, will be filled in to show the method of advertising. If the lowest bid has not been accepted the names of bidders and their prices should also be shown. (Sec. 7.70 (c)) [Art. 18–64 M.C.M.]*

DEFAULTING CONTRACTORS

§ 7.92 *Purchases against the accounts of defaulting contractors.* (a) The right to purchase against a contractor's account accrues at the expiration of the time limit set by the contract for the delivery of the material or performance of the services. If the right is not exercised immediately when it accrues, the effect is to extend the contract period. Thereafter, before proceeding to make purchase against the defaulting contractor's account, it will become necessary to set a new closing time for the contract and this date must allow the contractor a reasonable time in which to make delivery after notice is given. This procedure is necessary to make the contractor legally liable for any excess costs incurred in the purchase. The right of purchase should be exercised only after careful deliberation in order to avoid an injustice to the contractor and to protect adequately the interests of the Government. The following questions should be considered prior to a purchase of this nature:

(1) Is the material urgently required?

(2) Can the contractor be depended upon to deliver in time to meet the urgency?

(3) Can the materials be obtained earlier by purchase against account than from the contractor?

(b) The proposals on a purchase against an account shall bear no reference to the fact that they are to cover a purchase against an account. Proposals shall be distributed as widely as possible in order that maximum competition may be obtained, and if possible such competition shall be as wide as that on the original purchase. Where bids were invited on more than one condition of delivery in the original advertisement, supplemental bids will be invited under the same conditions of delivery.

(c) In making award the bids received should be given the same consideration as the original purchase, and care must be exercised to avoid an award without the contractor's consent, on a basis which is not in accord with the original purchases and which might relieve him from paying the excess cost.

(d) In preparation of vouchers to cover deliveries by the defaulting contractor the excess cost only of the item or items that the contractor defaulted upon will be charged to his account. The amount purchased from the contractor supplying in place of the defaulting contractor will be the actual amount that the new contractor bid.

(e) Purchasing officers shall immediately on making a purchase against account notify the defaulting contractor of the purchase and, if excess costs are involved, shall make formal request for payment, with a copy thereof to the disbursing officer paying the account. If the contractor fails to satisfy the request, the disbursing officer shall deduct the excess cost from any money due to the defaulting contractor. When money due to a defaulting contractor will not cover the excess cost of the items purchased against the contractor's account, the disbursing officer will take steps to deduct the amount from any other contracts with the contractor. When all the means described above fail to recover the excess cost, the purchasing officer will undertake collection either by depositing the guarantee furnished by the contractor or by demand on the contractor's surety.

(f) The total excess cost shall be determined on the basis of the contract class or group of items as a whole. A saving under one item or class will offset a corresponding excess cost under another item or class purchased under the same contract. Where the total cost of the purchase on account is less than the original contract price, the defaulting contractor is not entitled to a credit for the saving. (Comp. of the Treas. Dec., Sept. 6, 1913) In case of default under a contract which provides for cash discount for prompt payment, the defaulting contractor, in the absence of any provision in the contract to the effect that such discount is to be taken into account in determining the excess cost, is liable only for the amount of the open market purchase in excess of the contract unit price. (4 Comp. Gen. 807) In cases where the dealer, from whom supplies are purchased in the open market against the account of a defaulting contractor, allows a cash discount for prompt payment, the defaulting contractor will be given the benefit of such discount and will be charged only the difference between the contract price and the amount actually paid for the supplies in the open market. (16 Comp. Dec. 533)

(g) In case a contractor defaults in delivery of a part of the supplies and it is necessary to purchase in the open market against his account the excess cost, if any, between the contract and open market prices will be deposited in the Treasury of the United States as a credit to "Miscellaneous receipts" by the disbursing officer paying the account. When adjustment is made by deduction from the amount due the defaulting contractor the voucher covering supplies actually furnished by the defaulting contractor will show that the contractor defaulted, also the name of the contractor from whom supplies were purchased against his account. There will also be entered separately on the voucher in the column "Differences" the following captions: "Difference in contract price—credit 'Miscellaneous receipts'" and "Amount payable to contractor." Opposite the first caption will be shown the excess cost of items procured in the open market, and opposite the second caption the net amount due the contractor. In the "Total" column will be shown the total amount chargeable to the appropriation, that is, the amount to be credited to "Miscellaneous receipts" plus the net amount due the contractor. Two Treasury Checks will be drawn in payment of the account, one in favor of the Treasurer of the United States in the amount of the excess cost and one in favor of the contractor to cover the net amount due. The amount of the check payable to the Treasury will be taken up in the disbursing officer's accounts in the same manner as other collections, shown on his schedule of collections for the period as a credit to "Miscellaneous receipts," and deposited in his official checking account with the Treasury on Form 6599.

(h) The voucher in favor of the contractor from whom the supplies were obtained in the open market should bear a notation that the supplies included therein for payment were obtained against account of defaulting contractor, giving name of defaulting contractor. The disbursing officer in paying these accounts will make cross reference by entering voucher number, month, and year in which payment was made, and name of disbursing officer. [Art. 18–88 M.C.M.]*

DECEASED PERSONS

§ 7.93 *Shipment of body and effects.* (a) When the unaccompanied body and effects of a deceased member of the Marine Corps are to be forwarded to the home of the deceased, shipment in the United States will be made by express, at Government expense, and the consignee notified by telegram. When men on active duty die outside the continental United States, shipment will be made via Government vessel, if practicable, otherwise by commercial carrier, and consigned to the commanding officer or the naval hospital at the post of debarkation for further shipment to destination. If there be no naval hospital at or in the immediate vicinity of that port, the shipment will be consigned to the Marine Corps depot or post quartermaster, there, except that bodies shipped to the United States from Asiatic stations will be consigned to the Commandant of the Twelfth Naval District at San Francisco, Calif. In the case of cremated remains, shipment in the United States will be made in the most economical manner other than by ordinary freight.

(b) At the request of relatives, or in the absence of such request upon the authority of the Quartermaster, the remains of officers and enlisted men that have been interred outside of the continental United States may be subsequently disinterred and shipped to the United States for reinterment in a national cemetery or at the home of the deceased. The cost of disinterment, shipment to the United States, and reinterment in a national cemetery will be borne by the Government. The expense of reinterment at the home of the deceased will be borne by the Government, subject to the provisions of § 7.94.

(c) In cases where the remains of deceased officers and enlisted men have been buried in the United States prior to receipt of requests from next of kin for shipment of remains to home of deceased, or in cases where it is impracticable to communicate with the next of kin, or where it was impracticable to ship the remains at time of death, the remains of such deceased officers and enlisted men may be disinterred and prepared for shipment and forwarded to the home of the deceased at Government expense upon subsequent request of the next of kin, and reinterment at home of deceased will be made at Government expense, as provided in 7.94, but where the remains of deceased officers and enlisted men have been buried at the place of demise or in a national or post cemetery in the United States after the next of kin has directed that the remains be not shipped home, or after reinterment after transportation from place of demise outside of the United States to a national cemetery in the United States, subsequent disinterment and shipment to home of deceased of the remains at the request of relatives will not be made at the expense of the Government.

(d) When death occurs outside the District of Columbia and burial in the Arlington National Cemetery is desired, the body should be consigned to the officer in Charge, Arlington National Cemetery, Fort Myer, Va., and billed to Washington, D. C. This will obviate the necessity and delay of obtaining a permit for the transfer of the body through the District of Columbia. As soon as the body has been shipped a telegram will be sent to Headquarters, Marine Corps, and the Officer in Charge, Arlington National Cemetery, Fort Myer, Va., giving the date of shipment, dimensions of outside box, number of persons in funeral party, and the date, hour, and number of train on which body will reach Washington.

(e) Whenever practicable, the shipment should be so timed as to arrive in Washington between the hours of 8 a. m. and 2 p. m., because the Government hearse is available only between those hours, should the body arrive after 2 p. m., it will have to remain at the Union Station until the following morning, when it will be removed to the Arlington National Cemetery and placed in the receiving vault pending funeral arrangements. The services of an undertaker in Washington are not required in cases of this kind, nor is there any expense attached to the opening and closing of the grave in Arlington.

(f) Under no circumstances will burial be made in Arlington National Cemetery on a Sunday or national holiday, or on Saturday after 11 a. m. (34 U.S.C. 921 to 929, 1940 Ed.) [Art. 18–71 M.C.M.]

§ 7.94 *Burial expenses.* (a) (1) The following reasonable and customary services will be allowed at the time and place of burial, viz:

Embalming.
Casket.
Outside box.
Undertaker's fee.
Hearse.
Carriages or automobiles (not exceeding two).
Digging of grave.
Grave space.
Minister's fee.
Cremation (in lieu of embalming and burial).

(Comp. Gen. No. A–24771, Oct. 27, 1928)

(2) The sum of $200 will be the maximum allowed for the above services in cases where the Government has not been placed to any expense; and in cases where the Government has incurred expense, such as in the preparation of the remains and the furnishing of a casket, and additional expense is incurred at the home of the deceased, a maximum of $50 will be allowed. In cases where, through unusual circumstances, either of the above amounts is necessarily exceeded, or services other than those enumerated above are procured, authority for payment must have the approval of the Quartermaster. The above amounts are exclusive of the cost of shipment of the remains of the deceased to the place of burial.

(b) Under the Act of March 3, 1905 (33 Stat. 1196), the War Department will provide the sum of $45 in each case, exclusive of cost of grave, for the burial of all honorably discharged indigent exmarines who die in the District of Columbia or immediate vicinity and are buried within said limits.

(c) The expenses incident to the preparation and burial of deceased men of the Marine Corps are payable from the appropriation "General expenses, Marine Corps," except in the cases of those who

die at a naval hospital, in which case the expenses are payable from the appropriation "Care of the dead."

(d) The Secretary of the Navy may, in his discretion, cause to be transferred to their home at public expense the remains of civilian employees of the Navy Department or the Naval Establishment who have been ordered from their homes in the United States to duty outside the continental limits of the United States and who die while on such duty or while performing authorized travel to or from such duty.

(e) Where burial is made at place of demise, or in a post cemetery, and other means are not available, the cost of digging grave may be paid by the Quartermaster's Department.

(f) *Pay for services of clergymen.* Pay for services of clergymen at burials of enlisted men may be allowed when the services of a Navy chaplain are not available.

(g) The funeral expenses of reservists who die while on active or training duty, or while performing authorized travel to or from such duty, are payable from the appropriation "Care of the dead." (34 U.S.C. 921 to 929, 1940 Ed.) [Art. 18–72 M.C.M.]

DESERTERS AND STRAGGLERS

§ 7.95 *Payment of reward.* (a) A reward not exceeding $50 will be paid for the apprehension and delivery of a deserter, and one not exceeding $25 for the delivery of a straggler, when offered by the Commandant of the Marine Corps, the commanding officer of a post, a recruiting officer, the commanding officer of a naval vessel, or a depot quartermaster. In special cases, when by reason of the distance to be traveled the amount of the reward would not compensate, transportation may be furnished, upon order of the Commandant of the Marine Corps, to the civil officer for round trip for himself between place of arrest and place of delivery in addition to the reward.

(b) Payment of a reward for the delivery of a deserter is not authorized where no reward was offered prior to such delivery. However, in such a case the necessary expenses incurred in such delivery by the person making the same may be paid upon approval by the Commandant of the Marine Corps. (R.S. 1547; R.S. 1621) [Art. 18–75 M.C.M.]

T. HOLCOMB,
Lieutenant General, U. S. M. C.,
The Commandant.

[F. R. Doc. 42–2017; Filed, March 9, 1942; 9:50 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER III—GRAZING SERVICE

PART 505—LEASING OF STATE, COUNTY OR PRIVATELY OWNED LANDS IN GRAZING DISTRICTS

Paragraph 2b of the regulations under the act of June 23, 1938 (52 Stat. 1033), for leasing of State, county, or privately owned lands in grazing districts, approved on January 26, 1940 [43 CFR 505.2 (b) 1,[1] is hereby amended to read as follows:

§ 505.2 *Evidence of ownership required.*

* * * * *

(b) *Certificate of ownership for private lands.* Where privately owned lands are offered for lease, the party offering them will be required to file with the local office of the Grazing Service certificates from the proper county officials certifying that the records of their offices show that the party offering the lands for lease is the record owner thereof or in legal control of such lands under appropriate recorded lease permitting the subleasing of the property, and including an itemized statement showing the nature and extent of any liens, tax assessments, mortgages, or other encumbrances.

Dated: February 10, 1942.

JULIAN TERRETT,
Acting Director of Grazing.

Approved: February 23, 1942.

JOHN J. DEMPSEY,
Under Secretary.

[F. R. Doc. 42–2013; Filed, March 9, 1942; 9:45 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[T. D. 50577]

TRANSFER OF MARINE ACTIVITIES

CERTAIN ORDERS, RULES, REGULATIONS, PERMITS, AND OTHER PRIVILEGES MADE, ISSUED, OR GRANTED IN RESPECT OF CERTAIN FUNCTIONS OF THE SECRETARY OF COMMERCE AND THE BUREAU OF MARINE INSPECTION AND NAVIGATION AND THE OFFICE OF THE DIRECTOR THEREOF ADOPTED

All orders, rules, regulations, permits, or other privileges made, issued, or granted in respect of all functions of the Secretary of Commerce and the Bureau of Marine Inspection and Navigation and the office of the director thereof transferred to the Bureau of Customs by Executive Order No. 9083, dated February 28, 1942 (7 F.R. 1609), and in effect at the time of such transfer shall continue in effect to the same extent as if such transfer had not occurred.

[SEAL] W. R. JOHNSON,
Commissioner of Customs.

Approved: March 5, 1942.

HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42–1987; Filed, March 6, 1942; 4:00 p. m.]

[1] 5 F.R. 560.

Notices

WAR DEPARTMENT.

RESTRICTIONS ON CERTAIN TRANSACTIONS INVOLVING PROPERTY IN WHICH CERTAIN FOREIGN COUNTRIES, OR ANY NATIONAL THEREOF, MAY HAVE AN INTEREST[1]

SECTION I[2]

* * * * *

1c. *British Malaya.* By reason of temporary control and occupation by the military, naval, and police forces and other authority of Japan, the Treasury Department has issued a circular dated February 18, 1942 (7 Fed. Reg. 1126) calling attention to the fact that, pursuant to Executive Order No. 8389,[3] as amended, the provisions thereof have been automatically extended to all of British Malaya to the same extent as the provisions of the Executive Order, as amended, apply to any other blocked country. The circular further provides that the term "British Malaya" as used therein shall be deemed to include the Straits Settlements and the Malay States, both federated and unfederated. (R.S. 161; 5 U.S.C. 22) [Proc. Cir. 19, W. D., March 2, 1942]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–2000; Filed, March 7, 1942; 10:08 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B–196]

IN THE MATTER OF B. A. HOWARD (DEER CREEK COAL COMPANY), CODE MEMBER

ORDER POSTPONING AND CHANGING PLACE OF HEARING

The above-entitled matter having been heretofore scheduled for hearing on March 14, 1942, at 10:00 a. m. at a hearing room of the Bituminous Coal Division at the Federal Court House, Price, Utah; and

It appearing to the Acting Director that it is advisable to postpone said hearing and change the place thereof;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is postponed from March 14, 1942, at 10:00 a. m. to April 6, 1942, at 10:00 a. m. at a hearing room of the Division at Price Civic Auditorium, Price, Utah, before the Examiner heretofore designated.

Dated: March 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–2019; Filed, March 9, 1942; 10:14 a. m.]

[1] 6 F.R. 5701.
[2] Par. 1c is added.
[3] 6 F.R. 2897, 3715, 6348, 6785.

[Docket Nos. B–204, B–205, B–209, B–210, B–211, B–212, B–213, B–217, B–218, B–219]

IN THE MATTERS OF HERMAN J. MORRISON; BROOKWOOD SHAFT, INC.; HARRY NICKLOW; EARL MILLER, CLYDE HENRY, AND HARRY HENRY, INDIVIDUALLY AND AS CO-PARTNERS DOING BUSINESS UNDER THE NAME AND STYLE OF MILLER, HENRY AND HENRY; C. H. AMSLER AND C. W. AMSLER, INDIVIDUALLY AND AS CO-PARTNERS DOING BUSINESS AS C. H. AND C. W. AMSLER, A PARTNERSHIP; CHARLES BOWERS; THOMAS B. BLEAKNEY; LOUIS GODIN & CHARLES JOHNSON, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF GODIN & JOHNSON; FORKS COAL MINING COMPANY, A CORPORATION; AND FREEBROOK CORPORATION, CODE MEMBERS, DEFENDANTS

ORDER CHANGING PLACE OF HEARINGS

The above-entitled matters having been scheduled for hearings at a hearing room of the Bituminous Coal Division in Room 203, U. S. Post Office Building at Altoona, Pennsylvania, by Notices of and Orders for Hearings entered in each of the above-entitled matters; and

The Acting Director deeming it advisable that the place of said hearings should be changed;

Now, therefore, it is ordered, That the place of the hearings in each of the above-entitled matters be, and the same hereby is, changed from Room 203, U. S. Post Office Building at Altoona, Pennsylvania, to the Community Room of the City Hall at Altoona, Pennsylvania; and

It is further ordered, That the said Notices of and Orders for Hearings entered in each of the above-entitled matters shall, in all other respects, remain in full force and effect.

Dated: March 5, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–2020; Filed, March 9, 1942; 10:14 a. m.]

[Docket No. B–193]

IN THE MATTER OF W. R. NALL, CODE MEMBER

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on March 13, 1942, at 10:00 a. m. at a hearing room of the Division at the Federal Court Room, Federal Building, Grand Junction, Colorado; and

It appearing to the Acting Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is postponed from March 13, 1942, at 10:00 a. m. to April 4, 1942, at 10:00 a. m. at the place and before the Examiner heretofore designated.

Dated: March 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–2021; Filed, March 9, 1942; 10:14 a. m.]

[Docket No. B–8]

IN THE MATTER OF TONY CAPUTO, CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARING

The above entitled matter having been heretofore scheduled for hearing on March 9, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Clarksburg, West Virginia; and

It appearing to the Acting Director that it is advisable to postpone said hearing;

Now therefore it is ordered, That the hearing in the above entitled matter be and the same is hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate order.

Dated: March 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–2022; Filed, March 9, 1942 10:14 a. m.]

[Docket No. B–142]

IN THE MATTER OF SAHARA COAL COMPANY, CODE MEMBER, DEFENDANT

NOTICE OF FILING APPLICATION FOR THE DISPOSITION OF COMPLIANCE PROCEEDING WITHOUT FORMAL HEARING

Notice is hereby given that the Sahara Coal Company, code member in District No. 10, defendant in the above-entitled matter, on February 16, 1942, filed herein an application dated February 14, 1942, pursuant to § 301.132 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division for the Disposition Without Formal Hearing of Compliance Proceedings, and on February 21, 1942, filed a supplemental application dated February 19, 1942.

The Bituminous Coal Producers Board for District No. 10 on November 12, 1941, filed a complaint in the above-entitled matter pursuant to section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 alleging that the defendant, which operates the Sahara No. 5 Mine, Mine Index No. 156, located in Saline County, Illinois, had wilfully violated the Bituminous Coal Act of 1937, the Code promulgated thereunder, and orders, rules and regulations of the Division, to wit, sections 4 II (e) and 4 II (i) 8 of the Act, Part II (e) and Part II (i) 8 of the Code, and Rule 8 of section XIII of the Marketing Rules and Regulations by selling as washed, dried 1" stoker screenings approximately 97.7 tons of coal to Wright and Company, 407 South Dearborn Street, Chicago, Illinois, on or about February 1, 1941, and approximately 94.45 tons to J. W. Peterson Coal Company, 800 West Division Street, Chicago, Illinois, on or about February 3, 1941; and by selling as washed, dried 1½" stoker screenings approximately 47.65 tons of coal to Eberhard Coal Company, 5619 Broadway, Chicago, Illinois, on or about February 3, 1941, at the effective minimum price of $1.80 per net ton established for Size Group No. 24 in the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck, whereas the size dimensions of said coal did not warrant that designation; that said coal should have been classified in a larger size group and sold at a correspondingly higher price than that at which it was sold; and that said transactions, therefore, constituted sales of coal at sizes which were intentionally misrepresented and at prices which were below the effective minimum prices therefor.

The above application of the defendant for disposition of this proceeding without formal hearing is based, in part, upon the following admissions, agreements, and consents:

2. Defendant admits that it has wilfully violated those sections of the Bituminous Coal Code and Rules and Regulations of the Division referred to in the complaint and admits that it sold as washed, dried 1" stoker screenings 97.7 tons of coal to Wright and Company, 407 South Dearborn Street, Chicago, Illinois, said coal having been loaded into two cars on February 1, 1941, and shipped on the same date to the purchaser; it admits that it sold as washed, dried 1" stoker screenings 94.45 tons to J. W. Peterson Coal Company, 800 West Division Street, Chicago, Illinois, said coal having been loaded into two cars on February 1 and 2, 1941, and shipped on February 3, 1941, to the purchaser; it admits that it sold as washed, dried 1½" stoker screenings 47.65 tons of coal to Eberhard Coal Company, 5619 Broadway, Chicago, Illinois, said coal having been loaded into a car on February 2, 1941, and shipped on February 3, 1941, to the purchaser. The above-described coal was sold from the Sahara No. 5 Mine and transported all-rail to said purchasers at the effective minimum price of $1.80 per net ton established for Size Group 24 in the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck; however, due to the size dimensions of the coal, it should have been sold at not less than $1.90 per net ton, which price is the effective minimum price for Size Group No. 22 coals set forth in the Schedule of Effective Minimum Prices for District No. 10 For All Shipments Except Truck.

5. The defendant consents to the entry by the Director of an Order directing defendant to cease and desist from violations of the Code and the Regulations thereunder.

6. In the event the Director is of the opinion that proper administration of the Act requires, in addition, the entry of an order cancelling and revoking defendant's Code Membership and requiring the payment by defendant, upon restoration to Code Membership, of double the amount of the tax imposed by section 3 (b) of the Act, defendant consents to the entry by the Director of such an order.

7. In the event the Director determines to proceed in accordance with section 6 hereof, defendant states that the amount of the tax which should be imposed is $177.69 and defendant agrees to pay said tax in the sum of $177.69 within ten days after being served with an order revoking its Code Membership as a condition to restoration of such membership.

The defendant in its above supplemental application states that to the best of the defendant's knowledge and belief:

(a) It committed no other violations either before or after the violations referred to in its original application referred to in the first paragraph hereof; and

(b) No fines have been removed from 1" x 0 and 1½" x 0 screenings subsequent to October 1, 1940, and that when fines are removed resultant coal is not sold as 1" or 1½" screenings but is sold as stoker screenings in accordance with the prices specified in the price schedule.

Interested parties desiring to do so may within twenty (20) days from the date of this notice, file recommendations or requests for informal conferences in respect to the above-described application.

Dated: March 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2023; Filed, March 9, 1942; 10:14 a. m.]

[Docket No. B-30]

IN THE MATTER OF CHIARAMONTE COAL COMPANY (JOE CHIARAMONTE), DEFENDANT

CEASE AND DESIST ORDER

District Board 18 having filed a complaint with the Bituminous Coal Division on June 30, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by the Chiaramonte Coal Company (Joe Chiaramonte), a code member in District No. 18 of the Bituminous Coal Code and rules and regulations thereunder as follows:

1. By selling and delivering by truck subsequent to September 30, 1940, substantial quantities of dedusted slack coal produced at defendant's mine located near Gallup, New Mexico, to the Gallup Mercantile Company, Gallup, New Mexico, at a delivered price of $1.75 per net ton, whereas the effective minimum price for such coal was $3.00 per ton f. o. b. the mine, plus at least the actual cost of delivering said coal from the mine to the purchaser;

2. By selling subsequent to September 30, 1940, approximately 100 net tons of lump coal (Size Group 2), to the White Elephant Storage Company, located in Gallup, New Mexico, at an f. o. b. mine price of $4.00 per ton, the effective minimum price for such coal being $4.25 per ton f. o. b. the mine;

3. By selling subsequent to September 30, 1940, approximately 62 tons of engine coal (Size Group 4), and 2½ tons of nut coal (Size Group 6), to various purchasers at a f. o. b. mine price of $3.35 per ton, whereas the effective minimum prices for such coals were $4.00 per ton for the engine coal and $3.50 per ton for the nut coal;

Defendant having filed an answer herein denying that it wilfully violated the Code;

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter having been held on December 4, 1941, before a duly designated Examiner of the Division, at a hearing room thereof in Albuquerque, New Mexico, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

Appearances having been entered at the hearing by the complainant, District Board 18, and the defendant;

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law, and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the defendant, the Chiaramonte Coal Company, its representatives, agents, servants, employees, attorneys, successors or assigns, and all persons acting or claiming to act in its behalf, cease and desist, and they are hereby permanently enjoined and restrained from selling or offering to sell coal produced by the defendant at less than the applicable effective minimum prices established therefor, contrary to the Bituminous Coal Act of 1937, or any rules or regulations promulgated thereunder, the Bituminous Coal Code, and the Schedule of Effective Minimum Prices for District No. 18, for All Shipments.

It is further ordered, That, if the defendant fails to comply with this order, the Division may forthwith apply to the Circuit Court of Appeals of the United States in any district in which the defendant carries on business for the enforcement hereof, or take any other appropriate action.

Dated: March 6, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2024; Filed, March 9, 1942; 10:15 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the following and is under consideration by the Acting Director:

Name and address	*Date application filed*
J. B. Bell, Delmar, Ala	Feb. 13, 1942
Robert Kahn, Bituminous Coal Sales Co., 15 Park Row, Room 2311, New York, N. Y.	Feb. 25, 1942
Eastern Fuel Co., Inc., 3530 Stoneway Ave., Seattle, Wash.	Feb. 16, 1942
Dr. Peter John, Rick John Coal Co., 101 Gulf St., Laurinburg, N. C.	Feb. 18, 1942
Robert C. Loos, Bessemer Bldg., Pittsburgh, Pa.	Feb. 26, 1942
Jacob M. Goldstein, Old Colony Coal Co., 174 Vassar Ave., Newark, N. J.	Feb. 20, 1942
Albert E. Simonsen, Riverside Fuel Co., 1805 Monroe Ave., Grand Rapids, Mich.	Feb. 26, 1942

Any district board, code member, distributor, the Consumers' Counsel, or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before April 6, 1942. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated, March 5, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2025; Filed, March 9, 1942; 10:15 a. m.]

Bureau of Reclamation.

EDEN PROJECT, WYOMING

FIRST FORM RECLAMATION WITHDRAWAL

NOVEMBER 6, 1941.

THE SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following described lands be withdrawn from public entry under the first form withdrawal, as provided in section 3, Act of June 17, 1902 (32 Stat., 388), and that departmental order of October 31, 1936, including the said lands in Grazing District No. 4, Wyoming, be modified and made subject to the withdrawal effected by this order.

EDEN PROJECT, WYOMING
Sixth Principal Meridian

T. 25 N., R. 106 W., 6th P. M.,
Sec. 34, S½NW¼, N½SW¼.

Respectfully,

H. W. BASHORE,
Acting Commissioner.

I concur: November 24, 1941.

ARCHIE D. RYAN,
Acting Director, Grazing Service.

I concur: November 26, 1941.

FRED W. JOHNSON,
Commissioner, General Land Office.

FEBRUARY 27, 1942.

The foregoing recommendation is hereby approved, as recommended, and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

JOHN J. DEMPSEY,
Under Secretary.

[F. R. Doc. 42-2014; Filed, March 9, 1942; 9:45 a. m.]

NASHVILLE RESERVOIR SITE, CALIFORNIA

FIRST FORM RECLAMATION WITHDRAWAL

FEBRUARY 5, 1942.

THE SECRETARY OF THE INTERIOR.

SIR: In accordance with the authority vested in you by the Act of June 28, 1934 (48 Stat. 1269), as amended, it is recommended that the following described lands be withdrawn from public entry under the first form withdrawal as provided in section 3, Act of June 17, 1902 (32 Stat. 388).

NASHVILLE RESERVOIR SITE, CALIFORNIA
Mount Diablo Meridian

Township 8 North, Range 10 East
Sec. 2, Lots 11, 12, 13;
Sec. 11, Lots 4, 5, 6, 7;
Township 8 North, Range 11 East
Sec. 6, S½SE¼;
Sec. 7, Lots 1, 2, NE¼, E½NW¼, N½SE¼.

Respectfully,

JOHN C. PAGE,
Commissioner.

I concur: February 23, 1942.

FRED W. JOHNSON,
Commissioner of the General Land Office.

FEBRUARY 27, 1942.

The foregoing recommendation is hereby approved as recommended and the Commissioner of the General Land Office will cause the records of his office and the local land office to be noted accordingly.

JOHN J. DEMPSEY,
Under Secretary.

[F. R. Doc. 42-2015; Filed, March 9, 1942; 9:45 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

NOTICE OF REPORT AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO A TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND A MARKETING ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA, PREPARED BY THE ADMINISTRATOR OF AGRICULTURAL MARKETING ADMINISTRATION

Pursuant to § 900.12 (a) of the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture, governing proceedings to formulate marketing orders and marketing agreements, notice is hereby given of the filing with the hearing clerk of this report of the Administrator of the Agricultural Marketing Administration, with respect to proposed amendments to a tentatively approved marketing agreement, as amended, and to a marketing order, as amended, regulating the handling of milk in the Fall River, Massachusetts, marketing area. Interested parties may file exceptions to the report with the Hearing Clerk, Room 0312, Department of Agriculture, Washington, D. C., not later than the close of business on the 10th day after publication of this notice in the FEDERAL REGISTER.

Preliminary statement

The proceedings were initiated by the Surplus Marketing Administration upon receipt of a petition dated December 11, 1941, from the Fall River Milk Producers Association for a public hearing on proposals to revise upward the Class I price, to revise the Class I price applicable to milk sold outside of the marketing area, to revise the formula for the Class II price, to provide for certain changes in the classification of milk, and to revise the base-rating plan. A proposal for revision of classification was received from one handler. Following this request the Dairy Division, Surplus Marketing Administration, proposed, in addition, that the so-called new producer clause be eliminated. After consideration of the proposals, notice of the hearing was issued on January 14, 1942, and the hearing was convened on January 22, 1942.

The major issues developed in the hearing revolved around the level at which both the Class I and Class II prices should be fixed, the implications of modifying or removing the base-rating plan, the practicability of allowing milk to be transferred to Providence market as Class II, and the equity of requiring handlers to pay the Class I price for plant shrinkage associated with handling Class I milk.

It is concluded from the record that (1) the present Class I price ($3.88 per hundredweight for milk of 3.7 percent butterfat content) effectuates the policy of the act; (2) classification with respect to plant shrinkage or the transfer of milk from Fall River to Providence should not be changed; (3) revision of the base-rating plan to make it inoperative for all months of the year except April, May, and June; and (4) the deletion of the so-called new producer clause are desirable changes to make at this time.

The proposed amendments are recommended as the detailed means by which these conclusions can be carried out.

This report filed at Washington, D. C., the 5th day of March 1942.

[SEAL] ROY F. HENDRICKSON,
Administrator.

PROPOSED MARKETING AGREEMENT [1] REGULATING THE HANDLING OF MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA PREPARED BY THE ADMINISTRATOR OF THE AGRICULTURAL MARKETING ADMINISTRATION, UNITED STATES DEPARTMENT OF AGRICULTURE

Whereas, the parties hereto, in order to effectuate the declared policy of the said act, desire to enter into this marketing agreement, as amended.

Now, therefore, the parties hereto agree as follows:

1. The terms and provisions of § 947.1 through § 947.12 of Order No. 47, as amended, Regulating the Handling of Milk in the Fall River, Massachusetts, Marketing Area, issued December 3, 1941, and as amended by Amendment No. 1, to said order, as amended, issued, effective ----------, 1942, shall be the terms and provisions of this marketing agreement, as amended, with the exception that wherever the word "order" is used the words "marketing agreement" shall be substituted therefor; and

2. The following sections shall also be a part of the marketing agreement, as amended, in addition to § 947.1 through § 947.12 of said order as amended:

§ 947.13 *Liability*—(a) *Liability of handlers.* The liability of the handlers hereunder is several and not joint and no handler shall be liable for the default of any other handler.

§ 947.14 *Counterparts and additional parties*—(a) *Counterparts of marketing agreement, as amended.* This agreement, as amended, may be executed in multiple counterparts, and when one counterpart is signed by the Secretary all such counterparts shall constitute, when taken together, one and the same instrument, as if all such signatures were obtained in one original.

(b) *Additional parties to the marketing agreement, as amended.* After this agreement, as amended, first takes effect, any handler may become a party to this agreement, as amended, if a counterpart hereof is executed by him and delivered to the Secretary. This agreement, as amended, shall take effect as to such new contracting parties at the time such counterpart is delivered to the Secretary, and the benefits, privileges, and immunities conferred by this agreement, as amended, shall then be effective as to such new contracting party.

§ 947.15 *Record of milk handled during the month of May 1941, and authorization to correct typographical errors*—(a) *Record of milk handled during the month of May 1941.* The undersigned certifies that he handled during the month of May 1941, ------- hundredweight of milk covered by this agreement, as amended, and disposed of within the marketing area.

(b) *Authorization to correct typographical errors.* The undersigned hereby authorizes Otie M. Reed, Chief, Dairy Division, Agricultural Marketing Administration, to correct any typographical errors which may have been made in this marketing agreement, as amended.

§ 947.16 *Signature of parties.* In witness whereof, the contracting handlers, acting under the provisions of the act, for the purposes and subject to the limitations herein contained and not otherwise, have hereunto set their respective hands and seals.

PROPOSED AMENDMENTS [1] TO THE MARKETING ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE FALL RIVER, MASSACHUSETTS, MARKETING AREA

It is found upon the evidence introduced at the public hearing held in Westport, Massachusetts, on January 22, 1942, such findings being in addition to the findings made upon the evidence introduced at the hearings on the order, and being in addition to the other findings made prior to or at the time of the original issuance of the order (which findings

[1] This proposed marketing agreement is prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, Surplus Marketing Administration, and has not received the approval of the Secretary of Agriculture.

[1] These proposed amendments are prepared by the Administrator pursuant to § 900.12 (a) of the General Regulations, Surplus Marketing Administration, and have not received the approval of the Secretary of Agriculture.

are hereby ratified and affirmed save only as such findings are in conflict with the findings hereinafter set forth):

Findings

1. That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk as determined pursuant to secs. 2 and 8c (50 Stat. 246; 7 U. S. C. 1940 ed. 602, 608c), are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this amendment to said order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

2. That the order, as amended by this amendment, regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement, as amended, upon which a hearing has been held; and

3. That the issuance of this amendment to the order, as amended, and all of the terms and conditions of the order as so amended, tends to effectuate the declared policy of the act.

Provisions

1. Delete § 947.3 (a) (2) (i) and substitute therefor the following:

(i) as being sold, distributed, or disposed of other than as or in milk which contains one-half of 1 percent or more, but less than 16 percent of butterfat, and other than as chocolate or flavored, whole or skim milk, buttermilk, and cultured skim milk; and

2. In § 947.4 (a) delete "1942" and substitute therefor "1943."

3. Delete part (a) of the proviso in § 947.4 (b) and substitute therefor the following:

(a) Compute the average of all the dry skim milk powder quotations for "human food products (roller process) in barrels" and for "animal feed products (hot roller) in bags," (using midpoint of any range as one quotation), published during such delivery period by the United States Department of Agriculture for New York City, subtract 4.56 cents, multiply by 7; and

4. Delete § 947.4 (d) (1) and all references in the order thereto, and renumber § 947.4 (d) (2) as § 947.4 (d) (1).

5. Delete § 947.6 (e) and substitute therefor the following:

(e) *Handlers not distributing milk in the marketing area.* No provisions hereof except § 947.1 (a) (7); § 947.3; § 947.5; § 947.9 (h); and § 947.11 shall apply to the handling of milk of a handler, except a cooperative association which causes milk to be delivered directly from producers' farms to the plant of another handler for the account of such cooperative association, whose disposition of milk in the marketing area is to other handlers only.

6. Delete § 947.6 (g) (2) and substitute therefor the following:

(2) § 947.1 (a) (7), § 947.3, and § 947.5 shall apply to the handling of milk received at a receiving plant of a handler as defined by another Federal marketing agreement or order.

7. Delete § 947.6 (g) (3).

8. Delete § 947.7 (b) and substitute therefor the following:

(b) *Computation and announcement of uniform prices.* The market administrator shall compute and announce the uniform price per hundredweight of milk received during each delivery period in the following manner:

(1) For delivery periods except April, May, and June of each year—(i) combine into one total the respective values of milk, pursuant to paragraph (a) of this section for each handler who made the reports required by § 947.5 (a), for milk received during such delivery period.

(ii) Add the total amount of the payments required of handlers pursuant to § 947.9 (h) and (i).

(iii) Add the cash balance, if any, in his hands from payments made by handlers, during the delivery period next preceding but one, to meet the obligations arising out of § 947.9 (d).

(iv) Divide by the total quantity of milk which is included in these computations.

(v) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining a cash balance in connection with the payments set forth in § 947.9 (d).

(vi) On or before the 10th day after the end of each delivery period, mail to all handlers and publicly announce: (a) such of these computations as do not disclose information confidential pursuant to the act; (b) the blended price per hundredweight which is the result of these computations; (c) the Class II price; and (d) the name of the handler, the Class I price, Class II price, and the blended prices of any milk paid for pursuant to § 947.9 (g).

(2) For each of the delivery periods of April, May, and June of each year—(i) combine into one total the respective values of milk, pursuant to paragraph (a) of this section, for each handler who made the reports required by § 947.5 (a), for milk received during such delivery period.

(ii) Add the total amount of the payments required of handlers pursuant to § 947.9 (h) and (i).

(iii) Subtract the amount to be paid to producers pursuant to § 947.9 (a) (2) (ii).

(iv) Add the cash balance, if any, in his hands from payments made by handlers, during the delivery period next preceding but one, to meet the obligations arising out of § 947.9 (d).

(v) Divide by the total quantity of milk which is not in excess of the delivered bases of producers and which is included in these computations.

(vi) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining a cash balance in connection with the payments set forth in § 947.9 (d).

(vii) On or before the 11th day after the end of such delivery period, mail to all handlers and publicly announce: (a) Such of these computations as do not disclose information confidential pursuant to the act, (b) the blended price per hundredweight which is the result of these computations, (c) the Class II price, the butterfat differential, and (d) the name of the handler, the Class I price, the Class II price, and the blended prices of any milk paid for pursuant to § 947.9 (g).

9. Delete the introductory part of § 947.8 (a) (3) and substitute therefor the following:

(3) In case reports show (a) total deliveries of milk of producers with daily bases for any two consecutive delivery periods to be less than 110 percent, and the sum of the current daily bases of the same producers multiplied by the number of days in the two delivery periods is less than 115 percent of the Class I milk of handlers who have reported pursuant to § 947.5 (a) (6) during such delivery periods, the market administrator shall add, prorata, to each producer's daily base an amount determined as follows:

10. Delete § 947.8 (a) (4) and substitute therefor the following:

§ 947.8 (a) (4) For a producer who did not regularly sell milk for a period of 30 days prior to June 1, 1940, to a handler or to persons within the marketing area, or who for other reasons is without a base, the base shall be 75 percent of the quantity of milk delivered by such producer for the first two full calendar months immediately following the first regular delivery or the date of termination of such producer's base; thereafter the daily base of such producer shall be his average daily deliveries of milk during such two full calendar months multiplied by the percentage that total reported base deliveries were to reported total deliveries of milk to the market by all daily base-holding producers during such two calendar months.

11. Delete § 947.9 (a) and substitute therefor the following:

§ 947.9 *Payments for milk*—(a) *Time and method of payment.* (1) On or before the 1st day after the end of each delivery period, each handler shall make payment to producers for the approximate value of milk received during the first 15 days of such delivery period. On or before the 17th day after the end of each delivery period, for all delivery periods except April, May, and June of each year, except as provided in paragraph (g) of this section, each handler shall make payment for the total value of milk received from producers or associations of producers during the preceding delivery period, computed pursuant to § 947.7 (a), subject to the differential set forth in paragraph (c) of § 947.4 and paragraph (f) of this section as follows:

(i) To producers, at not less than the blended price per hundredweight computed pursuant to § 947.7 (b) (1) for the quantity of milk delivered by each producer.

(ii) To an association of producers for milk which is caused to be delivered to a handler from producers by such association, and for which such association collects payment, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to subdivision (i) of this subparagraph.

(2) On or before the 17th day after the end of each delivery period for the delivery periods of April, May, and June, of each year, except as provided in paragraph (g) of this section, each handler shall make payment for the total value of milk received from producers or associations of producers during the preceding delivery period, computed pursuant to § 947.7 (a), subject to the differential set forth in paragraph (c) of § 947.4 and paragraph (f) of this section as follows:

(i) To producers, at not less than the blended price per hundredweight, computed pursuant to § 947.7 (b) (2), for that quantity of milk received from each producer not in excess of his base determined pursuant to § 947.8.

(ii) To producers at not less than the Class II price, for that quantity of milk received from each producer in excess of his base determined pursuant to § 947.8.

(iii) To an association of producers for milk which is caused to be delivered to a handler from producers by such association, and for which such association, collects payment, a total amount equal to not less than the sum of the individual payments otherwise payable to such producers pursuant to subdivisions (i) and (ii) of this subparagraph.

[F. R. Doc. 42-1983; Filed, March 6, 1942; 3:29 p. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE AVIATION TEXTILE PRODUCTS MANUFACTURING INDUSTRY

NOTICE OF HEARING

All interested parties are hereby notified that a hearing will be held before the Public Contracts Board in Room 3229, Department of Labor Building, Washington, D. C., commencing at 10 a. m. on Tuesday, March 24, 1942, to take testimony and receive evidence upon which findings of fact and recommendations shall be made by the Board to assist the Secretary of Labor in determining the prevailing minimum wages in the Aviation Textile Products Manufacturing Industry pursuant to the provisions of section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Sup. III 35), otherwise known as the Walsh-Healey Public Contracts Act.

The Aviation Textile Products Manufacturing Industry is that industry which manufactures articles (other than apparel) primarily of fabric for use in connection with the Aviation Industry. Among the principal products are parachutes of all types, parachute harnesses, safety belts, tow targets, and wind direction indicators of the windsock type. (Not included, however, are such canvas and duck articles as signaling panels for ground use.)

A tabulation of wage schedules voluntarily submitted by members of the industry, at the request of a committee made up of management and labor representatives, and tabulated by the Research Section of the Division of Public Contracts, Department of Labor, will be submitted in evidence at the hearing. Copies of this wage tabulation may be had on application to the Administrator, Division of Public Contracts, Washington, D. C. Any additional data indicating wage changes that may have occurred since the period covered by the tabulated schedules (October 1941) will also be received, as well as evidence for the purpose of determining what provision, if any, should be made in the prevailing minimum wage determination for the employment of apprentices and learners.

At the hearing an opportunity to be heard, either in person or by duly appointed representatives, will be given to persons engaged in the above named industry, either as employers or as employees, to groups of such persons, and to others within the discretion of the Board. Briefs or telegraphic communications may be filed with the Administrator, Division of Public Contracts, Department of Labor, and they should be received on or before the hearing date. No form for the brief is prescribed but an original and four copies must be submitted.

The entire record will be considered by the Secretary of Labor before the wage determination is made.

Dated: March 6, 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-1984; Filed, March 6, 1942; 3:49 p. m.]

Wage and Hour Division.

[Administrative Order No. 142]

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE No. 42 FOR THE GRAIN PRODUCTS INDUSTRY

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, Department of Labor,

Do hereby accept the resignation of Mr. Walter Vanderploeg and Mr. J. J. Mullen from Industry Committee No. 42 for the Grain Products Industry and do appoint in their stead as representatives of the employers on such Committee, Mr. George Noxon of St. Louis, Missouri, and Mr. Ed Wilkinson, Jr., of Birmingham, Alabama.

Signed at Washington, D. C., this 6th day of March 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-2008; Filed, March 7, 1942; 11:15 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective March 9, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Art Hand Made Carriage Cover Company, 7 West 30th Street, New York, N. Y.; Infants' Bathrobes, Baby Bunting Bags, Carriage Covers; 5 learners; 320 hours for any one learner; 30 cents per hour; Machine operating, Hand sewing or pressing on carriage covers, baby blankets and all types of infants' wear; July 9, 1942.

Jose Escalante and Company, 1018 Poeyfarre Street, New Orleans, La.; Cigars; 10 percent; 6 months and 8 weeks respectively; 25 cents per hour; Handmaking, Handpacking; March 9, 1943.

Louisville Lamp Company, 724 W. Breckinridge Street, Louisville, Ky., Lamp Shades; 4 learners; 160 hours for any one learner; 35 cents per hour; Hand sewing on shades, Machine sewing on shades; September 9, 1942.

Natalie Lampshades Company, Inc., 781 River Street, Paterson, N. J.; Paper Lamp Shades and Acetate Shades; 5 learners; 160 hours for any one learner; 35 cents per hour; Hand sewing on shades, Machine sewing on shades; September 9, 1942.

R. G. Sullivan, Inc., 114 W. Central Street, Manchester, N. H.; Cigars; 10

learners; 160 hours for any one learner; 25 cents per hour; Handstripping; September 9, 1942.

Signed at New York, N. Y., this 7th day of March 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-2031; Filed, March 9, 1942; 10:44 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938.

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective March 9, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Goidle Neckwear Manufacturing Company, 1111 Commerce Street, Dallas, Texas; Neckties; 5 learners (T); September 9, 1942.

Randa Neckwear Corporation, 20 East Broadway, Hackensack, New Jersey; Men's Neckwear; 10 percent (T); March 9, 1943. (This certificate replaces the one bearing expiration date of May 22, 1942.)

True Value Neckwear Company, 225 62nd Street, West New York, New Jersey; Neckties; 10 learners (T); September 9, 1942.

Wyckoff Button Hole Works, 182 Wyckoff Avenue, Brooklyn, New York; Button Holes; 4 learners (T); July 9, 1942.

Single Pants, Shirts, and Allied Garments and Women's Apparel

Anthracite Shirt Company, 1 S. Franklin Street, Shamokin, Pennsylvania; Men's and Boys' Shirts; 5 percent (T); March 9, 1943.

Bardon of Hollywood, 714 S. Los Angeles Street, Los Angeles, California; Men's Sport Shirts; Men's Loafer Jackets; 10 percent (T); March 9, 1943.

Michael Berkowitz Company, Inc., Barton Mill Road, Uniontown, Pennsylvania; Men's Shirts, Ladies' Pajamas; 10 percent (T); March 9, 1943.

Bestform Foundations, Inc., 64-74 West 23rd Street, New York, N. Y.; Foundations, Brassieres, Girdles; 10 percent (T); June 22, 1942.

Buffalo Faultless Pants Company, Inc., 133 South Division Street, Buffalo, New York; Trousers, Ladies' Slacks, Allied Sportswear; 35 Learners (E); July 27, 1942. (This certificate authorizes the employment of learners on commercial work only.)

The Fitz Overall Company, 832 Commercial Street, Atchison, Kansas; Overalls and Jackets, Pants; 10 percent (T); March 9, 1943.

Fly Manufacturing Company, South Main Stret, Shelbyville, Tennessee; Work Pants, Overalls, Shirts; 10 percent (T); March 9, 1943.

J. S. Fuller, Inc., 45 Pine Grove Avenue, Kingston, New York; Men's Shirts; 17 learners (T); March 9, 1943.

The Gottfried Company, 2882 Detroit Avenue, Cleveland, Ohio; Ladies' Popular Priced Washable Dresses; 10 percent (T); March 9, 1943.

Indiana Rayon Corporation, 230 East Osage Street, Greenfield, Indiana; Woven Cotton Polo Shirts and Sportswear, Rayon Underwear; 10 percent (T); March 9, 1943.

Jack and Jill Togs, Inc., 37 West 28th Street, New York, N. Y.; Children's Outerwear; 10 learners (T); June 22, 1942.

Jalma Manufacturing Company, 801 Lucas Avenue, St. Louis, Missouri; Dresses; 10 learners (T); March 9, 1943.

Jolly Kids Garment Manufacturing Company, Kalamazoo, Michigan; Cotton Garments for Infants & Children; 10 percent (T); March 9, 1943.

Judy Frocks, 1803 8th Avenue, Seattle, Washington; Rayon Dresses; 3 learners (T); March 9, 1943.

Julius Leventhal & Brothers, Lykens, Pennsylvania; Shirts; 10 percent (T); March 12, 1943. (This certificate effective March 12, 1942.)

Mandel Manufacturing Company, 923 Washington Avenue, St. Louis, Missouri; Slacks, Blouses, Shorts; 5 learners (T); March 9, 1943.

Merit Lingerie Company, 483 Broadway, New York, N. Y.; Ladies' & Misses Gowns and Pajamas; 7 learners (T); July 27, 1942.

Midland Garment Manufacturing Company, Central Avenue, Nebraska City, Nebraska; Cotton Work Pants, Cotton Sport and Dress Shirts; 25 learners (E); July 27, 1942.

Jacob Miller and Sons Company, 16th and Reed Streets, Philadelphia, Pennsylvania; Men's Dress Shirts; 10 percent (T); March 9, 1943.

Nickols Manufacturing Company, Inc., 1521 Tenth Avenue, Seattle, Washington; Ladies' Garments; 10 learners (T); March 9, 1943. (This certificate replaces one bearing expiration date of February 23, 1943.)

Osgood and Sons, Inc., Warsaw, Illinois; Women's Apparel; 68 learners (E); September 7, 1942.

Parkesburg Dress Company, 301 First Avenue, Parkesburg, Pennsylvania; Ladies' Cotton Dresses; 10 learners (T); March 9, 1943.

Polo Garment Company, Polo, Illinois; Street and House Dresses, Army Jackets; 10 percent (T); March 9, 1943.

Practical Frocks, Inc., 1004 Elizabeth Avenue, Elizabeth, New Jersey; Cotton Housecoats and Dresses; 10 percent (T); March 9, 1943.

Radiant Shirt Company, Inc., 28-32 West 27th Street, New York, N. Y.; Men's Shirts; 40 learners (E); September 9, 1942.

Richfield Shirt Factory, Richfield, Pennsylvania; Dress Shirts; 25 learners (E); July 27, 1942.

Rebecca Schwartz Dress Company, 263 Chapel Street, New Haven, Connecticut; Pajamas, Dresses, Sportswear; 10 percent (T); March 9, 1943.

Shield Manufacturing Corporation, N. E. Cor. "D" and Ontario Streets, Philadelphia, Pennsylvania; Men's Working Clothes; 10 percent (T); March 9, 1943.

Spaide Shirt Company, 165 Brugh Avenue, Butler, Pennsylvania; Shirts, Jackets, Trousers; 10 percent (T); March 9, 1943.

Summit Garment Company, 208 Post Square, Cincinnati, Ohio; Cotton Wash Dresses; 3 learners (T); March 9, 1943.

Topps Manufacturing Company, 501-505 Main Street, Rochester, Indiana; Work Pants, Shirts, Coveralls, Army Work Suits; 10 percent (T); March 9, 1943. (This certificate replaces one bearing expiration date of August 25, 1942.)

Louis Zupnik, New Freedom, Pennsylvania; Children's Dresses; 6 learners (T); March 9, 1943.

Gloves

Elmer Little and Son, 10 Glenwood Avenue, Johnstown, New York; Leather Dress Gloves; 5 learners (T); March 9, 1943. (This certificate replaces one bearing expiration date of October 13, 1942.)

Northern Glove and Mitten Company, Green Bay, Wisconsin; Work Gloves; 10 percent (T); September 9, 1942. (This certificate replaces one bearing expiration date of March 2, 1943.)

Reliance Knitting Mills, Inc., 640 Broadway, New York, N. Y.; Knit Wool Gloves; 25 learners (E); September 9, 1942.

Sonn Gloves, Inc., 7 West 30th Street, New York, N. Y.; Knit Fabric Gloves; 10 learners (T); March 9, 1943. (This certificate replaces one bearing expiration date of January 26, 1943.)

Topken Glove Manufacturing Corporation, 260 Fifth Avenue, New York, N. Y.; Knit Fabric Gloves; 2 learners (T); March 9, 1943.

Wells Lamont Smith Corporation, Edina, Missouri; Work Gloves; 64 learners (E); September 9, 1942.

Hosiery

Aberdeen Hosiery Mills, Inc., Aberdeen, North Carolina; Full Fashioned Hosiery; 5 learners (T); March 9, 1943.

Commonwealth Hosiery Mills, Randleman, North Carolina; Seamless Hosiery; 10 percent (T); March 9, 1943. (This certificate replaces one bearing expiration date of September 25, 1942.)

Gilbert Knitting Company, Elizabeth Street, Little Falls, New York; Seamless Hosiery; 5 learners (T); March 9, 1943.

Glenn Hosiery Company, Kivett Drive, High Point, North Carolina; Seamless Hosiery; 25 learners (E); September 9, 1942.

Herba's Hosiery Repairing, 1204 Lexington Avenue, New York, N. Y.; Mending; 5 learners (T); September 9, 1942.

National Hosiery Dyeing and Finishing Works, Inc., 460 Harrison Avenue, Boston Massachusetts; Seamless and Full Fashioned Hosiery; 10 learners (T); March 9, 1943.

Nebel Knitting Company, Inc., 101 W. Worthington Avenue, Charlotte, North Carolina; Full Fashioned Hosiery; 5 percent (T); March 9, 1943.

Propper-McCallum Hosiery Company, Inc., Northampton, Massachusetts; Full Fashioned Hosiery; 10 percent (T); March 9, 1943. (This certificate replaces one bearing expiration date of December 15, 1942.)

Thomas Mills, Inc., 319 Mallory Street, High Point, N. C.; Seamless Hosiery; 10 percent (T); March 9, 1943. (This certificate replaces one bearing expiration date of July 31, 1942.)

A. W. Wheeler and Son, Inc., Brevard, North Carolina; Full Fashioned Hosiery; 5 percent (T); March 9, 1943.

Wrightsville Hosiery Mill, Inc., Wrightsville, Pennsylvania; Full Fashioned Hosiery; 2 learners (T); March 9, 1943.

Independent Branch of the Telephone Industry

Northwestern Illinois Utilities, 214 Main Street, Savanna, Illinois; to employ learners as commercial switchboard operators at its Northwestern Illinois Utilities Exchange, West Market Street, Mt. Carroll, Illinois; until March 9, 1943.

Knitted Wear

Leininger Knitting Mills, Orwigsburg, Pennsylvania; Underwear and Outerwear; 5 learners (T); March 9, 1943.

Millinery

Slocum Straw Works, 1426 West National Avenue, Milwaukee, Wisconsin; Popular-Priced Millinery; 10 learners (E); September 2, 1942.

Textile

Aristocrat Narrow Fabric Company, 5600 Tacony Street, Philadelphia, Pennsylvania; Cotton; 3 learners (T); March 9, 1943.

Dwight Manufacturing Company, Alabama City, Alabama; Cotton Fabrics; 6 percent (T); March 9, 1943.

Georgia Webbing and Tape Company, 1340 11th Avenue, Columbus, Georgia; Narrow Woven Fabrics; 10 learners (T); July 9, 1942.

Kahn and Feldman, Inc., 360 Suydam Street, Brooklyn, New York; Thrown Rayon; 62 Learners (E); September 9, 1942.

Primrose Bedspread Corporation, 1357 Rodney French Blvd., New Bedford, Massachusetts; Bedspreads; 5 percent (T); March 9, 1943.

South Boston Weaving Corporation, Noblin Street, South Boston, Virginia; Weaving of Ribbons; 6 learners (T); March 9, 1943. (This certificate replaces the one bearing expiration date of June 5, 1942.)

Waverly Plant, East Laurinburg, North Carolina; Cotton Yarns; 6 learners (T); March 9, 1943.

Signed at New York, N. Y., this 7th day of March 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-2032; Filed, March 9, 1942; 10:44 a. m.]

CIVIL AERONAUTICS BOARD.

[Orders, Serial No. 1590; Docket No. 831]

IN THE MATTER OF COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH OF DELTA AIR CORPORATION UNDER SECTION 406 OF THE CIVIL AERONAUTICS ACT OF 1938, AS AMENDED

ORDER REOPENING AND ASSIGNING PROCEEDING FOR ORAL ARGUMENT

The Board's order and decision in the above-entitled proceeding instituted for the purpose of fixing and determining the fair and reasonable rate of compensation for the transportation of mail by aircraft over route Nos. 24 and 54, having been issued on the 29th day of January 1942; and

The Postmaster General having filed a petition on February 23, 1942, requesting that the Board reopen and reconsider its order and decision of January 29, 1942, with respect to the amount of net revenue allowed in the rates fixed and whether such rates take into account increased operating expenses which should not be borne by rates for the transportation of mail; and with respect to the inclusion, in fixing retroactive rates, of the operation of non-mail service on route No. 54 between April 15, 1941, and July 15, 1941, and on the Augusta-Savannah segment of route No. 24 between May 1, 1941, and July 15, 1941; and

The Board after due consideration of all the matters set forth in the said petition of the Postmaster General, and finding that its action in this matter is in the public interest and consistent with the provisions of the Civil Aeronautics Act of 1938, as amended;

It is ordered, That the above proceeding be reopened and assigned for oral argument with respect to the amount of net revenue allowed in the rates fixed and whether such rates take into account increased operating expenses which should not be borne by rates for the transportation of mail; and with respect to the inclusion, in fixing the retroactive rates, of the operation of non-mail service on route No. 54 between April 15, 1941, and July 15, 1941, and on the Augusta-Savannah segment of route No. 24 between May 1, 1941, and July 15, 1941, before the Board on March 12, 1942, at 10 o'clock a. m. (Eastern Standard) in Room 5044, Commerce Building, Washington, D. C.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-2050; Filed, March 9, 1942; 12:04 p. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-228]

IN THE MATTER OF BORDER PIPE LINE COMPANY (DELAWARE)

ORDER FIXING DATE OF PUBLIC HEARING

MARCH 6, 1942.

Upon application filed February 2, 1942, by Border Pipe Line Company (Delaware), having its principal operating office in Houston, Texas, for an order of the Commission authorizing the exportation of natural gas from the State of Texas to the Republic of Mexico, pursuant to section 3 of the Natural Gas Act;

The Commission *orders* that: (A) A public hearing on said application be held at 9:45 a. m., March 30, 1942, in Room 416, Court of Appeals, United States Courthouse, Tenth and Lamar Streets, Fort Worth, Texas.

(B) Interested state commission may participate in the said hearing, pursuant to § 67.4 of the Commission's Provisional Rules of Practice and Regulations under the Natural Gas Act.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary*

[F. R. Doc. 42-2043; Filed, March 9, 1942; 11:32 a. m.]

INTERSTATE COMMERCE COMMISSION.

[No. 4844]

ORDER IN THE MATTER OF BILLS OF LADING

DOMESTIC BILL OF LADING AND LIVESTOCK CONTRACT

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 2d day of March, A. D. 1942.

Upon further consideration of the record in the above-entitled proceeding, and upon consideration of the petition dated April 30, 1941, filed by The National Industrial Traffic League requesting that the said proceeding be reopened for further hearing and action and that the same be enlarged by making all common carriers subject to parts I and II of the Interstate Commerce Act parties thereto, and that a proceeding of inquiry or investigation be instituted into and concerning the contract terms, conditions, and form of bills of lading used and to be used by interstate common carriers by motor vehicle subject to Part II of the act, and the bills of lading used by railroad common carriers subject to part I of said act, and jointly by railroad and water carriers subject to part I, and used by any combinations of said common carriers, with a view to authorizing, requiring, and prescribing the use of common forms of domestic bills of lading with appropriate terms and conditions by all of such carriers (exclusive of water carriers under part III of the act):

It is ordered, That said proceeding be, and it is hereby, reopened for further hearing only in respect of such changes in the domestic bill of lading used by common carriers subject to part I of the act as may be necessary to make reasonable and otherwise lawful the terms, conditions, and form of such bill of lading for common use by common carriers subject to parts I and II of the Act.

It is further ordered, That the scope of said proceeding be, and it is hereby, broadened so as to embrace the lawfulness under the Interstate Commerce Act of the contract terms, conditions, and form of domestic bills of lading used by common carriers by motor vehicle subject to part II of the act, with a view to prescribing a uniform domestic bill of lading for common use by all common carriers subject to parts I and II of the Interstate Commerce Act.

It is further ordered, That all common carriers by motor vehicle subject to the Act be, and they are hereby, made additional parties respondent to this proceeding, and that notice of this order be given to all common carriers subject to parts I and II of the Interstate Commerce Act, and to the public by establishing it in the FEDERAL REGISTER, and by depositing copies thereof in the office of the Secretary of the Commission in Washington, D. C.

And it is further ordered, That this proceeding be assigned for hearing and further hearing at such time and place as the Commission may direct.

By the Commission.

[SEAL] W. P. BARTEL, *Secretary*.

[F. R. Doc. 42-2048; Filed, March 9, 1942; 11:49 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 811-291]

IN THE MATTER OF INVESTORS DISTRIBUTION SHARES, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C., on the 6th day of March, A. D. 1942.

An application having been duly filed by the above named applicant under and pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company.

It is ordered, That a hearing on the aforesaid application be held on March 23, 1942 at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in Room 318 will advise interested parties where such hearing will be held.

It is further ordered, That Charles S. Lobingier, Esquire or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under section 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 42-2009; Filed, March 7, 1942; 11:33 a. m.]

[File No. 70-489]

IN THE MATTER OF THE LACLEDE GAS LIGHT COMPANY AND OGDEN CORPORATION

ORDER GRANTING EXEMPTION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Washington, D. C. on the 6th day of March, A. D. 1942.

The Laclede Gas Light Company, a subsidiary of Ogden Corporation, a registered holding company, having filed an application pursuant to the Public Utility Holding Company Act of 1935, particularly the first sentence of section 6 (b) thereof, for exemption from the provisions of section 6 (a) thereof regarding offers proposed to be made by it to the holders of its outstanding and unpledged Refunding and Extension Mortgage 5% Gold Bonds, in the principal amount of $10,000,000, which were originally due April 1, 1934 but of which the major portion have been extended to April 1, 1942, to further extend such bonds to April 1, 1945, and to Ogden Corporation as holder of said The Laclede Gas Light Company's outstanding Collateral Trust 6% Notes, presently outstanding in the principal amount of $3,000,000, due August 1, 1942, to extend such notes to August 1, 1945, such latter offer to be made to Ogden Corporation when, and to the extent that Ogden Corporation becomes the owner of such notes as hereinafter described, and said applicant, in said application, having incorporated a declaration in respect of solicitation of acceptance of said proposed offer of extension of maturity date of the bonds above mentioned, pursuant to Rule U-62 of this Commission;

Ogden Corporation, a registered holding company, having joined in said application, as amended, of The Laclede Gas Light Company and having applied pursuant to said Act, and particularly Section 10 thereof, for the approval by this Commission of the acquisition by Ogden Corporation of such portion of those bonds of The Laclede Gas Light Company hereinabove mentioned as are not hereafter extended by other holders thereof pursuant to the terms of the offer of extension hereinabove mentioned, such bonds so to be acquired by Ogden Corporation to be by it extended in accordance with said offer, and having further applied to this Commission for authority under the section of said Act last cited to purchase such amount of the Collateral Trust Notes of The Laclede Gas Light Company, above described, from the holders thereof, as are not proposed to be paid at the present maturity date thereof by said last named company, and to extend said Collateral Trust Notes so to be acquired and also those notes of said issue presently held by Ogden Corporation, in accordance with the offer of extension hereinbefore recited, and having further incorporated in said application a declaration in respect of a proposed resale by said Ogden Corporation of said bonds, so proposed to be acquired and extended by it and said Ogden Corporation having further embodied in said application a declaration in respect of the proposed issuance and sale by it of its promissory note, or notes, in aggregate principal amount not to exceed $2,250,000 for the purpose of borrowing moneys with which to carry out its commitments in respect of said plans of extension;

Public hearings having been held on said applications and declarations, as amended, after appropriate notice, before a Trial Examiner duly appointed by this Commission, the Commission having examined the record herein, and having made and entered its findings of fact and opinion;

It is ordered: (1) That the application of The Laclede Gas Light Company pursuant to section 6 (b) of the Public Utility Holding Company Act of 1935, for exemption from the provisions of section 6 (a) of said Act, in respect of the offers of extension of maturity dates above mentioned, and the making of such extensions, be, and it is hereby, granted;

(2) That said offer of extension of the bonds above described by said The Laclede Gas Light Company, and the extension consequent on the acceptance of said offer, be, and the same is hereby, exempted, pursuant to subdivision (a) (5) of Rule U-50 from the requirements of subdivisions (b) and (c) of said Rule;

(3) That the application of Ogden Corporation for authority to acquire by purchase and to extend bonds and notes of The Laclede Gas Light Company, as above set forth, be, and it is hereby, granted, subject to the limitation that notes so authorized to be purchased by Ogden Corporation shall not be purchased prior to the maturity date thereof at less than the principal amount thereof plus accrued interest to date of purchase;

(4) That jurisdiction be, and the same is hereby, reserved in this Commission, in respect of the declaration contained in the application of Ogden Corporation relative to the proposed issue and sale of a note, or notes, of said corporation for the purpose of the borrowing by said corporation of certain moneys for use in connection with the fulfillment of its commitments under said plan of extension of debt of The Laclede Gas Light Company;

(5) That jurisdiction be, and is hereby, reserved in this Commission with respect to the declaration of Ogden Corporation, incorporated in its application, in regard the proposed resale of said Ogden Corporation of the bonds above mentioned proposed to be acquired and extended by it;

(6) That jurisdiction be, and is hereby, reserved in this Commission for the determination of the reasonableness of all fees and expenses incurred or proposed to be incurred by Ogden Corporation in respect of the several matters and things in this proceeding involved;

(7) That in respect of the several matters jurisdiction over which is reserved in and by this order, a further hearing, or hearings, shall be held in this proceeding upon call of the Trial Examiner heretofore designated herein, or such other officer of this Commission as this Commission may hereafter designate, such hearing, or hearings, to be so called upon reasonable notice to the parties hereto, or, at such time, or times, as may be agreed upon by counsel for all parties hereto, and, thereafter, such order, or orders, may be issued by this Commission as, in the light of the record herein, as so supplemented, the Commission may deem appropriate;

Provided, That the exemptions pursuant to section 6 (b) of said Act granted to The Laclede Gas Light Company by this order are granted subject to the condition that until the further order of this Commission, no dividend shall be declared or paid on either the preferred or common stock of The Laclede Gas Light Company nor shall that company retire, redeem, or otherwise acquire any of its outstanding stock, preferred or common.

Provided further, and this order is entered upon the following express conditions:

(a) That the parties hereto, and each of them, shall comply with all those conditions set forth in Rule U-24 of this Commission.

(b) That Ogden Corporation shall consent to an extension of the period of its obligation to purchase unextended bonds, as hereinbefore mentioned, so that such obligation shall continue for a period terminating not earlier than twenty days after the plan of extension of the maturity date of said bonds shall have become operative.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary*.

[F. R. Doc. 42-2044; Filed, March 9, 1942; 11:44 a. m.]

WAR PRODUCTION BOARD.

Division of Industry Operations.

NOTICE OF EXTENSION OF PREFERENCE RATING ORDER No. P-40

Preference Rating Order No. P-40 (as amended by Amendment No. 1 thereto) has been extended to expire May 10, 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W. P. B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Congress, Third Session, as amended by Public No. 89, 77th Congress, First Session)

Dated: March 7, 1942.

J. S. KNOWLSON, *Director of Industry Operations.*

[F. R. Doc. 42-2006; Filed, March 7, 1942; 11:14 a. m.]

MAR 12 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 48

Washington, Wednesday, March 11, 1942

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT AGENCY, AGRICULTURAL CONSERVATION AND ADJUSTMENT ADMINISTRATION

[ACP-1942-9]

PART 701—AGRICULTURAL CONSERVATION PROGRAM

SUBPART D—1942

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1148, 16 U.S.C. 590g to 590q), as amended, the 1942 Agricultural Conservation Program, as amended,[1] is further amended as follows:

1. Section 701.301 (d) (7) is amended to read as follows:

§ 701.301 *Allotments, yields, grazing capacities, payments, and deductions.*

* * * * *

(d) *Potatoes.*

* * * * *

(7) *Deduction.* Ten times the payment rate for each acre of potatoes harvested in excess of the larger of 3 acres or 110 percent of its potato acreage allotment, or on a farm for which no allotment is determined, in areas designated by the Agricultural Conservation and Adjustment Administration where more than 3 acres of potatoes are grown for home use on a substantial number of farms, for each acre of potatoes harvested for market in excess of three acres.

2. Sec. 701.301 (g) (5) (ii) is amended to read as follows:

(g) *Wheat.*

* * * * *

(5) *Non-wheat-allotment farm.*

* * * * *

(ii) for which a wheat allotment of 15 acres or less is determined and the acreage planted to wheat exceeds the allotment by 10 percent or more;

3. Sec. 701.301 (i) (1) is amended to read as follows:

(i) *Minimum soil-conserving and soil-building requirements.* * * *

(1) *Minimum conserving acreage.* The net payment for any farm in connection with special crop allotments shall be subject to a deduction of 5 percent of the maximum amount computed in connection with such allotments for each 1 percent of the cropland on the farm by which the acreage of cropland on the farm devoted exclusively, throughout the 1942 crop year, to one or more of the following uses, as recommended by the State committee and approved by the Agricultural Conservation and Adjustment Administration, is less than 20 percent of the cropland on the farm:

(i) Perennial grasses or legumes, including new seedings if seeded alone or with a nurse crop pastured or clipped green.

(ii) Biennial legumes, lespedeza, or annual sweet clover, including new seedings if seeded alone or with a nurse crop pastured or clipped green.

(iii) Sudan, millet, rye, or annual ryegrass, for pasture.

(iv) Seeded cover crops of which a good stand and good growth is left on the land, and green manure crops qualifying for credit under practice (24).

(v) Summer fallow protected by methods recommended by the State committee and approved by the Agricultural Conservation and Adjustment Administration.

(vi) Fallow rice land, or rice land on which noxious plants are controlled by mowing.

(vii) Forest trees planted on cropland since 1935.

(viii) Austrian winter peas, crimson clover, or vetch, grown for seed.

(ix) Land qualifying under practice (57), provided the land is adequately protected from erosion.

(x) Idle cropland on which approved terraces are constructed during the 1942 crop year.

[1] 7 F.R. 1410.

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(xi) Sweet sorghums, oats, rye, Sudan, or millet, cut green for hay, provided a strip 1 rod wide is left standing between each 5-rod strip harvested (applicable only in arid and semiarid areas recommended by the State committee and approved by the Agricultural Conservation and Adjustment Administration).

(xii) New seedings of perennial grasses or legumes, biennial legumes, or lespedeza seeded in accordance with good farming practice with flax, peas or small grains as a nurse crop. The maximum acreage which may qualify under this item shall be limited to 40 percent of the sum of the 1942 acreages of the following crops on the farm: Soybeans for beans, peanuts for oil, flax, hemp, castor beans, sugar beets, dry field peas, dry beans, canning peas, canning tomatoes, and American-Egyptian cotton.

Provided, however, That on farms of less than 20 acres of cropland this requirement may be met in whole or in part by growing winter cover crops or green manure crops regardless of any other use of the same land during the 1942 crop year: *Provided further*, That, in areas recommended by the State committee and approved by the Agricultural Conservation and Adjustment Administration, on any farm this requirement may be met in whole or in part by growing green manure or cover crops regardless of any other use of the same land during the 1942 crop year, and by seeding winter legumes in the fall of 1942 on land on which American-Egyptian cotton is grown in 1942, except that on any such farm the percentage of the cropland on the farm required to be devoted to such uses shall be 30 percent and the deduction from the net payment in connection with special crop allotments shall be 3⅓ percent of the maximum amount computed in connection with such allotments for each 1 percent of the cropland by which the required percentage is not reached.

4. Sec. 701.301 (i) (2) is amended by changing the item pertaining to winter legumes, rye grass, and small grains contained in the list of erosion-resisting crops and uses to read as follows:

(2) *Minimum acreage of erosion-resisting crops.* • • •

Winter legumes, ryegrass, and small grains (except wheat) seeded in the fall of 1942 on land from which castor beans produced from seed furnished by the Agricultural Adjustment Agency, Sea Island cotton, flax, hemp, sugar beets, dry field peas, dry beans, canning peas, canning tomatoes, sorgo for alcohol or peanuts are harvested in 1942. The maximum acreage which may qualify under this item shall be limited to 12½ percent of the cropland but not in excess of the sum of the 1942 acreages of castor beans produced from seed furnished by the Agricultural Adjustment Agency, Sea Island cotton, flax, hemp, sugar beets, dry field peas, dry beans, canning peas, canning tomatoes, and sorgo for alcohol plus the amount by which the 1942 acreage of peanuts exceeds the 1942 peanut allotment.	$20.00.

Done at Washington, D. C., this 9th day of March 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-2085; Filed, March 10, 1942; 11:30 a. m.]

TITLE 12—BANKS AND BANKING

CHAPTER II—BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM

PART 222—CONSUMER CREDIT

Part 222[1] is hereby amended in the following respects, and these changes shall become effective March 23, 1942, except that the change in § 222.11 (c) (2) shall not become effective until April 1, 1942.

Section 222.3 (b) is amended to read as follows:

§ 222.3 *Registration and general requirements.*

• • • • • •

(b) *General license.* Whenever this regulation is amended so that any person who was not formerly subject to § 222.3 (a) becomes subject thereto, such person is hereby granted a general license; but such general license shall terminate at the end of the second full calendar month after the month in which the amendment becomes effective unless such person has registered, in the manner provided in § 222.3 (c), before such termination. Any person whose license is not suspended may become licensed by registering in the manner provided in § 222.3 (c).

Section 222.4 (f) is amended by adding the following new paragraph at the end thereof:

§ 222.4 *Installment sale credit.*

• • • • • •

(f) • • • The Registrant may disregard the requirements of this § 222.4 (f) in the case of any article listed in Group A, B, C or D on which the down payment required by § 222.4 (a) would be $2.00 or less, or in the case of any article included in Group E of which the bona fide cash purchase price, as defined in § 222.11, does not exceed $20.00.

[1] 6 F.R. 4443, 5507.

Section 222.5 (d) is amended by changing the words "On and after January 1, 1942, no Registrant" at the beginning of the section to "No Registrant", and by striking out the next to last sentence of the section.

Section 222.6 (e) is amended so that subparagraph (1) thereof will read as follows:

§ 222.6 *Certain exceptions.*

• • • • • •

(e) • • • (1) to finance the purchase of aircraft for use in any activity in respect of which a preference rating of A–10 or higher is in force for deliveries of civil aircraft; • • •

Section 222.6 (j) is stricken out and the following new provision is substituted therefor:

(j) Any extension of instalment loan credit made by the Disaster Loan Corporation.

The first sentence of § 222.6 (k) is amended to read as follows, and the number (2) in the second sentence of the section is changed to (3):

Any extension of instalment loan credit which is made to a person engaged in agriculture, or to a cooperative association of such persons, provided that the extension of instalment loan credit (1) is made by the Land Bank Commissioner on behalf of the Federal Farm Mortgage Corporation and is found, pursuant to regulations issued by the Commissioner, to be necessary to maintain or increase production of essential agricultural commodities, or (2) is approved by the Farm Security Administrator, or his authorized agent, as being necessary for the rehabilitation of a needy farm family, or (3) is for general agricultural purposes and is not for the purpose of purchasing any listed article and not secured by any listed article purchased within 45 days before the extension of credit. • • •

The following footnote is added to § 222.8 (a), and the footnote reference 4 is inserted after the word "credit" immediately before the proviso of the section:

[4] If there should be any arrearage which does not arise out of any prearrangement or plan to evade this regulation, the arrearage may be divided equally among and added to the remaining payments scheduled for the liquidation of the credit to which such arrearage relates. This applies to any renewal, revision or consolidation effected in accordance with any provision of section 8.

Option 1 in § 222.8 (b) is amended to read as follows:

§ 222.8 *Renewals, revisions, and additions.*

• • • • • •

(b) ***Additions to outstanding credit held by registrant.*** • • • *Option 1.* The terms of the consolidated obligation shall be such as would have been necessary to meet the requirements of this regulation if the several obligations had not been consolidated: *Provided*, That, in order to schedule payments at approximately equal intervals, the consolidated obligation may combine payments that would otherwise have fallen due at different times within any monthly period, but the first of such combined payments shall fall due within one month after such consolidation; or • • •

Section 222.8 (d) is amended by striking out the last sentence thereof.

Section 222.9 (d) is amended by adding the following new paragraph at the end thereof:

§ 222.9 *Miscellaneous provisions.*

• • • • • •

(d) • • • Whenever this regulation is amended to add any article to the listed articles specified in § 222.11, the amendment shall not apply with respect to the carrying out of any valid contract made prior to the effective date of the amendment; but any renewal, revision or consolidation of any such obligation shall be subject to the requirements of § 222.8, and for the purposes of § 222.8 (a) the terms of replacement "permitted in the first instance" for such an obligation shall be deemed to be those applicable to such an extension of credit under such amendment.

The part of § 222.10 after the heading is amended to read as follows:

§ 222.10 *Effective date of this part.* This regulation became effective in its original form September 1, 1941; Amendment No. 1 became effective September 20, 1941; Amendment No. 2 became effective December 1, 1941; and Amendment No. 3 shall become effective March 23, 1942, except that he change made in Part 3 of § 222.11 by Amendment No. 3 shall not become effective until April 1, 1942.

Section 222.11 is amended to read as follows:

§ 222.11 *Supplement*—(a) *Listed articles, maximum maturities, and maximum credit values.* For the purposes of the regulation the following maximum maturities and maximum credit values shall apply to the following list of articles:

Articles of consumers' durable goods (whether new or used)	Maximum maturity in months	Maximum credit value in percent of basis price
GROUP A		
1. Automobiles (passenger cars designed for the purpose of transporting less than 10 passengers, including taxicabs)	15	(1)
2. Motorcycles (two or three-wheel motor vehicles, including motor bicycles)	15	-----
GROUP B		
1. Aircraft (including gliders)	15	66⅔
2. Power driven boats, and motors designed for use therein, other than boats or motors designed specifically for commercial use	15	66⅔
3. Outboard boat motors	15	66⅔
4. Bicycles [2]	15	66⅔
GROUP C		
1. Mechanical refrigerators of less than 12 cubic feet rated capacity	15	66⅔
2. Washing machines designed for household use	15	66⅔
3. Ironers designed for household use	15	66⅔
4. Suction cleaners designed for household use	15	66⅔
5. Cooking stoves and ranges designed for household use	15	80
6. Heating stoves and space heaters designed for household use	15	80
7. Electric dishwashers designed for household use	15	66⅔
8. Room-unit air conditioners	15	66⅔
9. Sewing machines designed for household use	15	66⅔
10. Radio receiving sets, phonographs, or combinations	15	66⅔
11. Musical instruments composed principally of metals	15	66⅔
12. Lawn mowers, mower-type edgers and trimmers (whether or not power-driven) [2]	15	66⅔
13. Silverware (flatware and hollow ware, whether solid or plated) [2]	15	66⅔
14. Clocks, electric or other, designed for household or personal use, and watches [2]	15	80
15. Motion picture cameras, projectors, and lenses, designed for film gauges less than 35 mm.; still cameras, projectors, lenses and shutters, and enlargers [2]	15	66⅔
GROUP D		
1. Household furnaces and heating units for furnaces (including oil burners, gas conversion burners, and stokers)	18	80
2. Water heaters designed for household use	18	80
3. Water pumps designed for household use	18	80
4. Plumbing and sanitary fixtures designed for household use	18	80
5. Home air conditioning systems	15	66⅔
6. Attic ventilating fans	15	66⅔
7. New household furniture (including ice refrigerators, bed springs, and mattresses but excluding floor coverings, wall coverings, draperies, and bedcoverings [2]	15	90
8. Pianos and household electric organs	18	90
9. Floor coverings (including fabric and linoleum type rugs, carpets, mats, and other floor covering materials, whether or not designed to be affixed to the floor) [2]	15	80
GROUP E		
1. Materials and services (other than materials, whether or not designed for household use, which are of the kinds listed in Group C or D) in connection with repairs, alterations, or improvements upon urban, suburban or rural real property in connection with existing structures (other than a structure, or a distinct part thereof, which, as so repaired, altered or improved, is designed exclusively for *non-residential* use), provided the deferred balance does not exceed $1,000	18	(4)

[1] (See paragraph (c) of this section.)
[2] Added by Amendment No. 3, effective March 23, 1942.
[3] An article is not new if it has been used by a consumer.
[4] No limitation.

(b) *Basis price of listed articles other than those in Group A.* The *basis price* of any listed article, other than an automobile or other article listed in Group A, shall be the *bona fide* cash purchase price of the article and accessories purchased *minus* the amount of any allowance made by the seller for any article traded in by the purchaser (including as such a trade-in anything which the seller buys or arranges to have bought from the purchaser at or about the time of the purchase of the listed article).

(c) *Maximum credit value of automobiles and motorcycles.* For the purposes of the regulation:

(1) The maximum credit value of a new automobile or a new or used motor-

cycle shall be 66⅔ per cent of the *bona fide* cash purchase price.

(2)[1] The maximum credit value of a used automobile shall be 66⅔ per cent of whichever is the lower of the following two figures:

(i) the *bona fide* cash purchase price; or

(ii) the "appraisal guide value" plus any applicable sales taxes.

"Appraisal guide value" means the estimated average retail value as stated in such edition of any regularly published automobile appraisal guide as the Board may designate for this purpose for use in the territory in which such used automobile is sold. Information as to the guide or guides designated for any given territory may be obtained from any Federal Reserve Bank or branch.

(d) *Cash purchase price.* For the purposes of this section:

(1) The bona fide cash purchase price of an article includes that of any accessories, and it also includes any applicable sales taxes and any bona fide delivery and installation charges; and

(2) In the case of any article or accessory for which the Federal price authorities have prescribed a maximum retail price, the maximum credit value shall in no event exceed that resulting from a bona fide cash purchase price equal to the total of such maximum retail price and any applicable sales taxes not included therein.

(e) *Instalment loan credit subject to § 222.5 (b) of the Regulation.* The maximum maturity of any extension of instalment loan credit of $1,500 or less subject to § 222.5 (b) of the regulation shall be 15 months.

(The foregoing amendments are issued under the authority contained in sec. 5 (b), 40 Stat. 415, as amended by sec. 5, 40 Stat. 966, sec. 2, 48 Stat. 1, sec. 1, 54 Stat. 179; 12 U.S.C. 95 (a) and Sup. and Executive Order No. 8843; dated August 9, 1941, 6 F.R. 4035.)

[SEAL] BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM.
S. R. CARPENTER,
Assistant Secretary.

[F. R. Doc. 42-2054; Filed, March 9, 1942 3:13 p. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4252]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF WILLIAMS CANDY COMPANY

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of candy or any other merchandise, (1) supplying, etc., others with push or pull cards, punch boards or other lottery devices, which said push or pull cards, punch boards or other lottery devices are to be used, or may be used, in selling or distributing such candy or other merchandise to the public; (2) supplying, etc., others with push or pull cards, punch boards or other lottery devices, either with candy or other merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be used, or may be used, in selling or distributing respondent's merchandise or any other merchandise to the public; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Williams Candy Company, Docket 4252, March 3, 1942]

In the Matter of H. M. Williams, Individually and Trading as Williams Candy Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 3d day of March, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before trial examiners of the Commission theretofore duly designated by it, in support of the allegations of the complaint and in opposition thereto, report of the trial examiners upon the evidence, and brief in support of the complaint (no brief having been filed by respondent and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, H. M. Williams, individually and trading as Williams Candy Company, or trading under any other name, and his agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of candy or any other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Supplying to or placing in the hands of others assortments of candy or other merchandise, together with push or pull cards, punch boards or other lottery devices, which said push or pull cards, punch boards or other lottery devices are to be used, or may be used, in selling or distributing such candy or other merchandise to the public:

2. Supplying to or placing in the hands of others push or pull cards, punch boards or other lottery devices, either with candy or other merchandise or separately, which said push or pull cards, punch boards or other lottery devices are to be used, or may be used, in selling or distributing respondent's merchandise or any other merchandise to the public;

3. Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-2086; Filed, March 10, 1942; 11:43 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1289]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2.

A motion for permission to file a petition of intervention and protest together with a petition of intervention and protest and a motion for severance of docket was filed with the Division in the above-entitled matter by District Board No. 3, protesting the classifications and minimum prices proposed in the said original petition for the coals of the Clinton No. 1 Mine (Strip), Mine Index No. 2318, for all shipments except truck, and for truck shipments.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth, and that the following action is necessary in order to effectuate the purposes of the Act.

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R-II, § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No relief is granted herein as to the coals of the Clinton No. 1 Mine (Strip), Mine Index No. 2318, of the Union Collieries Company, for the reasons set forth in an order designating that portion of Docket No. A-1289 which relates to this mine as Docket No. A-1289, Part II, and scheduling a hearing thereon.

Dated: March 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

Regulations, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and Supplements thereto.

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and Supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 322.7 *Alphabetical list of code members*—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Seam	Subdistrict No.	Shipping point	Freight origin group No.	Railroad	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2111	Ainsley, D. L. Coal Co. (D. L. Ainsley).	Provance #1	Pittsburgh	3	Point Marion, Pa.	80	B&O	E	E	E	E	E	E	E	E	E	E				D	E	
1788	Andreolli, Angelo (Angelo Andreolli & Co.).	Export	Pittsburgh	7	Westland, Pa.	74	PRR	G	G	F	F	G	F	F	G	G	G						
2324	Barnett, Walter A. Mining and Construction Company c/o William J. Leslie.	Barney #3 (Strip)	Pittsburgh	9	Trees Mills, Pa.	74	PRR	F	F	F	F	G	F	F	G	G	G						
2300	Cambruzzi, Anthony L.	Cambruzzi	Pittsburgh	9	Arona, Pa.	74	PRR	E	J	C	E	E	E	E	E	E	E						
2322	C. & B. Coal & Clay Co.	Cunningham #3 (Strip)	Kittanning	1	Ellwood City, Pa.	16	P&LE	J		H	H	H	H	H	H	J							
2284	Jamison, R. H., Jr. (Delmont Fuel Company).	Delmont #1 (Strip)	Pittsburgh	9	Delmont, Pa.	74	PRR			(*)	(*)	(*)	(*)	(*)	(*)	(*)							
2310	Kerry, John & Sons (John Kerry, Sr.).	Kerry & Sons (Strip)	Freeport	1	Butler, Pa.	20	B&LE	E	E	D	D	D	D	D	D	D	D						
2288	Mallinckx, Frank	Sunnyhill #3	Pittsburgh	7	Oakdale, Pa.	74	PRR	C	C	F	F	F	F	F	F	F	F						
2323	Marshall Mining Company	Ramsey #2 (Strip)	Kittanning	1	Brent, Pa.	80	PRR	F	F	H	H	H	H	H	H	H	H						
2320	McCoy Brothers (Francis M. McCoy)	Bowers (Strip)	Sewickley	3	(Dana (Crystal Sdg.) Glen Mary (Crystal Siding).	80	B&O	H	H	H	H	H	H	H	H	H	H						
2319	McCoy Brothers (Francis M. McCoy)	Dilla (Strip)	Sewickley	3	Monon. River Pt. Marion	80	Monon. River	H	H	H	H	H	H	H	H	H	H						
2076	McDonough, Joseph T.	Liston #2	Pittsburgh	3	Sackett, Pa.	70	B&O	E	E	D	D	D	D	D	D	D	D						
2226	McPhail, Stewart & Adam Eidemiller (Stewart McPhail).	M. & E. #1 (Strip)	Pittsburgh	4	Greensburg, Pa.	114	PRR	F	F	E	E	E	E	E	E	E	E						
2291	Pennsylvania Coals Company (Myers No. 1).	Sturgis (Strip)	Pittsburgh	3	Shaw, Pa.	80	PRR	E	E	E	E	E	E	E	E	E	E						
1979	Smith, Hugh W. & Robert J. (Hugh W. Smith).	Freedom #1	Pittsburgh	3	Sackett, Pa.	80	B&O	F	F	E	E	E	E	E	E	E	E						
2321	Tosh, E. P.	Tosh #2	Pittsburgh	6	Wilpen, Pa.	10	LIG Valley	G	G	G	G	G	G	G	G	G	G						
2325	Westmoreland Mining Company	Tunnelton	U. Freeport	2	Tunnelton, Pa.	12	PRR					E											

[1] This provision is effective on and after April 1, 1942. Prior to that date the maximum credit value of a used automobile shall be 66⅔ per cent of the *bona fide* cash purchase price.

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II. § 322.9 (c) in Minimum Price Schedule, add the mine index numbers in groups shown. Group 1: 2309; Group 2: 1158, 2288, 2324; Group 6: 2291; Group 7: 1876, 2311, 3076; Group 8: 2319, 2320; Group 12: 2322, 2323; Group 13: 2325, 2326; Group 14: 2321; Group 15: 2310. All mines in Freight Origin Group No. 16 will take the same necessary or permissible adjustments as Freight Origin Group No. 8A.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes										
				Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea 5/8" x 1 1/4"	Run of mine	2" N/S	1 1/4" slack	3/4" slack
				1	2	3	4	5	6	7	8	9	10	11
ALLEGHENY COUNTY														
Damico Coal (Joseph Damico)	2316	Russo	Pittsburgh	275	265	255	240	215	210	210	220	180	170	160
Fey, Peter	2313	Fey	Pittsburgh	295	285	275	250	225	220	220	220	195	185	180
Peluso, Mike (Peluso Coal & Coke)	2314	Peluso	Pittsburgh	270	260	250	250	215	210	210	220	180	170	160
Wycoff & Batch (Randolph I. Wycoff)	2315	W. & B	Pittsburgh	295	285	275	250	225	225	220	220	195	185	180
BUTLER COUNTY														
Kerry, John, & Sons (John Kerry, Sr.)	2310	Kerry & Sons (Strip)	Freeport	315	300	290	280	270	260	240	230	200	190	180
FAYETTE COUNTY														
Ainsley, D. L. Coal Co. (D. L. Ainsley)	2311	Provance #1	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Fike, Harry E	2317	Fike	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Frederick, Eugene M	2312	Frederick	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
McCoy Brothers (Francis M. McCoy)	2320	Bowers (Strip)	Sewickley	265	255	245	235	215	205	205	205	190	185	170
McCoy Brothers (Francis M. McCoy)	2319	Dills (Strip)	Sewickley	265	255	245	235	215	205	205	205	190	185	170
INDIANA COUNTY														
Westmoreland Mining Company	2325	Tunnelton	Upper Freeport	275	265	255	235	225	220	215	215	195	185	175
LAWRENCE COUNTY														
C. & S. Coal & Clay Co	2322	Cunningham #1 (Strip)	Kittanning	300	290	280	255	250	245	225	225	185	175	165
Marshall Mining Company	2323	Ramsey #2 (Strip)	Kittanning	325	310	290	275	270	255	255	240	185	175	160
Phillippi, William P	2308	Phillippi	Kittanning	305	305	295	285	280	270	235	235	185	170	150
WESTMORELAND COUNTY														
Barnett, Walter A. Mining & Construction Co., c/o William J. Leslie.	2324	Barney #3 (Strip)	Pittsburgh	275	260	250	225	210	210	200	210	175	165	155
Cambruzzi, Anthony L	2309	Cambruzzi	Pittsburgh	280	270	260	245	240	230	210	215	195	185	175
McPhail, Stewart & Adam Eidemiller (Stewart McPhail)	2326	M & E #1 (Strip)	Pittsburgh	290	280	270	260	240	230	230	225	205	195	175
Tosh, E. P	2321	Tosh #2	Pittsburgh	265	255	245	235	225	220	215	205	185	175	165

[F. R. Doc. 42–2028; Filed, March 9, 1942; 10:17 a. m.]

[Docket Nos. A–1332 and A–1335]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2 AND IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2

Original petitions having been duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 2; and

It appearing that the above-entitled matters raise similar and related issues; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matters; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R–II, and § 322.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless otherwise ordered.

Dated: February 28, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

§ 322.7 *Alphabetical list of code members*—Supplement R–I

FOR ALL SHIPMENTS EXCEPT TRUCK

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Seam	Subdistrict No.	Shipping point	Size group Nos.															
						1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
2343	Frese, M. W. & A. R. Sowers	Merryman (Sew.)	Sewickley	3	Masontown, Pa			H	H	H	H	H	H	H							
2344	Gadd, Chas. E. (The Westmoreland Company)	Superior #3	Pittsburgh	6	Sup. #3 Siding			H	H	H	H	H	H	G							
2349	Higgins, Edward	Higgins (Strip)	Pittsburgh	3	Scottdale, Pa			H	H	H	H	H	H	G							
670	Solomon, Jacob	Alice	Pittsburgh	3	Monongahela River			H	H	H	H	H	H	G							
2350	Triangle Coal Co. (Frank Cilibertì)	Triangle (Strip)	Pittsburgh	7	Camden Wharf			H	H	H	H	H	H	G							
2341	Weinberg, Hyman	Weinberg (Strip)	Redstone	9	Burrellstown, Pa			H	H	H	H	H	H	G							
					Wyano, Pa			H	H	H	H	H	H	G							

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II. In § 322.9 (c) in Minimum Price Schedule, add the mine index numbers in groups shown. Group No. 2: 2350; Group No. 5: 2341; Group No. 6: 2349; Group No. 8: 2342; Group No. 18: 2344.

FOR TRUCK SHIPMENTS

§ 322.23 *General prices*

Code member index | Mine index No. | Mine | Seam | Base sizes: Lump over 4" (1) | Lump 4" (2) | Lump 3" (3) | Lump 2" (4) | Egg 2" x 4" (5) | Stove 1" x 4" (6) | Pea 3/4" x 1 1/4" (7) | Run of mine (8) | 2" N/S (9) | 1 1/4" Slack (10) | 3/4" Slack (11)

ARMSTRONG COUNTY														
Barnett, Walter A., Mining & Construction Company	2346	Barney #4	Pittsburgh	275	265	255	230	215	210	210	220	180	170	160
ARMSTRONG COUNTY														
Anthony, O. S	2347	Fulton (Deep)	Lower Kittanning	280	270	260	240	235	225	205	215	195	185	175
BUTLER COUNTY														
Miller, A. J. & Sons (A. J. Miller)	2345	Miller #2	Kittanning	325	305	285	265	260	245	245	280	190	180	170

FAYETTE COUNTY

Frese, M. W. & A. R. Sowers	2342	Merryman (Sew.)	Sewickley	275	265	255	240	220	220	210	220	180	170	160
Higgins, Edward	2349	Higgins (Strip)	Pittsburgh	290	280	270	250	230	230	220	230	195	185	175
WASHINGTON COUNTY														
Triangle Coal Co. (Frank Cilibertì)	2350	Triangle (Strip)	Pittsburgh	275	265	255	250	230	220	210	220	180	170	160
WESTMORELAND COUNTY														
Gadd, Chas. E. (The Westmoreland Company)	2343	Superior #2	Pittsburgh	280	270	260	250	230	220	220	230	195	185	175
Gadd, Chas. E. (The Westmoreland Company)	2344	Superior #3	Pittsburgh	290	270	260	250	230	220	220	230	195	185	175
Weinberg, Hyman	2341	Weinberg (Strip)	Redstone	265	255	245	235	230	220	215	220	190	180	170

[F. R. Doc. 42–2030; Filed, March 9, 1942; 10:19 a. m.]

[Docket No. A-1320]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: February 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having *railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group No. 1	2	3	4	5	6	7	8	9	10
298	Goode Coal Co. (Paul Goode).	Goode #2	5	Poca. 3	Mullens, W. Va.	VGN	14	D	D	C	A	A	B	B	B	B	B

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump 3½" or larger, all egg and stove 1	All nut or pea 1¼" top size or smaller 2	Screened M/R 3	Straight mine run 4	1¼" screenings 5	⅜" screenings 6
Booker, Henry	301	Booker	2	Fayette	Sewell	---	---	280	215	---	---
Goode Coal Co. (Paul Goode)	298	Goode #2	5	Wyoming	Poca. 3	290	250	280	215	195	190

[F. R. Doc. 42-2029; Filed, March 9, 1942; 10:18 p. m.]

[Docket No. A-1317]

PART 330—MINIMUM PRICE SCHEDULE, DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR A CHANGE IN THE DESIGNATION OF SHIPPING POINTS FOR MINE INDEX NOS. 1485 AND 1516

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting a change in the shipping point of the Bryant Mine, Mine Index No. 1485 of Ray Morgan (F. C. Morgan Coal Company) from Bryant to St. David, Illinois, and a change in the shipping point of the Central State No. 6 Mine, Mine Index No. 1516, of Central State Collieries, Inc., from St. David to Lewistown, Illinois, and further requesting that the name of Mine Index No. 1516 of Central State Collieries, Inc., be known as Central State No. 6 instead of Pure Seam; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith the shipping points appearing in Supplement R–I, § 330.2 (*Mine index numbers*), annexed hereto and hereby made a part hereof for Mine Index No. 1485 and Mine Index No. 1516 are effective in place of the shipping points heretofore established for these mines; and commencing forthwith the name of Mine Index No. 1516 shall be as shown in the aforesaid Supplement R–I, and § 330.10 (*Special prices*—(a) *Railroad locomotive fuel prices*) is amended by adding thereto Supplement R–II, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: March 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.2 *Mine index numbers*—Supplement R–I

Price group	Producer	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
27	Central State Collieries, Inc.	Central State No. 6	[1] 1516	91	Lewistown, Ill.[2]	CB&Q.
24	Morgan, Ray (F. C. Morgan Coal Company).	Bryant	[3] 1485	91	St. David, Ill.[4]	CB&Q.

[1] Mine Index No. 1516 shall be included in Price Group 27 and shall take the same f. o. b. mine prices as other mines in Price Group 27, Schedule No. 1, District No. 10, on size groups 1 to 8, inclusive, and 17 to 25, inclusive, for shipment to all market areas and for all uses exclusive of railroad locomotive fuel; provided, however, that these f. o. b. mine prices apply on board transportation facilities at Lewistown, Illinois.
[2] Shipping Point St. David, Ill., Freight Origin Group 91, is no longer applicable.
[3] Mine Index No. 1485 shall be included in Price Group 24 and shall take the same f. o. b. mine prices as other mines in Price Group 24, Schedule No. 1, District No. 10, on size groups 1 to 29, inclusive, for shipment to all market areas and for all uses exclusive of railroad locomotive fuel; provided, however, that these f. o. b. mine prices apply on board transportation facilities at St. David, Illinois.
[4] Shipping Point Bryant, Ill., Freight Origin Group 91, is no longer applicable.

§ 330.10 *Special prices*—(a) *Railroad locomotive fuel prices*—Supplement R–II

Price group	Producer	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
27	Central State Collieries, Inc.	Central State No. 6	[1] 1516	91	Lewistown, Ill.	CB&Q.
24	Morgan, Ray (F. C. Morgan Coal Company).	Bryant	[2] 1485	91	St. David, Ill.	CB&Q.

[1] The railroad locomotive fuel prices shall be: mine run—$2.00; screenings—$1.40 and railroad locomotive fuel price exceptions 1–F, 2–A, 6, 7, 8, 35 and 43 shall apply.
[2] The railroad locomotive fuel price shall be: mine run—$2.00; screenings—$1.40 and railroad locomotive fuel price exceptions 1–F, 2–A, 6, 7, 8, 35 and 43 shall apply.

[F. R. Doc. 42-2027; Filed, March 9, 1942; 10:17 a. m.]

[Docket No. A-1326]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE WALTERS & SHARP MINE (MINE INDEX NO. 1301) OF WALTERS & SHARP COAL COMPANY (BURL SHARP), CODE MEMBER IN DISTRICT NO. 11, FOR TRUCK SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Walters & Sharp Mine (Mine Index No. 1301) of Walters & Sharp Coal Company (Burl Sharp), code member in District No. 11, for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: March 2, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT No. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331. Minimum Price Schedule for District No. 11 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24, 25	26	27	28, 29	30	31	32, 33	34
				230	245	240	230	225	220	200	190	185	170	165	135	125	70	40											
SULLIVAN COUNTY																													
Walters & Sharp Coal Company (Burl Sharp)	1301	Walters & Sharp	7																										

[F. R. Doc. 42-2026; Filed, March 9, 1942; 10:16 a. m.]

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local board areas in the Territory of Alaska designated by the State Director of Selective Service as being areas in which it is not practicable to complete serological tests, and I hereby direct that the classifications of such registrants be completed in the manner provided in § 623.51 (f), Selective Service Regulations, without such physical examination by a local board examining physician.

LEWIS B. HERSHEY,
Director.

MARCH 4, 1942.

[F. R. Doc. 42-2051; Filed, March 9, 1942; 2:23 p. m.]

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 921—ALUMINUM

Supplementary Order M-1-g to Control the Use and Distribution of Aluminum Pigment and of Paint and Other Liquids Containing Aluminum

Whereas national defense requirements have created a shortage of aluminum for defense, private account, and export; and

Whereas the restrictions and requirements hereinafter set forth are necessary to conserve the supply and direct the distribution thereof in the interests of national defense;

Now, therefore, it is ordered, That:

§ 921.9 *Supplementary Order M-1-g*—(a) *Definitions.* For the purposes of this section:

(1) "Aluminum" means any material the principal ingredient of which by either weight or volume is metallic aluminum in powder, paste, or other form.

(2) "Aluminum pigment" means any aluminum or any material containing aluminum which is manufactured, acquired or disposed of for use, or which is used, in the manufacture of paint or other coating or as a liquid welding compound.

(3) "Aluminum paint" means any paint in the manufacture of which aluminum pigment is used.

(4) "Paint formulator" means any person engaged in the business of manufacturing paint for sale.

(5) "Jobber" means any person engaged in the business of buying and selling aluminum paint or aluminum pigment, otherwise than in the capacity of retail distributor whose business is confined to over-the-counter transactions with the general public.

(b) *Restrictions upon manufacture, use, acquisition, and disposition of aluminum pigment.* No aluminum pigment shall be manufactured, used in manufacture, acquired, or disposed of, except as the Director of Industry Operations may specifically authorize.

(c) *Restrictions upon acquisition and disposition of aluminum paint.* No aluminum paint shall be manufactured, acquired, or disposed of except as the Director of Industry Operations may specifically authorize.

(d) *Scope of order.* The provisions of paragraphs (b) and (c) of this section shall not apply to the sale and purchase of aluminum pigment or aluminum paint in the course of normal over-the-counter retail distribution to the general public, or to the use of aluminum pigment or aluminum paint by the ultimate consumer. Supplementary Order M-1-e shall not apply to the manufacture or use of aluminum pigment.

(e) *Application for special authorization.* Application for special authorization as required by paragraphs (b) and (c) of this section shall be made on Form PD-312.

(f) *Reporting.* Each manufacturer of aluminum pigment and each paint formulator and jobber shall, on or before the 15th of April, 1942, and of each succeeding month, report on Form PD-313, his stocks, as of the end of the preceding month, of aluminum pigment and aluminum paint.

(g) *Communications.* All reports required to be filed hereunder, and all communications shall, unless otherwise directed, be addressed to the War Production Board, Ref: M-1-g.

(h) *Applicability of Priorities Regulation No. 1.* This section and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision may be inconsistent therewith, in which case the provisions of this section shall govern.

(i) *Violations.* Any person who willfully violates any section of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(j) *Effective date.* This section shall take effect immediately upon its issuance and unless sooner terminated by the Director of Industry Operations shall expire on the 31st day of December 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 10th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2062; Filed, March 10, 1942; 11:12 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[Order No. 26]

ALEXIAN BROTHERS' HOSPITAL PROJECT

I, Lewis B. Hershey, Director of Selective Service, in accordance with the provisions of Section 5 (g) of the Selective Training and Service Act of 1940 (54 Stat. 885) and pursuant to authorization and direction contained in Executive Order No. 8675,[1] dated February 6, 1941, hereby designate the Alexian Brothers' Hospital Project to be work of national importance, to be known as Civilian Public Service Camp No. 26. Said project, located at Chicago, Cook County, Illinois, will be the base of operations for work at the Alexian Brothers' Hospital at Chicago, Illinois, and registrants under the Selective Training and Service Act of 1940, who have been classified by their local boards as conscientious objectors to both combatant and non-combatant military service and have been placed in Class IV-E, may be assigned to said project in lieu of their induction for military service.

The work to be undertaken by the men assigned to said Alexian Brothers' Hospital Project will consist of clerical and laboratory, and they will be engaged as attendants in connection with the care of patients at said hospital, and shall be under the direction of the Superintendent of the Alexian Brothers' Hospital, as well as will be the project management. Men shall be assigned to and retained in camp in accordance with the provisions of the Selective Training and Service Act of 1940 and regulations and orders promulgated thereunder, as well as the regulations of the Alexian Brothers' Hospital. Administrative and directive control shall be under the Selective Service System through the Camp Operations Division of National Selective Service Headquarters.

LEWIS B. HERSHEY,
Director.

MARCH 3, 1942.

[F. R. Doc. 42-2063; Filed, March 9, 1942; 2:23 p. m.]

ORDER AUTHORIZING THE STATE DIRECTOR OF SELECTIVE SERVICE FOR THE TERRITORY OF ALASKA TO WAIVE LOCAL BOARD PHYSICAL EXAMINATION IN CERTAIN INSTANCES

By virtue of the provisions of the Selective Training and Service Act of 1940 (54 Stat. 885), as amended, and the authority vested in me by the rules and regulations prescribed thereunder, and more particularly the provisions of § 623.35 of the Selective Service Regulations, I hereby waive the requirement that registrants be physically examined by an examining physician in the manner provided in part 623, Selective Service Regulations, when such registrants are in

[1] 6 F.R. 831.

PART 944—REGULATIONS APPLICABLE TO THE PRIORITIES SYSTEM

Interpretation No. 2 of Priorities Regulation No. 1[1] as Amended

The following interpretation is hereby issued by the Director of Industry Operations with respect to § 944.14, "Inventory Restriction", of Priorities Regulation No. 1, as amended:

The question has been raised, in connection with various seasonal industries, whether a company which is engaged in such an industry and which normally stocks up inventory in advance of the season, is forbidden by the foregoing Regulation from doing so.

The prohibition against accepting delivery of inventory "in excess of the practicable minimum working inventory reasonably necessary to meet deliveries of the products of the Person accepting delivery, on the basis of his current method and rate of operation," does not prevent the acceptance of delivery by such Person of his requirements of the inventory in question provided, (a) that such Person is not guilty of hoarding, and (b) that the deliveries accepted are no greater and no further in advance than those which he would normally accept in the ordinary course of his business to meet reasonably anticipated requirements. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89; 77th Cong., 1st Sess.)

Issued this 10th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2083; Filed, March 10, 1942; 11:12 a. m.]

PART 1124—COTTON TEXTILE FABRICS FOR USE AS AGRICULTURAL BAGS

General Preference Order No. M-107

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of cotton textile fabrics for use as agricultural bags for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1124.1 *General Preference Order M-107*—(a) *Applicability of Priorities Regulation No. 1.*[1] This Order and all transactions affected hereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* For the purposes of this Order:

(1) "Agricultural bags" shall mean any new cotton bags or cotton wrapping used to package agricultural products, including, but not limited to, grains, flour, feed, meal, vegetables, nuts, sugar, salt, coffee, seeds, potatoes, beans, and peas, and also including meats, fertilizers, metal abrasives (shot and grit) for use in air and airless cleaning of metal products, and chemicals, even though not agricultural products.

(2) "Cotton textile fabrics suitable for agricultural bags" shall mean the constructions listed below:

Osnaburg

40'' 40/28 2.05 yd.
36'' 40/28 7 oz.
36'' 32/28 2.85 yd.
40'' 32/28 3.55 yd.
30'' 40/30 7 oz.

Sheetings

36'' 48/48 2.85 yd.
40'' 48/44 3.25 yd.
40'' 48/44 3.75 yd.
37'' 48/48 4.00 yd.
40'' 48/40 4.25 yd.
31'' 48/48 5.00 yd.

Print Cloth

38½'' 64/60 5.35 yd.
38½'' 48/48 7.15 yd.
27'' 44/44 9.50 yd.

This definition shall also include pro rata widths of like count and weight to the above constructions, provided such other width fabrics, wider or narrower, are produced for the purpose of utilizing maximum productive width of looms or augmenting the supply of square yardage in fabric widths suitable for economical bag manufacture.

(3) "Bag manufacturer" means any person purchasing cotton cloth for manufacturing into agricultural bags for sale or for his own use.

(4) "Dealer" means any person buying agricultural bags for resale to a "user" as defined in paragraph (b) (5).

(5) "User" means any person accepting delivery of agricultural bags for his use as such.

(c) *Assignment of preference rating.* Purchase orders by bag manufacturers for cotton textile fabrics suitable for agricultural bags, as defined in paragraph (b) (2) above, are hereby assigned a preference rating of A-2.

(d) *Restrictions on manufacturer's supplies of cotton textile fabrics suitable for agricultural bags.* No bag manufacturer shall hereafter hold in any mill, warehouse, place of storage, or bag manufacturing plant, any cotton textile fabrics suitable for agricultural bags, as defined in paragraph (b) (2) above, in excess of a practical minimum working inventory, and in no event in excess of the aggregate yardage of such fabrics which will be used by him within sixty

[1] 6 F.R. 4490, 6682; 7 F.R. 1493.
[1] 6 F.R. 4489, 6680; 7 F.R. 1493.

days after the receipt thereof in such mill, warehouse, place of storage, or bag manufacturing plant.

(e) *Restriction on sale of agricultural bags.* No user or dealer shall purchase any agricultural bags manufactured from any cloth obtained by a bag manufacturer pursuant to this Order, unless such user or dealer requires such agricultural bags for actual use as agricultural bags within the next sixty days after receipt thereof. No bag manufacturer shall sell, deliver, or in any other manner dispose of agricultural bags to such user or dealer, unless and until such bag manufacturer shall have received from such user or dealer a certificate, manually signed by such user or dealer, or by an individual authorized to sign for such user or dealer, substantially in the following form:

The undersigned hereby certifies to his vendor and to the War Production Board that the agricultural bags covered by the annexed purchase order are needed for sacking and shipping of agricultural products as defined in the General Preference Order No. M–107, and they are needed by him for such use by him or for distribution to others for such use by them; that to the best of the undersigned's knowledge and belief such bags will be so used within the next sixty days after (here insert date when receipt of bags is required). The undersigned further certifies that the amount of agricultural bags covered by the annexed purchase order together with all such bags, new and/or second hand, now held by the undersigned, or now scheduled to be received by the undersigned on or before the delivery date specified in the annexed purchase order, will not be in excess of the amount required by him for use in the said sixty-day period.

Dealer or user

By ---
Duly authorized signer

No user or dealer shall resell or deliver any unused bags so purchased to any other person, unless and until such user or dealer shall have first received from such other person a certificate in the above form.

(f) *Application of preference rating.* Any bag manufacturer, in order to apply the preference rating assigned by paragraph (c) to deliveries of cloth to him, must endorse on each purchase order which is covered by the rating assigned hereunder, a statement in the following form, signed by an individual duly authorized for such purpose:

Preference Rating A–2 is applied hereto under General Preference Order M–107, with the terms of which Order the undersigned is familiar. Furthermore, the undersigned certifies that the fabrics hereby purchased will be placed in process solely for the manufacture of agricultural bags, as defined in paragraph (b) (1) of the above Order, and that any additions to his holdings at any mill, warehouse, place of storage or bag manufacturing plant, of the fabrics hereby purchased will not increase his total holdings at said locations to an amount in excess of the aggregate yardage of Cotton Textile Fabrics Suitable for Agricultural Bags, as defined in paragraph (b) (2) of the above Order, which he will put into process within sixty days.

Name of manufacturer

By ---
Duly authorized signer

Such endorsement shall constitute a representation to the War Production Board and the supplier with whom the purchase order is placed that such purchase order is duly rated in accordance herewith.

(g) *Reports.* On or before the 15th day of March, 1942, and on or before the 15th day of each calendar month thereafter, each person with whom one or more statements have been filed pursuant to paragraph (f) hereof, shall prepare and hold for two years, subject to inspection by the War Production Board, a tabulation showing the number and kind of cotton textile fabrics suitable for agricultural bags, as defined in paragraph (b) (2) above, delivered by him during the calendar month immediately preceding. In addition, all persons affected by this Order shall execute and file with the War Production Board such other reports and questionnaires as may be required by said Board from time to time.

(h) *Records.* All bag manufacturers, dealers in bags, and users of bags affected by this Order shall maintain for a period of two years subsequent to any transaction for which certification is required, pursuant to paragraphs (e) or (f) hereof, a record of such transactions, subject to inspection at any time by the War Production Board.

(i) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of cotton textile fabrics suitable for agricultural bags, as defined in paragraph (b) (2) above, conserved or made available, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal in writing to the War Production Board, Reference, M–107, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(j) *Communications to the War Production Board.* All communications concerning this Order, or any reports required to be filed hereunder, shall, unless otherwise directed, be addressed to: "War Production Board, Washington, D. C., Reference M–107."

(k) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(l) *Effective date.* This Order shall take effect upon the date of issuance hereof. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 10th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2081; Filed, March 10, 1942; 11:12 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

ORDER AMENDING MODIFICATION PROVISION IN CERTAIN REVISED PRICE SCHEDULES

A statement of the considerations involved in the issuance of this Order has been prepared and is issued simultaneously herewith.[1]

Pursuant to the authority of the Emergency Price Control Act of 1942, including section 201 (d), it is hereby ordered that:

Sections: 1301.4, 1302.7, 1303.7, 1304.9, 1306.7, 1307.8, 1308.8, 1314.9, 1306.55, 1316.10, 1309.17, 1312.6, 1309.57, 1334.6, 1333.7, 1339.8, 1312.31, 1309.66, 1335.57, 1340.26, 1337.19, 1342.7, 1312.56, 1335.156, 1345.6, 1347.7, 1335.207, 1347.58, 1307.57, 1335.257, 1316.58, 1335.307, 1335.357, 1335.407, 1325.58, 1346.6, 1306.108, 1335.457, 1306.207, 1312.156, 1346.56, 1306.257, 1347.107, 1306.156, 1351.4, 1351.57, 1351.107, 1351.156, 1312.206, 1330.58, 1315.58, 1352.10, 1354.7, 1353.8, 1334.58, 1314.58, 1358.7, 1315.107, 1356.10, 1315.1207, 1301.57, 1335,507, 1355.6, 1355.61, 1357.6, 1340.106, 1363.7, 1363.57, 1362.7, 1335.706, 1345.57, 1335.556, 1335.606, 1335.656, 1303.56, 1349.6, 1336.59, 1336.108, 1360.58, 1380.8, 1315.1257, 1340.156, 1316.108, 1401.56, 1351.257, 1351.258 (second appearance thereof), 1351.307, 1348.6, 1312.256, 1401.7, 1330.107, 1312.306, 1335.756, 1335.806, 1306.306, 1335.856, 1380.57, 1335.956, 1335.906, 1406.6, are amended to read as follows:

------[2] *Petitions for Amendment.*

[1] The statement of considerations has been filed with the Division of the Federal Register.

[2] The applicable section number and schedule number is to be inserted for each Revised Price Schedule, the section number preceding the caption of the section and the schedule number appearing in the text at the space indicated. The respective section numbers and schedule numbers are as follows:

Sections: 1301.4, No. 1; 1302.7, No. 2; 1303.7, No. 3; 1304.9, No. 4; 1306.7, No. 6; 1307.8, No. 7; 1308.8, No. 8; 1314.9, No. 9; 1306.55, No. 10; 1316.10, No. 11; 1309.17, No. 12; 1312.6, No. 13; 1309.57, No. 15; 1334.6, No. 16; 1333.7, No. 17; 1339.8, No. 18; 1312.31, No. 19; 1309.66, No. 20; 1335.57, No. 21; 1340.26, No. 22; 1337.19, No. 23; 1342.7, No. 24; 1312.56, No. 26; 1335.156, No. 28; 1345.6, No. 29; 1347.7, No. 30; 1335.207, No. 31; 1347.58, No. 32; 1307.57, No. 33; 1335.257, No. 34; 1316.58, No. 35; 1335.307, No. 36; 1335.357, No. 37; 1335.407, No. 38; 1325.58, No. 39; 1346.6, No. 40; 1306.108, No. 41; 1335.457, No. 42; 1306.207, No. 43; 1312.156, No. 44; 1346.56, No. 45; 1306.257, No. 46; 1347.107, No. 47; 1306.156, No. 49; 1351.4, No. 50; 1351.57, No. 51; 1351.107, No. 52; 1351.156, No. 53; 1312.206, No. 54; 1330.58, No. 55; 1315.58, No. 56; 1352.10, No. 57; 1354.7, No. 58; 1353.8, No. 59; 1334.58, No. 60; 1314.58, No. 61; 1358.7, No. 62; 1315.107, No. 63; 1356.10, No. 64; 1315.1207, No. 66; 1301.57, No. 67; 1335.507, No. 68; 1355.6, No. 69; 1355.61, No. 70; 1357.6, No. 71; 1340.106, No. 72; 1363.7, No. 73; 1363.57, No. 74; 1362.7, No. 75; 1335.706, No. 76; 1345.57, No. 77; 1335.556, No. 78; 1335.606, No. 79; 1335.656, No. 80; 1303.56, No. 81; 1349.6, No. 82; 1336.59, No. 83; 1336.108, No. 84; 1360.58, No. 85; 1380.8, No. 86; 1315.1257, No. 87; 1340.156, No. 88; 1316.08, No. 89; 1401.56, No. 90; 1351.257, No. 91; 1351.258 (second appearance thereof), No. 91; 1351.307, No. 92; 1348.6, No. 93; 1312.256, No. 94; 1401.7, No. 95; 1330.107, No. 96; 1312.306, No. 97; 1335.756, No. 98; 1335.806, No. 99; 1306.306, No. 100; 1335.856, No. 101; 1380.57, No. 102; 1335.956, No. 103; 1335.906, No. 104; and 1406.6, No. 105. (Pub. No. 421, 77th Cong., 2d Sess.)

[3] 7 F.R. 971.

[4] 7 F.R. 1267.

[5] The statement of considerations has been filed with the Division of the Federal Register.

[6] As used in Revised Price Schedule No. 33, the term "stock yarn" means carded yarn owned by a person independent of the producer thereof and stored in space (1) owned or leased by such person on February 1, 1942; (2) owned or leased by such person and located within 25 miles of his principal place of business; or (3) approved by the Administrator, upon a duly filed petition for adjustment or exception, as a stock-yarn warehouse established to carry out a legitimate distributive function and not for the purpose of evading Revised Price Schedule No. 33; the term "independent" means not controlling, controlled by, or under common control with.

Persons seeking any modification of this Revised Price Schedule ------[2] or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1 (§§ 1300.1–1300.56)[3] issued by the Office of Price Administration.

This Order shall become effective March 10, 1942. Issued this 10th day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–2097; Filed, March 10, 1942; 11:47 a. m.]

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 33 [1]—CARDED COTTON YARNS

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith:[2]

Section 1307.60 (a) (1) (ii) including footnote 1 thereto and (b) (3) (ii) are amended to read as follows and; a new paragraph (e) is added to § 1307.62 as set forth below:

§ 1307.60 *Appendix A; Maximum prices for carded cotton yarns*—(a) *Terms of sale.*

• • • • •

(ii) *Sales and deliveries of stock yarn.*[3] As applied to sales and deliveries of stock yarn, the maximum prices established herein are prices f. o. b. the stock-yarn seller's shipping point.

• • • • •

(b) *Maximum prices.*

• • • • •

(3) *Premiums and discounts.*

• • • • •

(ii) *Export sales.* A premium of five per cent may be charged by the producer for carded yarns sold for export.[4]

Persons other than the producer, and independent[5] of him, may charge for yarns sold for export a premium which can be justified as commensurate with the difference in cost between the given export sale and a comparable domestic sale.

The maximum prices established herein shall not apply to deliveries against contracts entered into prior to February 2, 1942 for carded yarn to be exported outside the United States, its territories, or possessions, regardless of whether such export is to be effected through a middleman.

• • • • •

§ 1307.62 *Effective dates of amendments.*

• • • • •

(e) Amendment No. 1 to Revised Price Schedule No. 33, amending § 1307.60 (a) (1) (ii) and (b) (3) (ii), is effective as of February 2, 1942.

(Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 9th day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–2056; Filed, March 9, 1942; 3:36 p. m.]

PART 1314—RAW MATERIALS FOR SHOES AND LEATHER PRODUCTS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 61 [1]—LEATHER

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[2]

Paragraph (b) of § 1314.59 is hereby amended and a new § 1314.60a is added:

§ 1314.59 *Definitions.* When used in Price Schedule No. 61, the term:

• • • • •

(b) "Leather" means the tanned or processed skins, other than shearlings, moutons or dressed furs, of animals of all types; the term is applicable to all types, qualities and grades of leather, whether whole pieces or cut stock.

• • • • •

§ 1314.60a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1314.59 (b) and 1314.60a) to Revised Price Schedule No. 61 shall become effective March 9, 1942.

(Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 9th day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–2059; Filed, March 9, 1942; 5:05 p. m.]

[1] See § 1307.58 for definition of "for export".

[2] See footnote 6 for definition of "independent".

[3] 7 F.R. 1321.

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 66 [1]—RETREADED AND RECAPPED RUBBER TIRES, THE RETREADING AND RECAPPING OF RUBBER TIRES, AND BASIC TIRE CARCASSES

A statement of the considerations involved in the issuance of this Amendment No. 1 has been prepared and issued simultaneously herewith.[2]

Section 1315.1208, paragraph (h) and Tables IV, V, VI, VII, IX, X, XI in § 1315.1210, are amended to read as follows and a new § 1315.1209a is added.

§ 1315.1208 *Definitions.*

• • • • •

(h) "Basic tire carcass" means a used rubber tire with a smooth tread or a regrooved non-skid pattern of not more than 2/32" depth when measured at the shallowest point of such non-skid pattern. A smooth tread means the running surface of a tire from which the tread design has been worn off for a consecutive length of 4" or more, in any direction.

• • • • •

§ 1315.1209a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1315.1208 (h), 1315.1209a, 1315.1210, Tables IV, V, VI, VII, IX, X, XI) to Revised Price Schedule No. 66 shall become effective March 16, 1942. Until such date Revised Price Schedule No. 66 continues in effect as if not amended by Amendment No. 1. Firm commitments entered into before March 16, 1942 for the sale of basic tire carcasses at prices not exceeding the maximum prices established by Price Schedule No. 66, prior to the effective date of Amendment No. 1, March 16, 1942, may be completed at contract prices.

§ 1315.1210 *Appendix A: Maximum prices for retreaded and recapped rubber tires, the retreading and recapping of rubber tires, and basic tire carcasses.*

• • • • •

TABLE IV—MAXIMUM PRICES FOR RETREADING, FULL CAPPING, OR TOP CAPPING TRUCK AIRWHEEL TIRES AND FOR TRUCK AIRWHEEL BASIC TIRE CARCASSES [1]

Tire size	Retreading, full capping, and top capping	Basic tire carcasses; add this price whenever any tire carcass is furnished by the seller
6.00–16	$5.00	$3.00
6.50–16	5.75	3.50
7.00–15 (TA–15)	6.75	4.00
7.00–16	6.85	4.00
7.50–15	7.85	4.50
7.50–16	7.70	5.00
9.00–13	12.80	6.00

[1] When the tire carcass is furnished by the purchaser, the maximum prices for retreading or recapping such tire are the prices shown in any applicable column to the left of the last column. When the tire carcass is furnished by the seller, the maximum prices for a retreaded or recapped tire are (regardless of the thickness of the rubber on the tread of the tire carcass before it was retreaded or recapped), the sum of the price for the retreading or recapping, shown in any applicable column to the left of the last column, plus the tire carcass price indicated in the last column.

[2] 7 F.R. 1333.

TABLE V—MAXIMUM PRICES FOR RETREADING, FULL CAPPING OR TOP CAPPING STOP-START TIRES AND FOR STOP-START BASIC TIRE CARCASSES[1]

Tire size		Retreading, full capping, and top capping	Basic tire carcasses; add this price whenever any tire carcass is furnished by the seller
No. 10	6.00–16	$8.10	$3.00
No. 13	6.50–16	8.95	3.50
No. 15	7.00–16	10.70	4.00
No. 16	7.00–15	12.30	4.00
No. 18	7.50–16	15.68	5.80
No. 11	5.50–17	7.95	2.50
No. 14	6.00–20	11.60	4.20
No. 17	6.50–20	14.20	4.80
No. 19	7.00–20	15.50	6.00
No. 20	7.00–17	18.10	4.80
No. 22	7.50–20	23.15	8.40
No. 28	8.25–20	29.50	10.80
No. 34	9.00–20	36.00	12.00
No. 40	10.00–20	44.50	13.20
No. 42	10.00–22	46.85	13.20
No. 48	11.00–20	49.90	14.40
No. 50	11.00–22	52.75	14.40
No. 52	11.00–24	54.95	14.40

TABLE VI—MAXIMUM PRICES FOR RETREADING, FULL CAPPING, OR TOP CAPPING STUDDED GROUND GRIP TYPES AND FOR STUDDED GROUND GRIP TYPE BASIC TIRE CARCASSES[1]

Tire size	Retreading, full capping, and top capping	Basic tire carcasses; add this price whenever any tire carcass is furnished by the seller
5.25–17	$5.35	$1.50
5.50–17	5.85	1.60
6.00–16	6.15	1.60
6.25–16	6.80	1.60
6.50–16	7.10	1.60
7.00–15	8.40	1.60
7.00–16	8.60	1.60

TABLE VII—MAXIMUM PRICES FOR RETREADING, FULL-CAPPING, OR TOP CAPPING GRADER TIRES AND FOR GRADER TIRE BASIC TIRE CARCASSES[1]

Tire size	Retreading, full capping, and top capping	Basic tire carcasses; add this price whenever any tire carcass is furnished by the seller
6.00–20	$10.55	$4.20
6.50–20	13.40	4.50
7.00–20	22.10	6.00
7.00–24	26.50	6.60
7.50–24	29.05	7.20
8.25–20	30.40	10.80
8.25–24	32.70	10.80
9.00–24	34.65	12.00
10.00–24 (9.75–24)	36.60	13.20
11.00–24 (10.50–24)	37.65	14.40
12.00–24 (11.25–24)	40.00	16.80
13.00–20 (12.75–20)	41.70	18.00
13.00–24 (12.75–24)	45.15	18.00
14.00–20 (13.50–20)	62.95	18.20

[1] When the tire carcass is furnished by the purchaser, the maximum prices for retreading or recapping such tire are the prices shown in any applicable column to the left of the last column. When the tire carcass is furnished by the seller, the maximum prices for a retreaded or recapped tire are (regardless of the thickness of the rubber on the tread of the tire carcass before it was retreaded or recapped), the sum of the price for the retreading or recapping, shown in any applicable column to the left of the last column, plus the tire cascass price indicated in the last column.

TABLE IX—MAXIMUM PRICES FOR RETREADING, FULL CAPPING, OR TOP CAPPING GROUND-GRIP TYPE TIRES AND FOR GROUND-GRIP TYPE BASIC TIRE CARCASSES[1]

Tire size	Retreading, full capping, and top capping	Basic tire carcasses; add this price whenever any tire carcass is furnished by the seller
6.00–16, 6 ply	$8.75	$3.00
6.00–20/30 x 5, 6 ply	9.60	4.20
6.00–20/30 x 5, 8 ply	11.35	6.00
6.50–20, 6 ply	11.45	4.50
6.50–20/32 x 6, 8 ply	14.40	6.00
7.00–17, 6 ply	12.45	4.50
7.00–20, 8 ply	14.95	6.00
7.00–20/32 x 6, 10 ply	18.35	8.40
7.50–15, 6 ply	11.20	4.50
7.50–16, 8 ply	16.05	5.80
7.50–17, 8 ply	17.70	6.00
7.50–20, 8 ply	18.70	7.20
7.50–20/34 x 7, 10 ply	20.60	9.60
8.25–20	27.60	10.80
8.25–24	31.20	10.80
9.00–18	29.95	12.00
9.00–20/36 x 8	32.95	12.00
9.00–24/40 x 8	36.00	12.00
10.00–20/38 x 9	41.75	13.20
10.00–24/42 x 9	45.25	13.20
11.00–18	46.20	14.00
11.00–20	49.10	14.40
11.00–24	53.80	14.40
12.00–20	64.25	16.80
12.00–24	68.80	16.80
14.00–24	104.10	19.20
18.00–24	214.20	55.00
18.00–40	473.75	55.00
21.00–24, 16 ply	333.70	72.50
21.00–24, 20 ply	367.45	93.50
24.00–32, 24 ply	844.45	137.50
24.00–32, 34 ply	1,044.40	192.50
30.00–40, 28 ply	1,655.00	220.00
30.00–40, 34 ply	2,018.40	330.00
36.00–40, 34 ply	2,584.95	440.00

TABLE X—MAXIMUM PRICES FOR RETREADING, FULL CAPPING, OR TOP CAPPING TRUCK AND BUS TIRES, OFF-THE-ROAD TYPES, AND FOR BASIC TIRE CARCASSES[1]

Tire size	Retreading, full capping, and top capping	Basic tire carcasses; add this price when ever any tire carcass is furnished by the seller
Earth Mover Tires		
7.50–20	$17.80	$7.20
8.25–20	22.25	10.80
9.00–20	29.95	12.00
10.00–20 (9.75–20)	37.35	13.20
11.00–20 (10.50–20)	42.55	14.40
12.00–20	51.00	16.80
13.00–20	58.75	18.00
14.00–20 (13.50–20)	66.60	19.20
16.00–20	139.15	22.00
24	152.05	27.50
18.00–24	176.15	55.00
21.00–24	333.70	82.50
24.00–32	844.50	137.50
Hard Rock Tires		
7.00–20 (32 x 6)	$22.45	$8.40
7.50–20 (34 x 7)	29.85	9.60
8.25–20	31.90	10.80
9.00–20	38.00	12.00
24	41.50	12.00
10.00–20 (9.75–20)	48.10	13.20
24 (9.75–24)	52.10	13.20
11.00–20 (10.50–20)	56.54	14.40
24 (10.50–24)	62.05	14.40
12.00–20	74.05	16.80
12.00–24 (11.25–24)	79.30	18.00
13.00–24 (12.00–24)	91.90	18.00
14.00–24 (13.50–24)	119.85	19.20
16.00–24	245.15	33.00
18.00–24	276.00	55.00
21.00–24	350.35	82.50

TABLE XI—MAXIMUM PRICES FOR RETREADING, FULL CAPPING, OR TOP CAPPING TRACTOR TIRES AND FOR TRACTOR TIRE BASIC TIRE CARCASSES[1]

Tire size	Retreading, full capping, and top capping	Basic tire carcasses; add this price whenever any tire carcass is furnished by the seller
Front Wheel		
4.00–9	$4.40	$1.50
4.00–15	4.75	1.50
4.00–19	5.10	1.50
4.75–15	5.95	1.50
5.00–15	6.25	1.50
5.25–21	7.00	1.50
5.50–16	6.90	1.50
6.00–9	10.50	1.50
6.00–12	7.85	1.50
6.00–16	7.90	1.50
6.00–20	8.60	1.50
6.50–16	8.90	1.50
7.50–10	11.60	1.50
7.50–16	10.05	2.20
7.50–18	10.80	3.30
7.50–20	12.00	3.30
9.00–10	14.85	
Rear Wheel		
6.00–22	$8.85	$3.30
6.50–32	17.95	3.85
6.50–40	22.45	4.15
7.00–22	12.95	4.40
7.00–24 (8–24)	16.35	4.40
7.00–40	24.95	4.40
7.50–22	13.50	4.95
7.50–24 (9–24)	18.70	6.60
7.50–36 (9–36)	32.05	6.60
7.50–40 (9–40)	34.35	6.60
8.25–36 (10–36)	31.90	6.60
9.00–24 (11–24)	30.95	6.60
9.00–28 (11–28)	33.25	9.90
9.00–36 (11–36)	34.50	10.45
9.00–40 (11–40)	35.60	11.00
10.00–36 (12–36)	43.30	11.00
10.00–40 (12–40)	46.70	12.20
11.25–24 (13–24)	38.40	12.65
11.25–28 (13–28)	42.00	13.20
11.25–36 (13–36)	47.45	13.75
11.25–40 (13–40)	53.10	14.30
12.75–24 (14–24)	46.55	14.85
12.75–28 (14–28)	51.50	15.40
12.75–32 (14–32)	56.65	15.95
13.50–24 (15–24)	52.00	16.50
13.50–28 (15–28)	57.70	
13.50–32 (15–32)	62.40	

(Pub. Law 421, 77th Cong., 2d Sess.)
Issued this 7th day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–2058; Filed, March 9, 1942; 3:38 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

MAXIMUM PRICE REGULATION NO. 107—USED TIRES AND TUBES

In the judgment of the Price Administrator the prices of used tires and tubes have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of used tires and tubes prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deems to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been prepared and is issued simultaneously herewith.[1]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, Maximum Price Regulation No. 107 is hereby issued.

§ 1315.1351 *Maximum prices for used tires and tubes.* On and after March 16, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver and no person in the business of buying or selling used tires or tubes shall buy or receive any used tire or tube, at prices higher than the maximum prices set forth in Appendices A and B hereof, incorporated herein as §§ 1315.1360 and 1315.1361; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of used tires or tubes to a purchaser if prior to March 16, 1942 such used tires or tubes had been received by a carrier, other than a carrier owned or controlled by a seller, for shipment to such purchaser.*

*§§ 1315.1351 to 1315.1361, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1315.1352 *Less than maximum prices.* Lower prices than those set forth in Appendices A and B (§§ 1315.1360 and 1315.1361) may be charged, demanded, paid or offered.*

§ 1315.1353 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 107 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to any used tires or tubes, alone or in conjunction with any other commodity or by way of commission, service, transportation, repair or other charge, or by tying-agreement, or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Increasing the charges for the extension of credit, or for the demounting or mounting of a tire or tube on a vehicle or rim, or for any other service over those in effect on March 7, 1942;

(2) Making any charges for the extension of credit, or for the demounting or mounting of a tire or tube on a vehicle or rim, or for any other service if no special and separate charges for such service were made by the seller on March 7, 1942;

(3) Making the terms and conditions of sale more onerous to purchasers than those available or in effect on March 7, 1942;

(4) Making any charges in addition to the maximum prices for repairs to used tires or tubes sold. The prices set forth in Appendices A and B (§§ 1315.1360 and 1315.1361) are maximum prices for used tires and tubes of the various categories, repaired, if need be, and ready for use.

(c) The purchaser shall always have the option of paying the full price in cash at the time of the purchase of any used tire or tube. He shall also have the option of receiving delivery of any used tire or tube at the seller's place of business without having it mounted on a vehicle or rim or having any other service performed.*

§ 1315.1354 *Posting of prices.* Every person engaged in the business of selling used tires or tubes not mounted as part of the equipment of a vehicle, shall keep posted in a conspicuous place in each establishment at which such tires or tubes are offered for sale, a statement setting forth the maximum prices which he is permitted to charge under this Maximum Price Regulation No. 107, and the conditions of sale prescribed by § 1315.1353, *Evasion.* For this purpose it shall be permissible to employ a copy of the lists of maximum prices printed in Appendices A and B (§§ 1315.1360 and 1315.1361) hereof, and of § 1315.1353, *Evasion*, hereof if such a copy is then in the hands of such person. This statement or copy shall be posted not later than 8 A. M. on March 16, 1942.

If, on March 7, 1942, the seller made special and separate charges for the extension of credit or for the demounting or mounting of a tire or tube on a vehicle or rim, or for any other service, except the making of repairs, in connection with the sale of a used tire or tube, and if he desires to continue such charges after March 16, 1942, such seller shall prepare a notarized statement listing the prices charged on March 7, 1942, for such extra service and shall post such statement not later than 8 A. M. on March 16, 1942 along with the statement or copy of maximum prices and conditions of sale required to be posted by this section.*

§ 1315.1355 *Records and reports.* (a) Every person engaged in the business of selling used tires or tubes not mounted as part of the equipment of a vehicle, shall furnish the purchaser with a written statement setting forth the price, size, and type of the tire or tube sold, either stating that the tire sold is a basic tire carcass or giving the thickness in 32nd inches of the tread design depth at the shallowest point, and reciting whether, to the knowledge of the seller, the tire or tube, as the case may be, has been regrooved, is a used retreaded or recapped tire, requires repair, or has been vulcanized or repaired, together with a description of the extent of vulcanizing or repairing if it was done.

[1] The statement of considerations has been filed with the Division of the Federal Register.
[2] 7 F.R. 971.

(b) Every person engaged in the business of selling used tires or tubes not mounted as part of the equipment of a vehicle, shall keep for inspection by the Office of Price Administration, for a period of not less than two years, complete and accurate records of every sale of such articles including the date thereof, the name and address of the purchaser, the price per unit, the quantity, size, and type of tires or tubes sold, indicating whether each tire was a basic tire carcass or the thickness in 32nd inches of the tread design depth at the shallowest point, and specifying whether the tire or tube, to the knowledge of the seller, needed repair or had been vulcanized or repaired, and if so to what extent, and whether the tire had been regrooved or retreaded or recapped.

(c) Every person engaged in the business of selling used tires or tubes not mounted as part of the equipment of a vehicle, shall keep for inspection by the Office of Price Administration, for a period of not less than two years, complete and accurate records of (1) all acquisitions after March 7, 1942 of used tires or tubes, showing the date of each purchase or acquisition, the name and address of the person from whom acquired, the price paid, and the number of tires and tubes acquired, indicating whether they were truck or passenger car tires and tubes and whether such tires were basic tire carcasses of the thickness in 32nd inches of the tread design depth at the shallowest point, and (2) the stocks on hand as of March 7, 1942, and the last day of each succeeding month thereafter.

(d) Such persons shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1315.1356 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 107 will be subject to the civil and criminal penalties provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 107 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.*

§ 1315.1357 *Petitions for amendment.* Persons seeking any modification of any provision of this Maximum Price Regulation No. 107 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.*

§ 1315.1358 *Definitions.* (a) When used in this Maximum Price Regulation No. 107 the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United

States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing;

(2) "Purchaser" means a person who buys or offers to buy a used tire or tube;

(3) "Seller" means a person who sells or offers to sell a used tire or tube;

(4) "Tire" means any rubber tire of the size and type described in Appendices A and B (§§ 1315.1360 and 1315.1361);

(5) "Used tire" means any rubber tire, capable of being used as a tire on a vehicle, of the size and type described in Appendices A and B (§§ 1315.1360 and 1315.1361), which has been run 1,000 miles or more and includes a retreaded or recapped tire which has been run 1,000 miles or more after having been retreaded or recapped;

(6) "Used tube" means any rubber tube, capable of being used as a tube within a tire casing, and of the size and type described in Appendices A and B (§§ 1315.1360 and 1315.1361), which has been run 1,000 miles or more;

(7) "Regrooved tire" means a used rubber tire, into the worn tread of which a new non-skid pattern has been cut or the old non-skid pattern cut deeper, and on which the resulting non-skid pattern is greater than 2/32" depth when measured at the shallowest point of the non-skid pattern, without exposing the breaker strip or fabric foundation;

(8) "Tread depth" means the entire thickness of rubber on the running surface of a tire including the tread design depth and the rubber beneath the tread design reaching to the breaker strip or fabric foundation;

(9) "Tread design depth" means the thickness of that part of the tread depth only which includes the pattern impressed into the rubber on the running surface of the tire whether originally or in retreading or capping, and does not include designs, patterns, or impresses made by regrooving;

(10) "Smooth tread" means the running surface of a tire from which the tread design has been worn off for a consecutive length of four inches or more, in any direction;

(11) "Basic tire carcass" means a used rubber tire with a smooth tread or a regrooved non-skid pattern of not more 2/32" depth when measured at the shallowest point of such non-skid pattern.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.*

§ 1315.1359 *Effective date.* This Maximum Price Regulation No. 107 (§§ 1315.1351 to 1315.1361, inclusive) shall become effective March 16, 1942.*

§ 1315.1360 *Appendix A: Maximum prices for used passenger car tires and tubes.* (a) The maximum price for any used passenger car tube shall be one dollar and fifty cents ($1.50).

(b) The maximum price for any used passenger car tire shall be the price listed in Table I–A.

TABLE I–A—MAXIMUM PRICES FOR USED PASSENGER CAR TIRES

Tire size	Tires retaining 2/32" or more tread design depth, when measured at the shallowest point	Tires retaining more than 2/32" but less than 5/32" tread design depth, when measured at the shallowest point	Tires retaining 5/32" or less tread design depth, when measured at the shallowest points, and regrooved tires	Tires with smooth treads and other basic tire carcasses
Balloon Tires				
6.75–18	$4.50	$3.65	$2.45	$1.50
4.00–15	4.30	3.50	2.35	1.50
4.00–18	4.95	4.05	2.70	1.50
4.25–12	4.70	3.85	2.55	1.50
4.40–21	6.05	4.95	3.20	1.50
4.50–12	5.00	4.10	2.75	1.50
4.50–20	6.05	4.95	3.30	1.50
4.50–21	6.05	4.55	3.30	1.50
4.75–19	6.10	4.95	3.30	1.50
4.75–20	6.05	4.95	3.30	1.50
4.75–21	5.95	4.85	3.25	1.50
5.00–15	5.90	4.80	3.20	1.50
5.00–16	6.40	5.20	3.50	1.50
5.00–17	6.10	4.95	3.30	1.50
5.00–19	6.05	4.95	3.30	1.50
5.00–20	6.05	4.95	3.30	1.50
5.00–21	6.35	5.20	3.45	1.50
5.00–22	6.55	5.35	3.55	1.50
5.25–17	7.45	6.10	4.05	1.50
5.25–5.50–17	6.80	5.55	3.70	1.50
5.25–18	8.25	6.75	4.50	1.50
5.25–19	8.30	6.80	4.55	1.50
5.25–20	8.30	6.75	4.50	1.50
5.25–21	7.25	5.90	3.95	1.50
5.50–16	7.45	6.10	4.05	1.50
5.50–17	6.80	5.55	3.70	1.50
5.50–18	8.25	6.75	4.50	1.50
5.50–19	8.30	6.80	4.55	1.50
5.50–20	8.10	6.65	4.45	1.50
6.00–16	8.80	7.20	4.80	1.50
6.00–17	8.80	7.20	4.80	1.50
6.00–6.50–17	9.50	7.75	5.20	1.50
6.00–18	10.55	8.60	5.75	1.50
6.00–20	11.80	9.65	6.45	1.50
6.00–21	10.50	8.60	5.75	1.50
6.00–22	10.75	8.80	5.85	1.50
6.00–23	11.00	9.00	6.00	1.50
6.25–16	9.15	7.45	5.00	1.50
6.25–6.50–16	9.85	8.05	5.35	1.50
6.50–15	9.65	7.90	5.25	1.50
6.50–16	9.85	8.05	5.35	1.50
6.50–17	10.65	8.70	5.80	1.50
6.50–18	9.50	7.75	5.20	1.50
6.50–19	10.55	8.60	5.75	1.50
6.50–20	11.80	9.65	6.45	1.50
7.00–15	10.90	8.90	5.95	1.50
7.00–16	11.15	9.15	6.10	1.50
7.00–17	15.00	12.30	8.20	1.50
7.00–18	12.80	10.45	7.00	1.50
7.00–19	15.05	12.35	8.20	1.50
7.00–20	12.95	10.60	7.05	1.50
7.00–21	11.60	9.60	6.60	1.50
7.50–14	12.95	10.60	7.05	1.50
7.50–15	13.55	11.10	7.40	1.50
7.50–16	14.15	11.60	7.75	1.50
7.50–17	20.45	16.70	11.15	1.50
7.50–18	12.80	10.45	7.00	1.50
7.50–19	15.05	12.35	8.20	1.50
8.25–16	15.50	12.65	8.45	1.50
8.25–16	20.50	16.75	11.20	1.50
High Pressure Tires				
30 x 3	$2.85	$3.15	$2.10	$1.50
30 x 3½	5.10	4.15	2.80	1.50
31 x 4	5.25	4.30	2.85	1.50
32 x 4	5.35	4.40	2.95	1.50
32 x 4½	5.50	4.50	3.00	1.50
33 x 4	5.50	4.50	3.00	1.50
33 x 4½	5.65	4.60	3.10	1.50
33 x 5	7.70	6.30	4.20	1.50
34 x 4	5.65	4.60	3.10	1.50
34 x 4½	5.80	4.75	3.15	1.50
34 x 5	8.00	6.55	4.35	1.50
35 x 5	5.50	4.50	3.00	1.50
37 x 6	8.50	4.80	3.00	1.50

§ 1315.1361 *Appendix B: Maximum prices for used truck and bus tires and tubes.* (a) The maximum price for any used truck or bus tire shall be the price listed in Table I–B.

(b) The maximum price for any used truck or bus tube shall be the price listed in Table II–B.

TABLE I–B—MAXIMUM PRICES FOR USED TRUCK AND BUS TIRES

Tire size	Plies	Tires retaining 2/32" or more tread design depth, when measured at the shallowest point	Tires retaining more than 2/32" but less than 5/32" tread design depth, when measured at the shallowest point	Tires retaining 5/32" or less tread design depth when measured at the shallowest point	Tires with smooth treads and other basic tire carcasses
6.00–16	6	$11.50	$9.45	$6.30	$3.00
6.00–17	6	12.80	10.45	7.00	3.00
6.00–20	6	13.20	10.80	7.20	4.20
6.00–20 (30 x 5)	8	15.25	12.45	8.30	6.00
6.50–16	6	13.30	10.90	7.25	3.50
6.50–17	6	14.50	11.90	7.90	3.50
6.50–20	6	15.40	12.60	8.40	4.50
6.50–20 (32 x 6)	8	19.40	15.90	10.60	6.00
7.00–15	6	15.60	12.80	8.50	4.00
7.00–16	6	15.95	13.05	8.70	4.00
7.00–17	6	16.10	14.85	9.90	4.50
7.00–17	8	19.55	16.00	10.65	4.80
7.00–18	8	19.70	16.10	10.75	5.00
7.00–20	8	20.00	16.40	10.90	6.00
7.00–20 (32 x 6)	10	26.15	21.40	14.25	8.40
7.00–24 (36 x 6)	10	30.30	24.80	16.55	7.20
7.50–15	6	19.95	13.05	8.70	4.00
7.50–16	6	19.95	16.30	10.90	5.00
7.50–16	8	21.95	17.95	11.95	5.80
7.50–17	8	23.80	19.50	13.00	6.00
7.50–18	8	25.15	20.80	13.90	6.20
7.50–18 (32 x 7)	10	34.15	27.95	18.65	8.00
7.50–20	8	26.20	21.40	14.30	7.20
7.50–20 (34 x 7)	10	34.90	28.55	19.00	9.60
7.50–20 (34 x 7)	12	40.10	32.80	21.85	10.20
7.50–24 (38 x 7)	10	39.10	32.00	21.35	7.20
8.25–15	10	37.70	30.85	20.55	7.20
8.25–18	10	36.15	29.60	19.75	10.80
8.25–20	10	37.20	30.45	20.30	10.80
8.25–20	12	42.85	35.05	23.35	10.80
8.25–22	10	39.80	32.60	21.70	10.80
8.25–24	10	42.00	34.40	22.90	10.80
9.00–13	6	20.10	16.45	10.95	6.00
9.00–15	12	47.20	38.65	25.75	12.00
9.00–18	10	42.95	35.15	23.45	12.00
9.00–20	10	44.40	36.35	24.25	12.00
9.00–20 (36 x 8)	12	51.98	42.55	28.35	12.00
9.00–22	10	46.60	38.15	25.45	12.00
9.00–24	10	48.50	39.65	26.45	12.00
9.00–24 (40 x 8)	12	55.55	45.45	30.30	12.00
10.00–15 (9.75–15)	12	53.30	43.60	29.05	13.20
10.00–16 (9.75–18)	12	54.80	44.80	29.90	13.20
10.00–20 (9.75–20)	12	56.30	46.05	30.70	13.20
10.00–20 (38 x 9)	14	67.75	55.45	36.95	13.20
10.00–22 (9.75–22)	12	59.30	48.55	32.35	13.20
10.00–24 (9.75–24)	12	60.95	49.90	33.25	13.20
11.00–20 (10.50–20)	12	66.30	54.25	36.15	14.40
11.00–20	14	79.85	65.30	43.55	14.40
11.00–22 (10.50–22)	12	70.15	57.40	38.25	14.40
11.00–24 (10.50–24)	12	72.70	59.50	39.65	14.40
12.00–20 (11.25–20)	14	86.95	71.15	47.45	16.80
12.00–20 (40 x 10)	16	100.80	82.45	55.00	16.80
12.00–24 (11.25–24)	14	93.40	76.20	50.80	16.80
12.00–24 (44 x 10)	16	100.80	88.40	58.95	18.00
13.00–20 (12.75–20)	16	120.45	98.55	65.70	18.00
13.00–24 (12.75–24)	16	131.60	107.65	71.80	18.00
14.00–20 (13.50–20)	16	132.80	108.65	72.40	19.20
14.00–24 (13.50–24)	16	140.90	115.25	76.85	19.20

TABLE II–B—MAXIMUM PRICES FOR USED TRUCK AND BUS TUBES

Tire size:	Maximum prices
6.00–16	$2.00
6.00–17/6.50–17	2.00
6.00–20/30 x 5	2.00
6.50–16	2.00
6.50–20/32 x 6–5"	2.00
7.00–15	2.00
7.00–16	2.00
7.00–17/7.50–17	2.00
7.00–18	2.00
7.00–20/32 x 6–6"	2.70
7.00–24/36 x 6	2.70
7.50–15	2.70
7.50–16	2.80

TABLE II–B—MAXIMUM PRICES FOR USED TRUCK AND BUS TUBES—Continued

Tire size—Continued.	Maximum prices
7.50–18/32 x 7	$3.40
7.50–20/34 x 7	3.55
7.50–24/38 x 7	3.85
8.25–15	3.90
8.25–18	4.00
8.25–20	4.05
8.25–22	4.35
8.25–24	4.65
9.00–13	4.70
9.00–15	4.70
9.00–18	4.70
9.00–20/36 x 8	4.70
9.00–22	4.90
9.00–24/40 x 8	5.15
10.00–15	4.75
10.00–18	4.90
10.00–20 (9.75–20)/38 x 9	5.00
10.00–22 (9.75–22)	5.20
10.00–24 (9.75–24)	5.35
11.00–20 (10.50–20)	6.00
11.00–22 (10.50–22)	6.40
11.00–24 (10.50–24)	7.10
12.00–20 (11.25–20)	8.00
12.00–24 (11.25–24)	8.90
13.00–20 (12.75–20)	10.60
13.00–24 (12.75–24)	11.80
14.00–20 (13.50–20)	12.30
14.00–24 (13.50–24)	14.00

Issued this 7th day of March 1942.

LEON HENDERSON,
Administrator.

[F .R. Doc. 42–2057; Filed, March 9, 1942; 3:37 p. m.]

PART 1364—FRESH, SMOKED, AND CANNED MEAT PRODUCTS

TEMPORARY MAXIMUM PRICE REGULATION NO. 8—DRESSED HOGS AND WHOLESALE PORK CUTS

In the judgment of the Price Administrator, it is necessary and proper, in order to effectuate the purposes of the Emergency Price Control Act of 1942, to issue a Temporary Regulation, establishing as the maximum prices for dressed hogs or wholesale pork cuts the prices prevailing with respect thereto within five days prior to the issuance of this Regulation.

The maximum prices established herein are not below prices which will reflect to producers of the agricultural commodities from which dressed hogs and wholesale pork cuts are produced a price for their products equal to the highest of any of the following prices therefor determined and published by the Secretary of Agriculture: (1) 110 per centum of the parity price for such commodity, adjusted by the Secretary of Agriculture for grade, location, and seasonal differentials; (2) the market prices prevailing for such commodity on October 1, 1941; (3) the market prices prevailing for such commodity on December 15, 1941; or (4) the average prices for such commodity during the period July 1, 1919, to June 30, 1929.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Temporary Maximum Price Regulation No. 8 is hereby issued.

§ 1364.1 *Maximum prices for dressed hogs and wholesale pork cuts.* (a) From March 23, 1942, to May 21, 1942, inclusive, regardless of any contract, agreement, or other obligation, no person shall sell or deliver, or offer, solicit, attempt, or agree to sell or deliver dressed hogs or wholesale pork cuts at prices higher than the maximum prices therefor. The provisions of this Section shall not be applicable to sales or deliveries of dressed hogs or wholesale pork cuts to a purchaser if, prior to March 23, 1942, such dressed hogs or wholesale pork cuts have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) Except as provided in paragraph (c) of this Temporary Maximum Price Regulation No. 8, the maximum price for each dressed hog or wholesale pork cut shall be the highest price at which such dressed hog or wholesale pork cut was listed in the price list or lists upon which the seller based his price quotations at the delivery point during the period March 3, 1942, to March 7, 1942, inclusive: *Provided* (1) That where the seller, because of unusual transportation, packaging and handling costs, customarily sold to certain buyers during the ninety day period prior to March 9, 1942 at prices higher than the list prices, he may continue to include such unusual costs as are actually incurred in the sales to those buyers; and (2) That the seller must continue to allow all the shading privileges or discounts from his price list or lists which were customary during the ninety day period prior to March 9, 1942 and which were based on cost differentials arising from low transportation or packaging costs or any other saving in the cost of handling; except that the provisions of this Proviso No. 2 of paragraph (b) shall not apply to any sales of dressed hogs or wholesale pork cuts to the Federal Surplus Commodities Corporation or to any purchasing agency of the armed forces of the United States.

(c) Where the seller customarily sold dressed hogs or wholesale pork cuts to certain buyers during the ninety day period prior to March 9, 1942 at prices based upon market quotations rather than upon his price list or lists, the maximum prices to such buyers shall be the highest prices at which such dressed hogs or wholesale pork cuts were listed in such market quotations during the period March 3, 1942, to March 7, 1942, inclusive, making adjustment for the transportation differentials which were in effect during the ninety day period.

(d) If the maximum price for any dressed hog or wholesale pork cut cannot be determined under paragraphs (b) or (c) above, the maximum price shall be the highest price at which the seller contracted or agreed, during the period March 3, 1942 to March 7, 1942 inclusive, to sell such dressed hog or wholesale pork cut to a similar purchaser in the locality of the delivery point.

(e) If the maximum price cannot be determined under paragraphs (b), (c), or (d) above, the maximum price shall be the highest price at which the seller contracted or agreed, during the period March 3, 1942 to March 7, 1942 inclusive, to sell such dressed hog or wholesale pork cut to a similar purchaser at the nearest delivery point, making adjustment for the differences between transportation charges from the seller's shipping point to each of the two delivery points.

(f) If the maximum price cannot be determined under paragraphs (b), (c), (d), or (e) above, the maximum price shall be the highest price at which any seller contracted or agreed, during the period March 3, 1942 to March 7, 1942 inclusive, to sell such dressed hog or wholesale pork cut to a buyer in the locality of the delivery point.*

*§§ 1364.1 to 1364.12, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1364.2 *Conditional agreements.* No seller of dressed hogs or wholesale pork cuts shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1364.1, in the event that this Temporary Maximum Price Regulation No. 8 is amended or is determined by a court to be invalid or upon any other contingency: *Provided,* That if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this Section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.*

§ 1364.3 *Exempt sales.* The provisions of this Temporary Maximum Price Regulation No. 8 shall not apply to sales at retail.*

§ 1364.4 *Less than maximum prices.* Lower prices than those set forth in § 1364.1 may be charged, demanded, paid, or offered.*

§ 1364.5 *Evasion.* The price limitations set forth in this Temporary Maximum Price Regulation No. 8 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of, or relating to, dressed hogs or wholesale pork cuts, alone or in conjunction with any other commodity, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or by changing the style of cutting, curing, smoking, or pickling dressed hogs or wholesale pork cuts, or otherwise.*

§ 1364.6 *Records and reports.* (a) Not later than March 21, 1942 every person

[1] 7 F.R. 971.

making sales subject to § 1364.1 above, shall file with the Office of Price Administration in Washington, D. C., a copy of each and every price list, together with all amendments thereto, used by him during the periods February 23, 1942 to February 28, 1942 inclusive and March 3, 1942 to March 7, 1942 inclusive, upon which he based his sales price quotations. He shall also submit a sworn statement certifying (1) that such copy or copies are true and correct; (2) the area or areas in which each list was applicable; (3) the period during which each such list was in effect; (4) customary deductions from and additions to the list prices, representing the cost differentials referred to in paragraph (b) of § 1364.1; and (5) whether the prices quoted in such list were delivered prices or f. o. b. seller's shipping point.

(b) Every person who files a price list with the Office of Price Administration pursuant to the provisions of the above paragraph shall attach thereto a sworn statement indicating whether any of his sales of dressed hogs or wholesale pork cuts during the period March 3, 1942 to March 7, 1942 were based upon market quotations rather than on his price list or lists. Such statement shall identify (1) each purchaser to whom such a sale was made; (2) customary transportation charge differentials in sales to him; and (3) the market quotations upon which the sales to him were based.

(c) Every person making a sale of any dressed hogs or wholesale pork cuts during the period March 23, 1942, to May 21, 1942, inclusive, in the course of trade or business or otherwise dealing therein, shall make and preserve for a period of not less than one year complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer and seller, the quantity and weight sold, and the price charged or received therefor.

(d) Persons affected by this Temporary Maximum Price Regulation No. 8 shall submit such other reports to the Office of Price Administration as it may from time to time require.*

§ 1364.7 *Validity of price list.* (a) No price list may be used as the basis for determining the seller's maximum prices under the provisions of paragraph (b) of § 1364.1 of this Regulation, unless the prices contained therein reasonably approximate the prices at which the seller actually sold, during the period March 3, 1942 to March 7, 1942, inclusive, the items listed therein.

(b) If any seller who has submitted a price list or lists according to the provisions of § 1364.6 (a) is requested by the Office of Price Administration to show that such prices do so approximate his actual selling prices, he shall make such showing to the satisfaction of the Office of Price Administration within two weeks of his receipt of such request.*

§ 1364.8 *Enforcement.* (a) Persons violating any provision of this Temporary Maximum Price Regulation No. 8 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Temporary Maximum Price Regulation No. 8 or any price schedule, regulation, or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.*

§ 1364.9 *Petitions for amendment.* Persons seeking modification of any provision of this Temporary Maximum Price Regulation No. 8 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.*

§ 1364.10 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 8, the term:

(1) "Person" means individual, corporation, partnership, association, car route, packer's branch house, or other organized group of persons, or legal successor or representative of any of the foregoing;

(2) "Wholesale pork cuts" means only the following standard cuts:

Regular Hams Fresh or Frozen.
Regular Hams Cured.
Regular Hams Smoked.
Regular Hams Boiled.
Regular Hams Baked.
Skinned Hams Baked.
Skinned Hams Boned and Rolled.
Picnics Fresh or Frozen.
Picnics Cured.
Picnics Smoked.
Picnics Boned and Rolled.
Shoulders Fresh or Frozen.
Shoulders Cured.
Shoulders Smoked.
Shoulders Boned and Rolled.
Regular Pork Loins Fresh or Frozen.
Boneless Pork Loins.
Canned or Packaged Spiced Luncheon Meat Made Entirely From Pork.
Regular Hams Boned and Rolled.
Skinned Hams Fresh or Frozen.
Skinned Hams Cured.
Skinned Hams Smoked.
Skinned Hams Boiled.
Boston Butts Fresh or Frozen.
Bellies Fresh or Frozen.
Bellies Dry Cured or Dry Salt Cured.
Bellies Sweet Pickle Cured.
Bellies Dry Salt Cured and Smoked.
Smoked Slab Bacon.
Canadian Bacon.
Canadian Sliced Bacon.
Sliced Bacon.
Fat Backs Fresh or Frozen.
Fat Backs Cured.
Spare Ribs Fresh or Frozen.
Canned or Packaged Spiced Ham.

Cuts of different weights of any of the above items shall be considered separate wholesale pork cuts.

(3) "Price list" means the list of prices in writing, prepared by the seller, upon the basis of which the prices of dressed hogs or wholesale pork cuts are quoted;

(4) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no wholesaler, processor, packer, slaughterer, purchaser for resale, commercial user, or government agency, shall be deemed to be an ultimate consumer;

(5) "Locality of the Delivery Point" means all places at which the seller customarily sells the same dressed hogs or wholesale pork cuts at the same prices as those at which he sells at the delivery point;

(6) "Similar", when used in the phrase "similar purchaser", refers to the type of purchaser to whom the same price customarily applied during the ninety day period prior to March 9, 1942.

(b) Unless the context otherwise requires, the definitions set forth in Section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.*

§ 1364.11 *Replacement of Regulation.* This Temporary Maximum Price Regulation No. 8 may be replaced by a permanent Maximum Price Regulation or Order issued under the Emergency Price Control Act of 1942.*

§ 1364.12 *Effective period.* This Temporary Maximum Regulation No. 8 shall become effective on March 23, 1942, and shall, unless earlier revoked or replaced, expire at 12 o'clock midnight, May 21, 1942.*

Issued this 9th day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-2060; Filed, March 9, 1942; 5:05 p. m.]

PART 1401—SYNTHETIC TEXTILE PRODUCTS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 95 [1]—NYLON HOSE

Paragraph (a) of § 1401.1 is amended to read as follows and a new § 1401.9a is added as set forth below:

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith: [2]

§ 1401.1 *Maximum prices for nylon hose.* (a) On or after February 10, 1942, regardless of the terms of any contract of sale or purchase, or other commitment, no person shall sell, offer to sell, deliver or transfer nylon hose and no person shall buy, offer to buy, or accept delivery of nylon hose, at prices higher than the maximum prices set forth in § 1401.10, Appendix A: *Provided*, That contracts entered into on or after February 5 and prior to February 10, 1942, at prices not exceeding the maximum prices established by this Price Schedule (§§ 1401.1 to 1401.9, inclusive) during such period [3] may be carried out at the contract price.

* * * * *

[1] 7 F.R. 1386.

[2] The Statement of Considerations has been filed with the Division of the Federal Register.

[3] 7 F.R. 765, 822.

§ 1401.9a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1401.1 (a), 1401.9a) to Revised Price Schedule No. 95 shall become effective March 10, 1942.

(Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 9th day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42-2055; Filed, March 9, 1942; 3:35 p. m.]

Notices

DEPARTMENT OF THE INTERIOR.

[Docket No. B-224]

IN THE MATTER OF JOHN A. MCNULTY, JR., CODE MEMBER, DEFENDANT

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 9, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 12, 1942, by Bituminous Coal Producers Board for District No. 9, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 20, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Post Office Building, Owensboro, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendant and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendant; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging willful violation by the above-named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the defendant, John A. McNulty, Jr., whose address is Owensboro, Kentucky, wilfully violated section 4 Part II (e) and (g) of the Bituminous Coal Act of 1937 and Part II (e) and (g) of the Bituminous Coal Code by selling and delivering by truck during the period August 27 through September 7, 1941, to the Daviess County Board of Education, Owensboro, Kentucky, approximately 73.36 tons of 1½" lump coal produced at the defendant's J. Lee Rudy Mine, Mine Index No. 246, located in District No. 9, Daviess County, Kentucky, at a delivered price of $2.04 per net ton, whereas said coal was classified as Size Group 6 and priced at $1.70 per net ton f. o. b. said mine, as set forth in the Schedule of Effective Minimum Prices for District No. 9 for Truck Shipments. In these transactions said defendant failed to add to the applicable minimum f. o. b. mine price an amount not less than the estimated actual cost, arrived at in good faith in a reasonable manner, of the truck transportation from the mine to the Whitesville School at Whitesville, Kentucky, and the Philpot School at Philpot, Kentucky, distances of approximately 19 and 12 miles, respectively, as required by Price Instruction 5 of Supplement No. 1 of said Schedule.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Bituminous Coal Code or directing the Code member to cease and desist from violating the Bituminous Coal Code and regulations made thereunder.

Dated: March 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2075; Filed, March 10, 1942; 10:18 a. m.]

[Docket No. C-6]

IN THE MATTER OF THE APPLICATION OF EMERALD COAL AND COKE COMPANY FOR APPROVAL OF A CONTRACT FOR THE SALE OF COAL PURSUANT TO RULE 5 OF SECTION VI OF THE MARKETING RULES AND REGULATIONS

ORDER POSTPONING HEARING

The original petitioner having moved that the hearing in the above-entitled matter heretofore scheduled for March 10, 1942, be postponed for a period of ninety days, and having shown good cause why said motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from March 10, 1942, until 10 o'clock in the forenoon of June 9, 1942, at the place and before the officers heretofore designated.

Dated: March 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2076; Filed, March 10, 1942; 10:18 a. m.]

[Docket No. B-198]

IN THE MATTER OF BOOTH, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 0928

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on March 11, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Federal Building, Catlettsburg, Kentucky; and

The above-named registered distributor having filed with the Division an application based upon admissions for disposition of compliance proceeding without formal hearing pursuant to § 301.132 of the Rules of Practice and Procedure; and

It appearing to the Acting Director that under such circumstances it is advisable to postpone said hearing.

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same is hereby postponed to a date and at a hearing room to be hereafter designated by an appropriate Order.

Dated: March 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2077; Filed, March 10, 1942; 10:18 a. m.]

[Docket No. B-29]

IN THE MATTER OF CHIARAMONTE COAL COMPANY (JOE CHIARAMONTE), DEFENDANT

ORDER OF DISMISSAL

District Board 18 having filed a complaint with the Bituminous Coal Division on June 30, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by the defendant, Chiara-

monte Coal Company, a code member in District 18, of the Bituminous Coal Code and rules and regulations thereunder as follows:

By selling during the month of January 1941, to the Gallup Mercantile Company, of Gallup, New Mexico, approximately 112.5 tons of slack coal (Size Group 11), produced at the Chiaramonte Mine (Mine Index No. 106), at a delivered price of $1.90 per net ton whereas the effective minimum price for such coal for truck shipment was $1.90 per net ton f. o. b. the mine, plus at least the actual cost of delivering the coal from the mine to the purchaser;

The defendant having filed an answer denying material allegations of the complaint;

Pursuant to an Order of the Director and after due notice to interested persons, a hearing in this matter having been held on December 4, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Albuquerque, New Mexico, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

Appearances having been entered at the hearing by the complainant, District Board 18, and the defendant;

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law, and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the complaint filed herein against the Chiaramonte Coal Company (Joe Chiaramonte) be and hereby is dismissed.

Dated: March 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2078; Filed, March 10, 1942; 10:18 a. m.]

[Docket No. A-721 Part II]

PETITION OF DISTRICT BOARD NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 1193 OF DISTRICT NO. 3, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER GRANTING MOTION FOR CONTINUANCE

The original petitioner having filed a motion to continue the reopened hearing in the above-entitled matter heretofore scheduled for March 9, 1942, for a period of 30 days; and

It appearing that good cause has been shown why such hearing should be so continued;

Now, therefore, it is ordered, That the said motion be, and it hereby is, granted;

It is further ordered, That the hearing in the above-entitled matter be, and it hereby is, continued from 10 o'clock in the forenoon of March 9, 1942, until 10 o'clock in the forenoon of April 8, 1942, at the place and before the officer heretofore designated.

Dated: March 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2079; Filed, March 10, 1942; 10:19 a. m.]

[Docket Nos. A-1309, and A-1309, Part II]

PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 15 AND PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 1579 AND 1587 AND FOR REVISION IN THE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 890 AND 164 IN DISTRICT NO. 15

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1309, PART II FROM DOCKET NO. A-1309, GRANTING CERTAIN TEMPORARY RELIEF IN DOCKET NO. A-1309, PART II AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1309, PART II

The original petition filed with this Division by the above-named party in Docket No. A-1309, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requests the establishment of temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 15; a change in the county designation of Mine Index No. 890 of code member M. R. Phears in that district; and certain revisions in the price classifications and minimum prices for the coals of Mine Index No. 164 of the R. & R. Coal Co. in that district, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

As indicated in a separate order issued in Docket No. A-1309, a reasonable showing of necessity has been made for the granting of the relief prayed for by petitioner except with respect to the establishment of permanent price classifications and minimum prices for the coals of Mine Index No. 1587 of code member Pearson & Son and of Mine Index No. 1579 of code member James Trent, both in Production Group No. 3, Putnam County, Missouri, and with respect to the revisions requested relating to Mine Index Nos. 890 and 164.

On February 18, 1942, a petition of intervention was filed in this matter by District Board No. 12 praying that the permanent establishment of the price classifications and minimum prices proposed by the original petitioner for the coals of Mine Index Nos. 1587 and 1579 be denied pending final determination of related and analogous issues in Dockets Nos. A-179 and A-492, which were consolidated by the order of May 12, 1941, therein, and that the request in the original petition for a reduction of 20 cents per ton in the proposed minimum price for the mine run coals of those mines containing 30% or more screenings that will pass through a 1¼" screen also be denied.

After due consideration it appears that an adequate showing of necessity has been made and that temporary relief should be granted as to the coals of Mine Index Nos. 1587 and 1579 as prayed for by the original petitioner, in respect to the proposed price classifications and minimum prices therefor and the proposed reduction in such minimum prices for the mine run (Size Group 9) coals containing more than the said percentage of screenings. It appears, however, that the original petition does not allege sufficient facts for the granting of permanent relief in those respects, without a hearing. Moreover, it also appears that the petition does not allege sufficient facts for the granting of relief with respect to the requested change in county designation of Mine Index No. 890, the requested change in the production group number and the proposed revisions in the price classifications and minimum prices presently effective for the coals of Mine Index No. 164, without a hearing.

Now, therefore, it is ordered, That the portion of Docket No. A-1309 relating to the coals of Mine Index No. 890 of M. R. Phears, Mine Index No. 164 of the R. & R. Coal Co., Mine Index No. 1587 of Pearson and Son, and Mine Index No. 1579 of James Trent be and it hereby is severed from the remainder of Docket No. A-1309 and designated as Docket No. A-1309, Part II.

It is further ordered, That a hearing in Docket No. A-1309, Part II under the applicable provisions of the Bituminous Coal Act of 1937 and the rules of the Division be held on March 24, 1942, at 10 o'clock in the forenoon of that day at a hearing room of the Bituminous Coal Division, Room 536, Dwight Building, in Kansas City, Missouri.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions of law and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before March 19, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of the original petition.

The matter concerned herewith is in regard to the petition of District Board No. 15 for (1) the establishment of price classifications and minimum prices for the coals of Mine Index No. 1587 of Pearson and Son and of Mine Index No. 1579 of James Trent for truck shipments and of a reduction of 20 cents per ton in the minimum price for such coals in Size Group 9 (mine run) containing 30% or more screenings that will pass through 1¼" screen; (2) for a change from Monroe (Missouri) to Ralls (Missouri) in the county designation of Mine Index No. 890 of M. R. Phears; and (3) for certain reductions in the minimum prices for the coals of Mine Index No. 164 of the R. & R. Coal Co., for truck shipments, as follows:

	Prices				
Size groups	1	2	3	4	6
From	485	485	485	435	385
To	435	435	435	385	335

for revision in certain effective minimum prices for those coals, for shipment by rail, by changing them from the prices now effective for all coals, for rail shipment, produced in Production Group 7 to the prices now effective for all coals, for rail shipment, produced in Production Group 8 in District No. 15; and for a corresponding change from 7 to 8 in the production group number of that mine (Mine Index No. 164).

It is further ordered that temporary relief, pending final disposition of Docket No. A-1309, Part II, is hereby granted as follows: Commencing forthwith the Schedule of Effective Minimum Prices for District No. 15 for Truck Shipments is supplemented to include the following price classifications and minimum prices:

District No. 15 (truck shipments) prices in cents per net ton for shipment into all market areas

Mine index No.	Code member	Mine name	Production group No.	County
1587	Pearson & Son	William Gray	3	Putnam, Mo.
1579	Trent, James (Trent Coal Co.)	Trent	3	Putnam, Mo.

Prices and size group numbers

Mine Index Nos.	Size groups													
	1	2	3	4	5	6	7	8	9	10	11	12	14	15
1587	230	230	230	230	230	215	200	190	230	185	210	195	135	358
1579	230	230	230	230	230	215	200	190	230	185	210	195	135	353

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: March 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2080; Filed, March 10, 1942; 10:19 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF LOCALITIES IN COUNTY IN WHICH LOANS, PURSUANT TO TITLE I OF THE BANKHEAD-JONES FARM TENANT ACT, MAY BE MADE

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, loans made in the county mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

Region V—Alabama

Cleburne County:

Locality I—Consisting of Precincts 6, 7, 8, 9, 10, 11, 12, and 14, $1,399.

Locality II—Consisting of Precincts 1, 2, 3, 4, and 15, $846.

The purchase price limit previously established for the county above-mentioned is hereby cancelled.

Approved March 2, 1942.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-2084; Filed, March 10, 1942; 11:30 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6003]

IN RE APPLICATION OF GRANITE DISTRICT RADIO BROADCASTING CO., MURRAY, UTAH, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 3d day of March 1942;

The Commission having under consideration the application of Granite District Radio Broadcasting Company for construction permit (Docket No. 6003) and the proceedings held thereon; and

It appearing, that subsequent to the hearing held on said application, the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58,106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any materials of a type determined by the War Production Board to be critical.

2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and populations.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58,106),

4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2064; Filed, March 10, 1942; 9:50 a. m.]

[Docket No. 6190]

IN RE APPLICATION OF NEWARK BROADCASTING CORPORATION, NEWARK, NEW JERSEY, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 4th day of March 1942;

The Commission having under consideration the application of Newark Broadcasting Corporation for construction permit (Docket No. 6190) and the proceedings held thereon; and

It appearing, that subsequent to the hearing held on said application, the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, that the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.
2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.
3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).
4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2061; Filed, March 10, 1942; 9:49 a. m.]

[Docket No. 6131]

IN RE APPLICATION OF HENNESSY BROADCASTING COMPANY, BUTTE, MONTANA, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 4th day of March 1942;

The Commission having under consideration the application of Hennessy Broadcasting Company for construction permit (Docket No. 6131) and the proceedings held thereon; and

It appearing, that subsequent to the hearing held on said application, the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, that the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.
2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.
3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).
4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2062; Filed, March 10, 1942; 9:49 a. m.]

[Docket No. 6157]

IN RE APPLICATION OF LOUISIANA COMMUNICATIONS, INC. (NEW) BATON ROUGE, LOUISIANA FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 4th day of March 1942;

The Commission having under consideration the application of Louisiana Communications, Inc. for construction permit (Docket No. 6157) and the proceedings held thereon; and

It appearing that subsequent to the hearing held on said application, the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.
2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.
3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).
4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2063; Filed, March 10, 1942; 9:49 a. m.]

[Docket No. 6141]

IN RE APPLICATION OF MIDSTATE RADIO CORPORATION, UTICA, NEW YORK, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 4th day of March 1942;

The Commission having under consideration the application of Midstate Radio Corporation for construction permit (Docket No. 6141) and the proceedings held thereon; and

It appearing that subsequent to the hearing held on said application, the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.
2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.
3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).
4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2065; Filed, March 10, 1942; 9:50 a. m.]

[Docket No. 6043]

IN RE APPLICATION OF UTICA OBSERVER-DISPATCH, INC., UTICA, NEW YORK, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of March 1942;

The Commission having under consideration the application of Utica Observer-Dispatch, Inc., for construction permit (Docket No. 6043) and the proceedings held thereon; and

It appearing that subsequent to the hearing held on said application, the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.
2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.
3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).
4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2066; Filed, March 10, 1942; 9:51 a. m.]

[Docket No. 6150]

IN RE APPLICATION OF WBAM, INCORPORATED, BIRMINGHAM, ALABAMA, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 4th day of March 1942;

The Commission having under consideration the application of WBAM, Incorporated for construction permit (Docket No. 6150) and the proceedings held thereon; and

It appearing that subsequent to the hearing held on said application, the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.
2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.
3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).
4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2067; Filed, March 10, 1942; 9:51 a. m.]

[Docket No. 6140]

IN RE APPLICATION OF UTICA BROADCASTING COMPANY, INC., UTICA, NEW YORK, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of March 1942;

The Commission having under consideration the application of Utica Broadcasting Company, Inc. for construction permit (Docket No. 6140) and the proceedings held thereon; and

It appearing that subsequent to the hearing held on said application, the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.
2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.
3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).
4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2068; Filed, March 10, 1942; 9:51 a. m.]

[Docket No. 6193]

IN RE APPLICATION OF TENNESSEE RADIO CORPORATION (NEW), NASHVILLE, TENNESSEE, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of March 1942;

The Commission having under consideration the application of Tennessee Radio Corporation for construction permit (Docket No. 6193) and the proceedings held thereon; and

It appearing that subsequent to the hearing held on said application, the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.
2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.
3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).
4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2069; Filed, March 10, 1942; 9:51 a. m.]

[Docket No. 6147]

IN RE APPLICATION OF GEORGE JOHNSTON, JR., BIRMINGHAM, ALABAMA, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of March 1942;

The Commission having under consideration the application of George Johnston, Jr., for construction permit (Docket No. 6147) and the proceedings held thereon; and

It appearing that subsequent to the hearing held on said application, the Commission adopted a policy with re-

spect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2070; Filed, March 10, 1942; 9:52 a. m.]

[Docket No. 6134]

IN RE APPLICATION OF JEFFERSON BROADCASTING CORPORATION, BIRMINGHAM, ALABAMA, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 4th day of March, 1942;

The Commission having under consideration the application of Jefferson Broadcasting Corporation for construction permit (Docket No. 6134) and the proceedings held thereon; and

It appearing, that subsequent to the hearing held on said application the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2071; Filed, March 10, 1942; 9:52 a. m.]

[Docket No. 6155]

IN RE APPLICATION OF AIR-WAVES, INC. (NEW), BATON ROUGE, LOUISIANA, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 4th day of March, 1942;

The Commission having under consideration the application of Air-Waves, Inc. for construction permit (Docket No. 6155) and the proceedings held thereon; and

It appearing, that subsequent to the hearing held on said application, the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2072; Filed, March 10, 1942; 9:52 a. m.]

[Docket No. 6191]

IN RE APPLICATION OF R. O. HARDIN AND J. C. BUCHANAN D/B AS NASHVILLE BROADCASTING COMPANY (NEW), NASHVILLE, TENNESSEE, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 4th day of March, 1942;

The Commission having under consideration the application of R. O. Hardin and J. C. Buchanan, d/b as Nashville Broadcasting Company for construction permit (Docket No. 6191) and the proceedings held thereon; and

It appearing, that subsequent to the hearing held on said application, the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106).

4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2073; Filed, March 10, 1942; 9:52 a. m.]

[Docket No. 6132]

IN RE APPLICATION OF BARCLAY CRAIGHEAD, BUTTE, MONTANA, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 4th day of March, 1942;

The Commission having under consideration the application of Barclay Craighead for construction permit (Docket No. 6132) and the proceedings held thereon; and

It appearing, that subsequent to the hearing held on said application, the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2074; Filed, March 10, 1942; 9:53 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. IT-5765, IT-5766]

IN THE MATTERS OF SUPERIOR WATER, LIGHT & POWER COMPANY AND NORTHERN POWER COMPANY

ORDER POSTPONING HEARINGS

MARCH 7, 1942.

It appearing to the Commission that: Good cause has been shown for the postponement of the hearings in the above-entitled matters;

The Commission *orders* that: The hearings in the above-entitled matters, heretofore set for March 9, 1942, be and the same are hereby postponed to March 12, 1942, at 10 a. m., in the Hearing Room of the Public Service Commission of Wisconsin in the State Office Building, Madison, Wisconsin.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 42-2053; Filed, March 9, 1942; 3:16 p. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4521]

IN THE MATTER OF LOUIS GLASSER, INDIVIDUALLY, AND TRADING AS PARAMOUNT YARN COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of March, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, March 17, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and receive evidence in this proceeding on behalf of the respondent. The Trial Examiner will then close the case and make his report on the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-2087; Filed, March 10, 1942; 11:43 a. m.]

[Docket No. 4592]

IN THE MATTER OF NATIONAL WHOLESALE HARDWARE ASSOCIATION, ET AL.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of March, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That Arthur F. Thomas, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, March 16, 1942, at ten o'clock in the forenoon of that day (Eastern Standard Time), in Room 3088-K, Federal Building, 9th and Chestnut Streets, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and receive evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-2088; Filed, March 10, 1942; 11:43 a. m.]

[Docket No. 4620]

IN THE MATTER OF IDENTIFICATION PLATE AND MACHINE COMPANY, INC., A CORPORATION, AND JOHN B. POLLARD AND ROBERT C. FAIRBERG, INDIVIDUALLY AND AS OFFICERS OF IDENTIFICATION PLATE AND MACHINE COMPANY, INC.

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of March, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, March 23, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in the Hotel Picadilly, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-2089; Filed, March 10, 1942; 11:43 a. m.]

[Docket No. 4626]

IN THE MATTER OF BENJAMIN GOLDMAN, INDIVIDUALLY AND TRADING AS TIGER YARN COMPANY, MINNETTE YARN COMPANY, BENGO YARN SHOP, AND GOLDMAN'S YARN SHOP

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of March, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Wednesday, March 18, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-2090; Filed, March 10, 1942; 11:44 a. m.]

[Docket No. 4631]

IN THE MATTER OF ABRAHAM WELKIN AND MINNIE WELKIN, HIS WIFE, INDIVIDUALLY AND TRADING AS PRINCESS YARN COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of March, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., Section 41),

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, March 16, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-2091; Filed, March 10, 1942; 11:44 a. m.]

[Docket No. 4659]

IN THE MATTER OF ARNOLD A. SALTZMAN AND IRVING SALTZMAN, INDIVIDUALLY AND TRADING AS PREMIER KNITTING COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of March, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, March 23, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-2092; Filed, March 10, 1942; 11:45 a. m.]

[Docket No. 4665]

IN THE MATTER OF S. REIFFE & SONS, INC., A CORPORATION, INDIVIDUALLY AND DOING BUSINESS UNDER THE TRADE NAMES FAIRMOUNT MERCHANDISE COMPANY AND CROWN MAIL ORDER COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of March, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C., section 41),

It is ordered, That John W. Addison, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, March 23, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 500, 45 Broadway, New York, New York.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-2093; Filed, March 10, 1942; 11:45 a. m.]

[Docket No. 4691]

IN THE MATTER OF MERVIN WINEHOLT TRADING AS WINEHOLT COMPANY AND MERVIN WINEHOLT COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D C., on the 6th day of March, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Thursday, March 26, 1942, at ten o'clock in the forenoon of that day (eastern standard time) in Room 3088-K, Federal Building, Ninth & Chestnut Streets, Philadelphia, Pennsylvania.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-2094; Filed, March 10, 1942; 11:45 a. m.]

[Docket No. 4653]

IN THE MATTER OF EARL HALL, AN INDIVIDUAL, TRADING AS UNITED WATCH COMPANY

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 6th day of March, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That James A. Purcell, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Monday, March 16, 1942, at ten o'clock in the forenoon of that day (central standard time) in Hearing Room of the Hotel Nicollett, Minneapolis, Minnesota.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-2095; Filed, March 10, 1942; 11:46 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-508]

IN THE MATTER OF UNION ELECTRIC COMPANY OF MISSOURI AND UNION ELECTRIC COMPANY OF ILLINOIS

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 9th day of March, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested person may, not later than March 20, 1942 at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of the Commission, for a statement of the transactions therein proposed, which are summarized below:

Union Electric Company of Missouri, a registered holding company and a subsidiary of The North American Company, also a registered holding company, proposes: (a) to issue and sell $10,000,000 additional principal amount of its First Mortgage and Collateral Trust Bonds, 3⅜% Series due 1971 and publicly to invite sealed, written proposals for their purchase and to use the proceeds therefrom for new construction and for the purchase of additional common stock of its subsidiary, Union Electric Company of Illinois; (b) to purchase, from time to time during the period ending April 30, 1943, for cash at the par value thereof, up to 500,000 shares having an aggregate par value of $10,000,000 of additional common stock of Union Electric Company of Illinois and to deposit all shares so purchased with the Trustee under the mortgage securing its First Mortgage and Collateral Trust Bonds; and (c) in the event all necessary steps prerequisite to the issue and sale of the common stock of Union Electric Company of Illinois have not been completed prior to the time when Union Electric Company of Illinois may be in need of additional funds, to advance to Union Electric Company of Illinois, from time to time during the period ending April 30, 1943, sums aggregating up to $1,000,000, without interest, to be applied against the purchase price of the common stock to be subsequently purchased as set forth in (b) above; and

Union Electric Company of Illinois proposes: (a) to issue and sell to Union Electric Company of Missouri, from time to time during the period ending April 30, 1943, for cash at the par value thereof up to 500,000 shares having an aggregate par value of $10,000,000 and to use the proceeds therefrom for new construction; and (b) in case all necessary steps prerequisite to the issue and sale of its common stock have not been completed prior to the time when it may be in need of additional funds, to borrow from Union Electric Company of Missouri, from time to time during the period ending April 30, 1943, sums aggregating up to $1,000,000, without interest, to be applied against the purchase price of its common stock subsequently sold as set forth in (a) above and to use the proceeds from any such advances for new construction.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2096; Filed, March 10, 1942; 11:46 a. m.]

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Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

PART 3—FUNCTIONS OF ADMINISTRATIVE OFFICERS

FUNCTIONS, POWERS, AUTHORITY, AND DUTIES OF THE ASSISTANT CHIEF, ADMINISTRATIVE DIVISION

Section 3.71 of title 6, Code of Federal Regulations, as amended (FCA Order 314, April 7, 1941; 6 F.R. 1809), is further amended to read as follows:

§ 3.71 *Functions, powers, authority, and duties of Assistant Chief, Administrative Division.* The Assistant Chief, Administrative Division, is authorized to execute and perform all functons, powers, authority, and duties pertaining to the office of the Chief, Administrative Division, in the event the Chief, Administrative Division, is unavailable to act by reason of absence from the central office of the Farm Credit Administration or for any other cause. (Sec. 16, 48 Stat. 1221; 12 U.S.C. 1766; E.O. 6084, Mar. 27, 1933; 6 CFR 1.1 (m); Memorandum No. 846, Sec. of Agric., Jan. 6, 1940.)

[SEAL] A. G. BLACK,
Governor.

[F. R. Doc. 42-2107; Filed, March 11, 1942; 11:37 a. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Regulations, Serial No. 209]

PART 50—FLYING SCHOOL RATING

SPECIAL REGULATION AUTHORIZING PATHFINDER FLYING SERVICE TO COMPLETE THEIR 1942 SPRING CIVILIAN PILOT TRAINING CONTRACTS AT CARSON CITY, NEVADA

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 10th day of March, 1942.

It appearing that:

(a) The Pathfinder Flying Service in conjunction with the Stockton Junior College, Stockton, California, and the Pathfinder Flying Service in conjunction with the Modesto Junior College, Modesto, California, are holders of flying school ratings and certificates issued pursuant to the provisions of Part 50 of the Civil Air Regulations;

(b) These two schools have been required to move their locations to Carson City, Nevada, by reason of the emergency existing in California caused by the present state of war;

(c) The provisions of Part 50 of the Civil Air Regulations require the holder of a flying school rating and certificate to maintain personnel, facilities, and equipment at least equal in quality and quantity to those required for the issuance of such certificate;

(d) These two schools are unable to provide suitable hangar space, sufficient to house adequately all aircraft used for the purpose of flight instruction at Carson City, Nevada, in time to complete their Spring Civilian Pilot Training contracts;

(e) The failure to provide adequate hangar facilities will not adversely affect the instruction given in these schools;

The Board finds that:

Its action is desirable in the public interest;

Now therefore, the Civil Aeronautics Board, acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601, and 607 of said Act makes and promulgates the following special regulation:

The provisions of Part 50 of the Civil Air Regulations with respect to maintaining suitable hangar space, sufficient to house adequately all aircraft used for the purpose of flight instruction at least equal in quality and quantity to those required for the issuance of a flying school rating and certificate shall not apply to the Pathfinder Flying Service while conducting its operations

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FEDERAL REGISTER

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at Carson City, Nevada, pursuant to the provisions of its 1942 Spring Civilian Pilot Training contracts.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-2108; Filed, March 11, 1942; 11:45 a. m.]

[Regulations, Serial Number 208]

PART 224—TARIFFS [1]

FILING, POSTING AND PUBLISHING OF TARIFFS BY AIR CARRIERS AND FOREIGN AIR CARRIERS

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 9th day of March, 1942.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a) and 403 (a) thereof, and deeming its action necessary to carry out the provisions of said Act and to exercise its powers and perform its duties thereunder, hereby makes and promulgates the following regulation:

Effective on the 20th day of March, 1942, § 224.1 (*Filing, posting and publishing of tariffs by air carriers and foreign air carriers*) of the Economic Regulations is amended by striking out paragraph (m).

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-2109; Filed, March 11, 1942 11:45 a. m.]

[1] 5 F.R. 2563.

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

AMENDMENT OF GENERAL LICENSE NO. 68A, AS AMENDED, UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

MARCH 10, 1942.

General License No. 68A (§ 131.68a) is hereby amended by deleting paragraph (f) and renumbering paragraph (g) as paragraph (f). (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. No. 354, 77th Cong.; E.O. 8389, Apr. 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; Regulations, Apr. 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr.,
Acting Secretary of the Treasury.

[F. R. Doc. 42-2102; Filed, March 11, 1942; 9:39 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 1055—WOOL

Amendment No. 3 to Conservation Order No. M-73 Curtailing the Use of Wool

Section 1055.1 (*Conservation Order No. M-73*) [1] is hereby amended as follows:

By adding at the end of paragraph (e), as amended by Amendment No. 1, issued February 24, 1942, the following subparagraph:

(10) *Exception for uniform fabric.* Notwithstanding the provisions of paragraph (a) (1) (i), any person may, during the period from the date of this Amendment, to April 4, 1942, both inclusive, put in process, or cause to be put in process, on the worsted, woolen, or other single system, for the aggregate of defense and non-defense orders, wool in excess of 80 percent of his basic quarterly poundage, but only to the extent necessary to fill orders for uniform fabric to which Preference Rating A-10 is assigned under sub-paragraph (9) above. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This amendment shall take effect immediately. Issued this 10th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2099; Filed, March 10, 1942; 4:44 p. m.]

[1] 7 F.R. 120, 543, 1541, 1570.

PART 1086—O. D. WOOL CLIPS, O. D. WOOL RAGS AND O. D. WOOL WASTES

General Preference Order M-87 to Conserve the Supply and Direct the Distribution of O. D. Wool Clips, O. D. Wool Rags and O. D. Wool Wastes

Whereas the fulfillment of requirements for the defense of the United States has created a shortage of wool for the combined needs of defense, private account, and export, rendering it necessary that all O. D. Wool Clips, O. D. Wool Rags and O. D. Wool Wastes be used in the manufacture of O. D. Wool products for the Armed Forces of the United States; and it is necessary in the public interest and to promote the national defense to control the distribution of O. D. Wool Clips, O. D. Wool Rags and O. D. Wool Wastes in the manner hereinafter in this Order provided;

Now, therefore, it is hereby ordered, That:

§ 1086.1 *General Preference Order M-87*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* For the purposes of this Order:

(1) "O. D. wool clips" means the clippings resulting from the manufacture of woven or knitted fabric O. D. in color, containing at least 80% wool, into articles of clothing.

(2) "O. D. wool rags" means rags that are substantially all wool, O. D. in color, that are derived from fabric, either woven or knitted, that has been used by the ultimate consumer.

(3) "O. D. wool wastes" means wool wastes of any type that are O. D. in color, resulting from any phase in the manufacture of O. D. wool products.

(4) "Dealer" means any person heretofore regularly engaged, either wholly or partly, in the business of purchasing and selling O. D. wool clips, O. D. wool rags or O. D. wool wastes.

(c) *Restrictions on sales and deliveries of O. D. wool clips, O. D. wool rags and O. D. wool wastes.* No person other than the War Department or the Navy Department shall hereafter sell or deliver any O. D. wool clips, O. D. wool rags or O. D. wool wastes except to Dealers or persons manufacturing O. D. wool products to fill orders of the War Department or Navy Department.

(d) *Restrictions on the use of O. D. wool clips, O. D. wool rags and O. D. wool wastes.* No person engaged in the manufacture of textiles, or any process thereof, shall use O. D. wool clips, O. D. wool rags or O. D. wool wastes, except in the manufacture of O. D. wool products to fill orders of the War Department or Navy Department.

(e) *Required accumulations of O. D. wool clips and O. D. wool rags.* Each person engaged in the manufacture of any product from O. D. wool cloth shall hereafter collect and segregate for sale and delivery pursuant to this Order all O. D. wool clips and O. D. wool rags which may be produced by him: *Provided, however,* That any person engaged in the manufacture of finished articles from O. D. wool cloth furnished him by the War Department or Navy Department, shall collect, segregate and return to the War Department or Navy Department, as the case may be, all such O. D. wool clips or O. D. wool rags produced by him in the performance of such contract.

(f) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of O. D. wool clips, O. D. wool rags or O. D. wool wastes conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board, by letter or telegram, Ref.; M-87; setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(g) *Reports and correspondence.* All applications, statements or other communications filed pursuant to this Order or concerning the subject matter hereof, shall be addressed to the War Production Board, Washington, D. C., Ref.: M-87.

(h) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(i) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 10th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2101; Filed, March 10, 1942; 4:44 p. m.]

PART 1129—MILITARY AND NAVAL AIRCRAFT

Preference Rating Order No. P-122 Assigning Higher Preference Ratings to Certain Deliveries Under Orders for Military and Naval Aircraft

§ 1129.1 *Preference Rating Order P-122.* (a) All preference ratings assigned by any Preference Rating Certificate PD-1, PD-1A, PD-3, PD-3A, or PD-5 heretofore issued, and all valid extensions thereof, for military or naval aircraft except aircraft produced by the prime contractors specified in paragraph (b) hereof, or for material to be incorporated into such military or naval aircraft or into any components thereof, or for material (including machine tools) to be used directly in the production of such military or naval aircraft or components, are hereby raised to A-1-a, and the ANMB Code Number applicable thereto is hereby amended to "ANMB Code Number 21."

(b) All preference ratings assigned by any such Preference Rating Certificate, and all valid extensions thereof, for military or naval aircraft produced by the following prime contractors at the plants specified below, or for material to be incorporated into such military or naval aircraft or into any components thereof, or for material (including machine tools) to be used directly in the production of such military or naval aircraft or components, are hereby raised to A-1-b, and the ANMB Code Number applicable thereto is hereby amended to "ANMB Code Number 18":

Prime Contractor and Plant

Aeronca Aircraft Corporation, Middletown, Ohio Plant.

DeHavilland Aircraft, Ltd., Toronto, Ontario Plant.

Fairchild Aircraft Division of Fairchild Engine and Airplane Corp., Hagerstown, Maryland Plant.

Piper Aircraft Corporation, Lockhaven, Pa., Plant.

Spartan Aircraft Company, Tulsa, Oklahoma Plant.

Taylorcraft Aviation Corporation, Alliance, Ohio Plant.

Stinson Aircraft Division of Vultee Aircraft, Inc., Wayne, Michigan Plant.

Ryan Aeronautical Company, San Diego, California Plant.

Howard Aircraft Corporation, Chicago, Illinois Plant.

Fleet Aircraft, Ltd., Fort Erie, Ontario Plant.

St. Louis Aircraft Corporation, St. Louis, Missouri Plant.

(c) (1) The amendment of the ratings set forth in paragraph (a) and (b) hereof shall take effect immediately, without any further action by any United States Government official.

(2) All persons to whom the Preference Rating Certificates set forth in paragraphs (a) and (b) hereof have been issued, and all suppliers and subsuppliers under purchase orders or contracts rated thereby, are authorized to make a notation upon any such Preference Rating Certificate in their possession, or on any purchase order or contract which has been endorsed thereunder pursuant to Priorities Regulation No. 3, changing the preference rating and the ANMB Code Number orginally set forth therein, and stating "Changed by P-122," followed by the name or initials of the person making the notation.

(3) The higher rating shall be deemed, for the purposes of Priorities Regulation No. 1, to have been applied to any purchase order or contract on the date when such purchase order or contract was originally placed with the person furnishing material thereunder, but shall not operate to divert deliveries of material which is completed on the date of issuance of this Order, or is scheduled for completion within fifteen days thereafter.

(4) In the event that a Preference Rating Certificate or a purchase order or contract does not identify the prime contractor producing the aircraft to which it relates, or does not clearly show that it relates to military or naval aircraft, the person making the notation specified in subparagraph (c) (2) hereof, must ascertain from the person furnishing such Preference Rating Certificate, purchase order or contract to him, before he makes the notation, the facts showing that the preference rating has been amended by this Order. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong. 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 10th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2100; Filed, March 10, 1942; 4:44 p. m.]

PART 1114—RUBBER WORKING MACHINERY

General Limitation Order No. L-61—To Regulate Production and Distribution of Rubber Tire Retreading and Recapping Equipment

Whereas the shortage of crude rubber for military requirements and essential civilian uses has created an abnormal demand for Retreading and Recapping Equipment for rubber tires; and

Whereas the supply of existing Retreading and Recapping Equipment, if supplemented by careful selection of locations for small quantities of additional equipment, is adequate to satisfy the demand for Retreading and Recapping of Rubber Tires; and

Whereas the production for delivery of Retreading and Recapping Equipment, if unregulated, will duplicate existing facilities and thus utilize quantities of scarce and critical materials as to which defense requirements have created a shortage for defense, private account and export, and it is necessary, in the public interest and to promote defense of the United States, to take the measures hereinafter set forth, and to regulate the production and delivery of Retreading and Recapping Equipment.

Now, therefore, it is hereby ordered, That:

§ 1114.1 *General Limitation Order L–61*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Retreading and Recapping Equipment" means any mechanical device which applies uncured rubber compound (in the form of camelback, or otherwise) to rubber tires for the purpose of renewing the tire tread. The term includes parts such as holders, tables, matrices, curing rings and bands, pressure plates, molds, steam chambers, and kettle-curing devices but does not include such shop equipment as section molds, tire repair and spot equipment, tube vulcanizers, tire spreaders, buffers, spacer rings, boilers, curing rims, regroovers, mandrills, breaker screws, jacks or small shop tools such as knives, rollers, and stitchers.

(b) *Restrictions on manufacture and distribution.* No manufacturer of Retreading and Recapping Equipment, or parts therefor, shall produce any such equipment, or parts therefor, except to fill orders rated on a Preference Rating Certificate PD–1A issued by the Director of Industry Operations; and no manufacturer or distributor of Retreading and Recapping Equipment, or parts therefor, shall sell, lease, lend, rent, deliver, or otherwise transfer, any new Retreading or Recapping Equipment, or parts therefor, except to fill orders rated on a Preference Rating Certificate PD–1A issued by the Director of Industry Operations.

(c) *Criteria for issuing Preference Rating Certificates.* In issuing ratings on Preference Rating Certificates, the Director of Industry Operations will consider the following factors, to the extent feasible, among others:

(1) The number and capacity of Retreading and Recapping Equipment facilities at present available in the particular locality.

(2) The anticipated need for Retreading and Recapping Equipment in the particular locality.

(3) The amount of camelback expected to be made available in the particular locality.

(4) The existence of orders placed prior to January 28, 1942, and the amount of work already done on these orders.

(d) *Non-applicability to repair or maintenance of existing equipment.* The prohibitions of paragraph (b) hereof shall not be construed to restrict the sale, lease, loan, renting, delivery or other transfer of parts to be used to repair or maintain existing equipment, or equipment delivered in accordance with the terms of this Order.

(e) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(f) *Communications to War Production Board.* All communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: L–61.

(g) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the Director of Industry Operations, Washington, D. C., Ref.: L–61, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (a) of the Criminal Code (18 U.S.C. 80).

(i) *Reports.* Manufacturers of Retreading and Recapping Equipment shall file such monthly and other reports with the Division of Industry Operations as shall from time to time be requested by said Division.

(j) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 11th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2106; Filed, March 11, 1942; 11:25 a. m.]

PART 1118—SEXTANTS

Limitation Order No. L–58

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of sextants for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1118.1 *Limitation Order No. L–58*—(a) *Definitions.* For the purposes of this Order:

(1) "Dealer" means any person who, prior to the effective date of this Order, was engaged as a part of a regular business in the selling of new or used sextants.

(b) *Control of imports.* From and after the effective date of this Order no person shall import any sextant into the United States from Great Britain unless the importation thereof has been approved by the Lend-Lease Administration under the terms of the Eden White Paper.

(c) *Prohibition of sales.* From and after the effective date of this Order no person shall sell, deliver, transfer or otherwise dispose of any sextant except:

(1) To the Army or Navy of the United States, United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard; or to any other department or agency of the United States.

(2) To a purchaser who files with the transferor of such sextant, a certificate from the United States Coast Guard stating that such purchaser is in immediate and legitimate need of and is entitled to obtain, a sextant;

(3) To a Dealer;

(4) To any person pursuant to a specific order of the Director of Industry Operations.

No person other than those specified above shall buy, or accept delivery or transfer of any sextant.

(d) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(e) *Records.* All persons affected by this Order shall keep and preserve for not less than 2 years accurate and complete records concerning inventories, purchases, production and sales.

(f) *Reports.* All persons affected by this Order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(g) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representative of the War Production Board.

(h) *Violations.* Any person who wilfully violates any provision of this Order, or who by any Act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(i) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from nondefense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action, if any, as it deems appropriate by the amendment of this Order or otherwise.

(j) *Communications.* All communications concerning this Order shall be addressed to War Production Board, Washington, D. C., Ref.: L–58.

(k) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 11th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2105; Filed, March 11, 1942; 11:20 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1351—FOODS AND FOOD PRODUCTS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 91 [1]—TEA

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[2]

Sections 1351.252, 1351.254, 1351.258, 1351.259 (c) and 1351.261 (b), (c), and (d) are hereby amended; new paragraphs (f), (g), and (h) are added to § 1351.261; new § 1351.260a is added; and § 1351.259 (b) is revoked, as set forth below.

§ 1351.252 *Exempt sales.* Sales of tea, blended or unblended, in packages of less than half chest lots shall be excepted from the operation of this Schedule.

§ 1351.254 *Permission to carry out contracts entered into prior to February 3, 1942.* Any person who, prior to February 3, 1942, has entered into a contract of sale or other firm commitment calling for the delivery or transfer after that date of tea at prices higher than the maximum prices established by Revised Price Schedule No. 91 may petition the Office of Price Administration for permission to deliver such tea at its actual cost. Such petition shall be made and filed pursuant to the provisions of Procedural Regulation No. 1 [3] issued by the Office of Price Administration and shall be supported by affidavits setting forth (a) the name and address of the buyer and seller; (b) the quantity, type, and grade of tea involved; (c) the cost of that tea to the applicant; (d) the price contracted for with the buyer; and (e) the delivery date provided for in the contract. Permission will be granted only when necessary to protect the applicant against loss in the disposition of inventory acquired prior to February 3, 1942, at prices higher than the established maximum prices and held by the applicant on that date. Such application must be filed with the Office of Price Administration on or before April 1, 1942. No permission will be granted, in any case, to make delivery of tea on or after June 1, 1942, at prices higher than the established maximum prices.

§ 1351.258 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 91 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Price Schedule No. 91, or any price schedule, regulation, or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1351.259 *Definitions.*

* * * * * *

(c) "Cost of putting the tea into the warehouse" includes (1) "labor in and out"; (2) trucking and labor costs from dock to warehouse; and (3) warehouse storages for "first month."

§ 1351.261 *Appendix A: Maximum prices for tea.*

* * * * *

(b) The maximum prices for tea shall be as follows:

	Cents per pound ex dock New York City		
	Common	Medium	Fine
INDIA			
Broken Orange Pekoe, Broken Pekoe, Fannings	42¾	46¾	53
Orange Pekoe, Pekoe	42¾	47¾	51
Broken Pekoe Souchong, Pekoe Souchong	40¾	44¾	50
CEYLON AND SOUTHERN INDIA			
Broken Orange Pekoe, Broken Pekoe, Fannings	46¾	50	50¾
Orange Pekoe, Pekoe	47¾	50	57¾
Broken Pekoe Souchong, Pekoe Souchong	45¾	49¾	57¾

[1] 7 F.R. 1378.

[2] The statement of considerations has been filed with the Division of the Federal Register.

[3] 7 F.R. 971.

	Cents per pound ex dock New York City		
	Common	Medium	Fine
JAVA AND SUMATRA			
Broken Orange Pekoe, Broken Pekoe, Fannings	40¾	42¾	51
Orange Pekoe, Pekoe, Flowery Pekoe	41¾	47¾	51
Flowery Pekoe Souchong, Pekoe Souchong, Other Souchongs	41¾	43¾	50

The maximum prices for tea imported from any other country or for grades of better or inferior quality not named shall be the prices at which sales of those grades were made in New York on October 15, 1941, or in the event no such sale was made on that date, the prices at which sales of the corresponding grades were last made prior to October 15, 1941, in that city.

(c) The maximum prices quoted above are ex dock New York City. The maximum prices ex dock any other port of entry shall be determined by adding to or subtracting from the New York City price the difference between the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to New York City and the actual cost of ocean freight, war risk insurance, and marine insurance from the port of origin to such other port of entry.

(d) For any tea sold ex warehouse rather than ex dock New York City or any other port of entry, the cost of "putting the tea into the warehouse", as defined in § 1351.259, may be added by the seller who incurred the cost.

* * * * * *

(f) Any person making sales of tea in amounts of ten chests or less may add to the maximum prices specified above an amount which shall not exceed ten percent of the maximum price.

(g) Any person who, for the accommodation of his customers, blends tea for sale in quantities of more than half chest lots may add to the maximum price an amount which shall not exceed one cent per pound.

(h) The maximum prices for tea sold for export, except for export to Canada, may exceed the maximum prices set forth in the above paragraphs by no more than ten percent.

§ 1351.260a *Effective dates of amendments.* (a) Amendment No. 1 (amending §§ 1351.252, 1351.254, 1351.258, 1351.259 (c), and 1351.261 (b), (c), and (d); adding §§ 1351.260a and 1351.261 (f), (g), and (h); and revoking § 1351.259 (b)) to Revised Price Schedule No. 91 shall become effective March 12, 1942. Until such date, Revised Price Schedule No. 91 continues in effect as if not amended by Amendment No. 1. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 10th day of March 1942.

LEON HENDERSON,
Administrator.

[F. R. Doc. 42–2098; Filed, March 10, 1942; 4:24 p. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

[Regulations 3]

PART 182—INDUSTRIAL ALCOHOL

Regulations Governing the Production, Tax-Payment, Etc., of Alcohol, and the Manufacture, Disposition, Transportation, and Use of Denatured Alcohol and Articles (Including the Sale by Bonded Dealers and the Use by Manufacturers of Denatured Rum)

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182.1 Production, use, etc., of alcohol and denatured alcohol.

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182.2 Effective date.
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182.8 Experimental industrial alcohol plants.
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182.12 Specially denatured alcohol users' premises.
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182.16 Foundations.
182.17 Floors.
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182.19 Roofs.
182.20 Doors.
182.21 Windows in receiving and wine rooms.
182.22 Other windows.
182.23 Skylights, monitors, penthouses, etc.
182.24 Ventilators.
182.25 Drains.
182.26 Wine room or building.
182.27 Meal room.
182.28 Granary.
182.29 Fermenting room or building.
182.30 Receiving room.
182.31 Temporary storage room.
182.32 Empty container storeroom.
182.33 Government office
182.34 Government cabinet.
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182.52 Denatured alcohol storeroom.
182.53 Empty container storeroom.
182.54 Government office and cabinet.
182.55 Signs.
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SPECIALLY DENATURED ALCOHOL USERS' STOREROOM

182.57 Construction.
182.58 Sign.

SPECIALLY DENATURED ALCOHOL BONDED DEALERS' STOREROOM

182.59 Construction.
182.60 Sign.

TAX-FREE ALCOHOL USERS' STOREROOM

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182.84 Scales.
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DENATURING PLANTS

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UNITED STATES OR GOVERNMENTAL AGENCY TO PROCURE SPECIALLY DENATURED ALCOHOL

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182.267 Change in location.
182.268 hanges in premises.
182.269 Changes in construction and use.
182.270 Indemnity bond covering changes in buildings.
182.271 Changes in equipment.
182.272 Indemnity bond covering removal of equipment.
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182.276 Qualification required.
182.277 Approval before resumption.
182.278 Where operation of bonded warehouse or denaturing plant on premises is continued.
182.279 Where bonded warehouse or denaturing plant is discontinued or eliminated from industrial alcohol plant premises.

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182.280 Discontinuance by Commissioner.
182.281 Discontinuance by proprietor.

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182.283 Fence application.
182.284 Indemnity bond application.
182.285 Examination of other qualifying documents.
182.286 Investigation.
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182.289 Other causes for disapproval.
182.290 Authority to approve.
182.291 Approval of qualifying documents.
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182.296 Indemnity bond, Form 1617.
182.297 Applications and reports covering changes.

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182.298 Procedure applicable.

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182.299 Inspection.
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182.301 Storekeeper-gauger's report.
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182.303 Indemnity bond application.
182.304 Other qualifying documents.
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182.307 Review of documents.

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182.311 Termination of indemnity bonds.
182.312 Direct export bonds.
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182.314 Bonds covering transportation to customs manufacturing bonded warehouse.
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182.316 Application for notice of termination.
182.317 Action on application for notice of termination of bond supporting basic permit, Form 1433.
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182.319 Action on application for notice of termination of other bonds.
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182.326 Distilled spirits.
182.327 Brandy.
182.328 Experimental operations.
182.329 Chemical plant producing alcohol as a by-product.
182.330 Redistillation.
182.331 Commencement of operations; notice, Form 125.
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182.333 Examination of plant.
182.334 Supervision of operations.

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182.335 Weighing materials received.
182.336 Storage of materials.
182.337 Fermented malt liquor or wine.
182.338 Supervision of material room.
182.339 Storekeeper-gauger's record of materials received.
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182.341 Use other than the production of alcohol.
182.342 Storekeeper-gauger's record of materials used.
182.343 Proprietor's material slips.
182.344 Storekeeper-gauger's verification.
182.345 Removal or destruction of fermenting or distilling material.

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182.349 Presence of storekeeper-gaugers required.

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182.350 Frequency of filling tube.
182.351 Quantity of mash and beer determined.
182.352 Test of beer and slop.

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182.355 Redistillation of alcohol.
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182.357 When to be locked.
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182.361 Abnormal differences to be investigated.

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182.362 In charge of storekeeper-gauger.

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182.363 Collection.
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182.367 Washing and purifying.
182.368 Instruments for testing fusel oil.
182.369 Description of test tube and salt solution.
182.370 Sample and test.
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182.372 Receiving tanks.
182.373 Storage tanks.
182.374 Instruments for testing butyl alcohol.
182.375 Description of test tube and salt solution.
182.376 Sample and test.
182.377 Removal.

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182.378 Receiving tanks.
182.379 Storage tanks.
182.380 Instruments for testing acetone.
182.381 Reagent.
182.382 Sample and test.
182.383 Removal.

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182.384 Receiving tanks.
182.385 Storage tanks.
182.386 Instruments for testing ether.
182.387 Reagent.
182.388 Sample and test.
182.389 Removal.

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182.394 Application.
182.395 Approval of application.
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182.397 Label.
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182.401 Approved containers, marks, brands, etc.
182.402 Procedure and reports.
182.403 Receiving room considered as warehouse.

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182.404 Drawing off alcohol.
182.405 Gauging of alcohol.
182.406 Time of removal from receiving room.
182.407 Weighing alcohol removed by pipe line.
182.408 Pipe-line removals.

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182.409 Losses in industrial alcohol plant.
182.410 Losses in receiving tanks.
182.411 Claim for losses.
182.412 Records.

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182.413 Commissioner to make assessments.
182.414 Storekeeper-gauger to report deficiencies.
182.415 District supervisor's examination of returns.
182.416 Use of materials not reported.
182.417 Alcohol produced and not reported.
182.418 Notice to proprietor.
182.419 Nature of evidence.
182.420 Consideration of proprietor's response.
182.421 Claim for remission.
182.422 Proprietor's failure to respond.

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182.423 Notice, Form 124.
182.424 Date of suspension.
182.425 Locking furnace doors, etc.
182.426 Officer's certificate of suspension.
182.427 Mash, wort, or beer at suspended plant forbidden.
182.428 Suspension caused by unavoidable accident.

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182.429 Notice, Form 125.
182.430 Officer's certificate of removal of locks and fastenings.
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182.432 Registry on Form 26.
182.433 Alternate use of stills.

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182.434 Commencement of operations.
182.435 Disposition of materials in process.
182.436 Finished alcohol.
182.437 Records.

ALTERNATE OPERATION AS REGISTERED DISTILLERY OR FRUIT DISTILLERY

182.438 Qualifying for alternate operation.
182.439 Completion of operation required.
182.440 Transfer of materials, etc.
182.441 Transfer agreement, Form 1614.
182.442 Locking of furnace doors not required.
182.443 Completion of records.
182.444 Records of successor.
182.445 Disposition of alcohol.
182.446 Alternate operations by same proprietor.

CHANGE IN PROPRIETORSHIP

182.447 Completion of operations required.
182.448 Transfer agreement, Form 1614.
182.449 Locking of furnace doors not required.
182.450 Records.
182.451 Succession by fiduciary.

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182.452 Form 1452-A.
182.453 Form 1452-B.
182.454 System of filing.

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182.455 General.
182.456 Form 1442.
182.457 Form 1454.
182.458 Form 1488.
182.459 Signing of reports.

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182.460 Disposition of forms.
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182.462 Purchase.
182.463 Receipt at denaturing plant.
182.464 Receipt at industrial alcohol plant.
182.465 Use for denaturation only.

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182.466 Production of mash, wort, or wash.
182.467 Sale or removal of mash, wort, or wash; distillation.
182.468 Operation in officer's absence.
182.469 Removal of alcohol at night and on Sunday.

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182.470 Control of warehouse.
182.471 Assignment of storekeeper-gaugers.
182.472 Examination of warehouse.
182.473 Custody of warehouse.
182.474 Admittance of proprietor.
182.475 Warehouse to be kept locked.
182.476 Supervision of operations.
182.477 Operations requiring immediate supervision.

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182.478 Rate of tax.
182.479 Attachment of tax.
182.480 Persons liable for tax.

LIEN FOR TAX ON ALCOHOL

182.481 Tax to be first lien.
182.482 Extinguishment of lien.
182.483 Certificate of discharge of lien.
182.484 Assessments become lien.

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182.485 Exemption from special tax liability.
182.486 Bulk containers.
182.487 Retail containers.

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182.488 Storekeeper-gauger to be informed.

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182.489 By pipe line from industrial alcohol plant on premises.
182.490 In packages from industrial alcohol plant on the same premises.
182.491 From another bonded warehouse.
182.492 Examination of packages.
182.493 Examination of tank car.
182.494 Deposit in receiving warehouse.
182.495 Method of deposit.
182.496 Return of unused alcohol withdrawn free of tax.

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182.497 General.

REMOVAL OF ALCOHOL FROM RECEIVING AND STORAGE TANKS

182.498 Gauge on withdrawal.
182.499 Gauging to be done by proprietor.
182.500 Testing of scales.
182.501 Inspection of tank car.
182.502 Filling of tank car.
182.503 Transfer by pipe line to denaturing plant.
182.504 Filling approved containers.
182.505 Supervision of drawing off, gauging, etc.

APPROVED CONTAINERS

182.506 Drums or barrels.
182.507 Tin, glass, or similar containers.
182.508 Steel containers.
182.509 Small packages containing exactly 1, 2, 5, and 10 wine gallons.
182.510 Cases containing one-half pint to 1-gallon bottles.
182.511 Railroad tank cars.
182.512 Tank ships and barges.
182.513 Pipe-line removals.
182.514 Tank wagons and tank trucks prohibited.

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182.515 General.
182.516 Proprietor to mark and brand packages.
182.517 Description of material from which produced.
182.518 Numbering of packages.
182.519 Marks and brands.
182.520 Previously marked packages and cases.
182.521 Tank cars.
182.522 Regauge marks.
182.523 Marks on packages repackaged or remarked.
182.524 Other marks.
182.525 Stamp numbers.
182.526 Withdrawn for tax-free use or for export.
182.527 Stamps.
182.528 Illustrations of marks and stamps.
182.529 Verification of marks, brands, and stamps.
182.530 Obscurity of stamps, etc.
182.531 Imitation stamps, labels, trade marks, or caution notices.
182.532 Packages to be stamped.

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182.533 Obliteration of stamps and marks and brands on empty packages.
182.534 Failure to efface or obliterate marks, brands, and stamps.
182.535 Intent of law.
182.536 Transportation of emptied packages.

BOTTLING OF ALCOHOL IN BONDED WAREHOUSE

182.537 Bottling conducted under supervision.
182.538 Liquor bottles.
182.539 Warehousing stamps.
182.540 Procurement and issuance of stamps.
182.541 Manner of affixing stamps.
182.542 Concealing or obscuring bottle stamps.
182.543 Affixing bottle stamp over cup or cap.
182.544 Bottling alcohol after tax-payment.

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182.545 Repackaging.
182.546 Changes in packages for export.

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182.547 Authorized removals.
182.548 Transportation.

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182.549 Regauge of alcohol in packages.

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182.550 General.
182.551 Application and withdrawal permit, Form 1436.
182.552 Application for renewal of withdrawal permit.
182.553 Renewal of withdrawal permit, Form 1436.
182.554 Quantity procurable under withdrawal permits.
182.555 Transfer stamps.
182.556 Report of gauge, Form 1440.
182.557 Report of shipment, Form 1439.

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182.558 General.
182.559 Transfer to denaturing plant on same premises.
182.560 Shipment to denaturing plant located on other premises.
182.561 Gauging, marking, and stamping upon withdrawal.
182.562 Expiration or termination of permit.

TAX-PAYMENT OF ALCOHOL IN PACKAGES OR CASES

182.563 Gauging of packages or cases.
182.564 Issuance of tax-paid stamps.
182.565 Removal of alcohol.
182.566 Gauging of alcohol.
182.567 Application for certificate of tax-payment, Form 1594.
182.568 Certificate of tax-payment, Form 1595.
182.569 Bill of lading.
182.570 Verification and affixing of certificate.
182.571 Release of tank car.
182.572 Procedure when tank car is empty; scalping certificate.
182.573 Vendee's use of Form 1440.
182.574 Comparison of scalped certificate with application.

TAX-PAID WITHDRAWALS BY PIPE LINE TO RECTIFYING PLANT

182.574a Gauging of alcohol.
182.574b Application for certificate of tax-payment, Form 1594.
182.574c Certificate of tax-payment, Form 1595.
182.574d Verification and affixing of certificate.
182.574e Transfer of alcohol.
182.574f Rectifier's use of Form 1440.
182.574g Comparison of canceled certificate with application.

TAX-FREE WITHDRAWALS FOR SCIENTIFIC PURPOSES, USE OF HOSPITALS, STATES, ETC.

182.575 Who may procure.
182.576 Gauge of alcohol.
182.577 Notification of shipment, Form 1439.
182.578 Entries of shipments on permit, Form 1450.
182.579 Permit may be retained at warehouse.

TAX-FREE WITHDRAWALS BY THE UNITED STATES OR GOVERNMENTAL AGENCY

182.580 General.
182.581 Permit, Form 1444.
182.582 Gauge of alcohol.
182.583 Bill of lading.
182.584 Notice and receipt of shipment, Form 1453.

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182.585 General.
182.586 Kinds of containers.
182.587 Application and entry.
182.588 Method of conveyance.
182.589 Gauging of alcohol.
182.590 Export stamps required.
182.591 Remittance to collector.
182.592 Action by collector.
182.593 Application and bond to district supervisor.
182.594 Export bonds.
182.595 Approval of bond and issuance of permit.
182.596 Marking and stamping packages.
182.597 Release of alcohol.
182.598 Delivery to carrier.
182.599 Delivery directly for customs inspection.
182.600 Exportation through border ports.
182.601 Disposition of forms.
182.602 Records.
182.603 Proceedings at port of export.
182.604 Proof of landing
182.605 Form of landing certificate.
182.606 Execution of landing certificate.
182.607 Several consignments may be covered by one landing certificate.
182.608 Collateral evidence of landing.
182.609 Extension of time for submitting proof of landing.

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182.610 Records.
182.611 Account with continuing export bonds.
182.612 Loss of alcohol withdrawn free of tax for exportation.
182.613 Notice to exporter
182.614 Claims for remission of tax.
182.615 Proof of loss at sea.
182.616 Filing of proof of loss at sea in case of exportation under bond on Form 693.
182.617 Additional evidence.
182.618 Tax to be reported for assessment.
182.619 Shipment to American possessions.

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182.620 General.
182.621 Application and entry, Form 1603.
182.622 Bond.
182.623 Approval of bond and issuance of permit.
182.624 Export stamps.
182.625 Account with continuing bond, Form 1460.
182.626 Marking and stamping; shipment; disposition of forms; records.
182.627 Consignment of alcohol.
182.628 Regage and deposit in customs manufacturing bonded warehouse.
182.629 Action by district supervisor.
182.630 Allowance of loss in transit.

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182.630a General.
182.630b Reciprocating foreign countries.
182.630c Application, Form 1659.
182.630d Bond.
182.630e Approval of bond and issuance of permit.
182.630f Gauging of alcohol.
182.630g Export stamps.
182.630h Marking and stamping; shipment; disposition of forms; records.
182.630i Consignment of alcohol.
182.630j Proceedings at port of lading.
182.630k Certificate of receipt.
182.630l Evidence of use on vessels and aircraft.
182.630m Account with continuing bonds, Form 1660.
182.630n Loss of alcohol withdrawn for use on vessels and aircraft.

LOSSES OF ALCOHOL

182.631 Remission of tax.
182.632 Losses from receiving tanks.
182.633 Losses from storage tanks.
182.634 Losses from packages.
182.635 Losses in transit.
182.636 Losses by theft, casualty, etc.
182.637 Claims.
182.638 Report by storekeeper-gauger.
182.639 Investigation by district supervisor
182.640 Examination of claim.
182.641 Losses indicating tampering.

RECORDS AND REPORTS OF PROPRIETOR

182.642 General.
182.643 Form 1440.
182.644 Form 1441.
182.645 Form 1443-A.
182.646 Form 1443-B.
182.647 Disposition of Forms 1443-A and 1443-B.
182.648 Record at tax-paid premises, Record 52, and Forms 52-A, B, E, and 338.

AUDIT OF REPORTS

182.649 Audit by district supervisor.

CHANGE IN PROPRIETORSHIP, TRADE NAME, ETC.

182.650 Change in proprietorship.
182.651 Changes in name.
182.652 Changes in permits.

OPERATIONS BY USERS OF TAX-FREE ALCOHOL

PROCUREMENT OF TAX-FREE ALCOHOL

182.653 Application and withdrawal permit, Form 1450.
182.654 Application for renewal of withdrawal permit, Form 1450.
182.655 Renewal of withdrawal permit, Form 1450.
182.656 Quantity procurable under withdrawal permits.

RECEIPT OF TAX-FREE ALCOHOL

182.657 Deposit in storeroom.
182.658 Destruction of marks and brands.

USE OF TAX-FREE ALCOHOL

182.659 General.
182.660 States, Territories, etc., or the District of Columbia.
182.661 Hospitals, sanitariums, or clinics.
182.662 Scientific universities and colleges of learning.
182.663 Laboratories.
182.664 Return of tax-free alcohol to bonded warehouse.

LOSSES OF TAX-FREE ALCOHOL

182.665 Losses in transit.
182.666 Losses at permittee's premises.
182.667 Claims.

RECORDS AND REPORTS OF PERMITTEE

182.668 General.
182.669 Report, Form 1451.
182.670 Signing of Form 1451.
182.671 Audit of reports.

CHANGE IN PROPRIETORSHIP, NAME, ETC.; DISCONTINUANCE OF USE

182.672 Procedure.

DENATURED ALCOHOL

182.673 Denatured alcohol defined.
182.674 Formulas prescribed.
182.675 Completely denatured alcohol.
182.676 Specially denatured alcohol.
182.677 Transportation.
182.678 Unlawful possession.
182.679 Unlawful sale.
182.680 Advertising.
182.681 Samples of denatured alcohol or products made therefrom may be taken by revenue officers.
182.682 Liability for tax.

OPERATION OF INDUSTRIAL ALCOHOL DENATURING PLANTS

182.683 General.

SUFFICIENCY OF BOND

182.684 Storekeeper-gauger to be informed.

PROCUREMENT OF ALCOHOL; WITHDRAWAL PERMITS

182.685 From industrial alcohol plant or bonded warehouse on same premises.
182.686 From other plants.
182.687 Application and withdrawal permit, Form 1463.
182.688 Application for renewal of withdrawal permit, Form 1463.
182.689 Renewal of withdrawal permit, Form 1463.
182.690 Quantity procurable under withdrawal permits.
182.691 Return of recovered denatured alcohol for restoration and redenaturation.
182.692 Distillates from distilleries.
182.693 Abandoned spirits.

RECEIPT OF ALCOHOL

182.694 By pipe line.
182.695 In packages from industrial alcohol plant or bonded warehouse on the same premises.
182.696 From industrial alcohol plant or bonded warehouse not located on the same premises.
182.697 Alcohol received in packages.
182.698 Alcohol received in tank cars.
182.699 Distillates received from distilleries.
182.700 Regauge of distillates.
182.701 Recovered denatured alcohol.

RESTORATION AND REDENATURATION OF RECOVERED DENATURED ALCOHOL

182.702 Restoration of denatured alcohol.
182.703 Gauge of alcohol to be restored.
182.704 Redenaturation of restored alcohol.

DENATURING MATERIALS

182.705 Receipt.
182.706 Sample for chemist.
182.707 Denaturants not required to be tested.
182.708 Certificates of origin for approved wood alcohol.
182.709 Authorized chemist.
182.710 Form 1470.
182.711 Forwarding samples to chemist.
182.712 Report of analysis by the chemist.
182.713 Denaturant approved.
182.714 Denaturant not approved.
182.715 Furnishing approved denaturants.

DENATURING OF ALCOHOL

182.716 General.
182.717 Test of measuring devices.
182.718 Determining wine and proof gallons.
182.719 Denaturation.
182.720 Gauging of alcohol.
182.721 Denaturants to be measured or weighed.
182.722 Denaturants not readily soluble.
182.723 Distillates.

FORMULAS

182.724 Denatured alcohol formulas.

APPROVED CONTAINERS

182.725 Approved containers.
182.726 Packages of specially denatured alcohol.
182.727 Packages of completely denatured alcohol.
182.728 Railroad tank cars.
182.729 Tank ships and barges.
182.730 Pipe lines.
182.731 Tank wagons and tank trucks prohibited.

MARKS AND BRANDS

182.732 Proprietor to mark and brand packages.
182.733 Marking of packages.
182.734 Serial numbers.
182.735 Illustrations of marks.
182.736 Caution label.
182.737 Transfer marks.
182.738 Tank cars.
182.739 Samples.
182.740 Previously marked packages.
182.741 Verification of marks.
182.742 Destruction of marks and brands.

TRANSFER OF DENATURED ALCOHOL BETWEEN DENATURING PLANTS

182.743 General.
182.744 Application and withdrawal permit for specially denatured alcohol, Form 1464.
182.745 Application for renewal of withdrawal permit, Form 1464.
182.746 Renewal of withdrawal permit, Form 1464.
182.747 Quantity procurable under withdrawal permits.
182.748 Marking containers.
182.749 Additional copies of Forms 1467 and 1473.
182.750 Receipt of denatured alcohol; general.
182.751 Deposit in denaturing plant.
182.752 Method of deposit.

WITHDRAWAL OF DENATURED ALCOHOL

182.753 Completely denatured alcohol.
182.754 Specially denatured alcohol.

EXPORTATION OF SPECIALLY DENATURED ALCOHOL

Sec.
182.755 General.
182.756 Kinds of containers.
182.757 Application, Form 1545.
182.758 Consent of surety, Form 1533.
182.759 Approval of consent of surety and issuance of permit.
182.760 Marking packages.
182.761 Release of specially denatured alcohol.
182.762 Delivery to carrier.
182.763 Delivery directly to customs custody.
182.764 Disposition of forms.
182.765 Records.
182.766 Proceedings at port of export.
182.767 Proof of landing.
182.768 Shipments to the Philippine Islands, Puerto Rico, the Panama Canal Zone, Guam, American Samoa, and the Virgin Islands.
182,769 Shipments to Hawaii and Alaska, other American possessions, protectorates, etc.

SAMPLES BY PROPRIETOR

182.770 Procedure.

LOSSES OF ETHYL ALCOHOL

182.771 Remission of tax.
182.772 Losses from storage tanks.
182.773 Losses from packages.
182.774 Losses in transit.

LOSSES OF ETHYL ALCOHOL AND SPECIALLY DENATURED ALCOHOL BY THEFT, CASUALTY, ETC.

182.775 Losses by theft, casualty, etc.

LOSSES OF RESTORED ALCOHOL

182.776 General.

LOSSES OF SPECIALLY DENATURED ALCOHOL

182.777 Allowance for losses.

CLAIMS

182.778 General.
182.779 Distillates.

REGISTRY OF STILL "FOR USE" AND "NOT FOR USE"

182.780 Registry on Form 26.

RECORDS AND REPORTS OF PROPRIETOR

182.781 General.
182.782 Form 1466.
182.783 Form 1467.
182.784 Disposition of Forms 1466 and 1467.
182.785 Form 1453-A.
182.786 Form 1473.
182.787 Forms 129 and 1468-A, B, C, D, E, and F.
182.788 Filing of Forms 1440 and 1520.

AUDIT OF REPORTS

182.789 Audit by district supervisor.

CHANGE IN PROPRIETORSHIP, NAME, TRADE NAME, ETC.

182.790 Procedure.

SALE AND USE OF COMPLETELY DENATURED ALCOHOL

GENERAL

182.791 Sale and use.
182.792 Containers.
182.793 Labels.
182.794 Repackaging by dealers.
182.795 Advertising.
182.796 Records.
182.797 Destruction of marks and brands.

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SCOPE OF REGULATIONS

§ 182.1 *Production, use, etc., of alcohol and denatured alcohol.* These regulations are prescribed pursuant to the provisions of law governing the production, tax-payment, etc., of alcohol, and the manufacture, disposition, transportation, and use of denatured alcohol and articles (including the sale by bonded dealers and the use by manufacturers of denatured rum).*

*§§ 182.1 to 182.988, except §§ 182.104 and 182.486, issued under authority contained in sections 3105, 3124 (a) (6), and 3176, Internal Revenue Code (Pub. Law 1, 77th Cong.). Citations of more specific authority and citations of statutory provisions interpreted or applied are included in parentheses at the end of particular sections.

REGULATIONS SUPERSEDED

§ 182.2 *Effective date.* These regulations shall, on and after the ninetieth day following the date of approval, supersede Regulations 2, approved March 24, 1931, Regulations No. 3, approved March 24, 1931, Regulations No. 29, revised August 18, 1914, Regulations No. 30, revised October 12, 1917, and Gauging Manual, approved November 21, 1938, and all amendments and modifications thereof to the extent that such regulations, as amended, modified, or supplemented, pertain to the manufacture, denaturation, disposition, transportation, and use, of alcohol, denatured alcohol, and articles (including the sale by bonded dealers and the use by manufacturers of denatured rum).*

§ 182.3 *Prior liability not affected.* These regulations shall not affect or limit any act done or any liability incurred under any regulations superseded hereby, or any suit, action, or proceeding had or commenced in any civil, administrative, or criminal cause or proceeding prior to the effective date of these regulations, nor shall these regulations release, acquit, affect, or limit any offense committed in violation of previously existing regulations, or any penalty, liability, or forfeiture incurred prior to such date.*

§ 182.4 *Premises and equipment heretofore approved.* All establishments covered by these regulations and the equipment therein, heretofore established and approved, may continue to operate if constructed and equipped so as to afford adequate security and protection to the revenue. The Commissioner or district supervisor may, at any time, require the proprietor to make changes therein conforming to the provisions of these regulations, if deemed necessary to safeguard the revenue or to permit more economical and efficient supervision by Government officers. All establishments hereafter constructed and all changes in existing establishments or equipment heretofore approved must be in conformance with these regulations.* (Secs. 2823, 2829, 3170, I.R.C.)

TERRITORIAL EXTENT OF REGULATIONS

§ 182.5 *Territorial extent.* The provisions of these regulations shall apply to the several States of the United States, the Territories of Alaska and Hawaii, the District of Columbia, and, as provided in paragraphs (a) and (b), to Puerto Rico and the Virgin Islands, respectively.

(a) *Puerto Rico.* These regulations are applicable to the manufacture of alcohol, denatured alcohol, and articles in Puerto Rico for shipment to the United States and disposal under the same conditions as like domestic products.

(b) *Virgin Islands.* The provisions of sections 3100 to 3124, inclusive, Internal Revenue Code, and all provisions of internal-revenue law relating to the enforcement thereof, are applicable to the manufacture of alcohol, denatured alcohol, and articles in the Virgin Islands for shipment to the United States. The Governor of the Virgin Islands, or his duly authorized agents, are authorized to issue or adopt such regulations and to issue or revoke such permits, as may be necessary to carry out such provisions of law.* (Sec. 3123, I.R.C.)

DEFINITIONS

§ 182.6 *Definitions.* As used in these regulations, the following words and phrases shall have the meanings as herein defined:

(a) "Alcohol" means that substance known as ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or process produced, having a proof of 160 degrees or more, but does not include the substances commonly known as whisky, brandy, rum, or gin, or other spirits, produced at registered distilleries or fruit distilleries operated under Bureau of Internal Revenue Regulations 4 and 5.

(b) "Application" shall mean a formal, written, verified request, under oath, and supported by a verified statement of facts, when necessary, for a permit for one or more of the privileges authorized by law.

(c) "Approved containers" shall mean casks, barrels, or similar wooden containers, or drums, or similar metal packages, or railroad tank cars, or any other receptacle, vessel, or form of package, tank, or conduit, or other container used, or capable of use, for holding, storing, transferring, or shipping of alcohol, as authorized by these regulations.

(d) "Articles" shall mean any substance, preparation, or product in the manufacture of which denatured alcohol or denatured rum is used, and includes the product obtained by further manufacture or by combination with other materials.

(e) "Basic permit" shall mean the formal written authorization, issued pursuant to section 3114, I.R.C., conferring authority to transact a business of the nature described therein.

(f) "Bond" shall mean an obligation or undertaking authorized or required by section 3070 and sections 3100 to 3124, inclusive, I.R.C., or other law, or any regulations promulgated thereunder, executed in such form and for such penal sum as may be required by the Commissioner or prescribed by regulation.

(g) "Bonded dealer" shall mean a person who holds, or has applied for, a permit to deal in specially denatured alcohol for resale to persons authorized to purchase or receive specially denatured alcohol in accordance with the provisions of these regulations.

(h) "Carrier" shall mean a person or agency regularly engaged in the transportation of movable property by railroad, steamship, ferryboat, barge, motor truck, airplane, or other vehicle capable of being used as a means of transportation on land, in water, or through the air.

(i) "Casualty" shall mean an accident; an event not to be foreseen or guarded against.

(j) "Collector" shall mean collector of internal revenue.

(k) "Commissioner" shall mean the Commissioner of Internal Revenue and shall include the Deputy Commissioner in charge of the Alcohol Tax Unit.

(l) "Descriptive number," as applied to a permit, shall include the serial number and abbreviation for the State in which issued, together with the prescribed symbol for the permit.

(m) "Distiller" shall mean the proprietor of a registered distillery or fruit distillery.

(n) "District supervisor" shall mean the person having charge of a supervisory district of the Alcohol Tax Unit of the Bureau of Internal Revenue.

(o) "Fruit distillery" shall mean a distillery established or operated under the regulations governing the production of brandy under the exemptions of law provided pursuant to section 2825, I.R.C.

(p) "Heads and tails" shall mean distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil.

(q) "Lacquer thinners" shall mean thinners containing more than 25 per cent of alcohol by volume manufactured with specially denatured alcohol in accordance with formula submitted by the permittee or applicant and approved by the Commissioner.

(r) "Manufacturer" or "user" shall mean a person who holds, or has applied for, a permit to use specially denatured alcohol in any process or in the manufacturing of any substance, preparation, or product, including the product obtained by further manufacture or by combination with other materials; or who recovers completely or specially denatured alcohol; or who recovers articles containing denatured alcohol.

(s) "Permit" shall mean a formal written authorization by the Commissioner or district supervisor, as the case may be, issued pursuant to section 3114, I.R.C., setting forth specifically therein the things that are authorized thereunder.

(t) "Person," "proprietor," or "permittee" shall mean and include an individual, association, copartnership, and corporation, joint stock company, business trust, or other form of business enterprise, including a receiver, trustee, assignee, executor, administrator, or other fiduciary, or liquidating agent, and includes an agency of a State or political subdivision thereof, or any officer or employee of any such agency.

(u) "Premises" or "establishment" shall mean and include the land and buildings, or portions thereof, and fixtures situated on and constituting a part of such land and buildings, used in the conduct of the business for which a basic permit has been issued, and as described in the application and covered by the permit issued pursuant thereto, and as shown on the plat of the premises.

(v) "Proprietary solvents" shall mean solvents containing more than 25 per cent of alcohol by volume manufactured with specially denatured alcohol in accordance with formulas submitted by the permittee or applicant and are generally adapted for specific uses.

(w) "Recovered denatured alcohol" or "recovered articles" shall mean specially or completely denatured alcohol or articles containing denatured alcohol, which have been saved, reclaimed or salvaged and restored (where necessary), after use in a manufacturing process, but shall not include completely denatured alcohol recovered with all of the original denaturants therein or articles recovered with all of their original ingredients.

(x) "Registered distillery" shall mean a distillery established or operated under the regulations governing the production of distilled spirits, other than alcohol produced pursuant to these regulations.

(y) "Secretary" shall mean the Secretary of the Treasury.

(z) "Slop" or "spent beer" shall mean the residue that is left after the distillation of beer or fermented mash, or other distilling material.

(aa) "Tank car" shall mean a railroad tank car conforming to the requirements of these regulations.

(bb) The terms "includes" and "including" when used in these regulations shall not be deemed to exclude other things within the scope thereof.

(cc) Words in the plural form shall include the singular, and vice versa, and words in the masculine gender shall include females, associations, copartnerships, corporations, etc., as defined in paragraph (t) of this section.* (Sec. 3124, I.R.C.)

ESTABLISHMENT, LOCATION, AND USE

§ 182.7 *Industrial alcohol plants; restrictions.* Industrial alcohol plants for the production of alcohol of not less than 160 degrees of proof from any raw materials, or by any processes suitable for the production of alcohol for industrial or nonindustrial use, may not be located in any dwelling house, shed, yard, or enclosures connected therewith, or on board of any vessel or boat, or in any building, or any premises where beer, lager beer, ale, porter, or other fermented liquors, vinegar, ether, solvents, or proprietary anti-freezes or articles manufactured with denatured alcohol are manufactured or produced, or where sugars or sirups are refined or where liquors of any description are retailed, or within 600 feet in a direct line of a vinegar factory using the vaporizing process, or where any other business is carried on, except as hereinafter provided.* (Sec. 3103, I.R.C.)

§ 182.8 *Experimental industrial alcohol plants.* Experimental industrial alcohol plants may, in the discretion of the Commissioner, be established for a specific and limited period of time for the purpose of experimentation in, or development of processes and sources of materials from which alcohol may be produced, or in manufacturing processes in which alcohol is produced. The Commissioner may exempt the proprietor, insofar as consistent with law, from any of the provisions of these regulations, and the Commissioner may issue permit to operate under such conditions and restrictions as he may deem proper: *Provided*, That application, Form 1431, and bond, Form 1432–A, must be filed.*

§ 182.9 *Chemical plants producing alcohol.* Chemical plants producing alcohol as a by-product must comply with the provisions of these regulations concerning the establishment of industrial alcohol plants, except as hereinafter provided.*

§ 182.10 *Industrial alcohol bonded warehouses.* Industrial alcohol bonded

warehouses may be established exclusively for the storage of alcohol in accordance with the requirements of these regulations by the proprietor of an industrial alcohol plant on his industrial alcohol plant premises, or elsewhere. Industrial alcohol bonded warehouses may not be located in any dwelling house, and if under the same roof or in the same building in which is located a rectifying plant or tax-paid bottling house, the two premises must not have means of communication with each other within the building: *Provided*, That where an industrial alcohol bonded warehouse has heretofore been established in the same building with a rectifying plant or a tax-paid bottling house with interior communication between the two premises, it may continue to operate in such location if the revenue will not be jeopardized thereby. Industrial alcohol bonded warehouses, other than those situated upon the premises of duly established industrial alcohol plants, shall be located in important cities or at important shipping points or other places where need for the establishment of the warehouse is clearly shown, as provided in paragraph (b). The location must be such that adequate transportation facilities will be available, and compliance must be had with the following provisions:

(a) *Capacity.* The capacity must be commensurate with the prospective needs of the applicant in the area or locality in which the warehouse is to be located.

(b) *Evidence of necessity.* If the warehouse is not to be located on the industrial alcohol plant premises, the application must be accompanied by a sworn statement respecting the necessity for the establishment of the warehouse. This statement must show the approximate quantity of alcohol that will be received, stored, and withdrawn annually, the approximate number of persons to be served with alcohol withdrawn from the warehouse, and the quantity of tax-free and tax-paid alcohol which the applicant distributes monthly in that particular area or locality at the time of filing the application, together with any other data indicating the prospective volume of business at the warehouse. If the applicant has secured conditional contracts for the sale of alcohol to qualified purchasers, he shall submit certified copies thereof with his application.

(c) *Design and construction.* The design and construction of the warehouse must be such as to insure efficient and economical supervision by Government officers.

(d) *Discretion of Commissioner.* The Commissioner may disapprove any application for the establishment of a bonded warehouse not to be located on the premises of an industrial alcohol plant, or in any locality where the safety of the alcohol and the revenue would be endangered, or where satisfactory evidence as to the need for the warehouse is not submitted, or where the prospective volume of business is insufficient to warrant the expense of supervision of the warehouse by Government officers.* (Sec. 3101, I.R.C.)

§ 182.11 *Industrial alcohol denaturing plants.* Industrial alcohol denaturing plants may be established exclusively for the denaturation of alcohol and the storage of denatured alcohol, pursuant to the requirements of law and of these regulations, by a proprietor of an industrial alcohol plant. Denaturing plants may be established on the premises of an industrial alcohol plant, or of a bonded warehouse which is not located on the premises of an industrial alcohol plant, or elsewhere. The establishment of denaturing plants on premises other than industrial alcohol plant or bonded warehouse premises shall be subject to the applicable provisions of § 182.10.* (Sec. 3102, I.R.C.)

§ 182.12 *Specially denatured alcohol users' premises.* The storeroom required by these regulations for the storage of specially denatured alcohol to be used by the permittee in manufacturing shall be located on the premises of the manufactory described in the application, and covered by the basic permit. The storeroom shall be used exclusively for the storage of specially denatured alcohol received for use by the permittee.*

§ 182.13 *Specially denatured alcohol bonded dealers' premises.* Specially denatured alcohol bonded storerooms must be located on the premises described in the application and covered by the basic permit. The storeroom shall be used exclusively for the storage of all specially denatured alcohol received by the bonded dealer for sale to qualified purchasers.*

§ 182.14 *Tax-free alcohol users' premises.* Users of tax-free alcohol must maintain on the premises described in the application and covered by the basic permit issued pursuant thereto a safe and secure room or compartment for the storage of all alcohol possessed under authority of any permit. The storage room or compartment shall be used exclusively for the storage of all tax-free alcohol received and possessed by authority of the basic permit issued pursuant to these regulations.* (Sec. 3108 (c), (d), I.R.C.)

CONSTRUCTION

Industrial Alcohol Plants

§ 182.15 *Distilling building.* The industrial alcohol plant buildings must be securely constructed of brick, stone, wood, concrete, or other substantial material and must be completely separated from contiguous buildings not on the industrial alcohol plant premises by unbroken partitions of substantial construction extending from the ground to the roof in a direct vertical line: *Provided*, That where the furnace or boiler used for generating steam or heating water for use in the plant is located off the industrial alcohol plant premises, or where steam is to be conveyed from a boiler in the industrial alcohol plant to other premises for manufacturing or other purposes, or where distilling material or fuel is to be received by chute or pipe line, or where alcohol, distilled water, etc., is to be removed from the industrial alcohol plant by pipe line, in accordance with law and these regulations, or if distilling material is received from a contiguous bonded winery, or from a brewery and the residue of the material received from a brewery is to be returned thereto, necessary openings for the passage of the required pipe lines or chutes may be permitted in the walls or partitions separating the industrial alcohol plant from the adjoining premises: *Provided further*, That necessary openings for the passage of approved water, electric, sewer, or similar lines may be permitted in such walls or partitions. If a bonded warehouse or denaturing plant, or both, are located in the industrial alcohol plant building, the bonded warehouse or denaturing plant, or both, must be separated from the industrial alcohol plant by unbroken floors and walls of substantial construction. No door, window, or similar opening shall be made or permitted in the walls or floors leading into the bonded warehouse or denaturing plant, or into any other room or building, except as provided herein. In such cases the doors and other openings must lead into the public street or into the yard connected with the industrial alcohol plant, or into an elevator shaft or common passageway partitioned off from the bonded warehouse or denaturing plant and leading either directly or through another elevator shaft or similar passageway to the street or to the yard connected with the industrial alcohol plant. The partitions forming the passageways shall be substantially constructed of solid materials or expanded metal or woven wire of not less than 9 gauge nor more than 2-inch mesh, and shall extend from the floor to the ceiling or roof, but doors may be provided therein. The foundations, floors, walls, and roofs, and the doors, windows, and other openings of the industrial alcohol plant buildings shall be constructed, and such doors, windows, and other openings shall be protected and secured, as hereinafter provided.* (Secs. 2800 (e) (1), 3112 (a), I.R.C.)

§ 182.16 *Foundations.* The foundations of the industrial alcohol plant buildings shall be constructed of stone, brick, or concrete, or other equally substantial material, extending into the ground.*

§ 182.17 *Floors.* The industrial alcohol plant buildings must have suitable floors constructed of wood, concrete, brick, or other equally substantial material. If the floor of the receiving room or building or wine room or building is constructed of wood, the boards must be fitted together by tongue and groove, or laid double with the second layer crossing the first at an angle of more than 20 degrees, and securely nailed and fastened.*

§ 182.18 *Walls.* The outside walls of industrial alcohol plant buildings must be securely and substantially constructed. If wood, corrugated iron, or tin is used, the same must be applied over solid sheathing. Where substantial sheet metal is used and the sheets are welded together in such a manner as to constitute a solid wall, solid sheathing will not be required.*

§ 182.19. *Roofs.* The roofs of industrial alcohol plant buildings must be securely and substantially constructed. Where corrugated iron or tin is used, the same must be applied over solid sheathing. Where substantial sheet metal is used and the sheets are welded together in such manner as to constitute a solid roof, solid sheathing will not be required.*

§ 182.20 *Doors.* The outside doors, and those on which Government locks are required, as hereinafter provided, must be securely constructed of heavy timber or iron, or other equally substantial material. The hinges must be secured by roundheaded or carriage bolts, nutted and riveted, or battered on the inside. Hinges that cannot be thus secured must be inaccessible from the outside and so attached that they cannot be removed when the doors are closed. The outside doors, and those on which Government locks are required, must be equipped with hasp and staple, securely fastened on the inside so that they may be securely locked. The doors secured from the inside must be provided with a crossbar in the middle of the door and, in addition thereto, with strong and suitable attachments for the reception of locks. Where there are double doors, one of them at least must be provided with substantial bolts at both the top and the bottom. These bolts must be so arranged as to plunge into substantial fastenings or holes in the middle of the upper and lower ends of the frame when the door is closed. Folding doors of wood or metal, vertical or horizontal sliding doors of wood or metal, and metal doors of the roller blind type, must be provided with substantial crossbars, or bolts that plunge into the upper and lower ends or the sides of the door frame, so placed as to make the door rigid and secure, unless the doors operate in grooves or tracks that make them secure.*

§ 182.21 *Windows in receiving and wine rooms.* The windows in the receiving room and wine room must be constructed as follows:

(a) *Within 12 feet of ground, etc.* All windows located within 12 feet of the ground, or within 12 feet (1) above a fire escape (except as provided in paragraph (b)), (2) above a roof, setback, or balcony within 12 feet of the ground, (3) above a roof or balcony of an adjoining building, or (4) of a roof, window, or other opening of an opposite building, must conform to the following requirements:

(1) *Wood sash.* Windows consisting of plain or wire glass panes set in wood sash must be protected by iron bars and solid shutters;

(2) *Steel sash.* Windows consisting of wire glass panes not larger than 6 by 10 inches, set in metal sash must be protected by iron bars;

(3) *Detention type.* Windows may be of the detention type, consisting of solid steel frame, sash, and grille (over the ventilating portion), combined in one unit and erected in one piece, equipped with wire glass panes not larger than 6 by 10 inches.

(b) *Opening onto fire escapes.* Windows opening onto a fire escape shall be protected by solid metal shutters, securely hinged and equipped with facilities for locking on the inside with a Government lock. Iron bars will not be required on such windows.

(c) *Extension of requirements.* The Commissioner or district supervisor may require any other windows in the receiving and wine rooms to be protected by iron bars or shutters, or both, when deemed necessary to safeguard the alcohol.

(d) *More than 12 feet from the ground.* All windows more than 12 feet from the ground and not subject to the provisions of paragraphs (a) and (b) must be securely constructed and so arranged and equipped that they may be securely fastened on the inside.

(e) *Set in casement.* All windows must be securely set into the window casement in such a manner as to prevent ready removal.

(f) *Sash locks.* All window sashes must be provided with sash locks or other suitable fastenings.

(g) *Shutters.* The shutters must be solid and substantially constructed of metal or wood, and must be fastened inside of the room or building and so secured that they cannot be opened from the outside.

(h) *Iron bars.* The iron bars must be not less than three-fourths of an inch in diameter, placed perpendicularly in the windows or walls, not more than 5 inches apart from center to center, and reinforced by iron crossbars not more than 36 inches apart. All bars and crossbars must be securely fastened to the window frames or embedded in the walls in such a manner as to prevent their removal and to afford proper security.*

§ 182.22 *Other windows.* Other windows of industrial alcohol plant buildings must be securely constructed and so arranged and equipped that they may be securely locked and fastened on the inside.*

§ 182.23 *Skylights, monitors, penthouses, etc.* Skylights, monitors, penthouses, and similar openings will be regarded as windows and treated as such, except that shutters will not be required.*

§ 182.24 *Ventilators.* Small openings in outside walls of industrial alcohol plant buildings, and in the ground floors and the roofs thereof, for ventilation or heating purposes, will be permitted, provided they are protected by substantial metal gratings, not lighter than No. 6 gauge and having openings not larger than one-half inch, securely attached to or embedded in the floor, wall, or roof. Where such openings in the walls, floors, and roofs of receiving and wine rooms are larger than 6 by 6 inches, they should be further protected by iron bars. Such opening will not be permitted in the walls or floors which separate the industrial alcohol plant from bonded warehouses or denaturing plants, or from contiguous premises.*

§ 182.25 *Drains.* Openings in floors will be permitted for drainage or sewage, provided they are permanently connected to the sewer system and protected in the same manner as ventilators.*

§ 182.26 *Wine room or building.* If, in the operation of the industrial alcohol plant, low wines, high wines, or unfinished alcohol will be produced and not redistilled immediately, the proprietor must provide a suitable wine room or building in which shall be located the low wine, high wine, and unfinished alcohol tanks. The wine room or building shall be constructed in accordance with the applicable provisions of §§ 182.15 to 182.25, inclusive. No door, window, or other opening (except necessary openings for approved pipe lines) leading from the wine room into any other building, except the distilling building, will be permitted. All doors of the wine room or building shall be locked on the inside with Government locks, except the entrance door, which shall be locked on the outside of the wine room or building with a Government seal lock. The wine room or building must be well-lighted, and a sign must be placed over the entrance door of the wine room bearing the words "Wine Room."*

§ 182.27 *Meal room.* If meal is to be stored on the industrial alcohol plant premises, the proprietor must provide for the purpose a suitable room constructed in accordance with the applicable provisions of §§ 182.15 to 182.25, inclusive, except that where substantially constructed bins of sufficient capacity, all openings of which may be closed and secured with Government locks, are installed for the storage of meal, a separate meal room need not be provided. All doors of the meal room must be equipped for locking on the inside except the entrance door, which must be equipped for locking on the outside with a Government lock. Windows and similar openings, if any, must be so equipped that they may be closed and securely fastened on the inside. Hoppers, chutes, conveyors, pipes, or openings in the walls, floor, or ceiling of the meal room used for the conveyance of meal from the meal room to the mash tubs, must be so constructed that they may be closed within the meal room and locked with Government locks: *Provided*, That where a hopper extends through the floor of the meal room, the outlet thereof may be locked outside of the meal room, if the hopper is securely covered and the inlet thereof is locked within the meal room. The meal room must be well-lighted, and a sign bearing the words "Meal Room" must be placed over the entrance door.* (Sec. 2823, I.R.C.)

§ 182.28 *Granary.* If the granary is located on the industrial alcohol plant premises it must be so constructed that the doors and other openings thereof may be closed and securely fastened on the inside, except the entrance door, which will be equipped for locking on the outside with a Government lock. If the granary is not situated on the industrial alcohol plant premises, but adjoins the industrial alcohol plant, the granary must be separated from the industrial alcohol plant on a direct vertical line by a solid and unbroken wall of substantial construction, except that an opening sufficient for the passage of grain chutes or pipe lines will be permitted in such wall. Such chutes or pipe lines shall be equipped with facilities for locking with Government locks on the industrial alcohol plant premises at the point where they enter the industrial alcohol plant building or premises.* (Sec. 2823, I.R.C.)

§ 182.29 *Fermenting room or building.* The proprietor must provide on the in-

dustrial alcohol plant premises a fermenting room or building in which shall be located the fermenting tubs or tanks: *Provided*, That where covered or otherwise sheltered tanks are used they need not be located in a room or building. Where a fermenting room is provided it may be located in the distilling building and have direct communication with other portions of such building. If carbon-dioxide gas is recovered, the necessary purifiers, scrubbers, and washwater receiving tanks should be located in the fermenting room or building or in an adjoining room or building. A sign must be placed over the entrance door of the fermenting room bearing the words "Fermenting Room."*

§ 182.30 *Receiving room.* The proprietor must provide a receiving room or building, in which shall be located the receiving cisterns or tanks. The receiving room or building must be constructed in accordance with the applicable provisions of §§ 182.15 to 182.25, inclusive. No door, window, or other opening (except necessary openings for approved pipe lines) leading into the industrial alcohol plant or into any other room or building will be permitted. The doors and other openings must lead into the yard connected with the industrial alcohol plant. All doors of the receiving room or building shall be equipped for locking on the inside with Government locks, except the entrance door, which shall be equipped for locking on the outside with a Government seal lock. The receiving room must be well lighted and of sufficient size to permit the weighing, marking, and branding of alcohol to be done conveniently, and to accommodate the necessary equipment, including a desk and chairs for the use of Government officers. A sign must be placed over the entrance door of the receiving room bearing the words "Receiving Room." Where more than one receiving room is provided, each such room will be given an alphabetical designation, as "A," "B," etc.* (Sec. 3103, I.R.C.)

§ 182.31 *Temporary storage room.* Where alcohol, after being drawn from the receiving cisterns or tanks into packages, is to be temporarily retained on the industrial alcohol plant premises pending tax-payment or removal for deposit in an industrial alcohol bonded warehouse or denaturing plant off the industrial alcohol plant premises, the proprietor must provide a separate room in the receiving room for the temporary storage of such packages. The construction of such temporary storage room must conform to the provisions of these regulations governing the construction of the receiving room. The entrance door of the storage room shall open into the other part of the receiving room and be so constructed that it may be securely locked with a Government lock. Where another door is provided, it must lead into the yard connected with the industrial alcohol plant and be so constructed that it may be securely locked on the inside with a Government lock, and will be used for the removal of alcohol temporarily stored in the room. If such other door is not provided, alcohol may not be removed from the temporary storage room through the other portion of the receiving room while packages are being filled therein.*

§ 182.32 *Empty container storeroom.* If empty packages are to be stored in the industrial alcohol plant, a separate room or building must be provided for such purpose. Such room or building shall not have any means of interior communication with any other room or building used in connection with the production, storage, or denaturation of alcohol. This room or building may be used for general cooperage purposes.*

§ 182.33 *Government office.* The proprietor shall provide and maintain on the industrial alcohol plant premises, for the exclusive use of Government officers, a securely constructed, well-lighted, heated, and ventilated office of suitable dimensions. The Government office shall be equipped with toilet and lavatory facilities, unless such facilities, suitably located, are provided elsewhere on the premises, and with a suitable number of desks, chairs, and file cases, and such other furniture as may be necessary for the keeping of records and the preparation of reports. The Government office shall also be provided with running water, tables, and shelves for use in connection with the testing of beer and slop, unless suitable laboratory facilities are available to Government officers elsewhere on the premises. The door of the Government office shall be equipped with a cylinder type lock and a sufficient number of keys therefor shall be furnished the district supervisor for the use of Government officers. Where deemed necessary to afford adequate security to Government property, the district supervisor may require the windows of the Government office to be protected by shutters or iron bars, and the door to be so equipped that it may be securely fastened with a Government lock.*

§ 182.34 *Government cabinet.* There shall be provided in the Government office a metal cabinet of adequate strength and size, and suitably equipped for locking with a Government seal lock, for use in safeguarding the keys to Government locks, seals, and other Government property, and stamps in the custody of Government officers. Each such cabinet shall be subject to approval by the district supervisor.*

§ 182.35 *Sign.* The proprietor shall place and keep conspicuously on the outside and at the front of the industrial alcohol plant where it can be plainly seen, a sign exhibiting in plain and legible letters, painted in oil colors or gilded, not less than 3 inches in height and of a proper and proportionate width, the name of the proprietor and the words "Industrial Alcohol Plant," followed by the registered number of the plant.* (Sec. 3103, I.R.C.)

§ 182.36 *Fences or walls and gates.* If a fence or wall is to be erected or maintained around the premises of any industrial alcohol plant, a suitable number of gates therein must be provided in order that ready access may be had to the industrial alcohol plant, and approval of the fence or wall must first be obtained from the district supervisor.*

§ 182.37 *Special application.* Where the proprietor desires to construct or maintain a fence or wall around the industrial alcohol plant, he shall file with the district supervisor a special application therefor, in triplicate, giving a complete description of the fence or wall, including information as to materials, construction, height, and number of gates, and stating the reasons for the construction or maintenance of such fence or wall. The district supervisor will take action on such special application in accordance with the procedure prescribed in §§ 182.282–182.302.*

§ 182.38 *Keys to gates.* If the gates in the fence or wall around the industrial alcohol plant are to be locked at any time, the proprietor shall furnish the district supervisor as many keys to the gates as may be required from time to time, in order to render the industrial alcohol plant readily accessible to Government officers.*

§ 182.39 *Experimental industrial alcohol plants.* The Commissioner may, in his discretion, in the case of experimental industrial alcohol plants, waive such provisions of this article, or portions thereof, concerning the construction of plants, which he deems may be done without jeopardy to the revenue.*

§ 182.40 *Chemical plants producing alcohol as a by-product.* The Commissioner may, in his discretion, in the case of chemical plants producing alcohol as a by-product, waive such requirements of this article as he may deem expedient, when such may be done without jeopardy to the revenue, including the requirement that certain apparatus and equipment be located within a room or building if the location of the apparatus or equipment within a room or building is shown to be hazardous to human life or otherwise impracticable. Application must be made to the Commissioner through the district supervisor, in triplicate, stating specifically the provisions of this article from which waiver is requested.* (Sec. 3103. I.R.C.)

Bonded Warehouses

§ 182.41 *Construction.* Rooms or buildings constituting the bonded warehouse must be constructed in accordance with the applicable provisions of §§ 182.15 to 182.25, inclusive, and the provisions of said sections relating to windows in receiving and wine rooms shall apply to bonded warehouses. All doors of the industrial alcohol bonded warehouse shall be constructed in accordance with § 182.20 and shall be equipped for locking on the inside with Government locks, except the entrance door, which shall be equipped for locking on the outside with a Government seal lock. The construction of the warehouse shall also conform to the following additional requirements:

(a) *Located on premises of industrial alcohol plant.* When the bonded warehouse is located on the premises of an industrial alcohol plant, it may be situated in the industrial alcohol plant building, provided it is separated from the industrial alcohol plant by solid, unbroken walls and floors of substantial construction: *Provided*, That necessary openings for the passage of approved pipe lines will be permitted in such walls or floors. The doors and other openings thereof must lead into a public street or into the yard connected with the industrial alcohol plant, or into an elevator shaft or common passageway partitioned off from all other rooms or buildings, and leading either directly or through another elevator shaft or similar passageway to the street or yard.

(b) *Where not located on industrial alcohol plant premises*—(1) *Premises owned by proprietor unencumbered or consent of owner is obtained.* If the bonded warehouse is not located on the premises of an industrial alcohol plant and the land and buildings are owned by the proprietor in fee simple, unencumbered, or if not so owned and the consent of the owner or encumbrancer or lien holder, as the case may be, has been procured, the bonded warehouse must be completely separated from contiguous premises by unbroken partitions of substantial construction extending from the ground to the roof in a direct vertical line. The doors must lead into a public street or into the yard connected with the warehouse.

(2) *Premises covered by bond, Form 1604.* If the condition of the title to the bonded warehouse premises is such that indemnity bond, Form 1604, may be filed in lieu of the consent of the owner or encumbrancer or lien holder, the bonded warehouse may consist of a room or floor of a building, in which case it must be completely separated from all other rooms or floors of the building by solid, unbroken floors and walls of substantial construction extending from the ground or floor to the roof or ceiling. The doors and other openings must open into a public street or into the yard connected with the warehouse, or into an elevator shaft or common passageway, partitioned off from the bonded warehouse and other businesses and leading either directly or through another elevator shaft or similar passageway to the street or yard. Where the door of the warehouse opens into a common passageway, as provided above, the partitions forming the common passageway shall be solid materials or expanded metal or woven wire of not less than 9 gauge nor more than 2-inch mesh, and shall extend from the floor to the ceiling or roof, but doors may be provided therein if they do not permit interior communication with a rectifying plant or tax-paid bottling house in the same building contrary to the provisions of § 182.10. Common passageways shall be used exclusively as a means of communication.* (Secs. 3101, 3112, I.R.C.)

§ 182.42 *Tax-paid storeroom.* Where alcohol in packages, after tax-payment, is to be temporarily retained on the bonded warehouse premises pending removal, the proprietor must provide in connection with the bonded warehouse a room for the storage of such alcohol tax-paid at the warehouse. The tax-paid storeroom, if contiguous to the portion of the warehouse used for the storage of untax-paid alcohol, must be separated therefrom by solid and unbroken partitions or floors of substantial construction conforming to the provisions of §§ 182.17 and 182.18.*

§ 182.43 *Empty container storeroom.* If empty packages, other than bottles, cases, and cans, are to be stored in the bonded warehouse, a separate room or building must be provided for such purpose. Such room or building shall not have means of interior communication with any other room or building used for the storage of alcohol. This room or building may be used for general cooperage purposes.*

§ 182.44 *Storage tanks as additions to warehouses.* The Commissioner may approve permanent storage tanks not located within a room or building as an addition to a bonded warehouse which is located on the premises of an industrial alcohol plant: *Provided*, That such tanks are constructed, equipped, and enclosed in conformity with the following requirements:

(a) *Construction of tanks and foundations.* The tank, or tanks, shall be of substantial steel construction and of uniform dimensions from top to bottom, and shall be erected on a solid concrete base or foundation. Each storage tank shall have plainly and legibly painted thereon the words "Alcohol Storage Tank," followed by its serial number and capacity in wine gallons. The inlet and outlet pipe connections of each storage tank must be fitted with valves so constructed that they can be secured with Government locks, and any other openings in such tanks must also be so constructed that they can be closed and locked.

(b) *Walls.* The tanks shall be completely enclosed by a brick, concrete, or stone wall, at least 12 inches thick and extending not less than 3 feet above, and 3 feet below, the ground.

(c) *Fences.* A fence at least 12 feet in height, constructed on not less than No. 6 gauge, nor more than 2-inch mesh, expanded metal or woven wire, with at least three rows of barbed wire superimposed on the top thereof, shall be permanently affixed on the wall. The fence posts shall be substantially constructed if iron or steel and shall be solidly embedded in the wall.

(d) *Gates.* A suitable gate in such fence shall be provided, which gate shall be of the same construction as the fence, and shall be equipped with hasp and staple for the reception of a Government seal lock.

(e) *Pipe lines.* The storage tanks shall be connected with approved weighing tanks in the bonded warehouse building by permanent and continuous pipe lines constructed in accordance with § 182.82, and so arranged as to be exposed to view throughout their entire lengths. All valves, unions, flanges, and other detachable connections in the pipe lines and openings in the tanks must be so secured, by brazing, welding, fastening and sealing, or locking with Government locks, as to effectually prevent disconnection and access to the alcohol.

(f) *Additional requirements.* The Commissioner or district supervisor may require, in any case in which he deems it necessary, either the installation of electric floodlights for lighting the tank enclosure, or the maintenance of watchman's services, or both, or other protective measures or devices.* (Sec. 2823, 3101, I.R.C.)

§ 182.45 *Government cabinet.* There shall be provided in the Government office a metal cabinet conforming to the provisions of § 182.34 for use in safeguarding the keys to Government locks, seals, and other Government property.*

§ 182.46 *Government office and facilities.* The proprietor shall provide and maintain on the bonded warehouse premises for the exclusive use of Government officers, a securely constructed, well-lighted, heated, and ventilated office of suitable dimensions, equipped in accordance with the provisions of § 182.33: *Provided*, That where the bonded warehouse is located on the premises of an industrial alcohol plant or denaturing plant and a Government office conforming to the requirements of § 182.33 is provided on the industrial alcohol plant or denaturing plant premises, and such office is so located as to be suitable for the use of Government officers assigned to the bonded warehouse, a separate Government office need not be provided in the warehouse: *And provided further*, That where a Government office is not provided in the bonded warehouse, the proprietor must provide such desks, chairs, file cases, and other furniture as may be necessary for the keeping and preserving of Government records and the preparation of reports in a suitable and well-lighted space in the bonded warehouse. If the bonded warehouse is not properly heated during inclement weather, such office facilities must be located in a well-lighted, heated, and ventilated room. Such facilities shall be subject to approval by the district supervisor.*

§ 182.47 *Sign.* The proprietor shall place and keep conspicuously on the outside and at the front of the warehouse where it can be plainly seen, a sign exhibiting in plain and legible letters painted in oil colors or gilded, not less than 3 inches in height, and of a proper and proportionate width, the name of the proprietor and the words "Industrial Alcohol Bonded Warehouse," followed by the registry number of the warehouse. If the warehouse consists of two or more buildings, the required sign as described above will be placed over the entrance of each such building, and there shall also be shown on such sign the alphabetical designation of the building.*

§ 182.48 *Fences or walls and gates.* The provisions of §§ 182.36 to 182.38, inclusive, relating to fences or walls (and gates therein) around the premises of an industrial alcohol plant are hereby extended to and made applicable to bonded warehouses.*

Denaturing Plants

§ 182.49 *Construction.* The rooms or buildings constituting the denaturing plant must be constructed in accordance with the applicable provisions of §§ 182.15 to 182.25, inclusive, and § 182.41. The construction of the denaturing plant

shall also conform to the following additional requirements:

(a) *Located on the premises of industrial alcohol plant or bonded warehouse.* Where the denaturing plant is located on the premises of an industrial alcohol plant or bonded warehouse, it may be situated in the same building as the industrial alcohol plant or bonded warehouse, provided it is separated from the industrial alcohol plant or bonded warehouse by solid, unbroken walls and floors of substantial construction: *Provided*, That necessary openings for the passage of approved pipe lines will be permitted in such walls or floors. The doors and other openings must lead into a public street or into the yard connected with the industrial alcohol plant or bonded warehouse, or into an elevator shaft or common passageway partitioned off from all other rooms or buildings and leading either directly or through another elevator shaft or similar passageway to the street or yard.

(b) *If not located on industrial alcohol plant or bonded warehouse premises.* If the denaturing plant is not to be located on the premises of an industrial alcohol plant or bonded warehouse, pursuant to authority granted by the Commissioner, it may consist of a building or a room or floor of a building, in which case it must be completely separated from all other buildings, rooms, and floors, which are not a part of the denaturing plant by solid, unbroken floors and walls of substantial construction extending from the ground or floor to the roof or ceiling. The doors and other openings must open into a public street or into the yard connected with the denaturing plant, or into an elevator shaft or common passageway partitioned off from all other businesses, and leading either directly or through another elevator shaft or similar passageway to the street or yard in accordance with the provisions of § 182.41.*

§ 182.50 *Alcohol storeroom.* Where alcohol is received in barrels, drums, or other containers, the proprietor must provide an alcohol storeroom for use solely for the storage of alcohol, unless all alcohol received in such containers is immediately transferred into alcohol storage or mixing tanks provided in accordance with these regulations. The alcohol storeroom must be constructed in accordance with the requirements of § 182.49. The entrance door of such storeroom must be so equipped that it may be securely locked on the outside of the room with a Government lock. The proprietor shall place over the entrance door of the room a sign bearing, in plain and legible letters, the words "Alcohol Storeroom." If more than one such storeroom is provided, each shall be given an alphabetical designation, which shall appear on the sign.*

§ 182.51 *Denaturing material storeroom.* The proprietor must provide within the denaturing plant a denaturing material storeroom for use solely for the storage of denaturing materials, except that this requirement shall not apply where permanently fixed metal tanks of such size that they cannot be readily removed and so constructed that they can be securely locked with a Government lock, are installed on the denaturing plant premises, but not necessarily within a room or building, for the storage of the denaturing materials. The proprietor shall place over the entrance door of the room a sign bearing, in plain and legible letters, the words "Denaturing Material Storeroom." If more than one such storeroom is provided, each shall be given an alphabetical designation, which shall appear on the sign.*

§ 182.52 *Denatured alcohol storeroom.* Where denatured alcohol is stored on the premises in barrels, drums, cans, or similar containers, the proprietor must provide on the denaturing plant premises a separate room (or building) for use solely for the storage of denatured alcohol. The denatured alcohol storeroom must be constructed in accordance with the requirements of § 182.49. The entrance door of such storeroom must be so equipped that it may be securely locked on the outside of the room with a Government lock. The proprietor shall place over the entrance door of the denatured alcohol storeroom a sign bearing, in plain and legible letters, the words "Denatured Alcohol Storeroom." If more than one such storeroom is provided, each shall be given an alphabetical designation, which shall appear on the sign.*

§ 182.53 *Empty container storeroom.* If empty packages, other than cans, are to be stored in the denaturing plant, a separate room or building must be provided for such purpose. Such room or building shall not have any means of interior communication with any other room or building used for the denaturation or storage of alcohol. This room or building may be used for general container purposes.*

§ 182.54 *Government office and cabinet.* The proprietor shall provide and maintain on the denaturing plant premises, for the exclusive use of Government officers, an office constructed and equipped in accordance with the provisions of § 182.33: *Provided*, That where the denaturing plant is located on the premises of an industrial alcohol plant or bonded warehouse, office facilities may be provided in accordance with the provisions of § 182.46. There shall be provided in the Government office a metal cabinet conforming to the provisions of § 182.34 for use in safeguarding the keys to Government locks, seals, and other Government property.*

§ 182.55 *Signs.* The proprietor shall place and keep conspicuously on the outside and at the front of the denaturing plant where it can be plainly seen, a sign exhibiting in plain and legible letters, painted in oil colors or gilded, not less than 3 inches in height and of proper and proportionate width, the name of the proprietor and the words "Denaturing Plant," followed by the registry number of the plant. If the denaturing plant consists of two or more buildings, the required sign will be placed over the entrance of each building, and there shall also be shown on such sign the alphabetical designation of the building.*

§ 182.56 *Fences or walls and gates.* The provisions of §§ 182.36 to 182.38, inclusive, relating to fences or walls and gates around the premises of an industrial alcohol plant, are hereby extended to and made applicable to denaturing plants.*

Specially Denatured Alcohol Users' Storeroom

§ 182.57 *Construction.* A manufacturer using specially denatured alcohol must provide on the manufacturing premises covered by the basic permit a specially denatured alcohol storeroom for use solely for the storage of specially denatured alcohol, except that this requirement shall not apply where permanently fixed metal tanks, of such size that they cannot be readily removed and so constructed that they can be securely locked, are installed on the manufacturing premises for the storage of specially denatured alcohol. The walls of the storeroom must be securely constructed of substantial materials and extend from the floor to the ceiling. The doors, windows, and other openings must be equipped with hardware for securing the same on the inside of the storeroom. The entrance door must be equipped with a cylinder lock or with a hasp and staple for the reception of a padlock so as to afford proper protection to the denatured alcohol stored therein.*

§ 182.58 *Sign.* The proprietor shall place over the entrance door of the storeroom a sign bearing, in plain and legible letters, the words "Specially Denatured Alcohol Storeroom," or the words "Specially Denatured Alcohol Storage Tank," if tanks are provided in lieu of a storeroom, followed by the symbol and basic permit number assigned by the district supervisor. If more than one such storeroom, or storage tank, is provided, each shall be given an alphabetical designation, which shall appear on the sign.*

Specially Denatured Alcohol Bonded Dealers' Storeroom

§ 182.59 *Construction.* A dealer in specially denatured alcohol must provide on the premises covered by the basic permit a specially denatured alcohol storeroom for use solely for the storage of specially denatured alcohol. Permanently fixed metal tanks, of such size that they cannot be readily removed and so constructed that they can be securely locked, may be located without the storeroom and used for the storage of specially denatured alcohol. Specially denatured alcohol in original packages, or other portable receptacles, must be stored in the specially denatured alcohol storeroom. The walls of the storeroom must be securely constructed of substantial materials and extend from the floor to the ceiling. The doors, windows, and other openings must be equipped with hardware for securing the same on the inside of the storeroom. The entrance door must be equipped with a cylinder lock or with a hasp and staple for the reception of a padlock so as to afford proper protection to the denatured alcohol stored therein.*

§ 182.60 *Sign.* The proprietor shall place over the entrance door of the storeroom a sign bearing in plain and legible letters, the words "Specially Denatured Alcohol Storeroom," or the words "Specially Denatured Alcohol Storage Tank," if tanks are provided in lieu of a storeroom, followed by the symbol and basic permit number assigned by the district supervisor. If more than one such storeroom, or storage tank, is provided, each shall be given an alphabetical designation which shall appear on the sign.*

Tax-free Alcohol Users' Storeroom

§ 182.61 *Construction.* Users of tax-free alcohol must provide a storeroom or compartment for the storage of tax-free alcohol possessed by authority of permits issued in accordance with these regulations. Storerooms or compartments must be of sufficient capacity to hold the maximum quantity of alcohol which may be possessed at any one time, and shall be securely constructed of substantial materials, and all doors, windows, and other openings shall be equipped so that they may be securely locked.*

EQUIPMENT

Industrial Alcohol Plants

§ 182.62 *Laboratory apparatus.* The proprietor of the industrial alcohol plant shall provide for the use of Government officers a Kjeldahl or other distilling unit of sufficient capacity to distill samples of beer and slop, a Juerst, Lefco, or other approved ebulliometer, and other laboratory apparatus and equipment necessary for determining the alcoholic content of the beer and slop. The distilling unit shall be installed in a suitable location approved by the district supervisor. Where the proprietor maintains a laboratory which, in the opinion of the district supervisor, is properly equipped for making such tests, the proprietor may make such facilities available to Government officers in lieu of providing additional apparatus and equipment.* (Secs. 2808, 2829, I.R.C.)

§ 182.63 *Scales.* The proprietor must provide in the receiving room suitable and accurate scales for weighing packages of alcohol. The proprietor must also provide on the industrial alcohol plant premises suitable and accurate scales for the weighing of grain and other nonliquid distilling materials received and used. If the industrial alcohol plant is equipped with meal hoppers mounted on scales, the meal may be weighed therein. Beams or dials of scales used to weigh packages must indicate weight in half-pound graduations: *Provided*, That if packages containing exactly 1, 2, 5, and 10 wine gallons, which would require weighing in terms of pounds and ounces, are filled or received, scales indicating weight in ounce graduations must be provided. The beams or dials of weighing tank scales must indicate weight in 1-pound graduations, if of less than 10 tons capacity, and in 5-pound graduations, if of 10 tons or more capacity.* (Sec. 2808, I.R.C.)

§ 182.64 *Weighing tanks.* Except as provided in § 182.407, where alcohol is to be removed by pipe line to storage tanks in an industrial alcohol bonded warehouse or denaturing plant on the industrial alcohol plant premises or to tank cars for shipment, the proprietor must provide in the receiving room one or more suitable weighing tanks constructed in accordance with the provisions of § 182.65. If molasses or other liquids are used as distilling materials, a suitable weighing or measuring tank must be provided for determining the quantity thereof.* (Sec. 2808, I.R.C.)

§182.65 *Construction of weighing tanks.* Weighing tanks for alcohol shall be constructed of metal and shall be stationary and of uniform dimensions from top to bottom, and each such tank shall be calibrated and equipped with a suitable measuring device whereby the contents will be correctly indicated. Each weighing tank shall be mounted on accurate scales and shall have plainly and legibly painted thereon the words "Weighing Tank," followed by its serial number, capacity in wine gallons, and capacity per inch of depth. The inlet and outlet pipe connections of each weighing tank must be fitted with valves so constructed that they can be secured with Government locks, and any other openings in such tanks must also be so constructed that they can be closed and similarly locked. The district supervisor will have the calibration of each weighing tank verified by a Government officer.* (Secs. 2808, 2823, I.R.C.)

§ 182.66 *Test weights.* The proprietor shall provide a set of ten 50-pound cast-iron test weights, which shall be certified by the National Bureau of Standards or State departments of weights and measures as conforming to class "C" requirements of the National Bureau of Standards. If the proprietor has provided such test weights at an industrial alcohol bonded warehouse or denaturing plant operated by him on the same premises, or at a rectifying plant, etc., on contiguous premises, he need not provide a separate set of weights for the industrial alcohol plant. All test weights shall be placed under the control and in the custody of the storekeeper-gauger in charge, who shall keep them under Government lock when not in use.* (Sec. 2808, I.R.C.)

§ 182.67 *Furnace doors, steam and fuel lines.* The door of every furnace of every still or boiler located on the industrial alcohol plant premises must be so constructed that it may be closed and locked with a Government lock in such a manner as will effectually prevent it from being opened and a fire lighted in the furnace or under the boiler: *Provided*, That where the stills are heated with steam and it is necessary to use the boilers for the generation of steam for other purposes during periods when distilling operations are suspended, the doors of the furnaces of such boilers need not be equipped for locking when the pipe lines used to convey steam from the boilers to the stills are provided with valves equipped for locking with Government locks at the point where they enter each still. Where the boilers used for generating steam for the operation of the industrial alcohol plant are located off the industrial alcohol plant premises, the pipe line used to convey the steam to the industrial alcohol plant premises, the with a valve so constructed that it may be locked with a Government lock, either at the point where it enters the premises or at the point of entrance to the still. If the stills are operated with fuel conveyed to them by pipe line, such pipe line must likewise be equipped for locking.* (Ser. 3103, I.R.C.)

§ 182.68 *Distilling material storage tank.* If molasses or other liquid distilling materials are to be stored on the industrial alcohol plant premises, the proprietor must provide substantially constructed tanks for the purpose. The inlets, outlets, and other openings of such tanks must be equipped for locking with Government locks. Such tanks need not be located in a room or building.* (Secs. 2823, 2829, I.R.C.)

§ 182.69 *Off-premises material conveyors.* Where distilling materials are conveyed to the industrial alcohol plant by chute or pipe line from adjacent premises, such chute or pipe line shall be equipped for locking with Government locks at the point where it enters the industrial alcohol plant premises.* (Secs. 2823, 2829, I.R.C.)

§ 182.70 *Cookers and mash tubs.* Cookers and mash tubs must be so placed as to be easily accessible and subject to ready examination by Government officers. Each such cooker or mash tub must have painted thereon its designated use, as "Cooker" or "Mash Tub," followed by its serial number and capacity in wine gallons.*

§ 182.71 *Fermenters.* Each fermenter must be constructed of wood, metal, concrete, or other suitable material, and so arranged as to permit examination of every part thereof. Each fermenter must have plainly and legibly painted thereon in oil colors the word "Fermenter," followed by its serial number and capacity in wine gallons, depth in inches, and, if of uniform dimensions and standing on end, the capacity per inch of depth. Where such tanks are of irregular dimensions the proprietor shall furnish the district supervisor a table, in duplicate, showing the capacity of the tank for each inch of depth. The district supervisor will retain one copy of the table and forward the other to the storekeeper-gauger, who will retain the same in the Government office. The proprietor shall provide an accurate measuring rod marked in inches, or a steel tape, suitable for use in determining the contents of such tanks. When deemed necessary, the accuracy of the proprietor's calibration of fermenters will be verified by Government officers.* (Sec. 3103, I.R.C.)

§ 182.72 *Washwater receiving tanks.* If carbon dioxide is recovered, there must be provided a sufficient number of washwater receiving tanks, which shall be constructed of metal and be of uniform dimensions from top to bottom. Each such tank shall be equipped with a suit-

able measuring device whereby the actual contents will be correctly indicated. There must be painted on each tank the words "Washwater Receiving Tank," followed by its serial number and capacity in wine gallons. The outlet valve must be equipped for the reception of Government lock. Such tanks, if connected with low-wine tanks, stills, or other distilling apparatus, shall be connected by means of fixed metal pipe lines for the purpose of transferring the washwater.* (Secs. 2823, 2829, I.R.C.)

§ 182.73 *Stills.* The stills must be of substantial construction and must have a clear space of not less than 1 foot around them. The steam or fuel line to each still shall be equi; ped with a valve so constructed that it may be locked with a Government lock as provided in § 182.67, when the still is registered "Not for use." The drain and wash-out pipes of stills must also, wherever practicable, be equipped with valves so constructed that they may be locked with Government locks. If there is a furnace under the stills or doublers, the door thereto must, as provided in § 182.67, be so constructed that it may be secured with a Government lock. There must be a clear space of not less than 2 feet around every doubler and condenser or worm tank. The doubler and worm tanks must be elevated not less than 1 foot from the floor. Every still must be numbered, commencing with number 1, according to the flow of the alcohol, and have painted thereon its designated use, such as "Beer Still," "Doubler," "Rectifying Column," etc., and its number. The capacity in wine gallons of pot stills and doublers, the capacity in wine gallons of the charge or top chamber of charge chamber stills, and the maximum spirit producing capacity for a period of 24 hours, determined in accordance with § 182.915, of continuous stills, shall be marked on such stills. Where the still is insulated or the manufacturer's serial number is otherwise obscured, such number and capacity will likewise be painted on the covering of the still.* (Sec. 3103, I.R.C.)

§ 182.74 *General requirements for tanks and other equipment.* All tanks used as receptacles for spirits between the outlet of the first condenser or worm and the receiving tanks shall be constructed of metal, and shall be of uniform dimensions from top to bottom, and each such tank shall be equipped with a suitable measuring device whereby the actual contents will be correctly indicated. All tanks must be so constructed as to permit examination of every part thereof, and so arranged as to leave an open space of not less than 3 feet between the top and the roof or floor above. Where tanks are equipped with manholes or valves in the top, which are required to be locked with Government locks, suitable walks or landings with steps or stairways leading thereto must be provided near the top of such tanks in order that ready access may be had by Government officers to the manholes. District supervisors may require such walks or landings, with steps or stairways leading thereto, to be installed at plants now operating, where the tanks have manholes or valves in the top, which are required to be locked with Government locks, and the present method of gaining access to the top of the tanks is hazardous or unsafe to Government officers who are required to open and close the locks on such manholes or valves or to inspect the contents of the tanks from time to time. All tanks, such as low-wine tanks, high-wine tanks, heads and tails tanks, fusel oil tanks, distilled water tanks, and similar equipment, shall each have plainly and legibly painted thereon its designated use, serial number, and capacity in wine gallons. Manheads, inlets, and outlets of the tanks and all necessary openings in the distilling apparatus and equipment, except column stills, whereby access may be had to the alcohol, must be provided with facilities for locking with Government locks: *Provided*, That distilled water storage tanks need not be so equipped unless a pipe line is connected therewith for the conveyance of distilled water to contiguous establishments, as provided in § 182.76. All openings in tanks and other distilling apparatus and equipment, which are not absolutely necessary and which can be permanently closed without interference with plant operations, shall be closed by brazing, welding, or otherwise securely fastening and sealing. Tanks used as receptacles for alcohol must not be permanently connected with pipe lines used for the conveyance of air, distilled water, or other substances than alcohol.

(a) *Measuring devices.* All tanks used as receptacles for alcohol shall be equipped with floats and counterweights and a proper scale whereby the actual contents will be correctly indicated, except that tanks located in a locked room may be equipped with suitable and accurate glass gauges: *Provided*, That the use of other suitable and accurate measuring devices may be authorized by the Commissioner upon application of the proprietor. The openings in the tanks for cords or wires for floats and counterweights must be no larger than are absolutely necessary to accommodate the cords or wires. Where tanks equipped with floats and counterweights are in a locked room, the scale should be extended to the outside of the room to permit ascertainment of the contents of the tank and thus guard against overflow without the necessity of opening the door of the room. Where tanks in a locked room are equipped with glass gauges, a properly barred and secured window must be provided in the wall or door to permit reading the gauge.* (Secs. 2823, 2829, I.R.C.)

§ 182.75 *Fusel oil tanks.* Fusel oil tanks must be constructed and equipped in accordance with the provisions of § 182.74 and each such tank must have painted thereon the words "Fusel Oil Tank," followed by its serial number and capacity in wine gallons. Tanks for the temporary storage of fusel oil, after the same has been tested, need not be enclosed in a room or building, but must be located on the industrial alcohol plant premises. Fusel oil tanks shall not be connected with any pipe line used for the conveyance of alcohol. The pipe lines connecting the tanks in which fusel oil is collected during the course of distillation with the stills must be constructed and arranged in accordance with the provisions of § 182.82. Where fusel oil is to be transferred by pipe line from the tanks in which collected to storage tanks pending removal, such pipe lines must also be constructed in accordance with the provisions of § 182.82. Pipe lines connected with fusel oil tanks must be provided with valves so arranged as to control the flow of fusel oil both into and out of the tanks, and so constructed that they may be secured with Government locks.* (Secs. 2823, 2829, I.R.C.)

§ 182.76 *Distilled water storage tanks.* Distilled water storage tanks shall be so located that their contents may be readily inspected by Government officers, and each such tank shall have painted thereon the words "Distilled Water Storage Tank," followed by its serial number and capacity in wine gallons. Where distilled water is to be conveyed by pipe lines to contiguous establishments operated under the internal revenue laws and regulations, the storage tanks from which the distilled water is to be conveyed must be so constructed that any necessary openings therein may be closed and secured with a Government lock. The pipe line must be an independent one, without any connection with any other pipe, tank, vessel or utensil on the industrial alcohol plant premises: *Provided*, That where distilled water is to be so conveyed from two or more distilled water storage tanks, the pipe line may be connected with such tanks by permanent manifold connections. The pipe line must be constructed of metal and exposed to view throughout its entire length. The valves, flanges, and other connections in such pipe line on the industrial alcohol plant premises must be brazed, welded, or otherwise secured in such a manner that the pipe line and its connections cannot be detached or altered without showing evidence of tampering.* (Secs. 2823, 2829, I.R.C.)

§ 182.77 *Try boxes.* Try boxes must be provided and so constructed as to permit reading the proof of the alcohol, as well as the temperature, without unlocking the same. Such boxes shall be substantially constructed and shall be equipped for locking with a Government lock. Each try box must be provided with an overflow pipe to permit by-passing of the alcohol around the valves controlling the flow from the try box to the low or high wine tanks or the receiving tanks. The overflow pipe shall be brazed or welded to the pipe line leading to the low or high wine tanks or the receiving tanks.* (Secs. 2823, 2829, I.R.C.)

§ 182.78 *Tanks in wine room.* Where low wines, high wines, and unfinished alcohol are produced, suitable tanks for the reception of such alcohol, low wines, and high wines must be provided in the wine room or building. The tanks shall be constructed and secured in conformity with the provisions of § 182.74. Each such tank shall have plainly and legibly painted thereon the words "Low Wine Tank," "High Wine Tank," or "Unfinished Alcohol Tank," as the case may be, followed by its serial number and capacity in wine gallons. These tanks shall be connected by means of fixed metal pipe lines with the stills or the charge or feed tanks thereof, in which the alcohol is to be redistilled. The pipe lines connected with such tanks shall be provided with valves to control the flow of alcohol into and out of the tanks and such valves shall be so constructed that they may be closed and secured with Government locks.* (Secs. 2823, 2829, I.R.C.)

§ 182.79 *Chemical receiving tanks.* If liquid chemicals are produced in the industrial alcohol plant in connection with the production of ethyl alcohol as a by-product, a sufficient number of receiving tanks for the deposit of each kind of chemical produced must be provided, and the same shall be constructed and secured as prescribed in § 182.74, and such tanks must be located in the wine room or building, or elsewhere on the industrial alcohol plant premises, but not necessarily within a room or building, and each such tank shall have painted thereon the name of the chemical to be deposited therein, and the words "Receiving Tank," followed by its serial number and capacity in wine gallons.* (Secs. 2823, 2829, I.R.C.)

§ 182.80 *Receiving tanks.* The proprietor must provide in the receiving room receiving tanks of sufficient capacity to hold at least the maximum quantity of alcohol that can be distilled during a day of 24 hours. Receiving tanks must be constructed and arranged in conformity with the requirements of § 182.74, and, in addition thereto, such tanks must be elevated not less than 18 inches from the floor and so separated that Government officers may pass completely around each. Each receiving tank must be equipped with a suitable measuring device whereby the actual contents will be correctly indicated, and shall have plainly and legibly painted thereon the words "Receiving Tank," followed by its serial number and capacity in wine gallons. Pipe lines connected with receiving tanks must be brazed, welded, or otherwise secured and sealed, to the tanks in such a manner that they cannot be detached or altered without showing evidence of tampering. Pipe lines for the conveyance of air, distilled water, or other substances than alcohol may not be permanently connected with receiving tanks.* (Secs. 2823, 2829, 3103, I.R.C.)

§ 182.81 *Stopcocks of receiving tanks.* The stopcocks which control the flow of alcohol into the receiving tanks must be so arranged that the alcohol may be run into any of the tanks, and if the stopcocks are in the receiving room, they must be controlled by rods, the handles of which must extend into the distilling building or through the wall to the outside of the receiving room and be under Government lock. If such stopcocks are outside of the receiving room, they must be securely boxed and the box locked with a Government lock. If the stopcocks or the handles thereof are located in the distilling building, each such stopcock or handle shall be securely locked with a Government lock, but need not be enclosed within a box. The storekeeper-gauger will keep the keys to the Government locks which control the stopcocks of receiving tanks in his possession. The flow of the alcohol from one tank to another will, however, be changed by the proprietor under the immediate supervison of the storekeeper-gauger.* (Secs. 2823, 2829, I.R.C.)

§ 182.82 *Pipe lines.* The distilling apparatus and equipment must be closed and continuous, commencing with the first still in which the vapors rise and continuing with securely closed vessels and pipes to the receiving tanks in which the finished product is deposited. All such pipe lines must be of a fixed and permanent character, constructed of metal, and so arranged as to be exposed to view throughout their entire lengths. All valves, unions, flanges, and other detachable connections in the pipe lines of the distilling equipment from the point where the vapors rise in the first or beer still to the receiving tanks must be so secured by brazing, welding, fastening and sealing, or locking with Government locks as to effectually prevent disconnection and access to the alcohol. Pipe lines from the receiving room to tanks in an industrial alcohol bonded warehouse or denaturing plant on the industrial alcohol plant premises or to a rectifying plant on contiguous or nearby premises (as authorized by § 182.82a) shall be constructed and secured in a like manner and similarly exposed to view throughout their entire lengths: *Provided*, That such pipe lines may be connected with weighing tanks by means of flexible metal hose with the ends brazed or welded to the inlet or outlet of the tank and to the pipe line, or by means of short, detachable hose connections if the end of the pipe line is fitted with a valve so constructed that it may be secured with a Government lock. The pipe line may likewise be connected with railroad tank cars by short, detachable hose connections.

(a) *Preparation for sealing.* Where flanges, unions, valves, and other detachable connections in the pipe lines are not secured by welding or brazing, and are not to be secured by Government locks, they must be prepared by the proprietor for sealing with "cap" seals. Flanges, unions, and valves will be prepared for sealing, in accordance with the following instructions:

(1) *Sealing flanges.* Flanges may be prepared for sealing by one of the following methods:

(i) By applying a "castle" nut with a hole drilled through the bolt, so the sealing wire may be passed through like a cotter pin, two such nuts being applied to each flange, opposite each other, unless the flange is secured with an uneven number of bolts, in which case three such nuts and bolts will be applied at approximately equal distances apart;

(ii) By drilling a small hole through both nut and bolt, two such bolts and nuts being drilled for each flange, opposite each other; or

(iii) By drilling a hole through the corner of the head of the bolt and one through the corner of the nut so the two will be sealed together, two such bolts and nuts being drilled for each flange, opposite each other, unless the flange is secured with an uneven number of bolts, in which case three such nuts and bolts will be applied at approximately equal distances apart.

(2) *Sealing unions.* Unions will be prepared for sealing by enclosing the same in a metal box with holes for the sealing wire.

(3) *Sealing valves.* Small gate and globe valves may be prepared for sealing by enclosing the packing nut and hood with a metal band or strip drawn tightly around the flange and fitted for the reception of the sealing wire, or by drilling a hole in the packing nut so that sealing wire may be passed through and drawn around the pipe and sealed. Where valves have large flanges, such flanges may be sealed in the same manner as other flanges.* (Secs. 2823, 2829, 3103, I.R.C.)

§ 182.82a *Pipe lines to rectifying plants.* The Commissioner may, in his discretion, authorize the installation of a pipe line for the transfer of alcohol in accordance with §§ 182.574a to 182.574g, from the weighing tank in an industrial alcohol plant or bonded warehouse, after tax-payment, to storage tanks in a rectifying plant for use in rectification and bottling, when such rectifying plant is contiguous to, or is in the immediate vicinity of the industrial alcohol plant or bonded warehouse. The Commissioner will determine from all the circumstances in each case whether the rectifying plant is in the immediate vicinity of the industrial alcohol plant or bonded warehouse.

(a) *Application and sketch.* The proprietor of an industrial alcohol plant or bonded warehouse who desires to install a pipe line for the transfer of tax-paid alcohol to a contiguous rectifying plant, or rectifying plant in the immediate vicinity of the industrial alcohol plant or bonded warehouse, must file application, in triplicate, with the district supervisor, setting forth the relative position of the industrial alcohol plant or bonded warehouse and the rectifying plant; the proprietorship thereof, and a full description of the proposed pipe line, including all connections with tanks, etc. There must be attached to each copy of the application, a sketch, showing the proposed pipe line throughout its entire length, including its connections with the weighing tank in the industrial alcohol plant or bonded warehouse and the storage tank in the rectifying plant. The sketch shall also show the relative location of the industrial alcohol plant or bonded warehouse and the rectifying plant, the exact distance between the two premises, and any intervening buildings and the use of such buildings.

(b) *Action on application.* Upon receipt of the application, the district supervisor will make such inquiry as he may deem necessary to determine whether the revenue will be endangered and the propriety of granting the permission sought, and will then forward all copies of the application to the Commissioner with his recommendation thereon together with a statement of his findings and conclusions. The Commissioner will indicate

his approval or disapproval on all copies of the application and return two copies to the district supervisor, who will retain one copy and forward one copy to the applicant.

(c) *Construction.* The pipe line shall be constructed in accordance with § 182.82 and kept painted in accordance with § 182.83. The weighing tank with which the pipe line is connected, either directly or by manifold, shall conform with the requirements of § 182.65, and shall have securely affixed thereto a board at least 10 by 12 inches in size for attaching the certificates of tax-payment in accordance with § 182.574d. A separate and permanent pipe line must be installed to each rectifying plant to which it is desired to transfer alcohol. Such pipe line shall not be connected with any other pipe line, tank, vessel, or utensil on the industrial alcohol plant or bonded warehouse or rectifying plant premises other than the weighing tank in the industrial alcohol plant or bonded warehouse and the storage tank in the rectifying plant, except that the pipe line may be connected with a weighing tank in the rectifying plant where it is desired to gauge the alcohol prior to deposit in the storage tank. Where alcohol is to be conveyed from two or more weighing tanks, or to two or more rectifying plants, or both, the pipe line, or lines, may be connected with the weighing tank, or tanks, by manifold connections so arranged as to control the flow of alcohol from each weighing tank and into each pipe line. There shall be painted on each pipe line extending to and from the manifold a number corresponding with the serial number of the weighing tank or the registry number of the rectifying plant with which the pipe line is connected. Where there are separate pipe lines leading directly from the weighing tanks to two or more rectifying plants, the registry number of the rectifying plant to which each pipe line leads, shall be painted thereon. Registry numbers of rectifying plants painted on pipe lines shall be preceded by the letter "R," as "R–37."

(d) *Form 1431, plat and plans.* If the application is approved, the proprietor of the industrial alcohol plant or bonded warehouse will, upon installation of the pipe line, file application, Form 1431, and plat and plans (original, amended, or supplemental, as the case may be), showing the pipe line, its connections, intervening premises, etc., in the same manner as required by paragraph (a) of this section.

(e) *Change in proprietorship.* Where a change occurs in the proprietorship of the industrial alcohol plant or bonded warehouse or the rectifying plant in connection with which a pipe line for the transfer of tax-paid alcohol has been installed and approved, a new application must be filed by the proprietor and approved by the Commissioner before any alcohol may be transferred by the pipe line.* (Secs. 2823, 2829, 3101, 3106, 3124 (a) (2), I.R.C.)

§ 182.83 *Colors for pipe lines.* The pipe lines in the industrial alcohol plant used for conveying the following substances shall be painted and kept painted in the colors indicated:

Black	Alcohol.
Blue	Vapor, low wines, high wines, or other unfinished spirits.
Red	Mash, beer, or other distilling material.
Gray	Molasses or other fermenting material.
Brown	Spent beer or slop.
Yellow	Fusel oil.
Yellow with red stripe	Ether.
Yellow with green stripe	Butyl alcohol.
Yellow with purple stripe	Acetone.
White	Water.
Aluminum	Steam.
Orange	Air.
Olive green	Carbon dioxide.
Purple	Refrigerants.

These colors are intended for such pipe lines only, and are prescribed for the purpose of distinguishing such pipe lines from each other and from all other pipe lines on the premises which are painted but for which colors are not prescribed. The painting in one of the prescribed colors, or a color similar thereto, of a pipe line for which a color is not prescribed is prohibited. Pipe lines for ether, butyl alcohol, and acetone shall be "striped" conspicuously in the prescribed colors. Pipe lines for which colors are not prescribed may be painted in sections of not more than 3 feet in contrasting colors.* (Sec. 3103, I.R.C.)

Bonded Warehouses

§ 182.84 *Scales.* The proprietor of an industrial alcohol bonded warehouse must provide suitable and accurate scales conforming to the requirements of § 182.63 for weighing alcohol.* (Sec. 2808, I.R.C.)

§ 182.85 *Weighing tanks.* Where alcohol is to be removed by pipe line to tank cars for shipment, or to a denaturing plant on the same premises, or to a rectifying plant on contiguous or nearby premises (as authorized by § 182.82a), or alcohol is to be received in tank cars, the proprietor of the warehouse must provide for use in weighing such alcohol one or more suitable weighing tanks, constructed and secured in accordance with the provisions of § 182.65.* (Sec. 2808, I.R.C.)

§ 182.86 *Test weights.* The proprietor shall provide a set of test weights conforming to the requirements of § 182.66 unless he has provided such test weights at the industrial alcohol plant or denaturing plant on the same premises, or at a rectifying plant, etc., on contiguous premises. Such test weights shall be under the control and in the custody of the storekeeper-gauger in charge, who shall keep them under Government lock when not in use.* (Sec. 2808, I.R.C.)

§ 182.87 *Alcohol storage tanks.* The proprietor of a bonded warehouse must provide a sufficient number of alcohol storage tanks for the storage of alcohol received by pipe line or in railroad tank cars. Each such tank must be constructed and secured in accordance with the provisions of § 182.74, and have painted thereon the words "Storage Tank," followed by its serial number and capacity in wine gallons. Each storage tank must be equipped with a suitable measuring device whereby the actual contents will be correctly indicated. Valves must be provided in the pipe connections and so arranged as to control completely the flow of alcohol both into and out of tanks, and so constructed that they may be locked with a Government lock. Storage tanks must not be permanently connected with pipe lines for the conveyance of air, distilled water, or other substances than alcohol.* (Sec. 2829, I.R.C.)

§ 182.88 *Pipe lines.* Pipe lines for the conveyance of alcohol to and from storage tanks shall be continuous and of a fixed and permanent character, constructed of metal, secured, and so arranged as to be exposed to view throughout their entire lengths in conformity with the requirements of § 182.82. The pipe lines connecting with the storage tanks shall be directly connected with such tanks and be brazed, welded, or otherwise fastened and sealed, thereto in such a manner that they cannot be detached or altered without showing evidence of tampering.

(a) *Colors prescribed.* The pipe lines in bonded warehouses shall be kept painted in conformity with the applicable provisions of § 182.83* (Sec. 2829, I.R.C.)

Denaturing Plants

§ 182.89 *Scales.* The proprietor of an industrial alcohol denaturing plant must provide suitable and accurate scales conforming to the requirements of § 182.63 for weighing alcohol and denaturants. Scales for weighing small quantities of denaturants shall have ounce graduations.* (Sec. 2808, I.R.C.)

§ 182.90 *Weighing tanks.* Where alcohol is stored in storage tanks or is received by pipe line from a bonded warehouse on the same premises, and the alcohol is not weighed at the time of transfer in a weighing tank located in the bonded warehouse, or where alcohol is received in tank cars, or denatured alcohol is to be removed in tank cars, or by pipe line pursuant to § 182.98, the proprietor of the denaturing plant must provide for use in weighing such alcohol and denatured alcohol one or more suitable weighing tanks, constructed and secured in accordance with the provisions of § 182.64.* (Sec. 2808, I.R.C.)

§ 182.91 *Test weights.* The proprietor shall provide a set of test weights conforming to the requirements of § 182.66 unless he has provided such test weights at the industrial alcohol plant or bonded warehouse on the same premises, or at a rectifying plant, etc., on contiguous premises. Such test weights shall be under the control and in the custody of the storekeeper-gauger in charge, who shall keep them under Government lock when not in use.* (Sec. 2808, I.R.C.)

§ 182.92 *Alcohol storage tanks.* Where alcohol is received by pipe line from a bonded warehouse on the same premises, or in railroad tank cars, a sufficient number of alcohol storage tanks must be installed in the denaturing plant, unless the alcohol is run directly, or through weighing tanks, to mixing tanks, as provided in §§ 182.694 to 182.698, inclusive. If alcohol is received in barrels or drums only, storage tanks are not required, but the proprietor may, if he so desires, provide such tanks for the storage of alcohol received in packages. Alcohol storage tanks must be constructed and secured in conformity with the provisions of § 182.74 and must be equipped with a suitable measuring device whereby the actual contents will be correctly indicated. Each such tank shall have plainly and legibly painted thereon the words "Alcohol Storage Tank," followed by its serial number and capacity in wine gallons. Valves must be provided in the pipe connections and so arranged as to control completely the flow of spirits both into and out of tanks, and so constructed that they may be locked with a Government lock. Storage tanks must not be permanently connected with pipe lines for the conveyance of air, distilled water, or other substances than alcohol.* (Sec. 2829, I.R.C.)

§ 182.93 *Mixing tanks.* There must be provided in the denaturing plant a sufficient number of closed mixing tanks of adequate capacity. The mixing tanks shall be constructed and secured in conformity with the provisions of § 182.74, and be equipped with a suitable measuring device whereby the actual contents will be correctly indicated: *Provided*, That wooden mixing tanks may be used for denaturation by formulas for which metal mixing tanks are unsuitable. Each such tank shall have plainly and legibly painted thereon the words "Mixing Tank," followed by its serial number and capacity in wine gallons. The district supervisor may, in his discretion, authorize mixing tanks to be used for the storage of denatured alcohol, in which case the tanks shall have marked thereon "Mixing and Storage Tank," in lieu of "Mixing Tank," as provided above.* (Sec. 2829, I.R.C.)

§ 182.94 *Denatured alcohol storage tanks.* The proprietor of the denaturing plant shall provide substantially constructed denatured alcohol storage tanks for the storage of all alcohol denatured by him, unless permission is granted by the district supervisor to use mixing tanks for the storage of denatured alcohol or the denatured alcohol is drawn into packages or other portable containers for immediate shipment or storage in the denatured alcohol storeroom, or transferred to tank cars for immediate shipment, or transferred by pipe line to contiguous premises operated by the denaturer. Where denatured alcohol storage tanks are provided, they shall be constructed and secured in conformity with the provisions of § 182.74, and must be equipped with a suitable measuring device whereby the actual contents will be correctly indicated: *Provided*, That wooden storage tanks may be used for formulas for which metal storage tanks are unsuitable. Each such tank shall have plainly and legibly painted thereon the words "Denatured Alcohol Storage Tank," followed by its serial number and capacity in wine gallons. The denatured alcohol storage tanks must be located in the denaturing plant: *Provided further*, That the proprietor may be permitted to store denatured alcohol in tanks constructed in conformity with these provisions not necessarily located in a room or building, provided they are permanently fixed and of such size that they may not be readily removed.* (Sec. 2829, I.R.C.)

§ 182.95 *Denaturing material storage tanks.* There must be provided a sufficient number of denaturing material storage tanks for each denaturant to be used by the proprietor, except where denaturants are received in small quantities and will be stored in the original containers in the denaturing material storeroom. The tanks shall be constructed and secured in conformity with the provisions of § 182.74, and equipped with a suitable measuring device whereby the actual contents will be correctly indicated: *Provided*, That wooden denaturing material storage tanks may be used for materials for which metal storage tanks are unsuitable. Each such tank shall have plainly and legibly painted thereon the name of the denaturant and the words "Denaturing Material Storage Tank," followed by its serial number and capacity in wine gallons. Denaturing material storage tanks must be located in the denaturing material storeroom, unless permanently fixed metal tanks are used for such purpose in accordance with the provisions of § 182.51.* (Sec. 2829, I.R.C.)

§ 182.96 *Denaturing material measuring tanks.* The proprietor of each denaturing plant must provide tanks for measuring or weighing quantities of liquid denaturants to be used in the denaturation of alcohol, constructed and secured in conformity with the provisions of § 182.74. The tanks shall be equipped with a suitable measuring device whereby the actual contents will be correctly indicated: *Provided*, That wooden denaturing material measuring tanks may be used for materials for which metal measuring tanks are unsuitable. Denaturing material measuring tanks may be mounted on accurate scales if desired. The tanks must have plainly and legibly painted thereon the words "Denaturing Material Measuring Tank," followed by its serial number and capacity in wine gallons.*

§ 182.97 *Equipment for the restoration of denatured alcohol*—(a) *Stills.* If completely or specially denatured alcohol, recovered in manufacturing processes, is to be restored in the denaturing plant, duly registered stills for the redistillation thereof will be permitted in the denaturing plant. The stills must be constructed and secured in conformity with the provisions of § 182.73.

(b) *Recovered denatured alcohol storage tanks.* If recovered denatured alcohol is received in tank cars, there must be provided a sufficient number of tanks for the storage of such recovered denatured alcohol, which shall be constructed and secured in conformity with the provisions of § 182.74. Each such tank must be equipped with a suitable measuring device whereby the actual contents will be correctly indicated, and shall have plainly and legibly painted thereon the words "Recovered Denatured Alcohol Storage Tank," followed by its serial number and capacity in wine gallons.

(c) *Restored alcohol receiving tanks.* There must be provided and located in the denaturing plant a sufficient number of tanks for the deposit of the redistilled or restored alcohol, which shall be constructed and secured in conformity with the provisions of § 182.74. Each such tank shall be equipped with a suitable measuring device whereby the actual contents will be correctly indicated, and have plainly and legibly painted thereon the words "Restored Alcohol Receiving Tank," followed by its serial number and capacity in wine gallons.

(d) *Continuous system required.* The distilling apparatus and equipment must be closed and continuous, commencing with the first still in which the vapors rise and continuing with securely closed vessels and pipes to the restored alcohol receiving tanks, in which the finished product is deposited. All such pipe lines must be constructed, secured, and exposed to view in conformity with the provisions of § 182.82.* (Secs. 2810 (a), 2829, I.R.C., Supp.)

§ 182.98 *Pipe lines.* Pipe lines for the conveyance of alcohol to and from alcohol storage tanks, from such tanks to weighing or mixing tanks, and from mixing tanks to denatured alcohol storage tanks, if provided, and pipe lines for the conveyance of liquid denaturants and denatured alcohol, shall be of a fixed and permanent character, constructed, secured, and exposed to view throughout their entire lengths, in conformity with the provisions of § 182.82. Pipe lines for the conveyance of specially denatured alcohol to contiguous premises operated by the proprietor of the denaturing plant, pursuant to withdrawal permit, Form 1485, and pipe lines for the transfer of completely denatured alcohol to contiguous premises operated by the proprietor of the denaturing plant, shall be constructed, secured, and exposed to view throughout their entire lengths, in conformity with the above provisions: *Provided*, That such pipe lines shall be equipped with a valve within the denaturing plant, in order that the same may be locked with a Government lock, when denatured alcohol is not being removed.

(a) *Colors prescribed.* All pipe lines in denaturing plants shall be kept painted in the colors prescribed by § 182.83, and, further, the following additional colors are prescribed:

Light green	Denaturants.
Dark green	Denatured alcohol.

* (Sec. 2829, I.R.C.)

Specially Denatured Alcohol Users' Premises

§ 182.99 *Tanks.* If the proprietor desires to receive specially denatured alcohol in tank cars or by pipe line from a denaturing plant on contiguous premises operated by him, he must provide tanks for the storage of the specially denatured alcohol so received by him. Each such tank must be constructed of metal, and shall be of uniform dimensions and equipped with a suitable measuring device whereby the actual contents will be

correctly indicated: *Provided*, That wooden tanks may be used for formulas for which metal tanks are unsuitable. Each such tank shall have plainly and legibly painted thereon the words "Specially Denatured Alcohol Storage Tank," followed by its serial number and capacity in wine gallons. The tanks shall be equipped for locking in such a manner as to prevent access to the denatured alcohol.* (Sec. 2829, I.R.C.)

§ 182.100 *Equipment for the restoration of denatured alcohol*—(a) *Stills.* If completely or specially denatured alcohol is to be restored on the users' premises, the stills for the redistillation thereof must be located on the permit premises.

(b) *Recovered denatured alcohol storage tanks.* There must be provided a sufficient number of tanks for the storage of recovered denatured alcohol to be restored, which shall be constructed and secured in conformity with the provisions of § 182.99. Each such tank must be equipped with a suitable measuring device whereby the actual contents will be correctly indicated, and shall have plainly and legibly painted thereon the words "Recovered Denatured Alcohol Storage Tank," followed by its serial number and capacity in wine gallons.

(c) *Restored alcohol receiving tanks.* There must be provided and located on the users' premises a sufficient number of tanks for the deposit of the redistilled or restored alcohol, which shall be constructed and secured in conformity with the provisions of § 182.99. Each such tank shall be equipped with a suitable measuring device whereby the actual contents will be correctly indicated, and have plainly and legibly painted thereon the words "Restored Alcohol Receiving Tank," followed by its serial number and capacity in wine gallons.

(d) *Continuous system required.* The distilling apparatus and equipment must be closed and continuous, commencing with the first still in which the vapors rise and continuing with securely closed vessels and pipes to the restored alcohol receiving tanks, in which the finished product is deposited. All such pipe lines must be constructed, secured, and exposed to view in conformity with the provisions of § 182.82.* (Sec. 2829, I.R.C.)

§ 182.101 *Denaturing material storage tanks.* If the proprietor redenatures alcohol, suitable denaturing material storage tanks for each kind of denaturant must be provided and equipped for securing with locks, unless all denaturants to be used are stored in packages in the specially denatured alcohol storeroom or compartment.* (Sec. 2829, I.R.C.)

Specially Denatured Alcohol Bonded Dealers' Premises

§ 182.102 *Tanks.* If specially denatured alcohol is received in tank cars, the proprietor must provide suitable storage tanks for the storage of such alcohol. Each such tank must be constructed in the manner prescribed in § 182.99 and all openings affording access to the contents shall be equipped for locking. Each such tank must have plainly and legibly painted thereon the words "Specially Denatured Alcohol Storage Tank," followed by its serial number and capacity in wine gallons, and be equipped with a suitable measuring device, whereby the actual contents will be correctly indicated.* (Sec. 2829, I.R.C.)

DETAILS OF CONSTRUCTION AND EQUIPMENT

§ 182.103 *General.* Where details of construction and equipment are not covered by these regulations, such construction and equipment must afford the same degree of security and protection to alcohol or denatured alcohol as is intended by the construction and equipment specifications herein prescribed. The Commissioner may approve details of construction and equipment in lieu of those specified herein where it is shown that it is impracticable to conform to the prescribed specifications, and the proposed construction and equipment will afford as much security and protection as the construction and equipment prescribed. Where it is proposed to substitute construction and equipment for that for which specifications are prescribed, or where any doubt prevails in regard to the security and protection which will be afforded by construction and equipment not covered by these regulations, approval of the Commissioner should be first obtained.* (Secs. 2808, 2823, 2829, I.R.C.)

FEDERAL ALCOHOL ADMINISTRATION ACT PERMIT

Industrial Alcohol Plants and Bonded Warehouses

§ 182.104 *Permit required for manufacturing or warehousing and bottling alcohol for nonindustrial use.* Under the Federal Alcohol Administration Act and the regulations issued pursuant thereto (27 CFR, Part 1), any person, except an agency of a State or political subdivision thereof, or any officer or employee of any such agency, intending to engage in the business of producing alcohol, or warehousing and bottling alcohol, for nonindustrial use, is required to procure a permit therefor. Such permit is in addition to the basic permit required by section 3114, I.R.C., and §§ 182.226–182.259 of these regulations. (Sec. 3, 49 Stat. 978; 27 U.S.C., Sup. 203)

QUALIFYING DOCUMENTS

Industrial Alcohol Plants, Bonded Warehouses, and Denaturing Plants

§ 182.105 *Application, Form 1431.* Every person desiring the establishment of an industrial alcohol plant, bonded warehouse, and denaturing plant; industrial alcohol plant and bonded warehouse or denaturing plant; bonded warehouse and denaturing plant; or bonded warehouse or denaturing plant, must file Form 1431. "Application by Proprietor of Industrial Alcohol Plant, Bonded Warehouse, or Denaturing Plant." This application must be filed, in triplicate, with the district supervisor for a basic permit to engage in such business. Except as provided in § 182.117 in the case of amended and supplemental applications, all of the information indicated by the lines of the form and the instructions printed thereon, and by these regulations, shall be furnished. Applications on Form 1431 must be filed in accordance with the instructions printed on the form and be sworn to before an officer authorized to administer oaths. Such applications must be numbered serially, commencing with number 1 and continuing in regular sequence for all applications thereafter filed, whether annual, amended, or supplemental. All data, written statements, affidavits, and other documents submitted in support of the application shall be deemed to be a part thereof.* (Secs. 3100, 3101, 3102, 3114 (a), I.R.C.)

§ 182.106 *Conditions of approval*—(a) *Violations, etc.* Under section 3114, I.R.C., no application shall be approved and permit issued pursuant thereto to any person who, within one year prior to the application therefor, or issuance thereof, shall not in good faith have conformed to the provisions of sections 3100 to 3124, inclusive, I.R.C., or shall have violated the terms of any permit issued under said provisions of law, or made any false statement in the application therefor, or willfully failed to disclose any information required by regulations to be furnished, or violated any law of the United States relating to intoxicating liquor, or willfully violated any law of any State, Territory, or possession of the United States, or of the District of Columbia, relating to intoxicating liquor.

(b) *Previous convictions.* The application, Form 1431, may be disapproved if the individual, firm, partnership, corporation, or association filing the same, or any person owning, controlling, or actively participating in the management of the business of such individual, firm, partnership, corporation, or association shall have been previously convicted, in a court of competent jurisdiction of any fraudulent noncompliance with any provision of any law of the United States, if such provision related to internal revenue or customs taxation of distilled spirits, wines, or fermented malt liquor, or if such an offense shall have been compromised with the individual, firm, partnership, corporation, or association, upon payment of penalties or otherwise.

(c) *Situation.* The application, Form 1431, may also be disapproved if the situation of the premises is such as would enable the proprietor to defraud the United States.

(d) *Other reasons.* The application may also be disapproved for the other reasons for disapproval set forth in §§ 182.282–182.302.* (Sec. 3114 (a), (b), I.R.C.)

§ 182.107 *Fermenting capacity.* In the case of industrial alcohol plants, the estimated maximum quantity of each kind of material it is proposed to use that can be mashed in a day of 24 hours must be stated in the space provided therefor on Form 1431. The estimated quantity of the material that can be mashed daily will be based upon the capacity of the fermenters, using a maximum strength beer and a minimum fermenting period.*

§ 182.108 *Distilling capacity.* The estimated maximum number of proof gallons of alcohol that can be distilled in a day of 24 hours, in the case of an industrial alcohol plant, must also be stated in the space provided therefor on the Form 1431. The estimated quantity of alcohol that can be distilled daily will be based on the capacity of the stills and the use of a maximum strength beer. The capacity of stills will be computed in accordance with the rules set forth in § 182.915.*

§ 182.109 *Daily production.* The estimated maximum quantity of each kind of material that the proprietor of an industrial alcohol plant intends to mash in a day of 24 hours, and the estimated maximum quantity in proof gallons of alcohol that will be produced from such materials in a like period shall be stated on Form 1431. Where the proprietor intends to mash different kinds of materials than those covered by Form 1431, or a larger quantity of specified materials than the maximum indicated on such form, or to produce a larger quantity of alcohol than the maximum indicated on the form, he must file with the district supervisor an amended application, Form 1431, in triplicate, and if the tax on the quantity of alcohol to be produced during a period of 15 days will exceed the penal sum of the bond (if such penal sum is less than the maximum as set forth in § 182.133), a new or additional bond, Form 1432–A, must be filed, as provided in § 182.133 (g). Likewise, where the quantity of alcohol actually produced during any period of 15 days exceeds the estimated maximum quantity to be produced during such period, the proprietor must file an amended application, Form 1431, and, where required, a new or additional bond, Form 1432–A, in accordance with § 182.133 (g).* (Secs. 3100, 3114 (a), I.R.C.)

§ 182.110 *Description of premises.* The lot or tract of land on which the industrial alcohol plant, bonded warehouse, or denaturing plant or any combination thereof, is situated must be described on Form 1431 by courses and distances, in feet and inches, with the particularity required in conveyance of real estate. If the premises consist of two or more lots or parcels, the condition of the title to which is not the same, the entire premises shall be first described, followed by a separate description by courses and distances, in feet and inches, of each such lot or parcel. The continuity of the premises must be unbroken, except that the premises may be divided by a public street or highway, if parts of the premises so divided abut on such street or highway directly and immediately opposite each other. The premises may be similarly divided by a railroad right of way, if the railroad is a common carrier. In such cases, each tract of land constituting the premises shall be described separately on the form. If a portion of the premises is owned in fee, unencumbered, by the proprietor, or a portion is owned by the proprietor but is encumbered, or a portion is not owned by the proprietor and he has procured consent, Form 1602, from the owner and from any encumbrancer, the entire premises shall be described first, followed by a separate description, by courses and distances, in feet and inches, of the portions thereof which are encumbered and/or of the tract which is not owned by the proprietor.* (Secs. 2800 (e) (1), 3112 (a), I.R.C.)

§ 182.111 *Description of buildings and rooms.* All buildings and rooms on the premises shall be accurately described on the Form 1431. The description shall include the designated name of the building or room, which shall be according to its use, such as distilling building, receiving room, wine room, etc., the materials of which constructed, the dimensions thereof, the location of doors, windows, and other openings, and the manner in which they are secured and protected. Each floor of each building shall be described separately If more than one room or building is used for the same purpose, the name shall include an alphabetical designation to distinguish them, as "Fermenting Room A," "Fermenting Room B," etc.*

§ 182.112 *Estimated quantity of alcohol to be received at bonded warehouse or denaturing plant*—(a) *Bonded warehouse.* The estimated maximum quantity of alcohol in proof gallons to be on hand and in transit to the bonded warehouse at any one time must be stated in the Form 1431.

(b) *Denaturing plant.* The estimated maximum quantity of alcohol in proof gallons to be on hand and in transit to the denaturing plant at any one time and the estimated maximum quantity in wine gallons of specially denatured alcohol and recovered denatured alcohol to be on hand and in transit to the denaturing plant at any one time must be stated in the Form 1431.* (Secs. 3101, 3102, 3114 (a), I.R.C.)

§ 182.113 *Condition of title to premises.* The condition of title to the premises shall be shown on Form 1431. If the proprietor is not the owner in fee, unencumbered by any mortgage, judgment, or other lien, of the lot or tract of land on which the industrial alcohol plant, bonded warehouse, or denaturing plant is situated, the name and address of the owner of the fee and of any mortgagees, judgment-creditors, or other person having a lien thereon, shall be stated. Where the written consent of the owner of the fee and of any mortgagees, judgment-creditors , or other lienors, is filed for an industrial alcohol plant or bonded warehouse as provided in § 182.119, or where an indemnity bond is filed in lieu of such written consent, as provided in § 182.122, such fact, together with information as to the kind, date, and amount of the encumbrance and the balance due thereon shall be shown on the Form 1431 in connection with the statement of the present condition of the title. In cases where an indemnity bond is filed, the date of the Commissioner's approval of the filing of such bond shall also be given.* (Secs. 2800 (e) (1), 2815 (b) (1), 3112 (a), I.R.C.)

§ 182.114 *Condition of title to apparatus and equipment.* The proprietor's title to, or interest in, the distilling, warehousing, or denaturing apparatus and equipment shall be shown on Form 1431. If the proprietor is not the owner of such apparatus and equipment, unencumbered by any mortgage, judgment, or other lien, the name and address of the owner thereof and of any mortgagee, judgment-creditor, conditional sales vendor, or other lienor, shall be stated. Where the written consent of the owner and of the mortagees, judgment-creditors, conditional sales vendors, or other lienors, is filed for an industrial alcohol plant or bonded warehouse as provided in § 182.119, or where an indemnity bond is filed in lieu of such written consent, as provided in § 182.122, such fact, together with information as to the kind, date, and amount of the encumbrance and the balance due thereon, or, if the apparatus was purchased under a conditional sales contract, or other form of title retaining contract, the purchase price and the balance due shall be shown in connection with the statement of the proprietor's title to, or interest in, the property. In cases where an indemnity bond, Form 1604, is filed, the date of the Commissioner's approval of the filing of such bond shall also be given.* (Secs. 2800 (e) (1), 2815 (b) (1), 3112 (a), I.R.C.)

§ 182.115 *Stipulations in application.* Each application, Form 1431, shall contain the stipulations and conditions to be contained in the basic permit, which may be issued pursuant to application, Form 1431.*

§ 182.116 *Applications for renewal of permits.* Basic permits issued pursuant to application, Form 1431, shall remain in force during the calendar year in which issued, unless voluntarily surrendered, revoked, or otherwise terminated, as provided in these regulations, except that any permit issued after August 31 in any calendar year may remain in full force and effect until the 31st day of December of the next succeeding calendar year. Applications for renewal of basic permits shall be filed in triplicate with the district supervisor not later than September 15 of each year, except where the permit was issued after August 31 and will not expire until December 31 of the succeeding year. Such applications shall be executed in full conformity with the provisions of these regulations.* (Sec. 3114 (a), I.R.C.)

§ 182.117 *Amended and supplemental applications.* Amended and supplemental applications on Form 1431 may be executed in skeleton form, except as to items amended or supplemented. All other items which are correctly set forth in prior applications, and in which there has been no change since the last preceding application, may be incorporated in the amended or supplemental application by reference to the respective application previously filed. Such incorporation by reference shall be made by entering for each such item in the space provided therefor the statement "No change since filing Form 1431, Serial No. ——" (the number being inserted), and the date of such form.* (Sec. 3114 (a), I.R.C.)

§ 182.118 *New applications may be required.* The Commissioner or the district supervisor may at any time, in his discretion, require the filing of new applications on Form 1431, together with any additional information that may be desired.* (Sec. 3114 (a), I.R.C.)

§ 182.119 *Consent, Form 1602.* Where the proprietor is not the owner in fee of the lot or tract of land on which the industrial alcohol plant or bonded warehouse is situated, unencumbered by any mortgage, judgment, or other lien, or is not the owner of the distilling apparatus and equipment, unencumbered by any mortgage, judgment, or other lien, he must file the written consent of the owner and of any mortgagee, judgment-creditor, conditional sales vendor, or other lienor, that the premises or property may be used for the purpose of distilling alcohol or the storage of alcohol, subject to the provisions of law, and expressly stipulating that the lien of the United States for taxes and penalties shall have priority over any right, title, or interest of the person giving the consent, and that in the case of the forfeiture of the premises or property, or any part thereof, the title to the same shall vest in the United States, discharged from any such right, title, or interest, except that where such consent cannot be obtained, the proprietor may file in lieu of such consent, an indemnity bond, Form 1604, as hereinafter provided. This consent shall be executed on Form 1602, "Consent," in triplicate, in accordance with the instructions printed thereon, duly acknowledged before an officer authorized to take acknowledgment of deeds, properly recorded, and submitted to the district supervisor with the application, Form 1431, and made a part thereof. The acknowledgment and certificate of recordation shall be executed on all three copies of the form. A new consent will be required for each year beginning on the 1st day of January, unless the consent is given for a definite period of time exceeding one year, in which event the consent should be given in terms to expire at the beginning of an annual period, January 1. If after such consent is filed, the premises are extended and the proprietor of the industrial alcohol plant or bonded warehouse is not the owner in fee unencumbered of the additional premises, or additional apparatus and equipment are installed and the proprietor of the industrial alcohol plant or bonded warehouse or the party who executed the consent then in effect is not the owner thereof unencumbered, a consent on Form 1602 must be filed for such additional premises or apparatus and equipment. A new consent will also be required whenever there is a change of proprietorship, including a succession for a temporary period by a lessee or fiduciary, unless the consent procured by the predecessor specifically covers operation of the premises by his successor or assigns. In the event of failure of such consent, the proprietor will be no longer qualified, unless an indemnity bond on Form 1604 is filed.* (Sec. 2815(b)(1), I.R.C.)

§ 182.120 *Permission required for filing bond, Form 1604.* Where the proprietor cannot obtain the written consent of the owner of the fee of the industrial alcohol plant or bonded warehouse premises, and of any mortgagee, judgment-creditor, or other person having a lien thereon, or where he cannot obtain such consent of the owner of the apparatus and equipment, and of any mortgagee, judgment-creditor, conditional sales vendor, or other lienor, and desires to file an indemnity bond, Form 1604, in lieu of such consent, he shall file application, in triplicate, with the district supervisor for permission so to do.* (Sec. 2815 (b) (1), I.R.C.)

§ 182.121 *Application.* The application shall contain (1) an accurate description of the lot or tract of land on which the industrial alcohol plant or bonded warehouse is situated, and of the buildings, and the distilling apparatus and equipment thereon; (2) a full and clear statement of the condition of the title to the premises and apparatus and equipment, including the name and address of the owner and of all mortgagees, judgment-creditors, conditional sales vendors, and other persons having liens thereon, the kind, date, and amount of each encumbrance and the balance due thereon, and, in the case of apparatus and equipment purchased under a conditional sales contract, or other form of title retaining contract, the purchase price and the balance due; and (3) a full and clear statement of the reasons why the applicant cannot obtain the prescribed written consent. The district supervisor and Commissioner will take action on such application in accordance with the provisions prescribed in §§ 182.262–182.309.* (Sec. 3103, I.R.C.)

§ 182.122 *Bond, Form 1604.* If the application is approved by the Commissioner, the applicant shall execute bond on Form 1604, "Indemnity Bond," in triplicate, in conformity with the provisions of §§ 182.184–182.205, and file the same with the district supervisor. The penal sum of the bond shall be equal to the appraised value of the lot or tract of land on which the industrial alcohol plant or, except as provided in paragraph (a), the bonded warehouse is situated, and the buildings, apparatus, and equipment thereon: *Provided*, That the maximum penal sum of the bond shall be $50,000 for an industrial alcohol plant, or an industrial alcohol plant and bonded warehouse situated on the same premises, and $10,000 for a bonded warehouse situated elsewhere. If such bond is filed in less than the maximum penal sum and the value of the premises, buildings, or apparatus or equipment is increased by additional land, buildings, or apparatus or equipment, an additional bond on such form to cover the increase in value will be required: *Provided further*, That if such increase in value is less than $500, no additional bond will be required, nor will an additional bond be required in excess of the maximum penal sums specified herein. In the event of the failure of bond on Form 1604, the proprietor will be no longer qualified unless a new and satisfactory bond is filed, or consent, as required by § 182.119 is obtained.

(a) *Bonded warehouse consisting of a portion of a building not on the premises of an industrial alcohol plant.* Where a bonded warehouse consists of a portion of a building not located on the premises of an industrial alcohol plant, the penal sum of bond, Form 1604, covering such bonded warehouse, shall be in a sum equal to the proportionate appraised value of the building as the space occupied by the warehouse is to the entire space of the building, but not in excess of the maximum sum specified herein. For example, if the warehouse occupies 10 per cent of the space of a building, the penal sum of the bond shall be in a sum equal to 10 per cent of the appraised value of the entire building, but not in excess of the maximum specified herein.* (Secs. 3103, 3112 (a), I.R.C.)

§ 182.123 *Appraisal.* The appraisal to determine the penal sum of the bond on Form 1604 shall be made by two or more competent persons designated by the district supervisor. The appraisers shall render to the district supervisor a report, in duplicate, showing separately the value of the land and buildings and the apparatus and equipment, and containing a full and clear statement of the methods employed by them in determining their valuations. Where the value of the property is clearly in excess of the maximum penal sum of the required bond, it will be sufficient for the appraisers to determine such fact, rather than the precise value of the property. In such cases, the value of the property may be specified in the appraiser's report as "more than $50,000" or "more than $10,000," as the case may be. The appraisal shall be at the expense of the applicant or permittee, unless it is made by Government officers.* (Sec. 3103, I.R.C.)

§ 182.124 *Certificate of title.* The proprietor of an industrial alcohol plant or bonded warehouse shall submit a certificate and, when required, an abstract, in triplicate, of the title to the premises, prepared by a person authorized by the laws of the State in which the premises is located to prepare such documents. The document must contain an accurate description of the industrial alcohol plant or bonded warehouse premises corresponding to that set forth in the application, Form 1431, and any liens or other encumbrances on the property must be fully described. Such certificate shall accompany the application, Form 1431, and be made a part thereof.* (Sec. 3103, I.R.C.)

§ 182.125 *Corporate documents.* There must be submitted with, and made a part of, the original or initial application, Form 1431, given by a corporation for a basic permit to operate an industrial alcohol plant, bonded warehouse or denaturing plant, properly certified copies, in triplicate, of the following documents:

(1) Articles of incorporation and any amended articles of incorporation.

(2) Certificate of incorporation.

(3) Certificate authorizing corporation to operate in State where premises is located, if other than that in which incorporated.

(4) Extracts of minutes of meetings of stockholders, showing election of directors.

(5) By-laws.

(6) Extracts of the minutes of meetings of the board of directors, showing the election of officers.

(7) Extracts of the minutes of meetings of the board of directors, authorizing certain officers or other persons to sign for the corporation.

(8) List of names and addresses of the officers and directors.

(9) List of stockholders, as provided in the following section.

* (Sec. 3103, I.R.C.)

§ 182.126 *List of stockholders.* In the case of corporations and similar legal entities, there must be submitted with Form 1431 at the commencement of business and annually thereafter on May 1 a list of the names and addresses of all stockholders and other persons interested in the corporation or other legal entity and the amount and nature of the stock holding or other interests of each, whether such interest appears in the name of the interested party or in the name of another for him: *Provided*, That, where more than 100 persons are interested in the corporation or other legal entity as stockholders or otherwise, there need be furnished only the names and addresses and the amounts and nature of the stock holding or other interest of the 100 persons having the largest ownership or other interest in each of the respective classes of stock or other interest, except where more complete information shall be specifically required by the Commissioner: *Provided further*, That where there has been no change in the stockholders and other persons interested in the corporation or other legal entity, or in the extent of the stock holding or other interest of such persons, the proprietor may furnish on May 1 of each year a certified statement, in triplicate, to that effect in lieu of the prescribed list. Where a corporation operates two or more industrial alcohol plants, bonded warehouses or denaturing plants or other plants situated in the same supervisory district, or wholly owns one or more subsidiaries operating plants under the internal revenue laws and regulations so situated, and in connection with qualifying for the operation of one of such plants files a list of stockholders and other persons interested, as prescribed herein, the filing of an additional list for each plant will not be required, provided that in lieu of such additional list there is submitted with the application, Form 1431, a certificate, in triplicate, definitely identifying the corporation and plant with whose application the list of stockholders and other persons interested is filed, and giving the date of the filing thereof.* (Sec. 3103, I.R.C.)

§ 182.127 *Affidavit.* In the case of a corporation, there must be submitted with each list of stockholders an affidavit, in triplicate, executed by an officer of the corporation authorized so to do, showing the number of shares of each class of stock or other evidence of ownership, such as voting trust certificates, authorized and outstanding, the par value thereof, and the voting rights of the respective owners or holders, and certifying to the correctness of the list of stockholders or the statement authorized to be furnished with the application, in lieu of such list. In the case of an individual owner, copartnership, or association, there must be submitted with Form 1431, at the commencement of business and annually thereafter on May 1, an affidavit, in triplicate, giving the name of every person interested or to be interested in the operation, whether such interest appears in the name of the interested party or in the name of another for him.*

§ 182.128 *Articles of copartnership or association.* In the case of a copartnership or association, a certified copy, in triplicate, of the articles of copartnership or association, if any, and, where the business is to be conducted under a firm or trade name, a trade name certificate or statement in lieu thereof, in accordance with § 182.261 (a) (1), shall be submitted with and constitute a part of the application, Form 1431.* (Sec. 3103, I.R.C.)

§ 182.129 *Power of attorney Form 1534.* If the application or other qualifying documents are signed by an attorney in fact for an individual, partnership, association, or corporation, or by one of the members of a copartnership or association, or, in the case of a corporation, by an officer or other person not authorized to sign by the corporate documents described in § 182.125, such application or other qualifying documents must be supported by a duly authenticated copy of the power of attorney conferring authority upon the person signing the document to execute the same. Such powers of attorney will be executed on Form 1534, in triplicate, and submitted to the district supervisor.*

§ 182.130 *Execution of power of attorney.* Where the principal giving the power of attorney is an individual, it must be executed by him in person, and not by an agent. In the case of a copartnership or association, powers of attorney authorizing one or more of the members, or another person, to execute documents on behalf of the copartnership or association must be executed by all the members constituting the copartnership or association. However, if one or more members less than the whole number constituting the copartnership or association have been delegated the authority to appoint agents or attorneys in fact, the power of attorney may be executed by such member or members, provided it is supported by a duly authenticated copy, in triplicate, of the document conferring authority upon the member or members to execute the same. Where, in the case of a corporation, powers of attorney are executed by an officer thereof, such documents must be supported by triplicate copies of the authorization of such officer so to do, certified by the secretary or assistant secretary of the corporation, under the corporate seal, if any, to be true copies.*

§ 182.131 *Duration of power of attorney.* Powers of attorney authorizing the execution of documents in behalf of a person engaged in, or intending to be engaged in, the business covered by a basic permit issued pursuant to application, Form 1431, shall continue in effect until written notice, in triplicate, of the revocation of such authority is received by the district supervisor, unless terminated by operation of law.*

§ 182.132 *Bond, Form 1432–A.* Every person filing an application for a basic permit to operate an industrial alcohol plant, bonded warehouse, or denaturing plant, upon filing his application, Form 1431, and before issuance of basic permit pursuant thereto, and before proceeding with such business, shall execute a bond on Form 1432–A, "Bond for Industrial Alcohol Plant, Bonded Warehouse, or Denaturing Plant," in triplicate, in conformity with the provisions of §§ 182.184–182.205, and file the same with the district supervisor.* (Secs. 3100, 3101, 3102, 3114 (a), I.R.C.)

§ 182.133 *Penal sum.* The penal sum of bonds, Form 1432–A, shall not be less than $10,000, except, however, in the case of experimental industrial alcohol plants the penal sum shall not be less than $5,000. The penal sum shall be computed as follows:

(a) *Industrial alcohol plant, bonded warehouse, and denaturing plant.* In the case of an industrial alcohol plant, bonded warehouse, and denaturing plant located on the same premises, the penal sum of the bond shall not be less than the amount of the internal revenue tax at the rate prescribed by law on the maximum quantity of alcohol (in proof gallons) that will be produced in the industrial alcohol plant during a period of 15 days of 24 hours each; plus a sum sufficient to cover the tax on all alcohol (in proof gallons) authorized to be on hand, in transit, and unaccounted for at any one time at the warehouse; and plus an additional sum sufficient to cover the tax on the maximum quantity of undenatured alcohol (in proof gallons), and double the rate of tax on each wine gallon of specially denatured and recovered or restored denatured alcohol authorized to be on hand, in transit, and unaccounted for at any one time at the denaturing plant: *Provided*, That the maximum penal sum of the bond shall be $200,000.

(b) *Industrial alcohol plant and bonded warehouse.* In case of an industrial alcohol plant and bonded warehouse on the same premises, the penal sum of the bond shall be sufficient to cover the internal revenue tax on the maximum quantity of alcohol (in proof gallons) that will be produced during a period of 15 days of 24 hours each, in the industrial alcohol plant; and to cover the tax on all alcohol (in proof gallons) authorized to be on hand, in transit, and unaccounted for at any one time at the warehouse: *Provided*, That the maximum penal sum of the bond shall be $150,000.

(c) *Industrial alcohol plant and denaturing plant.* The penal sum of the bond in the case of an industrial alcohol plant and denaturing plant located on the same premises shall be sufficient to cover the internal revenue tax at the rate prescribed by law on the maximum quantity of alcohol (in proof gallons) that will be produced in the industrial alcohol plant during a period of 15 days of 24 hours each, plus a sum sufficient to cover the maximum quantity of undenatured alcohol (in proof gallons), and double the rate of tax on each wine gallon of specially denatured and recovered or restored denatured alcohol authorized to be on hand, in transit, and unaccounted for at any one time at the denaturing plant: *Provided*, That the maximum penal sum of the bond shall be $150,000.

(d) *Bonded warehouse and denaturing plant.* The penal sum of the bond to cover a bonded warehouse and denaturing plant on the same premises must be sufficient to cover the internal revenue tax at the rate prescribed by law on all alcohol (in proof gallons) authorized to be on hand, in transit, and unaccounted for at any one time at the warehouse; and

to cover the tax on the maximum quantity of undenatured alcohol (in proof gallons), and double the rate of tax on each wine gallon of specially denatured and recovered or restored denatured alcohol authorized to be on hand, in transit, and unaccounted for at any one time at the denaturing plant: *Provided*, That the maximum penal sum of the bond shall be $150,000.

(e) *Bonded warehouses.* The penal sum of the bond to cover the operation of a bonded warehouse shall be sufficient to cover the internal revenue tax at the rate prescribed by law on all alcohol (in proof gallons) authorized to be on hand, in transit, and unaccounted for at any one time at the warehouse: *Provided*, That the maximum penal sum of the bond shall be $100,000.

(f) *Denaturing plants.* Bond to cover the operation of a denaturing plant shall be executed in a penal sum sufficient to cover the internal revenue tax at the rate prescribed by law on the maximum quantity of undenatured alcohol (in proof gallons), and double the rate of tax on each wine gallon of specially denatured and recovered or restored denatured alcohol authorized to be on hand, in transit, and unaccounted for at any one time at the denaturing plant: *Provided*, That bonds for denaturing plants must be in multiples of $5,000 and the maximum penal sum shall not exceed $100,000.

(g) *Increase in penal sum of bond.* Where the permittee has not furnished bond in the maximum penal sum, in accordance with paragraphs (a) to (f), and he intends to produce, or have on hand, in transit, or unaccounted for a larger quantity of alcohol than that covered by his bond, he must file a new or additional bond in a sufficient penal sum to cover the tax on the increased quantity to be produced. Likewise, where the quantity of alcohol actually produced during any period of 15 days in the case of an industrial alcohol plant, or the quantity of alcohol, or specially denatured and recovered or restored denatured alcohol actually on hand, in transit, and unaccounted for at any one time at the bonded warehouse or denaturing plant as the case may be, exceeds the penal sum of the bond on file, he must furnish immediately a new or additional bond in a sufficient penal sum, effective as of the beginning of such period. If an additional bond is furnished in either case it must be in accordance with § 182.203. (Sec. 3114 (a), I.R.C.)

§ 182.134 *Registry of stills, Form 26.* Every person having in his possession or custody, or under his control, any still or distilling apparatus set up must register the same with the district supervisor for the district in which it is located, on Form 26, "Registry of Stills," in triplicate, immediately it is set up.* (Sec. 3101, I.R.C.)

§ 182.135. *Plat and plans.* Every person filing an application for basic permit to operate an industrial alcohol plant, bonded warehouse, or denaturing plant must submit to the district supervisor with his application, Form 1431, an accurate plat of the premises and accurate plans of the buildings, apparatus, and equipment thereon, in triplicate, conforming to the requirements of §§ 182.206–182.219.*

§ 182.136 *Statement of process.* There must be submitted to the district supervisor with the application, Form 1431, for basic permit to operate an industrial alcohol plant, a statement of process, in triplicate. Such statement shall describe in detail the materials to be used and process to be followed in the production of alcohol.*

§ 182.137 *Additional information.* The Commissioner or district supervisor may at any time, in his discretion, require the proprietor to furnish such additional information as he may deem necessary.*

§ 182.138 *Instruments and papers made part of regulations.* The terms, conditions, and instructions contained in instruments and papers required to be furnished by law or regulations, or contained in any permit, are hereby made a part of these regulations as fully and to the same extent as if incorporated herein at length.*

Users of Specially Denatured Alcohol

§ 182.139 *Use of specially denatured alcohol.* Specially denatured alcohol manufactured in accordance with these regulations and the formulas prescribed in the Appendix to these regulations, may be procured and used, free of tax, for manufacturing purposes under permits, as provided herein.* (Secs. 3109, 3114 (a), I.R.C.)

§ 182.140 *Application, Form 1479.* Every person desiring to use specially denatured alcohol for manufacturing purposes, or to recover completely or specially denatured alcohol; or recover articles as defined in § 182.6 in the form of denatured alcohol, must file Form 1479, "Application for Permit to Use Specially Denatured Alcohol." This application must be filed in triplicate, with the district supervisor. The provisions of §§ 182.105, 182.106, 182.115, 182.117, and 182.118 are hereby extended, insofar as applicable, to applications, Form 1479.* (See Sec. 3114 (a), I.R.C.)

§ 182.141 *Articles to be manufactured.* The name of each article or preparation to be manufactured, the formula of specially denatured alcohol to be used in the manufacture of each such article or preparation, and the quantity of each formula of specially denatured alcohol to be withdrawn during a calendar month must be stated in the application.*

§§ 182.142 *Formula with optional or substitute denaturants.* Where the formula of specially denatured alcohol to be withdrawn authorizes the use of optional denaturants, or where the Commissioner authorizes the use of substitute denaturants (as in the case of Special Formulas 29 and 38–B), the kind and quantity of denaturants to be used must be specified in the application.* (Sec. 3114 (c), I.R.C.)

§ 182.143 *Restoration and redenaturation of alcohol or articles.* If denatured alcohol or articles are to be recovered, the manner of recovering the same must be completely described. The condition when recovered as to purity and proof, the per cent of alcohol used in the business which the applicants estimates will be recovered, and the estimated maximum amount to be recovered during a period of one month in proof gallons must be stated.* (Sec. 3073, I.R.C.)

§ 182.144 *Affidavit.* There must be submitted with, and made a part of, the original or initial application, Form 1479, an affidavit, in triplicate, executed by the applicant, showing in detail his previous business and experience. If the applicant is not himself of technical training and proposes to employ a chemist or chemically trained man, there must also be submitted an affidavit, in triplicate, showing the previous training and experience of the chemist or technical man to be employed.*

§ 182.145 *Inventory of equipment and supplies.* The manufacturing equipment and supplies of the applicant must be ample for the business to be conducted, and an itemized inventory, in triplicate, showing the value of each item, must be submitted with the application, Form 1479. Where toilet articles or various preparations, such as deodorants or sprays, are to be manufactured, the applicant must have on hand in the nature of raw materials, manufacturing apparatus, and packages for finished products of a value which, in the opinion of the district supervisor, evidences the bona fides of the proposed business and which is commensurate with the volume of business the applicant proposes to conduct.*

§ 182.146 *Estimate of business in certain articles.* There must be submitted with, and made a part of, application, Form 1479, by applicants for permit to use specifically denatured alcohol in the manufacture of any product, including ethyl acetate, lacquers, thinners, bay rum, lotions, toilet waters, and similar preparations, evidence, in triplicate, with respect to the extent of the business proposed to be conducted in such articles. The district supervisor may require submission of orders, contracts, or other evidence of prospective business, the bona fides of which shall be subject to examination and investigation.*

§ 182.147 *Formulas, Form 1479–A.* Except as provided in paragraph (a), the applicant must submit direct to the Commissioner quantitative formulas and processes, in quadruplicate, on Form 1479–A, "Formula or Process for the Use of Specially Denatured Alcohol." A separate form must be used for each formula or process, and there must be stated thereon the name and address of the applicant, name of preparation, and whether such preparation will be in conformity with the requirements of U. S. Pharmacopoeia or National Formulary, the specially denatured alcohol formula and proof to be used, and, if selection of denaturants is permitted, the kind and quantity of denaturants to be used must be specified. Each copy must be signed by the applicant or permittee, or his authorized agent.

(a) *Rubbing alcohol compound.* Manufacturers desiring to manufacture rubbing alcohol compound, or prepartions purported to be used as rubs, must submit to the district supervisor the quantitative formula of their product on Form 1479–A, in quadruplicate, and the labels and caution notices to be used, must be attached to each copy of Form 1479–A. The district supervisor will examine the formula to ascertain if it conforms to the requirements specified for this product in the Appendix to Regulations 3, and will examine the brand labels and caution notices or facsimiles thereof to determine

that they likewise conform with the requirements of § 182.855. If all requirements have been complied with, the district supervisor will note his approval on each copy of Form 1479–A, return one copy to the permittee, forward one copy to the Commissioner, furnish one copy to the chemist in charge, and retain the remaining copy for his files. If the formula for the rubbing alcohol compound does not specify one of the specially denatured alcohol formulas authorized for use in the manufacture of rubbing alcohol compound, or does not comply with the type formulas and other requirements set forth in the Appendix to Regultions 3, or labels and caution notices or facsimiles thereof are not in conformity with the regulations in this part, all copies of Form 1479–A, with attachments, will be returned to the manufacturer with the statement of the reason for the disapproval. Where brand labels bearing the name and address of a wholesale or retail druggist in lieu of the name and address of the manufacturer, is approved, the following statement should be stamped or typed on Form 1479–A to which the brand label is attached: "Label approved contingent on the druggist named thereon being authorized by these regulations to sell rubbing alcohol compound."* (Sec. 3114 (c), I.R.C.)

§ 182.148 *Statement of process.* Where specially denatured alcohol is used in a manufacturing process in which none of the specially denatured alcohol remains in the finished product, or where specially denatured alcohol, completely denatured alcohol, or articles, are used in a manufacturing process and are to be recovered, a complete description of such process shall be submitted direct to the Commissioner on Form 1479–A, in quadruplicate.

(a) *Drawings.* There must be submitted with the statement of process, drawings or sketches, in quadruplicate, of the apparatus and equipment including pipe lines, valves, etc., used in the process. If denatured alcohol or articles are to be recovered, a drawing, in quadruplicate, showing the location of each still and each receiving and storage tank, and all pipe connections, shall be furnished.* (Sec. 3073, I.R.C.)

§ 182.149 *Labels and advertising matter.* Samples of labels or facsimiles thereof (or sketches, subject to the filing of the actual labels, if approved) must be attached to each copy of the Form 1479–A. Advertising matter also must be attached when required by these regulations or by the Commissioner. Where permittees change labels which have been previously approved, or provide new labels for products, the formula for which has been previously approved, samples of the changed or new labels or facsimiles thereof (or sketches, subject to the filing of the actual labels, if approved) must be submitted, attached to Form 1479–A, in quadruplicate, to the Commissioner for approval. In such cases, the formula need not be restated on Form 1479–A, but the form should be marked "For label approval only" and should give the name under which the preparation was previously approved, the laboratory number of the approved sample, if any, and the date of approval. The Commissioner will take action on the proposed changes in accordance with § 182.151.* (Sec. 3114(c), I.R.C.)

§ 182.150 *Samples of preparations.* Where it is desired to manufacture articles or preparations (except rubbing alcohol compound) containing specially denatured alcohol, duplicate 8-ounce samples of all such articles or preparations shall be submitted, in connection with Form 1479–A, direct to the Commissioner for examination: *Provided*, That where perfumes contain more than 6 ounces of perfume oils per gallon, 2-ounce samples will be sufficient. Where the applicant proposes to use mixtures of oils and ingredients which he procures from some other person, the composition of which is unknown to him, duplicate 1-ounce samples of the oils or ingredients must be submitted with the samples of the finished product when required by the Commissioner. In all cases where formulas and samples of preparations which would be made with specially denatured alcohol are submitted to the Commissioner for approval, it will be understood that the specially denatured alcohol proposed to be used is to be manufactured from alcohol of 190 degrees proof, unless otherwise stated in the Form 1479–A.* (Sec. 3114(c), I.R.C.)

§ 182.151 *Approval or disapproval of samples, formulas, processes, labels, and advertising matter.* Upon examination of the samples, formulas, processes, labels, and advertising matter by the Commissioner, he will note his approval or disapproval on all copies of Form 1479–A, retain one copy of the form, and forward the other three copies to the district supervisor, who will retain one copy for his files, furnish one copy to the branch laboratory for his district, and forward the third copy to the applicant. Both sets of the samples will be retained by the Commissioner one of which will be furnished to the branch laboratory when needed. In addition to the other limitations in these regulations, the Commissioner may, in approving Forms 1479–A, specify thereon the maximum size of the containers in which any preparation may be sold and the maximum quantity that may be sold to any person during a calendar month. The approval of the article or preparation by the Commissioner will be based on laboratory examination of the finished product, ingredients, formulas and processes. Such approval shall mean only that the sample, formula, or process has been approved as conforming to the standards of the Bureau of Internal Revenue and such approval shall in no way require the district supervisor to issue a basic permit to use specially denatured alcohol in such process, formula, or preparation. No permit shall be issued to use specially denatured alcohol unless the processes, formulas, preparations, labels, and advertising matter, when required to be submitted to the Commissioner, have been approved by him. All processes, formulas, and samples of preparations submitted to the Bureau must be treated as strictly confidential by its employees, who will be held accountable for any unwarranted disclosure of information respecting such processes, formulas, or samples.*

§ 182.152 *Applications for renewal of permits.* The provisions of § 182.116 are extended to and made applicable to renewal applications, Form 1479. Permittees must attach to each copy of application, Form 1479, for renewal of basic permit to use specially denatured alcohol a list showing the names of all approved preparations, formulas, or processes in which specially denatured alcohol is to be used, the formula of specially denatured alcohol to be used, the laboratory number of the sample, if any, approved by the Commissioner, the date of approval of the formula or process, and the code number prescribed in the Appendix to these regulations for the preparation or process. The permittee should not include in his application, Form 1479, and the list appended thereto formulas of specially denatured alcohol which have been revoked or discontinued, preparations which are no longer manufactured, processes which have been discontinued, or formulas of specially denatured alcohol which are no longer used. Where the files of the district supervisor do not contain copies of the approved formula or process, the permittee will be required to file with the district supervisor copies of Form 1479–A, in quadruplicate, for submission to the Commissioner for approval, in conformity with §§ 182.147 to 182.151, inclusive.* (Sec. 3114 (a), I.R.C.)

§ 182.153 *Other qualifying documents.* There must be submitted with, and made a part of, the original or initial application, Form 1479, for a permit to use specially denatured alcohol, copies, in triplicate, of the applicable documents enumerated in §§ 182.125 to 182.131, inclusive. The provisions of §§ 182.137 and 182.138 shall be applicable to users of specially denatured alcohol.*

§ 182.154 *Bond, Form 1480.* Every person filing an application for permit to use specially denatured alcohol, or to recover completely or specially denatured alcohol or articles in the form of denatured alcohol, upon filing the application, Form 1479, and before issuance of basic permit pursuant thereto, and before proceeding with such business, shall execute a bond on Form 1480, "Bond of Specially Denatured Alcohol User," in triplicate, in conformity with the provisions of §§ 182.184–182.205, and file the same with the district supervisor: *Provided*, That no bond will be required where the quantity of specially denatured alcohol specified in basic permit, Form 1481, does not exceed 5 wine gallons; nor where application is filed by the United States or any governmental agency thereof, or by a State or Territory, or any municipal subdivision thereof, or the District of Columbia.* (Secs. 3070, 3114 (a), I.R.C.)

§ 182.155 *Penal sum.* The penal sum of the bond, Form 1480, shall be in a maximum of $100,000 and a minimum of $500, and shall be computed at the rate of $8 on each wine gallon of specially denatured alcohol, including recovered and restored denatured alcohol, authorized to be on hand, in transit, and unaccounted for at any one time: *Provided*, That the penal sum of bonds covering specially denatured alcohol, For-

mulas 18 and 19 shall be computed at the rate of $4 per wine gallon. In the case of manufacturers recovering completely denatured alcohol or articles in the form of denatured alcohol only, the penal sum of the bond, Form 1480, shall be calculated at the same rate on the maximum quantity in wine gallons of recovered and restored denatured alcohol that may be on hand and unaccounted for at any one time.* (Sec. 3114 (a), I.R.C.)

Dealers in Specially Denatured Alcohol

§ 182.156 *Bonded dealer defined.* Every person who sells specially denatured alcohol, except a proprietor of a denaturing plant who sells at the place of manufacture, shall be classed as a dealer in specially denatured alcohol, and must obtain a basic permit to conduct such business as hereinafter provided.* (Sec. 3114 (a), I.R.C.)

§ 182.157 *Application for permit, Form 1474.* Application for permit to deal in specially denatured alcohol, Form 1474, "Application for Permit to Deal in Specially Denatured Alcohol," must be filed, in triplicate, with the district supervisor. The maximum quantity of specially denatured alcohol in wine gallons which will be on hand, in transit, or unaccounted for, during any calendar month must be stated in the application. The provisions of §§ 182.105, 182.106, 182.115, 182.117, and 182.118 are hereby extended, insofar as applicable, to applications by bonded dealers on Form 1474.* (Sec. 3114 (a), I.R.C.)

§ 182.158 *Other qualifying documents.* There must be submitted with, and made a part of, the original or initial application, Form 1474, copies, in triplicate, of the applicable documents enumerated in §§ 182.125 to 182.131, inclusive. The provisions of §§ 182.137 and 182.138 shall be applicable to dealers in specially denatured alcohol.*

§ 182.159 *Bond, Form 1475.* Every person filing an application for a basic permit to deal in specially denatured alcohol, upon filing his application, Form 1474, and before issuance of basic permit pursuant thereto, and before proceeding with such business, shall execute a bond on Form 1475, "Bond of Dealer in Specially Denatured Alcohol," in triplicate, in conformity with the provisions of §§ 182.184–182.205, and file the same with the district supervisor.* (Secs. 3070, 3114 (a), I.R.C.)

§ 182.160 *Penal sum.* The penal sum of the bond shall be computed at the rate of $8 on each wine gallon of specially denatured alcohol authorized to be on hand, in transit, and unaccounted for at any one time: *Provided*, That the minimum penal sum of such bond shall not be less than $10,000 and the maximum more than $100,000.* (Sec. 3114 (a), I.R.C.)

§ 182.161 *Plats and plans.* Every person filing an application, Form 1474, for a permit to deal in specially denatured alcohol for resale must submit to the district supervisor with his application, Form 1474, an accurate plan of the building, tanks, etc., to be used as his bonded storeroom.*

Users of Tax-free Alcohol

§ 182.162 *Who may procure.* Section 3108, I.R.C., provides that alcohol may be withdrawn, under regulations, from any industrial alcohol plant or bonded warehouse tax-free by the United States or any governmental agency thereof, or by the several States and Territories or any municipal subdivision thereof or by the District of Columbia, or for the use of any scientific university or college of learning, any laboratory for use exclusively in scientific research, or for use in any hospital or sanatorium, or for the use of any clinic operated for charity and not for profit, including use in the compounding of bona fide medicines for treatment outside of such clinics of patients thereof, but not for sale; but any person permitted to obtain alcohol tax-free, except the United States and the several States and Territories and subdivisions thereof, and the District of Columbia, shall first apply for and secure a permit to purchase the same and give the bonds prescribed under section 3114, I.R.C., but alcohol withdrawn for nonbeverage purposes for use of the United States and the several States, Territories, and subdivisions thereof, and the District of Columbia, may be purchased and withdrawn subject only to such regulations as may be prescribed.*

§ 182.163 *Other than Federal, State, and municipal agencies.* Under the provisions of law above referred to, the privilege of withdrawing alcohol in bond, free of tax, is held to apply to all scientific universities incorporated or organized under any Federal, State, or Territorial law, or any colleges of learning which have a recognized curriculum and confer degrees after specified periods of attendance at classes or research work, upon proper showing of the facts, to any laboratory for use exclusively in scientific research, or to any permanently established hospital or sanatorium in good standing, whether operated for profit or not, or to any bona fide clinic in good standing, operated for charity and not for profit. Any other colleges of learning than those above referred to desiring to withdraw alcohol free of tax shall be permitted to do so only after the Commissioner is satisfied from evidence submitted to him that such institutions are entitled to the privilege under the law governing tax-free withdrawals.*

§ 182.164 *Use*—(a) *By Federal, State, and municipal agencies.* Tax-free alcohol withdrawn under the foregoing provisions of law and regulations for use of the United States must be used solely for nonbeverage purposes. Such alcohol, when withdrawn by States and Territories, or any municipal subdivision thereof, or the District of Columbia, must be used solely for mechanical and scientific purposes, and such use, or the use of any resulting product, must be confined to premises under the control of the State or Territory, or municipal subdivision thereof, or the District of Columbia.

(b) *By hospitals, sanatoriums, clinics, colleges, and laboratories.* Tax-free alcohol withdrawn by hospitals or sanatoriums, or by clinics operated for charity and not for profit, may be used only for medicinal, mechanical, and scientific purposes and in the treatment of patients. Scientific universities or colleges of learning shall use such alcohol only for scientific, mechanical, and medicinal purposes, and any laboratory withdrawing alcohol free of tax must use the same exclusively in scientific research. The use of the alcohol and resulting products shall be confined strictly to the premises of the institution withdrawing the alcohol, except that bona fide medicines compounded with alcohol withdrawn by clinics operated for charity and not for profit, may be used outside of such clinics for treatment of the patients thereof, but such medicines may not be sold.

(c) *Prohibited use.* In no case shall alcohol withdrawn tax-free be used in food products in any manner, or in preparations used in food products, and under no circumstances shall such alcohol be used for beverage purposes or in any product which may be so used.*

§ 182.165 *Application for permit, Form 1447.* Where it is desired to withdraw alcohol, tax-free, by the several States and Territories or any municipal subdivision thereof, or by the District of Columbia, or for the use of any scientific university or college of learning, any laboratory for use exclusively for scientific research, or for use in any hospital or sanatorium, or for the use of any clinic, in accordance with §§ 182.162, 182.163, and 182.164, application shall be made on Part I of Form 1447, "Application for Permit to Use Tax-Free Alcohol," in triplicate, to the district supervisor, for a basic permit to use such alcohol. Applications by the United States or any governmental agency thereof for a permit to use tax-free alcohol shall be made on Form 1444, in accordance with § 182.171.

(a) *Applications by States, Territories, and municipal subdivisions, and the District of Columbia.* Applications by States and Territories, and municipal subdivisions thereof, or the District of Columbia for the withdrawal of tax-free alcohol may be made to the district supervisor by the head of the department, or head of bureau or commission not under the control of any department, for which the alcohol is to be purchased, or by some other person duly authorized by him, evidence of which authority should be furnished the district supervisor. Applications by municipal subdivisions of a State or Territory shall be made to the district supervisor by the officer duly authorized to procure such alcohol and evidence of such authority shall be submitted with the application.

(b) *Applications by others.* In the event application is made by a scientific university or college of learning, any laboratory for use exclusively in scientific research, or any hospital or sanatorium, and the applicant is an incorporated or chartered institution, such application shall be made by the institution, the corporate name and seal being affixed by some duly authorized officer of the corporation, which officer shall affix his signature and official title below the corporate name preceded by the word "by" and in such cases a copy of the charter or articles of incorporation certified by an officer of the applicant must be annexed to the first application forwarded to the district supervisor. In the event the institution is a scientific university or college of learning created under a general law of a State or Territory, that fact must be shown and an extract of the law given. Application may be made for such institution by an officer or any other authorized person in its behalf. In other cases the application must be made by some duly accredited representative of the applicant.* (Secs. 3108, 3114 (a), I.R.C.)

§ 182.166 *Quantity to be used.* The annual quantity of alcohol in proof gallons it is desired to withdraw free of tax shall be stated in the application, which quantity should be based upon the estimated requirement for one year.*

§ 182.167 *Uses.* There must be stated in the application, Form 1447, the specific use which will be made of the alcohol, that is, the purpose or purposes for which the alcohol will be used must be stated explicitly, and not in general terms.*

§ 182.168 *Other qualifying documents.* There must be submitted with, and made a part of, the original or initial application, Form 1447, copies, in triplicate, of the applicable documents enumerated in §§ 182.125 to 182.131, inclusive. The provisions of §§ 182.137 and 182.138 shall be applicable to users of tax-free alcohol.*

§ 182.169 *Bond, Form 1448.* Every person filing an application for a basic permit to use alcohol free of tax upon filing his application, Form 1447, and before issuance of permit pursuant thereto, shall execute a bond on Form 1448, "Tax-Free Alcohol User's Bond," in triplicate, in conformity with the provisions of §§ 182.184–182.205, and file the same with the district supervisor: *Provided*, That no bond will be required where applications are filed by a State or Territory, or municipal subdivision thereof, or by the District of Columbia; or where the quantity of alcohol covered by basic permit, Form 1447, does not exceed 60 wine gallons per annum.* (Sec. 3114 (a), I.R.C.)

§ 182.170 *Penal sum.* The penal sum of bond, Form 1448, must be sufficient to cover the amount of the internal revenue tax at the rate prescribed by law on all alcohol authorized to be on hand, in transit, or unaccounted for at any one time: *Provided*, That the penal sum shall not be less than $500 or more than $100,000.* (Sec. 3114 (a), I.R.C.)

United States or Governmental Agency to Procure Tax-free Alcohol

§ 182.171 *Application, Form 1444.* Alcohol may be withdrawn tax-free by the United States or any governmental agency thereof, upon filing application on Part I of Form 1444, "Application by the United States or Governmental Agency for Permit to Procure Alcohol Free of Tax," and issuance of Permit therefor. The Form 1444 shall be executed in duplicate and forwarded direct to the Commissioner. The application must state the name of the department or independent bureau or agency, and the name of the proprietor of the industrial alcohol plant or bonded warehouse, the registry number and location thereof, from which alcohol will be withdrawn tax-free.* (Sec. 3114 (a), I.R.C.)

§ 182.172 *Signing of application.* The application shall be signed by the head of the department or independent bureau or agency to which such tax-free alcohol is to be shipped, or by some other person duly authorized by such head of a department or independent bureau or agency. Evidence of such authority shall be furnished the Commissioner.*

United States or Governmental Agency To Procure Specially Denatured Alcohol

§ 182.173 *Application, Form 1486.* Specially denatured alcohol may be withdrawn by the United States or any governmental agency thereof upon filing application on Part I of Form 1486, "Application by the United States or Governmental Agency for Permit to Procure Specially Denatured Alcohol," and issuance of permit therefor. The Form 1486 shall be executed in duplicate and forwarded direct to the Commissioner. The application must state the name of the department or independent bureau or agency and the name of the proprietor of the denaturing plant or of the bonded dealer from whom the specially denatured alcohol is to be purchased.* (Sec. 3114 (a), I.R.C.)

§ 182.174 *Signing of application.* The application shall be signed by the head of the department or independent bureau or agency to which such specially denatured alcohol is to be shipped, or by some other person duly authorized by such head of a department or independent bureau or agency. Evidence of such authority shall be furnished the Commissioner.*

Carriers

§ 182.175 *Application, Form 144.* Every person desiring to transport tax-free alcohol or specially denatured alcohol must file Form 144, "Application for Permit to Transport Tax-free or Specially Denatured Alcohol," in triplicate, for permit so to do. The carrier will specify the mode of transportation, such as railroad, express company, steamship, barge line, truck, etc., and the supervisory districts in which tax-free or specially denatured alcohol will be transported. Where steamship or barge lines or motor carriers operate between certain points and over certain courses or routes, such points and courses or routes will be specified in the application. In cases where transportation is in more than one supervisory district, the application shall be filed with the district supervisor in whose district the principal office or place of business of the applicant is located. The provisions of §§ 182.105, 182.106, 182.115, 182.117, and 182.118 are hereby extended, insofar as applicable, to carriers.

(a) *Persons entitled to permit.* Basic permits to transport tax-free or specially denatured alcohol shall be issued only to reputable carriers who are actively and regularly engaged generally in the legitimate business of transportation, and who possess adequate facilities to insure safe delivery at destination of any tax-free or specially denatured alcohol transported by them.* (Sec. 3114 (a), I.R.C.)

§ 182.176 *Use of motor trucks by railroad, steamship, and express companies.* If the applicant is a railroad, steamship, or express company and operates motor trucks pursuant to contracts with the owners of such trucks in transporting tax-free alcohol or specially denatured alcohol under the carrier's bill of lading, express receipt, waybill, etc., there must be stipulated in the application that "In consideration of the issuance of the basic permit herein applied for, the applicant agrees to assume full responsibility for the safe transportation and proper delivery of any and all such alcohol so possessed for transporting by his said trucking agents; and said applicant further covenants and agrees to pay to the United States all internal revenue taxes, assessments and penalties due by reason of any diversion of said alcohol in the hands of any of his said agents, or as the result of the delivery by any such agent of said alcohol to any person not authorized to receive the same."*

§ 182.177 *Applications by nonresidents.* A copy of application, Form 144, made by a person not residing in the United States, but operating as a carrier therein, together with all documents filed therewith, and report of investigation, if any, before action thereon by the district supervisor, shall be forwarded to the Commissioner.*

§ 182.178 *Permit to transport included in certain permits.* Unless otherwise provided in the appropriate basic permit, or in these regulations, any basic permit authorizing the delivery or procurement of tax-free or specially denatured alcohol confers upon the permittee the right to have the same transported by a carrier holding a basic permit to transport; or confers upon the consignor the right to transport the tax-free or specially denatured alcohol to the person to whom he is authorized to deliver it or to a carrier holding a basic permit to transport; or confers upon the consignee the right to transport tax-free or specially denatured alcohol to his permit premises from the premises of a carrier holding permit to transport.

(a) *Transportation must be by permittee.* In order that a person may be authorized to transport tax-free or specially denatured alcohol under his basic permit the transportation must be by the permittee personally, or by some person regularly and exclusively in his employ, and the right to the possession of any vehicle used for such transportation must be vested in the permittee.*

§ 182.179 *Conditions of approval.* No application shall be approved unless and until it is established by the applicant to the satisfaction of the district supervisor that he is a reputable carrier and is actively and regularly engaged generally in the legitimate business of transportation and that he possesses adequate facilities to insure safe delivery at destination of any tax-free alcohol or specially denatured alcohol which may be transported by him.*

§ 182.180 *Possession by unauthorized carrier.* Specially denatured alcohol possessed or transported by a carrier not authorized to transport the same shall be deemed subject to tax and forfeiture. Tax-free alcohol transported by an unauthorized carrier shall likewise be subject to forfeiture.* (Secs. 3111, 3116, I.R.C.)

§ 182.181 *Other qualifying documents.* There must be submitted with, and made a part of, the original or initial application, Form 144, copies, in triplicate, of the applicable documents enumerated in §§ 182.125 to 182.131, inclusive. The provisions of §§ 182.137 and 182,138 shall be applicable to carriers of tax-free or specially denatured alcohol.*

§ 182.182 *Bond, Form 49.* Every person filing an application for a basic permit to transport tax-free alcohol or

specially denatured alcohol, upon filing his application, Form 144, and before issuance of basic permit pursuant thereto, and before transporting any tax-free alcohol or specially denatured alcohol, shall execute a bond on Form 49, "Bond to Transport Specially Denatured or Tax-free Alcohol," in triplicate, in conformity with the provisions of §§ 182.184–182.205, and file the same with the district supervisor: *Provided*, That a bond will not be required if the applicant is a railroad or steamship company, or an express company operating thereon, or a motor carrier who has qualified with the Interstate Commerce Commission as a "self-insurer."* (Sec. 3114 (a), I.R.C.)

§ 182.183 *Penal sum.* The penal sum of the bond must be computed at the rate of not less than $500 for each vehicle to be used by the permittee, nor more than a total of $5,000 for all such vehicles so used.* (Sec. 3114 (a), I.R.C.)

BONDS AND CONSENTS OF SURETY

§ 182.184 *General requirements.* Every person required to file a bond or consent of surety under these regulations shall prepare and execute it on the prescribed form, in triplicate, in accordance with these regulations and the instructions printed on the form, and shall submit it to the district supervisor.* (Secs. 3070, 3114 (a), I.R.C.)

§ 182.185 *Surety or security.* The bonds required by these regulations shall be given with surety or collateral security.* (Sec. 1, 28 Stat. 279 (6 U.S.C. 6); Sec. 1126, 44 Stat. 122; Sec. 7, 49 Stat. 22 (6 U.S.C. 15).)

§ 182.186 *Corporate surety.* Bonds may be given with corporate surety authorized by the Secretary of the Treasury to become surety on Federal bonds, subject to the limitations prescribed by the Secretary in Treasury Department Form 356, Commissioner of Accounts, Section of Surety Bonds, which is issued semiannually, and subject to such amendatory circulars as may be issued from time to time.* (Sec. 1, 28 Stat. 279; 6 U.S.C. 6.)

§ 182.187 *Two or more corporate sureties.* A bond executed by two or more corporate sureties shall be the joint and several liability of the principal and the sureties: *Provided*, That each corporate surety may limit its liabilities in terms upon the face of the bond in a definite, specified amount which amount shall not exceed the limitations prescribed for such corporate surety by the Secretary, as set forth in Treasury Department Form 356. When the sureties so limit their liabilities, the aggregate of such limited liabilities must equal the required penal sum of the bond.*

§ 182.188 *Powers of attorney.* Powers of attorney and other evidence of appointment of agents and officers to execute bonds on behalf of corporate sureties are required to be filed with, and passed upon by, the Commissioner of Accounts, Section of Surety Bonds, Treasury Department. Such powers and other evidence of appointment need not be filed with, or submitted to, district supervisors.*

§ 182.189 *Individual sureties.* Bonds may be given with individual sureties, of which there must not be less than two, each of whom must qualify by executing Form 33, "Affidavit of Individual Surety on Bond," in triplicate. Individual sureties must be citizens of the United States and reside in the State in which the business of the principal is to be conducted.*

§ 182.190 *Ownership of real property.* Each individual surety must own unencumbered real property, in fee simple, the appraised value of which, over and above any exemptions from execution allowed by the laws of the State, is equal to the penal sum of the bond. The amount of unencumbered real property which individual sureties are required to own must be located within the State where the business of the principal is to be conducted.*

§ 182.191 *Description of real property.* The real property must be described in the surety's affidavit, Form 33, with all the formalities required in conveyances of real estate by the laws of the State in which it is situated.*

§ 182.192 *Execution of Form 33.* The surety's affidavit on Form 33 shall contain all of the information required by these regulations and the instructions printed on the form. The form shall be subscribed and sworn to before an officer duly authorized to administer oaths, and one copy thereof shall be attached to each copy of the bond to which it relates.*

§ 182.193 *Certificate of title.* There must be submitted with the surety's affidavit, Form 33, a certificate of title, in triplicate, showing that the surety has a fee simple title, free of encumbrances, to the realty described in the form.*

§ 182.194 *Appraisal.* There will also be submitted with Form 33 an appraisal, in triplicate, by two or more competent persons designated by the district supervisor for the purpose, showing separately the value of the land and buildings, and a full and clear statement of the method employed by them in determining their valuation. The appraisal shall be at the expense of the principal on the bond, unless it is made by Government officers.*

§ 182.195 *Investigation.* The district supervisor must cause an investigation to be made of all the facts stated in the surety's affidavit on Form 33 and supporting documents, and shall forward one copy of the report of such investigation to the Commissioner with the bond and accompanying Form 33.*

§ 182.196 *Requalification.* The Commissioner or district supervisor may at any time, in his discretion, require the requalification of individual sureties on Form 33.*

§ 182.197 *Interest in business.* The surety, whether individual or corporate, must have no interest whatever in the business covered by the bond.*

§ 182.198 *Deposit of collateral.* Bonds or notes of the United States or other obligations which are unconditionally guaranteed as to both interest and principal by the United States, may be pledged and deposited by pricipals as collateral security in lieu of individual or corporate surety. District supervisors on receiving such bonds or notes, or other obligations, pledged and deposited by principals as collateral security in lieu of surety, shall deposit such securities in accordance with the requirements of Department Circular No. 154, revised (31 CFR, Part 225).* (Sec. 1126, 44 Stat. 122; Sec. 7, 49 Stat. 22; 6 U.S.C. 15)

§ 182.199 *Consents of surety.* Consents of surety to a change in the terms of a bond must be executed on Form 1533, "Consent of Surety to Change in Terms of Bond," in as many copies as are required in the bonds which they affect, by the principal and all sureties with the same formality and proof of authority to execute as are required for the execution of bonds. Form 1533 will be used by obligors on collateral bonds as well as those on surety bonds. The Form 1533 must properly identify the bond affected thereby and state specifically and precisely what is covered by the extended terms thereof. If the surety is a corporation, the consent may be executed by an agent or attorney in fact duly authorized so to do by power of attorney filed by the surety with the appropriate district supervisor through the office of the Commissioner, or the consent may be executed by the home office officials of such corporate surety; except that, in cases where the saving of time is an element, the consent may be executed by an agent or attorney in fact where the home office officials, by specific direction, order its execution. A copy of such specific direction should be attached to each copy of such consent.* (Secs. 3070, 3114 (a), I.R.C.)

§ 182.200 *Approval required.* No individual, firm, partnership, corporation, or association, intending to commence or to continue in a business covered by these regulations, shall commence or continue such business until all bonds in respect to such business required by any provision of law or regulations have been approved.*

§ 182.201 *Authority to approve.* District supervisors are authorized to approve or disapprove all bonds and consents of surety filed by an individual, firm, partnership, corporation, or association relating to the conduct of a business pursuant to the provisions of these regulations: *Provided*, That bonds, Form 1432–A, Form 1604, and Form 1617, and consents of surety extending the terms of such bonds, will be approved or disapproved by the Commissioner.* (Sec. 3170, I.R.C.)

§ 182.202 *Cause for disapproval.* Bonds or consents of surety submitted by any individual, firm, partnership, corporation, or association, in respect to a business covered by these regulations may be disapproved if the individual, firm, partnership, corporation, or association giving the same, or owning, controlling, or actively participating in the management of such business of the individual, firm, partnership, corporation, or association giving the same, shall have been previously convicted in a court of competent jurisdiction of any fraudulent noncompliance with any provision of any law of the United States, if such provision relates to internal revenue or customs taxation of distilled spirits, wines, or fermented malt liquors, or if such an offense shall have been compromised with the individual, firm, partnership, corporation, or association upon payment of penalties, or otherwise.

(a) *Situation of premises.* The bond may also be disapproved if the situation of the premises covered by the bond is such as would enable the principal to defraud the United States.* (Sec. 3103, I.R.C.)

§ 182.203 *Additional or strengthening bonds.* In all cases where the penal sum of a bond on file and in effect is not sufficient, computed as prescribed by law and regulations, the principal may give an additional or strengthening bond in a sufficient penal sum, provided the surety thereon is the same as on the bond already on file and in effect; otherwise a new bond covering the entire liability will be required. Such additional or strengthening bonds being filed to increase the bond liability of the principal and the surety, they are in no sense substitute bonds, and the district supervisor will refuse to approve, or recommend the approval of, any additional or strengthening bond where any notation is made thereon, intended, or which may be construed, as a release of any former bond, or as limiting the amount of either bond to less than its full penal sum. Additional or strengthening bonds must show the current date of execution and the effective date in the blank spaces provided therefor. Such bonds must have marked thereon, by the obligors at the time of execution, "Additional Bond" or "Strengthening Bond."* (Secs. 3070, 3114 (a), I.R.C.)

§ 182.204 *New or superseding bonds.* The principal on any bond filed pursuant to these regulations may, at any time, substitute a new bond therefor. A new bond may be required at any time in the discretion of the Commissioner or district supervisor. A new bond shall be required immediately in case of death or insolvency of an individual surety, or the insolvency of a corporate surety. Executors, administrators, assignees, receivers, trustees, or other persons acting in a fiduciary capacity, continuing or liquidating the business of the principal, must execute and file a new bond or obtain the consent of the surety or sureties on the existing bond or bonds. When, in the opinion of the Commissioner or district supervisor, the interests of the Government demand it or in any case where the security of the bond becomes impaired in whole or in part for any reason whatever, the principal will be required to give a new bond. Where a bond is found to be not acceptable, the principal shall be required to file immediately a new and satisfactory bond, or discontinue business forthwith.

(a) *Liability under superseding bond.* The inventories and records of the principal as to the quantity of alcohol, specially denatured alcohol, and recovered denatured alcohol and articles in his possession or in transit on the effective date of any substituted, superseding, or additional bond given under these regulations shall be conclusive and binding upon the obligors on such bonds for the purpose of fixing and determining liability thereunder.* (Secs. 3070, 3114 (a), I.R.C.)

§ 182.205 *Termination of superseded bonds.* Where a new bond is submitted by the principal to supersede a bond or bonds then in effect, and such superseding bond has been approved, notice of termination of the superseded bond may be issued and as provided in §§ 182.310–182.321. Superseding bonds must show the current date of execution and the date they are to be effective, and each such bond shall have marked thereon, by the obligors at the time of execution "Superseding Bond."

PLATS AND PLANS FOR INDUSTRIAL ALCOHOL PLANTS, BONDED WAREHOUSES, OR DENATURING PLANTS

§ 182.206 *Plat and plans required.* Every person intending to engage in business as the proprietor of an industrial alcohol plant, a bonded warehouse, or a denaturing plant, pursuant to the provisions of these regulations, must, as provided in § 182.135, file an accurate plat and accurate plans of the premises, apparatus, and equipment, in triplicate, with the district supervisor.* (Sec. 3103, I.R.C.)

§ 182.207 *Preparation.* Every plat and plan shall be drawn to scale and each sheet thereof shall bear a distinctive title, and the complete name and address of the proprietor, enabling ready identification. The cardinal points of the compass must appear on each sheet, except those of elevational plans. Each sheet of the original plat and plans shall be numbered, the first sheet being designated number 1 and the other sheets numbered in consecutive order. Plats and plans shall be submitted on sheets of tracing cloth or sensitized linen. The dimensions of plats and plans shall be 15 by 20 inches, outside measurement, with a clear margin of at at least 1 inch on each side of the drawing, lettering, and writing. Plats and plans may be original drawings, or reproductions made by the "ditto process," or by blue, brown, or black line lithoprint, if such reproductions are clear and distinct.*

§ 182.208 *Depiction of premises.* Plats must show the outer boundaries of the premises by courses and distances, in feet and inches, in a color contrasting with those used for other drawings on the plat, and the point of beginning with respect to its distance and bearings from some near and well-known landmark must be shown. The plat must also contain an accurate depiction of the building or buildings comprising the premises. The depiction of the premises on the plat should agree with the description thereof in the application. In the case of an industrial alcohol plant or bonded warehouse, if the premises consists of two or more lots or parcels of land the condition of title to which is not the same, each such lot or parcel shall be separately depicted by courses and distances, in feet and inches, and such lots or parcels shall be delineated or cross-hatched in contrasting colors. If the premises are separated by a public highway, or railroad right of way, and the tracts of land comprising the premises, or parts thereof, abut on such highway, or right of way, directly opposite each other, the different tracts will be depicted separately by courses and distances, in feet and inches, and outlined in a color contrasting with those used for other drawings on the plat. If two or more buildings are to be used, they must be shown in their relative positions, the designated name of each indicated, and all pipe lines or other connections, if any, between the same depicted. Where two or more buildings are used for the same purpose the name of each such building shall include an alphabetical designation, beginning with "A," and they shall be so shown on the plat. If the establishment consists of a room or floor of a building, an outline of the building, the precise location and the dimensions of the room or floor, and the means of ingress from and egress to a public street or yard, shall be shown. All first floor openings of each building on the premises will be shown on the plat. Except as provided in § 182.216, all pipe lines leading to or from the premises, the purpose for which used, and the points of origin and termination, will be indicated on the plat.*

§ 182.209 *Contiguous premises.* Where a distillery, internal revenue bonded warehouse, rectifying plant, brewery, winery, tax-paid bottling house, or other premises on which liquors are manufactured, stored, or sold, or where solvents or proprietary anti-freezes or articles manufactured with denatured alcohol, or where another business is conducted pursuant to the internal revenue laws and regulations, is contiguous to the applicant's premises, the plat must show the relative location of the premises and such contiguous premises, and all pipe lines, if any, and other connections between them. The outlines of such contiguous premises and the permit premises depicted on the plat must also be shown in contrasting colors.*

§ 182.210 *Floor plans.* The plans shall include a floor plan of each floor of each building, showing the dimensions of the rooms and floors and the location of all doors, windows, and other openings, and their dimensions, and how such openings are protected. All apparatus and equipment must be shown in their exact location on the floor plans and their designated use indicated. In the case of stills, tanks, and similar equipment, the serial number and capacity shall also be shown. The exact location of pipe lines and Government lock shall be shown.*

§ 182.211 *Elevational plans of equipment.* Vertical, sectional, or elevational plans of apparatus and equipment shall be submitted, and such plans shall clearly depict the construction of all equipment, and all pipe lines and other connections of the equipment, and the location of valves, flanges (except as provided in § 182.214), Government locks, measuring devices, etc. The plans must be so drawn that all fixed pipe lines, except those indicated by § 182.216, may be traced from beginning to end.*

§ 182.212 *Elevational plans of buildings.* The plans shall also include an exterior, elevational view of each exposure of each building or room, showing the construction and the foundations

(except where the bonded warehouse or denaturing plant consists of an upper floor or floors), floors, and walls, and the type of security afforded the openings. The number of stories, and the height of each story, will be indicated on the elevational plans.*

§ 182.213 *Pipe lines in colors.* The pipe lines must be shown on the plans in the colors in which they are required to be painted, as follows:

Black	Alcohol.
Blue	Vapor, high wines, low wines, or other unfinished spirits.
Red	Mash, beer, or other distilling material.
Gray	Molasses or other fermenting material.
Brown	Spent beer or slop.
Yellow	Fusel oil.
Yellow with red stripe.	Ether.
Yellow with green stripe.	Butyl alcohol.
Yellow with purple stripe.	Acetone.
White	Water.
Aluminum	Steam.
Orange	Air.
Olive green	Carbon dioxide.
Light green	Denaturants.
Dark green	Denatured alcohol.
Purple	Refrigerants.

Other fixed pipe lines must be shown in the colors in which they are painted.*

§ 182.214 *Location of valves, flanges, locks, etc.* All valves, flanges, and other connections in pipe lines must be properly indicated on the plans: *Provided*, That where flanges, unions, or other connections in pipe lines are brazed, welded, or otherwise permanently secured in such a manner as to constitute a continuous, single pipe line, the location of such flanges, unions, or other connections, and the manner of securing the same, need not be shown on the plans. The location of all Government locks required to secure the apparatus and equipment, and the doors of rooms and buildings, must be indicated on the plans by the symbol "GL" at the points where the locks are attached.* (Sec. 3103, I.R.C.)

§ 182.215 *Direction of flow.* The direction of the flow of the distilling material, vapor, alcohol, etc., through pipe lines must be indicated on the plans by arrows.*

§ 182.216 *Pipe lines exempted.* Approved public or private utility service lines, such as sewers, electric or gas conduits or pipes, and approved sprinkler, refrigeration, or heating systems which have no connection with the distilling system, etc., or any apparatus or pipe line connected therewith, need not be shown on the plans, provided that the point of entry to the bonded premises shall be indicated on the plans.*

§ 182.217 *Process flow sheet.* A diagrammatic or isometric process flow sheet must be filed, in the case of industrial alcohol plants, showing the receipt of the fermenting or distilling material on the premises and the flow thereof through the mash tubs, fermenters, beer wells, stills, doublers, try boxes, and high and low wine tanks, and other equipment, the deposit of the finished alcohol in the receiving tanks, and the removal of such alcohol from the receiving room.*

§ 182.218 *Certificate of accuracy.* Every sheet of every plat and plan, whether original, supplemental, or superseding, shall bear a certificate of accuracy, dated and signed by the draftsman, proprietor, and district supervisor. The certificate shall be placed in the lower right-hand corner of each sheet and shall be in the following form:

Supervisory District,
----------, 19----.

It is hereby certified that this is an accurate ---------- sheet No. ------
(Original, supplemental or superseding)
of the ---------- of ----------
(Plat or plan) (Kind of establishment)
No. ------ of ---------- ----------
(Name of proprietor) (Street and number)
---------- in this district.
(City and State)
Date of district supervisor's approval.
----------, 19----.
(Date)

(Draftsman)

(Proprietor)

(District supervisor)

*(Sec. 3103, I.R.C.)

§ 182.219 *Supplemental, superseding, and additional plats and plans.* The sheets of superseding plats or plans shall bear the same numbers as the sheets superseded. The sheets of supplemental plats or plans shall bear the same numbers as the sheets supplemented, and will be further identified by letter designation, as "1–A," "5–B," etc. Additional sheets of plans, filed to cover extensions of the premises, will be given the next number in sequence to the last sheet of the plan on file. Additional sheets of plats, filed to cover extensions of the premises, will be given the same number as the last sheet of the plat on file, further identified by an additional number, as "1–1," "2–1," etc.*

HEARINGS ON DISAPPROVAL OF APPLICATIONS

§ 182.220 *Application for hearing.* In the event of disapproval of an application for a basic permit by the district supervisor, as provided in §§ 182.282–182.302, the applicant may file application in writing with the district supervisor within 15 days after receipt of notice of the disapproval in whole or in part (which notice shall be served in the same manner as provided in § 182.244) for a hearing in support of his application.* (Sec. 3114, I.R.C.)

§ 182.221 *Time and place of hearing.* Should application be made for a hearing within the time specified, the district supervisor will notify the applicant of the time and place of the hearing, which shall be held within 30 days after receipt of a request therefor, unless continued for cause.

(a) *Failure to appear.* Failure of the applicant to appear at the hearing will constitute a relinquishment of the applicant's appeal.* (Sec. 3114, I.R.C.)

§ 182.222 *Proof.* At such hearing the burden of proof shall be on the applicant, but the district supervisor or his agent shall incorporate in the record of the proceedings the testimony, reports, affidavits, and other documents upon which he based his disapproval of the application. If requested, the applicant may be furnished a copy of the record of the proceedings.* (Sec. 3114, I.R.C.)

§ 182.223 *Production of records.* The applicant may be directed by the district supervisor to produce such records as may be deemed necessary for examination.* (Sec. 3114, I.R.C.)

§ 182.224 *Hearings.* Hearings on disapproved applications shall be governed, insofar as applicable, by the provisions of §§ 182.226–182.259 of these regulations.* (Sec. 3114, I.R.C.)

§ 182.225 *Appeal to the Commissioner.* Petitions for review of the action of the district supervisor in disapproving applications for basic permits shall be filed with the Commissioner in the manner and within the time specified in section 182.257 of these regulations.* (Sec. 3114, I.R.C.)

BASIC PERMITS

General

§ 182.226 *Scope of article.* The provisions of §§ 182.226-182.259 are applicable to all basic permits covering operations included in these regulations, which are as follows:

(1) Permit to Operate Industrial Alcohol Plant, Bonded Warehouse, or Denaturing Plant, Form 1433. (A single basic permit will be issued for an industrial alcohol plant, bonded warehouse and denaturing plant; industrial alcohol plant and bonded warehouse; industrial alcohol plant and denaturing plant; or bonded warehouse and denaturing plant, if located on the same premises.)

(2) Permit to Use Alcohol Free of Tax, Form 1447. (The execution and approval of Part II of this form shall constitute the basic permit to use alcohol free of tax.)

(3) Permit to Procure Alcohol Free of Tax by the United States or Governmental Agency, Form 1444. (The execution and approval of Part II of application, Form 1444, shall constitute the basic permit to procure alcohol free of tax.)

(4) Permit to Deal in Specially Denatured Alcohol, Form 1476.

(5) Permit to Use Specially Denatured Alcohol, Form 1481.

(6) Permit to Procure Specially Denatured Alcohol by the United States or Governmental Agency, Form 1486. (The execution and approval of Part II of application, Form 1486, shall constitute the basic permit to procure specially denatured alcohol.)

(7) Permit to Transport Tax-Free or Specially Denatured Alcohol, Form 145. (A copy of the basic permit, Form 145, when issued, should be forwarded by the district supervisor to each district supervisor in whose district the permit privileges will be exercised.)*

Issuance of Original Basic Permits

§ 182.227 *Issuance.* If the application, bond (if required), and supporting documents have been approved, as provided in §§ 182.282–182.309, a basic permit will be issued, in triplicate, on the appropriate form by the district supervisor, except permits issued to the United States or governmental agency thereof, which will be issued by the Commissioner. The basic permit shall give the name and address of the person to whom it is issued, which shall be the same as that specified in the application for basic permit, and shall designate and limit the acts that are permitted and the time when and place where such acts may be performed.

(a) *Record of permits.* The district supervisor shall keep a current card index record on Forms 1411 and 1411–A, of all persons to whom a basic permit has been issued, or who has filed application therefor, pursuant to these regulations.

(b) *Notice of termination, revocation, etc.* If the basic permit held by a person to whom a withdrawal permit was issued should be canceled, revoked, or terminated, the district supervisor shall forthwith notify each vendor or consignor named in the withdrawal permit to surrender it to the district supervisor issuing such permit for cancellation, after which notification, no further shipments may be made by the vendor.* (Sec. 3114, I.R.C.)

§ 182.228. *Terms and conditions of permit.* All of the provisions of these regulations relating to the conduct of the business for which basic permit has been applied for, and all statements, conditions, and stipulations contained in the application for permit, and all statements, evidence, affidavits and other documents filed in support thereof, shall be considered as a part of such permit and shall be deemed to be included in the provisions and conditions of every permit, the same as if set out at length therein.

(a) *Business subject to inspection.* All permits and authorizations given and effective under the provisions of sections 3070 to 3124, I.R.C., and these regulations, are on the condition and with the understanding that the operations which they authorize shall at any time within the usual business hours or at any other time when operations are carried on be subject to inspection by any officer of the Bureau of Internal Revenue as to any requirement of the internal revenue laws and regulations, as authorized in section 3121 (c), I.R.C., and any denial of or intereference with such inspection shall be deemed grounds for citation for revocation of the permit.* (Sec. 3114, I.R.C.)

§ 182.229 *Limitations under permit—*(a) *Permit to Operate Industrial Alcohol Plant, Bonded Warehouse, or Denaturing Plant, Form 1433—*(1) *Industrial alcohol plant.* If the quantity of alcohol that will be produced during a period of 15 days does not require a bond in the maximum penal sum, and bond in such sum has not been filed, the quantity of alcohol that may be produced during such period will be limited in the permit to the quantity covered by the bond.

(2) *Bonded warehouse and denaturing plant.* If the bond, Form 1432–A, for (1) the bonded warehouse and denaturing plant, or (2) for the bonded warehouse, or (3) for the denaturing plant, is in less than the specified maximum penal sum, the quantity that may be received during any calendar month and the quantity that may be on hand, in transit, and unaccounted for at any one time shall be limited in the permit to the quantity covered by the bond.

(b) *Permit to Procure Alcohol Free of Tax by the United States or Governmental Agency Thereof, Form 1444.* Permits on Form 1444 will not limit the quantity of alcohol authorized to be procured. Such permits, however, shall name the proprietor of the bonded warehouse, the number and location thereof, from which alcohol, free of tax, shall be procured. If it is desired to procure alcohol from more than one warehouse a separate permit must be procured, authorizing withdrawal from each such warehouse.

(c) *Permit to Use Alcohol Free of Tax, Form 1447.* The quantity of alcohol in proof gallons authorized to be used free of tax by the applicant per annum will be stated in the permit.

(d) *Permit to Deal in Specially Denatured Alcohol, Form 1476.* The permit shall authorize the procurement, possession, sale, and disposition of specially denatured alcohol and shall state the maximum quantity of specially denatured alcohol which may be procured during any calendar month, and the quantity that may be on hand, in transit, or unaccounted for at any one time. If bond, Form 1475, has been filed in less than the prescribed maximum penal sum, the quantity specified in the permit shall not exceed that covered by the bond.

(e) *Permit to Use Specially Denatured Alcohol, Form 1481.* The permit shall specifically set forth each preparation authorized to be manufactured, the formula of specially denatured alcohol (and the kind and quantity of denaturants, if optional or substitute denaturants have been approved on Form 1479–A) permitted to be used in the manufacture of each preparation, the quantity in wine gallons of each formula of specially denatured alcohol authorized to be received during a calendar month, and the total quantity in wine gallons of specially denatured alcohol which may be on hand, in transit, or unaccounted for at any one time. The total quantity that may be on hand at any one time shall include recovered or restored denatured alcohol and recovered or restored articles (which are in the form of denatured alcohol).

(f) *Permit to Procure Specially Denatured Alcohol by the United States or Governmental Agency, Form 1486.* The quantity of specially denatured alcohol which may be withdrawn by the United States or governmental agency will not be limited.

(g) *Permit to Transport Tax-Free and Specially Denatured Alcohol, Form 145.* The permit will specify the supervisory districts in which the carrier will be permitted to transport tax-free or specially denatured alcohol. If the carrier is a steamship or barge line or motor carrier operating between certain points and over certain courses or routes, such points and courses or routes will be specified in the permit. If the carrier is other than a railroad, steamship, express company, or motor carrier qualified with the Interstate Commerce Commission as a "self-insurer," or has filed bond in less than the maximum penal sum of $5,000, the permit shall specify the number of vehicles to be used by the permittee in transporting tax-free or specially denatured alcohol.* (Sec. 3114, I.R.C.)

§ 182.230 *Filing of permits.* Every person receiving a basic permit under the provisions of these regulations must file the same, together with a copy of the application and all qualifying documents in support of the application, in such manner, at the place of business covered by the basic permit, that they may be examined by Government officers. Whenever tax-free or specially denatured alcohol is transported other than by railroad or steamship company, or express company operating thereon, there shall be posted in or on the vehicle of transportation, including motor trucks authorized to be used or be in the possession of the person in charge thereof, a copy of the basic permit under which such transportation is authorized which has been duly certified as a true copy by the district supervisor issuing the same.*

§ 182.231 *Duration of permits.* All basic permits issued pursuant to the provisions of these regulations shall remain in force during the calendar year in which issued, unless voluntarily surrendered, revoked, or otherwise terminated, as provided in these regulations, except that any permit issued after August 31 of any calendar year shall expire on December 31 of the succeeding calendar year, unless otherwise provided in the permit: *Provided*, That permits issued to the United States or any governmental agency thereof, to procure and use tax-free or specially denatured alcohol shall remain in force until surrendered or canceled.* (Sec. 3114, I.R.C.)

Amendments of Permits

§ 182.232 *Amendments—*(a) *Increase in the quantity of alcohol or denatured alcohol to be used or withdrawn.* In any case where, after operations have been commenced, it is found that the quantity of alcohol or denatured alcohol authorized to be produced, received, withdrawn, or used, as the case may be, is not sufficient to meet the demands of the permittee, an amended basic permit may be issued in accordance with the conditions prescribed for the issuance of the original basic permit, upon the filing of application for an increased quantity, if the bond on file is sufficient to cover the increased quantity or an additional or new bond is filed in a penal sum sufficient to cover the tax on the total quantity authorized to be produced, received, withdrawn, or used, as the case may be, under the amended permit.

(b) *Other changes.* An amended basic permit may be issued to cover other changes in the terms and conditions of the original permit, upon the filing of application therefor, under the same conditions as those prescribed for the issuance of the original permit.*

§ 182.233 *Recalled for correction.* Whenever (1) it shall be discovered that

these regulations containing any mistake as to kind or quantity of alcohol or denatured alcohol authorized to be produced, received, withdrawn, or used, or alcoholic preparations or articles authorized therein, or conferring privileges, or a combination of privileges, which may not properly under the laws and regulations be conferred or combined, or any other material mistake relating to the privileges authorized thereby, or (2) a formula of denatured alcohol authorized by the permit is rescinded or its use in the manufacture of an article authorized by the permit is discontinued, or a prescribed formula or approved process for the manufacture of an article is changed or rescinded, the Commissioner, or district supervisor who issued such basic permit, or his successor, shall serve on the permittee a written order for such permit to be returned to the district supervisor within 10 days for correction. If the permittee fails to return such permit for correction within the time specified from the date of service of such order upon him, revocation proceedings shall be initiated immediately for revocation of such permit.*

Renewal of Permits

§ 182.234 *Permits to be renewed annually.* All permittees other than the United States or any governmental agency thereof, desiring to continue in the business covered by the basic permit after December 31, are required to file application and procure permit so to do pursuant to the requirements of these regulations: *Provided*, That where a basic permit is issued after August 31, such permit shall continue in force and effect until December 31 of the next succeeding calendar year, unless otherwise provided in the permit.* (Sec. 3114, I.R.C.)

Expiration and Termination

§ 182.235 *Date specified.* All basic permits issued pursuant to the provisions of these regulations shall expire on the date specified therein, except as hereinafter provided.* (Sec. 3114, I.R.C.)

§ 182.236 *Surrender*—(a) *Voluntary.* Any permittee may at any time voluntarily surrender his basic permit or permits to the district supervisor for cancellation, and the privileges thereunder shall not be effective after the date of cancellation by the district supervisor.

(b) *Involuntary.* Applications shall stipulate—

(1) *Disapproval of new manager.* Failure to notify the district supervisor of change in manager within 5 days after such change or to discontinue the services of such new or additional manager within 5 days after notice of disapproval of the change and to make a change in the management of the business and operations satisfactory to the district supervisor within 30 days after such notice of disapproval, will amount to, and constitute, the surrender to the United States of the basic permit.

(2) *Change in officers or directors of a corporation.* The provisions of paragraph (1) are applicable to changes in officers or directors of a corporation or similar legal entity, and failure to notify the district supervisor of the changes or to discontinue operations upon disapproval of the change, or to make a change in the officers or directors satisfactory to the district supervisor, will amount to, and constitute, the surrender to the United States of the basic permit.

(3) *Sale or transfer of business.* The sale or transfer of the business or any part thereof; or the sale, pledge, or other disposition of stock or other interest, in the case of a corporation or association, which results in transferring the control and management of the business; or in the case of a co-partnership, the withdrawal of one or more members of a copartnership or the taking in of a new partner, whether active or silent, or the bankruptcy or adjudicated insolvency of one or more of the partners, will amount to, and constitute, the surrender to the United States of the basic permit.* (Sec. 3114, I.R.C.)

§ 182.237 *Death, insolvency, or bankruptcy of permittee.* In the event of the death, insolvency, or bankruptcy of the permittee, if his property and estate, in connection with which such permit was issued, should pass to his successor or legal representative, or, in the event that such property of the permittee should otherwise, by operation of law or the order of any court, as a result of insolvency, bankruptcy, etc., pass to any receiver, trustee, or other fiduciary, such action automatically terminates the basic permit issued to the deceased, insolvent, or bankrupt, as the case may be.* (Sec. 3114, I.R.C.)

Revocation

§ 182.238. *By whom may be revoked.* The authority and power of revoking basic permits issued pursuant to the provisions of these regulations is conferred upon the Commissioner and upon the district supervisor of any supervisory district in which such basic permit was issued.* (Secs. 3114, 3121 (b), 3170, I.R.C.)

§ 182.239 *Hearing officers.* The Commissioner or district supervisor may conduct hearings, or may, in writing, designate and appoint some official or employee of the Treasury Department as a hearing officer to conduct and hold hearings and make findings of fact as hereinafter provided. Such appointments and designations may be general to perform the duties aforesaid in respect to any revocation proceedings during the life of such appointment or designation, or special to perform said duties in respect to a particular revocation proceeding specified therein. When deemed necessary by the district supervisor more than one hearing officer may be so designated and appointed in any district at the same time.* (Sec. 3114, I.R.C.)

§ 182.240 *Grounds for citation.* The permittee shall be cited to appear at a hearing and show cause why his permit should not be revoked—

(1) If at any time there shall be filed with the Commissioner or district supervisor a complaint, under oath, setting forth facts showing that the permittee is not in good faith conforming to the provisions of law and regulations, or has violated the terms or conditions of such permit, or has made any false statement in the application therefor, or has willfully failed to disclose any information required to be furnished, or has violated any law of the United States, or of any State, Territory, or possession of the United States, or of the District of Columbia, relating to intoxicating liquor; or

(2) Whenever the Commissioner or district supervisor has reason to believe, from facts coming officially to his knowledge from investigations and written reports made by an investigator, inspector, or other officer, that a permittee has violated any of the provisions in paragraph (1) above; or whenever he has reason to believe that denatured alcohol or articles do not correspond with the descriptions and limitations as to such alcohol or articles provided by law and regulations, an analysis of said alcohol or articles will be made and if, upon such analysis, he shall find that said alcohol or articles do not so correspond.* (Secs. 3114, 3121 (b), 3170, I.R.C.)

§ 182.241 *Citation.* All citations for revocation of permits must be signed by the Commissioner or district supervisor, as the case may be, but the Commissioner or district supervisor may in writing designate any officer under his jurisdiction to sign his name to any citation: *Provided*, That in no event shall a hearing officer be required to prepare or sign a citation in any particular case in which he will sit as hearer.* (Secs. 3114, 3121 (b), 3170, I.R.C.)

§ 182.242 *Form of order*—(a) *Form 1430.* Citations, upon complaint of others than the Commissioner or district supervisor, shall be issued on Form 1430 "Order to Show Cause Why Permit Should Not Be Revoked, Copy of Complaint Attached," naming the complainant, and there shall be attached thereto a copy of the complaint.

(b) *Form 1430–A.* If revocation proceedings are instituted at the instance of the Commissioner or district supervisor, the order to show cause shall be issued on Form 1430–A, "Order to Show Cause Why Permit Should Not Be Revoked," and the grounds for such citation shall be set forth on the form.

(c) *Execution and disposition.* The order, Form 1430 or 1430–A, shall be executed in quadruplicate. The original copy will be served on the permittee, one copy placed in the official file containing certificate of manner of service, one copy included in the record of the case, and the remaining copy will be placed in the file of such orders maintained in the district supervisor's office.* (Secs. 3114, 3121 (b), 3170, I.R.C.)

§ 182.243 *Time and place of hearing.* The citation shall direct the permittee to appear before a designated hearing officer at a time and place named therein, to show cause why his permit should not be revoked. The time specified for the hearing shall not be less than 15 days nor more than 30 days from the date on which such citation is served on the permittee, and the designated place of hearing shall be within the same Federal judicial district, and within 50 miles of the place where the acts constituting the violation are alleged to have occurred. The hearing may be waived by the permittee, or continued for cause or held at another place by agreement, in writing, as provided in §§ 182.248 and 182.249.* (Sec. 3114, I.R.C.)

§ 182.244 *Service.* The service of the citation shall be made by mailing an original copy thereof to the permittee by registered mail (with request for registry return receipt card, P. O. Form 3811) at the address stated in his permit; or by the delivery of such original copy to such permittee personally, or, in the case of a corporation, partnership, or other unincorporated association, by delivery of the same to an officer, or managing or general agent thereof. Such personal service shall be made by an investigator, inspector, or official of the Alcohol Tax Unit, or other Federal officer legally authorized to serve civil process. A certificate of mailing and the registry receipt card (P. O. Form 3811), or certificate of the investigator, inspector, or other officer making personal service shall be filed as a part of the record in each case.* (Secs. 3114, 3121 (b), 3170, I.R.C.)

§ 182.245 *Suspension of withdrawals or transportation.* After citation for revocation of basic permit has been issued, withdrawals of alcohol or specially denatured alcohol by such permittee may, in the discretion of the district supervisor or Commissioner who issues the citation, be suspended or restricted to the quantity which, together with the quantity then on hand, is necessary to carry on legitimate operations under such permit until the final order is made in the revocation proceedings by the Commissioner or district supervisor before whom the same is pending. The district supervisor may, for cause, refuse to issue any purchase or withdrawal permit during such period. In the case of carriers, transportation of tax-free or specially denatured alcohol by the carrier may be similarly suspended or restricted.* (Secs. 3114, 3121 (b), 3170, I.R.C.)

§ 182.246 *Attorneys for permittee.* A permittee may be represented in a revocation hearing by an attorney, provided such attorney is duly enrolled and admitted to practice before the Treasury Department under the provisions of Treasury Department Circular No. 230.* (Sec. 3114, I.R.C.)

§ 182.247 *Time of filing agreements or waivers.* Whenever practicable to do so, waivers of the hearing, or agreements changing the place, or postponing the time of the hearing, should be filed with the hearing officer, or Commissioner, or district supervisor, as the case may be, within 10 days after the service of the citation.* (Sec. 3114, I.R.C.)

§ 182.248 *Waiver of hearing.* After the service of the citation upon the permittee, he may, if he so desires, file with the hearing officer a written stipulation, duly signed by him, waiving the taking of evidence on the charges contained in the citation and agreeing that the hearing may be held on the date fixed in the citation, but at the office of the district supervisor or at the place of hearing, if the waiver is filed at such place, and that an order may be entered on the stipulation sustaining the charges and revoking the permit.

(a) *Surrender without stipulation.* Any other surrender of a permit, pending hearing on citation, shall be treated as a waiver of a hearing, as above provided, and an order of revocation may be entered accordingly.

(b) *Surrender before citation.* If a permittee surrenders his permit before citation, in any case where the evidence, in the opinion of the district supervisor, or Commissioner, warrants citation for revocation, such citation shall be issued and the permittee shall at the same time be notified that he may file a formal waiver, as above provided. Should such formal waiver not be filed after notice, the district supervisor, Commissioner, or the duly authorized hearing officer, will proceed with the hearing on citation, as provided for herein.* (Sec. 3114, I.R.C.)

§ 182.249 *Hearing.* Unless waived by the permitee, or postponed, or transferred to another place, by a written agreement signed by the permittee and the attorney representing the United States and approved and filed by the hearing officer, or the Commissioner, or district supervisor, or by order of the hearing officer, Commissioner, or district supervisor, for good cause shown by either party, the hearing shall be held at the time and place stated in the citation, by the hearing officer named in the citation, or any other duly designated and appointed hearing officer assigned to hold such hearings.* (Secs. 3114, 3121 (b), 3170, I.R.C.)

§ 182.250 *Evidence at hearing.* The hearing officer shall, at the beginning of the hearing and throughout the proceedings, require that the parties attempt to arrive at such stipulations as will eliminate the necessity of taking evidence with respect to facts concerning which there is no substantial dispute. The evidence introduced at the revocation hearing on behalf of the United States or the permittee must consist of affidavits, depositions, duly authenticated copies of records and documents, and oral testimony of witnesses. Affidavits should not be used if the personal attendance of the affiant as a witness is reasonably possible, and the hearing officer may require a showing that the personal attendance of the affiant is not reasonably available before admitting an affidavit in evidence. When the record is made to show that the personal attendance of the witness is not reasonably possible, or such witness will not execute an affidavit or sign a written statement, the official report of the investigator or inspector of the results of his investigation in that particular regard, identified by him as a witness at such hearing, as having been made immediately following the investigation, may be introduced in evidence.

(a) *Further evidence.* Before closing a hearing the hearing officer shall definitely inquire of each party whether he has any further evidence to offer, which inquiry and the response thereto must be shown in the record.* (Sec. 3114, I.R.C.)

§ 182.251 *Stenographic report of testimony*—(a) *Stenographic record.* A stenographic record shall be made of the testimony and proceedings, including stipulations and admissions of fact (but not arguments of counsel), at all revocation hearings and hearings on disapproval of applications for basic permits. A transcript of the evidence and proceedings at the hearing shall be made in all cases.

(b) *Oath of reporter.* The reporter making stenographic record shall subscribe an oath before the hearing officer, to be filed in the record of the case, that he will truly and correctly stenographically report the oral testimony and proceedings at such hearing and accurately transcribe the same to the best of his ability.* (Sec. 3114, I.R.C.)

§ 182.252 *Arguments and briefs.* At the conclusion of the testimony the hearing officer may hear arguments of counsel for the Government and for the permittee and may limit the time of such arguments at his discretion, and may also allow briefs to be filed on behalf of either party and fix a time within which the same shall be filed.* (Sec. 3114, I.R.C.)

§ 182.253 *Findings of the hearing officer.* Within a reasonable time after the conclusion of a hearing, the hearing officer shall render written findings of fact, in which he shall state briefly the issues of fact involved in the hearing, his conclusions thereon from the evidence adduced, and a summary of the evidence offered by both parties, and immediately transmit the original thereof, together with the original transcript of record, to the district supervisor or Commissioner, as the case may be.* (Sec. 3114, I.R.C.)

§ 182.254 *Order revoking permit or dismissing proceedings.* If the Commissioner or district supervisor, as the case may be, after consideration of the record of evidence taken at the hearing, approves the findings and conclusions of the hearing officer he shall make an order revoking the permit or dismissing the proceedings in accordance therewith. If he disapproves such findings or conclusions, he shall make such findings and order as in his opinion are warranted by the law and facts of the case. An original copy of the order made by the Commissioner or district supervisor, and a copy of the findings of the hearing officer, if they are approved, or a copy of the findings of the Commissioner or district supervisor, if the findings of the hearing officer are disapproved, shall be forwarded to the permittee or his attorney of record in the proceedings.

(a) *Notice to Commissioner.* When the district supervisor makes an order revoking a permit, he will furnish a copy of the order to the Commissioner. Should such order be subsequently set aside upon reconsideration, or review by a court of equity, the district supervisor will so advise the Commissioner.* (Secs. 3114, 3121 (b), 3170, I.R.C.)

§ 182.255 *Reconsideration of order revoking permit*—(a) *Time for filing application.* Within 20 days after an order is made by the Commissioner or district supervisor revoking a basic permit, the permittee may file an application with such Commissioner or district supervisor,

for a reconsideration of such order, on one or more of the following grounds:

(1) The order is contrary to law, or

(2) Is not supported by the evidence, or

(3) Because of newly discovered evidence which the permittee, with due diligence, was unable to produce at the hearing.

If the application is based on grounds (1) or (2), the permittee shall specify therein, by reference to the record, in what respects the order is contrary to law or is not supported by the evidence, as the case may be. If the application is based on ground (3), the permittee shall summarize therein the newly discovered evidence and set forth why he was unable to produce such evidence prior to the closing of the record.

(b) *Time of hearing.* The Commissioner or district supervisor, with whom such application is filed, may hear the application on a date and at a place to be fixed by him. The Commissioner or district supervisor, as the case may be, after hearing such application, may either affirm the order of revocation previously made, or may vacate and set aside such order and dismiss the proceedings or order a new hearing of the evidence before a designated hearing officer.

(c) *Permit privileges.* During the period above provided for filing application for reconsideration, and until final order is duly made after such reconsideration, if such application is filed within the time provided therefor, the permit involved shall continue in force and effect, except as to restrictions on withdrawals or transportation as may be ordered by the Commissioner or district supervisor, as provided in § 182.245.* (Secs. 3114, 3121 (b), 3170, I.R.C.)

§ 182.256 *Proceedings when violation occurs outside of district where permit was issued.* If violations which furnish the basis for proceedings to revoke permits are alleged to have occurred at a place not within the district where the permit was issued, the citation shall be issued by the district supervisor of the district having jurisdiction of the place where the violation occurred and the hearing shall be held by a hearing officer designated by him.

(a) *Certified transcript of proceedings.* In all such cases, upon the conclusion of the hearing, the hearing officer shall make findings of fact, as provided in § 182.253, and the district supervisor of the district in which the hearing is held shall forward to the district supervisor of the district in which the basic permit was issued a complete and duly certified transcript of the entire record of such proceedings and the findings of the hearing officer.

(b) *Review of transcript and record.* The district supervisor of the district in which the permit was issued shall immediately upon the receipt of such transcript review the said findings and record and issue an order revoking the permit or dismissing the proceedings, as the facts and the law may warrant.* (Secs. 3114, 3121 (b), 3170, I.R.C.)

§ 182.257 *Appeal to the Commissioner.* Appeal to the Commissioner is not required. However, the Commissioner may, in his discretion, in order to insure uniformity of administrative action, entertain an appeal, after review and reconsideration as provided in § 182.255, from an order of revocation of a basic permit by a district supervisor, if filed with the Commissioner within 10 days of the date of the final order.

(a) *Petition.* The petition for review must set forth facts tending to show action of an arbitrary nature, or of a proceeding and action contrary to law or regulations. No objection to the final order of the district supervisor will be considered by the Commissioner unless such objection was urged before the district supervisor in the permittee's application for reconsideration, or unless reasonable grounds for failure to urge such objections are set forth in the petition for review.

(b) *Permit privileges.* If such request is filed within the required time, the permit involved shall continue in force and effect until the final order by the Commissioner, except as to such restrictions upon withdrawals or transportation as may be imposed by the district supervisor, as provided in § 182.245.* (Sec. 3114, I.R.C.)

§ 182.258 *Review by court of equity.* If the Commissioner or district supervisor makes an order revoking a permit and the permittee intends to have such action and order reviewed on appeal by a court of equity, as provided in the law, the Commissioner or district supervisor, upon request therefor, will have prepared, in triplicate, a complete transcript of the record of the revocation proceedings, including all exhibits introduced at such hearing, the findings of fact and conclusions upon which the revocation was based, and the order of revocation.

(a) *Certification.* The Commissioner or district supervisor, as the case may be, will certify as to the correctness of such transcript of the record and furnish two copies thereof to the permittee or his attorney of record, and one copy to the attorney who will represent the United States in the review of such case in such court.

(b) *Court may issue restraining order.* Under the law, the court may, in its discretion, affirm, modify, or reverse the finding of the Commissioner or district supervisor, as the facts and law of the case may warrant, and during the pendency of such proceedings may restrain the manufacture, sale, use, or other disposition of alcohol, denatured alcohol, or articles.* (Sec. 3114, I.R.C.)

§ 182.259 *Disposition of alcohol or specially denatured alcohol after revocation.* When any basic permit is finally revoked, all alcohol or specially denatured alcohol in transit and in possession of the permittee, by virtue of such permit, may continue to be lawfully possessed by him for a period of 60 days after such revocation, but only for the purpose of making lawful disposition thereof, pursuant to proper permit therefor, which the permittee shall do within said period.

(a) *Other permits.* After revocation of a basic permit no permits to withdraw alcohol or specially denatured alcohol will be issued on which the permittee is named as vendor, vendee, or carrier, except such as may be necessary and proper in order to dispose of the stock of alcohol or specially denatured alcohol in transit and in possession of such permittee.

(b) *Seizure and forfeiture.* Unless a special permit shall be issued for the disposition of such stocks of alcohol or specially denatured alcohol, such stocks are subject to seizure and forfeiture.

(c) *Recovered denatured alcohol or articles; articles in process of manufacture; completed articles.* Recovered denatured alcohol or articles, articles in process of manufacture, and completed articles in possession of the permittee at the time of final revocation of his basic permit, shall be disposed of similarly or as directed by the district supervisor.* (Secs. 3114, 3116, I.R.C.)

REQUIREMENTS GOVERNING CHANGES IN NAME, PROPRIETORSHIP, CONTROL, LOCATION, PREMISES AND EQUIPMENT; AND IN THE TITLE TO INDUSTRIAL ALCOHOL PLANT OR BONDED WAREHOUSE PROPERTY OR THE ENCUMBRANCE THEREOF

Changes in Name

§ 182.260 *Change in individual, firm, or corporate name.* Where there is a change in the individual, firm, or corporate name of the permittee, he must comply with the following requirements:

(a) *Amended Federal Alcohol Administration Act permit.* In the case of an industrial alcohol plant or bonded warehouse (if alcohol is produced, or warehoused and bottled for nonindustrial use), the permittee, if other than an agency of a State or political subdivision thereof, or an officer or employee of any such agency, must procure from the district supervisor pursuant to the Federal Alcohol Administration Act and regulations thereunder, an amended permit authorizing operation of the premises under the new name.

(b) *Application.* Submit to the district supervisor application on the appropriate form, in triplicate, covering the new name, which application must be approved and an amended basic permit procured before operations may be commenced under the new name.

(c) *Amended articles of incorporation, etc.* In the case of a corporation, submit to the district supervisor certified copies, in triplicate, of the amended articles of incorporation and the amended certificate of incorporation issued under the laws of the State in which incorporated, covering the change in the corporate name. If the operations are conducted in a State other than the State in which incorporated, there must be submitted to the district supervisor certified copies, in triplicate, of the amended certificate issued under the laws of the State in which the operations are conducted authorizing the corporation to operate under its new name in such State. If documents other than those specified are required under the laws of the State to effect a change in the name of the corporation, certified copies, in triplicate, of such documents must be submitted with the application, in lieu of those specified.

(d) *Amended articles of copartnership or association.* If the permittee is a copartnership or association, submit to the district supervisor certified copies, in triplicate, of the amended articles of copartnership or association, if any.

(e) *Registry of stills.* Register the stills, if any, on Form 26, in triplicate, in accordance with § 182.134.

(f) *Formulas, Form 1479–A.* In the event of a change in the name of a permittee holding a basic permit, Form 1481, in connection with which formulas or processes on Form 1479–A have been filed and approved in accordance with section 182.147 of these regulations, the permittee, in lieu of filing new Form 1479–A, may submit to the district supervisor an affidavit, in quadruplicate, to the effect that preparations approved under the old name will be manufactured under the new name in accordance with the approved formulas. This affidavit shall contain a list of all approved preparations or processes in which specially denatured alcohol is used, the formulas of specially denatured alcohol used, the laboratory number of the sample, if any, approved by the Commissioner, the date of approval of the formulas or processes and the code number prescribed by the Appendix to these regulations for the preparation or process. The permittee should not include on his application, Form 1479, and affidavit, formulas of specially denatured alcohol which have been revoked or discontinued, preparations which are no longer manufactured, processes which have been discontinued or formulas of specially denatured alcohol which are no longer used. The district supervisor, after an inspection and verification of the data shown in the affidavit and notation of his approval or disapproval on each copy, will forward the original copy to the Commissioner, one copy to the branch laboratory performing the chemical work for such district, return one copy to the applicant, and the remaining copy will be retained for his files.

(g) *Sign.* In the case of an industrial alcohol plant, bonded warehouse, or denaturing plant, change the sign required to be displayed by the permittee to conform with the provisions of §§ 182.15–182.61.

(h) *Marking and branding.* Upon approval of the application for an amended basic permit and supporting documents covering the change in name, the permittee will mark and brand under such new name the finished products produced thereunder, as provided in these regulations, unless the products are produced under a trade name or style, as provided herein.

(i) *Records.* Keep records and submit reports covering operations under the new name, as provided in these regulations.* (Secs. 3103, 3114, I.R.C.; Sec. 3, 49 Stat. 978; 27 U.S.C., Sup., 203.)

§ 182.261 *Trade names*—(a) *New trade names.* Where the permittee is to operate under a trade name or style, or a number of trade names or styles, other than those previously approved, the permittee must comply with the provisions of § 182.260, paragraphs (a), (b), and (d), and, in addition thereto, the following requirements:

(1) *Trade name certificate.* In the case of a change in the trade name or style, submit to the district supervisor certified copies, in triplicate, of the certificate or other document filed with or issued by State officials under the laws of the State, to cover the transaction of business under such trade name or style. If no such certificate or other document is required by the laws of the State to be filed with or issued by any State official to cover the transaction of business under a trade name, the permittee shall furnish a statement to that effect.

(2) *Amended articles of incorporation, etc.* In the case of a corporation, submit to the district supervisor certified copies, in triplicate, of amended articles of incorporation and of certificates issued under the laws of the State in which incorporated, and of the State in which the business is operated if different from the State in which incorporated, authorizing the corporation to do business under such trade name or style. If documents other than those specified are required under the laws of the State to effect a change in the trade name of the corporation, certified copies, in triplicate, of such documents must be submitted with the application in lieu of those specified.

(3) *Registry of stills.* Register the stills, if any, on Form 26, in triplicate, in accordance with § 182.134.

(4) *Sign.* In the case of an industrial alcohol plant, bonded warehouse, or denaturing plant, change the sign to conform to the provisions of Article VI, unless operation under the trade name is to be temporary, in which event it will not be necessary to change such sign.

(5) *Marking and branding.* Mark and brand under each trade name the finished products produced thereunder, as provided in these regulations.

(6) *Records.* Make appropriate entries in the records covering operations under each trade name, as provided in these regulations.

(7) *Period of operations.* Where the permittee will operate under more than one trade name or style, the operation under each must be in multiples of 24 hours.

(b) *Approved trade names.* Where a trade name or style has been approved and the permittee thereafter desires again to operate under such approved trade name or style, he must comply with the provisions of paragraph (a), subparagraphs (3), (4), (5), (6), and (7) of this section and, in addition thereto, the following requirements:

(1) *Application.* Each time operations are to be conducted under a trade name or style previously approved by the Commissioner in the case of an industrial alcohol plant, bonded warehouse or denaturing plant, submit to the district supervisor application, Form 1431, in triplicate, prior to the time the change is to be made. In such cases operations may be commenced under the specified trade name or style upon receipt of the district supervisor's authorization, as provided in § 182.295.* (Secs. 3103, 3114, I.R.C.; Sec. 3, 49 Stat. 978; 27 U.S.C., Sup., 203)

Change in Proprietorship

§ 182.262 *Change in proprietorship*—(a) *Suspension.* Where there is a change in the proprietorship of the premises operated pursuant to a basic permit issued in accordance with these regulations, the outgoing proprietor must, preparatory to transfer of the business to the successor, comply with the following requirements:

(1) *Application.* If the outgoing proprietor is to discontinue permanently the business, application, Form 1431, in the case of industrial alcohol plants, bonded warehouses, or denaturing plants, or a letter in the case of all other permittees, shall be filed with the district supervisor, stating the purpose to be "Discontinuance of business," and give the date of the discontinuance. If the outgoing proprietor is to temporarily discontinue the business during the operation of the premises by the successor, the statement of the purpose on the application shall conform to the provisions of § 182.278 (a) (2).

(2) *Surrender of permits.* If discontinuance is to be permanent, the permittee shall surrender his basic permit and all withdrawal permits to the district supervisor at the time of filing of the application.

(3) *Registry of stills.* Register the stills, if any, "Not for use" on Form 26, in triplicate, in accordance with § 182.134.

(4) *Notice of suspension.* In case of an industrial alcohol plant, file with the district supervisor Form 124, "Notice of Suspension," in triplicate, in accordance with §§ 182.423 to 182.428, inclusive.

(5) *Finished alcohol.* In the case of an industrial alcohol plant, draw off, brand and mark, and warehouse all finished alcohol in the individual, firm, or corporate name, or trade name or style, under which it was produced in accordance with § 182.447.

(6) *Materials and unfinished alcohol.* In the case of an industrial alcohol plant, if distilling materials and unfinished alcohol are to be transferred to the successor, file with the district supervisor Form 1614, "Transfer Agreement," in accordance with § 182.448; if the unfinished alcohol and distilling materials are not to be so transferred, completely finish operations in accordance with the provisions of § 182.447.

(7) *Records.* Make appropriate entries in the records and submit final reports in accordance with § 182.450. A notation of the transfer of the business to the successor will be made on the final reports.

(b) *Qualification of successor.* Where there is a change in proprietorship of the premises, the successor must comply with the following requirements:

(1) *Lessee.* If the successor is a lessee, he must qualify in the same manner as the proprietor of a new premises, regardless of the temporary nature of the tenancy, except that he may adopt the plat and plans, if any, of his predecessor, as provided in subparagraph (5). The lessee must also file with the district supervisor certified copies, in triplicate, of the lease.

(2) *Other nonfiduciary successor.* If the change in proprietorship is brought about by any other means, except by the appointment of an administrator, executor, receiver, trustee, assignee, or other fiduciary, the successor must likewise qualify in the same manner as new applicants for basic permits, except that he may adopt the plat and plans, if any, of his predecessor as provided in subparagraph (5).

(3) *Fiduciary.* If the successor is an administrator, executor, receiver, trustee, assignee, or other fiduciary, and intends to produce, possess, dispose of, or use, alcohol, denatured alcohol, or articles on the premises, he must comply with the provisions of §§ 182.7–182.14 and §§ 182.104–182.183, to the extent that such provisions are applicable, except that in lieu of filing a new bond and new formulas and processes on Form 1479–A and new plat and plans (if required) the fiduciary may furnish consent of surety extending the terms of his predecessor's bond (if any) and adopt the formulas and processes and plat and plans (if any) of such predecessor in accordance with subparagraphs (4), (5), and (6). The fiduciary must also furnish certified copies, in triplicate, of the order of the court or other pertinent documents showing his qualifications as such fiduciary. The effective date of the qualifying documents filed by a fiduciary should be the same as the date of the court order, or the date specified therein, for him to assume control.

(4) *Consent of surety.* The consent of surety extending the terms of the predecessor's bond to cover operation of the premises by a fiduciary must conform to the requirements of § 182.199, and be executed by both the fiduciary and the surety.

(5) *Adoption of formulas and processes, Form 1479–A.* Where the successor intends to continue the manufacture of articles in accordance with formulas or processes previously approved on Form 1479–A for his predecessor, he may, in lieu of filing new Form 1479–A, submit to the district supervisor an affidavit, in quadruplicate, to the effect that preparations approved for his predecessor will be manufactured by him in accordance with the approved formulas and processes. This affidavit shall contain a list of all approved preparations or processes in which specially denatured alcohol is used, the formulas of specially denatured alcohol used, the laboratory number of the sample, if any, approved by the Commissioner, the date of approval of the formulas or processes and the code number prescribed by the Appendix to these regulations for the preparation or process. The successor should not include on his application, Form 1479, and affidavit formulas of specially denatured alcohol which have been revoked or discontinued, preparations which are no longer manufactured, processes which have been discontinued or formulas of specially denatured alcohol which are no longer used. The district supervisor, after an inspection and verification of the data shown in the affidavit and notation of his approval or disapproval on each copy, will forward the original copy to the Commissioner, one copy to the branch laboratory performing the chemical work for such district, return one copy to the applicant, and the remaining copy will be retained for his files. If the successor desires to change the labels on such products, other than to substitute his name for that of his predecessor, he must submit new labels or facsimiles thereof, attached to Form 1479–A, to the Commissioner for approval, in accordance with § 182.149.

(6) *Adoption of plat and plans.* The plat and plans (if any) of the premises may be adopted by a successor where they correctly describe and depict the premises, buildings, apparatus, and equipment thereon, to be taken over by the successor. The adoption by a successor of the plat and plans, if any, of his predecessor shall be in the form of a certificate, in triplicate, in which shall be set forth the name of the predecessor, the address and registry number of the premises, if any, a description of the premises, the number of each sheet comprising each plat or plan covered by such certificate, and a statement that the premises, and the buildings, apparatus, and equipment thereon, are correctly described and depicted on such plat and plans.

(7) *Sign.* The successor, if other than a fiduciary temporarily operating the premises, must change the sign to conform to the requirements of §§ 182.15–182.61.

(8) *Materials and unfinished alcohol.* In the case of an industrial alcohol plant, if distilling materials and unfinished alcohol are received by transfer from the predecessor, the successor must comply with the requirements of §§ 182.447 to 182.451, inclusive.* (Secs. 3100, 3101, 3102, 3103, 3114, I.R.C.; Sec. 3, 49 Stat. 978; 27 U.S.C., Sup., 203)

§ 182.263 *Changes in partnership.* The withdrawal of one or more members of a partnership or the taking in of a new partner, whether active or silent, shall constitute a change in proprietorship. Likewise, the bankruptcy or adjudicated insolvency of one or more of the copartners results in a dissolution of the partnership and, consequently, a change in proprietorship. Where such a change in proprietorship of the premises occurs, the successor must qualify in the same manner as a new applicant for basic permit, except that the successor may adopt the plat and plans (if any), of the predecessor as provided in § 182.262 (b) (5).*

§ 182.264 *Reincorporation.* Where a corporation operating under a basic permit issued in accordance with law and these regulations is reorganized and a new charter or certificate of incorporation is secured, the new corporation must qualify in the same manner as a new applicant for basic permit, except that the new corporation may adopt the plat and plans (if any), of the predecessor as provided in § 182.262 (b) (5).*

Changes in Stockholders, Officers, and Directors of Corporation

§ 182.265 *Transfer of control and management.* The sale or transfer of the capital stock of a corporation holding a basic permit under these regulations does not constitute a change in the proprietorship. However, if any sale, pledge, or other disposition of the capital stock results in transferring the control and management of the business of the corporation, such action shall, ipso facto, constitute the surrender to the United States of the basic permit, and application on the appropriate form, in triplicate, must be filed with the district supervisor for an amended basic permit. Mere changes in stockholders of corporations not constituting a change in control and management will not require the filing of an application for an amended basic permit and need not be reported.* (Sec. 3114, I.R.C.)

§ 182.266 *Changes in officers and directors.* Where there is a change in the officers or directors of a corporation, the district supervisor must be furnished extracts, in triplicate, of the minutes of the meetings showing such changes.*

Change in Location, Premises, Construction, Apparatus, etc.

§ 182.267 *Change in location.* Where there is a change in the location of the premises covered by the basic permit, the permittee must comply with all applicable provisions of §§ 182.7–182.163, inclusive, except that in lieu of the filing of a new bond, if required, the permittee may furnish a consent of surety, Form 1533, in accordance with § 182.199, extending the terms of the bond given for the former location to cover operation at the new location.*

§ 182.268 *Changes in premises.* Where the premises of an industrial alcohol plant, bonded warehouse, or denaturing plant, are to be extended or curtailed, the proprietor must file with the district supervisor an amended application on Form 1431, in triplicate, and an amended plat of the premises as extended or curtailed. If the plans are affected by the extension or curtailment, they must also be amended. The additional premises covered by an extension may not be used for permit purposes, and the portion of the premises to be excluded by a curtailment may not be used for other than permit purposes, prior to the approval of the application, plat, and plans, if required, filed in connection therewith.

(a) *Indemnity bond, Form 1604.* In the case of an extension of the premises of an industrial alcohol plant or bonded warehouse or if the value of such premises is increased by the addition of buildings, equipment, etc., where an indemnity bond, in less than the maximum penal sum, has been filed in lieu of the consent of the owner or of any encumbrancer, a new or additional indemnity bond, on Form 1604, must be filed in accordance with § 182.122.

(b) *Consent, Form 1602.*—Where the proprietor of the industrial alcohol plant or bonded warehouse is the owner in fee unencumbered, or has procured the consent of the owner or of any encumbrancer, of the premises, and such premises are extended to include additional land, the proprietor, if he is not the owner in fee unemcumbered of the extended premises, must procure the consent of the owner or of any encumbrancer of such extended premises, and the buildings, apparatus, and equipment thereon, in accordance with § 182.119, or in lieu thereof file an indemnity bond on Form 1604, in accordance with § 182.122.* (Secs. 3103, 3112 (a), I.R.C.)

§ 182.269 *Changes in construction and use.* Where a change is to be made in the construction of a room or building of an industrial alcohol plant, bonded, warehouse, or denaturing plant, not involving an extension or curtailment of the premises, or where a change is to be made in the use of any portion of such premises, the permittee shall first secure approval thereof by the district supervisor, pursuant to application, in triplicate, setting forth specifically the proposed changes. Upon approval of the application, the changes will be made under the supervision of a Government officer, unless they are of such a nature as, in the opinion of the district supervisor, do not require such supervision. Upon completion of the changes, the permittee must file an amended application on Form 1431, and amended plans.*

§ 182.270 *Indemnity bond covering changes in buildings.* If buildings on industrial alcohol plant or bonded warehouse premises, or on premises which have been eliminated from the industrial alcohol plant or bonded warehouse premises, are to be demolished or altered in such a manner as to decrease the value of the property, and a lien for taxes exists on such property under section 3112, I.R.C., the permittee, if (1) the owner of the fee unencumbered, or (2) consents in accordance with § 182.119 are necessary and have been obtained, must file with the district supervisor an indemnity bond, Form 1617, in triplicate, in a penal sum equal to the decrease in the value of the property: *Provided*, That if such decrease in value is less than $500, no indemnity bond will be required.

(a) *Appraisal.* The amount of the decrease in value of the property subject to the Government's lien, which will be caused by the demolition or alteration of buildings, shall be determined by appraisal by two or more competent persons designated by the district supervisor. The appraisers shall render to the district supervisor a report, in duplicate, of their appraisal, which shall include information as to the methods employed by them in determining their valuations. The appraisal shall be at the expense of the permittee, unless made by Government officers.* (Secs. 3103, 3112 (a), I.R.C.)

§ 182.271 *Changes in equipment.* Where changes are made in the apparatus and equipment of an industrial alcohol plant, bonded warehouse, or denaturing plant, or in the denatured alcohol recovery system at a denatured alcohol user's premises, the permittee shall first secure approval thereof by the district supervisor pursuant to application, in triplicate, setting forth specifically the proposed changes: *Provided*, That emergency repairs may be made under the supervision of the Government officer, where one is assigned to the premises, without prior approval of the district supervisor. Where such emergency repairs are made, the permittee shall file immediately a report thereof, in triplicate, with the district supervisor. Changes covered by an approved application will also be made under the supervision of the Government officer, where one is assigned to the premises. Upon completion of any change made under his supervision, the Government officer will authorize the removal of the dismantled equipment, and the use of the new or repaired equipment, and submit a report, in triplicate, of the changes to the district supervisor.

(a) *Installation of additional equipment—(1) Consent, Form 1602.* Where the proprietor of the industrial alcohol plant or bonded warehouse is the owner in fee unencumbered, or has procured the consent of the owner or of any encumbrancer, of the premises, apparatus and equipment thereon, and additional apparatus and equipment are installed, the proprietor, if he is not the owner in fee unencumbered of the additional apparatus and equipment, must procure the consent of the owner or any encumbrancer, in accordance with § 182.119, or in lieu thereof file an indemnity bond, Form 1604, equal to the appraised value of the entire premises, including the additional apparatus and equipment, in accordance with § 182.122.

(2) *Bond, Form 1604.* If such proprietor has filed an indemnity bond, Form 1604, in lieu of the consent of the owner or any encumbrancer, in accordance with the provisions of § 182.122, and the value of the premises is increased by the installation of additional apparatus or equipment, an additional or new bond on such form to cover the increase in value will be required, in accordance with provisions of § 182.122.* (Secs. 3103, 3112 (a), I.R.C.)

§ 182.272 *Indemnity bond covering removal of equipment.* If apparatus or equipment on industrial alcohol plant or bonded warehouse premises on which a lien has attached, under section 3112, I.R.C., for taxes on alcohol produced or stored, which has not been tax-paid or withdrawn for a tax-free purpose, is to be removed from the premises without replacement thereof with apparatus or equipment that will become a real fixture in law of an equal or greater value than the apparatus or equipment to be removed (1) where the proprietor is the owner of the premises in fee unencumbered, whether the property is realty or personalty; (2) where consents in accordance with section 182.119 are necessary and have been obtained, whether the property is realty or personalty; and (3) where an indemnity bond, Form 1604, is on file and the property is personalty; the permittee must file with the district supervisor an indemnity bond on Form 1617, in triplicate, in a penal sum equal to the value of the apparatus or equipment to be removed or equal to the excess in value of the old apparatus or equipment to be removed over the value of the new apparatus or equipment to be substituted therefor: *Provided*, That if such value, or difference in value, as the case may be, is less than $500, no indemnity bond will be required. The value of the apparatus or equipment to be removed, or the difference between the value of such apparatus or equipment and the value of the apparatus or equipment to be substituted therefor, will be determined by appraisal in the manner prescribed in § 182.270 (a).* (Secs. 3103, 3112 (a), I.R.C.)

§ 182.273 *Amended application and plans covering changes in equipment.* Upon completion of the changes in equipment, the permittee must file an amended application and amended plans (if required) except that in the case of minor changes, such as general repairs, changes in pipe lines, or the addition or removal of a tank, an amended application and amended plans (if required) need not be filed immediately: *Provided*, That the Commissioner or district supervisor may, at any time, in his discretion, require the filing of an amended application on the appropriate form and amended plans (if required by these regulations) covering such minor changes. Where an amended application and amended plans are not filed immediately upon completion of minor changes in equipment, the permittee must include such changes in the next amended application and plans filed by him.*

Change in Title to Industrial Alcohol Plant or Bonded Warehouse Property or the Encumbrance Thereof

§ 182.274 *Change of title.* Where the title to the lot or tract of land upon which an industrial alcohol plant or bonded warehouse is located is changed by sale, judicial or otherwise, or where there is any change in the ownership of the premises or the apparatus or equipment, subsequent to the approval of bond, Form 1432–A, the permittee is no longer qualified. If the permittee desires to qualify for further operation when such a change occurs, he must file an amended application, Form 1431, together with the necessary consent, Form 1602, or, in lieu of such consent, an indemnity bond, Form 1604. In addition to such amended application and consent, Form 1602, or indemnity bond, Form 1604, the Commissioner may, in his discretion, require the permittee to file a new bond, Form 1432–A.* (Secs. 3103, 3112 (a), I.R.C.)

§ 182.275 *Encumbrance.* If, subsequent to the approval of the bond, Form 1432–A, the lot or tract of land upon which the industrial alcohol plant, or bonded warehouse, is situated, or any part thereof, or any of the apparatus or equipment becomes subject to, or encumbered by, any mortgage, judgment, or other encumbrance, the permittee must immediately file (1) an amended application, Form 1431, (2) consent on Form 1602, or indemnity bond, Form 1604, in lieu of such consent, and (3) a consent of surety on his present bond, Form 1432–A, or a new bond, Form 1432–A, in lieu of such consent.* (Secs. 3103, 3112 (a), I.R.C.)

REQUIREMENTS GOVERNING ALTERNATE OPERATION OF INDUSTRIAL ALCOHOL PLANT AS REGISTERED DISTILLERY OR FRUIT DISTILLERY

§ 182.276 *Qualification required.* Where it is desired to operate the industrial alcohol plant as a registered dis-

tillery or fruit distillery, operations as an industrial alcohol plant must be suspended as hereinafter provided, and the proprietor must qualify under the regulations governing the production of distilled spirits (other than alcohol) (Regulations 4 (26 CFR, Part 183)) if he desires to operate a registered distillery, and under the regulations governing the production of brandy (Regulations 5, (26 CFR, Part 184)) if he wishes to operate a fruit distillery.*

§ 182.277 *Approval before resumption.* The qualifying documents required to be filed by the proprietor of the industrial alcohol plant when operations of the industrial alcohol plant are to be resumed, following the suspension of operations as a registered distillery or a fruit distillery, must be approved before actual resumption of operations.*

§ 182.278 *Where operation of bonded warehouse or denaturing plant on premises continued*—(a) *Suspension.* Where a bonded warehouse or denaturing plant is located on the industrial alcohol plant premises and the permittee desires to continue to operate the bonded warehouse or denaturing plant on such premises while the industrial alcohol plant is operated alternately as an industrial alcohol plant and as a registered distillery or fruit distillery, he must, upon suspension of the industrial alcohol plant, comply with the following requirements:

(1) *Two plats required.* Designate the plat on file which depicts the entire industrial alcohol plant premises, including the bonded warehouse or denaturing plant, as "Plat A," and file a new plat, which will be designated "Plat B," depicting the bonded warehouse or denaturing plant and any other portion of the industrial alcohol plant premises not to be operated as a part of the registered distillery or fruit distillery. When "Plat B" has been previously filed, it may be adopted in accordance with the procedure in paragraph (b) (2) of this section.

(2) *Amended application, Form 1431.* File with the district supervisor an amended application, Form 1431, in triplicate, stating therein the purpose of the application to be "Temporary discontinuance in order that the industrial alcohol plant may be operated as a registered distillery" (or fruit distillery, as the case may be), and give the date of discontinuance. The bonded warehouse or denaturing plant, and any portion of the industrial alcohol plant premises not to be operated as a part of the registered distillery or fruit distillery must be described in such amended application, and the description thereof must correspond with the depiction of the premises on "Plat B."

(3) *Registry of stills.* Register the stills "Not for use" on Form 26, in triplicate, in accordance with § 182.432.

(4) *Notice of suspension, Form 124.* File with the district supervisor Form 124, "Notice of Suspension," in triplicate, in accordance with § 182.423.

(5) *Materials and unfinished alcohol.* If distilling materials are transferred to the successor, or if unfinished alcohol is to be retained in the industrial alcohol plant pending resumption of operations as such, comply with the requirements of §§ 182.439 to 182.441.

(b) *Resumption.* Where operation of the plant as a registered distillery or fruit distillery has been suspended, and operation thereof as an industrial alcohol plant is to be resumed, the permittee must comply with the following requirements:

(1) *Amended application, Form 1431.* File with the district supervisor an amended application on Form 1431, in triplicate, stating therein the purpose of the application to be "Resumption of operations following discontinuance as registered distillery No. -------- by ----------" (or fruit distillery, as the case may be), and give the date of the discontinuance. The industrial alcohol plant premises must be described (by proper reference to prior application, if desired) in such amended application to correspond with the depiction thereof on "Plat A," provided the depiction of the premises on such plat is correct.

(Name of distiller)

(2) *Adoption of plat and plans.* File with the district supervisor a certificate, in triplicate, conforming to the provisions of § 182.262 (b) (5), adopting "Plat A" and the plans of the industrial alcohol plant, or submit new plat and plans.

(3) *Registry of stills.* Register the stills "For use" or "Not for use," as the case may be, on Form 26, in triplicate, in accordance with § 182.432.

(4) *Bond or consent of surety.* File a new bond, Form 1432–A (and Form 1604, if required), or a consent of surety, Form 1533, in triplicate, to continue in effect the bond (or bonds) in force at the time operation of the plant as an industrial alcohol plant was suspended: *Provided,* That in lieu of filing a separate consent of surety each time operation of the plant as an industrial alcohol plant is resumed, after suspension of operations as a registered distillery or fruit distillery, a blanket consent of surety on each bond may be filed to cover all alternate operations of the plant as an industrial alcohol plant. Such blanket consent of surety may be executed in the following form:

To continue in effect the said bond whenever operation as an industrial alcohol plant is resumed from time to time, pursuant to application on Form 1431 filed by the principal, following suspension of operations as registered distillery No. ------ by ---------
(Name of distiller or distillers)
---------- (or fruit distillery, as the case may be).

(5) *Consent of owner or lienor.* File a new consent of the owner or lienor on Form 1602, in triplicate, in accordance with § 182.119, if the industrial alcohol plant is operated as a registered distillery or fruit distillery by a person other than the permittee (unless the consent procured by the permittee names each grantee who is to operate the premises or his successors or assigns), or if since operations as an industrial alcohol plant were suspended there has been any change in the title to the industrial alcohol plant premises or apparatus or equipment, or if such premises or apparatus or equipment has become encumbered by any mortgage, judgment or other lien, or if there has been installed new apparatus or equipment not owned by the permittee free of encumbrances. If such consent on Form 1602 cannot be obtained, an indemnity bond, Form 1604, in lieu thereof, must be filed, as provided in § 182.122.

(6) *Notice of resumption.* File with the district supervisor Form 125, "Notice of Resumption," in triplicate, in accordance with § 182.429.

(7) *Materials.* If distilling materials are received by a transfer from the predecessor, comply with the requirements of §§ 182.440 and 182.441.* (Secs. 2815 (b) (1), 3103, 3112 (a), 3114, I.R.C.)

§ 182.279 *Where bonded warehouse or denaturing plant is discontinued or eliminated from industrial alcohol plant premises*—(a) *Suspension.* Where a bonded warehouse or denaturing plant is located on the industrial alcohol plant premises and the permittee desires to discontinue the operation of such warehouse or denaturing plant or to eliminate the same from the industrial alcohol plant premises, he must, upon suspension of the industrial alcohol plant preparatory to operation of the plant as a registered distillery or fruit distillery, comply with the provisions of § 182.278 (a), and, in addition thereto, the following requirements:

(1) *Discontinuance of warehouse or denaturing plant.* If the bonded warehouse or denaturing plant is to be discontinued, all alcohol or denatured alcohol, as the case may be, stored therein must be lawfully removed therefrom and the warehouse or denaturing plant discontinued in accordance with the provisions of §§ 182.280–182.281.

(2) *Elimination of warehouse or denaturing plant from premises.* If the bonded warehouse or denaturing plant is to be eliminated from the industrial alcohol plant premises, the proprietor must file application, Form 1431, for basic permit, bond, Form 1432–A, and plat and plans of the warehouse or denaturing plant premises, and otherwise comply with the provisions of these regulations respecting the establishment and operation of bonded warehouses or denaturing plants.

(b) *Resumption.* Where operation of the plant as a registered distillery or fruit distillery has been suspended, and operation thereof as an industrial alcohol plant is to be resumed, the permittee must comply with the provisions of § 182.278 (b) (3), (4), (5), (6), and (7), and, in addition thereto, the following requirements:

(1) *Amended application, Form 1431.* File an amended application, Form 1431, in triplicate, describing (by proper reference to prior application, if desired) the industrial alcohol plant premises as such premises are to exist, stating therein the purpose to be "Resumption of operations following discontinuance as registered distillery No. ------ by ----------"
(Name of distiller)
(or fruit distillery, as the case may be), and giving the date of the discontinuance.

(2) *New plat.* File a new plat, in triplicate, conforming to the requirements of §§ 182.206–182.219, unless the bonded warehouse or denaturing plant is to be again located on the industrial alcohol plant premises, in which event the permittee may adopt the plat of the industrial alcohol plant premises previously filed. If the bonded warehouse or denaturing plant has been eliminated from the industrial alcohol plant premises, the premises as thus curtailed will be depicted on the new plat. If the bonded warehouse or denaturing plant has been discontinued and the buildings which constituted the same are to be retained on the industrial alcohol plant premises and used for other than bonded warehouse or denaturing plant purposes, the new plat will show the designated use of the former bonded warehouse or denaturing plant buildings and depict the industrial alcohol plant premises as thus changed.*

DISCONTINUANCE OF BONDED WAREHOUSE OR DENATURING PLANT

§ 182.280 *Discontinuance by Commissioner*—(a) *Bonded warehouse.* Whenever, in the opinion of the Commissioner, any industrial alcohol bonded warehouse is unsafe or unfit for use, or the alcohol therein is liable to loss or great wastage, he may discontinue such warehouse and require the alcohol therein to be transferred to such other warehouse or to a denaturing plant as he may designate, and within such time as he may prescribe. Such transfer shall be made under the supervision of the district supervisor, or of such other officer as may be designated by the Commissioner, and the expense thereof shall be paid by the owner of the alcohol. Whenever the owner of the alcohol fails to make such transfer within the time prescribed, or to pay the just and proper expense of such transfer, as ascertained and determined by the Commissioner, such alcohol may be seized and sold by the collector in the same manner as goods are sold upon distraint for taxes, and the proceeds of such sale shall be applied to the payment of the taxes (if any) due thereon and the cost and expenses of such sale and removal, and the balance paid over to the owner of the alcohol.

(1) *Suspension.* Whenever operations shall have been suspended at any bonded warehouse for a continuous period of six months and the quantity of alcohol remaining in the warehouse does not exceed 5,000 proof gallons, the Commissioner may, in such case, discontinue such warehouse and require the alcohol therein to be transferred to other warehouses as above provided.

(2) *Recommendation of district supervisor.* Transfers of alcohol from bonded warehouses under the foregoing provisions shall be made to other bonded warehouses established in accordance with the requirements of these regulations and shall be made upon the recommendation of the district supervisor who shall report the facts fully in each case to the Commissioner and he shall also recommend transfer to a bonded warehouse most convenient and accessible to the owner of the alcohol.

(b) *Denaturing plant.* The Commissioner may likewise discontinue any denaturing plant where operations have been suspended for a period of six months, or where the alcohol and denatured alcohol stored therein are liable to loss or great wastage. When a denaturing plant is so discontinued, the proprietor shall transfer the alcohol and denatured alcohol stored therein to another denaturing plant or, in the case of denatured alcohol, to a qualified dealer.* (Secs. 2874, 3116, I.R.C.)

§ 182.281 *Discontinuance by proprietor.* If the proprietor of an industrial alcohol bonded warehouse or denaturing plant intends to discontinue the premises after all alcohol or denatured alcohol deposited therein has been lawfully removed therefrom, he will file Form 1431, in triplicate, with the district supervisor, stating therein the purpose of the form to be "Discontinuance of warehouse" (or denaturing plant, as the case may be) and giving the date the discontinuance is to be effective. The proprietor will furnish in connection with such form a statement as to whether there is any alcohol or denatured alcohol in transit to the premises and whether there are any outstanding withdrawal permits, Forms 1436, 1463, and 1464, for the transfer of alcohol to the warehouse or alcohol and specially denatured alcohol to the denaturing plant and will secure the return of all such withdrawal permits and will submit all such permits and his basic permit to the district supervisor for cancellation.*

ACTION BY DISTRICT SUPERVISOR

Original Establishment

§ 182.282 *Investigation of applicant*—(a) *Violation record.* Before approving or recommending approval of any application filed by any individual, firm, partnership, corporation, or association, the district supervisor will cause such inquiry or investigation to be made as may be deemed necessary to ascertain whether such individual, firm, partnership, corporation, or association, or any person owning, controlling, or actively participating in the management of the business, has been convicted of, or has compromised, an offense of the nature specified in § 182.106 (b), or is precluded by the provisions of § 182.106 (a) from receiving a permit.

(b) *Qualifications.* The district supervisor shall make a thorough investigation to determine the applicant's qualifications to hold a permit and whether he is entitled to the confidence of the Department.

(c) *Industrial alcohol plants and bonded warehouses.* The district supervisor's inquiry and investigation under paragraphs (a) and (b), in connection with an application on Form 1431 for permit to operate an industrial alcohol plant or bonded warehouse, in conjunction with which an application was filed for permit under the Federal Alcohol Administration Act, shall include the procurement of sufficient information to pass upon the application for permit under such Act. (Where such information indicates that the latter application should be approved, the issuance of the permit will be withheld pending approval of the qualifying documents required by these regulations.) Where sufficient evidence is developed by investigation to justify disapproval of such latter application, action will be taken in accordance with the provisions of regulations issued under the Federal Alcohol Administration Act. Action on and disposition of Form 1431 will be in accordance with the provisions of §§ 182.282–182.302.

(d) *Disapproval of application.* Where record is found of a violation or offense which precludes the issuance of a permit under § 182.106 (a) or the district supervisor finds, from facts sufficient to warrant such findings, that the applicant is not entitled to the confidence of the Department, he shall, without reference to the Commissioner, note his disapproval on all copies of the application with brief statements of his reasons therefor and return to the applicant by registered mail one copy of the disapproved application, together with one set of the supporting documents and all copies of the bond, without action thereon. The district supervisor shall forward one copy of the disapproved application and one set of the supporting documents to the Commissioner, and retain the remaining papers in his file.

(e) *Reference to Commissioner.* Where record is found of the conviction or compromise of an offense specified in § 182.106 (b), the district supervisor will forward a full report thereof, with his recommendation, to the Commissioner for consideration before approving or disapproving, or recommending the approval or disapproval of, the application for basic permit. The Commissioner will review the report and advise the district supervisor whether, insofar as the violation record is concerned, the application may be approved. Upon receipt of such advice from the Commissioner, the district supervisor will approve or disapprove, or recommend approval or disapproval of, the application, in accordance with §§ 182.290 and 182.291.* (Secs. 3103, 3114, I.R.C.)

§ 182.283 *Fence application.* Where a special application for approval of a fence or wall around an industrial alcohol plant, bonded warehouse, or denaturing plant premises is submitted and such application conforms to the requirements of these regulations, the district supervisor will, if he finds that the construction and maintenance of such fence or wall would not endanger the revenue or prevent ready access to the plant or warehouse by Government officers, note his approval on all copies of the special application, return one copy to the applicant, retain one copy, and forward one copy to the Commissioner with the application, Form 1431, bond, and other qualifying documents. If the district supervisor finds that the construction and maintenance of such fence or wall is not necessary to afford protection from trespassers, or that the revenue would be endangered thereby, he will note his disapproval on the special application and return all copies to the

applicant with a statement of the reasons for disapproval.*

§ 182.284 *Indemnity bond application.* In the case of an industrial alcohol plant or bonded warehouse, when an application for permission to file an indemnity bond, Form 1604, in lieu of the written consent of the owner of the industrial alcohol plant or bonded warehouse premises or apparatus or equipment, or of any mortgagee, judgment - creditor, conditional sales vendor, or other person having a lien thereon, is submitted by the applicant and such application conforms to the requirements of these regulations, the district supervisor will cause an investigation to be made of the facts upon which the application is based, and will designate two or more competent persons to make an appraisal of the value of the lot or tract of land on which the industrial alcohol plant or bonded warehouse is situated, the industrial alcohol plant or bonded warehouse, the buildings, and apparatus and equipment. The appraisal shall be made as provided in § 182.123. Upon receipt and examination of the appraisal and investigation reports, the district supervisor will endorse his recommendation on the application and forward all copies thereof, together with the original report of the appraisal and a copy of the report of the investigation, to the Commissioner. Where the application is approved by the Commissioner, the district supervisor will, upon receipt of the approved copies thereof from the Commissioner, forward one copy to the applicant and retain one copy. If the application is disapproved, the district supervisor will, upon receipt of the same from the Commissioner, return all copies to the applicant with advice as to the reasons for disapproval.* (Sec. 3103, I.R.C.)

§ 182.285 *Examination of other qualifying documents.* The district supervisor will examine the application, plat, plans, bond, consent (Form 1602), if any, or indemnity bond, Form 1604, in lieu thereof, and other documents required by these regulations of persons making application for basic permits to determine whether they have been properly executed, and whether they reflect compliance with the requirements of the law and regulations. Where any required document has not been filed, or where errors or discrepancies are found in those filed, or where the documents filed do not reflect compliance with these regulations, action thereon will be held in abeyance until the omission, or error, or discrepancy has been rectified, and there has been full compliance with all requirements.*

§ 182.286 *Investigation*—(a) *Inspection of premises.* When the required documents have been filed in proper form, the district supervisor will assign an inspector to examine the premises, buildings, apparatus, and equipment, and determine whether they conform with the description thereof in the application, plat, and plans, if any, and whether the construction and measures of protection afforded meet the requirements of the law and regulations. The inspector will observe particularly the manner in which the rooms or buildings on the premises are separated from each other and from other premises, means of communication, ingress and egress, adequacy of protection afforded windows, doors, and other openings, construction of apparatus and equipment, and the suitability of the Government office, or facilities, if such are required. The inspector will also make careful inquiry respecting the applicant's title to, or interest in, the apparatus and equipment in the case of industrial alcohol plants or bonded warehouses in order to determine whether proper consents on Form 1602 of the owner and of any mortgagees, judgment-creditors, other lienors, conditional sales vendors, or lessors have been procured and submitted by the applicant. To this end, the inspector should require the applicant to submit for examination invoices, bills of sale, conditional sales contracts, or other commercial papers, for verification of the statements made on Form 1431 respecting his title to, or interest in, the apparatus and equipment. Where the inspection discloses minor irregularities in the qualifying documents or in the construction, the inspector will, at the time of their discovery, direct the attention of the applicant to the same in order that the applicant may correct the defects before completion of the inspection. Upon completion of the inspection, a report thereof will be submitted to the district supervisor.

(b) *Qualification of applicant to use specially denatured alcohol.* The district supervisor shall detail an officer or officers to inspect the premises of the applicant for permit to use specially denatured alcohol to determine whether the premises and storeroom are suitable for the business to be carried on and meet the requirements of the regulations. This investigation shall include a careful inquiry into the character of the applicant. His previous busines experience must be carefully inquired into and should the officers find that the applicant is not reasonably qualified to do or engage in the busines proposed, recommendation for approval shall not be made. Inquiry should also be made of reputable firms, persons and associates who have knowledge of the particular line of business being inquired into and who are familiar with the general requirements of the trade in their respective territories, for the purpose of ascertaining the facts necessary to determine whether the applicant is proceeding in good faith in a lawful business enterprise. The premises where the business is to be conducted shall also be made the subject of careful and detailed inquiry and approval of any application shall be withheld as to any building or rooms not of a character generally regarded as suitable for a manufacturing business of the kind for which the application is made. Such premises shall be substantially constructed and approval shall not be given to buildings of insecure construction where there is a likelihood of theft. Examining officers will be held strictly accountable for the recommendation of approval of only such premises as are suitable for the business to be carried on, and, except in the case of very small operations, as would be generally satisfactory to strictly commercial or industrial establishments and in locations that would commend themselves to any prudent business man. The manufacturing supplies and equipment should be ample for the business to be conducted. Where toilet articles or various liquids such as deodorants or sprays are to be manufactured, there shall be on hand raw materials, manufacturing apparatus, and packages for the finished product in a value which, in the opinion of the district supervisor, evidences the bona fides of the proposed business and which is commensurate with the volume of business the applicant proposes to conduct. The applicant must submit a detailed inventory of all raw materials, such as oils and chemicals, of all manufacturing apparatus such as tanks, pumps, filters, and filling machines, all packages on hand in which the finished product is to be sold, and the inventory must be verified item by item. In case of doubt as to appraisal of particular items, advice of disinterested persons who have knowledge of these particular lines of business shall be sought.* (Sec. 3114, I.R.C.)

§ 182.287 *Report of inspection.* The report of the inspection shall describe separately all irregularities and discrepancies found during the course of the inspection, and shall include a complete statement describing all unusual or special conditions. Where irregularities were corrected during the inspection, the report will indicate the corrections so made. The report need not set out in detail each description as set forth in the application, plat and plans, if any. The description of buildings and equipment in the report should be general and brief. However, construction, equipment, signs, etc., which are not in conformity with law and regulations, will be completely descriped. If there are any pipe lines or other connections or openings between the bonded premises and other premises, the same shall be described in detail. There shall be further embodied in the repor a statement as to whether or not another business is being conducted, or is intended to be conducted, on the bonded premises or in the buildings thereon.*

§ 182.288 *Inaccurate documents and defective construction*—(a) *Inaccurate documents.* Where the district supervisor's examination, or the inspector's report, discloses discrepancies in the qualifying documents, the inaccurate or incomplete documents will be returned to the applicant for correction. A record will be kept of all bonds so returned.

(b) *Defective construction.* Where it is found that the construction of the premises or its equipment does not conform to the requirements of the law and regulations, the district supervisor will inform the applicant concerning the defects, and further action will be held in abeyance pending correction thereof.*

§ 182.289 *Other causes for disapproval.* The district supervisor will not approve, or recommend approval of, any application or bond, where the location and use to be made of the premises do not conform to the provisions of §§ 182.7–182.14, or where the premises are so situated as to enable the person filing the application and bond to defraud the United States.* (Sec. 3103, I.R.C.)

§ 182.290 *Authority to approve*—(a) *By district supervisor.* District supervisors are authorized to approve applications for basic permits and bonds relating to (1) the use of tax-free alcohol (except by the United States or governmental agency thereof), (2) dealing in specially denatured alcohol, (3) use of denatured alcohol (including the recovery of specially or completely denatured alcohol, or articles in the form of denatured alcohol), (4) the transportation of tax-free or specially denatured alcohol, (5) the exportation of alcohol or specially denatured alcohol, (6) the removal of alcohol to customs manufacturing bonded warehouses, and (7) the withdrawal of alcohol tax-free for use on vessels and aircraft. District supervisors are also authorized to approve, insofar as the issuance of basic permit is concerned, applications on Form 1431, for the establishment and operation of industrial alcohol plants, bonded warehouses, and denaturing plants.

(b) *By Commissioner.* The Commissioner will approve applications (except as to the issuance of basic permits) and bonds respecting (1) the establishment and operation of industrial alcohol plants, bonded warehouses, and denaturing plants, and (2) the use of tax-free and specially denatured alcohol by the United States or governmental agency thereof.* (Secs. 3114, 3170, I.R.C.)

§ 182.291 *Approval of qualifying documents*—(a) *By Commissioner.* In the case of an industrial alcohol plant, bonded warehouse, or denaturing plant, if the district supervisor finds, upon completion of his investigation and examination of the inspection report, that the person seeking to obtain a basic permit is qualified to hold a permit and has complied in all respects with the requirements of law and these regulations, and if the application, Form 1431, bond, Form 1432–A, and consent, Form 1602 (if any), or indemnity bond, Form 1604, filed in lieu thereof, he will note his recommendation for approval on all copies of the application, bond, and consent or indemnity bond (if any), and his approval on all copies of the plat and plans, and will forward all copies of the application, bond, and consent or indemnity bond (if any), and the original copy of the plat, plans, and other qualifying documents, together with a copy of all inspection reports, to the Commissioner for final action.

(b) *By district supervisor.* In all other cases, if the district supervisor finds that the person seeking a basic permit is qualified to hold a permit and has complied in all respects with the requirements of law and these regulations, and that the application and bond may be properly approved, he will note his approval on copies of the application, bond, and other qualifying documents required to be submitted in support thereof.* (Secs. 3114, 3170, I.R.C.)

§ 182.292 *Disapproval of qualifying documents*—(a) *By Commissioner.* In the case of an industrial alcohol plant, bonded warehouse, or denaturing plant, if the district supervisor finds that the applicant has not complied in all respects with the requirements of the law and regulations, or that the situation of the premises is such as would enable the applicant to defraud the United States, or that the application or bond should be disapproved under § 182.282 (e), he will note his recommendation for disapproval on the application, Form 1431, bond, Form 1432–A, and consent, Form 1602 (if any), or indemnity bond, Form 1604, filed in lieu of such consent, and will forward to the Commissioner for final action such copies of the qualifying documents as are required to be so forwarded by the preceding section in the case of recommendation for approval, together with a copy of all inspection reports. Where an application or bond is recommended for disapproval, the district supervisor will furnish the Commissioner with a full statement of the reasons therefor.

(b) *By district supervisor.* The provisions hereof shall be followed in all other cases, except the district supervisor will disapprove the application, bond, and other qualifying documents.

(c) *Appeal to Commissioner.* Where an application or bond or consent of surety is disapproved by the district supervisor and an appeal is taken to the Commisisoner, the district supervisor will furnish the Commissioner with full information respecting the reasons for disapproval, including (1) in the case of a violation of the nature specified in § 182.106 (a), the nature of the offense, the names of the offenders, the date of conviction or acceptance of an offer in compromise, and (2) in the case of an offense which precludes the issuance of a permit under § 182.106 (a), the nature, date and place of the offense. The Commissioner will grant a hearing in the matter if the parties so request at the time appeal is taken upon the action of the district supervisor.* (Secs. 3114, 3170, I.R.C.)

§ 182.293 *Disposition of qualifying documents.* In the case of an industrial alcohol plant, bonded warehouse, or denaturing plant, where application, Form 1431, bond, Form 1432–A, and consent, Form 1602 (if any), or indemnity bond, Form 1604, filed in lieu thereof, are approved by the Commissioner, the district supervisor will, upon receipt of approved copies of such documents from the Commissioner, as provided in §§ 182.303–182.309, forward one copy of application, Form 1431, bond, Form 1432–A, and consent, Form 1602 (if any), or indemnity bond, Form 1604, plat, plans, and other qualifying documents, and the original copy of the basic permit, Form 1433, issued in accordance with § 182.294, to the applicant, and will retain one copy of such qualifying documents for the file of the applicant in his office. If the application, Form 1431, bond, Form 1432–A, and consent, Form 1602 (if any), or indemnity bond, Form 1604, are disapproved, the district supervisor will, upon receipt from the Commissioner of the disapproved copies of such documents and other qualifying documents submitted therewith, return all copies of the qualifying documents to the applicant with advice as to the reasons for disapproval. In the case of disapproval of bonds, the district supervisor shall notify the surety or sureties of such action. In cases where the district supervisor is authorized to approve the application, bond, and other documents, he will, upon approval of the bond and application, forward the original copy of the application, bond, plat and plans (if any), and other qualifying documents, a copy of the basic permit issued pursuant to such application, together with a copy of all inspection reports, to the Commissioner, one copy of the application, bond, and other qualifying documents to the applicant, and will retain one copy of such qualifying documents for the file of such applicant, and will authorize the applicant to commence business or operations. If the application or bond is disapproved by the district supervisor, all copies thereof shall be returned to the applicant, and, in the case of disapproval of bond, the surety or sureties shall be notified of such action. The district supervisor will promptly advise the Commissioner fully respecting the disapproval of any application or bond by him. If the application or bond has been disapproved, the district supervisor will return all copies of other qualifying documents to the applicant.*

§ 182.294 *Issuance of basic permits*—(a) *By Commissioner.* Basic permits authorizing the United States or any governmental agency thereof to use alcohol free of tax and specially denatured alcohol shall be issued by the Commissioner.

(b) *By district supervisor*—(1) *Permit, Form 1433.* In the case of an industrial alcohol plant, bonded warehouse, or denaturing plant, the district supervisor will, upon receipt of the Commissioner's approval of application, Form 1431, bond, and other documents, and assignment of basic permit and registry numbers to the establishment covered by such application, issue basic permit on Form 1433, "Permit to Operate Industrial Alcohol Plant, Bonded Warehouse, or Denaturing Plant," in triplicate. One copy of the permit shall be forwarded to the Commissioner, the original copy forwarded to the applicant with approved copies of the qualifying documents, and the remaining copy shall be retained by the district supervisor for the file of the permittee in his office.

(2) *Other permits.* All other basic permits covered by §§ 182.226–182.259 shall be issued upon approval of the application therefor by the district supervisor. One copy of the basic permit shall be forwarded to the Commissioner, the original copy forwarded to the applicant with copies of the other qualifying documents, and the remaining copy shall be retained by the district supervisor for the file of the permittee in his office.

(c) *Symbols and numbers for basic permits.* All basic permits, except those issued on Forms 1433, 1444, and 1486, shall bear a symbol indicating the class of permit, the recognized abbreviation of the State in which the business is to be conducted, and a serial number; the symbol, State abbreviation, and the serial number being separated by dashes, as "TF–NY–123." The serial number of

permits to deal in specially denatured alcohol will be forwarded by the capital letter "D" in parentheses. All basic permits shall be numbered serially according to the class of permit in the order of issuance. Amended and renewal permits shall be given the same number as the original permit. A separate series of numbers will be used for each State in the case of permits, Form 145, Form 1444, Form 1447, Form 1476, and Form 1481. Serial numbers of basic permits heretofore issued will be retained and new permits will be assigned numbers in sequence thereto. Basic permit numbers previously assigned to permittees will not be reassigned to other permittees. In the case of basic permits, Form 1433, the district supervisor shall insert the permit and registry numbers assigned by the Commissioner on the form. The prescribed symbols are as follows:

IAP—Industrial alcohol plant.
BW—Bonded warehouse.
DP—Denaturing plant.
TF—User of tax-free alcohol (other than the United States or governmental agency thereof).
SDA—Dealer of specially denatured alcohol (the letter "D" being inserted in parentheses after the serial number, as "SDA-NY-3 (D)").
SDA—User of specially denatured alcohol (including the recovery of specially denatured alcohol, or recovery of articles in the form of denatured alcohol).
SDR—Dealer in specially denatured rum (the letter "D" being inserted in parentheses after the serial number, as "SDR-NY-4 (D)").
SDR—User of specially denatured rum.
CDAR—Recovery of completely denatured alcohol.
C—Carrier transporting tax-free or specially denatured alcohol.
US-TF—Use of tax-free alcohol by the United States or governmental agency thereof.
US-SDA—Use of specially denatured alcohol by the United States or governmental agency thereof.

• (Secs. 3114, 3170, I.R.C.)

Changes Subsequent to Original Establishment

§ 182.295 *Procedure applicable.* The foregoing provisions of this article respecting the action required of district supervisors in connection with applications for original basic permits will be followed, to the extent applicable, where there is a change in the individual, firm, or corporate name, or in the trade name or style, where the premises are to be operated initially under a trade name or style, or where there is a change in the proprietorship, location, premises, construction, apparatus and equipment, or in the type of premises or operation, or where there is a change in the title to industrial alcohol plant or bonded warehouse property, or where such property becomes subject to a mortgage, judgment, or other encumbrance, or where operations are permanently discontinued: *Provided*, That in the case of industrial alcohol plants, bonded warehouses, or denaturing plants, where there is a change in the individual, firm, or corporate name of the permittee, or where an industrial alcohol plant is to be again operated under a trade name or style previously approved by the Commissioner, the district supervisor may authorize the commencement of operations prior to review of the qualifying documents by the Commissioner. In such cases, the district supervisor will notify the permittee by letter and attach one copy of such letter to the qualifying documents.•

§ 182.296 *Indemnity bond, Form 1617.* In the case of an industrial alcohol plant or bonded warehouse, where changes, to be made in the industrial alcohol plant or bonded warehouse premises, buildings, or former industrial alcohol plant or bonded warehouse premises, buildings, or equipment or apparatus, are such as to require the filing of an indemnity bond on Form 1617, as provided in §§ 182.270 and 182.272, the district supervisor will, upon receipt of a satisfactory bond, note his recommendation for approval thereon and forward all copies thereof to the Commissioner accompanied by the original of the report submitted by the designated appraisers. If the bond is approved by the Commissioner, the district supervisor will, upon receipt of the approved copies thereof from the Commissioner, forward one copy to the permittee and retain one copy.•

§ 182.297 *Applications and reports covering changes.* Where an application covering changes in apparatus or equipment, or in construction or use of a room or building, is approved by the district supervisor, he will retain one copy of the application and forward one copy to the permittee, and in the case of an industrial alcohol plant, bonded warehouse, denaturing plant, or user of specially denatured alcohol, one copy to the Commissioner, and, when reports covering changes in apparatus and equipment are received from Government officers in accordance with § 182.271, he will retain one copy and promptly forward one copy to the Commissioner. Similar disposition will be made of reports received from the permittee covering emergency repairs of apparatus and equipment. Where changes in buildings, apparatus, or equipment are such as to require the filing of an indemnity bond in the case of an industrial alcohol plant or bonded warehouse, the district supervisor will not approve the application until such bond has been approved by the Commissioner.•

Annual Applications, Consents (Form 1602) and Bonds, Consents of Surety, and Additional and Superseding Bonds

§ 182.298 *Procedure applicable.* The procedure prescribed herein for the approval and disapproval of applications for basic permits, and bonds, if any, submitted in connection therewith will, to the extent applicable, govern the approval and disapproval of applications for renewal of basic permits, consents (Form 1602) and bonds, consents of surety, and additional and superseding bonds.•

Discontinuance of Industrial Alcohol Plant, Bonded Warehouse, or Denaturing Plant

§ 182.299 *Inspection.* Upon receipt of Form 1431 for the discontinuance of an industrial alcohol plant, bonded warehouse, or denaturing plant, and accompanying statement of the proprietor in the case of a bonded warehouse or denaturing plant that there is no alcohol or denatured alcohol on hand or in transit to the warehouse or denaturing plant, and the basic permits and withdrawal permits issued to the proprietor, the district supervisor will cause an inspection to be made of the premises and the proprietor's and storekeeper-gauger's records to determine whether all alcohol or specially denatured alcohol has been withdrawn and properly accounted for. Likewise, where a bonded warehouse or denaturing plant is to be discontinued by the Commissioner, as provided in § 182.280, and all alcohol in transit to the warehouse or denaturing plant has been received and all alcohol or specially denatured alcohol deposited therein has been removed, the district supervisor will cause an inspection of the proprietor's and the storekeeper-gauger's records to be made to determine whether all alcohol or specially denatured alcohol deposited in the bonded warehouse or denaturing plant has been properly accounted for.•

§ 182.300 *Removal of Government property.* When all alcohol or denatured alcohol has been lawfully removed from the industrial alcohol plant, bonded warehouse, or denaturing plant which is to be discontinued, the district supervisor will cause the removal from such premises of all Government locks, keys, seals, gauging instruments, records, and other Government property. The Government property will be forwarded to the office of the district supervisor as surplus property, unless the district supervisor should deem the transfer of the property, or a part thereof, to some other plant or warehouse under his jurisdiction to be advisable and proper, in which event he will direct such disposition to be made thereof. All forms covering the production, deposit, withdrawal, denaturation, etc., of the alcohol or denatured alcohol will be so stored that they may be referred to when necessary.•

§ 182.301 *Storekeeper-gauger's report.* Upon completion of the inspection of the industrial alcohol plant, bonded warehouse, or denaturing plant, and Government records and the removal of Government property, the storekeeper-gauger or other Government officer charged with such duty will submit a report to the district supervisor.•

§ 182.302 *District supervisor's recommendation.* If the district supervisor finds, upon receipt of the report from the storekeeper-gauger or other Government officer, that all alcohol or denatured alcohol produced or deposited has been withdrawn and properly accounted for, he will note his recommendation on all copies of Form 1431 and forward the same, together with a copy of the Government officer's report, to the Commissioner. Where discontinuance of a bonded warehouse or denaturing plant was ordered by the Commissioner, the district supervisor will forward to the Commissioner a complete report of the removal of the alcohol or specially denatured alcohol from the premises, together with a copy of the Government officer's report of the inspection of the proprietor's and storekeeper-gauger's records and the removal of the Government property from the premises.•

ACTION BY COMMISSIONER

Original Establishment of Industrial Alcohol Plant, Bonded Warehouse, or Denaturing Plant

§ 182.303 *Indemnity bond application.* In the case of an industrial alcohol plant, or bonded warehouse, when an application for permission to file an indemnity bond, Form 1604, in lieu of the written consent of the owner, mortgagee, judgment-creditor, conditional sales vendor, or other lienor, is received from the district supervisor, bearing his recommendation for approval or disapproval, the Commissioner will examine the same in connection with the appraisal and investigation report. If the Commissioner finds that, under the regulations, an indemnity bond may properly be accepted in lieu of such consent, and if he is satisfied that the valuation placed upon the property by the appraisers is fair, he will note his approval on all copies of the application, retain one copy and the appraisal and investigation reports submitted therewith, and return two copies to the district supervisor. If the application is disapproved, the Commissioner will note his disapproval thereon, and return all copies to the district supervisor, with a statement of the reasons for disapproval.• (Sec. 3103, I.R.C.)

§ 182.304 *Other qualifying documents.* The Commissioner will also review the application, Form 1431 (except as to the applicant's fitness to hold a permit), plat, plans, bond (Form 1432-A), consent (Form 1602) (if any), or indemnity bond (Form 1604) filed in lieu thereof, and other qualifying documents upon their receipt from the district supervisor. If the Commissioner approves the construction and equipment of an industrial alcohol plant, bonded warehouse, or denaturing plant, and the application, plat, plans, bond (Form 1432-A), consent (Form 1602) (if any), or indemnity bond (Form 1604), and other qualifying documents, he will assign a registry number and permit number to the industrial alcohol plant, bonded warehouse, or denaturing plant in accordance with the provisions of section 182.305, note his approval on all copies of the application, Form 1431, bond (Form 1432-A), and the consent (Form 1602) (if any), or indemnity bond (Form 1604), retain one copy of the application, Form 1431, bond, and consent (if any), or indemnity bond, and all copies of the other qualifying documents and will return two copies of the approved application, Form 1431, bond (Form 1432-A), and consent (Form 1602) (if any), or indemnity bond (Form 1604), to the district supervisor with advice as to his action on the qualifying documents. If the Commissioner disapproves the application, Form 1431, or bond (Form 1432-A), or consent, Form 1602 (if any), or indemnity bond, Form 1604, he will note his disapproval thereon and will return all copies thereof to the district supervisor, accompanied by the other qualifying documents submitted therewith, and a statement of the reasons for disapproval.• (Secs. 3103, 3114, I.R.C.)

§ 182.305 *Registry and permit numbers.* Industrial alcohol plants, bonded warehouses, and denaturing plants will be numbered serially in the order of their establishment, irrespective of States or districts. Registry and permit numbers heretofore assigned will be retained, and new industrial alcohol plants, bonded warehouses, and denaturing plants will be assigned numbers in sequence thereto. Registry and permit numbers previously assigned to discontinued industrial alcohol plants, bonded warehouses, and denaturing plants will not be reassigned to other such plants. The same registry number will be continued whenever there is an immediate change of proprietorship. A new basic permit number will be assigned when there is a change of proprietorship. The same registry and permit number will be assigned to an industrial alcohol plant, bonded warehouse, and denaturing plant; or industrial alcohol plant and bonded warehouse; or industrial alcohol plant and denaturing plant; or bonded warehouse and denaturing plant located on the same premises.•

Application by United States or Governmental Agency

§ 182.306 *Issuance of permit.* Upon receipt of an application on Form 1444 or Form 1486 from the United States or governmental agency thereof for permit to use alcohol free of tax or specially denatured alcohol, as the case may be, if approved by the Commissioner, he will issue permit on Part II of the Form 1444 or Form 1486, as the case may be. Basic permits, Form 1444 or Form 1486, shall be numbered serially according to the class of permit in the order of issuance. The serial number of permits, Form 1444, shall be preceded by the symbol "US-TF," and permits, Form 1486, shall be preceded by the symbol "US-SDA." The original copy of the Form 1444 or Form 1486 shall be forwarded to the department, bureau, office, or other agency of the United States making application for the permit. One copy will be retained by the Commissioner for his files, and the remaining copy shall be forwarded to the district supervisor of the district in which the industrial alcohol bonded warehouse, denaturing plant, or dealer in specially denatured alcohol named as vendor in the application, is located.• (Secs. 3108, 3114, I.R.C.)

Applications for Other Basic Permits

§ 182.307 *Review of documents.* Where the application and other qualifying documents filed by persons for basic permits to use alcohol free of tax; to deal in specially denatured alcohol; to use denatured alcohol (including the recovery of specially or completely denatured alcohol or articles where the recovered product is in the form of denatured alcohol); and to transport tax-free or specially denatured alcohol, are found to be improperly executed or otherwise not in conformity with the requirements of law and regulations, the Commissioner will return all copies to the district supervisor with the necessary instructions for correction.• (Secs. 3108, 3114, I.R.C.)

Changes Subsequent to Original Establishment

§ 182.308 *Procedure applicable.* The foregoing provisions of this article respecting the action of the Commissioner in connection with the applications for original basic permits will be followed, to the extent applicable, where there is a change in the individual, firm, or corporate name, or in the trade name or style, or in the proprietorship, location, premises, construction, apparatus and equipment, or in the type of premises or operations, or in the title to industrial alcohol plant or bonded warehouse property, or where such property becomes subject to a mortgage, judgment, or other encumbrance.•

Discontinuance of Industrial Alcohol Plant, Bonded Warehouse, or Denaturing Plant

§ 182.309 *Discontinuance by proprietor.* If, upon receipt from the district supervisor of Form 1431 and accompanying reports, the Commissioner finds that all alcohol or specially denatured alcohol produced, deposited, etc., in the industrial alcohol plant, bonded warehouse, or denaturing plant has been lawfully withdrawn and duly accounted for, he will approve the Form 1431, retain one copy, and return two copies to the district supervisor, who will retain one copy and forward the other copy to the proprietor.•

TERMINATION OF BONDS

§ 182.310 *Bonds supporting basic permits.* All bonds supporting basic permits required by law and these regulations may be terminated as to liability (1) after a specified future date, pursuant to application by the surety as provided in § 182.315, (2) for transactions subsequent to the effective date of an approved superseding bond, or (3) for future transactions upon discontinuance of business by the principal, pursuant to the requirements of these regulations. Application for notice of termination of a bond supporting a basic permit upon approval of a superseding bond or discontinuance of business must be filed in duplicate with the district supervisor.•

§ 182.311 *Termination of indemnity bonds*—(a) *Form 1604.* Indemnity bonds (Form 1604) given in lieu of the consent of the owner of industrial alcohol plant, or bonded warehouse premises or property, and of any mortgagee, judgment-creditor, conditional sales vendor, or other lienor, to priority of the Government's lien for taxes and penalties and other interests, run for an indefinite period. Such bonds may be terminated as to liability for future operations of the premises, (1) pursuant to application by the surety as provided in § 182.315, (2) upon approval of a superseding bond or discontinuance of business by the principal, or (3) upon the proprietor (a) becoming the owner in fee unencumbered of the property covered by the bond or (b) filing the consent of the owner or encumbrancer, and the tax-payment or lawful tax-free

withdrawal of all alcohol produced or stored while such indemnity bond was in force. Application for notice of termination of such bonds upon approval of the superseding bond or discontinuance of the business must be filed in duplicate with the district supervisor.

(b) *Form 1617.* Indemnity bonds (Form 1617) given in connection with changes in buildings and equipment on which a lien has attached under section 3112, I. R. C., may be terminated (1) upon approval of a superseding bond (Form 1617), or (2) upon tax-payment or removal for a lawful tax-free purpose of all alcohol produced or stored while the property, covering which the indemnity bond was filed, formed a part of the industrial alcohol plant or bonded warehouse premises and equipment. Application for notice of termination of such bonds must be filed in duplicate with the district supervisor.* (Secs. 2800 (e), 3112 (a), I.R.C.)

§ 182.312 *Direct export bonds.* Bonds covering a specific lot of alcohol withdrawn for direct export, Form 1497, "Direct Export Bond," will be terminated by the district supervisor by marking the bond "Canceled," followed by the date of cancellation, upon receipt of evidence of the landing of the alcohol in a foreign country or satisfactory proof of loss at sea: *Provided*, That where there is a deficiency, the bond will not be canceled by the district supervisor until advice has been received from the Commissioner of the termination of liability for the deficiency. Continuing bonds covering alcohol withdrawn from time to time for direct exportation, Form 1495, "Continuing Direct Export Bond," will be similarly terminated by the district supervisor where no further withdrawals are to be made thereunder, provided that the account kept with the bond in accordance with § 182.611 shows that there are no outstanding charges.* (Sec. 2886, I.R.C.)

§ 182.313 *Transportation for export bonds.* Bonds covering a specific lot of alcohol withdrawn for transportation for export, Form 1498, "Transportation for Export Bond," will be terminated by the district supervisor by marking the bond "Canceled," followed by the date of cancellation, upon receipt of Form 691 from the collector of customs showing the clearance of the alcohol: *Provided*, That where there is a loss in transit, the bond will not be canceled until advice is received from the Commissioner of the termination of liability for the loss. Continuing bonds for alcohol withdrawn from time to time for transportation for export, Form 1496, "Continuing Transportation for Export Bond," will be similarly terminated by the district supervisor where no further withdrawals are to be made thereunder, provided that the account kept with the bond in accordance with § 182.611 shows that there are no outstanding charges.* (Secs. 2886, 3170, I.R.C.)

§ 182.314 *Bonds covering transportation to customs manufacturing bonded warehouse.* Bonds covering a specific lot of alcohol withdrawn for transportation to a customs manufacturing warehouse, Form 1459, "Transportation Bond," will be terminated by the district supervisor by marking the bond "Canceled," followed by the date of cancellation, upon receipt from the collector of customs of Form 3923 showing the deposit of the alcohol in the customs manufacturing bonded warehouse: *Provided*, That where there is a loss in transit the bond will not be canceled by the district supervisor until advice has been received from the Commissioner of the termination of liability for the deficiency. Continuing bonds covering alcohol withdrawn from time to time for transportation to customs manufacturing bonded warehouse, Form 1460, "Continuing Transportation Bond," will be similarly terminated by the district supervisor where no further withdrawals are to be made thereunder, provided that the account kept with the bond in accordance with § 182.625 shows that there are no outstanding charges.* (Sec. 2891, I.R.C.)

§ 182.314a *Bonds covering withdrawals for use on vessels and aircraft.* Bonds on Forms 1660 and 1661 will be terminated in the same manner as direct export bonds (§ 182.312), upon compliance with §§ 182.630k to 182.630n.*

§ 182.315 *Application of surety for relief from bond.* A surety on any bond required by these regulations may at any time in writing notify the principal and the district supervisor in whose office the bond is on file that he desires, after a date named, which shall be at least 60 days after the date of notification, to be relieved of liability under said bond. The notice shall be executed in triplicate by the surety, who shall deliver one copy to the principal, and the other two copies to the district supervisor, who will retain one copy and transmit the remaining copy to the Commissioner. If such notice is not thereafter in writing withdrawn, the rights of the principal as supported by said bond shall be terminated on the date named in the notice, and the surety shall be relieved (1) in the case of a bond supporting the basic permit from liability for alcohol produced or withdrawn, or denatured alcohol received or withdrawn, or articles manufactured with such denatured alcohol wholly subsequent to the date named in the notice, (2) in the case of indemnity bonds, Form 1604, or Form 1617, from liability for alcohol produced, received, or withdrawn at the industrial alcohol plant or bonded warehouse wholly subsequent to such date, and (3) in the case of export bonds (Forms 1495, 1496, 1497, and 1498), bonds covering transportation to customs manufacturing warehouse (Forms 1459 and 1460), and bonds covering withdrawals for use on vessels and aircraft (Forms 1660 and 1661) from liability for alcohol withdrawn for export or for transportation to a customs manufacturing warehouse, or for use on vessels and aircraft, as the case may be, wholly subsequent to such date. If the principal fails to file a valid superseding bond prior to the date on which the surety desires to be relieved from liability under the bond, the surety, notwithstanding his release from liability as specified in conditions (1), (2), and (3) above, shall continue to remain liable under the bond for all alcohol, denatured alcohol, or articles on hand or in transit to the principal on said date, until the same has been lawfully disposed of or a new bond has been filed by the principal covering the same. This notice may not be given by an agent of the surety unless it is accompanied by a power of attorney duly executed by the surety, authorizing him to give such notice, or by a verified statement that such power of attorney is on file with the Department. The surety must also file with the district supervisor an acknowledgment or other proof of service of such notice on the principal.*

§ 182.316 *Application for notice of termination.* Where the permittee has filed a proper superseding bond in lieu of a previously filed bond to support a basic permit, or indemnity bond (Form 1604 or 1617), or has discontinued business in accordance with the requirements of these regulations, or where, in the case of direct export bonds, transportation for export bonds, bonds covering transportation to customs manufacturing bonded warehouses, and bonds covering withdrawals for use on vessels and aircraft, there has been compliance with the provisions of §§ 182.312, 182.313, 182.314, or 182.314a, as the case may be, and the principal or surety desires to secure notice of termination of the bond for which the principal no longer has any use, application therefor, in writing, will be made to the district supervisor. The application will be made in duplicate where it is desired to secure the issuance of notices of the termination of bonds supporting the basic permit or indemnity bond (Form 1604 or 1617).*

§ 182.317 *Action on application for notice of termination of bond supporting basic permit, Form 1433.* When an application for notice of termination, as to a bond supporting a basic permit, Form 1433, to operate an industrial alcohol plant, bonded warehouse, or denaturing plant is filed with the district supervisor in a case where a superseding bond has been approved, or the principal has discontinued business, as provided in § 182.310, the district supervisor will, before forwarding the application to the Commissioner, make a complete examination of records to determine whether there is any liability then due and payable outstanding against the bond. He will also ascertain from the collector of internal revenue whether there are any outstanding, unpaid assessments or demands for taxes, penalties and interest, on alcohol or denatured alcohol under the bond. If it is found that violations of law or regulations occurred during the period covered by the bond, and that penalties incurred or fines imposed have not been paid, or that outstanding assessments, or demands for payment of taxes, chargeable against the bond have not been paid, or otherwise settled, the district supervisor will recommend disapproval of the application, unless the liability is settled. The district supervisor will retain one copy of the application and forward one copy to the Commissioner with his recommendation. The district supervisor will not issue notice of termination of any bond supporting a basic permit on Form 1433 until he has been notified of the Commissioner's approval of the application therefor.*

§ 182.318 *Action on application for notice of termination of indemnity bonds.* When an application for notice of termination of an indemnity bond, Form 1604, as to future operations of an industrial alcohol plant or bonded warehouse is filed with the district supervisor in a case where a superseding bond has been approved, or the principal has discontinued business, as provided in § 182.311, the district supervisor will take action in accordance with the procedure prescribed in § 182.317, in the case of an application for termination of the bond supporting a basic permit on Form 1433. When an application for notice of termination of an indemnity bond, Form 1617, covering changes in buildings or equipment is filed with the district supervisor, he will make a complete inquiry to determine whether all alcohol, the tax on which constituted the lien in relation to which the bond was given, has been tax-paid or removed for a lawful tax-free purpose, and will forward one copy of such application to the Commissioner with his recommendation for approval or disapproval, determined according to the results of his inquiry, and will retain the remaining copy. The district supervisor will not issue notice of termination of any indemnity bond until he has been notified of the Commissioner's approval of the application therefor.*

§ 182.319 *Action on application for notice of termination of other bonds*—(a) *Bonds supporting other basic permits.* When an application for notice of termination of bonds on Forms 49, 1448, 1475, and 1480, as to future operations, is filed with the district supervisor, he will take action thereon in accordance with the procedure prescribed in § 182.317: *Provided*, That the district supervisor, instead of forwarding the application to the Commissioner with his recommendation, will approve or disapprove the application.

(b) *Export bonds, transportation for export bonds, bonds covering transportation to customs manufacturing bonded warehouse, and bonds covering withdrawals for use on vessels and aircraft.* When an application for notice of the termination of export bonds (Forms 1495 and 1497), transportation for export bonds (Forms 1496 and 1498), bonds covering transportation of alcohol to the customs manufacturing bonded warehouse (Forms 1459 and 1460), and bonds covering withdrawals for use on vessels and aircraft (Forms 1660 and 1661) is filed with the district supervisor, he will examine his records to determine whether the required evidence of foreign landing or loss at sea, or clearance, or deposit in the customs manufacturing bonded warehouse, or use, as the case may be, of the alcohol withdrawn under the bond has been filed, and if there were deficiences, whether notice of the termination of the liability therefor has been received from the Commissioner.*

§ 182.320 *Notices, Forms 1490 and 1491.* Upon receipt of advice from the Commissioner of his approval of an application for the issuance of notice of the termination, as to liability for future transactions, of a bond supporting a basic permit, Form 1433, to operate an industrial alcohol plant, bonded warehouse, or denaturing plant, or of an indemnity bond, Form 1604, as to liability for future operations of an industrial alcohol plant or bonded warehouse ,the district supervisor will execute Form 1490, "Notice of Bond Termination," where a superseding bond has been approved, or Form 1491, "Notification of Release of Bond," where the principal has discontinued business, in quadruplicate (in quintuplicate if there are two sureties), and will forward the original to the Commissioner, one copy to each obligor on the bond, and retain one copy on file with the bond to which it relates. Similar action will be taken by the district supervisor upon receipt of advice from the Commissioner of his approval of an application for notice of termination of an indemnity bond on Form 1617. If the district supervisor approves an application for notice of termination of bonds on Forms 49, 1448, 1475, and 1480, as to future operations, he will execute Form 1490 or Form 1491, as the case may be, as provided above. Where an application for the issuance of notice of the termination of a direct export bond, transportation for export bond, bond covering transportation to a customs manufacturing bonded warehouse, or bond covering withdrawal for use on vessels and aircraft, has been filed with the district supervisor, and he has found that there has been compliance with the provisions of §§ 182.312, 182.313, 182.314, or 182.314a, as the case may be, he will issue Form 1490 or Form 1491, as provided above.*

§ 182.321 *Release of collateral.* The release of collateral pledged and deposited with the United States to support bonds required by these regulations will be in accordance with the provisions of Department Circular 154, revised (31 CFR, Part 225), subject to the conditions covering the issuance of notices on Forms 1490 and 1491 of the termination of such bonds. Unless a superseding bond has been approved, the release of the security in the case of such bonds will not be authorized until all alcohol or denatured alcohol or articles produced or withdrawn, while such bonds were in force and effect, have been lawfully disposed of. Accordingly, collateral may not be released while any alcohol or denatured alcohol or articles remain an outstanding charge against a bond supporting a basic permit or indemnity bond, Form 1604. When an application for release of collateral deposited in support of a bond supporting a basic permit on Form 1433, or an indemnity bond, Form 1604, is received by the district supervisor, he will determine whether all outstanding liabilities have been settled, and unless a superseding bond has been approved, whether all alcohol or denatured alcohol produced, withdrawn, used, etc., while the bond was in effect has been lawfully disposed of, and will forward the application to the Commissioner with his recommendation. Collateral pledged and deposited to support an indemnity bond, Form 1617, covering changes in industrial alcohol plant or bonded warehouse buildings or equipment may be released pursuant to authorization of the Commissioner, upon approval of a superseding bond or upon lawful removal of all alcohol, the tax on which constituted the lien in relation to which the bond was given. Upon approval of an application for the issuance of notice of termination of a bond supporting basic permit on Form 1433, or indemnity bonds (Form 1604 or 1617) supported by collateral security, the Commissioner will fix the date or dates on which a part or all of the security may be released. In fixing such date, the Commissioner will satisfy himself that the interest of the Government will not be jeopardized. The date of release for collateral supporting a bond on Form 1432-A will ordinarily be fixed at not less than 6 months from the date of determination that there is no outstanding liability against the bond, and collateral pledged for other bonds will ordinarily be released upon issuance of notice on Form 1490 or Form 1491. Collateral pledged and deposited to support a bond supporting a basic permit on Form 1433, or indemnity bond (Form 1604 or 1617), will not be released by the district supervisor unless the Commissioner has authorized such action. At any time prior to the release of collateral security, the district supervisor may, in his discretion and for proper cause, further extend, or, in the case of a bond supporting a basic permit on Form 1433, or indemnity bonds (Form 1604 or 1617), recommend further extension of the date of the release of such security for such additional period of time as, in his judgment, may be appropriate. Collateral pledged and deposited in support of bonds on Forms 49, 1448, 1459, 1460, 1475, 1480, 1495, 1496, 1497, 1498, 1660, and 1661, may be released by the district supervisor without prior authorization of the Commissioner.* (Sec. 1126, 44 Stat. 122 (6 U.S.C. 15))

GENERAL REQUIREMENTS REGARDING OPERATIONS

§ 182.322 *Compliance with requirements of law and regulations.* Under no circumstances will a person conduct any operations in connection with the production, storage, tax-payment, or denaturation of alcohol, or use tax-free alcohol or deal in or use specially denatured alcohol, or transport tax-free or specially denatured alcohol, or recover denatured alcohol, or articles in the form of denatured alcohol, until compliance with all the requirements of law and these regulations, and the application, bond (if required) and supporting documents have been approved and a basic permit issued pursuant thereto, in accordance with the provisions of these regulations.* (Secs. 3114, 3115, I.R.C.)

§ 182.323 *Prohibited hours of operation*—(a) *Industrial alcohol plant.* The proprietor of an industrial alcohol plant may conduct any and all operations in connection with mashing, fermentation, and distillation in his plant on Sundays the same as on week days. All operations in connection with the gauging, drawing off, or removal of alcohol from the receiving room or the wine room will be conducted during the regular business hours of the industrial alcohol plant, except

when specifically approved by the district supervisor: *Provided*, That no alcohol may be gauged, drawn off, or removed from the receiving room or the wine room on Sunday or at night, but spirits in the wine room may be returned to the distilling building for redistillation at any time.

(b) *Bonded warehouse or denaturing plant.* All operations at a bonded warehouse or denaturing plant shall be conducted during the regular business hours of such warehouse or plant, except when specifically approved by the district supervisor: *Provided*, That no alcohol, including denatured alcohol, may be entered into or removed from a bonded warehouse or denaturing plant, nor may any other operations be conducted thereat, on Sunday or at night.

(c) *Users and dealers in specially denatured alcohol.* Whenever a person qualified to use or to deal in specially denatured alcohol, or recover denatured alcohol or articles in the form of denatured alcohol, proposes to operate at hours other than between 7 o'clock a. m. and 6 o'clock p. m., or on Sundays and legal holidays, a notice of intention so to do shall be first submitted to the district supervisor and his approval therefor obtained.* (Sec. 3103, I.R.C.)

§ 182.324 *Records.* All forms of record and report necessary to carry into effect the law and these regulations, and all the requirements and instructions contained on such forms are hereby made a part of these regulations.

(a) *Records to be kept three years.* Except as provided in § 182.648, all records, including copies of all daily and monthly reports, required to be kept by law and these regulations, must be retained by the proprietor, permittee, or other person charged with keeping or maintaining the same, available for inspection by Government officers for a period of three years: *Provided*, That the district supervisor or the Commissioner may require records, copies of which are not filed in the office of the district supervisor or the Commissioner, such as the manufacturing and sales records of users of specially denatured alcohol, and the receipt and disposition records of dealers in and users of completely denatured alcohol, proprietary anti-freeze solutions, proprietary solvents, lacquer thinners, and ethyl acetate, to be kept for an additional period of not exceeding three years in any case where he deems such retention necessary or advisable.

(b) *Inspection of premises and records.* All persons conducting a business under a basic permit issued pursuant to these regulations shall permit any internal revenue officer to inspect, at any reasonable hour, the premises, equipment, stocks, and the records required by law and regulations.

(c) *Final reports.* The monthly reports for the month in which business is discontinued, shall be marked "Final."* (Sec. 3601, I.R.C.)

OPERATION OF INDUSTRIAL ALCOHOL PLANTS

§ 182.325 *Manufacture of industrial alcohol.* Alcohol may be produced at industrial alcohol plants operated under the provisions of these regulations, from any raw materials by any process suitable for the production of alcohol. At plants where the alcohol is abstracted from liquids such as beer, ale, porter, or wine, such liquids will be regarded as distilling material. Fermented malt liquor may be received from a contiguous brewery where the residue containing less than one-half of 1 per cent of alcohol by volume is to be returned to the brewery to be used in the manufacture of cereal beverages.

(a) *Tax on alcohol, lien for tax, etc.* All alcohol produced in an industrial alcohol plant is subject to tax as soon as the alcohol comes into existence as such, whether it be subsequently separated as pure or impure spirit, and the tax on the alcohol becomes a first lien on the alcohol and the premises and plant in which such alcohol is produced or stored, together with all improvements and appurtenances thereunto belonging and in any wise appertaining. The provisions of §§ 182.478 to 182.487 relative to the tax on alcohol, lien for tax on alcohol, and sales of alcohol are applicable to proprietors of industrial alcohol plants.* (Secs. 3104, 3106, 3112 (a), I.R.C.)

§ 182.326 *Distilled spirits.* Where it is desired to produce distilled spirits (other than brandy), the industrial alcohol plant must be discontinued, in accordance with §§ 182.276–182.279 of these regulations, and established and operated as a registered distillery, in accordance with Regulations 4 (26CFR, Part 183) governing the production of distilled spirits (other than brandy).*

§ 182.327 *Brandy.* Where it is desired to produce brandy under Regulations 5 (26 CFR, Part 184) governing the production of brandy at fruit distilleries, under the exemptions from law afforded fruit distillers by virtue of section 2825, I.R.C., the industrial alcohol plant must be discontinued, in accordance with §§ 182.274–182.279 of these regulations and established and operated as a fruit distillery in accordance with Regulations 5. Brandy may be produced at registered distilleries established and operated under Regulations 4. Where brandy is so produced at a registered distillery, it must be reduced to not more than 159 degrees of proof before removal from the cistern room, and the production of brandy will be subject to all the requirements of said regulations governing the production of other spirits at registered distilleries.*

§ 182.328 *Experimental operations.* Persons authorized by the Commissioner to conduct experimental operations for a temporary period of time in connection with the production of alcohol are required to submit such reports and maintain such records as the Commissioner shall, in each case, prescribe.

(a) *Denaturation or use of alcohol produced.* The alcohol produced in an experimental industrial alcohol plant shall be disposed of or denatured with such denaturing materials and quantities thereof as may be authorized by the Commissioner, under such conditions and restrictions as may be imposed by the Commissioner. Alcohol so denatured shall be used or disposed of in the manner prescribed by the Commissioner in each case.* (Sec. 3103, I.R.C.)

§ 182.329 *Chemical plant producing alcohol as a by-product.* When, in connection with chemical or other process, ethyl alcohol is produced as a by-product, the proprietor must qualify the premises as an industrial alcohol plant. In such cases, the Commissioner may, in his discretion, permit such variation in the usual mode of operation as may be necessary for the particular type of plant, where such may be done without jeopardy to the revenue. At such plants, the Commissioner may require the proprietor or the storekeeper-gauger to make such tests of the materials distilled as he may deem necessary to secure a proper control and check of the processes employed.

(a) *Exception.* A manufacturer holding a permit authorizing the use and recovery of denatured alcohol, who uses denatured alcohol in the production of chemicals, which do not contain specially denatured alcohol and which in turn are used on the permit premises in the production of other chemicals, resulting in the production of ethyl alcohol as a by-product, will not be required to qualify the premises as an industrial alcohol plant. In such case, the alcohol will be redenatured and accounted for in the same manner as recovered alcohol is required to be redenatured and accounted for by these regulations.* (Sec. 3103, I.R.C.)

§ 182.330 *Redistillation.* Proprietors, in the operation of industrial alcohol plants, are exempt from the provisions of law which declare that every person shall be regarded as engaged in the business of rectifying who rectifies, purifies, or refines distilled spirits or wines by any process other than original and continuous distillation through continuous closed vessels and pipes until the manufacture thereof is complete.* (Sec. 3103, I.R.C.)

§ 182.331 *Commencement of operations: notice, Form 125.* Before commencing operations at the industrial alcohol plant, the proprietor shall file with the district supervisor notice on Form 125, in triplicate, specifying the date on which he desires to commence operations. This notice must be filed in time to enable the district supervisor to assign one or more storekeeper-gaugers to the industrial alcohol plant. If the application, Form 1431, bond, Form 1432–A, and supporting documents have been approved and basic permit, Form 1433, has been issued, and the storekeeper-gaugers assigned to the industrial alcohol plant have found the plant and equipment in proper condition, the proprietor may commence operations at the time specified in the notice.* (Sec. 3103, I.R.C.)

§ 182.332 *Assignment of storekeeper-gaugers.* One or more storekeeper-gaugers must be assigned to, and on duty at, each industrial alcohol plant before the proprietor can commence operations. In determining the number of storekeeper-gaugers to be assigned to each industrial alcohol plant, the district supervisor will take into account the distilling equipment and the process to be used, the quantity of alcohol to be produced daily, and the number of hours the industrial alcohol plant will be operated each day. When notices of commencement of operations are received, the district supervisor will assign the storekeeper-gaugers in time to prevent unnecessary delays to proprietors.*

§ 182.333 *Examination of plant.* Upon assignment to an industrial alcohol plant intending to commence operations, or to resume operations after an extended suspension, the storekeeper-gaugers will, prior to the actual commencement of operations, examine the industrial alcohol plant, the apparatus and equipment, the receiving room, etc., and determine that all valves, flanges, and other connections which would afford access to the alcohol are properly equipped for locking or are brazed, or welded, or otherwise secured and sealed, and that all doors and other openings in the receiving room and wine room are protected in the manner prescribed by these regulations. The storekeeper-gauger will apply Government locks (unless previously attached) wherever the same are required, and will complete Form 125, in triplicate, deliver one copy to the proprietor and forward the original and one copy to the district supervisor. The district supervisor will retain one copy and forward the original to the Commissioner.*

§ 182.334 *Supervision of operations.* The storekeeper-gauger will have supervision of the industrial alcohol plant to which he is assigned, under the direction of the district supervisor. The storekeeper-gauger will see that the operations of the industrial alcohol plant conform to the requirements of the law and these regulations and will, in the course of his daily duties, carefully observe the character and condition of all connections, pipes, tanks, vessels, stills, and other equipment used for conveying alcohol in the course of distillation to see if they are continuous and closed as required and whether access can be gained to the alcohol in the storekeeper-gauger's absence. The storekeeper-gauger will promptly report to the district supervisor any industrial alcohol plant operations or condition of apparatus and equipment not conforming to the law and regulations.*

Distilling Materials

§ 182.335 *Weighing materials received.* Proprietors will weigh or, in the case of liquids, weigh or measure all materials received on the industrial alcohol plant premises intended for use in the production of alcohol. They will prepare weight or quantity slips of all such materials received and furnish signed copies to the storekeeper-gauger. The receipt of the materials will be recorded by the proprietor on Form 1442, "Proprietor's Report of Operations."* (Sec. 3103, I.R.C.)

§ 182.336 *Storage of materials.* All grain received on the industrial alcohol plant premises will be stored in the meal or storage room bins or granary, unless it is to be used immediately. Molasses and other liquid fermenting materials will be stored in proper tanks provided for the purpose, unless they are to be used immediately.*

§ 182.337 *Fermented malt liquor or wine.* Proper facilities must be provided for the storage of fermented malt liquor or wine where such material is received from a contiguous brewery or winery, as the case may be, for the purpose of determining the quantity and alcoholic content of the materials received and used. Material storage tanks must be constructed as provided in § 182.68 of these regulations.

(a) *Residue of fermented malt liquor may be returned to brewery.* The residue of fermented malt liquor used as a distilling material may be returned by pipe line to the brewery to be used in making cereal beverages containing less than one-half of 1 per cent of alcohol by volume by means of a separate pipe line having no connection with the pipe line used for the conveyance of fermented malt liquor from the brewery to the industrial alcohol plant: or such residue may be returned to the brewery by means of unstamped packages unlike those ordinarily used for containing fermented malt liquor. All of the residue returned to the brewery shall be measured and tested as to alcoholic content in the industrial alcohol plant in measuring tanks in the same manner as provided herein for the measuring of the fermented malt liquor transferred to the industrial alcohol plant. The quantity of residue returned to the brewery will be entered on Form 1442.* (Sec. 3104, I.R.C.)

§ 182.338 *Supervision of material room.* No materials shall be received on the premises of any industrial alcohol plant, or used for the production of alcohol, or for any other purpose, or removed from the premises, except when the storekeeper-gauger is present on the industrial alcohol plant premises. The storekeeper-gauger will unlock the material room bins or tanks at such time, after the commencement of operations, each day as may be necessary for the proprietor to have access thereto and will lock them when access for the day is no longer required, thus giving employees of the plant access for the removal or deposit of materials or for other necessary purposes under his general supervision. When materials are received by chute or pipe line from adjacent premises, such chute or pipe line must be kept locked at all times with Government locks, except when necessary to be opened for the transfer of materials.*

§ 182.339 *Storekeeper-gauger's record of materials received.* Storekeeper-gaugers will record on Form 1452–A, "U. S. Storekeeper-Gauger's Report of Operations at Industrial Alcohol Plant," and Form 1452–B, "U. S. Storekeeper-Gauger's Summary of Operations at Industrial Alcohol Plant," all materials received on the premises intended for use in the production of alcohol. Entries will be made from the proprietor's weight or quantity slips. The storekeeper-gauger will verify such slips by comparison with the proprietor's commercial records and his Form 1442.*

§ 182.340 *Weighing materials used.* The proprietor will weigh, or in the case of liquids, weigh or measure, all materials used in the production of alcohol. He will prepare weight or quantity slips of all such materials and will furnish signed copies to the storekeeper-gauger. The materials used will be recorded by the proprietor on Form 1442.* (Sec. 3103. I.R.C.)

§ 182.341 *Use other than the production of alcohol.* Where materials are used in preparing distilling material primarily for the production of substances other than ethyl alcohol, such as butyl alcohol, isopropyl alcohol, acetone, etc., which distilling material produces a small amount of ethyl alcohol, the quantity used in such special distilling materials must be determined separately from the quantity used in materials for the production of ethyl alcohol solely. Separate records on Forms 1442, 1452–A, and 1452–B will be kept for each process or fermentation, showing the materials used and the resulting production of ethyl alcohol and chemicals therefrom.* (Sec. 3103, I.R.C.)

§ 182.342 *Storekeeper-gauger's record of materials used.* The storekeeper-gauger will report on Form 1452–A and Form 1452–B all materials used in the production of alcohol. Entries will be made from the proprietor's weight or quantity slips. The storekeeper-gauger will verify such slips by comparison with the proprietor's commercial records and his Form 1442. The quantity of residue returned to a brewery will also be entered by the storekeeper-gauger on his Form 1452–A and Form 1452–B.* (Sec. 3103, I.R.C.)

§ 182.343 *Proprietor's material slips.* Each proprietor will have printed, in uniform size, slips which show the date, name, number, and location of the industrial alcohol plant, the kind and quantity of materials received and used, and the serial numbers of the fermenters filled, together with such other information as may be required. Where different types of distilling materials are produced, separate entries shall be made, showing the quantity of material, type of mash or distilling material, and serial numbers of fermenters for each type. The term "type of mash" means the materials from which the mash is made, as molasses, wheat, corn, rye, etc. Material slips will be prepared, in duplicate, and will be filed chronologically by months by both the proprietor and storekeeper-gauger and will be retained at least one year.*

§ 182.344 *Storekeeper-gauger's verification.* The storekeeper-gauger will from time to time personally verify the accuracy of the proprietor's determination of the weight or quantity of materials received and used.*

§ 182.345 *Removal or destruction of fermenting or distilling material.*—(a) *Sale or transfer of fermenting material.* If fermenting material is stored on the premises and it is desired to remove the same or any portion thereof from the premises for any purpose whatever, the storekeeper-gauger shall be notified by the proprietor, prior to the removal of

such materials, of the name and address of the consignee, the kind and quantity to be removed, and the reasons therefor. The quantity thus transferred will be entered on the appropriate records by the proprietor and the storekeeper-gauger.

(b) *Destruction of distilling material.* Distilling materials must not be destroyed until permission therefor has been obtained from the district supervisor and the same has been inspected by a Government officer, unless destruction without supervision is authorized by the district supervisor. If the material is found by an inspecting Government officer to be useless for distillation, he will supervise destruction thereof and submit a written report of his action to the district supervisor. The destruction of the material will be entered by the proprietor on Form 1442 and by the storekeeper-gauger on his Form 1452-B.

(c) *Destruction of fermented malt liquor and wine.* Fermented malt liquor and wine which have become unfit for distillation shall not be destroyed until inspected by a Government officer and a chemical analysis is made pursuant to the instructions of the district supervisor. If destruction is authorized, entries on the appropriate forms will be made by the proprietor and storekeeper-gauger.* (Secs. 3030, 3150, I.R.C.)

Yeasting

§ 182.346 *Materials for yeast mash.* Materials capable of producing alcohol which are used in preparing yeast mash will be weighed or measured by the proprietor, who will furnish weight or quantity slips to the storekeeper-gauger and make proper record on Form 1442. If the materials used in a yeast mash have been included in the materials weighed or measured by the proprietor for use in the production of the main mash, a notation should be made on the slip to that effect and no entry will be made on Forms 1442 and 1452-A. Such weight or quantity slips will be filed by the storekeeper-gauger for record and reference purposes.* (Sec. 3103, I.R.C.)

§ 182.347 *Materials for yeast culture.* The proprietor will not be required to furnish weight or quantity slips to the storekeeper-gauger of materials used in preparing pure yeast cultures or jug yeast which is added to the yeast mash or to report the same on Form 1442. The pure yeast cultures or jug yeast may be prepared and held for use as needed.*

Mashing Operation

§ 182.348 *Proprietor's notice of change in materials and strength of beer.* The proprietor may mash grain, molasses, or other fermenting materials covered by his application, Form 1431, in any quantity, proportion, or strength that he may desire, within the maximum specified in such application, provided he shall give written notice to the storekeeper-gauger in charge of the plant of the quantity of each kind of material which he proposes to mash and the strength of the beer. When desiring to change the quantity or kind of material or strength of the beer, he shall, before making such change, give written notice to the storekeeper-gauger in charge. Where the proprietor intends to mash different kinds of materials than those covered by Form 1431 or a larger quantity of the specified materials than the maximum indicated by such form, he must also comply with the requirements of § 182.109. If the proposed change in mashing is such that either a smaller or larger number of storekeeper-gaugers may be required to supervise operations, the proprietor shall give notice thereof to the storekeeper-gauger in charge in sufficient time for the district supervisor to reassign the unneeded officers or to assign additional officers to the plant.*

§ 182.349 *Presence of storekeeper-gaugers required.* Any mashing or distilling in the absence of the storekeeper-gauger from the premises is prohibited. The special attention of the proprietor is directed to the penalties imposed by law for mashing, distilling, or removing alcohol in the absence of the storekeeper-gauger.* (Secs. 3103, 3115, I.R.C.)

Fermenting

§ 182.350 *Frequency of filling tubs.* Proprietors of industrial alcohol plants are not restricted as to the period of fermentation nor as to the frequency or extent of the filling of the fermenting tubs. The proprietor must, however, give notice to the storekeeper-gauger in charge of the quantity of each kind of material which he proposes to mash and the strength of beer, as provided in § 182.348, and when he intends to mash different kinds of materials than those covered by Form 1431, or a larger quantity of the materials specified on the form than the maximum indicated thereon, he must file an amended application on Form 1431, as provided in § 182.109* (Sec. 3103, I.R.C.)

§ 182.351 *Quantity of mash and beer determined.* Storekeeper-gaugers assigned to industrial alcohol plants will determine the number of gallons of mash in each fermenter at the time of filing and the quantity of beer in each fermenter after fermentation is complete.*

§ 182.352 *Test of beer and slop.* At the time of distillation, the proprietor will thoroughly agitate the contents of each fermenter and the storekeeper-gauger will then take a sample of beer or other distilling material from each fermenter to determine the alcoholic content of the beer or other distilling material. He will also take daily several representative samples of slop or spent beer after the same has come from the still and determine the alcoholic content of each sample. He will make the test of beer or other distilling material and slop and compute the calculated yield, in accordance with the instructions on Form 1452-B.*

Distillation

§ 182.353 *Continuous process required.* The process of distillation employed must be such that the alcohol will pass through continuous closed stills, pipes and vessels from the time the vapors rise in the first still until the finished alcohol is deposited in the receiving room in locked receiving tanks provided for that purpose. The proprietor may, in the course of manufacture, carry his product through as many distilling operations as he may desire, provided the process is closed and continuous. Distilling processes are deemed to be continuous where the alcohol is carried through the various steps from the beer still to the receiving tanks as expeditiously as normal, efficient plant operation will permit in the manufacture of a finished product of standard quality. The collection of high and low wines and unfinished alcohol for the purpose of redistillation is not deemed to be a break in the continuity of the distilling process, but such alcohol when so collected should not be held indefinitely in the wine room. The distilling process is held to be completed when the alcohol is deposited in the receiving tanks.* (Sec. 3103, I.R.C.)

§ 182.354 *Gauging of high wines and low wines.* At industrial alcohol plants where high wines and low wines in the course of distillation are run from the beer still into tanks in the wine room for temporary deposit preparatory to completing the distillation thereof, the storekeeper-gaugers shall promptly gauge (measure and proof) the high wines or low wines in such tanks and make proper entry on Form 1452-A.*

§ 182.355 *Redistillation of alcohol—(a) Special permission must be obtained from the Commissioner.* The Commissioner may, in his discretion, provided he deems it proper so to do and subject to such conditions and restrictions as he may impose, authorize the transfer of alcohol from a bonded warehouse to the industrial alcohol plant on the same premises for redistillation. In making request for such special authorization the applicant will submit to the district supervisor, for transmission to the Commissioner, a statement, in triplicate, showing the quantity, source and condition of the alcohol, and the necessity for redistillation.

(b) *Records and reports.*—The alcohol thus transferred for redistillation will be weighed and proofed and the number of proof gallons will be entered as a special entry on Form 1442 under the heading "Statement of Materials Received." Report of the return and redistillation of the alcohol will also be made on Forms 1452-A and 1452-B and on the warehouse record.* (Sec. 3103, I.R.C.)

§ 182.356 *Distillation of liquid chemicals.* If, in the production of ethyl alcohol, other liquid chemicals are produced, such as butyl alcohol, isopropyl alcohol, acetone, ether, etc., each such chemical or product must be deposited in separate receiving tanks provided therefor, in order that the daily production thereof may be gauged and appropriate entries made on Forms 1442 and 1452-A, kept in accordance with § 182.341. The daily inventory shall be made by the proprietor in the immediate presence of the storekeeper-gauger.

(a) *Disposition.* All chemicals drawn from the receiving tanks shall be gauged (weighed or measured) by the proprietor in the presence of the storekeeper-gauger. Removal of such chemicals will be in such containers as the proprietor may desire. The kind and quantity of chemicals gauged and removed from the premises will be reported on Forms 1442, 1452-A, and 1452-B.

(b) *Marking of containers.* The containers in which chemicals are removed from industrial alcohol plant premises shall have marked thereon the registry number, name and address of the proprietor, the kind of chemical and the quantity in wine gallons in such package.* (Sec. 3103, I.R.C.)

Locking of Plant

§ 182.357 *When to be locked.* Whenever alcohol is contained at any place in the industrial alcohol plant other than under Government lock in the receiving room or the filled package storeroom therein, the industrial alcohol plant building or portion thereof in which such alcohol is contained must be kept securely locked by the proprietor in the absence of himself or his agents. The locks used by the proprietor to secure doors, windows or other openings of the plant, buildings or portions thereof in which alcohol is so contained must be such as will, in the opinion of the district supervisor, safeguard the alcohol against illegal removal during the absence of the proprietor or his agents.*

§ 182.358 *Keys of plant locks.* The proprietor shall furnish the district supervisor as many keys to the locks provided for securing the entrance door or doors of the plant, buildings, or portions thereof, which are required to be locked by the proprietor, as may be deemed necessary by the district supervisor from time to time in order that the plant or any portion thereof may be accessible at any time to Government officers authorized to enter and inspect the premises.*

Deposit of Alcohol in Receiving Tanks

§ 182.359 *Immediate deposit required.* All finished alcohol must be deposited in receiving tanks in the receiving room immediately upon completion of manufacture. The quantity of finished alcohol produced will be determined and entered daily on Forms 1442 and 1454 or 1488 (if any) and Form 1452-A as indicated by the headings of the columns and the instructions on the forms. Where the production of more than one day is run into the same tank, the operation must be so conducted that the production of a full day or days may be measured. The practice of entering in the records the quantity of alcohol deposited in the warehouse or transferred to the denaturing plant on a given date as the production of that date, or a preceding date, when not in accordance with the facts must not be followed. The quantity noted as the production of a particular date must, in fact, be the quantity actually produced on that date.*

§ 182.360 *Receiving tanks not to be used for storage.* Receiving tanks are not intended to be used for storage purposes and the retention of alcohol in such tanks for an indefinite period will not be permitted.*

Comparison of Actual Yield with Calculated Yield

§ 182.361 *Abnormal differences to be investigated.* The storekeeper-gauger will compare the quantity of alcohol produced and deposited in the receiving tanks with the calculated yield for the respective fermenters. Where the difference between the calculated yield and the actual yield is more than that determined by experience to be the normal difference for the particular plant, the storekeeper-gauger assigned to supervise distilling operations and the storekeeper-gauger in charge will make a thorough inquiry to determine the reason or reasons therefor and will make a full report of their findings on Form 1452-B. Where the facts warrant, the officers will make a report by letter to the district supervisor and will make reference on Form 1452-B to such letter. If the findings of the officers do not fully explain the discrepancy, the district supervisor will cause such further investigation to be made as may be deemed advisable.*

Supervision of Receiving Room

§ 182.362 *In charge of storekeeper-gauger.* The receiving tanks and the receiving room shall be under the supervision of the storekeeper-gauger designated for that duty. The doors and other openings of the receiving room will be locked at all times when alcohol is in such room, except when alcohol is being drawn off or other necessary work is being done by the proprietor under the supervision of the storekeeper-gauger. The entrance door will be locked on the outside with a Government seal lock and other doors will be locked on the inside with Government locks, as provided in § 182.30. The openings in the receiving tanks, including the inlets and outlets thereof, will also be kept locked with Government locks at all times, except the inlets of tanks being filled and the outlets of tanks being emptied, and the manheads when alcohol is being agitated and reduced preparatory to withdrawal. The receiving room must not be opened or allowed to remain open, nor may any person other than a Government officer be permitted in the receiving room, except when the designated storekeeper-gauger is on duty; nor will the keys to the Government locks be entrusted at any time to the proprietor or any person in his employ, but will be retained at all times in the possession of the designated storekeeper-gauger. The storekeeper-gauger will promptly report any lack of security of the receiving room to the storekeeper-gauger in charge.* (Sec. 3103, I.R.C.)

Collection and Removal of Distilled Water

§ 182.363 *Collection.* If distilled water is collected at the industrial alcohol plant, it must be run into storage tanks provided in accordance with § 182.76, and retained therein until drawn off and removed as hereinafter provided.*

§ 182.364 *Removal.* Distilled water may be drawn off into barrels or other containers prior to removal from the plant premises: *Provided*, That such water may be transferred off the plant premises to contiguous plants operated under internal revenue laws including tax-paid bottling houses by means of an independent pipe line constructed and installed in accordance with the provisions of § 182.76. Distilled water must under no circumstances be drawn off or removed through the receiving room, bonded warehouse or denaturing plant. Barrels or other wooden containers in which alcohol or other distilled spirits were previously packaged may not be used for the removal of distilled water, unless the barrels are coated or lined inside with glue, paraffin, or other similar substance.

(a) *Marking of packages.* If distilled water is drawn into packages for removal from the plant premises, such packages must be marked by the proprietor with his name, plant number, location (city or town and State), the words "Distilled Water" and the date of removal in distinct and legible letters.

(b) *Supervision of removal.* All distilled water when drawn into packages for removal or when removed by pipe line must be inspected by the storekeeper-gauger and removed under his immediate supervision. The storekeeper-gauger will enter all removals of distilled water on Form 1452-B as indicated by the columns and lines provided therefor and in accordance with the instructions on the form.*

Collection and Removal of Fusel Oil

§ 182.365 *Receiving tanks.* If fusel oil is collected at the industrial alcohol plant, it must be run into locked receiving tanks provided therefor and retained therein until tested and removed from the plant premises for transfer to storage tanks.*

§ 182.366 *Storage.* Where fusel oil is transferred from the tanks in which it is collected in the course of distillation to storage tanks for temporary storage pending removal from the plant premises, it must be tested again immediately before being drawn into shipping containers, or removed by pipe line.*

§ 182.367 *Washing and purifying.* The fusel oil-alcohol mixture must be thoroughly washed and purified with water to separate the oil and alcohol mixture before the oil is removed from the tanks in which it is deposited or stored.

(a) *Disposition of washwater.* The washwater used for washing and purifying the oil may be conveyed directly to the still or run into a receiving tank, or it may be run into the sewer or otherwise destroyed on the premises. If the washwater is run into a receiving tank, it will be handled the same as washwater from carbon dioxide. (See § 182.391.)*

§ 182.368 *Instruments for testing fusel oil.* Fusel oil must be substantially free of alcohol before being removed from the premises. The proprietor shall provide a test tube and salt solution for use by the storekeeper-gauger in determining whether the fusel oil is substantially free of alcohol.*

§ 182.369 *Description of test tube and salt solution*—(a) *Test tube.* The test tube shall be of glass, bulb-shaped, and closed at one end, having a graduated scale marked upon the glass in degrees from 0 near the top to 100 near the swell of the bulb. The bulb shall hold three times as much liquid as that portion of the test tube which is graduated from 0 to 100.

(b) *Saturated salt solution.* The saturated salt solution to be furnished by the proprietor is a solution of common table salt (NaCl) in water, containing all the salt which the water is capable of dissolving.*

§ 182.370 *Sample and test*—(a) *Sample.* Before the fusel oil is removed from the tanks in which it is deposited or stored, it must be thoroughly washed and purified, after which the proprietor will thoroughly mix the oil and the storekeeper-gauger will take a sample for testing in accordance with paragraph (b).

(b) *Test.* The test tube will be filled with the saturated salt solution to the 100 mark and fusel oil will be added until the tube is filled to the 0 mark. The fusel oil and salt solution shall then be thoroughly mingled by violently agitating the contents of the tube for several minutes. If, after sufficient time has been allowed for the fusel oil to separate fully from the salt solution and resume its position at the top of the tube, the scale shows that not more than 10 degrees (10 percent) of the fusel oil has disappeared, or has been dissolved in the salt solution, the fusel oil shall be passed as removable, that is to say, containing so small a quantity of alcohol as to remove all possibility of recovering the same, but if over 10 degrees of the fusel oil disappears, the fusel oil shall not be considered as sufficiently free of alcohol and may not be removed in that condition. A reading of 10 degrees (10 percent) would indicate that the fusel oil contains 10 percent of alcohol. When the fusel oil is found upon test by the storekeeper-gauger not to be removable, a sample shall be taken and submitted to the branch laboratory for analysis, unless the proprietor is agreeable to further washing and purifying the fusel oil. If a sample is submitted and the report of the chemist substantiates the finding of the storekeeper-gauger, the fusel oil must be further washed and purified and tested before being removed from the premises.*

§ 182.371 *Removal*—(a) *Containers.* Removable fusel oil may be drawn off into barrels, drums, or similar packages, or into tank cars. Packages containing such fusel oil shall be marked by the proprietor with his name, plant number, location (city or town and State), the words "Fusel Oil," and the date of removal in distinct and legible letters. When removal is made in tank cars, the proprietor will affix to the route board of each car a label containing such data.

(b) *Pipe lines.* Pipe lines constructed in conformity with the provisions of § 182.98 may be used for the purpose of transferring fusel oil from the industrial alcohol plant to contiguous premises operated by the proprietor of the industrial alcohol plant. Fusel oil thus transferred shall be weighed or measured by volume in a tank equipped with suitable scales or a measuring device on the industrial alcohol plant premises. The valve in the pipe line shall be closed and locked with a Government lock at all times when it is not in use.

(c) *Supervision.* All fusel oil must be removed under the immediate supervision of the storekeeper-gauger.

(d) *Record of removal.* The proprietor will enter the quantity of fusel oil removed from the premises on his Form 1442. The storekeeper-gauger will enter all removals of fusel oil and the percentage of loss shown upon the test thereof on Form 1452–B, as indicated by the columns and lines provided therefor on the form.*

Production and Removal of Butyl Alcohol

§ 182.372 *Receiving tanks.* If butyl alcohol is produced at the industrial alcohol plant, it must be run into locked receiving tanks provided therefor and retained therein until tested and removed from the plant premises or transferred to storage tanks. The daily production of butyl alcohol must be determined and appropriate entries made on Forms 1442 and 1452–A, kept in accordance with § 182.341. The daily inventory shall be made by the proprietor in the immediate presence of the storekeeper-gauger.*

§ 182.373 *Storage tanks.* Where butyl alcohol is transferred from the receiving tanks in which it is run in the course of distillation to storage tanks for temporary storage pending removal from the plant premises, it must be tested again immediately before being drawn into shipping containers or removed by pipe line.*

§ 182.374 *Instruments for testing butyl alcohol.* Butyl alcohol must be substantially free of ethyl alcohol before being removed from the premises. The proprietor shall provide a test tube and salt solution for use by the storekeeper-gauger in determining whether the butyl alcohol is substantially free of ethyl alcohol.*

§ 182.375 *Description of test tube and salt solution*—(a) *Test tube.* The test tube shall be of glass, bulb-shaped, and closed at one end, having a graduated scale marked upon the glass in degrees from 0 near the top to 100 near the swell of the bulb. The bulb shall hold three times as much liquid as that portion of the test tube which is graduated from 0 to 100. The test tube shall be similar to the one used for testing fusel oil.

(b) *Saturated salt solution.* The saturated salt solution to be furnished by the proprietor is a solution of common table salt (NaCl) in water, containing all the salt which the water is capable of dissolving. The storekeeper-gauger shall dilute the solution with an equal quantity of water before using it in his test.*

§ 182.376 *Sample and tests*—(a) *Sample.* Before the butyl alcohol is removed from the tanks in which it is deposited or stored, the proprietor will thoroughly mix the contents and the storekeeper-gauger will take a sample for testing in accordance with paragraph (b).

(b) *Test.* The test tube will be filled with the half (50 per cent) saturated salt solution to the 100 mark, and butyl alcohol will be added until the tube is filled to the 0 mark. The butyl alcohol and salt solution shall then be thoroughly mingled by violently agitating the contents of the tube for several minutes. If, after sufficient time has been allowed for the butyl alcohol to separate fully from the salt solution and resume its position at the top of the tube, the scale shows that not more than 5 degrees (10 per cent) of the butyl alcohol has disappeared, or has been dissolved in the salt solution, the butyl alcohol shall be passed as removable, that is to say, containing so small a quantity of ethyl alcohol as to remove all possibility of recovering the same, but if over 5 degrees of the butyl alcohol disappears, the butyl alcohol shall not be considered as sufficiently free of ethyl alcohol and may not be removed in that condition. A reading of 5 degrees would indicate that the butyl alcohol contains 10 per cent of either acetone or ethyl alcohol, or a mixture of the two. When the butyl alcohol is found upon test by the storekeeper-gauger not to be removable, a sample shall be taken and submitted to the branch laboratory for analysis, unless the proprietor is agreeable to further purifying the butyl alcohol. If a sample is submitted and the report of the chemist substantiates the finding of the storekeeper-gauger, the butyl alcohol must be further purified and tested before being removed from the premises.*

§ 182.377 *Removal*—(a) *Containers.* Removable butyl alcohol may be drawn off into barrels, drums, or similar packages, or into tank cars. Packages containing such butyl alcohol shall be marked by the proprietor with his name, plant number, location (city or town and State), the words "Butyl Alcohol," and the date of removal in distinct and legible letters. When removal is made in tank cars, the proprietor will affix to the route board of each car a label containing such data.

(b) *Pipe lines.* Pipe lines constructed in conformity with the provisions of § 182.98 may be used for the purpose of transferring butyl alcohol from the industrial alcohol plant to contiguous premises operated by the proprietor of the industrial alcohol plant. Butyl alcohol thus transferred shall be weighed or measured by volume in a tank equipped with suitable scales or a measuring device on the industrial alcohol plant premises. The valve in the pipe line shall be closed and locked with a Government lock at all times when it is not in use.

(c) *Supervision.* All butyl alcohol must be removed under the immediate supervision of the storekeeper-gauger.

(d) *Record of removal.* The proprietor will enter the quantity of butyl alcohol removed from the premises on his Form 1442. The storekeeper-gauger will enter all removals of butyl alcohol and the percentage of loss shown upon the test thereof on Forms 1452–A and 1452–B, as indicated by the columns and lines provided therefor on the form.*

Production and removal of acetone

§ 182.378 *Receiving tanks.* If acetone is produced at the industrial alcohol plant, it must be run into locked receiving tanks provided therefor and retained therein until tested and removed from the plant premises or transferred to storage tanks. The daily production of acetone must be determined and appropriate entries made on Forms 1442 and 1452–A, kept in accordance with § 182.341. The daily inventory shall be made by the proprietor in the immediate presence of the storekeeper-gauger.*

§ 182.379 *Storage tanks.* Where acetone is transferred from the receiving tanks in which it is run in the course of distillation to storage tanks for temporary storage pending removal from the plant premises, it must be tested again immediately before being drawn into shipping containers or removed by pipe line.*

§ 182.380 *Instruments for testing acetone.* Acetone must be substantially free of ethyl alcohol before being removed from the premises. The proprietor shall provide a graduated glass cylinder with ground glass stopper, having a capacity of 100 cubic centimeters with 1 cubic centimeter graduations and a 10 cubic centimeter glass pipette with 1 cubic centimeter graduations, for use by the storekeeper-gauger in determining whether the acetone is substantially free of ethyl alcohol.*

§ 182.381 *Reagent.* The branch laboratory performing the chemical work for the district supervisor's office will furnish the storekeeper-gauger with a reagent for testing the acetone. The reagent will be prepared by dissolving 0.3 gram of potassium dichromate in 100 cubic centimeters of a 1 per cent (by volume) sulphuric acid solution.*

§ 182.382 *Sample and test*—(a) *Sample.* Before the acetone is removed from the tanks in which it is deposited or stored, the proprietor will thoroughly mix the contents and the storekeeper-gauger will take a sample for testing in accordance with paragraph (b).

(b) *Test.* Fifty cubic centimeters of the acetone sample will be placed in the glass-stoppered cylinder to which will be added, by use of the pipette, 4 cubic centimeters of the reagent. The solution will then be mixed well and let stand for a few minutes to determine the presence of alcohol. The reagent will produce a yellow color. The presence of ethyl alcohol in the acetone will cause the yellow color to fade to a milky white. Pure acetone reacts slowly; at least half an hour's standing is required to produce a change of color. At temperatures above 50 degrees Fahrenheit acetone solutions containing 2 per cent or more of ethyl alcohol will fade in about 5 minutes, and at temperatures below 50 degrees Fahrenheit the reaction time is about 15 minutes. If the yellow color of the sample fades to a milky white in about 5 minutes, where the temperature is above 50 degrees Fahrenheit, or in about 15 minutes, where the temperature is below 50 degrees Fahrenheit, the acetone shall not be considered as sufficiently free from ethyl alcohol and may not be removed in that condition. The reaction within the above ranges (about 5 to 15 minutes) would indicate that the acetone contains 2 per cent or more of either ethyl alcohol or butyl alcohol, or a mixture of the two. When the acetone is found upon test by the storekeeper-gauger not to be removable, a sample shall be taken and submitted to the branch laboratory for analysis, unless the proprietor is agreeable to further purifying the acetone. If a sample is submitted and the report of the chemist substantiates the finding of the storekeeper-gauger, the acetone must be further purified and tested before being removed from the premises.*

§ 182.383 *Removal*—(a) *Containers.* Removable acetone may be drawn off into barrels, drums, or similar packages, or into tank cars. Packages containing such acetone shall be marked by the proprietor with his name, plant number, location (city or town and State), the word "Acetone," and the date of removal in distinct and legible letters. When removal is made in tank cars, the proprietor will affix to the route board of each car a label containing such data.

(b) *Pipe lines.* Pipe lines constructed in conformity with the provisions of § 182.98 may be used for the purpose of transferring acetone from the industrial alcohol plant to contiguous premises operated by the proprietor of the industrial alcohol plant. Acetone thus transferred shall be weighed or measured by volume in a tank equipped with suitable scales or a measuring device on the industrial alcohol premises. The valve in the pipe line shall be closed and locked with a Government lock at all times when it is not in use.

(c) *Supervision.* All acetone must be removed under the immediate supervision of the storekeeper-gauger.

(d) *Record of removal.* The proprietor will enter the quantity of acetone removed from the premises on his Form 1442. The storekeeper-gauger will enter all removals of acetone on Forms 1452–A and 1452–B, as indicated by the columns and lines provided therefor on the form.*

Production and Removal of Ether

§ 182.384 *Receiving tanks.* If ether is produced at the industrial alcohol plant, it must be run into locked receiving tanks provided therefor and retained therein until tested and removed from the plant premises or transferred to storage tanks. The daily production of ether must be determined and appropriate entries made on Forms 1442 and 1452–A, kept in accordance with § 182.341. The daily inventory shall be made by the proprietor in the immediate presence of the storekeeper-gauger.*

§ 182.385 *Storage tanks.* Where ether is transferred from the receiving tanks in which it is run in the course of distillation to storage tanks for temporary storage pending removal from the plant premises, it must be tested again immediately before being drawn into shipping containers or removed by pipe line.*

§ 182.386 *Instruments for testing ether.* Ether must be substantially free of alcohol before being removed from the premises. The proprietor shall provide two or more graduated glass cylinders with ground glass stoppers, having a capacity of 25 cubic centimeters, with one-fifth cubic centimeter graduations similar to that described as No. 4413 in Arthur H. Thomas & Co., Philadelphia, Pa., catalogue, for use by the storekeeper-gauger in determining whether the ether is substantially free of alcohol.*

§ 182.387 *Reagent.* The branch laboratory performing the chemical work for the district supervisor's office will furnish the storekeeper-gauger with a reagent, "Fuchsine," for testing the ether.*

§ 182.388 *Sample and test*—(a) *Sample.* Before the ether is removed from the tanks in which it is deposited or stored, the storekeeper-gauger will take a sample for testing in accordance with paragraph (b).

(b) *Test.* Twenty-five cubic centimeters of the ether sample will be placed in the glass-stoppered cylinder to which will be added a small lump or crystal (not larger than one-half the size of a pea) of fuchsine. The cylinder must be thoroughly dry before using; otherwise the fuchsine will dissolve and the test will be meaningless. Invert the cylinder several times to mix, removing the stopper after each inversion to allow the pressure to escape. Let the sample stand for a period of 15 minutes to determine the presence of alcohol. Caution: Always remove the stopper after inverting the glass cylinder so that the pressure formed will not blow it out, thus causing injury. Replace the stopper at once. Do not open ether near a flame. The presence of alcohol in the ether will cause a pink color to develop. If the sample contains 5 per cent or more of alcohol, a deep pink color will develop. The presence of smaller percentages of alcohol in the ether will cause color to develop to a less degree and no color will develop if the ether is free of alcohol. If a pink color is developed, a control sample will be prepared immediately by placing 1.25 cubic centimeters of alcohol in one of the graduated glass cylinders and filling the cylinder to the 25 cubic centimeter mark with previously tested alcohol-free ether, then adding a small lump of fuchsine, mixing and letting stand for 15 minutes in the manner prescribed above. If the sample being tested develops a deeper pink color than the control sample, it would indicate that the ether contains more than 5 per cent of alcohol, and the ether shall not be considered as sufficiently free of alcohol and may not be removed in that condition. When the ether is found upon test by the storekeeper-gauger not to be removable, a sample shall be taken and submitted to the branch laboratory for analysis, unless the proprietor is agreeable to further purifying the ether. If a sample is submitted and the report of the chemist substantiates the finding of the storekeeper-gauger, the ether must be further purified and tested before being removed from the premises.*

§ 182.389 *Removal*—(a) *Containers.* Removable ether may be drawn off into barrels, drums, or similar packages, or into tank cars. Packages containing such ether shall be marked by the proprietor with his name, plant number, location (city or town and State), the word "Ether," and the date of removal in distinct and legible letters. When removal is made in tank cars, the proprietor will affix to the route board of each car a label containing such data.

(b) *Pipe lines.* Pipe lines constructed in conformity with the provisions of § 182.98 may be used for the purpose of transferring ether from the industrial al-

cohol plant to contiguous premises operated by the proprietor of the industrial alcohol plant. Ether thus transferred shall be weighed or measured by volume in a tank equipped with suitable scales or a measuring device on the industrial alcohol plant premises. The valve in the pipe line shall be closed and locked with a Government lock at all times when it is not in use.

(c) *Supervision.* All ether must be removed under the immediate supervision of the storekeeper-gauger.

(d) *Record of removal.* The proprietor will enter the quantity of ether removed from the premises on his Form 1442. The storekeeper-gauger will enter all removals of ether on Forms 1452–A and 1452–B, as indicated by the columns and lines provided therefor on the form.*

Production and Removal of Other Chemicals and Products

§ 182.390 *Procedure.* All other liquid chemicals and products produced and removed at industrial alcohol plants shall be inspected by the storekeeper-gauger and removed under his immediate supervision, and subjected to such tests as may be prescribed by the Commissioner.*

Recovery and Removal of Carbon Dioxide

§ 182.391 *Procedure.* Carbon dioxide may be recovered from fermenters and removed from the plant premises provided it is first throughly washed or scrubbed and purified in the fermenting room or building to remove the alcohol therefrom. Where carbon dioxide is recovered, the washwater may be collected in a receiving tank. After the quantity and alcoholic content are determined by the storekeeper-gauger, it may be transferred from pipe lines to a mash tub or fermenter or to a beer well. An approved ebulliometer shall be used in determining the alcoholic content of the washwater. Where the washwater is transferred to the fermenter for mixing with the beer, the transfer must be made prior to the testing of the beer by the storekeeper-gauger at the time of distillation. Where the washwater is transferred to the beer well, the number of gallons and the alcoholic content thereof will be interlined on Form 1452–A and included in determining the calculated yield. The date, the number of gallons, the alcoholic content and the disposition of such washwater will be repoted by the storekeeper-gauger on Form 1452–B under "Special Operations or Conditions." If the washwater is not utilized in the manufacture of alcohol, it will be run into the sewer or otherwise destroyed on the premises under the supervision of the storekeeper-gauger.*

Samples of Alcohol

§ 182.392 *Unfinished alcohol.* The proprietor may take samples of alcohol in the course of distillation and prior to its deposit in the receiving room. The size and number of samples must be restricted to the minimum necessary to determine the quality of the alcohol being produced.*

§ 182.393 *Finished alcohol.* The proprietor may take from the receiving room of the industrial alcohol plant like samples of alcohol for chemical analysis or organoleptic examination only.*

§ 182.394 *Application.* When the proprietor desires to procure such samples, he shall make application, in triplicate, to the district supervisor. The application should specify the reasons why the samples are desired, the number and size of the samples to be taken, and the place or places of removal. Where it is desired to take samples from the plant regularly for the purpose specified, the application may be made for that purpose. No samples may be taken until the application is approved: *Provided*, That in cases of emergency the storekeeper-gauger in charge may permit the proprietor to take samples of unfinished alcohol, prior to application to the district supervisor, where such samples are necessary for control purposes, subject to prompt report thereof being made to the district supervisor.*

§ 182.395 *Approval of application.* The district supervisor must satisfy himself as to need for the number of samples desired and the legitimacy of the purpose for which they are to be used before approving the application. If the district supervisor approves the application he will return one copy to the applicant, forward one copy to the storekeeper-gauger at the plant, and retain the other copy in his office.*

§ 182.396 *Removal under supervision.* All samples of finished and unfinished alcohol must be taken under the immediate supervision of the storekeeper-gauger.*

§ 182.397 *Label.* Each bottle containing a sample must have affixed thereto by the proprietor a label showing the name of the proprietor, the kind or grade of alcohol, the word "Sample," and a statement that the alcohol is for analytical or organoleptic examination. The label may contain such other identifying data as the proprietor may desire to place thereon.*

§ 182.398 *Office record.* The storekeeper-gauger will keep an office record of the samples taken, giving the date, number, quantity in wine gallons, and the proof. The storekeeper-gauger will also report the total number and the quantity in wine and proof gallons of samples taken at the plant during the month on Form 1452–B under "Special Operations and Conditions."*

§ 182.399 *Disposition of samples.* The samples must be used solely for chemical analysis or organoleptic examination. They may not be furnished to salesmen and dealers for advertising or soliciting purposes. When such is authorized in the approved application, the proprietor may furnish a sample of not exceeding 1 pint to a purchaser where the alcohol has been sold subject to approval as to quality. Remnants or residues of samples taken from the industrial alcohol plant or receiving room remaining after analysis or examination, and which are not desired to be retained as laboratory specimens or for further analysis or examination, must be returned to vessels in the distilling system or receiving tanks unless the condition of the remnants or residue is such as to render them unsuitable for such disposition. If such remnants or residues of samples are unsuitable for return, they should be destroyed in the presence of the storekeeper-gauger.*

Tax-payment, Removal, and Transfer of Alcohol From Receiving Room

§ 182.400 *Authorized removals.* Alcohol produced at industrial alcohol plants, after deposit in the receiving tanks, may be:

(1) Transferred by means of pipe lines to storage tanks in a bonded warehouse on the bonded premises where produced, or to alcohol storage tanks or mixing tanks in a denaturing plant located on the bonded premises where produced.

(2) Drawn into tank cars or other approved containers and transferred to any bonded warehouse for storage therein, or to any denaturing plant for denaturation.

(3) Withdrawn upon payment of tax without being entered into a bonded warehouse.

(4) Tax-paid and transferred by pipe line to a rectifying plant on contiguous or nearby premises, as authorized by §§ 182.574a to 182.574g.

(5) Removed for lawful tax-free purposes.* (Secs. 2885, 2891, 3106, 3107, 3108, I.R.C.; sec. 309 (a), Tariff Act of 1930; 19 U.S.C., Sup., 1309, as amended by sec. 3, Act of July 22, 1941 (Public Law 187, 77th Congress))

§ 182.401 *Approved containers, marks, brands, etc.* The containers into which the alcohol may be drawn must conform to the requirements and be marked and branded and stamped in accordance with the provisions of §§ 182.506 to 182.536, inclusive.*

§ 182.402 *Procedure and reports.* The procedure prescribed in §§ 182.470–182.652 in respect to the filling, gauging, and marking of packages and the removal of alcohol at bonded warehouses, will be followed when packages are filled or alcohol is removed for shipment or transfer to the denaturing plant directly from the receiving tanks. Report of the gauge of packages filled will be made in accordance with §§ 182.470–182.652. Alcohol removed directly from the receiving tanks for shipment or transfer will be regarded as having been constructively warehoused, and all records of production, depositing, and withdrawal of such alcohol will be made in accordance with §§ 182.470–182.652 as for alcohol actually entered into warehouses in original packages or in storage tanks.*

§ 182.403 *Receiving room considered as warehouse.* If the proprietor operates a bonded warehouse on the premises of the industrial alcohol plant, the receiving room thereof shall be deemed to be a part of such warehouse for the purpose of direct removals of alcohol from the receiving room.*

Drawing Off, Gauging, and Removal of Alcohol

§ 182.404 *Drawing off alcohol.* When alcohol is to be drawn from a receiving tank, the storekeeper-gauger will see that the valve in the pipe line controlling the flow of alcohol into the tank is closed and locked before the alcohol in the tank is reduced and proofed and that such valve remains closed and locked until the alcohol has been removed. Whenever alcohol is to be drawn from receiving tanks or transferred into or out of other tanks secured with Government locks, the storekeeper-gauger will open and close the locks, but it shall be the duty of the proprietor to manipulate the stopcocks or valves controlling the flow of the alcohol. The storekeeper-gauger assigned to the receiving room is required to be present and personally supervise the drawing off of all alcohol in the receiving tanks, the marking and branding of all packages of alcohol filled therefrom, and the stamping of all packages tax-paid directly from the receiving room. He will also see that all mechanical duties connected with such operation are properly performed, as provided herein and in the Gauging Manual. (26 CFR, Part 186).*

§ 182.405 *Gauging of alcohol.* All alcohol drawn from receiving tanks will be carefully gauged by the proprietor in the immediate presence of the storekeeper-gauger and reported on Forms 1442 and 1454. Alcohol drawn into barrels, drums, or similar packages, shall be gauged in accordance with the rules prescribed in the Gauging Manual. Alcohol to be transferred by pipe line from receiving tanks shall also be gauged in accordance with the rules prescribed in the Gauging Manual; the weight of the alcohol will be determined by means of weighing tanks, as provided in § 182.407. The storekeeper-gauger will verify the gauge (proof, weight, and gallonage) of all alcohol, as determined by the proprietor.* (Sec. 3103, I.R.C.)

§ 182.406 *Time of removal from receiving room.* The alcohol must be removed from the receiving room directly to the bonded warehouse or denaturing plant on the same premises on the same day it is drawn from the receiving tanks, except where it is drawn into approved containers for tax-payment or for exportation or other lawful tax-free purpose without being entered into warehouse or is drawn into such containers for transfer to a bonded warehouse or denaturing plant off the industrial alcohol plant premises, the same may be placed in a filled package storeroom within the receiving room, provided in accordance with § 182.31, and permitted to remain therein for such period as may be reasonably necessary to accomplish tax-payment, tax-free removal, or transfer in bond, but not more than three days, except in cases of emergency, and then only with the approval of the district supervisor. While alcohol is stored in such filled package storeroom it will be kept securely locked at all times, except when necessary to be opened for the deposit or removal of alcohol. The entrance door will be secured with a Government seal lock, the key to which will remain at all times in the custody of the storekeeper-gauger.* (Sec. 3103, I.R.C.)

§ 182.407 *Weighing alcohol removed by pipe line.* Where alcohol is to be removed by pipe line, the same will be weighed in a weighing tank before removal from the receiving room, except that where alcohol is transferred by pipe line from the receiving tanks to a bonded warehouse or denaturing plant on the industrial alcohol plant premises, and no weighing tank is provided in the receiving room, the alcohol may be run into weighing tanks in the bonded warehouse or denaturing plant, respectively, and weighed therein. The alcohol must, in any event, be weighed once in connection with its transfer to the bonded warehouse or the denaturing plant. Where alcohol is transferred from receiving tanks to tank cars, one or more weighing tanks must be provided in the receiving room and all alcohol removed by pipe line must be weighed in such weighing tanks, and the correct weight will be recorded by the proprietor on the appropriate forms. The storekeeper-gauger will balance the scales upon which the weighing tank is mounted before the alcohol is run into such tank. Scales used for weighing alcohol in lots of not over 500 gallons will be tested from time to time under the supervision of the storekeeper-gauger, by means of test weights, provided in accordance with § 182.66. Such scales will be tested by placing the prescribed test weights on the scales and checking the weight registered on the beam or dial of the scales. The test weights will then be removed without disturbing the beam or dial and the weighing tank filled with alcohol or water to the same weight, whereupon the test weights will again be placed upon the scales, the alcohol or water being retained in the tank and the weight registered on the beam or dial checked. This operation will be continued until the scales have been checked in 500-pound notches at all weights for which the scales are used. Storekeeper-gaugers will, from time to time, check the gallonage indicated by scales used for weighing alcohol in larger lots against the gallonage indicated by volumetric determination of the contents of the tank. Such volumetric determination will be made by (1) accurately ascertaining the proof and temperature of the alcohol, and the depth of the liquid in the tank by means of a steel tape, (2) multiplying the depth in inches by the capacity of the tank for 1 inch of depth, and (3) correcting the volume to 60 degrees Fahrenheit in accordance with Table No. 7 of the Gauging Manual. The corrected wine gallonage thus determined can then be compared with the wine gallons indicated by the scales. The storekeeper-gauger will not permit the use of any scales found to be inaccurate.* (Sec. 2808, I.R.C.)

§ 182.408 *Pipe-line removals.* A pipe line used for the transfer of alcohol from the receiving room to storage tanks in a bonded warehouse, or to a denaturing plant on the industrial alcohol plant premises, or to railroad tank cars for shipment, must conform to the requirements of § 182.82, except that alcohol may be transferred into a tank car by means of a hose connection where the same is in full view of the Government officer throughout its entire length. The valves on such pipe line shall be kept closed and locked at all times, except when necessary to be opened for the transfer of alcohol. The keys to all locks on the valves of pipe lines shall remain at all times in the custody of the storekeeper-gauger. Alcohol may be transferred by pipe line only under the immediate supervision of the storekeeper-gauger.*

Losses of Alcohol

§ 182.409 *Losses in industrial alcohol plant.* The tax on alcohol lost in an industrial alcohol plant by evaporation or other shrinkage, leakage, casualty or unavoidable cause during distillation, redistillation, withdrawal, piping, shipment, storage, packing, transfer, or recovery, may be remitted provided the manufacturer establishes that the alcohol was not diverted to any illegal use and that he is not indemnified against the loss by a valid claim of insurance. The procedure prescribed in §§ 182.470–182.652, will be followed when such losses occur.* (Sec. 3113, I.R.C.)

§ 182.410 *Losses in receiving tanks.* The provisions of §§ 182.470–182.652 concerning the allowance for losses in storage tanks in bonded warehouses, and other applicable provisions thereof, are extended, insofar as applicable, to receiving tanks in industrial alcohol plants.*

§ 182.411 *Claim for losses.* Claims for the remission of tax on alcohol lost in the industrial alcohol plant or from receiving tanks will be filed with the district supervisor of the district in which the industrial alcohol plant is located. Such claim should be filed within 30 days after the loss is discovered and the procedure concerning claims shall be in accordance with the provisions of §§ 182.470–182.652 concerning claims for losses.*

§ 182.412 *Records.* Where alcohol is lost or destroyed on the industrial alcohol plant premises, appropriate entry and report of such loss or destruction will be made by the storekeeper-gauger on Form 1452–B, and by the proprietor on Form 1442, Form 1454, or Form 1488 (if any).*

Alcohol Produced and Not Accounted For

§ 182.413 *Commissioner to make assessments.* Under the law it is the duty of the Commissioner to inquire and determine whether the proprietor has accounted for all the alcohol produced by him. If the Commissioner finds that the proprietor has not accounted for all the alcohol produced by him, he shall, from all the evidence he can obtain, determine what quantity of alcohol was actually produced by such proprietor and make an assessment at the rate imposed by law for the difference between the quantity reported and the quantity shown to have been actually produced.* (Secs. 3103, 3640, I.R.C.)

§ 182.414 *Storekeeper-gauger to report deficiencies.* The storekeeper-gauger, upon completion of his monthly report, Form 1452–B, will compare the calculated yield for that month with the actual production. He will give a complete statement on such form, under "Special Operations or Conditions," in respect to any material deficiency in the calculated production or any loss of beer or alcohol by casualty or otherwise. He will likewise

report any unusual or peculiar conditions that may obtain at the plant.*

§ 182.415 *District supervisor's examination of returns.* Upon receipt of the proprietor's monthly return, Form 1442, and the corresponding report of the storekeeper-gauger, Form 1452–A, and Form 1452–B, the district supervisor will examine them to determine whether the proprietor has accounted for all the alcohol produced by him during the month. If he finds that the proprietor apparently has not accounted for all the alcohol produced by him, he shall make such investigation as he may deem necessary and determine from all the evidence he can obtain the quantity of alcohol actually produced by the proprietor.* (Secs. 3103, 3640, I.R.C.)

§ 182.416 *Use of materials not reported.* If the district supervisor should find that the proprietor has received on his premises materials which have not been accounted for, or has used materials which have not been reported as used, and has produced alcohol which has not been reported, the quantity of alcohol produced and not reported should be determined from all the evidence that can be obtained, including evidence of the normal actual yield of alcohol from such materials at the particular plant.* (Secs. 3103, 3640, I.R.C.)

§ 182.417 *Alcohol produced and not reported.* If it is found that all the materials received have been accounted for and all the materials used have been reported, but that the proprietor has not accounted for all the alcohol produced, the quantity actually produced should be determined from all the evidence that can be obtained. The evidence that alcohol has been produced from materials reported used and has not been accounted for by the proprietor should be direct and positive.* (Secs. 3103, 3640, I.R.C.)

§ 182.418 *Notice to proprietor.* If it is determined that the proprietor has not accounted for all the alcohol produced by him, the district supervisor will, unless the interests of the Government require an immediate assessment, notify the proprietor of the proposed assessment and afford him an opportunity to submit, within 30 days, or such further time as the district supervisor may consider reasonable, evidence showing why the proposed assessment should not be made.* (Secs. 3103, 3640, I.R.C.)

§ 182.419 *Nature of evidence.* The evidence submitted by the proprietor should be in the form of affidavits and certified documents.*

§ 182.420 *Consideration of proprietor's response.* If the proprietor responds to the notice and submits evidence bearing on the merits of the proposed assessment, the district supervisor will give due consideration thereto and make such further investigation as he may deem advisable. If, after consideration of all the facts, the district supervisor finds that tax is due, he will report the same to the Commissioner, in accordance with the prescribed assessment procedure. If the district supervisor finds that tax should not be assessed, he will forward the affidavits and other documents submitted by the proprietor, together with investigation reports, if any, to the Commissioner with his recommendation thereon.* (Secs. 3103, 3640, I.R.C.)

§ 182.421 *Claim for remission.* Where the proprietor claims pursuant to notice of proposed assessment, that the alcohol produced and not accounted for was actually lost in the process of manufacture, he will apply for remission of the tax on such alcohol, in accordance with the provisions of §§ 182.470–182.652.*

§ 182.422 *Proprietor's failure to respond.* If the proprietor fails to respond to the notice of the proposed assessment within the time specified, the district supervisor will report to the Commissioner, in accordance with the prescribed assessment procedure, the amount found due for assessment.* (Secs. 3103, 3640, I.R.C.)

Suspension of Operations

§ 182.423 *Notice, Form 124.* Any proprietor desiring to suspend operations for an indefinite period or for a definite period of seven days or more at his industrial alcohol plant shall give notice on Form 124, "Notice of Suspension," in triplicate, stating when he will suspend operations. The notice will be delivered to the storekeeper-gauger in charge at the plant.

(a) *Completion of operations required.* Except as provided in section 182.428, before the industrial alcohol plant may be suspended, all distilling material and all unfinished alcohol must be distilled and all alcohol produced must be run into the receiving tanks: *Provided*, That where alcohol is held in the wine room for redistillation, and the industrial alcohol plant is to be suspended for a temporary period of not more than seven days and is not to be operated by another proprietor or as a registered distillery or fruit distillery during such period, the district supervisor may, where in his opinion such may be done without jeopardy to the revenue, permit such alcohol to be retained in tanks in the wine room of the industrial alcohol plant during the period of temporary suspension, if both the tanks and the wine room are kept locked with Government locks: *Provided, further*, That where the industrial alcohol plant is to be operated temporarily as a registered distillery or fruit distillery, unfinished alcohol may be held under Government lock in unfinished alcohol tanks in the wine room, as provided in § 182.439 (a). The district supervisor may also in his discretion authorize the retention of unwashed fusel oil in locked tanks during the period of such temporary suspension.* (Sec. 3103, I.R.C.)

§ 182.424 *Date of suspension.* The proprietor will fix in the notice the time when all the beer, or other distilling material, on the plant premises will be distilled and all alcohol in the industrial alcohol plant will be run into the receiving tanks in the receiving room, or into unfinished alcohol tanks in the wine room, as provided in § 182.423 (a).*

§ 182.425 *Locking furnace doors, etc.* When notice of suspension is given by the proprietor, the storekeeper-gauger will, at the time fixed in the notice, lock the furnace door of each still or the control valve in the pipe line conveying steam or fuel to each still, and will supervise the disconnection of the distilling machinery and the removal to the bonded warehouse or the receiving room of some portion of such machinery necessary to distillation. The locks used in securing furnace doors or the control valves in steam or fuel lines will be taken from such other place in the industrial alcohol plant where the locks are not necessary while the plant is suspended as may be designated by the district supervisor. In lieu of removing a portion of the distillery apparatus to the bonded warehouse, receiving room or other secure place, the district supervisor may require two of the ports (manheads) of each column still to be locked open by passing a chain or two iron straps through the ports and around the outside of the still, and locking the chain or straps in place.* (Sec. 3103, I.R.C.)

§ 182.426 *Officer's certificate of suspension.* The officer will certify on each copy of Form 124 to the action taken by him and will furnish one copy of the form to the proprietor and forward the remaining copies to the district supervisor, who will forward one copy to the Commissioner. The district supervisor may relieve any officer assigned to the plant from duty thereat during the period of suspension.*

§ 182.427 *Mash, wort, or beer at suspended plant forbidden.* Except as provided in the following section, no proprietor may, after the time fixed in his notice, Form 124, for suspension of work at the industrial alcohol plant, carry on the business of distilling on the said premises, or have mash, wort, or beer fermented or in the process of fermentation, or other distilling material, in his plant or on any premises connected therewith, or have in his possession or under his control any mash, wort, or beer, or other distilling material, with intent to distill the same on said premises.* (Sec. 3103, I.R.C.)

§ 182.428 *Suspension caused by unavoidable accident.* In case of accident necessitating suspension of the plant for an indefinite period or for a definite period of seven days or more, the proprietor should, if possible, distill all the beer, or other distilling material, and unfinished alcohol on hand before filing notice of suspension. Should the accident be of such a nature as to render this impossible, the proprietor will immediately give notice of suspension on Form 124, in triplicate, as provided in § 182.423. The storekeeper-gauger will then lock the furnace doors of the stills or the control valves in the steam or fuel lines leading to the stills, and supervise the disconnection and removal of distilling machinery, as provided in § 182.425. The officer will then certify on Form 124, in triplicate, to the action taken by him and state the kind and quantity, if any, of mash, beer, wort, or other distilling material, or unfinished alcohol on hand at the time of suspension and will furnish one copy of the form to the proprietor and forward the remaining copies to the district supervisor, who will forward one copy to the Commissioner. The district supervisor may relieve any officer assigned to the plant from duty thereat during the period of suspension.* (Sec. 3103, I.R.C.)

Resumption of Operations

§ 182.429 *Notice, Form 125.* No proprietor may carry on the business of distilling after the time stated in his notice of suspension, Form 124, until he shall have given another notice on Form 125, "Notice of Resumption," in triplicate, to the district supervisor, stating the time he will resume operations. This notice should be forwarded in sufficient time to reach the district supervisor a sufficient time in advance of the date it is desired to resume operations to enable the district supervisor to assign a storekeeper-gauger to remove the locks and supervise operations. This notice should ordinarily reach the district supervisor at least 48 hours in advance of the date the proprietor desires to resume operations. The district supervisor will designate an officer to remove the locks and other fastenings placed on the equipment at the time of suspension and to supervise the connection of machinery on the date specified in the Form 125. Where the suspension was caused by accident and beer, or other distilling material, or unfinished alcohol remain on hand, the designated officer will determine whether the same kind and quantity of beer, or other distilling material, or unfinished alcohol reported on Form 124 as on hand at the time of suspension are on hand at the time of resumption, less natural evaporation.* (Sec. 3103, I.R.C.)

§ 182.430 *Officer's certificate of removal of locks and fastenings.* The officer will certify on Form 125, in triplicate, to the action taken by him, and to the kind and quantity, if any, of beer, or other distilling material, or unfinished alcohol on hand at the time of such resumption, and will furnish one copy of Form 125 to the proprietor and forward the remaining copies to the district supervisor, who will forward one copy to the Commissioner.*

§ 182.431 *Unauthorized removal of locks and fastenings.* No revenue officer or other person may remove Government locks and fastenings and permit connection of the machinery where an industrial alcohol plant has been suspended, except by direction of the district supervisor, pursuant to notice of resumption.*

Registry of Stills "For Use" and "Not for Use"

§ 182.432 *Registry on Form 26.* Every person having in his possession or custody, or under his control, any still set up must register the same with the district supervisor for the district in which it is located. This registry must be made on Form 26, in triplicate, immediately the still is set up. When the proprietor intends to use the still he must register it "For use," and when he intends to discontinue use of the still he must register it "Not for use." It will not be necessary to so register the still because of temporary suspensions. This registry will also be made on Form 26, in triplicate, with the district supervisor as in the case of original registry. The district supervisor will, upon approval of the form, retain one copy, forward one copy to the Commissioner, and return the remaining copy to the proprietor. The proprietor will retain his copy at the industrial alcohol plant available for inspection by Government officers.* (Sec. 3103, I.R.C.)

§ 182.433 *Alternate use of stills.* Where the proprietor has two or more stills and intends to discontinue the use of one or more of them and to continue the use of the others, he must immediately register the still, or stills, he does not intend to use "Not for use." * (Sec. 3103, I.R.C.)

Operations by Proprietor Under Different Trade Names or Styles

§ 182.434 *Commencement of operations.* Whenever the proprietor desires to operate his industrial alcohol plant under a trade name or style which has not been previously approved, he must secure approval thereof in the manner prescribed by § 182.261 prior to commencement of operations thereunder. Thereafter, whenever he desires again to operate under such trade name or style, he shall file with the district supervisor Form 1431, in skeleton form, prior to commencement of operations thereunder.*

§ 182.435 *Disposition of materials in process.* Whenever the proprietor desires to operate his industrial alcohol plant under a trade name or style other than the trade name or style under which he is then operating, and has complied with the above provisions, he will not be required to complete the distillation of mash, beer, or other distilling material, and unfinished alcohol in the process of manufacture before commencing business under such other trade name or style.*

§ 182.436 *Finished alcohol.* All finished alcohol remaining in the receiving room at the time the change in trade name or style becomes effective must be marked and removed in the trade name or style under which it was finished. All finished alcohol produced from mash, beer, or other distilling material, and unfinished alcohol remaining on hand at the time the change in trade name or style becomes effective must be marked and removed in the trade name or style under which it is finished. The proprietor will report the deposit and removal of such finished alcohol on Form 1442 on the same lines covering its manufacture. Similar entries will be made by the storekeeper-gauger on Forms 1452–A and 1452–B.*

§ 182.437 *Records.* Separate records on Forms 1442 and 1454 and 1488 (if any) will not be required for operations under each trade name but the proprietor must note on such records the trade names or styles under which he operated during the month and the dates of operations under each. The storekeeper-gauger will make a similar notation on his record, Form 1452–A. Where alcohol is produced under a trade name, the proprietor and the storekeeper-gauger must show on their records both the real name of the actual producer and the trade name under which the alcohol was produced.*

Alternate Operation as Registered Distillery or Fruit Distillery

§ 182.438 *Qualifying for alternate operation.* Whenever an industrial alcohol plant established or operated under these regulations is to be operated alternately as such and as a registered distillery or fruit distillery, the procedure prescribed in §§ 182.276–182.279 for effecting such change in the type of plant must be complied with.*

§ 182.439 *Completion of operation required.* When an industrial alcohol plant is to be operated as a registered distillery or as a fruit distillery, the business of producing alcohol must be completely finished by the person or persons first carrying on the business and the plant duly suspended before it can be operated as a registered distillery or a fruit distillery. Except as provided in paragraph (a), all unfinished alcohol, including high wines and low wines, must be redistilled and run into the receiving tanks before the change in type or plant becomes effective, and such alcohol, together with all other alcohol in the receiving room at the time of the change, must be drawn off, gauged, and removed by the outgoing proprietor before spirits are run into the receiving room by the successor.

(a) *Retention of unfinished alcohol.* If the change in type of plant is to be temporary only, the outgoing proprietor may retain unfinished alcohol under Government lock in unfinished alcohol tanks in the wine room until the plant is again operated by him as an industrial alcohol plant under these regulations: *Provided*, That such proprietor furnishes a duly executed consent of surety, Form 1533, in triplicate, continuing liability on his bond, Form 1432–A, for the tax on such unfinished alcohol retained on the premises, notwithstanding the change in the type of plant.*

§ 182.440 *Transfer of materials, etc.* The outgoing proprietor may transfer to his successor materials on hand, including mash and beer, or other distilling material, in process, at the time the change in the type of plant takes place, but no alcohol may be so transferred except the residue of alcohol in the stills which it is not practicable to completely boil out: *Provided, however*, That materials not usable and residue of alcohol in stills not producible under the law at the succeeding type of plant may not be transferred to the successor. Where such materials and residue of alcohol are not transferable, all mash and beer must be distilled, all basic materials must be removed from the premises, and the stills and other vessels must be completely cleared of alcohol, and such alcohol removed to the receiving tanks, unless retained in unfinished alcohol tanks under Government lock in accordance with § 182.439 (a), before the change in the type of plant becomes effective. All such alcohol transferred to the receiving tanks must be drawn off, gauged, and removed by the outgoing proprietor. When it is again desired to resume operations as an industrial alcohol plant under these regulations, the business of producing

distilled spirits or brandy, as the case may be, must be similarly finished and the registered distillery or fruit distillery suspended in accordance with governing regulations.*

§ 182.441 *Transfer agreement, Form 1614.* Where the outgoing proprietor and his successor so arrange for the transfer of distilling materials, the outgoing proprietor will file with the district supervisor six copies of Form 1614, "Transfer Agreement," duly executed by himself and the prospective successor. The form will be filed in sufficient time to permit consideration thereof in connection with the transferor's notice of suspension of operations and the transferee's qualifying documents. The district supervisor will forward the two originals of Form 1614 to the Commissioner and, upon receipt of notice of the Commissioner's approval of the transferee's qualifying documents, will forward one copy to the transferor and one copy to the transferee. The district supervisor will retain two copies, one for the file of the transferor and one for the file of the transferee.*

§ 182.442 *Locking of furnace doors not required.* In cases of alternate operation of the industrial alcohol plant as a registered distillery or fruit distillery without lapse of time, it will not be necessary for the storekeeper-gauger to lock the furnace doors of the stills or the control valves in pipe lines which convey steam or fuel to the stills or to require disconnection of the distilling machinery.*

§ 182.443 *Completion of records.* The outgoing proprietor will complete his records, Forms 1442, 1454, and 1488 (if any), and the storekeeper-gauger his records, Form 1452–A and Form 1452–B, as to the removal of basic materials from the premises, or the transfer of basic materials and mash and beer or other distilling material in process to the successor, as the case may be, and as to production and removal from the receiving room of all alcohol produced by him. The actual date of the entry of the deposit of the finished alcohol in the receiving room and the actual date the alcohol is removed from the receiving room will be given in the respective columns of all forms. If unfinished alcohol is retained on the premises in locked tanks, as provided in § 182.439 (a), the proprietor will enter the quantity thereof on Form 1442, with explanatory notation that the same is unfinished alcohol temporarily retained on the premises pending resumption of operations as an industrial alcohol plant. The storekeeper-gauger will make similar entry on his Form 1452–B, with an explanatory notation in the statement of special operations or conditions. The proprietor and storekeeper-gauger will continue to file monthly reports on Forms 1442 and 1452–B, respectively, accounting for such unfinished alcohol during the period it is retained on the premises. Where the plant is operated as an industrial alcohol plant in two or more periods during the same month by the same proprietor, the operations of such proprietor will be recorded on the same Forms 1442, 1454, and 1488 (if any) and the same Forms 1452–A and 1452–B, by the storekeeper-gauger, but appropriate notations will be made on the separating lines to show the dates the industrial alcohol plant was operated as a registered distillery or fruit distillery and the names under which it was operated.* (Sec. 3103, I.R.C.)

§ 182.444 *Records of successor.* The succeeding proprietor will enter all materials, including those in process received from his predecessor on Form 1598 if the plant is to be operated as a registered distillery, or on Form 15 if the plant is to be operated as a fruit distillery. The materials will also be entered on Form 1592 if the industrial alcohol plant is to be operated as a registered distillery. If materials are transferred when the plant is again operated as an industrial alcohol plant, appropriate entry thereof will be made on the records of the transferor and the transferee and the storekeeper-gauger.* (Sec. 2841 (a), I.R.C.)

§ 182.445 *Disposition of alcohol.* When a change in the type of plant takes place, the storekeeper-gauger in charge of the plant will see that all unfinished alcohol, except the residue of alcohol in stills where the same is to be transferred to the successor as provided in § 182.440, is distilled and transferred to the receiving room, unless retained in locked, unfinished alcohol tanks, in accordance with § 182.439 (a), before the plant is operated as a registered distillery or fruit distillery. Upon transfer of all alcohol to the receiving room or deposit in locked, unfinished alcohol tanks as herein provided, the plant may be operated as another type of plant but alcohol transferred to the receiving room must be drawn off, gauged, marked, and removed by the outgoing proprietor in the name under which it was produced before any spirits are deposited in the receiving room or withdrawn from the distillery by the successor.*

§ 182.446 *Alternate operations by same proprietor.* Where the plant is to be operated alternately as an industrial alcohol plant under these regulations and as a registered distillery or fruit distillery by the same proprietor, the procedure will be the same as in the case where the succeeding type of plant is to be operated under a different proprietorship, except that in lieu of the submission of a transfer agreement on Form 1614, the proprietor will, where distilling materials are to be transferred to himself at the succeeding type of plant, request authority on Part I of the form to make such transfer.*

Change in Proprietorship

§ 182.447 *Completion of operations required.* When a succession, or actual change, in the person or persons operating the industrial alcohol plant shall take place, other than a change brought about by operation of law, as by the appointment of an administrator, executor, receiver, trustee, assignee, or other fiduciary, the business of producing alcohol must be completely finished by the person or persons who have been carrying on the business, and the operations suspended before the business shall be undertaken or begun by the succeeding proprietor, unless by an agreement between the outgoing proprietor and the successor it shall be arranged to transfer from the former to the latter, at midnight of a certain day, all mash and beer, or other distilling material, on hand, and all unfinished alcohol outside the receiving room at that hour; and provided that, in either case, the application, bond and other qualifying documents of the successor have been approved by the Commissioner and a basic permit issued to take effect on the day next succeeding that at the close of which the transfer is made. Such documents should, therefore, be submitted to the district supervisor and by him forwarded to the Commissioner in sufficient time to permit such approval and issuance of basic permit for the date desired. The successor shall not commence operations until all documents required for his qualification as proprietor of an industrial alcohol plant have been approved by the Commissioner, and a basic permit has been issued. All finished alcohol on hand in the receiving room at the time of the change must be drawn off, gauged, marked, and removed by the outgoing proprietor in the name under which it was produced before any alcohol is deposited in the receiving room or withdrawn from the industrial alcohol plant by the successor.*

§ 182.448 *Transfer agreement, Form 1614.* Where the outgoing proprietor and the successor so arrange for the transfer of all mash and beer, or other distilling material, and all unfinished alcohol on hand, the outgoing proprietor will file with the district supervisor six copies of Form 1614, "Transfer Agreement," duly executed by himself and the prospective successor. The form will be filed in sufficient time to permit consideration thereof in connection with the transferor's notice of suspension or discontinuance of operations, and the transferee's qualifying documents. The district supervisor will forward the two originals of Form 1614 to the Commissioner and, upon receipt of notice of the Commissioner's approval of the transferee's qualifying documents, will forward one copy to the transferee and one copy to the transferor. The district supervisor will retain two copies, one for the file of the transferor and one for the file of the transferee.*

§ 182.449 *Locking of furnace doors not required.* In such cases of succession or change in the operations of an industrial alcohol plant without lapse of time, it will not be necessary for the storekeeper-gauger to lock the furnace doors of the stills or the control valves in pipe lines which convey steam or fuel to the stills, or to disconnect the distilling machinery.*

§ 182.450 *Records.* The outgoing proprietor shall enter on his records, Forms 1442, 1454, and 1488 (if any), all materials and all unfinished alcohol outside the receiving room transferred to his successor, who shall in turn enter such items on his records as received from his predecessor. Where the change in proprietorship is of a permanent nature, the outgoing proprietor shall complete Forms 1442, 1454, and 1488 (if any) and submit a final report on such forms to the district supervisor. Appropriate notations will be made on such final reports showing the change in proprietorship and the date thereof. Where the plant is operated under alternating proprietorships, each proprietor shall keep a separate record on Forms 1442, 1454, and 1488 (if any). When operations are conducted by the same proprietor in two or more periods during the same month, the operations by such proprietor will be entered on the same Forms 1442, 1454, and 1488 (if any), appropriate notations being made on the separating lines to show the names of the alternating proprietors and the dates the industrial alcohol plant was operated by them. At the end of the month reports will be submitted to the district supervisor on such forms in accordance with §§ 182.455 to 182.461, inclusive. The storekeeper-gauger will keep records and render returns on Forms 1452–A and 1452–B in accordance with the procedure prescribed herein for the keeping of records and rendering of reports by the proprietor.* (Sec. 3103, I.R.C.)

§ 182.451 *Succession by fiduciary.* Where a change in proprietorship is brought about by operation of law, the administrator, executor, receiver, trustee, assignee, or other fiduciary may not continue the business until the required qualifying documents have been filed and approved and a basic permit issued. In the case of such change, the fiduciary shall make appropriate notation on Forms 1442, 1454, and 1488 (if any) of his succession and the date thereof, and the storekeeper-gauger will make a similar notation on Forms 1452–A and 1452–B.*

Storekeeper-Gauger's Records and Reports

§ 182.452 *Form 1452–A.* The storekeeper-gauger shall keep a daily record of the industrial alcohol plant operations on Form 1452–A, "U. S. Storekeeper-Gauger's Report of Operations at Industrial Alcohol Plant." Entries shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions on the form. A monthly report shall be rendered on Form 1452–A, in duplicate, to the district supervisor on or before the 5th day of the succeeding month. The district supervisor will, after audit and not later than the last day of the succeeding month, forward one copy to the Commissioner and will retain the remaining copy.* (Sec. 3103, I.R.C.)

§ 182.453 *Form 1452–B.* The storekeeper-gauger shall, in addition to keeping record and rendering a report on Form 1452–A, keep a record and render a report on Form 1452–B, "U. S. Storekeeper-Gauger's Summary of Operations at Industrial Alcohol Plant." Entries shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions on the form. The officer will report any special operations or conditions that may occur and any unusual or peculiar conditions that may obtain at the plant. The summary return shall be rendered, in duplicate, to the district supervisor on or before the 5th day of the succeeding month. The district supervisor will after audit and not later than the last day of the succeeding month, forward one copy of the return to the Commissioner and will retain the remaining copy.* (Sec. 3103, I.R.C.)

§ 182.454 *System of filing.* The storekeeper-gauger's monthly records on Forms 1452–A and 1452–B will be filed together in chronological order by months and in bound form as a permanent record in the storekeeper-gauger's office, and kept available for inspection by internal revenue officers.*

Proprietor's Records and Reports

§ 182.455 *General.* The proprietor of every industrial alcohol plant shall keep a monthly record on Forms 1442, 1454, and 1488 (if a bonded warehouse is not maintained on the industrial alcohol plant premises), in triplicate, as hereinafter provided. All of the information called for in each form, as indicated by the headings of columns and lines of the form and the instructions printed thereon or issued in respect thereto, and as required by these regulations, will be given. Entries will be made on the forms on the day on which the transactions occur, except that summary entries will be made at the close of the month.

(a) *Failure to keep records or allow inspection.* Failure to keep the records and files or to make and file reports as and when required, or to furnish verified copies of files and records when requested, or to promptly allow inspection to be made upon proper request therefor, will be sufficient grounds for citation and revocation of the proprietor's basic permit.* (Secs. 3103, 3121 (c), 3171, I.R.C.)

§ 182.456 *Form 1442.* The proprietor of every industrial alcohol plant shall keep a record on Form 1442, "Proprietor's Report of Operations," showing the kind and quantity of fermenting or distilling materials received and fermented or mashed or distilled each day. The saccharine content of molasses mashed must be entered when the same is available. The alcohol content of fermented liquor, wine, or other distilling materials must be shown, and the same shall be determined from samples taken under such conditions as will afford a proper test of the particular lot or lots distilled. If carbon dioxide or fusel oil washwater is transferred to the beer well for distillation, the quantity and alcohol content shall be entered on Form 1442 as a special entry. Where chemicals such as isopropyl alcohol, butyl alcohol, acetone, ether, or other products are produced in connection with the production of ethyl alcohol, the quantity produced and removed from the premises will be entered on Form 1442. Where, pursuant to special permission from the Commissioner, alcohol is transferred to the industrial alcohol plant for redistillation from a bonded warehouse on the plant premises, the quantity in proof gallons will be entered as a special entry on Form 1442 under the heading "Statement of Materials Received."* (Secs. 3103, 3171, I.R.C.)

§ 182.457 *Form 1454.* The proprietor shall keep a record on Form 1454, "Receiving Tank Report," showing the quantity of alcohol produced and deposited in each tank daily and the amount remaining therein at the close of the month, as determined by actual inventory. The daily totals of alcohol reported removed from receiving tanks on this form must agree with the quantities so reported on corresponding days on Form 1443–A or Form 1488. Losses in receiving tanks shall be subject to the provisions of § 182.472–182.652.* (Secs. 3103, 3171, I.R.C.)

§ 182.458 *Form 1488.* The proprietor of every industrial alcohol plant in connection with which a bonded warehouse is not maintained shall keep a record on Form 1488, "Proprietor's Report of Alcohol Produced and Disposed of," of all alcohol produced and disposed of in such plant. All alcohol produced and deposited in the receiving tanks shall be inventoried daily and reported in the spaces provided therefor each day on the Form 1488.* (Secs. 3103, 3171, I.R.C.)

§ 182.459 *Signing of reports.* The reports must be signed in the same manner as the application, Form 1431, except that in the case of a corporation, the affixing of the corporate seal will not be required. Each report must be verified under oath (or affirmation) by the proprietor or his authorized agent at the plant. Where the reports are signed by an agent, proper power of attorney authorizing the agent to execute the reports for the proprietor must be filed on Form 1534, in triplicate, in accordance with the provisions of § 182.129.*

§ 182.460 *Disposition of forms.* The proprietor will deliver all three copies of the forms, duly subscribed and sworn to, to the storekeeper-gauger on or before the 5th day of the month succeeding that for which the forms are rendered. The storekeeper-gauger will examine the forms, and if they are complete in every respect, and the quantities shown on hand at the end of the month are correct, he will initial all copies of the forms, return one copy of each form to the proprietor, and forward two copies of each form to the district supervisor. The district supervisor will, after audit of the forms and not later than the last day of the month succeeding that for which the forms are rendered, forward one copy of each form to the Commissioner.*

§ 182.461 *Filing of forms.* The proprietor shall file Forms 1442, 1454, and 1488 (if any), separately in chronological order by months and in bound form, as a permanent record available for inspection by Government officers at any reasonable time.*

Purchase of Distilled Spirits Abandoned to the United States

§ 182.462 *Purchase.* Distilled spirits abandoned to the United States may be sold, without payment of the internal revenue tax, to a proprietor of an industrial alcohol plant for denaturation, or redistillation and denaturation, in cases where by reason of the quality of the spirits, or other cause, they cannot be sold for an amount equal to the tax thereon.* (Sec. 3074, I.R.C.)

§ 182.463 *Receipt at denaturing plant.* When such spirits are purchased and are to be denatured without redistillation,

they should be received at the denaturing plant and the receipt reported by the proprietor on the denaturing plant record, Form 1468–A, with appropriate explanatory note.°

§ 182.464 *Receipt at industrial alcohol plant.* When spirits so purchased are to be redistilled prior to denaturation, they should be received at the industrial alcohol plant, where they will be redistilled and transferred to the denaturing plant promptly. The spirits will be kept separate from other spirits in the industrial alcohol plant not intended for denaturation. The receipt of the spirits at the industrial alcohol plant and their redistillation and transfer to the denaturing plant will be reported by the proprietor on the industrial alcohol plant, bonded warehouse, and denaturing plant records, Forms 1442, 1454, 1488 (if any), 1443–A, 1468–A and by the storekeeper-gauger on Forms 1452–A and 1452–B, with proper explanatory note.°

§ 182.465 *Use for denaturation only.* Spirits so purchased may not be used for any purpose other than denaturation. If it is necessary to enter the spirits into the bonded warehouse, either at the time of receipt or in transfer from the industrial alcohol plant to the denaturing plant, they must be kept separate and apart from other spirits and must be transferred expeditiously to the industrial alcohol plant or denaturing plant, as the case may be.° (Sec. 3074, I.R.C.)

General Provisions Relating to Industrial Alcohol Plants

§ 182.466 *Production of mash, wort, or wash.* No mash, wort, or wash, or other distilling material, fit for distillation or for the production of spirits or alcohol shall be made or fermented in any building or on any premises other than a distillery or industrial alcohol plant duly authorized according to law, except for the manufacture of fermented liquors or for the manufacture of vinegar.° (Sec. 2834, I.R.C.)

§ 182.467 *Sale or removal of mash, wort, or wash; distillation.* No mash, wort, or wash, or other distilling material, made or fermented in any distillery or industrial alcohol plant, shall be sold or removed therefrom before being distilled; and no person other than an authorized distiller or proprietor of an industrial alcohol plant shall, by distillation or by any other process, separate the alcoholic spirits from any fermented mash, wort, wash, or other distilling material, except for the manufacture of vinegar.° (Sec. 2834, I.R.C.)

§ 182.468 *Operation in officer's absence.* No permittee or person employed at any industrial alcohol plant shall use or cause or permit to be used, any material for the purpose of making mash, wort, or beer, or other distilling material, or for the production of alcohol, in the absence of the storekeeper-gauger or person designated to act as storekeeper-gauger, nor shall any alcohol be removed from the plant in the absence of the storekeeper-gauger.°

§ 182.469 *Removal of alcohol at night and on Sunday.* The removal of any package of alcohol from any industrial alcohol plant, bonded warehouse, or denaturing plant premises at night or on Sunday will not be permitted. Except as provided in § 182.323 (a), removals shall be made only during the regular business hours of the industrial alcohol plant.° (Sec. 3103, I.R.C.)

OPERATION OF INDUSTRIAL ALCOHOL BONDED WAREHOUSES

General

§ 182.470 *Control of warehouse.* Every industrial alcohol bonded warehouse established pursuant to the provisions of law and of these regulations shall be under the control of the district supervisor of the district in which the warehouse is located.° (Sec. 3103, I.R.C.)

§ 182.471 *Assignment of storekeeper-gaugers.* Where a bonded warehouse has been established in accordance with the requirements of these regulations, the district supervisor will assign one or more storekeeper-gaugers to the warehouse before the proprietor can commence operations. In determining the number of storekeeper-gaugers to be assigned to a bonded warehouse the district supervisor will consider the number and size of the rooms or buildings comprising the warehouse, the number of packages or quantity of alcohol to be received and removed daily, and whether the warehouse is located on or is contiguous or adjacent to the premises of an industrial alcohol plant or denaturing plant. When the storekeeper-gauger assigned to an industrial alcohol plant can also perform the necessary service at the bonded warehouse operated in connection with such plant, no storekeeper-gauger shall be assigned directly to the warehouse, but where actually necessary such assignment will be made.° (Sec. 3103, I.R.C.)

§ 182.472 *Examination of warehouse.* Upon assignment to a bonded warehouse intending to commence operations, the storekeeper-gauger will, prior to actual commencement of operations, examine the warehouse and its equipment and will determine that all valves, flanges and other connections which would afford access to the alcohol are properly locked, brassed, welded or otherwise secured and sealed, and that all doors and other openings are protected in the manner prescribed by these regulations. The storekeeper-gauger will apply Government locks wherever the same are required.°

§ 182.473 *Custody of warehouse.* The bonded warehouse shall be in charge of the storekeeper-gauger and shall be in the joint custody of the storekeeper-gauger and the proprietor thereof and kept securely locked and shall at no time be unlocked or opened or remain open, except in the presence of the storekeeper-gauger or other person who may be designated to act for him. The keys to all Government locks shall remain at all times in the custody of the storekeeper-gauger, except that where no storekeeper-gauger is regularly assigned to the warehouse such keys shall remain in the custody of the storekeeper-gauger at the industrial alcohol plant or having charge of the warehouse or in the custody of the district supervisor or other person designated by him. The storekeeper-gauger having custody of the keys will not at any time permit them to go into the possession of any other person, except the district supervisor or an officer authorized by the district supervisor or the Commissioner to receive them.° (Sec. 3103 (I.R.C.)

§ 182.474 *Admittance of proprietor.* The proprietor shall, upon request, at reasonable times have admittance, in the presence of the storekeeper-gauger, to the warehouse and the alcohol deposited therein and may, in connection with the storekeeper-gauger, except as provided in section 3121 (c), I.R.C., refuse admittance to any person not an internal revenue officer. The proprietor may have access to the alcohol at any reasonable time in the presence of the storekeeper-gauger for the purpose of making repairs or to take any necessary measures to prevent waste by leakage or for other legitimate purposes.°

§ 182.475 *Warehouse to be kept locked.* The outside doors of the warehouse shall be locked with Government locks and kept locked at all times, except when alcohol is being entered into or removed from the warehouse or where it is necessary for the proprietor to have access to the warehouse for the purpose of making repairs or for other legitimate purposes. When business is finished for the day, the doors, windows, and shutters shall be closed and securely fastened by the proprietor and wherever required, locked by the storekeeper-gauger. The warehouse shall not be opened on Sunday or at night, except in cases of emergency and then only with the approval of the district supervisor: *Provided*, That where the alcohol is in imminent danger of loss by fire, flood, or other casualty, and it is impracticable to first obtain authorization from the district supervisor for the opening of the warehouse, the storekeeper-gauger may, upon the request of the proprietor, open the warehouse for the purpose of preventing loss of the alcohol, but a report thereof must be made immediately, by telephone or telegraph where possible, to the district supervisor: *And provided further*, That where the alcohol is in imminent danger of loss by fire, and it is impracticable to first communicate with the district supervisor or the storekeeper-gauger, city and State fire officers may break open the warehouse for the purpose of preventing loss of the alcohol, but a similar report thereof must be made immediately to the district supervisor.°

§ 182.476 *Supervision of operations.* The storekeeper-gauger will have charge of the bonded warehouse to which he is assigned, under the direction of the district supervisor. The storekeeper-gauger will see that the operations conform to the requirements of the law and these regulations, and will, in the course of his daily duties, carefully observe the character and condition of all connections, pipes, tanks, or vessels used for conveying alcohol to see if they are closed as required, and whether access can be gained to the alcohol in the storekeeper-gauger's absence. The storekeeper-gauger will promptly report to the district supervisor any operations or condition of apparatus and equipment not conforming to these regulations.°

§ 182.477 *Operations requiring immediate supervision.* Immediate supervision of the storekeeper-gauger is required:

(1) Whenever alcohol is entered into or withdrawn from the warehouse;
(2) Whenever alcohol is transferred from one building to another;
(3) Whenever alcohol is being bottled;
(4) Whenever alcohol is drawn from warehouse storage tanks into packages;
(5) Whenever a change of package is made for exportation or to prevent loss by leakage or for other authorized purposes;
(6) Whenever samples of alcohol are obtained from tanks or packages;
(7) Whenever alcohol in original packages or tanks is reduced in proof;
(8) Whenever alcohol in the bonded warehouse is by reason of other circumstances exposed to loss;
(9) Whenever alcohol is being proofed, weighed, or stamped; or
(10) Whenever otherwise required in the regulations of this part.
°

Tax on Alcohol

§ 182.478 *Rate of tax.* The law imposes a tax on distilled spirits, including alcohol produced in or imported into the United States at the rate of $4 on each proof gallon or wine gallon when below proof and a proportionate tax at a like rate on all fractional parts of such proof or wine gallon, to be paid when withdrawn from bond.° (Sec. 2800 (a) (1), I.R.C., Supp., as amended by Sec. 533, Act of Sept. 20, 1941 (Public law 250, 77th Cong.).)

§ 182.479 *Attachment of tax.* Under the law, the tax attaches to alcohol as soon as it comes into existence as such, whether it be subsequently separated as pure or impure spirit.° (Secs. 2800 (c), 3112 (a), I.R.C.)

§ 182.480 *Persons liable for tax.* Section 2800 (d), I.R.C., provides that every proprietor or possessor of, and every person in any manner interested in the use of, any still, distillery, or distilling apparatus shall be jointly and severally liable for the taxes imposed by law on alcohol produced therefrom. Section 3112 (a), I.R.C., provides that all proprietors of industrial alcohol plants and bonded warehouses shall be jointly and severally liable for any and all taxes on any and all alcohol produced thereat or stored therein.°

Lien for Tax on Alcohol

§ 182.481 *Tax to be first lien.* The tax on alcohol becomes, under the law, a first lien on the alcohol and the premises and plant in which such alcohol is produced or the warehouse where stored, together with all the improvements located on such premises.° (Secs. 2800 (e), 3112 (a), I.R.C.)

§ 182.482 *Extinguishment of lien.* Any lien under section 3112 (a), I.R.C., on any land, or any building thereon, shall be held to be extinguished if (1) such land and buildings are no longer used for distilling or storage of alcohol; (2) there is no outstanding liability for taxes and penalties imposed by law on the alcohol produced or stored therein; and (3) no litigation is pending in respect to any such tax or penalty.° (Sec. 3103, I.R.C.)

§ 182.483 *Certificate of discharge of lien.* Any person claiming any interest in any such land or building may apply to the district supervisor for a duly acknowledged certificate to the effect that such lien is discharged, and, if the Commissioner determines any such lien is extinguished, the district supervisor shall issue such certificate, and any such certificate may be recorded.° (Sec. 3103, I.R.C.)

§ 182.484 *Assessments become lien.* If any person liable to pay any tax neglects or refuses to pay the same after demand, the amount (including any interest, penalty, additional amount, or addition to such tax, together with any costs that may accrue in addition thereto) shall be a lien in favor of the United States upon all property and rights to property, whether real or personal, belonging to such person.

(a) *Release of lien.* Certificates of release of assessment items may be procured from the collector of internal revenue in accordance with section 3673, I.R.C., and regulations thereunder.° (Secs. 3670, 3673, I.R.C.)

Sales of Alcohol

§ 182.485 *Exemption from special tax liability.* In view of the exemption provided by law, the proprietor of a bonded warehouse may sell or offer for sale tax-paid alcohol in the tax-paid storeroom provided in connection with such bonded warehouse without being required to pay such special tax as wholesale or retail liquor dealer, provided the sales are made from the bonded warehouse. If tax-paid alcohol is sold elsewhere, the proprietor engaging in the traffic will not be entitled to the exemption but will be subject to the special tax imposed by law.

(a) *Limitation of exemption.* The tax-paid storeroom provided in connection with the bonded warehouse is covered by the basic permit required to be held by the proprietor of a bonded warehouse and, accordingly, the above exemption is held applicable to alcohol tax-paid in such bonded warehouse and stored in the tax-paid storeroom provided in connection therewith. Such tax-paid alcohol so stored may not be transferred to another similar tax-paid storeroom established in connection with another bonded warehouse nor will the above exemption apply to any premises to which such tax-paid alcohol may be transferred.° (Secs. 1650 (a), (b), 3103, 3250 (a) (1), (b) (1), I.R.C.)

§ 182.486 *Bulk containers.* Under the regulations issued pursuant to the Federal Alcohol Administration Act (27 CFR, Part 3), proprietors of industrial alcohol plants and bonded warehouses may sell or dispose of alcohol in bulk, that is, in containers having a capacity in excess of 1 gallon (1) to distillers, internal revenue bonded warehousemen, and proprietors of industrial alcohol plants and bonded warehouses, including those operating tax-paid bottling houses; (2) to proprietors of denaturing plants; (3) to proprietors of class 8 customs bonded warehouses (imported spirits only); (4) to rectifiers; (5) to winemakers (for fortification of wine); (6) for exportation; (7) to any agency of the United States or any State or political subdivision thereof; (8) for industrial use as follows: for experimental purposes, and for use in the manufacture (a) of medicinal, pharmaceutical, or antiseptic products, including prescriptions compounded by retail druggists, (b) of toilet products, (c) of flavoring extracts, sirups, or food products, or (d) of scientific, chemical, mechanical or industrial products; provided such products are unfit for beverage use.° (Sec. 6, 49 Stat. 985 (27 U.S.C., Sup., 206).)

§ 182.487 *Retail containers.* Except as provided in § 182.486, proprietors of bonded warehouses may sell or dispose of alcohol only in containers having a capacity of 1 gallon or less. All such containers having a capacity of one-half pint or more, except those containing anhydrous alcohol and tax-free alcohol, must conform to the requirements of Regulations 13 (26 CFR, Part 175).° (Sec. 6, 49 Stat. 985; 27 U.S.C., Sup., 206; sec. 2871, I.R.C.)

Sufficiency of Bond

§ 182.488 *Storekeeper-gauger to be informed.* Where the warehouse bond is in an amount less than the maximum penal sum prescribed by these regulations, and the basic permit, Form 1433, limits the quantity of alcohol that may be on hand, in transit, and unaccounted for at any one time, the district supervisor will inform the storekeeper-gauger in charge of such limitation, and the storekeeper-gauger will see that the quantity of alcohol deposited in the warehouse does not exceed that authorized by the bond and basic permit.°

Receipt of Alcohol

§ 182.489 *By pipe line from industrial alcohol plant on premises.* If the bonded warehouse is located on the premises of an industrial alcohol plant, the alcohol produced at such plant may be transferred from the receiving tanks to storage tanks in the bonded warehouse by means of pipe lines.

(a) *Supervision of pipe-line transfers.* The transfer of alcohol by pipe line from the receiving room to storage tanks in the bonded warehouse will be under the immediate supervision of the storekeeper-gauger in charge of the receiving room and the storekeeper-gauger in charge of the warehouse. The storekeeper-gauger supervising the deposit of the alcohol in the warehouse storage tanks will see that the outlet and all other openings of the tanks affording access to the alcohol are closed and locked and that the valves in the pipe line are so adjusted as to control the flow of alcohol into the tank. When the alcohol has been deposited in the tank, the inlet will be immediately closed by the proprietor and locked by the storekeeper-gauger. The valves on the pipe lines and the openings of tanks containing alcohol shall be kept closed and locked at all times, except when necessary to be open

for the transfer of alcohol. Whenever alcohol is transferred into or out of storage tanks or weighing tanks, the storekeeper-gauger will open and close the locks but it shall be the duty of the proprietor to manipulate the stopcocks or valves controlling the flow of the alcohol.* (Sec. 3103, I.R.C.)

§ 182.490 *In packages from industrial alcohol plant on the same premises.* Where alcohol is received in casks, drums, or similar containers for deposit from an industrial alcohol plant on the same premises, the packages will be transferred from the receiving room to the bonded warehouse under the supervision of the storekeeper-gauger in charge of the receiving room and the storekeeper-gauger in charge of the bonded warehouse.* (Sec. 3101, I.R.C.)

§ 182.491 *From another bonded warehouse.* Upon receiving Form 1440, with Form 1439, covering alcohol transferred in bond from another bonded warehouse, the storekeeper-gauger in charge of the receiving warehouse will compare the two forms and deliver Form 1440 to the proprietor of that warehouse. When the alcohol is received at the warehouse, the shipment will be exemanied by the proprietor and the storekeeper-gauger, in accordance with §§ 182.492 and 182.493.* (Sec. 3113, I.R.C.)

§ 182.492 *Examination of packages.* Alcohol received in drums, cans, and similar containers need not be gauged upon receipt unless so desired by the proprietor. Where packages are received bearing evidence of having sustained losses in transit, the following procedure will be observed in examining the packages:

(1) Weigh and proof each package which appears to have sustained a loss by casualty or theft while in transit.

(2) Examine the condition of each such package.

(3) The storekeeper-gauger will make a full report of the loss to the district supervisor setting forth the quantity lost from each package, the condition of the package, and the apparent cause of the loss.* (Sec. 3113, I.R.C.)

§ 182.493 *Examination of tank car.* When a railroad tank car is received, it will be examined, and if the car bears evidence of loss by leakage, theft, or otherwise, or if the gauge of its contents discloses a loss or shortage, the storekeeper-gauger will make a report of the loss to the district supervisor similar to that required when packages which have sustained a loss in transit are received. (Sec. 3113, I.R.C.)

§ 182.494 *Deposit in receiving warehouse.* Upon completion of the examination of the containers, the proprietor will accurately determine the quantity received and will check in the receipt of the alcohol against Form 1440 in the presence of the storekeeper-gauger and will execute the certificate of receipt on both copies of the form, and will note thereon and on Form 1443–A, or Form 1443–B, any loss or deficiency in the shipment. The proprietor will then file one copy of Form 1440 as a permanent record, as provided in § 182.643 (a), and at the close of the day will deliver the other copy with Form 1441 to the storekeeper-gauger for transmittal to the district supervisor of his district. On the day of receipt of the alcohol, the storekeeper-gauger shall fill in the certificate of receipt on Form 1439, noting any losses and discrepancies. Where a loss in transit is sustained the storekeeper-gauger will report the total loss and, in the case of packages, the loss from each package. The receipted form shall be forwarded to the district supervisor of the district from which the alcohol was shipped.* (Secs. 3101, 3113, I.R.C.)

§ 182.495 *Method of deposit*—(a) *Alcohol received in packages.* Alcohol received in packages may be deposited in the warehouse in the packages in which it is received, or the contents of the packages may be dumped into storage tanks if report is made thereof on Forms 1440, 1443–A, and 1443–B, as provided in §§ 182.643, 182.645, and 182.646. If packages of alcohol containing exactly 1, 2, 5, and 10 wine gallons are received, the warehouse must be equipped with scales capable of weighing in terms of ounces, from which the weight, to hundredths of a pound, can be calculated in accordance with the Gauging Manual.

(b) *Alcohol received in tank cars.* Alcohol received in tank cars must be deposited, after gauging, in warehouse storage tanks. If it is desired to receive alcohol in bond in railroad tank cars, proper railroad siding facilities must be provided at the bonded warehouse. When alcohol is received in tank cars, the seals must not be broken or any alcohol removed, except in the presence of the storekeeper-gauger assigned to the bonded warehouse.* (Sec. 3101, I.R.C.)

§ 182.496 *Return of unused alcohol withdrawn free of tax.* As provided in § 182.664, where tax-free alcohol lawfully in possession of a permittee authorized to use the same is found to be unsuitable for use, or where such permittee discontinues the use thereof, or where for any other legitimate reason such permittee desires so to do, such alcohol may be returned to the bonded warehouse for lawful disposition: *Provided*, That the proprietor of such bonded warehouse consents to such return and permission therefor is, in each instance, first obtained from the district supervisor of the district from which the tax-free alcohol is to be returned. If the bonded warehouse is situated in another district, the district supervisor authorizing the return will forward a copy of his letter of authority to the district supervisor of such other district. Notation of such return on Form 1443–B will be made as provided in § 182.646.* (Sec. 3101, I.R.C.)

Samples

§ 182.497 *General.* The proprietor may take samples of alcohol from storage tanks and other containers in the warehouse, for the purposes specified in §§ 182.393 to 182.399, inclusive, subject to the procedure prescribed in such sections.*

Removal of Alcohol From Receiving and Storage Tanks

§ 182.498 *Gauge on withdrawal.* Where alcohol is drawn into drums, barrels, or similar containers from receiving and storage tanks, the packages shall be gauged in accordance with the provisions of the Gauging Manual (26 CFR, Part 186). Where alcohol is drawn into tank cars, or is transferred by pipe lines as authorized by these regulations, such alcohol shall be gauged in accordance with the rules prescribed in these regulations and in the Gauging Manual; the weight of the alcohol will be determined by means of weighing tanks, as provided in § 182.407. Alcohol may be drawn from receiving and storage tanks only under the immediate supervision of the storekeeper-gauger.

(a) *Fractional parts of a gallon.* All fractional parts of a gallon less than one-tenth, shown in the Gauging Manual, shall be disregarded in gauging alcohol. For example, a package of 190 degrees proof alcohol, weighing 326 pounds net, shall be reported on Form 1440 as containing 47.90 wine gallons and 91.10 proof gallons. A package containing 190 degrees proof alcohol, weighing 340 pounds, shall be reported as containing 50 wine gallons and 95 proof gallons.

(b) *Details of gauge.* The details of all alcohol gauged in the bonded warehouse shall be recorded by the proprietor on Form 1440, as hereinafter provided.* (Sec. 3101, I.R.C.)

§ 182.499 *Gauging to be done by proprietor.* All alcohol drawn from receiving and storage tanks will be proofed and weighed by the proprietor and the packages marked, in accordance with the provisions of this article, in the immediate presence of the storekeeper-gauger. The storekeeper-gauger will verify the proof, weight, and gallonage of all alcohol and will see that the instructions in the Gauging Manual respecting the proofing of alcohol are strictly followed in order that the proof may be accurately determined.

(a) *Gauging instruments.* The proprietor shall provide, at his own expense, accurate and standard hydrometers, hydrometer cups, and thermometers for the purpose of gauging alcohol.* (Secs. 2808, 3101, 3103, I.R.C.)

§ 182.500 *Testing of scales.* The storekeeper-gauger shall balance the scales before either empty or filled packages are weighed, and will frequently test by means of test weights, provided in accordance with § 182.66, the accuracy of such scales. During the process of weighing, he shall verify the weight of each package.* (Sec. 2808, I.R.C.)

§ 182.501 *Inspection of tank car.* When it is desired to transfer alcohol in bond in a railroad tank car, the storekeeper-gauger will first inspect the car to see that the dome may be locked with a seal lock when closed and that all other openings to or from the car may be closed and securely fastened on the inside or locked in like manner. If the car is not so constructed, the officer will not permit it to be filled.* (Secs. 3101, 3107, 3108, I.R.C.)

§ 182.502 *Filling of tank car.* The tank car must be filled in the immediate presence of the storekeeper-gauger. The pipe line from the weighing tank to the tank car must be in full view of the officer and must not be connected or used except in his presence. The officer will seal-lock the car as soon as it is filled. The proprietor will enter on Form 1440, covering the gauge of the alcohol, the symbol and serial number of the car, the serial number of the lock seal or seals, the destination and the date of shipment; for example: "Withdrawn in U. P. tank car number 1643, lock seal number 46457 for transfer to Ind. Alc. Bonded Whse. No. 56, New York, N. Y. Billed out 4:30 p. m., May 1, 1941." The lock seal numbers will also be entered on Form 1439.* (Secs. 3101, 3107, 3108, I.R.C.)

§ 182.503 *Transfer by pipe line to denaturing plant*—(a) *To be weighed in warehouse.* Where alcohol is to be transferred by means of pipe lines to a denaturing plant situated on the same premises with the bonded warehouse, such alcohol shall be carefully proofed and weighed in weighing tanks in the bonded warehouse immediately before transfer: *Provided*, That if the denaturing plant is equipped with weighing tanks, the alcohol transferred to the denaturing plant by pipe line may be weighed in the denaturing plant instead of in the bonded warehouse.* (Secs. 3101, 3108, I.R.C.)

§ 182.504 *Filling approved containers.* Alcohol may be drawn into drums, barrels, or other containers conforming to the specifications prescribed in §§ 182.506 to 182.513, inclusive, for storage or for direct entry and withdrawal from the bonded warehouse.* (Sec. 3101, I.R.C.)

§ 182.505 *Supervision of drawing off, gauging, etc.* The procedure prescribed in §§ 182.404 and 182.408, in respect to the supervision and weighing of alcohol removed from receiving tanks, shall be followed when alcohol is removed from warehouse storage tanks.*

Approved Containers

§ 182.506 *Drums or barrels.* Alcohol may be drawn into drums or barrels of any desired capacity, but packages may be tax-paid only in the sizes for which tax-paid stamps are provided. Metal drums used to ship alcohol in bond or for tax-free purposes must be substantial and so constructed that all openings therein may be sealed.* (Sec. 3101, I.R.C.)

§ 182.507 *Tin, glass, or similar containers.* Alcohol may be packaged in containers of tin, glass, or similar substance, but such containers, in order to better insure safe transportation, must be completely encased in wood, fiberboard, or other approved material, in such a manner that the surface of the actual container is not exposed. The opening in the package must be entirely covered by the casing. The marks and stamps required to be affixed to such a package must be applied to an exposed surface of the case. The case must be so constructed as to insure that the portion of the case containing the marks and stamps will remain securely attached to the inner container until all of the alcohol has been removed therefrom: *Provided*, That this requirement shall not apply to cases of bottled alcohol, filled in accordance with §§ 182.510 and 182.537 to 182.544. A statement reading "Do Not Remove Inner Container Until Emptied," or of similar import, shall be placed on the portion of each such case containing the marks and stamps. Before any such cases are used, two sample or specimen cases or models thereof, with the inner container, must be submitted to the Commissioner for approval. If the cases are approved, the Commissioner will retain one, and forward the other to the district supervisor of the district in which the bonded warehouse is located.* (Sec. 3101, I.R.C.)

§ 182.508 *Steel containers.* Upon approval by the Commissioner, alcohol may also be packaged in steel containers of not less than 24-gauge, or other metal containers of similar strength, having a capacity of not more than 10 wine gallons. The marks and brands and stamps shall be placed in a separate panel on the side of the container.* (Sec. 3101, I.R.C.)

§ 182.509 *Small packages containing exactly 1, 2, 5, and 10 wine gallons.* Where it is desired to market packages of alcohol containing exactly 1, 2, 5, and 10 wine gallons, which would require weighing in terms of pounds and ounces, the proprietor shall provide scales which will weigh accurately to ounces, from which the weight to hundredths of a pound can be calculated. Where such packages are filled, the ounces will be reduced to hundredths of a pound and the weight in pounds and hundredths marked on the packages.

(a) *Table for filling and marking.* The following table will serve as a guide in the filling and marking of the packages of 1, 2, 5, and 10 wine gallons capacity where the weights have been determined in ounces:

Type of container	Weight of contents	Weight to be marked on package	Contents in wine gallons	Proof gallons
190 PROOF ALCOHOL				
	Lbs. Ozs.	*Pounds*		
1 wine gallon	6 13	6.81	1	1.90
2 wine gallons	13 10	12.62	2	3.80
5 wine gallons	34 00	34	5	9.50
10 wine gallons	68 00	68	10	19
192 PROOF ALCOHOL				
1 wine gallon	6 13	6.81	1	1.90
2 wine gallons	13 9	13.56	2	3.80
5 wine gallons	33 13	33.81	5	9.60
10 wine gallons	67 10	67.63	10	19.20
200 PROOF ALCOHOL				
1 wine gallon	6 10	6.62	1	2
2 wine gallons	13 4	13.25	2	4
5 wine gallons	33 1	33.06	5	10
10 wine gallons	66 2	66.12	10	20

Where packages filled contain over 10 wine gallons and show a fraction of 0.98 or 0.99 of a wine gallon, such fraction may be called a whole gallon and the package so marked, if desire, as a package containing 24.99 wine gallons may be marked 25 wine gallons.

(b) *Packages of other proof or size.* Where packages of other proof or size are filled, the following rule may be used for ascertaining the weight of the alcohol to be placed in and marked on the package: Divide the number of gallons representing the quantity of alcohol to be placed in the contained by the fractional part of a gallon equivalent to 1 pound, to obtain the weight of the alcohol in pounds and fractions of a pound to two decimal places. Reduce the decimal fraction of a pound to ounces by multiplying by 16, calling any fraction of an ounce a whole ounce. The pounds and ounces thus obtained will determine the point to which the alcohol must be weighed to produce the results desired. In order, however, to mark the weight on the package in pounds and fractions of pounds, it will be necessary to reduce the ounces to express same in fractions to two decimal places. The fraction of a gallon equivalent to 1 pound at any given proof will be ascertained by reference to table No. 4 of the Gauging Manual. For example, where it is desired to fill a 1-gallon can of 194 proof alcohol with precisely 1 wine gallon, the weight of the alcohol to be placed in the can will be determined as follows:

1.00÷.14866=6.73 lbs.
.73×16=11.68 ozs., to be called 12 ozs.
Weight of alcohol 6 lbs., 12 ozs.
Weight to me marked on can 6.75 lbs.

(c) *Transfer to other warehouses.* Packages of alcohol so filled and marked may not be transferred in bond to other bonded warehouses unless such warehouses are equipped with scales capable of weighing in ounces.*

§ 182.510 *Cases containing one-half pint to 1-gallon bottles.* Original packages of alcohol filled at industrial alcohol bonded warehouses may consist of cases containing one-half pint, 1-pint, 1-quart, or 1-gallon bottles (liquid measure), as follows: 32 one-half pint bottles; 48 one-half pint bottles; 16 1-pint bottles; 24 1-pint bottles; 12 1-quart bottles; 1 1-gallon bottle; or 3 1-gallon bottles. When alcohol is bottled for immediate withdrawal free of tax for use of the United States or a governmental agency thereof, or for export, it may be placed in bottles and cases of any desired size, provided each case is marked as required by § 182.519 (b).

(a) *Construction of cases.* Bottled alcohol shall be placed in cases of secure and substantial construction, which meet the requirements of the Interstate Commerce Commission regulations and the official freight and express specifications, and which adequately protect the bottled alcohol against breakage and theft during storage and transportation. The construction and method of sealing or fastening of the cases shall be such as will effectively prevent pilfering or access to the contents without such destruction of the case as will render it unfit for use and will result in ready

detection. The tops and bottoms of fiberboard cases shall be secured by stapling or gluing the flaps, and the manufacturer's joint of the case shall be securely fastened. Wooden cases shall be secured by metal straps or heavy wires, in addition to being securely nailed.* (Sec. 3103, I.R.C.)

§ 182.511 *Railroad tank cars.* Alcohol may be drawn into railroad tank cars for removal but only in case the warehouse and the premises of the consignee are equipped with suitable railroad siding facilities.

(a) *Manhole covers and outlet valves.* The dome or manhole covers on all railroad tank cars used for shipping alcohol in bond shall be equipped with facilities for locking with a seal lock when closed, and the outlet valves and all other openings to or from the cars shall be so constructed that they may be closed and securely fastened on the inside or locked in like manner. If the car is not so constructed, the storekeeper-gauger will not permit it to be filled.

(b) *Construction of route board.* Railroad tank cars used for the transportation of alcohol, whether in bond, tax-free, or tax-paid, must be equipped with a route board at least 10 by 12 inches in size to which the prescribed stamp or certificate can be attached. Such board shall be of substantial material and shall be fixed permanently and securely to the tank cars of alcohol shipped in bond bolts, nutted and riveted, battered or welded.

(c) *Seal locks; proprietor to furnish.* Seal locks for the locking of railroad tank cars of alcohol shipped in bond shall be furnished by the shipper, and the seals for the same will be furnished by the Government. As soon as the tank car is filled the storekeeper-gauger shall attach the lock to the car. The key of each seal lock so used will be forwarded, on the day of shipment, by the storekeeper-gauger to the storekeeper-gauger in charge of the bonded warehouse or denaturing plant to which the alcohol is consigned. Upon arrival at destination of a tank car containing alcohol shipped in bond, the seal must not be broken nor alcohol removed except in the presence of the storekeeper-gauger in charge of the warehouse or denaturing plant. All locks and keys in such cases shall be returned by such storekeeper-gauger to the storekeeper-gauger in charge of the bonded warehouse from which the shipment was made at the expense of the proprietor of the receiving warehouse or denaturing plant.* (Secs. 3101, 3107, 3108, I.R.C.)

§ 182.512 *Tank ships and barges.* Alcohol may be shipped in bulk by means of tank ships or barges pursuant to special permission first obtained in each instance from the Commissioner and subject to such limitations and conditions as may be imposed by him. Such shipments may be made only where the premises of both the consignor and consignee are equipped with suitable dock facilities, and where the alcohol is run directly from the tank ship or barge into suitable storage tanks on the consignee's premises.* (Secs. 3101, 3107, 3108, I.R.C.)

§ 182.513 *Pipe-line removals.* Pipe lines may be used for the transfer of alcohol to a denaturing plant located on the same premises, or, after tax-payment, to a rectifying plant or contiguous or nearby premises (as authorized by §§ 182.574a to 182.574g). Pipe lines may also be used to transfer alcohol to railroad tank cars for shipment. Such pipe lines must conform to the requirements of § 182.82, except that alcohol may be transferred into a tank car by means of a hose connection where the same is in full view of the Government officer throughout its entire length. The locking of valves and the supervision of removals shall be in accordance with § 182.489.* Secs. 3101, 3107, 3108, I.R.C.)

§ 182.514 *Tank wagons and tank trucks prohibited.* The transportation of alcohol in tank wagons or tank trucks will not be permitted.* (Sec. 3101, I.R.C.)

Marks, Brands, and Stamps

§ 182.515 *General.* The determination and marking of the weight (tare) on empty packages will be done immediately preceding the filling of the same in all cases: *Provided*, That the tare of a number of packages may be ascertained and marked before any are filled, but not exceeding the number which are to be filled on the same day or the following day. If the packages are not to be filled until the following day, they must be kept in the receiving room or bonded warehouse after being weighed and marked. All packages of alcohol when filled shall be further marked as provided in these regulations and in the Gauging Manual; and where such are tax-paid, the tax-paid stamps shall be affixed thereto and canceled in the manner prescribed in these regulations and in such Manual.* (Sec. 3101, I.R.C.)

§ 182.516 *Proprietor to mark and brand packages.* The proprietor shall have the prescribed marks and brands placed upon the package by stenciling, printing, cutting, burning, or embossing. The height of the letters and figures must be large enough to be easily read and, when printed or stenciled, shall be in permanent ink and in a color distinctly in contrast to the color used as a background.* (Sec. 3103, I.R.C.)

§ 182.517 *Description of material from which produced.* Packages of alcohol, when withdrawn from bonded warehouse tax-paid for other than industrial or tax-free use, must have stenciled thereon the work "Alcohol," followed by a word or phrase descriptive of the material from which produced, such as "Alcohol—Grain," "Alcohol—Cane," "Alcohol—Fruit Products," "Alcohol—Distilled from Grain," "Alcohol—Distilled from Cane," or "Alcohol—Distilled from Fruit." Alcohol in containers of a capacity of 1 wine gallon or less, except anhydrous or tax-free alcohol, will be deemed to be for nonindustrial use.* (Sec. 5, 49 Stat. 982, 27 U.S.C. Sup. 206)

§ 182.518 *Numbering of packages.* Where packages of alcohol are filled from receiving tanks in industrial alcohol plants and from storage tanks in bonded warehouses located on the same premises, only one series of numbers will be used. Packages filled from storage tanks in the bonded warehouse shall be given a serial number in sequence to the serial numbers of the packages filled from the receiving tanks. At a bonded warehouse not operated in connection with an industrial alcohol plant packages shall be numbered in serial order as filled from the storage tanks. Packages filled with alcohol will be serially numbered beginning with number 1 for the first package filled and continuing in regular sequence: *Provided*, That the series in current use at existing alcohol plants and bonded warehouses will be continued. Where there is a change in the trade name or style or in the proprietorship of the business, the series in use at the time of such change will be continued. A new series will be used where there is a change in the type of plant; but use of the prior series will be resumed when the plant is again operated as an industrial alcohol plant. When the serial numbers of packages filled have reached the number 1,000,000, the proprietor may, if he so desires, begin a new series, commencing with number 1, preceded or followed by a letter to distinguish it from the prior series as 1A, 2A, etc., and when the number 1,000,000 so distinguished is again reached, the proprietor may begin another series distinguished by the second letter of the alphabet, as 1B, 2B, etc., and subsequent series, distinguished by other letters of the alphabet in order, may likewise be commenced.* (Sec. 2808, I.R.C.)

§ 182.519 *Marks and brands*—(a) *Drums, barrels, etc.* Alcohol withdrawn into drums, barrels, or other approved containers shall be weighed and proofed by the proprietor. Such proprietor shall have marked upon the head of each package, in the order named, the gross weight, tare, net weight in pounds and half pounds, wine gallons, proof, and proof gallons, retaining fractions of gallons in all instances. The name of the proprietor of the warehouse at which the package is filled; the number of the warehouse, the city or town and State in which the plant is located, and the date the package was filled shall also be marked on the package. In addition to the foregoing, the word "Alcohol" must also appear on the heads of all packages of more than 30 wine gallons capacity, in letters of not less than 1 inch in height. On packages of 30 wine gallons or less such letters shall not be less than three-fourths of an inch in height. On small containers, the required markings shall be placed on the side of the container. In addition to the foregoing, each package shall be serially numbered in accordance with § 182.518. There shall also be placed upon the Government head or side of each container, by printing, stenciling, or labeling, a statement to the effect that all marks and stamps must be destroyed immediately the container is emptied.

(b) *Cases of bottled alcohol.* Each package containing alcohol in bottles shall bear all the marks required by §§ 182.517 and 182.518, inclusive, except the gross weight, tare, and net weight, it not being necessary to ascertain such. The number and capacity of the bottles shall, however, be shown on each package. The warehouse stamps and marks shall be placed on one side.* (Secs. 2808, 3103, I.R.C.)

§ 182.520 *Previously marked packages and cases.* Empty packages and cases marked in accordance with regulations heretofore in effect may continue to be used until the existing supply is exhausted, and, where necessary, the district supervisor may permit an additional number of packages and cases marked in accordance with such regulations to be used pending the securing of new stencils or other marking devices.* (Sec. 3103, I.R.C.)

§ 182.521 *Tank cars.* Each railroad tank car used to transport alcohol must have permanently and legibly marked or painted thereon its number, capacity in wine gallons, and the name or symbols of the owner. If the tank car consists of two or more compartments, each compartment must be identified by a letter of the alphabet, such as "A," "B," etc., and the capacity in wine gallons of the compartment must be marked thereon.* (Sec. 2808, I.R.C.)

§ 182.522 *Regauge marks.* If a package is regauged, the proprietor will stencil on the side of the metal package next to the bunghole, in the order named, the gross weight, tare, net weight, wine gallons, proof, and proof gallons, determined at the time of withdrawal. In the case of barrels, the proprietor will cut the above data, in the order named, on the stave to the right of the bungstave of each package withdrawn beginning at the middle and extending toward the Government head.* (Secs. 2803, 3103, I.R.C.)

§ 182.523 *Marks on packages repackaged or re-marked*—(a) *Repackaged.* Where alcohol in packages in a bonded warehouse is repackaged because of loss or other valid reason, the new packages shall be properly marked, as in the case of original containers, and record made of the transaction, as required by §§ 182.643 (h) (1), 182.644 (e) (1), and 182.645 (d) (1).

(b) *Re-marked.* Where packages of alcohol are received in bond from another bonded warehouse and are re-marked with the marks of the receiving warehouse, the packages shall be renumbered and re-marked the same as original packages filled at the receiving warehouse and proper record made of the transaction, as required by §§ 182.643 (h) (2), 182.644 (e) (1), and 182.645 (d) (1).* (Secs. 2808, 3103, I.R.C.)

§ 182.524 *Other marks.* The marks required to be on packages by these regulations must be placed on the Government head of a package or side of a case, and no other marks may be shown, with the exception of those required or authorized to be affixed by Federal law and regulations. All marks required by these regulations on Government heads of packages or sides of cases must be in a color distinctly in contrast with the color of the background on which they are placed.

(a) *Brand or trade names.* The proprietor may show on the Government head, or end of packages, the brand or trade name, provided the brand or trade name will not interfere with or detract from the required Government markings.

(b) *Caution notice, etc.* Caution notices, etc., required by Federal law and regulations, may be placed on the Government head of packages, or side of cases, but such notices must be so placed as to not obscure the markings prescribed by these regulations and the Gauging Manual.* (Sec. 2808, I.R.C.)

§ 182.525 *Stamp numbers.* When alcohol is withdrawn tax-paid, or tax-free for export, transfer to customs manufacturing bonded warehouse, or for use on vessels and aircraft, the serial number of the tax-paid stamp or export stamp and the date of withdrawal shall be marked on the package or case immediately below such stamp.* (Sec. 2808, I.R.C.)

§ 182.526 *Withdrawn for tax-free use or for export*—(a) *Tax-free use.* When alcohol is withdrawn free of tax from a bonded warehouse for scientific purposes, use of hospitals, etc., or for use of the United States, there shall be stenciled on the Government head of each package or side of each case in letters and figures not less than one-half inch in height the date and purpose of withdrawal, such as "Hospital Use," "Scientific Purposes," "Use of U. S.," etc., and the symbol and serial number of the permit authorizing the withdrawal, in addition to the other marks and brands required by these regulations.

(1) *Tank cars.* When alcohol is withdrawn in tank cars for use of the United States or a governmental agency thereof, there shall be attached to the route board of the tank car, a label showing the name, registry number, and location (city or town and State) of the bonded warehouse, and the name and address of the Government establishment to which the alcohol is consigned, followed by the permit number under which the alcohol is withdrawn, the words "For use of U. S." and the date of withdrawal. The label, which shall be furnished and attached by the proprietor, shall be in substantially the following form:

Shipped by
Standard Alcohol Co.,
B. W. 271, Baltimore, Md.
To
U. S. Navy Yard,
Washington, D. C.
US–TF–71
For use of U. S.
Aug. 15, 1941.

(b) *For export.* When alcohol is withdrawn for exportation, the word "For Export" and the names of the ports from and to which the alcohol is to be exported, and the number of the export permit, as for example "For Export, New York to Lisbon, Permit AX–NY–15," shall also be marked on each package or case in letters not less than one-half inch in height.* (Sec. 2808, I.R.C.)

§ 182.527 *Stamps*—(a) *Affixing.* Tax-paid, transfer, warehousing, and export stamps shall be securely affixed to the Government head of packages on side of cases with a good adhesive, and, when affixed to wooden packages or cases, with a tack or staple in each corner of the stamp. Transfer stamps shall be similarly affixed to the route board of railroad tank cars.

(b) *Cancellation.* After the stamp is affixed, it must be immediately canceled. For this purpose, the proprietor shall use a stencil of brass or copper in which shall be cut at least five fine parallel waved lines, long enough to extend not less than three-fourths of an inch beyond the top and bottom of the stamp. This plate must be imprinted with a black, durable, coloring material over and across the stamp. The stencil plate shall be so set as to bring the five parallel waved lines across the stamp at such points as will least obscure the data thereon. The coloring material will be so applied with the brush as to make the cancellation lines distinct, without smearing or spreading over the stamp. To this end, the cutting of the lines in the stencil shall be kept clean, and the coloring material must be kept in proper condition to make a distinct and durable mark, without smearing or spreading.

(c) *Covering.* After the stamp has been canceled, it must be covered with a coating of transparent shellac, lacquer, or varnish, to protect it against moisture, alteration and removal. Transfer and warehousing stamps, which are not required to be "scalped," may be coated over with a glue that does not discolor the stamps and that affords protection against moisture, alteration, and removal equal to that afforded by shellac, lacquer, or varnish.* (Sec. 3301, I.R.C.)

§ 182.528 *Illustrations of marks and stamps.* The following cuts illustrate the prescribed marks and stamps and the suggested order and manner in which they should be placed on packages:

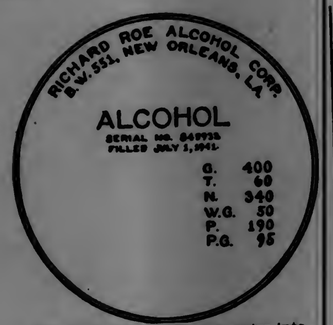

FIG. 1.—Marks on filling or entry into warehouse.

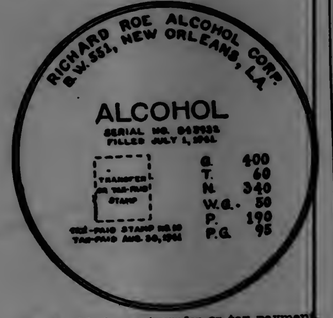

FIG. 2.—Marks on transfer or tax-payment.

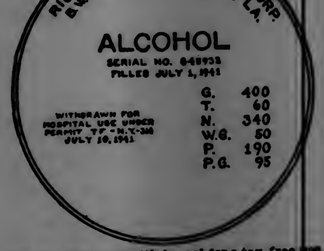

FIG. 3.—Marks on withdrawal for a tax-free use.

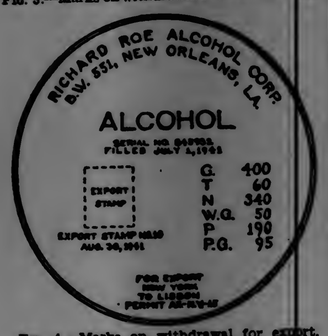

FIG. 4.—Marks on withdrawal for export.

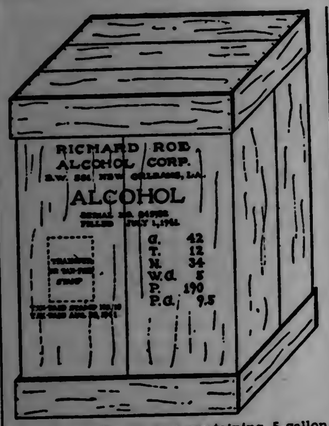

FIG. 5.—Marks on case containing 5-gallon can.

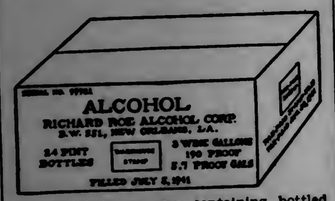

FIG. 6.—Marks on case containing bottled alcohol.

Where packages are transferred in bond to another warehouse and withdrawn from such warehouse bearing the marks of the warehouse at which they were filled, the name, registry number, and location of the warehouse from which the packages are withdrawn, as "Standard Alcohol Co., BW 17, Baltimore, Md.," shall be stenciled or otherwise marked on the package, as illustrated below:

FIG. 7.—Marks on transfer or tax-payment at warehouse other than that at which filled.

§ 182.529 *Verification of marks, brands, and stamps.* The storekeeper-gauger will verify the gross weight, tare, net weight, wine gallons, proof, and proof gallons marked on packages by comparison with the reports prepared by the proprietor, and shall satisfy himself of the accuracy and correctness of the marks, brands, and stamps (if any) on each package.* (Sec. 3103, I.R.C.)

§ 182.530 *Obscurity of stamps, etc.* The stamps, marks, and brands required by law and regulations to be applied to packages of alcohol are designed to bear witness of the legality of the alcohol which they cover and they should not be obscured in any manner or covered by the encasing of the package bearing the same, but should at all times be in such condition as to admit of ready examination by Government officers.* (Sec. 3103, I.R.C.)

§ 182.531 *Imitation stamps, labels, trade marks, or caution notices.* Any person who affixes, or causes to be affixed, to any package containing alcohol any imitation stamp or other label, device, or document, either designed as a trade mark, caution notice, caution, or otherwise, and which shall be in the similitude or likeness of, or which have the semblance or general appearance of any internal revenue stamp required by law to be affixed to or upon any packages containing alcohol, is liable to severe penalties, and in addition the package with its contents shall be forfeited to the United States.* (Sec. 2869, I.R.C.)

§ 182.532 *Packages to be stamped.* With the exception of tax-paid alcohol in railroad tank cars, which must bear a certificate of the proper collector showing tax-payment, or in cases or packages, withdrawn for scientific, mechanical, or hospital purposes, etc., or use of the United States, the several States and Territories and municipal subdivisions thereof, and the District of Columbia, and where such use is indicated on the container, every package of alcohol lawfully upon the market must bear a stamp, or stamps, of one of the prescribed classes.* (Sec. 3103, I.R.C.)

Obliteration of Marks and Stamps and Transportation of Empty Packages

§ 182.533 *Obliteration of stamps and marks and brands on empty packages.* When packages of alcohol are emptied, all stamps and marks and brands required to be placed thereon must be completely effaced and obliterated. Where a portion of a stamp is cut out for submission to the district supervisor when packages are dumped for rectification or for bottling, the remnant remaining affixed to the package must be completely effaced and obliterated when the package is emptied. Any empty package from which the marks, brands, or stamps have not been effaced or obliterated is declared to be forfeited and any internal revenue officer will seize the same wherever found.* (Sec. 2866, I.R.C.)

§ 182.534 *Failure to efface or obliterate marks, brands, and stamps.* Any person who shall fail to efface or obliterate marks, brands, or stamps at the time of emptying packages of alcohol, or who shall receive any such emptied package or any part thereof having thereon such marks, brands, or stamps, with intent to transport the same, or who shall transport the same or knowingly aid or assist therein, or who shall remove any stamp from the package without defacing or destroying the same at the time of such removal, or aid or assist therein, or who shall have in his possession any such stamps so removed or who shall have in his possession any canceled stamp or any stamp which has been or purports to be used, is deemed guilty of a felony and is punishable by fine and imprisonment.* (Sec. 2866, I.R.C.)

§ 182.535 *Intent of law.* It shall be understood that the intent of the law is to require that the marks, brands, and stamps on any package of alcohol shall be effaced, obliterated, and destroyed at the time the package is emptied and the responsibility of doing this is placed upon the person emptying it. The terms "efface and obliterate" must be understood to mean a complete destruction so as to leave no part or portion of the marks, stamps, or brands legible or intelligible. Persons who have possession of, deal in, or engage in the transportation of emptied alcohol packages will be held to understand their liability if they violate the law; the penalties, though severe, must be enforced; and ignorance of the law, negligence or carelessness on the part of themselves or their subordinates shall not be deemed sufficient excuse.* (Secs. 2868, 2867, 3323, I.R.C.)

§ 182.536 *Transportation of emptied packages.* Any person or transportation company who shall receive or transport or have in their possession with intent to transport or to cause or procure to be transported any emptied package or any part thereof having thereon any brand, mark, or stamp required to be placed on packages containing alcohol is liable to a penalty of $300 for each such package or part of such package; and any boat, railroad box car, or other vehicle and all horses or other animals used in carrying or to transport the same are to be forfeited.* (Sec. 2866, I.R.C.)

Bottling of Alcohol in Bonded Warehouse

§ 182.537 *Bottling conducted under supervision.* The entire operation of bottling alcohol in a bonded warehouse, the filling and stamping of the bottles and the casing of the bottles, will be performed by the proprietor of the warehouse under the supervision of the storekeeper-gauger.*

§ 182.538 *Liquor bottles.* The proprietor must comply with the provisions of Regulations 13 (26 CFR, Part 175) respecting the use of liquor bottles when bottling alcohol.* (Sec. 2871, I.R.C.)

§ 182.539 *Warehousing stamps.* Except when alcohol is bottled for export, an engraved case warehousing stamp with the serial number printed thereon shall be attached to each case containing bottled alcohol, and there shall be affixed to each bottle placed therein a bottle warehousing stamp bearing the same serial number as the case stamp.* (Sec. 3300, I.R.C.)

§ 182.540 *Procurement and issuance of stamps*—(a) *Procurement.* Warehousing stamps are supplied to collectors of internal revenue in the same manner as other stamps. District supervisors will obtain supplies of such stamps from the collectors as desired. When necessary, the district supervisors shall forward one or more books of each denomination to the storekeeper-gauger in charge of the bonded warehouse.

(b) *Issuance.* The storekeeper-gauger will issue warehousing stamps as needed. All of the necessary entries on the stamps shall be made by the storekeeper-gauger or by the proprietor under his supervision. Proper entries shall also be made on each stamp stub and, when all the stamps in a book have been used, the storekeeper-gauger shall forward the stub book to the district supervisor. The stamps shall be used consecutively, affixing the one bearing the lowest serial number to the first case filled and the serial number thereof shall be reported on Form 1440 on the same line with the serial number of the case. The stamps must be signed by the storekeeper-gauger in charge. Facsimile signatures of storekeeper-gaugers may be affixed by the use of hand stamps, provided care is taken to use such ink as will neither fade nor blur.*

§ 182.541 *Manner of affixing stamps*—(a) *Case stamps.* The case warehousing stamp shall be affixed and canceled in accordance with §§ 182.527 and 182.528.

(b) *Bottle stamps.* The bottle stamps must be securely affixed to the bottles with the use of a good adhesive. The adhesive used must be in proper liquid condition, and care must be taken to cover the entire back of the stamp with the adhesive, and to press the whole surface of the stamp firmly against the surface of the bottle sufficiently long to cause the entire surface of the stamp to adhere securely to the bottle. The stamp must pass over the mouth of the bottle, extending an approximately equal distance on two sides of the bottle. The stamp must be affixed in such manner that upon opening the bottle a portion of the stamp will be left attached thereto until emptied.* (Sec. 3301, I.R.C.)

§ 182.542 *Concealing or obscuring bottle stamps.* No part of the bottle stamp shall be concealed or obscured by any label or other covering, except that a cup may be placed over the opening of the bottle, or the bottle may be placed in a carton, as hereinafter provided. Seals made of cellulose or other material which are shrunk or otherwise fitted over the necks of the bottles and cover the stamps must be sufficiently transparent to permit the stamps to be plainly seen and the data thereon easily read. No cup or cap may be placed over the opening of a bottle and cover the stamp, unless such cup or cap is transparent, or is so placed on the bottle that it may be readily removed at any time without injury to the stamp, and the arrangement is such that the ends of the stamp will be plainly visible when the cap or cup is in place. Cartons or other coverings of bottles of alcohol are permitted, if so made that they may be opened and closed without being torn or broken. Sealed cartons or other coverings may not be used unless transparent, or unless openings therein permit the data on the stamp and the indicia and penalty clause required by Regulations 13 (26 CFR, Part 175) on the bottle to be plainly seen and read.* (Secs. 2871, 3301, I.R.C.)

§ 182.543 *Affixing bottle stamp over cup or cap.* The bottle stamp may be affixed over a cup or cap placed over the opening of the bottle, provided the arrangement is such that the stamp will be torn apart or destroyed when the cup or cap is unscrewed or removed or destroyed. Where it is desired to affix the bottle stamp over a removable cup or cap, the cup or cap must be securely screwed or fastened over the opening of the bottle, and must be of such size and construction that the stamp will pass over the top and extend beyond the cup or cap for such length that each end of the stamp may be securely affixed to the surface of the bottle. The stamp must be securely affixed with a strong adhesive to both the cup or cap and the bottle. Where it is desired to affix the stamp over a cap or seal made of cellulose or other similar adhesive material which is so shrunk or otherwise fitted over the neck of the bottle as to be unremovable without being destroyed, and is of such size and construction that the stamp will not extend beyond such cap or seal to permit each end to be affixed to the surface of the bottle, it will not be necessary for the ends of the stamp to be affixed to the surface of the bottle, provided the cap or seal is affixed to the bottle in such manner that when the bottle is opened the stamp will be torn apart and a portion of the cap or seal and stamp will remain attached to the bottle. In any case where there is doubt as to the propriety of the use of any cup or cap, the bottle and cup or cap should be submitted to the district supervisor for a ruling thereon.* (Sec. 2301, I.R.C.)

§ 182.544 *Bottling alcohol after tax-payment.* Where the proprietor of a bonded warehouse desires to bottle alcohol after payment of the tax thereon, he must comply with the provisions of Regulations 11 (26 CFR, Part 189), concerning the location, construction, equipment, etc., and operation of tax-paid bottling houses.*

Changes in Packages

§ 182.545 *Repackaging.* Packages of alcohol in bonded warehouses may be repackaged in order to prevent loss or for other valid reason. The new packages must be properly marked, as in the case of the original packages, and proper record made of the transaction. The transfer of the contents of the old packages to the new packages shall be made by the proprietor under the immediate supervision of the storekeeper-gauger.

(a) *Entire contents to be repackaged.* The entire contents of a package must be repackaged. Notation should be made on Form 1440, covering the entry gauge of the original package that its contents have been repackaged into another package or packages, giving the serial numbers of the recasked packages and the date of the repackaging. The recasked packages should be gauged and notation made on Form 1440 covering such gauge that they were filled from other packages, giving the serial numbers of the original packages: *Provided*, That where it is desired to recask only a portion of the contents of the package, the package should be dumped into a storage tank and proper notation thereof made on Forms 1440, 1443–A, and 1443–B.* (Sec. 2808, I.R.C.)

§ 182.546 *Changes in packages for export.* In the event of a change in a package for export, all the required marks and brands, including the results of regauging, which must be made under any circumstances, shall be placed on the new package.* (Sec. 2808, I.R.C.)

Removal of Alcohol from Warehouse

§ 182.547 *Authorized removals.* Alcohol may be removed from bonded warehouses in accordance with the procedure prescribed in these regulations, for the following purposes:

(1) Transferred in bond to another bonded warehouse.
(2) Transferred to a denaturing plant for denaturation.
(3) Withdrawn upon payment of tax.
(4) Withdrawn tax-free for scientific purposes, use of hospitals, States, etc.
(5) Withdrawn for use by the United States or governmental agency thereof.
(6) Withdrawn for exportation.
(7) Transferred to customs manufacturing bonded warehouses.
(8) Withdrawn tax-free for use on certain vessels and aircraft.

• (Secs. 2885, 2891, 3070 (a), 3103, 3107, 3108, I.R.C.; sec. 309 (a), Tariff Act of 1930; 19 U.S.C., Sup., 1309, as amended by sec. 3, Act of July 22, 1941 (Public Law 187, 77th Cong.))

§ 182.548 *Transportation*—(a) *In bond.* Alcohol shipped in bond to another bonded warehouse shall be transported to the premises of the receiving warehouse by the proprietor of the shipping warehouse; or by a railroad or steamship company, or an express company operating thereon; or by a motor carrier who holds a permit to transport tax-free or specially denatured alcohol or who has qualified with the Interstate Commerce Commission as a "self insurer"; or by other carriers, including motor and barge lines, who are actively and regularly engaged in the legitimate business of transportation and who possess adequate facilities to insure safe delivery at destination of any alcohol transported by them, and who are approved by the district supervisor.

(b) *Tax-free.* Alcohol withdrawn free of tax for denaturation, export, transfer to customs manufacturing bonded warehouse, use on vessels and aircraft, use of the United States or any governmental agency thereof, the several States and Territories or any municipal subdivision thereof, or the District of Columbia, hospitals, sanatoriums, colleges, laboratories, scientific purposes, etc., must be transported to the premises of the consignee or, if withdrawn for export, to the port of export, by the proprietor of the bonded warehouse or a carrier holding permit on Form 145 to transport tax-free alcohol: *Provided*, That the consignee may transport the alcohol from the premises of the delivering carrier at the place of destination to his own premises or in the case of export, or use on vessels and aircraft, to the point of lading.

(c) *Method of transportation.* Alcohol shipped in bond or tax-free in accordance with paragraphs (a) and (b), must be transported by the proprietor of the bonded warehouse or the authorized carrier personally, or by some person regularly and exclusively in their employ, and the right to the possession of any vehicle used for such transportation must be vested in the vendor or carrier.

(d) *Responsibility for delivery.* The consignor will be responsible for proper delivery of alcohol shipped in bond or tax-free to an authorized carrier, or to the premises of the consignee when delivery is made by the consignor. The consignee will likewise be responsible for the proper delivery to his permit premises of alcohol shipped to him in bond or tax-free and transported by him from the premises of the authorized carrier. Failure to make such delivery will be deemed to be grounds for citation for revocation of the basic permit of the person responsible for the proper delivery of the alcohol.

(e) *Certificate in bill of lading, waybill, etc.* When alcohol is transported by a carrier, as authorized herein, the proprietor of the shipping warehouse shall include in his bill of lading, waybill, express receipt, etc., a statement to the following effect: "Before making delivery, the agent of the delivering carrier at destination must have received from the consignee a certified copy of the withdrawal permit authorizing this shipment."

(1) *Exception; written statement.* Where no bill of lading is issued, as in the case of delivery by local express company, a written statement to the above effect, signed by the shipper, shall be delivered to the carrier.• (Secs. 3070 (a), 3107, 3108, 3114, I.R.C.)

Regauge of Alcohol

§ 182.549 *Regauge of alcohol in packages.* Packages of alcohol in bonded warehouses may be withdrawn on the original gauge made at the time of filling where there is no reason to believe that the data shown on the original gauge differs from the present contents of the packages and the proprietor of the warehouse does not desire to regauge the same. Where the proprietor or storekeeper-gauger believes that the present contents of the packages may differ from the data shown on the original gauge, a regauge will be made. The results of the regauge shall be placed on the packages in accordance with the provisions of § 182.522, and notation on the records must be made as hereinafter provided.• (Sec. 2808, I.R.C.)

Transfer of Alcohol in Bond Between Bonded Warehouses

§ 182.550 *General.* Alcohol may be transferred in bond from any bonded warehouse in original packages or other approved containers, after the same has been correctly weighed and proofed to determine the exact contents of each package, unless withdrawn on the original gauge, to another bonded warehouse as hereinafter provided.• (Sec. 3107, I.R.C.)

§ 182.551 *Application and withdrawal permit, Form 1436*—(a) *Application.* Where the proprietor of the bonded warehouse desires to procure alcohol from another bonded warehouse, he will file application on Part I of Form 1436, "Application for Withdrawal Permit," in duplicate, with the district supervisor for withdrawal permit to procure alcohol. The names, warehouse numbers, and addresses of the warehouses from which alcohol will be procured will be stated in the application. Where the bond, Form 1432–A, filed by the proprietor covering the receiving warehouse is in less than the maximum penal sum, the application should be for a fixed number of proof gallons to be withdrawn during a calendar month, which amount shall not exceed the quantity authorized in the applicant's basic permit, Form 1433, to be on hand, in transit, and unaccounted for at any one time.

(b) *Withdrawal permit.* If the application is approved by the district supervisor, he will issue a withdrawal permit on Part II of the Form 1436. If the applicant's basic permit on Form 1433 for his bonded warehouse limits the quantity of alcohol that may be on hand, in transit, and unaccounted for at any one time, the quantity authorized by the withdrawal permit on Form 1436 to be withdrawn during any calendar month, shall not exceed such quantity specified in the applicant's basic permit. The district supervisor will forward the original copy of the withdrawal permit to the applicant and will retain the duplicate copy for his files. If the shipping warehouse is located in another supervisory district, a copy of the withdrawal permit, and any renewals or amendments thereof, will be prepared on the prescribed form and transmitted by the district supervisor issuing the same to the district supervisor of the district from which shipments are to be made. When the proprietor of the receiving warehouse desires to procure alcohol, he will forward the original of the withdrawal permit to the proprietor of the bonded warehouse named therein from whom he desires to procure the alcohol. Upon shipment, the proprietor of the shipping warehouse will enter the shipment on the permit and return it to the consignee, unless he has been authorized by the consignee to retain the permit for the purpose of making future shipments. No alcohol may be shipped by a consignor named in the withdrawal permit until such permit is in his possession. Except as provided in paragraph (d), further like transfers may be made under such permit during the term for which it is issued.

(c) *Carrier to be furnished copy of Form 1436.* Where the alcohol is to be delivered by a person other than the vendor, the consignee shall procure from the district supervisor a certified copy (or copies, if delivery is to be made by more than one carrier), on the prescribed form, of the withdrawal permit, Form 1436, and shall file the same with the delivering carrier's agent at destination. Application for such certified copy or copies shall be made by the permittee to the district supervisor by letter, specifying the name of the delivering carrier. Where such delivering carrier is known at the time Form 1436 is filed, the application should accompany such form.

(d) *Expiration or termination of permit.* Upon expiration of a withdrawal permit it shall be returned to the district supervisor for cancellation. Where the permit is in the possession of a consignor on the date of expiration, such consignor shall return it to the permittee for surrender to the district supervisor. Should a basic permit, Form 1433, held by a person to whom withdrawal permit, Form 1436, was issued, be terminated, surrendered, or revoked, the proprietor of each bonded warehouse named as vendor in such withdrawal permit shall, upon notice from the district supervisor, make no further shipments thereunder, and if such withdrawal permit is in his possession, he shall return it to the district supervisor for cancellation.• (Secs. 3101, 3107, I.R.C.)

§ 182.552 *Application for renewal of withdrawal permit.* Applications on Part I of Form 1436 for renewal of withdrawal permits must be submitted by the permittee to the district supervisor not less than one month prior to the date of expiration of the permit to be renewed, in order that the renewal permit may be issued and become available for withdrawals by the 1st day of the calendar month following the date of expiration of the permit to be renewed. Application for renewal of withdrawal permits shall be executed in conformity with § 182.551 (a).•

§ 182.553 *Renewal of withdrawal permit, Form 1436* Withdrawal permits on Part II of Form 1436 shall remain in force for the calendar year or for the term of the basic permit, Form 1433. A renewal permit must be procured for each year, commencing with January 1, after the expiration of the original permit. The provisions of § 182.551 (b) shall be applicable to the issuance of renewal permits.•

§ 182.554 *Quantity procurable under withdrawal permits.* Where the permittee's basic permit, Form 1433, limits the quantity of alcohol that may be on hand, in transit, and unaccounted for at any one time at the bonded warehouse, he shall in procuring alcohol from another bonded warehouse deduct the quantity on hand, in transit, and unaccounted for from the quantity so limited in his basic permit, and if the available balance is less than the quantity procurable under the withdrawal permit during the calendar month, give his order for an amount not exceeding the available balance. For this purpose, alcohol shall be deemed to be unaccounted for when disposed of or lost otherwise than as provided by these regulations. Failure on the part of permittees to observe the foregoing requirements concerning withdrawals will be regarded as sufficient grounds for citation for revocation of their basic permits.• (Secs. 3101, 3107, I.R.C.)

§ 182.555 *Transfer stamps.* An industrial alcohol transfer stamp shall be attached to each container of alcohol transferred in bond from one bonded warehouse to another such warehouse, or to a denaturing plant not on the same premises with the bonded warehouse. Such transfer stamp must be effaced and obliterated when the package is finally withdrawn or emptied at the receiving bonded warehouse or denaturing plant. The storekeeper-gauger shall issue transfer stamps as needed and all necessary entries thereon shall be made by the storekeeper-gauger or by the proprietor under his immediate supervision. Proper entries shall also be made on each stamp stub and, when all the stamps in a book have been used, the storekeeper-gauger shall forward the stub book to the district supervisor. Transfer stamps will be furnished by collectors to district supervisors upon request. District supervisors may supply storekeeper-gaugers in charge at bonded warehouses with sufficient quantities of such stamps to enable shipment in bond to be made from such warehouse without unnecessary delay. The transfer stamps must be signed by the storekeeper-gauger in charge of the bonded warehouse. Facsimile signatures of storekeeper-gaugers on stamps may be affixed by the use of hand stamps, provided care is taken to use only such ink as will neither fade nor blur. The stamps shall be affixed, canceled, etc., in accordance with §§ 182.527 and 182.528.• (Sec. 3300, I.R.C.)

§ 182.556 *Report of gauge, Form 1440.* The proprietor will prepare Form 1440, in quadruplicate, giving the details of the re-gauge, or original gauge, if withdrawn on such gauge, of the alcohol. The proprietor will deliver all copies of the form to the storekeeper-gauger in charge, who shall upon shipment forward one copy to the supervisor of the district in which the shipping warehouse is located, and two copies, with one copy of Form 1439, to the storekeeper-gauger in charge of the receiving warehouse, and return the remaining copy to the proprietor of the shipping warehouse, who shall file the same as a permanent withdrawal record, as provided in § 182.643 (b).• (Secs. 3101, 3107, I.R.C.)

§ 182.557 *Report of shipment, Form 1439.* When alcohol is transferred in bond to another bonded warehouse, the proprietor shall, at the time of shipment, prepare Form 1439, in duplicate, if shipment is made to a warehouse located within the same district, or in triplicate, if shipment is made to a warehouse located in another district, and immediately deliver all copies thereof to the storekeeper-gauger in charge, who shall, on the same day, forward one copy to the supervisor of the district from which the alcohol is shipped, one copy to the supervisor of the district to which the alcohol is shipped (where shipment is to another district), and the remaining copy to the storekeeper-gauger in charge of the receiving bonded warehouse, who, upon receipt of the alcohol, will dispose of the form in accordance with § 182.494.• (Secs. 3101, 3107. I.R.C.)

Withdrawal for Denaturation

§ 182.558 *General.* Alcohol may be withdrawn free of tax for denaturation in an approved denaturing plant, as hereinafter provided.• (Secs. 3070 (a), 3101, 3108 (a), 3114 (a), I.R.C.)

§ 182.559 *Transfer to denaturing plant on same premises.* Alcohol may be withdrawn from a bonded warehouse and transferred to a denaturing plant located on the same premises, without the necessity of procuring withdrawal permit, Form 1463. Alcohol may be so transferred by pipe line or in approved containers. Where the bond for the denaturing plant is in an amount less than the maximum penal sum prescribed by these regulations, and the basic permit, Form 1433, for the denaturing plant limits the quantity of alcohol that may be received in the denaturing plant during a calendar month, no larger quantity of alcohol than that covered by the bond or authorizing by the basic permit may be transferred to the denaturing plant. Storekeeper-gaugers will see that such limitations are observed.• (Secs. 3070 (a), 3101, 3108 (a), I.R.C.)

§ 182.560 *Shipment to denaturing plant located on other premises.* Alcohol may be withdrawn from a bonded warehouse for shipment to a denaturing plant located on other premises only pursuant to withdrawal permit, Form 1463, authorizing such shipment. Alcohol may be so shipped in tank cars, drums, or other approved containers. Such shipments may not be made until the proprietor of the bonded warehouse has received from the denaturer the withdrawal permit, Form 1463, naming him as vendor, and then only in the quantity specified in the withdrawal permit. Upon shipment the proprietor of the bonded warehouse will enter the shipment on the permit and return it to the denaturer, unless he has been authorized by the denaturer to retain the permit for the purpose of making future shipments.

(a) *Form 1439.* When alcohol is shipped to a denaturing plant located on other premises, the proprietor of the warehouse shall prepare Form 1439, in duplicate, if shipment is made to a denaturing plant located in the same district, or in triplicate, if shipment is made to a denaturing plant located in another district, and immediately deliver all copies thereof to the storekeeper-gauger in charge, who shall, on the same day, forward one copy to the district supervisor of the district from which the alcohol is shipped, one copy to the district supervisor of the district to which the alcohol is shipped (where shipment is to another district), and the remaining copy to the storekeeper-gauger in charge of the denaturing plant.• (Secs. 3070 (a), 3101, 3108 (a), 3114 (a), I.R.C.)

§ 182.561 *Gauging, marking, and stamping upon withdrawal.* When alcohol is transferred by pipe line, or shipped in tank cars, to a denaturing plant, it will be run into a weighing tank and weighed and proofed by the proprietor, in accordance with §§ 182.405 and 182.407. When alcohol is transferred or shipped to a denaturing plant in other approved containers, the proprietor will regauge the packages, unless withdrawn on the original gauge, and will mark each package in accordance with §§ 182.518 to 182.524, inclusive: *Provided*, That where packages are transferred to a denaturing plant on the same premises the regauged markings prescribed by § 182.522 need not be placed upon the packages: *And provided further*, That where packages are filled from the receiving tanks of the industrial alcohol plant or from storage tanks in the bonded warehouse for transfer to the denaturing plant located on the same premises, and the alcohol is to be denatured immediately in such packages and the location of the receiving room, bonded warehouse and denaturing plant is such that the packages are transferred from the receiving room or bonded warehouse to the denaturing plant in the immediate personal presence

of the storekeeper-gauger and under his constant observation, the district supervisor may authorize the data, which these regulations require to be marked upon the Government head or side of the package, to be placed upon a label attached to the head or the side of the container, in lieu of being printed, stencilled, or cut thereon. Such label shall be destroyed when the contents of the package are denatured. A transfer stamp must be affixed to each package shipped to a denaturing plant not located on the same premises, as required by § 182.555. Transfer stamps need not be affixed to packages transferred to a denaturing plant on the same premises.

(a) *Form 1440.* The proprietor will prepare Form 1440, in quadruplicate, giving the details of the regauge, or original gauge if withdrawn on such gauge, of the alcohol. The proprietor will deliver all copies of the form to the storekeeper-gauger in charge, who shall upon shipment forward one copy to the supervisor of the district in which the bonded warehouse is located, and two copies with one copy of Form 1439 to the storekeeper-gauger in charge of the denaturing plant, and return the remaining copy to the proprietor of the warehouse, who shall file the same as a permanent withdrawal record, as provided in § 182.643.* (Secs. 3070 (a), 3101, 3108 (a), I.R.C.)

§ 182.562 *Expiration or termination of permit.* Where a withdrawal permit, Form 1463, is in the possession of the proprietor of a bonded warehouse on the date of expiration, such proprietor shall return it to the denaturer for surrender to the district supervisor. Should a basic permit, Form 1433, held by a denaturer to whom withdrawal permit, Form 1463, was issued, be terminated, surrendered, or revoked, the proprietor of each bonded warehouse named as vendor in such withdrawal permit shall upon notice from the district supervisor make no further shipments thereon, and if such withdrawal permit is in his possession, he shall return it to the district supervisor for cancellation.* (Sec. 3114 (a), I.R.C.)

Tax-payment of Alcohol in Packages or Cases

§ 182.563 *Gauging of packages or cases.* Whenever the proprietor desires to withdraw alcohol in packages on payment of tax, he shall, unless withdrawn on the original gauge, correctly weigh and proof the alcohol and determine the exact contents of each package in proof gallons. He shall prepare Form 1440, in quadruplicate, giving the details of the gauge, and deliver all copies thereof to the storekeeper-gauger in charge for examination. Cases of bottled alcohol are not required to be weighed and proofed, but Form 1440 shall be prepared giving the serial numbers, contents, etc., of the cases. If the forms are in proper order, the storekeeper-gauger will retain one copy and return three copies to the proprietor, who will forward all three copies to the collector of internal revenue with remittance in cash or by certified check or post office money order for the tax.* (Secs. 3101, 3103, 3656 (a), I.R.C.)

§ 182.564 *Issuance of tax-paid stamps.* The collector will issue the tax-paid stamps. Each tax-paid stamp shall bear the signature of the collector, who shall write or stamp thereon the date of payment of the tax, by whom paid, the number of gallons and tenths of gallons of proof spirits, and serial number of package or case. Facsimiles of signatures of collectors may be affixed by the use of hand stamps to the tax-paid stamps, care being taken to use only such ink as will neither fade nor blur. The collector will enter the serial numbers of the stamps in the appropriate spaces on all three copies of Form 1440, execute the certificate of tax-payment on all copies, retain one copy, and return the remaining two copies of the form to the proprietor of the warehouse with the stamps.* (Sec. 3103, I.R.C.)

§ 182.565 *Removal of alcohol.* The proprietor shall deliver all copies of Form 1440 with the tax-paid stamps to the storekeeper-gauger, who will verify the data thereon, and, if no discrepancies are found, he will affix his signature to each stamp. Facsimiles of signatures of storekeeper-gaugers may be affixed by the use of hand stamps, care being taken to use only such ink as will neither fade nor blur. The storekeeper-gauger will then return the stamps to the proprietor, who will stamp and mark the packages or cases, as provided in §§ 182.525, 182.527, and 182.528 and in the Gauging Manual, after which the proprietor will immediately remove the alcohol from the premises or to his tax-paid storeroom, if one has been provided. When the alcohol has been removed, the storekeeper-gauger will forward one copy of Form 1440 to the district supervisor, and return two copies to to the proprietor, who will retain one copy as a permanent record, as provided in § 182.643, and if he so desires, furnish the remaining copy to the vendee.* (Sec. 3103, I.R.C.)

Tax-Paid Withdrawals in Tank Cars

§ 182.566 *Gauging of alcohol.* Whenever the proprietor desires to withdraw alcohol from receiving or storage tanks for tax-payment and removal in railroad tank cars, the alcohol will be run into a weighing tank, where it will be correctly gauged and then run into the railroad tank car. The proprietor shall prepare Form 1440, in quadruplicate, giving the details of the gauge and submit all copies to the storekeeper-gauger for examination. If the forms are in proper order, the storekeeper-gauger will retain one copy and return three copies to the proprietor.* (Secs. 3101, 3103, I.R.C.)

§ 182.567 *Application for certificate of tax-payment Form 1594.* The proprietor will forward all copies of Form 1440 with Form 1594, "Application for Collector's Certificate of Tax-Payment of Distilled Spirits for Shipment in Tank Cars," in duplicate, if the vendee is located in the same supervisory district, and in triplicate if the vendee is located in a different supervisory district, accompanied by proper remittance for the tax to the collector of internal revenue. The collector may, in his discretion, accept uncertified checks in payment of the tax on alcohol contained in tank cars where certificates are issued in lieu of stamps.* (Secs. 3101, 3112 (b), 3656 (b), I.R.C.).

§ 182.568 *Certificate of tax-payment, Form 1595.* The collector will issue Form 1595, "Collector's Certificate of Tax-Payment of Distilled Spirits for Shipment in Tank Cars," execute his certificate of tax-payment and enter the serial number of the certificate (in the column provided for entering the serial numbers of tax-paid stamps) on all copies of Form 1440. The collector will fill in all the required data in the blank spaces on the certificate, except those provided in the lower left corner for the verification of the storekeeper-gauger, and date and sign the certificate in the same manner as a tax-paid stamp is required by § 182.564 to be filled in, dated, and signed. This certificate is not negotiable and shall not be used on any tank car other than the one specified therein. The collector will enter on the original and the copy, or copies, of Form 1594, in the space provided, the serial number, date, and amount of the certificate issued. The collector will retain one copy of Form 1440 and the original copy of Form 1594. He will mail or deliver the certificate (Form 1595) and the original and remaining copies of Form 1440 to the vendor or his designated agent, in accordance with the vendor's request in Form 1594. The collector will send one copy of the application (Form 1594) to the district supervisor. Where the vendee is located in a different supervisory district, the collector will send the remaining copy of Form 1594 to the supervisor of the district in which the vendee is located.* (Sec. 3101, I.R.C.)

§ 182.569 *Bill of lading.* The proprietor shall incorporate in the bill of lading a description of Form 1595 as follows:

Form 1595, "Collector's Certificate of Tax-Payment of Distilled Spirits for Shipment in Tank Cars," Serial Number ------, Owner and Number of Car ----------, Vendor ----------, Address ----------, Vendee ----------, Address ----------.

* (Sec. 3101, I.R.C.)

§ 182.570 *Verification and affixing of certificate.* The proprietor shall give the certificate of tax-payment (Form 1595), the bill of lading, and all copies of Form 1440 to the storekeeper-gauger. The storekeeper-gauger will verify the contents of the tank cars and description of Form 1595 in the bill of lading, determine the security of the route board, and date and sign the certificate in the space provided therefor. The proprietor shall then affix the certificate to the route board in the presence of the storekeeper-gauger. The certificate must be securely affixed to the route board with a good adhesive and with a tack in each corner, after which it will be canceled in the same manner as a tax-paid stamp after attachment to a package and covered with a coating of transparent shellac, varnish, or lacquer to prevent its easy removal or alteration.* (Sec. 3101, I.R.C.)

§ 182.571 *Release of tank car.* When the certificate of tax-payment has been affixed to the route board and canceled, the storekeeper-gauger will return the bill of lading to the proprietor and release the tank car for shipment. The storekeeper-gauger will forward one copy of Form 1440 to the district supervisor and deliver two copies to the proprietor, who will forward one copy to the vendee, and retain the remaining copy as a permanent record in accordance with § 182.643.* (Sec. 3101, I.R.C.)

§ 182.572 *Procedure when tank car is empty; scalping certificate.* When alcohol is received in a tank car by the proprietor of a rectifying plant, tax-paid bottling house, or other vendee authorized to receive tax-paid alcohol in tank cars, the vendee shall, at the time the car is emptied, scalp the certificate of tax-payment on Form 1595 by cutting send the scalped portion of the certificate within the border. The vendee shall then send the scalped portion of the certificate to the supervisor of the district in which the vendee is located and shall obliterate the remainder of the certificate. If the tank car is received without the certificate attached thereto, the vendee shall note such fact on the bill of lading and immediately notify the district supervisor, who will cause such inquiry to be made respecting the shipment and receipt of the car as he may deem appropriate. Where a tank car with the certificate missing is received by a plant where a storekeeper-gauger is assigned, such storekeeper-gauger will furnish a complete report to the district supervisor.*

§ 182.573 *Vendee's use of Form 1440.* The Form 1440 sent to the vendee by the vendor shall be attached to the storage tank in the rectifying plant, tax-paid bottling house, or premises of other vendee authorized to receive the alcohol. The proprietor shall enter the date and quantity of removals from the storage tank on Form 1440 attached to the storage tank. Form 1440 shall be kept on the tank until such time as the quantity covered by such form has been withdrawn from the tank. Form 1440 shall then be filed by the proprietor, available for inspection by Government officers. If the alcohol is transferred directly from the tank car into a bottling tank, the vendee shall make a notation to that effect on Form 1440 and file it.*

§ 182.574 *Comparison of scalped certificate with application.* The district supervisor will compare the scalped certificate with the copy of the application as to name of vendor and vendee, number of gallons of alcohol, the amount of tax, etc., and investigate any discrepancy. He will then send the copy of the application to the Commissioner, and, where there is a discrepancy, a report of his findings relative thereto.*

Tax-paid Withdrawals by Pipe Line to Rectifying Plant

§ 182.574a *Gauging of alcohol.* Where a pipe line has been installed and approved for the transfer of alcohol, after tax-payment, direct from the weighing tank in the industrial alcohol plant or bonded warehouse to a contiguous rectifying plant or rectifying plant in the immediate vicinity, as provided in §182.82a, and the proprietor desires to so transfer alcohol, the alcohol will be run into a weighing tank where it will be correctly gauged. The proprietor shall prepare Form 1440, in quadruplicate, giving the details of the gauge and submit all copies to the storekeeper-gauger for examination. If the forms are in proper order, the storekeeper-gauger will retain one copy and return three copies to the proprietor. The outlet of the weighing tank will be closed and locked before the alcohol to be tax-paid is transferred to the tank, and the inlet of the tank will be closed and locked after the alcohol has been run into the tank. Both the outlet and inlet will be kept locked, pending payment of tax and receipt of the collector's certificate of tax-payment, Form 1595, as hereinafter provided.* (Secs. 3101, 3103, 3106, 3124 (a) (2), I.R.C.)

§ 182.574b *Application for certificate of tax-payment, Form 1594.* The proprietor will make application for certificate of tax-payment on Form 1594, in duplicate, appropriately modified to indicate withdrawal by pipe line and the weighing tank by number for which the certificate is desired, and forward both copies of the form and the three copies of Form 1440, returned to him by the storekeeper-gauger, accompanied by proper remittance for the tax to the collector of internal revenue. The collector may, in his discretion, accept uncertified checks in payment of tax on alcohol withdrawn by pipe line where certificates are issued in lieu of stamps.* (Secs. 3101, 3112 (b), 3656 (b), I.R.C.)

§ 182.574c *Certificate of tax-payment, Form 1595.* The collector will issue Form 1595, "Collector's Certificate of Tax-Payment of Distilled Spirits for Shipment in Tank Cars," appropriately modified to indicate withdrawal by pipe line and the weighing tank by number for which the certificate is issued, and execute his certificate of tax-payment and enter the serial number of the certificate (in the column provided for entering the serial numbers of tax-paid stamps) on all copies of Form 1440. The collector will fill in all the required data in the blank spaces on the certificate, except those provided in the lower left corner for the verification of the storekeeper-gauger, and date and sign the certificate in the same manner as a tax-paid stamp is required by § 182.564 to be filled in, dated, and signed. This certificate is not negotiable and shall not be used on any weighing tank other than the one specified therein. The collector will enter on the original and the copy of Form 1594, in the space provided, the serial number, date, and amount of the certificate issued. The collector will retain one copy of Form 1440 and the original copy of Form 1594. He will mail or deliver the certificate (Form 1595) and the original and remaining copies of Form 1440 to the vendor or his designated agent, in accordance with the vendor's request in Form 1594. The collector will send one copy of the application (Form 1594) to the district supervisor.* (Sec. 3101, I.R.C.)

§ 182.574d *Verification and affixing of certificate.* The proprietor shall deliver the certificate of tax-payment, Form 1595, and all copies of Form 1440 to the storekeeper-gauger, who will verify the contents of the weighing tank and date and sign the certificate, Form 1595, in the space provided therefor. The certificate must be attached to the board on the weighing tank by means of a tack in each corner, after which it will be canceled in the same manner as a tax-paid stamp attached to a package and covered with a coating of transparent varnish, shellac, or lacquer to prevent any alteration thereof.* (Sec. 3101, I.R.C.)

§ 182.574e *Transfer of alcohol.* When the certificate of tax-payment has been affixed to the weighing tank and canceled, the storekeeper-gauger will unlock the outlet valve and permit the proprietor to transfer the alcohol by pipe line to the rectifying plant specified in the certificate. The alcohol shall be transferred only under the immediate supervision of the storekeeper-gauger at the industrial alcohol plant or bonded warehouse and the storekeeper-gauger at the rectifying plant, who shall verify by weight or measure the quantity received. After the alcohol has been transferred, the storekeeper-gauger will forward one copy of Form 1440 and the canceled Form 1595 to the district supervisor, and deliver two copies of Form 1440 to the proprietor, who will deliver one copy of such form to the rectifier.* (Sec. 3101, I. R. C.)

§ 182.574f *Rectifier's use of Form 1440.* The report of gauge, Form 1440, delivered to the rectifier by the proprietor, shall be attached to the storage tank in the rectifying plant. The rectifier shall enter the date and quantity of removals from the tank in the blank spaces of such Form 1440. The report of gauge shall be kept on the tank until such time as the quantity covered thereby has been withdrawn from the tank. The report shall then be filed by the rectifier available for inspection by Government officers. The alcohol transferred by pipe line may not be used by the rectifier prior to attachment of Form 1440 to the storage tank.* (Sec. 2801 (e) (1), I.R.C.)

§ 182.574g *Comparison of canceled certificate with application.* The district supervisor will compare the canceled certificate with the copy of the application, Form 1594, and the report of gauge, Form 1440, as to the number of gallons of alcohol, the amount of tax, etc., and investigate any discrepancy. He will then send a copy of the application to the Commissioner, and, where there is a discrepancy, a report of his findings relative thereto.*

Tax-free Withdrawals for Scientific Purposes, Use of Hospitals, States, etc.

§ 182.575 *Who may procure.* Under the law, alcohol may be withdrawn in accordance with these regulations from any industrial alcohol plant or bonded warehouse tax-free for use by the several States and Territories, or any municipal subdivision thereof, or by the District of

Columbia, or for the use of any scientific university or college of learning, any laboratory for use exclusively in scientific research, or for use in any hospital or sanatorium, or for the use of any clinic operated for charity and not for profit, including use in the compounding of bona fide medicines for treatment outside of such clinics or patients thereof, but not for sale, pursuant to permit Form 1450 in the possession of the proprietor and naming him as vendor.* (Sec. 3108 (b), (c), I.R.C.)

§ 182.576 *Gauge of alcohol.* The proprietor will gauge each package of alcohol withdrawn tax-free, unless withdrawn on the original gauge, and prepare Form 1440, in triplicate, giving the details of such gauge. The packages shall be marked in accordance with §§ 182.518 to 182.526. Upon shipment of the alcohol, one copy of Form 1440 will be forwarded to the supervisor of the district in which the warehouse is located and one copy to the consignee. The remaining copy will be filed at the warehouse as a permanent record in accordance with § 182.643.* (Secs. 3101, 3103, 3108 (b), (c), I.R.C.)

§ 182.577 *Notification of shipment, Form 1439.* When alcohol is withdrawn tax-free, the proprietor shall, at the time of shipment, prepare Form 1439, in duplicate, where the consignee is located within the same district, or in triplicate where the consignee is located within another district, and immediately deliver all copies thereof to the storekeeper-gauger in charge, who shall on the same day forward one copy to the district supervisor of the district from which the alcohol is shipped, one copy to the district supervisor of the district to which the alcohol is shipped where shipment is to another district, and the remaining copy to the tax-free permittee.* (Sec. 3101, I.R.C.)

§ 182.578 *Entries of shipments on permit, Form 1450.* The proprietor of the bonded warehouse making shipment of tax-free alcohol shall enter on the withdrawal permit, Form 1450, date and number of proof gallons shipped. Future like shipments may be made under such permit during the period for which issued until the full quantity for which the permit was issued has been withdrawn.* (Sec. 3108 (b), (c), I.R.C.)

§ 182.579 *Permit may be retained at warehouse.* Withdrawal permit, Form 1450, may, at the option of the permittee-consignee, be returned to him after each shipment from a bonded warehouse, or it may be retained at the warehouse to cover additional shipments therefrom. If retained at the bonded warehouse, the permit must be returned to the permittee by the proprietor of the warehouse when the full quantity of alcohol authorized thereby has been obtained, or when the permit has expired or has been otherwise terminated or revoked.* (Sec. 3108 (b), (c), I.R.C.)

Tax-free Withdrawals by the United States or Governmental Agency

§ 182.580 *General.* Alcohol may be withdrawn from any industrial alcohol plant or bonded warehouse tax-free for the use of the United States or any governmental agency thereof, pursuant to permit issued on Form 1444.* (Sec. 3106 (b), I.R.C.)

§ 182.581 *Permit, Form 1444.* The proprietor of the warehouse may not ship alcohol to the United States or governmental agency thereof unless he is named as vendor in the basic permit, Form 1444, and such permit is in his possession. The permit may remain in the possession of the proprietor of the bonded warehouse until it is canceled or is recalled by the department or governmental agency to which issued.* (Secs. 3101, 3108 (b), 3114 (a), I.R.C.)

§ 182.582 *Gauge of alcohol.* The proprietor will gauge each package of alcohol withdrawn tax-free, unless withdrawn on the original gauge, and prepare Form 1440, in triplicate, giving the details of such gauge. The packages shall be marked in accordance with §§ 182.518 to 182.526. Upon shipment of the alcohol, one copy of Form 1440 will be forwarded to the supervisor of the district in which the warehouse is located and one copy to the consignee. The remaining copy will be filed at the warehouse as a permanent record in accordance with § 182.643.* (Secs. 3101, 3103, 3108 (b), I.R.C.)

§ 182.583 *Bill of lading.* Where the alcohol is transported from the bonded warehouse by a common carrier the person to whom the alcohol was delivered for shipment shall furnish a copy of the bill of lading covering transportation of the alcohol from the point of shipment to final destination to the storekeeper-gauger, who will forward the same to the district supervisor with Form 1440.* (Sec. 3101, I.R.C.)

§ 182.584 *Notice and receipt of shipment, Form 1453.* At the time of shipping alcohol tax-free to the United States or governmental agency thereof, the proprietor will prepare Form 1453 and forward it to the Government officer to whom the alcohol is to be delivered at destination. Such Government officer, upon receiving the shipment, will execute the certificate of receipt and forward the form to the district supervisor specified at the bottom of the form.* (Secs. 3101, 3108 (b), I.R.C.)

Exportation of Alcohol Free of Tax

§ 182.585 *General.* Alcohol may be withdrawn under proper permit and bond from an industrial alcohol bonded warehouse free of tax for exportation as hereinafter provided. Alcohol may be so withdrawn under a direct export bond, in which case the exporter must furnish to the district supervisor evidence of the actual landing of the alcohol in a foreign country or proof of a loss of the alcohol at sea. Alcohol may also be withdrawn for exportation under a transportation bond covering the transfer of the alcohol from the industrial alcohol bonded warehouse to the port of export, in which case the exporter must file with the collector of customs at the port of export, bond, Form 693 (Bureau of Customs), in a penal sum equal to the internal revenue tax on the alcohol to be exported, and proof of actual landing of the alcohol at the foreign port in accordance with regulations issued by the Bureau of Customs. In both cases a certificate showing the actual clearance of the alcohol from the port of export will be furnished to the district supervisor by the collector of customs.* (Sec. 2886, I.R.C.)

§ 182.586 *Kinds of containers.* Alcohol may be removed in bond free of tax as hereinafter provided for export in approved containers conforming with the specifications prescribed in §§ 182.506 to 182.512, inclusive, and paragraph (a) of this section.

(a) *Provision for reinspection.* Wooden packages containing tin or other metallic containers shall be securely fastened and provided with sufficient openings at the top to enable the inspecting officer at the port of export to readily test the alcohol without injury to the package. The openings to the inner containers enclosed in such wooden packages shall be, as nearly as practicable, on a line with the top of the packages and may be secured by screw-caps or other suitable device. Such screw-caps or other device should not be permanently fastened or sealed until the required reinspection at the port of export has been made, but after such reinspection and before the alcohol is laden on the exporting vessel, the exporter will be permitted in the presence of the inspecting officer to seal the cases in any manner desired.* (Sec. 3101, I.R.C.)

§ 182.587 *Application and entry.* Whenever an owner desires to remove alcohol from an industrial alcohol bonded warehouse either for direct exportation or for transportation for export in approved containers, he shall execute Part I of Form 1456, "Application and Entry for Withdrawal Tax-Free," in quadruplicate, for permits so to do. All of the information required by these regulations and called for by the form shall be furnished. The application must be subscribed and sworn to before a notary public or other officer authorized to administer oaths.* (Sec. 2885, I.R.C.)

§ 182.588 *Method of conveyance.* The conveyance to be used in transporting the alcohol from the bonded warehouse to the port of export and the name of the carrier or carriers, shall be shown in the application whenever possible. If the alcohol is shipped on a through bill of lading and all the carriers handling the alcohol while in transit are not known, the name of the carrier to whom the alcohol is to be delivered at the shipping warehouse must be shown.* (Secs. 2885, 2886, I.R.C.)

§ 182.589 *Gauging of alcohol.* The proprietor shall gauge the containers in which the alcohol is to be exported, unless withdrawn on the original gauge, and prepare Form 1440, in quadruplicate, giving the details of such gauge. One copy of Form 1440 will be attached to each copy of Form 1456.* (Sec. 3103, I.R.C.)

§ 182.590 *Export stamps required.* Every package of alcohol intended for exportation must have an export stamp affixed thereto at the time of its removal from the bonded warehouse. Such

stamps shall be purchased at a cost of 10 cents each by the proprietor of the warehouse from the collector of internal revenue of the collection district in which the warehouse is located.* (Sec. 2885 (b), I.R.C.)

§ 182.591 *Remittance to collector.* The proprietor of the warehouse will forward all copies of Form 1456, with Form 1440 attached, to the collector, together with remittance for the necessary number of export stamps. The remittance shall be in cash, post office money order, or certified check.*

§ 182.592 *Action by collector.* If the remittance is in the proper sum, the collector will (1) issue the necessary number of export stamps, (2) enter the kind and serial numbers of the stamps on all copies of Form 1440, and (3) retain one copy of each form (1456 and 1440) and return three copies, with the export stamps, to the proprietor of the warehouse.*

§ 182.593 *Application and bond to district supervisor.* The exporter shall forward to the district supervisor the three copies of Form 1456, with Forms 1440 attached, together with the proper bond, executed in accordance with § 182.594 and §§ 182.184–182.205 of these regulations, except that when an approved continuing bond (Form 1495 or 1496), in a sufficient penal sum, is on file in the district supervisor's office, applications covering exportation thereunder need not be accompanied by an export bond.* (Secs. 2885, 2886, 3170, I.R.C.)

§ 182.594 *Export bonds.* Bonds covering the exportation of alcohol may be executed by the exporter on one of the following forms in the penal sums indicated:

(a) *Continuing direct export bond, Form 1495.* If alcohol is to be withdrawn from time to time on one bond, a continuing bond on Form 1495 shall be filed, in triplicate. The penal sum of such bond shall be sufficient to cover the tax at the distilled spirits rate on the maximum quantity of alcohol that may remain unaccounted for at any one time, but in no case shall the penal sum be less than $1,000. Alcohol withdrawn for exportation shall remain unaccounted for until satisfactory proof of landing abroad, or loss at sea or in transit to the port of export, has been filed with the district supervisor, in accordance with §§ 182.604 or 182.612.

(b) *Continuing transportation for export bond, Form 1496.* If alcohol is to be withdrawn from time to time on one transportation for export bond, a continuing bond on Form 1496 shall be executed, in triplicate. The bond will be executed in a penal sum sufficient to cover the tax at the distilled spirits rate on the maximum quantity of alcohol that may remain unaccounted for at any time, but in no case shall the penal sum be less than $1,000. Alcohol withdrawn for transportation for export shall remain unaccounted for until satisfactory proof of clearance of the alcohol from the port of export, or of loss in transit to the port of export, is filed with the district supervisor, in accordance with §§ 182.604 or 182.612.

(c) *Direct export bond, Form 1497.* If the bond is intended to cover a specific lot of alcohol withdrawn for direct exportation it shall be executed on Form 1497, in triplicate. The penal sum of such bond shall be not less than the tax at the distilled spirits rate on the quantity of alcohol contained in the packages to be withdrawn for exportation, as shown by the Form 1440 and Form 1456.

(d) *Transportation for export bond, Form 1498.* If the alcohol is to be withdrawn for transportation for export and a bond is given only for a specific lot of alcohol, the bond shall be executed on Form 1498, in triplicate. The penal sum of such bond shall be not less than the tax at the distilled spirits rate on the quantity of alcohol contained in the packages to be withdrawn for exportation, as shown by the Form 1440 and Form 1456.*

§ 182.595 *Approval of bond and issuance of permit.* The district supervisor will examine the bond and if it is properly executed, as provided in Article X, and in a sufficient penal sum, computed as prescribed in § 182.594, to cover the tax at the distilled spirits rate on the alcohol contained in the packages, he shall note his approval thereon, retain one copy, forward one copy to the Commissioner, and return one copy to the principal. If the exporter has complied with the law and regulations in all respects, the district supervisor will issue permit on Part II of all copies of Form 1456 for removal and transportation of the alcohol and forward them to the storekeeper-gauger in charge of the warehouse: *Provided*, That if the exporter is not the warehouseman, the district supervisor finds that he is entitled to a permit under section 3114, I. R. C., and § 182.106 of these regulations.* (Secs. 2885, 2886, 3170, I.R.C.)

§ 182.596 *Marking and stamping packages.* Upon receipt by the storekeeper-gauger of Form 1456, with permit executed by the district supervisor, the proprietor will deliver the export stamps to the storekeeper-gauger in charge, who will verify the data thereon, and if no discrepancies are noted, he will sign the stamps and enter the serial numbers thereof on Form 1456. The packages will be marked, and the stamps shall be affixed, canceled and protected as required by §§ 182.525 to 182.528, by the proprietor in the immediate presence of the storekeeper-gauger.* (Secs. 2885, 2886, I.R.C.)

§ 182.597 *Release of alcohol.* After the packages have been properly stamped, marked, and branded, the storekeeper-gauger will approve the proprietor's application on Form 1440 to withdraw the packages, and will release the alcohol for delivery to the exporter named in the application. Upon removal of the alcohol from the warehouse, the storekeeper-gauger will execute his report of removal on Form 1456.* (Secs. 2885, 2886, I.R.C.)

§ 182.598 *Delivery to carrier.* If the alcohol is withdrawn from a bonded warehouse located elsewhere than at the port of exportation, the exporter will deliver the shipment to a carrier for transportation to the port of exportation. He shall procure two copies of the bill of lading covering such transportation and deliver both copies thereof to the storekeeper-gauger at the bonded warehouse. The alcohol must be consigned to the collector of customs of the port of export and must be properly described in the bill of lading by serial numbers and quantity.* (Secs. 2885, 2886, I.R.C.)

§ 182.599 *Delivery directly for customs inspection.* Where the alcohol is withdrawn from the bonded warehouse located at the port of exportation, the exporter will deliver the shipment directly for customs inspection and supervision of lading.* (Secs. 2885, 2886, I.R.C.)

§ 182.600 *Exportation through border ports.* In case of exportation through a border port to a contiguous foreign territory, the bill of lading will cover the transportation of the alcohol to its destination and must show the routing, particularly as to the carrier which will deliver the shipment for customs inspection at the border. The shipment must be consigned in care of the collector of customs or deputy collector of customs at the border port. The exporter shall deliver two copies of the bill of lading to the storekeeper-gauger at the bonded warehouse.* (Secs. 2885, 2886, I.R.C.)

§ 182.601 *Disposition of forms.* When the packages of alcohol have been delivered and the exporter has furnished copies of the bill of lading, the storekeeper-gauger will forward immediately a complete set of the Forms 1440 and 1456 and bill of lading to the district supervisor and a complete set to the collector of customs at the port of exportation and return the remaining copies of Forms 1440 and 1456 to the proprietor of the warehouse, who will retain them thereat as a permanent record in accordance with § 182.643.* (Secs. 2885, 2886, 3170, I.R.C.)

§ 182.602 *Records.* Upon the removal of the packages from the bonded warehouse, the proprietor shall record the quantity removed on Forms 1441, 1443–A, and 1443–B.* (Sec. 3171, I.R.C.)

§ 182.603 *Proceedings at port of export*—(a) *Export entry; alcohol withdrawn for direct export.* When alcohol withdrawn for direct export arrives at the port of export, the exporter or his agent shall file immediately with the collector of customs an export entry, Form 691, in duplicate. The collector of customs will compare the same with the application for withdrawal, Form 1456, received from the storekeeper-gauger of the bonded warehouse from which the alcohol was withdrawn for exportation and if the description of the alcohol in the export entry agrees with that given in the application for withdrawal, he shall execute Part 2 of both copies of Form 691, directing the surveyor of the port to inspect the packages described in the application and to supervise the scalping and destruction of export stamps thereon (as provided in paragraph (e) of this section) and the lading of spirits covered by the application.

(b) *Alcohol withdrawn for transportation for export.* In the case of alcohol withdrawn for transportation for export,

the prescribed export entry shall be signed by the exporter and formally filed with the collector of customs after the inspection and lading of the alcohol, as required by the law.

(c) *Supervision of lading.* Immediately upon arrival at the port of export of alcohol withdrawn for transportation for export, the exporter or his agent shall notify the collector of the port in order that the alcohol may be inspected and be under customs supervision from the time it is delivered from the cars or other conveyance in which received until laden on board the foreign bound vessel, car or other vehicle and such vessel, car, or other vehicle departs for the foreign destination.

(d) *Bulk containers to be gauged.* Alcohol in packages, or in cases containing metallic cans, shall be carefully gauged by a customs gauger and a detailed report of such gauge shall be made on Form 696, in duplicate. In preparing the report, the customs gauger shall make entries thereon as to each package in accordance with the column headings. A copy of the gauger's report of gauge will be attached to each copy of the entry for exportation, Form 691, and delivered to the collector of customs as provided in paragraph (g) of this section.

(e) *Export stamps to be scalped and obliterated.* There shall be cut out of each export stamp that portion upon which is shown the serial number of the stamp, the date of issue, the name of the collector issuing the same, the serial number of the cask or package, the contents and proof gallons, and the name of the internal revenue storekeeper-gauger. The cut-out portions of the export stamps shall then be attached to one copy of Form 691 for delivery to the collector of customs. After the export stamps have been scalped, the portions thereof remaining on each cask or package shall be obliterated.

(f) *Inspection of bottled alcohol.* The inspector at the port of export will in every instance carefully inspect cases containing bottled alcohol for the purpose of ascertaining whether the cases bear evidence of tampering or have sustained losses in transit due to breakage. The inspector will report on Form 691 any cases as to which a discrepancy is found, giving the serial numbers of the cases, their original contents in proof gallons, and the nature of the discrepancies as to each case.

(g) *Return of inspection and lading; export bill of lading.* After the alcohol has been duly laden on board the export vessel or car, the customs inspector shall execute his certificate of inspection and lading on Part 3 of Form 691 and forward all copies to the collector of customs, together with Form 696, if any, and the exporter shall file immediately one copy of the export bill of lading with the collector of customs and one copy with the district supervisor, unless, in the case of exportation through border ports, a through bill of lading was filed at the time of withdrawal from warehouse as provided in § 182.600.

(h) *Certificate of clearance.* Upon receipt of the duly executed forms and clearance of the vessel or car, the collector of customs will execute his certificate of clearance on Part 4 of Form 691 and will forward one copy of such form bearing the cut-out portions of the export stamps and one copy of Form 696, if any, to the district supervisor of the district in which is located the warehouse from which the alcohol was removed for exportation.

(i) *Exportation in railroad cars or trucks from port of entry through another port.* Where alcohol is to be exported by rail or in trucks through a frontier port and it is desired to avoid the delay of customs inspection and gauge at such port, the alcohol may be entered for exportation at an interior customs port and inspected and gauged by a customs officer at that port. The inspecting customs officer will supervise the loading of the alcohol and seal the car or truck with customs seals and note the car number or license number of the truck, as the case may be, and the serial numbers of the customs seals, if a numbered seal is used, on Part 3 of both copies of Form 691 and forward the forms to the collector of customs. The collector will forward both copies of Form 691 to the customs officer at the frontier port. If the customs officer at the frontier port finds upon arrival of the car or truck that the seals are intact and there is no evidence of tampering with the contents, he will allow the car or truck to proceed to its destination without opening. The officer will then execute his certificate of exportation by sealed cars or trucks, on Form 691 and return both copies of the form to the collector of customs at the port of entry. If, however, the customs officer finds that the seals are not intact or there is evidence of tampering with the contents, he will open the car or truck, inspect and gauge the alcohol, and make report of his gauge on Form 696, in duplicate. When the alcohol is so inspected and gauged, the customs officer will modify his report on Form 691 accordingly before executing it and will append to each copy of Form 691 a copy of his gauge on Form 696 before forwarding the forms to the collector of customs at the port of entry. Upon receipt of Form 691 and Forms 696, if any, from the customs officer at the frontier port, the collector at the port of entry will execute his certificate of exportation on Part 4 of both copies of Form 691, properly modified, and forward one copy of each form and the cut-out portions of export stamps from packages to the district supervisor of the district from which the alcohol was withdrawn from warehouse.

(j) *Subsequent procedure.* Where alcohol is withdrawn and shipped under an export bond, the requirements of §§ 182.604 to 182.609, inclusive, must be observed. Where the alcohol is withdrawn under a transportation for export bond, the exporter must file with the collector of customs bond on Form 693 and proof of actual landing of the alcohol at the foreign port, as provided in § 182.585.

(k) *Delay in lading at port.* If the exporting vessel is not prepared to receive alcohol withdrawn for export upon arrival at the port of exportation, the collector of customs may permit such alcohol to remain in possession of the transportation company for a period not exceeding 15 days. Storage elsewhere for a like cause and not exceeding the same period may be approved by the collector of customs. In the event of further delay, the facts will be reported to the Commissioner of Internal Revenue, who will issue appropriate instructions concerning the disposition of the alcohol.* (Secs. 2885, 2886, 3170, I.R.C.)

§ 182.604 *Proof of landing.* Every person exporting alcohol free of tax under an export bond shall file with the district supervisor, within six (6) months from the date of exportation, or such additional time as may be granted under § 182.609, evidence satisfactory to the district supervisor that the alcohol described in the application has been landed at some port outside the jurisdiction of the United States. The landing certificate must give such description as will readily identify the alcohol to which it relates.* (Secs. 2885, 3170, I.R.C.)

§ 182.605 *Form of landing certificate.* The landing certificate shall be in substantially the following form:

Port of _____, _____, 19_____.

I, _____, of _____, do hereby certify that the alcohol hereinafter described, shipped by _____ at the port of _____, on board the _____ on or about the _____ day of _____, 19_____, has been landed at this port from on board the _____ on or about the _____ day of _____, 19_____.

Number and kind of containers	Serial numbers	Quantity	
		Wine gallons	Proof gallons

[SEAL] _____

Subscribed and sworn to before me this _____ day of _____ 19_____.

[SEAL] _____

(Name)

_____

(Title)

* (Sec. 2885, I.R.C.)

§ 182.606 *Execution of landing certificate.* The landing certificate shall be signed by a revenue officer of the foreign country to which the alcohol is exported, unless it is shown that such country has no customs administration, in which event the certificate shall be signed by the consignee or by the vessel's agent at the place of landing and sworn to before a notary public or other officer authorized to administer oaths and having an official seal. Where the certificate offered is in a foreign language, a sworn translation must accompany the certificate.* (Sec. 2885, I.R.C.)

§ 182.607 *Several consignments may be covered by one landing certificate.* Where several consignments are made by the same shipper to the same consignee, or to a general agent, on the same date, by the same vessel or other conveyance, and to the same foreign port, such consignments may be covered by one landing certificate, provided each consignment is specifically and separately described in the certificate.* (Sec. 2885, I.R.C.)

§ 182.608 *Collateral evidence of landing.* Whenever an owner is unable to procure a landing certificate but is able to establish by collateral evidence the actual exportation of the alcohol and its delivery to the foreign consignee, he may file application for relief with the district supervisor holding the export bond. Such application must be under oath and must recite the facts connected with the exportation, the date of withdrawal of the alcohol from the industrial alcohol bonded warehouse for exportation, the name and registered number of the industrial alcohol bonded warehouse from which withdrawn, the serial numbers of the packages or cases, the quantity of alcohol, the name of the consignee and the name of the vessel by and the foreign port to which shipment was made. The application must set forth the reason why a landing certificate cannot be filed and must be supported by such collateral evidence of exportation and delivery to the foreign consignee as the exporter may be able to submit. The application must be submitted to the district supervisor before the expiration of the time specified in § 182.604 for furnishing evidence of landing.* (Sec. 2885, I.R.C.)

§ 182.609 *Extension of time for submitting proof of landing.* In case the owner, from causes beyond his control, is unable to furnish the required proof of landing within six (6) months from the date of exportation, he may make application to the district supervisor for an extension of time for the production of such evidence. Such application must state specifically the cause of failure to produce the evidence and be verified under oath. An extension of three months may be granted by the district supervisor, and, if necessary, upon a second application, an additional three months may be granted.* (Sec. 2885, I.R.C.)

§ 182.610 *Records.* The district supervisor will take credit as "Exported and accounted for" in his monthly report, Form 1487, for alcohol withdrawn for export under a transportation for export bond upon receipt of Form 691 from the collector of customs showing that the alcohol covered by the application was cleared from the port of exportation. Alcohol withdrawn under an export bond will be credited as "Exported and accounted for" on Form 1487 upon receipt of evidence of foreign landing. In case of a shortage, credit may not be taken for the shipment until advised by the Commissioner that the liability thereon has been terminated.* (Secs. 3170, 3953 (b), I.R.C.)

§ 182.611 *Account with continuing export bonds.* The district supervisor will keep an account with each continuing direct export bond, Form 1495, and each continuing transportation for export bond, Form 1496. In the account with each continuing direct export bond, the principal will be charged with the internal revenue tax on each lot of alcohol withdrawn thereunder for exportation and will receive credit for each lot concerning which satisfactory evidence of landing in a foreign country has been received. In the account of each continuing bond for transportation for export, the principal will be charged with the internal revenue tax on each lot of alcohol withdrawn under the bond for transportation for export and will receive credit for each lot concerning which evidence of clearance from the port of export is received from the collector of customs. In case a shortage in any shipment is reported, credit will be entered for the actual quantity exported or cleared for exportation, as the case may be, but no credit will be entered for the loss until advice has been received from the Commissioner of the termination of liability therefor. Upon receipt of advice from the principal that no further exportations are to be made under the bond, the district supervisor will, if there are no outstanding charges against the bond, cancel the same in the manner prescribed by §§ 182.312 and 182.313.* (Secs. 2885, 2886, 3170, I.R.C.)

§ 182.612 *Loss of alcohol withdrawn free of tax for exportation.* Under the provisions of section 3113, I.R.C., allowance may be made for alcohol lost by leakage, casualty, or unavoidable cause during shipment, warehousing, storage, or transfer of any such alcohol, and the Commissioner may remit any tax incurred upon such alcohol provided he is satisfied that the alcohol has not been diverted to any illegal use: *Provided, also,* That such allowance shall not be granted if the person claiming same is indemnified against such loss by a valid claim of insurance.*

§ 182.613 *Notice to exporter.* If, upon examination of Forms 691 and 696 received from the collector of customs, it shall appear that there has been a loss of alcohol from the packages while in transit from the industrial alcohol bonded warehouse from which the packages were withdrawn to the port of exportation, the district supervisor shall notify the exporter of such deficiency, giving the serial numbers of the packages from which the loss occurred, the name and registry number of the bonded warehouse from which the packages were removed, the quantity of alcohol lost from each package, and advise him of his privilege of filing a claim for the remission of the tax on the alcohol so lost, except that where the deficiency from any package does not exceed 1 proof gallon and there is no evidence indicating that the deficiency was not due to leakage or evaporation, or to loss by an unavoidable accident, no account need be taken of such deficiency.* (Sec. 3113, I.R.C.)

§ 182.614 *Claims for remission of tax.* The exporter must file claim for the remission of tax on alcohol lost in transit for exportation with the district supervisor within 30 days from the date he is advised of the loss. Special forms for use by claimants in making claims for remission of tax are not provided. Such claims must, however, be made in affidavit form. The exporter shall furnish the following information:

(1) The name of the exporter;

(2) The serial numbers of the packages involved;

(3) The quantity of alcohol lost from each package and the total quantity of alcohol covered by the claim;

(4) The total amount of tax for which the claim is filed;

(5) The date, penal sum, and form number of the bond under which withdrawal and shipment were made;

(6) The name, registry number, and location of the bonded warehouse from which the alcohol was withdrawn;

(7) The date of the loss, if known, and the cause and nature thereof, together with all of the known facts surrounding the loss;

(8) Whether the alleged loss occurred without any fraud or negligence of the exporter, owner, carrier, or of their agents or employees, and whether claim has been made or is contemplated against said persons or any of them on account of such loss; and

(9) Whether the alcohol lost is covered by a valid claim of insurance in excess of the market value thereof exclusive of the tax. If the alcohol is insured, the statement will show the market value of the alcohol per proof gallon, the amount and date of each and every policy of insurance, the name and location of the company by which each and every policy was issued, the name and address of the bona fide owner of the alcohol and, to the best of the affiant's knowledge, whether any other person or party is indemnified against the payment of the tax sought to be remitted.* (Sec. 3113, I.R.C.)

§ 182.615 *Proof of loss at sea.* When the exporter is unable to furnish proof of landing at a foreign port in consequence of loss at sea, he shall file with the district supervisor with whom he filed the export bond an application for relief, setting forth fully the information specified in § 182.614. Such application must be accompanied by the affidavits of two or more creditable and disinterested persons as to the loss. If the alcohol was insured, the exporter shall also file certificates by officers of the insurance company or board of underwriters that the insurance has been paid and that to the best of their knowledge and belief the alcohol was actually destroyed at sea. When obtainable, affidavits must be furnished by the master and mate of the vessel detailing the cause and extent of the loss and all of the facts and circumstances surrounding the same. Such proof shall be furnished to the district supervisor within the time specified in § 182.604 for furnishing proof of landing of the alcohol in a foreign country.* (Sec. 3113, I.R.C.)

§ 182.616 *Filing of proof of loss at sea in case of exportation under bond on Form 693.* Where alcohol is exported under a bond furnished on Form 693, and the exporter is unable to furnish the required proof of landing at a foreign port in consequence of loss at sea, he will file application for relief and supporting evidence conforming to the provisions of the preceding section with the collector

of customs with whom the bond was filed. The collector of customs will forward the application and supporting evidence to the Commissioner of Customs with his recommendation thereon.* (Sec. 3113, I.R.C.)

§ 182.617 *Additional evidence.* The Commissioner may require such further evidence as the circumstances surrounding the case may require and the claimant, when preparing the claim, should furnish such additional evidence as may be material in the case.* (Sec. 3113, I.R.C.)

§ 182.618 *Tax to be reported for assessment.* In the event report received from the collector of customs indicates losses from packages while in transit and claim for remission of the tax thereon is not made as heretofore provided, the district supervisor will report the tax for assessment in accordance with the prescribed procedure.* (Secs. 3112 (b), 3113, I.R.C.)

§ 182.619 *Shipment to American possessions.* The provisions of these regulations relating to the exportation of alcohol free of tax to foreign countries and the forms prescribed for use in connection therewith shall apply to like removals and shipments to the Philippine Islands, Puerto Rico, Guam, American Samoa, the Virgin Islands, and the Panama Canal Zone. Alcohol shipped to other possessions of the United States and to Hawaii and Alaska must be tax-paid before withdrawal from bonded warehouses unless transferred in bond to industrial alcohol bonded warehouses located in one of these Territories or possessions.* (Secs. 3341 (b), 3351 (b), 3361 (b), I.R.C., Sup., and sec. 3650, I.R.C.)

Transfer of Alcohol to Customs Manufacturing Bonded Warehouses

§ 182.620 *General.* Any manufacturer who manufactures medicines, preparations, compositions, perfumeries, cosmetics, cordials, and other liquors for export at a duly constituted customs manufacturing bonded warehouse established under section 3433, R.S. (26 U.S.C. 1381 (a)), may, under proper permit and bond, withdraw alcohol in approved containers from any industrial alcohol bonded warehouse free of tax for use in the manufacture of such products. Section 6, Act of March 8, 1902 (19 U.S.C., 152 (a)), provides that all articles manufactured in customs manufacturing bonded warehouses in whole or in part of imported materials or of materials subject to the internal revenue tax and intended for shipment from the United States to the Philippine Islands shall, when so shipped, under such regulations as the Secretary may prescribe, be exempt from such tax. Under section 311, Tariff Act of 1930, as amended (19 U.S.C., 1311), alcohol may be removed from industrial alcohol bonded warehouses under proper permit and bond without payment of tax and transported to customs manufacturing bonded warehouses, class 6, to be rectified, or reduced in proof and bottled, and exported or shipped to Puerto Rico or the Philippine Islands.* (Secs. 2891, 3177, 3179, I.R.C.; sec. 6, 32 Stat. 54 (19 U.S.C., 152 (a))

§ 182.621 *Application and entry, Form 1603.* When any manufacturer, who is the proprietor of a customs manufacturing bonded warehouse, desires to remove alcohol to such warehouse from an industrial alcohol bonded warehouse free of tax for use in the manufacture of medicines, preparations, compositions, perfumeries, cosmetics, cordials, and other liquors for export or for shipment to the Philippine Islands, or, in the case of alcohol rectified, or reduced in proof and bottled, for export or for shipment to Puerto Rico or the Philippine Islands, he shall execute Part I of Form 1603, "Application and Entry for Withdrawal Tax-Free," in quadruplicate, for permission so to do, and submit all copies thereof to the district supervisor. The provisions of §§ 182.585 to 182.619, inclusive, concerning the withdrawal of alcohol for export, so far as applicable shall apply to packages to be removed to customs manufacturing bonded warehouses.* (Sec. 2891 (a), I.R.C.)

§ 182.622 *Bond.* The manufacturer shall execute bond to cover the transportation of the alcohol from the industrial alcohol bonded warehouse from which withdrawn to the customs manufacturing bonded warehouse. If the bond is to cover a specific lot of alcohol, it shall be executed on Form 1459, in triplicate, and in a penal sum sufficient to cover the tax at the rate prescribed by law on the alcohol to be so transported. If it is desired to furnish bond under which alcohol may be withdrawn from time to time, it shall be executed on Form 1460, in a penal sum sufficient to cover the tax at the rate prescribed by law on the maximum quantity of alcohol which may be outstanding against the bond at any time. The bond will be forwarded with the application, Form 1603, to the district supervisor.* (Sec. 2891 (a), I.R.C.)

§ 182.623 *Approval of bond and issuance of permit.* The district supervisor will examine the bond and if it is properly executed, as provided in §§ 182.184–182.205, and in a sufficient penal sum, computed as described in § 182.622, to cover the tax at the distilled spirits rate on the alcohol contained in the packages, he shall note his approval thereon, retain one copy, forward one copy to the Commissioner, and deliver one copy to the principal. If the application is complete and the proprietor of the customs manufacturing bonded warehouse has complied with the law and regulations in all respects, and the district supervisor finds that he is entitled to a permit under section 3114, I.R.C., and these regulations, he will issue permit on Part II of all copies of Form 1603 for removal and transportation of the alcohol. The provisions of §§ 182.186 and 182.282 of these regulations are hereby made applicable to the issuance of permits on Form 1603 for the procurement of alcohol free of tax by proprietors of customs manufacturing bonded warehouses.* (Secs. 2891 (a), 3114 (a), I.R.C.)

§ 182.624 *Export stamps.* Alcohol to be transferred to customs manufacturing bonded warehouses must bear export stamps and the same shall be procured from the collector of internal revenue in the same manner as provided in §§ 182.596 to 182.602, inclusive.* (Secs. 2885, 2891 (a), I.R.C.)

§ 182.625 *Account with continuing bond, Form 1460.* The district supervisor will keep an account with each bond on Form 1460, in which account the principal will be charged with the tax on each lot of alcohol removed for transportation to a customs manufacturing bonded warehouse and will receive credit for the tax on each lot concerning which satisfactory proof of the deposit in such warehouse is received. If there has been a loss of alcohol in transit, the account may be credited with the quantity of alcohol deposited in the manufacturing warehouse upon receipt from the collector of customs on Form 3923 (Bureau of Customs) covering the deposit. However, the loss shall not be credited until advice has been received from the Commissioner that liability for tax due thereon has been terminated. When no further withdrawals are to be made under the bond, the district supervisor will, if there are no outstanding charges, cancel the bond in accordance with the provisions of § 182.314.* (Secs. 2891 (a), 3113, I.R.C.)

§ 182.626 *Marking and stamping; shipment; disposition of forms; records.* The packages must be stamped, marked, and shipped, and the forms disposed of, in accordance with the procedure prescribed for the exportation of alcohol in §§ 182.596 to 182.602, inclusive.* (Secs. 2891 (a), I.R.C.)

§ 182.627 *Consignment of alcohol.* The alcohol when withdrawn for shipment must in all cases be consigned to the proprietor of the customs manufacturing bonded warehouse, in care of the collector of customs of the district in which such warehouse is located.* (Sec. 2891 (a), I.R.C.)

§ 182.628 *Regauge and deposit in customs manufacturing bonded warehouse.* Upon receipt of Form 1603, the collector of customs will direct the proper officer to inspect and gauge the alcohol upon its arrival at the warehouse, and to supervise its deposit therein. The officer will make a report of his gauge on Form 696, in duplicate, scalp the export stamps and attach them to one copy of the form, supervise the deposit of the alcohol in the warehouse, execute his certificate on Form 3923 (Bureau of Customs), in duplicate, and forward the forms to the collector of customs, who will execute his certificate on Form 3923 and forward one copy of each form with the scalped stamps to the district supervisor of the district from which the alcohol was received.* (Sec. 2891 (a), I.R.C.)

§ 182.629 *Action by district supervisor.* Upon receipt of Form 3923, the district supervisor will ascertain whether there has been a loss of alcohol from the packages when in transit. If such a loss of alcohol has occurred, the district supervisor will proceed as provided in § 182.613, in the case of loss of alcohol from packages while in transit for exportation. If there has been no loss of alcohol in transit, the district supervisor will, if the withdrawal was made under bond on Form 1460, cancel such bond in accordance with the provisions of § 182.314, or if the alcohol was withdrawn on a continuing bond on Form 1460 enter appropriate credit in his account with such bond.* (Secs. 2891 (a), 3113, I.R.C.)

§ 182.630 *Allowance of loss in transit.* An allowance may be made for loss without fraud or negligence on the part of the proprietor of the industrial alcohol bonded warehouse, owner, exporter, carrier, or their agents or employees occurring during transportation from an industrial alcohol bonded warehouse to a customs manufacturing bonded warehouse. The provisions of these regulations governing the allowance of loss of alcohol in transit for exportation are hereby made applicable to leakage or loss of alcohol in transit from an industrial alcohol bonded warehouse to a customs manufacturing bonded warehouse.* (Sec. 3113, I.R.C.)

Supplies for Certain Vessels and Aircraft

§ 182.630a *General.* Alcohol may be withdrawn under proper permit and bond in approved containers from industrial alcohol bonded warehouses free of tax for use on vessels and aircraft as follows:

For supplies (not including equipment) of—

(1) Vessels of war, in ports of the United States, of any nation which may reciprocate such privilege toward the vessels of war of the United States in its ports;

(2) Vessels employed in the fisheries or in the whaling business or actually engaged in foreign trade or trade between the Atlantic and Pacific ports of the United States or between the United States and any of its possessions;

(3) Aircraft registered in the United States and actually engaged in foreign trade or trade between the United States and any of its possessions; and

For supplies (including equipment), maintenance, or repair of—

(4) Aircraft registered in any foreign country and actually engaged in foreign trade or trade between the United States and any of its possessions, where such trade by foreign aircraft is permitted, and where the Secretary of the Treasury shall have been advised by the Secretary of Commerce that he has found that such foreign country allows, or will allow, substantially reciprocal privileges in respect of aircraft registered in the United States.* (Sec. 3114 (a), I.R.C.; sec. 309 (a), Tariff Act of 1930; 19 U.S.C., Sup., 1309, as amended by sec. 3, Act of July 22, 1941 (Public law 187, 77th Cong.))

§ 182.630b *Reciprocating foreign countries.* The Commissioner will advise district supervisors by circular letter, from time to time, respecting the foreign countries which—

(1) in the case of vessels of war, reciprocate, or will reciprocate, the privilege of withdrawing alcohol free of tax to vessels of war of the United States in their ports, and

(2) in the case of aircraft, the Secretary of Commerce has found and advised the Secretary of the Treasury that such foreign countries allow, or will allow, privileges to aircraft registered in the United States engaged in foreign trade substantially reciprocal to the privileges allowed herein to aircraft of foreign registry.

District supervisors will approve applications to withdraw alcohol for use on foreign vessels of war and aircraft of only such countries.

(a) *Other countries.* If it is desired to withdraw alcohol free of tax for use on vessels of war or aircraft of other foreign countries, which it is claimed reciprocate similar privileges to vessels of war or aircraft of the United States, the applicant must first establish the right of such withdrawal. In such cases, the applicant should request the Secretary of State, in the case of vessels of war, or the Secretary of Commerce, in the case of aircraft, to find and advise the Secretary of the Treasury that such foreign country, or countries, allow, or will allow, substantially reciprocal privileges to vessels of war or aircraft, as the case may be, of the United States.*

§ 182.630c *Application, Form 1659.* Whenever it is desired to withdraw alcohol from an industrial alcohol bonded warehouse for use on vessels or aircraft in accordance with § 182.630a, application will be made on Part I of Form 1659, "Application and Entry for Withdrawal Tax Free," in quadruplicate. All of the information required by these regulations and called for by the form shall be furnished. The application must be subscribed and sworn to before a notary public or other officer authorized to administer oaths.* (Sec. 3114 (a), I.R.C.; sec. 309 (a), Tariff Act of 1930; 19 U.S.C., Sup., 1309, as amended by sec. 3, Act of July 22, 1941 (Public law 187, 77th Cong.))

§ 182.630d *Bond.* Bond covering the withdrawal of alcohol free of tax for use on vessels and aircraft, as provided in § 182.630a, shall be executed on one of the following forms in the penal sum indicated:

(a) *Continuing withdrawal bond, Form 1660.* If alcohol is to be withdrawn from time to time on one bond, a continuing bond on Form 1660 shall be filed, in triplicate. The penal sum of such bond shall be sufficient to cover the tax at the distilled spirits rate on the maximum quantity of alcohol that may remain unaccounted for at any one time, but in no case shall the penal sum be less than $1,000. Alcohol withdrawn for use on vessels and aircraft shall remain unaccounted for until satisfactory proof of use or loss has been filed with the district supervisor, as required by §§ 182.630l or 182.630n.

(b) *Specific withdrawal bond, Form 1661.* If the bond is intended to cover a specific lot of alcohol to be withdrawn, it shall be executed on Form 1661, in triplicate. The penal sum of such bond shall not be less than the tax at the distilled spirits rate on the quantity of alcohol to be withdrawn, as shown by Form 1440 and Form 1659, covering the same.* (Sec. 3114 (a), I.R.C.; sec. 309 (a), Tariff Act of 1930; 19 U.S.C., Sup., 1309, as amended by sec. 3, Act of July 22, 1941 (Public law 187, 77th Cong.))

§ 182.630e *Approval of bond and issuance of permit.* The district supervisor will examine the bond and if it is properly executed, as provided in §§ 182.184–182.205, and in a sufficient penal sum, computed as prescribed in § 182.630d, and the principal has complied with the law and regulations and the application is complete in all respects, the district supervisor will issue permit for withdrawal on Part II of all copies of Form 1659, and forward them to the storekeeper-gauger in charge of the warehouse. The district supervisor will note his approval on all copies of the bond, retain one copy, forward one copy to the Commissioner, and return one copy to the principal.* (Sec. 3114 (a), I.R.C.; sec. 309 (a), Tariff Act of 1930; 19 U.S.C., Sup., 1309, as amended by sec. 3, Act of July 22, 1941 (Public law 187, 77th Cong.))

§ 182.630f *Gauging of alcohol.* The proprietor shall gauge the containers in which the alcohol is to be withdrawn, unless withdrawn on the original gauge, and prepare Form 1440, in quadruplicate, giving the details of such gauge. One copy of Form 1440 will be attached to each copy of Form 1659.* (Sec. 3103, I.R.C.; sec. 309 (a), Tariff Act of 1930; 19 U.S.C., Sup., 1309, as amended by sec. 3, Act of July 22, 1941 (Public law 187, 77th Cong.))

§ 182.630g *Export stamps.* Packages of alcohol withdrawn for use on vessels and aircraft must bear export stamps. Such stamps shall be procured from the collector of internal revenue in the manner provided in §§ 182.590 to 182.592, inclusive.* (Sec. 2885, I.R.C.; sec. 309 (a), Tariff Act of 1930; 19 U.S.C., Sup., 1309, as amended by sec. 3, Act of July 22, 1941 (Public law 187, 77th Cong.))

§ 182.630h *Marking and stamping; shipment; disposition of forms; records.* The packages must be stamped, marked, and shipped, the forms disposed of, and the records prepared in accordance with the procedure prescribed for the exportation of alcohol in §§ 182.596 to 182.602, inclusive.* (Sec. 2885, I.R.C.; sec. 309 (a), Tariff Act of 1930; 19 U.S.C., Sup. 1309, as amended by sec. 3, Act of July 22, 1941 (Public law 187, 77th Cong.))

§ 182.630i *Consignment of alcohol.* Upon withdrawal from warehouse, the alcohol must be consigned to the collector of customs of the port of lading and must be properly described in the bill of lading by serial numbers and quantity.* (Sec. 2885, I.R.C.; sec. 309 (a), Tariff Act of 1930; 19 U.S.C., Sup., 1309, as amended by sec. 3, Act of July 22, 1941 (Public law 187, 77th Cong.))

§ 182.630j *Proceedings at port of lading.* When alcohol withdrawn for use on vessels and aircraft arrives at the port of lading, the principal on the bond shall file immediately with the collector of customs an export entry, Form 691, properly modified. The provisions of § 182.603 will then be observed by the collector of customs insofar as applicable.* (Secs. 2885, 3170, I.R.C.; sec. 309 (a), Tariff Act of 1930; 19 U.S.C., Sup., 1309, as amended by sec. 3, Act of July 22, 1941 (Public law 187, 77th Cong.))

§ 182.630k *Certificate of receipt.* The principal on the bond shall procure a receipt, in duplicate signed by the master or an authorized officer of the vessel or of the steamship company, in the case of withdrawals for use on vessels, or by an authorized officer of the aircraft or of the air line company, in the case of withdrawals for use on aircraft, certifying to the receipt of the alcohol and giv-

ing the numbers of the packages and the quantity received. The principal shall file one copy of the receipt with the collector of customs and one copy with the district supervisor.* (Sec. 309 (a), Tariff Act of 1930; 19 U.S.C., Sup., 1309, as amended by sec. 3, Act of July 22, 1941 (Public law 187, 77th Cong.))

§ 182.630l *Evidence of use on vessels and aircraft.* The principal on the bond shall also submit to the district supervisor, within six months (or such additional time as may be granted by the district supervisor or the Commissioner), an affidavit of the master or other officer of the vessel or aircraft on which the alcohol was laden, having knowledge of the facts, showing that the alcohol has been used on board the vessel or aircraft for supplies (or, in the case of aircraft of foreign registry, for supplies, equipment, maintenance, or repair), and that no portion thereof has been unladen in the United States or any of its possessions: *Provided*, That, in the case of any shipment, the amount of tax thereon does not exceed $25, such affidavit will not be required. In the case of vessels of war, such affidavit will not be required.* (Sec. 309 (a), Tariff Act of 1930; 19 U.S.C., Sup., 1309, as amended by sec. 3, Act of July 22, 1941 (Public law 187, 77th Cong.)

§ 182.630m *Account with continuing bonds, Form 1660.* The district supervisor will keep an account with each continuing bond, Form 1660, similar to that kept for alcohol exported free of tax (see § 182.611). Upon receipt of satisfactory evidence of use of the alcohol on board the vessel or aircraft for supplies (or, in the case of aircraft of foreign registry, for supplies, equipment, maintenance, or repair), the bond will be credited with the quantity so reported.* (Secs. 2885, 2886, 3170, I.R.C.; sec. 309 (a), Tariff Act of 1930; 19 U.S.C., Sup., 1309, as amended by sec. 3, Act of July 22, 1941 (Public law 187, 77th Cong.))

§ 182.630n *Loss of alcohol withdrawn for use on vessels and aircraft.* Where there is a loss of alcohol withdrawn free of tax for use on vessels and aircraft, the provisions of §§ 182.612 to 182.615, inclusive, will be followed insofar as applicable.* (Sec. 3113, I.R.C.; sec. 309 (a), Tariff Act of 1930; 19 U.S.C., Sup., 1309, as amended by sec. 3, Act of July 22, 1941 (Public law 187, 77th Cong.))

Losses of Alcohol

§ 182.631 *Remission of tax.* Under the law, the tax on alcohol lost by evaporation or other shrinkage, leakage, casualty, or unavoidable cause at an industrial alcohol plant or bonded warehouse, or in transit thereto, may be remitted by the Commissoiner, provided he is satisfied that such alcohol has not been diverted to any illegal use, and the proprietor is not indemnified against such loss by a valid claim of insurance.* (Sec. 3113, I.R.C.)

§ 182.632 *Losses from receiving tanks.* Losses sustained from receiving tanks will be determined by physical inventory of such tanks at the close of each month and the loss reported on Form 1444. Where the quantity lost from receiving tanks exceeds 1 per cent of the total quantity contained in such tanks during the month, claim for remission of tax on the entire quantity lost from the tanks will be made by the proprietor. If the loss does not exceed 1 per cent, so calculated, claim for remission of tax will not be required, provided there are no circumstances indicating that the alcohol lost, or any part thereof, was unlawfully used or removed.* (Sec. 3113, I.R.C.)

§ 182.633 *Losses from storage tanks.* Losses sustained from storage tanks will be determined by physical inventory of such tanks at the close of each month and the loss reported on Form 1443–A. Where the quantity lost from storage tanks exceeds 1 per cent of the total quantity contained in such tanks during the month, claim for remission of tax on the entire quantity lost from the tanks will be made by the proprietor. If the loss does not exceed 1 per cent, so calculated, claim for remission of tax will not be required, provided there are no circumstances indicating that the alcohol lost, or any part thereof, was unlawfully used or removed.* (Sec. 3113, I.R.C.)

§ 182.634 *Losses from packages.* Losses sustained from packages in bonded warehouses will be determined when the packages are withdrawn from warehouse, unless they are regauged for repackaging or other reason prior to withdraw, and the loss reported on Form 1440 and Form 1443–B. Where the quantity lost from any package exceeds 1 per cent in the case of metal packages, or 3 per cent in the case of wooden packages of the quantity originally contained therein, claim for remission of tax on the entire quantity lost from the package will be made by the proprietor. If the loss does not exceed 1 per cent, or 3 per cent, so calculated, claim for remission of tax will not be required, provided there are no circumstances indicating that the alcohol lost, or any part thereof, was unlawfully used or removed.* (Sec. 3113, I.R.C.)

§ 182.635 *Losses in transit.* Losses in transit to bonded warehouses must be determined at the time alcohol is received at the warehouse, and the loss reported on Form 1443–A, when received in tank cars, and on Form 1443–B, when received in packages. Where the quantity lost from any tank car or package exceeds 1 per cent (2 per cent on wooden packages) of the quantity shipped therein, claim for remission of tax on the entire quantity lost from the package will be made by the proprietor. If the loss does not exceed 1 per cent (2 per cent on wooden packages) so calculated, claim for remission of tax will not be required, provided there are no circumstances indicating that the alcohol lost, or any part thereof, was unlawfully used or removed.* (Sec. 3113, I.R.C.)

§ 182.636 *Losses by theft, casualty, etc.* Losses by theft or casualty, or any other extraordinary or unusual losses, will be determined at the time the loss occurs, or is discovered, and the loss will be entered on Form 1443–A or Form 1443–B, as the case may be. Report of the loss will be made by the proprietor to the district supervisor immediately. Claim for remission of tax on all such losses, regardless of the percentage of loss, will be made by the proprietor.* (Sec. 3113, I.R.C.)

§ 182.637 *Claims.* Claims for remission of tax should be subscribed and sworn to by the proprietor, and filed with the district supervisor within 30 days from the date the loss is ascertained. The claims must set out all the material facts surrounding the loss, and must state particularly the nature and cause thereof, the quantity lost and the quantity from which the loss was sustained, and the percentage of loss. It must be stated in the claim whether the claimant is indemnified against the loss by a valid claim of insurance. If the claimant is so indemnified, the market value of the alcohol, less the tax, and the amount of insurance must be specifically set forth in the claim, and certified copies of all policies of insurance must be submitted with the claim. Claims covering large losses by theft, casualty, or other unusual cause, should be supported, where possible, by affidavits of persons having knowledge of the loss.* (Sec. 3113, I.R.C.)

§ 182.638 *Report by storekeeper-gauger.* Whenever losses occur, which necessitate the filing of a claim for remission of tax by the proprietor, the storekeeper-gauger in charge will make a report of the loss to the district supervisor, giving all the known material facts and circumstances surrounding the loss.* (Sec. 3113, I.R.C.)

§ 182.639 *Investigation by district supervisor.* Where large losses from theft, casualty, or other cause are reported, the district supervisor will immediately make such investigation and require such evidence to be submitted as he may deem necessary, and will advise the Commissioner of his findings and recommendations relative to remission of the tax on the alcohol.* (Sec. 3113, I.R.C.)

§ 182.640 *Examination of claim.* When an application for remission of tax is received by the district supervisor he will carefully examine the same to see that all the required information has been furnished, and will cause such investigation to be made or require such additional evidence to be submitted as he may deem necessary. Upon completion of his investigation, if any, the district supervisor will forward one complete copy of the claim and accompanying papers, together with any pertinent reports and documentary evidence, to the Commissioner with his recommendation in respect to the allowance or disallowance of the claim.* (Sec. 3113, I.R.C.)

§ 182.641 *Losses indicating tampering.* Where the regauge of packages of alcohol indicates that the contents have been tampered with, as where a material deficiency is found and there is no evidence of loss by leakage or casualty, or where deterioration in proof not accountable for by variation in gauge is disclosed, the storekeeper-gauger will immediately notify the district supervisor of all the facts in the case and will not permit the packages to be removed pending receipt of instructions from the district supervisor.* (Sec. 3113, I.R.C.)

Records and Reports of Proprietor

§ 182.642 *General.* The proprietor of every industrial alcohol bonded warehouse shall keep monthly records and render daily reports as hereinafter provided. Entries shall be made as indicated by the headings of the various columns and lines, and in accordance with the instructions on the forms and as set forth in these regulations. The provisions of §§ 182.455, 182.459, and 182.461, relative to the keeping, signing, and filing of reports by proprietors of industrial alcohol plants are hereby made applicable to the keeping, signing, and filing of records and reports of the proprietor of a bonded warehouse: *Provided*, That daily reports need not be sworn to.* (Secs. 3101, 3171, I.R.C.)

§ 182.643 *Form 1440*—(a) *Deposit forms.* One copy of each Form 1440, covering the deposit of alcohol in the warehouse, shall be kept by the proprietor in bound form as a permanent record. The Forms 1440, covering the deposit in the warehouse of packages filled from receiving tanks in the industrial alcohol plant on the same premises or from storage tanks in the warehouse, or from other packages (where alcohol is repackaged or packages are re-marked, as provided in paragraph (h)), will be filed together in sequence to the serial number of the packages. The Forms 1440, covering packages received in bond from another bonded warehouse, will be filed in a separate file, according to the date of deposit of the packages in the warehouse. The Forms 1440, covering alcohol deposited in warehouse storage tanks, whether received by pipe line from the receiving tanks in the industrial alcohol plant on the same premises or in tank cars from another bonded warehouse, or dumped from packages (as provided in § 182.495), will be filed together in a separate file in chronological order, according to the date of deposit of the alcohol in storage tanks. Forms 1440, covering alcohol gauged for direct shipment or transfer from the receiving tanks in the industrial alcohol plant on the same premises or from the warehouse storage tanks, whether by pipe line or in tank cars or packages, will be filed in the file for withdrawal Forms 1440, as provided in paragraph (b), and will not be filed in the files required by this paragraph for deposit Forms 1440. When packages are withdrawn from warehouse, the date of withdrawal shall be entered on the Form 1440, covering the deposit of the packages in warehouse, in order that the packages in warehouse may be readily ascertained from the record and physical inventories of packages in the warehouse may be checked therewith.

(b) *Withdrawal forms.* The proprietor shall also keep in bound form as a separate permanent record a copy of each Form 1440 covering the withdrawal of alcohol from the warehouse. The Forms 1440 will be arranged in the file in chronological order, according to the date of withdrawal.

(c) *Fractional parts of a gallon.* All fractional parts of a gallon less than one-tenth shown in the Gauging Manual shall be disregarded in reporting the gauge of alcohol. For example, a package of 190 proof alcohol weighing 326 pounds net shall be reported on Form 1440 as containing 47.90 wine gallons, 91.10 proof gallons. A package of 190 proof alcohol weighing 340 pounds net shall be reported as containing 50 wine gallons, 95 proof gallons. The packages will be marked similarly.

(d) *Other details.* Details of all alcohol gauged shall be reported by the proprietor on Form 1440 as indicated by the headings of the various columns, the instructions on the form, and these regulations. The number of copies to be executed and the disposition thereof will be made in accordance with these regulations.

(e) *Gauge for entry.* When alcohol is gauged for deposit in the warehouse, Form 1440 shall be made in duplicate, one copy of which shall be retained by the proprietor and filed as a permanent record as provided in these regulations. The remaining copy shall be delivered to the storekeeper-gauger in charge in order that he may forward the same at the close of the day to the district supervisor with the Form 1441 recording the entry of the alcohol into the warehouse. When packages are filled from receiving tanks in an industrial alcohol plant for deposit in the warehouse on the same premises, the Form 1440 will bear the notation "Entry." When packages are filled from storage tanks and are not to be immediately withdrawn the following notation will be made: "Filled from storage tank in warehouse for storage."

(f) *Gauge for entry and withdrawal.* Alcohol gauged for immediate shipment from receiving tanks will be reported on Form 1440 as gauged for "Entry and Withdrawal," and the purpose of the withdrawal will be stated.

(g) *Gauge for withdrawal.* Where the packages are filled from storage tanks in the warehouse for immediate shipment, the words "Filled from storage tank in warehouse" shall be written in the heading of Form 1440.

(1) *If withdrawn on original gauge.* When alcohol is to be withdrawn without regauge, a transcription of the original gauge shall be made, in triplicate, appropriately headed to show the purpose for which withdrawn or transferred. Notation will be made to the effect that withdrawal is made on entry gauge.

(2) *Details of regauge, if made.* If a regauge is made, the serial number, tare, and proof gallons shown on entry Form 1440 shall be carried to the respective columns of the withdrawal Form 1440, which will also show the details of the regauge: *Provided*, That if wooden packages are regauged and actual tare is taken, the actual tare, instead of the original tare, will be stated on Form 1440. The difference, if any, between the proof gallons shown in the entry gauge and on withdrawal shall be set out as the proof gallons lost.

(h) *Repackaging and re-marking*—(1) *Repackaging.* Where packages on deposit in a bonded warehouse are repackaged, notation should be made on Form 1440, covering the entry gauge of the original packages, that their contents have been recasked into other packages, giving the serial numbers of the recasked packages and the date of recasking. The recasked packages shall be gauged and notation made on the Form 1440, in duplicate, covering such gauge that they were filled from other packages, giving the serial numbers of the original packages. Where it is desired to recask only a portion of the contents of the package, the package should be dumped into a storage tank and a notation thereof made on Form 1440.

(2) *Re-marking.* Where packages received from another warehouse are re-marked, as provided in § 182.523 (b), notations shall be made on Form 1440, covering the receipt and deposit of the packages in the warehouse, that the packages have been re-marked, giving the serial numbers of the re-marked packages and the date of re-marking. A new set of Forms 1440 shall be prepared, covering the re-marked packages, and notation made thereon that the packages were re-marked, giving the serial numbers and warehouse of the original packages.

(i) *Tax-free withdrawals.* When alcohol is withdrawn for scientific purposes, etc., or for the use of the United States or governmental agency thereof, Form 1440 will be executed in duplicate, and the purpose for the withdrawal will be entered as "For hospital use," "Laboratory use," or "Use of United States," etc., as the case may be.

(j) *Statement of materials from which produced.* Notation shall be made on Form 1440 covering all alcohol withdrawn from bonded warehouses tax-paid for other than industrial or tax-free use showing the material from which produced or an abbreviation thereof, such as "Alcohol—Grain," "Alcohol—Cane," "Alcohol—Fruit," "Alcohol—Distilled from grain," "Alcohol—Distilled from cane," or "Alcohol—Distilled from fruit."

(k) *Application for withdrawal.* When the proprietor desires to withdraw alcohol from the bonded warehouse for any lawful purpose and has complied with all the requirements of the law and these regulations respecting the particular withdrawal, he will make application on the back of each copy of Form 1440, covering the withdrawal, to the storekeeper-gauger in charge for permission to withdraw the alcohol. If withdrawal is to be made upon tax-payment, the proprietor shall present to the storekeeper-gauger the prescribed tax-paid stamps or certificate of tax-payment covering the alcohol to be withdrawn. If the alcohol is to be transferred in bond to another bonded warehouse or shipped to a denaturing plant or withdrawn for export or other lawful tax-free purpose, the proprietor will present to the storekeeper-gauger the necessary permit authorizing such

withdrawal. The storekeeper-gauger will examine the tax-paid stamps or certificate of tax-payment, or permit authorizing transfer in bond or tax-free withdrawal, and if he finds that the tax has been paid or, in the case of transfer in bond or tax-free withdrawal, that proper withdrawal permit is held by the proprietor, the storekeeper-gauger will sign the authorization on Form 1440 for the withdrawal of the alcohol.

(l) *Notation of differences by consignee.* When alcohol is received in bond from a bonded warehouse, the proprietor shall note on Form 1440, covering the transfer, any loss or deficiency on the shipment, as provided in § 182.494.* (Secs. 3101, 3171, I.R.C.)

§ 182.644 *Form 1441.* The proprietor of each bonded warehouse shall, at the close of each business day, prepare and deliver to the storekeeper-gauger in charge Form 1441, "Daily Report of Transactions," summarizing the production, receipt, and disposal of all alcohol in such bonded warehouse. The form shall be made in duplicate, one copy to be retained by the proprietor and one copy delivered to the storekeeper-gauger in charge, who will forward the same to the district supervisor. All items of alcohol entered in this return on Form 1441 must be carried into the monthly warehouse account, Forms 1442–A and 1443–B, under the same date for which the Form 1441 is rendered.

(a) *Entries from industrial alcohol plant.* In the column headed "Produced and deposited in warehouse" will be entered all alcohol drawn from the receiving tanks of the industrial alcohol plant on the same premises during the day for which the return is rendered. Entry must be made in this column of all alcohol removed from the receiving tanks, whether removed for storage in warehouse in tanks or packages, or whether removed for shipment in tank cars, cases, packages, or by pipe line to a denaturing plant.

(b) *Entries from other warehouses.* The serial numbers and proof-gallon content of packages or tank cars of alcohol received from other bonded warehouses will be entered in the proper columns under the heading "Received from other bonded warehouses." If there is a difference in the quantity of alcohol thus received from the quantity shipped, special notation shall be made on the Form 1441.

(c) *Packages filled.* The serial numbers and proof-gallons of packages of alcohol filled from receiving tanks in the industrial alcohol plant on the same premises and from storage tanks in the warehouse must be stated separately in the proper columns.

(d) *Withdrawals.* Entry must be made of alcohol withdrawn for shipment on the day for which the Form 1441 is rendered, whether such alcohol is drawn directly from receiving tanks or removed from the bonded warehouse. The purpose for which withdrawal is made must in each case be stated in the column headed "Withdrawal for." The following abbreviations should be used: "Tr" for tax-payment; "Ex." for export; "Den." for denaturation; "US" for use of United States or governmental agency; "TF" for tax-free use of States, hospitals, colleges, etc.; "MW" for tranfer to customs manufacturing bonded warehouses; and "Trans." for transfers to other bonded warehouses.

(e) *Special entries*—(1) *Repackaging and re-marking.* When the contents of packages in warehouses are repacked, or packages received from other warehouses are re-marked, memorandum entry will be made in the statement of "Packages Filled" on Form 1441, showing the serial numbers used on the new packages.

(2) *Return of alcohol for redistillation.* Special permission of the Commissioner must be procured for the transfer of alcohol to an industrial alcohol plant on the same premises for redistillation, in accordance with § 182.355. Special entry in the statement of "Withdrawals" will be made of the quantity so transferred and the date of the Commissioner's approval of the application.* (Secs. 3101, 3171, I.R.C.)

§ 182.645 *Form 1443–A.* The proprietor of every bonded warehouse shall keep a monthly record, Form 1443–A, "Report of Uncoopered Alcohol," and render monthly reports thereon, in triplicate, of all uncoopered alcohol produced, received, and disposed of. Entries shall be made daily in the respective columns of the quantity of alcohol produced and deposited in the warehouse, or received in bond at the bonded warehouse, packages filled, and the quantities withdrawn for shipment uncoopered.

(a) *Received from or produced by.* All alcohol drawn from receiving tanks in the industrial alcohol plant located on the same premises, whether for shipment direct from such receiving tanks or for storage in the warehouse, will be entered on the form. When alcohol is received from other bonded warehouses in tank cars, the symbol and serial number of the tank car and the quantity of alcohol received will be reported. The amount of alcohol lost in each tank car in transit to the warehouse will be entered on the same line with the quantity stated as received in such tank car. Losses in transit will not be included with the losses reported in the summary.

(b) *Packages filled.* Under the heading "Packages filled" will be entered the details of all packages filled, whether from receiving tanks in the industrial alcohol plant on the same premises or from storage tanks in the warehouse. Tank cars are not considered packages and will not be reported under this heading.

(c) *Withdrawals.* Under the heading "Withdrawal for shipment" will be entered daily the quantity of alcohol shipped in tank cars, or removed by pipe line to a denaturing plant on the same premises.

(d) *Special entries*—(1) *Repackaging and re-marking.* When the contents of packages in warehouse are repackaged, or packages received from other warehouses are re-marked, memorandum entry will be made in the statement of Packages Filled on Form 1443–A, showing the serial numbers used on the new packages.

(2) *Dumping.* Where the contents of packages are dumped into storage tanks for storage or repackaging of a portion thereof, the quantity dumped will be entered on Form 1443–A in the statement of "Uncoopered Alcohol Received or Produced," with proper explanatory note, and any new packages therefrom will be entered in the statement of "Packages Filled" on the form in the usual manner.

(3) *Other entries.* If alcohol is returned to an industrial alcohol plant for redistillation, appropriate entries will be made on Form 1443–A.

(e) *Summary.* In the appropriate space on Form 1443–A there must be entered at the end of the month a summary of the transactions reported thereon. The actual quantity of alcohol remaining in the storage tanks in the warehouse at the end of the month will be recorded and the losses from the storage tanks must be recorded.* (Secs. 3101, 3171, I.R.C.)

§ 182.646 *Form 1443–B.* The proprietor shall keep monthly record on Form 1443–B, "Report of Alcohol in Packages," in triplicate. There shall be entered daily the quantity of alcohol transferred at the warehouse to packages or received in packages from other bonded warehouses and the quantities withdrawn for shipment in packages from the warehouse. Entries of withdrawals of alcohol for tax-payment and deposit in the tax-paid storeroom (if any) should show the disposition of such alcohol to the proprietor of the warehouse for such purpose. When alcohol is withdrawn in packages directly from receiving tanks in an industrial alcohol plant on the same premises, it shall be regarded, for accounting purposes, as having been constructively warehoused and all records of production, depositing, and withdrawal of such alcohol shall be made as for alcohol actually entered into the warehouse in original packages or in storage tanks.

(a) *Packages received from other warehouses.* The actual contents of the packages received from other warehouses will be entered in the proper column and the losses in transit from such packages will be entered on the same line. Such losses will not be included in the losses reported in the summary.

(b) *Withdrawals.* All packages withdrawn from the warehouse for shipment, either filled in the warehouse or received from other warehouses, will be entered daily and the losses in warehouse on such packages will be entered on the same line. The total of losses will be stated on the line entitled "Losses in the warehouse" in the summary. The actual date of withdrawal from the warehouse as recorded on Form 1441 will be stated.

(c) *Special entries*—(1) *Dumping.* Where the contents of packages are dumped into storage tanks for storage or repackaging of a portion thereof, the quantity dumped will be entered on Form 1443–B in the statement of "Alcohol Withdrawn for Shipment," with proper explanatory note.

(2) *Return of unused alcohol withdrawn free of tax.* Where alcohol previously removed from the bonded warehouse tax-free is returned in packages pursuant to special permission, in accordance with § 182.496, all entries relative to such transactions should be noted on this form. The quantity represented thereby should be taken up in the summary as a special entry.

(d) *Summary.* At the end of the month there shall be entered in the appropriate spaces provided therefor a summary of the transactions recorded on the Form 1443–B.* (Secs. 3101, 3171, I.R.C.)

§ 182.647 *Disposition of Forms 1443–A and 1443–B.* On or before the 5th day of the month succeeding that for which Forms 1443–A and 1443–B cover, the proprietor shall deliver three copies of each form, duly subscribed and sworn to, to the storekeeper-gauger in charge. The storekeeper-gauger shall examine the forms carefully, and, if they are complete in all respects, and the quantities shown on hand at the end of the month are correct, he will initial all copies of the forms, forward two copies of each form to the district supervisor, and return one copy of each form to the proprietor who shall file the same in bound form as a permanent record available for inspection by Government officers at all times.*

§ 182.648 *Record at tax-paid premises, Record 52, and Forms 52–A, 52–B, 52–E, and 338.* Every proprietor of an industrial alcohol bonded warehouse who maintains a tax-paid storeroom in connection with such warehouse, as provided in § 182.42, shall keep Form 52–E, "Monthly Record and Report of Importer or Proprietor of Tax-Paid Premises," of all alcohol, both bulk (packaged) and bottled, received and disposed of at his tax-paid premises: *Provided*, That if such proprietor so desires, he may keep Form 52–E for bulk spirits only and Record 52, "Wholesale Liquor Dealer's Record," for bottled alcohol only. Where only bottled alcohol is received, stored, and sold at such tax-paid premises the proprietor shall keep Record 52 of all such alcohol received and disposed of at his tax-paid premises. By tax-paid premises is meant the "tax-paid storeroom" maintained as a part of the bonded warehouse or premises maintained at other locations for the receipt, storage, and disposition of tax-paid alcohol. Separate records must be kept at each of such premises.

(a) *Time of making entries.* Daily entries shall be made on Record 52 and Form 52–E, as indicated by the headings of the various columns and in accordance with instructions printed on the forms not later than the close of business of the day on which the transactions occurred: *Provided*, That where the proprietor keeps a separate record, such as invoices, of the removals of alcohol, showing the removal data required to be entered on Record 52 or Form 52–E, daily entries of removals of alcohol from the premises may be made on the respective records not later than the close of business of the following day provided such separate record is approved by the district supervisor.

(b) *Separate record of serial numbers of cases.* Serial numbers of cases of alcohol disposed of need not be entered on Record 52 or Form 52–E provided the proprietor keeps in his place of business a separate record approved by the district supervisor showing such serial numbers with necessary identifying data, including the date of removal and the name and address of the consignee. Such separate record may be kept in book form (including loose leaf books) or may consist of commercial papers, such as invoices or bills. Such books, invoices, or bills shall be preserved for a period of four years and in such a manner that the required information may be ascertained readily therefrom and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by revenue officers. Entries shall be made on such separate approved record not later than the close of business of the day on which the transactions occurred. The proprietor whose separate record has been approved by the district supervisor shall make a notation on Record 52 or Form 52–E in the column for reporting serial numbers as follows: "Serial numbers shown on commercial records per authority dated ----------".

(c) *Monthly reports.* A full and complete transcription of the required records shall be rendered on the respective monthly reports, Forms 52–A, 52–B, and 52–E, and forwarded to the district supervisor on or before the 10th day of the succeeding month. Where Record 52 is kept, a monthly summary report shall be prepared on Form 338, in duplicate, one copy of which will be retained on file and the original forwarded to the district supervisor on or before the 10th day of the succeeding month. Where the proprietor keeps Record 52, and there are no receipts and disposals of bottled alcohol during any month, Forms 52–A and 52–B need not be submitted, but Form 338 must be rendered to the district supervisor, showing the quantity of bottled alcohol on hand the first and last of the month and marked "No transactions during month." Records kept on Record 52 and Form 52–E shall be preserved for a period of four years and during such period shall be available during business hours for inspection and the taking of abstracts therefrom by the Commissioner or any internal revenue officer.

(d) *Discontinuance of tax-paid storeroom.* Upon permanent discontinuance of the tax-paid storeroom, the reports for the month in which the storeroom is discontinued shall be marked "Final" by the proprietor.

(e) *Forms to be provided by users.* Record 52 and Forms 52–A, 52–B, 52–E, and 338, will be provided by users at their own expense, but must be in the form prescribed by the Commissioner: *Provided*, That with the approval of the Commissioner they may be modified to adapt their use to tabulating or other mechanical equipment: *Provided further*, That where the form is printed in book form, including loose leaf books, the instructions may be printed on the cover or the fly leaf of the book instead of on the individual form.* (Secs. 3101, 3171, I.R.C.)

Audit of Reports

§ 182.649 *Audit by district supervisor.* After audit, and not later than the last day of the month succeeding that for which the Forms 1443–A and 1443–B are rendered, the district supervisor will transmit to the Commissioner copies of such reports with his monthly report, Form 1487, as provided in § 182.964.*

Change in Proprietorship, Trade Name, Etc.

§ 182.650 *Change in proprietorship.* When there is a change of the proprietorship, and the successor has complied with the applicable provisions of §§ 182.262 to 182.264, inclusive, the procedure covering change of persons interested in the business as outlined in §§ 182.447 to 182.451, inclusive, must be complied with, insofar as applicable. The successor's name must be substituted on withdrawal permits in accordance with § 182.652.*

§ 182.651 *Changes in name.* Where there has been a change in the individual, firm, or corporate name, trade name or style in accordance with the provisions of §§ 182.260 and 182.261, the proprietor must make appropriate notation of such change on Forms 1442–A and 1443–B and thereafter submit reports in such new name. The new name must be substituted for the old name on withdrawal permits in which the proprietor is named as vendor in accordance with § 182.652.*

§ 182.652 *Changes in permits.* If a successor is to continue the business of his predecessor and he desires to supply alcohol to permittees in whose withdrawal permits the predecessor is named as vendor, he may, upon written request, be authorized by the district supervisor to make shipments on such withdrawal permits, pending the amendment of the permits by the district supervisor issuing the same, pursuant to application for such amendment by the permittees to whom the withdrawal permits were issued. When there is a change in the name, firm name, corporate name, trade name or style of the proprietor of the warehouse, similar action will be taken.*

OPERATIONS BY USERS OF TAX-FREE ALCOHOL

Procurement of Tax-free Alcohol

§ 182.653 *Application and withdrawal permit, Form 1450*—(a) *Application.* Where a university, college, laboratory, hospital, sanatorium, or clinic, or State, Territory, or municipal subdivision thereof, or the District of Columbia, holding basic permit, Form 1447, to use alcohol free of tax desires to procure tax-free alcohol under said permit, it shall file application on Part I of Form 1450, "Application for Permit to Procure Alcohol Free of Tax," in duplicate, with the district supervisor for withdrawal permit to procure tax-free alcohol. There shall be stated in the application the names, registry numbers, and addresses of the bonded warehouses from which it is proposed to purchase tax-free alcohol. The applicant shall also specify the total

quantity in proof gallons of alcohol to be withdrawn during the term of the withdrawal permit and the quantity to be withdrawn during the calendar month, which amount shall not be in excess of one-twelfth (or similar proportionate quantity where the withdrawal permit is for a period of other than one year) of the total quantity to be withdrawn during the term of the withdrawal permit. Such quantities shall in no case exceed those specified in the applicant's basic permit, Form 1447, and where the withdrawal permit is for a period less than that covered by the applicant's basic permit, the total quantity shall be in proportion to the unexpired term of the basic permit. The district supervisor may approve or disapprove the application in whole or in part according to his findings as to the legitimate needs of the applicant.

(b) *Withdrawal permit.* If the application is approved by the district supervisor, he shall issue withdrawal permit on Part II of Form 1450. The permit shall specify the quantity that may be procured during any calendar month and the total quantity that may be procured during the period for which the withdrawal permit is issued. The total quantity authorized by the withdrawal permit shall not exceed that fixed in the basic permit, Form 1447, and the quantity that may be withdrawn during any calendar month shall not exceed one-twelfth of such quantity: *Provided*, That if the withdrawal permit, Form 1450, is issued for a period of less than 12 months, the quantity authorized to be withdrawn in any calendar month shall be in proportion to the period for which the withdrawal permit is issued; for example, if the withdrawal permit is issued for a period of six months, not over one-sixth of the total quantity specified therein may be withdrawn during a calendar month: *And provided further*, That where the withdrawal permit is issued for a period less than that covered by the applicant's basic permit, the total quantity authorized in the withdrawal permit shall be in proportion to the unexpired term of the basic permit. The withdrawal permit shall specify the date when the same shall be available for withdrawal purposes. The district supervisor will forward the original copy of the withdrawal permit to the permittee and will retain the duplicate copy for his files. If any warehouseman named as vendor in the withdrawal permit is located in another supervisory district, a copy of the withdrawal permit and any renewals or amendments thereof will be prepared on the prescribed form and transmitted by the district supervisor issuing the same to the district supervisor of the district from which shipments are to be made.

(1) *Withdrawals under permit.* When the permittee desires to procure alcohol, he will forward the original of the withdrawal permit to the warehouseman named therein from whom he desires to procure the alcohol. Upon shipment, the warehouseman will enter the shipment on the withdrawal permit and return it to the permittee, unless he has been authorized by the permittee to retain the permit for the purpose of making future shipments. No alcohol may be shipped by a vendor named in the withdrawal permit until such permit is in his possession. Except as provided in paragraph (e), further like shipments may be made under such permit during the term for which it is issued.

(2) *Excessive withdrawals.* Withdrawals must be so regulated by the permittee that he will not have on hand, in transit, and unaccounted for during any calendar month more than the quantity of alcohol so authorized by his basic permit, Form 1447.

(c) *Special permit.* Where a new permittee qualifies within a calendar month a special withdrawal permit, Form 1450, should be issued for the proportionate quantity of alcohol to which the permittee may be entitled for the balance of the month, which permit shall be void at the end of such month and must be at once returned by the permittee to the district supervisor.

(d) *Carrier to be furnished copy of Form 1450.* Where the alcohol is to be delivered to the permittee by a person other than the vendor, the permittee shall procure from the district supervisor a certified copy (or copies, if delivery is to be made by more than one carrier), on the prescribed form, of the withdrawal permit, Form 1450, issued to him, and file same with the delivering carrier's agent at destination. Application for such certified copy or copies shall be made by the permittee to the district supervisor by letter, specifying the name of the delivering carrier. Where such delivering carrier is known at the time Form 1450 is filed, the application should accompany such form.

(e) *Expiration or termination of permit.* Upon expiration of a withdrawal permit, it shall be returned to the district supervisor for cancellation. Where the withdrawal permit is in the possession of a vendor on the date of expiration, such vendor shall return it to the permittee for surrender to the district supervisor. Should a basic permit, Form 1447, held by a permittee to whom withdrawal permit, Form 1450, was issued, be terminated, surrendered, or revoked, each warehouseman named as vendor in such withdrawal permit shall, upon notice from the district supervisor, make no further shipments thereunder, and if such withdrawal permit is in his possession, he shall return it to the district supervisor for cancellation.* (Secs. 3108, 3114 (a), I.R.C.)

§ 182.654 *Application for renewal of withdrawal permit, Form 1450.* Application, on Part I of Form 1450, for renewal of withdrawal permits must be submitted by the applicant to the district supervisor not less than one month prior to the date of expiration of the permit to be renewed, in order that the renewal permit may be issued and become available for withdrawals by the first day of the calendar month following the date of expiration of the permit to be renewed. Application for renewal of withdrawal permits shall be executed in conformity with § 182.653 (a).* (Sec. 3114 (a), I.R.C.)

§ 182.655 *Renewal of withdrawal permit, Form 1450.* Withdrawal permits on Part II of Form 1450 shall remain in force for the calendar year or for the term of the basic permit, Form 1447. A renewal permit must be procured for each year commencing with January 1 after the expiration of the original permit. The provisions of § 182.653 (b) shall be applicable to the issuance of renewal permits.* (Sec. 3114 (a), I.R.C.)

§ 182.656 *Quantity procurable under withdrawal permits.* In procuring alcohol the permittee shall deduct the quantity of alcohol on hand, in transit, and unaccounted for from the quantity procurable under the withdrawal permit during the calendar month, and give his order for an amount not exceeding the available balance. For this purpose, alcohol shall be deemed to be unaccounted for when used or disposed of otherwise than as provided in these regulations. Failure on the part of permittees to observe the foregoing requirements concerning withdrawals will be regarded as sufficient ground for citation for revocation of their basic permits.* (Secs. 3108, 3114 (a), I.R.C.)

Receipt of Tax-free Alcohol

§ 182.657 *Deposit in storeroom.* Tax-free alcohol received pursuant to withdrawal permit, Form 1450, shall be placed in the locked storeroom or compartment, required to be provided in accordance with § 182.61. Such alcohol shall remain in the original packages in the storeroom or compartment until withdrawn for use. The room or compartment for the storage of tax-free alcohol must be used exclusively for the purpose of storing such alcohol in the original containers.* (Secs. 3108, 3114 (a), I.R.C.)

§ 182.658 *Destruction of marks and brands.* The marks and brands required to be placed on packages containing tax-free alcohol must not be destroyed or in anywise altered or disturbed until all of the alcohol has been removed from the package. When the packages have been emptied of their contents, the marks and brands must be at once completely effaced or obliterated, as required by law, by painting, scraping, or otherwise. The provisions of §§ 182.533 to 182.536, inclusive, insofar as applicable, shall apply to empty tax-free alcohol packages.* (Sec. 2866, I.R.C.)

Use of Tax-free Alcohol

§ 182.659 *General.* In no case shall alcohol withdrawn tax-free be used in the preparation of condiments, culinary extracts, flavoring, or other preparations used in food products, or in food products in any manner, and under no circumstances shall such alcohol be used for beverage purposes or in any product which may be so used.* (Secs. 3108, 3114 (a), I.R.C.)

§ 182.660 *States, Territories, etc., or the District of Columbia.* Tax-free alcohol when withdrawn by the several States and Territories, or municipal subdivisions thereof, or the District of Columbia, must be used solely for mechanical and scientific purposes, or for hospitals and clinics, as hereinafter provided, and, except upon approval of the Commissioner, such use, or the use of any resulting product, must be confined to the premises under the control of the State or Territory, or municipal subdivision thereof, or the District of Columbia: *Provided*, That bona fide medicines compounded with such alcohol, withdrawn for the use of clinics operated for charity and not for profit, may be used outside of such clinics for the treatment of the patients thereof, but such medicines may not be sold.* (Secs. 3108, 3114 (a), I.R.C.)

§ 182.661 *Hospitals, sanitariums, or clinics.* Tax-free alcohol withdrawn by hospitals, sanitariums, or clinics operated for charity and not for profit, may be used only for medicinal, mechanical, and scientific purposes and in the treatment of patients. The use of the alcohol and the resultant products shall be confined strictly to the premises of the institution withdrawing the alcohol: *Provided*, That bona fide medicines compounded with alcohol for clinics operated for charity and not for profit may be used outside of such clinics for treatment of patients thereof, but such medicines may not be sold.* (Secs. 3108, 3114 (a), I.R.C.)

§ 182.662 *Scientific universities and colleges of learning.* Scientific universities and colleges of learning shall use tax-free alcohol only for scientific, mechanical, and medicinal purposes and use thereof shall in all instances be confined strictly to the premises of the institution.* (Secs. 3108, 3114 (a), I.R.C.)

§ 182.663 *Laboratories.* Any laboratory withdrawing alcohol free of tax must use such alcohol exclusively in scientific research, and the use thereof shall be confined strictly to the premises covered by the basic permit, Form 1447.* (Secs. 3108, 0114 (a) I.R.C.)

§ 182.664 *Return of tax-free alcohol to bonded warehouse.* Where tax-free alcohol, lawfully in the possession of a tax-free permittee, is found to be unsuitable for use, or where such permittee discontinues the use thereof, or where for any other legitimate reason such permittee desires so to do, such alcohol may be returned to the bonded warehouse for lawful disposition: *Provided*, That (1) consent of surety is filed on the bond (if any) of the tax-free permittee extending the terms thereof to cover the transportation of the alcohol to the bonded warehouse, (2) the proprietor of such bonded warehouse assents to such return, and (3) permission for such return is in each instance first obtained from the district supervisor of the district in which the permittee is located. If the bonded warehouse is situated in another district, the district supervisor authorizing the return will forward a copy of his letter of authority to the district supervisor of such other district. Should the alcohol not be reported received by the warehouseman in due time, the district supervisor will make appropriate investigation in respect thereto. Report of the return of the alcohol to the bonded warehouse will be made by the tax-free permittee on his monthly report, Form 1451, and by the warehouseman on his warehouse report, Form 1443–B. The return will also be shown in the district supervisor's report, Form 1487.*

Losses of Tax-free Alcohol

§ 182.665 *Losses in transit.* Losses in transit to tax-free permittee's premises must be ascertained at the time the alcohol is received by the permittee. Accordingly, when packages are received showing evidence of having sustained a loss in transit, the permittee should determine the extent of the loss at that time. The quantity ascertained to have been lost will be noted on Form 1451 immediately below the line on which receipt of the shipment is reported. Where the quantity lost from any package exceeds 1 percent of the quantity originally contained therein, claim for allowance of the entire quantity lost from the package will be made by the permittee. If the loss does not exceed 1 percent, so calculated, claim for allowance will not be required, provided there are no circumstances indicating that the alcohol lost, or any part thereof, was unlawfully used or removed.* (Sec. 3113, I.R.C.)

§ 182.666 *Losses at permittee's premises.* Losses of tax-free alcohol at permittee's premises will be reported on Form 1451 for the month in which the loss is ascertained. If the loss of alcohol at a permittee's premises during any month exceeds 1 per cent of the quantity on hand during the month, claim for allowance of the entire quantity lost will be made by the permittee. If the loss does not exceed 1 per cent, so calculated, claim for allowance will not be required, provided there are no circumstances indicating that the alcohol lost, or any part thereof, was unlawfully used or removed.* (Sec. 3113, I.R.C.)

§ 182.667 *Claims.* Claim for allowance for losses of alcohol in transit to or at a tax-free permittee's premises will be made in accordance with the procedure prescribed in §§ 182.637 to 182.640, inclusive, relative to losses at bonded warehouses.* (Sec. 3113, I.R.C.)

Records and Reports of Permittee

§ 182.668 *General.* Every person holding basic permit, Form 1447, shall keep records and render reports as hereinafter provided. Entries shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions on the form and as set forth in these regulations. The provisions of §§ 182.455 and 182.461, relative to the keeping and filing of reports by proprietors of industrial alcohol plants, are hereby made applicable to the keeping and filing of reports by persons holding basic permit, Form 1447.* (Sec. 3108, I.R.C.)

§ 182.669 *Report, Form 1451.* Every person holding permit to use tax-free alcohol must keep Form 1451, "Report of Tax-free Alcohol," in duplicate, covering transactions for each month. There shall be entered on the form in the appropriate spaces provided therefor, the date of shipment of alcohol from the bonded warehouse, name of the proprietor of the warehouse from which the alcohol is withdrawn, the warehouse number, state in which located, the serial numbers of the packages, and the wine gallons, proof, and proof gallons received. The total quantity received during the month and the total quantity used during the month shall be reported in the summary and there shall also be reported any shortage in packages received and any loss of alcohol after receipt. Any discrepancy between the amount of alcohol actually on hand at the end of the month and the amount which should be on hand shall be reported in the summary. The permittee will forward the original copy of the form to the district supervisor not later than the 10th day of the month succeeding that for which rendered, and will retain the duplicate copy at his premises available for inspection by Government officers.* (Sec. 3108, I.R.C.)

§ 182.670 *Signing of Form 1451*—(a) *State, Territory, etc., and the District of Columbia.* Reports on Form 1451 rendered by a State or Territory or a municipal subdivision thereof or the District of Columbia shall be signed by the person in charge of the institution or branch of the department having custody of the alcohol and under whose supervision the same was actually received and used.

(b) *Scientific university, college, laboratory, etc.* Where tax-free alcohol has been withdrawn pursuant to permit issued to a scientific university, college of learning, laboratory for scientific research exclusively, hospital, or sanatorium, or clinic operated for charity but not for profit, the Form 1451 shall be signed by the holder of the basic permit or a duly authorized agent of such holder.* (Sec. 3108, I.R.C.)

§ 182.671 *Audit of reports.* Upon receipt of Form 1451 from the permittee, the district supervisor shall have the same audited and checked against Forms 1439, covering alcohol shipped to the permittee, to determine that all alcohol withdrawn by the permittee has been duly received and accounted for.*

Change in Proprietorship, Name, etc.; Discontinuance of Use

§ 182.672 *Procedure*—(a) *Change in proprietorship, name, etc.* Where there is a change in proprietorship, or in the persons interested in the business, or in the individual, firm, or corporate name, trade name or style, or in the location of the premises, etc., procedure similar to that prescribed in §§ 182.650 to 182.652, inclusive, will be followed insofar as applicable.

(b) *Discontinuance of use.* When the use of tax-free alcohol is discontinued, the permittee shall give notice thereof in writing, in triplicate, to the district supervisor and shall surrender to the district supervisor his basic and withdrawal permits. Any tax-free alcohol remaining on hand at the time of such discontinuance may be returned to the bonded warehouse in accordance with § 182.664, or when authorized by the district supervisor, the alcohol may be disposed of to another person holding permit to use

tax-free alcohol, upon the filing of a consent of surety, Form 1533, on the bond (if any), of the purchaser extending the terms of his bond to cover the transportation to, and use by, him of the alcohol."

DENATURED ALCOHOL

§ 182.673 *Denatured alcohol defined.* Denatured alcohol is ethyl alcohol to which has been added such denaturing materials as render the alcohol unfit for use as an intoxicating beverage. Denatured alcohol is divided into two classes, namely, completely denatured alcohol and specially denatured alcohol, prepared in accordance with approved formulas prescribed in the "Appendix to Regulations 3." (Secs. 3070, 3108, I.R.C.)

§ 182.674 *Formulas prescribed.* Alcohol may be denatured in accordance with the formulas prescribed in the "Appendix to Regulations 3." The Commissioner shall prescribe the specifications for the denaturants authorized for denaturing the alcohol and may at any time revise the same if he deems it necessary. (Secs. 3070, 3102, 3170, I.R.C.)

§ 182.675 *Completely denatured alcohol.* The materials added to produce completely denatured alcohol are of such a nature that after denaturation it may be sold and used within certain limitations without permit and bond.

(a) *Addition of other substances.* Producers of completely denatured alcohol may be authorized to add a small portion of an odorant, rust inhibitor, or dye to completely denatured alcohol. Any such additions may be made only under authority of the Commissioner. Request for such authorization must be submitted to the Commissioner, in triplicate. The Commissioner will note his approval or disapproval on all copies of the request and forward two copies to the district supervisor who will return one copy to the applicant.

(b) *Addition of odorants to denaturants.* Producers of denaturants authorized for completely denatured alcohol may add odorants or perfume materials in amounts not greater than 1 part to 250 by weight to denaturants now authorized for completely denatured alcohol: *Provided*, That such addition does not decrease the denaturing value nor change the chemical or physical constants beyond the limits of the present specifications for these denaturants, except as to odor. Producers of denaturants shall inform the Commissioner of the names and properties of the odorant or perfume materials so used.

(c) *Containers of products made with completely denatured alcohol.* Containers of products manufactured with completely denatured alcohol, such as proprietary anti-freeze preparations, solvents, thinners, lacquers, etc., shall not be branded as completely denatured alcohol nor may any such products be advertised, shipped, sold or offered for sale as completely denatured alcohol.* (Secs. 3070, 3102, I.R.C.)

§ 182.676 *Specially denatured alcohol.* Specially denatured alcohol is intended for use in a greater number of specified arts and industries than completely denatured alcohol and the character of the denaturant or denaturants used is such that specially denatured alcohol may be sold, possessed and used only pursuant to basic permit and bond, except as otherwise provided in these regulations.* (Secs. 3070, 3102, I.R.C.)

§ 182.677 *Transportation*—(a) *Completely denatured alcohol.* Completely denatured alcohol shall be transported to the premises of the purchaser by the vendor denaturer or dealer; or by a railroad or steamship company, or an express company operating thereon; or by a motor carrier who holds a permit to transport tax-free or specially denatured alcohol or who has qualified with the Interstate Commerce Commission as a "self-insurer"; or by other carriers, including motor and barge lines, who are actively and regularly engaged in the legitimate business of transportation and who possess adequate facilities to insure safe delivery at destination of any completely denatured alcohol transported by them, and who are approved by the district supervisor: *Provided*, That consignees may transport completely denatured alcohol from the premises of the delivering carrier at the place of destination to their own premises.

(b) *Specially denatured alcohol.* Specially denatured alcohol must be transported to the premises of the specially denatured alcohol permittee by the vendor denaturer or dealer or by a carrier holding permit on Form 145 to transport specially denatured alcohol: *Provided*, That specially denatured alcohol permittees may transport specially denatured alcohol from the premises of the delivering carrier at the place of destination to their own premises, or, in the case of export, to the point of lading.

(c) *Method of transportation.* When completely or specially denatured alcohol is transported by the vendor or an authorized carrier, the transportation must be by such vendor or carrier personally or by some person regularly and exclusively in his employ, and the right to the possession of any vehicle used for such transportation must be vested in the vendor or carrier.

(d) *Responsibility for delivery.* The consignor will be responsible for proper delivery of completely or specially denatured alcohol to an authorized carrier, or to the premises of the consignee when delivery is made by the consignor. The consignee will likewise be responsible for the proper delivery to his premises of completely or specially denatured alcohol transported by him from the premises of the authorized carrier. Failure to make such delivery will be deemed to be grounds for citation for revocation of the basic permit, if any, of the person responsible for the proper delivery of the completely or specially denatured alcohol.

(e) *Certificate in bill of lading, waybill, etc.* When specially denatured alcohol is transported by a carrier, as authorized herein, the shipper shall include in his bill of lading, waybill, express receipt, etc., a statement to the following effect: "Before making delivery, the agent of the delivering carrier at destination must have received from the consignee a certified copy of the withdrawal permit authorizing this shipment."

(1) *Exception; written statement.* Where no bill of lading is issued, as in the case of delivery by local express company, a written statement to the above effect, signed by the shipper, shall be delivered to the carrier.* (Secs. 3070, 3114 (a), I.R.C.)

§ 182.678 *Unlawful possession.* The possession of specially denatured alcohol except by a duly authorized permittee is a violation of the law and of these regulations and any specially denatured alcohol found in the possession of any person not holding a permit under these regulations or in the possession of a carrier not authorized to transport the same will be deemed subject to tax and forfeiture.* (Secs. 3111, 3114 (a), 3116, I.R.C.)

§ 182.679 *Unlawful sale.* No person shall sell denatured alcohol, denatured rum, or any substance or preparation made with or containing denatured alcohol or denatured rum, for use, or for sale for use, for beverage purposes; nor shall he sell any of such products under circumstances from which it might reasonably appear that it is the intention of the purchaser to procure the same for sale or use for beverage purposes.* (Secs. 3070, 3109, 3111, 3116, I.R.C.)

§ 182.680 *Advertising.* It is not permissible to advertise by means of signs, posters, etc., in or about places of business that "Alcohol" is for sale without any qualifying words, such as "Denatured" or "Completely Denatured." These instructions shall apply to proprietors of garages, service stations, paint shops and hardware stores, and other wholesale and retail dealers in completely denatured alcohol generally. Inasmuch as such advertising menaces the health and lives of persons who might be misled into believing that the alcohol is pure, district supervisors shall instruct all field officers under their direction to warn proprietors of garages, paint shops, and hardware stores, and other retail dealers in denatured alcohol found guilty of such practice, to immediately discontinue the same, and that any failure to do so will render the completely denatured alcohol subject to seizure and the dealer to prosecution.* (Secs. 3070, 3109, I.R.C.)

§ 182.681 *Samples of denatured alcohol or products made therefrom may be taken by revenue officers.* Any officer or agent of the Bureau of Internal Revenue is authorized to take samples of denatured alcohol wherever found, or of products manufactured with denatured alcohol, either at the place of manufacture or on trucks or other conveyances leaving the place of manufacture, or of ingredients used in compounding such products.* (Secs. 3070, 3102, I.R.C.)

§ 182.682 *Liability for tax.* The sale, transportation, or use of specially denatured alcohol by any person other than a permittee duly authorized to sell, transport, or use specially denatured alcohol, or by any person for beverage purposes, or sale by any person under such circumstances from which it might reasonably appear that it is the intention of the purchaser to procure the same for sale or for use for beverage purposes, as the case may be, is a violation of the law and these regulations and renders the person so selling, transporting, or using the specially denatured alcohol liable for the tax thereon.* (Sec. 3111, I.R.C.)

OPERATION OF INDUSTRIAL ALCOHOL DENATURING PLANTS

§ 182.683 *General.* The provisions of §§ 182.470 to 182.477, inclusive, shall, insofar as applicable, apply to the control of the denaturing plant, assignment of storekeeper-gaugers, examination and custody of the denaturing plant, supervision of operations, locking, etc., of denaturing plants. Where the operations of a denaturing plant can be supervised by the storekeeper-gauger or storekeeper-gaugers assigned to the industrial alcohol plant or bonded warehouse situated on the same premises, a storekeeper-gauger need not be assigned exclusively to the denaturing plant, but where the operations at the denaturing plant are such as to necessitate the assignment of one or more storekeeper-gaugers thereto, such officer or officers will be so assigned by the district supervisor. Each such plant shall be used solely for the purpose hereinafter set forth, and shall be under the control of the district supervisor of the district and in the joint custody of the proprietor and the storekeeper-gauger assigned thereto. No one shall be permitted to enter the plant buildings except in the presence of such officer, and the buildings shall be kept closed and the doors securely locked except when some work incidental to the operation of the plant is being carried on. The proprietor may, in connection with the storekeeper-gauger, except as provided in section 3121 (c), I.R.C., refuse admittance to any person not an internal revenue officer. The storekeeper-gauger will see that the operations conform to the requirements of the law and these regulations, and will, in the course of his daily duties, carefully observe the character and condition of connections, pipes, tanks, or vessels used for conveying alcohol, denatured alcohol, and denaturants, to see if they are closed as required, and whether access can be gained to the alcohol, denatured alcohol, and denaturants, in his absence. The storekeeper-gauger will promptly report to the district supervisor any operations or condition of apparatus and equipment not conforming to these regulations.* (Secs. 3070, 3102, I.R.C.)

Sufficiency of Bond

§ 182.684 *Storekeeper-gauger to be informed.* Where the denaturing plant bond is in an amount less than the maximum penal sum prescribed by these regulations, and the basic permit, Form 1433, limits the quantity of alcohol, specially denatured alcohol, and recovered or restored denatured alcohol, that may be on hand, in transit, and unaccounted for at any one time at the denaturing plant, the district supervisor will inform the storekeeper-gauger in charge of such limitation, and the storekeeper-gauger will see that the quantity of alcohol, specially denatured alcohol, and recovered or restored denatured alcohol on hand at the denaturing plant does not exceed that covered by the bond and authorized by the basic permit.*

Procurement of Alcohol; Withdrawal Permits

§ 182.685 *From industrial alcohol plant or bonded warehouse on same premises.* Alcohol may be transferred from an industrial alcohol plant or bonded warehouse to the denaturing plant located on the same premises in approved containers or by pipe line, as provided in § 182.559. Withdrawal permit, Form 1463, is not required for such transfer, but where the basic permit for the denaturing plant limits the quantity of alcohol, specially denatured alcohol, and recovered or restored denatured alcohol that may be on hand, in transit, and unaccounted for at any one time, the quantity of alcohol so transferred to the denaturing plant during a calendar month shall not exceed the quantity so limited in the basic permit, Form 1433.* (Secs. 3070, 3108 (a), I.R.C.)

§ 182.686 *From other plants*—(a) *From industrial alcohol plant or bonded warehouse not on same premises.* Where it is desired to procure alcohol from an industrial alcohol plant or bonded warehouse not located on the same premises with the denaturing plant, the denaturer must procure a withdrawal permit, Form 1463, authorizing the procurement of such alcohol, in accordance with § 182.687.

(b) *From another denaturing plant.* Where it is desired to procure ethyl alcohol from another denaturing plant, as authorized by section 3108 (a), I.R.C., the alcohol will be shipped in accordance with the procedure (including that respecting withdrawal permits, containers, marks, stamps, etc.) prescribed in these regulations for the shipment of alcohol from bonded warehouses to denaturing plants.

(c) *Railroad sidings.* Where alcohol, denatured alcohol, articles, or distillates are to be received at or shipped from a denaturing plant in railroad tank cars, pursuant to the provisions of these regulations, the proprietor must provide railroad siding facilities at the denaturing plant, which must be used for the receipt or shipment of such tank cars.* (Secs. 3070, 3108 (a), 3114 (a), I.R.C.)

§ 182.687 *Application and withdrawal permit, Form 1463*—(a) *Application.* Where the proprietor of a denaturing plant desires to procure alcohol from an industrial alcohol plant or bonded warehouse not located on the same premises with the denaturing plant, he will file application on Part I of Form 1463, in duplicate, with the district supervisor for withdrawal permit to procure alcohol. The names, registry numbers and addresses of the industrial alcohol plants or warehouses from which alcohol will be procured will be stated in the application. Where the applicant's basic permit limits the quantity that may be on hand, in transit, and unaccounted for at any one time at the denaturing plant, the application should be for a fixed number of proof gallons to be withdrawn during a calendar month, which amount shall not exceed the quantity of alcohol, specially denatured alcohol, and recovered or restored denatured alcohol authorized in the applicant's basic permit, Form 1433, to be on hand, in transit, and unaccounted for at any one time.

(b) *Withdrawal permit.* If the application is approved by the district supervisor, he will issue a withdrawal permit on Part II of the Form 1463. Where the applicant's basic permit limits the quantity of alcohol, specially denatured alcohol, and recovered or restored denatured alcohol that may be on hand, in transit, and unaccounted for at any one time at the denaturing plant, the quantity authorized by the withdrawal permit to be withdrawn during any calendar month shall not exceed the quantity so limited in the basic permit. The district supervisor will forward the original copy of the withdrawal permit to the applicant and will retain the duplicate copy for his files. If the industrial alcohol plant or bonded warehouse is located in another supervisory district, a copy of the withdrawal permit and any renewals or amendments thereof, will be prepared on the prescribed form and transmitted by the district supervisor issuing the same to the district supervisor of the district from which shipments are to be made. When the proprietor of the denaturing plant desires to procure alcohol, he will forward the original of the withdrawal permit to the proprietor of the industrial alcohol plant or bonded warehouse named therein from whom he desires to procure alcohol. Upon shipment, the proprietor of the industrial alcohol plant or warehouse will enter the shipment on the permit and return it to the denaturer, unless he has been authorized by the denaturer to retain the permit for the purpose of making future shipments. No alcohol may be shipped by a consignor named in the withdrawal permit until such permit is in his possession. Except as provided in paragraph (d), further like transfers may be made under such permit during the term for which it was issued.

(c) *Carrier to be furnished copy of Form 1463.* Where the alcohol is to be delivered by a person other than the vendor, the denaturer shall procure from the district supervisor a certified copy (or copies, if delivery is to be made by more than one carrier), on the prescribed form, of the withdrawal permit, Form 1463, and shall file the same with the delivering carrier's agent at destination. Application for such certified copy or copies shall be made by the permittee to the district supervisor by letter, specifying the name of the delivering carrier. Where such delivering carrier is known at the time Form 1463 is filed, the application should accompany such form.

(d) *Expiration or termination of permit.* Upon expiration of a withdrawal permit, it shall be returned to the district supervisor for cancellation. Where the permit is in the possession of a consignor on the date of expiration, such consignor shall return it to the denaturer for surrender to the district supervisor. Should a basic permit, Form 1433, held by a person to whom withdrawal permit, Form 1463, was issued, be terminated, surrendered or revoked, the pro-

prietor of each industrial alcohol plant or bonded warehouse named as vendor in such withdrawal permit shall, upon notice from the district supervisor, make no further shipments thereunder, and if such withdrawal permit is in his possession, he shall return it to the district supervisor for cancellation.* (Sec. 3114 (a), I.R.C.)

§ 182.688 *Application for renewal of withdrawal permit, Form 1463.* Applications on Part I of Form 1463 for renewal of withdrawal permits must be submitted by the denaturer to the district supervisor not less than one month prior to the date of expiration of the permit to be renewed, in order that the renewal permit may be issued and become available for withdrawals by the 1st day of the calendar month following the date of expiration of the permit to be renewed. Application for renewal of withdrawal permits shall be executed in conformity with § 182.687 (a).* (Sec. 3114 (a), I.R.C.)

§ 182.689 *Renewal of withdrawal permit, Form 1463.* Withdrawal permits on Part II of Form 1463 shall remain in force for the calendar year or for the term of the basic permit, Form 1433. A renewal permit must be procured for each year commencing with January 1, after the expiration of the original permit. The provisions of § 182.687 (b) shall be applicable to the issuance of renewal permits.* (Sec. 3114 (a), I.R.C.)

§ 182.690 *Quantity procurable under withdrawal permits.* Where the permittee's basic permit, Form 1433, limits the quantity of alcohol, specially denatured alcohol, and recovered or restored denatured alcohol that may be on hand, in transit, and unaccounted for at any one time at the denaturing plant, he shall, in procuring alcohol, deduct the quantity of alcohol, specially denatured alcohol, and recovered or restored denatured alcohol on hand, in transit, and unaccounted for, and the quantity of specially denatured alcohol procurable during the calendar month under his withdrawal permit on Form 1464, if any, from the quantity so limited in his basic permit, Form 1433, and if the available balance is less than the quantity of alcohol procurable under his withdrawal permit on Form 1463, give his order for an amount not exceeding such available balance. For this purpose, alcohol, specially denatured alcohol, and recovered or restored denatured alcohol shall be deemed to be unaccounted for when disposed of, lost, or denatured otherwise than as provided in these regulations. Failure on the part of permittees to observe the foregoing requirements concerning withdrawals will be regarded as sufficient grounds for citation for revocation of their basic permits.* (Secs. 3070, 3102, 3108 (a), 3114 (a), I.R.C.)

§ 182.691 *Return of recovered denatured alcohol for restoration and redenaturation.* Denatured alcohol recovered for reuse by manufacturers using the same may be shipped to denaturing plants for restoration and redenaturation where the denaturing plant is equipped for restoring recovered alcohol. Such recovered alcohol will be returned to the denaturing plant pursuant to notice on Form 1484, as provided in § 182.895, and upon receipt at the denaturing plant will be entered on Form 1468–F, in accordance with the instructions on the form.* (Sec. 3073, I.R.C.)

§ 182.692 *Distillates from distilleries.* Distillates containing one-half of 1 percent or more of aldehydes or 1 percent or more of fusel oil, commonly known as "heads" and "tails," removed in the course of distillation at registered distilleries and fruit distilleries operated under Regulations 4 and 5, respectively, may be shipped to denaturing plants operated under these regulations and denatured thereat, in accordance with the requirements of these regulations.

(a) *Application, Form 1463, modified.* When the proprietor of a denaturing plant desires to procure such distillates, he shall file application with the district supervisor on Form 1463, in duplicate, properly modified, for withdrawal permit therefor. A separate application shall be filed for each lot.

(b) *Consent of surety, Form 1533.* The denaturer shall also file with the district supervisor consent of surety, Form 1533, in triplicate, extending the terms of his bond, Form 1432–A, to cover the receipt, possession, and denaturation of any such distillates transferred to his denaturing plant and the disposition of the denatured product. The consent of surety must be executed in conformity with the provisions of §§ 182.184–182.205, and may be in blanket form to cover all such transfers.

(c) *Permit, Form 1463, modified.* The district supervisor will, upon approval of the application, issue a permit on Part II of Form 1463, properly modified: *Provided*, That proper consent of surety has been filed. The liability of the distiller for the tax on such distillates removed for denaturation shall continue until the distillates have been deposited in the denaturing plant.

(d) *Use of distillates.* Such distillates may not be redistilled or used for any purpose other than denaturation. If the distillates are of improper proof for denaturation, they may be mixed with other spirits of higher proof at the denaturing plant in order to obtain the required proof for denaturation. The distillates must be received and retained at the denaturing plant; they may not be received at the industrial alcohol plant or bonded warehouse nor may they be transferred thereto from the denaturing plant.* (Secs. 2916, 3114 (a), I.R.C.)

§ 182.693 *Abandoned spirits.* Distilled spirits abandoned to the United States and purchased by the proprietor of an industrial alcohol plant pursuant to section 3074, I. R. C., may be received at the denaturing plant and denatured thereat in accordance with §§ 182.462 to 182.465, inclusive.* (Sec. 3074, I.R.C.)

Receipt of Alcohol

§ 182.694 *By pipe line.* If the denaturing plant is located on the premises of an industrial alcohol plant or bonded warehouse, alcohol may be transferred from the receiving tanks in the industrial alcohol plant or from storage tanks in the bonded warehouse to alcohol storage tanks in the denaturing plant, or to mixing tanks therein for immediate denaturation. Alcohol transferred to denaturing plants by means of pipe lines shall be carefully weighed and proofed upon receipt in the denaturing plant, unless weighed in weighing tanks in the bonded warehouse or receiving room immediately before transfer. While alcohol thus transferred must be weighed at the time of transfer in a weighing tank in the receiving room or bonded warehouse or in a weighing tank located in the denaturing plant, it is not required to be weighed at such time both in the receiving room or warehouse and the denaturing plant.

(a) *Supervision of transfers.* All transfers of alcohol from an industrial alcohol plant or bonded warehouse by pipe line will be made under the immediate supervision of the storekeeper-gauger. The storekeeper-gauger supervising the deposit of the alcohol in the storage tank or mixing tank in the denaturing plant will see that the outlet and all other openings of such tank except the inlet are closed and locked and that the valves of the pipe line are so adjusted by the proprietor as to control the flow of alcohol into the tank before the outlet of the receiving tank or storage tank from which the alcohol is to be transferred is unlocked. When the alcohol has been deposited in the tank in the denaturing plant the inlet of such tank and the outlet of the receiving tank or storage tank will be immediately closed by the proprietor and locked by the storekeeper-gauger. The storekeeper-gauger will not permit the transfer of alcohol from receiving tanks or storage tanks to the denaturing plant by pipe line unless the use of such pipe line has been approved in accordance with these regulations.* (Secs. 3070, 3108 (a), I.R.C.)

§ 182.695 *In packages from industrial alcohol plant or bonded warehouse on the same premises.* When alcohol is received in packages from the industrial alcohol plant or bonded warehouse on the same premises, the packages will be transferred to the denaturing plant under the immediate supervision of the storekeeper-gauger in charge of the industrial alcohol plant or bonded warehouse from which the alcohol is transferred and the storekeeper-gauger in charge of the denaturing plant. The proprietor will check in the receipt of the packages in the denaturing plant against Form 1440 in the presence of the storekeeper-gauger.* (Secs. 3070, 3108 (a), I.R.C.)

§ 182.696 *From industrial alcohol plant or bonded warehouse not located on the same premises.* Upon receiving Form 1440, with Form 1439, covering alcohol shipped to the denaturing plant, the storekeeper-gauger in charge of the denaturing plant will compare the two forms and deliver Form 1440 to the proprietor of the denaturing plant. When the alcohol is received at the denaturing plant the proprietor and the storekeeper-gauger will examine the shipment and where packages bear evidence of having sustained losses in transit or the railroad tank car bears evidence of having sustained a loss, the losses will be determined and a report of such losses and of the examination of the shipment will be made in conformity with the provisions of §§ 182.492 and 182.493.

(a) *Deposit in denaturing plant.* Upon completion of the examination of the containers, the proprietor will accurately determine the quantity received and will check in the receipt of the alcohol against Form 1440 in the presence of the storekeeper-gauger, and will execute the certificate of receipt on both copies of the form and note thereon and on Form 1468–A any loss or deficiency in the shipment. The proprietor will then file one copy of Form 1440 as a permanent record, as provided in § 182.788, and at the close of the day will deliver the other copy to the storekeeper-gauger for transmittal to the district supervisor of his district. On the day of receipt of the alcohol, the storekeeper-gauger shall fill in the certificate of receipt on Form 1439, noting any losses and discrepancies. Where a loss in transit is sustained, the storekeeper-gauger will report the total loss and, in the case of packages, the loss from each package. The storekeeper-gauger will forward the receipted Form 1439 to the district supervisor of the district from which the alcohol was shipped.* (Secs. 3070, 3108 (a), 3114 (a), I.R.C.)

§ 182.697 *Alcohol received in packages.* Alcohol received in packages will be placed in the alcohol storeroom of the denaturing plant, or the contents of the packages may be dumped into storage tanks if notation thereof is made on Form 1440 and Form 1468–A.*

§ 182.698 *Alcohol received in tank cars.* Alcohol received in tank cars shall be gauged in weighing tanks and transferred immediately to storage tanks, or to mixing tanks for immediate denaturation. When alcohol is received in tank cars, the seals must not be broken or any alcohol removed, except in the presence of the storekeeper-gauger assigned to the denaturing plant.*

§ 182.699 *Distillates received from distilleries.* Upon receipt of distillates at the denaturing plant, procured pursuant to § 182.692, the storekeeper-gauger will inspect the packages or railroad tank car, as the case may be, and if it appears that any distillate has been abstracted or lost in transit, he will prepare a statement, setting forth the identity of the containers, a description of the condition of each, and the apparent cause of such condition and will forward such statement to the supervisor of the district from which the shipment was made, as hereinafter provided.* (Sec. 2916, I.R.C.)

§182.700 *Regauge of distillates.* Upon completion of the storekeeper-gauger's inspection, the distillate will be gauged by the proprietor of the denaturing plant under the supervision of the storekeeper-gauger. If the gauge discloses no discrepancy between the quantity shipped and the quantity received other than that which may be ascribed to variation in gauge, the storekeeper-gauger will make a notation of receipt on the copy of Form 1520 received by him from the storekeeper-gauger at the distillery and forward the same to the supervisor of the district from which the shipment was made. If the gauge discloses a loss in transit, the proprietor will prepare a report of gauge on Form 1440, in duplicate, and give one copy to the storekeeper-gauger and retain the other at the denaturing plant. The storekeeper-gauger will securely attach the copy of Form 1440 to the copy of Form 1520 received by him from the storekeeper-gauger at the distillery and forward the same, together with his inspection statement, to the district supervisor of the district from which the shipment was made.

(a) *Losses.* No allowance can be made under section 2901 (a), I.R.C., or any other provision of law for losses of such distillates by leakage or evaporation occurring during transportation to the denaturing plant or while stored in such plant prior to denaturation. The tax will be collected on all losses, unless the same are shown to be due to destruction or accidental fire or other casualty while in transit and the tax is remitted under section 2901 (c), I.R.C. The losses of such distillates in transit to the denaturing plant and while stored thereat shall be shown as a separate entry in the same columns in which losses of alcohol are shown on Form 1468–A.* (Sec. 2916, I.R.C.)

§ 182.701 *Recovered denatured alcohol.* Recovered denatured alcohol returned to the denaturing plant for restoration and redenaturation, pursuant to the provisions of § 182.691, shall be deposited, after the same has been inspected by the storekeeper-gauger and gauged by the proprietor, in the recovered alcohol storage tanks, unless the recovered alcohol is received in drums and is to be retained therein pending restoration.*

Restoration and Redenaturation of Recovered Denatured Alcohol

§ 182.702 *Restoration of denatured alcohol.* Recovered denatured alcohol may be restored in a denaturing plant, provided the distilling apparatus and equipment conforms to the requirements of § 182.97. The process must be carried on through continuous closed pipes from the time the vapors first rise in the still to the restored alcohol receiving tank.

(a) *Supervision required.* The restoration of recovered denatured alcohol must be conducted under the supervision of the storekeeper-gauger.* (Sec. 3073, I.R.C.)

§ 182.703 *Gauge of alcohol to be restored.* The proprietor shall weigh or measure the recovered alcohol to be restored prior to deposit in the still and the restored alcohol must be deposited in locked receiving tanks and all alcohol recovered will be gauged in the restored alcohol receiving tank upon its removal to mixing tanks for redenaturation. Appropriate entries will be made on Form 1468–F as hereinafter provided.* (Sec. 3073, I.R.C.)

§ 182.704 *Redenaturation of restored alcohol.* If the restored alcohol contains denaturants after restoration and does not require the full amount of denaturants for redenaturation, a notation to that effect should be made on Form 1468 and Form 1468–F. Such restored alcohol must be denatured in the immediate presence of the storekeeper-gauger in accordance with the provisions of these regulations relating to the denaturation of ethyl alcohol.* (Sec. 3073, I.R.C.)

Denaturing Materials

§ 182.705 *Receipt.* Authorized denaturants may be brought on the premises in any desired quantity if ample storage facilities have been provided. All denaturants, except such as are permitted to remain in original packages, must be deposited in the appropriate storage tank or other approved receptacle and thoroughly mixed. Denaturants received on the premises shall not be mixed or mingled with approved denaturants of the same kind until they have been approved by the authorized chemist.

(a) *Storage in original packages.* Denaturants, when received in small quantities for use in a formula prepared only occasionally, may be stored in the original package in the denaturing material storeroom.* (Sec. 3070, 3102, I.R.C.)

§ 182.706 *Sample for chemist.* The storekeeper-gauger shall take a 1-pint sample of each lot of each denaturant received at the denaturing plant, and forward or deliver the sample to the authorized chemist. Where a lot of any denaturant is received in a tank car or in packages and is placed in two or more storage tanks, or is received in a number of packages and retained therein pending analysis and approval of the denaturant, the storekeeper-gauger will take a proportionate sample from each tank or package, as the case may be, and thoroughly mingle the samples together. From this mixture the officer will take a 1-pint sample and forward or deliver it to the authorized chemist. The storekeeper-gauger shall then lock the tanks with a Government lock or securely close and seal the packages and none of the contents of the tanks or packages may be used until the sample has been officially tested and approved and a report of such test is received by the storekeeper-gauger in charge of the denaturing plant. All samples submitted for analysis must be placed in heavy glass bottles or other suitable containers, to be provided by the denaturer, and must be securely closed and sealed with a wax seal furnished for this purpose or a paper seal signed by the storekeeper-gauger taking the sample.

(a) *Labels on samples.* Each sample shall have a label, Form 1469, "Label for Denaturing Material," affixed thereto showing the name of the denaturer, plant number, serial number of the tank or the number and kind of the package from which the sample was taken, the kind and quantity of the denaturant represented by the sample, the date taken, and the name of the officer taking the sample.* (Secs. 3070, 3102, I.R.C.)

§ 182.707 *Denaturants not required to be tested.* Where a chemically or commercially pure salt or solid or a U. S. P. or N. F. essential oil, or an essential oil

approved by the Commissioner is used as a denaturing material, the same need not be submitted for test except when the Commissioner shall so direct, provided the material is delivered to the storekeeper-gauger in the original sealed package of a reputable manufacturer of chemicals, bearing label descriptive of its contents placed thereon by the manufacturer.* (Secs. 3070, 3102, I.R.C.)

§ 182.708 *Certificates of origin for approved wood alcohol.* Every shipment of approved wood alcohol consigned to a denaturing plant must be accompanied by a sworn statement in duplicate from the manufacturer thereof, giving the name and address of the refinery in the United States where produced, the amount of denaturant shipped, and certifying that it is a partially purified distillate from crude wood alcohol obtained only by the destructive distillation of wood.

(a) *Disposition.* These certificates should be sent to the storekeeper-gauger in charge at the denaturing plant which is receiving the approved wood alcohol. One copy of the certificate of origin should be held by the storekeeper-gauger in charge and filed for future reference. The other copy should accompany the sample taken from the shipment that is sent to the authorized chemist for examination and approval. The authorized chemist, upon completing his examination, shall make his report as required by the regulations and forward the certificate of origin to the supervisor of the district in which the denaturing plant is located, where it should be filed for future reference. The authorized chemist must note on the forms used for making the chemical reports of approved wood alcohol that the certificate of origin has been furnished with the sample examined.

(b) *Certified copies.* Where producers of wood alcohol sell the approved grade to dealers, duplicate certificates of origin should be furnished and dealers in turn should furnish certified copies in duplicate to each denaturing plant purchasing approved wood alcohol from them. These certified copies of the original certificate of origin then will be disposed of in the manner described in paragraph (a). Approved wood alcohol which has been examined and approved when transferred from one denaturing plant to another denaturing plant should be accompanied by a certified copy of the certificate of origin of the lot transferred.* (Secs. 3070, 3102, I.R.C.)

§ 182.709 *Authorized chemist.* District supervisors shall furnish denaturers, as well as storekeeper-gaugers, the names and addresses of authorized chemists. The authorized chemist will not examine any sample of denaturants furnished to him unless sealed in the manner indicated.* (Secs. 3070, 3102, I.R.C.)

§ 182.710 *Form 1470.* A list of all samples submitted by the storekeeper-gauger for analysis shall be prepared by him on Form 1470, "List of Samples of Denaturants," in duplicate, and forwarded to the chemist.* (Secs. 3070, 3102, I.R.C.)

§ 182.711 *Forwarding samples to chemist.* The sample, after being securely packed and sealed, shall be sent to the most convenient authorized chemist for examination and report. All expenses in connection with forwarding and testing of samples must be borne by the denaturer.* (Secs. 3070, 3102, I.R.C.)

§ 182.712 *Report of analysis by the chemist.* Upon completion of the analysis of the denaturants, the chemist shall note his approval or disapproval of the samples on Form 1470, in duplicate, and sign the same. One copy thereof shall be returned to the storekeeper-gauger in charge of the denaturing plant and one copy forwarded to the district supervisor.

(a) *Report, Form 1472.* The chemist shall make a report of his analysis on Form 1472, "Chemist's Report of Denaturants," in duplicate, one copy of which shall be sent to the district supervisor of the district in which the denaturer is located, and the other to the Commissioner.

(b) *Retention of samples.* The authorized chemist must hold all samples of denaturing grade wood alcohol, methyl alcohol, and denaturants used for completely denatured alcohol, for six months and other samples of denaturants for thirty days so that they will be available for future reference, if necessary.* (Secs. 3070, 3102, I.R.C.)

§ 182.713 *Denaturant approved.* If the sample is approved, the contents of the tank or package containing the denaturant shall, upon receipt of the report of the chemist by the storekeeper-gauger, become an approved denaturant and the storekeeper-gauger will then remove the seals from the tank or package, and permit the denaturant to be used.* (Secs. 3070, 3102, I.R.C.)

§ 182.714 *Denaturant not approved.* If the sample does not conform to the prescribed specifications, the storekeeper-gauger will, upon receipt of the report of nonapproval by the chemist, require the denaturer to immediately remove the contents of the tank or package from the premises: *Provided*, That the storekeeper-gauger may permit the denaturer, if he so desires, to treat or manipulate the denaturant so as to render it suitable for use. In such case another sample must be submitted for approval.* (Secs. 3070, 3102, I.R.C.)

§ 182.715 *Furnishing approved denaturants.* Denaturers will be permitted to supply approved denaturants to proprietors of other denaturing plants or to manufacturers recovering denatured alcohol, or articles, and redenaturing the alcohol for reuse, provided such denaturants are furnished in containers properly marked and sealed, with certificate attached of the storekeeper-gauger in charge at the denaturing plant making shipment or delivery of the denaturants, and proper entries are made of such disposals on Forms 129 and 1468–C. The container must be properly sealed with an identifying seal of the denaturer. Such denaturants need not be further analyzed at the receiving denaturing plant or user's premises.* (Secs. 3070, 3102, I.R.C.)

Denaturing of Alcohol

§ 182.716 *General.* Alcohol shall be denatured in accordance with the formulas prescribed in the Appendix to Regulations 3. In the case of formulas with substitute denaturants, Form 1485 authorizing the use thereof must be presented to the storekeeper-gauger prior to denaturation. Denaturants used in denaturing alcohol must conform to the specifications prescribed therefor and, except as provided in § 182.707, must be approved by the authorized chemist.

(a) *Notice to storekeeper-gauger.* Notice of intention to denature alcohol shall be given the storekeeper-gauger in charge of the denaturing plant, in writing. The notice must specify the quantity of alcohol and the serial number of the tank or package containing the same; also the formula, kind, and quantity of denaturants to be used. Upon receipt of such notice the officer shall see that the exact quantity of alcohol and the proper quantity of the specified denaturants are conveyed to the mixing tank and that the same are thoroughly plunged or mixed before being drawn off.

(b) *Officer's presence required.* No alcohol may be denatured except in the immediate personal presence of the storekeeper-gauger. Failure to observe this requirement will be deemed ground for issuance of citation for revocation of the basic permit of the denaturer.* (Secs. 3070, 3102, I.R.C.)

§ 182.717 *Test of measuring devices.* The storekeeper-gauger must from time to time apply such test to measures or measuring devices, as the case may be, for measuring denaturants as will satisfy him that they are correct. If he finds the measures or measuring devices to be incorrect, he shall refuse to permit the proprietor to transfer any denaturant to the measuring tank until appliances have been provided whereby the exact quantity of denaturants used may be ascertained.*

§ 182.718 *Determining wine and proof gallons.* The following convenient rule is given for determining the wine and proof gallons contained in any weighing tank if the weight and proof of the alcohol or distillates have been determined:

To determine the wine gallons and proof gallons, multiply the weight of the alcohol in pounds by the fractional part of a wine gallon and proof gallon, respectively, per pound of the same proof as shown in the Gauging Manual. For example, it is desired to ascertain the wine gallons and proof gallons of 1,000 pounds of 190 degree proof alcohol—

1,000 × 0.14718 = 147.182 wine gallons.
1,000 × 0.27964 = 279.64 proof gallons.

§ 182.719 *Denaturation*—(a) *In tanks.* Except as provided in paragraphs (b) and (c), all alcohol shall be denatured in approved mixing tanks.

(b) *In tank cars.* Denaturing may not be done in tank cars, except in cases of emergency, and then only after permission has been obtained from the district supervisor.

(c) *In packages*—(1) *Specially denatured alcohol.* Except by special permission of the district supervisor, denaturing in packages will be permitted only to the extent of preparing special formulas that are occasionally produced at the plant and in no case exceeding 10 packages (not exceeding 600 gallons in the aggregate) of any one formula on the same day: *Provided*, That specially denatured alcohol formulas 18, 24, 25, and 25 alternative, may, upon notice to the district supervisor, be mixed in packages in any quantity.

(2) *Completely denatured alcohol.* Completely denatured alcohol must be mixed in tanks only, unless special permission of the district supervisor has first been obtained to prepare a limited quantity in packages.* (Secs. 3070, 2102, I.R.C.)

§ 182.720 *Gauging of alcohol.* All alcohol to be used for denaturation must be carefully weighed by the proprietor in accordance with §§ 182.694 to 182.698, inclusive: *Provided*, That alcohol dumped from previously gauged packages, showing no evidence of loss, and alcohol transferred direct to the mixing tank after gauging in a weighing tank in the industrial alcohol plant or bonded warehouse need not be again weighed before being used for denaturation.*

§ 182.721 *Denaturants to be measured or weighed.* All denaturants before being used must be carefully measured or weighed in previously tested or marked tanks or other receptacles to be provided by the denaturer.

(a) *Denaturer to furnish measuring devices.* The proprietor of the denaturing plant will be held strictly accountable for any errors in the quantities of denaturants added to the alcohol. It is important that his measurements shall be absolutely correct. He must know that the measures and the gauging receptacles provided by him and the measuring devices affixed to tanks are correct.* (Secs. 3070, 3102, I.R.C.)

§ 182.722 *Denaturants not readily soluble.* Denaturants which are not readily soluble in alcohol at ordinary temperatures must be dissolved before being used.* (Secs. 3070, 3102, I.R.C.)

§ 182.723 *Distillates.* Distillates received from distilleries in accordance with § 182.692 shall be denatured under the same procedure as that prescribed herein for the denaturation of alcohol. Such distillates should be denatured by only those formulas for which they are suitable.* (Secs. 3070, 3102, I.R.C.)

Formulas

§ 182.724 *Denatured alcohol formulas*—(a) *Completely denatured alcohol formulas.* Alcohol of not less than 160 degrees proof may be denatured in accordance with completely denatured alcohol formulas.

(b) *Specially denatured alcohol formulas.* Alcohol of 190, 192 or 200 degrees of proof shall be used in the manufacture of all formulas of specially denatured alcohol, unless otherwise authorized by the Commissioner. The Commissioner from time to time will specify the number of pounds which shall represent 1 wine gallon of each authorized formula.* (Secs. 3070, 3102, I.R.C.)

Approved Containers

§ 182.725 *Approved containers.* Upon completion of denaturation, the denatured alcohol, unless transferred by pipe line in accordance with § 182.730, shall be transferred to storage tanks or drawn into approved containers: *Provided*, That where the mixing tank has been designated as a "Mixing and Storage Tank," the denatured alcohol may be retained therein. When transferred to storage tanks or retained in mixing tanks, the formula of the denatured alcohol shall be plainly marked on the tank. Denaturers may fill packages in as small sizes as may be necessary for the proper conduct of their business. Denatured alcohol shall be withdrawn for shipment in approved containers as hereinafter provided.*

§ 182.726 *Packages of specially denatured alcohol.* Specially denatured alcohol may be withdrawn in substantially constructed containers, conforming to the requirements of §§ 182.506 to 182.510, inclusive.*

§ 182.727 *Packages of completely denatured alcohol.* Packages containing more than 5 wine gallons of completely denatured alcohol shall be of metal only. The openings in all such packages must be sealed with an appropriate device.

(a) *Embossed symbol and number.* Each package of completely denatured alcohol having a capacity of more than 5 wine gallons must have embossed on the head or side thereof on which the marks and brands are placed a symbol which will clearly indicate the denaturer, by or for whom the packages are filled, together with a number which shall be treated as a serial number of the packages when filled. Such numbers shall begin with No. 1 and continue in regular sequence. The provisions of § 182.734(a) relative to continuing the current series and commencement of new series shall apply to embossed packages of completely denatured alcohol. Before embossing new symbols and numbers on new packages of completely denatured alcohol the denaturer shall inform the Commissioner of the symbol and the Commissioner will advise him and the district supervisor whether the symbol is objectionable because of duplication or for any other reason.

(b) *Two or more plants or products.* Where the proprietor operates more than one establishment (denaturing plant, filling agency, specially or completely denatured alcohol user's premises) at which embossed packages are filled, and/or fills embossed packages of more than one product (completely denatured alcohol, proprietary anti-freeze solutions made with completely denatured alcohol, proprietary solvents, lacquer thinners), he may use one series of numbers for all such establishments or products, or both, provided he sets aside an appropriate block of numbers for each plant or product, or both, and keeps an accurate record thereof available for reference by Government officers; or the proprietor may in such cases use a separate series of numbers for each plant or each product, or both, provided there is embossed on each package an identifying number to indicate the plant at which the package is filled or letters to denote the contents, or both, as the case may be. Where the proprietor uses a separate series for each establishment, the identifying plant number shall be placed immediately following or below the serial number. Where a separate series is used for each product, the letters "CD" shall be used for completely denatured alcohol, "AF" for proprietary anti-freeze solutions made with completely denatured alcohol, "PS" for proprietary solvents, and "LT" for lacquer thinners.

(c) *Records of embossed symbols and serial numbers.* Denaturers shall maintain at their plants records showing the embossed symbols and serial numbers of all packages furnished their agents to be filled by the latter with completely denatured alcohol as herein provided, and shall also keep at their place such records of packages filled and disposed of by them or for their account at places other than the denaturing plant or filling agency, including the embossed symbols and serial numbers of the packages, as will enable Government officers to trace receipts and disposals. Denaturers' agents must also keep such records of the receipt and disposition of the completely denatured alcohol, including the embossed symbol and serial numbers of packages, as will permit the tracing of the receipt and disposal by the district supervisor. Such records must at all times during regular business hours be open to inspection by Government officers and must be kept complete and up-to-date for a period of three years. No special form or record is prescribed but the records used must clearly show all of the information required.

(d) *Filling packages.* In filling packages of completely denatured alcohol the packages must be so used that as far as possible the embossed numbers will run in consecutive order beginning with the lowest number.

(e) *Reuse of containers prohibited.* Packages into which completely denatured alcohol has once been placed by a denaturer or other authorized person may not after such completely denatured alcohol has been removed therefrom be again used as containers for completely denatured alcohol, proprietary solvents, lacquer thinners, or anti-freeze preparations made with completely or specially denatured alcohol.* (Secs. 2808, 3070, I.R.C.)

§ 182.728 *Railroad tank cars.* Denatured alcohol may be shipped in railroad tank cars only where the premises of both the denaturer and the consignee are equipped with suitable railroad siding facilities. The manhole covers and outlet valves on all railroad tank cars used for shipping denatured alcohol shall be equipped with facilities for sealing so that the contents cannot be removed without showing evidence of tampering. Railroad or other appropriate seals for secur-

ing manhole covers and outlet valves in tank cars containing denatured alcohol shall be furnished by the carrier or the proprietor.

(a) *Shipments of completely denatured alcohol*—(1) *To denaturers and their agents.* Completely denatured alcohol may be shipped in tank cars to other denaturing plants, as authorized in § 182.743. Completely denatured alcohol may also be shipped in tank cars by the denaturer to a person or concern acting as his agent, where the title does no pass from the denaturer, for transfer to packages for sale to others, and such packages shall be furnished by the denaturer. When completely denatured alcohol is thus shipped, the packages filled by the agent must be marked the same as if filled in the denaturing plant of the denaturer (except that the registry number of such plant will be omitted), and must also bear the embossed symbol and serial number, as required in § 182.727. Completely denatured alcohol may also be shipped in tank cars by the denaturer to himself at other premises for disposition in the same manner as in the case of completely denatured alcohol disposed of directly from the denaturing plant of the producer, or it may be so shipped by the denaturer to other producers of completely denatured alcohol at points not on the denaturing plant premises of such other producers, where the product will be filled into properly marked and embossed packages of the person to whom the shipment is made.

(2) *To users.* Upon arrival of the district supervisor, completely denatured alcohol may be shipped in tank cars to manufacturers for their own exclusive use and not for resale: *Provided*, That the completely denatured alcohol is run directly from the tank car into suitable tanks on the manufacturer's premises. Manufacturers desiring to procure completely denatured alcohol in tank cars shall file application therefor with the district supervisor of their district. If the completely denatured alcohol is to be procured from a denaturer located in the same district, the application shall be filed in triplicate, and if the completely denatured alcohol is to be procured from another district, the application shall be filed in quadruplicate. The application shall give the name and address of the denaturer from whom it is desired to procure the completely denatured alcohol, and shall specify the quantity to be received, the reasons for desiring to receive the completely denatured alcohol in tank cars, and whether the applicant's premises are equipped with railroad siding facilities. Where it is desired to receive completely denatured alcohol in tank cars regularly, the application may be made for that purpose. If the district supervisor approves the application he will note his approval on all copies thereof, retain one copy, return one copy to the applicant, and forward one copy to the denaturer, and, where shipment is to be made from another district, one copy to the district supervisor of such district.* (Secs. 2808, 3070, 3108 (a), 3109, I.R.C.)

§ 182.729 *Tank ships and barges.* Shipments of denatured alcohol in bulk by means of tank ships or barges to consignees authorized to receive such shipments in tank cars may be made only pursuant to special authorization granted by the Commissioner and then subject to such limitations and conditions as may be imposed by him. Such shipments may be made only where the premises of both consignor and consignee are equipped with suitable dock facilities and where the denatured alcohol is run directly from the tank ship or barge into suitable storage tanks on the consignee's premises.* (Secs. 3070, 3108 (a), 3109, I.R.C.)

§ 182.730 *Pipe lines*—(a) *Specially denatured alcohol.* Pipe lines constructed in conformity with the provisions of § 182.98 will be considered as approved containers only for the purpose of transferring specially denatured alcohol from the denaturing plant to contiguous manufacturing premises operated by the proprietor of the denaturing plant and covered by basic permit, Form 1481, authorizing the procurement and use of specially denatured alcohol. Specially denatured alcohol may not be thus transferred until receipt of appropriate withdrawal permit, Form 1485. Specially denatured alcohol thus transferred shall be weighed or measured by volume in a tank equipped with suitable scales or a measuring device on the denaturing plant premises. The specially denatured alcohol will be weighed or measured and removed from the denaturing plant premises under the immediate supervision of the storekeeper-gauger. The valve in the pipe line shall be closed and locked with a Government lock at all times when it is not in use.

(b) *Completely denatured alcohol.* Completely denatured alcohol may be similarly transferred by pipe line, constructed in conformity with § 182.98, to contiguous premises operated by the proprietor of the denaturing plant for the use in manufacturing in the same manner as specially denatured alcohol, in accordance with the provisions of paragraph (a) of this section, with the exception that withdrawal permit, Form 1485, is not required. Completely denatured alcohol may also be removed by pipe line for storage in tanks or other approved containers marked "Completely denatured alcohol—Storage" on adjacent premises owned or controlled by the proprietor of the denaturing plant, but when packaged it will be subject to the provisions of these regulations, the same as when packaged on denaturing plant premises, except that the registry number of the denaturing plant will not be marked on the packages.* (Secs. 2808, 3070, 3108(a), 3109, 3114(a), I.R.C.)

§ 182.731 *Tank wagons and tank trucks prohibited.* Tank wagons and tank trucks are not approved containers and may not be used for transporting completely denatured alcohol or specially denatured alcohol.* (Secs. 3070, 3108(a), 3109, I.R.C.)

Marks and Brands

§ 182.732 *Proprietor to mark and brand packages.* The proprietor shall have the prescribed marks and brands placed upon the package by stenciling, printing, cutting, burning, or embossing. All mechanical labor pertaining to the filling of packages of denatured alcohol shall be performed by the proprietor.* (Sec. 2808, I.R.C.)

§ 182.733 *Marking of packages*—(a) *Specially denatured alcohol.* All packages of specially denatured alcohol filled at a denaturing plant must have marked upon the head of the package (or side of the can or casing) the serial number of the package, the name of the denaturer, the registry number and location (city or town and State) of the denaturing plant, the contents in wine gallons, the words "Specially Denatured Alcohol," and the formular number, as for example, "Formula No. 1." Where the alcohol was denatured at other than 190 proof, the proof at which denatured shall also be marked on the package.

(1) *Alternative denaturants.* Where alcohol is denatured by a formula authorizing the use of alternative denaturants, the packages into which the specially denatured alcohol is placed shall be marked or labeled to show the alternative denaturants used in compounding the formula. Where the formula authorizes the use of alternative quantities of denaturants, the quantities used shall likewise be shown on the packages. Required denaturants and quantities need not be shown on the package.

(2) *Export marks.* When packages of specially denatured alcohol are withdrawn for exportation, the words "For Export" and the names of the ports from and to which the specially denatured alcohol is to be exported, and the number of the permit under which the specially denatured alcohol is exported, will be marked on the head of each package, as for example, "For Export from New York to Lisbon, Permit SDX–NY–15."

(b) *Completely denatured alcohol.* All packages of completely denatured alcohol filled at a denaturing plant must have marked upon the head of the package (or side of the can or casing) the name of the denaturer by or for whom the packages are filled, the registry number and location (city or town and State) of the plant of such denaturer, the contents in wine gallons, the apparent proof, the words "Completely Denatured Alcohol," and the formula number, as for example, "Formula No. 12." All such packages of more than 5 wine gallons capacity shall bear an embossed symbol and serial number, as required by § 182.727.

(c) *Color and size of marks.* Marks printed or stenciled on packages of specially denatured alcohol and completely denatured alcohol shall be printed or stenciled in a plain and durable manner and in a color properly contrasting with the background of the surface on which they are placed. The words "Specially Denatured Alcohol" or "Completely Denatured Alcohol," as the case may be, shall be in letters of the same color and size, and of not less than 1 inch in height on packages containing more than 5 wine gallons, and in letters as prominent as consistent with the size of the package on packages of less capacity.

(d) *Brand names.* There may be shown on the heads of packages of specially or completely denatured alcohol, the brand name and a statement indicating the character of the merchandise: *Provided*, That such is so placed as not to obscure or overshadow the prescribed data.* (Secs. 2808, 3070, 3108 (a), 3109, I.R.C.)

§ 182.734 *Serial numbers*—(a) *Specially denatured alcohol.* All packages containing specially denatured alcohol filled at a denaturing plant will be serially numbered, beginning with number 1 and continuing in regular sequence: *Provided*, That the series in current use at existing denaturing plants will be continued. Where there is a change in the trade name or style, or in the proprietorship of the business, the series in use at the time of such change will be continued. When the serial numbers of packages filled have reached the number of 1,000,000, the proprietor may, if he so desires, begin a new series, commencing with number 1, preceded or followed by a letter to distinguish it from the prior series, as 1A, 2A, etc., and when the number 1,000,000 so distinguished is again reached, the proprietor may begin another series, distinguished by the second letter of the alphabet, as 1B, 2B, etc., and subsequent series distinguished by other letters of the alphabet in order may likewise be commenced.

(b) *Completely denatured alcohol.* The embossed number on packages of completely denatured alcohol having a capacity of more than 5 wine gallons shall be treated as the serial number of the package when filled, as provided in § 182.727.* (Secs. 2808, 3070, 3108 (a), 3109, I.R.C.)

§ 182.735 *Illustrations of marks.* The following cuts illustrate the prescribed marks and the suggested order and manner in which they should be placed on packages.

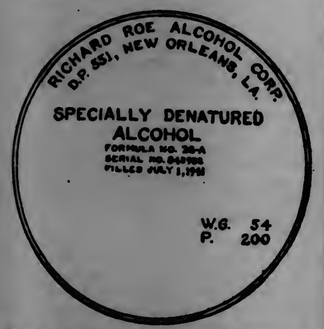

FIG. 8.—Marks on filling specially denatured alcohol.

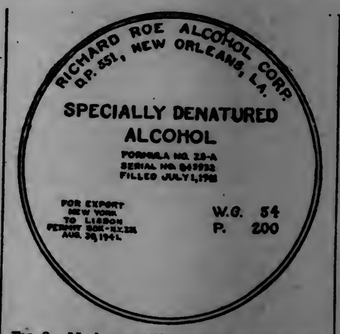

FIG. 9.—Marks on withdrawal of specially denatured alcohol for export.

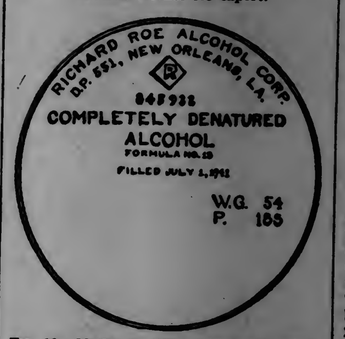

FIG. 10.—Marks on filling completely denatured alcohol.

§ 182.736 *Caution label.* Every package of completely denatured alcohol containing 5 wine gallons or less, sold or offered for sale by denaturers or dealers, must have affixed thereto a label, on which must be printed, in plain, legible letters (red on white), the words "Completely denatured alcohol," and in addition on the same label there shall be printed in large letters, in red ink, the following statement:

Completely denatured alcohol; contains ingredients which render the product wholly unfit for beverage purposes; if taken internally will cause serious consequences to health.

The word "pure," qualifying denatured alcohol, will not be permitted to appear on any label. The name and address of the denaturer must be printed on such label, but no other extraneous matter will be permitted thereon without the express authority of the Commissioner. These requirements concerning labels shall apply also to proprietors of garages, paint shops, hardware stores, gasoline filling stations, and other retail and wholesale dealers in completely denatured alcohol generally.* (Secs. 2808, 3070, 3108 (a), 3109, I.R.C.)

§ 182.737 *Transfer marks.* When denatured alcohol is transferred from one denaturing plant to another, there shall be plainly and durably marked upon the Government head or side of each container the word "Transfer," followed by the date of transfer, the word "to," and the number of the receiving denaturing plant in letters and figures not less than three-eighths inch in height. These marks may be abbreviated as follows:

Trans. 7–15–1941
To DP–250

* (Sec. 2808, I.R.C.)

§ 182.738 *Tank cars.* Each railroad tank car used to transport denatured alcohol must have permanently and legibly marked or painted thereon its number, capacity in wine gallons, and the name or symbols of the owner. If the tank car consists of two or more compartments, each compartment must be identified by a letter of the alphabet, such as "A," "B," etc., and the capacity in wine gallons of the compartment must be marked thereon. The denaturer shall attach to the route board of each such tank car a label showing the name, registry number, and location (city or town and State) of the denaturing plant, and the name, address, and permit number (if any) of the person to whom the denatured alcohol is shipped, followed by the date of shipment.* (Sec. 2808, I.R.C.)

§ 182.739 *Samples.* All samples of specially denatured alcohol shall be appropriately labeled. The labels must show the name, registry number, city or town and State in which the denaturing plant is located, and the words "Specially denatured alcohol," followed by the number of the formula.* (Sec. 2808, I.R.C.)

§ 182.740 *Previously marked packages.* Empty packages marked in accordance with regulations heretofore in effect may continue to be used until the existing supply is exhausted, and, where necessary, the district supervisor may permit an additional number of packages marked in accordance with such regulations to be used pending the securing of new stencils or other marking devices.* (Sec. 2808, I.R.C.)

§ 182.741 *Verification of marks.* The storekeeper-gauger shall verify the marks placed on packages and shall satisfy himself of their accuracy and correctness.*

§ 182.742 *Destruction of marks and brands.* The marks and brands required to be placed on packages containing denatured alcohol or articles must not be destroyed or in anywise altered or disturbed until such denatured alcohol or articles have been entirely removed from the package. When packages of denatured alcohol have been emptied of their contents, the marks and brands must be at once completely obliterated by painting, scraping, or otherwise; except the symbol and the serial number required to be embossed on packages of completely denatured alcohol. The provisions of §§ 182.533 to 182.536, inclusive, insofar as applicable, shall apply to empty denatured alcohol packages. The marks on metal drums, bearing embossed symbols and serial numbers and containing pro-

prietary anti-freeze solutions, proprietary solvents, and lacquer thinners, must be similarly obliterated when the packages are emptied.*

Transfer of Denatured Alcohol Between Denaturing Plants

§ 182.743 *General.* Denatured alcohol may be transferred from any denaturing plant in approved containers to another denaturing plant, as hereinafter provided. Specially denatured alcohol may be so transferred only pursuant to a withdrawal permit, Form 1464, which must be presented to the storekeeper-gauger prior to shipment. Completely denatured alcohol may be so transferred without the necessity of procuring a withdrawal permit.* (Sec. 3114 (a), 3114(a), I.R.C.)

§ 182.744 *Application and withdrawal permit for specially denatured alcohol, Form 1464*—(a) *Application.* Where the proprietor of a denaturing plant desires to procure specially denatured alcohol from another denaturing plant, he will file application on Part I of Form 1464, in duplicate, with the district supervisor, for withdrawal permit to procure specially denatured alcohol. The names, registry numbers, and addresses of the denaturing plants from which specially denatured alcohol will be procured, will be stated in the application. Where the applicant's basic permit, Form 1433, limits the quantity that may be on hand, in transit, and unaccounted for at any one time at his denaturing plant, the application should be for a fixed number of wine gallons to be withdrawn during a calendar month, which amount shall not exceed the quantity of alcohol, specially denatured alcohol, and recovered or restored denatured alcohol authorized in the applicant's basic permit, Form 1433, to be on hand, in transit, and unaccounted for at any one time at the denaturing plant, less the quantity of ethyl alcohol authorized to be withdrawn pursuant to withdrawal permit, Form 1463, issued in accordance with § 182.686.

(b) *Withdrawal permit.* If the application is approved by the district supervisor, he will issue a withdrawal permit on Part II of Form 1464. Where the applicant's basic permit, Form 1433, limits the quantity that may be on hand, in transit, and unaccounted for at any one time at his denaturing plant, the quantity of specially denatured alcohol authorized by the permit to be withdrawn during a calendar month shall not exceed the quantity of alcohol, specially denatured alcohol, and recovered or restored denatured alcohol authorized by the applicant's basic permit to be on hand, in transit, and unaccounted for at any one time at the denaturing plant, less the quantity of ethyl alcohol authorized to be withdrawn pursuant to withdrawal permit, Form 1463. The district supervisor will forward the original copy of the withdrawal permit to the applicant and will retain the duplicate copy for his files. If the shipping denaturing plant is located in another supervisory district, a copy of the withdrawal permit and any renewals or amendments thereof will be prepared on the prescribed form and be transmitted by the district supervisor issuing the same to the district supervisor of the district from which shipments are to be made. When the proprietor of the receiving denaturing plant desires to procure specially denatured alcohol, he will forward the original of the withdrawal permit to the proprietor of the denaturing plant named therein from whom he desires to procure specially denatured alcohol. Upon shipment, the proprietor of the shipping denaturing plant will enter the shipment on the permit and return it to the receiving denaturer, unless he has been authorized by the receiving denaturer to retain the permit for the purpose of making future shipments. No specially denatured alcohol may be shipped by a consignor named in the withdrawal permit until such permit is in his possession. Except as provided in paragraph (d), further like transfers may be made under such permit during the term for which it was issued.

(c) *Carrier to be furnished copy of Form 1464.* Where the specially denatured alcohol is to be delivered by a person other than the vendor, the vendee shall procure from the district supervisor a certified copy (or copies, if delivery is to be made by more than one carrier) on the prescribed form of the withdrawal permit, Form 1464, and shall file the same with the delivering carrier's agent at destination. Application for such certified copy or copies shall be made by the permittee to the district supervisor by letter specifying the name of the delivering carrier. Where such delivering carrier is known at the time Form 1464 is filed, the application should accompany such form.

(d) *Expiration or termination of permit.* Upon expiration of a withdrawal permit, it shall be returned to the district supervisor for cancellation. Where the permit is in the possession of a consignor on the date of expiration, such consignor shall return it to the consignee for surrender to the district supervisor. Should a basic permit, Form 1433, held by a person to whom withdrawal permit, Form 1464, was issued, be terminated, surrendered, or revoked, the proprietor of each denaturing plant named as vendor in such withdrawal permit, shall, upon notice from the district supervisor, make no further shipments thereunder and if such withdrawal permit is in his possession, he shall return it to the district supervisor for cancellation.* (Sec. 3114 (a), I.R.C.)

§ 182.745 *Application for renewal of withdrawal permit, Form 1464.* Applications on Part I of Form 1464 for renewal of withdrawal permits must be submitted by the denaturer to the district supervisor not less than one month prior to the date of expiration of the permit to be renewed in order that the renewal permit may be issued and become available for withdrawals by the 1st day of the calendar month following the date of expiration of the permit to be renewed. Application for renewal of withdrawal permits shall be executed in conformity with § 182.744 (a)* (Sec. 3114 (a), I.R.C.)

§ 182.746 *Renewal of withdrawal permit, Form 1464.* Withdrawal permits on Part II of Form 1464 shall remain in force for the calendar year or for the term of the basic permit, Form 1433. A renewal permit must be procured for each year, commencing with January 1, after the expiration of the original permit. The provisions of § 182.744 (b) shall be applicable to the issuance of renewal permits.* (Sec. 3114 (a), I.R.C.)

§ 182.747 *Quantity procurable under withdrawal permits.* Where the permittee's basic permit, Form 1433, limits the quantity of alcohol, specially denatured alcohol, and recovered or restored denatured alcohol that may be on hand, in transit, and unaccounted for at any one time at the denaturing plant, he shall, in procuring specially denatured alcohol, deduct the quantity of alcohol, specially denatured alcohol, and recovered or restored denatured alcohol on hand, in transit, and unaccounted for, and the quantity of ethyl alcohol procurable during the calendar month under his withdrawal permit on Form 1463, from the quantity so limited in his basic permit, Form 1433, and if the available balance is less than the quantity of specially denatured alcohol procurable under his withdrawal permit on Form 1464, give his order for an amount not exceeding such available balance. For this purpose, alcohol, specially denatured alcohol, and recovered or restored denatured alcohol shall be deemed to be unaccounted for when disposed of, lost, or denatured otherwise than as provided in these regulations. Failure on the part of permittees to observe the foregoing requirements concerning withdrawals will be regarded as sufficient grounds for citation for revocation of their basic permits.* (Sec. 3114 (a), I.R.C.)

§ 182.748 *Marking containers.* Containers for the transfer of denatured alcohol shall be marked in conformity with the provisions of §§ 182.733 to 182.740, inclusive.*

§ 182.749 *Additional copies of Forms 1467 and 1473.* When denatured alcohol is shipped to another denaturing plant, the proprietor will prepare two additional copies of Form 1467, giving the details of the packages shipped, and two additional copies of Form 1473, reporting the shipment. When completely denatured alcohol is so shipped, the Forms 1473 will be modified to read "Completely," instead of "Specially," Denatured Alcohol. The proprietor will attach one copy of Form 1473 to each copy of Form 1467 and deliver all copies of the forms to the storekeeper-gauger in charge, who shall forward them to the storekeeper-gauger in charge of the receiving denaturing plant.*

§ 182.750 *Receipt of denatured alcohol; general.* Upon receipt of the Forms 1467 and 1473, the storekeeper-gauger in charge of the receiving denaturing plant will make a memorandum record of the shipment and deliver the forms to the proprietor. When the denatured alcohol is received at the denaturing plant, the proprietor and the storekeeper-gauger will examine the shipment and where packages bear evidence of having sustained losses in transit, or railroad tank cars bear evidence of having sustained a loss, the losses will be determined and a report of such losses and of the examination of the shipment will be made to the district supervisor.*

§ 182.751 *Deposit in denaturing plant.* Upon completion of the examination of the containers, the proprietor will accurately determine the quantity received and will check in the receipt of the denatured alcohol against Forms 1467 in the presence of the storekeeper-gauger and will note on Part III of both copies of Form 1473, modified for the purpose, the receipt of the shipment and any loss or deficiency thereon. The proprietor will then file one copy of Form 1467, with Form 1473 attached, as a permanent record, and at the close of the day will deliver the other copy of Form 1467, with Form 1473 attached, to the storekeeper-gauger for transmittal to the district supervisor of his district.*

§ 182.752 *Method of deposit*—(a) *Denatured alcohol received in packages.* Denatured alcohol received in packages will be placed in the denatured alcohol storeroom of the denaturing plant in the packages in which it is received, or the contents of the packages may be dumped into storage tanks if report thereof is made on Form 1467 and Form 1468–E.

(b) *Denatured alcohol received in tank cars.* Denatured alcohol received in tank cars shall be weighed or measured and transferred immediately to storage tanks. If it is desired to receive denatured alcohol in railroad tank cars, proper railroad siding facilities must be provided at the denaturing plant. When denatured alcohol is received in tank cars, the seals must not be broken or any denatured alcohol removed, except in the presence of the storekeeper-gauger assigned to the receiving denaturing plant.*

Withdrawal of Denatured Alcohol

§ 182.753 *Completely denatured alcohol.* Dealers and users may purchase completely denatured alcohol for resale or for their own use. Transfers of completely denatured alcohol in bulk to a filling agency of the denaturer on premises contiguous to his denaturing plant and the packaging and disposition of such completely denatured alcohol shall be governed by the provisions of §§ 182.683–182.790. Completely denatured alcohol removed from denaturing plants must be transported in accordance with § 182.677.* (Secs. 3070, 3108 (a), 3109, I.R.C.)

§ 182.754 *Specially denatured alcohol.* Specially denatured alcohol may be procured under appropriate permit by manufacturers using specially denatured alcohol, dealers in specially denatured alcohol, and the United States or governmental agency thereof. Prospective permittees or manufacturers may procure samples of specially denatured alcohol, as provided in § 182.826. Specially denatured alcohol must be removed from denaturing plants in approved containers. The exact contents of each package must be determined and the package marked in accordance with these regulations. The details of such packages shall be entered on the appropriate forms as hereinafter provided. Specially denatured alcohol removed from denaturing plants must be transported in accordance with § 182.677. The denaturer shall present the permit, Forms 1477, 1485, 1486, or 1512, authorizing shipment, to the storekeeper-gauger prior to withdrawal.

(a) *Bonded dealers and manufacturers; withdrawal permits, Forms 1477 and 1485.* Specially denatured alcohol may not be shipped to a manufacturer using specially denatured alcohol or to a dealer in specially denatured alcohol until the denaturer receives the withdrawal permit, Form 1477 or Form 1485, as the case may be, issued to the manufacturer or bonded dealer in which the denaturer is named as vendor. Denaturers must not ship specially denatured alcohol in excess of the quantity set forth in the withdrawal permit.

(b) *United States or governmental agency; permit, Form 1486.* Specially denatured alcohol may be shipped to the United States or governmental agencies thereof upon receipt of permit, Form 1486, issued by the Commissioner to the head of the department, or the head of the bureau or establishment not under control of any department, named therein. Form 1453–A shall be prepared and disposed of as provided in § 182.785.

(c) *Samples; permit, Form 1512.* Denaturers may furnish samples of more than 8 fluid ounces of specially denatured alcohol only pursuant to permit on Form 1512. All samples of specially denatured alcohol shall be recorded by denaturers in their reports the same as other specially denatured alcohol, except that samples of 8 fluid ounces or less need be shown only on the commercial records of the vendor. When samples are shipped to persons holding permits to use specially denatured alcohol, the denaturer shall enter on Forms 1473 and 1468–D the serial number of such permit immediately below the number of the sample permit, as $\frac{S\text{–}1}{SDA\text{–}NY\text{–}576}$, as shown on Form 1512.* (Secs. 3070, 3108 (a), 3109, 3114 (a), I.R.C.)

Exportation of Specially Denatured Alcohol

§ 182.755 *General.* Specially denatured alcohol may be withdrawn from denaturing plants for exportation as hereinafter provided. The denaturer must furnish to the district supervisor evidence of the actual landing of the specially denatured alcohol in a foreign country or proof of the loss of the specially denatured alcohol at sea. A certificate showing the actual clearance of the specially denatured alcohol from the port of export will be furnished to the district supervisor by the collector of customs.* (Sec. 3109, I.R.C.)

§ 182.756 *Kinds of containers.* Specially denatured alcohol may be exported in approved containers conforming with the specifications prescribed in §§ 182.726, 182.728, and 182.729.* (Sec. 3109, I.R.C.)

§ 182.757 *Application, Form 1545.* Whenever it is desired to export specially denatured alcohol, application on Part I of Form 1545, in triplicate, must be made by the denaturer to the district supervisor for permit so to do. All of the information required by these regulations and called for by the form shall be furnished. The application must be subscribed and sworn to before a notary public or other officer authorized to administer oaths. The name and address of the purchaser abroad of such specially denatured alcohol, the proposed route of shipment, the port of export and the port of entry into the foreign country must be shown on the form.* (Sec. 3109, I.R.C.)

§ 182.758 *Consent of surety, Form 1533.* The denaturer must file a consent of surety, Form 1533, extending the terms of his bond, Form 1432–A, which consent shall contain the undertaking that—

The obligors agree to extend the terms of said bond to cover all liability that may be incurred on all specially denatured alcohol withdrawn by the principal for which satisfactory evidence of exportation or loss at sea as required by law and regulations is not submitted to the district supervisor.

* (Sec. 3109, I.R.C.)

§ 182.759 *Approval of consent of surety and issuance of permit.* The district supervisor will examine the consent of surety and if it is properly executed as provided in the preceding section and §§ 182.184–182.205, he shall note his recommendation for approval thereon and forward all three copies thereof to the Commissioner.

(a) *Permit.* If there is nothing indicating that the specially denatured alcohol will not be exported in the manner stated in the application, and proper certificates of clearance and landing have been filed, in accordance with § 182.767, for previous shipments for export, the district supervisor will issue permit on Part II of Form 1545, and will return all copies thereof to the applicant.* (Sec. 3109, I.R.C.)

§ 182.760 *Marking packages.* Upon receipt of the permit from the district supervisor, the proprietor will mark the packages in accordance with § 182.733 (a) (2).* (Sec. 3109, I.R.C.)

§ 182.761 *Release of specially denatured alcohol.* After the packages have been properly marked, the proprietor will present all copies of Form 1545 to the storekeeper-gauger, who will release the specially denatured alcohol for shipment, if he finds the packages have been properly marked, and the permit (Form 1545) is in proper order.* (Sec. 3109, I.R.C.)

§ 182.762 *Delivery to carrier.* If the specially denatured alcohol is withdrawn from a denaturing plant located elsewhere than at the port of exportation, the denaturer shall deliver the shipment to an authorized carrier for transportation to the port of exportation. He shall procure three copies of the bill of lading, covering such transportation, and deliver all copies thereof to the storekeeper-gauger at the denaturing plant. The denatured alcohol must be consigned to the *collector*

of customs of the port of export and must be properly described in the bill of lading by serial numbers, kind, and quantity. A copy of the bill of lading shall be attached to each copy of the Form 1545.* (Sec. 3109, I.R.C.)

§ 182.763 *Delivery directly to customs custody.* When specially denatured alcohol is withdrawn from a denaturing plant located at the port of exportation, the denaturer will deliver the shipment directly to customs custody. A copy of the export bill of lading shall be procured and filed with the collector of customs.* (Sec. 3109, I.R.C.)

§ 182.764 *Disposition of forms.* When the packages of denatured alcohol have been withdrawn and the denaturer has furnished copies of the bill of lading, the storekeeper-gauger will forward immediately a complete set of the Form 1545 and bill of lading to the district supervisor and a complete set to the collector of customs at the port of exportation and the remaining copies to the exporter.* (Sec. 3109, I.R.C.)

§ 182.765 *Records.* Upon the removal of the packages from the denaturing plant the proprietor shall record the quantity removed on Form 1468–D. The foreign country to which the specially denatured alcohol is shipped, the number of the car, and the route, or the name of the vessel by which, and the port through which, the specially denatured alcohol is to be exported, will be entered on Form 1468–D, in addition to the other required data.*

§ 182.766 *Proceedings at port of export.* After the specially denatured alcohol has been duly laden on board the exporting vessel, car, or truck, and cleared the port of export, the collector of customs shall execute the certificate of clearance on Form 1545, and return the form to the district supervisor.* (Sec. 3109, I.R.C.)

§ 182.767 *Proof of landing.* Every person exporting specially denatured alcohol shall submit evidence satisfactory to the district supervisor that the specially denatured alcohol described in Form 1545 has been landed at a port outside the jurisdiction of the United States. The provisions of §§ 182.604 to 182.609, inclusive, relative to the submission of proof of landing in the case of exportation of undenatured alcohol, are hereby made applicable to the submission of proof of landing of specially denatured alcohol exported.* (Sec. 3109, I.R.C.)

§ 182.768 *Shipments to the Philippine Islands, Puerto Rico, the Panama Canal Zone, Guam, American Samoa, and the Virgin Islands.* The provisions of these regulations relating to the exportation of specially denatured alcohol to foreign countries and the forms prescribed shall apply to like removals and shipments to the Philippine Islands, Puerto Rico, the Panama Canal Zone, Guam, American Samoa, and the Virgin Islands.* (Secs. 3341 (b), 3361 (b), I.R.C., Supp.)

§ 182.769 *Shipments to Hawaii and Alaska, other American possessions, protectorates, etc.* Specially denatured alcohol shipped to Hawaii and Alaska or other possessions or protectorates of the United States shall be governed by the provisions of these regulations respecting transactions within the continental limits of the United States.* (Secs. 3070, 3108 (a), 3109, 3114 (a), I.R.C.)

Samples by Proprietor

§ 182.770 *Procedure.* The proprietor of a denaturing plant may be permitted to take such samples of ethyl alcohol, specially denatured alcohol, and completely denatured alcohol as may be necessary for the proper conduct of his business. The procedure outlined in §§ 182.394 to 182.399 insofar as applicable shall apply to the taking of samples in a denaturing plant.*

Losses of Ethyl Alcohol

§ 182.771 *Remission of tax.* Under the law, the tax on alcohol lost by evaporation or other shrinkage, leakage, casualty, or unavoidable cause at a denaturing plant, or in transit thereto, may be remitted by the Commissioner, provided he is satisfied that such alcohol has not been diverted to any illegal use, and the proprietor is not indemnified against such loss by valid claim of insurance.* (Sec. 3113, I.R.C.)

§ 182.772 *Losses from storage tanks.* Losses sustained from storage tanks will be determined by physical inventory of such tanks at the close of each month and the loss reported on Form 1468–A. Where the quantity lost from storage tanks exceeds 1 per cent of the total quantity contained in such tanks during the month, claim for remission of tax on the entire quantity lost from the tanks will be made by the proprietor. If the loss does not exceed 1 per cent, so calculated, claim for remission of tax will not be required, provided there are no circumstances indicating that the alcohol lost, or any part thereof, was unlawfully used or removed.* (Sec. 3113, I.R.C.)

§ 182.773 *Losses from packages.* Losses sustained from packages in denaturing plants will be determined when the packages are dumped for denaturation, and the loss will be reported on Form 1468–A at that time. Where the quantity lost from any package exceeds 1 per cent in the case of metal packages, or 3 per cent in the case of wooden packages, of the quantity originally contained therein, claim for remission of tax on the entire quantity lost from the package will be made by the proprietor. If the loss does not exceed 1 per cent, or 3 per cent, so calculated, claim for remission of tax will not be required, provided there are no circumstances indicating that the alcohol lost, or any part thereof, was unlawfully used or removed.* (Sec. 3113, I.R.C.)

§ 182.774 *Losses in transit.* Losses in transit to denaturing plants must be determined at the time alcohol is received at the denaturing plant, and the loss reported on Form 1468–A. Where the quantity lost from any tank car or package exceeds 1 per cent of the quantity shipped therein, claim for remission of tax on the entire quantity lost from the package will be made by the proprietor. If the loss does not exceed 1 per cent, so calculated, claim for remission of tax will not be required, provided there are no circumstances indicating that the alcohol lost, or any part thereof, was unlawfully used or removed.* (Sec. 3113, I.R.C.)

Losses of Ethyl Alcohol and Specially Denatured Alcohol by Theft, Casualty, etc.

§ 182.775 *Losses by theft, casualty, etc.* Losses of ethyl alcohol or specially denatured alcohol by theft or casualty, or any other extraordinary or unusual losses, will be determined at the time the loss occurs, or is discovered, and the loss will be entered on Form 1468–A or Form 1468–E, as the case may be. Report of the loss will be made by the proprietor to the district supervisor immediately. Claim for remission of tax or allowance for all such losses, regardless of the percentage of loss, will be made by the proprietor.* (Sec. 3113, I.R.C.)

Losses of Restored Alcohol

§ 182.776 *General.* Losses of restored alcohol (redistilled, recovered denatured alcohol) will be included in the losses of ethyl alcohol.* (Sec. 3113, I.R.C.)

Losses of Specially Denatured Alcohol

§ 182.777 *Allowance for losses.* Losses of specially denatured alcohol from storage tanks will be determined by physical inventory of such tanks at the close of each month. Losses from packages will be determined at the time the packages are removed for shipment. All losses will be reported on Form 1468–E for the month in which they are discovered. Where the quantity lost exceeds 1 per cent of the quantity of specially denatured alcohol on hand at the denaturing plant during the month, claim for allowance of the entire quantity lost will be made by the proprietor. If the loss does not exceed 1 per cent, as calculated, claim for allowance will not be required, provided there are no circumstances indicating that the specially denatured alcohol lost, or any part thereof, was unlawfully used or removed.* (Sec. 3113, I.R.C.)

Claims

§ 182.778 *General.* Claims for remission of tax or allowance for losses of ethyl alcohol and specially denatured alcohol, reports of losses by storekeeper-gaugers, investigations of losses and examination of claims by district supervisors, will be made in accordance with the procedure prescribed by §§ 182.637 to 182.640, inclusive, relative to losses at bonded warehouses.* (Sec. 3113, I.R.C.)

§ 182.779 *Distillates.* No allowance can be made under section 2901 (a), I.R.C., or any other provisions of law, for losses of distillates containing one-half of 1 per cent or more of aldehydes or 1 per cent or more of fusel oil by leakage or evaporation occurring during transportation to a denaturing plant or while stored in such plant prior to denaturation. Tax will be collected on all losses unless the same are shown to be due to destruction by accidental fire or other casualty while in transit and the tax is remitted under section 2901 (c), I.R.C. The liability of the distiller to tax on such distillates removed for denaturation shall continue until they have been deposited in the denaturing plant.* (Sec. 2916, I.R.C.)

Registry of Still "For Use" and "Not for Use"

§ 182.780 *Registry on Form 26.* Every denaturer having in his possession or custody, or under his control, stills set up, must register the same with the district supervisor. If he intends to use the still, he must register it "For use," and when he intends to discontinue use of the still he must register it "Not for use," in accordance with the procedure outlined in § 182.532.* (Sec. 2810 (a), I.R.C., Supp.)

Records and Reports of Proprietor

§ 182.781 *General.* The proprietor of every denaturing plant shall render daily reports on Forms 1466, 1467, 1453–A, and 1473, and shall keep monthly records on Forms 129 and 1468–A, B, C, D, E, and F, as hereinafter provided. All of the information called for in each form, as indicated by the headings of the columns and lines of the form and the instructions printed thereon or issued in respect thereto, and as required by these regulations, will be given. The requirements of §§ 182.455, 182.459, and 182.461, relative to the keeping, signing, and filing of reports by proprietors of industrial alcohol plants are hereby made applicable to the keeping, signing, and filing of reports by proprietors of denaturing plants: *Provided*, That daily reports need not be sworn to.* (Sec. 3070, I.R.C.)

§ 182.782 *Form 1466.* Each day alcohol is denatured, the proprietor shall prepare a report on Form 1466, in duplicate, of all alcohol and denaturants used and denatured alcohol produced. When alcohol is denatured by more than one formula or more than one lot of alcohol is denatured on the same day, each denaturation will be reported separately on the form, with a blank line between each formula or lot. At the close of the day (or not later than noon of the following business day, when the forms cover operations near the close of the day), the proprietor will deliver both copies of the form to the storekeeper-gauger.* (Sec. 3070, I.R.C.)

§ 182.783 *Form 1467.* When packages are filled with denatured alcohol, the proprietor will prepare a report on Form 1467, in duplicate, giving the details of the packages. Separate sheets will be used for each formula. At the close of the day (or not later than noon of the following business day, when the forms cover operations near the close of the day), the proprietor will deliver both copies of the form to the storekeeper-gauger.* (Sec. 3070, I.R.C.)

§ 182.784 *Disposition of Forms 1466 and 1467.* The storekeeper-gauger shall examine the Forms 1466 and 1467 delivered to him by the proprietor, and, if he finds the forms to be complete and correct in every respect, he shall initial each form and forward one copy of each to the district supervisor, and return the other copies to the proprietor, who shall file them, in bound form, as a permanent record available for inspection by Government officers at any reasonable time. The Forms 1466 and 1467 shall be filed in separate files, in chronological order, and, in the case of Form 1467, by serial numbers of the packages.* (Sec. 3070, I.R.C.)

§ 182.785 *Form 1453–A.* When specially denatured alcohol is shipped to the United States or a governmental agency thereof, the proprietor will prepare one copy of Form 1453–A and deliver it to the storekeeper-gauger, who will check the form with the records and permits, and, if found to agree therewith, he will initial the form and forward it to the Government officer to whom the specially denatured alcohol is consigned. Upon receipt of the specially denatured alcohol, the receiving Government officer will execute the certificate of receipt on the form, after noting thereon any deficiency in the quantity received, and forward it to the district supervisor specified at the bottom of the form.* (Sec. 3070, I.R.C.)

§ 182.786 *Form 1473.* When specially denatured alcohol is shipped from the denaturing plant, the proprietor will prepare Form 1473 reporting the shipment. One copy of the form will be made for intradistrict shipments, and two copies for interdistrict shipments. Where the proof of the alcohol used in producing specially denatured alcohol is other than 190 degrees of proof, the proof must be shown on Form 1473. Where shipments are made in tank cars, or consist of barrels or drums in carload lots, the name of the railroad and number of the car, together with the routing, shall be entered on the form. The consignor shall not change the routing without giving prompt notice of such action to the district supervisor of his district, and if shipment is made to another district, to the district supervisor of such district.

(a) *Disposition of forms.* Immediately upon shipment, the proprietor will deliver all copies of Form 1473 to the storekeeper-gauger, who will check the forms with the records and permits, and if found to agree therewith, he will initial the forms, and, on the same day, forward one copy to the district supervisor of the district in which the denaturing plant is located and, if shipments are made to another district, one copy to the district supervisor of such district.

(b) *Intradistrict shipments.* Where shipment is made to a consignee located in the same district as the denaturing plant, the district supervisor will check Form 1473 with the monthly reports of the consignor and the consignee, and, if receipt of the shipment is duly reported by the consignee and the form agrees with the consignor's monthly report, the district supervisor will initial Part II of the form.

(c) *Interdistrict shipments.* Where shipment is made to another district, the district supervisor of the consignee's district will check Form 1473 with the consignee's monthly report, and, if receipt of the shipment is duly reported, he will execute Part III of the form and forward it to the district supervisor of the district from which the alcohol was shipped, who will check the receipted form with the consignor's monthly report, and, if found to agree therewith, he will initial Part II of the form.

(d) *Nonreceipt of shipment.* When specially denatured alcohol is not received within a reasonable time after shipment, or where any material or unexplained difference exists between the kind and quantity shipped and that received, or where there is reasonable ground to suspect that the specially denatured alcohol has been or will be used for purposes other than those authorized by the consignee's permit and by the law and regulations, the district supervisor shall investigate each case and take appropriate action in respect thereto.* (Sec. 3070, I.R.C.)

§ 182.787 *Forms 129 and 1468–A, B, C, D, E, and F.* The proprietor shall keep a monthly record on Forms 129 and 1468–A, B, C, D, E, and F, in triplicate, of all alcohol and denaturants used for denaturation, and removed (either before or after denaturation) during the month, and on hand the first and last of the month. Entries will be made on the forms on the day on which the transactions occur, except that summary entries will be made at the close of the month.

(a) *Denaturants.* The details of all denaturants received, including the tanks in which the denaturants are dumped, the taking of samples for analysis, and the chemist's report thereon, will be entered on Form 129. The quantities of denaturants used in each denaturation will be entered on Form 1468–B, according to formula. At the close of the month, the quantities of denaturants received and used or removed during the month will be summarized and entered on Form 1468–C; denaturants received being summarized from Form 129 and entered according to kind, and denaturants used being summarized from Form 1468–B and entered according to both kind and formula.

(b) *Ethyl alcohol.* All ethyl alcohol received, used for denaturation, or withdrawn for shipment prior to denaturation, will be entered on Form 1468–A. At the close of the month, the quantities of alcohol used for denaturation will be summarized by formula and entered on the form.

(c) *Denatured alcohol.* Denatured alcohol produced, transferred to packages, or withdrawn for shipment during the month, will be entered on the Form 1468–D by date and formula. On shipments of completely denatured alcohol, the complete address of the person to whom the alcohol is shipped or delivered shall be entered on Form 1468–D, in addition to the other information required by these regulations. At the close of the month, the entries on Form 1468–D will be summarized on Form 1468–E.

(d) *Recovered alcohol.* All recovered alcohol received for restoration and/or redenaturation will be entered on Form 1468–F. When recovered alcohol is restored, entry thereof will be made on Form 1468–F, and if the restored alcohol requires redenaturation, the quantities of restored alcohol will be transferred from Form 1468–F to Form 1468–A, and

the redenaturation of the restored alcohol will be reported on Forms 1468–A, B, C, D, and E. When recovered alcohol is redenatured without restoration, the recovered alcohol will likewise be transferred from Form 1468–F to Form 1468–A, and the redenaturation reported on Forms 1468–A, B, C, D, and E. Forms 1468–F need not be rendered for denaturing plants which do not receive recovered alcohol for restoration and redenaturation.

(e) *Disposition of forms.* The proprietor will deliver all three copies of the forms, duly subscribed and sworn to (except Forms 1468–B and 1468–D), to the storekeeper-gauger on or before the 10th day of the month succeeding that for which the forms are rendered. The storekeeper-gauger will examine the forms, and if they are complete in every respect, and if the quantities of denaturants received and shipped out, the shipment of completely denatured alcohol, the quantities of recovered alcohol restored and the losses in restoration, and the quantities on hand last of month are all correctly reported, he will initial all copies of the forms, return one copy of each form to the proprietor, and forward two copies of each form to the district supervisor. The district supervisor, in his discretion, may extend (to the 10th day of the month) the time for delivering the monthly reports, Forms 1442, 1452–A and 1452–B, 1454, 1468, 1443–A and 1443–B, for the industrial alcohol plant and bonded warehouse on the denaturing plant premises, in order that all of the monthly reports for the same premises may be submitted together.

(f) *Filing of forms.* The proprietor shall file Forms 129 and 1468–A, B, C, D, E, and F, together in chronological order by months and in bound form, as a permanent record available for inspection by Government officers at any reasonable time. All of the forms comprising each month's report shall be filed together in the file.* (Secs. 3070, 3121 (c), I.R.C.)

§ 182.788 *Filing of Forms 1440 and 1520.* The proprietor shall file all Forms 1440 and 1520 covering alcohol and distillates, respectively, received at the denaturing plant, in separate files in chronological order, according to dates of receipt, and in bound form, as permanent records, available for inspection by the Government officers at any reasonable time.* (Secs. 3070, 3121(c), I.R.C.)

Audit of Reports

§ 182.789 *Audit by district supervisor.* The district supervisor will, after audit of Forms 129, and 1468–A, B, C, D, E, and F, and not later than the last day of the month succeeding that for which the reports are rendered, forward one copy of each form to the Commissioner with the district supervisor's monthly report of denatured alcohol, Form 1489, as provided in § 182.966.*

Change in Proprietorship, Name, Trade Name, etc.

§ 182.790 *Procedure.* When there is a change in proprietorship, the persons interested in the business, or a change in the individual, firm, or corporate name, trade name or style, compliance must be had with the provisions of §§ 182.650 to 182.652, inclusive.*

SALE AND USE OF COMPLETELY DENATURED ALCOHOL

General

§ 182.791 *Sale and use.* Completely denatured alcohol may be sold and used for any lawful purpose. Dealers in and manufacturers using (but not recovering for reuse) completely denatured alcohol are not required to obtain a permit under these regulations. Manufacturers using completely denatured alcohol and recovering the same for reuse, must file bond and procure permit in accordance with §§ 182.883–182.896.* (Secs. 3070, 3109, I.R.C.)

§ 182.792 *Containers.* Except in the case of containers of not over one wine gallon capacity, and as provided in § 182.728 (a), all completely denatured alcohol procured, possessed, sold, used, or otherwise disposed of by such dealers and manufacturers must be in the denaturer's original packages bearing all the marks required by these regulations, and in the case of packages of more than 5 wine gallons capacity, with seals intact: *Provided*, That the seals on such number of packages, as may be necessary for ordinary business requirements, may be broken in order to permit legitimate sale or use.* (Secs. 3070, 3109, I.R.C.)

§ 182.793 *Labels.* Each package of completely denatured alcohol containing 5 wine gallons or less sold or offered for sale by a dealer must have affixed thereto a label on which shall be printed in plain legible letters (red on white) the words "Completely Denatured Alcohol" and the following statement:

Completely denatured alcohol; contains ingredients which render the product wholly unfit for beverage purposes; if taken internally will cause serious consequences to health.

* (Secs. 3070, 3109, I.R.C.)

§ 182.794 *Repackaging by dealers.* Dealers may transfer completely denatured alcohol from denaturer's original packages to smaller packages of not exceeding 1 wine gallon capacity, provided the packages so filled are labeled or marked as required in § 182.793 and with the name and address of the dealer. The word "pure" qualifying completely denatured alcohol will not be permitted to appear on any label or container of completely denatured alcohol, and no other extraneous matter will be permitted on such containers without the express authority of the Commissioner.* (Secs. 3070, 3109, I.R.C.)

§ 182.795 *Advertising.* Dealers may not advertise by means of signs, posters, etc., in or about their places of business that "alcohol" is for sale, without the qualifying words "denatured" or "completely denatured." Inasmuch as such advertising menaces the health and lives of persons who might be misled into believing that the alcohol is pure, district supervisors shall instruct all field officers under their direction to warn proprietors of garages, paint shops, and hardware stores, and other retail dealers in denatured alcohol found guilty of such practice, to discontinue immediately the same, and that any failure to do so will render the completely denatured alcohol subject to seizure and the dealer to prosecution.* (Secs. 3070, 3109, I.R.C.)

§ 182.796 *Records.* Dealers, and manufacturers receiving, storing, selling, or using as much as 11 drums or barrels (550 wine gallons) of completely denatured alcohol in a calendar month must keep such records of the receipt, storage, and disposition of such completely denatured alcohol, including the symbol, if any, and serial numbers on the packages, as will enable any Government officer to trace such receipts, storage, and disposals: *Provided*, That on sales in quantities of less than 5 wine gallons, only the total quantity so disposed of daily need be recorded. Such records must at all times during regular business hours be open to inspection by Government officers and must be kept complete and up-to-date for a period of three years. No particular form of record is prescribed, but the data herein required must be readily ascertainable from the records kept by the dealer or manufacturer.* (Secs. 3070, 3109, 3121 (c), I.R.C.)

§ 182.797 *Destruction of marks and brands.* Dealers and manufacturers must not destroy or in anywise alter or disturb any of the marks or labels required to be placed on packages containing completely denatured alcohol until such alcohol has been entirely removed from the packages. When the packages have been emptied, all of the marks and brands, except the embossed symbol and serial number on packages of over 5 wine gallons capacity, must be immediately completely obliterated, as required by § 182.742.* (Sec. 2866, I.R.C.)

Proprietary Anti-freeze Solutions

§ 182.798 *Manufacture of proprietary anti-freeze solutions.* Proprietary anti-freeze solutions may be made with completely denatured alcohol for sale under trade names: *Provided*, That materials such as dye, rust inhibitor, petroleum distillates, etc., satisfactory to the Commissioner are added to the completely denatured alcohol in sufficient quantities to materially change the composition and character of the completely denatured alcohol. Such solutions are not classified as completely denatured alcohol and may not be marked, branded, or sold as completely denatured alcohol. Completely denatured alcohol may not be obtained in tank cars for use in manufacturing proprietary anti-freeze solutions except by producers of denatured alcohol.* (Secs. 3070, 3109, 3111, I.R.C.)

§ 182.799 *Formula and sample.* Manufacturers desiring to produce proprietary anti-freeze solutions with completely denatured alcohol are required to submit to the Commissioner quantitative formula on Form 1479–A, in quadruplicate, duplicate samples prepared in accordance with the proposed formula, and labels and advertising matter for each solution, in conformity with the provisions of §§ 182.147, 182.149, and 182.150. After examination of the samples and proposed formulas, all copies of Form 1479–A for each preparation will be marked "approved" or "disapproved," as the case may be, by the Commissioner. One copy will be retained by the Commissioner and three copies forwarded to the district supervisor, who shall retain one copy for his files, furnish the branch laboratory performing the laboratory duties for the district with one copy, and forward the third copy to the manufacturer. Both sets of the samples will be retained by the Commissioner, one of which will be furnished to the branch laboratory when needed.* (Secs. 3070, 3109, 3111, I.R.C.)

§ 182.800 *Containers in excess of 5 gallons.* Containers of proprietary anti-freeze solutions made with completely denatured alcohol containing more than 5 wine gallons shall be of metal only, and shall have embossed thereon an identifying symbol of the manufacturer and a serial number, in the same manner as required in § 182.727 for packages of completely denatured alcohol. The provisions of § 182.727 relative to embossed packages for completely denatured alcohol shall also apply to embossed packages for proprietary anti-freeze solutions made with completely denatured alcohol. Such containers shall also be marked by stenciling or otherwise with the trade name under which the product is sold, the name and address of the manufacturer or the name and address of the distributor.* (Sec. 3070, I.R.C.)

§ 182.801 *Packages containing 5 wine gallons or less.* Manufacturers may package proprietary anti-freeze solutions in containers of 5 wine gallons or less for sale under their names or under the names of dealers. Such containers shall be marked or labeled to show the name and address of the manufacturer, or the name and address of the dealer and the identifying symbol of the manufacturer.* (Sec. 3070, I.R.C.)

§ 182.802 *Prohibited containers.* Proprietary anti-freeze solutions may not be shipped in tank cars, tank trucks, tank wagons, or packages exceeding 55 wine gallons in capacity, except when shipped in tank cars by manufacturers to themselves at another location for packaging thereat in accordance with these regulations.* (Sec. 3070, I.R.C.)

§ 182.803 *Change in packages by dealers.* Dealers may repackage proprietary anti-freeze solutions in containers having a capacity of not more than 5 wine gallons, provided they are marked or labeled to show the name and address of the dealer and the identifying symbol of the manufacturer.* (Sec. 3070, I.R.C.)

§ 182.804 *Reuse of containers prohibited.* Packages having a capacity of more than 5 wine gallons into which proprietary anti-freeze has once been placed by a manufacturer may not, after such solution has been removed therefrom, be again used as containers for such a product.* (Sec. 3070, I.R.C.)

§ 182.805 *Records of sales and receipts.* Manufacturers of and dealers in proprietary anti-freeze solutions shall, if the quantity produced, received, or sold is 11 barrels or drums (not exceeding 550 wine gallons) or more of the proprietary anti-freeze solution in a period of 30 days keep such records of the production, receipt, and disposition of such proprietary anti-freeze solutions, including the symbol and serial number (if any) on the package, as will enable any Government officer to trace such receipts, storage, and disposals, and such records must at all times during regular business hours be open to inspection by Government officers: Provided, That where sales are made in quantities of less than 5 wine gallons, such records will be required to show only the total quantity disposed of daily in this manner.* (Secs. 3070, 3121 (c), I.R.C.)

OPERATIONS BY DEALERS IN SPECIALLY DENATURED ALCOHOL

Procurement of Specially Denatured Alcohol

§ 182.806 *Application and withdrawals permit, Form 1477—(a) Application.* Where a bonded dealer holding basic permit, Form 1476, desires to procure denatured alcohol under said permit, he shall file application on Part I of Form 1477, in duplicate, with the district supervisor for withdrawal permit to procure specially denatured alcohol. He shall state on his application the names, registry numbers (in the case of denaturing plants) or basic permit numbers (in the case of dealers in specially denatured alcohol) and addresses of the denaturing plants or bonded dealers from which he proposes to purchase specially denatured alcohol. The applicant shall also specify the total quantity, in wine gallons, of specially denatured alcohol to be withdrawn during the term of the withdrawal permit, and the quantity to be withdrawn during a calendar month, which amount shall not be in excess of one-twelfth (or similar proportionate quantity where the withdrawal permit is for a period of other than one year) of the total quantity to be withdrawn during the term of the withdrawal permit. Such quantities shall in no case exceed those specified in the applicant's basic permit, Form 1476, and where the withdrawal permit is for a period less than that covered by the applicant's basic permit, the total quantity shall be in proportion to the unexpired term of the basic permit. If withdrawals are to be made in drums or barrel lots, the application shall be in multiples of 55 wine gallons. The district supervisor may approve or disapprove the application in whole or in part, according to his findings as to the legitimate needs of the applicant.

(b) *Withdrawal permit.* If the application is approved by the district supervisor, he shall issue withdrawal permit on Part II of Form 1477. The permit shall specify the quantity that may be procured during any calendar month and the total quantity that may be procured during the period for which the withdrawal permit is issued. The total quantity authorized by the withdrawal permit shall not exceed that fixed in the basic permit, Form 1476, and the quantity that may be withdrawn during any calendar month shall not exceed one-twelfth of such quantity: *Provided*, That if the withdrawal permit, Form 1477, is issued for a period of less than 12 months, the quantity authorized to be withdrawn in any calendar month shall be in proportion to the period for which the withdrawal permit is issued; for example, if the withdrawal permit is issued for a period of 6 months, not over one-sixth of the total quantity specified therein may be withdrawn during a calendar month: *And provided further*, That where the withdrawal permit is issued for a period less than that covered by the applicant's basic permit, the total quantity authorized in the withdrawal permit shall be in proportion to the unexpired term of the basic permit. The withdrawal permit shall specify the date when the same shall be available for withdrawal purposes. The district supervisor will forward the original copy of the withdrawal permit to the permittee and will retain the duplicate copy for his files. If any denaturer or bonded dealer named as vendor in the withdrawal permit is located in another supervisory district, a copy of the withdrawal permit and any renewals or amendments thereof, will be prepared on the prescribed form and transmitted by the district supervisor issuing the same to the district supervisor of the district from which shipments are to be made.

(1) *Withdrawals under permit.* When the bonded dealer desires to procure specially denatured alcohol, he will forward the original of the withdrawal permit to the denaturer or bonded dealer named therein from whom he desires to procure the specially denatured alcohol. In the case of formulas with substitute denaturants, a certified copy of Form 1485, required by § 182.829 (b) (1), authorizing the use thereof, must be forwarded to the denaturer. Upon shipment, the denaturer or bonded dealer will enter the shipment on the withdrawal permit and return it to the bonded dealer, unless he has been authorized by the bonded dealer to retain the permit for the purpose of making future shipments. No specially denatured alcohol may be shipped by a vendor named in the withdrawal permit until such permit is in his possession. Except as provided in paragraph (e), further like shipments may be made under such permit during the term for which it is issued.

(2) *Excessive withdrawals.* Withdrawals must be so regulated by the bonded dealer that he will not have on hand, in transit, and unaccounted for during any calendar month more than the quantity of specially denatured alcohol so authorized by his basic permit, Form 1476.

(c) *Special permit.* Where a new bonded dealer qualifies within a calendar month a special withdrawal permit, Form 1477, should be issued for the proportionate quantity of specially denatured alcohol to which the bonded dealer may be entitled for the balance of the month, which permit shall be void at the end of such month and must be at once returned by the bonded dealer to the district supervisor.

(d) *Carrier to be furnished copy of Form 1477.* Where the specially denatured alcohol is to be delivered to the bonded dealer by a person other than the vendor, the bonded dealer shall procure from the district supervisor a certified copy (or copies, if delivery is to be made by more than one carrier), on the prescribed form, of the withdrawal permit, Form 1477, issued to him, and file the same with the delivering carrier's agent at destination. Application for such certified copy or copies shall be made by the permittee to the district supervisor by letter, specifying the name of the delivering carrier. Where such delivering carrier is known at the time Form 1477 is filed, the application should accompany such form.

(e) *Expiration or termination of permit.* Upon expiration of a withdrawal permit, it shall be returned to the district supervisor for cancellation. Where the withdrawal permit is in the possession of a vendor on the date of expiration, such vendor shall return it to the bonded dealer for surrender to the district supervisor. Should a basic permit, Form 1476, held by a bonded dealer to whom withdrawal permit, Form 1477, was issued, be terminated, surrendered, or revoked, each denaturer or bonded dealer named as vendor in such withdrawal permit shall, upon notice from the district supervisor, make no further shipments thereunder, and if such withdrawal permit is in his possession, he shall return it to the district supervisor for cancellation.* (Secs. 3070, 3108 (a), 3109, 3114 (a), I.R.C.)

§ 182.807 *Application for renewal of withdrawal permit, Form 1477.* Application on Part I of Form 1477, for renewal of withdrawal permits must be submitted by the applicant to the district supervisor not less than one month prior to the date of expiration of the permit to be renewed, in order that the renewal permit may be issued and become available for withdrawals by the first day of the calendar month following the date of expiration of the permit to be renewed. Application for renewal of withdrawal permits shall be executed in conformity with § 182.806 (a).* (Sec. 3114 (a), I.R.C.)

§ 182.808 *Renewal of withdrawal permit, Form 1477.* Withdrawal permits on Part II of Form 1477 shall remain in force for the calendar year or for the term of the basic permit, Form 1476. A renewal permit must be procured for each year commencing with January 1, after the expiration of the original permit. The provisions of § 182.806 (b) shall be applicable to the issuance of renewal permits.* (Sec. 3114 (a), I.R.C.)

§ 182.809 *Quantity procurable under withdrawal permits.* In procuring specially denatured alcohol the bonded dealer shall deduct the quantity of specially denatured alcohol on hand, in transit, and unaccounted for from the quantity procurable under the withdrawal permit during the calendar month, and give his order for an amount not exceeding the available balance. For this purpose, specially denatured alcohol shall be deemed to be unaccounted for when disposed of otherwise than as provided in these regulations. Failure on the part of bonded dealers to observe the foregoing requirements concerning withdrawals will be regarded as sufficient ground for citation for revocation of their basic permits.* (Secs. 3070, 3108 (a), 3109, 3114 (a), I.R.C.)

Receipt of Specially Denatured Alcohol

§ 182.810 *In original packages.* Specially denatured alcohol received on the premises of a bonded dealer in portable containers may not be transferred to other portable containers except as provided in § 182.812.* (Sec. 3070, I.R.C.)

§ 182.811 *Railroad tank cars.* If the bonded dealer receives specially denatured alcohol in railroad tank cars, railroad siding facilities for the receipt of such tank cars must be provided at the bonded dealer's premises. The denatured alcohol received in tank cars must be immediately deposited in storage tanks constructed in conformity with the provisions of § 182.102. When so deposited, the formula of the denatured alcohol shall be plainly marked on the storage tank.* (Sec. 3070, I.R.C.)

Filling of Packages by Bonded Dealers

§ 182.812 *When permissible.* Bonded dealers who receive specially denatured alcohol in tank cars and transfer the same to storage tanks in their storerooms, as provided in § 182.811, may fill packages of such specially denatured alcohol. Bonded dealers may also fill packages of specially denatured alcohol from denaturers' original packages where such original packages have been so damaged in transit as to necessitate repackaging, or where, upon receipt of approved Form 1477, Form 1485, Form 1486, or Form 1512, it is necessary to fill smaller packages for sale to authorized permittees in quantities less than the contents of the denaturer's original package, and specially denatured alcohol of the formula desired is not available in storage tanks for the filling of such packages.

(a) *Marks and brands.* When packages of specially denatured alcohol are filled by a bonded dealer either from storage tanks or from denaturers' original packages, the bonded dealer will accurately determine the contents of each package, and mark thereon, plainly and durably, the word "Specially denatured alcohol," name of the bonded dealer, his permit number and State, the formula number, and must otherwise mark the packages as in the case of denaturers' original packages, as prescribed in §§ 182.733 to 182.740, inclusive. Each package must be numbered in serial order commencing with number 1.

(b) *Destruction of marks and brands.* The marks and brands required to be placed on packages containing specially denatured alcohol must not be destroyed or in anywise disturbed until such denatured alcohol has been entirely removed from the packages. When the packages have been emptied, all the marks and brands must be at once completely obliterated by painting or otherwise, in conformity with the provisions of § 182.742.* (Secs. 2808, 2866, 3070, I.R.C.)

Disposition of Specially Denatured Alcohol

§ 182.813 *Sale.* Specially denatured alcohol may be sold by bonded dealers holding basic permit, Form 1476, to manufacturers using specially denatured alcohol, and to other bonded dealers in specially denatured alcohol, pursuant to withdrawal permit, Form 1485 or Form 1477, as the case may be. Bonded dealers may also furnish samples of specially denatured alcohol to manufacturers, other bonded dealers, and to prospective permittees pursuant to sample permit, Form 1512: *Provided*, That in the case of samples, where the quantity involved in any case does not exceed 8 fluid ounces, permit, Form 1512, will not be required. Sales of specially denatured alcohol may also be made to the United States or governmental agencies thereof pursuant to permit, Form 1486. The provisions of § 182.754, respecting sales of specially denatured alcohol by denaturers, are hereby made applicable to sales of specially denatured alcohol by bonded dealers. Specially denatured alcohol sold by bonded dealers must be transported in accordance with § 182.677. Record and report of such transactions shall be reported on Form 1478, as provided in § 182.822.* (Secs. 3070, 3109, 3114 (a), I.R.C.)

§ 182.814 *Exportation of specially denatured alcohol.* Bonded dealers desiring to export specially denatured alcohol shall file application on Part I of Form 1545, in triplicate, with the district supervisor for permit so to do, and the provisions of §§ 182.755 to 182.769 shall apply to exportations of specially denatured alcohol by bonded dealers holding basic permit, Form 1476.* (Sec. 3109, I.R.C.)

§ 182.815 *Destruction or other disposition.* Specially denatured alcohol in the possession of a bonded dealer may upon the approval of the district supervisor be destroyed or disposed of to the proprietor of a denaturing plant because of unsalability or other legitimate reason, in accordance with the provisions of §§ 182.867 to 182.869, inclusive. Notations concerning the destruction or disposition of specially denatured alcohol shall be made on Form 1478.*

Losses of Specially Denatured Alcohol

§ 182.816 *Losses in transit.* Losses in transit to bonded dealer's premises must be ascertained at the time the specially denatured alcohol is received by the bonded dealer. Accordingly, when packages or tank cars are received which show evidence of having sustained a loss in transit the bonded dealer should determine the extent of the loss at that time. The quantity ascertained to have been lost will be reported on Form 1478 on the line on which receipt of the shipment is reported, and in the column provided therefor. Where the quantity lost from any package or tank car exceeds 1 per cent of the quantity originally contained therein, claim for allowance of the entire quantity lost from the package or tank car will be made by the bonded dealer. If the loss does not exceed 1 per cent, so calculated, claim for allowance will not be required, provided there are no circumstances indicating that the specially denatured alcohol lost, or any part thereof, was unlawfully used or removed.* (Sec. 3113, I.R.C.)

§ 182.817 *Losses at bonded dealer's premises.* Losses of specially denatured alcohol from storage tanks will be determined by physical inventory of such tanks at the close of each month. Losses, if any, from packages will be determined at the time the packages are removed for shipment. All losses will be reported on Form 1478 by the bonded dealer for the month in which they are discovered. Where the quantity lost exceeds 1 per cent of the quantity of specially denatured alcohol on hand at the bonded dealer's premises during the month, claim for allowance of the entire quantity lost will be made by the proprietor. If the loss does not exceed 1 per cent, so calculated, claim for allowance will not be required, provided there are no circumstances indicating that the specially denatured alcohol lost, or any part thereof, was unlawfully used or removed.* (Sec. 3113, I.R.C.)

§ 182.818 *Claims.* Claims for allowance of losses of specially denatured alcohol at a bonded dealers' premises will be made in accordance with the procedure prescribed in §§ 182.637 to 182.640, inclusive, relative to losses at bonded warehouses.* (Sec. 3113, I.R.C.)

Records and Reports of Bonded Dealers

§ 182.819 *General.* Every person holding basic permit, Form 1476, shall keep records and render reports as hereinafter provided. Entries shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions on the form and as set forth in these regulations. The provisions of §§ 182.455, 182.459, and 182.461, relative to the keeping, signing, and filing of reports by proprietors of industrial alcohol plants are hereby made applicable to the keeping, signing, and filing of reports by bonded dealers holding basic permit, Form 1476.* (Sec. 3070, I.R.C.)

§ 182.820 *Form 1453–A.* Bonded dealers in specially denatured alcohol when shipping specially denatured alcohol to the United States or a governmental agency thereof will execute Part I of Form 1453–A, and forward it to the Government officer to whom the specially denatured alcohol is consigned. Details concerning such specially denatured alcohol will be entered on the form in accordance with the headings of the columns thereon.* (Sec. 3070, I.R.C.)

§ 182.821 *Form 1473.* The provisions of § 182.786 relating to the execution and disposition of Form 1473, when specially denatured alcohol is shipped, are hereby extended to and made applicable to dealers in specially denatured alcohol. At the close of the day the bonded dealer shall forward one copy of each Form 1473 to the district supervisor of the district in which the bonded dealer is located, and one copy to the district supervisor of the district in which the consignee is located, if in another district.* (Sec. 3070, I.R.C.)

§ 182.822 *Record, Form 1478.* Every bonded dealer holding permit to deal in specially denatured alcohol must keep Form 1478, in triplicate, covering his transactions for each month. One copy of the form shall be retained by the bonded dealer and the two remaining copies must be forwarded by the bonded dealer on or before the 5th day of the succeeding month to the district supervisor. There will be entered daily the detail of all specially denatured alcohol received and when received from a denaturing plant, the number of such plant shall be entered in the column provided therefor. The amount of specially denatured alcohol lost from each lot in transit to the bonded dealer's storeroom will be entered in the proper column on the same line with the quantity reported received in such lot. The quantities reported lost in transit will not be included in the losses in the storeroom reported in the summary. Details will be entered daily of all specially denatured alcohol disposed of to manufacturers or other bonded dealers or any other disposition of such specially denatured alcohol. The number of the basic permit of the manufacturer or bonded dealer to whom specially denatured alcohol is shipped shall also be appropriately entered. Where several packages are shipped or delivered on the same day to the same person, the aggregate quantity so shipped or delivered may be stated on one line.

(a) *Special entries.* If specially denatured alcohol is destroyed on the premises of a bonded dealer, notation of such destruction shall be entered on Form 1478, giving the date and manner of destruction, and, if supervised, the name of the officer supervising the destruction, and the quantity, formula number, etc., shall also be stated.

(b) *Summary.* Details of the summary shall be entered on Form 1478 in accordance with the information required by the lines thereof and the instructions on the form.* (Sec. 3070, I.R.C.)

§ 182.823 *Audit of reports.* Upon receipt of Form 1478 from the bonded dealer, the same shall be audited by the district supervisor and one copy thereof forwarded to the Commissioner with the district supervisor's monthly report, Form 1489. The district supervisor shall use the information reported on Form 1478 in compiling data for his monthly report, Form 1489, required by § 182.966.*

Change in Proprietorship, Name, Etc.; Discontinuance of Sale

§ 182.824 *Procedure*—(a) *Change in proprietorship, name, etc.* Where there is a change in proprietorship, or in the persons interested in the business, or in the individual, firm, or corporate name, trade name or style, or in the location of the premises, etc., procedure similar to that prescribed in §§ 182.650 to 182.652, inclusive, will be followed insofar as applicable.

(b) *Discontinuance of sale.* When the sale of specially denatured alcohol is discontinued, the bonded dealer shall give notice thereof in writing, in triplicate, to the district supervisor and shall surrender to the district supervisor his basic and withdrawal permits. Any specially denatured alcohol remaining on hand at the time of such discontinuance, which it is impractical to dispose of to manufacturers or other bonded dealers, pursuant to withdrawal permit in accordance with these regulations, may be returned to a denaturing plant in accordance with the procedure prescribed in § 182.868, upon the filing of consent of surety on the bond of the dealer, extending the terms thereof to cover the transportation of the specially denatured alcohol to the denaturing plant; or the specially denatured alcohol may be destroyed in accordance with the procedure prescribed in § 182.867. When all specially denatured alcohol remaining on hand at the time of discontinuance has been properly disposed of, as herein provided, the district supervisor will approve the notice of discontinuance, noting thereon the disposition made of such specially denatured alcohol, retain one copy of the notice for his files, and forward one copy to the Commissioner and one copy to the bonded dealer.*

OPERATIONS BY USERS OF SPECIALLY DENATURED ALCOHOL

Procurement of Samples

§ 182.825 *Who may procure.* Samples of specially denatured alcohol may be procured by manufacturers holding permits to use specially denatured alcohol and by applicants or prospective applicants for such permits, as hereinafter provided:

(a) *Permittees.* Manufacturers holding permits to use specially denatured alcohol may procure samples of such alcohol in advance of sales, or for experimental purposes, in quantities of not more than 5 wine gallons. In exceptional cases, when the necessity for the withdrawal of samples exceeding 5 wine gallons is clearly shown, the district supervisor may authorize withdrawals in excess of such quantity.

(b) *Applicants for permits.* Applicants or prospective applicants for permits to use specially denatured alcohol may procure a sufficient quantity of such alcohol, not exceeding 5 wine gallons, of the particular formula desired, for experimental purposes or with which to prepare the necessary samples of finished product for submission to the Commissioner. Withdrawal of larger quantities for such purposes will be permitted by district supervisors only in exceptional cases where the necessity for the withdrawal of more than 5 wine gallons is clearly established.* (Secs. 3070, 3108 (a), 3109, 3114 (a), I.R.C.)

§ 182.826 *Application for permit.* Application for withdrawal of samples of specially denatured alcohol in excess of 8 fluid ounces shall be made on Part I of Form 1512, in duplicate, to the district supervisor of the applicant's district. All of the information called for in the application shall be supplied. The pur-

pose for which the sample is desired must be stated explicitly. Samples of 8 fluid ounces or less may be procured by permittees and applicants or prospective applicants for permits without the necessity of filing application and procuring permit therefor.* (Sec. 3114 (a), I.R.C.)

§ 182.827 *Permit.* If the applicant or prospective applicant is entitled to a permit under § 182.825, and the quantity and formula are appropriate for the purpose for which the sample is desired, the district supervisor will issue permit on Part II of the Form 1512, and send one copy to the applicant for forwarding to the vendor named in the application. The remaining copy of the permit will be retained by the district supervisor.

(a) *Numbering of permits.* District supervisors will give each permit issued by them on Form 1512 a serial number, beginning with number one and preceded by the letter "S" for the first permit issued, as S–1, S–2, etc. When permit is issued on Form 1512 to a manufacturer holding basic permit on Form 1481 to use specially denatured alcohol, the district supervisor will insert the serial number of the basic permit immediately beneath the serial number of the sample permit, as

$$\frac{\text{S–1}}{\text{SDA–NY–578}}, \frac{\text{S–1}}{\text{SDA–NY–302}}, \text{ etc.}$$

* (Sec. 3114 (a), I.R.C.)

§ 182.828 *Samples to be accounted for by permittees.* All samples of specially denatured alcohol shall be appropriately labeled and sealed, and when received in quantities of more than 8 fluid ounces by permittees, shall be accounted for by such permittees on Form 1482 and supporting records, with explanatory notation, the same as other specially denatured alcohol procured by them.* (Sec. 3070, I.R.C.)

Procurement of Specially Denatured Alcohol

§ 182.829 *Application and withdrawal permit, Form 1485*—(a) *Application.* Where a person holding basic permit, Form 1481, desires to procure denatured alcohol under said permit, he shall file application on Part I of Form 1485, in duplicate, with the district supervisor for withdrawal permit to procure specially denatured alcohol. He shall state on his application the names, registry numbers (in the case of denaturing plants) or basic permit numbers (in the case of dealers in specially denatured alcohol) and addresses of the denaturing plants or bonded dealers from which he proposes to purchase specially denatured alcohol. The proof and formulas of specially denatured alcohol to be withdrawn, and, in the case of optional or substitute denaturants, the kind and quantity of the denaturants approved on Form 1479–A, must be stated in the application. The applicant shall also specify the total quantity, in wine gallons, of each formula of specially denatured alcohol to be withdrawn during the term of the withdrawal permit, and the quantity of each formula to be withdrawn during a calendar month, which amount shall not be in excess of one-twelfth (or similar proportionate quantity where the withdrawal permit is for a period of other than 1 year) of the total quantity of the specified formula to be withdrawn during the term of the withdrawal permit. Such quantities shall in no case exceed those specified in the applicant's basic permit, Form 1481, and where the withdrawal permit is for a period less than that covered by the applicant's basic permit, the total quantity shall be in proportion to the unexpired term of the basic permit. If withdrawals are to be made in drums or barrel lots, the application shall be in multiples of 55 wine gallons. The district supervisor may approve or disapprove the application in whole or in part, according to his findings as to the legitimate needs of the applicant.

(b) *Withdrawal permit.* If the application is approved by the district supervisor, he shall issue withdrawal permit on Part II of Form 1485. The permit shall specify the quantity that may be procured during any calendar month and the total quantity that may be procured during the period for which the withdrawal permit is issued. The total quantity of each formula authorized by the withdrawal permit shall not exceed the quantity of such formula fixed in the basic permit, Form 1481, and the quantity of such formula that may be withdrawn during any calendar month shall not exceed one-twelfth of such quantity: *Provided*, That if the withdrawal permit, Form 1485, is issued for a period of less than 12 months, the quantity authorized to be withdrawn in any calendar month shall be in proportion to the period for which the withdrawal permit is issued; for example, if the withdrawal permit is issued for a period of 6 months, not over one-sixth of the total quantity specified therein may be withdrawn during a calendar month, subject to the provisions of subparagraphs (1) and (2): *And provided further*, That where the withdrawal permit is issued for a period less than that covered by the applicant's basic permit, the total quantity authorized in the withdrawal permit shall be in proportion to the unexpired term of the basic permit. If withdrawals are to be made in drums or barrels, the permit shall be in multiples of 55 wine gallons. The withdrawal permit shall specify the date when the same shall be available for withdrawal purposes. The district supervisor will forward the original copy of the withdrawal permit to the permittee and will retain the duplicate copy for his files. If any denaturer or bonded dealer named as vendor in the withdrawal permit is located in another supervisory district, a copy of the withdrawal permit and any renewals or amendments thereof, will be prepared on the prescribed form and transmitted by the district supervisor issuing the same to the district supervisor of the district from which shipments are to be made.

(1) *Withdrawals under permit.* When the permittee desires to procure specially denatured alcohol, he will forward the original of the withdrawal permit to the denaturer or bonded dealer named therein from whom he desires to procure the specially denatured alcohol. If the withdrawal permit authorizes substitute denaturants and is to be sent to a bonded dealer, the user shall procure a certified copy thereof from the district supervisor and forward it with the original to the bonded dealer. Upon shipment, the denaturer or bonded dealer will enter the shipment on the withdrawal permit and return it to the permittee, unless he has been authorized by the permittee to retain the permit for the purpose of making future shipments. No specially denatured alcohol may be shipped by a vendor named in the withdrawal permit until such permit is in his possession. Except as provided in paragraph (e), further like shipments may be made under such permit during the term for which it is issued.

(2) *Exception.* Withdrawals must be so regulated by the permittee that he will not have on hand, in transit, and unaccounted for during any calendar month more than the quantity of specially denatured alcohol, plus the quantity of recovered or restored denatured alcohol, and recovered or restored articles (which are in the form of denatured alcohol) so authorized by his basic permit, Form 1481: *Provided*, That the district supervisor may, in his discretion, pursuant to application on Part I of Form 1485, and upon proper showing of necessity therefor, (1) in the case of a seasonal business, amend the applicant's withdrawal permit to authorize withdrawal during any calendar month of not to exceed a two months' allowance, or (2) issue to the permittee, in lieu of an annual permit, Form 1485, one or more withdrawal permits for a specified quantity or period subject to the above restrictions as to the maximum quantity that may be withdrawn during any one month, but the total quantity authorized under (1) and (2) shall not exceed the quantity specified in the withdrawal permit, Form 1485, to be withdrawn during the period for which it is issued: *Provided further*, That such additional withdrawals shall not be authorized unless the bond of the permittee is in a sufficient penal sum to cover the increased quantity in addition to the regular withdrawal allowance.

(c) *Special permit.* Where new permittees qualify within a calendar month a special withdrawal permit, Form 1485, should be issued for the proportionate quantity of specially denatured alcohol to which the permittee may be entitled for the balance of the month, which permit shall be void at the end of such month and must be at once returned by the permittee to the district supervisor.

(d) *Carrier to be furnished copy of Form 1485.* Where the specially denatured alcohol is to be delivered to the manufacturer by a person other than the vendor, the manufacturer shall procure from the district supervisor a certified copy (or copies, if delivery is to be made by more than one carrier), on the prescribed form, of the withdrawal permit, Form 1485, issued to him, and file the same with the delivering carrier's agent at destination. Application for such certified copy or copies shall be made by the permittee to the district supervisor by letter, specifying the name of the delivering carrier. Where such delivering carrier is known at the time Form 1485 is filed, the application should accompany such form.

(e) *Expiration or termination of permit.* Upon expiration of a withdrawal permit, it shall be returned to the district supervisor for cancellation. Where the withdrawal permit is in the possession of a vendor on the date of expiration, such vendor shall return it to the permittee for surrender to the district supervisor. Should a basic permit, Form 1481, held by a person to whom withdrawal permit, Form 1485, was issued, be terminated, surrendered, or revoked, each denaturer or dealer named as vendor in such withdrawal permit, shall, upon notice from the district supervisor, make no further shipments thereunder, and if such withdrawal permit is in his possession, he shall return it to the district supervisor for cancellation.* (Secs. 3070, 3108 (a), 3109, 3114 (a), I.R.C.)

§ 182.830 *Application for renewal of withdrawal permit, Form 1485.* Application on Part I of Form 1485, for renewal of withdrawal permits must be submitted by the applicant to the district supervisor not less than one month prior to the date of expiration of the permit to be renewed, in order that the renewal permit may be issued and become available for withdrawals by the first day of the calendar month following the date of expiration of the permit to be renewed. Application for renewal of withdrawal permits shall be executed in conformity with § 182.829 (a).* (Sec. 3114 (a), I.R.C.)

§ 182.831 *Renewal of withdrawal permit, Form 1485.* Withdrawal permits on Part II of Form 1485 shall remain in force for the calendar year or for the term of the basic permit, Form 1481. A renewal permit must be procured for each year commencing with January 1 after the expiration of the original permit. The provisions of § 182.829 (b) shall be applicable to the issuance of renewal permits.* (Sec. 3114 (a), I.R.C.)

§ 182.832 *Quantity procurable under withdrawal permits.* In procuring specially denatured alcohol the permittee shall deduct the quantity of specially denatured alcohol, plus the quantity of recovered or restored denatured alcohol, and recovered or restored articles (which are in the form of denatured alcohol) on hand, in transit, and unaccounted for from the quantity procurable under the withdrawal permit during the calendar month, and give his order for an amount not exceeding the available balance. For this purpose, specially denatured alcohol, recovered or restored denatured alcohol, and recovered or restored articles (which are in the form of denatured alcohol) shall be deemed to be unaccounted for when used or disposed of otherwise than as provided in these regulations. Failure on the part of permittees to observe the foregoing requirements concerning withdrawals will be regarded as sufficient ground for citation for revocation of their basic permits.* (Secs. 3070, 3108 (a), 3109, 3114 (a), I.R.C.)

Receipt of Denatured Alcohol

§ 182.833 *In original packages.* Specially denatured alcohol received on the premises of the permit holder in portable containers may not be transferred to other portable containers for storage, but may, if suitable storage tanks have been provided in accordance with § 182.99, be transferred to such tanks for storage.* (Sec. 3070, I.R.C.)

§ 182.834 *Destruction of marks and brands.* The marks and brands required to be placed on packages containing specially denatured alcohol must not be obliterated or in anywise disturbed until such denatured alcohol has been entirely removed from the packages. When the packages have been emptied all the marks and brands must be at once completely obliterated by painting or otherwise, in conformity with the provisions of § 182.742.* (Sec. 2866, I.R.C.)

§ 182.835 *Railroad tank cars.* If the permittee receives specially denatured alcohol in railroad tank cars, railroad siding facilities for the receipt of such tank cars must be provided at the permittee's premises. Specially denatured alcohol received in tank cars must be immediately deposited in storage tanks constructed in conformity with the provisions of § 182.99. When so deposited, the formula of the specially denatured alcohol shall be plainly marked on the tank.* (Sec. 3070, I.R.C.)

Use of Specially Denatured Alcohol

§ 182.836 *General.* Specially denatured alcohol may not be used in any process, formula, or preparation until Form 1479–A, covering the same, has been approved, as required by § 182.147. Liquid products containing specially denatured alcohol must be unfit for use as beverages or for intoxicating liquor purposes, and must not be readily convertible into potable alcohol by simple distillation or manipulation. The essential oils and chemicals used in their manufacture must be of such a character as to bring the finished products within the above description and limitation, and make them conform in each instance to the samples and formulas for such products submitted by the applicant with Form 1479–A and approved by the Commissioner or district supervisor.

(a) *Change of formula.* Whenever the Commissioner or district supervisor has reason to believe that the alcohol in any preparation, in the manufacture of which specially denatured alcohol has been authorized, is being reclaimed or otherwise diverted to beverage purposes, he shall direct the permittee to appear on a day named and show cause why the authorized formula and preparation should not be so changed and modified as to prevent such reclamation or diversion. In the event the permittee should fail to so appear, or appearing should fail to prove that the alcohol in the authorized preparation is not reclaimable and is not being diverted to beverage uses, the Commissioner or district supervisor may direct that the formula be changed and that the manufacture of such preparation be suspended until such change is made and approved.* (Sec. 3070, I.R.C.)

Ethyl Acetate

§ 182.837 *Manufacture of ethyl acetate.* Ethyl acetate manufactured by a qualified permittee according to approved formula shall be denatured by the manufacturer by adding to every 100 gallons of ethyl acetate one-eighth gallon of calol ethatate or 5 gallons of denaturing grade wood alcohol or 1 gallon of methyl isobutyl ketone or other products of chemical which possess denaturing properties satisfactory to the Commissioner; *Provided*, That ethyl acetate used as a denaturant for specially denatured alcohol or for pharmaceutical, scientific, food, and toilet preparations, or where it is to be exported or transferred from one producer to another producer, need not be denatured.* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

§ 182.838 *Optional denaturants.* Any user desiring to procure ethyl acetate denatured with products or chemicals in lieu of calol ethatate, denaturing grade wood alcohol, or methyl isobutyl ketone, shall make application to the Commissioner, stating fully the purpose for which the ethyl acetate is to be used and why he cannot use ethyl acetate denatured with the authorized denaturants. The application shall show the kind and quantity of products or chemicals that he desires to have substituted for calol ethatate, denaturing grade wood alcohol, or methyl isobutyl ketone, in order that it may be determined that such products or chemicals possess satisfactory denaturing properties. The application shall also show the name of the producer of ethyl acetate from whom the applicant desires to procure the denatured ethyl acetate covered by the application. If the ethyl acetate is to be procured from a producer located in the same district, the application shall be filed in quadruplicate, and if the ethyl acetate is to be procured from another district, the application shall be filed in quintuplicate. If the Commissioner approves the application, he will note his approval on all copies thereof, retain the original copy, return one copy to the applicant, forward one copy to the producer, and one copy to the district supervisor of the district in which the applicant is located, and, where shipment is to be made from another district, one copy to the district supervisor of such district.* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

§ 182.839 *Receipt from other producers.* Where undenatured ethyl acetate is received by a producer from another producer, it must be denatured before it is sold to dealers or users, unless it is sold for purposes where undenatured ethyl acetate may be used, as provided in §182.837.* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

§ 182.840 *To whom may be sold.* Denatured ethyl acetate produced with specially denatured alcohol may be sold by producers thereof to (1) legitimate users for solvent or other manufacturing purposes, not including manufacture for sale

of preparations which do not contain sufficient quantities of other materials to definitely change the composition and character of the ethyl acetate, satisfactory to the Commissioner, and (2) reputable wholesale and retail dealers engaged in a bona fide paint or chemical trade, for resale to legitimate users, either in the manufacturers' original packages, or in smaller containers not exceeding 5 gallons in capacity filled by such dealers. The producer may make shipment of such materials to himself in care of his agents, but only when title remains vested in the producer.* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

§ 182.841 *Sales to and by dealers*—(a) *Packages.* Sales by producers to wholesale and retail dealers shall be in containers of a capacity of not more than 55 gallons and shall not exceed a total of 550 gallons to any wholesale or retail dealer during any calendar month. A wholesale or retail dealer shall not purchase or sell more than 550 gallons during a calendar month and not more than 55 gallons shall be sold by them to a customer at any one time: *Provided*, That such sales to the wholesale and retail dealers and by such dealers may exceed the above maximum sales limitations of 550 gallons and 55 gallons, respectively, upon the production of evidence satisfactory to the district supervisor that there is a need for ethyl acetate by such dealers and their customers in greater quantities to supply their legitimate needs.

(b) *Tank cars, tank trucks, or tank wagons.* Upon written authorization of the district supervisor, shipments of ethyl acetate may be made by producers in railrod tank cars or tank trucks or tank wagons operated or controlled by them, or by their bona fide agents, to themselves at other locations, and to their bona fide agents where title remains vested in the producer; and producers and their bona fide agents may make shipments of ethyl acetate by such means to (1) other producers, and (2) actual users for solvent or manufacturing purposes, and not for resale. In the case of railroad tank car shipments the consignee must have railroad siding facilities at his premises for receiving such tank car shipments. When ethyl acetate is so shipped by tank car, tank truck, or tank wagon, it must be run directly from the tank car, tank truck, or tank wagon into a stationary tank on the consignee's premises; it may not be drawn into portable, unmarked containers.

(c) *Marks and brands.* Containers of ethyl acetate of one-half gallon or more capacity must have marked thereon the name of the product, the quantity, and the name and address of the producer, or, in lieu thereof, the name and address of the wholesale or retail dealer and the basic permit number and State of the producer.* (Secs. 2866, 3070, 3111, 3114, I.R.C.)

§ 182.842 *Sales and deliveries by producers and wholesale dealers.* Producers and wholesale dealers must satisfy themselves that the purchaser is engaged in a lawful business and that the quantity purchased is intended for a legitimate purpose. Producers and wholesale dealers will be responsible for delivery of the product direct to the customer, or to a carrier as defined in these regulations for transportation to the customer.* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

§ 182.843 *Sales by retail dealers.* Retail dealers must not sell ethyl acetate under circumstances from which it might reasonably appear that it is the intention of the purchaser to procure the same for sale or use for other than lawful purposes.

(a) *Change of packages by dealers.* Retail dealers may make sales of ethyl acetate in the producer's original packages or in smaller containers, not exceeding 5 gallons in capacity, filled by such dealers.* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

§ 182.844 *Record of sales and receipts.* All producers, including those receiving shipments from other producers, and wholesale dealers, must keep records showing the date and quantity received and sold, and giving the name and address of the person from whom received or to whom shipped, as the case may be. Users who receive ethyl acetate in tank cars, tank trucks, or tank wagons, must also keep records showing the receipt and use of such ethyl acetate.* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

Proprietary Solvents and Lacquer Thinners

§ 182.845 *General.* Proprietary solvents and lacquer thinners, containing more than 25 per cent of alcohol by volume, produced with specially denatured alcohol, may be sold only as provided in these regulations.

(a) *To whom may be sold.* Such proprietary solvents and lacquer thinners may be sold by producers (1) to users for solvent or other manufacturing purposes, not including the manufacture for sale of preparations which do not contain sufficient quantities of other materials to definitely change the composition and character of the proprietary solvent or lacquer thinner, satisfactory to the Commissioner, and (2) to dealers and other producers for resale.* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

§ 182.846 *Sales to and by dealers.* Sales of such proprietary solvents and lacquer thinners by producers to wholesale and retail dealers shall be in containers of a capacity of not more than 55 gallons, and shall not exceed a total of 550 gallons to any wholesale or retail dealer during any calendar month. A wholesale or retail dealer shall not purchase or sell more than 550 gallons during a calendar month, and not more than 55 gallons shall be sold by them to a customer at any one time: *Provided*, That such sales to wholesale and retail dealers and by such dealers may exceed the above maximum sale limitations of 550 gallons and 55 gallons, respectively, upon the production of satisfactory evidence to the district supervisor that there is a need for such proprietary solvents or lacquer thinners by such dealers and their customers in greater quantities to supply their legitimate needs.* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

§ 182.847 *Containers.* Containers for proprietary solvents and lacquer thinners shall be constructed of metal if the capacity is more than 5 wine gallons.

(a) *Embossed symbols.* All packages containing more than 5 wine gallons shall have embossed thereon the serial number and permit number or symbol of the producer by or for whom the packages are filled, such as are prescribed in § 182.727 with respect to completely denatured alcohol. The provisions of § 182.727 relative to embossed packages for completely denatured alcohol shall also apply to embossed packages for proprietary solvents and lacquer thinners. Upon written authorization of the district supervisor, shipments of proprietary solvents and lacquer thinners may be made by producers in railroad tank cars or in tank wagons or tank trucks, operated or controlled by them or their bona fide agents, to themselves at other locations, and to their bona fide agents, where title remains vested in the producer; and producers and their bona fide agents may make shipments of such solvents and lacquer thinners by such means to (1) other producers, and (2) actual users for solvent or manufacturing purposes and not for resale: *Provided*, That in the case of railroad tank car shipments, the vendee has railroad siding facilities at his premises for receiving such tank car shipments, and in the case of tank wagon or tank truck shipments, the producer shall be responsible under his bonds for the delivery of the proprietary solvents or lacquer thinners to the actual user for solvent or manufacturing purposes. When proprietary solvents and lacquer thinners are so shipped by tank car, tank truck, or tank wagon, they must be run directly from the tank car, tank truck, or tank wagon into a stationary tank on the consignee's premises; they may not be drawn into portable, unmarked containers.

(b) *Labels.* Where proprietary solvents and lacquer thinners are packaged by dealers or their agents in containers of 5 wine gallons or less, such containers must be labeled to show the producer's name, address, and permit number: *Provided*, That where the products are packaged for a dealer, the name and address of the dealer may be shown in lieu of the name and address of the producer, but the basic permit number of the producer must be placed on the labels. Where dealers repackage proprietary solvents or lacquer thinners in containers of not over 5 wine gallons capacity, as authorized in paragraph (d), the name, address, and basic permit number of the producer, or the name and address of the dealer and the basic permit number of the producer, shall likewise be placed on the labels of all containers of one-half gallon or more capacity.

(c) *Packaging by agents.* Bona fide agents of producers receiving proprietary solvents and lacquer thinners in railroad tank cars or in tank wagons or tank trucks may transfer such products to packages, subject to the provisions of this section for sale to others, such packages if more than 5 gallons capacity to be furnished by the producer.

(d) *Change of package by dealers.* Dealers may repackage proprietary solvents and lacquer thinners in containers of not over 5 wine gallons capacity. Such containers, if of one-half gallon or more capacity, shall be labeled as required by paragraph (b).* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

§ 182.848 *Record of sales and receipts.* When proprietary solvents and lacquer thinners are sold by the producer to another producer, complete records of these transactions must be maintained by the actual producer and the vendee producer. Users of proprietary solvents and lacquer thinners who receive the same in railroad tank cars, tank wagons, or tank trucks must maintain complete records of the receipt and actual use thereof. The records prescribed must be kept available for inspection by Government officers at all reasonable hours.* (Secs. 3070, 3109, 3111, 3114, 3121 (c), I.R.C.)

Proprietary Anti-freeze Solutions

§ 182.849 *Manufacture.* Proprietary anti-freeze solutions may be made with specially denatured alcohol Formula No. 1 for sale under trade names, provided that materials such as dye, rust inhibitor, petroleum distillates, etc., satisfactory to the Commissioner, are added to the specially denatured alcohol in sufficient quantities to materially change the composition and character of the specially denatured alcohol. No additional methanol may be added to the specially denatured alcohol by the permittee, and the finished product may be sold only under a trade name.* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

§ 182.850 *Formula and sample.* Permittees desiring to produce proprietary anti-freeze solutions with specially denatured alcohol Formula No. 1 must submit quantitative formulas on Form 1479–A, in quadruplicate, to the Commissioner, together with duplicate samples of each solution prepared in accordance with the proposed formula, in conformity with §§ 182.147, 182.149, and 182.150. The size of the containers in which the products are to be marketed shall be specified in Form 1479–A.* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

§ 182.851 *Containers.* Proprietary anti-freeze solutions manufactured with specially denatured alcohol Formula No. 1 must be put up by the permittee in containers not exceeding 1 wine gallon in capacity. Proprietary anti-freeze solutions may not be repackaged or relabeled by dealers, or others, after it has been removed from the premises of the permittee.* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

§ 182.852 *Container markings and labels.* Proprietary anti-freeze solutions made with specially denatured alcohol Formula No. 1 may be sold only under trade names, and the marks and labels on the containers shall not bear any reference to alcohol. All containers must have printed thereon, or on a label attached thereto, in large letters, in red ink, the word "poison," together with a statement that the contents if taken internally will cause serious consequences to health, or possibly death. In addition to the trade name, the containers must bear the name, address, and basic permit number of the producer: *Provided*, That where the anti-freeze solution is packaged for a certain dealer and it is desired to show the name and address of such dealer on the package in lieu of the name and address of the producer, such may be done if the basic permit number of the producer is printed on the container. Specimens of the markings or labels to be used must be attached to each copy of Form 1479–A, submitted in accordance with § 182.850.* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

Rubbing Alcohol Compound

§ 182.853 *General.* Rubbing alcohol compound, as referred to in these regulations, shall mean any product manufactured with specially denatured alcohol and represented to be a "rubbing alcohol compound." Rubbing alcohol compounds may be made only according to the formulas prescribed therefor in the Appendix to these regulations, and no other product may be labeled to infer that it is a rubbing alcohol compound or is suitable for use as such. Any product manufactured with specially denatured alcohol under a basic permit issued pursuant to the provisions of these regulations and labeled and sold as a rubbing alcohol compound must be put up and sold by the manufacturer thereof in containers and packages in which it is to be delivered to the ultimate user. Rubbing alcohol compound may not be repackaged or relabeled by dealers, or others, after it has been removed from the premises of the manufacturer.* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

§ 182.854 *Containers.* Manufacturers producing rubbing alcohol compound shall package such product in bottles (or jars, in the case of solidified compounds) of not exceeding 1 pint in capacity.*

§ 182.855 *Labels*—(a) *Brand label.* Each bottle of rubbing alcohol compound shall bear a brand label, placed thereon by the manufacturer, containing the following information:

(1) The brand or trade name of the product, if any.

(2) The legend "Rubbing Alcohol Compound" which shall be in letters of the same color and size.

(3) The name and address of the manufacturer: *Provided*, That where rubbing alcohol compound is bottled for a certain wholesale or retail druggist and it is desired to show the name and address of such druggist on the label in lieu of the name and address of the manufacturer, such may be done if the basic permit number of the manufacturer is printed on the label.

(4) The legend "Contains 70 per cent alcohol by volume."

(5) The legend "For external use only. If taken internally, serious gastric disturbances will result."

The manufacturer may incorporate in the brand label, or in a separate label appearing in conjunction with the brand label, any other desired statement, but such statement must not obscure or contradict the labeling required hereby. No misleading statement, which would give the impression that the product is pure alcohol or is susceptible of beverage use, will be permitted on labels.

(b) *Caution notice.* There must be placed on each bottle a caution notice, printed in plain and legible type of not less than 6 point, reading as follows:

CAUTION NOTICE

The sale of this product by the manufacturer, or wholesale druggist, must be made directly, or through his employees, only to wholesale or retail druggists, and to purchasers who acquire the product for legitimate external use and not for resale, such as hospitals, sanatoriums, clinics, turkish baths, athletic associations, physicians, dentists, veterinarians, et cetera. This product may also be sold by retail druggists to any of the foregoing, or in retail quantities only to other persons for external use. Sales to such other persons must be made by a retail druggist through a registered pharmacist, who will write or stamp across the brand label in contrasting colors the words "Sold by" followed by his (the pharmacist's) name and the address of the retail drug store where the sale is made. Sales for other than external use will subject the dealer to special tax as a dealer in liquors and to the internal revenue tax on the alcohol contained in this compound.

(c) *Label approval.* No label shall be used on any bottle of rubbing alcohol compound unless the same has been submitted to and approved by the district supervisor in accordance with § 182.147 (a).* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

§ 182.856 *Manufactured with isopropanol, etc.* A preparation labeled "Rubbing Alcohol Compound" without a definite modification is held to connote that such preparation was manufactured with specially denatured alcohol in accordance with these regulations. Accordingly, if a preparation intended for use as a rubbing alcohol compound is produced from any other material, such as isopropyl alcohol, it should not be labeled "Rubbing Alcohol Compound" without appropriate modification, clearly indicating that it was not made with specially denatured alcohol.* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

§ 182.857 *To whom may be sold.* The sale of rubbing alcohol compound by the manufacturer, or wholesale druggist, must be made directly, or through his employees, only to wholesale or retail druggists, and to purchasers who acquire the product for legitimate external use and not for resale, such as hospitals, sanatoriums, clinics, turkish baths, athletic associations, physicians, dentists, veterinarians, etc. This product may also be sold by retail druggists to any of the foregoing or in customary retail quantities only to other persons for external use. Sales to such other persons by retail druggists must be made through a registered pharmacist who will, at the time of sale, write or stamp across the brand label in contrasting colors the words "Sold by" followed by his (the pharmacist's) name and the address of the retail drug store where the sale is made.* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

§ 182.858 *Sale for beverage purposes.* A manufacturer, wholesale druggist, re-

tail druggist, or any other person shall not sell rubbing alcohol compound for use, or for sale for use, for beverage purposes, nor shall he sell such product under circumstances from which it might reasonably appear that it is the intention of the purchaser to procure the product for use, or for sale for use, for beverage purposes. Any person who shall sell rubbing alcohol compound in violation of these regulations shall be subject to all provisions of law pertaining to alcohol that is not denatured, including those requiring the payment of tax thereon, and the person so selling the rubbing alcohol compound shall be required to pay such tax and special tax as a dealer in liquors.* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

§ 182.859 *Noncompliance with requirements.* Failure to comply with these requirements will constitute bad faith on the part of the permittee, and grounds for citation for revocation of his basic permit.* (Sec. 3114, I.R.C.)

Bay Rum, Hair Lotions, Skin Lotions, Lilac Vegetal, etc.

§ 182.860 *General*—(a) *To whom may be sold.* Except as provided in paragraph (d), products such as bay rum, lilac vegetal, hair lotions, shampoos, deodorant sprays, skin lotions, perfumes, toilet waters, and similar products, made with specially denatured alcohol, may be sold by the manufacturer thereof only to barber shops, beauty parlors, beauty and barber supply dealers, wholesale and retail drug stores, general wholesale and retail stores, bona fide retailers of cosmetics, and actual users.

(b) *Containers not exceeding 1 gallon in capacity.* Except as provided in paragraph (c), such products must be put up and sold by the manufacturer thereof in containers not exceeding 1 gallon in capacity and be sold only to persons enumerated in paragraphs (a) and (d).

(c) *Containers larger than 1 gallon.* The district supervisor may authorize the manufacturer to ship products in containers exceeding 1 gallon in capacity to persons legitimately engaged in a bona fide bottling and distributing business, such as beauty and barber supply dealers, wholesale drug stores, and general wholesale stores, for repackaging in containers conforming to the requirements of paragraph (b), for sale to the persons enumerated in paragraphs (a) and (d) hereof. Application for such permission must be made by the bottler and distributor to the district supervisor of the district in which the bottler and distributor is located. The district supervisor will determine the legitimacy of the business of the applicant and the bona fides of his reasons for desiring to obtain the products in containers larger than 1 gallon. If the district supervisor determines that the applicant may be properly permitted to obtain the products in such containers and the manufacturer is located in his district, he will authorize the manufacturer to so ship the products to the applicant; if the manufacturer is located in another district, the district supervisor will forward the application with his findings and recommendation to the supervisor of such district, who, if he sees no objection to the proposed shipment, will authorize the manufacturer to so ship the products.

(d) *Purchase by other persons.* The district supervisor may authorize the manufacturer to ship such products to persons, other than those specified in paragraph (a), who are engaged in a legitimate business and who, upon application, establish a bona fide need for such products in the proper conduct of their businesses. Application for such permission must be made by the purchaser to the district supervisor of the district in which the purchaser is located. The district supervisor will determine the legitimacy of the business of the applicant and the bona fides of his need for obtaining such products in the proper conduct of his business. If the district supervisor determines that the applicant may be properly permitted to obtain the products, and the manufacturer is located in his district, he will authorize the manufacturer to sell the products to the applicant; if the manufacturer is located in another district, the district supervisor will forward the application with his findings and recommendation to the supervisor of such district, who, if he sees no objection to the proposed sales, will authorize the manufacturer to sell the products.* (Secs. 3070, 3108, 3111, 3114, I.R.C.)

§ 182.861 *Labels.* Containers for the products specified in § 182.860 shall be labeled to show the name and address of the manufacturer thereof, or in instances where the preparations are to be marketed by others than the manufacturer, and it is not desired to disclose the name and address of the actual manufacturer, this information may be omitted, but the labels in lieu thereof shall state the name and address of the distributor and the basic permit number of the manufacturer: *Provided,* That where packages are filled by bottlers and distributors pursuant to the provisions of § 182.860 (c), the labels must show the name and address of the bottler and distributor thereof and the basic permit number of the manufacturer, or in instances where the preparations are to be marketed by others than the bottler and distributor and it is not desired to disclose the name and address of the bottler or distributor, this information may be omitted, but the labels shall state the name and address of the distributor or retailer and the basic permit number of the actual manufacturer of such products: *Provided further,* That exemption may be allowed from the foregoing requirements that the labels contain the name and address of the manufacturer or the name and address of the distributor and the permit number of the manufacturer, as to any preparation marketed under a trade name label in a container of less than 4 ounces, if the manufacturer or bottler thereof specifies on the Form 1479–A with which the label is submitted for approval, in accordance with paragraph (a), that the labels are to be used on containers of less than 4 ounces.

(a) *Labels to be approved.* Manufacturers and persons bottling such products in accordance with § 182.860 (c) must submit labels or facsimiles thereof to the Commissioner for approval before use, in accordance with § 182.149.* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

§ 182.862 *Repackaging and relabeling.* Except when sales are made to bottlers and distributors, as provided in § 182.860 (c), such products may not be rebottled, repackaged, or relabeled for sale by persons other than the manufacturer.* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

Tinctures of Iodine

§ 182.863 *General.* Except as provided in paragraph (a), a permittee manufacturing tincture of iodine, U.S.P., half strength tincture of iodine, U.S.P., mild tincture of iodine, U.S.P., and other tinctures of iodine, with specially denatured alcohol may not sell in excess of one 50-gallon barrel or the equivalent thereof in containers of more than 1-gallon capacity in one month to any one customer. Sales may be made by permittees in any desired quantities in containers having a capacity of less than 1 gallon.

(a) *Sales in excess of 50 gallons.* The district supervisor may authorize the permittee to sell more than 50 gallons of tincture of iodine in containers larger than 1 gallon in one month to a person who is engaged in a legitimate business and who upon application establishes a bona fide need for such larger quantity in the proper conduct of his business. Application for such permission must be made by the purchaser to the district supervisor of the district in which he is located. The district supervisor will determine the legitimacy of the business of the applicant and the bona fides of his need for obtaining such larger quantity in the proper conduct of his business. If the district supervisor determines that the applicant may be properly permitted to obtain the larger quantity and the manufacturing permittee is located in his district, he will authorize the manufacturing permittee to sell such larger quantity to the applicant; if the manufacturing permittee is located in another district, the district supervisor will forward the application with his findings and recommendation to the supervisor of such district, who, if he sees no objection to the proposed sales, will authorize the manufacturing permittee to sell such larger quantity.* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

Internal Medicinal Preparations and Flavoring Extracts

§ 182.864 *General.* Medicinal preparations and flavoring extracts used for internal purposes, may not be manufactured with specially denatured alcohol where any of the alcohol remains in the finished product. Labels, cartons, and advertising matter used in connection with external preparations manufactured with specially denatured alcohol shall not bear any reference for internal use or prescribe any internal dosage.* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

Other Products

§ 182.865 *Labels on other products containing specially denatured alcohol.* The Commissioner may, when deemed necessary, at the time of approval of Form 1479–A or subsequent thereto, require containers of products other than those listed in §§ 182.837, 182.845, 182.849, 182.853, and 182.860, containing specially denatured alcohol, to be labeled, stenciled, or otherwise marked with the name, address, and permit number of the manufacturer, or the name and address of the distributor and the permit number of the manufacturers.* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

Use of Ispropyl Alcohol

§ 182.866 *Storage, use and records.* Where a manufacturer, holding permit to use specially denatured alcohol, also uses isopropyl alcohol on the same premises, he must store the isopropyl alcohol separate and apart from the specially denatured alcohol received by him, and, insofar as practicable, shall keep the two alcohols separate and apart while being used. The products manufactured with the two alcohols should likewise, insofar as practicable, be kept separate and apart from each other. Each such manufacturer must keep a manufacturing record at his premises, available for inspection by Government officers, showing the following:

(1) The quantities of isopropyl alcohol received, and the dates of receipt and the names and addresses of the persons from whom received;

(2) The quantities of isopropyl alcohol used, and the date of use and the products and formulas in which used;

(3) The quantity of each product manufactured with usopropyl alcohol; and

(4) The quantities of such products sold or delivered, and the date of sale or delivery and the names and addresses of the persons to whom sold or delivered.* (Secs. 3070, 3109, 3111, 3114, I.R.C.)

Destruction and Disposition of Specially Denatured Alcohol

§ 182.867 *Destruction.* Specially denatured alcohol in the possession of a permittee may, upon approval of the district supervisor, be destroyed by the permittee. The permittee shall file application so to do with the district supervisor, in triplicate, stating fully the reason therefor. The specially denatured alcohol shall be destroyed in the presence of a Government officer, unless the quantity involved is small and insufficient in the opinion of the district supervisor to warrant such supervision. Upon approval of the application, the district supervisor shall instruct the permittee whether or not such destruction shall be witnessed by a Government officer. If a Government officer is assigned to witness the destruction of the specially denatured alcohol, the officer shall certify to the destruction on each copy of the approved application specifying the date and manner of destruction. If the permittee is authorized to destroy the specially denatured alcohol without Government supervision, he shall likewise certify to the destruction of the specially denatured alcohol on each copy of the approved application. One copy of the approved application will be filed by the permittee and two copies returned to the district supervisor, who shall forward one copy to the Commissioner, attached to Form 1482.*

§ 182.868 *Return to denaturing plant or bonded dealer.* Where specially denatured alcohol, lawfully in the possession of a manufacturer, is found to be unsuitable for use or where any such manufacturer discontinues the use thereof, or where for any other legitimate reason such manufacturer desires so to do, such denatured alcohol may be returned to any denaturing plant or bonded dealer for lawful disposition: *Provided,* That (1) consent of surety is filed on the bond (if any) of the manufacturer, extending terms thereof to cover the transportation of the specially denatured alcohol to the denaturer or bonded dealer, (2) the denaturer or bonded dealer consents to the return, and (3) permission for such transfer is, in each instance, first obtained from the district supervisor of the district from which the specially denatured alcohol is to be returned. The application shall be filed in triplicate with the district supervisor. If the application is approved, the district supervisor will forward one copy of the approved application to the Commissioner, attached to Form 1482, and one copy to the permittee, and retain the remaining copy for his files. If the denaturer or bonded dealer is situated in another district, the district supervisor authorizing the return will forward a letter of authorization to the district supervisor of such other district.*

§ 182.869 *Records.* Notations concerning the destruction or disposition of specially denatured alcohol shall be made on Form 1482.*

Losses of Specially Denatured Alcohol

§ 182.870 *Losses in transit.* Losses in transit to a manufacturer's premises must be ascertained at the time the specially denatured alcohol is received by the manufacturer. Accordingly, when packages or tank cars are received which bear evidence of having sustained a loss in transit, the manufacturer should determine the extent of the loss at that time. The quantity ascertained to have been lost will be noted on Form 1482 immediately below the line on which receipt of the shipment is reported. Where the quantity lost from any package or tank car exceeds 1 per cent of the quantity originally contained therein, claim for allowance of the entire quantity lost from the package or tank car will be made by the manufacturer. If the loss does not exceed 1 per cent, so calculated, claim for allowance will not be required, provided there are no circumstances indicating that the specially denatured alcohol lost, or any part thereof, was unlawfully used or removed.* (Sec. 3113, I.R.C.)

§ 182.871 *Losses at manufacturer's premises.* Losses of specially denatured alcohol at a manufacturer's premises will be determined and reported on Form 1482 monthly. Losses from storage tanks will be determined by physical inventory at the close of the month. Losses from packages will be determined at the time the packages are dumped. If the loss of specially denatured alcohol at a manufacturer's premises during any month exceeds 1 per cent of the quantity on hand during the month, claim for allowance of the entire quantity lost will be made by the manufacturer. If the loss does not exceed 1 per cent, so calculated, claim for allowance will not be required, provided there are no circumstances indicating that the specially denatured alcohol lost, or any part thereof, was unlawfully used or removed.* (Sec. 3113, I.R.C.)

§ 182.872 *Claims.* Claim for allowance for losses of specially denatured alcohol in transit to or at a manufacturer's premises will be made in accordance with the procedure prescribed in §§ 182.637 to 182.640, inclusive, relative to losses at bonded warehouses.* (Sec. 3113, I.R.C.)

Records and Reports of Manufacturers

§ 182.873 *General.* Every person holding basic permit, Form 1481, shall keep records and render reports as hereinafter provided. Entries shall be made as indicated by the headings of the various columns and lines and in accordance with the instructions on the form and as set forth in these regulations. The provisions of §§ 182.455, 182.459, and 182.461, relative to the keeping, signing, and filing of reports by proprietors of industrial alcohol plants are hereby made applicable to the keeping, signing, and filing of reports by manufacturers holding basic permit, Form 1481, to use specially denatured alcohol.* (Sec. 3070, I.R.C.)

§ 182.874 *Form 1482.* Every manufacturer holding permit to use specially denatured alcohol or to recover completely denatured alcohol or articles for reuse must make a report on Form 1482, in triplicate, covering his transactions for each month. The report must show all denatured alcohol on hand, received, used, and recovered during the month. One copy of the form shall be retained by the manufacturer and the two remaining copies, one of which must be sworn to, must be forwarded by the manufacturer on or before the 10th day of the succeeding month to the district supervisor. Failure to keep or file this report as herein required will constitute grounds for the issuance of citation for the revocation of the manufacturer's basic permit.

(a) *Recovery.* Manufacturers using both specially denatured alcohol and completely denatured alcohol and recovering the completely denatured alcohol for reuse will render separate reports for the specially denatured alcohol and the completely denatured alcohol. Where such manufacturers also recover articles in accordance with §§ 182.883–182.896, a

separate report will be rendered therefor. Where denatured alcohol is recovered and reused one or more times during the month, the quantity used and recovered each time shall be recorded as in the case of new denatured alcohol. At the close of the month, the total quantity recovered and used during the month shall be reported on Form 1482.

(b) *Special entries.* If specially denatured alcohol is destroyed on the premises or is returned to a denaturer or bonded dealer or disposed of to another manufacturer, notation of such transactions, in the case of destruction, giving the dates of the destruction and, if supervised, the name of the officer supervising the destruction, and in the case of disposal, the name and address of the denaturer or bonded dealer or manufacturer to whom shipped, and the date, quantity, and formula number, etc., shall be made on the form.

(c) *Summary.* Details of each formula of specially denatured alcohol shall be entered in the summary in accordance with the information required by the lines thereof and the instructions on the form.

(d) *Articles manufactured.* The articles manufactured such as toilet preparations, perfumes, varnishes, artificial leather, external pharmaceuticals, and the quantity and formula of the specially denatured alcohol used will be entered under the caption "Articles manufactured." Where the specially denatured alcohol is used for laboratory and other manufacturing purposes and no articles are produced therefrom, such fact should be stated in lieu of the articles manufactured.* (Sec. 3070, I.R.C.)

§ 182.875 *Commercial records.* Persons holding permits to use specially denatured alcohol in excess of 33 wine gallons per calendar month must keep a permanent record showing the following data:

(1) Amount of each formula of denatured alcohol received, the date of receipt, and the serial numbers of the packages.

(2) Amount of each formula of denatured alcohol on hand at all times.

(3) The amount of each formula of denatured alcohol used and the name of each product in which used.

(4) Number of gallons or amount otherwise expressed of each separate product manufactured, together with the names and addresses of the persons to whom such products are sold and delivered.

(5) The names and addresses of all persons from whom have been purchased oils, chemicals, and other ingredients used for manufacturing preparations with specially denatured alcohol, together with the original invoices showing such purchases.

(a) *Form of record; period which must be kept.* No particular form of record is prescribed but the data herein indicated must be ascertainable from the records and invoices kept by the manufacturer. Such commercial records must be kept complete and up-to-date at all times, and shall be retained by the manufacturer, in accordance with § 182.324, and be open to inspection by Government officers during regular business hours.* (Secs. 3070, 3121 (c), I.R.C.)

§ 182.876 *Audit of reports.* Upon receipt of Form 1482 from the manufacturer, the district supervisor will carefully examine the same, and shall see that all specially denatured alcohol shown shipped to the manufacturer on shippers' memorandum slips, Form 1473, has been accounted for by the manufacturer. Upon completion of the examination and audit, the district supervisor will file the sworn copy of Form 1482 in his office and forward the other copy to the Commissioner with his monthly report, Form 1489. The district supervisor shall use the information reported on Form 1482 in compiling data for his monthly report, Form 1489, required by § 182.966.*

Change in Proprietorship, Name, etc.; Discontinuance of Use

§ 182.877 *Procedure*—(a) *Change in proprietorship, name, etc.* Where there is a change in proprietorship, or in the persons interested in the business, or in the individual, firm, or corporate name, trade name or style, or in the location of the premises, etc., procedure similar to that prescribed in §§ 182.650 to 182.652, inclusive, will be followed insofar as applicable.

(b) *Discontinuance of use.* When the use of specially denatured alcohol is discontinued, the permittee shall give notice thereof in writing, in triplicate, to the district supervisor, and shall surrender to the district supervisor his basic and withdrawal permits. Any specially denatured alcohol remaining on hand at the time of such discontinuance may be disposed of in accordance with §§ 182.867 and 182.868, or when authorized by the district supervisor, the specially denatured alcohol may be disposed of to another person holding permit to use specially denatured alcohol of the same formula, upon the filing of a consent of surety, Form 1533, on the bond (if any), of the purchaser extending the terms of his bond to cover the transportation to, and use by, him of the specially denatured alcohol. Recovered denatured alcohol and articles remaining on hand shall be disposed of only as authorized by the Commissioner, after full advice respecting their condition and the disposition which it is desired to make of the recovered products has been submitted. When all specially denatured alcohol, recovered denatured alcohol, and articles, remaining on hand at the time of discontinuance of the use of specially denatured alcohol, have been properly disposed of, as herein provided, the district supervisor will approve the notice of discontinuance, noting thereon the disposition made of such specially denatured alcohol, recovered denatured alcohol, and articles, retain one copy of the notice for his files, and forward one copy to the Commissioner and one copy to the permittee.*

DENATURED RUM

Sale and Use of Denatured Rum

§ 182.878 *Denaturation.* Under the law, rum of not less than 150 degrees proof may be denatured free of tax in a distillery denaturing bonded warehouse located on the premises of a registered distillery. The provisions of Regulations 16 (26 CFR, Part 187) govern the location, qualification, construction, equipment, establishment, and operation of distillery denaturing bonded warehouses.* (Sec. 3070, I.R.C.)

§ 182.879 *Dealers in and users of specially denatured rum.* The provisions of these regulations relating to specially denatured alcohol will apply, insofar as applicable, to the procurement and sale by bonded dealers, and the procurement and use by manufacturers, of specially denatured rum, except that dealers shall make deliveries in accordance with § 187.95 of Regulations 16.* (Sec. 3070, I.R.C.)

§ 182.880 *Forms, records, and reports.* The same forms, records, and reports as are prescribed in these regulations concerning the procurement and sale by bonded dealers, and the procurement and use by manufacturers of specially denatured alcohol, shall apply to and be used, insofar as applicable, after making proper modification, in each instance in connection with the procurement and sale by bonded dealers, and the procurement and use by manufacturers, of denatured rum: *Provided*, That bonds on Form 653–A or 582–A will be used in lieu of bonds on Form 1475 or 1480, in connection with application for permit as a bonded dealer in specially denatured rum, or with application by a manufacturer to use specially denatured rum. The penal sums of bonds on Forms 653–A and 582–A will be computed as provided in these regulations with respect to bonds, Forms 1475 and 1480.* (Sec. 3070, I.R.C.)

§ 182.881. *Forms to be used.* The forms, records, and reports referred to above shall include the following:

Description

Form No.
- 33. Affidavit of individual surety on bond.
- 597. Notice of shipment of specially denatured rum (in lieu of Form 1473).
- 1411. Permit file index card.
- 1411–A. Record card—application for permit.
- 1430. Order to show cause why permit should not be revoked, copy of complaint attached.
- 1430–A. Order to show cause why permit should not be revoked.
- 1453–A. Receipt for specially denatured alcohol by the United States or governmental agency.
- 1474. Application for permit to deal in specially denatured alcohol.
- 1476. Permit to deal in specially denatured alcohol.
- 1477. Bonded dealer's application and permit to withdraw specially denatured alcohol.
- 1478. Specially denatured alcohol bonded dealer's report.
- 1479. Application for permit to use denatured alcohol.

Description—Continued

Form No.
- 1479–A. Formula or process for the use of denatured alcohol.
- 1481. Permit to use denatured alcohol.
- 1482. User's report of denatured alcohol.
- 1485. Application and permit to withdraw specially denatured alcohol by user.
- 1489. District supervisor's report of denatured alcohol.
- 1490. Notice of bond termination.
- 1491. Notification of release of bond.
- 1503–A. District supervisor's record of specially denatured alcohol withdrawals.
- 1533. Consent of surety to change in terms of bond.
- 1534. Power of attorney.

* (Sec. 3070, I.R.C.)

§ 182.882 *Sale or use of both specially denatured alcohol and specially denatured rum.* Where it is desired to procure and sell or use both specially denatured alcohol and specially denatured rum, separate applications for permits and separate bonds shall be filed and separate permits procured for the specially denatured alcohol and for the specially denatured rum. Separate records shall be kept and separate reports made for the specially denatured alcohol and for the specially denatured rum so received and sold or used.*

RECOVERY OF DENATURED ALCOHOL AND ARTICLES

§ 182.883 *Definition.* "Recover" or "recovery" as used herein shall mean the saving, reclaiming, or salvaging, and restoring (where necessary) of specially or completely denatured alcohol or articles containing denatured alcohol, after use in a manufacturing process, but shall not include completely denatured alcohol recovered with all of the original denaturants therein or articles recovered with all of their original ingredients.*

§ 182.884 *Specially denatured alcohol.* Manufacturers using specially denatured alcohol and desiring to recover the same for reuse, must specify such fact in their application on Form 1479 for a basic permit to use specially denatured alcohol, and in their bond on Form 1480, and must file Form 1479–A, and a drawing describing fully the recovery process and, if the recovered alcohol is to be redenatured, the method of redenaturation to be followed, as required by §§ 182.139 to 182.155, inclusive. No specially denatured alcohol may be recovered by the manufacturer prior to the approval of Form 1479–A by the Commissioner authorizing such recovery.* (Secs. 3073, 3114 (a), I.R.C.)

§ 182.885 *Completely denatured alcohol.* Manufacturers using completely denatured alcohol in manufacturing processes and desiring to recover the same for reuse, must file application on Form 1479 for basic permit so to do, and bond on Form 1480, and Form 1479–A, and a drawing describing fully the recovery process and, if the recovered alcohol is to be redenatured, the redenaturation process, in accordance with §§ 182.139 to 182.155, inclusive. Manufacturers may not so recover completely denatured alcohol prior to approval of Form 1479–A by the Commissioner and the issuance of a basic permit to them by the district supervisor.* (Secs. 3073, 3114 (a), I.R.C.)

§ 182.886 *Articles.* Manufacturers using in a manufacturing process a product containing denatured alcohol, defined as an "article" in Article IV of these regulations, and desiring to recover the same for reuse, must file application on Form 1479–A, describing fully the recovery process. If the product is recovered in other than the form of completely denatured alcohol in its original denatured state, the manufacturer must file application, Form 1479, and bond, Form 1480, and procure a basic permit covering the recovery of denatured alcohol, in accordance with §§ 182.139 to 182.155, inclusive. If the product is recovered in the form of specially denatured alcohol, or is redenatured and used in the form of specially denatured alcohol, the application, bond, and permit must also cover the use of specially denatured alcohol. Manufacturers may not so recover products containing denatured alcohol prior to approval of Form 1479–A by the Commissioner and issuance of the basic permit to them by the district supervisor.* (Secs. 3073, 3114 (a), I.R.C.)

§ 182.887 *Stills.* Stills used in the recovery of denatured alcohol or articles will be permitted on the manufacturer's premises, but all such stills must be registered as required by law and these regulations on Form 26, in triplicate, with the district supervisor pursuant to the procedure prescribed in §§ 182.134 and 182.432. Such stills must be connected by continuous pipes with the condensers and receiving tanks.* (Secs. 2810 (a), 3170, I.R.C., Supp.)

§ 182.888 *Deposit in receiving tanks.* Manufacturers recovering specially denatured alcohol or completely denatured alcohol, or articles in the form of denatured alcohol, must provide a locked receiving tank in accordance with § 182.100 (b) for receiving such recovered alcohol. All alcohol recovered shall be transferred to such tank. Where the reclaimed product is to be shipped to a denaturing plant for restoration and redenaturation (where necessary), the district supervisor may authorize its retention in drums, properly marked for identification. If the recovered product requires redenaturation, the receiving tank into which it is run shall be locked with a Government lock, and the recovered product shall be retained therein until it is redenatured or shipped to a denaturing plant for redenaturation.* (Sec. 3073, I.R.C.)

§ 182.889 *Gauge prior to removal.* All denatured alcohol recovered must be measured and recorded before being redenatured or reused.* (Sec. 3073, I.R.C.)

§ 182.890 *Recovered denatured alcohol and new denatured alcohol.* The permittee must keep recovered denatured alcohol and new denatured alcohol in separate storage containers, properly marked for identification.* (Sec. 3073, I.R.C.)

§ 182.891 *Redenaturation; when required.* If the denatured alcohol is recovered in its original denatured state, or practically so, or containing substantial quantities of the original denaturants and other ingredients which render it nonpotable, it may be reused in any approved process without further redenaturation. In such cases, the district supervisor will cause samples of the recovered product to be taken from time to time for the purpose of determining whether the product requires redenaturation. Where the denatured alcohol is not recovered in its original denatured state, or practically so, or does not contain substantial quantities of the original denaturants and other ingredients which render it nonpotable, it must be redenatured under the supervision of a Government officer at the manufacturer's premises or at a denaturing plant before being reused. Where denatured alcohol is recovered and reused one or more times during the month, the quantity used and recovered each time shall be recorded and the total quantity reported on Form 1482, as hereinafter provided.* (Sec. 3073, I.R.C.)

§ 182.892 *Application for redenaturation, Form 1483.* When recovered specially denatured alcohol or completely denatured alcohol, requiring redenaturation, is collected in sufficient quantities and the manufacturer desires to redenature the same on his premises, he shall file with the district supervisor application on Part I of Form 1483, in triplicate. There shall be stated in the application the name of the permittee, location, wine gallons, and apparent proof of the recovered alcohol and the name or names of articles in the manufacture of which the recovered alcohol was used. The formula number and the kind of denaturants (if alternate denaturants are authorized by the provisions of the Appendix to these regulations) by which the recovered alcohol is to be redenatured, shall be stated.* (Sec. 3073, I.R.C.)

§ 182.893 *Approved denaturants.* Where recovered alcohol is redenatured on the manufacturer's premises, he shall provide and keep in his storeroom or in locked tanks the necessary approved denaturants, and such denaturants, unless obtained in sealed packages from a duly qualified denaturing plant, must be tested and approved by an authorized chemist, as required by §§ 182.706 to 182.715.* (Sec. 3073, I.R.C.)

§ 182.894 *Redenaturation of recovered alcohol.* Upon approval of Form 1483 by the district supervisor, he shall detail an officer to supervise the redenaturation of the alcohol described in such notice. The officer detailed to supervise the redenaturation of the alcohol on the manufacturer's premises shall, after ascertaining the quantity and proof of the alcohol, see that the proper quantity of approved denaturants, according to the approved formula, are added and are thoroughly mixed with such alcohol. If the denaturants to be used in denaturing the alcohol have not been approved, samples of such products shall be submitted for analysis by the officer under whose supervision the recovered alcohol is to be redenatured to an authorized chemist, as provided in these

copy of the withdrawal permit as a per- | transporting the tax-free

regulations. Upon redenaturation of the recovered alcohol, the officer will execute his report thereof on each copy of Form 1483, deliver one copy of the form to the manufacturer, and send the other two copies to the district supervisor, who will forward one copy to the Commissioner with the manufacturer's monthly report on Form 1482.* (Sec. 3073, I.R.C.)

§ 182.895 *Shipment to denaturing plant.* Recovered denatured alcohol requiring restoration or redenaturation, or both, unless redenatured on the manufacturer's premises in accordance with § 182.894, shall be shipped to a denaturing plant for such purpose: *Provided*, That where the recovered alcohol is to be restored, the denaturing plant must be equipped with the necessary apparatus to restore the alcohol.

(a) *Marks on packages.* Packages of recovered denatured alcohol shipped to a denaturing plant for restoration or redenaturation must be numbered in serial order and have marked or stenciled thereon the name of the manufacturer, his permit number and address, and the quantity of alcohol contained therein, and the words "Recovered (specially) or (completely) denatured alcohol formula No. ——."

(b) *Notice, Form 1484.* The manufacturer, at the time of shipping recovered denatured alcohol to a denaturing plant, shall submit Form 1484, "Manufacturer's Notice of Shipment of Recovered Denatured Alcohol." The notice shall give all of the information called for by the form and shall be forwarded on the day of shipment to the storekeeper-gauger at the denaturing plant and to the district supervisor of the district in which the denaturing plant is located, as provided in subparagraphs (1) and (2).

(1) *Interdistrict shipments.* When shipment is made to a denaturing plant located in another supervisory district, the manufacturer will prepare Form 1484, in triplicate, and forward one copy to the storekeeper-gauger at the denaturing plant to which shipment is made and the remaining copies to the district supervisor of the district in which the denaturing plant is located. The district supervisor will check both copies of the form with the monthly report of the denaturer, execute his certificate of report of receipt on the form, and forward one copy of the form to the district supervisor of the manufacturer's district, who will check the form against the manufacturer's monthly report on Form 1482.

(2) *Intradistrict shipments.* When recovered alcohol is shipped to a denaturing plant located in the same district, the manufacturer will prepare Form 1484, in duplicate, and forward one copy to the storekeeper-gauger at the denaturing plant and the remaining copy to the district supervisor. The district supervisor will check the form with the monthly reports of the manufacturer and denaturer on Forms 1482 and 1468–F.

(c) *Record of shipment.* All denatured alcohol recovered for reuse on the manufacturer's premises and shipped to a denaturing plant for restoration or redenaturation shall be duly entered by the manufacturer on his monthly report, Form 1482.* (Secs. 3070, 3073, I.R.C.)

§ 182.896 *Records and reports.* Persons recovering denatured alcohol and articles pursuant to the provisions hereof must keep records and file reports monthly on Form 1482, as provided in §§ 182.873 and 182.874, properly modified if completely denatured alcohol or articles are recovered, showing the quantity received, used in manufacture, and the quantity, recovered and the disposition thereof.* (Secs. 3070, 3073, I.R.C.)

USE OF TAX-FREE ALCOHOL AND SPECIALLY DENATURED ALCOHOL BY THE UNITED STATES OR GOVERNMENTAL AGENCY

Tax-free Alcohol

§ 182.897 *Procurement of alcohol.* Alcohol may be withdrawn tax-free by the United States or any governmental agency thereof, upon filing of application and the issuance of permit therefor on Form 1444, in accordance with § 182.171. Upon issuance of permit, Form 1444, by the Commissioner to the United States or governmental agency thereof, the department, bureau, commission, or independent office or agency may procure alcohol free of tax in any quantity desired from the proprietor of the bonded warehouse named as vendor in such permit. The permit shall be forwarded to the vendor named therein by the department or agency to which the permit is issued. The vendor will enter thereon the number of proof gallons transferred to the permittee, date and sign the same, and return the permit to the consignee. Further like transfers may be made under such permit during the term thereof: *Provided*, That the permit may remain in the possession of the vendor until the expiration thereof or until it is recalled by the department or agency to which issued. When it is desired to secure alcohol from more than one bonded warehouse, such additional permit or permits as may be necessary may be obtained.* (Secs. 3108, 3114 (a), I.R.C.)

§ 182.898 *Receipt, Form 1453.* Receipts of shipments of alcohol withdrawn tax-free for use of the United States or governmental agency thereof shall be made on Part II of Form 1453, when received from the proprietor of the warehouse. The receipt of such shipment shall be promptly certified to on Form 1453 by the official representative of the United States or governmental agency thereof to whom deliveries of such shipments are made and will be forwarded to the district supervisor of the district in which the bonded warehouse is located. Such certificates of receipt shall disclose the quantity actually received in order that the same may be checked against the returns of the proprietor of the bonded warehouse making the shipment.* (Secs. 3108, 3114 (a), I.R.C.)

§ 182.899 *Use.* Tax-free alcohol withdrawn under the provisions of law and these regulations for use of the United States or governmental agency must be used solely for nonbeverage purposes.* (Secs. 3108, 3114 (a), I.R.C.)

§ 182.900 *Destruction of marks and brands.* When an original package of alcohol has been completely emptied all of the marks and brands required to be placed thereon by law and these regulations shall be completely effaced or obliterated by painting, scraping, or otherwise. (See §§ 182.533 to 182.536, inclusive.)* (Sec. 2866, I.R.C.)

§ 182.901 *Carrier's receipt.* The person or carrier transporting tax-free alcohol to any department or agency of the United States Government is required to procure a receipt from such department or agency, which receipt shall show the name and address of the consignor and consignee, the quantity of alcohol in the shipment, the date of delivery and the name of the person receiving the alcohol as agent for the consignee.*

Specially Denatured Alcohol

§ 182.902 *Procurement of specially denatured alcohol.* Specially denatured alcohol may be withdrawn by the United States or governmental agency thereof, upon filing of application and the issuance of permit therefor on Form 1486, in accordance with § 182.173. Upon issuance of permit on Part II of Form 1486, in accordance with the provisions of § 182.226 by the Commissioner, the permit shall be forwarded by the Government department, bureau, commission, or independent office or agency to the denaturer or bonded dealer from whom the specially denatured alcohol is to be obtained and will be the authority of such denaturer or bonded dealer to make shipment. The vendor shall enter the quantity and formula number shipped and sign the permit at the time shipment is made. After shipment has been made the permit shall be returned to the proper department or office for use in obtaining further supplies when necessary.* (Secs. 3108 (a), 3109, 3114 (a), I.R.C.)

§ 182.903 *Receipt, Form 1453–A.* Upon receipt of a shipment of specially denatured alcohol, the Government officer receiving the same shall execute certificate of receipt on Part II of Form 1453–A, received from the denaturer or bonded dealer, and will promptly forward the form to the district supervisor of the district in which the denaturing plant or bonded dealer is located, as specified at the bottom of the form.* (Secs. 3108 (a), 3109, 3114 (a), I.R.C.)

CARRIERS

§ 182.904 *Possession by unauthorized carriers.* The transportation of tax-free or specially denatured alcohol by a carrier not authorized by permit to transport the same is a violation of law and renders the alcohol subject to forfeiture.* (Secs. 3111, 3114 (a), I.R.C.)

§ 182.905. *Permits of consignees.* The carrier must receive a certified copy of the withdrawal permit, authorizing the procurement of the alcohol, from the consignee (with the exception of the United States and governmental agencies) before delivery may be made to the consignee. The permits referred to (Forms 1436, 1450, 1463, 1464, 1477, and 1485) must be certified by the district supervisor and delivered to the carrier or his agent at the place of destination.* (Secs. 3111, 3114 (a), I.R.C.)

§ 182.906 *Permits to be filed.* The carrier or his agent shall file the certified copy of the withdrawal permit as a permanent record, and the carrier will be authorized thereafter until the date of the expiration of such permit to deliver to the permit holder or his agent alcohol or specially denatured alcohol withdrawn thereunder.* (Secs. 3111, 3114 (a), I.R.C.)

§182.907. *Bill of lading.* The person making shipments of alcohol or denatured alcohol to any person holding one of the permits referred to in § 182.905 shall incorporate in his bill of lading a statement to the following effect:

The person to whom this shipment is consigned shall file with the agent of the delivering carrier at destination a certified copy of the withdrawal permit under which this shipment is made.

(a) *Written statement in lieu of bill of lading.* Where no bill of lading is issued as in the case of a local express company a written statement to the above effect signed by the shipper shall be delivered to the carrier.* (Secs. 3111, 3114 (a), I.R.C.)

§ 182.908 *Restricted use of containers*—(a) *Tank wagons or tank trucks.* Tank wagons or tank trucks are not authorized to be used for the transportation of alcohol or denatured alcohol and carriers shall not transport alcohol or denatured alcohol in such containers.

(b) *Railroad tank cars.* Shipment of alcohol or denatured alcohol by railroad tank cars may be made only when the premises of the consignor and consignee are equipped with satisfactory railroad siding facilities and the consignee is otherwise authorized to receive such shipment.* (Secs. 3111, 3114 (a), I.R.C.)

§ 182.909 *Delivery*—(a) *By shipper to carrier.* The consignor will be responsible for proper delivery of tax-free or specially denatured alcohol to a carrier holding a basic permit to transport.

(b) *By carrier to United States or governmental agency.* Where tax-free or specially denatured alcohol is shipped to any department, bureau, commission, or independent office or agency of the United States Government, the same may be delivered by the carrier transporting the alcohol or denatured alcohol without the necessity of receiving copy of permit to procure such alcohol.

(1) *Receipt required.* In such cases, however, the person transporting the tax-free or specially denatured alcohol shall procure a receipt from the consignee which receipt shall show the name and address of the consignor and the consignee, the quantity of alcohol or specially denatured alcohol in the shipment, the date of delivery and the name of the person receiving the alcohol as agent for the consignee.

(2) *Filing of receipt.* The receipt shall be filed by the carrier in the file or binder containing copies of withdrawal permits covering other deliveries of tax-free or specially denatured alcohol.* (Secs. 3111, 3114 (a), I.R.C.)

§ 182.910 *Delivery to agent of consignee.* Where the consignee is other than a natural person, a certain agent must be specially designated in writing to receive shipments of tax-free or specially denatured alcohol and the carrier transporting the tax-free or specially denatured alcohol must receive a copy of the document making the designation before delivery. Where the consignee is a natural person, the tax-free or specially denatured alcohol must be delivered to him personally, unless he furnishes the carrier with an affidavit to the effect that it is impracticable for him to receive the tax-free or specially denatured alcohol personally and designating some certain agent to receive the same for him, in which event, the carrier may deliver the tax-free or specially denatured alcohol to such agent. Such affidavits shall be filed in the same manner as receipts, in accordance with the provisions of § 182.909.* (Secs. 3111, 3114 (a), I.R.C.)

§ 182.911 *Inability to deliver.* When tax-free or specially denatured alcohol cannot for any reason be delivered by the carrier at the point of destination, the carrier shall return it to the original shipper in accordance with the regulations of the Interstate Commerce Commission, unless the district supervisor, upon application of the consignor, authorizes delivery of the alcohol to another permittee.

(a) *Notification.* When alcohol or denatured alcohol is so returned, the carrier shall notify the original shipper and shall forward a copy of the notification to the district supervisor of the district in which the original shipper is located with a statement of the facts.* (Secs. 3111, 3114 (a), I.R.C.)

§ 182.912 *Record book to be kept.* Each person holding a basic permit to transport tax-free and specially denatured alcohol is required to keep at the place of shipment a record in book form containing the following information covering each package of such alcohol received for transportation:

(1) Name and address of the consignor and consignee;

(2) Kind (tax-free or specially denatured) and quantity of alcohol contained in the packages; and

(3) Date of shipment.* (Sec. 3114 (a), I.R.C.)

§ 182.913 *Change in proprietorship, etc.* Where there is a change in the proprietorship, persons interested in the business, or change in the individual, firm, or corporate name, trade name or style of a carrier holding basic permit to transport tax-free or specially denatured alcohol, the carrier must comply with the provisions of §§ 182.650 to 182.652, inclusive.*

MANUFACTURE, TAX-PAYMENT, REMOVAL, AND REGISTRATION OF STILLS AND WORMS

§ 182.914 *General.* Whenever a person manufactures or reconstructs stills or worms, or sets up, sells, or removes stills or distilling apparatus, they must comply with the regulations governing the payment of special and commodity taxes, the securing of permits before setting up or removing stills and distilling apparatus, and the registration of stills and distilling apparatus set up (see Regulations 23 (26 CFR, Part 181)): *Provided*, That special and commodity taxes are not incurred on the manufacture or reconstruction of stills and worms at industrial alcohol plants.* (Sec. 3103, I.R.C.)

RULES FOR COMPUTING CAPACITY OF STILLS

§ 182.915 *Capacity of stills.* The estimated maximum spirit-producing capacity of stills will be computed according to the following rules:

(a) *Pot or kettle stills.* The working capacity of pot or kettle stills will be determined by multiplying 80 per cent of the cubic capacity of the still by the maximum number of boilings that can be made in 24 hours and then multiplying this result by the percent of alcohol by volume contained in the highest yielding material to be used in distillation. This result will represent the quantity of wine gallons of absolute alcohol that can be distilled in 24 hours. This quantity, when multiplied by 2, will represent the number of proof gallons. For example, if a pot still having a cubic capacity of 2,000 gallons is used, and such still can be charged three times in 8 hours, and the highest percentage of alcohol by volume in the distilling material to be used is 8 percent, the spirit-producing capacity of the still will be computed as follows: $2,000 \times 0.8 \times 9 \times 0.08 \times 2 = 2,304$ proof gallons. (The quantity that can be distilled in 24 hours.)

(b) *Charge chamber stills.* Where a charge chamber still is used, the estimated maximum quantity of distilled spirits in proof gallons capable of being produced will be determined by multiplying 80 percent of the cubic capacity of the top or charge chamber of the still by the number of times the same can be filled and emptied in 24 hours. This result will represent the total number of gallons of distilling material that can be distilled in 24 hours, which quantity will be multiplied by the percent of alcohol by volume contained in the highest yielding material to be used. The result of such computation will represent the number of wine gallons of absolute alcohol that can be distilled in 24 hours. This quantity, when multiplied by 2, will represent the number of proof gallons. For example, if a charge still is used having a charge chamber of a cubic capacity of 600 gallons which can be charged three times in 1 hour, and the highest percentage of alcohol by volume in the distilling material to be used is 8 percent, the spirit-producing capacity will be computed as follows: $600 \times 0.8 \times 3 \times 24 \times 0.08 \times 2 = 5,529.6$ proof gallons. (The quantity that can be distilled in 24 hours.)

(c) *Continuous stills.* If continuous stills are used, the maximum spirit-producing capacity in proof gallons of such stills will be computed on the area of the column in square feet. The first step will be to determine the inside diameter of the still at its base and the diameter will then be divided by 2 to ascertain the radius. The diameter may be determined (1) by accurately measuring the inside width of the still with a rod or tape, or (2) by measuring the outside circumference of the still and dividing the same by 3.1416 and deducting from

the quotient twice the thickness of the sides of the still. The radius (in feet) will be squared and then multiplied by 3.1416 (Pi) to ascertain the area of the column in square feet. The area in square feet will be multiplied by the factor, 40 (the number of gallons of 100 proof spirits that can be distilled in 1 hour per square foot of plate area), and the result will represent the total number of gallons of 100 proof spirits that can be distilled in 1 hour. This quantity will be multiplied by 24 to determine the number of gallons of 100 proof spirits that can be distilled in 1 day. For example, if a continuous still having a diameter of 4 feet is used, the spirit-producing capacity will be computed as follows: 2×2×3.1416×40×24=12,063.74 proof gallons. (The quantity that can be produced in 24 hours.)*

CONCERNING LOCKS AND SEALS

§ 182.916 *General.* Except as otherwise provided in these regulations, the Commissioner will furnish at the expense of the United States all Government locks and seals required to be used at industrial alcohol plants, bonded warehouses and denaturing plants. District supervisors will see that the industrial alcohol plants, bonded warehouses and denaturing plants in their respective districts are fully equipped with locks in good condition, and that the necessary seals are provided for seal locks. District supervisors will bear in mind that Government locks are required in the case of industrial alcohol plants upon all necessary openings in the distilling apparatus by which access may be had to alcohol in the process of manufacture from the first still in which the vapors rise until the finished alcohol is deposited in the receiving tanks; upon all doors in the wineroom and receiving room; and upon the control valves in pipe lines which convey steam or fuel to the stills or which convey alcohol to warehouse storage tanks or to tanks in the denaturing plant on the same premises. Government locks are also required on all doors of bonded warehouses and denaturing plants and upon control valves and pipe lines and openings to tanks located therein.*

§ 182.917 *Defective or broken locks.* When any Government lock becomes defective or broken, the storekeeper-gauger will return it to the district supervisor with a letter giving the kind and number. When the district supervisor has accumulated a sufficient number of such defective or broken locks, he will destroy the same and report the destruction thereof to the Commissioner.*

§ 182.918 *Seal locks.* Seal locks will be used on the entrance door of the receiving room and the entrance door of the temporary storage room therein (if any) of industrial alcohol plants; on the door of the Government cabinet; the entrance door of bonded warehouses and of denaturing plants; and on such other places where the use of seal locks is required by these regulations or deemed necessary by the district supervisor. Where alcohol is retained overnight in the industrial alcohol plant and an officer is not assigned to night duty at the industrial alcohol plant, seal locks will be used on manheads of tanks in which the alcohol is so retained and on any outlets of such tanks leading to the stills, unless the alcohol is retained in the wineroom and the entrance door of such room is secured with a seal lock.*

§ 182.919 *Plain locks.* Plain locks will be used at all other places in the industrial alcohol plant, bonded warehouse, or denaturing plant where locks are required by these regulations.*

§ 182.920 *Custody of keys.* The storekeeper-gauger will keep the keys to Government locks in use under his charge in his custody at all times, and will not permit them at any time to go into the possession of the proprietor or any other person except the district supervisor or another Government officer authorized to receive them.*

§ 182.921 *Use of seal lock.* The seal lock is constructed with a clasp attached thereto, with blind hinges at the bottom opening downward. This clasp covers an indentation in the face of the lock surrounding the keyhole for the insertion of the seal. When it is desired to seal-close the lock, a seal will be placed in the indentation made for its reception, and the seal clasp will then be shut and the hasp pushed downward into the lock, thereby locking the lock and seal clasp.*

§ 182.922 *Use of lock seals.* Lock seals are numbered consecutively and care will be taken to use them in the order in which they are numbered, beginning with the lowest number. In cases where locks are required to be opened several times during the day, the seal will not be inserted until the lock is closed for the night, unless the duties of the storekeeper-gauger having the lock in charge require him to leave the premises of the industrial alcohol plant, bonded warehouse or denaturing plant during the day. All seals must be so inserted that the serial number will be visible through the keyhole after the locks are fastened. Government officer will, before opening seal locks, see that the seal has not been broken or tampered with.*

§ 182.923 *Custody of locks.* Government locks when not required for use at plants will be retained in the possession of the district supervisor. Receipts will be taken by district supervisors from storekeeper-gaugers for all locks and seals issued to them. Storekeeper-gaugers are strictly prohibited from intrusting locks, keys, or seals in their charge to any person other than an internal revenue officer entitled to receive them, and under no circumstances will they permit locks to remain open, whether hanging by the shackle or otherwise.*

§ 182.924 *Cap seals.* All unions, flanges, and other pipe connections in the equipment in an industrial alcohol plant, bonded warehouse, or denaturing plant not secured by welding or brazing or similar methods, must be securely connected and sealed with seals approved by the Commissioner. A special type of seal, serially numbered, has been approved for use in sealing unions, flanges, and other detachable pipe connections. This seal has, for the purpose of identification, been designated a "Cap" seal.*

§ 182.925 *Affixing cap seals.* Cap seals must be affixed in such a manner as to prevent disconnection of the equipment without detection. No. 16 gauge copper wire will be used in applying these seals, unless the use of a different gauge of such wire is authorized by the Commissioner. The seals must be used in serial order, beginning with the lowest number. When applied initially, they will follow in consecutive order the flow of the spirits.*

§ 182.926 *Custody of cap seals.* Cap seals furnished storekeeper-gaugers for use at industrial alcohol plants, bonded warehouses, or denaturing plants, must be kept in the Government cabinet.*

§ 182.927 *Breaking of sealed connections forbidden.* Sealed connections must not be broken by the proprietor for any reason, except in cases of emergency and then only after notifying the storekeeper-gauger in charge or the district supervisor. Where the proprietor desires to make changes in the equipment involving the breaking of a sealed connection, he will follow the procedure prescribed in § 182.271.*

§ 182.928 *Removal of cap seals.* Except as provided in § 182.927, cap seals which have been affixed may be removed only by a storekeeper-gauger or some other officer designated for the purpose by the district supervisor. All removed seals will be forwarded to the district supervisor with a statement giving the number thereof, the reason for removal, the place from which removed, the serial number of the seal used for replacement, and the date the new seal was applied. When a sufficient number of such removed cap seals has been accumulated, the district supervisor will cause them to be destroyed. The person designated to destroy the seals will render to the district supervisor a report of their destruction.*

§ 182.929 *Storekeeper-gauger's record of cap seals.* Storekeeper-gaugers will keep a record of cap seals in a blank-book supplied by the Bureau for that purpose. When cap seals are received, the storekeeper-gauger will enter in the record book the date of receipt, the number received, and the serial numbers thereof. When the seals are used the serial number of each, date of use, description of the place sealed, and the name or initials of the storekeeper-gauger applying the same will be entered in appropriate columns of such record. When seals are removed, as provided in § 182.932, entries will be made in the record book showing the serial number of each, the reason for removal, the place from which removed, the serial number of the seal used for replacement, and the date the new seal was applied. The record book will be kept in the Government cabinet when not in use.*

§ 182.930 *Storekeeper-gauger's report of locks and seals.* Storekeeper-gaugers will render to district supervisors a monthly report of all locks and seals in their charge on Form 289, "Storekeeper-Gaugers' Report of Government Property."*

§ 182.931 *District supervisor's report of locks and seals.* District supervisors will be held accountable for the Government locks and seals, including cap seals, supplied upon their respective requisitions, and for those received from their predecessors in office. Outgoing district supervisors will take receipts from their successors in office for the Government locks then in use and on hand in the district. District supervisors will keep an account of locks and seals, and will make return thereof quarterly to the Commissioner on Form 152, "Return of Locks, Seals, and Gauging Instruments."*

§ 182.932 Requisition for lock seals. Lock seals will be furnished by the Commissioner in sheets of 54 seals each, upon requisition by the district supervisor. Requisitions should be made for the number of seals sufficient to meet the needs of the district for six months.*

DUTIES OF STOREKEEPER-GAUGERS AT INDUSTRIAL ALCOHOL PLANTS, BONDED WAREHOUSES, AND DENATURING PLANTS

§ 182.933 *General.* Storekeeper-gaugers assigned to duty at industrial alcohol plants, bonded warehouses, and denaturing plants must follow closely the provisions of the Manual of Instructions for U. S. Storekeeper-Gaugers—1940, in the performance of their duties at such establishments. Such officers are charged with the complete supervision of the plant and warehouse and all operations thereat, including production, denaturation, and removal, to the end that the Government will be secured in all revenue from the alcohol and that there will be no unlawful diversion of the alcohol. When the officer finds that the recorded gauge of any container of alcohol or the stamps affixed to the container do not correctly describe the contents of such container, he shall detain the container and report the facts at once in writing to the district supervisor.*

§ 182.934 *Memoranda records.* Storekeeper-gaugers assigned to industrial alcohol plants, bonded warehouses, and denaturing plants will keep such memoranda records of the gauging, denaturation, transfer, withdrawal, etc., of alcohol and denatured alcohol, as will enable them to determine the correctness of all daily reports delivered to them by the proprietor in accordance with these regulations. They will also keep such memoranda records of the proprietor's inventory of alcohol, denatured alcohol, and denaturants on hand at the close of the month, as will enable them to determine that the quantities of such materials reported on hand last of month in the proprietor's monthly reports are correct. Storekeeper-gaugers assigned to denaturing plants will also keep such memoranda records as will enable them to determine that the quantities of denaturants received and shipped out; the shipments of completely denatured alcohol; the quantities of recovered alcohol restored and the losses in restoration, are all correctly reported in the proprietor's monthly reports.*

§ 182.935 *Verification of gauge.* Storekeeper-gaugers must verify the gauge (proof, weight, and gallonage) of all alcohol gauged at industrial alcohol plants, bonded warehouses, and denaturing plants, and shall determine from the memoranda records kept by them that all reports of gauge, Form 1440, are correct.

(a) *Reading of proof of alcohol.* If the proof of any alcohol as determined by the officer does not agree with that found by the proprietor and the proprietor is unwilling to accept the officer's reading, the officer shall detain the alcohol and carefully take two 1-quart samples, and label and seal the same. He shall immediately send one sample, properly identified, to the Bureau field laboratory, and retain the other one, pending receipt of the chemist's report. The chemist will determine the proof of the alcohol.*

§ 182.936 *Denaturation of alcohol.* Storekeeper-gaugers must know that the proper kinds and quantities of denaturants, as specified in the prescribed formula, are used in each lot of alcohol denatured and that the same are thoroughly admixed with the alcohol. The storekeeper-gauger shall determine from his memoranda records that the daily reports, Form 1466, are correct.*

§ 182.937 *Verification of monthly inventory.* Storekeeper-gaugers shall verify the properitor's monthly inventory of ethyl alcohol, specially denatured alcohol, completely denatured alcohol, and denaturants remaining on hand at the end of the month.*

§ 182.938 *Receipt of reports.* Storekeeper-gaugers assigned to industrial alcohol plants, bonded warehouses, and denaturing plants shall stamp on each report or form the time when the report or form was delivered to them by the proprietor for forwarding to the district supervisor or others. Stamps for this purpose will be furnished by the Commissioner.*

§ 182.939 *Verification of daily reports.* Storekeeper-gaugers shall verify from their memoranda records the correctness of all daily reports delivered to them by the proprietor.*

§ 182.940 *Monthly reports.* Upon receiving the proprietor's monthly reports the storekeeper-gauger will examine the same to determine whether the reports are complete in every respect and whether the quantities of ethyl alcohol, specially denatured alcohol, completely denatured alcohol, and denaturants shown on hand last of month, and the quantities of denaturants shown received and shipped, are correct. Storekeeper-gaugers are not required to verify the other entries in such monthly reports.*

§ 182.941 *Initialing of reports.* Storekeeper-gaugers will initial all daily reports after determining that such reports are complete and correct, and will initial monthly reports after determining that such reports are complete, and that the quantities of ethyl alcohol, specially denatured alcohol, completely denatured alcohol, and denaturants shown on hand last of month are correct. The storekeeper-gauger will indicate his title by writing the letters "U. S. S. G." immediately below his initials.*

§ 182.942 *Inspection of proprietor's records and files.* Storekeeper-gaugers will inspect from time to time the proprietor's records and files, prescribed by these regulations, for the purpose of determining that the records are kept current and that the files are maintained in such a manner as to permit ready examination thereof by Government officers.*

OFFICER'S RIGHT OF ENTRY AND EXAMINATION

§ 182.943 *Authority to enter and inspect.* Internal revenue officers have authority under the law to inspect at any reasonable hour the records, liquors, and premises of permittees to determine that all provisions of the internal revenue laws and the regulations promulgated thereunder are being complied with. Officers desiring to make inspections will identify themselves by exhibiting their credentials. Any denial of or interference with such inspection by the permittee, his agents or employees, is a violation of law and will be reported as such for appropriate action.* (Sec. 3601, I.R.C.)

§ 182.944 *Authority to break up grounds or walls.* Under the law, any internal revenue officer and any persons acting in his aid may break up the ground on any part of an industrial alcohol plant or premises of the proprietor thereof, or any ground adjoining or near any such industrial alcohol plant or premises, or any wall or partition thereof or belonging therto, or other place, to search for any pipe, cock, private conveyance, or utensil, and upon finding any pipe or conveyance leading from or to such premises to break up any ground, house, wall or other place through or into which such pipe or conveyance leads, and to break or cut away such pipe or conveyance. Before taking action under this section of law, the investigating officer should consult with his superior officer or the district supervisor, unless the circumstances are such as to require immediate action.* (Sec. 2830, I.R.C.)

§ 182.945 *Proprietor to furnish assistance.* Under the law, on demand of any internal revenue officer, every proprietor of an industrial alcohol plant shall furnish convenient ladders to enable the officer to examine any vessel or utensil in his industrial alcohol plant, and shall furnish all assistance, lights, tools, or other things necessary for inspecting the premises and apparatus, and shall open all doors, boxes, packages, and all casks, barrels, and other vessels not under the control of the Government officer in charge thereof.* (Sec. 2828, I.R.C.)

INSTRUCTIONS TO INSPECTING OFFICERS

§ 182.946 *Officers to keep themselves informed.* Inspectors must inform themselves fully of the limitations and requirements of the internal revenue laws and regulations. They should familiarize themselves with the theory and practice of fermentation and distillation, the making of such simple chemical determinations as are requisite for a check of the yield of industrial alcohol plants,

the proper use of the instruments required for gauging and testing alcohol, the records that all permittees are required to keep, and the reports they are required to render.*

§ 182.947 *Frequency of inspections.* District supervisors will cause the premises of pefmittees to be inspected at irregular and unexpected intervals in accordance with the prevailing inspection policy as determined by the Commissioner from time to time.*

§ 182.948 *Scope of inspection.* The scope of the inspection will likewise be in accordance with the prevailing inspection policy as determined by the Commissioner from time to time. It is not intended that all of the following provisions respecting points to be covered shall necessarily apply in the case of each inspection. Such provisions are set forth for the guidance of inspectors when within the scope of the inspection required by their assignments.*

§ 182.949 *Observation of storekeeper-gaugers.* Inspectors will, in the course of their inspection, observe the storekeeper-gaugers on duty (if any are assigned to the premises), to determine whether they are fully informed as to their official duties and are properly performing the same.*

§ 182.950 *Examination of records.* The inspectors will see that the records of the permittee and the storekeeper-gauger (if any are assigned to the premises) are properly kept, but will not audit such records or take an inventory unless conditions indicate the necessity for a complete inspection. When a record is checked, the inspector will note such fact on the margin thereof, with the date of checking and his initials, so that other officers on subsequent visits need not verify the record for the period covered by such inspection.*

§ 182.951 *Examination of distilling equipment.* The inspectors will ascertain whether the distilling equipment in industrial alcohol plants conforms to the plans and will trace the equipment, including pipe lines, to determine whether the flow of alcohol is continuous and whether the alcohol is properly protected against diversion by adequate sealing and locking of the equipment. The inspectors will require correction of any unsafe condition discovered.*

§ 182.952 *Materials.* The inspectors should inquire into the kind of distilling material used, the method of determining the alcoholic content thereof, and any abnormal differences between the actual yield and the calculated yield of spirits therefrom.*

§ 182.953 *Storage of alcohol.* The means of storing the alcohol and denatured alcohol and the security thereof should be ascertained by inspectors. Where alcohol or denatured alcohol is stored in storage tanks, the officers should ascertain the contents of the tanks and compare the same with the quantity carried in the records as on hand in the tanks. Any deficiency found should be thoroughly inquired into at the time. The permittee should be called upon for an explanation of the shortage, unless the inspectors deem it advisable to inquire further into the matter before advising him of their discovery of the shortage.*

§ 182.954 *Additional inquiries.* The inspectors will make such further inquiries as may be necessary to determine whether the mode of operation followed by the permittee, particularly in respect to the receipt, storage, and use of distilling material, the distilling process employed, the taking of samples, if any, the transfer of alcohol to the receiving tanks and from such tanks to storage tanks in the bonded warehouse, the transfer of alcohol by pipe line to the denaturing plant, if any, on the premises, the proofing of alcohol prior to drawing off, the filling, weighing, and marking of packages and the transfer of packages, etc., is in conformity with the intendment of the law and these regulations, and is without jeopardy to the revenue.*

§ 182.955 *Inspection reports.* Inspectors will promptly render reports of their inspection to district supervisors. They will call the attention of the permittee and of the storekeeper-gauger, if any, to any condition or mode of operation which is unsatisfactory or irregular, and will describe fully the unsatisfactory or irregular condition or mode of operation in their reports and state what steps have been taken or ought to be taken to remedy the same. Any unusual conditions discovered in the course of inspection should be noted by the inspectors and covered fully in their reports. Any cases of illegal removal of alcohol or denatured alcohol or other unlawful acts coming to the knowledge of inspectors should be immediately reported to the district supervisor.*

GENERAL INSTRUCTIONS TO GOVERNMENT OFFICERS

§ 182.956 *Officers not to be interested in business.* Under the provisions of law and departmental order, no officer or employee in departmental or field services of the Bureau of Internal Revenue shall directly or indirectly have any interest, whether as owner or part owner, stockholder, or otherwise, in any business the whole or any substantial part of which consists in the production, sale, or distribution commercially of distilled spirits, wine, or fermented malt liquor, nor shall any such officer or employee directly or indirectly, with or without compensation, engage in any such business or have any connection whether as partner, officer, director, employee, agent, attorney, or in any other capacity with any person, firm, or corporation engaged in any such business.* (Sec. 4047 (b), I.R.C.; sec. 161, R.S. (5 U.S.C. 22))

§ 182.957 *Authority of officers and employees.* The Commissioner, his assistants, agents, inspectors, and other officers and employees, whose duty it is to enforce criminal laws, have all the rights, privileges, powers, and protection which are conferred by law for the enforcement of any laws in respect to taxation, importation, exportation, transportation, manufacture, possession, or use of, or traffic in intoxicating liquors.* (Sec. 3121 (a), I.R.C.)

§ 182.958 *Inspection of records and premises.* All records and reports kept and filed under the provisions of these regulations and all liquor or property to which such records or reports relate and all vehicles passing in or out of any permit premises shall be subject to inspection at any reasonable hour by any official or officer of the Bureau of Internal Revenue.* (Secs. 3121(c), 3601, I.R.C.)

§ 182.959 *Samples may be taken by officers.* Any internal revenue officer may take samples of denatured alcohol or of products manufactured with denatured alcohol, whether at the place of manufacture or on trucks or other conveyances leaving the place of manufacture, or the ingredients used in compounding products manufactured with denatured alcohol.*

§ 182.960 *Seizure of empty packages.* Any empty alcohol package from which the marks, brands, or stamps required by law and these regulations have not been effaced or obliterated is declared to be forfeited and any internal revenue officer should seize the same wherever found.* (Sec. 2866, I.R.C.)

§ 182.961 *Information not to be disclosed.* Storekeeper-gaugers, inspectors, and all other officers and employees of the Bureau must exercise special care to see that no person, except as authorized by law and departmental regulations, is permitted to have access to, inspect, or in any manner become cognizant of the contents of any official record, application, letter, or other document, or of any business of the Bureau. No person connected with the Bureau shall divulge or make known in any way to any person, other than as authorized by law and departmental regulation, any information, coming to his knowledge in the discharge of his official duties, concerning the operations and business of any permittee or any other person, or any information relative to any case, application, record, formula, sample, or other document in the Bureau.* (Sec. 4047(a), I.R.C.; sec. 161, R.S. (5 U.S.C. 22))

DISTRICT SUPERVISOR'S RECORDS AND REPORTS

§ 182.962 *Record of basic permits; Forms 1411 and 1411–A.* District supervisors shall keep a current card index record on Forms 1411 and 1411–A of all persons to whom basic permits have been issued or who have filed application therefor, as provided in § 182.227 (a). Any permittee shall be entitled to inspect Form 1411 covering the other permittees to whom he is authorized to sell, or from whom he is authorized to purchase, alcohol or specially denatured alcohol. District supervisors shall, therefore, as far as possible without interference with their office work, not only allow such inspections to be made, but also permit names and addresses to be copied from such cards.*

§ 182.963 *Receipt of reports.* District supervisors shall stamp on each report or form the time of receipt of the reports or forms by them from Government officers and permittees in accordance with the provisions of these regulations. Stamps for this purpose will be furnished by the Commissioner.*

§ 182.964 *Form 1487.* Each district supervisor will render a monthly account on Form 1487 of transactions at industrial alcohol bonded warehouses for each State within his district. The required data will be obtained from the monthly warehouse reports, Forms 1443–A and 1443–B, of proprietors after the reports have been audited. Data reported on Forms 1488 for industrial alcohol plants not having a bonded warehouse shall be included on Form 1487. The entries will be made as indicated by the headings of the columns and lines and in accordance with the instructions printed on the form. Where the district supervisor authorizes the return of alcohol withdrawn tax-free to a bonded warehouse, Form 1487 should show the return as a separate item. Any loss of such returned alcohol should be reflected in entries on the Form 1487. Form 1487 will be prepared, in duplicate, and one copy, with the supporting copies of Forms 1443–A and 1443–B, and Form 1488 (if any), will be forwarded to the Commissioner not later than the last day of the month succeeding that for which rendered. The remaining copy will be retained by the district supervisor.* (Secs. 3170, 3953, I.R.C.)

§ 182.965 *Form 1503–A.* District supervisors shall keep a Form 1503–A for each dealer in specially denatured alcohol and each user of specially denatured alcohol. The record shall be kept current and show the name, address, basic permit number, and the names of the persons authorized to sign for the permittee, and the penal sum of the bond. The withdrawal allowance in wine gallons and the formula numbers, and a withdrawal record shall be maintained on the Form 1503–A.*

§ 182.966 *Form 1489.* Each district supervisor will render a monthly statement on Form 1489, in duplicate, of transactions in denatured alcohol for each State within his district. The required data will be obtained from the monthly reports of proprietors of denaturing plants, and dealers in and users of specially denatured alcohol, after the reports have been audited. The entries will be made as indicated by the headings of the columns and lines and in accordance with the instructions printed on the form. The district supervisor will retain one copy and forward one copy with the supporting copies of Forms 1468–A, B, C, D, E, and F, 1478 and 1482, to the Commissioner not later than the last day of the month succeeding that for which rendered.*

IMPORTATION OF ALCOHOL AND DENATURED ALCOHOL AND PRODUCTS CONTAINING ALCOHOL OR DENATURED ALCOHOL

§ 182.967 *Alcohol.* Alcohol imported into this country from any foreign country is subject to tax.* (Sec. 2800 (a), I.R.C., Sup., as amended by sec. 533, Act of Sept. 20, 1941 (Public law 250, 77th Cong.))

§ 182.968 *Denatured alcohol.* Denatured alcohol imported into this country from any foreign country is subject to the distilled spirits tax for the reason that such denatured alcohol is not produced and withdrawn in accordance with sections 3070 to 3124, I.R.C., and these regulations.* (Sec. 2800 (a), I.R.C., Sup., as amended by sec. 533, Act of Sept. 20, 1941 (Public law 250, 77th Cong.))

§ 182.969 *Products containing alcohol or denatured alcohol.* Products containing alcohol or denatured alcohol imported into this country from any foreign country are subject to the distilled spirits tax if they are fit for beverage use. If such products (except imported perfumes) are unfit for beverage use, they are not subject to tax. Imported perfumes containing alcohol or denatured alcohol are subject to the tax imposed by section 2800 (a) (3), I.R.C., Sup., as amended by sec. 533, Act of Sept. 20, 1941 (Public law 250, 77th Cong.). Such imported perfumes must be unfit for beverage use.* (Sec. 2800 (a) (1), (3), I.R.C., Sup., as amended by sec. 533, Act of Sept. 20, 1941 (Public law 250, 77th Cong.))

ALCOHOL, DENATURED ALCOHOL, AND PRODUCTS CONTAINING ALCOHOL OR DENATURED ALCOHOL COMING INTO THE UNITED STATES FROM THE PHILIPPINE ISLANDS

§ 182.970 *Alcohol.* Alcohol coming into this country from the Philippine Islands is subject to tax.* (Sec. 3340, I.R.C.)

§ 182.971 *Denatured alcohol.* Denatured alcohol coming into this country from the Philippine Islands is subject to the distilled spirits tax for the reason that such denatured alcohol is not produced and withdrawn in accordance with sections 3070 to 3124, I.R.C., and these regulations.* (Sec. 3340, I.R.C.)

§ 182.972 *Products containing alcohol or denatured alcohol.* Products containing alcohol or denatured alcohol coming into this country from the Philippine Islands are subject to the distilled spirits tax on the alcohol contained therein, whether fit or unfit for beverage use. If fit for beverage use, such products are also subject to rectification tax.* (Sec. 3340, I.R.C.)

ALCOHOL, DENATURED ALCOHOL, AND PRODUCTS CONTAINING ALCOHOL OR DENATURED ALCOHOL COMING INTO THE UNITED STATES FROM PUERTO RICO

§ 182.973 *Alcohol.* Except as provided in paragraph (a), alcohol coming into this country from Puerto Rico is subject to tax.

(a) *Tax-free.* Alcohol produced and withdrawn in accordance with sections 3100 to 3124, I.R.C., and these regulations in this part, may be shipped free of tax, pursuant to proper withdrawal permits, from Puerto Rico to bonded warehouses, denaturing plants, customs bonded manufacturing warehouses, and persons holding permit to use tax-free alcohol, in this country, in accordance with the procedure prescribed in these regulations.* (Secs. 3123, 3360, I.R.C.)

§ 182.974 *Denatured alcohol.* Denatured alcohol produced and withdrawn in accordance with sections 3100 to 3124, I.R.C., and these regulations, may be shipped free of tax from Puerto Rico to this country and sold and used, in accordance with the procedure prescribed in these regulations. Specially denatured alcohol may be so shipped only pursuant to proper withdrawal permits.* (Secs. 3123, 3360, I.R.C.)

§ 182.975 *Products containing alcohol.* Products containing alcohol coming into this country from Puerto Rico are subject to the distilled spirits tax on the alcohol contained therein, whether fit or unfit for beverage use. If fit for beverage use, such products are also subject to rectification tax.* (Sec. 3360, I.R.C.)

§ 182.976 *Products containing denatured alcohol.* Products containing denatured alcohol not produced, withdrawn, and used in accordance with these regulations, coming into this country from Puerto Rico, are subject to the distilled spirits tax on the alcohol contained therein, regardless of whether they are fit or unfit for beverage use. If fit for beverage use, such products are also subject to rectification tax. Products containing denatured alcohol produced, withdrawn, and used in accordance with these regulations, coming into this country from Puerto Rico, are not subject to tax.* (Secs. 3123, 3360, I.R.C.)

§ 182.977 *Samples and analysis.* Whenever completely denatured alcohol, which has been produced and denatured under these regulations, or proprietary solvents, lacquer thinners, proprietary anti-freeze solutions, and toilet preparations, which have been manufactured under an approved formula with alcohol produced and denatured under these regulations, are shipped from Puerto Rico to the United States in containers larger than 5 wine gallons, the shipper shall notify the chemist in charge in Puerto Rico, who will have representative samples taken from each shipment for examination. Such samples must definitely represent the products which are to be shipped. It will not be necessary to sample every container, as samples taken at random from large shipments will be considered as representative of the entire lot. The samples will be examined promptly by the chemist in the Puerto Rican laboratory, who will forward a copy of his chemical report to the district supervisor of the district where the port of arrival is located. The report will show whether the product conforms to authorized formulas for completely denatured alcohol, or to the formulas on approved Form 1479–A for such products, and must contain sufficient data to definitely identify the particular shipment involved.* (Secs. 3123, 3360, I.R.C.)

§ 182.978 *Action by district supervisor.* Upon receipt of the chemical report, the district supervisor will examine the same and if the report discloses that the product conforms to approved formula, he will promptly advise the collector of customs at the port of arrival that the shipment may be released free of tax. In the event the chemical report discloses that the product does not conform to an approved formula, the district supervisor will request the collector of customs to

detain the product and will forward a copy of the chemical report to the Commissioner of Internal Revenue for advice as to the disposition of the product.* (Secs. 3123, 3360, I.R.C.)

§ 182.979 *Certificate.* Every person shipping into the United States from Puerto Rico (1) alcohol produced and withdrawn in accordance with sections 3100 to 3124, I. R. C., and these regulations, free of tax, pursuant to § 182.974 (a); (2) denatured alcohol produced and denatured in accordance with sections 3100 to 3124, I. R. C., and these regulations; and (3) products containing such denatured alcohol, shall certify, in the English language, to such fact on the face of the shipper's waybill. Where the product is made pursuant to approved Form 1479–A, the shipper shall also certify as follows:

Made with _____ denatured alcohol,
(completely or specially)
alcohol, Formula No. _____, pursuant to Form 1479–A, approved _____, 19____.

* (Secs. 3123, 3360, I.R.C.)

§ 182.980 *Marking containers.* In addition to the data required by these regulations to be marked on packages of products containing denatured alcohol, the name, address, and permit number of the manufacturer shall appear on each shipping container of such products shipped from Puerto Rico to the United States free of tax.*

§ 182.981 *Arrival in the United States.* When alcohol, denatured alcohol, and products containing denatured alcohol coming into this country from Puerto Rico, are covered by shipper's documents bearing the manufacturer's certificate prescribed in § 182.979, the collector of customs will inspect and verify the consignment. If no discrepancies are found, the products may be released free of tax: *Provided*, That in the case of products examined by the chemist in charge in Puerto Rico in accordance with § 182.977, release shall be withheld until advice is received from the district supervisor that the shipment may be released free of tax, as provided in § 182.978.*

ALCOHOL, DENATURED ALCOHOL, AND PRODUCTS CONTAINING ALCOHOL OR DENATURED ALCOHOL COMING INTO THE UNITED STATES FROM THE VIRGIN ISLANDS

§ 182.982 *Alcohol.* Except as provided in paragraph (a), alcohol coming into this country from the Virgin Islands is subject to tax.

(a) *Tax-free.* Alcohol produced and withdrawn in accordance with sections 3100 to 3124, I.R.C., and these regulations or regulations issued or adopted by the Governor of the Virgin Islands, or his duly authorized agents, may be shipped free of tax, pursuant to proper withdrawal permit, from the Virgin Islands to bonded warehouses, denaturing plants, customs bonded manufacturing warehouses, and persons holding permit to use tax-free alcohol, in this country, in accordance with the procedure prescribed in these regulations, if the alcohol and the packages containing the same conform to these regulations.* (Secs. 3123, 3350, I.R.C.)

§ 182.983 *Denatured alcohol.* Denatured alcohol produced and withdrawn in accordance with sections 3100 to 3124, I.R.C., and these regulations or regulations issued or adopted by the Governor of the Virgin Islands, or his duly authorized agents, may be shipped free of tax from the Virgin Islands to this country and sold and used in accordance with the procedure prescribed in these regulations, if the denatured alcohol conforms to the formulas for denatured alcohol prescribed by these regulations and the packages containing the same likewise conform to these regulations. Specially denatured alcohol may be so shipped only pursuant to proper withdrawal permit.* (Secs. 3123, 3350, I.R.C.)

§ 182.984 *Products containing alcohol.* Products containing alcohol coming into this country from the Virgin Islands are subject to the distilled spirits tax on the alcohol contained therein, whether fit or unfit for beverage use. If fit for beverage use, such products are also subject to rectification tax.* (Sec. 3350, I.R.C.)

§ 182.985 *Products containing denatured alcohol.* Products containing denatured alcohol not produced, withdrawn, and used in accordance with sections 3100 to 3124, I.R.C., and these regulations or regulations issued or adopted by the Governor of the Virgin Islands, or his duly authorized agents, coming into this country from the Virgin Islands, are subject to the distilled spirits tax on the alcohol contained therein, regardless of whether they are fit or unfit for beverage use. If fit for beverage use, such products are also subject to rectification tax. Products containing denatured alcohol produced, withdrawn, and used in accordance with sections 3100 to 3124, I.R.C., and these regulations or regulations issued or adopted by the Governor of the Virgin Islands, or his duly authorized agents, coming into this country from the Virgin Islands, are not subject to tax, if the products are sold in accordance with these regulations and, in the case of products manufactured with specially denatured alcohol and antifreeze preparations made with completely denatured alcohol, are manufactured in accordance with Form 1479–A approved by the Commissioner: *Provided*, That such products may be shipped in bulk containers to this country to persons authorized by these regulations or by the district supervisor to receive such products in bulk, but such persons, if other than actual users, shall package or bottle the products in containers conforming to these regulations prior to sale: *Provided further*, That if the person authorized by the district supervisor to receive such products in bulk from the Virgin Islands is a distributor, the district supervisor may authorize such distributor to sell the products in bulk to persons authorized by these regulations, or by him pursuant to these regulations, to receive the products in bulk, but such persons, except actual users, shall package or bottle the products in accordance with these regulations prior to sale. Form 1479–A, setting forth quantitative formulas for such products, shall be submitted to the Commissioner in accordance with § 182.147. The kinds and quantities of denaturants used to denature the alcohol shall also be specified on Form 1479–A.* (Secs. 3123, 3350, I.R.C.)

§ 182.986 *Certificate.* Every person shipping into the United States from the Virgin Islands (1) alcohol produced and withdrawn in accordance with sections 3100 to 3124, I.R.C., and these regulations or regulations issued or adopted by the Governor of the Virgin Islands, or his duly authorized agents, free of tax, pursuant to § 182.982 (a); (2) denatured alcohol produced and denatured in accordance with sections 3100 to 3124, I.R.C., and these regulations or regulations issued or adopted by the Governor of the Virgin Islands, or his duly authorized agents; and (3) products containing such denatured alcohol, shall certify, in the English language, to such fact on the face of the shipper's waybill. Where the product is made pursuant to approved Form 1479–A, the shipper shall also certify as follows:

Made with _____ denatured alcohol,
(completely or specially
Formula No._____, pursuant to Form 1479–A, approved _____, 19____

* (Secs. 3123, 3350, I.R.C.)

§ 182.987 *Marking containers.* In addition to the data required by these regulations to be marked on packages of alcohol, denatured alcohol, and products containing denatured alcohol, the name, address, and permit number of the manufacturer shall appear on each shipping container of such alcohol, denatured alcohol, and products shipped from the Virgin Islands to the United States free of tax.*

§ 182.988 *Arrival in the United States.* When alcohol, denatured alcohol, and products containing denatured alcohol, coming into this country from the Virgin Islands, are covered by shipper's documents bearing the manufacturer's certificate prescribed in § 182.986, the collector of customs will inspect and verify the consignment. If no discrepancies are found, the products may be released free of tax.*

GUY T. HELVERING,
Commissioner of Internal Revenue.

[SEAL] JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

Approved: March 6, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42–2018; Filed, March 9, 1942; 10:09 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1703–FD]

IN THE MATTER OF BENCHLEY & VERMILLION COAL COMPANY, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER AND REVOKING AND CANCELLING CODE MEMBERSHIP

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division ("Division") on June 11, 1941, and an amended complaint filed on August 25, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), by Bituminous Coal Producers Board for District No. 4 ("District Board 4"), alleging that Benchley & Vermillion Coal Company, a partnership, a code member in District 4, defendant, had wilfully violated the Bituminous Coal Code (the "Code") or rules and regulations thereunder by selling for shipment by truck during January and February, 1941, inclusive, approximately 4,732 tons of 2" nut and slack coal produced at its Benchley & Vermillion Mine (Mine Index No. 1629) and Seaman Mine (Mine Index No. 2825), in District 4; and approximately 833 tons of ¾" slack coal produced at its Browning Mine (Mine Index No. 1320), in District 4, and delivered the same by truck at prices lower than the effective minimum f. o. b. mine prices for such coal, and praying that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder.

A hearing was held before W. A. Cuff, a duly designated Examiner of the Division at a hearing room thereof, in Canton, Ohio, on October 2, 1941.

The Examiner made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter dated February 3, 1942, in which he found that the defendant had wilfully violated the Act, and the Code, by selling for shipment by truck and delivering during the period from January 7 to February 28, 1941, inclusive, 3,568.278 net tons of 2" nut and slack coal at prices below the applicable effective minimum price plus the actual cost of transportation. The Examiner recommended that the defendant's code membership be revoked and cancelled.

An opportunity was afforded to all interested persons to file exceptions to the Examiner's Report, and supporting briefs. The defendant has filed exceptions to the Examiner's Report, Proposed Findings of Fact and Proposed Conclusions of Law, and has filed a supporting brief. No exception is taken to the Examiner's findings with respect to the tonnages sold by the defendant and the prices received therefor. Exception is, however, taken to (1) the propriety of the proceeding; (2) the exercise of jurisdiction over the defendant; (3) the acceptance of certain evidence over the objection of the defendant; and (4) the sufficiency of the evidence to support the finding with regard to the costs of trucking the coal.

1. *The Propriety of the Proceeding*

The defendant excepted to the procedure of the Examiner in permitting counsel for the Division, in the absence of complainant, to appear in the hearing and adduce evidence with respect to the transactions alleged in the complaint, over the objection of the defendant. The record shows that the complaint and the amended complaint were made and filed by District Board 4. Due notice of the time and place of hearing was given to District Board 4, the complainant, and to all persons interested. The hearing was duly convened and held at the time and place set forth in such notice. The complainant failed to appear at the hearing either by counsel or other representative and failed to take action in the premises authorized or required by the Act. Thereupon, an attorney representing the Office of the General Counsel for the Division proceeded to develop the facts concerning the violation charged.

The defendant urged that the Division has no power under the Act to initiate or prosecute a complaint against a code member. It is unnecessary to pass upon that contention for the reason that in this proceeding the Division has not assumed or exercised such power.

As I have said in connection with a similar exception made In the Matter of Edwin R. Eberhart, Docket No. 1780–FD, "A complaint of violation having been properly filed pursuant to the provisions of the Act, a hearing was duly called for the purpose of developing all the relevant facts pertaining to the alleged violation. To the end of securing a comprehensive record embodying those facts it is the function and, indeed, the responsibility of the representative of the General Counsel's Office to develop those facts both by direct and cross-examination of witnesses to insure that an adequate record is made upon the basis of which the Acting Director can determine whether or not the alleged violations were committed. The action of the representative of the Office of the General Counsel in this case accords with that responsibility. Charged as it is with the responsibility of administering the Bituminous Coal Act, the obligation of the Division to determine the facts upon the filing of a complaint of violation is beyond dispute." [1]

[1] That this is so is emphasized by section 4 II (k) of the Act which reads as follows: "In the investigation of any complaint or violation of the Code, or of any rule or regulation the observance of which is required under the terms thereof, the Commission shall have power by order to require such reports from, and shall be given access to inspect the books and records of, code members to the extent deemed necessary for the purpose of determining the complaint. * * *"

2. *Jurisdiction Over the Defendant*

In the second exception the defendant contended that the Examiner's Proposed Findings of Fact, Conclusions of Law and Recommendations should be set aside and the complaint dismissed for the reason that defendant is not engaged in interstate commerce and, therefore, it is not subject to the Act.

This contention has been considered in substantially similar circumstances, and adjudicated against the defendant.[2] With respect to the Order of the National Bituminous Coal Commission (Docket No. 18–FD) that substantially all coal produced in the State of Ohio affects interstate commerce, entered by the Commission on November 11, 1937, it is urged in the brief that defendant's code membership became effective subsequent to the entry of such order. Defendant is in error as to the fact stated by it. Exhibit 4, a photostatic copy of the defendant's application for code membership, discloses that the application was executed on June 25, 1937, and became effective as of that date. However, without regard to the date of an acceptance of the Code, one who accepts membership in the Code voluntarily subjects himself to all applicable orders and rules and regulations promulgated under the Act whether or not they were issued prior or subsequent to the date of its code acceptance.

The alleged intrastate character of the defendant's transactions may not be urged in this proceeding. Defendant did not file any exceptions to the order entered in Docket No. 18–FD. To permit the defendant to raise that question in this proceeding would be to allow an order of the National Bituminous Coal Commission (later adopted by the Division) to be collaterally attacked. As the Acting Director stated in the Eberhart case, *supra*, this is not permissible.

The Act provides (section 4–A) a specific method by which producers may have adjudicated the issue of whether their transactions in bituminous coal are not in interstate commerce and do not directly affect interstate commerce. Defendant here has not availed itself of this method. He cannot now be heard to complain.

3. *The Admissibility of Certain Evidence*

Documentary evidence, Exhibits 7, 8, 9, 10, 11 and 12 was introduced in evidence over the objection of the defendant. In the brief it is urged that this evidence should not have been received for the reason that the underlying data supporting these exhibits were not introduced in evidence. The answer to this contention is two-fold. While the underlying data were not formally introduced in evidence the record discloses clearly that such underlying data were physically present at the hearing and were tendered to and made available to the defendant for use in the cross-examination upon such exhibits. Moreover, the Examiner tendered additional time

[2] Cf. the Order of the Acting Director dated February 18, 1942, in the matter of Edwin R. Eberhart, defendant, Docket No. 1780–FD.

to defendant's counsel to examine such data, if desired. In the second place much of the data contained in these exhibits were not used by the Examiner and as to such date no Findings of Fact appear to be based thereon. Some of the data, however, appeared to be the basis for the findings of the Examiner. As to this data the defendant urged that they were not taken from defendant's files and records and that the defendant did not have fair opportunity to cross-examine upon such data. An examination of the record discloses that such data as were used by the Examiner as the basis for his Findings of Fact, drawn from such exhibits, particularly Exhibit 7, were drawn directly from the defendant's files, books and records. The facts used by the Examiner as the basis of his Report taken from these exhibits appear to be the tonnages and the delivered prices together with the prices paid for the truck transportation. These data all appear from defendant's records introduced in evidence either in documentary form or testified to orally by witness Benchley, one of the partners. The contention of the defendant in this respect is therefore without basis in fact.

4. *The Sufficiency of the Evidence*

The defendant excepted to the Findings of Fact and Conclusions of Law and Recommendations of the Examiner on the ground that the same were not supported by the evidence. Part of the coal in question was transported in trucks hired by the defendant. As to such coal in the brief it is conceded and the evidence shows that the defendant did not add the actual transportation and that the selling price, therefore, was below the effective minimum price. The remaining part of the coal was transported in trucks owned by the defendant and it is with respect to this tonnage that the exception is taken that the evidence does not support the findings. The effective minimum f. o. b. mine price applicable to the coals in question is $1.90 per net ton. The delivered price was $2.30 per net ton, leaving 40 cents per net ton as the amount of truck transportation added to the minimum f. o. b. mine price. The Examiner found that the actual cost of such transportation was far in excess of the amount charged by the defendant. I have carefully considered the evidence in this proceeding and find and conclude that the evidence sufficiently sustains the findings of the Examiner.

Accordingly, I find that the exceptions of the defendant to the Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner are not well taken and should be denied.

The undersigned having determined after a consideration of the record and the defendant's exceptions, that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is, therefore, ordered, That the exceptions of the defendant to the Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner be and the same hereby are denied.

It is further ordered, That the Proposed Findings of Fact and the Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That pursuant to section 5 (b) of the Act the code membership of the defendant, Benchley & Vermillion Coal Company, be and it is hereby revoked and cancelled, effective fifteen (15) days from and after the date of this Order.

It is further ordered, That prior to any reinstatement of the defendant to membership in the Code, the defendant shall pay to the United States a tax in the amount of $2,644.09, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: March 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2103; Filed, March 11, 1942; 10:22 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective March 11, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

I. Lewis Cigar Manufacturing Company, Morgan Street, Selma, Alabama; Cigar manufacturing; 320 hours for any one learner; 270 learners; 75% of the applicable minimum wage; Cigar machine operator, Packer; May 20, 1942. (This certificate replaces one which expires May 16, 1942.)

Signed at New York, N. Y., this 10th day of March 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-2104; Filed, March 11, 1942; 11:17 a. m.]

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FEDERAL REGISTER

VOLUME 7 NUMBER 50

Washington, Friday, March 13, 1942

The President

EXECUTIVE ORDER

ESTABLISHING THE OFFICE OF ALIEN PROPERTY CUSTODIAN AND DEFINING ITS FUNCTIONS AND DUTIES

By virtue of the authority vested in me by the Constitution, by the Trading with the Enemy Act of October 6, 1917, as amended, by the First War Powers Act, 1941, and as President of the United States, it is hereby ordered as follows:

1. There is hereby established in the Office for Emergency Management of the Executive Office of the President the Office of Alien Property Custodian, at the head of which shall be an Alien Property Custodian appointed by the President. The Alien Property Custodian shall receive compensation at such rate as the President shall approve and in addition shall be entitled to actual and necessary transportation, subsistence, and other expenses incidental to the performance of his duties. Within the limitation of such funds as may be made available for that purpose, the Alien Property Custodian may appoint assistants and other personnel and delegate to them such functions as he may deem necessary to carry out the provisions of this Order.

2. All power and authority conferred on the President by Sections 3 (a) and 5 (b) of the Trading with the Enemy Act of October 6, 1917, as amended, and by Sections 301 and 302 of Title III of the First War Powers Act, 1941, approved December 18, 1941, except such powers and authority as were delegated to the Secretary of the Treasury by Executive Orders issued prior to February 12, 1942, and to the Board of Governors of the Federal Reserve System by Executive Order No. 8843[1] of August 9, 1941 (which powers and authority shall continue to be vested in and exercised by the Secretary of the Treasury and the Board of Governors respectively), are hereby delegated to and vested in the Alien Property Custodian. The memorandum of February 12, 1942,[2] delegating to the Secretary of the Treasury certain powers and authority under said sections, is hereby revoked and canceled. Any and all action heretofore taken by the Board of Governors of the Federal Reserve System after February 11, 1942, in pursuance of Executive Order No. 8843 of August 9, 1941, is hereby confirmed and ratified. In the exercise of the authority herein delegated, the Alien Property Custodian shall be subject to the provisions of Executive Order No. 8839[1] of July 30, 1941, and shall designate a representative to the Board of Economic Warfare in accordance with section 6 thereof.

3. Any property, or interest therein, of any foreign country or a national thereof shall vest in the Alien Property Custodian whenever the Alien Property Custodian shall so direct; and, in the case of any property, or interest therein, subject to the control of the Secretary of the Treasury, when the Alien Property Custodian shall notify the Secretary of the Treasury in writing that he has so directed, the Secretary of the Treasury shall release all control of any such property, or interest therein, to the Alien Property Custodian.

4. Any outstanding order, proclamation, regulation, ruling, license, or instruction issued pursuant to, or relating to the administration of, any power or authority vested in the Alien Property Custodian by this Order shall remain in effect unless and until amended or revoked by the Alien Property Custodian.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 11, 1942.

[No. 9095]

[F. R. Doc. 42-2127; Filed, March 12, 1942; 10:47 a. m.]

[1] 6 F.R. 4035.
[2] 7 F.R. 1409.

EXECUTIVE ORDER

CERTIFYING THE ISLAND OF PUERTO RICO AS A DISTRESSED EMERGENCY AREA

WHEREAS section 2 (c) of the act of January 29, 1937, entitled "An Act to provide for loans to farmers for crop produc-

[1] 6 F.R. 3823.

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FEDERAL REGISTER

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tion and harvesting during the year 1937, and for other purposes" (50 Stat. 5, 6), provides:

No loan made under the provisions of this Act to any borrower shall exceed $400, nor shall a loan be so made in any calendar year which, together with the unpaid principal of prior loans so made to such borrower in that year, shall exceed $400 in amount: *Provided, however*, That in any area certified by the President of the United States to the Governor [of the Farm Credit Administration] as a distressed emergency area, the Governor may make loans without regard to the foregoing limitations as to amount, under such regulations, with such maturities, and in such amounts as he may prescribe.

AND WHEREAS it appears that on account of the conditions now prevailing therein, the Island of Puerto Rico is a distressed emergency area:

NOW, THEREFORE, by virtue of the authority vested in me by the statutory provisions above set out, and upon recommendation of the Secretary of Agriculture and the Governor of the Farm Credit Administration, I hereby certify the Island of Puerto Rico as a distressed emergency area during the continuance of the present war and for six months after termination thereof, or until such earlier time as I may designate.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 10, 1942.

[No. 9093]

[F. R. Doc. 42-2117; Filed, March 11, 1942; 2:06 p. m.]

EXECUTIVE ORDER

ABOLISHING THE BOARD OF SURVEYS AND MAPS AND AUTHORIZING THE DIRECTOR OF THE BUREAU OF THE BUDGET TO PERFORM ITS FUNCTIONS

By virtue of the authority vested in me as President of the United States, and in order to further coordinate and promote the improvement of the surveying and mapping activities of the Government, it is hereby ordered as follows:

1. The Federal Board of Surveys and Maps, established by Executive Order No. 3206 of December 30, 1919, is hereby abolished.

2. The Director of the Bureau of the Budget is authorized and directed to perform the functions heretofore performed by the said Board, and such other functions as may be necessary to carry out the purposes of this order.

3. The Director of the Bureau of the Budget is authorized and directed to call upon the heads of the several departments and independent establishments to furnish, through such representatives as they may designate for the purpose, such information as may be required by the Director in carrying out the provisions of this order.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 10, 1942.

[No. 9094]

[F. R. Doc. 42-2118; Filed, March 11, 1942; 2:06 p. m.]

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER I—FARM CREDIT ADMINISTRATION

PART 21—THE FEDERAL LAND BANK OF SPRINGFIELD

APPRAISAL FEES

Section 21.1 of Title 6, Code of Federal Regulations, as amended (5 F.R. 2721), is further amended by adding the following paragraphs:

§ 21.1 *Appraisal fees.*

* * * * *

On each application for the division of a mortgage lien and the debt secured thereby, between two or more owners of the mortgaged security, an appraisal fee will be charged as follows: Federal land bank mortgage loan made through a national farm loan association $15.00; Federal land bank mortgage loan made through a national farm loan association and a Land Bank Commissioner mortgage loan subject to such Federal land bank mortgage $15.00; Federal land bank direct mortgage loan and a Land Bank Commissioner mortgage loan subject to such land bank mortgage $11.00; Federal land bank direct mortgage loan or a Land Bank Commissioner first mortgage loan, or a Land Bank Commissioner mortgage loan which is subject to a mortgage other than a land bank mortgage $11.00.

The applicants also will be required to pay cash outlays for abstract expenses, recording fees and other disbursements necessary for the completion of the division. (Sec. 13, "Ninth," 39 Stat. 372, Sec. 26, 48 Stat. 44, Sec. 32, 48 Stat. 48, as amended; 12 U.S.C. 781 "Ninth," 723 (e), 1016 (e) and Sup.; 6 CFR 19.4019) (Res. Ex. Com., February 25, 1942)

[SEAL] THE FEDERAL LAND BANK OF SPRINGFIELD,

Confirmed: H. P. PERKINS,
Secretary.

[F. R. Doc. 42-2138; Filed, March 12, 1942; 11:34 a. m.]

TITLE 18—CONSERVATION OF POWER

CHAPTER I—FEDERAL POWER COMMISSION

SUBCHAPTER A—RULES OF PRACTICE AND REGULATIONS, FEDERAL POWER ACT

[Order No. 92]

PART 1—ADMINISTRATION

MARCH 6, 1942.

The Commission, acting pursuant to authority vested in it by the Federal Power Act, particularly sections 308 and 309 thereof, and finding such action appropriate and necessary for carrying out the purposes of the said Act, hereby adopts, promulgates and prescribes the following amendment to the "Rules of Practice and Regulations with Approved Forms, Effective June 1, 1938" (under the Federal Power Act), as heretofore prescribed by Order No. 50, adopted April 19, 1938:

Add §§ 1.156 and 1.157 to read as follows:

§ 1.156 *Prepared expert testimony.* (a) With the approval of the presiding officer, an expert witness may be permitted to offer as his testimony on direct examination (either by reading it into the record or by offering it for inclusion in the transcript without reading as may appear to be the more desirable depending upon its nature and extent) his own relevant and material statements of fact and expressions of opinion within his special field, in written form, provided that copies of such prepared testimony shall have been served upon the Chief Trial Examiner, the General Counsel of the Commission and the parties to the proceeding or their counsel at least five (5) days in advance of the initial session of the hearing. Such prepared testimony shall be subject to the same rules of admissibility, and to cross-examination in all respects the same, as if such testimony were offered in the usual way. Pertinent objections to such testimony or to any part of it may be made and prosecuted by means of motions to strike.

(b) Whenever in the circumstances of a particular case it is deemed necessary or desirable, the Commission or its hearing officers designated to preside, may direct that expert testimony to be given on direct examination shall be reduced to writing and be served and offered in the manner described and authorized in paragraph (a) of this section; *Provided*, A reasonable period of time shall be allowed for the preparation of such written testimony.

§ 1.157 *Limiting number of expert witnesses.* The Commission reserves the right for itself and its hearing officers designated to preside, to limit appropriately the number of expert witnesses that may be heard upon any issue.

The amendment to the "Rules and Practice and Regulations with Approved Forms, Effective June 1, 1938" (under the Federal Power Act) adopted, promulgated and prescribed by this order, shall become effective on April 1, 1942; and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-2122; Filed, March 12, 1942; 9:35 a. m.]

SUBCHAPTER B—PROVISIONAL RULES OF PRACTICE AND REGULATIONS, NATURAL GAS ACT

[Order No. 93]

PART 50—ADMINISTRATION

MARCH 6, 1942.

The Commission, acting pursuant to authority vested in it by the Natural Gas Act, particularly Sections 15 and 16 thereof, and finding such action appropriate and necessary for carrying out the purposes of the said Act, hereby adopts, promulgates and prescribes the following amendment to the "Provisional Rules of Practice and Regulations under the Natural Gas Act, Effective July 11, 1938," as heretofore prescribed by Order No. 52, adopted July 5, 1938;

Add §§ 50.65a and 50.65b to read as follows:

§ 50.65a *Prepared expert testimony.* (a) With the approval of the presiding officer, an expert witness may be permitted to offer as his testimony on direct examination (either by reading it into the record or by offering it for inclusion in the transcript without reading as may appear to be the more desirable depending upon its nature and extent) his own relevant and material statements of fact and expressions of opinion within his special field, in written form: *Provided*, That copies of such prepared testimony shall have been served upon the Chief Trial Examiner, the General Counsel of the Commission and the parties to the proceeding or their counsel at least five (5) days in advance of the initial session of the hearing. Such prepared testimony shall be subject to the same rules of admissibility, and to cross-examination in all respects the same, as if such testimony were offered in the usual way. Pertinent objections to such testimony or to any part of it may be made and prosecuted by means of motions to strike.

(b) Whenever in the circumstances of a particular case it is deemed necessary or desirable, the Commission or its hearing officers designated to preside, may direct that expert testimony to be given on direct examination shall be reduced to writing and be served and offered in the manner described and authorized in paragraph (a) of this section; provided, a reasonable period of time shall be allowed for the preparation of such written testimony.

§ 50.65b *Limiting number of expert witnesses.* The Commission reserves the right for itself and its hearing officers designated to preside, to limit appropriately the number of expert witnesses that may be heard upon any issue.

The amendment to the "Provisional Rules of Practice and Regulations under the Natural Gas Act" adopted, promulgated and prescribed by this order shall become effective on April 1, 1942; and the Secretary of the Commission shall cause prompt publication of this order to be made in the FEDERAL REGISTER.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-2123; Filed, March 12, 1942; 9:35 a. m.]

TITLE 19—CUSTOMS DUTIES

CHAPTER I—BUREAU OF CUSTOMS

[T.D. 50580]

PART 27—REGULATIONS UNDER TRADING WITH THE ENEMY ACT

COMMUNICATIONS OUTSIDE THE MAILS

Amendment to Regulations Under Sec. 3 (c) of the Trading With the Enemy Act, Approved October 6, 1917, and Section XI of the Executive Order Dated October 12, 1917

FEBRUARY 11, 1942.

T.D. 50525 (6 F.R. 6404; 19 CFR, Part 27), dated December 11, 1941, as amended by T.D. 50529 (6 F.R. 6453), dated December 15, 1941, and T.D. 50559 (7 F.R. 616), dated January 26, 1942, is hereby further amended by inserting "Thailand," after "Rumania," in the phrase "Japan, Italy, and Germany and allies thereof, including Bulgaria, Rumania, and Hungary" wherever said phrase appears. (Sec. 3 (c), 40 Stat. 412; secs. XI, XIII, E.O. 2729-A, Oct. 12, 1917)

[SEAL] HERBERT E. GASTON,
Acting Secretary of the Treasury.

[F. R. Doc. 42-2139; Filed, March 12, 1942; 11:41 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1149, Part II]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF AN ADDITIONAL SHIPPING POINT FOR THE COALS OF ALBERT STRIPPING MINE AND POTOMAC NOS. 4 AND 6 MINE, MINE INDEX NOS. 1006 AND 397, RESPECTIVELY, FOR THE ESTABLISHMENT OF TWO SHIPPING POINTS FOR THE COALS OF CUSHNER NO. 1 MINE, MINE INDEX NO. 3159, AND FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE MIXING OF THE COALS OF CHICKASAW, MOHICAN, CADOGAN NOS. 1 AND 2 MINES, MINE INDEX NOS. 93, 329, 76 AND 976, RESPECTIVELY, AND OF THE COALS OF CHERRY RUN NOS. 1, 2, 3A, AND 4 MINES, MINE INDEX NOS. 88, 668, 3189, AND 3187, RESPECTIVELY

This proceeding was instituted initially (Docket No. A-1149) upon a petition filed with the Bituminous Coal Division on November 6, 1941, by District Board 1, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of temporary and permanent price classifications and minimum prices for the coals and/or for the mixtures of coals, not theretofore classified and priced, of certain mines in District 1, including the Cadogan Nos. 1 and 2, Chickasaw, and Mohican Mines (Mine Index Nos. 76, 976, 93, and 329, respectively) of the Allegheny River Mining Company and the Cherry Run Nos. 1 and 4 Mines (Mine Index Nos. 88 and 3187, respectively) of the Cherry Run Coal Mining Company (A. A. Groe).[1]

On November 17, 1941, F.R. 6534, the Director issued an Order in Docket No. A-1149 granting temporary relief and conditionally providing for permanent relief with respect to price classifications and minimum prices for the coals produced at various mines, including the Cherry Run No. 4 Mine.

On November 17, 1941, F.R. 6280, the Director also issued an Order severing from Docket No. A-1149 and designating as Docket No. A-1149, Part II, that portion of the docket relating to the establishment of price classifications and minimum prices for the mixture of coals produced at the Cadogan Nos. 1 and 2, Chickasaw, and Mohican Mines, and for the mixture of the coals produced at the Cherry Run Nos. 1 and 4 Mines.[2] A petition of intervention was filed by District Board 2.

Pursuant to Order of the Director, a hearing in this matter was held on December 19, 1941, before William A. Shipman, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner and District Board 2 appeared. At the conclusion of the hearing the parties waived the preparation and filing of a report by the Examiner, and the record in the proceeding was thereupon submitted to the undersigned. The only witness who appeared testified on behalf of the petitioner.

The Cadogan Nos. 1 and 2, Chickasaw, and Mohican Mines (Mine Index Nos. 76, 976, 93, and 329, respectively) are owned and operated by the Allegheny River Mining Company. The evidence shows that the coals produced at these mines are similar in general characteristics. All these coals have identical price classifications, namely H in Size Groups 1 to 3, inclusive, and J in Size Groups 4 and 5. The same classifications are proposed by the petitioner for a mixture of the coals of these four mines for shipment other than by truck.

Evidence was adduced that the cleaning process at the Cadogan Mines has not been substantially changed since the coals of those mines were classified and priced. The evidence shows that the Chickasaw Mine was closed from the spring of 1938 to September 1941. The production of the Chickasaw Mine is small but is expected to increase when a process of rehabilitation is completed. The present quality of the coal produced there is, according to the evidence, difficult to determine. Testimony was given that, when those coals were classified, the Chickasaw Mine had cleaning facilities in use but that these had to be abandoned when the mine was reopened. The Mohican Mine had no cleaning facilities when its coals were classified. Evidence was presented that these coals were difficult to clean well, especially over air tables in use at the Cadogan Mines. Moreover, mechanical loading equipment has been installed at the Mohican Mine since the coals produced there were classified and priced, with a resultant degrading of the quality of the coal. The evidence shows that, since the coals of all these mines were classified and priced, the percentage of mechanical loading at all four mines has substantially increased and is continuing to increase, and that the mechanically loaded coals almost necessarily must be mechanically cleaned. Evidence was adduced to the effect that, after being mechanically cleaned, the mechanically loaded coals are merely restored to the quality they had before being loaded. The witness for the petitioner testified that the coals of these mines had not changed substantially since they were classified and priced.

The daily production at these mines ranges, according to the evidence, from approximately 1,700 tons at the Mohican Mine to approximately 350 tons at the Chickasaw Mine. However, it appears that regardless of what percentage of these respective coals comprises the mixture, mixing would not improve the quality of the coals beyond the quality thereof as originally classified.

At the Cadogan No. 1 Mine there is a cleaning plant, representing an investment estimated at $250,000, with a capacity sufficient for cleaning the entire output of all four mines. The purpose of the requested relief is stated to be to permit sending the coals produced at the four mines through this preparation plant, the mixing being merely the practical result of so doing because of the difficulty and expense of keeping the coals of the different mines separate in the plant. Use of this common plant, according to the evidence, would be economical and would eliminate either the construction of separate plants at the other mines, at a time when it is difficult to get the necessary equipment, the abandonment of the mechanical loading equipment at those mines, or the shutting down of the Chickasaw and Mohican Mines.

Evidence was adduced that these mines have been treated as being separate only because the terrain in the area necessitated having openings somewhat widely separated. The Chickasaw Mine is 15 or 16 miles and the Mohican Mine 5 or 6 miles distant from the Cadogan No. 1 Mine. The Chickasaw and Mohican Mines are so located that coals can be loaded directly from their tipples into the cars of the Pittsburg and Shawmut Railroad and moved to the Cadogan cleaning plant on a service charge of $2.00 per car for shipments subsequently moved out and not sold locally. The Cadogan No. 2 Mine is located immediately above the Cadogan No. 1 Mine, and the coals produced at the former, according to the evidence, would be moved by truck the ½ to ¼ of a mile to the cleaning plant. All four mines have the same freight rates.

Upon the basis of the uncontroverted evidence, I find and conclude that the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck should be amended by adding thereto a note providing that, if coals of the Cadogan Nos. 1 and 2, Chickasaw, and Mohican Mines are loaded into the same car, the minimum price that shall apply to such mixture shall be the price which is applicable to the coal in the mixture having the highest price classification.

The Cherry Run Nos. 1 and 4 Mines (Mine Index Nos. 88 and 3187, respectively) of the Cherry Run Coal Mining Company (A. A. Groe) have identical price classifications in all size groups, namely D.

The relief herein requested as to the Cherry Run Mines is the establishment of the price classification D in Size Groups 1 to 5, inclusive, for a mixture of the coals of the Cherry Run Nos. 1 and 4 Mines for shipments other than by truck. The Cherry Run No. 4 coals would be loaded over the tipple at the Cherry Run No. 1 Mine. Evidence was adduced that these two mines are located on adjacent properties and "for all practical purposes may be considered as one coal."

Upon the basis of the uncontroverted evidence, I find and conclude that the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck should be amended by adding thereto a note providing that, if coals of the Cherry Run Nos. 1 and 4 Mines are loaded into the same car, the minimum price that shall apply to such mixture shall be the price which is applicable to the coal in the mixture which has the higher price classification.

I find that the foregoing amendments to the District 1 price schedule are required in order to effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and to comply in all respects with the standards thereof.

Now, therefore, it is ordered, That, commencing fifteen (15) days from the date of this Order, § 321.7 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck be, and it hereby is, amended by appending thereto a note reading as follows:

NOTE: If coals within either of the following groups are loaded into the same car, the minimum price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the highest price classification:

Mine Index Nos. 76, 93, 329, and 976 of the Allegheny River Mining Company; Mine Index Nos. 88 and 3187 of the Cherry Run Coal Mining Company (A. A. Groe).

It is further ordered, That the temporary relief granted on November 17, 1941, in the Order severing this docket from Docket No. A-1149 be, and it hereby is, terminated.

It is further ordered, That the prayers for relief contained in the petition are granted to the extent set forth above and in all other respects denied.

Dated: March 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2125; Filed, March 12, 1942; 10:45 a. m.]

[Docket No. A-1323]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: March 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group No

Mine index No.	Code member	Mine name	Subdist. No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
1026	Askey, Roy R. (Askey Coal Company).	Askey's	9	B	Karthaus, Pa.	NYC	44	(†)	(†)	G	(†)	(†)
80	Banner Coal Company (J. H. Wallin).	Banner	21	B	Osceola Mills, Pa.	PRR	45	(*)	(†)	(*)	C	(*)
3380	Connolly, John	Connolly	7	E	Curwensville, Pa.	B&O	113	(†)	(†)	F	(†)	(†)
1327	Elder & Shingledecker (J. C. Elder).	McKee	1	B	Henderson, Pa.	LEF&C	81	F	F	F	F	F
2026	Gilmour & Jones Coal Company (R. A. Gilmour).	Ankeny	36	E	Gray, Pa.	W. Md.	102	E	(†)	(*)	E	(†)
3404	J & S Coal Company (W. H. Shafer & J. D. Christy).	McWilliams #2.	11	E	McWilliams, Pa.	P&S	119	(†)	(†)	G	G	H
3405	J & S Coal Company (W. H. Shafer & J. D. Christy).	McWilliams #3.	11	D	McWilliams, Pa.	P&S	119	(†)	(†)	G	G	H
3406	Ruth Coal Co. (Arthur Martin).	Ruth #2	14	B	Osceola Mills, Pa.	PRR	45	(†)	(†)	G	(†)	(†)
3407	Ruth Coal Co. (Arthur Martin).	Ruth #3	14	B	Osceola Mills, Pa.	PRR	45	(†)	(†)	G	(†)	(†)
3408	Walker, John D	Leland #1½	19	D	Osceola Mills, Pa.	PRR	45	B	(†)	B	B	C

*When shown under a Size Group Number indicates coals previously classified for this size group.
†When shown under a Size Group Number indicates no classification effective for this size group.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

Code member index	Mine Index No.	Mine	Subdist. No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under 1"	Run of mine (unscreened) R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Connolly, John	3380	Connolly	7	Clearfield	E			220		
Gilmour & Jones Coal Company (R. A. Gilmour).	2026	Ankeny	36	Somerset	E	250		(*)	215	
J & S Coal Company (W. H. Shafer & J. D. Christy).	3404	McWilliams #2	11	Armstrong	E			215	205	190
J & S Coal Company (W. H. Shafer & J. D. Christy).	3405	McWilliams #3	11	Armstrong	D			215	205	190
Rimer, Walter G., & Son (Walter G. Rimer).	3355	Rimer's	4	Clarion	E	240	215	215	200	190
Ruth Coal Co. (Arthur Martin)	3406	Ruth #2	14	Clearfield	B			215		
Ruth Coal Co. (Arthur Martin)	3407	Ruth #3	14	Clearfield	B			215		
Walker, John D	3408	Leland #1½	19	Clearfield	D	265		240	230	215

*When shown under a Size Group Number indicates coals previously classified for this size group.

[F. R. Doc. 42-2124; Filed, March 12, 1942; 10:45 a. m.]

[1] In the petition, the operator of Cherry Run Nos. 1 and 4 Mines is stated as the Cherry Run Coal Mining Co. (H. J. O'Brien).

[2] That portion of Docket No. A-1149 relating to the mixing of the coals of Cherry Run Nos. 2 and 3A Mines (Mine Index Nos. 668 and 3189, respectively) with those of Cherry Run Nos. 1 and 4 Mines, the establishment of an additional shipping point for the coals of both the Albert Stripping Mine and the Potomac Nos. 4 and 6 Mines (Mine Index Nos. 1006 and 397, respectively), and the establishment of price classifications and minimum prices for all shipments except truck and of two shipping points for the coals of the Cushner No. 1 Mine (Mine Index No. 3159), also severed from Docket No. A-1149 and incorporated in Docket No. A-1149, Part II, was stricken from the petition, upon the request of the petitioner, at the instant hearing. Temporary relief for the Cushner No. 1 Mine was granted in the Order severing Docket No. A-1149, Part II.

TITLE 32—NATIONAL DEFENSE

CHAPTER III—BUREAU OF MINES

PART 301—CONTROL OF EXPLOSIVES AND THEIR INGREDIENTS IN TIME OF WAR OR NATIONAL EMERGENCY

Pursuant to the authority conferred by section 18 of the act of December 26, 1941 (Public Law 381, 77th Cong.), § 301.7 (f) of the regulations under the Federal Explosives Act heretofore promulgated (7 F.R. 305 and 1103) is hereby amended to read as follows:

§ 301.7 *Applications for licenses, forms.*

* * * * *

(f) *Applications of associations, corporations, etc.* Applications of corporations, associations, or other legal entities which operate through a board of directors, trustees, or similar officers, shall show the following:

The name, address, and nationality of all officers, directors, trustees, or persons exercising similar functions.

The name, address, nationality, and the extent of interest in the voting stock or other beneficial voting holdings of the stockholders or members, beginning with the holder of the largest voting interest, and continuing in the order of the amount of the respective diminishing voting holdings, until not less than 51 percent of all voting stock or other beneficial voting holding is shown: *Provided*, That not more than ten need be listed. If those listed do not hold 51 percent or more of the stock or other beneficial voting holdings, then the application must be supported by the affidavit of the applicant, which may be stated on belief and the best information available, stating the nationality of the majority of the stockholders or members. The nationality of any corporation or organization listed in the application as a stockholder or member shall be given as the place of incorporation or organization.

In any case where a corporation owns more than 50 percent of the stock of the applicant, the applicant must also list the name, address, and nationality of the officers and directors of that corporation.

In the case of organizations such as cooperatives, the individual voting interests in which are equal in amount, no list of stockholders or members need be included in the application, but the application shall contain a statement of the nationality of the majority of the stockholders or members. If the nationality is not definitely known by reason of the number of stockholders or members, the statement may be based upon information and belief.

R. R. SAYERS,
Director.

Approved: March 12, 1942.

W. C. MENDENHALL,
Acting Assistant Secretary.

[F. R. Doc. 42-2141; Filed, March 12, 1942; 11:49 a. m.]

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 1010—SUSPENSION ORDERS

Suspension Order No. S-16—National Parts Corporation

National Parts Corporation of Chicago, Illinois, is a manufacturer of automobile replacement grilles. It is a fabricator of cast aluminum and is subject to the provisions of Supplementary Order M-1-c. During the period from June 11, 1941, to December 6, 1941, the Company accepted deliveries of 67,347 pounds of aluminum scrap for melting and other processing, despite the fact that no preference ratings had been assigned to these deliveries nor had they been specifically authorized by the Director of Priorities. During the period from June 11, 1941, to December 6, 1941, the Company delivered 68,143 pounds of aluminum scrap to the Atlas Brass and Aluminum Foundry, Chicago, Illinois, pursuant to an unauthorized toll agreement. The shipments for nondefense purposes were made without the assignment of preference ratings and without authority for their delivery having been requested or granted. During the period from June through December, 1941, the Company accepted deliveries of aluminum radiator grilles, containing approximately 35,552 pounds of aluminum, from the Atlas Brass and Aluminum Foundry, Chicago, Illinois. These shipments were accepted, with knowledge that the products were obtained by melting and processing aluminum scrap, delivered to the processor without the assignment of preference ratings and without authority for the delivery of the aluminum scrap having been requested or granted.

These violations of Supplementary Order M-1-c have resulted in the diversion of aluminum scrap into uses unauthorized by the Director of Priorities. In view of the foregoing facts,

It is hereby ordered:

§ 1010.16 *Suspension Order S-16.* (a) During the period in which this Order shall be in effect, National Parts Corporation of Chicago, Illinois, its successors and assigns, shall accept no deliveries from any source of primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part, except as specifically authorized by the Director of Industry Operations.

(b) During the period in which this Order shall be in effect, National Parts Corporation of Chicago, Illinois, its successors and assigns, shall not process any primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part, except as specifically authorized by the Director of Industry Operations.

(c) During the period in which this Order shall be in effect, National Parts Corporation of Chicago, Illinois, its successors and assigns, shall make no deliveries of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes a major part or aluminum products, except as specifically authorized by the Director of Industry Operations.

(d) During the period in which this Order shall be in effect, National Parts Corporation of Chicago, Illinois, its successors and assigns, shall accept no purchase orders and enter into no contracts or commitments for delivery by it of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products except as specifically authorized by the Director of Industry Operations.

(e) During the period in which this order shall be in effect, no person shall deliver to, nor receive from, National Parts Corporation of Chicago, Illinois, its successors and assigns, any primary aluminum, secondary aluminum, aluminum scrap, alloy of which aluminum constitutes the major part, or aluminum products, the delivery or receipt of which is prohibited by this Order, except as specifically authorized by the Director of Industry Operations.

(f) This Order shall take effect immediately, and, unless sooner terminated by the Director of Industry Operations, shall expire at midnight on the 12th day of May 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 12th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2142; Filed, March 12, 1942; 11:57 a. m.]

PART 1010—SUSPENSION ORDERS

Suspension Order No. S-17—Atlas Brass and Aluminum Foundry

Atlas Brass and Aluminum Foundry of Chicago, Illinois, is a manufacturer of aluminum and brass castings. It is engaged in all operations necessary to such manufacture, including the melting and casting of aluminum, and is subject to the provisions of Supplementary Orders M-1-a and M-1-c. During the period from June 11, 1941, to December 6, 1941, the Company accepted deliveries of 69,143 pounds of aluminum scrap for melting and other processing from National Parts Corporation, Chicago, Illinois: No preference ratings had been assigned to these deliveries nor had they been specifically authorized by the Director of Priorities. During the period from June through December, 1941, the Company made deliveries, for nondefense purposes, of automobile radiator grilles containing approximately 35,552 pounds of aluminum to National Parts Corporation, Chicago, Illinois. These automobile grilles were fabricated pursuant to a toll agreement unauthorized by the Director of Priorities and they were shipped without the assignment of preference ratings and without authorization from the Director of Priorities.

These violations of Supplementary Orders M-1-a and M-1-c have resulted in the diversion of aluminum scrap to uses unauthorized by the Director of Priorities. In view of the foregoing facts,

It is hereby ordered:

§ 1010.17 *Suspension Order S-17.* (a) During the period in which this Order shall be in effect, Atlas Brass and Aluminum Foundry of Chicago, Illinois, its successors and assigns, shall accept no deliveries from any source of primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part, except as specifically authorized by the Director of Industry Operations.

(b) During the period in which this Order shall be in effect, Atlas Brass and Aluminum Foundry of Chicago, Illinois, its successors and assigns, shall not process any primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part, except as specifically authorized by the Director of Industry Operations.

(c) During the period in which this Order shall be in effect, Atlas Brass and Aluminum Foundry of Chicago, Illinois, its successors and assigns, shall make no deliveries of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes a major part, or aluminum products, except as specifically authorized by the Director of Industry Operations.

(d) During the period in which this Order shall be in effect, Atlas Brass and Aluminum Foundry, of Chicago, Illinois, its successors and assigns, shall accept no purchase orders and enter into no contracts or commitments for delivery by it of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products, except as specifically authorized by the Director of Industry Operations.

(e) During the period in which this Order shall be in effect, no person shall deliver to nor receive from the Atlas Brass and Aluminum Foundry of Chicago, Illinois, its successors and assigns, any primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products, the delivery or receipt of which is prohibited by this Order, except as specifically authorized by the Director of Industry Operations.

(f) This Order shall take effect immediately, and, unless sooner terminated by the Director of Industry Operations, shall expire at midnight on the 12th day of May 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 12th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2143; Filed, March 12, 1942; 11:57 a. m.]

PART 1055—WOOL

Interpretation No. 2 of Conservation Order No. M-73[1] as Amended and Extended to July 4, 1942

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 1055.1, Conservation Order No. M-73, as Amended and Extended to July 4, 1942, issued February 25, 1942:

(a) The phrase "grown mohair" as used in paragraph (f) (6) (c) (*1*) and (2) of Conservation Order No. M-73, as Amended and Extended to July 4, 1942, shall mean mohair commercially known as 30s (micrometer diameter 30.60) and lower.

(b) The phrase "wool of grades 44s and lower" as used in paragraph (f) (6) (c) (*1*) and (2) of Conservation Order No. M-73, as Amended and Extended to July 4, 1942, shall include wool known as carpet wool as defined in paragraph (b) of Interpretation No. 1 of Conservation Order No. M-73. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 12th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2152; Filed, March 12, 1942; 11:58 a. m.]

[1] 7 F.R. 120, 543, 1541, 1570.

PART 1072—SOLE LEATHER

General Preference Order M-80

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of sole leather for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1072.1 *General Preference Order M-80*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* For the purposes of this Order:

(1) "Sole leather" means any vegetable tanned sole leather of both "manufacturers" and "finders" types.

(2) "Cut outer soles of military weight and quality" means soles of 8½ to 11 iron, Fine, Semifine, Imperfect Fine, and No. 1 Scratch grades cut out of "manufacturers" leather.

(3) "Cut inner soles of military weight and quality" means soles of 5½ to 7 iron first quality full grain leather, with strong fiber of quality adapted to the purpose.

(4) "Finders' cut stock of military weight and quality" means half soles or repair taps of 9 iron and up, of Prime, Fine, Semifine, Imperfect Fine, and No. 1 Scratch grades cut out of "finders" leather; and "finders" leather cut outer soles of size, grade and weight now or hereafter specified on any military shoes.

(5) "Whole stock" means sole leather sides, backs, bends, strips, crops, shoulders, bellies, and belly centers.

(6) "Sole cutters" means all persons who produce cut soles, cut outer soles, cut inner soles, blocks, and repair taps from sole leather, and shall include independent cutters, tanner cutters, packer-tanner cutters, shoe manufacturer cutters and tanner-shoe manufacturer cutters.

(7) "Military shoes" means shoes for Army, Navy, Marine Corps and Lend-Lease requirements.

(8) "Put into process" with respect to cut soles means the first step taken in the preparation of cut soles for shoe making or for the attachment of cut soles to shoe uppers.

(9) "Reserved cut soles" means all cut soles of military weight and quality set aside by sole cutters pursuant to the terms of this Order.

(c) *Restrictions on the cutting of whole stock.* No person having any whole stock, from which cut inner or cut outer soles of military weight and quality can be obtained, shall hereafter cut any of the said whole stock except in such a manner as will produce all the cut inner, cut outer, or repair tap soles of military weight and quality obtainable therefrom, in accordance with paragraph (d) hereof.

(d) *Restrictions on sole cutters.* (1) Unless specifically authorized by the Director of Industry Operations, each sole cutter shall hereafter set aside each day at least 80% of all cut outer or cut inner soles of military weight and quality that are obtainable from all manufacturers' whole stock cut by him. All such cut soles so set aside shall be cut on Army size dies to fit the Munson Last in sizes and widths to fit the sizes of shoes bought on U. S. Army Tariffs as issued, or cut on the dies required by the Navy and Marine Corps to fit their schedules, or cut in accordance with the schedules of any other defense orders for shoes.

(2) Unless specifically authorized by the Director of Industry Operations, each sole cutter shall hereafter set aside each day at least 80% of all finders' cut stock of military weight and quality cut from finders' whole stock received by him.

Each sole cutter shall provide that the 80% so set aside shall include a sufficient quantity of cut outer soles so as to insure the fulfillment of his contracts to deliver such soles for use on military shoes.

(e) *Restrictions on sales, deliveries, and use of reserved cut soles.* (1) Unless specifically authorized by the Director of Industry Operations, no person shall hereafter sell, deliver, or put into process any reserved cut soles from manufacturers' leather, except to fill defense orders for military shoes, or to fill defense orders for cut soles of military weight and quality.

(2) Unless specifically authorized by the Director of Industry Operations, no person shall hereafter use any finders' cut stock set aside pursuant to paragraph (d) (2) hereof, except upon defense orders for repair tap soles or defense orders for cut outer soles of military weight and quality.

(f) *Reports.* Every person affected by this Order shall execute and file the following reports:

(1) With the War Production Board—such reports and questionnaires as may, from time to time, be required by said Board.

(2) With the Boston Quartermaster Depot within fifteen (15) days after promulgation of this Order, and at sixty-day intervals, thereafter, a letter listing and describing by weight, size, and type all stocks on hand of "reserved cut soles" not obligated to any contractors for the manufacture of military shoes.

(g) *Disposition of stocks of reserved cut soles.* Every person delivering to another person or to his own shoe factory and "reserved cut soles" to fill defense orders for military shoes, shall, within twenty-four (24) hours after such delivery give notice by letter addressed to the Commanding Officer, Reference: Reserved Cut Soles, Boston Quartermaster Depot, Army Base, Boston, Massachusetts, as tabulating agent of the War Production Board, of the amount and quality of cut soles so delivered, the person to whom delivered, and the contract number or further identification of the defense order for military shoes to fill which such "reserved cut soles" were delivered.

(h) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of sole leather conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense work to defense work, may appeal to the Director of Industry Operations by letter or telegram, Reference M-80, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Communications to the War Production Board.* All reports required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to: "War Production Board, Washington, D. C., Reference M-80."

(j) *Violations.* Any person who wilfully violates any provisions of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to the Order, may be prohibited from receiving further deliveries of any material subject to allocation and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(k) *Effective date.* This order shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 12th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2144; Filed, March 12, 1942; 11:58 a. m.]

PART 1096—WOOD PULP

General Preference Order M-93 To Conserve the Supply and Direct the Distribution of Wood Pulp

Whereas the national defense requirements have created a shortage of wood pulp, as hereinafter defined, for defense, for private account, and for export and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution thereof:

Now, therefore, it is hereby ordered, That:

§ 1096.1 *General Preference Order M-93*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Definitions.* For the purposes of this Order:

(1) "Wood Pulp" means and includes pulp manufactured either by mechanical or chemical means from coniferous or broadleaf trees.

(2) "Other Fibrous Material" means and includes any waste material or virgin material of a fibrous nature other than wood pulp used in the manufacture of paper and paperboard or paper products.

(3) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(4) "Producer" means and includes any person producing wood pulp as hereinbefore defined.

(5) "Consumer" means any purchaser of wood pulp, or person who receives wood pulp from a producer as hereinbefore defined.

(c) *Directions as to deliveries.* (1) On and after May 1, 1942, no producer shall make and no person shall accept from a producer deliveries of wood pulp until the deliveries have been approved by the Director of Industry Operations in accordance with the following procedure:

(i) On or before the fifth day of each month, beginning April, 1942, each consumer other than the Army, Navy, and other agencies and governments referred to in paragraph (b) of Priorities Regulation No. 1, as amended, including countries eligible to receive material or equipment under the Lend-Lease Act, shall file with a Producer his orders for wood pulp to be delivered during the following month on Form PD-290 in accordance with the instructions attached to that form.

(ii) On or before the fifteenth day of each month, beginning April, 1942, each consumer shall file with the War Production Board Form PD-291 showing his consumption, inventory and estimated receipts of wood pulp and other fibrous materials.

(iii) On or before the fifteenth day of each month, beginning April, 1942, each producer shall file with the War Production Board his proposed shipping schedule of wood pulp for the following month on Form PD-292, in accordance with the instructions attached to that form, together with copies of Form PD-290 filed with him under the terms of subparagraph (i) of this paragraph.

(iv) Each Producer may make during each month, beginning May 1, 1942, only the deliveries approved by the Director of Industry Operations.

(2) No person shall make delivery of wood pulp from his inventory thereof to any person, and no person shall accept delivery thereof, except from a producer, without having first obtained the express authority of the Director of Industry Operations.

(d) *Withheld deliveries and imports.* (1) During the month of May, 1942, and each calendar month thereafter, each producer shall withhold from his monthly production of wood pulp such portion thereof as may be determined and specified from time to time by the Director of Industry Operations. From the amounts so withheld, deliveries shall be made only upon express direction of the Director of Industry Operations.

(2) Any person having in his possession wood pulp arriving at its first destination in the United States at or after twelve noon, Eastern War Time, on May 1st, 1942, shall hold the same at the disposal of the Director of Industry Operations. Any person who has placed any order for wood pulp to arrive at its first destination in the United States after twelve noon, Eastern War Time, on May 1st, 1942, shall notify War Production Board of such order on Form PD-290 in accordance with the instructions attached thereto, and shall request the foreign producer to deliver such wood pulp in accordance with the directions of the Director of Industry Operations.

(e) *Intra-company deliveries.* The prohibitions and restrictions contained in this Order shall, in the absence of a contrary direction apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single business enterprise to another branch, division, or section of the same or any other business enterprise under common ownership or control.

(f) *Notification of consumers.* Any person who is prohibited from, or restricted in, making deliveries of wood pulp by the provisions of this order, shall, as soon as practicable, notify each of his regular consumers of the requirements of this Order, and of the cancellation as of May 1, 1942, of all deliveries of wood pulp previously contracted for, except such as shall be authorized hereunder, but the failure to give such notice shall not excuse any consumer from the obligation of complying with the terms of this order.

(g) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, as amended, the Producer, and each consumer placing or receiving any purchase order hereunder, shall each retain, for a period of two years, for the inspection by representatives of the War Production Board, endorsed copies of all such purchase orders, whether accepted or rejected, segregated from all other purchase orders or filed in such a manner that they can be readily segregated for such inspection.

(h) *Reports.* Each producer and consumer covered by this Order shall file such reports and questionnaires as are required by Paragraph (c) of this Order and such other reports and questionnaires as may be required from time to time by the War Production Board.

(i) *Communications to War Production Board.* All reports required to be filed under this Order, and all communications concerning this Order, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: M-93.

(j) *Violations.* Any person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(k) *Appeal.* Any person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal by addressing a letter to War Production Board, Ref.: M-93, Washington, D. C., setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(l) This Order shall take effect immediately. (P.D. Reg. 1 amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 12th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2145; Filed, March 12, 1942; 11:57 a. m.]

PART 1098—RHODIUM

Conservation Order No. M-95 Prohibiting the Electroplating or Deposition of Rhodium on Jewelry

Whereas national defense requirements will create a shortage of rhodium for the combined needs of defense and private account, and the supply of rhodium will be insufficient for defense and essential civilian requirements unless the supply of rhodium is conserved and its use in the manufacture of jewelry is prohibited; and it is necessary in the public interest and to promote the defense of the United States, to conserve the supply and direct the distribution of rhodium.

Now, therefore, it is hereby ordered, That:

§ 1098.1 *Conservation Order M-95*—(a) *Prohibition of use of rhodium in the electroplating of jewelry.* (1) *Prohibition against sale.* After the effective date of this Order no person shall sell or deliver rhodium salts, or solutions thereof, to any other person for use in the electroplating or deposition of rhodium upon articles of jewelry.

(2) *Prohibition against purchase.* After the effective date of this Order no person shall purchase or receive from any other person any rhodium salts, or solutions thereof, for use in the electroplating or deposition of rhodium upon articles of jewelry.

(3) *Prohibition against use.* After the effective date of this Order no person shall electroplate or deposit rhodium upon articles of jewelry unless such use has been specifically authorized by the Director of Industry Operations.

(b) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Rhodium conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Director of Industry Operations setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(3) *Applicability of order.* The prohibitions and restrictions contained in this Order shall apply to the use of Material in all articles hereafter manufactured irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other Order may have the effect of limiting or curtailing to a greater extent than herein provided, the use of Rhodium in the production of any article, the limitation of such other Order shall be observed.

(4) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(5) *Reports.* (i) After the effective date of this Order any person selling, transferring, delivering or otherwise disposing in any manner of rhodium salts or solutions thereof in his possession, or subject to his control, shall report such sale, transfer, delivery or disposition, on Form PD-295 to the War Production Board, Ref.: M-95, setting forth the name of the person or persons to whom such sale, transfer, delivery or disposition was made and the amount of rhodium content sold, transferred, or delivered.

(ii) All persons affected by this Order shall execute and file with the War Production Board, reports on Form PD-296 stating the stocks and inventories of rhodium salts and solutions thereof in their possession or subject to their control on March 11, 1942.

(6) *Correspondence and communications.* All reports to be filed, appeals and other communications concerning this Order should be addressed to War Production Board, Washington, D. C. Ref.: M-95.

(7) *Definitions.* For the purpose of this Order:

(i) "Rhodium salt" means any compound of the metal rhodium.

(ii) "Solution" means any homogeneous liquid containing rhodium salts.

(iii) "Electroplating or deposition" means any method, electrolytic or otherwise, whereby rhodium may be plated upon a metallic surface.

(iv) "Electroplate or deposit" means any method, electrolytic or otherwise, whereby rhodium may be plated upon a metallic surface.

(v) "Jewelry" means any ornamental article or accessory of personal adornment, whether incompletely or completely manufactured, and including rings, settings, mountings, blanks, findings, pins, brooches, bracelets, initials, tie-pins, collar pins, atomizers (except medical), cosmetic containers, lighters, napkin rings, picture frames, smokers, accessories, souvenirs, or any other similar ware and ornaments.

(c) *Effective date.* This Order shall take effect on the 11th day of March, 1942, and shall continue in effect until December 31, 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 11th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2120; Filed, March 11, 1942; 4:29 p. m.]

PART 1104—BICYCLES AND BICYCLE PARTS

Limitation Order L-52

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron or steel and other materials for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1104.1 *General Limitation Order L-52*—(a) *Definitions.* For the purposes of this Order:

(1) "Bicycle" means any pedal-propelled, non-motor, two-wheeled vehicle.

(2) "Bicycle Manufacturer" means any Person who manufactures or assembles finished Bicycles.

(3) "Parts Manufacturer" means any Person who manufactures Parts or Accessories for Bicycles.

(4) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(5) "Net Weight" means the weight of the finished Bicycle, exclusive of the weight of tires or tubes.

(6) "Preferred Order" means any order or contract for Bicycles, Parts, or Accessories to be delivered to or for the account of the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, and the Office of Scientific Research and Development.

(7) "Prohibited Materials" means crude rubber and any metal other than iron, unalloyed steel, silver and gold.

(8) "Parts" means those components in the make-up of Bicycles, essentially required for the actual function of locomotion.

(9) "Accessories" means all customary attachments to Bicycles other than Parts.

Neither Parts nor Accessories shall include anything not customarily attached to the Bicycle itself.

(10) "Replacement Parts and Accessories" means those Parts and Accessories sold to anyone other than a Bicycle Manufacturer.

(11) "Restricted Period" means the period from the effective date of this Order to March 31, 1942.

(12) "Average Daily Production" means the total production during the calendar year 1941 divided by 365.

(b) *General restrictions.* (1) During the Restricted Period no Bicycle Manufacturer shall manufacture or assemble a greater total of Bicycles than 42% of his Average Daily Production of Bicycles multiplied by the number of days (including Sundays and holidays) contained in the Restricted Period.

(2) During the Restricted Period:

(i) No Bicycle Manufacturer shall manufacture any Bicycles having a Net Weight greater than 47 pounds;

(ii) No Parts Manufacturer shall manufacture a greater total of any Replacement Part or Accessory for Bicycles than his Average Daily Production of such Replacement Part or Accessory multiplied by the number of days (including Sundays and holidays) contained in the Restricted Period.

(3) During the three months' period ending June 30, 1942, no Bicycle Manufacturer shall manufacture more Bicycles than three times 42% of the average monthly number of Bicycles produced by him in the calendar year 1941.

(4) During the three months' period ending June 30, 1942, no Bicycle Manufacturer shall manufacture any Bicycles which

(i) Have a Net Weight greater than 31 pounds;

(ii) Are not built with a diamond-shaped frame, or when intended for use by women, with a drop-shaped frame;

(iii) Have a frame measurement from the center of the crank to the top of the saddle post staff of less than 20 inches.

(iv) Contain any Prohibited Material, *except that*

(a) Chromic acid for plating may be be used on seat posts, handle bar stems, adjusting nuts and screws, and cranks;

(b) Zinc-treated wire may be used for spokes;

(c) Lighting equipment may contain such Prohibited Material as is absolutely necessary to satisfy minimum safety requirements and for which there is no satisfactory substitute;

(d) Casings and tubes of tires may contain such crude rubber as provided by Supplementary Order M-15b-1 as amended from time to time.

(v) Have tires or tubes with a diameter greater than 1.375 inches;

(vi) Are equipped with any of the following Parts or Accessories if those Parts or Accessories contain any iron or steel or Prohibited Material: Chain guards, skirt guards, stands, luggage carriers, tanks, truss rods, truss bars, and spring forks, *Provided*, That such minimum amount of iron and steel as is essentially required for nails, nuts, bolts, screws, clasps, rivets, and other joining hardware, for the construction of the above Parts or Accessories and the fastening of such Parts or Accessories to the finished such Parts or Accessories to the finished Bicycle, may be used.

(5) During the three months' period ending June 30, 1942

(i) No Parts Manufacturer shall manufacture any Replacement Part or Accessory for Bicycles, which contains any Prohibited Material, *except that*

(a) Chromic acid for plating may be used on seat posts, handle bar stems, adjusting nuts and screws, and cranks;

(b) Zinc-treated wire may be used for spokes;

(c) Lighting equipment may contain such Prohibited Material as is absolutely necessary to satisfy minimum safety requirements and for which there is no satisfactory substitute;

(d) Casings and tubes of tires may contain such crude rubber as provided by Supplementary Order M-15b-1 as amended from time to time;

(ii) No Parts Manufacturer shall use iron or steel or any Prohibited Material in the manufacture of any of the following Replacement Parts or Accessories for Bicycles: chain guards, skirt guards, stands, luggage carriers, tanks, truss rods, truss bars, and spring forks: *Provided*, That such minimum amount of iron and steel as is essentially required for nails, nuts, bolts, screws, clasps, rivets, and other joining hardware, for the construction of the above Parts or Accessories and the fastening of such Parts or Accessories to the finished Bicycle, may be used;

(iii) No Parts Manufacturer shall manufacture a greater total of any single Replacement Part or Accessory for Bicycles than three times 100% of the average monthly number of such Replacement Part or Accessory manufactured by him in the calendar year 1941; except that a Parts Manufacturer may manufacture such additional Replacement Parts and Accessories (other than those enumerated in subparagraph (5) (ii)) as he can make from three times 50% of the average monthly amount of iron and steel used by him in 1941 in the manufacture of those Parts and Accessories enumerated in subparagraph (5) (ii).

(6) Any Bicycle or Parts Manufacturer having Preferred Orders may exceed any of the foregoing restrictions to the extent required to fill such Preferred Orders.

(c) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(d) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(e) *Reports.* All Persons affected by this Order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request. No reports or questionnaires are to be filed by any Person until forms therefor are prescribed by the War Production Board.

(f) *Violations.* Any Person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(g) *Appeal.* Any Person affected by this Order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work may appeal to the "War Production Board, Washington, D. C., Ref: L-52" setting forth the pertinent facts and the reasons such Person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: L-52.

(i) *Applicability of other orders.* Insofar as any other Order of the Director of Industry Operations heretofore or hereafter issued, limits or curtails to a greater extent than herein provided, the use of any material used in the production of Bicycles, Replacement Parts and Accessories, the limitations of such other Order shall control.

(j) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(k) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F. R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 12th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2146; Filed, March 12, 1942; 11:58 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1315—RUBBER AND PRODUCTS AND MATERIAL OF WHICH RUBBER IS A COMPONENT

MAXIMUM PRICE REGULATION 107—USED TIRES AND TUBES

Correction

In Table I-B—Maximum Prices for Used Truck and Bus Tires, appearing in the issue of March 11, 1942, at page 1840, the line reading:

9.00-20 (36 x 8)	12	51.98	42.55	28.35	12.00

is corrected to read:

9.00-20 (36 x 8)	12	52.00	42.55	28.35	12.00

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

TITLE 46—SHIPPING

CHAPTER I—COAST GUARD

[Coast Guard General Order No. 8]

ADOPTING CERTAIN ORDERS, RULES, REGULATIONS, PERMITS, AND OTHER PRIVILEGES MADE, ISSUED, OR GRANTED IN THE EXERCISE OF CERTAIN FUNCTIONS TRANSFERRED TO THE UNITED STATES COAST GUARD BY EXECUTIVE ORDER NO. 9083, DATED FEBRUARY 28, 1942

MARCH 5, 1942.

All orders, rules, regulations, permits, or other privileges made, issued, or granted in the exercise of all functions of:

(a) The Secretary of Commerce, the Bureau of Marine Inspection and Navigation, the office of the Director thereof, the offices of supervising inspectors, principal travelling inspectors, travelling inspectors, local inspectors, assistant inspectors, shipping commissioners, deputy shipping commissioners, the Board of Supervising Inspectors, the Boards of Local Inspectors, the Marine Casualty Investigation Boards, and the Marine Boards;

(b) Collectors of Customs; and

(c) The United States Maritime Commission;

transferred to the United States Coast Guard by Executive Order No. 9083, dated February 28, 1942 (7 F.R. 1609), and in effect at the time of such transfer, shall continue in effect to the same extent as if such transfer had not occurred, until modified, superseded, or repealed, in the process of consolidation.

R. R. WAESCHE,
Commandant.

Approved:

FRANK KNOX,
Secretary of the Navy.

MARCH 5, 1942.

[F. R. Doc. 42-2140; Filed, March 12, 1942; 11:46 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

CHAPTER I—VETERANS' ADMINISTRATION

PART 2—ADJUDICATION; VETERANS' CLAIMS

REQUISITION FOR SUBMISSION OF EVIDENCE

§ 2.1031 *Physicians' statements and lay affidavits.*

* * * * *

(d) Where the veteran was engaged in combat with the enemy in active service with a military or naval organization of the United States during a war, campaign or expedition, satisfactory lay or other evidence of service incurrence or aggravation of a disease or injury will be accepted as sufficient proof establishing that fact if consistent with the circumstances, conditions, or hardships of such service, notwithstanding there is no official record of such incurrence or aggravation, provided that service connection is not rebutted by clear and convincing evidence. The benefit of every reasonable doubt will be resolved in favor of such veterans and the reasons for granting or denying service connection in each such case shall be recorded in full. See § 2.1077 (b). (December 20, 1941) (Pub. Law 361, 77th Cong.)

SERVICE CONNECTION

§ 2.1077 (a) *Direct and presumptive service connection.* Under Public No. 2 and Public No. 141, 73d Congress, the payment of disability compensation or pension is authorized in cases where it is established that disabilities are shown to have been directly incurred in or aggravated by active military or naval service within the dates prescribed under each Act and under Public No. 344, 74th Congress, provided that such incurrence or aggravation is not the result of the misconduct of the veteran. Under Public No. 141, 73d Congress, disability compensation is also authorized for disabilities presumtively service connected under the conditions hereinafter specified. Under Public No. 2, 73d Congress, disability pension is payable for disabilities directly incurred in or aggravated in line of duty in active peace time service during an enlistment on and after April 21, 1898. Under Public No. 196, 76th Congress (July 19, 1939) any World War veteran suffering from paralysis, paresis, or blindness, or who is helpless or bedridden as the result of any disability and who was in receipt of compensation therefor on March 19, 1933, may be restored to the compensation roll on or after July 19, 1939, where such disability was incurred in service, directly or presumptively under the laws and interpretations governing this class of cases prior to March 20, 1933, if otherwise entitled, notwithstanding such disability is considered to have been incurred as the result of the misconduct or wilful misconduct of the veteran. On or after October 17, 1940, under section 7 of Public No. 866, 76th Congress (October 17, 1940) any World War veteran, if otherwise entitled, may be paid disability com-

pensation for such disability, found to have been incurred in service, directly or presumptively under the laws and interpretations governing this class of cases prior to March 20, 1933, although he was not on the rolls as of March 19, 1933.

(b) In determinations involving the question of service connection due consideration shall be given to the places, types, and circumstances of service as shown by the service record, the official history of each organization in which the veteran served, his medical records, and all pertinent medical and lay evidence. See § 2.1031. (December 20, 1941) (Pub. Law 361, 77th Cong.)

[SEAL] FRANK T. HINES, *Administrator.*

[F. R. Doc. 42-2128; Filed, March 12, 1942; 11:10 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-147]

IN THE MATTER OF EAST KENTUCKY COAL SALES, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 2612

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division (the "Division") finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder, to determine:

(a) whether or not the East Kentucky Coal Sales, Inc., a Kentucky corporation, a Registered Distributor, Registration No. 2612, (hereinafter sometimes referred to as the "registered distributor") whose address is 2408 Union Central Building, Cincinnati, Ohio, has violated any provisions of the Act, the Code, and orders and regulations of the Division including the Marketing Rules and Regulations, Rules and Regulations for Registration of Distributors, and the Distributor's Agreement (the "Agreement") dated June 14, 1939, executed and filed by the East Kentucky Coal Sales, Inc., pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939, in General Docket No. 12, which was adopted as an Order of the Division on July 1, 1939;

(b) whether or not East Kentucky Coal Sales, Inc., purchased coal for resale from certain code members as more particularly set forth herein and accepted and retained discounts thereon in said transactions in excess of the maximum allowable discounts, as prescribed by Order of the Director in General Docket No. 12 dated June 19, 1940, thereby participating in a violation of Rule 1 of section III of the Marketing Rules and Regulations and in violation of Paragraphs (a) and (e) of the Agreement.

(1) During the period October 1, 1940 through April 1, 1941 the registered distributor sold to various purchasers approximately 181 cars of various sizes of coal produced by the Green Silvers Coal Corporation, Harlan, Kentucky, a code member, at its Malcolmson Mine, Mine Index No. 597, District 8, and retained discounts on 173 of said cars of coal in excess of the maximum allowable discounts.

(2) During the period October 1, 1940 through June 30, 1941 the registered distributor sold to various purchasers approximately 21 cars of various sizes of coal, produced by the Benito Harlan Coal Company, Benito, Kentucky, a code member, at its Benito Mine, Mine Index No. 41, District 8, and retained discounts on said cars of coal in excess of the maximum allowable discounts.

(3) During the period October 1, 1940 through June 30, 1941 the registered distributor sold to various purchasers approximately 357 cars of coal of various sizes, produced by the Buchanan Coal Company, Hazard, Kentucky, a code member, at its Rytip and Tiptop Mines, Mine Index Nos. 423 and 462, respectively, District 8, retaining discounts on 282 of said cars of coal in excess of the maximum allowable discounts.

(4) During the months of April through June 1941 the registered distributor sold to various purchasers 27 cars containing approximately 1500 tons of coal, produced by the McDonald Coal Company, Beattyville, Kentucky, a code member, at its McDonald Mine, Mine Index No. 2559, Lee County, District 8, retaining discounts on said cars in excess of the maximum allowable discounts.

(5) During the month of June 1941 the registered distributor sold to various purchasers 3 cars of coal produced by the Congleton Brothers, Beattyville, Kentucky, a code member, at its Congleton No. 4 Mine, Mine Index No. 1324, District 8, retaining in said transactions discounts in excess of the maximum allowable discounts.

(6) During the month of March 1941, the registered distributor sold to various purchasers 12 cars of various sizes of coal purchased from the Loeser Coal Company, Huntington, West Virginia, Sales Agent for F. B. Fry Coal Company, a code member, and produced by the said F. B. Fry Coal Company at its mine, Mine Index No. 2782, retaining discounts in the amount of $65.66 in excess of the maximum allowable discounts.

(7) During the months of April and June 1941, the registered distributor sold to various purchasers 6 cars containing approximately 296 tons of various sizes of coal produced by the Miller-Davis Coal Company, a code member, at its Miller-Davis No. 2 Mine, Mine Index No. 3517, Breathitt County, Kentucky, retaining in these transactions discounts in the sum of $7.62 in excess of the maximum allowable discounts.

(8) During the month of March 1941, the registered distributor sold to the Georgia Packing Company, Atlanta, Georgia, 10 carloads of 2" nut and slack coal produced by the Hensley and Finley Coal Company, Sibert, Kentucky, a code member, at its No. 1 Mine, Mine Index No. 1594, Clay County, District 8, retaining in said transactions discounts of $74.31 in excess of the maximum allowable discounts.

(9) During the month of February 1941, the registered distributor sold to various purchasers 3 cars of various sizes of coal produced by the Splint Coal Corporation, Harlan, Kentucky, a code member, at its Splint Mine, Mine Index No. 437, retaining discounts in the amount of $23.13 in excess of the maximum allowable discounts.

(10) During the months of April and May 1941, the registered distributor sold to various purchasers 5 cars containing approximately 276 tons of various sizes of coal produced by W. G. and H. F. Nicely, doing business as the Livingston Power Company, Livingston, Kentucky, a code member, at its River Mine, Mine Index No. 2888, located in Rock Castle County, Kentucky, retaining discounts in the amount of $10.32 in excess of the maximum allowable discounts;

(c) whether or not in the transactions described in Paragraph (b) Subparagraphs (1), (2), (3), (4) and (5) hereof, East Kentucky Coal Sales, Inc., acted as a Sales Agent on behalf of the several code members, without there having been filed with the Statistical Bureau or Bureaus of the Division, certified copies of all such agency contracts or certified copies of agreements modifying any such sales agency contracts by setting forth therein the basis for the retention by the Sales Agent of the amount of commissions which East Kentucky Coal Sales, Inc., retained in said transactions, as required by Rules 4 (A), 4 (B), and Rule 9 (a) of section II of the Marketing Rules and Regulations, in violation of said rules, or any of them, and of paragraph (e) of the Agreement;

(d) whether or not in the transactions set forth in paragraph (b) subparagraphs (1), (2), (3), (4) and (5) hereof, East Kentucky Coal Sales, Inc., acted as a Sales Agent on behalf of the several code members, and retained commissions in excess of the maximum discounts which it could receive if it purchased and resold such coal as a distributor, without there having been filed with the Division an application for permission to pay such commissions or without having been granted such permission, resulting in violations of Rule 13 (A) and Rule 13 (B) of section II of the Marketing Rules and Regulations, or either of said rules, and Paragraph (e) of the Agreement;

(e) whether or not in the transactions set forth in paragraph (b) subparagraphs (5), (7), (8) and (9) East Kentucky Coal Sales, Inc., made payment in accordance with Rule 1 (A) of section VII of the Marketing Rules and Regulations, for the coal so purchased by it, resulting in a violation of said rule and of paragraph (e) of the Agreement;

(f) whether or not on or about December 2, 1940 and February 6, 1941 East Kentucky Coal Sales, Inc., acting as Sales Agent for the Green Silvers Coal Corporation, Harlan, Kentucky, a code member, operator of the Malcolmson Mine, Mine Index No. 597, District 8, participated in transactions which were in violation of section 4 II (i) paragraphs 2 and 4 of the Act, Rule 1 of section III and Rules 2 and 4 of section XIII of the Marketing Rules and Regulations, by allowing discounts to the Consumers Company, Lima, Ohio, on the sale to the S. S. Products Company, Lima, Ohio, of two cars of coal produced at the aforesaid Malcolmson Mine, although the Consumers Company was not authorized to receive such discounts, resulting in violations of paragraphs (c) and (e) of the Agreement;

(g) whether or not during the month of October 1940, East Kentucky Coal Sales, Inc., acting as Sales Agent for the Buchanan Coal Company, Hazard, Kentucky, a code member, operator of the Tiptop Mine, Mine Index No. 462, participated in transactions which were in violation of section 4 II (i) paragraphs 2 and 4 of the Act, Rule 1 of section III and Rules 2 and 4 of section XIII of the Marketing Rules and Regulations, by granting discounts from the effective minimum prices to the City Ice and Fuel Company, Cincinnati, Ohio, retail dealers, upon the sale to the latter of 7 cars containing approximately 407 tons of 2" nut and slack coal produced at the aforesaid mine, although the City Ice and Fuel Company was not authorized to receive such discounts, resulting in violations of paragraphs (c) and (e) of the Agreement;

(h) whether or not during the month of May 1941 East Kentucky Coal Sales, Inc., acting as Sales Agent for the Buchanan Coal Company, Hazard, Kentucky, operator of the Tiptop Mine, Mine Index No. 462, violated Rules 1 and 3 of section X of the Marketing Rules and Regulations by granting an allowance of 40 cents per ton from the effective minimum prices to the Bacca Coal and Iron Company, Cincinnati, Ohio, on the sale of 2 cars of 5" block coal produced at the aforesaid mine, because of alleged substandard preparation of said coal, without filing with the Statistical Bureau for District 8 a verified statement of the facts as required by the said rules, resulting in violations of said rules and paragraphs (b) and (e) of the Agreement;

(i) whether or not subsequent to September 30, 1940, East Kentucky Coal Sales, Inc., acting as Sales Agent for the Buchanan Coal Company, Hazard, Kentucky, a code member, operator of the Tytip and Tiptop Mines, Mine Index Nos. 423 and 462, respectively, participated in transactions which were in violation of Rules 4 (B) and 9 (a) of section II of the Marketing Rules and Regulations by appointing and paying sales commissions to subsales agents without authority to do so, including such commissions paid on Order Nos. 1141 and 1144, transmitted during the month of October 1940 by East Kentucky Coal Sales, Inc., to the Buchanan Coal Company, resulting in violations of said Marketing Rules and Regulations and paragraph (e) of the Agreement;

(j) whether or not on or about April 15, 1941, East Kentucky Coal Sales, Inc., participated in transactions which were in violation of paragraphs 2, 4, 6 and 7 of section 4 II (i) of the Act and Paragraphs 2, 4, 6 and 7 of section XIII of the Marketing Rules and Regulations, by making an allowance of approximately $67.10, through its Subagent, E. J. DeRochie, 2800 West Grand Boulevard, Detroit, Michigan, to the Hygrade Food Products Corporation, Detroit, Michigan, to cover the expenses incurred by the latter in buying coal from outside sources when the registered distributor was unable to furnish such coal, resulting in violations of said sections of the Act, the Marketing Rules and Regulations, and paragraphs (c) and (e) of the Agreement;

(k) whether or not on or about May 31, 1941, East Kentucky Coal Sales, Inc., acting as Sales Agent for the Buchanan Coal Company, operator of the Tiptop Mine, Mine Index No. 462, participated in transactions which were in violation of Rules 1 and 3 of section X of the Marketing Rules and Regulations by issuing a credit memorandum to the Bacca Coal and Iron Company, Cincinnati, Ohio, covering an adjustment in price because of alleged substandard preparation of 2 cars of 5" block coal produced at the aforesaid mine, sold to it by East Kentucky Coal Sales, Inc., and by failing to file with the Statistical Bureau for District 8 a notification for such claim as prescribed by said Marketing Rules, resulting in violations of said Rules and Regulations and of paragraph (e) of the Agreement;

(l) whether or not the registration of East Kentucky Coal Sales, Inc., should be revoked or suspended or other appropriate penalties should be imposed.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether or not the aforementioned East Kentucky Coal Sales, Inc., has committed violations in the respects heretofore described and whether or not the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on April 15, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 820, United States District Court, Cincinnati, Ohio.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said East Kentucky Coal Sales, Inc., and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer setting forth the position of the aforementioned East Kentucky Coal Sales, Inc., with reference to the matters hereinbefore described, must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service hereof on the East Kentucky Coal Sales, Inc., and that failure to file an answer herein within such period, unless the presiding officer shall otherwise order, shall be deemed to be an admission by East Kentucky Coal Sales, Inc., of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: March 11, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-2126; Filed, March 12, 1942; 10:45 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

[Docket No. AO 103-A 4]

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 42, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE NEW ORLEANS, LOUISIANA, MARKETING AREA

Notice is hereby given of a hearing to be held at the Tangipahoa Parish Courthouse, Amite, Louisiana, beginning at 10:00 a. m., c. w. t., March 19, 1942, and at the New Orleans Hotel, New Orleans, Louisiana, beginning at 10:00 a. m., c. w. t., March 20, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 42, as amended, regulating the handling of milk in the New Orleans, Louisiana, marketing area.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 *et seq.*), and in accordance with the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (7 CFR 900.4).

This public hearing is for the purpose of receiving evidence with respect to the amendments which are hereinafter set forth in detail. These amendments have not received the approval of the Secretary of Agriculture, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the provisions to which such amendments re-

late. The amendments which have been proposed are as follows: Amendments Proposed to the Tentatively Approved Marketing Agreement, as Amended, and the Marketing Order, as Amended, Regulating the Handling of Milk in the New Orleans, Louisiana, Marketing Area

1. Delete § 942.5 (a) (1) and substitute therefor the following:

Class I milk—$3.00 per hundredweight: *Provided*, That with respect to Class I milk disposed of under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price shall be $2.53 per hundredweight.

2. Delete § 942.5 (a) (2), and substitute therefor the following:

Class II milk—$2.33 per hundredweight.

3. Delete the proviso in subparagraph (6) of § 942.1, referring to new producers, together with other references to new producers.

4. Reconsider § 942.4 for the purpose of establishing a separate classification of milk utilized in the manufacture of butter.

5. Consider the establishment of a market-wide pool as a basis for computing uniform prices to producers, the revision of Class III prices, the revision of any other provisions of the regulation, or the introduction of new provisions, for the specific purpose of providing a method for the diversion of milk from utilization in Class III to utilization in Class I.

6. Reconsider, revise, redesignate, delete, or add any other provisions of the regulation necessitated by the foregoing proposals, or for the purpose of clarification or to facilitate administration.

Additional copies of this notice and copies of the order, as amended, now in effect, may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0312 South Building, Washington, D. C., or may be there inspected.

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture.[1]

MARCH 12, 1942.

[F. R. Doc. 42-2137; Filed, March 12, 1942; 11:16 a. m.]

Rural Electrification Administration

[Administrative Order No. 677]

ALLOCATION OF FUNDS FOR LOANS

MARCH 2, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts as set forth in the following schedule:

Project designation:	*Amount*
Ohio 2031E1 Holmes	$269,000
Ohio 2033E1 Auglaise	329,000
Ohio 2039E1 Paulding	538,000
Ohio 2056D1 Lorain	671,000
Ohio 2060F1 Seneca	96,000
Ohio 2068C1 Fulton	261,000
Ohio 2063F1 Huron	308,000
Ohio 2067C1 Wood	564,000

[SEAL] ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 42-2136; Filed, March 12, 1942; 11:18 a. m.]

[Administrative Order No. 678]

ALLOCATION OF FUNDS FOR LOANS

MARCH 2, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Wisconsin 2025F1 Monroe	$17,000

[SEAL] ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 42-2135; Filed, March 12, 1942; 11:18 a. m.]

[Administrative Order No. 679]

ALLOCATION OF FUNDS FOR LOANS

MARCH 2, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Nebraska 2051D2 Burt District Public	$7,000

[SEAL] ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 42-2134; Filed, March 12, 1942; 11:17 a. m.]

[Administrative Order No. 680]

ALLOCATION OF FUNDS FOR LOANS

MARCH 2, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Colorado 2016D1 Jefferson	$50,000

[SEAL] ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 42-2133; Filed, March 12, 1942; 11:17 a. m.]

[Administrative Order No. 681]

ALLOCATION OF FUNDS FOR LOANS

MARCH 2, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Montana 2017C1 Rosebud	$3,000

[SEAL] ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 42-2132; Filed, March 12, 1942; 11:17 a. m.]

[Administrative Order No. 682]

ALLOCATION OF FUNDS FOR LOANS

MARCH 2, 1942.

By virtue of the authority vested in me by the provisions of section 5 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Texas 2118S1 Henderson*	$14,000

[SEAL] ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 42-2131; Filed, March 12, 1942; 11:17 a. m.]

[Administrative Order No. 683]

ALLOCATION OF FUNDS FOR LOANS

MARCH 2, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Tennessee 2001K1 Meigs	$30,000

[SEAL] ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 42-2130; Filed, March 12, 1942; 11:16 a. m.]

[Administrative Order No. 684]

ALLOCATION OF FUNDS FOR LOANS

MARCH 2, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for loans for the projects and in the amounts set forth in the following schedule:

Project designation:	*Amount*
Alabama 2032B3 Geneva	$35,000
Colorado 2018B2 Gunnison	10,000
Georgia 2035E2 Walton	50,000
Indiana 2041A3 Lagrange	25,500
Indiana 2092C3 Jackson	35,000
Iowa 2079A2 Clarke*	17,000
Louisiana 2006C2 St. Mary	5,000
Michigan 2040C2 Allegan	50,000
Michigan 2043B2 Chippewa	60,000
Minnesota 2095A2 Lake of the Woods	12,000
Nebraska 2004C2 Polk District Public	29,000
Tennessee 2025B2 Jackson	40,000
Vermont 2007E3 Orleans	35,000

[SEAL] ROBERT B. CRAIG,
Acting Administrator.

[F. R. Doc. 42-2129; Filed, March 12, 1942; 11:16 a. m.]

[1] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192).

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF HEARING ON MINIMUM WAGE RECOMMENDATION OF INDUSTRY COMMITTEE No. 41 FOR THE LUGGAGE, LEATHER GOODS, AND WOMEN'S HANDBAG INDUSTRY

Whereas the Administrator of the Wage and Hour Division of the United States Department of Labor, acting pursuant to section 5 (b) of the Fair Labor Standards Act of 1938, on January 10, 1942, by Administrative Order No. 138, appointed Industry Committee No. 41 for the Luggage, Leather Goods, and Women's Handbag Industry composed of an equal number of representatives of the public, employers in the industry and employees in the industry, such representatives having been appointed with due regard to the geographical regions in which the industry is carried on; and

Whereas Industry Committee No. 41 on February 3, 1942, recommended a minimum wage rate for the Luggage, Leather Goods, and Women's Handbag Industry and duly adopted a report containing such recommendation and reasons therefore and filed such report with the Administrator on February 4, 1942, pursuant to section 8 (d) of the Act and § 511.19 of the regulations issued under the Act; and

Whereas the Administrator is required by secton 8 (d) of the Act, after due notice to interested persons and giving them an opportunity to be heard, to approve and carry into effect by order the recommendation of Industry Committee No. 41 if he finds that the recommendation is made in accordance with law and is supported by the evidence adduced at the hearing before him, and taking into consideration the same factors as are required to be considered by the Industry Committee, will carry out the purposes of section 8 of the Act; if he finds otherwise, to disapprove such recommendation;

Now, therefore, notice is hereby given that:

I. The recommendation of Industry Committee No. 41 is as follows:

Wages at a rate of not less than forty cents an hour shall be paid under section 6 of the Fair Labor Standards Act of 1938 by every employer to each of his employees in the Luggage, Leather Goods, and Women's Handbag Industry (as defined in Administrative Order, No. 138), who is engaged in commerce or in the production of goods for commerce.

II. The definition of the Luggage, Leather Goods, and Women's Handbag Industry as set forth in Administrative Order No. 138, signed January 10, 1942, is as follows:

For the purpose of this order the term "luggage, leather goods, and women's handbag industry" means:

(a) The manufacture from any material of luggage including, but not by way of limitation, trunks, suitcases, traveling bags, brief cases, sample cases; the manufacture of instrument cases covered with leather, imitation leather, or fabric including, but not by way of limitation, portable radio cases; the manufacture of small leather goods and like articles from any material except metal; the manufacture of women's, misses', and children's handbags, pocketbooks, purses, and mesh bags from any material except metal; but not the manufacture of bodies, panels, and frames from metal, wood, fiber, or paper board for any of the above articles.

(b) The manufacture from leather, imitation leather, or fabric of cut stock and parts for any of the articles covered in section (a).

The definition of the luggage, leather goods, and women's handbag industry covers all occupations in the industry which are necessary to the production of the articles within the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however*, That this definition does not include employees of an independent wholesaler or employees of a manufacturer who are engaged exclusively in marketing and distributing products of the industry which have been purchased for resale, and *Provided further*, That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

III. The full text of the report and recommendation of Industry Committee No. 41, together with any dissenting statements which may be filed by a member subsequent to the date of this notice, are and will be available for inspection by any person between the hours of 9:00 a. m. and 4:30 p. m. at the following offices of the United States Department of Labor, Wage and Hour Division:

Boston, Massachusetts, Old South Building, 294 Washington Street.

New York, New York, 341 Ninth Avenue.

Newark, New Jersey, Essex Building, 31 Clintin Street.

Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut & Juniper Streets.

Pittsburgh, Pennsylvania, 219 Old Post Office Building, Fourth and Smithfield Streets.

Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.

Baltimore, Maryland, 201 North Calvert Street.

Nashville, Tennessee, 509 Medical Arts Building, 115 Seventh Avenue, N.

Cleveland, Ohio, Main Post Office, W. 3d and Prospect Avenue.

Cincinnati, Ohio, 1312 Traction Building, 5th and Walnut Streets.

Detroit, Michigan, 348 Federal Building.

Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.

Columbia, South Carolina, Federal Land Bank Building, Hampton & Marion Streets.

Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street, NE.

Jacksonville, Florida, 456 New Post Office Building.

Birmingham, Alabama, 1007 Comer Building, 2d Avenue & 21st Street.

New Orleans, Louisiana, 916 Union Building.

Jackson, Mississippi, 404 Deposit Guaranty Bank Building, 102 Lamar Street.

St. Louis, Missouri, 100 Old Federal Building.

Denver, Colorado, 300 Chamber of Commerce Building, 1726 Champa Street.

Dallas, Texas, Rio Grande National Building, 1100 Main Street.

Chicago, Illinois, 1200 Merchandise Mart, 222 W. North Bank Drive.

Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.

Kansas City, Missouri, 504 Title & Trust Building, 10th & Walnut Streets.

Washington, District of Columbia, Department of Labor, 4th Floor.

San Francisco, California, 500 Humboldt Bank Building, 785 Market Street.

Los Angeles, California, 417 H. W. Hellman Building.

Seattle, Washington, 305 Post Office Building, 3d Avenue and Union Street.

San Juan, Puerto Rico, Post Office Box 112.

New York, New York, 1560 Broadway.

Copies of the Committee's report and recommendation may be obtained by any person upon request addressed to the Administrator of the Wage and Hour Division, Department of Labor, Washington, D. C.

IV. A public hearing will be held on March 30, 1942, before Major Robert N. Campbell, Presiding Officer, at 10:00 a. m. in Room 3229 of the United States Department of Labor Building at Washington, D. C. for the purpose of taking evidence on the following question:

Whether the recommendation of Industry Committee No. 41 shall be approved or disapproved.

V. Any interested person, supporting or opposing the recommendation of Industry Committee No. 41, may appear at the aforesaid hearing to offer evidence, either on his own behalf or on behalf of any other person: *Provided*, That not later than March 24, 1942, any

such person shall file with the Administrator at Washington, D. C., a notice of his intent to appear which shall contain the following information:

1. The name and address of the person appearing.

2. If such person is appearing in a representative capacity, the name and address of the person or persons whom he is representing.

3. Whether such person proposes to appear for or against the recommendation of Industry Committee No. 41.

4. The approximate length of time requested for his presentation. Such notice may be mailed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., and shall be deemed filed upon receipt thereof.

VI. Any person interested in supporting or opposing the recommendation of Industry Committee No. 41 may secure further information concerning the aforesaid hearing by inquiry directed to the Administrator, Wage and Hour Division, United States Department of Labor, Washington, D. C., or by consulting with attorneys representing the Administrator who will be available for that purpose at the offices of the Wage and Hour Division in Washington, D. C.

VII. Copies of the following documents relating to the Luggage, Leather Goods, and Women's Handbag Industry will be made available upon request for inspection by any interested person who intends to appear at the aforesaid hearing:

U. S. Department of Labor Research and Statistics Branch, Wage and Hour Division, *Minimum Wages in the Luggage, Leather Goods and Women's Handbag Industry*, January 1942.

U. S. Department of Labor, Bureau of Labor Statistics Monthly Labor Review, *Differences in Living Costs in Northern and Southern Cities, July 1939 (Serial No. R–963)*.

U. S. Department of Labor, Bureau of Labor Statistics, Monthly Labor Review, *Bureau of Labor Statistics' New Index of Cost of Living*, August 1940 (Serial No. R–1156).

U. S. Department of Labor, Bureau of Labor Statistics, Cost of Living Division and Retail Price Division, *Changes in Cost of Living, September 15, 1941* (Serial No. R–1931).

U. S. Department of Labor, Bureau of Labor Statistics, *Changes in Cost of Living in Large Cities, December 15, 1941*.

U. S. Department of Labor, Bureau of Labor Statistics, *Changes in Cost of Living in Large Cities*, November 20, 1941.

U. S. Department of Labor, Bureau of Labor Statistics, *Estimated Intercity Differences in Cost of Living, September 15, 1941*.

U. S. Department of Labor, Bureau of Labor Statistics, *Retail Costs of Food*, December 16, 1941.

VIII. The hearing will be conducted in accordance with the following rules, subject, however, to such subsequent modifications by the Administrator or the Presiding Officer as are deemed appropriate:

1. The hearings shall be stenographically reported and a transcript made which will be available to any person at prescribed rates upon request addressed to the Administrator, Wage and Hour Division, Department of Labor, Washington, D. C.

2. In order to maintain orderly and expeditious procedure, each person filing a Notice to Appear shall be notified, if practicable, of the approximate day and the place at which he may offer evidence at the hearing. If such person does not appear at the time set in the notice he will not be permitted to offer evidence at any other time except by special permission of the presiding officer.

3. At the discretion of the presiding officer the hearing may be continued from day to day, or adjourned to a later date, or to a different place, by announcement thereof at the hearing by the presiding officer, or by other appropriate notice.

4. At any stage of the hearing, the presiding officer may call for further evidence upon any matter. After the presiding officer has closed the hearing before him, no further evidence shall be taken, except at the request of the Administrator, unless provision has been made at the hearing for the later receipt of such evidence. In the event that the Administrator shall cause the hearing to be reopened for the purpose of receiving further evidence, due and reasonable notice of the time and place fixed for such taking of testimony shall be given to all persons who have filed a notice of intention to appear at the hearing.

5. All evidence must be presented under oath or affirmation.

6. Written documents or exhibits, except as otherwise permitted by the presiding officer, must be offered in evidence by a person who is prepared to testify as to the authenticity and trustworthiness thereof, and who shall, at the time of offering the documentary exhibit, make a brief statement as to the contents and manner of preparation thereof.

7. Written documents and exhibits shall be tendered in duplicate and the persons preparing the same shall be prepared to supply additional copies if such are ordered by the presiding officer. When evidence is embraced in a document containing matter not intended to be put in evidence, such a document will not be received, but the person offering the same may present to the presiding officer the original document together with two copies of those portions of the document intended to be put in evidence. Upon presentation of such copies in proper form the copies will be received in evidence.

8. Subpoenas requiring the attendance of witnesses or the presentation of a document from any place in the United States at any designated place of hearing may be issued by the Administrator at his discretion, and any person appearing in the proceeding may apply in writing for the issuance by the Administrator of the subpoena. Such application shall be timely and shall identify exactly the witness or document and state fully the nature of the evidence proposed to be secured.

9. Witnesses summoned by the Administrator shall be paid the same fees and mileage as are paid witnesses in the courts of the United States. Witness fees and mileage shall be paid by the party at whose instance witnesses appear, and the Administrator before issuing subpoena may require a deposit of an amount adequate to cover the fees and mileage involved.

10. The rules of evidence prevailing in the courts of law or equity shall not be controlling.

11. The presiding officer may, at his discretion, permit any person appearing in the proceeding to cross-examine any witness offered by another person insofar as is practicable, and to object to the admission or exclusion of evidence by the presiding officer. Requests for permission to cross-examine a witness offered by another person and objections to the admission or exclusion of evidence shall be stated briefly with the reasons for such request or the ground of objection relied on. Such requests or objections shall become a part of the record, but this record shall not include argument thereon except as ordered by the presiding officer. Objections to the approval of the Committee's recommendation and to the promulgation of a wage order based upon such approval must be made at the hearing before the presiding officer.

12. Before the close of the hearing, the presiding officer shall receive written requests from persons appearing in the proceeding for permission to make oral arguments before the Administrator upon the matter in issue. These requests will be forwarded to the Administrator by the presiding officer with the record of the proceedings. If the Administrator, in his discretion, allows the request, he shall give such notice thereof as he deems suitable to all persons appearing in the proceedings, and shall designate the time and place at which the oral arguments shall be heard. If such requests are allowed, all persons appearing at the hearing will be given opportunity to present oral argument.

13. Briefs (12 copies) may be submitted to the Administrator following the close of the hearing, by any persons appearing therein. Notice of the final dates for filing such briefs shall be given by the Administrator in such manner as shall be deemed suitable by him.

14. On the close of the hearing the presiding officer shall forthwith file a complete record of the proceedings with the Administrator. The presiding officer shall not file an intermediate report unless so directed by the Administrator. If a report is filed, it shall be advisory only and have no binding effect upon the Administrator.

15. No order issued as a result of the hearing will take effect until after due notice is given of the issuance thereof by publication in the FEDERAL REGISTER.

Signed at Washington, D. C., this 11th day of March 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42–2111; Filed, March 11, 1942; 12:25 p. m.]

[Administrative Order No. 144]

ACCEPTANCE OF RESIGNATION FROM AND APPOINTMENT TO INDUSTRY COMMITTEE No. 42 FOR THE GRAIN PRODUCTS INDUSTRY

By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, Department of Labor,

Do hereby accept the resignation of Mr. Ted Hopkins from Industry Committee No. 42 for the Grain Products Industry and do appoint in his stead, as representative for the employees on such Committee, Mr. M. G. Wire, of Tacoma, Washington.

Signed at Washington, D. C., this 11th day of March 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42–2110; Filed, March 11, 1942; 12:25 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6258]

IN RE APPLICATION OF CLEVELAND BROADCASTING, INC., FOR CONSTRUCTION PERMIT

NOTICE OF HEARING

In re application of Cleveland Broadcasting Incorporated (New), dated October 22, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Cleveland, Ohio; operating assignment specified: Frequency, 1,300 kc.; power, 5 kw. (directional antenna); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for a consolidated hearing with the application of Lake Shore Broadcasting Corporation, Docket No. 6172, to be held on April 20, 1942 at the offices of the Commission, Washington, D. C., at 10:00 a. m., for the following reasons:

1. To determine the qualifications of the applicant, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the type and character of the program service which applicant may be expected to render if granted a permit to construct the proposed station.

3. To determine whether the proposed directional antenna array would afford adequate protection to the services of Stations WOOD and WASH, particularly in view of the distance between these stations and the proposed station.

4. To determine whether the proposed station would provide primary service to the metropolitan district of Cleveland, Ohio, as contemplated by the Standards of Good Engineering Practice.

5. To determine (a) whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of the proposed station and (b) whether there are other assignments available for this area which would permit operation in accordance with the Standards of Good Engineering Practice.

6. To determine whether the proposed construction involves the use of any critical materials.

7. To determine the areas and populations which would receive primary service from the proposed station and what broadcast service is already available to such areas and populations.

8. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58,106).

9. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

10. To determine whether public interest, convenience and necessity would be served by the granting of this application, the application of Lake Shore Broadcasting Corporation (Docket No. 6172), or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Cleveland Broadcasting Incorporated, c/o Ray T. Miller, 1708 Union Commerce Building, Cleveland, Ohio.

Dated at Washington, D. C., March 9, 1942.

By the Commission.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42–2112; Filed, March 11, 1942; 12:37 p. m.]

[Docket No. 6247]

IN RE APPLICATION OF GENESEE BROADCASTING CORP. FOR CONSTRUCTION PERMIT

NOTICE OF HEARING

In re application of Genesee Broadcasting Corporation (New), dated March 27, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Flint, Michigan; operating assignment specified: Frequency, 600 kc.; power, 1 kw. (DA—night and day); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the application of WTBS Radio Company, Inc., Docket No. 6248, for the following reasons

1. To determine the qualifications of the applicant, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the character of the proposed program service.

3. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and Stations WKZO and WSJS.

4. To determine the areas and populations which would be expected to lose primary service, particularly from Stations WKZO and WSJS and what other broadcast service is available to these areas and populations.

5. To determine the extent of interference which would result from the operation of the station as proposed herein to the services of Stations CFCH, North Bay, Ontario, CFCF, Montreal, P. Q. and CFQC, Saskatoon, Sask. (Appendix II, Table I, North American Regional Broadcasting Agreement).

6. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of the proposed station.

7. To determine the areas and populations which would receive primary service from the proposed station and what broadcast service is already available to these areas and populations.

8. To determine whether the proposed construction involves the use of any critical materials.

9. To determine whether the granting of this application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's memorandum opinion dated February 23, 1942, mimeograph No. 58106).

10. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by Section 307 (b), Communications Act of 1934, as amended.

11. To determine whether public interest, convenience and necessity would be served through the granting of this application and the application of The

WTBS Radio Company, Inc., Toledo, Ohio (Docket No. 6248) or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of Section 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of Section 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Genesee Broadcasting Corporation, Att: Bradley Higbie, 244 Buhl Building, Detroit, Michigan.

Dated at Washington, D. C., March 9, 1942.

By the Commission,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2113; Filed, March 11, 1942; 12:37 a. m.]

[Docket No. 5966]

IN RE APPLICATION OF MOSBY'S INC., FOR CONSTRUCTION PERMIT

NOTICE OF HEARING

In re application of Mosby's Incorporated (New), dated December 11, 1939, for construction permit; class of service, broadcast; class of station, broadcast; location, Anaconda, Montana; operating assignment specified: Frequency, 1,230 kc.; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for the following reasons:

1. To obtain full information concerning a "Consent Decree" entered in the United States District Court, District of Montana, against Mosby's, Incorporated, particularly with reference to the effect thereof upon the qualifications of said corporation, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine whether the statements in the application truly and accurately reflect the facts, particularly sections 12 (e) and 16 (e) thereof.

3. To determine whether the applicant, its officers, directors and stockholders are qualified in all respects to construct and operate the proposed station.

4. To determine the areas and populations which would receive primary service from proposed station and what broadcast service is already available to these areas and populations.

5. To determine whether the proposed construction involves the use of any critical materials.

6. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph 58106).

7. To determine whether, in view of the facts adduced under the foregoing issues, the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Mosby's Incorporated, c/o Arthur J. Mosby, President, 132 West Front Street, Missoula, Montana.

Dated at Washington, D. C., March 9, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2114; Filed, March 11, 1942; 12:37 p. m.]

[Docket No. 6248]

IN RE APPLICATION OF THE WTBS RADIO CO., INC., FOR CONSTRUCTION PERMIT

NOTICE OF HEARING

In re application of the WTBS Radio Company, Inc. (New), dated January 16, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Toledo, Ohio; operating assignment specified: Frequency, 600 kc.; power, 1 kw. (directional antenna); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the application of Genesee Broadcasting Corporation, Docket No. 6247, for the following reasons:

1. To determine the qualifications of the applicant, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the character of the proposed program service.

3. To determine the extent of any interference which would result from simultaneous operation of station proposed herein and Stations WSJS, WKZO and WCLE.

4. To determine the areas and populations which would lose primary service, particularly from Stations WSJS, WKZO and WCLE, as well as what other broadcast service is available to these areas and populations.

5. To determine the extent of interference which would result from the operation of the station proposed herein to the services of Stations CFCF, Montreal, P. Q., CFCH, North Bay, Ontario and CFQC, Saskatoon, Sask. (Appendix II, Table I, North American Regional Broadcasting Agreement).

6. To determine whether the proposed station would provide primary service to the metropolitan district of Toledo, Ohio as contemplated by the Standards of Good Engineering Practice.

7. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and the operation of Station WHKC as proposed in application B2-P-2833, as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

8. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of the proposed station.

9. To determine the areas and populations which would receive primary service from the operation of the station proposed herein, and what other broadcast service is already available to these areas and populations.

10. To determine whether the proposed construction involves the use of any critical materials.

11. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials. (See Commission's memorandum opinion dated February 23, 1942, Mimeograph No. 58106).

12. To determine whether granting of this application would tend toward a fair, efficient and equipable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

13. To determine whether public interest, convenience, and necessity would be served through the granting of this application and the application of the Genesee Broadcasting Corporation, Docket 6247, or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

The WTBS Radio Company, Inc., % Stanley C. Speer, Toledo Blade, Toledo, Ohio.

Dated at Washington, D. C., March 9, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2115; Filed, March 11, 1942; 12:38 p. m.]

[Docket No. 6172]

IN RE APPLICATION OF LAKE SHORE BROADCASTING CORP. FOR CONSTRUCTION PERMIT

AMENDED NOTICE OF HEARING

In re application of Lake Shore Broadcasting Corp. (New), dated July 25, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Cleveland, Ohio; operating assignment specified: Frequency, 1,300 kc.; power, 5 kw. (DA—night and day); hours of operation, unlimited.

Upon further examination of the above described application the Commission has amended the issues on which the hearing will be based as shown below, to be held in a consolidated proceeding with the application of Cleveland Broadcasting Incorporated, Docket No. 6258, on April 20, 1942, at the offices of the Commission, Washington, D. C., at 10:00 o'clock a. m.

1. To determine the qualifications of the applicant, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the type and character of the program service which applicant may be expected to render if granted a permit to construct the proposed station.

3. To determine whether the proposed directional antenna array would afford adequate protection to the services of Stations WOOD, WASH, and WFBR, particularly in view of the distances between said stations and the proposed station.

4. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and Stations WOOD, WASH and WFBR.

5. To determine the areas and populations which may be expected to lose interference-free primary service, particularly from Stations WOOD, WASH and WFBR as a result of the operation of the proposed station and what other broadcast service is available to these areas and populations.

6. To determine whether the proposed station would provide interference-free primary service to the metropolitan district of Cleveland as contemplated by the Standards of Good Engineering Practice.

7. To determine whether (a) the operation of the proposed station at the selected transmitter site would be consistent with the Standards of Good Engineering Practice, particularly as to the population residing within the "blanket area" (250 mv/m contour), and, (b) the proposed antenna array would constitute a hazard to air navigation.

8. To determine whether (a) the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of the proposed station and (b) there are other assignments available for this area which would permit operation in accordance with the Standards of Good Engineering Practice.

9. To determine whether the proposed construction involves the use of any critical materials.

10. To determine the area and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.

11. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph 58106).

12. To determine whether the granting of the application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by the provisions of section 307 (b) of the Communications Act of 1934, as amended.

13. To determine whether public interest, convenience or necessity would be served by the granting of this application, the application of Cleveland Broadcasting Incorporated (Docket No. 6258), or either of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Lake Shore Broadcasting Corporation, % Stanton Addams, Agent, 201 National City Bank Building, Cleveland, Ohio.

Dated at Washington, D. C., March 9, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2116; Filed, March 11, 1942; 12:38 p. m.]

[Docket No. 6260]

IN RE APPLICATION OF FRANK E. HURT

NOTICE OF HEARING

In re application of Frank E. Hurt (KFXD), dated March 7, 1940, class of service, broadcast; class of station, broadcast; location, Nampa, Idaho, operating assignment specified: frequency, 990 kc. (1,030 kc NARBA); power, 1 kw.; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for a consolidated hearing with the application of News-Review Company (KRNR), Docket No. 6261, for the following reasons:

1. To determine the extent of any interference which would result from the simultaneous operation of Station KFXD, as proposed and Station KOB.

2. To determine the areas and populations which would be deprived of primary service, particularly from Station KOB, as a result of the operation of KFXD as proposed and what other broadcast service is available to these areas.

3. To determine the extent of any interference which would result from the simultaneous operation of Station KFXD as proposed, and the operation of Station KRNR as proposed in Docket 6261, as well as the areas and populations affected thereby, and what other broadcast service is available to these areas and populations.

4. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice in view of the expected nighttime interference limitation to the service of Station KFXD, operating as proposed.

5. To determine whether the operation of Station KFXD, as proposed on the frequency 1030 kilocycles would be an efficient use of that channel and consistent with good allocative practice.

6. To determine whether the proposed construction involves the use of any critical materials.

7. To determine what new areas and populations would receive primary service as a result of the proposed change in facilities and what broadcast service is already available to such areas and populations.

8. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

9. To determine whether granting of this application and the operation of Station KFXD as proposed would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

10. To determine whether, in view of the facts adduced under the foregoing issues and the issues relating to the application of News-Review Company (KRNR), Docket No. 6261, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of

a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Frank B. Hurt, Radio Station KFXD, 1024 12th Avenue, South Nampa, Idaho

Dated: March 10, 1942,
By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2147; Filed, March 12, 1942; 11:52 a. m.]

[Docket No. 6251]

IN RE APPLICATION OF INDEPENDENCE BROADCASTING CO.

NOTICE OF HEARING

In re application of Independence Broadcasting Company, Inc. (WHAT), dated February 28, 1941; for construction permit; class of service, broadcast; class of station, broadcast; location, Philadelphia, Pa.; operating assignment specified: Frequency, 1,160 kc; Power, 5 kw (directional antenna); hours of operation, daytime.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the extent of any adjacent channel interference which would result from the simultaneous operation of Station WHAT as proposed and Station WDEL.

2. To determine the areas and populations which may be expected to lose primary service, particularly from Station WDEL during daytime hours, should Station WHAT operate as proposed, and what other broadcast service is available to these areas and populations.

3. To determine whether Station WHAT, operating as proposed, would provide primary service to the metropolitan district of Philadelphia, Pennsylvania, as contemplated by the Standards of Good Engineering Practice.

4. To determine whether the proposed antenna array would constitute a hazard to air navigation.

5. To determine whether the proposed construction involves the use of any critical materials.

6. To determine what new areas and populations would receive primary service as a result of the proposed change in facilities, and what broadcast service is already available to such areas and populations.

7. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's memorandum opinion dated February 23, 1942, Mimeograph No. 58106).

8. To determine whether the granting of this application and the operation of Station WHAT, as proposed, would tend toward a fair, efficient and equitable distribution of radio service as contemplated by Section 307 (b) of the Communications Act of 1934, as amended.

9. To determine whether in view of the facts adduced under the foregoing issues public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Independence Broadcasting Co. Inc., Radio Station WHAT, c/o Dr. Luther Harr, Philadelphia Record, Broad and Wood Sts., Philadelphia, Pennsylvania.

Dated: March 10, 1942.
By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2148; Filed, March 12, 1942; 11:52 a. m.]

[Docket No. 6249]

IN RE APPLICATION OF KINGSPORT BROADCASTING CO., INC., FOR CONSTRUCTION PERMIT

NOTICE OF HEARING

In re application of Kingsport Broadcasting Company, Inc. (WKPT), dated August 27, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Kingsport, Tennessee; operating assignment specified: Frequency, 790 kc; power, 1 kw* night; 1 kw day (DA*); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the application of Northside Broadcasting Corporation (WGRC), Docket No. 6052, for the following reasons:

1. To determine whether the operation of Station WKPT at the proposed transmitter site would be consistent with the Standards of Good Engineering Practice, particularly as to population residing within the "blanket area" (250 mv/m contour).

2. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of the proposed station.

3. To determine whether Station WKPT, operating as proposed, would provide primary service to the business district of Kingsport, Tennessee, as contemplated by the Standards of Good Engineering Practice.

4. To determine the extent of any interference which would result from the operation of Station WKPT as proposed herein to the services of Stations CKSO, Sudbury, Ontario, and CMBC, Havana, Cuba (Appendix II, Table I, NARBA).

5. To determine whether the proposed construction involves the use of any critical materials.

6. To determine what new areas and populations would receive primary service as a result of the proposed change in facilities and what broadcast service is already available to such areas and populations.

7. To determine whether the granting of this application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials. (See Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106.)

8. To determine the extent of any interference which would result from the simultaneous operation of Station WKPT as proposed herein and Station WGRC as proposed in Docket no. 6052, as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

9. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b), Communications Act of 1934, as amended.

10. To determine whether in view of the facts adduced under the foregoing issues and the issues relating to the application of Northside Broadcasting Corporation, licensee of Station WGRC, Docket No. 6052, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Kingsport Broadcasting Company, Inc., Radio Station WKPT, 222-224 Commerce Street, Kingsport, Tennessee.

Dated: March 10, 1942.
By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2149; Filed, March 12, 1942; 11:52 a. m.]

[Docket No. 6261]

IN RE APPLICATION OF NEWS-REVIEW CO. FOR CONSTRUCTION PERMIT

NOTICE OF HEARING

In re application of News-Review Company (KRNR), dated October 15, 1941; for construction permit; class of service, broadcast; class of station, broadcast; location, Roseburg, Oregon; operating assignment specified: Frequency, 1,030 kc; power, 10 kw (directional antenna); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing, to be consolidated with the application of Frank E. Hurt (KFXD), Docket No. 6260, for the following reasons:

1. To determine the extent of any interference which would result from the simultaneous operation of Station KRNR, as proposed, and Station KOB.

2. To determine the areas and populations which would be deprived of primary service, particularly from Station KOB, as a result of the operation of Station KRNR, as proposed, and what other broadcast service is available to these areas and populations.

3. To determine the extent of any interference which would result from the simultaneous operation of Station KRNR as proposed and the operation of Station KFXD as proposed in Docket No. 6260, as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

4. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of Station KRNR operating as proposed.

5. To determine whether the operation of Station KRNR as proposed on the frequency 1030 kilocycles would be an efficient use of that channel and consistent with good allocation practice.

6. To determine whether the proposed construction involves the use of any critical materials.

7. To determine what new areas and populations would receive primary service as a result of the proposed change in facilities and what broadcast service is already available to such areas and populations.

8. To determine whether granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by Section 307 (b) of the Communications Act of 1934, as amended.

9. To determine whether the granting of this application would be consistent with the policy announced by the Commission with respect to authorization involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

10. To determine whether in view of the facts adduced under the foregoing issues and the issues relating to the application of Frank E. Hurt (KFXD), Docket No. 6260, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

News-Review Co., Radio station KRNR, 211 North Main Street, Roseburg, Oregon.

Dated: March 10, 1942.
By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2150; Filed, March 12, 1942; 11:53 a. m.]

[Docket No. 6052]

IN RE APPLICATION OF NORTHSIDE BROADCASTING CORP. FOR CONSTRUCTION PERMIT

NOTICE OF HEARING

In re Application of Northside Broadcasting Corp. (WGRC), dated March 1, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, New Albany, Indiana; operating assignment specified: Frequency: 790 kc.; power, 1 kw.* night; 5 kw. day (DA*); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing, to be consolidated with the application of Kingsport Broadcasting Company, Incorporated (WKPT), Docket No. 6249, for the following reasons:

1. To determine the extent of any interference which would result from the simultaneous operation of Station WGRC as proposed herein, and Stations WTAR and WEAU.

2. To determine the areas and populations which may be expected to lose primary service, particularly from Stations WTAR and WEAU should Station WGRC operate as proposed, and what other broadcast service is available to these areas and populations.

3. To determine the extent of any interference which would result from the operation of Station WGRC as proposed, to the services of Stations CKSO, Sudbury, Ontario and CMBC, Havana, Cuba (Appendix II, Table I, North American Regional Broadcasting Agreement).

4. To determine whether Station WGRC, operating as proposed, would provide primary service to the metropolitan district of Louisville, Ky., as recommended by the Standards of Good Engineering Practice.

5. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of the proposed station.

6. To determine whether the proposed construction involves the use of any critical materials.

7. To determine what new areas and populations would receive primary service as a result of the proposed change in facilities, and what broadcast service is already available to such areas and populations.

8. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's memorandum opinion dated February 23, 1942, Mimeograph No. 58106).

9. To determine the extent of any interference which would result from the simultaneous operation of Station WGRC as proposed and Station WKPT as proposed in Docket No. 6249, as well as the areas and populations affected thereby, and what other broadcast service is available to these areas and populations.

10. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b), Communications Act of 1934, as amended.

11. To determine whether in view of the facts adduced under the foregoing issues and the issues relating to the application of Kingsport Broadcasting Company, Inc. (WKPT), Docket No. 6249, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard

must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Northside Broadcasting Corporation, Radio Station WGRC, Elsby Building, 117 Spring St., New Albany, Indiana.

Dated: March 10, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2151; Filed, March 12, 1942; 11:53 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. IT-5765, IT-5766]

IN THE MATTERS OF SUPERIOR WATER LIGHT & POWER COMPANY AND NORTHERN POWER COMPANY

ORDER POSTPONING HEARINGS

MARCH 11, 1942.

It appearing to the Commission that Good cause has been shown for the postponement of the hearings in the above-entitled matters;

The Commission *orders* that: The hearings in the above-entitled matters heretofore set for March 12, 1942, be and the same are hereby postponed to March 16, 1942, at 10:00 a. m., in the Hearing Room of the Public Service Commission of Wisconsin in the State Office Building, Madison, Wisconsin.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 42-2121; Filed, March 12, 1942; 9:35 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-511]

IN THE MATTER OF MICHIGAN CONSOLIDATED GAS COMPANY AND GREAT LAKES UTILITIES COMPANY

NOTICE OF FILING AND ORDER FOR CONSOLIDATED HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 10th day of March 1942.

Notice is hereby given that declarations and applications have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; all interested persons are referred to said documents which are on file in the office of this Commission for a statement of the transactions therein proposed which are summarized as follows:

Michigan Consolidated Gas Company, (hereafter referred to as Michigan Consolidated) a subsidiary of American Light & Traction Company, a registered holding company, proposes to purchase from Great Lakes Utilities Company, and Great Lakes Utilities Company proposes to sell to Michigan Consolidated, for the consideration of $750,000 in cash (plus certain adjustments for current assets at closing date), all of the outstanding capital stock and indebtedness (other than current debt) of Gas Corporation of Michigan (hereafter referred to as Gas Corporation).

Great Lakes Utilities Company states that the proposed transaction is part of the plan of liquidation filed pursuant to section 11 (e) by which it proposes to sell all of its assets, retire its indebtedness and dissolve.

Gas Corporation is a corporation organized and existing under the laws of the State of Michigan, having its principal office at Ludington, Michigan. It is a public utility under the laws of Michigan owning and operating the following properties:

(1) A manufactured gas plant and gas distribution system within the City of Ludington, Michigan;

(2) Natural gas distribution systems in the City of Mt. Pleasant, the unincorporated community of Rosebush, both in Isabella County, Michigan, and in the City of Clare, Clare County, Michigan, and the territories adjacent thereto (all of which will be hereinafter referred to as the Mt. Pleasant territory) together with natural gas transmission lines and stand-by equipment in said City of Mt. Pleasant;

(3) A natural gas distribution system in the City of Greenville, Montcalm County, Michigan;

Gas Corporation also owns 1,000 shares of the par value of $10.00 per share, of the capital stock of Gas Transportation Corporation of Michigan (hereafter referred to as Transportation Corporation) being all of the issued and outstanding capital stock of that company. Transportation Corporation is a Michigan corporation and is a public utility under the laws of Michigan. It owns and operates natural gas transmission lines which connect with the lines of American Michigan Pipe Line Company, and transports gas to the Mt. Pleasant territory and the City of Greenville.

Michigan Consolidated states that the properties owned by the companies to be acquired are located generally in a portion of the territory in which it and its associated company, American Michigan Pipe Line Company, operate, and that the acquisition of such properties will tend toward the economical and efficient development of the properties of Michigan Consolidated and those to be acquired.

Michigan Consolidated further proposes that immediately after it has acquired the securities and indebtedness of Gas Corporation and Transportation Corporation, it will transfer their assets to Michigan Consolidated which will thereafter operate such properties, will surrender to said companies all their securities, will cancel all indebtedness owing by them and will assume all liabilities, contractual and other obligations of Gas Corporation and Transportation Corporation owing to the public. Thereafter, Gas Corporation and Transportation Corporation will be dissolved.

It appearing to the Commission that it is appropriate and in the public interest and in the interest of investors and consumers that a hearing be held with respect to said declarations or applications (or both) and that said declarations shall not become effective or said applications be granted except pursuant to further order of the Commission and that at said hearing there be considered, among other things, the various matters hereinafter set forth; and

It appearing to the Commission that the matters are related and involve common questions of law and fact; that evidence offered in respect to each of said matters may have a bearing on the other matters; and that substantial savings in time, effort and expense will result if the hearings on these matters are consolidated so they may be heard as one matter, and so that evidence adduced in each matter may stand as evidence in the others for all purposes;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and the rules of the Commission thereunder be held on March 31, 1942, at 10:00 A. M., in the offices of the Securities and Exchange Commission, 8th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk will advise as to the room in which such hearing will be held; and

It is further ordered, That the hearings on the said matters be, and they hereby are, consolidated. The Commission reserves the right, if at any time it may appear conducive to an orderly and economic disposition of any proceeding or proceedings herein, to order a separate hearing concerning such proceeding or proceedings, to close the record with respect to any of the matters, or to take action on any of the matters prior to the closing of the record in the other matters; and

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the consolidated hearing in such matters. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

Notice of such hearing is hereby given to declarants or applicants and to any other persons whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any persons desiring to be heard or to be admitted as a party to such proceeding shall notify the Commission to that effect on or before March 28, 1942;

It is further ordered, That the Secretary of this Commission serve notice of the entry of this order by mailing a copy thereof by registered mail to declarants and applicants and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

It is further ordered, That without limiting the scope of issues presented by certain applications or declarations, particular attention shall be directed at said hearing to the following matters and questions:

(1) Whether the consideration, including all fees, commissions and other remuneration, to whomsoever paid in connection with the acquisition and sale, is reasonable and bears a fair relation to the sums invested in or the earning capacity of the utility assets underlying the securities to be acquired;

(2) Whether such transfers or acquisitions of securities will unduly complicate the capital structure of the holding company system of which Michigan Consolidated is a subsidiary, or will be detrimental to the public interest or the interest of investors or consumers or the proper functioning of such holding company system;

(3) Whether the utility properties to be acquired constitute an integrated gas system or systems, or will, when acquired, constitute part of an integrated public utility system already directly or indirectly owned and operated by American Light & Traction Company;

(4) Whether the terms and conditions of the acquisition of the securities of Gas Corporation and Transportation Corporation are consistent with and meet the applicable standards of the Act;

(5) Whether the proposed transactions are consistent with the Section 11 (b) (1) and Section 11 (b) (2) proceedings pending against both holding company systems;

(6) In the event the Commission finds the proposed transactions appropriate, what terms and conditions, if any, seem necessary and desirable to be imposed with respect to such transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2119; Filed, March 11, 1942; 3:25 p. m.]

MAR 16 1942

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Rules, Regulations, Orders

TITLE 7—AGRICULTURE

CHAPTER VII—AGRICULTURAL ADJUSTMENT AGENCY, AGRICULTURAL CONSERVATION AND ADJUSTMENT ADMINISTRATION

[FN-514-4]

PART 729—NATIONAL MARKETING QUOTA FOR PEANUTS [1]

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (52 Stat. 31, 7 U.S.C. 1940 ed. 1301 *et seq.*), as amended, the regulations pertaining to marketing quotas for peanuts of the crop planted in the calendar year 1941 (Form PN-514), prescribed June 7, 1941, as amended on June 28, August 25, and October 11, 1941, are hereby further amended by the addition of the following new section:

§ 729.39 *Marketing of excess peanuts for seed for planting peanuts for oil in 1942.* Notwithstanding any other provisions of this part, collection or payment of the penalty of three cents per pound will not be required for excess peanuts marketed by the producer thereof to another producer for seed for planting peanuts for oil in 1942. The marketing of peanuts under such conditions shall constitute a diversion of the peanuts: *Provided*, That (a) the peanuts are marketed to a person engaged in farming in 1942, (b) the price charged and paid for the excess peanuts shall be the market value thereof for crushing for oil as of the date of delivery, and (c) the peanuts are purchased for the sole purpose of planting peanuts for oil during the calendar year 1942. Peanuts so diverted shall be marketed through the county committee for the county in which the peanuts were produced and each county committee is hereby designated as an agency to which excess peanuts of the crop of peanuts planted in 1941 may be delivered, and through which such peanuts may be marketed, for the sole purpose of use as seed for peanuts of the 1942 crop to be grown in excess of farm acreage allotments, in accordance with the provisions of this section.

Done at Washington, D. C. this 12th day of March, 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-2188; Filed, March 13, 1942; 11:38 a. m.]

[1] 6 F.R. 2779, 3164, 4359, 5199.

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VIII—PROCUREMENT AND DISPOSAL OF EQUIPMENT AND SUPPLIES

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS [1]

§ 81.26 *Performance bonds*—(a) *When required*—(1) *Supply contracts*—(i) *In general.* The question as to the necessity of a performance bond is one requiring the exercise of sound discretion and there is no requirement that a performance bond will be furnished in every case; especially is this so in the case of negotiated fixed-price supply contracts where performance bonds should be required only in exceptional cases. At the discretion of the chief of arm, service, or bureau concerned, except as provided in (ii) below, performance bonds may be required or waived in special cases, or by general instructions issued to contracting officers, but such bond may not be waived when it has been stated in an invitation for bids that a performance bond will be required. A performance bond may not be required with respect to contracts let after advertising for bids unless it has been stated in the invitation for bids that it will be required. See § 81.10 (a) (6).

(ii) *Negotiated fixed-price supply contracts of $5,000,000 or more.* In the case of negotiated fixed-price-supply contracts amounting to $5,000,000 or more,

[1] § 81.26 (a) (1) is amended.

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FEDERAL REGISTER

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before a performance bond is required, the approval of the Under Secretary of War shall be obtained. Whenever the contracting officer shall deem it necessary in a particular case that a performance bond be required, he shall submit to the Under Secretary of War, through the chief of the supply arm or service concerned, a request for permission to require such performance bond together with such information as may be necessary to enable the Under Secretary of War to pass thereon. Such request may be submitted either—

(a) During the negotiations (in which case it may be made by radio or wire if necessary); or

(b) At the time when the request for authority to make the award is submitted. (49 Stat. 793; 40 U.S.C. 270a; Act April 29, 1941, Public Law 43, 77th Congress) [Par. 10c (1), AR 5-220, Aug. 7, 1940, as amended by Proc. Cir. 22, W.D., March 6, 1942]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-2177; Filed, March 13, 1942; 10:13 a. m.]

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4513]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF INTERNATIONAL PARTS CORPORATION

§ 3.48 (b) *Disparaging competitors and their products—Goods—Safety:* § 3.66 (a2) *Misbranding or mislabeling—Comparative data or merits:* § 3.66 (j15) *Misbranding or mislabeling—Safety:* § 3.66 (j20) *Misbranding or mislabeling—Scientific or other relevant facts.* In connection with offer, etc., in commerce, of respondent's automobile mufflers, and among other things, as in order set forth, representing that the use on an automobile of a muffler having seams which are spotwelded, locked, or crimped results in greater danger of carbon monoxide gas poisoning to the occupant of such automobile than does the use of a muffler having continuous electric-welded seams; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, International Parts Corporation, Docket 4513, March 9, 1942]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., in commerce, of respondent's automobile mufflers, and among other things, as in order set forth, representing, through the use of the unqualified word "Prevents", or any other unqualified word of similar import, or by any other means, that the finish on respondent's mufflers affords permanent protection against rust or corrosion; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, International Parts Corporation, Docket 4513, March 9, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of March, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before Randolph Preston, a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiner upon the evidence and the exceptions to such report, briefs in support of the complaint and in opposition thereto, and oral argument, and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, International Parts Corporation, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of respondent's automobile mufflers in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or by implication, that the use on an automobile of a muffler having seams which are spotwelded, locked, or crimped results in greater danger of carbon monoxide gas poisoning to the occupant of such automobile than does the use of a muffler having continuous electric-welded seams;

2. Representing, through the use of the unqualified word "Prevents", or any other unqualified word of similar import, or by any other means, that the finish on respondent's mufflers affords permanent protection against rust or corrosion.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-2165; Filed, March 13, 1942; 11:33 a. m.]

TITLE 26—INTERNAL REVENUE

CHAPTER I—BUREAU OF INTERNAL REVENUE

SUBCHAPTER C—MISCELLANEOUS EXCISE TAXES

[T.D. 5128]

PART 113—STAMP TAXES ON ISSUES AND TRANSFERS OF STOCKS AND BONDS, CONVEYANCES OF REALTY, PASSAGE TICKETS, AND FOREIGN INSURANCE POLICIES

Regulations 71 Amended—Receivers' Certificates of Indebtedness

To conform Regulations 71 (1941 Edition) [Part 113,[1] Code of Federal Regulations, 1941 Sup.] to the cases of *United States* v. *Powell,* (C.C.A. 4th, 1938) 95 F. (2d) 752, *cert. denied* (1938) 305 U.S. 619, *United States* v. *Pollard,* (C.C.A. 5th, 1940) 115 F. (2d) 134, and *Moore* v. *Stewart, Jr.,* (C.C.A. 6th, decided February 5, 1942), such regulations are amended by striking from § 113.55 paragraph (f) thereof, and by redesignating paragraph (g) of such section as paragraph (f).

(This Treasury decision is issued under the authority contained in section 3791 of the Internal Revenue Code (53 Stat. 467, 26 U.S.C., 1940 ed., 3791).)

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: March 11, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-2156; Filed, March 12, 1942; 4:20 p. m.]

[1] 6 F.R. 6015.

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 1022—PLUMBING AND HEATING EMERGENCY REPAIRS

Preference Rating Order No. P-84

§ 1022.1 *Preference Rating Order P-84.* For the purpose of facilitating the acquisition of Material entering into the Emergency Repairs of Plumbing Equipment and Heating Equipment (as hereinafter defined), a preference rating is hereby assigned to deliveries of such Material upon the terms hereinafter set forth.

(a) *Statement of policy.* It is the purpose of this Order to effectuate the policy of the War Production Board of making available materials required for plumbing and heating emergency repairs necessary to maintain minimum heating and sanitary conditions required for public health in the United States, its territories and possessions, without expansion or improvement of facilities, except where duly authorized or approved. The terms and conditions of this Order are to be interpreted in conformity with this expressed policy.

(b) *Definitions.* (1) "Plumbing equipment" means any equipment, fixtures, fittings, pipes, accessories or supplies of types used in, or connected to, water, sewer, or gas systems, regardless of whether or not connected with a central system: *Provided,* That "Plumbing Equipment" does not include any tools for use in installation or repairs, or any hoses, sprinklers or other devices of types commonly attached to outdoor faucets.

(2) "Heating equipment" means any primary heating unit used to provide building warmth and any accessory or appurtenance used in connection with such a primary heating unit.

(3) "Emergency repairs" means only those remedial repairs which are required by actual or imminent breakdown of Plumbing Equipment or Heating Equipment. It includes (but is not limited to) the emergency replacement of equipment which is worn out, damaged beyond repair or destroyed. It does not include the installation of superior type equipment to replace useable equipment, or a substitution more extensive than that which is necessary to replace the part or parts that are worn out, damaged or destroyed.

(4) "Installer" means any person who installs Plumbing Equipment or Heating Equipment, regardless of whether or not he is regularly engaged in installing such equipment.

(5) "Supplier" means any person—

(i) Who supplies Material which he has not in whole or in part manufactured, processed, assembled or otherwise physically changed (in some way other than by cutting or threading pipe), and

(ii) With whom a contract or purchase order has been placed for delivery of such Material to the Installer or to another Supplier.

(6) "Material" means any commodity, equipment, accessory, part, assembly or product of any kind.

(c) *Assignment of preference rating.* Preference Rating A-10 is hereby assigned, subject to the restrictions and conditions of paragraphs (e) and (f) hereof:

(1) To deliveries, to an Installer, of Material required by him for Emergency Repairs.

(2) To deliveries to any Supplier, who has received an order or contract to which the preference rating hereby assigned has been applied, of Material which will be delivered by him or another Supplier to the Installer pursuant to such rated order or contract, or will be physically incorporated into Material which will be so delivered; or which will be used, within the limitations of paragraph (e) (3) hereof to replace in such Supplier's inventory Material so delivered.

(d) *Persons entitled to apply preference rating.* The preference rating hereby assigned may, in the manner and to the extent hereby authorized, be applied by:

(1) The Installer;

(2) Any Supplier of Material to the delivery of which the preference rating has been applied as provided in paragraph (f).

(e) *Restrictions on use of rating*—(1) *Restrictions on installer and supplier.* No Installer or Supplier may apply the rating hereby assigned to obtain copper or copper base alloys which have been fabricated into sheets, wire, rods or tubes, or to obtain any scarce Material the use of which could be eliminated without serious loss of efficiency by substitution of less scarce Material or by change of design.

(2) *Restrictions on installer.* The Installer may not apply the rating to obtain delivery of Material on earlier dates than required to enable him to make Emergency Repairs.

(3) *Restrictions on supplier.* (i) No Supplier may apply the preference rating hereby assigned to obtain Material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or required to replace in his inventory Material so delivered. He shall not be deemed to require such Material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(ii) A Supplier may defer application of the rating hereunder to purchase orders or contracts for Material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided,* That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(iii) A Supplier may apply the preference rating herein assigned only to obtain deliveries of Material which he will resell without manufacturing, processing or otherwise changing physically (other than by cutting or threading pipe) to fill a purchase order or contract rated hereunder or which he will use within the limitations of paragraph (e) (3) (i) hereof, to replace in his inventory Material so sold.

(f) *Application of preference rating.* (1) An Installer or Supplier, in order to apply the preference rating to deliveries of Material to him, must endorse the following statement on the original and all copies of the purchase order or contract for such Material, manually signed by a person duly authorized for such purpose by such Installer or Supplier:

Material for Emergency Repairs of Plumbing Equipment or Heating Equipment—

Rating A-10 under Preference Rating Order No. P-94 with the terms of which I am familiar.

Name of Installer or Supplier

By ---

Such endorsement shall constitute a certification to the War Production Board that such Material is required for the purpose stated and that the application of the rating is authorized by this Order. Any such purchase order or contract for such Material shall be restricted to Material which is rated in accordance herewith.

(2) The Provisions of this Order relative to application of a preference rating by the Installer shall not apply in the case of delivery to an Installer of any plumbing or heating repair item, the cost of which to the Installer is less than $5.00; *Provided*, That the Order placed by that Installer totals no more than $10.00. All such deliveries are deemed to be for repair purposes and, subject to the restrictions of paragraph (e) hereof, the Supplier may apply the rating hereby assigned to replace the stock so delivered.

(g) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, the Installer and each Supplier placing or receiving any purchase order or contract rated hereunder shall retain, for a period of two years, for inspection by representatives of the War Production Board, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such manner that they can be readily segregated for such inspection.

In the case of replacement of a unit which has been worn out, damaged beyond repair or destroyed, the cost of which unit to the Installer exceeds fifty dollars ($50.00), the Intaller shall attach to each copy of the purchase order for a delivery rated hereunder, a statement signed by the ultimate user and by the Installer, which statement shall certify that repair of the unit is impracticable and shall specify:

(1) The unit being removed,

(2) The part or parts of such unit which failed,

(3) The age, model, make, size and serial number (where available) of such unit or parts,

(4) The replacing unit, its model, make, size and serial number (where available).

(h) *Reports.* The Installer and each Supplier, who applies the preference rating assigned hereunder, shall file such reports as may be required from time to time by the War Production Board.

(i) *Exception: Parties to whom other repairs and maintenance orders are applicable.* The preference rating herein assigned shall not be applied by any person to deliveries of repairs and maintenance items to which deliveries any other Order has assigned a preference rating.

(j) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D C. Ref.: P-94.

(k) *Violations.* Any Person, who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(l) *Revocation or amendment.* This Order may be revoked or amended at any time as to the Installer or any Supplier. In the event of revocation, deliveries already rated pursuant to this Order shall be completed in accordance with said rating unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the Installer or Supplier affected by such revocation.

(m) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(n) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong. 1st Sess.)

Issued this 13th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2189; Filed, March 13, 1942; 11:56 a. m.]

PART 1068—TINPLATE AND TERNEPLATE

Interpretation No. 1 of Conservation Order M-81

The following official interpretation is hereby issued by the Director of Industry Operations with respect to Conservation Order M-81 (§ 1068.1 *Conservation Order No. M-81* [1]), dated February 11, 1942:

Except where other limits are specified in Table II of Conservation Order M-81, paragraph (c) (3) of said Order limits the amount of tinplate which may be used to pack the secondary products listed in Table II of said Order to 100% of the amount of tinplate used during the year 1940. As stated in the heading to said Table II, these limits "relate only to the pack permitted for civilian consumption. To the extent of additional requirements by the Army, Navy, Lend-Lease or other U. S. Governmental Agency, such pack may be increased."

Conservation Orders M-86 and M-86-a (§§ 1084.1, 1084.2) require specified amounts of secondary products to be set aside for purchase by the Government. Orders M-86 and M-86-a do not require that actual purchase orders must have been placed for such goods before they are so set aside.

A question has arisen whether such additional pack is prohibited by Order M-81 when not made to fill an actual purchase order with a preference rating of higher than A-2, in accordance with paragraph (g) of said Order M-81. Such pack is not prohibited. The exception set forth in the heading of Table II of Order M-81 permitting a pack for Governmental requirements in addition to the quantity limitations of said Table II applies to the pack required to be set aside pursuant to Orders M-86 and M-86-a so that only such amount of canned goods as are required to be set aside by said Orders may be packed outside the quantity limitations of Order M-81 whether or not actual purchase orders for such canned goods have been placed by any Governmental Agencies.

When such products are not set aside pursuant to Order M-86, they are within the quantity limitations of said Table II even although they are ultimately purchased by the Army, Navy, Lend-Lease, or other U. S. Governmental Agency.

The individual restrictions set forth in Order M-81 relating to can sizes, repacking, and specific limitations on the form in which a product may be packed, apply to all products whether or not they are being set aside for purchase by the Army, Navy, and other Governmental Agencies. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public Law 671, 76th Cong., 3d Sess., as amended by Public Law 89, 77th Cong., 1st Sess.)

Issued this 13th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2192; Filed, March 13, 1942; 11:57 a. m.]

PART 1084—CANNED FOODS

Conservation Order M-86

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials used in canning foods for defense, and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1084.1 *Conservation Order M-86*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Definitions.* For the purposes of this Order:

(1) "Canner" shall mean any Person engaged in the business of canning foods in hermetically sealed metal or glass containers and sterilizing the same by the use of heat.

(2) "Pack" shall mean the total amount, by weight, of all grades of any particular food canned by any Canner during the packing season in a particular locality after January 1, 1942. This definition of "pack" shall not be deemed to affect or change the meaning of the term "pack" as used in Conservation Order M-81, wherein such term refers to area of tinplate or terneplate.

(3) "Government Agency" shall mean any officer, board, agency, commission, or government-owned or government-controlled corporation of the United States specifically designated by the Director of Industry Operations.

(c) *Restrictions on canners.* (1) Each canner shall set aside for the requirements of Government Agencies such canned foods packed by him as the Director of Industry Operations may from time to time order, without regard to previously existing contracts. All such foods so set aside shall, unless and until released, be held for allocation to any Government Agency by the Director of Industry Operations. There shall not be calculated as part of the canned foods required to be set aside by this paragraph, canned foods delivered to any government agency when not so allocated to such Agency by the Director of Industry Operations.

(2) Each canner shall, within fifteen days after he has completed a seasonal Pack, or in the instance of a nonseasonal product, at such times as may be prescribed, mail to or file with the War Production Board a report thereof in such form as may, from time to time, be prescribed by the Director of Industry Operations.

(3) If any canned foods set aside for the requirements of Government Agencies have not been purchased within sixty days after the mailing or filing of the report prescribed in paragraph (c) (2), or such other time as the Director of Industry Operations may fix, the Canner may notify the War Production Board, in writing, that if such canned foods are not purchased within thirty days he will no longer hold such foods set aside. If any of such canned food is not purchased within thirty days after the mailing or filing of such notice, and if no further Order is issued with respect to it, it shall be deemed released and shall be available for unrestricted sale and distribution.

(d) *Certificates and reports relating to the cans covered by this order*—(1) *Certificates.* Each Canner who purchases any cans to pack any food for governmental use pursuant to this Order—whether such purchase is by contract or on open account order—shall furnish to the can manufacturer from whom he buys a certificate, signed by an authorized official, in substantially the form attached hereto as "Exhibit A", which shall constitute a certification to the War Production Board that such canner is familiar with the terms of this Order (in its present form or as it may be amended from time to time) and that, during the life of this Order, he will not use any cans purchased from such can manufacturer in violation of its terms. Only one such certificate covering all present and future purchases from a given can manufacturer, need be furnished by a canner to that can manufacturer but no can manufacturer shall be entitled to rely on any such certificate if he knows, or has reason to believe it to be false.

(2) *Reports.* Each Canner shall file such additional reports as the War Production Board may prescribe for the purpose of effective administration of this Order.

(e) *Inspection and grading.* Any canned foods required to be set aside under this Order shall be subject to inspection and grading at any time by the Director of Industry Operations, or any government agency thereto authorized by him.

(f) *Appeals.* Any Person affected by this Order who considers that compliance herewith would work an exceptional or unreasonable hardship upon him, may appeal to the Director of Industry Operations by letter, setting forth the pertinent facts and reasons such Person considers that he is entitled to relief. The Director may thereupon take such action as he deems appropriate.

(g) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, purchases, production and sales.

(h) *Audit and inspection.* All records required to be kept by this Order or by any rule, regulation or Order of the Director of Industry Operations shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(i) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to War Production Board, Washington, D. C. Ref.: M-86.

(j) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(k) *Effective date and termination.* This Order shall take effect on the date of issuance hereof, and, shall continue in effect until revoked.

Issued this 13th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

EXHIBIT A

WAR PRODUCTION BOARD

DIVISION OF INDUSTRY OPERATIONS

Social Securities Building, Washington, D. C.

CANNER'S CERTIFICATE

Certificate required by Paragraph (d) (1) of Conservation Order M-86. One copy of this certificate is to be delivered to each can manufacturer from whom the canner purchases cans and is to cover all purchases present and future, so long as such Conservation Order, in its present form or as it may be amended from time to time, remains in effect.

(Applicant's Address) (Date)

(Applicant's Name)

In accordance with Paragraph (d) (1) of Conservation Order M-86 of the War Production Board, to conserve the supply and direct the distribution of certain canned foods, the undersigned hereby certifies—and this shall constitute a certification to the War Production Board—that the undersigned applicant is familiar with the terms of said Conservation Order M-86, and any and all amendments thereto, and that said applicant will not use any cans purchased from

---
(Name of Can Manufacturer)

(Address of Can Manufacturer)

in violation of the terms of said order and amendments.

(Legal Name of Applicant)

By---

(Title of Official Reporting)

Section 35A of the U. S. Criminal Code (18 U.S.C. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

[F. R. Doc. 42-2190; Filed, March 13, 1942; 11:56 a. m.]

PART 1084—CANNED FOODS

Supplementary Order No. M-86-a

§ 1084.2 *Supplementary Order M-86-a.*[1] (a) Pursuant to Order M-86, which this Order supplements, it is hereby ordered that each canner shall set aside to be delivered for the requirements of Government Agencies, pursuant to Order M-86, fruits and vegetables packed by him at any time in 1942 of the kinds and in the percentages set forth in columns A and B of Tables I and II, attached hereto.

If the type, style, or variety of any such fruits or vegetable is described in Column C, such percentage shall be in the type, style, and variety described. Such percentage shall be packed in can sizes in the order of preference specified in Column D, and shall be made up of the first preference grade of such fruit or vegetable specified in Column E, to the extent that the Canner's production of such grade is sufficient therefor. To the extent that the Canner's production of such grade is insufficient to meet such percentage, he shall set aside so much of his production of the second preference grade, if any, specified in Column F as is sufficient to complete such percentage. If his production of the grades specified in both Column E and F is insufficient for such purpose, the Canner shall set aside so much of his production of the third preference grade, if any, specified in Column G as is sufficient to complete such percentage.

(b) Any Canner who packed any of the products listed on Table II of this Order in the calendar year of 1940 shall report by individual plant (if he operated more than one plant) to the Director of Industry Operations, showing for each such product the number of dozens of each can size packed. If a Canner packed in

[1] See also Conservation Order M-86, *supra*.

[1] 7 F.R. 947

1941 any product listed in Table II which was not packed in 1940, he shall report the number of dozens of each can size packed in 1941. The report required by this paragraph shall be submitted in duplicate within thirty days following the effective date of this Order on Form P.D. 342[1] Canneries Production Report (1940–1941).

(c) The report prescribed by paragraph (c) (2) of Order M–86 shall be given on Form P. D. 343.[1] Seasonal Pack Report for 1942.

(d) The notice permitted by paragraph (c) (3) of Order M–86 may be given if any goods set aside in compliance with this Order have not been purchased within sixty days after the mailing or filing of the report with respect to such goods prescribed by paragraph (c) (2) of said Order M–86.

(e) This Order shall take effect immediately, and unless modified, amended or revoked, shall continue in effect until December 31, 1942. (P.D. Reg. 1, as amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 13th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[1] Filed with the original document.

SUPPLEMENTARY ORDER No. M–86–A

CANNED FRUITS AND VEGETABLES

TABLE I—*Primary Products*

The quota of any product listed in Column A to be set aside by any Canner for the Government will be equal to the percentage shown in Column B applied to his total 1942 Pack of that product.

A	B	C	D	E	F	G
Canned fruits and vegetables	Percentage of 1942 pack	Description	Can sizes preferred in order listed	Grade: First preference	Grade: Second preference	Grade: Third preference
Fruit Cocktail	23		10-2½	Choice	Fancy.	
Peaches[2]	32	Clings—Freestone. Halves—Sliced.	10-2½	Choice	Std. Clings only.	Fancy.
Pears	31	Bartlett halves	10-2½	Choice	Top Std.[1]	Standard.
Asparagus	30	Culturally bleached, All Green.	10-2	Fancy cut	Fancy spear.	
Beans, Lima	25	Fresh	10-2	Ext. Std.	Fancy green	Std. fresh white.
Beans, String	28	Cut—Green, Wax, Round, Flat.	10-2	Ext. Std.	Top Std.[1]	Fancy.
Corn, Sweet	23	Yellow, White. Cream style, whole kernel.	#2 Cream style & whole kernel, #10 whole kernel only.	Ext Std	Fancy	Standard.
Peas	26	Alaska's 3 & 4 sieve, Sweets—3 & larger, ungraded.	10-2	Ext Std	Standard	Fancy.
Tomatoes	23		10-2½2.	Ext Std	Standard	Fancy.
Tomato Catsup	23		10-14 oz. Glass & larger.	Fancy 25% solids.	Standard.	
Tomato Juice	15		10-3 qt. (404 x 700)	Fancy.		

[1] Top Standard means 70–74 inclusive as defined in terms of U. S. Grades.
[2] Except Freestone Peaches packed in California. (See Table II.)

SUPPLEMENTARY ORDER No. M–86–A

CANNED FRUITS AND VEGETABLES

TABLE II—*Secondary products*

The use of Tinplate in packing these products is restricted by Tinplate Conservation Order M–81. The quota to be set aside for the Government will be equal to the percentage shown in Column B applied to the restricted production permitted by Order M–81 and such quotas may be packed in addition to the Pack limitation set by said Order M–81.

A	B	C	D	E	F	G
Canned fruits and vegetables	Percentage as defined above	Description	Can sizes preferred in order listed	Grade: First preference	Grade: Second preference	Grade: Third preference
Apples	88	Heavy Pack	10	Standard.		
Applesauce	32	Fresh	10-2	Fancy	Standard.	
Apricots	50	Halves unpeeled	10-2½	Choice	Top Std.[1]	Fancy.
Cherries, RSP	21	Red Pitted (water pack)	10-2	Standard.		
Cherries, Sweet	34	Light Unpitted	10-2½-2	Choice	Top Std.[1]	Fancy.
Peaches	26	Freestone (Calif. only) halves—sliced.	10-2½-2	Choice	Fancy.	
Pineapple	26	Sliced—Crushed	10-2½-2	Fancy	Standard.	
Prunes, Fresh	25	Italian	10-2½	Choice	Fancy.	
Beets	60	Cut-Quartered-Sliced-(Diced)	10-2½-2	Fancy	Top Std.[2]	
Carrots	100	Diced	10-2½-2	Fancy	Top Std.[2]	
Pumpkin	65		2½	Fancy	Top Std.[2]	
Spinach	58		10-2½-2	Fancy	Top Std.[2]	

[1] Top Standard means 70–74 inclusive as defined in terms of U. S. Grades.
[2] Top Standard means 80–84 inclusive as defined in terms of U. S. Grades.

[F. R. Doc. 42–2191; Filed, March 13, 1942; 11:56 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

ORDER REVOKING AFFIRMATIONS OF COMPLIANCE IN CERTAIN REVISED PRICE SCHEDULES

A statement of the considerations involved in the issuance of this Order has been prepared and is issued simultaneously herewith.[1]

Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, including section 201 (d) thereof, it is hereby ordered that the following sections or portions thereof be revoked:

Section:	Revised Price Schedule No.
1307.6	7
1314.7, first paragraph thereof	9
1316.8	11
1339.6	18
1335.55	21
1337.17	23
1342.5	24
1335.154	28
1347.5	30
1335.205	31
1347.56	32
1307.55	33
1335.255	34
1335.305	36
1335.355	37
1335.405	38
1325.56	39
1335.455	42
1347.105	47
1330.56	55
1315.56	56
1352.8	57
1354.5	58
1353.6	59
1314.56	61
1356.8	64
1301.55	67
1335.505	68
1355.59	70
1362.5	75
1345.55	77
1336.57	83
1336.106	84
1315.1255	87
1316.106	89

(Pub. Law 421, 77th Cong., 2nd Sess.)

This order shall become effective March 13, 1942. Issued this 12th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–2160; Filed, March 12, 1942; 5:05 p. m.]

PART 1303—ZINC

AMENDMENT NO 1 TO REVISED PRICE SCHEDULE NO. 81[2]—PRIMARY SLAB ZINC

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.[3]

Sections 1303.53, 1303.54, 1303.57 (a), and 1303.59 (e) are amended to read as follows and a new § 1303.58a is added:

§ 1303.53 *Evasion.* (a) The price limitations set forth in Price Schedule No. 81 shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of primary slab zinc, alone or in conjunction with any other material, or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by toll agreement, or by tying-agreement, or other trade understanding, or otherwise.

(b) Any purchase, sale, delivery or transfer of primary slab zinc in quantities less than requested by the buyer in order to enable the seller to obtain a higher less-than-carload-lot differential shall be considered to be an evasion of Price Schedule No. 81: *Provided*, That the buyer is willing to accept delivery of the requested quantity in a single shipment.

§ 1303.54 *Records and reports.* (a) Every person making purchases or sales of primary slab zinc after January 28, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of (1) each such purchase or sale showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity in pounds or tons of each kind or grade purchased or sold; and (2) the quantity in pounds or tons of primary slab zinc (i) on hand, and (ii) on order, as of the close of each calendar month.

(b) Every smelter processing or treating on toll, by a process of distillation or by electrolysis, to obtain slab zinc therefrom, any zinc ores, concentrates or other primary material in accordance with the terms of an agreement or transaction entered into before March 13, 1942, shall file with the Office of Price Administration on or before April 1, 1942, full details of such agreement or transaction, including a copy thereof. Every smelter entering into such an agreement or transaction on or after March 13, 1942, shall, within 5 days thereafter file with the Office of Price Administration full details of such agreement or transaction, including a copy thereof.

(c) Every smelter who has prior to March 13, 1942, entered into an agreement or transaction to sell, deliver, or transfer primary slab zinc made to specifications other than those set forth in § 1303.59, paragraph (e), below, at the request of any customer, which is not yet completed on that date, shall file with the Office of Price Administration on or before April 1, 1942, full details of such agreement or transaction including a copy thereof, the name and address of the buyer, the required specification, the quantity in pounds or tons required, the price in cents per pound, and the delivery terms established by such agreement or transaction. Every smelter entering into such an agreement or transaction on or after March 13, 1942, shall file with the Office of Price Administration within 5 days thereafter full details of such agreement or transaction including a copy thereof, the name and address of the buyer, the required specification, the quantity in pounds or tons required, the price in cents per pound, and the delivery terms established by such agreement or transaction.

(d) Persons affected by Price Schedule No. 81 shall submit such reports to the Office of Price Administration as it may, from time to time, require.

§ 1303.57 *Definitions.*

* * * * *

(a) "On toll" means under an arrangement whereby a servicing charge is paid in any manner for processing or servicing ore or other material containing zinc;

* * * * *

§ 1303.59 *Appendix A: Maximum prices for primary slab zinc.*

* * * * *

(e) *Specifications.* The grades of slab zinc specifically referred to above shall conform to the following chemical requirements:

Maximum Impurities—Percent

Grade	Lead	Iron	Cadmium	Aluminum	Total not over
Special high grade	0.007	0.005	0.005	None	0.010
High grade	.07	.02	.07	None	.10
Intermediate	.20	.03	.80	None	.50
Brass special	.60	.03	.80	None	1.00
Selected	.80	.04	.75	None	1.25
Prime western	1.60	.08			

Primary slab zinc which fails to meet the standards of any grade set forth above shall be sold below the maximum price for such grade as herein established: *Provided, however*, That primary slab zinc made to conform to specifications other than those set forth above, required by any customer may be sold by the producer thereof to such customer at prices in excess of the maximum prices herein established provided said manufacturer has first fulfilled the reporting requirements set forth in § 1303.54 (c) hereof.

§ 1303.58a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1303.53, 1303.54, 1303.57 (a), 1303.58a, and 1303.59) to Revised Price Schedule No. 81 shall become effective March 13, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 12th day of March, 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–2157; Filed, March 12, 1942; 5:03 p. m.]

[1] The statement of considerations has been filed with the Division of the Federal Register.
[2] 7 F.R. 1356.

PART 1306—IRON AND STEEL

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 41[1]—STEEL CASTINGS

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.[2]

The first paragraph and Table III of this § 1306.113 are hereby amended and a new § 1306.110a is added to read as set forth below:

§ 1306.113 *Appendix B: Maximum prices for railroad specialties.* (a) The maximum prices, including extras except as hereinafter provided, for railroad specialties shall be as set forth in Tables I, II, III and IV of this Appendix: *Provided*, That (1) An additional charge may be made by any producer for any extras furnished by such producer in cases where such extras were customarily charged by railroad specialty producers between October 1 and October 15, 1941, and the maximum amount of any additional charge for any such extra shall be the amount which was customarily charged by railroad specialty producers for the same extra between October 1 and October 15, 1941.

(2) An additional charge may be made by any producer for pattern costs for side-frames and bolsters where such pattern costs were customarily charged by such producer between October 1 and October 15, 1941, and the maximum amount of any additional charge for such pattern costs shall be the amount which customarily was or would have been charged by such producer for the same or similar pattern costs between October 1 and October 15, 1941.

(3) The maximum prices for coupler repair parts furnished by any producer shall be the prices which railroad specialty producers customarily charged therefor between October 1 and October 15, 1941.

(4) Where deliveries are made outside of base territory, there may be added charges for freight prevailing at time of delivery with the customary differential allowed to the purchaser, computed by methods used by the producer on October 1, 1941.

* * * * *

[1] 7 F.R. 1281.
[2] The statement of consideration has been filed with the Division of the Federal Register.

TABLE III—*Couplers*

(1) Furnished in Grade "B" Steel

A. A. R. STANDARD AND ALTERNATE STANDARD COUPLERS AND ATTACHMENTS

A. A. R. Type "E" top or rotary operating couplers, 12" heads, with shanks not more than 21¼" long, fitted with 11" knuckles:	
5 in. x 7 in. shanks, with 6¼ in. butt ends	$55.75 per pair.
6 in. x 7 in. shanks, with 9½ in. butt ends	$57.05 per pair.
6¼ in. x 8 in. shanks, with 6¼ in. butt ends	$60.50 per pair.
6¼ in x 8 in. swiveling shanks, without butts, pins and cotters	$60.50 per pair.
Locomotive or Special Tender designs with shanks not over 21¼ in. long	$34.26 each.
Other special tender designs with unusual style shanks not over 21¼ in. long	$.0845 per lb.
Passenger Coupler designs	$.0645 per lb.
A. A. R. Alternate Standard Swivel Butts, complete with pins, pin retainers and cotters, when furnished for assembly with couplers having swiveling shanks:	
In lots of 1 to 99 pcs. incl	$17.50 per pair.
In lots of 100 to 199 pcs. incl	$16.50 per pair.
In lots of 200 pieces or more	$15.50 per pair.
A. A. R. Alternate Standard Swivel Yokes, complete with pins and cotters, when furnished for assembly with couplers having swiveling shanks:	
In lots of 1 to 99 pcs. incl	$37.90 per pair.
In lots of 100 to 199 pcs. incl	$36.40 per pair.
In lots of 200 or more pieces	$34.90 per pair.

TABLE III—*Couplers*—Continued

FORMER M. C. B. COUPLERS

M. C. B. top operating freight, locomotive, or special tender couplers, 9¼ in. head, with shanks not over 21¼ in. long fitted with 9 in. or 11 in. knuckles	$25.50 each.
M. C. B. top, side, or bottom operating passenger couplers, not over 48 in. long from pulling face of knuckle to butt end, fitted with 9 in. knuckles, but not including the furnishing or application of wrought iron or steel straps, or separate wearing plates	$30.00 each.
Coupler Pockets complete, for use with locomotive coupler designs	$.105 per lb.

SPECIAL M. C. B. COUPLERS NOS. 1 AND 2 COMPLETE COUPLERS

	Price each
Special M. C. B. No. 1 Top Operating Couplers with shanks not over 21¼" long and fitted with 9" knuckles:	
5 x 5" shanks, 6½" butt ends	$25.50
5 x 7" shanks, 6½" butt ends	25.50
Engine, Short Shanks	25.50
Special M. C. B. No. 2 Top Operating Couplers, with shanks not over 21¼" long and fitted with 9" knuckles:	
5 x 5" shanks, 6½" butt ends	24.00
5 x 7" shanks, 6½" butt ends	24.00
Engine, Short Shanks	24.00

SPECIAL DESIGNS

	Drawing	Price each
Special M. C. B. No. 2 Coupler	Type "J"	$26.50
Special M. C. B. No. 2 Coupler	Type "H"	32.50
Special M. C. B. No. 2 Coupler	Type "M"	32.50
Special M. C. B. No. 2 Coupler	Type "T"	25.50
Special M. C. B. No. 1 Coupler	Type "S"	28.50
Special M. C. B. No. 2 Top Operating Unit Radial Coupler		$28.30
Special M. C. B. No. 2 Rotary Operating Unit Radial Coupler		29.30
Special M. C. B. No. 1 Top Operating Unit Radial Coupler		29.80
Special M. C. B. No. 1 Rotary Operating Unit Radial Coupler		30.80

INCOMPLETE TYPE "E" AND M. C. B. COUPLER AND COUPLER BODY PRICES—TYPE "E"

A. A. R. Standard Type "E" Coupler Bodies Only; Without fittings:	Per pair
5 x 7 x 6½"	$42.45
5 x 7 x 9⅛"	43.75
6¼ x 8 x 6¼", Rigid Shank	47.20
6¼ x 8 x 6¼", Swivel Shank	47.20
Locomotive, Short shank	27.60

FRACTIONAL SIZE COUPLERS

¼ Size top operating freight or tender couplers without uncoupling chains, price	$19.50 each.
¼ Size bottom or side operating freight or tender couplers, without uncoupling chains, price	$21.60 each.
½ Size top, side, or bottom operating passenger couplers, without uncoupling chains, price	$23.25 each.
½ Size top operating freight or tender couplers, without uncoupling chains, price	$13.00 each.
½ Size coupler pockets, price	$0.205 per lb.

(2) Furnished in High Tensile Steel

A. A. R. STANDARD AND ALTERNATE STANDARD COUPLERS AND ATTACHMENTS

A. A. R. Type "E" top or rotary operating couplers, 11" heads with shanks not more than 21¼" long, fitted with 11" knuckles:	
6¼" x 8" shanks with 6½" butt ends	$67.26 per pr.
6¼" x 8" swiveling shanks, without butts, pins, and cotters	$67.25 per pr.
A. A. R. Alternate Standard Swivel Butts, complete with pins, pin retainers and cotters, when furnished for assembly with couplers having swiveling shanks:	
In lots of 1 to 99 pcs. incl	$19.65 per pr.
In lots of 100 to 199 pcs. incl	$18.40 per pr.
In lots of 200 pieces or more	$17.15 per pr.
A. A. R. Alternate Standard Swivel Yokes, complete with pins and cotters, when furnished for assembly with couplers having swiveling shanks:	
In lots of 1 to 99 pcs. incl	$42.15 per pr.
In lots of 100 to 199 pcs. incl	$40.25 per pr.
In lots of 200 pieces or more	$38.40 per pr.
A. A. R. Standard Tight Lock Coupler Complete T-80	$111.25 each.
A. A. R. Standard Tight Lock Coupler Yoke, Y-50, complete with Radial connection, Radial seat and pins	$112.50 each.
Type "F" Controlled Slack Coupler, Complete:	
C. S. C.–1	$62.30 each.
C. S. C.–2	$92.80 each.
C. S. C.–3	$94.60 each.
C. S. C.–4	$71.05 each.
C. S. C.–5	$78.65 each.

* * * * *

§ 1306.110a *Effective date of amendments.* (a) Amendment No. 1 (§§ 1306.110a and 1306.113) to Revised Price Schedule No. 41 shall become effective March 16, 1942. (Pub. Law 421, 77th Cong., 2d sess.)

Issued this 12th day of March 1942.

JOHN HAMM,
Acting Administrator.

[F. R. Doc. 42-2158; Filed, March 12, 1942; 5:03 p. m.]

For determining prices of various other combinations of incomplete Type "E" Couplers, the following amounts for missing parts should be deducted.

	Type "E" freight couplers	Type "E" locomotive couplers
	Per pair	*Each*
Less Knuckles	deduct $3.72	$4.36
Less Lifters	do .92	.46
Less Knuckle Throwers	do .98	.49
Less Locks	do 2.14	1.07
Less Knuckle Pins	do .54	.27

M. C. B.

M. C. B. Coupler Bodies Only; without fittings:	*Each*
5 x 5 x 6½"	$20.60
5 x 7 x 6½"	20.60

For determining prices of various other combinations of incomplete M. C. B. Couplers, the following amounts for missing parts should be deducted.

	M. C. B. couplers (each)
Less Knuckles	deduct $3.05
Less Lifters	do .90
Less Locks	do .68
Less Knuckle Pins	do .27

PART 1398—OFFICE AND STORE MACHINES

TEMPORARY MAXIMUM PRICE REGULATION NO. 9—USED TYPEWRITERS

In the judgment of the Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942 to establish temporarily as the maximum prices for used typewriters the prices prevailing with respect thereto within five days prior to the issuance of this Regulation.

Therefore, under the authority vested in me by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Temporary Maximum Price Regulation No. 9 is hereby issued:

§ 1398.51 *Maximum prices for sale or rental of used typewriters.* (a) On and after March 13, 1942, to and including May 11, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver used typewriters, and no person shall buy or receive used typewriters in the course of trade or business at prices higher than the maximum prices established herein; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of used typewriters to a purchaser if, prior to March 6, 1942, such typewriters had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) The maximum price for any used typewriters shall be the highest price, exclusive of federal excise tax, for a typewriter of the same make, model, manufacturer's trade-in allowance category ("serial number break"), and condition, quoted or otherwise in effect on March 5, 1942, for a purchaser of the same general class, from the manufacturer, wholesaler, distributor, dealer, or other seller.

(c) The maximum price for the rental or use of any used typewriter shall be the highest price for a typewriter of the same make, model, manufacturer's trade-in allowance category ("serial number break"), and condition, quoted or otherwise in effect on March 5, 1942, for a rental to a person of the same general class, for the same term or period.*

*§§ 1398.51 to 1398.60, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong. 2d Sess.

§ 1398.52 *Less than maximum prices.* Lower prices than those set forth in this Temporary Maximum Price Regulation No. 9 may be charged, demanded, paid, or offered.*

§ 1398.53 *Notices to be posted.* Every retail dealer in used typewriters shall post in a conspicuous place on his premises where used typewriters are offered for sale or lease, a notice which shall set forth in legible fashion, and in their entirety, §§ 1398.51, 1398.52, and 1398.55 of this Temporary Maximum Price Regulation No. 9, with a scale of rental prices.*

§ 1398.54 *Conditional agreements.* No seller of used typewriters shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided herein, in the event that this Temporary Maximum Price Regulation No. 9 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment (or for adjustment or for exception under § 1398.58) has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in

[1] 7 F.R. 971

the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment (or for adjustment or exception, as the case may be). Requests for such an exception may be included in the aforesaid petition for amendment (or for adjustment or for exception under § 1398.58).*

§ 1398.55 *Evasion.* (a) The price limitations set forth in this Temporary Maximum Price Regulation No. 9 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to used typewriters, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Decreasing cash discounts, trade-in or exchange allowances, rental credits on purchases, quantity purchase discounts, or allowances for or absorption of transportation costs, in effect on March 5, 1942.

(2) Increasing charges, in effect on March 5, 1942, for deferred payment, or for any other form of installment, or time payment or credit accounts.

(3) Increasing charges, in effect on March 5, 1942, for maintenance or repair service, or for shop overhauls.

(4) Decreasing the effective period of guarantee or warranty of performance, or of maintenance or repair service.

(5) Representing typewriters in "rough" or "as is" condition as reconditioned or rebuilt, or reconditioned typewriters as rebuilt, or rebuilt typewriters as new.*

§ 1398.56 *Records and reports.* (a) Every person making sales or rentals of used typewriters after March 13, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, a complete and accurate record of each such sale, or rental, showing the date thereof, the name and address of the buyer or lessee, the make, the model, serial number, or other designation and the price received for each used typewriter, the discounts and trade-in allowances given, and the model, serial number, or other designation of each typewriter traded in.

(b) Persons affected by this Temporary Maximum Price Regulation No. 9 shall submit such reports to the Office of Price Administration as it may, from time to time, require.*

§ 1398.57 *Enforcement.* (a) Persons violating any provision of this Temporary Maximum Price Regulation No. 9 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Temporary Maximum Price Regulation No. 9 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.*

§ 1398.58 *Petitions for amendment.* Persons seeking any modification of this Temporary Maximum Price Regulation No. 9 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.*

§ 1398.59 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 9, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing;

(2) "Typewriter" means any portable, office, commercial, noiseless or standard type of manually or electrically operating writing machine designed to be used for writing or copying letters or other documents, and does not include telegraphic typewriters, Linotype machines, Monotype machines, or Braille machines;

(3) "Used typewriter" includes any typewriter which has, at any time, been delivered to any person who acquired it for use;

(4) "Rebuilt typewriter" means any used typewriter which, in the process of rebuilding for delivery to the purchaser as a rebuilt typewriter, has been dismantled, cleaned, realigned, adjusted, and reassembled, its main frame completely refinished, and imperfect type and worn parts replaced by new type and parts;

(5) "Reconditioned typewriter" means any used typewriter which, in the process of reconditioning for delivery to the purchaser as a reconditioned typewriter, has been cleaned, realigned, adjusted, and its imperfect type and worn parts replaced;

(6) "Rough" or "as is" means any used typewriter which, at the time of delivery to the purchaser, is not in rebuilt or reconditioned condition;

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, shall apply to other terms used herein.*

§ 1398.60 *Effective date.* This Temporary Maximum Price Regulation No. 9 (§§ 1398.51 to 1398.60, inclusive) shall become effective March 13, 1942.*

Issued this 12th day of March, 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2162; Filed, March 13, 1942; 9:14 a. m.]

PART 1398—OFFICE AND STORE MACHINES

RATIONING ORDER NO. 4—USED TYPEWRITERS

Pursuant to the authority vested in me by Directive No. 1 issued by the Chairman of the War Production Board on January 24, 1942, and by Supplementary Directive No. 1D issued by the Chairman of the War Production Board on March 5, 1942, it is hereby ordered that:

§ 1398.101 *Restriction of sales and deliveries of used typewriters.* On and after the effective date of this Rationing Order No. 4, regardless of any contract of sale, contract to sell, agreement, lease or other obligation, no person shall sell or deliver used typewriters, and no person shall buy or receive used typewriters, except as provided in §§ 1398.102, 1398.103 and 1398.104.*

*§§ 1398.101 to 1398.109, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483, War Production Board Directive No. 1 and Supplementary Directive No. 1D, 7 F.R. 562, 7 F.R. 1792.

§ 1398.102 *Persons eligible to buy used typewriters*—(a) *Without application.* Effective March 13, 1942, the following persons shall be eligible to buy or receive used typewriters without making application to a Local Rationing Board:

(1) Consignees of shipments of typewriters: *Provided*, That such typewriters were in transit on a carrier, other than a carrier owned or controlled by the consignor, on March 6, 1942.

(2) Manufacturers of typewriters at their places of business in the United States.

(3) Wholesalers or dealers in typewriters.

(4) Persons regularly engaged in the business of repairing, reconditioning, or rebuilding used typewriters.

(5) Persons who have delivered used typewriters to others for repair, reconditioning, or rebuilding and are entitled to the return thereof.

(6) Persons entitled by distraint, levy, execution, attachment, or by similar forms of judicial process, including foreclosure or repossession by virtue of bona fide lien, created prior to March 6, 1942, to acquire used typewriters.

(7) Persons entitled to acquire used typewriters by will or by intestacy.

(8) Trustees or receivers in bankruptcy, insolvency, or receivership, in cases where their trusteeship or receivership extends to used typewriters.

(9) Any person acquiring a used typewriter for business purposes from a person who, at the time of delivery of such typewriter, shall own or possess not more than the one typewriter.

(b) *With application.* On and after April 13, 1942, the following persons shall be eligible to buy or receive used typewriters in exchange for a certified application pursuant to § 1398.104.

(1) Prime contractors with any agency of the government of the United States for the construction of a military or naval cantonment, shipyard, or air base: *Provided*, That such persons shall establish, in a statement as provided in § 1398.104, immediate need for such typewriters in connection with the construc-

tion of such cantonment, shipyard, or air base. Immediate need is not shown by an applicant if upon the acquisition of the typewriter or typewriters applied for, he will have in his possession any typewriter which is not in use, unless such typewriter not in use is unserviceable and cannot be made serviceable by reasonable repairs.

(2) Persons who are engaged in the operation of a plant, factory, or shipyard, 70% of whose combined billings and accepted but unbilled orders (whether or not production has commenced pursuant to such orders), during the three-month period preceding the month in which the application is filed, consisted of billings and accepted but unbilled orders for ships, planes, tanks, guns, ammunition, powder, fire control apparatus, military or naval optical or communications equipment, armor plate, radiosondes, machine tools, lift trucks, welding machines, foundry equipment, cranes, metal working equipment, heat treating furnaces, or tackle blocks: *Provided*, That such persons shall establish, in a statement as provided in §1398.104, immediate need for such typewriters for the efficient conduct of their business. Immediate need is not shown by an applicant if upon the acquisition of the typewriter or typewriters applied for, he will have in his possession any typewriter which is not in use, unless such typewriter not in use is unserviceable and cannot be made serviceable by reasonable repairs.*

§ 1398.103 *Rental of used typewriters.* (a) Effective March 13, 1942, all persons shall be eligible to rent used typewriters.

(b) Regardless of any agreement, lease or other obligation heretofore or hereafter entered into, all rentals, leasings, bailments, licenses, hirings, or loans of used typewriters shall be deemed subject to revocation or cancellation by lessors, bailors, licensors, or lenders, as the case may be, upon the issuance by the Office of Price Administration of Orders, Regulations, or Amendments requiring the recapture, repossession, or return of such used typewriters. Upon the issuance by the Office of Price Administration of any such Orders, Regulations, or Amendments, all persons in possession of such used typewriters shall return, deliver, or surrender such typewriters to their lessors, bailors, licensors, or lenders, as the case may be, at the time and in the manner provided for in such Orders or Regulations.

(c) *Rental-credit provisions and options to purchase.* Any rental-credit provision (or other provision for crediting rentals paid toward the purchase price of a rented typewriter) or option to purchase contained in an agreement for the rental of a used typewriter made prior to March 6, 1942, which rental-credit provision or option was not prior to March 6, 1942 invoked or exercised by the lessee, shall be enforceable only upon presentation of a certified application pursuant to §§ 1398.102 and 1398.104.

(d) *Bailment-leases.* A bailee-lessee under a bailment-lease agreement for the instalment purchase of a used typewriter may complete the purchase provided the agreement therefor was executed prior to March 6, 1942.*

§ 1398.104 *Procedure for buying used typewriters*—(a) *Application.* Any person who believes that he is eligible to buy a used typewriter or typewriters in accordance with the provisions of paragraphs (b) (1) and (b) (2) of § 1398.102 shall make to the Local Rationing Board of the Office of Price Administration having jurisdiction over the area in which the typewriter is to be used, an application in triplicate on Form R-401 to be provided by the Local Rationing Board.

(b) *Certification of application.* The Local Rationing Board, if it is satisfied that the applicant has properly executed his application, that the facts stated in the application are true, and that the applicant has satisfied all the applicable requirements of this Order, shall certify on the application its approval thereof and specify the number of used typewriters to which the applicant is eligible. The Local Rationing Board shall retain one copy of the application and deliver the remaining two copies to the applicant for presentation to the seller.

(c) *Delivery.* The seller, if he knows nothing inconsistent with the facts set forth in an application on Form R-401, approved by a Local Rationing Board, may deliver the typewriter or typewriters specified in the Board's certification to the applicant, after executing the statement required of him on Form R-401, forwarding one copy to the Local Rationing Board as provided in § 1398.106 and retaining the other. If the seller knows any facts to be inconsistent with those set forth in the application, he shall retain the application, refuse to make the sale, and notify the Local Rationing Board thereof.*

§ 1398.105 *Records.* Every typewriter manufacturer, wholesaler, and dealer shall preserve for not less than two years, accurate and complete records concerning inventories and sales or rentals of used typewriters (including, specifically, the use to which a rented typewriter is to be put) and such copies of forms as are required to be retained by them by the terms of this Rationing Order No. 4.*

§ 1398.106 *Reports.* (a) On or before April 6, 1942, every typewriter manufacturer, wholesaler, and dealer shall file with the Local Rationing Board, on a Form to be provided by the Board, an inventory report containing the information required by such Form.

(b) Persons affected by this Rationing Order No. 4 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.*

§ 1398.107 *Violations.* (a) Any person who violates any provision of this Rationing Order No. 4 who, by any act or omission, knowingly falsifies a statement or any record which he is required to keep by the terms of this Rationing Order No. 4 or who otherwise knowingly furnished false information to the Office of Price Administration, shall be subject to the penalties therefor, including a recommendation to the Attorney General for prosecution pursuant to section 35 (A) of the Criminal Code (Title 18, U.S.C. sec. 80).

(b) In addition, the Office of Price Administration may deny him the right to receive any used typewriter or any other commodity subject to rationing by the Office of Price Administration, and may recommend to the War Production Board that he be denied the right to receive any other materials which are now or in the future may be allocated by that Board.*

§ 1398.108 *Definitions.* When used in this Rationing Order No. 4, the term:

(a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing;

(b) "Typewriter" means any portable, standard, or noiseless type of mechanically or electrically operated writing machine used for writing or copying letters or other documents, and does not include telegraphic typewriter, linotype machines, monotype machines, or Braille machines;

(c) "Manufacturer" means any person operating a factory or plant which manufactures or assembles typewriters;

(d) "Wholesaler" means any person regularly engaged in the business of selling typewriters to manufacturers or other wholesalers or dealers;

(e) "Dealer" means any person regularly engaged in the business of selling or renting typewriters to the ultimate user;

(f) "Used" means any typewriter which at any time has been delivered to any person who has acquired it for use, and includes repaired, rebuilt, and reconditioned typewriters.*

§ 1398.109 *Effective date of this Rationing Order No. 4.* This Rationing Order No. 4 (§§ 1398.101 to 1398.109, inclusive) shall take effect March 13, 1942.

Issued this 12th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2161; Filed, March 13, 1942; 9:14 a. m.]

PART 1400—TEXTILE FABRICS: COTTON, WOOL, SILK, SYNTHETICS AND ADMIXTURES

TEMPORARY MAXIMUM PRICE REGULATION NO. 10—FINISHED PIECE GOODS MADE OF COTTON, RAYON AND MIXTURES THEREOF

In the judgment of the Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942 to establish temporarily as the maximum prices for finished piece goods made of cotton or rayon or mixtures thereof (referred to herein as "finished piece goods") the prices prevailing with respect thereto within five days prior to the issuance of this Regulation.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Temporary Maximum Price Regulation No. 10 is hereby issued.

§ 1400.1 *Maximum prices for finished piece goods.* (a) From March 13, 1942, to May 11, 1942, inclusive, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver any finished piece goods and no person shall buy or receive finished piece goods at a price higher than the maximum price therefor; and no person shall offer, solicit or attempt to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of finished piece goods to a purchaser if prior to March 13, 1942, such goods had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) (1) The maximum price shall be the highest net price for finished piece goods of the same kind, type, quality, and finish which was, during the period between March 7, 1942 and March 11, 1942, inclusive, sold, contracted to be sold, delivered or transferred by the seller to a purchaser of the same general class.

(2) If the maximum price cannot be determined under subparagraph (1), the maximum price shall be the highest net price of the seller in effect for sales of finished piece goods of the same kind, type, quality and finish to a purchaser of the same general class during the period between March 7, 1942, and March 11, 1942, inclusive, or in case the seller had no net price in effect during that period, the net price of the seller in effect on the nearest preceding date.

(3) If the maximum price cannot be determined under either subparagraph (1) or (2), the maximum price shall be a price in line with the maximum price, as determined by subparagraph (2), of the most nearly comparable finished piece goods offered for sale by the seller prior to March 7, 1942.*

*§§ 1400.1 to 1400.12, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1400.2 *Conditional agreements.* No seller of finished piece goods shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1400.1, in the event that this Temporary Maximum Price Regulation No. 10 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest, pending such consideration, the Administrator may grant an exception from the provisions of this Section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.*

[1] 7 F.R. 971.

§ 1400.3 *Exempt sales.* The provisions of this Temporary Maximum Price Regulation No. 10 shall not apply to (a) sales at retail; and (b) sales of oil cloth, lace fabrics, belting, or artificial leather or other pyroxylin coated fabrics.*

§ 1400.4 *Upholstery furniture fabrics and bed linens.* The provisions of this Temporary Maximum Price Regulation No. 10 shall not apply to sales of upholstery furniture fabrics for which maximum prices are established by Revised Price Schedule No. 39* or to sales of bed linens for which maximum prices are established by Revised Price Schedule No. 89.*

§1400.5 *Less than maximum prices.* Lower prices than those set forth in § 1400.1 may be charged, demanded, paid, or offered.*

§ 1400.6 *Evasion.* The price limitations set forth in this Temporary Maximum Price Regulation No. 10 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to finished piece goods, alone or in conjunction with any other commodity or by way of any commission, service, transportation, or other charge, or discount, premium, or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1400.7 *Records and reports.* Every person making sales of finished piece goods from March 13, 1942, to May 11, 1942, inclusive, shall keep for inspection by the Office of Price Administration for a period of not less than one year:

(a) Complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, a full description of the goods sold (with a reference sample of each kind, type, quality and finish), the price per yard received, the quantity sold and discounts and allowances of any nature given.

(b) Complete and accurate records of each sale, contract to sell, delivery or transfer during the period between March 7, 1942 and March 11, 1942, inclusive, showing the date thereof, the name and address of the buyer, a full description of the goods sold, contracted to be sold, delivered or transferred (with a reference sample of each kind, type, quality and finish), the price per yard and the quantity sold, contracted to be sold, delivered or transferred and discounts and allowances of any nature given.

(c) Complete and accurate records of the net prices in effect during the period between March 7, 1942, and March 11, 1942, inclusive, including a full description of the goods (with a reference sample of each kind, type, quality and finish), the price per yard, and discounts and allowances of any nature quoted.

(d) In cases where the maximum price is determined to be the net price in effect on a date preceding March 7, 1942, in accordance with paragraph (b) (2) of § 1400.1, complete and accurate records of the net price in effect on such date, including a full description of the goods (with a reference sample of each kind, type, quality and finish), the price per yard, and discounts and allowances given.

(e) In cases where the maximum price is determined as in line with other prices in accordance with paragraph (b) (3) of § 1400.1 complete and accurate records of the method of determining such maximum price, including a full description (with a reference sample of each kind, type, quality and finish), and the price per yard of the goods with which such maximum price is determined to be in line, and discounts and allowances of any nature given in connection with the sale of such goods.

Such persons shall submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1400.8 *Enforcement.* (a) Persons violating any provision of this Temporary Maximum Price Regulation No. 10 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Temporary Maximum Price Regulation No. 10 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.*

§ 1400.9 *Petitions for amendment.* Persons seeking any modification of this Temporary Maximum Price Regulation No. 10 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.*

§ 1400.10 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 10, the term:

(1) "Person" means an individual, corporation, partnership, association, or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other Government, or any of its political subdivisions, or any agency of any of the foregoing;

(2) "Finished piece goods made of cotton or rayon or mixtures thereof" means fabrics, more than 12 inches in width, bleached, dyed, printed, mercerized or otherwise finished or processed and woven from yarn composed, in the amount of ninety per cent. or more by weight, of either cotton fibre or chemically produced yarn or fibre made from cellulose or with a cellulose base, or of any mixtures thereof.

(3) "Net price in effect" means the price quoted in the seller's price list (or, in case there is no such price list, the price regularly quoted by the seller in any other manner) less all discounts and allowances. The term "net price" shall be construed accordingly.

[2] 7 F.R. 1279.
[3] 7 F.R. 1375.

(4) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no commercial user shall be deemed to be an ultimate consumer.

(5) "In line with" means having a justifiable relation to the maximum price with commensurate increases or decreases reflecting actual differences in the width, weight, construction and cost of the grey goods, the kind, type, quality, color and design characteristics and cost of the finish, provision for working allowance and the cost of put-up.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.*

§ 1400.11 *Replacement of regulation.* This Temporary Maximum Price Regulation No. 10 may be replaced by a permanent Maximum Price Regulation or Order issued under the Emergency Price Control Act of 1942.*

§ 1400.12 *Effective period.* This Temporary Maximum Price Regulation No. 10 shall become effective on March 13, 1942, and shall, unless earlier revoked or replaced, expire at 12 o'clock midnight, May 11, 1942.*

Issued this 12th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2159; Filed, March 12, 1942; 5:03 p. m.]

CHAPTER XV—DEFENSE COMMUNICATIONS BOARD

[Order No. 2]

PART 1701—COASTAL AND MARINE RELAY RADIO STATIONS

Whereas the Defense Communications Board has by Executive Order No. 8964 of December 10, 1941, been authorized, if the national security and defense and the successful conduct of the war so demand, to prescribe classes and types of radio stations and facilities or portions thereof which shall be subject to use, control, supervision, inspection, or closure, in accordance with such prescription, by the Department of War, Department of Navy, or other agency of the United States Government, designated by the Board;

And whereas the Defense Communications Board has determined that the national security and defense and the successful conduct of the war so demand;

Now, therefore, by virtue of authority vested in the Board under the aforementioned Executive Order, the Board hereby directs that:

§ 1701.1 *Authorization of Navy Department to use, control, supervise, inspect, or close coastal and marine relay radio stations.* All coastal and marine relay radio stations, as defined in the Rules and Regulations of the Federal Communications Commission, within the jurisdiction of the United States shall be subject to such use, control, supervision, inspection, or closure by the Navy Department in accordance with the terms of the said Executive Order as may be deemed necessary for the national security and defense and the successful conduct of the war by the Secretary of the Navy, under such regulation as he may prescribe. (E.O. 8964, 6 F.R. 6367)

Subject to such further order as the Board may deem appropriate.

DEFENSE COMMUNICATIONS BOARD,
JAMES LAWRENCE FLY, *Chairman.*

Attest:
HERBERT E. GASTON,
Secretary.

FEBRUARY 26, 1942.

[F. R. Doc. 42-2186; Filed, March 13, 1942; 11:45 a. m.]

TITLE 34—NAVY

CHAPTER I—DEPARTMENT OF THE NAVY

PART 18—REGULATIONS GOVERNING THE USE, CONTROL, SUPERVISION, INSPECTION, OR CLOSURE OF COASTAL AND MARINE RELAY RADIO STATIONS UNDER THE JURISDICTION OF THE UNITED STATES

Pursuant to the authority conferred upon the Secretary of the Navy by Order No. 2 of the Defense Communications Board,[1] issued February 26, 1942, under the authority of the Executive Order of December 10, 1941,[2] promulgated under the power vested in the President by section 606 of the Communications Act of 1934, as amended, and by virtue of the authority residing in the Secretary of the Navy to ensure the protection of shipping and to promote the successful conduct of the war; I hereby prescribe that from and after this date the use, control, supervision, inspection, or closure of coastal and marine relay radio stations, as defined in the Rules and Regulations of the Federal Communications Commission, under the jurisdiction of the United States shall be subject to the following regulations:

Sec.
18.1 Transmission of signals by coastal and marine relay stations prohibited; subject to exemptions.
18.2 Notice to Chief of Naval Operations of intent to establish, close, or modify coastal or marine relay service required.
18.3 Supervision and inspection of coastal and marine relay stations.
18.4 Closure of coastal and marine relay stations by Chief of Naval Operations authorized.
18.5 Temporary suspension of operation by coastal and marine relay stations.
18.6 Exemptions, how made.
18.7 Applicability of rules and regulations of Federal Communications Commission.
18.8 Effectiveness.

§ 18.1 *Transmission of signals by coastal and marine relay stations prohibited; subject to exemptions.* Subject to any exemptions made as provided in § 18.6 of these regulations, no coastal nor marine relay station shall transmit or relay any signal to or for any marine mobile station or aircraft in flight over the seas, nor shall any such station otherwise make any radio transmission.*

*§§ 18.1 to 18.8, inclusive, issued under the authority contained in Order No. 2, Defense Communications Board, February 26, 1942.

§ 18.2 *Notice to Chief of Naval Operations of intent to establish, close, or modify coastal or marine relay service required.* No person shall establish any radio station for the purpose of communication to or for marine mobile stations or aircraft in flight over the seas; nor shall any licensee of a coastal or marine relay station increase, reduce, or otherwise alter any coastal or marine relay service in effect on the date of the issuance of these regulations without first having served notice of such intention upon the Chief of Naval Operations with copy to the Commandant of the Naval District in which such station is located.*

§ 18.3 *Supervision and inspection of coastal and marine relay stations.* All coastal and marine relay stations shall be subject to such supervision and inspection as the Chief of Naval Operations may direct.*

§ 18.4 *Closure of coastal and marine relay stations by Chief of Naval Operations authorized.* The Chief of Naval Operations is hereby authorized to direct any coastal or marine relay station to cease its operations or to order the sealing or removal of any radio apparatus or equipment of any such station whenever in his judgment such action is required in the public interest and necessary to promote the successful conduct of the war.*

§ 18.5 *Temporary suspension of operation by coastal and marine relay stations.* All coastal and marine relay stations shall, upon receipt of orders from military or naval authority, suspend operation and no such station shall resume operation until authorized so to do by military or naval authority and all such stations shall comply with such other directions which may, from time to time, be issued by military or naval authority in the public interest and to promote the successful conduct of the war.*

§ 18.6 *Exemptions, how made.* Exemptions to the general prohibition against the transmission of signals by coastal and marine relay stations, as provided in § 18.1 of these regulations, may be made by the Chief of Naval Operations and by such other naval authority as may be authorized by the Chief of Naval Operations.*

§ 18.7 *Applicability of rules and regulations of Federal Communications Commission.* These regulations and such instructions as may be issued by naval authority under them shall, until amended or revoked, be effective in lieu of any rules or regulations of the Federal Communications Commission inconsistent therewith. Nothing in these regulations or any instructions as may have been issued under them shall be construed to render ineffective such rules or regulations of the Federal Communications Commission and such other jurisdiction of the Federal Communications Commission under the Communications Act of 1934, as are not inconsistent therewith.*

§ 18.8 *Effectiveness.* These regulations shall take effect immediately and shall continue in effect until the termination of the present conflict, unless sooner modified or revoked by proper authority.*

Issued this 9th day of March 1942.

FRANK KNOX,
Secretary.

[F. R. Doc. 42-2155; Filed, March 12, 1942; 3:51 p. m.]

[1] Title 32, Chapter XV, *supra*.
[2] 6 F.R. 6367.

TITLE 41—PUBLIC CONTRACTS

CHAPTER II—DIVISION OF PUBLIC CONTRACTS

PART 202—MINIMUM WAGE DETERMINATIONS

IN THE MATTER OF AN AMENDMENT TO THE PREVAILING WAGE DETERMINATION IN THE SEAMLESS HOSIERY INDUSTRY

This matter is before me pursuant to section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U.S.C. Supp. III 35) entitled "An Act to provide conditions for the purchase of supplies and the making of contracts by the United States, and for other purposes," otherwise known as the Walsh-Healey Public Contracts Act.

On February 3, 1942, the Administrator of the Division of Public Contracts of this Department issued a notice of opportunity to show cause (7 F.R. 797) why my decision dated July 28, 1937, In the Matter of Determination of the Prevailing Minimum Wage in the Seamless Hosiery Industry (2 F.R. 1338) should not be modified by finding that the prevailing minimum wage for persons now employed in that industry is 36 cents per hour or $14.40 for a week of 40 hours and why I should not further modify the determination for the Seamless Hosiery Industry to provide that the applicable regulations for the employment of learners and handicapped workers issued by the Administrator of the Wage and Hour Division of the Department of Labor should apply to contracts awarded subject to the minimum wage determination for that industry under the Walsh-Healey Public Contracts Act.

This notice was predicated upon the belief that the Wage Order, issued by the Administrator of the Wage and Hour Division and effective September 15, 1941, providing that the minimum wage paid by employers in the Seamless Hosiery Industry subject to the provisions of the Fair Labor Standards Act of 1938 must be at least 36 cents per hour, had the effect of establishing 36 cents per hour as the prevailing minimum wage in the industry within the meaning of section 1 (b) of the Walsh-Healey Public Contracts Act.

The notice of opportunity to show cause was sent to trade unions, trade publications, and trade associations. Notice also was given to interested parties by publication in the FEDERAL REGISTER (7 F.R. 797).

No objections or protests to the proposed action were received from any source.

Upon consideration of all the facts and circumstances,

I hereby determine:

§ 202.6 *Seamless hosiery industry.* That the minimum wage for employees engaged in the performance of contracts with agencies of the United States subject to the provisions of the Walsh-Healey Public Contracts Act (49 Stat. 2036; 41 U.S.C. Supp. III 35) for the manufacture and furnishing of seamless hosiery shall be 36 cents per hour or $14.40 for a week of 40 hours, arrived at either upon a time or piece work basis,

Provided, That learners and handicapped workers may be employed in accordance with the present regulations under the Fair Labor Standards Act of 1938 which regulations I hereby adopt for the purposes of this wage determination.

This determination shall be effective and the minimum wages hereby established shall apply to all contracts subject to the Walsh-Healey Public Contracts Act, bids for which are solicited or negotiations otherwise commenced on or after March 30, 1942.

Nothing in this determination shall affect such obligations for the payment of minimum wages as an employer may have under the Fair Labor Standards Act of 1938 or any other law, or agreement more favorable to employees than the requirements of this determination.

Dated: March 12, 1942.

FRANCES PERKINS,
Secretary.

[F. R. Doc. 42-2160; Filed, March 13, 1942; 10:20 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER III—GRAZING SERVICE

PART 501—THE FEDERAL RANGE CODE

"PRIOR WATER" DEFINED

Pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269), as amended, section 2 (l) of the Federal Range Code [Title 43, CFR 501.2 (l)] is amended to read as follows:

§ 501.2 *Definitions.*

* * * * *

(l) *Prior water.* Water which was used to service certain public-land range for a given number of livestock during the 5-year period immediately preceding June 28, 1934: *Provided*, That no water shall be considered as prior unless offered as base property in an application for a grazing license or permit filed within one year after the public lands which were used in creating the priority become a part of a grazing district: *And further provided*, That in cases wherein such lands become a part of a grazing district prior to March 16, 1941, a water shall not be considered as prior unless offered in an application prior to March 16, 1942. It will be considered prior water only to the extent of the greatest number of livestock that was properly grazed from it for a substantial period of time during the 5-year period immediately preceding June 28, 1934. (Sec. 2, 48 Stat. 1270; 43 U.S.C. 315a)

ARCHIE D. RYAN,
Acting Director of Grazing.

Approved: March 12, 1942.

E. K. BURLEW,
First Assistant Secretary.

[F. R. Doc. 42-2163; Filed, March 13, 1942; 9:45 a. m.]

TITLE 46—SHIPPING

CHAPTER I—BUREAU OF MARINE INSPECTION AND NAVIGATION

[Order No. 228]

MARINE ENGINEERING REGULATIONS

AMENDMENTS

FEBRUARY 28, 1942.

Pursuant to the authority of R. S. 4405, as amended (46 U.S.C. 375), the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, convened in the conference room, No. 1851, Department of Commerce, Washington, D. C., on January 21, 1942, at which session, after public hearings, the following regulations and amendments were adopted:

The titles of Subchapter F and of the component parts thereof (Parts 50 to 58, inclusive) are amended to read as follows:

SUBCHAPTER F—MARINE ENGINEERING

PART 50—GENERAL PROVISIONS
PART 51—MATERIALS
PART 52—CONSTRUCTION
PART 53—INSTALLATION
PART 54—INSPECTION
PART 55—PIPING SYSTEMS
PART 56—FUSION WELDING
PART 57—SUPPLEMENTARY DATA AND REQUIREMENTS
PART 58—BOILER PLATE; BOILERS AND ATTACHMENTS

SUBCHAPTER F—MARINE ENGINEERING

Part 50 of Subchapter F is amended to read as follows:

PART 50—GENERAL PROVISIONS

Sec.
50.1 Basis and application of rules.
50.2 Definition of terms.

§ 50.1 *Basis and application of rules.* The rules in this subchapter contain specifications and requirements for materials, design, construction, installation, and inspection of boilers, unfired pressure vessels and appurtenances thereof, also piping, valves, fittings, flanges, safety valves, etc., upon the strength and efficiency of which safety of life is dependent, and are intended for maximum temperatures of 1,000° F. Their application is intended for installations contracted for or built after the date the rules in this subchapter became effective.[1] They are not retroactive.

Where existing vessels are reboilered, the mountings and attachments, including feed and blow-off valves and fittings, shall be renewed in accordance with the rules in this subchapter. The steam piping shall be gauged and examined by the local inspectors and if found to be of the thickness required at the time the piping was installed may be continued in service, provided the local inspectors are satisfied that its condition is such as to warrant its continued use.

§ 50.2 *Definition of terms.* Certain terms used in the rules in this subchapter are defined as follows:

(a) "Bureau" means the United States Bureau of Marine Inspection and Navigation.

(b) "Board" means the Board of Supervising Inspectors of the Bureau of Marine Inspection and Navigation.

(c) "Director" means the Director of the Bureau of Marine Inspection and Navigation.

(d) "Inspector" means a duly authorized inspector of the Bureau of Marine Inspection and Navigation.

(e) "Requirements" means process of manufacture, characteristics, physical and chemical properties, tests, workmanship, and finish of materials.

(f) "High temperature" means temperature over 500° F.

(g) "Low" and "moderate temperature" means temperature up to and including 500° F.

(h) "Maximum allowable working pressure" within the meaning of the rules in this subchapter refers to the gage pressure, or the pressure above the atmosphere in pounds per square inch.*

*§§ 50.1 and 50.2 issued under the authority contained in R.S. 4405, 4417a, 4418, 4433, 4434, as amended; 46 U.S.C. 375, 391a, 392, 411, 412.

Part 51 of Subchapter F is amended to read as follows:

PART 51—MATERIALS

GENERAL

Sec.
51.1-1 Statutory requirements.
51.1-2 Basic information requirements.
51.1-3 General classification of materials.
51.1-4 Inspection and testing of class A material.
51.1-5 Chemical analyses.
51.1-6 Certification of class B material.
51.1-7 Tension test.
51.1-8 Test reports.
51.1-9 Re-tests.
51.1-10 Rejections.
51.1-11 Appeals.
51.1-12 Process of steel manufacture.
51.1-13 Stamping plates and specimens.
51.1-14 Stock plates.
51.1-15 Workmanship and finish.
51.1-16 Heat treatment.
51.1-17 Reclassification of materials.
51.1-18 Alternative materials.

MARINE BOILER STEEL PLATE

51.2-1 Scope.
51.2-2 Chemical composition.
51.2-3 Tensile properties.
51.2-4 Modifications in elongation.
51.2-5 Bending properties.
51.2-6 Test specimens.
51.2-7 Number of tests.
51.2-8 Permissible variations in thickness and weight.
51.2-9 Finish.
51.2-10 Marking.

SEAMLESS STEEL DRUM FORGINGS

(Deleted)

STAYBOLT STEEL

51.4-1 Scope.
51.4-2 Process.
51.4-3 Chemical composition.
51.4-4 Tensile properties.
51.4-5 Bending properties.
51.4-6 Test specimens.
51.4-7 Number of tests.
51.4-8 Permissible variations in diameter.
51.4-9 Finish.
51.4-10 Marking.

STEEL BARS AND SHAPES

Sec.
51.5-1 Process.
51.5-2 Chemical composition.
51.5-3 Tension tests.
51.5-4 Modifications in elongation.
51.5-5 Bending properties.
51.5-6 Test specimens.
51.5-7 Number of tests.
51.5-8 Permissible variation in gage.
51.5-9 Finish.
51.5-10 Marking.

WROUGHT-IRON BARS FOR STAYS AND STAY BOLTS

51.6-1 Materials and purposes.
51.6-2 Definitions of terms.
51.6-3 Tensile properties.
51.6-4 Chemical composition and tests.
51.6-5 Modifications in tensile properties.
51.6-6 Bend tests.
51.6-7 Etch tests.
51.6-8 Number of tests.
51.6-9 Finish.
51.6-10 Marking.

RIVET STEEL

51.7-1 Scope.
51.7-2 Process.
51.7-3 Chemical composition.
51.7-4 Tensile properties.
51.7-5 Bending properties.
51.7-6 Test specimens.
51.7-7 Tests of finished rivets.
51.7-8 Permissible variations in diameter.
51.7-9 Workmanship and finish.

RIVET IRON

51.8-1 Materials and purposes.
51.8-2 Chemical properties.
51.8-3 Tensile properties.
51.8-4 Bend tests.
51.8-5 Test specimens.
51.8-6 Number of tests.
51.8-7 Micrographic tests.
51.8-8 Physical properties and tests.
51.8-9 Workmanship and finish.
51.8-10 Inspection.
51.8-11 Rejection.

LAP-WELDED AND SEAMLESS STEEL AND LAP-WELDED IRON BOILER TUBES

51.9-1 Scope.
51.9-2 Process.
51.9-3 Chemical composition.
51.9-4 Check analysis.
51.9-5 Flange tests.
51.9-6 Flattening tests.
51.9-7 Crush test.
51.9-8 Hydrostatic test.
51.9-9 Etch test for charcoal iron tubes.
51.9-10 Test specimens.
51.9-11 Number of tests.
51.9-12 Retests.
51.9-13 Forming operations.
51.9-14 Permissible variations in dimensions and weight.
51.9-15 Finish.
51.9-16 Marking.

ELECTRIC-RESISTANCE-WELDED STEEL AND OPEN-HEARTH IRON BOILER AND SUPERHEATER TUBES

51.9a-1 Scope.
51.9a-2 Process.
51.9a-3 Manufacture.
51.9a-4 Chemical composition.
51.9a-5 Check analysis.
51.9a-6 Flattening test.
51.9a-7 Flange test.
51.9a-8 Crush test for Grades A & B tubes.
51.9a-9 Tensile properties.
51.9a-10 Flaring test for Grade D tubes.
51.9a-11 Hardness test for Grade D tubes.
51.9a-12 Hydrostatic test.
51.9a-13 Test specimens.
51.9a-14 Number of tests.
51.9a-15 Retests.
51.9a-16 Forming operations.
51.9a-17 Finish.
51.9a-18 Marking.

SEAMLESS STEEL BOILER TUBES FOR HIGH-PRESSURE SERVICE; MEDIUM CARBON SEAMLESS STEEL BOILER AND SUPERHEATER TUBES; CARBON-MOLYBDENUM ALLOY-STEEL BOILER AND SUPERHEATER TUBES

Sec.
51.10-1 Scope.
51.10-2 Process.
51.10-3 Manufacture.
51.10-4 Chemical composition.
51.10-5 Check analysis.
51.10-6 Tensile properties.
51.10-7 Flattening test.
51.10-8 Flaring test.
51.10-9 Hardness test.
51.10-10 Hydrostatic test.
51.10-11 Test specimens.
51.10-12 Number of tests.
51.10-13 Retests.
51.10-14 Retreatment.
51.10-15 Forming operations.
51.10-16 Permissible variations in dimensions and weight.
51.10-17 Finish.
51.10-18 Marking.

STEEL PIPE

51.11-1 Scope.
51.11-2 Process.
51.11-3 Chemical requirements.
51.11-4 Tensile requirements.
51.11-5 Bending properties.
51.11-6 Flattening tests.
51.11-7 Hydrostatic tests.
51.11-8 Test procedure.
51.11-9 Finish and marking.

WELDED WROUGHT-IRON PIPE

51.12-1 Material and purpose.
51.12-1a Chemical composition.
51.12-2 Tensile properties.
51.12-3 Fracture tests.
51.12-4 Bend tests.
51.12-5 Test specimens.
51.12-6 Number of tests.
51.12-7 Hydrostatic tests.
51.12-8 Permissible variations and dimensions.
51.12-9 Inspection and rejection.
51.12-10 Marking.

SEAMLESS BRASS PIPE

51.13-1 Scope.
51.13-2 Process.
51.13-3 Temper.
51.13-4 Chemical requirements.
51.13-5 Sampling.
51.13-6 Expansion test.
51.13-7 Strain test.
51.13-8 Threading test.
51.13-9 Bending properties.
51.13-10 Hydrostatic test.
51.13-11 Number of tests.
51.13-12 Workmanship.
51.13-13 Finish.
51.13-14 Rejection.

SEAMLESS COPPER PIPE

51.14-1 Scope.
51.14-2 Process.
51.14-3 Condition or temper.
51.14-4 Chemical requirements.
51.14-5 Sampling for chemical analysis.
51.14-6 Expansion test.
51.14-7 Bending properties.
51.14-8 Microscopic examination.
51.14-9 Hydrostatic test.
51.14-10 Number of tests.

STEEL FORGINGS

51.15-1 Scope.
51.15-2 Process.
51.15-3 Discard.
51.15-4 Manufacturing practice.
51.15-5 Heat treatment.
51.15-6 Chemical composition.
51.15-7 Tensile properties.
51.15-8 Hydrostatic tests.
51.15-9 Test specimens.
51.15-10 Number of tests.
51.15-11 Retests.
51.15-12 Macro-etch tests.
51.15-13 Workmanship and finish.
51.15-14 Marking.

ALLOY-STEEL BOLTING MATERIAL

51.16-1 Scope.
51.16-2 Process.
51.16-3 Heat treatment.
51.16-4 Chemical composition.
51.16-5 Tensile properties.
51.16-6 Brinell hardness test.
51.16-7 Workmanship and finish.
51.16-8 Nuts and washers.

CARBON AND ALLOY-STEEL NUTS FOR HIGH-TEMPERATURE SERVICE

51.16a-1 Scope.
51.16a-2 Process.
51.16a-3 Fabrication.
51.16a-4 Stress relieving.
51.16a-5 Chemical composition.
51.16a-6 Hardness test.
51.16a-7 Drift test.
51.16a-8 Stripping test.
51.16a-9 Finish.

STEEL CASTINGS

51.17-1 Scope.
51.17-2 Process.
51.17-3 Heat treatment.
51.17-4 Chemical composition.
51.17-5 Tensile properties.
51.17-6 Bending properties.
51.17-7 Hydrostatic tests.
51.17-8 Test specimens.
51.17-9 Number of tests.
51.17-10 Retests.
51.17-11 Workmanship.
51.17-12 Finish.

GRAY IRON CASTINGS FOR VALVES, FLANGES, AND PIPE FITTINGS

51.18-1 Scope.
51.18-2 Process.
51.18-3 Chemical composition.
51.18-4 Tensile properties.
51.18-5 Transverse test.
51.18-6 Mold.
51.18-7 Test specimens.
51.18-8 Tension test apparatus.
51.18-9 Records.
51.18-10 Workmanship and finish.

MALLEABLE IRON CASTINGS

51.19-1 Material and scope.
51.19-2 Process.
51.19-3 Tensile properties.
51.19-4 Test specimens.
51.19-5 Number of tests.
51.19-6 Special tests.
51.19-7 Reannealing.
51.19-8 Workmanship and finish.
51.19-9 Marking.
51.19-10 Inspection and rejection.

MALLEABLE IRON CASTINGS FOR PIPE FITTINGS

51.19-11 Cupola malleable iron.
51.19-12 Grade B castings.
51.19-13 Tensile properties.
51.19-14 Test specimens.
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General

§ 51.1-1 *Statutory requirements.* (a) Plates, bars, and shapes used as pressure parts of boilers intended for marine service shall be tested, inspected, and stamped by an inspector in accordance with the requirements of Title 52 of the Revised Statutes of the United States.

(b) Material used for pressure parts in the construction of pressure vessels other than boilers shall conform to the requirements of this part. Unfired pressure vessels designed for a maximum allowable working pressure not exceeding 700 lbs. per square inch and temperatures not exceeding 500° F. may be constructed of steel plate meeting the specifications of §§ 51.21-1 to 51-21-13 inclusive, or §§ 51.22-1 to 51.22-11 inclusive, provided that such material is tested and stamped by the manufacturer. Plates for this purpose are not required to be tested and inspected by a duly authorized inspector, but may be accepted on the certification of the manufacturer as to their chemical and physical properties.*

*§§ 51.1-1 to 51.23-11, inclusive, issued under the authority of R.S. 4405, 4417a, 4418, 4426, 4430, 4433, 4434, as amended; 46 U.S.C. 375, 391a, 392, 404, 406, 411, 412.

§ 51.1-2 *Basic information requirements.* When ordering material for the construction of boilers or pressure vessels to be installed on vessels subject to the jurisdiction of the Bureau, boiler manufacturers shall, as far as practicable, furnish the following information to the manufacturer of the material and to the Director.

(a) Name and location of manufacturer's works.

(b) Type and identifying dimensions of boiler or pressure vessel.

(c) Manufacturer's serial or shop number.

(d) Working pressure required.

(e) Local inspection district in which the completed boiler or pressure vessel will be first inspected after installation.

[1] The rules contained in Parts 50–57 inclusive, in Subchapter F became effective on July 1, 1935.

(f) Name and address of builder of hull.
(g) Owner of hull.
(h) Name or builder's number of hull.
(i) Waters upon which the vessel is to be navigated.
(j) Home port.*

§ 51.1–3 *General classification of materials.* (a) The materials to be used in the construction of boilers and pressure vessels, piping, valves, fittings, and appurtenances as hereinafter enumerated shall be of three general classes of which classes A and B shall be used for pressure parts and class C may be used for other parts as specified.

Class A: Tested materials manufactured under the supervision of the Bureau, tests of which shall be witnessed by an inspector.

Class B: Certified materials tested by the manufacturers, and certified by them as conforming to the requirements.

Class C: Materials for nonpressure parts of boilers or pressure vessels such as casings for water-tube boilers, uptakes, furnace fronts, and operating equipment shall be of good commercial quality. No detail requirements are herein specified for materials in this class. Class C materials shall be accepted by inspectors without requiring tests or certification by manufacturers.

(b) Except as may be otherwise required, the classification of materials under A and B and the sections of this part in which they are specified, are as follows:

CLASS A

Sec.	
51.2–1 to 51.2–10	Marine boiler steel plate.
51.3–1 to 51.3–13	(Deleted.)
51.4–1 to 51.4–10	Staybolt steel.
51.5–1 to 51.5–10	Steel bars and shapes.
51.6–1 to 51.6–10	Extra-refined wrought iron.
51.7–1 to 51.7–9	Rivet steel.
51.8–1 to 51.8–11	Rivet iron.

CLASS B

51.9–1 to 51.9–16	Lap-welded and seamless steel and lap-welded iron boiler tubes.
51.9a–1 to 51.9a–18	Electric-resistance-welded steel and open-hearth iron boiler and superheater tubes.
51.10–1 to 51.10–18	Seamless steel boiler tubes for high-pressure service. Medium-carbon seamless steel boiler and superheater tubes. Carbon-molybdenum alloy-steel boiler and superheater tubes.
51.11–1 to 51.11–9	Steel pipe.
51.12–1 to 51.12–10	Welded wrought-iron pipe.
51.13–1 to 51.13–9	Seamless brass pipe.
51.14–1 to 51.14–7	Copper pipe.
51.15–1 to 51.15–14	Steel forgings.
51.16–1 to 51.16–8	Alloy-steel bolting material.
51.16a–1 to 51.16a–9	Carbon and alloy-steel nuts for high-temperature service.
51.17–1 to 51.17–12	Steel castings.
51.18–1 to 51.18–10	Gray-iron castings.
51.19–1 to 51.19–16	Malleable-iron castings.
51.20–1 to 51.20–10	Bronze castings.
51.21–1 to 51.21–13	Steel plates, flange and firebox quality.
51.22–1 to 51.22–11	Steel plates for welding, flange and firebox quality.

§ 51.1–4 *Inspection and testing of class A material.* Inspectors shall have free entry at all times to those parts of the works where material subject to the rules in this part is being manufactured. The manufacturer shall afford inspectors all reasonable facilities to satisfy them that the material is being manufactured in accordance with the requirements of the Bureau. Unless otherwise authorized, tests and inspection shall be made at the place of manufacture prior to shipment and shall be so conducted as not to interfere unnecessarily with the operation of the works. Inspectors shall assure themselves that test specimens are marked for certain identification with the materials which they represent. Unless otherwise specified, tests shall be made at ordinary temperature.*

§ 51.1–5 *Chemical analyses.* (a) A ladle analysis of each melt of steel for materials comprised in class A shall be made by the manufacturer and a certified report thereof shall be furnished by him to the inspector upon request. This analysis shall be made from a test ingot taken during the pouring of the melt. The chemical composition thus determined shall conform to the specified requirements. This requirement shall apply also to the following materials comprised in class B:

Steel forgings specified in §§ 51.15–1 to 51.15–14.

Alloy-steel bolting material specified in §§ 51.16–1 to 51.16–8.

Steel castings specified in §§ 51.17–1 to 51.17–12.

Bronze castings specified in §§ 51.20–1 to 51.20–10.

Steel plates, flange and firebox quality specified in §§ 51.21–1 to 51.21–13.

Steel plates of flange or firebox quality for welding specified in §§ 51.22–1 to 51.22–11.

(b) A check analysis may be made at the discretion of the Director from test specimens representing material for which chemical composition is specified in any section of this part, in either of classes A or B. The chemical composition thus determined shall conform to the requirements.*

§ 51.1–6 *Certification of class B material.* (a) Certification of chemical analyses and physical tests of materials of class B shall be an affidavit by the manufacturer on an officially approved form certifying that all materials of this class supplied by him for marine service do, or will conform to all the requirements of the rules in this part applicable thereto.

(b) Materials in this class are not required to be tested in the presence of an inspector, but whenever deemed necessary by the Director, he may detail an inspector to witness such tests and satisfy himself that the requirements of the specification for Class B materials are being complied with.*

§ 51.1–7 *Tension tests.* All tension tests shall be made on approved standard and calibrated machines. The yield point in tension tests shall be determined by the drop of the beam or the halt in the gage of the testing machine. Except where otherwise specified in §§ 51.15–1 to 51.15–14, 51.17–1 to 51.17–12, the speed of the cross head of the machine shall not exceed three-fourths inch per minute. Figures M–1 to M–8, inclusive, show particulars of test specimens, etc. The ends of all specimens shall be of form to fit the holders of the testing machine in such a way that the load will be axial.*

§ 51.1–8 *Test reports.* Inspectors shall report the results of official tests of materials to the Director on Form 934. Copies thereof shall be forwarded through the supervising inspector to the local inspectors in the district where the material is to be processed or fabricated.*

§ 51.1–9 *Re-tests.* When the result of any of the physical tests specified for any of the materials does not conform to the requirements, two additional specimens may, at the request of the manufacturer, be taken from the same lot and tested in the manner specified, but in such case, both of the specimens must conform to the requirements. In the case of tension tests, this re-test shall be allowed if the percentage of elongation obtained is less than required, or if any part of the fracture is outside of the middle third of the gage length. If any test specimen develops flaws, it shall be discarded and another specimen from the same lot be substituted.*

§ 51.1–10 *Rejections.* Failure of the test (or re-tests) specified in the rules in this subchapter for each particular material shall be cause for rejection. Unless otherwise required, any rejection shall be reported by the inspector within 5 working days from the receipt of the test specimen. Acceptance of material on results of tests at the place of manufacture shall not prejudice the right to reject any of such material in which injurious defects are subsequently discovered. The manufacturer shall be promptly notified of such subsequent rejections, and the records shall be corrected.*

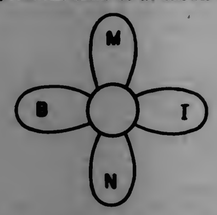
§ 51.1–11 *Appeals.* In case of dissatisfaction with the results of any test, the manufacturer may, within 30 days from date of test report, appeal to the Director from the inspector's decision. Tested specimens which represent rejected material shall be preserved for at least 30 days.*

§ 51.1–12 *Process of steel manufacture.* Unless otherwise officially authorized by the Bureau, all wrought steel to be used in the construction of boilers or other pressure vessels to be installed on vessels shall be manufactured by either the open-hearth or electric furnace process.*

§ 51.1–13 *Stamping plates and specimens.* (a) Plates shall be stamped by the manufacturer, before they are tested, with his name or trademark, and the minimum tensile strength of the plate per square inch of cross-sectional area

expressed in thousandths. Inspectors shall permit cutting a plate into two or more parts before testing, but each part shall be stamped or match-marked for identification before cutting. All plates accepted by the inspector as conforming to the requirements shall be stamped by him near the manufacturer's stamp with the official stamp of the Bureau, the initials of his name, and the serial number. All test specimens shall be ring-stamped or match-marked for identification before being detached. Plates shall be stamped lengthwise in two places on one long side about 18 inches from the edges at the corners. Each butt strap shall be stamped lengthwise of the plate about the middle of the strap.*

(b) The impression of the official stamp of the Bureau for stamping plates and specimens shall be as shown below:



§ 51.1–14 *Stock plates.* Plates may be ordered to be carried in stock ashore or on shipboard for repairs to boilers and other pressure vessels. Such plates shall be inspected and tested at the place of manufacture and stamped for identification as stock plates. A test report for such plates shall be furnished to the supervising inspector of the district where the purchaser is located, with a copy to the purchaser. The supervising inspector shall furnish a copy thereof to the local inspectors in the district where the material is kept in stock, and if the material is to be used by persons other than the original purchaser, they shall also be furnished with a copy of such report, for submittal by them to the local board in the district where the repairs are actually to be made before the material may be used. Vessels carrying such stock plates shall obtain and carry identification and test records of each plate. Where such plates are cut into pieces for repairs, the local inspectors shall, upon request, stamp each piece so detached for identification with the original plate and a record of such stamping shall be made.*

§ 51.1–15 *Workmanship and finish.* All materials within the scope of the rules in this subchapter shall be free from injurious defects and shall have a workmanlike finish.*

§ 51.1–16 *Heat treatment.* Some of the materials herein specified require heat treatment. This may consist of annealing, or of normalizing, or of normalizing followed by annealing, or of normalizing followed by a draw back to a temperature below the critical range. Annealing shall consist of allowing material to cool after forging or rolling to a temperature below the critical range, then reheating it to proper temperature to refine the grain and allowing it to cool in the furnace. Normalizing shall consist of allowing material to cool after forging or rolling to a temperature below the critical range, then reheating it to proper temperature to refine the grain and allowing it to cool in still air.*

§ 51.1–17 *Reclassification of materials.* When more than one grade is specified for any material or purpose and tests of material of a superior grade fail to meet the requirements such material may be reclassified and accepted as a specified lower grade if it fulfills the specified requirements for the latter. In such cases, the material shall be restamped or re-marked as required for proper identification, and revised records shall be made to cover it.*

§ 51.1–18 *Alternative materials.* If, in the development of industrial arts, other suitable or improved materials differing from those specified in this part are developed, their use will be given consideration, upon formal application to the Bureau with full information as to the characteristics of the material, and such scientific data and facts as may be necessary to establish the suitability and safety of the material for the use proposed. The material requirements in this subchapter are minimum requirements and are not intended to bar better materials.*

Marine Boiler Steel Plate

NOTE: In substantial agreement with A. S. T. M. Designations A 201–39, A 212–39, and A 204–39. Tested material—Class A.

§ 51.2–1 *Scope.* (a) There shall be seven grades of marine boiler steel plates, subject to Class A inspection. These grades are designated A, B, C, D, E, F, and G. Grades A and B cover two ordinary tensile strength ranges in carbon-silicon steel plates; Grades C and D cover two high tensile strength ranges in carbon-silicon steel plates; Grades E, F, and G cover three high tensile strength ranges in carbon-molybdenum steel plates. All grades may be furnished in flange or firebox qualities. Plates of flange quality are limited in thickness to two inches. Plates of firebox quality are limited in thickness as follows: Grades A and B, to six inches; Grades C and D, to four and one-half inches; Grades E and F, to six inches; and Grade G to four inches. Where forge welding is necessary, the carbon content of the steel shall not exceed 0.22 percent.

(b) Steel plates for any part of a boiler subject to pressure and exposed to the fire or products of combustion shall be of firebox quality; steel plates for any part of a boiler subject to pressure and not exposed to the fire or products of combustion shall be of firebox or flange quality.

(c) All of these grades may be fusion welded, but welding technique is of fundamental importance. Fusion welding procedure shall be in accordance with §§ 56.20–1 to 56.20–19.

(d) Sufficient discard from the top of each ingot shall be made, at any stage of the manufacture, to secure freedom from piping and undue segregation in the finished product, but in no case shall the amount of top discard be less than 30 percent.

(e) *Heat treatment.* (1) When plates are to be used in a boiler or pressure vessel which is to be stress relieved after welding, the test specimens for such plates shall be stress relieved by gradually and uniformly heating them to 1100° F. to 1200° F., holding at that temperature for a period of one hour per inch of thickness, and cooling in still atmosphere. In such cases both the plates and the test specimens shall be stamped "S. R." to show that the tensile strength of the plate in the stress relieved state is not less than the minimum specified.

(2) Plates over two inches in thickness, before being fabricated, shall be uniformly heat treated to produce grain refinement. Heat treatment involving quenching in a liquid medium is not permitted. If this treatment is not done at the rolling mill the testing shall be carried out in accordance with subparagraph (3).

(3) When a fabricator who is equipped to perform the work properly, elects to do the required heat treatment for grain refinement he shall so indicate in his orders to the mill and he shall accept the plates on the basis of the mill tests. The plate manufacturer shall make the tests prescribed in these specifications, the tension and bend test specimens to be prepared from full thickness pieces heat treated under conditions he considers appropriate for grain refinement and to give the test requirements. The manufacturer shall inform the fabricator of the procedure followed in treating the pieces at the mill for guidance in treating the plates. The required physical properties shall be determined after heat treatment of the plates on specimens prepared from pieces similarly and simultaneously treated with the plates. Pieces for two tension tests, one top and one bottom, shall be provided from each plate as rolled.[1] These pieces shall be stamped by the inspector with his official stamp for identification.

(4) In the case of plates over two inches in thickness which subsequently are to be stress relieved, the test specimens for such plates shall, before testing, be stress relieved as specified in subparagraph (1) following the heat treatment for grain refinement.

(5) Orders to the plate manufacturer shall specify when plates subject to the requirements of this section are to be stress relieved and when they are to be heat treated for grain refinement by the fabricator so that proper provision may be made for the treatment of test specimens.*

[1] The term "plate as rolled" used here and in §§ 51.2–6 (c) and 51.2–7 (a) refers to the unit plate rolled from a slab or directly from an ingot in its relation to the location and number of specimens; not to its condition.

§ 51.2–2 *Chemical composition.* (a) The steel shall conform to the following requirements as to chemical composition:

	Grades						
	A	B	C	D	E	F	G
Carbon, max., percent:							
For plates 1 in. and under in thickness	0.25	0.24	0.28	0.31	0.18 to .21	0.20 to .23	0.28 to .28
For plates over 1 to 2 in., incl., in thickness	.26	.27	.31	.33	.23 to .25	.23 to .25	.28 to .28
For plates over 2 to 4 in., incl., in thickness	.27	.30	.33	.35	.25 to .27	.25 to .27	
For plates over 4 to 6 in., incl., in thickness	.31	.35			.50 to .90	.50 to .90	.50 to .90
Manganese, max., percent	.90	.80	.90	.90			
Phosphorous, max., percent:							
Flange	.04	.04	.04	.04	.04	.04	.04
Firebox	.035	.035	.035	.035	.035	.035	.035
Sulphur, max., percent:							
Flange	.05	.05	.05	.05	.05	.05	.05
Firebox	.04	.04	.04	.04	.04	.04	.04
Silicon, percent	.15 to .30	.15 to .30	.15 to .30	.15 to .30	.15 to .30	.15 to .30	.15 to .30
					.40 to .60	.40 to .60	.40 to .60
Molybdenum, percent							

§ 51.2–3 *Tensile properties*—(a) *Grades A and B.* (1) The material shall conform to the following requirements as to tensile properties:

	Grade A	Grade B
Tensile strength, psi	55,000 to 65,000	60,000 to 70,000
Yield point, Min. psi	0.5 tens. str.	0.5 tens. str.
Elongation in 8 inches, min. percent:		
Flange	1,800,000 ÷ tens. str.	1,800,000 ÷ tens. str.
Firebox	1,560,000 ab tens. str.	1,560,000 ab tens. str.
Elongation in 2 inches, min. percent:[c]		
Firebox	1,750,000 d tens. str.	1,750,000 tens. str.

[a] See § 51.2–4 (a) (1) and (3).
[b] See subparagraph (3).
[c] When specimen shown in Figure M–2 is used; See § 51.2–6 (f).
[d] See § 51.2–4 (a) (2).

(2) Tensile strength only need be determined on the tension test specimen taken from the top of firebox plates, and it shall not exceed 67,000 psi. for Grade A, nor 72,000 psi. for Grade B.

(3) Should the formula in subparagraph (1) for minimum elongation in 8 inches for firebox steel give a value of less than 25 percent for Grade A material or 23 percent for Grade B material the minimum allowable elongation shall be 25 and 23 percent for Grades A and B respectively, subject to the modifications of § 51.2–4 (a) (1).

(b) *Grades C and D.* (1) The material shall conform to the following requirements as to tensile properties:

	Grade C	Grade D
Tensile strength, psi	65,000 to 77,000	70,000 to 82,000
Yield point, min. psi	0.5 tens. str.	0.5 tens. str.
Elongation in 8 inches, min. percent:		
Flange	1,550,000 ÷ tens. str.	1,550,000 ÷ tens. str.
Firebox	1,600,000 ÷ tens. str.	1,600,000 ÷ tens. str.
Elongation in 2 inches, min. percent:		
Firebox	1,750,000 b tens. str.	1,750,000 b tens. str.

[a] See § 51.2–4 (b) (1) and (3).
[b] See § 51.2–4 (b) (2).

(2) Tensile strength only need be determined on the tension test specimen taken from the top of firebox plates, and it shall not exceed 79,000 psi. for Grade C, nor 84,000 psi. for Grade D.

(c) *Grades E, F, and G.* (1) The material shall conform to the following requirements as to tensile properties:

	Grade F	Grade G
Tensile strength, psi	70,000 to 82,000	75,000 to 87,000
Yield point, min. psi. but in no case less than	0.55 tens. str. 40,000	0.55 tens. str. 43,000
Elongation in 8 inches, min. percent:		
Flange	1,600,000 ÷ tens. str.	1,600,000 ÷ tens. str.
Firebox	1,600,000 ÷ tens. str.	1,600,000 ÷ tens. str.
Elongation in 2 inches, min. percent: [b]		
Firebox	1,750,000 ÷ tens. str.	1,750,000 ÷ tens. str.

[a] See § 51.2–4 (c) (1) and (3).
[b] When specimen shown in Figure M–2 is used; see § 51.2–6 (f).
[c] See § 51.2–4 (c) (2).

(2) Tensile strength only need be determined on the tension test specimen taken from the top of firebox plates, and it shall not exceed 80,000 psi. for Grade E, 85,000 psi. for Grade F, nor 90,000 psi. for Grade G.[c]

§ 51.2–4 *Modifications in elongation*—(a) *Grades A and B.* (1) For material over three-quarters inch in thickness, a deduction from the percentage of elongation in 8 inches specified in § 51.2–3 (a) (1) and (3) of 0.125 percent shall be made for each increase of one-thirty-second inch of the specified thickness above three-fourths inch, to a minimum of 19 percent for Grades E and F, and 18 percent for Grade G.

(2) For plates over two and one-half inches in thickness, a deduction from the percentage of elongation in 2 inches prescribed in § 51.2–3 (c) (1) of 0.5 percent shall be made for each increase of one-half inch of the specified thickness above two and one-half inches.

(3) For material one-fourth inch and under in thickness, the elongation shall be measured on a gage length of twenty-four times the thickness of the specimen.

(b) *Grades C and D.* (1) For material over three-fourths inch in thickness, a deduction from the percentage of elongation in 8 inches specified in § 51.2–3 (b) (1) of 0.125 percent shall be made for each increase of one-thirty-second inch of the specified thickness above three-fourths inch, to a minimum of 18 percent for flange steel and 19 percent for firebox steel.

(2) For material over two and one-half inches in thickness, a deduction from the percentage of elongation in 2 inches specified in § 51.2–3 (b) (1) of 0.5 percent shall be made for each increase of one-half inch of the specified thickness above two and one-half inches.

(3) For material one-fourth inch and under in thickness, the elongation shall be measured on a gage length twenty-four times the thickness of the specimen.

(c) *Grades E, F, and G.* (1) For plates over three-fourths inch in thickness, a deduction from the percentage of elongation in 8 inches prescribed in § 51.2–3 (c) (1) of 0.125 percent shall be made for each increase of one-thirty-second inch of the specified thickness above three-fourths inch, to a minimum of 19 percent for Grades E and F, and 18 percent for Grade G.

(2) For plates over two and one-half inches in thickness, a deduction from the percentage of elongation in 2 inches prescribed in § 51.2–3 (c) (1) of 0.5 percent shall be made for each increase of one-half inch of the specified thickness above two and one-half inches.

(3) For material one-fourth inch and under in thickness, the elongation shall be measured on a gage length of twenty-four times the thickness of the specimen.[c]

§ 51.2–5 *Bending properties.* The bend test specimen shall stand being bent cold through 180 degrees without cracking on the outside of the bent portion around a pin the diameter of which shall have the following relation to the thickness of the specimen. When the test is made on a specimen reduced in thickness, the rolled surface shall be on the outer curve of the bend.

Thickness of material	Ratio of pin diameter to thickness of specimen			
	Grade A	Grade B	Grade C	Grade D
1 inch and under	½	1	1½	2
Over 1 to 1½ in. incl	1	1½	2	2
Over 1½ to 3 in. incl	1½	2	2	2½
Over 3 to 4 in. incl	2	2½	2½	3
Over 4 to 6 in. incl	3½	3		

	Grade E	Grade F	Grade G
1 inch and under	1	1½	2
Over 1 inch to 2 in. incl	1½	2	2½
Over 2 inches to 4 inches, incl	1½	2	3
Over 4 inches to 6 inches, incl	2	2½	

§ 51.2–6 *Test specimens.* (a) For plates 2 inches and under in thickness the test specimens shall be prepared for testing from the material in its rolled condition.

(b) For plates over 2 inches in thickness the test specimens shall be prepared from the material in its heat-treated condition or from full thickness samples similarly and simultaneously treated. See §§ 51.2–1 (e) (2) and (3).

(c) Tension test specimens for firebox steel shall be taken from the top and bottom corners of the plate as rolled (see Note under § 51.2–1 (e) (3)), parallel to its longitudinal axis, and for flange steel from the bottom corner of the plate only. Bend test specimens shall be taken from the middle of the top of the plate as rolled, at right angles to its longitudinal axis.

(d) For plates 2 inches and under in thickness, tension and bend test specimens shall be the full thickness of the material and shall be machined to the form and dimensions shown in Figure M–1; or the bend test specimen may be machined with both edges parallel.

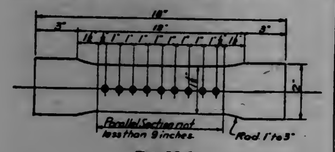


FIG. M–1.

(e) For Grade A and B plates up to 4 inches, inclusive, in thickness, tension test specimens may be the full thickness of the material and of the form shown in Figure M–1; when adequate testing machine capacity is available.

(f) For plates over 2 inches in thickness, except as permitted in paragraph (e), tension test specimens shall be machined to the form and dimensions shown in Figure M–2; and the axis of each such specimen shall be located midway between the center and the top or bottom surface of the plate. The bend test specimens shall be at least one and one-half inches in width, with both edges parallel, and may be reduced to two inches in thickness; but shall have one surface as rolled.

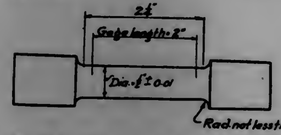


FIG. M–2.—For simplicity of computation it is recommended that the finished diameter of this test piece be made 0.505 inch which is equivalent to two tenths of a square inch in area.

(g) The sides of the bend test specimens may have the corners rounded to a radius not over one-sixteenth inch for plates two inches and under in thickness, and not over one-eighth inch for plates over two inches in thickness.[c]

§ 51.2–7 *Number of tests.* (a) Two tension tests and one bend test shall be made from each firebox steel plate as rolled. One tension test and one bend test shall be made from each flange steel plate as rolled. (See Note under § 51.2–1 (e) (3).)

(b) If any test specimen shows defective machining or develops flaws, it may be discarded and another specimen substituted.

(c) If the percentage of elongation of any test specimen is less than that specified in § 51.2–3 and any part of the fracture is more than three-fourths inch from the center of the gage length of a two inch specimen or is outside the middle third of the gage length of an eight inch specimen, as indicated by scribe scratches marked on the specimen before testing, a retest shall be allowed.[c]

§ 51.2–8 *Permissible variations in thickness and weight.* No plate shall vary more than 0.01 inch under the thickness specified.[c]

§ 51.2–9 *Finish.* The finished plates shall be free from injurious defect and shall have a workmanlike finish.[c]

§ 51.2–10 *Marking.* The quality classification to be marked on all Class A plates in accordance with § 51.1–13 shall be the word "Marine".[c]

Seamless Steel Drum Forgings

§§ 51.3–1 to 51.3–13 (Deleted).

Staybolt Steel

NOTE: In substantial agreement with A. S. T. M. Designation A 31–40. Tested material—Class A.

§ 51.4–1 *Scope.* These specifications cover two grades of staybolt steel to be used in boilers and other pressure vessels.[c]

§ 51.4–2 *Process.* The steel shall be made by either or both of the following processes: open-hearth or electric-furnace.[c]

§ 51.4–3 *Chemical composition.* The steel shall conform to the following requirements as to chemical composition:

	Grade A	Grade B
Carbon, max., percent		0.27
Manganese, percent	0.30 to 0.50	0.40 to 0.80
Phosphorous, max., percent	.04	.04
Sulphur, max., percent	.05	.05
Silicon, max., percent		.30

§ 51.4–4 *Tensile properties.* The material shall conform to the following requirements as to tensile properties:

	Grade A	Grade B
Tensile strength, psi	45,000 to 55,000	58,000 to 68,000.
Yield point, min. psi., but in no case less than	0.5 tens. str.	0.5 tens. str. 32,000.
Elongation in 8 in., min. percent	1,800,000 / tens. str. but not to exceed 30.	1,500,000 / tens. str. but in no case less than 23.

§ 51.4–5 *Bending properties*—(a) *Cold-bend tests.* The test specimen for Grade A steel shall stand being bent cold through 180 degrees flat on itself without cracking on the outside of the bent portion.

The test specimen for Grade B steel shall stand being bent cold through 180 degrees without cracking on the outside of the bent portion, as follows: For material three-fourths inch and under in diameter, around a pin the diameter of which is equal to one half the diameter of the specimen; for material over three-fourths inch in diameter, around a pin the diameter of which is equal to the diameter of the specimen.

(b) *Quench-bend tests.* The test specimen for Grade A steel when heated to a light cherry red as seen in the dark (not less than 1200 F.), and quenched at once in water the temperature of which is between 80 and 90 F., shall stand being bent through 180° flat on itself without cracking on the outside of the bent portion.

The test specimen for Grade B steel, when similarly heated and quenched, shall stand being bent cold through 180° without cracking on the outside of the bent portion, as follows: For material three-fourths inch and under in diameter, around a pin the diameter of which is equal to the diameter of the specimen; for material over three-fourths inch in diameter, around a pin the diameter of which is equal to one and one-half times the diameter of the specimen.[c]

§ 51.4–6 *Test specimens.* Test specimens shall be the full diameter of the bars as rolled.[c]

§ 51.4–7 *Number of tests.* (a) Two tension, two cold-bend, and two quench-bend tests shall be made from each melt. Each test shall conform to the requirements specified in §§ 51.4–4 to 51.4–5.

(b) If any test specimen develops flaws, it may be discarded and another specimen substituted.

(c) If the percentage of elongation of any tension test specimen is less than that specified in § 51.4–4 and any part of the fracture is outside the middle third of the gage length, as indicated by scribe scratches marked on the specimen before testing, a retest shall be allowed.[c]

§ 51.4–8 *Permissible variations in diameter.* The diameter of hot-finished staybolt bars shall not vary from the size specified by more than the amounts prescribed in table I.

TABLE I.—*Permissible variations in the size of hot-rolled rounds and squares*

Specified size	Variations from size (inches)		Out of round or square (inches)
	Over	Under	
5/16" and under	0.005	0.005	0.008
Over 5/16" to 7/16" incl	.006	.006	.009
Over 7/16" to 9/16" incl	.007	.007	.010
Over 9/16" to 5/8" incl	.008	.008	.012
Over 5/8" to 1" incl	.009	.009	.013
Over 1" to 1 1/16" incl	.010	.010	.015
Over 1 1/16" to 1 1/4" incl	.011	.011	.016
Over 1 1/4" to 1 3/8" incl	.012	.012	.018
Over 1 3/8" to 1 1/2" incl	.014	.014	.021
Over 1 1/2" to 2" incl	1/64	1/64	.028

§ 51.4–9 *Finish.* The material shall be free from injurious defects and shall have a workmanlike finish.*

§ 51.4–10 *Marking.* The staybolt bars shall, when loaded for shipment, be properly separated and marked with the name or brand of the manufacturer and the melt number for identification. The melt number shall be legibly marked on each test specimen.*

Steel Bars and Shapes

NOTE: In substantial agreement with A. S. M. E. Specification No. S–7. Tested Material—Class A.

§ 51.5–1 *Process.* The steel shall be made by either or both of the following processes: open-hearth or electric-furnace.*

§ 51.5–2 *Chemical composition.* The steel shall conform to the following requirements as to chemical composition:

Phosphorous, max. percent:	
Acid	0.05
Basic	0.04
Sulphur, max. percent	0.05

*

§ 51.5–3 *Tension tests.* The material shall conform to the following requirements as to tensile properties:

Tensile strength, lb. per sq. in.	55,000–65,000.
Yield point, min. lb. per sq. in.	0.05 tens. str.
Elongation in 8 in., min. percent	1,500,000 tens. str.
Elongation in 2 in., min. percent	20.

*

§ 51.5–4 *Modifications in elongation.* For material over three-fourths inch in thickness, a deduction from the percentages of elongation in 8 inches specified, of 0.25 percent shall be made for each increase of one-thirty-second inch of the specified thickness above three-fourths inch.*

§ 51.5–5 *Bending properties.* The bend test specimen shall stand being bent cold through 180° without cracking on the outside of the bent portion around a pin the diameter of which shall have the following relation to the thickness of the specimen:

Thickness of material	Ratio of pin diameter to thickness of specimen	
	Plates, sections, and bars	Eyebar flats unannealed
Three-fourths inch and under	½	1½
Over three-fourths to 1 inch, incl.	1	2½
Over 1 to 1½ inch, incl.	1½	3
Over 1½ inch to 2 inches, incl.	2½	4
Over 2 inches	3	4½

*

§ 51.5–6 *Test specimens.* (a) Test specimens shall be of the full thickness or diameter of material as rolled, except as specified in (b) and (c).

(b) Test specimens for shapes and flats may be machined to the form and dimensions shown in Figure M–1 or with both edges parallel.

(c) Test specimens for bars over one and one-half inches in thickness or diameter may be machined to a thickness or diameter of at least three-fourths inch for a length of at least 9 inches; or tension test specimens may conform to the dimensions shown in Figure M–2. Bend test specimens may be one by one-half inch in section.*

§ 51.5–7 *Number of tests.* (a) One tension and one bend test shall be made from each melt; except that if material from one melt differs three-eighths inch or more in thickness, one tension and one bend test shall be made from both the thickest and the thinnest material rolled.

(b) If any test specimen shows defective machining or develops flaws, it may be discarded and another specimen substituted.

(c) If the percentage of elongation of any tension test specimen is less than that specified in § 51.5–3 and any part of the fracture is more than three-fourths inch from the center of the gage length of a 2-inch specimen, or is outside the middle third of the gage length of an 8-inch specimen, as indicated by scribe scratches marked on the specimen before testing, a retest shall be allowed.*

§ 51.5–8 *Permissible variation in gage.* The diameter of each bar shall not vary from that specified more than the amount given in the following table:

Diameter, inches		Variation in diameter, inches		
Over	To and including	Under	Over	Out-of-round
	5/16	.007	.007	.010
5/16	7/16	.007	.007	.011
7/16	9/16	.008	.008	.012
9/16	7/8	.009	.009	.014
7/8	1	.010	.010	.015
1	1 1/8	.012	.012	.016
1 1/8	1 1/4	.014	.014	.018
1 1/4	1 3/8	.016	.016	.022
1 3/8	1 1/2	.018	.018	.026
1 1/2	2	.022	.022	.030
2	2 1/2	0	1/16	1/32
2 1/2	3 1/2	0	5/64	3/64

§ 51.5–9 *Finish.* The finished material shall be free from injurious defects and shall have a workmanlike finish.*

§ 51.5–10 *Marking.* Bars shall, when loaded for shipment, be properly separated, and marked with the name or brand of the manufacturer and melt number for identification. The melt number shall be legibly marked on each test specimen.*

Wrought-Iron Bars for Stays and Stay Bolts

NOTE: In substantial agreement with A. S. T. M. Specification A 84–39. Tested material—Class A.

§ 51.6–1 *Materials and purposes.* The bars shall be rolled from a slab pile, or box pile made from reworked wrought iron or reworked knobbled charcoal iron. The original muck or knobbled bars shall be twice piled and rerolled. All bars shall be the full length of the piles. The wrought iron and the component parts of the slab pile, or box pile shall be free from any admixture of iron scrap or steel.*

§ 51.6–2 *Definitions of terms*—(a) *Wrought iron.* Wrought iron, within the meaning of this specification, is a ferrous material aggregated from a solidifying mass of pasty particles of highly refined metallic iron, with which, without subsequent fusion, is incorporated a minutely and uniformly distributed quantity of slag.

(b) *Slab pile.* A slab pile is built up wholly of flat bars of iron all running the full length of the pile.

(c) *Box pile.* A box pile is a pile, the sides, top, and bottom of which are formed of flat bars, and the interior of a number of small bars, all bars running the full length of the pile.

(d) *Scrap iron.* This term applies to foreign or bought scrap and does not include local mill products free from foreign or bought scrap.*

§ 51.6–3 *Tensile properties.* The materials shall have the following tensile properties:

Tensile strength, lbs. per sq. in.	47,000–52,000
Yield point, min.	0.6 tens. str.
Elongation in 8 inches, min. percent	30
Reduction of area, min. do	48

*

§ 51.6–4 *Chemical composition and tests.* (a) The iron shall conform to the following requirements as to chemical composition: Manganese, not over 0.08 percent.

(b) If, in the judgment of the inspector, it is necessary, an analysis may be made from a broken test specimen representing each lot of bars to determine whether the chemical composition is in compliance with the above requirement.

(c) Drillings for analysis shall be so taken as to represent the entire cross-section of the specimen.*

§ 51.6–5 *Modifications in tensile properties.* For bars ⅞ inch down to and including 11/16 inch in diameter, the elongation shall be not less than 28 percent. For bars ⅞ inch and under in diameter, the elongation shall be not less than 25 percent. For bars over 1¼ square inches in sectional area, the following deductions from the minimum requirements specified in § 51.6–3 shall be made for each square inch of nominal section above 1¼ square inches:

Tensile strength	250 lbs., but not under 46,000 lbs. per sq. inch.
Reduction of area	3 percent, but not under 40 percent.

*

§ 51.6–6 *Bend tests.* (a) Bend tests may be made by pressure or blows; the test specimen shall stand being bent cold through 180° flat on itself in both directions, without fracture on the outside of the bent portions.

(b) The test specimen, when nicked 25 percent around with a tool having a 60° cutting edge, to a depth of not less than 8 nor more than 16 percent of the diameter of the specimen and broken, shall show a wholly fibrous fracture.*

§ 51.6–7 *Etch tests.* (a) The cross section of the test specimen shall be ground or polished, and etched for a sufficient period to develop the structure. This test shall show the material as follows: The material to have been rolled from a slab pile, or box pile and to be uniform and free from steel.

NOTE: A solution of 10 percent hydrochloric acid (sp. gr. 1.19), 90 percent sulphuric acid (sp. gr. 1.84), and 60 percent water; or 25 percent nitric acid (sp. gr. 1.42), and 75 percent water, is recommended for the etch test.

(b) Tension test specimens and bend-test specimens shall be of the full section of the material as rolled, if possible; otherwise the specimen shall be machined from the material as rolled.

(c) Etch-test specimens shall be of the full section of material as rolled.*

§ 51.6–8 *Number of tests.* (a) All bars of a given grade and size shall be piled separately, sorted in lots of 100 each. Two bars shall be selected at random from each lot or fraction thereof and tested as specified, but only one of these bars shall be tested as specified in § 51.6–7.

(b) If any test specimen from the bars originally selected to represent a lot of material contains surface defects not visible before testing but visible after testing, or if a tension-test specimen breaks outside the middle third of the gage length, the individual bar shall be rejected and one retest from a different bar will be allowed.*

§ 51.6–9 *Finish.* The bars shall be smoothly rolled and free from slivers, depressions, crop ends, seams, and evidences of being burnt.*

§ 51.6–10 *Marking.* The bars shall be stamped or otherwise marked as designated by the inspector.*

Rivet Steel

NOTE: In substantial agreement with A. S. T. M. Designations Nos. A 31–40 and A 202–39. Tested Material—Class A.

§ 51.7–1 *Scope.* These specifications cover two grades of low carbon steel rivets and one grade of chrome-manganese-silicon alloy-steel rivets to be used in boilers and other pressure vessels. These grades are designated A, B and C respectively.*

§ 51.7–2 *Process.* The steel shall be made by either or both of the following processes: open-hearth or electric-furnace.*

§ 51.7–3 *Chemical composition.* The steel shall conform to the following requirements as to chemical composition:

	Grade A	Grade B	Grade C
Carbon, max. percent		0.27	0.17
Manganese, percent	.30 to .50	.40 to .80	1.05 to 1.40
Phosphorus, max. percent	.04	.04	.035
Sulphur, max. percent	.05	.05	.04
Silicon, max. percent		.30	.60 to .90
Chromium, percent			.30 to .60

*

§ 51.7–4 *Tensile properties.* The material shall conform to the following requirements as to tensile properties:

	Grade A	Grade B	Grade C
Tensile strength, psi	45,000 to 55,000	58,000 to 68,000	75,000 to 90,000.
Yield point, min. psi. but in no case less than	0.5 tens. str.	0.5 tens. str. 32,000	0.60 tens. str.
Elongation in 8 in. min. percent	1,500,000 tens. str. but need not exceed 30.	1,500,000 tens. str. but in no case less than 23.	1,600,000[1] tens. str.

[1] For Grade C material over three-fourths inch in thickness, a deduction from the percentage of elongation specified above of 0.125 percent shall be made for each increase of one-thirty-second inch of the specified thickness above three-fourths inch to a minimum of 19 percent.
For Grade C material one-fourth inch and under in thickness, the elongation shall be measured on a gage length of 24 times the thickness of the specimen.

*

§ 51.7–5 *Bending properties*—(a) *Cold-bend tests.* (1) The test specimen for Grade A steel shall stand being bent cold through 180° flat on itself without cracking on the outside of the bent portion.

(2) The test specimen for Grade B steel shall stand being bent cold through 180° without cracking on the outside of the bent portion, as follows: For material three-fourths inch and under in diameter, around a pin the diameter of which is equal to one half the diameter of the specimen; for material over three-fourths inch in diameter, around a pin the diameter of which is equal to the diameter of the specimen.

(3) The test specimen for Grade C steel shall stand being bent cold through 180° without cracking on the outside of the bent portion around a pin the diameter of which shall have the following relation to the thickness of the specimen:

Thickness of material	Ratio of pin diameter to thickness of specimen
1 in. and under	2
Over 1 to 1½ in., incl.	2½
Over 1½ to 2 in., incl.	3

(b) *Quench-bend tests.* (1) The test specimen for Grade A steel when heated to a light cherry red as seen in the dark (not less than 1200 F.), and quenched at once in water the temperature of which is between 80 and 90 F., shall stand being bent through 180° flat on itself without cracking on the outside of the bent portion.

(2) The test specimen for Grade B steel, when similarly heated and quenched shall stand being bent cold through 180° without cracking on the outside of the bent portion as follows: For material three-fourths inch and under in diameter, around a pin the diameter of which is equal to one and one-half times the diameter of the specimen.*

§ 51.7–6 *Test specimens.* (a) Test specimens shall be the full diameter of the bar as rolled and, in the case of rivet bars which have been cold-drawn shall be normalized before testing.

(b) Two tension, two cold-bend, and two quench-bend tests where called for, shall be made from each melt. Each test shall conform to the requirements specified in §§ 51.7–4 and 51.7–5.

(c) If any test specimen develops flaws, it may be discarded and another specimen substituted.

(d) If the percentage of elongation of any tension test specimen is less than that specified in § 51.7–4 and any part of the fracture is outside the middle third of the gage length, as indicated by scribe scratches marked on the specimen before testing, a retest shall be allowed.*

§ 51.7–7 *Tests of finished rivets*—(a) *Bending properties.* (1) The rivet shank of Grade A steel shall stand being bent cold through 180° flat on itself as shown in Figure M–3 without cracking on the outside of the bent portion.

(2) The rivet shank of Grade B steel shall stand being bent cold through 180° without cracking on the outside of the bent portion, as follows: For material three-fourths inch and under in diameter, around a pin the diameter of which is equal to one and one-half times the diameter of the shank; for material over three-fourths inch in diameter, around a pin the diameter of which is equal to one and one-half times the diameter of the shank.

(3) The rivet shank of Grade C steel shall stand being bent cold through 180° without cracking on the outside of the bent portion, as follows: For material one inch and under in diameter, around a pin the diameter of which is equal to two and one-half times the diameter of the shank; for material over one inch in diameter, around a pin the diameter of which is equal to three times the diameter of the shank.

(b) *Flattening tests.* The rivet head shall stand being flattened, while hot, to a diameter two and one-half times the diameter of the shank, as shown in Figure M–4, without cracking at the edges.

(c) *Number of tests.* Three bend and three flattening tests shall be made from each size in each lot of rivets offered for inspection. Each test shall conform to the requirements specified in § 51.7–7.*

§ 51.7–8 *Permissible variations in diameter*—(a) *Finished rivets.* The diameter of finished rivets, measured cold, shall not vary from the size specified by more than the amounts prescribed in the following table:

Diameter specified in inches	Permissible variations in diameter, in inches	
	Snap gage measurement	Ring gage measurement
½" and under	0.022" under	0.020" over
Over ½" to 1" incl.	.025" under	.030" over
Over 1" to 1¼" incl.	.027" under	.035" over
Over 1¼" to 1½" incl.	.030" under	.040" over
Over 1½" to 2" incl.	.037" under	.040" over

(b) Snap gage measurement shall be made at the point of minimum diameter, but it is not required that the rivet shall turn completely in the gage. Measurements of the maximum tolerance shall be made with a ring gage, all rivets to slip full to the head in the gage of the required size for the various diameters.

(c) *Rivet heads.* The dimensions of the rivet heads shall not vary from the size specified by more than the amounts prescribed in the following table:

Specified size of rivets	Permissible variations in diameter of head, inches	
	Width	Height
¼"	plus 1/16" minus 1/16"	plus 1/16"
5/16"	plus 1/16" minus 1/16"	plus 1/16"
⅜"	plus 1/16" minus 1/16"	plus 1/16"
7/16"	plus 1/16" minus 1/16"	plus 1/16"
½"	plus 1/16" minus 1/16"	plus 1/16"
9/16"	plus 1/16" minus 1/16"	plus 1/16"
⅝"	plus 1/16" minus 1/16"	plus 1/16"
¾"	plus 1/16" minus 1/16"	plus 1/16"

•

§ 51.7–9 *Workmanship and finish.* The finished rivets shall be true to form and concentric, shall be made in a workmanlike manner, and shall be free from injurious defects.

FIG. M-3
The Bending Test For Rivets.

FIG. M-4
The Flattening Test For Rivets.

•

Rivet Iron

NOTE: In substantial agreement with A. S. T. M. Designation No. A 152–39. Tested material—Class A.

§ 51.8–1 *Materials and purposes.* The rivet bars shall be made of wrought iron which shall be free from any admixture of iron scrap or steel.

NOTE: Wrought iron is a ferrous material, aggregated from a solidifying mass of pasty particles of highly refined metallic iron, with which, without subsequent fusion, is incorporated a minutely and uniformly distributed quantity of slag.•

§ 51.8–2 *Chemical composition.* The iron shall conform to the following requirement as to chemical composition: Manganese, max., percent, 0.06.•

§ 51.8–3 *Tensile properties.* The material shall conform to the following requirements as to tensile properties:

Tensile strength, min., psi	47,000
Yield point, min., psi	0.6 tensile strength
Elongation in 8 in., min., percent:	
Rounds ¼ to 7/16 in., incl., in diameter	22
Rounds over 7/16 to ¾ in., incl., in diameter	24
Rounds over ¾ to 2 in., incl., in diameter	26

•

§ 51.8–4 *Bend tests*—(a) *Quenched, cold-bend tests.* A test specimen shall be heated between 1,600° and 1,700° F., and quenched in cold water, after which it shall stand being bent cold through 90° around a pin, the diameter of which is equal to the diameter of the specimen without fracture on the outside of the bent portion.

(b) *Nick-bend tests.* A test specimen, when nicked 25 percent around the circumference with a tool having a 60° cutting edge, to a depth of not less than 8 nor more than 16 percent of the diameter or thickness of the specimen, and broken slowly, shall show a wholly fibrous fracture.

(c) *Hot-bend tests.* A test specimen, when heated to a temperature between 1,700° and 1,800° F., shall stand being bent through 180° flat on itself without fracture on the outside of the bent portion.

(d) *Methods.* Bend tests may be made by pressure or blows.•

§ 51.8–5 *Test specimens.* All test specimens shall be of the full section of the material as rolled.•

§ 51.8–6 *Number of tests.* (a) All bars of a given size shall be piled separately, tested in lots of 100 each. Two bars shall be selected at random from each lot or fraction thereof and tested as specified in §§ 51.8–3 to 51.8–5.

(b) If any of the specimens originally selected to represent a lot of material contains surface defects not visible before testing, but visible after testing, or if a tension-test specimen breaks outside the middle third of the gage length, as indicated by scribe scratches marked on the specimen before testing, the individual specimen shall be rejected and one retest from a different bar shall be allowed.•

§ 51.8–7 *Micrographic tests.* If doubt exists as to the presence of steel, the inspector may make micrographic examination to assist in determining whether the material conforms to the requirements of § 51.8–1.•

§ 51.8–8 *Physical properties and tests*—(a) *Flattening tests.* The rivet head shall stand being flattened, while hot, to a diameter two times the diameter of the shank, as shown in Figure M–4, without cracking at the edges.

(b) *Etch test.* The rivet shall be split longitudinally through head and shank. After grinding or polishing and etching in acid, the section shall show freedom of folds at base of head, and the fiber lines shall show symmetrical displacement.

NOTE: A solution of 10 percent hydrochloric acid (sp. gr. 1.19), 30 percent sulphuric acid (sp. gr. 1.84), and 60 percent water; or 25 percent nitric acid (sp. gr. 1.42) and 75 percent water, is recommended for the etch test.

(c) Three flattening and three etch tests shall be made from each lot of 2,000 lbs. or less of any one diameter of rivets offered for inspection. Each test shall conform to the requirements specified in paragraphs (a) and (b).•

§ 51.8–9 *Workmanship and finish.* The rivets shall be true to form and concentric, shall be made in a workmanlike manner, and shall be free from injurious defects. The heads shall not show cracks or splits on the edge but may contain a slight flash.•

§ 51.8–10 *Inspection.* All inspections shall be made at the place of manufacture prior to shipment, unless otherwise specified, and the inspector shall have the right to reject all rivets found to be not in compliance with the requirements of §§ 51.8–1 to 51.8–11.•

§ 51.8–11 *Rejection.* Rivets which show defects subsequent to their acceptance at the place of manufacture will be rejected and the manufacturer shall be notified.•

Lap-Welded and Seamless Steel and Lap-Welded Iron Boiler Tubes

NOTE: In substantial agreement with A. S. T. M. Designation No. A 83–40. Certified material—Class B.

§ 51.9–1 *Scope.* These specifications cover lap-welded and seamless steel, and lap-welded iron boiler tubes and boiler flues, including safe ends, arch and stay tubes, and seamless superheater and small boiler tubes.•

§ 51.9–2 *Process.* (a) The material for lap-welded or seamless steel tubes shall be made by either or both of the following processes: open-hearth or electric furnace. The material for open-hearth iron tubes shall be made by the open-hearth process.

(b) The material for wrought iron tubes shall be made by the knobbled, hammered charcoal iron process.•

§ 51.9–3 *Chemical composition* (a) Chemical analysis will not be required for charcoal iron tubes.

(b) Material made by the open-hearth or electric furnace processes shall conform to the following requirements as to chemical composition:

	Grade A, low-carbon steel	Grade B, open-hearth iron
Carbon, percent	0.06 to 0.18	0.03 max.
Manganese, percent	.30 to .60	.03 max.
Phosphorous, max. percent	.04	.02
Sulphur, max. percent	.045	.045

•

§ 51.9–4 *Check analysis.* (a) An analysis of two tubes from each lot of 250 tubes or fraction thereof, and from each lot of 2,000 ft. or fraction thereof, of safe-end material may be made by the inspector. Drillings for analysis shall be taken from several points around each tube selected for analysis. The chemical composition thus determined shall conform to the requirements specified in § 51.9–3 (b).

(b) If the analysis of either tube does not conform to the requirements specified, an analysis of two additional tubes from the same lot shall be made, each of which shall conform to the requirements specified in § 51.9–3 (b).•

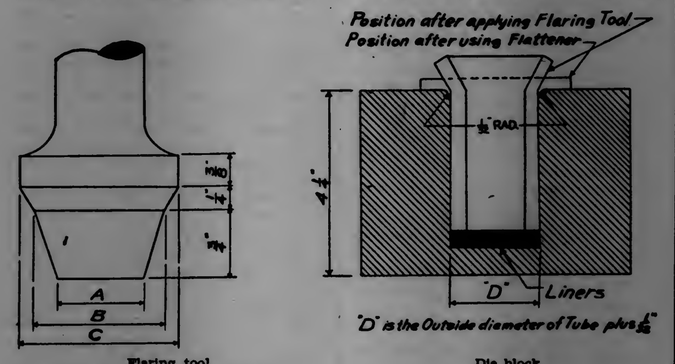
§ 51.9–5 *Flange tests.* (a) For tubes having wall thicknesses[1] less than 10 percent of their outside diameters, and providing the thickness does not exceed 0.200 inch, a section not less than four inches in length shall be capable of having a flange turned over at a right angle to the body of the tube without cracking or showing flaws. This flange as measured from the outside of the tube shall be not less than one-eighth inch nor more than one-half inch. Within these limits, the width of the flange shall be not less than the following:

[1] The term wall thickness shall be defined as the actual mean wall of the material used.

Outside diameter of tube, inches	Width of flange	
	Open-hearth or electric furnace. Grades A and B tubes.	Charcoal-iron tubes.
2½ and under	15 percent of outside diameter.	12.5 percent of outside diameter.
Over 2½ to 3½	⅜ inch.	⅜ inch.
Over 3½ to 6	10 percent of outside diameter.	10 percent of outside diameter.

(b) For tubes other than those specified in paragraph (a), the flange test shall not be required.

(c) In making the flange test, it is recommended that the flaring tool and die block shown in Figure M–5 be used:



Flaring tool

Die block

A = Outside diameter of tubes less 5/16"
B = Outside diameter of tubes less 3/16"
C = Outside diameter of tubes plus 5/16"

FIG. M5.—*Flaring tool and die block for flange test.*

§ 51.9–6 *Flattening tests.* (a) For tubes having wall thicknesses not exceeding 10 percent of their outside diameters, and providing the thickness does not exceed 0.200 inch, a section not less than two and one-half inches in length shall stand being flattened between parallel plates, without cracking or showing flaws, until the distance between the plates is as follows:

For seamless tubes—three times the wall thickness.

For lap-welded tubes—five times the wall thickness.

(b) For tubes other than specified in paragraph (a), a section not less than two and one-half inches in length shall stand being flattened between parallel plates, without cracking or showing flaws until the distance between the plates is as follows:

For seamless tubes—four times the wall thickness.

For lap-welded tubes—six times the wall thickness.

(c) Superficial ruptures as a result of minor surface imperfections shall not be cause for rejection.

NOTE: In the case of lap-welded charcoal-iron tubes over 0.200 inches in thickness the test shall be made with the weld 45° away from the point of maximum bend. For other lap-welded charcoal-iron tubes and for all steel lap-welded tubes covered by paragraphs (a) and (b), the weld shall be placed in the line of the maximum bend.

•

§ 51.9–7 *Crush test.* When required by the inspector crushing tests shall be made on sections of tube two and one-half inches in length which shall stand crushing longitudinally, without cracking, splitting, or opening at the weld, as follows: Slight surface checks shall not be cause for rejection.

Wall thickness of tubes (inches)	Height of crushed section (inches)	
	Grades A and B tubes	Charcoal-iron tubes
0.135 and under	[1] ¾	1¼
Over 0.135	1¼	1½

[1] Or until outside folds are in contact.

•

§ 51.9–8 *Hydrostatic test.* (a) Prior to upsetting, swaging, expanding, bending, or other forming operations, each tube shall be tested at the mill to the hydrostatic pressures as follows:

Tubes under five inches in diameter shall withstand an internal hydrostatic pressure of 1,000 psi., and tubes five inches and over in diameter shall withstand an internal hydrostatic pressure of 800 psi., provided the fiber stress corresponding to these pressures does not exceed 16,000 psi., as determined by the following formula. Should the fiber stress corresponding to these pressures exceed the above figures, the hydrostatic test pressure shall be determined by the following formula:

$$P = \frac{2St}{D}$$

where:
P = Hydrostatic test pressure in pounds per square inch,
S = Allowable fiber stress of 16,000 psi.,
t = Thickness of the tube wall in inches, and
D = Outside diameter of the tube in inches.

(b) Lap-welded tubes shall be struck near both ends, while under the test pressure, with a 2-lb. steel hand hammer or its equivalent.•

§ 51.9–9 *Etch test for charcoal-iron tubes.* To determine that a tube is charcoal-iron a cross section of the tube may be turned or ground to a true surface, polished free from dirt or cracks, and etched[1] until the soft parts are sufficiently dissolved to show a decided ridged surface, with the weld very distinct. A steel tube so etched would show an even or homogeneous surface.•

§ 51.9–10 *Test specimens.* (a) Test specimens required for the flange and flattening tests specified in §§ 51.9–5 and 51.9–6 shall be taken from the ends of finished tubes prior to upsetting, swaging, expanding, or other forming operations, or being cut to lengths. They shall be smooth on the ends and free from burrs and flaws.

(b) All specimens shall be tested at room temperature.•

§ 51.9–11 *Number of tests.* (a) One of each of the tests specified in §§ 51.9–5, 51.9–6, and 51.9–7 shall be made on each of two tubes from each lot of 250 tubes or fraction thereof, and from each 2,000 feet or fraction thereof, of safe-end material.

(b) Each tube shall be subjected to the hydrostatic test specified in § 51.9–8.•

§ 51.9–12 *Retests.* If the results of the physical tests of either of the tubes selected for test do not conform to the requirements specified in §§ 51.9–5 and 51.9–6, and 51.9–7, retests shall be made on two additional tubes from the same lot, each of which shall conform to the requirements specified.•

§ 51.9–13 *Forming operations.* Tubes when inserted in the boiler shall stand expanding and beading without showing cracks, or flaws, or opening at the weld. Superheater tubes when properly manipulated shall stand all forging, welding, and bending operations necessary for application without developing defects.•

§ 51.9–14 *Permissible variations in dimensions and weight.* Variations in outside diameter, wall thickness, weight, and length, from those specified, shall not exceed the amounts prescribed in the following table:

[1] A solution of 10 percent hydrochloric acid (sp. gr. 1.19), 30 percent sulphuric acid (sp. gr. 1.84), and 60 percent water; or 25 percent nitric acid (sp. gr. 1.42) and 75 percent water, is recommended for the etch test.

PERMISSIBLE VARIATIONS AND WEIGHTS

Size, outside diameter, inches	Outside diameter (including out of roundness) in. [a] [b]		Wall thickness, percent [c] [d]								Weight [d] per ft. percent		Cut length, inches [e]	
			0.095 in. and under		Over 0.095 to 0.180 in., incl.		Over 0.180 to 0.180 in., incl.		Over 0.180 in.					
	Over	Under	Over	Under	Over	Under	Over	Under	Over	Under	Over	Under	Over	Under
HOT-FINISHED TUBES														
4 and under	1/64	1/32	40	0	35	0	33	0	28	0	16	0	3/16	0
Over 4	1/64	3/64			35	0	33	0	28	0	16	0	3/16	0
COLD-DRAWN TUBES														
			Over				Under							
Under 1	0.004	0.004	20				0				12	0	1/16	0
1 to 1 1/4 incl	.006	.006	20				0				12	0	1/16	0
Over 1 1/4 to 2 excl	.008	.008	22				0				12	0	1/16	0
2 to 2 1/2 excl	.010	.010	22				0				13	0	1/16	0
2 1/2 to 3 excl	.012	.012	22				0				13	0	1/16	0
3 to 4 incl	.015	.015	22				0				13	0	1/16	0
Over 4	.015	.025	22				0				13	0	1/16	0

[a] These permissible variations in outside diameter and wall thickness apply only to the tubes as rolled or drawn and before swaging, expanding, bending, polishing, or other fabricating operations.

[b] Cold-drawn tubing, having a specified wall thickness which is 3 percent, or less than 3 percent, of the outside diameter cannot be straightened properly without a certain amount of ovality resulting in the diameter, consequently such tubes, while having an average outside diameter within the permissible variations prescribed in the table, will require additional ovality permissible variation of plus or minus 0.5 percent of the outside diameter.

[c] On tubes 2 inches and over in outside diameter and 0.220 inch and over in thickness the variation in wall thickness in any one cross-section of any one tube shall not exceed plus or minus 10 percent of the actual average wall of that section. The actual average wall is defined as the average of the thickest and thinnest wall in that section.

[d] The permissible variations in weight apply to lots of 50 tubes or more in sizes 4 inches and under in outside diameter, and to lots of 20 tubes or more in sizes over 4 inches in outside diameter.

[e] Permissible variations in length apply to tubes before bending.

§ 51.9–15 *Finish.* Finished tubes shall be reasonably straight and have smooth ends, free from burrs. They shall be free from injurious defects and shall have a workmanlike finish.*

§ 51.9–16 *Marking.* (a) The name or brand of the manufacturer, the type of material from which it is made, whether seamless or lap-welded, and whether steel or iron, together with the hydrostatic test pressure in lbs. per square inch, shall be legibly stenciled on each tube 1¼ inches in outside diameter and over, provided the length is not under three feet.

(b) On tubes less than one and one-quarter inches in diameter and on all tubes under three feet in length, the information specified in paragraph (a) shall be marked on a tag securely attached to the bundle or box in which the tubes are shipped.*

Electric-Resistance-Welded Steel and Open-Hearth Iron Boiler and Superheater Tubes

NOTE: In substantial agreement with A. S. T. M. Designations A 178–40 and A 226–40. Certified Material—Class B.

§ 51.9a–1 *Scope.* (a) These specifications cover three grades of electric-resistance-welded tubes made of steel and open-hearth iron and intended for boiler tubes, boiler flues, superheater tubes, and safe ends;[1] and one grade of electric-resistance-welded silicon-killed steel boiler and superheater tubes. These grades shall be designated Grade A, a low-carbon steel tube; Grade B, an open-hearth iron tube; Grade C, a medium-carbon steel tube; and Grade D, a silicon-killed steel tube.

(b) Grade D tubes less than two inches in outside diameter shall have wall thickness of not less than 8 percent of the outside diameter and in no case less than 0.065 inch. Grade D tubes two inches and over in outside diameter shall have wall thicknesses of not less than 0.200 inch.

(c) The type desired shall be specified by the order.*

§ 51.9a–2 *Process.* The material shall be made by either or both of the following processes: open-hearth or electric-furnace. Grade D shall be a killed steel.*

§ 51.9a–3 *Manufacture.* Tubes shall be made by electric-resistance-welding and shall be normalized at a temperature above the upper critical temperature.*

§ 51.9a–4 *Chemical composition.* The steel shall conform to the following requirements as to chemical composition:

[1] Grade C tubes are not suitable for safe-ending by forge welding.

	Grade A	Grade B	Grade C	Grade D
Carbon, percent	0.06 to 0.18	0.06 max.	0.35 max.	0.06 to 0.18
Manganese, percent	.30 to .60	.60 max.	.60 max.	.30 to .60
Phosphorous, max. percent	.04	.03	.04	.04
Sulphur, max. percent	.045	.045	.045	.045
Silicon, max. percent				.20

*

§ 51.9a–5 *Check analysis.* (a) Grades A, B, and C. An analysis of two tubes from each lot of 250 tubes or fraction thereof, and from each lot of 2000 feet or fraction thereof of safe-end material, may be made by the inspector. Drillings for analysis shall be taken from several points around each tube selected for analysis. The chemical composition thus determined shall conform to the requirements prescribed in § 51.9a–4.

(b) Grade D. An analysis of two tubes from each lot of 100 tubes or fraction thereof may be made by the inspector. Drillings for analysis shall be taken from several points around each tube selected for analysis. The chemical composition thus determined shall conform to the requirements prescribed in § 51.9a–4.

(c) All grades. If the analysis of either tube does not conform to the requirements specified, an analysis of two additional tubes from the same lot shall be made, each of which shall conform to the requirements specified in § 51.9a–4.*

§ 51.9a–6 *Flattening test.* (a) For Grades A and B tubes having wall thicknesses not exceeding ten percent of their outside diameters, and providing the thickness does not exceed 0.200 inch, a section not less than two and one-half inches in length shall stand being flattened between parallel plates until the distance between the plates is three times the wall thickness without cracking or showing flaws.

(b) For Grades A and B tubes other than specified in paragraph (a), and for Grade D tubes, a section not less than two and one-half inches in length shall stand being flattened between parallel plates until the distance between the plates is four times the wall thickness, without cracking or showing flaws.

(c) For Grade C tubes, a section not less than two and one-half inches in length shall stand being flattened between parallel plates until opposite walls of the tube meet. No opening in the weld shall take place until the distance between the plates is less than two-thirds of the original outside diameter of the tube. No cracks or breaks in the metal elsewhere than in the weld shall occur until the distance between the plates is less than one-third of the original diameter of the tube. Evidence of laminations or burnt material shall not develop during the entire flattening process.

(d) The weld shall be placed in the line of maximum bend for all grades.

(e) Superficial ruptures as a result of minor surface imperfections shall not be cause for rejection.*

§ 51.9a–7 *Flange test.* (a) For Grades A, B, and C tubes not more than five inches in diameter and having wall thicknesses not exceeding ten percent of their outside thickness, and providing the thickness does not exceed 0.200 inch, a section not less than four inches in length shall be capable of having a flange turned over at a right angle to the body of the tube without cracking or showing flaws. This flange as measured from the outside of the tube shall not be less than one-eighth inch nor more than one-half inch. Within these limits the width of the flange shall be not less than the following:

Outside diameter of tube, inches	Width of flange	
	Grades A and B	Grade C
2½ and under	15 percent of outside diameter.	75 percent of that required for grades A and B.
Over 2½ to 3¾	⅜ inch	
Over 3¾ to 5	10 percent of outside diameter.	

(b) For tubes other than specified in paragraph (a), the flange shall not be required.

(c) In making the flange test, it is recommended that the flaring tool and die block shown in Figure M–5 be used.*

§ 51.9a–8 *Crush test for Grades A and B tubes.* When required by the inspector, crushing tests shall be made on sections of tubes two and one-half inches in length which shall stand crushing longitudinally without cracking, splitting, or opening at the weld, as follows:

Wall thickness of tubes, inches	Height of crushed section, inches
0.135 and under	¾, or until the outside folds are in contact.
Over 0.135	1¼.

Slight surface checks shall not be cause for rejection.*

§ 51.9a–9 *Tensile properties.* (a) Grade C tubes shall conform to the following requirements as to tensile properties:

Tensile strength, minimum, psi	60,000
Yield point, minimum, psi	37,000
Elongation in 2 inches, minimum, percent	25

(b) No tensile properties are specified for Grade D tubes, but for purposes of design, the following tensile properties may be assumed:

Tensile strength, minimum, psi	47,000
Yield point, minimum, psi	26,000
Elongation in 2 inches, minimum, percent	35

*

§ 51.9a–10 *Flaring test, for Grade D tubes.* A section of tube approximately four inches in length shall stand being flared with a tool having a sixty degree included angle until the tube at the mouth of the flare has been expanded to the following percentages, without cracking or showing flaws:

Ration of inside diameter to outside diameter:	*Minimum expansion of inside diameter, percent*
0.9	20
0.8	22
0.7	25
0.6	30
0.5	37
0.4	50
0.3	67

*

§ 51.9a–11 *Hardness test, for Grade D tubes.* (a) For tubes 0.200 inch and over in wall thickness the Brinell hardness test shall be used and on tubes having wall thicknesses from 0.200 to 0.375 inches exclusive, a 10-mm. ball with a 1500-kg. load, or a 5-mm. ball with a 750 kg. load may be used at the option of the inspector. For tubes less than 0.200 inch in wall thickness, the Rockwell hardness test shall be used.

(b) The Brinell hardness test may be made on the outside of the tube near the end or on the outside of a specimen cut from the tube, at the option of the inspector. The Rockwell hardness test shall be made on the inside of a specimen cut from the tube.

(c) The tubes shall have a Brinell hardness number not to exceed 125 and a Rockwell hardness number not to exceed B72.

(d) In making the Brinell hardness test, reference should be made to the Standard Method of Test for Brinell Hardness of Metallic Materials (A. S. T. M. Designation: E 10–27) of the American Society for Testing Materials.

(e) In making the Rockwell hardness test, reference should be made to the Standard Method of Test for Rockwell Hardness of Metallic Materials (A. S. T. M. Designation: E 18–36) of the American Society for Testing Materials.*

§ 51.9a–12 *Hydrostatic Test.*—(a) *Grades A, B, and C tubes.* Tubes under five inches in diameter shall withstand an internal hydrostatic pressure of 1,000 psi., and tubes five inches and over in diameter shall withstand an internal hydrostatic pressure of 800 psi., provided the fiber stress corresponding to these pressures does not exceed 16,000 psi. for Grades A and B and 18,000 psi. for Grade C, as determined by the following formula. Should the fiber stress corresponding to these pressures exceed the above figures, the hydrostatic test pressure shall be determined by the following formula:

$$P = \frac{2St}{D}$$

where:
P equals hydrostatic test pressure in pounds per square inch,
S equals allowable fiber stress of 16,000 psi. for Grades A and B tubes and 18,000 psi. for Grade C tubes.
t equals thickness of the tube wall in inches, and
D equals outside diameter of the tube in inches.

(b) *Grade D tubes.* Prior to upsetting, swaging, expanding, bending, or other forming operations, each tube shall be tested at the mill to the hydrostatic pressures prescribed in the following table, provided that the fiber stress calculated in accordance with the following formula does not exceed 20,800 psi.:

$$P = \frac{2St}{D}$$

NOTE: Letters in formula have same significance as in § 51.9a–12 (a).

Hydrostatic Test Pressure

Size, outside diameter, inches:	*Hydrostatic test pressure, psi.*
Under 1	1,000
1 to 1½, exclusive	1,500
1½ to 2, exclusive	2,000
2 and over	2,500

(c) All grade tubes. Tubes shall be struck near both ends, while under test pressure, with a two-pound steel hand hammer or its equivalent.*

§ 51.9a–13 *Test specimens.* (a) Test specimens required for the flattening, flange, and flaring tests specified in §§ 51.9a–6, 51.9a–7, 51.9a–10 shall be taken from the ends of finished tubes prior to upsetting, swaging, expanding, or other forming operations, or being cut to length. They shall be smooth on the ends and free from burrs and flaws.

(b) If desirable, and practicable, tension tests may be made on full sections of the tubes up to the capacity of the testing machine. For larger size tubes, the tension test specimen shall consist of a strip cut longitudinally from the tube and not flattened between gage marks. The sides of the specimen shall be parallel between gage marks; the width, irrespective of the thickness, shall be 1 inch; the gage length shall be two inches.

(c) All specimens shall be tested at room temperature.*

§ 51.9a–14 *Number of tests.* (a) For Grades A and B, one of each of the tests specified in §§ 51.9a–6 (a), (b), (d), 51.9a–7, and 51.9a–8 shall be made on each of two tubes from each lot of 250 tubes or fraction thereof, and from each 2000 feet or fraction thereof of safe-end material. For Grade C, one of each of the tests specified in §§ 51.9a–6 (c), (d), 51.9a–7, and 51.9a–9 shall be made on each of two tubes from each lot of 250 tubes or fraction thereof.

(b) If any of the test specimens specified in paragraph (a) shows defective machining or develops flaws, it may be discarded and another specimen substituted.

(c) If the percentage of elongation of any tension test specimen is less than that specified in § 51.9a–9 and any part of the fracture is more than three-fourths inch from the center of the gage length, as indicated by scribe scratches marked on the specimen before testing, a retest shall be allowed.

(d) For Grade D tubes, four tubes shall be selected for test from each lot of 100 tubes. From each end of two of these test tubes, the flattening test specified in § 51.9a–6 (b) shall be made and from each end of the other two test tubes the flaring test specified in § 51.9a–10 shall be made.

(e) Five percent of all Grade D tubes shall be selected and a hardness test shall be made on each of these tubes as specified in § 51.9a–11.

(f) All tubes of all grades shall be subjected to the hydrostatic test specified in § 51.9a–12.*

§ 51.9a–15 *Retests.* If the results of the physical tests of any lot do not conform to the requirements specified in §§ 51.9a–6, 51.9a–7, 51.9a–8, 51.9a–9, 51.9a–10, and 51.9a–11, retests may be made on additional tubes of double the original number from the same lot, each of which shall conform to the requirements specified.*

§ 51.9a–16 *Forming operations.* Tubes when inserted in the boiler shall

stand expanding and beading without showing cracks or flaws, or opening at the weld. Superheater tubes when properly manipulated shall stand all forging, welding, and bending operations necessary for application without developing defects.*

§ 51.9a–17 *Finish.* Finished tubes shall be reasonably straight and have smooth ends free from burrs. They shall be free from injurious defects and shall have a workmanlike finish.*

§ 51.9a–18 *Marking*—(a) *Grades A, B, and C tubes.* The name or brand of the manufacturer, the type of material from which it is made, the words Electric-Resistance-Welded and whether steel or open-hearth iron, together with the hydrostatic test pressure in pounds per square inch, shall be legibly stenciled on each tube 1¼ inch in outside diameter and over, provided the length is not under three feet.

(b) *Grade D tubes.* The name or brand of the manufacturer, the words Electric-Resistance-Welded Steel, A. S. T. M. Specification A 226, together with the hydrostatic test pressure in pounds per square inch, shall be legibly stenciled on each tube 1¼ inches and over in outside diameter, provided the length is not under three feet.

(c) *All grades of tubes.* On tubes less than 1¼ inches in diameter and on all tubes under three feet in length, the information specified in paragraphs (a) and (b) shall be marked on a tag securely attached to the bundle or box in which the tubes are shipped.*

Seamless Steel Boiler Tubes for High-Pressure Service — Medium-Carbon Seamless Steel Boiler and Superheater Tubes—Carbon-Molybdenum Alloy-Steel Boiler and Superheater Tubes

NOTE: In substantial agreement with A. S. T. M. designations A 192–40, A 210–40, and A 209–41T Certified Material—Class B.

§ 51.10–1 *Scope.* These specifications cover seamless steel boiler tubes for high-pressure service, medium-carbon seamless steel boiler and superheater tubes, and seamless carbon-molybdenum alloy-steel boiler and superheater tubes.*

§ 51.10–2 *Process.* The steel shall be killed steel and shall be made by either or both of the following processes: open-hearth or electric-furnace.

§ 51.10–3 *Manufacture.* (a) Tubes shall be made by the seamless process and shall be either hot-finished or cold-drawn, as specified.

(b) Cold-drawn tubes shall be annealed after the final cold-draw pass.

(c) Hot-finished tubes for high-pressure service need not be annealed unless specified by the purchaser.

(d) Hot-finished medium-carbon tubes shall be annealed by heating to at least 1300° F.

(e) Hot-finished carbon-molybdenum tubes shall be annealed or normalized and drawn.*

§ 51.10–4 *Chemical Composition.* The steel shall conform to the following requirements as to chemical composition:

	High pressure	Medium carbon
Carbon, percent	0.08 to 0.18	0.35
Manganese, percent	.30 to .60	.80
Phosphorous, max., percent	.04	.04
Sulphur, max., percent	.045	.045
Silicon, max., percent	.25	
Silicon, min., percent		.10
Silicon, percent		
Molybdenum, percent		

	Carbon-molybdenum	
	Grade T1	Grade T1a
Carbon, percent	0.10 to 0.20	0.15 to 0.25
Manganese, percent	.30 to .60	.30 to .60
Phosphorous, max., percent	.04	.04
Sulphur, max., percent	.05	.05
Silicon, max., percent		
Silicon, min., percent	.10 to .50	.10 to .50
Silicon, percent	.45 to .65	.45 to .65
Molybdenum, percent		

§ 51.10–5 *Check analysis.* At the request of the inspector an analysis as specified in the following table shall be made by the manufacturer on samples of finished tubing selected at random and shall conform to the requirements specified in § 51.10–4. Drillings for analysis shall be taken from several points around each tube selected for analysis.

Size of tube:	*Number of samples selected*
2 in. and over in diameter and 0.200 in. and over in wall thickness.	2 from each lot of 100 tubes or fraction thereof.
Less than 2 in. in diameter or any size less than 0.200 in. in wall thickness.	2 from each lot of 250 tubes or fraction thereof.

(b) If the analysis of either tube does not conform to the requirements specified, an analysis of two additional tubes from the same lot shall be made, each of which shall conform to the requirements specified in § 51.10–4.*

§ 51.10–6 *Tensile properties.* (a) The material shall conform to the following requirements as to tensile properties:

	Medium carbon	Carbon-molybdenum	
		Grade T1	Grade T1a
Tensile strength, min., psi	60,000	55,000	60,000
Yield point, min., psi	37,000	30,000	32,000
Elongation in 2 in., min., percent	26	30	30

No tensile properties are specified for tubes for high-pressure service, but for purposes of design the following tensile properties may be assumed:

Tensile strength, min., psi	47,000
Yield point, min., psi	26,000
Elongation in 2 in., min., percent	35

(b) The yield point shall be determined by the drop of the beam or halt in the gage of the testing machine, or by the use of dividers or other approved method, at a crosshead speed not to exceed ⅛ in. per min. When a definite yield point is not exhibited, the yield strength corresponding to a limited permanent offset of 0.2 percent of the gage length of the specimen shall be reported instead.*

§ 51.10–7 *Flattening test*—(a) *High-pressure boiler tubes.* A section of tube 2½ in. in length shall stand being flattened between parallel plates, without cracking or showing any flaws, until the distance between the plates is four times the wall thickness. Superficial ruptures as a result of minor surface imperfections shall not be cause for rejection.

(b) *Medium-carbon tubes.* (1) For tubes having wall thicknesses not exceeding 10 percent of their outside diameters, a section not less than 2½ in. in length shall stand being flattened between parallel plates until the distance between the plates is five times the wall thickness, without cracking or showing flaws.

(2) For tubes having wall thicknesses exceeding 10 percent of their outside diameters, a section not less than 2½ in. in length shall stand being flattened between parallel plates until the distance between the plates is seven times the wall thickness, without cracking or showing flaws.

(3) Superficial ruptures as a result of minor surface imperfections shall not be cause for rejection.

(c) *Carbon-molybdenum tubes.* (1) For tubes having wall thicknesses not exceeding 10 percent of their outside diameters, a section not less than 2½ in. in length shall stand being flattened between parallel plates until the distance between the plates is three times the wall thickness, without cracking or showing flaws.

(2) For tubes having wall thicknesses exceeding 10 percent of their outside diameters, a section not less than 2½ in. in length shall stand being flattened between parallel plates until the distance between the plates is four times the wall thickness, without cracking or showing flaws.

(3) Superficial ruptures as a result of minor surface imperfections shall not be cause for rejection.*

§ 51.10–8 *Flaring test.* A section of tube approximately four inches in length shall stand being flared with a tool having a sixty degree included angle until the tube at the mouth of the flare has been expanded to the following percentages, without cracking or showing flaws.

Ratio of inside diameter to outside diameter:*	*Minimum expansion of inside diameter, percent*
0.9	20
0.8	22
0.7	25
0.6	30
0.5	37
0.4	50
0.3	67

* In determining the ratio of inside diameter to outside diameter, the inside diameter shall be defined as the actual inside diameter of the material tested.

§ 51.10–9 *Hardness test.* (a) For tubes 0.200 inch and over in wall thickness the Brinell hardness test shall be used and on tubes having wall thicknesses from 0.200 to 0.375 inch, exclusive, a 10-mm. ball with 1,500-kg. load, or a 5-mm. ball with 750-kg. load may be used, at the option of the manufacturer. For tubes less than 0.200 inch in wall thickness, the Rockwell hardness test shall be used, except that for medium-carbon and carbon-molybdenum tubes with wall thicknesses of less than 0.065 inch in wall thickness, no hardness tests are required.

(b) The Brinell hardness test may be made on the outside of the tube near the end or on the outside of a specimen cut from the tube, at the option of the manufacturer. The Rockwell hardness test shall be made on the inside of a specimen cut from the tube except in the case of tubes furnished with upset, swaged, or otherwise formed ends in which case it shall be made on the outside of the tubes near the end after forming operations.

(c) The tubes shall have a hardness number not to exceed the following:

Tubes for High-Pressure Service

	Brinell hardness number (Tubes 0.200 in. and over in wall thickness)	*Rockwell hardness number (Tubes less than 0.200 in. in wall thickness)*
Hot-finished tubes	137	B77
Cold-drawn tubes	125	B72
Hot-finished tubes (annealed)	125	B72

Medium-Carbon Tubes

The tubes shall have a Brinell hardness number not to exceed 143 and a Rockwell hardness number not to exceed B79.

Carbon-Molybdenum Tubes

	Brinell hardness number (tubes 0.200 in. and over in wall thickness)	*Rockwell hardness number (tubes less than 0.200 in. in wall thickness)*
Grade T1	137	B77
Grade T1a	143	B79

(d) In making the Brinell hardness test, reference should be made to the Standard Method of Test for Brinell Hardness of Metallic Materials (A. S. T. M. Designation: E 10) of the American Society for Testing Materials.

(e) In making the Rockwell hardness test, reference should be made to the Standard Method of Test for Rockwell Hardness of Metallic Materials (A. S. T. M. Designation No. E 18) of the American Society for Testing Materials.*

§ 51.10–10 *Hydrostatic test.* Prior to upsetting, swaging, expanding, bending, or other forming operations, each tube shall be tested at the mill to the hydrostatic pressures prescribed in the following table, provided that the fiber stress calculated in accordance with the following formula does not exceed 16,000 psi. in the case of tubes for high pressure and 24,000 psi. for medium-carbon and carbon-molybdenum tubes.

$$P=\frac{2St}{D}$$

where:
P equals hydrostatic test pressure in pounds per square inch,
S equals allowable fiber stress of 16,000 psi. for high pressure tubes and 24,000 psi. for medium-carbon and carbon-molybdenum tubes,
t equals thickness of the tube wall in inches, and
D equals outside diameter of the tube in inches.

Hydrostatic Test Pressure

Size, outside diameter, inches:	*Hydrostatic test pressure, psi.*
Under 1	1,000
1 to 1½, exclusive	1,500
1½ to 2, exclusive	2,000
2 and over	2,500

§ 51.10–11 *Test specimens*—(a) *Tubes for high-pressure service.* (1) Test specimens required for the flattening and flaring tests specified in §§ 51.10–7 and 51.10–8 shall be taken from the ends of finished tubes prior to upsetting, swaging, expanding, or other forming operations, or being cut to length. They shall be smooth on the ends and free from burrs and flaws.

(2) All specimens shall be tested at room temperature.

(b) *Medium-carbon and carbon-molybdenum tubes.* (1) Test specimens required for the flattening and flaring tests specified in §§ 51.10–7 and 51.10–8 shall be taken from the ends of finished tubes prior to upsetting, swaging, expanding, or other forming operations, or being cut to length. They shall be smooth on the ends and free from burrs and flaws.

(2) If desirable and practicable, tension tests may be made on full sections of the tubes up to the capacity of the testing machine. For larger size tubes, the tension test specimen shall consist of a strip cut longitudinally from the tube and not flattened between the gage marks. The sides of the specimen shall be parallel between the gage marks; the width, irrespective of the thickness shall be one inch; the gage length shall be two inches.

(3) On tubes furnished with upset, swaged, or otherwise formed ends, the hardness test specified in § 51.10–9 shall be made on the outside of the tubes near the end after the forming operations.

(4) All specimens shall be tested at room temperature.*

§ 51.10–12 *Number of tests.* (a) Five percent of all tubes shall be selected and a hardness test shall be made on each of these tubes as specified in § 51.10–9.

(b) Each tube shall be subjected to the hydrostatic test specified in § 51.10–10.

(c) *Flattening and flaring tests*—(1) *Tubes for high-pressure service.* From each lot of 100 tubes or fraction thereof, four tubes shall be selected for test. From each end of two of these test tubes, the flattening test specified in § 51.10–7 shall be made and from each end of the other two test tubes the flaring test specified in § 51.10–8 shall be made.

(2) *Medium-carbon and carbon-molybdenum tubes.* From each heat-treated lot of finished tubes, two tubes shall be selected at random for the flattening and flaring tests specified in §§ 51.10–7 and 51.10–8. The flattening test shall be made on each end of one of these tubes. The flaring test shall be made on each end of the remaining tubes. For the purpose of calculating the number of tests on tubes heat-treated by the continuous process, the number of tubes in a heat-treated lot shall be determined from the size of the tubes as follows:

Size of tube:	*Size of lot*
2 inches and over in outside diameter and 0.200 inch and over in wall thickness	Not more than 50 tubes.
Less than 2 inches but over one inch in outside diameter or over 1 inch in outside diameter and under 0.200 inch in wall thickness	Not more than 75 tubes.
1 inch or less in outside diameter	Not more than 125 tubes

(d) *Tension tests (where required).* (1) From each group of 100 finished tubes or fraction thereof, two tubes shall be selected at random for the tension test specified in § 51.10–6.

(2) If any test specimen shows defective machining or develops flaws, it may be discarded and another specimen substituted.

(3) If the percentage of elongation of any test specimen is less than that specified in § 51.10–6 (a) and any part of the fracture is more than three-quarters inch from the center of the gage length, as indicated by scribe scratches marked on the specimen before testing, a retest shall be allowed.*

§ 51.10–13 *Retests.* If the results of the physical tests of any lot do not conform to the requirements specified in §§ 51.10–6, 51.10–7, 51.10–8, and 51.10–9, retests may be made on additional tubes of double the original number from the same lot, each of which shall conform to the requirements specified.*

§ 51.10–14. *Retreatment.* If individual tubes or tubes selected to represent any group or lot of medium-carbon or carbon-molybdenum tubes fail to conform to the test requirements specified in §§ 51.10–6, 51.10–7, 51.10–8, and 51.10–9, the individual tubes or group or lot represented may be retreated and resubmitted for test. Only two reheat treatments will be permitted.*

§ 51.10–15. Forming operations. Tubes when inserted in the boiler shall stand expanding and beading without showing

cracks or flaws. Superheater tubes when properly manipulated shall stand all forging, welding, and bending operations necessary for application without developing defects.*

§ 51.10–16 *Permissible variations in dimensions and weight.* Variations in outside diameter, wall thickness, weight and length, from those specified, shall not exceed the amounts prescribed in the table shown in § 51.9–14.*

§ 51.10–17 *Finish.* Finished tubes shall be reasonably straight, and have smooth ends free from burrs. They shall be free from injurious defects and shall have a workmanlike finish. Minor defects may be removed by grinding provided the wall thicknesses and the outside diameters are not decreased to less than that permitted in § 51.10–16.*

§ 51.10–18 *Marking.* (a) The name or brand of the manufacturer, the type of material from which it is made (Seamless steel, medium-carbon, or carbon-molybdenum steel, as the case may be), together with the hydrostatic test pressure in pounds per square inch, and whether hot-finished or cold-drawn, shall be legibly stenciled on each tube 1¼ inches in outside diameter and over, provided the length is not under three feet.

(b) On tubes less than 1¼ inches in diameter and on all tubes under three feet in length, the information specified in paragraph (a) shall be marked on a tag securely attached to the bundle or box in which the tubes are shipped.*

Steel Pipe

NOTE: In substantial agreement with A. S. T. M. Designations A 106–41 and A 208–41 T. Certified material—Class B.

§ 51.11–1 *Scope.* These specifications cover one grade of lap-welded steel pipe, two grades of seamless steel pipe, and one grade of seamless carbon-molybdenum alloy-steel pipe.*

§ 51.11–2 *Process*—(a) *Material.* The steel for lap-welded pipe shall be of good weldable quality made by the open-hearth process. All seamless pipe shall be made of killed steel by either or both of the following processes: open-hearth or electric-furnace.

(b) *Welded pipe.* Pipe 2 inches and over in nominal diameter may be made by the lap-weld process.

(c) *Seamless pipe.* All pipe 1½ inches and under in nominal diameter shall be made by the seamless process and pipe more than 1½ inches in nominal diameter may be made by the seamless process. Seamless pipe shall be furnished either hot-finished or cold-drawn and annealed.

(d) *Carbon-molybdenum pipe.* (1) Pipe under 2 inches in nominal diameter may be furnished either hot-finished or cold-drawn and annealed. This anneal shall consist of heating in a furnace to from 1,200° to 1,300° F. followed by cooling in the furnace at a rate not to exceed 50° F. per hour until below 1,000° F.

(2) Pipe 2 inches and over in nominal diameter shall be furnished hot-finished followed by a stress-relief anneal. This stress-relief anneal shall consist of heating in a furnace to approximately 1,300° F. followed by furnace cooling at a rate not to exceed 50° F. per hour until below 1,000° F.*

§ 51.11–3 *Chemical composition.* (a) The steel shall conform to the following requirements as to chemical composition:

	Welded	Grade A	Grade B	Carbon-molybdenum P1
Carbon, percent	0.30 to 0.60	0.25 max.	0.35 max.	0.10 to 0.20
Manganese, percent	.045	0.30 to 0.90	0.35 to 1.00	.30 to .60
Phosphorous, max., percent	.06	.04	.04	.04
Sulphur, max., percent		.06	.06	.05
Silicon, percent			0.10 min.	.10 to .50
Molybdenum, percent				.45 to .65

(b) *Check analysis.* (1) Analysis of 2 pipes from each lot, as specified below, shall be made by the manufacturers from the finished pipe.

Nominal Diameter, inches	Welded, A and B	Carbon-molybdenum P1
Under 2		400 or fraction thereof.
2 to 5 inclusive	400 or fraction thereof.	200 or fraction thereof.
8 and over	200 or fraction thereof.	100 or fraction thereof.

(2) Drillings for analysis shall be taken from several points around each pipe selected for analysis. The chemical composition thus determined shall conform to the requirements prescribed in paragraph (a).*

§ 51.11–4 *Tensile requirements.* (a) The material shall conform to the following requirements as to tensile properties at room temperature:

	Welded open hearth	Seamless		Carbon-Molybdenum—P1
		Grade A	Grade B	
Tensile strength, min. psi	45,000	**45,000	**60,000	**55,000
Yield point, min. psi	26,000	30,000	35,000	30,000
Elongation, min. percent:				
8 inches	22			
2 inches		35	25	30

**For transverse tension tests the material shall conform to these minimum tensile requirements except that the elongation in 2 inches shall be 25 percent for Grade A, 15 percent for Grade B, and 20 percent for carbon-molybdenum.

(b) The yield point shall be determined by the drop of the beam or the halt in the gage of the testing machine, or by the use of dividers or other approved method, at a crosshead speed not to exceed one-eighth inch per minute. When a definite yield point is not exhibited, the yield strength, corresponding to a limiting permanent offset of 0.2 percent of the gage length of the specimen shall be used instead. The tensile strength shall be determined at a crosshead speed not to exceed 1½ inches per minute.*

§ 51.11–5 *Bending properties.* Seamless pipe 2 inches and under in nominal diameter shall stand being bent cold through 90° around a cylindrical mandrel, the diameter of which is twelve times the nominal diameter of the pipe without developing cracks. When ordered for close coiling, the pipe shall stand being bent cold through 180° around a cylindrical mandrel, the diameter of which is eight times the nominal diameter of the pipe, without failure.

Carbon-molybdenum and Grade A seamless steel pipe should be used for close-coiling, cold-bending, or forge welding.*

§ 51.11–6 *Flattening tests.* (a) For welded pipe, the crop end cut from each end of each length of pipe shall be flattened cold between parallel plates with the weld located 90° from the line of direction of the applied force, until the opposite walls of the pipe meet. No opening in the weld shall take place until the distance between the plates is less than two-thirds of the original outside diameter of the pipe. No cracks or breaks in the metal elsewhere than in the lap-weld shall occur until the distance between the plates is less than one-third of the original outside diameter of the pipe.

(b) For Grade A seamless pipe over 2 inches in nominal diameter, a section of pipe not less than 2½ inches in length shall be flattened cold between parallel plates until the opposite walls of the pipe meet. No cracks or breaks in the metal shall occur until the distance between the plates is less than one-third of the outside diameter of the pipe, but in no case shall the distance be less than five times the thickness of the pipe wall.

(c) For Grade B and alloy-steel seamless pipe over 2 inches in nominal diameter, a section of pipe not less than 2½ inches in length shall be flattened cold between parallel plates until the opposite walls of the pipe meet. No cracks or breaks in the metal shall occur until the distance between the plates is less than one-half the outside diameter of the pipe but in no case shall the distance be less than seven times the thickness of the pipe wall.*

§ 51.11–7 *Hydrostatic test.* (a) Each length of pipe shall be tested by the manufacturer to a hydrostatic pressure which will produce in the pipe wall a stress of 50 percent of the minimum specified yield point at room temperature, determined by the following formula:

$$P = \frac{2St}{D}$$

where:
P equals hydrostatic test pressure in pounds per square inch,
S equals 0.80 times the minimum specified yield point at room temperature in pounds per square inch,
t equals nominal wall thickness in inches, and
D equals outside diameter in inches.

(b) The maximum hydrostatic test pressure shall not exceed 2,500 psi. for nominal sizes 3 inches and under, or 2,800 psi. for all nominal sizes over 3 inches. The test pressure shall be maintained for not less than 5 seconds.*

§ 51.11–8 *Test procedure*—(a) *Test specimens.* (1) Specimens cut longitudinally or in the case of seamless pipe, either longitudinally or transversely, shall be acceptable for the tension test. Tension test specimens from welded pipe shall be taken at a point approximately 90° from the weld.

(2) The longitudinal tension test may be made in full section of the pipe up to the capacity of the testing machine. For larger sizes, the tension test specimens shall consist of strips cut from the pipe. The width of these specimens shall be 1½ inches and they shall have a gage length of 8 inches for welded pipe and 2 inches for seamless pipe. For seamless pipe when the pipe wall thickness exceeds three-fourths inch, the tension test specimen shown in Figure M–2 shall be used. Longitudinal tension test specimens shall not be flattened between gage marks. The sides of the specimen shall be parallel between gage marks.

(3) The transverse tension test may be made on seamless pipe 8 inches and over in nominal diameter. Specimens may be taken from a ring cut from the pipe or from sections resulting from the flattening tests. The specimens shall consist of a strip cut transversely from the pipe; the width of the specimen shall be 1½ inches and its gage length 2 inches. When the pipe wall thickness exceeds three-fourths inch, the tension test specimen shown in Figure M–2 shall be used. Specimens cut from the ring section shall be flattened cold and heat-treated in the same manner as the pipe and shall be parallel between gage marks. The transverse tension test specimens may be machined off on either surface provided not over 15 percent of the nominal thickness is removed from either side.

(4) Test specimens for the bend and flattening tests shall consist of sections cut from a pipe. Specimens for flattening tests shall be smooth on the ends and free from burrs, except when made on crop ends.

(5) All routine check tests shall be made at room temperature.

(b) *Number of tests.*—(1) *Welded.* The longitudinal tension test specified in § 51.11–4 shall be made on one length of pipe from each lot of 400 lengths or fraction thereof of each size under 6 inches, and from each lot of 200 lengths or fraction thereof of each size 6 inches and over.

The flattening test specified in § 51.11–6 shall be made on both crop ends cut from each length of welded pipe.

(2) *Seamless pipe.* One of either of the tests specified in § 51.11–4 shall be made on one length of pipe from each lot of 400 lengths or fraction thereof of each size under 6 inches, and from each lot of 200 lengths or fraction thereof of each size 6 inches and over.

The flattening test specified in § 51.11–6 (b) or (c) shall be made on one length of pipe from each lot of 400 lengths or fraction thereof of each size over 2 inches up to but not including 6 inches and from each lot of 200 lengths or fraction thereof, of each size 6 inches and over.

For Grades A and B pipe, 2 inches and under in nominal diameter, the bend test specified in § 51.11–5 shall be made on one pipe from each lot of 400 lengths or fraction thereof of each size.

(3) *Carbon-molybdenum pipe.* Tests shall be made as follows on one pipe from each heat treated lot, but in no case on less than 5 percent of the lot:

The transverse or longitudinal tension test specified in § 51.11–4,

The bend test specified in § 51.11–5 for pipe 2 inches and under in nominal diameter, and

The flattening test specified in § 15.11–6 (c) for pipe over 2 inches in nominal diameter.

For material heat treated by the continuous process, the tests specified in this paragraph shall be made on each pipe in a lot constituting 5 percent of the pipe ordered, but on not less than 2 pipes.

(4) Each length of welded, seamless, and carbon-molybdenum pipe shall be subjected to the hydrostatic test specified in § 51.11–7.

(5) If any test specimen shows defective machining or develops flaws, it may be discarded and another specimen substituted.

(6) If the percentage of elongation of any test specimen is less than that specified in § 51.11–4 (a) and any part of the fracture is more than three-fourths from the center of the gage length, as indicated by scribe scratches marked on the specimen before testing, a retest shall be allowed. If a specimen breaks in an inside or outside surface flaw, a retest shall be allowed.

(c) *Retests*—(1) *Welded and seamless steel pipe.* If the results of any chemical or physical tests of any lot[1] do not conform to the requirements specified in §§ 51.11–3, 51.11–4, 51.11–5, and 51.11–6, retests shall be made on additional pipe of double the original number from the same lot, each of which shall conform to the requirements specified.

Should a crop end of a finished welded or seamless pipe fail in the flattening test, one retest may be made from the failed end. Pipe may be normalized either before or after the first test, but pipe shall be subjected to only two normalizing treatments.

(2) *Carbon-molybdenum pipe.* If the result of the chemical analysis specified in § 51.11–3 (b) does not conform to the requirements of § 51.11–3 (a), an analysis of each pipe from the same lot may be made, and all pipe conforming to the requirements shall be accepted.

If the results of any physical tests of any lot[1] do not conform to the requirements specified in §§ 51.11–4, 51.11–5, and 51.11–6, retests shall be made on additional pipes of double the original number from the same lot, each of which shall conform to the requirements specified.

If the individual lengths of pipe selected to represent any lot fail to conform to the test requirements specified in §§ 51.11–4, 51.11–5, and 51.11–6, the lot may be reheat treated and resubmitted for test, except that any individual lengths which meet the requirements before retreating will be accepted.*

[1] A lot shall consist of all the pipe of the same size and wall thickness from any one melt.

§ 51.11–9 *Finish and Marking.* (a) The finished pipe shall be reasonably free from injurious defects, and shall have a workmanlike finish. Variations in outside diameter shall not exceed the following:

Nominal pipe size (inches)	Permissible variation in outside diameter (inches)	
	Over	Under
⅛ to 1½, incl.	1/64 (0.015)	1/32 (0.031)
2 to 4, incl.	1/32 (0.031)	1/32 (0.031)
5 to 8, incl.	1/16 (0.062)	1/32 (0.031)

The minimum wall thickness at any point shall not be more than 12.5 percent under the nominal wall thickness specified.

(b) Each length of pipe manufactured in accordance with these specifications shall be legibly marked, either by stenciling, stamping, or rolling, with the manufacturer's name or brand, together with the grade of material.

Welded Wrought-Iron Pipe

NOTE: In substantial agreement with A. S. T. M. Spec. A 72–39. Certified Material—Class B.

§ 51.12–1 *Material and purpose.* There shall be but one grade. It may be required in any of the commercial standard thicknesses according to the purpose to be served. Butt-welded pipes will not be accepted over 2 inches in diameter. All pipes may be lap-welded. The pipe shall be made from wrought-iron[1] free from any admixture of iron scrap or steel. The term "scrap" applies only to foreign or bought scrap, and does not include local mill products free from foreign or bought scrap. All pipe must be of coiling or bending quality. All nipples furnished with pipe shall be of the same quality of material as the pipe. The finished pipe shall be reasonably straight and free from injurious defects. All burrs at the ends of pipe shall be removed.*

§ 51.12–1a *Chemical composition.* The iron shall conform to the following requirement as to chemical composition:

Manganese, max., percent	0.05

*

§ 51.12–2 *Tensile properties.* The material shall have the following tensile properties:

Tensile strength, min. lbs. per sq. in.	40,000
Yield point, min. do	24,000
Elongation in 8 inches, min. percent	12

*

§ 51.12–3 *Fracture tests.* A section of pipe 6 inches in length shall be flattened until broken by repeated light blows of

[1] Definition: Wrought iron is a ferrous metal, aggregated from a solidifying mass of pasty particles of highly refined metallic iron, with which, without subsequent fusion, is incorporated a minutely and uniformly distributed quantity of slag.

a hammer or by pressure; the fracture developed shall have a fibrous appearance.*

§ 51.12–4 *Bend tests.* For pipe 2 inches or under in diameter, a sufficient length of coiling or bending pipe shall stand being bent cold through 90°, around a cylindrical mandrel the diameter of which is 15 times the nominal diameter of the pipe, without developing cracks at any portion and without opening the weld. Double extra strong pipe over 1¼ inches in nominal size need not be subjected to the bend test.*

§ 51.12–5 *Test specimens.* (a) Tension test specimens may be of full section or strips cut longitudinally from the pipe. The sides of specimens shall be parallel and not flattened between gage marks.

(b) For pipe up to and including 2 inches in nominal size, tension test specimens shall be of the full section of the pipe. For pipe larger than 2 inches in nominal size, the tension test specimens may be strips not less than three-quarters inch in width, cut longitudinally from the pipe. The sides of such specimens shall be parallel and not flattened between gage marks.

(c) All specimens shall be tested at room temperature.*

§ 51.12–6 *Number of tests.* (a) One of each of the tests specified in §§ 51.12–2 to 51.12–4 may be made on a length in each lot of 500 lengths or fraction thereof, of each size.

(b) Each length shall be subjected to the hydrostatic test specified in § 51.12–7.*

§ 51.12–7 *Hydrostatic tests.* Each length of pipe shall be tested at the mill to a hydrostatic test pressure specified in the following table. Pipe 2 inches and larger in diameter, shall be jarred near one end while under test pressure.

Hydrostatic pressure for welded wrought-iron pipe (pressures expressed in pounds per square inch)

Size (nominal inside diameter) (inches)	"Standard weight" pipe lap-weld	"Extra" strong" pipe lap-weld	"Double extra strong" pipe lap-weld
¼			
⅜			
½			
¾			
1			
1¼	1,000	2,500	3,000
1½	1,000	2,500	3,000
2	1,000	2,000	3,000
2½	1,000	2,000	3,000
3	1,000	2,000	3,000
3½	1,000	2,000	2,500
4	1,000	2,000	2,500
5	1,000	1,800	2,000
6	1,000	1,800	2,000
8	800		2,000
8	1,000	1,800	
10	800		
10	700		
10	900	1,000	
12	800		
12	800	1,000	

NOTE: For pipes over 12 inches in inside diameter, the test pressure should be calculated by the formula:

$$P = \frac{2St}{D}$$

where:
P equals pressure in pounds per square inch;
S equals 12,000 pounds per square inch (fiber stress)
t equals thickness of wall in inches;
D equals outside diameter in inches.

§ 51.12–8 *Permissible variations and dimensions.* For pipe 1½ inches or under in nominal size, the outside diameter at any point shall not be more than one-sixty-fourth inch over nor more than one-thirty-second inch under the standard outside diameter. For pipe 2 inches or over in nominal size, the outside diameter shall not be more than 1 percent over or under the standard outside diameter. Unless otherwise specified, pipe shall conform to the following regular practice:

(a) Standard weight pipe shall be in random lengths from 16 to 22 feet, but not more than 5 percent of the total number of lengths may be "jointers", which are two pieces coupled together. When ordered with plain ends 5 percent may be in lengths of 12 to 16 feet.

(b) Extra strong pipe shall be in random lengths of 12 to 22 feet and 5 percent may be in lengths of 6 to 12 feet.

(c) Each end of standard-weight pipe shall be threaded. Extra strong and double extra strong pipe shall be furnished with plain ends.

(d) All threads shall be in accordance with the American standard pipe thread, cut so as to make a tight joint when the pipe is tested at the mill to the specified internal hydrostatic pressure.*

§ 51.12–9 *Inspection and rejection.* Each length of pipe which develops injurious defects in shop working or application will be rejected, and the manufacturer shall be notified.*

§ 51.12–10 *Marking.* The name or brand of the manufacturer, the words "wrought-iron" or approved abbreviation therefor, and the pressure in pounds at which it was tested shall be legibly stenciled on each pipe.*

Seamless Brass Pipe

NOTE: In substantial agreement with A. S. T. M. Designation No. B 43–41. Certified material—Class B.

§ 51.13–1 *Scope.* These specifications cover seamless muntz metal, high brass, admiralty metal, and red brass pipe suitable for steam, water, compressed air, sanitary, and boiler feed lines, and for similar purposes subject to temperatures not exceeding 406° F.*

§ 51.13–2 *Process.* The pipe shall be cold-drawn to size.*

§ 51.13–3 *Temper.* All pipe shall normally be furnished in the annealed condition. The degree of anneal shall be sufficient to show complete recrystallization and to enable the pipe to meet the test requirements.*

§ 51.13–4 *Chemical requirements.* The material shall conform to the following requirements as to chemical composition:

	Muntz metal	High brass	Admiralty metal	Red brass
Copper, percent	59.00 to 63.00	65.00 to 68.00	70.00 to 73.00	83.00 to 86.00
Lead, max. percent	0.50	0.80	0.075	0.06
Iron, max. percent	.07	.07	.06	.05
Tin, percent			0.90 to 1.20	0.15 max.
Zinc	Remainder	Remainder	Remainder	Remainder

§ 51.13–5 *Sampling for chemical analysis.* Drillings, millings, or clippings, for analysis shall be taken from pipe representing 0.5 percent of the shipment. Equal quantities shall be taken from each pipe and thoroughly mixed together.*

§ 51.13–6 *Expansion test.* Annealed pipe shall stand an expansion of 25 percent of the inside diameter without cracking, when expanded by a tapered pin having a 60° included angle.*

§ 51.13–7 *Strain test.* A test specimen 6 inches in length shall stand, without cracking, immersion for 15 minutes in an aqueous mercurous nitrate solution containing 100 grams of mercurous nitrate and 13 milliliters of nitric acid (sp. gr. 1.42) per liter of solution.*

§ 51.13–8 *Threading test.* The pipe shall stand threading in a satisfactory manner.*

§ 51.13–9 *Bending properties.* In case of pipe required for bending, annealed full sections of the pipe shall stand being bent cold through 180° around a pin the diameter of which is one and one-half times the inside diameter of the pipe, without cracking on the outside of the bent portion.*

§ 51.13–10 *Hydrostatic test.* Each length of pipe shall stand, without showing weakness or defects, an internal hydrostatic pressure sufficient to subject the material to a fiber stress of 7,000 psi., determined by the following formula for thin hollow cylinders under tension. No pipe shall be tested beyond 1,000 psi. unless so specified.

$$P = \frac{2St}{D}$$

where:
P equals test pressure in psi.,
t equals thickness of wall in inches,
D equals outside diameter of pipe in inches, and
S equals 7,000.

§ 51.13–11 *Number of tests.* A sufficient number of pipes for purpose of tests shall be taken at random to constitute 0.5 percent of the shipment. One expansion test and one strain test shall be made on each pipe so selected.*

§ 51.13–12 *Workmanship.* The pipe shall be commercially round and shall be free from cracks, slivers, scale, and other surface defects.*

§ 51.13–13 *Finish.* All pipes shall be bright annealed or acid cleaned after final annealing.*

§ 51.13–14 *Rejection.* (a) If a specimen of piping fails to meet the requirements of §§ 51.13–6 to 51.13–10, inclusive, two additional specimens may be taken, but both of these specimens shall conform to these requirements, otherwise the pipe will be rejected.

(b) Pipes that show non-uniform annealing under handling shall be rejected from the lot.*

Seamless Copper Pipe

NOTE: In substantial agreement with A. S. T. M. Designation B 42–41T. Certified Material—Class B.

§ 51.14–1 *Scope.* These specifications cover seamless copper tubing and seamless copper pipe in all standard pipe sizes to be used at temperatures not exceeding 406° F. This material is suitable for boiler-feed lines, blow-off lines, compressed air lines, salt and fresh water lines, and for saturated steam lines for pressures not exceeding 150 lbs. per square inch gage pressure. The pipe shall be commercially round and shall be free from cracks, seams, slivers, scale, and other surface defects.*

§ 51.14–2 *Process.* The pipe shall be cold-drawn to size.*

§ 51.14–3 *Condition or temper.* (a) All pipe shall be normally furnished in the hard-drawn condition.

(b) When pipe is required for bending, the pipe shall be furnished with a proper bending temper.*

§ 51.14–4 *Chemical composition.* The copper shall conform to the following requirements as to chemical composition:

Copper,[1] min., percent	99.90
Phosphorous, max., percent	0.040

[1] Silver counting as copper.

§ 51.14–5 *Sampling for chemical analysis.* Drillings, millings, or clippings, for analysis shall be taken from pipe representing 0.5 percent of the shipment. Equal quantities shall be taken from each pipe and thoroughly mixed.*

§ 51.14–6 *Expansion test.* Annealed pipe selected for test shall withstand an expansion of 25 percent of the inside diameter when expanded by a tapered pin having a 60° included angle.*

§ 51.14–7 *Bending properties.* In the case of pipe required for bending, annealed full sections of the pipe shall stand being bent cold through 180° around a pin the diameter of which is one and one-half times the inside diameter of the pipe, without cracking on the outside of the bent portion. This test shall be made in addition to the expansion test specified in § 51.14–6 and shall apply only to sizes 2 inches and under in outside diameter.*

§ 51.14–8 *Microscopic examination.* The pipe shall be made from copper that is free from cuprous oxide as determined by microscopic examination at a 75X magnification.*

§ 51.14–9 *Hydrostatic test.* Each length of pipe shall stand, without showing weakness or defects, an internal hydrostatic pressure sufficient to subject the material to a fiber stress of 6,000 psi. determined by the following formula for thin hollow cylinders under tension. No pipe shall be tested beyond a hydrostatic pressure of 1,000 psi. unless so specified.

$$P = \frac{2St}{D}$$

where:
P equals pressure in pounds per square inch,
t equals thickness of pipe wall in inches,
D equals outside diameter of the pipe in inches, and
S equals allowable unit stress of the material, 6,000 psi.

§ 51.14–10 *Number of tests.* (a) A sufficient number of pipes for purpose of tests shall be taken at random to constitute 0.5 percent of the shipment. One expansion test shall be made on each pipe so selected.

(b) If any specimen fails to conform to the requirements of §§ 51.14–6 to 51.14–9, inclusive, two additional specimens may be taken, each of which shall conform to the requirements specified.*

Steel Forgings

NOTE: In substantial agreement with A. S. T. M. Designations A 105–40 and A 182–40. Certified material—Class B.

§ 51.15–1 *Scope.* (a) These specifications cover forged or rolled steel pipe flanges, forged fittings, and valves and parts for high-temperature service. The term "forgings" used in these specifications shall be understood to cover one or all of the products mentioned above, either forged or rolled.

(b) Three grades of material are covered, designated Grades A, B, and F1, respectively, and are classified in accordance with their chemical and physical properties as specified in §§ 51.15–6 and 51.15–7 (a).

(c) Grades A and B material are suitable for use in connection with temperatures up to and including 850° F. Grade F1 material is suitable for use in connection with temperatures up to and including 1,000° F.*

§ 51.15–2 *Process.* The steel may be made by the electric-furnace, open-hearth, or other approved process.*

§ 51.15–3 *Discard.* A sufficient discard shall be made from each ingot to secure freedom from injurious piping and undue segregation. In the case of F1 steel, it shall have a homogeneous structure as shown by the macro-etch test in § 51.15–12.*

§ 51.15–4 *Manufacturing practice.* (a) Material for forging shall consist of blooms, billets, slabs, or bars either forged or rolled from an ingot, and cut to the required length by a process that will not produce injurious defects in the forging.

(b) Forging or rolling operations may be performed either by hammering, pressing, rolling, extruding, or upsetting. Forgings shall be brought as nearly as practicable to the finished shape and size by hot-working and shall be so processed as to cause metal flow during the hot-working operation in the direction most favorable for resisting the stresses encountered in service.*

§ 51.15–5 *Heat treatment.* (a) All forgings shall receive a heat treatment proper to their design and chemical composition.

(b) Heat treatment shall be performed before machining except in instances where reheat-treating is necessary.

(c) The steels may be full annealed, normalized, full annealed and normalized, or full annealed and normalized followed by tempering.

(d) *Full annealing.* The procedure for full annealing shall consist in allowing the forgings, immediately after forging or rolling, to cool to a temperature below the critical range, under suitable conditions to prevent injuries by too rapid cooling. They shall then be uniformly reheated to the proper temperature and for the required time to refine the grain, and cooled slowly thereafter in the furnace or in lime. The forgings shall not be removed from the furnace or the lime until a metal temperature of approximately 500° F. has been attained.

(e) *Normalizing.* The procedure for normalizing shall consist in allowing the forgings, immediately after forging or rolling, to cool to a temperature below the critical range, under suitable conditions to prevent injuries by too rapid cooling. They shall then be uniformly reheated to the proper temperature and held there a sufficient time to refine the grain (a group thus reheated being known as a "normalizing charge"), followed by cooling in still air at room temperature.

(f) *Tempering or drawing.* The procedure for tempering or drawing shall consist in reheating the forgings to a temperature at least 100° F. above the temperature to be encountered in service, but in no case shall the drawing temperature be lower than 850° F. The material shall be held at the required temperature for not less than one hour per inch of thickness at the thickest section, followed by cooling in the furnace or in still air.*

§ 51.15–6 *Chemical composition.* The steels shall conform to the following requirements as to chemical composition:

	Grades A and B	Grade F1
Carbon, percent	(**)	0.35
Manganese, max., percent	0.90	0.30 to 0.80
Phosphorous, max., percent	.05	.04
Sulphur, max., percent	.05	.05
Silicon, percent		.30 to 0.50
Molybdenum, percent		.40 to 0.60

**When flanges will be subject to fusion welding, the carbon content shall not exceed 0.35 percent. When the carbon is restricted to 0.35 percent, max., it may be necessary to add silicon to the composition for Grade B and for the heavier thicknesses of Grade A flanges in order to meet the required tensile properties. The silicon content shall not exceed 0.30 percent.

§ 51.15–7 *Tensile properties.* (a) The material shall conform to the following requirements as to tensile properties:

	Grade A	Grade B	Grade F1
Tensile strength, min., psi	60,000	70,000	70,000
Yield point, min., psi	30,000	36,000	45,000
Elongation in 2 inches, min., percent	25	22	25
Reduction of area, min., percent	38	30	35

(b) The yield point shall be determined by the drop of the beam or halt in the gage of the testing machine, or by use of dividers at a crosshead speed not to exceed one-eighth inch per minute. Where a definite yield point is not exhibited, in the case of F1 steel, the yield strength corresponding to a limiting permanent offset of 0.2 percent of the gage length of the specimen shall be used instead. The "offset method" of determining yield strength as described in the Tentative Methods of Tension Testing of Metallic Materials (A. S. T. M. Designation: E 8–40T) of the American

Society for Testing Materials, shall be followed. The tensile strength shall be determined at a speed of head not to exceed 1½ inches per minute.

(c) The yield strength, where given, shall be determined by an extensometer reading to 0.0002 inch. The extensometer shall be attached to the specimen at the gage marks and not to the shoulders of the specimen not to any part of the testing machine.*

§ 51.15–8 *Hydrostatic tests.* Valve bodies or fittings and other pressure containing parts shall be tested after machining to the hydrostatic test pressures specified in tables P–10 and P–11.*

§ 51.15–9 *Test specimens.* (a) The tension test specimens taken from the forgings, billets or bars shall be machined to the form and dimensions shown in Figure M–2 except as specified in paragraph (b).

(b) In the case of small sections which will not permit of taking the standard test specimen specified in paragraph (a), the tension test specimen shall be as large as feasible and its dimensions shall be proportional to those shown in Figure M–2. The gage length for measuring elongation shall be four times the diameter of the specimen.

(c) For purposes of tests, the necessary extra forgings or test bars shall be provided. The test specimen if cut from a flange shall be cut tangentially from the flange portion approximately midway between the inner and outer surfaces and approximately midway between the front and back faces. When it is impracticable to provide extra forgings for test purposes, test bars may be made from the billet or bar, provided they are given approximately the same reduction and heat treatment as the forgings.*

§ 51.15–10 *Number of tests.* (a) One tension test at room temperature shall be made from each melt in each heat-treatment charge.

(b) If any test specimen shows defective machining, it may be discarded and another specimen substituted from the same melt and heat-treatment charge.

(c) If the percentage of elongation of any test specimen is less than that prescribed in § 51.15–7 (a) and any part of the fracture is more than three-fourths inch from the center of the gage length, as indicated by scribe scratches marked on the specimen before testing, a retest shall be allowed.*

§ 51.15–11 *Retests.* If any of the results of the physical tests of any test lot do not conform to the requirements specified, the manufacturer may re-treat such lots but not more than twice and retests shall be made as in § 51.15–10 (a).*

§ 51.15–12 *Macro-etch tests.* In case of questions as to the soundness of material in any lot of forgings and its suitability for the intended service, a macro-etching test shall be made for each melt present in the lot. Etching tests shall show sound and reasonably uniform material, free from injurious laminations, cracks, segregations, and similar objectionable defects. If on successive tests 10 percent of any melt fail to pass the requirements of the macro-etch test, all forgings from that melt shall be rejected.*

§ 51.15–13 *Workmanship and finish.* (a) The forgings shall conform to the sizes and shapes specified.

(b) They shall be free from injurious defects and shall have a workmanlike finish.*

§ 51.15–14 *Marking.* Identification marks shall be stamped legibly on each forging.*

Alloy-Steel Bolting Material

NOTE: In substantial agreement with A. S. T. M. Designation No. A 96–39. Certified material—Class B.

§ 51.16–1 *Scope.* This specification covers alloy-steel bolting material for boiler and pressure vessel parts or attachments, valves, flanges, and fittings for high-temperature service to 1000° F.

Three grades of material are covered, viz: A, B, and C, according to the chemical and physical properties hereinafter specified. Any alloy conforming to these requirements shall be acceptable.*

§ 51.16–2 *Process.* The steel shall be made by one or more of the following processes: open-hearth, electric-furnace, or crucible.*

§ 51.16–3 *Heat treatment.* (a) Heat treatment shall consist of quenching and tempering.

(b) Immediately after rolling or forging, the bolting material shall be allowed to cool to a temperature below the critical range under suitable conditions, to prevent injury by too rapid cooling. For quenching and tempering, the material shall then be uniformly reheated to the proper temperature to refine the grain and quenched in some medium under substantially uniform conditions for each quenching charge. The material shall then be uniformly reheated to the proper temperature for tempering or "drawing back" and allowed to cool uniformly.*

§ 51.16–4 *Chemical composition.*

Phosphorous, percent ..... Not over 0.045
Sulphur, percent ..... Not over 0.05

NOTE: It is recommended that the carbon content shall not be less than 0.20 nor more than 0.45 percent, and that the carbon ranges shall be 0.10 percent of carbon.

*

§ 51.16–5 *Tensile properties.* The bolting material, after final heat treatment, shall conform to the following requirements as to minimum tensile properties:

Diameter in inches	Grade A	Grade B	Grade C
2½ and under, tensile strength lbs. per sq. in.	95,000	105,000	125,000
Yield points lb. per sq. in.	70,000	80,000	105,000
Elongation in 2 in. per cent	20	20	16
Reduction of area per cent	50	50	50
Over 2½ to 4 incl. tensile strength—lbs. per sq. in.	90,000	100,000	115,000
Yield point lbs. per sq. in.	65,000	75,000	95,000
Elongation in 2 in., per cent	20	20	16
Reduction of area, per cent	50	50	45
Over 4 to 7, incl. tensile strength—lbs. per sq. in.	90,000	100,000	110,000
Yield point, lbs. per sq. in.	65,000	75,000	85,000
Elongation in 2 in., per cent	20	20	16
Reduction of area, per cent	50	50	45

*

§ 51.16–6 *Brinell hardness test.* The bolting material, after final heat treatment, shall conform to the following requirements:

	Brinell hardness Nos.
Grade A	190–250
Grade B	210–270
Grade C	260–320

*

§ 51.16–7 *Workmanship and finish.* The bolting material shall be free from injurious defects and shall have a workmanlike finish.*

§ 51.16–8 *Nuts and washers.* Bolts and studs shall be equipped with nuts conforming to the Standard Specifications for Carbon and Alloy-Steel Nuts for Bolts for High-Temperature Service to 1,000° F. as specified in §§ 51.16a–1 to 51.16a–9. If washers are used under nuts they shall be of forged or rolled steel. All washers shall be free from injurious defects and have a workmanlike finish.*

Carbon and Alloy-Steel Nuts for High-Temperature Service

NOTE: In substantial agreement with A. S. T. M. Designation A 194–40. Certified material—Class B.

§ 51.16a–1 *Scope.* (a) These specifications cover steel nuts for bolts used in high-temperature service up to 1,000° F.

(b) Four classes of material are covered:

Class 1 for service temperatures not exceeding 750° F.
Class 2 and 2H for service temperatures not exceeding 850° F.
Class 4 for service temperatures up to and including 1,000° F.

*

§ 51.16a–2 *Process.* The steel shall be made by one or more of the following processes: open-hearth, electric-furnace, or acid-bessemer.*

§ 51.16a–3 *Fabrication.* (a) Classes 1 and 2 nuts shall be made by the hot-forged or cold processes, or machined from forged or hot-rolled bars.

(b) Classes 2H and 4 nuts shall be made by the hot-forged or cold processes, or machined from hot-forged or hot-rolled bars and shall be heat treated to meet the requirements for physical properties. These classes of nuts shall be quenched and drawn at a temperature at least 100° F. above the service temperature, but in no case less than 850° F. for Class 2H and not less than 1,100° F. for Class 4 nuts.*

§ 51.16a–4 *Stress-relieving.* (a) Before tapping, all nuts made by the cold process shall be heated in the process of manufacturing to a temperature of at least 1,000° F.

(b) Nuts made by the hot process or from hot-forged or hot-rolled bars need not be subjected to this stress relieving.*

§ 51.16a–5 *Chemical composition.* Nuts shall conform to the following requirements as to chemical composition:

CHEMICAL REQUIREMENTS

	Class 1	Classes 2 and 2H	Class 4
Carbon, percent	0.15 min.	0.40 min.	0.40 to 0.50
Manganese, percent			.50 to 0.95
Phosphorus, max., percent	.06	.05	.04
Sulphur, max., percent	.05	.05	.04
Silicon, percent			.15 min.
Molybdenum, percent			.20 min.

*

§ 51.16a–6 *Hardness test.* Samples of each class of nuts shall show the Brinell hardness specified below: (1) in the finished condition; (2) after the sample has been subjected for 24 hours to a temperature of 850° F. for Class 1, 1,000° F. for Classes 2 and 2H, and 1,100° F. for Class 4, and then cooled slowly:

BRINELL HARDNESS

Class	Sample nut as finished	Sample nut after treatment as above
1	120 min.	120 min.
2	160 min.	160 min.
2H	248 to 352	180 min.
4	248 to 352	200 min.

*

§ 51.16a–7 *Drift test.* Classes 2H and 4 nuts when machined from bar stock and all other classes of nuts shall be capable of meeting the following drift test: A conical mandrel, part of which has a diameter equal to the nominal nut size, shall be forced through the tapped hole to the nominal nut size, cold, without cracking the body of the nut. The test may be continued until the nut is broken for the examination of the structure.*

§ 51.16a–8 *Stripping test.* Nuts of all classes shall be capable of meeting the following stripping test: A nut shall be assembled on a piece of bolting material held in a tension testing machine so that a load is supplied to the nut. The threads in the nut shall not strip when subjected to a stress equal to 130,000 psi. for Class 1, and 150,000 psi. for Classes 2, 2H, and 4 figured from the diameter of the bolt.*

§ 51.16a–9 *Finish.* (a) Nuts shall be free from injurious defects and shall have a workmanlike finish.

(b) Nuts shall be semi-finished, hexagonal in shape and in accordance with the dimensions for the Regular or Heavy Series of the American Standard for Wrench-Head Bolts and Nuts and Wrench Openings (ASA No.: B 18.2–1933).

(c) Nuts for use with alloy-steel bolts or bolt studs shall be threaded unless otherwise specified, in accordance with the American Standard for Screw Threads (ASA No.: B 1.1–1935); sizes one inch and smaller in diameter with the Coarse-Thread Series.*

Steel Castings

NOTE: In substantial agreement with A. S. T. M. Designations Nos. A 95–41 and A 157–41. Certified material—Class B.

§ 51.17–1 *Scope.* These specifications cover steel castings for valves, flanges, fittings, or other pressure containing parts, of carbon-steel for service temperatures up to and including 850° F. and carbon-molybdenum alloy-steel for service temperatures to 1000° F.*

§ 51.17–2 *Process.* The steel shall be made by the open-hearth, electric-furnace, or crucible process.*

§ 51.17–3 *Heat treatment.* (a) All castings shall receive a heat treatment proper to their design and chemical composition.

(b) Heat treatment shall consist of full annealing or of normalizing, or of normalizing followed by full annealing, or of normalizing followed by drawing to a temperature below the critical range. No castings which have been quenched in any liquid medium shall be offered under these specifications.

(c) *Full annealing.* The procedure for full annealing shall consist in allowing the castings to cool, after pouring, to a temperature below the critical range, reheating to the proper temperature and for the required time to refine the grain, and cooling thereafter slowly in the furnace. The castings shall not be removed from the furnace until the pyrometer shows that the furnace has fallen to a temperature below 500° F. (260° C.).

(d) *Normalizing.* The procedure for normalizing shall consist in allowing the castings to cool, after pouring, to a temperature below the critical range, reheating to the proper temperature and for the required time to refine the grain, and cooling in still air at room temperature.

(e) *Drawing or tempering.* The procedure for drawing, or tempering, shall consist in reheating the castings to a temperature at least 150° F. (85° C.) above the temperature to be encountered in service, and holding at that temperature not less than one and one-half hours per inch or less of section, followed by cooling in the furnace or in still air. When castings are used for service at temperatures under 750° F., the minimum draw temperature shall be 800° F.*

§ 51.17–4. *Chemical composition.* The steel shall conform to the following requirements as to chemical composition:

	Carbon steel	Carbon molybdenum alloy-steel C1
Carbon, percent	0.15 to 0.45	0.35 max.
Manganese, percent	.80 min.	1.00 max.
Phosphorous, percent	.05 max.	.05 max.
Sulphur, percent	.06 max.	.06 max.
Silicon, percent	.20 min.	.20 min.
Molybdenum, percent		.40 min.

*

§ 51.17–5 *Tensile properties.* (a) Steel used for the castings shall conform to the following requirements as to tensile properties:

	Carbon steel	Carbon Molybdenum alloy-steel C1
Tensile strength min. psi	70,000	70,000
Yield point min. psi	36,000	45,000
Elongation in 2 in. min. (percent)	22	22
Reduction of area min. (percent)	30	35

(b) The yield point shall be determined by the drop of the beam or halt in the gage of the testing machine, or by the use of dividers, at a crosshead speed not to exceed ½ inch per minute. Where a definite yield point is not exhibited, the yield strength corresponding to a limiting permanent offset of 0.2 percent of the gage length of the specimen shall be used instead. The "offset method" of determining yield strength as described in the Tentative Methods of Tension Testing of Metallic Materials (A. S. T. M. Designation: E 8–40T) of the American Society for Testing Materials shall be followed. The tensile strength shall be determined at a speed of head not to exceed 1½ inches per minute.*

§ 51.17–6. *Bending properties.* The test specimens shall stand being bent cold through an angle of 90° around a pin 1 inch in diameter without cracking on the outside of the bent portion.*

§ 51.17–7 *Hydrostatic tests.* Each casting shall be tested after machining to the hydrostatic pressure specified in table P–10 or P–11 and shall show no leaks.*

§ 51.17–8 *Test specimens.* (a) For castings having a net weight of not over 500 lbs., tension test specimens and, when specified, bend test specimens shall be taken from test bars attached to special blocks. For castings having a net weight over 500 lbs., the test specimens shall be taken from test bars attached to the castings where practicable. If the design of the casting is such that test bars should not be attached to the castings, the test bars shall be cast attached to special blocks. Test bars from which tension and bend test specimens are to be taken shall remain attached to the castings or blocks they represent until presented for inspection, and shall be heat treated with the castings. Test bars shall be provided in sufficient numbers to furnish specimens for the tests required in § 51.17–9.

(b) Tension test specimens may be cut from heat treated castings instead of from test bars.

(c) Tension test specimens shall be machined to the form and dimensions shown in Figure M–2.

(d) Bend test specimens shall be machined to one by one-half inch in section with the corners rounded to a radius not over one-sixteenth inch.*

§ 51.17–9 *Number of tests.* (a) One tension test and one bend test shall be made from each melt in each heat-treat-

ment charge and from each casting weighing 500 lbs. net or over.

(b) If any test specimen shows defective machining or develops flaws, it may be discarded, and another specimen substituted from the same lot.

(c) If the percentage of elongation of any tension test specimen is less than that specified in § 51.17–5 (a) and any part of the fracture is more than three-fourths inch from the center of the gage length, as indicated by scribe scratches marked on the specimen before testing, a retest shall be allowed.*

§ 51.17–10 *Retests.* (a) If the results of the physical tests for any lot do not conform to the requirements specified, such lot may be reheat-treated, but not more than twice. Retests shall be made as specified in §§ 51.17–5 and 51.17–6.*

§ 51.17–11 *Workmanship.* (a) The castings shall conform substantially to the shapes and sizes indicated by the patterns and drawings submitted by the purchaser.*

§ 51.17–12 *Finish.* (a) The castings shall be clean and free from injurious defects.

(b) The castings shall not be peened or plugged to stop leaks.

(c) *Repair by welding.* Defects which do not impair the strength of the castings may be welded by an approved process. The defects shall be cleaned out to solid metal before welding, and, when so required by the inspector, the castings in this condition shall be submitted to him for his approval. All castings shall be heat treated after welding in accordance with the requirements specified in § 51.17–8, except that with permission of the inspector, castings with minor welds need only be drawn or tempered. In the case of major repair welds, the inspector may require examination after reannealing with X-rays or gamma rays to show the adequacy of the repair, the cost of X-raying or gamma-raying to be borne by the manufacturer, notice of such to be given at the time permission is granted to weld.*

Gray Iron Castings for Valves, Flanges, and Pipe Fittings

NOTE: In substantial agreement with A. S. T. M. Designation A 126–40. Certified material—Class B.

§ 51.18–1 *Scope.* These specifications cover the following three grades of gray iron for castings such as valve bodies, fittings, flanges, including parts to be assembled into valves, manufactured in advance and supplied for sale from stock by the manufacturer, jobber, or other dealer:

Grade A—Regular gray iron,
Grade B—Higher-strength gray iron including the so-called semi-steels used in valves and fittings,
Grade C—High-test cast iron whether regular or alloy composition.

*

§ 51.18–2 *Process.* The iron shall be made by the cupola, air-furnace, electric-furnace, or other approved process. The iron shall be produced under regular chemical and physical control and shall be gray iron of high quality.*

§ 51.18–3 *Chemical composition.* Drillings taken from test ingots, broken test specimens, or from castings shall conform to the following requirements as to chemical composition:

Phosphorus, max. percent	0.75
Sulphur, max. percent	.12

*

§ 51.18–4 *Tensile properties.* (a) The tension test specimen shall conform to the following requirements as to tensile strength:

	Grade A	Grade B	Grade C
Tensile strength, min. psi	21,000	31,000	41,000

(b) After reaching a stress of 15,000 psi., the speed of the crosshead of the testing machine shall not exceed one-eighth inch per minute.*

§ 51.18–5 *Transverse test.* (a) The transverse test shall be optional. When transverse tests are made, the transverse test specimen, when placed horizontally upon supports twelve inches apart and tested under a centrally applied load shall conform to the following requirements:

	Grade A	Grade B	Grade C
Load at center, min. lbs.	2,200	3,300	4,000
Deflection at center, min. in.	0.10	0.12	0.12

(b) The rate of application of the load shall be such that a central deflection of 0.10 inch is produced in from 20 to 40 seconds.

(c) In case the transverse test specimen varies from the specified diameter of 1.20 inches, a correction factor conforming to the following shall be applied:

Diameter of transverse test specimen, inches:	Correction factor
1.10	0.770
1.11	.791
1.12	.813
1.13	.835
1.14	.857
1.15	.880
1.16	.903
1.17	.927
1.18	.951
1.19	.975
1.20	1.000
1.21	1.025
1.22	1.051
1.23	1.077
1.24	1.103
1.25	1.130
1.26	1.158
1.27	1.185
1.28	1.214
1.29	1.242
1.30	1.271

*

§ 51.18–6 *Mold.* One mold containing one or more tension test specimens and, when desired, one transverse test specimen shall be poured at least twice a day from each melt from which castings are made under these specifications. The molds for these test specimens shall be made from the plate pattern, on a standard molding machine if possible, from the same lot of sand and in the same general way as that in which molds for the castings are made. Each specimen shall be marked to show cupola or furnace number, date, and hour when the mold is poured by either casting in the mold or tamping the specimens as soon as possible after shaking-out.

NOTE: The numbering on the test specimen shown in Figure M–6 is intended simply to illustrate a method of designation. In the particular method shown 12/8 refers to December 8, B1 is the cupola number, and the numeral 1 which follows shows the hour cast. (1 P.M.)

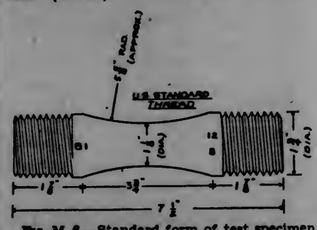


FIG. M–6.—Standard form of test specimen required for tension tests of gray iron casting materials.

*

§ 51.18–7 *Test specimens.* Tension test specimens shall conform to the dimensions shown in Figure M–6, shall be reasonably smooth and round at breaking section, and shall be tested without machining, except that the enlarged ends shall be threaded (1¾ inches U. S. standard threads are recommended). The cross-sectional area at the breaking section shall be within plus or minus 5 percent of one square inch and the ultimate stress shall be calculated on the minimum cross-section.*

§ 51.18–8 *Tension test apparatus.* Ball and socket specimen holders or spherical-seated bearings or other device, which will insure that the specimen, when under load, will be as nearly as possible in pure axial tension without transverse stress, shall be used in making the tension test.*

§ 51.18–9 *Records.* Records of the chemical composition of the iron and physical properties of the test specimens shall be systematically made and maintained.*

§ 51.18–10 *Workmanship and finish.* The castings shall be sound, clean, free from sand, of workmanlike finish, and soft enough to machine well.*

Malleable Iron Castings

NOTE: In substantial agreement with A. S. T. M. Spec. A 47–33. Certified material—Class B.

§ 51.19–1 *Material and scope.* This specification covers malleable iron castings which may be used for pipe fittings, valves, manifolds, connections, and miscellaneous appliances for steam pressures not exceeding 250 lbs., and temperatures not exceeding 450° F., but such castings shall not be used as pressure parts of boilers or pressure vessels. (Malleable iron castings are designated as Grade A and Grade B.)*

§ 51.19–2 *Process.* (a) Grade A castings shall be made by the air-furnace, open-hearth, or electric-furnace process.

(b) Irrespective of the process by which the castings are made they shall be free from primary graphite, or what is known in the trade as a "frame" and the manufacturer shall certify that no primary graphite is present in any part of the casting sections.

(c) Castings having a "frame" i. e., a hard surface shell shall be rejected.

NOTE: The normal structure of malleable iron consists of crystalline grains of ferrite throughout which is distributed small nodules of temper carbon. At times, due to an incorrect annealing cycle, the castings will be surrounded by a more or less thick shell of metal in which the carbon will be combined to form the constituent known as pearlite. As this constituent is much harder than ferrite, the shell of metal, or "frame" will be harder and more brittle than the core of metal it surrounds, and consequently less able to safely stand dynamic stresses.

*

§ 51.19–3 *Tensile properties.* The tensile test specimens shall conform to the following minimum requirements:

Tensile strength, lbs. per sq. in.	52,000
Yield point, lbs. per sq. in.	32,500
Elongation in 2 inches, percent	15

*

§ 51.19–4 *Test specimens.* The specimens shall be of the form shown in Figure M–7. Specimens whose minimum diameter at the smallest section is less than 19/32 inch shall not be accepted.*

§ 51.19–5 *Number of tests.* (a) A set of three tension-test specimens shall be cast from each melt, without chills, using heavy risers of sufficient height to secure sound bars. Each set of specimens so cast shall be annealed with the castings they represent.

(b) If the first specimen conforms to the specified requirements, or if, in the event of the failure of the first specimen, the second and third specimens conform to the requirements, the castings of the lot they represent shall be accepted, except that any casting may be rejected if its test lug shows that it has not been properly annealed. If either the second or third specimen fails to conform to the requirements, the entire lot of castings they represent shall be rejected unless failure of one of the retest specimens shall be due to a flaw, in which case test specimens may, at the discretion of the inspector, be cut from castings in the lot for an additional test.*

§ 51.19–6 *Special tests.* (a) All castings, if of sufficient size, shall have cast thereon test lugs of a size proportonal to the thickness of the castings but not exceeding five-eighths inch by three-quarter inch in cross section. On castings which are 24 inches or over in length a test lug shall be cast near each end. These lugs shall be attached to the casting at such a point that they will not interfere with the assembling of the casting and shall be broken off by the inspector.

(b) If required by the inspector, a casting shall be tested to destruction. Such a casting shall show good tough malleable iron.*

§ 51.19–7 *Reannealing.* Any castings rejected for insufficient annealing may be reannealed once. The reannealed castings shall be inspected, and if the remaining test lugs, or castings broken as specimens, show the castings to be thoroughly annealed, they shall be accepted; if not, they shall be finally rejected.*

§ 51.19–8 *Workmanship and finish.* (a) The castings shall conform substantially to the approved patterns or drawings, and also to gages which may be specified in individual cases. The castings shall be made in a workmanlike manner. A variation of one-eighth inch per foot will be permitted.

(b) The castings shall be free from injurious defects at surface or in any cross section.*

§ 51.19–9 *Marking.* The manufacturer's identification mark shall be cast on all castings of sufficient size, in such positions that they will not interfere with the assembling of the casting, and especially so located that the marks will not operate to weaken the metal at a point where the stresses imposed on the casting will be more severe than at other sections. For castings with flanged outlets it is recommended that the marking be cast on the periphery of the flange.*

§ 51.19–10 *Inspection and rejection.* (a) The manufacturer shall be required to keep a record of each melt from which castings are produced, showing tensile strength and elongation of test specimens cast from such melts. These records shall be available and shown to the inspector whenever required.

(b) Castings which show injurious defects subsequent to their acceptance at the manufacturer's works may be rejected and, if rejected, the manufacturer shall be notified.*

Malleable Iron Castings for Pipe Fittings

NOTE: In substantial agreement with A. S. T. M. Designation A 197–39. Certified material—Class B.

§ 51.19–11 *Cupola malleable iron.* This specification covers malleable iron for castings such as flanges, pipe fittings, and valve parts, including parts to be assembled or manufactured in advance and supplied from stock by the manufacturer, for pressures not exceeding 125 lbs., temperatures not exceeding 450° F., and diameters not exceeding 4 inches.*

§ 51.19–12 *Grade B castings.* Grade B castings may be manufactured by the cupola process, and shall be produced under regular chemical and physical control.*

§ 51.19–13 *Tensile properties.* (a) The tensile test specimens shall conform to the following requirements:

Tensile strength, lbs. per sq. in.	40,000
Yield point, lbs. per sq. in.	30,000
Elongation in 2 inches, percent	5.0

(b) The yield point shall be determined by the drop of the beam or the halt in the gage of the testing machine.*

§ 51.19–14 *Test specimens.* (a) Tension test specimens shall be of the form and dimensions as shown in Figure M–7.

(b) Specimens whose mean diameter at the smallest section is less than 19/32 inch shall be discarded.

(c) *Records.* Manufacturers shall keep records of the chemical composition and physical properties of the test specimens which shall be available to the inspectors.*

§ 51.19–15 *Requirements.* The requirements of § 51.19–2 (b) relative to primary graphite and "framed" castings shall apply to this process.*

§ 51.19–16 *Workmanship and finish.* (a) The castings shall conform substantially to the approved patterns or drawings, and also to gages which may be specified in individual cases. The castings shall be made in a workmanlike manner. A variation of one-eighth inch per foot will be permitted. The castings shall be free from injurious surface or internal defects.

(b) Malleable iron products subject to steam pressure shall be marked with the manufacturer's name or trade-mark to indicate that they are the product of an approved manufacturer. The marking shall be made in accordance with the requirements of § 51.19–9.

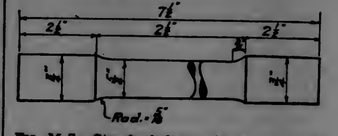


FIG. M–7.—Standard form of test specimen required for tension-tests of malleable casting material.

*

Bronze Castings

NOTE: In substantial agreement with A. S. T. M. Designations B 62–41 and B 61–41 and B 60–41. Certified material—Class B.

§ 51.20–1 *Materials and purposes.* Three grades of castings shall be permissible, viz:

Grade A for pressure containing parts of valves and pipe fittings which are subjected to working pressures up to 150 lbs. per square inch or temperatures not exceeding 366° F.

Grade B for pressure containing parts of valves and pipe fittings, also boiler mountings, expansion joints, and similar appliances which are subjected to steam pressures up to 300 lbs. or temperatures not exceeding 450° F., and for hydraulic or compressed air service at higher pressures where the temperature does not exceed 150° F.

Grade C for bolts, nuts, and light-pressure vessels where comparatively great tensile strength and resistance to salt-water corrosion are required.*

§ 51.20–2 *Manufacture.* (a) The alloy may be made by any approved method.

(b) The castings shall be of uniform quality.*

§ 51.20–3 *Chemical composition.* The alloy shall conform to the following requirements as to chemical composition:

CHEMICAL COMPOSITION

	Grade A			Grade B	Grade C		
	Minimum	Desired	Maximum		Minimum	Desired	Maximum
Copper, percent	84.00	85.00	86.00	86.5 (min.)	86.00	88.00	89.00
Tin, percent	4.00	5.00	6.00	5.5 to 6.5	7.50	8.00	11.00
Lead, percent	4.00	5.00	6.00	1.0 to 2.0		None	0.30
Zinc, percent	4.00		6.00	2 to 5	1.50	4.00	4.50
Iron, percent			.25	0.25 (max.)			.25
Nickel, percent			1.00	1.00 (max.)			1.00
Phosphorous, percent			.08	0.05 (max.)			.05

§ 51.20–4 *Chemical analysis.* The sample for chemical analysis shall be taken from the test bars.*

§ 51.20–5 *Tensile properties.* (a) The alloy shall conform to the following requirements as to tensile properties:

	Grade A	Grade B	Grade C
Tensile strength, min. psi.	30,000	34,000	30,000
Yield point, min. psi.	14,000	16,000	16,000
Elongation in 2 in., min. percent	20	22	22

(b) The yield point in tension shall be determined as the stress producing an elongation under load of 0.5 percent, that is, 0.01 in. in a gage length of 2 in.*

§ 51.20–6 *Test specimens.* (a) The tension test specimen shall be machined from a coupon to the form and dimensions shown in Figure M–2.

(b) The coupon attached to the casting shall conform to the dimensions shown in Figure M–8 and it shall not be chilled. The fin gate along the side shall be not less than 5/16 in. in thickness at any point along its length.

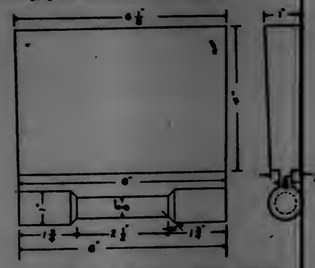


FIG. M–8.—Test specimen coupon.

§ 51.20–7 *Number of tests.* (a) Each casting weighing 250 lbs. or more shall have, if practicable, at least one test coupon attached. The responsibility of furnishing sufficient test specimens shall rest with the manufacturer.

(b) In the case of castings weighing less than 250 lbs. each, at least one test coupon shall, if practicable, be attached to one or more castings from each melt or from such groups of melts as the inspector may specify, but in no case shall a group consist of more than 1,000 lbs. of castings.

(c) In the case of castings where, in the opinion of the inspector it is impracticable to attach a test coupon to the casting, bars shall be cast separately in sand. At least one test bar shall be poured from each melt of metal, or such groups of melts as the inspector may specify, but in no case shall a group consist of more than 1,000 lbs. of castings. The bars shall be cast from the first metal poured from the melt, and the inspector shall witness the pouring of the test mold.

(d) If any test specimen shows defective machining or reveals casting defects, it may be discarded and replaced by another specimen selected by the inspector. If additional test coupons are not available, the replacement specimen may be taken from the body of a casting selected by the inspector to represent the lot.*

§ 51.20–8 *Workmanship and finish.* (a) The castings shall be free from blowholes, porosity, hard spots, shrinkage defects, or cracks, or other injurious defects and shall be smooth and well cleaned, before inspection, by sand blasting, tumbling, chipping, or other process approved by the inspector.

(b) The castings shall not be repaired, plugged, welded, or "burned in," unless permission from the inspector has been previously secured. This permission will be given only when the defects are such that after the approved repair the usefulness and strength of the casting has not been impaired. Each such repair shall be encircled by a ring of white paint at the time of shipment.

(c) All castings shall be true to pattern, free from swells, etc. Wall thicknesses shall be uniform throughout the lot of castings and all cores shall be accurately set.

(d) Where thick and thin sections join, the manufacturer shall be permitted to add (where not previously provided) fillets of proper size to avoid cracking upon cooling, subject to the approval of the inspector.*

§ 51.20–9 *Marking.* Valves, flanges and fittings shall be marked in accordance with rules for marking steel valves, flanges and fittings.*

§ 51.20–10 *Certification.* Manufactures are required to file certificates with the Director that all castings intended for marine service will meet these specifications.*

Steel Plates (Flange and Firebox Quality)

NOTE: In substantial agreement with A. S. T. M. Specification A 70–39. Certified material—Class B.

§ 51.21–1 *Scope.* These specifications cover carbon-steel plates up to 4 in. inclusive in thickness, of flange and firebox qualities. This material is suitable for fusion welding.*

§ 51.21–2 *Process.* The steel shall be made by either or both of the following processes: open-hearth or electric-furnace.*

§ 51.21–3 *Heat treatment.* (a) Plates over 2 in. in thickness, before being fabricated, shall be uniformly heat treated to produce grain refinement. Heat treatment involving quenching in a liquid medium is not permitted. If this treatment is not done at the rolling mill the testing shall be carried out in accordance with (b).

(b) When a fabricator, who is equipped properly to perform the work, elects to do the required heat treatment for grain refinement, he shall so indicate on his orders to the mill and he shall accept the plates on the basis of the mill tests. The plate manufacturer shall make the tests prescribed in these specifications, the tension and bend test specimens to be prepared from full thickness pieces heat treated under conditions he considers appropriate for grain refinement and to give the test requirements. The manufacturer shall inform the fabricator of the procedure followed in treating the pieces at the mill for guidance in treating the plates. The required physical properties shall be determined after heat treatment of the plates on specimens prepared from pieces similarly and simultaneously treated with the plates. Pieces for two tension tests, one top and one bottom, shall be provided from each plate as rolled.[1]*

§ 51.21–4 *Chemical composition.* The steel shall conform to the following requirements as to chemical composition:

	Flange	Firebox
Carbon, max., percent:		
For plates ¾ in. and under in thickness		0.25
For plates over ¾ in. to 4 in. incl. in thickness		.30
Manganese, max., percent	0.80	.80
Phosphorous, max., percent:		
Acid	.05	.04
Basic	.04	.035
Sulphur, max., percent	.05	.04

§ 51.21–5 *Tensile properties.* (a) The material shall conform to the following requirements as to tensile properties:

	Flange	*Firebox*
Tensile strength, lb. per sq. in.	55,000–65,000	55,000–65,000
Yield point, min. lb. per sq. in.	0.5 tens. str.	0.5 tens. str.
Elongation in 8 in., min., percent	1,500,000 / tens. str.	1,550,000 / tens. str.
Elongation in 2 in., min., percent	1,700,000 / tens. str.	1,750,000 / tens. str.

(b) Tensile strength only need be determined on the tension test specimen taken from the top of firebox plates, and it shall not exceed 70,000 lbs. per sq. in.

(c) Should the rule in (a) for minimum elongation in 8 in., for firebox steel give a value of less than 25 percent, the minimum allowable elongation shall be 25 percent, subject to the modifications of § 51.21–6.*

[1] The term "plate as rolled," here and used in §§ 51.21–8 (c) and 51.21–9 (a), refers to the unit plate rolled from a slab or directly from an ingot in its relation to the location and number of specimens; not to its condition.

§ 51.21–6 *Modifications in elongation.* (a) For material over ¾ to 2 in., inclusive, in thickness, a deduction from the percentage of elongation in 8 in., specified in §§ 51.21–5 (a) and (c) of 0.125 percent shall be made for each increase of 1/32 in. of the specified thickness above ¾ in., to a minimum of 21 percent for flange steel and 22 percent for firebox steel.

(b) For material over 2½ in. in thickness, a deduction from the percentage of elongation in 2 in. specified in § 51.21–5 (a) of 0.5 percent shall be made for each increase of ½ in. of the specified thickness, above 2½ in.

(c) For material ¼ in. or under in thickness, the elongation shall be measured on a gage length of 24 times the thickness of the specimen.*

§ 51.21–7 *Bending properties.* The bend test specimen shall stand being bent cold through 180° without cracking on the bent portion, around a pin, the diameter of which shall have the following relation to the thickness of the specimen. When the test is made on a specimen reduced in thickness, the rolled surface shall be on the outer curve of the bend. The requirements for universal edge rolled plates apply only when such plates are permitted for double butt-strap construction.

Thickness of material	Ratio of pin diameter to thickness of specimen	
	Sheared plates	Universal mill plates
1 inch and under	1	1½
Over 1 to 1½ inches, incl.	1½	2½
Over 1½ to 2 inches, incl.	2	3
Over 2 to 3 inches, incl.	2	
Over 3 to 4 inches, incl.	2½	

§ 51.21–8 *Test specimens.* (a) For plates two inches and under in thickness, the test specimens shall be prepared for testing from the material in its rolled condition.

(b) For plates over two inches in thickness, the test specimens shall be prepared from the material in its heat-treated condition, or from full thickness samples similarly and simultaneously treated. (See § 51.21–3).

(c) Tension test specimens for firebox steel shall be taken from the top and bottom corners of the plate as rolled, parallel to its longitudinal axis, and for flange steel from the bottom corner of the plate only. Bend test specimens shall be taken from the middle of the top of the plate as rolled, at right angles to its longitudinal axis. (See note in § 51.21–3).

(d) For plates two inches and under in thickness, tension and bend test specimens shall be the full thickness of the material and shall be machined to the form and thickness shown in Figure M–1; or the bend test specimen may be machined with both edges parallel.

(e) For plates over two inches in thickness, tension test specimens shall be machined to the form and dimensions shown in Figure M–2, and the axis of each such specimen shall be located midway between the center and the top or bottom surface of the plate. The bend test specimen shall be at least one and one-half inches in width with both edges parallel and may be reduced to two inches in thickness; but shall have one surface as rolled.

(f) The sides of the bend test specimens may have the corners rounded to a radius of not over one-sixteenths inch for plates two inches and under in thickness, and to not over one-eighth inch for plates over two inches in thickness.*

§ 51.21–9 *Number of tests.* (a) Two tension and one bend test shall be made from each firebox steel plate as rolled. One tension and one bend test shall be made from each flange steel plate as rolled.

(b) If any test specimen shows defective machining or develops flaws, it may be discarded and another specimen substituted.

(c) If the percentage of elongation of any tension test specimen is less than that specified in § 51.21–5 and any part of the fracture is more than three-fourths inch from the center of the gage length of a two inch specimen or is outside the middle third of the gage length of an eight inch specimen as indicated by scribe scratches marked on the specimen before testing, a retest shall be allowed.*

§ 51.21–10 *Permissible variations in thickness and weight.* No plate shall vary more than 0.01 inch under the thickness specified.*

§ 51.21–11 *Finish.* The finished plates shall be free from injurious defects and shall have a workmanlike finish.*

§ 51.21–12 *Marking.* (a) The name or brand of the manufacturer, the manufacturer's test identification number, class, and lowest, tensile strength specified shall be legibly stamped on each finished plate in two places not less than twelve inches from the edges and on each butt-strap near the enter line not less than 12 inches from each end. The manufacturer's test identification number shall be legibly stamped on each test specimen.

(b) Plates shall be match-marked as defined in paragraph (c) so that the test specimens representing them may be identified. When the plate rolled from a slab or ingot is cut into two or more smaller plates, each shall be match-marked so that they may be identified with the test specimens representing them.

(c) Each match-mark shall consist of two overlapping circles not less than one and one-half inches in diameter, placed upon the shear lines, and made by separate impressions of a single-circle steel die.

(d) Match-marked coupons shall match with the sheets represented, and only those which match properly shall be accepted.*

§ 51.21–13 *Manufacturer's certification.* The manufacturer shall furnish the purchaser with a certification for each order stating the manufacturer's number of the plate and the chemical and physical properties as shown by the tests. Such material when furnished for use in the construction of unfired pressure vessels designed for a maximum allowable working pressure not exceeding 700 lbs. and temperatures not exceeding 500° F. shall not be subject to inspection by a duly authorized inspector.*

Steel Plates for Welding

NOTE: In substantial agreement with A. S. T. M. Designation A 89–39. Certified material—Class B.

§ 51.22–1 *Scope.* These specifications cover two grades of carbon-steel plate of flange and firebox qualities. This material is suitable for fusion welding. It is also suitable for forge welding when the requirements specified in § 51.22–3 (b) are applied. The purchaser shall specify when material is to be used for forge welding.

NOTE: The term "forge welding" as used in these specifications refers to the process of heating with water gas, and hammering mechanically, without the use of fluxes.

§ 51.22–2 *Process.* The steel shall be made by either or both of the following processes: open-hearth or electric-furnace.*

§ 51.22–3 *Chemical composition.* (a) The steel shall conform to the requirements as to chemical composition prescribed in Table I.

(b) When these specifications are used for material that is to be forge welded, the maximum quantity of either nickel or chromium shall not exceed 0.05 percent, and unless otherwise specified, the silicon shall not exceed 0.05 percent.*

§ 51.22–4 *Tensile properties.* (a) The material shall conform to the requirements as to tensile properties prescribed in Table II.

(b) Tensile strength only need be determined on the tension test specimen taken longitudinally from the top of firebox plates, and it shall not exceed 60,000 psi., for Grade A, nor 65,000 psi. for Grade B.

(c) For material over ¾ inch in thickness, a deduction from the percentages of elongation in 8 in., prescribed in Table II of 0.125 percent shall be made for each increase of 1/32 in., of the specified thickness above ¾ in.

(d) For material ¼ in. and under in thickness, the elongation shall be measured on a gage length of 24 times the thickness of the specimen.

TABLE I—*Chemical Requirements*

	Flange		Firebox	
	Grade A	Grade B	Grade A	Grade B
Carbon, max., percent:				
For plates ¾ in. and under in thickness	0.18	0.20	0.15	0.20
For plates over ¾ in. in thickness	.17	.22	.17	.22
Manganese, percent	.35 to .60	.35 to .60	.35 to .60	.35 to .60
Phosphorous, max., percent:				
Acid	.06	.06	.04	.04
Basic	.04	.04	.035	.035
Sulphur, max., percent	.05	.05	.04	.04

TABLE II—*Tensile requirements*

	Flange		Firebox	
	Grade A	Grade B	Grade A	Grade B
Tensile strength, min. lb. per sq. in.	45,000	50,000	45,000	50,000
Yield point, min. lb. per sq. in.	0.5 tens. str.	0.5 tens. str.	0.5 tens. str.	0.5 tens. str.
But in no case less than	24,000	27,000	24,000	27,000
Elongation in 8 in., min. percent	1,500,000 tens. str.	1,500,000 tens. str.	1,550,000 tens. str.	1,550,000 tens. str.
Elongation in 2 in., min. percent	2,000,000 tens. str.	1,600,000 tens. str.	1,650,000 tens. trs.	1,650,000 tens. str.

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§ 51.22–5 *Bending properties.* The bend test specimen shall stand being bent cold through 180° without cracking on the outside of the bent portion around a pin, the diameter of which shall have the following relation to the thickness of the specimen:

Thickness of material:	*Ratio of pin diameter to thickness of specimen*
1 in. and under	1
Over 1 in.	2

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§ 51.22–6 *Test specimens.* Tension test specimens for firebox steel, shall be taken from the top and bottom corners of the plate as rolled, parallel to its longitudinal axis, and for flange steel from the bottom corner of the plate only. Bend test specimens shall be taken from the middle of the top of the plate as rolled, at right angles to its longitudinal axis.

(b) Tension and bend test specimens shall be the full thickness of the material as rolled, except as specified in paragraph (c), and shall be machined to the form and dimensions shown in Figure M–1; or the bend test specimen may be machined with both edges parallel.

(c) For plates over one and one-half inches in thickness, tension test specimens may be machined to a thickness or diameter of at least three-fourths inch for a length of at least nine inches, or they may be machined to the form and dimensions shown in figure M–2. The bend test specimens of plates over one and one-half inches in thickness may be machined to a thickness of at least three-fourths inch or to one by one-half inch in section.

(d) The sides of the bend test specimens may have the corners rounded to a radius not over one-sixteenth inch.*

§ 51.22–7 *Number of tests.* Two tension tests and one bend test shall be made from each firebox steel plate as rolled. One tension test and one bend test shall be made from each flange steel plate as rolled.

(b) If any test specimen shows defective machining or develops flaws, it may be discarded and another specimen substituted.

(c) If the percentage of elongation of any tension test specimen is less than that specified in § 51.22–4 and any part of the fracture is more than three-fourths inch from the center of the gage length of a two-inch specimen or is outside the middle third of the gage length of an eight-inch specimen, as indicated by scribe scratches marked on the specimen, before testing, a retest shall be allowed.*

§ 51.22–8 *Permissible variations in thickness and weight.* No plate shall vary more than 0.01 inch under the thickness specified.*

§ 51.22–9 *Finish.* The finished plates shall be free from injurious defects and shall have a workmanlike finish.*

§ 51.22–10 *Marking.* (a) The name or brand of the manufacturer, the manufacturer's test identification number, class, and lowest tensile strength for the grade specified in § 51.22–4 (a) shall be legibly stamped on each plate. The manufacturer's test identification number shall be legibly stamped on each test specimen.

(b) Plates shall be match-marked as defined in paragraph (c) so that the test specimens representing them may be identified. When the plate rolled from a slab or ingot is cut into two or more smaller plates, each shall be match-marked so that they may all be identified with the test specimens representing them.

(c) Each match-mark shall consist of two overlapping circles, each not less than one and one-half inches in diameter, placed upon the shear lines, and made by separate impressions of a single-circle steel die.

(d) Match-marked coupons shall match with the sheets represented and only those which match properly shall be accepted.*

§ 51.22–11 *Manufacturer's certification.* The manufacturer shall furnish the purchaser with a certification for each order stating the manufacturer's number of the plate and the chemical and physical properties as shown by the tests. Such material when furnished for use in the construction of unfired pressure vessels designed for a maximum allowable working pressure not exceeding 700 lbs. and temperatures not exceeding 500° F. shall not be subject to inspection by a duly authorized inspector.*

PART 52—CONSTRUCTION

Section 52.2–2 (a) is amended to read as follows:

§ 52.2–2 *Materials and workmanship.* (a) The plates used shall be of marine boiler steel conforming to the provisions of §§ 51.2–1 to 51.2–10 inclusive, except, that cylindrical shells of riveted construction not subject to the radiant heat of the fire and designed for working pressures not exceeding 150 lbs. per square inch may be constructed with steel plates meeting the specifications of §§ 51.21–1 to 51.21–13 inclusive, and which are tested, inspected, and stamped in accordance with § 51.1–1. (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 52.2–3 (b) is amended by changing the sentence immediately following the letter "S" to read as follows:

§ 52.2–3 *Computations and factors of safety.*

* * * * * *

(b) * * *

S=tensile strength stamped on shell plates as provided for in §§ 51.2–1 to 51.2–10. * * * (R.S. 4405, 4417a, 4418, 4426, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 408, 411, 412, 367)

Section 52.2–3 (c) is amended to read as follows:

(c) The minimum thickness of any cylindrical shell plate of any boiler shall be one-fourth inch. (R.S. 4405, 4417a, 4418, 4426, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 408, 411, 412, 367)

Section 52.2–4 is amended to read as follows:

§ 52.2–4 *Seamless shells.* Shells may be of seamless construction with or without integral heads, provided the material conforms to the requirements of §§ 51.11–1 to 51.11–9 for seamless tubing. In such cases, the value of E in formulas (1) and (2) shall be taken as 1.0. (R.S. 4405, 4417a, 4418, 4426, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 408, 411, 412, 367)

Section 52.2–5 is amended to read as follows:

§ 52.2–5 *Forge-welded shells.* Forge-welded shells may be used up to and including 30 inches inside diameter, provided the same are made of open-hearth steel, as specified in §§ 51.11–1 to 51.11–9, the details of the welding process and the methods of determining the homogeniety and reliability of the weld to be approved by the Board. The maximum allowable working pressure and minimum thickness of such shells shall be computed by formulas (1) and (2), § 52.2–3, using 0.7 as the value of E. (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 52.3–1 (a) is amended by changing the reference following the last sentence thereof to read as follows:

§ 52.3–1 *Approved types of joints.* (a) * * * (See §§ 56.20–1 to 56.20–19) (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 52.3–2 (a) is amended to read as follows:

§ 52.3–2 *Materials and workmanship.* (a) The butt straps of riveted joints shall be of steel conforming with the specifications and requirements for the shell plates. (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 52.3–3 (c) is amended by adding new values to the table of shearing strength of rivets given in the definition of the quantity "s" so that the amended definition reads as follows:

§ 52.3–3 *Longitudinal riveted joints and computations.*

* * * * * *

(c) * * *

s=shearing strength of rivets per square inch of sectional area, assumed as follows:

	Pounds
Iron rivets in single shear	38,000
Iron rivets in double shear	76,000
Steel rivets, Grade A, in single shear	44,000
Steel rivets, Grade A, in double shear	88,000
Steel rivets, Grade B, in single shear	52,000
Steel rivets, Grade B, in double shear	104,000
Alloy-steel rivets, Grade C, in single shear	60,000
Alloy-steel rivets, Grade C, in double shear	120,000

* * * (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 52.3–6 (a) is amended to read as follows:

§ 52.3–6 *Welded joints.* (a) Welded joints shall be as specified in § 52.2–5 or §§ 56.20–1 to 56.20–19. No unreinforced hole shall be located in a welded joint except that it may be pierced for rivets of circumferential joints. * * * (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 52.4–2 (a) is amended to read as follows:

§ 52.4–2 *Materials and workmanship.* (a) The steel plates used in the construction of domes shall conform to the specifications and requirements for the shell plates. For steam chimneys the steel plates used shall conform to the specifications and requirements of §§ 512.2–1 to 51.2–10 inclusive, or §§ 51.21–1 to 51.21–13 inclusive, and which are tested, inspected, and stamped in accordance with § 51.1–1. * * * (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 52.5–1 (a) is amended to read as follows:

§ 52.5–1 *Definitions.* (a) Unstayed heads are the ends of a pressure shell or vessel. They may be either flat or dished. Heads may be integral with, or riveted or welded to, the shell. * * * (R.S. 4405, 4417a, 4418, 4426, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 408, 411, 412, 367)

Section 52.5–2 (a) is amended to read as follows:

§52.5–2 *Materials and workmanship.* (a) The steel used in the construction of heads shall be of one of the grades suitable for flanging under the general requirements and specifications for the shell plates. After heads have been dished, flanged, or locally heated, they shall be properly annealed. * * * (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 52.6–3 (a) is amended to read as follows:

§ 52.6–3 *Materials and workmanship.* (a) The material for reinforcing plates around openings shall conform to the requirements of the plate to be reinforced. When they are locally heated for flanging or forming they shall be properly annealed. * * * (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 52.6–3 (c) is amended to read as follows:

(c) The cover plates for manholes shall be of steel conforming to the specifications and requirements for the shell plates. Handhole covers may be made of steel conforming to the specifications and requirements of the shell plates, or of steel conforming to the specifications and requirements of §§ 51.21–1 to 51.21–13, inclusive, or of property designed steel forgings conforming to the requirements of §§ 51.15–1 to 51.15–14, or of properly designed steel castings conforming to the requirements of §§ 51.17–1 to 51.17–12. * * * (R.S. 4405, 4417a, 4418, 4426, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 408, 411, 412, 367)

Section 52.6–3 (e) is amended to read as follows:

(e) The material of bolts securing girders or dogs and cover plates shall conform to the requirements of §§ 51.4–1 to 51.4–10. * * * (R.S. 4405, 4417a, 4418, 4426, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 408, 411, 412, 367)

Section 52.6–3 (i) is amended to read as follows:

(i) When handhole or other access openings are made, a margin of not less than one-fourth inch shall be left when punching operations are used, and not less than one-eighth inch shall be left when machine burning methods are employed. Such margins shall be machined or ground away to relieve the metal of any stresses which may be set up due to burning or punching operations. * * * (R.S. 4405, 4417a, 4418, 4426, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 408, 411, 412, 367)

Section 52.8–2 is amended to read as follows:

§ 52.8–2 *Materials.* (a) Round bar stays which require no welding or forging other than upsetting at the ends for threading or to form eyes for use in conjunction with crowfeet, or similar fastenings, shall conform to the requirements of §§ 51.4–1 to 51.4–10, 51.5–1 to 51.5–10, or §§ 51.6–1 to 51.6–10.

(b) Crowfeet, lugs, and similar connections for stays shall be forgings without welds conforming to the requirements of §§ 51.15–1 to 51.15–14.

(c) Welded stays or parts thereof shall conform to the requirements of §§ 51.6–1 to 51.6–10. All welds in the body of the stay must be made by the hammer-weld process.

(d) Stiffeners made of structural shapes shall conform to the requirements specified in §§ 51.5–1 to 51.5–10.

(e) Gusset and diagonal stays made of steel plate, also doubling plates and girders shall conform to the requirements specified in §§ 51.2–1 to 51.2–10.

(f) Stay tubes shall conform to the requirements of §§ 51.9–1 to 51.9–16, 51.9a–1 to 51.9a–18, and to §§ 51.10–1 to 51.10–18.

(g) Rivets shall conform to the following requirements:

Steel rivets, §§ 51.7–1 to 51.7–9.
Iron rivets, §§ 51.8–1 to 51.8–11.

(h) Nuts for screw stays shall be made of steel, conforming to the requirements of §§ 51.15–1 to 51.15–14 or, of refined wrought iron conforming to the requirements of §§ 51.6–1 to 51.6–10. (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 52.10–2 is amended to read as follows:

§ 52.10–2 *Materials.* (a) All plates forming parts of combustion chambers or fire boxes shall conform to the general specification for the shell plates.

(b) Structural shapes of any form used for stays and reinforcement shall conform to the requirements of §§ 51.5–1 to 51.5–10. (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 52.11–2 is amended to read as follows:

§ 52.11–2 *Materials.* (a) All furnaces shall be constructed of steel plates conforming to the requirements for firebox

quality steel as given in §§ 51.2–1 to 51.2–10.

(b) Riveted flues shall be made of firebox quality steel plates conforming to the requirements of §§ 51.2–1 to 51.2–10.

(c) Welded flues may be constructed of firebox quality steel conforming to the requirements of §§ 51.2–1 to 51.2–10 or of wrought iron or steel pipe conforming to the requirements of §§ 51.11–1 to 51.11–9, and 51.12–1 to 51.12–10.

(d) Seamless flues may be constructed of steel tubing conforming to the requirements of §§ 51.11–1 to 51.11–9. (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 52.11–3 (c) is amended to read as follows:

§ 52.11–3 *Computations.*

* * * * * *

(c) *Flues.* The maximum allowable working pressure and minimum thickness of plain riveted flues shall be computed by formulas provided in paragraph (b) of this section. For seamless or welded flues, not less than 6 nor more than 18 inches in outside diameter and subject to external pressure, the following formulas shall be used:

$$W=\frac{86670\ T-1286\ D}{5D} \quad (46)$$

$$T=\frac{D\ (5W+1286)}{86670} \quad (48)$$

where
W=maximum allowable working pressure, in pounds per square inch.
T=thickness of flue, in inches.
D=external diameter of flue, in inches.

NOTE: As a matter of convenience, the following table is computed from the preceding formulas for seamless or welded flues:

TABLE C–2—*Maximum allowable working pressure and minimum thickness of seamless or welded flues subject to external pressure*

Outside diameter of flue	Maximum allowable working pressure in pounds per square inch						
	100	120	140	160	180	200	220
	Thickness of flue, in inches						
Inches:							
6	0.130	0.137	0.144	0.151	0.159	0.165	0.172
7	.152	.161	.169	.177	.185	.193	.201
8	.174	.184	.193	.202	.211	.221	.230
9	.196	.206	.217	.228	.238	.248	.259
10	.218	.229	.241	.253	.264	.276	.287
11	.239	.252	.265	.279	.290	.303	.316
12	.261	.275	.289	.303	.317	.331	.344
13	.283	.298	.313	.328	.343	.359	.373
14	.305	.321	.337	.354	.369	.386	.402
15	.326	.344	.361	.378	.396	.414	.431
16	.348	.367	.385	.405	.422	.441	.459
17	.370	.390	.409	.429	.448	.469	.488
18	.392	.413	.433	.455	.475	.497	.516

(R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Paragraphs (a), (b), and (c) of § 52.12–2 are amended to read as follows:

§ 52.12–2 *Materials and workmanship.* (a) Seamless steel boiler tubes shall comply with the requirements of §§ 51.9–1 to 51.9–16 and §§ 51.10–1 to 51.10–18 for such tubes.

(b) Electric-resistance-welded steel and iron boiler tubes shall comply with the requirements of §§ 51.9a–1 to 51.9a–18 for such tubes.

(c) Lap-welded steel and wrought-iron boiler tubes shall comply with the requirements of §§ 51.9–1 to 51.9–16 for such tubes. (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 52.12–3 (b) is amended to read as follows:

§ 52.12–3 *Computations.*

* * * * * *

(b) The maximum allowable working pressure and minimum thickness of seamless or welded boiler tubes, less than 6" in diameter and subject to external pressure, shall be computed by the following formulas:

$$W=\frac{14{,}000\ (T-0.065)}{D} \quad (48)$$

$$T=\frac{WD}{14{,}000}+0.065 \quad (49)$$

where
W=maximum allowable working pressure, in pounds per square inch.
T=thickness of tube, in inches.
D=external diameter of tube, in inches.

As a matter of convenience, the following table has been computed from the preceding formulas:

TABLE C–4—*Maximum allowable working pressure and minimum thickness for seamless or welded boiler tubes less than 6" in diameter and subject to external pressure*

Outside diameter of tube in inches	Maximum allowable working pressure in pounds per square inch, nearest B. W. G. number and thickness of tube wall in inches						
	13 0.095	12 0.105	11 0.120	10 0.135	9 0.150	8 0.165	7 0.18
1	420	560	770	980			
1¼	280	380	520	660	800	940	
1½	240	320	440	570	680	800	920
2	210	280	380	490	600	700	810
2¼	190	260	350	430	530	630	720
2½	170	230	310	400	480	560	650
3		190	260	330	400	470	540
3¼		180	240	310	370	430	500
3½		160	220	280	340	400	460
4			200	250	300	350	410
4½			180	220	270	320	360
5				200	240	280	330
5½					220	270	300
6					220	260	300

(R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 52.13–3 is amended to read as follows:

§ 52.13–3 *Materials.* (a) Headers or fittings, used in connection with these appurtenances, shall be constructed of wrought steel in accordance with the requirements of §§ 51.2–1 to 51.2–10, inclusive, or §§ 51.11–1 to 51.11–9, inclusive, or of wrought iron conforming to the requirements of §§ 51.12–1 to 51.12–10, inclusive, or cast steel made in conformance with the requirements of §§ 51.17–1 to 51.17–12, inclusive. Equivalent material may be used if approved by the Board of Supervising Inspectors. (See §§ 51.1–18 and 52.1–13.) Ends of headers may be closed by plugs conforming to the requirements of §§ 51.2–1 to 51.2–10, inclusive, (Class A material), or §§ 51.21–1 to 51.21–13, inclusive, or §§ 51.22–1 to 51.22–11, inclusive (Class B material).

(b) Tubes used in the construction of superheaters shall conform to the requirements of §§ 51.9–1 to 51.9–16, inclusive; §§ 51.9a–1 to 51.9a–18, inclusive; or §§ 51.10–1 to 51.10–18, inclusive. (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 52.14–2 (c) is amended to read as follows:

§ 52.14–2 *Design, material, and workmanship.*

* * * * * *

(c) Bodies of safety valves having nominal diameters not exceeding 2½ inches may be made of bronze conforming to the requirements of §§ 51.20–1 to 51.20–10, inclusive, provided the steam temperature does not exceed 450° F. (R.S. 4405, 4417a, 4418, 4426, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 411, 367)

Section 52.15–2 (a) is amended to read as follows:

§ 52.15–2 *Materials and workmanship.* (a) Boiler mountings or attachments shall be made of steel forgings conforming to the requirements of §§ 51.15–1 to 51.15–14; steel castings conforming to the requirements of §§ 51.17–1 to 51.17–12; or, where the temperature does not exceed 450° F., they may be made of bronze castings conforming to the requirements of §§ 51.20–1 to 51.20–10. * * * (R.S. 4405, 4417a, 4418, 4426, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 411, 367)

Section 512.15–2 (d) is amended to read as follows:

(d) Where the temperature exceeds 500° F., all bolting material shall conform to the requirements of §§ 51.16–1 to 51.16–8 and §§ 51.16a–1 to 51.16a–9. For temperatures not in excess of 500° F., commercial bolting material conforming to the requirements of A. S. T. M. Designation A 107–40, or equivalent thereto may be used. * * * (R.S. 4405, 4417a, 4418, 4426, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 411, 367)

Section 52.15–11 (a) is amended to read as follows:

§ 52.15–11 *Water indicators.* (a) Each boiler shall have two independent means of indicating the water level in the boiler, one of which shall be a gage glass. The secondary indicator may consist of a gage glass, or other device approved by the Board, or where the allowable steam pressure does not exceed 250 pounds per square inch, three test cocks attached directly to the head or shell of the boiler. Where the working pressure exceeds 250 pounds per square inch, the gage glasses shall be of the flat type instead of the common tubular type. * * * (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 52.16–1 is amended to read as follows:

§ 52.16–1 *Approval.* (a) Evaporators, heaters, traps, valves and fittings, separators, pressure vessels, and miscellaneous appliances are subject to approval by the board of supervising inspectors before being installed on vessels coming under the jurisdiction of this Bureau.

(b) Manufacturers desiring to obtain approval of such appurtenances are required to submit detail drawings and specifications for consideration by the board of supervising inspectors. (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 52.16–3 (b) is amended to read as follows:

§ 52.16–3 *Materials and workmanship.*

* * * * * *

(b) The appurtenances and appliances covered by §§ 52.16–1 to 52.16–7 may be constructed of the following materials:

Steel castings, conforming to the requirements of §§ 51.17–1 to 51.17–12.

Bronze castings, conforming to the requirements of §§ 51.20–1 to 51.20–10, provided the temperature to which they are subjected does not exceed 450° F.

Cast iron, conforming to the requirements of §§ 51.18–1 to 51.18–10, for appurtenances and appliances not subject to shock, provided the maximum allowable working pressure does not exceed 25 pounds and the temperature is not in excess of 450° F. This pressure limitation of 25 pounds does not apply to steam traps. For pipe fittings and valves see § 55.19–3. * * * (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 52.16–5 (a) is amended to read as follows:

§ 52.16–5 *Bolting.* (a) Bolting material used for securing heads, doors, or covers shall comply with the requirements of A. S. T. M. Designation A 107–40, provided the temperature does not exceed 500° F.; if above 500° F., the bolting material shall conform to the requirements of §§ 51.16–1 to 51.16–8 and 51.16a–1 to 51.16a–9. * * * (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 4375, 391a, 392, 404, 407, 408, 411, 412, 367)

PART 53—INSTALLATION

Section 53.17–3, *Special fire protection for passenger vessels,* is deleted and §§ 53.17–4 and 53.17–5 are renumbered to § 53.17–3, *Dampers,* and § 53.17–4, *Installation of auxiliary or donkey boilers, respectively.* (R.S. 4405, 4417a, as amended, 49 Stat. 1544, sec. 2 (a) of 54 Stat. 1026; 46 U.S.C. 375, 391a, 404, 463a)

PART 55—PIPING SYSTEMS

Section 55.19–3 (j) is amended to read as follows:

§ 55.19–3 *Detail requirements.*

* * * * * *

(j) Forged steel, or cast steel conforming to the requirements of §§ 51.15–1 to 51.15–14, 51.17–1 to 51.17–12, may be used in the construction of valves and fittings for any system and for all pressures and temperatures covered by the rules in this subchapter. * * * (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 55.19–3 (k) is amended to read as follows:

(k) Bronze castings conforming to the requirements of §§ 51.20–1 to 51.20–10, Grade B, may be used in the construction of valves and fittings for temperatures not exceeding 450° F. * * * (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 55.19–3 (l) is amended to read as follows:

(l) Malleable iron conforming to the requirements of §§ 51.19–1 to 51.19–16 for Grade A material, may be used in the construction of valves and fittings for working pressures not exceeding 250 pounds per square inch. Grade B malleable iron may be used for working pressures not exceeding 125 pounds per square inch. Cast iron conforming to the requirements of §§ 51.18–1 to 51.18–10, may be used in the construction of valves and fittings for working pressures not exceeding 125 pounds per square inch. All of these materials are subject to the requirements for various individual systems provided for in this part. * * * (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 55.19–3 (v) is amended to read as follows:

(v) For temperatures not exceeding 500° F., steel bolting material conforming to the requirements of A. S. T. M. Designation A 107–40 or equivalent thereto may be used. For temperatures above 500° F., alloy-steel bolting material as specified in §§ 51.16–1 to 51.16–8 and 51.16a–1 to 51.16a–9 shall be used. * * * (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 367)

Section 55.19–3 (w) is amended to read as follows:

(w) Forged-steel welding fittings, valves, or flanges, known as the socket type, wherein the piping is attached by entering the pipe into the socket and securing it to the fitting with a single fillet weld, may be used where the diameter of the pipe does not exceed 2½ inches nominal pipe size for Class I piping, and without diameter limitation for Class II piping, provided the welding is done by certificated welding operators. * * * (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 367)

Section 55.19–6 (a) is amended to read as follows:

§ 55.19–6 *Class I piping*—(a) *Scope.* Class I piping within the meaning of this section shall include hot-water piping at temperatures exceeding 200° F., oil piping at temperatures exceeding 150° F. regardless of pressure, and all other piping at pressures exceeding 125 lbs. per square inch except fire main piping not used for high temperature water for tank cleaning operations. Fire mains which are used for high temperature water for tank cleaning operations shall conform to the requirements of Class I piping with the exception that stress relieving and testing of welded joints by the radiographic or paramagnetic method will not be required. * * * (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 367)

Section 55.19–6 (b) is amended to read as follows:

(b) *Computations.* The maximum allowable working pressure and minimum thickness of pipe in Class I shall be computed by the following formulas:

$$W=\frac{2S}{D}\ (T-C) \quad (61)$$

$$T=\frac{WD}{2S}+C \quad (62)$$

where
W=maximum allowable working pressure, in pounds per square inch, except as provided in subparagraph (c), for feed and blow-off piping.
T=thickness of pipe, in inches.
D=actual external diameter of pipe, in inches.
S=allowable fiber stress, in pounds per square inch of cross-sectional area.
C=0.1 for steel, wrought iron, or brass pipe.
C=0.06 for seamless copper pipe exceeding 1 inch in outside diameter.

TABLE P–2—*Maximum allowable fiber stress on Class I pipes of various materials and for various temperatures*

Seamless steel pipe	Maximum allowable fiber stresses for temperatures in °F., not to exceed [1]						
	700°	750°	800°	850°	900°	950°	1,000°
Grade A	6,750	6,200	5,200	4,200	3,200	2,200	1,200
Grade B [2]	8,550	7,800	6,800	5,550	4,200	3,200	1,700
Carbon Molybdenum P1	8,200	8,000	7,000	6,000	5,000	4,000	3,000

[1] Where the temperature differs from those in the table, the value of S may be determined by inter polation.
[2] Seamless medium-carbon steel pipe may be used for the construction of drum shells, and shall be computed in accordance with formulas provided in § 52.2–3 or § 52.2–6 for cylindrical shells.

Welded steel pipe (temperature not to exceed 450° F.), S=4,800.

Welded iron pipe (temperature not to exceed 450° F.), S=4,400.

Seamless copper pipe (temperature not to exceed 406° F.), S=3,500.

Brazed copper pipe (temperature not to exceed 406° F.), S=2,625.

Seamless brass pipe (temperature not to exceed 406° F.), S=3,500.

• • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 367)

Section 55.19–8 (e) is amended by changing the first sentence to read as follows:

§ 55.19–8 *Flange standards.*

• • • • •

(e) *Methods of attachment.* Flanges shall be attached to the piping by the following approved methods as shown in figures P–1 to P–10 inclusive. • • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 411, 367)

Section 55.19–8 (e) is amended by deleting Fig. P–2, Fig. P–6, and Fig. P–9 and inserting the following new Fig. P–2, Fig. P–6, and Fig. P–9, respectively, in their stead:

FIG. P-2

FIG. P-6

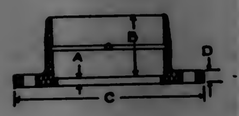


FIG. P-9

• • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 55.19–8 (e) is amended by deleting the center heading "Class I Piping" which immediately precedes the descriptive paragraphs for Figure P–1 to Figure P–10, inclusive. • • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 55.19–8 (e) is amended by changing the descriptive paragraph for Figure P–1 to read as follows:

Figure P–1: Screwed threads may be used for Class I piping having diameters not exceeding two inches nominal pipe size. For Class II piping, screwed threads may be used without diameter limitations. • • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 55.19–8 (e) is amended by changing the descriptive paragraph for Figure P–2 to read as follows:

Figure P–2: Slip-on flanges may be used for Class I piping having diameters not exceeding 2½ inches nominal pipe size and for Class II piping without diameter limitation. The face of the flange shall extend beyond the end of the piping a distance at least equal to the thickness of the piping, and shall be secured to the pipe by a full fillet weld. The neck of the flange shall also be secured to the pipe by a full fillet weld. • • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 55.19–8 (e) is amended by changing the descriptive paragraph for Figure P–3 to read as follows:

Figure P–3: Copper pipe may be expanded into grooves in the hub of a flange and the end flanged over into a recess in the face of the flange, the width of the flange on the edge of the pipe to be at least three times the thickness of the pipe. This flange to be used for Class II piping only. • • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434 as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 55.19–8 (e) is amended by changing the descriptive paragraph for Figure P–6 to read as follows:

Figure P–6: Welding neck flanges may be used for all piping provided the pipe is butt welded to the flange. The butt joint shall be either double welded or single V welded with a backing-up strip on the inside. For Class II piping when the single V joint is used, the backing-up strip may be omitted provided the weld is chipped or ground off flush on the root side of the weld. • • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 55.19–8 (e) is amended by changing the descriptive paragraph for Figure P–7 to read as follows:

Figure P–7: Pipe may be attached to high hub flanges by shrinking the flange onto the end of the pipe, and flaring the end of the pipe to an angle of not less than 20°. This flange limited to a maximum pressure of 250 pounds per square inch and a temperature not exceeding 450° F. For Class II piping, the same requirements apply. • • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 55.19–8 (e) is amended by changing the descriptive paragraph for Figure P–8 to read as follows:

Figure P–8: Pipe may be attached to flanges by expanding the pipe into grooves in the bore of the flange, and flaring the end of the pipe to an angle of not less than 20°. This flange limited to a maximum pressure of 250 pounds per square inch and a temperature not exceeding 500° F. For Class II piping, it will not be necessary to flare the ends of the pipe. • • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 55.19–8 (e) is amended by changing the descriptive paragraph for Figure P–10 to read as follows:

Figure P–10: Copper pipe may be attached to flanges by inserting the pipe in the flange and beading the end of the pipe over into a recess in the face of the flange. The width of the flange on the edge of the pipe to be not less than three times the thickness of the pipe after which the pipe shall be securely braced to the wall of the flange. This flange limited to use at a maximum temperature of 406° F. It is not allowed to be used in connection with superheated steam and is limited to use with saturated steam of not over 180 pounds per square inch. For hydraulic service at temperatures of not over 150° F., it may be used for pressures not exceeding 1,000 pounds per square inch. • • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 55.19–11 is amended by changing the cross reference at the end thereof to read as follows:

§ 55.19–11 *Miscellaneous piping, Class II.*

• • • • •

CROSS REFERENCE: For Figures P–1, P–10, and Tables P–8 to P–11, see § 55.19–8.

(R.S. 4405, 4417a, 4418, 4426, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 408, 411, 367)

Section 55.19–14 is amended to read as follows:

§ 55.19–14 *Independent fuel piping and tanks (emergency units)*—(a) *Scope.* Vessels carrying passengers shall be allowed to carry such quantities of gasoline or any of the products of petroleum as may be necessary to supply the emergency lighting and/or wireless system when contained in tanks constructed and installed in accordance with the following requirements. The supply of gasoline for emergency units shall be limited to 40 gallons and the supply of heavier fuel oils shall be limited to fifteen long tons (2,240 lbs.).

(b) *Gasoline tanks*—(1) *Construction.* The tanks shall be of cylindrical form and may be constructed of any of the following materials: Wrought iron, mild steel, or of corrosion-resistant alloys suitable for the purpose, and shall have a minimum thickness of 0.125". Tanks constructed of ferrous metals less than 0.1875" in thickness shall be galvanized by the hot-dipped process both inside and outside. Joints shall be riveted, brazed, or welded, except that soldered joints may be used on small tanks of 20 gallons or less capacity, provided the solder used has a melting point of not less than 450° F. All spuds for pipe connections shall be securely riveted, brazed, welded, or soldered to the tank. No tubular gauge glasses or try-cocks shall be fitted to tanks.

(2) *Installation.* The tanks shall be located on the uppermost deck outside the engine compartment as close to the engine as practicable and so arranged as to permit a free circulation of air all around them. When installed, longitudinal seams shall be located as near the top of the tank as practicable. The tanks shall be properly secured and accessible for complete external examination.

(3) *Tests.* Tanks shall be tested to a hydrostatic pressure of 15 pounds per square inch gauge after installation.

(c) *Heavy oil tanks*—(1) *Construction.* The tanks may be of either cylindrical or rectangular form and may be constructed of any of the following materials: Wrought iron, mild steel, or of any corrosion-resistant alloys suitable for the purpose. Tanks designed for capacities of 40 gallons or less shall have a minimum thickness of 0.0625". Tanks designed for capacities of over 40 gallons shall have a minimum thickness of 0.125". Joints shall be riveted, brazed, or welded, except that soldered joints may be used on small tanks of 20 gallons or less capacity provided that the solder used has a melting point of not less than 450° F. Tanks shall be provided with swash plates and braces where necessary. The material used shall be the same as the tank. All spuds for pipe connections shall be securely riveted, welded, brazed, or soldered to the tank. No tubular gauge glasses or try-cocks shall be fitted to tanks.

(2) *Installation.* The tanks shall be located in an adequately ventilated steel or iron compartment on the deck above the weather deck. Tanks exposed to a temperature in excess of 100° F. shall be properly insulated, provided that no tank shall be located in any compartment where the temperature exceeds 150° F. When cylindrical tanks are installed, longitudinal seams shall be located as near the top of the tank as practicable. The tanks shall be properly secured and accessible for complete internal and external examination.

(3) *Tests.* Tanks shall be tested to a hydrostatic pressure of 10 pounds per square inch gauge after installation.

(d) *Outage.* When filling the tanks with gasoline or other petroleum products, an outage of 2 percent shall be provided.

(e) *Piping connections.* (1) The fuel piping for all tanks shall comply with § 55.19 C.F.R. and in addition it shall also comply with the following requirements.

(2) It shall be run in sight wherever practicable, but protected from mechanical injury and effectively secured against vibration.

(3) The filling pipe for each tank shall be entirely independent of other connections and shall extend nearly to the bottom of the tank.

(4) The supply pipe returning to the engine shall enter at the top of each tank and shall extend nearly to the bottom of the tank.

(5) Shut-off valves or cocks of a suitable type shall be installed in supply lines and located in accessible positions at the tank.

(6) Similar shut-off valves shall be located in the supply lines close to the carburetor or fuel pumps.

(7) No outlets for drawing fuel shall be permitted in engine compartments.

(8) Open drains for removing water from the fuel tanks are not permitted.

(f) *Filling and sounding connections.* Filling and sounding pipes for fuel oil tanks shall terminate on deck and be fitted with suitable shut-off valves or deck plugs.

(g) *Vents.* Each tank shall be fitted with a vent, the cross-sectional area of which shall be not less than the area of the filling pipe. The vents shall terminate in the atmosphere at least two feet above the deck and not less than three feet from any opening into living quarters. All vent pipes shall terminate with U-bends and shall be fitted with flame screens or approved flame arresters. (R.S. 4405, 4417a, 4418, 4426, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 411, 367)

Section 55.19–15 (a) is amended to read as follows:

§ 55.19–15 *Oil transfer and filling systems.* • • •

(a) Application to the Secretary of Commerce for permission to use petroleum or other mineral oils as fuel shall be made in triplicate on the prescribed blank form, and shall be forwarded through the local inspectors of the district where the installation is to be made. Plans in triplicate of the complete installation shall be submitted to the Bureau. The plans shall receive approval of the Bureau before permission can be granted to use oil as fuel on vessels. • • • (R.S. 4405, 4417a, 4418, 4426, 4474, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 467, 367)

Section 55.19–15 (h) is amended to read as follows:

(h) In fuel-oil tanks, sections of piping for heating the oil may be joined by welding in lieu of flange connections. The two sections to be joined shall be butted and a sleeve shall cover the joint. The sleeve shall be of the same material, its length shall be at least one-half inch more than the diameter of the pipe and it shall be located with the joint midway of its length. The ends of the sleeve shall be welded to the pipe. An approved form of saddle butt-welded joint may be used in lieu of the sleeve joint. The welding shall be done by welders certificated by this Bureau to weld pipe or plate. • • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 367)

Section 55.19–15 (k) (1) is amended to read as follows:

(1) All discharge piping from the pumps to the burners shall be of extra heavy seamless steel conforming to the requirements of §§ 51.11–1 to 51.11–9. • • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 367)

Section 55.19–17 is amended to read as follows:

§ 55.19–17 *Welded sea chests.* Sea chests may be constructed by fusion welding. (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 367)

PART 56—FUSION WELDING

Section 56.20–2 (g) is amended to read as follows:

§ 56.20–2 *Definitions.* • • •

• • • • •

(g) *Welder.* A person who operates welding equipment, either manual or automatic, other than an operator of submerged melt electric welding equipment. (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 367)

Paragraphs (a) to (c), inclusive, of § 56.20–3 are amended to read as follows:

§ 56.20–3 *Qualification tests for welders.* (a) Before being permitted to make welds subject to inspection by the Bureau each welder shall pass the applicable tests specified in Table W–1. The tests shall be made with the same equipment to be used in production or with equipment equivalent thereto. The welding and testing of the specimens required shall be witnessed by an inspector.

NOTE: The tests specified herein bear the same number as, and are identical with, tests acceptable to the American Bureau of Shipping and the Bureau of Ships of the Navy Department. Welders qualified in accordance with these tests by an inspector of the American Bureau of Shipping, the Bureau of Ships of the Navy Department, or this Bureau will be acceptable to the Bureau.

(b) A welder doing satisfactory welding work continuously will not be required to be retested. A welder who has not been engaged in actual use of the welding process for which he was qualified for a period exceeding three months shall be required to pass the applicable tests before being permitted to resume work. A welder may be required by the inspector to repeat and pass the tests at any time if, in the inspector's opinion, the welder's work indicates a reasonable doubt as to his ability.

(c) All welders shall pass the qualification tests for the type and thickness of material, the kind of welding and position of work involved as specified in Table W–1. • • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 367)

Section 56.20–3 is amended by the insertion of a new Table W–1 to follow paragraph (c) which reads as follows:

TABLE W-1—*Required qualification tests*

	Positions in which welded joints are located on job		
	Flat, horizontal, vertical and overhead	Flat and vertical	Flat position only
On plate ¾ inch or less in thickness. [1] [2]	Test No. 1 in vertical and overhead positions.	Test No. 1 in vertical position.	Test No. 1 in flat position.
On material of unlimited thickness. [2]	Test No. 2 in vertical and horizontal positions.	Test No. 2 in vertical position.	Test No. 2 in flat position.
On piping or tubing ⅝ inch or less in thickness [4].	Test No. 3 with axis of pipe in horizontal and vertical fixed positions, provided welder has previously passed Tests Nos. 1 or 2 in vertical and overhead positions.		Test No. 3 with axis of pipe in horizontal position and rolled provided welder has previously been qualified by Tests Nos. 1 or 2 for the flat position.
On piping or tubing of unlimited thickness. [4] [5]	Test No. 4 in horizontal and	vertical fixed positions.....	Test No. 4 in horizontal position and rolled.
For tack welders. [7].....	Test No. 5 in vertical and overhead positions.	Test No. 5 in vertical position.	
On material of unlimited [illegible] metals of high conductivity).	Test No. 6 in vertical and [illegible] gas welding only).	Test No. 6 in vertical position [illegible]	Test No. 6 in flat position [illegible]

[1] Where the maximum thickness of material on which a welder may have occasion to work throughout a period governed by a test is indeterminate, the inspector may, if desired, require the welder to qualify under unlimited thickness requirements.

[2] Where the maximum plate thickness to be welded in production is less than ¾" the contractor may, with the permission of the inspector, use the following modification of Test No. 1: The test plate thickness shall be the maximum to be welded in production, but shall not be less than ⅜ in. The root opening shall be not more than the diameter of the welding rod or electrode core wire to be used. The backing strap thickness shall not be less than ½".

[3] Where the maximum plate thickness to be welded in production is between ¾" and 1½", Test No. 2 may, with the permission of the inspector, be conducted on plate of such maximum thickness.

[4] Tests Nos. 3 and 4 welded in the shop in the flat (downhand) position need not be welded in a confined space. A welder qualified to weld on plate in the vertical position may be permitted to weld on pipe in the flat position.

[5] Welders qualified under the requirements of Test No. 4 will be considered as qualified to make welds governed by Tests Nos. 1, 2 and 3 for the same positions.

[6] The macro specimen indicated in Figure W-1C for Test No. 4 may be required at the option of the inspector and may be taken at any location in the joint.

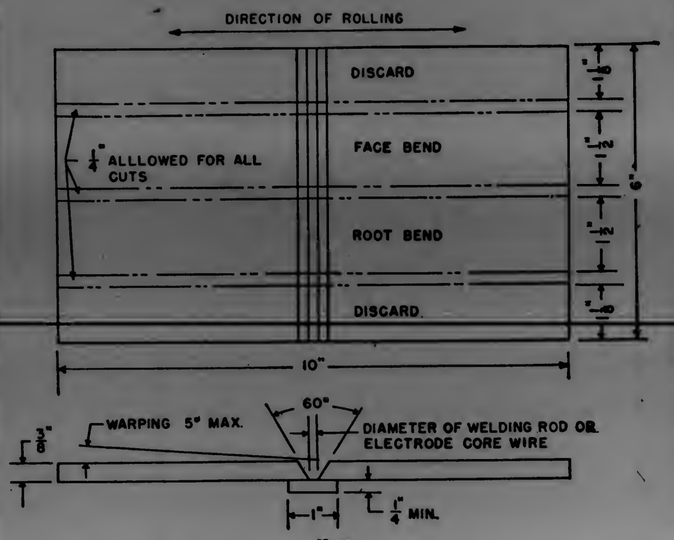
[7] Tack welding may be done by any welder qualified in accordance with Tests Nos. 1, 2, 3, or 4.

• • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 367)

Section 56.20–3 (d) is amended to read as follows:

(d) Qualification Tests Nos. 1, 2, 4, 5 and 6 shall be the welding of specimens in accordance with Figures W–1, W–1A, W–1C, W–1D and W–1E respectively. Qualification Test No. 3 shall be the welding, hydraulic testing and visual inspection of pipe assemblies or, as an alternate removal of specimens for macroscopic inspection in accordance with Figure W–1B. • • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 367)

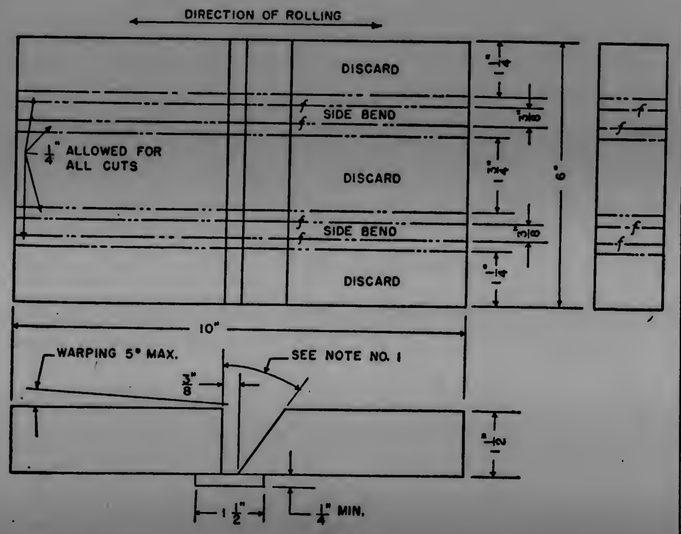
Section 56.20–3 is amended by the insertion of the new Figures W–1, W–1A, W–1B, W–1C, W–1D, W–1E, and W–1F, which are to follow paragraph (d), as follows:



NOTES

1. Arc welds shall be made with the maximum size of electrodes to be used in production. Gas welds shall be made with 5/16" diameter welding rods.
2. Machine reinforcement and backing strap flush. Do not remove any undercutting.
3. Machining shall be done transverse to weld.
4. All specimens shall be machined or sawed from plate.
5. Backing strap shall be contiguous with plates.
6. Arc welds made in the vertical position shall be welded upwards.
7. Welding shall be done from one side only.
8. Round edges of specimens to a radius of ⅛ maximum.

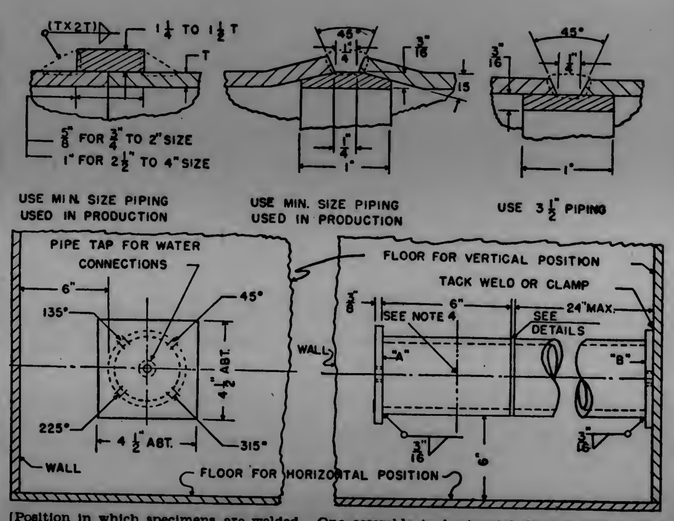
FIG. W–1.—Welder's qualification test No. 1.



NOTES

1. When welding in the flat and vertical positions of welding the groove angle shall be 25°; when welding in the horizontal position the groove angle shall be 35° and the unbeveled plate shall be located on the top side of the joint.
2. Backing strap shall be contiguous with plates.
3. Each pass of the weld shall be made with the same size of welding rod or electrode to be used in production.
4. Arc welds made in the vertical position shall be welded upwards.
5. Welding shall be done from one side only.
6. Machine reinforcement and backing strap flush. Do not remove any undercutting.
7. All specimens shall be machined or sawed from plate.
8. Machining shall be done transverse to weld.
9. Round edges of specimens to a radius of ⅛ maximum.

FIG. W–1A.—Welder's qualification test No. 2.

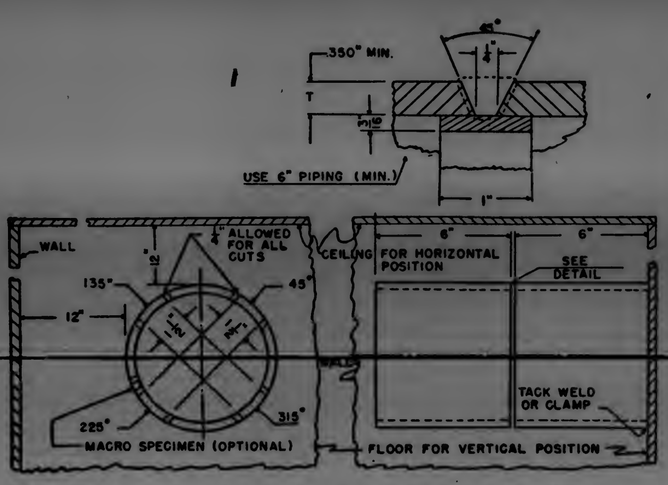


[Position in which specimens are welded. One assembly in horizontal fixed position. One assembly in vertical fixed position]

NOTES

1. When slip-on sleeves and plain type backing rings are used in production, plain type backing rings shall be used in this test. When all three types are used in production, flare-type backing rings shall be used in this test.
2. Parts shall be galvanized where required.
3. Weld shall be deposited in a minimum of two layers.
4. Saw cut after pressure test for visual inspection.
5. No icicles or reduction of area of piping shall be permitted.
6. Omit end plates "A" and "B" when etch test is used in lieu of hydrostatic test.
7. Remove macro specimens from 45°, 135°, 225° and 315° points of the welded butt joints as indicated. (For etch test only.)
8. Mark top and front of piping to insure proper location of specimens when etch test is used in lieu of hydrostatic test.
9. Welding shall be done from one side only.
10. For arc welding use the maximum size of electrode to be used in production. For gas welding use ⅛" diameter welding rod.

FIG. W–1B.—Welder's qualification test No. 3.

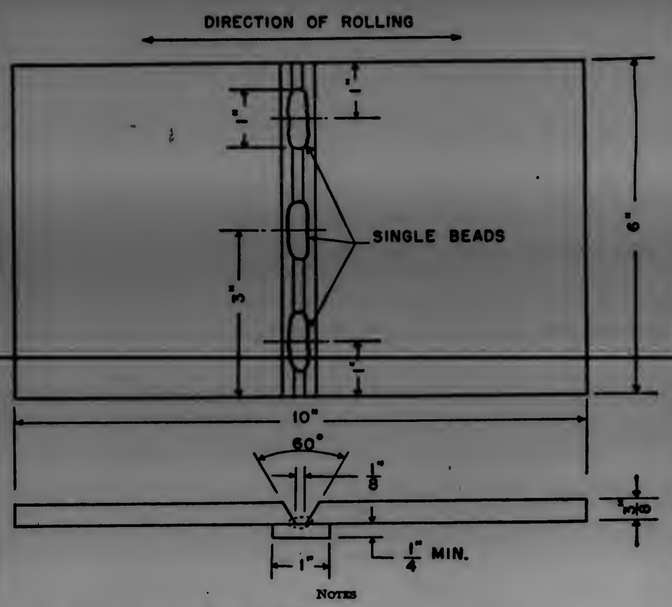


[Position in which specimens are welded. One assembly in horizontal fixed position. One assembly in vertical fixed position]

NOTES

1. Each pass of the weld shall be made with the same size of welding rod or electrode that will be used in production.
2. Machine reinforcement and backing strap flush. Do not remove any undercutting.
3. Machining shall be done transverse to weld.
4. All specimens shall be machined or sawed from piping.
5. Round edges of bend specimens to a radius of 1/8 max.
6. Mark top and front of piping to insure proper location of specimens.
7. Remove face-bend specimens from 45° and 225° points, and root-bend specimens from 135° and 315° points as indicated.
8. Welding shall be done from one side only.
9. If piping of greater wall thickness than 0.380" is used in this test, piping may be machined to 0.350" to 0.380" before welding, or the bending jig may be made in accordance with the actual thickness, T, of piping used.

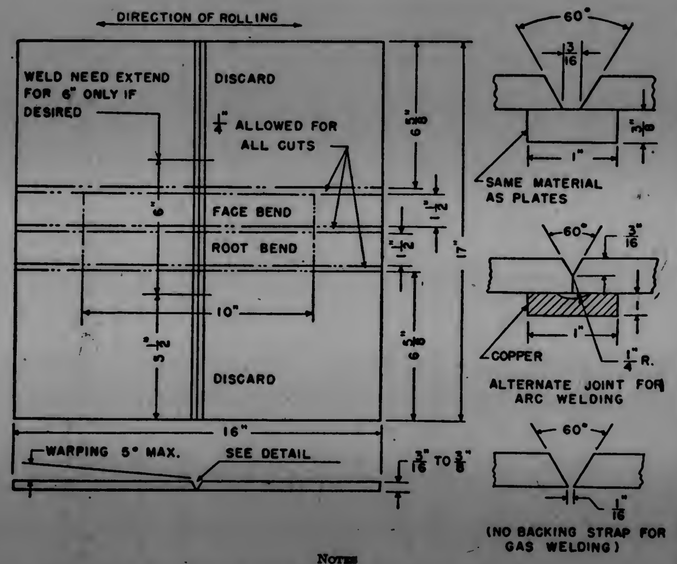
FIG. W-1C.—Welder's qualification test No. 4.



NOTES

1. 1/4" diameter electrode shall be used.
2. Backing strap shall be contiguous with plates.
3. All welds welded in the vertical position shall be welded upwards.
4. Specimen shall be bent in one piece with backing strap in place and face of weld in tension.
5. Weld fractures shall exhibit no unfused areas on backing strap or sides of groove throughout length of each tack.

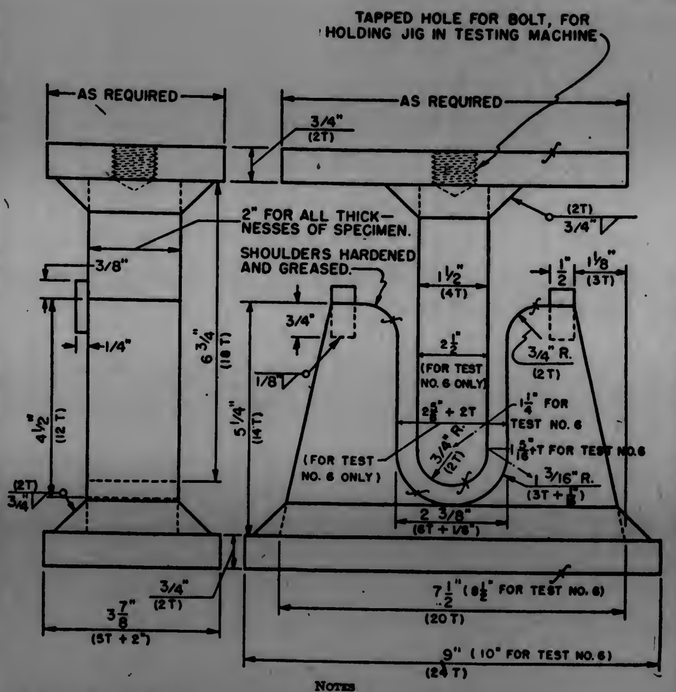
FIG. W-1D.—Welder's qualification test No. 5.



NOTES

1. Weld shall be made on the maximum thickness plate, within limits indicated, with maximum size welding rod or electrode to be used in production.
2. For gas welding machine reinforcement on both sides flush. For arc welding machine reinforcement and backing strap flush. Do not remove any undercutting.
3. Machining shall be done transverse to weld.
4. All specimens shall be machined or sawed from plates.
5. Backing strap shall be contiguous with plates.
6. Arc welds welded in the vertical position shall be welded upwards.
7. Welding shall be done from one side only.
8. Round edges of specimens to a radius of $\frac{T}{6}$ maximum.

FIG. W-1E.—Welder's qualification test No. 6.



NOTES

1. T = thickness of test specimens.
2. Specific dimensions are for 3/4" test specimens.
3. Hardened rolls may be used on shoulders if desired.

FIG. W-1F.—Standard qualification test bending jig.

• • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 367)

Paragraphs (e) to (m), inclusive, of § 56.20–3 are amended to read as follows:

(e) Specimens for Tests Nos. 1, 2 and 4 shall be bent to the full capacity of the jig shown in Figure W–1F for ⅜'' specimens. The plate for Test No. 5 shall be bent to fracture of the tack welds in the standard jig for ⅜'' specimens. Specimens for Test No. 1, modified, (See Note No. 2 of Table W–1) and for Test No. 4 modified (See Note No. 9 of Figure W–1C) shall be bent to the full capacity of a jig having a contour proportional to the thickness of the test specimens involved as indicated in Figure W–1F. Specimens for Test No. 6 shall be bent to the full capacity of a jig having a contour proportional to the thickness of the test specimens involved and having the specific dimensions shown in Figure W–1F for Test No. 6.

(f) Tube specimens for Test No. 3 shall remain tight when subjected to a hydrostatic test pressure necessary to impose a hoop stress of 30,000 pounds p. s. i. as calculated by the following formula:

$$P=\frac{S\times T}{R}$$

When P is the required hydrostatic test pressure; S is 30,000 pounds per square inch; T is the wall thickness of the tube in inches not to exceed 0.120 inches; and *R* is the inside radius of the tube in inches. As an alternate for the hydrostatic test, four transverse specimens may be removed from the welded joint of Test No. 3 at 45°, 135°, 225° and 315° points for macroscopic inspection consisting of etching and visual inspection with a magnifying glass. Macroscopic examination shall show complete penetration into the root of the weld and freedom from cracks, slag inclusions, porosity, or other defects.

(g) Root bend specimens shall be bent with the root of the weld in tension; face bend specimens with the face of the weld in tension; and side bend specimens with that side suspected of being the worse of the two, in tension. In testing a specimen the two members of the jig shall be forced together until the specimen conforms to a U-shape, and until a 1/32'' diameter wire cannot be placed between the specimen and any point on the curvature of the plunger.

(h) Any specimen for Tests Nos. 1, 2, 4 and 6 in which a crack or opening exists before the bending, or results from the bending, exceeding 1/8'' measured in any direction shall be rejected. No elongation data are required.

(i) No preheating shall be done in any of the tests, and the temperature of previously deposited weld metal shall not be over 212° F. at time of deposition of subsequent bead or layer.

(j) No peening shall be done in Tests Nos. 1, 3, 4, 5 and 6. Peening may be done on each layer in Test No. 2 except the first and last layers.

(k) No stress relieving shall be done on Tests Nos. 1, 3, 5 and 6. On Test No. 2, before machining specimens from the joint, the plate shall be stress relieved by maintaining it at 1,150° F. (±50° F.) for one hour per inch of thickness followed by slow cooling in the furnace to a temperature below 500° F. Stress relieving, as outlined for Test No. 2 above, may be done on Test No. 4, provided such procedure is being used in production work.

(l) Tests Nos. 1, 2, 3, 4 and 6 are applicable for either metal arc welders or gas welders. Test No. 5 is for arc welders only. For arc welding, the passing of these tests with direct current equipment shall qualify the welder for using direct current equipment only and the passing of these tests with alternating current equipment shall qualify the welder for using alternating current equipment only. Passing of these tests with direct current equipment using either straight polarity or reverse polarity shall qualify the welder for both polarities.

(m) Results of qualification tests shall be entered and maintained in ink on a record card, the face and back of which shall be similar to Figures W–1G and W–1H, respectively. • • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 367)

Section 56.20–3 is amended by deleting the note and Figure W–1 which immediately precede paragraph (n) and inserting in their stead new Figures W–1G and W–1H, as follows:

RECORD CARD OF WELDER'S QUALIFICATION TESTS

Name:

Employer:

Approved for:

Test No.	Process	Base Metal	Positions	Diam. of electrode	Date of Test	Signature of Inspector	Agency

FIG. W–1G.

Date of birth:

Place of birth:

Symbol for marking work:

Employed as a welder under

Test No.	From	To

(Photograph)

Welder's signature:

FIG. W–1H.

• • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 367)

Section 56.20–4 is amended by deleting Figure W–4 and inserting a new Figure W–4 in its stead as follows:

§ 56.20–4 *Class I.* • • •

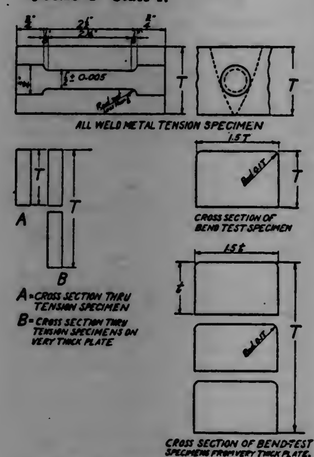


FIG. W–4.—Details of test specimens.

• • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 367)

Section 56.20–4 is amended by deleting Figure W–5 (b) and inserting a new Figure W–5 (b) in its stead as follows:

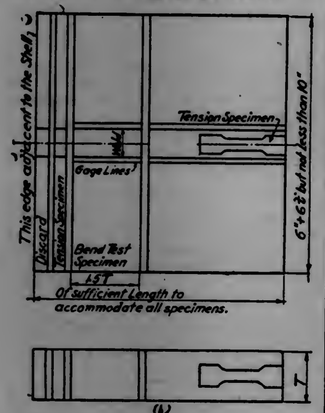


FIG. W–5.

• • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 367)

Section 56.20–4 (j) is amended to read as follows:

(j) *Test specimens.* The inspector shall select one of the two welded test plates, from which the coupons for tension and bend tests shall be removed, as shown in Figures W–4 and W–5, and be of the dimensions shown in Figures W–2, W–3, and W–4. • • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 367)

Section 56.20–4 is amended by deleting paragraphs (r), (s), (t), (u), (v), and (w) and by the insertion of new paragraphs (r), (s), (t), and (u) which read as follows:

(r) Retests: Should any of the tests fail to meet the requirements by more than 10 percent, no retests shall be allowed.

(s) Should any of the tests fail to meet the requirements by 10 percent or less, retests shall be allowed on specimens cut from the second welded test plate.

(t) The retests shall comply with the requirements. For either of the tension retests, two specimens shall be cut from the second test plate, and both of these shall meet the requirements.

(u) When there are more than one specimen of the same type and when one or more of the group specimens fail to meet the requirements by 10 percent or less, the retest shall be made on an entire group of specimens, which shall meet the requirements. (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 56.20–6 (d) (2) is amended to read as follows:

§ 56.20–6 *Class II.*

• • • • • •

(d) • • •

(2) Test results: The minimum requirements for the test results shall be the same as specified in § 56.20–4 (s) for Class I vessels with the following exceptions: • • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 56.20–6 (d) (3) is amended to read as follows:

(3) Retest: Retests shall be allowed as provided for in § 56.20–4 (s) for Class I vessels. (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 56.20–7 (a) is amended to read as follows:

§ 56.20–7 *Class III.* (a) This class includes pressure vessels containing steam or air in which the pressure does not exceed 30 pounds per square inch above atmosphere, and pressure vessels containing liquids in which the pressure does not exceed 200 pounds per square inch, and/or does not exceed a temperature of 250° F., in which the plate thickness does not exceed five-eighths inch, excepting those containing lethal or noxious gases or lethal or noxious liquids. The maximum allowable working pressure of the vessel shall be calculated by formula (1) of § 52.2–3 (b) using a value of $\frac{SE}{F}$ not to exceed the following:

Double-welded butt joints for all joints	8,000
Single-welded butt joints for girth or head joints	6,500
Double full-fillet lap welds for girth joints only	7,000
Plug or intermittent welds for girth or head joints	5,600

• • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 56.20–7 (b) is amended to read as follows:

(b) For single-welded butt joints and for double full-fillet welds for longitudinal joints, the value of $\frac{SE}{F}$ shall not exceed the following:

For material of thickness of less than one-fourth inch, 5,600 pounds per square inch; for material of thickness of one-fourth to three-eighths inch, 7,000 pounds per square inch. • • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 56.20–18 (*Inspectors' report of individual welding operators*), with report form are deleted. (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 367)

Section 56.20–19 is amended to read as follows:

§ 56.20–19 *Welded piping.* (a) Piping may be connected by means of fusion welding for any pressure and for temperatures not exceeding 1,000° F., provided it is done in accordance with the rules in this section.

(b) These rules apply to piping in excess of 125 pounds per square inch. (Class I piping.) They do not apply to piping used in connection with working pressures of 125 pounds or less, operated at normal temperatures. (Class II piping.)

(c) Qualification of welding processes: (1) Before a contractor may weld piping under these rules a representative of the Bureau shall visit the part of his works in which welding is done for the purpose of inspecting the welding plant to make sure he has suitable equipment and to witness the series of tests outlined in subparagraph (2) below.

(2) The tests for qualifying a welding process shall be those embodied in the rules in this section for the testing of welding operators for piping.

(d) Design of piping: The piping shall be designed to avoid excessive strains due to expansion and the working of the ship.

(e) Layout and dimensions of piping: Prints showing the lay-out and dimensions of the piping shall be forwarded to the Director for approval. Sections of the pipe shall be welded in the shop as far as practicable. All welded joints made on shipboard shall be in positions where there is sufficient space to allow proper access for the welding, and such welds

shall be definitely indicated on the plans by the use of appropriate American Welding Society weld symbols or details of the welds. A sufficient number of detachable joints shall be used in installing the piping to facilitate removals. Valves and other fittings may have either flanged or welded connections to the pipes but flanged joints shall be used where necessary to facilitate overhauling of machinery or the valves themselves.

(f) Types of welded joints to be used: Butt joints shall be used for pipes over 2½ inches nominal pipe size and shall be either double-welded or welded with a backing-up strip on the inside of the pipe. Pipes not over 2½ inches nominal pipe size may be connected by ferrules fitted over the ends of the pipe and attached by circumferential fillet welds to the pipe, or by using bell-and-spigot joints and uniting the end of the bell to the outside of the pipe by a circumferential fillet weld.

(g) Stress relieving: (1) All welded joints over 2½ inches nominal pipe size except fire lines and oil lines at normal temperature, shall be stress-relieved.

(2) The welds of plain carbon-steel pipe and adjacent piping for a length of six times the wall thickness of the pipe shall be heated uniformly to at least 1,150° F. and up to 1,250° F. The weld and adjacent piping shall be brought slowly up to within the specified temperature range and held at that temperature for a period of time proportioned on the basis or at least 1 hour per inch of pipe wall thickness and shall be allowed to cool slowly in a still atmosphere. There shall be no cooling other than by the still air around the weld and adjacent parts being stress-relieved in order to assure a gradual fall of temperature along the length of the pipe. For alloy steel piping the stress-relieving and/or heat treatment shall be done in a way demonstrated to be satisfactory.

(3) Where piping is welded to valves it may be impossible to heat the part next to the valve to a uniform temperature for a length of six times the wall thickness without overheating the valve. In such a case the heated zone shall extend to at least 2 inches on the valve side from the line of fusion of the joint and the temperature shall be allowed to diminish gradually toward the valve.

(4) All complicated connections, such as manifolds, shall be stress-relieved as a whole in a furnace provided for the purpose before being taken on shipboard.

(5) The piping shall be so designed that it will be free to expand in a longitudinal direction when the joints are stress-relieved, thus eliminating stresses that might result through contraction of the piping after the stress-relieving.

(h) Radiographic and other tests: All welded joints on piping exceeding 2½ inches in diameter shall be tested either by radiography or by using a paramagnetic powder dusted over the area to make sure that there are no cracks or other defects. Should the quality of a joint be questioned by an inspector of the Bureau the weld shall be cut out and the joint rewelded.

(i) Hydrostatic tests: Hydrostatic tests shall be made on the piping at twice the maximum pressure to which the piping will be subjected in service.

(j) General requirements: Before any qualification tests of welding operators are conducted, each manufacturer shall prepare for test the types of test specimens hereinafter specified for the purpose of qualifying his welding process.

(k) Manufacturer's record of process: A complete record of the manufacturer's process shall be made in the form shown in Fig. W–34 to establish the definite limits of all essential variables involved. The manufacturer shall conduct all welding in accordance with the requirements of his process record, after his process of welding has been approved.

(l) Number, type, and size of test welds: The test specimens shall be prepared in accordance with the requirements of this section. One test specimen shall be prepared for each process and welding position which will be encountered.

(m) Base metal and its preparation: The base material and its preparation for welding shall comply with the manufacturer's process record. For all test welds, the dimensions of the base material shall be such as to provide sufficient material for the test specimens called for. • • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 411, 367)

Section 56.20–19 is amended by deleting Fig. W–32 (*Positions for which welders and welding processes will be qualified*) and Fig. W–33 (*Standard qualification test bending jig*). • • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 411, 367)

Section 56.20–19 is further amended by having the position of Fig. W–34 (*Manufacturer's record of process*) changed to immediately follow after paragraph (k). (R.S. 4405, 4417a, 4418, 4426, 4429, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 411, 367)

PART 57—MARINE ENGINEERING: SUPPLEMENTARY DATA AND REQUIREMENTS

Section 57.21–2 is amended by deleting Form 935 and inserting a new Form 935 reading as follows:

§ 57.21–2 *Forms and affidavits.* • • •

(Form 935)

AFFIDAVIT OF MANUFACTURER OF WATER-TUBE BOILERS

DEPARTMENT OF COMMERCE,
BUREAU OF MARINE INSPECTION AND NAVIGATION.

State of _____, County of _____
On this _____ day of _____, 19__, I, the undersigned, _____, (Name)
hereby certify that I am _____ (Title)
of the _____, boiler manufacturer, (Name of company)
located at _____; (City and State)
who has contracted to furnish a water-tube marine boiler to be installed on the steam vessel _____, at _____; (City and State)
that I am authorised to make this affidavit; that the said boiler is in all respects constructed in accordance with the drawings and specifications approved by the Bureau of Marine Inspection and Navigation in the year _____, and blue prints approved by the United States local inspectors at _____ (City and State) on _____; that the plates and other materials used in the construction of said boiler meet the requirements specified in the various sections of Parts 50 and 51; also that the boiler complies in all respects with the requirements of Parts 52 to 57, inclusive, Title 46, Code of Federal Regulations; that the plates were manufactured by _____, at (Name of manufacturer) _____; that the plates bear (City and State) the following serial numbers and inspector's initials:

Plates subject to tensile stress		Plates not subject to tensile stress	
Serial No.	Inspector's initials	Serial No.	Inspector's initials

Min. T. S. _____ lbs. Min. T. S. _____ lbs.

GENERAL PARTICULARS OF BOILER

Type or name _____
Length and diameter of steam drum _____
Length and diameter of water drum _____
Desired working pressure _____ pounds per square inch.

(Signature) _____.
Subscribed and _____ to before me this (Sworn or affirmed)
_____ day of _____, 19__.
[SEAL] (Signature) _____, *Notary Public.*

• • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 57.21–2 is amended by deleting Form 935A and inserting a new Form 935A reading as follows:

(Form 935A)

AFFIDAVIT OF MANUFACTURER OF FIRE-TUBE BOILERS

DEPARTMENT OF COMMERCE,
BUREAU OF MARINE INSPECTION AND NAVIGATION.

State of _____, County of _____;
On this _____ day of _____, 19__, I, the undersigned, _____, hereby (Name)
certify that I am the _____ (Title)
of the _____, located at (Name of company)
_____, which has contracted (City and State)
to build a marine boiler to be installed on the steamer _____, at _____; (City and State)
that I am authorized to make this affidavit; that said boiler is constructed of steel plates manufactured by _____, of (Name of manufacturer)
_____, and which plates were (City and State)
tested and inspected by a duly authorized inspector, as provided by the act of Congress approved June 13, 1933, and are stamped in accordance with §§ 51.1–1 to 51.1–18, inclusive, Title 46, Code of Federal Regulations, and bear the following serial numbers and initials of the inspector.

Plates subject to tensile stress		Plates not subject to tensile stress	
Serial No.	Inspector's initials	Serial No.	Inspector's initials

That the boiler is of the _____ type; length _____; diameter _____; and that the working pressure desired is _____ pounds; that the boiler has been built as described and shown on blue prints approved by the United States local inspectors at _____, on _____, (City and State) (Date)
and complies in all respects with the requirements of Parts 50 to 57, inclusive, Title 46, Code of Federal Regulations.

(Signature) _____.
Subscribed and _____ to before me (Sworn or affirmed)
this _____ day of _____, 19__.
[SEAL]

(Signature) _____, *Notary Public.*

• • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 57.21–2 is amended by deleting Form 935B and inserting a new Form 935B reading as follows:

(Form 935B)

AFFIDAVIT OF MANUFACTURER OF BOILERS CONSTRUCTED BY FUSION WELDING

DEPARTMENT OF COMMERCE,
BUREAU OF MARINE INSPECTION AND NAVIGATION.

State of _____, County of _____.
On this _____ day of _____, 19__, I, the undersigned _____, (Name)
hereby certify that I am _____ (Title)
of the _____, boiler manufacturer, (Name of company)
located at _____ who has contracted to furnish a { fire-tube / water-tube } marine boiler to be installed in the steam vessel _____, at _____, (City and State)
that I am authorized to make this affidavit; that the said boiler is in all respects constructed in accordance with the drawings and specifications approved by the board of supervising inspectors of the Bureau of Marine Inspection and Navigation in the year _____, and blue prints approved by the United States local inspectors at _____, on (City and State)
_____; that the plates and other (Date)
materials used in the construction of said boiler meet the requirements specified in the various sections of Parts 50 and 51, Title 46, Code of Federal Regulations; also that the joints of this boiler are made by the _____ process of fusion welding (Metallic-arc)
in strict accordance with the requirements of Part 56, Title 46, Code of Federal Regulations, for Class 1 pressure vessels; that all welded joints have been X-rayed; that said films were actually taken from the joints for which they are certified; that the joints are of the (single or double) V-type and were made by welding operators who have been tested and certified by the Bureau of Marine Inspection and Navigation; furthermore, that all material used in this boiler conforms to the appropriate sections of Parts 50 and 51, Title 46, Code of Federal Regulations, and the plates were manufactured by _____ and bear the following serial numbers and inspector's initials: (Name of manufacturer)

Plates subject to tensile stress		Plates not subject to tensile stress	
Serial No.	Inspector's initials	Serial No.	Inspector's initials

Min. T. S. _____ lbs. Min. T. S. _____ lbs.

GENERAL PARTICULARS OF BOILER

Type or name _____
Length and diameter of steam drum _____
Length and diameter of water drum _____
Desired working pressure _____ pounds per square inch.

(Signature) _____
Subscribed and _____ to before me this (Sworn or affirmed)
_____ day of _____, 19__.
[SEAL] (Signature) _____, *Notary Public.*

• • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 57.21–2 is amended by deleting Form 935C and inserting a new Form 935C reading as follows:

(Form 935C)

AFFIDAVIT OF MANUFACTURER OF BOILER CONSTRUCTED WITH SEAMLESS SHELL

DEPARTMENT OF COMMERCE,
BUREAU OF MARINE INSPECTION AND NAVIGATION.

State of _____, County of _____
On this _____ day of _____, 19__, I, the undersigned _____, hereby (Name)
certify that I am _____, of the (Title)
_____, boiler manufacturer, (Name of company)
located at _____ who has contracted to furnish a { fire-tube / water-tube } marine boiler to be installed on the steam vessel _____, at _____, (City and State) (City and State)
that I am authorized to make this affidavit; that the said boiler is in all respects constructed in accordance with the drawings and specifications approved by the board of supervising inspectors of the Bureau of Marine Inspection and Navigation; in the year _____, and blueprints approved by the United States local inspectors at _____ (City and State)
on _____; that the materials used (Date)
in the construction of said boiler meet the requirements specified in the various sections of Parts 50 and 51, Title 46, Code of Federal Regulations; also that the drums of such boiler are constructed with seamless shell made in strict accordance with the requirements of §§ 51.11–1 to 51.11–9, Title 46, Code of Federal Regulations, without longitudinal joints, manufactured by _____; that the heads (Name of manufacturer)
and girth seams are attached by means of the _____ method of fusion welding (Metallic-arc)
ing; that all welded joints have been X-rayed; that said films were actually taken from the joints for which they are certified; that the joints are of the (single or double) V-type, and were made by welding operators who have been tested and certified by the Bureau of Marine Inspection and Navigation; further, that all material used in this boiler conforms to the appropriate sections of Part 51, Title 46, Code of Federal Regulations, and the drum shell and heads bear the following serial numbers and inspector's initials:

Plates subject to tensile stress		Plates not subject to tensile stress	
Serial No.	Inspector's initials	Serial No.	Inspector's initials

Min. T. S. _____ lbs. Min. T. S. _____ lbs.

GENERAL PARTICULARS OF BOILER

Type or name _____
Length and diameter of steam drum _____
Length and diameter of water drum _____
Desired working pressure _____ pounds per square inch.

(Signature) _____
Subscribed and _____ to before me (Sworn or affirmed)
this _____ day of _____, 19__.
[Seal] (Signature) _____, *Notary Public.*

• • • (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 57.21–2 is amended by deleting Form 935D and inserting a new Form 935D reading as follows:

(Form 935D)

AFFIDAVIT OF BOILER MANUFACTURER COVERING TESTED STEEL OR WROUGHT IRON STAYS

DEPARTMENT OF COMMERCE,
BUREAU OF MARINE INSPECTION AND NAVIGATION.

State of _____, County of _____
On this _____ day of _____, 19__, I, the undersigned _____, hereby (Name)
certify that I am _____, of the (Title)
_____, boiler manufacturer (Name of company)
located at _____, who has (City and State)
contracted to build a marine boiler to be installed on the steamer _____, at _____; and that the (City and State)
{ wrought-iron / steel } bars used for stays in boilers Nos. __, __, __, __ were tested and inspected

by inspector _____ on the _____
(Name)
day of _____, 19--, and furthermore, I solemnly _____ that all material
(Swear or affirm)
used for stays in this boiler was tested and conforms to all the requirements of §§ 51.5–1 to 5.15–10, inclusive, or §§ 51.6–1 to 51.6–10, inclusive, Title 46, Code of Federal Regulations, and that the working stress to which it will be subjected in service will not exceed the maximum allowable stress provided for such material in §§ 52.8–1 to 52.8–5, inclusive, Title 46, Code of Federal Regulations.
(Signature) _____,
Subscribed and _____ to before me
(Sworn or affirmed)
this _____ day of _____, 19--
[SEAL]
(Signature) _____
Notary Public.

* * * (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 57.21–2 is amended by deleting Form 935E and inserting a new Form 935E reading as follows:

(Form 935E)

AFFIDAVIT OF MANUFACTURER OF BOILER TUBES

DEPARTMENT OF COMMERCE,
BUREAU OF MARINE INSPECTION AND NAVIGATION.

State of _____, County of _____
On this _____ day of _____, 19--, I, the undersigned, _____, hereby certify that I am the _____
(Name) (Title)
of the _____ located at
(Name of company)
_____; that I am authorized
(City and State)
to make this affidavit; and that the {wrought-iron / steel} boiler tubes used in the construction of boilers Nos. --, --, --, --, --, to be installed on steamer _____; at _____, conform to all the requirements of §§ 51.9–1 to 51.9–16, inclusive, or §§ 51.9a–1 to 51.9a–18, inclusive, or §§ 51.10–1 to 51.10–18, inclusive, Title 46, Code of Federal Regulations.
(City and State)
(Signature) _____,
Subscribed and _____ to before me
(Sworn or affirmed)
this _____ day of _____, 19--
_____ day of _____, 19--
(Signature) _____
Notary Public.

* * * (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

The first sentence of § 57.21–3 (b) (1) is amended to read as follows:

§ 57.21–3 *Fusible plugs.*

* * * * *

(b) *Requirements.* * * *

(1) *Casings.* The casings of fusible plugs shall be designed as in Figures S–1 and S–2, and shall be made of bronze, in accordance with the requirements of §§ 51.20–1—51.20–10, Grades B or C. * * * (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Section 57.21–4 (i) is amended to read as follows:

§ 57.21–4 *Fusion welding repairs.*

* * * * *

(i) Cracks in a staybolted surface may be repaired by welding. * * * (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, 4434, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 412, 367)

Paragraphs (s), (t), and (u) of § 57.21–4 are amended to read as follows:

(s) When the corroded portion of a staybolted surface exceeds 400 square inches, it shall be permissible to repair the same by cutting out the defective portion and replacing it with a new plate, the edges of the new plate to be welded in position. In such cases, new staybolts shall be fitted in accordance with the requirements of §§ 52.7–1 to 52.7–3 and 52.8–1 to 52.8–5.

(t) Flat-tube sheets in fire-tube boilers which have corroded or where cracks exist in the ligaments, may be repaired by fusion welding.

(u) Unreinforced openings in the shells or drums of boilers or pressure vessels, the diameter of which does not exceed the maximum diameter of an unreinforced opening in accordance with Figures C–1 and C–2, may be closed by the use of a patch or plate inside the drum or shell and sealed against leakage by fusion welding. Such plates shall have a diameter at least 2 inches larger than the diameter of the hole and must have a thickness equal to the thickness of the plate to which it is attached. It shall not be permissible to insert such patches in the shell or head flush with the surrounding plate. * * * (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 367)

Section 57.21–8 (c) is amended to read as follows:

§ 57.21–8 *Bagged or blistered sheets.*

* * * * *

(c) Where the shell plate has blistered, bagged, or bulged to such an extent that there is an appreciable thinning of the plate, it shall be the duty of the local inspectors to have the defective portion cut away and the shell repaired by fitting a patch of steel plate conforming to the requirements of §§ 51.2–1—51.2–10 in place of the defective portion, care being taken that the riveting schedule of the patch is so arranged as to give the plate sufficient strength to withstand the allowable stress placed on it in service. (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 367)

Section 57.21–18 is amended to read as follows:

§ 57.21–18 *Brazed unfired pressure vessels.* (a) Unfired pressure vessels may be constructed with brazed joints provided the temperature to which such vessels are subject in service does not exceed 406° F.

(b) Manufacturers of such vessels will be required to file with the Director an affidavit on Form 935F setting forth that material used and the brazing process will be in conformity with these rules. (R.S. 4405, 4417a, 4418, 4426, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 408, 411, 367)

Section 57.21–19 is amended to read as follows:

§ 57.21–19 *Material.* Steel plates used for the shells and heads of brazed unfired pressure vessels shall conform to one of the grades specified in §§ 51.2–1 to 51.2–10, §§ 51.21–1 to 51.21–13, or §§ 51.22–1 to 51.22–11. (R.S. 4405, 4417a, 4418, 4426, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 408, 411, 367)

Section 57.21–20 is amended to read as follows:

§ 57.21–20 *Computations.* The maximum allowable working pressure and the thickness of material shall be determined by formulas 1 and 2 of § 52.2–3 (b) using a factor of safety of 5 and a joint efficiency of 0.9 for cylindrical shells, and formulas 11 and 12 of § 52.5–3 (b) including the qualifying paragraphs (b) to (m) inclusive for dished heads. (R.S. 4405, 4417a, 4418, 4426, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 408, 411, 367)

Section 57.21–21 is amended to read as follows:

§ 57.21–21 *Detail requirements.* Longitudinal seams may be of the lap-joint type where the shell plate does not exceed ⅜" in thickness. For thicker material the double butt strap joint shall be used. Longitudinal lap joints shall have the edges of the plate lapped a distance of not less than $\frac{S \times T}{6{,}000}$ where S= the minimum of the range of tensile strength, and T=the required thickness of the shell plate. For double butt strap construction, the total amount of lap for inner and outer straps shall be twice that required for single lap, one half of which shall be on each side of the abutting edges. The width of these straps shall not differ more than 25 percent of the width of the wider one. Each strap shall be at least ⅝ the thickness of the shell plate. The laps shall be held closely in position substantially metal to metal by stitch riveting or other efficient means. The brazing shall be done by placing the flux and brazing material on one side of the joint and applying heat until the material comes entirely through the laps and shows uniformly along the seam on the opposite side. Sufficient flux must be used to cause the brazing materials to so appear promptly after reaching the brazing temperature. The brazing materials used shall be such as to produce a joint which has a shearing strength of at least 10,000 lbs. per square inch. (R.S. 4405, 4417a, 4418, 4426, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 408, 411, 367)

Section 57.21–22 is amended to read as follows:

§ 57.21–22 *Head and girth joints.* Heads shall be fitted into the shells with a driving fit, and shall be thoroughly brazed in approximately the same manner as the longitudinal seams for a depth or distance measured from the end of the shell equal to at least ½ of the lap required for a longitudinal lap joint. When a vessel is constructed with more than one course in the shell, the girth joint may be of either the lap or butt type. If of the butt type, the circumference of the abutting courses shall not differ by more than 3/10 of one percent, and either inside or outside sleeves shall be used. In either case the lap over each course shall be not less than ¾ of that required for longitudinal lap joints. (R.S. 4405, 4417a, 4418, 4426, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 408, 411, 367)

Section 57.21–26 is amended to read as follows:

§ 57.21–26 *Material.* The material used in the construction of cast-iron heating boilers shall conform to the requirements of §§ 51.18–1—51.18–10 for Grade B or Grade C material. (R.S. 4405, 4417a, 4418, 4426, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 408, 411, 367)

PART 58—MARINE ENGINEERING: BOILER PLATE; BOILERS AND ATTACHMENTS

Subpart B—Boilers and Attachments: Installations Made or Contracted for Prior to July 1, 1935

The first undesignated paragraph of § 58.7 is amended to read as follows:

§ 58.7 *Hydrostatic pressure.* The hydrostatic pressure applied to boilers which can be satisfactorily examined internally shall be in the proportion of 125 pounds to the square inch to 100 pounds to the square inch of the steam pressure allowed; types of boilers which due to design cannot be examined internally shall be subjected to a hydrostatic pressure in the proportion of 150 pounds to the square inch to 100 pounds to the square inch of the steam pressure allowed. The inspector, after applying the hydrostatic test, shall thoroughly examine every part of the boiler. The hydrostatic pressure shall also be applied to the main steam pipe up to the throttle. * * * (R.S. 4405, 4417a, 4418, 4426, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 408, 411, 367)

Section 58.25 is amended to read as follows:

§ 58.25 *Welding and reinforcing.* No repair work by any welding process other than fusion welding shall be allowed on main boilers or unfired pressure vessels until coupons showing the character of the work proposed to be done by the applicant shall have been tested and submitted, together with an explanation and report of the test, to the local inspectors of the district where the work is to be done. The local inspectors shall then satisfy themselves whether or not such process can be used with safety on the boilers or unfired pressure vessels of steam vessels.

In every case where repairs are to be made by these processes on boilers or unfired pressure vessels of steam vessels subject to the inspection of this Bureau, the engineer in charge and the parties making the repairs are required to notify the office of the local inspectors, giving a full detailed description of the repairs to be made, the location of the vessel, and the time the repairs are to be begun, so that inspection may be had, if practicable, prior to and during the time the work is being done, which reports must be confirmed in writing to the local inspectors.

The application for permission to use these processes on boiler or unfired pressure vessel repairs of any particular vessel implies a guaranty on the part of the applicant that the work shall, in material, flux, and workmanship, be equal to that of the samples furnished.

Repairs to marine boilers and unfired pressure vessels by means of fusion welding may be permitted provided such welding conforms to the requirements of § 57.21–4. (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 367).

Part 58 is amended by the addition of a new § 58.29, which reads as follows:

§ 58.29 *Installations of fuel-oil systems.* Repairs, partial replacements, and tests of systems installed prior to July 1, 1935, shall conform to the following rules:

Ocean and Coastwise

The construction of fuel-oil tanks separate from the hull shall conform to the following requirements: Plating for such tanks shall be not less than five-sixteenths of an inch in thickness; seams where the plates are joined shall be double riveted; all rivet holes shall be fairly drilled, or punched three-fourths diameter and reamed to size; rivet holes shall be spaced not to exceed four diameters; and, where practicable, the tanks shall be caulked inside and out.

Where double bottoms are used for the storage of fuel oil, such double bottoms shall be subdivided with one or more longitudinal watertight bulkheads, except the narrow tanks at the forward and after ends of the vessel. This requirement shall also apply to fuel-oil deep tanks which shall also be fitted with the necessary swash plates. The hatch covers on deep tanks which are used for fuel oil shall be made of steel or iron plating and be fitted oil-tight. Fuel-oil tanks in 'tween-deck spaces overhanging the boiler space or adjoining the ship's sides abreast of the boilers shall be avoided as far as practicable, but where found to be necessary, they shall be subdivided into compartments not exceeding 20 feet in length.

The test for fuel-oil tanks that do not form a part of the structure of the hull shall be a hydrostatic test of 15 pounds to the square inch, and all other tanks shall be tested with a pressure that will not be exceeded in practice.

Deep tanks, peak tanks, settling tanks, and tanks separate from the hull used for the storage of fuel oil shall be fitted with internal gate valves where the suction pipe or pipes penetrate the tank, the valves to be fitted with mechanical appliances so arranged that they may be operated from an accessible place on a deck outside of the machinery space. Double-bottom fuel-oil tanks shall be fitted with a gate valve on the tank top where the suction pipe penetrates it, or, where the suction pipe leads under the tank tops, the valve shall be placed where the pipe enters the machinery space.

No openings are to be cut in the bottoms, ends, or sides of fuel-oil tanks except for suction and heater connections.

The vent pipes from all fuel-oil tanks shall have a net cross-sectional area equal to that of the filling pipes and shall be led from the top of the tank to the open air in a space where no danger will result from the discharge of oil vapor; the discharge ends to be fitted with U-bends and a gauze diaphragm, which can be easily removed for cleaning. Where it is necessary to use bends in the piping, such bends shall not exceed 45° from the vertical. Where vent pipes pass through cargo spaces they shall be protected against damage.

All pipes over 2 inches in diameter shall be attached to fuel-oil tanks by flanges, or flanged fittings, riveted to the tanks. Filling pipes for such tanks shall extend through the top of the tank to deck, and such pipes shall be led to the bottoms of the tanks and fitted with U-bends extending upward at least 12 inches above the bottoms; or in lieu of the U-bends the pipes may be led to within one-half of the diameter of the pipes from the bottoms of the tanks.

Sounding pipes or other reliable apparatus shall be fitted to fuel tanks for use in determining the oil level in each tank. Sounding pipes shall be led up through the deck and down to within one diameter of the bottom of the tank, and shall not be perforated. Such pipes passing through cargo spaces shall be protected against damage. Sounding pipes in the machinery spaces that do not extend up through a deck shall be fitted with a valve or stop cock that will close automatically to prevent oil overflow.

The piping between the service pumps and the stop valve at the burners, when the pressure exceeds 15 pounds per square inch, shall be extra heavy seamless piping and shall be in sight above the floor or platform. The connections on such piping shall be made with extra heavy flanges or extra heavy fittings of forged or cast steel, bronze, or malleable iron. Valves on pipe lines conveying hot oil shall be extra heavy and shall be of the locked-bonnet, bolted-bonnet, or union-nut-bonnet type.

The piping, including connections, shall be tested in place to a hydrostatic test pressure equal to three times the designed maximum working pressure, but in no case less than 150 pounds. All other piping for use in conveying fuel oil, together with valves and fittings, shall be suitable for a pressure of 125 pounds and all such pipe and fittings between the gate valve within the tank and the pumps shall be tested to a hydrostatic pressure of 250 pounds.

When it is desired to change a low-pressure system to a high-pressure system, it will be necessary to apply a

hydrostatic test pressure to the piping and connections from pumps to burners equal to three times the working pressure.

All oil heaters shall be tested to double the working pressure. Continuous pipe or pipes shall be carried through the heads or ends of the heaters, and all joints shall be made on the outside to eliminate the danger of oil being pumped into the boilers in the event of failure of the joints: *Provided, however,* That this requirement does not apply when the water of condensation from the heaters is led to an observation tank or is not used for boiler feed water. Heaters may be installed in double-bottoms, if so desired, when vessels are operating in cold waters and may be placed in the most convenient location for heating the oil.

Fuel-oil pumps supplying oil to the burners, also oil strainers, shall be in duplicate, and the discharge of each pump shall be fitted with an efficient relief valve that will return surplus oil to the suction side of the pumps.

Where fuel-oil tanks are fitted in wooden vessels, lead pans or lining shall be placed under the tanks, the lead to be of a gauge weighing not less than 8 pounds per square foot, this precaution being made to prevent oil from getting into the bilges of the vessel.

Throttle valves on fuel-oil pumps shall be arranged so that they may be operated from some accessible point outside of the pump-room or fireroom enclosure.

Dampers in funnels or uptakes on oil-burning steamers shall be fitted with a locking device in open position.

Suitable drip pans shall be installed to catch the drip from burners, fuel-oil pumps, strainers, or any other place where necessary to prevent oil from reaching the bilges of the vessel.

The boiler room and funnel casings shall be insulated so as to prevent the spread of fire to woodwork or other combustible material adjacent to the casings in the event of an oil fire taking place in the fireroom.

Great Lakes; Bays, Sounds, and Lakes Other Than the Great Lakes; Rivers

For fuel-oil installations on vessels navigating the waters of the Great Lakes; bays, sounds, and lakes other than the Great Lakes; and rivers; the following two paragraphs apply in lieu of the first four undesignated paragraphs following the heading, "Ocean and Coastwise."

The fuel-oil tanks on all inland steamers subject to the rules and regulations of the Bureau of Marine Inspection and Navigation shall be constructed of material of such thickness and workmanship as, in the judgment of the inspector in whose district the installation is made, is safe.

All pipe connections on fuel-oil tanks and cargo-oil tanks, except the connection or connections on the top of such tank, shall be protected by an internal gate valve operated by an extension rod leading to an accessible point in an open space on a deck outside the engine and fire room casing, so that the flow of oil may be immediately shut off in case of the failure or rupture of any of the pipes or connections.

The third and subsequent paragraphs of the rules for fuel-oil installations on vessels navigating the waters of the Great Lakes; bays, sounds, and lakes other than the Great Lakes; and rivers; are identical with the fifth and subsequent paragraphs, respectively, of the rules for fuel-oil installations on vessels navigating the oceans and coastwise, as set forth above in this section. (R.S. 4405, 4417a, 4418, 4426, 4429, 4430, 4433, as amended, 49 Stat. 1544, sec. 2 (a) of 54 Stat. 1028; 46 U.S.C. 375, 391a, 392, 404, 407, 408, 411, 367, 463a)

BOARD OF SUPERVISING INSPECTORS,

[SEAL] R. S. FIELD,
Director, Chairman.
CHARLES M. LYONS,
U. S. Supervising Inspector, 1st District, Boston, Mass.
GEORGE FRIED,
U. S. Supervising Inspector, 2d District, New York, N. Y.
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WILLIAM FISHER,
U. S. Supervising Inspector, 7th District, San Francisco, Calif.

Approved:

WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 42-2153; Filed, March 12, 1942; 12:08 p. m.]

[Order No. 229]

GENERAL RULES AND REGULATIONS

AMENDMENTS

FEBRUARY 28, 1942.

Pursuant to the authority of R.S. 4405, as amended (46 U.S.C. 375), the Board of Supervising Inspectors, Bureau of Marine Inspection and Navigation, convened in the conference room, No. 1851, Department of Commerce, Washington, D. C., on January 21, 1942, at which session, after public hearings, the following regulations, amendments, and other actions were adopted:

SUBCHAPTER C—MOTORBOATS, AND CERTAIN VESSELS PROPELLED BY MACHINERY OTHER THAN BY STEAM MORE THAN 65 FEET IN LENGTH

PART 28—SPECIFICATIONS AND PROCEDURE FOR APPROVAL OF EQUIPMENT

Section 28.4–8 (d) is amended to read as follows:

§ 28.4–8 *Specifications for kapok buoyant cushion.*

* * * * *

(d) *Cover.* The buoyant material shall be completely protected by a cover of first-grade duck or drill having a weight of not less than 7.2 ounces per square yard, or a leatherette cover consisting of 59-inch, 1.85 drill, thread count 68 x 40; the leatherette cover, including the fabric and coating, to be at least the weight of 14 ounces for a finished width of 54 inches. The cover shall be designed and constructed with as few seams as practicable. (Sec. 6 of 54 Stat. 163–167; 46 U.S.C. 526e)

SUBCHAPTER D—TANK VESSELS

PART 32—REQUIREMENTS FOR HULLS, MACHINERY, AND EQUIPMENT

Section 32.9–4 (j) is amended to read as follows:

§ 32.9–4 *Interior communication systems—T/ALL.*

* * * * *

(j) Telephones installed at external locations exposed to the weather or in locations subject to severe moisture conditions shall be housed in a substantial, watertight metal enclosure. The cover shall be hinged at the bottom or side of the box and, when closed, shall be fastened by a simple substantial mechanism which, when operated, exerts sufficient pressure to make the enclosure watertight. The gasket shall be fastened to, and inserted in, the edge of the box or cover. The magneto generator and switches shall be of watertight construction. The generator and all switches shall be installed inside the enclosure. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 32.9–4 is amended by the addition of a new paragraph (p) reading as follows:

(p) All electrical engine order telegraph systems on vessels, not also equipped with mechanical telegraphs, shall be provided with an alarm, located on the bridge, to indicate visually and audibly the failure of power to the system. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

PART 35—OPERATION

Section 35.2–9 (a) is amended to read as follows:

§ 35.2–9 *Reports of accidents to tank vessels—T/ALL.*[*] (a) The licensed officer in command of any tank ship shall report in writing and in person to the board of local inspectors nearest the port of first arrival any accident to said ship involving loss of life or damage to property to an approximate amount exceeding $500, and shall also report in the same manner any casualty or loss of life from whatever cause of any person on board such vessel, and any stranding or grounding, whether or not any damage has been sustained by the vessel: *Provided,* That when from distance it may be inconvenient to report in person it may be done in writing only, and the report sworn to before any person authorized to administer oaths: *Provided further,* That, during the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties shall be handled with caution, and the above-mentioned reports shall not be made by radio or by telegram. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

[*] See also § 1.38 of Subchapter A—Documentation, Entrance, and Clearance of Vessels, etc.

Part 35 is amended by the addition of a new § 35.4–6 reading as follows:

§ 35.4–6 *Explosives—TB/ALL.* Fulminates or other detonating compounds in bulk in dry condition; explosive compositions that ignite spontaneously or undergo marked decomposition when subjected for forty-eight consecutive hours to a temperature of one hundred and sixty-seven degrees Fahrenheit or more; compositions containing an ammonium salt and a chlorate; and other like explosives shall not be accepted, stored, stowed or transported on board tank vessels. (R.S. 4405, 4417a, as amended, 46 U.S.C. 375, 391a)

Section 35.5–5 is amended by the addition of a new paragraph (g) reading as follows:

§ 35.5–5 *Inspection prior to transfer of cargo—TB/ALL.*

* * * * *

(g) All sea valves connected to the cargo piping system are closed. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

PART 37—SPECIFICATIONS FOR LIFE-SAVING APPLIANCES

Section 37.1–1 (c) is amended to read as follows:

§ 37.1–1 *Drawings, specifications, name plates—TB/ALL.*

* * * * *

(c) Builders of lifeboats shall affix a plate or other device to each lifeboat, having thereon the builder's name, number of boat, date of construction of boat, cubical contents of boat, and number of persons said boat will carry, as determined by the rules of the Board of Supervising Inspectors. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Section 37.1–1 is amended by the addition of a new paragraph (d) reading as follows:

(d) Builders of life rafts shall affix a plate or other device to each life raft, having thereon the builder's name, the manufacturer for whom approved, number of raft, date of construction of raft, cubical contents of raft, and number of persons said raft will carry, as determined by the rules of the Board of Supervising Inspectors. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Part 37 is amended by the addition of a new § 37.1–6 reading as follows:

§ 37.1–6 *Blocks and falls—TB/ALL.* Blocks and falls installed after May 1, 1942 shall conform to the following requirements:

All blocks, falls, fairleads, padeyes, fastenings, etc., used in connection with lifeboat gear shall be designed with a minimum factor of safety of six, based on the maximum working load.

Where mechanical means for lowering are required, not more than two-part falls shall be used, except in specific cases where three-part falls may be accepted.

Wire rope falls of 6 x 19 regular lay filler wire construction, prelubricated at the factory with suitable neutral wire rope lubricant shall be accepted as standard. Any other type of wire superior or equally as good as the minimum standard specified may be used.

Falls shall be of such length that the lifeboat may be lowered to the water at the lightest seagoing draft with the vessel listed to 15°.

Falls shall be in readiness for use at all times. On vessels over 1,000 gross tons, not fitted with mechanical means for lowering, covered tubs, boxes, or reels shall be provided for the storage of falls, and suitable lowering bitts shall be fitted in easily accessible positions.

Where more than one lifeboat is served by the same set of davits, if the falls are of manilla rope, separate falls shall be provided to serve each lifeboat.

Such blocks as are necessary to allow the falls to load fair in all positions of the davit shall be fitted. Where mechanical means for lowering are provided, there shall be at least 8 feet between the center of the drum and the center of the nearest sheave. Sheaves for wire rope shall have a diameter at the base of the groove at least equal to 12 times the diameter of the rope.

There shall be ample clearance between the cheeks of blocks in which Manila rope is used. The width between the cheeks shall be half an inch greater than the diameter of new ropes when those ropes are 3¾ inches in circumference or greater; blocks for smaller ropes shall be designed with clearance in the same proportion.

Means for lubrication shall be provided for all moving parts of blocks. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

Part 37 is also amended by the addition of a new § 37.1–7 reading as follows:

§ 37.1–7 *Disengaging apparatus—TB/ALL.* Disengaging apparatus fitted in lifeboats after May 1, 1942 shall conform to the following requirements:

All disengaging apparatus, regardless of type, shall be designed with a minimum factor of safety of six, based on the maximum working load.

No type of releasing gear shall be used unless it has first been approved by the Board.

Plans and specifications of all designs of releasing gear shall be submitted to the Board for type approval. The plans shall show dimensions of all parts and complete bill of material used in the construction of the releasing gear.

Simultaneous releasing gears, when installed, shall conform to the following requirements:

(a) They shall be capable of being operated by one person, both ends of the lifeboat disengaging simultaneously.

(b) Means for effecting release of the gear shall be placed in the after end of the lifeboat.

(c) The hooks shall be suitable for instant unhooking of the blocks and falls by hand when the lifeboat is waterborne.

(d) The gear and mechanism for effecting release shall be so arranged and devised as to insure the safety of the lifeboat independent of any "safety pins."

Where simultaneous releasing gears are not provided, the hooks or other means of attaching the lifeboats to the falls shall be arranged so that the device can be manually controlled by one man at each fall in the lifeboat.

Excluding the emergency boats, not more than one type of releasing gear shall be fitted in the lifeboats of a particular vessel.

No part of any releasing gear bearing the weight of the lifeboat shall be constructed of cast iron.

Such parts of the gear as would otherwise have a tendency to set fast by rust or corrosion shall be of corrosive resistant metal.

When considered necessary, a test to destruction may be required to determine the ultimate strength of the releasing gear including hooks.

All disengaging apparatus, regardless of type, shall be prominently marked or stamped to show the safe working load for which the gear has been approved. (R.S. 4405, 4417a, as amended; 46 U.S.C. 375, 391a)

SUBCHAPTER G—OCEAN AND COASTWISE: GENERAL RULES AND REGULATIONS

PART 59—BOATS, RAFTS, BULKHEADS, AND LIFE-SAVING APPLIANCES (OCEAN)

Section 59.6 (b) is amended to read as follows:

§ 59.6 *Lifeboats required on vessels of class* (c).

* * * * *

(b) Towing, fishing, and wrecking vessels, and vessels in special service not carrying passengers or cargo, shall carry sufficient lifeboats to accommodate all persons on board, and the following types of boats may be used in lieu of the standard lifeboats. (R.S. 4405, 4427, 4488, as amended; 46 U.S.C. 375, 405, 481)

Section 59.41 is amended to read as follows:

§ 59.41 *Handling of boats and rafts.* All the boats and rafts shall be stowed in such a way that they can be launched in the shortest possible time and that, even under unfavorable conditions of list and trim from the point of view of the handling of the boats and rafts, it may be possible to embark in them as large a number of persons as possible. The arrangement shall be such that it may be possible to launch on either side of the vessel as large a number of boats and rafts as possible. Where practicable, lifeboat chocks shall be so fitted that the lifeboats they serve shall not require lifting before launching. At least once in each interval of not longer than 3 months, the master of every inspected passenger vessel shall drill and exercise every member of the crew, except fe-

males, in pulling oars in the ship's lifeboats. In addition, the crew of the motor-propelled boats shall demonstrate their ability in the working of the engine and handling of the boat under power. (R.S. 4405, 4417, 4488, as amended; 46 U.S.C. 375, 391, 481)

Section 59.42 (c) is amended to read as follows:

§ 59.42 *Life rafts: drawings, specifications, name plate, and how marked.*

* * * * *

(c) Builders of life rafts shall affix a plate or other device to each life raft, having thereon the builder's name, the manufacturer for whom approved, number of raft, date of construction of raft, cubical contents of raft, and number of persons said raft will carry, as determined by the rules of the Board of Supervising Inspectors. (R.S. 4405, 4426, 4488, 4491, as amended; 49 Stat. 1544; 46 U.S.C. 375, 404, 481, 489, 367)

Section 59.64 is amended to read as follows:

§ 59.64 *Bulkheads on passenger vessels less than 100 gross tons.* (a) Every mechanically propelled vessel carrying passengers for hire shall have not less than three watertight transverse bulkheads properly secured to the hull of the vessel. The arrangement of the bulkheads shall be such that the vessel will remain afloat in the event any one main compartment is flooded. (Effective on and after January 1, 1943.)

(b) A forepeak or collision bulkhead shall be fitted and located not less than 5 percent of the length of the vessel, and not more than 10 feet plus 5 percent of the length of the vessel from the bow, at load water line.

(c) One bulkhead shall be fitted at the forward end of the machinery space (which includes boiler space) and one bulkhead shall be fitted at the aft end of the machinery space. Other transverse bulkheads shall be so located as to meet the above requirements of subdivision and stability.

(d) Main transverse bulkheads may be stepped or recessed. Where a main transverse bulkhead is stepped, subdivision and strength are to be provided in way of the step to maintain the same measure of safety as that secured by the vertical bulkhead. No recess shall be fitted nearer the vessel's side than one-fifth of the vessel's beam amidships measured at right angles to the center line at the level of the load water line on which the subdivision is based. Bulkheads shall extend to a deck whose distance above the load water line is sufficient to enable the subdivision and stability requirements to be met with a fair margin of safety.

(e) If the distance between two adjacent main transverse watertight bulkheads is less than 10 feet plus 2 percent of the vessel's length measured between perpendiculars at the extremities of the vessel's load water line, only one of these bulkheads shall be regarded as forming a boundary of a main compartment.

(f) Existing vessels shall comply with the above rules unless it can be shown by the owners that their application is impracticable and unreasonable. (R.S. 4405, 4426, 4490, as amended; 46 U.S.C. 375, 404, 482)

Part 59 is amended by the addition of a new § 59.64a reading as follows:

§ 59.64a *Bulkheads on passenger vessels 100 gross tons and over.* See Part 144, Subchapter M (Construction or Material Alteration of Passenger Vessels of the United States of 100 Gross Tons and Over Propelled by Machinery). (R.S. 4405, 4426, 4490, as amended; 46 U.S.C. 375, 404, 482)

PART 60—BOATS, RAFTS, BULKHEADS, AND LIFE-SAVING APPLIANCES (COASTWISE)

Section 60.4 (b) is amended to read as follows:

§ 60.4 *Lifeboats required on vessels of class* (c).

* * * * *

(b) Towing, fishing, and wrecking vessels, and vessels in special service not carrying passengers or cargo, shall carry sufficient lifeboats to accommodate all persons on board, and the following types of boats may be used in lieu of the standard lifeboats. (R.S. 4405, 4427, 4488, as amended; 46 U.S.C. 375, 405, 481)

Section 60.23 is amended to read as follows:

§ 60.23 *Handling of boats and rafts.* All the boats and rafts shall be stowed in such a way that they can be launched in the shortest possible time and that, even under unfavorable conditions of list and trim from the point of view of the handling of the boats and rafts, it may be possible to embark in them as large a number of persons as possible. The arrangement shall be such that it may be possible to launch on either side of the vessel as large a number of boats and rafts as possible. Where practicable, lifeboat chocks shall be so fitted that the lifeboats they serve shall not require lifting before launching. At least once in each interval of not longer than 3 months, the master of every inspected passenger vessel shall drill and exercise every member of the crew, except females, in pulling oars in the ship's lifeboats. In addition, the crew of the motor-propelled boats shall demonstrate their ability in the working of the engine and handling of the boat under power. (R.S. 4405, 4417, 4488, as amended; 46 U.S.C. 375, 391, 481)

Section 60.29 (c) is amended to read as follows:

§ 60.29 *Life rafts: drawings, specifications, name plates, and how marked.*

* * * * *

(c) Builders of life rafts shall affix a plate or other device to each life raft, having thereon the builder's name, the manufacturer for whom approved, number of raft, date of construction of raft, cubical contents of raft, and number of persons said raft will carry, as determined by the rules of the Board of Supervising Inspectors. (R.S. 4405, 4426, 4488, 4491, as amended, 49 Stat. 1544; 46 U.S.C. 375, 404, 481, 489, 367)

Section 60.57 is amended to read as follows:

§ 60.57 *Bulkheads on passenger vessels less than 100 gross tons.* (a) Every mechanically propelled vessel carrying passengers for hire shall have not less than three watertight transverse bulkheads properly secured to the hull of the vessel. The arrangement of the bulkheads shall be such that the vessel will remain afloat in the event any one main compartment is flooded. (Effective on and after January 1, 1943.)

(b) A forepeak or collision bulkhead shall be fitted and located not less than 5 percent of the length of the vessel, and not more than 10 feet plus 5 percent of the length of the vessel from the bow, at load water line.

(c) One bulkhead shall be fitted at the forward end of the machinery space (which includes boiler space) and one bulkhead shall be fitted at the aft end of the machinery space. Other transverse bulkheads shall be so located as to meet the above requirements of subdivision and stability.

(d) Main transverse bulkheads may be stepped or recessed. Where a main transverse bulkhead is stepped, subdivision and strength are to be provided in way of the step to maintain the same measure of safety as that secured by the vertical bulkhead. No recess shall be fitted nearer the vessel's side than one-fifth of the vessel's beam amidships measured at right angles to the center line at the level of the load water line on which the subdivision is based. Bulkheads shall extend to a deck whose distance above the load water line is sufficient to enable the subdivision and stability requirements to be met with a fair margin of safety.

(e) If the distance between two adjacent main transverse watertight bulkheads is less than 10 feet plus 2 percent of the vessel's length measured between perpendiculars at the extremities of the vessel's load water line, only one of these bulkheads shall be regarded as forming a boundary of a main compartment.

(f) Existing vessels shall comply with the above rules unless it can be shown by the owners that their application is impracticable and unreasonable.

(g) Mechanically propelled vessels of 100 tons burden or under, engaged in the coastwise bays and harbors of the United States, may be licensed by the U. S. Local Inspectors to carry passengers or excursions on the ocean, not exceeding 15 miles from the mouth of such bays or harbors, without being required to have the three watertight transverse bulkheads provided by Section 4490 (46 U.S.C. 482) of the Revised Statutes for other passenger vessels: *Provided*, That in the judgment of the local inspectors such vessels shall be safe and suitable for such navigation without danger to human life, and that they shall have one watertight collision bulkhead not less than five feet abaft the stem of said vessels. (R.S. 4405, 4426, 4490, as amended, sec. 3 of 24 Stat. 129; 46 U.S.C. 375, 404, 482, 483)

A new section 60.57a is added to read as follows:

§ 60.57a *Bulkheads on passenger vessels 100 gross tons and over.* See Part 144, Subchapter M (Construction or Material Alteration of Passenger Vessels of the United States of 100 Gross Tons and Over Propelled by Machinery). (R.S. 4405, 4426, 4490, as amended, sec. 3 of 24 Stat. 129; 46 U.S.C. 375, 404, 482, 483)

PART 61—FIRE APPARATUS; FIRE PREVENTION

Section 61.3 is amended to read as follows:

§ 61.3 *Glass lamps.* The use of glass lamps shall be prohibited on any vessel under the jurisdiction of the Bureau of Marine Inspection and Navigation unless the same are securely fitted into suitable metal brackets. (R.S. 4405, 4426, 4470, 54 Stat. 1028; 46 U.S.C. 375, 404, 463, 463a)

Section 61.4 is amended to read as follows:

§ 61.4 *Steam and inert gas fire-extinguishing systems*—(a) *General requirements.* (1) All mechanically propelled vessels carrying combustible cargo in the holds, 'tween-decks, or other closed cargo compartments shall be equipped with means for extinguishing fire in such compartments by the use of a steam fire-extinguishing system or by the use of any inert gas fire-extinguishing system approved by the Board of Supervising Inspectors.

(2) Cabinets, boxes, or casings inclosing manifolds or valves shall be distinctly marked in painted letters about 3 inches in height, "Steam Fire Apparatus" or "CO_2 Fire Apparatus", as the case may be.

(3) Steam or gas piping fitted for extinguishing fire shall not be used for any other purpose except that it may be used for fire-detecting purposes.

(4) Pipes for conveying steam from the boilers for the purpose of extinguishing fire shall not be led into the cabins, other passengers' or crew's quarters, or working spaces. Pipes for conveying carbon dioxide or other extinguishing vapors for the purpose of extinguishing fire shall not be led into the cabins or other passengers' or crew's quarters.

(5) Steam smothering lines shall be tested with at least 50 pounds air pressure with ends of the smothering lines capped, or by blowing steam through the lines, and a survey made for detecting corrosion and defects, using the hammer test or such other means as may be necessary.

(6) At annual inspections, all carbon dioxide (CO_2) cylinders, whether fixed or portable, shall be examined externally and replaced if excessive corrosion is found; and all cylinders shall also be checked by weighing to determine contents and if found to be more than 10 percent under required contents of carbon dioxide, the same shall be recharged.

(b) *Steam system on mechanically propelled vessels contracted for prior to July 1, 1935.* (1) The main pipes and their branches, on mechanically propelled vessels carrying passengers or freight, to convey steam from the boilers to the hold and separate compartments of the same shall be not less than 1½ inches in diameter. Steam pipes of not less than three-fourths of an inch in diameter shall be led into all lamp lockers, oil rooms, and like compartments, which lamp lockers, oil rooms, and like compartments, in all classes of vessels, shall be wholly and tightly lined with metal.

(2) All branch pipes leading into the several compartments of the hold of the vessel shall be supplied with valves, the handles distinctly marked to indicate the compartment or parts of the vessel to which they lead. These valves or their handles shall be placed in not more than two places on the most suitable and accessible deck of the vessel and so arranged that all can be enclosed in cabinets, boxes, or casings.

(c) *Steam systems on mechanically propelled vessels contracted for on or after July 1, 1935.* (1) Steam for fire-extinguishing systems shall be available from the main boilers or from a donkey or auxiliary boiler having a minimum capacity equivalent to one square foot of heating surface for each 300 cubic feet of the largest compartment in which cargo is carried. This requirement shall be based upon a rate of evaporation of six pounds of steam per hour per square foot of heating surface from and at 212° F. medium steaming. Equivalent values of heating surface will be permitted for boilers having rates of evaporation differing from that herein specified.

(2) The minimum boiler capacity shall be based upon the volume of the largest compartment in cubic feet, which shall be determined by measurements taken between fire-retarding boundaries such as decks having hatch covers with proper battening down arrangements, shells, tank tops, watertight and fire-retarding bulkheads.

(3) A steam pressure of at least 100 pounds per square inch shall be maintained for fire-extinguishing purposes. Where the maximum allowable boiler working pressure will not permit of this, the maximum steam pressure permitted by the operating boiler pressure limitations shall be provided for this purpose.

(4) The pipe lines shall be led from not more than three stations in easily accessible locations on the weather deck to each cargo hold, cargo 'tween-decks, or other closed cargo compartments, and to each cargo-oil deep tank, lamp locker, oil room, and like compartments, which lamp locker, oil room, and like compartments, in all classes of vessels, shall be wholly and tightly lined with metal. The steam connections to the lamp lockers, oil rooms, and like compartments may be taken from the nearest steam supply line, independent of the extinguishing manifolds.

(5) Each pipe in the extinguishing manifolds shall be fitted with a shut-off valve plainly and permanently marked to indicate into which compartment it discharges. This requirement also applies to independent extinguishing lines.

(6) Manifold steam supply pipes shall be fitted with master valves at the manifolds, and provision shall be made for draining the manifold and individual lines to protect them against freezing. If the manifolds are located on an open deck, they shall be enclosed in a metal box.

(7) The minimum diameter of any steam fire-extinguishing pipe to a cargo hold, cargo 'tween-decks, other closed cargo compartments, or cargo-oil deep tank shall be one inch, the size and number of pipes to be governed by the size of the compartments. The minimum diameter of any steam fire-extinguishing pipe to a lamp locker, oil room, or like compartments, shall be three-fourths of an inch.

(8) The required diameter of pipe to cargo compartments may be determined by the formula:

$$D=\sqrt{\frac{C}{30{,}000}}$$

where
D=required diameter of pipe, in inches.
C=volume of compartment, in cubic feet.

or by the following table:

Volume of compartment	Number of branches to compartment	Size of branches
		Inches
30,000	1	1
46,000	1	1¼
67,000	1	1½
94,000	2	1¼
135,000	2	1½
203,000	3	1½

(9) The diameter of the main supply line to the manifolds shall be computed by the following formula:

$$D=\sqrt{\frac{C}{60{,}000}}$$

where
D=diameter of pipe required, in inches.
C=volume of all compartments, in cubic feet.

(d) *Inert gas systems on mechanically propelled vessels.* (1) When a carbon dioxide (CO_2) smothering system is fitted in the cargo hold, cargo 'tween-decks, or other closed cargo compartments, or cargo-oil deep tanks, the quantity of carbon dioxide shall be sufficient to give a gas saturation of 30 percent of the gross volume of the largest cargo hold. The quantity in pounds of carbon dioxide required may be determined approximately by the following formula:

$$W=\frac{L\times B\times D}{30}$$

where
W=the weight of CO_2 required, in pounds.
L=the length of the hold, in feet.
B=the mean breadth of the hold, in feet.
D=the depth from tank top for flat forming lower boundary to top of uppermost space in which freight may be carried, in feet.

(2) When a carbon dioxide (CO_2) smothering system is fitted in the lamp locker, oil room, or like compartments, the quantity in pounds of carbon dioxide required may be determined by dividing the gross volume of the space by a factor of 22. Lamp lockers, oil rooms, and like compartments, in all classes of vessels, shall be wholly and tightly lined with metal. The whole charge of gas shall be capable of being released simultaneously by operating one

valve and control, and all cylinders shall be completely discharged in not more than two minutes.

(3) Pipes used for supplying carbon dioxide to the cargo holds, cargo 'tween-decks, other closed cargo compartments, and cargo-oil deep tanks shall be not less than three-fourths inch inside diameter. Pipes used for supplying carbon dioxide to lamp lockers, oil rooms, and like compartments shall not be less than one-half inch inside diameter.

(4) The control(s) releasing the inert gas shall be located in a position(s) outside the space(s) protected and shall be readily accessible when the vessel is being navigated. All valves shall be permanently marked to indicate into which compartment they discharge.

(5) Provision shall be made to prevent the admission of air into the lower parts of cargo holds, cargo 'tween-decks, and other closed cargo compartments while the inert gas system is in operation.

(6) Cylinders, piping, and controls for the inert gas system shall be protected from damage and shall be securely fastened and supported. (R.S. 4405, 4426, 49 Stat. 1544, 54 Stat. 1028; 46 U.S.C. 375, 404, 367, 463a)

Section 61.5 is amended to read as follows:

§ 61.5 *Steam fire pumps or their equivalent*—(a) *Fire pumps on steam vessels contracted for prior to July 1, 1935.* (1) Steam vessels required to be provided with double-acting steam fire pumps or other equivalents for throwing water shall be equipped with such pumps according to their tonnage, as follows: Steam vessels over 20 gross tons and not exceeding 150 gross tons shall have not less than 50 cubic inches pump-cylinder capacity. Steam vessels of over 150 gross tons and under 3,000 gross tons shall have not less than one-third of 1 cubic inch pump-cylinder capacity for every gross ton. Steam vessels of 3,000 gross tons and over shall have pump-cylinder capacity of not less than 1,000 cubic inches. This rule shall apply only to pumps installed after June 30, 1907, and all pumps now approved and in use or installed before said date shall be accepted if complying with requirements of law and regulations in force at the time of their installation.

(2) On steam vessels required by paragraph (a) (1) above to have steam fire pumps or their equivalents, the fire mains shall be led from the pumps to all decks with sufficient number of outlets arranged so that any part of the steam vessel can be reached with water with the full capacity of the pumps and by means of a single 50-foot length of hose from at least one of said outlets. On all classes of steam vessels every such pump shall be fitted with a gauge and a relief valve of such size as to restrict the pressure of water to 100 pounds per square inch.

(b) *Fire pumps on steam vessels contracted for on or after July 1, 1935.* (1) Passenger vessels of 100 gross tons and under shall be equipped with one hand fire pump with a pump-cylinder capacity not less than 100 cubic inches, or a power-driven pump of equivalent discharge capacity.

(2) Vessels exceeding 100 gross tons shall be equipped with fire pumps and fire piping as follows:

(i) All vessels shall be provided with powerful pumps available for use as fire pumps. Passenger vessels of less than 4,000 gross tons shall have 2, and larger passenger vessels at least 3 independently driven pumps connected to the fire main. Cargo vessels and towing vessels of less than 1,000 gross tons shall have 1, and larger cargo or towing vessels at least 2 such pumps so arranged. Each pump shall be capable of delivering two powerful jets of water simultaneously from the highest outlets on the fire main at a Pitot tube pressure of approximately 50 pounds per square inch through nozzles, each having an orifice of not less than ⅞ inch diameter where the internal diameter of the hose exceeds 1½ inches and not less than ⅝ inch in diameter where the internal diameter of the hose does not exceed 1½ inches.

(ii) On oil-burning passenger vessels, where two or more pumps are required, they shall not all be located in the same compartment. Where the engine and firerooms are not entirely separated by steel bulkheads, or if fuel oil can drain from the fireroom bilges into the engine room, one of the fire pumps shall be located in an accessible space in a separate compartment.

(iii) On oil-burning cargo vessels, where two pumps are required, they may be located in the same compartment provided the compartment is equipped with an approved fixed carbon dioxide extinguishing system.

(3) Outlets from the fire mains shall be of a sufficient number and so arranged that any part of the living quarters, weather decks and any part of the cargo decks accessible to crew or passengers, while the vessel is being navigated, may be reached with a single 50-foot length of hose. Outlets within accommodations and service spaces adjacent thereto shall comply with the above or they may be so arranged that any part may be reached with a single 75-foot length of hose provided a siamese connection is fitted at each outlet. Where the fire main is located on an exposed deck, branches shall be provided so that the hose connections necessary to comply with the foregoing be distributed on both sides of the vessel. The fire hose shall be connected to the outlet at all times, except on open decks where the location of the fire hydrants is such that no protection is afforded for the hose in heavy weather. The fire hose may be temporarily removed from the hydrant when it will interfere with the handling of the cargo.

(4) Outlet openings shall have a diameter of not less than 1½ inches, and shall be fitted with suitable hose connections and spanners.

(5) Fire pumps shall be equipped on the discharge side with a relief valve set to relieve at 25 pounds higher than the pressure necessary to maintain the requirements of paragraph (b) (2) (i), above, and a pressure gauge to indicate the pressure on the fire main.

(6) Fire hose shall not be used for any other purpose than fire extinguishing. (R.S. 4405, 4471, as amended, 49 Stat. 1544, 54 Stat. 1028; 46 U.S.C. 375, 464, 367, 463a)

Section 61.15 (g) (2) is deleted. (R.S. 4405, as amended, 49 Stat. 1544, 54 Stat. 1028; 46 U.S.C. 375, 367, 463a)

Section 61.17 is amended to read as follows:

§ 61.17 *Automatic sprinkling system.* (a) The sprinkling system shall, where practicable, consist of pipe fitted with sprinkler heads at suitable distances that will operate automatically in the event of a fire, and spray water on the surrounding area.

(b) The system shall be supplied primarily by a pressure tank or tanks of suitable capacity and maintained at the required pressure, and secondarily by an automatically controlled pump so arranged that when the pressure in the tank falls to a predetermined point the pump will cut in. Where a motor driven sprinkler pump is installed, it shall be capable of being operated from the emergency electrical circuit in case of failure of the main power. Any water standing in the system or the tank should be fresh; and in the event the supply to the pump is salt water, appropriate check valves shall be installed to prevent the salt water entering the tank. Provision should be made to cut in any additional pumping equipment under manual control.

(c) Sprinkler systems shall be zoned, and means shall be provided for giving an alarm where it can be most quickly observed by officers or crew in case of water flow from sprinklers, low air pressure, closed supply valves or operation of thermosensitive elements.

(d) The automatic sprinklers, alarm valves, and other fire-protection devices to be used in the above system shall be of a type approved by the Board of Supervising Inspectors, and the entire system shall be installed in accordance with drawings and specifications approved by the Director.

(e) All tanks installed on or after January 1, 1939, for use in connection with sprinkler systems shall be constructed, tested, and inspected as unfired pressure vessels in accordance with the provisions of Parts 50 to 57, inclusive, of this chapter. All such tanks which were installed prior to January 1, 1939, shall be tested and inspected as unfired pressure vessels in accordance with the provisions of Parts 50 to 57, inclusive, of this chapter. (R.S. 4405, 4471, as amended, 49 Stat. 1544, 54 Stat. 1028; 46 U.S.C. 375, 464, 367, 463a)

Section 61.21 is amended to read as follows:

§ 61.21 *Fire extinguishers for emergency power plants.* In compartments where emergency lighting and wireless units are located, two approved fire extinguishers of either carbon tetrachloride, carbon dioxide, or foam type shall be permanently located at the most accessible point. In addition, two fire extinguishers of the above types shall be permanently located so as to be readily accessible to the emergency fuel tanks containing gasoline, benzine, or naphtha. (R.S. 4405, 4479, as amended, 54 Stat. 1028; 46 U.S.C. 375, 472, 463a)

Section 61.22 is amended to read as follows:

§ 61.22 *Fire-resisting bulkheads.* On and after July 1, 1931, all passenger vessels shall be fitted above the bulkhead deck with fire-resisting bulkheads which shall be continuous from side to side of the vessel and arranged to the satisfaction of the Bureau of Marine Inspection and Navigation. The mean distance between any two adjacent fire-resisting bulkheads in any superstructure shall, in general, not exceed 131 feet. For additional requirements see Part 144—Construction or Material Alteration of Passenger Vessels of the United States of 100 Gross Tons and Over Propelled by Machinery of Chapter I, Title 46, Code of Federal Regulations. (R.S. 4405, 4470, 49 Stat. 1544, 54 Stat. 1028; 46 U.S.C. 375, 463, 367, 463a)

Section 61.23 (*Fuel oil installation*) is deleted, and § 61.24 (*Construction of Motion picture booths*) is renumbered to be § 61.23, and § 61.25 (*Regulations to guard against and extinguish fire re-established*) is renumbered to be § 61.24. (R.S. 4405, 4418, 4426, as amended, 49 Stat. 1544, 54 Stat. 1028; 46 U.S.C. 375, 392, 404, 367, 463a)

PART 62—LICENSED OFFICERS AND CERTIFICATED MEN

The first undesignated paragraph of § 62.16 is amended to read as follows:

§ 62.16 *Reports of accidents.*[1] The licensed officer in command of any vessel shall report in writing and in person to the board of local inspectors nearest the port of first arrival any accident to said vessel involving loss of life or damage to property to an approximate amount exceeding $500 and shall also report in the same manner any casualty or loss of life from whatever cause of any person on board such vessel and any stranding or grounding, whether or not any damage has been sustained by the vessel: *Provided*, That when from distance it may be inconvenient to report in person it may be done in writing only, and the report sworn to before any person authorized to administer oaths: *Provided further*, That during the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties shall be handled with caution, and the above-mentioned reports shall not be made by radio or by telegram. (R.S. 4405, 4436, as amended; 46 U.S.C. 375, 224) • • •

Section 62.103 (a) is amended to read as follows:

§ 62.103 *Licenses issued.* (a) Licenses to officers on uninspected vessels will be issued as follows:

[1] See also § 1.38 of Subchapter A—Documentation, Entrance, and Clearance of Vessels, etc.

(1) License as master, motor or sail;
(2) License as mate, motor or sail;
(3) License as chief engineer, motor;
(4) License as assistant engineer, motor.

The licenses will be given appropriate route (ocean or coastwise) and tonnage limitations, commensurate with the experience of the applicants. They will be issued on the usual license forms Nos. 867, 869, 871, 873, and 880, and shall be limited on their face to uninspected vessels. (R.S. 4405, 4438a, as amended; 46 U.S.C. 375, 224a)

PART 63—INSPECTION OF VESSELS

Section 63.10 is amended by the addition of a new undesignated paragraph, as the last paragraph thereof, reading as follows:

§ 63.10 *Emergency lighting system.* • • •

On all passenger vessels contracted for on and after July 1, 1935, or where existing emergency installations operated by internal-combustion engines are replaced, the emergency generator shall be driven by a Diesel or semi-Diesel engine, equipped with means for quick starting. Such emergency equipment shall be located in steel or iron compartments or rooms on the deck above the weather deck and isolated from the passenger and crew quarters. Where existing installations of emergency engines and generators are located in wooden compartments or rooms, such compartments or rooms shall be made fire-resistant by lining same with asbestos board having a thickness of not less than one-quarter inch over which iron or steel sheathing shall be fitted. (R.S. 4405, 4417, 4426, as amended, 49 Stat. 1544, 54 Stat. 1028; 46 U.S.C. 375, 391, 404, 367, 463a)

Section 63.11 (c) (4) is amended to read as follows:

§ 63.11 *Specifications covering types of voice tubes and telephones.*

• • • • •

(c) *Telephone systems.* • • •

(4) Telephones installed at external locations exposed to the weather or in locations subject to severe moisture conditions shall be housed in a substantial, watertight metal enclosure. The cover shall be hinged at the bottom or side of the box, and when closed, shall be fastened by a simple substantial mechanism which, when operated, exerts sufficient pressure to make the enclosure watertight. The gasket shall be fastened to, and inserted in, the edge of the box or cover. The magneto generator and switches shall be of watertight construction. The generator and all switches shall be installed inside of the enclosure. (R.S. 4405, 4417, 4426, as amended, 49 Stat. 1544, 54 Stat. 1028; 46 U.S.C. 375, 391, 404, 367, 463a)

Section 63.11 is amended by the addition of a new paragraph (f) reading as follows:

(f) All electrical engine order telegraph systems shall be provided with an alarm, located on the bridge, to indicate visually and audibly the failure of power to the system. (R.S. 4405, 4417, 4418, 4426, as amended, 49 Stat 1544; 46 U.S.C. 375, 391, 392, 404, 367)

SUBCHAPTER H—GREAT LAKES: GENERAL RULES AND REGULATIONS

PART 76—BOATS, RAFTS, BULKHEADS AND LIFE-SAVING APPLIANCES

Section 76.32 (c) is amended to read as follows:

§ 76.32 *Life rafts: drawings, specifications, name plate, and how marked.*

• • • • • •

(c) Builders of life rafts shall affix a plate or other device to each life raft, having thereon the builder's name, the manufacturer for whom approved, number of raft, date of construction of raft, cubical contents of raft, and number of persons said raft will carry, as determined by the rules of the Board of Supervising Inspectors. (R.S. 4405, 4426, 4488, 4491, as amended; 46 U.S.C. 375, 404, 481, 489)

Section 76.49 is amended to read as follows:

§ 76.49 *Handling of the boats and rafts.* All the boats and rafts shall be stowed in such a way that they can be launched in the shortest possible time and that, even under unfavorable conditions of list and trim from the point of view of the handling of the boats and rafts, it may be possible to embark in them as large a number of persons as possible. The arrangements shall be such that it may be possible to launch on either side of the vessel as large a number of boats and rafts as possible. Where practicable, lifeboat chocks shall be so fitted that the lifeboats they serve shall not require lifting before launching. At least once in each interval of not longer than 3 months, the master of every inspected passenger vessel shall drill and exercise every member of the crew, except females, in pulling oars in the ship's lifeboats. In addition, the crew of the motor-propelled boats shall demonstrate their ability in the working of the engine and handling of the boat under power. (R.S. 4405, 4417, 4488, as amended; 46 U.S.C. 375, 391, 481)

PART 77—FIRE APPARATUS; FIRE PREVENTION

Section 77.3 is amended to read as follows:

§ 77.3 *Glass lamps.* The use of glass lamps shall be prohibited on any vessel under the jurisdiction of the Bureau of Marine Inspection and Navigation unless the same are securely fitted into suitable metal brackets. (R.S. 4405, 4426, 4470, 54 Stat. 1028; 46 U.S.C. 375, 404, 463, 463a)

Section 77.4 is amended to read as follows:

§ 77.4 *Steam and inert gas fire-extinguishing systems*—(a) *General requirements.* (1) All mechanically propelled vessels carrying combustible cargo in the holds, 'tween-decks, or other closed cargo compartments shall be equipped with means for extinguishing fire in such compartments by the use of a steam fire-extinguishing system or by the use of any

inert gas fire-extinguishing system approved by the Board of Supervising Inspectors.

(2) Cabinets, boxes, or casings inclosing manifolds or valves shall be distinctly marked in painted letters about 3 inches in height, "Steam Fire Apparatus" or "CO_2 Fire Apparatus", as the case may be.

(3) Steam or gas piping fitted for extinguishing fire shall not be used for any other purpose except that it may be used for fire-detecting purposes.

(4) Pipes for conveying steam from the boilers for the purpose of extinguishing fire shall not be led into the cabins, other passengers' or crew's quarters, or working spaces. Pipes for conveying carbon dioxide or other extinguishing vapors for the purpose of extinguishing fire shall not be led into the cabins or other passengers' or crew's quarters.

(5) Steam smothering lines shall be tested with at least 50 pounds air pressure with ends of the smothering lines capped, or by blowing steam through the lines, and a survey made for detecting corrosion and defects, using the hammer test or such other means as may be necessary.

(6) At annual inspections, all carbon dioxide (CO_2) cylinders, whether fixed or portable, shall be examined externally and replaced if excessive corrosion is found; and all cylinders shall also be checked by weighing to determine contents and if found to be more than 10 percent under required contents of carbon dioxide, the same shall be recharged.

(b) *Steam systems on mechanically propelled vessels contracted for prior to July 1, 1935.* (1) The main pipes and their branches, on mechanically propelled vessels carrying passengers or freight, to convey steam from the boilers to the hold and separate compartments of the same shall be not less than 1½ inches in diameter. Steam pipes of not less than three-fourths of an inch in diameter shall be led to all lamp lockers, oil rooms, and like compartments, which lamp lockers, oil rooms, and like compartments, in all classes of vessels, shall be wholly and tightly lined with metal.

(2) All branch pipes leading into the several compartments of the hold of the vessel shall be supplied with valves, the handles distinctly marked to indicate the compartment or parts of the vessel to which they lead. These valves or their handles shall be placed in not more than two places on the most suitable and accessible deck of the vessel and so arranged that all can be inclosed in cabinets, boxes, or casings.

(c) *Steam systems on mechanically propelled vessels contracted for on or after July 1, 1935.* (1) Steam for fire-extinguishing systems shall be available from the main boilers or from a donkey or auxiliary boiler having a minimum capacity equivalent to one square foot of heating surface for each 300 cubic feet of the largest compartment in which cargo is carried. This requirement shall be based upon a rate of evaporation of six pounds of steam per hour per square foot of heating surface from and at 212° F. medium steaming. Equivalent values of heating surface will be permitted for boilers having rates of evaporation differing from that herein specified.

(2) The minimum boiler capacity shall be based upon the volume of the largest compartment in cubic feet, which shall be determined by measurements taken between fire-retarding boundaries such as decks having hatch covers with proper battening down arrangements, shells, tank tops, water-tight and fire-retarding bulkheads.

(3) A steam pressure of at least 100 pounds per square inch shall be maintained for fire-extinguishing purposes. Where the maximum allowable boiler working pressure will not permit of this, the maximum steam pressure permitted by the operating boiler pressure limitations shall be provided for this purpose.

(4) The pipe lines shall be led from not more than three stations in easily accessible locations on the weather deck to each cargo hold, cargo 'tween-decks, or other closed cargo compartments, and to each cargo-oil deep tank, lamp locker, oil room, and like compartments, which lamp locker, oil room, and like compartments, in all classes of vessels, shall be wholly and tightly lined with metal. The steam connections to the lamp lockers, oil rooms, and like compartments may be taken from the nearest steam supply line, independent of the extinguishing manifolds.

(5) Each pipe in the extinguishing manifolds shall be fitted with a shut-off valve plainly and permanently marked to indicate into which compartment it discharges. This requirement also applies to independent extinguishing lines.

(6) Manifold steam supply pipes shall be fitted with master valves at the manifolds, and provision shall be made for draining the manifold and individual lines to protect them against freezing. If the manifolds are located on an open deck, they shall be inclosed in a metal box.

(7) The minimum diameter of any steam fire-extinguishing pipe to a cargo hold, cargo 'tween-decks, other closed cargo compartments, or cargo-oil deep tank shall be one inch, the size and number of pipes to be governed by the size of the compartment. The minimum diameter of any steam fire-extinguishing pipe to a lamp locker, oil room, or like compartments, shall be three-fourths of an inch.

(8) The required diameter of pipe to cargo compartments may be determined by the formula:

$$D=\sqrt{\frac{C}{30{,}000}}$$

Where
D=required diameter of pipe, in inches.
C=volume of compartment, in cubic feet.

or by the following table:

Volume of compartment	Number of branches to compartment	Size of branches
		Inches
30,000	1	1
46,000	1	1¼
67,000	1	1½
94,000	2	1¼
135,000	2	1½
208,000	3	1½

(9) The diameter of the main supply line to the manifolds shall be computed by the following formula:

$$D=\sqrt{\frac{C}{60{,}000}}$$

where
D=diameter of pipe required, in inches.
C=volume of all compartments, in cubic feet.

(d) *Inert gas systems on mechanically propelled vessels.* (1) When a carbon dioxide (CO_2) smothering system is fitted in the cargo hold, cargo 'tween-decks, or other closed cargo compartments, or cargo-oil deep tanks, the quantity of carbon dioxide shall be sufficient to give a gas saturation of 30 percent of the gross volume of the largest cargo hold. The quantity in pounds of carbon dioxide required may be determined approximately by the following formula:

$$W=\frac{L\times B\times D}{30}$$

where
W=the weight of CO_2 required, in pounds.
L=the length of the hold, in feet.
B=the mean breadth of the hold, in feet.
D=the depth from tank top or flat forming lower boundary to top of uppermost space in which freight may be carried, in feet.

(2) When a carbon dioxide (CO_2) smothering system is fitted in the lamp locker, oil rooms, or like compartments, the quantity in pounds of carbon dioxide required may be determined by dividing the gross volume of the space by a factor of 22. Lamp lockers, oil rooms, and like compartments, in all classes vessels, shall be wholly and tightly lined with metal. The whole charge of gas shall be capable of being released simultaneously by operating one valve and control, and all cylinders shall be completely discharged in not more than two minutes.

(3) Pipes used for supplying carbon dioxide to the cargo holds, cargo 'tween-decks, other closed cargo compartments, and cargo-oil deep tanks shall be not less than three-fourths inch inside diameter. Pipes used for supplying carbon dioxide to lamp lockers, oil rooms, and like compartments shall not be less than one-half inch inside diameter.

(4) The control(s) releasing the inert gas shall be located in a position(s) outside the space(s) protected and shall be readily accessible when the vessel is being navigated. All valves shall be permanently marked to indicate into which compartment they discharge.

(5) Provision shall be made to prevent the admission of air into the lower parts of cargo holds, cargo 'tween-decks, and other closed cargo compartments while the inert gas system is in operation.

(6) Cylinders, piping, and controls for the inert gas system shall be protected from damage and shall be securely fastened and supported. (R.S. 4405, 4426, 54 Stat. 1028; 46 U.S.C. 375, 404, 463a)

Section 77.5 is amended to read as follows:

§ 77.5 *Steam fire pumps or their equivalent*—(a) *Fire pumps on steam vessels contracted for prior to July 1, 1935.* (1) Steam vessels required to be provided with double-acting steam fire pumps or other equivalents for throwing water shall be equipped with such pumps according to their tonnage, as follows: Steam vessels over 20 gross tons and not exceeding 150 gross tons shall have not less than 50 cubic inches pump-cylinder capacity. Steam vessels of over 150 gross tons and under 3,000 gross tons shall have not less than one-third of 1 cubic inch pump-cylinder capacity for every gross ton. Steam vessels of 3,000 gross tons and over shall have pump-cylinder capacity of not less than 1,000 cubic inches. This rule shall apply only to pumps installed after June 30, 1907, and all pumps now approved and in use or installed before said date shall be accepted if complying with requirements of law and regulations in force at the time of their installation.

(2) On steam vessels required by paragraph (1) above to have steam fire pumps or their equivalents, the fire mains shall be led from the pumps to all decks, with sufficient number of outlets arranged so that any part of the steam vessel can be reached with water with the full capacity of the pumps and by means of a single 50-foot length of hose from at least one of said outlets. On all classes of steam vessels every such pump shall be fitted with a gauge and a relief valve of such size as to restrict the pressure of water to 100 pounds per square inch.

(b) *Fire pumps on steam vessels contracted for on or after July 1, 1935.* (1) Passenger vessels of 100 gross tons and under shall be equipped with one hand fire pump with a pump-cylinder capacity not less than 100 cubic inches, or a power-driven pump of equivalent discharge capacity.

(2) Vessels exceeding 100 gross tons shall be equipped with fire pumps and fire piping as follows:

(i) All vessels shall be provided with powerful pumps available for use as fire pumps. Passenger vessels of less than 4,000 gross tons shall have 2, and larger passenger vessels at least 3 independently driven pumps connected to the fire main. Cargo vessels and towing vessels of less than 1,000 gross tons shall have 1, and larger cargo or towing vessels at least 2 such pumps so arranged. Each pump shall be capable of delivering two powerful jets of water simultaneously from the highest outlets on the fire main at a Pitot tube pressure of approximately 50 pounds per square inch through nozzles, each having an orifice of not less than ⅞ inch diameter where the internal diameter of the hose exceeds 1½ inches and not less than ⅝ inch in diameter where the internal diameter of the hose does not exceed 1½ inches.

(ii) On oil-burning passenger vessels, where two or more pumps are required, they shall not all be located in the same compartment. Where the engine and firerooms are not entirely separated by steel bulkheads, or if fuel oil can drain from the fireroom bilges into the engine room, one of the fire pumps shall be located in an accessible space in a separate compartment.

(iii) On oil-burning cargo vessels, where the two pumps are required, they may be located in the same compartment provided the compartment is equipped with an approved fixed carbon dioxide extinguishing system.

(3) Outlets from the fire mains shall be of a sufficient number and so arranged that any part of the living quarters, weather decks and any parts of cargo decks accessible to crew or passengers, while the vessel is being navigated, may be reached with a single 50-foot length of hose. Outlets within accommodations and service spaces adjacent thereto shall comply with the above or they may be so arranged that any part may be reached with a single 75-foot length of hose provided a siamese connection is fitted at each outlet. Where the fire main is located on an exposed deck, branches shall be provided so that the hose connections necessary to comply with the foregoing be distributed on both sides of the vessel. The fire hose shall be connected to the outlet at all times, except on open decks where the location of the fire hydrants is such that no protection is afforded for the hose in heavy weather. The fire hose may be temporarily removed from the hydrant when it will interfere with the handling of the cargo.

(4) Outlet openings shall have a diameter of not less than 1½ inches, and shall be fitted with suitable hose connections and spanners.

(5) Fire pumps shall be equipped on the discharge side with a relief valve set to relieve at 25 pounds higher than the pressure necessary to maintain the requirements of paragraph (b) (2) (i) above, and a pressure gauge to indicate the pressure on the fire main.

(6) Fire hose shall not be used for any other purpose than fire extinguishing.

Section 77.17 is amended to read as follows:

§ 77.17 *Automatic sprinkler system.* (a) The sprinkler system shall, where practicable, consist of pipes fitted with sprinkler heads at suitable distances that will operate automatically in the event of a fire, and spray water on the surrounding area.

(b) The system shall be supplied primarily by a pressure tank or tanks of suitable capacity and maintained at the required pressure, and secondarily by an automatically controlled pump so arranged that when the pressure in the tank falls to a predetermined point the pump will cut in. Where a motor driven sprinkler pump is installed, it shall be capable of being operated from the emergency electrical circuit in case of failure of the main power. Any water standing in the system or the tank should be fresh; and in the event the supply to the pump is salt water, appropriate check valves shall be installed to prevent the salt water entering the tank. Provision should be made to cut in any additional pumping equipment under manual control.

(c) Sprinkler systems shall be zoned, and means shall be provided for giving an alarm where it can be most quickly observed by officers or crew in case of water flow from sprinklers, low air pressure, closed supply valves or operation of thermosensitive elements.

(d) The automatic sprinklers, alarm valves, and other fire-protection devices to be used in the above system shall be of a type approved by the Board of Supervising Inspectors, and the entire system shall be installed in accordance with drawings and specifications approved by the Director.

(e) All tanks installed on or after January 1, 1939, for use in connection with sprinkler systems shall be constructed, tested and inspected as unfired pressure vessels in accordance with the provisions of Parts 50 to 57, inclusive, of this chapter. All such tanks which were installed prior to January 1, 1939, shall be tested and inspected as unfired pressure vessels in accordance with the provisions of Parts 50 to 57, inclusive, of this chapter. (R.S. 4405, 4471, as amended, 54 Stat. 1028; 46 U.S.C. 375, 464, 463a)

Section 77.21 is amended to read as follows:

§ 77.21 *Fire extinguishing equipment for emergency power plants.* In compartments where emergency lighting and wireless units are located, two approved fire extinguishers of either carbon tetrachloride, carbon dioxide, or foam type shall be permanently located at the most accessible points. In addition, two fire extinguishers of the above types shall be permanently located so as to be readily accessible to the emergency fuel tanks containing gasoline, benzine, or naphtha. (R.S. 4405, 4479, 54 Stat. 1028; 46 U.S.C. 375, 472, 463a)

Section 77.22 (*Fuel-oil tanks*) is deleted, and § 77.23 (*Construction of motion picture booths*) is renumbered to be § 77.22, and § 77.24 (*Regulations to guard against and extinguish fire re-established*), is renumbered to be § 77.23. (R.S. 4405, 4418, 4426, as amended, 54 Stat. 1028; 46 U.S.C. 375, 392, 404, 463a)

PART 78—LICENSED OFFICERS AND CERTIFICATED MEN

The first undesignated paragraph of § 78.16 is amended to read as follows:

§ 78.16 *Reports of accidents to vessels.*[8] The licensed officer in command of any vessel shall report in writing and in person to the board of local inspectors nearest the port of first arrival any accident to said vessel involving loss of life or damage to property to an approximate amount exceeding $500, and shall also report in the same manner any casualty

[8] See also § 1.38 of Subchapter A—Documentation, Entrance, and Clearance of Vessels, etc.

or loss of life from whatever cause of any person on board such vessel and any stranding or grounding, whether or not any damage has been sustained by the vessel: *Provided*, That when from distance it may be inconvenient to report in person it may be done in writing only, and the report sworn to before any person authorized to administer oaths: *Provided further*, That during the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties shall be handled with caution, and the above-mentioned reports shall not be made by radio or by telegram. (R.S. 4405, 4438, as amended; 46 U.S.C. 375, 224)

PART 79—INSPECTION OF VESSELS

Section 79.11 is amended to read as follows:

§ 79.11 *Emergency lighting system* (a) All vessels engaged in the passenger service, which are electrically lighted by dynamos or other electric units, located below the deep-load line of the vessel, shall have on board an emergency electric lighting system located above the deep-load line to light the vessel sufficiently to enable the passengers and crew to find their way to the exits in the event of failure of the main lighting system. The emergency lighting system shall at all times be ready for immediate use, and shall be installed and arranged so that all emergency lights may be switched on from the pilot house, navigation bridge, or a central station.

(b) On all passenger vessels contracted for on and after July 1, 1935, or where existing emergency installations operated by internal combustion engines are replaced, the emergency generator shall be driven by a Diesel or semi-Diesel engine, equipped with means for quick starting. Such emergency equipment shall be located in steel or iron compartments or rooms on the deck above the weather deck and isolated from the passenger and crew quarters. Where existing installations of emergency engines and generators are located in wooden compartments or rooms, such compartments or rooms shall be made fire-resistant by lining same with asbestos board having a thickness of not less than one-quarter inch over which iron or steel sheathing shall be fitted. (R.S. 4405, 4417, 4426, 4484, 4488, 54 Stat. 1028; 46 U.S.C. 375, 391, 404, 477, 481, 463a)

Section 79.12 (c) (4) is amended to read as follows:

§ 79.12 *Specifications covering types of voice tubes and telephones.*

* * * * *

(c) *Telephone systems.* * * *

(4) Telephones installed at external locations exposed to the weather or in locations subject to severe moisture conditions shall be housed in a substantial, watertight metal enclosure. The cover shall be hinged at the bottom or side of the box and, when closed, shall be fastened by a simple substantial mechanism which, when operated, exerts sufficient pressure to make the enclosure watertight. The gasket shall be fastened to, and inserted in, the edge of the box or cover. The magneto generator and switches shall be of watertight construction. The generator and all switches shall be installed inside the enclosure. (R.S. 4405, 4417, 4426, 54 Stat. 1028; 46 U.S.C. 375, 391, 404, 463a)

Section 79.12 is amended by the addition of a new paragraph (f) reading as follows:

(f) All electrical engine order telegraph systems shall be provided with an alarm, located on the bridge, to indicate visually and audibly the failure of power to the system. (R.S. 4405, 4417, 4418, 4426, 54 Stat. 1028; 46 U.S.C. 375, 391, 392, 404, 463a)

SUBCHAPTER I—BAYS, SOUNDS, AND LAKES OTHER THAN THE GREAT LAKES; GENERAL RULES AND REGULATIONS

PART 94—BOATS, RAFTS, BULKHEADS, AND LIFE-SAVING APPLIANCES

Section 94.26 is amended to read as follows:

§ 94.26 *Handling of the boats and rafts.* All the boats and rafts shall be stowed in such a way that they can be launched in the shortest possible time and that, even under unfavorable conditions of list and trim from the point of view of the handling of the boats and rafts, it may be possible to embark in them as large a number of persons as possible. The arrangement shall be such that it may be possible to launch on either side of the vessel as large a number of boats and rafts as possible. Where practicable, lifeboat chocks shall be so fitted that the lifeboats they serve shall not require lifting before launching. At least once in each interval of not longer than 3 months, the master of every inspected passenger vessel shall drill and exercise every member of the crew, except females, in pulling oars in the ship's lifeboats. In addition, the crew of the motor-propelled boats shall demonstrate their ability in the working of the engine and handling of the boat under power. (R.S. 4405, 4417, 4488 as amended; 46 U.S.C. 375, 391, 481)

Section 94.32 (c) is amended to read as follows:

§ 94.32 *Life rafts: drawings, specifications, name plate; marking method.*

* * * * *

(c) Builders of life rafts shall affix a plate or other device to each life raft, having thereon the builder's name, the manufacturer for whom approved, number of raft, date of construction of raft, cubical contents of raft, and number of persons said raft will carry, as determined by the rules of the Board of Supervising Inspectors. (R.S. 4405, 4426, 4488, 4491, as amended; 46 U.S.C. 375, 404, 481, 489)

PART 95—FIRE APPARATUS; FIRE PREVENTION

Section 95.3 is amended to read as follows:

§ 95.3 *Glass lamps.* The use of glass lamps shall be prohibited on any vessel under the jurisdiction of the Bureau of Marine Inspection and Navigation unless the same are securely fitted into suitable metal brackets. (R.S. 4405, 4426, 4470, 54 Stat. 1028; 46 U.S.C. 375, 404, 463, 463a)

Section 95.4 is amended to read as follows:

§ 95.4 *Steam and inert gas fire-extinguishing systems*—(a) *General requirements.* (1) All mechanically propelled vessels carrying combustible cargo in the holds, 'tween-decks, or other closed cargo compartments shall be equipped with means for extinguishing fire in such compartments by the use of a steam fire-extinguishing system or by the use of any inert gas fire-extinguishing system approved by the Board of Supervising Inspectors.

(2) Cabinets, boxes, or casings inclosing manifolds or valves shall be distinctly marked in painted letters about 3 inches in height, "Steam Fire Apparatus" or "CO_2 Fire Apparatus", as the case may be.

(3) Steam or gas piping fitted for extinguishing fire shall not be used for any other purpose except that it may be used for fire-detecting purposes.

(4) Pipes for conveying steam from the boilers for the purpose of extinguishing fire shall not be led into the cabins, other passengers' or crew's quarters, or working spaces. Pipes for conveying carbon dioxide or other extinguishing vapors for the purpose of extinguishing fire shall not be led into the cabins or other passengers' or crew's quarters.

(5) Steam smothering lines shall be tested with at least 50 pounds air pressure with ends of the smothering lines capped, or by blowing steam through the lines, and a survey made for detecting corrosion and defects, using the hammer test or such other means as may be necessary.

(6) At annual inspections, all carbon dioxide (CO_2) cylinders, whether fixed or portable, shall be examined externally and replaced if excessive corrosion is found; and all cylinders shall also be checked by weighing to determine contents and if found to be more than 10 percent under required contents of carbon dioxide, the same shall be recharged.

(b) *Steam systems on mechanically propelled vessels contracted for prior to July 1, 1935.* (1) The main pipes and their branches, on mechanically propelled vessels carrying passengers or freight, to convey steam from the boilers to the hold and separate compartments of the same shall be not less than 1½ inches in diameter. Steam pipes of not less than three-fourths of an inch in diameter shall be led into all lamp lockers, oil rooms, and like compartments, which lamp lockers, oil rooms, and like compartments, in all classes of vessels, shall be wholly and tightly lined with metal.

(2) All branch pipes leading into the several compartments of the hold of the vessel shall be supplied with valves, the handles distinctly marked to indicate the compartment or parts of the vessel to which they lead. These valves or their handles shall be placed in not more than two places on the most suitable and accessible deck of the vessel and so arranged that all can be enclosed in cabinets, boxes, or casings.

(c) *Steam systems on mechanically propelled vessels contracted for on or after July 1, 1935.* (1) Steam for fire-extinguishing systems shall be available from the main boilers or from a donkey or auxiliary boiler having a minimum capacity equivalent to one square foot of heating surface for each 300 cubic feet of the largest compartment in which cargo is carried. This requirement shall be based upon a rate of evaporation of six pounds of steam per hour per square foot of heating surface from and at 212° F. medium steaming. Equivalent values of heating surface will be permitted for boilers having rates of evaporation differing from that herein specified.

(2) The minimum boiler capacity shall be based upon the volume of the largest compartment in cubic feet, which shall be determined by measurements taken between fire-retarding boundaries such as decks having hatch covers with proper battening down arrangements, shells, tank tops, watertight and fire-retarding bulkheads.

(3) A steam pressure of at least 100 pounds per square inch shall be maintained for fire-extinguishing purposes. Where the maximum allowable boiler working pressure will not permit of this, the maximum steam pressure permitted by the operating boiler pressure limitations shall be provided for this purpose.

(4) The pipe lines shall be led from not more than three stations in easily accessible locations on the weather deck to each cargo hold, cargo 'tween-decks, or other closed cargo compartments, and to each cargo-oil deep tank, lamp locker, oil room, and like compartments, which lamp locker, oil room, and like compartments, in all classes of vessels, shall be wholly and tightly lined with metal. The steam connections to the lamp lockers, oil rooms, and like compartments may be taken from the nearest steam supply line, independent of the extinguishing manifolds.

(5) Each pipe in the extinguishing manifolds shall be fitted with a shut-off valve plainly and permanently marked to indicate into which compartment it discharges. This requirement also applies to independent extinguishing lines.

(6) Manifold steam supply pipes shall be fitted with master valves at the manifolds, and provision shall be made for draining the manifold and individual lines to protect them against freezing. If the manifolds are located on an open deck, they shall be enclosed in a metal box.

(7) The minimum diameter of any steam fire-extinguishing pipe to a cargo hold, cargo 'tween-decks, other closed cargo compartments, or cargo-oil deep tank shall be one inch, the size and number of pipes to be governed by the size of the compartments. The minimum diameter of any steam fire-extinguishing pipe to a lamp locker, oil room, or like compartments, shall be three-fourths of an inch.

(8) The required diameter of the pipe to cargo compartments may be determined by the formula:

$$D=\sqrt{\frac{C}{30{,}000}}$$

where
D = required diameter of pipe, in inches.
C = volume of compartment, in cubic feet.

or by the following table:

Volume of compartment	Number of branches to compartment	Size of branches
		Inches
20,000	1	1
44,000	1	1¼
67,000	1	1½
94,000	2	1¼
135,000	2	1½
203,000	3	1½

(9) The diameter of the main supply line to the manifolds shall be computed by the following formula:

$$D=\sqrt{\frac{C}{60{,}000}}$$

where
D = diameter of pipe required, in inches.
C = volume of all compartments, in cubic feet.

(d) *Inert gas systems on mechanically propelled vessels.* (1) When a carbon dioxide (CO_2) smothering system is fitted in the cargo hold, cargo 'tween-decks, or other closed cargo compartments, or cargo-oil deep tanks, the quantity of carbon dioxide shall be sufficient to give a gas saturation of 30 percent of the gross volume of the largest cargo hold. The quantity in pounds of carbon dioxide required may be determined approximately by the following formula:

$$W=\frac{L\times B\times D}{30}$$

where
W = the weight of CO_2 required, in pounds.
L = the length of the hold, in feet.
B = the mean breadth of the hold, in feet.
D = the depth from tank top for flat forming lower boundary to top of uppermost space in which freight may be carried, in feet.

(2) When a carbon dioxide (CO_2) smothering system is fitted in the lamp locker, oil room, or like compartments, the quantity in pounds of carbon dioxide required may be determined by dividing the gross volume of the space by a factor of 22. Lamp lockers, oil rooms, and like compartments, in all classes of vessels, shall be wholly and tightly lined with metal. The whole charge of gas shall be capable of being released simultaneously by operating one valve and control, and all cylinders shall be completely discharged in not more than two minutes.

(3) Pipes used for supplying carbon dioxide to the cargo holds, cargo 'tween-decks, other closed cargo compartments, and cargo-oil deep tanks shall be not less than three-fourths inch inside diameter. Pipes used for supplying carbon dioxide to lamp lockers, oil rooms, and like compartments shall not be less than one-half inch inside diameter.

(4) The control(s) releasing the inert gas shall be located in a position(s) outside the space(s) protected and shall be readily accessible when the vessel is being navigated. All valves shall be permanently marked to indicate into which compartment they discharge.

(5) Provision shall be made to prevent the admission of air into the lower parts of cargo holds, cargo 'tween-decks, and other closed cargo compartments while the inert gas system is in operation.

(6) Cylinders, piping, and controls for the inert gas system shall be protected from damage and shall be securely fastened and supported. (R.S. 4405, 4426, 54 Stat. 1028; 46 U.S.C. 375, 404, 463a)

Section 95.5 is amended to read as follows:

§ 95.5 *Steam fire pumps or their equivalent*—(a) *Fire pumps on steam vessels contracted for prior to July 1, 1935.* (1) Steam vessels required to be provided with double-acting steam fire pumps or other equivalents for throwing water shall be equipped with such pumps according to their tonnage, as follows: Steam vessels over 20 gross tons and not exceeding 150 gross tons shall have not less than 50 cubic inches pump-cylinder capacity. Steam vessels of over 150 gross tons and under 3,000 gross tons shall have not less than one-third of 1 cubic inch pump-cylinder capacity for every gross ton. Steam vessels of 3,000 gross tons and over shall have pump-cylinder capacity of not less than 1,000 cubic inches. This rule shall apply only to pumps installed after June 30, 1907, and all pumps now approved and in use or installed before said date shall be accepted if complying with requirements of law and regulations in force at the time of their installation.

(2) On steam vessels required by paragraph (a) (1) above to have steam fire pumps or their equivalents, the fire mains shall be led from the pumps to all decks, with sufficient number of outlets arranged so that any part of the steam vessel can be reached with water with the full capacity of the pumps and by means of a single 50-foot length of hose from at least one of said outlets. On all classes of steam vessels every such pump shall be fitted with a gauge and a relief valve of such size as to restrict the pressure of water to 130 pounds per square inch.

(b) *Fire pumps on steam vessels contracted for on or after July 1, 1935.* (1) Passenger vessels of 100 gross tons and under shall be equipped with one hand fire pump with a pump-cylinder capacity not less than 100 cubic inches, or a power-driven pump of equivalent discharge capacity.

(2) Vessels exceeding 100 gross tons shall be equipped with fire pumps and fire piping as follows:

(i) All vessels shall be provided with powerful pumps available for use as fire pumps. Passenger vessels of less than 4,000 gross tons shall have 2, and larger passenger vessels at least 3 independently driven pumps connected to the fire main. Cargo vessels and towing vessels of less than 1,000 gross tons shall have 1, and larger cargo or towing vessels at least 2 such pumps so arranged. Each pump shall be capable of delivering two power-

ful jets of water simultaneously from the highest outlets on the fire main at a Pitot tube pressure of approximately 50 pounds per square inch through nozzles, each having an orifice of not less than ⅞ inch diameter where the internal diameter of the hose exceeds 1½ inches and not less than ⅝ inch in diameter where the internal diameter of the hose does not exceed 1½ inches.

(ii) On oil-burning passenger vessels, where two or more pumps are required, they shall not all be located in the same compartment. Where the engine and firerooms are not entirely separated by steel bulkheads, or if fuel oil can drain from the fireroom bilges into the engine room, one of the fire pumps shall be located in an accessible space in a separate compartment.

(iii) On oil-burning cargo vessels, where two pumps are required, they may be located in the same compartment provided the compartment is equipped with an approved fixed carbon dioxide extinguishing system.

(3) Outlets from the fire mains shall be of a sufficient number and so arranged that any part of the living quarters, weather decks and any part of the cargo decks accessible to crew or passengers, while the vessel is being navigated, may be reached with a single 50 foot length of hose. Outlets within accommodations and service spaces adjacent thereto shall comply with the above or they may be so arranged that any part may be reached with a single 75-foot length of hose provided a standard connection is fitted at each outlet. Where the fire main is located on an exposed deck, branches shall be provided so that the hose connections necessary to comply with the foregoing be distributed on both sides of the vessel. The fire hose shall be connected to the outlet at all times, except on open decks where the location of the fire hydrants is such that no protection is afforded for the hose in heavy weather. The fire hose may be temporarily removed from the hydrant when it will interfere with the handling of the cargo.

(4) Outlet openings shall have a diameter of not less than 1½ inches, and shall be fitted with suitable hose connections and spanners.

(5) Fire pumps shall be equipped on the discharge side with a relief valve set to relieve at 25 pounds higher than the pressure necessary to maintain the requirements of paragraph (b) (2) (i), above, and a pressure gauge to indicate the pressure on the fire main.

(6) Fire hose shall not be used for any other purpose than fire extinguishing. (R.S. 4405, 4471, as amended, 54 Stat. 1028; 46 U.S.C. 375, 464, 463a)

Section 95.16 is amended to read as follows:

§ 95.16 *Automatic sprinkling system.* (a) The sprinkling system shall, where practicable, consist of pipes fitted with sprinkler heads at suitable distances that will operate automatically in the event of a fire, and spray water on the surrounding area.

(b) The system shall be supplied primarily by a pressure tank or tanks of suitable capacity and maintained at the required pressure, and secondarily by an automatically controlled pump so arranged that when the pressure in the tank falls to a predetermined point the pump will cut in. Where a motor driven sprinkler pump is installed, it shall be capable of being operated from the emergency electrical circuit in case of failure of the main power. Any water standing in the system or the tank should be fresh; and in the event the supply to the pump is salt water, appropriate check valves shall be installed to prevent the salt water entering the tank. Provision should be made to cut in any additional pumping equipment under manual control.

(c) Sprinkler systems shall be zoned, and means shall be provided for giving an alarm where it can be most quickly observed by officers or crew in case of water flow from sprinklers, low air pressure, closed supply valves or operation of thermosensitive elements.

(d) The automatic sprinklers, alarm valves, and other fire-protection devices to be used in the above system shall be of a type approved by the Board of Supervising Inspectors, and the entire system shall be installed in accordance with drawings and specifications approved by the Director.

(e) All tanks installed on or after January 1, 1939, for use in connection with sprinkler systems shall be constructed, tested, and inspected as unfired pressure vessels in accordance with the provisions of Parts 50 to 57, inclusive, of this chapter. All such tanks which were installed prior to January 1, 1939, shall be tested and inspected as unfired pressure vessels in accordance with the provisions of Parts 50 to 57, inclusive, of this chapter. (R.S. 4405, 4471, as amended, 54 Stat. 1028; 46 U.S.C. 375, 464, 463a)

Section 95.21 is amended to read as follows:

§ 95.21 *Fire extinguishers for emergency power plants.* In compartments where emergency lighting and wireless units are located, two approved fire extinguishers of either carbon tetrachloride, carbon dioxide, or foam type shall be permanently located at the most accessible point. In addition, two fire extinguishers of the above types shall be permanently located so as to be readily accessible to the emergency fuel tanks containing gasoline, benzine, or naptha. (R.S. 4405, 4479, as amended, 54 Stat. 1028; 46 U.S.C. 375, 472, 463a)

Section 95.22 (*Fuel oil tanks*) is deleted, and § 95.23 (*Construction of motion picture booths*) is renumbered to be § 95.22, and § 95.24 (*Regulations to guard against and extinguish fire reestablished*) is renumbered to be § 95.23. (R.S. 4405, 4418, 4426, as amended, 54 Stat. 1028; 46 U.S.C. 375, 392, 404, 463a)

PART 96—LICENSED OFFICERS AND CERTIFICATED MEN

The first undesignated paragraph of § 96.16 is amended to read as follows:

§ 96.16 *Reports of accidents.*[1] The licensed officer in command of any vessel shall report in writing and in person to the board of local inspectors nearest the port of first arrival any accident to said vessel involving loss of life or damage to property to an approximate amount exceeding $500, and shall also report in the same manner any casualty or loss of life from whatever cause of any person on board such vessel and any stranding or grounding, whether or not any damage has been sustained by the vessel: *Provided*, That when from distance it may be inconvenient to report in person it may be done in writing only, and the report sworn to before any person authorized to administer oaths: *Provided further*, That during the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties shall be handled with caution, and the above-mentioned reports shall not be made by radio or by telegram. • • • (R.S. 4405, 4438, as amended; 46 U.S.C. 375, 224)

PART 97—INSPECTION OF VESSELS

Section 97.14 (c) (4) is amended to read as follows:

§ 97.14 *Specifications covering types of voice tubes and telephones.*

• • • • • •

(c) *Telephone systems.* • • •

(4) Telephones installed at external locations exposed to the weather or in locations subject to severe moisture conditions shall be housed in a substantial, watertight metal enclosure. The cover shall be hinged at the bottom or side of the box, and when closed, shall be fastened by a simple substantial mechanism which, when operated, exerts sufficient pressure to make the enclosure watertight. The gasket shall be fastened to, and inserted in, the edge of the box or cover. The magneto generator and switches shall be of watertight construction. The generator and all switches shall be installed inside of the enclosure. (R.S. 4405, 4417, 4426, as amended, 54 Stat. 1028; 46 U.S.C. 375, 391, 404, 463a)

Section 97.14 is amended by the addition of a new paragraph (f) reading as follows:

(f) All electrical engine order telegraph systems shall be provided with an alarm, located on the bridge, to indicate visually and audibly the failure of power to the system. (R.S. 4405, 4417, 4418, 4426, as amended; 46 U.S.C. 375, 391, 392, 404)

Section 97.16 is amended to read as follows:

§ 97.16 *Emergency lighting system.* (a) All vessels engaged in the passenger service, which are electrically lighted by dynamos or other electric units, located below the deep-load line of the vessel, shall have on board an emergency electric lighting system located above the deep-load line to light the vessel sufficiently to enable the passengers and crew to find their way to the exits in the event of failure of the main lighting system. The emergency lighting system shall at all times be ready for immediate use, and shall be installed and arranged so that all emergency lights may be switched on from the pilot house, navigation bridge, or a central station.

(b) On all passenger vessels contracted for on and after July 1, 1935, or where existing emergency installations operated by internal combustion engines are replaced, the emergency generator shall be driven by a Diesel or semi-Diesel engine, equipped with means for quick starting. Such emergency equipment shall be located in steel or iron compartments or rooms on the deck above the weather deck and isolated from the passenger and crew quarters. Where existing installations of emergency engines and generators are located in wooden compartments or rooms, such compartments or rooms shall be made fire-resistant by lining same with asbestos board having a thickness of not less than one-quarter inch over which iron or steel sheathing shall be fitted. (R.S. 4405, 4417, 4426, 4484, 4488, 54 Stat. 1028; 46 U.S.C. 375, 391, 404, 477, 481, 463a)

SUBCHAPTER J—RIVERS: GENERAL RULES AND REGULATIONS

PART 113—BOATS, RAFTS, BULKHEADS, AND LIFE-SAVING APPLIANCES

Section 113.28 is amended by changing the third undesignated paragraph thereof to read as follows:

§ 113.28 *Handling of the boats and rafts.* • • •

Where practicable, lifeboat chocks shall be so fitted that the lifeboats they serve shall not require lifting before launching. (R.S. 4405, 4417, 4481, 4488, as amended; 46 U.S.C. 375, 391, 474, 481)

Section 113.29 (c) is amended to read as follows:

§ 113.29 *Life rafts: drawings, specifications, name plate; marking method.*

• • • • • •

(c) Builders of life rafts shall affix a plate or other device to each life raft, having thereon the builder's name, the manufacturer for whom approved, number of raft, date of construction of raft, cubical contents of raft, and number of persons said raft will carry, as determined by the rules of the Board of Supervising Inspectors. (R.S. 4405, 4426, 4488, 4491, as amended; 46 U.S.C. 375, 404, 481, 489)

PART 114—FIRE APPARATUS: FIRE PREVENTION

Section 114.3 is amended to read as follows:

§ 114.4 *Glass lamps.* The use of glass lamps shall be prohibited on any vessel under the jurisdiction of the Bureau of Marine Inspection and Navigation unless the same are securely fitted into suitable metal brackets. (R.S. 4405, 4426, 4470, 54 Stat. 1028; 46 U.S.C. 375, 404, 463, 463a)

Section 114.6 is amended to read as follows:

§ 114.6 *Steam and inert gas fire-extinguishing systems*—(a) *General requirements.* (1) All mechanically propelled vessels carrying combustible cargo in the holds, 'tween-decks, or other closed cargo compartments shall be equipped with means for extinguishing fire in such compartments by the use of a steam fire-extinguishing system or by the use of any inert gas fire-extinguishing system approved by the Board of Supervising Inspectors.

(2) Cabinets, boxes, or casings inclosing manifolds or valves shall be distinctly marked in painted letters, about 3 inches in height, "Steam Fire Apparatus" or "CO_2 Fire Apparatus", as the case may be.

(3) Steam or gas piping fitted for extinguishing fire shall not be used for any other purpose except that it may be used for fire-detecting purposes.

(4) Pipes for conveying steam from the boilers for the purpose of extinguishing fire shall not be led into the cabins, other passengers' or crew's quarters, or working spaces. Pipes for conveying carbon dioxide or other extinguishing vapors for the purpose of extinguishing fire shall not be led into the cabins or other passengers' or crew's quarters.

(5) Steam smothering lines shall be tested with at least 50 pounds air pressure with ends of the smothering lines capped, or by blowing steam through the lines, and a survey made for detecting corrosion and defects, using the hammer test or such other means as may be necessary.

(6) At annual inspections, all carbon dioxide (CO_2) cylinders, whether fixed or portable, shall be examined externally and replaced if excessive corrosion is found; and all cylinders shall also be checked by weighing to determine contents and if found to be more than 10 per cent under required contents of carbon dioxide, the same shall be recharged.

(b) *Steam systems on mechanically propelled vessels contracted for prior to July 1, 1935.* (1) The main pipes and their branches, on mechanically propelled vessels carrying passengers or freight, to convey steam from the boilers to the hold and separate compartments of the same shall be not less than 1½ inches in diameter, except on steam vessels employed on western rivers, constructed prior to June 30, 1905, which steam vessels may use branch pipes not less than three-fourths of an inch in diameter. Steam pipes of not less than three-fourths of an inch in diameter shall be led to all lamp lockers, oil rooms, and like compartments, which lamp lockers, oil rooms, and like compartments, in all classes of vessels, shall be wholly and tightly lined with metal.

(2) All branch pipes leading into the several compartments of the hold of the vessel shall be supplied with valves, the handles distinctly marked to indicate the compartment or parts of the vessel to which they lead. These valves or their handles shall be placed in not more than two places on the most suitable and accessible deck of the vessel and so arranged that all can be inclosed in cabinets, boxes, or casings.

(c) *Steam systems on mechanically propelled vessels contracted for on or after July 1, 1935.* (1) Steam for fire-extinguishing systems shall be available from the main boilers or from a donkey or auxiliary boiler having a minimum capacity equivalent to one square foot of heating surface for each 300 cubic feet of the largest compartment in which cargo is carried. This requirement shall be based upon a rate of evaporation of six pounds of steam per hour per square foot of heating surface from and at 212° F. medium steaming. Equivalent values of heating surface will be permitted for boilers having rates of evaporation differing from that herein specified.

(2) The minimum boiler capacity shall be based upon the volume of the largest compartment in cubic feet, which shall be determined by measurements taken between fire-retarding boundaries such as decks having hatch covers with proper battening down arrangements, shells, tank tops, water-tight and fire-retarding bulkheads.

(3) A steam pressure of at least 100 pounds per square inch shall be maintained for fire-extinguishing purposes. Where the maximum allowable boiler working pressure will not permit of this, the maximum steam pressure permitted by the operating boiler pressure limitations shall be provided for this purpose.

(4) The pipe lines shall be led from not more than three stations in easily accessible locations on the weather deck to each cargo hold, cargo 'tween-decks, or other closed cargo compartments, and to each cargo-oil deep tank, lamp locker, oil room, and like compartments, which lamp locker, oil room, and like compartments, in all classes of vessels, shall be wholly and tightly lined with metal. The steam connections to the lamp lockers, oil rooms, and like compartments may be taken from the nearest steam supply line, independent of the extinguishing manifolds.

(5) Each pipe in the extinguishing manifolds shall be fitted with a shut-off valve plainly and permanently marked to indicate into which compartment it discharges. This requirement also applies to independent extinguishing lines.

(6) Manifold steam supply pipes shall be fitted with master valves at the manifolds, and provision shall be made for draining the manifold and individual lines to protect them against freezing. If the manifolds are located on an open deck, they shall be inclosed in a metal box.

(7) The minimum diameter of any steam fire-extinguishing pipe to a cargo hold, cargo 'tween-decks, other closed cargo compartments, or cargo-oil deep tank shall be one inch, the size and number of pipes to be governed by the size of the compartment. The minimum diameter of any steam fire-extinguishing pipe to a lamp locker, oil room, or like compartments, shall be three-fourths of an inch.

[1] See also § 1.38 of Subchapter A—Documentation, Entrance, and Clearance of Vessels, etc.

(8) The required diameter of pipe to cargo compartments may be determined by the formula:

$$D=\sqrt{\frac{C}{20{,}000}}$$

where
D=required diameter of pipe, in inches.
C=volume of compartment, in cubic feet.
or by the following table:

Volume of compartment	Number of branches to compartment	Size of branches
		Inches
20,000	1	1
46,000	1	1¼
67,000	1	1½
94,000	2	1½
135,000	2	1½
208,000	3	1½

(9) The diameter of the main supply line to the manifolds shall be computed by the following formula:

$$D=\sqrt{\frac{C}{60{,}000}}$$

where
D=diameter of pipe required, in inches.
C=volume of all compartments, in cubic feet.

(d) *Inert gas systems, on mechanically propelled vessels.* (1) When a carbon dioxide (CO_2) smothering system is fitted in the cargo hold, cargo 'tween-decks, or other closed cargo compartments, or cargo-oil deep tanks, the quantity of carbon dioxide shall be sufficient to give a gas saturation of 30 percent of the gross volume of the largest cargo hold. The quantity in pounds of carbon dioxide required may be determined approximately by the following formula:

$$W=\frac{L\times B\times D}{30}$$

Where
W=the weight of CO_2 required, in pounds.
L=the length of the hold, in feet.
B=the mean breadth of the hold, in feet.
D=the depth from tank top or flat forming lower boundary to top of uppermost space in which freight may be carried, in feet.

(2) When a carbon dioxide (CO_2) smothering system is fitted in the lamp locker, oil room, or like compartments, the quantity in pounds of carbon dioxide required may be determined by dividing the gross volume of the space by a factor of 22. Lamp lockers, oil rooms, and like compartments, in all classes of vessels, shall be wholly and tightly lined with metal. The whole charge of gas shall be capable of being released simultaneously by operating one valve and control, and all cylinders shall be completely discharged in not more than two minutes.

(3) Pipes used for supplying carbon dioxide to the cargo holds, cargo 'tween-decks, other closed cargo compartments, and cargo-oil deep tanks shall be not less than three-fourths inch inside diameter. Pipes used for supplying carbon dioxide to lamp lockers, oil rooms, and like compartments shall be not less than one-half inch inside diameter.

(4) The control(s) releasing the inert gas shall be located in a position(s) outside the space(s) protected and shall be readily accessible when the vessel is being navigated. All valves shall be permanently marked to indicate into which compartment they discharge.

(5) Provision shall be made to prevent the admission of air into the lower parts of cargo holds, cargo 'tween-decks, and other closed cargo compartments while the inert gas system is in operation.

(6) Cylinders, piping, and controls for the inert gas system shall be protected from damage and shall be securely fastened and supported. (R.S. 4405, as amended, 54 Stat. 1028; 46 U.S.C. 375, 463a)

Section 114.7 is amended to read as follows:

§ 114.7 *Steam fire pumps or their equivalent*—(a) *Fire pumps on steam vessels contracted for prior to July 1, 1935.* (1) Steam vessels required to be provided with double-acting steam fire pumps or other equivalents for throwing water shall be equipped with such pumps according to their tonnage, as follows: Steam vessels over 20 gross tons and not exceeding 150 gross tons shall have not less than 30 cubic inches pump-cylinder capacity. Steam vessels of over 150 gross tons and under 3,000 gross tons shall have not less than one-third of 1 cubic inch pump-cylinder capacity for every gross ton. Steam vessels of 3,000 gross tons and over shall have pump-cylinder capacity of not less than 1,000 cubic inches. This rule shall apply only to pumps installed after June 30, 1907, and all pumps now approved and in use or installed before said date shall be accepted if complying with requirements of law and regulations in force at the time of their installation.

(2) On steam vessels required by paragraph (a) (1) above to have steam fire pumps or their equivalents, the fire mains shall be led from the pumps to all decks, with sufficient number of outlets arranged so that any part of the steam vessel can be reached with water with the full capacity of the pumps and by means of a single 50-foot length of hose from at least one of said outlets. On all classes of steam vessels every such pump shall be fitted with a gauge and a relief valve of such size as to restrict the pressure of water to 100 pounds per square inch.

(b) *Fire pumps on steam vesesls contracted for on or after July 1, 1935.* (1) Passenger vessels of 100 gross tons and under shall be equipped with one hand fire pump with a pump-cylinder capacity not less than 100 cubic inches, or a power-driven pump of equivalent discharge capacity.

(2) Vessels exceeding 100 gross tons shall be equipped with fire pumps and fire piping as follows:

(i) All vessels shall be provided with powerful pumps available for use as fire pumps. Passenger vessels of less than 4,000 gross tons shall have 2, and larger passenger vessels at least 3 independently driven pumps connected to the fire main. Cargo vessels and towing vessels of less than 1,000 gross tons shall have 1, and larger cargo or towing vessels at least 2 such pumps so arranged. Each pump shall be capable of delivering two powerful jets of water simultaneously from the highest outlets on the fire main at a Pitot tube pressure of approximately 50 pounds per square inch through nozzles, each having an orifice of not less than ⅞ inch diameter where the internal diameter of the hose exceeds 1½ inches and not less than ⅝ inch in diameter where the internal diameter of the hose does not exceed 1½ inches.

(ii) On oil-burning passenger vessels, where two or more pumps are required, they shall not all be located in the same compartment. Where the engine and firerooms are not entirely separated by steel bulkheads, or if fuel oil can drain from the fireroom bilges into the engine room, one of the fire pumps shall be located in an accessible space in a separate compartment.

(iii) On oil-burning cargo vessels, where two pumps are required, they may be located in the same compartment provided the compartment is equipped with an approved fixed carbon dioxide extinguishing system.

(3) Outlets from the fire mains shall be of a sufficient number and so arranged that any part of the living quarters, weather decks and any part of the cargo decks accessible to crew or passengers, while the vessel is being navigated, may be reached with a single 50-foot length of hose. Outlets within accommodations and service spaces adjacent thereto shall comply with the above or they may be so arranged that any part may be reached with a single 75-foot length of hose provided a siamese connection is fitted at each outlet. Where the fire main is located on an exposed deck, branches shall be provided so that the hose connections necessary to comply with the foregoing be distributed on both sides of the vessel. The fire hose shall be connected to the outlet at all times, except on open decks where the location of the fire hydrants is such that no protection is afforded for the hose in heavy weather. The fire hose may be temporarily removed from the hydrant when it will interfere with the handling of the cargo.

(4) Outlet openings shall have a diameter of not less than 1½ inches, and shall be fitted with suitable hose connections and spanners.

(5) Fire pumps shall be equipped on the discharge side with a relief valve set to relieve at 25 pounds higher than the pressure necessary to maintain the requirements of paragraph (b) (2) (i), above, and a pressure gauge to indicate the pressure on the fire main.

(6) Fire hose shall not be used for any other purpose than fire extinguishing. (R.S. 4405, 4471, as amended, 54 Stat. 1028; 46 U.S.C. 375, 464, 463a)

Section 114.17 is amended to read as follows:

§ 114.17 *Automatic sprinkling system.* (a) The sprinkling system shall, where practicable, consist of pipes fitted with sprinkler heads at suitable distances that will operate automatically in the event of a fire, and spray water on the surrounding area.

(b) The system shall be supplied primarily by a pressure tank or tanks of suitable capacity and maintained at the required pressure, and secondarily by an automatically controlled pump so arranged that when the pressure in the tank falls to a predetermined point the pump will cut in. Where a motor driven sprinkler pump is installed, it shall be capable of being operated from the emergency electrical circuit in case of failure of the main power. Any water standing in the system or the tank should be fresh; and in the event the supply to the pump is salt water, appropriate check valves shall be installed to prevent the salt water entering the tank. Provision should be made to cut in any additional pumping equipment under manual control.

(c) Sprinkler systems shall be zoned, and means shall be provided for giving an alarm where it can be most quickly observed by officers or crew in case of water flow from sprinklers, low air pressure, closed supply valves or operation of thermosensitive elements.

(d) The automatic sprinkler, alarm valves, and other fire-protection devices to be used in the above system shall be of a type approved by the Board of Supervising Inspectors, and the entire system shall be installed in accordance with drawings and specifications approved by the Director.

(e) All tanks installed on or after January 1, 1939, for use in connection with sprinkler systems shall be constructed, tested, and inspected as unfired pressure vessels in accordance with the provisions of Parts 50 to 57, inclusive, of this chapter. All such tanks which were installed prior to January 1, 1939, shall be tested and inspected as unfired pressure vessels in accordance with the provisions of Parts 50 to 57, inclusive, of this chapter. (R.S. 4405, 4471, as amended, 54 Stat. 1028; 46 U.S.C. 375, 464, 463a)

Section 114.22 is amended to read as follows:

§ 114.22 *Fire extinguishers for emergency power plants.* In compartments where emergency lighting and wireless units are located, two approved fire extinguishers of either carbon tetrachloride, carbon dioxide, or foam type shall be permanently located at the most accessible point. In addition, two fire extinguishers of the above types shall be permanently located so as to be readily accessible to the emergency fuel tanks containing gasoline, benzine, or naphtha. (R.S. 4405, 4479, as amended, 54 Stat. 1028; 46 U.S.C. 375, 472, 463a)

Section 114.23 (*Fuel oil tanks*) is deleted, and § 114.24 (*Construction of motion picture booths*) is renumbered to be § 114.23, and § 114.25 (*Regulations to guard against and extinguish fire re-established*) is renumbered to be § 114.24. (R.S. 4405, 4418, 4426, as amended, 54 Stat. 1028; 46 U.S.C. 375, 392, 404, 463a)

PART 115—LICENSED OFFICERS

The first undesignated paragraph of § 115.16 is amended to read as follows:

[1] See also § 1.38 of Subchapter A—Documentation, Entrance, and Clearance of Vessels, etc.

§ 115.16 *Reports of accidents.* The licensed officer in command of any vessel shall report in writing and in person to the board of local inspectors nearest the port of first arrival any accident to said vessel involving loss of life or damage to property to an approximate amount exceeding $500 and shall also report in the same manner any casualty or loss of life from whatever cause of any person on board such vessel and any stranding or grounding, whether or not any damage has been sustained by the vessel: *Provided*, That when from distance it may be inconvenient to report in person it may be done in writing only, and the report sworn to before any person authorized to administer oaths: *Provided further*, That during the period when a state of war exists between the United States and any foreign nation, communications in regard to casualties shall be handled with caution, and the above-mentioned reports shall not be made by radio or by telegram. • • • (R.S. 4405, 4438, as amended; 46 U.S.C. 375, 224)

PART 116—INSPECTION OF VESSELS

Section 116.9 is amended to read as follows:

§ 116.9 *Emergency lighting system.* (a) All vessels engaged in the passenger service, which are electrically lighted by dynamos or other electric units, located below the deep-load line of the vessel, shall have on board an emergency electric lighting system located above the deep-load line to light the vessel sufficiently to enable the passengers and crew to find their way to the exits in the event of failure of the main lighting system. The emergency lighting system shall at all times be ready for immediate use, and shall be installed and arranged so that all emergency lights may be switched on from the pilot house, navigation bridge, or a central station.

(b) On all passenger vessels contracted for on and after July 1, 1935, or where existing emergency installations operated by internal combustion engines are replaced, the emergency generator shall be driven by a Diesel or semi-Diesel engine, equipped with means for quick starting. Such emergency equipment shall be located in steel or iron compartments or rooms on the deck above the weather deck and isolated from the passenger and crew quarters. Where existing installations of emergency engines and generators are located in wooden compartments or rooms, such compartments or rooms shall be made fire-resistant by lining same with asbestos board having a thickness of not less than one-quarter inch over which iron or steel sheathing shall be fitted. (R.S. 4405, 4417, 4426, 4484, 4488, 54 Stat. 1028; 46 U.S.C. 375, 391, 404, 477, 481, 463a)

Section 116.10 (c) (4) is amended to read as follows:

§ 116.10 *Specifications covering types of voice tubes and telephones.*

• • • • •

(c) *Telephone systems.* • • •

(4) Telephones installed at external locations exposed to the weather or in locations subject to severe moisture conditions shall be housed in a substantial, watertight metal enclosure. The cover shall be hinged at the bottom or side of the box, and when closed, shall be fastened by a simple substantial mechanism which, when operated, exerts sufficient pressure to make the enclosure watertight. The gasket shall be fastened to, and inserted in, the edge of the box or cover. The magneto generator and switches shall be of watertight construction. The generator and all switches shall be installed inside of the enclosure. (R.S. 4405, 4417, 4426, as amended, 54 Stat. 1028; 46 U.S.C. 375, 391, 404, 463a)

Section 116.10 is amended by the addition of a new paragraph (f) reading as follows:

(f) All electrical engine order telegraph systems shall be provided with an alarm, located on the bridge, to indicate visually and audibly the failure of power to the system. (R.S. 4405, 4417, 4418, 4426, as amended; 46 U.S.C. 375, 391, 392, 404)

Adoption of Actions of Executive Committees

The rules, regulations, and other actions prescribed by the Executive Committees of the Board of Supervising Inspectors during the sessions of said Committees held on April 3 to 5, 1941, inclusive; May 19 to June 6, 1941, inclusive; July 14 to August 1, 1941, inclusive; October 16 and 17, 1941, inclusive; November 7 and 8, 1941, inclusive; and December 4 to 6, 1941, inclusive; published in the FEDERAL REGISTER issues of April 10, 1941; June 10, 1941; August 20 and 21, 1941; October 25, 1941; November 19, 1941; and December 10 and 24, 1941, respectively, are adopted. (R.S. 4405, as amended; 46 U.S.C. 375)

BOARD OF SUPERVISING INSPECTORS,
[SEAL] R. S. FIELD,
Director, Chairman.
CHARLES M. LYONS,
U. S. Supervising Inspector, 1st District, Boston, Mass.
GEORGE FRIED,
U. S. Supervising Inspector, 2d District, New York, N. Y.
EUGENE CARLSON,
U. S. Supervising Inspector, 3d District, Norfolk, Va.
JOHN F. OETTL,
U. S. Supervising Inspector, 4th District, New Orleans, La.
ROBERT E. COOMBS,
U. S. Supervising Inspector, 5th District, Cincinnati, Ohio.
EARL B. HULL,
U. S. Supervising Inspector, 6th District, Cleveland, Ohio.
WILLIAM FISHER,
U. S. Supervising Inspector, 7th District, San Francisco, Calif.

Approved:
WAYNE C. TAYLOR,
Acting Secretary of Commerce.

[F. R. Doc. 42-2154; Filed, March 12, 1942; 12:07 p. m.]

TITLE 50—WILDLIFE

CHAPTER I—FISH AND WILDLIFE SERVICE

PART 91—ALASKA GAME REGULATIONS

REGULATIONS RESPECTING GAME ANIMALS, LAND FUR-BEARING ANIMALS, GAME BIRDS, NONGAME BIRDS, AND NESTS AND EGGS OF BIRDS IN ALASKA

Pursuant to the authority and direction contained in section 10 of the Alaska Game Law of January 13, 1925 (43 Stat. 739), as amended by acts of February 14, 1931, 46 Stat. 1111; June 25, 1938, 52 Stat. 1169, and October 10, 1940, 54 Stat. 1103 (48 U.S.C. 198); I, Harold L. Ickes, Secretary of the Interior, upon consultation with and recommendation from the Alaska Game Commission, and having determined when, to what extent, and by what means game animals, land fur-bearing animals, game birds, nongame birds, and nests and eggs of birds may be taken, possessed, transported, bought, or sold in Alaska, in accordance with such determinations do hereby amend regulations 7, 8, 13, and 18, and regulation 6, schedule b of the regulations respecting game animals, land fur-bearing animals, game birds, nongame birds, and nests and eggs of birds in Alaska (Circular AGC–19; 6 F.R. 2913; 50 CFR 91) to the extent herein set out, and hereby adopt, effective July 1, 1942, said amended regulations as suitable regulations permitting and governing the taking of game animals, land fur-bearing animals, game birds, nongame birds, and nests and eggs of birds in Alaska:

Section 91.7 [Regulation 7] is amended to read as follows:

§ 91.7 *Taking game animals and methods of taking.* Game animals may be taken on areas not closed by §§ 91.5 and 91.6, during the respective open seasons and in the numbers not exceeding the respective season limits prescribed in § 91.8, with a shotgun (not larger than No. 10 gage, nor capable of holding more than three shells), rifle, or pistol, but not with the aid or use of a dog, machine or submachine gun, set gun of any description, bow and arrow, or spear, pit, deadfall, fire, jack light, searchlight, or other artificial light, or from or by means of a motor vehicle, airplane, steam or power launch, or any boat other than one propelled by paddle, oars, or pole, or while such animals are swimming; and when legally taken such animals, or parts thereof, may be possessed, transported, or sold as permitted by §§ 91.9 and 91.11.

Section 91.8 [Regulation 8], paragraphs (a), (b), (c), (d), (e), and (f) are amended to read as follows:

§ 91.8 *Open seasons and limits on certain game animals*—(a) *Deer bucks (with horns not less than 3 inches in length above the top of the skull).* East of longitude 138° in southeastern Alaska, September 16 to November 15.

West of longitude 138° in the drainage to Prince William Sound north of the center of the C. R. & N. W. Railway and west of Mountain Slough, including the islands of said sound, except Hawkins and Knight Islands, September 20 to September 30.

Limit: East of longitude 138°, 2 a season.

In area west of longitude 138°, 1 a season.

(b) *Moose, bulls (except yearlings and calves).* North of Alaska Range, September 1 to October 31.

South of Alaska Range, November 16 to January 15.

Limit: 1 a season.

(c) *Caribou.* September 1 to October 31.

Limit: By resident, 2 a season; by nonresident 1 a season.

(d) *Mountain sheep.* No open season.

(e) *Mountain goat (except kids).* First Judicial Division, except the watershed of Tracy Arm, September 16 to November 15.

In the rest of the Territory, September 1 to October 31.

Limit: 2 a season.

(f) *Bear (large brown and grizzly).* September 1 to June 20.

Limit: 2 a season, except on Admiralty Island 1.

* * * * * *

Section 91.13 [Regulation 13] is amended as follows:

§ 91.13 *Fur districts and open seasons and limits on land fur-bearing animals.* * * *

Fur district 1, open season designations under the subhead "Open seasons," are amended to read:

Mink, marten, land otter, weasel (ermine), fox (red, cross, and silver), and lynx. December 10 to January 10.

Muskrat. No open season.

Beaver. No open season.

Wolf, coyote, wolverine, marmot, and squirrel. No close season; may be taken by any person at any time in a legal manner.

Fur district 2, open season designations under the subhead "Open seasons," are amended to read:

Mink, marten, land otter, weasel (ermine), fox (red, cross, and silver), and lynx. December 1 to the last day of February.

Muskrat. April 1 to May 31.

Beaver. February 16 to April 15, except there shall be no open season on Kenai Peninsula.

Limit: 10 a season.

Wolf, coyote, wolverine, marmot, and squirrel. No close season; may be taken by any person at any time in a legal manner.

Fur district 4, open season designations under the subhead "Open seasons," are amended to read:

Mink, marten, land otter, weasel (ermine), fox (red, cross, silver, white, and blue), and lynx. November 16 to February 15.

Muskrat. March 10 to May 10.

Beaver. February 16 to April 15; except there shall be no open season in the Naknek River drainage and southwest thereof.

Limit: 10 a season.

Wolf, coyote, wolverine, marmot, and squirrel. No close season; may be taken by any person at any time in a legal manner.

Fur district 5, open season designations under the subhead "Open seasons," are amended to read:

Mink, marten, land otter, weasel (ermine), fox (red, cross, silver, white, and blue), and lynx. November 16 to the last day of February.

Muskrat. North of the Unalakleet River drainage, April 1 to June 7; south of the Unalakleet River, including its drainage, April 1 to May 31.

Beaver. March 1 to April 15. Limit: 10 a season.

Wolf, coyote, wolverine, polar bear, marmot, and squirrel. No close season; may be taken by any person at any time in a legal manner.

Fur district 6, open season designations under the subhead "Open seasons," are amended to read:

Mink, marten, land otter, weasel (ermine), fox (red, cross, silver, white, and blue), and lynx. November 16 to the last day of February.

Muskrat. March 1 to May 31.

Beaver. March 1 to April 15; except there shall be no open season in the Copper River drainage, or in that part of the Tanana River drainage east of the Richardson Highway from Richardson Monument (Mile 202 from Valdez) to Big Delta (Mile 280 from Valdez) and south and east of the Goodpaster River drainage.

Limit: 10 a season.

Wolf, coyote, wolverine, marmot, and squirrel. No close season; may be taken by any person at any time in a legal manner.

Fur district 7, open season designations under the subhead "Open seasons," are amended to read:

Mink, marten, land otter, weasel (ermine), fox (red, cross, silver, white, and blue), and lynx. November 6 to the last day of February.

Muskrat. March 1 to May 31.

Beaver. March 1 to April 15. Limit: 10 a season.

Wolf, coyote, wolverine, marmot, and squirrel. No close season; may be taken by any person at any time in a legal manner.

Fur district 8, open season designations under the subhead "Open seasons," are amended to read:

Mink, marten, land otter, weasel (ermine), fox (red, cross, silver, white, and blue), and lynx. December 1 to March 31.

Muskrat. April 10 to June 10.

Beaver. No open season.

Wolf, coyote, wolverine, polar bear, marmot, and squirrel. No close season; may be taken by any person at any time in a legal manner.

Section 91.18 [Regulation 18], the second sentence of paragraph b, is amended to read as follows:

§ 91.18 *Sealing, possession, and sale of beaver and marten skins.*

* * * * * *

(b) * * * Persons residing in remote localities and finding it impracticable to present skins to an officer authorized to seal them may present such skins, together with an affidavit of lawful taking on a form furnished by the Commission to any person authorized by the Commission to attach thereto a tag permitting skins, if legally taken, to be sold and transported within the Territory, subject to examination and authentication by a representative of the Commission. * * *

Section 91.38 [Regulation 6, Schedule B], *Areas in which there are continuous close seasons on specified game animals, land fur-bearing animals, and game birds, except for scientific or propagating purposes* is amended by striking out the period at the end of paragraph (h) and adding the words "and in the watershed of Tracy Arm."; and by inserting a new paragraph at the end of the section as follows:

(n) *Muskrat.* On the Kodiak-Afognak Islands group.

In testimony whereof, I have hereunto set my hand and caused the official seal of the United States Department of the Interior to be affixed in the city of Washington, this 4th day of March 1942.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc: 42–2182; Filed, March 13, 1942; 10:14 a. m.]

SUBCHAPTER K—ALASKA WILDLIFE PROTECTION

PART 92—REGULATIONS OF THE ALASKA GAME COMMISSION RELATING TO GUIDES, POISONS, AND LICENSES

By virtue of the authority conferred upon the Alaska Game Commission by the act of January 13, 1925, entitled "An Act to establish an Alaska Game Commission to protect game animals, land fur-bearing animals, and birds in Alaska, and for other purposes," (43 Stat. 739, as amended February 14, 1931, 46 Stat. 1111; U. S. Code, title 48, secs. 192–211, and June 25, 1938, 52 Stat. 1169 (48 U. S. Code 192–211), the following regulations for the protection of game animals, land fur-bearing animals, and birds in Alaska are made and published, to take effect July 1, 1942:

§ 92.1 *Employment of guides by nonresidents and aliens.* Nonresidents of the Territory or aliens taking game animals for any purpose, or polar bears for sport or trophies, or going afield to photograph large brown or grizzly bears, except nonresident Federal officials engaged in wildlife investigations in Alaska exempted by special permit of the Commission, are required to employ and be accompanied by a guide registered with and licensed by the Commission; but no such guide shall accompany in the field more than one nonresident or alien, except husband and wife and minor child all of whom are in possession of the required hunting licenses. In cases of actual emergency when a bear is attacking or is about to escape after being wounded, it shall be the duty of the guide to take such action as he deems necessary.*

*§§ 92.1 to 91.4, inclusive, issued under the authority contained in 42 Stat. 739, 46 Stat. 1111, 52 Stat. 1169; 48 U.S.C. 192–211.

§ 92.2 *Qualifications for guide licenses and issuance thereof.* Only resident citizens who have resided in the Territory for the 5 years immediately preceding application for registration and a guide license will be registered and licensed to act as guides for nonresidents and aliens taking game animals for any purpose, or polar bears for sport or trophies, or going afield to photograph large brown or grizzly bears.

The Alaska Game Commission will establish guide districts and maintain a register of such persons as are duly qualified and licensed to act as guides in such districts.

Applications for such registration and guide license shall be made on a form issued by the Commission and shall state applicant's citizenship and resident status, age, physical characteristics, permanent address, and district or districts in which he desires to operate, together with full information relative to his qualifications to act as guide, and shall be subscribed and sworn to by the applicant before an officer authorized to administer oaths.

Upon receipt of such application the Commission, through one of its members or such person as it shall designate, will arrange to determine, by such written and oral examinations and otherwise as it shall require, the qualifications of such applicant to act as a guide and his knowledge of the Alaska Game Law and regulations.

The member of the Commission or other person authorized to conduct such examination shall promptly file his report thereof with the Commission, together with his recommendation thereon, which report and recommendation shall be attached to the application and considered and determined at a regular or special meeting of the Commission.

If the Commission determines that the applicant does not possess sufficient field experience to qualify him to act as a principal guide but has all other qualifications, an assistant guide license may be issued to him, which shall authorize him to act as assistant to a principal guide.

In cases of emergency the Executive Officer of the Commission may, after investigation and satisfying himself of an applicant's qualifications, issue a special guide license to him upon payment of the required fee, authorizing him to guide the nonresident or alien hunter named in the application for such special license.

Extension or renewal of guiding privileges authorized by any guide license shall be made, in the discretion of the Commisison, only upon examination and approval as hereinbefore provided.

A registered guide license must bear the signature of the Executive Officer of the Commission. Each license shall expire on June 30 next succeeding its issuance, shall be revocable at the discretion of the Commission, and shall not be transferable.

Each licensed guide shall submit to the Commission, immediately upon completion of a hunting or photographing trip, a report containing the name and address of the nonresident or alien for whom he acted as guide, period covered by his services, number and species of animals taken, wounded and not secured, numbers and localities of each species of big game animal observed on the trip and such other information as the Commission may require.*

§ 92.3 *Designation and use of poison.* Pursuant to section 9 of the Alaska Game Law, the following substances are by the Commission designated poisons: Strychnine, arsenic, phosphorus, antimony, barium, the cyanides, corrosive sublimate, or any derivative or derivatives, compound or compounds thereof, which, by said section 9, are forbidden.

(a) To be used at any time to kill any game or wild fur-bearing animal or bird.

(b) To be put out where any game or wild fur-bearing animal or bird may come in contact with it.

(c) To be sold or given to any hunter or trapper, or

(d) To be possessed by any hunter or trapper.

Any person selling or otherwise disposing of any of the aforesaid poisons is required by said section 9 of the Alaska Game Law to keep a record in a special book showing the name and address of each person purchasing or otherwise procuring said poison, and the kind and amount thereof, such record to be, at all times, open to inspection by any wildlife agent or other officer authorized to enforce the Alaska Game Law and information thereof to be transmitted monthly to the Alaska Game Commission.*

§ 92.4 *Resident trapping and hunting licenses.* No resident of the Territory over 16 years of age, except a native-born Indian or Eskimo, shall take game animals, land fur-bearing animals, or birds in the Territory without first having obtained a resident hunting license for game animals or birds or a trapping license for land fur-bearing animals, but a person who is the holder of such trapping license shall be entitled to the privilege of hunting game animals or birds during the respective open seasons without a hunting license.

On and after July 1, 1942, all former regulations of the Alaska Game Commission relative to guides, poisons, and resident hunting and trapping licenses shall be and are hereby revoked.*

In testimony whereof, we have hereunto set our hands and caused the offi-

cial seal of the Commission to be affixed in the City of Washington, District of Columbia, this 23d day of January 1942.

[SEAL] EARL N. OHMER,
Commissioner First Judicial Division and Chairman.
FRANK P. WILLIAMS,
Commissioner Second Judicial Division.
ANDREW A. SIMONS,
Commissioner Third Judicial Division.
JOHN HAJDUKOVICH,
Commissioner Fourth Judicial Division.
FRANK DUFRESNE,
Executive Officer and Secretary.

[F. R. Doc. 42-2163; Filed, March 13, 1942; 10:13 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1325]

PETITION OF BITUMINOUS COAL CONSUMERS' COUNSEL FOR THE ESTABLISHMENT OF THE SAME PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT MINES IN SUBDISTRICT 4 OF DISTRICT NO. 13 FOR SHIPMENTS BY RIVER AS ARE APPLICABLE TO SUCH COALS FOR TRUCK SHIPMENTS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER POSTPONING HEARING

Intervenor, District Board 8, having moved that the hearing in the above-entitled matter, scheduled for March 16, 1942, at 10 o'clock in the forenoon of that day, be postponed until 10 o'clock in the forenoon of March 19, 1942; and

It appearing that good cause therefor has been shown;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from March 16, 1942 until 10 o'clock in the forenoon of March 19, 1942, at the place and before the officers heretofore designated.

Dated: March 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2164; Filed, March 13, 1942; 10:06 a. m.]

[Docket No. B-48]

IN THE MATTER OF SUN COAL COMPANY, CODE MEMBER, DEFENDANT

ORDER AMENDING NOTICE OF AND ORDER FOR HEARING AND RESCHEDULING HEARING AND REDESIGNATING EXAMINER

A complaint dated September 9, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 24, 1941, by the Bituminous Coal Producers Board for District No. 8, a district board, complainant, and Notice of and Order for Hearing in respect to the subject matter of such complaint having been issued herein on December 6, 1941, and subsequently said complaint having been amended by Order, dated February 28, 1942, granting complainant's motion to amend dated February 2, 1942; and

The above-entitled matter having been scheduled for hearing on January 26, 1942, at 10:00 a. m. at a hearing room of the Bituminous Coal Division at the United States Post Office, Room 214, Knoxville, Tennessee, before Travis Williams or any other officer or officers of the Bituminous Coal Division duly designated for that purpose, pursuant to Order dated December 6, 1941, and subsequently postponed pursuant to Order dated January 21, 1942, to a date and place to be thereafter designated by appropriate order; and

The Acting Director deeming it advisable that said Notice of and Order for Hearing should be amended and the place and date of such hearing should now be designated;

Now, therefore, it is ordered, That a hearing in the above-entitled matter be held on April 27, 1942, at a hearing room of the Bituminous Coal Division at 10 a. m., at the Federal Court Room, Knoxville, Tennessee.

It is further ordered, That Charles S. Mitchell be and he is hereby designated to preside at such hearing vice Travis Williams.

It is further ordered, That the Notice of and Order for Hearing dated December 6, 1941 in the above-entitled matter, as corrected by Order dated January 14, 1942, be and the same is hereby amended by adding after the last paragraph thereof the following paragraph:

That the defendant sold during the period March 18, 1941 to March 31, 1941, both dates inclusive, approximately 593.05 tons of 6" block coal produced at the aforesaid mine to numerous purchasers located in various market areas, at a price of $3.25 per net ton whereas the effective minimum price was $3.35 per net ton f. o. b. the mine, respectively, as stated in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck. The defendant also sold in the manner described herein, approximately 972.75 net tons of 2½" x 6" egg coal produced at the aforesaid mine at prices varying from $2.65 to $2.86 per net ton f. o. b. the mine whereas the effective minimum prices for such coal were $2.75 to $2.96 per net ton f. o. b. the mine, respectively, as more fully set out in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck.

It is further ordered, That the Notice of and Order for Hearing dated December 6, 1941, as corrected by Order dated January 14, 1942, in the above-entitled matter shall, in all other respects, remain in full force and effect.

Dated: March 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2165; Filed, March 13, 1942; 10:06 a. m.]

[Docket No. A-1312]

PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 335, 336, 337, AND 338, AND THE REVISION OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 160, 206, AND 207, ALL OF THE MUSKINGUM COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 4

NOTICE OF AND ORDER FOR HEARING AND ORDER GRANTING TEMPORARY RELIEF

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on April 8, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That W. A. Shipman or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before April 3, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 4 for—

(1) the establishment of price classifications and minimum prices for the coals of Mine Index Nos. 335, 336, 337, and 338 of The Muskingum Coal Company for all shipments except truck;

(2) the revision of the price classifications and minimum prices effective for the coals of Mine Index Nos. 160, 206, and 207 of The Muskingum Coal Company, by increasing the minimum prices therefor 43¢ per net ton for rail shipment to Philo (Duncan Falls), Ohio.

Attention is called to the fact that the Baltimore & Ohio Railroad Company has by its tariff Ohio No. WL-3813, effective February 9, 1942, reduced the freight rate on coal from 60¢ per net ton to 17¢ per net ton on rail shipments from certain points of origin, including the rail shipping points for Mine Index Nos. 160, 206, 207, 335, 336, 337, and 338, to Philo (Duncan Falls), Ohio.

In addition to the above, the matter concerned herewith shall be concerned with—

(3) the revision of the minimum prices effective for rail shipments to Philo (Duncan Falls), Ohio, of all coals in District No. 4 affected by the reduction in freight rates set out above.

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, the Schedules of Effective Minimum Prices for District No. 4, For All Shipments Except Truck, are supplemented to include the price classifications and minimum prices set forth in Supplement R, annexed hereto and hereby made a part hereof.

Notice is hereby given that applications to stay, terminate or modify the temporary relief herein granted may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: March 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2166; Filed, March 13, 1942; 10:06 a. m.]

[Docket No. B-226]

IN THE MATTER OF PACIFIC COAL COMPANY, CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

1. Under the provisions of the Bituminous Coal Act of 1937 (the "Act"), district boards are authorized in appropriate cases to file complaints of violations of the Act, the Bituminous Coal Code (the "Code") and the rules and regulations of the Bituminous Coal Division (the "Division").

2. The Division on January 19, 1942, referred to District Board No. 9 information in its possession bearing on whether or not violations of the Act, the Code and Rules and Regulations thereunder have been committed by the Pacific Coal Company, the Code member named above (hereinafter referred to as the "Code member") who operates the Pacific Mine, Mine Index No. 64, Muhlenberg County, Kentucky, District No. 9, in connection with:

A. (1) offering on or about October 23, 1940, to sell to the Enterprise Fuel Company, Centerville, Iowa, various sizes of coal produced at the aforesaid mine at prices ranging from 12 cents to 22 cents below the prices established therefor in the Schedule of Effective Minimum Prices for District No. 9 For All Shipments Except Truck, whereas the Enterprise Fuel Company, Centerville, Iowa, was not a registered distributor, (2) selling approximately 3,673 tons of various sizes of coal produced at the aforesaid mine from October 1, 1940, through April 10, 1941, to various purchasers f. o. b. the mine at prices which were below the effective minimum prices therefor as set forth in said Schedule, and (3) selling on or about April 12, 1941, approximately 217 tons of 6" x 3" lump coal produced at the aforesaid mine to the Baltimore & Ohio Railroad for railroad fuel at the mine run price of $1.65 per net ton f. o. b. the mine, whereas the effective minimum price for such coal was $1.80 per ton f. o. b. the mine as set forth in said Schedule, resulting in violations of section 4 II (e) of the Act and Part II (e) of the Code;

B. (1) selling approximately 19,229 tons of various sizes of coal produced at the aforesaid mine to the Illinois Central Railroad for railroad fuel during the period October 1, 1940, to April 12, 1941, and by making substitutions of larger sizes on spot orders and/or contracts for said railroad fuel without prior approval of the Director or his duly designated representative and without filing the form prescribed by the Division with the Statistical Bureau, and (2) selling approximately 7,565 tons of various sizes of coal produced at the aforesaid mine to the Wabash Railroad for railroad fuel during the period October 1, 1940, to April 8, 1941, and making substitutions of larger sizes on spot orders and/or contracts for said railroad fuel without prior approval of the Director or his duly designated representative and without filing the form prescribed by the Division with the Statistical Bureau, resulting in violations of section 4 II (e) of the Act and Part II (e) of the Code and Rule 1 (f) of Section XI of the Marketing Rules and Regulations;

C. submitting a bid to the United States War Department, U. S. Engineers Office, Nashville, Tennessee, on or about February 20, 1941, for the furnishing of six cars of 3" x 1¼" coal produced at the aforesaid mine, together with an analysis allegedly representative of that coal, which was a copy of an analysis of nine cars of 6" x 2" egg coal, made by the United States Bureau of Mines on April 22, 1939, (a copy of the analysis which accompanied the bid was not filed with the Statistical Bureau and the District Board for the District in which the coal was produced), resulting in a violation of section 4 II (i) 8 of the Act and Part II (i) 8 of the Code and Rules 1 and 2 of Section VIII and Rule 8 of Section XIII of the Marketing Rules and Regulations;

D. falsely reporting on the invoices the sizes of approximately 23,303 tons of coal produced at the aforesaid mine, which was sold to various purchasers during the period October 1, 1940, to April 10, 1941, both dates inclusive, and failing to invoice the coal so sold under the size, price classification and other designation therefor in the applicable minimum price schedule published by the Division, resulting in violations of section 4 II (i) 8 of the Act and Part II (i) 8 of the Code and Rule 2 of Section XII and Rule 8 of Section XIII of the Marketing Rules and Regulations;

E. prepaying the transportation charges on approximately 912 tons of various sizes of coal produced at the aforesaid mine, which was sold to the Pacific Coal Company, Nashville, Tennessee, a retail dealer, during the period December 7, 1940, to June 14, 1941, with the intent to or having the effect of granting a discriminatory credit allowance, resulting in violations of sections 4 II (i) 3 and 6 of the Act, Parts II (i) 3 and 6 of the Code, and Rule 1 (J) of Sections VII and Rules 3 and 6 of Section XIII of the Marketing Rules and Regulations;

F. prepaying the transportation charges on approximately 1,942 tons of various sizes of coal produced at the aforesaid mine, which was sold to the Pacific Coal Company, Nashville, Tennessee, a retail dealer, during the period December 6, 1940, through April 2, 1941, with the intent to or having the effect of granting a discriminatory credit allowance and not charging the amounts thereof to the Pacific Coal Company, thereby reducing the price paid for such coal below the effective minimum prices as set forth in the aforementioned Schedule, resulting in violations of sections 4 II (e) and 4 II (i) 3 and 6 of the Act, Parts II (e) and II (i) 3 and 6 of the Code, and Rule 1 (J) of Section VII and Rules 3 and 6 of Section XIII of the Marketing Rules and Regulations; and

G. (1) paying on or about June 18, 1941, a premium on a life insurance policy for Lola M. Colver, allegedly owner of the Pacific Coal Company, Nashville, Tennessee, a retail dealer, thereby extending to this purchaser of coal from said code member, a privilege not extended to all purchasers under like terms and conditions, or under similar circumstances, and (2) paying during the period September 1, 1940, through April 10, 1941, stenographer's salaries, salesmen's salaries and expenses, advertising expenses, stationery, postage, commissions, telephone and telegraph expenses for the Pacific Coal Company, Louisville, Kentucky, a retail dealer, thereby extending to this purchaser of coal from said Code member a privilege not extended to all purchasers under like terms and conditions, or under similar circum-

stances, resulting in violations of section 4 II (i) 6 of the Act and Part II (i). 6 of the Code and Rule 6 of Section XIII of the Marketing Rules and Regulations.

3. District Board No. 9 has notified the Division that it does not intend to institute compliance proceedings against the Code member in this matter upon the basis of the information submitted to it by the Division.

4. Section 6 (a) of the Act provides in part that in the event that a District Board shall fail for any reason to take action authorized or required by this Act, then the Division may take such action in lieu of the District Board.

5. District Board No. 9 having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the Board as in this Notice of and Order for Hearing provided, pursuant to section 6 (a) and other pertinent provisions of the Act for the purpose of determining:

(a) Whether or not the code member has wilfully violated sections 4 II (e), (i) 8 and (i) 3 and 6 of the Act and Parts II (e), (i) 8 and (i) 3 and 6 of the Code; Rule 1 (j), Section VII; Rules 1 and 2, Section VIII; Rule 1 (f), Section XI; Rule 2, Section XII; Rule 8, Section XIII, Rules 3 and 6, Section XIII of the Marketing Rules and Regulations; and

(b) Whether or not in the event that the Code member is found to have also violated the Act, the Code and Rules and Regulations thereunder, an Order should be entered revoking the code membership of the Pacific Coal Company or directing the Pacific Coal Company to cease and desist from violating the Act, the Code and the Rules and Regulations thereunder.

Now, therefore, it is hereby ordered, That a hearing pursuant to sections 4 II (j), 5 (b), and 6 (a), and other pertinent provisions of the Act to determine whether or not the aforementioned Code member has committed the violations in the respects heretofore described and whether or not the Code membership of said Code member should be revoked or an order should be entered directing the Code member to cease and desist from violating the Act and the Code and rules and regulations of the Division thereunder be held on April 22, 1942, at 10 a. m. at a hearing room of the Division at the Circuit Court Room, Madisonville, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, compel their attendance, take evidence, require the production of any books, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing, or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions, and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to section 4 II (j) and 5 (b) of the Act may file a petition for intervention not later than five (5) days before the date set for hearing herein.

Notice is hereby given that answer setting forth the position of the Code member with reference to the matters hereinbefore described must be filed with the Division at its Washington Office or with one of the Statistical Bureaus of the Division within twenty (20) days after date of service of a copy hereof on the Code member; and that any failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission by the Code member of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: March 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2167; Filed, March 13, 1942; 10:06 a. m.]

[Dockets No. 1657-FD]

IN THE MATTER OF J. S. TURLEY, DOING BUSINESS UNDER THE NAME AND STYLE OF INDUSTRIAL COAL SALES CO., REGISTERED DISTRIBUTOR, REGISTRATION NO. 4687

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division (the "Division") finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act"), and the Bituminous Coal Code (the "Code") promulgated thereunder to determine

A. Whether or not J. S. Turley, doing business under the name and style of Industrial Coal Sales Co., Registered Distributor, Registration No. 4687 (hereinafter sometimes referred to as the "Registered Distributor"), whose address is 4237 Park Avenue, St. Louis, Missouri, has violated any provisions of the Act, the Code, and Orders and Regulations of the Division, including the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors, and the Distributor's Agreement (the "Agreement") dated October 19, 1940, executed and filed by J. S. Turley, pursuant to Order of the Division dated June 19, 1940, in General Docket No. 12, and more particularly whether or not said registered distributor:

1. During the period from November 12, 1940, to August 20, 1941, both dates inclusive, accepted discounts from the effective minimum prices on approximately 2,976 net tons (61 cars) of coal purchased by him from Old Ben Coal Corporation, a code member in District No. 10, which was produced at the Old Ben No. 8 Mine (Mine Index No. 118) and the Old Ben No. 15 Mine (Mine Index No. 121), of said code member, and resold said coal to Anchor Coal Co., a retailer, which financially or otherwise controlled said distributor, resulting in violations of § 304.19 (c) of the Rules and Regulations for the Registration of Distributors, and paragraph (h) of the Agreement.

2. Accepted and retained the discounts in the transactions referred to in Paragraph A 1 hereof when said Registered Distributor was in fact or in effect an agency or instrumentality of the Anchor Coal Co., a retailer, resulting in violations of section 4 II (i) 12 of the Act, Rule 12 of Section XIII of the Marketing Rules and Regulations and paragraph (c) of the Agreement;

3. Accepted and retained the distributor's discounts on the coal referred to in Paragraph A 1 hereof, although said coal was not purchased for bona fide resale resulting in violations of paragraph (d) of the Agreement.

4. Accepted and retained the discounts in the transactions referred to in Paragraph A 1 hereof, although no service of value was rendered to the code member vendor in connection with such sales, and although said transactions were entered into primarily for the purpose of unjustly enriching the Registered Distributor, and when except for the incidence of section 4 II (h) of the Act, said Anchor Coal Co. would have purchased the coal direct from a code member, resulting in violations of paragraph (g) of the Agreement;

5. Failed to set forth in his application for registration dated October 19, 1940, as corrected October 30, 1940, his affiliation with the Anchor Coal Co., as required by § 304.11 (6) of the Rules and Regulations for the Registration of Distributors resulting in a violation of paragraph (f) of the Agreement.

B. Whether or not the registration of said J. S. Turley, doing business under the name and style of Industrial Coal Sales Co., should be revoked or suspended or other appropriate penalties imposed.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether or not the aforementioned J. S. Turley has committed violations in the respects heretofore described and whether or not the registration of said distributor should be revoked or suspended, or other appropriate penalties imposed, be held on April 15, 1942, at 10 a. m., at a hearing room of the Division at the Coronado Hotel, St. Louis, Missouri.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said J. S. Turley and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer setting forth the position of the aforementioned J. S. Turley, with reference to the matters hereinbefore described, must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service hereof on J. S. Turley, and that failure to file an answer herein within such period, unless the presiding officer shall otherwise order, shall be deemed to be an admission by J. S. Turley of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically referred to herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: March 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2168; Filed, March 13, 1942; 10:07 a. m.]

[Docket No. B-165]

IN THE MATTER OF EARL HENRY AND D. HENRY, INDIVIDUALLY AND AS COPARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF HENRY COAL COMPANY [EARL HENRY AND D. HENRY (HENRY COAL COMPANY)], CODE MEMBER, DEFENDANTS

ORDER POSTPONING HEARING

The above entitled matter having been heretofore set for hearing on March 16, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the United States Post Office, Federal Building, Huntington, West Virginia; and

It appearing to the Acting Director that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above entitled matter be, and the same hereby is, postponed from 10 a. m. on March 18, 1942 to 10 a. m. on April 4, 1942, at a hearing room of the Bituminous Coal Division at the U. S. Post Office, Huntington, West Virginia.

Dated: March 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2169; Filed, March 13, 1942; 10:07 a. m.]

[Docket No. B-225]

IN THE MATTER OF C. C. WILSON, CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

1. Under the provisions of the Bituminous Coal Act of 1937 (the "Act"), district boards are authorized in appropriate cases to file complaints of violations of the Act, the Bituminous Coal Code (the "Code") and the rules and regulations of the Bituminous Coal Division (the "Division").

2. The Division on December 31, 1941, referred to District Board No. 9, information in its possession bearing on whether or not violations of the Act, the Code, and Rules and Regulations thereunder have been committed by C. C. Wilson, the Code member above-named (hereinafter referred to as the "Code member"), who operates the Wilson Mine, Mine Index No. 802, located in Hopkins County, Kentucky, District No. 9, in connection with selling to the Hart Coal Company, a registered distributor, Registration No. 4042, Mortons Gap, Kentucky, for rail shipments, during the period from March 21, 1941, to May 15, 1941, both dates inclusive, approximately 56.95 tons of 1¼" slack coal and 1,183.93 tons of run of mine coal produced at said mine at 60 cents and $1.40 per net ton, respectively, although at the time of said transactions, no rail classifications or prices, temporary or final, had been established for the coal produced at the above-named mine resulting in a violation of the Order of the Director dated October 9, 1940, in General Docket No. 19.

3. District Board No. 9 has notified the Division that it does not intend to institute compliance proceedings against the Code member in this matter upon the basis of the information submitted to it by the Division.

4. Section 6 (a) of the Act provides in part, that in the event that a District Board shall fail for any reason to take action authorized or required by this Act then the Division may take such action in lieu of the District Board.

5. District Board No. 9 having failed to take action as authorized or required by the Act on the matters hereinbefore described, the Division finds it necessary in the proper administration of the Act to take action thereon in lieu of the Board as in this Notice of and Order for Hearing provided, pursuant to section 6 (a) and other pertinent provisions of the Act for the purpose of determining:

(a) Whether or not the code member has wilfully violated the Order of the Director dated October 9, 1940, in General Docket No. 19; and

(b) Whether or not in the event that the code member is found to have so violated the Act, the Code and rules and regulations thereunder, an Order should be entered revoking the Code membership of C. C. Wilson or directing C. C. Wilson to cease and desist from violating the Act, the Code, and the rules and regulations thereunder.

Now, therefore, it is hereby ordered, That a hearing pursuant to sections 4 II (j), 5 (b), and 6 (a), and other pertinent provisions of the Act to determine whether or not the aforementioned Code member has committed the violations in the respects heretofore described and whether or not the Code membership of said Code member should be revoked or an order should be entered directing the Code member to cease and desist from violating the Act and the Code and rules and regulations of the Division thereunder be held on April 21, 1942, at 10 a. m., at a hearing room of the Division at the Circuit Court Room, Madisonville, Kentucky.

It is further ordered, That Charles S. Mitchell or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, compel their attendance, take evidence, require the production of any books, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time and to such places as he may direct by announcement at said hearing or any adjourned hearing, or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions, and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to section 4 II (j) and 5 (b) of the Act may file a petition for intervention not later than five (5) days before the date set for hearing herein.

Notice is hereby given that answer setting forth the position of the Code member with reference to the matters hereinbefore described must be filed with the Division at its Washington Office or with one of the Statistical Bureaus of the Division within twenty (20) days after date of service of a copy hereof on the Code member; and that any failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission by the Code member of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: March 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2170; Filed, March 13, 1942; 10:07 a. m.]

[Docket No. B-214]

IN THE MATTER OF BECCARIA COAL MINING COMPANY, A PARTNERSHIP, ALSO KNOWN AS FRED DEZAIFFE, SR., AND FRED DEZAIFFE, JR., INDIVIDUALLY, AND AS CO-PARTNERS TRADING AND DOING BUSINESS AS BECCARIA COAL MINING COMPANY, CODE MEMBER, DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 10, 1942, by Bituminous Coal Producers' Board for District No. 1, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 15, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 118, Fifth Floor of Colonial Hotel, Altoona, Pennsylvania.

It is further ordered, That D. C. McCurtain or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows:

1. That said defendants, Fred DeZaiffe, Sr., whose address is Ginter, Pennsylvania, and Fred DeZaiffe, Jr., whose address is Houtzdale, Pennsylvania, wilfully violated Rule 13 of Section II of the Marketing Rules and Regulations by paying to Eastern Coal & Coke Company, Philadelphia, Pennsylvania, sales agent of Code Member, a commission of 26 cents per net ton for sale on its behalf of approximately 474.95 net tons of mine run coal, Size Group No. 3, produced by said defendants at their Leland #8 Mine, Mine Index No. 273, located in Clearfield County, Pennsylvania, in District No. 1, and shipped between the dates of January 3, 1941 and May 29, 1941, both dates inclusive, and by paying to said Eastern Coal & Coke Company a commission of 27 cents per net ton for sale on its behalf of approximately 55.30 net tons of mine run coal, Size Group No. 3, produced at their aforesaid mine, and shipped on or about May 14, 1941, which commissions were and are in excess of the maximum discount allowable to a registered distributor on such transactions as established by Order of the Director dated June 19, 1940, in General Docket No. 12, and which commissions were paid pursuant to a sales agency agreement entered into between Code Member and said Eastern Coal & Coke Company after August 8, 1940, to wit, October 28, 1940, and although, at the time of said transactions, Code Member had not filed an application for permission to pay commissions in excess of the maximum discounts allowable to a registered distributor, as required by Rule 13 of Section II of the Marketing Rules and Regulations.

2. That said defendants wilfully violated sections 4 II (e) and (h) of the Act, Part II (e) and (h) of the Code and Rule 1 of Section III of the Marketing Rules and Regulations by selling and delivering during the period from March 4, 1941 to March 27, 1941, both dates inclusive, to Debevoise-Anderson Company, Inc., registered distributor, Registration No. 2193, whose address is New York, New York, for resale in carload lot quantities, approximately 407.10 net tons of mine run coal, Size Group No. 3, produced at their aforesaid mine, and allowing to said distributor a discount of 17 cents per net ton from the effective minimum f. o. b. mine price on said coal; which discount was and is in excess of the maximum allowable discount of 12 cents per net ton from the effective minimum f. o. b. mine price, as established by Order of the Director, dated June 19, 1940, in General Docket No. 12.

3. That said defendants wilfully violated the Order of the Director dated October 9, 1940, entered in General Docket No. 19, by selling and delivering during the period from January 10 to March 28, 1941, both dates inclusive, to Debevoise-Anderson Company, Inc., registered distributor, Registration No. 2193, whose address is New York, New York, for resale in carload lot quantities, approximately 316.30 net tons of machine cuttings, produced at their aforesaid mine, when at the time of said transactions no temporary or final minimum price or classification for machine cuttings produced at their aforesaid mine had been established by the Division, and Code Member had not filed a petition pursuant to section 4 II (d) of the Act for the establishment of a price or classification for such coal; or

4. That said defendants wilfully violated section 4 II (e) of the Act, Part II (e) of the Code and Rule 1 of Section III of the Marketing Rules and Regulations by selling and delivering during the period from January 10 to March 28, 1941, both dates inclusive, to Debevoise-Anderson Company, Inc., registered distributor, Registration No. 2193, whose address is New York, New York, for resale in carload lot quantities to the Dobler Brewing Company of Albany, New York, approximately 316.30 net tons of nut and slack machine cuttings, produced at their aforesaid mine, at a price of $2.10 per net ton f. o. b. the mine, less 12 cents per net ton discount, whereas the only price established for coal produced at said mine was $2.35 per net ton f. o. b. the mine, for mine run coal, Size Group No. 3, as set forth in the Schedule of Effective Minimum Prices for District No. 1 For All Shipments Except Truck. Said coal should have been sold at a price of $2.35 per net ton f. o. b. the mine, pursuant to Price Instruction No. 5 of said schedule, and accordingly, the above transactions constituted sales below the effective minimum prices and resulted in the allowance of discounts in excess of the maximum allowable discount of 12 cents per net ton from the effective minimum f. o. b. mine price, as established by Order of the Director, dated June 19, 1940, in General Docket No. 12.

Notice is also hereby given that if it shall be determined that the Code Member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code Member in the Code or directing the Code Member to cease and desist from violating the Code and regulations made thereunder.

Dated: March 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2171; Filed, March 13, 1942; 10:07 a. m.]

[Docket No. B-34]

IN THE MATTER OF HIGH POINT COAL COMPANY, A CORPORATION, CODE MEMBER, DEFENDANT

ORDER AMENDING NOTICE OF AND ORDER FOR HEARING AND RESCHEDULING HEARING AND REDESIGNATING EXAMINER

A complaint dated September 15, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on September 16, 1941, by Bituminous Coal Producers Board for District No. 8, a District Board, complainant, and Notice of and Order for Hearing in respect to the subject matter of such complaint having been issued herein on December 8, 1941, and subsequently said complaint having been amended by Order, dated February 28, 1942, granting complainant's motion to amend dated February 2, 1942, and motion further to amend dated February 9, 1942; and

The above-entitled matter having been scheduled for hearing on January 26, 1942, at 10:00 a. m. at a hearing room of the Bituminous Coal Division at Room 214, United States Post Office, Knoxville, Tennessee, before Travis Williams or any other officer or officers of the Bituminous Coal Division duly designated for that purpose, pursuant to Order dated December 8, 1941, and subsequently postponed pursuant to Order dated January 21, 1942, to a date and place to be thereafter designated by an appropriate order; and

The Acting Director deeming it advisable that said Notice of and Order for Hearing dated December 8, 1941, should be amended and the place and date of such hearing should now be designated;

Now, therefore, it is ordered, That a hearing in the above-entitled matter be held on April 27, 1942, at 10:00 a. m. at a hearing room of the Bituminous Coal Division at the Federal Court Room, Knoxville, Tennessee.

It is further ordered, That Charles S. Mitchell be and he is hereby designated to preside at such hearing vice Travis Williams.

It is further ordered, That the Notice of and Order for Hearing dated December 8, 1941, in the above-entitled matter be and the same is hereby amended by adding after the last paragraph thereof the following paragraph:

That the said High Point Coal Company during the period March 3, 1941 to March 31, 1941, both dates inclusive, sold, offered for sale and delivered to numerous purchasers located in various market areas approximately 610.70 net tons of 2½" x 6" coal produced at its High Point No. 1 Mine, Mine Index No. 241, at prices ranging from $2.75 to $2.86 per net ton f. o. b. the mine whereas such coal is classified as Size Group No. 5 and is priced at $2.80 to $2.91 per net ton f. o. b. said mine in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck, resulting in sales, offers and deliveries of coal at prices below the effective minima therefor established by the Division, and violations of the Act and Code.

It is further ordered, That the Notice of and Order for Hearing dated December 8, 1941, in the above-entitled matter, shall, in all other respects, remain in full force and effect.

Dated: March 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2172; Filed, March 13, 1942; 10:08 a. m.]

[Docket No. B-149]

IN THE MATTER OF CENTRAL WEST COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 1512

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division (the "Division") finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder to determine

(a) Whether or not the Central West Coal Company, Registered Distributor, Registration No. 1512 (hereinafter sometimes referred to as the "Registered Distributor"), whose address is 145 North High Street, Columbus, Ohio, violated any provisions of the Act, the Code and orders or regulations of the Division including the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors, and the Distributor's Agreement (the "Agreement") dated April 18, 1939, executed and filed by the Central West Coal Company pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939 in General Docket No. 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939;

(b) Whether or not the Central West Coal Company, during the month of February 1941, while acting as Sales Agent for J. B. Williamson, a code member, Hopedale, Ohio, sold to various purchasers approximately 4,043 tons of mine run coal at $1.90 per ton f. o. b. railroad cars at the Marion Mine tipple of J. B. Williamson, located at Parlett, Ohio, and invoiced this coal as coal produced by said J. B. Williamson, whereas in fact said coal was produced by the Waco Collieries, Millersburg, Ohio at its Ideal Mine, Mine Index No. 68, resulting in the registered distributor participating in transactions which were in violation of the Order of the Director dated October 9, 1940 in General Docket No. 19, Section 4 II (i) 8 of the Act and Part II (i) 8 of the Code, Rule 2 of Section XII and Rule 8 of Section XIII of the Marketing Rules and Regulations and in violation of paragraphs (c) and (e) of the Agreement;

(c) Whether or not the Central West Coal Company in the purchase of coal from certain code members for resale to various purchasers, as more fully set forth herein, participated in transactions which were in violation of Rule 1 of Section III of the Marketing Rules and Regulations by accepting and retaining discounts in excess of the maximum allowable discounts prescribed by the Division pursuant to the Order of the Director dated June 19, 1940 in General Docket No. 12, resulting in violations of paragraphs (a) and (e) of the Agreement:

(1) During the period January through July 1941 in the purchase and resale to various purchasers of approximately 51,385 tons of various sizes of coal produced by J. B. Williamson, a code member, Hopedale, Ohio, at his Marion Mine, Mine Index No. 92, Harrison County, Ohio, District No. 4, the registered distributor accepted and retained discounts in the amount of approximately $5,832.09 in excess of the maximum allowable discounts.

(2) During the period November 25, 1940, through July 31, 1941 in the purchase and resale to various purchasers of approximately 2935.4 tons of various sizes of coal produced by the Orchard Coal Company, a code member, Cambridge, Ohio, at its Orchard Mine, Mine Index No. 680, Guernsey County, Subdistrict No. 2, District No. 4, the registered distributor accepted and retained discounts of approximately $148.06 in excess of the maximum allowable discounts.

(3) On or about June 12, 1941 in the purchase and resale to various purchasers of approximately 97.45 tons of nut, pea and slack coal produced by the Kodak Coal Company, a code member, at its Musser Mine, Mine Index No. 2417, the registered distributor accepted and retained discounts of approximately $1.95 in excess of the maximum allowable discounts.

(d) Whether or not in the distribution of the coal described in paragraph (c) subparagraphs (1), (2) and (3) hereof, Central West Coal Company acted as Sales Agent on behalf of the several code members without there having been filed with the Statistical Bureau or Bureaus of the Division certified copies of all such sales agency contracts or certified copies of agreements modifying any such agency contracts, setting forth therein the basis for the Sales Agent retaining the amount of commissions which Central West Coal Company retained in said transactions, as required by Rules 4 (A) and 4 (B) and Rule 9 (a) of Section II of the Marketing Rules and Regulations, resulting in violations of said rules or any of them, and of paragraph (e) of the Agreement;

(e) Whether or not in the distribution of the coal described in paragraph (c) subparagraphs (1), (2) and (3) hereof, Central West Coal Company, acted as a Sales Agent on behalf of the several code members and retained commissions

in excess of the maximum allowable discounts which it could receive if it acted as a distributor, without there having been filed with the Division an application for permission to pay such commissions, or without having been granted such permission, resulting in violations of Rules 13 (A) and 13 (B) of Section II of the Marketing Rules and Regulations or either of said rules, and of paragraph (e) of the Agreement;

(f) Whether or not during the period January 2, 1941 through February 4, 1941, Central West Coal Company prepaid freight charges on 13 cars of ¾" x ⅜" washed and dried stoker coal produced by and shipped from the Tecumseh Coal Corporation, at its Tecumseh Mine, Mine Index No. 105, District No. 11, and sold to the Hoskins Coal and Dock Company, Chicago, Illinois, resulting in violations of Section 4 II (i) 3 of the Act, Part II (i) 3 of the Code, Rule 1 (J) of Section VII and Rule 3 of Section XIII of the Marketing Rules and Regulations and paragraphs (c) and (e) of the Agreement;

(g) Whether or not on or about January 11, 1941 Central West Coal Company purchased 1 ton of ½" x 0 slack coal at $1.80 less 12 cents and 49.2 tons of 1" x 1¼" lump coal at $2.35 less 20 cents, from the Dundee Coal Company, Sugar Creek, Ohio, a code member, produced at its Dundee Mine, Mine Index No. 1725, located in District No. 4, which coal was resold to the State Procurement Office, U. S. Treasury Department, Columbus, Ohio, of which total tonnage of 50.2 tons of coal 25.3 tons were consigned to a W. P. A. Project at 3rd and Park Avenue, Cleveland, Ohio, and 24.9 tons were consigned to a W. P. A. Project at Fulton and Dennison Avenue, Cleveland, Ohio, in which transactions the registered distributor physically handled such coal and resold it in less than carload lots, resulting in a violation of paragraph (d) of the Agreement;

(h) Whether or not during the period February 17, 1941 through June 18, 1941 Central West Coal Company sold approximately 485.15 tons of various sizes of coal produced by J. B. Williamson, Hopedale, Ohio, at his Marion Mine, Mine Index No. 92, to the Department of Highways, of the State of Ohio, pursuant to a guaranteed analysis, without filing with the Statistical Bureau or Bureaus of the Division and the District Board for the District in which the coal was produced a report of the analysis as used or a statement to the effect that a copy of such analysis has been properly filed with the Statistical Bureau or Bureaus of the Division and the District Board, resulting in violations of Rules 1, 2 and 5 of Section VIII of the Marketing Rules and Regulations and paragraph (e) of the Agreement;

(i) Whether or not in the transactions set forth in paragraph (h) above the Central West Coal Company allowed discounts to the purchaser in the amount of $158.96 because of alleged deficiencies in quality and preparation of the coal so sold, without filing with the Statistical Bureau or Bureaus of the Division and the District Board a copy of the analysis used as the basis for an adjustment of price, resulting in violations of Rule 1 of Section III and Rule 4 of Section VIII of the Marketing Rules and Regulations, and paragraphs (b) and (e) of the Agreement;

(j) Whether or not on or about August 6, 1941, Central West Coal Company entered a bid for the furnishing of approximately 9800 tons of 5" x 2" egg coal produced by the Starr-Jackson Mining Company, Starr, Ohio, at its Starr-Jackson Mine, Mine Index No. 130, Hocking County, Ohio, to the Quartermaster Corps, Chicago Quartermaster Depot, 1819 West Pershing Road, Chicago, Illinois, on the basis of a guaranteed analysis, without filing with the Statistical Bureau or Bureaus of the Division and the District Board for the District in which the coal was produced, a report of the analysis as used or a statement to the effect that a copy of such analysis has been properly filed with the Statistical Bureau or Bureaus of the Division and the District Board, resulting in violations of Rules 1, 2 and 5 of Section VIII of the Marketing Rules and Regulations and paragraph (e) of the Agreement;

(k) Whether or not on or about September 8, 1941, Central West Coal Company entered into a contract for the furnishing of the coal as set forth in paragraph (j) above, without filing a copy of this contract with the Statistical Bureau or Bureaus of the Division within fifteen (15) business days from the date of execution of such contract, resulting in violations of Rule 7 of Section VI of the Marketing Rules and Regulations and paragraph (e) of the Agreement;

(l) Whether or not during the period of November 13, 1940 through April 25, 1941, Central West Coal Company, acting as Sales Agent for the Kodak Coal Company, sold for rail shipment to various purchasers at Erie, Pennsylvania, approximately 3,877.5 tons of 2" nut, pea and slack coal, produced by the Kodak Coal Company, a code member, Clarion, Pennsylvania, at its Musser Mine, Mine Index No. 2417, District No. 1, whereas rail prices, temporary or final, had not been established for said producer until May 20, 1941 pursuant to a petition filed with the Division on or about April 3, 1941, resulting in the registered distributor participating in a violation of the Director's Order dated October 9, 1940 entered in General Docket No. 19 and in violation of paragraph (e) of the Agreement;

(m) Whether or not in the transactions described in paragraph (l) above, Central West Coal Company participated in a violation of Rule 9 (a) of Section II of the Marketing Rules and Regulations by accepting and retaining commissions of approximately $774, as sales agent for the Kodak Coal Company, although a certified copy of said contract of agency between the aforesaid parties was not on file with the Statistical Bureau for District No. 1, resulting in a violation of said rule, and of paragraph (e) of the Agreement;

(n) Whether or not during the period June 12 through July 31, 1941 Central West Coal Company acted as a sales agent on behalf of the Kodak Coal Company, Clarion County, Pennsylvania, in the sale to various purchasers of approximately 3,776 tons of 2" nut, pea and slack coal produced at the Musser Mine, Mine Index No. 2417, of the Kodak Coal Company, retaining commissions of approximately $367.12 in excess of the maximum discounts which it could receive if it purchased such coal as a distributor, without there having been filed with the Division an application for permission to pay such commissions and without having been granted such permission, resulting in violations of Rules 13 (A) and 13 (B) of Section II of the Marketing Rules and Regulations, or either of said rules and paragraph (e) of the Agreement;

(o) Whether or not the registration of Central West Coal Company should be revoked or suspended or other appropriate penalties should be imposed.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether or not the aforementioned Central West Coal Company, has committed violations in the respects heretofore described and whether or not the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on April 9, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 322, New Federal Building, Columbus, Ohio.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Central West Coal Company and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer setting forth the position of the aforementioned Central West Coal Company, with reference to the matters hereinbefore described, must be filed with the Bituminous Coal Division at its Washington Office or with any one of the Statistical Bureaus of the Division, within twenty (20) days after date of service hereof on the Central West Coal Company; and that failure to file an answer herein within such period, unless the presiding officer shall otherwise order, shall be deemed to be an admission by Central West Coal Company of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: March 12, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2173; Filed, March 13, 1942; 10:08 a. m.]

[Docket No. A-1289, Part II]

PETITION OF DISTRICT BOARD NO. 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE CLINTON NO. 1 MINE (STRIP), MINE INDEX NO. 2318, OF THE UNION COLLIERIES COMPANY

MEMORANDUM OPINION AND ORDER GRANTING TEMPORARY RELIEF

An original petition (Docket No. A-1289) was filed with the Bituminous Coal Division by District Board No. 2, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of price classifications and minimum prices for certain coals produced in District No. 2 not theretofore classified and priced. The Clinton No. 1 Mine (strip), Mine Index No. 2318, of the Union Collieries Company, was included in that petition. District Board No. 3 filed a motion to sever that part of Docket No. A-1289 relating to the Clinton No. 1 Mine, and filed a petition of intervention in opposition to the relief requested for this mine and requested that no temporary relief be granted until after the holding of an informal conference. On March 2, 1942, an Order was entered herein severing that part of Docket No. A-1289 relating to the Clinton No. 1 Mine, setting the same up as Docket No. A-1289, Part II, and directing that a hearing be held in Docket No. A-1289, Part II, on March 31, 1942.

Pursuant to the provisions of § 301.106 of the 4 II (d) Rules, and after due notice to all interested persons, an informal conference was held on February 25, 1942, with respect to the prayer of the petitioner for the establishment of temporary price classifications and minimum prices for the coals produced at the Clinton No. 1 Mine, and with respect to the opposition of District Board No. 3 to the granting of such temporary relief. District Boards Nos. 2 and 3, and the Union Collieries Company participated in the informal conference. The record of the informal conference was submitted to the undersigned for consideration.

Information developed at the informal conference discloses that no protest or objection to the granting of the relief requested in the petition has been made or lodged with District Board 2. Counsel for District Board 3 stated at the conference that the purpose of filing the petition of intervention was to enable District Board 3 to obtain information with respect to the propriety of granting the relief requested for the Clinton No. 1 Mine. At the close of the informal conference, District Board 3 stated that it had no objection to the granting of temporary relief, did not think that a hearing was necessary and would amend its request for a hearing to request that the matter be held in suspense pending such time as any producers in the future might manifest an objection. It was stated by counsel for District Board 3 that in view of the information developed at the informal conference the intervener would not press for a formal hearing.

It appears from the record and I find that the price classifications and corresponding minimum prices proposed by District Board 2 for the coals produced at the Clinton No. 1 Mine (strip), Mine Index No. 2318, of the Union Collieries Company, located in District 2, annexed hereto in the schedules marked "Supplement R" and "Supplement T" and made a part hereof, are expressed in the terms of the symbols of and in conformity with the effective minimum prices for analogous and comparable coals established by the Director in General Docket No. 15 and revision thereof and supplements thereto established in appropriate proceedings under the Act, and, are proper and conform to the standards of sections 4 II (a) and (b) of the Act.

It appears from the record that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth, and that injury to the Union Collieries Company is imminent unless temporary relief should be granted. It further appears that the granting of the temporary relief prayed for will not prejudice any of the competitors of the Union Collieries Company, or any code members generally.

It appears that the price classifications and minimum prices set forth in schedules marked "Supplement R" and "Supplement T," annexed hereto and made a part hereof, should be temporarily established pending final disposition of the original petition.

It is, therefore, ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows:. Commencing forthwith, the Schedules of Effective Minimum Prices for District No. 2 for All Shipments Except Truck and for Truck Shipments are supplemented to include the price classifications and minimum prices set forth in the schedules marked "Supplement R" and "Supplement T," annexed hereto and made a part hereof.

Nothing contained herein shall be deemed to constitute a ruling or expression of views concerning the final disposition of these proceedings or the nature of the relief which may hereafter be granted.

Dated: March 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2174; Filed, March 13, 1942; 10:08 a. m.]

[Docket No. A-1276]

PETITION OF W. M. CARDWELL FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE CARDWELL MINE (MINE INDEX NO. 751) IN DISTRICT NO. 13 FOR ALL SHIPMENTS EXCEPT TRUCK

ORDER DISMISSING PETITION

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with this Division by the above-named party on January 16, 1942, and requested the establishment of price classifications and minimum prices for the coals of Mine Index No. 751 in Size Groups 12, 13, 17, 18, and 24 for all shipments except truck. Identical relief had been requested for the coals of this mine in a petition in Docket A-1258 filed by District Board No. 13 on January 5, 1942, and by an Order dated January 21, 1942, in Docket A-1258, the relief sought therein for the coals of Mine Index No. 751 was granted.

By a letter dated February 10, 1942, the original petitioner was advised that relief, identical to the relief sought for the coals of Mine Index No. 751 in the above-entitled matter, had been granted by the Order of January 21, 1942, in Docket A-1258 on the petition of District Board 13, and inquiry was made as to whether original petitioner wished to withdraw the petition in the above-entitled matter. No reply to this communication has been received and it appears that the original petitioner has no further interest in this matter. Accordingly, it appears advisable that the original petition should be dismissed.

Now, therefore, it is ordered, That the original petition in the above-entitled matter be, and it hereby is, dismissed without prejudice.

Dated: March 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2175; Filed, March 13, 1942; 10:08 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. SA-59]

IN THE MATTER OF INVESTIGATION OF ACCIDENT INVOLVING AIRCRAFT OF UNITED STATES REGISTRY NC 21788, WHICH OCCURRED NEAR DETROIT, MICHIGAN, ON MARCH 2, 1942

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly section 702 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on March 17, 1942, at 10:00 a. m. (E. W. T.) in the Tropical Room, Detroit-Leland Hotel, Detroit, Michigan.

Dated, Washington, D. C., March 12, 1942.

[SEAL] D. W. MARKHAM,
Examiner.

[F. R. Doc. 42-2187; Filed, March 13, 1942; 11:42 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6363]

IN RE APPLICATION OF HOOSIER BROADCASTING CO.

NOTICE OF HEARING

In re application of Fred C. Morgan, Harrison Eiteljorg, Roger A. Beane d/b as Hoosier Broadcasting Company (New), dated August 13, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Indianapolis, Indiana; operating assignment specified: Frequency, 810 kc.; power, 250 watts; hours of operation, daytime.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the character of the proposed program service.

2. To determine whether the operation of the proposed station, on the frequency 810 kilocycles would be an efficient use of that channel and consistent with good allocation practice.

3. To determine whether there are other assignments available which would permit the rendition of a local service by the applicant to Indianapolis, Indiana, and the areas contiguous thereto, on an unlimited time basis.

4. To determine whether granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

5. To determine whether the proposed construction involves the use of any critical materials.

6. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and populations.

7. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106).

8. To determine whether in view of the facts adduced under the foregoing issues public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Fred C. Morgan, Harrison Eiteljorg, Roger A. Beane d/b as Hoosier Broadcasting Company, Att: Roger A. Beane, 29 West 38th Street, Indianapolis, Indiana.

Dated: March 11, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F.R. Doc. 42-2178; Filed, March 13, 1942; 10:48 a. m.]

[Docket No. 6364]

IN RE APPLICATION OF WKAL, INC.

NOTICE OF HEARING

In re application of WKAL, Incorporated (New), dated July 21, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Kalamazoo, Michigan; operating assignment specified: Frequency, 1,230 kc.; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the proposed station would provide primary service to the metropolitan district of Kalamazoo, Michigan, as contemplated by the Standards of Good Engineering Practice.

2. To determine whether the proposed construction involves the use of any critical materials.

3. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.

4. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

5. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served by the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

WKAL, Incorporated, Att: Marvin J. Schaberg, P. O. Box 775, Kalamazoo, Michigan.

Dated at Washington, D. C., March 11, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2179; Filed, March 13, 1942; 10:48 a. m.]

FEDERAL POWER COMMISSION.

[Project No. 970]

IN THE MATTER OF GLACIER SILVER LEAD MINING COMPANY

NOTICE OF APPLICATION

MARCH 12, 1942.

Public notice is hereby given, pursuant to the provisions of the Federal Power Act (16 U.S.C. 791–825r) that Glacier Silver Lead Mining Company, of Libby, Montana, licensee for Project No. 970, has filed an application for surrender of license for the project, situated on Granite Creek, in Lincoln County, Montana. Any protest against the approval of this application or request for hearing thereon, with the reasons for such protest or request and the name and address of the party or parties so protesting or requesting, should be submitted before April 11, 1942, to the Federal Power Commission, at Washington, D. C.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 42-2176; Filed, March 13, 1942; 10:13 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4725]

IN THE MATTER OF KIMBLE GLASS COMPANY, A CORPORATION

COMPLAINT

The Federal Trade Commission having reason to believe that the party respondent named in the caption hereof, and hereinafter more particularly designated and described, since June 19, 1936, has violated and is now violating the provisions of section 2 (a) of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, Section 13), hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondent, Kimble Glass Company, is a corporation organized and existing under and by virtue of the laws of the State of Illinois, and has its office and principal place of business located in Vineland, New Jersey.

PAR. 2. Respondent is now, and has been since June 19, 1936, engaged in the business of manufacturing, distributing and selling glass tubing and test and control apparatus for the dairy industry. Respondent is the larger of two manufacturers of test and control dairy glassware doing business in the United States. Its sole competitor is the Wagner Glass Company with offices at 695 East 132d Street, New York, New York, which likewise distributes and sells in interstate commerce. In the course and conduct of its said business, respondent sells the aforesaid apparatus to purchasers located in the various states of the United States and in the District of Columbia and causes substantial quantities of said apparatus, when sold, to be shipped and transported from its place of business in the State of New Jersey across state lines to the respective purchasers thereof in each of the several states of the United States and in the District of Columbia.

Respondent employs no salesmen. It has no branch offices, nor does it maintain warehouses other than those located in Vineland, New Jersey. All orders for its dairy glassware are forwarded to it by its customers through the mail. Its method of shipping its products is the same to all customers, whether large or small. It will make shipments direct to its customers or to any of the several branches named by them, as well as drop shipments, whenever directed.

PAR. 3. Among those purchasers to whom respondent sells its merchandise are Cherry-Burrell Corporation, Chicago, Illinois; Creamery Package Manufacturing Company, Chicago, Illinois; Meyer-Blanke Company, St. Louis, Missouri; and Kennedy & Parsons Company, Omaha, Nebraska. The Creamery Package Manufacturing Company sells direct to consumers through its direct selling branches located in some eighteen cities throughout the United States. The Cherry-Burrell Corporation likewise maintains offices throughout the United States in some eighteen cities. Meyer-Blanke Company has seventeen offices, while Kennedy & Parsons Company has three branches. These buyers of respondent's merchandise are competitively engaged in commerce as commerce is defined in the Clayton Act with numerous wholesalers of respondent's merchandise.

PAR. 4. Respondent enters into contracts with the four mentioned buyers in which these buyers are designated as distributors. These contracts provide in part as follows:

Distributor is to stock at least 250 gross of Test Bottles and Pipettes and shall advise us semiannually, in writing, that this amount of stock is being maintained. When this condition is met, the Seller agrees to furnish articles listed in Part I of Seller's catalog at the following discounts:

	Percent
Orders less than 25 gross	25
25 to 49 gross	25–5
50 to 99 gross	25–10
100 gross or more	25–15

The Distributor agrees to wholesaler's plan of distribution attached which is a part of this agreement. The Seller reserves the right to ask for and receive the individual and total of all sales made by the Distributor to any wholesaler.

Wholesalers and large consumers buy direct from respondent and from distributors at prices reflecting the following discounts:

	Percent
Less than 1 gross	10
1 to 4 gross	15
5 to 9 gross	20
10 to 24 gross	25

Distributors accept blanket orders for 25 gross from large buyers and permit withdrawals as desired. Respondent likewise accepts blanket orders at maximum discounts from its distributors and permits the buyers to designate numerous shipments to various buyers to apply against the blanket order.

PAR. 5. Respondent interprets the contracts with the four mentioned distributors to mean the aggregate stocking by all of the various branches of such distributors, and it appears that none of these branches carries as much as 100 gross and several carry less than 12 gross each. The average size of the orders submitted by some of the favored purchasers is less than the average size of the orders submitted by other purchasers who are sold at no greater discounts than 25%. By the foregoing acts and practices the respondent discriminates in price between its small and large customers. The former can never secure better than a 25% discount, while the latter may obtain this discount regardless of the size of the individual order and greater discounts for larger orders. To illustrate: The respondent, Kimble Glass Company, sold cream test bottles, article 2085, at approximately the same time to Jensen Machinery and Dairy Supply Co., Inc., of Wichita, Kansas, and to Meyer-Blanke Company of St. Louis, Missouri. Drop shipments of less than 5 gross each were made for each buyer. The two named buyers compete for business of the same consumers. While the Wichita Company was granted a discount of 25%, the St. Louis Company received an additional 15%.

PAR. 6. The effect of the discriminations in price set forth herein has been and may be substantially to lessen competition between respondent and its sole competitor and to tend to create a monopoly in respondent in the sale of the merchandise referred to herein, and the effect has been and may be to tend to create a monopoly in such customers who are not charged the higher prices and to injure competition with such customers of respondent who receive the benefit of such discrimination.

PAR. 7. The aforesaid acts and practices of respondent constitute a violation of the provisions of section 2 (a) of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C., Title 15, Section 13).

Wherefore, the premises considered, the Federal Trade Commission on this 9th day of March, A. D. 1942, here issues its complaint against said respondent.

NOTICE

Notice is hereby given you, Kimble Glass Company, respondent herein, that the 17th day of April, A. D. 1942, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure to find such facts to be true, and if in the judgment of the Commission such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and

its official seal to be hereto affixed, at Washington, D. C., this 9th day of March, A. D. 1942.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-2184; Filed, March 13, 1942; 11:33 a. m.]

FOREIGN-TRADE ZONES BOARD.

[Order No. 7]

IN THE MATTER OF THE REQUEST OF THE SECRETARY OF WAR TO SUSPEND FOREIGN-TRADE ZONE OPERATIONS IN A CERTAIN PART OF FOREIGN-TRADE ZONE NO. 1 AT STAPLETON, STATEN ISLAND, NEW YORK, DURING THE PERIOD OF ARMY OCCUPANCY

Pursuant to the authority contained in the Act of June 18, 1934 (48 Stat. 998; 19 U.S.C. 81-a–81-u), the Foreign-Trade Zones Board, at a meeting held February 26, 1942, adopted the following order which is promulgated for the information and guidance of all concerned:

The War Department having decided that a military necessity exists for the immediate occupancy of Piers Nos. 12, 13, 14, 15 and 16, and adjacent slips and land comprising a part of Foreign-Trade Zone No. 1, at Stapleton, Staten Island, New York, the Foreign-Trade Zones Board hereby approves the request of the Secretary of War to suspend foreign-trade zone operations within the said piers and on the said facilities during the period of military occupancy. Further, the Board agrees to suspend, during same time, all requirements for zone construction and improvements in the area and on the facilities affected.

The Board orders the City of New York, the Grantee, to maintain an office at the zone site and authorizes the continuance of operations now carried on in connection with the storing, sampling, and sale of Sumatra tobacco or any other foreign-trade zone activity which is adaptable to the area which has been exempted from the property acquired by the War Department.

The Grantee is further ordered to segregate this area and the structures thereon to comply with requirements of the Collector of Customs of the Port of New York.

The Grantee is authorized and directed to obtain suitable sites within the limits of the Port of New York wherein zone operations are to be carried on during the period of the present emergency, and upon approval of such sites by the Board, any area so approved will be deemed to be within Foreign-Trade Zone No. 1.

This order is effective February 23, 1942.

[SEAL] JESSE H. JONES, *Secretary of Commerce, Chairman, Foreign-Trade Zones Board.*

[F. R. Doc. 42-2181; Filed, March 13, 1942; 10:06 a. m.]

MAR 18 1942

FEDERAL REGISTER

THE NATIONAL ARCHIVES — LITTERA SCRIPTA MANET — OF THE UNITED STATES — 1934

VOLUME 7 NUMBER 52

Washington, Tuesday, March 17, 1942

The President

EXECUTIVE ORDER

REORGANIZATION OF THE NAVY DEPARTMENT AND THE NAVAL SERVICE AFFECTING THE OFFICE OF THE CHIEF OF NAVAL OPERATIONS AND THE COMMANDER IN CHIEF, UNITED STATES FLEET

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941, approved December 18, 1941 (Public Law 354, 77th Congress), and other applicable statutes, and as Commander in Chief of the Army and Navy and as President of the United States, it is hereby ordered as follows:

1. The duties of the Commander in Chief, United States Fleet, and the duties of the Chief of Naval Operations, may be combined and devolve upon one officer who shall have the title "Commander in Chief, United States Fleet, and Chief of Naval Operations", and who shall be the principal naval adviser to the President on the conduct of the War, and the principal naval adviser and executive to the Secretary of the Navy on the conduct of the activities of the Naval Establishment. While so serving he shall have the rank and title of Admiral and shall receive the pay and allowances provided by law for an officer serving in the grade of Admiral.

2. As Commander in Chief, United States Fleet, the officer holding the combined offices as herein provided shall have supreme command of the operating forces comprising the several fleets, seagoing forces, and sea frontier forces of the United States Navy and shall be directly responsible, under the general direction of the Secretary of the Navy, to the President therefor.

3. The staff of the Commander in Chief, United States Fleet, shall be composed of—

(a) A Chief of Staff, who shall while so serving have the rank, pay, and allowances of a Vice Admiral, and who, in the temporary absence or incapacity of the "Commander in Chief, United States Fleet and Chief of Naval Operations", shall act as Commander in Chief, United States Fleet;

(b) Such deputy and assistant chiefs of staff as may be necessary; and

(c) Such other officers as may be appropriate and necessary to enable the "Commander in Chief, United States Fleet, and Chief of Naval Operations" to perform as Commander in Chief, United States Fleet, the duties prescribed in Executive Order No. 8984[1] of December 18, 1941.

4. As Chief of Naval Operations, the officer holding the combined offices as herein provided shall be charged, under the direction of the Secretary of the Navy, with the preparation, readiness and logistic support of the operating forces comprising the several fleets, seagoing forces and sea frontier forces of the United States Navy, and with the coordination and direction of effort to this end of the bureaus and offices of the Navy Department except such offices (other than bureaus) as the Secretary of the Navy may specifically exempt. Duties as Chief of Naval Operations shall be contributory to the discharge of the paramount duties of Commander in Chief, United States Fleet.

5. The staff of the Chief of Naval Operations shall be composed of—

(a) A Vice Chief of Naval Operations, who shall while so serving have the rank, pay and allowances of a Vice Admiral. The Vice Chief of Naval Operations shall have all necessary authority for executing the plans and policies of the "Commander in Chief, United States Fleet, and Chief of Naval Operations" so far as pertains to the duties herein prescribed for the Chief of Naval Operations. In the temporary absence or incapacity of the "Commander in Chief, United States Fleet, and Chief of Naval Operations", he shall act as Chief of Naval Operations.

(b) An Assistant to the Chief of Naval Operations with the title of Sub Chief of Naval Operations, who shall have the rank of rear admiral and while so serving shall receive the pay and allowances of

[1] 6 F.R. 6569.

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FEDERAL REGISTER

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a rear admiral, upper half, and such additional assistant Chiefs of Naval Operations as may be required; and

(c) Such other officers as may be considered to be appropriate and necessary for the performance of the duties at present prescribed for the Chief of Naval Operations.

6. During the temporary absence of the Secretary of the Navy, the Under Secretary of the Navy, and the Assistant Secretaries of the Navy, the "Commander in Chief, United States Fleet, and Chief of Naval Operations" shall be next in succession to act as Secretary of the Navy. In the temporary absence of all of these officers the Vice Chief of Naval Operations and the Chief of Staff, United States Fleet, respectively, shall be next in succession to act as Secretary of the Navy.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 12, 1942.

[No. 9096]

[F. R. Doc. 42-2195; Filed, March 13, 1942; 3:20 p. m.]

EXECUTIVE ORDER

POWER SITE RESTORATION NO. 496. PARTIAL REVOCATION OF EXECUTIVE ORDER OF MARCH 27, 1913, CREATING POWER SITE RESERVE NO. 348, AND OF EXECUTIVE ORDER OF DECEMBER 20, 1916, CREATING POWER SITE RESERVE NO. 563

WYOMING

By virtue of the authority vested in me by section 1 of the act of June 25, 1910, c. 421, 36 Stat. 847, it is ordered as follows:

1. The Executive order of March 27, 1913, creating Power Site Reserve No. 348, is hereby revoked as to the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 52 N., R. 102 W., that portion of lot 80 within secs. 2 and 3; sec. 3, lot 3.
T. 50 N., R. 104 W., sec. 7, lots 21, 45, and 46.
T. 50 N., R. 105 W., sec. 13, lots 1, 4, and 5.

2. The Executive order of December 20, 1916, creating Power Site Reserve No. 563, is hereby revoked as to the following-described lands:

SIXTH PRINCIPAL MERIDIAN

T. 53 N., R. 101 W.,
sec. 13, lots 3, and 4;
sec. 14, lots 4, and 5.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 13, 1942.

[No. 9097]

[F. R. Doc. 42-2205; Filed, March 14, 1942; 11:01 a. m.]

Rules, Regulations, Orders

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MARKETING SERVICE, AGRICULTURAL MARKETING ADMINISTRATION

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO TWIN CITY SALE YARDS, LEWISTON, IDAHO [1]

MARCH 13, 1942.

Whereas in accordance with the provisions of section 302 (b) of the Packers and Stockyards Act, 1921 (7 U.S.C. § 202 (b)), the Secretary of Agriculture posted the stockyard known as the Lewiston Livestock Commission Company, Lewiston, Idaho, as being subject to the provisions of said Act; and

Whereas it appears that said stockyard is now known as the Twin City Sale Yards, and is being operated by Andrew Nelson, doing business as the Twin City Sale Yards:

Therefore, it is ordered, That the notice of the posting of said stockyard be, and it hereby is, amended to show that the correct name of the stockyard is the Twin City Sale Yards, Lewiston, Idaho.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-2231; Filed, March 14, 1942; 11:58 a. m.]

[1] Modifies list posted stockyards 9 CFR 204.1.

TITLE 16—COMMERCIAL PRACTICES

CHAPTER I—FEDERAL TRADE COMMISSION

[Docket No. 4399]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF HEROLIN COMPANY, INC., ET AL

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.6 (y) *Advertising falsely or misleadingly—Safety:* § 3.71 (e) *Neglecting, unfairly or deceptively, to make material disclosure—Safety:* § 3.96 (a) *Using misleading name—Goods—Nature:* § 3.96 (a) *Using misleading name—Goods—Qualities or properties.* In connection with offer, etc., of respondents' medicinal and cosmetic preparations, as below set forth, or any other similar preparations, and among other things, as in order set forth, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said medicinal and cosmetic preparations, which advertisements represent, directly or by implication, (a) that respondents' preparation "Original Herolin Beautifier Hair Dressing" penetrates to the roots of the hair; revives hair cells or causes hair to grow; furnishes necessary oils or nourishment to the hair; or prevents dandruff or other scalp ailments; (b) that respondent's preparation "Herolin Hair Gloss and Temple Oil" combines the properties of hair grower, brilliantine and pressing oil; promotes the growth of hair; or prevents hot combs or irons from burning the hair or scalp; (c) that respondents' preparation "Herolin Tetter Salve" will stop falling hair; possesses any therapeutic value in the treatment of dandruff in excess of softening dandruff scales and facilitating the removal thereof; or constitutes a cure for eczema, tetter or other skin infections or ailments due to systemic factors; (d) that respondents' preparation "Herolin Nayko Tablets" will relieve women from the pains suffered during the menstruation period; or will cure or relieve headaches, backaches, nausea, neuralgia or colds; (e) that respondents' preparation "Herolin Female Tonic" will cure, or have any therapeutic value in the treatment of, chronic functional irregularity of the female reproductive organs; or will relieve suppressed, painful or excessive menstruation; (f) that respondents' preparation "Herolin Moonbeam Pills" possesses any therapeutic value in the treatment of disorders of the liver; or constitutes a cure for sick headaches or nausea, or possesses any therapeutic value in the treatment thereof in excess of affording temporary relief when such conditions are due to constipation; (g) that respondents' preparation "Herolin Moonbeam Tonic" will correct or cure systemic disorders of the stomach, kidneys or liver; will cure constipation, or is a competent or effective treatment therefor in excess of furnishing temporary relief; or constitutes a cure for headaches, billiousness, dizziness or back pains, or possesses any therapeutic value in the treatment thereof in excess of affording temporary relief when such conditions are due to constipation; (h) that respondents' preparation "Herolin Croup Salve" constitutes a cure for head or chest colds, croup, or inflammation or congestion of the respiratory tract, or that it possesses any therapeutic value in the treatment thereof in excess of affording soothing temporary relief from the discomforts associated with such conditions; (i) that respondents' preparation "Herolin Blood Tonic" will build blood, or has any therapeutic value in the treatment of boils, pimples, sores, skin infections, dizziness or any troubles arising from disordered conditions of the blood stream or from poor circulation; or which advertisements use the words "Blood Tonic" as a part of the name of said preparation or otherwise represent that said preparation is a blood tonic; (j) that respondents' preparation "Herolin Healing Oil" is capable of penetrating the skin to the muscles or joints; or constitutes a cure or remedy or a competent or effective treatment for rheumatism, lumbago, muscle cramps, sore muscles, sprains, stiff joints, neuralgia or lame back; or which advertisements use the word "Healing" as a part of the name of said preparation or otherwise represent that said preparation possesses healing properties; or which advertisements (k) fail to reveal that the continued use of their said "Herolin Blood Tonic" may result in chronic mercury poisoning, and that said preparation should not be used by those having tuberculosis or goiter; or which advertisements (l) fail to contain a warning against the repeated application of their said "Herolin Healing Oil" to the same place; prohibited, subject to the provision, however, as respects said prohibitions (k) and (l) that such advertisements need contain only the statement, "Caution: Use Only As Directed", if and when the directions for use, wherever they appear on the label, in the labeling, or in both label and labeling, contain a warning to the above effect. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Herolin Company, Inc., et al., Docket 4399, March 9, 1942]

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with the offer, etc., in commerce, of respondents' so-called "curios" and "charms", including incense, powders, oils, lodestones, horseshoes and bones, or any other articles, and among other things, as in order set forth, representing

that said articles possess any mystic or supernatural powers; that they will bring to the wearer or user good luck, love, money, or success in love and marriage; or that they will charm or attract others; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Herolin Company, Inc., et al., Docket 4399, March 9, 1942]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser — Producer status of dealer or seller—Chemists:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Laboratory:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Manufacturer.* In connection with offer, etc., in commerce, of respondents' medicinal and cosmetic preparations, and so-called curios and charms, and among other things, as in order set forth, (1) using the word "Chemists", or any other word of similar import, to designate or describe respondents' business, or otherwise representing that respondents are chemists, or that they own, control or operate a chemical laboratory; and (2) using the unqualified word "Manufacturer", or any other word of similar import, to designate or describe respondents' business, or otherwise representing that respondents manufacture all of the products sold by them; prohibited, subject to provision, however, as respects said second prohibition, that such provision shall not be construed to prohibit the use of such term when its application is expressly restricted to that portion of respondents' products which is exported to foreign countries and which is in fact manufactured by respondents. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Herolin Company, Inc., et al., Docket 4399, March 9, 1942]

§ 3.6 (i) *Advertising falsely or misleadingly—Free goods or service:* § 3.7 (e) *Offering deceptive inducements to purchase—Free goods.* In connection with offer, etc., in commerce, of respondents' medicinal and cosmetic preparations, and so-called curios and charms, and among other things, as in order set forth, using the word "free", or any other word of similar import, to designate or describe any articles of merchandise which are not in fact given free and without charge, or otherwise representing that any merchandise is given free or without charge when such is not the fact; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Herolin Company, Inc., et al., Docket 4399, March 9, 1942]

In the Matter of Herolin Company, Inc., and Bert H. Rubin, Individually and as President of Herolin Company, Inc.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of March, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, stipulation entered into between the attorney for the Commission and the attorney for respondents, report of the trial examiner upon the evidence, and brief in support of the complaint (no brief having been filed by respondents and oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that the respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Herolin Company, Inc., a corporation, and its officers, and Bert H. Rubin, individually and as president of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of their medicinal and cosmetic preparations hereinafter named, or any other preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(a) That respondents' preparation "Original Herolin Beautifier Hair Dressing" penetrates to the roots of the hair; that it revives hair cells or causes hair to grow; that it furnishes necessary oils or nourishment to the hair; or that it prevents dandruff or other scalp ailments;

(b) That respondents' preparation "Herolin Hair Gloss and Temple Oil" combines the properties of hair grower, brilliantine and pressing oil; that it promotes the growth of hair; or that it prevents hot combs or irons from burning the hair or scalp;

(c) That respondents' preparation "Herolin Tetter Salve" will stop falling hair; that it possesses any therapeutic value in the treatment of dandruff in excess of softening dandruff scales and facilitating the removal thereof; or that it constitutes a cure for eczema, tetter or other skin infections or ailments due to systemic factors;

(d) That respondents' preparation "Herolin Nayko Tablets" will relieve women from the pains suffered during the menstruation period; or that it will cure or relieve headaches, backaches, nausea, neuralgia or colds;

(e) That respondents' preparation "Herolin Female Tonic" will cure, or have any therapeutic value in the treatment of, chronic functional irregularity of the female reproductive organs; or that it will relieve suppressed, painful or excessive menstruation;

(f) That respondents' preparation "Herolin Moonbeam Pills" possesses any therapeutic value in the treatment of disorders of the liver; or that it constitutes a cure for sick headaches or nausea, or possesses any therapeutic value in the treatment thereof in excess of affording temporary relief when such conditions are due to constipation;

(g) That respondents' preparation "Herolin Moonbeam Tonic" will correct or cure systemic disorders of the stomach, kidneys or liver; that it will cure constipation, or is a competent or effective treatment therefor in excess of furnishing temporary relief; or that it constitutes a cure for headaches, biliousness, dizziness or back pains, or possesses any therapeutic value in the treatment thereof in excess of affording temporary relief when such conditions are due to constipation;

(h) That respondents' preparation "Herolin Croup Salve" constitutes a cure for head or chest colds, croup, or inflammation or congestion of the respiratory tract, or that it possesses any therapeutic value in the treatment thereof in excess of affording soothing temporary relief from the discomforts associated with such conditions;

(i) That respondents' preparation "Herolin Blood Tonic" will build blood, or that it has any therapeutic value in the treatment of boils, pimples, sores, skin infections, dizziness or any troubles arising from disordered conditions of the blood stream or from poor circulation; or which advertisement uses the words "Blood Tonic" as a part of the name of said preparation or otherwise represents that said preparation is a blood tonic; or which advertisement fails to reveal that the continued use of said preparation may result in chronic mercury poisoning, and that said preparation should not be used by those having tuberculosis or goiter: *Provided, however*, That such advertisement need contain only the statement, "Caution: Use Only as Directed", if and when the directions for use, wherever they appear on the label, in the labeling, or in both label or labeling, contain a warning to the above effect;

(j) That respondents' preparation "Herolin Healing Oil" is capable of penetrating the skin to the muscles or joints; or that it constitutes a cure or remedy or a competent or effective treatment for rheumatism, lumbago, muscle cramps, sore muscles, sprains, stiff joints, neuralgia or lame back; or which advertisement uses the word "Healing" as a part of the name of said preparation or otherwise represents that said preparation possesses healing properties; or which advertisement fails to contain a warning against the repeated application of said preparation to the same place: *Provided, however*, That such advertisement need contain only the statement, "Caution: Use Only as Directed", if and when the directions for use, whether they appear on the label, in the labeling, or in both label and labeling, contain a warning to the above effect;

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparations, which advertisement contains any of the representations prohibited in paragraph 1 hereof, or which advertisement with respect to said preparations Herolin Blood Tonic and Herolin Healing Oil fails to comply with the affirmative requirements set forth in subparagraphs (i) and (j) above;

It is further ordered, That the respondents and their officers, agents, representatives and employees, as aforesaid, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' so-called "curios" and "charms", including incense, powders, oils, lodestones, horseshoes and bones, or any other articles, do forthwith cease and desist from:

Representing that said articles possess any mystic or supernatural powers; that they will bring to the wearer or user good luck, love, money, or success in love and marriage; or that they will charm or attract others;

It is further ordered, That the respondents and their officers, agents, representatives and employees, as aforesaid, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of respondents' medicinal and cosmetic preparations and so-called curios and charms, do forthwith cease and desist from:

1. Using the word "Chemists", or any other word of similar import, to designate or describe respondents' business, or otherwise representing that respondents are chemists, or that they own, control or operate a chemical laboratory;

2. Using the unqualified word "Manufacturer", or any other word of similar import, to designate or describe respondents' business, or otherwise representing that respondents manufacture all of the products sold by them; *Provided, however*, That this provision shall not be construed to prohibit the use of such term when its application is expressly restricted to that portion of respondents' products which is exported to foreign countries and which is in fact manufactured by respondents;

3. Using the word "free", or any other word of similar import, to designate or describe any articles of merchandise which are not in fact given free and without charge, or otherwise representing that any merchandise is given free or without charge when such is not the fact;

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-2206; Filed March 14, 1942; 11:01 a. m.]

[Docket No. 4075]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF LOGAN-CACHE KNITTING MILLS

§ 3.69 (b) *Misrepresenting oneself and goods—Goods—Identity:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Source or origin—Maker:* § 3.96 (a) *Using misleading name—Goods—Identity:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Maker.* In connection with offer, etc., in commerce, of respondent's knitted wear, and among other things, as in order set forth, using the word "Loganknit" or "Loganknits" to designate or describe respondent's products, or otherwise representing, directly or by implication, that respondent's products are "Loganknits" or are the products of the Logan Knitting Mills and Garment Company, of Logan, Utah; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Logan-Cache Knitting Mills, Docket 4075, March 9, 1942]

§ 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Connections and arrangements with others:* § 3.69 (a) *Misrepresenting oneself and goods—Business status, advantages or connections—Identity.* In connection with offer, etc., in commerce, of respondent's knitted wear, and among other things, as in order set forth, representing, directly or indirectly, that respondent is the same company as the Logan Knitting Mills and Garment Company, of Logan, Utah, or that respondent is in any manner associated or connected with said company; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b). [Cease and desist order, Logan-Cache Knitting Mills, Docket 4075, March 9, 1942]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—History:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Reputation, success or standing.* In connection with offer, etc., in commerce of respondent's knitted wear, and among other things, as in order set forth, representing, directly or indirectly, that respondent was established in 1890, or that it is the "Pioneer Knitters of the West", or that respondent was organized or established at any time prior to 1935; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Logan-Cache Knitting Mills, Docket 4075, March 9, 1942]

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence taken before a trial examiner of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of the trial examiner upon the evidence, and briefs in support of and in opposition to the complaint (oral argument not having been requested), and the Commission having made its findings as to the facts and its conclusion that the respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Logan-Cache Knitting Mills, a corporation, and its officers, agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of respondent's knitted wear in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "Loganknit" or "Loganknits" to designate or describe respondent's products, or otherwise representing, directly or by implication, that respondent's products are "Loganknits" or are the products of the Logan Knitting Mills and Garment Company, of Logan, Utah;

2. Representing, directly or indirectly, that respondent is the same company as said Logan Knitting Mills and Garment Company, or that respondent is in any manner associated or connected with said company;

3. Representing, directly or indirectly, that respondent was established in 1890, or that it is the "Pioneer Knitters of the West", or that respondent was organized or established at any time prior to 1935.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-2278; Filed, March 16, 1942; 11:38 a. m.]

[Docket No. 4555]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF FELDER BROTHERS, INC., ET AL.

§ 3.66 (a 7) *Misbranding or mislabeling—Composition:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Composition:* § 3.96 (a) *Using mislead-*

ing name—Goods—Composition. In connection with offer, etc., in commerce, of leather goods, imitation leather goods, novelties, and other similar products, (1) representing in any manner that products which are not manufactured wholly from the hide of an animal are leather or genuine leather; (2) using the words or legends "Genuine Leather Composition Barkhyde," "Composition Barkhyde" or the words "Barkhyde" or "leather," or any other word or words whose spelling or written appearance simulates or suggests the word "hide" or "leather" as descriptive of the composition of any products which are not made of leather, the hide of an animal; and (3) using the words "leather" or "hide" or any simulations thereof, in connection with or as descriptive of their products, made partly of leather and partly of other materials which simulate leather, unless that part which is leather and that part which simulates leather are clearly distinguished; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Felder Brothers, Inc., et al., Docket 4555, March 12, 1942]

In the Matter of Felder Brothers, Inc., a Corporation and Abraham Felder, David Felder and Louis Felder, Individually and as Officers of Felder Brothers, Inc.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 12th day of March, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon complaint of the Commission, the answer of the respondents and a stipulation as to the facts entered into by counsel for respondents herein and counsel for the Commission which provides, among other things, that without further evidence or other intervening procedure, the Commission may issue and serve upon the respondents herein findings as to the facts and conclusion based thereon and an order disposing of the proceeding, and the Commission having made its findings as to the facts and conclusion that the said respondents have violated the provisions of the said Federal Trade Commission Act;

It is ordered, That the respondents, Felder Brothers, Inc., a corporation, its officers, representatives, agents and employees and Abraham Felder, David Felder and Louis Felder, as individuals, and as officers of Felder Brothers, Inc., their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of leather goods, imitation leather goods, novelties and other similar products in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing in any manner that products which are not manufactured wholly from the hide of an animal are leather or genuine leather;

2. Using the words or legends "Genuine Leather Composition Barkhyde," "Composition Barkhyde" or the words "Barkhyde" or "leather," or any other word or words whose spelling or written appearance simulates or suggests the word "hide" or "leather" as descriptive of the composition of any products which are not made of leather, the hide of an animal;

3. Using the words "leather" or "hide" or any simulations thereof, in connection with or as descriptive of their products, made partly of leather and partly of other materials which simulate leather, unless that part which is leather and that part which simulates leather are clearly distinguished.

It is further ordered, That the respondents shall, within sixty days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-2275; Filed, March 16, 1942; 11:37 a. m.]

[Docket No. 4599]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF PRATT FOOD COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly — Qualities or properties of products:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondent's "Pratt's Inhalant" and "Pratt's Poultry Regulator" for chickens, or any other similar preparations, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of said preparations, which advertisements represent, directly or through inference that respondent's "Pratt's Inhalant" (1) constitutes a competent or effective treatment for colds in fowl; (2) helps prevent serious respiratory diseases in chickens; (3) is a germicide or has antiseptic and healing properties; and (4) prevents serious outbreaks of disease in chickens; or which advertisements represent, directly or by implication, that respondent's "Pratt's Poultry Regulator" will start all hens producing more eggs within fifteen days or within any other period of time; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Pratt Food Company, Docket 4599, March 9, 1942]

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of March, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission, upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and waives all interveining procedure and further hearing as to the said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Pratt Food Company, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of its medicinal preparations for chickens designated "Pratt's Inhalant" and "Pratt's Poultry Regulator," or any other preparations of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other names, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated any advertisement (a) by means of the United States mails or (b) by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or by implication:

(1) That respondent's preparation "Pratt's Inhalant" constitutes a competent or effective treatment for colds in fowl;

(2) That "Pratt's Inhalant" helps prevent serious respiratory diseases in chickens;

(3) That "Pratt's Inhalant" is a germicide or has antiseptic and healing properties;

(4) That "Pratt's Inhalant" prevents serious outbreaks of disease in chickens;

(5) That respondent's preparation "Pratt's Poultry Regulator" will start all hens producing more eggs within fifteen days or within any other period of time.

2. Disseminating or causing to be disseminated any advertisement by any means for the purpose of inducing or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of said preparations, which advertisement contains any of the representations prohibited in paragraph 1 hereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-2276; Filed, March 16, 1942; 11:37 a. m.]

[Docket No. 4660]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF SAMUEL MARTIN, LTD.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Foreign status, branches, etc.:* § 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place—Foreign in general:* § 3.66 (a 15) *Misbranding or mislabeling—Foreign branches, plants or properties:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place—Foreign, in general.* In connection with offer, etc. in commerce, of men's clothing and blankets, (1) using the word "London" in conjunction with respondent's name or in conjunction with any trade name used by respondent, or in any manner representing that the respondent's enterprise is a British corporation or an English concern; and (2) representing in any manner, directly or indirectly, that any merchandise sold and distributed by respondent is manufactured in the British Isles, unless the merchandise so described has been manufactured in the British Isles; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Samuel Martin, Ltd., Docket 4660, March 9, 1942]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Plant and equipment:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Manufacturer:* § 3.66 (e 15) *Misbranding or mislabeling—Plant and equipment:* § 3.66 (g) *Misbranding or mislabeling—Producer status of dealer or seller:* In connection with offer, etc., in commerce, of men's clothing and blankets (1) using the words "Factory, Leeds, England" or representing in any manner that the merchandise sold and distributed by respondent is manufactured by him, unless and until the respondent actually owns and operates or directly and absolutely controls the plant or factory in which such merchandise is manufactured; and (2) representing, directly or indirectly, that respondent operates a warehouse or other building in connection with his business for the storage of imported merchandise, unless such is the fact; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Samuel Martin, Ltd., Docket 4660, March 9, 1942]

§ 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.66 (d) *Misbranding or mislabeling—Nature.* In connection with offer, etc., in commerce, of men's clothing and blankets, using the words "Imported Hudson Bay Blankets" and "Hudson Bay Blanket" or words of similar import in connection with and as descriptive of blankets sold and distributed by respondent, unless such blankets are the same as those sold and distributed by Hudson Bay Company, incorporated under the laws of England in 1670 with its principal place of business located in Vancouver, British Columbia; prohibited. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Samuel Martin, Ltd., Docket 4660, March 9, 1942]

In the Matter of Samuel Martin, Individually and Trading as Samuel Martin, Ltd.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 9th day of March, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that he waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Samuel Martin, individually and trading as Samuel Martin, Ltd., or trading under any other name, his representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of men's clothing and blankets in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Using the word "London" in conjunction with respondent's name or in conjunction with any trade name used by respondent, or in any manner representing that the respondent's enterprise is a British corporation or an English concern.

2. Representing in any manner, directly or indirectly, that any merchandise sold and distributed by respondent is manufactured in the British Isles, unless the merchandise so described has been manufactured in the British Isles.

3. Using the words "Factory, Leeds, England" or representing in any manner that the merchandise sold and distributed by respondent is manufactured by him, unless and until the respondent actually owns and operates or directly and absolutely controls the plant or factory in which such merchandise is manufactured.

4. Representing, directly or indirectly, that respondent operates a warehouse or other building in connection with his business for the storage of imported merchandise, unless such is the fact.

5. Using the words "Imported Hudson Bay Blankets" and "Hudson Bay Blanket" or words of similar import in connection with and as descriptive of blankets sold and distributed by respondent, unless such blankets are the same as those sold and distributed by Hudson Bay Company, incorporated under the laws of England in 1670 with its principal place of business located in Vancouver, British Columbia.

It is further ordered, That the respondent shall, within sixty (60) days after service upon him of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which he has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-2279; Filed, March 16, 1942; 11:38 a. m.]

[Docket No. 4664]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF OLANDO MANUFACTURERS

§ 3.66 (a7) *Misbranding or mislabeling—Composition:* § 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition:* § 3.96 (a) *Using misleading name—Goods—Composition.* In connection with offer, etc., in commerce, of sweaters, (1) representing in any manner, or by any means, that respondents' products are composed of fibers or materials other than those of which such products are actually composed; (2) using the word "Kamelo", or any word or words of similar import or meaning, alone or in conjunction or connection with the picture of a camel, to describe, designate, or in any way refer to, any product which is not composed entirely of camel hair; and (3) advertising, offering for sale or selling fabrics, garments or other products composed in whole or in part of rayon, without disclosing the fact that such fabrics or products are composed of rayon; prohibited, subject to the provision, however, as respects said second prohibition, that in case of a product composed in part of camel hair and in part of other material, such as cotton or rayon, the words "Camel Hair" or "Kamelo", or other descriptive words, may be used to designate or describe the camel hair content when immediately accompanied by a word or words in equal size and conspicuousness accurately describing or designating each constituent fiber or material thereof; and subject to further provision, as respects said third prohibition, that when such fabrics or products are composed in part of rayon and in part of other materials, such fibers or materials, including the rayon, shall be named in the order of their predominance by weight, beginning with the largest single constituent. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Olando Manufacturers, Docket 4664, March 9, 1942]

In the Matter of Herbert Nebenzahl and Irving Nebenzahl, Individually, and Trading as Olando Manufacturers

At a regular session of the Federal Trade Commission, held at its office in

the City of Washington, D. C., on the 9th day of March, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondents, in which answer respondents admit all the material allegations of fact set forth in said complaint, and state that they waive all intervening procedure and further hearing as to the said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondents, Herbert Nebenzahl and Irving Nebenzahl, individually and trading as Olando Manufacturers, their employees, agents and representatives, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of sweaters or other garments in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing in any manner, or by any means, that respondents' products are composed of fibers or materials other than those of which such products are actually composed;

(2) Using the word "Kamelo", or any word or words of similar import or meaning, alone or in conjunction or connection with the picture of a camel, to describe, designate, or in any way refer to, any product which is not composed entirely of camel hair: *Provided, however*, That in the case of a product composed in part of camel hair and in part of other material, such as cotton or rayon, the words "Camel Hair" or "Kamelo", or other descriptive words, may be used to designate or describe the camel hair content when immediately accompanied by a word or words in equal size and conspicuousness accurately describing or designating each constituent fiber or material thereof;

(3) Advertising, offering for sale or selling fabrics, garments or other products composed in whole or in part of rayon, without disclosing the fact that such fabrics or products are composed of rayon, and when such fabrics or products are composed in part of rayon and in part of other materials, such fibers or materials, including the rayon, shall be named in the order of their predominance by weight, beginning with the largest single constituent.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 42-2277; Filed, March 16, 1942; 11:37 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1132]

PART 334—MINIMUM PRICE SCHEDULE, DISTRICT NO. 14

ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 14 FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT MINE INDEX NO. 511 OPERATED BY PARIS PURITY COAL CO., A CODE MEMBER IN DISTRICT NO. 14

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 14, requesting a revision of the price classifications and minimum prices for the coals produced at the No. 6 Mine (Mine Index No. 511) of the Paris Purity Coal Company, a code member in District 14;

A petition of intervention having been filed by the Paris Purity Coal Company;

Depositions of deponents for both the petitioner and intervenor having been taken before Ira D. Oglesby, a United States Commissioner, at the office of the Circuit Court in Fort Smith, Arkansas;

A hearing in this matter having been held pursuant to Orders of the Director and Acting Director, and after notice to all interested persons, before Floyd McGown, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., and all interested persons having been afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

All parties having waived the preparation and filing of a report by the Examiner, and the record thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That § 334.5 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 14 for All Shipments Except Truck be, and it hereby is, amended, effective fifteen (15) days from the date hereof as follows:

1. By deleting therefrom the present price classifications for the coals produced by No. 6 Mine (Mine Index No. 511) of the Paris Purity Coal Co. in Size Groups 3, 6, 7, 8, 18, and 19.

2. By establishing the following price classifications for the coals produced by the No. 6 Mine (Mine Index No. 511) of the Paris Purity Coal Co. and by assigning the corresponding minimum prices thereto:

Size groups	4	6	7	8	9	10	11	13	17	18
Price classifications	I	J	J	J	J	G	F	D	A	L

It is further ordered, That § 334.24 (*General prices for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 14 for Truck Shipments be, and it hereby is, amended, effective fifteen (15) days from the date hereof, as follows:

1. By deleting therefrom the present effective minimum prices for the coals produced by No. 6 Mine (Mine Index No. 511) of the Paris Purity Coal Co. in Size Groups 3, 6, 7, 8, 18, and 19.

2. By establishing the following minimum prices for the coals produced by the No. 6 Mine (Mine Index No. 511) of the Paris Purity Coal Co.:

Size groups	4	6	7	8	9	10	11	13	17	18
Minimum prices	415	415	415	415	390	370	355	200	185	335

It is further ordered, That in all other respects the prayers for relief contained in the petition filed herein be, and they hereby are, denied.

Dated: March 13, 1942.

[SEAL] DAN H. WHEELER, *Acting Director*.

[F. R. Doc. 42-2248; Filed, March 16, 1942; 10:37 a. m.]

[Docket No. A-1231]

PART 339—MINIMUM PRICE SCHEDULE, DISTRICT NO. 19

ORDER GRANTING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 19, FOR REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT MINE INDEX NOS. 7 AND 203, FOR SHIPMENT BY TRUCK, IN DISTRICT NO 19

A petition having been filed with the Bituminous Coal Division pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by the Bituminous Coal Producers Board for District No. 19; the petition requesting a reduction in the effective minimum prices of coal produced for truck shipment by the Twin Creeks Mine and Elkol Mine in District 19, Subdistrict 1;

A hearing having been held in this matter on January 28, 1942, before D. C. McCurtain, a designated Examiner of the Division, at a hearing room of the Division in Cheyenne, Wyoming, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record thereupon having been submitted to the Acting Director;

The Acting Director having made Findings of Fact and Conclusions of Law and having rendered an Opinion which are filed herewith;

Now, therefore, it is ordered, That effective fifteen (15) days from the date hereof § 339.21 (*General prices in cents per net ton for shipment into all market areas*) in the Schedule of Effective Minimum Prices for District No. 19 for Truck Shipments, be and the same is hereby amended by reducing the established minimum f. o. b. mine prices for the coal produced by the Twin Creeks Mine (Mine Index No. 203), operated by Mike Mecca, and the Elkol Mine (Mine Index No. 7), operated by the Kemmerer Coal Company, in Subdistrict 1 of District 19, for shipment by truck, as follows:

Size group	1	2	3	4	5	6	7	8	9	10	11	12	15	16	17
From: Prices	400	400	385	370	370	370	310	275	225	225	210	275	185	185	125
To: Prices	325	325	325	310	310	310	275	235	185	185	185	175	175	175	100

Dated: March 14, 1942.

[SEAL] DAN H. WHEELER, *Acting Director*.

[F. R. Doc. 42-2247; Filed, March 16, 1942; 10:36 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

CHAPTER I—MONETARY OFFICES

PART 131—GENERAL LICENSES UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

PUBLIC CIRCULAR NO. 17 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC.

MARCH 13, 1942.

General License No. 13[1] is hereby amended as follows:

(a) By deleting the word "Java" from subdivisions (a) and (b) of paragraph (1) thereof; and

(b) By deleting subdivisions (c) and (d) from paragraph (1) thereof.

(2) General License No. 15[2] is hereby amended as follows:

(a) By deleting the words "between the United States and the Netherlands East Indies and" from paragraph (1) thereof; and

(b) By deleting the words "such areas" from subdivisions (a) and (b) of paragraph (1) thereof and substituting therefor the words "the Netherlands West Indies".

(3) General License No. 20[3] is hereby amended by deleting the words "the Netherlands East Indies or" from the first paragraph thereof.

(4) General License No. 21[4] is hereby amended by deleting the words "the Netherlands East Indies or" from paragraph (1) thereof.

(5) For the purpose of administering the Order and complying with the provisions thereof, the Netherlands East Indies shall continue to be regarded as a part of the Netherlands and not as a part of the territory of any other blocked country.

(6) Attention is directed to the fact that, by reason of temporary control and occupation by the military, naval, and police forces and other authority of Japan, the Netherlands East Indies is no longer included within the generally licensed trade area as defined in General License No. 53.[5] General License No. 53 is hereby amended by deleting the words "the Netherlands East Indies" from subdivision (a) of paragraph (3) thereof. (Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Public, No. 354, 77th Congress; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

E. H. FOLEY, Jr., *Acting Secretary of the Treasury*.

[F. R. Doc. 42-2233; Filed, March 14, 1942; 12:17 p. m.]

PART 132—GENERAL RULINGS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL RULING NO. 6A, UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, ETC., AND SECTION 5 (b) OF THE TRADING WITH THE ENEMY ACT, AS AMENDED, BY THE FIRST WAR POWERS ACT

MARCH 13, 1942.

§ 132.6a *General Ruling No. 6A.* United States and foreign currency sent, mailed, imported or otherwise brought into the United States from any blocked country not within the generally licensed trade area, or from, by, or on behalf of any person whose name appears on "The Proclaimed List of Certain Blocked Nationals", and the receiving or holding in the United States of such currency so brought into the United States shall be subject to the provisions of General Rulings Nos. 5 and 6 in the same manner as if such currency were securities. (Sec. 5 (b), 40 Stat. 415 and 966; sec. 2, 48 Stat. 1; 54 Stat. 179; Public, No. 354, 77th Congress, 55 Stat. 838; E.O. 8389, April 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, December 9, 1941, and E.O. 8998, December 26, 1941; Regulations, April 10, 1940, as amended June 14, 1941, and July 26, 1941)

E. H. FOLEY, Jr., *Acting Secretary of the Treasury*.

[F. R. Doc. 42-2234; Filed, March 14, 1942; 12:17 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER VI—SELECTIVE SERVICE SYSTEM

[Amendment No. 19, 2d Edition]

PART 611—DUTY AND RESPONSIBILITY TO REGISTER

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 611,[1] in the following respects:

1. By adding a new subheading at the beginning of the table of contents and preceding §§ 611.1 to 611.5, inclusive, to read as follows: "*In General.*"

2. By changing the title of § 611.3 in the table of contents to read: "*Every male person entering the United States must register.*"

3. By deleting § 611.3 and substituting therefor the following:

§ 611.3 *Every male person entering the United States must register.* Every male citizen and every other male person, except a person within one of the categories specifically excepted by the provisions of § 611.13, who is within the age group of persons who have been required by the first or any subsequent proclamation of the President to present themselves for and submit to registration and who is not within one of the several States of the United States, the District of Columbia, Alaska, Hawaii, or Puerto Rico on the day fixed for registration of persons within such age groups shall present himself for and submit to registration before a local board when he thereafter returns to or for the first time enters any State of the United States, the District of Columbia, Alaska, Hawaii, or Puerto Rico. (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. 8545, 5 F.R. 3779)

Effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY, *Director*.

FEBRUARY 15, 1942.

[F. R. Doc. 42-2255; Filed, March 16, 1942; 11:12 a. m.]

[1] 6 F.R. 6841; 7 F.R. 855.

[1] 6 F.R. 2788, 6792.
[2] 6 F.R. 2789.
[3] 5 F.R. 2308; 6 F.R. 3349.
[4] 6 F.R. 2790.
[5] 6 F.R. 3946, 6792.

[Amendment No. 20, 2d Edition]

PART 611—DUTY AND RESPONSIBILITY TO REGISTER

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 611,[1] in the following respects:

1. By adding at the end of the table of contents two new subheadings and fourteen new sections as follows:

PROCEDURE FOR DETERMINING WHEN ALIEN IS RESIDING IN THE UNITED STATES

Sec.
611.21 What aliens may apply for a determination.
611.22 Determination by local board.
611.23 Appeal to Director of Selective Service from local board's determination.
611.24 Determination by Director of Selective Service.
611.25 Action of local board following determination by Director of Selective Service.
611.26 Alien's second or subsequent application for determination.
611.27 Effect of pending application.
611.28 Effect of determination.

ALIEN'S CERTIFICATE OF NONRESIDENCE

611.31 Care and custody of certificates.
611.32 Register of nonresident aliens.
611.33 The effect of failure to have certificate in personal possession.
611.34 Wrongful possession of, or making, altering, forging, or counterfeiting, certificate prohibited.
611.35 Issuing a duplicate of a lost, mislaid, stolen, or destroyed certificate.
611.36 Surrender of certificate before leaving the United States.

2. By adding the following eight new sections to this part:

PROCEDURE FOR DETERMINING WHEN ALIEN IS RESIDING IN THE UNITED STATES

§ 611.21 *What aliens may apply for determination.* (a) Within the time specified in paragraph (b) of this section, a nondeclarant alien who has entered or hereafter enters the United States in a manner prescribed by its laws may file with his local board (if he is registered) or with the local board where he is at the time located (if he is not registered) an Alien's Application for Determination of Residence (Form 302), requesting that the local board determine whether he is "a male person residing in the United States" within the meaning of section 2 and section 3 of the Selective Training and Service Act of 1940, as amended. An Alien's Personal History and Statement (Form 304) must be filed with such application.

(b) An Alien's Application for Determination of Residence (Form 302) must be filed within the following time:

(1) If a nondeclarant alien has entered the United States prior to February 16, 1942, in a manner prescribed by the laws of the United States and desires to have a determination made under the provisions of paragraph (a) of this section, he must file such application on or before May 16, 1942; or

(2) If a nondeclarant alien enters the United States on or after February 16, 1942, in a manner prescribed by the laws of the United States and desires to have a determination made under the provisions of paragraph (a) of this section, he must file such application within 3 months after the date of his entrance into the United States.*

*Issued under the authority contained in 54 Stat. 885; 50 U.S.C. Sup. 301–318, incl.; E.O. 8545, 5 F.R. 3779.

§ 611.22 *Determination by local board.* (a) As soon as possible after an alien who is entitled to do so files with the local board an Alien's Application for Determination of Residence (Form 302), together with an Alien's Personal History and Statement (Form 304), the local board shall determine whether such alien is "a male person residing in the United States" within the meaning of section 2 and section 3 of the Selective Training and Service Act of 1940, as amended.

(b) If the local board determines that such alien is "a male person residing in the United States" within the meaning of section 2 and section 3 of the Selective Training and Service Act of 1940, as amended, it shall mail to such alien a Notice of Determination of Alien's Residence (Form 305).

(c) If the local board determines that such alien is not "a male person residing in the United States" within the meaning of section 2 or section 3 of the Selective Training and Service Act of 1940, as amended, it shall also determine the period of time such alien may continue to remain in the United States without becoming "a male person residing in the United States," and the last day of any period thus determined shall be known as the expiration date.

(d) When the determination referred to in paragraph (c) of this section has been made by the local board, it shall (1) prepare an Alien's Certificate of Nonresidence (Form 303), recording thereon the expiration date; (2) notify the alien to report to the office of the local board; and (3) require the alien, when he reports, to sign the Alien's Certificate of Nonresidence (Form 303) in the presence of a member or the clerk of the local board. The member or the clerk of the local board in whose presence the alien signs the Alien's Certificate of Nonresidence (Form 303) shall then sign the certificate on behalf of the local board and shall deliver the certificate to the alien. If the alien has registered, he shall be required to surrender his Registration Certificate (Form 2) to the local board before such member or clerk delivers the Alien's Certificate of Nonresidence (Form 303) to him. If the alien has registered and delivers his Registration Certificate (Form 2) to the local board, such Registration Certificate (Form 2) and the Registration Card (Form 1) for the alien shall be canceled by marking across the faces thereof the words "Canceled—Nonresident Alien," and each such canceled Registration Certificate (Form 2) and such canceled Registration Card (Form 1) shall be retained in the files of the local board.*

§ 611.23 *Appeal to Director of Selective Service from local board's determination.* (a) At any time within 10 days after the local board mails to an alien a Notice of Determination of Alien's Residence (Form 305), such alien may appeal to the Director of Selective Service from the determination of the local board that he is "a male person residing in the United States" within the meaning of section 2 and section 3 of the Selective Training and Service Act of 1940, as amended. Such appeal may be taken by such alien by filing a signed written statement that he appeals from such determination or by signing and filing the statement of appeal on the Notice of Determination of Alien's Residence (Form 305). When such an appeal is filed by the alien, he may, at the same time, file such additional information as he wishes to call to the attention of the Director of Selective Service.

(b) The Director of Selective Service or the State Director of Selective Service may appeal to the Director of Selective Service at any time from any determination of the local board made under the provisions of § 611.22. Either the Director of Selective Service or the State Director of Selective Service may take such an appeal by filing with the local board a written statement that he appeals.

(c) When an appeal from a determination made by the local board under the provisions of § 611.22 is taken, the local board shall transmit the entire file of the alien, through the State Director of Selective Service, to the Director of Selective Service, retaining in its records only a copy of the letter of transmittal listing the items contained in the file which is forwarded.*

§ 611.24 *Determination by Director of Selective Service.* When an appeal has been taken under the provisions of § 611.23, the Director of Selective Service, upon receiving the file, shall determine whether the alien is "a male person residing in the United States" within the meaning of section 2 and section 3 of the Selective Training and Service Act of 1940, as amended. If he determines that the alien is not such "a male person residing in the United States," he shall also determine the period of time the alien may continue to remain in the United States without becoming such "a male person residing in the United States," and the last day of any period thus determined shall be known as the expiration date. He shall enter a record of each of his determinations upon the Alien's Application for Determination of Residence (Form 302) and return the file, through the State Director of Selective Service, to the local board.*

§ 611.25 *Action of local board following determination by Director of Selective Service.* (a) Immediately upon receipt of the file containing the determination made by the Director of Selective Service under the provisions of § 611.24, the local board shall:

(1) Prepare and mail to the alien a Notice of Determination of Alien's Residence (Form 305) if the Director of Selective Service has determined that such alien is "a male person residing in the United States" within the meaning of section 2 and section 3 of the Selective Training and Service Act of 1940, as amended; or

(2) Prepare and deliver to the alien, in the manner prescribed in paragraph (d) of § 611.22, an Alien's Certificate of Nonresidence (Form 303) if the Director of Selective Service has determined that such alien is not "a male person residing in the United States" within the meaning of section 2 or section 3 of the Selective Training and Service Act of 1940, as amended.*

§ 611.26 *Alien's second or subsequent application for determination.* (a) Any alien who has received an Alien's Certificate of Nonresidence (Form 303) under the provisions of § 611.22 or § 611.25 may again file with the local board issuing such certificate at any time before the expiration date of such certificate a new Alien's Application for Determination of Residence (Form 302), together with any information not previously presented to such local board which he believes will assist the local board to determine his status.

(b) The local board, upon receiving such a second or subsequent Alien's Application for Determination of Residence (Form 302), shall consider whether, in the light of all the facts then before it, such alien has in fact become "a male person residing in the United States" within the meaning of section 2 and section 3 of the Selective Training and Service Act of 1940, as amended. If it is determined that such alien has not become such "a male person residing in the United States," the local board shall also determine the period of time that such alien may thereafter remain in the United States without becoming such "a male person residing in the United States," and the last day of such period shall become the new expiration date.

(c) The determination of the local board upon such second or subsequent Alien's Application for Determination of Residence (Form 302) shall be subject to the same rights of appeal to the Director of Selective Service as a determination by the local board upon an original application. (*See* § 611.23.)

(d) When a local board makes a determination upon such a second or subsequent Alien's Application for Determination of Residence (Form 302), it shall take the same steps as it takes following an original determination upon such an application. (*See* § 611.22.) When an appeal is taken from a determination by a local board on such a second or subsequent Alien's Application for Determination of Residence (Form 302) and the Director of Selective Service makes a determination thereon, the local board shall take the same steps as it takes following an original determination on appeal, as provided in § 611.25.*

§ 611.27 *Effect of pending application.* When an alien is entitled to and does file an Alien's Application for Determination of Residence (Form 302), he is not required to present himself for and submit to registration during the period when such application is being considered by the local board; during the period within which an appeal may be taken from the determination of the local board to the Director of Selective Service; or, if an appeal is taken, during the period the Director of Selective Service is considering the appeal.*

§ 611.28 *Effect of determination.* (a) Every alien who is entitled to and does file an Alien's Application for Determination of Residence (Form 302) shall be "a male person residing in the United States" within the meaning of section 2 and section 3 of the Selective Training and Service Act of 1940, as amended, when:

(1) The local board has determined that he is such "a male person residing in the United States" and he does not take an appeal to the Director of Selective Service from such determination within the 10-day period in which he is permitted to do so.

(2) The Director of Selective Service has determined that he is such "a male person residing in the United States."

(3) Either the local board or the Director of Selective Service has determined that he is not such "a male person residing in the United States" and he remains in the United States after the expiration date: *Provided*, That when such alien files a second or subsequent Alien's Application for Determination of Residence (Form 302) before the expiration date, he shall not be considered to be such "a male person residing in the United States" either while such second or subsequent application for a determination is pending or during any further period for which a new Alien's Certificate of Nonresidence (Form 303) is issued as a result of the determination thereon.*

3. By adding the following six new sections to this part:

ALIEN'S CERTIFICATE OF NONRESIDENCE

§ 611.31 *Care and custody of certificates.* (a) The Director of Selective Service shall transmit to each State Director of Selective Service an adequate supply of Alien's Certificates of Nonresidence (Form 303). Each State Director of Selective Service shall give a receipt for the exact number of Alien's Certificates of Nonresidence (Form 303) received by him and shall be accountable for such number of certificates.

(b) The State Director of Selective Service shall distribute to the chairman of each local board in his State an adequate supply of Alien's Certificates of Nonresidence (Form 303). The chairman of each local board shall be charged with the care and custody of the Alien's Certificates of Nonresidence (Form 303) distributed to his local board, shall give a receipt to the State Director of Selective Service for the exact number of such certificates received by him, and shall be accountable for that number of certificates. The chairman of the local board shall guard against the loss or destruction of such certificates, shall not permit anyone to tamper with them, and shall warn all concerned against entrusting them to the custody of any unauthorized person.*

§ 611.32 *Register of nonresident aliens.* (a) The local board shall maintain a register of nonresident aliens showing the disposition made of each Alien's Certificate of Nonresidence (Form 303). No particular form is provided for such register. The certificates that are issued by the local board shall be numbered consecutively, and the register shall show the number and expiration date of the certificate and the name, address, and nationality of the person to whom it has been issued. The local board shall send to the State Director of Selective Service the name, address, and nationality of each person to whom it issues an Alien's Certificate of Nonresidence (Form 303), together with the number and expiration date placed upon such certificate by the local board. The letter of the local board transmitting this information to the State Director of Selective Service shall be in duplicate. If any Alien's Certificate of Nonresidence (Form 303) is spoiled, it shall be forwarded to the State Director of Selective Service, together with a letter of transmittal executed in duplicate. The State Director of Selective Service shall credit the local board for each certificate issued by the local board and for each spoiled certificate transmitted to him by the local board.

(b) The State Director of Selective Service shall maintain a register showing the names, addresses and nationalities of individuals to whom Alien's Certificates of Nonresidence (Form 303) have been issued in his State, the name or number of the local board issuing the certificates, and the number and expiration date of each individual certificate issued by each local board. The State Director of Selective Service shall forward to the Director of Selective Service the duplicate copy of each letter transmitting a spoiled certificate or reporting the issuance of a certificate by a local board.*

§ 611.33 *The effect of failure to have certificate in personal possession.* Every alien receiving an Alien's Certificate of Nonresidence (Form 303) under the provisions of paragraph (d) of § 611.22 must have such certificate in his personal possession at all times and, upon request, must exhibit it to any law-enforcement officer, any official of National Headquarters for Selective Service or of a State Headquarters for Selective Service, or any member of the local board or board of appeal. The failure of any such person to have such an Alien's Certificate of Nonresidence (Form 303) in his personal possession or to exhibit it upon the request of any officer, official, or board member authorized in this paragraph to make such request shall constitute a violation of these regulations. The failure of any alien to have an Alien's Certificate of Nonresidence (Form 303) in his personal possession shall be prima facie evidence that such a certificate has not been issued to him.*

§ 611.34 *Wrongful possession of, or making, altering, forging, or counterfeiting, certificate prohibited.* It shall be a violation of these regulations for any person to have in his possession an Alien's

[1] 6 F.R. 6341; 7 F.R. 855.

Certificate of Nonresidence (Form 303) issued to some other person, or to permit an Alien's Certificate of Nonresidence (Form 303) issued to him to be in the possession of any other person; or to falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or to willingly aid or assist another to falsely make, alter, forge, or counterfeit, any Alien's Certificate of Nonresidence (Form 303); or to utter or publish as true, or cause to be uttered or published as true, or have in his possession with the intent to utter or publish as true, any such false, altered, forged, or counterfeited Alien's Certificate of Nonresidence (Form 303); or to exhibit or present to any person any such false, altered, forged, or counterfeited Alien's Certificate of Nonresidence (Form 303), knowing the same to be false, forged, altered, or counterfeited.*

§ 611.35 *Issuing a duplicate of a lost, mislaid, stolen, or destroyed certificate.* The local board which issued an Alien's Certificate of Nonresidence (Form 303) may issue a duplicate certificate upon receiving satisfactory proof from and a sworn statement of the alien to whom it was issued that the original certificate has been lost, mislaid, stolen, or destroyed; that the alien has made a diligent search for the certificate; and that he has been unable to find it. Each such duplicate certificate shall be marked "Duplicate," and the fact that it has been issued shall be noted upon the sworn statement of the alien and placed in the alien's file.*

§ 611.36 *Surrender of certificate before leaving the United States.* (a) Every alien to whom an Alien's Certificate of Nonresidence (Form 303) has been issued shall surrender such certificate to an official of the Immigration and Naturalization Service of the Department of Justice at the place of departure before he leaves the United States. No male person who is within the age group of persons required by the first or any subsequent proclamation of the President to present themselves for and submit to registration and who has been in the United States for a period of more than 3 months shall leave or be permitted to leave the United States until he surrenders his Alien's Certificate of Nonresidence (Form 303), showing an expiration date on or subsequent to the date of his departure, or exhibits a Registration Certificate (Form 2), unless he is in one of the categories specifically set forth in subparagraphs (1), (2), (3), (4), or (5) of § 611.13.*

(b) The official of the Immigration and Naturalization Service of the Department of Justice will immediately forward each such Alien's Certificate of Nonresidence (Form 303) to the Director of Selective Service.

(c) Upon receipt of the Alien's Certificate of Nonresidence (Form 303) from an official of the Immigration and Naturalization Service of the Department of Justice, the Director of Selective Service shall mark across the face of such certificate "Canceled—Alien Departed" and shall transmit such canceled certificate to the issuing local board through the State Director of Selective Service. Both the State Director of Selective Service and the local board shall enter in their registers of nonresident aliens the date when the Alien's Certificate of Nonresidence (Form 303) was canceled by the Director of Selective Service.*

Effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

FEBRUARY 15, 1942.

[F. R. Doc. 42-2256; Filed, March 16, 1942; 11:12 a. m.]

[Amendment No. 30, 2d Edition]

PART 611—DUTY AND RESPONSIBILITY TO REGISTER

As Director of Selective Service I hereby amend the Selective Service Regulations, Second Edition, Part 611,[1] in the following respects:

1. By adding a new section to the table of contents after § 611.28 as follows:

611.29 Director of Selective Service may cancel certain alien's Registration Cards.

2. By adding a new section to this part after § 611.28 as follows:

§ 611.29 *Director of Selective Service may cancel certain alien's Registration Cards.* (a) When the Director of Selective Service is satisfied that an alien who is not residing in the United States has inadvertently or erroneously registered, he may direct the local board to cancel such alien's registration upon the surrender to the local board of such alien's Registration Certificate (Form 2).

(b) When the Director of Selective Service directs a local board to cancel the registration of an alien, the local board shall mark across the face of the Registration Card (Form 1) "Canceled—Nonresident Alien—Request of Director" and shall file such canceled Registration Card (Form 1), together with the canceled Registration Certificate (Form 2) of such alien, in the records of the local board. (54 Stat. 885; 50 U.S.C., Supp. 301-318, inclusive; E.O. 8545, 5 F.R. 3779.)

Effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

FEBRUARY 24, 1942.

[F. R. Doc. 42-2266; Filed, March 16, 1942; 11:17 a. m.]

[Amendment No. 21, 2d Edition]

PART 617—REGISTRATION CERTIFICATE

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 617,[1] in the following respects:

1. By deleting the present subheading at the beginning of the table of contents and preceding § 617.1 and substituting therefor the following: "*In General.*"

2. By adding a new section to the table of contents after § 617.1 as follows: "617.2 Wrongful possession of, or making, altering, forging, or counterfeiting, Registration Certificates prohibited."

3. By adding a new section to this part after § 617.1 reading as follows:

§ 617.2 *Wrongful possession of, or making, altering, forging, or counterfeiting, Registration Certificates prohibited.* It shall be a violation of these regulations for any person to have in his possession a Registration Certificate (Form 2) issued to some other person, or to permit a Registration Certificate (Form 2) issued to him to be in the possession of any other person; or to falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or to willingly aid or assist another to falsely make, alter, forge, or counterfeit, any Registration Certificate (Form 2); or to utter or publish as true, or cause to be uttered or published as true, or have in his possession with the intent to utter or publish as true, any such false, altered, forged, or counterfeited Registration Certificate (Form 2); or to exhibit or present to any person any such false, altered, forged, or counterfeited Registration Certificate (Form 2), knowing the same to be false, forged, altered, or counterfeited. (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. 8545, 5 F.R. 3779)

Effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

FEBRUARY 15, 1942.

[F. R. Doc. 42-2257; Filed, March 16, 1942; 11:13 a. m.]

[Amendment No. 35, 2d Edition]

PART 621—QUESTIONNAIRE AND OTHER INFORMATION TO BE USED IN CLASSIFYING REGISTRANTS

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 621,[1] in the following respects:

1. By adding a new subheading at the beginning of the table of contents and preceding §§ 621.1 to 621.9, inclusive, to read as follows: "*Questionnaire and General Information.*"

2. By adding at the end of the table of contents a new subheading and seven new sections as follows:

OCCUPATIONAL QUESTIONNAIRE

Sec.
621.11 Mailing occupational questionnaire.
621.12 Time allowed to return occupational questionnaire.
621.13 Correction and completion of inadequate occupational questionnaire.
621.14 Assistance in filling out occupational questionnaire.

[1] 6 F.R. 6841; 7 F.R. 855.
[1] 7 F.R. 395, 652.

[1] 6 F.R. 6606; F.R. 652.

Sec.
621.15 Local board action upon receipt of a completed occupational questionnaire.
621.16 Distribution of page numbered 1 and 2 of occupational questionnaire.
621.17 Use of information contained in occupational questionnaire.

3. By adding the following seven new sections to this part:

OCCUPATIONAL QUESTIONNAIRE

§ 621.11 *Mailing occupational questionnaire.* (a) The Director of Selective Service will determine the time when and the group of registrants to whom Selective Service Occupational Questionnaires (Form 311) shall be mailed. At the time fixed by the Director of Selective Service the local board shall mail a Selective Service Occupational Questionnaire (Form 311) to each registrant who is in the group specified by the Director of Selective Service.

(b) When a Selective Service Occupational Questionnaire (Form 311) is mailed to a registrant prior to his being listed in the Classification Record (Form 100), the date of mailing shall be noted on the List of Registrants (Form 3). After the Classification Record (Form 100) has been prepared, the date of mailing shall be noted thereon in one of the blank columns of the Insert Page (Form 100A).*

*Issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. 8545, 5 F.R. 3779.

§ 621.12 *Time allowed to return occupational questionnaire.* (a) Unless the local board grants an extension of time, as explained below, the registrant shall complete the Selective Service Occupational Questionnaire (Form 311) and return it to his local board within 10 days from the date it is mailed to him.

(b) If the registrant has a valid reason, the local board may grant an extension of time for returning such form. Examples of valid reasons are:

Too sick to answer the Selective Service Occupational Questionnaire (Form 311).

Too far away to receive and return the Selective Service Occupational Questionnaire (Form 311) by mail within 10 days.*

§ 621.13 *Correction and completion of inadequate occupational questionnaire.* When needed information is omitted, material errors are made, or the answers show that the registrant failed to understand the questions, the local board shall return the Selective Service Occupation Questionnaire (Form 311) to the registrant, with instructions to correct and complete it before a specified date. The registrant shall correct and complete such form and return it to the local board before the specified date.*

§ 621.14 *Assistance in filling out occupational questionnaire.* A registrant who needs assistance in filling out his Selective Service Occupational Questionnaire (Form 311) may secure the help of his employer, his labor union, the United States Employment Service, or the advisory board for registrants. Local boards should direct any registrant requesting assistance to these agencies and should encourage all newspapers, broadcasting stations, and other avenues of publicity to give the widest possible notice to the fact that such agencies are available to assist registrants to properly complete their Selective Service Occupational Questionnaires (Form 311).*

§ 621.15 *Local board action upon receipt of a completed occupational questionnaire.* (a) When a completed Selective Service Occupational Questionnaire (Form 311) has been received from a registrant, the local board shall enter the date of receipt on the Classification Record (Form 100) in one of the blank columns of the Insert Page (Form 100A); shall separate the page numbered 1 and 2 from the page numbered 3 and 4; and shall retain and file the page numbered 3 and 4

(b) The page numbered 1 and 2 shall be torn in two along the perforation and the two portions distributed as provided in § 621.16.*

§ 621.16 *Distribution of page numbered 1 and 2 of occupational questionnaire.* (a) Before forwarding the two portions of page 1 and 2 of the Selective Service Occupational Questionnaire (Form 311), the local board shall prepare a Covering Memorandum for Occupational Questionnaire (Form 312) in quintuplicate.

(b) The top portion of the Selective Service Occupational Questionnaire (Form 311) shall be forwarded to the Director of Selective Service with the original and one copy of a Covering Memorandum for Occupational Questionnaire (Form 312).

(c) The bottom portion of the Selective Service Occupational Questionnaire (Form 311) shall be forwarded to the office of the United States Employment Service designated by the Director of Selective Service, together with a copy of the Covering Memorandum for Occupational Questionnaire (Form 312).

(d) A copy of the Covering Memorandum for Occupational Questionnaire (Form 312) shall be forwarded to the State Director of Selective Service and the remaining copy shall be filed in the records of the local board.*

§ 621.17 *Use of information contained in occupational questionnaire.* Information contained in the Selective Service Occupational Questionnaire (Form 311) may be considered in determining a registrant's classification.*

LEWIS B. HERSHEY,
Director.

MARCH 10, 1942.

[F. R. Doc. 42-2269; Filed, March 16, 1942; 11:18 a. m.]

[Amendment No. 22, 2d Edition]

PART 622—CLASSIFICATION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 622,[1] by deleting § 622.42 and substituting therefor the following:

§ 622.42 *Class IV-B: Official deferred by law.* In Class IV-B shall be placed any registrant who is the Vice President of the United States, a Governor of a State, any other State official chosen by the voters of the entire State, a member of the Congress of the United States, a member of a State legislative body, a judge of a court of record of the United States or of a State; or who is a commissioned officer, warrant officer, pay clerk, or enlisted man in the Coast and Geodetic Survey or in the Public Health Service; or who is a cadet of the advanced course, senior division, of the Reserve Officers' Training Corps or the Naval Reserve Officers' Training Corps. (54 Stat. 885; 50 U.S.C., Sup. 301-318, inclusive; E.O. 8545, 5 F.R. 3779.)

Effective immediately upon the filing hereof with the Division of the FEDERAL REGISTER.

LEWIS B. HERSHEY,
Director.

FEBRUARY 15, 1942.

[F. R. Doc. 42-2258; Filed, March 16, 1942; 11:13 a. m.]

[Amendment No. 23, 2d Edition]

PART 622—CLASSIFICATION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 622,[1] in the following respects:

1. By changing the title of § 622.43 in the table of contents to read: "Class IV-C: Neutral aliens requesting relief from training and service and aliens not acceptable to the armed forces."

2. By changing the designation of Class IV-C appearing in § 622.1 to read: "Class IV-C: Neutral aliens requesting relief from training and service and aliens not acceptable to the armed forces."

3. By deleting § 622.43 and substituting therefor the following:

§ 622.43 *Class IV-C: Neutral aliens requesting relief from training and service and aliens not acceptable to the armed forces.* (a) The classification of all registrants who were classified in Class IV-C under the regulations in effect prior to the adoption of this amendment shall be reopened and each such registrant shall be classified anew.

(b) When an alien registrant who is a citizen or subject of a neutral country (*see* § 601.2) prior to his induction into the land or naval forces of the United States files with his local board an original and one copy of an Application by Alien for Relief from Military Service (Form 301) completely filled out, signed, and sworn to, he shall be placed in Class IV-C; shall be relieved from liability for training and service under the Selective Training and Service Act of 1940, as amended; and shall thereafter be debarred from becoming a citizen of the United States. The local board shall forward the original of each Application by Alien for Relief from Military Service (Form 301) filed by such an alien to the State Director of Selective Service for

[1] 6 F.R. 6607, 6766; 7 F.R. 652.

[1] 6 F.R. 6607, 6766; 7 F.R. 652.

transmittal, through the Director of Selective Service, to the Immigration and Naturalization Service of the Department of Justice and shall retain the copy in the registrant's Cover Sheet (Form 53).

(c) The classification of an alien registrant who is now or hereafter classified in Class I–A, Class I–A–O, Class I–B, or Class I–B–O shall be changed to Class IV–C if the land or naval forces, when reviewing his Alien's Personal History and Statement (Form 304) under the procedure prescribed by §§ 623.71 to 623.76, inclusive, refuse to accept him for training and service under the Selective Training and Service Act of 1940, as amended.

(d) Any registrant who claims that he is not a national of the United States as defined in § 601.2 but is a citizen or subject of some other country must submit proof of such status to the local board in the form of a birth certificate, passport, entry permit, alien registration certificate, or other information required by the local board.

(e) If a registrant is a national of the United States as defined in § 601.2 but also claims that he is a citizen or subject of some other country, such claim shall be disregarded and he shall be classified as a national of the United States.

(f) If the local board is in doubt as to whether a registrant is a national of the United States as defined in § 601.2 or is a citizen or subject of some other country or is in doubt as to any other question involving the nationality of a registrant, it should request the advice of the Immigration and Naturalization Service of the Department of Justice by transmitting such request, through the State Director of Selective Service, to the Director of Selective Service. (54 Stat. 885; 50 U.S.C., Sup. 201–318, inclusive; E.O. 8545, 5 F.R. 3779)

Effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

FEBRUARY 15, 1942.

[F. R. Doc. 42–2259; Filed, March 16, 1942; 11:13 a. m.]

[Amendment No. 25, 2d Edition]

PART 623—CLASSIFICATION PROCEDURE

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 623,[1] in the following respects:

1. By deleting paragraphs (c), (f), and (g) of § 623.33 and substituting therefor the following:

§ 623.33 *Physical examination by examining physician.*

* * * * * *

(c) The physical examination should consist of observing the registrant while walking toward, standing before, and walking away from the examining physician. The registrant may be required to go through calisthenics to determine the mobility of joints or to furnish a bases for determination of his alertness, intelligence, understanding of commands, postural tensions, tendencies to incoordination, and tremors. If peculiarities are noted, simple questions should be asked in an effort to bring out replies bearing on the mental health and personality characteristics of the registrant. The examining dentist, or if he is not available the examining physician, will examine the mouth of the registrant. The examining physician will take blood from the registrant for a serological test. The blood specimen will be collected in a container furnished by the State health officer and will be forwarded to the State laboratory or other laboratory designated by the State Director of Selective Service, together with the accomplished form prescribed within the State for such purpose. If the report on the first serological test of the registrant is other than truly negative, the examining physican shall take additional blood for further serological tests until he is satisfied that the blood is truly negative, truly doubtful, or truly positive. Serological tests will be accomplished without expense to the Selective Service System, unless such expense is specifically authorized by the Director of Selective Service. No other laboratory procedures will be undertaken as a part of this physical examination.

* * * * * *

(f) The examining physician shall procure from the registrant the necessary information and shall complete Items 22 and 23 of the Report of Physical Examination and Induction (Form 221).

(g) The examining physician shall enter in Item 24 on the Report of Physical Examination and Induction (Form 221) the result of the serological tests as "Truly Negative," "Truly Doubtful," or "Truly Positive."

2. By adding to § 623.33 a new paragraph designated as (h) reading as follows:

§ 623.33 *Physical examination by examining physician.*

* * * * * *

(h) The examining physician, in Item 26 on the Report of Physical Examination and Induction (Form 221), shall complete the answers to both of the following questions:

(1) Do you find that the above-named registrant has any of the defects set forth in Part I of the List of Defects (Form 220)?

(2) Do you find that the above-named registrant has any of the defects set forth in Part II of the List of Defects (Form 220)?

If the examining physician's answer to either question (1) or question (2) is "Yes," he shall describe the defects in order of their significance. If the examining physician entertains a doubt as to whether he should answer "Yes" or "No" to either question (1) or question (2), his answer to such question shall be "No." (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. 8545, 5 F.R. 3779)

Effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

FEBRUARY 24, 1942.

[F. R. Doc. 42–2261; Filed, March 16, 1942; 11:14 a. m.]

[Amendment No. 33, 2d Edition]

PART 623—CLASSIFICATION PROCEDURE

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 623,[1] by deleting paragraph (g) of § 623.51 and substituting therefor the following:

§ 623.51 *Procedure for classification after physical examination.*

* * * * * *

(g) As soon as the time in which the registrant may take an appeal has expired or, if an appeal is taken, as soon as the registrant's classification has been determined on appeal, the original and copies of the Report of Physical Examination and Induction (Form 221) of registrants classified under this section shall be distributed as follows:

(1) If the registrant has been classified in Class I–A, Class I–A–O, or Class IV–E, the original and all copies shall be placed in the registrant's Cover Sheet (Form 53).

(2) If the registrant is classified in Class I–B, Class I–B–O, Class IV–E–LS, or Class IV–F, the National Headquarters' Copy and the Surgeon General's Copy shall be transmitted to the State Director of Selective Service, who shall forward such copies to the Director of Selective Service, and the Armed Forces' Original and the Local Board's Copy shall be filed in the registrant's Cover Sheet (Form 53). (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. 8545, 5 F.R. 3779)

Effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MARCH 10, 1942.

[F. R. Doc. 42–2267; Filed, March 16, 1942; 11:17 a. m.]

[Amendment No. 24, 2d Edition]

PART 623—CLASSIFICATION PROCEDURE

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Par. 623,[1] in the following respects:

1. By adding at the end of the table of contents a new subheading and six new sections as follows:

[1] 6 F.R. 6611, 6643; 7 F.R. 663, 808.

ALIEN'S PERSONAL HISTORY AND STATEMENT

Sec.
623.71 Steps to be taken by registrant and local board.
623.72 Steps to be taken by State Director of Selective Service before action by armed forces.
623.73 Steps to be taken by armed forces.
623.74 Steps to be taken by State Director of Selective Service after action by armed forces.
623.75 Steps to be taken by local board after action by armed forces.
623.76 Alien's status while history and statement being considered.

2. By adding the following six new sections to this part:

ALIEN'S PERSONAL HISTORY AND STATEMENT

§ 623.71 *Steps to be taken by registrant and local board.* (a) When the local board, under the provisions of § 623.51, classifies a registrant who is not a national of the United States, as defined in section 601.2, in Class I–A, Class I–A–O, Class I–B, or Class I–B–O, the local board, without waiting to determine whether such registrant wishes to or does request a personal appearance or take an appeal, shall mail such registrant an Alien's Personal History and Statement (Form 304).

(b) Before an Alien's Personal History and Statement (Form 304) is mailed, it shall be prepared by filling in all blanks on page 1.

(c) Unless the local board, for good cause, grants an extension of time, the registrant shall complete and return his Alien's Personal History and Statement (Form 304) within 10 days after the date on which it is mailed to him.

(d) As soon as the local board receives a completed Alien's Personal History and Statement (Form 304) from a registrant, it shall make three complete copies thereof and shall immediately transmit the original and all three copies to the State Director of Selective Service.

(e) A record of each step taken by the local board in connection with each Alien's Personal History and Statement (Form 304) shall be entered in the blank columns of the Insert Page (Form 100A) of the Classification Record (Form 100).*

*Issued under the authority contained in 54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. 8545, 5 F.R. 3779.

§ 623.72 *Steps to be taken by State Director of Selective Service before action by armed forces.* The State Director of Selective Service, when he receives from a local board an original and three copies of an Alien's Personal History and Statement (Form 304), shall (1) enter an acknowledgment thereof upon the receipt attached to the State Headquarters Alien Record (Form 306), (2) mail such receipt to the local board, (3) enter the date of receipt thereof on the State Headquarters Alien Record (Form 306), (4) transmit the original and all three copies thereof to the Corps Area Commander (or to the representative of the Navy or Marine Corps), (5) enter the date of such transmittal upon the State Headquarters Alien Record (Form 306), and (6) file the State Headquarters Alien Record (Form 306) in an alphabetical file of pending alien cases.*

§ 623.73 *Steps to be taken by armed forces.* The Corps Area Commander (or representative of the Navy or Marine Corps) will endorse on the original and all three copies of the Alien's Personal History and Statement (Form 304) that such registrant either "is, if otherwise qualified," acceptable to the armed forces or "is not" acceptable to the armed forces, will retain the original and one copy thereof for the use of the armed forces, and will forward the two remaining copies to the State Director of Selective Service from whom they were originally received.*

§ 623.74 *Steps to be taken by State Director of Selective Service after action by armed forces.* (a) The State Director of Selective Service shall carefully check the two copies of the Alien's Personal History and Statement (Form 304) received by him from the Corps Area Commander (or representative of the Navy or Marine Corps) to make certain that the endorsement thereon shows whether the registrant "is, if otherwise qualified," or "is not" acceptable to the armed forces.

(b) The State Director of Selective Service shall then enter upon the State Headquarters Alien Record (Form 306) the date upon which the two copies of the Alien's Personal History and Statement (Form 304) were received from the Corps Area Commander (or representative of the Navy or Marine Corps) and shall also enter thereon whether such registrant was found to be "acceptable, if otherwise qualified," or "not acceptable" to the armed forces.

(c) The State Director of Selective Service shall then forward one copy of the Alien's Personal History and Statement (Form 304) to the local board from which it was originally received, shall forward the other copy to the Director of Selective Service, and shall enter on the State Headquarters Alien Record (Form 306) the date upon which each of such copies was so forwarded.*

§ 623.75 *Steps to be taken by local board after action by armed forces.* (a) When the local board receives from the State Director of Selective Service a copy of the Alien's Personal History and Statement (Form 304) which bears the endorsement of the armed forces showing that the registrant either "is, if otherwise qualified," or "is not" acceptable to the armed forces, it shall take the following action:

(1) Change the registrant's classification to Class IV–C, if the registrant "is not" acceptable to the armed forces; or

(2) Proceed in the same manner as in the case of any other registrant in the same classification, if the registrant "is, if otherwise qualified," acceptable to the armed forces.

(b) The local board should also:

(1) Prepare a Notice of Alien's Acceptability (Form 307) indicating that the armed forces have found either that the registrant "is, if otherwise qualified," acceptable or "is not" acceptable to the armed forces and mail such notice to the registrant; and

(2) Record the action of the armed forces and the date upon which it received the copy of the Alien's Personal History and Statement (Form 304) from the State Director of Selective Service with the endorsement of the armed forces thereon and the date it mailed the notice thereof to the registrant in the blank columns of the Insert Page (Form 100A) of the Classification Record (Form 100) and under "Minutes of Other Actions" on the back of the Selective Service Questionnaire (Form 40).*

§ 623.76 *Alien's status while history and statement being considered.* (a) No registrant to whom an Alien's Personal History and Statement (Form 304) is mailed shall be ordered to report for induction unless and until the armed forces endorse upon such Alien's Personal History and Statement (Form 304) that such alien "is, if otherwise qualified," acceptable to the armed forces.

(b) If such registrant requests an opportunity to appear in person before the local board, takes an appeal to the board of appeal, or requests a reopening and consideration anew of his classification after the time when the local board mails an Alien's Personal History and Statement (Form 304) to him, the local board shall permit such personal appearance, forward the appeal to the board of appeal, or determine whether the registrant's classification should be reopened and considered anew without regard to the fact that an Alien's Personal History and Statement (Form 304) has been mailed to such registrant. The time in which such alien must complete and return his Alien's Personal History and Statement (Form 304), as provided in § 623.71, shall not be extended by any such action.*

Effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MARCH 10, 1942.

[F. R. Doc. 42–2260; Filed, March 16, 1942; 11:14 a. m.]

[Amendment No. 26, 2d Edition]

PART 626—REOPENING AND CONSIDERING ANEW REGISTRANT'S CLASSIFICATION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 626,[1] by deleting paragraph (a) of § 626.2 and substituting therefor the following:

§ 626.2 *When registrant's classification may be reopened and considered anew.* (a) The local board may reopen and consider anew the classification of a registrant (1) upon the written request of the registrant, the government appeal agent, any person who claims to be a dependent of the registrant, or any interested party in a case involving occupational deferment, if such request is accompanied by written information presenting facts not considered when the

[1] 6 F.R. 6643; 7 F.R. 110, 653.

registrant was classified which, if true, would justify a change in the registrant's classification; or (2) upon its own motion; provided, in either event, the classification of a registrant shall not be reopened after the local board has mailed to such registrant an Order to Report for Induction (Form 150) unless the local board first specifically finds that there has been a change in the registrant's status resulting from circumstances over which the registrant had no control. 54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. 8545, 5 F.R. 3779)

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Effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MARCH 10, 1942.

[F. R. Doc. 42–2270; Filed, March 16, 1942; 11:18 a. m.]

[Amendment No. 37, 2d Edition]

PART 627—APPEAL TO BOARD OF APPEAL

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 627,[1] by deleting paragraphs (b) and (c) of § 627.2 and substituting therefor the following:

§ 627.2 *Who may appeal registrant's classification to board of appeal under certain circumstances.*

* * * * *

(b) The government appeal agent may take any appeal authorized under paragraph (a) of this section at any time prior to the date when the local board mails to the registrant an Order to Report for Induction (Form 150).

(c) The registrant, any person who claims to be a dependent of the registrant, or any person who has filed written evidence of the occupational necessity of the registrant may take an appeal authorized under paragraph (a) of this section at any time within 10 days after the date when the local board mails to the registrant a Notice of Classification (Form 57). At any time prior to the date that the local board mails to the registrant an Order to Report for Induction (Form 150), the local board may permit any such person to appeal, even though such 10-day period has elapsed, if it is satisfied that the failure of such person to appeal within the 10-day period was due to a lack of understanding of the right to appeal or to some cause beyond the control of such person. Unless the local board thereafter permits an appeal, the right of such persons to appeal shall expire at the end of the 10-day period. If such an extension of time to appeal is granted by the local board, a record thereof shall be entered on the Selective Service Questionnaire (Form 40) under the heading "Minutes of Other Actions." (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. 8545, 5 F.R. 3779)

Effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MARCH 10, 1942.

[F. R. Doc. 42–2271; Filed, March 16, 1942; 11:18 a. m.]

[Amendment No. 36, 2d Edition]

PART 627—APPEAL TO BOARD OF APPEAL

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 627,[1] in the following respects:

1. By deleting the present title of § 627.13 in the table of contents and substituting therefor the following:

Sec.
627.13 Local board to transmit record to the State Director of Selective Service.

2. By adding two new sections to the table of contents after § 627.13 as follows:

Sec.
627.14 State headquarter's record of appeals to board of appeal.
627.15 Action of the local board on a case returned by the State Director of Selective Service.

3. By deleting present § 627.13 and substituting therefor the following:

§ 627.13 *Local board to transmit record to the State Director of Selective Service.* (a) Immediately upon an appeal being taken to the board of appeal, the local board shall carefully check the registrant's file to make certain that all steps required by the regulations have been taken and the record is complete. If any facts considered by the local board do not appear in the written information in the file, the local board shall prepare and place in the file a written summary of such facts. In preparing such a summary the local board should be careful to avoid the expression of any opinion concerning information in the registrant's file and should refrain from including any argument in support of its decision.

(b) Immediately upon determining that all steps required by the regulations have been taken and that the record is complete, the local board shall transmit the file to the State Director of Selective Service.

(c) The local board shall enter in the Classification Record (Form 100) the date it transmits the registrant's file to the State Director of Selective Service.

4. By adding two new sections to this part after § 627.13 reading as follows:

§ 627.14 *State headquarter's record of appeals to board of appeal.* (a) When the file of a registrant is received from a local board pursuant to § 627.13, a record of such appeal shall be entered in the State Docket Book of Appeals (Form 104). Each board of appeal within the State shall have a separate page in the State Docket Book of Appeals (Form 104), and all appeals to such board of appeal shall be entered therein.

(b) The State Director of Selective Service will carefully check each file to determine whether all steps required by the regulations have been taken, whether the record is complete, and whether the information in the file is sufficient to enable the board of appeal to determine the registrant's classification. If any steps have been omitted by the local board, if the record is incomplete, or if the information is not sufficient to enable the board of appeal to determine the classification of the registrant, the State Director of Selective Service shall return the file to the local board with proper instructions. If the State Director of Selective Service returns the file to the local board, he shall enter in the State Docket Book of Appeals (Form 104) the date upon which the file was returned to the local board. If no steps have been omitted by the local board, the record is complete, and the information is sufficient to enable the board of appeal to determine the classification of the registrant, the State Director of Selective Service shall transmit the registrant's file to the proper board of appeal and shall note the date of such transmittal in the State Docket Book of Appeals (Form 104).

§ 627.15 *Action of the local board on a case returned by the State Director of Selective Service.* (a) The local board shall carry out the instructions on the State Director of Selective Service accompanying a registrant's file returned to it under the provisions of § 627.14.

(b) As soon as the instructions of the State Director of Selective Service have been carried out, the local board shall return the registrant's file to the State Director of Selective Service, unless as a result of the information received in carrying out the instructions it determines that the classification of the registrant should be changed, in which event it shall, on its own motion, follow the procedure set out in Part 626, and any further appeal shall be a new appeal from the new classification of the registrant by the local board.

(c) If the local board places the registrant in a new classification, the file of the registrant shall not be returned to the State Director of Selective Service but the local board shall report the action taken by it to the State Director of Selective Service. Upon receiving such report, the State Director of Selective Service shall note the local board's action in the State Docket Book of Appeals (Form 104), mark the case "Closed," and indicate the reason therefor in the "Remarks" column.

(d) If the registrant's file is returned to the State Director of Selective Service, he shall (1) enter the date the file is received in the State Docket Book of Appeals (Form 104); (2) again check the file; (3) transmit it to the board of appeal, if it is in proper form; and (4) note the date the file is transmitted to the board of appeal in the State Docket Book of Appeals (Form 104).

5. By deleting §§ 627.22, 627.23, and 627.27 and substituting therefor the following:

§ 627.22 *Transfer of appeal.* If the board of appeal, upon receiving the file of a registrant, determines that it does not have jurisdiction of the appeal or that it cannot act on the appeal for any other reason, it shall return the file to the State Director of Selective Service stating the reasons for such return. If the State Director of Selective Service determines that the board of appeal to which the file was originally forwarded does not have jurisdiction, he shall transmit the file to the board of appeal having jurisdiction. If the board of appeal to which the file was originally forwarded is unable to act for any reason and there is more than one board of appeal in the State, the State Director of Selective Service shall designate one of the other boards of appeal in the State to act upon the appeal and shall transmit the file to the designated board of appeal. If the board of appeal to which the file was originally forwarded is the only board of appeal in the State, the Director of Selective Service, upon the request of the State Director of Selective Service, shall designate a board of appeal in a neighboring State to act upon the appeal, and the State Director of Selective Service shall transmit the file to the designated board of appeal. The designated board of appeal shall act on the appeal in the same manner and make the same records as in the case of an appeal from a local board whose records it normally reviews, except that all entries and records will be made in red ink. The State Director of Selective Service shall advise the local board from which the appeal was taken when a file is referred to a board of appeal other than the one normally acting on appeals from such local board and shall state the reason why the file is not being reviewed by the board of appeal for the area in which such local board is located.

§ 627.23 *Preliminary review.* The board of appeal shall make a preliminary review of each registrant's file received on appeal. If it deems the record to be incomplete or the information in the file insufficient to enable it to determine the classification of the registrant, it shall return the file to the State Director of Selective Service with an explanation of the reason therefor. The State Director of Selective Service shall either return the file to the board of appeal with instructions to determine the appeal upon the record or he shall forward the file to the local board with such instructions as he deems necessary in order to complete the record or supply the information requested by the board of appeal. When the local board has carried out such instructions it shall return the file to the State Director of Selective Service. The State Director of Selective Service shall check the file to make certain his instructions have been carried out and shall then return the file to the board of appeal.

§ 627.27 *Record of decision on appeal.* (a) When the board of appeal makes its classification, it shall record its decision, showing the yes and no vote, upon the Selective Service Questionnaire (Form 40) and in the Docket Book of Board of Appeal (Form 102). The board of appeal shall then immediately forward the file to the State Director of Selective Service and mark the case "Closed" in the "Remarks" column of the Docket Book of Board of Appeal (Form 102).

(b) The State Director of Selective Service shall review the file to determine whether he desires to appeal to the President. If he determines to take an appeal to the President, he shall place a notice of such appeal in the registrant's file, shall advise the local board of the classification given the registrant by the board of appeal and of the fact that he has appealed to the President from such classification, and shall then forward the file to the Director of Selective Service. If he determines not to take an appeal to the President, he shall forward the file to the proper local board. In either event the board of appeal classification, together with the yes and no vote, and the action taken by the State Director of Selective Service shall be entered in the State Docket Book of Appeals (Form 104).

(c) When the State Director of Selective Service has advised the local board that he has apealed to the President, the local board shall mail the registrant, the government appeal agent, and the person who took the appeal to the board of appeal, if other than the registrant or the government appeal agent, either a Notice of Classification (Form 57) or a Notice of Continuance of Classification (Form 58), whichever is applicable, writing in on such form the words: "The State Director of Selective Service has appealed the board of appeal classification to the President." (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. 8545, 5 F.R. 3779)

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LEWIS B. HERSHEY,
Director.

MARCH 10, 1942.

[F. R. Doc. 42–2262; Filed, March 16, 1942; 11:14 a. m.]

[Amendment No. 34, 2d Edition]

PART 629—PHYSICAL EXAMINATION BY THE ARMED FORCES

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 629,[1] by deleting paragraph (b) of § 629.22 and substituting therefor the following:

§ 629.22 *Records returned by examining station for the armed forces.*

* * * * *

(b) Each local board delivering men to an examining station for the armed forces will receive from the officer in charge of the examining station the original of the Physical Examination List (Form 151A) and the original and all copies of each man's Report of Physical Examination and Induction (Form 221), except when the Surgeon General's Copy is retained by the examining station of the armed forces under the provisions of paragraph (d) of § 629.31. (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. 8545, 5 F.R. 3779)

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Effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MARCH 10, 1942.

[F. R. Doc. 42–2268; Filed, March 16, 1942; 11:18 a. m.]

[Amendment No. 29, 2d Edition]

PART 629—PHYSICAL EXAMINATION BY THE ARMED FORCES

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 629,[1] in the following respects:

1. By adding a new subheading and a new section to the table of contents after § 629.31 as follows:

DISCONTINUANCE OF PHYSICAL EXAMINATION BY ARMED FORCES

629.41 Effective in State on order of the Director of Selective Service.

2. By adding a new subheading and a new section to this part after § 629.31 as follows:

DISCONTINUANCE OF PHYSICAL EXAMINATION BY ARMED FORCES

§ 629.41 *Effective in State on order of the Director of Selective Service.* The Director of Selective Service shall order the discontinuance of the procedure set forth in this part in each State as soon as arrangements have been made by the State Director of Selective Service for the forwarding of registrants to the induction station without having been previously physically examined by the armed forces under the provisions of this part. When such an order is issued by the Director of Selective Service covering a particular State, the registrants thereafter delivered by local boards in such State shall be delivered without the necessity of physical examination by the armed forces under the procedure set forth in this part. (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. 8545, 5 F.R. 3779)

Effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

FEBRUARY 24, 1942.

[F. R. Doc. 42–2265; Filed, March 16, 1942; 11:16 a. m.]

[1] 6 F.R. 6845.

[1] 6 F.R. 6845.

[1] 7 F.R. 274.

[Amendment No. 27, 2d Edition]

PART 632—INDUCTION CALLS

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 632,[1] by deleting § 632.3 and substituting therefor the following:

§ 632.3 *Selection of men to fill induction call.* (a) When a call is received by a local board, the board shall immediately proceed to select a sufficient number of specified men to fill the call. The men specified in the call shall be selected in sequence of their order numbers, beginning with the smallest order number, except that (1) each specified man who has volunteered for induction shall be selected to fill the call before any specified man who has not volunteered shall be so selected; (2) a specified man to whom an Alien's Personal History and Statement (Form 304) has been mailed shall not be selected to fill the call unless and until the armed forces have endorsed upon such form that he "is, if otherwise qualified," acceptable to the armed forces; and (3) a specified man who, because of his physical or mental defects, was not accepted when previously forwarded to the armed forces shall not be selected to fill the call unless his defects have been remedied or waived in the manner provided in Part 661. (54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. 8545, 5 F.R. 3779)

Effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

FEBRUARY 24, 1942.

[F. R. Doc. 42-2263; Filed, March 16, 1942; 11:16 a. m.]

[Amendment No. 28, 2d Edition]

PART 633—DELIVERY AND INDUCTION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 633,[2] in the following respects:

1. By deleting subparagraph (2) of paragraph (a) of § 633.5 and substituting therefor the following:

§ 633.5 *Records sent to induction station.*

* * * * *

(2) For each selected man:

The original and all three copies of the Report of Physical Examination and Induction (Form 221); and

The original and one copy of the Order to Report for Induction (Form 150) or, in the case of a man transferred for delivery, the original and one copy of the Order for Transferred Man to Report for Induction (Form 156).

* * * * *

2. By deleting paragraphs (b) and (c) of § 633.10 and substituting therefor the following:

§ 633.10 *Records returned by induction station commander.*

* * * * *

(b) Each local board delivering selected men to an induction station will receive from the induction station commander the following records:

(1) The original of each Order to Report for Induction (Form 150), or, in the case of a man transferred for delivery, the original of each Order for Transferred Man to Report for Induction (Form 156).

(2) The original Delivery List (Form 151).

(3) The National Headquarters' Copy and the Local Board's Copy of the Report of Physical Examination and Induction (Form 221).

(4) As to each man found not acceptable to the land or naval forces, in addition to the foregoing the Armed Forces' Original of the Report of Physical Examination and Induction (Form 221).

(c) The local board, upon receiving the National Headquarters' Copy and the Local Board's Copy, and, in the case of a man found "not acceptable," the Armed Forces' Original, of the Report of Physical Examination and Induction (Form 221) (1) shall complete the classification of the registrant in the manner provided in § 633.13 and enter a record of the registrant's classification in Section V of the Report of Physical Examination and Induction (Form 221); (2) shall check the National Headquarters' Copy and the Local Board's Copy, and, in the case of a man found "not acceptable," the Armed Forces' Original, of the Report of Physical Examination and Induction (Form 331) to make certain that they are complete in every detail (Section III is not completed if a registrant is found "not acceptable"); and (3) shall then forward the National Headquarters' Copy to the State Director of Selective Service and place the Local Board's Copy, and, in the case of a man found "not acceptable," the Armed Forces' Original, in the registrant's Cover Sheet (Form 53).

3. By deleting paragraph (e) of § 633.11 and substituting therefor the following:

§ 633.11 *Transferring men for delivery.*

* * * * *

(e) The man's own local board, upon receiving a Request for Transfer for Delivery (Form 154) approved by another local board, shall have no discretion but must immediately transfer him by preparing a Transfer of Registrant for Delivery (Form 155), in duplicate, filing the copy and mailing the original to the local board which has approved such request, together with the following papers:

(1) Copy of Order to Report for Induction (Form 150).

(2) The original and all three copies of the Report of Physical Examination and Induction (Form 221).

(3) In the event only that the man is a volunteer under 21 years of age who has been ordered to report for induction before his order number is reached or who, because of his age, has not been given an order number, there shall be forwarded also the written consent of his parents (or guardian), dated not more than 30 days before induction, or the statement prescribed in § 624.1.

* * * * *

(4) By deleting paragraph (b) of § 633.13 and substituting therefor the following:

§ 633.13 *Classification after man is inducted or is found not acceptable.*

* * * * *

(b) Upon receiving notice from the induction station that a selected man has not been accepted, the local board shall take the following action:

(1) If in (b) of Item 78 of the Report of Physical Examination and Induction (Form 221) it is indicated that the registrant will be physically and mentally qualified for general military service after satisfactory correction of the remediable defects set forth therein, the local board shall not change his classification but shall take the necessary steps for the correction of his remediable defects as outlined in Part 661.

(2) If in (c) of Item 78 of the Report of Physical Examination and Induction (Form 221) it is indicated that the registrant is physically qualified for limited military service only or if in (d) of Item 78 of such report it is indicated that the registrant will be physically qualified for limited military service after the satisfactory correction of the remediable defects set forth therein, the local board shall reopen the classification of the registrant and classify him in Class I–B or Class I–B–O.

(3) If in (e) or (f) of Item 78 of the Report of Physical Examination and Induction (Form 221) it is indicated that the registrant is physically, mentally, or otherwise disqualified for military service, the local board shall reopen the classification of the registrant and classify him in Class IV–F.

(54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. 8545, 5 F.R 3779)

Effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MARCH 10, 1942.

[F. R. Doc. 42-2264; Filed, March 16, 1942; 11:16 a. m.]

[Amendment No. 38, 2d Edition]

PART 643—PAROLE

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 643,[3] by deleting paragraph (d) of § 643.5 and substituting therefor the following:

§ 643.5 *Classification and induction of persons paroled for induction into the land or naval forces of the United States.*

* * * * *

[1] 6 F.R. 6848.
[2] 6 F.R. 6849; 7 F.R. 202, 431, 506, 653, 654.
[3] 6 F.R. 6852.

(d) Upon receipt of a copy of such order, the local board shall proceed to order the registrant to report for induction in the same manner as in the case of any other registrant, except that at the time the registrant is ordered to report for induction a certified copy of the order suspending parole supervision shall be sent to the commanding officer of the induction station with a letter of explanation as provided in § 622.61 (5). Arrangements will be made by the proper prison officials for the release of the registrant so that he can comply with the order to report for induction. (54 Stat. 885; 50 U.S.C. Sup. 301–318, inclusive; E.O. 8545, 5 F.R. 3779)

Effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MARCH 10, 1942.

[F. R. Doc. 42-2272; Filed, March 16, 1942; 11:16 a. m.]

[Amendment No. 39, 2d Edition]

PART 651—DETERMINATION OF ACCEPTABILITY OF PERSONS FOR WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 651,[1] in the following respects:

1. By deleting § 651.1 and substituting therefor the following:

§ 651.1 *Selection of registrants for assignment to work of national importance.* Every registrant who is classified in Class IV–E (or in Class IV–E–LS if and when Class I–B and Class I–B–O registrants are ordered to report for induction), before he is assigned to work of national importance under civilian direction, shall be given a final-type physical examination for registrants in Class IV–E. Each such registrant shall be ordered to report for such examination when his order number is reached in the process of selecting Class I–A and Class I–A–O registrants (or Class I–B and Class I–B–O registrants if and when such registrants are being selected) to report for induction, provided his classification is not under consideration on appearance, reopening, or appeal, and the time in which he is entitled to request an appearance or take an appeal has expired.

2. By deleting paragraph (c) of § 651.2 and substituting therefor the following:

§ 651.2 *Ordering Class IV–E registrants to report for final-type physical examination.*

* * * * *

(c) The local board may grant a delay of the date when any registrant is to appear for final-type physical examination for registrants in Class IV–E when he is quarantined because of a communicable disease, is sick, has some temporary ailment, is awaiting an operation, or when he has some other good and sufficient reason for being unable to appear.

3. By deleting paragraphs (a) and (c) of § 651.21 and substituting therefor the following:

§ 651.21 *Class IV–E registrant to be examined under MR 1–9 by local board examining physician.* (a) The physical standards governing the final-type physical examination for registrants in Class IV–E (or Class IV–E–LS) shall be those applicable to physical examinations conducted by the medical board at the induction station of the armed forces, as set forth in MR 1–9.

* * * * *

(c) The local board examining physician shall fill in the Physical Examination Results in Section IV of the Report of Physical Examination and Induction (Form 221), and if he finds the registrant to be qualified for general service and has entered the registrant's name in (a) or (b) of Item 78 of Section IV, he shall fill out Section III of the Report of Physical Examination and Induction (Form 221).

* * * * *

4. By deleting paragraphs (a), (b), and (c) of § 651.31 and substituting therefor the following:

§ 651.31 *Action of local board following final-type physical examination of Class IV–E registrants.* (a) After the Report of Physical Examination and Induction (Form 221) has been returned from the examining physician, the following action shall be taken based upon the information contained in Item 78, Section IV, of such report:

(1) If in (a) of Item 78 it is indicated that the registrant is physically and mentally qualified for general service, he is acceptable for work of national importance under civilian direction, and he will be assigned to and delivered for work of national importance under civilian direction in the manner provided in Part 652.

(2) If in (b) of Item 78 it is indicated that the registrant will be physically and mentally qualified for general service after satisfactory correction of the remediable defects set forth therein, the local board shall not change his classification but shall take the necessary steps for the correction of his remediable defects as outlined in Part 661.

(3) If in (c) of Item 78 it is indicated that the registrant is physically qualified for limited service only or if in (d) of Item 78 it is indicated that the registrant will be physically qualified for limited service after the satisfactory correction of the remediable defects set forth therein, the local board shall reopen his classification and classify him in Class IV–E–LS.

(4) If in (e) or (f) of Item 78 it is indicated that the registrant is physically, mentally, or otherwise disqualified for service, the local board shall reopen his classification and classify him in Class IV–F.

(b) The local board shall complete Section V of the Report of Physical Examination and Induction (Form 221) by filling in the applicable items. It shall then check to make certain that all entries have been completed on the original of the Report of Physical Examination and Induction (Form 221) and that all such information has been correctly transcribed on the copies thereof.

(c) When the local board examining physician on final-type physical examination of a registrant in Class IV–E finds that the registrant is physically and mentally qualified for general service in work of national importance under civilian direction, or will be physically and mentally qualified for general service in work of national importance under civilian direction after correction of remediable defects, the original and all copies of the Report of Physical Examination and Induction (Form 221) will be retained by the local board in the registrant's Cover Sheet (Form 53) until the registrant is forwarded for work of national importance under civilian direction in the manner provided in Part 652.

* * * * *

(54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. 8545, 5 F.R. 3779)

Effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MARCH 10, 1942.

[F. R. Doc. 42-2273; Filed, March 16, 1942; 11:19 a. m.]

PART 653—WORK OF NATIONAL IMPORTANCE UNDER CIVILIAN DIRECTION

[Amendment No. 40, 2d Edition]

As Director of Selective Service, I hereby amend the Selective Service Regulations, Second Edition, Part 653,[2] in the following respects:

1. By deleting paragraphs (c), (d), and (e) of § 653.11 and substituting therefor the following:

§ 653.11 *Reception at camps.*

* * * * *

(c) If the assignee indicates that his physical condition has changed since his final-type physical examination for registrants in Class IV–E, the camp physician shall examine him with reference thereto. If the assignee is not accepted for work of national importance, the camp director will indicate the reason therefor, and the assignee, pending instructions from the Director of Selective Service, will be retained in the camp or hospitalized where necessary.

(d) The camp director shall complete Item 79 of the Report of Physical Examination and Induction (Form 221), changing such parts thereof as may be required. The camp director shall retain the Armed Forces' Original of the Report of Physical Examination and Induction (Form 221) and shall forward the Surgeon General's Copy and the National Headquarters' Copy thereof to the Director of Selective Service.

[1] 7 F.R. 276, 654.
[2] 7 F.R. 247, 506, 654.

(e) Upon receiving notice that a registrant has been accepted for work of national importance, the local board shall not change his classification but shall note the fact of his acceptance for such work in the Classification Record (Form 100). Upon receiving notice that a registrant has been rejected for work of national importance, the local board shall take the action outlined in § 633.13 (b) except that the report of the camp physician shall be used in lieu of the report of the medical board of the armed forces and shall either retain the registrant in Class IV–E or change his classification to Class IV–E–LS or Class IV–F as the circumstances may require.

2. By deleting paragraph (f) of § 653.15 and substituting therefor the following:

§ 653.15 *Release for induction into the land or naval forces.*

* * * * *

(f) If the classification of the assignee is changed by the local board to Class I–A or Class I–A–O, arrangements will be made by the Director of Selective Service for the assignee to be delivered to his local board or to a local board of transfer for induction into the land or naval forces. Such assignee shall remain in camp until released by the Director of Selective Service. Such assignee shall be furnished with necessary Government Requests for Transportation (Standard Form No. 1030) and Government Request for Meals or Lodgings for Civilian Registrants (Form 256) for travel between the camp and his local board or a local board of transfer.

(54 Stat. 885; 50 U.S.C., Sup. 301–318, inclusive; E.O. 8545, 5 F.R. 3779)

Effective immediately upon the filing hereof with the Division of the Federal Register.

LEWIS B. HERSHEY,
Director.

MARCH 10, 1942.

[F. R. Doc. 42–2274; Filed, March 16, 1942; 11:19 a. m.]

[No. 55]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 175, entitled "Application to Volunteer and Waiver of Dependency," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register,[1] become a part of the Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

MARCH 6, 1942.

[F. R. Doc. 42–2253; Filed, March 16, 1942; 11:20 a. m.]

[No. 56]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 221, entitled "Report of Physical Examination and Induction," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of the Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

FEBRUARY 11, 1942.

[F. R. Doc. 42–2254; Filed, March 16, 1942; 11:20 a. m.]

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 1042—IMPORTS OF STRATEGIC MATERIALS

Amendment No. 3 to General Imports Order—M–63 To Conserve the Supply and Direct the Distribution of Designated Materials in Which Shortages Exist and Which Are Imported

Section 1042.1 (General Imports Order M–63[2]) is hereby amended to read as follows:

Whereas: War Requirements have created a shortage of the materials hereinafter set forth for defense, essential civilian and other uses; such materials are imported and due to the uncertainties of transportation in wartime the restrictions upon the disposition of such materials hereinafter set forth are necessary to prevent dispersion of such materials and to direct the distribution thereof in such manner as to satisfy war and essential civilian needs:

Now, therefore, it is hereby ordered, That:

§ 1042.1 *General Imports Order M–63*—(a) *Definitions.* For the purposes of this Order:

(1) "Strategic Material" means any material listed in List A.

(2) "Person" means any individual, partnership, association, business trust, corporation or any organized group of persons, whether or not incorporated.

(3) "Owner" of any material means any person who has any property interest in such material except a person whose interest is held solely as security for the payment of money.

(4) "Consignee" means the person to whom a strategic material is consigned at the time of importation.

(5) "Import" means to transport in any manner into the continental United States from any foreign country or from any territory or possession of the United States (including the Philippine Islands). Release from the bonded custody of the United States Bureau of Customs shall, for the purpose of this Order, be deemed a transportation.

(6) "Place of Initial Storage" means any warehouse, yard, ground storage or other place to which the person making the entry or withdrawal from custody of the United States Bureau of Customs of strategic material imported after the effective date of this Order directs or has directed that such strategic material be transported from the port of entry to be held until disposed of pursuant to this Order.

(b) *Restrictions on importation of strategic materials.* After the effective date of this Order, no person, other than Metals Reserve Company, Defense Supplies Corporation and any other United States governmental department, agency or corporation, or any agent acting for such company, department, agency or corporation, shall, without the written authorization of the Director of Industry Operations, make any contract or other arrangement for the importing of any Strategic Material. Applications for authorization to contract or arrange for the import of strategic materials shall be made in duplicate on Form PD–222C. This prohibition shall not prevent the importing, under the restrictions hereinafter set forth, of strategic material by any person under any contract made before, or in existence on, the effective date of this Order.

(c) *Restrictions on disposition of imported strategic materials.* Except as hereinafter specifically provided in paragraph (d):

(1) *Restrictions upon owners and consignees.* No owner or consignee of any strategic material which is imported after the effective date of this Order shall in any way, directly or indirectly:

(i) Dispose of any interest in such strategic material;

(ii) Process or in any way change the physical condition of such strategic material;

(iii) Transfer possession, or cause or permit a transfer of possession, of such strategic material except to the port of entry and from the port of entry to the place of initial storage of such strategic material; or

(iv) Change, or cause or permit a change of, the location of such strategic material except to the port of entry and from the port of entry to the place of initial storage of such strategic material.

Provided: That a consignee of strategic material may dispose of his interest in such strategic material to the extent necessary to complete any commitment or contract made prior to the effective date of this Order. The person to whom he disposes of such interest shall be subject to all restrictions imposed upon owners by this Order.

(2) *Restrictions upon banks and persons similarly situated.* No bank or other person which, as agent, pledgee, beneficiary under a trust receipt, or otherwise, has possession of or any interest in any written instrument evidencing any interest in any strategic material imported after the effective date of this Order shall in any way, directly or indirectly, except to the extent necessary to permit a consignee to make a permissible disposition of strategic material in accordance with sub-paragraph (1) of this paragraph (c),

(i) Dispose of any such interest; or
(ii) Transfer possession, or cause or permit a transfer of possession of such instrument.

(d) *Permissible disposition of imported strategic materials*—(1) *Transfer to Governmental agency:* Nothing contained in this Order shall prohibit any person having any interest whether as owner, consignee or otherwise, in any strategic material imported after the effective date of this Order from disposing of, or making any arrangement to dispose of, any interest in such strategic material to Metals Reserve Company, Defense Supplies Corporation or any other United States governmental department, agency or corporation.

(2) *Authorization by Director of Industry Operations.* Notwithstanding the provisions of paragraph (c), an Owner of strategic material imported after the effective date of this Order or a bank or other Person having possession of or an interest in a written instrument evidencing an interest in such strategic material, may process such strategic material or may dispose of any interest in such strategic material or any such written instrument, or transfer possession or change the location thereof, or cause or permit such a transfer of possession or change of location, upon written authorization by the Director of Industry Operations. Any such person may make application in duplicate for such an authorization on Form PD–222A, which Form shall be addressed to War Production Board, Ref: M–63, Washington, D. C., (which will receive from the Collectors of Customs reports of all imports of strategic materials).

(3) *Exceptions.* The restrictions set forth in paragraph (c) shall not apply to any strategic material of which any United States governmental department, agency or corporation is the Owner at the time of importation, and shall not apply to any such strategic material after any United States governmental department, agency or corporation becomes the Owner thereof, and shall not apply to any strategic material purchased or otherwise acquired from any United States governmental department, agency or corporation.

(e) *Reports*—(1) *Reports to Federal Loan Agency.* Promptly after the issuance of this Order, every person other than any United States governmental department, agency or corporation, or any agent acting for any such department, agency or corporation, who has outstanding any order, contract or other arrangement for the importing of any strategic material or who has heretofore acquired for import any strategic material which has not physically arrived at the port of entry thereof when this Order becomes effective, shall report all relevant facts with respect to such strategic material to Federal Loan Agency, Ref: M–63, Washington, D. C. Such report shall be filed in duplicate; one copy will be transmitted to the War Production Board by Federal Loan Agency.

(2) Every person, other than any United States governmental department, agency or corporation, or any agent acting for any such department, agency, or corporation, who is authorized by the Director of Industry Operations under paragraph (b) hereof, to make any contract or other arrangement for the importing of any strategic material, shall promptly report all relevant facts with respect to any contract or other arrangement entered into pursuant to such authorization to Federal Loan Agency, Ref: M–63, Washington, D. C. Such report shall be filed in duplicate; one copy will be transmitted to the War Production Board by Federal Loan Agency.

(3) *Reports to Collectors of Customs.* No strategic material which is imported after the effective date of this Order, other than strategic materials imported by or for the account of Metals Reserve Company, Defense Supplies Corporation or any other United States Governmental department, agency or corporation, shall be entered for consumption or withdrawn from warehouse for consumption unless the person making the entry or withdrawal shall file with the entry or withdrawal a statement of proposed disposition on Form PD–222B. Such statement shall be filed in duplicate; both copies shall be transmitted by the Collector of Customs to the War Production Board, Ref: M–63, Washington, D. C.

(4) *Other Reports.* All persons having any interest, whether as owner or consignee or otherwise, in any strategic material imported after the effective date of this Order shall file such other reports as may be required from time to time by the War Production Board.

(f) *Violations.* Any person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(g) *Applicability of Priorities Regulation No. 1* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(h) *Effective date.* This Order shall take effect immediately, and shall continue in effect until revoked. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess, as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 14th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

LIST A—ATTACHED TO GENERAL IMPORTS ORDER M–63

The numbers listed after the following materials are commodity numbers taken from Schedule A, Statistical Classification of Imports of the Department of Commerce (issue of January 1, 1941). Materials are included in this List to the extent that they are covered by the commodity numbers listed below.

Material	Ec. class	Commodity No.
*		
Antimony	1	6650.0
	7	6651.0
	7	6651.1
	7	838.180
	7	838.210
Asbestos originating in Rhodesia or the Union of South Africa	1	5500.0
	1	5500.1
	7	5501.0
	7	5501.1
	7	5501.9
	7	5502.1
Chromium	1	6713.0
Coconut Oil	6	2242.5
Copper	7	6400.8
	7	6417.1
	9	643.00
Copra	0	2232.0
Graphite or Plumbago, Crystalline Flake	1	5730.5
Hides and Skins	0	0201.0
	0	0202.0
	0	0203.0
	0	0203.1
	0	0205.0
	0	0206.0
	0	0207.0
	0	0208.0
Horse mane and tail hair	0	3694.0
	0	3694.1
Istle or Tampico Fiber	0	3405.0
Kyanite and Sillimanite	1	593.95
Lead	1	6504.0
	7	6505.1
	7	6505.0
	7	6506.1
	7	6506.5
	7	6507.0
	9	6509.0
Mica	1	5560.7
	1	5560.8
	1	5560.9
	7	5561.0
	7	5561.8
	7	5561.9
	9	5564.0
	9	5564.2
Palm Oil	6	2243.0
Palm Kernels	0	2236.5
Palm Kernel Oil	0	2248.0
Pig and Hog Bristles	6	0017.0
	0	0079.1
Quicksilver or Mercury	7	6662.0

[1] Filed as a part of the original document.
[2] 6 F.R. 6796; 7 F.R. 206, 223.

Material	Ec. class	Commodity No.
Rapeseed Oil	6	2253.0
Rutile	1	6270.2
Shellac	7	2107.2
	7	2108.0
Tung Oil	6	2241.0
Tungsten	1	6232.0
Vanadium	1	6290.0
Zinc	7	6658.2
Zirconium	1	6270.5

[F. R. Doc. 42-2237; Filed, March 14, 1942; 12:20 p. m.]

PART 1115—FUEL OIL

Limitation Order L-56 to Curtail the Consumption of Fuel Oil

Whereas fulfillment of requirements for the defense of the United States has created in certain areas a shortage in the supply of fuel oil for defense, private account and export, it is necessary in the public interest and to promote the defense of the United States to allocate the supply thereof in the manner and to the extent hereinafter in this Order provided,

Now, therefore, it is ordered, That:

§ 1115.1 *Limitation Order L-56*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* For the purpose of this Order:

(1) "Supplier" means any person supplying Fuel Oil, directly or indirectly, to a Consumer.

(2) "Consumer" means any ultimate user of Fuel Oil including any Governmental corporation or agency.

(3) "Standby facilities" means equipment in serviceable operating condition designed to use a fuel other than Fuel Oil, except electricity, natural gas, or mixed natural and manufactured gas, and for the operation of which a supply of such fuel is available.

(4) "Fuel oil" means any liquid petroleum classified as grade No. 1, 2, 3, 4, 5, or 6, including Bunker "C" fuel oil, kerosene, range oil, gas oils, and any other liquid petroleum product used for the same purpose as the above designated grades.

(c) *Limitation on deliveries of fuel oil.* (1) No Supplier shall deliver to any Consumer in any area designated in List "A" who has Standby Facilities and no such Consumer shall accept delivery of Fuel Oil from any Supplier unless such Standby Facilities are being operated to take the place of such Consumer's Fuel-Oil-burning facilities to the greatest possible extent and to effect the maximum reduction in such Consumer's requirements for Fuel Oil.

(2) No Supplier shall deliver Fuel Oil to a Consumer in any area designated in List "A" and no such Consumer shall accept delivery of Fuel Oil from any Supplier for the operation of:

(i) New or additional equipment unless such equipment was installed prior to 30 days after the effective date of this Order, or unless, in the case of new construction, the equipment was specified in the construction contract, and the foundation under the main part of the structure in which the equipment is to be installed was completed prior to 30 days after the effective date of this Order; *Provided*, That the replacement of worn-out parts shall not be deemed to be the installation of new or additional equipment if the existing equipment is not adaptable to the use of other fuels; or

(ii) Facilities converted from other fuel to Fuel Oil unless such conversion has been completed prior to 10 days after the effective date of this Order;

Provided, That deliveries of Fuel Oil may be made by any Supplier to any Consumer for the operation of equipment or facilities specified in this paragraph in any case where such Consumer cannot use a fuel other than Fuel Oil, electricity, natural gas, or mixed natural and manufactured gas, either because any such substitute fuel is not available or because technical utilization factors prevent its use.

(d) *Conversion of fuel-oil-burning facilities.* The Director of Industry Operations, or other person designated by him, may from time to time examine and investigate the Fuel-Oil-burning facilities owned or operated by any Consumer for the purpose of determining whether such equipment can be converted to the use of a fuel other than Fuel Oil, electricity, natural gas, or mixed natural and manufactured gas. In making such investigation, the Director of Industry Operations, or his representative, shall take into consideration all facts and circumstances which may relate to the particular problem, including the availability of such other fuel. If it is found that the Fuel-Oil-burning facilities of any Consumer may be converted to the use of such other fuel, and that a supply of such fuel is available, without an unreasonable expenditure upon the part of the Consumer and without working any exceptional or unreasonable hardship upon such Consumer, then the Director of Industry Operations may, after notice sufficient to permit such conversion, forbid further deliveries of Fuel Oil for use in such facilities.

(e) *Exception.* Nothing in this Order shall be construed to apply to the delivery of Fuel Oil for use in internal combustion engines.

(f) *Directions as to deliveries.* The Director of Industry Operations may from time to time issue specific directions directing or forbidding deliveries of Fuel Oil to any Consumer.

(g) *Appeals.* Any Person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the Director of Industry Operations, by letter or telegram, setting forth the pertinent facts and the reasons he considers himself entitled to relief. The Director of Industry Operations may thereupon grant specific exemptions or take such other action as may be consistent with this Order. Unless otherwise directed, appeals shall be filed with the Director of Marketing, Office of Petroleum Coordinator for National Defense, Department of the Interior, Washington, D. C. Any such appeal involving a defense housing project shall be filed with the local Federal Housing Administration office which shall review such appeal and transmit it, together with specific recommendations, to the said Director of Marketing, or to his representative, for further proceedings.

(h) *Violations.* Any Person who wilfully violates any provision of this Order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(i) *Reports and correspondence.* All reports required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to: Office of Petroleum Coordinator, Washington, D. C., Ref.: L-56.

(j) *Effective date.* This Order shall take effect on the date of issuance and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 14th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

LIST "A"

Order L-56 shall apply in the following areas:

1. The States of Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

2. The States of Oregon and Washington.

[F. R. Doc. 42-2235; Filed, March 14, 1942; 12:20 p. m.]

PART 1140—MOTOR VEHICLES

LIMITATION ORDER L-69

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of aluminum, cadmium, chromium, copper and nickel for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1140.1 *Limitation order L-69*—(a) *Definitions:*

(1) "Motor Vehicle" means any vehicle of four wheels or more designed for use on the highway and powered by an internal combustion engine, and any trailer designed exclusively for the transportation of property on the highway.

(2) "Bright Work" means any plating, coating, or other metal finish containing any aluminum, cadmium, chromium, copper or nickel.

(3) "Producer" means any individual, partnership, association, corporation, or other form of business enterprise engaged in the production of motor vehicles, or of chassis, bodies, cabs, accessories or replacement parts therefor.

(b) *General restrictions.* (1) No producer shall manufacture or use any bright work:

(i) In the exterior finish or trim of any motor vehicle or chassis therefor,

(ii) In the interior or exterior finish or trim of any body or cab for any motor vehicle, or

(iii) In the production of accessories for any motor vehicle or of replacement parts for any motor vehicle or for any chassis, body or cab therefor:

Provided, That nothing herein shall prohibit the manufacture or use of bright work in the production or use of ventilator window latches, external locks, cylinder caps and covers, external windshield wipers and arm and blade assemblies therefor, and body trim screws.

(2) No producer who, on the effective date of this Order, has in his possession or control any aluminum, cadmium, chromium, copper or nickel in any form shall:

(i) Sell or otherwise dispose of any thereof except as expressly permitted by the Director of Industry Operations, or to Defense Supplies Corporation, Metals Reserve Corporation or any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended, or any person acting as agent for such corporation; or

(ii) Use any thereof except in the manufacture of any other articles which such producer manufactured during the month of February 1942 and then only to the extent that such use is not prohibited by General Conservation Orders M-1-c, M-6-b, M-9-c and M-65-a as the same may be amended from time to time or any other orders of the Director of Priorities or of the Director of Industry Operations heretofore or hereafter issued curtailing the use of any such material or limiting the production of any such articles, provided that such producer's average use of such materials in the manufacture of such other articles in any month after February 1942, shall not exceed his daily use thereof in such manufacture during the month of February 1942.

(3) The prohibitions and restrictions contained in this Order shall not apply to the use of aluminum, cadmium, chromium, copper or nickel in the manufacture or use of bright work under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development, or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), if in any such case the use of such metals to the extent employed is required by the specifications of the prime contract.

(c) *Records.* All persons affected by this Order shall keep and preserve for not less than 2 years accurate and complete records concerning inventories, purchases, production and sales.

(d) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(e) *Reports.* All persons affected by this Order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(f) *Violations or false statements.* Any person who violates this Order or who willfully falsifies any records which he is required to keep by the terms of this Order, or otherwise willfully furnishes false information to the War Production Board may be deprived of priorities assistance or may be prohibited by the War Production Board from obtaining any further deliveries of materials subject to allocation. The War Production Board may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(g) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from nondefense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The War Production Board may thereupon take such action, if any, as it deems appropriate by the amendment of this Order or otherwise.

(h) *Communications.* All communications concerning this Order shall be addressed to War Production Board, Washington, D. C., Ref.: L-69.

(i) *Effective date.* This Order shall take effect upon the date of issuance hereof. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3rd Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 14th day of March, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2236; Filed, March 14, 1942; 12:20 p. m.]

PART 941—MATERIAL AND EQUIPMENT ENTERING INTO FREIGHT CAR CONSTRUCTION INCLUDING RAILROAD, INDUSTRIAL, AND MINE FREIGHT CARS

Extension of General Preference Order No. P—8[1]

It is hereby ordered, That § 941.1 (General Preference Order P-8) issued June 18, 1941, as last extended by Extension of Preference Rating Order P-8, issued December 31, 1941, and all Preference Rating Certificates issued thereunder shall continue in effect until April 30, 1942, unless sooner revoked by the War Production Board. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3rd Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 16th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2285; Filed, March 16, 1942; 11:32 a. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

Priorities Regulation No. 8

§ 944.29 *Priorities Regulation 8*—(a) *Certain reporting requirements revoked.* Except as provided in paragraph (b) hereof, all orders heretofore issued which require any person to report upon any of the forms listed in Appendix A to this Regulation are hereby amended so as to revoke such requirements.

(b) *Exceptions to general rule.* The provisions of paragraph (a) hereof shall not apply to any of the orders listed in Appendix B to this Regulation.

(c) This Regulation shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 16th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[1] 6 F.R. 3009, 6270; 7 F.R. 28, 698.

Appendix A. Reports on the following forms need no longer be filed, except to the extent required by the orders listed in Appendix B:

Forms PD—				
6	42	46A	57	68A
6A	42A	47	57A	74
13	43	47A	58	74A
14	43A	48	58A	81
30	44	48A	63	81A
30A	44A	52	63A	93
38	45	52A	64	119
41	45A	56	65	
41A	46	56A	68	

Appendix B. When required by the following Orders, reports on the forms listed in Appendix A shall continue to be filed:

Orders P—				
19	29	51	68	87
19-a	42	56-a	73	95
19-c	42-a	62	82	115
19-h	43	65	86	

[F. R. Doc. 42-2290; Filed, March 16, 1942; 11:35 a. m.]

PART 956—MATERIAL ENTERING INTO THE CONSTRUCTION OF SPECIFIED LOCOMOTIVES

Extension of Preference Rating Order No. P-20 [1]

It is hereby ordered, That § 956.1 (Preference Rating Order P-20), issued July 21, 1941, as last extended by Extension of Preference Rating Order No. P-20, issued December 31, 1941, and all Preference Rating Certificates issued thereunder, shall continue in effect until April 30, 1942, unless sooner revoked by the War Production Board. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 16th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2284; Filed, March 16, 1942; 11:32 a. m.]

PART 957—MATERIAL ENTERING INTO THE REPAIR AND REBUILDING OF STEAM, ELECTRIC, OR DIESEL LOCOMOTIVES WHETHER FOR RAILROAD, MINING, OR INDUSTRIAL USE

Extension of Preference Rating Order No. P-21

It is hereby ordered, That § 957.1 (Preference Rating Order P-21),[1] issued July 21, 1941, as last extended by Extension of Preference Rating Order No. P-21, issued December 31, 1941, and all Preference Rating Certificates issued thereunder, shall continue in effect until April 30, 1942, unless sooner revoked by the War Production Board. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 16th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2285; Filed, March 16, 1942; 11:32 a. m.]

[1] 6 F.R. 2646, 6185; 7 F.R. 28, 699.
[2] 6 F.R. 3647, 6185; 7 F.R. 29, 699.

PART 992—LAUNDRY EQUIPMENT

Supplementary General Limitation Order L-6-c [1]*—Further Restricting and Finally Prohibiting the Production of Domestic Laundry Equipment.*

In accordance with the provisions of § 992.1 (General Limitation Order L-6) which the following order supplements, *It is hereby ordered,* That:

§ 992.4 *Supplementary General Limitation Order L-6-c.*

* * * * *

(a) *Prohibition of production of domestic laundry equipment.* Effective April 16, 1942, no Class A or Class B manufacturer shall produce any domestic laundry equipment. Effective May 16, 1942, no Class C or Class D manufacturer shall produce any domestic laundry equipment.

(b) *Restrictions until dates of prohibition of production.* During the period beginning March 16, 1942, and ending April 15, 1942 inclusive:

(1) No Class A manufacturer shall produce more domestic laundry equipment than the greater of the following two limits:

(i) 11,700 units of such equipment, or
(ii) 90% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.

(2) No Class B manufacturer shall produce more domestic laundry equipment than the greater of the following two limits:

(i) 5,625 units of such equipment, or
(ii) 97½% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.

During the period beginning March 16, 1942 and ending May 15, 1942:

(1) No Class C manufacturer shall produce more domestic laundry equipment than the greater of the following two limits:

(i) 3,420 units of such equipment, or
(ii) Two times 112½% of the monthly average of Factory Sales of such equipment for the 12 months ending June 30, 1941.

(2) No Class D manufacturer shall produce more than two times 142½% of the monthly average of his Factory Sales of such equipment for the twelve months ending June 30, 1941.

(c) *Replacement parts.* Nothing in this order shall be construed to prohibit or limit the production of replacement parts for domestic laundry equipment.

(d) *Restrictions on inventory.* (1) Until otherwise ordered by the Director of Industry Operations no manufacturer shall sell, deliver, or otherwise transfer any part of the inventory of raw materials, semi-processed parts or finished parts which he holds for use in the production of domestic laundry equipment to any other person, or to any other department, division, or section of his concern not engaged in the production of domestic laundry equipment, except on the following conditions:

(i) Raw materials, semi-processed parts, and finished parts may be sold, delivered or otherwise transferred to other manufacturers of domestic laundry equipment for their use in the production of such equipment pursuant to the provisions of paragraph (b);

(ii) Raw materials, semi-processed parts, and finished parts may be sold, delivered or otherwise transferred in connection with the manufacture and sale of repair and maintenance parts for domestic laundry equipment;

(iii) Raw materials, semi-processed parts, and finished parts may be sold, delivered, or otherwise transferred to any person (including any other department, division, or section of a manufacturer's concern not engaged in the production of domestic laundry equipment) who is able to supply a preference rating of A-9 or higher;

(iv) Raw materials, semi-processed parts, and finished parts may be sold, delivered, or otherwise transferred to the Defense Supplies Corporation or other corporation, affiliate, or other form of enterprise under the control of the Reconstruction Finance Corporation:

Provided however, That nothing in this paragraph (d) shall be construed to permit any manufacturer to sell, deliver, or otherwise transfer, or any person to purchase, receive delivery of, or otherwise acquire any raw materials, semi-processed parts, or finished parts in contravention of the terms of any L or M order including amendments or supplements thereto, or other regulation of the War Production Board, now effective or effective prior to the date of any such sale, delivery, or other transfer.

(2) Each manufacturer shall file with the War Production Board on or before April 1, 1942, an estimate of the inventory of raw materials, by classes of materials, semi-processed parts, and finished parts, which will remain in his hands pursuant to this paragraph after he has completed his production of domestic laundry equipment pursuant to paragraph (b).

(e) *No interference with ordnance production.* No manufacturer shall divert materials, labor, or equipment from the production of war material to enable him to produce his production quota under paragraph (b) hereof.

(f) *Prohibition of acquisition of materials.* No manufacturer of domestic laundry equipment shall purchase, receive delivery of, or otherwise acquire any raw materials, semi-processed parts, or finished parts intended for the production of domestic laundry equipment in excess of quantities required to fulfill the production quotas specified in paragraph (b) hereof; no person shall sell, deliver, or otherwise transfer any such raw materials, semi-processed parts, or finished parts except as so permitted: *Provided however,* That deliveries of raw materials, semi-processed parts, or finished parts actually in transit to the manufacturer on the date of issue of this order may be delivered to the manufacturer.

(g) *Existing contracts.* Fulfillment of contracts in violation of this order is prohibited regardless of whether such order is entered into before or after the effective date of this order. No person shall be held liable for damages or penalties for any default under any contract or order, which shall result directly or indirectly from his compliance with the terms of this order.

(h) *Appeal.* Any manufacturer who considers that compliance with this order would work an exceptional or unreasonable hardship upon him, or would disrupt or impair a program of conversion to War production may appeal for relief to the Director of Industry Operations by means of a letter addressed to the Director of Industry Operations, Ref.: L-6-c, setting forth in such letter all facts pertinent to the appeal. The Director of Industry Operations may thereupon take such action as he deems appropriate. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 14th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2289; Filed, March 16, 1942; 11:35 a. m.]

[1] 6 F.R. 5533, 6407.

PART 1041—PRODUCTION, TRANSPORTATION, REFINING AND MARKETING OF PETROLEUM

Preference Rating Order No. P-98, Extended and Amended

§ 1041.1 *Preference Rating Order P-98.*[1] For the purpose of facilitating the acquisition of Material for the Production, Refining, Transportation and Marketing of Petroleum, preference ratings are hereby assigned to deliveries of necessary Material upon the terms hereinafter set forth:

(a) *Definitions.* (1) "Person means any individual, partnership, association, business trust corporation, governmental corporation or agency or any organized group of persons, whether incorporated or not.

(2) "Petroleum" means petroleum, petroleum products and associated hydrocarbons, including but not limited to natural gas.

(3) "Main Gas Trunk Line" means any pipeline and appurtenant structures carried as a "trunk line" on the books of an Operator in accordance with the regulations of any duly constituted public regulatory body or, where there is no duly constituted public regulatory body regulating the accounting procedures of the Operator carried as a "trunk line" on the books of an Operator for Federal Income Tax purposes.

(4) "Production" means the discovery, development and depletion of Petroleum Pools; the operation of any stationary gathering systems or surface connections for the conveyance of Petroleum (other than natural gas) to the first valve on the discharge side of the field shipping tank battery at which Petroleum is gauged; the operation of any facility for the processing of natural gas including but not limited to natural gasoline extraction plants, field pressure maintenance plants, repressuring plants, cycling plants, dehydration plants, or desulphurization plants; the operation of any natural gas connecting lines from a wellhead connection or from a Main Gas Trunk Line to or from such plants; and the operation of any stationary gathering systems or surface connections for the conveyance of natural gas to the point of connection with a Main Gas Trunk Line.

(5) "Refining" means the operation of a plant or plants, other than those specified in paragraph (a) (4), for the production of finished or unfinished Petroleum, including blending plants which blend neutral, bright-stocks and long residuum to finished S. A. E. grades.

(6) "Transportation" means (except in the case of natural gas) the operation of all Petroleum terminal and terminal storage facilities and the operation of all pipe lines for the transportation of Petroleum from the first valve on the discharge side of the field shipping tank battery where Petroleum is first gauged to any Refining facility, terminal or terminal storage facility and from any Refining facility to any terminal, terminal storage or Marketing facility.

(7) "Marketing" means the operation of all facilities (other than Petroleum terminal or terminal storage facilities or marine, rail, pipeline or truck facilities used to transport Petroleum) for distributing or dispensing Petroleum (excluding natural gas) including without limitation the operation of service stations, substations, bulk plants, warehouses, wholesale depots, or facilities operated by "consumer accounts".

(8) "Petroleum Enterprise" means any facility used in the Production, Refining, Transportation, or Marketing of Petroleum.

(9) "Operator" means any Person engaged in operating a Petroleum Enterprise.

(10) "Supplier" means any Person with whom a contract or purchase order has been placed for delivery of Material to the Operator or to another Supplier.

(11) "Material" means any commodity, equipment, accessories, parts, assemblies, or products of any kind.

(12) Subject to subparagraph (15), "Maintenance" means the upkeep of an Operator's property or equipment in a sound working condition with a minimum expenditure of Material.

(13) Subject to subparagraph (15), "Repair" means the restoration of an Operator's property or equipment to a sound working condition when such property or equipment has been rendered unsafe or unfit for further service by wear and tear, damage, destruction or failure of parts or similar causes.

(14) Subject to subparagraph (15), "Operating Supplies" means any Material (other than that used for Maintenance or Repair) which is essential to and consumed in the operation of a Petroleum Enterprise and which is generally charged to the operating expense account of an Operator: *Provided,* That the term "Operating Supplies" shall not include any of the following:

(i) Material (other than reagents, additives or compounding Material) which is physically incorporated in whole or in part into any product of an Operator;

(ii) any Material which is to be used as a fuel or lubricant;

(iii) any non-ferrous Material which is to be used as packaging supplies.

(15) The terms "Maintenance", "Repair" and "Operating Supplies" do not include any of the following:

(i) Material for the replacement of an item or part thereof where the replacement is carried on the Operator's books as a fixed asset;

(ii) Material for the improvement of an Operator's property or equipment through the replacement of Material in the existing installation, unless the property or equipment which is replaced is beyond economic Repair or has been rendered unusable by fire or other hazard or natural cause;

(iii) Material for additions to or expansion of an Operator's property or equipment;

(iv) Material which is of a type which could not be carried on the Operator's books under "Maintenance", "Repair", "Operating Supplies" or the equivalent in the Operator's established method of bookkeeping.

(16) Subject to subparagraph (17), "Alterations" means any change in the physical arrangement of any existing facility for the processing of natural gas including a natural gasoline extraction plant, field pressure maintenance plant, repressuring plant, cycling plant, dehydration plant, desulphurization plant, any existing facility used in Refining (other than blending plants), or any existing facility used in Transportation which is made for the purpose of increasing the operating efficiency of such facility and which does not involve an expenditure of more than $1,000 for Material.

(17) The term "Alterations" does not include any of the following:

(i) Material to be used as "Maintenance", "Repair", or "Operating Supplies";

(ii) Any change in the physical arrangements of an existing facility in

[1] 7 F.R. 278, 1495, 1721.

which the amount of Material necessary to effect a proper Alteration would ordinarily involve an expenditure of more than one thousand dollars or in which an ordinary Alteration in the facility has been subdivided for the purpose of making available to an Operator the provisions of subparagraph (16).

(18) "Exploratory Well" means any well located not less than two miles from any well capable of producing Petroleum.

(19) "Pool" means any underground accumulation of crude Petroleum or associated hydrocarbon substances, including but not limited to natural gas, constituting a single and separate reservoir or source of supply within a field, area, or horizon whether or not presently discovered or developed.

(20) "Office Supplies" means any Material to be used for "Maintenance" or "Repair" purposes or as "Operating Supplies" by an Operator for the purpose of carrying out home or branch office services incident to the conduct of a Petroleum Enterprise.

(21) "Automotive Equipment" means any specialized Material attached to an automobile or truck (but not including automobiles, trucks, motors, parts thereof, tires, or chassis) which material is necessary for containing, dispensing, measuring the movement of, or distributing Petroleum and is used for "Maintenance" or "Repair" purposes or as "Operating Supplies."

(b) *Assignment of preference ratings.* Subject to the terms of this Order, the following preference ratings are hereby assigned to deliveries of Material to an Operator and to his Suppliers.

(1) A–1–a to deliveries of Material, to an Operator engaged in the operation of a natural gasoline extraction plant, field pressure maintenance plant, repressuring plant, cycling plant, dehydration plant, desulphurization plant, or to an Operator engaged in Refining, which Material is to be used for the Repair of the Operator's property or equipment where there has been an actual breakdown or suspension of operations and the essential Material for effecting the Repair is not otherwise available.

(2) A–1–c to deliveries of that minimum quantity of Material to an Operator engaged in the operation of a natural gasoline extraction plant, field pressure maintenance plant, repressuring plant, cycling plant, dehydration plant, desulphurization plant, or to an Operator engaged in Refining, which Material is to be used for Maintenance and which is necessary to make reasonable advance provisions for averting an actual breakdown or suspension of operations.

(3) A–1–e to deliveries of Material, to an Operator engaged in Production, which Material is to be used exclusively for operations directly involved in the search for and discovery of a previously unknown Pool or part thereof by means of geological, geophysical or geochemical prospecting, including specialized Material attached to an automobile or truck (but not including automobiles, trucks, motors, parts thereof, tires, or chassis) and used for the physical function of carrying out geological, geophysical or geochemical prospecting.

(4) A–2 to deliveries of material,

(i) To an Operator engaged in Production or Refining, which Material is to be used exclusively for carrying out by means of an existing research laboratory investigations into more efficient or more effective methods of conducting Production or Refining Operations;

(ii) To an Operator engaged in Production, which Material is to be used exclusively for operations directly involved in the search for and discovery of a previously unknown Pool by means of the drilling and completion of an Exploratory Well, including but not limited to the drilling of "slim holes";

(iii) To an Operator engaged in Refining, which Material is required as Operation Supplies and consists of one or more of the following: acetone, activated alumina, activated silica gell, aluminum paste, aluminum powder, aluminum chloride, ammonia, carbon tetrachloride, chlorine, copper sulphate, cresyllic acid, dichlorethyl ether, diethanol amine, ethylene dichloride, foamite, glycerine, glycol, hydrochloric acid, hydroflouric acid, mercury, metal deactivator, including orthoeresol), methylbutyl ketone, methylethyl ketone, methyl alcohol, nitro benzene, phenol, phosphoric acid, potassium bichromate, sodium hypochlorite, toluene, triethanol amine, tripotassium phosphate, trisodium phosphate, and zinc chloride.

(iv) To an Operator engaged in the operation of any natural gasoline extraction plant, field pressure maintenance plant, repressuring plant, cycling plant, dehydration plant, or desulphurization plant, which Material is required as Operating Supplies and consists of one or more of the following: acetone, activated alumina, activated silica gell, aluminum paste, aluminum powder, aluminum chloride, ammonia, carbon tetrachloride, chlorine, copper sulphate, diethanol amine, ethylene dichloride, foamite, glycerine, hydrochloric acid, mercury, methyl alcohol nitro benzene, phenol, phosphoric acid, sodium hypochlorite, triethanol amine, tripotassium phosphate, trisodium phosphate, and zinc chloride.

(v) To an Operator engaged in Transportation, which Material is to be used for the Repair of the Operator's property or equipment where there has been an actual breakdown or suspension of operations and the essential Material for effecting the Repair is not otherwise available.

(5) A–8 to deliveries of material,

(i) To an Operator engaged in Production, Refining, or Transportation, which Material is to be used for the Maintenance or Repair of the Operator's property or equipment, or is to be used in effecting Alterations, or is required as Operating Supplies;

(ii) To an Operator engaged in Production, which Material is to be used for Production purposes, but excluding Material not otherwise provided for by this Order which is to be used by an Operator in the operation of any facility for the processing of natural gas.

(6) A–10 to deliveries of material,

(i) To an Operator engaged in Marketing, which Material is to be used for the Maintenance of Repair of the Operator's property or equipment or which is required as Operating Supplies.

(ii) To an Operator, which Material is to be used as Automotive Equipment or as Office Supplies.

(c) *Persons entitled to apply preference ratings.* The preference ratings hereby assigned may, in the manner and to the extent hereby authorized, be applied by:

(1) Any Operator

(2) Any Supplier of Material to the delivery of which a preference rating has been applied as provided in paragraph (e):

(d) *Restrictions on use of ratings*—(1) *Restrictions on Operator.* (i) The Operator may not apply a rating to obtain Material to the delivery of which any rating is hereby assigned unless such Material cannot otherwise be obtained without such rating on the date required to enable such Operator to fulfill the authorized purposes for which the rating is granted.

(ii) The Operator may not apply a rating to obtain scarce Material the use of which may be eliminated without serious loss of efficiency by substitution of less scarce material or by change of design.

(iii) The Operator may not apply a rating to obtain Material in greater quantities or on earlier dates than required to enable him to fulfill the authorized purposes for which the rating is granted.

(iv) The Operator may not apply a rating to obtain Material in excess of a minimum practicable inventory of such Material. Except as provided in paragraph (d) (2), such minimum practicable inventory shall in no event exceed a 90 day supply of Material to be used for the purpose for which the rating may be applied.

(v) The Operator may not apply a rating to obtain Material for any use which is restricted, prohibited or in any way limited by any Order issued by the Director of Industry Operations, other than Material to be used in conformity with the provisions of such Order.

(2) From time to time the Director of Industry Operations may determine that any Operator or class of Operators is exempt, in whole or in part, from the restrictions contained in paragraph (d) (1) (iv).

(3) *Restrictions on suppliers.* (i) No Supplier may apply a rating to obtain Material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or within the limitations of paragraph (d) (3) (ii) and (d) (3) (iii) below, to replace in his inventory Material so delivered. He shall not be deemed to require such Material if he can make his rated delivery and still retain a minimum practicable working inventory thereof; and if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(ii) A Supplier who supplies material which he has in whole or in part manufactured, processed, assembled, or otherwise physically changed may not apply a rating to restore his inventory to a practicable working minimum unless he applies the rating before completing the rated delivery which reduces his inventory below such minimum.

(iii) A Supplier who supplies material which he has not in whole or in part manufactured, processed, assembled, or otherwise physically changed may defer applications of a rating hereunder to purchase orders or contracts for such material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided*, That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(e) *Application of preference ratings.* (1) The Operator or any Supplier, in order to apply a preference rating assigned hereunder to deliveries to him, must endorse on all copies of each purchase order or contract which is covered by a rating assigned hereunder, a statement in the following form, signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose, specifying the rating assigned:

Preference Rating A– , is applied hereto under Preference Rating Order No. P–98, with the terms of which Order the undersigned is familiar. This rating may be extended only upon the terms of said Order.

Name of Operator or Supplier

By---

Signature of Duly Authorized Official

Such endorsement shall constitute a representation to the War Production Board and the Supplier or manufacturer with whom the purchase order or contract is placed that such purchase order or contract is duly rated in accordance herewith. Such Supplier or manufacturer shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false. Any such purchase order or contract shall be restricted to material the delivery of which is rated in accordance herewith.

(2) In addition to the requirements of paragraph (e) (1), the Operator (but not a Supplier), in order to apply the preference ratings assigned by paragraphs (b) (1), (b) (2) (b) (3), (b) (4) (ii), (b) (4) (iii), (b) (4) (iv) and (b) (4) (v), must communicate with the Office of Petroleum Coordinator, Washington, D. C. Ref: P–98, supplying in detail the following information:

(i) Date of actual breakdown or suspension of operations (if applicable);

(ii) The equipment to be repaired and its operating importance (if applicable);

(iii) The Material, quantity and price thereof, necessary to effectuate the Repair or to initiate or maintain operations;

(iv) The supply of the necessary Material which the Operator has on hand or available; and

(v) The names and addresses of Suppliers from whom the Material is to be obtained and the earliest delivery dates assured on (a) an A–8 or lower rating, (b) an A–2 or higher rating by any such Supplier for delivery of the minimum necessary quantity of Material.

The Director of Industry Operations will notify the Operator whether, and to what extent, the application is approved. A copy of such notification shall be furnished by the Operator to any Supplier to evidence the proper rating granted pursuant to the provisions of this Order.

(3) In addition to the requirements of paragraph (e) (1), the Operator (but not a Supplier), in order to apply the preference rating assigned by paragraph (b) (5) (ii) must obtain the countersignature of the Director in Charge of a District Office of the Office of Petroleum Coordinator upon the purchase order or contract which such Operator has endorsed and signed pursuant to paragraph (e) (1).

(4) In addition to the requirements of paragraph (e) (i), the Operator (but not a Supplier), in order to apply the preference ratings assigned by paragraphs (b) (5) (i), (b) (6) (i) and (b) (6) (ii), must obtain the countersignature of the Director in Charge of a District Office of the Office of Petroleum Coordinator upon the purchase order or contract which such Operator has endorsed and signed pursuant to paragraph (e) (i), unless any individual item to be obtained under the ratings assigned by these paragraphs and to which a preference rating is to be applied has a cost to the Operator of $500 or less.

(f) *Restrictions on use of material obtained under a rating.* When an Operator has applied a rating authorized by this Order, he must use the Material delivered pursuant to the rating or an equivalent amount of Material for the purpose stated in his endorsement pursuant to paragraph (e). In no event shall any Operator use Material delivered to him pursuant to a preference rating assigned by this Order in violation of the provisions of any Conservation Order issued by the Director of Priorities.

(g) *Exception of Operators from Provisions of preference rating Orders Nos. P–43, P–46, and P–100.* No Operator engaged in operating a Petroleum Enterprise and covered by this Order shall be entitled to apply the preference rating assigned by Preference Rating Orders Nos. P–43, P–46, and P–100, and no such Operator shall be subject to the Provisions of such Orders.

(h) *Preference rating assistance other than that granted by the terms of this Order.* Any Operator engaged in operating a Petroleum Enterprise may request preference rating assistance for deliveries of Material to him by filing with the Office of Petroleum Coordinator applications for preference rating assistance on any appropriate preference rating or project rating application form issued pursuant to the authority of the Director of Industry Operations.

(i) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, the Operator and each Supplier placing or receiving any purchase order or contract rated hereunder shall each retain for a period of at least two years, for inspection by representatives of the War Production Board, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts, or filed in such manner that they can be readily segregated for such inspection.

(j) *Communications to Office of Petroleum Coordinator.* All reports which may be required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to:

Office of Petroleum Coordinator
Washington, D. C. Ref: P–98.

(k) *Violations.* Any Person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (a) of the Criminal Code (18 U.S.C. 80).

(l) *Revocation or amendment.* This Order may be revoked or amended at any time as to any Operator or any Supplier. In the event of revocation, deliveries already rated pursuant to the provisions of this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by any Operator or Supplier affected by such revocation.

(m) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision of this Order may be inconsistent therewith, in which case the provisions of this Order shall govern.

(n) *Effective date.* This Order shall take effect on the date of issuance and shall continue in effect until May 15, 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong. 3d Sess., as amended by Public Law 89, 77th Cong., 1st Sess.)

Issued this 14th day of March, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2282; Filed, March 16, 1942; 11:30 a. m.]

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

Schedule IV—Cast Iron Soil Pipe and Fittings to Limitation Order No. L–42 [1]

§ 1076.5 *Schedule IV to Limitation Order No. L–42—(a) Definition.* For the purposes of this Schedule:

"Producer" means any person who manufactures, processes, fabricates or assembles cast iron soil pipe and fittings.

(b) *Simplified practices.* Pursuant to Limitation Order No. L–42 the following simplified practices are hereby established for cast iron soil pipe:

(1) Cast iron soil pipe, known commercially as "standard", shall continue at the same weight as heretofore produced.

(2) Cast iron soil pipe, known commercially as "medium", shall be discontinued.

(3) Cast iron soil pipe, known commercially as "extra heavy", shall be reduced in weight as follows:

Reduction per length	New weight per single hub length	New weight per double hub length
	Pounds	*Pounds*
2"—1 lb.	24	25
3"—2 lbs.	43	45
4"—3 lbs.	57	60
5"—4 lbs.	71	74
6"—5 lbs.	90	95
8"—10 lbs.	140	147
10"—15 lbs.	200	210
12"—25 lbs.	245	260
15"—25 lbs.	350	370

A variation of 5 percent under the specified weight will be permitted on individual lengths; no variation over will be permitted.

(4) Standard and extra heavy fittings may be produced as heretofore except that brass pipe plugs and brass trap screws shall be discontinued on cleanouts, ferrules, traps, test tees and other soil pipe fittings.

(c) *Effective date of simplified practices; exceptions.* On and after April 1, 1942, no cast iron soil pipe or fittings which do not conform to the standards established by paragraph (b) hereof shall be produced or delivered by any producer or accepted by any person from any such producer, except with the express permission of the Director of Industry Operations: *Provided, however,* That the foregoing shall not prohibit the delivery by any producer of such soil pipe or fittings as were in his stock in finished form on April 1, 1942, or which had, on said date, been cast, machined or otherwise processed in such manner that their manufacture in conformity with this Schedule would be impractical, nor the receipt of such soil pipe or fittings from such producer.

(d) *Records covering excepted soil pipe and fittings.* Each producer shall retain in his files records showing his inventory of excepted soil pipe and fittings (by types and sizes) as of April 1, 1942, and such records shall be kept readily available and open to audit and inspection by duly authorized representatives of the War Production Board. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 16th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2283; Filed, March 16, 1942; 11:33 a. m.]

[1] 7 F.R. 951.

PART 1083—KAPOK

Amendment No. 1 to General Conservation Order M–85

Section 1083.1 (*General Conservation Order M–85* [1]) is hereby amended in the following respects:

1. Paragraph (c) (2) is amended by striking out the date, "March 31, 1942," wherever the same appears and inserting in lieu thereof the date, "April 30, 1942."

2. Paragraph (c) is further amended by adding thereto the following subparagraph:

(4) Orders placed by dealers with manufacturers, importers, or importing agents.

3. Paragraph (d) (7) is amended to read as follows:

(7) Stuffing for air tanks of boats, rafts, and lifesaving appliances in the minimum amounts prescribed by the regulations of the Bureau of Marine Inspection and Navigation, or any successor agency, which specifically require the use of kapok and permit the use of no other alternate materials.

This Amendment shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 16th day of March 1942.

J. E. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2261; Filed, March 16, 1942; 11:30 a. m.]

[1] 7 F.R. 784.

PART 1097—SHEARLINGS

Amendment No. 1 to General Conservation Order M–94

Section 1097.1 (*General Conservation Order M–94*) [1] is hereby amended in the following respects:

1. Paragraph (b) (1) is amended by striking out the words, "a Bradford wool count of 50 and up," in the last line thereof, and substituting therefor the words, "of 46's grade or higher."

2. Paragraph (d) is amended to read as follows:

(d) *Restrictions on pulled wool.* No person shall hereafter pull or cause to be pulled any wool from any freshly flayed or salted sheep skin or lamb skin when the wool is of such a length and type as to constitute a wool growth of 1" or less and of 46's grade or higher, except skins black or mottled with black, or so torn or damaged as to be unsuited for tanning purposes.

This Amendment shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong. 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 16th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2280; Filed, March 16, 1942; 11:30 a. m.]

[1] 7 F.R. 1024.

PART 1112—OFFICE MACHINERY

General Limitation Order No. L–54–B

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of certain types of office machinery for defense, for private account, and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1112.3 *General Limitation Order L–54–B—(a) Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Manufacturer" means any person manufacturing office machinery, or attachments thereto, of the kinds listed in List A, to the extent that he is engaged in such manufacture, and shall include sales and distribution outlets controlled by said manufacturer.

(3) "New Office Machinery" means office machinery including attachments thereto, of the types listed in List A, which has not been delivered to any person acquiring it for use.

(b) *General restrictions.* On and after the date of issue of this order, regardless of the terms of any contract of sale, purchase, rental, or other commitment, or of any preference rating, no Manufacturer, wholesaler, distributor, retailer, or other dealer shall accept any purchase, rental or other order for new office machinery, or attachments thereto, as listed in List A, except a purchase, rental or other order rated A–9 or better on Preference Rating Certificate PD–1A or PD–3A, issued by the Director of Industry Operations; no Manufacturer, wholesaler, distributor, retailer, or other dealer shall sell, lend, lease, rent, deliver, or otherwise transfer any such new office machinery except to fill a purchase, rental or other order rated A–9 or better on Preference Rating Certificate PD–1A or PD–3A, issued by the Director of Industry Operations; and no person shall purchase, borrow, lease, rent, receive delivery of, or otherwise acquire any such new office machinery except pursuant to a purchase, rental or other order rated A–9 or better on Preference Rating Certificate PD–1A or PD–3A issued to him by the Director of Industry Operations.

(c) *Non-applicability to certain transactions.* The terms of paragraph (b) hereof shall not apply to the sale, purchase, rental, delivery, transfer, or receipt of any new office machinery built to customer's special specifications on which physical assembly was started prior to the date of issue of this order and which cannot be utilized by any other person entitled to employ a rating of A–9 or better as specified in paragraph (b) hereof.

(d) *Non-applicability to repair or maintenance of existing equipment.* The prohibitions of paragraph (b) hereof shall not be construed to restrict the delivery, in any manner, of parts to be used to repair or maintain existing equipment in operation.

(e) *Existing contracts.* Fulfilment of contracts in violation of this Order is prohibited regardless of whether such contracts are entered into before or after the effective date of this Order. No person shall be held liable for damages or penalties for default under any contract or order which shall result directly or indirectly from his compliance with the terms of this Order.

(f) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(g) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to:

War Production Board
Washington, D. C. Ref.: L–54–B

(h) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him may appeal to the Director of Industry Operations, Washington, D. C., Ref.: L–54–B setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Violations.* Any persons who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (a) of the Criminal Code (18 U.S.C. 60).

(j) *Records and reports.* All manufacturers, wholesalers, distributors, retailers and other dealers affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventory, production, and transfers of Office Machinery, as listed in List A.

All persons affected by this Order shall execute and file with the Office Machinery and Services Branch, Division of Industry Operations, War Production Board, such reports and questionnaires as said Branch shall from time to time request.

Effective date. This Order shall take effect at 12:01 A. M., Eastern War Time, March 15, 1942, and shall continue in effect until revoked by the Director of Industry Operations, subject to such changes and supplements thereto as shall be issued from time to time. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942; 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong. 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 14th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

LIST A

1. Accounting and bookkeeping machines.
2. Adding machines.
3. Addressing machines (including, but not not limited to, embossing machinery for plates).
4. Billing and continuous forms handling typewriters.
5. Billing and other forms writing machines (except autographic registers and manifolders).
6. Calculating and computing machines.
7. Dictating machines (including, but not limited to, transcribing and shaving machines.
8. Duplicating machines (including, but not limited to, ink ribbon, gelatin, offset, spirit, stencil, reproducing typewriter principle, and photographic types; but not including photostating machines).
9. Interoffice communication systems and machines.
10. Punched card tabulating and accounting machines.
11. Shorthand writing machines.
12. Time clock stamps and time recording machines.
13. Wide carriage (16-inch or wider) typewriters with special inbuilt features designed for statistical or accounting work.

[F. R. Doc. 42–2286; Filed, March 16, 1942; 11:32 a. m.]

PART 1141—MOTOR FUEL

Limitation Order L–70

The fulfillment of the requirements for the defense of the United States has created a shortage in the facilities for the transportation of petroleum which will result, in certain areas, in a shortage in the supply of Motor Fuel for defense, for private account and export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense.

§ 1141.1 *Limitation Order L–70—(a) Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* (1) "Person" means any individual, partnership, association, business trust corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Motor Fuel" means liquid fuel, except Diesel fuel, used for the propulsion of motor vehicles or motor boats and shall include any liquid fuel to which Federal gasoline taxes apply except liquid fuel used for the propulsion of aircraft.

(3) "Service Station" means any place of business or part thereof, where Motor Fuel is delivered into the fuel supply tanks of mtor vehicles or motor boats.

(4) "Supplier" means any Person, other than a Service Station, who delivers Motor Fuel, directly or indirectly, for redelivery or for consumption.

(5) "Bulk Consumer" means any Person, who is an ultimate user of Motor Fuel, which such Person receives directly from a Supplier: *Provided,* That the term shall not include an ultimate user of Motor Fuel to the extent that such ultimate user resells or redelivers Motor Fuel delivered to him.

(6) "Curtailment Area" means the area specified in Exhibit "A."

(7) "Quota Month" means the month for which a quota is to be determined.

(8) "Base Gallonage" means one-third of the number of gallons of Motor Fuel actually delivered to any Service Station or Bulk Consumer during the period December 1, 1941—February 28, 1942, inclusive.

(9) "Seasonal Adjustment" means the difference between one-third of the number of gallons of Motor Fuel delivered to any Service Station or Bulk Consumer during the period December 1, 1940—February 28, 1941, inclusive, and the number of gallons of Motor Fuel delivered to such Service Station or Bulk Consumer during the month of 1941 corresponding to the Quota Month.

(10) "Normal Gallonage", subject to the adjustment provided in paragraph (e) hereof, means the gallonage represented by the Base Gallonage of any Service Station or Bulk Consumer to which has been added or subtracted the Seasonal Adjustment of such Service Station or Bulk Consumer: *Provided,* That in no case shall the Normal Gallonage of any Service Station be less than 75% of the gallonage actually delivered to such Service Station during the month of 1941 corresponding to the Quota Month.

(11) "Allowable Percentage" means that percentage specified in Exhibit "B".

(12) "Monthly Quota" means that amount of Motor Fuel which any Service

Station or Bulk Consumer in the Curtailment Area has the right to obtain from his Supplier or Suppliers during the Quota Month and shall be determined by multiplying the Normal Gallonage of such Service Station or Bulk Consumer by the Allowable Percentage: *Provided*, That the Monthly Quota of Bulk Consumers shall be the full quantity of Motor Fuel required for any of the preferential deliveries specified in paragraph (f) plus the Allowable Percentage of the difference between the adjusted Normal Gallonage and the quantity required for such preferential deliveries.

(13) "Curtailment Period" means the period during which this Order is in effect.

(c) *Limitation on shipment of motor fuel from the curtailment area.* No Supplier shall deliver or cause to be delivered, directly or indirectly, and no Person shall accept delivery of any Motor Fuel from any point within the Curtailment Area to any point in the United States outside the Curtailment Area: *Provided*, That this paragraph shall not apply to:

(1) The delivery of Motor Fuel from the Curtailment Area into contiguous areas for return delivery into the Curtailment Area;

(2) The return delivery into contiguous areas of Motor Fuel delivered into the Curtailment Area from such contiguous areas for return delivery;

(3) The delivery outside the Curtailment Area of benzol or of any Motor Fuel manufactured wholly from crude oil or natural gas produced within the Curtailment Area;

(4) Deliveries from bulk plants within the Curtailment Area to such points outside the Curtailment Area as were actually served by such bulk plants by tank truck during the period December 1, 1941–February 28, 1942, inclusive.

(d) *Limitation on delivery of motor fuel.* No Supplier shall deliver or cause to be delivered, directly or indirectly, in any month to any Service Station or Bulk Consumer within the Curtailment Area, and no such Service Station or Bulk Consumer shall accept delivery of any Motor Fuel in excess of the Monthly Quota of such Service Station or Bulk Consumer.

(e) *Adjustments of normal gallonage.* (1) The Normal Gallonage of any Service Station or Bulk Consumer shall be adjusted upward or downward by the Supplier or Suppliers of such Service Station or Bulk Consumer so that it shall represent the normal and expected volume of business at such Service Station or the normal and expected requirements for consumption by such Bulk Consumer during the Quota Month which would occur if there were no restrictions of deliveries. Such adjustments shall be made only in the following instances:

(i) In any case where deliveries to a Service Station or Bulk Consumer during any of the periods specified in subparagraphs (b) (8) or (b) (9) hereof were so abnormally large or small as to fail to reflect the seasonal variations normally expected at such Service Station or in such Bulk Consumer's current requirements for consumption for the Quota Month.

(ii) In any case where deliveries to a Service Station or Bulk Consumer during the periods specified in subparagraphs (b) (8) or (b) (9) hereof were such as to reflect an abnormal contraction or expansion in the volume of business for such Service Station or of the requirements for consumption by such Bulk Consumer.

(iii) In any case where any Service Station was not open for business or any Bulk Consumer had no requirements for current consumption during any or all of the period specified in subparagraphs (b) (8) or (b) (9) hereof.

(2) In the event that any Supplier has any reason to believe that any adustment of the Normal Gallonage of any Service Station or Bulk Consumer has been improperly made or denied by such Supplier or by any other Supplier supplied directly or indirectly by him, then such Supplier shall either withhold further deliveries until any excessive upward adjustment has been compensated or increase deliveries until any excessive adjustment has been compensated.

(f) *Preferential deliveries.* Suppliers and Service Stations shall deliver to any Bulk Consumer or other Person such Bulk Consumer's or Person's minimum necessary requirements of Motor Fuel for any of the following uses, upon presentation by the Bulk Consumer or other Person to the delivering Supplier of the following statement, manually signed by such Person or a responsible official of the Bulk Consumer duly designated for such purpose:

Motor Fuel delivered pursuant to this representation will be used only for purposes authorized in paragraph (f) of Limitation Order L–70, with the terms of which Order the undersigned is familiar.

Legal Name of Bulk Consumer or other Person
By

Signature of Duly Designated Official

Such statement shall constitute a representation to the Director of Industry Operations and to the Supplier of such Motor Fuel that such Motor Fuel is for such use, and such Supplier shall be entitled to rely upon such representation unless he knows or has reason to believe it to be false:

(1) The operation of vehicles and boats necessary for the public health and safety, including, among others, ambulances and vehicles operated by practicing physicians, surgeons, nurses, and veterinarians, and those engaged in civilian defense activities while the area is under martial law, enemy attack, or immediate threat of enemy attack.

(2) The operation of vehicles and boats owned or operated by or in the service of Federal, state or local governments.

(3) The operation of commercial vehicles so classified by law, including cabs, and the operation of commercial boats.

(4) The operation of commercial, industrial and agricultural machinery and equipment.

(5) The operation of school buses.

(g) *Replacement for Army and Navy deliveries.* Any Service Station which makes deliveries of Motor Fuel for official use in vehicles or boats owned or operated by the United States Army or the United States Navy, which deliveries are not a normal part of such Service Station's regular business, shall be entitled to replacement from his Supplier of the amount thereof and may accept delivery of such replacement in addition to the Monthly Quota for such Service Station.

(h) *Right to obtain deliveries.* (1) A Service Station or Bulk Consumer, who has been obtaining his supplies of Motor Fuel pursuant to a regular delivery schedule, shall have the right to obtain his Monthly Quota of Motor Fuel from the Supplier, or if more than one, then proportionately from the Suppliers who sold and delivered Motor Fuel to such Service Station or Bulk Consumer during the preceding month. If a Service Station or Bulk Consumer has received deliveries of Motor Fuel during the period of 12 calendar months immediately preceding the then current calendar month from more than one Supplier pursuant to no regular delivery schedule, then the said Service Station or Bulk Consumer shall have the right to obtain the amount of his Monthly Quota of Motor Fuel proportionately from all the Suppliers who delivered Motor Fuel to him during the said 12 month period.

(2) If any Supplier does not have a sufficient quantity of Motor Fuel to supply the demands of Service Stations or Bulk Consumers to the extent that he is obligated hereunder to supply such demands, then, if he has been obtaining his supplies of Motor Fuel pursuant to a regular delivery schedule, he shall have the right to obtain the amount of such deficiency from his Supplier, or if more than one, then proportionately from the Suppliers, who delivered Motor Fuel to him during the preceding month. If he has received deliveries of Motor Fuel during the period of 12 calendar months immediately preceding the then current calendar month pursuant to no regular delivery schedule, then he shall have the right to obtain the amount of such deficiency of Motor Fuel proportionately from all the Suppliers who delivered Motor Fuel to him during the said 12-month period.

(3) Every Supplier shall be obligated to deliver Motor Fuel to other Suppliers, Bulk Consumers and Service Stations as hereinabove provided.

(4) No Supplier shall be required by contract or otherwise to deliver Motor Fuel to any other Supplier in quantities greater than are required to enable such other Supplier to deliver the Monthly Quotas and such additional replacements as are provided for in paragraph (g) hereof of the Service Stations or Bulk Consumers supplied directly or indirectly by him.

(i) *Restrictions of deliveries to violators.* No Supplier shall deliver Motor Fuel to any other Supplier, Service Station or Bulk Consumer where such Supplier knows or has reason to believe that such other Supplier, Service Station or Bulk Consumer is in violation of the terms of this Order.

(j) *Methods of distribution.* Suppliers shall deliver to Service Stations or Bulk Consumers in such a manner, so far as practicable, as to allow an even flow of supplies over the entire month: *Provided*, That on the tenth and twentieth of any month in the Curtailment Period no more than one-third and two-thirds respectively of such Service Station's or Bulk Consumer's total Monthly Quota shall have been delivered to him. Service Stations shall make deliveries into the tanks of motor vehicles in such a manner as to allow for an even disbursing of their Monthly Quota.

(k) *Service station hours of distribution.* No Service Station within the Curtailment Area shall deliver to any Persons any Motor Fuel during more than 12 hours of any calendar day or during more than 72 hours of any calendar week: *Provided*, That this paragraph shall not apply in the case of deliveries made exclusively to motor vehicles and motor boats for the uses specified in paragraph (f).

(l) *Reports.* All Suppliers in the Curtailment Area shall file the following reports:

(1) On or before the 20th of the then Current Quota Month a statement on Form PD–368, of the anticipated total deliveries of Motor Fuel to be made to Suppliers, Service Stations and Bulk Consumers, including preferential deliveries, during such month.

(2) On or before the 20th day following the end of each Quota Month a statement, on Form PD–369, of the amount of Motor Fuel delivered in each state and in the District of Columbia during such month, stating separately, direct deliveries

(i) To Federal, state and local governments.

(ii) To Suppliers for direct delivery to Federal, state and local governments, and

(iii) To Service Stations and Bulk Consumers under their Monthly Quotas.

(m) *Records.* In addition to the records required to be kept under Priorities Regulation No. 1, as amended from time to time, each Supplier or other Person receiving any representation authorized herein, shall each retain for a period of at least two years, for inspection by representatives of the War Production Board, endorsed copies of all such representations filed in such manner that they can be readily segregated for such inspection. In addition, each Supplier shall keep, thus filed, and for such other purposes as may from time to time be prescribed by the Director of Industry Operations, for a period of at least two years, accurate and complete records of deliveries of Motor Fuel, the dates of actual deliveries, and the Person and states (or the District of Columbia) involved in each delivery.

(n) *Appeals.* Any Person affected by this Order who, after he has sought an adjustment from his Supplier pursuant to paragraph (e) hereof, still considers that compliance therewith would work an exceptional and unreasonable hardship upon him, may, if he is located in any area specified in subparagraph 1 of Exhibit "A" hereof, appeal to the District Director of Marketing, Office of Petroleum Coordinator for National Defense, 122 East 42nd Street, New York, New York, or, if located in any area specified in subparagraph 2 of Exhibit "A" hereof, appeal to the District Director of Marketing, Office of Petroleum Coordinator for National Defense, 855 Subway Terminal Building, Los Angeles, California, by letter, setting forth the pertinent facts and the reasons why he considers himself entitled to relief, including specifically a statement that he has been unable to obtain a satisfactory adjustment from his Supplier and giving all information required on Form PD–367. The District Director of Marketing shall promptly investigate and consider the matter and shall seek to bring about a voluntary settlement of the controversy in accordance with the provisions of this Order. In the event that no settlement can be reached, the District Director of Marketing shall forward the appeal and record thereon, together with his recommendation, to the Director of Marketing, Office of Petroleum Coordinator for National Defense, Washington, D. C., who shall consider the appeal and transmit it, together with his recommendations thereon, to the Director of Industry Operations, who may, thereupon, take such action as he may deem appropriate.

(o) *Directions as to deliveries.* The Director of Industry Operations may, from time to time, issue specific directions directing or forbidding deliveries of Motor Fuel.

(p) *Reports and correspondence.* All reports required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to:

Office of Petroleum Coordinator,
Attn: Director of Marketing,
Washington, D. C. Ref.: L–70.

(q) *Violations.* Any Persons who wilfully violates any provision of this Order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(r) *Effective date.* This Order shall take effect five days after the date of issuance and shall continue in effect until revoked by the Director of Industry Operations: *Provided, however*, That no Person shall deliver or accept delivery of any abnormally large quantities of Motor Fuel between the date of issuance and the effective date of this Order: *And provided further*, That if the effective date of this Order is not the first day of a month, the Monthly Quotas for such month shall be reduced proportionately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.

Issued this 14th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

EXHIBIT "A"

Order L– shall apply in the following areas:

1. The States of Connecticut, Delaware, Florida east of the Apalachicola River, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

2. The States of Oregon and Washington.

EXHIBIT "B"

Unless and until modified by the Director of Industry Operations the Allowable Percentage shall be 80%.

[F. R. Doc. 42–2287; Filed, March 16, 1942; 11:33 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1301—MACHINE TOOLS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 67 [1]—NEW MACHINE TOOLS

Niagara Machine and Tool Works

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[2] New subparagraph (4) is added to § 1301.51 (a) and new subparagraph (e) (1) is added to § 1301.54 as set forth below. § 1301.56 is amended and § 1301.59a is added to read as set forth below:

§ 1301.51 *Maximum prices for new machine tools and extras.*

(a) • • •

• • • • • •

(4) Niagara Machine & Tool Works, Buffalo, New York. Notwithstanding any other provision of this paragraph (a), on and after March 10, 1942, regardless of the terms of any existing contract of sale or other commitment, the maximum price at which Niagara Machine & Tool Works may sell, offer to sell, deliver or transfer the machine tools set forth in subdivision (i) of this subparagraph (4), and the maximum price at which any person may buy, offer to buy, or accept delivery of said machine tools from Niagara Machine & Tool Works shall be the

[1] 7 F.R. 1337.

[2] The Statement of Considerations has been filed with the Division of the Federal Register.

price set opposite each such machine tool in said subdivision (i).

(i) Type of Machine Tool:	Maximum Price
#59 Single Crank Press	$4,732
#612–G Double Crank Press	10,693
#310 Power Squaring Shear	2,600

All other machine tools in the line represented by #59 Single Crank Press and #612–G Double Crank Press, respectively: Prices adjusted in conformance with the adjustment made for #59 Single Crank Press and #612–G Double Crank Press after such prices have been submitted to and approved in writing by the Office of Price Administration pursuant to § 1301.54 (e) (1). (Pub. Law 421, 77th Cong., 2nd Sess.)

* * * * *

§ 1301.54 *Records and reports.*

* * * * *

(e) (1) Niagara Machine & Tool Works, Buffalo, New York. On or before April 15, 1942, Niagara Machine & Tool Works shall submit to the Office of Price Administration a report on all other machine tools in the line represented by #59 Single Crank Press and #612–G Double Crank Press, respectively, setting forth a complete description of each machine tool in each such line, the list price of each such machine tool in effect on October 1, 1941, and the proposed new maximum price for each such machine tool. (Pub. Law 421, 77th Cong., 2nd Sess.)

* * * * *

§ 1301.56 *Enforcement.* (a) Persons violating any provision of this revised Price Schedule No. 67 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Price Schedule No. 67 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the Office of Price Administration. (Pub. Law 421, 77th Cong., 2nd Sess.)

§ 1301.59a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1301.51 (a) (4), 1301.54 (e) (1), 1301.56 and 1301.59a) to Revised Price Schedule No. 67 shall become effective March 16, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 13th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–2196; Filed, March 13, 1942; 4:48 p. m.]

PART 1306—IRON AND STEEL

Correction to Amendment No. 1 to Revised Price Schedule No. 100[1]*—Cast Iron Soil Pipe and Fittings*

The date, April 1, 1941, appearing in § 1306.304 (b) is hereby corrected to read, April 1, 1942.

[1] 7 F.R. 1394, 1795.

§ 1306.308a *Effective dates of amendment.*

* * * * *

(b) Correction (§ 1306.304 (b)) to Amendment No. 1 to Revised Price Schedule No. 100 shall become effective March 7, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 14th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–2239; Filed, March 14, 1942; 12:38 p. m.]

PART 1309—COPPER

AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 20[1]—COPPER AND COPPER ALLOY SCRAP

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.[2]

Section 1309.61 is amended to read as set forth below:

§ 1309.61 *Maximum prices for copper and copper alloy scrap.* (a) On and after February 27, 1942, regardless of the terms of any contract of sale or purchase or other commitment, no person shall sell, offer to sell, deliver, or transfer copper or copper alloy scrap to a consumer, and no consumer shall buy, offer to buy, or accept delivery of copper or copper alloy scrap at prices higher than the maximum prices set forth in Appendix A hereof incorporated herein as § 1309.69.

(b) *Conversion of railroad scrap.* The maximum prices established in § 1309.69 shall not apply to the sale, delivery, or transfer to a foundry, by a person owning, operating or maintaining rolling stock, of copper scrap and copper alloy scrap which result from such person's use of processing of castings or other articles of the type produced by the foundry, and which the foundry converts into castings or other articles of the type from which the scrap resulted: *Provided*, That:

(1) Such person delivers the scrap to the foundry, and the foundry returns an equivalent amount of castings or other articles of the type from which the scrap resulted, in accordance with the terms of a written agreement approved by the War Production Board.

(2) The foundry complies with the price limitations on non-ferrous castings set forth by the Price Administrator in a letter to all non-ferrous foundries, dated January 30, 1942, and files the affirmations of compliance requested by that letter. (Pub. Law 421, 77th Cong., 2nd Sess.)

§ 1309.68a *Effective dates of amendments.*

* * * * *

(b) Amendment No. 2 (§ 1309.61) to Revised Price Schedule No. 20 shall become effective February 27, 1942. (Pub. Law 421, 77th Cong., 2nd Sess.)

Issued this 13th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–2200; Filed, March 14, 1942; 9:00 a. m.]

[1] 7 F.R. 1245, 1643, 1836.

[2] The statement of considerations has been filed with the Division of the Federal Register.

PART 1315—RUBBER AND PRODUCTS AND MATERIAL OF WHICH RUBBER IS A COMPONENT PART

REVISED TIRE RATIONING REGULATIONS

Suspension Order No. 1

Silverstein's Tire and Battery Service, Inc., 25 Hudson Avenue, Albany, New York is a company engaged in selling tires at retail and subject to the provisions of the Tire Rationing Regulations dated December 30, 1941 (7 F.R. 257) and the Revised Tire Rationing Regulations dated February 19, 1942 (7 F.R. 1027), both issued by the Office of Price Administration. On March 3, 1942, written charges of violations of these Regulations were served on Silverstein's Tire and Battery Service, Inc., and on George Silverstein, president of the company. A hearing on these charges was held on March 7, 1942, in Albany, New York, at which time and place there appeared a duly authorized representative of the Office of Price Administration, and George Silverstein, and Silverstein's Tire and Battery Service, Inc., through said George Silverstein. All parties introduced their evidence pertaining to such charges. Such evidence having been duly considered,

It is hereby determined that: Silverstein's Tire and Battery Service, Inc., and George Silverstein have each wilfully violated the said Tire Rationing Regulations dated December 30, 1941 (7 F.R. 257) and the said Revised Tire Rationing Regulations dated February 19, 1942 (7 F.R. 1027) through sales of new rubber tires and new rubber tubes in a manner contrary to the provisions of said Regulations.

Because of the scarcity and critical importance of rubber and rubber products, these violations of the aforesaid Tire Rationing Regulations have resulted and will result in the diversion of new rubber tires from primary defense needs into non-essential uses, in a manner contrary to the public interest and detrimental to national defense. It further appears to the Acting Administrator, on the evidence before him, that further violations of these Rationing Regulations by Silverstein's Tire and Battery Service, Inc., and by George Silverstein are likely.

It is therefore hereby ordered:

§ 1315.11 *Suspension Order 1.* (a) During the period in which this Order shall be in effect, George Silverstein and Silverstein's Tire and Battery Service, Inc., its successors and assigns, shall accept no deliveries or transfers of, nor in any manner receive from any source, any new rubber tires or tubes.

(b) During the period in which this Order shall be in effect, George Silverstein and Silverstein's Tire and Battery Service, Inc., its successors and assigns, shall accept no purchase orders, nor enter into any contracts or commitments, for the sale or delivery of any new tires or tubes, nor in any manner sell, transfer or deliver any new rubber tires and tubes to consumers thereof, unless and until such consumers obtain proper authorization to receive the same under the Revised Tire Rationing Regulations (§§ 1315.151 to 1315.1199, inclusive).

(c) During the period in which this Order shall be in effect no person, firm or corporation shall sell, transfer, or in any manner deliver any new rubber tires or tubes to George Silverstein or Silverstein's Tire and Battery Service, Inc., its successors or assigns, regardless of whether such tires or tubes have been previously purchased and completely paid for.

(d) This Order shall take effect immediately and, unless sooner terminated, shall expire at midnight of June 30, 1942. (E.O. 8629, Jan. 7, 1941, 6 F.R. 191; E.O. 8734, Apr. 11, 1941, 6 F.R. 1917; E.O. 8875, Aug. 28, 1941, 6 F.R. 4483; E.O. 9024, Jan 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 567; O.P.M. Ord. M15, June 20, 1941, 6 F.R. 3060; O.P.M. Supp. Ord. M–15–c, Dec. 27, 1941, 6 F.R. 6792; W.P.B. Dir. No. 1, Jan. 24, 1942, 7 F.R. 562; O.P.A. Tire Rat. Reg., December 30, 1941; 7 F.R. 72; O.P.A. Tire Rat. Reg. Rev., Feb. 19, 1942,7 F.R. 1027; Sec. 2 (a) Public Law 671, 76th Cong., 3rd Sess., as amended Public Law 89, 77th Cong., 1st Sess.)

Issued this 13th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–2196; Filed, March 13, 1942; 4:47 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 2 TO REVISED TIRE RATIONING REGULATIONS[1]—TIRES AND TUBES, RETREADING AND RECAPPING OF TIRES, AND CAMELBACK

Two new sections, §§ 1315.805a and 1315.1199a, are added as set forth below:

Transfers and Deliveries of New Tires and Tubes, Retreaded or Recapped Tires, and Camelback

* * * * *

§ 1315.805a *Allotment of camelback to retreaders and recappers on and after March 17, 1942.* (a) Any person engaged in retreading or recapping tires who is not a maker of camelback and who owns or operates molds or curing tables capable of retreading simultaneously two or more tires 7.50–20 or larger may apply between March 17 and April 1, 1942 to the Board servicing the area in which his principal office is located for authorization to purchase 750 pounds of camelback for each such mold or curing table which he owns or operates.

(b) Any person engaged in retreading or recapping tires who is not a maker of camelback and who owns or operates molds or curing tables equipped with matrices which make possible the retreading or recapping of truck tires 5.50–17 and 30 x 5 or larger, but which cannot retread or recap tires 7.50–20 or larger, may apply between March 17 and April 1, 1942 to the Board servicing the area in which his principal office is located for authorization to purchase 300 pounds of camelback for each such mold or curing table which he owns or operates.

(c) An applicant for an allotment of camelback as provided for in paragraphs (a) and (b) of this section who has not previously applied for an initial allotment of camelback under § 1315.805, or who made such an application but was denied an allotment, shall fill out O. P. A. Form No. R–9, omitting item 11 and attaching to the Form a supplementary statement showing:

(1) The number of retreading or recapping machines which he possesses capable of retreading or recapping more than one tire at a time, and the location of each of these machines; and

(2) The number of molds or curing tables equipped with matrices which make possible the retreading or recapping of truck tires 5.50–17 and 30 x 5 or larger, and the location of each of these molds or curing tables.

An applicant who has previously filed an application for an initial allotment of camelback, and has secured an allotment on the basis of such application must file only the supplementary statement referred to immediately above, with the same Board with which he filed O. P. A. Form No. R–9. The supplementary statement shall have upon its face a certificatation signed by the applicant in the same language as the certification shown in item 12 of O. P. A. Form No. R–9.

(d) Upon receiving an application, between March 17 and April 1, 1942 by a retreader or recapper who is not a maker of camelback, for authorization to purchase an initial allotment of camelback, the Board shall satisfy itself that the applicant has properly executed his application including all the agreements therein contained and that all the facts stated in the application are true.

If the applicant was granted authorization to purchase an initial allotment of camelback on the basis of an application submitted on or before March 1, 1942, the Board may make the following additional allotments of camelback on O.P.A. Form No. R–10: 750 pounds of camelback for each mold or curing table listed in Part 1 of the supplementary statement, and 300 pounds of camelback for each mold or curing table listed in Part 2 of the supplementary statement.

If the applicant had not filed an application for an initial allotment of camelback on or before March 1, 1942, or if he filed such an application but was denied an allotment, the Board may authorize an allotment equal to the amount which the applicant would be entitled to purchase on the basis of his supplementary statement, minus an amount equal to the excess of the total number of pounds of camelback owned or controlled by the applicant as of midnight February 18, 1942, over the maximum number of pounds of camelback which the applicant was entitled to purchase as of March 1, 1942 (item 10 minus 9 of O.P.A. Form No. R–9). Where Item 9 exceeds Item 10, no subtraction shall be made nor shall an additional allotment be authorized for this difference.

If the Board determines that an application should be granted either wholly or in part, it shall note upon such application the amount of camelback which the applicant was authorized to purchase and the serial number of the certificate or certificates issued. After acting upon the application the Board shall notify the applicant of its decision. In cases where the Board authorizes an applicant to purchase an initial allotment of camelback, the Board shall immediately issue to such applicant a certificate on O. P. A. Form No. R–10.

(e) The provisions of paragraphs (d) to (g) inclusive, of § 1315.805 shall apply to the allotment of camelback authorized under this § 1315.805a.

§ 1315.1199a. *Effective dates of amendments.*

(a) * * *

(b) Amendment No. 2 (§§ 1315.805a, 1315.1199a) to Revised Tire Rationing Regulations shall become effective March 17, 1942. (Pub. Law 421, 77th Cong., 2d Sess. Jan. 30, 1942, OPM Supp. Order No. M–15c, WPB Directive No. 1, Sup. Directive No. 1B, 6 F.R. 6792; 7 F.R. 562,925)

Issued this 16th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–2241; Filed, March 16, 1942; 9:23 a. m.]

[1] 7 F.R. 1027, 1069.

PART 1316—COTTON TEXTILES

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 89[1]—BED LINENS

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith:[2]

Footnote 1 to Table II of § 1316.111 (c) is amended to read as follows and a new § 1316.110a is added as set forth below:

§ 1316.111 *Appendix A: Maximum prices for bed linens.*

* * * * *

(c) *Maximum price tables.*

* * * * *

Table II[1] *Base prices for bed linens.*

* * * * *

[1] The base price for bed linens differing in any dimensions from those listed herein shall be: (a) in the case of brown or bleached sheeting, the base price provided herein for such sheeting of the nearest inferior width; and (b)

[1] 7 F.R. 1375.

[2] The Statement of Considerations has been filed with the Division of the Federal Register.

in the case of sheets, pillow cases or bolster cases, the base price provided herein for the equivalent linear yardage of bleached sheeting of the same type and width, plus the applicable following amount:

	Per dozen
For Sheets 90" or more in length	$1.50
For Sheets less than 90" in length	1.25
For Pillow cases (Bolster cases) 54" or more in length	1.25
For Pillow cases less than 54" in length	0.75

§ 1316.110a *Effective dates of amendments.* (a) Amendment No. 1 (§ 1316.111 (c), § 1316.110a) to Revised Price Schedule No. 89 shall become effective March 16, 1942. (Pub. Law 421, 77th Cong. 2d Sess.)

Issued this 14th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2238; Filed, March 14, 1942; 12:38 p. m.]

PART 1335—CHEMICALS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 98[1]—TITANIUM PIGMENTS

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.[2]

Section 1335.759 is hereby amended by the addition of a new paragraph (e), and a new § 1335.758a is added as set forth below:

§ 1335.759 *Appendix A: Maximum prices for titanium pigments.*

* * * * *

(e) American Zirconium Corporation, a Maryland corporation with its principal office at St. Helena, Baltimore, Maryland, may sell, deliver or transfer the various grades of titanium dioxide, referred to in § 1335.759 (a) of Revised Price Schedule No. 98 at the maximum prices established therefor in paragraphs (a), (b), (c) and (d) of § 1335.759 of Revised Price Schedule No. 98, plus 1½ cents per pound. (Pub. Law 421, 77th Cong., 2d Sess.)

§ 1335.758a *Effective dates of amendment.* Amendment No. 1 (1335.759(e)) to Revised Price Schedule No. 98, shall become effective March 1, 1942 and shall remain in effect until May 2, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 13th day of March 1942.

JOHN E. HAMM,
Acting Price Administrator.

[F. R. Doc. 42-2199; Filed, March 14, 1942; 9:00 a. m.]

PART 1351—FOODS AND FOOD PRODUCTS

CORRECTION TO REVISED PRICE SCHEDULE NO. 91[1]—TEA

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[2]

Section 1351.257 was inadvertently repeated as the second appearance of § 1351.258. Accordingly, the section beginning § 1351.258 *Modification of the Schedule* is revoked.

§ 1351.260a *Effective dates of amendments.*

* * * * *

(b) Correction revoking the second appearance of § 1351.258 shall become effective March 13th, 1942.

Issued this 13th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2197; Filed, March 13, 1942; 4:48 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

AMENDMENT NO. 2 TO RATIONING ORDER NO. 2A—NEW PASSENGER AUTOMOBILE RATIONING REGULATIONS

A new section, § 1360.335 and a new paragraph (b) to § 1360.442,[1] are added, as set forth below:

§ 1360.335 *Sale or transfer of new passenger automobiles by certain persons serving in the armed forces.* (a) Notwithstanding any other provision of Rationing Orders No. 2 or 2 A, or of any amendments thereto heretofore adopted, any person falling within any of the following classes, may, upon compliance with the provisions of paragraphs (b) and (c) of this section, sell or transfer to any person any new passenger automobile owned by him for personal use:

(1) Any person who is serving with any branch of the armed forces of the United States.

(2) Any person who has received an order for induction into, or has been called for active duty with, any branch of the armed forces of the United States.

(3) Any person who has volunteered for, and taken his oath for service for, any branch of the armed forces of the United States.

(b) Any person who believes that he is eligible to transfer a particular new passenger automobile owned by him pursuant to paragraph (a) of this section may apply to the Local Rationing Board having jurisdiction over the area where the automobile is normally garaged or stationed and request a certificate authorizing him to transfer such automobile to a particular person. Request may be made by letter or other writing addressed to the Board and signed by the transferor, or his duly authorized agent, and shall contain:

(1) The name and address of the transferor.

(2) A description of the automobile to be transferred including make, model year, serial number, engine number and body type.

(3) The name and address of the person to whom the automobile is to be transferred.

(4) A statement of the facts required to establish the eligibility of the transferor pursuant to paragraph (a) of this section.

The application must be accompanied by an original letter or other writing setting forth the facts necessary to establish the transferor's eligibility pursuant to paragraph (a) of this section. Such writing must be signed by an Officer of the armed forces authorized to certify the status of the transferor or by a member of the Selective Service Board with which the transferor is registered.

(c) Upon being satisfied that the transferor is subject to its jurisdiction and that he is eligible pursuant to paragraph (a) of this section, the Board shall issue a certificate on Form R-202 stating that the person named as transferor is eligible to transfer the new passenger automobile to the person named as transferee. Prior to issuing the certificate the Board shall strike the words "Purchased on or before January 1, 1942" from the title of Certificate R-202, and at least two members of the Board shall initial such change of title. Except as herein provided, Certificate R-202 shall be filled in, executed and filed by the person required to do so pursuant to the instructions thereon contained. No certificate issued pursuant to this section shall be charged against the quota of the issuing Board.

§ 1360.442 *Effective dates of amendments*

* * * * *

(b) Amendment No. 2 (§ 1360.335) to Rationing Order No. 2 A shall become effective March 14, 1942, (Pub. Law 421, 77th Cong. 2d Sess. W. P. B. Directive No. 1 Supplementary Directive No. 1 A, 7 F.R. 562, 698, 1493)

Issued this 12th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2240; Filed March 14, 1942; 12:38 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

CHAPTER I—COAST GUARD

PART 6—ANCHORAGE REGULATIONS

REGULATIONS FOR THE CONTROL OF VESSELS IN THE TERRITORIAL WATERS OF THE UNITED STATES

Pursuant to the authority contained in section 1, Title II of the Espionage Act, approved June 15, 1917, 40 Stat. 220 (U.S.C. title 50, sec. 191), as amended by the Act of November 15, 1941 (Public Law 292, 77th Congress), and by virtue of the Proclamation and Executive Order issued June 27, 1940 (5 F.R. 2419) and November 1, 1941 (6 F.R. 5581), respectively, the regulations relating to the control of vessels in the territorial waters of the United States (5 F.R. 2442), as amended (6 F.R. 5221), are hereby further amended as follows:

Section 6.7 is amended to read as follows:

§ 6.7 *Clearance required for departure.* No vessel shall depart from any port or place in the United States, or from any port or place subject to the jurisdiction of the United States, on a voyage for which clearance by a customs officer of the United States is required or for which no such clearance is required because the vessel is exempted from making entry by section 441 (4) of the Tariff Act of 1930, 46 Stat. 712, as amended (U.S.C., Sup. V, title 19, sec. 1441 (4)), unless the principal customs officer in charge of the port of departure shall have been authorized by the Commandant of the Naval District in which such port is included, or his duly designated representative, to permit the departure.

FRANK KNOX,
Secretary of the Navy.

Approved:

FRANKLIN D ROOSEVELT
THE WHITE HOUSE,
March 9, 1942.

[F. R. Doc. 42-2232; Filed, March 14, 1942; 12:05 p. m.]

TITLE 36—PARKS AND FORESTS

CHAPTER I—NATIONAL PARK SERVICE

PART 5—NATIONAL CEMETERY REGULATIONS

AMENDMENT

§ 5.8 *Interment of members of families.* (a) The wives of both officers and enlisted men may be buried with their husbands in a national cemetery. The wife may be interred prior to the death and burial of her husband provided the officer or enlisted man gives assurance that regardless of whether or not he remarries he will eventually be buried in the adjacent grave site reserved for the purpose. In those cemeteries where lots are assigned to an individual, the burial of his minor children and unmarried adult daughters (this includes daughters who have never married, widows and divorcees) is permitted under the following conditions, provided there is room in the lot:

(1) That the fact of the interment shall be entered on the records of the cemetery, but the name shall not appear on any monument on the lot.

(2) That the grave shall be marked, if so desired, at private expense, only with a footstone sunk flush with the ground, not exceeding 10 by 20 inches at the top, with a suitable identifying inscription and dates of birth and death.

(3) That the written concurrence in the above conditions by the legal next of kin be forwarded to the Director of the National Park Service.

(b) No lots or grave sites will be assigned in advance of their actual requirement for burial purposes. (19 Stat. 99, 42 Stat. 21, 23, E.O. Nos. 6166 and 6228; 24 U.S.C. 278, 5 U.S.C. 132 note)

Approved: March 4, 1942.

[SEAL] JOHN J. DEMPSEY,
Under Secretary of the Interior.

[F. R. Doc. 42-2243; Filed, March 16, 1942; 10:01 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER III—GRAZING SERVICE

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

ADDITION[1] TO ARIZONA GRAZING DISTRICT NO 4

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U. S. Code, sec. 315, *et seq.*), as amended, commonly known as the Taylor Grazing Act, and subject to the limitations and conditions therein contained, Arizona Grazing District No. 4, as established and defined by departmental orders of February 14, 1936, October 26, 1936, July 29, 1937, December 9, 1938, and December 28, 1940, is hereby augmented to include all vacant, unappropriated, and unreserved public lands, and all lands withdrawn for other purposes which may hereafter be included in the district in accordance with the provisions of section 1 of the Taylor Grazing Act by approval of the head of the Department having jurisdiction thereover, and all lands hereafter acquired by lease under the provisions of the act of June 23, 1938 (52 Stat. 1033, 43 U. S. Code, sec. 315 m-1, 2, 3, 4), commonly known as the Pierce Act, not excluding lands withdrawn by Executive order of November 26, 1934 (No. 6910), within the following-described legal subdivisions:

ARIZONA

Gila and Salt River Meridian

T. 14 S., R. 26 E.,
Secs. 1 and 2;
Sec. 3, E½, E½W½;
Sec. 10, E½;
Secs. 11, 12, 13, and 14;
Sec. 15, NE¼;
Secs. 23 and 24;
Sec. 25, N½, N½S½;
Sec. 26, E½NE¼.

The Federal Range Code, as revised, shall be effective as to the lands embraced herein from and after the date of the publication of this order in the FEDERAL REGISTER, except that no part of such lands will be subject to the provisions of section 8, paragraphs (b), (d), (e), and (f) of said Code, relating to grazing fees, until one year from the date of publication of this order in the FEDERAL REGISTER.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

FEBRUARY 25, 1942.

[F. R. Doc. 42-2203; Filed, March 14, 1942; 10:05 a. m.]

[1] Affects tabulation in § 502.1e.

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

ELIMINATION[1] FROM COLORADO GRAZING DISTRICT NO. 2

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269, 43 U.S. Code, sec. 315, *et seq.*), as amended, commonly known as the Taylor Grazing Act, the departmental order of April 8, 1935, establishing Colorado Grazing District No. 2, is hereby revoked as far as it affects the following-described land:

COLORADO

Sixth Principal Meridian

T. 8 N., R. 79 W.,
Sec. 23, W½SW¼, N½SE¼;
Sec. 24, N½SW¼, SE¼SW¼, SW¼SE¼;
Sec. 26, W½.

JOHN J. DEMPSEY,
Acting Secretary of the Interior.

FEBRUARY 21, 1942.

[F. R. Doc. 42-2204; Filed, March 14, 1942; 10:06 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

CHAPTER I—INTERSTATE COMMERCE COMMISSION

PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

An order of the Interstate Commerce Commssion modifying the Classification of Income, Profit and Loss, and General Balance Sheet Accounts for steam roads, dated March 4, 1942, effective January 1, 1943, was filed with the Division of the Federal Register on March 16, 1942 at 11:09 a. m. (F. R. Doc. 42-2252). Requests for copies should be addressed to the Interstate Commerce Commission.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-222]

IN THE MATTER OF FRED NOETH, REGISTERED DISTRIBUTOR, REGISTRATION NO. 6880

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division (the "Division") finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder to determine

A. Whether or not Fred Noeth, Registered Distributor, Registration No. 6880, (hereinafter sometimes referred to as the "Registered Distributor"), whose address is 2808 East 25th Street, Granite City, Illinois, has violated any provisions of the Act, the Code, and orders and regulations of the Division, including the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors, and the Distributor's Agree-

[1] 7 F.R. 1392, 1836.
[2] The statement of consideration has been filed with the Division of the Federal Register.
[1] 7 F.R. 1378, 1387.
[1] 7 F.R. 1647.

ment (the "Agreement") dated October 14, 1940, and filed by Fred Noeth pursuant to Order of the Division dated June 19, 1940 in General Docket No. 12, and more particularly whether or not subsequent to September 30, 1940 said registered distributor:

1. During the period October 1, 1940, to January 31, 1941, both dates inclusive, accepted and retained discounts from the effective minimum prices of coal purchased for resale from various code member producers and resold, to Christ Noeth, an individual, doing business under the name and style of Noeth Ice and Coal Company, 2808 East 26th Street, Granite City, Illinois, a retailer, as follows:

(a) 355.51 net tons of 1½" screenings coal purchased from and produced by the Carbon Coal Company, R. F. D. #2, Collinsville, Illinois, a code member, at its Glen Carbon Mine, Mine Index No. 1042, located in District 10;

(b) 4651.25 net tons of lump, egg, nut, and 1½" screenings coal purchased from and produced by Sunset Hill Coal Company, R. F. D. #4, Edwardsville, Illinois, a code member, at its Sunset Hill Mine, Mine Index No. 1051, located in District 10;

(c) 2293.44 net tons of 1½" screenings coal purchased from and produced by Sugar Loaf Coal Corporation, R. F. D. #2, Collinsville, Illinois, a code member, at its Sugar Loaf Mine, Mine Index No. 1049, located in District 10;

although at the time of said transactions the registered distributor was under the control, financial or otherwise, of said Christ Noeth, resulting in violations of § 304.19 (c) of the Rules and Regulations for the Registration of Distributors and paragraph (h) of the Agreement.

2. Accepted and retained the discounts in the transactions referred to in paragraph A 1 hereof, notwithstanding no service of value was rendered to said code members in said transactions and although said transactions were entered into primarily for the purpose of unjustly enriching the registered distributor and, when except for the incidence of section 4 II (h) of the Act said Christ Noeth would have purchased such coal direct from said code members, resulting in violations of paragraph (g) of the Agreement.

3. Accepting and retaining distributor's discounts on the coal referred to in paragraph A 1 hereof, although such coal was not purchased for bona fide resale, resulting in violations of Paragraph (d) of the Agreement.

4. Accepted and retained discounts on the transactions referred to in paragraph A 1 hereof when said registered distributor was in fact or in effect an agency or instrumentality of said Christ Noeth, resulting in violations of section 4 II (i) 12 of the Act, Rule 12 of Section XIII of the Marketing Rules and Regulations and Paragraph (c) of the Agreement.

B. Whether or not the registered distributor, in the Application for Registration with the Bituminous Coal Division of the Department of the Interior as a Distributor of Bituminous Coal filed by said distributor with the Division on July 5, 1940, made false or misleading statements or failed to state material facts affecting said application as follows:

(1) Represented that during the year 1937 as a distributor (wholesaler) said registered distributor had obtained or purchased from the Sunset Hill Coal Corp., Edwardsville, Illinois, a producer, 7,350 net tons of bituminous coal, Truck Trade Coal Company, Inc., Edwardsville, Illinois, a producer, 4,750 net tons of bituminous coal, and P. H. Coal Company, Granite City, Illinois, a sales agent, 250 net tons of bituminous coal, (page 3 of said application)

(2) Represented that during the year 1938 as a distributor (wholesaler) said registered distributor had obtained or purchased 9,700, 8,600 and 300 net tons of bituminous coal from said parties, respectively, (page 4 of said application)

(3) Failed to state that no tonnage had been purchased or obtained by said distributor during the years 1937 and 1938 either as distributor, sales agent, retailer, dock operator, or otherwise, (pages 3 and 4 of said application) resulting in a violation of § 304.11 (c) 5 of the Rules and Regulations for the Registration of Distributors.

C. Whether or not the registration of said Fred Noeth should be revoked or suspended or other appropriate penalties should be imposed.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether or not the aforementioned Fred Noeth has committed violations in the respects heretofore described and whether or not the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on April 17, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Coronado Hotel, St. Louis, Missouri.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Fred Noeth and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer setting forth the position of the aforementioned Fred Noeth with reference to the matters hereinbefore described, must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service hereof on Fred Noeth and that failure to file an answer herein within such period, unless the presiding officer shall otherwise order, shall be deemed to be an admission by Fred Noeth of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: March 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2244; Filed, March 16, 1942; 10:36 a. m.]

[Docket Nos. A-289, A-337]

PETITIONS OF THE CITY OF CINCINNATI AND THE BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF CINCINNATI FOR AN ORDER ESTABLISHING FREE ALONGSIDE PRICES AND OF THE COUNTY OF HAMILTON, OHIO, FOR THE ESTABLISHMENT OF FREE ALONGSIDE PRICES

MEMORANDUM OPINION AND ORDER REOPENING HEARING IN DOCKET NO. A-337, ORDER OF CONSOLIDATION AND ORDER POSTPONING HEARING

Pursuant to a motion filed by the City of Cincinnati (the "City") and the Board of Education of the City School District of the City of Cincinnati (the "Board"), the hearing in Docket No. A-289 was reopened by an Order dated February 9, 1942, for the reasons and to the extent set forth therein. The County of Hamilton (the "County") has filed a similar motion requesting that the proceeding in Docket No. A-337 be reopened for the same purposes and to the same extent.

As set forth in the Examiner's Report, which was adopted by the Director in his Opinion and Order of September 20, 1941 in Docket Nos. A-89, A-289, A-337, A-352, A-352a, A-539, and A-540, the City, the Board, and the County purchase their coals from the same source and under the same conditions. For these reasons, it appears that the motion of the County should be granted and that this matter should be consolidated with Docket No. A-289 for the purpose of such reopened hearing.

It is therefore ordered, That the proceeding in Docket No. A-337 only be, and the same hereby is, reopened for the same purposes and to the same extent as the proceeding in Docket No. A-289 has been reopened by Order therein dated February 9, 1942, and that Docket No. A-289 be consolidated with Docket No. A-337 for the purpose of such reopened hearing.

It is further ordered, That the consolidated hearing be postponed from March 16, 1942 to 10 o'clock in the forenoon of March 30, 1942. On such day, the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That in all other respects the Memorandum Opinion and Order Reopening the Hearing dated February 9, 1942, shall remain in full force and effect.

Dated: March 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2245; Filed March 16, 1942; 10:36 a. m.]

[Docket No. A-36 Part III]

PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE DITNEY HILL MINE (MINE INDEX NO. 115) OF THE INGLE COAL COMPANY

MEMORANDUM OPINION AND ORDER EXTENDING TEMPORARY RELIEF

This proceeding was instituted upon the petition, as amended, filed with the Bituminous Coal Division on October 11, 1940, by District Board 11, pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937. The Board in its petition requested the establishment of price classifications and minimum prices for the coals of the Ditney Hill Mine (Mine Index No. 115) of the Ingle Coal Company, a code member in District 11.

Pursuant to Orders of the Director and after notice to all interested persons, hearings in this matter were held on January 29, 1941, July 2, 1941, and September 18, 1941, before duly designated Examiners of the Division. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board 11 appeared. The preparation and filing of the report by the Examiner was waived.

By Order, dated October 17, 1941, the Director established permanent price classifications for the coals of the Ditney Hill Mine. However, in view of the facts that the raw screenings produced at the Ditney Hill Mine appeared to be an inferior quality, that dedusting equipment had been installed on August 22, 1941, in an effort to enhance their marketability, and that the ability of this equipment to improve the quality of the screenings was still unknown, the Director found that, as a temporary measure, minimum prices for dry dedusted screenings in Size Groups Nos. 26 and 27 should be established for a period of 90 days from the date of the Order at prices 10 cents per ton less than the established minimum prices for the same sizes of coal produced in other mines producing Standard Fifth Vein coals. The Director stated that the purpose of this was to afford District Board 11 an opportunity to study the effect of the use of the dry dedusted screenings produced at the Ditney Hill Mine and determine whether it cares to propose new prices for those coals.

On December 29, 1941, District Board 11 filed a motion to extend the temporary relief granted in the Order of October 17, 1941. Thereafter, the Acting Director, by an Order dated January 14, 1942, amended the Order of October 17, 1941, by extending the temporary relief from a period of 90 days to a period of 150 days.

On March 5, 1942, District Board 11 filed a motion to extend this temporary relief for an additional 60 day period, alleging, *inter alia*, that because the method employed at the mine to dedust screenings has recently been changed, the District Board is of the opinion that the dry dedusted screenings currently being prepared are not representative of the product that will be produced under normal and efficient operation.

It appears to the undersigned that a reasonable showing of necessity has been made and that the relief requested should be granted. However, it should be noted that the relief herein is being granted with the understanding that it will probably constitute the last such extension of time during which the District Board shall have the opportunity to propose new prices for the coals in these size groups.

Now, therefore, it is ordered, That the Order granting relief entered herein on October 17, 1941, be and is hereby amended by striking therefrom the words "provided, however, that the prices established for Size Groups Nos. 26 and 27 shall be reduced 10 cents per ton for a period of not more than 150 days from the date of this Order" and substituting in lieu thereof the following: *Provided, however*, That the prices established for the Size Groups Nos. 26 and 27 shall be reduced 10 cents per ton for a period of not more than 210 days from October 17, 1941."

It is further ordered, That Supplement R, annexed to and made part of the Order dated October 17, 1941, be and it is hereby amended by striking therefrom the words, "Size Groups 26 and 27 shall be reduced 10 cents per ton for a period of 150 days only commening with the effective date of this Order" and by substituting in lieu thereof the following: "Size Groups 26 and 27 shall be reduced 10 cents per ton for a period of 210 days only commencing October 17, 1941."

Jurisdiction is hereby retained to enter any further Order with respect to said coals during or subsequent to said 210-day period beginning October 17, 1941.

Dated: March 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2246; Filed, March 16, 1942; 10:36 a. m.]

[Docket Nos. A-1309, and A-1309, Part II]

PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 15 AND PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 1579 AND 1587 AND FOR REVISION IN THE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 890 AND 164 IN DISTRICT NO. 15

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A-1309, PART II FROM DOCKET NO. A-1309, GRANTING CERTAIN TEMPORARY RELIEF IN DOCKET NO. A-1309, PART II AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A-1309, PART II

Correction

The effective minimum price of coals in size group 15 for Mine Index Nos. 1587 and 1579 in the table appearing on page 1845 of the issue for Wednesday, March 11, 1942, should read 35 cents in each case instead of "358" and "353".

General Land Office.

AIR NAVIGATION SITE WITHDRAWAL NO. 177

CALIFORNIA

It is ordered, under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U. S. C. 214, that the following-described public lands be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the War Department as an auxiliary landing field:

SAN BERNARDINO MERIDIAN

T. 10 N., R. 5 W.,
Sec. 26, S½
Sec. 35, N½
containing 640 acres.

HAROLD L. ICKES,
Secretary of the Interior.

MARCH 3, 1942.

[F. R. Doc. 42-2202; Filed, March 14, 1942; 10:06 a. m.]

Office of Indian Affairs.

ORDER RESERVING CERTAIN LANDS AT GALENA, ALASKA

Pursuant to authority vested in the Secretary of the Interior by the Act of May 31, 1938 (52 Stat. 593), and subject to any valid existing rights or claims acquired prior to the date hereof, there are hereby withdrawn and permanently reserved for school and medical purposes the following described land at Galena, Alaska.

TRACT 1

Beginning at corner No. 1 of U. S. Survey No. 2023 on the right bank of the Yukon River in approximate latitude 64°49' N., approximate longitude 157°15' W.

Thence by metes and bounds,

Southwesterly along the right bank of the Yukon River, 135 feet, more or less;
N. 8°00' E., 780 feet, more or less;
S. 82°00' E., 133 feet, more or less, to corner No. 2 of U. S. Survey No. 2023;
S. 8°00' W., 733 feet, more or less to the place of beginning, containing approximately 2.25 acres.

TRACT 2

Beginning at corner No. 3 of U. S. Survey No. 2023.
Thence by metes and bounds,
S. 82°00' E., 840 feet.;
S. 8°00' W., 410 feet, to the Yukon River;
Southwesterly along the right bank of the Yukon River, at mean high water, 900 feet, more or less, to corner No. 4 of U. S. Survey No. 2023;
N. 8°00' E., 686 feet, more or less, to the place of beginning, containing approximately 10.5 acres.

OSCAR L. CHAPMAN,
Assistant Secretary.

FEBRUARY 23, 1942.

[F. R. Doc. 42-2242; Filed, March 16, 1942; 10:01 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Conservation and Adjustment Administration.

[ACP-1942-Southern Great Plains-2]

AGRICULTURAL ADJUSTMENT AGENCY

1942 SPECIAL AGRICULTURAL CONSERVATION PROGRAM FOR THE SOUTHERN GREAT PLAINS AREA

Supplement No. 2

MARCH 12, 1942.

The 1942 Special Agricultural Conservation Program for the Southern Great Plains Area, as amended, is further amended as follows:

(1) The county rates of payment (dollar per acre) for the thirty-three Kansas counties as contained in Supplement No. 1 are revised as follows:

Cheyenne	.75	Morton	.[illegible]
Clark	.86	Ness	.[illegible]
Comanche	.85	Pawnee	.[illegible]
Decatur	.75	Rawlins	.[illegible]
Edwards	.90	Rooks	.[illegible]
Ellis	.89	Rush	.[illegible]
Finney	.79	Scott	.[illegible]
Gove	.76	Seward	.[illegible]
Graham	.74	Sheridan	.[illegible]
Grant	.73	Sherman	.[illegible]
Greeley	.70	Stanton	.[illegible]
Hamilton	.71	Stevens	.[illegible]
Haskell	.80	Thomas	.[illegible]
Hodgeman	.78	Trego	.[illegible]
Kearny	.71	Wallace	.[illegible]
Kiowa	.86	Wichita	.[illegible]
Logan	.69		

(2) The rate of credit under Practice (29), Section 4 (d), is revised to read:

Weed control by cultivation, 1 acre, [illegible] units.

Weed control by application of approved chemicals—25 pounds of approved chemicals used, 1 unit.

(3) Section 4 (d) is further amended by the addition of the following practice:

(33) With prior approval of the county committee, improving a stand of forest trees under such approved system of farm wood lot and wildlife management as is specified by the Agricultural Adjustment Administration, 1 acre, 4 units.

(4) Section 1 (f) (1) is amended by the addition of the following item:

(x) Rye for pasture. (Sections 7 to 17, as amended, 49 Stat. 1148, 1915; 50 Stat. 329; 52 Stat. 31, 204, 205; 53 Stat. 550, 573; 54 Stat. 216, 727; 16 U.S.C. 590g-590q; 55 Stat. 257; Pub. Law No. 374, 77th Cong., approved December 26, 1941.)

Done at Washington, D. C., this 12th day of March 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-2193; Filed, March 13, 1942; 12:42 p. m.]

Farm Security Administration.

DESIGNATION OF LOCALITIES IN COUNTIES IN WHICH LOANS, PURSUANT TO TITLE I OF THE BANKHEAD-JONES FARM TENANT ACT, MAY BE MADE

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, loans made in the counties mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

REGION II

Minnesota

Todd County: Locality I—Consisting of the townships of Staples, Villard, Moran, Fawn Lake, Turtle Creek, Little Elk, Bruce, and Burnhamville; the village of Burtrum; and the city of Staples, $3,232. Locality II—Consisting of the townships of Stowe Prairie, Bartlett, Bertha, Germania, Wykeham, Eagle Valley, Ward, Burleene, Iona, Long Prairie, Hartford, Leslie, Reynolds, Gordon, Little Sauk, Round Prairie, West Union, Kandota, Birchdale, and Grey Eagle; and the villages of Bertha, Browerville, Clarissa, Eagle Bend, Grey Eagle, Hewitt, Long Prairie, West Union, and Osakis, $4,475.

Wisconsin

Langlade County: Locality I—Consisting of the city of Antigo, and towns of Antigo, Neva and Price, $5,775. Locality II—Consisting of the towns of Ackley, Ainsworth, Elcho, Evergreen, Langlade, Norwood, Parrish, Peck, Polar, Rolling, Summit, Upham, Vilas, village of White Lake and town of Wolf River, $3,847.

REGION V

Alabama

Covington County: Locality I—Consisting of the precincts of Andalusia, Opp, Rose Hill, Copperas Head, Gantt, Straughns Schoolhouse, Williams, River Falls, and Bulah, $2,165. Locality II—Consisting of the precincts of Fairfield, Shirley, Loango, Watkins, Davis Shop, Florala, Hart, Westover, Red Level, Green Bay, George, Sanford, Carolina, and McRae, $1,540.

The purchase price limits previously established for the counties above-mentioned are hereby cancelled.

Approved March 7, 1942.

[SEAL] C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-2291; Filed, March 16, 1942; 11:39 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective March 16, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Berry Clothing Company, 118 Main Street, Pawtucket, Rhode Island; Men's Clothing; 5 learners (T); March 16, 1943.

Goldberg and Rich, Inc., 93 Albany Street, Boston, Massachusetts; Topcoats & Overcoats; 5 learners (T); September 16, 1942.

Goodimate Company, 32nd and Reed Streets, Philadelphia, Pennsylvania; Men's & Boys' Clothing; 25 learners (T); September 16, 1942.

Lockwoven Hosiery Company, 900 Hodiamont Avenue, St. Louis, Missouri; Burial Garments; 3 learners (T); March 16, 1943.

Modern Manufacturing Company, 501 E. Preston Street, Baltimore, Maryland; Men's Sack Coats and Top Coats; 5 percent (T); March 16, 1943.

Peerless Coat Front Company, 500 S. Peoria Street, Chicago, Illinois; Coat Fronts; 1 learner (T); March 16, 1943.

Ridgewood Pants Company, 167 Troutman Street, Brooklyn, New York; Men's Clothing; 5 learners; August 3, 1942.

Skillman Pants Company, 481 DeKalb Avenue, Brooklyn, New York; Pants; 5 learners (T); August 3, 1942.

Soboroff-Rosenwald Company, 1500 N. Ogden Avenue, Chicago, Illinois; Men's & Boys' Cloth Hats and Caps; 10 percent (T); March 16, 1943. (This certificate replaces one bearing the expiration date of December 15, 1942.)

Single Pants, Shirts, and Allied Garments and Women's Apparel Industries

A & H Sportwear, 2071 Third Avenue, New York, N. Y.; Women's Slacks & Dresses; 2 learners (T); August 3, 1942.

Adler Manufacturers, Inc., 1123 Washington Avenue, St. Louis, Missouri; Dresses, Blouses, Shirts; 10 learners (T3); March 16, 1943.

Barbara Jane Sportswear, 860 S. Los Angeles Street, Los Angeles, California; Slacks, Slack Suits; 4 learners (T); March 16, 1943.

The Bloomfield Company, 246 Lincoln Way West, Massillon, Ohio; Dresses; 5 learners (T); March 16, 1943.

Blue Bell-Globe Manufacturing Company, Columbia City, Indiana; Waistband overalls, Bib overalls; 10 percent (T); March 19, 1943. (This certificate effective March 19, 1942.)

Blue Bell-Globe Manufacturing Company, Greene Street, Greensboro, North Carolina; One Piece Working Suits; 10 percent (T); March 16, 1943.

Charming Lady Cottons, Inc., 1727 Broad Street, Greensburg, Pennsylvania; Ladies' Cotton Dresses; 10 percent (T); March 16, 1943.

Chatham Tailoring Company, Inc., 134 Noll Street, Brooklyn, New York; Boys' & Men's Pants; 12 learners (T); March 16, 1943.

Co-op Manufacturing Company, 1301 7th Street, Oakland, California; Men's Work Clothing, Cotton Boys' Work & Play Clothing; 6 learners (T); March 16, 1943.

Dainty Made Togs Corporation, 167 W. Oxford Street, Philadelphia, Pennsylvania; Baby Suits, Children's Playsuits; 5 learners (T); March 16, 1943.

Davenshire, Inc., 825 W. Fourth Street, Davenport, Iowa; Trousers; 10 percent (T); March 12, 1943. (This certificate effective March 12, 1942.)

Dorfray Sportwear, 34-38 West 4th Street, New York, New York; Shirts; 10 learners (T); August 3, 1942.

G. W. Eade and Company, Inc., 32 S. LaSalle Street, Aurora, Illinois; Washable Dresses; 10 learners (T); March 16, 1943.

Eagle Blouse Company, 64 W. 36th Street, New York, N. Y.; Blouses, Housecoats, Beachwear and Play Suits; 5 learners (T); August 3, 1942.

Easton Trouser Company, Pine and Elder Streets, Easton, Pennsylvania; Trousers 10 percent (T); March 16, 1943.

A. J. Edlin Manufacturing Company, 1307 Washington Avenue, St. Louis, Missouri; Cotton Dresses; 5 learners (T); March 16, 1943.

Everwear Manufacturing Company, 931 Maple Street, Los Angeles, California; Overalls, Single Pants, Cotton Shirts, Cotton Jackets; 10 learners (T); March 16, 1943.

The H. W. Gossard Company, Cleveland Avenue, Ishpeming, Michigan; Corsets & Brassieres; 10 percent (T); March 16, 1943.

Harrison Sportswear, 118 Harrison Place, Brooklyn, New York; Ladies' Slacks; 10 learners (T); August 3, 1942.

Ideal Sportswear Corporation, 722 Metropolitan Avenue, New York, N. Y.; Beachwear, Sheets, Slacks, Children's Leggings; 5 learners (T); August 16, 1942.

Jems of Hollywood, 860 S. Los Angeles Street, Los Angeles, California; Jumper Dresses, Custom Suits; 5 learners (T); March 16, 1943.

Judy Anne Frocks, Inc., 110 North Fifth Street, Minneapolis, Minnesota; Dresses; 10 learners (T); March 16, 1943.

Karol Kell Garment Company, 615 North Ninth Street, St. Louis, Missouri; Dresses, Sportswear; 5 learners (T); March 16, 1943.

B. Lavin, 1951 Brooklyn Street, Los Angeles, California; Robes, Slacks, Blouses; 5 learners (T); March 16, 1943.

R. O. Layfield, Richmond, Vermont; Ladies' Underwear; 10 learners (T); March 16, 1943.

Lemont Pants Company, 310 Illinois Street, Lemont, Illinois; Boys' Knickers, Longies, Men's Pants, Breeches, Ladies' Slacks; 3 learners (T); March 16, 1943.

Los Angeles Wash Frock Company, 127 E. 9th Street, Los Angeles, California; Dresses, Ladies' & Children's Outerwear; 10 learners (T); March 16, 1943.

Miss Los Angeles Sportswear Company, Inc., 757 S. Los Angeles Street, Los Angeles, California; Ladies' Sportswear; 5 learners (T); March 16, 1943.

Major Manufacturing Company, 1706 Washington Avenue, St. Louis, Missouri; Cotton Dresses; 6 learners (T); March 16, 1943.

Marcus & Wiesen, Inc., 26 East 14th Street, New York, New York; Sanitary belts, hose supports, ladies' garters, girdles and panties, garter belts; 10 percent (T); September 16, 1942.

Modern Maid Apron Company, 301 N. Water Street, Milwaukee, Wisconsin; Ladies' & Children's Aprons (Percales and Sheers); 4 learners (T); March 16, 1943.

Mohawk Valley Manufacturing Company, Inc., 540 E. Mill Street, Little Falls, New York; Cotton House Dresses; 10 percent (T); March 16, 1943.

New Berlin Garment Company, New Berlin, Pennsylvania; Ladies' Cotton Dresses; 6 learners (T); March 16, 1943.

Rae Undergarment Company, 1092 Broadway, Brooklyn, New York; Ladies' Rayon Underwear; 6 learners (T); August 3, 1942.

Ritter Sportswear Manufacturing Company, 308 E. 9th Street, Los Angeles, California; Men's Shirts and Leisure Jackets & Ladies' Leisure Jackets; 5 learners (T); March 16, 1943.

The Roehm-Roehm Company, 224 W. Fifth Street, Dayton, Ohio; Cotton Service Clothing, Cotton Sport Clothing; 10 learners (T); March 16, 1943.

Royal Miss, Inc., 1 S. Webster Avenue, Scranton, Pennsylvania; Dresses; 10 percent (T); March 16, 1943.

Sanford Shirt Company, Inc., 6 W. Lombard Street, Baltimore, Maryland; Men's Dress Shirts; 10 learners (T); March 16, 1943.

Selden Dress Company, Horseblock and Granny Road, Farmingville, Long Island, New York; Dresses; 3 learners (T); August 16, 1942.

Sheppton Sportswear Company, Sheppton, Pennsylvania; Ladies' Blouses & Beachwear; 10 percent (T); March 16, 1943.

Shrage and Pines, 12th and Laurel Street, Pottsville, Pennsylvania; Pajamas & Polo Shirts; 5 percent (T); March 16, 1943.

Starlet Frocks, 324 Market Street, Philadelphia, Pennsylvania; Ladies' Dresses; 6 learners (T); March 16, 1943.

William Stumacher Dress Company, 133 North 8th Street, Philadelphia, Pennsylvania; Ladies' Apparel; 3 learners (T); March 16, 1943.

Swineford Manufacturing Company, Swineford, Pennsylvania; Ladies' House Dresses, Blouses and Pajamas; 5 learners (T); March 16, 1943.

Wakefield Knitting Mills, 1924 Hunting Park Avenue, Philadelphia, Pennsylvania; Rayon Underwear, Gowns and Pajamas; 5 learners (T); March 16, 1943.

Hosiery

Bibb Manufacturing Company, Knitting Mill, Hawthorne Street, Macon Georgia; 1 learner (T); Seamless Hosiery; March 16, 1943.

Clay County Products Company, Inc., 217 Bay Street, Green Cove Springs, Florida; Full Fashioned Hosiery; 10 learners (T); March 16, 1943. (This certificate replaces one bearing expiration date of October 27, 1942.)

Duke Hosiery Corporation, Highland Avenue & 4th Street, Hickory, North Carolina; Seamless Hosiery; 10 percent (T); March 16, 1943. (This certificate

replaces one bearing expiration date of October 2, 1942.)

Elmo Hosiery Mill, 3904 St. Elmo Avenue, Chattanooga, Tennessee; Seamless Hosiery; 1 learner (T); September 16, 1942.

Graham Full Fashion, Inc., South Main Street, Graham, North Carolina; Full Fashioned Hosiery; 5 learners (T); March 16, 1943.

Johnson Hosiery Mill, Longview Street, Hickory, North Carolina; Seamless Hosiery; 2 learners (T); March 16, 1943.

Pine Hosiery Mills, Inc., Star, North Carolina; Seamless Hosiery; 10 percent (T); March 16, 1943. (This certificate replaces one bearing expiration date of November 17, 1942.)

Pocomoke Textiles, Inc., Pocomoke, Maryland; Full Fashioned Hosiery; 5 learners (T); March 16, 1943. (This certificate replaces one bearing expiration date of October 20, 1942.)

Samuel A. Roth and Company, 328 N. Superior Street, Cleveland, Ohio; Full Fashioned Hosiery; 5 learners (T); March 16, 1943.

Independent Branch of the Telephone Industry

Central Iowa Telephone Company, 304 Securities Building, Cedar Rapids, Iowa; to employ learners as commercial switchboard operators at its Emmetsburg, Iowa Exchange, located at 2102 E. Main Street, Emmetsburg, Iowa; until March 16, 1943.

Central Iowa Telephone Company, Toledo, Iowa; to employ learners as commercial switchboard operators at its Gladbrook Exchange, located at Gladbrook, Iowa; until March 16, 1943.

West Iowa Telephone Company, Remsen, Iowa; to employ learners as commercial switchboard operators at its Marcus Exchange, located at Marcus, Iowa; until March 16, 1943.

West Iowa Telephone Company, Remsen, Iowa; to employ learners as commercial switchboard operators at its Remsen, Iowa Exchange, located at Remsen, Iowa; until March 16, 1943.

Knitted Wear

Cinderella Underwear Company, Inc., Reamstown, Pennsylvania; Knitted Underwear; 10 learners (E); September 16, 1942.

Dupont Knitting Mills, White and Center Streets, Dupont, Pennsylvania; Knitted Outerwear; 22 learners (E); September 16, 1942.

C. H. Heine Knitting Mills, 141 N. Second Street, Girardville, Pa., Women's, Men's & Children's Underwear; 5 learners (T); March 16, 1943.

Julius Kayser and Company, Walton, New York; Knitted Underwear & Commercial Knitting; 5 percent (T); March 16, 1943. (This certificate replaces one bearing expiration date of January 1, 1943.)

Kennedy Knitting Co., Inc., 10 Canvass Street, Cohoes, New York; Knitted Underwear; 5 learners (T); March 16, 1943.

Lincoln Knit Goods Mills, Warrenton, Missouri; Knitted Outerwear; 2 learners (T); March 16, 1943.

The Puritan Knitting Mills Corporation, 813-25 Street, Altoona, Pennsylvania; Knitted Outerwear; 5 percent (T); March 16, 1943.

Westfield Knitting Mills, Inc., Mill #7, Canal Street, Manchester, N. H.; Sweaters; 5 learners (T); March 16, 1943.

West Lawn Knitting Mills, Inc., 2130 Spring Street, West Lawn, Pennsylvania; Men's Cotton Knit Shirts, Shorts, Wash Suits and Athletic Suits; 5 learners (T); March 16, 1943.

Millinery

Gladys and Belle, Inc., 485 Madison Avenue, New York, N. Y.; Custom-Made Millinery; 3 learners (T); March 16, 1943.

Textile

Adams Net and Twine Company, 701 North 2nd Street, St. Louis, Missouri; Cotton Fish Nets and Seine Nets; 10 learners (E); September 16, 1942.

Altavista Mills, Amherst Avenue, Altavista, Virginia; Rayon Piece Goods; 3 percent (T); March 16, 1943.

Joseph Berlinger Company, 232 Lombard Street, Towanda, Pennsylvania; Rayon; 3 percent (T); March 16, 1943.

The Berryton Mills, Berryton, Georgia; Cotton; 3 percent (T); March 12, 1943. (This certificate effective March 12, 1942 and replaces one bearing expiration date of June 12, 1942.)

Bibb Manufacturing Company, Crown Mill, Hawthorne Street, Macon, Georgia; Yarns; 3 percent (T); March 16, 1943.

Bibb Manufacturing Company, No. Two Mill, Hawthorne Street, Macon, Georgia; Yarns; 3 percent (T); March 16, 1943.

Bibb Manufacturing Company, Star Mill, Hawthorne Street, Macon, Georgia; Yarns; 1 learner (T); March 16, 1943.

Bibb Manufacturing Company, Osprey Mill, Porterdale, Georgia; Auto Tire Cords, Fabrics, Duck, Laundry Nets; 3 percent (T); March 16, 1943.

Bibb Manufacturing Company, Taylor Mill, Reynolds, Georgia; Yarns; 3 percent (T); March 16, 1943.

Bibb Manufacturing Company, Payne Mill, Payne City, Macon, Georgia; Yarns; 3 percent (T); March 16, 1943.

Bibb Manufacturing Company, Porterdale Mill, Porterdale, Georgia; Seine Twines, Hose Cords, Carpet Yarns, Braids; 3 percent (T); March 16, 1943.

Bibb Manufacturing Company, Welaunee Mill, Porterdale, Georgia; Yarns; 3 percent (T); March 16, 1943.

Bibb Manufacturing Company, No. One Mill, 255 Main Street, Macon, Georgia; Yarns, Twines; 3 percent (T); March 16, 1943.

Bibb Manufacturing Company, Columbus Mill, Columbus, Georgia; Cotton; 3 percent (T); March 16, 1943.

Boott Mills, John Street, Lowell, Massachusetts; Cotton Goods; 150 learners (E); September 12, 1942. (This certificate effective March 12, 1942.)

Boott Mills, John Street, Lowell, Massachusetts; Cotton Goods; 3 percent (T); March 12, 1943. (This certificate effective March 12, 1942.)

Castile Silk Company, Main Street, Castile, New York; Silk & Rayon Broad Goods; 8 learners (E); September 16, 1942.

Manufacturers Thread Company, 13 East 17th Street, New York, N. Y.; Sewing Thread; 1 learner (T); March 16, 1943.

Pawtucket Standard Braid Company, 120 Webster Street, Pawtucket, Rhode Island; Shoe Lace and Braid; 3 percent (T); March 12, 1943. (This certificate effective March 12, 1942.)

Pennsburg Textile Inc., Third & Penn Streets, Pennsburg, Pennsylvania; Rayon & Cotton Tie Silks; 1 learner (T); March 16, 1943.

Pepperell Manufacturing Company, Opelika, Alabama; Cotton Cloth; 3 percent (T); March 16, 1943.

Rocky Creek Mills, Turnersburg, North Carolina; Cotton Yarns; 3 learners (T); March 16, 1943.

S. & S. Silk Company, Inc., Seventh Street, Bloomsburg, Pennsylvania; Commission Throwing; 3 learners (T); March 16, 1943.

Southern Webbing Mills, Inc., Greensboro, North Carolina; Elastic Webbings and Non-Elastic Narrow Fabric Webbing; 3 learners (T); March 16, 1943.

Sterling Brothers Throwing Company, Inc., Mifflinburg, Pennsylvania; Commission Silk Throwing; 5 learners (T); March 16, 1943.

Superior Yarn Mills, Inc. (Tuckasegee Plant), Mount Holly, North Carolina; Cotton Yarns; 3 percent (T); March 16, 1943.

Superior Yarn Mills, Inc. (East Monbo Plant), R. F. D. #3, Statesville, North Carolina; Cotton Yarns; 3 percent (T); March 16, 1943.

Superior Yarn Mills, Inc. (Long Island Plant); Long Island, North Carolina; Cotton; 3 learners (T); March 16, 1943.

The Trion Company, Trion, Georgia; Plain Cloth-Sheetings-Herringbone, etc.; 3 percent (T); March 16, 1943.

Waverly Mills, Inc. (Prince Plant), East Laurinburg, North Carolina; Cotton; 10 learners (T); March 16, 1943.

Waverly Mills, Inc. (Scotland Plant), East Laurinburg, North Carolina; Cotton; 3 learners (T); March 16, 1943.

Signed at New York, N. Y., this 14th day of March 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-2249; Filed, March 16, 1942; 10:44 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective March 16, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

The Edward Alden Studio, 230 E. Grand Avenue, Detroit, Michigan; Silk & Fabric Lamp Shades; 5 learners; 320 hours for any one learner; 35 cents per hour; Hand sewing on Shades, Machine sewing on Shades; September 12, 1942. (This certificate effective March 12,1942.)

Atlantic Rug Manufacturing Company, 34 East 29th Street, New York, N. Y.; Hooked Rugs; 6 learners; 6 weeks for any one learner; 30 cents per hour; Rug Hooker; August 3, 1942.

The Blount Lumber Company, Lacona, New York; Bathinettes; 4 learners; 8 weeks for any one learner; 30 cents per hour; Sewing Machine Operator; May 25, 1942.

Idealite, Inc., 49 Fremont Street, Jersey City, New Jersey; Paper Lamp Shades, Glass Table Lamps; 5 percent; 320 hours for any one learner; 35 cents per hour; Hand Sewing, Machine Sewing; September 16, 1942.

John T. Lund and Company, Gardners Neck Road, Swansea, Mass.; Knitted Curtains; 1 learner; 6 weeks for any one learner; 30 cents per hour; Knitter, Cutter, Sewer; June 22, 1942.

Smolen Manufacturing Company, Inc., 561 Broadway, New York, N. Y.; Baby Bonnets; 7 learners; 8 weeks for any one learner; 30 cents per hour; Sewing Machine Operators; May 25, 1942.

Town Talk Industries; Nutt Road, Phoenixville, Pennsylvania; Baking of cookies, crackers, Peanut butter sandwiches; 12 learners; 4 weeks for any one learner; Wrapper; 25 cents per hour; May 25, 1942.

Signed at New York, N. Y., this 14th day of March 1942.

MERLE D. VINCENT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-2250; Filed, March 16, 1942; 10:44 a. m.]

[Administrative Order No. 143]

APPOINTMENT OF INDUSTRY COMMITTEE NO. 43 FOR THE BUTTON AND BUCKLE MANUFACTURING INDUSTRY

1. By virtue of and pursuant to the authority vested in me by the Fair Labor Standards Act of 1938, I, L. Metcalfe Walling, Administrator of the Wage and Hour Division, U. S. Department of Labor, do hereby appoint and convene for the Button and Buckle Manufacturing Industry (as such industry is defined in paragraph 2) an industry committee composed of the following representatives:

For the public. T. L. Norton, Chairman, Buffalo, New York; E. Wight Bakke, New Haven, Connecticut; David A. McCabe, Princeton, New Jersey; Clarence Updegraff, Iowa City, Iowa; Myrtle Brooke, Montevallo, Alabama.

For the employees. Martin Feldman, New York, New York; Lazare Teper, New York, New York; Edward Schultheis, Muscatine, Iowa; Joseph Platt, Rochester, New York; Boris Shishkin, Washington, D. C.

For the employers. N. O. Broderson, Rochester, New York; Moe Zwelbel, New York, New York; George Adey, Philadelphia, Pennsylvania; Charles C. Hagerman, Muscatine, Iowa; G. F. Holt, McKinney, Virginia.

Such representatives having been appointed with due regard to the geographical regions in which such industry is carried on.

2. For the purpose of this order the term "button and buckle manufacturing industry" means:

The manufacture of buttons, buckles, and slides, and the manufacture of blanks and parts for such articles from any material except metal, for use on apparel, but not including the manufacture of products covered by any definition of an industry in any administrative order heretofore issued.

3. The definition of the button and buckle manufacturing industry covers all occupations in the industry which are necessary to the production of the products covered by the definition, including clerical, maintenance, shipping and selling occupations: *Provided, however,* That where an employee covered by this definition is employed during the same workweek at two or more different minimum rates of pay, he shall be paid the highest of such rates for such workweek unless records concerning his employment are kept by his employer in accordance with applicable regulations of the Wage and Hour Division.

4. The industry committee herein created shall meet at 10:00 A. M. on March 26, 1942, in the College Room of the Hotel Astor, New York City, and, in accordance with the provisions of the Fair Labor Standards Act of 1938 and rules and regulations promulgated thereunder, shall proceed to investigate conditions in the industry and recommend to the Administrator minimum wage rates for all employees thereof who within the meaning of said Act are "engaged in commerce or in the production of goods for commerce," excepting employees exempted by virtue of the provisions of section 13 (a) and employers coming under the provisions of section 14.

Signed at Washington, D. C., this 14th day of March 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-2251; Filed, March 16, 1942; 10:49 a. m.]

OFFICE OF THE ALIEN PROPERTY CUSTODIAN.

TEMPORARY DELEGATION OF AUTHORITY TO THE SECRETARY OF THE TREASURY

MEMORANDUM FOR THE SECRETARY OF THE TREASURY

MARCH 11, 1942.

There is hereby delegated to the Secretary of the Treasury all power and authority under sections 3 (a) and 5 (b) of the Trading with the Enemy Act, as amended, conferred upon me by the President by Executive Order dated March 11, 1942.[1] This delegation is temporary, pending the staffing and organization of the Office of the Alien Property Custodian, and shall continue until revoked in writing in whole or in part at any time by me. This delegation shall not be construed as a limitation upon my authority to exercise such power and authority at any time.

LEO CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-2194; Filed, March 13, 1942; 1:05 p. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 5968]

APPLICATION OF REPORTER BROADCASTING CO. (KRBC), ABILENE, TEXAS, FOR CONSTRUCTION PERMIT

SUPPLEMENTAL ORDER

It is ordered, On the Commission's own motion this 12th day of March, 1942, that the notice of issues heretofore released on the application in Docket No. 5968 be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

It is further ordered, That the present hearing date on the above-entitled application, namely, April 13, 1942, be, and it is hereby, retained.

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42-2207; Filed, March 14, 1942; 11:34 a. m.]

[Docket No. 6166]

APPLICATION OF DELTA BROADCASTING COMPANY, INC. (WQBC), VICKSBURG, MISSISSIPPI, FOR CONSTRUCTION PERMIT

SUPPLEMENTAL ORDER

It is ordered, On the Commission's own motion this 12th day of March, 1942,

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[1] 7 F.R. 1971.

that the notice of issues heretofore released on the application in Docket No. 6166, be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

It is further ordered, That the present hearing date on the above-entitled application, namely, April 13, 1942, be, and it is hereby, retained.

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2208; Filed, March 14, 1942; 11:34 a. m.]

[Docket No. 6168]

APPLICATION OF H. C. COCKBURN, TRADING AS SAN JACINTO BROADCASTING COMPANY (NEW), HOUSTON, TEXAS, FOR CONSTRUCTION PERMIT

SUPPLEMENTAL ORDER

It is ordered, On the Commission's own motion this 12th day of March, 1942, that the notice of issues heretofore released on the application in Docket No. 6168 be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

It is further ordered, That the present hearing date on the above-entitled application, namely, April 13, 1942, be, and it is hereby, retained.

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2209; Filed, March 14, 1942; 11:34 a. m.]

[Docket No. 6230]

APPLICATION OF JAMES F. HOPKINS, INC (NEW) ANN ARBOR, MICHIGAN, FOR CONSTRUCTION PERMIT

SUPPLEMENTAL ORDER

It is ordered, On the Commission's own motion this 11th day of March, 1942, that the notice of issues heretofore released on the application in Docket No. 6230 be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

It is further ordered, That the present hearing date on the above-entitled application, namely, April 1, 1942, be, and it is hereby, retained.

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2210; Filed, March 14, 1942; 11:34 a. m.]

[Docket No. 6231]

APPLICATION OF WASHTENAW BROADCASTING CO., INC. (NEW), ANN ARBOR, MICHIGAN, FOR CONSTRUCTION PERMIT

SUPPLEMENTAL ORDER

It is ordered, On the Commission's own motion this 11th day of March, 1942, that the notice of issues heretofore released on the application in Docket No. 6231 be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

It is further ordered, That the present hearing date on the above-entitled application, namely, April 1, 1942, be, and it is hereby, retained.

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2211; Filed, March 14, 1942; 11:35 a. m.]

[Docket No. 6235]

APPLICATION OF PADUCAH BROADCASTING COMPANY, INC. (WSON), HENDERSON, KENTUCKY, FOR CONSTRUCTION PERMIT

SUPPLEMENTAL ORDER

It is ordered, On the Commission's own motion this 11th day of March, 1942, that the notice of issues heretofore released on the application in Docket No. 6235 be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

It is further ordered, That the present hearing date on the above-entitled application, namely, April 2, 1942, be, and it is hereby, retained.

By the commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2212; Filed, March 14, 1942; 11:35 a. m.]

[Docket No. 6236]

APPLICATION OF S. BRAD HUNT (NEW), ALTON, ILLINOIS, FOR CONSTRUCTION PERMIT

SUPPLEMENTAL ORDER

It is ordered, On the Commission's own motion this 12th day of March, 1942, that the notice of issues heretofore released on the application in Docket 6236 be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

It is further ordered, That the present hearing date on the above-entitled application, namely, April 6, 1942, be, and it is hereby, retained.

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2213; Filed, March 14, 1942; 11:35 a. m.]

[Docket No. 6009]

APPLICATION OF CAMDEN BROADCASTING COMPANY, CAMDEN, NEW JERSEY, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of March 1942;

The Commission having under consideration the application of the Camden Broadcasting Company for construction permit (Docket No. 6009) and the proceedings held thereon; and

It appearing, That subsequent to the hearing held on said application, the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2214; Filed, March 14, 1942; 11:35 a. m.]

[Docket No. 6091]

APPLICATION OF DORMAN SCHAEFFER (NEW), KLAMATH FALLS, OREGON, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 10th day of March 1942;

The Commission having under consideration the application of Dorman Schaeffer for construction permit (Docket No. 6091) and the proceedings held thereon; and,

It appearing, that subsequent to the hearing held on said application, the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2215; Filed, March 14, 1942; 11:36 a. m.]

[Docket No. 6096]

APPLICATION OF GREATER HOUSTON BROADCASTING COMPANY, INC., HOUSTON, TEXAS, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 10th day of March 1942;

The Commission having under consideration the application of Greater Houston Broadcasting Company, Inc. for construction permit (Docket No. 6096) and the proceedings held thereon; and

It appearing, That subsequent to the hearing held on said application, the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2216; Filed, March 14, 1942; 11:36 a. m.]

[Docket No. 6090]

APPLICATION OF HERALD PUBLISHING COMPANY (NEW), KLAMATH FALLS, OREGON, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 10th day of March 1942;

The Commission having under consideration the application of Herald Publishing Company for construction permit (Docket No. 6090) and the proceedings held thereon; and

It appearing, that subsequent to the hearing held on said application, the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4 To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2217; Filed, March 14, 1942; 11:36 a. m.]

[Docket No. 5995]

APPLICATION OF KNOE, INC., MONROE, LOUISIANA, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 10th day of March 1942;

The Commission having under consideration the application of KNOE, Inc., for construction permit (Docket No. 5995) and the proceedings held thereon; and

It appearing, that subsequent to the hearing held on said application, the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2218; Filed, March 14, 1942; 11:36 a. m.]

[Docket No. 5994]

APPLICATION OF LINER'S BROADCASTING STATION, INC. (KMLB), MONROE, LOUISIANA, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of March 1942;

The Commission having under consideration the application of Liner's Broadcasting Station, Inc. (KMLB), Monroe, Louisiana, for construction permit (B3-P-2939; Docket No. 5994) and the proceedings held thereon; and

It appearing, That subsequent to the hearing held on said application, the Commission adopted a policy with respect to applications for changes in facilities of existing standard broadcast stations (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing, on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine what new areas and populations would receive primary service as a result of the proposed change in facilities, and what broadcast service is already available to such areas and populations.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4. To determine the areas and populations which may be expected to lose primary service from the operation of Station KMLB as proposed and what other broadcast service is available to these areas and populations.

5. To determine whether, in view of the facts shown on all of the issues, public interest, convenience or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2219; Filed, March 14, 1942; 11:37 a. m.]

[Docket No. 6039]

APPLICATION OF LOUIS G. BALTIMORE (WBRE) WILKES-BARRE, PENNSYLVANIA, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 10th day of March 1942;

The Commission having under consideration the application of Louis G. Baltimore for construction permit (Docket No. 6039) and the proceedings held thereon; and,

It appearing, That subsequent to the hearing held on said application, the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service as a result of the proposed change in facilities and what broadcast service is already available to such areas and populations.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2220; Filed, March 14, 1942; 11:37 a. m.]

[Docket No. 5859]

IN RE APPLICATION OF MINNESOTA BROADCASTING CORPORATION (WTCN) MINNEAPOLIS, MINNESOTA, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 10th day of March 1942;

The Commission having under consideration the application of Minnesota Broadcasting Corporation for construction permit (Docket No. 5859) and the proceedings held thereon; and

It appearing, that subsequent to the hearing held on said application, the Commission adopted a policy with respect to the authorization of changes in existing standard broadcast transmitting facilities (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine what new areas and populations would receive primary service as a result of the proposed change in facilities and what broadcast service is already available to such areas and populations.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2221; Filed, March 14, 1942; 11:37 a. m.]

[Docket No. 5967]

IN RE APPLICATION OF PARK CITIES BROADCASTING CORPORATION, DALLAS, TEXAS, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 10th day of March 1942;

The Commission having under consideration the application of Park Cities Broadcasting Corporation for construction permit (Docket No. 5967) and the proceedings held thereon; and

It appearing, that subsequent to the hearing held on said application, the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2222; Filed, March 14, 1942; 11:37 a. m.]

[Docket No. 5944]

IN RE APPLICATION OF ROBERT V. LEE, BRADENTON, FLORIDA, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of March 1942;

The Commission having under consideration the application of Robert V. Lee for construction permit (Docket No. 5944) and the proceedings held thereon; and

It appearing, That subsequent to the hearing held on said application, the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2223; Filed, March 14, 1942; 11:38 a. m.]

[Docket No. 6088]

IN RE APPLICATION OF SCRIPPS-HOWARD RADIO, INC., HOUSTON, TEXAS, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 10th day of March 1942;

The Commission having under consideration the application of Scripps-Howard Radio, Inc., for construction permit (Docket No. 6088) and the proceedings held thereon; and

It appearing, that subsequent to the hearing held on said application, the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2224; Filed, March 14, 1942; 11:39 a. m.]

[Docket No. 6153]

IN RE APPLICATION OF SOUTH FLORIDA BROADCASTING, INC. MIAMI, FLORIDA FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 10th day of March 1942;

The Commission having under consideration the application of South Florida Broadcasting, Inc., for construction permit (Docket No. 6153) and the proceedings held thereon; and

It appearing, That subsequent to the hearing held on said application, the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2225; Filed, March 14, 1942; 11:39 a. m.]

[Docket No. 6089]

IN RE APPLICATION OF TEXAS STAR BROADCASTING COMPANY, HOUSTON, TEXAS, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 10th day of March 1942;

The Commission having under consideration the application of Texas Star Broadcasting Company for construction permit (Docket No. 6089) and the proceedings held thereon; and

It appearing, that subsequent to the hearing held on said application, the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2226; Filed, March 14, 1942; 11:39 a. m.]

[Docket No. 6121]

IN RE APPLICATION OF WALKER AND DOWNING RADIO CORPORATION (WWSW) PITTSBURGH, PENNSYLVANIA, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 10th day of March 1942;

The Commission having under consideration the application of Walker and Downing Radio Corporation (WWSW) for construction permit (Docket No. 6121) and the proceedings held thereon; and

It appearing, that subsequent to the hearing held on said application, the Commission adopted a policy with respect to authorizations for changes in existing standard broadcast facilities (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine what new areas and populations would receive primary service as a result of the proposed change in facilities and what broadcast service is already available to such areas and populations.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2228; Filed, March 14, 1942; 11:39 a. m.]

[Docket No. 6022]

IN RE APPLICATION OF WHB BROADCASTING COMPANY, (WHB) KANSAS CITY, MISSOURI FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 10th day of March 1942;

The Commission having under consideration the application of WHB Broadcasting Company for construction permit (Docket No. 6022) and the proceedings held thereon; and

It appearing, That subsequent to the hearing held on said application, the Commission adopted a policy with respect to the authorization of changes in existing standard broadcast transmitting facilities (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106) which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and population.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2227; Filed, March 14, 1942; 11:39 a. m.]

[Docket No. 6098]

IN RE APPLICATION OF WEST ALLIS BROADCASTING COMPANY, WEST ALLIS, WISCONSIN, FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 10th day of March 1942;

The Commission having under consideration the application of West Allis Broadcasting Company for construction permit (Docket No. 6098) and the proceedings held thereon; and

It appearing, that subsequent to the hearing held on said application, the Commission adopted a policy with respect to the granting of construction permits for new broadcast stations (see Commission's Memorandum Opinion, dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine what new areas and populations would receive primary service as a result of the proposed change in facilities and what broadcast service is already available to such areas and populations.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2229; Filed, March 14, 1942; 11:40 a. m.]

[Docket No. 6120]

IN RE APPLICATION OF WICA, INCORPORATED (WICA) ASHTABULA, OHIO FOR CONSTRUCTION PERMIT

ORDER REOPENING HEARING

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 10th day of March 1942;

The Commission having under consideration the application of WICA, Incorporated for construction permit (Docket No. 6120) and the proceedings held thereon; and,

It appearing, That subsequent to the hearing held on said application, the Commission adopted a policy with respect to authorizations for changes in existing standard broadcast facilities (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106), which necessarily involves the determination of matters not heretofore specified in the issues in the above-entitled matter;

It is, therefore, ordered, That the record in the above-entitled matter be, and it is hereby, reopened for further hearing on the following issues:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine what new areas and populations would receive primary service as a result of the proposed change in facilities and what broadcast service is already available to such areas and populations.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4. To determine whether, in view of the facts shown on all of the issues, public interest, convenience, or necessity would be served by the granting of the above-entitled application.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2230; Filed, March 14, 1942; 11:40 a. m.]

FEDERAL POWER COMMISSION.

[Project No. 120]

IN THE MATTER OF SOUTHERN CALIFORNIA EDISON COMPANY LTD.

ORDER PERMITTING WITHDRAWAL OF APPLICATION AND TERMINATING PROCEEDINGS

MARCH 13, 1942

It appearing that:

(a) Pursuant to application therefor, the Commission on July 18, 1941, ordered that a rehearing be held on the Commission's May 20, 1941, order authorizing amendment of license for Project No. 120 held by Southern California Edison Company Ltd., and by subsequent orders the time for rehearing was postponed to July 13, 1942;

(b) The company, on January 5, 1942, filed a request for withdrawal of its application for rehearing and asked that the license for Project No. 120 be amended as previously ordered by the Commission;

It is ordered, That:

The request of Southern California Edison Company Ltd. for withdrawal of its application for rehearing is hereby granted, and proceedings in connection with said rehearing are hereby terminated.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 42-2201; Filed, March 14, 1942; 10:04 a. m.]

MAR 19 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 53

Washington, Wednesday, March 18, 1942

The President

EXECUTIVE ORDER

MODIFICATION OF EXECUTIVE ORDER NO. 8507 OF AUGUST 8, 1940, WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS AN ANTI-AIRCRAFT FIRING RANGE

CALIFORNIA

By virtue of the authority vested in me by the act of July 9, 1918, 40 Stat. 845, 848 (U.S.C., title 10, sec. 1341), Executive Order No. 8507[1] of August 8, 1940, withdrawing certain public lands in the State of California for the use of the War Department as an anti-aircraft firing range, is hereby modified so as to eliminate from the effect thereof the following-described public lands, except for the main access road to the firing range crossing such lands, known, among other names, as the "Barstow Road", the "Cave Springs Road", the "Barstow-Bicycle Lake-Death Valley Road", "Road No. 1339", "Road No. 1355", and "Road No. 1356":

San Bernardino Meridian

T. 12 N., R. 2 E., secs. 9 and 10.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 14, 1942.

[No. 9096]

[F. R. Doc. 42-2297; Filed, March 16, 1942; 2:59 p. m.]

EXECUTIVE ORDER

EXCLUDING CERTAIN LANDS FROM THE MANISTEE NATIONAL FOREST

MICHIGAN

By virtue of the authority vested in me by the act of June 4, 1897, 30 Stat. 11, 36 (U.S.C., title 16, sec. 473), and upon the recommendation of the Secretary of Agriculture, it is ordered that the following-described tract of land in Michigan be, and it is hereby, excluded from the Manistee National Forest:

Sections 2 and 3, and the east half of section 4, township 20 north, range 12 west of the Michigan Meridian.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 14, 1942.

[No. 9099]

[F. R. Doc. 42-2297; Filed, March 16, 1942; 2:59 p. m.]

[1] 5 F.R. 2617, 3662.

Rules, Regulations, Orders

TITLE 6—AGRICULTURAL CREDIT

CHAPTER 1—FARM CREDIT ADMINISTRATION

[Farm Credit Administration Order No. 340]

SUBCHAPTER H—EMERGENCY CROP AND FEED LOAN OFFICE

PART 115—REGULATIONS FOR LOANS IN PUERTO RICO

Loan Limitation and Interest Rate

Section 115.5 of Title 6, Code of Federal Regulations, is amended to read as follows:

§ 115.5 *Loan limitation and interest rate.* No loan made to any borrower shall exceed $2,500, nor shall a loan be so made in any calendar year which, together with the unpaid principal of prior loans so made to such borrower in that year, shall exceed $2,500 in amount. No loan will be made for an amount less than $25. All loans will be made in multiples of $5. Notes will bear interest, from maturity until paid, at the rate of 4 percent per annum; and interest to the maturity at the same rate will be deducted at the time the loan is made. (Sec. 1, 50 Stat. 5; 12 U.S.C., Sup., 1020i. See also 52 Stat. 26; E.O. 9093, March 10, 1942.[1])

A. G. BLACK,
Governor.

[F. R. Doc. 42-2292; Filed, March 16, 1942; 11:38 a. m.]

[1] 7 F.R. 1971.

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FEDERAL REGISTER

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TITLE 7—AGRICULTURE

CHAPTER VIII—SUGAR AGENCY OF THE AGRICULTURAL CONSERVATION AND ADJUSTMENT ADMINISTRATION

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FAIR AND REASONABLE WAGE RATES FOR PERSONS EMPLOYED IN THE PRODUCTION AND CULTIVATION OF THE 1942 CROP OF SUGAR BEETS

Whereas section 301 (b) of the Sugar Act of 1937, as amended, provides, as one of the conditions for payment to producers of sugar beets and sugarcane as follows:

(b) That all persons employed on the farm in the production, cultivation, or harvesting of sugar beets or sugarcane with respect to which an application for payment is made shall have been paid in full for all such work, and shall have been paid wages therefor at rates not less than those that may be determined by the Secretary to be fair and reasonable after investigation and due notice and opportunity for public hearing; and in making such determinations the Secretary shall take into consideration the standards therefor formerly established by him under the Agricultural Adjustment Act, as amended, and the difference in conditions among various producing areas; *Provided, however,* That a payment which would be payable except for the foregoing provisions of this subsection may be made, as the Secretary may determine, in such manner that the laborer will receive an amount, insofar as such payment will suffice, equal to the amount of the accrued unpaid wages for such work, and that the producer will receive the remainder, if any, of such payment.

And whereas the Secretary of Agriculture, pursuant to a notice of hearing, dated January 2, 1942, held public hearings for the purpose of receiving evidence likely to be of assistance to him in determining fair and reasonable wage rates for persons employed in the production, cultivation, or harvesting of the 1942 crop of sugar beets.

Now, therefore, I, Claude R. Wickard, Secretary of Agriculture, after investigation and due consideration of the evidence obtained at the aforesaid hearings and all other information before me, do hereby make the following determination:

§ 802.14g *Fair and reasonable wage rates for persons employed in the production and cultivation of the 1942 crop of sugar beets.* Fair and reasonable wage rates for persons employed in the production and cultivation of the 1942 crop of sugar beets shall be as follows:

For any farm or part of a farm, which is covered by a separate labor agreement, from which sugar beets are contracted to be delivered to factories located in the following districts:

District I—Ohio, Michigan, Indiana, and Wisconsin: Blocking, thinning, and hoeing: $13.50 per acre or 45¢ per hour for blocking and thinning and 40¢ per hour for hoeing. If the above operations are performed by different persons on a piece rate basis, the rate for each operation shall be: Blocking and thinning: $9.75 per acre. First hoeing: $2.50 per acre. Second and each subsequent hoeing or weeding: $1.25 per acre.

District II—Minnesota and Iowa: Blocking, thinning, and hoeing: "Old method" or "hill drop" fields, $14.50 per acre. "Blocked" fields, $12.50 per acre. "Cross cultivated" fields, $11.50 per acre. Where the "old method" is used, if the operations are performed by different persons, the rate for each operation shall be: Blocking and thinning: $9.50 per acre. First hoeing, $3.00 per acre. Second and each subsequent hoeing or weeding: $2.00 per acre.

District III—Nebraska, Colorado, Kansas, and Southern Wyoming: Blocking and thinning: $9.50 per acre, or 45¢ per hour. First hoeing: $3.00 per acre, or 40¢ per hour. Second and each subsequent hoeing or weeding: $2.00 per acre, or 40¢ per hour.

District IV—South Dakota: Blocking and thinning: $10.50 per acre. First hoeing: $3.00 per acre. Second and each subsequent hoeing or weeding: $2.00 per acre.

District V—Southern and Eastern Montana, Northern Wyoming, and Western North Dakota: Blocking and thinning: $11.00 per acre. First hoeing: $3.00 per acre. Second and each subsequent hoeing or weeding: $2.00 per acre.

District VI—Western Montana: Blocking and thinning: $10.00 per acre. First hoeing: $3.50 per acre. Second and each subsequent hoeing or weeding: $2.50 per acre.

District VII—Northern Montana: Blocking and thinning: $10.00 per acre. First hoeing: $3.50 per acre. Second and each subsequent hoeing or weeding: $2.50 per acre.

District VIII—Utah, Idaho, and Oregon: Blocking and thinning: $9.50 per acre or 45¢ per hour. First hoeing: $2.50 per acre or 40¢ per hour. Second and each subsequent hoeing or weeding: $1.50 per acre or 40¢ per hour.

District IX—Washington: Blocking and thinning: $8.50 per acre or 45¢ per hour. First hoeing: $3.00 per acre or 40¢ per hour. Second and each subsequent hoeing or weeding: $2.50 per acre or 40¢ per hour.

District X—Southern California:[1] Blocking and thinning: $8.00 per acre or 40¢ per hour. First hoeing: $2.00 per acre or 35¢ per hour. Second and each subsequent hoeing or weeding: $1.50 per acre or 35¢ per hour.

District XI—Northern California:[2] Blocking and thinning: $9.00 per acre or 45¢ per hour. First hoeing: $2.50 per acre or 40¢ per hour. Second and each subsequent hoeing or weeding: $2.00 per acre or 40¢ per hour.

Provided, however, (a) That in districts for which only piece rates are specified herein, if employment upon the basis of an hourly rate is preferred, the fair and reasonable rate shall be the rate agreed upon between the producer and the laborer, provided such rate is approved by the State Committee as equivalent to the piece rate for such work specified herein;

(b) That in instances in which the use of special machine methods of planting and cultivation reduce the amount of labor required as compared with the method in common use in the area for the operations for which rates are specified herein, the fair and reasonable rate shall be the rate agreed upon between the producer and the laborer, provided such rate is approved by the State Committee as equivalent to the piece rate specified herein for the part of such work performed;

(c) That in districts for which a combined rate for blocking, thinning, hoeing and weeding is not specified herein, if the producer and the laborer agree in writing that the laborer is to receive the sum of the payments specified above upon a piece rate basis for blocking and thinning and the first and second hoeing, for all such work during the season regardless of the number of hoeings or weedings required, the payment of this amount will be deemed to meet the requirements of this determination of fair and reasonable wages for blocking, thinning, hoeing and weeding;

(d) That the foregoing shall not be construed to mean that a producer may qualify for payment who has not paid in full for all work in connection with the production, cultivation or harvesting of sugar beets the amount agreed upon between the producer and the laborer;

(e) That in addition to the foregoing, the producer shall furnish to the laborer, without charge, the perquisites customarily furnished by him, such as a house, garden plot, and similar incidentals; and

(f) That the producer shall not, through any subterfuge or device whatsoever, reduce the wage rates to laborers below those determined above.

Done at Washington, D. C., this 16th day of March 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-2327; Filed, March 17, 1942; 11:46 a. m.]

[1] Applicable to farms located in the following counties: Madera, Fresno, Tulare, Kings, Kern, San Luis Obispo, Santa Barbara, Ventura, Los Angeles, San Bernardino, Orange Riverside, San Diego, Imperial.

[2] Applicable (a) to farms located in counties in California other than those specified in footnote 1, and (b) to farms located outside California from which beets are contracted to be delivered to factories located in counties in California other than those specified in footnote 1.

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER VII—PERSONNEL

PART 79—PRESCRIBED SERVICE UNIFORM[1]

§ 79.14 *Necktie.* For officers, warrant officers, and enlisted men.

(a) *Material.* Without stripe or figure, of cotton, mohair, olive-drab, No. 3.

(b) *General description.* Of adopted four-in-hand type. (R.S. 1296; 10 U.S.C. 1391) [Par. 14, AR 600-35, Nov. 10, 1941, as amended by Cir. 72, W.D., March 11, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-2299; Filed, March 17, 1942; 9:32 a. m.]

[1] § 79.14 is superseded.

PART 79—PRESCRIBED SERVICE UNIFORM[1]

§ 79.17 *Aviation cadet clothing and insignia.* Articles as issued.

(a) *Belt.* (Rescinded) (R.S. 1296; 10 U.S.C. 1391) [Par. 17*a*, AR 600-35, November 10, 1941, as amended by Cir. 71, W.D., March 9, 1942]

* * * * *

§ 79.30 *Brassards.*

* * * * *

(b) *Newspaper correspondents, photographers, and broadcasters attached to and authorized to accompany forces of the Army of the United States in the theater of operations.* (1) Journalists, feature writers, and radio commentators; a white block letter "C" 2 inches in height on a green background.

(2) Photographers, a white block letter "P" 2 inches in height on a green background. (R.S. 1296; 10 U.S.C. 1391) [Par. 30*h*, AR 600-35, November 10, 1941, as amended by Cir. 71, W.D., March 9, 1942]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-2295; Filed, March 16, 1942; 2:00 p. m.]

[1] § 71.17 (a) is rescinded and § 71.30 (h) is amended.

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A-1019]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 4 FOR REVISION OF THE EFFECTIVE MINIMUM PRICES OF THE COALS OF CODE MEMBERS IN SUBDISTRICTS NOS. 3, 4, AND 6, OF DISTRICT NO. 4 FOR ALL SHIPMENTS EXCEPT TRUCK OF OFF-LINE RAILROAD FUEL INTO MARKET AREAS 15, 20, 21, AND 23

A petition having been filed with the Bituminous Coal Division on August 19, 1941, by District Board 4, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that the Schedule of Effective Minimum Prices for District No. 4 for All Shipments Except Truck be amended by increasing the effective price classifications and minimum prices established for the coals of Subdistricts 3, 4, and 6 of District No. 4 by 10 cents per ton when shipped for off-line railroad fuel to destinations in Market Areas 15, 20, 21, and 23;

Petitions of intervention having been filed herein by District Boards 2 and 6;

Pursuant to an order of the Director, and after due notice to interested persons, a hearing in this matter having been held before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record of the proceeding having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That commencing fifteen (15) days from the date of this Order, § 324.11 (*Special prices—*(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) in the Schedule of Effective Minimum Prices for District 4 for All Shipments Except Truck be, and it hereby is, amended to include a note reading as follows: For shipments of off-line railroad fuel from Subdistricts 3, 4, and 6 to destinations in Market Areas 15, 20, 21, and 23, the prices shall be increased 10 cents per ton for all sizes.

It is further ordered, That the relief is granted to the extent set forth above and in all other respects is denied.

Dated: March 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2318; Filed, March 17, 1942; 10:48 p. m.]

[Docket No. A-885]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING RELIEF IN PART IN THE MATTER OF THE PETITION OF THE CONSUMERS' COUNSEL DIVISION FOR MODIFICATION OF THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 8 TO PERMIT THE SALE OF COAL TO THE KEY CITY GAS COMPANY FOR USE IN ITS DUBUQUE, IOWA, PLANT AT THE MINIMUM F. O. B. MINE PRICE ESTABLISHED FOR FREE ALONGSIDE DELIVERY

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 and Section 3 (a) of the Special River Price Instructions and Exceptions in the Schedule of Effective Minimum Prices for District No. 8 For All Shipments Except Truck, having been duly filed with the Bituminous Coal Division by the Consumers' Counsel Division,[1] on behalf of the Key City Gas Company, a consumer, requesting a modification of

[1] Now the Bituminous Coal Consumers' Counsel.

the District 8 Schedule so as to permit code members in that district to sell coals at free alongside prices to the Key City Gas Company for consumption at its plant at Dubuque, Iowa, and also seeking an amendment of said Schedule, to specifically provide that 45 cents per ton may be deducted on ⅜" x 0 screenings when shipped via the river to Dubuque, Iowa, for retort gas use;

Petitions of intervention having been filed by District Boards, 2, 8, and 11;

A hearing having been held on November 12, 1941, before a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The parties having waived preparation and filing of the Examiner's report, the undersigned having made Findings of Fact and Conclusions of Law and having rendered an opinion in this matter which are filed herewith;

It is therefore ordered, That § 328.13 (*Special prices*—(b) *Prices for river (free alongside deliveries) and ex-river shipments*—(iii) *Special cases*) in the Schedule of Effective Minimum Prices for District No. 8 For All Shipments Except Truck be, and the same hereby is, amended by inserting the following note: Key City Gas Company (for consumption at its plant located at Dubuque, Iowa).

It is further ordered, That the request to amend said Schedule to specifically provide that 45 cents per ton may be deducted on ⅜" x 0 screenings shipped via river to Dubuque, Iowa, for retort gas use should be, and the same hereby is, denied.

It is further ordered, That, except as hereinabove provided, all prayers for relief be and they are hereby denied.

Dated: March 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2319; Filed, March 17, 1942; 10:48 p. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER A—GENERAL PROVISIONS

PART 903—DELEGATIONS OF AUTHORITY

Amendment No. 1 to Regulation No. 1[1]

Paragraph (a) (1) of War Production Board Regulation No. 1 issued January 26, 1942 is hereby amended to read as follows:

§ 903.0 *Regulation No. 1.* (a) (1) The Director of the Division of Industry Operations, who shall be known as the Director of Industry Operations, shall perform the functions and exercise all the powers, authority and discretion conferred upon the President by section 2 (a) of the Act of June 29, 1940 (Pub. Law 671, 76th Cong.; 54 Stat. 676) as amended by the Act of May 31, 1941 (Pub. Law 89, 77th Cong.; 55 Stat. 236), including the power of the Chairman of the War Production Board under paragraph (e) of Directive No. 1[2] (903.1) to delegate to the Office of Price Administration additional powers with respect to the exercise of rationing control and to amend the delegation with respect thereto contained in said Directive No. 1. (E.O. 9024, Jan. 16, 1942, 7 F.R. 329, E.O. 9040, Jan. 24, 1942, 7 F.R. 567; Sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st sess.; W.P.B. Dir. No. 1, Jan. 24, 1942, 7 F.R. 562.)

* * * * *

Issued this 14th day of March 1942.

DONALD M. NELSON,
Chairman.

[F. R. Doc. 42-2302; Filed, March 16, 1942; 5:02 p. m.]

[1] 7 F.R. 561.

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 967—FORMALDEHYDE, PARAFORMALDEHYDE, HEXAMETHYLENETETRAMINE AND SYNTHETIC RESINS

Amendment No. 6 to General Preference Order No. M-25[1]

Section 967.1 (General Preference Order No. M-25) is hereby amended in the following particulars:

Present subparagraph (c) (4) is hereby amended to read as follows:

§ 967.1 *General Preference Order M-25.* (c) Directions with respect to residual supply.

* * * * *

(4) Deliveries of formaldehyde to persons who require the same for use in embalming and who, prior to delivery thereof, shall have certified to the deliveror:

(i) That the formaldehyde sought will be used for such purpose only, and

(ii) That the quantities sought, in any calendar quarter, together with all quantities on order for delivery to such persons during such calendar quarter, do not exceed one-quarter of the quantity of formaldehyde used by such persons for such purpose during the twelve-month period ended December 31, 1940.

are hereby assigned preference rating B-3. Calendar quarter shall mean the several three-month periods commencing January 1, April 1, July 1, and October 1.

A new subparagraph (c) (5) is hereby added to read as follows:

(5) Except as provided in paragraph (c) (4) of this section, deliveries of formaldehyde, paraformaldehyde or hexamethylenetetramine for all nondefense nonresin uses are hereby assigned preference rating B-4. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Congress, Third Session, as amended by Public Law 89, 77th Congress, First Session).

Issued this 16th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2306; Filed, March 16, 1942; 5:03 p. m.]

[1] 6 F.R. 4301, 4527, 5090, 5848; 7 F.R. 29.

[2] 7 F.R. 562.

PART 1020—AUTOMATIC PHONOGRAPHS AND WEIGHING, AMUSEMENT AND GAMING MACHINES

Supplementary General Limitation Order L-21-a

In accordance with the provisions of § 1020.1 (General Limitation Order L-21) which the following Order supplements:

§ 1020.2 *Supplementary General Limitation Order L-21-a*—(a) *Further restrictions.* (1) During the period beginning March 1, 1942 and ending April 30, 1942, no manufacturer of automatic phonographs and no manufacturer of weighing or amusement machines shall produce any type of such equipment in an amount greater than three times 25% of the monthly average of such type equipment produced by him during the twelve months ending June 30, 1941. Effective May 1, 1942, no manufacturer of automatic phonographs and no manufacturer of weighing or amusement machines shall produce or assemble any such type equipment, or process, fabricate, work on or assemble any material or parts for use in the production of such equipment. The foregoing provisions shall supersede the provisions contained in the last sentence of subparagraph (b) (1) of Limitation Order L-21 for the period after February 28, 1942.

(2) From the effective date of this Order:

(i) no manufacturer of automatic phonographs, or weighing, amusement or gaming machines shall cut, stamp or otherwise shape or change the physical form of any copper, copper base alloy, nickel or stainless steel in the production of any such equipment or of any parts therefor;

(ii) no person shall commence the fabrication of any repair parts for gaming machines;

(iii) no manufacturer of automatic phonographs, or weighing, amusement or gaming machines shall receive or accept delivery of any raw materials, semi-processed materials, or finished parts not fully completed on the effective date of this Order for use in the production of any such equipment or of parts therefor;

(iv) no manufacturer of automatic phonographs or weighing, amusement or gaming machines, shall sell, transfer or deliver any part of his inventory of raw materials, semi-processed parts or finished parts which he holds for use in the production of such equipment except

(a) in connection with the manufacture or sale of such equipment to the extent that such manufacture or sale is not prohibited by the terms of this Order, of Order L-21, or of any other Order issued by the Director of Industry Operations or by the Director of Priorities, or to be issued hereafter by the Director of Industry Operations, limiting the use of any materials;

(b) to Defense Supplies Corporation, Metals Reserve Company, or any other Corporation organized under Section 5 (d) of the Reconstruction Finance Corporation Act as amended, or any person acting as agent for any such corporation;

(c) pursuant to specific authorization of the Director of Industry Operations.

(c) *Reports.* Each manufacturer of automatic phonographs or weighing, amusement or gaming machines shall file with the War Production Board within twenty-one days of the effective date of this Order, his inventory as of the effective date of this Order, of raw materials, semi-processed parts and finished parts for use in the production of such equipment.

(d) *Effective date.* This Order is to take effect on the date of its issuance and shall continue in effect until revoked. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public Law 671, 76th Congress, Third Session, as amended by Public Law 89, 77th Congress, First Session).

Issued this 16th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2305; Filed, March 16, 1942; 5:03 p. m.]

PART 1055—WOOL

Amendment No. 2 to Conservation Order No. M-73[1] *Curtailing the Use of Wool*

Section 1055.1 (Conservation Order No. M-73) is hereby further amended by adding thereto the following new paragraph:

(f) *Viscose rayon staple fiber for use on the worsted system.* (1) Each producer of viscose rayon staple fiber shall set aside each month such amount of his production of viscose rayon staple fiber as may be designated by the Director of Industry Operations for sale and delivery to or for the account of persons putting wool owned by them into process, or causing such wool to be put into process by others for their account, on the worsted system, as provided in subparagraph (2) of this paragraph.

(2) Each person putting wool owned by him into process, or causing such wool to be put into process by others for his account, on the worsted system, shall be eligible to purchase out of the viscose rayon staple fiber set aside by the producers thereof, pursuant to the terms of subparagraph (1) hereof, an amount of such viscose rayon staple fiber during the month of March, 1942, not to exceed 1% of his basic quarterly poundage: *Provided, however*, That no viscose rayon staple fiber so purchased shall be used in the manufacture of floor coverings. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3rd Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This amendment shall take effect immediately.

Issued this 16th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2304; Filed, March 16, 1942; 5:02 p. m.]

[1] 7 F.R. 1570, 1854.

PART 1055—WOOL

Amendment No. 1 to Conservation Order No. M-73, as Amended and Extended to July 4, 1942, Curtailing the Use of Wool

Section 1055.1 (Conservation Order No. M-73, as Amended and Extended to July 4, 1942) is hereby further amended by adding thereto the following new paragraph:

(g) *Viscose rayon staple fiber for use on the worsted system.* (1) Each producer of viscose rayon staple fiber shall set aside each month such amount of his production of viscose rayon staple fiber as may be designated by the Director of Industry Operations for sale and delivery to or for the account of persons putting wool owned by them into process, or causing such wool to be put into process by others for their account, on the worsted system, as provided in subparagraph (2) of this paragraph.

(2) Each person putting wool owned by him into process, or causing such wool to be put into process by others for his account, on the worsted system, shall be eligible to purchase each month, out of the viscose rayon staple fiber set aside by the producers thereof, pursuant to the terms of subparagraph (1) hereof, an amount of such viscose rayon staple fiber not to exceed such percentage of his basic quarterly poundage as may from month to month be prescribed by the Director of Industry Operations: *Provided, however*, That no viscose rayon staple fiber so purchased shall be used in the manufacture of floor coverings.

(3) Each person eligible to purchase viscose rayon staple fiber set aside by the producers thereof, pursuant to the terms of subparagraph (1) hereof, shall place his order with the producers thereof on or before the first day of the month preceding the month in which delivery is to be made: *Provided, however*, That orders for delivery during the month of April shall be placed on or before March 21, 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.).

This amendment shall take effect immediately.

Issued this 16th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations

[F. R. Doc. 42-2303; Filed, March 16, 1942; 5:02 p. m.]

[1] 7 F.R. 1570, 1854.

PART 1001—TIN

Conservation Order No. M-43-a (As amended March 17, 1942)

Section 1001.2 (Conservation Order M-43-a) as heretofore amended February 14, 1942, is hereby further amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Tin for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1001.2 *Conservation order M-43-a*—(a) *Prohibitions on use of tin in articles appearing on List A.* (1) Between January 1 and March 31, 1942, no person shall use in the manufacture of any item on List A more than 50% of the amount of tin used by him for such item during the corresponding calendar quarter of 1940.

(2) Effective April 1, 1942, no tin shall be used in the production of any item on List A.

(3) From and after the effective date of this Order, no person shall fabricate, assemble, melt, cast, extrude, roll, turn, spin, coat or process in any other way, or in any way change the form of or add or solder any metal to, any tin metal or tin-bearing material, for the purpose of making any units of items on List A, or parts thereof, unless such units or parts will be finished before April 1, 1942, and are completed within the 50% limitation imposed by sub-paragraph (a) (1) hereof.

(b) *Limitations on other uses of tin*—(1) *General restrictions.* From January 1 to April 1, 1942, no person shall use in the manufacture of any article which is not on List A more that 50% of the amount of tin used by him for such article during the corresponding calendar quarter of 1940, and beginning April 1, 1942, no person shall in any calendar quarter use in the manufacture of any article not on List A more than 40% of the amount of tin used by him for such article during the corresponding calendar quarter of 1940: *Provided, however*, That no person shall use tin in the manufacture of any article not on List A, where or beyond the extent to which the use of any substitute material is practical, and in addition, no person shall use virgin tin in the manufacture of any article not on List A, where or beyond the extent to which the use of secondary tin metal is practical. Each person shall fill orders for repair and replacement parts for

articles not on List A in preference to orders for complete articles whenever the provisions of this paragraph (b) (1) prevent him from doing both.

(2) *Special restrictions.* In addition to the restrictions contained in paragraph (a) and sub-paragraph (b) (1), from and after the effective date of this Order, no person shall, unless specifically authorized by the Director of Industry Operations;

(i) Manufacture or use any lead base alloy (other than solder) having a tin content of more than 12% by weight;

(ii) Manufacture or use any tin alloy (other than solder) having a tin content of more than 12% by weight;

(iii) Prior to May 1, 1942, manufacture or use any solder having a tin content of more than 38% by weight, and on and after May 1, 1942, manufacture or use any solder having a tin content of more than 30% by weight;

(iv) Manufacture any material having a tin content of more than 7½% by weight for use in collapsible tubes;

(v) Use any virgin tin in the manufacture or treating of type metal;

(vi) Manufacture or use any terne metal having a tin content of more than 15% by weight for the production of cans (as defined in Conservation Order M–81), or any terne metal having a tin content of more than 10% by weight for coating long ternes (as defined in Supplementary Order M–21–e).

(3) *Restrictions on manufacturing jewelers.* From and after February 14, 1942, no manufacturing jeweler shall for the purpose of manufacturing jewelry, emblems, insignia, personal ornaments, ornamental fittings, jewelry findings or jewelry chains, or any component parts thereof, fabricate, assemble, melt, cast, extrude, roll, turn, spin, coat or process in any other way, or in any way change the form of or add or solder any metal to, any tin metal or tin bearing material to which no other metal had been added or soldered by said date by any manufacturing jeweler: *Provided, however,* That any manufacturing jeweler who on or before April 1, 1942 files Form PD–229 with the War Production Board, Reference: M–43–a, may use before May 1, 1942 from tin to be set aside from his tin scrap and findings, or if these are insufficient, and to the extent these are insufficient, from his other inventory an amount of tin equal to three (3%) percent of the amount of tin used in jewelry by him during the year 1941.

(c) *Exceptions*—(1) *Exceptions to Paragraph (b) (1).* Where and to the extent the use of any substitute material is impracticable, the provisions, limitations and restrictions contained in paragraph (b) (1) shall not apply to the manufacture of any product which is being produced:

(i) For delivery under a contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States", (Lend-Lease Act) if in any such case the use of tin to the extent employed is required by the specifications of the prime contract; or

(ii) With the assistance of a preference rating order or certificate issued or extended to the manufacturer, which assigns any rating higher than A–2; or

(iii) For use as bearing metal with the assistance of a preference rating order or certificate issued or extended to the manufacturer, which assigns a rating of A–3 or higher.

(2) *Exceptions to paragraphs* (a) *and* (b). The prohibitions, limitations, and restrictions contained in paragraph (a) and (b), (except those contained in paragraph (b) (3)), shall not apply:

(i) To the manufacture of products required to comply with Safety Regulations issued under governmental authority if and to the extent that such regulations cannot be complied with by the use of substitute materials;

(ii) To tin plating, terne plating, hot tinning or electroplating, where and to the extent that the material so processed is to be used in the manufacture of cans (as defined in Conservation Order M–81) and subject to all the applicable provisions, limitations and restrictions of Supplementary Order M–21–e, Conservation Order M–81, and any other or further Order or direction of the Director of Industry Operations;

(iii) To the manufacture and use of tinned wire for the packaging of food for human consumption, where such wire will be in direct contact with the food packaged, but only to the extent that any substitute for tin is impracticable.

(iv) To the manufacture of health supplies as defined in Preference Rating Order P–29, as the same may be amended, to the extent a preference rating of A–10 or higher is assigned under said Order to deliveries of tin (excluding pure tin collapsible tubes for packaging) for the manufacture of any such supplies;

(v) To the use of secondary tin metal in plates and type metal for the printing, publishing and related service industries: *Provided,* That the amount of secondary metal so used by any person during any calendar quarter shall be limited to the amount used by him for such purposes during the corresponding calendar quarter of 1940;

(vi) To the use of solder or solder foil in the preparation and manufacture of printing plates: *Provided,* That the tin content of such solder and solder foil, respectively, shall be limited from the effective date of this Order to May 1, 1942, to 38% by weight, and on and after May 1, 1942, to 30% by weight; *And provided further,* That no person shall use more solder or solder foil for such purposes during any calendar quarter than the quantity, respectively, so used by him during the corresponding calendar quarter of 1940;

(vii) To the use of soft babbitt foil for the preparation of industrial metallic packings: *Provided,* That the tin content of such foil shall not exceed 1.5% by weight; *And provided further,* That no person shall use more soft babbitt foil for such purposes during any calendar quarter than the quantity so used by him during the corresponding calendar quarter of 1941;

(viii) To the manufacture of measuring, recording and control instruments, systems or equipment for use in industrial processes, such as pyrometers, flow meters, pressure gauges, gas analyzers and their associated control valves, but only to the extent that the use of any substitute material is impractical;

(ix) To the reuse of remelt bearing metal originating in the user's own plant: *Provided,* That no virgin tin or secondary tin shall be added thereto.

(d) *Prohibitions against sales or deliveries.* No person shall sell or deliver any tin or tin bearing material or products thereof in the form of raw materials, semi-processed materials, finished parts or sub-assemblies to any person if he knows or has reason to believe such material or any product thereof is to be used in violation of the terms of this Order.

(e) *Limitation on inventories.* No manufacturer shall receive delivery of tin, (including scrap), or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies nor shall he put into process any raw material, in quantities which in either case shall result in an inventory of such raw, semi-processed or finished material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of tin products by this Order.

(f) *Miscellaneous provisions.* (1) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *Appeal.* Any person whose business is affected by this Order, and who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of tin conserved, or that compliance with this Order would disrupt or impair a program of defense work, may appeal to the War Production Board on Form PD–229, Reference M–43–a, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(3) *Applicability of Order.* The prohibitions and restrictions contained in this Order shall apply to the use of material in all items or articles hereafter manufactured irrespective of whether such items or articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. Insofar as any other Order may have the effect of limiting or curtailing to a greater extent than herein provided, the use of tin in the production of any item or article, the limitations of such Order shall be observed.

(4) *Violations or false statements.* Any person who wilfully violates this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of materials subject to allocation, and such further action may be taken as is deemed appropriate, including the making of a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(5) *Definitions.* For the purposes of this Order:

(i) "Tin" means tin metal or the tin content of any tin bearing material whether or not such material is first converted into tin metal, either imported from foreign sources, or produced domestically from foreign or domestic ores, scrap or residues.

(ii) "Lead Base Alloy" means any alloy containing 50% or more of lead metal by weight.

(iii) "Tin Alloy" means any alloy containing 1.5% or more of tin metal by weight;

(iv) "Manufacture" means to fabricate, assemble, melt, cast, extrude, roll, turn, spin, produce, coat, or process in any other way, but does not include installation of a finished product for the ultimate consumer on the consumer's premises, or the processing of tin ore or scrap into pig or ingot metal.

(v) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the inventory of others where such inventory is under the control of or under common control with or available for the use of such person

(vi) An "Item on List A" means to a particular Manufacturer, all products made by him and described by the same detailed classification contained on List A; and, where the Manufacturer sells parts, it means all component parts of products described by the same detailed classification.

(vii) An "Article" means to a particular Manufacturer, all finished products made by him which are not on List A, used by the ultimate consumer for the same purpose; and where the Manufacturer sells parts, it means all component parts of products used by the ultimate consumer for the same purpose.

(viii) "Manufacturing Jeweler" means any Manufacturer of jewelry, emblems, insignia, personal ornaments, ornamental fittings, jewelry findings or jewelry chains or any component parts thereof.

(ix) "Use" means both (1) the act of putting tin into process in the manufacture of any item or article and (2) the act of completing the manufacture of any such item or article. (Where a person is limited to a percentage of the material used in a base period, this limitation applies respectively to (1) the amount of material put into process during the base period and (2) the total amount of material contained in a completed item or article, multiplied by the number of such items or articles completed during the base period. Each restriction must be applied separately.)

(x) "Put into Process" means the first change by a Manufacturer in the form of material from that form in which it is received by him.

(g) *Effective date.* This Order shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong. 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 17th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

List A for Order M–43–a

The use of tin in items listed below and in all component parts thereof is prohibited except to the extent permitted by the foregoing Conservation Order.

Advertising Specialties.
Art Objects.
Automobile Body Solder.
Band and other Musical Instruments (except for maintenance and repair of pipe organs for religious and educational institutions).
Beverage Dispensing Units & Parts thereof including pipe (except for maintenance and repair of existing units, and only where and to the extent that used tin pipe in an amount equal in tin content to the tin required, is returned by the customer to the supplier).
Britannia Metal.
Broom Wire.
Buckles.
Buttons.
Chimes and Bells.
Emblems and Insignia.
Fasteners: Eyelets, Spiral Binders, Office & Industrial Staples, Book Match Clips, Paper Clips, Zippers, Dress Hooks.
Foil—except for: (1) Condensers, (2) Electrotyping and Moulding Lead in Printing Trade, (3) X-Ray Supplies and (4) Dental Use.
Galvanizing.
Household Furnishings & Equipment.
Jewelry.
Kitchen Equipment (including cutlery and tableware), except articles for food preparation.
Novelties, Souvenirs and Trophies.
Ornaments and Ornamental Fittings.
Pewter and Pewter Holloware.
Plating or Coating for Decorative Purposes.
Powder (decorative).
Refrigerator Trays and Shelves.
Seals and Labels (except meat seals).
Slot, Game and Vending Machines.
Coated Paper.
Oxide in Enamelware as an Opacifier.
Toys.

[F. R. Doc. 42–2329; Filed, March 17, 1942; 11:54 a. m.]

PART 1040—VENDING MACHINES

Supplementary Limitation Order L–27–a

In accordance with the provisions of § 1040.1 (General Limitation Order L–27) which the following Order supplements,

§ 1040.2 *Supplementary Limitation Order L–27–a*—(a) *Restrictions After April 30, 1942.* (1) Except as provided in subparagraphs (a) (2) and (a) (4), no manufacturer of vending machines shall, after April 30, 1942, process, fabricate, work on or assemble any materials for use in the manufacture of vending machines, nor shall any manufacturer of vending machines manufacture or assemble any vending machines after that date.

(2) The restrictions contained in subparagraph (a) (1) shall not apply to the manufacture of vending machines which are used to vend sanitary napkins for women. During the three months' period beginning May 1, 1942 and ending July 31, 1942, and for each three months' period thereafter, each manufacturer of vending machines may use in the manufacture of such vending machines used to vend sanitary napkins for women:

(i) three times 50% of the monthly average of iron and steel used by him in the manufacture of such vending machines used to vend sanitary napkins for women during the twelve months ending June 30, 1941, and

(ii) three times 25% of the monthly average of metals other than iron, steel, or prohibited metals used by him in the manufacture of such vending machines used to vend sanitary napkins during the twelve months ending June 30, 1941.

(3) No manufacturer of vending machines shall use any prohibited metals or alnico magnets in the manufacture of any vending machines pursuant to subparagraph (a) (2) after April 30, 1942.

(4) The restrictions contained in subparagraphs (a) (1), (a) (2) and (a) (3) shall not apply to the manufacture of repair and replacement parts for vending machines. During the three months' period beginning May 1, 1942 and ending July 31, 1942, and for each three months' period thereafter, each manufacturer of vending machines may use in the manufacture of repair and replacement parts for vending machines three times 100% of the monthly average of iron, steel, prohibited metals and other metals used by him in the manufacture of such repair and replacement parts for vending machines during the twelve months ending June 30, 1941. For the purposes of this subparagraph, "repair and replacement parts" shall mean such parts as are essentially required for the restoration of vending machines to a sound operating condition when such equipment has been rendered unfit or unsafe for use through wear, tear, damage or destruction of parts or other similar causes. It shall not include the substitution of equipment of greater capacity than the equipment which is replaced.

(b) *Acceleration of April, 1942 quotas.* From the effective date of this Order, the restrictions contained in subparagraph (b) (2) of Limitation Order L–27

shall not prevent any manufacturer of vending machines from accelerating his rate of production during the month of March, 1942, in order to produce all or any part of the quota of vending machines that he is permitted to produce during the month of April, 1942, in lieu of producing such vending machines during the month of April, 1942.

(c) *Communications.* All appeals and other communications concerning this Order shall be addressed to the War Production Board, Washington, D. C., Ref: L–27–a.

(d) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.).

Issued this 17th day of March, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2331; Filed, March 17, 1942; 11:54 a. m.]

PART 1112—OFFICE MACHINERY

Interpretation No. 1 of General Limitation Order No. L–54[1]

The following official interpretation of the meaning of the term "typewriter" is hereby issued by the Director of Industry Operations:

The term shall not include billing and continuous forms handling typewriters; Braille typewriters; toy typewriters; wide-carriage (18-inch or wider) typewriters with special inbuilt features designed for statistical or accounting work; shorthand writing machines; telegraphically controlled typewriting machines; linotype machines; or monotype machines. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 17th day of March, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2328; Filed, March 17, 1942; 11:54 a. m.]

PART 1112—OFFICE MACHINERY

Conversion Order No. L–54–a

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of typewriters for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1112.2 *Conversion Order L–54–a*—(a) *Definitions.* For the purpose of this order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Manufacturer" means any person manufacturing typewriters, to the extent that he is engaged in such manufacture, and shall include sales and distribution outlets controlled by said Manufacturer.

(3) "Dealer" means any wholesaler, retailer or other distributor of typewriters other than sales and distribution outlets controlled by a Manufacturer.

(4) "Typewriter", unless expressly otherwise stated, includes nonportable typewriters, (including noiseless and electric types) and portable typewriters, and unless expressly otherwise stated, refers only to new typewriters. The term shall not include billing and continuous forms handling typewriters; wide carriage (18 inches or wider) typewriters designed for statistical or accounting work; shorthand writing machines, telegraphically controlled typewriters; braille typewriters; toy typewriters; linotype machines or monotype machines. The term "new typewriter" means any typewriter which has not been delivered to any person acquiring it for use, but does not include rebuilt typewriters. The term "used typewriter" means any typewriter which at any time has been delivered to any person acquiring it for use, and includes rebuilt typewriters.

(5) "Sets of Parts" means typewriter parts fabricated at plants in the United States and shipped to foreign countries for assembly into typewriters.

(b) *General restrictions.* No manufacturer shall hereafter manufacture typewriters in greater numbers than specifically authorized here or from time to time hereafter by the Director of Industry Operations; and no person shall hereafter distribute, or receive delivery of, new or used typewriters in any manner other than as specifically authorized here or from time to time hereafter by the Director of Industry Operations or any governmental agency authorized by the Chairman of the War Production Board to regulate the distribution of new or used typewriters.

(c) *Authorized production quotas*—(1) *Quotas from March 15, 1942 to June 30, 1942.* During the period commencing March 15, 1942, and ending May 31, 1942, and the month of June 1942, respectively, each manufacturer shall manufacture quantities of non-portable and portable typewriters, or parts therefor (not including sets of parts for export), not in excess of the following percentages of the average monthly number of non-portable and portable typewriters (not including parts therefor or sets of parts for export) respectively, billed to customers by such manufacturer during the calendar year 1941:

Name of manufacturer	March 15–May 31, 1942,	June 1942
	Non-portable production	
	Percent	*Percent*
Underwood Elliott Fisher Co.	2½ times 75	53
Remington Rand, Inc.	2½ times 75	53
Royal Typewriter Company, Inc.	2½ times 75	53
L. C. Smith & Corona Typewriters, Inc.	2½ times 75	53
International Business Machines Corp.	2½ times 75	53
Woodstock Typewriter Co.	2½ times 90	75
	Portable production	
	Percent	*Percent*
Underwood Elliott Fisher Co.	2½ times 36	11
Remington Rand, Inc.	2½ times 36	11
Royal Typewriter Co., Inc.	2½ times 36	11
L. C. Smith & Corona Typewriters, Inc.	2½ times 36	11

Provided, however, That any manufacturer who does not produce his quota of non-portable or portable typewriters, including parts therefor, during the quota period March 15 to May 31, 1942, may exceed production quotas for subsequent periods to produce a quantity of non-portable or portable typewriters, or parts therefor, as the case may be, equal to the amount of such deficiency.

(2) *Sets of parts for export.* Each manufacturer may produce for export during the period commencing March 15, 1942, and ending May 31, 1942, and the month of June, 1942, respectively, a number of sets of parts for non-portable and portable typewriters, not in excess of the following percentages of the average monthly number of sets of parts for non-portable and portable typewriters, respectively, shipped from his factories during 1941:

Name of manufacturer	March 15–May 31, 1942,	June 1942
	Non-portable production	
	Percent	*Percent*
Underwood Elliott Fisher Co.	2½ times 75	53
Remington Rand, Inc.	2½ times 75	53
Royal Typewriter Company, Inc.	2½ times 75	53
L. C. Smith & Corona Typewriters, Inc.	2½ times 75	53
International Business Machines Corp.	2½ times 75	53
Woodstock Typewriter Co.	2½ times 90	75
	Portable production	
	Percent	*Percent*
Underwood Elliott Fisher Co.	1½ times 36	11
Remington Rand, Inc.	1½ times 36	11
Royal Typewriter Company, Inc.	1½ times 36	11
L. C. Smith & Corona Typewriters, Inc.	1½ times 36	11

The right to produce and export any such sets of parts shall not be construed to authorize the export of such sets unless export licenses can be secured.

[1] 7 F.R. 1755, 1794.

Provided, however, That any manufacturer who is unable to ascertain the physical quantity of sets of parts for non-portable or portable typewriters which he shipped from factories during 1941 may produce for export a dollar value of such non-portable or portable sets of parts not in excess of the abovementioned percentages of the average monthly dollar value of sets of parts for non-portable or portable typewriters, respectively, shipped from his factories during 1941.

The quantity of sets of parts for non-portable and portable typewriters so produced shall be over and above the production quotas for non-portable and portable typewriters. No manufacturer so producing and exporting sets of parts shall, directly or indirectly, import any typewriters into the United States.

(3) *Distribution among models and types.* No manufacturer shall produce, in any production quota period, a percentage of noiseless typewriters to total non-portable typewriter production in excess of the percentage which the quantity of noiseless typewriters billed to his customers in 1941 is of all non-portable typewriters billed to his customers in 1941.

Unless expressly otherwise authorized by the Director of Industry Operations, manufacturers shall produce their production quotas of portable typewriters in accordance with specifications of the Army or Navy of the United States.

(d) *Restrictions not applicable to replacement parts: distribution of replacement parts.* The restrictions upon the production of portable and non-portable typewriters and parts therefor shall not be construed to limit the production of parts to be used to service and repair typewriters: *Provided, however,* That no manufacturer shall produce parts in excess of quantities required to maintain a minimum practicable working inventory of such service and repair parts.

During the balance of the calendar year 1942 each manufacturer whose practice has been to sell parts to persons engaged in the servicing or repair of typewriters shall make available to persons engaged in the servicing or repair of typewriters, and willing and able to meet regularly established prices and terms of sale or payment, a supply of maintenance and repair parts not to exceed 150% of the dollar value of sales by such manufacturer to such person during the calendar year 1941, or if such person was not engaged in such servicing or repair during 1941, a reasonable supply. Deliveries of such maintenance and repair parts shall be apportioned throughout the year. No person servicing or repairing typewriters shall maintan a stock of such parts in excess of the minimum practicable working inventory.

(e) *Revocation of General Limitation Order L–54*[1] General Limitation Order L–54, and all amendments thereto and interpretations thereof, are hereby revoked: *Provided, however,* That all deliveries expressly authorized thereunder by the Director of Industry Operations may be completed.

(f) *Distribution of typewriters by manufacturers*—(1) *Distribution of non-portable typewriters.* On and after the date of issuance of this order, regardless of the terms of any contract of sale or purchase or other commitment, or of any preference rating, each manufacturer shall distribute his production and stock of new non-portable typewriters as follows:

(i) Each manufacturer shall, in each quota period, make available to the Army of the United States, including the War Department, a quantity of new non-portable typewriters equal to 48.9 per centum of his production for such quota period.

(ii) Each manufacturer shall, in each quota period, make available to the Navy of the United States, including the Navy Department, a quantity of new non-portable typewriters equal to 19.6 per centum of his production for such quota period.

(iii) Unless expressly otherwise authorized by the Director of Industry Operations, the quantities to be made available to the Army and Navy of the United States shall be cumulative, and shall be held available until such time as required by the Army or Navy, as the case may be.

(iv) Each manufacturer shall set aside, to be distributed in accordance with express authorizations of the Director of Industry Operations, a quantity of new non-portable typewriters equal to his stocks of new non-portable typewriters on the date of issue of this order plus 31.5 per centum of his production in each production quota period.

(2) *Distribution of portable typewriters.* On and after the date of issuance of this order, regardless of the terms of any contract of sale or purchase or other commitment, or of any preference rating, no manufacturer of portable typewriters shall deliver any of his stocks of new portable typewriters or of his future production thereof except to the Army or Navy, unless expressly otherwise authorized by the Director of Industry Operations.

(g) *Distribution of typewriters by persons other than manufacturers.* In accordance with the terms of Supplementary Directive 10, stocks of new non-portable and portable typewriters now in the hands of dealers, and all imports of new typewriters, are made available to the Office of Price Administration for rationing; and no dealer shall deliver any such typewriters except in accordance with such rules, regulations and authorizations as may be issued by the Office of Price Administration.

Provided, however, That any dealer, other than a manufacturer, may deliver new typewriters in stock to any manufacturer willing to accept the same. Such typewriters shall, however, remain subject to rationing rules, regulations and authorizations of the Office of Price Administration.

Provided, further, That any dealer may deliver a new typewriter to the Army or Navy of the United States and replace any such delivery, by presenting a copy of the purchase order, dated on or after the date of issue of this order, to the Manufacturer making the delivered brand. Manufacturers shall deliver typewriters at regularly established prices and terms of sale or payment to dealers upon presentation of such purchase orders, and shall reduce correspondingly the number of typewriters required under paragraph (f) to be made available to the Army or the Navy, as the case may be.

(h) *Persons entitled to receive new typewriters.* (1) *Persons other than United States agencies and exporters.* In accordance with the terms of Supplementary Directive ID, persons other than agencies of the United States, and governmental agencies or other persons acquiring new typewriters for export may purchase, accept, or otherwise receive delivery of new typewriters only as authorized by the Office of Price Administration.

(2) *Army and Navy.* Without further authorization, the Army of the United States, including the War Department, may acquire, during the period March 15, to May 31, 1942, 27,908 new portable typewriters, and 53,319 new non-portable typewriters; during June 1942, 3,409 new portable typewriters and 15,172 new non-portable typewriters; and during each month thereafter until further notice, 3,409 new portable typewriters and 15,172 new non-portable typewriters. Without further authorization the Navy of the United States, including the Navy Department, may acquire, during the period March 15 to May 31, 1942, 7,855 new portable typewriters and 21,373 new non-portable typewriters; during June 1942, 959 new portable typewriters and 6,081 new non-portable typewriters; and during each month thereafter until further notice, 959 new portable typewriters and 6,081 new non-portable typewriters.

Quotas not taken up by the Army or Navy during any quota period may be carried over and acquired in subsequent periods.

(3) *Exporters.* (i) *Lend-lease.* Any agency of the United States government acquiring new typewriters to be delivered to, or for the account of the government of any country, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act) shall purchase, accept delivery of, or otherwise acquire new typewriters only upon express authorization of the Director of Industry Operations. Manufacturers and dealers shall deliver new typewriters to any such agency upon the presentation of an authorization signed by the Director of Industry Operations. Any dealer may receive any new typewriter to fill any such order from any manufacturer producing such typewriters, and manufacturers shall deliver typewriters to such dealers upon the presentation of any such authorization.

[1] 7 F.R. 1755, 1794, and Interpretation No. 1, *supra.*

(ii) *Other than lend-lease.* No governmental agency or other person acquiring new typewriters for export shall purchase, accept delivery of, or otherwise receive new typewriters except upon express authorization of the Director of Industry Operations. Any person desiring to acquire a new typewriter for export from the United States must first apply to the Office of Export Control, Board of Economic Warfare, Washington, D. C. for an Export License. If the Office of Export Control recommends that an Export License be issued to the applicant, the War Production Board will be notified, and an authorization, on Form PD-365, to acquire a new typewriter may be issued to the applicant or to a person designated by the Board of Economic Warfare for his account. Upon presentation of said Form PD-365, duly signed, any Manufacturer or Dealer is authorized to deliver a new typewriter. Any dealer may receive any typewriter to fill any such order from any Manufacturer producing such typewriters, and manufacturers shall deliver typewriters to dealers upon the receipt of any such authorizations on Form PD-365.

(4) *Other Government agencies.* Except as specified in paragraphs (2) and (3), above, no agency of the United States may purchase new typewriters except the Procurement Division of the Treasury Department. Once each month the Director of Industry Operations shall expressly authorize said Procurement Division to acquire specific quantities and brands of new typewriters and said Procurement Division shall distribute such new typewriters to such agencies of the United States government (other than the Army, the Navy, and agencies acquiring new typewriters for export) and in such quantities, and brands, as the Director of Industry Operations shall authorize. Any such agency which believes it will require such new typewriters during any month shall file, on or before the 25th day of the month preceding, Form PD-366 with the Procurement Division of the Treasury Department which shall forward all such forms to the Director of Industry Operations. The Director of Industry Operations shall thereupon authorize said Procurement Division to acquire and distribute such quantities of new typewriters as, in his opinion, shall be necessary or appropriate in the public interest and to promote the national defense. No such agency shall request a new typewriter unless, to the best of its knowledge, such typewriter and all other typewriters possessed by the agency will be actually employed during the succeeding month.

(j) *Existing contracts.* Fulfillment of contracts in violation of this order is prohibited regardless of whether such contracts are entered into before or after the effective date of this order. No person shall be held liable for damages or penalties for default under any contract or order which shall result directly or indirectly from his compliance with the terms of this order.

(j) *Applicability of Priorities Regulation No. 1.* This order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this order shall govern.

(k) *Appeals.* Any manufacturer affected by this order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in his community, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may apply for relief by addressing a letter directed to the Director of Industry Operations, Social Security Building, Washington, D. C., setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(l) *Records.* All manufacturers and dealers affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventory, production, and sales of typewriters.

(m) *Reports.* All persons affected by this order shall execute and file with the Office Machinery and Services Branch, Division of Industry Operations, War Production Board, such reports and questionnaires as said branch shall from time to time request.

(n) *Communications to War Production Board.* All reports required to be filed hereunder, all communications concerning this Order, and all applications directly to the Division of Industry Operations, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: L-54-A.

(o) *Effective date.* This order shall take effect upon the date of the issue thereof and shall continue in effect until revoked by the Director of Industry Operations, subject to such changes and supplements thereof as shall be issued from time to time. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess).

Issued this 17th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2330; Filed March 17, 1942; 11:55 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

ORDER AMENDING ENFORCEMENT SECTIONS OF CERTAIN REVISED PRICE SCHEDULES

A statement of the considerations involved in the issuance of this Order has been prepared and is issued simultaneously herewith.[1]

[1] The statement of considerations has been filed with the Division of the Federal Register.

Under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, including section 201 (d) thereof, it is hereby ordered that the respective enforcement sections of Revised Price Schedules, listed in paragraph (b), are amended to read as follows:

(a) *Enforcement.* (1) Persons violating any provision of this Revised Price Schedule No. ------ are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(2) Persons who have evidence of any violation of this Revised Price Schedule No. ------ or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

(b) The applicable section number and schedule number is to be inserted for each Revised Price Schedule as follows: the section number should precede the headnote of the section and the schedule number should appear in the text at the spaces indicated. The respective section number and schedule number are as follows:

Sec.	Revised Price Schedule No.	Sec.	Revised Price Schedule No.
1301.5	1	1330.57	55
1302.6	2	1315.57	56
1303.6	3	1352.9	57
1304.10	4	1354.6	58
1306.6	6	1353.7	59
1307.7	7	1334.57	60
1308.6	8	1314.57	61
1314.8	9	1358.6	62
1316.9	11	1315.106	63
1309.15	12	1356.9	64
1312.5	13	1315.1206	66
1309.56	15	1335.506	68
1334.4	16	1355.5	69
1333.6	17	1355.60	70
1339.7	18	1357.5	71
1312.30	19	1340.105	72
1309.65	20	1363.6	73
1335.56	21	1363.56	74
1340.25	22	1362.6	75
1337.18	23	1335.705	76
1342.6	24	1345.56	77
1312.55	26	1335.553	78
1335.155	28	1335.605	79
1345.5	29	1335.655	80
1347.6	30	1303.55	81
1335.206	31	1336.58	83
1347.57	32	1336.107	84
1307.56	33	1360.57	85
1335.256	34	1380.7	86
1316.57	35	1315.1256	87
1335.306	36	1340.155	88
1335.356	37	1316.107	89
1335.406	38	1401.55	90
1325.57	39	1351.258	91
1346.5	40	1351.306	92
1306.107	41	1348.5	93
1335.456	42	1312.255	94
1306.206	43	1401.6	95
1312.155	44	1330.106	96
1346.55	45	1312.305	97
1306.256	46	1335.755	98
1347.106	47	1335.805	99
1306.155	49	1306.305	100
1351.5	50	1335.855	101
1351.58	51	1330.56	102
1351.108	52	1335.955	103
1351.155	53	1335.905	104
1312.205	54	1406.5	105

(Pub. Law 421, 77th Cong., 2nd Sess.)

This Order shall become effective March 16th, 1942. Issued this 16th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2301; Filed, March 16, 1942; 4:59 p. m.]

PART 1334—SUGAR

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 16 [1]—RAW CANE SUGARS

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[2]

Two new sections, §§ 1334.8a and 1334.13, are added as set forth below:

§ 1334.13 *Temporary exception for raw cane sugars from foreign countries other than Cuba.* (a) There shall be excepted from the provisions of § 1334.9 (a) (1) and (a) (2) of Revised Price Schedule No. 16 raw cane sugars from foreign countries other than Cuba: *Provided*, such sugars:

(1) Are delivered to United States Atlantic ports north of Cape Hatteras;

(2) Are purchased by a refiner or by any person for resale to a refiner for Lend-Lease purposes at prices not in excess of the maximum prices established therefor by this § 1334.13;

(3) When refined, or an equivalent amount of refined sugar, raw value, are offered to the Federal Surplus Commodities Corporation for Lend-Lease purposes or are used to fulfill such an offer previously accepted by the Federal Surplus Commodities Corporation for Lend-Lease purposes.

(b) The maximum prices per pound for such raw cane sugars from foreign countries other than Cuba of 96 degrees polarization cost and freight basis, not including duty, shall be as follows (duty and excise tax shall be for refiner's account):

(1) United States Atlantic ports north of Cape Hatteras to and including New York, 2.8025 cents.

(2) United States Atlantic ports north of New York, 2.8225 cents. (Pub. Law 421, 77th Cong. 2d Sess.)

§ 1334.8a *Effective dates of amendments.* (a) Amendment No. 1 (1334.13) to Revised Price Schedule No. 16 shall become effective on March 17, 1942 and shall, unless earlier revoked or extended, expire at twelve o'clock midnight June 20, 1942. (Pub. Law 421, 77th Cong. 2d Sess.)

Issued this 17th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2324; Filed, March 17, 1942; 11:40 a. m.]

[1] 7 F.R. 1239.
[2] Filed with the Division of the Federal Register.

PART 1349—ELECTRICAL GENERATION, TRANSMISSION, CONVERSION AND DISTRIBUTION APPARATUS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 82 [1]—WIRE, CABLE AND CABLE ACCESSORIES

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[2]

Sections 1349.1 (a), 1349.4, 1349.5, 1349.7 (a) (14), 1349.7 (a) (17), 1349.10 and 1349.11 are amended to read as set forth below. Two new paragraphs (h) and (i) are added to § 1349.8 and two new §§ 1349a and 1349.12, are added as set forth below:

§ 1349.1 *Maximum prices for wire, cable and cable accessories.* (a) On and after January 29, 1942, regardless of any contract, agreement, lease or other obligation, no manufacturer shall sell or deliver wire, cable or cable accessories and no person shall buy or receive from a manufacturer wire, cable or cable accessories in the course of trade or business at prices higher than the maximum prices set forth in Appendices A, B and C hereof, incorporated herein as §§ 1349.10 to 1349.12, inclusive; and no manufacturer or other person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of wire, cable or cable accessories to a purchaser if prior to January 29, 1942 such wire, cable or cable accessories had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1349.4 *Records and reports.* (a) Every manufacturer of wire, cable or cable accessories making any sale after January 29, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing (1) the date thereof, (2) the name and address of the buyer, (3) the price on the date of sale, (4) the net price received, and (5) the quantity and description of the wire, cable or cable accessories sold.

(b) Every person rolling bars into rods or drawing wire therefrom, after January 29, 1942, for a manufacturer of wire, cable or cable accessories, where bars or rods are furnished by such manufacturer shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such transaction, showing (1) the date thereof, (2) the name and address of the manufacturer for whom the operation was performed, (3) the net charge, and (4) description of the size, quality and quantity of wire drawn or bars rolled.

(c) On or before February 20, 1942, every manufacturer of wire, cable or cable accessories shall file with the Office of Price Administration, Washington, D. C., if it has not already done so, price lists and discount sheets setting forth prices and all extra charges, discounts and allowances applicable on October 15, 1941 to wire, cable and cable accessories offered for sale by such manufacturer. Every such manufacturer shall file with the Office of Price Administration, Washington, D. C., any price lists or discount sheets issued subsequent to October 15, 1941, immediately after issuance.

(d) On or before April 6, 1942 every manufacturer of wire, cable or cable accessories shall file with the Office of Price Administration, Washington, D. C., a statement of each standard estimating procedure in use on October 15, 1941, together with a general list of the products for which each such standard estimating procedure is used and an illustrative computation under each.

(e) Manufacturers wishing to establish price sheets for wire, cable or cable accessories developed subsequent to October 15, 1941, or sold on or before October 15, 1941, without listing in price sheets shall submit to the Office of Price Administration, Washington, D. C., not less than ten days before the proposed date of issuance of such price sheets, a report on such wire, cable or cable accessories. Such report shall contain copies of the price sheets proposed to be issued, a description of the products covered, price and cost estimate sheets, and any other material relevant to the determination of prices listed in such price sheets.

(f) Manufacturers wishing to use a new standard estimating procedure not in use on or before March 17, 1942, shall submit a report to the Office of Price Administration, Washington, D. C., not less than ten days before the proposed use of such new standard estimating procedure. Such report shall contain a statement of such proposed standard estimating procedure, a general list of the products for which it is to be used, an illustrative computation thereunder, a statement of the reasons for its adoption, and any other material relevant to the selection of such new standard estimating procedure. Manufacturers using standard estimating procedures prior to March 17, 1942, but not on or before October 15, 1941, shall submit a report to the Office of Price Administration, Washington, D. C., on or before April 6, 1942. Such report shall contain the information hereinbefore required in connection with new standard estimating procedures.

(g) If the maximum prices for wire, cable or cable accessories are to be determined in accordance with the provisions of Appendix C hereof, incorporated herein as § 1349.12, the manufacturer shall submit to the Office of Price Administration, Washington, D. C., the specifications of such wire, cable or cable accessories, the proposed price, price and cost estimate sheets, the proposed billing date, a statement that no standard estimating procedure is applicable and the reasons therefor, and a statement, where applicable, of differentials in the cost of material used in substitution for materials no longer available, all certified by an authorized

[1] 7 F.R. 1358.
[2] The statement of considerations has been filed with the Division of the Federal Register.

agent having knowledge of the facts. Such information shall be submitted by mail postmarked not less than twenty days before the proposed date of billing of such wire, cable or cable accessories, and such price shall be deemed approved unless an objection is received from the Office of Price Administration before such proposed billing date.

(h) Persons affected by Revised Price Schedule No. 82 shall submit such other reports, including periodic profit and loss statements and balance sheets, to the Office of Price Administration, as it may from time to time require, either in addition to or in substitution for the reports herein provided for.

§ 1349.5 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule, No. 82 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Price Schedule No. 82 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1349.7 *Products subject to Revised Price Schedule No. 82.* The term: (a) "wire, cable and cable accessories" means:

* * * * *

Any copper, copperclad or copper alloy wire or assembly or wires used for conducting electricity, including the following types:

* * * * *

(14) *Special purpose communication, control or signal wire and cable* which shall include single or multiple conductors, rubber, cotton or synthetic insulated whether or not saturated with a weather resistant compound and with or without a fibrous or metallic protective covering.

* * * * *

(17) *Flexible cord and cord sets—Flexible cords* which shall include single and multiple conductor wires consisting of flexible stranded bare wire, insulated with impregnated cotton, impregnated asbestos, rubber compounds or synthetics and finished with fibrous coverings, rubber or synthetic jackets suitable for use in the wiring of electric fixtures and as power supply for portable electrical appliances. *Cord sets* which shall include any item or assembly of items of flexible cords cut to specified length or cut and equipped with soldered ends, eyelets, plugs, switches, or other similar appurtenances for use with electrical appliances or other electrical apparatus. Specifically included are battery cables and wiring harnesses such as used in automobiles, tanks or airplanes.

§ 1349.8 *Definitions.* When used in Revised Price Schedule No. 82 the term:

* * * * *

(h) "Standard estimating procedure" means any general method or formula used by a manufacturer for determining prices of wire, cable or cable accessories not listed in price sheets which utilizes the manufacturer's knowledge and experience in the manufacture of the same or similar products.

(i) "Developmental contract" or "developmental subcontract" means any contract or arrangement whereby a manufacturer agrees to produce one or more samples of wire, cable or cable accessories pending the selection of a product or the accumulation of sufficient manufacturing experience to permit the setting of a price for such product, or both, but shall not include an order for production of such product in quantity at a fixed price.

§ 1349.10 *Appendix A: Maximum prices for wire, cable and cable accessories listed in price sheets.* (a) For all types of wire, cable and cable accessories listed in § 1349.7 hereof, except solid copper Weatherproof Wire, the prices of which can be determined from prices listed or methods of computation provided in price sheets in effect on October 15, 1941, maximum prices shall be the net prices of the manufacturer thereof on October 15, 1941. Maximum prices for any such wire, cable or cable accesosries containing lead shall be the prices provided in the preceding sentence plus an amount equal to the number of pounds of lead contained on any such wire, cable or cable accesories multiplied by $0.00325.

(b) Maximum prices for solid copper Weatherproof Wire shall be computed in applying the terms and conditions contained in each manufacturer's price list in effect on October 15, 1941, to a base price of 17.5 cents per pound for solid soft drawn, weatherproof copper wire and cable, shipped in less than carload lots.

(c) Price sheets may be established for wire, cable or cable accessories developed subsequent to October 15, 1941, or sold on or before October 15, 1941, without listing in price sheets. Maximum prices for such wire, cable and cable accessories shall be the prices listed in such new price sheets after such sheets have been submitted to and approved in writing by the Office of Price Administration pursuant to § 1349.4 (e).

§ 1349.11 *Appendix B: Maximum prices for wire, cable and cable accessories priced in accordance with standard estimating procedures.* For all wire, cable and cable accessories not covered by Appendix A, incorporated herein as § 1349.10:

(a) for which a standard estimating procedure or formula was in effect on or before October 15, 1941, maximum prices shall be the net prices the manufacturer thereof would have charged on October 15, 1941, if such prices had been calculated upon labor and materials costs existing on such date and by the use of such standard estimating procedure or formula.

(b) for which a standard estimating procedure was not in effect on or before October 15, 1941, but for which a standard estimating procedure has been submitted to and approved in writing by the Office of Price Administration pursuant to § 1349.4 (f), maximum prices shall be the net prices calculated by the use of such estimating procedure.

Maximum prices for any such wire, cable or cable accessories containing lead shall be the prices provided above plus an amount equal to the number of pounds of lead contained on any such wire, cable or cable accessories multiplied by $0.00325.

§ 1349.12 *Appendix C: Maximum prices for wire, cable and cable accessories not covered by §§ 1349.10 or 1349.11. Appendices A or B.* For all wire, cable and cable accessories not covered by Appendices A or B, incorporated herein as §§ 1349.10 and 1349.11, maximum prices shall be the prices the manufacturer thereof would have charged on October 15, 1941, employing experience acquired by him subsequent to such date in manufacturing the same or similar products, and adjusted to reflect differentials in the cost of materials used in substitution for materials no longer available. Such prices shall not become effective until submitted to and approved by the Office of Price Administration pursuant to § 1349.4 (g): *Provided*, That nothing in Revised Price Schedule No. 82 shall be construed as setting maximum prices for any wire, cable or cable accessories manufactured pursuant to a developmental contract with any agency of the United States or pursuant to a developmental subcontract authorized by an agency of the United States.

§ 1349.9a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1349.1 (a), 1349.4, 1349.5, 1349.7 (a) (14), 1349.7 (a) (17), 1349.8 (h), 1349.8 (i), 1349.9a, 1349.10, 1349.11, 1349.12) to Revised Price Schedule No. 82 shall become effective March 17, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 16th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2325; Filed, March 17, 1942; 11:40 a. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 85 [1]—NEW PASSENGER AUTOMOBILES

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.[2]

§ 1360.51 (b) is amended to read as follows:

§ 1360.51 *Maximum wholesale price for new passenger automobiles.*

* * * * *

(b) In the event that the automobile is without equipment which was standard on October 15, 1941, the maximum prices shall be reduced by the wholesale value of the equipment removed. This provision shall not apply to the Ford Motor Company.

* * * * *

§ 1360.60a *Effective dates of amendments.*

* * * * *

(b) Amendment No. 2 (§ 1360.51 (b), 1360.60a (b)) to Revised Price Schedule No. 85 shall be effective as of February 2, 1942.

(Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 16th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2296; Filed, March 16, 1942; 4:58 p. m.]

[1] 7 F.R. 1364, 1675.

[2] The statement of considerations has been filed with the Division of the Federal Register.

TITLE 35—PANAMA CANAL

CHAPTER I—CANAL ZONE REGULATIONS

PART 28—PHOTOGRAPHING

By virtue of and pursuant to the authority vested in me by section 15 of title 2 of the Canal Zone Code, as added by the Act of Congress of December 12, 1941 (Pub. No. 836—77th Congress), and having, in the interests of the protection of the Panama Canal and Canal Zone, determined that the parts or features of the Panama Canal and the areas, objects, installations, or structures within the Canal Zone, which are hereinafter described or enumerated, require protection against the general dissemination of information relative thereto, I hereby prescribe the following regulations, effective March 10, 1942:

Sec.

28.1 Areas, objects, or structures, photographing, etc., of which is prohibited.
28.2 Areas within which photographing, etc., is prohibited.
28.3 Areas within which possession of cameras is prohibited.
28.4 Exception as to certain areas and personnel.
28.5 Exception as to activities in course of official duties.
28.6 Punishment for violations.

§ 28.1 *Areas, objects, or structures, photographing, etc., of which is prohibited.* No person shall make any photograph, sketch, drawing, map, or graphical representation of any of the following areas, objects, installations, or structures within the Canal Zone, without first obtaining the permission of the Governor of The Panama Canal, and promptly submitting the product obtained to the Governor for such action as he may deem necessary:

(a) Bridges, highway or railroad; underpasses; trestles; or approaches thereto.

(b) Any Canal Zone area from the air or from Panama Railroad coaches, cars, or other rolling equipment.

(c) Coaling plants or appurtenant docks, cranes, structures or installations.

(d) Cold storage plants; food storage or processing plants.

(e) Camps, concentration or detention, or quarantine stations.

(f) Cranes, floating, stiff-leg or locomotive.

(g) Dams or appurtenant spillways, structures or installations.

(h) Docks, piers, wharves, quays, or appurtenant structures or installations.

(i) Dredges.

(j) Dry docks, or appurtenant structures or installations.

(k) Explosives, magazines or dumps.

(l) Ferries, ferry ramps, slips or landward approaches.

(m) Gravel plants or appurtenant structures or installations.

(n) Locks, completed or under construction, or appurtenant control houses, gates, dams, walls, excavations, structures, installations or areas.

(o) Oil, fuel, or gasoline storage tanks or appurtenant pipe lines, pumping plants, farms, areas, structures or installations.

(p) Power plants, hydro-electric, Diesel-electric or steam-electric or appurtenant structures, installations or areas.

(q) Quarries, or appurtenant structures, installations, areas, crushers or hoppers.

(r) Railroad terminals, yards, or locomotives.

(s) Ships, vessels, or any floating craft of any nature.

(t) Shops, of Mechanical Division, Dredging Division, Municipal Engineering Division, Motor Transportation Division, or appurtenant structures, installations or areas.

(u) Storehouses, storage yards, supply dumps, or warehouses.

(v) Signal stations, or appurtenant structures, or installations.

(w) Electrical substations, transformers, switching stations, or appurtenant structures, installations, indoor or outdoor.

(x) Tunnels.

(y) Water tanks, reservoirs, filter plants, pumping plants, intakes, pipe lines, or appurtenant installations, structures.

(z) Military or Naval reservations, posts, camps, stations, depots, forts, fortifications, storehouses, fuel oil tanks, air bases, air fields, landing fields, antiaircraft or searchlight positions, fire control or aircraft warning positions, radio stations, radio direction finder stations, ammunition storage depots, dumps, magazines, section bases, submarine bases, roads or trails, or any other places occupied by military or naval forces, whether temporarily or otherwise, or any appurtenant structures, installations or equipment, or any area adjacent to any of the above.

(aa) Any object, installation, structure, material or equipment of any branch of the military or naval services which is the property of, or is being used by the U. S. Army or U. S. Navy, wheresoever located and whether serviceable or unserviceable; any aircraft, airplane or seaplane, whether in flight, on the ground, on the water, or at anchorage; any areas, objects or structures damaged or destroyed as a result of military, naval, or air action by enemy or friendly troops; any camouflage, artificial or natural, wherever located; any movements of troops or equipment, whether by air, land, or water, or whether in combat or otherwise.

(bb) Any extensive area within the Canal Zone which shows the topography of such area.

(cc) Any port, port area, anchorage basin, canal channel, approach to the canal channel, mine field, beach or shoreline.

(dd) Any area, object, structure or installation that is posted by authority of the Governor with signs prohibiting the photographing thereof.

(ee) Any airraid shelter or other shelter for the protection of military or naval personnel or material in case of attack.*

*§§ 28.1 to 28.6, inclusive, issued under the authority contained in sec. 15, Canal Zone Code, Pub. Law 336, 77th Cong.

§ 28.2 *Areas within which photographing, etc., is prohibited.* No person shall make any photograph, sketch, drawing, map or graphical representation within or upon any of the following areas, objects, installations, or structures in the Canal Zone, without first obtaining the permission of the Governor of The Panama Canal, and promptly submitting the product obtained to the Governor for such action as he may deem necessary:

(a) On board any ship, vessel or other floating craft of any nature in Canal Zone waters.

(b) The airspace above the Canal Zone.

(c) Dam and spillway areas.

(d) Oil storage areas.

(e) Shop areas of Mechanical Division, Dredging Division, Municipal Engineering Division, Motor Transportation Division.

(f) Lock areas for existing locks and for those locks under construction.

(g) Docks and pier areas.

(h) Any area containing any object, structure, or installation included in § 28.1 of the regulations in this part that is enclosed by a fence; or any area posted by authority of the Governor with signs prohibiting photographing therein.

(i) Any military or naval reservation, post, camp, station, depot, fort, fortification, air base, air field, landing field, antiaircraft or searchlight position, fire control or aircraft warning position, radio station, radio direction finder station, ammunition storage depot, dump, magazine, section base, submarine base, railroad track or right of way, or any other area exclusively assigned or used for military or naval operations.

(j) Any waters, port areas, anchorage basin, canal channel, approach to the canal channel, or mine field of or in the Panama Canal.

(k) On board any train, coach, car or other rolling equipment of the Panama Railroad Company.*

§ 28.3 *Areas within which possession of cameras is prohibited.* No person shall have any camera in his possession within any of the following areas in the Canal Zone, without first obtaining the permission of the Governor of The Panama Canal:

(a) (1) On board any vessel in transit through the Panama Canal. (See paragraph (b) of this section.)

(2) The airspace above the Canal Zone. (See paragraph (c) of this section.)

(3) Any dam or spillway area.

(4) Oil storage areas.

(5) Shop areas of the Mechanical Division and Dredging Division.

(6) Locks areas for existing locks and for those under construction.

(7) Dock areas at Cristobal and Balboa, except on those piers and docks used for passenger embarcation and when camera is being carried by or for a bona fide passenger in actual transit to or from his ship at such dock or pier.

(8) Any military or naval reservation, post, camp, station, depot, fort, fortification, air base, air field, landing field, anti-aircraft or searchlight position, fire control or aircraft warning position, gun emplacement, battery, defense work or position, signal tower or station, military fortification, radio station, radio direction finder station, ammunition storage depot, dump, magazine, section base, submarine base, any other area exclusively assigned or used for military or naval operations, or any of the islands at the Pacific entrance to the Canal.

(b) Referring to subparagraph (1) of this paragraph, all persons on board any vessel destined for transit through the Panama Canal shall, prior to the beginning of such transit, or, if embarking in the Canal Zone, immediately upon embarcation, deliver to the master of the vessel any and all cameras in the possession of such persons; such cameras to be, as required by Executive Order No. 8332, March 25, 1940, 5 F.R. 1185, retained by the master in his possession, in a secure and inaccessible place, until the disembarcation of the original possessors thereof or until the transit is completed, and this item shall not apply to possession and keeping of cameras by masters of vessels as herein provided.

(c) Referring to subparagraph (2) of this paragraph, all persons on board any aircraft destined for navigation into, within, or through the airspace above the Canal Zone shall, before the aircraft takes off from the last point of landing prior to entry into the airspace above the Canal Zone, deliver to the commander or person in responsible charge of the aircraft any and all cameras in the possession of such persons; such cameras to be, as required by Executive Order No. 8251, September 12, 1939, 35 CFR 5.18a to 5.18i, sealed prior to taking off from the last point of landing prior to entry into the airspace above the Canal Zone and to remain under seal while within the said airspace, and this item shall not apply to possession and keeping of such cameras by the commander or person in responsible charge of such aircraft.*

§ 28.4 *Exception as to certain areas and personnel.* None of the provisions of these regulations shall be construed to prohibit:

(a) The possession of cameras in any area by army, navy, or civilian personnel on duty at or employed in such area and habitually residing therein, or by the bona fide guests of any of the foregoing; or

(b) The commanding officer or person in charge of areas where the possession of cameras is generally prohibited, or their representatives, from temporarily receiving for deposit and safeguarding cameras of any person living on or visiting such areas; or

(c) The taking of photographs of or within military or naval reservations, or other areas exclusively assigned or used for military or naval operations by persons lawfully in possession of cameras within such areas under the provisions of these regulations: *Provided*, That such photographs do not include any military or naval equipment or installations, or any structures, supplies, troops, camouflage, or other thing of military value or any extensive area within such areas: *And provided further*, That the product obtained shall be submitted promptly to the Governor or to the Commanding Officer of the military or naval reservation or other area upon which it was taken or where the taker resides if he is in the military or naval service or employed by either service, for such action as may be deemed necessary.*

§ 28.5 *Exception as to activities in course of official duties.* None of the provisions of these regulations shall apply to activities of the kind covered by these regulations which are conducted or performed by persons in the service or employ of the United States in the course of their official duties or which may be specifically authorized by or under the direction of the Commanding General, Panama Canal Department, or other competent military or naval authority to be conducted or performed.*

§ 28.6 *Punishment for violations.* Any person who shall violate any of the regulations established hereby shall be punishable, as provided in section 15 of title 2, Canal Zone Code, as added as aforesaid, by a fine of not more than $1,000, or by imprisonment in jail for not more than one year, or by both.*

J. C. MEHAFFEY,
Acting Governor.

[F. R. Doc. 42-2300; Filed, March 17, 1942; 9:53 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-227]

IN THE MATTER OF ALBERT M. BOEHMAN AND JOSEPH J. BOEHMAN, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF BOEHMAN BROTHERS, CODE MEMBER DEFENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated March 2, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on March 4, 1942, by Bituminous Coal Producers Board for District No. 11, a district board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 22, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Superior Court Room, Knox Circuit Court, Vincennes, Indiana.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Bituminous Coal Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered, shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendant of the Bituminous Coal Code or rules and regulations thereunder as follows:

That the said defendants, whose addresses are Ferdinand, Indiana, and whose code membership became effective as of September 16, 1939, wilfully violated

(a) Section 4 II (e) of the Act and Part II (e) of the Code

1. By selling to Cecil Elliot, French Lick, Indiana, during the period October 1, 1940 to August 18, 1941, both dates inclusive, approximately 500 tons of 1¼" lump coal (Size Group No. 6) produced at their Boehman No. 2 Mine, Mine Index No. 592, located in Spencer County, Indiana, in District No. 11, at a price of $2.00 per ton f. o. b. the mine, and approximately 50 tons of 1¼" x 0 screenings (Size Group No. 14) produced at said mine, at prices ranging from 45 cents to 50 cents per ton f. o. b. the mine, whereas the effective minimum prices for such coal was $2.20 per net ton f. o. b. the mine for the 1¼" lump coal (Size Group No. 6) and $1.40 per net ton f. o. b. the mine for the 1¼" screenings (Size Group No. 14), as set forth in the Schedule of Effective Minimum Prices for District No. 11, for Truck Shipments.

2. By selling to Edward Brockman, 158 Mill Street, Jasper, Indiana, during the period October 1, 1940 to August 31, 1941, both dates inclusive, approximately 1400 tons of 1¼" lump coal (Size Group No. 6) produced at said mine at prices ranging from $1.75 to $2.00 per ton f. o. b. the mine, whereas, the effective minimum price was $2.20 per net ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments.

(b) Sections 4 II (e) and 4 II (i) 6 of the Act, Part II (e) and II (i) 6 of the Code, and Rule 6 of Section XIII of the Marketing Rules and Regulations, by gratuitously giving to Cecil Elliot, French Lick, Indiana, approximately 20 tons of 1¼" x 0 screenings (Size Group No. 14), whereas such transaction constituted an allowance not extended to all purchasers under like terms, conditions or circumstances.

(c) Orders No. 296 dated September 23, 1940, No. 307 dated December 11, 1940 and No. 312 dated February 24, 1941, of the Division, during the period October 1, 1940 to August 18, 1941, both dates inclusive, by failing to file and maintain tickets, sales slips, invoices, memoranda and records and data.

(d) Order No. 310 dated December 16, 1940, of the Division, by failing to file reports covering production and mine operations of their said Boehman No. 2 Mine, Mine Index No. 592, for the calendar year 1940.

Notice is also hereby given that if it shall be determined that the code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the code member in the Code or directing the code member to cease and desist from violating the Code and regulations made thereunder.

Dated: March 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2312; Filed, March 17, 1942; 10:46 a. m.]

[Docket No. A-1298 Part II]

PETITION OF DISTRICT BOARD NO. 9 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NO. 266 AND FOR A CHANGE IN SHIPPING POINT FOR THE COALS OF MINE INDEX NO. 984, IN DISTRICT NO. 9, FOR ALL SHIPMENTS EXCEPT TRUCK, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER POSTPONING HEARING

The original petitioner having moved that the hearing in the above-entitled matter, heretofore scheduled for March 18, 1942, be postponed, and having shown good cause why said motion should be granted;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from March 18, 1942, until 10 o'clock in the forenoon of March 31, 1942, at the place and before the officers heretofore designated.

Dated: March 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2313; Filed, March 17, 1942; 10:46 a. m.]

[General Docket No. 12]

IN THE MATTER OF PRESCRIBING DUE AND REASONABLE MAXIMUM DISCOUNTS OF PRICE ALLOWANCES BY CODE MEMBERS TO "DISTRIBUTORS" UNDER SECTION 4, PART II (h) OF THE BITUMINOUS COAL ACT OF 1937, AND ESTABLISHING RULES AND REGULATIONS FOR THE MAINTENANCE AND OBSERVANCE BY DISTRIBUTORS IN THE RESALE OF COAL, OF THE PRICES AND MARKETING RULES AND REGULATIONS PROVIDED BY SECTION 4 OF THE ACT; AND IN RE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 10, FOR ORDER MODIFYING SCHEDULE OF MAXIMUM DISCOUNTS THAT MAY BE ALLOWED TO REGISTERED DISTRIBUTORS ON COAL OF DISTRICT NO. 10 MINES RESOLD TO THE WABASH RAILWAY COMPANY

ORDER APPROVING AND ADOPTING PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND DENYING RELIEF

A petition, pursuant to the reservation by the Division of jurisdiction in the Order dated June 19, 1940, in General Docket No. 12, to entertain proceedings to modify and of the determinations made therein, having been filed with the Bituminous Coal Division by District Board 10, requesting that General Docket No. 12 be reopened, and requesting that the rules and regulations prescribing the maximum discount per net ton that may be made to registered distributors from established minimum prices on coal which they purchase for resale and resell in not less than cargo or railroad carload lots to the Wabash Railway Company be modified and that such maximum discount be established at 5 cents per net ton for all sizes, whether shipped from on-line or off-line mines; or in the alternative, that such maximum discount be made uniform without regard to whether the coal is shipped from on-line or off-line mines;

Pursuant to Orders of the Director, and after notice to all interested persons, a hearing having been held in this matter on August 26, 1941, before W. A. Shipman, a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The Examiner, W. A. Shipman, having made and filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated January 27, 1942, recommending that the relief prayed for by District Board 10 in this matter be denied;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions and supporting briefs having been filed;

The undersigned having determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and they hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That relief prayed for by District Board 10 in this proceeding be, and the same hereby is, denied.

Dated: March 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2314; Filed, March 17, 1942; 10:46 a. m.]

[Docket No. A-1269]

PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4

[Docket No. A-1269 Part II]

PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CHILCOTE'S MINE, MINE INDEX NO. 960, OF CHILCOTE COAL CO., LEE MINE, MINE INDEX NO. 2757, OF C. M. FARNSWORTH, RADFORD COAL CO. MINE, MINE INDEX NO. 1307, OF RADFORD BROTHERS, D. A. THOMAS MINE, MINE INDEX NO. 1317, OF D. A. THOMAS, FAIRVIEW MINE, MINE INDEX NO. 1902, OF J. E. WITCHEY (FAIRVIEW COAL CO.), CENTERTOWN COAL CO. MINE, MINE INDEX NO. 1932, OF CENTERTOWN COAL CO., TRACY MINE, MINE INDEX NO. 1318, OF JAMES E. TRACY, VITKO BROS. MINE, MINE INDEX NO. 2998, OF THE T. C. HUTSON COAL COMPANY AND BELLAIRE NO. 2 MINE, MINE INDEX NO. 177, OF THE BELLAIRE COAL CO., KEYSTONE NO. 1 MINE OF LAWRENCE WILLIAMS (KEY-

STONE COAL CO.), AND DARWIN COAL CO. MINE OF PAUL STRAWSER, (DARWIN COAL CO.) IN DISTRICT NO. 4

MEMORANDUM OPINION AND ORDER SEVERING DOCKET NO. A–1269 PART II FROM DOCKET NO. A–1269, ORDER GRANTING IN PART TEMPORARY RELIEF IN DOCKET NO. A–1269 PART II, AND NOTICE OF AND ORDER FOR HEARING IN DOCKET NO. A–1269 PART II

The original petition in the above-entitled matter, which was filed with this Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requested the issuance of orders establishing temporary and permanent price classifications and minimum prices for the coals of certain mines in District No. 4.

As was found in an Order issued today in Docket No. A–1269, a reasonable showing of necessity has been made for the granting of the relief prayed for by the petitioner, except as to the coals of Chilcote's Mine, Mine Index No. 960, of Chilcote Coal Co., Lee Mine, Mine Index No. 2757, of C. M. Farnsworth, Radford Coal Co. Mine, Mine Index No. 1307, of Radford Brothers, D. A. Thomas Mine, Mine Index No. 1317, of D. A. Thomas, Fairview Mine, Mine Index No. 1902, of J. E. Witchey (Fairview Coal Co.), Centertown Coal Co. Mine, Mine Index No. 1932, of Centertown Coal Co., Tracy Mine, Mine Index No. 1318, of James E. Tracy, Vitko Bros. Mine, Mine Index No. 2998, of T. C. Hutson Coal Company, and Bellaire No. 2 Mine, Mine Index No. 177, of the Bellaire Coal Co., for all shipments except truck, and Keystone No. 1 Mine of Lawrence Williams (Keystone Coal Co.), and Darwin Coal Co. Mine of Paul Strawser (Darwin Coal Co.) for all shipments except truck and truck shipments. With respect to the establishment of permanent price classifications and minimum prices for the above-mentioned coals, it appears that a hearing should be held.

The petition proposes that price classifications and minimum prices be made effective from two shipping points for the coals of Mine Index Nos. 960, 2757, 1307, 1317, and 1902 for all shipments except truck. While it appears that an adequate showing of necessity has been made for the granting of temporary relief, establishing temporary price classifications and minimum prices for the coals of the above-named mines for all shipments except truck from one shipping point, it appears that the original petitioner has not set forth sufficient facts to warrant making such price classifications and minimum prices effective from additional shipping points for the coals of these mines for all shipments except truck, without a hearing. The shipping points hereinafter temporarily assigned to the coals of such mines for all shipments except truck are those which appear to be the nearer to such mines and appropriate, therefore, for the granting of temporary relief.

The petition also proposes the establishment of price classifications and minimum prices for the coals of Mine Index Nos. 1932 and 1318 for rail shipments from Eastern, Ohio, on the New York Central Railroad and from White Rock (Cars Run), Ohio, on the Chesapeake and Ohio Railroad, respectively. From the records of the Division it does not appear that there are such rail shipping points in Ohio, and consequently, that no coal freight rates have been established for shipments therefrom. It does not appear that the original petitioner has set forth sufficient facts to warrant the establishment of the requested price classifications and minimum prices for the coals of the said mines for rail shipments from the above-mentioned points, without a hearing.

The petition also proposes that the price classifications and minimum prices effective for the coals of the Bellaire No. 2 Mine, Mine Index No. 177, of the Bellaire Coal Co., for rail shipments from Cadiz, Ohio, on the Pennsylvania Railroad, also be made effective for such shipments from Jewett, Ohio, on the Wheeling and Lake Erie Railroad. It appears that the original petitioner has not set forth sufficient facts to warrant the establishment of the requested prices for the coals of the said mine, without a hearing.

The petition also proposes the establishment of price classifications and minimum prices for the coals of Mine Index No. 2998 for all shipments except truck from Lowellville, Ohio, on the Baltimore & Ohio Railroad. From the records in this Division it appears that no coal freight rates have been established for shipments from Lowellville, via any railroad, that Lowellville, Ohio, is located at a very considerable distance from the said mine, and that the original petitioner has not set forth sufficient facts to warrant making the proposed price classifications and minimum prices effective from Lowellville, Ohio, on the Baltimore & Ohio Railroad, without a hearing.

Finally, the petition also proposes the establishment of price classifications and minimum prices for the coals of the Keystone No. 1 Mine of Lawrence Williams (Keystone Coal Co.) and Darwin Coal Co. Mine of Paul Strawser (Darwin Coal Co.), produced in each instance from both a deep and a strip mine. The price classifications and minimum prices proposed are, however, similar, in some instances, to those heretofore established for District No. 4 deep mine coals and, in other instances, similar to those heretofore established for District No. 4 strip mine coals, but the petition does not allege any facts in support of the proposal to establish the same price classifications and minimum prices for both the deep and strip mine coals which are produced by each code member. It appears, therefore, that no relief should be granted as to such coals without a hearing.

Now, therefore, it is ordered, That the portion of Docket No. A–1269 relating to the coals of Chilcote's Mine, Mine Index No. 960, of Chilcote Coal Co., Lee Mine, Mine Index No. 2757, of C. M. Farnsworth, Radford Coal Co. Mine, Mine Index No. 1307, of Radford Brothers, D. A. Thomas Mine, Mine Index No. 1317, of D. A. Thomas, Fairview Mine, Mine Index No. 1902, of J. E. Witchey (Fairview Coal Co.), Centertown Coal Co. Mine, Mine Index No. 1932, of Centertown Coal Co., Tracy Mine, Mine Index No. 1318, of James E. Tracy, Vitko Bros. Mine, Mine Index No. 2998 of T. C. Hutson Coal Company, Bellaire No. 2 Mine, Mine Index No. 177, of the Bellaire Coal Co., Keystone No. 1 Mine of Lawrence Williams, and Darwin Coal Co. Mine of Paul Strawser (Darwin Coal Co.) be, and it hereby is, severed from the remainder of Docket No. A–1269 and designated as Docket No. A–1269 Part II.

It is further ordered, That a hearing in Docket No. A–1269 Part II under the applicable provisions of said Act and the rules of the Division be held on April 10, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Division proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before April 3, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 4 for the establishment of price classifications and minimum prices for the coals of Chilcote's mine, Mine Index No. 960, of Chilcote Coal Co., Lee Mine, Mine Index No. 2757, of C. M. Farnsworth, Radford Coal Co. Mine, Mine Index No. 1307, of Radford Brothers, D. A. Thomas Mine, Mine Index No. 1317, of D. A. Thomas, Fairview Mine, Mine Index No. 1902, of J. E. Witchey (Fairview Coal Co.), Centertown Coal Co. Mine, Mine Index No. 1932, of Centertown Coal Co., Tracy Mine, Mine Index No. 1318, of James E. Tracy, Vitko Bros. Mine, Mine Index No. 2998 of T. C. Hutson Coal Company, Bellaire No. 2 Mine, Mine Index No. 177, of the Bellaire Coal Co., Keystone No. 1 Mine of Lawrence Williams, and Darwin Coal Co. Mine of Paul Strawser (Darwin Coal Co.) be, and it hereby is, severed from the remainder of Docket No. A–1269 and designated as Docket No. A–1269 Part II.

It is further ordered, That a hearing in Docket No. A–1269 Part II under the applicable provisions of said Act and the rules of the Division be held on April 10, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Division proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division in proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before April 3, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 4 for the establishment of price classifications and minimum prices for the coals of Chilcote's mine, Mine Index No. 960, of Chilcote Coal Co., Lee Mine, Mine Index No. 2757, of C. M. Farnsworth, Radford Coal Co. Mine, Mine Index No. 1307, of Radford Brothers, D. A. Thomas Mine, Mine Index No. 1317, of D. A. Thomas, Fairview Mine, Mine Index No. 1902, of J. E. Witchey (Fairview Coal Co.), Centertown Coal Co. Mine, Mine Index No. 1932, of Centertown Coal Co., Tracy Mine, Mine Index No. 1318, of James E. Tracy, Vitko Bros. Mine, Mine Index No. 2998, of T. C. Hutson Coal Company, and Bellaire No. 2 Mine, Mine Index No. 177, of the Bellaire Coal Co. for all shipments except truck and Keystone No. 1 Mine of Lawrence Williams (Keystone Coal Co.) and the Darwin Coal Co. Mine of Paul Strawser (Darwin Coal Co.)

It is further ordered, That pending final disposition of Docket No. A–1269 Part II, temporary relief is granted as follows: Commencing forthwith, the Schedule of Effective Minimum Prices for District No. 4, For All Shipments Except Truck, is supplemented to include the price classifications and minimum prices set forth in the schedule marked "Supplement R" annexed hereto and hereby made a part hereof.[1]

Notice is hereby given that applications to stay, terminate or modify the temporary relief granted herein may be filed pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: March 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–2315; Filed, March 17, 1942; 10:47 a. m.]

[1] Not filed with the original document.

[Docket No. 1742–FD]

IN THE MATTER OF HERBERT JONES, DOING BUSINESS UNDER THE TRADE NAME OF MACON COUNTY COAL COMPANY, DEFENDANT

MEMORANDUM ORDER APPROVING AND ADOPTING, WITH MODIFICATIONS, THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATION OF THE EXAMINER, AND ORDER OF DISMISSAL

A complaint, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, was filed with the Bituminous Coal Division on June 17, 1941, by the Bituminous Coal Producers Board for District No. 15, alleging that Herbert Jones, doing business under the trade name of Macon County Coal Company, a code member in District No. 15, had wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder and praying that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder.

A hearing in this matter was held before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof, in Macon, Missouri, on October 22, 1941.

The Examiner made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter on January 20, 1942, in which it was recommended that an order be entered dismissing the complaint against the defendant.

An opportunity was afforded to all parties to file exceptions thereto and supporting briefs, but no such exceptions or supporting briefs have been filed.

The undersigned has determined after a consideration of the record that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner, as modified herein, should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

The essential facts developed in this proceeding are as follows:

The defendant, on September 28, 1940, pursuant to a bill of sale of that date, sold to the City of Macon, Missouri, 4,000 tons of 1¼" x ¼" screenings at $1.00 per ton f. o. b. his Mine No. 68. The coal at that time was stored in a field at the mine and remained there until October 1, 1940 At various times during the period from October 1, 1940, to May 20, 1941, the City of Macon removed, in trucks hired by it, 3,987.33 tons of this coal, for which it paid the defendant at the rate of $1.00 per ton. The effective minimum price for the said coal was $1.70 per ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 15, For Truck Shipments.

The Examiner found that since there was a valid sale and transfer of title to the coal on September 28, 1940, there was no violation of the Code by the defendant because minimum prices did not become effective until October 1, 1940. He also found that "No sale and delivery prior to that date can be a violation of the Act."

While I agree that there was a valid sale and transfer of title to the coal on September 28, 1940, I cannot agree that there was a delivery of the coal on that date within the meaning of the Act. Section 4 II (e) of the Bituminous Coal Act of 1937 provides, *inter alia*, as follows:

> No coal subject to the provisions of this section shall be sold or delivered or offered for sale at a price below the minimum or above the maximum therefor established by the Commission, and the sale or delivery or offer for sale of coal at a price below such minimum or above such maximum shall constitute a violation of the code: *Provided*, That the provisions of this paragraph shall not apply to a lawful and bona fide written contract entered into prior to June 16, 1933.
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> * * * * *
>
> From and after the date of approval of this Act, until prices shall have been established pursuant to subsections (a) and (b) of part II of this section, no contract for the sale of coal shall be made providing for delivery for a period longer than thirty days from the making of the contract.

"Delivery" of coal is specifically set forth as one of three separate and distinct acts which are prohibited by the terms of section 4 II (e) of the Act as violations of the Code. The delivery contemplated by the framers of the Act was clearly an actual delivery or physical removal of the coal; at least the release of control over it by the producer. This was not present here.

The inference is strong that the transaction between the defendant and the City of Macon was entered into on September 28, 1940, for the purpose of selling the coal at a price below that which would be the effective minimum price after September 30, 1940. The device used by the defendant failed to comply with the provisions of the Act, and the delivery of the coal subsequent to establishment of effective minimum prices was a violation of section 4 II (e) of the Act. Such practices, if allowed, would defeat the purposes of the Act by allowing large quantities of coal to be sold for later delivery, without regard to prices established at the time of delivery.

However, notwithstanding my conclusion that the defendant's conduct here was in violation of section 4 II (e) of the Act, I am of the opinion that the complaint should be dismissed, because the complaint (as well as the Notice of and Order for Hearing) charged the defendant with violating the Act only in connection with the "sale" of the coal to the City of Macon, although the provisions of section 4 II (e) make either the sale or "delivery" of coal at a price below the applicable minimum price a violation of the Act. While the "delivery" of the coal was subsequent to October 1, 1940, the "sale" of the coal was prior thereto, consequently the violation charged has not been sustained.

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner, as modified herein, be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned:

It is further ordered, That the complaint against the defendant herein, Herbert Jones, doing business as the Macon County Coal Company, be and the same hereby is dismissed.

Dated: March 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–2316; Filed, March 17, 1942; 10:47 a. m.]

APPLICATIONS FOR REGISTRATION AS DISTRIBUTORS

An application for registration as a distributor has been filed by each of the

following and is under consideration by the Acting Director:

Name and Address	Date application Filed
Callaway Fuel Co., 1323 N. Water St., Milwaukee, Wis.	Mar. 2, 1942
F. G. Allen, Pierre, S. Dak.	Mar. 5, 1942
Kriswal Mng. Co., Lanse, Pa.	Mar. 6, 1942
D. S. Riddle, 1301 Market St., Chattanooga, Tenn.	Mar. 4, 1942
H. M. Scott, 1924 North 61st St., Philadelphia, Pa.	Mar. 5, 1942
West Virginia Coal & Coke Corp., P. O. Box 1460, Cincinnati, Ohio	Mar. 9, 1942

Any district board, code member, distributor, the Consumers' Counsel or any other interested person, who has pertinent information concerning the eligibility of any of the above-named applicants for registration as distributors under the provisions of the Bituminous Coal Act and the Rules and Regulations for the Registration of Distributors, is invited to furnish such information to the Division on or before April 13, 1942. This information should be mailed or presented to the Bituminous Coal Division, 734 15th Street NW., Washington, D. C.

Dated: March 13, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-2317; Filed, March 17, 1942; 10:48 a. m.]

DEPARTMENT OF AGRICULTURE.

Sugar Agency of the Agricultural Conservation and Adjustment Administration.

SUGAR CROP WAGE RATES AND PRICES, VIRGIN ISLANDS

NOTICE OF HEARING AND DESIGNATION OF PRESIDING OFFICERS

Pursuant to the authority contained in subsections (b) and (d) of section 301, and section 511 of the Sugar Act of 1937 (Public, No. 414, 75th Congress), as amended, notice is hereby given that a public hearing will be held at Christiansted, St. Croix, Virgin Islands, in the Municipal Council Hall, on March 26, 1942, at 9:30 a. m.

The purpose of such hearing is to receive evidence likely to be of assistance to the Secretary of Agriculture in determining (1), pursuant to the provisions of subsection (b) of section 301 of the said act, fair and reasonable wage rates to be paid in the Virgin Islands to persons employed, in connection with the harvesting of the 1942 crop and any planting or cultivating work for subsequent crops which may be performed during the calendar year 1942, on farms with respect to which applications for payment under the act are made, and (2), pursuant to the provisions of subsection (d) of section 301 of the said act, fair and reasonable prices for the 1942 crop of sugarcane to be paid, under either purchase or toll agreements, by persons who, as producers, apply for payments under the said act; and to receive evidence likely to be of assistance to the Secretary of Agriculture in making recommendations, pursuant to the provisions of section 511 of the said act, with respect to the terms and conditions of contracts between producers and processors of sugarcane.

Such hearing, after being called to order at the time and place mentioned above, may, for convenience, be adjourned to such other place in the same city as the presiding officers may designate and may be continued from day to day within the discretion of the presiding officers.

Joshua Bernhardt, J. Bernard Frisbie, Alcides Zeno, Jose Capo Caballero, and Davis D. Slappey, are hereby designated as presiding officers to conduct, either jointly or severally, the foregoing hearing.

Done at Washington, D. C., this 16th day of March 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD, *Secretary of Agriculture.*

[F. R. Doc. 42-2326; Filed, March 17, 1942; 11:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6225]

IN RE APPLICATION OF THE MCKEESPORT BROADCASTING CO., INC.

NOTICE OF HEARING

In re application of The McKeesport Broadcasting Company, Inc. (New), dated September 23, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, McKeesport, Pa.; operating assignment specified: Frequency, 730 kc.; power, 1 kw. day; hours of operation, daytime.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine whether the proposed station would provide primary service to the metropolitan district of Pittsburgh, Pa., as contemplated by the Standards of Good Engineering Practice;

2. To determine whether the proposed construction involves the use of any critical materials;

3. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and populations.

4. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (See Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

5. To determine whether the operation of the station as proposed would be consistent with the Standards of Good Engineering Practice, particularly as to the population residing within the "blanket area" (250 mv/m contour).

6. To determine whether in view of the matters shown under all of the issues, the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

The McKeesport Broadcasting Company, Inc., c/o Paul W. Norton, 507 Locust Street, McKeesport, Pennsylvania.

Dated at Washington, D. C., March 13, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2307; Filed, March 17, 1942; 10:11 a. m.]

[Docket No. 6220]

IN RE APPLICATION OF HERMAN RADNER, DEARBORN, MICHIGAN, FOR CONSTRUCTION PERMIT

ORDER RETAINING PRESENT HEARING DATE

It is ordered, On the Commission's own motion this 12th day of March, 1942, that the notice of issues heretofore released on the application in Docket No. 6220 be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

It is further ordered, That the present hearing date on the above-entitled application, namely, April 6, 1942, be and it is hereby, retained.

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2308; Filed, March 17, 1942; 10:11 a. m.]

[Docket No. 6282]

IN THE MATTER OF INVESTIGATION OF RATES OF R. C. A. COMMUNICATIONS, INC., FOR GOVERNMENT DIRECT RADIOTELEGRAPH TRANSMISSION SERVICE

ORDER FOR INVESTIGATION

At a session of the Federal Communications Commission, held at its offices in Washington, D. C. on the 10th day of March 1942:

It appearing, that R. C. A. Communications, Inc., has filed a new Tariff, designated as F.C.C. No. 51, effective March 3, 1942, establishing rates, charges, classifications, regulations and practices for and in connection with Direct Radiotelegraph Transmisison Service available to the United States Government only; and

It further appearing, that the rates, charges, classifications, regulations and practices for and in connection with such service made available by such Tariff F. C. C. No. 51 may be unjust, unreasonable or otherwise unlawful;

It is ordered, That an investigation be, and the same is hereby, instituted into the lawfulness of rates, charges, classifications, regulations, practices and services of R. C. A. Communications, Inc. for and in connection with direct radiotelegraph transmission service, as such service is defined in its Tariff F.C.C. No. 51;

It is further ordered, That R. C. A. Communications, Inc. be, and the same is hereby, made respondent to this proceeding, and said respondent shall show cause why its rates for such direct radiotelegraph transmission service should not be reduced, and shall file its verified answer to this order on or before 15 days from the date of service of this order;

It is further ordered, That any department of the United States Government interested in direct radiotelegraph transmission service may intervene and participate in this proceeding; and that a copy of this order be served upon the Department of Justice; and

It is further ordered, That this proceeding be, and the same is hereby, assigned for hearing at 10:00 a. m., beginning on the 6th day of May 1942, at the offices of the Federal Communications Commission, in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2309; Filed, March 17, 1942; 10:11 a. m.]

[Docket No. 6266]

NOTICE OF HEARING

In re application of Ralph W. S. Bonnett, (New) dated October 23, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Sandusky, Ohio; operating assignment specified: Frequency, 1,450 kc.; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above-described application and has designated the matter for hearing for the following reasons:

1. To determine applicant's qualifications to construct and operate the proposed station.

2. To determine the character of the proposed program service.

3. To determine whether the proposed construction involves the use of any critical materials.

4. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and populations.

5. To determine whether the granting of this application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

6. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and station WHLS.

7. To determine the areas and populations which may be expected to lose primary service, particularly from station WHLS, should this application be granted; and what broadcast service is available to these areas and populations.

8. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

9. To determine whether in view of the matters shown under all of the issues the granting of this application would serve public interest, convenience, and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Ralph W. S. Bonnett, 1320 F Street NW., Washington, D. C.

Dated at Washington, D. C., March 14, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2310; Filed, March 17, 1942; 10:12 a. m.]

[Docket No. 6267]

NOTICE OF HEARING

In re application of Indiana Broadcasting Corporation (WIBC), dated September 23, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Indianapolis, Indiana; operating assignment specified: Frequency, 1,070 kc.; power, 5 kw.* night; 10 kw. day (DA*); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the extent of any interference which Station WIBC operating as proposed may cause to the service of Station CBA, Sackville, N. B. (Appendix II, Table I, NARBA).

2. To determine the extent of any interference which would result from the simultaneous operation of Station WIBC as proposed and Station WINK during daytime hours.

3. To determine the areas and populations which may be expected to lose primary service during daytime hours, particularly from Station WINK, should Station WIBC operate as proposed, and what other broadcast service is available to those areas and populations.

4. To determine whether the proposed construction involves the use of any critical materials.

5. To determine what new areas and populations would receive primary service as a result of the proposed change in facilities and what broadcast service is already available to such areas and populations.

6. To determine whether the granting of this application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

7. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

8. To determine whether in view of the facts adduced under all of the issues the granting of the application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Indiana Broadcasting Corporation, Radio Station WIBC, 350 N. Meridian Street, Indianapolis, Indiana.

Dated at Washington, D. C., March 14, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2311; Filed, March 17, 1942; 10:12 a. m.]

FEDERAL POWER COMMISSION.

[Docket Nos. G-200, G-207]

CITY OF DETROIT, MICHIGAN, AND COUNTY OF WAYNE, MICHIGAN, V. PANHANDLE EASTERN PIPE LINE COMPANY AND MICHIGAN GAS TRANSMISSION CORPORATION; AND IN THE MATTER OF PANHANDLE EASTERN PIPE LINE COMPANY AND MICHIGAN GAS TRANSMISSION CORPORATION

ORDER DENYING PETITION FOR A 120-DAY POSTPONEMENT AND FIXING DATE OF HEARING

MARCH 16, 1942.

Upon petition filed February 28, 1942, by Panhandle Eastern Pipe Line Company and Michigan Gas Transmission Corporation, Defendants, for a continuance of the hearing in this proceeding for a period of not less than 120 days; and

It appearing that:

(a) The City of Detroit, Michigan, and County of Wayne, Michigan, Complainants, and Michigan Consolidated Gas Company, Intervener, have objected to the said petition for continuance;

(b) Subsequent to the filing of the said petition for continuance, the hearing was recessed by the Commission's Examiner to reconvene on March 18, 1942;

(c) No good cause exists for a 120-day postponement of the hearing;

The Commission *orders* that:

(A) The said petition for a continuance of 120 days be and it is hereby denied;

(B) The hearing in this proceeding, heretofore set for March 18, 1942, be postponed to March 30, 1942, at 9:45 a. m., in the Commission's hearing room, 1357 K Street NW., Washington, D. C.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 42-2283; Filed, March 16, 1942; 12:09 p. m.]

[Docket Nos. IT-5765, IT-5766]

IN THE MATTER OF SUPERIOR WATER, LIGHT AND POWER COMPANY; AND NORTHERN POWER COMPANY

ORDER POSTPONING HEARINGS

MARCH 14, 1942.

It appearing to the Commission that:

Good cause has been shown for the postponement of the hearings in the above-entitled matters;

The Commission *orders* that:

The hearings in the above-entitled matters, heretofore set for March 16, 1942, at 10:00 a. m., in the Hearing Room of the Public Service Commission of Wisconsin in the State Office Building, Madison, Wisconsin, be and the same are hereby postponed to March 23, 1942, at the same time and place.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 42-2294; Filed, March 16, 1942; 12:09 p. m.]

MAR 20 1942

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 7 — 1934 — NUMBER 54

Washington, Thursday, March 19, 1942

The President

EXECUTIVE ORDER

WITHDRAWING PUBLIC LANDS IN AID OF LEGISLATION

CALIFORNIA

By virtue of the authority vested in me by the act of June 25, 1910, c. 421, 36 Stat. 847, as amended by the act of August 24, 1912, c. 369, 37 Stat. 497 (U.S.C., title 43, secs. 141–143), it is ordered that, subject to valid existing rights, the following-described public lands be, and they are hereby, temporarily withdrawn from settlement, location, sale, or entry, in aid of legislation:

SAN BERNARDINO MERIDIAN

T. 6 S., R. 22 E., sec. 31, NE¼, that part of the NE¼SE¼ lying north of the north line of State Highway Route No. 64;
containing approximately 163.64 acres.

This order supersedes as to the above-described land the withdrawal made by Executive Order No. 6910 of November 26, 1934, as amended.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 16, 1942.

[No. 9101]

[F. R. Doc. 42-2333; Filed, March 17, 1942; 2:49 p. m.]

EXECUTIVE ORDER

TRANSFER OF JURISDICTION OVER CERTAIN LANDS CONTAINING OIL AND GAS DEPOSITS FROM THE WAR DEPARTMENT TO THE DEPARTMENT OF THE INTERIOR

Correction

The last paragraph of the description for Parcel VII in Executive Order No. 9087, appearing on page 1745 of the issue for Saturday, March 7, 1942, should read as follows:

The above description copied from FINAL ORDER OF CONDEMNATION dated December 19, 1912; Condemnation Suit No. 15,614, United States of America vs. Christian Larsen.

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

CHAPTER I—AID OF CIVIL AUTHORITIES AND PUBLIC RELATIONS

PART 14—RANGE REGULATIONS FOR FIRING AMMUNITION FOR TRAINING AND TARGET PRACTICE [1]

§ 14.1 *Safety precautions.*

* * * * *

(b) *Water ranges.* (1) Prior to firing over water areas or planting or firing submarine mines in water areas which are used by shipping of any kind, the harbor defense, post, regimental, or similar commander of the firing unit will warn local naval officials and, subject to current instructions regarding secrecy, inform the public of the contemplated firings or submarine mine plantings through one or more of the following agencies: Public press, public radio, Coast Guard, or interested public officials. (R.S. 161; 5 U.S.C. 22) [Par. 4*a*, AR 750-10, February 14, 1942]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-2361; Filed, March 18, 1942; 11:32 a. m.]

CHAPTER VII—PERSONNEL

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS [2]

OFFICERS APPOINTED IN THE ARMY OF THE UNITED STATES UNDER THE PROVISIONS OF THE ACT OF SEPTEMBER 22, 1941.

§ 73.204 *Age and citizenship requirements.*

* * * * *

[1] Part designation and § 14.1 (b) (1) are amended.

[2] §§ 73.204 and 73.206 are amended, and § 73.211 is superseded.

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THE PRESIDENT

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FEDERAL REGISTER

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(c) The age-in-grade limitations specified in paragraph (b) of this section will not apply to the following:

* * * * *

(4) Appointments in the Chaplains Corps. (Act of Sept. 22, 1941, Public Law 252, 77th Congress) [Par. 6c (4), AR 605–10, Dec. 10, 1941]

§ 73.206 *Grades in which appointed.*

* * * * *

(b) Appointments in the following categories will be limited to the grades indicated in each:

(1) Appointments in the Medical Corps, Dental Corps, Veterinary Corps, Sanitary Corps, and the Chaplains' Corps, first lieutenant to colonel, both inclusive. (Act of Sept. 22, 1941, Public Law 252, 77th Congress) [Par. 8b (1), AR 605–10, Dec. 10, 1941]

* * * * *

§ 73.211 *Assignment.* (a) When an officer of the Army of the United States, other than a chaplain or an officer of the Medical Department, is ordered to active duty, the orders placing him on active duty will designate the arm or service to which he is assigned. Thereafter, he will be subject to the administrative jurisdiction and control governing Reserve officers commissioned in the arm or service to which he is assigned, and will be vested with the same right to exercise command as is vested in officers of the Army permanently commissioned in that arm or service.

(b) An officer of the Army of the United States ordered to active duty for assignment to a branch immaterial position not allotted to a particular arm or service will be assigned to the arm or service to which his duties will most clearly pertain.

(c) Persons appointed from civilian status, except for the Medical Department or for duty as a chaplain, will not be assigned to duty with units of the field forces unless they have completed not less than six months' active military service as a commissioned officer subsequent to initial appointment, and have satisfactorily completed an appropriate course of instruction at a special service school of the arm or service to which they are assigned. (Act of Sept. 22, 1941, Public Law 252, 77th Congess) [Par. 13, AR 605–10, Dec. 10, 1941]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–2332; Filed, March 17, 1942; 1:05 p. m.]

TITLE 14—CIVIL AVIATION

CHAPTER I—CIVIL AERONAUTICS BOARD

[Amendments 40–10, Civil Air Regs.]

PART 40—AIR CARRIER OPERATING CERTIFICATION

REQUIREMENT FOR FULL FEATHERING PROPELLERS POSTPONED IN CERTAIN CASES

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 13th day of March 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective March 13, 1942, Part 40 of the Civil Air Regulations is amended as follows:

1. By striking the words "July 1, 1942," as they appear in § 40.2320 and inserting in lieu thereof the words "January 1, 1943,".

2. By striking the words "July 1, 1942," as they appear in § 40.2330 and inserting in lieu thereof the words "January 1, 1943,".

3. By striking the words "July 1, 1942," as they appear in § 40.2500 and inserting in lieu thereof the words "January 1, 1943,".

4. By striking the words "July 1, 1942," they appear in § 40.3320 and inserting in lieu thereof the words "January 1, 1943,".

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42–2347; Filed, March 18, 1942; 9:47 a. m.]

TITLE 30—MINERAL RESOURCES

CHAPTER III—BITUMINOUS COAL DIVISION

[Docket No. A–1226]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER AMENDING ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An Order Granting Temporary Relief and Conditionally Providing for Final Relief was issued in the above-entitled matter on January 13, 1942, 7 F.R. 537, establishing price classifications and minimum prices for the coals of certain mines in District No. 1, including the establishment of price classifications and minimum prices for the coals of the Leland No. 1 Mine (Mine Index No. 272) of John D. Walker, a code member in District No. 1, for all shipments except truck and for truck shipments.

The original petitioner in the above-entitled matter filed an amendment to its petition alleging that the price classifications and minimum prices which it originally proposed for the Leland No. 1 Mine, Mine Index No. 272, were in error, and requesting that the Classification for the coals of this mine in Size Group 5 for all shipments except truck be changed from "B" to "C" and that the minimum price for such coals in Size Group 5 for truck shipments be changed from $2.20 to $2.15 per ton.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth, that no pleadings in opposition to the said amendment to the original petition have been filed with the Division in the above-entitled matter, and that the following action is necessary in order to effectuate the purposes of the Act.

Now, therefore, it is ordered, That Supplements R and T in the said Order Granting Temporary Relief and Conditionally Providing for Final Relief dated January 13, 1942, in the above-entitled matter be, and they hereby are, amended, by revoking the price classification and minimum price established therein for the coals of the Leland No. 1 Mine (Mine Index No. 272) in Size Group 5 for all shipments except truck and for truck shipments;

It is further ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

It is further ordered, That in all other respects the said order of January 13, 1942, be, and it hereby is, continued in full force and effect until otherwise ordered.

Dated: March 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine index No.	Code member	Mine name	Sub-dist. No.	Seam	Shipping point	Railroad	Freight origin group Nos.	1	2	3	4	5
272	Walker, John D	Leland #1	19	D	Beccaria, Pa.	PRR	45	(†)	(†)	(*)	(*)	C

*Indicates coal in this size group previously classified and priced.
†Indicates no classification effective for this size group.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Walker, John D	272	*Leland #1	19	Clearfield	D	----	----	(*)	(*)	215

*Indicates coal in this size group previously classified and priced.

[F. R. Doc. 42–2323; Filed, March 17, 1942; 10:50 a. m.]

[Docket No. A–1036]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 3 FOR PERMISSION TO USE ADDITIONAL LOADING POINTS FOR RAIL SHIPMENTS FROM CERTAIN MINES IN DISTRICT NO. 3

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by District Board No. 3, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

The original petition dated August 29, 1941, sought additional loading points for a number of mines in District No. 3. By a Motion to Delete filed on October 3, 1941, the District Board withdrew its request for additional loading points for all the mines except the Coombs Mine, Mine Index No. 614, of Guy A. Hall (Hall Coal Company).

District Boards 2 and 6 intervened but did not appear at the hearing.

Pursuant to appropriate orders, a hearing was held in this matter on October 21, 1941, before William H. Shipman, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. District Board 3 and Guy A. Hall (Hall Coal Company) appeared through A. J. Kidwell, his sales agent. At the hearing District Board 3 made a motion to dismiss the petition. However, a representative on behalf of Guy A. Hall (Hall Coal Com-

pany) was present and objected, stating that he, on behalf of Hall Coal Company, desired to be heard. District Board 3 stated that it had no objection so long as it was understood that the case was not being presented by the District Board, and thereupon withdrew its objection and withdrew its Motion to Dismiss.

At the conclusion of the hearing all parties waived the preparation and filing of a report by the Examiner and the record in the proceeding was thereupon submitted to the undersigned who has considered the record herein.

Guy A. Hall (Hall Coal Company), a code member, operates the Coombs Mine, Mine Index No. 614. The mine has loading facilities on the Monongahela Railroad at Morgantown, West Virginia, about four and one-half miles distant from the mine.[1] It seeks a loading point on the Baltimore & Ohio Railroad, which is across the Monongahela River from the mine. Guy A. Hall (Hall Coal Company) introduced the testimony of but one witness, A. J. Kidwell, Secretary of the Blain Coal Company, sales agent for Guy A. Hall (Hall Coal Company), who testified in support of the requested relief.

In support of the relief, it was testified that the requested loading point on the Baltimore & Ohio is no farther from the Coombs Mine than is its present loading point on the Monongahela Railroad from the mine. No claim was made that the additional loading point was necessary in order to insure continued operation of the Coombs Mine. It was frankly admitted that the additional loading point was sought in order to open up new markets for Guy A. Hall (Hall Coal Company). The witness was unable to state what consumers he believed could be reached if coal were loaded for shipment on the Baltimore & Ohio except to indicate that certain consumers could be reached which are not reached by the Monongahela, and that in the event some commercial traffic was shipped over the Baltimore & Ohio, the mine would be in a position to get railroad fuel business from the Baltimore & Ohio. Under these circumstances, the undersigned is of the opinion that it is proper to assign to the Coombs Mine of Guy A. Hall (Hall Coal Company) an additional loading point which will be on the Baltimore & Ohio Railroad at Morgantown, West Virginia. (Shipments from this loading point will be governed by the applicable rates assigned to Freight Origin Group No. 53.)

Now, therefore, it is ordered, That effective fifteen (15) days from the date hereof § 323.6 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 3 For All Shipments Except Truck be, and it hereby is, amended in accordance with Supplement R attached hereto and made a part hereof.

Dated: March 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[1] Some of the coal produced at the Coombs Mine is sold for shipment by truck.

DISTRICT NO. 3

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

§ 323.6 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
614	Hall, Guy A. (Hall Coal Co.)	Coombs	Pittsburgh	Morgantown, W. Va.	B&O-Monon	53	F	F	F	F	F	F	F	F	F	F	---	---	---	---	---	---

[F. R. Doc. 42-2322; Filed, March 17, 1942; 10:49 a. m.]

[Dockets Nos. A-1324 and A-1327]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER OF CONSOLIDATION AND ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3, AND IN THE MATTER OF THE PETITION OF BITUMINOUS COAL PRODUCERS BOARD FOR DISTRICT NO. 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 3

Original petitions having been duly filed with this Division by the above-named party, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 3; and

It appearing that the above-entitled matters raise similar and related issues; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with this Division in the above-entitled matters; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That the above-entitled matters be, and the same hereby are, consolidated.

It is further ordered, That, pending final disposition of the above-entitled matters, temporary relief be, and the same hereby is, granted as follows: Commencing forthwith, § 323.6 (*Alphabetical list of code members*) is amended by adding thereto Supplement R-I, § 323.8 (*Special prices*—(b) *Railroad fuel prices for all movements except via lakes*) is amended by adding thereto Supplement R-II, § 323.8 (*Special prices*—(c) *Railroad fuel prices for movement via all lakes—all ports*) is amended by adding thereto Supplement R-III, and § 323.23 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petitions in the above-entitled matters, and applications to stay, terminate, or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this order, pursuant to Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this order, unless otherwise ordered.

Dated: March 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 323.6 *Alphabetical list of code members*—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Seam	Shipping point	Railroad	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
385	Consolidation Coal Company	Consol #22-A (Strip)	Pittsburgh	Monongah, W. Va.	B&O	61	F	F	F	F	F	F	F	F	F	F	---	---	---	---	---	---
386	Consolidation Coal Company	Consol #34-A (Strip)	Pittsburgh	Kilarm, W. Va.	B&O	61	F	F	F	F	F	F	F	F	F	F	---	---	---	---	---	---
387	Consolidation Coal Company	Consol #88-A (Strip)	Pittsburgh	Josephine, W. Va.	WM	65	F	F	F	F	F	F	F	F	F	F	---	---	---	---	---	---
388	Consolidation Coal Company	Consol #90-A (Strip)	Pittsburgh	Josephine, W. Va.	WM	65	F	F	F	F	F	F	F	F	F	F	---	---	---	---	---	---
389	Dennison, C. O.	Dennison #2	Pittsburgh	Clarksburg, W. Va.	B&O	60	F	F	F	F	F	F	F	F	F	F	---	---	---	---	---	---
390	Dippel Brothers (F. H. Dippel)	Haynes #2 (Strip)	Bakerstown	Bretz, W. Va.	B&O	70	G	G	G	G	G	G	G	G	G	G	---	---	---	---	---	---
397	Grafton Coal Company	Ridge #1 (Strip)	Pittsburgh	Webster, W. Va.	B&O	60	F	F	F	F	F	F	F	F	F	F	---	---	---	---	---	---
398	Grafton Coal Company	Ridge #2 (Strip)	Pittsburgh	Webster, W. Va.	B&O	60	F	F	F	F	F	F	F	F	F	F	---	---	---	---	---	---
399	Grafton Coal Company	Ridge #3 (Strip)	Pittsburgh	Webster, W. Va.	B&O	60	F	F	F	F	F	F	F	F	F	F	---	---	---	---	---	---
301	Kittle, Frank G., Receiver Purity Coal Company.	Renwick #1 (Strip)	Pittsburgh	Bear Mountain, W. Va.	B&O	60	F	F	F	F	F	F	F	F	F	F	---	---	---	---	---	---
302	Kittle, Frank G., Receiver Purity Coal Company.	Renwick #2 (Strip)	Pittsburgh	Bear Mountain, W. Va.	B&O	60	F	F	F	F	F	F	F	F	F	F	---	---	---	---	---	---
303	Kittle, Frank G., Receiver Purity Coal Company.	Renwick #3 (Strip)	Pittsburgh	Bear Mountain, W. Va.	B&O	60	F	F	F	F	F	F	F	F	F	F	---	---	---	---	---	---
1267	LaRue, E. T. (Lyon Coal Company).	Lyon #1 (Strip)	Bakerstown	Hardman, W. Va.	B&O	70	G	G	G	G	G	G	G	G	G	G	---	---	---	---	---	---
304	LaRue, E. T. (Lyon Coal Company).	Lyon #2 (Strip)	Bakerstown	Hardman, W. Va.	B&O	70	G	G	G	G	G	G	G	G	G	G	---	---	---	---	---	---
305	LaRue, E. T. (Lyon Coal Company).	Lyon #3 (Strip)	Bakerstown	Hardman, W. Va.	B&O	70	G	G	G	G	G	G	G	G	G	G	---	---	---	---	---	---
[1] 54	Monongahela Rail and River Coal Corporation.	Emily	Pittsburgh	Maidsville, W. Va.	Monon	52	•	•	•	•	•	•	•	•	•	•	---	---	---	---	---	---
[1] 1241	Monongahela Rail and River Coal Corporation.	Emily #2	Redstone	Maidsville, W. Va.	Monon	52	•	•	•	•	•	•	•	•	•	•	---	---	---	---	---	---

[1] If coals from Mine Index 54 and 1241 are loaded into the same car, the minimum price that shall apply to the mixture shall be the price which is listed for the coal in the mixture which has the highest price classification. (Classification "F" in size Groups 1 to 10 inclusive.)

§ 323.8 *Special prices—(b) Railroad fuel prices for all movements except via lakes.* Supplement R–II. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (b) in Minimum Price Schedule. Group No. 1: 385, 386, 387, 388, 389, 391, 392, 393, 397, 398, 399. Group No. 6: 390, 394, 395, 1287.

§ 323.8 *Special prices—(c) Railroad fuel prices for movement via all lakes—all ports.* Supplement R–III. For railroad fuel prices add these mine index numbers to the respective groups set forth in § 323.8 (c) in Minimum Price Schedule. Group No. 1: 385, 386, 387, 388, 389, 391, 392, 393, 397, 398, 399. Group No. 6: 390, 394, 395, 1287.

FOR TRUCK SHIPMENTS

§ 323.23 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	County	Size groups: Lump over 2", egg over 2" bottom size	Lump 2", egg 2" bottom size, but over 1¼"	Lump 1¼" and under, egg 1¼" and under bottom size	All nut and pea 2" and under	Run of mine resultant over 2"	1¼" and 2" slack	¾" slack
					1	2	3	4	5	6	7
Consolidation Coal Company	385	Consol #22-A (Strip).	Pittsburgh	Marion	223	218	218	193	193	178	168
Consolidation Coal Company	386	Consol #34-A (Strip).	Pittsburgh	Marion	223	218	218	193	193	178	168
Consolidation Coal Company	387	Consol #88-A (Strip).	Pittsburgh	Harrison	223	218	218	193	193	178	168
Consolidation Coal Company	388	Consol #90-A (Strip).	Pittsburgh	Harrison	223	218	218	193	193	178	168
Dennison, C. O.	389	Dennison #2	Pittsburgh	Harrison	223	218	218	193	193	178	168
Dippel Brothers (F. H. Dippel).	390	Haynes #2 (Strip).	Bakerstown	Preston	235	235	235	210	210	200	190
Grafton Coal Company	397	Ridge #1 (Strip).	Pittsburgh	Taylor	223	218	218	193	193	178	168
Grafton Coal Company	398	Ridge #2 (Strip).	Pittsburgh	Taylor	223	218	218	193	193	178	168
Grafton Coal Company	399	Ridge #3.	Pittsburgh	Taylor	223	218	218	193	193	178	168
Karickhoff, P. N.	1291	Dixie Run #2.	Redstone	Barbour	223	218	218	193	193	178	168
Kittle, Frank G., Receiver Purity Coal Company.	391	Renwick #1 (Strip).	Pittsburgh	Barbour	223	218	218	193	193	178	168
Kittle, Frank G., Receiver Purity Coal Company.	392	Renwick #2 (Strip).	Pittsburgh	Barbour	223	218	218	193	193	178	168
Kittle, Frank G., Receiver Purity Coal Company.	393	Renwick #3 (Strip).	Pittsburgh	Barbour	223	218	218	193	193	178	168
LaRue, E. T. (Lyon Coal Company).	1287	Lyon #1 (Strip).	Bakerstown	Preston	235	235	235	210	210	200	190
LaRue, E. T. (Lyon Coal Company).	394	Lyon #2 (Strip).	Bakerstown	Preston	235	235	235	210	210	200	190
LaRue, E. T. (Lyon Coal Company).	395	Lyon #3 (Strip).	Bakerstown	Preston	235	235	235	210	210	200	190
Wyckoff, Howard	396	Wyckoff #1	Pittsburgh	Taylor	223	218	218	193	193	178	168

[F. R. Doc. 42–2320; Filed, March 17, 1942; 10:49 a. m.]

[Docket No. A–1199]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR A REVISION OF THE MINIMUM PRICES OF THE COALS OF CERTAIN MINES IN BREATHITT COUNTY, KENTUCKY, SUBDISTRICT NO. 3 IN DISTRICT NO 8, FOR TRUCK SHIPMENTS

This proceeding was instituted upon a petition filed with Bituminous Coal Division by District Board No. 8, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The Board in its original and amended petition proposed certain decreases in the effective minimum prices heretofore established for the mines of certain code member producers in the Breathitt County, Kentucky, Hazard Subdistrict of District No. 8. In accordance with an Order of the Acting Director dated December 19, 1941, and after notice to all interested parties, a hearing was held before Joseph A. Huston, a duly designated examiner of the Division, at a hearing room of the Division at Washington, D. C. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard.

Petitioner, District Board 8, and the Bituminous Coal Consumers Counsel appeared. The preparation and filing of a report by the Examiner was waived and the record was thereupon submitted to the undersigned.

The petition of District Board 8 herein requested a revision of the price classifications and effective minimum prices for truck shipments for the coals produced at seven mines located in Breathitt County, Kentucky, Hazard Subdistrict.

The testimony of the representative of the District Board 8 shows that minimum prices were originally established for the coals in question. However, it appears that the classifications and minimum prices heretofore established do not properly reflect the relative value of the coals and are not in proper coordination with other coals produced in District No. 8. It appears that the minimum prices of coals of these mines do not correspond with the prices established for other mines located in the same county and seam. The effect of the changes proposed would be to establish for the mines listed the proper prices applicable to the coals from the seam and subdistrict in which such mines are actually producing.

The change will result in decreasing the price for coals in Size Groups 1, 2, 3, 6, 7, and 8 by 10 cents per ton. In Size Group 4 the decrease will be 20 cents per ton and in Size Group 5, 15 cents per ton. Such proposed prices will result in the establishment of a uniform level of prices for analogous and comparable coals produced for truck shipments from other mines in this county.

Upon the basis of the uncontroverted evidence, I find that the classifications and minimum prices as well as the seam designations shown in the schedule hereto attached for the coals specified therein are proper and should be established; that such classifications and minimum prices conform in all respects to those heretofore established for comparable coals in District No. 8 and will preserve the fair competitive opportunities for the producers of said coal.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof, § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

Dated: March 7, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

Code member index	Mine	Mine index No.	Seam	Base sizes [1]: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under egg 2" x 6"	Size 2" x 4" egg	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 3—HAZARD BREATHITT COUNTY, KY.											
Holliday, M. H., Sr.	M. H. Holliday	2476	No. 4	265	245	210	205	190	200	145	140
Jett, Naith	Naith Jett	4002	Jackson	265	245	210	205	190	200	145	140
Miller Davis Coal Co.	Miller Davis	1312	No. 4	265	245	210	205	190	200	145	140
Noble, Arcturus	Arcturus Noble	2876		265	245	210	205	190	200	145	140
Strong, Fred & Raider Gross	F. Strong & R. Gross	1315	Peacock	265	245	210	205	190	200	145	140
Turner, Cal & Clabe Wilson	Turner & Wilson	1316	No. 4 [2]	265	245	210	205	190	200	145	140
Vires, H. C. (Jackson Coal Co.)	Jackson Coal Co.	1317	No. 4	265	245	210	205	190	200	145	140

[1] Indicates a change has been made in original f. o. b. mine prices, and applies in each size group.
[2] Indicates change in seam designation.

[F. R. Doc. 42–2321; Filed, March 17, 1942; 10:49 a. m.]

[Docket No. A–1086]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER IN PART GRANTING AND IN PART DENYING RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE MIXING OF THE COALS OF MINE INDEX NOS. 14 AND 15 AND FOR THE REVISION OF THE PRICE CLASSIFICATIONS AND MINIMUM PRICES ESTABLISHED FOR THE COALS OF MINE INDEX NOS. 90, 194, 1122, AND 3106 IN DISTRICT NO. 1

A petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 1, requesting the following relief:

1. The establishment of price classifications and minimum prices for a mixture of the coals in Size Group 5 of the Apple No. 1 Mine (Mine Index No. 14) and the Apple No. 2 Mine (Mine Index No. 15) of the Apple Coal Company (Howard Apple);

2. The change of the seam designation and the revision of the price classifications and minimum prices established for the coals, in Size Groups 3, 4, and 5, of the Bonner Mine (Mine Index No. 1122) of H. C. Bonner;

3. The change of the subdistrict number listed for the coals of the Duckworth Mine (Mine Index No. 3106) of R. S. Duckworth; and

4. The revision of the price classifications and minimum prices established for the coals, in Size Groups 4 and 5, of the Hamler Mine (Mine Index No. 194) of the Hamler Coal Mining Company and the Cherry Run Mine (Mine Index No. 90) of the Superior Cherry Run Coal Corporation;

A petition of intervention having been filed by District Board 2;

A hearing in this matter having been held on November 18, 1941, before W. A. Shipman, a duly designated Examiner of the Division at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having thereupon been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That § 321.7 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 1 for All Shipments Except Truck and § 321.24 (*General prices*) in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments be, and they hereby are, amended, effective fifteen (15) days from the date hereof, as follows:

1. By appending the note set forth in Supplement R annexed hereto and made a part hereof, establishing the price classifications to be applied to a mixture of the coals produced at the Apple Nos. 1 and 2 Mines (Mine Index Nos. 14 and 15, respectively) of the Apple Coal Company (Howard Apple).

2. By establishing, in lieu of the present seam designation and present effective price classifications and minimum prices in Size Groups 3, 4, and 5, inclusive, for the coals produced at the Bonner Mine (Mine Index No. 1122), of H. C. Bonner, in Subdistrict 6, the seam designation and the price classifications and minimum prices in Size Groups 3, 4, and 5, set forth in Supplements R and T annexed hereto and made a part hereof

3. By establishing, in lieu of the present subdistrict designation for the coals produced at the Duckworth Mine (Mine Index No. 3106) of R. S. Duckworth, the subdistrict designation set forth in Supplement T, annexed hereto and made a part hereof.

It is further ordered, That in all other respects the prayers for relief contained in the petition filed herein be, and they hereby are, denied.

Dated: March 7, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine Index No.	Code member	Mine name	Sub-district No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
1122	Bonner, H. C.	Bonner	6	D	Comfer, Pa.	P&S	119	(†)	(†)	E	E	E

†When shown under a Size Group Number indicates no classification effective for this size group.

NOTE: If coals within the following group are loaded into the same car, the price that shall apply to such mixture shall be the price which is listed for the coal in the mixture which has the higher price classification: Mine Index Nos. 14 and 15 of Apple Coal Company (Howard Apple).

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump coal, double screened, top size 2" and over	Double screened, top size 2" and under	Run of mine, modified R/M	2" and under, slack	¾" and under, slack
						1	2	3	4	5
Bonner, H. C.	1122	Bonner	6	Jefferson	D	----	----	225	215	205
Duckworth, R. S.	3106	Duckworth	44	Garrett	E	----	----	210	----	----

[F. R. Doc. 42-2134; Filed, March 18, 1942; 10:15 a. m.]

[Docket No. A–1309]

PART 335—MINIMUM PRICE SCHEDULE, DISTRICT NO. 15

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 15

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 15; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention with respect to the matters involved in such relief having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 335.5 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 335.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

The original petition contains a footnote indicating that the coals of Mine Index No. 1197, operated by code member L. G. McDonald, were classified and priced in Docket No. A–368, but that the mine was erroneously identified as being located in Dade County, Missouri, although actually located in Cedar County, Missouri. However, the records of the Division disclose that Mine Index No. 1197 has been closed down and that the mine in Cedar County, Missouri now operated by code member McDonald is a new mine, that it should be assigned a mine index number and that the same price classifications and minimum prices should be established for its coals as were established in Docket No. A–368 for the coals of Mine Index No. 1197. Accordingly, "Supplement T" hereto sets forth those price classifications and minimum prices opposite the mine designated as the McDonald #2 Mine, Mine Index No. 1427.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No relief is granted herein concerning the coals of Mine Index No. [illegible] of M. K. Phears, Mine Index No. 164 of the R. & R. Coal Co., Mine Index No. 1587 of Pearson & Son and Mine Index No. 1579 of James Trent for the reasons set forth in the memorandum opinion and order severing that portion of Docket No. A–1309 relating to such coals from the remainder of the docket, designating such portion Docket No. A–1309 Part II, granting temporary relief therein and scheduling Docket No. A–1309 Part II for hearing.

Dated: March 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 15

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 335, Minimum Price Schedule for District No. 15 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 335.5 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members showing price classification by size group for domestic, commercial and industrial use]

Code member	Mine index No.	Mine name	Production group No.	Shipping point	Railroad	Freight origin group No.	Price classification by size group													
							1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Hodgens, Raymond	1584	No. 4	8	Savanna, Okla.	MKT	101	A	A	A	A	----	A	----	A	A	A	----	----	----	A	----
Homer Brothers	1585	No. 4	7	Krebs, Okla.	MKT	101	A	A	A	A	----	A	----	A	A	A	----	----	----	A	----
Lucas & Fristoe (Virgil Lucas) [1]	1042	Blind Pig	3	Moberly, Mo.	Wabash	111	A	A	A	A	C	C	C	A	A	C	A	A	----	A	A
Mendenhall, R. M [1]	793	Mendenhall	11	Porum, Okla.	MV	174	A	A	A	A	----	A	----	A	A	A	A	----	----	A	----

[1] Previously classified as truck mine.

A is Market Area list price as listed in Price Schedule No. 1; C, minus 10 cents from list price.

FOR TRUCK SHIPMENTS

§ 335.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Production group No.	County	3" lump	½" up	10" x 1¼"	10" x 1¼"	3" x 2"	3" x 1¼"	2" x 1¼"	1¼" x 1"	Mine run	3" x 0	1¼" x ¾"	1¼" x ¼ (R)	1¼" x 0 (W)	1¼" x 0 (R)	¾" x 0
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
Clayton & Myers (M. Clayton)	1574	Clayton & Myers	3	Callaway, Mo.	280	280	280	280	215	205	195	195	210	180	185	170	170	110	35
Hair, A. R.	1572	A. R. Hair	1	Vernon, Mo.	260	260	260	260	235	220	205	210	220	195	170	155	155	135	35
Hodgens, Raymond	1584	No. 4	8	Pittsburg, Okla.	435	435	435	385	----	335	----	210	295	155	----	----	----	140	----
Homer Brothers	1585	No. 4	7	Pittsburg, Okla.	485	485	485	435	----	385	----	210	295	155	----	----	----	140	----
McDonald, L. G.	1427	McDonald #2	11	Cedar, Mo.	260	260	260	260	235	220	205	210	220	195	170	155	155	135	35
Munson, Ray L.	1586	Munson No. 3	11	Rogers, Okla.	330	330	330	300	----	270	----	160	220	140	180	----	----	115	----
Rice, Perry (Perry Rice Coal Company)	1588	New Klondike	4	Clay, Mo.	285	285	285	285	275	255	245	290	285	205	220	205	----	125	35

[F. R. Doc. 42-2656; Filed, March 18, 1942; 10:18 a. m.]

TITLE 32—NATIONAL DEFENSE

CHAPTER IX—WAR PRODUCTION BOARD

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 1015—CELLOPHANE AND SIMILAR TRANSPARENT MATERIALS DERIVED FROM CELLULOSE

Amendment No. 3 to Limitation Order L–20 [1]

Section 1015.1 (*Limitation Order L–20*) is hereby amended in the following particulars:

Subparagraph (b) (3) is hereby amended to read as follows:

(3) Textiles, including but not limited to hosiery, men's shirts and haberdashery, men's, women's and children's underwear, infants' wear, garters, suspenders, girdles, elastic goods, shoe laces, dolls' clothes, lingerie, sweaters, household goods (such as sheets, pillow cases, towels, dish and wash cloths, table linen, doilies, curtains), bedspreads, blankets, narrow fabrics, bolt and piece goods, notions, threads, yarn, polishing and dust cloths, lace, sanitary belts, ribbons and hair bows, cotton batting, string, and twine; but not including bandages, sanitary swabs, and typewriter ribbons.

Subparagraph (b) (6) is hereby amended to read as follows:

(6) Paper and paper products, including but not limited to books and periodicals, labels, tags, index cards, advertising and display material, carbon paper, facial tissues, stationery, greeting cards, playing cards, matchbook covers, school supplies, fly paper, mats, punch boards, fibre waste baskets, jig-saw puzzles, lunch accessories (such as napkins, table cloths, plates and cups) and specialty papers; but not including scotch tape.

A new subparagraph (b) (25) is hereby added to read as follows:

(25) Drug products, chemicals and antiseptics, except where used as a protection for the product itself.

Paragraph (g) is hereby amended to read as follows:

(g) *Exemption of waste material.* Nothing in this Order contained shall prohibit the sale or delivery of off-grade or waste Cellophane or Similar Transparent Materials Derived From Cellulose (known as roll end trim and rejected or defective rolls and sheets): *Provided, however*, That Producers and Suppliers of Cellophane or Similar Transparent Materials Derived From Cellulose shall report by the 10th day of each month the quantities of such material sold or delivered.

Paragraph (j) is hereby amended to read as follows:

(j) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6880; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This Order shall take effect immediately. Issued this 17th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[1] 6 F.R. 5730; 7 F.R. 222, 1023.

[F. R. Doc. 42-2343; Filed, March 17, 1942; 5:28 p. m.]

PART 1062—METALLIC LICENSE PLATES

General Limitation Order L–32

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of metal for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1062.1 *General Limitation Order L–32*—(a) *Definitions.* For the purposes of this Order:

(1) "Governmental unit" means any State, Territory or possession of the United States, the District of Columbia, and any political, administrative or governmental division, subdivison, corporation or agency of any of the foregoing or of the United States, including—by way of example and not of limitation—counties, townships, cities, towns, villages and special governmental districts of every kind.

(2) "Metallic license plate" means any type of plate, tag, emblem, insignia or marker which is or may be used by a governmental unit to evidence licensing or registration of any kind and for any purpose, into the physical composition of which metal, whether ferrous or nonferrous, is incorporated to the extent of five percent (5%) or more, by weight, of the finished item.

(3) "Licensing year" means any twelve month period which has been established as the unit of time during which there shall be in effect the licensing or registration evidenced by a metallic license plate.

(b) *General restrictions.* Notwithstanding the provisions of any contract or of any federal, state or local statute or regulation, no governmental unit shall issue or use at any time metallic license plates greater in quantity than is specially authorized herein or from time to time hereafter by the Director of Industry Operations.

(c) *Permitted uses.* (1) A governmental unit may issue or use metallic license plates to the extent that, as of the date of the issuance of this Order, the cutting and stamping of the metal for the manufacture of such plates has been completed.

(2) In addition, a governmental unit may, during each licensing year which begins after December 31, 1941, issue or use metallic license plates licensing or registering any thing or activity, in total quantities not exceeding ten percent (10%), by weight, of the metallic license plates which it issued or used

during the corresponding licensing year ending after June 30, 1941, and before July 1, 1942, to license or register that same type of thing or activity: *Provided*, That metallic license plates may be thus issued or used for the following purposes and under the following conditions only:

(i) As replacement plates, that is, for the purpose of replacing metallic license plates which have been issued and which have thereafter been lost or destroyed.

(ii) To new licensees or registrants, that is, to persons who have not used or had issued to them during the licensing year immediately preceding that for which application is made, a metallic license plate licensing or registering the same thing or activity for which application for licensing or registration is made.

(iii) In the case of the licensing or registering of any type of vehicle or instrumentality of transportation, in the form of "date tabs", in sizes not exceeding four square inches in area, to be attached to metallic license plates already issued so as to change the effective dates of those plates.

(d) *Records.* All persons or agencies affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, sales, issuance and use of metallic license plates. Similarly, records shall be kept concerning inventories, use and disposition of all sheet metal on hand, as of the date of the issuance of this Order, for the production of metallic license plates.

(e) *Audit and inspection.* All records required to be kept by this Order shall upon request be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* All persons and agencies affected by this Order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(g) *Violations or false statements.* Any person who violates this Order or who wilfully falsifies any records which he is required to keep by the terms of this Order, or otherwise wilfully furnishes false information to the War Production Board, may be deprived of priorities assistance or may be prohibited by the War Production Board from obtaining any further deliveries of materials subject to allocation. The War Production Board may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Appeals.* Where compliance with this Order will work an exceptional and unreasonable hardship upon any Governmental Unit, the duly authorized officials of that Governmental Unit may appeal to the War Production Board, Washington, D. C., setting forth the pertinent facts and the reasons why relief is sought. The War Production Board may thereupon take such action as it deems appropriate.

(i) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(j) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref.: [illegible]-32.

(k) *Effective date.* This Order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 16, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 18th day of March, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2360; Filed, March 18, 1942; 11:14 a. m.]

PART 1133—MOLYBDENUM

General Preference Order No. M-110

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Molybdenum for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1133.1 *General Preference Order M-110*—(a) *Definition.* (1) "Molybdenum" means and includes:

(i) Ores and concentrates containing Molybdenum (commercially recognized), and Molybdenum compounds for further purification or refining;

(ii) The element Molybdenum in pure form, ferromolybdenum, and all chemical or other combinations of the element Molybdenum with other materials in manufactured or semi-manufactured form, prepared either for further processing or for other purposes;

(iii) All scrap or secondary material containing commercially recoverable Molybdenum as defined in (i) and (ii) above, excluding Molybdenum-bearing iron and steel scrap.

(b) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(c) *Restrictions on deliveries*—(1) *Allocations.* Hereafter no person shall make or accept delivery of Molybdenum unless specifically authorized by the Director of Industry Operations. The Director will from time to time allocate the supply of Molybdenum and specifically direct the manner and quantities in which deliveries to particular persons and for particular uses shall be made or withheld. The Director may also, in his discretion, require any person seeking to place a purchase order for Molybdenum to place the same with one or more particular suppliers. Such allocations and directions will be made primarily to insure satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made in the discretion of the Director of Industry Operations without regard to any preference ratings assigned to particular contracts or purchase orders.

(2) *Reports.* Unless otherwise ordered by the Director of Industry Operations, no person shall be entitled to receive an allocation of Molybdenum unless, not later than the 20th day of the month next preceding the month in which delivery is desired, he shall have filed with the War Production Board reports on Forms PD-358 and PD-359, and an application for Molybdenum on Form PD-360, or in any case, on such other form as the War Production Board may from time to time prescribe, and in addition, shall have filed with any supplier with whom he may place a purchase order for Molybdenum, a copy of Form PD-360: *Provided, however*, That, subject to all the other provisions, restrictions and limitations of this Order and until further order by the Director of Industry Operations, any person may receive deliveries during any calendar month up to but not exceeding an aggregate of 50 pounds contained Molybdenum for consumption in the manufacture of nonmetallic products, without filing the reports required by this paragraph. Failure by any person to file an application and reports in the manner and on the date required by this paragraph may be construed as notice to the Director of Industry Operations and to all suppliers of Molybdenum that such person does not desire an allocation of Molybdenum during the period to which the same would have been applicable.

(d) *Violations or false statements.* Any person who wilfully violates this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of materials subject to allocation, and such further action may be taken as is deemed appropriate, including the making of a recommendation for prosecution under section 35A of the Criminal Code (18 U.S.C. 80).

(e) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to the War Production Board, Washington, D. C., Reference: M-110.

(f) *Effective dates.* This order shall take effect immediately upon its issuance, and unless sooner terminated by direction of the Director of Industry Operations, shall expire on the 31st day of December, 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 18th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2359; Filed, March 18, 1942; 11:14 a. m.]

CHAPTER XI—OFFICE OF PRICE ADMINISTRATION

PART 1306—IRON AND STEEL

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 6 [1]—IRON AND STEEL PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.[2]

Section 1306.10 (i) is hereby amended by adding a new additional proviso, and a new § 1306.9a is added as set forth below:

§ 1306.10 *Appendix A: Domestic and export ceiling prices for sales by producers of iron and steel products.*

• • • • •

(i) • • • *Provided further*, That the discount or allowance to be made on bale tie low carbon Bessemer or basic manufacturers' wire, when sold to recognized manufacturers of bale ties, shall be not less than 40 cents per cwt, off the base price for such wire. Customary quantity discounts and other terms of payment shall also be continued without diminution or extra charge.

§ 1306.9a *Effective date of amendments.* (a) Amendment No. 1 (§§ 1306.10 (i) and 1306.9a) shall become effective March 17, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 16th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2342; Filed, March 17, 1942; 5:10 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS

AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 30 [3]—WASTEPAPER

A Statement of the Considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[4]

Section 1347.6, footnotes 4, 5 and 8 to § 1347.10, and the last paragraph of § 1347.10 (b) are amended to read as follows:

§ 1347.6 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 30 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Price Schedule No. 30 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

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§ 1347.10 *Appendix A: Maximum Prices for Wastepaper*

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[4] All prices established by this Schedule shall be for wastepaper f. o. b. freight cars, trucks, or barges at the point of shipment or, in case of exports, f. a. s. the vessel at the port of export. Sales may be made on a delivered basis, but such sales must be made at prices not in excess of the maximum f. o. b. point of shipment prices established by this Schedule, plus the appropriate transportation allowances set forth in paragraph (b) below, or, in appropriate cases, the allowance set forth in (a) of this footnote. In the case of exports, in appropriate cases, the allowance set forth in (b) of this footnote may be added to the maximum price, in addition to any costs incurred by the seller incident to movement beyond the point of shipment.

• • • • •

[5] "No. 1 Mixed Paper" shall consist of clean, dry sorted wastepaper free from objectionable papers and foreign materials and packed in machine compressed bales, and shall include, without in any way limiting the generality of the foregoing, wastepaper sometimes described as super-mixed, repacked mixed, dry goods waste, department store waste, printer's waste, container manila, print manila, and so forth: *Provided, however*, That if any one or more of the aforementioned requirements of this definition are absent, then the wastepaper may not be sold at a price in excess of $12.00 per short ton.

• • • • •

[8] "Old Corrugated Containers" shall consist of clean, dry sorted corrugated or solid fibre containers of kraft or any other paper substance free from foreign materials, mixed and objectionable papers and packed in machine compressed bales: *Provided, however*, That if any one or more of the aforementioned requirements of this definition are absent, then the wastepaper may not be sold at a price in excess of $18.00 per short ton.

• • • • •

(b) • • •

All sales of wastepaper to a consumer shall be invoiced. The invoice shall state as separate items the grade name, origin and destination of the wastepaper, and, if delivered in the seller's vehicle, or by vehicle owned or controlled by the seller, the mileage and the charge for such service. All wastepaper sold shall be designated by the appropriate grade name provided by the Schedule.

§ 1347.9a *Effective dates of amendments.*

• • • • •

(b) Amendment No. 2 (§ 1347.6, footnotes 4, 5, 8; and the last paragraph of § 1347.10 (b)) to Revised Price Schedule No. 30 shall become effective March 23, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 17th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2358; Filed, March 18, 1942; 10:47 a. m.]

PART 1351—FOODS AND FOOD PRODUCTS

AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 91 [5]—TEA

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[6]

Paragraph (b), one item therein, and paragraph (f) of § 1351.261 are amended to read as set forth below:

§ 1351.261 *Appendix A: Maximum prices for tea.*

• • • • •

(b) The maximum prices for tea shall be as follows:

JAVA AND SUMATRA	Cents per pound ex dock New York City		
	Common	*Medium*	*Fine*
• • •	•	•	•
Orange Pekoe	41¼	44¼	51
• • •	•	•	•

(f) Any person making a sale of tea of ten chests or less may add to the maximum price for that sale an amount which shall not exceed ten per cent of such maximum price.

• • • • •

§ 1351.260a *Effective dates of amendments.*

• • • • •

(c) Amendment No. 2 (§ 1351.261 (b), (f)) to Revised Price Schedule No. 91 shall become effective March 18, 1942. Until such date, Revised Price Schedule No. 91 continues in effect as if not amended by Amendment No. 2. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 16th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2341; Filed, March 17, 1942; 5:09 p. m.]

PART 1367—FERTILIZERS

MAXIMUM PRICE REGULATION NO. 108—NITRATE OF SODA, SULPHATE OF AMMONIA AND CYANAMID

In the judgment of the Price Administrator the prices of nitrate of soda, sulphate of ammonia and cyanamid have risen and are threatening further to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of nitrate of soda, sulphate of ammonia and

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[1] 7 F.R. 1215.

[2] The Statement of Considerations has been filed with the Division of the Federal Register.

[3] 7 F.R. 1260, 1601.

[4] Filed with the Division of the Federal Register.

[5] 7 F.R. 1378, 1857.

cyanamid prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been prepared and is issued simultaneously herewith.[1]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, Maximum Price Regulation No. 108 is hereby issued.

§ 1367.21 *Maximum prices for nitrate of soda, sulphate of ammonia and cyanamid.* On and after March 23, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver nitrate of soda, sulphate of ammonia or cyanamid in quantities of 250 pounds or more at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1367.30; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of nitrate of soda, sulphate of ammonia, or cyanamid to a purchaser if prior to March 23, 1942 such nitrate of soda, sulphate of ammonia or cyanamid had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.*

*§§ 1367.21 to 1367.30, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1367.22 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1367.30) may be charged, demanded, paid or offered.*

§ 1367.23 *Conditional agreements.* No seller of nitrate of soda, sulphate of ammonia or cyanamid shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1367.30, in the event that this Maximum Price Regulation No. 108 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment (or for adjustment or for exception) has been duly filed, and such petition requires extension consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may, grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment (or for adjustment or exception, as the case may be). Requests for such an exception may be included in the aforesaid petition for amendment (or for adjustment or for exception).*

§ 1367.24 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 108 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to nitrate of soda, sulphate of ammonia, or cyanamid, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or by the making of excessive charges for trucking or otherwise.*

§ 1367.25 *Records and reports.* (a) Every person (including an agent or dealer making a sale of nitrate of soda, sulphate or ammonia or cyanamid in quantities of 250 pounds or more in the course of trade or business or otherwise dealing therein, to a consumer after March 23, 1942 shall keep for inspection by the Office of Price Administration for a period of not less than two years, complete and accurate records of each such sale, showing the date thereof; the name and address of the buyer, of the person (including an agent or dealer) making the sale, and the kind or brand of the nitrate of soda, sulphate of ammonia or cyanamid; the quantity and grade sold; the bags or containers in which delivered; the price charged or received therefor including transportation expenses; the terms of payment (time, cash, etc.); and the method and conditions of delivery.*

§ 1367.26 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 108 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages, provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 108 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.*

§ 1367.27 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 108 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.*

§ 1367.28 *Definitions.* (a) When used in this Maximum Price Regulation No. 108 the term:

(1) "Person" includes an individual, corporation, partnership, association, or other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Producer" means a person who manufactures nitrate of soda, sulphate of ammonia or cyanamid.

(3) "Importer" means a person who imports from a foreign country for resale in this country nitrate of soda, sulphate of ammonia or cyanamid.

(4) "Primary jobber" means a person such as The Barret Division of Allied Chemical and Dye Corporation who purchases sulphate of ammonia from a producer for resale to others than consumers.

(5) "Mixer" means a person who purchases nitrate of soda, sulphate of ammonia or cyanamid from a producer, importer, or primary jobber for resale to dealers or consumers.

(6) "Dealer" means a person who purchases nitrate of soda, sulphate of ammonia or cyanamid from a person other than a producer, importer or primary jobber for resale to consumers.

(7) "Agent" means a person who acts on behalf of another person in making sales of nitrate of soda, sulphate of ammonia and cyanamid.

(8) "Consumer" means a person who purchases nitrate of soda, sulphate of ammonia or cyanamid for use in aiding the growth of crops or plants (and not for resale).

(9) "Shipping Point" means a point of distribution maintained by a producer, importer, or primary jobber from which actual shipment is made.

(10) "Nitrate of Soda" means the various grades of commercial sodium nitrate when sold or marketed as an aid to the growth of plants or crops.

(11) "Sulphate of Ammonia" means the various grades of ammonium sulphate when sold or marketed as an aid to the growth of plants or crops.

(12) "Cyanamid" means the various grades of calcium cyanamid when sold or marketed as an aid to the growth of plants or crops.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.*

§ 1367.29 *Effective date.* This Maximum Price Regulation No. 108 (§§ 1367.21 to 1367.30, inclusive) shall become effective March 23, 1942.*

§ 1367.30 *Appendix A: Maximum prices for nitrate of soda, sulphate of ammonia and cyanamid.*—(a) *Nitrate of soda*—(1) *Cash sales by mixers, directly or through agents, to consumers.* The maximum price for cash sales of nitrate of soda by a mixer or his agent to consumers for use as fertilizer shall be:

(i) The price paid by such mixer to the producer or importer of such nitrate of soda, *plus*

(ii) The amount equal to the actual transportation expenses incurred by such mixer, *plus*

(iii) The cost of tax tags, if any, and the attaching thereof paid by such mixer, *plus*

(iv) $4.00 per two thousand pounds or $0.20 per hundred pounds.

(2) *Cash sales by mixers to dealers.* The maximum price for cash sales of nitrate of soda by a mixer to dealers shall be:

(i) The price paid by such mixer to the producer or importer of such nitrate of soda, *plus*

(ii) The amount equal to the actual transportation expenses incurred by such mixer, *plus*

(iii) The cost of tax tags, if any, and the attaching thereof paid by such mixer, *plus*

(iv) $4.00 per two thousand pounds or $0.20 per hundred pounds, *plus*

(v) $1.50 per two thousand pounds or $0.075 per one hundred pounds when such sulphate of ammonia is purchased in bulk, and resold in bags or other containers by such mixer, *plus*

(vi) The cost of bags or other containers for such sulphate of ammonia, when such sulphate of ammonia is bagged by such mixer, *plus*

(v) The cost of bags or other containers for such sulphate of ammonia, when such sulphate of ammonia is bagged by such mixer, *plus*

(vi) The cost of tax tags, if any, and the attaching thereof paid by such mixer.

(3) *Cash sales by dealers.* The maximum price for cash sales of sulphate of ammonia by a dealer to consumers for use as fertilizer shall be:

(i) The price paid by such dealer, *plus*

(ii) An amount equal to the actual transportation expenses incurred by such dealer, *plus*

(iii) $2.00 per two thousand pounds or $0.10 per hundred pounds, *plus*

(iv) The cost of bags or other containers for such sulphate of ammonia, if not included in the price paid by such dealer.

(4) *Credit sales.* (i) In the case of credit sales of sulphate of ammonia by mixers and dealers, charges for credit no more onerous than those in effect during the year 1941 may be added to the maximum prices established by subparagraphs (1), (2), and (3) above.

(c) *Cyanamid*—(1) *Cash sales by mixers, directly or through agents, to consumers.* The maximum prices for cash sales of cyanamid by a mixer or his agent to consumers for use as fertilizer shall be:

(i) The price paid by such mixer to the producer or importer of such cyanamid, *plus*

(ii) An amount equal to the actual transportation expenses incurred by such mixer, *plus*

(iii) The cost of tax tags, if any, and the attaching thereof by such mixer, *plus*

(iv) $4.00 per two thousand pounds or $0.20 per hundred pounds.

(2) *Cash sales by mixers to dealers.* The maximum price for cash sales of cyanamid by a mixer or his agents to dealers shall be:

(i) The price paid by such mixer to the producer or importer of such cyanamid, *plus*

(ii) The amount equal to the actual transportation expenses incurred by such mixer, *plus*

(iii) The cost of tax tags, if any, and the attaching thereof paid by such mixer, *plus*

(iv) $2.00 per two thousand pounds or $0.10 per hundred pounds.

(3) *Cash sales by dealers.* The maximum price for cash sales of cyanamid by a dealer to consumers for use as fertilizer shall be

(i) The price paid by such dealer, *plus*

(ii) An amount equal to the actual transportation expenses incurred by such dealer, *plus*

(iii) $2.00 per two thousand pounds or $0.10 per hundred pounds.

(4) *Credit sales.* (i) In the case of credit sales of cyanamid by mixers and dealers, charges for credit no more onerous than those in effect during the year 1941 may be added to the maximum prices established by suparagraphs (1), (2) and (3) above.

(d) *Territory.* Nothing in this Maximum Price Regulation No. 108 shall apply or be deemed to apply to sales of nitrate of soda, sulphate of ammonia or cyanamid in the states of Washington, Oregon, California, Montana, Wyoming, Idaho, Nevada, Utah, Colorado, and Arizona.*

Issued this 17th day of March 1942.

JOHN E. HAMM,
Acting Price Administrator.

[F. R. Doc. 42-2340; Filed, March 17, 1942; 5:09 p. m.]

PART 1304—IRON AND STEEL SCRAP

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 4[1]—IRON AND STEEL SCRAP

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[2]

Sections 1304.6, 1304.13 (c) (3) and 1304.14 (a) are amended to read as follows; § 1304.13 (d) (3) including exceptions 1 to 8 is redesignated as § 1304.13 (d) (4) and amended to read as follows; Two new paragraphs, § 1304.13 (d) (3) and § 1304.15 (b) (3) are added and a new section 1304.12A is added; as set forth below:

§ 1304.6 *Commissions.* No commission shall be payable hereunder, except by a consumer to a broker for brokerage services rendered to the consumer. In the event that a consumer shall employ a broker to purchase iron and steel scrap, such consumer may pay such broker a commission not exceeding 50 cents per gross ton. No commission shall be payable unless (a) the broker guarantees the quality and delivery of an agreed tonnage of scrap; (b) the scrap is purchased by the consumer at a price not higher than the maximum applicable herein; (c) the broker sells the scrap to the consumer at the same price at which he purchased it; (d) the broker does not split or divide the commission, in whole or in part, with the seller or sellers of the scrap, with another broker or subbroker, or with the consumer, and (e) the commission is shown as a separate item on the invoice. No commission shall be payable to a person for scrap which he prepares.

§ 1304.13 *Appendix A: Maximum prices for iron and steel scrap other than railroad scrap.*

* * * * *

(c) *Maximum shipping point prices.*

* * * * * *

(3) *Established charges.* (i) The transportation charges or switching charges used in computing shipping point prices need not reflect any rise in rates which became effective after March 14, 1942;

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[1] The statement of considerations has been filed with the Division of the Federal Register.

[2] 7 F.R. 971.

[1] 7 F.R. 1207.

[2] The Statement of Considerations has been filed with the Division of the Federal Register.

(ii) No charge shall be deemed an established charge within the meaning of Price Schedule No. 4 unless it has been the basis of actual movement of scrap to the most favorable basing point during the calendar year 1941.

* * * * *

(d) *Maximum prices delivered to the plant of a consumer.*

* * * * *

(3) For the purpose of computing maximum delivered prices under this paragraph, any increase in transportation charges resulting from a rise in rates which became effective after March 14, 1942 may be included only if shown as a separate item on the invoice.

(4) In no case, however, shall the delivered price exceed the price listed in paragraph (a) for the basing point nearest, in terms of established transportation charges, to the consumer's plant, by more than $1.00 plus any increase in the transportation charge from shipping point to point of delivery resulting from a rise in rates which became effective after March 14, 1942, with the following exceptions:

Exception 1. For consumers having St. Louis as their nearest basing point the delivered price may not exceed the St. Louis basing point price by more than $1.50 plus any increase in transportation charges mentioned in (d) (3) above: *Provided*, That the delivered price of scrap shipped to such consumers from shipping points in Arkansas may not exceed the St. Louis basing point price by more than two dollars plus any increase in transportation charges mentioned in (d) (3) above. For consumers whose nearest basing points are Detroit, Birmingham and Alabama City, respectively, the delivered price may not exceed by more than two dollars plus any increase in transportation charges mentioned in (d) (3) above, the price at their respective basing points.

Exception 2. In the case of machine shop turnings or related grades of turnings, as defined herein, delivered to electric furnace producers of ferro alloys, and in the case of chemical borings delivered to chemical users thereof, the delivered price shall not be limited to one dollar etc., in excess of the price at the basing point nearest the consumer's plant.

Exception 3. "Remote Scrap" means all the kinds and grades of iron and steel scrap referred to in § 1304.13, Appendix A, and having a shipping point and a point of origin within the states of Montana, Idaho, Wyoming, Nevada, Arizona, New Mexico, Texas, Oklahoma, Florida, Oregon, Utah, North Dakota, South Dakota and Washington. Colorado scrap shall be remote scrap for Colorado consumers only.

(i) The delivered price of remote scrap may exceed by more than $1.00 but not more than $5.00 the price at the basing plant nearest the consumer's plant: *Provided*, That immediately upon delivery of such scrap, the consumer files with the Office of Price Administration, Washington, D. C., (a) a fully detailed statement under oath setting forth the name and address of the seller, the shipping point of the scrap, the grade, quantity and price at shipping point, delivered price, the mode of transportation employed and the transportation charges from the shipping point to the point of delivery, and (b) certified copies of all bills of lading covering the shipment of such scrap from the remote shipping point to the point of delivery.

(ii) Where the delivery price of remote scrap would exceed by more than $5.00 the price at the basing point nearest the consumer's plant, the consumer may not purchase or accept delivery of such scrap until his application to the Office of Price Administration, Washington, D. C., for permission to absorb the additional transportation charges necessary to secure such scrap has been approved. Applications by consumers must be under oath and fully detailed, setting forth the name and address of the seller, point of shipment of the scrap, the grade, quantity and price at shipping point, proposed delivered prices, the mode of transportation to be employed, and the transportation charges from the shipping point to the consumer's plant. The application must also contain a statement by the consumer of its need for, and its willingness to accept, such scrap at the price quoted.

Immediately upon delivery of such scrap, the consumer must comply with the filing requirements of paragraph (i) (a) above.

Exception 4. Where scrap is shipped by vessel from Duluth, Minnesota, or Superior, Wisconsin, to consumers located in Buffalo, New York, Elyria, Ohio, Cleveland, Ohio, Saginaw, Michigan, Detroit, Michigan, or Chicago, Illinois, the delivered price shall not be limited to one dollar etc., in excess of the basing point nearest the consumer's plant.

Exception 5. In computing the delivered price of Billet, Bloom and Forge Crops originating in and shipped from the Pittsburgh Basing Point, the maximum transportation charges which may be added to the shipping point price shall be $2.65.

Exception 6. The delivered price of Low Phos. and Sulphur Punchings and Plate Scrap, Low Phos. and Sulphur Bar Crops and Smaller, Alloy Free Low Phos. and Sulphur Turnings, and First Cut Heavy Axle and Forge Turnings produced in industrial plants in the State of Michigan and shipped directly to consumers located in or nearest, in terms of established transportation charges, to the Buffalo, N. Y., Pittsburgh, Brackenridge, or Midland, Pa., basing point, shall not exceed by more than $3.00 plus any increase in transportation charges mentioned in (d) (3) above the price at the basing point nearest the consumer's plant.

Exception 7. Where scrap is shipped from a New England shipping point, the maximum transportation charges which may be added to the shipping point price shall be $6.65 per gross ton.

Exception 8. Where the shipping point price of scrap is computed from water rates, and water movement is not available the year round, consumers who can establish that they did receive delivery of such scrap by water within $1.00 of the price at their nearest basing point between April 15 and November 15, 1941, may pay the shipping point price plus all-rail transportation charges from the shipping point to the point of delivery whenever water movement is not available.

Exception 9. Where scrap is shipped pursuant to an allocation order issued by the War Production Board, the delivered price shall not be limited to $1.00 etc., in excess of the price at the basing point nearest the consumer's plant: *Provided, however*, That in all such cases, the most economical transportation facilities must be employed. For example, but not by way of limitation:

(i) If vessel or rail-vessel or vessel-rail facilities are available from shipping point to point of delivery, and use of such facilities will result in lower transportation charges than all-rail movement, the maximum transportation charges which may be added to the shipping point price may not exceed the charges which would apply if the cheapest available facility were employed;

(ii) Where the most economical method available involves rail movement, the rail transportation charges must be computed on the basis of the rates for the highest minimum carload weight.

§ 1304.14 *Appendix B: Maximum prices for iron and steel scrap originating from railroads*—(a) *Scrap originating from railroads—operating in a basing point named below* (all prices given below are per gross ton). The scrap is at its point of delivery to the consumer when it has arrived for unloading at the plant of the consumer. Where used in this appendix, the term "transportation charges" means the established charges for transporting the scrap to the point of delivery by the mode of transportation employed. The term "transportation charges" shall include any increase in transportation charges resulting from a rise in rates which became effective after March 14, 1942; and where specific amounts of allowable transportation charges are mentioned, there may be superadded thereto 6% of such allowable charge. In no case shall the maximum delivered price include any charge or cost incurred in unloading the scrap at the point of delivery or in subsequent handling.

* * * * *

§ 1304.15 *Appendix C: Maximum prices for cast iron scrap other than railroad scrap.* (All the prices given below are per gross ton).

* * * * *

(b) *Maximum price delivered to a consumer.*

* * * * *

(3) For the purpose of computing maximum delivered prices under this paragraph, any increase in transportation charges resulting from a rise in rates which became effective after March 14, 1942 may be included.

§ 1304.12a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1304.6, 1304.12a, 1304.13 (c) (3), (d) (3), (d) (4), 1304.14 (a), 1304.15 (b) (3)) to Revised Price Schedule No. 4 shall become effective March 18, 1942.

(Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 18th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2345; Filed, March 18, 1942; 9:39 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

CHAPTER I—GENERAL LAND OFFICE

[Circular No. 1503]

PART 79—TIMBER [1]

AMENDMENT OF THE REGULATIONS GOVERNING SMALL SALES OF TIMBER IN ALASKA, SO AS TO REQUIRE THE ISSUANCE OF PERMITS IN ADVANCE OF CUTTING OF TIMBER; OFFICERS IN CHARGE OF CUTTING

In order to prevent the cutting of timber on public lands in Alaska under small sales applications, authorized by 43 CFR 79.15–79.33, until permits authorizing such cutting have been issued, the regulations are hereby amended as stated below.

Section 79.20 is amended to read:

§ 79.20 *Action by register on application.* Upon receipt of an application for timber on land from which it may properly be cut, with the required deposit, the register will give it a serial number and note a reference thereto on his tract book. He will acknowledge receipt of the application and advise the applicant that no timber may be cut until receipt of a permit from the officer in charge of timber cutting operations in Alaska. If the required deposit does not accompany the application, or the land is embraced in an entry or selection or is not of the character described in § 79.16, from which timber may be cut, he will suspend action on the application and call on the applicant to make the required payment, or to amend the application as the case may be.

When the application is proper the register will promptly forward it through the office of the General Land Office Coordinator for Alaska, to the officer or examiner, as the case may be, in charge of timber cutting in Alaska. The application will be accompanied with the statement indicating that the records of the District Land Office do not show any objection to the cutting of the timber applied for.

Section 79.21, paragraph (c) is amended to read as follows:

[1] These regulations are issued under the authority contained in sec. 11, 30 Stat. 414; 48 U.S.C. 421.

§ 79.21 *Conditions precedent to cutting and removal of timber.*

* * * * *

(c) After he has received from the officer in charge of timber cutting operations in Alaska a permit authorizing the cutting of the timber applied for.

* * * * *

Section 79.24 is amended by adding thereto the following:

§ 79.24 *Issuance of permit.* * * * Where conditions warrant the officer in charge will reject the application, stating his reasons for such action. The officer will insert in all permits issued by him such conditions and provisions respecting the cutting and removal of the timber as in his opinion are required by the public interests. Any person who is adversely affected by the action taken on his application may secure a review thereof by making request therefor to the Commissioner of the General Land Office. The officer in charge will make a report in triplicate showing all permits issued and all applications rejected, transmitting the original to the Commissioner of the General Land Office, the duplicate to the Register, and the triplicate to the General Land Office Coordinator for Alaska.

Supervision of Alaska timber sales hereafter will be had through such officers or examiners as may be designated by the Commissioner of the General Land Office. Accordingly the following changes in the regulations will be made:

In § 79.25 (*Field examination and appraisal of timber*), the words "officer or examiner, as the case may be," will be substituted for the word "agent."

In § 79.26 (*Removal of timber*), the words "officer or examiner, as the case may be," will be substituted for the words "special agent."

In § 79.27 (*Payment*), paragraph one, the words "officer or examiner, as the case may be," will be substituted for the words "special agent" and paragraph two will be amended to read as follows:

The register will advise the officer in charge as to all moneys received in connection with applications to purchase timber giving the serial numbers of the cases and other necessary information. The moneys will be held as "unearned" pending receipt of a report from such officer. The officer in charge will account to the register for all moneys received by him or by the examiners, and he will advise the register when moneys on deposit should be covered into the Treasury or returned.

Section 79.28 will be amended to read as follows:

§ 79.28 *Final action.* After necessary action by the register and by the officer in charge, the application and related papers will be forwarded by the register to the General Land Office, through the General Land Office Coordinator for Alaska.

In § 79.31 (*Revocation of permit*), the words "officer or examiner, as the case may be," will be substituted for the words "special agent."

FRED W. JOHNSON,
Commissioner.

Approved: March 7, 1942.

OSCAR L. CHAPMAN,
Assistant Secretary.

[F. R. Doc. 42-2349; Filed, March 18, 1942; 9:47 a. m.]

TITLE 50—WILDLIFE

CHAPTER I—FISH AND WILDLIFE SERVICE

PART 29—PLAINS REGION NATIONAL WILDLIFE REFUGES

SAND LAKE NATIONAL WILDLIFE REFUGE, SOUTH DAKOTA

Pursuant to the provisions of section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1222; 16 U.S.C. 715i), as amended, the administration of which was transferred to the Secretary of the Interior on July 1, 1939, in accordance with Reorganization Plan No. II [1] (53 Stat. 1431), the following is hereby ordered:

§ 29.800 *Sand Lake National Wildlife Refuge, South Dakota; fishing.* Noncommercial fishing is permitted in Sand Lake National Wildlife Refuge, South Dakota, from May 15 to September 15, inclusive, of each year from 6 a. m. to 6 p. m. in the waters specified herein, in accordance with the provisions of the regulations dated December 19, 1940, for the administration of national wildlife refuges under the jurisdiction of the Fish and Wildlife Service, and subject to the following conditions and restrictions:

(a) *Waters open to fishing.* The waters of the James River in the Hecla Recreation Area in the NW¼NE¼ sec. 29, T. 128 N., R. 61 W., shall be open to fishing.

(b) *State fishing laws.* Any person who fishes within the refuge must comply with the applicable fishing laws and regulations of the State of South Dakota. Fishing shall be by hook and line only, as defined by State law.

(c) *Fishing licenses and permits.* Any person who fishes within the refuge shall be in possession of a valid fishing license issued by the South Dakota Game and Fish Commission, if such license is required. This license shall serve as a Federal permit for fishing in the specified waters of the refuge and must be carried on the person of the licensee while so fishing. The license must be exhibited upon the request of any representative of the South Dakota Game and Fish

[1] 4 F.R. 2731.

Commission or of the Fish and Wildlife Service.

(d) *Routes of travel.* Persons entering the refuge for the purpose of fishing shall follow such routes of travel as may be designated by suitable posting by the officer in charge of the refuge.

(e) *Use of boats.* The use of boats or floating devices of any description is prohibited on all waters of the refuge except for official purposes.

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

MARCH 3, 1942.

[F. R. Doc. 42-2346; Filed, March 18, 1942; 9:48 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. D-14]

IN THE MATTER OF THE APPLICATION OF THE MILWAUKEE FUEL AND DOCK COMPANY FOR PERMISSION TO RECEIVE DISTRIBUTORS' DISCOUNTS ON COAL PURCHASED FOR RESALE AND RESOLD TO CERTAIN RETAIL YARDS IN WHICH IT IS FINANCIALLY OR OTHERWISE INTERESTED

ORDER POSTPONING HEARING

A Notice of and Order for Hearing having been issued in this matter on February 9, 1942, providing that a hearing be held on March 18, 1942; and

A motion having been filed by the Applicant for a postponement of the hearing for a period of thirty to sixty days; and

The Acting Director finding that a reasonable showing of necessity for postponement has been made by the Applicant;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is postponed from March 18, 1942 at 10:00 a. m. to April 27, 1942, at 10:00 a. m. at the place and before the Examiner heretofore designated.

Dated: March 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2351; Filed, March 18, 1942; 10:14 a. m.]

[Docket No. A-1283]

PETITION OF THE BROWN COAL COMPANY AND THE H & M COAL CO., CODE MEMBERS IN DISTRICT NO. 15, FOR REVISION IN THE EFFECTIVE MINIMUM PRICES FOR THE COALS IN SIZE GROUPS 1, 2, AND 3 PRODUCED FROM MINE INDEX NOS. 311 AND 1203 IN DISTRICT NO. 15 FOR SHIPMENT BY TRUCK INTO ALL MARKET AREAS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER DISMISSING PETITION AND CANCELLING HEARING

A hearing in the above-entitled matter having been scheduled to be held on March 27, 1942 at Fort Smith, Arkansas; and

The petitioners therein, the Brown Coal Company and the H & M Coal Company now having jointly filed a motion for the dismissal, without prejudice, of their original petition filed in the matter and having shown good cause for the granting of such motion;

It is hereby ordered, That the original petition in the above-entitled matter be and it hereby is dismissed, without prejudice, and that the hearing in such matter heretofore scheduled to be held at Fort Smith, Arkansas on March 27, 1942 be and it hereby is cancelled.

Dated: March 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2352; Filed, March 18, 1942; 10:14 a. m.]

[Docket No. 1508-FD]

IN THE MATTER OF THE APPLICATION OF INDIANA COALS CORPORATION FOR PROVISIONAL APPROVAL AS A MARKETING AGENCY

ORDER OF THE ACTING DIRECTOR SUSPENDING CERTAIN CONDITIONS IN PRIOR ORDER

By Order of May 27, 1941, the Director, pursuant to and in accordance with Section 12 of the Bituminous Coal Act of 1937, having provisionally approved Indiana Coals Corporation, the applicant, as a "marketing agency," subject to specified conditions designed to insure that the operations of applicant would not circumvent the standards of Section 12 and the over-all objectives of the Act;

On December 17, 1941, the applicant having filed a motion to suspend for six months the operation of Conditions 2 and 4 of the Order of Provisional Approval, which are concerned with subagents' commissions and discounts allowed to registered distributors or registered farmers' cooperatives, in order that applicant might effect contracts covering sufficient tonnage to permit the functioning of the marketing agency;

The Acting Director in a Memorandum Opinion and Order, dated December 24, 1941, having granted the motion for the suspension of the operation of said Conditions 2 and 4 for a period of 90 days and denying applicant's request for a longer suspension, and having reserved jurisdiction, if in the Acting Director's opinion such action would be deemed advisable, to order applicant to show cause at the end of the 90-day period from the start of the applicant's operating and functioning as a marketing agency why the operation of Conditions 2 and 4 should be further suspended, and for the purpose of imposing any further condition that might be found necessary, and further concluding that unless applicant is organized and functioning as a marketing agency within 90 days from December 24, 1941, the provisional approval granted applicant should be withdrawn and revoked 90 days from December 24, 1941;

The applicant, on March 6, 1942, having filed a supplemental motion reciting, *inter alia,* that the applicant has proceeded with its organization, has caused due meetings of its Board of Directors and stockholders to be held, has negotiated and has in process of negotiation contracts with subscribers, all of which are set forth in an exhibit attached to said supplemental motion, has issued its initial classification and Price Schedule No. 1, which was filed with the Bituminous Coal Division under date of February 12, 1942, and thereafter submitted supplemental statements and data in support of said price schedule,[1] but that it will be unable to be in full operation by March 24, 1942, and, therefore, will not have been able to operate a sufficient length of time to present any facts upon which applicant and the Director may judge the effect of Items 2 and 4 as applied to applicant;

The supplemental motion praying that the operations of Items 2 and 4 of the Order of Provisional Approval be suspended for a period of six months from March 24, 1942, and that thereafter the Director order applicant to show cause why the operation of said Items 2 and 4 should be further suspended, and that the Order of Provisional Approval, dated May 27, 1941, be not withdrawn and that the revocation of said Order be extended for a period of 90 days from March 24, 1942, and under the conditions set forth in the Memorandum Opinion and Order dated December 24, 1941;

It appearing to the Acting Director that no immediate harm will result from a brief suspension of those conditions;

It is concluded that the prayer of applicant should be granted to the extent that the operation of Conditions 2 and 4 set forth in the Order granting provisional approval dated May 27, 1941, be suspended for a period of 90 days from March 24, 1942, and that the applicant's request for a longer period of suspension should be denied.

It is further concluded that thereafter the director may order applicant to show cause why the operation of said Items 2 and 4 should be further suspended.

It is further concluded that the provisional approval to applicant, heretofore granted by Order of the Director dated May 27, 1941, be not withdrawn and that the revocation of said Order be extended for a period of 90 days from March 24, 1942, subject to all the conditions set forth in the earlier orders issued in this proceeding.

And it is so ordered.

Dated: March 17, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2353; Filed, March 18, 1942; 10:14 a. m.]

[1] The operation of price schedule has been suspended for the time being upon direction of the Acting Director.

[General Docket No. 23]

IN THE MATTER OF THE MARKETING RULES AND REGULATIONS INCIDENTAL TO THE SALE AND DISTRIBUTION OF COAL BY CODE MEMBERS AS ESTABLISHED BY THE DIVISION FOR DISTRICTS 1 TO 20, INCLUSIVE, 22 AND 23; AND IN RE THE PROPOSAL TO REVIEW AND REVISE THE MARKETING RULES AND REGULATIONS AS ESTABLISHED BY THE DIVISION

AN ORDER APPROVING AND ADOPTING, WITH MODIFICATION, PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE EXAMINER AND REVISING AND MODIFYING THE MARKETING RULES AND REGULATIONS

The Director of the Bituminous Coal Division having instituted a proceeding, pursuant to the provisions of the last sentence of section 4 II (b) of the Bituminous Coal Act of 1937, to receive evidence relating to the reasonableness and necessity of revising those portions of the Marketing Rules and Regulations[1] relating to the payment of interest on overdue accounts;

A hearing having been duly held in this proceeding before Edward J. Hayes, a duly designated Examiner of the Division, at Washington, D. C., on September 30, 1941; District Boards 1, 2, 3, 4, 6, 7, 8, 9, 10, 11, 15, 18 and 22; the City of Chicago, the American Coal Distributors Association, The National Fuel Credit Association, several code members and one registered distributor intervened. Bituminous Coal Consumers' Counsel filed a notice of appearance.

The Examiner having made and entered his Report, Proposed Findings of Fact, Conclusions of Law and Recommendations, dated December 19, 1941;

District Board 11, the Bituminous Coal Consumers' Counsel, and the City of Chicago, all parties to this proceeding, having in due time filed exceptions to the Report of the Examiner and supporting Briefs;

The undersigned having carefully considered the entire record in this proceeding, and upon the basis thereof, having rendered Findings of Fact, Conclusions of Law and an Opinion, which are filed herewith;

Now, therefore, it is ordered, That the Proposed Findings of Fact, Conclusions of Law and Recommendations of the Examiner be and are hereby adopted, except that his recommended revision of Rule 1 (I) of Section VII be modified to include (1) a provision that the waiver of interest charges not exceeding fifty (50¢) cents is permissible only when the amount of such interest is computed on the total shipments of coal to any one buyer during any one month, and not upon the amount of an individual invoice and (2) to exclude the provision excepting the City of Detroit from the 10 day grace provision.

[1] The Marketing Rules and Regulations Incidental to the Sale and Distribution of Coal were established to take effect concurrently with the establishment of effective minimum prices in General Docket No. 15. These rules and regulations were later revised, in part, in Dockets Nos. A-3 and A-375 and General Docket No. A-20.

It is ordered, That effective April 1, 1942, the Marketing Rules and Regulations established in General Docket No. 15 be and the same hereby are revised and amended to read as follows:

A. *Rule 1 (I) of Section VII.* Unless payment of an account for the sale of coal is received by the seller within ten (10) days after the due date of such an account as provided in these Marketing Rules and Regulations, the seller shall charge and the buyer shall pay interest from and after the due date of the account at the rate of not less than five (5%) per centum per annum on the invoice price of the coal sold: *Provided, however,* That no interest need be charged on the account by the seller and unless such interest exceeds fifty (50¢) cents on the total purchases for any one month, except where an account remains unpaid thirty (30) days after the due date thereof interest must be charged from the due date, regardless of the amount of such interest; *And provided further,* That in the case of sales made to Federal, State or Local Governments, or any agency thereof, interest need not be paid at a rate in excess of, but shall be paid at a rate of not less than that prescribed by applicable statutes or rules as the maximum rate of interest governing such payments, where that prescribed maximum is less than five (5%) per centum per annum.

B. *Rule 1 (J) of Section VII.* Transportation charges on all-rail shipments or on ex-river shipments of coal from the lifting point shall not be paid by a Code Member, his Sales Agent, or a Distributor, except to prepay stations as published in current railway tariffs or on shipments to the United States Government, States or political subdivisions thereof, and except as authorized in the minimum price schedules or in paragraph 1 of Section 4 II (i) of the Act. Where the transportation charges are thus prepaid, the amount thereof shall, immediately upon receipt of the freight bill or notice of sight draft payment, be invoiced to the buyer for immediate payment, and unless payment for such transportation charges on shipments to prepay stations is received by the seller within ten (10) days from the date of the invoice, the seller shall charge and the buyer shall pay interest at the rate of five (5%) per centum per annum from the due date commencing on the day following the date payment is due, except as otherwise provided in the minimum price schedules.

C. *Rule 1 (K) of Section VII.* Except as provided in Section X of these Marketing Rules and Regulations, no Code Member, his Sales Agent, or a Distributor, shall accept as payment in full for any account for the sale of coal any amount which is less than the applicable invoice price for the quantity of coal involved plus any interest charges on the unpaid balance of the invoice price as required under Rule 1 (I) of this Section: *Provided,* That a Code Member, his Sales Agent, or a Distributor may enter into a bona fide general creditors' composition with other creditors of a defaulting purchaser. A copy of such creditors' composition shall be filed with the Statistical Bureau or Bureaus within ten (10) business days from the date of the making hereof. No provision of this rule is intended to prohibit the interim acceptance of a partial payment of an account, pending its final payment with all interest due.

D. *Rule 2 of Section V and Rule 8 of Section VI.* The following subsection (e) is to be added to these Rules:

(e) If the price herein is not paid on the date of payment (including the ten (10) day grace period) specified in Rule 1 of Section VII of the Marketing Rules and Regulations established by the Bituminous Coal Division of the United States Department of the Interior, the seller shall charge and the buyer shall pay interest as required in the aforesaid Rule 1 of Section VII, commencing on the day following the date payment is due. Only the receipt of a remittance by the seller shall be deemed to constitute payment of the account, as provided in these Marketing Rules and Regulations.

Dated: March 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2354; Filed, March 18, 1942; 10:14 a. m.]

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF AN EXTENSION OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGE IN THE AIRCRAFT MANUFACTURING INDUSTRY

NOTICE OF OPPORTUNITY TO SHOW CAUSE

Notice is hereby given to all interested parties that they have until April 1, 1942, to show cause why the Secretary's decision of December 14, 1938 (3 F.R. 3044) in the matter of the determination of the prevailing minimum wages in the Aircraft Manufacturing Industry, as amended on October 18, 1941 (6 F.R. 5342) should not be further amended by the substitution of the following definition for the industry:

The Aircraft Manufacturing Industry is that industry which manufactures airplanes and gliders, aircraft-type engines, aircraft propellers, parts and accessories for the above mentioned products, and specialized aircraft servicing equipment.

Expressly excluded from the scope of the definition are such commodities as:

Fabricated textile products. Fabric covers (including engine warming covers); parachutes; safety belts; tow targets; and wind socks.

Pyrotechnics. Cartridges for engine starters; and flares and signals.

Electrical and radio equipment. Batteries, electric wire and cable; intercommunication equipment; landing and navigation lights; lighting systems; radios; and radio compasses.

Rubber products. Rubber de-icing equipment; flotation gear; life preserv-

ers and life rafts; bonded rubber mountings and vibration dampers; rubber utilities; and tires and tubes.

Machine shop products and machinery. Bearings; bolts, nuts, rivets, screws, and washers; gas refueling systems (including refueling pumps); gears and sprockets; piston rings; springs; and wire rope.

Miscellaneous products. Cameras; fire extinguishers; first aid equipment; gaskets; instruments; lavatory equipment; and lighter-than-air craft.

The effect of the proposed amendment will be to broaden the scope of the minimum wage determination for the industry to include such products as the following:

Light commercial aircraft;

Engines and propellers for light commercial aircraft;

Parts and accessories for light commercial aircraft and their engines and propellers;

Gliders; and

Specialized servicing equipment for ground use.

The prevailing minimum wage for the Aircraft Manufacturing Industry, as determined by the Secretary of Labor, is 50 cents an hour or $20.00 per week of 40 hours, arrived at either upon a time or piece work basis. The determination further provides that apprentices may be employed at lower rates if their employment conforms to the standards of the Federal Committee on Apprenticeship.

The proposed extension is based upon evidence received by this Department which indicates (1) that the majority of the plants manufacturing light commercial aircraft for which data are available have a minimum wage of not less than 50 cents per hour; (2) that the predominant number of wage earners manufacturing light commercial aircraft are employed in plants having a minimum wage of not less than 50 cents per hour; (3) that gliders are manufactured by processes and at wages similar to or identical with those in the production of light commercial aircraft; (4) that parts and accessories for light commercial aircraft are usually made either by the manufacturer of the aircraft, or by the manufacturer of parts and accessories for military and heavy transport aircraft; and (5) that specialized servicing equipment for ground use is normally manufactured by the same firms which manufacture products already subject to the determination.

All briefs or telegraphic communications should be addressed to the Administrator, Division of Public Contracts, U. S. Department of Labor, Washington, D. C. They will be considered if they are received on or before April 1, 1942. No form for the brief is prescribed, but an original and four copies must be submitted.

Dated: March 17, 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42-2344; Filed, March 18, 1942; 9:32 a. m.]

Wage and Hour Division.

NOTICE OF CANCELLATION OF SPECIAL CERTIFICATE FOR THE EMPLOYMENT OF LEARNERS IN THE HOSIERY INDUSTRY

Notice is hereby given that the special certificates for the employment of learners, namely (1) certificate dated October 14, 1940, authorizing the employment of learners not to exceed at any one time five per cent of the total number of factory workers (excluding office and sales personnel) employed in the plant, and (2) certificate dated October 21, 1940, authorizing the employment of sixty additional learners issued to the Sport-Wear Hosiery Mills, of Etowah, Tennessee, has been ordered cancelled as of the first date of violation because of violations of its terms.

The order of cancellation shall not become effective and enforceable until after the expiration of a fifteen-day period following the date on which this notice appears in the FEDERAL REGISTER. During this time petitions for reconsideration or review may be filed by any directly interested and aggrieved party pursuant to § 522.13 of the Regulations. If a petition is properly filed, the effective date of the order of cancellation shall be postponed until final action is taken on the petition.

Signed at City of New York this 17th day of March 1942.

ALEX G. NORDHOLM,
Duly Authorized Representative of the Administrator.

[F. R. Doc. 42-2257; Filed, March 18, 1942; 10:27 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 721 and 561]

IN THE MATTER OF THE TEMPORARY AMENDMENT OF THE CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY OF AMERICAN AIRLINES, INC., FOR ROUTE NO. 4, AND OF TRANSCONTINENTAL & WESTERN AIR, INC., FOR ROUTE NO. 2, TO INCLUDE LONG BEACH, CALIF., AS AN INTERMEDIATE POINT: AND THE APPLICATION OF UNITED AIR LINES TRANSPORT CORPORATION FOR AMENDMENT TO ITS EXISTING CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO INCLUDE LONG BEACH, CALIF., AS AN INTERMEDIATE STOP

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 1001 and 401 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on March 20, 1942, at 11 a. m. (eastern standard time) in the Auditorium, Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before Examiner Thomas L. Wrenn.

Dated March 17, 1942.

[SEAL] THOMAS L. WRENN,
Examiner.

[F. R. Doc. 42-2346; Filed, March 18, 1942; 9:47 a. m.]

CIVIL SERVICE COMMISSION.

CONDITION OF THE APPORTIONMENT AT CLOSE OF BUSINESS SATURDAY, MARCH 14, 1942

Important. The apportioned classified Civil Service includes central offices physically located in Washington, D. C., or elsewhere. Positions in local post offices, customs districts and other field services outside of the District of Columbia which are subject to the Civil Service Act are filled almost wholly by persons who are local residents of the general community in which the vacancies exist. It should be noted and understood that so long as a person occupies, by original appointment, a position in the apportioned service, the charge for his appointment continues to run against his state of original residence. Certifications of eligibles are first made from states which are in arrears.

State	Number of positions to which entitled	Number of positions occupied
IN ARREARS		
1. Puerto Rico	1,306	51
2. Virgin Islands	17	1
3. Hawaii	296	24
4. Alaska	51	14
5. California	4,826	1,503
6. Louisiana	1,651	697
7. Michigan	3,672	1,579
8. Arizona	349	176
9. Texas	4,482	2,387
10. Georgia	2,182	1,256
11. Kentucky	1,988	1,179
12. Alabama	1,979	1,204
13. South Carolina	1,327	818
14. Ohio	4,826	3,094
15. Mississippi	1,526	1,003
16. Nevada	77	33
17. North Carolina	2,495	1,741
18. Arkansas	1,302	954
19. New Jersey	2,906	2,127
20. Indiana	2,305	1,982
21. New Mexico	372	996
22. Tennessee	2,037	1,677
23. Illinois	5,517	4,609
24. Florida	1,326	1,114
25. Oregon	761	644
26. Delaware	196	165
27. Connecticut	1,194	1,069
28. Idaho	367	331
29. Wisconsin	2,192	1,981
30. Washington	1,213	1,133
IN EXCESS		
31. Vermont	251	253
32. Rhode Island	498	503
33. Pennsylvania	6,917	7,006
34. West Virginia	1,329	1,393
35. Missouri	2,644	2,783
36. Massachusetts	3,016	3,216
37. Utah	358	415
38. New Hampshire	343	372
39. Maine	592	661
40. Oklahoma	1,632	1,938
41. Colorado	783	967
42. Minnesota	1,961	2,499
43. Iowa	1,778	2,271
44. New York	9,417	12,595
45. Montana	391	524
46. Wyoming	178	236
47. Kansas	1,238	1,834
48. North Dakota	448	686
49. Virginia	1,871	2,965
50. South Dakota	449	781
51. Nebraska	919	1,781
52. Maryland	1,272	3,212
53. District of Columbia	463	9,964

GAINS	
By appointment	3,124
By transfer	44
By classification	4
By reinstatement	6
Total	3,178

LOSSES	
By separation	317
By transfer	223
By correction	4
Total	544
Total appointments	93,657

NOTE.—Number of employees occupying apportioned positions who are excluded from the apportionment figures under Sec. 3, Rule VII, and the Attorney General's Opinion of August 25, 1934, 20,786.

By direction of the Commission.

[SEAL] L. A. MOYER,
Executive Director and Chief Examiner.

[F. R. Doc. 42-2350; Filed, March 18, 1942; 10:08 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-453]

IN THE MATTER OF ENGINEERS PUBLIC SERVICE COMPANY, THE WESTERN PUBLIC SERVICE COMPANY, A MARYLAND CORPORATION, AND THE WESTERN PUBLIC SERVICE COMPANY, A DELAWARE CORPORATION

ORDER RECONVENING HEARING AND DIRECTING CLOSING OF THE RECORD

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of March, A. D. 1942.

The Commission by its order of December 29, 1941, having granted or permitted to become effective various applications and declarations but having reserved jurisdiction as to a certain declaration by Engineers Public Service Company, a registered holding company, as to the acquisition and retirement by it of not to exceed 35,000 shares of its preferred stock, said acquisition to be made initially by an invitation for tenders and thereafter by purchases on the open market; and

The Commission being of the opinion that the record herein should be closed after opportunity given both to said Engineers Public Service Company and to counsel for the Public Utilities Division of the Commission to adduce additional evidence, if they be so advised:

It is ordered, That the hearing in these proceedings be reconvened at the Offices of the Securities and Exchange Commission, Penn Athletic Club Building, 18th and Locust Sts., Philadelphia, Pennsylvania, at 10:00 a. m. on March 20, 1942;

It is further ordered, That Richard Townsend, the previously designated trial examiner, or any other officer or officers of the Commission designated by it for that purpose, shall preside in the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That said officer or officers give to Engineers Public Service Company and to counsel for the Public Utilities Division at such time and place the opportunity to adduce further evidence if they or either of them be so advised. If no evidence is introduced, or upon the completion of the taking of evidence, the trial examiner is directed to close the record;

It is further ordered, That without limiting the scope of the issues presented by the declaration of Engineers Public Service Company, particular attention will be directed at the reconvened hearing to the following matter:

(1) Whether Engineers Public Service Company should be permitted to acquire all or any part of the 35,000 shares of its preferred stock?

Notice of such reconvened hearing is hereby given to said declarant and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors or consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2334; Filed, March 17, 1942; 4:05 p. m.]

[File No. 7-644]

IN THE MATTER OF APPLICATION BY THE CINCINNATI STOCK EXCHANGE FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES TO STANDARD BRANDS, INC., COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION FOR PERMISSION TO EXTEND UNLISTED TRADING PRIVILEGES

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania on the 12th day of March, A. D. 1942.

The Cincinnati Stock Exchange, pursuant to section 12 (f) of the Securities Exchange Act of 1934, and Rule X-12F-1 promulgated thereunder, having made application to the Commission for permission to extend unlisted trading privileges to the above-mentioned security; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10 a. m. on Thursday, April 2, 1942, in the Cleveland Regional Office of the Securities and Exchange Commission, 1370 Ontario Street, Cleveland, Ohio, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That C. J. Odenweller, Jr., an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2335; Filed, March 17, 1942; 4:05 p. m.]

[File No. 4-38]

IN THE MATTER OF INTERNATIONAL UTILITIES CORPORATION, DOMINION GAS AND ELECTRIC COMPANY, GENERAL WATER GAS & ELECTRIC COMPANY, AND SECURITIES CORPORATION GENERAL

NOTICE OF AND ORDER RECONVENING HEARING

At a regular session of the Securities and Exchange Commission; held at its office in the City of Philadelphia, Pennsylvania, on the 13th day of March, A. D. 1942.

The Commission having issued, on August 23, 1941, its Order to Show Cause addressed to the parties abovenamed directing, among other things, that a hearing be held on September 16, 1941, at which hearing the said parties should show cause why the Commission should not enter an order pursuant to sections 12 (f) and 13 (e) of the Public Utility Holding Company Act of 1935 prohibiting the said parties from making any payment, directly or indirectly, to or on account of P. M. Chandler for or on account of certain salary contracts, or otherwise; and

The hearing aforesaid having been duly convened on September 16, 1941, and the same having been continued from time to time and on February 10, 1942, having been continued subject to the call of the Trial Examiner; and

The Commission having been advised that General Water Gas & Electric Company by action of its Board of Directors presently proposes to pay to P. M. Chandler the sum of $12,500 as and for a complete settlement of his claims under a certain employment contract dated June 21, 1941, and it appearing that such proposed payment may bear a direct relation to the issues involved in the above-entitled proceeding; and

It further appearing to the Commission that the hearing aforesaid should be reconvened in order that all interested parties may be heard with respect to the proposed payment aforesaid and in order that the Commission may determine what action if any may be appropriate with respect thereto:

It is hereby ordered, That the hearing aforesaid be reconvened at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated by the hearing room clerk at 10:00 a. m., on March 19, 1942, at which hearing the parties aforesaid and any other interested parties will be given an opportunity to be heard with respect to the proposed payment aforesaid.

It is further ordered, That without limiting the scope of issues presented by the proposed action aforesaid, particular at-

tention will be directed at said hearing to the following questions: (1) whether the proposed payment aforesaid will tend to circumvent the provisions of sections 12 (f) and 13 (e) of the Act, and (2) whether the proposed payment aforesaid will be detrimental to the public interest or the interest of investors or consumers.

Notice of such hearing is hereby given to the respondents above-named and P. M. Chandler and to any other person whose participation in these proceedings may be in the public interest.

It is further ordered, That the Secretary of the Commission shall serve notice of the entry of this order by mailing a copy thereof by registered mail to the respondents aforesaid and to P. M. Chandler and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2336; Filed, March 17, 1942; 4:05 p. m.]

[File No. 70-512]

IN THE MATTER OF CITIES SERVICE COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 13th day of March, A. D. 1942.

A declaration having been filed with this Commission by the above named party pursuant to section 12 (c) of the Public Utility Holding Company Act of 1935 and Rule U-42 thereunder; and

The said declaration concerning the following:

Cities Service Company, a registered holding company, proposes to expend not in excess of $5,000,000 in the acquisition of its outstanding 5% Debentures not held by affiliates during the 12-month period next following the date of any such order as the Commission might issue herein approving such proposal. Said acquisitions would be made (1) in the open market, either through brokers or dealers on securities exchanges or in the over-the-counter market, or (2) in private sales not solicited by the applicant and at prices not exceeding the current offering prices on the New York Curb Exchange at the time of such acquisition. No fees or commissions would be paid in connection with such acquisitions except the usual brokerage or dealers' commissions.

As of February 28, 1942 there were outstanding $149,441,828 principal amount of said Debentures, which mature in 1950, 1958, 1963, 1966, and 1968 in varying amounts. Net working capital balance of the company as of the same date amounted to approximately $27,253,000. As of December 31, 1940 the company had outstanding preferred and preference stocks in an aggregate par amount of $59,000,000, on which there were dividends in arrears aggregating $30,385,000.

The company estimates that on the basis of present market prices, such expenditures of $5,000,000 would enable it to acquire approximately $6,500,000 principal amount of said Debentures, resulting in an annual interest saving of $325,000 and a reduction in annual sinking fund requirements with respect thereto.

It appearing to the Commission that it is appropriate and in the public interest and the interest of investors that a hearing be held with respect to such declaration and that said declaration shall not become effective except pursuant to further order of the Commission:

It is ordered, That a hearing on such matter under the applicable provisions of the Public Utility Holding Company Act of 1935 be held on April 3, 1942 at 10:00 A. M. at the offices of the Securities and Exchange Commission 18th and Locust Streets Philadelphia Pa. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing shall be held. At such hearing cause shall be shown why the aforesaid declaration shall become effective;

It is further ordered, That Richard Townsend, or any other officer or officers of the Commission designated by the Commission for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at the hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act, and to a trial examiner under the Commission's Rules of Practice;

It is further ordered, That, without limiting the scope of the issues presented by the aforesaid declaration, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed acquisition by Cities Service Company of its 5% Debentures is in the public interest and the interest of investors.

2. Whether the methods proposed for such acquisitions of debentures are appropriate and in the public interest and the interest of investors.

3. Whether it is necessary or appropriate to impose any other terms or conditions in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2337; Filed, March 17, 1942; 4:05 p. m.]

[File No. 70-510]

IN THE MATTER OF ST. LOUIS COUNTY WATER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania on the 12th day of March 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by St. Louis County Water Company, a subsidiary of Commonwealth Utilities Corporation, a registered holding company and a subsidiary of The United Gas Improvement Company, also a registered holding company; and

Notice is further given that any interested person may, not later than March 26, 1942, at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the proposed transactions, which may be summarized as follows:

The issue and sale of $927,000 principal amount of First Mortgage Bonds, 3⅜% Series, maturing March 1, 1962, to The Prudential Insurance Company of America at a price of 103¾% plus accrued interest from March 1, 1942 to the closing date; the proceeds to be used to pay outstanding bank loans ($550,000), to reimburse the treasury of the declarant for capital expenditures, to provide funds for plant expansion, and for other corporate purposes; and

The reduction of the interest rate from 4% to 3⅜%, effective June 1, 1942, on the declarant's First Mortgage Bonds, 4% Series due June 1, 1955, presently outstanding and held by The Prudential Insurance Company of America in the principal amount of $3,523,000; the extension of the maturity date of said Bonds from June 1, 1955, to March 1, 1962; the revision of the redemption prices of said Bonds and the revision of certain provisions of the Indenture securing said Bonds and the modification of certain terms and provisions of the Indenture applicable to its First Mortgage Bonds, 3¼% Series due June 1, 1959, presently outstanding and held by The Prudential Insurance Company of America in the amount of $975,000; such modifications and revisions are to be set forth in a Second Supplemental Indenture, to be dated as of March 1, 1942, which is to be filed as an amendment.

Sections 6 and 7 of the Act are designated as being applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2338; Filed, March 17, 1942; 4:06 p. m.]

[File No. 70-509]

IN THE MATTER OF NORTHERN STATES POWER COMPANY (MINN.) AND PEOPLES NATURAL GAS COMPANY (DEL.)

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 12th day of March A. D. 1942.

Notice is hereby given that a joint declaration and application has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties.

Notice is further given that any interested person may, not later than March 27, 1942, at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration and application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt the transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pa.

All interested persons are referred to said declaration and application, which is on file in the office of said Commission, for a statement of the transaction therein proposed, which is summarized below:

Peoples Natural Gas Company (Delaware), a wholly owned subsidiary of Northern Natural Gas Company, a registered holding company, owns and operates certain properties used for the distribution of natural gas within the City of St. Paul, Minnesota under temporary permits and licenses from the City which, it is stated, expired on February 22, 1942 and are not renewable. The original cost of such property is stated at $132,550 with an allocated accrued depreciation reserve of $17,538. Northern States Power Company (Minnesota) proposes to acquire such property for a nominal consideration of $1.00 and as additional consideration will undertake to deliver gas for Peoples Natural Gas Company (Delaware), which is under contractual obligation to sell natural gas to certain industrial users.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2339; Filed, March 17, 1942; 4:06 p. m.]

MAR 23 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 55

Washington, Friday, March 20, 1942

The President

EXECUTIVE ORDER 9102

ESTABLISHING THE WAR RELOCATION AUTHORITY IN THE EXECUTIVE OFFICE OF THE PRESIDENT AND DEFINING ITS FUNCTIONS AND DUTIES

By virtue of the authority vested in me by the Constitution and statutes of the United States, as President of the United States and Commander in Chief of the Army and Navy, and in order to provide for the removal from designated areas of persons whose removal is necessary in the interests of national security, it is ordered as follows:

1. There is established in the Office for Emergency Management of the Executive Office of the President the War Relocation Authority, at the head of which shall be a Director appointed by and responsible to the President.

2. The Director of the War Relocation Authority is authorized and directed to formulate and effectuate a program for the removal, from the areas designated from time to time by the Secretary of War or appropriate military commander under the authority of Executive Order No. 9066[1] of February 19, 1942, of the persons or classes of persons designated under such Executive Order, and for their relocation, maintenance, and supervision.

3. In effectuating such program the Director shall have authority to—

(a) Accomplish all necessary evacuation not undertaken by the Secretary of War or appropriate military commander, provide for the relocation of such persons in appropriate places, provide for their needs in such manner as may be appropriate, and supervise their activities.

(b) Provide, insofar as feasible and desirable, for the employment of such persons at useful work in industry, commerce, agriculture, or public projects, prescribe the terms and conditions of such public employment, and safeguard the public interest in the private employment of such persons.

(c) Secure the cooperation, assistance, or services of any governmental agency.

(d) Prescribe regulations necessary or desirable to promote effective execution of such program, and, as a means of coordinating evacuation and relocation activities, consult with the Secretary of War with respect to regulations issued and measures taken by him.

(e) Make such delegations of authority as he may deem necessary.

(f) Employ necessary personnel, and make such expenditures, including the making of loans and grants and the purchase of real property, as may be necessary, within the limits of such funds as may be made available to the Authority.

4. The Director shall consult with the United States Employment Service and other agencies on employment and other problems incident to activities under this order.

5. The Director shall cooperate with the Alien Property Custodian appointed pursuant to Executive Order No. 9095[2] of March 11, 1942, in formulating policies to govern the custody, management, and disposal by the Alien Property Custodian of property belonging to foreign nationals removed under this order or under Executive Order No. 9066 of February 19, 1942; and may assist all other persons removed under either of such Executive Orders in the management and disposal of their property.

6. Departments and agencies of the United States are directed to cooperate with and assist the Director in his activities hereunder. The Departments of War and Justice, under the direction of the Secretary of War and the Attorney General, respectively, shall insofar as consistent with the national interest provide such protective, police and investigational services as the Director shall find necessary in connection with activities under this order.

7. There is established within the War Relocation Authority the War Relocation Work Corps. The Director shall provide, by general regulations, for the

[1] 7 F.R. 1407.

[2] 7 F.R. 1971.

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FEDERAL REGISTER

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enlistment in such Corps, for the duration of the present war, of persons removed under this order or under Executive Order No. 9066 of February 19, 1942, and shall prescribe the terms and conditions of the work to be performed by such Corps, and the compensation to be paid.

8. There is established within the War Relocation Authority a Liaison Committee on War Relocation, which shall consist of the Secretary of War, the Secretary of the Treasury, the Attorney General, the Secretary of Agriculture, the Secretary of Labor, the Federal Security Administrator, the Director of Civilian Defense, and the Alien Property Custodian, or their deputies, and such other persons or agencies as the Director may designate. The Liaison Committee shall meet at the call of the Director and shall assist him in his duties.

9. The Director shall keep the President informed with regard to the progress made in carrying out this order, and perform such related duties as the President may from time to time assign to him.

10. In order to avoid duplication of evacuation activities under this order and Executive Order No. 9066 of February 19, 1942, the Director shall not undertake any evacuation activities within military areas designated under said Executive Order No. 9066, without the prior approval of the Secretary of War or the appropriate military commander.

11. This order does not limit the authority granted in Executive Order No. 9072[1] of December 12, 1941; Executive Order No. 9066 of February 19, 1942; Executive Order No. 9095 of March 11, 1942; Executive Proclamation No. 2525[2] of December 7, 1941; Executive Proclamation No. 2526[3] of December 8, 1941; Executive Proclamation No. 2527[4] of December 8, 1941; Executive Proclamation No. 2533[5] of December 29, 1941; or Executive Proclamation No. 2537[6] of January 14, 1942; nor does it limit the functions of the Federal Bureau of Investigation.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 18, 1942.

[F. R. Doc. 42-2372; Filed, March 19, 1942; 9:52 a. m.]

[1] 6 F.R. 6420.
[2] 6 F.R. 6321.
[3] 6 F.R. 6323.
[4] 6 F.R. 6324.
[5] 7 F.R. 55.
[6] 7 F.R. 329.

EXECUTIVE ORDER 9103

PROVIDING UNIFORM CONTROL OVER THE PUBLICATION AND USE OF FEDERAL STATISTICAL INFORMATION WHICH WOULD GIVE AID AND COMFORT TO THE ENEMY

By virtue of the authority vested in me by Title I of the First War Powers Act, 1941 (Public Law 354, 77th Congress, 1st Session) approved December 18, 1941; and in order to prevent the publication by Government agencies of statistical information which would lend aid or comfort to the enemy, and at the same time to make available to appropriate Federal officials such information as may be withheld from general publication during the war, it is hereby ordered as follows:

1. The Director of the Bureau of the Budget shall maintain a continuous surveillance of governmental publication of statistical data and shall determine in any instance whether the publication of statistical data by any Government agency would be in accordance with governmental policy designed to guard against the unauthorized disclosure of vital information as such policy is formulated by appropriate authority.

2. Statistical data ordinarily released to the public but withheld from general publication during the war shall be released to authorized users in Federal agencies in such manner and under such rules and regulations as the Director of the Bureau of the Budget may prescribe. This section shall not apply to munitions data classified by the Departments of War or Navy or the War Production Board as "secret."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 18, 1942.

[F. R. Doc. 42-2385; Filed, March 19, 1942; 11:25 a. m.]

EXECUTIVE ORDER 9104

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT AS AN AERIAL GUNNERY RANGE

ARIZONA

By virtue of the authority vested in me by the act of July 9, 1918, c. 143, 40 Stat. 845, 848 (U.S.C., title 10, sec. 1341), it is ordered that, subject to valid existing rights and to power site classification No. 239, the public lands in the following-described areas be, and they are hereby withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department as an aerial gunnery range:

GILA AND SALT RIVER MERIDIAN

T. 6 S., R. 4 W.
sec 18, lots 3, 4, E½SW¼;
sec. 19, lots 1, 2, 3, 4, E½W½;
sec. 30, lots 1, 2, E½NW¼;
T. 6 S., R. 5 W.
sec. 13;
sec. 14, E½ SW¼, S½NW¼;
sec. 15;
sec. 16;
sec. 17;
sec. 18, lots 3, 4, E½SW¼, SE¼, SE¼NW¼, E½NE¼, SW¼NE¼;
secs. 19 to 23 and 25 to 36, incl.;
T. 7 S., R. 5 W.
secs. 1 to 12, incl.;
T. 6 S., R. 6 W.
sec. 13, E½SE¼, SW¼SE¼, SE¼SW¼;
sec. 22, E½SE¼, SW¼SE¼, S½SW¼;
sec. 23, S½, E½NE¼, SW¼NE¼, SE¼NW¼;
secs. 24 to 27 and 34 to 36, incl.;
T. 7 S., R. 6 W.
secs. 1 to 3 and 10 to 12, incl.;
T. 11 S., R. 6 W.
sec. 3, lot 4, SW¼NW¼, W½SW¼;
secs. 4 to 9, incl.;
sec. 10, W½NW¼, SW¼;
secs. 13 to 21, incl.;
sec. 22, W½;
sec. 23, E½;
sec. 24, W½W½;
sec. 25, W½NW¼;
sec. 26 to 30, incl.

The areas described, including both public and nonpublic lands, aggregate 45,168.09 acres.

This order shall take precedence over, but shall not rescind or revoke the order of the Secretary of the Interior of July 14, 1938, establishing Grazing District No. 3, Arizona, so far as such order affects any of the above-described lands.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are reserved.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 18, 1942.

[F. R . Doc. 42-2384; Filed, March 19, 1942; 11:25 a. m.]

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 79—PRESCRIBED SERVICE UNIFORM[1]

§ 79.33 *Distinguished Service Medal.* The coat of arms of the United States in bronze surrounded by a circle of dark blue enamel 1½ inches in diameter, bearing the inscription "For Distinguished Service—MCMXVIII". On the reverse is a scroll for the name of the recipient (which is to be engraved) upon a trophy of flags and weapons. The medal is suspended by a bar from a watered-silk ribbon 1⅜ inches in length and 1⅜ inches in width, composed of a band of scarlet (5/16 inch), a stripe of dark blue (1/16 inch), a band of white (⅝ inch), a stripe of dark blue (1/16 inch), and a band of scarlet (5/16 inch). All medals to be serially numbered on the rim. (R.S. 1296; 10 U.S.C. 1391) [Par. 33, AR 600-35, Nov. 10, 1941, as amended by Cir. 73, W.D., March 12, 1942]

§ 79.60 *Belts.*

* * * * * *

(b) *Warrant officers.* (1) A belt of Army russet leather 1¾ inches in width, fastened, with a brass center bar buckle, and provided with a russet leather keeper.

[1] §§ 79.33 and 79.60 (b) are amended.

(2) The officers' belt, cloth, same as in paragraph (a) (2) of this section. (R.S. 1296; 10 U.S.C. 1391) [Par. 60b, AR 600-35, Nov. 10, 1941, as amended by Cir. 75, W.D., March 13, 1942]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-2371; Filed, March 19, 1942; 9:39 a. m.]

TITLE 12—BANKS AND BANKING

Chapter II—Board of Governors of the Federal Reserve System

PART 201—DISCOUNTS FOR AND ADVANCES TO MEMBER BANKS BY FEDERAL RESERVE BANKS

Section 201.2 (b) is amended, effective March 20, 1942, to read as follows:

§ 201.2 *Advances to member banks.*

* * * * *

(b) *Advances on Government obligations.* Any Federal Reserve Bank may make advances, under authority of section 13 of the Federal Reserve Act, to any of its member banks for periods not exceeding ninety days[1] on the promissory note of such member bank secured by direct obligations of the United States, and for periods not exceeding fifteen days on the promissory note of such member bank secured (1) by the deposit or pledge of debentures or other such obligations of Federal Intermediate Credit Banks having maturities of not exceeding six months from the date of the advance, or (2) by the deposit or pledge of Federal Farm Mortgage Corporation bonds issued under the Federal Farm Mortgage Corporation Act and guaranteed both as to principal and interest by the United States, or (3) by the deposit or pledge of Home Owners' Loan Corporation bonds issued under the provisions of subsection (c) of section 4 of the Home Owners' Loan Act of 1933, as amended, and guaranteed both as to principal and interest by the United States. (Sec. 3, 48 Stat. 163, sec. 3, 40 Stat. 234, 42 Stat. 821, sec. 204, 49 Stat. 705, sec. 11 (i), 38 Stat. 262, sec. 402, 42 Stat. 1478, 1479, 45 Stat. 975, 46 Stat. 162, sec. 403, 42 Stat. 1479, sec. 9, 48 Stat. 180, sec. 16 (a), 48 Stat. 348, sec. 7 (a), 48 Stat. 646, 39 Stat. 753, sec. 5, 40 Stat. 235, 39 Stat. 754, sec. 404, 42 Stat. 1479, sec. 5, 47 Stat. 160, sec 10, 40 Stat, 239, sec. 505 (b), 48 Stat. 1263; 12 U.S.C. 301, 330, 12 U.S.C., Sup. 347b, 12 U.S.C. 248 (i), 343, 347, 361, 372, 373, 348-349, 351, 352, 374, 371)

Board of Governors of the Federal Reserve System.

[SEAL] S. R. CARPENTER,
Assistant Secretary.

[F. R. Doc. 42-2368; Filed, March 19, 1942; 9:37 a. m.]

[1] The eighth paragraph of section 13 of the Federal Reserve Act authorizes advances to member banks for periods not exceeding fifteen days secured by bonds, notes, certificates of indebtedness, or Treasury bills of the United States. However, the last paragraph of section 13 authorizes any Federal Reserve Bank to make advances for periods not exceeding ninety days "to any individual, partnership or corporation" on the promissory notes of such individual, partnership or corporation secured by "direct obligations of the United States"; and the term "corporation" includes an incorporated bank.

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 239—FORMS, SECURITIES ACT OF 1933

AMENDMENT TO THE INSTRUCTION BOOK FOR FORM A-2

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, particularly sections 7, 10 and 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the functions vested in it by said Act, hereby amends the Instructions as to Prospectuses for Employees' Savings, Profit Sharing or Pension Plans in the Instruction Book for Form A-2 to read as follows:

III. INSTRUCTIONS AS TO PROSPECTUSES FOR EMPLOYEES' SAVINGS, PROFIT SHARING OR PENSION PLANS

1. These instructions shall apply to prospectuses for shares of stock of an issuer in which funds of a savings, profit sharing, or pension plan for employees of the issuer are to be invested, if the prospectuses prepared in accordance herewith are sent or given only to employees of the issuer who have previously received a prospectus for registered interests or participations in the plan and for registered shares of stock of the issuer, and who have become members of the plan prior to receipt of a prospectus prepared in accordance herewith.

2. Any prospectus which is used as specified in instruction 1 above need contain only the following information:

(a) Such information (other than financial statements) in regard to the plan and the administration thereof and in regard to the issuer of the underlying stock and its subsidiaries as may be necessary to bring up to date the corresponding information furnished to members of the plan in previous prospectuses.

(b) Financial statements of the plan, corresponding to those included in previous prospectuses, for each fiscal year after the last fiscal year for which financial statements of the plan were furnished to members of the plan in previous prospectuses.

(c) Financial statements of the issuer of the underlying stock and its subsidiaries, corresponding to those included in previous prospectuses, for each fiscal year after the last fiscal year for which financial statements of the issuer and its subsidiaries were furnished to members of the plan in previous prospectuses.

3. The financial statements specified in instruction 2 above may be omitted from any prospectus used as specified in instruction 1 above, if—

(a) The fiscal year of the issuer of the underlying stock has ended within 90 days

prior to the date when it is desired to distribute the prospectus to members of the plan.

(b) The prospectus contains or is accompanied by financial statements (which need not be certified) substantially meeting the requirements of instruction 2.

(c) Within 120 days after the close of the fiscal year the financial statements omitted from the prospectus pursuant to this instruction are made conveniently available to all members of the plan at their respective places of employment.

(d) There is set forth in conspicuous print on the first page of the prospectus a statement as to the manner in which, and the approximate date on which, the financial statements will be made available to members of the plan pursuant to paragraph (c) of this instruction.

Effective March 19, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2374; Filed, March 19, 1942; 10:18 a. m.]

TITLE 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration

[Docket No. FDC-23]

PART 27—REGULATIONS FIXING AND ESTABLISHING DEFINITIONS AND STANDARDS OF IDENTITY FOR CANNED APRICOTS, CANNED CHERRIES, CANNED PEACHES, AND CANNED PEARS

CORRECTION OF ORDER

An order promulgating the above specified regulations having been issued on February 26, 1942 (7 F.R. 1612); and

It appearing that the form of unit "unpeeled halves" is not specified as one of the optional peach ingredients in paragraph (b) of § 27.000 of said regulations,

Now therefore, it is ordered, That the said paragraph (b) of the said § 27.000 be and it hereby is corrected by inserting therein the phrase "unpeeled halves" immediately following the phrase "peeled halves" and preceding the phrase "peeled quarters".

PAUL V. MCNUTT, *Administrator.*

MARCH 16, 1942.

[F. R. Doc. 42-2378; Filed, March 19, 1942; 10:39 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices, Department of the Treasury

PART 132—GENERAL RULINGS UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO

GENERAL RULING NO. 11 UNDER EXECUTIVE ORDER NO. 8389, AS AMENDED, AND REGULATIONS ISSUED PURSUANT THERETO, RELATING TO FOREIGN FUNDS CONTROL

MARCH 18, 1942.

§ 132.11 *General Ruling No. 11.* (a) No license or other authorization now outstanding or hereafter issued, unless expressly referring to this general ruling, shall be deemed to authorize any transaction which, directly or indirectly, involves any trade or communication with an enemy national.

(b) As used in this general ruling and in any other rulings, licenses, instructions, etc.:

(1) The term "enemy national" shall mean the following:

(i) The Government of any country against which the United States has declared war (Germany, Italy and Japan) and the Governments of Bulgaria, Hungary and Rumania and any agent, instrumentality or representative of the foregoing Governments, or other person acting therefor, wherever situated (including the accredited representatives of other Governments to the extent, and only to the extent, that they are actually representing the interests of the Governments of Germany, Italy and Japan and Bulgaria, Hungary and Rumania); and

(ii) The government of any other blocked country having its seat within enemy territory, and any agent, instrumentality, or representative thereof, or other person acting therefor, actually situated within enemy territory; and

(iii) Any individual within enemy territory and any partnership, association, corporation or other organization to the extent that it is actually situated within enemy territory; and

(iv) Any person whose name appears on The Proclaimed List of Certain Blocked Nationals and any other person acting therefor.

(2) The term "enemy territory" shall mean the following:

(i) The territory of Germany, Italy and Japan; and

(ii) The territory controlled or occupied by the military, naval or police forces or other authority of Germany, Italy or Japan.

The territory so controlled or occupied shall be deemed to be the territory of Albania; Austria; that portion of Belgium within continental Europe; Bulgaria; that portion of Burma occupied by Japan; that portion of China occupied by Japan; Czechoslovakia; Danzig; that portion of Denmark within continental Europe; Estonia; that portion of France within continental Europe occupied by Germany or Italy; French Indo-China; Greece; Hong Kong; Hungary; Latvia; Lithuania; Luxembourg; British Malaya; that portion of the Netherlands within continental Europe; that portion of the Netherlands East Indies occupied by Japan; Norway; that portion of the Philippine Islands occupied by Japan; Poland; Rumania; San Marino; Thailand; that portion of the Union of Soviet Socialist Republics occupied by Germany; Yugoslavia; and any other territory controlled or occupied by Germany, Italy or Japan.

(3) The term "The Proclaimed List of Certain Blocked Nationals" shall mean "The Proclaimed List of Certain Blocked Nationals" as amended and supplemented, promulgated pursuant to the President's Proclamation of July 17, 1941.

(4) The term "trade or communication with an enemy national" shall mean the sending, taking, bringing, transportation, importation, exportation, or transmission of, or the attempt to send, take, bring, transport, import, export or transmit

(i) Any letter, writing, paper, telegram, cablegram, wireless message, telephone message or other communication of any nature whatsoever, or

(ii) Any property of any nature whatsoever, including any goods, wares, merchandise, securities, currency, stamps, coin, bullion, money, checks, drafts, proxies, powers of attorney, evidences of ownership, evidences of indebtedness, evidences of property, or contracts

directly or indirectly to or from an enemy national after March 18, 1942.

(c) This general ruling shall not be deemed to affect any outstanding specific license in so far as such license expressly authorizes any transaction which involves trade or communication with any person whose name appears on The Proclaimed List of Certain Blocked Nationals.

(d) Any transaction prohibited by section 3 (a) of the Trading with the enemy Act, as amended, is licensed thereunder unless such transaction is prohibited pursuant to section 5 (b) of that Act and not licensed by the Secretary of the Treasury. In this connection, attention is directed to the General License under section 3 (a) of the Trading with the enemy Act, issued by the President on December 13, 1941. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Pub., No. 354, 77th Cong., 55 Stat. 838; E.O. 8389, Apr. 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, and E.O. 8998, Dec. 26, 1941; Regs., Apr. 10, 1940, as amended June 14, 1941, and July 26, 1941)

[SEAL] E. H. FOLEY, Jr., *Acting Secretary of the Treasury.*

[F. R. Doc. 42-2383; Filed, March 19, 1942; 11:24 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

SUBCHAPTER B—DIVISION OF INDUSTRY OPERATIONS

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

AMENDMENT NO. 1 OF PRIORITIES REGULATION NO. 8

Appendix B of Priorities Regulation No. 8[1] is amended as follows:

By striking therefrom any reference to Order P-56-a, and by adding thereto Order P-56.

This Amendment shall take effect immediately. Issued this 19th day of March 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

J. S. KNOWLSON, *Director of Industry Operations.*

[F. R. Doc. 42-2381; Filed, March 19, 1942; 11:09 a. m.]

[1] 7 F.R. 2097.

PART 1032—DIRECT-CONSUMPTION SUGAR

INTERPRETATION NO. 1 OF GENERAL PREFERENCE ORDER NO. M-55, AS AMENDED JANUARY 24, 1942

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 1032.1, *General Preference Order M-55*,[1] as amended January 24, 1942.

Paragraph (a) of General Preference Order No. M-55 incorporates, by reference, the provisions of Priorities Regulation No. 1 (Part 944) to the extent that they are not inconsistent with the Order. § 944.14 of Priorities Regulation No. 1 provides, in part, that no person shall accept delivery of any material if his inventory of such material is, or will by virtue of such acceptance become, in excess of a practicable minimum working inventory. Consequently, the quantity of sugar which may be accepted under subparagraphs (d) (5) (vii), (viii), (ix), and (x), by any person is restricted by the application of the practicable minimum working inventory provision of Priorities Regulation No. 1 to the persons specified in said subparagraphs.

The provisions of General Preference Order No. M-55 do not prevent any receiver from transferring, without charge to his quota, the right to receive sugar due him from a distributor under any contract for future delivery executed prior to December 13, 1941, provided he has not accepted and does not accept actual or constructive delivery of such sugar and provided ultimate delivery is made in accordance with the Order. It is not material whether the cost of such sugar is billed by the distributor to the receiver who held the contract for future delivery or to the ultimate purchaser.

Issued this 19th day of March 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

J. S. KNOWLSON, *Director of Industry Operations.*

[F. R. Doc. 42-2379; Filed, March 19, 1942; 11:09 a. m.]

PART 1034—TUNG OIL

AMENDMENT NO. 2 TO GENERAL PREFERENCE ORDER NO. M-57 TO CONSERVE THE SUPPLY AND DIRECT THE DISTRIBUTION OF TUNG OIL

Section 1034.1, as amended (*General Preference Order M-57*)[1] is hereby amended as follows:

Present paragraph (c) is hereby amended to read as follows:

(c) *Restrictions on use of tung oil.* After the effective date of this Order no person shall use or process any Tung Oil, except upon the following categories of orders:

(1) Defense orders having preference ratings of A-2 or better.

(2) Orders placed by Defense Supplies Corporation.

(3) Orders for the manufacture of can linings for cans to contain food products for human consumption.

(4) Orders for the manufacture of outside can coatings where wood oil is essential to withstand normal food processing.

(5) Orders for uses to comply with Underwriters' Regulations, Health, Sanitary or Safety Regulations or laws issued by Government authority, provided the pertinent provisions of such laws or regulations were in effect both on December 1, 1941, and on the date of such use and specifically require the use of Tung Oil or a product required specifically to be made from Tung Oil. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This Order shall take effect immediately. Issued this 19th day of March 1942.

J. S. KNOWLSON, *Director of Industry Operations.*

[F. R. Doc. 42-2380; Filed, March 19, 1942; 11:09 a. m.]

PART 1124—COTTON TEXTILE FABRICS FOR USE AS AGRICULTURAL BAGS

GENERAL PREFERENCE ORDER NO. M-107

Correction

In the table appearing in § 1124.1 (b) (2) on page 1835 of the issue for Wednesday, March 11, 1942, under "Sheetings," the line reading

40" 48/40 4.25 yd.

should read as follows:

40" 44/40 4.25 yd.

Chapter XI—Office of Price Administration

PART 1336—RADIO, X-RAY AND COMMUNICATION APPARATUS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 84[1]—RADIO RECEIVER AND PHONOGRAPH PARTS

A statement of considerations involved in the issuance of this Amendment has been prepared and issued simultaneously herewith.[2]

Paragraph (a) of § 1336.101 is hereby amended to read as follows and a new § 1336.110a is added, as set forth below:

§ 1336.101 *Maximum prices for radio receiving sets and phonograph parts.*

* * * * * *

(a) *Parts sold and offered for sale between July 15, 1941, and October 15, 1941.* The maximum price, exclusive of federal excise tax, for any part offered during the period between July 15, 1941, and October 15, 1941, inclusive, for sale during such period, shall be the highest net price f. o. b. seller's point of shipment and exclusive of federal excise tax at which such part was billed by the manufacturer for delivery during such period, or if there was no such billing, the highest net price, exclusive of federal excise tax, at any time quoted in writing by the manufacturer for a delivery during such period to the same person or a person of the same general class, except that

(1) The maximum price for the basic record changer (Model No. 201) manufactured by General Instruments Corporation shall be $9.40.

* * * * * *

§ 1336.110a *Effective dates of amendments.* (a) Amendment No. 1 (§ 1336.101 (a)) to Revised Price Schedule No. 84 shall become effective March 20, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 18th day of March 1942.

JOHN E. HAMM, *Acting Administrator.*

[F. R. Doc. 42-2366; Filed, March 19, 1942; 9:22 a. m.]

PART 1340—FUEL

TEMPORARY MAXIMUM PRICE REGULATION NO. 11—MOTOR FUEL SOLD AT SERVICE STATIONS IN THE CURTAILMENT AREA

In the judgment of the Acting Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942 to establish temporarily as the maximum prices for motor fuel sold at service stations in the Curtailment Area the prices prevailing with respect thereto within five days prior to the issuance of this Regulation.

Therefore, under the authority vested in the Acting Price Administrator by the Emergency Price Control Act of 1942, and in accordance with the Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Temporary Maximum Price Regulation No. 11 is hereby issued.

§ 1340.171 *Maximum prices for motor fuel sold at service stations in the curtailment area.* On and after March 23, 1942, to and including 12 o'clock midnight on May 21, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver motor fuel at service stations in the curtailment area at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1340.181;

[1] 7 F.R. 581, 1106.
[2] 7 F.R. 182, 1024.
[1] 7 F.R. 1362.
[2] Filed with the Division of the Federal Register.
[1] 7 F.R. 971.

and no person shall agree, offer, solicit or attempt to sell or deliver motor fuel at service stations in the Curtailment Area at prices higher than the maximum prices.*

*§§ 1340.171 to 1340.182, inclusive, issued pursuant to Pub. Law 421, 77th Cong., 2d Sess.

§ 1340.172 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1340.181) may be charged, demanded, paid or offered.*

§ 1340.173 *Conditional agreements.* No seller of motor fuel at service stations in the curtailment area shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1340.181, in the event that this Temporary Maximum Price Regulation No. 11 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment under § 1340.178 has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment.*

§ 1340.174 *Evasion.* The price limitations set forth in this Temporary Maximum Price Regulation No. 11 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to motor fuel sold at service stations in the curtailment area, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade undertanding, or otherwise.*

§ 1340.175 *Posting of prices.* Every person selling motor fuel at a service station in the curtailment area in the course of trade or business, or otherwise dealing therein, shall post conspicuously the maximum prices established by Temporary Maximum Price Regulation No. 11 for each grade of motor fuel sold at that service station. Such maximum price posting shall be marked "Maximum Prices" in letters at least five inches in height, and shall indicate the maximum price for each grade of motor fuel in figures no smaller than those in which the selling price at the pump is posted.*

§ 1340.176 *Records and reports.* Every person making sales of motor fuel after March 23, 1942, at a service station in the curtailment area in the course of trade or business, or otherwise dealing therein, shall keep such records for inspection and submit such reports to the Office of Price Administration as it may from time to time require.*

§ 1340.177 *Enforcement.* (a) Persons violating any provision of this Temporary Maximum Price Regulation No. 11 are subject to the criminal penalties and civil enforcement actions provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Temporary Maximum Price Regulation No. 11 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.*

§ 1340.178 *Petitions for amendment.* Persons seeking any modification of this Temporary Maximum Price Regulation No. 11 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.*

§ 1340.179 *Replacement by regulation.* This Temporary Maximum Price Regulation No. 11 may be replaced by a permanent maximum price regulation or order issued under the Emergency Price Control Act of 1942, which upon issuance shall have the effect of revoking this Temporary Maximum Price Regulation No. 11.*

§ 1340.180 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 11, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Motor fuel" means liquid fuel, except Diesel fuel, used for the propulsion of motor vehicles or motor boats and shall include any liquid fuel to which Federal gasoline taxes apply except liquid fuel used for the propulsion of aircraft.

(3) "Service station" means any place of business or part thereof, where motor fuel is delivered into the fuel supply tanks of motor vehicles or motor boats.

(4) "Curtailment area" means the States of Oregon, Washington, Connecticut, Delaware, Florida east of the Apalachicola River, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.*

§ 1340.181 *Appendix A: Maximum prices for motor fuel sold at service stations in the curtailment area.* (a) The maximum price for each grade of motor fuel at each service station in the curtailment area shall be no higher than the price posted at such service station for each grade of motor fuel at the close of business or at eleven o'clock at night on March 13, 1942.

(b) Where the maximum price for any grade of motor fuel at a service station in the curtailment area cannot be determined under (a) above, the maximum price shall not be in excess of the price charged on the last sale of such motor fuel made prior to March 13, 1942 at the same service station, provided such sale was made after January 13, 1942.

(c) Where the maximum price for any grade of motor fuel at a service station in the curtailment area cannot be determined under (a) or (b) above, sellers may establish a temporary maximum price, which must be equal to or lower than the maximum price for that grade of motor fuel for other service stations in the locality, if any, which shall be submitted to the Office of Price Administration within ten days after the establishment of such price for approval or disapproval.*

§ 1340.182 *Effective period.* Temporary Maximum Price Regulation No. 11 (§§ 1340.171 to 1340.182, inclusive) shall become effective March 23, 1942, and shall, unless earlier revoked or replaced, expire at twelve o'clock midnight on May 21, 1942.

Issued this 18th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2364; Filed, March 18, 1942; 5:07 p. m.]

PART 1351—FOODS AND FOOD PRODUCTS

ORDER NO. 1 UNDER REVISED PRICE SCHEDULE NO. 91[1]—TEA

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

§ 1351.351 *Order No. 1 under Revised Price Schedule No. 91.* (a) Eppens, Smith Company, Warren and Washington Streets, New York and Elway Food Products Corp., 22 Hudson Street, New York may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds, grades and quantities of tea set forth in paragraph (b), at prices not in excess of those stated therein, and the persons named therein as the buyers may buy and receive, and agree, offer, solicit and attempt to buy and receive, such kinds, grades and quantities of tea at such prices from Eppens, Smith Company and Elway Food Products Corp., respectively.

(b) The prices listed below shall be the maximum prices at which each of the sellers listed may deliver the kind, grade and quality of tea named.

(1) The following prices apply to Eppens, Smith Company:

Buyer	Description	Price f. o. b. New York
		Cents
Telfer Coffee Co., 1365 East Larned St., Detroit, Mich.	2 cases Java BOP Gandasolle, Common.	49¾
L. J. Callanan, 41 Vesey St., New York, N. Y.	10 cases Java OP Montaja, Medium.	50½

[1] 7 F.R. 1378, 1857.

Buyer	Description	Price f. o. b. New York
		Cents
Importers & Roasters, Inc., 622 St. Anns Ave., Bronx, N. Y.	5 cases Java BOP, Common.	49¾
Dilbert Brothers, 366 Vernon Ave., Brooklyn, N. Y.	26 cases Java BOP Serang Sarie, Medium.	53¾
	50 cases Java OP, Medium.	51
	(30 cases Kotta Malem and 20 cases Montaja, Medium.	50½
J. J. Goff, 100 West 106th St., New York, N. Y.	20 cases Java BOP Bandjarwangie, Medium.	50
Harry Yellen, 59-05 Roosevelt Ave., Woodside, N. Y.	1 case Java OP Montaja, Medium.	50½
R. Elsasser, 401 East 88th St., New York, N. Y.	1 case Java OP Montaja, Medium.	50½
	1 case Java BOP, Serang, Sarie; Medium.	53¾
C. Smith, 947 Freeman St., Bronx, N. Y.	1 case Java OP Montaja, Medium.	50½
S & H Co., 188 Lafayette Ave., Paterson, N. J.	3 cases Java OP Montaja, Medium.	50½
Charles Helmer, 1571 1st Ave., New York, N. Y.	5 cases Java BOP, Panoembagan, Medium.	49¾
	1 case Java OP, Kotta Malem, Medium.	51
H. Falek, 402 Grove St., Jersey City, N. J.	1 case Java OP Montaja. Medium.	50½
Mrs. S. Cohen, 444 2d Ave., New York, N. Y.	1 case Pekoe Java, Montaja Medium.	50½
C. Hamblen Sons, 113 4th Ave., Mount Vernon, N. Y.	1 case Java BOP, Serang, Sarie, Medium.	53¾
Liebi & Moldovan, 2978 3rd Ave., New York, N. Y.	1 case Java OP Montaja, Medium.	50½
	1 case Java BOP Serang, Sarie, Medium.	53¾
J. Steinman, 995 Columbus Ave., New York, N. Y.	1 case Java BOP Gandasolle. Common.	49¾
Atlantic Coffee Supply Co., 120 East 4th St., New York, N. Y.	1 case Java OP Montaja. Medium.	50½
H. Harvey 1852 3rd Ave., New York, N. Y.	1 case Java BOP Serang, Sarie, Medium.	53¾
Quaker City Coffee Mills, 20 North Front St., Philadelphia, Pa.	10 cases Java OP Tipis, Medium.	51
M. Bobic, 994 Columbus Ave., New York, N. Y.	1 case Java BOP Gandasolle, Common.	49¾
J. Glat, 252 Cypress Ave., Bronx, N. Y.	1 case Java BOP Montaja, Medium.	50½
J. J. Sbisa Coffee Co., 1726 North Gayoso St., New Orleans, La.	1 case Java OP Montaja, Medium.	50½
Kaye Coffee Co., 1209 Rogers Ave., Brooklyn, N. Y.	3 cases Java Br. OP Gandasolle, Common.	49¾
	3 cases Java OP Montaja, Medium.	50½
R. W. Schumacher Coffee Co., 64 South Howard St., Akron, Ohio.	3 cases Java OP Soerangga Medium.	48¾
J. Edward Custy Co., 13 South Carrollton Ave., Baltimore, Md.	10 cases Java OP Kotta, Bogar, Medium.	50
M. Gould, 457 East 152d St., New York, N. Y.	15 cases Java BOP Tjiharoem, Medium.	49¾
Kaufman Brothers, 607 Washington, Hoboken, N. J.	1 case Java BOP Thiharoem, Medium.	49¾
Karavan Coffee Co., Toledo, Ohio.	10 cases Java BOP, Sindang Wangie, Common.	49¾
	10 cases Java BOP, Gandasolle, Common.	49¾
H. C. Groffin, 968 Hereford Drive, Akron, Ohio.	2 cases Java BOP Gandasolle, Common.	49¾

(2) The following prices apply to Elway Food Products Corp.:

Buyer	Description	Price ex warehouse New York
		Cents
Albert Mann, 220 Broadway, New York City.	2 cases Java BOP, Medium.	60
	2 cases Java OP, Medium.	60

(c) Unless the context otherwise requires, the definitions set forth in § 1351.259 of Revised Price Schedule No. 91 shall apply to terms used herein. (Pub. Law, 421, 77th Cong., 2d Sess.)

This Order No. 1 shall become effective March 20, 1942. Issued this 18th day of March, 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2367; Filed, March 19, 1942; 9:22 a. m.]

Chapter XVI—Office of Censorship

[Regulation No. 1]

PART 1804—POSTAL CENSORSHIP REGULATIONS

HANDLING OF PUBLICATIONS CONTAINING SCIENTIFIC, TECHNICAL, OR PROFESSIONAL DATA

Sec.
1804.1 License necessary for export.
1804.2 Application for license.
1804.3 Questionnaire and affidavits.
1804.4 Review of publication material.
1804.5 Issuance of license.
1804.6 Declaration of content.
1804.7 Correspondence.
1804.8 Who shall make application.

§ 1804.1 *License necessary for export.* Effective April 1, 1942, publications devoted in whole or in part to scientific, technical, or professional data which may contain information, the transmission of which to foreign countries may be inimical to the military interests of the United States, will be licensed prior to export. Before a license will be granted, the conditions set forth in §§ 1804.2 to 1804.6 inclusive, must be complied with.*

*§§ 1804.1 to 1804.8, inclusive, issued under the authority contained in E.O. 8985, 6 F.R. 6625.

§ 1804.2 *Application for license.* Applications for licenses shall be made to the Technical Data License Division, Office of Export Control, Board of Economic Warfare on forms provided by and available at that Agency. A separate application must be made for each license, and a separate license will be required for each issue of each publication. The application will show the name of the publisher, the name of the publication, the period covered by the particular issue, and names of the countries to which export is to be made. With each application there shall be submitted two copies of the publication in galley proof or other copy.*

§ 1804.3 *Questionnaire and affidavits.* With the initial application for a license a Censorship questionnaire shall be filed on forms provided by and available at the Technical Data License Division. This questionnaire will show complete information concerning the publisher, including the nationality of all officials and a list of all enemy alien employees. At the time the initial application is made, each publisher will be required to designate from one to three employees to be charged with supervising the wrapping of the publication. Accompanying the questionnaire will be an affidavit of each such employee showing that he is an American citizen or, if not a citizen, that he has been approved by the Chief Postal Censor, length of time employed by the applicant, and that the employee has never been, and is not now, connected with any organization advocating the overthrow of the United States Government by force or violence. Each employee making such affidavit shall furnish three specimens of his signature. Accompanying the questionnaire there will also be an affidavit of the employer which will show the length of time the employees mentioned above have been employed, and that investigation has shown that none is or has been connected with any organization advocating the overthrow of the United States Government by force or violence, and that each such employee is loyal and trustworthy. This affidavit must be signed by a responsible officer of the applicant.*

§ 1804.4 *Review of publication material.* Upon receipt of each application for a license, the Technical Data License Division, Office of Export Control, Board of Economic Warfare, will review the copies of the publication submitted for objectionable subject matter from the viewpoint of Censorship Requirements and Regulations and national security. Every effort will be made to notify applicants of approval or other decision within forty-eight hours of receipt of the material. If certain portions are not approved for export, such portions will be suitably marked and the material returned to the applicant. The material may then be resubmitted on the same application form for further examination after deletion of the marked portions. Upon final approval of the material, the Technical Data License Division will recommend to the Office of Censorship that a license be granted. Ordinarily, such license will issue immediately thereafter.*

§ 1804.5 *Issuance of license.* A license from the Office of Censorship, when granted, will authorize the publisher to export the designated number of copies of the particular issue of the publication to the foreign countries specified therein. The license will not be transferable, and will be subject to revocation without notice. The possession of the license will not relieve the holder of the necessity of obtaining any other permit or license that may be required by any other Governmental Agency. The license will be granted on the express condition that

each copy of the publication mailed thereunder corresponds in every respect to the copy submitted to and approved by the Technical Data License Division, and on the further condition that the wrapping of all copies for export will be under the supervision of one of the employees designated in the questionnaire.*

§ 1804.6 *Declaration of content.* As soon as the license from the Office of Censorship is granted, the publisher may then release the issue for export subject to the following conditions. Copies for foreign shipment shall be securely wrapped without open ends. A Declaration of Content shall be affixed to the outer cover of each package for export, which Declaration shall show the number of copies, the name of the publisher, the name of the publication, the destination, and the license number. The Declaration shall further state that none of the copies are addressed to persons in enemy or enemy-occupied territory and that the material in the package corresponds in every respect to that approved by the Office of Censorship for which a license with a designated number has been granted. The Declaration shall further state that the package has been wrapped under the supervision of a designated employee of the publisher and that it does not contain any additional enclosures, writings, or other extraneous material. The Declaration shall be signed by the employee under whose supervision it was wrapped and whose name is shown thereon, such employee to be one of those previously designated by the publisher and whose signature is on file in the Office of Censorship. The package may then be posted in the usual manner.*

§ 1804.7 *Correspondence.* All correspondence concerning the approval, disapproval, deletions, or corrections of the material in the publication shall be directed to the Technical Data License Division, Office of Export Control, Board of Economic Warfare, Washington, D. C.*

§ 1804.8 *Who shall make application.* Initially, each publisher considered by the Board of Economic Warfare as coming within the provisions of § 1804.1 will be sent a separate letter enclosing blank forms of the application, questionnaire, and affidavits. It shall be the duty, however, of any other publisher engaged in publishing periodicals containing scientific, technical, or professional data to make application for a license prior to exporting such periodicals. After April 1, 1942, no publication coming within the provisions of § 1804.1 will be cleared for export by the Office of Censorship unless a license has been obtained and all the requirements of §§ 1804.5 and 1804.6 have been complied with.*

March 13, 1942.

BYRON PRICE,
Director.

THE WHITE HOUSE,
March 17, 1942.

Approved:

FRANKLIN D ROOSEVELT

[F. R. Doc. 42-2363; Filed, March 18, 1942; 2:45 p. m.]

PART 1805—COMMUNICATIONS RULINGS

COMMUNICATIONS RULING NO. 1

By virtue of the authority vested in me by Executive Order No. 8985 (F. R. Doc. 41-9600) and T. D. 50536 (F. R. Doc. 41-9799):

§ 1805.1 *Communications Ruling No. 1.* (a) The sending or transmitting out of the United States in the ordinary course of the mail of any letter or other writing, book, or other paper, or through any public telegraph or cable service of any telegram, cablegram or wireless message of any communication is permitted, provided that both of the following conditions are satisfied:

(1) Such communication complies with all regulations issued by the Office of Censorship; and

(2) Such communication is not addressed to or intended for, or to be delivered, directly or indirectly, to an enemy national.

(b) Nothing contained in this Ruling shall be deemed to limit the authority of the Office of Censorship to cause to be censored in its absolute discretion, communication by mail, cable, radio or other means of transmission passing between the United States and any foreign country. All communications permitted by this Ruling shall be subject to censorship as fully as if this Ruling had not been issued.

(c) As used in this Ruling the term "United States" and the term "person" shall have the meaning prescribed in Executive Order No. 8389, as amended,[1] and the term "enemy national" shall have the meaning prescribed in General Ruling No. 11, issued by the Secretary of the Treasury thereunder.

(d) This Ruling may be amended or modified at any time; and the right is reserved to exclude from the operation hereof, or from the privileges hereby conferred, and to restrict the applicability hereof with respect to, particular persons or communications or classes thereof. (Sec. 3, 40 Stat. 412, as amended, and sec. 303, 55 Stat. 838; E.O. 8985, 6 F.R. 6625; T.D. 50536, 6 F.R. 6807)

BYRON PRICE,
Director of Censorship.

[F. R. Doc. 42-2389; Filed, March 19, 1942; 11:34 a. m.]

[1] 6 F.R. 2897, 3715, 6348, 6785.

Chapter XVII—Office of Civilian Defense

[OCD Regulations 1]

PART 1901—LOANS OF EQUIPMENT AND SUPPLIES TO CIVIL AUTHORITIES

By virtue of the authority vested in me by Executive Order No. 8757 dated May 20, 1941, and Executive Order No. 9088 dated March 6, 1942, and pursuant to section 1 of the Act approved January 27, 1942, and in accordance with Article 13 of Executive Order No. 9088 dated March 6, 1942, authorizing the Director of Civilian Defense to make and issue such rules, regulations and orders as he may deem necessary or desirable to carry out the purposes of the aforementioned Act of January 27, 1942, the following regulations are hereby made and issued:

Sec.
1901.1 General program.
1901.2 Definitions.
1901.3 Certificate and Agreement of civil authority of borrowing community.
1901.4 Duties of Regional Directors.
1901.5 Appointment and tenure of State and local property officers.
1901.6 Bonding of property officers.
1901.7 Distribution of civilian defense property.
1901.8 Duties of State property officers.
1901.9 Duties of local property officers.
1901.10 Operating instructions.

§ 1901.1 *General program.* (a) The Director of Civilian Defense will from time to time make available to localities of the United States, its territories and possessions, equipment and supplies for the protection of persons and property from bombing attacks, sabotage and other war hazards.

(b) Such equipment and supplies will be made available by loans to communities within the States, which communities may in turn distribute, under the direction of the local defense council, the equipment and supplies to responsible and qualified individuals or organizations, all in accordance with regulations issued by the Director of Civilian Defense.

(c) Each borrowing community will designate a local property officer who will act as custodian of the property and will be responsible therefor to the Officer of Civilian Defense. State property officers are to be appointed to maintain records with respect to all property loaned in their respective States or areas, and property may, in certain instances, be delivered to the communities through such State property officers. State property officers and local property officers will deal with and distribute the property only in the manner prescribed by the Director of Civilian Defense.

(d) Regional Directors of the Office of Civilian Defense are to supervise the activities of State property officers and local property officers.

(e) The equipment and supplies shall at all times be at the disposition of the United States Government, and the United States Government shall retain its full rights as owner, lessee or borrower, as the case may be, of such property. To such extent as may be practicable, all such supplies and equipment shall at all times be clearly and distinctly marked as the property of, or under the control of, the United States Government, Office of Civilian Defense.

(f) The regulations in this part governing such loans are part of the agreement of each community receiving such a loan, and in addition should serve as a guide to State and local property officers in the performance of their duties.*

*§§ 1901.1 to 1901.10, inclusive, issued under the authority contained in Pub. Law 415, 77th Cong., 2d Sess.; E.O. 8757, 6 F.R. 2617, and E.O. 9088, 7 F.R. 1775.

§ 1901.2 *Definitions.* (a) "Civil authority" means any State or community, as hereinafter defined, or any duly elected or appointed official, agent, board, commission or other body of persons duly authorized to act on behalf of any State or community.

(b) "State" means any State or territory or possession of the United States, and, in addition, means any area designated by the Director of Civilian Defense as a special area for purposes of these regulations.

(c) "Community" means any municipality, town or village, or any other political subdivision of any State, or any area designated by the Director of Civilian Defense as a community for purposes of these regulations.

(d) "Chief executive officer" means the mayor of a community or other person or body exercising paramount local executive power.

(e) "Local defense council" means the body duly appointed by the duly authorized appointive authority to be responsible for civilian defense in the community.

(f) "Director of Civilian Defense" means the Director of the Office of Civilian Defense appointed by the President of the United States.

(g) "Federal law" means the "Act to provide protection of persons and property from bombing attacks in the United States, and for other purposes" approved January 27, 1942, and acts supplemental thereto relating to the Office of Civilian Defense, and Executive Orders issued pursuant to such acts or relating to the Office of Civilian Defense.

(h) "Property" means equipment and supplies belonging to, or under the control of, the Office of Civilian Defense.

(i) "Accountability" devolves upon any person who is required to maintain records and a property account with respect to property, whether or not in the custody of such person, and is discharged by the maintenance of proper records and accounts and by the production of proper receipts for all property received by such person but no longer in his custody.

(j) "Responsibility" devolves upon any person who has custody of property or the duty to supervise others having such custody, and is discharged by the exercise of good faith and due care in the performance of all specified duties.*

§ 1901.3 *Certificate and Agreement of civil authority of borrowing community.* Each community to which a loan of property is to be made by the Director of Civilian Defense, shall, prior to the making of such loan, furnish to the Office of Civilian Defense a Certificate and Agreement, on OCD Form Number 501, duly executed by its chief executive officer, as the civil authority of the community duly authorized to act in such respect, which Certificate and Agreement shall include, among other things, a certification that the community is in need of, but unable to provide, the property therein specified, an agreement on behalf of the community as to the maintenance, use, distribution and return of the property, and a certification as to the appointment, by the duly authorized appointive authority, of a designated local property officer as the agent of the community authorized to receive the property on behalf of the community and to perform the duties prescribed with respect thereto by the Director of Civilian Defense. Each local property officer shall agree, on OCD Form Number 501, to comply with all rules, regulations, orders, and instructions of the Director of Civilian Defense. Such Certificates and Agreements shall be executed in duplicate, one copy to be filed with the Office of Civilian Defense, Washington, D. C., and one copy with the Regional Director.*

§ 1901.4 *Duties of Regional Directors.* Regional Directors of the Office of Civilian Defense, appointed by the Director of Civilian Defense, will supervise the activities of State property officers and local property officers with the view of assuring compliance with rules, regulations, orders and instructions of the Director of Civilian Defense. Regional Directors are authorized to take such steps as may be deemed by them to be desirable to supervise the arrangements made by State property officers and local property officers with respect to the storage, handling, maintaining, protecting, delivering and returning of all property and the maintaining and filing of proper reports, records and accounts with respect thereto, and in particular with respect to the distribution of property in the communities in accordance with the provisions of § 1901.7; and they shall from time to time make inspections for such purpose.*

§ 1901.5 *Appointment and tenure of State and local property officers.* (a) As a condition precedent to the making of any loan to a community in any State, the Governor of such State shall duly appoint a State property officer. In the event that an area is designated as a special area by the Director of Civilian Defense, a State property officer thereof shall, as a condition precedent to a loan to any community therein, be duly appointed by the Governor of the State in which the largest city in such area is located, and in such case the State property officer for the State or States in which such special area is located shall have no duties or accountability with respect to the said special area. The duties and obligations of each State property officer shall be as set forth in these regulations or as otherwise prescribed by the Director of Civilian Defense. Each State property officer shall hold office during the pleasure of the appointing Governor. Appointments of State property officers shall be on OCD Form Number 500, executed in duplicate, one copy to be filed with the Office of Civilian Defense, Washington, D. C., and one copy with the Regional Director; each State property officer shall agree thereon to comply with all rules, regulations, orders and instructions of the Director of Civilian Defense.

(b) As a condition precedent to the making of any loan to a community, the duly authorized appointive authority of such community shall duly appoint a local property officer to serve as the authorized agent of the community to receive such loan upon such terms and conditions as shall be prescribed by the Director of Civilian Defense. The duties and obligations of each local property officer shall be as set forth in these regulations or as otherwise prescribed by the Director of Civilian Defense. Each local property officer shall hold office during the pleasure of the local appointive authority.*

§ 1901.6 *Bonding of property officers.* (a) The Office of Civilian Defense, Washington, D. C., requires State property officers to be bonded in the amount of $10,000 to the Federal Government, and the obligation for the premium thereon shall be assumed by the State property officer or by the State designating any such State property officer.

(b) The Office of Civilian Defense, Washington, D. C., requires local property officers to be bonded to the Federal Government, in the amount of $10,000 in communities whose population is 200,000 or more, and $5,000 in other communities, and the obligation for the premium thereon shall be assumed by the local property officer or by the community for which the local property officer has been designated.

(c) Each such bond shall be executed on OCD Form Number 502 and by such corporate surety as shall be acceptable to the Director of Civilian Defense.

(d) Bonds of State and local property officers shall be executed in triplicate, two copies to be filed with the Office of Civilian Defense, Washington, D. C., and one copy to be filed with the Regional Director.*

§ 1901.7 *Distribution of civilian defense property.* Each local property officer shall distribute the property received by him, as the authorized agent of his community, to responsible and qualified individuals or organizations in his community or the territory adjacent thereto, in such amounts and in such manner as the local defense council shall deem advisable in order to comply with the requirements of Federal law, including the requirement that such property shall be distributed for the adequate protection of persons and property from bombing attacks, sabotage or other war hazards: *Provided, however,* That such distribution shall at all times be subject to and in accordance with such rules, regulations, orders and instructions as the Director of Civilian Defense may make with respect thereto. Each local property officer shall obtain from each individual or organization to whom any property is distributed, whether for further distribution or for their own use, as well as from any transferee of such property, a duly executed OCD Form Number 519, which shall constitute a receipt for the property and an agreement with respect to the protection, maintenance, use and return thereof in accordance with all rules, regulations, orders and instructions of the Director of Civilian Defense.*

§ 1901.8 *Duties of State property officers.* The duties of each State property officer are to:

(a) Receive all property shipped to him by the Office of Civilian Defense for communities within his State or area, and cause such property to be delivered forthwith and without delay to the local property officers of the respective communities, in such amounts and manner as shall be specified in any order or instruction issued by the Office of Civilian Defense, Washington, D. C.

(b) Maintain an adequate record of all property delivered to him and all property delivered to local property officers within his State or area, and preserve all receipts for such property.

(c) Prepare and submit to the Office of Civilian Defense, Washington, D. C., and to his Regional Director, reports and information in such form and manner as required by them, respectively, as to the location, custody, condition and status of all property in his State or area.

(d) Supervise the examination and checking of all property shipped to or by him.

(e) Supervise the storage and handling of all property in his custody, and make arrangements so that such property may be inspected at any time by the representatives of the Office of Civilian Defense.

(f) Make arrangements, satisfactory to the Office of Civilian Defense, Washington, D. C., adequately to store, handle, maintain, protect, deliver and return all property in his custody, and provide suitable facilities, at the expense of his State, for the proper storage, handling, protection, delivery and return of all such property: *Provided, however,* That he is not required to obtain fire, burglary or other insurance with respect to any property.

(g) Make arrangements, satisfactory to the Office of Civilian Defense, Washington, D. C., for the prompt return of any property received by him (unless lost, destroyed or consumed in the course of its use in accordance herewith and proper report of adjustment with respect thereto has been filed with and approved by the Office of Civilian Defense) and in his custody if and when recalled for any reason whatsoever by the Office of Civilian Defense, Washington, D. C., and cause such property forthwith and without delay to be expeditiously transported and delivered to or upon the order of the Office of Civilian Defense, Washington, D. C.: *Provided, however,* That any reasonable expense incident to the return of such property will be borne by the Office of Civilian Defense upon the presentation of duly verified vouchers.

(h) Be accountable to the Office of Civilian Defense for all property within his State or area.

(i) Be responsible to the Office of Civilian Defense for the performance of his duties, including the storing, handling, maintaining, protecting, delivering and returning of all property received by him or his agents until such property shall have been delivered by him to and received by local property officers in accordance with rules, regulations, orders and instructions of the Director of Civilian Defense.

(j) Perform such other duties as may be necessary in administering his office, or as shall be prescribed by the Director of Civilian Defense.

State property officers may appoint agents to assist in the performance of their duties, but shall be responsible for the acts or omissions of such agents.*

§ 1901.9 *Duties of local property officers.* The duties of each local property officer are to:

(a) Receive all property loaned to his community by the Office of Civilian Defense and shipped to him, as the agent of his community, by the Office of Civilian Defense or by or on behalf of the State property officer, and cause such property to be distributed forthwith and without delay in accordance with § 1901.7 and any other rules, regulations, orders or instructions of the Director of Civilian Defense.

(b) Maintain an adequate record of all property delivered to him or for his account, and of all property distributed by him, directly or indirectly, to individuals or organizations within his community or in territory adjacent thereto, and preserve all receipts for such property.

(c) Prepare and submit reports and information, in such form and manner as required by his State property officer or the Office of Civilian Defense, Washington, D. C., or his Regional Director as to the location, custody, condition, and status of all property loaned to his community.

(d) Supervise the examination and checking of all property shipped to or by him.

(e) Supervise the storage and handling of all property in his custody, and make arrangements so that such property may be inspected at any time by representatives of the Office of Civilian Defense.

(f) Pursuant to the agreement of his community contained in OCD Form Number 501, make arrangements satisfactory to the Office of Civilian Defense, Washington, D. C., adequately to store, handle, maintain, protect, deliver and return all property in his custody, and supervise the furnishing of suitable facilities and the making of suitable arrangements for the proper storage, handling, maintenance, protection, distribution and return of all property loaned to his community but in the custody of others: *Provided, however,* That he is not required to obtain fire, burglary or other insurance with respect to any property.

(g) Ascertain, as a condition precedent to the distribution by him of any property, that the individuals or organizations to whom the property is to be distributed, either by him or by individuals or organizations to whom he in the first instance shall have distributed, have arranged for and provided suitable facilities as specified in paragraph (f) of this section.

(h) Ascertain, before distributing any fire fighting pumping units, that the community, pursuant to its Agreement contained in OCD Form No. 501, has provided an appropriate vehicle on which said pumps and equipment will be mounted at the expense of the community, to assure the mobility of such equipment.

(i) Obtain from all individuals or organizations in his community to whom any property is distributed, whether for further distribution or for their own use, as well as any transferee of such property, a receipt and agreement as provided in § 1901.7.

(j) Make arrangements satisfactory to the Office of Civilian Defense, Washington, D. C., for the prompt return of all property loaned to his community (unless lost, destroyed or consumed in the course of its use in accordance herewith and proper report of adjustment with respect thereto has been filed with and approved by the Office of Civilian Defense) if and when recalled for any reason whatsoever by the Office of Civilian Defense, Washington, D. C., and cause such property forthwith and without delay to be expeditiously transported and delivered to or upon the order of the Office of Civilian Defense, Washington, D. C.: *Provided, however,* That any reasonable expense incident to the return of such property will be borne by the Office of Civilian Defense upon the presentation of duly verified vouchers.

(k) Be responsible to the Office of Civilian Defense for the performance of his duties, including (1) the storing, handling, maintaining protecting, delivering and returning of all property received by him or his agents until such property shall have been distributed by him to and received by individuals or organizations in accordance with rules, regulations, orders and instructions of the Director of Civilian Defense, and (2) the supervising of the performance of the duties of distributees to whom custody of property is to be or has been so transferred.

(l) Initiate and transmit Reports of Adjustment (on OCD Form 518) when required by rules, regulations, orders or instructions of the Director of Civilian Defense.

(m) Perform such other duties as may be necessary in administering his office, or as shall be prescribed by the Director of Civilian Defense.

Local property officers may appoint agents to assist in the performance of their duties, but shall be responsible for the acts or omissions of such agents.*

§ 1901.10 *Operating instructions.* The Office of Civilian Defense, Washington, D. C., will from time to time issue instructions to State and local property officers relating to procedures and forms for use in performance of their duties.*

[SEAL] JAMES M. LANDIS,
Director of Civilian Defense.

MARCH 18, 1942.

[F. R. Doc. 42-2365; Filed, March 18, 1942; 5:11 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 6—ANCHORAGE REGULATIONS

REGULATIONS FOR THE CONTROL OF VESSELS IN THE TERRITORIAL WATERS OF THE UNITED STATES

Pursuant to the authority contained in section 1, Title II of the Espionage Act approved June 15, 1917, 40 Stat. 220 (U.S.C. title 50, sec. 191), as amended by the Act of November 15, 1941 (Pub. Law 292, 77th Cong.), and by virtue of the Proclamation and Executive Order issued June 27, 1940 (5 F.R. 2419), and November 1, 1941 (6 F.R. 5581), respectively, the Regulations relating to the control of vessels in the territorial waters of the United States (5 F.R. 2442), issued by the Secretary of the Treasury and approved by the President on June 27, 1940, as amended on October 7, 1941 (6 F.R. 5221), are hereby further amended as follows:

Paragraph (a) of § 6.6, *Special authorization for licenses,* etc., is changed to read as follows:

§ 6.6 *Special authorization for licenses.* (a) Except with respect to the departure of a vessel for which a departure permit is required by § 6.7, or in case of emergency missions to save life or property in distress, no vessel shall depart from the local waters of the United States, its territories or possessions, to a point or place outside of said waters or on the high seas unless the owner, agent, or master of such vessel shall first obtain from the captain of the port in whose jurisdiction the vessel is to depart a license authorizing such departure. The term "local waters," as used in this paragraph and in paragraph (b) of this section, embraces all territorial waters of the United States, its territories and possessions, such as rivers, harbors, bays, sounds, roadsteads, inlets and other arms of the sea between projections of land, and the Great Lakes, but does not include any portion of the high seas below the shore-line along the coasts of the United States, its territories or possessions, or outside the arms of the sea between projections of land, even though within the traditional three-mile limit. Subject to the provisions of paragraph (c) of this section, the captain of the port will issue a license to depart from local waters only in the following cases:

(1) Where the vessel is regularly (or seasonably) employed as a means of livelihood outside of local waters, or on the high seas, such as for fishing, transporting passengers or freight for hire, or for any other legitimate business: *Provided,* That the master, operator, or person in charge of such vessel is a citizen of the United States, or at least fifty percentum of the personnel complement of said vessel are not aliens: *Provided further,* That no departure license shall be granted to any vessel having an enemy alien on board, either in the capacity of master, operator, person in charge, member of the crew or passenger.

(2) Where it is necessary for the vessel to depart from local waters, or from territorial waters outside of local waters, for the purpose of transportation of the vessel under its own power to a permanent location within local waters at some distant point: *Provided,* That if such transportation will involve passage through, or arrival within, waters under the jurisdiction of another captain, or other captains of the port, the captain of the port issuing the license shall send appropriate notification thereof to the captain of the port in each of whose jurisdictions the vessel will proceed and arrive at final destination: *Provided further,* That no departure license shall be granted to any such vessel having an enemy alien on board, either in the capacity of master, operator, person in charge, member of the crew or passenger.

Before making the finding required by paragraph (c) of this section and issuing a departure license under the provisions of this paragraph, the captain of the port shall cause an inspection to be made of the vessel involved and such other investigation as may be deemed necessary, and shall, prior to the departure of said vessel, require every person on board to meet the identification requirements of § 6.4 (b).

Paragraph (b) of § 6.6, *Special authorization for licenses,* etc., is changed to read as follows:

(b) Except (1) with respect to the departure of a vessel for which a departure permit is required by § 6.7, (2) or for which a departure license is required by paragraph (a) of this section, (3) or in case the vessel is included in a general license issued by the Commandant, with the approval of the Secretary of the Navy, under paragraph (d) of this section, (4) or in case of emergency missions to save life or property in distress, no vessel shall move in local waters of the United States, its territories or possessions, unless the owner, agent, or master of such vessel shall first obtain from the captain of the port in whose jurisdiction the vessel is to move a license authorizing such movement. No license will be issued to a vessel, other than a common carrier primarily engaged in the transportation of passengers for hire over regularly scheduled routes, which has, or intends to have, an enemy alien, as hereinafter defined, on board in any capacity. The captain of the port may, in his discretion and in appropriate cases, issue one license covering the requirements of this paragraph and paragraph (a) of this section. Each license issued by the captain of the port under this paragraph shall contain a condition that such license will not be valid and will cease and determine if the vessel to which it pertains, other than a common carrier primarily engaged in the transportation of passengers for hire over regularly scheduled routes, has on board an enemy alien in any capacity, or that, if the vessel is a common carrier primarily engaged in the transportation of passengers for hire over regularly scheduled routes and has an enemy alien on board, and such enemy alien has not complied with all applicable travel regulations of the Attorney General, or other proper federal authority. For the purposes of this section, the term "enemy alien" shall include the following:

(1) All aliens of the age of 14 years or older who were or are natives, citizens, or subjects of Germany, Italy, or Japan.

(2) All aliens of the age of 14 years or older who at present are stateless, but who at the time they became stateless were citizens or subjects of Germany, Italy, or Japan.

The term "enemy alien", for the purposes of this section, shall not include the following:

(3) Former German, Italian, or Japanese citizens or subjects who, before December 7, 1941, in the case of former Japanese citizens or subjects, and before December 8, 1941, in the case of former German or Italian citizens or subjects became and are citizens or subjects of any nation other than Germany, Italy, or Japan.

(4) Austrians or Austrian-Hungarians (Austro-Hungarians) or Koreans who registered as such under the Alien-Registration Act of 1940, provided that such persons have not at any time voluntarily become German, Italian, or Japanese citizens or subjects.

But nothing contained in subparagraphs (3) and (4) of this section shall be construed as limiting in any manner the authority of the captain of the port under the last clause of § 6.4 (a) with respect to any person described in subparagraphs (3) or (4) of this section, or any other person, if such action is deemed warranted in any case.

FRANK KNOX,
Secretary of the Navy.

Approved:

FRANKLIN D ROOSEVELT
THE WHITE HOUSE, *March 17, 1942*

[F. R. Doc. 42-2387; Filed, March 19, 1942; 11:54 a. m.]

PART 9—GENERAL LICENSES FOR MOVEMENTS OF VESSELS WITHIN, OR DEPARTURE FROM, TERRITORIAL WATERS

By virtue of the authority vested in me by § 6.6 (d) of this chapter (6 F.R. 5222), and in accordance with the provisions of § 9.1 (c) (1) (6 F.R. 5342), I hereby find that the continuance in force of General License No. 1 (§ 9.1 *General License No. 1*), with respect to the territorial waters of the United States other than local waters, as hereinafter defined, would be inimical to the interests of national defense and of the safety and protection of vessels or the territorial waters, and accordingly said General License No. 1 (§ 9.1 *General License No. 1*), as amended on December 24, 1941 (7 F.R. 43), is hereby further amended as follows:

The introductory paragraph is changed to read as follows:

§ 9.1 *General License No. 1.* A general license is hereby granted to all vessels, exclusive of those covered by § 6.7 of this chapter, which are now in, or which may hereafter enter, local waters of the United States, its territories or possessions, to move within, but not to depart from, the local waters of the United States, its territories or possessions. The term "local waters", as herein used, embraces all territorial waters of the United States such as rivers, harbors, bays, sounds, roadsteads, inlets and other arms of the sea between projections of land, and the Great Lakes, but does not include any portion of the high seas along the coasts of the United States or outside the arms of the sea between projections of land, even though within the traditional three-mile limit. This license shall not apply to the following:

* * * * *

Paragraph (b) is cancelled and the following substituted therefor:

(b) The waters of the State of Rhode Island commonly known as the West Passage of Narragansett Bay and the Sakonnet River.

A new paragraph (c) is added to read as follows:

(c) Any vessel, which is not a common-carrier, primarily engaged in the transportation of passengers for hire over regularly scheduled routes, that has on board an enemy alien, as defined in § 6.6 (b) of this chapter (6 F.R. 5221), either in the capacity of master, operator, person in charge, member of the crew or passenger: *Provided*, That in the case of a common carrier primarily engaged in the transportation of passengers for hire over regularly established routes, the enemy alien on board shall have complied with all applicable travel regulations of the Attorney General, or other proper federal authority.

The present paragraph (c) is changed to (d).

In all other respects, said General License No. 1 shall remain in full force and effect.

R. R. WAESCHE,
Rear Admiral, U. S. Coast Guard.

Approved:

FRANK KNOX,
Secretary of the Navy.

MARCH 14, 1942.

[F. R. Doc. 42-2386; Filed, March 19, 1942; 11:54 a. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administration

[General Order No. 5]

PART 320—PACIFIC COAST MARITIME INDUSTRY BOARD

Whereas by Executive Order 9054, dated February 7, 1942, the President established the War Shipping Administration in order to assure the most effective utilization of the Shipping of the United States for the successful prosecution of the war; and

Whereas it is essential in order to achieve the objectives of the said Executive Order that the loading and discharging of vessels proceed with the maximum possible degree of efficiency.

Now, therefore, by virtue of the power vested in me by the aforesaid Executive Order, *it is hereby Ordered*, That

§ 320.1 *Creation of Pacific Coast Maritime Industry Board.* There is hereby created a Pacific Coast Maritime Industry Board (hereinafter referred to as the Board) as an agency of and within the War Shipping Administration.*

*§§ 320.1 to 320.7, inclusive, issued under authority contained in E.O. 9054, 7 F.R. 837.

§ 320.2 *Membership.* The Board shall consist of five members: A Chairman, (and a Vice-Chairman to act in his absence), two representatives of the owners, operators, or agents on the Pacific Coast, and two representatives of the longshore unions on the Pacific Coast.

(a) *Chairman.* The Chairman shall be appointed by the Administrator.

(b) *Employer and union representatives and alternates.* The representatives of the employers and the unions shall be appointed by the Administrator. He may also designate two employer alternates and four union alternates. The four union alternates shall be divided equally by the A. F. of L. and C. I. O. unions. In matters arising in ports in which the A. F. of L. unions represent the stevedores for collective bargaining purposes, the two A. F. of L. alternates shall, at the request of the Chairman, serve on the Board as the Union representatives. The Administrator may at any time revoke such employment or designation as representative or alternate and make a new appointment or designation.

(c) *Vice-Chairman.* The Vice-Chairman shall be selected by the Chairman with the approval of the Administrator, and will act as Chairman in the absence of the Chairman and shall have full power granted to the Chairman.*

§ 320.3 *Delegation of power.* Subject to such directives as may be issued and such policies as may be determined by the Administrator, the Board shall have all the power vested in the Administrator by Executive Order of the President, (No. 9054), dated February 7, 1942, to coordinate the efforts of the employer and employee groups on the Pacific Coast for the purpose of increasing efficiency in loading and discharging vessels in that area.*

§ 320.4 *Consultation with Pacific Coast Director of Administration.* The Board shall consult with the Pacific Coast Director of the War Shipping Administration with regard to matters that effect efficiency in the Longshore Industry as well as with regard to matters that affect efficiency in the Marine and Longshore Industries jointly.*

§ 320.5 *Surveys.* The Board shall from time to time conduct surveys of the loading and discharging of vessels on the Pacific Coast for the purpose of recommending to the Administrator and to the Industry (employer and employee groups alike) measures to increase the efficiency thereof; to devise methods to increase efficiency and also ways and means to waive collective bargaining agreements and any rights therein of either party to such agreements if the Board determines such waiver to be in the interest of the war effort.*

§ 320.6 *Rules and regulations.* The Board shall have power to promulgate rules and regulations appropriate for the performance of its duties.*

§ 320.7 *Reports to Administrator.* The Board shall from time to time report to the Administrator on its activities hereunder and on the status of the efficiency of ship loading and discharging operations on the Pacific Coast, insofar as such operations are related to the prosecution of the war effort.*

By Order of the War Shipping Administration.

[SEAL] W. C. PEET, JR.,
Secretary.

MARCH 11, 1942.

[F. R. Doc. 42-2382; Filed, March 19, 1942; 11:11 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-231]

IN THE MATTER OF OSCAR VAAL, ALSO KNOWN AS OSCAR B. VAAL, CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated March 5, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on March 9, 1942, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Oscar Vaal, also known as Oscar B. Vaal, (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 23, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Superior Court Room of Knox Circuit Court, Vincennes, Indiana.

It is further ordered, That J. D. Dermody or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above named Code member as follows: That said Code member, whose address is St. Meinrad, Indiana, and whose code membership became effective as of August 31, 1938,

1. Subsequent to September 30, 1940 sold to various purchasers approximately 325.185 tons of 1¼" x 0 slack coal produced by said Code member at his Vaal Mine, Mine Index No. 622, located in Harrison Township, Spencer County, Indiana, District No. 11, at the price of 55 cents per net ton f. o. b. said mine, whereas such coal is classified as Size Group No. 14 and is priced at $1.40 per net ton f. o. b. said mine in the Schedule of Effective Minimum Prices for District No. 11 For Truck Shipments, resulting in violations of the effective minimum prices established for such coal;

2. During the period October 1, 1940 to October 27, 1941, both dates inclusive, failed to file and maintain tickets, sales slips, invoices, other memoranda and records, and data as required by Order No. 296, dated September 23, 1940, Order No. 297, dated October 22, 1940, Order No. 307, dated December 11, 1940, and Order No. 312, dated February 24, 1941, resulting in violations of said Orders.

Dated: March 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2375; Filed, March 19, 1942; 10:28 a. m.]

[Order No. 337]

AN ORDER DIRECTING CODE MEMBERS TO FILE DUPLICATE COPIES OF SALES AGENCY CONTRACTS AND OF AMENDMENTS TO SALES AGENCY CONTRACTS, MADE AND ENTERED INTO ON AND AFTER APRIL 1, 1942.

Pursuant to the provisions of sections 4 II (a) and 10 (a) of the Bituminous Coal Act of 1937,

It is ordered, That certified copies of all contracts appointing sales agents or sub-sales agents, entered into on or after April 1, 1942, and of all amendments of existing contracts which may be made on or after April 1, 1942, and which are required to be filed pursuant to the provisions of Rule 4 of section II of the Marketing Rules and Regulations, be filed in duplicate with the statistical bureau of the Division for the district in which the mine or mines of the code member principal may be located.

Dated: March 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2376; Filed, March 19, 1942; 10:28 a. m.]

[Dockets Nos. 506-FD, 524-FD, 606-FD, 1163-FD, 1188-FD, 1323-FD, 1462-FD]

APPLICATION OF PUBLIC SERVICE COMPANY OF INDIANA FOR EXEMPTION UNDER SECTION 4-A OF THE BITUMINOUS COAL ACT OF 1937

ORDER OF THE ACTING DIRECTOR

The Acting Director of the Bituminous Coal Division entered an Order, dated January 21, 1942, in the above-entitled proceedings, providing that the applications for exemption heretofore filed by Public Service Company of Indiana in Dockets Nos. 506-FD, 524-FD, 606-FD, 1163-FD, 1188-FD, 1323-FD, and 1462-FD be denied, effective as soon as temporary or final minimum prices are established for the mines concerning which such applications for exemption were filed, but in no event later than sixty (60) days from January 21, 1942.

The aforesaid Order further stated that it is expected that District Board 11 will promptly apply for the establishment of minimum prices for the mines in question.

On March 10, 1942, District Board 11 filed with the Bituminous Coal Division a Statement of Facts which set forth that the District Board has designated a committee to consider the matter of minimum prices for said coals and to submit a recommendation to the District Board, and that it is now in the process of securing data and information with respect to the coals produced from the mines in question, but, due to delay occasioned by other urgent matters and by operating difficulties recently encountered at the mines, it appears impossible at this time to secure the samples and analyses which were to be used as a basis for the proposal of minimum prices for said coals, and to make available the results to the committee and the District Board in sufficient time to enable the District Board to propose to the Division by March 22, 1942, minimum prices for said coals. It is the District Board's opinion that a minimum period of 30 days will be required for it to propose said prices in addition to the 60-day period from January 21, 1942 provided in the Order of January 21, 1942, and it recommends that the Order of the Acting Director of that date, entered in the above-entitled proceedings, be modified by providing that the applications of the Public Service Company of Indiana for exemption under Section 4-A of the Bituminous Coal Act of 1937 shall be denied not later than 120 days rather than 60 days from the date of said Order.

It appears, therefore, that because of the conditions set forth, an extension of time should be granted but not to exceed 30 additional days.

Now, therefore, it is ordered, That the Order of the Acting Director, dated January 21, 1942, be, and it hereby is, modified to the extent that the applications for exemption heretofore filed by Public Service Company of Indiana in Dockets Nos. 506-FD, 524-FD, 606-FD, 1163-FD, 1188-FD, 1323-FD, and 1462-FD be, and they hereby are, denied, effective as soon as temporary minimum prices are established for the mines concerning which such applications for exemption were filed, but in no event later than 90 days from January 21, 1942.

Dated: March 18, 1942.

[SEAL] *DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2377; Filed, March 19, 1942; 10:28 a. m.]

[Docket No. B-222]

IN THE MATTER OF FRED NORTH, REGISTERED DISTRIBUTOR, REGISTRATION NO. 6880

NOTICE OF AND ORDER FOR HEARING

Correction

Paragraph (a) appearing in the first column of page 2110 of the issue for Tuesday, March 17, 1942, should read as follows:

(a) 355.1 net tons of 1½" screenings coal purchased from and produced by the Carbon Coal Company, R. F. D. #2, Collinsville, Illinois, a code member, at its Glen Carbon Mine, Mine Index No. 1042, located in District 10;

DEPARTMENT OF LABOR.

Division of Public Contracts.

IN THE MATTER OF THE DETERMINATION OF THE PREVAILING MINIMUM WAGES IN THE CANE SUGAR REFINING AND BEET SUGAR MANUFACTURING INDUSTRIES

NOTICE OF HEARING

All interested parties are hereby notified that a hearing will be held before the Public Contracts Board in Room 3229, Department of Labor Building, Washington, D. C., commencing at 10 a. m., on Tuesday, April 7, 1942, to take testimony and receive evidence upon which findings of fact and recommendations shall be made by the Board to assist the Secretary of Labor in determining the prevailing minimum wages in the Cane Sugar Refining and Beet Sugar Manufacturing Industries pursuant to the provisions of section 1 (b) of the Act of June 30, 1936 (49 Stat. 2036; 41 U. S. C. Sup. III 35), otherwise known as the Walsh-Healey Public Contracts Act.

The Cane Sugar Refining and Beet Sugar Manufacturing Industries have been defined as follows:

1. "The Cane Sugar Refining Industry is that industry which is engaged in the refining of raw cane sugar."

2. "The Beet Sugar Manufacturing Industry is that industry which is engaged in the manufacture of sugar from sugar beets."

A tabulation of wage schedules voluntarily submitted by members of the Cane Sugar Refining Industry, at the request of a committee made up of management and labor representatives, and tabulated by the Research Section of the Division of Public Contracts, Department of Labor, will be submitted in evidence at the hearing. Similar data were obtained from members of the Beet Sugar Manufacturing Industry through the cooperation of the United States Beet Sugar Association and the Farmers' and Manufacturers' Beet Sugar Association. Copies of these wage tabulations may be had on application to the Administrator, Division of Public Contracts, Washington, D. C. Any additional data indicating wage changes that may have occurred since the period covered by the tabulated schedules (October 1941) will also be received, as well as evidence for the purpose of determining what provision, if any, should be made in the prevailing minimum wage determination for the employment of apprentices and learners.

At the hearing an opportunity to be heard, either in person or by duly appointed representatives, will be given to persons engaged in the above named industries, either as employers or as employees, to groups of such persons, and to others within the discretion of the Board. Briefs or telegraphic communications may be filed with the Administrator, Division of Public Contracts, Department of Labor, and they should be received on or before the hearing date. No form for the brief is prescribed but an original and four copies must be submitted.

The entire record will be considered by the Secretary of Labor before the wage determination is made.

Dated: March 19, 1942.

WM. R. MCCOMB,
Assistant Administrator.

[F. R. Doc. 42-2366; Filed, March 19, 1942; 11:45 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. G-228]

IN THE MATTER OF BORDER PIPE LINE COMPANY (DELAWARE)

ORDER POSTPONING HEARING

MARCH 17, 1942.

Upon motion filed March 13, 1942, by applicant, Border Pipe Line Company (Delaware), for continuance of the Hearing set in the above-entitled matter;

It appearing to the Commission that: Good cause has been shown for the postponement of the date of hearing herein;

The Commission *orders* that: The hearing in this proceeding, heretofore set to commence on March 30, 1942, be and it is hereby postponed to April 6, 1942, at the same time and place as heretofore fixed.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-2362; Filed, March 18, 1942; 2:36 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-513]

IN THE MATTER OF PANHANDLE EASTERN PIPE LINE COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 17th day of March 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Panhandle Eastern Pipe Line Company, a subsidiary of Columbia Oil & Gasoline Corporation, in turn a subsidiary of Columbia Gas & Electric Corporation, a registered holding company and, in turn, a subsidiary of The United Corporation, also a registered holding company; and

Notice is further given that any interested person may, not later than March 26, 1942 at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

Declarant proposes to commence on or about April 1, 1942 to acquire and redeem shares of its 5.60% Cumulative Preferred Stock in amounts required for the years 1942 and 1943 by the sinking fund provisions contained in the Certificate relating to said Preferred Stock, whereunder $100,000 is to be deposited on April 1, 1942 in a segregated account and a sum sufficient to redeem not more than 3½% of the largest par amount at any time outstanding (presently $525,000) on April 1, 1943.

The declarant may anticipate, at any time or from time to time, all or any part of the sinking fund payments due annually on April 1 (a) by delivering to the sinking fund shares of the said Preferred Stock which have been purchased or otherwise acquired, or (b) by redeeming shares of said Preferred Stock at $108.00 per share, plus accrued dividends; the number of shares of said Preferred Stock acquired in anticipation of sinking fund payments is to be limited to the amount necessary to satisfy the next succeeding payment.

Any acquisitions are to be in compliance with the restrictions contained in declarant's Mortgage and Deed of Trust dated November 1, 1940, as supplemented on January 1, 1942, restricting, among other things, the acquisition and retirement of any stock to the amount of surplus earned since January 1, 1940, plus $1,500,000. As provided in the Certificate relating to said Preferred Stock, no acquisition will be made while there is default in dividends except with the consent of the holders of the majority of said Preferred Stock. According to the declaration, no acquisition will be made from affiliates or associate companies except when shares of said Preferred Stock are called by lot for redemption; no acquisition of said Preferred Stock will be made from any Principal Underwriter during the period of distribution thereof; and all purchases are to be made at the best price obtainable but not to exceed the sinking fund redemption price ($105.00 per share), and all purchases in the open market are to be made only through or from licensed brokers and dealers.

To the extent that shares of said Preferred Stock acquired will be insufficient to meet the requirements of said sinking fund, then the moneys remaining in said sinking fund will be applied to the redemption of shares of said Preferred Stock, to be selected by lot, at the sinking fund redemption price ($105.00 per share) as provided by the Certificate relating to said Preferred Stock.

Section 12 of the Act and Rule U-42 promulgated thereunder are designated as being applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2369; Filed, March 19, 1942; 9:39 a. m.]

[File No. 37-28]

IN THE MATTER OF ATLANTIC UTILITY SERVICE CORPORATION

ORDER POSTPONING DATE OF HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 17th day of March, A. D. 1942.

The Commission having on January 29, 1942, issued its Notice of Filing and Order for Hearing pursuant to section 13 of the Public Utility Holding Company Act of 1935 in the above entitled matter and said order having set the date for the hearing therein on February 17, 1942; and

Said date of hearing having been postponed at the requests of the several parties in the matter, by subsequent orders of the Commission, to March 19, 1942; and

Atlantic Utility Service Corporation having now requested that said date of hearing be further postponed subject to call upon 15 days notice by Counsel for the Commission or Counsel for Atlantic Utility Service Corporation; and

The Commission being of the opinion that said request should not appropriately be granted but that a postponement of fifteen days from said hearing date of March 19, 1942, may appropriately be granted:

It is ordered, That the date of the hearing in this matter be and is hereby postponed to April 3, 1942, at 10 a. m. at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated by the hearing room clerk in room 318, before the officer of the Commission previously designated herein.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2370; Filed, March 19, 1942; 9:39 a. m.]

[File No. 70-477]

IN THE MATTER OF LOUISVILLE GAS AND ELECTRIC COMPANY (KY.); LOUISVILLE TRANSMISSION CORPORATION (KY.); AND LOUISVILLE TRANSMISSION CORPORATION (IND.)

SUPPLEMENTAL FINDINGS AND ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 18th day of March, A. D. 1942.

The Commission having made findings and entered an order herein on March 3, 1942, granting the application, as amended, and permitting the declaration, as amended, to become effective forthwith, except that no findings were made in regard to the price to the Louisville Transmission Corporation (Kentucky), spread and distribution thereof and redemption prices applicable to the First Mortgage Sinking Fund Bonds due March 1, 1967, to be issued and sold by said Corporation, and the Commission having reserved jurisdiction in said order in regard thereto;

An amendment to said application and declaration having been filed as provided in Rule U-50 (c), specifying the proposals which had been received for the purchase of said Bonds pursuant to the invitation of competitive bids therefor, and stating that Louisville Transmission Corporation (Kentucky) had accepted a bid from The Northwestern Mutual Life Insurance Company of 100% for the Bonds bearing coupons of 3⅛%, said bonds to be redeemable initially at 101½% in the case of redemption for sinking fund purposes or in case of redemption after a merger of Louisville Transmission Corporation (Kentucky) and Louisville Gas and Electric Company (Kentucky), and otherwise at 103½%, said redemption prices diminishing thereafter at the rate of 1/25 of the initial premium on March 1, 1943, and by an additional 1/25 of the initial premium on each March 1, thereafter;

The Commission having examined the record and making no adverse findings under section 7 (d) of the Public Utility Holding Company Act of 1935 in regard to the price to the issuer and redemption prices applicable to said Bonds, and there being no spread as the purchaser is not reselling said Bonds to the public;

It is ordered, That said application, as amended, be and it is hereby granted and said declaration, as amended, be and it is hereby permitted to become effective forthwith in regard to the price to the issuer and redemption prices applicable to said Bonds subject, however, to the terms and conditions prescribed in Rule U-24.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2373; Filed, March 19, 1942; 10:18 a. m.]

Reference

MAR 23 1942

THE NATIONAL ARCHIVES

FEDERAL REGISTER

VOLUME 7 — 1934 — NUMBER 56

Washington, Saturday, March 21, 1942

The President

PROCLAMATION 2541

FOURTH REGISTRATION DAY

BY THE PRESIDENT OF THE UNITED STATES
A PROCLAMATION

WHEREAS the Selective Training and Service Act of 1940 (54 Stat. 885), as amended by the Act of December 20, 1941 (Public Law 360, 77th Cong., 55 Stat. 844), contains, in part, the following provisions:

SEC. 2. Except as otherwise provided in this Act, it shall be the duty of every male citizen of the United States, and of every other male person residing in the United States, who, on the day or days fixed for the first or any subsequent registration, is between the ages of eighteen and sixty-five, to present himself for and submit to registration at such time or times and place or places, and in such manner and in such age group or groups, as shall be determined by rules and regulations prescribed hereunder.

* * * * *

SEC. 5. (a) Commissioned officers, warrant officers, pay clerks, and enlisted men of the Regular Army, the Navy, the Marine Corps, the Coast Guard, the Coast and Geodetic Survey, the Public Health Service, the federally recognized active National Guard, the Officers' Reserve Corps, the Regular Army Reserve, the Enlisted Reserve Corps, the Naval Reserve, and the Marine Corps Reserve; cadets, United States Military Academy; midshipmen, United States Naval Academy; cadets, United States Coast Guard Academy; men who have been accepted for admittance (commencing with the academic year next succeeding such acceptance) to the United States Military Academy as cadets, to the United States Naval Academy as midshipmen, or to the United States Coast Guard Academy as cadets, but only during the continuance of such acceptance; cadets of the advanced course, senior division, Reserve Officers' Training Corps or Naval Reserve Officers' Training Corps; and diplomatic representatives, technical attaches of foreign embassies and legations, consuls general, consuls, vice consuls, and consular agents of foreign countries, and persons in other categories to be specified by the President, residing in the United States, who are not citizens of the United States, and who have not declared their intention to become citizens of the United States, shall not be required to be registered under section 2 and shall be relieved from liability for training and service under section 3 (b).

* * * * *

SEC. 10. (a) The President is authorized—

(1) to prescribe the necessary rules and regulations to carry out the provisions of this Act;

* * * * *

(4) to utilize the services of any or all departments and any and all officers or agents of the United States and to accept the services of all officers and agents of the several States, Territories, and the District of Columbia and subdivisions thereof in the execution of this Act;

* * * * *

SEC. 14. (a) Every person shall be deemed to have notice of the requirements of this Act upon publication by the President of a proclamation or other public notice fixing a time for any registration under section 2.

WHEREAS section 208 of the Coast Guard Auxiliary and Reserve Act of 1941, approved February 19, 1941 (Public Law 8, 77th Cong., 55 Stat. 9), provides, in part, as follows:

Members of the [Coast Guard] Reserve, other than temporary members as provided for in section 207 hereof, shall receive the same exemption from registration and liability for training and service as members of the Naval Reserve * * *;

WHEREAS the first registration under the Selective Training and Service Act of 1940 took place in the continental United States October 16, 1940, in the Territory of Hawaii on October 26, 1940, in Puerto Rico on November 20, 1940, and in the Territory of Alaska on January 22, 1941, pursuant to proclamations issued by me on September 16, 1940, October 1, 1940, October 8, 1940, and November 12, 1940, respectively;

WHEREAS the second registration under the Selective Training and Service Act of 1940 took place in the United States, the Territories of Alaska and Hawaii, and in Puerto Rico on July 1, 1941, pursuant to proclamation issued by me on May 26, 1941;

WHEREAS the third registration under the Selective Training and Service Act of 1940, as amended, took place in the United States, the Territories of

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Alaska and Hawaii, and in Puerto Rico, on February 16, 1942, pursuant to proclamation issued by me on January 5, 1942;

WHEREAS a state of war now exists between the United States of America and the Empire of Japan, Germany, and Italy;

WHEREAS this and other registrations under the Selective Training and Service Act of 1940 and the amendments thereto will be required to insure victory, final and complete, over the enemies of the United States:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, acting under and by virtue of the authority vested in me by the Selective Training and Service Act of 1940, as amended, do proclaim the following:

1. Pursuant to the Selective Training and Service Act of 1940, as amended, the registration of male citizens of the United States and other male persons who were born on or after April 28, 1877, and on or before February 16, 1897, shall take place in the United States and the Territories of Alaska and Hawaii, and in Puerto Rico on Monday, the 27th day of April, 1942, between the hours of 7:00 a. m. and 9:00 p. m.

2. (a) Every male citizen of the United States, and every other male person residing in the continental United States or in the Territory of Alaska or in the Territory of Hawaii or in Puerto Rico, other than persons excepted by Section 5 (a) of the Selective Training and Service Act of 1940, as amended, and by Section 208 of the Coast Guard Auxiliary and Reserve Act of 1941, is required to and shall on April 27, 1942, present himself for and submit to registration before a duly designated registration official or selective service local board having jurisdiction in the area in which he has his permanent home or in which he may happen to be on that day if such male citizen or other male person on February 16, 1942, had attained the forty-fifth aniversary of the day of his birth and on April 27, 1942, has not attained the sixty-fifth anniversary of the day of his birth, and has not heretofore been registered under the Selective Training and Service Act of 1940, as amended, and the regulations thereunder; Provided, That the duty of any person to present himself for and submit to registration in accordance with any previous proclamation issued under said Act shall not be affected by this proclamation.

(b) A person subject to registration may be registered before the day set herein for his registration if arrangements therefor are made by the local board under rules and regulations prescribed by the Director of Selective Service. Whenever such arrangements are made, public notice thereof will be given by the local board.

(c) A person subject to registration may be registered after the day fixed for his registration in case he is prevented from registering on that day by circumstances beyond his control or because he is not present in continental United States or the Territory of Alaska or the Territory of Hawaii, or Puerto Rico on that day. If he is not in the continental United States or the Territory of Alaska or the Territory of Hawaii, or Puerto Rico on the day fixed for his registration but subsequently enters any of such places, he shall as soon as possible after such entrance present himself for and submit to registration before a duly designated registration official or selective service local board. If he is in the continental United States or in the Territory of Alaska or the Territory of Hawaii, or Puerto Rico on the day fixed for his registration but because of circumstances beyond his control is unable to present himself for and submit to registration on that day, he shall do so as soon as possible after the cause for such inability ceases to exist.

3. The registration under this proclamation shall be in accordance with the Selective Service Regulations governing registration. Every person subject to registration is required to familiarize himself with such regulations and to comply therewith.

4. I call upon the Governor of each of the several States and the Territories of Alaska and Hawaii, and of Puerto Rico, and the Board of Commissioners of the District of Columbia, and all officers and agents of the United States and all officers and agents of the several States, Territories, Puerto Rico, and the District of Columbia, and political subdivisions thereof, and all local boards and agents thereof appointed under the provisions of the Selective Training and Service Act of 1940, as amended, or the Selective Service Regulations prescribed thereunder, to do and perform all acts and services necessary to accomplish effective and complete registration.

5. In order that there may be full cooperation in carrying into effect the purposes of the Selective Training and Service Act of 1940, as amended, I urge all employers and Government agencies of all kinds—Federal, State, territorial, and local—to give those under their charge sufficient time in which to fulfill the obligations of registration incumbent upon them under the said Act and this proclamation.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States to be affixed.

DONE at the City of Washington this 19th day of March, in the year of our Lord nineteen hundred and forty-two and of the Independence of the United States the one hundred and sixty-sixth.

[SEAL] FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES,
Acting Secretary of State.

[F. R. Doc. 42-2430; Filed, March 20, 1942; 11:42 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency, Agricultural Conservation and Adjustment Administration

[Wheat 507, Sup. 4]

PART 728—WHEAT

REGULATIONS PERTAINING TO WHEAT MARKETING QUOTAS FOR THE 1941 CROP OF WHEAT

By virtue of the authority vested in the Secretary of Agriculture by Title III of the Agricultural Adjustment Act of 1938 (Public Law No. 430, 75th Congress, approved February 16, 1938, 52 Stat. 31, 7 U.S.C. 1940 ed. 1301 *et seq.*), as amended, and Public Law No. 74, 77th Congress, approved May 26, 1941, 55 Stat. 203, as amended by Public Law No. 384, 77th Congress, approved December 26, 1941, the regulations pertaining to wheat marketing quotas for the 1941 crop of wheat [1] (form Wheat 507), prescribed May 31, 1941, as amended on July 15 and September 8, 1941 and January 9, 1942, are hereby further amended as follows:

Section 728.256 is amended by adding the following two new paragraphs:

§ 728.256 *Storage of the farm marketing excess.*

* * * * * *

(e) *Underplanting the farm acreage allotment for a subsequent crop.* Any producer who stored wheat of the 1941 crop in accordance with paragraph (b) or (c) of this section and who is a wheat producer in 1942 or any subsequent year may remove from storage an amount of the wheat so stored equal to the normal production of the number of acres by which the acreage planted to wheat on any farm on which he is a wheat producer in 1942 or such subsequent year is less than the farm acreage allotment therefor: *Provided, however,* That, in case there are other wheat producers on the farm who are similarly situated, the amount of wheat which may be removed from storage on account of the underplanting on the farm shall be apportioned among them in accordance with their agreement or, in the absence thereof, as they are entitled to share in the wheat crop, but no producer shall be entitled to a share therein which is greater than the amount of his stored excess wheat of the 1941 crop. The acreage planted to wheat for the purpose of this paragraph shall mean the acreage seeded to wheat plus the acreage of volunteer, or "self-seeded," wheat which is not disposed of in accordance with instructions of the Agricultural Adjustment Agency (formerly the Agricultural Adjustment Administration) of the Agricultural Conservation and Adjustment Administration and any wheat seeded in a mixture which, in accordance with instructions of said Agency of said Administration, is classified as acreage of wheat. A wheat producer in 1942 or in any subsequent year shall mean, for the purposes of this paragraph, any person who, at the end of the wheat-seeding season for the area in which the farm is situated, was entitled to share in the wheat crop which was or could have been seeded on the farm.

(f) *Producing a subsequent crop which is less than the normal production of the farm acreage allotment.* Any producer who stores wheat of the 1941 crop in accordance with paragraph (b) or (c) of this section and who is a wheat producer in 1942 or any subsequent year may remove from storage an amount of the wheat so stored equal to the amount by which the normal production of the farm acreage allotment for any farm on which he is a wheat producer in 1942 or such subsequent year exceeds the total amount of wheat produced on such farm in that year, less the amount of any wheat authorized to be removed from storage, or which could have been authorized to be removed from storage, in connection with the farm on account of underplanting the farm acreage allotment in that year under paragraph (e) of this section: *Provided, however,* That, in cases where there are other wheat producers on the farm who are similarly situated, the amount of wheat which may be removed from storage under this paragraph shall be apportioned among them in accordance with their agreement or, in the absence thereof, as they are entitled to share in the wheat crop harvested on the farm, but no producer shall be entitled to a share therein which is greater than the amount of his stored excess wheat of the 1941 crop. (Par. 6)

Done at Washington, D. C., this 20th day of March 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-2431; Filed, March 20, 1942; 11:30 a. m.]

[1] 6 F.R. 2695, 3465, 4626; 7 F.R. 195.

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VI—Organized Reserves

PART 64—ENLISTED RESERVE CORPS

SUSPENSION OF ENLISTMENTS AND REENLISTMENTS IN THE ENLISTED RESERVE CORPS WITH CERTAIN EXCEPTIONS [1]

§ 64.5 *Enlistments.* Enlistment and reenlistments in the Enlisted Reserve Corps are suspended with the following exceptions:

* * * * * *

(e) (1) The enlistment in the grade of Private in the Enlisted Reserve Corps and assignment to the Enlisted Section, Office of the Chief Signal Officer, of personnel qualified to pursue instruction in the following courses and who have made an Army General Classification Test Score as indicated, is authorized. The age limit will be that as prescribed by existing Army Regulations for enlistment.

Radio Electrician (174) AGCTS 120 and high school physics.
Radio Operator (177) AGCTS 110, Signal Corps Code Aptitude Test 50.
Telegraph Printer Operator (237) AGCTS 110, type 20 words per minute.
Instrument Repairman (097) AGCTS 110.
Telegraph Printer Maintenance Man (239) AGCTS 120 and evidence of mechanical aptitude, such as high school manual training course.
Switchboard Installer (232) AGCTS 110.
Cable Splicer (039) AGCTS 110.
Lineman (238) AGCTS 100.

The Chief Signal Officer is authorized to change the above qualifications and Army General Classification Test Score at any time it becomes necessary in order to meet the demands of the service and training requirements.

(2) The facilities of the recruiting services will be used to assist in the procurement of the above personnel. All applicants will be instructed by the recruiting service to report at their own expense to the officer in charge of any civilian school training Signal Corps personnel. It will be the responsibility of this officer to give the Army General Classification Test to all applicants and to determine from this test and other personal qualifications those eligible for enlistment.

(3) Personnel so enlisted will be deferred from active duty until the scheduled date of completion of this course; however, the time spent on an inactive status shall not exceed six (6) months except in case of a reservist whose progress and ability indicates the desirability of additional advanced training, in which case an additional period of deferment of not to exceed three (3) months in duration to allow the reservist time to complete this advanced training, may be authorized. He shall upon recommendation of the Chief Signal Officer, be ordered to active duty and sent to a Signal Corps Replacement Training Center or Signal Corps unit. In the event that a student leaves the school or fails to make reasonable progress he may be ordered to active duty without delay and assigned as indicated above. (39 Stat. 195; 41 Stat. 780; 44 Stat. 705; 10 U.S.C. 421, 423–427) [Letter AGO March 15, 1942, AG 341 (3–6–42) RP–A]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-2407; Filed, March 20, 1942; 9:26 a. m.]

[1] 6 F.R. 5165; 7 F.R. 213, 738.

PART 64—ENLISTED RESERVE CORPS

SUSPENSION OF ENLISTMENTS AND REENLISTMENTS IN THE ENLISTED RESERVE CORPS WITH CERTAIN EXCEPTIONS [1]

§ 64.5 *Enlistments.* Enlistment and reenlistments in the Enlisted Reserve

[1] 6 F.R. 5165; 7 F.R. 213, 738.

Corps are suspended with the following exceptions:

* * * * *

(f) (1) Enlistments as private, Air Corps Enlisted Reserve Corps, of—

(i) Students now enrolled in courses of pilot training being conducted by the Civil Aeronautics Administration, who meet the requirements for appointment as aviation cadets, U. S. Army.

(ii) Applicants for enrollment in such pilot training who meet the requirements for appointment as aviation cadet, U. S. Army.

(iii) Applicants for enrollment in courses for technicians who meet the requirements for admission to the Air Corps technical schools.

(2) Persons so enlisted in the Air Corps Enlisted Reserve Corps who successfully complete the required course of instruction will be called to active service at the termination of the course, or at such time thereafter as determined by the Chief of the Army Air Forces, provided that the total period of inactive service in the Enlisted Reserve Corps does not exceed 6 months, or 1 year in the case of individuals whose progress during the first 6-month period has been such as to warrant advanced pilot and instrument training.

(3) Persons so enlisted in the Air Corps Enlisted Reserve Corps failing to make adequate progress in the course of instruction in which enrolled will be called to active service without delay for assignment to duty as directed by the Chief of the Army Air Forces: *Provided*, That men not liable for military service under the Selective Training and Service Act of 1940 will remain in an inactive status until reaching the age of liability for service under said act, unless they shall otherwise elect. (39 Stat. 195; 41 Stat. 780; 44 Stat. 705; 10 U.S.C. 421, 423–427) [Cir. 204, W.D., Sept. 30, 1941, as amended by Cir. 75, W.D., March 13, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-2408; Filed, March 20, 1942; 9:26 a. m.]

Chapter VII—Personnel

PART 71—ENLISTMENT IN THE REGULAR ARMY

SUSPENSION OF CERTAIN REGULATIONS PERTAINING TO EXAMINATION AND ENLISTMENT, WITH EXCEPTIONS

§ 71.22 *Physical examination of applicants for enlistment.* (a) Except for men enlisted in the Army Air Forces with a view to their appointment as aviation cadets and men enlisted in the Enlisted Reserve Corps, all men enlisted in the Army of the United States will, prior to their enlistment, appear before a board of officers and undergo the same examination as is required in the case of the induction of a Selective Service registrant. This will require applicants for enlistment to be accepted for enlistment only at recruiting stations which lack complete examination facilities and be actually enlisted at recruiting and induction stations. So much of §§ 71.1 to 71.18, inclusive, as conflicts with the above is suspended.

(b) The physical examination of aviation cadets will be as prescribed in War Department instructions and § 74.3 of this title, and those for the Enlisted Reserve Corps will be as prescribed in Part 64, Chapter VI, of this title. (41 Stat. 765; 10 U.S.C. 42) [Cir. 73, W. D., March 12, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-2409; Filed, March 20, 1942; 9:27 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY

Chapter I—Monetary Offices

PART 130—REGULATIONS RELATING TO TRANSACTIONS IN FOREIGN EXCHANGE, TRANSFERS OF CREDIT, PAYMENTS, AND THE EXPORT OR WITHDRAWAL OF COIN, BULLION, AND CURRENCY; AND TO REPORTS OF FOREIGN PROPERTY INTERESTS IN THE UNITED STATES

SPECIAL REGULATION NO. 1 UNDER EXECUTIVE ORDER NO. 8389, APRIL 10, 1940, AS AMENDED,[1] AND SECTION 5 (b) OF THE TRADING WITH THE ENEMY ACT, AS AMENDED BY THE FIRST WAR POWERS ACT, 1941, RELATING TO TRANSACTIONS IN SPECIAL BLOCKED PROPERTY

MARCH 18, 1942.

By virtue of the authority vested in the Federal Reserve Bank of San Francisco, Fiscal Agent of the United States, pursuant to section 5 (b) of the Trading with the Enemy Act as amended by the First War Powers Act, by virtue of the authority vested in such bank by the Commanding General of the Western Defense Command and Fourth Army, and by virtue of all other authority vested in such bank, the following special regulations are hereby prescribed:

§ 130.8 *Transactions in special blocked property.* (a) The acquisition, disposition or transfer of, or other dealing in, or exercising any right, power, or privilege with respect to, any property hereafter designated as Special Blocked Property is prohibited except as authorized by license expressly referring to this section.

(b) Applications for any such license may be filed on Form TFE–1 by any person with the nearest office of the Federal Reserve Bank of San Francisco. Such applications should set forth (1) the interest, if any, of the applicant in the property; (2) the details of the transaction for which a license is requested including the terms of any proposed settlement; (3) the manner in which the interest of the evacuee national in the property is being protected; and (4) whether or not the evacuee national is in agreement with the proposed settlement.

(c) As used in this section and in any ruling, license, instruction, etc.:

(1) The term "evacuee national" shall mean any Japanese, German or Italian alien, or any person of Japanese ancestry, resident on or since December 7, 1941 in Military Area No. 1 or in specified zones in other Military Areas prescribed in or pursuant to public proclamations issued by Lieutenant General J. L. DeWitt, Commanding General of the Western Defense Command and Fourth Army. For the purpose of this regulation all evacuee nationals are nationals of a foreign country.

(2) The term "Special Blocked Property" shall mean property in which an evacuee national has an interest and which has been designated as Special Blocked Property by the Federal Reserve Bank of San Francisco in one or more of the following ways:

(i) There is posted on or reasonably near such property an official Federal Reserve Bank of San Francisco notice that such property is Special Blocked Property.

(ii) The person holding such property or having possession or custody thereof has been notified by the Federal Reserve Bank of San Francisco that such property is Special Blocked Property.

(iii) One or more persons having an interest in such property have been notified by the Federal Reserve Bank of San Francisco that such property is Special Blocked Property. (Sec. 5 (b), 40 Stat. 415 and 966; Sec. 2, 48 Stat. 1; 54 Stat. 179; Pub. No. 354, 77th Cong.; E.O. 8389, Apr. 10, 1940, as amended by E.O. 8785, June 14, 1941, E.O. 8832, July 26, 1941, E.O. 8963, Dec. 9, 1941, E.O. 8998, Dec. 26, 1941, E.O. 9066, Feb. 19, 1942, 7 F.R. 1407, E.O. 9095, Mar. 11, 1942, 7 F.R. 1971)

Federal Reserve Bank of San Francisco
(Fiscal Agent of the United States).

[SEAL] WILLIAM A. DAY,
President.

Confirmed:

E. H. FOLEY, JR.,
Acting Secretary of the Treasury.

[F. R. Doc. 42-2418; Filed, March 20, 1942; 9:49 a. m.]

[1] 6 F.R. 2897, 3715, 6348, 6785.

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 57]

ORDER PRESCRIBING FORMS

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of section 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 311, entitled "Selective Service Occupational Questionnaire,"[1] effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of the Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

FEBRUARY 28, 1942.

[F. R. Doc. 42-2405; Filed, March 19, 1942; 3:53 p. m.]

[1] Form filed as part of the original document.

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 984—LEAD

EXTENSION NO. 1 OF GENERAL PREFERENCE ORDER NO. M–38

Section 984.1 (*General Preference Order M–38*[1]) is hereby extended to expire December 31, 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 20th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2427; Filed, March 20, 1942; 11:38 a. m.]

[1] 6 F.R. 5090.

PART 1032—COCOANUT OIL, BABASSU OIL, PALM KERNEL OIL AND OTHER HIGH LAURIC ACID OILS

The fulfillment of requirements for the defense of the United States, has created a shortage in the supply of Cocoanut Oil, Babassu Oil, Palm Kernel Oil and other high lauric acid oils as herein defined for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1032.1 *General Preference Order M–60*—(a) *Definitions.* For the purposes of this Order:

(1) "High Lauric Acid Oils" means Cocoanut Oil, Babassu Oil, Palm Kernel Oil and all other oils having a lauric acid content of thirty-five percent (35%) or higher, whether crude, refined, bleached or deodorized.

(2) "Inventory" of a person with respect to high lauric acid oils means:

(i) The high lauric acid oil content of copra and other seeds and nuts from which high lauric acid oils are obtained;

(ii) High lauric acid oils, whether crude, refined, bleached or deodorized;

(iii) The high lauric acid oil content of all mixtures and blends of which such oils are a part;

(iv) The high lauric acid oil equivalent of all fatty acids and acidulated soapstocks and of all mixtures and blends of such fatty acids and acidulated soapstocks;

(v) All material as aforesaid to or in which such person has any title or equity of redemption or which he has purchased for future delivery;

(vi) The inventory, as above defined, of affiliates and subsidiaries of such person.

(3) "Inventory Quota" of a person means twenty-five percent (25%) of a person's inventory on the inventory date. In the event that through circumstances beyond the control of such person any material in a person's inventory for which a contract of purchase existed on the inventory date is in whole or in part not delivered to such person, his inventory quota as of such date shall be adjusted accordingly.

(4) "Inventory Date" means the close of business on the day prior to the date of issuance of this Order.

(b) *Restrictions on use*—(1) *Prohibitions on use.* Hereafter, except as provided by paragraph (b) (3) hereof, the use or consumption by any person of high lauric acid oils in the following manufactures, processes or uses is prohibited:

(i) Any manufacture, process or use in which Glycerine is not produced;

(ii) Any manufacture or process in which Glycerine is produced where the amount of Glycerine (whether free or combined) remaining in the product exceeds one and five-tenths percent (1.5%) calculated on an anhydrous soap basis or where the remainder of the Glycerine is not at least ninety percent (90%) recovered.

(2) *Curtailment of amount of use.* No person shall hereafter in any calendar month beginning with March, 1942 saponify, or put in the process of saponification, any high lauric acid oils or any fatty acids derived in whole or in part from such oils in a quantity, in terms of oil or of oil equivalent, in excess of seventy-five percent (75%) of one-twelfth of such oils or fatty acids saponified or put in the process of saponification by him in 1941.

(3) *Permitted uses for a limited period.* During March, 1942 each person may use or consume high lauric acid oils in any manufacture, process or use in an amount not exceeding one hundred percent (100%) of one-twelfth of his use or consumption of such oils in such manufacture, process or use in 1941, and during each of the months April and May, 1942 each person may use or consume such oils in any manufacture, process or use in an amount not exceeding fifty percent (50%) of one-twelfth of his use and consumption of such oils in such manufacture, process or use in 1941: *Provided however*, That the uses permitted by this paragraph (b) (3) shall not include the manufacture of any margarine, shortening or cooking fat, the further use of such oils in the manufacture of such products being hereafter prohibited.

(4) *Reports of unusable oils.* Any high lauric acid oils at any time remaining in the hands of any person which by reason of any of the provisions of this paragraph (b) may not be used or consumed by him shall be reported to the War Production Board, Washington, D. C., Ref: M–60, for disposition.

(c) *Restrictions on processing.* No Person shall hereafter process or change the condition of any high lauric acid oils in preparation for any manufacture or use permitted by this order except to the extent necessary for such preparation and then only in such quantities as may be necessary to meet his normal production schedule or, if such oils are to be manufactured or used by another person, then the normal production schedule of such other person, in so far as either such schedule is not in violation of paragraph (b) (3) hereof.

(d) *Withholdings of high lauric acid oils.* (1) Every person who on the inventory date has an inventory in an amount in the aggregate in excess of 30,000 lbs., by weight of oil or oil content or equivalent, shall set aside his inventory quota and shall continue to hold such quota subject to the direction of the Director of Industry Operations. The quotas of all such persons shall provide the source for the allocation of high lauric acid oils to the extent that the Director of Industry Operations may determine that substitutes for such oils cannot be found and that the use of such oils is indispensable and essential for defense purposes; and such quotas shall also constitute a reserve supply of such oils.

(2) The inventory quota so directed to be set aside shall, in so far as possible, be composed of crude whole oils. Such quota shall be used, put in process, sold or delivered only upon express instruction of the Director of Industry Operations, except that this paragraph (d) (2) shall not be construed to prevent the crushing of copra or other seeds or nuts nor to prevent changing the condition of the oils so set aside to the extent necessary to prevent deterioration while carried in inventory.

(3) On or before April 15, 1942 every person subject to the terms of paragraph (d) (1) hereof and every person who on the inventory date had in his possession or under his control in excess of 30,000 lbs. of high lauric acid oils including, in terms of high lauric acid oil content, any copra or other nuts or seeds, mixtures, blends, fatty acids and acidulated soapstocks, but whether or not owned or under contract of purchase, shall report to the War Production Board on Form PD–354, listing among other things such person's inventory as of the inventory date, the composition thereof, the amount of such person's inventory quota and the form in which held, and in case of material which

[1] 6 F.R. 5090.

on the inventory date was not owned by such person or was under contract of sale to another, the name of the owner or vendee thereof.

(e) *Restrictions on sales and deliveries.* No person shall sell or, directly or indirectly deliver, or cause to be delivered, any high lauric acid oils for any use prohibited by paragraph (b) hereof nor for any use in greater quantities than are permitted by paragraph (b) (3) hereof nor in violation of paragraph (d) hereof, and no person shall accept deliveries of any high lauric acid oils for any prohibited use or for any greater quantities or proportions than for permitted consumption.

(f) *Miscellaneous provisions.* (1) *Applicability of Priorities Regulation No. 1.* This Order, and all transactions affected thereby, are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *Intra-company transactions.* The prohibitions or restrictions contained in this Order, with respect to deliveries shall, in the absence of a contrary direction, apply not only to deliveries to other persons including affiliates and subsidiaries, but also to deliveries from one branch, division, or section, of a single enterprise, to another branch, division, or section, of the same or any other enterprise owned or controlled by the same person.

(3) *Violations.* Any person affected by this Order, who violates any of its provisions, or a provision of any other Order, direction, or regulation issued by the Director of Industry Operations, may be prohibited by the Director from making or receiving further deliveries of high lauric acid oils, or of any other material subject to allocation, or he may be subjected to any other or further action which the Director may deem appropriate.

(4) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of high lauric acid oils or of Glycerine conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board, Washington, D. C., Reference: M-60, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(5) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 20th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

F. R. Doc. 42-2429; Filed, March 20, 1942; 11:39 a. m.]

PART 1036—PALM OIL

GENERAL PREFERENCE ORDER M-59 TO CONSERVE THE SUPPLY AND DIRECT THE DISTRIBUTION OF PALM OIL

The national defense requirements for Palm oil and products made therefrom having created a shortage of the supply thereof for defense, for private account, and for export, and it being necessary in the public interest and to promote the national defense to allocate the supply thereof in the manner and to the extent hereinafter in this Order provided;

Now, therefore, it is hereby ordered, That:

§ 1036.1 *General Preference Order M-59—*(a) *General restrictions on use effective April 1, 1942.* On and after April 1, 1942, except as specifically authorized by the Director of Industry Operations, no person shall use or consume Palm oil except in the following manufactures or processes:

(1) The manufacture of tin plate, terne plate, long terne plate, steel sheets, steel strip and black plate;

(2) Any manufacturing process in which Glycerine is produced where the amount of Glycerine (whether free or combined) remaining in the product does not exceed one and five-tenths percent (1.5%) calculated on an anhydrous soap basis and where the remainder of the Glycerine is at least ninety percent (90%) recovered.

(b) *Use restrictions for March.* No person shall in March, 1942 use or consume Palm oil in any manufacture, process or use other than those described in paragraphs (a) (1) and (2) hereof in an amount in excess of one hundred percent (100%) of one-twelfth of the Palm oil used by him in any such manufacture or use during the calendar year 1941.

(c) *Restrictions on processing.* No person shall hereafter put in process or change the condition of any Palm oil in preparation for any manufacture, process or use permitted by this Order except to the extent necessary for such preparation and then only in such quantities as may be necessary to meet his normal production schedule or, if such Palm oil is to be manufactured or used by another person, then the normal production schedule of such other person, in so far as such schedule is not in violation of paragraph (b) hereof.

(d) *Creation of reserve.* (1) Every person who on the inventory date has an inventory of Palm oil in an amount in the aggregate in excess of 30,000 lbs. shall set aside his inventory quota of Palm oil, such quota in so far as possible to consist of crude whole oil. Such quota shall be used, put in process, sold or delivered only upon express instruction of the Director of Industry Operations, except that this paragraph (d) (1) shall not be construed to prevent changing the condition of the oil so set aside to the extent necessary to prevent deterioration while carried in inventory. The quotas of all such persons shall provide the source for the allocation of Palm oil to the extent that the Director of Industry Operations may determine that substitutes for Palm oil cannot be found and that the use of Palm oil is indispensable and essential for defense purposes; and such quotas shall also constitute a reserve supply of Palm oil.

(2) On or before April 15, 1942 every person who or whose affiliates and subsidiaries on the inventory date had possession of or under control in excess of 30,000 lbs. of Palm oil, whether or not owned or under contract of purchase, shall report to the War Production Board on Form PD-355, listing among other things inventory as of the inventory date, the composition thereof, the amount of the inventory quota and the form in which held, and in case of material which on the inventory date was not owned or was under contract of sale to another, the name of the owner or vendee thereof.

(e) *Restrictions on sales and deliveries.* No person shall on and after April 1, 1942 sell or deliver any Palm oil to any other person, except a dealer or a person using such oil in the manufactures, processes or uses set out in paragraph (a) hereof, except as may be specifically authorized by the Director of Industry Operations, and no person shall prior to April 1, 1942 knowingly deliver any such oil to any other person for use in greater quantities or proportions than are specified in paragraph (b) hereof.

(f) *Miscellaneous provisions—*(1) *Definitions.* For the purposes of this Order:

(i) "Palm Oil" means all oils of any grade or description, heretofore known or sold as Palm oil, whether crude, refined, bleached or deodorized.

(ii) "Dealer" shall mean any person who imports, buys, sells, and/or distributes Palm oil.

(iii) "Inventory" of a person shall include all Palm oil to or in which such person has any title or equity of redemption or which he has purchased for future delivery, as well as the inventory, as so defined, of affiliates and subsidiaries of such person.

(iv) "Inventory Quota" of a person means twenty percent (20%) of such person's inventory of Palm oil as of the inventory date. In the event that through circumstances beyond the control of such person any material in a person's inventory for which a contract of purchase existed on the inventory date is in whole or in part not delivered to such person, his inventory quota as of such date shall be adjusted accordingly.

(v) "Inventory Date" means the close of business on the day prior to the date of issuance of this Order.

(2) *Applicability of Priorities Regulation No. 1.* This Order, and all transactions affected thereby, are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(3) *Intra-company transactions.* The prohibitions or restrictions contained in this Order, with respect to deliveries shall, in the absence of a contrary direction, apply not only to deliveries to other persons including affiliates and subsidiaries, but also to deliveries from one branch, division, or section, of a single enterprise, to another branch, division, or section, of the same or any other enterprise owned or controlled by the same person.

(4) *Violations.* Any person affected by this Order, who violates any of its provisions, or a provision of any other Order, direction, or regulation issued by the Director of Industry Operations, may be prohibited by the Director from making or receiving further deliveries of Palm oil, or of any other material subject to allocation, or he may be subjected to any other or further action which the Director may deem appropriate.

(5) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Palm oil conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board, Washington, D. C., Reference: M-59, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate and that the use of Palm oil is indispensable and essential for defense purposes; and such quotas shall also constitute a reserve supply of Palm oil.

(6) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 20th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2426; Filed, March 20, 1942; 11:38 a. m.]

PART 1099—BEDS, SPRINGS AND MATTRESSES

GENERAL LIMITATION ORDER L-49

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1099.1 *General Limitation Order L-49—*(a) *Definitions.* For the purposes of this Order;

(1) "Group I Products" means the following; bunks, berths and beds in which the aggregate weight of iron and steel (exclusive of that contained in the springs) is 25 per cent or more of the total weight of the complete bunk, berth or bed exclusive of the springs.

(2) "Group II Products" means the following: coil, flat, box and fabric bed springs (whether or not they are integral parts of the beds or other sleeping equipment); innerspring mattresses and pads; metal folding cots, roll-away cots; sanitary couches and day beds; studio couches, sofa beds and lounges designed primarily for sleeping purposes; and all other articles of sleeping equipment not included in Group I Products, except bunks, berths and beds in which the aggregate weight of iron and steel (exclusive of that contained in the springs) is less than 25 per cent of the total weight of the complete bunk, berth or bed, exclusive of the springs.

(3) "Base Period" means the twelve months ending June 30, 1941.

(4) "Iron and Steel Used" means the aggregate weight of iron and steel contained in the finished Group I and Group II Products manufactured.

(5) "Class A Manufacturer" means any manufacturer of Group I or Group II Products whose iron and steel used during the base period was 500 tons or more.

(6) "Class B Manufacturer" means any manufacturer of Group I or Group II Products whose iron and steel used during the base period was greater than 100 tons but less than 500 tons.

(7) "Class C Manufacturer" means any manufacturer of Group I or Group II Products whose iron and steel used during the base period was 100 tons or less.

(b) *General restrictions.* During the period of three months beginning with the first day of the first calendar month following the date of issuance of this Order

(1) No Class A Manufacturer shall use more iron and steel in his aggregate production of

(i) Group I Products than 10 per cent of the iron and steel used by him in the aggregate production of such products during the base period; and

(ii) Group II Products than 16¼ per cent of the iron and steel used by him in the aggregate production of such products during the base period.

(2) No Class B Manufacturer shall use more iron and steel in his aggregate production of

(i) Group I Products than 12½ per cent of the iron and steel used by him in the aggregate production of such products during the base period; and

(ii) Group II Products than 18¾ per cent of the iron and steel used by him in the aggregate production of such products during the base period.

(3) No Class C Manufacturer shall use more iron and steel in his aggregate production of

(i) Group I Products than 15 per cent of the iron and steel used by him in the aggregate production of such products during the base period; and

(ii) Group II Products than 21¼ per cent of the iron and steel used by him in the aggregate production of such products during the base period.

(4) The foregoing restrictions shall not apply to the production of Group I or Group II Products for the following purposes:

(i) In fulfillment of a specific order of, or contract with, the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, Civilian Aeronautics Authority, the National Advisory Commission for Aeronautics, Office of Scientific Research and Development and any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act); or

(ii) When such production is designed primarily for use in a hospital or sanitorium.

(c) *Avoidance of excessive inventories.* No manufacturer of Group I or Group II Products shall accumulate for use in the manufacture of such products inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of Group I and Group II Products at the rates permitted by this Order.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each manufacturer to whom this Order applies shall file with the War Production Board Form PD-356 within thirty days of the effective date of this Order, and Form PD-357 fifteen days after the expiration of each period of three months covered by this Order, and such other reports and questionnaires as said Board shall from time to time request.

(g) *Violations.* Any person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an excep-

tional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Applicability of other orders.* Insofar as any other Order issued, or to be issued hereafter, limits or may limit the use of any material in the production of Group I and Group II Products to a greater extent than the limits imposed by this Order, the restrictions in such other Order shall govern unless otherwise specified therein.

(j) *Application of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(k) *Communications.* All reports to be filed, appeals and other communications concerning this Order should be addressed to the War Production Board, Washington, D. C., Ref: L-49.

(l) *Effective date.* This Order shall take effect on the date of its issuance and shall continue in effect until revoked. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong. 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 20th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2428; Filed, March 20, 1942; 11:38 a. m.]

Chapter XI—Office of Price Administration

PART 1355—LEAD

CORRECTION TO REVISED PRICE SCHEDULE NO. 70[1] LEAD SCRAP

The word "primary" inadvertently appears for the word "secondary" in § 1355.65 (a) (2) (iii). It is accordingly corrected to read "secondary".

This correction shall become effective the 19th day of March 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 19th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2406; Filed, March 19, 1942; 5:09 p. m.]

[1] 7 F.R. 1341.

TITLE 45—PUBLIC WELFARE

Chapter II—Civilian Conservation Corps

PART 203—ENROLLMENT, DISCHARGE, HOSPITALIZATION, DEATH AND BURIAL OF ENROLLEES[1]

§ 203.10 *Allotments and deposits.*

* * * * *

(b) *Amounts.* The State Selecting agency in selecting men for enrollment will note on the certificate of selection the amount of the allotment and the name of the beneficiary, and/or the amount of the deposit required to be made by each enrollee. Except for enrollees enrolled under the Indian quota, those outside the continental limits of the United States under the administration of the Departments of Agriculture and the Interior, and as provided in (c) below, at the time of enrollment and effective with February, 1942, pay, junior enrollees with dependents will be required to make an allotment and/or deposit of $10.00 and $8.00, respectively. No change will be made as to the amounts of deposits of veterans. Junior enrollees without dependents will make deposits in the amount of $18.00 per month. Selection is made contingent on such an allotment and/or a deposit.

(c) *Ten exempted enrollees per company.* The compulsory monthly deposit of $8.00 will not be required of the ten exempted enrollees per company, if married, and if married subsequent to making a compulsory deposit they may be authorized to withdraw amount on deposit at the time of marriage.

(d) *Changes or termination.*

* * * * *

(4) Subsequent to enrollment the company commander, upon request of a junior enrollee may authorize the increase of an allotment from the cash payment made to the enrollee for his personal use in camp, or may authorize an increase in the approved deposit from the cash payment, without reference to the State selecting agency. In no case however will the $8.00 deposit uniformly prescribed for junior enrollees with dependents be reduced either for the purpose of increasing an allotment or for any other purpose.

* * * * *

(h) *Prorata of allotments and deposits.* In the event that the enrollee is not entitled to a full month's pay, the allotment, the deposit, and the cash payment will be prorated in even dollars as set forth below :

Day	Cash	Deposit	Allottee
1	$1.00		
2	2.00		
3	3.00		
4	4.00		
5	5.00		
6	2.00	$2.00	$2.00
7	3.00	2.00	2.00
8	3.00	2.00	3.00
9	4.00	2.00	3.00
10	4.00	3.00	3.00
11	4.00	3.00	4.00
12	$5.00	$3.00	$4.00
13	5.00	4.00	4.00
14	5.00	4.00	5.00
15	6.00	4.00	5.00
16	7.00	4.00	5.00
17	7.00	4.00	6.00
18	7.00	5.00	6.00
19	8.00	5.00	6.00
20	8.00	5.00	7.00
21	8.00	6.00	7.00
22	9.00	6.00	7.00
23	9.00	6.00	8.00
24	10.00	6.00	8.00
25	10.00	7.00	8.00
26	10.00	7.00	9.00
27	11.00	7.00	9.00
28	11.00	8.00	9.00
29	11.00	8.00	10.00
30	12.00	8.00	10.00

When enrollees are paid at $36.00 or $45.00 rate the cash allowance will be increased accordingly.

* * * * *

(k) *Deposits.* Junior enrollees with dependents will be required by the State selecting agency to make from their basic monthly pay an allotment in the amount of $10.00 per month and a deposit in the amount of $8.00 per month, effective with February, 1942, pay (see (b) above). This will result in the following pay schedules for junior enrollees with dependents:

Monthly distribution of pay to—	Monthly pay rate—		
	$30	$36	$45
Enrollees in cash	$12.00	$18.00	$27.00
Allottees	10.00	10.00	10.00
Deposit account	8.00	8.00	8.00

[1] § 203.10 (b), (c), (d), (h), and (k) is amended.

(50 Stat. 319; 16 U.S.C. Chapter 3A) [Par. 36, C.C.C. Regs., W.D., Dec. 1, 1937, as amended by C 88½, Feb. 20, 1942]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-2410; Filed, March 20, 1942; 9:26 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-234]

IN THE MATTER OF RALPH GOGEL, CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated March 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on March 9, 1942, by Bituminous Coal Producers Board for District No. 11, a District Board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Ralph Gogel, a code member in District No. 11, (the "Code member"), of the Bitumincus Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 23, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Superior Court Room, Knox Circuit Court, Vincennes, Indiana.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above named Code member as follows:

That Ralph Gogel, St. Meinrad, Indiana, whose code membership became effective as of April 26, 1941, operator of the Gogel Mine, Mine Index No. 1283, located in Spencer County, Indiana, District No. 11, wilfully violated section 4 II (e) of the Bituminous Coal Act of 1937 and Part II (e) of the Bituminous Coal Code:

(1) during the period from July 11, 1941, to September 11, 1941, both dates inclusive, by offering to sell to Bernard Knott, Dale, Indiana, 240 tons of 1½" or 1¼" lump coal (Size Group No. 6) produced at said mine at a price of $2.00 per net ton f. o. b. said mine, whereas the effective minimum price established for coals included in Size Group No. 6 produced at said mine is $2.20 per net ton f. o. b. said mine as set forth in the Supplement annexed to and made a part of Order dated May 20, 1941, granting temporary and conditionally final relief in Docket No. A-831;

(2) during the period from July 11, 1941, to September 11, 1941, both dates inclusive, by selling to said Bernard Knott approximately 68.8 tons of 1½" or 1¼" lump coal (Size Group No. 6) produced at said mine at a price of $2.00 per net ton f. o b. said mine, whereas the effective minimum price established for coals included in Size Group No. 6 produced at said mine is $2.20 per net ton f. o. b. said mine as set forth in the aforesaid Supplement;

(3) during the period May 20, 1941, to September 20, 1941, both dates inclusive, by selling to Luther S. Howard, French Lick, Indiana, an undetermined quantity of 1½" x 0 or 1¼" x 0 screenings (Size Group No. 14) produced at said mine at a price of 50 cents per net ton f. o. b. said mine, whereas the effective minimum price established for coals included in Size Group No. 14 produced at said mine is $1.40 per net ton f. o. b. said mine as set forth in the aforesaid Supplement;

(4) during the month of September 1941 by selling to Carl Rhodes, Dale, Indiana, approximately 38 tons of 1¼" lump coal (Size Group No. 6) produced at said mine at a price of $2.125 per net ton f. o. b. said mine, whereas the effective minimum price established for coals included in Size Group No. 6 produced at said mine is $2.20 per net ton f. o. b. said mine as set forth in the aforesaid Supplement.

Dated: March 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2411; Filed, March 20, 1942; 10:23 a. m.]

[Docket No. B-228]

IN THE MATTER OF H. J. DOBSON, CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated March 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on March 9, 1942, by Bituminous Coal Producers Board for District No. 11, a district board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by H. J. Dobson (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 23, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Superior Court Room, Knox Circuit Court, Vincennes, Indiana.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said com-

plainant, alleging wilful violations by the above named Code member as follows:

That said code member, whose address is 1229 16th Street, Bedford, Indiana, and whose code membership became effective as of April 8, 1940:

1. During the period, February 8 to February 28, 1941, both dates inclusive, sold to various purchasers approximately 173.495 tons of 1¼" x 0 screenings (Size Group No. 14), produced at his Dobson and Sims Mine, Mine Index No. 409, located in Martin County, Indiana, in District No. 11, at prices of $1.00 to $1.35 per net ton, f. o. b. said mine, the effective minimum price for said coal being $1.55 per net ton, f. o. b. said mine, as contained in the Schedule of Effective Minimum Prices for District No. 11 for Truck Shipments, resulting in violation of Section 4 II (e) of the Act and Part II (e) of the Code.

2. During the period subsequent to January 1, 1941, said code member failed to maintain and file tickets, sales slips, invoices, memoranda, records, and data, as required by Order of the Division No. 307, dated December 11, 1940, resulting in violation of the Code and regulations thereunder.

Dated: March 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2412; Filed, March 20, 1942; 10:23 a. m.]

[Docket No. B-230]

IN THE MATTER OF RAY A. COLLINS, INDIVIDUALLY, AND AS SURVIVING PARTNER OF THE FORMER PARTNERSHIP DOING BUSINESS UNDER THE NAME AND STYLE OF RAMSAY-COLLINS FUEL COMPANY (RAMSAY COLLINS FUEL COMPANY), CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 25, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on March 2, 1942, by Bituminous Coal Producers Board for District No. 12, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Ramsey Collins Fuel Company (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 27, 1942, at 10 a m., at a hearing room of the Bituminous Coal Division at the State Capitol Building, Des Moines, Iowa.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has willfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above named Code member as follows:

That the code member, whose address is 307 South C. Street, Oskaloosa, Iowa, during the period from February 13, 1941, to February 19, 1941, both dates inclusive, sold and delivered to the Des Moines Electric Light Company at its plant located at Des Moines, Iowa, 280.25 tons of screenings produced at its mine, Mine Index No. 49, at the delivered price of $2.42 per net ton, whereas the effective minimum delivered price for said coal was $2.54 per net ton, resulting in wilful violations of section 4 II (e) of the Act and Part II (e) of the Code.

Dated: March 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director,

[F. R. Doc. 42-2413; Filed, March 20, 1942; 10:23 a. m.]

[Docket No. B-199]

IN THE MATTER OF GRIFFITH-CONSUMERS COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 1874

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder, to determine

A. Whether or not Griffith-Consumers Coal Company, Registered Distributor, Registration No. 1874 (hereinafter sometimes referred to as the "Registered Distributor"), whose address is 1413 New York Ave. NW., Washington, D. C., has violated any provisions of the Act, the Code, and Orders and Regulations of the Division, including the Marketing Rules and Regulations, Rules and Regulations for Registration of Distributors, and the Distributor's Agreement (the "Agreement") dated July 26, 1939, executed and filed by Griffith-Consumers Coal Company pursuant to Order of the National Bituminous Coal Commission dated March 24, 1939, in Docket No. 12, which was adopted as an Order of the Bituminous Coal Division on July 1, 1939, and, more particularly, whether or not subsequent to September 30, 1940 said Registered Distributor

1. During the period October 1, 1940 to November 22, 1941, both dates inclusive, purchased coal produced at the Winding Gulf No. 1 Mine (Mine Index No. 205) and the Winding Gulf No. 2 Mine (Mine Index No. 208) of the Winding Gulf Collieries and the Slab Fork Mine (Mine Index No. 168) of the Slab Fork Coal Company, code members in District No. 7, from the Smokeless Fuel Company, sales agent for said code members, and resold said coal to various purchasers in Washington, D. C., hereinafter set forth, and prepaid the transportation and freight charges thereon, resulting in violations of Rule 1 (J) of Section VII, and Rule 3 of section XIII of the Marketing Rules and Regulations, Section 4 II (i) 3 of the Act, Part II (i) 3 of the Code and Paragraphs (c) and (e) of its Distributor's Agreement:

(a) PITTSBURGH PLATE GLASS CO., 1545 NEW YORK AVE. NE., WASHINGTON, D. C.

Net tons	Car No.	Freight charge	Date of freight bill	Date distributor paid freight charge	Date purchaser paid invoice
49	C&O 31012	$162.31	July 2, 1941	July 7, 1941	Aug. 15, 1941

(b) STONE STRAW CORPORATION, 900 FRANKLIN ST. NE., WASHINGTON, D. C.

72.75	C&O 71270	$210.44	Jan. 8, 1941	Jan. 14, 1941	Feb. 12, 1941
56.75	Vgn 8330	164.11	Apr. 3, 1941	Apr. 9, 1941	May 14, 1941
50.50	Vgn 3455	146.12	July 28, 1941	Aug. 4, 1941	Aug. 12, 1941
52.80	Vgn 13953	152.77	Nov. 8, 1941	Nov. 14, 1941	Unpaid.
Total 232.80		673.44			

(c) THE PULLMAN CO., 610 RHODE ISLAND AVE. NE., WASHINGTON, D. C.

47.80	Vgn 11411	$138.28	Oct. 3, 1940	Oct. 10, 1940	Nov. 16, 1940
48.40	Vgn 13497	140.02	Oct. 30, 1940	Nov. 6, 1940	Dec. 17, 1940
49.00	Vgn 5441	141.75	Nov. 23, 1940	Nov. 29, 1940	Dec. 17, 1940
45.90	Vgn 1623	132.79	Dec. 11, 1940	Dec. 18, 1940	Jan. 15, 1941
49.80	C&O 63638	144.02	Jan. 1, 1941	Jan. 7, 1941	Feb. 15, 1941
54.70	C&O 125175	158.27	Jan. 19, 1941	Jan. 27, 1941	Feb. 15, 1941
55.00	C&O 126347	159.11	Feb. 5, 1941	Feb. 11, 1941	Mar. 15, 1941
56.10	Vgn 9408	162.32	Feb. 25, 1941	Mar. 4, 1941	Apr. 17, 1941
64.20	C&O 71260	185.65	Feb. 27, 1941	Mar. 6, 1941	Apr. 17, 1941
50.40	Vgn 13267	145.80	Mar. 7, 1941	Mar. 13, 1941	Apr. 17, 1941
66.50	Vgn 7357	192.46	Mar. 10, 1941	Mar. 27, 1941	Apr. 17, 1941
70.70	C&O 71653	204.61	Mar. 26, 1941	Apr. 1, 1941	Apr. 12, 1941
63.70	Vgn 7295	184.36	May 25, 1941	May 31, 1941	June 16, 1941
63.10	Vgn 7147	182.57	June 23, 1941	July 1, 1941	Aug. 5, 1941
45.35	Vgn 2492	131.22	Aug. 21, 1941	Aug. 27, 1941	Sept. 15, 1941
49.60	Vgn 6507	143.53	Sept. 5, 1941	Sept. 12, 1941	Oct. 15, 1941
48.85	Vgn 6063	141.26	Oct. 3, 1941	Oct. 9, 1941	Nov. 17, 1941
50.00	Vgn 11371	144.64	Nov. 5, 1941	Nov. 11, 1941	Unpaid.
Total 979.10		2,832.66			
Grand total 1,260.90	Net tons 23 cars	3,068.41			

2. During the period February 24, 1941 to November 22, 1941, both dates inclusive, failed to furnish or cause to be furnished to the Division copies of all invoices rendered by it to the aforesaid purchasers of the above-mentioned coal, resulting in violations of Sections II and III of Order No. 313, dated February 24, 1941, and paragraphs (e) and (f) of the Agreement;

3. During the period from October 1, 1940 to November 22, 1941, both dates inclusive, physically handled the coal resold by it to various purchasers as set forth in paragraph 1, and received, accepted and retained discounts thereon, resulting in violations of paragraphs (d) and (e) of its Agreement and participation in violations of Rule 1 of Section III of the Marketing Rules and Regulations.

B. Whether or not the registration of said Griffith-Consumers Coal Company should be revoked or suspended or other appropriate penalties should be imposed.

It is therefore ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors to determine whether or not the said Griffith-Consumers Coal Company has committed violations in the respects heretofore described and to determine whether or not the registration of said distributor should be revoked or suspended or other appropriate penalties be imposed, be held on April 20, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 442, National Labor Relations Board, Washington, D. C.

It is further ordered, That W. A. Shipman, or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearings or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Griffith-Consumers Coal Company and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer setting forth the position of the aforementioned Griffith-Consumers Coal Company, with reference to the matters hereinbefore described, must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service hereof on the Griffith-Consumers Coal Company; and that failure to file an answer herein within such period, unless the presiding officer shall otherwise order, shall be deemed to be an admission by Griffith-Consumers Coal Company of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: March 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2414; Filed, March 20, 1942; 10:24 a. m.]

[Docket No. B-213]

IN THE MATTER OF THOMAS B. BLEAKNEY, AN INDIVIDUAL, CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having heretofore scheduled for hearing on March 25, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division, at Room 203, Post Office Building, Altoona, Pennsylvania, pursuant to Notice of and Order for Hearing dated February 21, 1942; and the place of said hearing having been changed to the Community Room of the Altoona City Hall, Altoona, Pennsylvania, by Order of the Acting Director dated March 5, 1942; and

The defendant having requested that said hearing be postponed, and good cause therefor having been shown;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and the same hereby is postponed from 10 a. m. on March 25, 1942, to 10 a. m. on March 30, 1942, at a hearing room of the Bituminous Coal Division at the Community Room of the City Hall, Altoona, Pennsylvania, before the officer or officers previously designated to preside at said hearing.

Dated: March 19, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2415; Filed, March 20, 1942; 10:24 a. m.]

[Docket No. B-86]

IN THE MATTER OF REYNOLDS, LATTIER, AND SCHIED, ALSO KNOWN AS CHARLES REYNOLDS, DAVID LATTIER AND JOHN SCHIED, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF REYNOLDS, LATTIER, AND SCHIED, CODE MEMBER, DEFENDANTS

ORDER POSTPONING HEARING

The above-entitled matter by Order dated February 7, 1942, having been heretofore scheduled for hearing at 10 a. m. on March 26, 1942, at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana; and

The Acting Director deeming it advisable that said hearing should be postponed;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 a. m., March 26, 1942, to 10 a. m., April 20, 1942, at a hearing room of the Bituminous Coal Division, at the Post Office Building, Terre Haute,

Indiana, before the officer or officers previously designated to preside at said hearing.

Dated: March 19, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-2416; Filed, March 20, 1942; 10:24 a. m.]

[Docket No. 1666-FD]

IN THE MATTER OF W. H. WARNER & COMPANY, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 9432, RESPONDENT

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER DISMISSING CHARGES

This proceeding was instituted by the Bituminous Coal Division pursuant to the provisions of the Bituminous Coal Act of 1937 in order to determine (a) whether the respondent, W. H. Warner & Company, Inc., a registered distributor (Registration No. 9432), 570 Union Commerce Building, Cleveland, Ohio, has violated any provisions of the Act, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, and the Distributor's Agreement (the "Agreement"), executed July 20, 1939, by respondent; and (b) whether the registration of said respondent as a distributor should be revoked or suspended, or other appropriate penalties should be imposed.

The Notice of and Order for Hearing, dated July 28, 1941, charged that the respondent, during the months of October, November, and December, 1940, purchased 10,520.40 tons of ¾" slack coal produced by certain named producers from the Costanzo Coal Mining Company ("Costanzo") and resold and delivered the same to the Ohio Edison Company ("Edison") at Toronto, Ohio, at a price below the effective minimum price established therefor; and that the respondent, in addition, failed to add at least the actual transportation charges from the respective mines at which the coal was produced to the point from which all such charges were assumed and directly paid by Edison.

The respondent filed an answer denying the purchase from Costanzo or sale during the period in question of any coal which "was to come" from any of the producers named in the Notice of and Order for Hearing. The answer admitted that the respondent purchased from Costanzo during said period large quantities of ¾" deep mine coal produced at the Costanzo and Richland Mines, at a discount of five cents below the effective minimum price of $1.45, and delivered and resold such coal to Edison at Toronto, Ohio, at the said effective minimum price, which included 15 cents transportation charges.

The answer did not deny the origin of the coal as alleged in the Notice of and Order for Hearing, but asserted that if any coal from mines other than the Costanzo and Richland Mines was delivered for the respondent's account to Edison during the period in question, it was not in compliance with orders of the respondent and without its knowledge and consent, and that the notices of shipment of said coal showed it was produced at the Costanzo and Richland Mines, having river-loading facilities.

Pursuant to the Notice of and Order for Hearing, and after due notice to interested persons, a hearing in this matter was held from September 11 to 13, 1941, before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof in Cleveland, Ohio. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard.

The respondent appeared.

At the conclusion of the Division's case, the Examiner on the ground of failure of proof, purported to sustain a motion to dismiss made orally by the respondent, stating that "This hearing is accordingly dismissed." A proceeding which has been instituted before the Division can be dismissed only by or pursuant to an order of the Director or Acting Director. The Order of the Acting Director designating Examiner Cuff to preside at the hearing in this matter and setting a time and place therefor, granted and delegated unto the Examiner certain powers in the conduct of the hearing but in no manner, either expressly or impliedly, bestowed upon the Examiner the authority to dismiss the proceeding. The Examiner possessed only such authority as the Order of the Acting Director bestowed upon him and, therefore, the Examiner was without authority to dismiss the proceeding.

However, it seems appropriate to regard this ruling of the Examiner as a recommendation by the Examiner that the proceeding be dismissed and I am so regarding it. In addition, however, I have considered the record herein and upon the basis thereof I hereby make the following findings of fact, conclusions of law, and Order:

The evidence referred to two ¾" slack coals: (1) the coal in question ("truck coal"), originating at the mines of the producers listed in the Notice of and Order for Hearing and priced in the Schedule of Effective Minimum Prices for District No. 6 for Truck Shipments at $1.90 per net ton f. o. b. the mine plus trucking charges, and (2) coal produced at the Costanzo and Richland Mines of Wheeling Valley Coal Corporation ("river coal") and priced in the Schedule of Effective Minimum Prices for District No. 6 for All Shipments Except Truck at $1.45 per net ton, including river transportation charges.

It was established by the uncontroverted evidence that during the period specified in the Notice of and Order for Hearing the respondent purchased from Costanzo 10,664.14 tons of ¾" slack coal, produced at the mines of the ten producers listed in the Notice of and Order for Hearing, at $1.45 per net ton, including barge transportation charges, minus a distributor's discount of five cents. This coal was transported by barge to Toronto, Ohio, where it was delivered to Edison at $1.45 per net ton f. a. s. This coal, priced for truck shipments at $1.90 per net ton f. o. b. the mine, and not priced for river shipments, was substituted by Costanzo on orders placed with it by the respondent for coals of the Costanzo and Richland Mines, priced for shipment by river to Toronto, Ohio, at $1.45 per net ton f. a. s.

There is no substantial evidence to indicate that the respondent knew that coal which it was actually purchasing from Costanzo and reselling to Edison was the truck coal rather than the river coal. Indeed, there is evidence to indicate that Costanzo substituted the truck coal on the respondent's orders for river coal, without the respondent's authorization, approval or knowledge. The witness McElroy, Costanzo's traffic manager, on cross-examination identified orders given by the respondent to Costanzo during the period in question, calling for an aggregate of 60,000 tons of ¾" slack coal from the Costanzo and Richland Mines, and Costanzo's acknowledgments thereof. Andrew Carnegie, superintendent of production for Edison, testified that Edison had not ordered any truck coal from the respondent since 1930, and that it was its belief, based on the shipping invoices received by it, that the coal purchased from the respondent during the three last months of 1940 was not truck coal.

It appears that the respondent had neither intention to substitute truck coal on orders for river coal nor knowledge that this was being done. While the mere failure of a distributor to comply with the requirements of the Act, Division Orders, the Marketing Rules and Regulations, or the Agreement is sufficient to invoke the penalties provided by § 304.14 of the Rules and Regulations for the Registration of Distributors, no specific showing of knowledge of such failure to comply or intention not to comply being necessary, the undersigned finds that on the present record insufficient evidence appears to warrant revoking or suspending the registration of the respondent as a registered distributor. The proceeding should therefore be dismissed.

Now, therefore, it is ordered, That this proceeding and the allegations contained in the Notice of and Order for Hearing herein, be, and they are hereby dismissed.

Dated: March 19, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-2417; Filed, March 20, 1942; 10:24 a. m.]

DEPARTMENT OF AGRICULTURE.

Rural Electrification Administration.

[Administrative Order No. 685]

ALLOCATION OF FUNDS FOR LOANS

MARCH 16, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Colorado 2032B1 La Plata	$125,000

HARRY SLATTERY, *Administrator.*

[F. R. Doc. 42-2425; Filed, March 20, 1942; 11:30 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket Nos. 5678 and 6107]

APPLICATIONS OF JULIO M. CONESA (WPRP), PONCE, PUERTO RICO, FOR CONSTRUCTION PERMIT AND MODIFICATION OF CONSTRUCTION PERMIT

ORDER RETAINING PRESENT DATE OF HEARING

It is ordered, On the Commission's own motion this 13th day of March 1942, that the notices of issues heretofore released on the applications in Docket Nos. 5678 and 6107, be, and they are hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine what new areas and populations would receive primary service as a result of the proposed changes in facilities and what broadcast service is already available to such areas and populations.

3. To determine whether the granting of the applications would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942 Mimeograph No. 58106).

It is further ordered, That the present hearing date on the above-entitled applications, namely April 22, 1942, be, and it is hereby, retained.

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2390; Filed, March 19, 1942; 12:22 p. m.]

[Docket No. 5954]

APPLICATION OF VOICE OF LONGVIEW (KFRO), LONGVIEW, TEXAS, FOR MODIFICATION OF CONSTRUCTION PERMIT

ORDER RETAINING PRESENT DATE OF HEARING

It is ordered, On the Commission's own motion this 16th day of March 1942, that the notice of issues heretofore released on the application in Docket 5954 be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine what new areas and populations would receive primary service as a result of the proposed change in facilities and what broadcast service is already available to such areas and populations.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

It is further ordered, That the present hearing date on the above-entitled application, namely, April 27, 1942, be, and it is hereby, retained.

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2391; Filed, March 19, 1942; 12:22 p. m.]

[Docket No. 5963]

APPLICATION OF FOULKROD RADIO ENGINEERING CO., (WTEL), PHILADELPHIA, PENNSYLVANIA, FOR CONSTRUCTION PERMIT

ORDER RETAINING PRESENT DATE OF HEARING

It is ordered, On the Commission's own motion this 16th day of March 1942, that the notice of issues heretofore released on the application in Docket No. 5963 be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine what broadcast service is already available to the new areas and populations which would receive primary service as a result of the proposed change in facilities.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

It is further ordered, That the present hearing date on the above-entitled application, namely, April 27, 1942, be, and it is hereby, retained.

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2392; Filed, March 19, 1942; 12:22 p. m.]

[Docket No. 6130]

APPLICATION OF ALEXANDRIA BROADCASTING COMPANY, INC. (KALB), ALEXANDRIA, LOUISIANA, FOR CONSTRUCTION PERMIT

ORDER RETAINING PRESENT DATE OF HEARING

It is ordered, On the Commission's own motion this 14th day of March 1942, that the notice of issues heretofore released on the application in Docket 6130 be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

It is further ordered, That the present hearing date on the above-entitled application, namely, May 4, 1942, be, and it is hereby, retained.

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2393; Filed, March 19, 1942; 12:23 p. m.]

[Docket No. 6218]

IN RE APPLICATION OF BEAUFORD H. JESTER, WACO, TEXAS, FOR CONSTRUCTION PERMIT

ORDER RETAINING PRESENT DATE OF HEARING

It is ordered, On the Commission's own motion this 16th day of March 1942, that the notice of issues heretofore released on the application in Docket No. 6218 be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942. Mimeograph Number 58106).

It is further ordered, That the present hearing date on the above-entitled application, namely, April 4, 1942, be, and it is hereby, retained.

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2394; Filed, March 19, 1942; 12:23 p. m.]

[Docket No. 6219]

APPLICATION OF ROY BRANHAM ALBAUGH, WACO, TEXAS, FOR CONSTRUCTION PERMIT

ORDER RETAINING PRESENT DATE OF HEARING

It is ordered, On the Commission's own motion this 16th day of March 1942, that the notice of issues heretofore released on the application in Docket No. 6219 be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

It is further ordered, That the present hearing date on the above-entitled application, namely, May 4, 1942, be, and it is hereby, retained.

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2395; Filed, March 19, 1942; 12:23 p. m.]

[Docket No. 5097]

APPLICATION OF EDWARD E. REEDER (NEW)

NOTICE OF HEARING

Application dated July 16, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Seattle, Washington; operating assignment specified: Frequency, 1,600 kc.; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the operation of the station proposed herein and what other broadcast service is available to these areas and populations.

3. To determine whether the granting of this application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials. (See Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4. To determine whether the proposed station would render primary service to (a) the business districts, (b) the residential districts, (c) the metropolitan district of Seattle, Washington, as contemplated by the Standards of Good Engineering Practice.

5. To determine whether the operation as proposed herein would preclude the most efficient use of the frequency 1,600 kilocycles.

6. To determine whether the operation of the station as proposed herein is consistent with the Standards of Good Engineering Practice, particularly with reference to Section 1, footnote 4, thereof.

7. To determine the availability of a transmitter site in the Seattle, Washington area which would comply with the Standards of Good Engineering Practice.

8. To determine whether in view of the facts adduced under the foregoing issues, public interest, convenience, and necessity would be served by the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Edward E. Reeder, 1627 Belmont Avenue, Seattle, Washington.

Dated at Washington, D. C., March 17, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2396; Filed, March 19, 1942; 12:24 p. m.]

[Docket No. 6108]

APPLICATION OF NASHVILLE RADIO CORP. (NEW)

NOTICE OF HEARING

Application dated October 11, 1940, for construction permit; class of service, broadcast; class of station, broadcast; location, Nashville, Tennessee; operating assignment specified: Frequency, 1,450 kc.; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for a consolidated hearing with the applications of Andrew L. Todd, Docket No. 6269, and Minor E. Bragg & Robert C. Lipscomb, d/b as Murfreesboro Broadcasting Company, Docket No. 6270, for the following reasons:

1. To determine the qualifications of the applicant, its officers, directors and stockholders to construct and operate the proposed station.

2. To determine the character of the proposed program service.

3. To determine whether the proposed construction involves the use of any critical materials.

4. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and populations.

5. To determine whether granting of this application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

6. To determine whether granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

7. To determine the availability of transmitter site in the Nashville, Tennessee area which would meet the requirements of the Standards of Good Engineering Practice.

8. To determine whether the proposed station would provide primary service to (a) the business district, (b) the residential districts, and (c) the metropolitan district of Nashville, Tennessee as contemplated by Standards of Good Engineering Practice.

9. To determine whether public interest, convenience and necessity would be served through the granting of this application, the application of Murfreesboro Broadcasting Company, Docket No. 6270, and the application of Andrew L. Todd, Docket No. 6269, or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Nashville Radio Corporation, c/o E. B. Stahlman, Jr., 1100 Broadway, Nashville, Tennessee.

Dated at Washington, D. C., March 17, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2397; Filed, March 19, 1942; 12:24 p. m.]

[Docket No. 6265]

APPLICATION OF MCKEESPORT RADIO CO. (NEW)

NOTICE OF HEARING

Application dated April 28, 1941, for construction permit, class of service, broadcast; class of station, broadcast; location, McKeesport, Pa., operating assignment specified: frequency, 1,360 kc.; power, 1 kw.; hours of operation, daytime.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station and what broadcast service is already available to such areas and populations.

3. To determine whether the granting of this application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4. To determine whether the proposed station would provide primary service to the metropolitan district of Pittsburgh as contemplated by the Standards of Good Engineering Practice.

5. To determine the availability of a transmitter site in the McKeesport, Pennsylvania, area which would satisfy the requirements of the Standards of Good Engineering Practice.

6. To determine whether there are other assignments available which would permit operation during daytime hours only in accordance with the Standards of Good Engineering Practice.

7. To determine whether in view of the matters shown under all of the issues, the granting of this application would serve public interest, convenience, and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

McKeesport Radio Company, Attention: David B. Labowitz, 307 Fifth Avenue, McKeesport, Pennsylvania.

Dated at Washington, D. C. March 16, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2398; Filed, March 19, 1942; 12:24 p. m.]

[Docket No. 6269]

APPLICATION OF ANDREW L. TODD (NEW)

NOTICE OF HEARING

In re application dated November 10, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Murfreesboro, Tennessee; operating assignment specified: Frequency, 1,450 kc.; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for a consolidated hearing with the applications of Nashville Radio Corporation, Docket No. 6108, and Minor E. Bragg & Robert C. Lipscomb, d/b as Murfreesboro Broadcasting Company, Docket No. 6270, for the following reasons:

1. To determine applicant's qualifications to construct and operate the proposed station.

2. To determine the character of the proposed program service.

3. To determine whether the proposed construction involves the use of any critical materials.

4. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and populations.

5. To determine whether granting of this application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's memorandum opinion dated February 23, 1942, Mimeograph #58106).

6. To determine whether granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by Section 307 (b) of the Communications Act of 1934, as amended.

7. To determine whether public interest, convenience and necessity would be served through the granting of this application, the application of Murfreesboro Broadcasting Company, Docket No. 6270, and the application of Nashville Radio Corporation, Docket No. 6108, or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Andrew L. Todd, West Main Street, Murfreesboro, Tennessee.

Dated at Washington, D. C., March 17, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2399; Filed, March 19, 1942; 12:25 p. m.]

[Docket No. 6270]

IN RE APPLICATION OF MINOR E. BRAGG & ROBERT C. LIPSCOMB, D/B AS MURFREESBORO BROADCASTING COMPANY (NEW)

NOTICE OF HEARING

In re application dated November 12, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Murfreesboro, Tennessee; operating assignment specified: Frequency, 1,450 kc.; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for a consolidated hearing with the applications of Nashville Radio Corporation, Docket No. 6108, and Andrew L. Todd, Docket No. 6269, for the following reasons:

1. To determine applicants' qualifications to construct and operate the proposed station.

2. To determine the character of the proposed program service.

3. To determine whether the proposed construction involves the use of any critical materials.

4. To determine the areas and populations which would receive primary service for the proposed station, and what broadcast service is already available to such areas and populations.

5. To determine whether granting of this application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

6. To determine whether granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

7. To determine whether public interest, convenience and necessity would be served through the granting of this application, the application of Andrew L. Todd, Docket No. 6269, the application of Nashville Radio Corporation, Docket No. 6108, or any of them.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Minor E. Bragg & Robert C. Lipscomb, d/b as Murfreesboro Broadcasting Company, Attention: Minor E. Bragg, 110 East Main Street, Murfreesboro, Tennessee.

Dated at Washington, D. C. March 17, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2400; Filed, March 19, 1942; 12:25 p. m.]

[Docket No. 6271]

IN RE APPLICATION OF WILLIAM L. KLEIN (NEW)

NOTICE OF HEARING

In re application dated, August 8, 1941; for, construction permit; class of service, broadcast; class of station, broadcast; location, Oak Park, Illinois; operating assignment specified: frequency, 1,490

kc.; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the extent of any interference which would result from the simultaneous operation of the proposed station and Stations WHIP and WDAN.

2. To determine the areas and populations which would be deprived of primary service, particularly from Stations WHIP and WDAN, as a result of the operation of the proposed station, and what other broadcast service is available to these areas and populations.

3. To determine the availability of a transmitter site in the Oak Park, Illinois, area which would comply with the Standards of Good Engineering Practice in all respects.

4. To determine whether the proposed station would provide primary service to the metropolitan district of Chicago as contemplated by the Standards of Good Engineering Practice.

5. To determine whether the proposed construction involves the use of any critical materials.

6. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and populations.

7. To determine whether the granting of this application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

8. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

9. To determine whether in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's adress is as follows:

William L. Klein, 201 N. Wells Street, Chicago, Illinois.

Dated at Washington, D. C., March 16, 1942.

By the Commission,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2401; Filed, March 19, 1942; 12:25 p. m.]

[Docket No. 6272]

IN RE APPLICATION OF CHAMBERSBURG BROADCASTING CO. (NEW)

NOTICE OF HEARING

In re application dated September 2, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Chambersburg, Pennsylvania; operating assignment specified: Frequency, 1,340 kc.; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the applicant, its officers, directors and stockholders are qualified in all respects to construct and operate the proposed station.

2. To determine the identity, residence, experience and familiarity with the needs of the population to which it is proposed to render a local broadcast service, of the persons having ultimate control of the applicant.

3. To determine the character of the proposed program service.

4. To determine whether the proposed construction involves the use of any critical materials.

5. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and populations.

6. To determine whether the granting of this application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

7. To determine whether in view of the facts adduced under all of the issues, the granting of this application would serve public interest, convenience and necessity.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Chambersburg Broadcasting Company, 12 North Central Avenue, Chambersburg, Pennsylvania.

Dated at Washington, D. C., March 17, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2402; Filed, March 19, 1942; 12:26 p. m.]

[Docket No. 6276]

IN RE APPLICATION OF ALBERT S. & ROBERT A. DROHLICH D/B AS DROHLICH BROTHERS (NEW)

NOTICE OF HEARING

In re application dated September 2, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Jefferson City, Missouri; operating assignment specified: Frequency, 800 kc.; power, 1 kw.; hours of operation, daytime only.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the character of the proposed program service.

2. To determine whether the proposed construction involves the use of any critical materials.

3. To determine the areas and populations which would receive primary service from the proposed station, and what broadcast service is already available to such areas and populations.

4. To determine whether the granting of this application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials. (See Commission's Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

5. To determine the extent of any interference which would result from the simultaneous operation of the station proposed herein and Station KCMO as proposed in application B4-P-3389, as well as the areas and populations affected thereby and what broadcast service is available to these areas and populations.

6. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

7. To determine the areas and populations now receiving primary service from Station KDRO (licensed to the applicant) which would receive primary service from the proposed station.

8. To obtain full information respecting the plan of operation for the proposed station, particularly in view of the applicant partnership's status as licensee of Station KDRO.

9. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Albert S. and Robert A. Drohlich, d/b as Drohlich Brothers, 2100 West Broadway, Sedalia, Missouri.

Dated at Washington, D. C., March 17, 1942.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2403; Filed, March 19, 1942; 12:26 p. m.]

[Docket No. 6281]

IN RE APPLICATION OF UNIVERSITY OF FLORIDA (WRUF)

NOTICE OF HEARING

In re application dated June 13, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Gainesville, Florida; operating assignment specified: Frequency, 850 kc.; power, 5 kw. (DA-night); hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine what new areas and populations would receive service as a result of the proposed change in facilities and what broadcast service is already available to such areas and populations.

3. To determine whether the granting of this application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (See Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

4. To determine the extent of any interference which would result from the simultaneous operation of Station WRUF as proposed and the operation of Station WRAL as proposed in Docket No. 6210 as well as the areas and populations affected thereby and what other broadcast service is available to these areas and populations.

5. To determine whether the operation of Station WRUF as proposed would be consistent with the Standards of Good Engineering Practice, particularly as to population residing within the "blanket area" (250 mv/m contour).

6. To determine the availability of a transmitter site in the Gainesville, Florida, area which would comply with the Standards of Good Engineering Practice in all respects.

7. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

8. To determine whether, in view of the facts adduced under the foregoing issues and the issues relating to the application of Capitol Broadcasting Company, Inc. (WRAL) Docket No. 6210, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382(b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

University of Florida, Radio Station WRUF, University Campus, Gainesville, Florida.

Dated at Washington, D. C., March 17, 1942.

By the Commission,

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2404; Filed, March 19, 1942; 12:27 p. m.]

FEDERAL SECURITY AGENCY.

Social Security Board.

CERTIFICATION TO THE KENTUCKY UNEMPLOYMENT COMPENSATION COMMISSION

The Kentucky Unemployment Compensation Commission having duly submitted to the Social Security Board, pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, as amended, the Kentucky Unemployment Compensation Law, as amended; and

The Social Security Board having considered the provisions of said law to determine whether or not reduced rates of contributions are allowable thereunder under conditions fulfilling the requirements of section 1602 of the Internal Revenue Code;

The Board hereby finds that:

(1) The said law provides for the maintenance of reserve accounts as defined in section 1602 (c) (1) of the Internal Revenue Code, and

(2) Reduced rates of contributions under said law to such reserve accounts are allowable only in accordance with the provisions of section 1602 (a) (3) of the Internal Revenue Code, as effective January 1, 1942.

Pursuant to the provisions of section 1602 (b) (3) of the Internal Revenue Code, the Board hereby directs that the foregoing findings be certified to the Kentucky Unemployment Compensation Commission.

[SEAL] SOCIAL SECURITY BOARD, A. J. ALTMEYER, *Chairman.*

MARCH 17, 1942.

Approved: March 19, 1942.

PAUL V. MCNUTT, *Administrator.*

[F. R. Doc. 42-2432; Filed, March 20, 1942; 11:35 a. m.]

INTERSTATE COMMERCE COMMISSION.

[Ex Parte 73]

REGULATIONS FOR PAYMENT OF RATES AND CHARGES

MARCH 19, 1942.

Division Two of the Commission, to which Section 3 (2) of the Interstate Commerce Act is assigned under the current organization schedule and assignment of work and functions, has under consideration the question of adding to the regulations prescribed in the above-entitled proceeding (49 CFR 142) the following new section:

SECTION 142.15. Nothing in these regulations shall be interpreted as affecting the interline settlement of revenue from traffic which is transported over through routes composed of lines of common carriers subject to parts I, II, or III of the Interstate Commerce Act.

Persons wishing to state their views concerning the advisability of such an amendment may do so by sending written communications (4 copies) to the Commission not later than April 6, 1942.

By the Commission, division 2.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 42-2434; Filed, March 20, 1942; 11:48 a. m.]

IN THE MATTER OF APPLICATION FOR SPECIAL PERMISSION No. A–7622 OF B. T. JONES, AGENT SUPPLEMENTAL MATTER

Permission under section 6, 217 or 306 of the Interstate Commerce Act to depart from the requirements of the Commission's published tariff regulations.

The Commission[1] having under consideration an application for special permission dated October 30, 1941 (No. A–7622), as amended by Amendment No. 1 dated March 11, 1942, filed by B. T. Jones, Agent, for and on behalf of all carriers and their agents, seeking relief from the provisions of the Commission's tariff rules, on account of definite indications that there will be in the not distant future an inadequate supply of paper for use in tariff publication, due to discontinued importation of large quantities of woodpulp formerly received from the Scandinavian countries and also due to inadequate domestic production, as well as the extraordinary demands by and for account of the United States Government for a wide range of paper products in connection with the national defense program, and

It appearing that the public interest will not be adversely affected by a temporary waiver of Rule 9 (e) of Tariff Circular No. 20, Rule 6 (d) of Tariff Circular No. MF–3, and Rule 5 (g) of Tariff Circular No. 22.

It is ordered, That for the duration of the War and six months thereafter, the said rules be, and they are hereby, waived to the extent of permitting the number of supplements and the volume of supplemental matter as indicated below:

[1] Present, Clyde B. Aitchison, Commissioner, to whom the above-entitled matter has been assigned for action thereon.

Except as provided in exceptions numbered 1, 2, 3 and 4 below, tariffs containing

Number of pages	Number of supplements permitted	Volume of supplemental matter permitted
2 and not more than 4.	1	2 pages.
5 and not more than 8.	1	4 pages.
9 and not more than 16.	2	8 pages.
17 and not more than 80.	3 and 1 additional supplement of not to exceed 4 pages.	50 percent.
81 and not more than 200.	4 and 1 additional supplement of not to exceed 4 pages.	50 percent.
Over 200	5 and 1 additional supplement of not to exceed 4 pages.	50 percent.

Exception No. 1 (*applicable only to tariffs of more than 16 pages*). If the number of pages in the supplement which brings the volume of matter up to that authorized, is not evenly divisible by 4 the volume authorized may be exceeded to the extent necessary to bring the number of pages of such supplement to the next multiple of 4 and such supplement may be reissued, provided the number of pages of supplemental matter authorized for such supplement is not exceeded.

Exception No. 2. This relief shall not apply to tariffs now required to be reissued under outstanding permissions, if such tariffs are now beyond the limits of Rule 9 (e) of Tariff Circular No. 20, as modified by this permission, as to number and/or volume.

Exception No. 3. This relief shall not apply to tariffs of all-motor, all-water, or a combination of motor-water carriers now in excess of the number of supplements and/or volume of supplemental matter authorized by Rules 6 (d) or 5 (g) of Tariff Circulars No. MF–3 or No. 22 respectively, as modified by this permission.

Exception No. 4. This relief shall not apply to permissions listed below authorizing relief from the terms of Rules 4 (1) and 9 (e), or 9 (e) only, of Tariff Circular No. 20, in connection with tariffs involved in Ex parte 123, as now authorized by paragraph (c) of Permission No. 6730, as follows:

Permission No.	*Issued to*
185231	AC&Y.
185447	CN.
185571	CP.
185976	C&EI.
185547	CA&S.
185548	Agt. Bohon.
185539	Agt. Chaffee.
185592	Agt. Dodge.
185442	IC.
4915	GM&O.
185808	KCS-L&A.
185110	LV.
185028	NC&StL.
185136	Agt. Haynes.
185430	Agt. Hasker.
185591	Agt. King.
185176	P&WV.
185830	Reading.
185033	Southern.
185745	Seatrain.
185701	Agt. Matthews.
185105	Agt. Miller.
185202	Agt. Peel.

And it is further ordered, That supplements issued under this permission shall bear the notation "Departure from the terms of Rule (here insert number) of Tariff Circular No. (here insert number) is authorized under permission of the Interstate Commerce Commission, No. 7920, M No. 30049 of March 17, 1942."

Dated at Washington, D. C., this 17th day of March 1942.

By the Commission, Commissioner Aitchison.

[SEAL] W. P. BARTEL, *Secretary.*

[F. R. Doc. 42–2433; Filed, March 20, 1942; 11:48 a. m.]

Reference

MAR 25 1942

THE NATIONAL ARCHIVES

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OF THE UNITED STATES

VOLUME 7 NUMBER 57

Washington, Tuesday, March 24, 1942

The President

EXECUTIVE ORDER 9105

AMENDMENT OF EXECUTIVE ORDER No. 8704 OF MARCH 4, 1941, PRESCRIBING REGULATIONS GOVERNING THE GRANTING OF ALLOWANCES FOR QUARTERS AND SUBSISTENCE TO ENLISTED MEN

By virtue of the authority vested in me by section 11 of the act of June 10, 1922, c. 212, 42 Stat. 625, 630, as amended by the act of November 21, 1941 (Public Law 319, 77th Congress), Executive Order No. 8704 of March 4, 1941, as amended by Executive Order No. 8759 of May 24, 1941, prescribing regulations governing the granting of allowances for quarters and subsistence to enlisted men of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service who are not furnished quarters or rations in kind, is hereby further amended by inserting, before the last paragraph thereof, a new paragraph, reading as follows:

"Payments of allowances for quarters and subsistence may be made to enlisted men not more than one month in advance, except that as to men proceeding to or from a station beyond the continental limits of the United States or in Alaska, such payments may be made not more than three months in advance. The heads of the Departments concerned may prescribe such additional regulations as may be necessary to carry out the provisions of this paragraph."

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 19, 1942.

[F. R. Doc. 42-2435; Filed, March 20, 1942; 2:57 p. m.]

EXECUTIVE ORDER 9106

EXCEPTING CERTAIN PERSONS FROM THE CLASSIFICATION OF "ALIEN ENEMY" FOR THE PURPOSE OF PERMITTING THEM TO APPLY FOR NATURALIZATION

WHEREAS section 326 of the Nationality Act of 1940, approved October 14, 1940 (54 Stat. 1150; U.S.C., title 8, sec. 726), reads as follows:

SEC. 326. (a) An alien who is a native, citizen, subject, or denizen of any country, state, or sovereignty with which the United States is at war may be naturalized as a citizen of the United States if such alien's declaration of intention was made not less than two years prior to the beginning of the state of war, or such alien was at the beginning of the state of war entitled to become a citizen of the United States without making a declaration of intention, or his petition for naturalization shall at the beginning of the state of war be pending and the petitioner is otherwise entitled to admission, notwithstanding such petitioner shall be an alien enemy at the time and in the manner prescribed by the laws passed upon that subject.

(b) An alien embraced within this section shall not have such alien's petition for naturalization called for a hearing, or heard, except after ninety days' notice given by the clerk of the court to the Commissioner to be represented at the hearing, and the Commissioner's objection to such final hearing shall cause the petition to be continued from time to time for so long as the Commissioner may require.

(c) Nothing herein contained shall be taken or construed to interfere with or prevent the apprehension and removal, agreeably to law, of any alien enemy at any time previous to the actual naturalization of such alien.

(d) The President of the United States may, in his discretion, upon investigation and report by the Department of Justice fully establishing the loyalty of any alien enemy not included in the foregoing exemption, except such alien enemy from the classification of alien enemy, and thereupon such alien shall have the privilege of applying for naturalization.

NOW, THEREFORE, by virtue of the authority vested in me by the foregoing statutory provisions, and in order to carry out the purposes thereof, I hereby except from the classification "alien enemy" all persons whom the Attorney General of the United States shall, after investigation fully establishing their loyalty, certify as persons loyal to the United States.

This order supersedes Executive Order No. 3008 of November 26, 1918, entitled "Excepting Certain Persons from the Classification of 'Alien Enemy' for the

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FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 20, 1942.

[F. R. Doc. 42-2463; Filed, March 21, 1942; 11:39 a. m.]

EXECUTIVE ORDER 9107

WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT FOR MILITARY PURPOSES

CALIFORNIA

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the following-described public lands be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department for military purposes:

MOUNT DIABLO MERIDIAN

T. 27 N., R. 17 E.,
sec. 6, E½SW¼, S½SE¼;
sec. 7, E½E½;
sec. 29, S½NE¼, N½SE¼;
sec. 30, Lots 1, 2, 3, E½W½, E½;
T. 28 N., R. 17 E.,
sec. 19, Those portions of the E½SW¼ and the SE¼ lying south of the Southern Pacific Railroad right-of-way;
containing approximately 1,241.40 acres.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purposes for which they are withdrawn.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 20, 1942.

[F. R. Doc. 42-2464; Filed, March 21, 1942; 11:39 a. m.]

EXECUTIVE ORDER 9108

DIRECTING THE DIRECTOR OF THE OFFICE OF DEFENSE TRANSPORTATION TO TAKE CONTROL OF THE TOLEDO, PEORIA, AND WESTERN RAILROAD COMPANY

WHEREAS, the national interest and security demands that there be no interruption in the flow of goods essential to effective prosecution of the war, and

WHEREAS, representatives of labor and industry, meeting at the call of the President, have agreed that there shall be no strikes or lockouts during the period of the war and that all labor disputes shall be settled by peaceful means, and, to further that agreement, the National War Labor Board has been established by Executive Order No. 9017[1] to bring about the peaceful settlement of all such labor disputes, and

WHEREAS, a labor dispute has existed between the employees and the management of the Toledo, Peoria and Western Railroad Company since December 29, 1941 and has interrupted the transportation of goods essential for the prosecution of the war, and

WHEREAS, the National War Labor Board, by order dated February 27, 1942, directed that the dispute be submitted to arbitration under the terms of Section 8 of the Railway Labor Act, and the representatives of the employees have agreed thereto, but the Company has refused and continues to refuse to submit the dispute to arbitration, despite urgent requests by the National War Labor Board and by the President that it do so; and

WHEREAS, for the time being and under the circumstances set forth, it is essential that the Toledo, Peoria and Western Railroad Company be operated by or for the United States in order to assure successful prosecution of the war;

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and laws of the United States, and as President of the United States and as Commander in Chief of the Army and Navy, it is hereby ordered:

1. The Director of the Office of Defense Transportation is directed to take immediate possession of all real and personal property, franchises, rights and other assets, tangible and intangible, of the Toledo, Peoria and Western Railroad Company, and to operate or arrange for the operation of such railroad in such manner as he deems necessary for the successful prosecution of the war, through or with the aid of such public or private agencies, persons or corporations, including the armed forces of the United States, as he may designate.

2. Such real and personal property, franchises, rights and other assets, tangible and intangible, of the Toledo, Peoria and Western Railroad Company as the Director of the Office of Defense Transportation deems unnecessary to carry on the operation of such railroad may, from time to time, in his discretion, be returned to the Toledo, Peoria and Western Railroad Company.

3. The Director of the Office of Defense Transportation shall manage or arrange for the management of said railroad under such terms and conditions of employment as he deems advisable and proper, pending such termination of the existing labor dispute as may be approved by the National War Labor Board. Nothing herein shall be deemed to render inapplicable existing state or Federal laws concerning the health, safety, security and employment standards of the employees of said railroad.

4. Except with the prior written consent of the Director of the Office of Defense Transportation, no attachment by mesne or garnishee process or on execution shall be levied on or against any of the real and personal property, franchises, rights and other assets, tangible and intangible, of the Toledo, Peoria and Western Railroad Company in the possession of the Director.

5. Possession and operation hereunder shall be continued only until the President determines that such temporary possession and operation are no longer required for successful prosecution of the war.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 21, 1942

[F. R. Doc. 42-2469; Filed, March 21, 1942; 12:51 p. m.]

[1] 7 F.R. 237.

Rules, Regulations, Orders

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 17—REGULATIONS OF THE BOARD OF LEGAL EXAMINERS

AMENDMENTS[1]

Paragraph (d) of § 17.2 (*Procedure prior to the establishment of registers*), issued on August 6, 1941, effective as of August 15, 1941 (6 F.R. 4091), is amended to read as follows:

§ 17.2 *Procedure prior to the establishment of registers.*

* * * * *

(d) The noncompetitive examination shall be conducted by or under the supervision of examining committees of three members to be appointed by the Chairman of the Board and such committees shall determine the eligibility or ineligibility of the candidate. The determination shall be based upon (1) the record and experience of the candidate, and (2) an oral examination. The oral examination may be waived in the case of appointments above P5 and in the case of any war service appointment, if the examining committee is satisfied, without regard thereto, that the candidate is eligible.

* * * * *

The following paragraph is added to § 17.2 of the regulations issued on August 6, 1941, effective as of August 15, 1941 (6 F.R. 4091), and issued on December 6, 1941 (6 F.R. 6471):

(g) Effective Mar. 16, 1942, all appointments to attorney and law-clerk trainee positions shall be for the duration of the present war and for six months thereafter unless otherwise specifically limited to a shorter period. Such appointments shall be effected under E.O. 9063, Feb. 16, 1942 (7 F.R. 1075), and persons thus appointed will not thereby acquire a classified status. No person shall be appointed unless (1) he has passed a noncompetitive examination prescribed by the Board, or (2) in case of special emergency, the Board has authorized his appointment subject to subsequent examination. Such appointments shall in other respects be governed by the requirements and procedures prescribed by the regulations in this part.

Section 17.6 (*Approval required for transfers of attorneys*), issued November 7, 1941 (6 F.R. 5799) is amended to read as follows:

§ 17.6 *Approval required for transfers of attorneys.* (a) Effective Mar. 16, 1942, all transfers from one attorney position to another such position shall be governed by Regulation IX of the War Service Regulations promulgated by the Commission, except that the determinations required thereunder shall be made by the Board of Legal Examiners.

(b) Incumbents of attorney positions who desire to transfer under the War Service Regulations shall file with the Board of Legal Examiners a statement to that effect, accompanied by Form 3821 (Application for Attorney Positions) unless this form has previously been filed with the Board.

By the United States Civil Service Commission.

H. B. MITCHELL,
President.

MARCH 16, 1942.

[F. R. Doc. 42-2497; Filed, March 23, 1942; 11:13 a. m.]

[1] (E.O. 8743, Apr. 23, 1941, 6 F.R. 2117; 54 Stat. 1211; E.O. 9063, Feb. 16, 1942, 7 F.R. 1075; 22 Stat. 404.)

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine

[B.E.P.Q.—Q. 48]

PART 301—DOMESTIC QUARANTINE NOTICES

JAPANESE BEETLE QUARANTINE[1]

Introductory Note

In the current revision of the Japanese beetle quarantine regulations, relatively small extensions of regulated areas are made in Maryland, New York, Pennsylvania, Virginia, and West Virginia. Additions to the regulated area in Maryland include portions of the counties of Allegany, Prince Georges, and Washington, and the previously unregulated portions of the counties of Carroll and Frederick. In New York, the town of Manchester, Ontario County, and the town of Pittsford and village of East Rochester, in Monroe County, are brought under regulation. Extension of the Pennsylvania regulated area is limited to the city of Meadville, in Crawford County. The cities of Charlottesville and Danville, the village of Schoolfield in Pittsylvania County, and the town of Front Royal in Warren County, Va., are added to the regulated area. The area in Warwick County, Va., has been slightly increased and described as the magisterial district of Newport, which includes the Camp Stuart locality heretofore under regulation. An addition to the West Virginia area was made by the inclusion of the magisterial district of Lincoln, Tyler County, and the town of Paden City, in Tyler and Wetzel Counties.

Areas from which the movement of fruits and vegetables is regulated (§ 301.48–5) have been further extended to include additional election districts and towns in Anne Arundel and Baltimore Counties, Md., and Berks, Cumberland, Lehigh, Northampton and York Counties, Pa. Charlottesville, Va., is now included with Toledo, Ohio, and Winchester, Va., as isolated regulated points to which fruit and vegetable shipments via refrigerator car or motortruck may move only under certification.

Soil-free rooted cuttings and fresh manure have been added to the list of exempted articles, and the special labeling requirements previously prescribed for containers of certain exempted articles have been removed.

Restrictions on the movement of cut flowers are now confined to shipments moving from the heavily infested area interstate to points outside the regulated areas. This heavily infested area (§ 301.48–5) is that from which the movement of fruits and vegetables is also restricted. This will relieve shippers of cut flowers located within the regulated area, but outside the heavily infested portion, from the necessity of obtaining certification for their shipments.

Minor changes have been made in § 301.48–6 relating to the maintenance of a classified status at an infested nursery or greenhouse.

[1] Revision of Regulations Effective March 24, 1942.

Authorization for the issuance of permits for the movement via motortruck of all restricted articles from a regulated area through a nonregulated area to another regulated area has been restored.

This revision supersedes the rules and regulations supplemental to the revision of Notice of Quarantine No. 48, which became effective February 12, 1941, as amended by administrative instructions (B.E.P.Q. 513), effective April 21, 1941.

Summary

Unless a certificate has been issued, these regulations, as now revised, prohibit the interstate movement between June 15 and October 15 (between June 1 and October 15 in the case of Accomac and Northampton Counties, Va.) of all fruits and vegetables by refrigerator car or motortruck, and cut flowers by any mode of transportation, from the District of Columbia, the State of Delaware, and parts of Maryland, New Jersey, Pennsylvania, and Virginia, as defined in § 301.48–5, to or through points outside the regulated areas as defined in § 301.48–3.

Also restricted in the regulations is the interstate movement of plants, sand, soil, earth, peat, compost, and manure from any part of the regulated areas to or through any outside point throughout the year unless a Federal permit or certificate has been obtained. For details and exceptions see §§ 301.48–6 and 7.

Included in the regulated areas are the District of Columbia, the entire States of Connecticut, Delaware, Massachusetts, New Jersey, and Rhode Island, and parts of Maine, Maryland, New Hampshire, New York, Ohio, Pennsylvania, Vermont, Virginia, and West Virginia, as described in § 301.48–3.

These regulations also specify the conditions governing the protection of restricted articles from infestation while in transit (§ 301.48–8), require thorough cleaning of vehicles, containers, and refrigerator cars which have been used in transporting restricted products (§§ 301.48–5 and 13), and provide other safeguards and conditions, as specified in the regulations.

To obtain permits and certificates, address the Bureau of Entomology and Plant Quarantine, 266 Glenwood Avenue, Bloomfield, N. J., or the nearest branch office listed in the appendix.

Determination of the Secretary of Agriculture

The Secretary of Agriculture, having determined that it was necessary to quarantine the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia and West Virginia, and the District of Columbia, to prevent the spread of the Japanese beetle (*Popillia japonica* Newm.), a dangerous insect new to and not theretofore widely prevalent or distributed within and throughout the United States, and having given the public hearing required by law, promulgated the thirteenth revision of Notice of Quarantine 301.48, part 301, chapter III, title 7, Code of Federal Regulations, and rules and regulations supplemental thereto, governing the movement of (1) fruits and vegetables; (2) nursery, ornamental, and greenhouse stock, and other plants; and (3) sand, soil, earth, peat, compost, and manure, from any of the above-named States or the District of Columbia, into or through any other State or Territory or District of the United States, §§ 301.48–1 to 14, inclusive, part 301, chapter III, title 7, Code of Federal Regulations [B.E.P.Q.—Q. 48, effective on and after February 12, 1941].

I have determined that it is necessary to revise the aforesaid rules and regulations for the purpose of extending the regulated areas owing to the discovery of substantial infestations of the Japanese beetle in additional sections, and to make other modifications.

Order of the Secretary of Agriculture

Pursuant to the authority conferred upon the Secretary of Agriculture by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), the subpart entitled "Japanese Beetle" of part 301, chapter III, title 7, Code of Federal Regulations [B.E.P.Q.—Q. 48, as revised] is hereby revised effective March 24, 1942, to read as follows:

SUBPART—JAPANESE BEETLE

Quarantine

§ 301.48 *Notice of quarantine.* Under the authority conferred by section 8 of the Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), I do quarantine the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia, and the District of Columbia, to prevent the spread of the Japanese beetle. Hereafter (1) fruits and vegetables; (2) nursery, ornamental, and greenhouse stock, and other plants; and (3) sand, soil, earth, peat, compost, and manure, shall not be shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved, or allowed to be moved from any of said quarantined States or District into or through any other State or Territory or District of the United States in manner or method or under conditions other than those prescribed in the rules and regulations hereinafter made and amendments thereto: *Provided*, That the restrictions of this quarantine and of the rules and regulations supplemental thereto may be limited to the areas in a quarantined State now, or which may hereafter be, designated by the Secretary of Agriculture as regulated areas when, in the judgment of the Secretary of Agriculture, the enforcement of the aforesaid rules and regulations as to such regulated areas shall be adequate to prevent the spread of the Japanese beetle: *Provided further*, That such limitations shall be conditioned upon the said State providing for and enforcing such control measures with respect to such regulated areas as, in the judgment of the Secretary of Agriculture, shall be deemed adequate to prevent the spread of the Japanese beetle therefrom to other parts of the State: *And provided further*, That certain articles classed as restricted herein may, because of the nature of their growth or production or their manufactured or processed condition, be exempted by administrative instructions issued by the Chief of the Bureau of Entomology and Plant Quarantine when, in his judgment, such articles are considered innocuous as carriers of infestation: *And provided further*, That whenever, in any year, the Chief of the Bureau of Entomology and Plant Quarantine shall find that facts exist as to the pest risk involved in the movement of one or more of the articles to which the regulations supplemental hereto apply, making it safe to modify, by making less stringent, the restrictions contained in any such regulations, he shall set forth and publish such finding in administrative instructions, specifying the manner in which the applicable regulation should be made less stringent, whereupon such modification shall become effective, for such period and for such regulated area or portion thereof as shall be specified in said administrative instructions, and every reasonable effort shall be made to give publicity to such administrative instructions throughout the affected areas.*

*§§ 301.48 to 301.48–14, inclusive, issued under the authority contained in sec. 8, 39 Stat. 1165, 44 Stat. 250; 7 U.S.C. 161.

Meaning of Terms

§ 301.48–1 *Definitions.* For the purpose of these regulations the following words, names, and terms shall be construed, respectively, to mean:

(a) *Japanese beetle.* The insect known as the Japanese beetle (*Popillia japonica Newm.*), in any stage of development.

(b) *Infested, infestation.* The terms "infested," "infestation," and the like, relate to infestation with the Japanese beetle.

(c) *Quarantined area.* Any State or District quarantined by the Secretary of Agriculture to prevent the spread of the Japanese beetle.

(d) *Regulated area.* Any area in a quarantined State or District which is now, or which may hereafter be, designated as such by the Secretary of Agriculture in accordance with the provisos of § 301.48, as revised.

(e) *Fruits and vegetables.* For the list of restricted fruits and vegetables see § 301.48–5.

(f) *Nursery and ornamental stock.* Nursery, ornamental, and greenhouse stock, and all other plants, plant roots, cut flowers, or other portions of plants.

(g) *Sand, soil, earth, peat, compost, and manure.* Sand, soil, earth, peat, compost, or manure of any kind and as to either bulk movement or in connection with farm products or nursery and ornamental stock.

(h) *Certified sand, soil, earth, peat, compost, and manure.* Sand, soil, earth, peat, compost, or manure determined by the inspector as uninfested and so certified.

(i) *Certified greenhouse.* A greenhouse or similar establishment which has complied to the satisfaction of the inspector with the conditions imposed in § 301.48–6. This term may apply also to potting beds, heeling-in areas, hotbeds, coldframes, or similar plots or to storage houses, packing sheds, or stores treated or otherwise safeguarded in manner and method satisfactory to the inspector.

(j) *Inspector.* An inspector of the United States Department of Agriculture.

(k) *Moved interstate.* Shipped, offered for shipment to a common carrier, received for transportation or transported by a common carrier, or carried, transported, moved or allowed to be moved from one State or Territory or District of the United States into or through any other State or Territory or District.

(l) *Certificate.* A valid form evidencing compliance with the requirements of these regulations as to movement of restricted articles to points outside the regulated areas.

(m) *Permit.* A valid form authorizing movement of restricted articles from a regulated area to a restricted destination in a separate regulated area.*

Limitation of Restrictions

§ 301.48–2 *Limitation of restrictions to regulated areas.* Conditioned upon the compliance on the part of the State concerned with the provisos to § 301.48, the restrictions provided in these regulations on the interstate movement of plants and plant products and other articles enumerated in said § 301.48 will be limited to such movement from the areas in such State now or hereafter designated by the Secretary of Agriculture as regulated areas.*

Areas Under Regulation

§ 301.48–3 *Regulated areas.* In accordance with the provisos to § 301.48, the Secretary of Agriculture designates as regulated areas for the purpose of these regulations the States, District, counties, townships, towns, cities, election districts, and magisterial districts listed below, including all cities, towns, boroughs, or other political subdivisions within their limits:

Connecticut. The entire State.

Delaware. The entire State.

District of Columbia. The entire District.

Maine. County of York; towns of Auburn and Lewiston, in *Androscoggin County;* towns of Cape Elizabeth, Gorham, Gray, New Gloucester, Raymond, Scarboro, Standish, and the cities of Portland, South Portland, Westbrook, and Windham, in *Cumberland County;* the city of Waterville, in *Kennebec County;* and the city of Brewer, in *Penobscot County.*

Maryland. Counties of Baltimore, Caroline, Carroll, Cecil, Frederick, Harford, Howard, Kent, Montgomery, Prince Georges, Queen Annes, Somerset, Talbot, Wicomico, and Worcester; the city of Baltimore; the city of Cumberland, the town of Frostburg, and election districts Nos. 4, 5, 6, 7, 8, 11, 12, 13, 14, 22, 23, 24, 26, 28, 29, 31 and 32, in *Allegany County;* the city of Annapolis, and election districts Nos. 2, 3, 4 and 5 in *Anne Arundel County;* election districts of La Plata (No. 1), Pomonkey (No. 7), and White Plains (No. 6), in *Charles County;* election districts of Cambridge (No. 7), Church Creek (No. 9), East New Market (No. 2), Fork (No. 1), Hurlock (No. 15), Vienna (No. 3), and Williamsburg (No. 12), in *Dorchester County;* all of *Washington County* except the election districts of Hancock (No. 5) and Indian Spring (No. 15).

Massachusetts. The entire State.

New Hampshire. Counties of Belknap, Cheshire, Hillsboro, Merrimack, Rockingham, Strafford, and Sullivan; towns of Brookfield, Eaton, Effingham, Freedom, Madison, Moultonboro, Ossipee, Sandwich, Tamworth, Tuftonboro, Wakefield, and Wolfeboro, in *Carroll County;* towns of Alexandria, Ashland, Bridgewater, Bristol, Canaan, Dorchester, Enfield, Grafton, Groton, Hanover, Hebron, Holderness, Lebanon, Lyme, Orange, and Plymouth, in *Grafton County.*

New Jersey. The entire State.

New York. Counties of Albany, Bronx, Broome, Chemung, Chenango, Columbia, Cortland, Delaware, Dutchess, Fulton, Greene, Kings, Madison, Montgomery, Nassau, New York, Oneida, Onondaga, Orange, Otsego, Putnam, Queens, Rensselaer, Richmond, Rockland, Saratoga, Schenectady, Schoharie, Suffolk, Sullivan, Tioga, Ulster, Washington, and Westchester; towns of Red House and Salamanca, and the city of Salamanca, in *Cattaraugus County;* city of Auburn and the towns of Fleming, Owasco, and Sennett, in *Cayuga County;* towns of Amherst, Cheektowaga, and Tonawanda, and the cities of Buffalo and Lakawanna, in *Erie County;* towns of Columbia, Danube, Fairfield, Frankfort, German Flats, Herkimer, Litchfield, Little Falls, Manheim, Newport, Salisbury, Schuyler, Stark, Warren, and Winfield, and the city of Little Falls, in *Herkimer County;* town of Watertown and city of Watertown in *Jefferson County;* town of Mount Morris and village of Mount Morris, in *Livingston County;* city of Rochester, towns of Brighton and Pittsford, and village of East Rochester, in *Monroe County;* town of Manchester, in *Ontario County;* towns of Catharine, Cayuta, Dix, Hector, Montour, and Reading, and the borough of Watkins Glen, in *Schuyler County;* towns of Caton, Corning, Erwin, Hornby, and Hornellsville, and the cities of Corning and Hornell, in *Steuben County;* towns of Caroline, Danby, Dryden, Enfield, Ithaca, Newfield, and the city of Ithaca, in *Tompkins County;* towns of Luzerne and Queensbury and the city of Glens Falls, in *Warren County.*

Ohio. Counties of Belmont, Carroll, Columbiana, Cuyahoga, Guernsey, Harrison, Jefferson, Mahoning, Medina, Portage, Stark, Summit, Tuscarawas, and Wayne, the city of Coshocton, in *Coshocton County;* the city of Columbus, and villages of Bexley, Grandview, Grandview Heights, Hanford, Marble Cliff, and Upper Arlington, in *Franklin County;* townships of Kirtland, Mentor, and Willoughby, and the villages of Kirtland Hills, Lakeline, Mentor, Mentor-on-the-

Lake, Waite Hill, Wickliffe, Willoughby, and Willowick, in *Lake County;* the township of Newark and City of Newark, in *Licking County;* the city of Toledo, in *Lucas County;* the township of Madison and the city of Mansfield, in *Richland County;* townships of Bazetta, Braceville, Brookfield, Champion, Fowler, Hartford, Howland, Hubbard, Liberty, Lordstown, Newton, Southington, Warren, Weathersfield, and Vienna, the cities of Niles and Warren, and the villages of Cortland, Girard, Hubbard, McDonald, Newton Falls, and Orangeville, in *Trumbull County.*

Pennsylvania. The entire State except the townships of Athens, Beaver, Bloomfield, Cambridge, Conneaut, Cussewago, East Fairfield, East Fallowfield, East Mead, Fairfield, Greenwood, Hayfield, North Shenango, Pine, Randolph, Richmond, Rockdale, Sadsbury, South Shenango, Spring, Steuben, Summerhill, Summit, Troy, Union, Venango, Vernon, Wayne, West Fallowfield, West Mead, West Shenango, and Woodcock, the boroughs of Blooming Valley, Cambridge Springs, Cochranton, Conneaut Lake, Conneautville, Geneva, Linesville, Saegerstown, Springboro, Townville, Venango, and Woodcock, in *Crawford County;* the townships of Amity, Conneaut, Elk Creek, Fairview, Franklin, Girard, Greene, Greenfield, Harborcreek, Lawrence Park, Le Boeuf, McKean, North East, Springfield, Summit, Union, Venango, Washington, and Waterford, and the boroughs of Albion, Cranesville, East Springfield, Edinboro, Fairview, Girard, Middleboro, Mill Village, North East, North Girard, Platea, Union City, Waterford, Wattsburg, and Wesleyville, in *Erie County;* the townships of Deer Creek, Delaware, Fairview, French Creek, Greene, Hempfield, Lake, Mill Creek, New Vernon, Otter Creek, Perry, Pymatuning, Salem, Sandy Creek, Sandy Lake, South Pymatuning, Sugar Grove, and West Salem, and the boroughs of Clarksville, Fredonia, Greenville, Jamestown, New Lebanon, Sandy Lake, Sheakleyville, and Stoneboro, in *Mercer County.*

Rhode Island. The entire State.

Vermont. Counties of Bennington, Rutland, Windham, and Windsor; and the town of Burlington, in *Chittenden County.*

Virginia. Counties of Accomac, Arlington, Culpeper, Elizabeth City, Fairfax, Fauquier, Henrico, Loudoun, Norfolk, Northampton, Prince William, Princess Anne, and Stafford; magisterial districts of Bermuda, Dale, Manchester, and Matoaca, in *Chesterfield County;* town of Emporia, in *Greensville County;* magisterial district of Sleepy Hole, in *Nansemond County;* village of Schoolfield, in *Pittsylvania County;* magisterial distficts of Hampton, Jackson, and Wakefield, in *Rappahannock County;* magisterial district of Courtland, in *Spotsylvania County;* town of Front Royal, in *Warren County;* magisterial district of Newport, in *Warwick County;* magisterial district of Washington, in *Westmoreland County;* and the cities of Alexandria, Charlottsville, Danville, Fredericksburg, Hampton, Newport News, Norfolk, Petersburg, Portsmouth, Richmond, South Norfolk, Suffolk, and Winchester.

West Virginia. Counties of Brooke, Hancock, Harrison, Jefferson, Marion, Monongalia, Ohio, and Taylor; magisterial districts of Arden, Falling Waters, Hedgesville, and Opequon and the city of Martinsburg, in *Berkeley County;* the city of Charleston, in *Kanawha County;* magisterial districts of Sand Hill, Union, Washington, and Webster, in *Marshall County;* town of Keyser and magisterial district of Frankfort, in *Mineral County;* magisterial district of Lincoln, in *Tyler County;* town of Paden City, in *Tyler and Wetzel Counties;* and the city of Parkersburg, and magisterial districts of Lubeck and Tygart, in *Wood County.*[*]

Changes in Regulated Areas

§ 301.48–4 *Extension or reduction of regulated areas.* The regulated areas designated in § 301.48–3 may be extended or reduced as may be found advisable by the Secretary of Agriculture. Due notice of any extension or reduction and the areas affected thereby will be given in writing to the transportation companies doing business in or through the States in which such areas are located and by publication in one or more newspapers selected by the Secretary of Agriculture within the States in which the areas affected are located.[*]

Movement of Fruits and Vegetables

§ 301.48–5 *Restrictions on the movement of fruits and vegetables*—(a) *Control of movement.* (1) Unless a certificate shall have been issued therefor, by an inspector, except as provided in subdivisions (i) to (iv), inclusive, of this section, no fruits or vegetables of any kind shall be moved interstate via refrigerator car or motortruck from any of the areas listed below to or through any point outside the regulated areas:

Delaware. The entire State.

District of Columbia. The entire District.

Maryland. Counties of Baltimore, Cecil, Harford, Kent, Queen Annes, Somerset, and Worcester; election districts Nos. 3, 4 and 5, in *Anne Arundel County;* the city of Baltimore; all of *Caroline County* except election districts of American Corners (No. 8), and Hillsboro (No. 5); election districts of Cambridge (No. 7), East New Market (No. 2), Hurlock (No. 15), and Williamsburg (No. 12), in *Dorchester County;* election districts of Elk Ridge (No. 1), and Ellicott City (No. 2), in *Howard County;* election districts of Camden (No. 13), Delmar (No. 11), Dennis (No. 6), Fruitland (No. 16), Nutters (No. 8), Parsons (No. 5), Pittsburg (No. 4), Salisbury (No. 9), Trappe (No. 7), and Willard (No. 14), and the town of Salisbury, in *Wicomico County.*

New Jersey. Counties of Atlantic, Burlington, Camden, Cape May, Cumberland, Essex, Gloucester, Hudson, Hunterdon, Mercer, Middlesex, Monmouth, Ocean, Salem, Somerset, and Union; townships of Lodi, Lyndhurst, Overpeck, Rochelle Park, Saddle River, and Teaneck, the cities of Englewood, Garfield, and Hackensack, and the boroughs of Bogota, Carlstadt, Cliffside Park, East Paterson, East Rutherford, Edgewater, Englewood Cliffs, Fair Lawn, Fairview, Fort Lee, Glenn Rock, Hasbrouck Heights, Leonia, Little Ferry, Lodi, Maywood, Moonachie, North Arlington, Palisades Park, Ridgefield, Rutherford, Teterboro, Wallington, and Wood Ridge, in *Bergen County;* townships of Chatham, Chester, Denville, East Hanover, Hanover, Harding, Menham, Morris, Morristown, Parsippany-Troy Hills, Passaic, Randolph, and Washington, and the boroughs of Chatham, Florham Park, Madison, Mendham, and Morris Plains, in *Morris County;* township of Little Falls, the cities of Clifton, Passaic, Paterson, and the boroughs of Haledon, Hawthorne, North Haledon, Prospect Park, Totowa, and West Paterson, in *Passaic County;* townships of Franklin, Greenwich, Lopatcong, Mansfield, Phillipsburg, Popatcong, and Washington, and the boroughs of Alpha and Washington, in *Warren County.*

Pennsylvania. Counties of Bucks, Chester, Delaware, Lancaster, Montgomery, and Philadelphia; all of *Berks County* except the townships of Albany, Bethel, Centre, Greenwich, Jefferson, Marion, North Heidelberg, Penn, Parry, Tilden, Tulpehocken, Upper Bern, Upper Tulpehocken, and Windsor, and the boroughs of Bernville, Centreport, Hamburg, Lenhartsville, Shoemakersville, Strausstown, and West Leesport; townships of Lower Allen and Upper Allen, and boroughs of Lemoyne, Mechanicsburg, and New Cumberland, in *Cumberland County;* townships of Londonderry, Lower Paxton, Lower Swatara, Susquehanna, and Swatara, the city of Harrisburg, and the boroughs of Highspire, Middletown, Paxtang, Penbrook, Royalton, and Steelton, in *Dauphin County;* all of *Lehigh County* except the townships of Heidelberg, Lowhill, Lynn, Washington, and Weisenberg, and borough of Slatington; all of *Northampton County* except the townships of Bushkill, Lehigh, Moore, Plainfield, Upper Mount Bethel, and Washington, and boroughs of Bangor, Chapman, East Bangor, Pen Argyl, Portland, Roseto, Stockertown, Walnutport, and Wind Gap; and the townships of Chanceford, Conewago, East Hopewell, East Manchester, Fairview, Fawn, Hellam, Hopewell, Lower Chanceford, Lower Windsor, Manchester, Newberry, Peach Bottom, and Springetsbury, the city of York, and the boroughs of Cross Roads, Delta, East Prospect, Fawn Grove, Goldsboro, Hallam, Lewisberry, Manchester, Mount Wolf, North York, Stewartstown, Wrightsville, Yorkana, and York Haven in *York County.*

Virginia. Counties of Accomac, Arlington, and Northampton.

Provided, That shipments of fruits and vegetables moving interstate from the area specified in paragraph (a) (1) of this section to other points in the regulated area and subsequently diverted to points outside the regulated area, shall be regarded as direct shipments from the point of origin. As such they require certification:

Provided further, That the Chief of the Bureau of Entomology and Plant Quarantine may by administrative instructions extend or reduce the areas specified in this section when in his judgment such action is considered advisable.

(i) No restrictions are placed on the interstate movement of fruits and vegetables between October 16 and June 14, inclusive, except that in the case of movement interstate from the following areas, the exemption applies only during the period from October 16 to May 31, inclusive:

Virginia. The counties of Accomac and Northampton.

(ii) No certificate or permit will be required for the interstate movement of fruits and vegetables when transported by a common carrier on a through bill of lading either from a point outside the area designated in this section through that area to another outside point, or from the area designated in this section through a nonregulated area to another regulated area, except that a certificate is required for interstate movement from the area specified in paragraph (a) (1) of this section to Toledo, Ohio, and Charlottesville and Winchester, Va.

(iii) No restrictions are placed on the interstate movement of fruits and vegetables when they shall have been manufactured or processed in such a manner that in the judgment of the inspector no infestation could be transmitted.

(iv) No restrictions are placed on the interstate movement of fruits and vegetables from the area listed in paragraph (a) (1) of this section to the remainder of the regulated area, other than as specified in subdivision (ii) of this paragraph.

(b) *Conditions of certification.*—Certificates may be issued for the interstate movement of fruits and vegetables between June 15 and October 15, inclusive (or between June 1 and October 15, inclusive, when consigned from Accomac County or Northampton County, Va.) under one of the following conditions:

(1) When the fruits and vegetables moving by motortruck have actually been inspected by the United States Department of Agriculture and found free from infestation. The number of inspection points for such certification will be limited and their location determined by shipping needs and further conditioned on the establishment at such points of provisions satisfactory to the inspector for the handling and safeguarding of such shipments during inspection. Such inspection may be discontinued and certification withheld by the inspector during periods of general or unusual flight of the beetles.

(2) When the fruits and vegetables have been handled or treated under the observation of an inspector in manner and by method to free them from any infestation.

(3) When the fruits and vegetables have originated outside the areas designated in this section, and are to be reshipped directly from freight yards, transfer points, or unloading docks within such areas, under provisions satisfactory to the inspector for safeguarding of such shipments pending certification and reshipment. Certificates on this basis will be issued without inspection only in cases where, in the judgment of the inspector, the shipments concerned have not been exposed to infestation while within such freight yards, transfer points, or unloading docks.

(4) When the fruits and vegetables were grown in districts where the fact has been established to the satisfaction of the inspector that no infestation exists and are to be shipped directly from the farms where grown to points outside the areas designated in paragraph (a) (1) of this section, or are shipped from infested districts where the fact has been established to the satisfaction of the inspector that the Japanese beetle has not begun or has ceased its flight.

(5) When the fruits and vegetables moving via refrigerator car from the area designated in this section have been inspected and loaded in a manner to prevent infestation, in a refrigerator car with closed or adequately screened doors and hatches, which car prior to loading has been determined by an inspector as fumigated or thoroughly swept and cleaned by the common carrier in a manner to rid it of infestation. During the interval between fumigation or cleaning and loading, such refrigerator car must be tightly closed and sealed. (For further requirements on the cleaning of refrigerator cars, see § 301.48–13.)

(6) When the fruits and vegetables moving via refrigerator car from the area designated in this section have been fumigated in the car, when deemed necessary in the judgment of the inspector, and when the doors and hatches of the car have been tightly closed or adequately screened under the supervision of an inspector.[*]

Movement of Nursery and Ornamental Stock

§ 301.48–6 *Restrictions on the movement of nursery and ornamental stock.* (a) *Control of movement.* Nursery and ornamental stock as defined in § 301.48–1 shall not be moved interstate from the regulated areas to or through any point outside thereof, unless a certificate or permit shall have been issued therefor by the inspector except as follows:

(1) The following articles, because of their growth or production, or their manufactured or processed condition, are considered innocuous as carriers of infestation and are, therefore, exempt from the requirements of certification.

(i) True bulbs, corms, and tubers, when dormant, except for storage growth, and when free from soil; and single dahlia tubers or small dahlia root divisions when free from stems, cavities, and soil. Dahlia tubers, other than single tubers or small root divisions meeting these conditions, require certification.

(ii) Cut orchids; orchid plants when growing exclusively in Osmunda fiber; Osmunda fiber, Osmundine, or orchid peat (*Osmunda cinnamomea* and *O. claytoniana*).

(iii) (*a*) Floral designs or "set pieces," including wreaths, sprays, casket covers and all formal florists' designs; bouquets and cut flowers not so prepared are not exempted; (*b*) trailing arbutus, or Mayflower (*Epigaea repens*), when free from soil, and when shipped during the period between October 16 and June 14, inclusive.

(iv) (*a*) Herbarium specimens, when dried, pressed, and treated; (*b*) mushroom spawn, in brick, flake, or pure culture form.

(v) (*a*) Sheet moss (*Calliergon schriberi* and *Thuridium recognition*); (*b*) resurrection plant or bird's-nest moss (*Selaginella lepidophylla*); (*c*) sphagnum moss, bog moss, or peat moss (*Sphagnaceae*); (*d*) dyed moss.

(vi) Soil-free dried roots incapable of propagation.

(vii) Soil-free rooted cuttings.

(2) No restrictions are placed on the interstate movement of nursery and ornamental stock imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with a copy certificate of the country from which it was exported, a statement of the general nature and quantity of the contents, the name and address of the consignee, and the country and locality where grown.

(3) No restrictions are placed on the interstate movement of soil-free aquatic plants, and of portions of plants without roots and free from soil, except that a certificate is required during the period June 15 to October 15, inclusive (or between June 1 and October 15, inclusive, when consigned from Accomac County or Northampton County, Va.), for the movement of cut flowers from the area designated in § 301.48–5 interstate to points outside the regulated areas (§ 301.48–3).

(4) No certificate or permit will be required for the interstate movement of nursery and ornamental stock when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area.

(b) *Conditions governing the issuance of certificates and permits.* For the purpose of certification of nursery and ornamental stock, nurseries, greenhouses, and other premises concerned in the movement of such stock will be classified as follows:

(1) *Class I.* Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on or within approximately 500 feet of which no infestation has been found may be classified as class I. Upon compliance with the requirements of paragraph (b) (7) of this section nursery and ornamental stock may be certified by the inspector for shipment from such premises without further inspection, and without meeting the safeguards

prescribed as a condition of interstate shipment of plants originating in nurseries or greenhouses of class III.

(2) *Class III.* (i) Nurseries, greenhouses, and other premises concerned in the movement of nursery and ornamental stock on which either grubs in the soil or one or more beetles have been found, will be classified as class III, provided there are maintained on the premises subdivided class I areas, certified houses, frames, or plots or other certified areas. Such classification will not be granted to nurseries, greenhouses, and other premises that do not maintain certified or subdivided areas and require only infrequent certification. Such classification also may be given to nurseries, etc., where one or more beetles or grubs are found in the immediate proximity (within approximately 500 feet) of such nurseries, etc., on adjacent property or properties. In the case of nursery properties under single ownership and management but represented by parcels of land widely separated, such parcels may be independently classified either as class I or class III upon compliance with such conditions and safeguards as shall be required by the inspector. Similarly, unit nursery properties, which would otherwise fall in class III, may be open to subdivision, for the purpose of rating such subdivisions in classes I or III, when in the judgment of the inspector such action is warranted by scanty infestation limited to a portion of the nursery concerned: *Provided*, That the subdivision containing the infestation shall be clearly marked by boundaries of a permanent nature which shall be approximately 500 feet beyond the point where the infestation occurs.

(ii) Upon compliance with paragraphs (b) (3), (6), and (7) of this section, nursery and ornamental stock may be certified by the inspector for shipment from such premises under any one of the following conditions: (*a*) That the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector; or (*b*) in the case of plants in which the root system is such that a thorough inspection may be made, that the soil shall be entirely removed from the stock by shaking or washing; or (*c*) that it shall be shown by evidence satisfactory to the inspector that the plants concerned were produced in a certified greenhouse.

(3) Greenhouses of class III may be certified upon compliance with all the following conditions with respect to the greenhouses themselves and to all potting beds, heeling-in areas, hotbeds, coldframes, and similar plots:

(i) Ventilators, doors, and all other openings in greenhouses or coldframes on premises in class III shall be kept screened in manner satisfactory to the inpector during the period of flight of the beetle, namely, south of the northern boundaries of Maryland and Delaware between June 1 and October 1, inclusive, or north thereof between June 15 and October 15, inclusive.

(ii) Prior to introduction into nurseries or greenhouses, sand, if contaminated with vegetable matter, soil, earth, peat, compost, or manure taken from infested locations or which may have been exposed to infestation, must be sterilized or fumigated under the direction and supervision of, and in manner and by method satisfactory to the inspector. If such sand, soil, earth, peat, compost, or manure is not to be immediately used in such greenhouses, it must be protected from possible infestation in manner and by method satisfactory to the inspector.

(iii) All potted plants placed in certified greenhouses of class III and all potted plants to be certified for interstate movement therefrom (*a*) shall be potted in certified soil; (*b*) shall, if grown outdoors south of the northern boundaries of Maryland and Delaware at any time between June 1 and October 1, inclusive, or north thereof at any time between June 15 and October 15, inclusive, be kept in screened frames while outdoors; (*c*) shall, if grown outdoors during any part of the year, be placed in beds in which the soil or other material shall have been treated in manner and by method approved by the Bureau of Entomology and Plant Quarantine to eliminate infestation; and (*d*) shall comply with such other safeguards as may be required by the inspector.

(4) Cut flowers may be certified for movement either (i) when they have been inspected by an inspector and found free from infestation, or (ii) when they have been grown on a class I establishment or in a certified greenhouse of class III and are transported under such safeguards as will in the judgment of the inspector prevent infestation. (See also paragraph (a) (3) of this section.)

(5) Nursery and ornamental stock originating on or moved from unclassified premises may be certified by the inspector under either one of the following conditions: (i) That the soil shall be entirely removed from the stock, or (ii) that the roots shall be treated by means approved by the Bureau of Entomology and Plant Quarantine in manner and by method satisfactory to the inspector, or (iii) that it shall be shown by evidence satisfactory to the inspector that the accompanying soil was obtained at such points and under such conditions that in his judgment no infestation could exist therein.

(6) Nurserymen, florists, dealers, and others, in order to maintain a class III status, shall report immediately on forms provided for that purpose all their sales or shipments of nursery and ornamental stock, sand, if contaminated with vegetable matter, soil, earth, peat, compost, and manure both to points outside the regulated areas and to other classified nurseries or greenhouses within the regulated area. Certification may be denied to any person who has omitted to make the report required by this section, and such denial of certification shall continue until the information so omitted has been supplied.

(7) Nurserymen, florists, dealers, and others, in order to maintain a class I status, or to maintain in a class III establishment, a class I subdivision, a certified plot, or a certified greenhouse, (i) shall restrict their purchases or receipts of nursery and ornamental stock, sand, if contaminated with vegetable matter, soil, earth, peat, compost, and manure, secured within the regulated area and intended for use on class I or certified premises, to articles which have been certified under these regulations as to each such article and the said certificate shall accompany the article when moved; (ii) shall obtain approval of the inspector before such articles are received on class I or certified premises or are taken into certified greenhouses; (iii) shall report immediately in writing all purchases or receipts of such articles secured from within the regulated area for use on such premises; and (iv) shall also report immediately on forms provided for that purpose all their sales or shipments of such articles both to points outside the regulated areas and to other classified nurseries or greenhouses within the regulated areas. Certification may be denied to any person who has omitted to make the report or reports required by this section, and such denial of certification shall continue until the information so omitted has been supplied.

(8) Nursery and ornamental stock imported from foreign countries and not reshipped from the port of entry in the unopened original container may be certified for movement under these regulations when such stock has been inspected by an inspector and found free from infestation.

(9) Nursery and ornamental stock originating outside the regulated areas and certified stock originating in classified nurseries or greenhouses may be certified for reshipment from premises other than those on which they originated, under provisions satisfactory to the inspector for the safeguarding of such stock from infestation at the point of reshipment and en route and when found advisable by the inspector after reinspection and determination of freedom from infestation.*

Movement of Soil and Similar Materials

§ 301.48–7 *Restrictions on the movement of sand, soil, earth, peat, compost, and manure*—(a) *Control of movement.* Sand, soil, earth, peat, compost, and manure shall not be moved interstate from any point in the regulated areas to or through any point outside thereof unless a certificate or permit shall have been issued therefor by the inspector, except as follows:

(1) No restrictions are placed on the interstate movement of (i) fresh manure; (ii) sand and clay when free from vegetable matter; (iii) greensand marl; and (iv) such other sands and clays as have been treated or processed and subsequently handled in such manner that in the judgment of the inspector no Japanese beetle could exist therein.

(2) No restrictions are placed on the *interstate movement of manure, peat, compost, or humus* (i) *when dehydrated, shredded, ground, pulverized, or compressed, or* (ii) *when treated with crude petroleum or any other product having high potency as an insecticide.*

(3) No restrictions are placed on the interstate movement of sand, soil, earth, peat, compost, and manure imported from foreign countries when reshipped from the port of entry in the unopened original container and labeled as to each container with the country of origin, and when the shipment is further protected in manner or method satisfactory to the inspector.

(4) No certificate will be required for the interstate movement of sand, soil, earth, peat, compost, and manure when transported by a common carrier on a through bill of lading either from an area not under regulation through a regulated area, or from a regulated area through a nonregulated area to another regulated area.

(b) *Conditions of certification.* Certificates for the movement of restricted sand, soil, earth, peat, compost, and manure may be issued under any one of the following conditions:

(1) When the articles to be moved have originated in districts included in the regulated area, but in which neither beetles nor grubs in soil have been found.

(2) When the material consists of mined, dredged, or other similar materials, and it has been determined by an inspector that no infestation could exist therein.

(3) When the material has been removed, under the supervision of an inspector, from a depth of more than 12 inches below the surface of the ground and either (i) is to be moved between October 16 and June 14, inclusive, or (ii) is loaded and shipped at points where it has been determined by an inspector that no general infestation of adult beetles exists, or (iii) when the cars and loading operations are protected by screening under the direction of and in manner and by method satisfactory to the inspector.

(4) When the material has been fumigated with carbon disulfide or otherwise treated under the supervision of and in manner and by method satisfactory to the inspector. Such fumigation or treatment will be required as a condition of certification of all restricted sand, soil, earth, peat, compost, and manure, except such as is loaded and shipped in compliance with subparagraphs (1), (2), or (3) of this paragraph.*

Protection of Articles in Transit

§ 301.48–8 *Conditions governing the protection of restricted articles from infestation while in transit.* Fruits and vegetables, nursery and ornamental stock, and sand, soil, earth, peat, compost, and manure, moving interstate from or through the regulated areas to points outside thereof between June 15, and October 15, inclusive, shall at all times while they are in the regulated areas be screened, covered, or otherwise protected in manner or method satisfactory to the inspector for safeguarding the articles from infestation.

Trucks or other road vehicles transporting restricted articles may be sealed by the inspector at the point of inspection, and all such seals shall remain intact as long as the vehicle is en route within the regulated area.*

Marking and Certification

§ 301.48–9 *Marking and certification a condition of interstate transportation.* (a) Every box, basket, or other container of restricted articles listed in §§ 301.48–5, 6, and 7 shall be plainly marked with the name and address of the consignor and the name and address of the consignee, and shall have securely attached to the outside thereof a valid certificate or permit issued in compliance with these regulations. In the case of lot shipments by freight, one certificate attached to one of the containers and another certificate attached to the waybill will be sufficient.

(b) In the case of bulk carload shipments by rail, the certificate shall accompany the waybill, conductor's manifest, memorandum, or bill of lading pertaining to such shipment, and in addition each car shall have securely attached to the outside thereof a placard showing the number of the certificate or certificates accompanying the waybill.

(c) In the case of shipment by road vehicle, the certificates shall accompany the vehicle.

(d) Certificates shall be surrendered to the consignee upon delivery of the shipment.*

Procedure for Applicants

§ 301.48–10 *General conditions governing inspection and issuance of certificates and permits.* (a) Persons intending to move interstate any of the articles the movement of which is restricted in §§ 301.48–5, 6, and 7, shall make application for inspection and certification as far as possible in advance of the probable date of shipment, specifying in the application the article and quantity to be shipped, method of shipment, name and address of the consignor, and name and address of the consignee.

(b) Applicants for inspection will be required to assemble the articles at such points as the inspector shall designate and so to place them that inspection may readily be made; if not so placed, inspection may be refused. All charges for storage, cartage, and labor incident to inspection, other than the services of the inspector, shall be paid by the shipper.

(c) Certificates and permits shall be used in connection with the transportation of only those articles intended to be covered thereby.

(d) Where the apparent absolute freedom from infestation of any of the articles enumerated cannot be determined by the inspector, certification will be refused.

(e) Permits may be issued for the interstate movement of restricted articles by truck or other road vehicle from a regulated area through a nonregulated area to another regulated area, except for the movement of fruits and vegetables as specified in paragraph (a) (1) (ii) of § 301.48–5.*

Certificates May Be Canceled

§ 301.48–11 *Cancelation of certificates.* Certificates issued under these regulations may be withdrawn or canceled by the inspector and further certification refused, either for any failure of compliance with the conditions of these regulations or violation of them, or whenever in the judgment of the inspector the further use of such certificates might result in the dissemination of infestation.*

Shipments Inspected en Route

§ 301.48–12 *Inspection in transit.* Any car, vehicle, basket, box, or other container moved interstate or offered to a common carrier for shipment interstate, which contains or which the inspector has probable cause to believe contains either infestations, infested articles, or articles the movement of which is restricted by these regulations, shall be subject to inspection by an inspector at any time or place, and when actually found to involve danger of dissemination of Japanese beetle to uninfested localities, measures to eliminate infestation may be required as a condition of further transportation or delivery.*

Cleaning of Vehicles

§ 301.48–13 *Thorough cleaning required of trucks, wagons, cars, boats, and other vehicles and containers before moving interstate.* Trucks, wagons, cars, boats, and other vehicles and containers which have been used in transporting any article covered by these regulations within the regulated areas shall not thereafter be moved interstate until they have been thoroughly swept and cleaned by the carrier at a point within the regulated area. Refrigerator cars originating in the area designated in § 301.48–5 into which fruits or vegetables are to be loaded for interstate movement from any regulated area shall be thoroughly swept or cleaned or fumigated prior to loading as may be required by the inspector.*

Articles for Experimental and Scientific Purposes

§ 301.48–14 *Shipments for experimental and scientific purposes.* Articles subject to restriction in these regulations may be moved interstate for experimental or scientific purposes, on such conditions and under such safeguards as may be prescribed by the Bureau of Entomology and Plant Quarantine. The container of articles so moved shall bear, securely attached to the outside thereof, an identifying tag from the Bureau of Entomology and Plant Quarantine showing compliance with such conditions.*

Done at Washington, D. C., this 20th day of March 1942.

Witness my hand and the seal of the United States Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

APPENDIX

Penalties

The Plant Quarantine Act of August 20, 1912, as amended (7 U.S.C. 161), provides that no person shall ship or offer for shipment to any common carrier, nor shall any common carrier receive for transportation or transport, nor shall any person carry or transport from any quarantined State or Territory or District

of the United States, or from any quarantined portion thereof, into or through any other State or Territory or District, any class of nursery stock or any other class of plants, fruits, vegetables, roots, bulbs, seeds • • • or any other article • • • specified in the notice of quarantine • • • in manner or method or under conditions other than those prescribed by the Secretary of Agriculture. It also provides that any person who shall violate any of the provisions of this act, or who shall forge, counterfeit, alter, deface, or destroy any certificate provided for in this act or in the regulations of the Secretary of Agriculture shall be deemed guilty of a misdemeanor and shall, upon conviction thereof, be punished by a fine not exceeding $500, or by imprisonment not exceeding 1 year, or both such fine and imprisonment, in the discretion of the court.

State and Federal Inspection

Certain of the quarantined States have promulgated or are about to promulgate quarantine regulations restricting intrastate movement supplemental to the Federal quarantine. These State regulations are enforced in cooperation with the Federal authorities. Copies of either the Federal or State quarantine orders may be obtained by addressing the United States Department of Agriculture, 266 Glenwood Avenue, Bloomfield, N. J.

Subsidiary offices are maintained at the following locations:

Connecticut: Agricultural Experiment Station, 123 Huntington Street, New Haven, Conn.
Delaware: Room 210, New Post Office Building, Dover, Del.
Maryland:
2 Sherwood Avenue, Pikesville, Md.
Washington County Annex Building, Hagerstown, Md.
Room 205, New Post Office Building, Main Street, Salisbury, Md.
Massachusetts: 144 Moody Street, Waltham, Mass.
New Jersey:
Kotler Building, Main and High Streets, Glassboro, N. J.
P. O. Box 1, Trenton, N. J., or Yardville Road, White Horse, N. J.
New York:
Room 838, 641 Washington Street, New York, N. Y.
Room 200, 2507 James Street, Syracuse, N. Y.
Ohio: 21065 Euclid Avenue, Euclid, Ohio.
Pennsylvania:
Room 303, Post Office Building, Harrisburg, Pa.
6905 Torresdale Avenue, Philadelphia, Pa.
Room 438-K, New Post Office Building, Pittsburgh, Pa.
Virginia:
Room 217, New Federal Building, Granby Street and Brambleton Avenue, Norfolk, Va.
17 North Boulevard, Richmond, Va.
West Virginia: 245 West Philadelphia Avenue, Bridgeport, W. Va.

Arrangements may be made for inspection and certification of shipments from the District of Columbia by calling Republic 4142, branch 2598, inspection house of the Bureau of Entomology and Plant Quarantine, 224 Twelfth Street SW., Washington, D. C.

General Offices of States Cooperating

Department of Entomology, Agricultural Experiment Station, New Haven, Conn.
Board of Agriculture, Dover, Del.
State horticulturist, Augusta, Maine.
Department of Entomology, University of Maryland, College Park, Md.
Division of Plant Pest Control, Department of Agriculture, Statehouse, Boston, Mass.
Deputy commissioner, Department of Agriculture, Durham, N. H.
Bureau of Plant Industry, Department of Agriculture, Trenton, N. J.
Bureau of Plant Industry, Department of Agriculture and Markets, Albany, N. Y.
Division of Plant Industry, Department of Agriculture, Columbus, Ohio.
Bureau of Plant Industry, Department of Agriculture, Harrisburg, Pa.
Bureau of Entomology, Department of Agriculture, Statehouse, Providence, R. I.
Entomologist, Department of Agriculture, Montpelier, Vt.
Division of Plant Industry, Department of Agriculture and Immigration, Richmond, Va.
State entomologist, Department of Agriculture, Charleston, W. Va.

[F. R. Doc. 42-2510; Filed, March 23, 1942; 11:57 a. m.]

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

Chapter I—Bureau of Animal Industry

[Amendment 16 to B. A. I. Order 276]

PART 101—GENERAL PROVISIONS AND RULES OF PRACTICE

PART 118—HOG-CHOLERA VIRUS

PART 119—ANTI-HOG-CHOLERA VIRUS

MISCELLANEOUS AMENDMENTS

Pursuant to the authority conferred upon the Secretary of Agriculture by section 2 of the act of Congress approved February 2, 1903 (32 Stat. 792; 21 U.S.C. 111), and by the act of Congress approved March 4, 1913 (37 Stat. 832–833; 21 U.S.C. 151–158), and in order better to effectuate the purposes of these acts, Title 9, Code of Federal Regulations, Parts 101–119 [B.A.I. Order 276, August 18, 1922], as amended, is hereby further amended as follows:

(1) By adding to § 101.1 [sec. 1, reg. 1] a paragraph reading as follows:

§ 101.1 *Definitions.*

• • • • • •

(u) *Twenty-four hours.* Time elapsing between any regular working hour of one day and any regular working hour of the following day. [Par. 22]

(2) By revoking § 118.17 [par. 1, sec. 3, reg. 18], and substituting in lieu thereof the following section:

§ 118.17 *Simultaneous virus pigs; requirements.* For use in the production of simultaneous virus, licensed establishments shall inoculate young non-immune pigs of good quality with at least 2 cubic centimeters each of highly virulent virus. Such pigs when inoculated shall weigh not less than 40 pounds, nor more than 125 pounds.

(3) By revoking paragraph (b) of § 119.36 [Rule D, par. 2, sec. 5, reg. 19], as amended, and substituting in lieu thereof the following:

§ 119.36 *Rules for disposing of tested anti-hog-cholera serum.*

• • • • • •

(b) *Test; conditions under which to be declared "satisfactory for potency."* A serum test will be declared "satisfactory for potency" when at least two of the control pigs react as described in paragraph (a) and any one of the following conditions obtains:

(1) When all the serum-treated pigs remain well throughout the test period.

(2) When one or more of the serum-treated pigs become visibly sick after the time of inoculation and all fully recover before the test animals are released by a veterinary inspector, as provided in this part. Such sick pigs, however, will not be regarded as fully recovered until they have been in an apparently normal condition for at least three consecutive days.

This amendment, which for purpose of identification is designated Amendment 16 to B.A.I. Order 276, shall be effective on and after March 24, 1942.

Done at Washington this 21st day of March 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Acting Secretary of Agriculture.

[F. R. Doc. 42-2508; Filed, March 23, 1942; 11:57 a. m.]

Chapter II—Agricultural Marketing Administration

PART 204—POSTED STOCKYARDS AND LIVE POULTRY MARKETS

NOTICE RELATIVE TO THE MUSKINGUM LIVESTOCK MARKET, INC., ZANESVILLE, OHIO [1]

MARCH 20, 1942.

Whereas, The Muskingum Livestock Market, Inc., was posted on November 23, 1937, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas, it now appears that The Muskingum Livestock Market, Inc., is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that The Muskingum Livestock Market, Inc., no longer comes within the foregoing definition and the provisions of Title III of said Act.

ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture.

[1] Modifies list posted stockyards 9 CFR 204.1.

[F. R. Doc. 42-2438; Filed, March 20, 1942; 3:50 p. m.]

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Regulations, Serial Number 210]

PART 04—AIRPLANE AIRWORTHINESS

SPECIAL REGULATION, AUTHORIZING ADMINISTRATOR TO PERMIT AN AIR CARRIER TO EXCEED GROSS WEIGHT LIMITATIONS NECESSITATED BY WAR

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 14th day of March, 1942.

The Civil Aeronautics Board finding that its action herein is necessary to the successful prosecution of the war effort and acting pursuant to the Civil Aeronautics Act of 1938, particularly sections 205 (a), 601 (a) and 604 thereof, makes and promulgates the following special regulation:

Notwithstanding any provisions of the Civil Air Regulations to the contrary, the Administrator may in his discretion in particular instances permit an air carrier when engaged in overseas or foreign air transportation, other than foreign air transportation between any place in the United States and a place in the Dominion of Canada, to exceed the gross weight limitations now specified in its air carrier operating certificate and in the airworthiness certificates of its aircraft: *Provided*, That in any such instance the transportation of all cargo and passengers is necessary to the prosecution of the war effort or the preservation of life.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-2453; Filed, March 21, 1942; 10:23 a. m.]

[Amendment No. 5 of Part 285]

PART 285—RULES OF PRACTICE

OBJECTION TO THE PUBLIC DISCLOSURE OF INFORMATION

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 16th day of March, 1942.

The Civil Aeronautics Board, acting pursuant to the Civil Aeronautics Act of 1933, as amended, particularly sections 205 (a) and 1104 thereof, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under said Act, hereby makes and promulgates the following regulation:

Effective March 26, 1942, Part 285 of the Economic Regulations is amended by adding thereto § 285.12 [Rule 12] to read as follows:

§ 285.12 *Objection to public disclosure of information*—(a) *Information contained in paper to be filed.* Any person who objects to the public disclosure of any information contained in any paper filed in any proceeding, or in any application, report, or other document filed pursuant to the provisions of the Civil Aeronautics Act of 1938, as amended, or any rule, regulation, or order of the Board thereunder, shall segregate, or request the segregation of, such information into a separate paper and shall file it, or request that it be filed, with the examiner or the person conducting the hearing or proceeding, as the case may be, or with the person with whom said application, report, or document is required to be filed, separately in a sealed envelope, bearing the caption of the enclosed paper and the notation "Confidential Information". At the time of filing such paper, or, when the objection is made by a person not himself filing the paper, application, report or other document, within five days after the filing of such paper, the objecting party shall file a motion to withhold the information from public disclosure, in accordance with the procedure outlined in paragraph (d) of this section, except as hereinafter provided in paragraph (c). Notwithstanding any other provision of this section, copies of the filed paper and of the motion need not be served upon any other party unless so ordered by the Board.

(b) *Information contained in oral testimony.* Any person who objects to the public disclosure of any information sought to be elicited from a witness or deponent on oral examination shall, before such information is disclosed, make his objection known. Upon such objection duly made, the witness or deponent shall be compelled to disclose such information only in the presence of the examiner or the person before whom the deposition is being taken, as the case may be, the official stenographer and one attorney for and one lay representative of each party, (unless the objection to disclosure specifies that certain of the parties shall not be present, in which case the examiner or person before whom the deposition is being taken, as the case may be, shall designate the persons who may be present when the information is recorded), and after all present have been sworn to secrecy. The transcript of testimony containing such information shall be segregated and filed in a sealed envelope, bearing the title and docket number of the proceeding, and the notation "Confidential Testimony Given By (name of witness or deponent)." Within five days after such testimony is given, the objecting person shall file a motion, except as hereinafter provided in paragraph (c), in accordance with the procedure outlined in paragraph (d) of this section, to withhold the information from public disclosure. Notwithstanding any other provision of this section, copies of the segregated portion of the transcript and of the motion need not be served upon any other party unless so ordered by the Board.

(c) *Objection by governmental departments or representatives thereof.* In the case of objection to the public disclosure of any information filed by or elicited from any governmental department, or representative thereof, under paragraphs (a) or (b) of this section, the department, or person representing said department, making such objection shall be exempted from the provisions of paragraphs (a), (b), and (d) of this section in so far as said subsections require the filing of a written objection to such disclosure. However, any department, or person representing said department, if it so desires, may file a memorandum setting forth the reasons on the basis of which it is claimed that a public disclosure of the information should not be made. If such a memorandum is submitted, it shall be filed and handled as is provided by this Rule of Practice in the case of a motion to withhold information from public disclosure.

(d) *Form of motion to withhold information from public disclosure.* Subject to the exception of paragraph (c), no information covered by paragraphs (a) and (b) of this section need be withheld from public disclosure unless written objection to such disclosure is filed with the Board in accordance with the following procedure:

(1) The motion shall be headed with the title and docket number of the proceeding and shall be signed and verified by the objecting person, any duly authorized officer or agent thereof, or by counsel representing such person in the proceeding.

(2) The motion shall include (i) a description of the information sought to be withheld, sufficient for identification of the same, and (ii) a full statement of the reasons on the basis of which it is claimed that a public disclosure of the information would adversely affect the interests of the objecting person and is not required in the interest of the public, or that the information is of a secret nature affecting the national defense.

(3) Such motion shall be filed with the examiner or the person conducting the hearing or proceeding, as the case may be, or with the person with whom said application, report, or document is required to be filed.

(e) *Motion referred to the Board.* The order of the Board containing its ruling upon each such motion will specify the extent to which, and the conditions upon which, the information may be disclosed to the parties and to the public, unless, within five days after the date of the entry of the Board's order with respect thereto, a petition is filed by the objecting person requesting reconsideration by the Board, or a written and verified statement is filed indicating that the

[2] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192).

objecting person in good faith intends to seek judicial review of the Board's order.

(f) *Objection in proceeding before the Board.* Notwithstanding any of the provisions of any section or subsection of this Rule of Practice, whenever the objection to disclosure of information shall have been made, in the first instance, before the Board itself, the written motion of objection contemplated by paragraphs (a), (b), and (d) of this section shall not be necessary, but may be submitted if the parties so desire or if the Board, in a particular case, shall so direct.

By the Board.

[SEAL] DARWIN CHARLES BROWN, *Secretary.*

[F. R. Doc. 42-2454; Filed, March 21, 1942; 10:23 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4593]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF INGENUITIES CORPORATION OF AMERICA, ET AL.

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.7 *Aiding, assisting and abetting unfair or unlawful act or practice:* § 3.55 *Furnishing means and instrumentalities of misrepresentation or deception:* § 3.66 (a7) *Misbranding or mislabeling—Composition:* § 3.96 (a) *Using misleading name—Goods—Composition.* In connection with the use of or the licensing of the use of the trade-mark "Silkallo", or the use of any other word or words of similar import or meaning indicative of silk, for use in designating necktie, fabrics or any other similar products offered, etc., in commerce, and on the part of respondent Ingenuities Corporation of America, its officers, etc., and among other things, as in order set forth, (1) using or authorizing the use of the unqualified term "silk" or any other term or terms of similar import or meaning indicative of silk to describe or designate any fabric or product which is not composed wholly of silk, the product of the cocoon of the silkworm; and (2) using or authorizing the use of the term "Duo-Silk-Allo" or any other term of similar import or meaning to describe, designate or refer to any fabric or product which is not composed wholly of silk, the product of the cocoon of the silkworm; prohibited, subject to the provision, however, as respects said first prohibition, that in the case of a fabric or product composed in part of silk and in part of materials other than silk such term or terms may be used as descriptive of the silk content if there are used in immediate connection or conjunction therewith in letters of at least equal size and conspicuousness words truthfully describing and designating each constituent fiber thereof. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Ingenuities Corporation of America, et al., Docket 4593, March 13, 1942]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.66 (a 7) *Misbranding or mislabeling—Composition:* § 3.71 (a) *Neglecting, unfairly or deceptively, to make material disclosure—Composition:* § 3.96 (a) *Using misleading name—Goods—Composition.* In connection with the offer, etc., in commerce, of neckties and other similar merchandise, and on the part of respondents Goldberg, Squire, Lesser and Cohen, Inc., and T. P. McCutcheon and Brother, Inc. (licensees of respondent Ingenuities Corporation of America), and on the part of their officers, etc., and among other things, as in order set forth, (1) using the unqualified term "silk", or any other term or terms of similar import or meaning indicative of silk, to describe or designate any fabric or product which is not composed wholly of silk, the product of the cocoon of the silkworm; (2) using the term "Duo-Silk-Allo", or any other term of similar import or meaning, on labels or otherwise to describe, designate or refer to any fabric or product which is not composed wholly of silk, the product of the cocoon of the silkworm; and (3) advertising, offering for sale, or selling neckties or other products composed in whole or in part of rayon without clearly disclosing the fact that such fabrics or products are composed of rayon; prohibited, subject to provision, however, as respects said first prohibition above set forth, that in the case of a fabric or product composed in part of silk and in part of materials other than silk, such term or similar terms may be used as descriptive of the silk content, if there are used in immediate connection and conjunction therewith in letters of at least equal size and conspicuousness words truthfully describing and designating each constituent fiber thereof; and subject to further provision as respects said third prohibition above set forth, that when such fabrics or products are composed in part of rayon and in part of other fibers or materials, such fibers or materials, including rayon, shall be named in letters of equal size and conspicuousness by words truthfully describing and designating each constituent fiber and material thereof; such disclosure of the fiber content of such fabrics or products to be made by accurately designating and naming each constituent fiber thereof in the order of its predominance by weight, beginning with the largest single constituent. (Sec. 5, 38 Stat. 719, as amended by Sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Ingenuities Corporation of America, et al., Docket 4593, March 13, 1942]

In the Matter of Ingenuities Corporation of America, a Corporation, Goldberg, Squire, Lesser and Cohen, Inc., a Corporation, and T. P. McCutcheon and Brother, Inc., a Corporation.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 13th day of March, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answers of the respondents, in which answers respondents admit all of the material allegations of fact set forth in said complaint, and state that they waive all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondents have violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent Ingenuities Corporation of America, a corporation, its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the use of or the licensing of the use of the trade mark "Silkallo" or the use of any other word or words of similar import or meaning indicative of silk for use in designating neckties, fabrics or any other similar products offered for sale, sold or distributed in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using or authorizing the use of the unqualified term "silk" or any other term or terms of similar import or meaning indicative of silk to describe or designate any fabric or product which is not composed wholly of silk, the product of the cocoon of the silkworm: *Provided, however*, That in the case of a fabric or product composed in part of silk and in part of materials other than silk such term or terms may be used as descriptive of the silk content if there are used in immediate connection or conjunction therewith in letters of at least equal size and conspicuousness words truthfully describing and designating each constituent fiber thereof;

(2) Using or authorizing the use of the term "Duo-Silk-Allo" or any other term of similar import or meaning to describe, designate or refer to any fabric or product which is not composed wholly of silk, the product of the cocoon of the silkworm.

It is further ordered, That the respondents, Goldberg, Squire, Lesser and Cohen, Inc., a corporation, and T. P. McCutcheon and Brother, Inc., a corporation, their officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of neckties and other similar merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Using the unqualified term "silk", or any other term or terms of similar import or meaning indicative of silk, to describe or designate any fabric or product which is not composed wholly of silk, the product of the cocoon of the silkworm: *Provided, however*, That in the case of a fabric or product composed in part of silk and in part of materials other than silk, such term or similar terms may be used as descriptive of the silk content, if there are used in immediate connection and conjunction therewith in letters of at least equal size and conspicuousness words truthfully describing and designating each constituent fiber thereof;

(2) Using or authorizing the use of the term "Duo-Silk-Allo", or any other term of similar import or meaning, on labels or otherwise to describe, designate or refer to any fabric or product which is not composed wholly of silk, the product of the cocoon of the silkworm;

(3) Advertising, offering for sale, or selling neckties or other products composed in whole or in part of rayon without clearly disclosing the fact that such fabrics or products are composed of rayon, and when such fabrics or products are composed in part of rayon and in part of other fibers or materials, such fibers or materials, including rayon, shall be named in letters of equal size and conspicuousness by words truthfully describing and designating each constituent fiber and material thereof; and such disclosure of the fiber content of such fabrics or products shall be made by accurately designating and naming each constituent fiber thereof in the order of its predominance by weight, beginning with the largest single constituent.

It is further ordered, That the respondent shall within sixty (60) days after the service upon them of this order file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-2455; Filed, March 21, 1942; 10:51 a. m.]

TITLE 20—EMPLOYEES' BENEFITS

Chapter II—Railroad Retirement Board

AMENDMENTS TO REGULATIONS UNDER THE RAILROAD RETIREMENT ACT OF 1937

Pursuant to the general authority contained in section 10 of the Act of June 24, 1937 (Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j), §§ 222.05, 225.03, and 265.04 (g) of the Regulations of the Railroad Retirement Board under such Act (4 F.R. 1477) are amended, effective March 12, 1942, by Board Order 42-126 dated March 12, 1942, to read as follows:

PART 222—DEFINITION AND CREDITABILITY OF COMPENSATION

§ 222.05 *Verification of compensation claimed.* (a) Compensation claimed shall be verified to the extent deemed necessary by the Board, to determine the "monthly compensation" referred to in § 225.03 of the regulations in this chapter and shall be verified from employers' pay roll or other detailed records; where such records are not available the compensation claimed shall be verified:

(1) By the employee submitting income tax records or a diary or other personal record: *Provided however*, That such records shall not be considered unless similar records are furnished covering a reasonable period of time for which employer records are available, and the difference between the amount of compensation shown by the employee's records and that shown by the employer's records is not more than 2 per centum.

(2) Except as otherwise provided in these regulations, if verification cannot be made under subparagraph (1) of this paragraph, by furnishing acceptable records showing that the employee was on a monthly salary corresponding to the compensation claimed: *Provided, however*, That when, in determining the "monthly compensation" under § 225.03 of the regulations in this chapter, compensation is verified for any month in the manner prescribed in this subparagraph, allowance shall be made for any months in which the employee did not work, and any compensation so verified shall also be reduced by 5 per centum.

(b) In any case involving verification of compensation the Board may prescribe the extent and manner in which such compensation shall be established.

(c) Notwithstanding the lack of some compensation records required to calculate the "monthly compensation" during the years 1924 to 1931, inclusive, the amounts of annuities may be determined finally under § 225.03 of the regulations in this chapter on the basis of such compensation records as are available. (Secs. 1, 3, 10, 50 Stat. 309, 311, 314; 45 U.S.C. Sup. III, 228a, 228c, 228j)

PART 225—COMPUTATION OF AN ANNUITY

§ 225.03 *Determination of "monthly compensation."* (a) Except as otherwise provided in the regulations in this chapter, the "monthly compensation" of an individual shall be,

(1) if his "years of service" include only service subsequent to December 31, 1936, the result obtained by totaling the compensation earned by him in his "years of service" and dividing that sum by the number of months in his "years of service";

(2) if his "years of service" include only service prior to January 1, 1937, his monthly compensation for service prior to January 1, 1937, determined as hereinafter provided;

(3) if his "years of service" include service subsequent to December 31, 1936, and service prior to January 1, 1937, the result obtained by (i) multiplying his monthly compensation for service prior to January 1, 1937, determined as hereinafter provided by the number of months in such portion of his "years of service" as is prior to January 1, 1937, (ii) adding to the product the total compensation earned by him in such portion of his "years of service" as is subsequent to December 31, 1936, and (iii) dividing the sum by the total number of months in his "years of service."

(b) Except as otherwise provided in the regulations in this chapter, an individual's "monthly compensation for service prior to January 1, 1937," shall be the result obtained by dividing (1) the total compensation earned by him in such portion of his "years of service" as is within the period 1924–1931 by (2) the number of months in such portion of his "years of service." In any case within the purview of paragraph (j), (k), (l), or (m) of this section, service in the period 1924–1931 is, in the judgment of the Board, insufficient to constitute a fair and equitable basis for determining the "monthly compensation for service prior to January 1, 1937," and it is, in the judgment of the Board, just and equitable that such monthly compensation be determined in the manner provided in the applicable provisions of such paragraphs.

(c) The term "higher paid occupation" as used in the regulations in this chapter shall mean any occupation for which the monthly average of employee earnings reported to the Interstate Commerce Commission for the year 1926 by all Class I carrier-employers is greater than such monthly average for the occupation with which such occupation is compared.

The term "lower paid occupation" as used in the regulations in this chapter shall mean any occupation for which the monthly average of employee earnings reported to the Interstate Commerce Commission for the year 1926 by all Class I carrier-employers is less than such monthly average for the occupation with which such occupation is compared.

The term "change in occupation" as used in the regulations in this chapter shall mean a change from a "higher paid occupation" to a "lower paid occupation," or from a "lower paid occupation" to a "higher paid occupation," and a "change in occupation" shall be considered to have occurred in the last month of service proved in the earlier occupation.

(d) The term "Interstate Commerce Commission average" as used in the regulations in this chapter shall mean the monthly average of the earnings reported to the Interstate Commerce Commission for the year 1926 by the employer for employees in the occupation in which the individual was employed during the period specified, or the month compared, or in an occupation essentially similar thereto. If a change in the occupation of the individual occurred during the period specified in the applicable paragraph hereof as the period to be used in determining the monthly compensation for service prior to January 1, 1937, the "Interstate Commerce Commission average" shall be obtained by multiplying such monthly average of earnings reported by the employer for each occupation by the number of months in which the individual was engaged in such occupation during the period specified, and dividing the sum of the products by the total number of months of service in all occupations in which he was engaged during such period. If the employer did not make such reports to the Interstate Commerce Commission for such year, there shall be used in lieu of such monthly average of earnings reported by the employer the first of the following which may be available:

(1) A consolidated monthly average of employee earnings reported to the Interstate Commerce Commission for the year 1926 by Class I carrier-employers of the district in which the employer was located, for employees in the occupation in which the individual was employed in the month compared or in the period specified, or in an occupation essentially similar thereto, or

(2) 90 per centum of the wage rate (converted into a monthly rate) for the year 1926, for employees in the occupation in which the individual was employed in the month compared or in the period specified, or in an occupation essentially similar thereto. If such wage rate is not available for the year 1926, there shall be substituted therefor, in applying the provisions of this subparagraph, the corresponding wage rate for the month compared or the period specified, or, if that is not available, the corresponding wage rate for any period determined to be suitable for this purpose. In converting the wage rate into a monthly rate, 204 hour or 25.5 days per month, and 12 months or 52½ weeks per year, shall be used.

If, under any paragraph of this section, the applicable per centum of the Interstate Commerce Commission average exceeds $300, $300 shall be used in lieu of such per centum.

(e) The term "exclusion rule" shall mean the provisions of this paragraph. In determining the monthly compensation for service prior to January 1, 1937, under any of the subsequent paragraphs of this section, there shall be excluded, whenever the "exclusion rule" is stated to be applicable,

(1) any month, and the compensation therefor, in a period not exceeding two consecutive calendar months, which period is preceded and followed by a period of one or more calendar months in which the individual earned no compensation, if the compensation for any such intervening month is less than 60 per centum of the Interstate Commerce Commission average;

(2) except as otherwise provided in subparagraph (1) of this paragraph, any month, and the compensation therefor, which is adjacent to a period of one or more calendar months in which the individual earned no compensation, if the compensation for such adjacent month is less than the compensation for the month immediately preceding or immediately following such adjacent month;

(3) if not otherwise excluded, the first month, and the compensation therefor, of the period specified in the applicable subsection as the period to be used in determining such monthly compensation, if no compensation was earned in the month immediately following such month, and if the compensation for such first month is less than 60 per centum of the Interstate Commerce Commission average, and

(4) if not otherwise excluded, the last month, and the compensation therefor, of the period specified in the applicable paragraph as the period to be used in determining such monthly compensation, if no compensation was earned in the month immediately preceding such month, and if the compensation for such last month is less than 60 per centum of the Interstate Commerce Commission average;

Provided, however, That in making the comparison provided by subparagraphs (1), (3), and (4) of this paragraph, there shall be used, instead of 60 per centum, 90 per centum in cases within the purview of paragraph (i) of this section, and 80 per centum in cases within the purview of paragraph (j) (1) of this section.

(f) For the purposes of the regulations in this chapter there shall be regarded as a month for which compensation records are available only a month of service for which all of the employee's claimed compensation can be verified in accordance with the provisions of § 222.05 (a) of this chapter or, for the purposes of paragraphs (g) and (h) of this section, in accordance with the provisions of § 222.05 (a) (1), and every other month of service shall be regarded as a month for which compensation records are missing: *Provided, however,* That in determining the monthly compensation for service prior to January 1, 1937, under any of the subsequent paragraphs of this section, a month of service with respect to which some but not all of the employee's claimed compensation can be so verified shall be treated as a month for which compensation records are available if the monthly compensation for service prior to January 1, 1937, would thereby be increased: *And provided further,* That in determining the monthly compensation for service prior to January 1, 1937, under any of the subsequent subsections of this paragraph, a month of service which would otherwise be treated as a month for which compensation records are missing shall be treated as a month for which compensation records are available, and the compensation for such month shall be taken to be the amount which the employee claims as compensation for that month, if such amount claimed as compensation is less than what would be the monthly compensation for service prior to January 1, 1937, if the month were treated as a month for which compensation records are missing.

(g) If 48 or more months of service during the period 1924–1931 are proved, no change in occupation occurred during that period, and compensation records are available for at least half, but not all, of the months in that period, the monthly compensation for service prior to January 1, 1937, shall be the monthly average of the compensation earned in months during the period 1924–1931 for which compensation records are available.

(h) If 48 or more months of service during the period 1924–1931 are proved, a change in occupation occurred during that period, and compensation records are available for not all but at least ⅞ of the months in that period and for at least ⅝ of the months in each calendar year during that period, the monthly compensation for service prior to January 1, 1937, shall be the monthly average of the compensation earned in months during the period 1924–1931 for which compensation records are available.

(i) Except as otherwise provided in the regulations in this chapter, if 48 or more months of service during the period 1924–1931 are proved, but compensation records are missing for some or all of the months in that period, the monthly compensation for service prior to January 1, 1937, shall be the monthly compensation as determined under the first of the following rules which may be applicable:

(1) If a change in occupation did not occur during the period 1924–1931, the monthly compensation shall be the monthly average of the compensation earned in months during the period 1924–1931 for which compensation records are available if such average is 90 or more per centum of the Interstate Commerce Commission average.

(2) If the monthly compensation would be determined under subparagraph (1) of this paragraph except for the fact that the average of the compensation earned in the months during the period 1924–1931 for which compensation records are available is less than 90 per centum of the Interstate Commerce Commission average and if, upon application of the exclusion rule, the average of the compensation earned in the months during the period 1924–1931 for which compensation records are available would be 90 or more per centum of the Interstate Commerce Commission average, the monthly compensation shall be 90 per centum of the Interstate Commerce Commission average.

(3) If the monthly compensation would be determined under subparagraph (2) of this paragraph except for the fact that, upon application of the exclusion rule, the average of the compensation earned in the months during the period 1924–1931 for which compensation records are available is less than 90 per centum of the Interstate Commerce Commission average, the monthly compensation shall be the result obtained by (i) multiplying the number of months during the period 1924–1931 for which compensation records are available by the average, upon application of the exclusion rule, of the compensation earned in such months, (ii) multiplying 90 percentum of the Interstate Commerce Commission average by a number of months which, if added to the number of months during the period 1924–1931 for which compensation records are available, would equal one-half the total number of months of service during such period, and (iii) dividing the sum of the amounts obtained under (i) and (ii) by the total number of months used thereunder.

(4) If the monthly compensation would be determined under one of the preceeding subparagraphs of this paragraph except for the fact that compensation records are not available for any of the months during the period 1924–1931, the monthly compensation shall be 90 per centum of the Interstate Commerce Commission average.

(5) If a change in occupation occurred during the period 1924–1931, the monthly compensation shall be the result obtained by (i) applying to each occupation, for some of the months of service in which during the period 1924–1931 compensation records are missing, the first of the preceding subparagraphs of this paragraph which would have been applicable if such occupation had been the only one in which service was performed during the period 1924–1931: *Provided, however,* That in thus applying subparagraph (3) of this paragraph, there shall be used for any occupation, for at least half the months of service in which during the period 1924–1931 compensation records are available, the monthly average, upon application of the exclusion rule, of the compensation earned in the months during that period for which compensation records are available, (ii) computing the monthly average of the compensation earned during the period 1924–1931 for each occupation, for all months of service in which during that period compensation records are available, (iii) multiplying the result obtained under (i) or (ii) for each occupation by the number of months of service during the period 1924–1931 in that occupation and dividing the sum of the products by the total number of months of service in the period 1924–1931.

(j) If service began prior to 1924, and some but less than 48 months of service during the period 1924–1931 are proved, the monthly compensation for service prior to January 1, 1937, shall be the monthly compensation as determined under the first of the following rules which may be applicable:

(1) If a change in occupation did not occur during the period 1924–1931, and a change to a lower paid occupation did not occur during the last 48 months of service in the period 1918–1931, or during the whole of such period if the total number of the months of service therein was less than 48, the monthly compensation shall be (i) 80 per centum of the Interstate Commerce Commission average if compensation records are not available for any of the months during the period 1924–1931, or (ii) if compensation records are available for some months during the period 1924–1931, whichever is the greater of (*a*) the monthly average of the compensation earned during the period 1924–1931, or (*b*) the monthly average, upon application of the exclusion rule, of the compensation earned during the months of service in the period 1924–1931 for which compensation records are available, or during all the months of service in that period for which compensation records are available if the total number of months of service in the period is less than 48, (ii) the monthly average of the compensation earned during the period 1924–1931, (iii) what would be the monthly compensation if the monthly compensation were determined under subparagraph (1) of this paragraph, or (iv) 60 per centum of the Interstate Commerce Commission average.

(3) If the individual did not render service during the period 1918–1923 or compensation records are not available for any of the months of service prior to January 1, 1924, included in the last 48 months of service in the period 1918–1931 or in the total number of the months of service in that period if the total number of the months of service therein was less than 48, and the monthly compensation would be determined under subparagraph (1) of this paragraph except for the fact that whichever is the greater of the monthly average of the compensation earned during the period 1924–1931, or the monthly average, upon application of the exclusion rule, of the compensation earned during the months of service in the period 1924–1931 for which compensation records are available, is less than 80 per centum of the Interstate Commerce Commission average, the monthly compensation shall be whichever is the greatest of (i) the monthly average, upon application of the exclusion rule, of the compensation earned during those of the last 48 months of service in the period 1918–1931 for which compensation records are available, or during all the months of service in that period for which compensation records are available if the total number of months of service in the period is less than 48, (ii) the monthly average of the compensation earned during the period 1924–1931, (iii) what would be the monthly compensation if the monthly compensation were determined under subparagraph (1) of this paragraph, or (iv) 60 per centum of the Interstate Commerce Commission average.

(4) If a change to a higher paid occupation occurred during the period 1924–1931, the monthly compensation shall be whichever is the greatest of (i) 60 per centum of the Interstate Commerce Commission average, (ii) the monthly average of the compensation earned during the period 1924–1931, or (iii) the result obtained by (*a*) securing, for each occupation, for some of the months of service in which during the period 1924–1931 compensation records are available, the monthly average, upon application of the exclusion rule, of the compensation earned during the months of service in the period 1924–1931 for which compensation records are available, (*b*) using 80 per centum of the Interstate Commerce Commission average for each occupation, for all months of service in which during the period 1924–1931 compensation records are missing, (*c*) multiplying the result obtained under (*a*) or (*b*) for each occupation by the number of months of service during the period 1924–1931 in that occupation, and dividing the sum of the products by the total number of months of service in the period 1924–1931.

(5) If a change to a lower paid occupation occurred during the last 48 months of service in the period 1918–1931 or during the whole of such period if the total number of months of service therein was less than 48, the monthly compensation shall be whichever is the greatest of (i) the monthly average, upon application of the exclusion rule, of the compensation earned during the months of service in the period 1924–1931 for which compensation records are available, (ii) the monthly average of the compensation earned during the period 1924–1931, (iii) 60 per centum of the Interstate Commerce Commission average, or (iv) the result obtained by (*a*) securing, for each occupation, for some of the months of service in which compensation records are available, the monthly average, upon application of the exclusion rule, of the compensation earned during those of the last 48 months of service in the period 1918–1931 for which compensation records are available, or during all of the months of service in that period for which compensation records are available if the total number of months of service in the period is less than 48, (*b*) for each occupation, for all of the last 48 months of service in which during the period 1918–1931 compensation records are missing, or for all of the months of service in which during the period 1918–1931 compensation records are missing if the total number of months of service in the period is less than 48, using 80 per centum of the Interstate Commerce Commission average if some of the months of service in that occupation for which compensation records are missing are in the period 1924–1931 and using 60 per centum of the Interstate Commerce Commission average if all of the months of service in that occupation for which compensation records are missing are prior to 1924, (*c*) multiplying the result obtained under (*a*) or (*b*) for each occupation by the number of months of service in that occupation during the last 48 months of service in the period 1918–1931 or during the whole of such period if the total number of months of service therein was less than 48, and dividing the sum of the products by 48, or by the total number of months of service in the period 1918–1931 if the total number of months of service therein was less than 48: *Provided, however,* That if employment in the higher paid occupation was preceded by employment in a lower paid occupation during the period 1918–1923, the service and compensation in such preceding lower paid occupation shall be disregarded in determining the monthly compensation if a reduction in the monthly compensation would result from the inclusion of such service and compensation.

(k) If no service was rendered during the period 1924–1931, and service was rendered during the period 1918–1923, the monthly compensation for service prior

to January 1, 1937, shall be whichever is the greater of (1) 60 per centum of the Interstate Commerce Commission average, or (2) the result obtained by (i) securing, for each occupation, for some of the months of service in which compensation records are available, the monthly average, upon application of the exclusion rule, of the compensation earned during those of the last 48 months of service in the period 1918–1923 for which compensation records are available, or during all the months of service in that period for which compensation records are available if the total number of months of service in the period is less than 48, (ii) using 60 per centum of the Interstate Commerce Commission average for each occupation, for all months of service in which compensation records are missing, (iii) multiplying the result obtained under (i) or (ii) for each occupation by the number of months of service in that occupation during the last 48 months of service in the period 1918–1923 or during the whole of such period if the total number of months of service therein was less than 48, and dividing the sum of the products by 48, or by the total number of months of service in the period 1918–1923 if the total number of months of service therein was less than 48.

(l) If no service was rendered during the period 1918–1931, and service was rendered prior thereto, the monthly compensation for service prior to January 1, 1937, shall be 60 per centum of the Interstate Commerce Commission average for the last occupation in which the individual was employed prior to 1918.

(m) If service began subsequent to December, 1923, and no months of service, or less than 48 months of service, during the period 1924–1931 are proved, the monthly compensation for service prior to January 1, 1937, shall be whichever is the greater of (1) the monthly average of the compensation earned during the period 1924–1931 or, if compensation records are missing for any of the months of service during that period, what would be the monthly compensation for service prior to January 1, 1937, determined in accordance with the provisions of paragraph (i) of this section, or (2) the monthly average of the compensation earned during the period 1924–1936 or, if compensation records are missing for any of the months of service during that period, what would be the monthly compensation for service prior to January 1, 1937, determined in accordance with the provisions of paragraph (i) of this section if the period 1924–1936 were substituted for the period 1924–1931 throughout that paragraph.

(n) No redetermination of the monthly compensation for service prior to January 1, 1937, shall be made under the provisions of this section in any case in which prior to March 12, 1942, (1) a final determination of the monthly compensation for such service has been made under this section as originally promulgated or as amended, or under any other authority, or (2) a certification has been made on the basis of a tentative determination of the monthly compensation for such service under authority other than the provisions of this section as originally promulgated or as amended, and a redetermination of the monthly compensation under the provisions of this section would result in a reduction in such monthly compensation: *Provided, however,* That the monthly compensation for service prior to January 1, 1937, shall be redetermined in any case in which compensation records become available for any month or months which in the making of the previous determination were regarded as a month or months for which compensation records were missing, and such redetermination would result in an increase in such monthly compensation. (Secs. 3 (c), 10, 50 Stat. 311, 314; 45 U.S.C. Sup. III, 228c, 228j)

PART 265—APPLICABILITY OF 1935 OR 1937 ACT

§ 265.04 *Adjudication under the 1935 Act.*

* * * * *

(g) *Application, beginning date and computation.* An annuity shall begin as of a date to be specified in a written application to be signed by the employee entitled thereto, and approved by the Board, which date shall not be more than sixty days before the filing of the application, nor before the date on which the first annuity shall have become due and payable. No annuity shall be due and payable until May 30, 1936. The annuity shall be payable on the 1st day of the month during the lifetime of the annuitant. Such annuity shall be based upon the service period of the employee and shall be the sum of the amounts determined by multiplying the total number of years of service not exceeding thirty years by the following percentages of the monthly compensation; 2 per centum of the first $50; 1½ per centum of the next $100; and 1 per centum of the compensation in excess of $150. The "monthly compensation" shall be the average of the monthly compensation paid to the employee by the carrier, except that where applicable for service before March 1, 1936, and where the service rendered during the period 1924–1931 is substantial, the monthly compensation shall be the average of the monthly compensation for all pay roll periods for which the employee shall have received compensation from any carrier during the period 1924–1931. In determining for the purposes of this paragraph whether service during the period 1924–1931 is substantial, consideration shall be given to both the number of months in which service was rendered and the proportion of the monthly earnings to Interstate Commerce Commission averages, but no consideration shall be given to whether the individual's occupation during the period 1924–1931 is substantially different from his occupation prior to that period, to irregularity of service during the period 1924–1931, or to any other factors which are unrelated to the issue whether the service during the period 1924–1931 is substantial. In any case in which the service during the period 1924–1931 is substantial, but compensation records are missing for some or all of the months in that period, the monthly compensation for service before March 1, 1936, shall be the monthly compensation determined under the first of the following which may be applicable: (1) § 225.03 (g) of this chapter; (2) § 225.03 (h), or (3) the first of the rules contained in § 225.03 (i) which may be applicable. The provisions of § 225.03 (n) of this chapter shall be applicable with respect to redeterminations, under this paragraph, of the monthly compensation for service before March 1, 1936. No part of any monthly compensation in excess of $300 shall be recognized in determining any annuity. Any employee who shall be entitled to an annuity with a commuted value determined by the Board of less than $300 shall be paid such value in a lump sum. (Sec. 3, 49 Stat. 969; 45 U.S.C. Sup. II, 217; Sec. 10, 50 Stat. 314; 45 U.S.C. Sup. III, 228j)

By Authority of the Board.

[SEAL] JOHN C. DAVIDSON,
Secretary of the Board.

Dated MARCH 20, 1942.

[F. R. Doc. 42-2465; Filed, March 21, 1942; 11:57 a. m.]

TITLE 22—FOREIGN RELATIONS

Chapter I—Department of State

PART 58—CONTROL OF PERSONS ENTERING AND LEAVING THE UNITED STATES PURSUANT TO THE ACT OF MAY 22, 1918, AS AMENDED

AMERICAN CITIZENS AND NATIONALS

Pursuant to the authority vested in me by section 1 of Proclamation 2523 of the President of the United States, issued on November 14, 1941 (6 F.R. 5821), under authority of the act of Congress approved May 22, 1918 (40 Stat. 559), as amended by the act of Congress of June 21, 1941 (Public Law 114, 77th Cong.; 55 Stat. 252), § 58.3 of the regulations issued on November 25, 1941, and amended on December 9, 1941, and published in the FEDERAL REGISTER on November 28 and December 11, 1941 (6 F.R. 6069, 6349), is hereby amended by the addition of the following § 58.3a:

§ 58.3a *Exception to § 58.2 concerning verification of passports.* No verification of the passport of a citizen of the United States, or a person who owes allegiance to the United States, shall be required for entry into the continental United States, the Canal Zone, the Commonwealth of the Philippines, or territories continental or insular subject to the jurisdiction of the United States:

(1) When returning from a foreign country where he had gone in pursuance of the provisions of a contract with the War or Navy Departments on a matter vital to the war effort and when in possession of a valid passport and of evidence of having been so engaged. (40 Stat. 559, 55 Stat. 252; Proc. 2523, 6 F.R. 5821)

[SEAL] SUMNER WELLS,
Acting Secretary of State.

MARCH 17, 1942.

[F. R. Doc. 42-2439; Filed, March 20, 1942; 5:03 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1059]

PART 323—MINIMUM PRICE SCHEDULE, DISTRICT NO. 3

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD 3 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT 3, FOR RIVER AND EX-RIVER SHIPMENTS

A petition having been filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by District Board 3, requesting the establishment of price classifications and minimum prices for river and ex-river shipments for the coals of the Consolidation No. 93 Mine (Mine Index No. 42) of the Consolidation Coal Company and the Little Falls Mine (Mine Index No. 238) of the Little Falls Coal Company, both code members in District 3;

Petitions of intervention having been filed by District Boards 4 and 6 and the Consolidation Coal Company and a Notice of Appearance having been filed by the Bituminous Coal Consumers' Counsel;

Temporary relief, pending final disposition of the proceeding, having been granted by an Order of the Director dated November 12, 1941, 6 F.R. 6521;

Pursuant to Order of the Director and after due notice to all interested parties,[1] a hearing in this matter having been held on December 16, 1941, before Floyd McGown, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which the petitioner, District Boards 2 and 4, the Consolidation Coal Company, and the Bituminous Coal Consumers' Counsel appeared;

The preparation and filing of a Report by the Examiner having been waived, and the record in the proceeding having thereupon been submitted to the undersigned;

A brief having been filed by the Bituminous Coal Consumers' Counsel;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That commencing thirty (30) days from the date of this Order, § 323.8 (*Special prices*—(d) *By-product, horizontal and vertical retort, or water gas use*), § 323.8 (*Special prices*—(e) *River coal*), and § 323.8 (*Special prices*—(f) *Ex-river coal*) in the Schedule of Effective Minimum Prices for District No. 3 for All Shipments Except Truck be and they are hereby amended by establishing the classifications and minimum prices for the coals of the Consolidation No. 93 Mine (Mine Index No. 42) of the Consolidation Coal Company as set forth in Supplements R–I, R–II, and R–III attached hereto and made a part hereof.

It is further ordered, That such price classifications and minimum prices shall be subject to the Order of October 21, 1941, 6 F.R. 5426, in Docket No. A–454, increasing the minimum prices set forth in the schedule of Effective Minimum Prices for District No. 3 for All Shipments Except Truck, 7½ cents per net ton for certain ex-river shipments, as specified therein, and the Order of October 4, 1941, 6 F.R. 5110, in Docket No. A–841, establishing minimum prices for ex-river shipments to Colonial Steel Company at Colona, Pennsylvania.

It is further ordered, That the prayers for relief contained in the petition filed herein are granted to the extent set forth above and in all other respects denied.

It is further ordered, That effective thirty (30) days from the date hereof, the temporary relief heretofore granted herein be and it hereby is revoked and withdrawn.

Dated: March 9, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

DISTRICT NO. 3

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 323, Minimum Price Schedule for District No. 3 and supplements thereto.

§ 323.8 *Special prices*—(d) *By-product, horizontal and vertical retort, as water gas use*—Supplement R–I

[Prices in cents per net ton. River coal—for by-product, horizontal and vertical retort, or water gas use]

Based on river transportation charge	For deliveries free along side as shown below	Freight origin group No.	Price classifications	Size group numbers					
				11	12	13	14	15	16
Actual cost	To all destinations on the Monongahela River from Morgantown, W. Va., upstream to headwaters of the river, both inclusive.	All	A	240	225	215	215	215	215
			B						

§ 323.8 *Special prices*—(e) *River coal*—Supplement R–II

[Prices in cents per net ton]

Based on river transportation charge [3]	For deliveries free along side as shown below	Mine index No.[1]	Size group Nos.									
			1	2	3	4	5	6	7	8	9	10
30	To all destinations on the Monongahela, Allegheny, and Ohio Rivers to and including Brunot Island.	42	240	230	220	215	205	205	180	180	170	170
40	To all destinations downstream from Brunot Island on the Ohio River to Lock and Dam No. 6, just beyond Colona and Conway, Pa.	42	245	235	225	220	210	210	185	185	175	175
45	To all destinations downstream on the Ohio River from Dock and Dam No. 5 to the junction of the State lines of Ohio, Pennsylvania and West Virginia.	42	245	235	225	220	210	210	185	185	175	175
55	To all destinations downstream on the Ohio River from the junction of the State lines of Ohio, Pennsylvania, and West Virginia.	42	220	210	190	185	150	180	[2] 155	[2] 155	[2] 145	[2] 145

[1] When shipments of classification "D" coal are made from mine index No. 42, the above prices must be increased ten cents (10¢) per net ton.

[2] A reduction of 44¢ may be made on size groups 7, 8, 9, and 10 when shipped to Toronto, Ohio.

[3] If the actual River transportation charge exceed the base charges of 30¢, 40¢, 45¢, or 55¢ per net ton, indicated above, the exact difference between the actual River transportation charge and the base River charge may be deducted from the f. o. b. mine prices. If the actual River transportation charge is less than the base River charge, the exact difference shall be added to the base mine prices shown above. In no case, however, shall the adjustment upward or downward exceed 10¢ per net ton.

[1] Although the Notice of and Order for Hearing was not published in the FEDERAL REGISTER until two days after the hearing, said Notice and Order was mailed, postage prepaid, to all district boards, statistical bureaus of the Division, code members in District 3, approved marketing agencies, registered farmers' cooperative organizations, and distributors in District 3, to the Bituminous Coal Consumers' Counsel, and to certain other interested persons. As set forth in the Opinion filed herewith, the undersigned considers this to be reasonable public notice. However, in order to make ample assurance that no possible prejudice has resulted to any person by virtue of the fact that the Notice of and Order for Hearing was not published in the FEDERAL REGISTER until after the hearing herein, this Order will be made effective thirty (30) days from the date hereof, during which time any person claiming to be prejudiced by virtue of the tardy publication of the Notice of and Order for Hearing in the FEDERAL REGISTER may file a petition to modify, terminate, or stay the effect of the Order entered herein or to reopen the hearing herein for the purpose of taking additional evidence.

§ 323.8 *Special prices—(f) Ex-river coal*—Supplement R–III

[Prices in cents per net ton. Loaded into railroad cars at Colona or Conway, Pennsylvania. To: Market Areas, 7, 11, 13]

Based on river transportation charge [1]	Destinations	Mine index Nos. [2]	Size group nos. 1	2	3	4	5	6	7	8	9	10
40	Akron, Ohio	42	213	203	193	178	173	173	168	148	138	138
40	Canton, Ohio	42	244	234	214	209	204	204	179	179	169	169
40	Celco, Cleveland, Lorain and South Lorain, Ohio.	42	236	226	206	201	196	196	171	171	161	161
40	Massillon, Ohio	42	227	217	197	192	187	187	162	162	152	152
40	Warren, Ohio	42	241	231	211	206	201	201	176	176	166	166
40	Walford, Pennsylvania and Youngstown, Ohio.	42	253.5	243.5	228.5	223.5	218.5	218.5	193.5	193.5	183.5	183.5

[1] The above prices are based on a base River freight rate of 40 cents (40¢) per net ton. If the actual River freight rate of the individual producer exceeds 40 cents (40¢) per net ton, the exact difference between the actual freight rate and the 40-cent base freight rate may be deducted from the above mine prices. If the actual River freight rate of the individual producer is less than 40 (40¢), the individual producer shall add the exact difference, to the mine price, between the 40-cent base freight rate and the freight rate of the individual producer. In no case, however, shall the adjustment upward or downward exceed 10 cents (10¢) per net ton. The base River freight rate does not include the lifting charge.

[2] When shipments of Classification "D" coal are made from Mine Index No. 42, the above prices must be increased ten cents (10¢) per net ton.

NOTE.—These prices shall be subject to the Order of October 21, 1941, in Docket No. A–454, increasing the minimum prices set forth in the Schedule of Effective Minimum Prices for District No. 3, Ex-river Shipments, 7½ cents per net ton for certain ex-river shipments, as specified therein, and the Order of October 4, 1941, in Docket No. A–841, establishing minimum prices for ex-river shipments to Colonial Steel Company at Colona, Pennsylvania.

[Prices in cents per net ton. Loaded into railroad cars at Bellaire, Bridgeport, Brilliant, Martins Ferry, Mingo Junction, Rush Run, Salt Run, Steubenville, Stringer, Terminal Junction, Tiltonville, Warrenton and Yorkville, Ohio. To: Market Area 13]

Based on river transportation charge [1]	Destinations	Mine index Nos.	Size group nos. 1	2	3	4	5	6	7	8	9	10
55	Akron, Ohio	42	211	201	181	176	171	171	146	146	136	136
55	Avon, Cleveland, Dover Bay Park, Lorain, North Dover, Rocky River, South Lorain, Sheffield, and West Dover, Ohio.	42	234	224	204	199	194	194	169	169	159	159
55	Canton, Ohio	42	242	232	212	207	202	202	177	177	167	167
55	Massillon, Ohio	42	225	215	195	190	185	185	160	160	150	150

[1] The above prices are based on the base river freight rate of 55 cents (55¢) per net ton. If the actual river freight rate of the individual producer exceeds 55 cents (55¢) per net ton, the exact difference between the actual freight rate and the 55-cent base freight rate may be deducted from the above mine prices. If the actual river freight rate of the individual producer is less than 55 cents (55¢), the individual producer shall add the exact difference to the mine price between the 55-cent base freight rate and the freight rate of the individual producer. In no case, however, shall the adjustment upward or downward exceed 10 cents (10¢) per net ton. The base river freight rate includes the lifting charge.

[2] When shipments of Classification "D" coal are made from Mine Index No. 42, the above prices must be increased ten cents (10¢) per net ton.

NOTE: These prices shall be subject to the Order of October 21, 1941, in Docket No. A–454, increasing the minimum prices set forth in the Schedule of Effective Minimum Prices for District No. 3, Ex-river Shipments, 7½ cents per net ton for certain ex-river shipments, as specified therein, and the Order of October 4, 1941, in Docket No. A–841, establishing minimum prices for ex-river shipments to Colonial Steel Company at Colona, Pennsylvania.

[F. R. Doc. 42–2419; Filed, March 20, 1942; 10:54 a. m.]

[Docket No. A–1053 Part II]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES AND RAILROAD SHIPPING POINTS FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8, FOR ALL SHIPMENTS EXCEPT TRUCK

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division on September 18, 1941, by District Board 8, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests:

(a) The establishment of price classifications and minimum prices for rail shipments of coals of the following mines, originating at two shipping points:

Mine index No.	Code members	Shipping points
905	Lawrence Hensley	London & East Bernstadt, Ky.
928	J. P. Boggs	Chavies & Krypton, Ky.
953	John Mitchell	Richards & Garrard, Ky.
2122	K. W. Crabtree	Coeburn & Allen, Va.
3645	White Coal Company	Richards & Manchester, Ky.
3652	Harmon & Mitchell (Wm. Harmon).	Richards & Garrard, Ky.
3657	Shell Phillips	Richards & Manchester, Ky.
3650	Smith Brothers (Albert Smith).	Richards & Garrard, Ky.[1]

[1] The petition herein, originally designated Docket No. A–1053, requested the establishment of minimum prices for the coals of various other mines in District 8, as well as the establishment of minimum prices for truck shipments for some of the above-mentioned mines. By Order dated November 13, 1941, that portion of the petition relating to the matters set forth above was severed from the remainder of Docket No. A–1053 and designated Docket No. A–1053, Part II.

(b) The establishment of price classifications and minimum prices for the following truck mines for rail shipment over the facilities of the White Coal Company, from Richards, Kentucky:

Mine index No.	Code members	Shipping point
3649	Brumley Bros.	Richards, Ky.
922	Crooked Crook Coal Co.	Do.
3950	Ed. Gregory	Do.
3651	Samuel B. Gregory	Do.
3653	Hibbard Bros. (Theo. Hibbard).	Do.
2770	Hibbard, Oscar	Do.
3654	John Hughes	Do.
3652	Harmon & Mitchell (Wm. Harmon).	Do.
3655	Jones Bros. (Shelby Jones)	Do.
2773	Bates Lewis	Do.
953	John Mitchell	Do.
3656	Arkus Pennington	Do.
3657	Shell Phillips	Do.
3644	Phillips & White (W. H. Phillips).	Do.
3659	Smith Bros. (Albert Smith).	Do.
3645	White Coal Co.	Do.

(c) The establishment of price classifications and minimum prices for rail shipments from additional shipping points for the following mines:

Mine index No.	Code members	Additional shipping points requested
3039	J. H. Franks	Grundy, Va.
602	Phillips & White	Richards, Ky.
1603	Dill Jarvis	Do.
1609	Brown & Gregory	Do.
2397	Varney & Rose	Do.
3229	I. J. Dean	Williamson, W. Va.
3270	Betsy Layne Coal Corporation.	Betsy Layne, Ky.
3604	Lester Bros. (R. W. Lester).	Richards, Ky.

By Order of the Director dated November 13, 1941, 6 F.R. 6520, temporary price classifications and minimum prices were established for rail shipments originating at one of the two shipping points requested for coals of those mines listed in paragraph (a) above; and temporary permission was granted to those mines listed in paragraph (b) above to use the facilities of the White Coal Company for shipments from Richards, Kentucky. However, temporary relief was denied the request for establishment of price classifications and minimum prices for shipments from additional rail shipping points for those mines listed in paragraph (c) above.

On December 12, 1941, the petitioner filed a motion to amend the original petition with regard to the shipping point and freight origin group number of the Betsy Layne Coal Corporation Mine. Later, by its petition dated December 17, 1941, the District Board withdrew its request for an additional shipping point and requested that the shipping point for this mine be changed from Harold, Kentucky, to Betsy Layne, Kentucky, giving as a reason therefor, that the railroad had placed a switch for this mine at the latter point because there was not sufficient room for a switch at Harold, Kentucky. The petition of December 17, 1941 also requested permission to amend the original petition of the District Board with regard to the mines listed in paragraph (a) above in the respects mentioned *infra*.

Pursuant to an appropriate order of the Director and after due notice to all interested persons, a hearing in this matter was held on December 19, 1941, before Floyd McGown, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner appeared. The preparation and filing of a report by the Examiner was waived and the matter was thereupon submitted to the undersigned.

The petitioner, by motions to amend, made before and at the hearing requested that the portion of its petition seeking permission for certain mines to load over the facilities of the White Coal Company (paragraph (b) above) be dismissed; that the shipping points of the Betsy Layne Mine (Mine Index No. 3270), the Dean Mine (Mine Index No. 3229), the Lester No. 12 and 2 Mine (Mine Index No. 3604), the Phillips and White Mine (Mine Index No. 602), and the Varney and Rose Mine (Mine Index No. 2397), be changed from those theretofore established for said mines; and that the name of the Phillips and White Mine (Mine Index No. 602) be changed to the Herd Branch Mine. The petitioner withdrew its request that additional shipping points be established for said mines and withdrew entirely its requested relief concerning the Jarvis Mine (Mine Index No. 1603), the Brown & Gregory Mine (Mine Index No. 1609), and the J. H. Franks Coal Company Mine No. 8 (Mine Index No. 3039).

The petitioner further requested, in regard to the mines listed in paragraph (a), above, that its original request be amended—

1. By eliminating London, Kentucky, as a shipping point of the Hensley Mine (Mine Index No. 905), and establishing East Bernstadt as the shipping point for that mine, as provided in the Order dated November 13, 1941, granting temporary relief.

2. By eliminating Chavies as a shipping point of the J. P. Boggs Mine (Mine Index No. 928), and establishing Krypton, Kentucky, as the shipping point for that mine, as provided in the Order dated November 13, 1941, granting temporary relief.

3. By eliminating Richards, Kentucky, as a shipping point of the Mitchell Mine (Mine Index No. 953) and establishing Garrard, Kentucky, as the shipping point of that mine.

4. By eliminating Coeburn, Virginia, as a shipping point of the Clinton Coal Company Mine (Mine Index No. 2122) and establishing Allen, Virginia, as the shipping point of that mine, as provided in the Order dated November 13, 1941, granting temporary relief.

5. By eliminating Richards as the shipping point of Steve Keith Mine (Mine Index No. 3645) and establishing Manchester, Kentucky, as the shipping point of that mine.

6. By eliminating Richards, Kentucky, as a shipping point of the Red Rooster Mine (Mine Index No. 3652) and establishing Garrard, Kentucky, as the shipping point of that mine.

7. By eliminating Richards, Kentucky, as a shipping point of the Phillips Mine (Mine Index No. 3657) and establishing Manchester, Kentucky, as the shipping point of that mine.

8. By eliminating Richards, Kentucky, as a shipping point of the Smith Mine (Mine Index No. 3659) and establishing Garrard, Kentucky, as the shipping point of that mine.

The questions to be determined therefore are whether the temporary prices established for the mines listed in paragraph (a), above, by the Order of the Director dated November 13, 1941, should be made permanent; whether the requested changes in shipping points should be made; and whether the name of the Phillips and White Mine (Mine Index No. 602) should be changed to Herd Branch Mine.

The record indicates that the temporary prices established by the Order of November 13, 1941, for the mines listed in paragraph (a) above are in line with the prices of similarly situated mines in the same subdistrict of District 8.

The District Board introduced evidence to show that the proposed shipping points are the shipping points most convenient and accessible to the code members involved.

No evidence was presented with regard to the change in name of the Phillips & White Mine. A petition under section 4 II (d) is not the proper means for securing a change in mine name. Order No. 288 of the Director, dated December 8, 1939, provides that where a change in mine name is desired, notification thereof shall be given to the Division within ten (10) days of such change, setting forth the name desired. Accordingly, the question of a change of name for this mine is not a proper question for decision here.

Upon the entire record, the undersigned finds and concludes that the relief requested in the petition, as amended, should be granted, except as to the requested change in name of the Phillips & White Mine, and that the establishment of the classifications, effective minimum prices, and shipping points as set out in Supplement R annexed hereto and made a part hereof will effectuate the purposes of sections 4 II (a) and 4 II (b) of the Act and will comply with all the standards thereof.

Now, therefore, it is ordered, That § 328.11 (*Alphabetical list of code members*) in the Schedule of Effective Minimum Prices for District No. 8 for All Shipments Except Truck be and it hereby is amended, effective fifteen (15) days from the date hereof, in accordance with Supplement R annexed hereto and made a part hereof.

It is further ordered, That the temporary relief granted herein on November 13, 1941, be, and it hereby is, revoked and withdrawn effective fifteen (15) days from the date hereof.

It is further ordered, That the prayers for relief contained in petition filed herein, except as set forth above, be and they hereby are denied.

Dated: March 7, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

§ 328.11 *Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Railroad	Freight origin group No.	Price classifications by size group nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27
3270	Betsy Layne Coal Corporation.	Betsy Layne Coal Corporation.	Elkhorn #1	1	Betsy Layne, Ky.	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)						(*)
928	Boggs, J. P.	J. P. Boggs	Hazard #4	3	Krypton, Ky.	L&N	100	K	K	J	H	G	E	G	D	D	K						C
2122	Crabtree, K. W.	Clintwood C. Co.	Upper Banner	7	Allen, Va.	CC&O	10	M	M	K	J	G	E	E	C	D	G						C
3229	Dean, I. J.	Dean	Horse Creek	6	Sibert, Ky.	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)						(*)
3652	Harmon & Mitchell (Wm. Harmon).	Red Rooster	Howard	6	Garrard, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K						M
906	Hensley, Lawrence	Hensley	Lilly	6	East Bernstadt, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K						M
3604	Lester Brothers (R. W. Lester).	Lester No. 1 & 2	Horse Creek	6	Richards, Ky.	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)						(*)
953	Mitchell, John	Mitchell	Howard	6	Garrard, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K						M
3657	Phillips, Shell	Phillips	Horse Creek	6	Manchester, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K						M
3644	Phillips & White (W. H. Phillips).	Pasture Field	Horse Creek	6	Sibert, Ky.	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)						(*)
602	Phillips & White	Phillips & White	Horse Creek	6	Sibert, Ky.	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)						(*)
3659	Smith Bros. (Albert Smith)	Smith	Howard	6	Garrard, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K						M
2397	Varney & Rose (C. B. Varney).	Varney & Rose	Pond Creek	8	Williamson, W. Va.	N&W	130	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)						(*)
3645	White Coal Co.	Steve Keith Mine	Green Briar	6	Manchester, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K						M

Mine index No.	Price classifications by size group nos. For Great Lakes cargo only: 1, 2	2, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
3270	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)					
928	K	K	J	F	D	D	G	K	K					
2122	M	M	K	F	D	D	E	G	G					C
3229	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)					
3652	M	M	K	G	E	E	G	M	K					
906	M	M	K	G	E	E	G	M	K					
3604	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)					
953	M	M	K	G	E	E	G	M	K					
3657	M	M	K	G	E	E	G	M	K					
3644	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)					
602	M	M	K	G	E	E	G	M	K					
3659	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)					
2397	M	M	K	G	E	E	G	M	K					
3645	M	M	K	G	E	E	G	M	K					

[F. R. Doc. 42-2423; Filed, March 20, 1942; 10:55 a. m.]

[Docket No. A-1283]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8

An original petition, as amended, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 8; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 328.21 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–II, § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–I, and § 328.42 (*General prices for low volatile coals*) is amended by adding thereto Supplement T–II, annexed hereto and made a part hereof, except with respect to the Crozier Red Ash Mine (Mine Index No. 5305) of J. B. Crozier (Crozier Red Ash Coal Co.). With respect to this mine, the price classifications and minimum prices set forth for it in the schedule marked "Supplement T–I" shall become effective fifteen (15) days from the date hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: March 5, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

§ 328.11 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having *Railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27
5207	American Rolling Mill Company, The.	Nellis No. 4	Lower Campbells Creek.	4	Nellis, W. Va.	C&O	12	K	K	H	G	F	D	F	B	B	F	(†)	(†)	A	B	B	B
5280	Beirne, P. L. & Sons Coal Co.	P. L. Beirne	Upper Kittaning.	4	Queen Shoals, W. Va.	B&O	1203	Q	Q	P	M	M	K	M	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)
3623	Bolling & Farris Coal Co. (Clarence Bolling).	Bolling & Farris Coal Co.	Clintwood	7	Coeburn, Va.	N&W	30	M	M	K	J	G	E	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C
3049	Bowlin, Ike	Bowlin	Blue Gem	6	Jellico, Tenn.	Sou.	112	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)
5261	Brown, Homer	Ronaside	Horse Creek	6	Sibert, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)
5275	Buttermore, H. K., Jr. (Little Creek Coal Co.).	Little Creek Coal Co.	Harlan	2	Keeman, Ky.	L&N	80	N	N	H	G	F	D	D	B	C	H	(†)	(†)	(†)	(†)	(†)	C
81	Cameo Coal Mining Company.	Cameo	Coalburg	4	Cameo, W. Va.	C&O	123	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	D	(*)	(*)	(*)	(*)
3728	Case & Cook Coal Company (Aus L. Case).	Ashcamp	Lower Elkhorn.	1	Elkhorn City, Ky.	C & O CC&O	6	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C
3977	Childers, Brice	Brice Childers	Upper Elkhorn.	1	Elkhorn City, Ky.	C & O CC&O	63	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(*)
5273	Childers, E. E.	Childers	Jellico	6	Woodbine, Ky.	L&N	111	O	O	J	H	G	E	G	E	F	K	(†)	(†)	(†)	(†)	(†)	(†)
5299	Combs, Dilce & Barnett (Dilce Combs).	Dilce & Barnett Combs.	Hazard No. 4	3	Jeff, Ky.	L&N	100	K	K	J	H	G	E	G	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)
5305	Crozier, J. B. (Crozier Red Ash Coal Co.).	Crozier Red Ash	Douglas	8	Iaeger, W. Va.	N&W	241	H	H	D	C	A	A	A	A	A	F	(†)	(†)	(†)	(†)	(†)	(†)
2194	Couk, H. D. (Penn Lee Fuel Co.).	Penn Lee Fuel Co.	Penn Lee	7	Penn Lee Siding, Va.	L & N Sou.	201	M	M	K	J	G	E	G	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)
5268	Diamond Elkhorn Coal Company (c/o T. R. Stapleton).	Diamond	Elkhorn #1 & 3.	1	Bosco, Ky.	C&O	61	H	H	H	G	E	C	E	B	C	H	(†)	(†)	(†)	(†)	(†)	C
196	Evanson, Howard N., W. W. Goldsmith & J. J. Moore Receivers, The Elk Horn Coal Corporation.	No. 27	Elkhorn No. 1	1	Wayland, Ky.	C&O	61	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5306	Goodloe, H. A.	East End Coal Co.	Thacker	8	Williamson, W. Va.	N&W	130	Q	Q	O	N	L	J	L	F	F	K	(†)	(†)	(†)	(†)	(†)	(†)
5311	Hart & Harris (Samson Hart)[1]	Hart & Harris	Jellico	6	Woodbine, Ky.	L&N	111	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)	(†)
2163	Head, Mike	Mike Head	No. 5	7	Maness, Va.	L & N Sou.	204	E	E	E	D	D	C	C	B	C	G	K	(†)	(†)	(†)	(†)	B
1989	Hicks & Fowler (J. D. Fowler)	Hicks & Fowler	Rex	6	Habersham, Tenn.	L&N	140	F	F	E	D	E	C	E	C	F	M	(†)	(†)	(†)	(†)	(†)	(†)
5254	Hughes & Mathena (E. L. Hughes).	Hughes & Mathena.	Lower Banner	7	Trammel, Va.	CC&O	50	M	M	K	J	G	E	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C
5255	Hughes & Perry (J. W. Perry)	Hughes & Perry No. 1.	Upper Banner	7	Trammel, Va.	CC&O	50	M	M	K	J	G	E	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C
5256	Hughes & Perry (J. W. Perry)	Hughes & Perry No. 2.	Upper Banner	7	Trammel, Va.	CC&O	50	M	M	K	J	G	E	E	C	D	G	(†)	(†)	(†)	(†)	(†)	C
2757	Ison & Allen (W. R. Allen)	Ison	Pine Mountain.	2	Dione, Ky.	L&N	80	O	O	L	K	F	D	D	D	D	H	(†)	(†)	(†)	(†)	(†)	C
3802	Johnson, J. O. & O. R. (J. O. Johnson).	Johnson	Straight Crk	6	Pineville, Ky.	L&N	111	F	F	E	D	C	C	A	B	C	H	(†)	(†)	(†)	(†)	(†)	A
2969	Karr & Hill (Ed. Karr)	Stinson	Blue Gem	6	Yaden, Ky.	L&N	111	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)
5278	Keyser, Chas. M. Jr. (Keyser Mining Company).	Keyser	Elkhorn No. 2	1	Pikeville, Ky.	C&O	61	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C
2930	Kilgore, Joe C.	Joe C. Kilgore Coal Co. No. 1.	Lower Banner	7	Coeburn, Va.	N&W	30	M	M	K	J	F	C	E	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)

Mine Index No.	Price classifications by size group Nos. For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
5207	L	L	J	E	C	C	F	L	F	(†)	A	B	B	B
5280	Q	Q	O	K	H	H	M	Q	M	(†)	(†)	(†)	(†)	(†)
3623	M	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
3049	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	C
5261	M	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
5275	M	M	K	J	G	E	C	D	M	(†)	(†)	(†)	(†)	C
81	M	L	J	E	C	C	D	M	H	(†)	(†)	(†)	(†)	C
3728	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	C
3977	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(*)
5273	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	C
5299	K	K	J	F	D	D	G	L	K	(†)	(†)	(†)	(†)	C
5305	H	F	E	A	A	A	A	H	F	(†)	(†)	(†)	(†)	(†)
2194	M	M	K	F	D	D	G	M	K	(†)	(†)	(†)	(†)	(†)
5268	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)	C
196	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)
5306	Q	P	N	J	G	G	L	P	K	(†)	(†)	(†)	(†)	(†)
5311	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(*)	(†)	(†)	(†)	(†)	(†)
2163	E	E	E	D	C	C	C	H	K	(†)	(†)	(†)	(†)	B
1989	F	F	E	B	B	C	E	K	M	(†)	(†)	(†)	(†)	(†)
5254	M	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
5255	M	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
5256	M	M	K	F	D	D	E	M	G	(†)	(†)	(†)	(†)	C
2757	O	O	M	K	F	C	C	D	N	H	(†)	(†)	(†)	C
3802	F	F	E	C	B	C	A	J	H	(†)	(†)	(†)	(†)	A
2969	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)
5278	K	K	H	D	D	B	C	K	G	(†)	(†)	(†)	(†)	C
2930	M	M	K	F	D	D	E	L	K	(†)	(†)	(†)	(†)	(†)

See footnotes at end of table.

§ 328.11 *Alphabetical list of code members*—Supplement R–I—Continued

Mine Index No.	Code member	Mine name	High volatile seam	Subdistrict	Shipping point	Railroad	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4	5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4	5, 6	7	8	9	10	16, 17	18, 19, 20, 21	22	24	25	26	27
3355	Lawson, Nathan	Lawson	Blue Gem	6	Yaden, Ky	L&N	111	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)	A	K	A	A	A	A	D	F	K	K	(†)	(†)	(†)	(†)
2781	McIntosh, G. W	G. W. McIntosh	Sturgeon	3	Heidelburg, Ky	L&N	100	M	M	H	G	E	C	E	A	D	E	(†)	(†)	A	A	A	A	A	M	M	H	H	E	B	J	E	M	(†)	A	A	A
3681	Margaret Ann Coal Company c/o Thos. H. Pritchard.	Margaret Ann Coal Co.	Splash Dam	8	Conaway, Va	N&W	130	M	M	N	M	K	H	K	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)	(†)	M	M	M	H	F	F	F	K	O	M	(†)	(†)	(†)	(†)
3014	Morris, John B	John B. Morris	Jackson	3	Jackson, Ky	L&N	100	M	O	N	M	K	H	K	F	F	M	(†)	(†)	(†)	(†)	(†)	(†)	(†)	M	N	M	H	F	F	F	K	N	M	(†)	(†)	(†)	(†)
5262	Napier & Combs (Alex. D. Combs).	Napier & Combs.	Hazard No. 5–A.	3	Combs, Ky	L&N	100	M	M	K	f	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)
2603	Napier & Robinson (Jay Napier).	Napier	Pittsburgh	6	East Bernstadt, Ky.	L&N	111	M	M	K	J	G	E	G	E	D	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	K	(†)	(†)	(†)	(†)
5114	Napier & Robinson (Jay Napier).	Napier No. 2	Pittsburgh	6	East Bernstadt, Ky.	L&N	111	M	M	K	J	G	E	G	C	D	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	F	D	D	G	M	K	(†)	(†)	(†)	(†)
5234	North Fork Coal Corporation c/o T. Marion Smith.	North Fork	Imboden	7	Penn Lee Siding, Va.	L & N - Sou.	204	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)
5282	Perkins, John M	Perkins	Peacock	4	Greendale, W. Va	C&O	123	K	K	J	H	G	E	G	D	D	K	(†)	(†)	C	C	C	(†)	C	M	M	L	G	D	D	G	K	H	(†)	C	C	(†)
2759	Ramsey, T. G	Ramsey No. 1	Peacock	4	Greendale, W. Va	C&O	123	K	K	J	H	G	E	G	D	D	K	(†)	(†)	C	C	C	(†)	C	M	M	L	G	D	D	G	K	H	(†)	C	C	(†)
1307	Ritchie, G. W	G. W. Ritchie	Hazard No. 4	3	Combs, Ky	L&N	100	M	M	L	K	G	E	G	D	D	K	(†)	(†)	C	C	C	(†)	C	M	M	L	G	D	D	G	K	H	(†)	C	C	(†)
5308	Riverton Coal Company	Riverton No. 3	Coalburg	4	Crown Hill, W. Va.	C&O	123	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	C	K	K	H	D	B	B	C	K	G	(†)	(†)	(†)	(†)	O
5230	Rowe, Roland (Levise River Coal Company).	Levise River	Upper Elkhorn	1	Conaway, Ky	N&W	130	K	K	H	G	E	C	C	B	D	G	(†)	(†)	(†)	(†)	(†)	A	F	F	E	C	B	C	A	J	H	(†)	(†)	(†)	(†)	A
1549	Sanders Coal Co. (Roy & Joe Sanders).	Sanders No. 1	Straight Creek	6	Pineville, Ky	L & N	111	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)
1859	Sexton, Doc B	Sexton	Blue Gem	6	Jellico, Tenn	L & N - Sou.	113	A	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)
2744	Van Winkle, Corbin	Tom McMahan	Sewanee	6	Crossville, Tenn	T C	61	72	P	M	L	K	J	M	H	G	O	(†)	(†)	(†)	(†)	(†)	(†)	(†)	P	O	M	H	F	E	M	G	N	O	(†)	(†)	(†)	(†)	O
5281	White, Clark (Ashland Brick Company).	No. 1	No. 7	1	Summitt, Ky	C & O	61	M	M	K	J	G	E	G	F	F	L	(†)	(†)	(†)	(†)	(†)	(†)	(†)	M	M	K	G	E	E	G	M	L	(†)	(†)	(†)	(†)	(†)
5277	Weller Fuel Company (Leslie N. Weller).	Weller Branch	Mason	6	Ferndale, Ky	L&N	111	H	H	F	E	D	C	E	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	H	H	F	C	C	D	E	M	K	(†)	(†)	(†)	(†)	(†)
5276	Weller, Leslie N. (Apex Coal Company).	Apex	Leonard	6	Pineville, Ky	L&N	11	H	H	F	E	D	C	E	D	D	K	(†)	(†)	(†)	(†)	(†)	(†)	(†)	H	H	F	C	C	D	E	M	K	(†)	(†)	(†)	(†)	(†)
875	Williams Coal Co. (J. Nathan & Glen Williams).	No. 1	Harlan	2	Loyall, Ky	L&N	810	P	P	N	M	H	F	F	D	E	H	(†)	(†)	(†)	(†)	(†)	C	P	O	M	H	E	D	F	O	H	(†)	(†)	(†)	(†)	O
3479	Wynn, Ben	Ben Wynn	Blue Gem	6	Barbourville, Ky	L&N	111	A	A	A	A	A	C	A	A	K	(†)	(†)	(†)	(†)	(†)	(†)	A	A	A	A	A	A	C	D	K	(†)	(†)	(†)	(†)	(†)

[1] Hart & Harris (Samson Hart) erroneously listed in Docketr A–1094 as Mine Index No. 2597
[2] Denotes new shipping point. Shipping point at Big Branch, F. O. G. 61 shall no longer be applicable.
[3] Denotes new shipping point. Shipping point at Garrett, Ky., shall no longer be applicable.
*Indicates previously classified these size groups.
†Indicates no classification effective for these size groups.

§ 328.21 *Alphabetical list of code members*—Supplement R–II

Alphabetical list of code members having *Railway* loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group No. 1	2	3	4	5	6	7	8	9	10
5295	Groves, L. H	Groves	9	Sewell	Quinwood, W. Va.	C&O and NYC.	231	D	D	C	A	A	B	B	C	C	

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I

Code member index	Mine	Mine Index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 1—BIG SANDY-ELKHORN											
BOYD COUNTY, KY.											
Wells, Ira, Sr	Sizemore	5294	No. 4	265	245	210	220	205	200	150	145
White, Clark (Ashland Brick Company).	No. 1	5281	No. 7	265	245	210	220	205	200	150	145
CARTER COUNTY, KY.											
Rice, Nigal (Lost Creek Coal Co.).	Lost Creek Coal Co.	5309	No. 7	265	245	210	220	205	200	150	145
FLOYD COUNTY, KY.											
Diamond Elkhorn Coal Company c/o T. R. Stapleton.	Diamond	5258	Elkhorn #1 & 3	285	265	225	230	215	215	165	160
MAGOFFIN COUNTY, KY.											
Williams, Wise	Williams	5263	No. 7	265	245	210	220	205	200	150	145
PIKE COUNTY, KY.											
Keyser, Chas. M., Jr. (Keyser Mining Company).	Keyser	5278	Elkhorn No. 2	275	255	220	230	215	210	170	165
McCoy, Babe	Ott Layne	5253	Upper Elkhorn	275	255	220	230	215	210	170	165
Rowe, Roland (Levise River Coal Company).	Levise River	5239	Upper Elkhorn	275	255	220	230	215	210	170	165
HARLAN COUNTY, KY.											
Butterworth, H. K., Jr. (Little Creek Coal Co.).	Little Creek coal	5275	Harlan	270	250	225	230	210	215	175	170

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I—Continued

Code member index	Mine	Mine Index No.	Seam	Base sizes: Lump over 2", egg 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 2" x 4", 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 3—HAZARD											
PERRY COUNTY, KY.											
Combs, Dilce & Barnett (Dilce Combs).	Dilce & Barnett Combs.	5299	Hazard No. 4	275	255	220	225	205	210	155	150
Combs, Edgar	Edgar Combs	5300	Hazard No. 4	275	255	220	225	205	210	155	150
Napier & Combs (Alex D. Combs).	Napier & Combs	5262	Hazard No. 5–A	275	255	220	225	205	210	150	145
WOLFE COUNTY, KY.											
Hall, Tom	G. B. Rose No. 2	5236	No. 7	265	245	210	220	205	200	150	145
SUBDISTRICT NO. 4—KANAWHA											
BOONE COUNTY, W. VA.											
American Rolling Mill Co., The	Nellis No. 4	5297	Lower Campbells Creek	275	255	230	230	210	220	175	170
CLAY COUNTY, W. VA.											
Beirne, P. L. & Sons Coal Co	P. L. Beirne	5260	Upper Kittaning	245	225	210	205	180	200	145	140
KANAWHA COUNTY, W. VA.											
Riverton Coal Co	Riverton No. 3	5308	Coalburg	280	260	220	230	205	210	165	160
NICHOLAS COUNTY, W. VA.											
Groves, L. H	Groves	5295	Sewell	265	245	230	230	205	220	165	160
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN											
BELL COUNTY, KY.											
Orick, Luther	Dean	5302	Dean	275	255	220	230	215	210	145	140
Weller Fuel Co. (Leslie N. Weller).	Weller Branch	5277	Mason	285	265	220	240	215	210	155	150
Weller, Leslie N. (Apex Coal Co.).	Apex	5276	Leonard	285	265	220	240	215	210	155	150
CLAY COUNTY, KY.											
Brown, Homer	Roadside	5231	Horse Creek	265	245	220	220	205	210	155	150
JACKSON COUNTY, KY.											
Deaton & Rollin (Lloyd Deaton).	Deaton	5301	Sand Gap	265	245	220	220	205	210	155	150
Lakes, Andy	Lakes	5250	Horse Creek	265	245	220	220	205	210	155	150
Van Winkle, James	Van Winkle	5298	Sand Gap	265	245	220	220	205	210	155	150
KNOX COUNTY, KY.											
Childers, E. E	Childers	5273	Jellico	255	235	225	225	205	215	155	150
Hart & Harris (Samson Hart)	Hart & Harris	5311	Jellico	255	235	225	225	205	215	155	150
Jackson & Jackson (Perry Jackson).	Jackson	5303	Blue Gem	345	315	235	260	225	225	145	140

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I—Continued

Code member index	Mine	Mine Index No.	Seam	Base sizes: Lump over 2", egg	Lump 2" and under, egg 2" x 6"	Lump ¾" and under	Egg 2" x ¾", egg 2" x 6"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 6—SOUTHERN APPALACHIAN—Con.											
LAUREL COUNTY, KY.											
Hicks, Jack	Mary Hicks	5264	Pittsburgh	265	245	220	220	205	210	155	150
Lewis, E. B.	Elva	5267	Pittsburgh	265	245	220	220	205	210	155	150
Napier & Robinson (Jay Napier)	Napier No. 1	5114	Pittsburgh	265	245	220	220	205	210	155	150
ROCKCASTLE COUNTY, KY.											
Taylor, William	Last Chance	5265	No. 3	265	245	220	220	205	210	155	150
WHITLEY COUNTY, KY.											
Jones, George & Oscar (George Jones).	Frederick Blue Gem	5312	Blue Gem	335	315	235	260	225	225	145	140
Lawson, Wesley	Lawson	5307	River Gem	275	255	230	230	215	210	145	140
Perkins, John M	Perkins	5282	Blue Gem	335	315	235	260	225	225	145	140
Taylor, Ben & Charlie Ball (Ben Taylor).	Ball & Taylor	5274	Jellico	285	265	225	240	215	215	170	165
MORGAN COUNTY, TENN.											
Douglas, C. F	Blizzard	5306		255	235	225	230	205	215	145	140
McCoy, Joe	Joe McCoy	5257	State	255	235	225	230	205	215	145	140
PUTNAM COUNTY, TENN.											
Phipps, J. C	L. & W	5310	Bon Air No. 2	250	230	205	210	185	195	135	130
SUBDISTRICT NO. 7—VIRGINIA											
DICKENSON COUNTY, VA.											
Hughes & Mathona (E. L. Hughes).	Hughes & Mathena	5254	Lower Banner	265	245	220	220	215	210	155	150
Hughes & Perry (J. W. Perry)	Hughes & Perry No. 1	5255	Upper Banner	265	245	220	220	215	210	155	150
Hughes & Perry (J. W. Perry)	Hughes & Perry No. 2	5256	Lower Banner	265	245	220	220	215	210	155	150
Moore, Calvin		5301	Upper Banner	265	245	220	220	215	210	155	150
LEE COUNTY, VA.											
North Fork Coal Corporation c/o J. Marion Smith.	North Fork	5234	Imboden	265	245	215	220	205	205	155	150
SUBDISTRICT NO. 8—WILLIAMSON											
BUCHANAN COUNTY, VA.											
Hicks, John M	Hicks	5245	Splash Dam	265	245	220	230	215	210	180	175
MCDOWELL COUNTY, W. VA.											
Crozier, J. B. (Crozier Red Ash Coal Co.).	Crozier Red Ash	5305	Douglas	285	265	235	250	225	225	175	170
MINGO COUNTY, W. VA.											
Goodloe, H. A	East End Coal Co	5293	Thacker	245	225	210	200	185	200	155	150

§ 328.42 *General prices for low volatile coals*—Supplement T–II

Code member index	Mine	Mine Index No.	Seam	All lump	Egg: larger than 3" top	Stove: 3" top size	Nut or pea: 1¼" top or less	Screened M/R	Straight M/R	1¼" screenings	¾" screenings
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 9—BUCHANAN COUNTY LOW VOLATILE AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS											
RUSSELL COUNTY, VA.											
Mill Branch Coal Company (J. H. Bird).	Mill Branch Coal Co	5313	Red Ash	305	305	300	250	280	215	155	150

[F. R. Doc. 42-2419; Filed, March 20, 1942; 10:58 a. m.]

[Docket No. A–1292]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF A. R. DISNEY (DISNEY COAL CO.) A CODE MEMBER IN DISTRICT NO. 13, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF HIS SEABOARD MINE (MINE INDEX NO. 1472)

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of the Seaboard Mine (Mine Index No. 1472) of A. R. Disney (Disney Coal Co.), a code member in District 13.

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 333.6 (*General prices*) is amended by adding thereto Supplement R–I, § 333.7 (*Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*) is amended by adding thereto Supplement R–II, and § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated March 5, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

DISTRICT NO. 13

§ 333.6 *General prices*—Supplement R–I

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel, and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	TUSCALOOSA COUNTY, ALA.				
1472	Disney, A. R. (Disney Coal Co.)	Seaboard	1	Brookwood	180

Shipping Point, Fox, Ala.; Railroad, GM&O.
This mine shall have the same prices in size groups 13, 19, 20, 22, and 23 on all price tables as listed for mine with Index No. 40.

§ 333.7 *Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*—Supplement R–II

[Prices f. o. b. mines for shipment to all railroads and for the exclusive use of railroads]

Mine index No.	Code member 1	Mine	Subdistrict	Seam	Freight origin group
	TUSCALOOSA COUNTY, ALA.				
1472	Disney, A. R. (Disney Coal Co.)	Seaboard	1	Brookwood	180

This mine shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mine index No. 40. (See § 333.7 (a) in Minimum Price Schedule.)

FOR TRUCK SHIPMENTS

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Subdistrict	Seam	Lump: Over 2" Egg: Top size over 6"	Egg: Top size 6" and under	Lump: 2" and under	Nut: Top size 3" and under; bottom size over ½"		Chestnut: Top size 3" and under; bottom size ½" and under		Chestnut: Top size 1½" and under; bottom size ½" and under		Run of mine: Modified R/M	Resultants: 3" and under		Screenings: 1½" and under		Industrial Coal
								Wash	Raw	Wash	Raw	Wash	Raw	Raw	Wash	Raw	Wash	Raw	
					1	2	3	6	7	8	9	10	11	13	17	22	18	23	24, 25, 26
ALABAMA																			
TUSCALOOSA COUNTY																			
Disney, A. R. (Disney Coal Co.)	Seaboard	1472	2	Brookwood	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225

[F. R. Doc. 42-2420; Filed, March 20, 1942; 10:54 a. m.]

[Docket No. A–1297]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 13

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 13; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 333.6 (*General prices*) is amended by adding thereto supplement R–I, § 333.7 (*Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads*) is amended by adding thereto Supplement R–II, § 333.7 (*Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*) is amended by adding thereto Supplement R–III, § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–II, § 333.43 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof; and commencing forthwith, the shipping points and freight origin group numbers appearing in the aforesaid Supplement R–I for Mine Index Nos. 142, 193, 198, 411, 1010, 1059, 1174, 1215, 1276, 1317–1326, inclusive, are effective in place of the shipping points heretofore established for these mines.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No relief is granted herein as to coals produced by the Connellsville Drift Mine, Mine Index No. 1466 of The Plateau Coal & Coke Co. in Size Group 11 for all shipments except truck; produced by the mines having Mine Index Nos. 113, 136, 141, 193, 198, 221, 298, 301, 317, 339, 342, 356, 367, 386, 744, 1059, 1128, 1215, 1271, 1276, 1318, 1360, and 1433 in Size Group 20 for all shipments except truck; or produced by The Jefferson No. 1 Mine, Mine Index No. 1458, of W. P. Headrick in Size Group 23 for truck shipments, for the reasons set forth in that portion of Docket No. A–1297 which relates to them as A–1297 Part II, granting temporary relief in part, and scheduling a hearing therein.

Dated: March 4, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

DISTRICT NO. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

§ 333.6 *General prices*—Supplement R

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel, and blacksmithing]

Mine Index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	ALABAMA				
	BLOUNT COUNTY				
1433	Reno & Reno (F. N. Reno)	Reno & Reno [1]	1	Black Creek	31
1490	Martin, Willie	Nyota #9 [1]	1	Black Creek	31
1276	Harden & Davis (M. L. Harden)	Collins [1]	1	Black Creek	* 31
1059	Hart, Omar	Hart [2]	1	Black Creek	* 31
1459	Hart, Omar	Johnson [1]	1	Black Creek	* 31
1215	Skinner & Parker (R. S. Skinner)				
	CULLMAN COUNTY				
926	Tidmore Coal Co. (E. Tidmore)	Tidmore [1]	1	Black Creek	31
	JEFFERSON COUNTY				
466	Plateau Coal & Coke Co	Connellsville Drift [4]	1	Black Creek	31
301	Colsman, W. W	Colsman [1]	1	Black Creek	31
113	Crane Bros	Crane Bros. [3]	1	Black Creek	31
317	Dixie Fire Brick Co	Black Cat [1]	1	Black Creek	31
141	Drake & Cato (C. R. Drake)	New Mine [1]	1	Black Creek	31
367	Ellis, Robert	Riverside [1]	1	Black Creek	31
128	Jay, T. F	Beltona #6 [2]	1	Black Creek	31
339	Knopf, Frank	Frank Knopf [1]	1	Black Creek	31
744	Layne Coal Co., W. F	Mack Hill [1]	1	Black Creek	31
342	Layne Coal Co., W. F	Big Dirt [1]	1	Black Creek	31
136	McCurry, Eugene	Butterfly [1]	1	Black Creek	31
356	Mahaffey, A. Z	Utah #2 [1]	1	Black Creek	31
221	Mahaffey, J. W	Mahaffey's [1]	1	Black Creek	* 31
198	Rock Coal Co., J. D	Yarbro #1 [1]	1	Black Creek	31
298	Tidwell & Kemp Coal & Clay Co	Castleberry [1]	1	Black Creek	31
271	Tidwell & Whaley (S. I. Tidwell)	Gurley Creek [1]	1	Black Creek	31
386	Trotter, C. W	Trotter [1]	1	Black Creek	31
1313	Young, Joe	Joe Young [1]	1	Black Creek	* 31
193	Young, Robert B	Yarbrough #2 [1]	1	Black Creek	31
	MARION COUNTY				
411	Burgess, J. H	Burgess [4]	1	Black Creek	4 60
425	Evans & Rowell (Landy Evans)	Bell #1 [1]	1	Black Creek	111
435	Hicks, W. J	Hicks [7]	1	Black Creek	111
1174	Colburn, W. J	Colburn No. 1 [1]	1	Black Creek	* 60
1317	Colburn, W. J	Colburn No. 2 [1]	1	Black Creek	* 60
1318	Colburn, W. J	Colburn No. 3 [1]	1	Black Creek	* 60
1319	Colburn, W. J	Colburn No. 9 [1]	1	Black Creek	* 60
1320	Colburn, W. J	Colburn No. 10 [1]	1	Black Creek	* 60
1321	Colburn, W. J	Colburn No. 11 [1]	1	Black Creek	* 60
1322	Colburn, W. J	Colburn No. 12 [1]	1	Black Creek	* 60
1323	Colburn, W. J	Colburn No. 13 [1]	1	Black Creek	* 60
1324	Colburn, W. J	Colburn No. 14 [1]	1	Black Creek	* 60
1325	Colburn, W. J	Colburn No. 15 [1]	1	Black Creek	* 60
1326	Colburn, W. J	Colburn No. 16 [1]	1	Black Creek	* 60
1010	Colburn, W. J	Colburn No. 5 [1]	1	Black Creek	* 60
	WALKER COUNTY				
1442	Allred & Myers (Byrd T. Myers)	Miller [10]	1	Black Creek	80
1256	Big Ridge Coal Co. (Foster Deason)	No. 1 Opening [11]	1	America	120
142	Big Ridge Coal Co. (Foster Deason)	Big Ridge [12]	1	Pratt	120
1456	Densmore Transfer Co	Pass Strip [13]	1	Mary Lee	101
1458	Headrick, W. P	Jefferson #1 [14]	1	Jefferson	80

See footnotes at end of table.

§ 333.6 *General prices*—Supplement R—Continued

Mine Index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	ALABAMA—Continued				
	WALKER COUNTY—continued				
1436	Tucker Coal Co. (S. C. Tucker)	Gaulieth No. 1 [15]	1	Corona	120
1438	Tucker Coal Co. (S. C. Tucker)	Gaulieth No. 4 [15]	1	Corona	120
1439	Tucker Coal Co. (S. C. Tucker)	Gaulieth No. 6 [15]	1	Corona	120
1459	Wilson & Huddleston (E. S. Wilson)	Wilson #4 [16]	1	Mary Lee	50
1460	Wilson & Huddleston (E. S. Wilson)	Wilson #5 [16]	1	Mary Lee	50
	WINSTON COUNTY				
1415	Thomas, W. L	Dodd #4 [17]	1	Black Creek	111

[1] Shipping point: Warrior, Ala.; railroad: L&N.
This mine shall have a price in size groups 13, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 12, 17 and 18, respectively, for mine with index No. 76.
[2] Shipping point: Warrior, Ala.; railroad: L&N.
This mine shall have the same price in size group 24 on all price tables as listed for mine with index No. 76.
[3] Shipping point: Warrior, Ala.; railroad: L&N.
These mines shall have the same price in size group 24 on all price tables as listed for mine with index No. 76.
* Denotes new shipping point. Shipping point at Trafford, Ala., shall no longer be applicable.
[4] Shipping point: Warrior, Ala.; railroad: L&N.
This mine shall have the same price in size group 24 on all price tables as listed for mine with index No. 76.
[5] Shipping point: Warrior, Ala.; railroad: L&N.
This mine shall have the same prices in size groups 1, 4, 7, 13, 20 and 26 on all price tables as listed for mine with Index No. 249 (Freeman Coal Company, Freeman mine).
[6] Shipping point: Connellsville, Ala.; railroad: L&N.
This mine shall have a price in size groups 22 and 23 on all price tables, 10¢ under the prices listed in size groups 17 and 18, respectively, for mine with index No. 1433.
[7] Shipping point: Connellsville, Ala.; railroad: L&N.
This mine shall have the same price in size group 1 on all price tables as listed for mine with index No. 77.
This mine shall have a price in size groups 13, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 12, 17 and 18, respectively, for mine with index No. 77.
[8] Shipping point: Warrior, Ala.; railroad: L&N.
These mines shall have a price in size group 24 on all price tables, 10¢ under the prices listed in size groups 17 and 18, respectively, for mine with index No. 76.
[9] Shipping point: Brilliant, Ala.; railroad: T. C.
* Denotes new shipping point, railroad and freight origin group. Shipping point at Glen Allen, Ala. on SL&SF railroad in freight origin group No. 101 shall no longer be applicable.
[10] Shipping point: Glen Mary, Ala.; railroad: Southern.
This mine shall have the same prices in size groups 1, 4, 7, 11, 13, 22 and 23 on all price tables as listed for mine with index No. 198 (Roy May, Diamond M–2 mine).
These mines shall have the same price in size group 2 on all price tables as listed in size group 1 for mine with index No. 198 (Roy May, Diamond M–2 mine).
[11] Shipping point: America Junction, Ala.; railroad: I. C.
This mine shall have the same prices in size groups 4, 6, 17 and 18 on all price tables as listed for mine with index No. 18.
* Denotes new shipping point, railroad and freight origin group. Shipping point at Glen Allen, Ala., on SL&SF Railroad in freight origin group 101 shall no longer be applicable.
[12] Shipping point: Rosemary, Ala.; railroad: SL&SF.
This mine shall have the same prices in size groups 1, 7, 13, 20 and 26 on all price tables as listed for mine with Index No. 583 (H. E. Drummond, Drummond mine).
This mine shall have a price in size groups 22 and 23 on all price tables, 10¢ under the price listed in size groups 17 and 18, respectively, for mine with index No. 583 (H. E. Drummond, Drummond mine).
[13] Shipping point: America Junction, Ala.; railroad: Southern.
This mine shall have the same prices in size groups 22 and 23 on all price tables as listed for mine with index No. 137 (Pratt-American Coal Company, America 1 and 2 mine).
[14] Shipping point: Glen Mary, Ala.; railroad: Southern.
This mine shall have the same prices in size groups 22 and 23 on all price tables as listed for mine with index No. 1136 (Pratt-American Coal Company, Pratt 1 and 2 mine).
* Denotes new shipping point. Shipping point at Cordova, Ala., shall no longer be applicable.
[15] Shipping point: Hillard, Ala.; railroad: SL&SF.
This mine shall have the same prices in size groups 1 and 2 on all price tables as listed for mine with index No. 31.
This mine shall have a price in size groups 7, 13, 16, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 12, 14, 17 and 18, respectively, for mine with index No. 31.
[16] Shipping point: Drummond, Ala.; railroad: SL&SF.
This mine shall have a price in size group 23 on all price tables, 10¢ under the price listed in size group 18 for mine with index No. 583 (H. E. Drummond, Drummond mine).

[17] Shipping point: Oakman, Ala.; railroad: Southern.
These mines shall have the same prices in size groups 1, 2, 7, 13, 22 and 23 on all price tables as listed for mine with index No. 641 (Newton & Frost, Ferguson mine).
[18] Shipping point: Burnwell, Ala.; railroad: Southern.
These mines shall have the same prices in size groups 1, 2 and 23 on all price tables as listed for mine with index No. 31.
These mines shall have a price in size groups 7, 13, 19, 22 and 23 on all price tables, 10¢ under the prices listed in size groups 6, 12, 14, 17 and 18, respectively, for mine with index No. 31.
[19] Shipping point: Lynn, Ala.; railroad: Southern.
This mine shall have the same prices in size groups 1, 4, 7, 13 and 23 on all price tables as listed for mine with index No. 1192 (A. J. Brimer, Sharon #2 mine).

§ 333.7 *Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*—Supplement R–II

[Prices f. o. b. mines for shipment to all railroads and for the exclusive use of railroads]

Mine Index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	ALABAMA				
	BLOUNT COUNTY				
1276	Harden & Davis (M. L. Harden)	Collins	1	Black Creek	31
1059	Hart, Omar	Hart	1	Black Creek	31
1459	Hart, Omar	Nyota #9	1	Black Creek	31
1433	Reno & Reno (F. N. Reno)	Reno & Reno	1	Black Creek	31
1215	Skinner & Parker (R. S. Skinner)	Johnson	1	Black Creek	31
	CULLMAN COUNTY				
926	Tidmore Coal Co. (E. Tidmore)	Tidmore	1	Black Creek	31
	JEFFERSON COUNTY				
301	Colsman, W. W	Colsman	1	Black Creek	31
113	Crane Bros	Crane Bros	1	Black Creek	31
317	Dixie Fire Brick Co	Black Cat	1	Black Creek	31
141	Drake & Cato (C. R. Drake)	New Mine	1	Black Creek	31
367	Ellis, Robert	Riverside	1	Black Creek	31
128	Jay, T. F	Beltona #6	1	Black Creek	31
339	Knopf, Frank	Frank Knopf	1	Black Creek	31
744	Layne Coal Co., W. F	Mack Hill	1	Black Creek	31
342	Layne Coal Co., W. F	Big Dirt	1	Black Creek	31
356	Mahaffey, A. Z	Utah #2	1	Black Creek	31
221	Mahaffey, J. W	Mahaffey's	1	Black Creek	31
136	McCurry, Eugene	Butterfly	1	Black Creek	31
198	Rock Coal Co., J. D	Yarbro #1	1	Black Creek	31
298	Tidwell & Kemp Coal & Clay Co	Castleberry	1	Black Creek	31
271	Tidwell & Whaley (S. I. Tidwell)	Gurley Creek	1	Black Creek	31
386	Trotter, C. W	Trotter	1	Black Creek	31
1313	Young, Joe	Joe Young	1	Black Creek	31
193	Young, Robert B	Yarbrough #2	1	Black Creek	31
	MARION COUNTY				
1174	Colburn, W. J	Colburn No. 1	1	Black Creek	60
1317	Colburn, W. J	Colburn No. 2	1	Black Creek	60
1318	Colburn, W. J	Colburn No. 3	1	Black Creek	60
1319	Colburn, W. J	Colburn No. 9	1	Black Creek	60
1320	Colburn, W. J	Colburn No. 10	1	Black Creek	60
1321	Colburn, W. J	Colburn No. 11	1	Black Creek	60
1322	Colburn, W. J	Colburn No. 12	1	Black Creek	60
1323	Colburn, W. J	Colburn No. 13	1	Black Creek	60
1324	Colburn, W. J	Colburn No. 14	1	Black Creek	60
1325	Colburn, W. J	Colburn No. 15	1	Black Creek	60
1326	Colburn, W. J	Colburn No. 16	1	Black Creek	60
1010	Colburn, W. J	Colburn No. 5	1	Black Creek	60
	WALKER COUNTY				
1442	Allred & Myers (Byrd T. Myers)	Miller	1	Black Creek	80
1256	Big Ridge Coal Co. (Foster Deason)	No. 1 Opening	1	America	120

[1] All of the above mines shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mines with index Nos. 1, 2, 3, etc. (See § 333.7 (a) 10 Minimum Price Schedule.)

§ 333.7 *Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads*—Supplement R–II—Continued

Mine index No.	Code member	Mine[1]	Sub-district	Seam	Freight origin group
	ALABAMA—Continued				
	WALKER COUNTY—continued				
1456	Densmore Transfer Co	Pass Strip	1	Mary Lee	101
1458	Headrick, W. P.	Jefferson #1	1	Jefferson	80
1436	Tucker Coal Co. (S. C. Tucker)	Gaslight No. 1	1	Corona	120
1438	Tucker Coal Co. (S. C. Tucker)	Gaslight No. 4	1	Corona	120
1439	Tucker Coal Co. (S. C. Tucker)	Gaslight No. 5	1	Corona	120
1440	Tucker Coal Co. (S. C. Tucker)	Gaslight No. 6	1	Corona	120
1459	Wilson & Huddleston (E. S. Wilson)	Wilson #4	1	Mary Lee	50
1460	Wilson & Huddleston (E. S. Wilson)	Wilson #5	1	Mary Lee	50

[1] All of the above mines shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mines with index Nos. 1, 2, 3, etc. (See § 333.7 (a) in Minimum Price Schedule.)

§ 333.7 *Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R–III

[Prices f. o. b. mines for shipment by railroad, applicable to all coal sold for steamship vessel fuel subject to price instructions and exceptions]

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	ALABAMA				
	BLOUNT COUNTY				
1276	Harden & Davis (M. L. Harden)	Collins[1]	1	Black Creek	31
1059	Hart, Onar	Hart[1]	1	Black Creek	31
1360	Martin, Willie	Nyota #9[1]	1	Black Creek	31
1433	Reno & Reno (F. N. Reno)	Reno & Reno[1]	1	Black Creek	31
1215	Skinner & Parker (R. S. Skinner)	Johnson[1]	1	Black Creek	31
	CULLMAN COUNTY				
926	Tidmore Coal Co. (E. Tidmore)	Tidmore[1]	1	Black Creek	31
	JEFFERSON COUNTY				
301	Colsman, W. W.	Colsman[1]	1	Black Creek	31
113	Crane Bros.	Crane Bros.[1]	1	Black Creek	31
317	Dixie Fire Brick Co.	Black Cat[1]	1	Black Creek	31
141	Drake & Cato (C. R. Drake)	New Mine[1]	1	Black Creek	31
367	Ellis, Robert	Riverside[1]	1	Black Creek	31
1128	Jay, T. F.	Beltona #6[1]	1	Black Creek	31

§ 333.7 *Special prices—(c) Prices for shipment by railroad, applicable to all coal sold for steamship vessel fuel*—Supplement R–III—Continued

Mine index No.	Code member	Mine	Sub-district	Seam	Freight origin group
	ALABAMA—Continued				
	JEFFERSON COUNTY—continued				
339	Knopf, Frank	Frank Knopf[1]	1	Black Creek	31
744	Layne Coal Co., W. F.	Mack Hill[1]	1	Black Creek	31
342	Layne Coal Co., W. F.	Big Dirt[1]	1	Black Creek	31
136	McCurry, Eugene	Butterfly[1]	1	Black Creek	31
356	Mahaffey, A. Z.	Utah #2[1]	1	Black Creek	31
221	Mahaffey, J. W.	Mahaffey's[1]	1	Black Creek	31
198	Rock Coal Co., J. D.	Yarbro #1[1]	1	Black Creek	31
208	Tidwell & Kemp Coal & Clay Co.	Castleberry[1]	1	Black Creek	31
1271	Tidwell & Whaley (S. I. Tidwell)	Gurley Creek[1]	1	Black Creek	31
386	Trotter, C. W.	Trotter[1]	1	Black Creek	31
1313	Young, Joe	Joe Young[1]	1	Black Creek	31
193	Young, Robert B.	Yarbrough #2[1]	1	Black Creek	31
	MARION COUNTY				
1174	Colburn, W. J.	Colburn No. 1[4]	1	Black Creek	60
[illegible]	[illegible]	Colburn No. [illegible][4]	1	Black Creek	60
1318	Colburn, W. J.	Colburn No. 8[4]	1	Black Creek	60
1319	Colburn, W. J.	Colburn No. 9[4]	1	Black Creek	60
1320	Colburn, W. J.	Colburn No. 10[4]	1	Black Creek	60
1321	Colburn, W. J.	Colburn No. 11[4]	1	Black Creek	60
1322	Colburn, W. J.	Colburn No. 12[4]	1	Black Creek	60
1323	Colburn, W. J.	Colburn No. 13[4]	1	Black Creek	60
1324	Colburn, W. J.	Colburn No. 14[4]	1	Black Creek	60
1325	Colburn, W. J.	Colburn No. 15[4]	1	Black Creek	60
1326	Colburn, W. J.	Colburn No. 16[4]	1	Black Creek	60
	WALKER COUNTY				
1458	Headrick, W. P.	Jefferson #1[1]	1	Jefferson	80
1436	Tucker Coal Co. (S. C. Tucker)	Gaslight No. 1[4]	1	Corona	120
1438	Tucker Coal Co. (S. C. Tucker)	Gaslight No. 4[4]	1	Corona	120
1439	Tucker Coal Co. (S. C. Tucker)	Gaslight No. 5[4]	1	Corona	120
1440	Tucker Coal Co. (S. C. Tucker)	Gaslight No. 6[4]	1	Corona	120
1459	Wilson & Huddleston (E. S. Wilson)	Wilson #4[1]	1	Mary Lee	50
1460	Wilson & Huddleston (E. S. Wilson)	Wilson #5[1]	1	Mary Lee	50

[1] These mines shall have a price of $2.85 for size group 13 and $2.75 for size group 23 for steamship vessel fuel.
[2] This mine shall have a price of $2.85 for size group 13 and $2.75 for size group 23 for steamship vessel fuel.
[3] These mines shall have a price of $2.85 for size group 13 and $2.75 for size group 23 for steamship vessel fuel.
[4] These mines shall have the same prices on price table as set forth in § 333.7 (c) in minimum price Schedule for district No. 13 as shown for mine with index No. 18.
[5] This mine shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mine with index No. 22.
[6] These mines shall have a price of $2.65 for size group 13 for steamship vessel fuel.
[7] These mines shall have the same prices on price table as set forth in § 333.7 (c) in Minimum Price Schedule for District No. 13 as shown for mine with index No. 31.

FOR TRUCK SHIPMENTS

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T–I

Code member index	Mine	Mine index No.	Sub-district	Seam	Lump: Over 2"; egg: Top size over 6" (1)	Egg: Top size 6" and under (2)	Lump: 2" and under (3)	Nut: Top size 3" and under, bottom size over ½" Wash (6)	Nut: Top size 3" and under, bottom size over ½" Raw (7)	Chestnut: Top size 3" and under, bottom size ½" and under Wash (8)	Chestnut: Top size 3" and under, bottom size ½" and under Raw (9)	Chestnut: Top size 1¼" and under, bottom size ½" and under Wash (10)	Chestnut: Top size 1¼" and under, bottom size ½" and under Raw (11)	Run of mine: Modified R/M (13)	Resultants: 3" and under Wash (17)	Resultants: 3" and under Raw (22)	Screenings: 1¼" and under Wash (18)	Screenings: 1¼" and under Raw (23)	Industrial coal* (24, 25, 26)
ALABAMA																			
JEFFERSON COUNTY																			
Conner, Charles	Conner Coal Co.	1401	2	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Crane Bros.	Crane Bros.	113	2	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Plateau Coal & Coke Co.	Connellsville Drift	1466	2	Black Creek	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
Short, F. H.	Short	1443	2	Lower Nunnally	280	280	275	295	275	------	------	270	250	230	235	200	230	180	230
Weaver & Anderson Coal Co. (J. G. Weaver)	Weaver & Anderson	1450	2	Upper Helena	280	280	275	295	275	------	------	270	250	230	235	200	230	180	230
MARION COUNTY																			
Atkins, C. S.	Atkins Co.	1451	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Holcomb, Wyman	Moore No. 1	1444	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Moore & Moore (I. W. Moore)	Moore & Moore	1446	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
TUSCALOOSA COUNTY																			
Wheeler & Brooks (J. S. Wheeler)	Wheeler & Brooks	1449	2	Carter	355	355	340	345	325	310	300	295	285	285	275	265	265	250	285
WALKER COUNTY																			
Allred & Myers (Byrd T. Myers)	Miller	1442	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Densmore Transfer Co	Pass Strip	1456	2	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Headrick, W. P.	Jefferson #1	1458	2	Jefferson	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290
Tucker Coal Co. (S. C. Tucker)	Gas Light #1	1436	2	Corona	325	325	325	320	310	310	295	305	290	265	270	250	265	220	265
Tucker Coal Co. (S. C. Tucker)	Gas Light #4	1438	2	Corona	325	325	325	320	310	310	295	305	290	265	270	250	265	220	265
Tucker Coal Co. (S. C. Tucker)	Gas Light #5	1439	2	Corona	325	325	325	320	310	310	295	305	290	265	270	250	265	220	265
Tucker Coal Co. (S. C. Tucker)	Gas Light #6	1440	2	Corona	325	325	325	320	310	310	295	305	290	265	270	250	265	220	265
Wilson & Huddleston (E. S. Wilson)	Wilson #4	1459	2	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
Wilson & Huddleston (E. S. Wilson)	Wilson #5	1460	2	Mary Lee	275	275	275	295	275	280	260	270	250	225	235	200	230	180	225
WINSTON COUNTY																			
Gray, L. D., Jr.	Gray	1447	2	Black Creek	385	385	360	335	315	315	305	310	300	290	275	265	265	225	290

§ 333.43 *General prices in cents per net ton for shipment into all market areas*—Supplement T–II

Code member index	Mine	Mine index No.	Sub-district	Seam	Lump: Over 2"; Egg: Top size over 6" (1)	Egg: Top size 6" and under; bottom size 2" and under (2)	Lump: 2" and under (3)	Nut: Top size 2" and under, bottom size 1" and under (4)	Stoker: Top size 1½" and under; bottom size ½" and under (5)	Stoker: Top size ¾" and under, bottom size ¾" and under (6)	Straight run modified M/R (7)	Resultants: 6" and under (8)	Resultants: 4" and under (9)	Screenings: 2" and under (10)	Screenings: 1½" and under (11)	Screenings: 1¼" and under (12)	Screenings: ¾" and under (13)	Screenings: ⅜" and under (14)	Industrial Coal* (15)
TENNESSEE-GEORGIA																			
MARION COUNTY, TENN.																			
Henry Bros. (Clarence Henry)	Henry Bros.	1452	4	Sewanee	315	315	305	290	250	245	235	235	235	205	205	205	200	165	290
Holder, W. A.	Raulston	1195	4	Soft (Bottom)	315	315	305	290	250	245	235	235	235	205	205	205	200	165	290
Whitlow, W. T.	Whitlow	1148	4	Sewanee	315	315	305	290	250	245	235	235	235	205	205	205	200	165	290

*For sizes included see size group table, § 333.42.

Code member index	Mine	Mine Index No.	Subdistrict	Seam	Base sizes: Lump over 2½", exc 4" x 6" (1)	Lump 2" and under, exc 3" x 6" (2)	Lump 3¼" and under (3)	Egg 2" x 4", exc 2" x 5" (4)	Stove 2½" and under, not 2" and under (5)	Straight mine run (6)	2" and under, slack (7)	¾" and under, slack (8)
TENNESSEE												
WHITE COUNTY												
Prater & Lane (Denton Prater)	Bon Air #1½	1443	4	Bon Air #1	250	230	205	210	185	195	135	130

[F. R. Doc. 42-2421; Filed, March 20, 1942; 10:55 a. m.]

[Docket No. A-623]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11 FOR THE ESTABLISHMENT OF A PRICE OF $1.00 PER TON ON 1/4" X 0 SLUDGE, PRODUCED BY MINE INDEX 47, WHICH SIZE IS CURRENTLY EMBRACED IN SIZE GROUP 25

A petition, pursuant to the provisions of section 4 II (d) of the Bituminous Coal Act of 1937, having been filed with the Bituminous Coal Division by District Board 11, requesting the issuance of an order establishing for the ¼" x 0 sludge produced by the Princeton Mining Company at its King Station Mine, Mine Index No. 47, in District 11, the same effective minimum prices that are applicable to raw carbon produced by said mine, Size Group 15, in lieu of the prices applicable to washed screenings, Size Group 25, in which Size Group ¼" x 0 sludge would be classified, in effect requesting a reduction of 50¢ per net ton f. o. b. the mine in the effective minimum prices for ¼" x 0 sludge produced at Mine Index No. 47;

Pursuant to Orders of the Director, and after notice to all interested persons, a hearing having been held in this matter on March 4, 1941, before Charles O. Fowler, a duly designated Examiner of the Bituminous Coal Division, at a hearing room of the Division in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The Examiner, Charles O. Fowler, having made and filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendation in this matter, dated February 5, 1942, recommending that the relief prayed for by District Board 11 be granted to the extent of permitting a reduction of 40¢ per net ton in lieu of the amount requested in the petition;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions and supporting briefs having been filed;

The undersigned having determined that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be, and they hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That § 331.1 (*Price instructions and exceptions*—(b) *Price exceptions*) in the Schedule of Effective Minimum Prices for District No. 11 for All Shipments Except Truck be, and the same hereby is, amended by adding the following price exception: For Mine Index 47, the prices listed therein for Size Group 25 may be reduced 40¢ per net ton in the case of washed coal which is passed through a ¼" round hole shaker screen and loaded without dewatering or any other processing or treatment.

Dated: March 20, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

[F. R. Doc. 42-2490; Filed, March 23, 1942; 10:39 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 58]

ORDER PRESCRIBING FORMS

THIRD NATIONAL MASTER LIST

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 174, entitled "Third National Master List," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of the Selective Service Regulations.

LEWIS B. HERSHEY, *Director.*

MARCH 12, 1942.

[F. R. Doc. 42-2491; Filed, March 23, 1942; 10:40 a. m.]

[No. 59]

ORDER PRESCRIBING FORMS

CUMULATIVE REPORT OF DELINQUENCY

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 280, entitled "Cumulative Report of Delinquency," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of the Selective Service Regulations.

LEWIS B. HERSHEY, *Director.*

MARCH 13, 1942.

[F. R. Doc. 42-2492; Filed, March 23, 1942; 10:40 a. m.]

[No. 60]

ORDER PRESCRIBING FORMS

NOTICE TO APPEAR FOR CONSULTATION, ETC.

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following changes in DSS forms:

1. Addition of a new form designated as DSS Form 225, entitled "Notice to Registrant to Appear for Consultation," effective immediately upon the filing hereof with the Division of the Federal Register.
2. Addition of a new form designated as DSS Form 226, entitled "Registrant's Rehabilitation Statement," effective immediately upon the filing hereof with the Division of the Federal Register.
3. Addition of new forms designated as DSS Forms 227, entitled "Inquiry for Undertaking of Service—Dental" and "Inquiry for Undertaking of Service—Medical/Facility," effective immediately upon the filing hereof with the Division of the Federal Register.
4. Addition of a new form designated as DSS Form 228, entitled "Order to Registrant to Have Defects Remedied," effective immediately upon the filing hereof with the Division of the Federal Register.
5. Addition of a new form designated as DSS Form 229, entitled "Progress Report of Rehabilitation," effective immediately upon the filing hereof with the Division of the Federal Register.
6. Addition of new forms designated as DSS Forms 230, entitled "Report of Completion of Rehabilitation—Dental" and "Report of Completion of Rehabilitation—Medical/Facility," effective immediately upon the filing hereof with the Division of the Federal Register.
7. Addition of a new form designated as DSS Form 231, entitled "Application for Appointment as Selective Service Designated Physician or Dentist," effective immediately upon the filing hereof with the Division of the Federal Register.
8. Addition of a new form designated as DSS Form 232, entitled "Letter of Invitation," effective immediately upon the filing hereof with the Division of the Federal Register.

The foregoing additions shall, effective immediately upon the filing hereof with the Division of the Federal Register,[1] become a part of the Selective Service Regulations.

LEWIS B. HERSHEY, *Director.*

FEBRUARY 6, 1942.

[F. R. Doc. 42-2493; Filed, March 23, 1942; 10:40 a. m.]

[1] Filed as part of the original document.

Chapter IX—War Production Board

Subchapter A—General Provisions

PART 903—DELEGATION OF AUTHORITY

AMENDMENT NO. 2 TO SUPPLEMENTARY DIRECTIVE NO. 1A—FURTHER AMENDMENT TO DEFINITION OF "PASSENGER AUTOMOBILES"

Paragraph (b) of Supplementary Directive No. 1A[2] (§ 903.2), issued February 2, 1942, as amended by Amendment No. 1 to said Directive, is hereby further amended to read as follows:

(b) As used in this Supplementary Directive, the term "New Passenger Automobile" means any 1942 model passenger automobile, built upon a standard or lengthened passenger car chassis, having a seating capacity of not more than ten persons, irrespective of the number of miles it has been driven, or any other such passenger automobile of earlier model which has been driven less than 1,000 miles, including taxis, but not including ambulances, hearses and station wagons. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Public Law 89, 77th Cong., 1st Sess.)

Issued this 23d day of March 1942.

J. S. KNOWLSON, *Director of Industry Operations.*

[F. R. Doc. 42-2500; Filed, March 23, 1942; 11:34 a. m.]

[1] Filed as part of the original document.
[2] 7 F.R. 698, 1493.

Subchapter B—Division of Industry Operations

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 6 TO SUPPLEMENTARY ORDER NO. M-15-B,[1] TO RESTRICT THE USE AND SALE OF RUBBER

Section 940.3 (*Supplementary Order M-15-b*) is hereby amended as follows:

1. By changing subparagraph (a) (6) to read as follows:

(6) "Consume" means to use, process, stamp, cut or in any manner change the form, shape or chemical composition of any rubber, latex or reclaimed and scrap rubber.

2. By inserting immediately after subparagraph (a) (6) thereof the following new subparagraph designated (a) (7):

(7) "Reclaimed and scrap rubber" means all rubber and products and by-products of rubber commonly known as scrap rubber, whether vulcanized or not and whether or not contained in any mixture or compound, and all rubber reclaimed by any process, but does not include rubber or latex as defined in subparagraph (a) (1) hereof, balata, gutta-percha, gutta siak, gutta jelutong or pontianac.

3. By changing paragraph (h) thereof to read as follows:

(h) *Limitation of inventories.* No person shall purchase or receive delivery of rubber, latex or reclaimed and scrap rubber or products thereof, in the form of raw materials, semi-processed materials, finished parts or sub-assemblies, in quantities which shall result in an inventory of such material in excess of a minimum practicable working inventory, taking into consideration the limitations placed upon the production of rubber, latex and reclaimed and scrap rubber products by this Order. An inventory of rubber or latex in excess of a quantity reasonably expected to last not more than sixty days shall be deemed to be in excess of a practicable working inventory unless otherwise specifically authorized by the Director of Industry Operations or the Rubber Reserve Company. An inventory of reclaimed and scrap rubber in excess of a quantity reasonably expected to last not more than sixty days shall be deemed to be in excess of a practicable working inventory unless otherwise specifically authorized by the Director of Industry Operations: *Provided*, That this restriction on inventories of reclaimed and scrap rubber shall not apply to any person engaged in the business of reclaiming rubber.

4. By inserting immediately after paragraph (j) the following new paragraphs designated (k), (l), (m) and (n):

(k) *General restriction on the acquisition of reclaimed and scrap rubber.* No person shall purchase, accept delivery of or otherwise acquire any reclaimed or scrap rubber for any purpose except for the purpose of consuming the same in the manufacture of any of the products hereinafter permitted by paragraph (l): *Provided*, That nothing in this Order shall prevent any dealer in scrap rubber from acquiring reclaimed and scrap rubber in the usual course of his business for the purpose of selling the same to another dealer in scrap rubber or to any manufacturer of rubber products.

(l) *General restriction on the consumption of reclaimed and scrap rubber.* After March 31, 1942, no person shall consume any reclaimed and scrap rubber for any purpose except (subject to the provisions of paragraph (d)) one or more of the following:

(1) To manufacture any of the products for which rubber or latex may be consumed under the provisions of paragraph (b) and (c) hereof: *Provided*, That no person shall consume any reclaimed and scrap rubber to fill any war order until he has forwarded to the Rubber and Rubber Products Branch of the War Production Board a report complying with the requirements of subparagraph (b) (1).

(2) To manufacture products of the groups listed in List E: *Provided*, That no person shall consume more reclaimed and scrap rubber during any calendar month in the production of any such group of products than a quantity determined (by weight) as follows:

(i) Ascertain the average monthly consumption of reclaimed and scrap rubber consumed by such person in the manufacture of products of the same group during the last three months of the year 1941;

(ii) Add to the amount so ascertained an amount equal to 166⅔ percent of the amount (if any) of the average monthly consumption of rubber and/or latex by such person in the manufacture of such group of products during such three month's period;

(iii) Multiply the amount determined pursuant to subparagraph (ii), above, by the appropriate percentage, the percentage for each group of products being that set forth in List E opposite the heading of such group.

(3) To manufacture products of the groups listed in List F: *Provided*, That no person shall consume more reclaimed and scrap rubber during April, 1942, in the production of any such groups of

[1] 6 F.R. 6406, 6644, 6792; 7 F.R. 511, 1106, 1634.

products than a quantity determined (by weight) as follows:

(i) Ascertain the average monthly consumption of reclaimed and scrap rubber consumed by such person in the manufacture of products of the same group during the last three months of the year 1941.

(ii) Add to the amount so ascertained an amount equal to 166⅔ percent of the amount (if any) of the average monthly consumption of rubber and/or latex by such person in the manufacture of such group of products during such three month's period;

(iii) Multiply the amount determined pursuant to subparagraph (ii) above, by 60 percent.

Provided further, That beginning May 1, 1942, no person shall consume any reclaimed and scrap rubber for any such purpose without the prior approval of the Director of Industry Operations.

(m) *Limitation on consumption of reclaimed and scrap rubber during March 1942.* No person shall consume reclaimed and scrap rubber during that part of the month of March 1942, remaining after the effective date of this Order, in making any product, whether set forth in Lists E and F or not, at a rate in excess of his consumption of reclaimed and scrap rubber in making similar products during the corresponding portion of the month of February 1942.

(n) *General restriction on the destruction of certain rubber articles.* No person shall, unless expressly permitted by the Director of Industry Operations, destroy by burning or any other means, all or any part of any tire, tire casing or tire tube, or any waterproof footwear, heel, sole, hose, belting or storage battery box, whether worn out or not, which is composed in whole or in part of any kind of rubber (including but not limited to rubber and latex, as defined in paragraph (a) hereof, scrap rubber, reclaimed rubber and synthetic rubber), except in the following cases:

(1) The consumption of any such article by any manufacturer of rubber products as a necessary incident to his manufacturing operations.

(2) The consumption of any such article by any person engaged in the business of reclaiming scrap rubber as a necessary incident to such reclaiming operations.

(3) The destruction of any such article (without destroying the rubber therein) for the purpose of selling its component parts to any person engaged in the business of reclaiming rubber, or to a dealer in scrap rubber for resale by him to a person engaged in the business of reclaiming scrap rubber. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This Order shall be effective as of the date of its issuance.

Issued this 20th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

List "E" to Supplementary Order No. M–15–b, as amended

Group 1	50%
Heels, heel bases, soles, soling strips, taps, toplifts, toplifting material (black only).	
Group 2	50%
Insoles, midsoles, welting, box toes, shoe bottom fillers, shoe tapes, rope soles.	
Group 3	100%
Rubber-soled fabric-top footwear, without heels (black soles, toe caps and foxings only), provided that no reclaimed and scrap rubber shall be consumed in the manufacture of any products in this Group after May 31, 1942.	
Group 4	30%
Hose (including water, garden, low pressure spray, curb line and garage air, car heater, automotive radiator and fire extinguisher tubing, and other hose not permitted in List "A".	
Group 5	50%
Friction tape.	
Group 6	30%
Erasers (except pencil plugs and pencil caps).	

List "F" to Supplementary Order No. M–15–b, as Amended

Group 1:
Automotive parts (including only weatherstrip and channel filler, tailpipe supports, battery drain tubes, brake boots, nipples for high-tension wiring).

Group 2:
Containers for automotive SLI Batteries (S. A. E. Group 4 and larger motorcycle types only).

Group 3:
Automotive storage battery covers, vents, gaskets and bushings.

Group 4:
Automotive fan belts.

Group 5:
Typewriter platens and business machine rolls.

Group 6:
Parts for business machines (except platens and rolls).

Group 7:
Parts for refrigerators, washing machines and motor-driven electric appliances.

Group 8:
Stamp pad cushions.

Group 9:
Plumbers' suction cups.

Group 10:
Adhesives, gaskets and compounds for sealing bags and bagging, packages, drums and pails.

Group 11:
Barrel lining.

Group 12:
Crutch tips and pads.

Group 13:
Brush-setting compounds.

[F. R. Doc. 42–2437; Filed, March 20, 1942; 3:37 p. m.]

PART 1027—SULPHITE PULP

EXTENSION NO. 1 OF GENERAL PREFERENCE ORDER M–52

It is hereby ordered, that § 1027.1, (*General Preference Order M–52*[1]) which by its terms expires March 31, 1942, shall continue in effect until the 1st. day of May, 1942, unless sooner revoked by the Director of Industry Operations.

This Order shall take effect immediately. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W. P. B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a) Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 21st day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2461; Filed, March 21, 1942; 11:25 a. m.]

PART 1027—SULPHITE PULP

AMENDMENT NO. 5 TO GENERAL PREFERENCE ORDER M–52

The "Allocation Schedule of Sulphite Wood Pulp" attached to § 1027.1 (General Preference Order M–52, as amended February 18, 1942 and February 25, 1942) is hereby further amended by adding to the schedule of allocations for Lend-Lease for March, 1942, contained in amendment No. 3 (February 18, 1942), and to the schedule contained in amendment No. 4 (February 25, 1942), the following schedule of allocations for Lend-Lease for Australia and New Zealand for March, 1942:

[1] 7 F.R. 204, 517, 784, 1087, 1541; amendments 5 and 6, *infra*.

UNBLEACHED SULPHITE WOOD PULP

Government supplier		Producer	Individual producer's scheduled allocated tonnage
Puget Sound:			
Responsibility	1,013	Crown Zellerbach	119
Own Contribution	272	Columbia River	43
		Eastern	63
Allocation Tonnage	741	Fibreboard	86
		Hammermill	109
		Hawley	60
		Hollingsworth & Whitney	94
		Kimberly-Clark	109
		Marathon	282
		Marinette	
		Minnesota & Ontario	116
		Northern	282
		Racquette River	60
		Rayonier	111
		St. Regis	49
		Soundview	249
		Sterling	60
		Wolf River	69
		Total	741
Weyerhaeuser:			
Responsibility	604	Anacortes	65
Own Contribution	151	Columbia River	81
		Cosmopolis	45
Allocation Tonnage	453	Coos Bay	56
		Detroit	
		Dexter	56
		Falls P. & P.	
		Flambeau	94
		Great Northern	43
		Hoberg	
		Inland Empire	
		Kalamazoo	186
		Natrona Edwards	73
		Northwest	
		Oregon	180
		Rhinelander	
		Springfield	64
		Wendt	
		Total	453
Brown:			
Responsibility	541	Alconquin	54
Own Contribution	48	Gould	
		Groveton	
Allocation Tonnage	493	International	186
		Maine Seaboard	73
		Parker Young	
		Crown Zellerbach	180
		Total	493

(P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong. 3d Sess., as amended by Pub. Law 89, 77th Cong. 1st Sess.)

This amendment shall take effect as of March 1, 1942.

Issued this 21st day of March, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2459; Filed, March 21, 1942; 11:25 a. m.]

BLEACHED SULPHITE WOOD PULP

Government supplier		Producer	Individual producer's scheduled allocated tonnage
Brown Paper Co.:			
Responsibility	403	Champion	87
Own Contribution	181	Consolidated	
		Dexter	
Allocation Tonnage	282	Groveton	86
		Hammermill	
		Hollingsworth & Whitney	
		Kennebec	109
		Kimberly-Clark	
		Marathon	
		Oxford	
		Total	282
Rayonier:			
Responsibility	798	Crown Zellerbach	99
Own Contribution	540	Eastern	111
		Ponobscot	49
Allocation Tonnage	249	Total	249
Soundview:			
Responsibility	745	Badger	36
Own Contribution	230	Castanea	48
		Consolidated	55
Allocation Tonnage	515	Hammermill	
		Hoberg	62
		International	
		Marathon	43
		Marinette	13
		Mansing	60
		Northern	93
		Oregon	
		Oxford	61
		St. Regis	
		West Virginia	
		Wassau	60
		Total	515
Weyerhaeuser:			
Responsibility	197	Consolidated	82
Own Contribution	59	Detroit	38
Allocation Tonnage	138	Inland Empire	
		Columbia River	45
		Flambeau	
		Natrona Edwards	4
		Parker Young	
		Port Huron	
		Rhinelander	
		Northwest	47
		J. & J. Rogers	
		Sterling	
		West Virginia	
		Total	138

PART 1027—SULPHITE PULP

AMENDMENT NO 6 TO GENERAL PREFERENCE ORDER NO. 52

The "Allocation Schedule of Sulphite Wood Pulp" attached to § 1027.1 (General Preference Order M-52 as amended) is hereby further amended to read as follows:

FOR NITRATION

Government supplier	Total scheduled allocated tonnage per month (for April 1942)	Producer	Individual producer's scheduled allocated tonnage per month (for April 1942)	Designation of brand or grade used commercially by producer
Rayonier, Inc.	4,860	Algonquin Paper Corp.	40	Unbl. Sulphite
		Ancortes Pulp Co.	[1] 46	Raybook
		Badger Paper Mills	35	Wet Lap Bond Bleached
		Brown Company	297	Bl. & Unbl. Sulphite
		Castanea Paper Co.	48	Wet Lap Soft Book Bl.
		Champion Paper & Fibre Co.	87	Aspen Bl. Sulphite
		Columbia River Paper Mills	49	Col. River Unbl. Rolls
		Consolidated Water Power	168	Bl. Sulphite
		[illegible]	[1] 47	Raybook
		Crown Zellerbach Corp.	200	(Camas Strong Unbl. & Wet Lynn Unbl.)
		Detroit Sulphite Pulp & P.	56	Unbl. Sulphite
		Dexter Sulphite Pulp & P.	45	Bl. Sulphite
		Eastern Corporation	139	Bl. Sulphite
		Falls Pulp & Paper Co.	25	Wet Lap Newsgrade Unbl.
		Fibreboard Products, Inc.	39	Fibreboard Unbl. Rolls
		Flambeau Paper Co.	28	(Wet Lap Soft Book Bl. & Wet Lap Easy Bleaching Unbl.)
		Gould Paper Co.	15	Wet Lap Newsgrade Unbl.
		Great Northern Paper	70	Unbl. Sulphite
		Groveton Paper Company	46	Bl. Sulphite
		Hammermill Paper Co.	119	Bl. Sulphite
		Hawley Pulp & Paper Co.	64	Newsgrade Unbl. Rolls
		Hoberg Paper Mills	61	Wet Lap Hardwood Unbl.
		Hollingsworth & Whitney	95	Weyerhaeuser Strong Unbl. & Wet Lap Strong)
		Inland Empire Paper Co.	20	Newsgrade Unbl. Rolls
		International Paper Co.	158	Bl. Sulphite
		Kennebec Pulp & Paper Co.	32	Wet Lap Easy Bl. Unbl.
		Kimberly Clark Corp.	129	Wet Lap Strong Unbl.
		Maine Seaboard Paper Co.	52	Wet Lap Newsgrade Unbl.
		Marathon Paper Mills Co.	[1] 65	Soundview Bond Bl.
		Minnesota & Ontario Paper	86	Wet Lap Newsgrade Unbl.
		Mount Tom Sulphite Pulp Co.	25	Bl. Sulphite
		Munising Paper Company	44	Wet Lap Book Bl.
		Nekoosa Edwards Paper Co.	64	Wet Lap Bl.
		Northern Paper Mills	75	(Wet Lap Book Bl. and Wet Lap Newsgrade Unbl.)
		Northwest Paper Co.	41	(Wet Lap Book Bl. and Wet Lap Easy Bl. Unbl.)
		Oregon Pulp & Paper Co.	[1] 56	Col. River Unbl. Rolls
		Oxford Paper Company	124	Soft Book Bl.
		Parker-Young Company	39	Bl. Sulphite
		Penobscot Chemical Fibre	80	Penobscot Bond Bl.
		Port Huron	29	
		Puget Sound Pulp & Timber Co.	229	Puget Sound Strong Unbl.
		Racquette River Paper Co.	19	Wet Lap Strong Unbl.
		Rayonier, Inc.	599	Bl. & Unbl.
		Rhinelander Paper Co.	33	(Wet Lap Bl. and Wet Lap Unbl.)
		J. & J. Rogers Co.	23	Bl. Sulphite
		St. Croix Paper Co.	26	Wet Lap Newsgrade Unbl.
		St. Regis Paper Co.	[1] 56	Raybond or other
		Soundview Pulp Company	326	(Soundview Bond Bl. and Soundview Book Bl.)
		Spaulding Pulp & Paper Co.	47	Strong Unbl.
		Sterling Pulp & Paper Co.	48	"Slush" Bl. & unbl.
		Wausau Paper Mills Co.	33	(Wet Lap Bl. and Wet Lap, Unbl.)
		West Virginia Pulp and Paper Company.	[1] 87	(Canadian Unbl. and Wet Lap Bl.)
		Weyerhaeuser Timber Co.	310	(Weyerhaeuser Bond Bl. & Weyerhaeuser Book Bl.)
		Wolf River Paper & Fibre	16	Wet Lap Newsgrade Unbl.
			4,860	

[1] Contribution made by releasing pulp purchased from other producer.

For Lend-Lease to Great Britain

UNBLEACHED SULPHITE

Government supplier		Producer	Individual producer's scheduled allocated tonnage per month (for April 1942)
Spaulding:			
Responsibility	191	Fibreboard Products, Inc.	39
Own Contribution	73	Rayonier Incorporated	88
Allocation Tonnage	118	Total	11
Scott:			
Responsibility	354	International Paper Co.	212
Own Contribution	137	Marinette Company	8
Allocation Tonnage	217	Total	220
Weyerhaeuser:			
Responsibility	648	Columbia River Paper Mills	53
Own Contribution	245	Detroit Sulphite	37
Allocation Tonnage	403	Dexter Sulphite	64
		Falls Pulp & Paper Co.	39
		Flambeau Paper Company	9
		Great Northern Paper Co.	108
		Hoberg Paper Mills	49
		Minn. & Ontario Paper Co.	82
		Total	401
Crown Zellerbach:			
Responsibility	804	Algonquin Paper Corp.	62
Own Contribution	341	Consolidated Water Power	52
Allocation Tonnage	553	Gould Paper Company	27
		Groveton Paper Company	24
		Hawley Pulp & Paper Co.	102
		Inland Empire Paper Co.	24
		Kennebec Pulp & Paper Co.	33
		Maine Seaboard Paper Co.	84
		Minn. & Ontario Paper Co.	81
		Nekoosa-Edwards Paper Co.	25
		Northwest Paper Company	17
		Oregon Pulp & Paper Co.	6
		Parker-Young Company	9
		Wausau Paper Mills Co.	8
		Total	554

UNBLEACHED SULPHITE

Government supplier		Producer	Individual producer's scheduled allocated tonnage per month (for April 1942)
Puget Sound:			
Responsibility	996	Brown Company	60
Own Contribution	378	Eastern Corporation	48
Allocation Tonnage	618	Hammermill Paper Company	7
		Hollingsworth & Whitney	107
		Kimberly Clark Corp.	38
		Marathon Paper Mills Co.	2
		Mount Tom Sulphite Pulp Co.	1
		Munising Paper Company	1
		Northern Paper Mills	27
		Racquette River Paper Co.	30
		Rayonier Incorporated	21
		Rhinelander Paper Co.	32
		St. Croix Paper Co.	42
		St. Regis Paper Co.	74
		Soundview Pulp Company	67
		Sterling Pulp & Paper Co.	33
		Wolf River Paper & Fibre Co.	27
		Total	617
Total:			
Responsibility	3,083		
Own Contribution	1,174		
Allocation Tonnage	1,909		

BLEACHED SULPHITE

Government supplier		Producer	Individual producer's scheduled allocated tonnage per month (for April 1942)
Brown:			
Responsibility	1,000	Champion Paper & Fibre Co.	148
Own Contribution	474	Consolidated Water Power	49
Allocation Tonnage	526	Dexter Sulphite	9
		Groveton Paper Company	52
		Kennebec Pulp & Paper Co.	21
		Kimberly Clark Corp.	186
		Oxford Paper Company	46
		Rhinelander Paper Company	21
		Total	532
Soundview:			
Responsibility	1,050	Consolidated Water Power	119
Own Contribution	481	Flambeau Paper Co.	42
Allocation Tonnage	569	International Paper Co.	17
		Marinette Company	13
		Marathon Paper Mills Co.	106
		Northern Paper Mills	97
		Oxford Paper Company	160
		St. Regis Paper Co.	16
		Total	570
Weyerhaeuser:			
Responsibility	550	Consolidated Water Power	10
Own Contribution	258	Detroit Sulphite	65
Allocation Tonnage	292	Nekoosa-Edwards Paper Co.	83
		Northwest Paper Co.	54
		Port Huron Sulphite & Paper Co.	49
		Sterling Pulp & Paper Co.	28
		Total	289

BLEACHED SULPHITE—Continued

Government supplier		Producer	Individual producer's scheduled allocated tonnage per month (for April 1942)
Eastern:			
Responsibility	400	Castanea Paper Company	82
Own Contribution	190	Penobscot Chemical Fibre	85
Allocation Tonnage	210	Wausau Paper Mills Co.	42
		Total	209
Rayonier:			
Responsibility	2,000	Badger Paper Mills	61
Own Contribution	939	Columbia River Paper Mills	30
Allocation Tonnage	1,061	Consolidated Water Power	54
		Crown Zellerbach Corporation	153
		Hammermill Paper Company	197
		Hoberg Paper Mills	50
		Hollingsworth & Whitney	40
		Inland Empire Paper Co.	9
		Mount Tom Sulphite Pulp Co.	41
		Munising Paper Company	73
		Oregon Pulp & Paper Co.	104
		Parker-Young Company	59
		J. & J. Rogers & Co.	30
		West Virginia Pulp & Paper Co.	148
		Total	1,058
Total:			
Responsibility	5,000		
Own Contribution	2,342		
Allocation Tonnage	2,658		

For Lend-Lease to Australia and New Zealand

UNBLEACHED SULPHITE

Government supplier		Producer	Individual producer's scheduled allocated tonnage per month (for April 1942)
Puget Sound:			
Responsibility	1,467	Crown Zellerbach	120
Own Contribution	392	Columbia River	30
Allocation Tonnage	1,075	Eastern	42
		Fibreboard	53
		Hammermill	12
		Hawley	89
		Hollingsworth & Whitney	94
		Kimberly-Clark	67
		Marathon	4
		Marinette	14
		Minnesota & Ontario	117
		Northern	46
		Racquette River	62
		Rayonier	69
		St. Croix	37
		St. Regis	65
		Soundview	58
		Sterling	58
		Wolf River	46
		Total	1,073

UNBLEACHED SULPHITE—Continued

Government supplier	Producer	Individual producer's scheduled allocated tonnage per month (for April 1942)
Weyerhaeuser:		
Responsibility	1,116	
Own Contribution	280	
Allocation Tonnage	836	
	Anacorte	64
	Columbia River	32
	Consolidated	46
	Coos Bay	56
	Detroit	46
	Dexter	56
	Falls P & P	68
	Flambeau	15
	Great Northern	95
	Hoberg	43
	Inland Empire	41
	Kenneb	57
	Nakoosa Edwards	44
	Northwest	30
	Oregon	9
	Rhinelander	57
	Spaulding	65
	Wausau	14
	Total	838
Brown:		
Responsibility	659	
Own Contribution	58	
Allocation Tonnage	601	
	Algonquin	55
	Gould	48
	Groveton	42
	International	187
	Maine Seaboard	74
	Packer Young	15
	Crown Zellerbach	180
	Total	601

BLEACHED SULPHITE

Brown Paper Company:		
Responsibility	957	
Own Contribution	374	
Allocation Tonnage	583	
	Champion	87
	Consolidated	56
	Dexter	11
	Groveton	62
	Hammermill	86
	Hollingsworth & Whitney	46
	Kennebec	24
	Kimberly-Clark	109
	Mount Tom	48
	Oxford	54
	Total	583
Rayonier:		
Responsibility	802	
Own Contribution	550	
Allocation Tonnage	252	
	Crown Zellerbach	90
	Eastern	111
	Penobscot	49
	Total	250
Soundview:		
Responsibility	1,071	
Own Contribution	332	
Allocation Tonnage	739	
	Badger	36
	Castanea	48
	Consolidated	56
	Hammermill	58
	Hoberg	59
	International	20
	Marathon	62
	Marinette	16
	Munising	43
	Northern	57
	Oregon	61
	Oxford	94
	St. Regis	18
	West Virginia	62
	Wausau	49
	Total	739
Weyerhaeuser:		
Responsibility	815	
Own Contribution	243	
Allocation Tonnage	572	
	Consolidated	52
	Detroit	38
	Inland Empire	11
	Columbia River	35
	Flambeau	50
	Nekoosa Edwards	49
	Parker Young	69
	Port Huron	56
	Rhinelander	24
	Northwest	63
	J. & J. Rogers	45
	Sterling	32
	West Virginia	50
	Total	574

(P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W. P. B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This amendment shall take effect as of April 1, 1942.

Issued this 21st day of March, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2460; Filed, March 21, 1942; 11:25 a. m.]

PART 1090—AGAVE FIBER

AMENDMENT NO. 2 TO GENERAL PREFERENCE ORDER M-84

Section 1090.1 (*General Preference Order M-84*)[1] is hereby amended in the following respects:

1. Paragraph (c) (3) is hereby amended to read as follows:

(3) by importers, dealers, jobbers, or processors to any one of the foregoing pursuant to contracts entered into on or before February 20, 1942.

2. Paragraph (c) is amended by adding thereto the following subparagraphs:

(5) where only tow, waste, bagasse, fiume, fiber less than 20" in length, and/or other qualities unsuitable for manufacture into cordage or twine is involved, by importers, jobbers, dealers, or processors to any one of the foregoing, provided that such fiber was on hand in the United States as of February 20, 1942, or is thereafter imported into the United States in accordance with paragraph (c) (3) hereof.

(6) by processors to processors.

3. Paragraph (f) is amended by adding at the end thereof the following:

Provided, however, That during the months of March and April, 1942, deliveries of binder twine may be made to persons having contracts for delivery of sand bags on defense orders in the minimum amounts necessary to enable such persons to make their required deliveries of such sand bags in such months and such binder twine may be used for such purpose. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W. P. B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This Amendment shall take effect immediately. Issued this 21st day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2462; Filed March 21, 1942; 11:26 a. m.]

PART 1122—METAL HOUSEHOLD FURNITURE

LIMITATION ORDER L-62

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron or steel and other materials for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1122.1 *General Limitation Order L-62*—(a) *Definitions.* For the purposes of this Order:

(1) "Metal household furniture" means all household furniture containing more than 5% of metal in the net weight of the finished product (other than such minimum amount of iron or steel as is essentially required for nails, nuts, bolts, screws, clasps, rivets and other joining hardware for the construction and assembly of non-metal structural parts) and including but not limited to:

(i) Metal porch and garden furniture including chairs, tables, gliders, swings, seats, benches, urns, ferneries, ornamental wall brackets and hangers, refreshment carts, beach and lawn umbrellas, ornamental awning supports, weather vanes, stands, hammocks, sunshades, chaise longues (with or without wheels), sun tans, couch hammocks, and sand boxes;

(ii) Other metal furniture including tables (folding and non-folding), chairs (folding and non-folding), tea wagons, buffets, dressers, chiffoniers and chifferobes, vanities, wardrobes, benches, chests, (drawer type), kitchen cabinets and cupboards, undersink cabinets, broom cabinets, utility cabinets, Venetian blinds, stools, shoe racks, medicine cabinets, smoking stands and ash trays, radiator covers, porcelain table tops, settees, davenports, table desks, chiffodesks, knee-hole desks, flexible steel mats, metal picture frames and mirror frames, coat and hat racks, under-lavatory closets, clothes hampers, drapery attachments, flower vases, and broom racks;

(iii) But not including furniture such as cots, beds, studio couches, sofa beds, bunks, berths (all types), mattresses, and bed springs, or any wood upholstered furniture unless such wood upholstered furniture contains more than 5% of metal in the net weight of the finished product other than metal contained in springs or wire used in backs, seats, or cushions.

(2) "Iron and steel used" means:

(i) The aggregate weight of iron and steel cut or processed by any manufacturer subject to this Order for use in the production of metal household furniture, plus

(ii) The aggregate weight of iron and steel contained in purchased parts, when such parts are put into the production of metal household furniture.

(3) "Base period" means the period from July 1, 1940 to June 30, 1941.

(4) "Class A manufacturer" means those manufacturers who used during the base period more than 500 tons of iron and steel in the aggregate for the production of metal household furniture.

(5) "Class B manufacturers" means those manufacturers who used during the base period, less than 500 tons of iron and steel in the aggregate for the production of metal household furniture.

(6) "Restricted period" means the period from the effective date of this Order to March 31, 1942.

(7) "Average daily use" means the total amount of iron and steel in the aggregate used by a manufacturer from July 1, 1940 to June 30, 1941, divided by 365.

(b) *General restrictions.* (1) During the restricted period no manufacturer shall use for the production of metal household furniture a greater total of iron and steel in the aggregate than the percentage of his average daily use of iron and steel specified below multiplied by the number of days (including Sundays and holidays) contained in the restricted period:

(i) Class A manufacturers, 55%;

(ii) Class B manufacturers, 70% but not more than 23 tons.

(2) During the month of April, 1942, no manufacturer may use for the production of metal household furniture a percentage of the average monthly amount of iron and steel in the aggregate used by him during the base period greater than that specified below:

(i) Class A manufacturers, 45%;

(ii) Class B manufacturers, 60% but not more than 19 tons.

(3) During the month of May, 1942, no manufacturer may use for the production of metal household furniture a percentage of the average monthly amount of iron and steel in the aggregate used by him during the base period greater than that specified below:

(i) Class A manufacturers, 35%;

(ii) Class B manufacturers, 50% but not more than 16 tons.

(4) From the effective date of this Order no manufacturer may, in the production of metal household furniture:

(i) use any metal other than iron or steel;

(ii) procure or acquire any metal other than iron or steel from any source whatsoever; or

(iii) procure or acquire any iron or steel except from the inventories of other manufacturers of metal household furniture.

(5) From the effective date of this Order no manufacturer of metal household furniture may sell, lease, trade, lend, deliver, ship or transfer any metal other than iron or steel to any person whatsoever, except pursuant to specific authorization of the Director of Industry Operations.

(6) From May 31, 1942, no manufacturer of metal household furniture may sell, lease, trade, lend, deliver, ship or transfer any iron or steel to any person whatsoever, except pursuant to specific authorization of the Director of Industry Operations.

(c) *Prohibition of production after May 31, 1942.* No manufacturer shall after May 31, 1942, process, fabricate, work on or assemble any materials for use in the production of metal household furniture, nor shall any manufacturer produce or assemble any metal household furniture after that date.

(d) *Records.* All persons affected by this order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, and sales.

(e) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* All persons affected by this Order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(g) *Violations.* Any person who wilfully violates any provisions of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Appeal.* Any person affected by this Order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work may appeal to the "War Production Board, Washington, D. C., Ref: L-62", setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref: L-62.

(j) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(k) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 20th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2436; Filed, March 20, 1942; 3:37 p. m.]

PART 944—REGULATIONS APPLICABLE TO THE OPERATION OF THE PRIORITIES SYSTEM

REVOCATION OF INTERPRETATION NO. 1[1] OF § 944.14 OF PRIORITIES REGULATION NO. 1, AS AMENDED

Interpretation No. 1 of § 944.14 of Priorities Regulation No. 1, as amended, de-

[1] 7 F.R. 1128, 1642.

[1] 7 F.R. 1493.

fining the phrase "practicable minimum working inventory" with respect to inventories of wood pulp, is hereby revoked.

This order shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 21st day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2501; Filed, March 23, 1942; 11:34 a. m.]

PART 958—MAINTENANCE, REPAIRS AND OPERATING SUPPLIES

INTERPRETATION NO. 2 OF PREFERENCE RATING ORDER NO. P-100,[1] AS AMENDED

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 958.2 (Preference Rating Order No. P-100, as amended from time to time):

"Operating Supplies," as defined in paragraph (b) (5) of Preference Rating Order No. P-100, does not include typewriters, adding machines or other business machines, desks, filing cabinets or other such items of durable office equipment, and the preference rating assigned by Preference Rating Order No. P-100 may in no circumstances be applied to deliveries of such items. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 FR. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 23rd day of March, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2505; Filed, March 23, 1942; 11:35 a. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S-13

Stearns-Mishkin Construction Co., Inc.

Stearns-Mishkin Construction Company, Inc., Washington, D. C., engaged in the construction of Defense Housing Projects in the District of Columbia. On October 13, 1941, the Company filed an application for the issuance to it of Preference Rating Order P-55, covering the construction of a Defense Housing Project. The Company represented to the Director of Priorities, Office of Production Management, that the proposed sale price of each dwelling unit was $6,000. Pursuant to this application, Preference Rating Order P-55, Serial No. 77000-81-088-DC., was issued to the Company on October 31, 1941. Prior to the filing of this application the Company had sold sixteen of the dwelling units at prices in excess of $6,000 each. During the pendency of its application for the issuance of Preference Rating Order P-55 and subsequent to the issuance of this Order, the Company sold ten dwelling units for prices ranging from $6,690 to $7750 each. These sales were made by the Company despite the fact that it was aware that such prices were in excess of $6,000 which had been represented to the Director of Priorities as the proposed sale price for each dwelling unit. The Company also extended Preference Rating Order P-55 in order to obtain certain materials the delivery of which was not entitled to preference rating.

In view of the foregoing facts,

It is hereby ordered:

§ 1010.13 *Suspension order S-13.* (a) During the period in which this Order shall be in effect, deliveries of materials to Stearns-Mishkin Construction Company, Inc., Washington, D. C., its successors and assigns, shall not be accorded priority over deliveries under any other contract or order, and no preference rating shall be assigned or applied to such deliveries to Stearns-Mishkin Construction Company, Inc., its successors and assigns, by means of Preference Rating Certificates, Preference Rating Orders, General Preference Orders, or any other Orders or Regulations of the Director of Industry Operations.

(b) During the period in which this Order shall be in effect no Defense Housing Project or other construction being erected or to be erected in whole or in part by Stearns-Mishkin Construction Company, Inc., its successors and assigns, either for itself or for any other person, shall be accorded priority assistance by the issuance of Preference Rating Order P-19 or Preference Rating Order P-55 Amended or by any other Order or Certificate issued by the Director of Industry Operations.

(c) This Order shall take effect immediately and shall expire on March 1, 1943. Within 60 days after the effective date of this Order, Stearns-Mishkin Construction Company, Inc. may apply for the termination of this Order by submitting to the Compliance Branch of the Division of Industry Operations proof that it has complied with the following condition: that it has made restitution on account of the sale price or modified its contracts for the sale of those dwelling units of the Defense Housing Project described in Preference Rating Order P-55, Serial No. 77000-81-088-D. C., which were sold after October 13, 1941, so as to reduce the sale price of each such dwelling unit to $6,000; that it has sold or offered for sale the remaining dwelling units in the Defense Housing Project at not more than $6,000 per unit; and that with respect to those dwelling units included in the Defense Housing Project which were sold prior to October 13, 1941, it has made restitution or modified its contracts of sale so as to reduce the sale price of each such dwelling unit by 5%. Upon the submission of such proof, the Compliance Branch will recommend to the Director of Industry Operations that this Order be terminated. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 21st day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2504; Filed, March 23, 1942; 11:35 a. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S-15

Matthew G. Lepley

Matthew G. Lepley of Washington, D. C., is an architect and was employed by Stearns-Mishkin Construction Company, Inc., Washington, D. C., to obtain preference rating assistance for the construction of Defense Housing Projects. On the thirteenth and twenty-first days of October 1941, Matthew G. Lepley in behalf of the company filed applications for the issuance of Preference Rating Order P-55, covering the construction of two separate Defense Housing Projects. Matthew G. Lepley represented to the Director of Priorities, Office of Production Management, in each application that the proposed sale price per dwelling unit was $6,000 and that all of the dwelling units had been sold to Government employees. Pursuant to these applications, Preference Rating Orders P-55, Serial Numbers 77000-123-071-D. C. and 77000-81-088-D. C. were issued to the company on October 31, 1941. Upon the dates of the filing of these applications all of the dwelling units had not been sold to Government employees, and the representations that they had been sold to Government employees constituted misrepresentations to the Director of Priorities. During the pendency of the application for and after the issuance of Preference Rating Order P-55, Serial Number 77000-81-088-D. C., covering a Defense Housing Project consisting of thirty-six dwelling units, ten dwelling units thereof were sold for prices ranging from $6,690 to $7,750 each. Upon the date Matthew G. Lepley applied for the issuance of this Order, he was aware that the company intended to sell each of the dwelling units remaining unsold at a sale price in excess of $6,000, and his statement that the proposed sale price for each such dwelling unit was $6,000 constituted a misrepresentation to the Director of Priorities. In view of the foregoing:

It is hereby ordered:

§ 1010.15 *Suspension order S-15.* (a) During the period in which this Order shall be in effect, no application for priority assistance, now filed or hereafter to be filed by Matthew G. Lepley, Washington, D. C., either in his own behalf or in behalf of any company which he may represent, shall be granted.

(b) During the period in which this Order shall be in effect, no Defense Housing Project or other construction with which Matthew G. Lepley is directly or indirectly connected, or upon which he is employed shall be accorded priority assistance by the issuance of Preference Rating Order P-19 or Preference Rating Order P-55 Amended or by any other Order or Certificate issued by the Director of Industry Operations.

(c) This Order shall take effect immediately and shall expire on March 1, 1943. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.).

Issued this 21st day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2506; Filed, March 23, 1942; 11:42 a. m.]

PART 1096—WOOD PULP

AMENDMENT NO. 1 TO § 1096.1 (GENERAL PREFERENCE ORDER M-93[1]).

Subsection (a) of § 1096.1 (General Preference Order M-93) is hereby amended to read as follows:

§ 1096.1 *General Preference Order M-93*—(a) (1) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *Limitation of inventory.* Until May 1, 1942, no person shall knowingly make or accept delivery of any grade of wood pulp, domestic or imported, if the inventory of such grade of wood pulp of the person accepting delivery, in the same or other forms, is, or will by virtue of such acceptance become, in excess of sixty calendar days' supply (excluding Sundays and holidays) of such grade, on the basis of current method and rate of operation during any ninety calendar days (excluding Sundays and holidays) of the previous six months, stored either at plant or in separate warehouse: *Provided, however,* That the foregoing shall not apply to groundwood pulp, or to wood pulp held for delivery under the Lend-Lease Act of March 11, 1941, or to wood pulp held for the manufacture of products for ordnance purposes, for the manufacture of photographic base paper, or for the manufacture of rayon or rayon staple. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This amendment shall take effect immediately.

Issued this 21st day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2502; Filed, March 23, 1942; 11:34 a. m.]

[1] 7 F.R. 1978.

PART 1126—CAN ENAMEL

CONSERVATION ORDER M-108

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Enamel, as hereinafter defined, and of the materials entering thereinto, for defense, for private account and for export, and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1126.1 *Conservation order No. M-108*—(a) *Definition.* For the purpose of this Order:

(1) "Enamel" means any organic protective coating, lacquer, or varnish containing tung, perilla or oiticica oils; phenolic, alkyd, vinyl, cellulose resins; or fossil gums or combinations thereof.

(2) "Can" means any container which is intended for packing, packaging or putting up products of any kind and which is made, in whole or in part, of tinplate, terneplate, blackplate, or fiber, or any combination thereof, and includes closures, crowns and caps, but does not include any closures, crown or cap to be used on, or as a part of, a glass container.

(3) "Tinplate" means blackplate coated on one or both sides by dipping in molten tin.

(4) "Terneplate" means blackplate coated on one or both sides with a lead-tin alloy.

(5) "Blackplate" means any sheet steel plate suitable for manufacture into a container, and, for the purpose of this Order, shall also include any waste tinplate, terneplate, or scrap produced in the ordinary course of manufacturing cans out of tinplate or terneplate.

(b) *Prohibition of use of enamel.* No person shall hereafter manufacture Cans, including heat processed food Cans, with Enamel coating on the exterior surface of the ends thereof, where such ends are made of Tinplate or Terneplate: *Provided, however,* That the prohibitions and restrictions contained herein shall not prevent:

(1) The use of Enamel as an exterior coating on Can ends where required to protect from damage and deterioration lithographed printing thereon used to designate contents or to label such Cans where other means of labeling or designating the contents thereof are impracticable; or

(2) The use of Enamel to coat the exterior surface of Can ends made of electro-plated tinned sheet, Blackplate or of any untinned material; or

(3) The manufacture, closing, use or sale of Cans which were coated with Enamel prior to the effective date of this Order or the use in the manufacture of Cans of Materials, including Tinplate or Terneplate sheets, which were coated with Enamel prior to said date; or

(4) The use of Enamel in the manufacture of Cans pursuant to a specific contract or sub-contract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development, or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act) to the extent that such use is required by the specifications of the prime contract.

(c) *Prohibition of sale of enamel and purchase of cans.* No person shall hereafter sell or deliver enamel to any person if he knows or has reason to believe that such enamel is to be used in violation of paragraph (b) hereof, nor shall any canner purchase or accept delivery of Cans which he knows or has reason to believe were manufactured in violation of said paragraph (b).

(d) *Further conservation of enamel.* All persons concerned with the manufacture of Cans and canning shall use their best efforts to effectuate conservation of Materials by reducing the dry film weight of Enamel coating upon the interior and exterior metal surfaces of Cans, where control of such weight is practicable, to nine-tenths of the weight considered standard practice in the Can and metal container manufacturing industry in 1940, or less where practicable.

(e) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *Violations or false statements.* Any Person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(3) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Enamel conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the Director of Industry Operations by addressing a letter to the War Production Board, Chemicals Branch, Washington, D. C., Ref: M-108, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(f) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as

[1] 6 F.R. 6548; 7 F.R. 925, 1009, 1626, 1794.

amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 23d day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2503; Filed, March 23, 1942; 11:35 a. m.]

Chapter XI—Office of Price Administration

PART 1305—ADMINISTRATION

ORDER DEFINING AND DELIMITING CERTAIN OF THE FUNCTIONS AND POWERS OF OFFICERS AND EMPLOYEES OF THE OFFICE OF PRICE ADMINISTRATION

Pursuant to the authority of the Emergency Price Control Act of 1942 and War Production Board Directive No. 1, as supplemented, the following order is prescribed:

§ 1305.2 *Defining and delimiting certain of the functions and powers of officers and employees*—(a) *Institution of civil proceedings.* The General Counsel or the Acting General Counsel, the Associate General Counsel or the Acting Associate General Counsel, and the Assistant General Counsel in charge of the Enforcement Section or the Acting Assistant General Counsel in charge of the Enforcement Section are each authorized to institute, in the name of the Administrator, appropriate civil actions or proceedings; and any of them may authorize any other attorney employed by the Office of Price Administration to institute any designated civil action or proceeding. Except as herein provided, no other officer or employee of the Office of Price Administration, whether employed in the principal office in Washington, D. C., or in any regional or field office, has authority to institute proceedings on behalf of the Administrator.

(b) *Service of process upon the Administrator.* Service of process upon the Administrator may be made by serving him personally, or by leaving a copy thereof at the Office of the Secretary, Office of Price Administration, Washington, D. C. No other officer or employee of the Office of Price Administration, whether employed in the principal office in Washington, D. C., or in any regional or field office, is authorized to accept service of process on behalf of the Administrator or enter his appearance in any action or proceeding, except as hereinafter provided.

(c) *Appearance for the Administrator.* The General Counsel or the Acting General Counsel, the Associate General Counsel or the Acting Associate General Counsel, and the Assistant General Counsel in charge of the Court Review, Research, and Opinion Section or the Acting Assistant General Counsel in charge of the Court Review, Research, and Opinion Section may each specifically authorize any attorney employed by the Office of Price Administration to enter an appearance for the Administrator in any action instituted against the Administrator or the Office of Price Administration in the Emergency Court of Appeals. The General Counsel or the Acting General Counsel, the Associate General Counsel or the Acting Associate General Counsel, and the Assistant General Counsel in charge of the Enforcement Section or the Acting Assistant General Counsel in charge of the Enforcement Section, may specifically authorize any attorney employed by the Office of Price Administration to enter an appearance on behalf of the Administrator or the Office of Price Administration in any other action or proceeding.

(d) *Effective date.* This order shall take effect March 20, 1942. (Public Law 421, 77th Cong., 2d Sess., January 30, 1942; 7 F.R. 562, 698, 925, 1493, 1669, 1792)

Issued this 20th day of March, 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2440; Filed, March 20, 1942; 5:13 p. m.]

PART 1312—LUMBER AND LUMBER PRODUCTS

MAXIMUM PRICE REGULATION NO. 109—AIRCRAFT SPRUCE

In the judgment of the Price Administrator the prices of aircraft spruce are threatening to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of aircraft spruce prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been prepared and is issued simultaneously herewith.[1]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, Maximum Price Regulation No. 109 is hereby issued.

§ 1312.351 *Maximum prices for aircraft spruce.* On and after April 1, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver aircraft spruce, and no person shall buy or receive aircraft spruce, in the course of trade or business, at prices higher than the maximum prices set forth in Appendices A, B, and C hereof, incorporated herein as §§ 1312.360, 1312.361, and 1312.362; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this section shall not be applicable to sales or deliveries of aircraft spruce to a purchaser if prior to April 1, 1942, such aircraft spruce had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.*

*§§ 1312.351 to 1312.362, inclusive, issued the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1312.352 *Less than maximum prices.* Lower prices than those set forth in Appendices A, B, and C (§§ 1312.360, 1312.361 and 1312.362) may be charged, demanded, paid or offered.*

§ 1312.353 *Conditional agreements.* No seller of aircraft spruce shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by §§ 1312.360, 1312.361 and 1312.362, in the event that this Maximum Price Regulation No. 109 is amended or is determined by a court to be invalid or upon any other contingency: *Provided,* That if a petition for amendment (or for adjustment or for exception) has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment (or for adjustment or exception, as the case may be). Requests for such an exception may be included in the aforesaid petition for amendment (or for adjustment or for exception).*

§ 1312.354 *Evasion.* (a) The price limitations set forth in this Maximum Price Regulation No. 109 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to aircraft spruce, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited: Making terms or conditions of sale more onerous to the purchaser than those in effect or available to the purchaser on October 1, 1941; unnecessarily routing aircraft spruce through a distribution yard; unreasonably refusing to ship aircraft spruce except in specified widths or thicknesses; falsely or wrongly grading or invoicing aircraft spruce.*

§ 1312.355 *Records and reports.* (a) On and after April 1, 1942, every person, who, during any calendar month offers or agrees to sell, sells, or delivers, or offers or agrees to buy, buys, or receives a total of 1,000 board feet or more of aircraft spruce in the course of trade or business, shall keep for inspection by the Office of Price Administration for a period of not less than two years, a complete and accurate record of every such offer, agreement, purchase, sale or delivery, showing the date thereof, the name and address of the buyer and the seller, the price paid or received, and the quantity of each kind or grade purchased or sold.

(b) Such persons shall keep such other records in addition to or in place of the records required in paragraph (a) of this section and shall submit such reports to the Office of Price Administration as that Office may from time to time require or permit.*

§ 1312.356 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 109 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 109 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.*

§ 1312.357 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 109 or any adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.*

§ 1312.358 *Definitions.* (a) When used in this Maximum Price Regulation No. 109, the terms:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Aircraft spruce" means spruce lumber, plank, boards, flitches and cants produced within the United States, exclusive of Alaska, suitable for use in the construction of aircraft.

(3) "Deliver" means to make physical transfer to the purchaser, or to a carrier not owned or controlled by the seller, for carriage to the purchaser, to whom the goods have been sold.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.*

§ 1312.359 *Effective date.* This Maximum Price Regulation No. 109 (§§ 1312.351 to 1312.362, inclusive) shall become effective April 1, 1942.*

[1] The statement of considerations has been filed with the Division of the FEDERAL REGISTER.

[2] 7 F.R. 971.

§ 1312.360 *Appendix A: Maximum prices for aircraft spruce, American specifications.* (a) The maximum prices per 1000 feet board measure for rough green aircraft spruce, American specifications, f. o. b. cars at point of origin of shipment, shall be as follows:

	Random length groups	Random thickness 2" and under	Random thickness over 2"	Specified thickness 1" and under	1¼"	1½"	1¾"	2" and thicker
Random lengths and random widths	3' to 5½'	$100.00	$90.00	$100.00	$110.00	$110.00	$110.00	$100.00
Random lengths and 7 inches, or wider, specified widths	3' to 5½'	105.00	90.00	105.00	115.00	115.00	115.00	105.00
Random lengths and random widths	6' to 9½'	275.00	247.50	275.00	302.50	302.50	302.50	275.00
Random lengths and 7 inches, or wider, specified widths	6' to 9½'	288.75	247.50	288.75	316.25	316.25	316.25	288.75
Random lengths and random widths	10' to 13½'	375.00	337.50	375.00	412.50	412.50	412.50	375.00
Random lengths and 7 inches, or wider, specified widths	10' to 13½'	393.75	337.50	393.75	431.25	431.25	431.25	393.75
Random lengths and random widths	14' to 17½'	450.00	405.00	450.00	495.00	495.00	495.00	450.00
Random lengths and 7 inches, or wider, specified widths	14' to 17½'	472.50	405.00	472.50	517.50	517.50	517.50	472.50
Random lengths and random widths	18' to 22½'	500.00	450.00	500.00	550.00	550.00	550.00	500.00
Random lengths and 7 inches, or wider, specified widths	18' to 22½'	525.00	450.00	525.00	575.00	575.00	575.00	525.00
Random lengths and random widths	23' to 32'	600.00	540.00	600.00	660.00	660.00	660.00	600.00
Random lengths and 7 inches, or wider, specified widths	23' to 32'	630.00	540.00	630.00	690.00	690.00	690.00	630.00
Random lengths and random widths	6' to 20' (average 13')	425.00	382.50	425.00	467.50	467.50	467.50	425.00

(1) For kiln dried the following additions to rough green prices may be made: 2" and thinner, add $30.00 per 1,000 ft. B. M.; for thicker than 2" add $30.00 per 1,00 ft. B. M., plus 10% of rough green price.

(2) In the case of random length groups other than those listed, the price shall be computed by determining the quantity falling into each of the named groups and pricing each such quantity at the random price listed for the group into which each such quantity falls.

(3) In the case of specified lengths, the price for any length shall be the same as the random length price listed for the group into which each such specified length falls.

(4) In the case of specified widths narrower than 7 inches the price for any width shall be the same as the random width price.

(b) Aircraft spruce sold under "American Specifications" is subject to the following rules:

(1) Aircraft Spruce shall be furnished rough sawn in only one quality.

(2) The following species of spruce may be used: Sitka spruce (Picea sitchensis), red spruce (Picea rubens), white spruce (Picea canadensis).

(3) All detail of workmanship in the manufacture of spruce lumber and its preparation for shipment shall be in accordance with high-grade commercial practice covering this class of work.

(4) The following detail requirements apply:

(i) The angle of deviation of the grain from a line parallel to the edges shall not exceed 1 inch in 15 inches.

(ii) Vertical or flat grain will be accepted provided each shipment does not contain more than 25 per cent of flat grain pieces.

(iii) There shall not be fewer than 6 annual rings in any 1 inch when measured in a radial direction on either end section.

(iv) The lumber shall be strong, tough, elastic, and not brashy.

(v) The specific gravity shall not be less than 0.36 based on volume and weight when oven dry.

(vi) The entire number of pieces in each shipment shall be free of knots, except that one knot ¼ inch or less in diameter will be permitted within any 3 square feet of the surface on which it appears.

(vii) All pieces shall be free of hard grain (compression wood).

(viii) At least 75 per cent of the entire number of pieces in each shipment shall be free of burly, curly, gnarly, or irregular grain. In the pieces comprising the remaining 25 per cent, burls or similar irregularities of grain and other defects will be allowed, provided that the purchaser is able to obtain from each piece clear, sound, straight-grained cuttings over 12 feet in length and not less than 4 inches wide, by sawing out and discarding not more than 30 per cent of the total volume of the piece.

(ix) One closed pitch pocket or seam not more than ¼ inch deep, ⅛ inch wide, or 2 inches long will be permitted for each 3 square feet of surface, or its equivalent in smaller ones provided they are not in the same adjacent rings of annual growth.

(x) All pieces shall be free of warp, shake, sap stain, rot, dote, red heart, purple heart, heart stain, and all other forms of decay. Bright sap is no defect.

(xi) Wane will be allowed on 5 per cent of the pieces, but it shall in no case exceed ¼ the thickness, ⅛ the width and ⅛ the length of the piece.

(xii) Thickness, widths, and lengths shall be as ordered. All dimensions shall

be full. Thickness will be measured in fractions of ¼ inch, widths in fractions of ½ inch, and lengths in fractions of ½ foot. Fractions of a foot are to be treated as follows: even half feet shall be alternately counted out and allowed as a whole foot. Fractions under a half foot shall be dropped; fractions over a half foot shall be allowed as a whole foot.

(xiii) When kiln dried is specified the moisture content shall not be less than 8 per cent or more than 15 per cent.

(5) The issue of the following specifications in effect on date of issuance of this Regulation forms a part of this specification:

U. S. Army---- 32–4 Wood, specific gravity of.
U. S. Army---- 33–13 Kiln-drying process for aircraft lumber (applicable when kiln dried is specified).
U. S. Army---- 100–2 Standard specifications for marking shipments.

(c) A delivered price in excess of the maximum f. o. b. mill prices set forth in this Appendix A may be charged, consisting of such maximum prices plus actual transportation costs paid by the seller. However, for the purposes of this section, the following two practices shall not be deemed a deviation from the use of actual transportation costs:

(1) the charging of a sum equivalent to the one-quarter of a dollar nearest to such actual transportation costs; and

(2) the adoption of the following estimated average weights of aircraft spruce per thousand feet board measure:

	Pounds per 1,000 feet
Aircraft spruce weights (all grades):	
Rough green, all sizes	3,500
Rough dry 1"	2,600
Rough dry 1¼, 1½, and 1¾, and 2"	2,800
Rough dry 2½" and thicker	2,900

§ 1312.361 *Appendix B: Maximum prices for aircraft spruce, United Kingdom specifications.* (a) The maximum prices per 1000 feet board measure for rough green aircraft spruce, F. A. S. Seattle, Washington; Tacoma, Washington; or Portland, Oregon, shall be as follows:

(1) *Selace Grade*---------- $265.00
The specifications for Selace grade are as follows:
Sizes: 2" and thicker by 4" and wider, 15 feet and longer (2" and 3" thicknesses must be edge grain; 4" and thicker may be Random, Flat or Edge (vertical grain)).
Deviation of grain: (maximum): 1" in 15"
Rate of growth: 7 annual rings minimum
Texture: Perfect
Description: Each piece shall contain 50 per cent of clear aero spars of minimum size 2" thick by 4" wide 15 feet in length. Hard grain not permitted in such cuttings. 12½ per cent of each such piece shall contain material of clear aero cuttings of minimum 4 feet in length. 25 per cent of each such piece shall contain useful short cuttings of clear lumber. 12½ per cent of waste allowed in each piece including sap and hard grain.

(2) *Ace High Grade:* Random, Flat or Edge (vertical) Grain---------- $215.00
The specifications for Ace High Grade are as follows:
Sizes: 2" and thicker by 4" and wider, 15 feet and longer. Same as Selace Grade Random except: 2" and 3" Flat grain must be 100 percent Selace quality.
Description: 4" and thicker to contain 40 per cent of material of clear aircraft grade of minimum size 2" thick by 4" wide, 15 feet in length. Balance of each such piece shall contain material of clear grade good texture which will develop at at least 70 per cent of clear lamina cuttings 15 feet and longer.

(3) *FLL Grade:* Random, Flat or Edge (vertical Grain)---------- $165.00
The specifications for FLL Grade are as follows:
Sizes: 3" and thicker by 4" and wider, 15 feet and longer; small percentage of 2" may be included.
Deviation of grain: (maximum) ½" in 12"
Rate of growth: 6 annual rings (minimum)
Texture: Good
Description: Each piece shall contain 70 percent clear lamina cuttings 15 feet and longer.

(4) *Thin Aero Grade:* Random, Flat or Edge (vertical) Grain---------- $155.00
The specifications for Thin Aero Grades are as follows:
Sizes: 1" to 3" thick by 3" and wider, 10 feet and longer, permitting 1" to 3" thick, 3" and wider, 6 to 9 feet in length at one-half price.
Deviation of grain: (maximum) 1" in 15".
Rate of growth: 7 annual rings (minimum).
Texture: Perfect.
Description: Each piece must be perfect Selace texture, free from defects including coarse, hard or brashy grain.

(5) *FLLS Grade:* Random, Flat or Edge (vertical) Grain---------- $90.00
The specifications for FLLS Grade are as follows:
Sizes: 3" and thicker by 4" and wider, 6 feet to 14 feet in length, small percentage of 2" permitted.
Deviation of grain: (maximum) 1" in 12".
Rate of growth: 6 annual rings (minimum).
Texture: Good.
Description: Each piece shall contain 70 percent clear lamina cuttings 7 feet and longer.

(6) *H. G. Grade:* Random, Flat or Edge (vertical) Grain---------- $130.00
The specifications for HG Grade are as follows:
Sizes: 2" and thicker, 4" and wider, 10 feet to 14 feet long
Deviation of grain: (maximum) 1" to 15"
Rate of growth: 7 annual rings (minimum)
Texture: Perfect
Description: Each piece must contain Selace quality cuttings 10 feet long or longer, only one cutout or defect per piece, such as a pitch pocket, small burl or knot, not affecting more than ⅓ the width of the piece.

(7) *HGS Grade:* Random, Flat or Edge (vertical) Grain---------- $100.00
The specifications for HGS Grade are as follows:
Sizes: 2" and thicker, 4" and wider, 5 feet to 9 feet in length (approximate 5 per cent of 4 feet permitted)
Deviation of grain: (maximum) 1" to 15"
Rate of growth: 7 annual rings (minimum)
Texture: Perfect
Description: Each piece must be Selace quality, no defects.

(b) The following provisions are applicable to all grades:

(1) All grades shall be clear Sitka spruce, 100 per cent heartwood, free from all defects including burly, curly, gnarly, spiral or irregular grain.

(2) No piece shall have a greater section than 72 square inches; e. g., maximum sizes are 5" x 14", 6" x 12", 7" x 10", and 8" x 9".

(3) Aircraft spruce furnished under these specifications shall represent a fair average assortment of the specified grades, lengths and widths.

(c) The following definitions are applicable to this Appendix B:

(1) "Edge (vertical) grain": Unless otherwise specified, a piece shall be considered "edge (vertical) grain" when the annual rings form an angle of not more than 45 degrees from vertical.

(2) "Flat (slash) grain": A piece shall be considered "flat (slash) grain" when the annual rings form an angle of more than 45 degrees from vertical.

(3) "Random (mixed) grain" means any combination of edge and/or flat grain.

(4) "Grain deviation" means the maximum deviation of the grain from a line parallel to the edges of the piece.

(5) "Rate of growth": The "rate of growth" specified shall be the minimum number of annual rings to each inch, measured at right angles to the direction of the rings, on both end sections.

(6) "Perfect" texture means that the fiber of the wood shall be strong, tough and elastic. It excludes brashy, short or hard grain (compression wood) or pieces of abnormally light weight.

(7) "Good" texture shall mean strong, tough and elastic lumber but possessing these qualities in a slightly lesser degree than "Perfect" texture, free from brashy, coarse, or hard grain, and free from pieces of abnormally light weight.

(8) "Lamina cuttings" shall mean material suitable for remanufacture into strips of any thickness required for use as members in built-up or glued lamination. Such material should be of clear type but may contain slight imperfections such as narrow pitch pockets, knots, slight stain, etc., but must be of "good" texture.*

§ 1312.362 *Appendix C: Maximum prices for non-standard grades and specifications.* For grades and specifications other than those for which maximum prices are provided in Appendices A (§ 1312.360) and B (§ 1312.361), of this Maximum Price Regulation No. 109, the maximum price shall be that of the most closely corresponding grade and specification of aircraft spruce for which a maximum price is provided in Appendix A or B.*

Issued this 20th day of March, 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–2424; Filed, March 20, 1942; 11:18 a. m.]

PART 1335—CHEMICALS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 68[1] HIDE GLUE STOCK

A statement of the considerations involved in the issuance of this Amendment has been prepared, and is issued simultaneously herewith.[2]

The two existing paragraphs of § 1335.504 are designated (a) and (c) respectively, and a new paragraph (b) is added thereto, two new paragraphs (c) and (d) are added to § 1335.510, and new § 1335.509a is added, as set forth below:

§ 1335.504 *Records and reports.*
(a) * * *
* * * * *

(b) On or before April 10, 1942, and on or before the 10th day of each third month thereafter, every person who during the preceding three months has made a sale of Packers trimmings, consisting of cattle lips or snouts, for use as crab bait, in quantities of 100 pounds or more, whether for immediate or future delivery, shall submit to the Office of Price Administration a sworn affidavit showing for such previous three month period (1) the aggregate amounts of his sales of such material, (2) the price received therefor, and (3) such other information as the Office of Price Administration shall require.

(c) * * *

§ 1335.510 *Appendix A: Maximum prices for hide glue stock.*
* * * * *

(c) *Cattle lips and snouts; crab bait.* Regardless of any other provision of Revised Price Schedule No. 68 (including paragraph (b) of § 1335.508) the maximum prices established by §§ 1335.501 and 1335.510 thereof do not apply to the purchase or sale of Packers trimmings consisting of cattle lips or snouts when sold or marketed for use as crab bait.

(d) *Pre-existing contracts.* Any person who prior to January 20, 1942, had purchased hide glue stock and had the same in his possession or in the custody of a carrier or warehouse, other than a carrier or warehouse owned or controlled by the person from whom such hide glue stock was purchased, in order to fulfill a contract of sale entered into before January 20, 1942, may deliver such hide glue stock in accordance with such contract; and any person to whom such hide glue stock is delivered, and who had also entered into a contract for the sale thereof prior to January 20, 1942, may in turn deliver such hide glue stock in accordance with the terms of his contract: *Provided,* That any person making a delivery of hide glue stock pursuant to the provisions of this paragraph shall, within ten (10) days after such delivery, submit to the Office of Price Administration in Washington, D. C., a verified statement setting forth: (1) the date upon which he received delivery of such hide glue stock or the date upon which it was transferred to the custody of the carrier or warehouse; (2) the name and address of the supplier; (3) the name and address of the purchaser; (4) the date upon which the contract of sale was made; (5) the form of the contract, i. e. signed agreement, order form, exchange of letters, oral, etc.; (6) the quantity of hide glue stock delivered under the contract of sale after January 20, 1942, together with the date or dates of such deliveries; and (7) the selling price of the hide glue stock so delivered.

§ 1335.509a *Effective date of amendments to Revised Price Schedule No. 68.* (a) Amendment No. 1 (§§ 1335.504 (a) (b) and (c), § 1335.510 (c) and (d) and § 1335.509a) to Revised Price Schedule No. 68, shall become effective on March 24, 1942. Until such date Revised Price Schedule No. 68 continues in effect as if not amended by Amendment No. 1. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 21st day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–2470; Filed, March 23, 1942; 9:23 a. m.]

PART 1335—CHEMICALS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 76[1]—HIDE GLUE

A statement of the considerations involved in the issuance of this amendment has been prepared, and is issued simultaneously herewith.[2]

A new paragraph (d) is added to § 1335.704 new paragraphs (e) and (f) are added to § 1335.709, and a new § 1335.708a is added, as set forth below:

§ 1335.704 *Records and reports.*
* * * * *

(d) *Imported hide glue.* From and after March 24, 1942, every person making sales of imported hide glue in quantities of 100 pounds or more at prices based upon the landed cost thereof, as provided in paragraph (f) of § 1335.709, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such sale showing the date thereof; the name and address of the buyer; the landed cost of such glue at the port of entry in the United States; each item entering into such landed cost; any additional charges made pursuant to paragraph (f) (2) of § 1335.709; and the specifications and quantity, including the kind and size of the containers, of the glue sold.

§ 1335.709 *Appendix A: Maximum prices for hide glue.*
* * * * *

(e) *Pre-existing contracts.* Any person who prior to January 28, 1942, had purchased hide glue and had such glue in his possession or in the custody of a carrier or warehouse, other than a carrier or warehouse owned or controlled by the person from whom such glue was purchased, in order to fulfill a contract of sale entered into before January 28, 1942, may deliver such glue in accordance with such contract; and any person to whom such glue is delivered, and who had also entered into a contract for the sale thereof prior to January 28, 1942, may, in turn, deliver such glue in accordance with the terms of his contract: *Provided,* That any person making a delivery of hide glue pursuant to the provisions of this paragraph shall, within ten (10) days after such delivery, submit to the Office of Price Administration in Washington, D. C., a verified statement setting forth: (1) the date upon which he received delivery of such glue or the date upon which such glue was transferred to the custody of the carrier or warehouse; (2) the name and address of the supplier; (3) the name and address of the purchaser; (4) the date upon which the contract of sale was made; (5) the form of the contract, i. e., signed agreement, order form, exchange of letters, oral, etc.; (6) the quantity of glue delivered under the contract after January 28, 1942, together with the date or dates of such deliveries; and (7) the selling price thereof.

(f) *Imported hide glue.* The maximum delivered prices for imported hide glue shall be either:

(1) The prices established in paragraphs (a) (b) (c) and (d) of this section; or

(2) At the option of the seller, if shipped in the containers in which it was imported and without admixture with any other glue or other substance, the actual landed cost of such glue, duty paid, at the port of entry in the United States, but in no event to exceed twenty-four cents (24¢) per pound, plus (i) the difference between the producers' maximum price and the jobbers' maximum price for the sale of the same grade of glue, as provided in paragraphs (a) (1) and (2) of this section; (ii) one cent (1¢) per pound when delivered in less than carload lots; and (iii) one-half cent (½¢) per pound when ground to 30 mesh or finer:

Provided, That in the case of imported hide glue with a jelly test in grams of less than 100, the maximum delivered price shall be, in all instances, the actual landed cost of such glue, duty paid, at the port of entry in the United States, but in no event to exceed twenty-four cents (24¢) per pound, *plus* (a) the difference between the producers' maximum price and the jobbers' maximum price for the sale of hide glue with a jelly test in grams of 100–121, as provided in paragraphs (a) (1) and (2) of this section; (b) one cent (1¢) per pound when delivered in less than carload lots;

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[1] 7 F.R. 1338.

[2] The statement of considerations has been filed with the Division of the Federal Register.

[1] 7 F.R. 1351.

and (c) one-half cent (½¢) per pound when ground to 30 mesh or finer: and

Provided, further, That when imported hide glue is sold upon the basis of the landed cost thereof, as permitted by this paragraph (f) (2), there shall be rendered to the purchaser a bill or invoice specifically stating that the glue is imported.

§ 1335.708a *Effective dates of amendments to Revised Price Schedule No. 76.* (a) Amendment No. 1 (§§ 1335.704 (d), 1335.709 (e) and (f), and 1335.708a) to Revised Price Schedule No. 76 shall become effective on March 24, 1942. Until such date Revised Price Schedule No. 76 continues in effect as if not amended by Amendment No. 1. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 21st day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2471; Filed, March 23, 1942; 9:25 a. m.]

PART 1358—TOBACCOS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 62 [1]—CIGARETTES

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[2]

Section 1358.1 is amended by designating the paragraph therein as (a) and adding two new paragraphs (b) and (c), and a new § 1358.9a is added, as set forth below.

§ 1358.1 *Maximum prices for cigarettes*

(a) • • •

(b) In the event the Federal Internal Revenue tax on cigarettes should be increased from the existing rate of $3.25 per thousand cigarettes, the amount of such increase may be added to the maximum delivered prices for cigarettes, after the deduction of the trade and cash discounts.

(c) Manufacturers may continue, discontinue, decrease or increase existing "drop" shipments, free deals and coupon practices or values.

§ 1358.9a *Effective dates of amendments.* Amendment No. 1 (§ 1358.1 (a), (b), and (c)) to Revised Price Schedule No. 62 shall become effective March 24, 1942. Until such date Revised Price Schedule No. 62 continues in effect as if not amended by Amendment No. 1. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 23d day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2511; Filed, March 23, 1942; 11:47 a. m.]

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[1] 7 F.R. 1322.

[2] The statement of considerations has been filed with the Division of the Federal Register.

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

AMENDMENT NO. 3—TO RATIONING ORDER NO. 2A [1]—NEW PASSENGER AUTOMOBILE RATIONING REGULATIONS

Section 1360.372 (c) is hereby repealed; § 1360.310 (f) and (i) are amended; a new paragraph (d) is added to § 1360.362; a new paragraph (c) is added to § 1360.442; and three new §§ 1360.406, 1360.407, and 1360.408 are added; as set forth below:

Definitions

§ 1360.310 *Definitions.*

• • • • •

(f) "New passenger automobile" means any 1942 model passenger automobile, built upon a standard or lengthened passenger car chassis having a seating capacity of not more than ten persons, irrespective of the number of miles it has been driven, or any other such passenger automobile of earlier model which has been driven less than 1,000 miles, including taxis, but not including ambulances, hearses, and station wagons.

• • • • •

(i) "Transfer" means sell, lease, trade, lend, give, deliver, ship, or physically transfer in any other way which involves the use of the automobile, after the transfer, by a person other than the transferor; but does not include delivery to a carrier for shipment, or delivery by a carrier to a consignee; does not include a lease or loan made in good faith for a period of one week or less; does not include a physical return or physical delivery of the automobile to the registered owner thereof, or a physical return or physical delivery by the registered owner to a person who satisfies the conditions of § 1360.407 (b) and (d); and does not include a technical transfer of title for security purposes to a person financing a conditional sale or similar type of transaction, made simultaneously with a transfer of the automobile itself to the conditional sales buyer. It also includes the change of the designation of the registered owner.

(1) The term "transfer" is intended to include the conversion to use of an automobile held for sale or resale, whether or not a change of ownership or possession is involved.

(2) The term "transfer" is not intended to include the registration of an automobile acquired or received under the conditions described in § 1360.407 in the name of the person so acquiring or receiving it.

Transfers Without Certificates

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§ 1360.362 *Persons eligible to acquire only for purposes of resale.*

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(d) Persons duly authorized by law to engage in the insurance business, by exercise of the right of subrogation, or in consequence of the payment of a claim.

Certificates for New Passenger Automobiles

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§ 1360.406 *Definitions.* When used in §§ 1360.407 and 1360.408 following:

(a) "Automobile salesman" means any person regularly employed for the purpose of selling passenger automobiles.

(b) "Acquired" means obtained in a manner consistent with an assertion of ownership by the person claiming acquisition.

(c) "Privately acquired" means acquired from a source other than a manufacturer, distributor, dealer, or other authorized channel of distribution of passenger automobiles.

§ 1360.407 *Conditions required for issuance of Clearance Statements.* Any person desiring to procure the registration, by a state or local agency empowered to register motor vehicles, of any new passenger automobiles acquired under any of the circumstances hereinafter described in paragraphs (a), (b), (c), (d), or (e) of this section, may apply to the appropriate Local Rationing Board for the issuance of a Clearance Statement on Form R–212. Such Board is hereby authorized to issue such Clearance Statement to an applicant therefor in the following cases:

(a) Where an applicant other than a manufacturer, dealer, distributor, or automobile salesman establishes either:

(1) That he acquired, accepted delivery, and had possession of such automobile prior to 6 P. M. EST., on January 1, 1942; or

(2) That such automobile was privately acquired by him and that he accepted delivery and had actual possession prior to February 2, 1942.

An applicant shall not be deemed to have had possession of such automobile for the purposes of this paragraph (a) while it was in the possession or physical control of the person from whom the applicant claims to have acquired it.

(b) Where an applicant other than a manufacturer, dealer, distributor, or automobile salesman shows that prior to February 2, 1942 such automobile was registered in the name of another person, with the knowledge and consent of the applicant, if it is also established:

(1) That the automobile was acquired by the applicant, or by such other person on his behalf, under conditions which satisfy the requirements of paragraph (a) above; and

(2) That prior to or simultaneously with such acquisition the applicant paid or agreed to pay the full purchase price of the automobile; and

(3) That the registration of such automobile in the name of such other person was pursuant to a written or oral agreement entered into at or prior to the date of such registration whereby such other person agreed to return or deliver the automobile to the applicant; and

(4) That such person has returned or delivered such automobile to the applicant and has received no payment or other consideration for such return.

(c) Where an applicant who is a manufacturer, distributor, dealer or automobile salesman establishes:

(1) That he acquired, accepted delivery and had possession of such automobile prior to 6 P. M. EST. on January 1, 1942; and

(2) That prior to 6 P. M. EST on January 1, 1942 such automobile was segregated by him for his personal use and ownership, from those held for sale or resale, and if such automobile was at any time carried on the books or records of a manufacturer, dealer, distributor or automobile salesman as held for sale or resale, that such books or records were changed, or a notation was made thereon prior to January 2, 1942 in some manner calculated to evidence such segregation.

(d) Where an applicant who is a manufacturer, distributor, dealer, or automobile saleman shows that prior to January 2, 1942 such automobile was registered in the name of another person, with the knowledge and consent of the applicant, if it is also established:

(1) That the automobile was acquired by the applicant or by such other person on his behalf under conditions which satisfy the requirements of paragraph (c) above; and

(2) That prior to or simultaneously with such acquisition the applicant paid or agreed to pay the full purchase price of the automobile; and

(3) That the registration of such automobile in the name of such other person was pursuant to a written or oral agreement entered into at or prior to the date of such registration whereby such other person agreed to return the automobile to the applicant; and

(4) That such person has returned such automobile to the applicant and has received no payment or other consideration for such return.

(e) Where any applicant shows by documentary evidence that such automobile was acquired by him pursuant to written authorization of the Administrator of the Office of Price Administration, or of the Director of Priority of the Office of Production Management or of the Director of Industry Operations of the War Production Board.

§ 1360.408 *Form of Clearance Statement R–212.* (a) The Clearance Statement, Form R–212 when issued in accordance with the provisions of § 1360.407, shall be signed by at least two members of the Local Rationing Board, and shall state that the Board has no objection to the registration of the designated new passenger automobile in the name of the applicant. Such Clearance Statement, when issued, shall not be construed as evidence of ownership of the automobile in question. The Clearance Statement shall be serially numbered, and divided into two parts, A and B.

(b) The whole Clearance Statement, together with a postpaid envelope addressed to the Board issuing it, shall be filed by the applicant with the State or Local agency having jurisdiction over the registration of motor vehicles.

(c) Such State or Local agency may retain Part B for its own files and shall forward Part A to the issuing board in the postpaid envelope provided.

(d) The Local Rationing Board shall keep records of all applications granted under this and the preceding section, which shall include Part A of Form R–212, when returned, together with any evidence or documents on the basis of which the application was granted. The Board shall also comply with the posting and release requirements of § 1360.421.

(e) If the new passenger automobile for which registration is sought, pursuant to § 1360.407, was included in the inventory of passenger automobiles made by direction of the Office of Price Administration on or about February 11, 1942, the applicant shall also file with the Board one copy of Form R–203. The Board shall, after registration has been completed and Part A of Form R–212 has been received from the State or Local agency having jurisdiction over the registration of motor vehicles, forward such Form R–203 to the Office of Price Administration, Automobile Inventory Unit, New York, N. Y. No new passenger automobile as to which a Form R–212 has been issued pursuant to §§ 1360.407 and 1360.408 shall be charged against the quota of the issuing board.

Effective Dates

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§ 1360.442 *Effective dates of amendments*

• • • • •

(c) Amendment No. 3 (§ 1360.372 (c), § 1360.310 (f), (i), § 1360.362 (d), § 1360.406, § 1360.407, § 1360.408) to rationing Order No. 2A shall become effective March 23, 1942. (Pub. Law 421, 77th Cong., 2d Sess., W.P.B. Directive No. 1, Supplementary Directive No. 1A, 7 F.R. 562, 698, 1493)

Issued this 23d day of March, 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2507; Filed, March 23, 1942; 11:36 a. m.]

PART 1363—FEEDINGSTUFFS

MAXIMUM PRICE REGULATION NO. 74—ANIMAL PRODUCT FEEDINGSTUFFS

Revised Price Schedule No. 74 [1] (§§ 1363.51 to 1363.59, inclusive)—Animal Product Feedingstuffs is revoked and Maximum Price Regulation No. 74—Animal Product Feedingstuffs is hereby issued.

In the judgment of the Price Administrator the prices of animal product feedingstuffs have risen to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of animal product feedingstuffs prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. The maximum prices established herein will have no effect on the prices received by producers of the agricultural commodities from which animal product feedingstuffs are manufactured, for the reason that the animal product feedingstuffs covered by this Regulation are remote by-products of the production of such agricultural commodities. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been prepared and is issued simultaneously herewith.[2]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulations No. 1,[3] issued by the Office of Price Administration, Maximum Price Regulation No. 74 is hereby issued.

§ 1363.51 *Maximum prices for animal product feedingstuffs.* On and after March 26, 1942, no person shall sell or deliver animal product feedingstuffs in the course of trade or business at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1363.61; and no person shall agree, offer, solicit, or attempt to do any of the foregoing, except that contracts entered into prior to March 26, 1942, providing for prices higher than the maximum prices, may be carried out at the contract prices. The maximum prices shall include commissions and all other charges.*

*§§ 1363.51 to 1363.61, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1363.52 *Exempt sales.* Sales at retail are excepted from the operation of this Maximum Price Regulation No. 74.*

§ 1363.53 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1363.61) may be charged, demanded, paid, or offered.*

§ 1363.54 *Conditional agreements.* No seller of animal product feedingstuffs shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1363.61, in the event that this Maximum Price Regulation No. 74 is amended or is determined by a court to be invalid or upon any other contingency: *Provided,* That if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may

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[1] 7 F.R. 1349.

[2] The statement of considerations has been filed with the Division of the Federal Register.

[3] 7 F.R. 971.

[1] 7 F.R. 1542, 1647, 1756, 2108.

grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.*

§ 1363.55 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 74 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to animal product feedingstuffs, alone or in conjunction with any other commodity, or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.*

§ 1363.56 *Records and reports.* (a) Every person making a purchase or sale of animal product feedingstuffs in the course of trade or business, after January 20, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than two years complete and accurate records of each such purchase or sale, including the date thereof, the name of the seller or purchaser, the price paid or received, the amount sold or purchased, and the kind and grade of animal product feedingstuffs sold or purchased.

(b) Such persons shall submit such reports to the Office of Price Administration, and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require.*

§ 1363.57 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 74 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 74 or any price schedule, regulation, or order issued by the Office of Price Administration, or of any acts or practices which constitute such a violation, are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.*

§ 1363.58 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 74 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.*

§ 1363.59 *Definitions.* (a) When used in this Maximum Price Regulation No. 74, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Animal Product Feedingstuffs" means meat scraps and digester tankage used as such or as ingredients in the manufacture of mixed feeds for the feeding of livestock and poultry. The term "meat scraps" includes meat meal and meat scraps. The term "digester tankage" includes digester tankage, meat meal tankage, feeding tankage, digester tankage with bone, meat and bone meal digester tankage, meat and bone meal tankage, and feeding tankage with bone.

(3) "Grade" refers to the percentage of protein content per ton of feedingstuff.

(4) "Sale at retail" means a sale to the ultimate user: *Provided*, That no manufacturer, processor, or purchaser for resale shall be deemed to be an ultimate user.

(5) In the phrase "similar amount to the same type of purchaser," the word "similar" means that amount, and the word "same" means that type of purchaser with respect to which the same price did apply or would have applied under the seller's trade practices during the period January 20 to March 20, 1942.*

§ 1363.60 *Effective date.* This Maximum Price Regulation No. 74 (§§ 1363.51 to 1363.61, inclusive) shall become effective March 26, 1942.*

§ 1363.61 *Appendix A: Maximum prices for sales of animal product feedingstuffs.* (a) The maximum shipping point price for any grade of meat scraps shall be:

(1) Five dollars ($5.00) less than the highest shipping point price (or delivered price converted to a shipping point price) at which the seller sold, contracted, or agreed to sell at such shipping point such grade during the period January 20 to March 20, 1942, for delivery within thirty days, in a similar amount to the same type of purchaser; or

(2) If the seller did not sell, contract or agree to sell such grade during the period January 20 to March 20, 1942, for delivery within thirty days, in a similar amount to the same type of purchaser, the maximum shipping point price shall be five dollars ($5.00) less than the highest shipping point price (or delivered price converted to a shipping point price) at which the seller sold, contracted, or agreed to sell at such shipping point meat scraps of a different grade or in a different amount or to a different type of purchaser during the period January 20 to March 20, 1942, for delivery within thirty days, making the necessary adjustments for differences in grade, amount, or type of purchaser, in accordance with the seller's practice for determining price differentials existing in the period January 20 to March 20, 1942; or

(3) If the seller did not sell, contract, or agree to sell meat scraps in the period January 20 to March 20, 1942, for delivery within thirty days, the seller's maximum shipping point price for any one of the various grades of meat scraps shall be five dollars ($5.00) less than the shipping point price (or delivered price converted to a shipping point price) at which such grade was sold, contracted, or agreed to be sold in the market nearest the seller's shipping point in the period January 20 to March 20, 1942, for delivery within thirty days, in a similar amount to the same type of purchaser, making adjustment for the normal differential, if any, between the seller's shipping point price and the shipping point price in such market.

(b) The maximum shipping point price for any grade of digester tankage shall be:

(1) Six dollars ($6.00) less than the highest shipping point price (or delivered price converted to a shipping point price) at which the seller sold, contracted, or agreed to sell at such shipping point such grade in the period January 20 to March 20, 1942, for delivery within thirty days, in a similar amount to the same type of purchaser; or

(2) If the seller did not sell, contract, or agree to sell such grade during the period January 20 to March 20, 1942, for delivery within thirty day, in a similar amount to the same type of purchaser, the maximum shipping point price shall be six dollars ($6.00) less than the highest shipping point price (or delivered price converted to a shipping point price) at which the seller sold, contracted, or agreed to sell at such shipping point digester tankage of a different grade or in a different amount or to a different type of purchaser during the period January 20 to March 20, 1942, for delivery within thirty days, making the necessary adjustments for differences in grade, amount, or type of purchaser, in accordance with the seller's practice for determining price differentials existing in the period January 20 to March 20, 1942; or

(3) If the seller did not sell, contract, or agree to sell digester tankage in the period January 20 to March 20, 1942, for delivery within thirty days, the seller's maximum shipping point price for any one of the various grades of digester tankage shall be six dollars ($6.00) less than the shipping point price (or delivered price converted to a shipping point price) at which such grade was sold, contracted, or agreed to be sold in the market nearest the seller's shipping point in the period January 20, 1942 to March 20, 1942, for delivery within thirty days, in a similar amount to the same type of purchaser, making adjustment for the normal differential, if any, between the seller's shipping point price and the shipping point price in such market.

(c) The maximum delivered price to any point shall be the maximum shipping point price determined under paragraph (a) or (b), plus the transportation charge at the lowest available established rate available for an identical shipment to such point.*

Issued this 21st day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2457; Filed, March 21, 1942; 11:22 a. m.]

PART 1364—FRESH, SMOKED AND CANNED MEAT PRODUCTS

AMENDMENT NO. 1 TO TEMPORARY MAXIMUM PRICE REGULATION NO. 8[1]—DRESSED HOGS AND WHOLESALE PORK CUTS

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[2]

Section 1364.6 (a) is amended, and § 1364.13 is added, as set forth below:

§ 1364.6 *Records and reports.* (a) Not later than April 6, 1942, every person making sales subject to § 1364.1 above, shall file with the Office of Price Administration in Washington, D. C., a copy of each and every price list, together with all amendments thereto, used by him during the periods February 23, 1942, to February 28, 1942, inclusive, and March 3, 1942, to March 7, 1942, inclusive, upon which he based his sales price quotations. He shall also submit a sworn statement certifying (1) that such copy or copies are true and correct; (2) the area or areas in which each list was applicable; (3) the period during which each such list was in effect; (4) customary deductions from and additions to the list prices, representing the cost differentials, referred to in paragraph (b) of § 1364.1; and (5) whether the prices quoted in such list were delivered prices or f. o. b. seller's shipping point.

* * * * *

§ 1364.13 *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1364.6 (a) and 1364.13) to Temporary Maximum Price Regulation No. 8 shall become effective March 21, 1942. Until such date, Temporary Maximum Price Regulation No. 8 continues in effect as if not amended by Amendment No. 1. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 20th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2458; Filed, March 21, 1942; 11:23 a. m.]

PART 1410—WOOL

AMENDMENT NO. 1 TO MAXIMUM PRICE REGULATION NO. 106[3]—DOMESTIC SHORN WOOL

A statement of the considerations involved in the issuance of this Amendment No. 1 to Maximum Price Regulation No. 106 has been prepared and is issued simultaneously herewith.[4]

Sections 1410.5 and paragraph (e) of § 1410.10 are hereby amended and a new § 1410.9a is hereby added to read as follows:

§ 1410.5 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 106 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 106 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1410.10 *Appendix A: Maximum prices for domestic shorn wool.*

* * * * *

(e) *Brokers' commissions.* In cases where a purchaser or a seller of domestic shorn wool employs a broker or other agent to make a purchase or sale on his behalf, a commission of not to exceed 1% of the applicable maximum price may be charged for such services and added to the applicable maximum price set forth above. A commission may not be charged to both buyer and seller on the same lot of wool. Such commission shall be payable only if (1) the wool is purchased at a price not exceeding the maximum price established by Maximum Price Regulation No. 106, (2) it is shown as a separate charge on the invoice or similar document delivered to the purchaser and (3) the commission is not split or divided with the seller or with an agent or an employee of the seller.

No such commission may be charged and added to the maximum price by cooperative marketing associations or other persons making sales of wool held on consignment from the grower.

§ 1410.9a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1410.5, 1410.10 (e) and 1410.9a) to Maximum Price Regulation No. 106 shall become effective March 24, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 23d day of March 1942.

JOHN E. HAMM,
Acting Administrator.

Approved:

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-2512; Filed, March 23, 1942; 11:47 a. m.]

TITLE 42—PUBLIC HEALTH

Chapter I—United States Public Health Service Federal Security Agency

PART 10—GRANTS TO STATES FOR VENEREAL DISEASE CONTROL

AMENDMENT TO RULES AND REGULATIONS GOVERNING ALLOTMENTS AND PAYMENTS TO THE STATES FOR VENEREAL DISEASE CONTROL ACTIVITIES FOR THE FISCAL YEAR 1942.

Pursuant to authority contained in section 4d of Chap. XV of the Act of July 9, 1918, as added by the Act of May 24, 1938, 52 Stat. 439 (U. S. Code, title 42, sec. 25d), § 10.302[1] is amended to read as follows:

§ 10.302 *Allotments—Allotments of funds made available under Appropriation Act, 1942.* The Surgeon General, pursuant to the authority contained in section 4b of the Act, has determined that $5,566,600 (or 86.9%) of the total amount available for the fiscal year 1942 shall be allotted to the States, the District of Columbia, Alaska, Puerto Rico, the Virgin Islands, and Hawaii on the bases of (1) population; (2) the extent of the venereal disease problem; and (3) the financial needs of the respective States ". . . in establishing and maintaining adequate measures for the prevention, treatment, and control of the venereal diseases," in accordance with the following percentage distribution:

(1) *Population.* Allotments amounting to 26.0 percent of the available appropriations will be made to the several States in the ratio which the population of each State bears to the population of the United States, as shown by the census of 1940.

(2) *Extent of the venereal disease problem.* Allotments amounting to 34.9 percent of the available appropriations will be made to the several States on the bases of (i) the varying composite and racial prevalence rates for syphilis; (ii) the extent to which treatment facilities have been provided as evidenced by the population under treatment for syphilis; (iii) the varying costs of providing equal services as determined by the inverse function of the density and the direct function of the size of the population of each State and Territory; (iv) the need for training centers and demonstrations in selected areas; (v) the need for facilities for the prevention and control of the venereal diseases in localities where armed forces or civilian employees engaged in national defense activities are concentrated.

(3) *Financial needs.* Allotments amounting to 26.0 percent of the available appropriations will be made to the several States on the basis of their financial needs, as determined by the ability of the States to raise revenue, expressed in terms of per capita income differences obtained from data supplied by the Bureau of Foreign and Domestic Commerce for the five-year period 1935–1939.[1]

(b) *Allotments of funds made available under the First Deficiency Appropriation Act, 1942.* This paragraph shall be applicable only to the allotment of funds made available under the First Deficiency Appropriation Act, 1942. In order to carry out the recommendations of the Committee on Appropriations of the House of Representatives the Surgeon General, pursuant to the authority contained in section 4b of the act, has determined that $2,250,000 (or 90%) of the $2,500,000 deficiency appropriation available for the remainder of the fiscal year 1942 shall be allotted to the States, the District of Columbia, Alaska, Puerto Rico, the Virgin Islands, and Hawaii on

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[1] 7 F.R. 1841.

[2] The statement of considerations has been filed with the Division of the Federal Register.

[3] 7 F.R. 1648.

[4] 6 F.R. 3289.

[1] Martin, J. L.: "Income payments to individuals by States, 1929–1939," Survey of Current Business, October 1940. Table 1, page 2, modified to include later revisions of the Bureau of Foreign and Domestic Commerce and estimates of per capita income for the Territories.

the bases of (1) population, (2) the extent of the venereal disease problem; and (3) the financial needs of the respective States "* * *" in establishing and maintaining adequate measures for the prevention, treatment and control of the venereal diseases," in accordance with the following percentage distribution:

(1) *Population.* Allotments amounting to 13.4 percent of the available deficiency appropriation will be made to the several States in the ratio which the population of each State bears to the population of the United States, as shown by the census of 1940.

(2) *Extent of the venereal disease problem.* (i) Allotments amounting to 14 percent of the available deficiency appropriation will be made to the several States for the general extent of the venereal disease problem on the bases of (a) the varying composite and racial prevalence rates for syphilis; (b) the extent to which treatment facilities have been provided as evidenced by the population under treatment for syphilis; (c) the varying costs of providing equal services as determined by the inverse function of the density and the direct function of the size of the population of each State and Territory; (d) the need for training centers and demonstrations in selected areas. (ii) Allotments amounting to 49.1 percent will be made for war needs, as recommended by the Committee on Appropriations of the House of Representatives on the bases of (a) expanding military and industrial war concentrations; (b) the prevalence of syphilis among men in the age group subject to military service.

(3) *Financial needs.* Allotments amounting to 13.4 percent of the available deficiency appropriation will be made to the several States on the basis of their financial needs, as determined by the ability of the States to raise revenue, expressed in terms of per capita income differences obtained from data supplied by the Bureau of Foreign and Domestic Commerce for the five-year period 1935–1939.[1]

THOMAS PARRAN,
Surgeon General.

MARCH 10, 1942.

Approved: March 13, 1942.

PAUL V. MCNUTT,
Administrator, Federal Security Agency.

[F. R. Doc. 42-2408; Filed, March 23, 1942; 10:45 a. m.]

TITLE 43—PUBLIC LANDS: INTERIOR

Chapter I—General Land Office

[Circular No. 1504]

PART 192—OIL AND GAS PERMITS AND LEASES

AMENDMENT OF OIL AND GAS LEASING REGULATIONS, AND FORMS OF LEASES, TO SECURE PROMPT FILING OF ASSIGNMENTS, AND LIMITATIONS OF OVERRIDING ROYALTIES

Circular No. 1453, approved November 18, 1938, containing §§ 192.42a to 192.42c, inclusive, of Title 43 of the Code of Federal Regulations, is hereby amended by adding the following:

§ 192.42d *Assignment of oil and gas lease or interest therein.* The lessee will be required to agree not to assign his lease, or any interest therein, whether by operating agreement, working or royalty interest, or otherwise, nor to sublet any portion of the leased premises, except with the consent in writing of the Secretary of the Interior. All assignments must be submitted in triplicate within 30 days from the date of execution and must contain all of the terms and conditions agreed upon by the parties thereto. If the consideration expressed in the agreement fails to describe the true consideration, an accompanying affidavit must be submitted stating the consideration in full. The affidavit will be treated as confidential and not for public inspection. No assignment of any kind will be recognized as valid which, exclusive of the royalty payable to the United States, shall create overriding royalty interests in the lease aggregating in excess of five per cent. Furthermore, no assignment providing for other payments out of production which constitute a burden upon lease operations prejudicial to the interests of the United States will be approved. (Sec. 32, 41 Stat. 450; 30 U.S.C. 189)

Oil and gas lease forms amended. Subsections 2 (p) of the standard lease form 4–208f (43 CFR 192.28; par. 13, Circ. 1386, May 7, 1936, 55 I.D., 508) and of the renewal lease form 4–973 (43 CFR 192.84; Circ. 1476, August 5, 1940) are hereby amended to read as follows:

2 (p). *Assignment of oil and gas lease or interest therein.* Not to assign this lease, or any interest therein, whether by operating agreement, working or royalty interest, or otherwise, nor to sublet any portion of the leased premises, except with the consent in writing of the Secretary of the Interior. All assignments must be submitted in triplicate within 30 days from the date of execution and must contain all of the terms and conditions agreed upon by the parties thereto. If the consideration expressed in the agreement fails to describe the true consideration, an accompanying affidavit must be submitted stating the consideration in full. The affidavit will be treated as confidential and not for public inspection. No assignment of any kind will be recognized as valid which, exclusive of the royalty payable to the United States, shall create overriding royalty interests in the lease aggregating in excess of five per cent. Furthermore, no assignments providing for other payments out of production which constitute a burden upon lease operations prejudicial to the interests of the United States will be approved.

(Sec. 32, 41 Stat., 450; 30 U.S.C. 189)

FRED W. JOHNSON,
Commissioner.

I concur: DECEMBER 4, 1941.

W. C. MENDENHALL,
Director, Geological Survey.

Approved: March 9, 1942.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-2441; Filed, March 21, 1942; 10:23 a. m.]

[Circular No. 1505]

PART 192—OIL AND GAS PERMITS AND LEASES

REGULATIONS REQUIRING REDUCTION OF OVERRIDING ROYALTIES IN EXCESS OF FIVE PER CENT PRIOR TO ISSUANCE OF OIL AND GAS RENEWAL LEASES

Circular No. 1476, approved August 5, 1940, containing §§ 192.75 to 192.85, inclusive, of Title 43 of the Code of Federal Regulations, is hereby amended by adding thereto the following:

§ 192.81a *Overriding royalties.* Oil and gas renewal leases will not be issued unless overriding royalties are reduced to not more than five per cent by agreement between the interested parties. An affidavit must be furnished by the applicant for the renewal lease showing that there will be no overriding royalties in excess of five per cent outstanding under the lease, if issued, and that no other payments will be made out of production which constitute a burden upon lease operations prejudicial to the interests of the United States. If other payments are to be made out of production, a full showing relative thereto must be furnished. (Sec. 32, 41 Stat., 450; 30 U.S.C. 189)

FRED W. JOHNSON,
Commissioner.

I concur: December 4, 1941.

W. C. MENDENHALL,
Director, Geological Survey.

Approved: March 9, 1942.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-2442; Filed, March 21, 1942; 10:27 a. m.]

Chapter III—Grazing Service

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

MODIFICATION[1] OF ORDER ESTABLISHING CALIFORNIA GRAZING DISTRICT NO. 2

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315–315p), as amended, commonly known as the Taylor Grazing Act, the departmental order of April 8, 1935 establishing California Grazing District No. 2 is hereby modified to the extent necessary to permit the use of the following-described lands by the War Department for military purposes, as provided by Executive order:

MOUNT DIABLO MERIDIAN

T. 27 N., R. 17 E.,
sec. 6, E½SW¼, S½SE¼;
sec. 7, E½E½;
sec. 29, S½NE¼, N½SE¼;
sec. 30, Lots 1, 2, 3, E½W½, E½;
T. 28 N., R. 17 E.,
sec. 19, Those portions of the E½SW¼ and the SE¼ lying south of the Southern Pacific Railroad right-of-way.

HAROLD L. ICKES,
Secretary of the Interior.

MARCH 9, 1942.

[F. R. Doc. 42-2444; Filed; March 21, 1942; 10:25 a. m.]

[1] Affects tabulation in § 502.1e.

[1] See footnote, p. 2245.

PART 502—LIST OF ORDERS CREATING OR MODIFYING GRAZING DISTRICTS

MODIFICATION[1] OF ORDER ESTABLISHING NEW MEXICO GRAZING DISTRICT NO. 3

Under and pursuant to the provisions of the act of June 28, 1934 (48 Stat. 1269; 43 U.S.C. 315–315p), as amended, commonly known as the Taylor Grazing Act, the departmental order of July 11, 1935 establishing New Mexico Grazing District No. 3 is hereby modified to the extent necessary to permit the use of the following-described lands by the War Department for military purposes, as provided by Executive order:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 S., R. 18 W.,
secs. 12 and 13.

HAROLD L. ICKES,
Secretary of the Interior.

MARCH 9, 1942.

[F. R. Doc. 42-2443; Filed, March 21, 1942; 10:25 a. m.]

[1] Affects tabulation in § 502.1e.

TITLE 46—SHIPPING

Chapter I—Bureau of Marine Inspection and Navigation

[Order No. 229]

GENERAL RULES AND REGULATIONS

Adjustments

The following adjustments are designed to offset the typographical errors incorporated in the document filed with the Division of the Federal Register and printed in the issue for Saturday, March 14, 1942.

Page 2052, third column, insert "(d)" after "61.17" in the eleventh line. Substitute "(d)" for "§ 61.17" at the beginning of the next paragraph and change the following paragraph designations (e), inclusive, to (1) through (5), inclusive.

Page 2055, second column, insert "(d)" after "77.17" in the first line of the third paragraph from the bottom. Substitute "(d)" for "§ 77.17" at the beginning of the next paragraph and change the following paragraph designations (a) through (e), inclusive, to (1) through (5), inclusive.

Page 2058, first column, insert "(d)" after "95.16" in the first line of the second paragraph from the bottom. Substitute "(d)" for "§ 95.16" at the beginning of the next paragraph and change the following paragraph designations (a) through (e), inclusive, to (1) through (5), inclusive.

Page 2060, third column, insert "(d)" after "114.17" in the first line of the third paragraph from the bottom. Substitute "(d)" for "§ 114.17" at the beginning of the next paragraph and change the following paragraph designations (a) through (e), inclusive, to (1) through (5), inclusive.

[1] Affects tabulation in § 502.1e.

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

Subchapter P—Alaska Fresh-Water Fisheries

PART 190—ALASKA FRESH-WATER FISHERIES[1]

Sec.
190.1 Definition, Alaska game fish.
190.2 Use of explosives in taking fish is prohibited.
190.3 Waters in which the taking of game fish is prohibited, except with artificial lures.
190.4 Open season for fishing in Russian River, Buskin River, and tributary waters.
190.5 Open season for fishing in Dewey Lakes and Salmon Creek Reservoir.
190.6 Limitations on daily catch and possession of game fish, Buskin River.
190.7 Limitations on daily catch and possession of game fish, Russian River and other streams and lakes of Kenai Peninsula.
190.8 Limitations on daily catch and possession of game fish, Naknek River, Newhalen River, Naknek Lake, Iliamna Lake, Lake Clark, and their watersheds.
190.9 General limitations on daily catch and possessions of game fish; exceptions.
190.10 Commercial fishing for fresh-water game fish prohibited.
190.11 Waters in which commercial fishing for Dolly Varden trout is prohibited.
190.12 Wanton waste of food or game fish prohibited.
190.13 Penalties for violation of fresh-water fisheries regulations.

§ 190.1 *Definition, Alaska game fish.* Game fish in Alaska are deemed to include the following species:

(a) Rainbow trout (*Salmo iridius*).
(b) Steelhead trout (*Salmo gairdneri*).
(c) Cutthroat trout (*Salmo clarkii*).
(d) Eastern brook trout (*Salvelinus fontinalis*).
(e) Grayling (*Thymallus signifer*).
(f) Lake trout (*Cristivomer namaycush*).*

*§§ 190.1 to 190.12, inclusive, issued under the authority contained in sec. 1, 44 Stat. 752; 48 U.S.C. 221. Whenever there is special authority for a specific section reference thereto is made in parentheses at the end of the section.

§ 190.2 *Use of explosives in taking fish prohibited.* The use or placement of any explosive in the waters of Alaska for the purpose of taking fish is prohibited.*

§ 190.3 *Waters in which the taking of game fish is prohibited, except with artificial lures.* In Russian River, flowing into Kenai River, and in waters within one-half mile of the mouth of Russian River, and in Buskin River, near Kodiak, and all lakes and tributaries thereof, and in Summit Lakes on the Moose Pass–Hope Highway, including the outlet stream thereof, game fish may be taken only by means of artificial lures.*

§ 190.4 *Open season for fishing in Russian River, Buskin River, and tributary waters.* It is prohibited to fish for, catch, or kill any game fish in Russian River, flowing into Kenai River, and in waters within one-half mile of the mouth of Russian River, and in Buskin River, near Kodiak, and all lakes and tributaries thereof, except during the period from June 5 to September 30, both dates inclusive.*

§ 190.5 *Open season for fishing in Dewey Lakes and Salmon Creek Reservoir.* It is prohibited to fish for, catch, or kill any game fish in Dewey Lakes, near Skagway, and in Salmon Creek Reservoir, near Juneau, except during the period from May 1 to September 30, both dates inclusive.*

§ 190.6 *Limitations on daily catch and possession of game fish, Buskin River.* No one shall take in any one day from Buskin River and its tributaries and lakes more than a combined total of 5 game fish of all species or more than 5 pounds and 1 game fish of all species, and no person shall have in his possession at any one time more than a combined total of 10 game fish of all species or more than 10 pounds and 1 game fish of all species.*

§ 190.7 *Limitations on daily catch and possession of game fish, Russian River and other streams and lakes of Kenai Peninsula.* No one shall take in any one day from Russian River and other streams and lakes of Kenai Peninsula more than a combined total of 5 game fish of all species or more than 10 pounds and 1 game fish of all species, and no one shall have in his possession at any one time more than a combined total of 10 game fish of all species or more than 20 pounds and 1 game fish of all species.*

§ 190.8 *Limitations on daily catch and possession of game fish, Naknek River, Newhalen River, Naknek Lake, Iliamna Lake, Lake Clark, and their watersheds.* No one shall take in any one day from Naknek River and Newhalen River, and from Naknek Lake, Iliamna Lake and Lake Clark, and the streams of their watersheds more than a combined total of 10 game fish of all species or more than 15 pounds and 1 game fish of all species, and no one shall have in his possession at any time more than a combined total of 20 game fish of all species or more than 30 pounds and 1 game fish of all species.*

§ 190.9 *General limitations on daily catch and possession of game fish; exceptions.* No one shall take in any one day from the fresh waters of Alaska, except Buskin River and its tributaries and lakes, Russian River and other streams and lakes of Kenai Peninsula, Naknek River, Newhalen River, and in Naknek Lake, Iliamna Lake and Lake Clark and the streams of their watersheds, where special limitations apply, more than a combined total of 20 game fish of all species or more than 15 pounds and 1 game fish of all species, and no person shall have in his possession at any one time more than a combined total of 40 game fish of all species or more than 30 pounds and 1 game fish of all species.*

§ 190.10 *Commercial fishing for fresh-water game fish prohibited.* All commercial fishing for game fish, including fishing for feed for fur-bearing animals,

[1] These regulations supersede the Alaska fresh-water fisheries regulations promulgated by the Secretary of the Interior on July 1, 1941 (6 F.R. 3408).

is prohibited in the streams and lakes of Alaska.*

§ 190.11 *Waters in which commercial fishing for Dolly Varden trout is prohibited.* All commercial fishing for Dolly Varden trout (*Salvelinus malma*), including fishing for feed for fur-bearing animals, is prohibited in the streams and lakes of Alaska east of 150 degrees west longitude.*

§ 190.12 *Wanton waste of food or game fish prohibited.* It is unlawful for any person wantonly to waste or destroy any food or game fish taken or caught in any of the waters of Alaska.*

§ 190.13 *Penalties for violation of fresh-water fisheries regulations.* Any person who violates any of the provisions of these regulations shall, upon conviction therefor, be punished by a fine or imprisonment, or by both such fine and imprisonment, as provided for in section 6 of the act of June 6, 1924. (Sec. 6, 43 Stat. 466; 48 U.S.C. 226).

HAROLD L. ICKES,
Secretary of the Interior.

MARCH 9, 1942.

[F. R. Doc. 42-2450; Filed, March 21, 1942; 10:26 a. m.]

Notices

WAR DEPARTMENT.

INFORMATION GOVERNING TRANSFERS FROM CANADIAN ARMED FORCES TO ARMED FORCES OF THE UNITED STATES

1. *Who may apply.* Members of the Canadian Armed Forces who are United States citizens or former United States citizens who lost their citizenship by taking the oath of allegiance upon entering the Canadian Forces.

2. *How to apply.* Submit written request to your immediate commanding officer for authority to appear before Canadian-American Military Board.

3. *What to apply for.* Request discharge from Canadian Forces and appointment or enlistment in either the United States Army, Navy, or Marine Corps. (Aviation is an integral part of these services and is not separate, as in the case of the Royal Canadian Air Force.)

4. *When to apply.* Immediately, if possible, and *not later than* March 31, 1942. Applications filed after March 31, 1942, will not be considered.

5. *Applications may be withdrawn* at any time prior to actual appointment or enlistment in the American Forces.

6. *Release obtained from the Canadian Armed Forces* by action of the Canadian-American Military Board, and only after prior acceptance or appointment by this Board for service in the United States Forces.

7. *General qualifications.* All applicants for appointment or enlistment in the United States Forces must meet such physical and other standards appropriate to the position of service, as are required by current United States War or Navy Department regulations. The decision of the Canadian-American Military Board in all such matters will be final.

8. *Army Air Forces qualifications*—(a) *Pilot personnel.* Qualified pilots will be appointed or enlisted in the United States Army Air Forces as follows:

(1) *Officers.* Pilot officer to be commissioned as 2d lieutenant.

Flying officer to be commissioned as 1st lieutenant.

Flight lieutenant to be commissioned as 1st lieutenant or in exceptional cases as captain if in the opinion of the United States Board such commission is warranted.

(2) *Enlisted men.* Sergeant pilots who have 400 hours flying time with the Canadian Forces and who are recommended by appropriate Canadian commanders, to be commissioned as 2d lieutenant.

Other sergeant pilots to be enlisted and appointed staff sergeants.

(b) *Eligibility for rating as pilot.* (1) The flight test prescribed for the rating of pilots as set forth in Air Corps Circular 50-10, June 20, 1941, will be waived for active pilots with the Canadian Forces. Individuals will be rated pilots provided that—

(i) They are graduates of the standard Canadian course of flying instructions.

(ii) Nongraduates of the standard Canadian course of flying instruction who are currently on duty as a flying instructor in an Advanced School.

(iii) Other nongraduates of the standard Canadian course of flying instruction who have officially logged 300 hours flying time as pilot, 100 hours of which were solo; not less than 100 hours were in airplanes powered with engines of 200 or more horse power, at least 25 hours of which were alone and have completed 50 hours or more within the six months preceding date of appointment or enlistment.

(2) All other active pilots now flying with the Canadian Forces who are acceptable to the United States Board will be rated as service pilots.

9. *Grade and service for which application may be made* are those for which the individual feels qualified. In general, appointment or enlistment will be made only in the service and grade in which applicant is serving in the Canadian Forces.

10. *Arms and services of the United States Army* for which application may be made:

(a) *Enlisted men and officers.* Corps of Engineers, Army Air Forces, Signal Corps, Cavalry, Coast Artillery Corps, Field Artillery, Infantry, Quartermaster Corps, Medical Corps, Chemical Warfare Service, Finance Department, and Ordnance Department.

(b) *Officers only.* The Adjutant General's Department, the Judge Advocate General's Department, the Inspector General's Department.

11. *United States Navy*—(a) *General provisions.* The records of individuals appointed or enlisted in accordance with the following will be subject to review and investigation by the Navy Department. False statements made by applicants to obtain their appointments or enlistments will be grounds for discharge.

(b) *General information.* Accepted applicants will be commissioned or enlisted in the United States Naval Reserve, and assigned to the Naval Aeronautic Organization or other duties in the United States Navy for which qualified.

(c) *Officer personnel.* In general and if qualified, eligible applicants now holding commissions in the Canadian Armed Forces will, if accepted by the Navy, receive commission in the United States Naval Reserve on an equivalent rank basis, subject, however, to the following restrictions:

(1) No appointments may be made above the rank of lieutenant commander.

(2) In general, the minimum ages for original appointment will be as follows:

Lieutenant commander	42 years
Lieutenant	33 years
Lieutenant (junior grade)	27 years
Ensign	19 years

(3) The following table indicates equivalent ranks in the United States Navy and the Canadian Armed Forces:

COMPARATIVE RANKS

U. S. Navy	Canadian armed forces		
	Air forces	Army	Navy
Ensign	Pilot Officer	Second Lieutenant	Sublieutenant.
Lieutenant (junior grade)	Flying Officer	Lieutenant	
Lieutenant	Flight Lieutenant	Captain	Lieutenant.
Lieutenant commander	Squadron Leader	Major	Lieutenant Commander.

(d) *Enlisted personnel.* (1) Enlisted personnel acepted by the United States Navy will be enlisted in the United States Naval Reserve in ratings corresponding to those now held in the Canadian Armed Forces: *Provided*, That mark of not less than 75 is attained on a Navy General Classification Test.

(2) Sergeant pilots who have 400 hours flying time with the Canadian Forces and who are recommended by appropriate Canadian military authority may be commissioned as ensigns, United States Naval Reserve.

(3) Those individuals who have been selected for, or who are undergoing flight training in, the Royal Canadian Air Force may, if qualified, be appointed as Naval Reserve Aviation Cadets for flight training leading to commissions in the United States Naval Reserve or United States Marine Corps Reserve. Individuals who have previously failed any military flight training course will not be eligible for appointments as aviation cadets.

12. *United States Marine Corps*—(a) *General provisions.* The records of those persons appointed or enlisted will be subject to review and investigation. They will be required to furnish records of satisfactory service while in the Canadian Armed Forces. If the individual has prior military service in the United States Armed Forces, the separation therefrom must have been under honorable conditions. The civilian life of the individual is subject to investigation and must be satisfactory to the Marine Corps. Appointments or enlistments obtained by fraudulent representation by the individual will result in disciplinary action.

(b) *General information.* All commissions and enlistments of those accepted by the Marine Corps will be in the Marine Corps Reserve.

(c) *Officer personnel.* American citizens who are commissioned officers in the Canadian Armed Forces and who are acceptable to the Marine Corps Board will be commissioned in the Marine Corps Reserve corresponding to that held by the individual in the Canadian Armed Forces, with the exception that no commission will be given above that of captain in the Marine Corps Reserve. The following table shows the corresponding ranks in the United States Marine Corps:

United States Marine Corps	Canadian Army	Canadian Air Force
Second lieutenant	Second lieutenant	Pilot officer.
First lieutenant	Lieutenant	Flying officer.
Captain	Captain	Flying lieutenant.

(d) *Enlisted personnel.* (1) American citizens who are serving as enlisted personnel in the Canadian Armed Forces will be given an enlisted rank in the Marine Corps Reserve corresponding to that held by them in the Canadian Armed Forces. They will be allowed to hold this rank through a probationary period, the length of which will be determined later, but which will be considered of sufficient time for the individual to adjust himself to the requirements of the Marine Corps, in the rank to which the man is appointed.

(2) Sergeant pilots who have 400 hours flying time with the Canadian Armed Forces and who are recommended by appropriate Canadian commanders may be commissioned as second lieutenant, Marine Corps Reserve.

(3) All other enlisted pilots in the Canadian Armed Forces may be enlisted as Staff Sergeants in the Marine Corps Reserve.

(4) United States Marine Corps normally obtains its flying personnel from aviation cadets in the United States Navy. Therefore, individuals undergoing flight training in the Royal Canadian Air Force will not be accepted by the United States Marine Corps.

13. *Pay, promotion, or transfer in United States Forces.* Once in the United States forces, pay, promotion, or transfer will be governed by laws and regulations then existing. No transfers are made between the Army, Navy, and Marine Corps. Transfers are sometimes made from one arm or service in the Army to another, for example, from the Infantry to the Field Artillery.

14. *Transportation and quarters.* The United States Government will pay for the transportation of officers and enlisted men from point of acceptance to reception centers or replacement training centers. Government transportation will not be furnished to dependents. There are no Government quarters available at reception centers or replacement training centers for dependents of military personnel. Due to the expansion of the armed forces, and the utilization of all available space by military personnel, this condition in general holds true at all stations, military or naval.

15. *Distribution of accepted applicants*—(a) *United States Army Ground Forces*—(1) *Officers.* Officers appointed in the ground forces of the United States Army will be ordered on temporary duty to the nearest replacement training center of the arm or service in which appointed and furnished transportation thereto. The period of service at the replacement training center will vary according to individual needs but will probably be from two to ten weeks. Upon completion of this training, the individual officer will be assigned to a unit or installation.

(2) *Warrant officers.* Generally the same as for officers.

(3) *Enlisted men.* Men enlisted in the ground forces of the United States Army will be dispatched immediately, at Government expense, to the nearest reception center. There they will turn in their Canadian clothing and equipment and draw United States Army clothing. There they will be interviewed, classified as to abilities, and offered the opportunity of subscribing for Government insurance. Upon completion of this processing, they will be dispatched to the nearest replacement training center of the arm or service in which enlisted. Their stay at reception centers will probably be four days; and at the replacement training centers from one week to thirteen weeks, depending upon the amount of training found necessary. Upon completion of this course of instruction, enlisted men will be assigned to units of installations.

(b) *United States Army Air Forces*—(1) *Initial assignment.* Pilots who are accepted and appointed or enlisted in the United States forces will be initially ordered to duty as follows:

(i) From locations east of the 32d meridian to the Southeast Air Corps Training Center, Maxwell Field, Alabama.

(ii) From locations west of the 32d meridian and east of the 103d meridian to the Gulf Coast Air Corps Training Center, Randolph Field, Texas.

(iii) From locations west of the 103d meridian to the West Coast Air Corps Training Center, Mather Field, California.

(2) *Nonpilot flying personnel (navigators and bombardiers).* Provisions for grades, rating, and initial station assignment same as for pilots.

(3) *Ground officers.* Officers, other than flying personnel, who in the opinion of the board qualify for appointment as administrative or other specialists officers may be appointed in commissioned grades from 2d lieutenant to major. These officers will be initially assigned to Lowry Field, Denver, Colo., for duty and indoctrination.

(4) *Enlisted personnel.* Enlisted personnel, other than pilots, navigators and bombardiers, will be enlisted in the corresponding or equivalent grade which they hold in the Canadian Forces provided that they attain a mark of not less than 100 on Army General Classification test. Enlisted personnel who are accepted and enlisted in locations east of the 32d meridian will be initially assigned to Mather Field, California. No enlisted men, either qualified technicians or basic soldiers, will be assigned initially or in the immediate future to pursue a course of instruction at a technical school.

(5) *Classification and reassignment.* All officer and enlisted personnel will, on arrival at the stations specified above, be classified and thereafter assigned to duty in accordance with the best interest of the service.

(6) *Individuals in training.* Individuals undergoing training as pilots, navigators, and bombardiers may elect to transfer to the United States forces and will be authorized as mutually agreed upon by the United States and Canadian Boards to—

(i) Complete their training prior to their physical transfer to the United States forces.

(ii) Be immediately ordered upon enlistment or appointment to such training establishment in the United States as the Board may determine, except that any student pursuing a course of instruction in a Canadian school, who has previously been eliminated from flying training as an aviation cadet in the United States Force shall be ineligible for redetail for pilot training.

(c) *United States Navy.* All personnel accepted by the United States Navy will, in general, be ordered to brief periods of training and naval indoctrination before final assignment. Upon completion of training, they will be ordered to duty assignment in accordance with the requirements of the naval service.

(d) *United States Marine Corps.* All officer and enlisted personnel will, in general, be ordered to brief periods of training and Marine Corps indoctrination before being assigned to general duty. Upon completion of such training, they will be ordered to duty where it is deemed

consistent with the best interests of the United States Marine Corps. (R.S. 161; 5 U.S.C. 22) [Circular, W.D., March 9, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-2452; Filed, March 21, 1942; 10:27 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1345]

PETITION OF DISTRICT BOARD NO. 20 FOR THE INCLUSION OF FISCHER, IDAHO WITHIN THE LIST OF DESTINATIONS CONTAINED IN PRICE INSTRUCTION AND EXCEPTION NO. 10 IN THE SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 20, FOR ALL SHIPMENTS

NOTICE OF AND ORDER FOR HEARING

A petition and an amendment thereto, having been duly filed with this Division by the above-named party, pursuant to the Bituminous Coal Act of 1937;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on April 7, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, at Room 220, United States Post Office Building, in Salt Lake City, Utah.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before April 1, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of District Board No. 20 for revision of Price Instruction and Exception No. 10 in the Schedule of Effective Minimum Prices for District No. 20 for All Shipments to include the destination Fischer, Idaho, thereby making available, in connection with shipments of coal to that destination, the reductions in minimum prices provided in such price instruction and exception.

Dated: March 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2478; Filed, March 23, 1942; 10:36 a. m.]

[Docket No. A-1158 Part II]

PETITION OF DISTRICT BOARD NO. 14 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE PRAIRIE CREEK COAL COMPANY NO. 1 MINE (MINE INDEX NO. 540) AND FOR THE COALS OF THE NEW BLUE VALLEY COAL COMPANY, BLUE VALLEY MINE (MINE INDEX NO. 562), PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER POSTPONING HEARING

A hearing in the above-entitled matter having been scheduled to be held on March 27, 1942, in a hearing room of the Bituminous Coal Division at Fort Smith, Arkansas; and

District Board No. 14, the original petitioner therein, having moved that such hearing be postponed to a date in the month of April, 1942, and having shown good cause for such postponement; and all parties to the proceeding having joined in such request for postponement in a stipulation filed herein;

Now therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of March 27, 1942, to 10 o'clock in the forenoon of April 20, 1942, to be held in a hearing room of the Bituminous Coal Division at Sebastian County Circuit Court, in Fort Smith, Arkansas.

In all other respects the Notice of and Order for Hearing, as heretofore amended, entered in this matter on December 16, 1941, shall remain in full force and effect.

Dated: March 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2480; Filed, March 23, 1942; 10:36 a. m.]

[Docket No. A-1309 Part II]

PETITION OF DISTRICT BOARD NO. 15 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 1579 AND 1587 AND FOR REVISION IN THE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 890 AND 164 IN DISTRICT NO. 15, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER POSTPONING HEARING

A hearing in the above-entitled matter having been scheduled to be held on March 24, 1942, at a hearing room of the Division in Kansas City, Missouri; and

It now appearing advisable to postpone such hearing to the date hereinafter specified;

Now, therefore, it is ordered, That the heading in the above-entitled matter be, and it hereby is, postponed from 10 o'clock in the forenoon of March 24, 1942, until 10 o'clock in the forenoon of April 15, 1942, and that it be held at a hearing room of the Bituminous Coal Division at 538 Dwight Building Kansas City, Missouri.

It is further ordered, That the time within which petitions of intervention may be filed in this matter be, and it hereby is, extended to and including April 10, 1942.

In all other respects, the Notice of and Order for Hearing entered in this matter on March 9, 1942, shall remain in full force and effect.

Dated: March 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2479; Filed, March 23, 1942; 10:36 a. m.]

[Docket No. B-186; District No. 10]

GEORGE B. REED AND J. S. WALLACE, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF THE REED COAL COMPANY, CODE MEMBER, DEFENDANTS

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on March 23, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Circuit Court House, Peoria, Illinois; and

It appearing to the Acting Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and the same hereby is postponed from March 23, 1942, at 10 a. m., to April 25, 1942, at 10 a. m., at the place and before the Examiner heretofore designated.

Dated: March 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2481; Filed, March 23, 1942; 10:36 a. m.]

[Docket No. A-1282]

PETITION OF GLENN SMALL, A CODE MEMBER IN DISTRICT NO. 15, FOR REVISION IN THE EFFECTIVE MINIMUM PRICES FOR THE COALS OF THE SMALL MINE (MINE INDEX NO. 962) IN DISTRICT NO. 15 FOR SHIPMENT BY TRUCK INTO ALL MARKET AREAS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER POSTPONING HEARING

A hearing in the above-entitled matter having been scheduled to be held in Kansas City, Missouri on March 23, 1942; and

It appearing advisable that such hearing be postponed to the date hereinafter specified;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed from 10 o'clock in the forenoon of March 23, 1942, to 10 o'clock in the forenoon of April 15, 1942, to be held in a hearing room of the Bituminous Coal Division at 538 Dwight Building in Kansas City, Missouri.

It is further ordered, That the time within which petitions of intervention may be filed in this matter be, and it hereby is, extended to and including April 10, 1942.

In all other respects the Notice of and Order for Hearing entered in this matter on February 26, 1942, shall remain in full force and effect.

Dated: March 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2482; Filed, March 23, 1942; 10:36 a. m.]

[Docket No. A-1177]

PETITION OF L. O. RYALS, CODE MEMBER PRODUCER IN DISTRICT NO. 15, FOR A REDUCTION IN THE EFFECTIVE MINIMUM PRICE FOR MINE RUN COAL PRODUCED FROM THE RYALS MINE (MINE INDEX NO. 935) FOR TRUCK SHIPMENTS TO ALL MARKET AREAS, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER POSTPONING HEARING

A hearing in the above-entitled matter having been scheduled to be held on March 23, 1942, in Kansas City, Missouri; and

It now appearing advisable that such hearing be postponed to the date hereinafter specified;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed from 10 o'clock in the forenoon of March 23, 1942, to 10 o'clock in the forenoon of April 15, 1942, to be held at a hearing room of the Bituminous Coal Division at 538 Dwight Building, in Kansas City, Missouri before the officers heretofore designated to preside at such hearing.

In all other respects the order entered in this docket on February 26, 1942, shall remain in full force and effect.

Dated: March 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2483; Filed, March 23, 1942; 10:37 a. m.]

[Docket No. D-11]

APPLICATION OF THE ASSOCIATED PRODUCERS COAL COMPANY FOR PERMISSION TO RECEIVE SALES AGENT'S COMMISSIONS AND DISTRIBUTOR'S DISCOUNTS ON COAL SOLD TO ASSOCIATED SALES COMPANY

ORDER POSTPONING HEARING

A hearing in the above-entitled matter having been scheduled to be held on March 24, 1942, at a hearing room of the Division in Kansas City, Missouri; and

It now appearing advisable to postpone such hearing to the date hereinafter specified:

Now, therefore, it is ordered, That the hearing in the above-entitled matter be postponed from 10 o'clock in the forenoon of March 24, 1942, until 10 o'clock in the forenoon of April 15, 1942, and that it be held at a hearing room of the Bituminous Coal Division at 538 Dwight Building in Kansas City, Missouri.

It is further ordered, That the time within which persons may file notices of their desires to be heard at such hearing be, and it hereby is, extended to and including April 4, 1942.

In all other respects the Notice of and Order for Hearing, as heretofore amended, entered in this matter on January 19, 1942, shall remain in full force and effect.

Dated: March 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2484; Filed, March 23, 1942; 10:37 a. m.]

[Docket No. 509-FD]

APPLICATION OF CLEARFIELD BITUMINOUS COAL CORPORATION FOR EXEMPTION

ORDER DENYING EXEMPTION AND DISMISSING APPLICATION

An application having been filed with the National Bituminous Coal Commission (hereinafter called the "Commission") by Clearfield Bituminous Coal Corporation (hereinafter called the "Coal Corporation") on September 28, 1937, pursuant to Section 4-A of the Bituminous Coal Act of 1937, seeking an order declaring all coal produced by the Coal Corporation exempt from the provisions of section 4 and the first paragraph of section 4-A of the Act, in that: (1) such coal is produced solely for New York Central Railroad Company (hereinafter called the "Railroad Company"), the parent company of the Coal Corporation, which transports for itself and consumes "all of the coal loaded for shipment by the Applicant" (2) "Applicant's operations and sales or other disposition of coal * * * do not constitute transactions in or directly affecting interstate commerce in bituminous coal" (3) "Prior to June 16, 1933, (and continuing without interruption since that date) the entire output of Applicant has been sold to its parent company at cost pursuant to the terms of a bona fide contract" with the latter;

A public hearing in this matter having been held before W. A. Cuff, a duly designated Examiner of the Commission, at a hearing room thereof in Washington, D. C., at which the Railroad Company was granted leave to join in the application with the Coal Corporation;

Appearances having been entered for the Coal Corporation, the Railroad Company, the Consumers' Counsel Division (now the Bituminous Coal Consumers' Counsel), and District Board No. 1;

Briefs having been filed by the applicants and the Solicitor of the Commission, and a reply brief having been filed by the applicants;

Examiner Cuff having made and entered his Report, Proposed Findings of Fact, Conclusions, and Recommendation on October 31, 1939;

Applicants having filed a petition for further hearing on March 20, 1940, and exceptions to the Examiner's Report on April 30, 1940;

The petition for further hearing having been granted on June 18, 1941, for the sole purpose of receiving into the record a stipulation of facts entered into by counsel for the parties;

A record of the proceeding having been submitted to the undersigned; and the undersigned having made Findings of Fact, Conclusions of Law and having rendered an Opinion, which are filed herewith;

Now, therefore, it is ordered, That effective ten (10) days from the date hereof the exemption prayed for in the application herein of Clearfield Bituminous Coal Corporation be and it is hereby denied and the application of the New York Central Railroad be and it hereby is dismissed.

Dated: March 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2485; Filed, March 23, 1942; 10:37 a. m.]

[Docket No. A-971]

PETITION OF CARL NYMAN FOR A REDUCTION IN THE EFFECTIVE MINIMUM PRICES FOR THE COALS PRODUCED AT THE NATIONAL MINE IN DISTRICT NO. 20, FOR SHIPMENT BY TRUCK

ORDER DISMISSING PETITION AND TERMINATING PROCEEDING

An original petition was filed with the Division in the above-entitled matter by Carl Nyman, while a code member in District No. 20, requesting a reduction in the minimum prices of the coals produced at the National Mine in that district, for shipment by truck, pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

The petition was deficient in form and substance, and the petitioner was advised in writing to that effect by letter of the Director of the Division under date of October 7, 1941. However, the petitioner made no response to that letter of the Director and took no steps to remedy the deficiency of his petition.

On February 23, 1942, an order effective fifteen days thereafter, was entered in Docket No. 1744-FD revoking and cancelling the code membership of the petitioner in the instant docket.

It appearing from the foregoing that the petitioner is no longer interested in this matter and is no longer legally qualified to prosecute any interest in this proceedings;

Now, therefore, it is ordered, That the original petition filed by Carl Nyman in the above-entitled matter be, and it hereby is, dismissed and that this proceeding be, and it hereby is, terminated.

Dated: March 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2486; Filed, March 23, 1942; 10:38 a. m.]

[Docket No. 1797-FD]

GIBB COAL COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 3442, RESPONDENT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER, AND ORDER SUSPENDING REGISTRATION

This proceeding having been instituted by the Bituminous Coal Division, pursuant to the provisions of § 304.14 of the Rules and Regulations for the Registration of Distributors, to investigate and determine whether or not Gibb Coal Company, the respondent, a registered distributor, Registration No. 3442, located in Albia, Iowa, has violated any of the provisions of the Bituminous Coal Act, the Marketing Rules and Regulations, the Rules and Regulations for the Registration of Distributors, and the Distributor's Agreement executed on July 17, 1940, by the respondent;

A hearing in this matter having been held before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof in Albia, Iowa, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard, and at which an appearance was entered for the Division and for the respondent;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter, dated January 28, 1942, in which it was recommended that an order be entered providing that the registration of the respondent as a registered distributor be suspended for a period of ninety (90) days and that certain conditions be met by the respondent as a pre-requisite to reinstatement;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having determined after consideration of the record that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the Undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That the registration of the respondent, Gibb Coal Company, as a registered distributor, Registration No. 3442, be, and it hereby is, suspended for a period of ninety (90) days, effective fifteen (15) days from the date of this Order: *Provided, however*, That if the respondent shall not have complied with the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors at least five (5) days prior to the expiration of said suspension period, said suspension shall continue in full force and effect until five (5) days after the affidavit required by said § 304.15 shall have been filed with the Division; and *Provided further*, That the respondent be required to return to the following producers the following amounts representing improperly collected discounts as set forth in the Proposed Findings of Fact of the Examiner, and that a statement by the respondent that such refunds have been made shall be required to be included in the affidavit:

Blakesburg Deep Vein Coal Co	$99.00
Right Way Coal Co	73.16
Watkins Coal Co	34.56
Gilger Coal Co	106.98

Dated: March 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2487; Filed, March 23, 1942; 10:38 a. m.]

[Docket No. B-219, District No. 1]

FREEBROOK CORPORATION, CODE MEMBER, DEFENDANT

ORDER EXTENDING TIME TO FILE APPLICATION BASED UPON ADMISSIONS FOR DISPOSITION OF COMPLIANCE PROCEEDING WITHOUT FORMAL HEARING, EXTENDING TIME TO FILE ANSWER, AND POSTPONING HEARING

The above-entitled matter having been scheduled for hearing on March 26, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at Room 203, Post Office Building, Altoona, Pennsylvania, pursuant to Notice of and Order for Hearing entered herein on February 21, 1942, and served on said defendant on February 27, 1942, and the place of said hearing having been changed to the Community Room of the City Hall, Altoona, Pennsylvania, pursuant to an Order of the Acting Director entered herein on March 5, 1942; and

A petition dated March 7, 1942, having been filed by the defendant with the Division on March 9, 1942, praying that the time within which to file its answer and that the time within which to file its application based upon admissions for the disposition of the above-entitled matter without formal hearing, pursuant to § 301.132 of the Rules and Regulations of the Division, be extended for a period of thirty (30) days, and that the hearing in the above-entitled matter be continued until some convenient time thereafter; and

The Acting Director deeming it advisable that said petition should be granted in part and denied in part as hereinafter set forth;

Now, therefore, it is ordered, That the time within which said defendant may file a verified application based upon admissions for disposition of the above-entitled matter without formal hearing pursuant to said § 301.132 of the Rules of Practice and Procedure Before the Division, be and the same hereby is extended to and including March 28, 1942; and

It is further ordered, That the time within which said defendant must file its answer herein be and the same hereby is extended to March 28, 1942: *Provided, however*, That if an application is filed by said defendant pursuant to said § 301.132, the time within which said defendant must file its answer herein shall be, and it hereby is, extended to ten (10) days from the date of final disposition of said application by the Division, pursuant to § 301.132 (f) of the said Rules of Practice and Procedure Before the Division; and

It is further ordered, That the hearing in the above-entitled matter be and the same hereby is postponed from March 26, 1942, at 10 a. m., at the Community Room of the City Hall at Altoona, Pennsylvania, to April 16, 1942, at 10 a. m., before the officer or officers previously designated to preside at such hearing, at a hearing room of the Bituminous Coal Division at Room 118, Fifth Floor of Colonial Hotel, Altoona, Pennsylvania.

Dated: March 20, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2488; Filed, March 23, 1942; 10:38 a. m.]

[Docket No. 1609-FD]

HANNA COAL SALES COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 3961, RESPONDENT

MEMORANDUM OPINION AND ORDER APPROVING AND ADOPTING, WITH MODIFICATIONS, THE PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW OF THE EXAMINER AND SUSPENDING REGISTRATION

This proceeding was instituted by the Bituminous Coal Division, pursuant to Section 304.14 of the Rules and Regulations for the Registration of Distributors, to investigate and determine whether the Hanna Coal Sales Company, a registered distributor (Registration No. 3961), 1300 Leader Building, Cleveland, Ohio, has violated certain provisions of the Bituminous Coal Act of 1937, the Marketing Rules and Regulations Incidental to the Sale and Distribution of Coal, the Rules and Regulations for the Registration of Distributors, and the Agreement by Registered Distributor signed by Hanna on June 20, 1939.

A Notice of and Order for Hearing was duly issued and the respondent filed an answer;

Pursuant to appropriate Orders and after due notice to all interested persons, a hearing in this matter was held on May 28 and 29 and June 3 to 7, 1941, inclusive, before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The respondent appeared and subsequently filed with the Examiner its proposed findings of fact and proposed conclusions of law and a brief.

On February 6, 1942, the Examiner filed his proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter. The Examiner found that the respondent, both in handling 9,400.35 tons of coal, apparently as sales agent for the Gulf Smokeless Coal Company Laurel Creek Coal Company, and Laurel Smokeless Coal Company, code members in District 7, and Inland Steel Company, a code member in District 8; and 836.25 tons of coal purchased on its own account as a distributor from the Elmer Miller Coal Company, sales agent for the Clear Branch Mining Company and Beaver Coal and Mining Company, code members in District 8, had violated section 4 II (l) 3, 6, and 7 of the Act, Rules 3, 6, and 7 of section XIII and Rule 1 (J) of section VII of the Marketing Rules and Regulations Incidental to the Sale and Distribution of Coal, § 304.12 (b) (3) and (5) of the Rules and Regulations for the Registration of Distributors, and the terms of the Agreement by Registered Distributor, executed by the Hanna Coal Sales Company on June 20, 1939, in that (1) the respondent prepaid freight charges on coal shipped to the J. J. Wallace Coal Company of Chicago, Illinois, a retailer, thereby granting said retailer a discriminatory credit allowance; (2) the respondent, by extending credit for the freight charges so prepaid and by other treatment accorded Wallace, granted credits and extended services and privileges to Wallace not extended to all purchasers under like terms and conditions or in similar circumstances; and (3) the respondent, by relieving Wallace from the necessity of making substantial investments in coal, granted a concession by which Hanna purchased the business of the J. J. Wallace Coal Company;

The Examiner recommended that an order be issued, pursuant to the Act, particularly section 4 II (h) thereof, and the Rules and Regulations for the Registration of Distributors, particularly § 304.14 thereof, providing that the registration of the Hanna Coal Sales Company as a registered distributor, Registration No. 3961, should be suspended for a period of 60 days from the date thereof; that the effect of such suspension should not be evaded directly or indirectly by the use of any device such as a sales agency agreement or any other device; that such suspension should not excuse the Hanna Coal Sales Company from all duties and functions imposed upon it by the Act and the Rules, Regulations, and Orders of the Division; and that such registration should be reinstated only upon condition that five days before the expiration of said 60-day period, the respondent file the affidavit required by § 304.15 of the Rules and Regulations for the Registration of Distributors;

On February 27, 1942, Hanna filed exceptions to the Examiner's Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations, and a supporting brief.

In summary, Hanna excepts to (1) the failure of the Examiner to make certain findings as requested by Hanna, (2) the Examiner's concluding findings of fact and conclusions of law, and (3) the Examiner's findings with reference to the good faith of Hanna in the transactions in question.

The respondent's exception to the Examiner's failure to make certain findings is concerned with findings proposed by the respondent which are based upon the underlying assumption that an agreement entered into between Hanna and Wallace on September 30, 1940, resulted in an arrangement whereby Hanna leased a part of the Wallace coal yard, shipped coal to that yard consigned to its own Inventory Account, and thereafter received payment for said coal as it was sold to Wallace by Wallace's withdrawing same from Hanna's Inventory Account. The Examiner has thoroughly considered these contentions and the facts as found by him and the inferences drawn therefrom are fully supported by the record. It is clear from the record, as found by the Examiner, that the lease by Hanna of part of the Wallace yard was one of form and not of substance, that the coal shipped by Hanna to the Wallace yard was actually shipped to Wallace, and that, except for changes in bookkeeping practices, Hanna continued to sell coal to Wallace after September 30, 1940, substantially as it had prior thereto. A detailed consideration of the facts leading to these conclusions is set forth in the Examiner's Report and repetition thereof is unnecessary. As found by the Examiner, whatever the validity of the September 30, 1940, lease and agreement as between Wallace and Hanna when that arrangement is sought to be squared against the Act and examined for substance rather than form, it is clear that the Hanna-Wallace arrangement subsequent to September 30, 1940, did not meet with the requirements of the Act or the rules and regulations thereunder. In view of the invalidity of Hanna's basic assumption, its exceptions based upon the Examiner's failure to make findings consistent with that assumption must be overruled.

The findings of fact and conclusions of law proposed by Hanna to the Examiner were the subject of careful consideration in the Examiner's report. The respondent has not brought to the attention of the undersigned any facts of record not considered by the Examiner which lead to conclusions different from those arrived at by the Examiner. Upon a review of the record, the rejection by the Examiner of the respondent's contentions appears fully justified.

Hanna contends that even if, for the purposes of argument, proof of technical violations be conceded nonetheless the proceeding should be dismissed because of the proof of the absence of wilfulness. Hanna contends that the Examiner in his Report made no mention of wilfulness and that the Congress did not intend that a distributor should be denied "his right to do business under the Act without proof of wilfulness any more than a code member may be so deprived." Hanna then claims that the evidence indicates that it exercised every effort to arrive at a lawful and proper method of solving the problem of the protection of its Wallace account. Hanna further submits that the Examiner erred in concluding that Hanna's good faith does not excuse its violation.

In this connection, Hanna excepts to the Examiner's failure to find, in summary, that Hanna was informed in September 1940 by its counsel that in order to retain title to coal shipped by it to the Wallace yard, it would be necessary for Hanna to ship the coal to itself for storage for resale on property under its control and that upon such advice Hanna entered into the September 30, 1940, arrangement; that from October 1, 1940, to March 27, 1941, Hanna filed reports with the Statistical Bureaus for Districts 7 and 8 on all coals shipped to the Wallace yard from those districts, respectively; and that on March 27, 1941, after being advised by the Division by letter dated February 1, 1941, that it appeared from the facts available that the Wallace arrangement was in violation of the Marketing Rules, Hanna cancelled the said arrangement, in so far as it related to the storage of coal and, on April 20, 1941, charged Wallace interest on its unpaid March balance. The evidence indicates and I find that Hanna entered into its arrangement of September 30, 1940, with Wallace after consultation with counsel, that Hanna filed reports with the District 7 and 8 Statistical Bureaus, that Hanna was advised by the Division on February 1, 1941, that the Wallace arrangement appeared to be in violation of the Marketing Rules, and that Hanna cancelled its Wallace arrangement of September 30, 1940, on March 27, 1941, and charged Wallace interest on what Hanna considered to be the March balance.

Neither the Act nor the Distributors' Rules requires that in order to suspend or revoke the registration of a registered distributor proof must be made that the distributors' infractions of the Act or rules and regulations thereunder were wilful. However that may be, here the violations committed were wilful. It is clear from the record, as the Examiner found, that the leasing arrangements between Hanna and Wallace do not reflect the true nature of the transaction between the parties and that the coals shipped to the Wallace yard by Hanna were actually shipped to Wallace itself. The effect of the September 30 arrangement, as the parties not only were aware but intended, was to enable Wallace to obtain coals on terms more favorable than those under which coals could be obtained in orthodox purchase and sale transactions. This, in itself, constituted

a doing of something which, the respondent well knew, the Act was designed to prevent. That Hanna had what to it was a good business reason for entering into the September 30 arrangement cannot absolve it from its responsibility for its acts in this respect.

In passing, it should be noted that Hanna, in entering into the September 30 arrangement, sought to avoid what it considered to be the illegality of a previous arrangement it had with Wallace. It thereupon entered into a new arrangement which accomplished all the objectives of the old arrangement in a different form. Yet Hanna did not, with respect to this new arrangement, seek from the Division a ruling as to its legality. Instead, Hanna proceeded to act without such ruling and at its own responsibility, to such an extent that, even though it was advised by the Division on February 1, 1941, that it appeared to be in violation of the Marketing Rules, Hanna did not cancel the Wallace arrangement with respect to coal until March 27. In these circumstances, there is no room to argue "good faith"[1] for the conclusion is inescapable that Hanna willfully violated the Act and the rules and regulations thereunder.

It should be noted that the Congress, in passing the Act, sought to terminate a chaotic condition in the coal industry brought about, in large part, through price cutting and other trade practices engaged in by producers and distributors frequently for the purpose of furthering their own business interests. It was this condition which the Act was intended to prevent. The purposes of the Act will not be served by tolerating the continuation of practices which led to its enactment.

I conclude that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner, as modified, are proper, that they should, as modified, be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned, and that the exceptions of the respondent should be overruled.

Now, therefore it is ordered, That the exceptions of the Hanna Coal Sales Company to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner be, and they hereby are, severally overruled.

It is further ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner, as modified, be, and they hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That the registration of the Hanna Coal Sales Company as a registered distributor (Registration No. 3961) be, and it hereby is, suspended for a period of sixty (60) days beginning fifteen (15) days after the date of this Order: *Provided, however*, That if the respondent shall not have complied with the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors at least five days prior to the expiration of said suspension period, said suspension shall continue in full force and effect until five days after the affidavit required by said § 304.15 shall have been filed with the Division.

It is further ordered, That the effect of such suspension shall not be evaded directly or indirectly by the use of any device such as a sales agency agreement or any other device, and that such suspension shall not excuse the Hanna Coal Sales Company from all duties and functions imposed upon it by the Bituminous Coal Act of 1937 and the rules, regulations, and orders thereunder.

Dated: March 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2489; Filed, March 23, 1942; 10:39 a. m.]

[1] Hanna excepted to the Examiner's statement that "Hanna's good faith * * * does not excuse Hanna's violation." Properly construed in its context I do not think this statement reflects a position inconsistent with the above. However that may be, the basis for my conclusion is as here stated, and to that extent the Examiner's Report is hereby modified.

Bureau of Reclamation.

SUN RIVER PROJECT, MONTANA

RESERVATION FOR COMMUNITY PURPOSES

FEBRUARY 16, 1942.

THE SECRETARY OF THE INTERIOR.

SIR: The Act of October 5, 1914 (38 Stat. 727), authorizes the Secretary of the Interior to withdraw from other disposition public lands and reserve the same for county parks, public playgrounds, and community centers for use by the residents on Reclamation projects, as authorized under the Act of June 17, 1902 (32 Stat. 388).

The Town Council of the Town of Fairfield, Teton County, Montana, acting for the said town, has filed application in pursuance of the Act of October 5, 1914, supra, that the hereinafter described lands be reserved for community park, public playground, and community center. The area lies within the boundaries of the Greenfields Irrigation District of the Sun River project, Montana, and the said district, by resolution at the regular meeting of its Board of Commissioners on September 2, 1941, adopted a resolution recommending that the said tract be reserved in accordance with the provisions of the Act of October 5, 1914, supra.

It is therefore recommended that the following described land, now withdrawn under the first form as provided by Sec. 3, Act of June 17, 1902 (32 Stat. 388) in connection with the Sun River project, Montana, be withdrawn from other disposition and reserved for a public park, playgrounds and community center under the provisions and conditions of the Act of October 5, 1914, supra, for the benefit of the settlers on the Sun River project, Montana:

SUN RIVER PROJECT

PRINCIPAL MERIDIAN, MONTANA

Beginning at a point from which the quarter section corner between sections 33 and 34, T. 22 N., R. 3 W., P. M., Montana, bears south 85 feet, thence east 150 feet.

From the point of beginning, by metes and bounds;

N. 89°46'W., 980.0 feet;
N. 77°43'W., 653.4 feet;
N. 47°07'E., 1381.4 feet;
S. 25°03' E., 1195.2 feet, to the point of beginning.

The tract as described contains an area of 20 acres.

Respectfully,

JOHN C. PAGE,
Commissioner.

I concur: MARCH 5, 1942.

FRED W. JOHNSON,
Commissioner of the General Land Office.

The lands described are hereby reserved as recommended and the Commissioner of the General Land Office will cause the records of his office and of the district land office to be noted accordingly.

JOHN J. DEMPSEY,
Under Secretary.

MARCH 11, 1942.

[F. R. Doc. 42-2451; Filed, March 21, 1942; 10:26 a. m.]

Office of the Secretary.

RECOMMENDATIONS OF THE BOULDER CANYON PROJECT WAGE BOARD TO THE SECRETARY OF THE INTERIOR IN THE MATTER OF WAGE RATES FOR FOREMEN

Pursuant to the Order[1] of the Secretary of the Interior dated December 6, 1941, and entitled "Wage Fixing Procedures, Boulder Canyon Project", the Boulder Canyon Project Wage Board determined prevailing wage rates for certain classes of laborers and mechanics, and these wage rates were approved by the Secretary of the Interior February 12, 1942, and concurred in by the Secretary of Labor on February 17, 1942

Wage rates for foremen. The Wage Board finds with respect to foremen who do not work with the tools of the trade that there is a prevailing differential between wages paid to foremen and wages paid to laborers and mechanics, namely, that foremen receive not less than twelve and one-half cents per hour in excess of the rate paid to the workers they supervise. The Wage Board recommends that the basic hourly wage rate for foremen employed by the Government on this project be fixed at twelve and one-half cents per hour in excess of the basic hourly rate established for the classification of labor supervised.

It is the understanding of the Wage Board that Bureau of Reclamation employees paid in accordance with this schedule will receive overtime pay on a basis of one and one-half times the basic hourly rate for all time worked in excess of forty hours in any one week. Refer to 40-hour week act (Sec. 23, Act of March 28, 1934; 48 Stat., 522).

Effective date. The Wage Board recommends that these recommendations be made effective as of the close of business December 15, 1941.

The foregoing recommendations approved and adopted by the Boulder Canyon Project Wage Board this tenth day of March, 1942.

DUNCAN CAMPBELL,
Chairman.
C. A. BISSELL,
Member.

Approved: MARCH 13, 1942.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-2456; Filed, March 21, 1942; 10:26 a. m.]

[1] 7 F.R. 1516.

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

[Docket No. AO 164]

NOTICE OF HEARING WITH RESPECT TO A PROPOSED MARKETING AGREEMENT AND PROPOSED ORDER REGULATING THE HANDLING OF ORANGES GROWN IN THE STATE OF CALIFORNIA OR IN THE STATE OF ARIZONA

Notice is hereby given of a hearing to be held in Patriotic Hall, 1816 South Figueroa Street, Los Angeles, California, beginning at 10:00 a. m., P. W. T., April 13, 1942, with respect to a proposed marketing agreement and proposed order regulating the handling of oranges grown in the State of California or in the State of Arizona.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 *et seq.*), and in accordance with the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (7 CFR 900.4).

This public hearing is for the purpose of receiving evidence (a) as to the general economic conditions which may necessitate regulation in order to effectuate the declared policy of the act and (b) as to the specific provisions which a marketing agreement and order should contain.

The marketing agreement and order provide for (1) the establishment of a growers' control board of six members and for the appointment of a manager to administer the terms and provisions of the marketing agreement and order; (2) the regulation of oranges grown in the States of California and Arizona by limiting the quantity which may be shipped during specified periods; (3) the fixing of the total quantity of such oranges which each handler thereof has available for current shipment during the marketing season for each variety of oranges and allotting the total quantity which may be handled during a specified period among such handlers upon the basis of the quantity each such handler has available for current shipment.

In addition to those provisions and the provisions necessary and incidental to the operation of a marketing agreement and order providing for regulation by volume, at the suggestion of representatives of the industry, provisions have been included which would authorize the regulation of such oranges by limiting the shipment thereof to particular grades and sizes during a specified period and for determining the existence and extent of the surplus of such oranges and the method to be followed in providing for the control and disposition of such surplus.

Provisions are also included for the establishment of separate prorate districts, the making of reports on shipments, and the levying of assessments upon handlers of such oranges to pay the cost of administering the marketing agreement and order.

Copies of the proposed marketing agreement and order may be obtained from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, in Room 0312 South Building, Washington, D. C., or may be there inspected.

GROVER B. HILL,
Assistant Secretary of Agriculture.

Dated: MARCH 23, 1942.

[F. R. Doc. 42-2509; Filed, March 23, 1942; 11:57 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum rate applicable under section 6 of the Act are issued under section 14 thereof and § 522.5 (b) of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) to the employers listed below effective March 23, 1942.

The employment of learners under these Certificates is limited to the terms and conditions as designated opposite the employer's name. These Certificates are issued upon the employers' representations that experienced workers for the learner occupations are not available for employment and that they are actually in need of learners at subminimum rates in order to prevent curtailment of opportunities for employment. The Certificates may be cancelled in the manner provided for in the Regulations and as indicated on the Certificate. Any person aggrieved by the issuance of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, PRODUCT, NUMBER OF LEARNERS, LEARNING PERIOD, LEARNER WAGE, LEARNER OCCUPATIONS, EXPIRATION DATE

Artcraft Leather Novelty Company, 20 West 22d Street, New York, N. Y.; Leather Picture Frames; 2 learners; 8 weeks for any one learner; 30 cents per hour; Picture Frame Maker; June 15, 1942.

Canvas Products Corporation, 19–23 E. McWilliams St., Fond du Lac, Wisconsin; Miscellaneous canvas, Leather & Apparel Specialties; 9 learners; 8 weeks for any one learner; 30 cents per hour; Sewing Machine Operator, Presser, Cutter; August 10, 1942.

G. M. Garabedian & Co., Church & Main Sts., Thorndike, Mass., Cotton Rag Rugs; 3 learners; 6 weeks for any one learner; 30 cents per hour; Weaver, Braider, Skeiner and Sewing Machine Operator; June 29, 1942.

Signed at New York, N. Y., this 21st day of March 1942.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 42-2496; Filed, March 23, 1942; 10:45 a. m.]

NOTICE OF ISSUANCE OF SPECIAL CERTIFICATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, Part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the FEDERAL REGISTER as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations, learning periods, minimum wage rates, et cetera, specified in the Determination and Order or Regulation for the industry designated above and indicated opposite

the employer's name. These Certificates become effective March 23, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EXPIRATION DATE

Apparel

Bostonia Coat Company, Inc., 68 Harrison Avenue, Boston, Massachusetts; Men's Topcoats; 5 learners (T); March 23, 1943.

New England Sports Wear Company, 3–9 Foster Street, Peabody, Massachusetts; Leather Garments; 5 learners (T); March 23, 1943.

Newtowne Manufacturing Company, 33 Simmons Street, Roxbury, Massachusetts; Rainwear of Gabardine Type; 8 learners (T); March 23, 1943.

Weil-Kalter Manufacturing Company, Washington & Lafayette Streets, Millstadt, Illinois; Woven Underwear, Knit Underwear; 10 percent (T); March 23, 1943.

Whitewater Garment Company, 206 Whitewater Street, Whitewater, Wisconsin; Rainwear, Sport Clothing; 5 learners (T); March 23, 1943.

Single Pants, Shirts and Allied Garments and Women's Apparel Industries

Addison Underwear Co., Inc., 112 Madison Avenue, New York, N. Y.; Woven Lingerie; 10 percent (T); July 6, 1942.

Angeles Apparel Company, 834 South Broadway, Los Angeles, California; House Coats, Blouses, Slack Suits, Slacks & Play Clothes; 5 learners (T); March 23, 1943.

C. A. Baltz and Sons, Salem, New York; Men's Pajamas; 10 percent (T); March 23, 1943.

Blue Bell-Globe Manufacturing Company, 301–309 N. Main Street, Abingdon, Illinois; Overalls; 10 percent (T); March 23, 1943.

Bo-Peep Manufacturing Company, Inc., 64 West 36th Street, New York, N. Y.; Infants' & Children's Wear; 10 percent (T); August 10, 1942.

H. Bomze and Brothers, 3111 W. Allegheny Avenue, Philadelphia, Pennsylvania; Women's Rayon & Cotton Dresses; 10 percent (T); March 23, 1943.

Braeburn Manufacturing Company, 302 West 9th Street, Kansas City, Missouri; Ladies' Sportswear; 6 learners (E); September 23, 1942.

Carefree Wear Company, 1706 Washington Avenue, St. Louis, Missouri; Ladies' Playsuits, Slack Suits, Separate Shirts, Dresses and Blouses; 5 learners (T); March 23, 1943.

Charnale Company, 333 South Market Street, Chicago, Illinois; Women's Slips & Blouses; 3 learners (T); March 23, 1943.

Classic City Overall Company, Inc., Foundry Street, Athens, Georgia; Overalls, Government Pants; 10 percent (T); March 23, 1943.

The Dayton Dress Company, 38 W. Fifth Street, Dayton, Ohio; House Dresses; 10 percent (T); March 23, 1943.

DeGarcy-Aquilla, Inc., 38 E. 32d St., New York, N. Y.; Ladies' Underwear; 6 learners (T); July 6, 1942.

Eagle Brothers, 108–110 S. Main Street, Mahanoy City, Pennsylvania; Boys' & Men's Shirts; 10 percent (T); March 23, 1943.

F. & B. Finishing Company, 11 Tompkins Street, Pittston, Pennsylvania; Dresses; 10 learners (T); March 23, 1943.

Fashion Foundations, Inc., 37 W. 26th Street, New York, N. Y.; Corsets, Brassieres, Girdles; 10 percent (T); July 6, 1942.

Figure Builder Foundations, Inc., 683 Broadway, New York, N. Y.; Corsets, Girdles, etc., 10 percent (T); August 10, 1942.

Fisch & Company, Ltd., 2616 S. San Pedro Street, Los Angeles, California; Shirts, Jackets, Slacks; 10 percent (T); March 23, 1943.

Franklin Manufacturing Company, Inc., 175 Lincoln Street, Manchester, New Hampshire; 10 learners (T); March 23, 1943. (Women's Cotton & Rayon Dresses)

Gort Girls Frocks, Inc., 75 Stark Street, N. E., Wilkes-Barre, Pennsylvania; Children's Dresses, Children's Playclothes; 10 percent (T); March 23, 1943.

Hutchins Manufacturing Company, Inc., 112–114 Conyers Street, Lithonia, Georgia; Misses', Ladies' & Women's Dresses; 5 learners (T); March 23, 1943.

Imperial Manufacturing Company, 524 Broadway, New York, N. Y.; Bandeaux, Girdles & Corselettes; 10 percent (T); July 6, 1942.

La Vivante Foundations, Inc., 11 West 32d Street, New York, N. Y.; Corsets; 2 learners (T); July 6, 1942.

D. Lazar and Sons, 430 1st Avenue, N., Minneapolis, Minnesota; Men's Trousers and Breeches, Boys' Longies & Breeches; 2 learners (T); March 23, 1943.

Lin-Dol Dress Company, 226 S. 11th Street, Philadelphia, Pennsylvania; Cotton Dresses; 5 learners (T); March 23, 1943.

Lomar Manufacturing Company, 1304 Race Street, Philadelphia, Pennsylvania; Men's Pajamas and Sport Shirts; 5 learners (T); March 23, 1943.

Manistee Garment Company, 77 Hancock Street, Manistee, Michigan; House Dresses; 5 percent (T); March 23, 1943.

Marvel Sportwear Company, 1 Junius Street, Brooklyn, New York; Washable Service Apparel; 10 learners (T); July 6, 1942.

Middletown Underwear Company, Inc., 14 Montgomery Street, Middletown, New York; Ladies' Underwear & Nightwear; 10 percent (T); March 23, 1943.

Miller Brothers, 47 Thames Street, Brooklyn, New York; Children's Wear; 10 learners (T); July 6, 1942.

Miller Corsets, Inc., 10 Chapin Street, Canandaigua, New York; Foundation Garments; 10 learners (T); March 23, 1943.

Modern Dress Company, 1427 Vine Street, Philadelphia, Pennsylvania; Ladies' Blouses & Sportswear; 10 percent (T); March 23, 1943.

Modern Form Foundations, Inc., 650 6th Avenue, New York, N. Y.; Girdles & Brassieres, Neckwear; 10 percent (T); July 6, 1942.

Mt. Carmel Manufacturing Company, 5th and Walnut Streets, Mt. Carmel, Pennsylvania; Boys' Shirts; 6 learners (T); March 23, 1943.

A. Oestreicher, 8 South Street, Wilkes-Barre, Pennsylvania; Infants' & Children's Wear; 10 learners (T); March 16, 1943. (This certificate effective 3–16–42.)

Perfect Garment Company, Inc., 52 12th Street, Fall River, Massachusetts; Ladies' Wash Garments; 10 percent (T); March 23, 1943.

Phillips-Lester Manufacturing Co., Inc., 2300 1st Avenue, N., Birmingham, Alabama; Overalls, Jackets, Work Trousers; 10 percent (T); March 23, 1943.

The Poisefair Company, Inc., 44 E. 32d Street, New York, N. Y.; Girdles & Brassieres; 10 percent (T); July 6, 1942.

Ribbon Products Corporation, 454 N. Parkside Avenue, Chicago, Illinois; Ladies' Blouses, Neckwear, Ribbon Rosebuds; 10 percent (T); March 23, 1943.

S. I. Novelty Company, Inc., 2961 Atlantic Avenue, Brooklyn, New York; Beachwear for Children, Snow Suits, Overalls, Shirts; 10 learners (T); July 6, 1942.

S & Z Manufacturing Company, 230 South Franklin Street, Chicago, Illinois; Lingerie; 5 percent (T); March 23, 1943.

Salant and Salant, Inc., Parsons, Tennessee; Cotton Work Shirts; 90 learners (E); September 23, 1942.

Salant & Salant, Inc., Washington Street, Paris, Tennessee; Cotton Work Shirts; 60 learners (E); September 23, 1942.

Silverstine Garment Company, 213 W. Institute Place, Chicago, Illinois; Cotton Dresses; 10 percent (T); March 23, 1943.

Solomon Manufacturing Company, 1233 Washington Avenue, St. Louis, Missouri; Junior Dresses; 10 learners (E); September 23, 1942.

Star Novelty Company, Inc., 477 Broadway, New York, N. Y.; Overalls; 10 learners (T); March 23, 1943.

A. Stein, 621 Broadway, New York, N. Y.; Ladies' Slips, Children's Slips; 8 learners (E); August 10, 1942.

Oscar Stowens, Cutler Street, Hackettstown, New Jersey; Nightgowns & Slips; 5 learners (T); March 23, 1943.

Ted's Sportswear, 121 N. 7th Street, Philadelphia, Pennsylvania; Cotton Dresses; 2 learners (T); March 23, 1943.

Triangle Underwear Corporation, 135 Madison Avenue, New York, N. Y.; Ladies' Slips, Ladies' Gowns; 10 percent (T); August 10, 1942.

Uni Sportswear Company, 210 West Van Buren Street, Chicago, Illinois; Jackets, Shirts & Robes; 5 learners (T); September 23, 1942.

Valley Garment Company, 701 Marshall Street, McMechen, West Virginia; Ladies' Cotton Dresses and Sportswear; 10 percent (T); March 23, 1943.

Vanity Corset Company, Inc., 16 E. 34th Street, New York, N. Y.; Foundation Garments, Corsets; 10 learners (T); August 10, 1942.

Vido Manufacturing Corporation, 38 W. 21st Street, New York, N. Y.; Ladies' Slips; 10 learners (T); July 6, 1942.

Waterbury Garment Corporation, 313 Mill Street, Waterbury, Connecticut; Ladies' Garments; 10 percent (T); March 23, 1943.

William S. Wismer Clothing Factory, Main Street, Silverdale, Pennsylvania; Men's Trousers; 10 percent (T); March 23, 1943.

Gloves

Richmond Glove Corporation, 601 N. D. Street, Richmond, Indiana; Work & Knit Fabric Gloves; 5 percent (T); March 23, 1943.

Hosiery

Crewe Hosiery Company, Inc., Crewe, Virginia; Full Fashioned Hosiery; 10 percent (T); March 23, 1943.

Knitted Wear

E-Z Mills, Inc., 119 Scott Street, Bennington, Vermont; Knitted Underwear; 10 learners (T); March 23, 1943.

Knitting Department, Trion Company, Trion, Georgia; Knitted Underwear & Commercial Knitting; 3 learners (T); March 23, 1943.

Vogue Knitting Company, Inc., 2d and Jefferson Streets, Womelsdorf, Pennsylvania; Knitted Underwear; 5 learners (T); March 23, 1943.

Wilson Brothers, 1008 W. Sample Street, South Bend, Indiana; Knitted Underwear & Outerwear; 10 learners (E); September 23, 1942.

Textile

Central Falls Manufacturing Company, Central Falls, North Carolina; Rayon Piece Goods; 10 learners (T); March 23, 1943.

Riverside Mills, 1 Kollock Street, Augusta, Georgia; Cotton Waste Yarn, Machined Yarn; 8 learners (T); March 23, 1943.

Virginia Mills, Inc., Swepsonville, North Carolina; Rayon Crepes, Cotton & Rayon Upholstery & Drapery Cloth; 14 learners (T); March 23, 1943.

Wyoming Textile Company, 373 High Street, Wilkes-Barre, Pennsylvania; Silk & Rayon & Nylon Weaving; 3 percent (T); March 23, 1943.

Signed at New York, N. Y., this 21st day of March 1942.

PAULINE C. GILBERT,
Authorized Representative of the Administrator.

[F. R. Doc. 42–2494; Filed, March 23, 1942; 10:46 a. m.]

NOTICE OF ORAL REARGUMENT BEFORE THE ADMINISTRATOR IN THE MATTER OF THE RECOMMENDATIONS OF INDUSTRY COMMITTEE NO. 37 FOR MINIMUM WAGES IN THE CIGAR INDUSTRY

Whereas a hearing was held on January 13 and 14, 1942, before Major Robert N. Campbell, as Presiding Officer, at which all persons interested in the report and recommendation of Industry Committee No. 37 for the fixing of minimum wages in the Cigar Industry were given an opportunity to be heard and to offer evidence bearing thereon; and

Whereas the complete record of said hearing and the written briefs subsequently submitted have been transmitted to the present Administrator; and

Whereas oral argument was had before former Administrator Thomas W. Holland, on February 17, 1942, and the transcript of said oral argument has been transmitted to the present Administrator.

Now, therefore, notice is hereby given:

That the Administrator will hear oral reargument upon the complete record of said hearing on April 1, 1942, at 10:00 a. m., in Room 1610, 165 West 46th Street, New York, N. Y., by any person who entered an appearance at said hearing, provided that on or before April 1, 1942, such person notifies the Wage and Hour Division of his intention to offer oral argument and of the amount of time he will require to make his presentation.

Signed at New York, N. Y., this 20th day of March 1942.

L. METCALFE WALLING,
Administrator.

[F. R. Doc. 42–2495; Filed, March 23, 1942; 10:46 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6200]

APPLICATION OF GOLDEN GATE BROADCASTING CORP. (KSAN) SAN FRANCISCO, CALIFORNIA, FOR CONSTRUCTION PERMIT

ORDER FOR SUPPLEMENTARY HEARING

It is ordered, On the Commission's own motion this 17th day of March, 1942, that the notice of issues heretofore released on the application in Docket No. 6200 be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine what broadcast service is already available to the new areas and populations which would receive primary service as a result of the proposed change in facilities.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42–2445; Filed, March 21, 1942; 10:33 a. m.]

[Docket No. 6241]

APPLICATION OF BROADCASTERS, INC. (NEW) SAN JOSE, CALIFORNIA, FOR CONSTRUCTION PERMIT

ORDER FOR SUPPLEMENTARY HEARING

It is ordered, On the Commission's own motion this 17th day of March, 1942, that the notice of issues heretofore released on the application in Docket 6241 be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station and what broadcast service is available to such areas and populations.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42–2446; Filed, March 21, 1942; 10:33 a. m.]

[Docket No. 6242]

APPLICATION OF SAN JOSE BROADCASTING COMPANY (NEW) SAN JOSE, CALIFORNIA, FOR CONSTRUCTION PERMIT

ORDER FOR SUPPLEMENTARY HEARING

It is ordered, On the Commission's own motion this 17th day of March, 1942, that the notice of issues heretofore released on the application in Docket No. 6242 be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station and what broadcast service is available to such areas and populations.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 42–2447; Filed, March 21, 1942; 10:33 a. m.]

[Docket No. 6243]

APPLICATION OF LUTHER E. GIBSON (NEW), VALLEJO, CALIFORNIA, FOR CONSTRUCTION PERMIT

ORDER FOR SUPPLEMENTARY HEARING

It is ordered, On the Commission's own motion this 17th day of March, 1942, that the notice of issues heretofore released on the application in Docket No. 6243 be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station and

what broadcast service is available to such areas and populations.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2448; Filed, March 21, 1942; 10:33 a. m.]

[Docket No. 6293]

IN THE MATTER OF CHARGES, REGULATIONS AND PRACTICES, OF THE WESTERN UNION TELEGRAPH COMPANY WITH RESPECT TO DELIVERY OF DOMESTIC TELEGRAMS TO CLOSED OFFICE POINTS

INVESTIGATION AND HEARING

At a session of the Federal Communications Commission, held at its offices in Washington, D. C., on the 17th day of March, 1942;

It appearing, that The Western Union Telegraph Company has filed with the Commission a tariff schedule stating new regulations with respect to delivery of telegrams to "closed office points", to become effective on March 20, 1942, designated as follows: The Western Union Telegraph Company, Tariff F. C. C. No. 176, 3rd Revised Page 33, Paragraph X (c) of Rule 8;

It further appearing, that said schedule might have the effect of adding a new and additional charge with respect to the delivery of telegrams; that said schedule does not appear to be in conformance with the Commission's Rules and Regulations; that the interests of the public may be injuriously affected by the regulations stated therein; and it being the opinion of the Commission that the effective date of said schedule should be postponed pending hearing and decision concerning the lawfulness of the regulations stated therein, and the related charges, regulations and practices;

It is ordered, That the Commission upon its own motion without formal pleading, enter upon a hearing concerning the lawfulness of the regulations stated in said schedule, namely, paragraph X (c) of Rule 8 of 3d Revised Page 33 of The Western Union Telegraph Company Tariff F. C. C. No. 176;

It is further ordered, That the operation of the regulations contained in said schedule be suspended and that the use thereof be deferred until three months beyond the time when they would otherwise go into effect, unless otherwise ordered by the Commission; and during the said period of suspension, no change shall be made in such regulations, or in the charges, regulations and practices thereby sought to be altered, unless otherwise authorized by special permission of the Commission;

It is further ordered, That an investigation be, and the same is hereby instituted into the lawfulness of the charges, regulations, and practices of The Western Union Telegraph Company for and in connection with the delivery of interstate domestic telegrams to "closed office points";

It is further ordered, That a copy of this order be filed with said schedule in the office of the Federal Communications Commission, that copies hereof be forthwith served upon the carrier parties to such schedule, and that said carrier parties to such schedule be, and they are hereby made respondent to this proceeding;

It is further ordered, That this proceeding be, and the same is hereby assigned for hearing at 10 a. m., beginning on the 21st day of April, 1942, at the offices of the Federal Communications Commission in Washington, D. C.

By the Commission.

[SEAL] T. J. SLOWIE, *Secretary.*

[F. R. Doc. 42-2449; Filed, March 21, 1942; 10:34 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5772]

IN THE MATTER OF CENTRAL ILLINOIS PUBLIC SERVICE COMPANY

ORDER POSTPONING HEARING

MARCH 21, 1942.

It appearing to the Commission that: (a) On March 20, 1942, Central Illinois Public Service Company filed a response to the Order to Show Cause adopted by the Commission in the above-entitled matter on February 20, 1942;

(b) In the response to the Order to Show Cause, Central Illinois Public Service Company represents that it proposes to make certain further studies and analyses for the purpose of determining and reclassifying the original cost of its property in accordance with the requirements of the Commission's Uniform System of Accounts and its order of May 11, 1937;

(c) In order to prepare the further studies and analyses, Central Illinois Public Service Company requests that the hearing set for March 23, 1942, in Springfield, Illinois, by the order of February 20, 1942, be indefinitely postponed;

The Commission *orders* that: The hearing in the above-entitled matter heretofore set for March 23, 1942, in the offices of the Illinois Commerce Commission in Springfield, Illinois, be and the same is hereby indefinitely postponed, subject to such further orders the Commission may make with respect thereto.

By the Commission.

[SEAL] LEON M. FUQUAY, *Secretary.*

[F. R. Doc. 42-2499; Filed, March 23, 1942; 11:45 a. m.]

PETROLEUM COORDINATOR FOR NATIONAL DEFENSE.

TANKER COORDINATING BOARD, ESTABLISHMENT AND FUNCTIONS

Pursuant to the President's letter of May 28, 1941,[1] establishing the Office of Petroleum Coordinator for National Defense for the purpose, among others, of coordinating the Federal functions relating to petroleum problems by joint cooperative action with Federal departments and agencies exercising such functions there is hereby established a Tanker Coordinating Board. The members of the Board shall be the following: Ralph K. Davies, Deputy Petroleum Coordinator for National Defense, B. Brewster Jennings, of the United States Maritime Commission, Commander W. M. Callaghan, of the Department of the Navy, E. Holman, J. R. Parten, and a member to be named from District 5.

Nothing in this Order shall be construed as being in opposition to the provisions of Executive Order No. 9054,[2] of February 7, 1942, creating the War Shipping Administration.

Mr. Davies shall be Chairman of the Board, and Mr. Jennings shall be Vice-Chairman thereof. The members of the Board shall serve without compensation as such, but shall be entitled to be reimbursed for their actual and necessary transportation, subsistence, and other expenses incidental to the performance of their duties. The Deputy Petroleum Coordinator is authorized to appoint and fix the compensation of an Executive Secretary to the Board and such other personnel as may be necessary, with the approval of the Petroleum Coordinator.

The Tanker Coordinating Board shall direct its policies and operations toward the coordination of all effort bearing on the distribution and most efficient utilization of tanker transportation capacity owned, operated or controlled by, or under contract to, American companies, their affiliates and subsidiaries, excluding, however, tanker capacity requisitioned for war, defense, or other governmental purposes. The functions of the Tanker Coordinating Board shall be exercised with reference to tankers operated in the Western Hemisphere.

To this end, the Tanker Coordinating Board shall:

(1) Obtain from Federal agencies and, through the industry committees designated by this Office or otherwise, from the petroleum and allied industries, information concerning (a) the military and essential civilian needs for crude petroleum and the products thereof, (b) the tanker capacity required to supply petroleum transportation requirements, (c) the current amount, type, availability, and location of tanker capacity used or usable for the transportation of petroleum, and (d) the prior use of tanker capacity for supplying crude petroleum and the products.

(2) Determine the deficiency or surplus in tanker capacity available or which can be made available for the transportation of crude petroleum and the products thereof.

(3) Devise and prepare plans for the distribution and most efficient utilization of available tanker capacity.

In accomplishing the objectives above set out, the Tanker Coordinating Board shall:

(4) Assemble and analyze all pertinent statistical and other data and information available from any source.

[1] 6 F.R. 2760.

[2] 7 F.R. 837.

(5) Plan the distribution and utilization of tanker capacity available for the service of essential petroleum requirements in the Western Hemisphere on an equitable basis between all markets and elements of the petroleum industry therein and in accordance with principles to be formulated and issued by the Office of Petroleum Coordinator, or other governmental agencies having jurisdiction.

(6) In devising plans for the distribution and utilization of tanker capacity as hereinbefore directed, prescribe such schedules and formulas essential to obtaining the desired objectives in such detail that the effectuation of such plans will require, on the part of the committees or subcommittees having responsibility therein and the persons and companies affected thereby, only the mechanical and ministerial functions of making the necessary statistical calculations and scheduling tanker capacity in accordance therewith.

(7) Make, from time to time, to the appropriate governmental agency or agencies such recommendations as it may deem necessary or desirable.

In carrying out the functions hereinbefore prescribed, the Tanker Coordinating Board may:

(8) Create and establish, with the approval of the Deputy Petroleum Coordinator, such committees or subcommittees within the petroleum industry as are essential to the performance of its duties.

(9) Direct any such committees or subcommittees to gather and obtain such statistical and other data and information as the Tanker Coordinating Board may deem pertinent.

Pursuant to the authority contained in the President's letter of May 28, 1941, the Petroleum Coordinator will, upon his approval of a request by the Tanker Coordinating Board, make provision for necessary supplies, facilities, and services and for actual and necessary transportation, subsistence, and other expenses incidental to the performance of the duties of the Tanker Coordinating Board.

The Tanker Control Board is hereby abolished, and its personnel, records and property transferred to the Tanker Coordinating Board.

HAROLD L. ICKES,
Petroleum Coordinator for National Defense.

MARCH 16, 1942.

[F. R. Doc. 42-2468; Filed, March 21, 1942; 12:43 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-455]

IN THE MATTER OF NORTHEASTERN WATER AND ELECTRIC CORPORATION, DENIS J. DRISCOLL AND WILLARD L. THORP, AS TRUSTEES OF ASSOCIATED GAS AND ELECTRIC CORPORATION, APPLICANTS-DECLARANTS

SUPPLEMENTAL ORDER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania on the 19th day of March, A. D. 1942.

The Commission having previously entered its order herein on March 3, 1942, which order permitted the declarations to become effective and granted the applications herein, and which order approved a plan pursuant to section 11 (e) of the Public Utility Holding Company Act of 1935 and directed the taking of steps to carry out said plan;

Applicants-declarants having, on March 16, 1942 filed a supplemental Amendment to said declaration and application, said Amendment being Amendment No. 3, in which Amendment it is stated that there are to be no adjustments in the purchase price of $1,500,000 for the securities of certain companies operating in Ohio, which securities pursuant to said plan are being transferred by Northeastern Water and Electric Corporation to Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation.

Applicants-declarants having further, in said amendment, requested that the Commission amend its order for the purpose of specifically indicating the securities to be transferred as aforesaid for the said consideration; and

Applicants having further represented that said proposed transfers have been approved by the United States District Court for the Southern District of New York; and

Applicants having further requested that an order of the Commission be entered specifically directing said Denis J. Driscoll and Willard L. Thorp, as Trustees of aforesaid, to carry out the provisions of said order, and having requested that said order require that all steps necessary to carry out said plan be taken on or before July 1, 1942;

The Commission having examined said Amendment and finding that the taking of the action therein requested is necessary to effectuate the provisions of section 11 (b) of the Public Utility Holding Company Act of 1935, and the Commission therefore being of the opinion that said request may appropriately be granted;

It is hereby ordered, pursuant to Section 11 (e) and other applicable provisions of the Public Utility Holding Company Act, that the aforesaid plan pursuant to Section 11 (e) of said Act be and hereby is approved, and specifically, without limiting the generality of the foregoing, Northeastern Water and Electric Corporation is hereby directed to sell to Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, on or before July 1, 1942, and said trustees are hereby directed to acquire from said Northeastern Water and Electric Corporation, on or before July 1, 1942, the following securities, being all the securities of General Utilities Company, The Ohio Northern Public Service Company and Western Reserve Power and Light Company, (the last mentioned company, in turn, owns all the securities of New London Power Company), all of said four last named companies being incorporated under the laws of, and operating in, the state of Ohio:

The General Utilities Company:
900 shares of Common Stock of the par value of $100 each.
$200,000, principal amount, First Mortgage 6½% Sinking Fund Bonds, Series A, matured July 1, 1936.
$332,321.88, principal amount, 7% Demand Promissory Note, dated August 15, 1934.
$6,000, principal amount, 6% Demand Promissory Note, dated March 9, 1936.
$11,000, principal amount, 6% Demand Promissory Note, dated May 12, 1936.
$11,000, principal amount, 6% Demand Promissory Note, dated August 11, 1936.
$51,271.76, principal amount, 7% Demand Promissory Note, dated October 1, 1936.
$14,804.74, principal amount, 7% Demand Promissory Note, dated October 1, 1936.
$159,569.17, principal amount, 7% Demand Promissory Note, dated October 1, 1936.
$7,258.26, principal amount, 6% Demand Promissory Note, dated August 6, 1937.
$10,000, principal amount, 6% Demand Promissory Note, dated August 6, 1937.

The Ohio Northern Public Service Company:
1,930 shares of Common Stock of the par value of $100 each.
$102,600, principal amount, First Mortgage and Refunding Gold Note (6%) payable on demand.

The Western Reserve Power and Light Company:
1,000 shares of Common Stock without par value.
$175,000, principal amount, 7% Demand Promissory Note dated August 15, 1934.
$25,000, principal amount, 6% Demand Promissory Note, dated July 6, 1936.

Said securities are to be sold by said Northeastern Water and Electric Corporation and acquired by said Denis J. Driscoll and Willard L. Thorp, as Trustees of Associated Gas and Electric Corporation, for a consideration of $1,500,000.

It is further ordered, That nothing herein contained shall modify or affect any provisions of the Commission's Order of March 3, 1942 not within the subject matter of this order.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2466; Filed, March 21, 1942; 12:30 p. m.]

[File No. 70-505]

IN THE MATTER OF THE UNITED CORPORATION

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 20th day of March 1942.

The United Corporation, a registered holding company, having filed a declaration, and an amendment thereto, pursuant to Section 7 of the Public Utility Holding Company Act of 1935, regarding the reduction in the stated value of its outstanding 2,488,712⅛ shares of $3 Cumulative Preference Stock from $50 per share, as presently stated, to $5 per share; and

A public hearing having been held upon such declaration, as amended, after appropriate notice, and the Commission having considered the record and made and filed its Findings and Opinion herein;

It is ordered, That said declaration, as amended, be and the same hereby is permitted to become effective, subject to the terms and conditions prescribed in Rule U-24 and to the following further conditions:

(1) Without the prior approval of the Commission, no charge whatsoever shall be made to the account totalling $111,992,047.50 to be designated as capital surplus arising from the reduction in the stated value of the outstanding 2,488,712½ shares of $3 Cumulative Preference Stock from $50 per share, as presently stated, to $5 per share;

(2) The solicitation of the security holders of The United Corporation with respect to the approval of the reduction in the stated value of the Preference Stock and the accompanying restrictions to the capital surplus arising therefrom shall be submitted to the Commission for its approval pursuant to the applicable provisions of the Act and the Rules thereunder, jurisdiction being reserved for this purpose.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2467; Filed, March 21, 1942; 12:30 p. m.]

[File No. 70-504]

IN THE MATTER OF THE MILWAUKEE ELECTRIC RAILWAY & TRANSPORT COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 20th day of March, A. D. 1942.

The above named party, a direct subsidiary of Wisconsin Electric Power Company and an indirect subsidiary of The North American Company, a registered holding company, having filed a declaration pursuant to Rule U-42 promulgated under section 12 of the Public Utility Holding Company Act of 1935, regarding the partial liquidation of its capital obligations by the redemption, at par, of $500,000 principal and par amount of its First Mortgage 4% Bonds, Wisconsin Electric Power Company being the owner of all of the outstanding securities of said party; such securities consisting of $9,700,000 principal amount of 4% bonds which are pledged under Wisconsin Electric Power Company's mortgage, dated October 28, 1938, and $24,300,000 of common stock which is a free asset; and

The declaration having been filed on February 19, 1942, and notice of said filing having been duly given in the form and in the manner prescribed by Rule U-23 promulgated under the Act, and the Commission not having received a request for a hearing with respect to the declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit the declaration, to become effective and finding with respect thereto that the transaction of said party in its own securities is not objectionable under Rule U-42; and

The Commission being satisfied that the date of permitting the declaration to become effective should be advanced;

It is hereby ordered, Pursuant to said Rule U-23 and Rule U-42 promulgated under the Act and the applicable provisions of the Act, that the aforesaid declaration be and the same hereby is permitted to become effective forthwith; subject, however, to the terms and conditions prescribed in Rule U-24 promulgated under the Act.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2472; Filed, March 23, 1942; 9:35 a. m.]

[File No. 70-508]

IN THE MATTER OF UNION ELECTRIC COMPANY OF MISSOURI AND UNION ELECTRIC COMPANY OF ILLINOIS

ORDER APPROVING APPLICATION AND PERMITTING DECLARATION TO BECOME EFFECTIVE AND POSTPONING ACTION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 21st day of March, A. D. 1942.

Union Electric Company of Missouri, a registered holding company and a subsidiary of The North American Company, also a registered holding company, and Union Electric Company of Illinois, a subsidiary of Union Electric Company of Missouri, having filed a joint application and declaration and amendments thereto pursuant to the Public Utility Holding Company Act of 1935, particularly sections 6 (b), 7, 10, 12 (b) and 12 (d) and Rules U-44 and U-45 promulgated thereunder regarding (1) the proposal by Union Electric Company of Missouri (a) to issue and sell $10,000,000 additional principal amount of its First Mortgage and Collateral Trust Bonds, 3⅜% Series due 1971, and publicly to invite sealed, written proposals for their purchase and to use the proceeds therefrom for new construction and for the purchase of additional common stock of its subsidiary, Union Electric Company of Illinois, (b) to purchase, from time to time during the period ending April 30, 1943, for cash, at the par value thereof, up to 500,000 shares having an aggregate par value of $10,000,000 of additional common stock of Union Electric Company of Illinois and to deposit all shares so purchased with the Trustee under the mortgage securing its First Mortgage and Collateral Trust Bonds, and (c) in the event all necessary steps prerequisite to the issue and sale of the common stock of Union Electric Company of Illinois have not been completed prior to the time when Union Electric Company of Illinois may be in need of additional funds, to advance to Union Electric Company of Illinois, from time to time during the period ending April 30, 1943, sums aggregating up to $1,000,000, without interest, to be applied against the purchase price of the common stock to be subsequently purchased as set forth in (b) above; and (2) the proposal of Union Electric Company of Illinois (a) to issue and sell to Union Electric Company of Missouri, from time to time during the period ending April 30, 1943, for cash at the par value thereof up to 500,000 shares having an aggregate par value of $10,000,000 of additional common stock and to use the proceeds therefrom for new construction, and (b) in case all necessary steps prerequisite to the issue and sale of its common stock have not been completed prior to the time when it may be in need of additional funds, to borrow from Union Electric Company of Missouri, from time to time during the period ending April 30, 1943, sums aggregating up to $1,000,000, without interest, to be applied against the purchase price of its common stock subsequently sold as set forth in (a) above and to use the proceeds from any such advances for new construction; and

Union Electric Company of Missouri having represented that pursuant to Rule U-50 it will publicly invite proposals for the purchase of the $10,000,000 additional principal amount of its First Mortgage and Collateral Trust Bonds, 3⅜% Series due 1971; and

Said application and declaration having been filed on March 6, 1942, and amendments thereto having been filed on March 14 and 20, 1942, respectively, and a notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect to said application and declaration within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The above named applicants and declarants in an amendment filed March 20, 1942 having stated that the proceeds from the sale of the proposed bonds will be used by Union Electric Company of Missouri to purchase for cash, from time to time during the period ending April 30, 1943, up to $10,000,000 additional par value of the capital stock of Union Electric Company of Illinois, the type of capital stock to be purchased and the consideration to be paid therefor being subject to the approvals of regulatory bodies, and having requested by said amendment that action by the Commission on that portion of said application and declaration, as amended, relating to the issuance and sale by Union Electric Company of Illinois to Union Electric Company of Missouri of 500,000 shares of the former's common stock as set forth in (2) (a) in the first paragraph hereof and to the acquisition and pledge by Union Electric Company of Missouri of said stock as set forth in (1) (b) in said paragraph be temporarily postponed; and having further requested that said application, as amended, be approved and said declaration, as amended, be permitted to become effective in all other respects, subject to compliance with the provisions of Rule U-50, on March 21, 1942; and having also requested that the 10 day period prescribed by Rule U-50 (b) relating to the public invitation for proposals for the purchase of the bonds be shortened so that such public invitation could be published on March 23, 1942 and a contract for the purchase of said bonds could be executed on March 30, 1942; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to at this time approve said application, as amended, and to permit said declaration, as amended, to become effective, subject to compliance with the conditions imposed by Rules U-24 and U-50 (c) and to the reservation of jurisdiction over all fees and expenses incurred in connection with the proposed bonds, insofar as the same relates to (1) the proposal of Union Electric Company of Missouri (a) to issue and sell $10,000,000 additional principal amount of its First Mortgage and Collateral Trust Bonds, 3⅜% Series due 1971, and publicly to invite sealed, written proposals for their purchase and to use the proceeds therefrom for new construction and for the purchase of up to $10,000,000 additional par value of the capital stock of its subsidiary, Union Electric Company of Illinois; and (b) in the event all necessary steps prerequisite to the issue and sale of the capital stock of Union Electric Company of Illinois have not been completed prior to the time when Union Electric Company of Illinois may be in need of additional funds, to advance to Union Electric Company of Illinois, from time to time during the period ending April 30, 1943, sums aggregating up to $1,000,000, without interest, to be applied against the purchase price of the capital stock of Union Electric Company of Illinois to be subsequently purchased, and (2) the proposal of Union Electric Company of Illinois in case all necessary steps prerequisite to the issue and sale of its capital stock have not been completed prior to the time when it may be in need of additional funds, to borrow from Union Electric Company of Missouri, from time to time during the period ending April 30, 1943, sums aggregating up to $1,000,000, without interest, to be applied against the purchase price of its capital stock subsequently sold and to use the proceeds from any such advances for new construction; and finding with respect thereto that the requirements of section 7 (c) of said Act are satisfied and that no adverse findings are necessary under section 7 (d) thereof and that the provisions of Rule U-45 have been complied with; and that the 10-day period prescribed by Rule U-50 (c) should be shortened as requested; and that the date of its order should be advanced as requested;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act that said application, as amended, be approved and that said declaration, as amended, be permitted to become effective forthwith as regards only the proposals set forth in the preceding paragraph of this order; subject, however, to the terms and conditions prescribed by Rule U-24 and to the following further condition:

That Union Electric Company of Missouri report to the Commission the results of the competitive bidding as required by Rule U-50 (c) and comply with such supplemental order as the Commission may enter by reason of the facts disclosed thereby; jurisdiction is hereby reserved for such purpose;

It is further ordered, That our action on the proposals set forth in (1) (b) and (2) (a) in the first paragraph of this order be and the same is hereby postponed and jurisdiction over such proposals is hereby reserved.

It is further ordered, That jurisdiction over all fees and expenses incurred in connection with proposed bond issue be and the same is hereby reserved.

By the Commission, (Commissioner Healy dissenting for the reasons set forth in his Memorandum of April 1, 1940).

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2473; Filed, March 23, 1942; 9:35 a. m.]

[File Nos. 59-17, 59-11, 54-25]

IN THE MATTERS OF THE UNITED LIGHT AND POWER COMPANY; THE UNITED LIGHT AND RAILWAYS COMPANY; AMERICAN LIGHT & TRACTION COMPANY; CONTINENTAL GAS & ELECTRIC CORPORATION; UNITED AMERICAN COMPANY; AND IOWA-NEBRASKA LIGHT AND POWER COMPANY, RESPONDENTS, AND THE UNITED LIGHT AND POWER COMPANY AND ITS SUBSIDIARY COMPANIES, RESPONDENTS, AND THE UNITED LIGHT AND POWER COMPANY, APPLICANT

NOTICE OF FILING OF RESPONDENTS' APPLICATION NO. 11 AND ORDER RECONVENING HEARING FOR PURPOSE OF CONSIDERING SAID APPLICATION NO. 11

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 20th day of March 1942.

The Commission having previously, by order dated March 20, 1941, under section 11 (b) (2) of the Public Utility Holding Company Act of 1935, ordered among other things the dissolution of The United Light and Power Company; and said order having provided that the respondents should make application to the Commission for the entry of such further orders as were necessary or appropriate for that purpose, and the Commission having reserved jurisdiction to enter such further orders as might be necessary or appropriate;

Notice is hereby given that The United Light and Power Company, a registered holding company, has filed on March 18, 1942 an application designated as "Application No. 11", requesting the entry of an order by this Commission under section 11 (c) of the Act extending the time for compliance with our order of March 20, 1941 for a period of one year.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that the hearings herein be reconvened for the purpose of considering said Application No. 11;

It is ordered, That the hearing in this proceeding shall be reconvened at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the Hearing Room Clerk, at 10:00 A. M. on the 30th day of March 1942. All persons desiring to be heard or otherwise wishing to participate in the proceedings should notify the Commission in the manner provided by our Rules of Practice, Rule XVII, on or before March 28, 1942. At said reconvened hearing on that day the issues will be limited to a consideration of the request presented by said Application No. 11

All interested persons are referred to said Application No. 11 which is on file in the office of said Commission for full details concerning the application.

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing in such matters. The officer so designated to preside at such hearing is hereby authorized to assert all powers granted to the Commission under section 18 (c) of the Act and to the trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said application, particular attention will be directed at said hearing to the following matters and questions:

(1) Whether or not The United Light and Power Company has exercised due diligence in its efforts to comply with the order of this Commission dated March 20, 1941.

(2) Whether an extension of one year in which to comply with our order of March 20, 1941, as requested by the Company, is necessary or appropriate in the public interest or for the protection of investors or consumers, or whether a shorter period would be adequate.

Notice of such hearing is hereby given to the respondents and applicants herein, and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors and consumers.

It is further ordered, That the Secretary of this Commission serve notice of the entry of this order by mailing a copy thereof by registered mail to the respondents and applicants and that notice shall be given to all other persons by publication thereof in the FEDERAL REGISTER.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2474; Filed, March 23, 1942; 9:35 a. m.]

[File No. 70-514]

IN THE MATTER OF NEW ENGLAND GAS AND ELECTRIC ASSOCIATION, APPLIANCE CREDIT CORPORATION, AND NEGEA SERVICE CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its Office in the City of Philadelphia, Pa., on the 20th day of March, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties; and

Notice is further given that any interested persons may, not later than April

9, 1942, at 5:30 p. m. E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing therein. At any time thereafter, such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration and application which is on file in the office of said Commission for a statement of the transactions therein proposed, which are summarized below:

It is proposed that a merger of Appliance Credit Corporation and NEGEA Service Corporation, both subsidiary service companies of New England Gas and Electric Association, be made. NEGEA Service Corporation will issue for cash to New England Gas and Electric Association 500 additional shares of common stock of a par value of $100 per share. NEGEA Service Corporation will then purchase the assets, subject to the liabilities, of Appliance Credit Corporation for cash at the book value of $52,514.30 (figure as at December 31, 1941). New England Gas and Electric Association will then surrender to Appliance Credit Corporation its present holdings of 500 shares of common stock, of a par value of $100 per share, of the latter corporation and will receive, as a liquidation dividend, cash in the amount of $52,514.30 representing the par value of Appliance Credit Corporation stock plus earned surplus of $2,514.30. Appliance Credit Corporation will then cancel its common shares and dissolve. The surplus of $2,514.30 mentioned above represents accumulated surplus from earnings to the date of registration by Appliance Credit Corporation as a subsidiary service company.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2475; Filed, March 23, 1942; 9:35 a. m.]

[File No. 70-601]

IN THE MATTER OF SOUTHWESTERN DEVELOPMENT COMPANY, WEST TEXAS GAS COMPANY, AMARILLO GAS COMPANY, AND PANHANDLE PIPE LINE COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE AND GRANTING APPLICATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 20th day of March 1942.

Southwestern Development Company, a registered holding company (a subsidiary of The Mission Oil Company, also a registered holding company) and its wholly-owned subsidiary companies, West Texas Gas Company, Amarillo Gas Company and Panhandle Pipe Line Company, having filed a declaration and application and amendments thereto, pursuant to the Public Utility Holding Company Act of 1935, particularly sections 7 and 10 thereof, regarding an issue or sale and acquisition involved in a proposed modification of Loan Agreements and certain Promissory Notes issued pursuant thereto and presently held by or pledged with Guaranty Trust Company of New York thereunder, more fully described as follows:

(1) Four 3% Promissory Notes of Southwestern Development Company, aggregating $4,413,695.77, due in serial installments of varying amounts up to and including July 1, 1945.

(2) One 3% Promissory Note of West Texas Gas Company in the amount of $2,400,000, due in serial installments of varying amounts up to and including January 2, 1945.

(3) One 3% Promissory Note of Amarillo Gas Company in the amount of $170,000, due in serial installments of varying amounts up to and including July 1, 1944.

(4) One 3% Promissory Note owned by Amarillo Gas Company and issued by Panhandle Pipe Line Company in the amount of $85,000, due in serial installments of varying amounts up to and including July 1, 1944.

The proposed modifications which will not change the aggregate amounts outstanding are as follows:

(1) Revising the serial maturities to provide that (a) Southwestern Development Company notes will mature in installments of varying amounts due July 1 of each year from 1943 to 1947 inclusive; (b) West Texas Gas Company notes will mature semi-annually in varying amounts on January 1 and July 1 of each year beginning July 1, 1942 and ending January 1, 1947; (c) Amarillo Gas Company note will mature in installments of various amounts beginning July 1, 1942 and ending July 1, 1946; (d) Panhandle Pipe Line Company note will mature in annual installments of varying amounts beginning July 1, 1942 and ending July 1, 1946;

(2) Reducing the interest rates on all notes to provide that (a) all installments maturing on or prior to July 1, 1946 shall bear interest from February 1, 1942 at the rate of 2½% per annum; and (b) amounts maturing after July 1, 1946 shall bear interest from February 1, 1942 at the rate of 2¾% per annum.

Said application and declaration having been filed February 16, 1942 and amendments thereto having been filed on February 26, 1942 and March 5, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act, and the Commission not having received a request for a hearing with respect thereto within the period specified in said notice, or otherwise, and not having ordered a hearing thereon; and

The Commission finding with respect to the aforesaid declaration under section 7 of said Act that the requirements of section 7 (c) of said Act are satisfied that section 7 (g) is inapplicable and that no adverse findings are necessary under section 7 (d) of said Act, and with respect to such application, insofar as the standards of section 10 of the Act are applicable, that no adverse findings are necessary under sections 10 (b) and 10 (c) (1) of said Act and that the transactions involved have the tendency required by section 10 (c) (2) of said Act;

It is hereby ordered, Pursuant to Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24, that the aforesaid declaration, as amended, be and it is hereby permitted to become effective forthwith, and the aforesaid application, as amended, be and it hereby is granted forthwith.

By the Commission (Commissioner Healy not participating).

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2476; Filed, March 23, 1942; 9:36 a. m.]

[File Nos. 59-33, 70-263, 70-371]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION, COLUMBIA OIL & GASOLINE CORPORATION, PANHANDLE EASTERN PIPE LINE COMPANY, MICHIGAN GAS TRANSMISSION CORPORATION, INDIANA GAS DISTRIBUTION CORPORATION, AND THE OHIO FUEL GAS COMPANY, RESPONDENTS

ORDER POSTPONING HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 20th day of March 1942.

The Commission having, on February 28, 1942, issued its Notice of and Order (Holding Company Act Release No. 3359) reconvening the hearing in the above-entitled consolidated proceeding on March 24, 1942, at 10:00 a. m. in the offices of the Securities and Exchange Commission, Eighteenth & Locust Streets, Philadelphia, Pennsylvania; and

Columbia Oil & Gasoline Corporation and Columbia Gas & Electric Corporation having filed a request for postponement of such reconvened hearing to the 7th day of April 1942, stating as their reason that they require additional time to prepare for such hearing; and

The Commission having considered the request for postponement and being of the opinion that, under the circumstances, it should be granted;

It is further ordered, That the reconvening of the hearing in the above-entitled proceeding heretofore set for March 24, 1942, be and the same is hereby postponed to April 7, 1942, at 10:00 o'clock in the forenoon of that day at the same place and before the same officer of the Commission as specified in the aforesaid Notice and Order dated February 28, 1942; on such date the hearing room clerk in Room 318 will advise as to where the hearing will be held.

Notice of such hearing is hereby given to the applicants, declarants and respondents, to other interested parties, and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors and consumers.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2477; Filed, March 23, 1942; 9:36 a. m.]

THE NATIONAL ARCHIVES
LITTERA SCRIPTA MANET
1934
OF THE UNITED STATES

MAR 26 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 58

Washington, Wednesday, March 25, 1942

The President

PROCLAMATION 2542

ARMY DAY—1942

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS, in this crucial hour of history, we, the American people, are especially aware of the heroic service of the Army of the United States, whose Citizen Soldiers have always stood ready to make any sacrifice required for Freedom;

WHEREAS, aroused by Axis treachery and repudiation of all the ideals of honor and truth and decency which as a Free Nation under God we cherish, we have taken steps to mobilize a Citizens' Army from every corner of the Nation and all walks of life and are preparing to achieve that victory upon which may be built a firm structure of peace and freedom;

WHEREAS it is fitting that those of us who labor behind the lines to replenish the arsenal of democracy should firmly resolve to spare no effort which may contribute to the speedy creation of the arms and supplies indispensable to our Citizens' Army; and

WHEREAS Senate Concurrent Resolution 5, 75th Congress, 1st session, agreed to by the House of Representatives on March 16, 1937 (50 Stat. 1108), provides:

That April 6 of each year be recognized by the Senate and House of Representatives of the United States of America as Army Day, and that the President of the United States be requested, as Commander in Chief, to order military units throughout the United States to assist civic bodies in appropriate celebration to such extent as he may deem advisable; to issue a proclamation each year declaring April 6 as Army Day, and in such proclamations to invite the Governors of the various States to issue Army Day proclamations: *Provided*, That in the event April 6 falls on Sunday, the following Monday shall be recognized as Army Day;

NOW, THEREFORE, I, FRANKLIN D ROOSEVELT, President of the United States of America, do hereby proclaim Monday, April 6, 1942, as Army Day, and I invite the Governors of the forty-eight States to issue Army Day proclamations; as Commander in Chief, I hereby authorize officers of military units wherever feasible to aid civic bodies in the appropriate observance of Army Day; and I most strongly urge that the people of the United States can best observe Army Day by honoring our Citizen Soldiers and giving special thought to the great responsibility for contributing unstintedly of their effort and of their means in order that our armed forces may be adequately equipped for victory.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 20th day of March in the year of our Lord nineteen hundred and forty-two and of the Independence of the United States of America the one hundred and sixty-sixth.

[SEAL] FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES,
Acting Secretary of State.

[F. R. Doc. 42-2543; Filed, March 24, 1942; 11:20 a. m.]

EXECUTIVE ORDER 9109

REVOKING IN PART EXECUTIVE ORDER NO. 6583 OF FEBRUARY 3, 1934, AND WITHDRAWING PUBLIC LANDS FOR USE OF THE WAR DEPARTMENT FOR MILITARY PURPOSES

NEW MEXICO

By virtue of the authority vested in me as President of the United States, it is ordered that, subject to valid existing rights, the following-described public lands be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, including the mining laws, and reserved for the use of the War Department for military purposes:

NEW MEXICO PRINCIPAL MERIDIAN

T. 23 S., R. 18 W., secs. 12 and 13, containing 1,280 acres.

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FEDERAL REGISTER

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Executive Order No. 6583 of February 3, 1934, withdrawing public lands to aid the State in making exchange selections, is hereby revoked so far as it affects said sec. 13.

It is intended that the lands described herein shall be returned to the administration of the Department of the Interior when they are no longer needed for the purpose for which they are withdrawn.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 21, 1942.

[F. R. Doc. 42-2515; Filed, March 23, 1942; 1:56 p. m.]

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

Chapter V—Military Reservations and National Cemeteries

PART 55—MOTION PICTURE SERVICE[1]

UNITED STATES ARMY MOTION PICTURE SERVICE

§ 55.1 *Name and object.* The United States Army Motion Picture Service, a self-supporting organization operating directly under the Chief of the Special Services Branch, was organized and is operated for the purpose of furnishing amusement and recreation through the medium of motion pictures for the enlisted men and other Army personnel at posts, camps, and stations in the continental limits of the United States and Alaska. The theater facilities of this service have been designed and are intended primarily for the execution of this mission, and all other considerations are secondary and subordinate to this objective. (R.S. 161; 5 U.S.C. 22) [Par. 1*a*, AR 210-390, July 1, 1938, as amended by Cir. 78, W.D., March 16, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-2516; Filed, March 23, 1942; 3:17 p. m.]

[1] § 55.1 is amended.

TITLE 15—COMMERCE

Chapter I—Bureau of the Census

[Order No. 230]

PART 30—FOREIGN TRADE STATISTICS

FOREIGN COMMERCE STATISTICAL DECISION 22

MARCH 23, 1942.

Section 30.4 is amended to read as follows:

§ 30.4 *Statistics furnished by collectors.* Except during a period in which the United States is at war, trade papers, trade organizations, commercial concerns, and individuals may be furnished with statistical information regarding imports by customs districts as shown in the monthly statistical reports supplied to collectors by the Section Customs Statistics at New York. In no case shall any information be furnished in such manner as to disclose individual transactions or names of importers or exporters. (R.S. 161, Sec. 4, 32 Stat. 826; 5 U.S.C. 22, 601)

[SEAL] JESSE H. JONES,
Secretary of Commerce.

[F. R. Doc. 42-2517; Filed, March 23, 1942; 2:54 p. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 3633]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CORN PRODUCTS REFINING COMPANY, ET AL.

§ 3.45 (c) *Discriminating in price—Direct discrimination—Charges and prices:* § 3.45 (e) *Discriminating in price—Indirect discrimination—Charges and prices—Classifications generally.* In connection with offer, etc., in commerce, of products resulting from the grinding and refining of corn, and among other things, as in order set forth, (1) directly or indirectly discriminating in price between different purchasers of glucose or corn syrup unmixed of like grade and quality in the manner and degree set forth in paragraphs four and five of the findings as to the facts herein [i. e., as there in detail set forth, discriminating through systems of prices or pricing resulting in differentials which do not, as shown, make only due allowance for differences in the cost of manufacture, sale or delivery resulting from the differing methods or quantities in which such glucose is sold or delivered to purchasers thereof, to-wit, system of delivered prices based on respondents' Chicago price, plus freight to destination, irrespective of whether or not shipment is made from respondents' Chicago plant, or, as customary, from their Kansas City plant; and through a system of prices based upon their tank car prices plus certain differentials, depending upon type of container used], or in any manner or degree substantially similar thereto, or from continuing or resuming any such discriminations in price; and (2) discriminating in price between purchasers of glucose or corn syrup unmixed by the methods set out in paragraph six of the findings as to the facts herein [i. e., as there in detail set forth, discriminating through the operation of its so-called booking system, under which customers are given, for certain period, and preceding increase in price, privilege of purchasing specified amounts for delivery within specified period at old prices, in such a way as to grant preferential treatment to favored customers, resulting in substantial discriminations in price among candy manufacturers purchasing from them, through extension of time or other variation of terms]; or otherwise discriminating in price between purchasers by means of the booking or entry of orders for glucose or corn syrup unmixed, where the price differences between purchasers resulting therefrom substantially approximate or exceed those set forth in paragraphs four or five of the findings as to the facts herein; prohibited, subject to provision that said prohibition immediately above set forth shall not prohibit actual sales of glucose or corn syrup unmixed for future delivery which do not involve such discriminations in price at the time of actual sale. (Sec. 2 (a), 49 Stat. 1526; 15 U.S.C., Sup. IV, sec. 13 (a)) [Cease and desist order, Corn Products Refining Company, et al., Docket 3633, March 16, 1942]

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Discounts and allowances.* In connection with offer, etc., in commerce, of products resulting from the grinding and refining of corn, and among other things, as in order set forth, directly or indirectly discriminating in price between purchasers of starch or starch products of like grade and quality in the manner and degree set forth in paragraph nine of the findings as to the facts herein, i. e., as there in detail set forth, discriminating in price through allowance of discounts, rebates, commissions, or other allowances, from their regular market or list prices to two customers on their puchases of many millions of pounds of such products, while selling to competitors of said purchasers substantial quantities of such products of like grade and quality at said corporations' regular market or list prices, and without any such discounts, etc., not shown as making no more than due allowance for differences, if any, in the cost of manufacture, sale or delivery of such products, resulting from differing methods or quantities, if any, in which the products are sold or delivered, and sufficient, if reflected in whole or substantial part in resale prices, to attract business to said favored concerns away from their competitors, or to force latter to resell products in question at substantially reduced profit, or to refrain from reselling], or in any manner or degree substantially similar thereto, or from continuing or resuming any such discriminations in price; prohibited. (Sec. 2 (a), 49 Stat. 1526; 15 U.S.C., Sup. IV, sec. 13 (a)) [Cease and desist order, Corn Products Refining Company, et al., Docket 3633, March 16, 1942]

§ 3.45 (e) *Discriminating in price—Indirect discrimination—Discounts and allowances.* In connection with offer, etc., in commerce, of products resulting from the grinding and refining of corn, and among other things, as in order set forth, directly or indirectly discriminating in price between different purchasers of corn gluten feed and corn gluten meal of like grade and quality in the manner and degree set forth in paragraph eight of the findings as to the facts herein, [i. e., as there in detail set forth, discriminating in price through according to at least six favored purchasers discounts of fifty cents a ton or more, as the case may be, from said respondents' regular market prices on sales and shipments of such feed and meal, while selling such products of like grade and quality to competitors of said favored concerns without according any such discounts, allowances, commissions, rebates or other compensation, sufficient, if reflected in whole or substantial part in resale prices, to attract business to said favored concerns away from their respective competitors, or to force latter to resell such products purchased from respondents at a substantially reduced profit, or to refrain from reselling, and sufficient substantially to increase the margins of profit of the favored customers over those otherwise obtainable, and which, as shown, do not make no more than due allowance for differences, if any, in the cost of manufacture, sale or delivery of said products resulting from the differing methods, or quantities, if any, in which sold and delivered], or in any manner or degree substantially similar thereto, or from continuing or resuming any such discriminations in price; prohibited. (Sec. 2 (a), 49 Stat. 1526; 15 U.S.C., Sup. IV, sec. 13 (a)) [Cease and desist order, Corn Products Refining Company, et al., Docket 3633, March 16, 1942]

§ 3.45 (c) *Discriminating in price—Direct discrimination—Services and facilities.* In connection with offer, etc., in commerce, of products resulting from the grinding and refining of corn, and among other things, as in order set forth, furnishing advertising services to The Curtiss Candy Company as set forth in paragraph ten of the findings as to the facts herein [i. e., as there in detail set forth, under an understanding with said company (which, for a period of years, advertised its products approximately as much as all of the other candy manufacturers in the United States combined, and had as wide a distribution of its candy as any candy manufacturer in the United States) to induce it to use respondents' dry dextrose in its candies, and to advertise them as containing the same, and in consideration of the addition of the "Dextrose Message" to said company's advertising, appropriating various large sums of money for advertising in newspapers, magazines and on the radio, depicting the candy products of said company as "being rich in dextrose", or "enriched with dextrose"; while failing and declining to enter into any similar arrangements with any other of those buying such product from respondents, and to appropriate, or to pay to any one, any money with which advertising services could be purchased for the advertising of products of any purchaser of dry dextrose except said candy company; and failing to furnish any advertising services or facilities of any kind to other customer-purchasers of dry dextrose who compete with said candy company, user of such dextrose in most of its products in substantial, and frequently, major proportions], or directly or indirectly furnishing services or facilities to The Curtiss Candy Company or to any purchaser of dextrose or other of respondents' products in connection with the processing, handling, sale, or offering for sale thereof, when such services or facilities are not accorded to all competing purchasers of any such product on proportionally equal terms; prohibited. (Sec. 2 (e), 49 Stat. 1527; 15 U.S.C., Sup. IV, sec. 13 (e) [Cease and desist order, Corn Products Refining Company, et al., Docket 3633, March 16, 1942]

§ 3.39 *Dealing on exclusive and tying basis.* In connection with offer, etc., in commerce, of products resulting from the grinding and refining of corn, and among other things, as in order set forth, contracting to sell to, or selling to, the Huron Milling Company, the Keever Starch Company, or any other customer buying in quantities approximating those of the purchasers named, corn starch or other starch products, or fixing a price therefor or discount or rebate therefrom, on the condition, agreement, or understanding that any such purchaser shall not use or deal in corn starch or other starch products of a competitor or competitors of respondents, or from performing, enforcing, or continuing in operation or effect any such condition, agreement or understanding; prohibited. (Sec. 3, 38 Stat. 731, 15 U.S.C., sec. 14) [Cease and desist order, Corn Products Refining Company, et al., Docket 3633, March 16, 1942]

In the Matter of Corn Products Refining Company, Corn Products Sales Company, Inc.

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 16th day of March, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, the amended complaint of the Commission and respondents' answer thereto, testimony and other evidence, briefs in support of the complaint and in opposition thereto, and oral arguments by counsel, and the Commission having made its findings as to the facts and its conclusion that respondents have violated subsections (a) and (e) of Section 2 and Section 3 of "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914

(Clayton Act) as amended by Act of June 19, 1936 (Robinson-Patman Act):

It is ordered, That respondents Corn Products Refining Company, a corporation, and Corn Products Sales Company, Inc., a corporation, and their officers, directors, representatives, agents, and employees, in connection with the offering for sale, sale, and distribution of products resulting from the grinding and refining of corn in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

(1) Directly or indirectly discriminating in price between different purchasers of glucose or corn syrup unmixed of like grade and quality in the manner and degree set forth in Paragraphs 4 and 5 of the findings as to the facts herein, or in any manner or degree substantially similar thereto, or from continuing or resuming any such discriminations in price;

(2) Discriminating in price between purchasers of glucose or corn syrup unmixed by the methods set out in Paragraph 6 of the findings as to the facts herein, or otherwise discriminating in price between purchasers by means of the booking or entry of orders for glucose or corn syrup unmixed, where the price differences between purchasers resulting therefrom substantially approximate or exceed those set forth in Paragraphs 4 or 5 of the findings as to the facts herein, provided this shall not prohibit actual sales of glucose or corn syrup unmixed for future delivery which do not involve such discriminations in price at the time of actual sale;

(3) Directly or indirectly discriminating in price between different purchasers of starch or starch products of like grade and quality in the manner and degree set forth in Paragraph 9 of the findings as to the facts herein, or in any manner or degree substantially similar thereto, or from continuing or resuming any such discriminations in price;

(4) Directly or indirectly discriminating in price between different purchasers of corn gluten feed and corn gluten meal of like grade and quality in the manner and degree set forth in Paragraph 8 of the findings as to the facts herein, or in any manner or degree substantially similar thereto, or from continuing or resuming any such discriminations in price;

(5) Furnishing advertising services to The Curtiss Candy Company as set forth in Paragraph 10 of the findings as to the facts herein, or directly or indirectly furnishing services or facilities to The Curtiss Candy Company or to any purchaser of dextrose or other of respondents' products in connection with the processing, handling, sale, or offering for sale thereof, when such services or facilities are not accorded to all competing purchasers of any such product on proportionally equal terms;

(6) Contracting to sell to, or selling to, the Huron Milling Company, the Keever Starch Company, or any other customer buying in quantities approximating those of the purchasers named, corn starch or other starch products, or fixing a price therefor or discount or rebate therefrom, on the condition, agreement, or understanding that any such purchaser shall not use or deal in corn starch or other starch products of a competitor or competitors of respondents, or from performing, enforcing, or continuing in operation or effect any such condition, agreement, or understanding.

It is further ordered, That respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-2513; Filed, March 23, 1942; 12:49 p. m.]

[Docket No. 3800]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF CLINTON COMPANY, ET AL.

§ 3.45 (c) *Discriminating in price—Direct discrimination — Charges and prices:* § 3.45 (e) *Discriminating in price—Indirect discrimination—Charges and prices—Classifications generally.* In connection with offer, etc., in commerce, of glucose or corn syrup unmixed, (1) directly or indirectly discriminating in price between different purchasers of glucose or corn syrup unmixed of like grade and quality in the manner and degree set forth in paragraphs four and six of the findings as to the facts herein, [i. e., as there in detail set forth, discriminating through system of prices or pricing resulting in differentials which do not reflect actual differences in delivery costs to respondents, and brought about through sales of glucose of like grade and quality, fulfilled by shipments from respondents' Iowa plant to purchasers in various cities, at differing delivered prices, based upon respondents' Chicago tank car price, with addition thereto of the amount of the railroad tariff from Chicago to purchasers' locations in particular cities concerned; and through system or plan of adding to their base railroad tank car lot price for glucose, certain "container differentials", depending upon particular type of container used], or in any manner or degree substantially similar thereto, or from continuing or resuming any such discriminations in price; (2) discriminating in price between different purchasers of glucose by the methods set out in paragraph five of the findings as to the facts herein [i. e., as there in detail set forth, discriminating through preferential operation or application of respondents' booking system under which purchasers, following announcement of new price increase, are granted option of purchase at current price provided shipment is made within thirty days after price increase date, through making shipments at times to various purchasers, after expiration of thirty-day period, at older and lower price, while concurrently charging and receiving from other and competing purchasers who order after expiration of the five-day period, the new increased and higher prices for similar products, and through accepting order for glucose at old and lower price and selling same at such price to favored purchaser, while concurrently selling same product of like grade and quality to other and competing purchasers at the new and higher price], or otherwise discriminating in price between purchasers by means of the booking or entry of orders for glucose or corn syrup unmixed, where the price differences resulting therefrom substantially approximate or exceed those set out in paragraphs four or six of the findings as to the facts herein; and (3) otherwise discriminating in price as between purchasers of glucose or corn syrup unmixed of like grade and quality where the effect may be substantially to lessen competition or tend to create a monopoly in the lines of commerce in which customers of respondent are engaged, or to injure, destroy, or prevent competition with any recipient of the benefit of such discrimination; prohibited, subject to provision as respects said second prohibition above set forth that same shall not prohibit actual sales of glucose or corn syrup unmixed for future delivery which do not involve such discriminations in price at the time of actual sale; and subject to further provision, as respects said third and last prohibition above set forth, that it shall not prevent price differences which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods or quantities in which said glucose is to such purchasers sold or delivered, and to further provision that it shall not prevent respondents from showing that any lower price to any purchaser was made in good faith to meet an equally low price of a competitor of respondents. (Sec. 2 (a), 49 Stat. 1526; 15 U.S.C., Sup. IV, sec. 13 (a) [Cease and desist order, Clinton Company, et al., Docket 3800, March 17, 1942]

In the Matter of Clinton Company, Clinton Sales Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 17th day of March, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, respondents' answer thereto, certain stipulated facts read into the record and exhibits introduced, briefs filed herein, and oral arguments of counsel, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of subsection (a) of section 2 of "An Act to supplement existing laws against unlawful restraints and monopolies, and for other purposes," approved October 15, 1914, (Clayton Act) as amended by the Act approved June 19, 1936, (Robinson-Patman Act):

It is ordered, That respondents Clinton Company, a corporation, and Clinton Sales Company, a corporation, and their officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of glucose or corn syrup unmixed in commerce, as "commerce" is defined in the aforesaid Clayton Act, do forthwith cease and desist from:

(1) Directly or indirectly discriminating in price between different purchasers of glucose or corn syrup unmixed of like grade and quality in the manner and degree set forth in Paragraphs 4 and 6 of the findings as to the facts herein, or in any manner or degree substantially similar thereto, or from continuing or resuming any such discriminations in price;

(2) Discriminating in price between different purchasers of glucose by the methods set out in Paragraph 5 of the findings as to the facts herein, or otherwise discriminating in price between purchasers by means of the booking or entry of orders for glucose or corn syrup unmixed, where the price differences between purchasers resulting therefrom substantially approximate or exceed those set out in Paragraphs 4 or 6 of the findings as to the facts herein, provided this shall not prohibit actual sales of glucose or corn syrup unmixed for future delivery which do not involve such discriminations in price at the time of actual sale;

(3) Otherwise discriminating in price as between purchasers of glucose or corn syrup unmixed of like grade and quality where the effect may be substantially to lessen competition or tend to create a monopoly in the lines of commerce in which customers of respondent are engaged, or to injure, destroy, or prevent competition with any recipient of the benefit of such discrimination, provided that this shall not prevent price differences which make only due allowance for differences in the cost of manufacture, sale, or delivery resulting from the differing methods of quantities in which said glucose is to such purchasers sold or delivered, and provided further that this shall not prevent respondents from showing that any lower price to any purchaser was made in good faith to meet an equally low price of a competitor of respondents.

It is further ordered, That respondents shall, within sixty (60) days after the service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-2541; Filed, March 24, 1942; 11:09 a. m.]

TITLE 24—HOUSING CREDIT

Chapter II—Federal Savings and Loan System

[Bulletin No. 1]

PART 202—INCORPORATION, CONVERSION, AND ORGANIZATION

AMENDMENT RELATING TO CHARTER AND BYLAWS

MARCH 23, 1942.

Section 202.9 of the Rules and Regulations for the Federal Savings and Loan System is hereby amended, effective March 23, 1942, to read as follows:

§ 202.9 *Charter and bylaws*—(a) *Issuance of Charter K.* If the Petition for Charter is approved, the following charter (hereinafter referred to as a "Charter K") shall be issued:

CHARTER K

Pursuant to the provisions of section 5 of the Home Owners' Loan Act of 1933, the following charter is hereby issued:

1. *Name.* The name of the Federal savings and loan association hereby chartered (hereinafter referred to as the "association") is ---------- Federal Savings and Loan Association ----------.

2. *Office.* The home office of the association shall be located at ----------, in the County of ----------, State of ----------. No office of the association shall be moved from its immediate vicinity except as may be provided in regulations made by the Federal Home Loan Bank Administration.

3. *Objects and powers.* The objects of the association are to promote thrift by providing a convenient and safe method for people to save and invest money and to provide for the sound and economical financing of homes. The statute, this charter, and rules and regulations made thereunder provide for examination and supervision and at the same time for the protection of all private rights concerned, and shall be construed in keeping with the best practices of local mutual thrift and home-financing institutions in the United States.

The association shall act as fiscal agent of the Government when designated for that purpose by the Secretary of the Treasury, under such regulations as he may prescribe, and shall perform all such reasonable duties as fiscal agent of the Government as he may require. The association may act as agent for any other instrumentality of the United States when designated for that purpose by any such instrumentality.

The association shall have perpetual succession and power to sue and be sued, complain and defend in any court of law or equity; to have a corporate seal, affixed by imprint, facsimile or otherwise; to appoint officers and agents as its business shall require, and allow them suitable compensation; to have bylaws not inconsistent with the Constitution or laws of the United States, this charter, and rules and regulations of the Federal Home Loan Bank Administration, providing for the management of its property and regulation and government of its affairs; to wind up and dissolve, merge, consolidate, or reorganize in the manner provided by law and rules and regulations made thereunder; and to conduct business in the territory of the United States except as otherwise limited in this charter. The association may purchase, hold, and convey real and personal estate consistent with its objects, purposes, and powers; may mortgage or lease any real and personal estate; and may take such property by gift, devise, or bequest. Unless authorized by the Federal Home Loan Bank Administration, the association may not invest in an office building or buildings for the transaction of the business of the association an amount representing the cost of land and buildings in excess of the sum of its undivided profits and reserve accounts.

In addition to the foregoing powers expressly enumerated, the association shall have power to do all things reasonably incident to the accomplishment of its express objects and the performance of its express powers. The association shall have such powers as are conferred by law and shall exercise its powers in conformity with the Home Owners' Loan Act of 1933 and all laws of the United States as they now are, or as they may hereafter be amended, and with the rules and regulations made thereunder which are not in conflict with this charter.

4. *Members.* All holders of share accounts of the association and all borrowers therefrom shall be deemed and held to be members thereof. In the consideration of all questions requiring action by the members, each holder of a share account shall be permitted to cast one vote for each $100, or fraction thereof, of the participation value of his share account. A borrowing member shall be permitted, as a borrower, to cast one vote, and to cast the number of votes to which he may be entitled as the holder of a share account. No member, however, shall cast more than 50 votes. Voting may be by proxy. Any number of members present at a regular or special meeting of the members shall constitute a quorum. A majority of all votes cast at any meeting of members shall determine any question. The members who shall be entitled to vote at any meeting of the members shall be those owning share accounts and borrowing members of record on the books of the association at the end of the calendar month next preceding the date of the meeting of members.

5. *Directors and officers.* The association shall be under the direction of a board of directors of not less than 5 nor more than 15, as determined and elected by the members. Directors shall be elected by ballot from the membership of the association, and a director shall cease to be a director when he ceases to be a member. At the first meeting of members of the association, directors shall be elected to serve until the first annual meeting and until their successors are duly elected and qualified. Thereafter directors shall be elected for periods of 3 years and until their successors are elected and qualified, but provision shall be made for the election of approximately one-third of the board of directors each year. In the event of a vacancy, including vacancies created by an increase by vote of the members of the number of directors within the limits hereinabove specified, the board of directors may fill the vacancy, if the members fail so to do, by electing a director to serve until the next annual meeting of the members, at which time a director shall be elected to fill the vacancy for the unexpired term. At its meeting, which shall be held as soon as practicable after the annual meeting of members, the board of directors shall elect a president, one or more vice presidents, a secretary, and a treasurer. It may appoint such additional officers and employees as it may from time to time determine. The offices of secretary and treasurer may be held by the same person, and a vice president may also be either the

secretary or the treasurer. The term of office of all officers shall be one year or until their respective successors are elected and qualified; but any officer may be removed at any time by the board of directors. In the absence of designation from time to time of powers and duties by the board of directors, the officers shall have such powers and duties as generally pertain to their respective offices.

6. *Share capital.* The share capital of the association shall consist of the aggregate of payments upon share accounts and dividends credited thereto less redemption and repurchase payments. The participation value in the share capital of each share account held by a member shall be the aggregate of payments upon such share account and dividends credited thereto less redemption and repurchase payments. Share accounts of $100 or multiples thereof may be known as investment share accounts, consisting of full-paid income shares. All other share accounts shall be known as savings share accounts. Payments upon share accounts shall be called share payments. Outstanding share accounts, if any, created pursuant to a previous charter of the association issued by the Federal Home Loan Bank Board or the Federal Home Loan Bank Administration shall continue to be known and treated as provided in the Federal charter in effect at the time each such share account was created, until exchanged for investment or savings share accounts. Share accounts may be issued for cash, or property in which the association is authorized to invest, and, in the absence of actual fraud in the transaction, the value of property taken in payment therefor, as determined by the board of directors, shall be conclusive. All share accounts shall be nonassessable, and no holder thereof shall be responsible for any losses incurred by the association beyond the loss of the participation value of his share accounts at the time the loss is determined.

7. *Ownership of share accounts.* All share accounts shall be represented by share account books containing a certificate of membership and evidencing the participation value of the share account, except that investment share accounts may be represented by separate membership certificates. Share accounts may be purchased and held absolutely by, or in trust for, any person, including an individual, male, female, adult or minor, single or married, a partnership, association, and corporation. The receipt or acquittance of any member, including a minor person or a married woman, who holds a share account shall be a valid and sufficient release and discharge of the association for any payment to such person on any share account. Two or more persons may hold share accounts jointly in any manner permitted by law. Trustees and other fiduciaries, including, but not limited to, fiduciaries empowered to invest in first mortgages, may invest in share accounts. Share accounts shall be transferable only upon the books of the association and upon proper application by the transferee and the acceptance of the transferee as a member upon terms approved by the board of directors. The association may treat the holder of record of share accounts as the owner for all purposes without being affected by any notice to the contrary unless the association has acknowledged in writing notice of a pledge. The association shall not directly or indirectly charge any membership, admission, repurchase, withdrawal, or any other fee or sum of money, for the privilege of becoming, remaining, or ceasing to be a member of the association.

8. *Power to obtain advances.* The association shall have power to obtain advances of not more than an amount equal to one-half of its share capital on the date of the advance. A subsequent reduction of share capital shall not affect in any way outstanding obligations for advances. The association shall not have power to obtain advances from any source other than a Federal home loan bank of more than an amount equal to 10 percent of its share capital on the date of the advance. The association may pledge or otherwise encumber any of its assets to secure its debts. The association shall not accept deposits from the public or issue any evidence of indebtedness except for advances. It shall not represent itself as a deposit institution.

9. *Reserves, undivided profits, and dividends.* As of June 30 and December 31 of each year, after payment or provision for payment of all expenses and appropriate transfers to the reserve required below, and additional transfers to other reserve accounts, and provision for an undivided profits account, the board of directors shall declare as dividends the remainder of the net earnings of the association for the 6 months' period. All dividends shall be declared as of said dividend dates. The board of directors may declare dividends as of said dividend dates payable out of the amounts remaining from previous periods in the undivided profits account. Profits to holders of share accounts shall be termed dividends (except bonus payments) and shall not be referred to as interest. The association shall maintain the reserve required for insurance of accounts by sufficient credits on each dividend date. If and whenever the aggregate reserves of the association (less reserve for bonus) are not equal to 10 percent of the share capital, the association shall, at each dividend date, transfer to reserves (other than reserve for bonus) a credit equivalent to at least 5 percent of the net earnings of the association, until such aggregate reserves are equal to 10 percent of the share capital. Any losses may be charged against reserves. Dividends upon investment share accounts shall be promptly paid in cash as of the dividend date. Dividends on savings share accounts shall be credited to such share accounts on the books of the association as of the dividend date. All holders of share accounts shall participate equally in dividends pro rata to the participation value of their share accounts; provided that the association shall not be required to credit dividends on inactive share accounts of $5 or less. Except as provided above, dividends shall be declared on the participation value of each share account at the beginning of the dividend period, plus the share payments made during the dividend period (less amounts repurchased and noticed for repurchase and, for dividend purposes, deducted from the latest previous share payments), computed at the dividend rate for the time invested, determined as provided below. The date of investment shall be the date of actual receipt of such share payments by the association, unless the board of directors fix a date, not later than the tenth of the month, for determining the date of investment of payments on either investment or savings share accounts or on both types of share accounts. Share payments, affected by such determination date, received by the association on or before such determination date, shall receive dividends as if invested on the first of such month. Share payments, affected by such determination date, received subsequent to such determination date, shall receive dividends as if invested on the first of the next succeeding month. All holders of share accounts shall be entitled to equal distribution of net assets, pro rata to the value of their share accounts, in the event of voluntary or involuntary liquidaton, dissolution, or winding up of the association.

10. *Bonus and bonus reserve.* In order to stimulate systematic thrift and to provide regular funds for the financing of homes, the members, by bylaw provision, may obligate the association to pay a cash bonus as follows:

(a) *Short-term bonus.* If, after the adoption of the bonus plan, a member desiring a short-term bonus shall agree to make regular monthly share payments of any specified amount on a savings share account until the participation value thereof shall equal 100 times the agreed monthly payment, and if the agreed monthly payments shall be made each and every month thereafter until the participation value thereof shall equal 100 times the agreed monthly payment, without a delay of more than 60 days in the payment of any monthly payment and without any prepayment of more than 12 months, and if during such period no application has been made for repurchase of any part of such savings share account, the bonus shall be payable on the date on which the participation value of such savings share account shall equal or exceed 100 times the agreed monthly payment. The bonus rate on such short-term savings share account shall be one-half of 1 percent per annum and the amount of the bonus shall be determined as follows: Divide the dollar amount of each semiannual dividend declared on such savings share account by a figure equal to twice the annual rate of percent of such semiannual dividend declared. The amount of the bonus is the sum of the quotients obtained.

(b) *Long-term bonus.* If, after the adoption of the bonus plan a member desiring a long-term bonus shall agree to make regular monthly share payments of any specified amount on a savings share account until the participation value thereof shall equal 200 times the agreed monthly payment, and if the agreed monthly payments shall be made each and every month thereafter until the participation value thereof shall equal 200 times the agreed monthly payment, without a delay of more than 60 days in the payment of any monthly payment and without any prepayment of more than 12 months, and if during such period no application has been made for repurchase of any part of such savings share account, the bonus shall be payable on the date on which the participation value of such savings share account shall equal or exceed 200 times the agreed monthly payment. The bonus rate on such long-term savings share account shall be 1 percent per annum and the amount of the bonus shall be determined as follows: Divide the dollar amount of each semiannual dividend declared on such savings share account by a figure equal to the annual rate of percent of such semiannual dividend declared. The amount of the bonus is the sum of the quotients obtained.

The members, by amendment of the bylaws, may abolish the bonus plan as to savings share accounts opened after the date of such repeal of the bonus plan.

Simultaneously with the declaration of each semiannual dividend after the adoption of the bonus plan, the board of directors shall transfer out of net earnings to an account designated "reserve for bonus" an amount, which, together with existing credits to such reserve is sufficient to pay the bonus on all savings share accounts then entitled to participation in such reserve in accordance with the provisions of this section. The board of directors may transfer any excess in such reserve to the undivided profits account.

11. *Redemption.* At any time funds are on hand for the purpose, the association shall have the right to redeem by lot, or otherwise as the board of directors may determine, all or any part of any of its share accounts on a dividend date, by giving 30 days' notice by registered mail addressed to the holders at their last address recorded on the books of the association. The association shall not redeem any of its share accounts when there is an impairment of

share capital or when it has applications for repurchase which have been on file more than 30 days and not reached for payment. The redemption price of share accounts redeemed shall be the full value of the share account redeemed, as determined by the board of directors, but in no event shall the redemption price be less than the repurchase value. If a share account which is redeemed is entitled to participate in the reserve for bonus, the amount of such accrued participation shall be paid as part of the redemption price. If the aforesaid notice of redemption shall have been duly given, and if on or before the redemption date the funds necessary for such redemption shall have been set aside so as to be and coptinue to be available therefor, dividends upon the share accounts called for redemption shall cease to accrue from and after the dividend date specified as the redemption date, and all rights with respect to such share accounts shall forthwith, after such redemption date, terminate, except only the right of the holder of record to receive the redemption price without interest.

12. *Repurchase.* The association shall have the right to repurchase its share accounts at any time upon application therefor and to pay to the holders thereof the repurchase value thereof. Holders of share accounts shall have the right to file with the association their written applications to repurchase their share accounts, in part or in full, at any time. Upon the filing of such written applications to repurchase, the association shall number and file the same in the order received and shall either pay the holder the repurchase value of the share account, in part or in full as requested, or, after 30 days from the receipt of such application to repurchase, apply at least one-third of the receipts of the association from holders of share accounts and borrowers, to the repurchase of such share accounts in numerical order: *Provided*, That if any holder of a share account applies for the repurchase of more than $1,000 of his share account or accounts, he shall be paid $1,000 in order when reached, and his application shall be charged with such amount as paid and shall be renumbered and placed at the end of the list of applications to repurchase, and thereafter, upon again being reached, shall be paid a like amount, but not exceeding the value of his account, and until paid in full shall continue to be so paid, renumbered, and replaced at the end of the list. When an application to repurchase is reached for payment as above provided, a written notice shall be sent to the applicant by registered mail at his last address recorded on the books of the association, and, unless the applicant shall apply in person or in writing for such repurchase payment within 30 days from the date of mailing such notice, no payment on account of such application shall be made and such application shall be cancelled. The board of directors shall have the absolute right to repurchase not exceeding $100 of any one share account or accounts of any one holder in any one month in any order regardless of whether or not such holder has filed an application for repurchase. Holders of share accounts filing written application for repurchase shall remain holders of share accounts until paid and shall not become creditors. Dividends upon a share account, to the extent of the amount of the application to repurchase all or part thereof, shall be discontinued while such share account remains upon the repurchase list. The repurchase value of share accounts of the association shall be the participation value thereof.

13. *Loans and investments.* The association may make loans to holders of share accounts on the sole security of their share accounts. To secure such loans the association shall obtain a lien upon, or a pledge of, the share account. Upon any default on any such loan, the association may, without any notice to or consent of the share-account holder, cancel on its books share accounts pledged and apply such share accounts in payment on account of the loan. No such loan shall exceed 90 percent of the repurchase value of the share account securing such loan. No such loan shall be made when the association has applications for repurchase which have been on file more than 30 days and not reached for payment.

The association may also lend its funds on the security of first liens upon homes, or combination of homes and business property, within 50 miles of its home office: *Provided*, That not more than $20,000 shall be loaned on the security of a first lien upon any property; except that not exceeding 15 percent of the assets of the association may be loaned on other improved real estate without regard to said $20,000 limitation, and without regard to said 50-mile limit, but secured by first lien thereon; and, *Provided further*, That the association may lend, without the requirement of amortization of principal, not exceeding 50 percent of the appraised value of the security of a first lien upon improved real estate, but the aggregate amount of such loans and of all other loans made pursuant to this sentence, without regard to the $20,000 limitation and without regard to the 50-mile limit, shall not exceed 15 percent of the assets of the association, without the prior written approval of the Federal Home Loan Bank Administration. The association, if converted from a State-chartered institution, may continue to make loans in the territory in which it made loans while operating under State charter. The association shall not make any loans to an officer, director, or employee, except loans on the sole security of share accounts owned by such officer, director, or employee, and except loans on the security of a first lien upon the home or combination of home and business property owned and occupied by such borrowing officer, director, or employee. The association may lend an amount not exceeding 75 percent of the value of the security of a home or combination home and business property, and may lend an amount not exceeding 50 percent of the value of the security of other improved real estate: *Provided*, That the association may lend a higher percentage of the value of any such security when authorized by the members of the association and by regulations made by the Federal Home Loan Bank Administration.

The association may invest without limit in obligations of, or obligations guaranteed as to principal and interest by, the United States, in obligations of Federal home loan banks, and in other securities approved by the Federal Home Loan Bank Administration. The association may also invest in stock of a Federal home loan bank.

No loans shall be made upon the security of real estate until at least two qualified persons selected by the board of directors shall have submitted a signed appraisal of the real-estate security for such loan. No loan shall be made when the borrower is required to pay to the association or to another person in connection with the loan any unreasonable or unlawful charge or fee. The association shall ascertain the total amount paid by each borrower to it and to any other person in connection with the loan, and furnish to each borrower upon the closing of the loan a loan settlement statement, indicating in detail the charges or fees such borrower has paid or obligated himself to pay to the association or to any other person in connection with such loan, and a copy of such statement shall be retained in the records of the association.

14. *Loan plan.* Loans on real estate shall be made on one of the following bases:

(a) Repayable in monthly installments, equal or unequal, beginning not later than 30 days after the date of the advance of the loan, sufficient to retire the debt, interest and principal, within 20 years: *Provided, however*, That the loan contract shall not provide for any subsequent monthly installment of an amount larger than any previous monthly installment; *And provided further*, That in the case of construction loans the first payment shall not be later than 4 months after the date of the first advance.

(b) To the extent permitted by this charter, repayable within 5 years from the date with or without any amortization of principal but with interest payable at least semiannually.

The monthly payments required shall be applied first to interest on the unpaid balance of the debt and the remainder to the reduction of the debt until the same is paid in full. The primary obligation shall be secured by a mortgage or other instrument constituting a first lien or the full equivalent thereof upon the real estate securing the loan according to any lawful and well recognized practice which is deemed best suited to the transaction. In keeping with the best loan practices in the territory, the instrument securing a loan on real estate shall provide for full protection to the association and shall be recorded. It shall provide specifically for full protection with respect to insurance, taxes, assessments, other governmental levies, maintenance, and repairs. It may provide for an assignment of rents and for such other protection as may be lawful or appropriate. The association may pay taxes, assessments, insurance premiums, and other similar charges for the protection of its interest in the property on which it has loans. All such payments may, when lawful, be added to the unpaid balance of the loan. The association may require life insurance to be assigned to the association by its borrowers as additional collateral for real-estate loans. The association may advance premiums on any life insurance held as additional collateral for real-estate loans if the association has a first lien on the policy. Such premium advances may, when lawful, be added to the unpaid balance of the loan. The association may require that the equivalent of one-twelfth of the estimated annual taxes, assessments, insurance premiums, and other charges upon real-estate security, or any of them, be paid in advance to the association in addition to interest and principal payments on its loans so as to enable the association to pay such charges as they become due from the funds so received. The association shall keep a record of the status of taxes, assessments, insurance premiums, and other charges on all real estate on which the association has made loans or which is owned by the association. The board of directors shall from time to time determine the rate of interest, premiums, fees, and other charges to be made in connection with loans by the association. In fixing such charges full consideration shall be given to sound and economical home financing in the territory in which the association operates. Borrowers shall have the right to prepay their loans without penalty; except that when the amount prepaid equals or exceeds 20 percent of the original principal amount of the loan, not more than 90 days' interest on the amount prepaid may be charged, provided the loan contract makes provision for such penalty. All loans on the security of real estate shall be made in accordance with this section unless the Federal Home Loan Bank Administration approves another loan plan upon application from the association for such approval.

15. *Evidence of corporate existence.* This charter, or a certified copy hereof under the seal of the Federal Home Loan Bank Administration, shall be evidence of the corporate existence of the association.

16. *Amendment of charter.* No amendment, addition, alteration, change, or repeal of this charter shall be made unless such proposal is made by the board of directors of the association, and submitted to and approved by the Federal Home Loan Bank Administration, and is thereafter submitted to and approved by the members at a legal meeting. Any amendment, addition, alteration, change, or repeal so acted upon and approved shall be effective, if filed with and approved by the Federal Home Loan Bank Administration, as of the date of the final approval by the members.

I, ----------, Secretary of the Federal Home Loan Bank Administration, do hereby certify that the foregoing is a true and correct copy of the charter of the ------ ---------- Federal Savings and Loan Association ---------- issued by the Federal Home Loan Bank Administration on the ------ day of ----------, 19--.

This, the ------ day of ----------, 19--.

[SEAL] ----------
Secretary.

Each such charter shall create the legal rights and duties intended by the parties; and after each such charter is issued, the Federal association shall be operated within the limits prescribed by section 5 of the Home Owners' Loan Act of 1933, and shall be subject to the provisions of its charter, its bylaws, and these rules and regulations, and any amendments thereof. Federal associations heretofore chartered (provided no preferred shares are outstanding) may amend their charter as an entirety by a majority vote cast at a regular or special meeting of members adopting a Charter K with the same name and office prescribed by their present charter and upon filing the following petition (hereinafter referred to as a "Petition for Amended Charter K"):

PETITION FOR AMENDED CHAPTER K

FEDERAL HOME LOAN BANK ADMINISTRATION

Washington, D. C.

The undersigned, pursuant to § 202.9 of the Rules and Regulations for Federal Savings and Loan Associations, respectfully petitions the Administration to issue an amended charter in the form of Charter K to the undersigned, fixing the name and home office of the undersigned which its present charter prescribes.

The undersigned, by its secretary, hereby certifies that the members at a regular (special) meeting duly adopted the following resolution:

"*Be It Resolved*, That the present charter of this association be amended to read in the form of Charter K, prescribing the present name and home office fixed by the present charter of this association."

In witness whereof, the Secretary of the undersigned has hereunto affixed his hand and the seal of the undersigned this ------ day of ----------, 19--.

---------- FEDERAL SAVINGS AND LOAN ASSOCIATION,

By ----------

[CORPORATE SEAL]

The Administration will issue to any such Federal association a Charter K fixing the name and the home office of the association which the present charter prescribes, unless the Administration when petitioned approves a change of name or location.

(b) *Bylaws (1936) prescribed.* Each Federal association having a Charter K shall operate under the following bylaws (hereinafter referred to as "Bylaws (1936)") unless and until other bylaws have been adopted by the association and have been approved by the Administration:

BYLAWS (1936)

FEDERAL SAVINGS AND LOAN ASSOCIATION

1. *Annual meetings of members.* The annual meeting of the members of the association for the election of directors and for the transaction of any other business of the association shall be held at its home office at 2 o'clock in the afternoon on the third Wednesday in January of each year, if not a legal holiday, or if a legal holiday then on the next succeeding day not a legal holiday. The annual meeting may be held at such other time on such day or at such other place in the same community as the board of directors may determine. At each annual meeting, the officers shall make a full report of the financial condition of the association and of its progress for the preceding year, and shall outline a program for the succeeding year.

2. *Special meetings of members.* Special meetings of the members of the association may be called at any time by the president or the board of directors, and shall be called by the president, a vice president, or the secretary upon the written request of members holding of record in the aggregate at least one-tenth of the share capital of the association. Such written request shall state the purposes of the meeting and shall be delivered at the home office of the association addressed to the president.

3. *Notice of meetings of members.* (a) Notice of each annual meeting shall be either published once a week for the two successive calendar weeks (in each instance on any day of the week) prior to the date on which such annual meeting shall convene, in a newspaper printed in the English language and of general circulation in the city or county in which the home office of the association is located, or mailed postage prepaid at least 15 days and not more than 30 days prior to the date on which such annual meeting shall convene to each of its members of record at his last address appearing on the books of the association. Such notice shall state the name of the association, the place of the annual meeting and the time when it shall convene. A similar notice shall be posted in a conspicuous place in each of the offices of the association during the 14 days immediately preceding the date on which such annual meeting shall convene. If any member, in person or by attorney thereunto authorized, shall waive in writing notice of any annual meeting of members, notice thereof need not be given to such member.

(b) Notice of each special meeting shall be either published once a week for the two consecutive calendar weeks (in each instance on any day of the week) prior to the date on which such special meeting shall convene, in a newspaper printed in the English language and of general circulation in the city or county in which the home office of the association is located, or mailed postage prepaid at least 15 days and not more than 30 days prior to the date on which such special meeting shall convene to each of its members of record at his last address appearing on the books of the association. Such notice shall state the name of the association, the purpose or purposes for which the meeting is called, the place of the special meeting and the time when it shall convene. A similar notice shall be posted in a conspicuous place in each of the offices of the association during the 14 days immediately preceding the date on which such special meeting shall convene. If any member, in person or by attorney thereunto authorized, shall waive in writing notice of any special meeting of members, notice thereof need not be given to such member.

4. *Meetings of the board of directors.* The board of directors shall meet regularly without notice at the home office of the association at least once each month at the hour and date fixed by resolution of the board of directors, provided that the place of meeting may be changed by the directors. Special meetings of the board of directors may be held at any place in the territory in which the association may make loans specified in a notice of such meeting and shall be called by the secretary upon the written request of the president, or of three directors. All special meetings shall be held upon at least 3 days' written notice to each director unless notice be waived in writing before or after such meeting. Such notice shall state the place, time, and purposes of such meeting. A majority of the directors shall constitute a quorum for the transaction of business. The act of a majority of the directors present at any meeting at which there is a quorum shall be the act of the board of directors. All meetings of the members and of the board of directors shall be conducted in accordance with Robert's Rules of Order.

5. *Resignation of directors.* Any director may resign at any time by sending a written notice of such resignation to the office of the association delivered to the secretary. Unless otherwise specified therein, such resignation shall take effect upon receipt thereof by the secretary. More than three consecutive absences from regular meetings of the board of directors, unless excused by resolution of the board of directors, shall automatically constitute a resignation, effective when such resignation is accepted by the board of directors.

6. *Powers of the board.* The board of directors shall have power—

(a) To appoint and remove by resolution the members of an executive committee, the members of which shall be directors, which committee shall have and exercise the powers of the board of directors between the meetings of the board of directors;

(b) To appoint and remove by resolution the members of such other committees as may be deemed necessary and prescribe the duties thereof;

(c) To fix the compensation of directors, officers, and employees; and to remove any officer or employee at any time with or without cause;

(d) To extend leniency and indulgence to borrowing members who are in distress and generally to compromise and settle any debts and claims;

(e) To limit share payments which may be accepted;

(f) To reject any application for share accounts or membership; and

(g) To exercise any and all of the powers of the association not expressly reserved by the charter to the members.

7. *Execution of instruments, generally.* All documents and instruments or writings of any nature shall be signed, executed, verified, acknowledged, and delivered by such officers, agents, or employees of the association or any one of them and in such manner as from time to time may be determined by resolution of the board of directors. All notes, drafts, acceptances, checks, endorsements, and all evidences of indebtedness of the association whatsoever shall be signed by such officer or officers or such agent or agents of the association and in such manner as the board of directors may from time to time determine. Endorsements for deposit to the credit of the association in any of its duly authorized depositaries shall be made in such manner as the board of directors may from time to time determine. Proxies to vote with respect to shares or accounts of other associations or stock of other corporations owned by or standing in the name of the association may be executed and delivered from time to time on behalf of the association by the president or a vice president and the secretary or an assistant secretary of the association or by any other person or persons thereunto authorized by the board of directors.

8. *Membership certificates.* One of the officers or an employee designated by the board of directors shall manually sign and deliver a membership certificate to each person upon the initial payment on a share account of the association or upon the making of a real-estate loan by the association.

9. *Seal.* The seal shall be two concentric circles between which shall be the name of the association. The year of incorporation, the word "incorporated", or an emblem may appear in the center.

10. *Amendment.* These bylaws may be amended at any time by a two-thirds affirmative vote of the board of directors, or by a vote of the members of the association. Each and every amendment shall be subject to the approval of the Federal Home Loan Bank Administration, and shall be ineffective until such approval shall be given, except that, without the approval of the Federal Home Loan Bank Administration, section 1 of the bylaws may be amended so that the time of day for convening the annual meeting may be fixed at any hour not earlier than 10 a. m. or later than 9 p. m., and a new section providing for a bonus may be added as provided in the rules and regulations for Federal savings and loan associations.

We, the undersigned officers, respectively, of the ---------- Federal Savings and Loan Association ----------, do hereby certify that the foregoing is a true and correct copy of the bylaws of said association.

---------- (President)

[SEAL] ---------- (Secretary)

(c) *Availability and delivery of charter and bylaws to members.* Each Federal association shall cause a certified copy of its charter and bylaws to be made available to members at all times in each office of the association, and shall deliver to each member upon admission to membership a true copy of its charter and bylaws as amended. A copy of each subsequent amendment, if directed by the Administration, shall be furnished to all members. (Sec. 5 (a), (b), (c), of H. O. L. A. of 1933, 48 Stat. 132, sec. 18, 49 Stat. 297, sec. 5 (k) of H.O.L.A. of 1933, as added by sec. 5, 48 Stat. 646; 12 U.S.C. 1464 (a), (b), (c), (k), and Sup.; E.O. 9070, 7 F.R. 1529)

This amendment is deemed to be of a minor and procedural character within the provisions of § 201.2 (c) of the Rules and Regulations for the Federal Savings and Loan System.

[SEAL] FRED T. GREENE,
Acting Deputy Governor.
HAROLD LEE,
General Counsel.
ORMOND E. LOOMIS,
Executive Assistant to the Commissioner.

[F. R. Doc. 42-2516; Filed, March 23, 1942; 1:49 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter VI—Office of Solid Fuels Coordination

[Recommendation No. 1]

PART 601—ADMINISTRATIVE; GENERAL

SOLID FUELS ADVISORY WAR COUNCIL

In order to aid in the accomplishment of the purposes and objectives of the solid fuels coordination policy defined by the President of the United States in his letter of November 5, 1941, 7 F.R. 781, directing the Secretary of the Interior to act as Solid Fuels Coordinator, the Secretary of the Interior has established a Solid Fuels Advisory War Council and appointed to its membership representatives of the industries primarily affected by the program as well as representatives of labor and of the public. The purpose of the Council is to mobilize more effectively the resources and abilites of the solid fuels industries to deal with the emergency war time conditions and to provide a competent, responsible and representative body equipped and authorized both to advise the Secretary of the Interior with respect to the solid fuels industries and to carry into effect immediately measures affecting those industries recommended by the Secretary of the Interior as essential to the effective prosecution of the war program as it relates to solid fuels. It is vital to the national welfare that the Solid Fuels Advisory War Council be enabled to act swiftly and effectively to advise the Secretary of the Interior with respect to matters affecting the solid fuels industries and to carry into effect recommendations of the Secretary of the Interior.

Therefore, pursuant to the President's letter of November 5, 1941 directing the Secretary of the Interior to serve as Solid Fuels Coordinator, I do hereby recommend that immediately, and until further notice:

Sec.

601.1 Duties and functions.
601.2 Surveys and consultations.
601.3 Plans.
601.4 Organization of Council.

Bituminous Coal

§ 601.1 *Duties and functions.* The Solid Fuels Advisory War Council shall: (a) advise or inform the Secretary of the Interior and the Office of Solid Fuels Coordination with respect to any matter relating to the proper coordination of the solid fuels industries for war purposes submitted to it by the Secretary of the Interior or the Office of Solid Fuels Coordination for advice or information; (b) raise and consider on its own motion and, if deemed necessary or desirable, propose to the Secretary of the Interior or the Office of Solid Fuels Coordination any action relating to the proper coordination of the solid fuels industries for war purposes; (c) take any action or perform any duty or function specified in any formal recommendation of the Secretary of the Interior or the Office of Solid Fuels Coordination which has been duly submitted to the Attorney General and entered in the FEDERAL REGISTER, or in any approved plan effective under any such recommendation.*

*§§ 601.1 to 601.4, inclusive, issued under the authority contained in the President's letter of November 5, 1941, to the Secretary of the Interior, 7 F.R. 1781.

§ 601.2 *Surveys and consultations.* In accomplishing the purposes and objectives of the Solid Fuels Advisory War Council, defined in § 601.1, the Solid Fuels Advisory War Council is authorized to consult with any members of industries affected by the solid fuels coordination program, with any of committees or temporary or permanent subcommittees established by or under the authority of the Secretary of the Interior or the Office of Solid Fuels Coordination, and with any appropriate representative of the Office of Solid Fuels Coordination.*

§ 601.3 *Plans.* The Solid Fuels Advisory War Council shall, if the Council deems it necessary or desirable, formulate and reduce to writing such specific plan or proposal with respect to any matter which may be before it as shall seem necessary or appropriate and shall submit such plan or proposal, with a statement of facts and reasons, to the Secretary of the Interior or the Office of Solid Fuels Coordination, Washington, D. C.*

§ 601.4 *Organization of Council.* The Solid Fuels Advisory War Council may appoint such committees as it deems necessary for investigation and report on specific problems.

Minutes shall be kept of all meetings of the Council and two copies thereof shall be filed in the Office of Solid Fuels Coordination.*

Dated: March 20, 1942.

[SEAL] HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-2531; Filed, March 24, 1942; 9:34 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 965—IRON AND STEEL SCRAP

SUPPLEMENTARY ORDER M-24-a—RESTRICTIONS ON TINNED AND DETINNED SCRAP IN CERTAIN AREAS

§ 965.2 *Supplementary Order M-24-a.* Pursuant to the provisions of General Preference Order M-24[1] it is hereby ordered:

(a) *Additional definitions.* (1) "Tinned Scrap" means scrap consisting of tin plate, whether clippings, used tin cans, or in any other form.

(2) "Detinned Scrap" means tinned scrap from which all or any part of the tin has been removed by detinning, burning or any other process.

[1] 6 F.R. 5217.

(b) *Restrictions on sales of tinned scrap.* Except with the specific permission of the Director of Industry Operations, no person shall sell or ship tinned scrap in any of the counties listed in Schedule A hereto, except to a broker or dealer at his place of business in any such county, to a shredding or detinning plant located in any such county, or to a plant engaged in the precipitation of copper.

(c) *Restrictions on sales of detinned scrap.* Except with the specific permission of the Director of Industry Operations no person producing detinned scrap at a detinning plant located in any such county shall sell or ship detinned scrap produced at such plant except to a plant engaged in the precipitation of copper.

(d) *Effective date.* This Order shall take effect immediately and shall remain in effect until revoked. (P.D. Reg. 1, amended Dec. 23, 1941. 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a) Pub. Law 671, 76th Congress, 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 24th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

SCHEDULE A

California: Alameda, Contra Costa, Fresno, Imperial, Kern, Los Angeles, Marin, Merced, Monterey, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Stanislaus, Ventura, Yolo, and Yuba.

[F. R. Doc. 42-2545; Filed, March 24, 1942; 11:32 a. m.]

PART 1038—MADAGASCAR FLAKE GRAPHITE

INTERPRETATION NO. 1 OF CONSERVATION ORDER NO. M-61 [1] CURTAILING THE USE OF MADAGASCAR FLAKE GRAPHITE

In Order M-61 the phrases "Madagascar Flake Graphite which is of the grade that can be used for the manufacture of crucibles" and "Madagascar Flake Graphite of a grade which could have been used for the manufacture of crucibles" appear. These phrases are hereby officially interpreted to mean Madagascar Flake Graphite of a grade that will stand on a 35 mesh screen. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B., Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 23d day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2519; Filed, March 23, 1942; 4:53 p. m.]

[1] 7 F.R. 1064.

PART 1047—PETROLEUM

CONSERVATION ORDER M-68-C AS AMENDED

Section 1047.4 (*Conservation Order M-68-c*) is hereby amended to read as follows:

§ 1047.4 *Conservation Order M-68-c*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision of this Order may be inconsistent therewith, in which case such provision shall govern.

(b) *Definitions.* (1) "Person" means any individual, partnership, association, business trust corporation, governmental corporation or agency or any organized group of persons, whether incorporated or not.

(2) "Marketing" means the operation of all facilities (other than petroleum terminal or terminal storage facilities or marine, rail, pipeline or truck facilities used to transport petroleum) for distributing or dispensing petroleum (excluding natural gas), including without limitation the operation of service stations, substations, bulk plants, warehouses, wholesale depots, or facilities operated by "consumer accounts".

(3) "Petroleum" means petroleum, petroleum products, and associated hydrocarbons including but not limited to natural gas.

(4) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(5) "Structure" means any building, physical construction or portion thereof, used in marketing, but not including equipment used therein.

(6) "Equipment" means dispensing pumps and storage tanks having a capacity of more than 65 gallons used in marketing.

(7) "Advertising material" means any material (other than non-metallic material) used for such display or advertising purposes as are incident to marketing.

(8) Subject to subparagraph (10), "maintenance" means the upkeep of a structure or equipment in a sound working condition with a minimum expenditure of material.

(9) Subject to subparagraph (10), "repair" means the restoration of a structure or equipment to a sound working condition when such structure or equipment has been rendered unsafe or unfit for further service by wear and tear, damage, destruction or failure of parts or similar causes.

(10) The terms "maintenance" and "repair" do not include any of the following:

(i) The replacement of an item or part thereof where such replacement is carried on the books as a fixed asset;

(ii) The use of material for the improvement of a structure or equipment through the replacement of material in the existing installation, unless the item or part thereof which is replaced is beyond economic repair or has been rendered unusable by fire or other hazard or natural cause;

(iii) The use of material for additions to or expansion of a structure or equipment;

(iv) The use of material for a purpose which could not properly be charged on the books to "maintenance", "repair", or the equivalent in the established method of bookkeeping.

(c) *Conservation of material used in marketing.* Subject to the exceptions in paragraph (d) hereof, no person shall construct, reconstruct, expand, or remodel any Structure or install equipment or advertising material. Subject to the exceptions in paragraph (d) hereof, no person shall deliver or otherwise supply, or cause to be delivered or otherwise supplied, any Material which he knows, or has reason to believe, is intended for such uses.

(d) *Exceptions.* The provisions of paragraph (c) hereof shall not apply in the following instances:

(1) To any case where material is to be used by a person for the maintenance or repair of any structure or equipment.

(2) To any case where actual physical work of construction, reconstruction, expansion, or remodeling of any Structure or the installation of equipment or advertising material had commenced prior to January 14, 1942: *Provided*, That such work of construction, reconstruction, expansion, remodeling, or installation must then have been scheduled for completion and be actually completed on or before May 15, 1942.

(3) To any case where a structure or equipment is to be used exclusively for the official requirements of the armed forces of the United States.

(4) To any case where advertising material which was completely fabricated, but not necessarily assembled, on or before March 30, 1942 is to be installed at any structure.

(5) To any case where there occurs a transfer of title to or rights in any structure or equipment, which transfer does not involve the construction, reconstruction, expansion, or remodeling of such structure or the installation of equipment.

(6) To any case where equipment is to be installed as a replacement of equipment the repair of which cannot be effected on the premises: *Provided*, That:

(i) In the case of storage tanks having a capacity of more than 65 gallons, the capacity of the tank which is to be installed does not exceed the capacity of the tank which is to be replaced;

(ii) In the case of dispensing pumps, the pump which is to be installed is of the same type and design as the pump which is to be replaced.

(7) To any case where any dispensing pump is to be installed

(i) As a replacement of a dispensing pump manufactured not less than nine years prior to the date of such installation;

(ii) For use as a "drum" or "barrel" pump as these terms are known to the trade.

(8) To any case where equipment is to be installed to distribute petroleum to persons carrying out physical construction work on any project having a project rating higher than A-2: *Provided*, That such equipment shall be withdrawn from the location of the project upon the completion thereof and shall thereafter be subject to the provisions of this Order.

(9) To any case where equipment is to be installed, (i) to contain, distribute or Dispense Fuel Oil classified as grade No. 1, 2, 3, 4, 5 or 6 (including Bunker "C" Fuel Oil, kerosene, range oil, or gas oils) to consuming facilities: *Provided*, That such Equipment is not installed at any structure for use in carrying out marketing functions regularly performed by a service station, substation, bulk plant, warehouse, or wholesale depot, or (ii) to contain, distribute or dispense butane, propane, propylene, butene, or any combination or dilution thereof commonly known as liquefied petroleum gas.

(10) To any case where the Director of Industry Operations, War Production Board, has determined that construction, reconstruction, expansion or remodeling of any structure or the installation of any equipment is necessary and appropriate in the public interest and to promote the war effort. Application for such a determination shall be made by letter and filed with the Petroleum Coordinator for National Defense, Department of the Interior, Washington, D. C. Information to be submitted in such application shall be in accordance with OPC Form PD-215 (Revised), issued by the Office of Petroleum Coordinator.

(e) *Required certification.* Any person, acquiring any material for use in the construction, reconstruction, expansion, or remodeling of any Structure or any Equipment or Advertising Material for installation purposes, shall endorse on all copies of each purchase order or contract for such material which are placed with any Person, a statement in the following form signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by an official duly authorized for such purpose:

The material which is ordered in this purchase order (or contract) is to be used in conformity with the provisions of Conservation Order No. M-68-c, as amended, with the terms of which Order the undersigned is familiar.

Name of person

By ---
Signature of duly authorized official

Such endorsement shall constitute a representation to the War Production Board and the person with whom the purchase order or contract is placed that the Material obtained under such purchase order or contract will be used in accordance with the provisions of this Order. Such person shall be entitled to rely on such representation unless he knows or has reason to believe it to be false. No person shall, in the absence of such endorsement, deliver or otherwise supply, or cause to be delivered or otherwise supplied, any Material which he knows, or has reason to believe, is intended for uses restricted by paragraph (c) of this Order.

(f) *Violations.* Any person affected by this Order who violates any of its provisions or a provision of any other Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (a) of the Criminal Code (18 U.S.C. 80).

(g) *Revocation or amendment.* This section may be revoked or amended at any time as to any person. In the event of revocation, deliveries shall be made in accordance with the provisions of any applicable. Preference Rating Order without further restrictions, unless such deliveries have been specifically restricted.

(h) *Effective date.* This Order shall take effect on the date of issuance and shall continue in effect until revoked. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, EO. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 23d day of March 1942.

J. S. KNOWLSON,
Acting Director of Priorities.

[F. R. Doc. 42-2522; Filed, March 23, 1942; 4:54 p. m.]

PART 1060—RAPESEED OIL

GENERAL PREFERENCE ORDER M-77—TO CONSERVE THE SUPPLY AND DIRECT THE DISTRIBUTION OF RAPESEED OIL

The national defense requirements for Rapeseed Oil and products made therefrom having created a shortage of the supply thereof for defense, for private account, and for export, and it being necessary in the public interest and to promote the national defense to conserve and allocate the supply thereof in the manner and to the extent hereinafter in this Order provided;

Now, therefore, it is hereby ordered, That:

§ 1060.1 *General Preference Order M-77*—(a) *Restrictions on use*—(1) *General restrictions effective April 1, 1942.* On and after April 1, 1942, except as specifically authorized by the Director of Industry Operations, no person shall use or consume Rapeseed Oil except in the manufacture of the following products:

(i) Marine engine oils, heavy machine engine lubricating oils and pneumatic tool oils.

(ii) Factice for compounding rubber.

(iii) Blown Rapeseed Oil, subject to paragraph (b) hereof.

(2) *Other restrictions.* No person shall in March, 1942, use or consume Rapeseed Oil in any manufacture or use other than the manufacture of the products specified in paragraphs (a) (1) (i), (ii), and (iii) hereof in an amount in excess of one hundred percent (100%) of one-twelfth of the oil used or consumed by him in such manufacture or use during the calendar year 1941.

(b) *Restrictions on processing.* No person shall hereafter blow any Rapeseed Oil except in preparation for the manufacture of the products specified in paragraph (a) (1) (i) hereof and except in preparation for any other manufacture or use permitted by paragraph (a) (2) hereof, and in either case only to the extent necessary to meet his normal production schedule, or if such oil is to be manufactured or used by another person, then the normal production schedule of such other person, insofar as either such schedule is not in violation of paragraph (a) (2) hereof.

(c) *Withholdings of rapeseed oil.* (1) Every person, other than a Producer of blown Rapeseed Oil, who on the inventory date has Rapeseed Oil in an amount in the aggregate in excess of 50,000 lbs. shall set aside an amount of such oil equal to his inventory quota. The quotas of all such persons shall provide the source of the allocation of such oil to all persons requiring such oil for use to the extent that the Director of Industry Operations on any appeal to him pursuant to paragraph (e) (6) hereof may determine such allocation to be appropriate or necessary in the avoidance of exceptional or unreasonable hardship or otherwise, and shall also constitute a reserve supply of such oils.

(2) The inventory quota so directed to be set aside shall be used, put in process, sold or delivered only upon express instruction of the Director of Industry Operations.

(3) On or before April 15, 1942, every person subject to the terms of paragraph (c) (1) hereof, and every person who on the inventory date had in his possession or under his control any Rapeseed Oil in the amount in the aggregate in excess of 50,000 lbs. by weight of oil but whether or not owned or under contract of purchase, shall report to the War Production Board, on Form PD-390, listing among other things such person's supply of such oil as of the inventory date, the degree, if any, to which the same has been processed, and in the case of supply which on such date was not owned by such person or was under contract of sale to another, the name of the owner thereof or of the person who has contracted to buy the same.

(d) *Restrictions on sales and deliveries.* No person shall on and after April 1, 1942, sell or deliver any Rapeseed Oil to any other person, except a dealer or a person using such oils for the manufacture of the products described in paragraph (a) (1) hereof, in the absence of specific authorization of the Director of Industry Operations, and no person shall prior to April 1, 1942, knowingly deliver any such oil to any other person for use in greater quantities or proportions than are specified in paragraph (a) (2) hereof.

(e) *Miscellaneous provisions*—(1) *Definitions.* For the purpose of this Order:

(i) "Rapeseed Oil" means that oil extracted by any means from the Rapeseed,

whether raw, filtered, or refined, and whether or not denatured.

(ii) "Dealer" means any person who imports, buys, sells, and/or distributes Rapeseed Oil.

(iii) "Producer of blown Rapeseed Oil" means a person who blows Rapeseed Oil for resale as blown Rapeseed Oil (whatever the trade name used) to other persons.

(iv) "Inventory" of a person at any time shall include all Rapeseed Oil to or in which he has any title or equity of redemption or which he has purchased for future delivery. The term includes the inventory of affiliates and subsidiaries of such person.

(v) "Inventory Quota" of a person means a percentage of such person's inventory of Rapeseed Oil as of the inventory date. Unless otherwise prescribed by the Director of Industry Operations, such percentage shall be thirty percent (30%).

(vi) "Inventory Date" means the close of business on the day prior to the date of issuance of this Order.

(2) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(3) *Intra-company transactions.* The prohibitions or restrictions contained in this Order, with respect to deliveries shall, in the absence of a contrary direction, apply not only to deliveries to other persons including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise, to another branch, division, or section of the same or any other enterprise owned or controlled by the same person.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order shall, unless otherwise directed, be addressed to the War Production Board, Washington, D. C., Ref: M-77.

(5) *Violations.* Any person affected by this Order, who violates any of its provisions, or a provision of any other Order, direction, or regulation issued by the Director of Industry Operations, may be prohibited by the Director from making or receiving further deliveries of Rapeseed Oil, or of any other material subject to allocation, or he may be subjected to any other or further action which the Director may deem appropriate.

(6) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Rapeseed Oil conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board, Washington, D. C., Ref.: M-77, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(7) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329, E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 23d day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2821; Filed, March 23, 1942; 4:54 p. m.]

PART 1061—PORTABLE ELECTRIC LAMPS AND SHADES

GENERAL LIMITATION ORDER L-33

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel and other materials for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1061.1 *General Limitation Order L-33—(a) Definitions.* For the purposes of this Order:

(1) "Portable Lamp" means any detachable device (excluding lamp shades, bulbs and tubes) the primary function of which is to furnish light for interior illuminating purposes by means of an incandescent or fluorescent electric lamp bulb or tube. This Order shall not be construed to cover flashlights or other battery-operated lighting devices, mechanics' lamps, or industrial lamps designed specifically to be part of an industrial machine or tool.

(2) "Socket" means any receptacle on a portable lamp designed to receive an incandescent or fluorescent lamp bulb or tube.

(3) "Lamp Cord" means any insulated cord used to conduct electricity to the socket on a portable lamp.

(4) "Plug" means any device attached to a lamp cord and fitting into a fixed receptacle for the purpose of transmitting electric current through the lamp cord.

(5) "Separate Switch" means any one- or two-circuit switch control which operates one or more sockets.

(6) "Floor Lamp" means any portable lamp designed to rest on the floor or ground.

(7) "Other Portable Lamps" means any portable lamps not included in subparagraph (6), including (but not limited to) table lamps, desk lamps, boudoir lamps, bed lamps, and "pin-up" lamps.

(8) "Lamp Shade" means any shade or metal reflector designed for use with a portable lamp.

(9) "Use" means the act of completing the manufacture of portable lamps or lamp shades. (Where a person is limited to a percentage of the number of parts or amount of material used in a base period, this limitation shall apply to the number of such parts or aggregate weight of such material contained in the finished portable lamps or lamp shades completed in the base period.)

(10) "First Restricted Period" means the period from the effective date of this Order to April 30, 1942, inclusive.

(11) "Average Daily Use" or "Average Daily Production" means the total use or production, respectively, in a specified period divided by the number of days (including Sundays and holidays) contained in such period.

(b) *General restrictions.* (1) During the first restricted period (i) no producer of portable lamps shall:

(a) Produce more portable lamps than 70% of his average daily production of portable lamps in the year 1940, multiplied by the number of days (including Sundays and holidays) in the first restricted period; or

(b) Use in the production of portable lamps more sockets, separate switches, plugs or lamp cords than 70% of his average daily use of sockets, separate switches, plugs or lamp cords, respectively, in the production of portable lamps in the year 1940, multiplied by the number of days (including Sundays and holidays) in the first restricted period; and

(ii) No producer of lamp shades shall:

(a) Produce more lamp shades than 70% of his average daily production of lamp shades in the year 1940, multiplied by the number of days (including Sundays and holidays) in the first restricted period, or

(b) Use in the production of lamp shades more iron and steel than 70% of his average daily use of all metals in the production of lamp shades in the year 1940, multiplied by the number of days (including Sundays and holidays) in the first restricted period.

(2) During the period from May 1, 1942, to June 30, 1942, inclusive, (i) No producer of portable lamps shall:

(a) Produce more portable lamps than two times 60% of the average monthly number produced by him in the year 1940; or

(b) Use in the production of portable lamps more than two times 60% of the average monthly number of sockets, separate switches, plugs or lamp cords, respectively, used by him in the production of portable lamps in the year 1940; and

(ii) No producer of lamp shades shall:

(a) Produce more lamp shades than two times 60% of the average monthly number of lamp shades produced by him in the year 1940, or

(b) Use in the production of lamp shades more iron and steel than two times 60% of his average monthly use of all metals in the production of lamp shades in the year 1940.

(3) During each succeeding period of three months, beginning July 1, 1942, and until otherwise ordered, (i) No producer of portable lamps shall:

(a) Produce more portable lamps than three times 60% of the average monthly number produced by him in the year 1940; or

(b) Use in the production of portable lamps more than three times 60% of the average monthly number of sockets, separate switches, plugs or lamp cords, respectively, used by him in the production of portable lamps in the year 1940; and

(ii) No producer of lamp shades shall:

(a) Produce more lamp shades than three times 60% of the average monthly number of lamp shades produced by him in the year 1940; or

(b) Use in the production of lamp shades more iron and steel than three times 60% of his average monthly use of all metals in the production of lamp shades in the year 1940.

(4) From the effective date of this Order (i) No producer of portable lamps shall use in the production of such lamps:

(a) Any iron and steel except for center pipes, steel wire harps, socket covers and husks, outer tubing and casings, seating and checking rings, locknuts, washers, screws and bolts;

(b) Any other metal or parts containing any other metal except sockets, separate switches, plugs, and lamp cords; or

(c) Any lamp cords of a greater length than 8½ feet with floor lamps and 7 feet with all other lamps, or of a greater size or gauge thickness than No. 20 A. W. G. with 1/64th or 1/32nd insulation;

except that he may use metal, metal parts, or lamp cords not meeting the foregoing specifications, which were in his inventory on the effective date of this Order for a period of thirty days thereafter; and

(ii) No producer of lamp shades shall use any silk in the production of lamp shades, except that he may use silk which was in his inventory on the effective date of this Order for a period of thirty days thereafter.

(c) *Avoidance of excessive inventories.* From the effective date of this Order manufacturers of portable lamps and lamp shades shall not receive any metal or articles containing metal for use in the production of such lamps for any purposes other than those set forth in subparagraph (b) (4) (i), or accumulate for use in the manufacture of such portable lamps and lamp shades inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of portable lamps and lamp shades at the rates permitted by this Order.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each manufacturer to whom this Order applies shall file with the War Production Board such reports and questionnaires as said Board shall from time to time prescribe.

(g) *Violations.* Any person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Applicability of other orders.* Insofar as any other Order issued, or to be issued hereafter, limits the use of any material in the production of portable lamps and shades to a greater extent than the limits imposed by this Order, the restrictions in such other Order shall govern unless otherwise specified therein.

(j) *Application of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(k) *Communications.* All reports to be filed, appeals and other communications concerning this Order should be addressed to the War Production Board, Washington, D. C. Ref.: L-33.

(l) *Effective date.* This Order shall take effect on the date of its issuance, and shall continue in effect until revoked. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F. R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 23d day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2824; Filed, March 23, 1942; 4:53 p. m.]

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

SCHEDULE V—PLUMBING FIXTURE FITTINGS AND TRIM

§ 1076.6 *Schedule V to Limitation Order L-42—(a) Definitions.* For the purposes of this Schedule:

(1) "Producer" means any person who manufactures, processes, fabricates or assembles fittings or trim.

(2) "Fittings and Trim" means plumbing fixture fittings and plumbing fixture trim.

(3) "Copper Base Alloy" means any alloy which contains 50% or more copper by weight.

(b) *General limitations.* Pursuant to Limitation Order No. L-42 the following general limitations are established for the manufacture of fittings and trim:

(1) No metal other than ferrous, lead, die-cast zinc, copper base alloy or copper may be used as the base metal in the manufacture of fittings or trim.

(2) No metallic coating may be used as a finish on my fittings or trim.

(3) No metal may be used in the manufacture of escutcheons.

(4) No copper or copper base alloy may be used in the manufacture of handles for any fittings or trim or in the manufacture of goosenecks, sprays, or any bathroom accessories such as soap dishes, towel racks, shelf-brackets or legs.

(5) No copper or copper base alloy drawn tubing for fittings for the uses permitted by this Schedule may be heavier than 20 gauge.

(6) Traps shall be ferrous metal or lead.

(c) *Specific limitations.* Pursuant to Limitation Order No. L-42 the following specific limitations are established for the manufacture of fittings and trim:

No copper, copper base alloy or die-cast zinc may be used in the manufacture of any fittings or trim except the articles specified below and then only provided it is limited to the minimum amount practicable:

(1) *Bathtub fittings:*

Supply fittings over the rim of a tub, with or without transfer valve for shower, provided the valves do not exceed ½ inch size. Copper, copper base alloy or die-cast zinc may not be used for connecting pipes, shower arms, or shower heads.

Valve inlets to be tapped not exceeding ½ inch Iron Pipe Size, no copper, copper base alloy or die-cast zinc to be used in unions except for sweated adaptor.

Double bath faucet not exceeding ½ inch.

Outlet plug and strainer for waste and overflow. No mechanical waste assembly shall be permitted.

(2) *Shower stall fittings:*

Hot and cold shower valve assembly, provided the valves do not exceed ½ inch.

Copper, copper base alloy or die-cast zinc may not be used for connecting pipes, shower arms or shower heads.

Valve inlets to be tapped not exceeding ½ inch Iron Pipe Size, no copper, copper base alloy or die-cast zinc to be used in unions except for sweated adaptor.

Receptor strainer grid.

(3) *Lavatory fittings:*

½ inch compression faucets.

Combination lavatory fitting, to include through the back fitting. No pop-up waste assembly shall be permitted.

Outlet plug with tailpiece not exceeding 1¼ inches, not over 4 inches long.

(4) *Water closet fittings:*

Flush valve.

Overflow pipe to be other than nonferrous metal.

Ball cock.

Float or hush tube to be other than metallic.

Tubing flush ell—not exceeding 2 x 4 x 6 inches.

Seat hinges with either: (i) Bearing surfaces only, (ii) Not more than one pair of brass bolts, or studs and nuts, and one pair of hinges, but not crossbars or hinges for cover.

Closet tank balls and floats to be nonmetallic except for spuds.

(5) *Kitchen sink fittings:*

Combination swing spout faucet, either exposed or concealed for deck installation. No transfer valve shall be permitted. Spout to be not over 6 inches long.

Compression faucets, not exceeding ½ inch, solid flange, tapped female.

Strainer with metal grid and tailpiece. Tailpiece for tray not to be over 4 inches long.

(6) *Laundry tray fittings:*

Combination rough copper base alloy or diet-cast zinc swing spout tray faucet, brass limited to valve body assembly and spout.

Separate faucets, not exceeding ½ inch.

Outlet plug and tailpiece not over 4 inches long.

(7) *Flush-o-meters:*

Type SC (1 inch only). No more copper or copper base alloy than required by Federal Specifications WW–P–541a.

Type SU (¾ inch only with ½ inch supplies (ferrous)). No more copper or copper base alloy than required by Federal Specifications WW–P–541a.

Back blow preventor.

(8) *Drinking fountains:*

Bubbler head, guard, and self-closing stop and automatic volume regulator. To be made according to the minimum requirements of the U. S. Public Health Service.

(9) *Wash sinks (industrial type):*

Combination wash sink faucet, ½ inch Iron Pipe Size with male connections only.

(d) *General exception.* The prohibitions and restrictions contained in this Schedule shall not apply to the use of copper, copper base alloy or die-cast zinc in the manufacture of articles or parts thereof which are being produced:

(1) under a specific contract or subcontract for use in chemical plants, research laboratories or hospitals, where and to the extent that the physical and chemical properties make the use of any other material impractical. Such use is not deemed impractical for ordinary plumbing fixtures and trim and the exception covers only those cases where the technical operation of the plant makes the use of other material impractical.

(2) under a specific contract or subcontract for use as part of the equipment of vessels other than pleasure craft and of aircraft where corrosive action makes the use of other material impractical.

(e) *Effective date of simplified practices; exceptions.* On and after April 1, 1942, no plumbing fixture fittings or trim which do not conform to the sizes and standards established by this Schedule shall be produced or delivered by any producer or accepted by any person from any such producer, except with the express permission of the Director of Industry Operations: *Provided, however,* That the foregoing shall not prohibit the delivery by any producer of such plumbing fixture fittings or trim as were in his stock in finished form on April 1, 1942, or which had, on said date, been cast, machined or otherwise processed in such manner that their manufacture in conformity with this Schedule would be impractical, nor the receipt of such fittings or trim from such producer.

(f) *Records covering excepted plumbing fixture fittings and trim.* Each producer shall retain in his files records showing his inventory of excepted plumbing fixture fittings and trim (by types and sizes) as of April 1, 1942, and such record shall be kept readily available and open to audit and inspection by duly authorized representatives of the War Production Board. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B., Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., is amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 23d day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2523; Filed, March 23, 1942; 4:53 p. m.]

PART 1112—OFFICE MACHINERY

AMENDMENT NO. 1 TO GENERAL LIMITATION ORDER NO. L–54–b [1]

Section 1112.3 (*General Limitation Order L–54–b*) is hereby amended as follows:

Paragraph (b) of said section is hereby amended to read as follows:

§ 1112.3 *General Limitation Order L–54–b.*

* * * * *

(b) *General restrictions.* (1) On and after the date of issue of this order, regardless of the terms of any contract of sale, purchase, rental, or other commitment, or of any preference rating, no Manufacturer, wholesaler, distributor, retailer, or other dealer shall accept any purchase, rental or other order for new office machinery, or attachments thereto, as listed in List A, except a purchase, rental or other order rated A–9 or better on Preference Rating Certificate PD–1A, PD–3A, PD–1 or PD–3; no Manufacturer, wholesaler, distributor, retailer, or other dealer shall sell, lend, lease, rent, deliver, or otherwise transfer any such new office machinery except to fill a purchase, rental or other order rated A–9 or better on Preference Rating Certificate PD–1A, PD–3A, PD–1 or PD–3; and no person shall purchase, borrow, lease, rent, receive delivery of, or otherwise acquire any such new office machinery except pursuant to a purchase, rental or other order rated A–9 or better on Preference Rating Certificate PD–1A, PD–3A, PD–1, or PD–3 issued to him.

(2) Any such Preference Rating Certificates PD–1A, PD–3A, PD–1, or PD–3 may be used to secure new office machinery only by the person to whom it was directly issued and only when such office machinery is expressly specified on the face of the Certificate; and nothing in this paragraph shall be construed to authorize any person to extend a Preference Rating Certificate PD–1A, PD–3A, PD–1, or PD–3 to secure new office machinery. Persons entitled to new office machinery by virtue of a Preference Rating Certificate PD–1A, PD–3A, or PD–3 need not surrender such Preference Rating Certificate, but shall furnish the certification required to be furnished by Priorities Regulation No. 3, as amended or supplemented from time to time.

(3) Nothing in the foregoing shall be construed to prohibit a Manufacturer from legally extending any such Preference Rating Certificate to secure materials to be used in the manufacture of office machinery.

(4) Nothing in this paragraph shall be construed to limit the right of Manufacturers to deliver new office machinery to wholesalers, distributors, retailers, or other dealers (i) to fill orders actually received by such dealers, rated A–9 or better on Preference Rating Certificates PD–1A, PD–3A, PD–1, or PD–3 for new office machinery, or (ii) to replace new office machinery delivered by such dealers in accordance with the terms of this order.

List A is hereby amended to read as follows:

1. Accounting and bookkeeping machines.
2. Adding machines.
3. Addressing machines (including, but not limited to, embossing machinery for plates).
4. Billing and continuous forms handling typewriters.
5. Billing and other forms writing machines (except autographic registers and manifolders).
6. Calculating and computing machines.
7. Dictating machines (including, but not limited to, transcribing and shaving machines).
8. Duplicating machines (including, but not limited to, ink ribbon, gelatin, off-set, spirit, stencil, reproducing typewriter principle, and photographic types; but not including photostating machines).
9. Interoffice communication systems and machines.
10. Punched card tabulating and accounting machines.
11. Time clock stamps and time recording machines.

(P. D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 24th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2546; Filed, March 24, 1942; 11:32 a. m.]

PART 1139—CORRUGATED AND SOLID-FIBRE BOXES, WIRE-BOUND WOOD BOXES AND NAILED WOODEN BOXES FOR CAN MANUFACTURERS AND CANNERS

GENERAL INVENTORY ORDER NO. M–113

§ 1139.1 *General Inventory Order M–113*—(a) *Revocation of inventory restrictions as to corrugated and solid-fibre boxes, wire-bound wood boxes and nailed wooden boxes for can manufacturers and canners.* Notwithstanding the provisions of any regulation or order heretofore issued by the Director of Priorities of the Office of Production Management or by the Director of Industry Operations of the War Production Board, any person may make deliveries of corrugated and solid-fibre boxes, wire-bound wood boxes and nailed wooden boxes, and any can manufacturer or canner (both as defined in Conservation Order M–81) may accept deliveries thereof, although the inventory of such boxes in the hands of the can manufacturer or canner accepting such delivery is, or will by virtue of such acceptance become, in excess of a practicable working minimum: *Provided, however,* That the quantity of boxes so delivered shall not in any event exceed the reasonably anticipated requirements of any such can manufacturer or canner for the year 1942.

(b) *Applicability of Priorities Regulation No. 1.* Except to the extent that the provisions of paragraph (a) are inconsistent therewith, all transactions involving corrugated and solid-fibre boxes, wire-bound wood boxes and nailed wooden boxes shall be subject to the provisions of Priorities Regulation No. 1 as amended from time to time.

(c) *Effective date.* This Order shall take effect at once and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 23d day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2520; Filed, March 23, 1942; 4:54 p. m.]

Chapter XI—Office of Price Administration

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 7 [1] COMBED COTTON YARNS AND THE PROCESSING THEREOF

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.[2]

Section 1307.11 (h), is added; § 1307.12 (b) (1) (ii), including footnote 1 thereto, is amended to read as follows; § 1307.12 (d) (4) (vi) is revoked; § 1307.12 (d) (4) (vii) is re-designated § 1307.12 (d) (4) (vi); and § 1307.12 (d) (4) (viii) is amended to read as follows and re-designated § 1307.12 (d) (4) (vii).

§ 1307.11 *Effective dates of amendments.*

* * * * *

(h) Amendment No. 1 (§§ 1307.11 (h), 1307.12 (b) (1) (ii), (d) (4) (vi), (d) (4) (vii), and (d) (4) (viii)) to Revised Price Schedule No. 7 shall become effective March 28, 1942.

§ 1307.12 *Appendix A: Maximum prices for mercerizing, bleaching, and/or gassing thereof.*

* * * * *

(b) *Terms of sale.*

(1) *Freight.*

* * * * *

(ii) *Sales and deliveries of stock yarn.*[1] As applied to sales and deliveries of stock yarn, the maximum prices established herein are prices f. o. b. the stock-yarn seller's shipping point.

[1] As used in Revised Price Schedule No. 7, the term "stock yarn" means combed yarn owned by a person independent of the producer thereof and stored in space (1) owned or leased by such person on February 1, 1942; (2) owned or leased by such person and located within 25 miles of his principal place of business; or (3) approved by the Administrator, upon a duly filed petition for adjustment or exception, as a stock-yarn warehouse established to carry out a legitimate distributive function and not for the purpose of evading Revised Price Schedule No. 7; the term "independent" means not controlling, controlled by, or under common control with.

* * * * *

(d) *Maximum prices for combed yarns not covered by contract prior to December 24, 1941 and for mercerizing, bleaching, and/or gassing.*

* * * * *

(4) *Premiums.*

* * * * *

(vi) *Mercerized, bleached, and/or gassed yarns.*

* * * * *

(vii) *Other premium yarns; records to be kept and reports to be made in connection with sales thereof.* (a) For plies or for put-ups other than, or for twist slacker than, those included in the definition of base-grade yarn, a premium not exceeding the additional cost, if any, over base-grade plies, put-ups, or twist, respectively, may be charged.

(b) For combed yarns which, in order to meet breaking-strength or other requirements reasonably related to the use to which they are to be put, are made with American cotton of staple lengths greater than those provided for in the definition of base-grade yarn or of Sea Island, SXP, Pima, or Egyptian cotton, a premium not in excess of 130 per cent of the additional cost (as hereinafter defined) may be charged.

As used herein, the term "additional cotton cost" means the difference in cents per pound, adjusted for waste,[10] between the seller's actual weighted average cost for his net inventory,[11] on hand and on order, as of the last business day of the preceding month [12] of the kind, grade, and staple of cotton actually used for the premium yarn, and the latest weekly quotation [13] published by the Department of Agriculture [14] for middling cotton of the staple length specified for the same yarn number in the definition of the base-grade yarn.

[10] In adjusting for waste, the following net waste factors are to be used:

Cotton	Net waste factor
American:	
1 1/32"	1.26
1 1/16" and 1 3/32"	1.28
1 1/8" and 1 5/32"	1.31
1 3/16" and 1 7/32"	1.33
1 1/4" to 1 1/2, incl.	1.36
1 5/8" and over	1.38
Sea Island	1.43
SXP and Pima	1.35
Egyptian	1.33

[11] As used herein, the term "net inventory" means cotton on hand or on order, less such cotton as is required to manufacture yarn against firm sales commitments. Cotton not included in the seller's net inventory as of the last business day of the preceding month may be used in determining the actual weighted average cost to the extent that the cotton in the seller's net inventory is insufficient to cover the given contract of sale of premium yarn.

[12] The month and the quotation here referred to are those last preceding the date on which the contract for the sale of the premium yarn is made.

[13] Quotations are published by the Agricultural Marketing Service, Department of Agriculture, and issued weekly from Memphis. Since they do not cover staple lengths of 1 5/16" and 1 3/4", the prevailing market price for such staple lengths should be used in lieu of a Department of Agriculture quotation.

(c) In addition to the premium allowable under (b) above, a premium of not

[1] 7 F.R. 2102.

[1] 7 F.R. 1221.

[2] Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

more than six per cent of the maximum price exclusive of said premium may be charged for combed yarn sold to a manufacturer or converter of thread for use solely in the manufacture of thread: *Provided*, That no premium may be charged hereunder unless the seller receives a written statement from the buyer (which the seller shall preserve for not less than two years) that the yarn is to be used solely in the manufacture of thread.

(d) Every producer making sales of combed yarn after March 31, 1942, at a premium permissible under (b) above, shall keep for inspection by the Office of Price Administration for a period of not less than two years, complete and accurate records of his purchases and sales of raw cotton and a compilation of the actual weighted average cost of his net inventory, as of the last business day of each month, of each kind, grade, and staple of cotton on hand and on order.

(e) On or before April 10, 1942, and on or before the 10th day of each month thereafter, every producer who during the preceding calendar month has sold 5,000 pounds or more of combed yarn at a premium permissible under (a), (b), or (c) above, shall file with the Office of Price Administration a report of such sales on Form 107:3.

* * * * *

(Pub. No. 421, 77th Cong. 2d Sess.)

Issued this 23d day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2526; Filed, March 23, 1942; 5:08 p. m.]

PART 1355—LEAD

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 69 [1]—PRIMARY LEAD

A statement of the considerations involved in the issuance of this Amendment No. 1 to Revised Price Schedule No. 69—Primary Lead, has been prepared and is issued simultaneously herewith.[2]

The last paragraph of § 1355.9 (a) is amended to read as set forth below, and a new § 1355.8a is added as set forth below:

§ 1355.9 *Appendix A: Maximum prices for primary lead*—(a) *Sold or shipped, delivered, or carried away in carload lots.*

* * * * *

The minimum quantity making up a carload lot for the purposes of Revised Price Schedule No. 69 shall be the minimum weight, as set forth in the tariffs of railroad carriers, upon which the lowest railroad carload rate from the point of shipment to the point of destination is based; *Provided, however*, That where a smaller quantity is shipped which would move at any railroad carload rate rather than at a railroad less-than-carload rate between such points, because a lower transportation charge is produced thereby, such smaller quantity shall be considered a carload lot. The seller may, upon shipping such smaller quantity, add to the carload lot prices applicable an amount per pound not to exceed the difference between (1) the rail transportation charge, on a per pound basis, actually paid for the quantity shipped and (2) the lowest railroad carload rate, on a per pound basis, applicable to a shipment from such point of shipment to such point of destination. Any such amount added as a transportation charge must be shown in all records or reports required to be kept or submitted in accordance with any provision of this Schedule or any amendment thereto, and in all price quotations, bills, and invoices.

Whenever primary lead of two or more grades or forms is sold, shipped, delivered or transferred to the same purchaser, consignee, or transferee in carload lots, the carload lot maximum price shall apply to each grade or form although the amount of any such grade or form so sold, shipped, delivered or transferred may not alone constitute a carload lot.

§ 1355.8a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1355.8a and 1355.9 (a)) to Revised Price Schedule No. 69 shall become effective March 24, 1942.

(Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 23d day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2525; Filed, March 23, 1942; 5:06 p. m.]

Chapter XIII—Office of Petroleum Coordinator for National Defense

[Recommendation No. 19, Amendment]

PART 1503—PRODUCTION

WELLS, PROHIBITION AGAINST ESTABLISHING ALLOWABLES

To the Production Committee of District Five and to each producer, owner, transporter, purchaser or other person who produces, handles, or has an interest in any petroleum or natural gas in District Five:

Conservation Order M-68,[1] as amended, issued by the Office of Production Management which has been succeeded by the War Production Board, prohibits all of those who are engaged in the production of petroleum from ordering, purchasing, accepting delivery of, withdrawing from inventory, or in any other manner, directly or indirectly, securing or using Material for construction, reconstruction, expansion, remodeling, replacement, or improvement, of any facilities used in production, except in certain specified instances.

In order to assist in the enforcement of the provisions of such Order, to prevent any Operator who has violated the provisions thereof from benefitting by such wrongdoing, and to afford those who comply therewith protection against the injuries which would be sustained if such wrongdoers were permitted to enjoy the fruits of their violations, it is necessary and advisable to prevent the production of crude petroleum or natural gas from any well located in the State of California upon or in which any Material has been installed, or otherwise utilized in violation of prohibitions contained in such Order.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, § 1503.8 [2] of this chapter (Recommendation No. 19, dated December 11, 1941) is hereby amended by adding thereto the following paragraph designated paragraph (h) thereof:

§ 1503.8 *Production.*

* * * * *

(h) *Wells, prohibitions against establishing allowables.* No plan shall establish any allowable or production quota for any well upon or in which Material, as defined by the provisions of Conservation Order M-68, issued December 23, 1941, by the Office of Production Management (War Production Board), is installed or utilized in violation of any of the provisions of such Order or of any amendment or supplement thereof. Material shall be deemed to be installed upon or utilized in any designated well in violation of the provisions of such Order whenever the District Counsel for District Five of the Office of Petroleum Coordinator for National Defense has notified the Production Committee for District Five in writing that he has determined that such a violation has occurred with respect to such well. (President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

R. K. DAVIES,
Deputy Petroleum Coordinator for National Defense.

MARCH 7, 1942.

[F. R. Doc. 42-2528; Filed, March 24, 1942; 9:33 a. m.]

[Recommendation No. 40]

PART 1504—PROCESSING AND REFINING

REFINING AND DISTRIBUTION OF AUTOMOTIVE LUBRICANTS CONTAINING ADDITIVES

To all manufacturers and compounders of petroleum lubricating oils and greases, and all marketers of automotive lubricating oils and greases:

The War Production Board has declared that there are inadequate supplies of chemicals to meet all necessary requirements. Chemicals used in the manufacture of additives for lubricants will not be available in the quantities heretofore required, and it is expected that a decreasing volume of supplies may be available in the future. As certain service requirements demand petroleum lubricating oils and greases containing quantities of scarce chemicals in the form of additives, it is necessary that the use of such additives be restricted to minimum necessary requirements and in certain cases to use by the armed forces and "heavy duty" uses.

The War Production Board has requested the Petroleum Coordinator to advise the industry of this condition, and to affect the maximum conservation of those scarce chemicals and assure to the most essential uses their minimum necessary requirements.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

§ 1504.40 *Definitions.* For the purposes of §§ 1504.40 to 1504.49, inclusive, of this chapter, the following terms shall have the following meanings:

(a) "Passenger car" means any motor vehicle designed and used for the carrying of passengers, including but not limited to station wagons, delivery trucks under ¾ ton rated capacity, taxicabs, limousines and business cars, but not to include police cars or police motorcycles, ambulances, busses, or motor vehicles in the official use of the armed forces of the United States.

(b) "Additive" means any material which is added to and made a part of a finished petroleum product for the purpose of altering any characteristic of that product.

(c) "Cresol" means the phenol derivative known as Cresol, including all types of Cresol from whatever source derived.

(d) "Chlorine" means the chemical element chlorine, having atomic number 17.

(e) "Manufacturer" means any person who processes, reprocesses, or in any manner alters (including compounding and blending) petroleum or petroleum products into finished petroleum lubricating oils and greases.

(f) "Distributor" means any person who receives petroleum products from a Manufacturer or another Distributor for delivery to another Distributor, to a Retailer or to a consumer.

(g) "Retailer" means any person who delivers petroleum products to a consumer or into a consuming facility.*

*§§ 1504.40 to 1504.49, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1504.41 *Limitation on use of cresol.* All automotive lubricating oils or greases manufactured subsequent to April 6, 1942, and containing any Additive requiring Cresol in its manufacture shall be designated as "Not for use in passenger cars," and the words quoted shall appear plainly and prominently on all containers containing such products. All Manufacturers using Cresol in any additive shall immediately seek a substitute for Cresol in such use.*

§ 1504.42 *Limitation on use of detergent or detergent-disperser type additives:* All automotive lubricating oils or greases manufactured subsequent to April 6, 1942, and containing any Additive of the metallic detergent, or detergent-disperser, type shall be designated as "Not for use in passenger cars," and the words quoted shall appear plainly and prominently on all containers containing such products. Manufacturers shall immediately reduce the amount or use of the above type additive for all other purposes wherever and to whatever percentage possible and practicable.*

§ 1504.43 *Limitation on use of oxidation inhibitor type additive.* Manufacturers shall immediately reduce the use or amount of oxidation inhibitor type additives wherever and to whatever percentage possible and practicable.*

§ 1504.44 *Pour point depressants.* Manufacturers shall immediately reduce the use of pour point depressants to whatever extent possible and practicable by the following means:

(a) Lubricating oils shall be dewaxed to lower pour point specifications by utilizing dewaxing facilities to maximum capacity.

(b) Pour point specifications shall be revised to the highest allowable specifications to meet safely the temperature requirements of each locality.*

§ 1504.45 *Extreme pressure lubricants.* Manufacturers and Distributors of lubricating oils and greases shall reduce the use of additives required for extreme pressure lubricants in the following manner:

(a) All extreme pressure lubricants manufactured subsequent to April 6, 1942, shall be designated as "Not for use in passenger car transmissions," and the words quoted shall appear plainly and prominently on all containers containing such products. Manufacturers shall immediately provide as a substitute a straight mineral oil type lubricant for use in passenger car transmissions.

(b) Eliminate the manufacture of any chassis lubricant containing an additive requiring chlorine in its manufacture.

(c) Eliminate where possible, and where permissible by automotive manufacturer's specifications, the use of universal (all-purpose) type or any other type extreme pressure lubricants in the transmissions of equipment other than Passenger Cars. Where such products are required to be used, specifications for use shall be given on lubricating oil charts and on the containers containing such products.

(d) Eliminate to whatever extent possible and practicable the use of chlorine in the manufacture of extreme pressure lubricants, and replace wherever possible and practicable chlorinated extreme pressure lubricants with other types of mild extreme pressure or hypoid gear lubricants.*

§ 1504.46 *Distribution or dispensing of petroleum lubricating oils and greases.* No Distributor or Retailer shall receive any products designated and marked pursuant to §§ 1504.41, 1504.42, or 1504.45 of this chapter for uses restricted by such designation and marking, and no Distributor or Retailer shall place any such product in any Passenger Car or part thereof coming within such restrictions.

§ 1504.47 *Protective measures.* Manufacturers and Distributors of lubricating oils and greases shall make all necessary provisions for the proper designation and marking of products and containers to assure the distribution of all products affected by §§ 1504.40 to 1504.46, inclusive, of this chapter to their proper uses, and shall caution all employees and Retailers against the improper uses of such products. The manufacturers of automotive vehicles shall cooperate with the Manufacturers of lubricating oils and greases by specifying for use in Passenger Cars those products which conform to the restrictions effected by §§ 1504.40 to 1504.46, inclusive, of this chapter, and shall caution the public in the more careful use of Passenger Cars where such care becomes necessary because of the altered characteristics of such products.*

§ 1504.48 *Reports.* Within forty-five days after the effective date of §§ 1504.40 to 1504.49, inclusive, of this chapter all Manufacturers of lubricating oils and greases shall forward to the Office of Petroleum Coordinator for National Defense, Washington, D. C., reports showing the results which they have obtained through the application of said sections. Such reports shall show the former use of additives (total volume used and percentage of mix), and the change in quality or specifications of products brought about by substitution or reduction in the use of additives. Such reports shall classify such information as to all types of uses, classes of deliveries, and localities (where specifications vary as between localities).*

§ 1504.49 *Exception.* Any Manufacturer who has reason to believe that the use of materials restricted by §§ 1504.40 to 1504.48, inclusive, of this chapter, in any additive which he manufactures or employs for use in any lubricating oils or greases will not interfere with the war effort or seriously affect essential civilian needs, or any Manufacturer who believes that compliance with said sections will work an unnecessary and unreasonable hardship upon him, may apply to the Petroleum Coordinator for National Defense for an exception to any such section or provision thereof.*

R. K. DAVIES,
Deputy Petroleum Coordinator for National Defense.

MARCH 16, 1942.

[F. R. Doc. 42-2529; Filed, March 24, 1942; 9:34 a. m.]

[Recommendation No. 42]

PART 1504—PROCESSING AND REFINING

NEGOTIATION OF CONTRACTS WITH MACHINOIMPORT

To International Catalytic Oil Processes Corporation, Standard Oil Development Company, Standard Catalytic Company, Shell Development Company, Texaco Development Company, Standard Oil Company (Indiana), Universal Oil

[1] 7 F.R. 1939.

[2] Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

[1] 6 F.R. 6687; 7 F.R. 281, 601, 903, 1088, 1089.

[2] 6 F.R. 6618.

Products Company, and The M. W. Kellogg Company and their respective affiliated companies and any and all others having any interest in any of the processes hereinafter mentioned:

Amtorg Trading Corporation on behalf of Machinoimport (a department of the Russian Government) has addressed inquiries to a number of American corporations concerning certain oil refining processes and the construction in Russia of plants for the practice of such processes, including particularly the following processes: thermal cracking and reforming, sulfuric acid alkylation, polymerization, catalytic cracking, hydroforming and dehydrocyclization.

International Catalytic Oil Processes Corporation (hereinafter called International Catalytic) has advised the Petroleum Coordinator for National Defense in substance as follows: In order to furnish to Machinoimport the most advanced catalytic processes involved in their said inquiries, it is necessary to place at their disposal the results of the research and development work of several companies. In each case the process involved belongs to the particular companies contributing to its development, and various of the above-named companies have different interests in different processes. As to some of such processes licensing arrangements have been completed whereby such processes are available through licensing agents, and as to others such arrangements have not as yet been completed, but as to the latter a general structure of an arrangement for the purposes of dealing with Machinoimport has been agreed upon in principle whereby International Catalytic shall acquire licensing rights outside the United States. In order to make available to Machinoimport promptly and effectively the processes for which a licensing structure has not been completed, as well as the other processes, through one source, thereby permitting the necessary coordination of engineering work, International Catalytic proposes to acquire from the respective owners their rights and technical data necessary for the construction and operation of the plants contemplated by Machinoimport's said inquiries. Thereupon, International Catalytic will offer to Machinoimport, for a consideration to be agreed upon, the rights of said companies in said processes and will furnish to Machinoimport the designs, specifications and other data for the construction and operation of the plants. For the purpose of preparing designs, specifications, and other data, the facilities of the various companies will be made available to International Catalytic. On the basis of such designs, specifications, and other data, contracts can then be let by Machinoimport for materials and actual construction. Machinoimport and its contractors will be required to keep confidential and use only for the purpose of the proposed plants the data furnished to them pursuant to these arrangements. In addition, International Catalytic will furnish to Machinoimport data necessary for the operation of the plants, including information as to developments during a reasonable period.

In the interest of furthering its program of national defense by aiding countries engaged in resisting aggression, it is the policy of the United States Government that Russia should be furnished promptly complete information concerning the design, construction, and operation of such oil refining plants as the United States Government shall find necessary in the present emergency.

The Office for Emergency Management has requested the above-named companies to proceed without delay with the negotiations involved in the furnishing to Machinoimport of the rights and technical data of said companies with respect to the processes covered by said inquiries.

Therefore, pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, I do hereby recommend that immediately and until further notice:

§ 1504.56 *Contracts to be negotiated with Machinoimport.* International Catalytic Oil Processes Corporation (hereinafter referred to as International Catalytic), on behalf and for the account of itself and Standard Oil Development Company, Standard Catalytic Company, Shell Development Company, Texaco Development Company, Standard Oil Company (Indiana), Universal Oil Products Company, and The M. W. Kellogg Company and the affiliated companies of the aforementioned, shall negotiate with Machinoimport for the sale to Machinoimport of the rights in certain oil refining processes, including particularly the following processes, thermal cracking and reforming, sulfuric acid alkylation, polymerization, catalytic cracking, hydroforming and dehydrocyclization, belonging to the aforementioned companies, and for the furnishing to Machinoimport of the designs, specifications, and other data necessary for the construction and operation of plants for the practice of such processes; any contract to be entered into with Machinoimport pursuant to such negotiations and the processes to be covered thereby first to be approved by the Petroleum Coordinator for National Defense.*

*§ 1504.56 and 1504.57, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of Interior (6 F.R. 2760).

§ 1504.57 *Action by companies to aid negotiations.* The several companies referred to above shall proceed with all steps and action necessary or appropriate in order to carry on said negotiations and fully to carry out any such contract so entered into, including, but without limitation; arrangements for preparation of designs and specifications and for doing other engineering work involved so that contractors or others selected by Machinoimport may construct such plants; arrangements whereby International Catalytic will acquire from the respective owners their rights and technical data necessary for the construction and operation of said plants; and arrangements pursuant to which cooperative development of said processes may be continued by the respective companies concerned so that the developments and improvements thereby perfected may be made available to Machinoimport.*

R. K. DAVIES,
Deputy Petroleum Coordinator for National Defense.

MARCH 17, 1942.

[F. R. Doc. 42-2530; Filed, March 24, 1942; 9:34 a. m.]

[Recommendation No. 12, Amendment]

PART 1505—TRANSPORTATION

DISTRIBUTION OF EXCESS COSTS AND COMPENSATING REVENUES

Pursuant to the President's letter of May 28, 1941, establishing the Office of Petroleum Coordinator for National Defense, §§ 1505.19 to 1505.21, inclusive, of this chapter (Recommendation No. 12, dated September 30, 1941, as amended October 18, 1941) are hereby amended to read as follows:

§ 1505.19 *Plan for distribution of excess costs and compensating revenues.* The Transportation Committee for District One shall obtain and analyze all pertinent and available facts, figures, and other data with respect to the use of tank cars and other alternative means of transportation in and to District One, and shall prepare therefrom a plan for submission to the Chief Counsel of the Office of Petroleum Coordinator for National Defense, for the equitable sharing and distribution, among suppliers of petroleum or petroleum products in said District, of the following:

(a) Extra expenses incurred in the transportation of petroleum and petroleum products to or in District One by railroad tank car or other alternative means of transportation, or any combinations thereof, over transportation by tanker under the Maritime Commission charter rate ceilings or other applicable rates established by the Maritime Commission.

(b) Revenues equivalent to the increases in maximum prices allowed for petroleum and petroleum products, by the Office of Price Administration, for the expressed purpose of compensating for extra expenses incurred in transportation by alternative means.

Such plan shall permit participation by any and all suppliers who import into District One crude petroleum for processing there or petroleum products for resale, and producers or manufacturers of petroleum products in said District, but shall not be conditioned upon participation by all such suppliers.*

*§§ 1505.19 to 1505.21, inclusive, issued under the authority contained in the President's letter of May 28, 1941, to the Secretary of the Interior (6 F.R. 2760).

§ 1505.20 *Approval and execution of plan.* Upon the approval by the Chief Counsel of the Office of Petroleum Coordinator for National Defense of a plan prepared pursuant to § 1505.19 of this chapter, and pursuant to the direction of the Petroleum Coordinator for National Defense or the Deputy Petroleum Coordinator, the Transportation Committee for District One, any subcommittee designed pursuant to § 1505.21 of this chapter, and all participants in said plan shall carry into effect said plan according to its terms, conditions and intent.*

§ 1505.21 *Subcommittee; Meetings.* Subcommittee shall be designated by the Transportation Committee for District One, the membership of which shall be subject to the approval of the Petroleum Coordinator for National Defense or the Deputy Petroleum Coordinator, to assist in the effectuation of any approved plan prepared pursuant to the provisions of § 1505.20 of this chapter. In carrying out the duties, responsibilities, and functions under §§ 1505.19 to 1505.21, inclusive, of this chapter, and any approved plan thereunder, the subcommittee shall maintain such staff and appoint such persons as it finds necessary to carry out its duties, responsibilities and functions under this Recommendation. The Transportation Committee or the said Subcommittee may propose from time to time to the Petroleum Coordinator for National Defense or to the Deputy Petroleum Coordinator changes in the membership of the said Subcommittee and may submit nominations for new members.

Meetings of the Transportation Committee, of the said subcommittee, and of representatives of suppliers in District One may be held from time to time for the purpose of preparing any such plan, and after receipt of approval by the Chief Counsel of the Office of Petroleum Coordinator for National Defense and of the direction of the Petroleum Coordinator or Deputy Petroleum Coordinator to carry such plan into effect, for the purpose of carrying into effect such plan in accordance with such approval and direction.*

R. K. DAVIES,
Deputy Petroleum Coordinator for National Defense.

MARCH 12, 1942.

[F. R. Doc. 42-2527; Filed, March 24, 1942; 9:33 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 204—DANGER ZONE REGULATIONS[1]

Pursuant to the provisions of Chapter XIX of the Army Act, approved July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), and Section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), the following regulations are hereby prescribed to govern the use and navigation of the waters of the Pacific Ocean, comprising the firing range of the U. S. Military Reservation of the Coast Artillery Replacement Training Center, Camp Callan, San Diego, California.

§ 204.99a *Pacific Ocean, La Jolla-Solana Beach, Calif.; Firing range U. S. Military Res., Camp Callan, San Diego, California*—(a) *The danger zone.* The area in the Pacific Ocean, located between an east-west line through Solana Beach, latitude 33°00' N. on the north and an east-west line through Scripp's Pier, latitude 32°52' N., on the south, and extending from shore to longitude 117° 26' (approximately 9 nautical miles), is designated as a danger zone. All bearings are referred to true meridian. (See U.S.C. and G.S. Chart No. 5101A.[2])

(b) *The regulations.* (1) Any vessel propelled by mechanical power at a speed greater than 5 miles per hour may proceed through the above area to and from points beyond (but not from one point in the above danger zone to another) without restriction, except when notified to the contrary.

(2) Fishermen desiring to fish in the above danger zone will be required to have written permits which will be issued by the Commanding General, Coast Artillery Replacement Training Center, Camp Callan, San Diego, California, upon application thereto.

(3) On days and nights when firing is in progress, no boat or vessel shall enter or remain in the danger zone, except vessels of the United States, or vessels proceeding across the zone as provided in regulation 1 above.

(4) Except under unusual circumstances, announcement of which will be communicated to the surrounding communities, the restricted area is open throughout the year to the public for fishing and traffic without restriction from 12:00 noon, Saturdays, to 8:00 a. m., Mondays, and national holidays from 5:00 p. m. of the preceding day to 8:00 a. m. on the day following the holiday. The area is also open to the public for fishing and traffic without restriction on other days when firing is not to be conducted.

(5) Notice of target practice within the firing range will be given by the Commanding General by one or more of the following methods:

(i) On days when firing, is to be held in all or part of the restricted area, large red flags will be displayed from elevated masts in the immediate vicinity of each firing point (near S. W. Range Tower, U. S. Navy) from which fire is to be conducted. These flags will be hoisted not later than 8:00 a. m. of the day on which firing is to be held and will be lowered when firing ceases for the day.

(ii) Notice published in San Diego daily papers.

(iii) Telephone advice to such fishermen's organizations as may request, in writing, that such direct advice be given.

(iv) Telephone advice to civil aircraft communication stations and naval air bases as may request, in writing, that such direct advice be given.

(v) Notice to individual craft by a visit of a United States vessel.

(6) During periods when antiaircraft firing is in progress, safety observers will be maintained for the protection of civil and naval aircraft.

(7) The regulations in this section shall be enforced by the Commanding General, Coast Artillery Replacement Training Center, Camp Callan, California. (Chapter XIX 40 Stat. 892; 33 U.S.C. 3, and Sec. 7, 40 Stat. 266; 33 U.S.C. 1) [Regs. March 2, 1942 (E.D. 7195 (Pacific Ocean—California)—1/7)]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-2544; Filed, March 24, 1942; 11:30 a. m.]

[1] § 204.99a is added.

[2] Filed as part of the original document.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-229]

IN THE MATTER OF JAMES W. GRINDLE, CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated February 11, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on February 14, 1942 by the Bituminous Coal Producers Board for District No. 10, a District Board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by James W. Grindle, (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 25, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Peoria County Court House, Peoria, Illinois.

It is further ordered, That Joseph D. Dermody or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible

under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above named Code member as follows: That said Code member, whose address is R. F. D. No. 1, Cuba, Illinois, and whose code membership became effective as of October 13, 1939, operator of mine designated as Mine Index No. 668, located in Putnam Township, Fulton County, Illinois, wilfully violated the Act, the Code and rules and regulations thereunder;

1. By failing during October, November, and December, 1940, to maintain and file at the field office in Chicago, Illinois, copies of the truck tickets, sales slips, invoices, and other memoranda or records relating to sales and shipments of coal by truck or wagon, as required by Order No. 296 dated September 23, 1940, and Order No. 297 dated October 22, 1940;

2. By failing to maintain copies of the truck tickets, sales slips, invoices, and other memoranda or records relating to sales and shipments of coal by truck or wagon, during January, February and March, 1941, as required by Order No. 307 dated December 11, 1940;

3. By failing to maintain copies of the truck tickets, sales slips, invoices and other memoranda and records relating to sales and shipments of coal by truck or wagon during the period from April 1, 1941 to December 1, 1941, both dates inclusive, as required by Order No. 312, dated February 24, 1941.

Dated: March 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2532; Filed, March 24, 1942; 10:23 a. m.]

[Docket No. B-218]

IN THE MATTER OF FORKS COAL MINING COMPANY, A CORPORATION, CODE MEMBER, DEFENDANT

ORDER GRANTING MOTION TO AMEND COMPLAINT, AMENDING NOTICE OF AND ORDER FOR HEARING, POSTPONING HEARING AND EXTENDING TIME WITHIN WHICH TO FILE ANSWER

A complaint dated February 3, 1942, pursuant to the provisions of section 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on February 10, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division alleging wilful violation by the defendant of the Bituminous Coal Code or rules and regulations thereunder; and said matter having been scheduled for hearing on March 24, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 203, Post Office Building, Altoona, Pennsylvania, pursuant to Notice of and Order for Hearing entered herein on February 18, 1942, and the place of said hearing having been changed to the Community Room of the City Hall, Altoona, Pennsylvania, by Order of the Acting Director, entered herein on March 5, 1942; and

Said complainant, by motion dated March 14, 1942, and filed with the Division on March 17, 1942, having moved that its said complaint filed herein be amended by deleting therefrom Subparagraph 2 of Paragraph III, relating to sales by Forks Coal Mining Company to Emerson Manufacturing Company, Suncook, New Hampshire, and inserting in lieu thereof the following, as Subparagraph 7 of Paragraph I:

7. DOWLING COAL COMPANY

[424 Bell Building, Manchester, N. H., Registered Distributor No. 2472]

Date of shipment	P. R. R. car No.	Size	Billed price per ton	Effective minimum price	Discount per ton allowed	Weight in tons
Jan. 20, 1941..	738618	M/M/R	$1.95	$2.20	$0.25	48.95
Mar. 5, 1941..	736735	M/M/R	1.95	2.20	.25	49.60
Mar. 17, 1941.	715201	M/R	1.95	2.20	.25	52.40
Mar. 24, 1941.	106196	M/R	1.95	2.20	.25	50.90
Mar. 28, 1941.	178232	M/R	1.95	2.20	.25	72.75

And said defendant having requested that the hearing in this matter be postponed for thirty (30) days, and that the time within which to file answer be extended for thirty (30) days; and

The Acting Director deeming it advisable that said complaint should be amended as hereinabove set forth, and that the defendant's said requests should be granted in part and denied in part, as hereinafter set forth;

Now, therefore, it is ordered, That the aforesaid motion filed herein by Bituminous Coal Producers Board for District No. 1, complainant herein, be and the same hereby is granted; and

It is further ordered, That the Notice of and Order for Hearing dated February 18, 1942, be and the same hereby is amended by deleting therefrom the tenth paragraph thereof, relating to sales of coal by Forks Coal Mining Company to Emerson Manufacturing Company, and inserting in lieu thereof the following:

"That said defendant also wilfully violated section 4 II (e) and (h) of the Act and Part II (e) and (h) of the Code and Rule 1 of section III of the Marketing Rules and Regulations, by allowing, during the period January 1, 1941, to March 31, 1941, both dates inclusive, a discount of 25 cents per net ton from the applicable minimum f. o. b. mine prices on the sales of approximately 274.6 net tons of modified mine run and mine run coal produced by said defendant at its said mine and sold to Dowling Coal Company, Registered Distributor, Registration No. 2472, whose address is 424 Bell Building, Manchester, New Hampshire, whereas the maximum discount prescribed by the Division on such sales is 12 cents per net ton, thereby selling and delivering said coal at $1.95 per net ton f. o. b. said mine, whereas this coal is classified as Size Group 3 and is priced at $2.20 per net ton f. o. b. the mine in the Schedule of Effective Minimum Prices for District No. 1 For All Shipments Except Truck"; and

It is further ordered, That the said hearing in the above-entitled matter be and the same hereby is postponed from March 24, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division, at the Community Room of the City Hall, Altoona, Pennsylvania, to April 13, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Room 118, Fifth Floor, Colonial Hotel, Altoona, Pennsylvania, before the officer or officers previously designated to preside at said hearing, and that the time within which said defendant must file its answer herein be and the same hereby is extended to and including March 31, 1942; and

It is further ordered, That the said Notice of and Order for Hearing entered in the above-entitled matter on February 18, 1942, shall, in all other respects, remain in full force and effect.

Dated: March 23, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2533; Filed, March 24, 1942; 10:23 a. m.]

DEPARTMENT OF LABOR.

Children's Bureau.

NOTICE OF HEARING ON A PROPOSED FINDING AND ORDER RELATING TO THE EMPLOYMENT OF MINORS BETWEEN 16 AND 18 YEARS OF AGE IN OCCUPATIONS IN THE BUILDING AND REPAIRING OF SHIPS

MARCH 23, 1942.

Notice is hereby given of a public hearing to be held on April 15, 1942, at 10 a. m. in room 7129, U. S. Department of Labor Building, 14th Street and Constitution Avenue, Washington, D. C., on a proposed Finding and Order, under section 3 (l) of the Fair Labor Standards Act of 1938, relating to the employment of minors between 16 and 18 years of age in certain occupations in the building and repairing of ships.

This proposed Finding and Order declares such occupations to be hazardous for the employment of minors between 16 and 18 years of age, and its effect, if issued, will be to raise the minimum age for employment from 16 to 18 years in occupations subject to it.

The proposed Finding and Order is based upon a report of an investigation of the shipbuilding and ship-repairing industry entitled "Occupational Hazards to Young Workers: Report No. 7—The Shipbuilding and Ship-Repairing Industry" which is available for inspection at the Office of the Children's Bureau, United States Department of Labor, Washington, D. C., and at other offices of the Children's Bureau and offices of the Wage and Hour Division. A list of these offices and their addresses is attached. Copies of the Report may be obtained upon request from any of these offices.

All parties desiring to appear at the hearing are requested to notify the Children's Bureau at least 5 days prior to the date fixed for the hearing. Any interested party who is unable to appear in person or by representative may submit a written statement to the Children's Bureau not later than the day prior to the date fixed for the hearing and the same will be made part of the record of the hearing.

The Finding and Order, as proposed, is as follows:

PROPOSED FINDING AND ORDER

Part 422—Occupations Particularly Hazardous for the Employment of Minors Between 16 and 18 years of Age or Detrimental to Their Health or Well-Being

§ 422.7 *Occupations in the building and repairing of ships—(a) Finding and declaration of fact.* By virtue of and pursuant to the authority conferred by section 3 (*l*) of the Fair Labor Standards Act of 1938[1] and pursuant to the regulation prescribing the procedure governing determinations of hazardous occupations;[2] an investigation having been conducted with respect to the hazards for minors between 16 and 18 years of age in employment in occupations involved in the building and repairing of ships; and a report of the investigation having been submitted to the Chief of the Children's Bureau;

Now, therefore, I, Katharine F. Lenroot, Chief of the Children's Bureau of the United States Department of Labor, hereby find and declare that the following occupations involved in the building and repairing of ships are particularly hazardous for minors between 16 and 18 years of age:

(1) Any work in the construction of the hull or superstructure of steel or wooden ships, including carpentering or shipwright work, crane operation, rigging, erecting, ship fitting, drilling, bolting, riveting, chipping, caulking, welding, burning, and unskilled labor. This shall include work in the building or preparation of the ways. It shall not include work in the subassembly of sections of the ships in the shops or yard, nor in the taking of measurements or the making of templates on board ship in connection with such subassembly work or with work in the mold loft.

(2) Any work in the fitting-out of ships performed on board ship either before or after launching, including crane operation, rigging, pipe fitting, plumbing, coppersmithing, sheet-metal work, joinery, electrical work, machinist work, painting, and unskilled labor. This shall not include the taking of measurements or the making of templates on board ship in connection with the making of equipment in the shops.

(3) Any work in the reconditioning, repair, or reconstruction of ships performed in drydocks, on marine railways, or at wharves (including the operation of drydocks or marine railways or the berthing of ships), except for the taking of measurements or the making of templates on board ship in connection with work in the mold loft or in other shops, and except for pipe fitting, plumbing, asbestos work, coopersmithing, sheet-metal work, joinery, electrical work, canvas work, and interior painting where such work is not carried on in connection with major overhaul, conversion, rigging, or the handling of heavy material.

(4) Any work in the plate and shape shop (other than subassembly work) or in the boiler shop, including any work of types regularly performed in such shops whether done in the specific shops or elsewhere in the yard. This shall not include the work of shop offices.

(5) Any work in the grinding or dry mixing of paints or in workrooms where these processes are carried on.

(6) Any work in the transportation or storage of steel plates or shapes or of heavy lumber.

(7) Any work in the powerhouse.

(b) *Definitions.* As used in this section, the term "building and repairing of ships" shall mean the construction or repair of ships or flat-bottomed craft of steel-plate construction or of wooden construction of heavy commercial type, when done in or about yards equipped with launching ways, marine railway, or drydock. It shall not include work in establishments not equipped with launching ways, marine railway, or drydock, nor shall it include the building or repairing of sheet-metal boats or wooden boats of light yacht-type construction.

(c) *Higher standards.* This order shall not justify noncompliance with any Federal or State law or municipal ordinance establishing a higher standard than the standard established herein.

(d) *Effective date.* This order shall become effective on June 1, 1942 and shall be in force and effect until amended or repealed by order hereafter made and published by the Chief of the Children's Bureau.

[SEAL] KATHARINE F. LENROOT,
Chief of the Children's Bureau.

Offices of the Children's Bureau

Washington, District of Columbia, Department of Labor Building.
Austin, Texas, 404 Old Post Office Building.
San Francisco, California, 819 Pacific Building.
Jackson, Mississippi, 307 Medical Building.

Offices of the Wage and Hour Division

Boston, Massachusetts, Old South Building, 294 Washington Street.
New York, New York, 341 Ninth Avenue.
Newark, New Jersey, Essex Building, 31 Clinton Street.
Philadelphia, Pennsylvania, 1216 Widener Building, Chestnut and Juniper Streets.
Pittsburgh, Pennsylvania, 219 Old Post Office Building, Fourth and Smithfield Streets.
Richmond, Virginia, 215 Richmond Trust Building, 627 East Main Street.
Baltimore, Maryland, 201 N. Calvert Street.
Nashville, Tennessee, 500 Medical Arts Building, 119 Seventh Avenue North.
Cleveland, Ohio, Main Post Office, West Third and Prospect Avenue.
Detroit, Michigan, 346 Federal Building.
Columbus, Ohio, 320 Old Federal Building.
Chicago, Illinois, 1200 Merchandise Mart, 222 West North Bank Drive.
Minneapolis, Minnesota, 406 Pence Building, 730 Hennepin Avenue.
Seattle, Washington, 305 Post Office Building.
San Juan, Puerto Rico, Box 112, Post Office.
Raleigh, North Carolina, North Carolina Department of Labor, Salisbury and Edenton Streets.
Atlanta, Georgia, Fifth Floor, Witt Building, 249 Peachtree Street, NE.
Columbia, South Carolina, Federal Land Bank Building.
Jacksonville, Florida, 456 New Post Office Building.
Birmingham, Alabama, 1007 Comer Building, Second Avenue and Twenty-first Street.
New Orleans, Louisiana, 916 Union Building.
Jackson, Mississippi, 402 Deposit Guaranty Bank Building, 102 Lamar Street.
Kansas City, Missouri, 504 Title and Trust Building, Tenth and Walnut Streets.
St. Louis, Missouri, 100 Old Federal Building.
Denver, Colorado, 300 Chamber of Commerce Building.
Dallas, Texas, Rio Grande National Building, 1100 Main Street.
San Francisco, California, Room 500, Humboldt Bank Building, 785 Market Street.
Los Angeles, California, 417 H. W. Hellman Building.
Washington, District of Columbia, Department of Labor Building.

[F. R. Doc. 42-2547; Filed, March 24, 1942; 11:49 a. m.]

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[1] Act of June 25, 1938, c 676, 52 Stat. 1060; U.S. Code, ti. 29, sec. 201.

[2] Issued November 3, 1938, pursuant to authority conferred by section 3 (*l*) of the Fair Labor Standards Act of 1938, and published in 3 F.R. 2640, November 5, 1938, Procedure Governing Determinations of Hazardous Occupations.

Wage and Hour Division.

Muscatine Pearl Works

NOTICE OF GRANTING OF EXCEPTION FROM RECORD KEEPING REGULATIONS

Notice is hereby given that pursuant to § 516.18 of the Record Keeping Regulations, Part 516, the Administrator of the Wage and Hour Division has granted the Muscatine Pearl Works, Muscatine, Iowa, relief from the necessity of preserving its customers' invoices for two years as required by § 516.15, paragraph (b) of the Record Keeping Regulations, Part 516.

This authority is granted on the representations of the petitioner and is subject to revocation for cause.

Signed at New York, New York, this 23d day of March 1942.

L. Metcalfe Walling,
Administrator.

[F. R. Doc. 42-2537; Filed, March 24, 1942; 10:38 a. m.]

FEDERAL COMMUNICATIONS COMMISSION.

[Docket No. 6109]

Application of A. M. Burton (New), Nashville, Tennessee, for Construction Permit

ORDER SUPPLEMENTING NOTICE OF HEARING

It is ordered, On the Commission's own motion this 19th day of March, 1942, that the notice of issues heretofore released on the application in Docket No. 6109, be, and it is hereby, supplemented, as follows:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine the areas and populations which would receive primary service from the proposed station and what broadcast service is available to such areas and populations.

3. To determine whether the granting of the application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials (see Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

By the Commission, Norman S. Case, Commissioner.

[SEAL] T. J. Slowie,
Secretary.

[F. R. Doc. 42-2514; Filed, March 23, 1942; 12:41 p. m.]

[Docket No. 6210]

Application of Capitol Broadcasting Co., Inc., (WRAL)

NOTICE OF HEARING

Application dated April 28, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Raleigh, North Carolina; Operating assignment specified: Frequency, 850 kc.; power, 1 kw. night; 5 kw. day (DA—night), hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine whether the proposed construction involves the use of any critical materials.

2. To determine what new areas and populations would receive service as a result of the proposed change in facilities and what broadcast service is already available to such areas and populations.

3. To determine what, if any, areas and populations would lose primary service from Station WRAL as a result of the proposed change in facilities and what broadcast service is already available to such areas and populations.

4. To determine whether the granting of this application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials. (See Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

5. To determine whether the granting of this application would be consistent with the Standards of Good Engineering Practice, particularly in view of the expected nighttime interference limitation to the service of the proposed station.

6. To determine the extent of any interference which would result from the simultaneous operation of Station WRAL as proposed and the operation of Station WRUF as proposed in Docket No, 6281, as well as the areas and populations affected thereby, and what other broadcast service is available to these areas and populations.

7. To determine whether the granting of this application would tend toward a fair, efficient and equitable distribution of radio service as contemplated by Section 307 (b) of the Communications Act of 1934, as amended.

8. To determine whether in view of the facts adduced under the foregoing issues and the issues relating to the application of the University of Florida (WRUF), Docket No. 6281, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Capitol Broadcasting Co., Inc., Radio Station WRAL, 130 S. Salisbury St., Raleigh, North Carolina.

Dated at Washington, D. C., March 20, 1942.

By the Commission.

[SEAL] T. J. Slowie,
Secretary.

[F. R. Doc. 42-2538; Filed, March 24, 1942; 11:03 a. m.]

[Docket No. 6279]

Application of Dyke Cullum and Harry R. England as Copartners, d/b as Radio Company of Annapolis (New)

NOTICE OF HEARING

Application dated November 28, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Annapolis, Maryland; operating assignment specified: Frequency, 1,040 kc.; power, 250 watts; hours of operation, limited time.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the qualifications of the applicant partnership to conduct and operate the proposed station.

2. To determine the character of the proposed program service.

3. To determine whether the proposed construction involves the use of any critical materials.

4. To determine the areas and populations which would receive primary service from the operation of the station proposed herein and what broadcast service is already available to such areas and populations.

5. To determine whether the granting of this application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials. (See Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

6. To determine whether there are other assignments available which would permit operation during daytime hours only, in accordance with the Standards of Good Engineering Practice.

7. To determine the areas and populations now receiving primary service from Station WWDC, which would receive primary service from the proposed station.

8. To obtain full information respecting the plan of operation for the proposed station, particularly in view of the connection of Dyke Cullum (a member of the applicant partnership) with the licensee of Station WWDC.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

Dyke Cullum & Harry R. England, as copartners, d/b as Radio Company of Annapolis, 66 Maryland Avenue, Annapolis, Maryland.

Dated at Washington, D. C., March 20, 1942.

By the Commission.

[SEAL] T. J. Slowie,
Secretary.

[F. R. Doc. 42-2539; Filed, March 24, 1942; 11:03 a. m.]

[Docket No. 6280]

Application of W. W. McAllister and Howard W. Davis, d/b as The Walmac Company, (New)

NOTICE OF HEARING

Application dated August 29, 1941, for construction permit; class of service, broadcast; class of station, broadcast; location, Alice, Texas; operating assignment specified: Frequency, 1,230 kc.; power, 250 watts; hours of operation, unlimited.

You are hereby notified that the Commission has examined the above described application and has designated the matter for hearing for the following reasons:

1. To determine the character of the proposed program service.

2. To determine whether the proposed construction involves the use of any critical materials.

3. To determine the areas and populations which would receive primary service from the operation of the station proposed herein and what broadcast service is already available to these areas and populations.

4. To determine whether the granting of this application would be consistent with the policy announced by the Commission with respect to authorizations involving the use of critical materials. (See Memorandum Opinion dated February 23, 1942, Mimeograph No. 58106).

5. To determine the areas and populations which would be deprived of primary service, particularly from Station WOAL, as a result of the operation of the station as proposed herein and what other broadcast service is available to these areas and populations.

6. To determine the availability of a transmitter site in the Alice, Texas area which would comply with the Standards of Good Engineering Practice.

7. To determine whether the proposed antenna would constitute a hazard to air navigation.

8. To determine whether the granting of this application would tend toward a fair, efficient, and equitable distribution of radio service as contemplated by section 307 (b) of the Communications Act of 1934, as amended.

9. To determine whether, in view of the facts adduced under the foregoing issues, public interest, convenience and necessity would be served through the granting of this application.

The application involved herein will not be granted by the Commission unless the issues listed above are determined in favor of the applicant on the basis of a record duly and properly made by means of a formal hearing.

The applicant is hereby given the opportunity to obtain a hearing on such issues by filing a written appearance in accordance with the provisions of § 1.382 (b) of the Commission's Rules of Practice and Procedure. Persons other than the applicant who desire to be heard must file a petition to intervene in accordance with the provisions of § 1.102 of the Commission's Rules of Practice and Procedure.

The applicant's address is as follows:

W. W. McAllister and Howard W. Davis, d/b as The Walmac Company, Attention: Howard W. Davis, 2700 Smith Young Tower, San Antonio, Texas.

Dated at Washington, D. C., March 21, 1942.

By the Commission.

[SEAL] T. J. Slowie,
Secretary.

[F. R. Doc. 42-2540; Filed, March 24, 1942; 11:03 a. m.]

FEDERAL TRADE COMMISSION.

[Docket No. 4708]

In the Matter of Joseph G. Branch, Individually and Trading as Joseph G. Branch Institute of Engineering and Science

ORDER APPOINTING TRIAL EXAMINER AND FIXING TIME AND PLACE FOR TAKING TESTIMONY

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 21st day of March, A. D. 1942.

This matter being at issue and ready for the taking of testimony, and pursuant to authority vested in the Federal Trade Commission, under an Act of Congress (38 Stat. 717; 15 U.S.C.A., section 41),

It is ordered, That John P. Bramhall, a trial examiner of this Commission, be and he hereby is designated and appointed to take testimony and receive evidence in this proceeding and to perform all other duties authorized by law;

It is further ordered, That the taking of testimony in this proceeding begin on Tuesday, April 7, 1942, at ten o'clock in the forenoon of that day (Central Standard Time), in Room 1123, New Post Office Building, Chicago, Illinois.

Upon completion of testimony for the Federal Trade Commission, the trial examiner is directed to proceed immediately to take testimony and evidence on behalf of the respondent. The trial examiner will then close the case and make his report upon the evidence.

By the Commission.

[SEAL] Otis B. Johnson,
Secretary.

[F. R. Doc. 42-2542, Filed, March 24, 1942; 11:09 a. m.]

MAR 27 1942

FEDERAL REGISTER

VOLUME 7 NUMBER 59

Washington, Thursday, March 26, 1942

The President

EXECUTIVE ORDER 9110

ENLARGING THE FORT GULICK MILITARY RESERVATION

CANAL ZONE

By virtue of the authority vested in me by section 5 of title 2 of the Canal Zone Code, approved June 19, 1934, and as President of the United States, section 1 of Executive Order No. 8737 of April 16, 1941, establishing the Fort Gulick Military Reservation in the Canal Zone, is hereby amended by adding to the area described therein as the Main Reservation the following-described area of land in the Canal Zone, subject to the provisions of section 2 of that order:

Beginning at Monument No. 22, which is a 2½-inch galvanized iron pipe set in concrete on the western boundary of the Fort Gulick Military Reservation, as described in section 1 of the said Executive Order No. 8737 of April 16, 1941;

Thence from the said initial point, by metes and bounds:

S. 89°58'00" W., a distance of 100.00 feet; thence N. 10°16'09" W., a distance of 1,575.69 feet; thence N. 89°58'00" E., a distance of 380.00 feet to Monument No. 25, which is a 2½-inch galvanized iron pipe set in concrete on the western boundary of the Fort Gulick Military Reservation; thence S. 00°02'00" E., a distance of 1,550.60 feet through Monuments Nos. 24 and 23 along the said western boundary to the place of beginning.

The additional tract as described herein contains an area of 8.64 acres.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 24, 1942.

[F. R. Doc. 42-2506; Filed, March 25, 1942; 11:42 a. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency, Agricultural Conservation and Adjustment Administration

[ACP-1942-8]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART B—1942

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act (49 Stat. 1149, 16 U.S.C. 590g to 590q) as amended, the 1942 Agricultural Conservation Program,[1] as amended, is further amended as follows:

1. Section 701.301 (a) (1) is amended to read as follows:

§ 701.301 *Allotments, yields, grazing capacities, payments, and deductions*—(a) *Corn*—(1) *National and State acreage allotments.* The State acreage allotment of corn for each State in the commercial corn-producing area and the total corn acreage allotment for such area (the National allotment) are as follows:

State and Corn Allotment

Illinois, 7,225,235; Indiana, 3,550,009; Iowa, 9,054,584; Michigan, 433,194; Minnesota, 3,486,490; Missouri, 3,259,272; Nebraska, 6,579,778; Ohio, 2,636,739; South Dakota, 1,546,824; Wisconsin, 731,210; Delaware, 51,605; Kansas, 1,772,450; Kentucky, 354,870; Maryland, 249,154; and Pennsylvania, 404,586.

Total (National Allotment), 41,338,000.

* * * * *

2. Section 701.301 (a) (2) is amended to read as follows:

[1] 7 F.R. 1825.

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THE PRESIDENT

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FEDERAL REGISTER

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(2) *County acreage allotments.* The 1942 county corn acreage allotments shall be the revised 1942 county corn acreage allotments approved by the Secretary pursuant to the provisions of Title III of the Agricultural Adjustment Act of 1938, as amended. (Secs. 7 to 17, inclusive, of the Act (49 Stat. 1149, 16 U.S.C. 1940 ed 590g to 590q)

Done at Washington, D. C., this 24th day of March 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-2549; Filed, March 24, 1942; 12:16 p. m.]

PART 721—CORN

PROCLAMATIONS AND DETERMINATIONS RELATING TO CORN ALLOTMENTS—DETERMINATION OF COUNTY CORN ACREAGE ALLOTMENTS FOR 1942—REVISED

Pursuant to the authority vested in the Secretary of Agriculture under section 329 (a) of the Agricultural Adjustment Act of 1938, as amended, the revised corn acreage allotment for the commercial corn-producing area for 1942 as established by the proclamation dated March 3, 1942,[1] is hereby apportioned among the commercial corn-producing counties, hereby superseding the determination of county corn acreage allotments for 1942,[2] approved December 31, 1941, as follows:

§ 721.403 *County corn acreage allotments for 1942.*

Illinois: Adams, 71,886; Alexander, 19,614; Bond, 31,073; Boone, 42,770; Brown, 28,347; Bureau, 161,048; Calhoun, 16,884; Carroll, 56,638; Cass, 47,417; Champaign, 203,822; Christian, 102,736; Clark, 50,502; Clay, 41,015; Clinton, 38,207; Coles, 77,663; Cook, 47,278; Crawford, 42,452; Cumberland, 37,745; De Kalb, 123,637; De Witt, 78,020; Douglas, 75,668; Du Page, 34,385; Edgar, 96,569; Edwards, 23,032; Effingham, 41,752; Fayette, 64,089; Ford, 103,930; Fulton, 101,258; Gallatin, 37,348; Greene, 65,803; Grundy, 88,741; Hamilton, 32,825; Hancock, 86,643; Hardin, 9,827; Henderson, 56,587; Henry, 147,536; Iroquois, 225,398; Jackson, 36,834; Jasper, 50,608; Jersey, 32,309; Jo Daviess, 46,980; Johnson, 20,386; Kane, 80,280; Kankakee, 118,741; Kendall, 60,798; Knox, 110,032; Lake, 32,856; La Salle, 229,759; Lawrence, 38,959; Lee, 129,197; Livingston, 228,615; Logan, 114,147; McDonough, 90,101; McHenry, 85,811; McLean, 255,252; Macon, 104,170; Macoupin, 80,823; Madison, 59,342; Marion, 39,454; Marshall, 66,566; Mason, 73,681; Massac, 18,198; Menard, 45,508; Mercer, 89,121; Monroe, 24,331; Montgomery, 68,344; Morgan, 80,251; Moultrie, 58,661; Ogle, 115,532; Peoria, 79,496; Perry, 25,411; Piatt, 80,666; Pike, 79,144; Pope, 16,830; Pulaski, 18,908; Putnam, 25,073; Randolph, 34,860; Richland, 31,335; Rock Island, 55,288; St. Clair, 47,508; Saline, 32,455; Sangamon, 135,462; Schuyler, 40,396; Scott, 36,410; Shelby, 101,543; Stark, 55,405; Stephenson, 72,843; Tazewell, 102,171; Union, 23,920; Vermilion, 155,362; Wabash, 25,476; Warren, 101,006; Washington, 32,434; Wayne, 55,944; White, 60,573; Whiteside, 115,662; Will, 128,173; Winnebago, 65,816; and Woodford, 93,872. State, 7,225,235.

Indiana: Adams, 34,589; Allen, 63,678; Bartholomew, 42,133; Benton, 81,108; Blackford, 18,805; Boone, 62,235; Carroll, 53,599; Cass, 54,581; Clay, 30,216; Clinton, 62,038; Daviess, 42,929; Dearborn, 17,860; Decatur, 45,691; DeKalb, 30,541; Delaware, 49,653; Dubois, 26,484; Elkhart, 37,508; Fayette, 24,314; Fountain, 46,750; Franklin, 31,556; Fulton, 45,539; Gibson, 51,922; Grant, 51,566; Greene, 36,409; Hamilton, 55,807; Hancock, 45,767; Hendricks, 54,638; Henry, 54,127; Howard, 40,754; Huntington, 41,126; Jackson, 37,356; Jasper, 76,915; Jay, 38,937; Jennings, 21,303; Johnson, 42,197; Knox, 61,922; Kosciusko, 56,772; Lagrange, 34,083; Lake, 45,498; La Porte, 63,665; Lawrence, 24,096; Madison, 63,553; Marion, 35,261; Marshall, 48,048; Martin, 15,225; Miami, 45,780; Monroe, 17,512; Montgomery, 65,562; Morgan, 40,658; Newton, 58,501; Noble, 37,296; Orange, 22,056; Owen, 18,763; Parke, 40,337; Pike, 24,306; Porter, 40,440; Posey, 47,632; Pulaski, 51,101; Putnam, 43,369; Randolph, 60,718; Ripley, 30,975; Rush, 65,718; St. Joseph, 40,410; Scott, 11,824; Shelby, 62,417; Spencer, 31,026; Starke, 32,869; Steuben, 22,759; Sullivan, 43,365; Tippecanoe, 73,765; Tipton, 40,616; Union, 20,793; Vanderburgh, 20,574; Vermillion, 30,503; Vigo, 44,094; Wabash, 47,354; Warren, 53,734; Warrick, 27,762; Washington, 29,208; Wayne, 48,695; Wells, 46,124; White, 81,226; and Whitley, 31,418. State, 3,550,009.

Iowa: Adair, 95,362; Adams, 67,490; Allamakee, 40,468; Appanoose, 35,114; Audubon, 80,908; Benton, 119,885; Black Hawk, 91,199; Boone, 112,236; Bremer, 61,510; Buchanan, 92,298; Buena Vista, 117,857; Butler, 98,798; Calhoun, 118,950; Carroll, 113,362; Cass, 104,276; Cedar, 89,406; Cerro Gorde, 96,325; Cherokee, 109,936; Chickasaw, 67,112; Clarke, 47,049; Clay, 106,800; Clayton, 70,235; Clinton, 111,415; Crawford, 132,680; Dallas, 113,790; Davis, 36,885; Decatur, 48,246; Delaware, 81,350; Des Moines, 52,276; Dickinson, 67,090; Dubuque, 61,655; Emmet, 74,590; Fayette, 89,571; Floyd, 84,064; Franklin, 113,670; Fremont, 125,172; Greene, 123,740; Grundy, 90,828; Guthrie, 98,273; Hamilton, 118,016; Hancock, 104,876; Hardin, 110,148; Harrison, 149,494; Henry, 56,565; Howard, 54,891; Humboldt, 88,793; Ida, 89,509; Iowa, 82,903; Jackson, 57,472; Jasper, 125,668; Jefferson, 51,276; Johnson, 88,497; Jones, 71,353; Keokuk, 84,948; Kossuth, 187,788; Lee, 41,671; Linn, 102,321; Louisa, 57,016; Lucas, 40,198; Lyon, 111,069; Madison, 79,355; Mahaska, 91,428; Marion, 80,478; Marshall, 100,705; Mills, 97,330; Mitchell, 66,715; Monona, 138,262; Monroe, 35,673; Montgomery, 82,851; Muscatine, 61,949; O'Brien, 109,595; Osceola, 75,414; Page, 99,290; Palo Alto, 107,711; Plymouth, 172,411; Pocahontas, 120,640; Polk, 94,280; Pottawattamie, 208,253; Poweshiek, 95,224; Ringgold, 61,349; Sac, 116,337; Scott, 66,649; Shelby, 121,871; Sioux, 151,897; Story, 122,055; Tama, 110,627; Taylor, 78,106; Union, 55,482; Van Buren, 35,297; Wapello, 45,231; Warren, 76,714; Washington, 84,562; Wayne, 51,510; Webster, 136,315; Winnebago, 69,797; Winneshiek, 72,235; Woodbury, 186,962; Worth, 59,485; and Wright, 118,196. State, 9,054,584.

Michigan: Berrien, 27,926; Branch, 36,181; Calhoun, 35,728; Cass, 31,450; Hillsdale, 39,361; Jackson, 33,937; Kalamazoo, 26,105; Lenawee, 63,190; Monroe, 48,608; St. Joseph, 34,091; Washtenaw, 40,765; and Wayne, 15,852. State, 433,194.

Minnesota: Big Stone, 46,062; Blue Earth, 106,301; Brown, 76,848; Carver, 32,100; Chippewa, 84,072; Cottonwood, 96,602; Dakota, 54,154; Dodge, 50,120; Faribault, 109,155; Fillmore, 62,020; Freeborn, 90,406; Goodhue, 52,806; Grant, 45,489; Hennepin, 30,076; Houston, 30,207; Jackson, 115,822; Kandiyohi, 79,322; Lac Qui Parle, 99,785; Le Sueur, 44,329; Lincoln, 65,239; Lyon, 109,937; McLeod, 50,602; Martin, 130,328; Meeker, 58,965; Mower, 78,811; Murray, 111,725; Nicollet, 50,236; Nobles, 124,286; Olmsted, 62,244; Pipestone, 73,390; Pope, 43,304; Redwood, 134,888; Renville, 131,785; Rice, 49,843; Rock, 85,018; Scott, 30,948; Sibley, 62,029; Stearns, 95,479; Steele, 50,618; Stevens, 62,898; Swift, 78,583; Traverse, 55,360; Wabasha, 33,645; Waseca, 51,411; Washington, 30,039; Watonwan, 69,761; Winona, 33,934; Wright, 56,698; and Yellow Medicine, 105,810. State, 3,496,490.

Missouri: Adair, 32,932; Andrew, 51,818; Atchison, 118,796; Audrain, 80,344; Bates, 82,844; Benton, 36,714; Boone, 46,763; Buchanan, 40,628; Caldwell, 49,269; Callaway, 43,644; Cape Girardeau, 37,761; Carroll, 72,105; Cass, 73,627; Chariton, 69,524; Clark, 36,902; Clay, 34,226; Clinton, 51,542; Cooper, 42,801; Daviess, 54,815; De Kalb, 50,224; Dunklin, 54,938; Gentry, 50,687; Grundy, 36,048; Harrison, 57,517; Henry, 70,536; Holt, 77,924; Howard, 33,280; Jackson, 46,700; Johnson, 65,733; Knox, 41,215; Lafayette, 72,927; Lewis, 33,448; Lincoln, 44,276; Linn, 47,164; Livingston, 46,818; Macon, 62,737; Marion, 33,226; Mercer, 30,767; Mississippi, 51,416; Moniteau, 24,186; Monroe, 55,889; Montgomery, 38,915; New Madrid, 73,746; Nodaway, 128,820; Pemiscot, 44,240; Perry, 22,206; Pettis, 60,384; Pike, 50,854; Platte, 35,998; Putnam, 28,975; Ralls, 40,724; Randolph, 35,242; Ray, 67,548; St. Charles, 32,366; St. Clair, 48,551; Saline, 92,362; Schuyler, 15,795; Scotland, 30,052; Scott, 43,738; Shelby, 44,672; Stoddard, 73,913; Vernon, 78,159; and Worth, 27,301. State, 3,259,272.

Nebraska: Adams, 77,081; Antelope, 154,178; Boone, 136,655; Buffalo, 152,126; Burt, 112,021; Butler, 109,526; Cass, 121,353; Cedar, 149,775; Chase, 98,154; Clay, 88,987; Colfax, 75,571; Cuming, 118,380; Custer, 272,597; Dakota, 51,984; Dawson, 136,513; Dixon, 100,892; Dodge, 108,589; Douglas, 62,443; Fillmore, 97,572; Franklin, 81,865; Frontier, 127,724; Furnas, 112,501; Gage, 132,853; Gosper, 79,398; Greeley, 78,203; Hall, 74,679; Hamilton, 100,573; Harlan, 86,980; Hayes, 83,382; Hitchcock, 70,096; Howard, 74,256; Jefferson, 75,403; Johnson, 56,748; Kearney, 69,671; Knox, 163,922; Lancaster, 142,417; Lincoln, 176,539; Madison, 121,679; Merrick, 67,736; Nance, 79,184; Nemaha, 74,932; Nuckolls, 90,971; Otoe, 112,619; Pawnee, 58,210; Perkins, 124,118; Phelps, 98,751; Pierce, 109,644; Platte, 142,728; Polk, 89,056; Redwillow, 93,027; Richardson, 94,382; Saline, 78,995; Sarpy, 51,704; Saunders, 160,752; Seward, 104,888; Sherman, 76,459; Stanton, 82,476; Thayer, 83,647; Thurston, 90,886; Valley, 87,987; Washington, 79,217; Wayne, 101,514; Webster, 89,910; and York, 122,599. State, 6,579,778.

Ohio: Adams, 29,009; Allen, 40,869; Ashland, 24,687; Auglaize, 45,625; Brown, 39,569; Butler, 49,144; Champaign, 50,620; Clark, 47,671; Clermont, 35,784; Clinton, 56,020; Coshocton, 20,685; Crawford, 37,362; Darke, 79,674; Defiance, 34,856; Delaware, 40,265; Erie, 18,474; Fairfield, 48,837; Fayette, 59,725; Franklin, 50,158; Fulton, 43,818; Greene, 53,337; Hamilton, 15,425; Hancock, 61,966; Hardin, 52,123; Henry, 55,235; Highland, 53,253; Holmes, 21,991; Huron, 36,180; Jackson, 10,821; Knox, 33,670; Licking, 47,315; Logan, 44,725; Lorain, 25,826; Lucas, 23,719; Madison, 66,214; Marion, 47,591; Medina, 23,538; Mercer, 50,171; Miami, 52,289; Montgomery, 46,014; Morrow, 30,094; Muskingum, 23,021; Ottawa, 19,885; Paulding, 50,130; Perry, 16,531; Pickaway, 66,877; Pike, 23,030; Preble, 55,001; Putnam, 58,707; Richland, 29,709; Ross, 57,475; Sandusky, 42,787; Scioto, 22,972; Seneca, 54,187; Shelby, 45,665; Stark, 28,931; Union, 44,262; Van Wert, 52,277; Warren, 43,472; Wayne, 40,140; Williams, 35,454; Wood, 83,025; and Wyandot, 40,832. State, 2,638,739.

South Dakota: Bon Homme, 82,337; Brookings, 100,054; Clay, 83,187; Deuel, 50,226; Grant, 52,442; Hamlin, 48,640; Hanson, 61,345; Hutchinson, 98,755; Kingsbury, 85,820; Lake, 87,837; Lincoln, 113,523; McCook, 91,032; Minnehaha, 142,704; Moody, 89,033; Roberts, 74,712; Turner, 102,408; Union, 95,681; and Yankton, 78,088. State, 1,546,824.

Wisconsin: Columbia, 67,209; Crawford, 23,948; Dane, 115,594; Grant, 87,825; Greene, 55,382; Iowa, 44,126; Jefferson, 49,203; Lafayette, 59,084; Richland, 26,714; Rock, 86,724; Sauk, 55,086; and Walworth, 60,315. State, 731,210.

Delaware: Kent, 33,026; and New Castle, 18,579. State, 51,605.

Kansas: Anderson, 44,825; Atchison, 48,114; Brown, 91,418; Coffey, 49,047; Doniphan, 61,951; Douglas, 35,837; Franklin, 48,634; Jackson, 74,845; Jefferson, 55,027; Jewell, 106,165; Johnson, 40,317; Leavenworth, 35,136; Linn, 50,673; Marshall, 121,834; Miami, 59,253; Nemaha, 112,625; Norton, 102,193; Osage, 68,397; Phillips, 99,543; Pottawatomie, 66,913; Republic, 97,881; Riley, 43,264; Shawnee, 46,812; Smith, 112,098; and Washington, 99,648. State, 1,772,450.

Kentucky: Ballard, 28,875; Carlisle, 18,084; Crittenden, 24,794; Daviess, 41,910; Fulton, 23,540; Hancock, 12,540; Henderson, 60,863; Hickman, 28,072; Livingston, 24,079; McLean, 21,978; Union, 41,184; and Webster, 28,951. State, 354,870.

Maryland: Baltimore, 19,530; Caroline, 20,506; Carroll, 29,539; Cecil, 15,216; Frederick, 42,034; Harford, 17,540; Howard, 11,783; Kent, 18,614; Montgomery, 22,697; Queene Annes, 24,755; and Washington, 26,940. State, 249,154.

Pennsylvania: Adams, 31,855; Berks, 43,860; Chester, 41,033; Cumberland, 33,792; Dauphin, 22,001; Franklin, 40,304; Fulton, 9,933; Lancaster, 74,698; Lebanon, 22,738; Perry, 17,147; and York, 67,225. State, 404,586.

(Sec. 329 (a) of the Act (52 Stat. 52; 7 U.S.C. 1940 ed. 1329 (a))

Done at Washington, D. C., this 24th day of March 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-2550; Filed, March 24, 1942; 12:16 p. m.]

Chapter VIII—Sugar Service, Agricultural Conservation and Adjustment Administration

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF PROPORTIONATE SHARES FOR FARMS IN THE MAINLAND CANE SUGAR AREA FOR THE 1942 CROP

Whereas, section 302 of the Sugar Act of 1937, as amended, provides in part as follows:

(a) The amount of sugar or liquid sugar with respect to which payment may be made

[1] 7 F.R. 1663.

[2] 7 F.R. 61.

shall be the amount of sugar or liquid sugar commercially recoverable, as determined by the Secretary, from the sugar beets or sugarcane grown on the farm and marketed (or processed by the producer) not in excess of the proportionate share for the farm, as determined by the Secretary, of the quantity of sugar beets or sugarcane for the extraction of sugar or liquid sugar required to be processed to enable the producing area in which the crop of sugar beets or sugarcane is grown to meet the quota (and provide a normal carry-over inventory) estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed.

(b) In determining the proportionate shares with respect to a farm, the Secretary may take into consideration the past production on the farm of sugar beets and sugarcane marketed (or processed) for the extraction of sugar or liquid sugar and the ability to produce such sugar beets or sugarcane, and the Secretary shall, insofar as practicable, protect the interests of new producers and small producers and the interests of producers who are cash tenants, share-tenants, adherent planters, or share-croppers;

And whereas, subsection (c) of section 301 of the said act provides, as one of the conditions for payment to producers of sugar beets and sugarcane, as follows:

(c) That there shall not have been marketed (or processed) an amount (in terms of planted acreage, weight, or recoverable sugar content) of sugar beets or sugarcane grown on the farm and used for the production of sugar or liquid sugar to be marketed in, or so as to compete with or otherwise directly affect interstate or foreign commerce, in excess of the proportionate share for the farm, as determined by the Secretary pursuant to the provisions of section 302, of the total quantity of sugar beets or sugarcane required to be processed to enable the area in which such sugar beets or sugarcane are produced to meet the quota (and provide a normal carry-over inventory) as estimated by the Secretary for such area for the calendar year during which the larger part of the sugar or liquid sugar from such crop normally would be marketed;

Now, therefore, the following determination is hereby issued:

§ 802.26d *Proportionate shares of sugarcane for the mainland cane sugar area for the 1942 crop*—(a) *Farm proportionate share.* The proportionate share of sugarcane for the 1942 crop for any farm in the mainland cane sugar area shall be the number of acres planted thereon for the production of sugarcane to be marketed (or processed by the producer) for the extraction of sugar or liquid sugar during the 1942 crop season.

(b) *Tenant and sharecropper protection.* The provisions of this determination are subject to the following conditions:

(1) That no change shall have been made in the leasing or cropping agreements for the purpose of diverting to producers any payment to which tenants or sharecroppers would be entitled if their 1941 leasing or cropping agreements were in effect;

(2) That there shall have been no interference by any producer with any contracts heretofore entered into by tenants or sharecroppers for the sale of their sugarcane or their share of the sugarcane produced on the farm. (Sec. 302, 50 Stat. 910; 7 U.S.C., 1132)

Done at Washington, D. C., this 24th day of March 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary.

[F. R. Doc. 42-2548; Filed, March 24, 1942; 12:16 p. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of the Alien Property Custodian

PART 501—REGULATIONS RELATING TO PROPERTY VESTED IN THE ALIEN PROPERTY CUSTODIAN

These regulations are prescribed and issued by virtue of the authority vested in the Alien Property Custodian by the President pursuant to section 5 (b) of the Trading with the enemy Act, as amended by section 301 of the First War Powers Act, 1941.

§ 501.1 *Receipt and disposition of claims.* The following procedure is hereby established for the receipt and disposition of claims to property vested in the Alien Property Custodian pursuant to section 5 (b) of the Trading with the enemy Act, as amended by section 301 of the First War Powers Act, 1941:

(a) Claims to property vested in the Alien Property Custodian pursuant to section 5 (b) of the Trading with the enemy Act, as amended, shall be filed with the Alien Property Custodian on Form APC–1 in triplicate. Such claims shall be filed within such time, after the vesting in the Alien Property Custodian of the property to which they relate, as the Custodian shall prescribe. Form APC–1 may be obtained from the Alien Property Custodian, Washington, D. C. The original of each claim shall be executed under oath before an officer authorized to administer oaths, or if executed outside of the United States, before a diplomatic or consular officer of the United States.

(b) There shall be a committee to be known as the Vested Property Claims Committee, to be composed of three members designated by the Alien Property Custodian. The members of the Committee shall designate one of their number to be Chairman. The Committee is empowered to hear claims respecting property vested in the Alien Property Custodian pursuant to section 5 (b) of the Trading with the enemy Act, as amended, in accordance with rules and procedures to be formulated by the Committee. The Committee shall have all powers necessary to carry out its functions, including the power to call witnesses and to compel the production of books of accounts, records, contracts, memoranda, and other papers.

(c) The Alien Property Custodian shall transmit to the Committee claims relating to property vested in the Alien Property Custodian pursuant to section 5 (b) of the Trading with the enemy Act, as amended.

(d) Appropriate notice of hearing shall be given by the Committee at least 10 days before the time set for the hearing. This requirement of notice may be waived by any claimant.

(e) Claimants and the Alien Property Custodian shall be entitled to representation by counsel, or otherwise, before the Committee.

(f) The Committee shall have a seal which shall be affixed to all exemplifications of the records and such other documents, orders, or notices as the Committee may determine.

(g) A complete record, including a transcript of the testimony, shall be made of any hearing before the Committee. The Committee shall transmit the record, including its findings and recommendations, to the Alien Property Custodian.

(h) The Alien Property Custodian, after the examination of the record, will issue a decision and will give appropriate notice of the decision rendered. The Alien Property Custodian will take appropriate action to effectuate any decision so rendered. (Sec. 5 (b), 40 Stat. 415, 966, sec. 2, 48 Stat. 1, 54 Stat. 179, Pub. Law 354, 77th Cong.; E.O. 9095, 7 F.R. 1971)

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-2603; Filed, March 25, 1942; 12:05 p. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1201]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR REVISION OF THE PRICE CLASSIFICATIONS, MINIMUM PRICES, AND SEAM DESIGNATIONS FOR THE COALS OF CERTAIN MINES IN SUBDISTRICTS NOS. 7, 8, AND 9 IN DISTRICT NO. 8

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by District Board No. 8, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The Board in its petition proposed certain changes in the effective minimum prices and in the seam designations heretofore established and designated for the mines of certain code member producers in Buchanan, Russell and Tazewell Counties in Virginia. The petition further requests that certain errors in the listing of the location of mines be corrected.

Pursuant to an Order of the Acting Director, dated December 19, 1941, and after notice to all interested parties, a hearing was held before Joseph A. Huston, a duly designated Examiner of the Division at a hearing room of the Division at Washington, D. C. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard.

Petitioner, District Board 8, as well as Consumers' Counsel appeared. The preparation and filing of a report by the Examiner was waived and the record was thereupon submitted to the undersigned.

The petition of the District Board 8 herein requested a revision of the classifications and effective minimum prices for truck and rail shipments for the coals produced at some forty-seven mines located in Buchanan, Russell and Tazewell Counties, Virginia.

The testimony of the representative of District Board 8 shows that minimum prices were originally established for the coals in question. However, due to errors in properly designating the seams in which the coals were produced or the counties in which the mines were located, the classifications and minimum prices, which were established do not properly reflect the relative value of coals and they are not in proper coordination with other coals produced in District 8. The effect of the changes proposed would be to establish for the mines listed the proper prices applicable to the coals from the seams in which such mines are actually producing.

It appears that in some cases the change in seam designation will result in an increase in the effective minimum price, while in others the change in seam designation will result in a decrease in such prices. However, according to the testimony, the prices proposed for mines in each of these seams are identical with the prices presently effective for other mines located in the same seam.

The classifications and prices proposed by the Board will, it appears, reflect proper coordination between the coals to which said prices apply and competing coals.

Upon the basis of the uncontroverted evidence, I find that the classifications and minimum prices as well as the seam designations shown in the schedule hereto attached for the coals specified therein are proper and should be established; that such classifications and minimum prices conform in all respects to those heretofore established for comparable coals in District No. 8 and will preserve the fair competitive opportunities for the producers of said coal.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof, § 328.11 (*Alphabetical list of code members*) is amended by adding thereto Supplement R § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T–I, and § 328.42 (*General prices for low volatile coals*) is amended by adding thereto Supplement T–II, which supplements are hereinafter set forth and hereby made a part hereof.

Dated: March 16, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

§ 328.11 *Alphabetical list of code members*—Supplement R.

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine Index No.	Code member	Mine name	High volatile seam	Subdistrict No.	Shipping point	Freight origin group No.	Price classifications by size group Nos. For destinations other than Great Lakes: 1, 2	3, 4, 5, 6	7	8	9	10	11, 12, 13, 14	15, 16, 17	18, 19, 20, 21	22	23	24	25	26	27	For Great Lakes cargo only: 1, 2	3, 4, 5, 6	7	8	9	10	15, 16, 17	18, 19, 20, 21	22	24	25	26	27
							K	K	F	E	F	C	E	C	D	K									K	K	E	C	B	B[1]	E	M	K		
2889	Breeding, Arthur	Breeding No. 1	Widow Kennedy[1]	8	Grundy, Va	N&W	130																											

[1] Indicates change in seam designation.

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

[1] Indicates no change in classification in size group 9 for Great Lakes shipments.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T–I

Code member index	Mine	Mine index No.	Seam	Base sizes: Lump over 2" 4" x 6"	Lump 2" and under, egg 3" x 6"	Lump ¾" and under	Egg 3" x 4", 2" x 3"	Stove 3" and under, nut 2" and under	Straight mine run	2" and under slack	¾" and under slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 7—											
DICKENSON COUNTY, VA.											
Austin Gap Coal Company, Inc. (J. P. Wolfe).[1]	Austin Gap Coal Co.	2671	Upper Banner	265	245	230	220	215	210	155	150
RUSSELL COUNTY, VA.											
Barker, E. F.	E. F. Barker Coal Co.	2203	Widow Kennedy [2]	*275	*255	230	*240	*225	210	155	150
Barnhart, C. H.	Barnhart	2204	Widow Kennedy [2]	*275	*255	230	*240	*225	210	155	150
Blue Eagle Coal Co. (B. F. McGlothlin).	Blue Eagle	2210	Upper Banner [2]	*265	*245	230	*230	215	210	155	150
Booher, B. E.	Wilson	2262	Lower Banner [2]	265	245	230	230	215	210	155	150
Bostic, H. C.	Bostic Coal Co.	4090	Widow Kennedy [2]	*275	*255	*230	*240	*225	*210	155	150
Compton, John & Grat Smith (John Compton).	Rufus Whited	2261	Widow Kennedy [2]	*275	*255	230	*240	*225	210	155	150
Fleming, Alfred & Z. B. McReynolds.	Fleming & McReynolds	2240	Jawbone [1]	265	245	230	230	215	210	155	150
Fuller Brothers (George Fuller).	Fuller Brothers	2228	Widow Kennedy [2]	*275	*255	230	*240	*225	210	155	150
Fuller, Dewey	Dewey Fuller's	2227	Widow Kennedy [2]	*275	*255	230	*240	*225	210	155	150
Hall, W. E.	Noah Powers	2244	Jawbone [1]	265	245	230	230	215	210	155	150
Harris, M. H.	Harris	2231	Lower Banner [2]	265	245	230	230	215	210	155	150
Harris & Harris (A. H. Harris).	Harris & Harris #2	2253	Widow Kennedy [2]	*275	*255	230	*240	*225	210	155	150
Helton, Ira	Nos. 1 & 2	2232	Widow Kennedy [2]	*275	*255	230	*240	*225	210	155	150
Jackson, Eli P.	Laurel Branch Coal Co.	2233	Lower Banner [2]	*275	*245	230	*230	215	210	155	150
Johns, R. G. & Son (Harry Johns).	Widow Kennedy Coal Co.	745	Widow Kennedy [2]	*275	*255	230	*240	*225	210	155	150
Kiser, B. B.	B. B. Kiser	2236	Tiller [2]	265	245	230	230	215	210	155	150
McFarlane, E. (McFarlane Coal Company).	No. 1 Mine	2243	Widow Kennedy [2]	*275	*255	230	*240	*225	210	155	150
Miller & Shupe (Jas. F. Miller).	Miller & Shupe	2818	Upper Banner [2]	*265	*245	230	*230	215	210	155	150
Richardson Bros.	No. 1	2247	Widow Kennedy [2]	*275	*255	*230	*240	*225	*210	*155	*150
Richardson Coal Co.	Kennedy	2248	Widow Kennedy [2]	*275	*255	230	*240	*225	210	155	150
Swords Creek Mining Corp.	Swords Creek	458	Upper Banner [2]	265	245	230	230	215	210	160	155
Wanda Lee Coal Co. (R. L. Belcher).	R. A. Hearn	3256	Widow Kennedy [2]	275	255	230	240	225	210	155	150
Whitlow, J. W.	Whitlow Coal Co.	2245	Jawbone [2]	265	245	230	230	215	210	155	150
Wilson, Riley & R. C. Barnhart.	Wilson & Barnhart	2263	Widow Kennedy [2]	*275	*255	230	*240	*225	210	155	150
Handy, C. W.[1]	Handy & Stone	2454	Jawbone [2]	*265	*245	*230	*230	*215	*210	155	150
Harrison, G. T.[3]	Fields Scott	2455	Jawbone [2]	*265	*245	*230	*230	*215	*210	155	150
Harshbarger, George [2]	Harshbarger	2458	Jawbone [2]	*265	*245	*230	*230	*215	*210	155	150
Hoops, J. C.[1]	Hoops	2460	Jawbone [2]	*265	*245	*230	*230	*215	*210	155	150
Lambert, J. R.[1]	Lambert Coal Co.	2449	Jawbone [2]	*265	*245	*230	*230	*215	*210	155	150
Lester, Jess [2]	Lester	2459	Jawbone [2]	*265	*245	*230	*230	*215	*210	*155	*150
Meadows & Willis (M. E. Meadows).	Meadows & Willis	2962	Jawbone [2]	*275	*255	*230	*240	*225	*210	155	150
Short, Tom [2]	Short Coal Co.	2450	Widow Kennedy [2]								
WISE COUNTY, VA.											
Castle, N. F.[1]	N. F. Castle Coal Co.	2674	Widow Kennedy	275	255	230	240	225	210	155	150
SUB-DISTRICT NO. 8— WILLIAMSON											
BUCHANAN COUNTY, VA.											
Austin, Emit	Lambert	2699	Widow Kennedy	*275	*255	*230	*240	*225	*210	*155	*150
Blankenstreet Coal Co. (Tolbert Street).[3]	Blankenstreet	2705	Widow Kennedy [2]	*275	*255	*230	*240	*225	*210	155	150
Breeding, Arthur	Breeding No. 1	2899	Widow Kennedy [2]	*275	*255	*230	*240	*225	*210	*155	*150
Coleman, Auty [2]	Chambers	3079	Splash Dam [2]	*265	*245	*230	230	*215	*210	*155	*150
Compton, Edward	Russell Fork Coal Co.	3304	Tiller [2]	*265	*245	*230	*230	*215	*210	*155	*150
Compton, Ivan	Little Hatchet Coal Company.	2947	Tiller [2]	*265	*245	*230	*230	*215	*210	*155	*150
Hurt, Isaac	Hurt C. Co.	5031	Tiller [2]	*265	*245	*230	*230	*215	*210	*155	*150
James, Dave	James	3326	Jawbone [2]	*265	*245	*230	*230	*215	*210	*155	*150
Leftwich, W. O.	Leftwich	3333	Jawbone [2]	265	245	230	230	215	210	155	150
Martin Bros. (Bert Martin).	Martin Bros.	2984	Widow Kennedy [2]	*275	*255	230	*240	*225	210	155	150
Ratliff, Luther	Ratliff C. Co.	3348	Jawbone [2]	*265	*245	*230	*230	*215	*210	*155	*150
Van Dyke, C. H.[2]	Sandy Mountain Coal Co.	2444	Widow Kennedy [2]	*275	*255	*230	*240	*225	*210	155	150
Viers, Stanford [2]	Viers	2445	Splash Dam [2]	*265	*245	*230	*230	*215	*210	*190	*175
Yates & Smith (T. E. Smith).[2]	Yates & Smith	2446	Widow Kennedy [2]	*275	*255	*230	*240	*225	*210	155	150

[1] Denotes correction of county location.
[2] Indicates change in seam designation.
[3] Denotes transfer from Low Volatile Section.
* Indicates change in price classification from previous price classification for the respective size groups.

§ 328.42 *General prices for low volatile coals*—Supplement T–II

Code member index	Mine	Mine index No.	Seam	All lump	Egg: larger than 3-inch top	Stove: 3-inch top size	Nut or pea: 1¼-inch top or less	Screened M/R	Straight M/R	1¼-inch screenings	¾-inch screenings
				1	2	3	4	5	6	7	8
SUB-DISTRICT NO. 9 — BUCHANAN COUNTY LOW VOLATILE AND RED ASH MINES IN VIRGINIA AND WILLIAMSON DISTRICTS.											
BUCHANAN COUNTY, VA.											
Breeding, Arthur		2436	Raven [2]	305	305	*300	*250	*280	*215	155	150
Franks, J. H.[1 3]	J. H. Franks C. Co. No. 8.	3039	Cary [2]	*305	*305	*290	*230	*270	*205	155	150
Rowe, P. R.	P. R. Rowe	2442	Raven [2]	305	305	*300	*250	*280	*215	155	150
Wood, Fred	Wood Coal Company	2439	Raven [2]	305	305	*300	*250	*280	*251	155	150
RUSSELL COUNTY, VA.											
Arrington, W. H.[2]	Arrington Coal Co.	2821	Red Ash	305	305	300	250	280	215	155	150
Brown, Truell [1]	Brown & Dye	2208	Red Ash [2]	*305	*305	*300	*250	*280	*215	155	150
Horton, Tom	Horton & Steele	2715	Red Ash	305	305	300	*250	*280	215	155	150
Keen, John W. J.	Keen #1 & 2	223	Red Ash [2]	*305	*305	*300	*250	*280	*215	155	150
Miller, Alden		2706	Red Ash	305	305	300	*250	*280	215	155	150
Sayler & Hess (K. S. Salyer) [2]	Salyer & Hess	2819	Red Ash [2]	305	305	300	250	280	215	155	150
Smith, E. H.[1]	E. H. Smith	2254	Red Ash [2]	*305	*305	*300	*250	*280	*215	155	150
Vance, S. L.[1]	S. L. Vance's	2257	Red Ash [2]	*305	*305	*300	*250	*280	*215	155	150
Wells & Reedy (W. E. Wells) [1]	Wells & Reedy	2463	Raven	305	305	300	250	280	215	155	150

[1] Denotes transfer from High Volatile Section.
[2] Denotes correction of county location.
[3] Indicates change in seam designation.
* Indicates change in price classification from previous price classification for the respective size groups.

[F. R. Doc. 42–2586; Filed, March 24, 1942; 10:24 a. m.]

[Docket No. A–1318]

PART 330—MINIMUM PRICE SCHEDULE DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF MINIMUM PRICES AND PRICE CLASSIFICATIONS FOR THE COALS PRODUCED AT THE MCLAREN (6TH VEIN) MINE (MINE INDEX NO. 1558) OF THE MCLAREN COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 10, FOR ALL SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals produced at the McLaren (6th Vein) Mine (Mine Index No. 1558) of the McLaren Coal Company, a code member in District No. 10, for all shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 330.2 (*Mine index numbers*) is amended by adding thereto Supplement R–I, § 330.10 (*Special prices*—(a) *Railroad locomotive fuel prices*) is amended by adding thereto Supplement R–II, and § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: March 11, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 330.2 *Mine index numbers*—Supplement R–I

Price Group	Producer	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
4	McLaren Coal Company	McLaren (6 Vein)	1558	134	Carterville, Ill.	IC.

Mine Index No. 1558 shall be included in Price Group 4 and shall take the same f. o. b. mine prices as other mines in Price Group 4, Schedule 1, District No. 10, for all size groups, which prices were amended by the Director's Order dated April 24, 1941, 6 F. R. 2146, Docket A–8, reducing the effective minimum prices in Size Groups 1 to 6 and 8. These prices are for shipment into all market areas and are for all uses including railroad locomotive fuel.

§ 330.10 *Special prices*—(a) *Railroad locomotive fuel prices*—Supplement R–II

Price group	Producer	Mine	Mine index No.	Freight origin group	Shipping point	Railroad
4	McLaren Coal Company	McLaren (6 Vein)	1558	134	Carterville, Ill.	IC.

Railroad locomotive fuel prices shall be: Mine run, $2.15; screenings, $1.70.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Mine Index No. 1558 shall take the same f. o. b. mine prices for truck shipments as those established for the Forsyth Carterville Coal Company, Mine Index No. 50 in Part 330, Minimum Price Schedule, for Truck Shipments.

[F. R. Doc. 42–2535; Filed, March 24, 1942; 10:23 a. m.]

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows:

Commencing forthwith, § 330.25 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: March 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[Docket No. A-1341]

PART 330—MINIMUM PRICE SCHEDULE. DISTRICT NO. 10

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 10 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 10, FOR TRUCK SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 10, for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10 FOR TRUCK SHIPMENTS

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 330, Minimum Price Schedule for District No. 10 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 330.25 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code number	Index name	Mine index No.	Mine	Seam	Prices and size group Nos.																					
					1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29
	SECTION NO 8, SCHUYLER COUNTY																														
	Knight, Troy	1557	Knight	2	255	250	245	235	230	225	170	165	160	155	135	135	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---
	Payne, Leo	1560	Leo Payne	2	255	250	245	235	230	225	170	165	160	155	135	135	125	115	60	---	---	---	---	---	---	---	---	---	---	---	---

[F. R. Doc. 42-2534: Filed, March 24, 1942; 10:23 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 1043—METAL SIGNS

GENERAL LIMITATION ORDER L-29

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel and other metals for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote national defense.

§ 1043.1 *General Limitation Order L-29*—(a) *Definitions.* For the purposes of this Order:

(1) "Signs" means all devices having an area of more than 36 square inches designed primarily to deliver or convey information, messages or ideas, including (but not limited to) neon-tube and other electrical signs, bill-boards, outdoor and highway signs (other than traffic lights), name plates, store front signs and indoor signs. "Signs", however, shall not include

(i) Any type of plate, tag, emblem, insignia or marker which is or may be used by a Governmental Unit to evidence licensing or registration of any kind and for any purpose; or

(ii) Lamps or bulbs for electrical signs.

(2) "Metals" means all ferrous and non-ferrous metals except those contained in metallic paint.

(3) "Metal Signs" means signs, into the physical composition of which any metals are incorporated: *Provided*, That the weight of metals contained therein shall amount to at least 5 percent of the weight of the sign.

(4) "Accessories" means all wiring and other electrical equipment (other than lamps or bulbs), and frames, hanging brackets, stands, poles, booms, and other supporting devices designed primarily for use with signs.

(5) "New Accessories" means any accessories which have never been used with a sign.

(6) "Manufacturer" means any person who is customarily engaged in the business of producing metal signs and/or accessories.

(7) "To Use" material means to put that material into production for the first time. (When a person is limited to a percentage of the material used in a base period, this limitation applies to the aggregate weight of such material when first put into production by that person, whether in the form of raw materials or as purchased parts.)

(8) "Base Period" means the twelve months ending June 30, 1941.

(b) *General restrictions.* (1) During the period from the date of issuance of this Order to the last day of the calendar month in which it is issued inclusive, the average daily use of iron and steel by any manufacturer in the production and installation of metal signs and/or new accessories shall not exceed his average daily aggregate use of metals for such purposes during the base period, provided that a manufacturer may use more than his quota of iron and steel under this subparagraph if, but only if, he reduces his quota under subparagraph (2) by an equivalent amount of iron and steel.

(2) During the three months' period beginning with the first day of the first calendar month following the date of issuance of this Order, no manufacturer shall use in the production and installation of metal signs and/or new accessories more iron and steel than 12½ percent of his aggregate use of metals for such purposes during the base period.

(3) Effective the first day of the fourth calendar month following the date of issuance of this Order, no manufacturer shall use any metals in the production of metal signs and/or accessories.

(4) After the effective date of this Order no manufacturer shall sell, deliver or otherwise transfer in the form of raw or semi-processed materials, any part of his inventory of iron or steel which he holds for use in the production of metal signs or accessories, to any other person, or to any other department, division, or section of his concern not engaged in the production of metal signs, except

(i) To other manufacturers for their use in the production of signs and accessories as permitted under the provisions of subparagraphs (b) (1) and (b) (2), or of repair or maintenance parts for signs;

(ii) To any person (including any other department, division, or section of the manufacturer's concern not engaged in the production of metal signs) who is able to supply a preference rating of A-3 or higher;

(iii) To Defense Supplies Corporation, Metals Reserve Company, or any other corporation organized under section (5) (d) of the Reconstruction Finance Corporation Act as amended, or any person acting as agent for any such corporation; or

(iv) With specific consent of the Director of Industry Operations.

(c) *Avoidance of excessive inventories.* Manufacturers of metal signs shall not accumulate for use in the manufacture or installation of such signs and/or accessories inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production or installation of metal signs and/or accessories at the rates permitted by this Order.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years, accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this Order, shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each manufacturer shall file with the War Production Board on or before the fifteenth day of the fourth calendar month following the date of issuance of this Order, his inventory of iron and steel, and all other metals in the form of raw or semi-processed materials held for use in the production of signs and accessories, and such other reports and questionnaires as said Board shall from time to time prescribe.

(g) *Violations.* Any person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under Section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Applicability of other orders.* Insofar as any other Order issued, or to be issued hereafter, limits the use of any material in the production and installation of metal signs and/or accessories to a greater extent than the limits imposed by this Order, the restrictions in such other Order shall govern unless otherwise specified therein.

(j) *Application of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(k) *Communications.* All reports to be filed, appeals and other communications concerning this Order should be addressed to the War Production Board, Washington, D. C., Ref: L-29.

(l) *Effective date.* This Order shall take effect on the date of its issuance, and shall continue in effect until revoked. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.).

Issued this 25th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2592; Filed, March 25, 1942; 11:40 a. m.]

PART 1055—WOOL

AMENDMENT NO. 2 TO CONSERVATION ORDER NO. M-73, AS AMENDED AND EXTENDED TO JULY 4, 1942

§ 1055.1 (Conservation Order No. M-73,[1] as amended and extended to July 4, 1942) is hereby further amended in the following respect:

Paragraph (e) is amended by changing the period at the end thereof to a semicolon and adding the following:

§ 1055.1 *Conservation Order M-73.*

* * * * *

(e) * * * *Provided, however,* That any person subject to this Order may, regardless of the foregoing restriction, finish the manufacture of blankets, the warps for which were completely dressed on or before March 15, 1942.

This Amendment shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2(a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 25th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2597; Filed, March 25, 1942; 11:41 a. m.]

[1] 7 F.R. 1570, 2127.

PART 1119—METAL PLASTERING BASES AND METAL PLASTERING ACCESSORIES

LIMITATION ORDER NO. L-59

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of steel, zinc, and other metals for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1119.1 *General Limitation Order L-59*—(a) *Definitions.* For the purposes of this Order:

(1) "Metal Plastering Base" means any support or reinforcement, made in whole or in part of metal, which is of a type commonly used as a base for the application of interior or exterior plastering or stucco construction, including, but not limited to, the following: expanded metal lath, metal stucco mesh, sheet metal lath, wire lath, wire cloth, wire fabric (whether woven or welded) and any of the foregoing in combination with any other of the foregoing or with paper, fabric, or other backing.

(2) "Metal Plastering Accessory" means any article (other than a Metal Plastering Base or a nail) which is of a type commonly used as a guide, support, reinforcement or means of attachment for Metal Plastering Bases or other plaster bases, and which is made in whole or in part of metal, including but not limited to, the following: corner lath (cornerite), corner beads, base screed, corner bead clips, tie wire, metal partition studs, floor and ceiling track for partitions, steel plastering shapes such as channels and rods, and concealed picture mold and trim to be applied before plastering.

(3) "Zinc-Coated Metal Plastering Base and/or Metal Plastering Accessory" means any Metal Plastering Base and/or Metal Plastering Accessory into the physical composition of which there has been incorporated any metal which has a surface coating of zinc, whether wholly or partially covered with zinc, regardless of how or when that zinc coating was applied.

(4) "Class A Manufacturer" means any manufacturer of Metal Plastering Bases and/or Metal Plastering Accessories who incorporated 14,000 tons, or more, of metals into Metal Plastering Bases and/or Metal Plastering Accessories during the calendar year 1941.

(5) "Class B Manufacturer" means any manufacturer of Metal Plastering Bases and/or Metal Plastering Accessories who incorporated less than 14,000 tons of metals into Metal Plastering Bases and/or Metal Plastering Accessories during the calendar year 1941.

(b) *General Restrictions*—(1) *Class A manufacturers.* Except as provided in subparagraphs (3) and (4) of this paragraph, during the four months' period from March 1, 1942, to June 30, 1942, inclusive, no Class A Manufacturer shall incorporate into Metal Plastering Bases and/or Metal Plastering Accessories, other than Zinc-Coated Metal Plastering Bases and/or Metal Plastering Accessories, any metal in excess of ⅙ of 50% (by weight) of the total quantity of that metal which was incorporated into Metal Plastering Bases and/or Metal Plastering Accessories other than Zinc-Coated Metal Plastering Bases and/or Metal Plastering Accessories by that manufacturer during the calendar years 1940 and 1941; nor shall such manufacturer incorporate into Zinc-Coated Metal Plastering Bases and/or Metal Plastering Accessories any metal in excess of ⅙ of 35% (by weight) of the total quantity of that metal which was incorporated into Zinc-Coated Metal Plastering Bases and/or Metal Plastering Accessories by that manufacturer during the calendar years 1940 and 1941.

(2) *Class B manufacturers.* Except as provided in subparagraphs (3) and (4) of this paragraph, during the four months' period from March 1, 1942, to June 30, 1942, inclusive, no Class B Manufacturer shall incorporate into Metal Plastering Bases and/or Metal Plastering Accessories other than Zinc-Coated Metal Plastering Bases and/or Metal Plastering Accessories any metal in excess of ⅙ of 75% (by weight) of the total quantity of that metal which was incorporated into Metal Plastering Bases and/or Metal Plastering Accessories other than Zinc-Coated Metal Plastering Bases and/or Metal Plastering Accessories by that manufacturer during the calendar years 1940 and 1941; nor shall such manufacturer incorporate into Zinc-Coated Metal Plastering Bases and/or Metal Plastering Accessories any metal in excess of ⅓ of 50% (by weight) of the total quantity of that metal which was incorporated into Zinc-Coated Metal Plastering Bases and/or Metal Plastering Accessories by that manufacturer during the calendar years 1940 and 1941.

(3) To the extent that any manufacturer does not incorporate into Metal Plastering Bases and/or Metal Plastering Accessories any quantity of zinc which he is permitted, by paragraphs (b) (1) and (b) (2) hereof to incorporate into Metal Plastering Bases and/or Metal Plastering Accessories, he may increase by an equal amount the weight of iron and/or steel which he incorporates into Metal Plastering Bases and/or Metal Plastering Accessories: *Provided,* That the total weight of all the metals which shall be incorporated by that manufacturer into all types of Metal Plastering Bases and/or Metal Plastering Accessories shall in no case be greater than the total weight of all metals which he is permitted to incorporate into all types of Metal Plastering Bases and/or Metal Plastering Accessories by the terms of paragraphs (b) (1) and (b) (2) hereof.

(4) Nothing in the Order shall limit and each manufacturer is specifically authorized to use, in addition to the quota set forth above, any amount of any materials required in the production of Metal Plastering Bases and/or Metal Plastering Accessories under specific contracts or orders placed by or for the account of, or to fulfill a contract with

(i) the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, and the Office of Scientific Research and Development;

(ii) the government of any of the following countries: the United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia, and Yugoslavia;

(iii) any agency of the United States Government for delivery to, or for the account of the government of any country listed above or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States". (Lend-Lease Act)

(c) *Avoidance of excessive inventories.* Manufacturers of Metal Plastering Bases and/or Metal Plastering Accessories shall not accumulate inventories of any materials (whether raw, semi-processed or processed) which enter into the production of Metal Plastering Bases or Metal Plastering Accessories in excess of the minimum amount necessary to maintain production of Metal Plastering Bases and/or Metal Plastering Accessories to the extent permitted by this Order.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each manufacturer to whom this Order applies shall execute and file with the War Production Board such other reports and questionnaires as said Board shall from time to time request.

(g) *Provisions for companies under common ownership.* For the purposes of this Order, a manufacturer's classification into Class "A" or Class "B" shall depend upon the total weight of metals incorporated into Metal Plastering Bases and/or Metal Plastering Accessories by that manufacturer, including all metals incorporated into Metal Plastering Bases and/or Metal Plastering Accessories by all subsidiaries, affiliates and other companies or enterprises under common ownership or control.

(h) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records, which he is required to keep by the terms of this Order, or by the Director of Industry Operations, or otherwise wilfully furnishes false information to the Director of Industry Operations or to the War Production Board, may be deprived of priorities assistance or may be prohibited by the Director of Industry Operations from obtaining any further deliveries of materials subject to allocation. The Director of Industry Operations may also take any other action deemed appropriate, including the making of a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(i) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(j) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(k) *Applicability of other orders.* Insofar as any other Order issued by the Director of Industry Operations, or to be issued by him hereafter, limits the use of any material to a greater extent than the limits imposed by this Order, the restrictions of such other Order shall govern, unless otherwise specified therein.

(l) *Routing of correspondence.* Reports to be filed and other communications concerning this Order shall be addressed to the War Production Board, Washington, D. C. Ref: L-59.

(m) *Effective date.* This Order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Industry Operations subject to such amendments or supplements thereto as may be issued from time to time by the Director of Industry Operations. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.).

Issued this 25th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2593; Filed, March 25, 1942; 11:40 a. m.]

PART 1143—RAZORS AND RAZOR BLADES

GENERAL LIMITATION ORDER L-72

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of critical materials for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote national defense:

§ 1143.1 *General Limitation Order L-72*—(a) *Definitions.* For the purposes of this Order:

(1) "Safety razor" means any razor provided with a guard or guards for the blade to prevent cutting of the skin.

(2) "Straight razor" means any razor which is not a safety razor.

(3) "Razor blade" means any single-edged or double-edged steel blade intended for use in a safety razor.

(4) "Copper" means any copper or copper alloy or any unfinished parts containing any such Materials entering into the manufacture, fabrication or assembly of Safety Razors.

(5) "Base period" means the calendar year 1940.

(b) *General restrictions.* (1) During the period of ninety days beginning with the effective date of this Order:

(i) No manufacturer shall produce Safety Razors in an amount greater than three times 70% of the monthly average of units of such razors produced by him during the Base Period.

(ii) No manufacturer shall produce Razor Blades in an amount greater than three times 100% of the monthly average of units of Razor Blades produced by him during the Base Period.

(iii) No manufacturer shall produce Straight Razors in an amount greater than three times 100% of the monthly average of units of Straight Razors produced by him during the Base Period.

(2) During the period of sixty days beginning with the effective date of this Order, no manufacturer shall use in the production of Safety Razors any Copper in an amount exceeding two times 30% of his monthly average use of Copper during the Base Period.

(3) Beginning with the first day after the sixty-day period referred to in subparagraph (2), paragraph (a), no manufacturer shall use in the production of Safety Razors any Copper, except for plating. Such plating shall not exceed an average thickness of .0004 inches.

(c) *Dry shavers.* This Order shall not apply to dry shavers.

(d) *Avoidance of excessive inventories.* Manufacturers of Safety Razors, Straight Razors, or Razor Blades shall not accumulate inventories of raw materials, semi-processed materials or finished parts in quantities in excess of minimum practicable working inventories or 15% of the quantity used in production during the Base Period, whichever is lower, nor shall they accumulate inventories of assembled Safety Razors and Straight Razors and of completed Razor Blades in quantities in excess of minimum practicable working inventories or 15% of the quantity produced during the Base Period, whichever is lower.

(e) *Records.* All persons affected by this Order shall keep and preserve for not less than two years, accurate and complete records concerning inventories, production and sales.

(f) *Audit and inspection.* All records required to be kept by this Order, shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Reports.* Each manufacturer to whom this Order applies shall file with the War Production Board such reports and questionnaires as said Board shall from time to time prescribe.

(h) *Violations.* Any person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under Section 35 (A) of the Criminal Code (18 U.S.C. 80).

(i) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(j) *Applicability of other orders.* In so far as any other Order issued, or to be issued hereafter, limits the use of any material in the production of Safety Razors, Straight Razors and Razor Blades to a greater extent than the limits imposed by this Order, the restrictions in

such other Order shall govern unless otherwise specified therein.

(k) *Application of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(l) *Communications.* All reports to be filed, appeals and other communications concerning this Order should be addressed to the War Production Board, Washington, D. C., Ref: L–72.

(m) *Effective date.* This Order shall take effect on the date of its issuance, and shall continue in effect until revoked. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 25th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2594; Filed, March 25, 1942; 11:41 a. m.]

PART 1152—METAL WINDOWS

LIMITATION ORDER NO. L–77

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron, steel, and other metals for defense, for private account and for export; and the following order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1152.1 *General Limitation Order L–77*—(a) *Definitions.* For the purposes of this Order:

(1) "Metal Window" means any metal sash, metal casement or other metal framework of any type produced for installation in an opening constructed in the side of a building primarily to admit light or air, and any component part of such a metal sash, metal casement or metal framework.

(2) "Manufacturer" means any Person who manufactures, fabricates or assembles a Metal Window.

(3) "Distributor" means any Person who receives physical delivery of a Metal Window from a manufacturer for sale or resale in the form received.

(b) *Restrictions.* (1) On and after the effective date of this Order, notwithstanding any contract or agreement to the contrary, no Person shall manufacture any Metal Window, except:

(i) Metal Windows manufactured pursuant to an order or contract which bears a preference rating better than A–2.

(ii) Metal Windows the manufacture of which had been begun prior to the effective date of this Order, pursuant to an order or contract already received.

(2) On and after the effective date of this Order, no Person shall take delivery of any material for manufacture into Metal Windows except deliveries pursuant to an order or contract placed by him which bears a preference rating assigned under the Production Requirements Plan.

(3) On and after the effective date of this Order no Manufacturer or Distributor shall sell, deliver, ship, transport or otherwise dispose of any Metal Window except pursuant to an order or contract which bears a preference rating of A–10 or better.

(c) *Avoidance of excessive inventories.* No Manufacturer shall accumulate an inventory of any material (whether raw, semi-processed or processed) which enters into the production of Metal Windows in excess of the minimum amount of such material necessary to maintain production of Metal Windows to the extent permitted by this Order.

(d) *Records.* All Persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each Manufacturer to whom this Order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(g) *Violations or false statements.* Any Person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Industry Operations, or otherwise wilfully furnishes false information to the Director of Industry Operations or to the War Production Board may be deprived of priorities assistance or may be prohibited by the Director of Industry Operations from obtaining any further deliveries of materials subject to allocation. The Director of Industry Operations may also take any other action deemed appropriate, including the making of a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(h) *Appeals.* Any Person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem or unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board, setting forth the pertinent facts and the reasons why such Person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(j) *Applicability of other orders.* Insofar as any other Order issued by the Director of Industry Operations, or to be issued by him hereafter, limits the use of any material to a greater extent than the limits imposed by this Order, the restrictions of such Other Order shall govern, unless otherwise specified therein.

(k) *Routing of correspondence.* Reports to be filed and other communications concerning this Order shall be addressed to the War Production Board, Washington, D. C., Ref: L–77.

(l) *Effective date.* This Order shall take effect upon the date of the issuance thereof and shall continue in effect until revoked by the Director of Industry Operations subject to such amendments or supplements thereto as may be issued from time to time by the Director of Industry Operations. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.).

Issued this 25th day of March, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2595; Filed, March 25, 1942; 11:41 a. m.]

Chapter XI—Office of Price Administration

PART 1306—IRON AND STEEL

ORDER NO. 1 UNDER REVISED PRICE SCHEDULE NO. 6 [1]—IRON AND STEEL PRODUCTS

On January 13, 1942, the Joslyn Manufacturing and Supply Company, Chicago, Illinois, filed an application for an exception to Price Schedule No. 6. This application has been considered as a petition under § 1306.7 of Revised Price Schedule No. 6, as revised by Amendment No. 2 thereto. Due consideration has been given to the petition, and an opinion in support of this Order No. 1 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, it is hereby ordered:

§ 1306.31 *Order No. 1 under Revised Price Schedule No. 6.* (a) The Joslyn Manufacturing & Supply Company may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds and grades of steel set forth in paragraph (b) of this section, at prices not in excess of those stated therein. Any person may buy and receive, and agree, offer, solicit and attempt to buy and receive, such kinds of steel at such prices from the Joslyn Manufacturing & Supply Company.

(b) (1) Hot rolled bars, 2.35 cwt., Base, Chicago; (2) Hot rolled strip, 2.30 cwt., Base, Chicago.

(c) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(d) The prices stated in this section may be applied to shipments of hot rolled bars and hot rolled strips made on and after January 1, 1942.

This Order No. 1 shall become effective March 25, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 24th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–2564; Filed, March 24, 1942; 5:13 p. m.]

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[1] 7 F.R. 1215, 2153.
[2] 7 F.R. 971.

PART 1306—IRON AND STEEL

AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 6 [1]—IRON AND STEEL PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.[2]

Section 1306.7 is amended to read as follows:

§ 1306.7 *Petitions for amendment, adjustment or exception.* (a) Persons seeking any modification of this Revised Price Schedule No. 6 or an adjustment or exception not provided herein, may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

(b) Any person, who is prepared to show that (1) its cost of production of iron and steel products is above its mill net realization on such products at ceiling prices or (2) its mill net realization is inadequate in view of its high operating costs for continued operations at ceiling prices, may file a petition for an adjustment of the maximum prices established by Revised Price Schedule No. 6. In such cases the petitioner should submit, and the Office of Price Administration will consider, all relevant data, including the relation of the current, requested, and projected realization on the particular iron and steel products, or on the particular mill, to the total over-all return of the petitioner, and, the necessity, in terms of the war effort, for the granting of such adjustment or exception. The Office of Price Administration may require, in connection with any such petition, full data on costs, profits, and other relevant factors. Petitions for adjustment pursuant to this section shall be filed in the manner stated in §§ 1300.39 through 1300.41 of Procedural Regulation No. 1 issued by the Office of Price Administration.

(c) Any producer of iron and steel products may file a petition for an exception from the ceiling prices established by this Price Schedule for a sale or group of sales of iron and steel products which are necessitated by the war effort and involve shipment into areas not normally served by such producer or the absorption of abnormally high transportation costs resulting from the lack of customary means of transportation. In all such cases, the petitioner should submit, and the Office of Price Administration will consider data indicating the reasons for which the particular shipment is abnormal, and the relation of such shipments to the war effort. The petition must also state the absence of other provisions in Revised Price Schedule No. 6 which will afford relief to the petitioner. In considering such petitions, the Office of Price Administration may require data in the manner stated in paragraph (b) of this section. Relief granted may include, as well as such other provisions as may be appropriate, permission to sell iron or steel products on an f. o. b. mill basis. Petitions for exception pursuant to this section shall be filed in the manner stated in §§ 1300.39 through 1300.41 of Procedural Regulation No. 1 issued by the Office of Price Administration.

* * * * * * *

§ 1306.9a *Effective date of amendments.*

* * * * * * *

(b) Amendment No. 2 (§§ 1306.7 and 1306.9 (b)) shall become effective March 25, 1942. (Pub. Law 421, 77th Cong., 2nd Sess.)

Issued this 24th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–2565; Filed, March 24, 1942; 5:13 p. m.]

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[1] 7 F.R. 1215, 2153.
[2] Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

PART 1316—COTTON TEXTILES

AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 89 [1]—BED LINENS

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith: [2]

Sections 1316.104 and 1316.111 (d) (3) are amended to read as follows and new paragraph (e) is added to § 1316.109, new paragraph (b) is added to § 1316.110a, and new subparagraph (7) is added to § 1316.111 (d) as set forth below:

§ 1316.104 *Records and reports.* (a) Every person making a purchase or a sale of bed linens after February 2, 1942, shall, if such transaction is subject to the provisions of this Revised Price Schedule No. 89, keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of: (1) each such purchase or sale, showing the date thereof, the name and address of the buyer or the seller, the price paid or received, and the quantity in yards or dozens of pieces of each type of bed linens purchased or sold; and (2) in the case of manufacturers, the quantity in yards or dozens of pieces of each type of bed linens manufactured during each calendar month.

(b) On or before April 25th, 1942, every person making a sale of print-cloth bed linens shall, if such transaction is subject to the provisions of this Revised Price Schedule No. 89, report to the Office of Price Administration the differential described in and determined pursuant to § 1316.111 (d) (7) (ii) hereof.

(c) No bed linens (except print-cloth bed linens) shall be sold on or after March 2, 1942 in any transaction subject to the provision of this Revised Price Schedule No. 89 unless each piece bears a label containing:

(1) a statement of its type and size;
(2) if the piece is a second, the term "second"; and
(3) if the piece does not meet the minimum specifications set forth in Table I, the term "substandard."

(d) No print-cloth bed linens shall be sold on or after April 25th, 1942 in any transaction subject to the provisions of this Revised Price Schedule No. 89 unless each sheet or pillow case bears a label containing:

(1) the words "print cloth type";
(2) a statement of its torn or cut size;
(3) a statement of its grey construction, its grey width, and its grey weight in yards per pound; and
(4) if the piece is a second, the term "second."

(e) Persons affected by this Revised Price Schedule No. 89 shall submit such reports to the Office of Price Administration as it may, from time to time, require.

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§ 1316.109 *Definitions.*

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(e) "Print-cloth bed linens" means finished sheets and finished pillow cases manufactured from print cloth under 42 inches in width, made from yarns averaging 33s or lighter and having a total thread count of 160 or less per square inch.

§ 1316.111 *Appendix A: Maximum prices for bed linens.*

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(d) *Deductions, premiums and special classes of bed linens.*

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(3) For bed linens, other than print-cloth bed linens, which fail to meet the specifications as to weight set forth in Table I, the price of the particular type shall be discounted by five per cent for each five per cent or fraction thereof of the specified weight by which such bed linens are deficient.

For bed linens, other than print-cloth bed linens, which fail to meet the specifications as to tensile strength set forth in Table I, either as to wrap or filling, the price of the particular type shall be discounted by five per cent for each five per cent or fraction thereof of the speci-

[1] 7 F.R. 1375.
[2] Filed with the Division of the Federal Register. Requests for copies should be addressed to the Office of Price Administration.

fied tensile strength by which the warp and by five per cent for each five per cent or fraction thereof of the specified tensile strength by which the filling is deficient.

For bed linens, other than print-cloth bed linens, which contain added sizing in excess of the applicable maximum, prescribed in Table I, the price of the particular type shall be discounted by five per cent for each five per cent or fraction thereof by which the sizing contained in such bed linens exceeds the prescribed maximum.

* * * * *

(7) The maximum price for print-cloth bed linens shall be the sum of: (i) the maximum price of the print cloth from which such print-cloth bed linens are fabricated, determined pursuant to Revised Price Schedule No. 35 as of the date of the sale or contract of sale of such print-cloth bed linens; and (ii) the amount by which the highest price received or contracted for by the seller in a sale or contract of sale of such print-cloth bed linens during the period between October 1 and October 15, 1941, exceeds the maximum price of the print cloth from which such print-cloth bed linens were fabricated, determined pursuant to Revised Price Schedule No. 35 as of the date of such sale or contract of sale.

§ 1316.110a *Effective dates of amendments.*

* * * * *

(b) Amendment No. 2 (§§ 1316.104, 1316.109 (e), 1316.110a (b), 1316.111 (d) (3), and 1316.111 (d) (7)) to Revised Price Schedule No. 89 shall become effective March 25, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 24th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2570; Filed, March 24, 1942; 5:15 p. m.]

[Docket No. 3089-1-E]

PART 1316—COTTON TEXTILES

ORDER NO. 1 UNDER REVISED SCHEDULE NO. 89[1]—BED LINENS

On February 19, 1942, Deering Milliken Company, Incorporated 240 Church Street, New York, New York, filed a petition for an exception pursuant to § 1316.111 (d) (5) of Revised Price Schedule No. 89. Due consideration has been given to the petition, and an opinion in support of this Order No. 1 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, it is hereby ordered:

§ 1316.152 *Granting exception to Deering Milliken Company, Incorporated.* (a) Deering Milliken & Company, Incorporated may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds and grades of bed linens set forth in paragraph (b) of this section, at prices not in excess of those stated therein. Any person may buy and receve, and agree, offer, solicit and attempt to buy and receive, such kinds and grades of bed linens at such prices from Deering Milliken & Company, Incorporated.

(b) Sylvan Permanent Finish sheets and pillow cases and Domain Permanent Finish sheets, which are finished by the process described in the petition as "The Ceglin process," may be sold, delivered or offered for sale at a premium in excess of the applicable maximum prices established by Revised Price Schedule No. 89. Said premium shall not exceed an amount equal to 2½ per cent of the applicable base prices set forth in Table II of § 1316.111 (c) of said Revised Price Schedule No. 89.

(c) All prayers of the petition not granted herein are denied.

(d) This Order No. 1 may be revoked or amended by the Price Administrator at any time.

(e) Unless the context otherwise requires, the definitions set forth in § 1316.109 of Revised Price Schedule No. 89 shall apply to the terms used herein. (Pub. Law 421, 77th Cong. 2d Sess.)

This Order No. 1 shall become effective March 24, 1942. Issued this 23d day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2566; Filed, March 24, 1942; 5:14 p. m.]

PART 1330—CONTAINERS

MAXIMUM PRICE REGULATION NO. 55—SECOND HAND BAGS

The title, preamble and §§ 1330.51 to 1330.60, inclusive, of Revised Price Schedule No. 55[1] are amended and renumbered, and are issued as Maximum Price Regulation No. 55—Second Hand Bags.

On December 16, 1941, because, in the judgment of the Administrator of the Office of Price Administration, the prices of second hand bags had risen and were further threatening to rise without justification, Price Schedule No. 55 was issued establishing maximum prices for each seller of second hand bags based upon his highest prices received on sales or deliveries during the period November 15 to December 6, 1941. It was stated in the preamble thereto that a revised schedule of maximum prices was contemplated after completion of studies by the Office of Price Administration. On February 2, 1942, Price Schedule No. 55 was amended changing the base period by which a seller was to determine his maximum prices to October 1 to October 15, 1941. Maximum Price Regulation No. 55 establishes specific maximum prices for second hand bags.

In establishing specific maximum prices the Price Administrator has ascertained and given due consideration to the prices of second hand bags prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of the Act. A statement of the considerations involved in the issuance of this Regulation has been prepared and is issued simultaneously herewith.[2]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[3] issued by the Office of Price Administration, Maximum Price Regulation No. 55, amending Revised Price Schedule No. 55, is hereby issued.

AUTHORITY: §§ 1330.51 to 1330.61, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1330.51 *Maximum prices for second hand bags.* On and after March 30, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver second hand bags, and no person shall, in the course of trade or business, buy or receive second hand bags at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1330.61; and no person shall agree, offer, solicit or attempt to do any of the foregoing: *Provided*, That contracts entered into prior to March 30, 1942, under the terms of and at prices in compliance with Revised Price Schedule No. 55 (§§ 1330.51 to 1330.60, inclusive) may be carried out at the contract price.

§ 1330.52 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1330.61) may be charged, demanded, paid, or offered.

§ 1330.53 *Conditional agreements.* No seller of second hand bags shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by Appendix A (§ 1330.61) in the event that this Maximum Price Regulation No. 55 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Price Administrator determines that an exception would be in the public interest pending such consideration, the Price Administrator may grant an exception from the provisions of this section permitting making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

[1] 7 F.R. 1375, 2107.
[2] 7 F.R. 971.
[1] 7 F.R. 1312.
[2] Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.
[3] 7 F.R. 971.

§ 1330.54 *Evasion.* The price limitations set forth in this Maximum Price Regulation No. 55 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to second-hand bags, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1330.55 *Records and reports.* (a) Every person making sales of second hand bags and every person making purchases of second hand bags in the course of trade or business after March 30, 1942, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records (1) of each such sale or purchase in aggregate lots of 100 bags or more, showing the date thereof, the name and address of the seller or buyer, the price contracted for, received or paid, and the quantity of each type, size, weight and grade of second hand bags sold or purchased; (2) the quantity of each type, size and weight of second hand bags (i) on hand and (ii) on order, as of the close of each calendar month.

(b) Such persons shall submit such reports to the Office of Price Administration, and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may from time to time require or permit.

§ 1330.56 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 55 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 55 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1330.57 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 55 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1330.58 *Definitions.* (a) When used in this Maximum Price Regulation No. 55, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Second hand bag" shall include:

(i) A container composed of burlap, jute, sisal, istle, cotton cloth, gunny cloth, or other textile material, which has been used once or more to package any product and thereafter emptied and which is sold, offered for sale, purchased or leased for reuse as a container;

(ii) A used container composed of any of the above textile materials which material is of sound condition but which has been cut or torn to an extent that it cannot feasibly be mended or patched for reuse as a container, commonly referred to by the trade as an "unmendable" bag; and

(iii) A container manufactured from any of the above textile materials which material has itself been used once or more as a container or for any other commercial purpose; but shall not include

(iv) A used container composed of any of the above textile materials which material has deteriorated to an extent that the material is no longer sufficiently sound for reuse as a container, commonly referred to by the trade as "junk" or "waste" material.

(3) "Unprocessed" or "in order" bag means a second hand bag of sound material which, since its last use as a container, has been cleaned, patched or mended if necessary, and subjected to any other process of reconditioning necessary to render it fit for immediate reuse as a container.

(4) "Unprocessed" or "as rise" bag means a second hand bag of sound material which, since its last use as a container, has not been subjected to reconditioning, rendering it fit for immediate reuse as a container. It shall include a second hand bag which is of sound material but which is cut or torn to an extent that it cannot feasibly be mended or patched for reuse as a container, commonly referred to by the trade as an "unmendable" bag.

(5) "In line with" means having a justifiable price relationship to the prices set forth in Appendix A (§ 1330.61) with commensurate increases or decreases to take into account differences in type, size, and weight of the second hand bags involved.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1330.59 *Effective dates of Price Schedule No. 55 and amendments thereto.* (a) Price Schedule No. 55 (§§ 1330.51 to 1330.60, inclusive), shall become effective December 16, 1941.

(b) Amendment No. 1 (§§ 1330.51, 1330.54 and 1330.59) to Price Schedule No. 55 (§§ 1330.51 to 1330.60, inclusive) shall become effective February 3, 1942.

(c) Amendment No. 2 (§ 1330.59) to Price Schedule No. 55 (§§ 1330.51 to 1330.60, inclusive) shall become effective February 7, 1942.

§ 1330.60 *Effective date of Maximum Price Regulation No. 55.* Maximum Price Regulation No. 55 (§§ 1330.51 to 1330.61, inclusive), amending Revised Price Schedule No. 55 (§§ 1330.51 to 1330.60, inclusive) shall become effective March 30, 1942.

§ 1330.61 *Appendix A: Maximum prices for second-hand bags*—(a) *Maximum prices for second hand burlap bags.*

Made up size (in inches) all numbers inclusive		Quality of material (in ounces per yard of 40-inch width) all numbers inclusive	Processed or in order bags (price per bag f. o. b. shipping point)	Unprocessed or as rise bags (price per bag f. o. b. shipping point)
Width	Length			
19.00 to 19.99	34 to 36	7½ to 9	$0.090	$0.060
20.00 to 20.99	34 to 36	7½ to 9	.095	.065
21.00 to 21.99	34 to 36	7½ to 9	.100	.070
22.00 to 22.99	34 to 36	7½ to 9	.105	.075
23.00 to 23.99	34 to 36	7½ to 9	.110	.080
24.00 to 24.99	34 to 36	7½ to 9	.115	.085
25.00 to 25.99	34 to 36	7½ to 9	.120	.090
26.00 to 26.99	34 to 36	7½ to 9	.125	.095
19.00 to 19.99	38 to 40	7½ to 9	.097	.067
20.00 to 20.99	38 to 40	7½ to 9	.102	.072
21.00 to 21.99	38 to 40	7½ to 9	.107	.077
22.00 to 22.99	38 to 40	7½ to 9	.112	.082
23.00 to 23.99	38 to 40	7½ to 9	.117	.087
24.00 to 24.99	38 to 40	7½ to 9	.122	.092
25.00 to 25.99	38 to 40	7½ to 9	.127	.097
26.00 to 26.99	38 to 40	7½ to 9	.132	.102
27.00 to 27.99	38 to 40	7½ to 9	.137	.107
28.00 to 28.99	38 to 40	7½ to 9	.142	.112
29.00 to 29.99	38 to 40	7½ to 9	.147	.117
30.00 to 30.99	38 to 40	7½ to 9	.152	.122
31.00 to 31.99	38 to 40	7½ to 9	.157	.127
32.00 to 32.99	38 to 40	7½ to 9	.162	.132
33.00 to 33.99	38 to 40	7½ to 9	.167	.137
34.00 to 34.99	38 to 40	7½ to 9	.172	.142
26.00 to 26.99	43 to 45	7½ to 9	.148	.118
27.00 to 27.99	43 to 45	7½ to 9	.154	.124
28.00 to 28.99	43 to 45	7½ to 9	.160	.130
29.00 to 29.99	43 to 45	7½ to 9	.166	.136
30.00 to 30.99	43 to 45	7½ to 9	.172	.142
31.00 to 31.99	43 to 45	7½ to 9	.178	.148
32.00 to 32.99	43 to 45	7½ to 9	.184	.154
33.00 to 33.99	43 to 45	7½ to 9	.190	.160
34.00 to 34.99	43 to 45	7½ to 9	.196	.166
35.00 to 35.99	43 to 45	7½ to 9	.202	.172
36.00 to 36.99	43 to 45	7½ to 9	.208	.176
19.00 to 19.99	34 to 36	10 to 12	.118	.088
20.00 to 20.99	34 to 36	10 to 12	.124	.094
21.00 to 21.99	34 to 36	10 to 12	.130	.100
22.00 to 22.99	34 to 36	10 to 12	.136	.106
23.00 to 23.99	34 to 36	10 to 12	.142	.112
24.00 to 24.99	34 to 36	10 to 12	.148	.118
25.00 to 25.99	34 to 36	10 to 12	.154	.124
26.00 to 26.99	34 to 36	10 to 12	.160	.130
19.00 to 19.99	38 to 40	10 to 12	.132	.102
20.00 to 20.99	38 to 40	10 to 12	.138	.108
21.00 to 21.99	38 to 40	10 to 12	.144	.114
22.00 to 22.99	38 to 40	10 to 12	.150	.120
23.00 to 23.99	38 to 40	10 to 12	.156	.126
24.00 to 24.99	38 to 40	10 to 12	.162	.132
25.00 to 25.99	38 to 40	10 to 12	.168	.138
26.00 to 26.99	38 to 40	10 to 12	.174	.144
27.00 to 27.99	38 to 40	10 to 12	.180	.150
28.00 to 28.99	38 to 40	10 to 12	.186	.156
29.00 to 29.99	38 to 40	10 to 12	.192	.162
30.00 to 30.99	38 to 40	10 to 12	.198	.168
31.00 to 31.99	38 to 40	10 to 12	.204	.174
26.00 to 26.99	43 to 45	10 to 12	.199	.169
27.00 to 27.99	43 to 45	10 to 12	.206	.176
28.00 to 28.99	43 to 45	10 to 12	.213	.183
29.00 to 29.99	43 to 45	10 to 12	.220	.190
30.00 to 30.99	43 to 45	10 to 12	.227	.197
31.00 to 31.99	43 to 45	10 to 12	.234	.204
32.00 to 32.99	43 to 45	10 to 12	.241	.211
33.00 to 33.99	43 to 45	10 to 12	.248	.218
34.00 to 34.99	43 to 45	10 to 12	.255	.225
35.00 to 35.99	43 to 45	10 to 12	.262	.232
36.00 to 36.99	43 to 45	10 to 12	.269	.239

(b) *Maximum prices for second hand cotton bags.*

Made up size (in inches) all numbers inclusive		Quality of material (In linear yards per pound) all numbers inclusive	Processed or in order bags (price per bag f. o. b. shipping point)	Unprocessed or as rise bags (price per bag f. o. b. shipping point)
Width	Length			
19.00–19.99	35–37	3.50–4.25	$0.100	$0.070
20.00–20.99	35–37	3.50–4.25	.105	.075
21.00–21.99	35–37	3.50–4.25	.110	.080
22.00–22.99	35–37	3.50–4.25	.115	.085
23.00–23.99	35–37	3.50–4.25	.120	.090
24.00–24.99	35–37	3.50–4.25	.125	.095
19.00–19.99	38–40	3.50–4.25	.110	.080
20.00–20.99	38–40	3.50–4.25	.115	.085
21.00–21.99	38–40	3.50–4.25	.120	.090
22.00–22.99	38–40	3.50–4.25	.125	.095
23.00–23.99	38–40	3.50–4.25	.130	.100
24.00–24.99	38–40	3.50–4.25	.135	.105
25.00–25.99	38–40	3.50–4.25	.140	.110
26.00–26.99	38–40	3.50–4.25	.145	.115
27.00–27.99	38–40	3.50–4.25	.150	.120
28.00–28.99	38–40	3.50–4.25	.155	.125
29.00–29.99	38–40	3.50–4.25	.160	.130
19.00–19.99	35–37	3.00–3.25	.130	.090
20.00–20.99	35–37	3.00–3.25	.123	.095
21.00–21.99	35–37	3.00–3.25	$0.130	$0.100
19.00–19.99	38–40	3.00–3.25	.125	.095
22.00–22.99	38–40	2.50–3.00	.160	.130
23.00–23.99	38–40	2.50–3.00	.165	.135
24.00–24.99	38–40	2.50–3.00	.170	.140
19.00–19.99	35–37	2.00–2.35	.139	.109
20.00–20.99	35–37	2.00–2.35	.146	.116
21.00–21.99	35–37	2.00–2.35	.153	.123
22.00–22.99	35–37	2.00–2.55	.160	.130
23.00–23.99	35–37	2.00–2.35	.167	.137
24.00–24.99	35–37	2.00–2.35	.174	.144
19.00–19.99	38–40	2.00–2.35	.153	.123
20.00–20.99	38–40	2.00–2.35	.161	.131
21.00–21.99	38–40	2.00–2.35	.169	.139
22.00–22.99	38–40	2.00–2.35	.177	.147
23.00–23.99	38–40	2.00–2.35	.185	.155
24.00–24.99	38–40	2.00–2.35	.193	.163
25.00–25.99	38–40	2.00–2.35	.201	.171
26.00–26.99	38–40	2.00–2.35	.209	.179
27.00–27.99	38–40	2.00–2.35	.217	.187
28.00–28.99	38–40	2.00–2.35	.225	.195
29.00–29.99	38–40	2.00–2.35	.233	.203

(c) *Maximum prices for second hand bags of miscellaneous special types.*

Type of material	Made up size (in inches) all numbers inclusive		Trade description of bag	Approximate weight per bag in pounds	Processed or in order bags (price per bag f. o. b. shipping point)	Unprocessed or as rise bags (price per bag f. o. b. shipping point)
	Width	Length				
Heavy Gunny or Jute Sacking.	28–30	48–50	Cuban Raw Sugar Bags	2½–2¾	$0.250	[1] $0.200
Heavy Gunny or Jute Sacking.	27–30	42–45	Puerto Rican Raw Sugar Bag.	2 –2½	.220	[2] .170
Jute Cloth or Burlap	20–21	36–38	Raw Sugar Bags, Hawaiian.	¾–1	.130	.100
Jute Cloth or Burlap	23–25	36–40	Philippine Raw Sugar Bag.	1 –1½	.140	.110
Heavy Gunny or Jute Sacking.	25–28	43–45	Liverpool Twill Bags	2 –2½	.220	.170
Heavy Gunny or Jute Sacking.	28–30	48–50	Trinidad Cocoa Bean Bag.	3¼–4	.265	.215
Jute Cloth or Burlap	28–30	38–42	Bahia Cocoa Bean Bags	1½–2	.180	.150
Sisal or Istle	23–28	36–40	Heavy Grass Bags	1¾–2½	.180	.150
Sisal or Istle	23–28	36–40	Medium Grass Bags	1–1¾	.165	.135
Sisal or Istle	23–28	36–40	Light Grass Bags	¾–1	.150	.120
Heavy Gunny or Jute Canvas.	26–29	36–40	Short Heavy Green Coffee.	1¾–2	.170	.140
Jute Cloth or Burlap	26–28	37–40	Rio and Santos Green Coffee.	1 –1½	.180	.150
Heavy Gunny or Jute Sacking.	21–28	27–29	Tannery Extract	1¼–1¾	.100	.070
Jute Cloth or Burlap	21–23	35–37	Wheat Centals	¾–1	.150	.120
Cotton Osnaburg	17–18	29–30	Cotton Cement Bags	½	.100	.070
Cotton Sheeting	19–22	35–37	Cotton Sugar Liners	½	.075	.055

[1] The maximum price for second hand "unmendable" Cuban raw sugar bags shall be $0.17 each f. o. b. shipping point.

[2] The maximum price for second hand "unmendable" Puerto Rican raw sugar bags shall be $0.15 each f. o. b. shipping point.

(d) *Maximum prices for types, sizes and weights of second hand bags not specifically enumerated.* The maximum price for any type, size or weight of second hand bags not enumerated in paragraphs (a) (b), or (c) above, shall be a price in line with the maximum price enumerated therein for the nearest related type, size, and weight of second hand bag.

(e) *Resales of second hand processed or in order bags.* Any person who purchases processed or in order bags for resale may, on such resale, add to the maximum price determined in accordance with this Maximum Price Regulation No. 55, the actual freight incurred in bringing the processed or in order bags to his plant, and in addition may charge a premium not to exceed 5% of the maximum price determined in accordance with this Maximum Price Regulation No. 55: *Provided*, That:

(1) The re-sale is made to a consumer of second hand bags for use by such consumer in packaging a commodity;

(2) On re-sales of a quantity of second hand bags in excess of 1,000, the premium may be charged only on 1,000 bags;

(3) Such premium is not divided with any other person; and

(4) An invoice showing the amount of such charges is delivered to the purchaser.

(f) *Export sales.* Any person making an export sale of second hand bags may charge an amount in addition to the maximum price determined in accordance with this Maximum Price Regulation No. 55 which can be justified as commensurate with the additional cost of the particular export sale over and above the cost of a comparable domestic sale.

(g) *Deposit charges and liquidated damages in lease or loan arrangements.* The maximum amount which may be required by or paid to any person as a deposit on, or as predetermined liquidated damages for failure to return, a second hand bag leased or loaned by him as a part of a transaction involving the sale or delivery of a product packaged therein, shall be the maximum price for second hand unprocessed or as rise bags of the same type, size and weight determined in accordance with this Maximum Price Regulation No. 55.

(h) *Second hand bags sold in mixed lots.* When second hand bags are sold in lots containing more than one type, size, or weight of bags, for which different maximum prices are established by this Maximum Price Regulation No. 55, unless the quantity of each such type or grade is determined by actual inspection and each such quantity is separately priced at not exceeding the applicable maximum, the maximum price for the lot shall be the maximum price for that type, size or weight of second hand bag included in the lot which has the lowest established maximum price.

Issued this 24th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–2573; Filed, March 25, 1942; 9:20 a. m.]

PART 1336—RADIO, X-RAY AND COMMUNICATION APPARATUS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 83 [1]—RADIO RECEIVERS AND PHONOGRAPHS

A statement of considerations involved in the issuance of this Amendment has been prepared and issued simultaneously herewith.[2]

Section 1336.54 (b) is hereby revoked and a new § 1336.62a is added, as set forth below:

§ 1336.62a *Effective dates of amendments.* (a) Amendment No. 1 (§ 1336.54 (b)) to Revised Price Schedule No. 83 shall become effective March 28, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 24th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–2568; Filed, March 24, 1942; 5:14 p. m.]

[1] 7 F.R. 1362.

[2] Filed with the Division of the Federal Register. Requests for copies should be addressed to the Office of Price Administration.

PART 1336—RADIO X-RAY AND COMMUNICATION APPARATUS

AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 84 [1]—RADIO RECEIVER AND PHONOGRAPH PARTS

A statement of the considerations involved in the issuance of this Amendment has been prepared and issued simultaneously herewith.[2]

Sections 1336.101 (d) and 1336.103 (b) are amended to read as follows and § 1336.103 (a) is revoked.

§ 1336.101 *Maximum prices for radio receiving sets and phonograph parts.*

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(d) *Other parts.* The maximum price, exclusive of federal excise tax, for any part other than a part referred to in paragraphs (a), (b) and (c) of this section shall be in line with the net price, exclusive of federal excise tax, which the manufacturer of such part would have charged for it at any time during the period from October 1 to October 15, 1942, if such price had been calculated upon costs prevailing during such period by the use of procedures and standards then employed in estimating costs and determining prices. No such part shall be offered for sale until the proposed price thereof has been approved by the Office of Price Administration on the basis of a report submitted pursuant to § 1336 (b).

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§ 1336.103 *Reports.*

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(b) *Parts referred to in § 1336.101 (d).* A manufacturer wishing to obtain approval of the maximum price for a part referred to in § 1336.101 (d) shall submit to the Office of Price Administration a request for such approval containing a description of such part, the proposed price therefor, and a statement that such proposed price was fixed in accordance with § 1336.101 (d). There shall be annexed to such a request a schedule showing the method of computation of such proposed price.

§ 1336.110a *Effective dates of amendments.*

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(b) Amendment No. 2 (§§ 1336.101 (d), 1336.103 (a), (b)) to Revised Price Schedule No. 84 shall become effective March 28, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 24th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–2569; Filed, March 24, 1942; 5:15 p. m.]

[1] 7 F.R. 1362.

[2] Filed with the Division of the Federal Register. Requests for copies should be addressed to the Office of Price Administration.

PART 1336—RADIO, X-RAY, AND COMMUNICATION APPARATUS

TEMPORARY MAXIMUM PRICE REGULATION NO. 14—RESALE OF NEW RADIO RECEIVING SETS AND PHONOGRAPHS — DISTRIBUTORS AND RETAILERS

In the judgment of the Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942 to establish temporarily as the maximum prices for new radio receiving sets and phonographs the prices prevailing with respect thereto within five days prior to the issuance of this Regulation.

Therefore, under the authority vested in me by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Temporary Maximum Price Regulation No. 14 is hereby issued.

AUTHORITY: §§ 1336.151 to 1336.161, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1336.151 *Maximum prices for radio receiving sets and phonographs.* On and after March 30, 1942, to and including May 28, 1942, regardless of any contract, agreement, lease, or other obligation, no distributor or retailer shall sell, offer to sell, or deliver any new radio receiving set or phonograph at a price higher than the maximum price. The provisions of this section shall not apply to sales or deliveries of radio receiving sets or phonographs to a purchaser if, prior to March 30, 1942, such radio receiving sets or phonographs have been received by a carrier other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(a) *Current models.* The maximum price for any current model of radio receiving set or phonograph shall be the highest net price for which such model was sold or contracted to be sold by the same seller on the 19th day of March 1942, to a purchaser of the same general class. If there was no such sale, the maximum price shall be the highest net price for which such model was sold or contracted to be sold by the same seller on the most recent date prior to March 19, 1942, to a purchaser of the same general class.

(b) *New models.* The maximum price for any new model shall be a price equal to the cost of such model to the seller, plus the maximum percentage of markup applied by such seller on March 19, 1942, to the most nearly comparable model then offered for sale by him to a purchaser of the same general class.

§ 1336.152 *Less than maximum prices.* Lower prices than those set forth in Temporary Maximum Price Regulation No. 14 may be charged, demanded, paid, or offered.

§ 1336.153 *Conditional agreements.* No distributor or dealer in radio receiving sets and phonographs shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided in § 1336.151, in the event that Temporary Maximum Price Regulation No. 14 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That, if a petition for amendment under § 1336.156 has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section, permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1336.154 *Evasion.* The price limitations set forth in Temporary Maximum Price Regulation No. 14 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to radio receiving sets and phonographs, alone or in conjunction with any other commodity, or by way of any commission, service, transportation, or other charge, or by alteration of any discount, premium, allowance or privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1336.155 *Records and reports.* (a) Every distributor and retailer making sales of radio receiving sets and phonographs between March 30, 1942, and May 28, 1942, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the prices received, the type and the quantity of radio receiving sets and phonographs sold.

(b) Persons affected by Temporary Maximum Price Regulation No. 14 shall submit such reports to the Office of Price Administration as it may, from time to time, require.

§ 1336.156 *Notices to be posted.* Every retailer shall post in a conspicuous place on the premises where radio receiving sets and phonographs are offered for sale a legible notice setting forth the name and model number and maximum price under Temporary Maximum Price Regulation No. 14 of every model of radio receiving set or phonograph offered for sale on such premises.

§ 1336.157 *Enforcement.* (a) Persons violating any provision of Tempo-

[1] 7 F.R. 971.

rary Maximum Price Regulation No. 14 are subject to the criminal penalties and civil enforcement actions provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of Temporary Maximum Price Regulation No. 14 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1336.158 *Petitions for amendment.* Persons seeking modification of any provision of Temporary Maximum Price Regulation No. 14 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1336.159 *Replacement by regulation.* Temporary Maximum Price Regulation No. 14 may be replaced by a permanent maximum price regulation or order issued under the Emergency Price Control Act of 1942, which upon issuance shall have the effect of revoking Temporary Maximum Price Regulation No. 14.

§ 1336.160 *Definitions.* (a) When used in Temporary Maximum Price Regulation No. 14, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing;

(2) "Manufacturer" means any person regularly engaged in the manufacture or assembly, and sale, of radio receiving sets or phonographs;

(3) "Distributor" means a wholesaler, jobber, or any person, other than a manufacturer, who sells radio receiving sets and phonographs in the regular course of trade to purchasers other than ultimate consumers;

(4) "Retailer" means any person other than a manufacturer, distributor, wholesaler, or jobber, who sells radio receiving sets and phonographs;

(5) "Radio receiving set" means any of the following, alone or in combination with a record-playing device: home receiving sets, portable receiving sets, automobile receiving sets, television receiving sets, facsimile receiving sets;

(6) "Phonograph" means any device for the playing of records by the use of electrical amplification;

(7) "Model" means any radio receiving set or phonograph sold as a distinct item;

(8) "Current model" means a model first offered for sale on or before March 19, 1942;

(9) "New model" means a model first offered for sale after March 19, 1942.

(b) The definitions set forth in subparagraphs (5) and (6) of paragraph (a) of this section shall not include any equipment primarily designed for commercial, police, military or naval use or for use in aircraft or merchant marine.

§ 1336.161 *Effective period.* Temporary Maximum Price Regulation No. 14 shall become effective on March 30, 1942, and shall expire at midnight on May 28, 1942, unless earlier revoked.

Issued this 23d day of March, 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2554; Filed, March 24, 1942; 12:46 p. m.]

PART 1340—FUEL

ORDER REVOKING REVISED PRICE SCHEDULE NO. 22[1]—PENNSYLVANIA GRADE CRUDE OIL

A statement of the considerations involved in the issuance of this Order has been prepared and is issued simultaneously herewith.[2]

Under the authority vested in the Acting Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered that Revised Price Schedule No. 22 (§§ 1340.21 to 1340.29, inclusive)—Pennsylvania Grade Crude Oil—be revoked. (Pub. Law 421, 77th Cong., 2d Sess.)

This Order shall become effective March 25, 1942. Issued this 24th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2571; Filed, March 25, 1942; 9:25 a. m.]

PART 1340—FUEL

AMENDMENT NO. 3 TO REVISED PRICE SCHEDULE NO. 88[1]—PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.[2]

A new paragraph (c) is added to § 1340.158a and § 1340.159 (c) (1) *Pennsylvania grade* is amended to read as set forth below:

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.*

* * * * *

(c) *Specific prices.*

* * * * *

(1) *Crude petroleum*—(i) *Pennsylvania grade.*

Grade of crude petroleum	Maximum price per barrel
Pennsylvania Bradford	$3.00
Southwest Pennsylvania	2.65
Eureka	2.59
Southeastern Ohio	2.55
Oil City-Titusville:	
Group A (including Cochran, Franklin Hamilton, and Doolittle Districts)	2.93
Group B (Titusville District)	2.92
Group C (including Turkey and Tidiout)	2.91
Group D (including Bear Creek and Porkey Districts)	2.90
Group E (including Edeneau, Bowl Creek, Rough Run, Carbon, Ditner, Bredin, McJunkin, Jameson, Kennerdall, Emlenton, Tiona, Lacy, and Kinzua Districts)	2.88

[1] 7 F.R. 1250.

[2] Filed with the Division of Federal Register; requests for copies should be addressed to the Office of Price Administration.

[1] 7 F.R. 1371, 1798, 1799.

(ii) The price limitations set forth above shall prohibit the addition of commissions above said maximum prices except that persons who buy Pennsylvania grade crude petroleum for resale under contracts and who had contracts in existence on August 23, 1941 which provide that the price on resale shall be the "posted price" plus a specified commission may receive the maximum price plus said commission specified in the contracts: *Provided*, That (*a*) said contracts were entered into in writing prior to August 14, 1941; (*b*) said contracts are binding and valid in character; (*c*) certified copies of each such contract were filed with the Office of Price Administration within ten (10) days after August 23, 1941; and (*d*) no such contract has been extended or amended without the approval of this Office. Persons who buy for resale and wish to enter into contracts, or wish to extend or amend contracts, providing for prices on resale higher than the maximum prices listed above; may make application to this Office for permission to receive such higher prices.

§ 1340.158a *Effective dates of amendments.*

* * * * *

(c) Amendment No. 3 (§§ 1340.158a (c), 1340.159 (c) (1) *Pennsylvania grade*) to Revised Price Schedule No. 88 shall become effective March 25, 1942. Until such date Revised Price Schedule No. 88 continues in effect as if not amended by Amendment No. 3.

(Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 24th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2576; Filed, March 25, 1942; 9:25 a. m.]

PART 1356—DOMESTIC AND COMMERCIAL COOKING AND HEATING STOVES AND RANGES

TEMPORARY MAXIMUM PRICE REGULATION NO. 13—RESALE OF NEW DOMESTIC COOKING AND HEATING STOVES AND RANGES

In the judgment of the Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942 to establish temporarily as the maximum prices for the resale of new domestic cooking and heating stoves and ranges the prices prevailing with respect thereto within five days prior to the issuance of this Regulation.

Therefore, under the authority vested in me by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1[1] issued by the Office of Price Administration, Temporary Maximum Price Regulation No. 13 is hereby issued.

AUTHORITY: §§ 1356.21 to 1356.31, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1356.21 *Maximum resale prices for stoves.* (a) On and after March 30, 1942, to and including May 28, 1942, regardless of any contract, agreement, lease, or other obligation, no distributor or dealer shall sell, offer to sell or deliver any stove at a price higher than the maximum price. The provisions of this section shall not apply to sales or deliveries of stoves to a purchaser, if prior to March 30, 1942 such stoves have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

[1] 7 F.R. 971.

(b) The maximum price for any model of new stove shall be the highest net price for which such model was sold, or contracted to be sold, by the same seller on March 19, 1942, to a purchaser of the same general class. If there was no such sale, the maximum price shall be the highest net price at which such model was sold, or contracted to be sold, by the same seller on the most recent date prior to March 19, 1942, to a purchaser of the same general class.

§ 1356.22 *Less than maximum prices.* Lower prices than those set forth in Temporary Maximum Price Regulation No. 13 may be charged, demanded, paid, or offered.

§ 1356.23 *Conditional agreements.* No distributor or dealer in stoves shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided in § 1356.21, in the event that Temporary Maximum Price Regulation No. 13 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That, if a petition for amendment under § 1356.28 has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section, permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1356.24 *Evasion.* The price limitations set forth in Temporary Maximum Price Regulation No. 13 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale or delivery of or relating to stoves, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or by alteration of any discount, premium, allowance or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1356.25 *Records and reports.* (a) Every distributor or dealer making sales of stoves in the regular course of trade or business, between March 30 and May 28, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each sale, showing the date thereof, the name and address of the buyer, the prices received, the make, model, and quantity of stoves sold.

(b) Persons affected by Temporary Maximum Price Regulation No. 13 shall submit such reports to the Office of Price Administration as it may, from time to time, require.

§ 1356.26 *Notices to be posted.* Every dealer shall post in a conspicuous place on the premises where stoves are offered for sale a legible notice setting forth the make, model number and maximum price under Temporary Maximum Price Regulation No. 13 of every model of stove offered for sale on such premises.

§ 1356.27 *Enforcement.* (a) Persons violating any provision of Temporary Maximum Price Regulation No. 13 are subject to the criminal penalties and civil enforcement actions provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of Temporary Maximum Price Regulation No. 13 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1356.28 *Petitions for amendment.* Persons seeking modification of any provision of Temporary Maximum Price Regulation No. 13 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1356.29 *Replacement by regulation.* Temporary Maximum Price Regulation No. 13 may be replaced by a permanent maximum price regulation or order issued under the Emergency Price Control Act of 1942, which upon issuance shall have the effect of revoking Temporary Maximum Price Regulation No. 13.

§ 1356.30 *Definitions.* When used in Temporary Maximum Price Regulation No. 13, the term:

(a) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing;

(b) "Stoves" mean stoves of the type commonly used in the household, camps, or trailers, for cooking or heating purposes (irrespective of the fuel or power used) except (1) those intended to be built into or permanently attached to the premises, and (2) electric stoves under 2½ kw.;

(c) "Distributor" means a person, other than a manufacturer, who sells stoves in the regular course of trade to dealers;

(d) "Dealer" means a person, other than a manufacturer, who sells stoves in the regular course of trade to consumers;

(e) "Consumer" means a person purchasing for use rather than resale;

(f) "Model" means any stove offered for sale as a distinct item.

§ 1356.31 *Effective date.* Temporary Maximum Price Regulation No. 13 (§§ 1356.21 to 1356.31 inclusive) shall become effective on March 30, 1942, and shall, unless earlier revoked or replaced, expire at 12 o'clock midnight May 28, 1942.

Issued this 23d day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2553; Filed, March 24, 1942; 12:46 p. m.]

PART 1360—MOTOR VEHICLES AND MOTOR VEHICLE EQUIPMENT

AMENDMENT NO. 4 TO RATIONING ORDER NO. 2A[1]—NEW PASSENGER AUTOMOBILE RATIONING REGULATIONS

Section 1360.310 (h) is hereby amended, a new paragraph (j) is added to § 1360.310, a new paragraph (d) to § 1360.442, and five new sections, §§ 1360.336, 1360.337, 1360.338, 1360.339, and 1360.340, are added as set forth below:

Definitions

§ 1360.310 *Definitions.*

* * * * *

(h) "Pool car" means (1) any new passenger automobile which was not shipped by a manufacturer prior to January 16, 1942, to a person other than a person owned or controlled by the manufacturer, and (2) any new passenger automobile substituted for a "pool car" by authorization of the Office of Price Administration pursuant to the provisions of § 1360.337 hereof.

* * * * *

(j) "Pool sticker" means any label or other identification in a form authorized or prescribed by the Office of Price Administration affixed to a new passenger automobile for the purpose of identifying it as a pool car.

Restriction of Transfers

* * * * *

§ 1360.336 *Removal of certain automobiles from the pool.* Subject to the provisions of § 1360.337, the Office of Price Administration may, in its discretion, from time to time, issue authorizations to remove from the pool certain new passenger automobiles which fall under one or more of the following classifications:

(a) Automobiles which were ordered, or for which bids were requested in writing on or before January 1, 1942 by agencies of the Federal, State, Local or foreign governments or by the American Red Cross.

(b) Automobiles specially built, painted or equipped, on or before March 2, 1942 pursuant to orders of specific buyers.

[1] 7 F.R. 1542, 1647, 1756, 2108.

(c) Automobiles having a list price in excess of $2,000.00 pursuant to § 1360.61 of Revised Price Schedule No. 85, issued by the Office of Price Administration or any amendments thereto.

(d) Automobiles manufactured prior to March 2, 1942 for experimental purposes.

(e) Automobiles as to which a certificate on Form R–202 has been issued pursuant to paragraphs (a) or (b) of § 1360.102 of Rationing Order No. 2.

(f) Automobiles which, on or prior to January 16, 1942, were in the possession of, or in transit to, a branch or subdivision of a manufacturer: *Provided that:*

(1) Such branch or subdivision was engaged principally in the sale of automobiles at retail, or

(2) Such automobiles were, on or before such date, consigned, invoiced, billed, or otherwise identified for delivery to a person not owned or controlled by the manufacturer.

Provided, That as a condition of authorizing any removal, the Office of Price Administration may require substitution of a new passenger automobile for each automobile removed.

§ 1360.337 *Application for authorization to remove from the pool; authorization; substitution.* Any dealer, distributor, manufacturer or finance company owning an automobile falling within any of the classifications set forth in § 1360.336 may make application to the Office of Price Administration for authorization to remove such automobile from the pool and to remove the pool sticker, if any, therefrom. Application shall be made in writing, over the signature of the owner or his duly authorized agent, giving the make, body type, serial number and engine number of the automobile and the facts by reason of which the applicant believes the automobile to be eligible for removal from the pool. The applicant shall also set forth a complete description of each non-pool, new passenger automobile, if any, which the applicant is willing to place in the pool in substitution for each automobile sought to be removed. In any application the applicant may request removal of one or more automobiles.

If the Office of Price Administration finds that an automobile described in any such application is eligible for removal pursuant to the provisions of § 1360.336, and that its removal will not be detrimental to the purposes for which the pool was established, nor to the objectives of the rationing program, it may in its discretion issue an authorization permitting the owner or his authorized agent to remove such automobile from the pool and to remove the pool sticker therefrom. Upon removal of a pool sticker pursuant to any such authorization such automobile shall cease to be a pool car: *Provided*, That where an authorization of removal is conditioned upon the substitution of another automobile, such authorization shall not become effective until a pool sticker has been affixed to the automobile required to be substituted and upon such affixation the substituted automobile shall become a pool car.

§ 1360.338 *Inclusion of additional automobiles as "pool cars".—"pool stickers" to be affixed.* The Office of Price Administration may, from time to time, upon recommendation of the War Production Board, amend the definition of "Pool Car" to include additional classes of automobiles. On and after the effective date of any such amendment all such classes of automobiles shall be subject to the restrictions herein imposed upon "pool cars". Within 10 days after the effective date of any such amendment, the owner of any automobile therein defined as a "pool car" shall affix to each such automobile a "pool sticker".

§ 1360.339 *Application for authority to remove pool stickers erroneously placed on automobiles.* The owner of any automobile to which a pool sticker has been affixed, and who claims that such pool sticker was affixed by error and that such automobile is not a "pool car" as defined in § 1360.310 (h), may make application to the Office of Price Administration for authority to remove the pool sticker therefrom. Applications shall be made in writing, over the signature of the owner or his duly authorized agent, giving the make, body type, serial number, and engine number of the automobile and the facts by reason of which it is claimed that said automobile is not a "pool car". In any such application the applicant may request authority to remove stickers from one or more automobiles. In the Office of Price Administration finds that any such automobile is not a "pool car" as defined in § 1360.310 (h), it shall issue an authorization permitting the owner or his duly authorized agent to remove the pool sticker or stickers therefrom. No person shall remove any pool sticker from any new passenger automobile unless the removal thereof is authorized by the Office of Price Administration.

§ 1360.340 *Authorizations of removal do not permit transfers.* No authorization of removal from the pool and no authorization for the removal of a pool sticker pursuant to §§ 1360.337 or 1360.339 hereof shall constitute authority for the transfer of any new passenger automobile.

Effective date

* * * * *

§ 1360.442 *Effective dates of amendments.*

* * * * *

(c) Amendment No. 4 (§§ 1360.310 (h) (j), 1360.336, 1360.337, 1360.338, 1360.339, 1360.340) to Rationing Order No. 2A shall become effective March 24, 1942.

(Pub. Law 421, 77th Cong., 2d Sess. W.P.B. Directive No. 1, supplementary Directive No. 1A, 7 F.R. 562, 698, 1493)

Issued this 24th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–2567; Filed, March 24, 1942; 5:14 p. m.]

PART 1364—FRESH, SMOKED AND CANNED MEAT PRODUCTS

AMENDMENT NO. 2 TO TEMPORARY MAXIMUM PRICE REGULATION NO. 8 [1]—DRESSED HOGS AND WHOLESALE PORK CUTS

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.[2]

Paragraph (a) of § 1364.1 is amended as set forth below:

§ 1364.1 *Maximum prices for dressed hogs and wholesale pork cuts.* (a) From March 23, 1942 to May 21, 1942, inclusive, regardless of any contract, agreement, or other obligation, no person shall sell or deliver, or offer, solicit, attempt, or agree to sell or deliver dressed hogs or wholesale pork cuts at prices higher than the maximum prices therefor. The provisions of this Section shall not be applicable to sales or deliveries of dressed hogs or wholesale pork cuts to a purchaser if, prior to March 23, 1942, such dressed hogs or wholesale pork cuts have been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchasers; nor to sales or deliveries of dressed hogs or wholesale pork cuts for export under unrevoked export licenses issued prior to March 7, 1942, where the contracts to sell were made not later than three days after March 7.

* * * * *

§ 1364.13 *Effective date of amendments.*

* * * * *

(b) Amendment No. 2 (§ 1364.1 (a)) to Temporary Maximum Price Regulation No. 8 shall become effective March 25, 1942.

(Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 24th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–2572; Filed, March 25, 1942; 9:19 a. m.]

[1] 7 F.R. 1841.

[2] Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

PART 1364—FRESH, SMOKED AND CANNED MEAT PRODUCTS

AMENDMENT NO. 3 TO TEMPORARY MAXIMUM PRICE REGULATION NO. 8 [1]—DRESSED HOGS AND WHOLESALE PORK CUTS

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[2]

Paragraphs (b) and (c) of § 1364.1 are amended, as set forth below:

§ 1364.1 *Maximum prices for dressed hogs and wholesale pork cuts*

* * * * *

(b) Except as provided in paragraph (c) of this section, the maximum price for each dressed hog or wholesale pork cut shall be the highest price at which such dressed hog or wholesale pork cut was listed in the price list or lists upon which the seller based his price quotations at the delivery point during the period March 3, 1942, to March 7, 1942, inclusive: *Provided* (1) That where the seller, because of unusual transportation, packaging and handling costs, customarily sold to certain buyers during the ninety day perior prior to March 9, 1942 at prices higher than the list prices, he may continue to include such unusual costs as are actually incurred in the sales to those buyers; and (2) That the seller must continue to allow all the shading privileges or discounts from his price list or lists which were customary during the ninety day period prior to March 9, 1942 and which were based on cost differentials arising from low transportation or packaging costs or any other saving in the cost of handling; except that the provisions of this Proviso No. 2 of paragraph (b) shall not apply to any sales of dressed hogs or wholesale pork cuts to the Federal Surplus Commodities Corporation or to any purchasing agency of the armed forces of the United States.

(c) (1) Where the seller customarily sold dressed hogs or wholesale pork cuts to certain buyers during the ninety day period prior to March 9, 1942 at prices based upon market quotations rather than upon his price list or lists, the maximum prices to such buyers shall be the highest prices at which such dressed hogs or wholesale pork cuts were listed in such market quotations during the period March 3, 1942, to March 7, 1942, inclusive, making adjustment for the transportation differentials which were in effect during the ninety day period: *Provided*, That in any sale to the Federal Surplus Commodities Corporation or to any purchasing agency of the armed forces of the United States the seller may add, to the maximum prices established by this paragraph, an amount not in excess of 2¢ per pound.

(2) In any sale of canned or packaged spiced ham or of canned or packaged spiced luncheon meat made entirely from pork to the Federal Surplus Commodities Corporation or to any purchasing agency of the armed forces of the United States, the maximum price shall be as follows:

[Per cwt.]

	12 ounce can	2½ pound can	6 pound can
Canned or packaged spiced luncheon meat made entirely from pork	$42.50	$39.75	$38.50
Canned or packaged spiced ham	44.00	41.25	40.00

* * * * *

§ 1364.13 *Effective dates of amendments.* Amendment No. 3 (§ 1364.1 (b) and (c)) to Temporary Maximum Price Regulation No. 8 shall become effective March 25, 1942. Until such date, Temporary Maximum Price Regulation No. 8 continues in effect as if not amended by Amendment No. 3.

(Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 24th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42–2575; Filed, March 25, 1942; 9:24 a. m.]

PART 1370—ELECTRICAL APPLIANCES

MAXIMUM PRICE REGULATION NO. 111—NEW HOUSEHOLD VACUUM CLEANERS AND ATTACHMENTS

In the judgment of the Price Administrator the prices of household vacuum cleaners and attachments are threatening to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices of new household vacuum cleaners prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable, the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of the considerations involved in the issuance of this Regulation has been prepared and is issued simultaneously herewith.[1]

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, Maximum Price Regulation No. 111 is hereby issued.

AUTHORITY: §§ 1370.1 to 1370.13, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1370.1 *Maximum prices for household vacuum cleaners and attachments.* On and after March 30, 1942, regardless of any contract, agreement, lease, or other obligation, no person shall sell or deliver any model of household vacuum cleaner and the attachments thereto at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1370.12; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of household vacuum cleaners and attachments to a purchaser if, prior to March 30, 1942, such household vacuum cleaners and attachments had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1370.2 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1370.12) may be charged, demanded, paid, or offered.

§ 1370.3 *Conditional agreements.* No seller of household vacuum cleaners and attachments shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided herein, in the event that this Maximum Price Regulation No. 111 is amended or is determined by a court to be invalid or upon

[1] 7 F.R. 1841, 2245.

[2] The statement of considerations has been filed with the Division of the Federal Register.

[1] Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

[2] 7 F.R. 971.

any other contingency: *Provided*, That if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this Section, permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition.

§ 1370.4 *New Models.* No manufacturer may sell or deliver any model of household vacuum cleaner or attachment other than one offered for sale by him in the period October 1, 1941, to March 30, 1942, inclusive, except as provided in paragraphs (a) and (b) of this section, and no manufacturer shall offer, solicit, attempt, or agree to sell or deliver such model.

(a) *Nonsubstantial changes.* Any model which differs from one offered for sale by the manufacturer in the period October 1, 1941, to March 30, 1942, inclusive, only by reason of the following nonsubstantial changes may be sold or delivered at a price no higher than the maximum prices established by § 1370.12 (d) (1):

(1) Changes in color, trim, or hardware

(2) Changes in, but not elimination of, any part, including the following: the light, the off-and-on switch, the adjustment devices, the bristle brush, the bearings on the revolving brush, the bumper, and the caster wheels:

Provided, That, such changes shall not substantially alter the power plant, housing, nozzle, dirt container or bag, the connecting cord, the bearings on the motor, and the cleaning attachments.

Each such model shall be reported to the Office of Price Administration in accordance with § 1370.7 (b) (1).

(b) *Substantial changes.* Any model which differs from those offered for sale by the manufacturer in the period October 1, 1941, to March 30, 1942 by reason of any other change (i. e., a substantial change) may be sold or delivered only after a maximum price for such model has been approved in writing by the Office of Price Administration on the basis of a report to it in accordance with § 1370.7 (b) (2).

§ 1370.5 *Evasion.* (a) The limitations set forth in this Maximum Price Regulation No. 111 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to household vacuum cleaners or attachments alone, or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Decreasing cash discounts, trade-in or exchange allowances, quantity purchase discounts or allowances for or absorption of transportation costs, below those in effect on October 15, 1941;

(2) Increasing charges for deferred payment, or for any other form of installment, or time payment or credit accounts, above those in effect on October 15, 1941;

(3) Failing to give or shortening the warranty or failing to give delivery and other services available or in effect to the same general class of purchaser in exchange for the prices prevailing on October 1–October 15, 1941, corresponding to the maximum prices established by Appendix A (§ 1370.12).

(4) Increasing the prices for extra attachments above those in effect to the same general class of purchaser on October 15, 1941;

(5) Failing to include the attachments included in the period October 1 to October 15, 1941, for the prices corresponding to the maximum prices established by Appendix A. (§ 1370.12).

§ 1370.6 *Records.* Every person making sales of household vacuum cleaners and attachments after March 30, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the model number or other designation of each model sold, the price received for each, the quantity sold and any discounts, allowances, or charges.

§ 1370.7 *Reports*—(a) *Models offered for sale October 1, 1941, to March 30, 1942, inclusive*—(1) *Manufacturers.* On or before April 20, 1942, every manufacturer shall submit to the Office of Price Administration a report on all models offered for sale by him in the period October 1, 1941, to March 30, 1942, giving the maximum prices established for each model by Appendix A (§ 1370.12) and the retail list price, if one exists, a description of each model, the terms of sale, and an indication of any models which may have been discontinued in such period. Manufacturers who have already submitted all or any part of this information need not duplicate such material, but shall send a reference to the material already submitted.

(2) *Distributors and dealers.* On or before April 20, 1942, every distributor and every dealer shall submit to the Office of Price Administration a report on all models currently offered for sale to consumers by him which do not appear in the list prices set forth in Appendix A (Section 1370.12), giving the maximum price established for each model for such sales by Appendix A, a description of each model, and the terms of sale.

(b) *New models*—(1) *Non-substantial changes.* On the date of offering for sale a model embodying any of the non-substantial changes set forth in § 1370.4 (a) (2) from a model offered for sale in the period October 1, 1941 to March 30, 1942, inclusive, the manufacturer shall submit to the Office of Price Administration a report on such model, indicating in detail the changes which it contains.

(2) *Substantial changes.* A manufacturer who wishes to offer for sale a model embodying any substantial change from a model offered for sale by him in the period October 1, 1941 to March 30, 1942, inclusive, shall submit to the Office of Price Administration a report on such model giving in detail the changes which it contains, the proposed maximum price, a description, and the terms of sale.

(c) *Monthly output of household vacuum cleaners and attachments.* On or before April 20, 1942, and on or before the fifteenth day of each month thereafter, every manufacturer shall report to the Office of Price Administration the total number of completed units of each model household vacuum cleaner and attachments produced by him in the preceding month. Such report shall refer to the model number or other appropriate designation of each such household vacuum cleaner and attachment. If a report containing such information is required to be submitted to any other Federal agency, a copy thereof may be filed with the Office of Price Administration instead of a separate report.

Persons affected by this Maximum Price Regulation No. 111 shall submit to the Office of Price Administration such other reports as it may, from time to time, require.

§ 1370.8 *Labels showing maximum prices.* Every person offering a model of household vacuum cleaner (or attachment) for sale to consumers shall attach to it a label setting forth legibly the following:

The maximum cash price for this household vacuum cleaner (or attachment) as established by the Office of Price Administration is $_____. Lower prices may legally be charged or demanded.

§ 1370.9 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 111 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 111 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1370.10 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 111 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1370.11 *Definitions.* (a) When used in this Maximum Price Regulation No. 111, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing;

(2) "Manufacturer" means any person who operates a plant or factory which manufactures or assembles household vacuum cleaners, or vacuum cleaner attachments;

(3) "Distributor" means any person other than a manufacturer or a manufacturer's sales agent regularly engaged in the business of selling household vacuum cleaners or attachments to dealers;

(4) "Dealer" means any person other than a manufacturer or distributor regularly engaged in the business of selling household vacuum cleaners or attachments to consumers;

(5) "Consumer" means a person purchasing for use rather than resale;

(6) "Household vacuum cleaner" means a new vacuum cleaner of the type commonly used in the home;

(7) "Model" means any combination of specifications and equipment;

(8) "Net price" means the actual cash price to be received by the seller, exclusive of excise tax or sales taxes, inclusive or exclusive of transportation charges, whichever the price list or other regular quotation specifies, and exclusive of any charges for sales promotion or cooperative advertising;

(9) "Private-brand" means a vacuum cleaner not offered for sale as the manufacturer's regular brand, but manufactured for a particular person or persons, whether or not such person's name or brand name appears thereon;

(10) "Export agent" means any exporter who performs the duties of an agent directly to and for a foreign purchaser in a sale between any seller in the United States and such foreign purchaser, and who does not (i) take title to the goods being exported, nor (ii) assume a risk of loss because of demurrage, failure to secure shipping space, credits or otherwise;

(11) "Export commission house" means any exporter who acts as a principal, and (i) buys for his own account only upon his foreign customers' direct orders, at a fixed price or at a previously agreed upon commission, (ii) takes title to the goods directly or through an agent, and (iii) assumes all risk of loss or expense until the title of goods passes to his foreign buyers according to named terms of sales.

(12) "Export merchant" means any exporter who acts as a principal, and (i) buys for his own account in anticipation of foreign orders in general, (ii) takes title to the goods, and (iii) sells them direct, or through customary trade channels, to any or all buyers in the foreign country, and (iv) assumes all risks of loss or expense until title to the goods passes to a foreign buyer according to terms of sales.

§ 1370.12 *Appendix A: Maximum prices for household vacuum cleaners and attachments*—(a) *Maximum prices for sales to consumers of models having recommended retail prices and Montgomery Ward & Company and Sears Roebuck & Company models.* The maximum price for the sale to consumers of the following models shall be:

1941 MODELS

Manufacturer	Model	Description	Retail price
Air-Way Electric Appliance Corp.	#44	Floor Type—Motor Driven Brush. Included: 9 piece attachment set.	$82.00
	#50	Floor Type—Plain Suction. Included: 5 piece attachment set.	52.50
	#55	Cylinder Type—"Sanitizor". Included: 11 piece attachment set.	62.00
Apex Rotarex Corp.	#124	Cylinder Type. Included: 11 Piece Attachment Set.	69.95
	#123A	Cylinder Type. Included: 11 Piece Attachment Set.	49.95
	#123	Cylinder Type. Included: 6 Piece Attachment Set. Extra—3 Piece Attachment Set	39.95 5.00
	#140	Cylinder Type. Included: 11 Piece Attachment Set.	59.95
	#129	Floor Type—Motor Driven Brush 2 Speed	69.95
	#147	Hand Type—Plain Suction	15.95
	#49P—Holland Reiger	Hand Type—Motor Driven Brush	18.00
Birtman Electric Co.	#T6	Cylinder Type. Included: 16 Piece DeLuxe Attachment set.	84.95
	#150	Hand Type—Motor Driven Brush	16.95
	#400	Floor Type—Motor Driven Brush	44.50
	#45 DLuxe	15 Piece DeLuxe Attachment Set	10.75
	#C11	6 Piece Attachment Set	6.50
Clements Manufacturing Co.	#111A	Floor Type—Rotary Brush	32.95
	#124A	Floor Type—Rotary Brush	42.95
	#133A	Floor Type—Rotary Brush	52.95
	#143A	Floor Type—Rotary Brush 2 Speed	59.95
	#10	8 Piece Attachment Set	10.00
	#5	5 Piece Attachment Set	6.00
	#43A	Hand Type	14.95
	#60 Deluxe	Hand Type—Motor Driven Brush	16.95
	#300	Cylinder Type. Included: 11 Piece Attachment Set.	59.95
Electrolux, Inc.	XXX	Cylinder Type—Standard Set. Included: 9 Piece Attachment Set.	69.75
	XX	Cylinder Type—Standard Set. Included: 9 Piece Attachment Set.	49.50

1941 MODELS—Continued

Manufacturer	Model	Description	Retail price
Electric Vacuum Cleaner Co.	#21	Floor Type—Motor Driven Brush 2 Speed	$54.50
	#42	Floor Type—Motor Driven Brush	39.50
	#43	Hand Type—Motor Driven Brush	44.95
	#42-52 Combination		44.95
	Duplex D-1	Floor Type—Motor Driven Brush 2 Speed	74.50
	D-12	Cylinder Type—Miniature	30.00
	#D-1 to D-12 Combination	Included: 10 Piece Attachment Set	79.50
The Hoover Co.	#60	Cylinder Type	39.50
	#60	Included: 11 Piece Attachment Set	59.50
	#50	Cylinder Type	44.50
	#50	Included: 9 Piece Attachment Set	59.50
	#70	Cylinder Type	59.50
	#70	Included: 9 Piece Attachment Set	69.95
	#200 "Magic Aire"	Cylinder Type	44.95
	#201 "Magic Aire"	Included: 9 Piece Attachment Set	59.50
	#22	Floor Type—Revolving Brush	49.50
	#44	Floor Type—Revolving Brush	49.50
	D71	Included: 12 Piece Attachment Set	69.50
Eureka Vacuum Cleaner Co.	W-66	Cylinder Type	69.50
		Included: 12 Piece Attachment Set	
	D-171	Floor Type—Motor Driven Brush DeLuxe—2 Speed	79.00
		12 Piece DeLuxe Attachment Set	18.83
		9 Piece Standard Attachment Set	13.25
	N-81-A	Floor Type—Motor Driven Brush	69.95
	R-81	Floor Type—Motor Driven Brush	54.95
	C-81	Floor Type—Motor Driven Brush	44.95
	G-81	Floor Type—Motor Driven Brush	39.95
	K	Hand Type—Heavy Duty—Plain Suction	17.95
	DeLuxe Jr.	Hand Type	12.50
		4 Piece Attachment Set	17.95
	Standard Jr.	Hand Type	10.95
		3 Piece Attachment Set	8.00
Gamble-Skogmo, Inc.	#400	Floor Type—Motor Driven Brush	49.95
	#60	Hand Type—Motor Driven Brush	13.95
W. A. Geier Company	#177	Floor Type—Motor Driven Brush	64.57
	#189	Floor Type—Motor Driven Brush	54.62
	#215	Floor Type—Motor Driven Brush	49.89
	#213	Floor Type—Motor Driven Brush	45.28
	#153	Floor Type—Motor Driven Brush	30.06
	#146	Floor Type—Straight Suction	24.07
	#150—Comm'l.	Floor Type—Plain Suction	30.03
	#97	Hand Type—Plain Suction	20.00
		Included: 5 Piece Attachment Set	3.00
	#103	Blackboard Eraser Special Motor Driven Brush	25.10
	#186	Cylinder Type	49.95
		Included: 9 Piece Attachment Set	
	#210A	Cylinder Type	59.97
		Included: 14 Piece Attachment Set	
	G-237	Hand Type—Motor Driven Brush	18.36
	#157	Hand Type—Motor Driven Brush	17.33
	#138	Hand Type—Plain Suction Rubber Nozzle	17.44
	#111	Hand Type—Plain Suction Rubber Nozzle	20.09
		Included: 5 Piece Attachment Set	3.00
	#211	12 Piece Attachment Set	17.33
	#136	12 Piece Attachment Set	17.33
	#192	9 Piece Attachment Set	13.83
	#195	5 Piece Attachment Set	7.65
	#191	5 Piece Attachment Set	7.03
	#123	Floor Polisher	49.95
General Electric Co.	AVT-701	Cylinder Type	59.95
		Included: 10 Piece Attachment Set	
	AVT-150	Cylinder Type	49.95
		Included: 10 Piece Attachment Set	
	AVF-175	Floor Type—Motor Driven Brush DeLuxe—2 speed	69.95
	AVA-180	Floor Type—Motor Driven Brush	59.95
	AVA-51	Included: 7 Piece Attachment Set	9.95
	AVF-25/AVH-45	Floor Type—Motor Driven Brush	[1] 44.95
		Hand Type—Motor Driven Brush	
	AVH-45	Hand Type—Motor Driven Brush	17.95

[1] Combination.

Manufacturer	Model	Description	Retail price
Hamilton Beach	#21	Cylinder Type—Motor Driven Brush 2 Speed	$54.50
	#42	Floor Type—Motor Driven Brush	39.50
	#43	Hand Type—Motor Driven Brush	44.95
	#42-52 Combination		44.95
	Duplex D-1	Floor Type—Motor Driven Brush 2 Speed	74.50
	D-12	Cylinder Type—Miniature	30.00
	#D-1 to D-12 Combination	Included: 10 Piece Attachment Set	79.50
The Hoover Co.	#60	Cylinder Type	39.50
	#60	Included: 11 Piece Attachment Set	59.50
	#50	Cylinder Type	44.50
	#50	Included: 9 Piece Attachment Set	59.50
	#70	Cylinder Type	59.50
	#70	Included: 9 Piece Attachment Set	69.95
	#200 "Magic Aire"	Cylinder Type	44.95
	#201 "Magic Aire"	Included: 9 Piece Attachment Set	59.50
	#22	Floor Type—Revolving Brush	49.50
	#44	Floor Type—Revolving Brush	49.50
	D71	Included: 12 Piece Attachment Set	69.50
Eureka Vacuum Cleaner Co.	W-66	Cylinder Type	69.50
		Included: 12 Piece Attachment Set	
	D-171	Floor Type—Motor Driven Brush DeLuxe—2 Speed	79.00
		12 Piece DeLuxe Attachment Set	18.83
		9 Piece Standard Attachment Set	13.25
	N-81-A	Floor Type—Motor Driven Brush	69.95
	R-81	Floor Type—Motor Driven Brush	54.95
	C-81	Floor Type—Motor Driven Brush	44.95
	G-81	Floor Type—Motor Driven Brush	39.95
	K	Hand Type—Heavy Duty—Plain Suction	17.95
	DeLuxe Jr.	Hand Type	12.50
		4 Piece Attachment Set	17.95
	Standard Jr.	Hand Type	10.95
		3 Piece Attachment Set	8.00
Gamble-Skogmo, Inc.	#400	Floor Type—Motor Driven Brush	49.95
	#60	Hand Type—Motor Driven Brush	13.95
W. A. Geier Company	#177	Floor Type—Motor Driven Brush	64.57
	#189	Floor Type—Motor Driven Brush	54.62
	#215	Floor Type—Motor Driven Brush	49.89
	#213	Floor Type—Motor Driven Brush	45.28
	#153	Floor Type—Motor Driven Brush	30.06
	#146	Floor Type—Straight Suction	24.07
	#150—Comm'l.	Floor Type—Plain Suction	30.03
	#97	Hand Type—Plain Suction	20.00
		Included: 5 Piece Attachment Set	3.00
	#103	Blackboard Eraser Special Motor Driven Brush	25.10
	#186	Cylinder Type	49.95
		Included: 9 Piece Attachment Set	
	#210A	Cylinder Type	59.97
		Included: 14 Piece Attachment Set	
	G-237	Hand Type—Motor Driven Brush	18.36
	#157	Hand Type—Motor Driven Brush	17.33
	#138	Hand Type—Plain Suction Rubber Nozzle	17.44
	#111	Hand Type—Plain Suction Rubber Nozzle	20.09
		Included: 5 Piece Attachment Set	3.00
	#211	12 Piece Attachment Set	17.33
	#136	12 Piece Attachment Set	17.33
	#192	9 Piece Attachment Set	13.83
	#195	5 Piece Attachment Set	7.65
	#191	5 Piece Attachment Set	7.03
	#123	Floor Polisher	49.95
General Electric Co.	AVT-701	Cylinder Type	59.95
		Included: 10 Piece Attachment Set	
	AVT-150	Cylinder Type	49.95
		Included: 10 Piece Attachment Set	
	AVF-175	Floor Type—Motor Driven Brush DeLuxe—2 speed	69.95
	AVA-180	Floor Type—Motor Driven Brush	59.95
	AVA-51	Included: 7 Piece Attachment Set	9.95
	AVF-25/AVH-45	Floor Type—Motor Driven Brush	[1] 44.95
		Hand Type—Motor Driven Brush	
	AVH-45	Hand Type—Motor Driven Brush	17.95

[1] Prices West of the Rocky Mountains are $1.50 higher to cover freight.

1941 MODELS—Continued

Manufacturer	Model	Description	Retail price
Sears, Roebuck & Company.	#0728	Cylinder Type	$39.95
		Includes: 13 Piece Attachment Set.	
	#0726	Cylinder Type	29.95
		Includes: 6 Piece Attachment Set.	
Singer Sewing Machine Co.		Floor Type—Motor Driven Brush 2 Speed	62.50
		Floor and Hand Type	79.90
		DeLuxe Floor Type—Motor Driven Brush—Cord Reel—2 Speed.	69.75
		DeLuxe Floor and Hand Type	86.50
		Hand Type	19.80
	Accessories	7 Piece Attachment Set	10.00
	Do	Dusting Brush	2.00
Westinghouse Electric & Mfg. Co.	K-503	Floor Type—Motor Driven Brush	49.95
	K-H-503 & Hand 173	Combination	66.90
	K-453	Floor Type—Motor Driven Brush	39.95
	KA-453 & K-151	Attachments	64.45
	A-403	Floor Type—Motor Driven Brush	39.95
	AD-403 Plus Attachments A151.		47.95
	A-503	Cylinder Type	44.95
		Included: 9 Piece Attachment Set.	
	AA-503 — Combination.	Spray, DeMoth, Wall Brush	49.95
	A-203	Hand Type—Motor Driven Brush Adapter and Attachments.	19.95
	A-173	Hand Type—Motor Driven Brush	16.95
	A-051	Attachment Set	4.95
		DeMoth, Floor Polisher, Tool Kit	10.00

(b) *Maximum prices for sales at all levels of other models (except private-brand models) and maximum wholesale prices of models listed in paragraph (a).* The maximum price, exclusive of excise or sales taxes for the sale of any model set forth in paragraph (a) to purchasers other than consumers, and the maximum price for the sale of any other model (except a private-brand model) offered for sale by the seller in the period October 1, 1941 to March 30, 1942, inclusive, to any purchaser, shall be the highest net price in effect for such model, by the seller's price list or other regular quotation, to the same general class of purchaser, during the period October 1, 1941, to October 15, 1941, inclusive, or if such model was not offered for sale by the seller before October 16, 1941, during the period October 16, 1941, to March 30, 1942, inclusive.

(c) *Maximum price for private-brand models*—(1) *Sales by manufacturers.* (i) The maximum price, exclusive of excise or sales taxes for any private-brand model sold by the manufacturer at a specific price shall be the highest net price for which such model was sold or contracted to be sold to the same general class of purchaser during the period October 1, 1941, to October 15, 1941, inclusive, or if such model was not offered for sale by the manufacturer before October 16, 1941, during the period October 16, 1941, to March 30, 1942.

(ii) The maximum price exclusive of excise or sales taxes for deliveries of any private-brand model by the manufacturer in order to complete a cost-plus contract outstanding on March 30, 1942, shall be the price determined by the terms of such contract.

(2) *Sales by distributors and dealers.* The maximum price, exclusive of excise or sales taxes, for the sale of a private-brand model by a distributor or dealer shall be the highest net price in effect for such model, by the seller's price list or other regular quotation, to the same general class of purchaser, during the period October 1, 1941, to October 15, 1941, inclusive, or if such model was not offered for sale by the seller before October 16, 1941, during that period October 16, 1941, to March 30, 1942, inclusive.

(d) *Maximum prices for new models.* (1) The maximum price for any model embodying non-substantial changes from a model offered for sale by the seller in the period October 1, 1941, to March 30, 1942, inclusive, shall be the price established by this Appendix A (§ 1370.12) for such corresponding model: *Provided*, That if the Office of Price Administration determines that any such change results in the reduction of quality, convenience of operation, or efficiency of performance, it may at any time make an appropriate reduction of the maximum price for such model.

(2) The maximum price for any model embodying any substantial change from a model offered for sale by the seller in the period October 1, 1941, to March 30, 1942, inclusive, shall be the price approved in writing by the Office of Price Administration after the submission to it of a report in accordance with § 1370.7 (b) (2).

(e) *Export sales.* In the case of sales for export the maximum prices established by paragraphs (a), (b), (c) and (d) to each general class of purchaser shall apply f. o. b. port of exit. To these prices the exporter may add:

(1) The actual cost of packing for export or special fabrication, if such cost is customarily charged as a separate item or if, because of the special character of the packing, additional expense is customarily necessary in order to provide for the safe carriage of the shipment;

(2) On sales f. a. s. vessel, f. o. b. vessel, c. i. f. destination, or f. o. b. destination, an amount not in excess of the actual cost to the exporter of ocean freight, marine and war risk insurances, or other standard charges;

(3) The normal commission or markup charged by same general class of exporter (i. e., manufacturer, export agent, export commission house or export merchant) for buying or for a sale or delivery of a similar quantity, quality, type, and packing to the same or comparable foreign market and to a purchaser of the same general class in the period October 1 to October 15, 1941, inclusive.

§ 1370.13 *Effective date.* This Maximum Price Regulation No. 111 (§§ 1370.1 to 1370.13, inclusive) shall become effective March 30, 1942.

Issued this 23d day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2556; Filed, March 24, 1942; 12:47 p. m.]

PART 1380—HOUSEHOLD AND SERVICE INDUSTRY MACHINES

MAXIMUM PRICE REGULATION NO. 110—RESALE OF NEW HOUSEHOLD MECHANICAL REFRIGERATORS

In the judgment of the Price Administrator prices for resale of household mechanical refrigerators are threatening to rise to an extent and in a manner inconsistent with the purposes of the Emergency Price Control Act of 1942. The Price Administrator has ascertained and given due consideration to the prices for resale of household mechanical refrigerators prevailing between October 1 and October 15, 1941, and has made adjustments for such relevant factors as he has determined and deemed to be of general applicability. So far as practicable the Price Administrator has advised and consulted with representative members of the industry which will be affected by this Regulation.

In the judgment of the Price Administrator the maximum prices established by this Regulation are and will be generally fair and equitable and will effectuate the purposes of said Act. A statement of considerations involved in the issuance of this Regulation has been prepared and is issued simultaneously herewith.[1]

Therefore, under the authority vested in the Price Administrator by the Emer-

[1] The statement of considerations has been filed with the Division of the Federal Register.

gency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1 [1] issued by the Office of Price Administration, Maximum Price Regulation No. 110 is hereby issued.

AUTHORITY: §§ 1380.101 to 1380.111, inclusive, issued pursuant to Pub. Law 421, 77th Cong., 2d Sess.

§ 1380.101 *Maximum prices for resale of household mechanical refrigerators.* On and after March 30, 1942, regardless of any contract, agreement, lease, or other obligation, no distributor or dealer shall sell or deliver any new model of household mechanical refrigerator at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1380.110; and no distributor or dealer shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of household mechanical refrigerators to a purchaser if, prior to March 30, 1942, such household mechanical refrigerators had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1380.102 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1380.110) may be charged, demanded, paid, or offered.

§ 1380.103 *Conditional agreements.* No seller of household mechanical refrigerators shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided herein, in the event that this Maximum Price Regulation No. 110 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this Section, permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition.

§ 1380.104 *Evasion.* (a) The limitations set forth in this Maximum Price Regulation No. 110 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to household mechanical refrigerator alone, or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Decreasing cash discounts, trade-in or exchange allowances, quantity purchase discounts or allowances for or absorption of transportation costs, below those in effect on February 2, 1942.

(2) Increasing charges for deferred payment, or for any other form of installment, or time payment or credit accounts, above those in effect on February 2, 1942.

(3) Failing to give or shortening the warranty or failing to give delivery, installation and other services available or in effect to the same general class of purchaser in exchange for the prices prevailing on February 2, 1942, corresponding to the maximum prices established by Appendix A (§ 1380.110).

§ 1380.105 *Records and reports.* (a) Every distributor or dealer making sales of household mechanical refrigerators after March 30, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the model number or other designation of each model sold, the price received for each, the quantity sold and any discounts, allowances, or charges.

(b) Such persons shall submit such reports to the Office of Price Administration as it may, from time to time, require.

§ 1380.106 *Notices to be posted.* Every dealer shall post in a conspicuous place on the premises where refrigerators are offered for sale a legible notice setting forth the make, model number and maximum price under Maximum Price Regulation No. 110 of every model of refrigerator offered for sale on such premises.

§ 1380.107 *Enforcement.* (a) Persons violating any provision of this Maximum Price Regulation No. 110 are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Maximum Price Regulation No. 110 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1380.108 *Petitions for amendment.* Persons seeking any modification of this Maximum Price Regulation No. 110 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1380.109 *Definitions.* (a) When used in this Maximum Price Regulation No. 110, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing;

(2) "Manufacturer" means any person who operates a plant or factory which manufactures or assembles household mechanical refrigerators;

(3) "Dealer" means any person other than a manufacturer, regularly engaged in the business of selling household mechanical refrigerators to consumers;

(4) "Distributor" means any person other than a manufacturer, regularly engaged in selling household mechanical refrigerators to dealers;

(5) "Consumer" means a person purchasing for use rather than resale;

(6) "Household mechanical refrigerator" means any new refrigerator for household use which operates either by compression or absorption;

(7) "Model" means any combination of size and specifications of equipment;

(8) "Net price quoted" means the actual cash price to be received by the seller, exclusive of state and local sales taxes, but including charges for warranty and cooperative advertising, and inclusive or exclusive of transportation charges, or Federal excise tax, whichever the price list or other regular quotation specifies.

(9) "Private-brand" means a refrigerator not offered for sale as the manufacturer's regular brand, but manufactured for a particular person or persons, whether or not such person's name or brand name appears thereon:

(10) "Export agent" means any exporter who performs the duties of an agent directly to and for a foreign purchaser in a sale between any seller in the United States and such foreign purchaser, and who does not (i) take title to the goods being exported, nor (ii) assume a risk of loss because of demurrage, failure to secure shipping space, credits or otherwise;

(11) "Export commission house" means any exporter who acts as a principal, and (i) buys for his own account only upon his foreign customers' direct orders, at a fixed price or at a previously agreed upon commission, (ii) takes title to the goods directly or through an agent, and (iii) assumes all risk of loss or expense until the title of goods passes to his foreign buyers according to named terms of sales.

(12) "Export merchant" means any exporter who acts as a principal, and (i) buys for his own account in anticipation of foreign orders in general, (ii) takes title to the goods, and (iii) sells them direct, or through customary trade channels, to any or all buyers in the foreign country, and (iv) assumes all risks of loss or expense until title to the goods passes to a foreign buyer according to terms of sales.

§ 1380.111 *Appendix A: Maximum prices for the resale of household mechanical refrigerators*—(a) *Maximum prices for sales to consumers*—(1) *Models having recommended retail prices.* The maximum cash price for the sale to consumers of the following models shall be the prices listed in this subparagraph.

[1] 7 F.R. 971.

Prices on all models include delivery, installation, servicing, and a five-year warranty by the seller. Except as otherwise indicated with respect to certain 1941 models, all prices include the Federal excise tax, but do not include State or local taxes imposed at the point of sale. The limits of the numbered zones are those established by the manufacturer as of February 2, 1942.

Manufacturer	Brand	Model	1st zone	2d zone	3d zone	4th zone	5th zone	6th zone
		1941 MODELS [1] [3]						
Borg-Warner Corp.	Norge	D-621	$129.95					
		D-622	139.95					
		D-901	179.95					
		D F-901	179.95					
		M-601	174.95					
		M-602	190.95					
		M-902	204.95					
		S-603	224.95					
		S-902	224.95					
		M-624-P	169.95					
		M-664-P	194.95					
		S-664-P	224.95					
		1942 MODELS						
		M-642	149.95					
		S-642	169.95					
		M-742	190.95					
		S-742	224.95					
		M-942	199.95					
		S-942	244.95					
		S-742-P	179.00					
		BD-66	345.00					
Copeland Refrigeration Corporation.	Copeland	A-120						
		1941 MODELS [2]						
The Crosley Corporation.	Crosley	A-641	119.95	$121.95	$124.95	$126.95		
		BA-641	127.95	130.95	132.95	134.95		
		BE-641	137.95	140.95	142.95	144.95		
		BM-641	152.95	154.95	157.95	159.95		
		DM-641	167.45	180.95	194.45	196.95		
		SE-641	187.45	189.95	194.45	196.95		
		DM-941	227.45	229.95	274.45	276.95		
		1942 MODELS [3]						
		A-642	142.95	144.95	147.95	149.95		
		BA-642	145.95	147.95	150.95	152.95		
		S-742	162.95	164.95	167.95	169.95		
		SE-742	167.95	186.95	192.95	194.95		
		BM-742	222.95	224.95	227.95	229.95		
		SE-942	247.45	249.95	274.45	276.95		
		BM-942	267.45	269.95	272.45	275.95		
		1941 MODELS [1]						
Edison General Electric Appliance Co., Inc.	Hotpoint	EA-3	123.45	124.95	127.95	128.95		
		EA-4	123.45	124.95	127.95	128.95		
		EA-5	122.95	124.95	127.95	129.95		
		EAS-6	137.95	139.95	142.95	144.95		
		EB-3	131.45	134.95	137.95	139.95		
		EB-4	152.95	154.95	157.95	159.95		
		EB-7	192.45	194.95	196.95	201.95		
		EBS-6	192.45	194.95	196.95	201.95		
		EC-6	172.95	174.95	177.95	179.95		
		EC-7	217.45	219.95	223.95	226.95		
		EC-8	239.95	239.95	244.95	247.95		
		ED-9	192.45	194.95	198.95	201.95		
		ED-11	217.45	219.95	223.95	226.95		
		ED-8	256.95	259.95	264.95	267.95		
		ED-12	440.00	445.00	452.50	457.50		
		ED-16	500.00	505.00	512.50	517.50		

See footnotes at end of table.

Manufacturer	Brand	Model	1st zone	2d zone	3d zone	4th zone	5th zone	6th zone
		1941 MODELS [1]						
General Electric Company.	General Electric	B-3	$130.45		$134.95	$135.95		
		LB-3	123.45		127.95	128.95		
		LB-4	143.45		147.95	148.95		
		BBY-1	122.95		127.95	129.95		
		LB-6-41	137.95		142.95	144.95		
		LBX-6-41	152.95		157.95	159.95		
		LBT-7-41	172.95		177.95	179.95		
		B-6-41	172.95		177.95	179.95		
		BBL-7-41	192.45		198.95	201.95		
		BL-7-41	192.45		198.95	201.95		
		BT-7-41	237.45		243.95	246.95		
		LB-8-41	182.45		188.95	191.95		
		B-8-41	236.95		244.95	247.95		
		BB-12-41	236.95		244.95	247.95		
		BB-12-B	446.00		452.50	457.50		
		PB-16-B	500.00		505.00	512.50		
		1942 MODELS [3]						
		LB-4-42	126.53		131.33	132.33		
		LB-6-42	126.31		131.31	133.31		
		LBS-7-42	152.20		157.20	159.20		
		LBX-7-42	165.53		167.30	169.30		
		LBT-7-42	182.45		187.30	189.30		
		P-7-42	202.45		208.95	211.95		
		BB-8-42	222.95		229.15	232.15		
		BB-12-42	342.59		345.74	351.74		
		PB-12-42	450.15		455.15	462.65		
		PB-16-42	511.49		516.49	522.99		
		1941 MODELS [1]						
The General Motors Corporation.	Frigidaire	S-3	119.75	121.75	123.75	125.75		
		BV-3	119.75	121.75	123.75	125.75		
		BF-5-41	119.75	121.75	123.75	125.75		
		S-5-41	127.75	129.75	132.75	134.75		
		LS-5-41	140.75	142.75	145.75	147.75		
		LF-5-41	167.75	169.75	172.75	174.75		
		MT-5-41	154.75	157.75	160.75	162.75		
		C-5-41	174.75	177.75	181.75	183.75		
		CF-5-41	200.75	202.75	205.75	208.75		
		OD-5-41	210.75	212.75	215.75	218.75		
		CPD-5-41	217.75	220.75	224.75	227.75		
		OPD-5-41	267.75	270.75	274.75	277.75		
		CPD-13	420.75	426.75	432.75			
		1942 MODELS [3]						
		AH-4	122.49	124.49	126.49			
		AH-5	123.54	127.54	129.54			
		S-7-42	130.66	132.66	134.66			
		MT-7-42	143.34	146.34	148.34			
		C-7-42	159.07	161.07	164.07			
		DP-7-42	179.44	181.44	185.44			
		OD-7-42	223.10	225.10	230.10			
		CPD-7-42	264.11	267.11	273.11			
		CPD-13	429.07	435.07	441.07			

See footnotes at end of table.

Manufacturer	Brand	Model	1st zone	2d zone	3d zone	4th zone	5th zone	6th zone
		1941 MODELS [1] [2]						
Nash-Kelvinator Corp.	Leonard	LB-6-41	$169.95	$174.95	$183.95	$192.95		
		LSS-6-A	129.95	134.95	143.95	152.95		
		LSS-6-41	140.95	145.95	154.95	163.95		
		LQ-6-41	140.95	145.95	154.95	163.95		
		LR-6-41	164.95	174.95	183.95	192.95		
		LPS-6-41	169.95	179.95	188.95	197.95		
		LN-6-41	180.95	190.95	199.95	208.95		
		LH-6-41	210.95	220.95	229.95	238.95		
		LM-6-41	228.95	238.95	247.95	256.95		
		1942 MODELS [3]						
		LB-6-42	129.95	134.95	143.95	148.95	118.95	120.95
		LSS-7-42	140.95	145.95	154.95	159.95	124.95	126.95
		LDA-7-42	150.95	155.95	164.95	169.95	132.95	134.95
		LR-7-42	164.95	174.95	183.95	188.95	146.95	148.95
		LPS-7-42	169.95	179.95	188.95	193.95	150.95	152.95
		LN-7-42	210.95	220.95	229.95	234.95	169.95	171.95
		LH-7-42	219.95	229.95	238.95	243.95	179.95	181.95
		LM-7-42	238.95	248.95	257.95	262.95	189.95	191.95
		LS-6-42	219.95	229.95	238.95	243.95	179.95	181.95
		LM-6-42	238.95	248.95	257.95	262.95	189.95	191.95
The Philco Corporation.	Philco	1941 MODELS [2] [4]						
		MU-6	122.95	124.95	$127.95			
		M-6	147.95	149.95	153.95			
		M-6-A	163.95	165.95	167.95			
		M-6	173.00	176.00	178.00			
		MH-6	190.95	193.95	197.95			
		MA-7	197.95	202.95	206.95			
		MH-7	207.95	212.95	216.95			
		MA-9	187.50	193.95	198.95			
		MAH-9	207.50	213.95	218.95			
		1942 MODELS [3]						
		RMR-6	143.95	145.95	148.95			
		RR-7	163.95	165.95	167.95			
		R-7	177.95	179.95	182.95			
		RCH-7	223.95	226.95	229.95			
		RAH-7	247.95	249.95	252.95			
		RR-9	233.95	236.95	239.95			
		RAH-9	257.70	260.25	263.50			
Sears, Roebuck & Co.	Coldspot	1941 MODELS [2]						
		41151	109.95	114.95	119.95	124.95	110.95	120.95
		41156	114.95	119.95	124.95	129.95	114.95	124.95
		41196	159.95	164.95	169.95	174.95	159.95	169.95
		41195	160.95	165.95	170.95	175.95	160.95	170.95
		42428	179.95	184.95	189.95	194.95	179.95	189.95
		41338	180.95	194.95	199.95	204.95	180.95	190.95
		1942 MODELS [3]						
		41216	129.95	134.95	139.95	144.95	129.95	139.95
		41256	142.95	147.95	152.95	157.95	142.95	152.95
		41336	160.95	165.95	170.95	174.95	160.95	170.95
		41226	158.95	163.95	168.95	173.95	158.95	168.95
		41238	179.95	184.95	189.95	194.95	179.95	189.95
Stewart-Warner Corporation.	Stewart-Warner	1941 MODELS [1] [2]						
		601	119.95	124.95	128.95	133.95	119.95	129.95
		611	130.95	135.95	139.95	144.95	130.95	140.95
		661	160.50	165.50	169.50	174.50	160.50	170.50
		671	228.50	233.50	237.50	242.50	228.50	238.50
		801	259.50	264.50	268.50	273.50	259.50	269.50
		871	268.50	273.50	277.50	282.50	268.50	278.50

See footnotes at end of table.

Manufacturer	Brand	Model	1st zone	2d zone	3d zone	4th zone	5th zone	6th zone
		1941 MODELS [1] [2]						
Gibson Electric Refrigerator Corporation.	Gibson	A-331	$109.95	$114.95	$119.95	$124.95	$114.95	$124.95
		A-471	129.95	134.95	139.95	144.95	134.95	144.95
		C-331	97.95	102.95	107.95	112.95	102.95	112.95
		CU-331	110.95	115.95	120.95	125.95	115.95	125.95
		CU-471	130.95	135.95	140.95	145.95	135.95	145.95
		F-471	143.95	148.95	153.95	158.95	148.95	158.95
		F-661	172.95	177.95	182.95	187.95	177.95	187.95
		SF-701	209.95	214.95	219.95	224.95	214.95	224.95
		1942 MODELS [3]						
		CU-432 (stripped)	130.95	134.95	139.95	144.95	124.95	134.95
		CU-332 (with clasp set)	140.95	145.95	150.95	155.95	134.95	144.95
		F-462	174.95	179.95	184.95	189.95	169.95	179.95
		F-662	189.95	194.95	199.95	204.95	184.95	194.95
		SF-702	219.95	224.95	229.95	234.95	214.95	224.95
		1941 MODELS [2]						
Montgomery Ward & Company.	Montgomery Ward	601	106.95	112.95	114.95	117.95	114.95	124.95
		671	124.95	130.95	132.95	135.95	132.95	142.95
		691	140.95	146.95	148.95	151.95	148.95	158.95
		781	160.95	172.95	174.95	177.95	174.95	184.95
		961	184.95	187.95	189.95	192.95	189.95	199.95
		1942 MODELS [3]						
		642 Standard	124.95	127.95	129.95	132.95	132.95	139.95
		671-11 Deluxe Speed	132.00	134.00	137.00	138.00	138.00	144.00
		672 Standard	143.95	145.95	147.95	150.95	150.95	156.95
		672 De Luxe	140.95	152.95	154.95	157.95	157.95	164.95
		692 De Luxe	164.95	167.95	169.95	172.95	172.95	179.95
		882 De Luxe	184.95	187.95	189.95	192.95	192.95	199.95
		783 Supreme	179.95	182.95	184.95	187.95	187.95	194.95
		963 Supreme	199.95	202.95	204.95	207.95	207.95	214.95
Nash-Kelvinator Corp.	Kelvinator	1941 MODELS [1] [2]						
		A-3-41	104.95	109.95				
		AXF-3-41	112.50	117.95				
		A-4-41	110.95	124.95				
		H-4-41	109.95	114.95				
		DH-4-41	139.95	145.95				
		S-6-41	140.95	150.95				
		R-4-41	164.95	174.95				
		HR-4-41	169.95	179.95				
		HS-4-41	180.95	190.95				
		S-8-41	198.95	199.95				
		M-8-41	229.95	239.95				
		1942 MODELS [3]						
		A-4-42	138.95	144.95				
		H-4-42	129.95	131.95				
		DH-4-42	143.95	144.95				
		S-7-42	164.95	184.95				
		R-7-42	174.95	184.95				
		HR-7-42	180.95	190.95				
		HS-7-42	210.95	220.95				
		M-9-42	233.95	239.95				

See footnotes at end of table.

Manufacturer	Brand	Model	1st zone	2d zone	3d zone	4th zone	5th zone	6th zone
		1942 MODELS [1]						
Stewart-Warner Corporation.	Stewart-Warner.	602	$147.75					
		612	165.50					
		802	192.95					
		662	239.95					
		672	258.75					
		962	273.95					
		872	290.95					
		1941 MODELS [2] [3]						
Westinghouse Electric & Mfg. Co.	Westinghouse	U-3-41	114.95	$116.95	$118.95	$120.95		
		AS-4-41	114.95	116.95	119.95	121.95		
		AS-6-41	122.95	124.95	127.95	129.95		
		S6-41	139.95	141.95	144.95	146.95		
		B-6-41	152.95	154.95	157.95	159.95		
		BP-6-41	172.95	174.95	177.95	179.95		
		D-7-41	182.95	184.95	187.95	189.95		
		B-9-41	182.45	184.95	188.95	191.95		
		M-7-41	207.95	209.95	212.95	214.95		
		DP-7-41	217.95	219.95	222.95	224.95		
		M-9-41	238.95	239.95	244.95	248.95		
		MP-9-41	266.95	269.95	274.95	278.95		
		A-135-40	424.50	429.50	435.50	439.50		
		E-135-40	474.50	479.50	485.50	489.50		
		A-200-40	493.50	499.50	506.50	509.50		
		1942 MODELS [2]						
		A-4-42	130.95	132.95	135.95	137.95		
		A-6-42	139.95	141.95	144.95	146.95		
		E-7-42	147.95	149.95	152.95	154.95		
		AS-7-42	162.95	164.95	167.95	169.95		
		B-7-42	177.95	179.95	182.95	184.95		
		D-7-42	202.95	204.95	207.95	209.95		
		B-9-42	202.95	204.95	208.95	211.95		
		D-9-42	246.95	249.95	254.95	258.95		

[1] For sales outside the area covered by Zone 1, the seller may add to the Zone 1 price the normal differential existing for each model on February 2, 1942, in his locality.

[2] The seller may add to prices on 1941 models the actual amount of the additional 4¼% Federal Excise Tax if he paid the tax to his vendor.

[3] These zones cover all 48 states.

[4] For sales outside the area covered by these three zones, the seller may add to the 3d zone price the normal differential existing for each model on February 2, 1942, in his locality.

(2) *Other models.* The maximum cash price, exclusive of state or local sales taxes, for the sale to consumers of any model not set forth in subparagraph (1) but offered for sale by the distributor or dealer on February 2, 1942, shall be the highest net price in effect, by the distributor's or dealer's price list or other regular quotation, to consumers on February 2, 1942.

(b) *Maximum prices for sales to dealers.* The maximum price, exclusive of state or local sales taxes, for the sale of any model set forth in paragraph (a) to a dealer shall be the net price which will yield the seller the same percentage of the total dollar margin between the manufacturer's net price to him and the dealer's resale price to consumers, as he received during the period October 1, 1941 to October 15, 1941 for the sale of the same or the most comparable model to the same general class of dealer.

(c) *New models.* The maximum price for any model not covered by paragraph (a) or (b) shall be the price approved in writing by the Office of Price Administration.

(d) *Export sales.* In the case of sales for export the maximum prices established by paragraphs (a), (b) and (c) of this section to each general class of purchaser shall apply f. o. b. port of exit. To these prices the exporter may add:

(1) The actual cost of packing for export or special fabrication, if such cost is customarily charged as a separate item or if, because of the special character of the packing, additional expense is customarily necessary in order to provide for the safe carriage of the shipment;

(2) On sales f. a. s. vessel, f. o. b. vessel, c. i. f. destination, or f. o. b. destination, an amount not in excess of the actual cost to the exporter of ocean freight, marine and war risk insurances, or other standard charges;

(3) The normal commission or mark-up charged by same general class of exporter (i. e., manufacturer, export agent, export commission house or export merchant) for buying or for a sale or delivery of a similar quantity, quality, type, and packing to the same or comparable foreign market and to a purchaser of the same general class in the period October 1 to October 15, 1941, inclusive.

§ 1380.11 *Effective date.* This Maximum Price Regulation No. 110 (§§ 1380.101 to 1380.111, inclusive) shall become effective March 30, 1942.

Issued this 23d day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2551; Filed, March 24, 1942; 12:44 p. m.]

PART 1380—HOUSEHOLD AND SERVICE INDUSTRY MACHINES

TEMPORARY MAXIMUM PRICE REGULATION NO. 12—DOMESTIC WASHING MACHINES AND IRONING MACHINES—DISTRIBUTORS AND RETAILERS

In the judgment of the Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942, to establish temporarily as the maximum prices for domestic washing machines and ironing machines, the prices prevailing with respect thereto within five days prior to the issuance of this Temporary Maximum Price Regulation.

Therefore, under the authority vested in me by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Temporary Maximum Price Regulation No. 12 is hereby issued.

AUTHORITY: §§ 1380.151 to 1380.161, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1380.151 *Maximum prices for domestic washing machines and ironing machines.* (a) On and after March 30, 1942, to and including May 28, 1942, regardless of any contract, agreement, lease, or other obligation, no distributor or dealer shall sell or deliver any domestic washing machine or ironing machine at a price higher than the maximum price, and no person shall agree, offer, solicit, or attempt to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of domestic washing machines or ironing machines to a purchaser, if prior to March 30, 1942, such domestic washing machines or ironing machines had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) The maximum price for any model of domestic washing machine or ironing machine shall be the highest price for which such model was sold by the same seller on March 19, 1942, to a purchaser of the same general class. If there was no such sale, the maximum price shall be the highest price for which such model was sold on the most recent date prior to March 19, 1942, on which such a sale was made.

§ 1380.152 *Less than maximum prices.* Lower prices than those set forth in this Temporary Maximum Price Regulation No. 12 may be charged, demanded, paid, or offered.

§ 1380.153 *Conditional agreements.* No seller of domestic washing machines or ironing machines shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1380.151, in the event that this Temporary Maximum Price Regulation No. 12 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section, permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition.

§ 1380.154 *Evasion.* The price limitations set forth in this Temporary Maximum Price Regulation No. 12 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase, or receipt of domestic washing machines or ironing machines, alone or

[1] 7 F.R. 971.

in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1380.155 *Records and reports.* (a) Every distributor or dealer making sales of domestic washing machines or ironing machines between March 30, and May 28, 1942, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each such sale, showing the date thereof, the name and address of the buyer, the prices received, the type and the quantity of domestic washing machines and ironing machines sold.

(b) Persons affected by this Temporary Maximum Price Regulation No. 12 shall submit such reports to the Office of Price Administration as it may, from time to time, require.

§ 1380.156 *Notices to be posted.* Every dealer shall post in a conspicuous place on the premises where washing machines or ironing machines are offered for sale a legible notice setting forth the make, model number and maximum price under Temporary Maximum Price Regulation No. 12 of every model of washing machine or ironing machine offered for sale on such premises.

§ 1380.157 *Enforcement.* (a) Persons violating any provision of this Temporary Maximum Price Regulation No. 12 are subject to the criminal penalties and civil enforcement actions provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Temporary Maximum Price Regulation No. 12 or any price schedule, regulation or order issued by the Office of Price Administration or any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1380.158 *Petitions for amendment.* Persons seeking modification of any provision of this Temporary Maximum Price Regulation No. 12 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1380.159 *Replacement by regulation.* This Temporary Maximum Price Regulation No. 12 may be replaced by a permanent maximum price regulation or order issued under the Emergency Price Control Act of 1942, which upon issuance shall have the effect of revoking this Temporary Maximum Price Regulation No. 12.

§ 1380.160 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 12, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successors or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Domestic washing machine" means a mechanically operated machine used in the home for washing clothes and other household articles.

(3) "Ironing machine" means a mechanically operated machine used in the home for ironing clothes and other household articles.

(4) "Distributor" means any person, other than a manufacturer, who sells domestic washing machines or ironing machines in the regular course of trade to purchasers other than ultimate consumers.

(5) "Dealer" means any person other than a manufacturer or distributor regularly engaged in selling domestic washing machines to ultimate consumers.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1380.161 *Effective period.* This Temporary Maximum Price Regulation No. 12 shall become effective on March 30 and shall, unless earlier revoked or replaced, expire at 12 o'clock midnight May 28, 1942.

Issued this 23d day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2552; Filed, March 24, 1942; 12:44 p. m.]

PART 1396—OFFICE AND STORE MACHINES

TEMPORARY MAXIMUM PRICE REGULATION NO. 15—NEW TYPEWRITERS

In the judgment of the Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942 to establish temporarily as the maximum prices for new typewriters the prices prevailing with respect thereto within five days prior to the issuance of this Regulation or on the nearest preceding date on which there were prevailing prices.

Therefore, under the authority vested in me by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Temporary Maximum Price Regulation No. 15 is hereby issued:

AUTHORITY: §§ 1396.1 to 1396.11, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong., 2d Sess.

§ 1396.1 *Maximum prices for new typewriters.* (a) On and after March 30, 1942, to and including May 28, 1942, regardless of any contract, agreement, lease, or other obligation, no persons shall sell, offer to sell or deliver any new typewriter, at a price higher than the maximum price established herein; and no person shall agree, offer, solicit or attempt to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of new typewriters to a purchaser if, prior to March 6, 1942, such typewriters had been received by a carrier, other than a carrier owned or controlled by the seller, for shipment to such purchaser.

(b) The maximum price for any new typewriter shall be the net price quoted by the manufacturer, wholesaler, distributor, dealer, or other seller, for a typewriter of the same make and model in the manufacturer's price list in effect on March 5, 1942, to a purchaser of the same general class.

(c) There may be added to the maximum price established by this Temporary Maximum Price Regulation No. 15 the amount of tax levied by any Federal excise tax statute or any State or municipal sales, gross receipts, gross proceeds, or compensating use tax statute or ordinance, under which the tax is measured by gross proceeds or units of sale, if, but only if, (1) such statute or ordinance requires the vendor to state the tax, separately from the purchase price paid by the purchaser, consumer, or user, on the bill, sales check, or evidence of sale, at the time of the transaction; or (2) such statute or ordinance requires such tax to be separately paid by the purchaser, consumer, or user with tokens or other media of State or municipal tax payment; or (3) such a statute or ordinance permits the vendor to state such tax separately, and such tax is in fact stated separately by the vendor. The amount of tax permitted to be added by this provision shall in no event exceed that paid by the purchaser, consumer, or user.

§ 1396.2 *Less than maximum prices.* Lower prices than those set forth in this Temporary Maximum Price Regulation No. 15 may be charged, demanded, paid, or offered.

§ 1396.3 *Notices to be posted.* Every retail dealer in new typewriters shall post in a conspicuous place on his premises where new typewriters are offered for sale, a legible notice which shall set forth the make, model number and maximum price under Temporary Maximum Price Regulation No. 15 of every model of new typewriter offered for sale on such premises.

§ 1396.4 *Conditional agreements.* No seller of new typewriters shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided herein, in the event that this Temporary Maximum Price Regulation No. 15 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That, if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section, permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1396.5 *Evasion.* (a) The price limitations set forth in this Temporary Maximum Price Regulation No. 15 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to new or used typewriters, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

(b) Specifically, but not exclusively, the following practices are prohibited:

(1) Decreasing cash discounts, trade-in or exchange allowances, rental credits on purchases, quantity or other purchase discounts, or allowances for or absorption of transportation costs, below those available or in effect on March 5, 1942. for a purchaser of the same general class.

(2) Increasing charges for deferred payment, or for any other form of installment, or time payment or credit accounts, above those available or in effect on March 5, 1942, for a purchaser of the same general class.

(3) Increasing charges for maintenance or repair service, or for shop overhauls, above those available or in effect on March 5, 1942, for a purchaser of the same general class.

(4) Shortening the effective period of guarantee or warranty of performance, or of maintenance or repair service, available or in effect on March 5, 1942, for a purchaser of the same general class.

(5) Making terms and conditions of sale less favorable to the purchaser than those available or in effect on March 5, 1942, for a purchaser of the same general class.

§ 1396.6 *Records and reports.* (a) Every person making sales of new typewriters after March 30, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year, a complete and accurate record of each such sale, showing the date thereof, the name and address of the buyer or lessee, the make, the model, serial number, or other designation and the price received for each new typewriter, the discounts and trade-in allowances given, and the model, serial number, or other designation of each typewriter traded in.

(b) Persons affected by this Temporary Maximum Price Regulation No. 15 shall submit such reports to the Office of Price Administration as it may, from time to time, require.

§ 1396.7 *Enforcement.* (a) Persons violating any provision of Temporary Maximum Price Regulation No. 15 are subject to the criminal penalties and civil enforcement actions provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Temporary Maximum Price Regulation No. 15 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1396.8 *Petitions for amendment.* Persons seeking any modification of this Temporary Maximum Price Regulation No. 15 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1396.9 *Replacement by regulation.* Temporary Maximum Price Regulation No. 15 may be replaced by a permanent maximum price regulation or order issued under the Emergency Price Control Act of 1942, which upon issuance shall have the effect of revoking Temporary Maximum Price Regulation No. 15.

§ 1396.10 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 15, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons or legal successor or representative of any of the foregoing and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing;

(2) "Typewriter" means any portable, office, commercial, noiseless or standard type of manually or electrically operated writing machine designed to be used for writing or copying letters or other documents, and does not include Braille typewriters, Linotype machines, Monotype machines, shorthand writing machines, telegraphically controlled typewriters, toy typewriters, or billing and continuous forms handling machines;

(3) "New typewriter" means any typewriter which has not, at any time, been delivered to any person acquiring it for use, and does not include rebuilt or reconditioned typewriters;

(4) "Manufacturer" means a person operating a factory or plant which manufactures or assembles typewriters;

(5) "Net price quoted" means the actual price after deducting trade-in allowances and quantity or other purchase discounts prevailing by virtue of the manufacturer's price list or schedule of allowances in effect on March 5, 1942.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942, shall apply to other terms used herein.

§ 1396.11 *Effective date.* This Temporary Maximum Price Regulation No. 15 (§§ 1396.1 to 1396.11, inclusive) shall become effective March 30, 1942, and shall expire at midnight on May 28, 1942, unless earlier revoked.

Issued this 23d day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2555; Filed, March 24, 1942; 12:46 p. m.]

[1] 7 F.R. 971.

PART 1398—OFFICE AND STORE MACHINES

REVISED RATIONING ORDER NO. 4[1]—NEW AND USED TYPEWRITERS

The title, preamble and §§ 1398.101 to 1398.109, inclusive, are amended and renumbered to read as set forth:

Pursuant to the authority vested in me by Directive No. 1 issued by the Chairman of the War Production Board on January 24, 1942, by Supplementary Directive No. 1D issued by the Chairman of the War Production Board on March 5, 1942, and Conversion Order No. L-54-A issued by the Director of Industry Operations of the War Production Board on March 17, 1942, it is hereby ordered that:

AUTHORITY: §§ 1398.101 to 1398.111, inclusive, issued under the authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483, War Production Board Directive No. 1 and Supplementary Directive No. 1D, 7 F.R. 562, 7 F.R. 1792, Conversion Order No. L-54-A, 7 F.R. 2130.

§ 1398.101 *Restriction of sales and deliveries of typewriters.* On and after the effective date of this Revised Rationing Order No. 4, regardless of any contract of sale, contract to sell, agreement, lease or other obligation, no person shall sell or deliver typewriters, and no person shall buy or receive typewriters, except as provided in §§ 1398.102, 1398.103, 1398.104, and 1398.105.

§ 1398.102 *Persons eligible to receive typewriters without application*—(a) *New typewriters.* Effective March 25, 1942, the following persons shall be eligible to buy or receive new typewriters, including portable and non-portable typewriters, without making application to a Local Rationing Board:

(1) Consignees of shipments of typewriters: *Provided*, That such typewriters were in transit on a carrier, other than a carrier owned or controlled by the consignor, on March 6, 1942.

(2) Manufacturers of typewriters at their places of business in the United States.

(3) Wholesalers or dealers in typewriters: *Provided*, That no manufacturer shall deliver new typewriters to a wholesaler or dealer except upon the presentation by the dealer or wholesaler of a purchase order dated after March 16, 1942, issued by the Army or Navy of the United States, in which case, the manufacturer may deliver the number of typewriters specified in the said purchase order.

(4) Persons entitled by distraint, levy, execution, attachment, or by similar forms of judicial process, including foreclosure or repossession by virtue of a bona fide lien, created prior to March 6, 1942, to the typewriters acquired.

(5) Persons entitled by will or by intestacy to the typewriter acquired.

(6) Trustees or receivers in bankruptcy, insolvency, or receivership, in cases where their trusteeship or receivership extends to the typewriters received.

(7) Persons entitled to redeem the typewriter acquired, if it was pledged before March 6, 1942.

[1] 7 F.R. 2003.

(8) The Army, Navy, and Procurement Division of the Treasury Department of the United States within their respective quotas assigned by the Director of Industry Operations of the War Production Board.

(b) *Used typewriters.* Effective March 25, 1942, the following persons shall be eligible to buy or receive used typewriters, including portables and non-portables, without making application to a local Rationing Board:

(1) Persons eligible to buy or receive new typewriters pursuant to paragraph (a) above of this section.

(2) Persons regularly engaged in the business of repairing, reconditioning, or rebuilding used typewriters may receive typewriters for repair, reconditioning, or rebuilding.

(3) Persons who have delivered used typewriters to others for repair, reconditioning, or rebuilding and are entitled to the return thereof.

(4) Any person acquiring a used typewriter for business purposes from a person other than a dealer or typewriter repairman: *Provided*, That the person from whom the used typewriter is acquired shall not own or possess, at the time of delivery of such typewriter, more than the one typewriter.

§ 1398.103 *Persons eligible to receive new or used typewriters upon certified application*—(a) *Non-portables.* On and after April 13, 1942, the following persons shall be eligible to buy or receive new or used non-portable typewriters in exchange for a certified application pursuant to § 1398.105, upon showing need therefor in accordance with the provision of paragraph (c) of this section: *Provided*, That no manufacturer (or branch, outlet, or sales agency of a manufacturer) shall deliver and no applicant shall receive from a manufacturer (or branch, outlet, or sales agency of a manufacturer) any new typewriter except as authorized by the War Production Board:

(1) Prime contractors with any agency of the government of the United States for the construction of a military or naval cantonment, shipyard, or air base.

(2) Persons who are engaged in the operation of a plant, factory, or shipyard, 70% of whose combined billings and accepted but unbilled orders (whether or not production has commenced pursuant to such orders), during the three-month period preceding the month in which the application is filed, consisted of billings and accepted but unbilled orders for ships, planes, tanks, guns, ammunition, powder, fire control apparatus, military or naval optical or communications equipment, armor plate, radiosondes, machine tools, lift trucks, welding machines, foundry equipment, cranes, metal working equipment, heat treating furnaces, or tackle blocks.

(b) *Portables.* On and after April 13, 1942, the following shall be eligible to buy or receive new or used portable typewriters for the purposes specified in this paragraph in exchange for a certified application pursuant to § 1398.105, upon showing need therefor in accordance with the provisions of paragraph (c) of this Section: *Provided*, That no manufacturer (or branch, outlet, or sales agency of a manufacturer) shall deliver, and no person shall receive from a manufacturer (or branch, outlet, or sales agency of a manufacturer) any new typewriter except as authorized by the War Production Board:

(1) Persons eligible to buy or receive non-portable typewriters pursuant to paragraph (a) of this section.

(2) State and local governments and agencies thereof, and accredited representatives of foreign governments.

(3) The legislative and judicial establishments of the United States for official use.

(4) Selective Service Boards for the official use of the Boards.

(5) Civilian aides of the War and Navy Departments, for official use at official centers.

(6) State Defense Councils, Local Defense Councils, and Volunteer aides of the Office of Civilian Defense, when typewriters are required for the performance of the official duties of such Councils or aides at control centers or warden posts.

(7) American Red Cross for its official use.

(8) Local Rationing Boards for official use.

(9) Ship's licensed radio operators when typewriters are required for the performance of their duties.

(10) Newspapers, periodicals, radio broadcasting stations, and other agencies regularly engaged in the dissemination of news or news comment.

(11) United States government-owned corporations.

(12) Any industrial or extractive establishment, construction project, lumber camp, or power-generation, transportation, or communication facility operating under an A-5 or higher priority rating from the War Production Board.

(c) *Applicant must show immediate need.* A person who applies for a typewriter under paragraph (a) or (b) of this section shall establish in his application immediate need therefor for the efficient conduct of the construction project, business, duties, or functions specified in paragraph (a) or (b) hereof. Immediate need is not shown by applicant if upon the acquisition of a typewriter applied for, he will have in his possession any typewriter which is idle or not in use, unless such typewriter idle or not in use is unserviceable and cannot be made serviceable by reasonable repairs.

§ 1398.104 *Rental of typewriters.* (a) Effective March 13, 1942, all persons shall be eligible to rent new or used portable typewriters, and used non-portable typewriters. New non-portable typewriters shall not be rented.

(b) Regardless of any agreement, lease or other obligation heretofore or hereafter entered into, all rentals, leasings, bailments, licenses, hirings, or loans of typewriters shall be subject to revocation or cancellation by lessors, bailors, licensors, or lenders, as the case may be, upon the issuance by the Office of Price Administration of Orders, Regulations, or Amendments requiring the recapture, repossession, or return of such typewriters. Upon the issuance by the Office of Price Administration of any such Orders, Regulations, or Amendments, all persons in possession of such typewriters shall return, deliver, or surrender such typewriters to their lessors, bailors, licensors, or lenders, as the case may be, at the time and in the manner provided for in such Orders or Regulations.

(c) *Rental-credit provisions and options to purchase.* Any rental-credit provision (or other provision for crediting rentals paid toward the purchase price of a rented typewriter) or option to purchase contained in an agreement for the rental of a typewriter made prior to March 6, 1942, which rental-credit provision or option was not prior to March 6, 1942 invoked or exercised in writing by the lessee, shall be enforceable only upon presentation of a certified application pursuant to §§ 1398.102 and 1398.104.

(d) *Bailment-leases.* A bailee-lessee under a bailment-lease agreement for the instalment purchase of a typewriter may complete the purchase provided the agreement therefor was executed and the typewriter was delivered prior to March 6, 1942.

§ 1398.105 *Procedure for buying typewriters*—(a) *Application.* Any person who believes that he is eligible to buy a typewriter or typewriters in accordance with the provisions of § 1398.103 shall make to the Local Rationing Board of the Office of Price Administration having jurisdiction over the area in which the typewriter is to be used, an application in triplicate on Form R-401 to be provided by the Local Rationing Board.

(b) *Certification of Application.* The Local Rationing Board, if it is satisfied that the applicant has properly executed his application, that the facts stated in the application are true, and that the applicant has satisfied all the applicable requirements of this Order, shall certify on the application its approval thereof and specify the number of each portable and non-portable typewriter to which the applicant is eligible. The Local Rationing Board shall retain one copy of the application and deliver the remaining two copies to the applicant for presentation to the seller.

(c) *Delivery.* The seller, if he knows nothing inconsistent with the facts set forth in an application of Form R-401, approved by a Local Rationing Board, may deliver the typewriter or typewriters specified in the Board's certification to the applicant, after executing the statement required of him on Form R-401, forwarding one copy to the Local Rationing Board as provided in § 1398.106 and retaining the other. If the seller knows any facts to be inconsistent with those set forth in the application, he shall retain the application, refuse to make the sale, and notify the Local Rationing Board thereof.

§ 1398.106 *Appeals*—(a) *Grounds.* Any applicant for a typewriter whose application has been denied by the Board and who believes that such action is in conflict with this Revised Rationing Order No. 4 may file an appeal from such action with the State Rationing Administrator.

(b) *Filing of appeals.* An appeal from an action taken by a Board may be filed only within 30 days after such action has been taken. The applicant shall file a statement in writing and under oath setting forth the specific section of Revised Rationing Order No. 4 which he believes to be inconsistent with the action taken by the Board and stating in full the facts on which he grounds his appeal.

(c) *Action on appeals.* The State Rationing Administrator may require the Board or the appellant to furnish pertinent information, in addition to that furnished before the Board, with respect to any appeal pending before him. The State Rationing Administrator may affirm the decision of the Board, or may reverse or modify such decision and remand the matter to the Board for consistent action. The State Rationing Administrator's ruling shall be in writing and shall be communicated to the appellant and to the Board. If he reverses or modifies the decision, he shall send a copy of his ruling to the Office of Price Administration. He shall act on the appeal within 30 days after its filing.

(d) *Review by the Office of Price Administration.* If an appellant feels aggrieved by the ruling of the State Rationing Administrator, he may, within 30 days thereafter, file a written petition for review with the Office of Price Administration, Washington, D. C. If the Office of Price Administration, in its discretion, elects to review the matter, it may require the furnishing of additional pertinent information. The Office of Price Administration may affirm the ruling of the State Rationing Administrator, or may reverse or modify such ruling and remand the matter to the Board for consistent action. The ruling of the Office of Price Administration shall be in writing and shall be communicated to the appellant, to the Board, and to the State Rationing Administrator.

§ 1398.107 *Records.* Every typewriter manufacturer, wholesaler, and dealer shall preserve for not less than two years, accurate and complete records concerning inventories and sales or rentals of used typewriters, (including, specifically, the use to which a rented typewriter is to be put) and such copies of forms as are required to be retained by them by the terms of this Revised Rationing Order No. 4.

§ 1398.108 *Reports.* (a) On or before April 6, 1942, every typewriter manufacturer, wholesaler, and dealer shall file with the Local Rationing Board, on a Form to be provided by the Board, an inventory report containing the information required by such Form.

(b) Persons affected by this Revised Rationing Order No. 4 shall submit such other reports to the Office of Price Administration as it may, from time to time, require.

§ 1398.109 *Violations.* (a) Any person who violates any provision of this Revised Rationing Order No. 4, who, by any act or omission, knowingly falsifies a statement or any record which he is required to keep by the terms of this Revised Rationing Order No. 4, or who otherwise knowingly furnishes false information to the Office of Price Administration, shall be subject to the penalties therefor, including a recommendation to the Attorney General for prosecution pursuant to section 35 (A) of the Criminal Code (Title 18 U.S.C. Sec. 80).

(b) In addition, the Office of Price Administration may deny him the right to receive any typewriter or any other commodity subject to rationing by the Office of Price Administration, and may recommend to the War Production Board that he be denied the right to receive any other materials which are now or in the future may be allocated by that Board.

§ 1398.110 *Definitions.* When used in this Revised Rationing Order No. 4, the term:

(a) "Dealer" means any person regularly engaged in the business of selling or renting typewriters to the ultimate user.

(b) "New" as applied to typewriters means any typewriter which has never been delivered to any person who has acquired it for use, and excludes repaired, rebuilt, or reconditioned typewriters.

(c) "Non-portable typewriter" means any typewriter other than a portable typewriter.

(d) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative or any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(e) "Manufacturer" means any person operating a plant for the manufacture or assembly of typewriters and shall include sales and distribution outlets owned, operated, or controlled by a manufacturer.

(f) "Portable typewriter" means any typewriter weighing less than 25 pounds.

(g) "Typewriter," unless expressly otherwise stated, includes non-portable typewriters, (including noiseless and electric types) and portable typewriters. The term shall not include typewriters with inbuilt continuous forms handling features, or with inbuilt front feed or form collating features; shorthand writing machines; telegraphically controlled typwriters; Braille typewriters; toy typewriters; linotype machines or monotype machines.

(h) "Used" as applied to typewriters means any typewriter which at any time has been delivered to a person or persons acquiring it for use.

(i) "Wholesaler" means any person regularly engaged in the business of selling typewriters to manufacturers or other wholesalers or dealers.

§ 1398.11 *Effective dates of Rationing Order No. 4.* (a) Rationing Order No. 4 (§§ 1398.101 to 1398.109, inclusive) issued March 12, shall be in force and effect from March 13, 1942 until midnight March 24, 1942.

(b) Revised Rationing Order No. 4 (§§ 1398.101 to 1398.111) shall take effect March 25, 1942.

Issued this 24th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2574; Filed, March 25, 1942; 9:22 a. m.]

TITLE 36—PARKS AND FORESTS

Chapter II—Forest Service

PART 221—TIMBER

MODIFICATION OF REGULATION S-2

By virtue of the authority vested in the Secretary of Agriculture by the act of June 4, 1897 (30 Stat. 35; 16 U.S.C. 551), and the act of February 1, 1905 (33 Stat. 628; 16 U.S.C. 472), the third sentence of Regulation S-2 of the rules and regulations governing the occupancy, use, protection, and administration of the national forests, which constitutes § 221.2 of Part 221, Chapter II, Title 36, Code of Federal Regulations, is hereby amended to read as follows:

§ 221.2 *Management plans, sustained yields, and community and industrial stability; exportation of national forest timber.* The Secretary of Agriculture will also issue such instructions as may be necessary in specific cases to insure an adequate and permanent supply of forest products for local requirements, or for established industries dependent upon national forest timber, or to promote the welfare of local communities dependent upon national forest operations for employment, or to require that national forest timber suitable for specialized use in the manufacture of products necessary to national defense shall not be diverted to other uses.

In testimony whereof, I have hereunto set my hand and caused the official seal of the Department of Agriculture to be affixed, in the City of Washington, this 25th day of March 1942.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-2602; Filed, March 25, 1942; 11:57 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 17—FINANCE

DISPOSITION OF PATIENT'S PERSONAL EFFECTS AND FUNDS UPON DEATH OR DISCHARGE

§ 17.4819 *Public No. 382—77th Congress, December 26, 1941, Amending The Act of June 25, 1910 (24 U. S. Code, 136).* (a) Whenever any veteran (admitted as a veteran) shall die in any Veterans Ad-

ministration facility or in any hospital, Federal, State, or private, while being furnished care or treatment therein by the Veterans Administration, without leaving a will and without leaving any spouse, heirs or next of kin entitled to his personal property, all such property, including money and choses in action, shall immediately vest in and become the property of the United States as trustee for the sole use and benefit of the General Post Fund, subject to claim as elsewhere provided.

(b) "Personal Property" as used herein shall include cash, funds on deposit in Personal Funds of Patients, bank accounts, certificates of stock, bonds and notes the obligation of the United States or of others, money orders, checks, insurance policies the proceeds of which are payable to the veteran or his estate, postal savings certificates, and all other papers of every character; also clothing, jewelry and all other forms of personality, or evidences of interest therein. (March 26, 1942) (Public No. 382, 77th Cong.)

§ 17.4820 *Notice to veterans receiving treatment.* (a) Form P–10, Revised, Application for Hospital Treatment or Domiciliary Care, includes notice to the applicant that effective as of March 26, 1942, the acceptance of care or treatment by any veteran shall constitute acceptance of the provisions of the Act. Similar notice shall be given to each veteran receiving care as of March 26, 1942, by posting notice in a prominent place in each building wherein patients or members are housed. Such notices shall be posted immediately and kept posted.

(b) Since the provisions of the law are applicable to all veterans receiving care at the expense of the Veterans Administration (contract, Federal, State or private hospital) it shall be the responsibility of the Veterans Administration officer (field or central) authorizing admission of a veteran to other than a Veterans Administration facility, to cause the chief officer of such institution to post in a conspicuous place, in all buildings where veterans are housed, the provisions of § 17.4819 (a), or if he declines to post, notify the patients individually and supply a statement from each acknowledging notice. Such provisions supersede in part the provisions of Form P–10 executed prior to March 26, 1942. (March 26, 1942) (Public No. 382, 77th Congress)

§ 17.4821 *Action upon death of veteran in Veterans Administration facility.* Upon the death of a veteran at a Veterans Administration facility while receiving care or treatment therein and whom it is believed leaves no will or heirs or next of kin entitled to his personal property, regardless of whether Form 1170 executed by the veteran names a designate, an inventory of the effects and funds, Form 2687, will be promptly prepared and supplemented by all information or evidence available as to personal property owned by the veteran in addition to that left at the place of death; similar action will be taken when the death of such a veteran hospitalized by the Veterans Administration occurs at a contract hospital, Army, Navy, Marine or other hospital. Such inventories and information together with any bank books, stocks, bonds, or other valuable paper as enumerated in § 17.4819 (b) left in the effects of the veteran will be delivered to the manager of the Veterans Administration facility having jurisdiction, for his disposition in accordance with existing regulations. (March 26, 1942) (Public No. 382, 77th Congress)

§ 17.4822 *Disposition of personal effects upon death of veteran.* (a) Any assets heretofore or hereafter accruing to the benefit of the General Post Fund other than money, stocks, bonds, bank deposits, and similar assets, but including jewelry and other personal effects will be sold in accordance with the existing regulations, except that articles of personal adornment which are obviously of sentimental value shall, if unclaimed, be retained for five years from the date of death of the veteran, unless for sanitary or other reasons it is deemed unsafe to retain same. Possession of effects other than those located on the premises of a Veterans Administration facility will be obtained, except that if expense for transportation, storage, etc., is involved, prior authority of the director of finance will be secured. Proceeds of sale will be deposited to the credit of the General Post Fund.

(b) Stocks, bonds, bank deposit evidence (pass books, checks, time deposit certificates, etc.), and similar assets, actual or potential, will be promptly forwarded to the director of finance together with a copy of the inventory on which listed, in order that appropriate action may be taken to convert such assets into cash for deposit in the General Post Fund. Funds on deposit in Personal Funds of Patients will be deposited to the General Post Fund and Form 2687 promptly forwarded to the director of finance together with a statement that papers listed on the inventory were examined and nothing of value found, if such is a fact. Any claims against the estate of the deceased veteran will be filed with or, if received elsewhere, forwarded to the director of finance. (March 26, 1942) (Public No. 382, 77th Congress)

§ 17.4823 *Claims of creditors and heirs.* Effective December 26, 1941, the assets of the estate of a veteran theretofore or thereafter deposited to the General Post Fund and subject to the valid claims of creditors presented to the Veterans Administration within one year from the date of death or otherwise as provided by any applicable law. Any heir, next of kin, legatee or other person found to be legally entitled to the personal property of the veteran may claim same within five years from the date of the veteran's death. If claimant is under any legal disability (as a minor, incompetent, etc.) at the date of the veteran's death the five year period begins upon the termination of removal of legal disability. Such claims are for settlement by the director of finance. In the event of doubt as to entitlement or the necessity of legal proceedings to obtain assets for the benefit of the General Post Fund the case will be referred to the solicitor for appropriate action. Any necessary court costs or expenses will be paid from the appropriation salaries and expenses, Veterans Administration. (March 26, 1942) (Public No. 382, 77th Congress)

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 42–2599; Filed, March 25, 1942; 11:11 a. m.]

TITLE 46—SHIPPING

Chapter III—War Shipping Administration

[General Order No. 1,[1] Sup. 2]

PART 301—REGULATIONS AFFECTING MARITIME CARRIERS

PASSENGER VESSELS—UNIFORM BAREBOAT CHARTER

Whereas vessels in addition to those otherwise available are necessary for transportation of foreign commerce of the United States or of commodities essential to the national defense and to the prosecution of the war, and

Whereas from time to time the War Shipping Administration will deem certain vessels suitable for such transportation;

Now, therefore;

§ 301.1b *Uniform bareboat charter for all passenger vessels.* (a) The attached form[2] of Bareboat Charter is hereby adopted as the uniform bareboat charter for all passenger vessels.

(b) Appropriate special provisions shall be inserted, either by addendum or by insertion, as the owner and the War Shipping Administration shall agree (E.O. 9054, 7 F.R. 837)

By Order of the War Shipping Administration.

[SEAL] W. C. PEET, JR.,
Secretary.

MARCH 23, 1942.

[F. R. Doc. 42–2600; Filed, March 25, 1942; 11:51 a. m.]

[1] 7 F.R. 1505, 1548.

[2] Filed as part of the original document.

Notices

WAR DEPARTMENT.

[Public Proclamation No. 1]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY, PRESIDIO OF SAN FRANCISCO, CALIFORNIA

MILITARY AREAS NOS. 1 AND 2 DESIGNATED AND ESTABLISHED

MARCH 2, 1942.

To: The people within the States of Arizona, California, Oregon, and Washington, and the Public Generally.

Whereas by virtue of orders issued by the War Department on December 11, 1941, that portion of the United States lying within the States of Washington, Oregon, California, Montana, Idaho, Nevada, Utah and Arizona and the Territory of Alaska has been established as the Western Defense Command and designated as a Theatre of Operations under my command; and

Whereas by Executive Order No. 9066, dated February 19, 1942, the President of the United States authorized and directed the Secretary of War and the Military Commanders whom he may from time to time designate, whenever he or any such designated commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded, and with respect to which the right of any person to enter, remain in or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military Commander may impose in his discretion; and

Whereas the Secretary of War on February 20, 1942, designated the undersigned as the Military Commander to carry out the duties and responsibilities imposed by said Executive Order for that portion of the United States embraced in the Western Defense Command; and

Whereas the Western Defense Command embraces the entire Pacific Coast of the United States which by its geographical location is particularly subject to attack, to attempted invasion by the armed forces of nations with which the United States is now at war, and, in connection therewith, is subject to espionage and acts of sabotage, thereby requiring the adoption of military measures necessary to establish safeguards against such enemy operations:

Now therefore, I, J. L. DeWitt, Lieutenant General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General of the Western Defense Command, do hereby declare that:

1. The present situation requires as a matter of military necessity the establishment in the territory embraced by the Western Defense Command of Military Areas and Zones thereof as defined in Exhibit 1, hereto attached, and as generally shown on the map attached hereto and marked Exhibit 2.[1]

2. Military Areas Nos. 1 and 2, as particularly described and generally shown hereinafter and in Exhibits 1 and 2 hereto, are hereby designated and established.

3. Within Military Areas Nos. 1 and 2 there are established Zone A–1, lying wholly within Military Area No. 1; Zones A–2 to A–99, inclusive, some of which are in Military Area No. 1, and the others in Military Area No. 2; and Zone B, comprising all that part of Military Area No. 1 not included within Zones A–1 to A–99, inclusive; all as more particularly described and defined and generally shown hereinafter and in Exhibits 1 and 2.

Military Area No. 2 comprises all that part of the States of Washington, Oregon, California and Arizona which is not included within Military Area No. 1, and is shown on the map (Exhibit 2) as an unshaded area.

4. Such persons or classes of persons as the situation may require will by subsequent proclamation be excluded from all of Military Area No. 1 and also from such of those zones herein described as Zones A–2 to A–99, inclusive, as are within Military Area No. 2.

Certain persons or classes of persons who are by subsequent proclamation excluded from the zones last above mentioned may be permitted, under certain regulations and restrictions to be hereafter prescribed, to enter upon or remain within Zone B.

The designation of Military Area No. 2 as such does not contemplate any prohibition or regulation or restriction except with respect to the zones established therein.

5. Any Japanese, German or Italian alien, or any person of Japanese Ancestry now resident in Military Area No. 1 who changes his place of habitual residence is hereby required to obtain and execute a "Change of Residence Notice" at any United States Post Office within the States of Washington, Oregon, California and Arizona. Such notice must be executed at any such Post Office not more than five nor less than one day prior to any such change of residence. Nothing contained herein shall be construed to affect the existing regulations of the U. S. Attorney General which require aliens of enemy nationalities to obtain travel permits from U. S. Attorneys and to notify the Federal Bureau of Investigation and the Commissioner of Immigration of any change in permanent address.

6. The designation of prohibited and restricted areas within the Western Defense Command by the Attorney General of the United States under the Proclamations of December 7 and 8, 1941, and the instructions, rules and regulations prescribed by him with respect to such prohibited and restricted areas, are hereby adopted and continued in full force and effect.

The duty and responsibility of the Federal Bureau of Investigation with respect to the investigation of alleged acts of espionage and sabotage are not altered by this proclamation.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army, Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–2601; Filed, March 25, 1942; 11:54 a. m.]

[1] A pamphlet containing Exhibits 1 and 2 was filed as a part of the original document.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. 1718–FD]

IN THE MATTER OF RICHARD ALMOND AND GEORGE GALBAVY, DEFENDANTS

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint having been filed on May 9, 1941, by the Bituminous Coal Producers Board for District No. 22, as complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act") alleging wilful violation by Richard Almond and George Galbavy of the Bituminous Coal Code and rules and regulations thereunder; and

An order having been entered herein on January 26, 1942, cancelling and revoking the code membership of Richard Almond and George Galbavy; and

Said Order of Cancellation and Revocation having been duly served upon Richard Almond and George Galbavy on February 4, 1942; and

Richard Almond and George Galbavy having filed with the Division their application, dated March 7, 1942, for restoration of their code membership to become effective as of the date of the payment of the tax referred to in the said Order dated January 26, 1942; and

It appearing from said application that Richard Almond and George Galbavy on February 11, 1942, paid to the Collector of Internal Revenue, Helena, Montana, the sum of $57.33 as provided in said Order dated January 26, 1942, as a condition precedent to the restoration of its code membership.

Now, therefore, it is ordered, That said application of Richard Almond and George Galbavy, dated March 7, 1942, for restoration of its code membership be, and the same hereby is granted; and

It is further ordered, That the code membership of Richard Almond and George Galbavy be and the same hereby is restored as of February 11, 1942.

Dated: March 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–2586; Filed, March 25, 1942; 11:33 a. m.]

[Docket No. B–198]

IN THE MATTER OF BOOTH, INC., REGISTERED DISTRIBUTOR

NOTICE OF FILING OF APPLICATION FOR THE DISPOSITION WITHOUT FORMAL HEARING OF COMPLIANCE PROCEEDING

Notice is hereby given that Booth, Inc., Registered Distributor, Registration No. 0928, the party named in the above-entitled matter, on March 5, 1942, filed an application dated March 4, 1942, pursuant to § 301.132 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division for The Disposition Without Formal Hearing of Compliance Proceedings.

In said application Booth, Inc., the above-named registered distributor:

1. Admits that the allegations contained in the Notice of and Order for Hearing entered in the above-named matter by the Acting Director on February 13, 1942, are in all respects true.

2. Admits that on various dates between May 27, 1941, and June 7, 1941, both dates inclusive, the applicant wilfully violated the provisions of the Bituminous Coal Act and Code, acting as sales agent for the code member producers hereinafter named by making the following substitution and sales:

(a) Substitution of 419.05 tons of 2" x 5" egg coal produced at the Sellards No. 1 Mine (Mine Index No. 2431) of Left Fork Fuel Company, Inc., a code member in District No. 8, on railway fuel orders obtained from the Ann Arbor Railway Company, specifying 6" resultant mine run coal, and sale of said coal to said railway company at the price of $1.85 per net ton f. o. b. said mine, the applicable mine price for such egg coal being $2.30 per net ton f. o. b. the mine;

(b) Substitution of 418.5 tons of 2" x 5" egg coal produced at the Camp Creek Coal Company Mine (Mine Index No. 2420) of A. J. Fry, a code member in District No. 8 on railway fuel orders obtained from the Ann Arbor Railway Company specifying 6" resultant mine run coal, and sale of said coal to said railway company at the price of $1.85 per net ton f. o. b. said mine, the applicable mine price for such egg coal being $2.30 per net ton f. o. b. the mine;

(c) Substitution of 200 tons of 2" x 5" egg coal produced at the Hall Brothers Mine (Mine Index No. 2421) of J. C. Fry and Andrew J. Fry, co-partners, doing business under the name and style of J. C. Fry and A. J. Fry, a code member in District No. 8, on railway fuel orders obtained from the Ann Arbor Railway Company specifying 6" resultant mine run coal, and sale of said coal to said railway company at the price of $1.85 per net ton f. o. b. said mine, the applicable mine price for such egg coal being $2.30 per net ton f. o. b. the mine; and

(d) Substitution of 152.2 tons of 2" x 5" egg coal produced at the Fry Mine (Mine Index No. 2703) of J. C. Fry and Andrew J. Fry, co-partners, doing business under the name and style of J. C. Fry and A. J. Fry, a code member in District No. 8, on railway fuel orders obtained from the Ann Arbor Railway Company specifying 6" resultant mine run coal, and sale of said coal to said railway company at the price of $1.85 per net ton f. o. b. said mine, the applicable mine price for such egg coal being $2.30 per net ton f. o. b. the mine;

all of said coal being handled in car load lots f. o. b. shipping point; resulting in violations of Rule 1 (f) of section XI of the Marketing Rules and Regulations and paragraphs (b) and (e) of Distributor's Agreement, and Rule 9 of section II of the Marketing Rules and Regulations and paragraph (e) of the Distributor's Agreement, and Rule 13 (a) of section II of the Marketing Rules and Regulations and paragraph (e) of the Distributor's Agreement.

3. Admits that the applicant received commissions in respect to the coal involved in the admitted violations as follows:

(a) 419.05 tons	$62.02
(b) 418.5 tons	61.94
(c) 200 tons	29.60
(d) 152.2 tons	22.53
Total Commission	176.09

4. States that to the best of the applicant's belief and knowledge, the applicant has not committed any violations of the Act, the Code or the regulations thereunder other than the violations specifically referred to and admitted in said application.

5. Consents to the entry of an order revoking or suspending its registration for a period of ten (10) days.

6. Agrees to restore to the code members referred to therein the amounts unlawfully accepted by it as commissions in the transactions involved in the admitted violations.

7. Agrees to pay all penalties, if any, to be imposed against the code members referred to, which are now pending, amounting to $1,031.55.

Interested parties desiring to do so may within fifteen (15) days from the date of this notice file recommendations or requests for informal conferences in respect to the above-described application.

Dated: March 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2587; Filed, March 25, 1942; 11:33 a. m.]

[Docket No. B-195]

IN THE MATTER OF FRANK GERARD AND HESTON RUMPLE, INDIVIDUALLY AND AS CO-PARTNERS DOING BUSINESS UNDER THE NAME AND STYLE OF GERARD AND RUMPLE, CODE MEMBER, DEFENDANT

ORDER POSTPONING HEARING

The above-entitled matter having been heretofore scheduled for hearing on March 27, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Post Office Building, Terre Haute, Indiana; and

It appearing to the Acting Director that it is advisable to postpone said hearing;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from March 27, 1942, at 10 a. m. to April 20, 1942, at 10 a. m. at the place and before the Examiner heretofore designated.

Dated: March 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2588; Filed, March 25, 1942; 11:34 a. m.]

[Docket No. B-206]

IN THE MATTER OF FRANCIS WEIDREKER, ALSO KNOWN AS FRANCIS WIEDREKER, CODE MEMBER, DEFENDANT

ORDER POSTPONING AND CHANGING PLACE OF HEARING

The above-entitled matter having been heretofore scheduled for hearing on March 28, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at Monroe County Court House, Circuit Court Room, Bloomington, Indiana; and

It appearing to the Acting Director that it is advisable to postpone said hearing and change the place thereof;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be and it hereby is postponed from March 28, 1942, at 10 a. m. to April 22, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Superior Court Room, Knox Circuit Court, Vincennes, Indiana, before the Examiner heretofore designated.

Dated: March 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2589; Filed, March 25, 1942; 11:34 a. m.]

[Docket No. A-1362]

PETITION OF DELTA COAL MINING COMPANY, A CODE MEMBER IN DISTRICT NO. 10, FOR MINIMUM F. O. B. MINE PRICES FOR F. A. S. DELIVERY FROM MINES IN DISTRICT NO. 10 TO MINNEAPOLIS STREET RAILWAY COMPANY, AT MINNEAPOLIS, MINNESOTA, PURSUANT TO SECTION 3 (A), SPECIAL RIVER PRICE INSTRUCTIONS AND EXCEPTIONS, SCHEDULE OF EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 10 FOR ALL SHIPMENTS EXCEPT TRUCK

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on April 15, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fifteenth Street N. W., Washington, D. C. On such day the Chief of the Records Section in room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd McGown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before April 13, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the petition of Delta Coal Mining Company, a Code Member in District No. 10, for minimum f. o. b. mine prices for f. a. s. delivery from mines in District No. 10 to Minneapolis Street Railway Company, at Minneapolis, Minnesota, pursuant to section 3 (A), Special River Price Instructions and Exceptions, Schedule of Effective Minimum Prices for District No. 10 for All Shipments Except Truck, pursuant to Section 4 II (d) of the Bituminous Coal Act of 1937.

Dated: March 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2590; Filed, March 25, 1942; 11:34 a. m.]

[Docket No. 1708-FD]

IN THE MATTER OF SHEBAN MINING COMPANY, CODE MEMBER

MEMORANDUM OPINION AND NOTICE OF AND ORDER FOR HEARING

This proceeding was instituted upon a complaint filed with the Bituminous Coal Division on June 11, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 4, alleging that the Sheban Mining Company, a code member in District 4, has wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder and praying that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder.

Pursuant to an Order of the Acting Director, dated July 17, 1941, and after due notice to interested persons, a hearing in this matter was held on September 3, 1941, before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof in Youngstown, Ohio. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The code member appeared. The preparation and filing of a report by the Examiner was waived and the record in the proceeding was thereupon submitted to the undersigned.

On December 4, 1941, the undersigned issued Findings of Fact and Conclusions of Law and entered an Order in accordance therewith, cancelling and revoking the code member's code membership and providing that as a condition of reinstatement to membership in the Code the code member should be required to pay to the United States a tax in the amount of $4,117.16 as provided in section 5 (c) of the Act.

On January 16, 1942, the code member filed a petition for reconsideration, requesting that the Findings of Fact, Conclusions of Law, and Order issued herein be reconsidered; that the code member be granted an opportunity to present oral argument in support of its petition for reconsideration; and that it be permitted to introduce additional evidence.

In its petition for reconsideration, the code member claims that to suit the convenience of the Examiner and the Division attorney, and because it was led to believe by the Examiner and said attorney that the introduction of additional evidence by it would be merely a waste of time because no wilful violation had been shown, it did not introduce evidence other than a "statement"[1] by one witness. The code member also referred to a "promise" of the Examiner and the Division attorney that "they are fully convinced that there was no wilful violation of any rules or regulations and that they will see that the case be treated so upon their return to Washington." The code member further claimed that it was not afforded a fair and impartial hearing because the Examiner was prejudiced and did not permit counsel for the code member the same latitude in examining witnesses as he permitted the Division. The code member also made other charges impugning the fairness of the hearing. Aside from stating these charges, however, the code member did not specify what evidence it neglected to offer. Its charges concerning the prejudice of the Examiner and the unfairness and partiality of the hearing were also general and vague.

Because of the serious character of these charges, however, and of the importance of investigating the same, the undersigned, on February 4, 1942, entered an Order granting the code member's request for an oral argument upon its petition for reconsideration. Accordingly, such argument was held before the undersigned on February 10, 1942. At that argument, although counsel for the code member was permitted the fullest latitude in expressing himself and as much time for argument as he desired, and although he was urged by the undersigned to be specific in his charges, counsel for the code member did no more than reiterate the general and undocumented charges theretofore made by him concerning the alleged improper conduct of the Examiner who presided at the hearing herein and of the attorney who represented the Division at said hearing.

Again, because these charges, though general in nature, were serious, I did not consider it advisable to accept them or to base any action thereon, unless supported by sworn statements. To that end, on March 2, 1942, I ordered the defendant to file affidavits in support of the charges made, setting forth in detail the facts and circumstances concerning them. Thereafter, the affidavits of six persons were furnished the undersigned by the code member. These, again, are vague and unspecific with respect to the charges made. They state conclusions of the affiants based upon unspecified facts and are based, in considerable and highly material parts, upon a most objectionable sort of hearsay.

A reading of the record herein, the petition for reconsideration, the oral argument, and the affidavits filed thereafter have failed to convince me that the conduct of the Division's Examiner or attorney at the hearing herein was improper so as to prejudice the code member in any way.

While I do not believe that the Division Examiner or attorney misled the code member in any respect or acted to its prejudice, I think that it does appear, however, that the code member and its counsel were genuinely confused during the hearing herein. And it may well be that this confusion, in and of itself, may have resulted in the code member's not having obtained as adequate a hearing as it otherwise would have. This confusion is evident from the failure of the code member and its counsel to recognize, in the petition for reconsideration and at the oral argument herein, that the penalty imposed by the undersigned in the Order of December 4, 1941, was based upon only such tonnage as was originally included in the complaint herein, and not upon the larger tonnage concerning which violations were proved at the hearing.

While, upon investigation, the charges of the code member appear to lack substance and while there does not appear to have been any prejudice to the code member arising out of the hearing therein, nevertheless, because of this confusion and the resulting doubt, though slight, of whether the code member has placed into the record all relevant evidence concerning the violation, I consider it advisable to order a new hearing herein which will be free of the troublesome issues raised by the code member. I desire to reiterate that I do not find that such rehearing is essential in order to guarantee to the code member a fair hearing. I believe that the code member has already had that. However, even at the oral argument counsel for code member still appeared confused. Therefore, in order to insure that the record presented to me

[1] It should be noted that this was sworn testimony.

contains all the relevant evidence and out of an abundance of caution, I shall nevertheless order a new hearing.

The record heretofore made herein except for the complaint filed herein on June 11, 1941, will be stricken and the new hearing will be based upon the complaint as originally filed on June 11, 1941. The purported amendment to the Notice of and Order for Hearing, made at the earlier hearing herein, which has caused so much confusion and which I disregarded in reaching my decision herein on December 4, 1941, is hereby again disavowed by me, and the hearing to be held will be concerned only with the violations charged in the complaint filed by District Board 4 on June 11, 1941, and set forth in the Notice of and Order for Hearing. The new hearing will be conducted by an Examiner and the Division will be represented thereat by an attorney not heretofore connected with the proceeding.

Now, therefore, it is ordered, That the record in this matter be, and it hereby is, stricken, except with respect to the complaint filed herein by District Board 4 on June 11, 1941.

It is further ordered, That the Order entered herein by the undersigned on December 4, 1941, cancelling and revoking code membership, be and it hereby is revoked and withdrawn, without prejudice.

It is further ordered, That the petition for reconsideration filed herein by the code member on January 16, 1942, be and it hereby is, granted to the extent indicated above, and in all other respects denied.

It is further ordered, That a hearing in respect to the subject matter of the complaint filed herein on June 11, 1941, by District Board 4 to be held on April 6, 1942, at 10 o'clock in the forenoon, at a hearing room of the Division at the Post Office Building, Youngstown, Ohio.

It is further ordered, That C. R. Larrabee, or any other officer or officers of the Bituminous Coal Division duly designated for that purpose, shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, administer oaths and affirmations, examine witnesses, take evidence, continue said hearing from time to time and to such places as he may direct by announcements at said hearing or any adjourned hearing or by subsequent notice, prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

The matter concerned herewith is in regard to the complaint filed by District Board 4, alleging wilful violation by the above-named code member of the Bituminous Coal Code or rules and regulations thereunder, as follows: That the code member between October 1, 1940, and December 30, 1940, inclusive, sold a substantial quantity of 2" lump coal and mine run coal produced at its mine (Mine Index No. 2314) located in Mahoning County, Ohio, in District 4, for shipment via truck at a price of $2.50 per ton f. o. b. the mine for the 2" lump coal and at a price of $2.25 per ton f. o. b. the mine for the mine run coal, which prices were below the effective minimum prices for said coals as set forth in the schedule of Effective Minimum Prices for District No. 4 for Truck Shipments.

Notice is also hereby given that if it shall be determined that the code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the code member in the Bituminous Coal Code or directing the code member to cease and desist from violating the Bituminous Coal Code and regulations made thereunder.

Dated: March 24, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2591; Filed, March 25, 1942; 11:35 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration.

[Docket No. AO 72-A 5]

NOTICE OF HEARING WITH RESPECT TO PROPOSED AMENDMENTS TO THE TENTATIVELY APPROVED MARKETING AGREEMENT, AS AMENDED, AND ORDER NO. 30, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE TOLEDO, OHIO, MARKETING AREA, INCLUDING A PROPOSAL TO INCREASE THE MARKETING AREA

Notice is hereby given of a hearing to be held at the Waldorf Hotel, Toledo, Ohio, beginning at 10:00 a. m., e. w. t., March 30, 1942, with respect to proposed amendments to the tentatively approved marketing agreement, as amended, and Order No. 30, as amended, regulating the handling of milk in the Toledo, Ohio, marketing area, including a proposal to increase the marketing area.

This notice is given pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 1940 ed. 601 *et seq.*), and in accordance with the General Regulations of the Surplus Marketing Administration, United States Department of Agriculture (7 CFR 900.4).

This public hearing is for the purpose of receiving evidence with respect to the amendments which are hereinafter set forth in detail. These amendments have not received the approval of the Secretary of Agriculture, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the provisions to which such amendments relate. The amendments which have been proposed are as follows:

A. *Proposed by the Northwestern Cooperative Sales Association.*

1. Delete § 930.1 (a) (2) and substitute therefor the following:

(2) The term "Toledo, Ohio, marketing area," hereinafter called the "marketing area," means the territory within the corporate limits of the city of Toledo and the towns and villages of Ottawa Hills, Maumee, Sylvania, Harbor View, Rossford, and Trilby, in Lucas County, also the townships of Monclova, Springfield, Adams, Sylvania, Washington, and Oregon in Lucas County, and the township of Perrysburg, in Wood County, all in the State of Ohio, and the city of Monroe and village of Lakeside in Monroe County, and the townships of Whiteford, Bedford, Erie, LaSalle, Monroe, and Frenchtown, Monroe County, all in the State of Michigan.

2. Delete paragraphs (d) and (e) of § 930.4 and substitute therefor the following:

(d) *Computation of milk in each class.* For each delivery period, each handler shall compute, in the manner and on forms prescribed by the market administrator, the amount of milk in each class, as defined in paragraph (b) of this section, as follows:

(1) Determine the total pounds of milk (a) received from producers, (b) produced by him, if any, (c) received from other handlers, if any, (d) received from other sources, if any, and (e) add together the resulting amounts.

(2) Determine the total pounds of butterfat received as follows: (a) multiply the weight of the milk received from producers by its average butterfat test, (b) multiply the weight of the milk produced by him, if any, by its average butterfat test, (c) multiply the weight of the milk received from other handlers, if any, by its average butterfat test, (d) multiply the weight of the milk received from other sources, if any, by its average butterfat test, and (e) add together the resulting amounts.

(3) Determine the total pounds of milk in Class I as follows: (a) convert to quarts the quantity of milk disposed of in the form of milk and milk drinks, whether plain or flavored, and multiply by 2.15 (b) multiply the result by the average butterfat test of such milk, and (c) if the quantity of butterfat so computed when added to the pounds of butterfat in Class II milk and Class III milk, computed pursuant to subparagraphs (4) (b) and (5) (b) of this paragraph, is less than the total pounds of butterfat received computed in accordance with subparagraph (2) of this paragraph, an amount equal to the difference shall be divided by 3.5 percent and added to the quantity of milk determined pursuant to (a) of this subparagraph.

(4) Determine the total pounds of milk in Class II as follows: (a) multiply the actual weight of each of the several products of Class II milk by its average butterfat test, (b) add together the resulting amounts, and (c) divide the result obtained in (b) of this subparagraph by 3.5 percent.

(5) Determine the total pounds of milk in Class III as follows: (a) multiply the actual weight of each of the several products of Class III milk by its average butterfat test, (b) add together the resulting amounts, (c) subtract the total pounds of butterfat in Class I milk and Class II milk, computed pursuant to subparagraphs (3) (b) and (4) (b) of this paragraph, and the total pounds of butterfat computed pursuant to (b) of this subparagraph, from the total pounds of butterfat computed pursuant to subparagraph (2) of this paragraph, which resulting quantity shall be allowed as plant shrinkage for the purposes of this paragraph (but in no event shall such plant shinkage allowance exceed 3 percent of the total receipts of butterfat from producers and new producers by the handler) and shall be added to the result obtained in (b) of this subparagraph, and (d) divide the result obtained in (b) of this subparagraph by 3.5 percent.

(6) Determine the classification of milk received from producers and new producers as follows:

(i) Subtract pro rata out of each class the quantity of milk received from the handler's own farm.

(ii) Subtract from the total pounds of milk in each class the total pounds of milk which were received from other handlers and used in such class.

(e) *Reconciliation of utilization of milk by classes with receipts of milk from producers.* (1) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (d) of this section, is less than the receipts of milk from producers and new producers, the market administrator shall increase the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and new producers and the total utilization of milk by classes for such handler.

(2) If the total utilization of milk in the various classes for any handler, as computed pursuant to paragraph (d) of this section, is greater than the receipts of milk from producers and new producers, the market administrator shall decrease the total pounds of milk in Class III for such handler by an amount equal to the difference between the receipts of milk from producers and new producers and the total utilization of milk by classes for such handler.

3. Delete subparagraphs (1), (2), and (3) of paragraph (a) of § 930.5, and substitute therefor the following:

(1) Class I milk—The price per hundredweight for Class I milk shall be $2.95 per hundred: *Provided*, That with respect to Class I milk disposed of by such handler under a program approved by the Secretary for the sale or disposition of milk to low-income consumers, including persons on relief, the price per hundredweight shall be such price for Class I milk less 46 cents.

(2) Class II milk—The price per hundredweight for Class II milk shall be the price for Class III milk determined by the market administrator pursuant to subparagraph (3) of this paragraph, plus 20 cents.

(3) Class III milk—The price per hundredweight for Class III milk shall be the price resulting from the following computation by the market administrator: determine the average of the basic, or field, prices per hundredweight ascertained to have been paid for milk of 3.5 percent butterfat content received during the delivery period at the following plants and subtract 5 cents:

Concern:	*Location of plant*
Van Camp Milk Company...	Wauseon, Ohio.
Pet Milk Company.....	Delta, Ohio.
Pet Milk Company.....	Hudson, Mich.

Provided, That if the price so determined is less than the price per hundredweight computed by the market administrator in accordance with the following formula, such formula price shall be the price for Class III milk for the delivery period: multiply by 3.5 the average price per pound of 92-score butter at wholesale in the Chicago market, as reported by the United States Department of Agriculture for the delivery period during which such milk was received, and add 30 percent thereof.

4. Add as § 930.5 (c) the following:

(c) The classification prices effective in the city of Monroe and the Townships LaSalle, Monroe, and Frenchtown, all in the State of Michigan shall be the same as those set forth in paragraph (a), section 930.5, except that the Class I price in these four subdivisions of the State of Michigan shall be 20 cents lower than the Class I price set forth in subparagraph (1), paragraph (a), § 930.5.

5. Delete § 930.7 (a) and substitute therefor the following:

Payment for milk. (a) *Time and method of payment.* On or before the last day of each delivery period, each handler shall pay, with respect to all milk received during the first 15 days of such delivery period, the prices per hundredweight which equals such handler's blend price for milk testing 3.5 percent butterfat as announced by the market administrator for the preceding delivery period to each of his producers and one-half of such blend price to each of his new producers. In event any producer or new producer discontinues shipping during any delivery period, or delivers during the last 15 days of the delivery period less than 60 percent of his deliveries for the first 15 days, such producer shall receive $1.50 per hundredweight for milk delivered during the first 15 days of the delivery period and such new producer 75 cents per hundredweight for milk delivered during the first 15 days of the delivery period.

6. Delete from § 930.7 and all other sections, such paragraphs and subparagraphs as may be necessary to terminate the market sharing amendment.

B. *Proposed by Dairy and Poultry Branch.* 1. Reconsider the butterfat differential provided under § 930.7 (d).

2. Delete § 930.5 (b).

3. Reconsider § 930.1 (a) (4) and § 930.1 (a) (5).

It is hereby declared that an emergency exists in the handling of milk in the aforesaid area which requires a shorter period of notice than fifteen days, and it is hereby determined that the period of notice given is reasonable under the circumstances.

Additional copies of this notice of hearing and copies of Order No. 30, as amended, now in effect, may be procured from the Hearing Clerk, Office of the Solicitor, United States Department of Agriculture, Room 0312, South Building, Washington, D. C., or may be there inspected.

Dated: March 24, 1942.

[SEAL] ROBERT H. SHIELDS,
Assistant to the Secretary of Agriculture.[1]

[F. R. Doc. 42-2557; Filed, March 24, 1942; 4:14 p. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 335]

IN THE MATTER OF THE COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH, OF EASTERN AIR LINES, INC.

NOTICE OF ORAL ARGUMENT

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 1001 and 406 of said Act, in the above-entitled proceeding, that oral argument is hereby assigned to be held on April 3, 1942, at 10 a. m. (eastern standard time) in Room 5042 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before the Board.

Dated Washington, D. C., March 23, 1942.

By the Civil Aeronautics Board:

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-2577; Filed, March 25, 1942; 10:04 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 1-297]

IN THE MATTER OF SIVYER STEEL CASTING COMPANY, COMMON STOCK, NO PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO WITHDRAW FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 18th day of March, A. D. 1942.

[1] Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192).

The Sivyer Steel Casting Company pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, No Par Value, from listing and registration on the Chicago Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, April 20, 1942, at the office of the Securities & Exchange Commission, 105 W. Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2559; Filed, March 24, 1942; 3:52 p. m.]

[File No. 1-937]

IN THE MATTER OF MILLER AND HART, INC., $2 NON-CUMULATIVE CONVERTIBLE PREFERENCE STOCK, $24 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 13th day of March, A. D. 1942.

The Chicago Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the $2 Non-Cumulative Convertible Preference Stock, $24 Par Value, of Miller and Hart, Inc.

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at the office of the Securities and Exchange Commission, 105 West Adams Street, Chicago, Illinois, on Tuesday, April 14, 1942 at 10:00 A. M. and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena, witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2560; Filed, March 24, 1942; 3:52 p. m.]

[File No. 70-516]

IN THE MATTER OF THE CENTRAL KANSAS POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23rd day of March, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than April 1, 1942 at 5:30 p. m., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The Central Kansas Power Company, a subsidiary of United Utilities, Incorporated, a registered holding company, proposes to redeem 1,000 shares of its 4¾% Cumulative Preferred Stock at a price of $105 per share, plus accrued dividends thereon to the date of redemption, as provided in the charter of the company. The redemption will be financed by the company out of its current funds.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2561; Filed, March 24, 1942; 3:52 p. m.]

[File No. 70-515]

IN THE MATTER OF FLORIDA POWER CORPORATION, AND FLORIDA WEST COAST TOWING COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of March, A. D. 1942.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties;

Notice is further given that any interested persons may, not later than April 10, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing therein. At any time thereafter, such application-declaration, as filed or as amended, may become effective as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania. All interested persons are referred to said application-declaration which is on file in the office of said Commission for a statement of the transactions therein proposed which are summarized below:

Florida Power Corporation proposes to acquire the assets of Florida West Coast Towing Company, a wholly owned subsidiary with no outstanding publicly held obligations, in complete cancellation of the outstanding indebtedness and capital stock of Florida West Coast Towing Company.

As at December 31, 1941 the total capitalization of Florida West Coast Towing Company consisted of 175 shares of common stock with a stated aggregate value of $17,500, and outstanding indebtedness to Florida Power Corporation in the face amount of $6,432.08. The fixed capital of Florida West Coast Towing Company at the same date was stated at $38,635.18. The application-declaration reveals that no appraisal of the assets or of the securities involved in this transaction has been made but it asserted in the filing that, in the opinion of the companies, the book value of the assets of Florida West Coast Towing Company represents actual cost.

The application-declaration further reveals that Florida West Coast Towing Company was organized as a Florida corporation in 1928 as a subsidiary of Florida Power Corporation for the purpose of transporting oil of Florida Power Corporation to be used in its plant at Inglis, Florida, the oil being transported from Port Tampa, Florida. Florida West Coast Towing Company owns a tug which is registered in its name and leases barges from Florida Power Corporation.

The filings have specified sections 9 (a) (1), 10, 12 (c) and 12 (f) and Rule U-43 of the Act as being, in the judgment of the applicants-declarants, applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2562; Filed, Mar. 24, 1942; 3:54 p. m.]

[File No. 70-484]

IN THE MATTER OF LOUISVILLE GAS AND ELECTRIC COMPANY (KENTUCKY), AND STANDARD GAS AND ELECTRIC COMPANY

AMENDATORY ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 23d day of March, A. D. 1942.

The Commission having entered an order herein on the 30th day of January, 1942, approving an application, as amended, by the above named companies pursuant to which Louisville Gas and Electric Company (Kentucky) would sell and Standard Gas and Electric Company would purchase shares of common stock of the former company as therein more fully described; and

A further amendment having been filed whereby Standard Gas and Electric Company seeks authority to acquire immediately all remaining unsold shares at the offering price to the public, which as of the close of business on March 21, 1942 totalled 85,210;

It is ordered, That said order of January 30, 1942 be and it is hereby amended accordingly.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2563; Filed, March 24, 1942; 3:54 p. m.]

[File No. 55-85]

IN THE MATTER OF YORK RAILWAYS COMPANY, DEBTOR IN POSSESSION

Applications by: Saul, Ewing, Remick & Harrison, Counsel for York Railways Company; Manuel Kraus, Special Counsel for York Railways Company; Tradesmens National Bank and Trust Company, Trustee for Bond Holders of York Railways Company; Evans, Bayard and Frick, Counsel for Tradesmens National Bank and Trust Company; Day & Zimmerman, Inc., Expert Witnesses for York Railways Company.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 20th day of March, A. D. 1942.

Notice is hereby given that applications have been filed by Saul, Ewing, Remick & Harrison, as counsel for York Railways Company debtor in possession; Manuel Kraus, as special counsel for said Debtor; Tradesmens National Bank and Trust Company, as trustee under the indenture of said Debtor; Evans, Bayard and Frick, as counsel for Tradesmens National Bank and Trust Company; and Day & Zimmerman, Inc., Engineers, expert witnesses for said Debtor, pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935 and Rule U-63 of the General Rules and Regulations promulgated thereunder, for approval by the Commission of the maximum amount that may be paid to said applicants for services rendered in connection with the reorganization of York Railways Company, a subsidiary of NY PA NJ Utilities Company, a registered holding company and an indirect subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, such reorganization of said York Railways Company, in which the Debtor is in possession, being now pending before the United States District Court for the Eastern District of Pennsylvania.

Applicants seek approval of the following maximum amounts for allowances for the following services rendered:

Saul, Ewing, Remick & Harrison, as counsel to the Debtor (interim)	$20,000.00
Manuel Kraus, as special counsel to the Debtor in regard to tax matters	6,000.00
Tradesmens National Bank and Trust Company, as indenture trustee	2,500.00
Evans, Bayard and Frick, as counsel to the indenture trustee	5,000.00
Day & Zimmerman, Inc., as expert witnesses for the Debtor in matters before a special master	623.46

The request of Tradesmens National Bank and Trust Company is in addition to the annual payment of $500 it has been receiving as indenture trustee, the last of these $500 payments being for the period ended May 31, 1942.

It appearing to the Commission that it is appropriate and in the public interest and in the interest of investors and consumers that a hearing be held in connection with said application;

It is ordered, That a hearing on such matters under the applicable provisions of the Act and the Rules of the Commission thereof, be held at 10:00 a. m., on April 14, 1942, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the Hearing Room Clerk will advise as to the room where such hearing will be held.

It is further ordered, That William W. Swift or any other officer of the Commission designated for that purpose shall preside at that hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said applications, particular attention be directed at said hearing to the following matters and questions:

1. Whether the efforts of individual applicants have been of any benefit to, necessary, or in the interest of, the York Railways Company, security holders of the Debtor, or the general public;

2. Whether the services for which compensation is sought were appropriately performed in compliance with the provisions of the Public Utility Holding Company Act of 1935 and of other applicable statutes;

3. Whether any of the individual applicants have represented conflicting claims;

4. Generally, whether such requests for compensation as presented are reasonable, in light of time spent, amount of charges in relation to the size of the estate of the Debtor, effect on financial condition of York Railways Company, extent of unnecessary duplication of effort, and other relevant factors;

Notice is further given that any interested public agency, municipality, security holder, or other person desiring to be heard or to intervene in such proceeding may file an appropriate notice, request, or application for that purpose with the Commission not later than April 11, 1942, stating the reasons for such request and the nature of his interest. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2558; Filed, March 24, 1942; 3:52 p. m.]

MAR 30 1942

FEDERAL REGISTER

THE NATIONAL ARCHIVES OF THE UNITED STATES 1934

VOLUME 7 NUMBER 60

Washington, Friday, March 27, 1942

The President

PROCLAMATION 2543

ESTABLISHING THE SAN FRANCISCO, COLUMBIA RIVER, PUGET SOUND, SOUTHEASTERN ALASKA, PRINCE WILLIAM SOUND, KODIAK, AND UNALASKA MARITIME CONTROL AREAS AND PRESCRIBING REGULATIONS FOR THE CONTROL THEREOF

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the United States is now at war, and the establishment of the maritime control areas hereinafter described is necessary in the interests of national defense:

NOW THEREFORE, I, FRANKLIN D. ROOSEVELT by virtue of the authority vested in me as President of the United States, and as Commander-in-Chief of the Army and Navy of the United States, and in accordance with the principle of self-defense of the Law of Nations, do hereby establish and proclaim the following-described areas as Maritime Control Areas, and prescribe the following regulations for the control thereof:

SAN FRANCISCO MARITIME CONTROL AREA

All waters within the area enclosed by lines running as follows: [illegible]

Beginning at Point Reyes Lighthouse, [illegible]

[illegible]

123°58'15" West, and in the north in the vicinity of position Latitude 47°08'50" North, Longitude 124°10'50" West.

PUGET SOUND MARITIME CONTROL AREA

All waters, excluding Canadian territorial waters, contained within the seaward limit of an arc described with Cape Flattery Light, Washington, as a centre, a radius of fifty nautical miles, and meeting the shore line in the south in the vicinity of position Latitude 47°35' North, Longitude 124°22' West, and meeting the seaward limit of Canadian territorial waters in the north in the vicinity of position Latitude 48°56'30" North, Longitude 125°40'30" West.

SOUTHEASTERN ALASKA MARITIME CONTROL AREA

All waters within the area enclosed by lines running as follows:

Beginning at a point on the international boundary line between the Territory of Alaska and Canada at the southwesterly entrance of the Portland Canal in approximate position Latitude 54°44' North, Longitude 130°48' West;

thence along said boundary line and the seaward extremity thereof an approximate true bearing [illegible] to position Latitude 54°[illegible] North, Longitude 134°[illegible] West;

[illegible]

[illegible]

PRINCE WILLIAM SOUND MARITIME CONTROL AREA

[illegible]

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THE PRESIDENT

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The Sivyer Steel Casting Company pursuant to section 12 (d) of the Securities Exchange Act of 1934 and Rule X-12D2-1 (b) promulgated thereunder, having made application to the Commission to withdraw its Common Stock, No Par Value, from listing and registration on the Chicago Stock Exchange; and

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at 10:00 a. m. on Monday, April 20, 1942, at the office of the Securities & Exchange Commission, 105 W. Adams Street, Chicago, Illinois, and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2559; Filed, March 24, 1942; 3:52 p. m.]

[File No. 1-937]

IN THE MATTER OF MILLER AND HART, INC., $2 NON-CUMULATIVE CONVERTIBLE PREFERENCE STOCK, $24 PAR VALUE

ORDER SETTING HEARING ON APPLICATION TO STRIKE FROM LISTING AND REGISTRATION

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 13th day of March, A. D. 1942.

The Chicago Stock Exchange pursuant to section 12 (d) of the Securities Exchange Act of 1934, as amended, and Rule X-12D2-1 (b) promulgated thereunder, having made application to strike from listing and registration the $2 Non-Cumulative Convertible Preference Stock, $24 Par Value, of Miller and Hart, Inc.

The Commission deeming it necessary for the protection of investors that a hearing be held in this matter at which all interested persons be given an opportunity to be heard;

It is ordered, That the matter be set down for hearing at the office of the Securities and Exchange Commission, 105 West Adams Street, Chicago, Illinois, on Tuesday, April 14, 1942 at 10:00 A. M. and continue thereafter at such times and places as the Commission or its officer herein designated shall determine, and that general notice thereof be given; and

It is further ordered, That Henry Fitts, an officer of the Commission, be and he hereby is designated to administer oaths and affirmations, subpoena, witnesses, compel their attendance, take evidence, and require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, and to perform all other duties in connection therewith authorized by law.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2560; Filed, March 24, 1942; 3:52 p. m.]

[File No. 70-516]

IN THE MATTER OF THE CENTRAL KANSAS POWER COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 23rd day of March, A. D. 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named party; and

Notice is further given that any interested person may, not later than April 1, 1942 at 5:30 p. m., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

The Central Kansas Power Company, a subsidiary of United Utilities, Incorporated, a registered holding company, proposes to redeem 1,000 shares of its 4¾% Cumulative Preferred Stock at a price of $105 per share, plus accrued dividends thereon to the date of redemption, as provided in the charter of the company. The redemption will be financed by the company out of its current funds.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2561; Filed, March 24, 1942; 3:52 p. m.]

[File No. 70-515]

IN THE MATTER OF FLORIDA POWER CORPORATION, AND FLORIDA WEST COAST TOWING COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 23d day of March, A. D. 1942.

Notice is hereby given that an application-declaration has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named parties;

Notice is further given that any interested persons may, not later than April 10, 1942, at 5:30 p. m., E. W. T., request the Commission in writing that a hearing be held on such matters, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing therein. At any time thereafter, such application-declaration, as filed or as amended, may become effective as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania. All interested persons are referred to said application-declaration which is on file in the office of said Commission for a statement of the transactions therein proposed which are summarized below:

Florida Power Corporation proposes to acquire the assets of Florida West Coast Towing Company, a wholly owned subsidiary with no outstanding publicly held obligations, in complete cancellation of the outstanding indebtedness and capital stock of Florida West Coast Towing Company.

As at December 31, 1941 the total capitalization of Florida West Coast Towing Company consisted of 175 shares of common stock with a stated aggregate value of $17,500, and outstanding indebtedness to Florida Power Corporation in the face amount of $6,432.08. The fixed capital of Florida West Coast Towing Company at the same date was stated at $38,635.18. The application-declaration reveals that no appraisal of the assets or of the securities involved in this transaction has been made but it asserted in the filing that, in the opinion of the companies, the book value of the assets of Florida West Coast Towing Company represents actual cost.

The application-declaration further reveals that Florida West Coast Towing Company was organized as a Florida corporation in 1928 as a subsidiary of Florida Power Corporation for the purpose of transporting oil of Florida Power Corporation to be used in its plant at Inglis, Florida, the oil being transported from Port Tampa, Florida. Florida West Coast Towing Company owns a tug which is registered in its name and leases barges from Florida Power Corporation.

The filings have specified sections 9 (a) (1), 10, 12 (c) and 12 (f) and Rule U-43 of the Act as being, in the judgment of the applicants-declarants, applicable to the proposed transactions.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2562; Filed, Mar. 24, 1942; 3:54 p. m.]

[File No. 70-484]

IN THE MATTER OF LOUISVILLE GAS AND ELECTRIC COMPANY (KENTUCKY), AND STANDARD GAS AND ELECTRIC COMPANY

AMENDATORY ORDER

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 23d day of March, A. D. 1942.

The Commission having entered an order herein on the 30th day of January, 1942, approving an application, as amended, by the above named companies pursuant to which Louisville Gas and Electric Company (Kentucky) would sell and Standard Gas and Electric Company would purchase shares of common stock of the former company as therein more fully described; and

A further amendment having been filed whereby Standard Gas and Electric Company seeks authority to acquire immediately all remaining unsold shares at the offering price to the public, which as of the close of business on March 21, 1942 totalled 85,210;

It is ordered, That said order of January 30, 1942 be and it is hereby amended accordingly.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2563; Filed, March 24, 1942; 3:54 p. m.]

[File No. 55-85]

IN THE MATTER OF YORK RAILWAYS COMPANY, DEBTOR IN POSSESSION

Applications by: Saul, Ewing, Remick & Harrison, Counsel for York Railways Company; Manuel Kraus, Special Counsel for York Railways Company; Tradesmens National Bank and Trust Company, Trustee for Bond Holders of York Railways Company; Evans, Bayard and Frick, Counsel for Tradesmens National Bank and Trust Company; Day & Zimmerman, Inc., Expert Witnesses for York Railways Company.

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 20th day of March, A. D. 1942.

Notice is hereby given that applications have been filed by Saul, Ewing, Remick & Harrison, as counsel for York Railways Company debtor in possession; Manuel Kraus, as special counsel for said Debtor; Tradesmens National Bank and Trust Company, as trustee under the indenture of said Debtor; Evans, Bayard and Frick, as counsel for Tradesmens National Bank and Trust Company; and Day & Zimmerman, Inc., Engineers, expert witnesses for said Debtor, pursuant to section 11 (f) of the Public Utility Holding Company Act of 1935 and Rule U-63 of the General Rules and Regulations promulgated thereunder, for approval by the Commission of the maximum amount that may be paid to said applicants for services rendered in connection with the reorganization of York Railways Company, a subsidiary of NY PA NJ Utilities Company, a registered holding company and an indirect subsidiary of Denis J. Driscoll and Willard L. Thorp, Trustees of Associated Gas and Electric Corporation, a registered holding company, such reorganization of said York Railways Company, in which the Debtor is in possession, being now pending before the United States District Court for the Eastern District of Pennsylvania.

Applicants seek approval of the following maximum amounts for allowances for the following services rendered:

Saul, Ewing, Remick & Harrison, as counsel to the Debtor (interim)	$20,000.00
Manuel Kraus, as special counsel to the Debtor in regard to tax matters	6,000.00
Tradesmens National Bank and Trust Company, as indenture trustee	2,500.00
Evans, Bayard and Frick, as counsel to the indenture trustee	5,000.00
Day & Zimmerman, Inc., as expert witnesses for the Debtor in matters before a special master	623.46

The request of Tradesmens National Bank and Trust Company is in addition to the annual payment of $500 it has been receiving as indenture trustee, the last of these $500 payments being for the period ended May 31, 1942.

It appearing to the Commission that it is appropriate and in the public interest and in the interest of investors and consumers that a hearing be held in connection with said application;

It is ordered, That a hearing on such matters under the applicable provisions of the Act and the Rules of the Commission thereof, be held at 10:00 a. m., on April 14, 1942, at the office of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the Hearing Room Clerk will advise as to the room where such hearing will be held.

It is further ordered, That William W. Swift or any other officer of the Commission designated for that purpose shall preside at that hearing. The officer so designated to preside at such hearing is hereby authorized to exercise all powers granted to the Commission under Section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That without limiting the scope of issues presented by said applications, particular attention be directed at said hearing to the following matters and questions:

1. Whether the efforts of individual applicants have been of any benefit to, necessary, or in the interest of, the York Railways Company, security holders of the Debtor, or the general public;

2. Whether the services for which compensation is sought were appropriately performed in compliance with the provisions of the Public Utility Holding Company Act of 1935 and of other applicable statutes;

3. Whether any of the individual applicants have represented conflicting claims;

4. Generally, whether such requests for compensation as presented are reasonable, in light of time spent, amount of charges in relation to the size of the estate of the Debtor, effect on financial condition of York Railways Company, extent of unnecessary duplication of effort, and other relevant factors;

Notice is further given that any interested public agency, municipality, security holder, or other person desiring to be heard or to intervene in such proceeding may file an appropriate notice, request, or application for that purpose with the Commission not later than April 11, 1942, stating the reasons for such request and the nature of his interest. Any such request should be addressed to the Secretary, Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2558; Filed, March 24, 1942; 3:52 p. m.]

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FEDERAL REGISTER

VOLUME 7 NUMBER 60

Washington, Friday, March 27, 1942

The President

PROCLAMATION 2543

ESTABLISHING THE SAN FRANCISCO, COLUMBIA RIVER, PUGET SOUND, SOUTHEASTERN ALASKA, PRINCE WILLIAM SOUND, KODIAK, AND UNALASKA MARITIME CONTROL AREAS AND PRESCRIBING REGULATIONS FOR THE CONTROL THEREOF

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the United States is now at war, and the establishment of the maritime control areas hereinafter described is necessary in the interests of national defense:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, by virtue of the authority vested in me as President of the United States, and as Commander-in-Chief of the Army and Navy of the United States, and in accordance with the principle of self-defense of the Law of Nations, do hereby establish and proclaim the following-described areas as Maritime Control Areas, and prescribe the following regulations for the control thereof:

SAN FRANCISCO MARITIME CONTROL AREA

All waters within the area enclosed by lines running as follows:

Beginning at Point Reyes Lighthouse, California, in approximate position Latitude 37°59'45" North, Longitude 123°01'20" West;

thence along approximate true bearing 225° to position Latitude 37°49'08" North, Longitude 123°14'32" West;

thence along approximate true bearing 145°30' to position Latitude 37°20' North, Longitude 122°49'22" West; and

thence east true to the shore in approximate Longitude 122°24'08" West.

COLUMBIA RIVER MARITIME CONTROL AREA

All waters contained within the seaward limit of an arc described with North Head Light, Washington, as a centre, a radius of fifty nautical miles, and meeting, the shore line in the south in the vicinity of position Latitude 45°28'15" North, Longitude 123°56'15" West, and in the north in the vicinity of position Latitude 47°08'50" North, Longitude 124°10'50" West.

PUGET SOUND MARITIME CONTROL AREA

All waters, excluding Canadian territorial waters, contained within the seaward limit of an arc described with Cape Flattery Light, Washington, as a centre, a radius of fifty nautical miles, and meeting the shore line in the south in the vicinity of position Latitude 47°35' North, Longitude 124°22' West, and meeting the seaward limit of Canadian territorial waters in the north in the vicinity of position Latitude 48°56'30" North, Longitude 125°40'30" West.

SOUTHEASTERN ALASKA MARITIME CONTROL AREA

All waters within the area enclosed by lines running as follows:

Beginning at a point on the international boundary line between the Territory of Alaska and Canada at the southwesterly entrance of the Portland Canal in approximate position Latitude 54°44' North, Longitude 130°43' West;

thence along said boundary line and the seaward extension thereof an approximate true bearing 265°30' to position Latitude 54°35' North, Longitude 134°20' West;

thence along approximate true bearing 326°24' to position Latitude 58°33' North, Longitude 139°14'30" West; and

thence along approximate true bearing 85°30' to the north cape of Lituya Bay, Alaska, in approximate position Latitude 58°36'40" North, Longitude 137°40'20" West.

PRINCE WILLIAM SOUND MARITIME CONTROL AREA

All waters within the area enclosed by lines running as follows:

Beginning at Pinnacle Rock Lighthouse on the southwesterly end of Cape St. Elias, Alaska, in approximate position Latitude 59°48' North, Longitude 144°36' West;

thence approximately south to position Latitude 59°00' North, Longitude 144°36' West;

thence approximately west true to position Latitude 59°00' North, Longitude 150°26' West; and

thence approximately north true to the southwesterly end of Outer Island of the Pye Islands group in approximate position Latitude 59°20'35" North, Longitude 150°26' West.

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THE PRESIDENT

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FEDERAL REGISTER

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KODIAK MARITIME CONTROL AREA

All waters contained within the seaward limit of a circle described with Kodiak, Alaska, as a center, a radius of fifty nautical miles, and meeting the shore line in the north at Point Banks, in the vicinity of position Latitude 58°36' North, Longitude 152°22' West; in the south in the vicinity of position Latitude 57°05' North, Longitude 153°13' West; in the west in the vicinity of position Latitude 57°31' North, Longitude 153°52' West; and in the north in the vicinity of position Latitude 58°36' North, Longitude 152°36' West.

UNALASKA MARITIME CONTROL AREA

All waters contained within the seaward limit of two arcs described as follows:

The first arc described with Unalaska, Alaska, as a center, a radius of fifty nautical miles, and meeting the shore line in the vicinity of positions Latitude 53°17'30" North, Longitude 167°35' West; Latitude 53°23' North, Longitude 167°43' West; Latitude 53°29' North, Longitude 167°49' West; Latitude 53°31'30" North, Longitude 167°51' West; and intersecting the second arc in the vicinity of positions Latitude 54°40' North, Longitude 166°05' West and Latitude 53°35' North, Longitude 165°10' West.

The second arc described with Scotch Cap Lighthouse on the southwesterly end of Chumiak Island, Alaska, as a center, a radius of fifty nautical miles, and meeting the shore line in the vicinity of positions Latitude 54°41'15" North, Longitude 163°24'15" West and Latitude 55°02'10" North, Longitude 163°48'30" West, and intersecting the first arc in the positions stated in the preceding paragraph.

Regulations for the Control of the Above Described Maritime Control Areas

1. A vessel not proceeding under United States naval or other United States authorized supervision shall not enter or navigate the waters of the said Maritime Control Areas except during daylight, when good visibility conditions prevail, and then only after specific permission has been obtained. Advance arrangements for entry into or navigation through or within the said Areas must be made, preferably by application at a United States Naval District Headquarters in advance of sailing, or by radio or visual communication on approaching the seaward limits of the area. If radio telegraphy is used, the call "NQO" shall be made on a frequency of 500 kcs, and permission to enter the port requested. The name of the vessel, purpose of entry, and name of master must be given in the request. If visual communications are used, the procedure shall be essentially the same.

2. Even though permission has been obtained, it is incumbent upon a vessel entering the said Areas to obey any further instructions received from the United States Navy, or other United States authority.

3. A vessel may expect supervision of its movements within the said Areas, either through surface craft or aircraft. Such controlling surface craft and aircraft shall be identified by a prominent display of the Union Jack.

4. These regulations may be supplemented by regulations of the local United States naval authority as necessary to meet local circumstances and conditions.

5. Should any vessel or person within the said Areas disregard these regulations, or regulations issued pursuant hereto, or fail to obey an order of the United States naval authority, or perform any act threatening the efficiency of mine or other defenses, or take any action therein inimical to the defense of the United States, such vessel or person may be subjected to the force necessary to require compliance, and may be liable to detention or arrest, or penalties or forfeiture, in accordance with law.

The Secretary of the Navy is charged with the enforcement of these regulations.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 25th day of March in the year of our Lord nineteen hundred and
[SEAL] forty-two, and of the Independence of the United States of America the one hundred and sixty-sixth.

FRANKLIN D ROOSEVELT

By the President:

SUMNER WELLES,
Acting Secretary of State.

[F. R. Doc. 42-2636; Filed, March 26, 1942; 11:35 a. m.]

EXECUTIVE ORDER 9111

AMENDMENT OF SECTION 3 OF EXECUTIVE ORDER NO. 8802 OF JUNE 25, 1941, ESTABLISHING THE COMMITTEE ON FAIR EMPLOYMENT PRACTICE

By virtue of the authority vested in me by the Constitution and the statutes, section 3 of Executive Order No. 8802[1] of June 25, 1941, establishing the Committee on Fair Employment Practice, as amended by Executive Order No. 8823[2] of July 18, 1941, is hereby further amended to provide that the Committee shall consist of a chairman and six other members.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 25, 1942.

[F. R. Doc. 42-2605; Filed, March 25, 1942; 2:39 p. m.]

[1] 6 F.R. 3109.

Rules, Regulations, Orders

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 36—CLAIMS AGAINST THE UNITED STATES[1]

§ 36.55 *Claims for damages occasioned by Army forces in foreign countries*—(a) *Claims Commission, duties.* The duties of the Commissions will be to consider, adjust, determine and make payment in full settlement of bona fide claims on account of damages caused by Army forces or individual members thereof, in a foreign country or possession thereof, including places located therein which are under the temporary or permanent jurisdiction of the United States, to the property, public or private, or the persons of inhabitants of such foreign countries where the amount of such claim does not exceed $1,000.

(b) *Application and scope*—(1) *Application.* The word "inhabitant" as used herein refers only to one who dwells or resides permanently in the country or possession in which the claim arose. The following classes of claimants are excluded:

(i) Army, Navy, and Marine Corps personnel.

(ii) Nationals or citizens of foreign countries at war with the United States.

(iii) United States citizens not permanent residents of the country involved.

(2) *Scope.* (i) No claim will be allowed where the evidence establishes that the damage has been caused in whole or in part by any negligence on the part of the claimant, his agent, or employee, when such negligence proximately caused or contributed to the damage.

(ii) With the exceptions set forth above, all other bona fide claims are within the statute, notwithstanding the fact that the damage may have been caused by officers or employees of the Government, acting outside the scope of their employment.

(c) *Procedure.* When any claim arises under this section claimant should submit his claim in writing to the commanding officer of the nearest Army post, camp, station, or force as provided in § 36.6. Upon the receipt of such a claim, the commanding officer will promptly refer it in the usual manner to an investigating officer or board of officers, as the case appears to warrant, who will take the action prescribed in § 36.7 so far as applicable, and subject to any special instructions which may be issued. The investigating officer or board of officers will not advise the claimant as to the merits of his claim or the action taken thereon unless and until so instructed by the Commission.

(d) *Action taken by Commission.* The Commission will consider the report of the investigating officer or board of officers which investigated the claim, together with the evidence attached thereto, and may base its award on that report, if deemed satisfactory, or may return it to the appointing authority for further action, or may make an independent investigation. Upon final action by the Commission upon the claim, the Commission will notify the claimant through official channels of the award made. If the claim as originally made or as amended does not exceed $1,000 and the claimant agrees to accept in writing the approved award in final settlement of the claim, the original and one copy of the claim, and the original and one copy of the award bearing the appropriate approval of the Commission will be filed with the disbursing officer making the payment. The president of the Commission will certify vouchers in payment of approved claims out of the appropriation "Pay of the Army" current at the date of payment.

(e) *Claims not within jurisdiction of Commission.* Claims which do not fall within the jurisdiction of the Commission will be returned to the proper military authority for disposition as prescribed in § 36.7a. (Act of January 2, 1942, Public Law 393—77th Congress) [AR 35-7090, Feb. 10, 1942, and letter AGO March 4, 1942, AG 150 (2-20-42) OF]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-2607; Filed, March 25, 1942; 3:59 p. m.]

[1] § 36.55 is added.

[2] 6 F.R. 3577.

TITLE 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board

[Amendment 61-33, Civil Air Regs.]

PART 61—SCHEDULED AIR CARRIER RULES

INSTALLATION DATE OF ALTITUDE RECORDING DEVICE POSTPONED

At a session of the Civil Aeronautics Board held at its office in Washington, D. C., on the 23d day of March, 1942.

Acting pursuant to the authority vested in it by the Civil Aeronautics Act of 1938, as amended, particularly sections 205 (a), 601 and 604 (a) of said Act, and finding that its action is desirable in the public interest and is necessary to carry out the provisions of, and to exercise and perform its powers and duties under, said Act, the Civil Aeronautics Board amends the Civil Air Regulations as follows:

Effective March 23, 1942, Part 61 of the Civil Air Regulations is amended as follows:

By striking the words "April 1, 1942" as they appear in § 61.341 and inserting in lieu thereof the words "July 1, 1942."

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-2614; Filed, March 26, 1942; 9:16 a. m.]

TITLE 17—COMMODITY AND SECURITIES EXCHANGES

Chapter II—Securities and Exchange Commission

PART 201—RULES OF PRACTICE, SECURITIES ACT OF 1933, SECURITIES EXCHANGE ACT OF 1934, HOLDING COMPANY ACT OF 1935, TRUST INDENTURE ACT OF 1939, INVESTMENT COMPANY ACT OF 1940, AND INVESTMENT ADVISERS ACT OF 1940

AMENDMENT OF RULE RELATING TO BUSINESS HOURS AND THE ADDRESS OF THE PRINCIPAL OFFICE OF THE COMMISSION

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly section 19 (a) thereof; the Securities Exchange Act of 1934, as amended, particularly section 23 (a) thereof; the Public Utility Holding Company Act of 1935, particularly section 20 (a) thereof; the Trust Indenture Act of 1939, particularly section 319 (a) thereof; the Investment Company Act of 1940, particularly section 38 (a) thereof; and the Investment Advisers Act of 1940, particularly section 211 (a) thereof, and finding such action necessary and appropriate to carry out the provisions of such Acts, hereby takes the folowing action:

Section 201.1 (Rule I) of the Rules of Practice of the Commission is amended to read as follows:

§ 201.1 *Business hours.* The principal office of the Commission at Philadelphia, Pennsylvania, is open on each business day, excepting Saturdays, from 9:00 a. m. to 5:30 p. m., and on Saturdays from 9:00 a. m. to 1:00 p. m.

Effective March 26, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2619; Filed, March 26, 1942; 9:31 a. m.]

PART 230—GENERAL RULES AND REGULATIONS, SECURITIES ACT OF 1933

AMENDMENT TO RULES RELATING TO BUSINESS HOURS OF THE COMMISSION AND CALCULATION OF EFFECTIVE DATE OF A REGISTRATION STATEMENT UNDER SECTION 8 (a) OF THE ACT

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly section 19 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the Act, hereby takes the following action:

I. Section 230.110 [Rule 110] is amended to read as follows:

§ 230.110 *Business hours of the Commission.* The principal office of the Commission at Philadelphia, Pennsylvania, is open on each business day, excepting Saturdays, from 9:00 a. m. to 5:30 p. m., and on Saturdays from 9:00 a. m. to 1:00 p. m.

II. Section 230.930 [Rule 930] is amended to read as follows:

§ 230.930 *Calculation of time.* The following rules shall govern the calculation of the effective date of a registration statement under section 8 (a) (Sec. 8, 48 Stat. 79; Sec. 301, 54 Stat. 857; 15 U.S.C. 77h)

(a) Sundays and holidays shall be counted in computing the effective date.

(b) In the case of statements which become effective pursuant to section 8 (a) (sec. 8, 48 Stat. 79; sec. 301, 54 Stat. 857; 15 U.S.C. 77h) on the 20th day after the filing thereof, the 20th day shall be deemed to begin at the expiration of 19 periods, of 24 hours each, from 5:30 Eastern Standard War Time, on the date of filing.

Effective March 26, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2617; Filed, March 26, 1942; 9:30 a. m.]

PART 250—RULES AND REGULATIONS, PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

AMENDMENT TO RULE RELATING PROCEDURE APPLICABLE TO CERTAIN APPLICATIONS AND DECLARATIONS UNDER THE ACT

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Public Utility Holding Company Act of 1935, particularly section 20 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and consumers and necessary to carry out the provisions of the Act, hereby amends paragraph (c) of § 250.23 [Rule U-23] to read as follows:

§ 250.23 *Procedure applicable to certain applications and declarations.*

* * * * *

(c) *Effective date.* A declaration or application will become effective or be granted respectively by order issuing as of course at 5:30 p. m., Eastern Standard War Time (or 1:00 p. m., if Saturday) on the 30th day after the filing thereof or the 15th day after the filing of the last amendment thereto, whichever is later, or if such day is a Sunday or legal holiday, on the next business day, unless prior thereto the Commission shall have ordered a hearing thereon. The Commission may at the request of the applicant or declarant advance, and the applicant or declarant may by written or telegraphic notice to the Commission postpone, such date.

Effective March 26, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2616; Filed, March 26, 1942; 9:30 a. m.]

PART 260—RULES AND REGULATIONS, TRUST INDENTURE ACT OF 1939

AMENDMENT TO RULE UNDER THE ACT RELATING TO THE BUSINESS HOURS OF THE COMMISSION

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Trust Indenture Act of 1939, particularly section 319 (a) thereof, and deeming such action necessary and appropriate in the public interest and for the protection of investors and necessary to carry out the provisions of the Act, hereby amends § 260.0–5 [Rule T-0–5] of the General Rules and Regulations under the Act to read as hereinafter set forth:

§ 260.0–5. *Business hours of the Commission.* The principal office of the Commission at Philadelphia, Pennsylvania, is open on each business day, excepting Saturdays, from 9:00 a. m. to 5:30 p. m., and on Saturdays from 9:00 a. m. to 1:00 p. m.

Effective March 26, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR, *Secretary.*

[F. R. Doc. 42-2618; Filed, March 26, 1942; 9:30 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1329]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 2, FOR CHANGES IN FREIGHT ORIGIN GROUP NUMBERS AND SHIPPING POINTS FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2 FOR RAIL SHIPMENTS

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party for changes in Freight Origin Group Numbers and shipping points for the coals of certain mines in District No. 2 for rail shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 322.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, and § 322.9 (*Special prices*—(c) *Railroad fuel*) is amended by adding thereto Supplement R–II, which supplements are hereinafter set forth and hereby made a part hereof, and commencing forthwith the Freight Origin Group Numbers and shipping points appearing in the aforesaid Supplement R–I for the mines mentioned therein are effective in place of the Freight Origin Group Numbers and shipping points heretofore established for these mines.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: March 14, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 2

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions, and other provisions contained in Part 322, Minimum Price Schedule for District No. 2 and supplements thereto.

§ 322.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.]

Mine Index No.	Code member	Mine name	Seam	Subdistrict No.	Shipping point	Freight origin group No.	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
306	Barley, Fred & C. K. (Fred Barley).	Mildred	Pittsburgh	3	Martin, Pa.	30						E	E	E								
1632	Bednar & Krett (John Bednar)	Lyons	Pittsburgh	3	Shaw Siding, Pa.	20	F	F	E	E	E	E	E	E								
948	Bowie Coal Co. (R. R. Bowie)	Wolfe	Brookville	1	Amandale, Pa. (Atwell Siding).	20	C	C	C	C	C	E	C	C								
1857	Coal Hollow Coal Co. (Frank V. Jones).	Marraccini	Pittsburgh	9	Grant City, Pa. West Newton, Pa.	73						O	O	O								
246	Dunlap, Frank	Winstead	Pittsburgh	3	Martin, Pa.	30	E	E	E	E	E	E	E	E								
2662	Dunham, Paul E.	Dunhill	Pittsburgh	3	Cornish, Pa.	86						E	E	E								
372	Johnson, C. W.	Jay Bee No. 79 (Dep.)	Pittsburgh	3	Shaw Siding, Pa.	114						E	E	E								
380	Johnson, C. W.	Jay Bee No. 79 (Strip)	Pittsburgh	3	Shaw Siding, Pa.	114						E	E	E								
2124	McGraw & Bindley (Durham & McGraw)	Midway No. 2 (Strip)	Pittsburgh	7	Midway, Pa.	77	L	L	J	J	J	J	J	K								
3000	Manning Coal Co. (Emmett Sabatine).	Stewart	Pittsburgh	3	Rogers, Pa. Crystal Siding, Pa.	80						C	C	C								
2245	Royal Iron & Coal Co., c/o J. P. MacKay.	Nagy No. 2 (Strip)	U. Freeport	1	Hillards, Pa. Annandale, Pa. (Atwells Crossing).	20	F	F	E	E	E	E	F	F								
2176	Walker, John D.	Blue Eagle (Strip)	U. Freeport	1	Kaylor, Pa.	17	F	F	E	E	E	E	F	F								

NOTE: The above prices are applicable *only* via the respective Freight Origin Groups, Shipping Points, Railroads and Railroad Fuel Groups shown for the respective mines. Freight Origin Groups, Shipping Points, Railroads and Railroad Fuel Groups previously assigned to these mines are no longer applicable.

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II.

In § 322.9 (c) in Minimum Price Schedule, add the mine index numbers in groups shown. Group No. 1: 1357; Group No. 2: 2124; Group No. 6: 372, 380, 1652; Group No. 12: 2176; Group No. 15: 948, 2218.

[F. R. Doc. 42–2584; Filed, March 25, 1942; 11:32 a. m.]

[Docket No. A–1076, Part II]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION, AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF ADDITIONAL SHIPPING POINTS FOR THE COALS OF FRED S. GEER, INC., JIMTOWN MINE, MINE INDEX NO. 299, IRISH RIDGE COAL CO., IRISH RIDGE-DEEP MINE, MINE INDEX NO. 234, IRISH RIDGE COAL CO., IRISH RIDGE-STRIP MINE, MINE INDEX NO. 247, GEORGE LANTZ, LANTZ COAL CO. MINE, MINE INDEX NO. 2465, AND MINERAL CITY COAL CO., BLACK MINE, MINE INDEX NO. 278, IN DISTRICT NO. 4

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division on September 19, 1941, by District Board 4, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests the establishment of price classifications and minimum prices and dual shipping points, for all shipments except truck, for Jimtown Mine (Mine Index No. 299) of Fred S. Geer, Inc., Irish Ridge-Deep Mine (Mine Index No. 234) and Irish Ridge-Strip Mine (Mine Index No. 247) of Irish Ridge Coal Co. (Eugene Campbell), Lantz Coal Co. Mine (Mine Index No. 2465) of George Lantz, and Black Mine (Mine Index No. 278) of Mineral City Coal Co. (William T. Laughlin.)[1]

By order dated November 18, 1941, 6 F.R. 6536, temporary relief was granted by establishing price classifications and minimum prices for coals produced at Mine Index Nos. 234, 247, 278, 299, and 2465, and by establishing, for each of these mines, the one shipping point, of the two requested, which appeared to be nearest to the particular mine.

[1] The petition herein, originally designated as Docket No. A–1076, requested the establishment of price classifications and minimum prices for the coals produced at various other mines of code members in District 4. By Order dated November 18, 1941, 6 F.R. 6279, that part of the petition relating to price classifications and minimum price and dual shipping points, for all shipments except truck, for the above-mentioned coals was severed from the remainder of Docket No. A–1076 and was designated as Docket No. A–1076, Part II. By Order of November 18, 1941, in Docket No. A–1076, granting temporary and conditionally final relief, *inter alia*, minimum prices for truck shipments were established for coals produced at the Jimtown Mine (Mine Index No. 299) and the Black Mine (Mine Index No. 278).

District Board 2 filed a petition of intervention.

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter was held on December 16, 1941, before Charles O. Fowler, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard. The petitioner, District Board 4, the intervener, District Board 2, and Fred S. Geer appeared. Preparation and filing of a report by the Examiner was waived, and the matter was thereupon submitted to the undersigned.

Fred S. Geer, president and treasurer of Fred S. Geer, Inc., the code member operator of Jimtown Mine (Mine Index No. 299), appeared at the hearing in response to a registered letter from District Board 4. This letter was identical with letters sent by the petitioner by registered mail to each of the producers whose mines are involved in this proceeding. The letter stated that it would be necessary for the respective producers to attend the hearing and give their reasons for the necessity of having additional shipping points, such reasons being entirely within the knowledge of the producers.

The petition requested both East Palestine, Ohio, on the Pennsylvania Railroad ("PRR"), and Negley, Ohio, on the Pittsburgh, Lisbon and Western Railroad ("PL&N") as the shipping points for the Jimtown Mine.

Geer, the only witness, testified as follows:

The Jimtown Mine is located about the same distance by road—namely 3 miles—from both East Palestine and Negley. Fred S. Geer, Inc., owns and controls its shipping facilities at Negley, but has occasionally used the facilities of another at East Palestine for the shipment of coals produced at its other mines. The same markets are reached from each point and at the same freight rates. Operation of Jimtown Mine was begun in November 1941, and it is now operating at capacity, producing 300 to 400 tons of coal daily. No coal produced at the Jimtown Mine had been shipped by rail at the time of the hearing, but the intention was to ship, in the near future, 200 to 300 tons of coal daily by rail from this mine during the summer. East Palestine has not been used recently as a shipping point for coal produced at any of the Geer mines, "except a stray car now and then of particular coal." Service from Negley on the PL&W is said to be "almost perfect." That from East Palestine on the PRR is said to be "terrible", there being great delay in obtaining "empties." East Palestine was requested as an additional shipping point only because shipments of coal from other Geer mines had been formerly made from there when convenient. This producer stated that he was not particularly interested in East Palestine as a shipping point for the Jimtown Mine, as shipment from there is neither necessary nor desirable. Rail movement of Jimtown Coal from Negley to the Geer preparation plants in District 2 for processing is not contemplated.

Accordingly, I find that Negley, Ohio, should be established as the shipping point for the Jimtown Mine, in lieu of East Palestine over the PRR presently established under the Order of November 18, 1941, granting temporary relief.

Witness Geer further testified as follows:

Jimtown Mine is a strip mine now operating in Seam 7, but it probably will soon be operating in Seam 6. Its coals shipped by truck are now selling considerably above the effective minimum prices therefor. The analysis of this coal varies in moisture and B. t. u. content at different locations on the property, depending upon the overburden. An analysis made in September 1941 shows that the coal is especially high grade as compared with other coal from any district. It is higher in moisture, B. t. u. content, and ash fusion point, lower in volatile and ash, and probably lower in carbon than the deep mines of District 4 in Seam 8 having an "O" classification for rail shipments, which is 10 cents higher than the "Q" classification temporarily established for the Jimtown Mine by Order of November 18, 1941. The aforesaid analysis shows the sulphur content of the Jimtown coal is 0.42. The coal is identical in quality with the coal of the Geer mines in District 2 (except the White Mine, Mine Index No. 749), which mines have higher classifications for all shipments except truck than those now temporarily in effect for the Jimtown Mine. However, the witness feels that the prices of the coals produced at the Jimtown Mine for all shipments except truck should be the same as those of the other Columbiana County strip operations in Seams 6 and 7 which have comparable coals.[2] These other coals move to the same markets to which Jimtown railshipped coals would move in competition therewith. The coals are of approximately the same quality as those produced at Jimtown Mine and are all believed to be classified "Q" for all shipments except truck. However, Geer testified that the rail prices of these mines do not reflect accurately the quality of the coals produced, and that there is a wide disparity between the classifications of some coals in District 2 and those of the same quality in District 4.

Although the evidence indicates that, in comparison with the quality of the No. 8 seam coals in District 4 and some strip mine coals in District 2, the coals produced at the Jimtown Mine may be of high enough quality to warrant a higher classification than that proposed, since competing coals in the same seam as the Jimtown coals, said to be of the same quality, are classified "Q", I find that the coals of the Jimtown Mine (Mine Index No. 299) of Fred S. Geer, Inc., for all shipments except truck, should be classified "Q" in Size Groups 1 to 10 and 12 in accordance with the temporary relief now in effect under Order of November 18, 1941, and that the corresponding minimum prices should be assigned thereto.

The representative of District Board 4 stated that, as the operators of the 4 other mines involved in this proceeding failed to appear after notice of the necessity for them to present evidence regarding the need for dual shipping points, the petitioner had no evidence to present on the matter of shipping points for such mines.

Therefore, in the absence of any evidence of necessity for dual shipping points for these mines or evidence that the shipping point for each of the mines now in effect under the temporary Order of November 18, 1941, is unsatisfactory, I find that such shipping points presently in effect should be permanently established for Mine Index Nos. 234, 247, 278, and 2465.

The petition contains the information required under Orders 303 and 305 to be stated therein with regard to the establishment of price classifications and minimum prices. It sets out the names of mines in District 4 alleged to produce coal of similar quality, respectively, to that of each of the mines covered by this proceeding. In each instance, the requested classifications for all shipments except truck are the same as those of the mine with which the comparison is made, which classifications are temporarily in effect under Order of November 18, 1941. No objections were raised at the hearing with respect to the classifications of the mines temporarily in effect. Accordingly, I find that the price classifications now temporarily in effect for Mine Index Nos. 234, 247, 278 and 2465 should be permanently established in Supplements R–I, R–II, R–III, R–IV and R–V attached hereto and made a part hereof, except the temporary relief establishing East Palestine on the PRR as the shipping point in Ohio for the Jimtown Mine, Mine Index No. 299, of Fred S. Geer, Inc.

[2] In this group is the Aken No. 4 Mine (Mine Index No. 3) listed in the petition as producing coal of similar quality to that produced at the Jimtown Mine.

II. By continuing in effect, for fifteen (15) days from the date of this Order, the temporary relief establishing East Palestine, Ohio, on the PRR as the shipping point in Ohio for the Jimtown Mine (Mine Index No. 299) of Fred S. Geer, Inc., and by establishing, commencing thereafter, Negley, Ohio, on the PL&W as the shipping point for said mine, as set forth in Supplement R–I, attached hereto and made a part hereof.

It is further ordered, That in all other respects the prayers for relief contained in the petition be, and they hereby are, granted to the extent set forth above and in all other respects denied.

Dated: March 16, 1942.

DAN H. WHEELER,
Acting Director.

[SEAL]

MINIMUM PRICES FOR DISTRICT NO. 4

Effective prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group numbers]

Mine Index No.	Code member	Mine name	Sub-district No.	Seam	Type	Shipping points in Ohio	Railroad	Freight origin group Nos.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12
299	Geer, Inc., Fred S.	Jimtown	4	7	Strip	Negley	PL&W	73	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	----	Q
234	Irish Ridge Coal Co. (Eugene Campbell).	Irish Ridge-Deep	7	7	Deep	Wellston	B&O	41	K	Q	Q	Q	Q	Q	Q	Q	Q	Q	----	Q
247	Irish Ridge Coal Co. (Eugene Campbell).	Irish Ridge-Strip	7	7	Strip	Wellston	B&O	41	O	O	O	O	O	O	Q	Q	Q	Q	----	Q
2465	Lantz, George	Lantz Coal Co	5	6	Deep	New Straitsville	C&O	22	K	K	Q	Q	Q	Q	Q	Q	Q	Q	----	Q
278	Mineral City Coal Co. (Wm. T. Laughlin).	Black	4	5 & 6	Strip	Mineral City	B&O	51	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	----	Q

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

§ 324.8 *Numerical list of mines*—Supplement R–II

Mine index No.	Mine name	Code member	Freight origin districts	Freight origin group No.	Railroad	Subdistrict No.
234	Irish Ridge-Deep	Irish Ridge Coal Co. (Eugene Campbell).	Jackson	41	B&O	7
247	Irish Ridge-Strip	Irish Ridge Coal Co. (Eugene Campbell).	Jackson	41	B&O	7
278	Black	Mineral City Coal Co. (Wm. T. Laughlin).	Middle	51	B&O	4
299	Jimtown	Geer, Inc., Fred S.	Leetonia	73	PL&W	4
2465	Lantz Coal Co	Lants, George	Hocking	22	C&O	5

§ 324.2 *Seasonal discounts*[1]—Supplement R–III

[On all shipments of coal in size groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index No.	Additional mine index No.	Amount of discount for shipments during the month of—				
					April	May	June	July	August
Hocking	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171.	Add Mine Index No. 2465.	50	40	30	20	10
Jackson	41		133	Add Mine Index No. 247.	30	20	10	---	---
	41, 42, 43		2, 131, 134	Add Mine Index No. 234.	50	40	30	20	10
Middle	52	Add 51	13, 108	Add Mine Index No. 278.	30	20	10	---	---
Leetonia	72, 74	Add 73	3, 77, 159, 166	Add Mine Index No. 299.	30	20	10	---	---

[1] Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.9 *Recapitulation of price classifications*—Supplement R–IV

[Prices for all rail shipment from mines indexed below into market areas as shown.[1] Shipment into all market areas—See Schedule of Effective Minimum Prices, § 324.9 and § 324.10, also applies to market areas 98 and 99 (Great Lakes), §§ 324.11 (b), 324.11 (c), and vessel fuel, § 324.11 (d)]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Hocking	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171.	Add Mine Index No. 2465.
Jackson	41		133	Add Mine Index No. 247.
	41, 42, 43		2, 131, 134	Add Mine Index No. 234.
Middle	52	Add 51	13, 108	Add Mine Index No. 278.
Leetonia	72, 74	Add 73	3, 77, 159, 166	Add Mine Index No. 299.

[1] Prices as shown in §§ 324.9, 324.10, 324.11 (b), 324.11 (c) and 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.11 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*—Supplement R–V

Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown [1]—see schedule of effective minimum prices, § 324.11 (a)]

Name of railroad	Mine index Nos.	Additional mine index Nos.
Baltimore & Ohio Railroad Co	10, 21, 30, 33, 39, 49, 58, 71, 72, 78, 81, 85, 87, 95, 96, 103, 104, 106, 115, 121, 124, 128, 134, 135, 144, 146, 147, 151, 155, 157, 160, 162.	Add Mine Index No. 234.
	8, 25, 133, 153, 161	Add Mine Index Nos. 247–278.
Chesapeake & Ohio Railway Co	14, 38, 41, 47, 61, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 130, 131, 168, 170, 171.	Add Mine Index No. 2465.
Pittsburgh, Lisbon & Western Railroad.	3, 77	Add Mine Index No. 299.
Akron, Canton & Youngstown Railway Co.	4	
Ann Arbor Railroad Co.		
Canadian National Railways and Grand Trunk Railways System.		
Canadian Pacific Railway Co	From all Mine Index Nos. except those shown below:	Add Mine Index Nos. 234, 2465.
Detroit and Mackinac Railway Company	From Mine Index Nos. 3, 5, 7, 8, 12, 13, 14, 24, 26, 27, 45, 48, 68, 77, 79, 92.	Add Mine Index Nos. 247, 278, 299.
Detroit & Toledo Shore Line Railroad Co.	97, 108, 110, 119, 133, 153, 159, 161, 166.	
Erie Railroad		
Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.).		
Pere Marquette Railway Co		
For all Railroads not shown above	From all Mine Index Nos. except those shown below: From Mine Index Nos. 3, 5, 7, 8, 12, 13, 15, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add Mine Index Nos. 234, 2465. Add Mine Index Nos. 247, 278, 299.

[1] Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

[F. R. Doc. 42–2585; Filed, March 25, 1942; 11:33 a. m.]

[Docket No. A–1269]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 4

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, was duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 4.

The petition requests that the price classifications and minimum prices proposed for the coals of the Owens Mine, Mine Index No. 649, of Heller and Soles Coal Company, a code member in District No. 4, for rail shipments be made effective from McLuney, Ohio, on Pennsylvania Railroad. It appears that McLuney, Ohio, is located about 160 miles from the said mine and that Mingo Junction, Ohio, is located about 2 miles therefrom and is the nearest rail shipping point to the said mine. Accordingly, the price classifications and minimum prices established herein for the coals of the said mine for rail shipments are effective from Mingo Junction, Ohio, on Pennsylvania Railroad in Freight Origin Group No. 15.

It appears that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth, that no partitions of intervention having been filed with the Division in the above-entitled matter; and that the following action is necessary in order to effectuate the purposes of the Act.

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 324.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R–I, § 324.8 (*Numerical list of mines*) is amended by adding thereto Supplement R–II, § 324.2 (*Seasonal discounts*) is amended by adding thereto Supplement R–III, § 324.9 (*Recapitulation of price classifications*) is amended by adding thereto Supplement R–IV, § 324.11 (*Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) is amended by adding thereto Supplement R–V, § 324.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

No relief is granted herein as to the coals of Chilcote's Mine, Mine Index No. 980, of Chilcote Coal Co., Lee Mine, Mine Index No. 2757, of C. M. Farnsworth, Radford Coal Co. Mine, Mine Index No. 1307, of Radford Brothers, D. A. Thomas Mine, Mine Index No. 1317, of D. A. Thomas, Fairview Mine, Mine Index No. 1902, of J. E. Witchey, (Fairview Coal Co.), Centertown Coal Co. Mine, Mine Index No. 1932, of Centertown Coal Co., Tracey Mine, Mine Index No. 1318, of James E. Tracy, Vitko Bros. Mine, Mine Index No. 2998, of T. C. Hutson Company, and Bellaire No. 2 Mine, Mine Index No. 177, of the Bellaire Coal Co., for all shipments except truck, and as to the coals of Keystone No. 1 Mine, of Lawrence Williams (Keystone Coal Co.), and Darwin Coal Co. Mine, of Paul Strawser (Darwin Coal Co.), for all shipments except truck and for truck shipments, for the reasons set forth in the order designating that portion of Docket No. A–1269 relating to such coals as Docket No. A–1269 Part II, and granting, in part, temporary relief therein.

Dated: March 14, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group numbers]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Type	Shipping points in Ohio	Railroad	Freight origin group Nos.	Price classification by size group Nos.											
									1	2	3	4	5	6	7	8	9	10	11	12
3003	Bruns, Ernest	Bruns	4	5 & 6	Strip	Mineral City	PRR, B&O	57	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	-----	Q
2980	Christy, George A	Fancy Lump Coal Co.	8	8	Strip	Pomeroy	C&O	23	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	-----	Q
2986	Fulton Coal Company, The, c/o H. J. Nelms.	Fulton No. 1	1	8	Strip	Jewett	PRR	15	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	-----	-----
649	Heller & Soles Coal Company (J. W. Heller).	Owens	1	8	Deep	Mingo Junction	PRR	15	O	O	O	O	O	O	O	O	O	-----	-----	O
2970	Lee, Clayton M	C. M. L.	5	6	Deep	Nelsonville	C&O	22	K	K	O	O	O	O	Q	Q	Q	-----	-----	Q
2404	Moore & Co., Clinton (Clint Moore).	Square Deal	6	5	Deep	McLuney	PRR	34	O	O	O	O	O	O	Q	Q	Q	-----	-----	Q
3008	Penrod & Stoneburner	Cedar Hill	6	6	Deep	Moxahala	NYC	33	O	O	O	O	O	O	Q	Q	Q	-----	-----	Q
2972	Rutkoski Brothers (John Rutkoski)	Rutkoski	1	8	Deep	Unionvale	W&LE	18	O	O	O	O	O	O	Q	Q	Q	-----	-----	Q
761	Skivers Coal Co	Skivers	5	6	Deep	Nelsonville	C&O	22	K	K	O	O	O	O	Q	Q	Q	-----	-----	Q
665	Speaks, George E	Speaks	1	8	Deep	Steubenville	PRR	15	O	O	O	O	O	O	Q	Q	Q	-----	-----	Q

§ 324.8 *Numerical list of mines*—Supplement R–II

Mine index No.	Mine	Code member	Freight origin districts	Freight origin group Nos.	Railroad	Subdistrict No.
649	Owens	Heller & Soles Coal Company (J. W. Heller).	Ohio No. 8	15	PRR	1
655	Speaks	Speaks, George E	Ohio No. 8	15	PRR	1
761	Skivers	Skivers Coal Co	Hocking	22	C&O	5
2404	Square Deal	Moore & Co., Clinton (Clint Moore)	Crooksville	34	PRR	6
2960	Fancy Lump Coal Co	Christy, George A	Pomeroy	23	C&O	8
2936	Fulton No. 1	Fulton Coal Company, The c/o H. J. Nelms.	Ohio No. 8	15	PRR	1
2970	C. M. L.	Lee, Clayton M	Hocking	22	C&O	5
2972	Rutkoski	Rutkoski Brothers (John Rutkoski)	Ohio No. 8	18	W&LE	1
3003	Bruns	Bruns, Ernest	Middle	57	PRR, B&O	4
3008	Cedar Hill	Penrod & Stoneburner	Crooksville	33	NYC	6

§ 324.2 *Seasonal discounts*[1]—Supplement R–III

On all shipments of coal in size groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel.]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of— April	May	June	July	August
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19.		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167.	Add Mine Index Nos. 649, 655, 2972.	30	20	10	---	---
	12, 14, 17, 18	Add 15	12, 16, 37, 45, 68, 92, 119, 161	Add Mine Index No. 2936.	30	20	10	---	---
Hocking	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90 109, 126, 130, 168, 170, 171.	Add Mine Index Nos. 761, 2970.	50	40	30	20	10
Pomeroy		Add 23		Add Mine Index No. 2960.	50	40	30	20	10
Crooksville	31, 32, 33, 34, 36		4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165	Add Mine Index Nos. 2404, 3008.	30	20	10	---	---
Middle	52	Add 57	13, 108	Add Mine Index No. 3003.	30	20	10	---	---

[1] Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.9 *Recapitulation of price classifications*—Supplement R–IV

[Prices for all-rail shipment from mines indexed below into market areas as shown for shipment into all market areas, see Schedule of Effective Minimum Prices, § 324.9 and § 324.10, inclusive. Also applies to Market Areas 98 and 99 (Great Lakes), §§ 324.11 (b), 324.11 (c), and Vessel Fuel, § 324.11 (d)]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Ohio No. 8	9, 10, 11, 12, 14, 15, 17, 18, 19		10, 21, 26, 30, 31, 34, 35, 42, 43, 54, 55, 56, 57, 65, 78, 81, 99, 102, 103, 107, 111, 114, 115, 116, 122, 123, 124, 127, 128, 144, 145, 147, 152, 157, 164, 167	Add Mine Index Nos. 649, 655, 2972.
	12, 14, 17, 18	Add 15	12, 16, 37, 45, 68, 92, 119, 161	Add Mine Index No. 2936.
Hocking	21, 22, 26, 27, 28		1, 27, 33, 41, 47, 59, 61, 64, 73, 74, 75, 76, 86, 90, 109, 126, 130, 168, 170, 171	Add Mine Index Nos 761, 2970.
Pomeroy		Add 23		Add Mine Index No. [1] 2960.
Crooksville	31, 32, 33, 34, 36		4, 28, 66, 85, 91, 104, 106, 125, 138, 143, 146, 155, 156, 160, 162, 165	Add Mine Index Nos 2404, 3008.
Middle	52	Add 57	13, 108	Add Mine Index No. 3003.

[1] Prices as shown for Mine Index No. 14, appearing in the Schedule of Effective Minimum Prices for District No. 4, will apply to additional Mine Index No. 2960 hereinabove noted, for shipment into all Market Areas. In addition, Mine Index No. 2960 will have a price in size group 10 equal to the applicable minimum price for its size group 8, less 5c. for all Market Areas.

NOTE: Prices as shown in §§ 324.9, 324.10, 324.11 (b), 324.11 (c) and 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.11 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*—Supplement R–V

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below. For shipment to railroads as shown, see Schedule of Effective Minimum Prices, § 324.11 (a)]

Name of railroad	Mine index Nos.	Additional mine index Nos.
Baltimore & Ohio Railroad Co	8, 25, 133, 153, 161	Add Mine Index No. 3003.
Chesapeake & Ohio Railway Co	14, 38, 41, 47, 61, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 130, 131, 168, 170, 171.	Add Mine Index Nos. 761–2970.
New York Central System	1, 4, 6, 18, 22, 27, 28, 34, 35, 47, 54, 59, 64, 66, 73, 74, 83, 90, 91, 100, 107, 109, 125, 126, 138, 141, 143, 156, 158, 172.	Add Mine Index No. 2960.[1] Add Mine Index No. 3008.
Pennsylvania Railroad Co	11, 26, 31, 42, 43, 49, 50, 55, 56, 57, 62, 65, 67, 69, 81, 94, 111, 114, 115, 132, 152, 162, 165, 169.	Add Mine Index Nos. 649, 655, 2404.
Wheeling & Lake Erie Railway Co	166	Add Mine Index Nos. 2936, 3003.
	9, 24, 26, 32, 42, 43, 52, 81, 99, 102, 122, 127, 135, 145, 154, 157, 164.	Add Mine Index No. 2972.

[1] Prices as shown for Mine Index No. 14, appearing in the Schedule of Effective Minimum Prices for District No. 4, less 10¢ per ton, will apply to additional Mine Index No. 2960 hereinabove noted, and in addition thereto, the price in size group 10 shall be the same as the applicable minimum price for its size group 8.

§ 324.11 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*—Supplement R–V—Continued

Name of railroad	Mine index Nos.	Additional mine index Nos.
Akron, Canton & Youngstown Railway Co. Ann Arbor Railroad Co. Canadian National Railways and Grand Trunk Railway System Canadian Pacific Railway Co. Detroit and Mackinac Railway Company. Detroit & Toledo Shore Line Railroad Co. Erie Railroad Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.). Pere Marquette Railway Co	From all Mine Index Nos. except those shown below. From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add Mine Index Nos. 649, 655, 761, 2404, 2970, 2972, 3008. Add Mine Index Nos. 2960, 2936, 3003.
For all Railroads not shown above	From all Mine Index Nos. except those shown below. From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add Mine Index Nos. 649, 655, 761, 2404, 2970, 2972, 3008. Add Mine Index Nos. 2960, 2936, 3003.

NOTE: Prices as shown in § 324.11 (a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

FOR TRUCK SHIPMENTS

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam	Base sizes: 6" lump (1)	3", 4", 6" lump (2)	2" lump (3)	2" x 4" egg, 2" x 5" egg (4)	1¼" lump, 1¼" x 4" egg (5)	Mine run, nut, and pea (6)	2" x 0 slack (7)	¾" x 0 slack (8)
SUB-DISTRICT NO. 1—EASTERN OHIO											
HARRISON COUNTY											
Kibble, Chas. C	Bellevue #1	12	8	275	265	250	225	220	210	190	180
Rutkoski Brothers (John Rutkoski)	Rutkoski	2972	8	285	275	260	235	230	220	200	190
JEFFERSON COUNTY											
Fluharty, William	Snyder	2975	8	285	275	260	235	230	220	200	190
Paul, William (Paul Coal Company)	Paul Coal	2976	8	285	275	260	235	230	220	200	190
SUB-DISTRICT NO. 3—BEECHOLS											
JEFFERSON COUNTY											
Stephenson & Freshwater (Harry O. Freshwater)	Mason Gray	2973	8	285	275	260	235	230	220	200	190

§ 324.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T—Continued

Code member index	Mine	Mine index No.	Seam	Base sizes: 6" lump (1)	3", 4", 6" lump (2)	2" lump (3)	2" x 4" egg, 2" x 5" egg (4)	1¼" lump, 1¼" x 4" egg (5)	Mine run, nut, and pea (6)	2" x 0 slack (7)	¾" x 0 slack (8)
SUB-DISTRICT NO. 4—MIDDLE											
COSHOCTON COUNTY											
Gallagher, Sherman & David, Coal Co. (Sherman Gallagher)	Gallagher	2074	6	280	270	260	235	230	195	165	155
HOLMES COUNTY											
Hostetler, Firmen	Hilliard Coal Co	2991	7	275	265	250	235	235	220	190	180
MAHONING COUNTY											
Hutson, T. C., Coal Company, The, c/o Thomas C. Hutson.	Vitko Bros	2998	4	300	290	275	250	245	235	205	195
STARK COUNTY											
Johnson Coal Co	Johnson Coal Co	2992	---	275	265	250	235	235	220	190	180
L. & L. Coal Company, The, c/o Roy D. Lloyd.	Oberlin	2963	5	275	265	250	235	235	210	190	180
TUSCARAWAS COUNTY											
Bruns, Ernest	Bruns	3003	5&6	275	265	250	235	235	210	190	180
Thomas, T. D. (Thomas Bros. Coal Co.)	Thomas	2998	6	275	265	250	235	235	220	190	180
SUB-DISTRICT NO. 5—HOCKING											
HOCKING COUNTY											
Fisk Coal Co. (Vern Fisk)	Fisk	2962	6	295	285	275	250	245	195	165	155
Lee, Clayton M	C. M. L.	2970	6	295	285	275	250	245	195	165	155
Walker, Lawrence (Lawrence Walker Coal Co.)	Walker	2993	6	295	285	275	250	245	195	165	155
VINTON COUNTY											
Cooperative Mining Association (Maynard R. McDaniel).	Big Four, Hollow No. 1.	2961	8	295	285	275	250	245	195	165	155
SUB-DISTRICT NO. 6—CROOKSVILLE											
MUSKINGUM COUNTY											
Bowen, Levi & Charles Reeder	Bowen & Reeder	2994	6	280	270	260	235	230	195	165	165
Kildow, Sr., James	Kildow	2956	7	280	270	260	235	230	195	165	165
Mautz & Estadt Coal Co. (Herbert Mautz)	Fairview	2971	6	280	270	260	235	230	195	165	165
SUB-DISTRICT NO. 8—POMEROY											
MEIGS COUNTY											
Christy, George A	Fancy Lump Coal Co.	2960	8	295	285	275	250	245	195	140	140

[F. R. Doc. 42–2583; Filed, March 25, 1942; 11:32 a. m.]

[Docket No. A-1303]

PART 327—MINIMUM PRICE SCHEDULE, DISTRICT NO. 7

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 7 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 7

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 7; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act:

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 327.11 (*Low volatile coals: Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 327.34 (*General prices in cents per net ton for shipment into any market area*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: March 11, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 7

NOTE: The material contained in this "Supplement R" is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 327, Minimum Price Schedule for District No. 7 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 327.11 *Low volatile coals: Alphabetical list of code members*—Supplement R

[Alphabetical list of code members having railway loading facilities, showing price classifications by size groups for all uses except as separately shown]

Mine index No.	Code member	Mine name	Subdistrict No.	Low volatile seam	Shipping point	Railroad	Freight origin group No.	Price classification by size group Nos. 1	2	3	4	5	6	7	8	9	10
302	Babcock Coal & Coke Company.	Babcock #10.	2	Sewell	Clifftop, W. Va.	C&O	10	A	A	A	A	A	A	A	B	B	(†)

†When shown under a size group number indicates no classification effective for this size group.

FOR TRUCK SHIPMENTS

§ 327.34 *General prices in cents per net ton for shipment into any market area*—Supplement T

Code member index	Mine index No.	Mine	Subdistrict No.	County	Seam	All lump 3/4 inch or larger all egg and stove	All nut or pea 1 1/4 inch top size or smaller	Screened M/R	Straight mine run	1 1/4-inch screenings	3/4-inch screenings
						1	2	3	4	5	6
Babcock Coal & Coke Company.	302	Babcock #10	2	Fayette	Sewell	330	250	260	215	195	190

[F. R. Doc. 42-2580; Filed, March 25, 1942; 11:30 a. m.]

[Docket No. 1198]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR REVISION OF THE MINIMUM PRICES AND CHANGE IN THE SEAM DESIGNATIONS OF THE CANNEL COALS OF CERTAIN CODE MEMBERS IN MORGAN COUNTY, KENTUCKY, SUBDISTRICT NO. 1, IN DISTRICT NO. 8, FOR TRUCK SHIPMENT

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by District Board No. 8, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The Board in its petition proposed an increase in the prices heretofore established for the cannel coals of certain code member producers in Morgan County, Kentucky, in Subdistrict 1 of District No. 8.

Pursuant to appropriate orders of the Acting Director and after notice to all interested parties, a hearing was held before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room of the Division, Washington, D. C. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. Petitioner, District Board 8, appeared as well as Consumers' Counsel. Preparation and filing of a report by the Examiner was waived and the record was thereupon submitted to the undersigned.

The petition of District Board 8 herein requested a revision of price classifications and effective minimum prices established for truck shipment for the cannel coals produced at 14 mines in District No. 8.[1] The testimony of a representative of District Board 8 was to the effect that minimum prices were originally established for the coals in question, but that due to errors in designating the seam in which the coals were produced and in failing properly to reflect the differential between inferior cannel coals and the cannel coals of this section, the classifications and minimum prices which were established do not properly reflect the relative value of the coals and they are not in proper coordination with other cannel coals produced in District No. 8.

It appears that the producers themselves desire the increase requested by the District Board and the request is based in part upon the previous market history of the coal.

The prices and classifications sought by the Board will, it was said, effect proper coordination between the cannel coals to which said prices are applied and the cannel coals of inferior quality, as well as place all mines in Morgan County producing cannel coal on a competitive basis with regard to price.

Upon the basis of the uncontroverted evidence, I find and conclude that the classifications and minimum prices as well as the seam designations shown in the schedule hereto attached for the coals specified therein are proper and should be established; that such classifications and minimum prices conform in all respects to those heretofore established for comparable coals in District No. 8 and will preserve the fair competitive opportunities for the producers of said coal.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof, § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

Dated: March 13, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[1] The Notice of and Order for Hearing, dated December 19, 1941, specifically mentioned only eight code member producers. An additional six are named in the petition of the District Board. However, the subject matter in general was stated to be "revision of the minimum prices and change in the seam designations to increase the prices of the cannel coals of certain code members in Morgan County, Kentucky, Subdistrict No. 1 in District No. 8 for truck shipment" and, therefore, since the evidence was directed to the 14 mines, it appears appropriate to grant relief to all fourteen.

DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR TRUCK SHIPMENTS OF CANNEL COAL

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine[1]	Mine index No.	Cannel coal size designations and prices: Lump	Egg	Chips	Machine cuttings
SUB-DISTRICT NO. 1—BIG SANDY-ELKHORN—MORGAN COUNTY, KY.						
Adams, Crayton	Adams	3595	350	300	250	160
Adams, Smith & Rennie Gullett	Adams & Gullett	1202	350	300	250	160
Bailey, John	Bailey	1207	350	300	250	160
Barker and Honchul (Preston Barker)	Piedmont	1208	350	300	250	160
Davidson, W. M.	Davidson	1209	350	300	250	160
Davis & Vance (Harland Davis)	Davis	3331	350	300	250	160
Easterling, Mort	Easterling	5050	350	300	250	160
Gibson, Arthur	Arthur Gibson	1215	350	300	250	160
Hatton, Sam		2833	350	300	250	160
Mounts, George	Mounts	4041	350	300	250	160
Reed, Andrew	Mayflower	1223	350	300	250	160
Reed, Carmey	Mayflower No. 1	3519	350	300	250	160
Terrell, W. J.	Terrell No. 2	3531	350	300	250	160
Vance, Roy	Vance	3594	350	300	250	160

[1] Indicates a change has been made in the original f.o.b. mine prices and cancels all previous prices for these mines for truck shipments.

[F. R. Doc. 42-2581; Filed, March 25, 1942; 11:31 a. m.]

[Docket No. A-1200]

PART 328—MINIMUM PRICE SCHEDULE, DISTRICT NO. 8

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 8 FOR A REVISION OF THE MINIMUM PRICES AND A CHANGE IN THE SEAM DESIGNATIONS FOR THE COALS OF CERTAIN MINES IN LEE COUNTY, VIRGINIA, SUBDISTRICT NO. 7, AND HARLAN COUNTY, SUBDISTRICT NO. 2, IN DISTRICT NO. 8, FOR TRUCK SHIPMENT

This proceeding was instituted upon a petition filed with Bituminous Coal Division by District Board No. 8, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The Board in its petition proposed certain changes in the effective minimum prices heretofore established and certain changes in seam designation for the mines of certain code member producers in Lee County, Virginia and Harlan County, Kentucky.

In accordance with an Order of the Acting Director dated December 19, 1941, and after notice to all interested parties, a hearing was held before Joseph A. Huston, a duly designated Examiner of the Division, at a hearing room of the Division at Washington, D. C. All interested parties were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard.

Petitioner, District Board 8, and the Bituminous Coal Consumers' Counsel appeared. The preparation and filing of a report by the Examiner was waived and the record was thereupon submitted to the undersigned.

The petition of District Board 8 herein requested a revision of the price classifications and effective minimum prices for truck shipments for the coals produced at twenty-nine mines located in Lee County, Virginia, and one mine located in Harlan County, Kentucky; and a change in seam name only of four mines in Lee County, Virginia.

The uncontroverted testimony of the representative of District Board 8 shows that minimum prices were originally established for the coals in question but that due to errors in properly designating the seams in which the coals were produced, the classifications and minimum prices which were established do not properly reflect the relative value of the coals and they are not in proper coordination with other coals produced in District No. 8. The effect of the changes proposed would be to establish for the mines listed the proper prices applicable to the coals from the seams in which such mines are actually producing their coals.

It appears that in some cases the change in seam designation will result in an increase in the effective minimum price, while in others the change in seam designation will result in a decrease of the established price. In the case of four mines in Lee County, Virginia, the change in seam designation will not result in any change in prices or classifications. However, according to the testimony, the prices proposed for mines in each of these seams are identical with the prices at present effective for other mines located in the same seam.

The classifications and prices proposed by the Board will, it appears, reflect proper coordination between the coals to which said prices apply and competing coals.

Upon the basis of the uncontroverted evidence, I find that the classifications and minimum prices as well as the seam designations shown in the schedule hereto attached for the coals specified therein are proper and should be established; that such classifications and minimum prices conform in all respects to those heretofore established for comparable coals in District No. 8 and will preserve the fair competitive opportunities for the producers of said coal.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof, § 328.34 (*General prices for high volatile coals in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

Dated: March 10, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[Docket No. A-1328]

PART 332—MINIMUM PRICE SCHEDULE, DISTRICT NO. 12

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 12 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 12

An original petition, as amended, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 12; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 332.2 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 332.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: March 11, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 12

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 332, Minimum Price Schedule for District No. 12 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 332.2 *Alphabetical list of code members*—Supplement R

[Listing of code members, mines, mine index numbers and mine origin groups]

Code member	Mine	Mine index No.	Mine origin group	Originating railroad	Mine origin group No.
Burk, Harold (H. B. Coal Co.)	H. B. Coal Co.[1]	811	Hamilton	Wabash & OB&Q	22
Premium Coal Co. (Glen A. Bledsoe)	Premium Coal Co.[1]	796	Knoxville	CB&Q	22

[1] Indicates mine shipping via public sidings and ramp for railway delivery.

DISTRICT NO. 8

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam[1]	Base sizes[2]							
				Lump over 3" and under, 4" x 0"	Lump 3" and under, 6" x 0"	Lump ¾" and under	Egg 3" x 4", 6" x 3"	Stove 3" and under, not 2" and under	Straight mine run	3" and under, slack	¾" and under, slack
				1	2	3	4	5	6	7	8
SUBDISTRICT NO. 3—HARLAN COUNTY, KY.											
Wills, O. E.		1308	No. 5	200	275	225	245	215	215	170	165
SUBDISTRICT NO. 7—VIRGINIA LEE COUNTY, VA.											
Baker, J. W.	Baker	2146	No. 8	205	275	225	245	215	215	170	165
Baker, Samp.	Samp Baker	2147	No. 2	205	245	215	220	205	205	155	150
Barker, Lawrence.	Barker's	2149	Mohawk	205	245	215	220	205	205	155	150
Beverly, W. N.	W. N. Beverly	2150	No. 2	205	245	215	220	205	205	155	150
Bolen, Wm.	Wm. Bolen	2151	Penn Lee	205	245	215	220	205	205	155	150
Clark, Dewey	Mill Branch	2154	Mohawk	205	245	215	220	205	205	155	150
Davidson & Spears (B. F. Davidson).	B. F. Davidson	2170	Pinhook	205	245	215	220	205	205	155	150
Fannin, Milum	Fletcher Coal Co.	2003	Imboden	205	245	215	220	205	205	155	150
Garrett, J. P.	Garrett	2161	Mohawk	205	245	215	220	205	205	155	150
Herron & Short (D. H. Herron)	Herron & Short	2164	Mohawk	205	245	215	220	205	205	155	150
Hess, Mike	Mike Hess	2163	No. 5	205	245	215	220	205	205	155	150
Holley, R. W. & J. H. Addington	Mohawk Coal Co.	2157	Mohawk	205	245	215	220	205	205	155	150
Hunt, James K.	Maggard Brothers	2167	Mohawk	205	245	215	220	205	205	155	150
Jones, Ben	Ben Jones	2169	Mohawk	205	245	215	220	205	205	155	150
Kelly, R. C.	Blue Gem Coal Co.	3185	Penn Lee	205	245	215	220	205	205	155	150
Kirk, T. H.	T. H. Kirk's	2169	Imboden	205	245	215	220	205	205	155	150
Lambert, L. E.	L. E. Lambert	2170	Mohawk	205	245	215	220	205	205	155	150
Lee-Bond Coal Co.	Lee-Bond Coal Co.	2171	Penn Lee	205	245	215	220	205	205	155	150
Musick & Son (B. F. Musick)	Musick & Son	2191	No. 1	205	275	225	245	215	215	170	165
No. 5 Coal Co. (Robert W. Housley).	No. 5 Coal Co.	2178	No. 5	200	275	225	245	215	215	170	165
Parsons & Sons, E. F. (Haven Parsons).	Parsons #1 & #2	2181	No. 5	205	245	215	220	205	205	155	150
Payne, J. H.	Mill Branch	2184	Mohawk	205	245	215	220	205	205	155	150
Pennington, W. R.	Bailey	2185	Imboden	205	245	215	220	205	205	155	150
Puckett Creek Coal Corp.	Puckett Creek	2665	No. 5	205	275	225	245	215	215	170	165
Redwine Coal Co.	Redwine Coal Co.	2666	No. 5	205	275	225	245	215	215	170	165
Ridge Mountain Coal Company	Ridge Mt'n Coal Corp.	2188	No. 5	205	245	215	220	205	205	155	150
Ridge Mountain Coal Corp., c/o A. T. Pennington, Sr.	Ridge Mt'n Coal Corp.	2189	No. 4	205	245	215	220	205	205	155	150
Ridings, Julius F.	Ridings	3184	Imboden	205	245	215	220	205	205	155	150
Russell, T. F.	Russell	2195	Penn Lee	205	245	215	220	205	205	155	150
Vanover, W. H.	Stapleton	2196	Penn Lee	205	245	215	220	205	205	155	150
Welch, Fred	Welch	2200	Imboden	205	245	215	220	205	205	155	150
Vernon, W. M.	W. M. Vernon	2198	Imboden	205	245	215	220	205	205	155	150
West, Harvey	Coffman	2680	No. 5	205	275	225	245	215	215	170	165

[1] Change in designation for all seams shown below.
[2] Indicates a change has been made in Original F. O. B. mine price, and applies to each size group.

[F. R. Doc. 42-2679; Filed, March 26, 1942; 11:30 a. m.]

FOR TRUCK SHIPMENTS

§ 332.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine name	Mine No.	Group No.	County	Chunk	Standard lump	Egg 3 x 2", 6 x 2"	Small egg 4 x 2", 3 x 1½"	Mine run	Nut 2 x 1¼", 1¼ x ¾"	Dom. stoker 1¼, 1 x ⅝"	Screenings 2" 1¼", 1¼ x 0	Ind. Stoker Gr. 2", 1½" 1¼" x 0	⅜" x 0
					1	2	3	4	5	6	7	8	9	10
Burk, Harold (H. B. Coal Co)	H. B. Coal Co.	811	18	Marion	300	290	280	270	270	270	270	160	220	100
Froml, Joe & E. J. Hawks	No. 2	906	10	Wapello	300	290	280	270	270	270	270	185	245	100
Harris, Milton (White Oak Coal Co.).		810	18	Marion	300	290	280	270	270	270	270	160	220	100
Peters Bros. (Dan Peters)	Peters Bros.	809	22	Mahaska	315	305	295	285	275	275	275	170	230	100

[F. R. Doc. 42-2682; Filed, March 25, 1942; 11:31 a. m.]

[Docket No. A-1049, Part II]

PART 333—MINIMUM PRICE SCHEDULE, DISTRICT NO. 13

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE RIVERSIDE MINE (MINE INDEX NO. 1261) OF THE PRATT-AMERICAN COAL COMPANY, AND THE CROSS ROAD MINE (MINE INDEX NO. 171) OF L. B. BAIRD

A petition having been filed in Docket No. A-1049 with the Bituminous Coal Division on September 4, 1941, by District Board No. 13, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of price classifications and minimum prices for certain coals in District 13 for all shipments except truck and for truck shipments;

Temporary relief (which has since become permanent) having been granted in Docket No. A-1049 by Order of the Director dated October 17, 1941; 6 F.R. 5672, for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 13, and specifically denying relief to the Riverside Mine (Mine Index No. 1261) of Pratt-American Coal Company, and Cross Road Mine (Mine Index No. 171) of L. B. Baird, these mines being affected by unique considerations set forth in a separate Order of the Director dated October 17, 1941, 6 F.R. 5651, severing from Docket No. A-1049 and designating as Docket No. A-1049, Part II that portion of the Docket relating to Mine Index No. 1261 and Mine Index No. 171;

A hearing having been held in this matter pursuant to an Order of the Director, on November 19, 1941, before Joseph D. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The preparation and filing of a report by the Examiner having been waived and the record in the proceeding having been submitted to the undersigned;

The undersigned having made Findings of Fact, Conclusions of Law, and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That commencing fifteen (15) days from the date of this Order, § 333.6 (*General prices*) is amended by adding thereto Supplement R–I, § 333.7 (*Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads*) is amended by adding thereto Supplement R–II, and § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof and the shipping points designated therein for Mine Index Nos. 1261 and 171 shall be in lieu of those previously designated.

It is further ordered, That the prayers of the original petition are granted to the extent set forth above, and in all other respects are denied.

Dated: March 17, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

DISTRICT NO. 13

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

§ 333.6 *General prices*—Supplement R–I

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	WINSTON COUNTY, ALA.				
171	Baird, L. B. (L. B. Baird Coal Co.)	Cross Road	1	Black Creek	114

Shipping Points: Natural Bridge, Ala., Eldridge, Ala. Railroads: Southern SL&SF. This mine shall have the same prices in size groups 1, 4 and 15 on all price tables as listed for mine with Index No. 14. This mine shall have a price in size group 23 on all price tables, 10¢ under the price listed in size group 18 for mine with Index No. 14.

§ 333.7 *Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*—Supplement R–II

[Prices f. o. b. mines for shipment to all railroads and for the exclusive use of railroads]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	WALKER COUNTY, ALA.				
1261	Pratt-American Coal Co.	Riverside	1	Pratt	122

Shipping Points: Colta, Ala., Cordova, Ala. Railroads: L&N, Southern. This mine shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mines with Index Numbers 1, 2, 3, etc. (See § 333.7 (a) in Minimum Price Schedule.)

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T

FOR TRUCK SHIPMENTS

Code member index	Mine	Mine index No.	Subdistrict	Seam	Lump: over 2" egg: top size 6" and over 6"	Egg: top size 6" and under 2"	Lump: 2" and under	Nut: top size 3" and under, bottom size over ¼"		Chestnut: top size 3" and under, bottom size ¼" and over		Chestnut: top size 1¼" and under, bottom size ¼" and over		Remnants: 3" and under		Screenings: 1¼" and under		Industrial coal
								Wash	Raw	Wash	Raw	Wash	Raw	Wash	Raw	Wash	Raw	
1	2																	
ALABAMA																		
WALKER COUNTY																		
Pratt-American Coal Co.	Riverside	1261	2	Pratt	325	325	325	330	310	310	315	295	305	260	265	270	280	265	280	24,25,26
WINSTON COUNTY																		
Baird, L. B. (L. B. Baird Coal Co.)	Cross Road	171	2	Black Creek	365	385	360	335	315	315	305	310	300	290	275	265	265	280

[F. R. Doc. 42-2678; Filed, March 25, 1942; 11:30 a. m.]

Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This amendment shall take effect immediately.

Issued this 26th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2636; Filed, March 26, 1942; 11:46 a. m.]

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 1 TO SUPPLEMENTARY ORDER NO. M-15-b-1 TO RESTRICT THE USE AND SALE OF RUBBER

Section 940.5 (*Supplementary Order No. M-15-b-1*[1]) is hereby amended as follows:

1. By changing subparagraph (b) (7) thereof to read as follows:

(7) Tires, tire casings, tire tubes, capping stock and camelback and compounds therefor. List 7

2. By substituting the attached lists designated Lists 6 and 7 for Lists 6 and 7, respectively, now attached to such Order.

3. By changing subdivision (a) of List 9 attached thereto to read as follows:

(a) Compounds used in the manufacture of tires and tire casings to fill War Orders shall be prepared in accordance with the specifications set forth in subdivision (a) of List 7 attached to this Order as such List may be revised from time to time.

4. By inserting the following new paragraph at the end of subdivision (b) of List 9 attached thereto:

With the types of formulas specified above, and with mold and gauges selected, a manufacturer can calculate the maximum amounts of rubber and whole tire reclaimed rubber which may be used in the manufacture of a tire or tire casing of any specified type and size. Within the maximum amounts of rubber thus calculated, a manufacturer may, in his discretion, shift the amounts between friction and tread, but may not use in the manufacture of any tire or tire casing more rubber or more whole tire reclaimed rubber than would be used in the manufacture of such tire or tire casing if the above specifications for

[1] 7 F.R. 967.

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 932—CORK AND PRODUCTS AND MATERIALS OF WHICH CORK IS A COMPONENT

AMENDMENT NO. 1 OF GENERAL PREFERENCE ORDER NO. M-8-A

Section 932.2 (General Preference Order No. M-8-a[1]) is hereby amended as follows:

Paragraph (a) (2) is amended to read as follows:

§ 932.2 *General Preference Order M-8-a.* (a) * * *

(2) The term "supplier" is hereby defined as any person in the United States who engages in the importation, sale, manufacture, or processing of Cork, or in the importation of manufactured Cork in finished or semi-finished form.

Paragraph (e) (2) is amended to read as follows:

(e) * * *

(2) Notwithstanding any general authorization for the processing or delivery of finished crowns granted in any monthly allocation schedule, except as authorized by the Director of Industry Operations no person shall make or receive delivery of crowns with cork discs, except for defense orders, for retail delivery for home usage, or for delivery beyond the limits of the continental United States, unless the purchaser to whom such crowns are to be delivered shall furnish to the seller a properly executed certificate on Form PD 384, certifying that the total of the crowns to be delivered under such certificate, all other crowns with cork discs owned or controlled by the purchaser, and all undelivered crowns with cork discs of which delivery has been requested by the purchaser, do not exceed 20% of the crowns with cork discs used or resold by the purchaser during the calendar year 1941.

Paragraph (f) is amended to read as follows:

(f) *Effective date.* This Order shall take effect on the First day of October, 1941; and shall continue in effect until revoked. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 25th day of March, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[1] 6 F.R. 5007, 5290.

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tread and friction were followed, after allowing for tolerances permitted.

5. By changing subdivision (g) of List 9 attached thereto to read as follows:

(g) Maximum material volumes of tire tubes for passenger automobile tires and truck tires shall be subject to the limitations for those types of tubes as set forth in subdivision (d) of List 7 attached to this Order, as such List may be revised from time to time.

6. By inserting the figure "0" opposite the words "Twist to left—maximum degrees per foot" in each of the columns headed "1½ inch" and "2½ inch" under the heading "Single Jacket" in paragraph (8) of List 10 attached thereto.

7. By inserting the following new subparagraph immediately after subparagraph (b) (10) thereof:

(11) Truck tire flaps. List 11.

8. By attaching thereto the attached additional list designated List 11.

This Order and the specifications set forth in the lists attached hereto become effective on March 23, 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 25th day of March, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

List 6—*Specifications for the manufacture of water-proof boots, pacs, arctics, gaiters and overshoes.* (1) All such products shall be manufactured in a black color only.

(2) No rubber shall be used for label plasters.

(3) Production shall be confined to the following types, and the average amount of Rubber per pair used in the manufacture of each type shall not be greater than the indicated maximum weight:

	Average weight of rubber (in pounds) maximum
Boots:	
Men's short	1.25
Women's short	.75
Men's storm king	2.00
Men's hip	2.30
Pacs:	
Men's 12" toplace pac	1.05
Men's lumber overs, half heel	.80
Arctics:	
Men's 5-buckle rubber midweight bal	1.15
Men's 4-buckle rubber midweight bal	1.05
Men's 4-buckle cloth farmweight blucher	.90
Men's 4-buckle height lightweight bal-rubber	.75
Boy's 3-buckle lightweight bal-rubber	.62
Youth's 3-buckle lightweight bal-rubber	.58
Women's 4-buckle height lightweight bal-rubber	.54
Men's 4-buckle lightweight cloth	.65
Gaiters:	
Women's 2-snap or slide rubber	.30
Misses' 2-snap rubber	.30
Child's 2-snap rubber	.27
Rubbers:	
Men's storms and/or semi-storms	.60
Boy's storms	.50
Men's storms and/or S. A. overs (full lined)	.35
Boy's storms and/or overs (full lined)	.30
Youth's storms and/or overs (full lined)	.25
Women's overs (full lined)	.25
Growing girls' storms (full lined)	.27
Misses' storms (full lined)	.20
Child's storms (full lined)	.20
Women's over-toe-rubbers	.13

List 7—*Specifications for the manufacture of tires, tire casings, tire tubes and capping stock and compounds therefor*—(a) *Compounds.*

Description of product	Grade	Maximum percent by volume: Rubber	Maximum percent by volume: Whole tire reclaimed rubber
(1) Tread, capping stock and camelback compounds	A	73	0
	B	59.5	17.5
	C	47.9	31.4
	D	40.4	41.3
	E	35.0	57.0
	F	0	89.3
(2) Passenger friction compounds	A	93.8	0
	C	78.0	15.2
	D	59.8	34.2
	E	43.2	50.3
	F	18.8	73.1
	FF	0	90.2
(3) Truck friction compounds	A	4.4	85.0
	B	88.5	0
	C+	77.0	9.3
	C	68.9	24.7
		59.8	34.2

Variations from the above specifications are permitted as follows:

Rubber ..... Plus 0, minus 2.
Whole tire reclaimed rubber ..... Plus 2, minus (not limited).

In the event that no friction compound or tread compound in use by any person on January 26, 1942, contains as large a percentage of rubber as specified above, such person shall not use or adopt the grade A friction compound or the grade A tread compound without the prior approval of the Director of Industry Operations.

(b) *Tire casings and solid tires.* The friction and the tread, respectively, of each of the classes of tire casings and solid tires listed below shall be made from one of the grades of compounds listed in subdivision (a) of this list, the appropriate grade of compound to be used for each such respective friction or tread being that hereinbelow specified therefore opposite the description or designation of such class (provided that in no event shall any such tire herein required to be made of both grade F friction compound and grade F tread compound contain more than one pound Rubber:

PASSENGER FRICTION

Description of product	Compounds to be used: Passenger friction	Compounds to be used: Tread
(1) Passenger automobile tires, standard grade	F	F
(2) Passenger automobile tires, premium grade, size 7.50 and larger	B	B
(3) Passenger automobile tires, premium grade, size 7.00 and smaller	C	B
(4) Road grader or road builder tires for drop center rims	E	C
(5) Agricultural equipment tires, garden tractor	F	F
(6) Agricultural equipment tires, implements and tractors, size 6.50 and larger	E	C
(7) Agricultural equipment tires, implements and tractors, size 6.00 and smaller	F	F
(8) Agricultural equipment tires, fronts, 6.00 and smaller	F	C
(9) Motorcycle tires	GOOD	CACCA
(10) Mileage tires, taxi		
(11) Industrial pneumatic tires		
(12) Industrial solid tires		
(13) House trailer tires	E	F

TRUCK FRICTION

Description of product	Truck friction	Tread
(1) Truck tires, 17–24 inch rims, size 6.50 and smaller	C+	C
(2) Truck tires, 17–24 inch rims, size 7.00, 8 ply and less	C+	C
(3) Truck tires, 17–24 inch rims, size 7.50, 8 ply and less	B	B
(4) Truck tires, 17–24 inch rims, size 7.00 to 7.50, inclusive, more than 8 ply	A	C
(5) Truck tires, for 15 inch flat base rims, 7.50 and larger, more than 8 ply	A	B
(6) Truck tires, 17–24 inch rims, size 8.25 and larger	A	B
(7) Truck tires, 13–16 inch rims, 8 ply and less	C	C
(8) Truck tires, 15–16-inch rims, more than 8 ply, except 7.50 section and larger for 15-inch flat base rims	A	C
(9) Off highway, heavy service tires 8 ply or less: Road grader or road builder tires for flat base rims. Rock tires. Earth movers. Mud and snow tires larger than 14 inches.	B	C
(10) Off highway, heavy service tires 10 ply or more: Road grader or road builder tires for flat base rims. Rock tires. Earth movers. Mud and snow tires larger than 14 inches.	A	A
(11) Mileage tires, city busses	B	C
(12) Mileage tires, intercity busses	A	A

With the types of formulas specified above, and with mold and gauges selected, a manufacturer can calculate the maximum amounts of Rubber and whole tire reclaimed rubber which may be used in the manufacture of a tire or tire casing of any specified type and size. Within the maximum amounts of Rubber and whole tire reclaimed rubber thus calculated, a manufacturer may, in his discretion, shift the amounts between friction and tread, but may not use in the manu-

District No. 8

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 328, Minimum Price Schedule for District No. 8 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 328.34 *General prices for high volatile coals in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine	Mine index No.	Seam [1]	Base sizes [2]						
				Lump over 2", 6" x 4"	Lump 2" and under, over 3" x 6"	Lump 3/4" and under, over 2" x 3"	Egg 2" x 4", over 3" x 2"	Stove 3" and under, nut 2" and under	Straight mine run	3/4" and under slack
				1	2	3	4	5	6	7
SUBDISTRICT NO. 2—HARLAN										
HARLAN COUNTY, KY.										
Willis, O. E.	Wyo	1308	No. 5	265	275	225	215	245	215	170
SUBDISTRICT NO. 7—VIRGINIA										
LEE COUNTY, VA.										
Baker, J. W.	Baker	2146	No. 5	265	275	225	215	245	215	170
Baker, Sunup	Sunup Baker	2147	No. 5	265	245	215	220	245	215	170
Barker, Lawrence	Mohawk	2149	Mohawk	265	245	215	220	205	205	155
Bennett, W. N.	W. N. Beverly	2150	No. 3	265	245	215	220	205	205	155
Bledsoe, Wm.	Bledsoe	2153	Penn Lee	265	245	215	220	205	205	155
Clark, Dewey	Mill Branch	2154	Mohawk	265	245	215	220	205	205	155
Davidson & Spears (B. F. Davidson)	B. F. Davidson	2179	Trublook	265	245	215	220	205	205	155
Fleenor, Milum	Fleenor Coal Co	2805	Imboden	265	245	215	220	205	205	155
Garrett, J. J.	J. P. Garrett	2161	Mohawk	265	245	215	220	205	205	155
Herron & Short (D. H. Herron)	Herron & Short	2165	Mohawk	265	245	215	220	205	205	155
Howe, Mike	Mike Howe	2166	No. 5	265	275	225	245	245	215	170
Hudson, H. W. & J. H. Addington	Mohawk Coal Co	2197	Mohawk	265	245	215	220	245	215	170
Huff, James K.	Maggard Brothers	2166	Pinhook	265	245	215	220	205	205	155
Hurd, A. H.	Newton	2167	Mohawk	265	245	215	220	205	205	155
Kelly, H. C.	Blue Gem Coal Co	2168	Imboden	265	245	215	220	205	205	155
Kirk, T. H.	T. H. Kirk	2169	Imboden	265	245	215	220	205	205	155
Lambert, L. E.	L. E. Lambert	2170	Mohawk	265	245	215	220	205	205	155
Maines, T. L.	Peacock Fuel Co	2868	Penn Lee	265	245	215	220	205	205	155
Musick & Son (R. F. Musick)	Musick & Son	2191	No. 5	265	275	225	245	245	215	170
No. 8 Coal Co. (Robert W. Hensley)	No. 8 Coal Co.	2176	No. 5	265	275	225	245	245	215	170
Parsons & Sons, E. F. (Haven Parsons)	Parsons #1 & #3	2181	No. 3	265	245	215	220	205	205	155
Payne, J. H.	Mill Branch	2184	Mohawk	265	245	215	220	205	205	155
Pendleton, W. R.	Pendleton	2185	Imboden	265	245	215	220	205	205	155
Puckett Creek Coal Corp.	Puckett Creek	2905	No. 5	265	275	225	245	245	215	170
Redwine, R. N.	Redwine Coal Co	2906	No. 5	265	275	225	245	245	215	170
Reeds Creek Coal Company	Fern Branch	2189	No. 3	265	245	215	220	205	205	155
Ridge Mountain Coal Corp., c/o A. F. Thompson, Jr.	Ridge Mt'n Coal	2189	No. 1	265	245	215	220	205	205	155
Ridings, Julius F.	Ridings	3184	Imboden	265	245	215	220	205	205	155
Turnbill, E. F.	Turnbill	2895	Imboden	265	245	215	220	205	205	155
Vanzant, W. H.	Stapleton	2196	Imboden	265	245	215	220	205	205	155
Welch, Fred	Welch	2240	Imboden	265	245	215	220	205	205	155
Vernon, W. M.	W. M. Vernon	2195	Imboden	265	245	215	220	205	205	155
West, Harvey	Coffman	2830	No. 5	265	275	225	245	245	215	170

[1] Change in designation for all seams shown below.
[2] Indicates a change has been made in Original F. O. B. mine price, and applies to each size group.

[F. R. Doc. 42-2679; Filed, March 25, 1942; 11:30 a. m.]

It is ordered, That pending final position of the above-entitled mi temporary relief is granted as fol Commencing forthwith, § 332.2 (A betical *list o code members*) is ame by adding thereto, Supplement R, § 332.24 (*General prices in cents pe tion for shipment into all market a* is amended by adding thereto Su ment T, which supplements are he after set forth and hereby made a hereof.

It is further ordered, That pleadir opposition to the original petition i above-entitled matter and applica to stay, terminate or modify the porary relief herein granted may be with the Division within forty-five days from the date of this Order, suant to the Rules and Regulations erning Practice and Procedure i the Bituminous Coal Division in Pr

It appearing that the temporary relief ings Instituted Pursuant to section (d), of the Bituminous Coal Act of

It is further ordered, That the herein granted shall become final (60) days from the date of this O unless it shall otherwise be ordered.

Dated: March 11, 1942.

DAN H. WHEELER, *Acting Direc*

[SEAL]

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT

Note: The material in these supplements is to be read in the light of the classific prices, instructions, exceptions and other provisions contain d in Part 332, Minimun Schedule for District No 12 and supplements thereto

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 332.2 *Alphabetical list of code members*—Supplement R

[Listing of code members and their mine index numbers and mine origin groups]

Mine Index No.	Code member	Mine	Mine origin group	Origin mine railroa
810	Burk, Harold (H. B. Coal Co.)	H. B. Coal Co.	Hamilton	Wabash & C&EQ
796	Premium Coal Co. (John A. Bischoff)	Premium No. 1	Danville	C&EQ

[1] Indicates mine shipping via public sellings and rates for rail-way deliver

[F. R. Doc. 42-2682; Filed, March 25, 1942; 11:31 a. m.]

[Docket No. A-1328]

Part 332—Minimum Price Schedule. District No. 12

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 12 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 12

An original petition, as amended, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 12; and

It appearing that the temporary relief granting of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That pending final disposition of the above-entitled matter and application for temporary relief is granted as follows: Commencing forthwith, § 332.2 (*Alphabetical list o code members*) is amended by adding thereto, Supplement R, § 332.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and application to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations governing Practice and Procedure in the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d), of the Bituminous Coal Act of 1937.

It is further ordered, That the temporary relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: March 11, 1942.

DAN H. WHEELER, *Acting Director*.

[SEAL]

[Docket No. A-1049, Part II]

Part 333—Minimum Price Schedule. District No. 13

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 13 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE RIVERSIDE MINE (MINE INDEX NO. 1261) OF THE PRATT-AMERICAN COAL COMPANY, AND THE CROSS ROAD MINE (MINE INDEX NO. 171) OF L. B. BAIRD

A petition having been filed in Docket No. A-1049 with the Bituminous Coal Division on September 4, 1941, by District Board No. 13, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of price classifications and minimum prices for certain coals in District 13 for all shipments except truck and for truck shipments;

Temporary relief (which has since become permanent) having been granted in Docket No. A-1049 by Order of the Director dated October 17, 1941; 6 F.R. 5672, for the establishment of price classifications and minimum prices for the coals of certain mines in District No. 13, and specifically denying relief to the Riverside Mine (Mine Index No. 1261) of Pratt-American Coal Company, and Cross Road Mine (Mine Index No. 171) of L. B. Baird, these mines being affected by unique considerations set forth in a separate Order of the Director dated October 17, 1941, 6 F.R. 5651, severing from Docket No. A-1049 and designating as Docket No. A-1049, Part II that portion of the Docket relating to Mine Index No. 1261 and Mine Index No. 171;

A hearing having been held in this matter pursuant to an Order of the Director, on November 19, 1941, before Joseph D. Huston, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduced testimony, and the record in the proceeding having been submitted to the undersigned:

The undersigned having made Findings of Fact, Conclusions of Law, and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That commencing fifteen (15) days from the date of this Order, § 333.6 (*General prices*) is amended by adding thereto Supplement R-I, § 333.7 (*Special prices—(a) Prices for shipment to all railroads and for exclusive use of railroads*) is amended by adding thereto Supplement R-II, and § 333.34 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof and the shipping points designated therein for Mine Index Nos. 1261 and 171 shall be in lieu of those previously designated.

It is further ordered, That the prayers of the original petition are granted to the extent set forth above, and in all other respects are denied.

Dated: March 17, 1942.

DAN H. WHEELER, *Acting Director*.

[SEAL]

District No. 13

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 333, Minimum Price Schedule for District No. 13 and supplements thereto.

§ 333.6 *General prices*—Supplement R-I

[Prices f. o. b. mines for shipment by railroad, applicable for all uses except railroad locomotive fuel, steamship bunker fuel and blacksmithing]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	WINSTON COUNTY, ALA.				
171	Baird, L. B. (L. B. Baird Coal Co.)	Cross Road	1	Black Creek	114

Shipping Points: Natural Bridge, Ala., Eldridge, Ala. Railroads: Southern SL&SF. This mine shall have the same prices in size groups 1, 4 and 13 on all price tables as listed for mine with Index No. 14. This mine shall have a price in size group 23 on all price tables, 10¢ under the price listed in size group 18 for mine with Index No. 14.

§ 333.7 *Special prices*—(a) *Prices for shipment to all railroads and for exclusive use of railroads*—Supplement R-II

[Prices f. o. b. mines for shipment to all railroads and for the exclusive use of railroads]

Mine index No.	Code member	Mine	Subdistrict	Seam	Freight origin group
	WALKER COUNTY, ALA.				
1261	Pratt-American Coal Co.	Riverside	1	Pratt	122

Shipping Points: Colta, Ala., Cordova, Ala. Railroads: L&N, Southern. This mine shall have the same prices for all sizes customarily furnished railroads for Locomotive Fuel on price tables as listed for mines with Index Numbers 1, 2, 3, etc. (See § 333.7 (a) in Minimum Price Schedule.)

FOR TRUCK SHIPMENTS

§ 333.34 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code number index	Mine	Mine index No.	Sub-district	Seam	Lump: over 2" and under	Egg: top size 6" and under	Nut: top size 3" and under, bottom size over ½"	Chestnut: top size 3" and under, bottom size ½" and under	Chestnut: top size 1½" and under, bottom size ½" and under	Run of mine: Indiana Block and R/M	Resultants: 3" and under	Screenings: 1½" and under	Industrial coal
					Raw	Raw	Wash	Raw	Wash	Raw	Wash	Raw	Raw
1	2	3			4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
					325	325	320	310	310	295	305	290	265	270	250	295	220	295	24,25,26
					305	305	300	315	315	305	310	300	290	275	265	265	225	300	
ALABAMA																			
WALKER COUNTY																			
Pratt-American Coal Co.	Riverside	1261	2	Pratt															
WINSTON COUNTY																			
Baird, L. B. (L. B. Baird Coal Co.)	Cross Road	171	2	Black Creek															

[F. R. Doc. 42-2678; Filed, March 25, 1942; 11:50 a. m.]

TITLE 32—NATIONAL DEFENSE

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 932—CORK AND PRODUCTS AND MATERIALS OF WHICH CORK IS A COMPONENT

AMENDMENT NO. 1 OF GENERAL PREFERENCE ORDER NO. M-8-A

Section 932.2 (General Preference Order No. M-8-a[1]) is hereby amended as follows:

Paragraph (a) (2) is amended to read as follows:

§ 932.2 *General Preference Order M-8-a.* (a) * * *

(2) The term "Supplier" is hereby defined as any person in the United States who engages in the importation, sale, manufacture, or processing of Cork, or in the importation of manufactured Cork in finished or semi-finished form.

Paragraph (e) (2) is amended to read as follows:

(e) * * *

(2) Notwithstanding any general authorization for the processing or delivery of finished crowns granted in any monthly allocation schedule, except as authorized by the Director of Industry Operations no person shall make or receive delivery of crowns with cork discs, except for defense orders, for retail delivery for home usage, or for delivery beyond the limits of the continental United States, unless the purchaser to whom such crowns are to be delivered shall furnish to the seller a properly executed certificate on Form PD 384, certifying that the total of the crowns to be delivered under such certificate, all other crowns with cork discs owned or controlled by the purchaser, and all undelivered crowns with cork discs of which delivery has been requested by the purchaser, do not exceed 20% of the crowns with cork discs used or resold by the purchaser during the calendar year 1941.

Paragraph (f) is amended to read as follows:

(f) *Effective date.* This Order shall take effect on the First day of October, 1941; and shall continue in effect until revoked. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

This amendment shall take effect immediately.

Issued this 26th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2698; Filed, March 26, 1942; 11:46 a. m.]

[1] 7 F.R. 907.

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 1 TO SUPPLEMENTARY ORDER NO. M-15-b-1 TO RESTRICT THE USE AND SALE OF RUBBER

Section 940.5 (*Supplementary Order No. M-15-b-1*[1]) is hereby amended as follows:

1. By changing subparagraph (b) (7) thereof to read as follows:

(7) Tires, tire casings, tire tubes, capping stock and camelback and compounds therefor. List 7

2. By substituting the attached lists designated Lists 6 and 7 for Lists 6 and 7, respectively, now attached to such Order.

3. By changing subdivision (a) of List 9 attached thereto to read as follows:

(a) Compounds used in the manufacture of tires and tire casings to fill War Orders shall be prepared in accordance with the specifications set forth in subdivision (a) of List 7 attached to this Order as such List may be revised from time to time.

4. By inserting the following new paragraph at the end of subdivision (b) of List 9 attached thereto:

With the types of formulas specified above, and with mold and gauges selected, a manufacturer can calculate the maximum amounts of rubber and whole tire reclaimed rubber which may be used in the manufacture of a tire or tire casing of any specified type and size. Within the maximum amounts of rubber and whole tire reclaimed rubber thus calculated, a manufacturer may, in his discretion, shift the amounts between friction and tread, but may not use in the manufacture of any tire or tire casing more rubber or more whole tire reclaimed rubber than would be used in the manufacture of such tire or tire casing if the above specifications for tread and friction were followed, after allowing for tolerances permitted.

5. By changing subdivision (g) of List 9 attached thereto to read as follows:

(g) Maximum material volumes of tire tubes for passenger automobile tires and truck tires shall be subject to the limitations for those types of tubes as set forth in subdivision (d) of List 7 attached to this Order, as such List may be revised from time to time.

6. By inserting the figure "0" opposite the words "Twist to left—maximum degrees per foot" in each of the columns headed "1½ inch" and "2½ inch" under the heading "Single Jacket" in paragraph (8) of List 10 attached thereto.

7. By inserting the following new subparagraph immediately after subparagraph (b) (10) thereof:

(11) Truck tire flaps. List 11.

8. By attaching thereto the attached additional list designated List 11.

This Order and the specifications set forth in the lists attached hereto become effective on March 23, 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 25th day of March, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

List 6—*Specifications for the manufacture of water-proof boots, pacs, arctics, gaiters and overshoes.* (1) All such products shall be manufactured in a black color only.

(2) No rubber shall be used for label plasters.

(3) Production shall be confined to the following types, and the average amount of Rubber per pair used in the manufacture of each type shall not be greater than the indicated maximum weight:

	Average weight of rubber (in pounds) maximum
Boots:	
Men's short	1.25
Women's short	.75
Men's storm king	2.00
Men's hip	2.30
Pacs:	
Men's 12" toplace pac	1.05
Men's lumber overs, half heel	.80
Arctics:	
Men's 5-buckle rubber midweight bal.	1.15
Men's 4-buckle rubber midweight bal.	1.05
Men's 4-buckle cloth farmweight blucher	.90
Men's 4-buckle height lightweight bal-rubber	.75
Boy's 3-buckle lightweight bal-rubber	.62
Youth's 3-buckle lightweight bal-rubber	.53
Women's 4-buckle height lightweight bal-rubber	.54
Men's 4-buckle lightweight cloth	.65
Gaiters:	
Women's 2-snap or slide rubber	.30
Misses' 2-snap rubber	.30
Child's 2-snap rubber	.27
Rubbers:	
Men's storms and/or semi-storms	.60
Boy's storms	.50
Men's storms and/or S. A. overs (full lined)	.35
Boy's storms and/or overs (full lined)	.30
Youth's storms and/or overs (full lined)	.25
Women's overs (full lined)	.25
Growing girls' storms (full lined)	.27
Misses' storms (full lined)	.20
Child's storms (full lined)	.20
Women's over-toe-rubbers	.13

List 7—*Specifications for the manufacture of tires, tire casings, tire tubes and capping stock and compounds therefor*—(a) *Compounds.*

Description of product		Maximum percent by volume	
Type	Grade	Rubber	Whole tire reclaimed rubber
(1) Tread, capping stock and camelback compounds	A	73	0
	B	59.5	17.5
	C	47.9	31.4
	D	40.4	41.3
	E	26.0	57.0
	F	.0	89.3
(2) Passenger friction compounds	A	93.8	0
	B	78.0	15.2
	C	59.8	34.2
	D	43.2	50.3
	E	18.8	73.1
	F	0	90.2
	FF	6.4	85.0
(3) Truck friction compounds	A	88.5	0
	B	77.0	9.3
	C+	68.9	24.7
	C	59.8	34.2

Variations from the above specifications are permitted as follows:

Rubber—Plus 0, minus 2.
Whole tire reclaimed rubber—Plus 2, minus (not limited).

In the event that no friction compound or tread compound in use by any person on January 26, 1942, contains as large a percentage of rubber as specified above, such person shall not use or adopt the grade A friction compound or the grade A tread compound without the prior approval of the Director of Industry Operations.

(b) *Tire casings and solid tires.* The friction and the tread, respectively, of each of the classes of tire casings and solid tires listed below shall be made from one of the grades of compounds listed in subdivision (a) of this list, the appropriate grade of compound to be used for each such respective friction or tread being that hereinbelow specified therefore opposite the description or designation of such class (provided that in no event shall any such tire herein required to be made of both grade F friction compound and grade F tread compound contain more than one pound Rubber:

PASSENGER FRICTION

Description of product	Compounds to be used	
	Passenger friction	Tread
(1) Passenger automobile tires, standard grade	F	F
(2) Passenger automobile tires, premium grade, size 7.50 and larger	B	B
(3) Passenger automobile tires, premium grade, size 7.00 and smaller	C	B
(4) Road grader or road builder tires for drop center rims	E	C
(5) Agricultural equipment tires, garden tractor	F	F
(6) Agricultural equipment tires, implements and tractors, size 6.50 and larger	E	C
(7) Agricultural equipment tires, implements and tractors, size 6.00 and smaller	F	F
(8) Agricultural equipment tires, fronts, 6.00 and smaller	F	C
(9) Motorcycle tires	C	A
(10) Mileage tires, taxi	C	C
(11) Industrial pneumatic tires	D	A
(12) Industrial solid tires	----	F
(13) House trailer tires	E	

TRUCK FRICTION

Description of product	Truck friction	Tread
(1) Truck tires, 17-24 inch rims, size 6.50 and smaller	C+	C
(2) Truck tires, 17-24 inch rims, size 7.00, 8 ply and less	C+	C
(3) Truck tires, 17-24 inch rims, size 7.50, 8 ply and less	B	B
(4) Truck tires, 17-24 inch rims, size 7.00 to 7.50, inclusive, more than 8 ply	A	C
(5) Truck tires, for 15 inch flat base rims, 7.50 and larger, more than 8 ply	A	B
(6) Truck tires, 17-24 inch rims, size 8.25 and larger	A	B
(7) Truck tires, 13-16 inch rims, 8 ply and less	C	C
(8) Truck tires, 13-16-inch rims, more than 8 ply, except 7.50 section and larger for 15-inch flat base rims	A	C
(9) Off highway, heavy service tires 8 ply or less Road grader or road builder tires for flat base rims. Rock tires. Earth movers. Mud and snow tires larger than 14 inches.	B	C
(10) Off highway, heavy service tires 10 ply or more Road grader or road builder tires for flat base rims. Rock tires. Earth movers. Mud and snow tires larger than 14 inches.	A	A
(11) Mileage tires, city busses	B	C
(12) Mileage tires, intercity busses	A	A

With the types of formulas specified above, and with mold and gauges selected, a manufacturer can calculate the maximum amounts of Rubber and whole tire reclaimed rubber which may be used in the manufacture of a tire or tire casing of any specified type and size. Within the maximum amounts of Rubber and whole tire reclaimed rubber thus calculated, a manufacturer may, in his discretion, shift the amounts between friction and tread, but may not use in the manu-

facture of any tire or tire casing more Rubber or more whole tire reclaimed rubber than would be used in the manufacture of such tire or tire casing if the above specifications for tread and friction were followed, after allowing for tolerances permitted.

(c) *Capping stock and camelback.* (1) Capping stock and camelback shall be manufactured only from compounds of Grade C, as listed in subdivision (a) (1) of this list.

(2) Capping stock and camelback may be manufactured only in gauges of 10/32, 12/32, 14/32, 16/32, 18/32, 20/32, 22/32, and larger.

(d) *Maximum material volume of tire tubes.* No tire tube of any of the classes listed below shall be manufactured with a material volume in excess of the volume specified for such class as set forth below opposite the description or designation of such class:

Description of product		Maximum material volume (in cubic inches)
Type	Size	
Passenger automobile tire tubes.	5.50-16	51.2
	CD 16	57.8
	6.50-15	66.8
	7.00-15	72.2
	D-16	72
	7.50-15	89.4
	7.50-16	93.2
	A-20/21	42.8
	B-17/18	46.9
	C-17	56.1
	7.00-17	75.2
	7.50-17	93.4
Truck tire tubes 15- and 16-inch rims	6.00-16	65
	6.50-16	75
	7.00-15	85
	7.00-16	89
	7.50-15	103
	7.50-16	108
	9.00-16	191
	10.00-16	220
Truck tire tubes 20-inch rims or larger.	6.00-20	75
	6.50-20	102
	7.00-20	135
	7.50-20	175
	8.25-20	197
	9.00-20	235
	10.00-20	300
	11.00-20	350
	12.00-20	450
	13.00-20	525
	14.00-20	670
Agricultural equipment tires	4.00-12	25.3
	5.00-15	38.6
	6.00-9	36.8
	6.00-16	59.0
	DM 16	70.5
	6.50-32	137.8
	FM-24	153.5
	8.50-10	
	9.00-24	235.0
	HM 28	302.0
	KM 28	414.0
	5-40	92.5
	5.5-40	92.5
	6-40	118.0
	7-32	112.0
	8-32	157.0
	9-32	220.0
	10-28	242.0
	11-28	302.0
	12-30	385.5
	13-30	440.0
	14-30	498.0
	15-30	595.0

Variations from the above maximum volumes shall be permitted to the extent of minus 3 per cent.

Sizes not specifically set forth shall have maximum volumes proportionate to the sizes listed.

In the event that the maximum volume herein permitted for a tube of a given type and size manufactured by any person on the effective date of this order is less than the maximum indicated above, such person shall make no change in the maximum volume of such tube as then manufactured by him without the prior approval of the Director of Industry Operations.

The foregoing restrictions on material volume of tire tubes do not apply to tire tubes for use with mileage tires.

List 11—*Specifications for the manufacture of truck tire flaps*—In the manufacture of truck tire flaps to fill all orders, including War Orders, but excluding mileage accounts, the maximum amount of Rubber per flap shall not exceed the amount set forth in the following table opposite the description of each type and size of flap:

Tire size	Rim width	Rim type	Maximum amount of rubber (in pounds)	Remarks
6.00-16	4.50	Semi Drop Centre	0.65	
6.50-16	4.50	Semi Drop Centre	.65	
7.00-16	5.50	Semi Drop Centre	.80	
7.50-16	5.50	Semi Drop Centre	.80	
6.00-16	4.50	Split Wheel	(1)	
9.00-16	5.50	Split Wheel	1.75	Figures on crude rubber apply with or without bead lock.
10.00-16	6.50	Split Wheel	1.75	
6.00-20	3.75	Conventional	.60	
6.50-20	3.75	Conventional	.60	
7.00-20	4.33	Conventional	.85	
7.00-20, 8 ply	6.00	Conventional	1.15	
7.00-20, 10 ply	5.00	Conventional	1.35	
8.25-20	5.00	Conventional	1.35	
9.00-20	5.00 6.00	Conventional	1.60	
10.00-20	6.00 7.33	Conventional	2.20	
11.00-20	7.33	Conventional	2.50	
12.00-20	8.37	Conventional	2.70	
13.00-20	8.37	Conventional	2.70	
14.00-20	8.37 10.00	Conventional	3.65	
7.00-20	6.00	Split Wheel	1.60	
8.25-20	6.00	Split Wheel	1.60	
9.00-20	6.00	Split Wheel	1.60	
12.00-20	10.00	Split Wheel	3.00	With bead lock the limits may be increased 10% because of additional length required.
14.00-20	10.00	Split Wheel	3.65	
9.00-13	(5.50 D. C.) (6.50 Split)		1.45	

(1) None (usually no flap is used).

Sizes not listed shall be in proportion to sizes shown.

In the event a manufacturer on February 15, 1942 was using less Rubber in any type or size of flap than the maximum amount listed above, he shall not increase the amount of Rubber which he uses in manufacturing flaps of the same type or size.

[F. R. Doc. 42-2608; Filed, March 25, 1942; 4:06 p. m.]

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 2[1] TO SUPPLEMENTARY ORDER NO. M-15-b-1 TO RESTRICT THE USE AND SALE OF RUBBER

Section 940.5 (Supplementary Order No. M-15-b-1) is hereby amended as follows:

1. By inserting the following new subparagraph immediately after subparagraph (b) (11) thereof:

(12) Specifications for the manufacture of insulated wire and cable. List 12.

2. By attaching thereto the attached additional list designated List 12.

This Order and the specifications set forth in the list attached hereto shall become effective on April 1, 1942. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.)

Issued this 25th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[1] See also Amendment No. 1, *supra*.

List 12—*Specifications for the manufacture of insulated wire and cable*—(a) *Compounds.*

Type	Grade	Maximum percent by volume: Rubber	Maximum percent by volume: Scrap rubber	Trade identification
(1) Insulations	A	55	14	Performance type otherwise known as ASTM D-353-1941.
	B	35	18	ASTM D-353-Emergency ASTM D-574.
	C	13	60	Code Grade 2/11/42.
(2) Jackets	D	50	35	ASTM D-532-Emergency.

For each percent of rubber by volume reduced, reclaim and scrap rubber may be increased 2.5% by volume.

(b) *Insulated wire and cable.* Insulations and jackets of each of the classes of wire and cable listed below shall be made from one of the grades of compounds listed in subdivision (a) of this specification, the appropriate grade of compound to be used for insulation or jacket being that hereinbelow specified therefor opposite the description or designation of such class.

Type of service	Operating voltage	Compounds for: Insulation	Compounds for: Jacket	Outer covering
(1) Building wire and general service in dry locations.	0-3000	C	None	Fibrous or Lead.
	3001-5000	C	None	Lead.
	3001-5000	B	None	Fibrous.
	5001 and over	B	None	Fibrous or Lead.
(2) For general service in wet or damp locations.	3001 and over	B	None	Lead or Impervious sheath.
	Any	A	None	Fibrous.
(3) For general service at copper temperatures above 60° C., motor leads and for severe mechanical conditions.	Any	A	None	Fibrous, Lead or Impervious sheath.
(4) Portable heavy duty service of the following kinds only: (i) Electric power shovels and dredges. (ii) Mining locomotives and machinery. (iii) Welding machinery and power leads. (iv) Portable drills and tools. (v) Electrically driven construction machinery, including air compressors, cement mixers, conveyors, hoists, cranes, locomotives and public conveyances. (vi) Oil well exploration cable.	0-5000	B	D	
(5) Portable appliance service cords	0-600	C	None	Fibrous.
(6) Automotive Ignition cable	Any	B	None.	Fibrous.

Provided that compound (D) may be used as a jacket in the manufacture of three conductor type POSJ-32 cord for use in lengths not exceeding one foot between wet-proof electric heating pads and heat control switches; and provided further that compound C may be used as a jacket in the manufacture of type PWP cord.

(7) Compounds used for manufacturing cable tape shall contain no Rubber and not more than 80% by volume of Reclaimed and Scrap Rubber, and shall be applied only to one face.

(8) No Rubber, Latex or Reclaimed and Scrap Rubber shall be used as insulation on the neutral wire of a grounded neutral system.

(9) Rubber jackets, belts or sheaths shall not be used in wire or cable except as provided in section (4) above.

[F. R. Doc. 42-2609; Filed, March 25, 1942; 4:07 p. m.]

PART 949—CHROMIUM

SUPPLEMENTARY ORDER M-18-b—TO CONSERVE THE SUPPLY AND DIRECT THE DISTRIBUTION OF CHROMIUM

Whereas, increasing national defense requirements, including the need for adequate reserves occasioned by the uncertainty of future shipments from abroad have created a shortage in the supply of Chromium (as hereinafter defined) for defense, for private account, and for export, and it is necessary in the public interest and to promote the defense of the United States further to conserve the supply and direct the distribution thereof;

Now, therefore, it is hereby ordered, That:

§ 949.3 *Supplementary order M-18-b*—(a) *Restrictions on use of chromium*—(1) *Prohibited uses.* Hereafter the use or consumption by any person of Chromium in the manufacture or processing of roofing materials, ceramics, soap or glass is prohibited.

(2) *Curtailment in certain uses.* Hereafter the aggregate Chromium oxide content of Chromium which may be used by any person in the following processes shall be curtailed or restricted to the following quantities:

(i) In the manufacture of chromium pigment (also known as dry colors) in any one calendar month commencing with March, 1942 to not more than ninety per cent (90%) of one-twelfth of the aggregate weight of such oxide content consumed by him for such purpose during the base period.

(ii) In the manufacture of chromic acid in any one calendar month commencing with March 1942 to not more than eighty percent (80%) of one-twelfth of the aggregate weight of such oxide content consumed by him for such purpose during the base period.

(iii) In leather tanning in any one calendar month commencing with March 1942 to not more than ninety percent (90%) of one-twelfth of the aggregate weight of such oxide content consumed by him for such purpose during the base period.

(iv) In any use of chromium other than the uses specified in subdivisions (i) (ii) and (iii) of this subparagraph, in any calendar month commencing with March 1942 to not more than one hundred percent (100%) of one-twelfth of the aggregate weight of such oxide content consumed by him in such use during the base period: *Provided, however,* That nothing herein shall be construed to restrict in any way any metallurgical or refractory use of chromium.

(v) In the case of any person requiring chromium for any use specified in this subparagraph but who was not a consumer in the base period, his permitted consumption shall be in the same proportions hereinabove indicated, but shall be based on his consumption during the month of September, 1941.

(b) *Restrictions on inventories.* No consumer of chromium shall accept delivery of chromium if the quantity of chromium accepted, taken together with the chromium then on hand, will, in terms of aggregate chromium oxide content, exceed an amount of chromium equal to one-twelfth of the aggregate weight of such oxide content used during the base period, or if such consumer was not in the business of using chromium continuously during the base period then an amount of chromium equal to the aggregate weight of such oxide content used during September, 1941: *Provided, however,* That the limitations of this paragraph shall not apply to chromium to be used for metallurgical and refractory purposes and that chromium used for such purposes in the base period (or September, 1941) shall not be taken into account: *And provided further,* That this paragraph shall not be construed to prevent any consumer from accepting delivery of his normal purchasing unit of chromium (for example, can, drum or carload) if such acceptance does not operate to give him a greater supply of chromium in the aggregate than one-sixth of the aggregate weight of such oxide content used during the base period.

(c) *Reports by consumers of primary chromium chemicals.* Except as specifically authorized by the Director of Industry Operations, no processor or dealer shall make, and no person shall accept, delivery of primary chromium chemicals in any month unless the person seeking delivery shall on or before the 8th day of such month have filed with the Processor a report on Form PD-54 and have sent a copy thereof to the War Production Board, or, if the delivery is made or accepted prior to the 8th day of a month, have filed such report and sent such copy on or before the 8th day of the preceding month. The filing of such form shall, in so far as concerns primary chromium chemicals, be in lieu of the filing of any form pursuant to paragraph (e) of General Preference Order M-18-a.

(d) *Additional restrictions on sales and deliveries.* (1) No processor or dealer shall knowingly sell or, directly or indirectly, deliver or cause to be delivered any chromium for any one or more of the uses specified in paragraph (a) (2) hereof in greater quantities than are therein specified nor for any use prohibited by paragraph (a) (1) hereof; and no Dealer or Consumer shall accept deliveries of chromium for any one or more of the uses specified in paragraph (a) (2) in greater quantities than for permitted consumption and inventory or for any prohibited use.

(2) No processor or dealer shall knowingly sell or, directly or indirectly, deliver or cause to be delivered any chromium intended for use in wood preserving unless a preference rating of A-10 or higher has been assigned to the order submitted to such Processor or Dealer for the material intended for such use.

(e) *Definitions.* For the purposes of this Order:

(1) "Chromium" means and includes:

(i) Chromium ores or concentrates;

(ii) The element chromium in pure form, ferrochromium, chrom-x, chrome briquettes, and other combinations of the element chromium with other elements in semimanufactured or manufactured form, commercially suitable for use in the manufacture of steel or for other metallurgical purposes;

(iii) All chemical combinations having chromium as an essential and recognizable component.

(iv) Those products containing chromium known commercially as refractories or refractory materials;

(v) All scrap or secondary material containing chromium as defined in (i), (ii), and (iii) above.

(2) "Primary chromium chemicals" means and includes bichromate of soda, bichromate of potash, sodium chromate and chromium tanning compounds.

(3) "Producer" means any person who mines or otherwise produces natural materials containing recoverable quantities of chromium.

(4) "Processor" means any person who uses ores or concentrates for the manufacture of, or which he converts into, chromium chemicals, chromium refractories or metallurgical forms of chromium.

(5) "Dealer" means any person who procures chromium either by importing or from domestic sources for sale without change in form, whether or not such person receives title to or physical delivery of the material, and includes selling agents, warehousemen, and brokers.

(6) "Base Period" means the period July 1, 1940 to June 30, 1941.

(f) *Miscellaneous provisions*—(1) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *Intra-company transactions.* The prohibitions or restrictions contained in this Order with respect to deliveries shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of a single enterprise to another branch, division or section of the same or any other enterprise owned or controlled by the same person.

(3) *Violations.* Any person affected by this Order, who violates any of its provisions, or a provision of any other order, direction or regulation issued by the Director of Industry Operations, may be prohibited by the Director from making or receiving further deliveries of Chromium or of any other material subject to allocation, or he may be subjected to any other or further action which the Director may deem appropriate.

(4) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonable disproportionate compared with the amount of chromium conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board, Ref: M–18–b, attention Chemicals Branch, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(5) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public Law 671, 76th Cong., 3d sess., as amended by Public Law 89, 77th Congress, 1st sess.)

Issued this 26th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2637; Filed, March 26, 1942; 11:44 a. m.]

PART 978—UTILITIES—MAINTENANCE, REPAIR, AND SUPPLIES

PREFERENCE RATING ORDER P–46 AMENDED TO MARCH 26, 1942

Preference Rating Order P–46, as heretofore amended, is hereby amended to read as follows:

§ 978.1 *Preference Rating Order P–46*—(a) *Definitions for the purpose of this Order.* (1) "Producer" means any individual, partnership, association, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, engaged in, or constructing facilities for the purpose of engaging in, one or more of the following services, and includes any such Producer whether or not such Producer has applied the preference rating herein assigned:

(i) Supplying electric power directly or indirectly for general use by the public.

(ii) Supplying gas, natural or manufactured, directly or indirectly for general use by the public.

(iii) Supplying water directly or indirectly for general use by the public.

(iv) Supplying public sanitation services, but not including manufacturers of public sanitation products.

(v) Supplying central steam heating directly or indirectly for general use by the public.

(2) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.

(3) "Maintenance" means the upkeep of a Producer's property and equipment in sound working condition.

(4) "Repair" means the restoration of a Producer's property and equipment to sound working condition after wear and tear, damage, destruction of parts, or the like have made such property or equipment unfit or unsafe for service.

(5) "Operating Supplies" means:

(i) Material which is essential to the operation of any of the industries or services specified above and which is generally carried in Producer's stores and charged to operating expense accounts.

(ii) Material for additions to or expansion of property or equipment provided that such additions to or expansion of property or equipment shall not include any work order, job, or project in which the cost of Material shall exceed $1,500 in the case of underground construction and $500 in the case of other jobs and provided further that no single job shall be subdivided into parts in order to come below these limits.

(6) The terms "Operating Supplies", "Maintenance", and "Repair" include only Material which is essential to minimum service standards, and do not include Material for the improvement of a Producer's property or equipment through the replacement of Material which is still usable in the existing installation with Material of a better kind, quality, or design.

(7) "Supplier" means any person with whom a purchase order or contract has been placed for delivery of Material to a Producer or another Supplier.

(8) "Calendar Quarterly Period" means the quarterly periods commencing on the first day of the first, fourth, seventh, and tenth months of the calendar year and ending, respectively, on the last day of the third, sixth, ninth, and twelfth months of the calendar year, or the Producer's customary accounting periods closest to such periods.

(b) *Assignment of Preference Rating.* Subject to the terms of this Order the following Preference Ratings are hereby assigned:

(1) *Producers.* (i) A–2 to deliveries, to a Producer, of Material which is required by him for the Maintenance and Repair of production and pumping plant facilities, and to deliveries of Operating Supplies for such facilities.

(ii) A–5 to deliveries, to a Producer, of Material required by him for the Maintenance and Repair of all other facilities, and to deliveries of Operating Supplies for such facilities.

(iii) Subject to the provisions of paragraph (e) (2), A–5 to deliveries, to a Producer, of Material required by him for the construction of transmission, switching and distribution facilities necessary to serve new projects (other than

housing projects) bearing a rating of A–5 or better.

(iv) Subject to the provisions of paragraph (e) (2) A–5, to deliveries, to a Producer, of Material required by him for protection against sabotage, provided such protection is directed by an authorized federal or state agency.

(2) *Suppliers.* (i) A–2 to deliveries, to any Supplier, of Material required by the Producer for any of the purposes specified in paragraph (b) (1) (i) or to be physically incorporated in such Material so required by the Producer.

(ii) A–5 to deliveries, to any Supplier, of Material required by the Producer for any of the purposes specified in paragraph (b) (1) (ii) or to be physically incorporated in such Material so required by the Producer.

(iii) A–5 to deliveries, to any Supplier, of Material required by the Producer for any of the purposes and within the limits specified in paragraphs (b) (1) (iii) and (b) (1) (iv) or to be physically incorporated in such Material so required by the Producer.

(c) *Persons entitled to apply preference ratings.* The preference ratings hereby assigned may, in the manner and to the extent hereby authorized, be applied by:

(1) A Producer;

(2) Any Supplier, provided deliveries to a Producer or another Supplier are to be made by him, and are of the kind specified in paragraph (b) and have been rated pursuant to this Order.

(d) *Restrictions on use of rating*—(1) *Restrictions on Producer and Supplier.* The preference ratings hereby assigned shall not be applied by a Producer or Supplier:

(i) Unless the Material to be delivered cannot be secured when required without such rating;

(ii) To obtain deliveries of scarce Material, the use of which could be eliminated without serious loss of efficiency by substitution of less scarce Material or by change of design.

(2) *Restrictions on supplier.* (i) No Supplier may apply the rating to obtain Material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or, within the limitations of (ii) and (iii) below, to replace in his inventory Material so delivered. He shall not be deemed to require such Material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.

(ii) A Supplier who supplies Material which he has in whole or in part manufactured, processed, assembled or otherwise physically changed may not apply the rating to restore his inventory to a practicable working minimum unless he applies the rating before completing the rated delivery which reduces his inventory below such minimum.

(iii) A Supplier who supplies Material which he has not in whole or in part manufactured, processed, assembled, or otherwise physically changed may, in restoring his inventory to a practicable working minimum, defer applications of the rating hereunder to purchase orders or contracts for such Material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: *Provided,* That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.

(e) *Application of preference rating.* (1) The Producer and each supplier, in order to apply the preference ratings to deliveries to them, must endorse the following statement, which must be applied on original and all copies of each purchase order or contract for Material, the delivery of which is entitled to the preference rating hereby assigned;

Rating A——. Material to be delivered pursuant to paragraph (b) — of Order P–46, Utilities Maintenance, Repair, and Supplies, with the terms of which I am familiar.

(Name of Producer or Supplier)

(Signature of Designated Official)

Such endorsement shall be manually signed by a responsible official duly designated for such purpose by such Producer or Supplier or in facsimile form in accordance with Priorities Regulation No. 7, (7 F.R. 1062), and shall constitute a representation to the War Production Board that such Material is required pursuant to the paragraph specified in the endorsement, and that the application of the rating is authorized by this Order.

(2) In addition to the requirements of paragraph (e) (1), a Producer in order to apply the preference rating assigned by paragraphs (b) (1) (iii), and (b) (1) (iv), must communicate with the Power Branch, War Production Board, Washington, D. C., Ref.: P–46, supplying in detail the following information:

(i) Description of the project to be built by the Producer.

(ii) Relation to military needs, war production, public health or safety.

(iii) Copy of customer's rating certificate or order, and in case of anti-sabotage materials, copy of order of federal or state agency.

(iv) Whether service can be rendered in any other way, or by any other Producer, with use of smaller quantities of critical materials.

(v) Cost of materials.

(vi) Total cost of Producer's project.

(vii) List of materials required for the construction. The Director of Industry Operations will notify the Producer whether and to what extent the application is approved. A copy of such notification shall be furnished by the Producer to any Supplier to evidence the proper rating granted pursuant to the provisions of this Order.

(3) A Supplier who has received from two or more Producers or Suppliers endorsed purchase orders or contracts for Material to the delivery of which the same rating has been applied in accordance with this Order, may include in a single purchase order or contract, and (within the limitations of paragraph (d) hereof) may apply the rating to any or all of the Material which he in turn requires to make such rated deliveries or to replace in his inventory Material so delivered.

(4) In addition to the records required to be kept under Priorities Regulation No. 1, the Producer, and each Supplier placing or receiving any purchase or contract rated hereunder, shall retain, for a period of two years, for inspection by representatives of the War Production Board, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such manner that they can be readily segregated for such inspection.

(f) *Restrictions on deliveries, withdrawals, and inventory.* (1) No Producer shall, in placing orders, schedule for delivery to him in any calendar quarterly period any items of Material (whether or not rated pursuant to this Order) to be used as Operating Supplies or for Maintenance or Repair or any other purpose, the aggregate dollar volume of which shall exceed 25% of the aggregate dollar volume of the withdrawals of items of Material of the same class from stores or inventory during the calendar year 1940.

(2) No Producer shall at any time accept deliveries (whether or not rated pursuant to this Order) of any item of Material to be used as Operating Supplies or for Maintenance or Repair or any other purpose until the Producer's inventory and stores of items of Material of the same class have been reduced to a practical working minimum. Such minimum shall in no case exceed the aggregate dollar volume of items of Material of the same class in inventory and stores on the most recent date during the calendar year 1940 on which the Producer's inventory was taken.

(3) No Producer shall (i) During any Calendar Quarterly Period, make withdrawals from stores or inventory of any items of Material to be used as Operating Supplies or for Maintenance or Repair or for any other purpose, the aggregate dollar volume of which shall exceed the aggregate dollar volume of the withdrawals of such items of Material of the same class during the corresponding quarter of 1940, or at Producer's option, 25% of the aggregate dollar volume of the withdrawals of such items of Material of the same class during the calendar year 1940.

(ii) Make withdrawals from stores or inventory of Material to be used for additions to or expansion of property or equipment, and no Producer shall, in the case of contract construction, accept de-

livery of Material for such purposes, unless

(a) The Producer's job or project is under construction and 40% of the total dollar value of the construction thereof was installed on December 5, 1941; or

(b) The cost of Material for the work order, job, or project is less than $1,500 in case of underground construction and $500 in the case of other jobs; *Provided, however*, That no single work order, job, or project shall be subdivided into parts in order to come below these limits, that in no event shall lines for the connection of new consumers be extended more than 250 feet from existing facilities, and that no addition to such extension shall be made within 90 days of the completion thereof.

(4) Notwithstanding the provisions contained in paragraphs (f) (1) (2) and (3), a Producer may:

(i) In any Calendar Quarterly Period increase the aggregate dollar volume of scheduled deliveries of Material for the Maintenance and Repair of, and for Operating Supplies for, generation, production, and pumping facilities, and withdrawals of Material for such use over the limits prescribed in paragraphs (f) (1) and (b) (3) respectively proportionately to the increase in system output in the preceding Calendar Quarterly Period over the system output in the calendar quarter of 1940 corresponding to such preceding Calendar Quarterly Period; and

(ii) Schedule for delivery in any Calendar Quarterly Period items of Material which will increase the aggregate dollar volume of inventory of Material for the Maintenance and Repair of, and for Operating Supplies for, generation, production and pumping facilities over the aggregate dollar volume of Material in inventory on the most recent date during the calendar year 1940 on which the Producer's inventory was taken, proportionately to the increase in system output during the preceding Calendar Quarterly Period over the system output in the Calendar Quarterly Period of 1940 corresponding to such preceding Calendar Quarterly Period; and

(iii) Schedule for delivery to him in any Calendar Quarterly Period consumers' meters and house-regulators or make withdrawals from stores or inventories of such meters and house-regulators in an amount not in excess of 25% of the number of such meters or house-regulators condemned and destroyed by the Producer in 1940 (or, at the Producer's option, not in excess of the number of such meters and house-regulators condemned and destroyed in the corresponding quarter of 1940) plus the number of meters and house-regulators necessary to serve the net increase in customers occurring in the current quarter. For the purposes of this subparagraph (iii), withdrawals of meters and house-regulators shall not include meters or house-regulators put in service to replace meters and house-regulators removed from service; and

(iv) In order to provide Material for unavoidable and emergency situations in cases where the inventory of a class of Material exceeds a practical working minimum, accept in any Calendar Quarterly Period deliveries of any short item of Material within such class, such deliveries, however, not to exceed 5% of the dollar volume of withdrawals of Material of the same class in the calendar year 1940; and

(v) Schedule Material for delivery in any Calendar Quarterly Period, or accept deliveries, or make withdrawals in such period of Material necessary for the Maintenance or Repair of the Producer's property or equipment which is damaged by acts of the public enemy, sabotage, explosion, fire, flood or other climatic conditions: *Provided*, That if the restrictions in paragraph (f) (1) (2) or (3) as modified by the provisions of paragraph (f) (4) (i) (ii) (iii) and (iv) are exceeded because of the scheduling or acceptance of such deliveries, or withdrawals, a full report thereof together with reasons therefor shall be made immediately to the Director of Industry Operations.

(5) The Director of Industry Operations may, on the application of any Producer, authorize such Producer to exceed the restrictions on deliveries, withdrawals, and inventories set forth in this paragraph (f). Nothing herein contained shall be construed to affect in any way any specific authorizations or approvals issued by the Director of Industry Operations pursuant to Preference Rating Order P-46 prior to the effective date of this Amendment.

(6) The provisions of this paragraph (f) shall not apply:

(i) To Material obtained through the application of the rating assigned in paragraphs (b) (1) (iii) and (b) (1) (iv) or to Material withdrawn from stores or inventory for the purposes specified in said paragraphs.

(ii) To fuel, water purification chemicals, wooden poles or wooden crossarms.

(g) *Audits and reports.* (1) Each Producer and each Supplier who applies the preference ratings hereby assigned, and each person who accepts a purchase order or contract for Material to which a preference rating is applied, shall submit from time to time to an audit and inspection by duly authorized representatives of the War Production Board.

(2) Each Producer and each such Supplier shall execute and file with the War Production Board such reports and questionnaires as said Office shall from time to time request. No such reports shall be filed until such time as the proper forms are prescribed by the War Production Board.

(3) Each Producer shall maintain a continuing inventory of Material included in stores accounts.

(h) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref: P-46

(i) *Violations.* Any Person who willfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(j) *Revocation or amendment.* This Order may be revoked or amended at any time as to the Producer or any Supplier. In the event of revocation, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the Producer or Supplier affected by such revocation.

(k) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(l) *Effective date.* This Order shall take effect immediately, and shall continue in effect through June 30, 1942, unless sooner revoked. (P.D. Reg. 1, amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., 3d Sess., as amended by Pub. Law 89, 77th Cong., 1st Sess.).

Issued this 26th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2639; Filed, March 26, 1942; 11:46 a. m.]

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

SCHEDULE II—PIPE FITTINGS—TO LIMITATION ORDER NO. L-42, GREY CAST IRON, MALLEABLE IRON AND BRASS AND BRONZE PIPE FITTINGS—SIMPLIFICATION

Corrections

Table 1, "Grey Cast Iron Pipe Fittings—Straight", appearing on page 1572 of the issue of Friday, February 27, 1942, is corrected to read as follows:

TABLE 1. GREY CAST IRON PIPE FITTINGS—STRAIGHT

[For reducing and other fittings identified by two or more dimensions see table 2]

Kind	Nominal pipe size														
	⅛	¼	⅜	½	¾	1	1¼	1½	2	2½	3	3½	4	5	6	8	10
SCREWED FITTINGS																	
125 lb SWP, Standard:																	
90° elbows	---	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	---
60° elbows, right and left hand	---	---	---	---	x	x	x	x	x	---	---	---	---	---	---	---	---
90° elbows, pitched	---	---	---	x	x	x	x	x	x	---	---	---	---	---	---	---	---
45° elbows	---	x	x	x	x	x	x	x	x	x	x	x	x	x	x	---	---
Tees	---	x	x	x	x	x	x	x	x	x	x	x	x	x	x	---	---
Crosses	---	---	---	---	x	x	x	x	x	x	x	---	x	---	---	---	---
45° Y bends	---	---	---	---	x	x	x	x	x	x	x	---	x	---	---	---	---
Caps	---	---	---	x	x	x	x	x	x	x	x	---	x	x	x	x	---
Flange unions, standard, gasket type	---	---	---	x	x	x	x	x	x	x	x	x	x	x	x	x	---
250 lb SWP, short pattern:																	
90° elbows	---	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	---
45° elbows	---	---	---	x	x	x	x	x	x	x	x	x	x	x	x	x	---
Tees	---	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	---
Plugs, bushings, locknuts, and floor flanges (see table 5).																	
Drainage fittings.																	
90° elbows	---	---	---	---	---	---	x	x	x	x	x	---	x	x	x	x	x
90° elbows, long turn	---	---	---	---	---	---	x	x	x	x	x	---	x	x	x	---	---
60° elbows, extra long turn	---	---	---	---	---	---	x	x	x	x	x	---	x	---	---	---	---
90° elbows, with 2-inch side outlet	---	---	---	---	---	---	---	---	---	---	---	---	x	---	---	---	---
90° elbows, with 2-inch heel outlet	---	---	---	---	---	---	---	---	---	---	---	---	x	---	---	---	---
90° street elbows	---	---	---	---	---	---	x	x	x	---	---	---	---	---	---	---	---
60° elbows	---	---	---	---	---	---	x	x	x	x	x	---	x	x	x	---	---
45° elbows	---	---	---	---	---	---	x	x	x	x	x	---	x	x	x	x	x
45° elbows, long turn	---	---	---	---	---	---	x	x	x	x	x	---	x	x	x	---	---
45° street elbows	---	---	---	---	---	---	x	x	x	---	---	---	---	---	---	---	---
22½° elbows	---	---	---	---	---	---	x	x	x	x	x	---	x	---	---	---	---
11¼° elbows	---	---	---	---	---	---	x	x	x	x	x	---	x	---	---	---	---
Three-way elbows	---	---	---	---	---	---	x	x	x	x	x	---	x	---	---	---	---
Tees	---	---	---	---	---	---	x	x	x	---	---	---	---	---	---	---	---
Basin tees	---	---	---	---	---	---	x	x	x	x	x	---	x	x	x	---	---
90° Y branches, tee pattern	---	---	---	---	---	---	x	x	x	x	x	---	x	---	---	---	---
90° Y branches, long turn, tee pattern	---	---	---	---	---	---	x	x	x	---	x	---	x	---	---	---	---
90° double Y branches, tee pattern	---	---	---	---	---	---	x	x	x	---	x	---	x	---	---	---	---
90° double Y branches, long turn, tee pattern	---	---	---	---	---	---	x	x	x	---	x	---	x	x	x	x	x
45° Y branches	---	---	---	---	---	---	x	x	x	x	x	---	x	---	---	---	---
45° double Y branches	---	---	---	---	---	---	x	x	x	---	x	---	x	---	---	---	---
P traps	---	---	---	---	---	---	---	x	x	---	---	---	---	---	---	---	---
Bath P traps	---	---	---	---	---	---	x	x	x	---	x	---	x	---	---	---	---
Running traps	---	---	---	---	---	---	---	x	x	---	x	---	x	---	---	---	---
Roof connections	---	---	---	---	---	---	x	x	x	---	x	---	x	x	x	---	---
Tucker connections	---	---	---	---	---	---	x	x	x	x	x	---	x	x	x	x	---
Couplings	---	---	---	---	---	---	x	x	x	x	x	---	x	---	---	---	---

Kind	Nominal pipe size												
	1¼	1½	2	2½	3	3½	4	5	6	8	10	12	14	16	18	20	24
FLANGED FITTINGS																	
125 lb SWP:																	
90° elbows	---	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
90° elbows, long radius	---	---	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
90° base elbows, square or round base	---	---	---	---	---	---	x	x	x	x	x	x	---	---	---	---	---
45° elbows	---	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Side outlet elbows	---	---	---	---	---	x	x	x	x	x	x	---	---	---	---	---	---
Tees, standard or regular sweep	---	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x	x
Crosses	---	---	x	x	x	---	x	x	x	x	x	---	---	---	---	---	---
45° laterals	---	---	x	x	x	---	x	x	x	x	x	---	---	---	---	---	---
250 lb SWP:																	
90° elbows	---	---	x	x	x	---	x	x	x	x	x	---	---	---	---	---	---
90° base elbows, round base	---	---	---	---	---	---	x	x	x	x	x	---	---	---	---	---	---
45° elbows	---	---	x	x	x	---	x	x	x	x	x	---	---	---	---	---	---
Tees, standard or regular sweep	---	---	x	x	x	---	x	x	x	x	x	---	---	---	---	---	---
Crosses	---	---	x	x	x	---	x	x	x	x	x	---	---	---	---	---	---
45° laterals	---	---	---	---	x	---	x	x	x	x	x	---	---	---	---	---	---
SPRINKLER FITTINGS																	
175 lb WWP, American Standard:																	
90° elbows, flanged, screwed	---	---	---	---	---	x	---	x	x	x	---	---	---	---	---	---	---
Tees, flanged, screwed, screwed	---	---	---	---	---	x	---	x	x	x	---	---	---	---	---	---	---
Tees, flanged, screwed, flanged	---	---	---	---	---	x	---	x	x	x	---	---	---	---	---	---	---
125 lb SWP, and 175 lb. WWP:																	
90° elbows, short turn, flanged, screwed	---	---	---	x	x	---	x	---	x	---	---	---	---	---	---	---	---
45° elbows, short turn, flanged, screwed	---	---	---	x	x	---	x	x	x	x	---	---	---	---	---	---	---

On page 1573 of the same issue, that portion of Table 2 appearing under the head "Screwed flanges and blind flanges" should read as follows:

Screwed flanges and blind flanges

1 x 4¼	6 x 11
1¼ x 4½	8 x 13½
1½ x 5	10 x 16
2 x 6	12 x 19
2½ x 7	14 x 21
3 x 7½	16 x 23½
3½ x 8½	18 x 25
4 x 9	20 x 27½
5 x 10	24 x 32

Chapter XI—Office of Price Administration

PART 1306—IRON AND STEEL

ORDER NO. 2 UNDER REVISED PRICE SCHEDULE NO. 6 [1]—IRON AND STEEL PRODUCTS

On January 15, 1942, the Ford Motor Company, Dearborn, Michigan, filed an application for an exception to Price Schedule No. 6. This application has been considered as a petition under § 1306.7 of Revised Price Schedule No. 6, as amended by Amendment No. 2 thereto. Due consideration has been given to the petition, and an opinion in support of this Order No. 2 has been issued simultaneously herewith and has been filed with the Division of the Federal Register. For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[2] issued by the Office of Price Administration, it is hereby ordered:

§ 1306.32 *Order No. 2 under Revised Price Schedule No. 6.* (a) That the petition of the Ford Motor Company be, and it is hereby denied, except in so far as the said petition requests permission to price rerolling billets f. o. b. Dearborn, Michigan. The Ford Motor Company is hereby ordered to sell rerolling billets at a price not in excess of $34.00 per gross ton, f. o. b. Dearborn, Michigan.

(b) All prayers of the petition not granted herein are denied.

(c) This Order No. 2 may be revoked or amended by the Price Administrator at any time.

This Order No. 2 shall become effective March 26, 1942. (Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 25th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2606; Filed, March 25, 1942; 3:09 p. m.]

[1] 7 F.R. 1215.
[2] 7 F.R. 971.

PART 1340—FUEL

ORDER REVOKING REVISED PRICE SCHEDULE NO. 72 [1]—BUNKER C AND NO. 6 GRADE FUEL OILS, EAST AND GULF COASTS

A statement of the considerations involved in the issuance of this Order has been prepared and is issued simultaneously herewith.[2]

Under the authority vested in the Acting Place Administrator by the Emergency Price Control Act of 1942, it is hereby ordered that Revised Price Schedule No. 72—(1340.101 to 1340.109, inclusive) Bunker C and No. 6 Grade Fuel Oils, East and Gulf Coasts—be revoked. (Pub. Law 421, 77th Cong., 2d Sess.)

This Order shall become effective March 26, 1942.

Issued this 25th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2612; Filed, March 25, 1942; 5:09 p. m.]

PART 1340—FUEL

AMENDMENT NO. 4 TO REVISED PRICE SCHEDULE NO. 88 [1]—PETROLEUM AND PETROLEUM PRODUCTS

A statement of the considerations involved in the issuance of this Amendment, has been prepared and is issued simultaneously herewith.[2]

A new paragraph (f) is added to § 1340.154, a new subparagraph (6) is added to § 1340.159 (c) and a new paragraph (e) is added to § 1340.158a as set forth below. Section 1340.159 (c) (2) *Eastern seaboard* and § 1340.159 (c) (3) *Fuel oil* are amended to read as follows:

§ 1340.154 *Records and reports:*

* * * * *

(f) Each person participating in the pool established under Recommendation No. 12, as amended,[4] of the Office of Petroleum Coordinator for National Defense shall submit to the Price Administrator within fifteen days after March 26, 1942, a certified statement of the volume of sales and applicable revenue, classified by products, and the extra expenses incurred from the date of that person's entrance into the pool through February 28, 1942 in the transportation of petroleum and petroleum products to or in the States of Connecticut, Delaware, Florida east of the Apalachicola River, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and in the District of Columbia by railroad tank car or other alternative means of transportation, or any combinations thereof, over transportation by tanker under the applicable rates established by the United States Maritime Commission; and each such person shall submit prior to the 30th day of each month thereafter supplementary statements of such sales, revenue and expenses for each preceding month. All persons participating in the pool referred to above shall submit jointly to the Price Administrator within thirty days after the effective date of Amendment No. 4 an audit, broken down by persons prepared and certified to by a firm of auditors and accountants, of the volume of sales and applicable revenue, classified by products, and the extra expenses referred to above incurred in compliance with Recommendation No. 12, as amended, from September 4, 1941 through February 28, 1942 and shall submit prior to the thirtieth day of each month thereafter supplementary audits of such sales, revenue and expenses, broken down by persons, for each preceding month.

§ 1340.159 *Appendix A: Maximum prices for petroleum and petroleum products.*

* * * * *

(c) *Specific prices.*

* * * * *

(2) *Gasoline.*

* * * * *

Maximum prices for gasoline on the Eastern Seaboard.

Eastern Seaboard. The maximum prices for gasoline sold in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and in the District of Columbia shall not be in excess of .8 of a cent per gallon above the prices in the above States and the District of Columbia on October 1, 1941. Such maximum increase of .8 of a cent per gallon shall apply to the communities in Maryland and Virginia adjacent to the District of Columbia in addition to the increase provided for those communities below. The maximum prices for gasoline sold in the State of Florida east of the Apalachicola River, and in the State of Georgia shall not be in excess of .5 of a cent per gallon above the prices in the above States on October 1, 1941.

* * * * *

(3) *Distillate fuel oils:*

(i) The maximum prices in the States of Connecticut, Delaware, Florida east of the Apalachicola River, Georgia, Maine, Maryland, Masachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and in the District of Columbia for distillate fuel oils, comprising kerosene, tractor fuel, range oil, Nos. 1, 2, 3 and 4 fuel oils, gas house oils and distillate Diesel fuel oils, shall be not more than 0.4 of a cent per gallon in excess of the maximum prices that would otherwise govern under § 1340.159 (b) (1) to (3).

(ii) *Maximum tank wagon prices for No. 2 fuel oil:*

Tank wagon area:	*Cents per gallon*
Washington, D.C.	8

* * * * *

(6) *Residual fuel oils:*

(i) The maximum prices in the States of Connecticut, Delaware, Florida east of the Apalachicola River, Georgia, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and in the District of Columbia for residual fuel oils, comprising Nos. 5 and 6 fuel oils, Bunker C, Navy grade and residual Diesel fuel oils, shall be not more than 20 cents per barrel in excess of the maximum prices that would otherwise govern under § 1340.159 (b) (1) to (3), except that at the points named in (ii) below the prices there specified shall be the maximum prices.

(ii) *Maximum prices for Bunker C and No. 6 fuel oils, on the East and Gulf Coasts in cargo and barge lots F. O. B. refineries and terminals (ex lighterage).*

Location of refineries:	*Maximum price per barrel*
Albany, N. Y.	1.75
New York, N. Y.	1.55
Philadelphia, Pa.	1.55
Baltimore, Md.	1.55
Norfolk, Va.	1.55
Portland, Me.	1.55
Boston, Mass.	1.55
Providence, R. I.	1.55
Charleston, S. C.	1.50
Savannah, Ga.	1.50
Jacksonville, Fla.	1.50
Tampa, Fla.	1.45
New Orleans, La.	.85

Maximum differentials for ports on the East Coast not specified above shall be based on the low quotations for such ports in *Platt's Oilgram* on January 9, 1942. Customary differentials above the maximum prices for cargo and barge lots which were in effect on October 1, 1941 for deliveries other than in cargo and barge lots may be maintained.

1340.158a *Effective dates of amendments.*

* * * * *

(e) Amendment No. 4 (§§ 1340.154 (f), 1340.159 (c) (2), 1340.159 (c) (3), 1340.159 (c) (6), 1340.158a (e)) to Revised Price Schedule No. 88 shall become effective March 26th, 1942. Until such date Revised Price Schedule No. 88 continues in effect as if not amended by Amendment No. 4.

(Pub. Law 421, 77th Cong. 2d Sess.)

Issued this 25th day of March, 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2610; Filed, March 25, 1942; 5:09 p. m.]

PART 1340—FUEL

AMENDMENT NO. 1 TO TEMPORARY MAXIMUM PRICE REGULATION NO. 11 [5]—MOTOR FUEL SOLD AT SERVICE STATIONS IN THE CURTAILMENT AREA

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[2]

[1] 7 F.R. 1347.

[2] Filed with the Division of the Federal Register. Requests for copies should be addressed to the Office of Price Administration.

[3] 7 F.R. 1371, 1798, 1799.

[4] 6 F.R. 5538.

[5] 7 F.R. 2169.

Section 1340.181 is amended and a new section, § 1340.183, is added as set forth below:

§ 1340.181 *Appendix A: Maximum prices for motor fuel sold at service stations in the curtailment area.* (a) The maximum price for each grade of motor fuel at each service station in the States of Florida east of the Apalachicola River, Georgia, Oregon, and Washington shall be the price posted at each service station for each grade of motor fuel at the close of business or at 11 o'clock at night on March 13, 1942.

(b) If the maximum price for any grade of motor fuel at a service station in the States of Florida east of the Apalachicola River, Georgia, Oregon and Washington cannot be determined under paragraph (a) above, the maximum price shall not be in excess of the price charged on the last delivery of such motor fuel made prior to March 13, 1942 at the same service station, provided such delivery was made after January 13, 1942.

(c) The maximum price for each grade of motor fuel at each service station in the States of Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and in the District of Columbia shall not be in excess of 0.5 of a cent per gallon above the price posted at such service station for each grade of motor fuel at the close of business or at 11 o'clock at night on March 13, 1942.

(d) Where the maximum price for any grade of motor fuel at a service station in the States of Connecticut, Delaware, Georgia, Florida east of the Apalachicola River, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia and in the District of Columbia cannot be determined under paragraph (c) above, the maximum price shall not be in excess of .5 of a cent per gallon above the price charged on the last delivery of such motor fuel made prior to March 13, 1942 at the same service station, provided that such delivery was made after January 13, 1942.

(e) Where the maximum price for any grade of motor fuel at a service station in the Curtailment Area cannot be determined under paragraphs (a) to (d) above, sellers may establish a temporary maximum price, which must be equal to or lower than the maximum price for that grade of motor fuel at other service stations in the locality, if any, which shall be submitted to the Office of Price Administration within ten days after the establishment of such price for approval or disapproval.

§ 1340.183 *Effective dates of amendments.* (a) Amendment No. 1 (§§1340.181, 1340.183) to Temporary Maximum Price Regulation No. 11 shall become effective March 26, 1942. Until such date Temporary Maximum Price Regulation No. 11 continues in effect as if not amended by Amendment No. 1.

(Pub. Law 421, 77th Cong., 2d Sess.)

Issued this 25th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2611; Filed, March 25, 1942; 5:09 p. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 7—ANCHORAGE AND MOVEMENTS OF VESSELS AND THE LADING AND DISCHARGING OF EXPLOSIVE OR INFLAMMABLE MATERIAL, OR OTHER DANGEROUS CARGO

PORTLAND, MAINE

Pursuant to the authority contained in section 1, Title II of the Act of June 15, 1917, 40 Stat. 220 (50 U.S.C., 1940 ed., 191), as amended by the Act of November 15, 1941 (Public Law 292, 77th Congress), and by virtue of the Proclamation and Executive Order issued June 27, 1940 (5 F.R. 2419) and November 1, 1941 (6 F.R. 5581), respectively, the Rules and Regulations Governing the Anchorage and Movements of Vessels and the Lading and Discharging of Explosive or Inflammable Material, or other Dangerous Cargo, approved October 29, 1940 (5 F.R. 4401), are amended as follows:

Section 7.15 (a) (5), which established Anchorage (E) (Explosive) at Portland, Maine, is hereby cancelled.

FRANK KNOX,
Secretary of the Navy.

Approved:

FRANKLIN D ROOSEVELT
The WHITE HOUSE, *March 18, 1942.*

[F. R. Doc. 42-2615; Filed, March 26, 1942; 9:30 a. m.]

TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans' Administration

PART 25—MEDICAL

TUBERCULOSIS; DIAGNOSTIC CRITERIA

§ 25.6021 *Criteria for tuberculous disease.* (a) A climant will be held to have had "a tuberculous disease," as related to determination of its complete arrest for the purposes of the statutory award, when the case history includes clinical and other records indicating previously active tuberculosis, the diagnosis of which, in the case of pulmonary tuberculosis, will have been supported by the findings specified in § 25.6022.

(b) It must be definitely understood that a claimant now presenting wholly negative physical and X-ray findings and without any clinical evidence of tuberculosis may have had an unmistakably manifest pulmonary tuberculosis in the not remote past, and that present negative findings will not outweigh a significant history and findings indicative of former active tuberculosis.

(c) Excepted from the requirement as to findings in paragraph (a) of this section are cases in which a diagnosis of active pulmonary tuberculosis appears in official service records, and has not been revised upon the basis of other medical evidence, covering a reasonable period after discharge from service, which establishes that the condition is due to some pathologic process other than tuberculosis. In such cases, the diagnosis in the official service records will be accepted, even if not supported by the findings specified in § 25.6022.

(d) The exception defined in paragraph (c) accords with the principle of attaching full weight to records of the Army and Navy relative to injury or disease of claimants during military or naval service, when other evidence and considerations do not show such records to be incorrect. Service connection of disability predicated upon a diagnosis of active tuberculosis by the Army or Navy, and consequent statutory awards in effect March 19, 1933 are entitled to the protection afforded by sections 27 and 28, Public No. 141, 73rd Congress. However, the authority in paragraph (c) is not to be interpreted as compelling service connection for disability from active tuberculosis. The intent of that exception is to insure appropriate recognition of a diagnosis of active tuberculosis that had been made during the claimant's military or naval service, medical officers of the Army and Navy not being informed at that time of the requirements of the Veterans' Administration governing the diagnosis of active pulmonary tuberculosis as set forth in § 25.6022. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 707)

§ 25.6022 *Findings required for the diagnosis of active pulmonary tuberculosis.* A diagnosis of active pulmonary tuberculosis will be considered as established upon consideration of the following findings:

(a) Sputum positive for tubercle bacilli.

(b) Pleurisy with effusion, in retrospect, if followed sometime later by clinical pulmonary tuberculosis (without obvious cause therefor, such as acute lobar pneumonia, acute bronchial influenza or trauma); or if followed by peritoneal or possibly some other form of extra-pulmonary tuberculosis. This rule will not apply in dry pleurisy, or in pleural exudates or transudates due to to cardiac, cardiorenal or malignant disease.

* * * * *

(g) A condition evidenced by definite toxemia of probable tuberculous origin, manifested by one or more of these

symptoms: fever, loss of weight and rapid "resting" pulse.

Any two or more of the foregoing findings, (a) to (g), will establish the diagnosis of active pulmonary tuberculosis. But, of this list, the first three, (a) to (c) inclusive, will be held as relatively more important; and any one of the said first three will be considered acceptable evidence of active pulmonary tuberculosis, in the absence of any other cause which would explain its exhibition. The absence of the other findings, (d) to (g) inclusive, is to be considered of less importance than the presence of any one of the first three, (a) to (c) inclusive. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 707)

Section 25.6024 canceled March 25, 1942.

§ 25.6025 *Determination of complete arrest of tuberculosis.* (a) A claimant, determined to have had active pulmonary tuberculosis in accordance with the specifications of § 25.6022, will be held to have reached a condition of complete arrest when there is compliance with the criteria for arrested pulmonary tuberculosis as defined by the National Tuberculosis Association and adopted by the Veterans Administration, viz.,

"All constitutional symptoms absent. Sputum, if any, must be concentrated and found microscopically negative for tubercle bacilli. Lesions stationary and apparently healed, according to X-ray examination. No evidence of pulmonary cavity. These conditions shall have existed for a period of six months, during the last two of which the patient had been taking one hour's walking exercise twice daily, or its equivalent."

(b) Arrest of extra-pulmonary forms of tuberculosis will be considered to have been reached when there is a healed lesion. If there are two or more foci of such tuberculosis, one of which is active, the statutory award for arrest will not be made until the tuberculous process has reached arrest in its entirety. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

Section 25.6028 canceled March 25, 1942.

EMERGENCY HOSPITALIZATION

§ 25.6035 *General authority for emergency hospital treatment.* All potential beneficiaries having prima facie entitlement therefor, who are in need of emergency hospital treatment, may be provided therewith, and such emergency hospital treatment may, if necessary, be continued until a definite decision is reached as to the eligibility of the applicant for medical treatment. This authority for emergency hospitalization carries authority to supply Government transportation and necessary meals and lodging en route to the facility designated for the emergency admission. Emergency hospitalization may also be provided applicants who have not completed a prescribed period of exclusion from hospitalization, imposed because of infraction of facility discipline; but Government transportation (and necessary meals and lodging en route) will not be supplied these applicants, unless they execute affidavit that they are unable to defray the expense of travel to the facility designated. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

HOSPITALIZATION AND DOMICILIARY CARE

§ 25.6045 *Persons entitled to hospital observation and physical examination.* Hospitalization for observation and physical (including mental) examination may be effected when requested by an authorized official, or when found necessary in physical examination of the following persons:

(a) Claimants or beneficiaries of the Veterans' Administration for purposes of disability compensation, pension, emergency officers retirement pay, and Government Insurance (including World War applicants for reinstatement, and applicants for National Service Life Insurance).

(b) Claimants or beneficiaries referred from a facility to a diagnostic center for study to determine the clinical identity of an obscure disorder, or for advice as to treatment.

(c) Employees of the Veterans' Administration, when necessary to determine their mental or physical fitness to perform official duties.

(d) Claimants or beneficiaries of other Federal agencies: (1) Bureau of War Risk Litigation, Department of Justice—plaintiffs in Government insurance suits. (2) United States Civil Service Commission—annuitants or applicants for retirement annuity, and such examinations of prospective appointees as may be requested. (3) United States Employees Compensation Commission—to determine identity, severity or persistence of disability. (4) Railroad Retirement Board—applicants for annuity under Public No. 162, 75th Congress. (5) Other Federal agencies.

(e) Pensioners of nations allied with the United States in the World War, upon authorization from accredited officials of the respective governments. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 707)

§ 25.6046 *Persons entitled to hospital treatment or domiciliary care.* Hospital treatment or domiciliary care may be provided, (a) subject to the eligibility provisions of § 25.6047 and § 25.6048, for:

(1) Persons discharged from the United States Army, Navy, Marine Corps or Coast Guard, after service in a war or peace time period; retired emergency officers of the World War.

(2) Persons retired from the Regular Establishment Army, Navy, Marine Corps or Coast Guard, including members of the Fleet Naval Reserve or Marine Corps Reserve on retainer pay, who had served honorably during a war period (Public No. 198, 76th Congress).

(b) Not subject to the eligibility provisions of § 25.6047 and § 25.6048, for:

(1) Persons retired from the United States Army, not Regular Establishment, and not having had war service (Public No. 18, 76th Congress and Public No. 262, 77th Congress). These may be supplied hospital treatment, but not domiciliary care, subject to conditions (payment of per diem hospital rate, etc.) attaching to officers of like grades, applying for treatment in a War Department hospital.

(2) Persons in active service with the United States Army (Public No. 852, 76th Congress), when duly referred with authorization therefor, may be provided hospital treatment. This will include officers, army nurses, warrant officers, cadets, enlisted men and contract surgeons (full-time), in the Federal military service, when on duty status, or while absent from duty on authorized leave, or while absent without leave.

(3) Persons in active service with the United States Navy or Marine Corps (Public No. 675, 70th Congress) including officers or enlisted men of the Navy or Marine Corps, becoming ill or injured while on permitted leave, may be authorized hospital treatment.

(4) Hospital treatment may be provided, upon authorization, for beneficiaries of the following Federal agencies: Public Health Service; Employees Compensation Commission; enrollees of and officers and enlisted men attached to the Civilian Conservation Corps; enrollees of the Work Projects Administration; enrollees of the National Youth Administration.

(5) Pensioners of nations allied with the United States in the World War, when duly authorized.

(c) Emergency hospital treatment may be provided for:

(1) Persons having no prima facie eligibility therefor, as a humanitarian service. (2) Persons admitted because of presumed discharge or retirement from the armed forces, but subsequently found to be ineligible as such. (3) Employees (not potentially eligible as ex-members of the armed forces) and members of their families, when residing on reservations of field stations of the Veterans Administration, and when they cannot feasibly obtain emergency treatment from private facilities.

(d) Persons comprehended under the provisions of paragraphs (b) and (c) of this section may be supplied hospitalization after the needs of applicants under paragraph (a) of this section are fully met. See currently effective medical procedure as to per diem rates for persons hospitalized under paragraphs (b) and (c) of this section. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

§ 25.6047 *Eligibility for hospital treatment or domiciliary care of persons discharged or retired from military or naval service.* Within the limits of Veterans Administration facilities, hospital treatment or domiciliary care may be furnished the following applicants in the specified order of preference:

(a) Hospital treatment for: (1) Persons who served during the period of the World War as defined in §35.10 (a) and (d), ae amended; or in any war prior to the Spanish-American War; or during the Spanish-American War, Philippine Insurrection or Boxer Rebellion from April 21, 1898 to July 4, 1902 (or to July 15, 1903, if the service was in Moro Province), when honorably discharged from their last period of war service, and when suffering from an injury or disease incurred or aggravated in line of duty in active military or naval service, and for which they are medically determined to be in need of hospital treatment.

(2) Retired officers and retired enlisted men of the Army, Navy, Marine Corps and Coast Guard, including members of the Fleet Naval Reserve or Marine Corps Reserve on retainer pay, who had honorable service in a period of war, as defined in paragraph (a) (1) of this section, and are medically determined to need hospital treatment for an injury or disease that was incurred in line of duty in active military or naval service (Public No. 198, 76th Congress; Public No. 365, 77th Congress).

(3) Persons included in paragraph III of § 35.011 who are suffering from injuries or diseases incurred in line of duty, for which they are receiving disability compensation, and for which they are in need of hospital treatment.

(b) Hospital treatment for: (1) officers and enlisted personnel of the Army, Navy, Marine Corps and Coast Guard, or reserve officers and members of the Enlisted Reserve, or officers and enlisted men of the National Guard of the United States, or persons accepted for selective training, who were honorably discharged from Federal service for disability incurred in line of duty, or who are in receipt of pension for service-connected disability, when suffering from injuries or diseases incurred or aggravated in line of duty in active Federal service, and for which they are medically determined to be in need of hospital treatment. Cadets and midshipmen discharged from the academies at West Point and Annapolis, who meet these requirements as to character of discharge or receipt of pension are eligible under this subparagraph, regardless of the requirement as to active military or naval service.

* * * * *

(c) (1) Hospital or domiciliary care, including emergency or extensive hospital treatment for: Veterans who served during a period of war as defined in paragraph (a) (1) of this section, who have an honorable discharge from their last period of war service; who served in the active military or naval service for 90 days or more, or who, having served for less than 90 days, were discharged for disability incurred in line of duty; who are suffering from a permanent disability, tuberculosis or neuropsychiatric ailment or such other conditions requiring emergency or extensive hospital treatment; and who are incapacitated from earning a living, and have no adequate means of support.

(2) Officers and enlisted men retired from the Regular Establishment—Army, Navy, Marine Corps, Coast Guard—who had served honorably in a war period, as defined in paragraph (a) (1), subject to the same requirements as in subparagraph (1) of this paragraph (Public No. 198, 76th Congress; Public No. 365, 77th Congress).

(3) The administrative determination of line of duty incurrence of disability, as prescribed in paragraph (b) (2) will also be applicable to veterans of wars under this paragraph (c).

* * * * *

(e) Hospital treatment or domiciliary care for:

(1) Veterans who served, regardless of length of service, during a period of war as defined in paragraph (a) (1), who were (i) not dishonorably discharged from their last period of war service; (ii) who swear that they are unable to defray the expense of hospitalization or domiciliary care, including the expense of transportation to and from a Veterans Administration facility; and (iii) who are suffering from a disability, disease or defect which, being susceptible of cure or decided improvement, indicates need for hospital care or which, being essentially chronic in type and not susceptible of cure, or decided improvement by hospital care, is producing disablement of such degree and of such probable persistency as will incapacitate from earning a living for a prospective period, and thereby indicates need for domiciliary care. The provisions of section 5, Public No. 304, 75th Congress, that "re-enlistment after November 12, 1918, and before July 2, 1921, where there was prior service between April 6, 1917, and November 11, 1918, shall be considered as World War Service," etc., will have no application to this paragraph, § 25.6047 (e).

(2) Retired officers and retired enlisted men of the Army, Navy, Marine Corps and Coast Guard, including members of the Fleet Naval Reserve or Marine Corps Reserve on retainer pay, who had honorable service in a period of war, as defined in paragraph (a) (1) of this section, and who meet the other eligibility requirements of subparagraph (1) of this paragraph (Public No. 198, 76th Congress; Public No. 365, 77th Congress). (March 25, 1942) (48 Stat. 9; 38 U.S.C. 707)

§ 25.6048 *Definitions applicable in determining eligibility for hospital treatment or domiciliary care.* (a) Under paragraphs (c) and (d) of § 25.6047:

(1) A "permanent disability" will be taken to mean such impairment of mind or body as may reasonably be expected to continue throughout the remainder of the applicant's life, or any condition listed in § 2.1086. A permanent disability must be such as would materially interfere with the following of any substantially gainful occupation. This must be for medical determination, which shall not be influenced by the applicant's inability—due to industrial conditions, lack of personal initiative, or any other reason than disability due to disease or injury—to secure gainful employment. The infirmities resulting from advancing years when taken collectively, while not considered a disease entity, may be interpreted to be within the meaning of "disease" as used herein. A person who, at the time of his application for domiciliary care has recently been rated 75 percent or more disabled for pension or disability compensation purposes will be held to be prima facie incapacitated within the meaning of this paragraph.

(2) A permanent disability, as contemplated, is exemplified in chronic, severe types of general medical diseases, such as myocarditis, valvalitis, cardiovascular disease, nephritis, arthritis, etc., and in blindness, loss of parts or use of parts, etc. But injuries or diseases such as reparable hernia, chronic appendicitis, cholecystitis, cholelithiasis, nephrolithiasis, etc., are not essentially permanent, as contemplated, in that surgical intervention may remove the disability. Applicants suffering from these conditions will not be considered for admission under the provision relating to "permanent disability," but under the provisions relating to "other conditions requiring emergency or extensive hospital treatment."

(3) "Such other conditions requiring emergency or extensive hospital treatment" will comprehend the following:

(i) Emergent hospital treatment will be provided for conditions endangering the life or health of the applicant, and requiring immediate hospital treatment.

(ii) Extensive hospital treatment will be provided for acute, subacute or chronic diseases or surgical conditions which may be improved or cured by operation or other therapy, when such diseases or conditions require extended hospital treatment. Admission will not be authorized for treatment of conditions usually and sufficiently treatable on an out-patient status: minor eye, ear, nose and throat conditions, such as tonsillitis, deviated nasal septum, etc., nor for dental relief, except when the hospital readmission is for the supplying of dentures to beneficiaries eligible therefor.

(4) "No adequate means of support". When an applicant is receiving an income of $50 or more per month from any source, this fact will be considered prima facie evidence that he has adequate means of support, except when he is in fact contributing in whole or part from such income to the support of a wife, child, mother or father. If the applicant alleges he is contributing to the support of dependents other than these, the alleged circumstances will be submitted to central office, for decision as to eligibility for admission. However, if the medical care and treatment will be needed for a period so extensive that the applicant could not possibly pay for such services for such time in a private hospital this $50 per month income provision may be waived.

(b) Under paragraph (e) of § 25.6047:

(1) "Any disability, disease or defect" will comprehend any acute, subacute or chronic disease (of a general medical, tuberculous or neuropsychiatric type) or any acute, subacute or chronic surgical condition, susceptible of cure or decided improvement by hospital care; or any condition which, not susceptible of cure or decided improvement by hospital care, indicates need for domiciliary care. Domiciliary care, as the term implies, is the provision of a home, with such inci-

dental medical care as is needed. To be entitled to domiciliary care the applicant must consistently have a disability, disease or injury which, chronic in type and not susceptible of cure or decided improvement by hospitalization, is producing disablement of such degree and probable persistency as will incapacitate from earning a living for a prospective period. Defects such as constitutional psychopathic inferiority or mental deficiency, without superimposed psychosis or psychoneurosis, will not indicate hospital treatment, but will entitle to domiciliary care, other requirements being met, if such defects are producing material social and industrial inadaptability.

(2) "Unable to defray expenses of hospitalization or domiciliary care, including transportation to and from a Veterans Administration facility." The affidavit of the applicant on Form P–10 (answer to question 9 thereon) that he is unable to defray the expenses of hospitalization or domiciliary care, including transportation to or from a facility, will constitute sufficient warrant to furnish Government transportation to cover transportation to the facility. But, having in mind the penal previsions of the law governing the making of false sworn statements, managers will report to central office any and all cases in which they suspect false statements as to inability to defray the expenses of hospitalization or domiciliary care, including transportation. Such reports will include all the facts, with comment and recommendation.

(c) Persons applying for treatment of conditions requiring extensive hospitalization, under paragraphs (c), (d) or (e) of § 25.6047, and who are potentially entitled to other hospital treatment because of membership in a union, fraternal organization, or group hospitalization plan; or under commercial insurance companies' policies covering illness or injury; or as beneficiaries of a state industrial commission or Employees Compensation Commission, etc., will be instructed to procure their hospital treatment from such sources. When, however, any such person is hospitalized in a Veterans Administration facility for treatment of a condition not service-connected, including any injury for which a third party is liable; and such person is potentially entitled to reimbursement for the costs of the treatment provided by the Veterans Administration, the service will not be rendered by the Veterans Administration without charge therefor to the extent of such reimbursement. Action will be taken to effect collection from the persons, companies, organizations or agencies (other than Federal) in the amounts determined payable under the terms of the applicable insurance policy, plan, agreement, or other undertaking. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 707)

§ 25.6050 *Utilization of facilities other than those under direct and exclusive jurisdiction of the Veterans Administration.*

* * * * *

(b) (1) Private facilities will not be used for hospitalization of beneficiaries except when facilities under direct and exclusive jurisdiction of the Veterans Administration or other Federal hospitals are not feasibly available, or when the physical or mental condition of beneficiaries will not allow of their transfer from a private, State or municipal hospital to a Federal hospital. Except for treatment of an emergent condition arising from a service-connected disorder, hospitalization of a *male* beneficiary will not be authorized in any private, State or municipal hospital, whether under or not under contract. In such medically emergent cases, authorization of admission to a private, State or municipal hospital may be given, subject to the conditions stipulated in subparagraph (2) of this paragraph; and, when so given, will be authority for payment of vouchers covering the cost of such hospitalization.

(2) The chief medical officer or his designate, of the regional office or facility with regional office having jurisdiction of the territory in which the concerned private, State or municipal hospital, contract or non-contract, is located, will, when informed of the emergent condition of the entitled beneficiary in time to authorize the hospital admission, or when requested to issue authorization to cover a hospital admission already effected, at once notify the superintendent of such hospital as follows: (i) That payment cannot be made by the Veterans Administration for any hospital service or supplies furnished prior to the date that authorization for admission had been issued, and that such authorization cannot be retroactively dated when issued. (ii) That—if the hospital concerned is under contract with the Veterans Administration—all services and supplies furnished the beneficiary must be charged for and paid only at rates in accordance with the terms of the contract. (iii) That—if the hospital concerned is not under contract—all services and supplies can be paid for only at rates in accordance with the schedule of fees, Veterans Administration. (iv) That, when possible, prior authority will be requested by the hospital for the furnishing of services or supplies other than those included in a contract, or other than those comprehending ordinary items. (v) But when the procurement of such prior authority is not possible, or when the emergent condition of the beneficiary is too urgent for delay, the hospital may furnish such necessary services or supplies, with the understanding that charges therefor will be subject to determination as to their reasonable necessity by the Chief Medical Officer or his designate. (See also §§ 25.6140–25.6148)

(c) In the territories and insular possessions of the United States, preference will be given to Federal hospitals, and contracts will be made with private or insular hospitals only when Federal hospitals are not available. Authorization of hospitalization by managers of insular offices is restricted to hospitals under agreements or contracts and admissions to private facilities not under contract will not be authorized in territories or insular possessions without prior approval of the medical director: *Provided*, That when immediate hospitalization is necessary for treatment of an emergent service-connected condition in a war veteran, the manager may authorize admission to an non-contract hospital if no Federal or contract private hospital be feasibly available, and that the stipulations specified in paragraph (b) (2) of this section are communicated to the superintendent of such non-contract private hospital. While admissions to private facilities in the territories and insular possessions will in general be restricted to applicants who had service in a war, such facilities may also be used for applicants who had peace time service only, if needed for treatment of an emergent service-connected condition. The use of such private facilities is prohibited for applicants who had peace time service only, if required for treatment of a disease or injury not attributable to military or naval service, or for a service-connected condition that is not medically emergent.

* * * * *

(h) The prior approval of the medical director must be secured for the use of private, State or municipal facilities covered by contracts, and located either within the continental limits of the United States or in the insular possessions or territories, for the hospitalization in such facilities of beneficiaries in excess of the number of beds contracted for, except where immediate hospitalization is indicated for treatment of a medically emergent service-connected disease or injury. The number of beds set apart by agreements with other Government facilities, for treatment of Veterans Administration beneficiaries may be exceeded during any month as necessitated: *Provided*, That the utilization thereof be correspondingly reduced in other months, so that the average monthly use of such beds, at the end of the fiscal year, will not have exceeded the total allocation.

(i) An applicant whose eligibility for hospitalization, (whether for observation or treatment, or whether for a service-connected or nonservice-connected condition) had been determined, whose admission to a Government facility had been authorized and who had been supplied transportation therefor, but who, while en route to the designated facility (or en route from it, after completion of service and regular discharge, to the point from which he had proceeded to the hospital), develops an unavoidable and unforeseen medical emergency that forbids continuance of such travel and requires admission to a private hospital or treatment by a private physician, will be entitled to such necessary services at the expense of the Government, including any extra transportation costs (ambulance or otherwise) that were actually necessitated in the circumstances. (1) If the chief medical officer or his designate of the territory concerned is informed of such emergency hospital admission or such physician's treatment before or shortly after the beginning of the services, authorization for the services, followed by payment of bills therefor, may be made in accordance with the terms of paragraph (b) (2) of this section. (2) If the chief medical officer or his designate had not authorized such hospitalization or such physician's services, he may nevertheless certify for payment bills from the hospital superintendent or the attending physician, provided determination is made of the actual necessity for the items of service rendered, and payment is at fees provided in the schedule of fees, Veterans Administration. (3) Subject to the same controlling conditions as in (2), the chief medical officer or his designate may authorize reimbursement of the beneficiary or his representative if either had paid bills submitted by the superintendent of the hospital or by the physician who had attended the beneficiary, and had submitted those receipted bills. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

§ 25.6060 *Out - patient treatment.* (a) Out-patient treatment, medical or dental, including necessary medicines, prosthetic appliances, and other supplies, may be rendered veterans of wars as defined in § 25.6047 (a) (1), and persons who were honorably discharged from the United States Army, Navy, Marine Corps or Coast Guard for disability in line of duty, or who are in receipt of pension for service-connected disability; *Provided*, That the disability from the disease or injury for which such veteran of a war or person applies for out-patient treatment has been adjudicated as service-connected, or the official service records show that such disease or injury was the one that led to the applicant's discharge for disability in line of duty in active service. A formal claim for disability compensation or pension will not be required of an applicant so eligible for out-patient treatment; and a denial of a claim for pension will not debar out-patient treatment if the official service records show that the disease or injury for which such person applies for such treatment was one the disability from which led to his discharge in line of duty in active service (see determination of line of duty, § 25.6047 (b) (4)).

(b) While out-patient treatment is primarily authorized only for service-connected conditions, adjunct out-patient treatment for a nonservice-connected condition which is associated with and held to be aggravating disability from a disease or injury service-connected may be also authorized in accordance with prescribed principles. The opinion of the medical director may be requested in any individual case where advice as to the propriety of furnishing adjunct treatment is desired.

(c) In addition to applicants entitled under paragraph (a) of this section, out-patient treatment may be rendered patients properly referred by authorized officials of the United States Employees Compensation Commission, Civilian Conservation Corps, Work Projects Administration, National Youth Administration or other Federal agencies for which the Administrator of Veterans Affairs may agree to render such service under conditions stipulated by him; and to Canadian and British pensioners, upon requests of the Department of Pensions and National Health, Canada. Charges for treatment of patients of the classes herein specified will be made at prescribed rates. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

§ 25.6066 *Disciplinary control of beneficiaries receiving hospital treatment or domiciliary care.* The good conduct of beneficiaries receiving hospitalization for observation and examination or for treatment, or receiving domiciliary care in facilities under direct and exclusive jurisdiction of the Veterans Administration, will be maintained by corrective and disciplinary procedure formulated by the Veterans Administration. Such corrective and disciplinary measures, to be selectively applied in keeping with the comparative gravity of the particular offense, will consist, in respect to hospital patients, of the withholding for a determined period of pass privileges, exclusion from entertainments, or disciplinary discharge; and, in respect to domiciled members, such penalties as confinement to barracks or grounds, deprivation of privileges, performance of extra duty without pay for a stated period, enforced furlough or dropping from rolls. Discharge for infraction of hospital discipline will carry the accompanying penalty of exclusion from rehospitalization, except in a medical emergency, and from domiciliation, for a prescribed period, with denial of Government transportation to cover return travel upon such discharge, or to cover rehospitalization in a medical emergency, unless the offender executes affidavit of inability to defray the expenses of such travel. Likewise, exclusion from domiciliary care for a stated period will exclude an offender from hospital treatment (except in a medical emergency), for such stated period. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

Section 25.6067 canceled March 25, 1942. (See § 25.6066)

§ 25.6100 *Transportation of claimants and beneficiaries.* Transportation at Government expense may be supplied eligible claimants and beneficiaries of the Veterans' Administration, for these purposes:

(a) (1) Hospital admission of applicants under § 25.6047 (a) and (b), for treatment of service-connected conditions.

(2) Hospital admission of applicants under § 25.6047 (c), (d) or (e) for treatment of nonservice-connected conditions, provided these applicants have made sworn statement upon application, Form P–10, that they are unable to defray expense of transportation.

(3) Hospital admission for observation and examination.

(4) Admission for domiciliary care of applicants under § 25.6047 (d) and (e), provided applicants have made sworn statement of inability to defray expense of transportation.

(b) *Readmissions.* (1) Hospital readmissions, when medically determined necessary to observe progress, modify treatment or diet, etc. (2) The furnishing of transportation incident to readmission for domiciliary care will require prior consent of the director of national homes. (3) No transportation will be furnished a person whose period of exclusion from hospital treatment or domiciliary care for infraction of facility discipline has not expired, except when emergent hospital treatment is required, and the applicant executes affidavit that he is unable to defray the expense of transportation to accomplish travel to a facility for such emergent hospital treatment.

(c) *Transfer.* Interfacility transfers for treatment, diagnosis or domiciliary care. Prior consent of the medical director will be had for transfers of patients en bloc. Transfers from hospital treatment to domiciliary care, or those between facilities for domiciliary care, will require prior consent of the director of national homes.

(d) *Discharge.* (1) Upon completion of hospitalization for treatment, or for observation and examination, and regular discharge, return transportation to the point from which the beneficiary had proceeded; or to another point if no additional expense be so caused the Government. (2) With prior approval of the medical director, a patient in a terminal condition may be discharged to his home, or transferred to a facility, suitable and nearest his home, regardless whether travel so required exceeds that covered in proceeding to the facility of original admission. (3) The furnishing of transportation to effect discharge of a member from domiciliary care will require prior consent of the director of national homes. (4) No return transportation will be supplied a patient who receives an irregular discharge from hospital treatment, unless he executes an affidavit of inability to defray the expense of return transportation.

(e) Out-patient physical examination, subject to exceptions defined in paragraph (g) of this section.

(f) *Out-patient treatment.* For service-connected conditions, including adjunct treatment thereof, subject to exceptions defined in paragraph (g).

(g) (1) Claimants or beneficiaries residing in the city or town where their out-patient examination is to be made or out-patient treatment rendered, or in such proximity to such city or town that it may be considered their place of residence, will not be furnished transportation for such out-patient service, except that a station vehicle may be used or expense of common carrier transportation allowed, when the fare involved exceeds ten cents each way, and the Administrator approves the exercise of this special authority at selected points. (2) Transportation for out-patient treatment will not be supplied an applicant whose period of exclusion from hospital treatment or domiciliary care for a disciplinary offense has not expired. (3) No return transportation will be supplied a claimant or beneficiary who has not completed an out-patient service, unless he executes an affidavit that he is unable to defray the expense of such return travel.

(h) All travel for the foregoing purposes, (a) to (f), must be authorized in advance. In emergent hospital admissions, such prior authority may be given by telephone or telegraph, subject to confirmation in writing by the authorizing employee.

(i) The accessories of transportation—means and lodging en route, Pullman accommodations, and accompaniment by an attendant or attendants—may be authorized when determined necessary for the travel.

(j) In furnishing transportation and other expenses incident thereto, as defined, the Veterans' Administration may (i) issue requests for transportation, meals and lodging; or (ii) reimburse the claimant, beneficiary or representative for payment made for such purpose, upon due certification of vouchers submitted therefor; or (iii) make mileage allowance.

(k) Transportation of beneficiaries of other Federal agencies, incident to medical services rendered upon requests of those agencies, will not be furnished by the Veterans' Administration. Transportation requests incident to medical services rendered Canadian and British imperial pensioners will be subject to reimbursement by the Department of Pensions and National Health, Canada. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

Sections 25.6101–25.6108 inclusive canceled March 25, 1942.

ORTHOPEDIC AND PROSTHETIC APPLIANCES

§ 25.6115 (a) Orthopedic or prosthetic appliances furnished entitled beneficiaries of the Veterans' Administration, will be of approved types. Repairs or replacements thereof may be made, as provided, when necessitated, in medical judgment, because of wear, loss not due to negligence or design of the beneficiaries and for other sufficient reasons.

(b) Dental prostheses are not comprehended as orthopedic and prosthetic appliances.

(c) Artificial limbs and other prosthetic or orthopedic appliances of a permanent type may be purchased, made or repaired for; and special clothing made necessary by wear of such appliances may be furnished to:

(1) Out-Patients, entitled to and in need of such appliances, etc., (i) for a disease or injury which is service-connected, or (ii) for an associated condition, not attributed to military or naval service, but held to be aggravating the disability from a service-connected disease or injury (adjunct treatment).

(2) Hospitalized patients, when medically held needed for (i) a service-connected condition; (ii) an associated disease or injury held to be aggravating disability from a service-connected disorder (adjunct treatment); (iii) a disease or injury, not attributed to military or naval service, for which hospitalization had been authorized; or (iv) for a condition, also not service-connected, that is associated with and held to be aggravating disability from the disease or injury for which the patient had been admitted to hospital (auxiliary treatment). Repair or replacement of a previously supplied artificial limb will not be considered invariably necessitated because of surgical treatment of a stump in itself, e. g., for ulcer or neuroma; but when, because of reamputation or other treatment, or a disease process resulting in atrophy, sufficient change in the contour of the stump occurs, alteration or replacement of a socket or other part of the artificial limb or, if necessary, the furnishing of a new limb, will be authorizable.

(3) Domiciled members, when medically held needed for (i) a service-connected condition; (ii) a disease or injury not service-connected, but held to be aggravating disability from a service-connected condition (adjunct treatment); (iii) appliances, except artificial limbs and hearing devices, not considered for furnishing under (i) or (ii), may nevertheless be procured or repaired for domiciled members, when medically determined necessary as an incident of domiciliary care. In individual cases when, in medical judgment, an artificial limb or hearing device (or repair to either) is held necessary as an incident of domiciliary care, and is not furnishable under (i) or (ii) hereof, a recommendation for such service, with a sufficient explanation of the circumstances, may be submitted to the medical director, whose approval or disapproval will decide whether such article is to be supplied. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

§ 25.6116 *Retired personnel, regular establishment*—(a) *Out-patients.* (1) In compliance with an Executive Order, effective December 1, 1930, relieving the Surgeon General, War Department, of the duty, the Veterans' Administration, under the provisions of chapter 5, sections 241–250, Title 38, United States Code, as amended, may provide an artificial limb or other apparatus, or commutation in lieu thereof, once every three years, for any officer or enlisted man retired from the Regular Establishment, who had lost a limb or the use thereof through injury or disease incurred in line of duty in the military or naval service at any time; and for any civilian employee of the Military or Naval Service, Regular Establishment, who had lost a limb or the use thereof through injury or disease incurred in line of duty as such, prior to September 7, 1916, (the date of the Federal Employees Compensation Act). An army nurse is to be considered a civilian employee within the meaning of the statute cited.

(2) Persons defined in (1) may elect to receive, once every three years, either a necessary artificial limb or limbs, or commutation in lieu at rates specified by law, but both such limb or limbs and such commutation cannot be supplied. If such person elects the furnishing of an artificial limb or other appliance in kind, it will be supplied under an approved contract, if obtainable at a price not to exceed $125.00; if not so obtainable, competitive bids therefor will be invited and the award made to the lowest responsible bidder, provided that bid does not exceed $125.00.

(3) Repairs of artificial limbs or other appliances furnished persons under (1) and (2) will not be made at Government expense, and no replacements will be effected under three years.

(4) Trusses will be supplied persons defined in (1) who had been ruptured in a war; and replacement of such truss can be effected when it becomes useless from wear, or is damaged or lost without negligence of the beneficiary; provided that application for a new truss will not be accepted more than once in two and one-half years.

(5) Transportation of such retired personnel, Regular Establishment, necessitated for fitting of an artificial limb, may be furnished by the Veterans Administration. Transportation for fitting of a truss is not authorized.

(6) Upon receipt, by the medical director, of requests from such retired persons for an artificial limb, other appliance or truss, eligibility of the applicants will be determined, and the managers of the field stations of the Veterans Administration which are nearest the place of residence of the applicants will be directed to arrange the procurement of the article from an approved contractor or approved bidder, respectively. Prosthetic Appliances Service Card, Form 2529, bearing the notation "Retired" for identification will be prepared, as for other beneficiaries. Vouchers for the purchased article will be forwarded to the medical director, with explanatory letter identifying the beneficiary as "Retired, Reg. Estab."

(b) *Hospitalized patients.* Retired personnel, Regular Establishment (Army, Navy, Marine Corps or Coast Guard) entitled to hospital treatment by the Veterans Administration because of honorable service in a war period (Public No. 198, 76th Congress and Public No. 365, 77th Congress) will be entitled to the furnishing of an artificial limb or other appliance during such hospitalization, subject to the conditions specified in paragraph (a) (1) to (4) of this section. Recommendations for this service, based upon the principles in § 25.6115 (c) (2) will be made to the medical director, whose approval or disapproval thereof will guide subsequent action. In such recommendations, the applicants will be identified as "Retired, Reg. Estab. (Pub., No. 198, 76th Cong. and Pub., No. 365, 77th Cong.)"

(c) *Domiciled members.* Retired personnel, Regular Establishment (Army, Navy, Marine Corps or Coast Guard) admitted for domiciliary care (Public No. 198, 76th Congress; Public No. 365, 77th Congress) will be supplied an artificial limb or other apparatus during domiciliation, subject to the conditions specified in paragraph (a) (1) to (4) of this section. Recommendations for such service, based upon the principles in § 25.6115 (c) (3), will be submitted to the medical director, with the identification provided in paragraph (b) of this section. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

§ 25.6117 *Retired personnel, not regular establishment.* Retired personnel, not Regular Establishment, as comprehended by Public No. 18, as amended by Public No. 213, 76th Congress, and by Public No. 262, 77th Congress, when granted hospitalization by the Veterans' Administration at the prescribed per diem rate, will not be entitled to the furnishing of permanent orthopedic appliances during such hospitalization. However, if such applicants for hospitalization had had previous military or naval service in war time, and are admitted as war veterans for hospital treatment, then they may be furnished orthopedic and prosthetic appliances in accordance with the provisions of § 25.6116 (b). (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

DENTAL SERVICES

§ 25.6120 *Authorization of dental examinations.* When a detailed report of dental examination is essential for a determination of eligibility for benefits, a chief dental officer or other empowered official may authorize dental examination for the following classes of claimants or beneficiaries:

(a) Those having a dental disability adjudicated as incurred or aggravated in military or naval service, in wartime or peacetime.

(b) Those having service-connected disability from disease or injury other than dental, but with an associated and not service-connected dental condition that is considered to be aggravating the basic service-connected disorder.

(c) Those for whom a dental examination is ordered as a part of a general physical examination.

(d) Those requiring dental examination during hospital treatment or domiciliary care.

(e) Those held to have suffered dental injury or aggravation of an existing dental injury as the result of examination, hospitalization, or medical or surgical (including dental) treatment that had been awarded.

(f) Those for whom a special dental examination is authorized by the medical director. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

Section 25.6122 canceled March 25, 1942.

§ 25.6123 *Authorization of dental treatment.* Dental treatment may be authorized for the following classes of beneficiaries:

(a) Class I—Those having service-connected compensable dental or oral disabilities.

(b) Class II—Those having service-connected noncompensable dental or oral disabilities.

(c) Class III—Those having a dental condition, not service-connected, but medically determined to be aggravating disability from an associated systemic disorder that is either service-connected or not service-connected (see adjunct and auxiliary treatment).

(d) Class IV—Those receiving domiciliary care who require dental treatment. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

§ 25.6124 *Emergency dental relief.* This will comprehend the alleviation of pain or extreme discomfort, or adequate remediation of a dental or oral condition which is determined to be immediately endangering the life or health of the individual. Such emergency relief, which may be furnished an applicant whose prima facie eligibility therefor has been shown, but whose claim for benefits has not yet received favorable adjudication, will not in itself entitle him to further dental treatment that may be indicated, unless and until his eligibility for such continuance of treatment is duly determined. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

Section 25.6126 canceled March 25, 1942.

§ 25.6128 *Authorization of emergency dental relief.* Emergency dental relief may be authorized by a chief medical officer, clinical director, a chief of service, chief dental officer, or other full time physician or dentist of the Veterans Administration. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

§ 25.6129 *Extent of dental treatment.* The type and extent of dental treatment in any individual case will be determined by a dental officer of the Veterans Administration in accordance with the following principles:

(a) In Class I (see § 25.6123) any dental treatment indicated as reasonably necessary to retain masticatory function in every way possible, may be authorized. Prior approval of the medical director will be secured for any treatment of a condition that is not specifically covered by the current dental disability rating.

(b) (1) In Class II, any treatment indicated as necessary for the correction of war time service connected dental disabilities may be authorized as well as for peace time service connected dental disabilities, provided the applicant was honorably discharged on account of disability incurred in line of duty, or is in receipt of pension for a service incurred disability. When diseased teeth (the disability from which is service-connected) are to be replaced by means of vulcanite dentures, all other diseased teeth in the same maxilla may be extracted, if necessary, and the dentures may be constructed accordingly. This principle will also apply when extraction is indicated for mechanical reasons; but in constructing bridges for missing teeth, the loss of which has not been attributed to military or naval service, only mechanical necessity will permit consideration of such missing teeth in designing the bridge.

(2) When service-connection has been established only for teeth missing from one maxilla, and vulcanite dentures for both jaws are determined necessary to meet proper treatment indications, extractions of teeth in the opposing maxilla may be made. Prior approval of the medical director will be secured for this type of service.

(3) Missing third molar teeth, loss of which has been attributed to military or naval service, will not be replaced; nor will such circumstance be held to call for replacement of other missing teeth whose loss is not service-connected.

(c) In Class III, treatment will be rendered, as adjunct or auxiliary measures, only for those dental conditions which, in sound professional judgment, are having a direct and material detrimental effect upon an associated basic disease.

(d) In Class IV sufficient treatment will be rendered domiciliary members to keep their mouths in a hygienic and comfortable condition, with sufficient masticatory surface to maintain health. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

REIMBURSEMENT OR PAY FOR EXPENSES OF UNAUTHORIZED MEDICAL SERVICES

§ 25.6141 *Classes of claims comprehended.* Claims for reimbursement of or payment for medical treatment obtained without prior authorization from the Veterans' Administration (including the necessary travel incidental to the procurement of such treatment) may be submitted and will be considered under the following conditions:

* * * * * *

(c) As to unauthorized treatment rendered subsequent to March 19, 1933, the eligibility criteria defined in paragraph (b) (1) (2) and (3) of this section will apply; and, in addition, it must be shown that, when the unauthorized expense was incurred, the disability from the disease or injury for which treatment had been rendered was service-connected. (March 25, 1942) (48 Stat. 9; 38 U.S.C. 706)

[SEAL] FRANK T. HINES,
Administrator.

[F. R. Doc. 42–2598; Filed, March 25, 1942; 11:11 a. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

PART 10—STEAM ROADS: UNIFORM SYSTEM OF ACCOUNTS

NOTE: An order of the Interstate Commerce Commission modifying the classifications of Investment in Road and Equipment; Income, Profit and Loss, and General Balance Sheet Accounts; also Accounting Bulletin No. 15, Interpretations of Accounting Classifications, for steam roads, dated March 12, 1942, effective January 1, 1943, was filed with the Division of the Federal Register on March 26, 1942 at 11:13 a. m. (F.R. Doc. 42–2635). Requests for copies should be addressed to the Interstate Commerce Commission.

PART 195—ACCIDENT REPORTS

MOTOR-CARRIER ACCIDENT REPORTS

At a Session of the Interstate Commerce Commission, Division One, held at its office in Washington, D. C., on the 19th day of March, A. D. 1942.

It appearing that by its order of May 27, 1939, Division Five of the Commis-

sion prescribed revised Motor Carrier Safety Regulations, 14 M.C.C. 669, in § 4.2 of which it was required that accidents resulting in property damage to an apparent extent of $25.00 or more be reported to the Commission;

And it further appearing that under present conditions it is desirable that the minimum amount of property damage in a reportable accident be increased to $100.00;

It is ordered, That § 4.2 of the Commission's revised Motor Carrier Safety Regulations and corresponding section of the Code of Federal Regulations be, and it is hereby, amended to read as follows:

§ 195.2 *Reportable accidents.* Every motor carrier shall report to the Commission in the manner hereinafter prescribed, every accident in which a motor vehicle operated by him or it is involved, and from which there results an injury to or death of any person, or property damage to any and all vehicles, cargo, or other property involved, to an apparent extent of $100.00 or more.

It is further ordered, That this order shall become effective May 1, 1942, and shall continue in effect until the further order of the Commission;

And it is further ordered, That notice of this order be given to all carriers by motor vehicle subject to Part II of the Interstate Commerce Act and to the public by publishing it in the FEDERAL REGISTER, and by depositing copies of the order in the office of the Secretary of the Commission in Washington, D. C. and in the office of each of the District Directors of the Bureau of Motor Carriers of the Commission.

By the Commission, Division One.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-2634; Filed, March 26, 1942; 11:19 a. m.]

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A-1359]

PETITION OF DISTRICT BOARD 14 FOR REVISION OF THE EFFECTIVE PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS PRODUCED AT CERTAIN MINES IN PRODUCTION GROUP NO. 5 IN DISTRICT NO. 14

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937 having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on April 21, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, at Sebastian County Circuit Court, in Fort Smith, Arkansas.

It is further ordered, That Scott A. Dahlquist, or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before April 15, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

The matter concerned herewith is in regard to the request of District Board No. 14 for revision of the price classifications and minimum prices for the coals produced at the mines of certain code members in Production Group 5 in District No. 14, and, more particularly:

1. for the revocation of the price classifications and minimum prices for the coals in Size Groups 3 and 19 of Mine Index No. 511, operated by code member Paris Purity Coal Company;

2. for the establishment for the coals in Size Groups 4, 9, 10, 11, 13 and 17 of Mine Index No. 511 of the same price classifications and minimum prices as are effective for the coals in those size groups produced at Mine Index 13 operated by Boyd Excelsior Operating Co. and at the other so-called A Grade mines in Production Group 5;

3. for the establishment for the coals in Size Groups 10, 13 and 17 of Mine Index No. 195 operated by code member Harper-Thornton Coal Co. of the same price classifications and minimum prices as are effective for the coals in those size groups of Mine Index No. 13 and of the other A Grade mines in Production Group 5; and

4. for increases to the level of the price classifications and minimum prices now effective for the coals of Mine Index No. 13 and of the other A Grade mines in Production Group 5, in the price classifications and minimum prices for the coals of the following mines:

Mine Index No. 14—Boyd-Sicard Coal Company.
Mine Index No. 34—Excelsior Thin Vein Coal Company.
Mine Index No. 195—Harper-Thornton Coal Company, Inc.
Mine Index No. 558—Lewis-Excelsior Coal Company.
Mine Index No. 511—Paris Purity Coal Company.
Mine Index No. 176—Peerless Coal Co.
Mine Index No. 2—Watson Excelsior Coal Co.,

to the end that the coals of all of the mines named and referred to in this paragraph 4 will be subject to the following price classifications and minimum prices in cents per net ton f. o. b. the mines:

(For Truck Shipments)

Size groups	4	6	7	8	9	10	11	13	14	15	16	17	18
Prices	445	445	445	445	420	370	355	200	135	115	105	185	345

(For All Shipments Except Truck)

Price classifications	D	E	E	E	E	G	F	D	B	B	B	A	J

Dated: March 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2627; Filed, March 26, 1942; 10:26 a. m.]

[Docket No. A-1371]

PETITION OF DISTRICT BOARD NO. 19 FOR THE ESTABLISHMENT OF A PRICE CLASSIFICATION AND MINIMUM PRICE FOR THE COALS IN SIZE GROUP 8 PRODUCED AT CERTAIN MINES IN DISTRICT NO. 19, FOR SHIPMENT BY RAIL INTO MARKET AREA 243 (ALASKA)

NOTICE OF AND ORDER FOR HEARING

A petition, pursuant to the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party;

It is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on April 7, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, Room 220, United States Post Office Building in Salt Lake City, Utah.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, to prepare and submit proposed findings of fact and conclusions of law and the recommendation of an appropriate order in the premises and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before April 1, 1942.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein, may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of intervention or otherwise or which may be necessary corollaries to the relief, if any, granted on the basis of the petition.

The matter concerned herewith is in regard to the request of District Board No. 19 for the establishment of a minimum price of $2.75 per net ton f. o. b. the mines for the coals in Size Group 8 (3" x 1⅝" nut) produced in Subdistricts 1 and 2 in District No. 19, for shipment by rail into Market Area 243 (Alaska).

Dated: March 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2628; Filed, March 26, 1942; 10:26 a. m.]

[Docket No. A-1338]

PETITION OF STITH COAL COMPANY, A CODE MEMBER IN DISTRICT NO. 13, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES IN SIZE GROUPS 12, 16, 17 AND 22 FOR THE COALS OF ITS AMERICA NO. 5 MINE (MINE INDEX NO. 1453) FOR ALL SHIPMENTS EXCEPT TRUCK

ORDER DISMISSING PETITION

An original petition pursuant to section 4 II (d) of the Bituminous Coal Act of 1937 was duly filed with this Division by the above named party on February 28, 1942 and requested the establishment of temporary price classifications and minimum prices for the coals of its America No. 5 Mine (Mine Index No. 1453) for all shipments except truck in Size Groups 12, 16, 17 and 22. In an order signed today in Docket A-1330 on the petition of District Board No. 13, temporary and conditionally final prices are established for the coals of this mine in these size groups exactly as sought by the original petitioner in the above entitled matter.

It appears, therefore, that there is no necessity for considering the request of the original petitioner and that this petition should be dismissed.

Now, therefore, it is ordered, That the above entitled proceeding be, and it hereby is, dismissed without prejudice.

Dated: March 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2629; Filed, March 26, 1942; 10:26 a. m.]

[Docket Nos. A-1345, A-1365]

PETITION OF DISTRICT BOARDS NOS. 19 AND 20 FOR THE INCLUSION OF FISCHER, IDAHO AMONG THE DESTINATIONS SET FORTH IN PRICE INSTRUCTION AND EXCEPTIONS NOS. 10 AND 11 IN THE SCHEDULES OF EFFECTIVE MINIMUM PRICES FOR ALL SHIPMENTS

ORDER OF CONSOLIDATION AND NOTICE OF AND ORDER FOR HEARING

Petitions presenting analogous issues having been duly filed with this Division by the above-named parties, pursuant to the Bituminous Coal Act of 1937; and

A hearing having been duly scheduled upon the petition of District Board No. 20 in Docket No. A-1345 to be held on April 7, 1942, at Salt Lake City, Utah;

It is ordered, That the above-entitled matters be, and they hereby are, consolidated for the purpose of hearing and for such other purposes as the officer designated to preside at such hearing may deem appropriate.

It is further ordered, That a hearing upon the petition of District Board No. 19 in Docket No. A-1365 under the applicable provisions of said Act and the rules of the Division be held on April 7, 1942, at 10 o'clock in the forenoon of that date at a hearing room of the Bituminous Coal Division, Room 220, United States Post Office Building in Salt Lake City, Utah.

It is further ordered, That Scott A. Dahlquist or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matters. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, to prepare and submit proposed findings of fact and conclusions of law and the recommendation of an appropriate order in the premises and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in this proceeding and eligible to become a party herein. Any person desiring to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petitions is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before April 1, 1942.

All persons are hereby notified that the hearing in the above-entitled matters and any orders entered therein, may concern, in addition to the matters specifically alleged in the petitions, other matters necessarily incidental and related thereto, which may be raised by amendment to the petitions, petitions of intervention or otherwise or which may be necessary corollaries to the relief, if any, granted on the basis of the petitions.

The matter concerned herewith is in regard to:

(1) as to Docket No. A-1345, the request of District Board No. 20 for revision of Price Instruction and Exception No. 10 in the Schedule of Effective Minimum Prices for District No. 20 for All Shipments to include Fischer, Idaho, among the destinations therein named, so that the coals in Size Groups 10 and 11 produced in that district may be shipped at a 20¢ per ton reduction from the otherwise applicable minimum prices to consumers for consumption at Fischer, Idaho, subject to the limitations and conditions provided in that price instruction and exception; and

(2) as to Docket No. A-1365, the request of District Board No. 19 for revision of Price Instruction and Exception No. 11 in the Schedule of Effective Minimum Prices for District No. 19 for All Shipments to include Fischer, Idaho, among the destinations therein named, so that the coals in Size Groups 15, 16 and 17 produced in Subdistricts 1 and 2 in that district may be shipped at a reduction of 20¢ per ton below the otherwise applicable minimum prices to consumers for consumption at Fischer, Idaho, subject to the limitations and conditions provided in that price instruction and exception.

Dated: March 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2630; Filed, March 26, 1942; 10:26 a. m.]

[Docket No. A-302]

PETITION OF THE FORD COLLIERIES COMPANY, A PRODUCER IN DISTRICT NO. 2, FOR A REDUCTION IN THE EFFECTIVE MINIMUM PRICES IN SIZE GROUPS 7 AND 8 COALS FOR SHIPMENT INTO MARKET AREA 10

ORDER ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER, DENYING REQUEST FOR ORAL ARGUMENT, AND DENYING RELIEF

This proceeding having been instituted upon a petition, filed with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, by the Ford Collieries Company, a code member in District 2, requesting a reduction in the classification of the coals of the petitioner's Berry Mine (Mine Index No. 12) and Francis Mine (Mine Index No. 72) in Size Groups 7 and 8, for shipment by rail to all destinations in Market Area 10, from C to E, and a consequent reduction in the effec-

tive minimum price of said coals from $2.05 to $1.95 per ton; or, in the alternative, that such change be restricted to one consumer in Market Area 10, the Hammermill Paper Company;

Petitions of intervention having been filed by District Boards 1, 2, and 3; by Carrier & Son, Elba Coal Company, Clarion Coal Mining Company, A. D. Grasso, P. & G. Coal Company, and Wolf-O-Lac Coal Company, producers in District 1; and by the Butler Consolidated Coal Company, the Cosco Gas Coal Company, and the Pittsburgh & Erie Coal Company, producers in District 2;

Temporary relief having been granted by the Director, limited to shipments to the Hammermill Paper Company and further limited to 80 per cent of the total tonnage purchased monthly by Hammermill;

Pursuant to Order of the Director, a hearing in this matter having been held before J. D. Dermody, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The Examiner having filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter, dated September 26, 1941, in which he recommended that the relief requested be denied;

The petitioner having filed exceptions to the Examiner's Report, and a brief in support thereof; District Board 2 having filed a reply to the brief of the petitioner; and the petitioner having filed a brief in reply to the reply brief of District Board 2;

The undersigned having made Findings of Fact and Conclusions of Law herein and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the request for oral argument herein be, and it hereby is, denied.

It is further ordered, That the exceptions of the petitioner, the Ford Collieries Company, to the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner be, and they hereby are, severally overruled.

It is further ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and they hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That the prayer for relief contained in the petition filed herein be, and they hereby are, denied.

It is further ordered, That the temporary relief heretofore granted herein by the Director, applicable on shipments to the Hammermill Paper Company to Market Area 10, be, and it hereby is revoked and withdrawn, effective fifteen (15) days from the date of this Order.

Dated March 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2631; Filed, March 26, 1942; 10:27 a. m.]

[Docket No. 1703-FD]

IN THE MATTER OF BENCHLEY & VERMILLION COAL COMPANY, DEFENDANT

ORDER GRANTING APPLICATION FOR RESTORATION OF CODE MEMBERSHIP

A written complaint having been filed on June 11, 1941 by the Bituminous Coal Producers Board for District No. 4, as complainant, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), alleging wilful violation by the defendant, Benchley & Vermillion Coal Company, a code member, of the Act, the Bituminous Coal Code (the "Code"), and the effective minimum prices established thereunder, and

A hearing having been held thereon on October 2, 1941, at Canton, Ohio; and

An order having been entered on March 9, 1942, cancelling and revoking the code membership of the defendant, Benchley & Vermillion Coal Company effective fifteen (15) days from and after the date of entry of said order; and

Benchley & Vermillion Coal Company having filed with the Division its application dated March 24, 1942, for restoration of its code membership to become effective simultaneously with the effective date of such cancellation and revocation of its code membership; and

It appearing from said application that said Benchley & Vermillion Coal Company duly paid to the Deputy Collector of Internal Revenue at Canton, Ohio, on March 24, 1942, the sum of $2,644.09, representing 39 per cent penalty tax as a condition precedent to restoration of its membership in the Bituminous Coal Code;

It is ordered, That said application of Benchley & Vermillion Coal Company dated March 24, 1942, for restoration of its code membership to become effective simultaneously with the effective date of said cancellation and revocation of code membership, be and the same hereby is granted.

It is further ordered, That said restoration of the code membership of Benchley & Vermillion Coal Company shall become effective simultaneously with the effective date of said cancellation and revocation of code membership.

Dated: March 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2632; Filed, March 26, 1942; 10:27 a. m.]

[Docket No. B-58]

IN THE MATTER OF J. G. JORDAN AND W. R. MCCRAY, ALSO KNOWN AS J. G. JORDAN AND W. R. MCCRAY, INDIVIDUALS, TRADING AS JORDAN AND MCCRAY, A PARTNERSHIP, CODE MEMBER

CEASE AND DESIST ORDER

District Board No. 8, the complainant, having filed a complaint wtih the Bituminous Coal Division on September 26, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging that J. G. Jordan and W. R. McCray, also known as J. G. Jordan and W. R. McCray, individuals, trading as Jordan and McCray, a code member in District No. 8, wilfully violated the Bituminous Coal Code or rules and regulations thereunder by selling on March 21, 1941, 6.5 tons of ¾" slack coal produced at the code member's mine (Mine Index No. 2333), to Basil Shore at 75 cents per ton f. o. b. the mine for shipment by truck, whereas the effective minimum price established for such coal was $1.50 per ton f. o. b. the mine, as set forth in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments;

Pursuant to an order of the Director and after due notice to all interested persons, a hearing having been held in this matter on January 28, 1942 before Travis Williams, a duly designated Examiner of the Division, at a hearing room thereof at Abingdon, Virginia, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

The complainant and the code member having appeared at the hearing, and all interested parties having joined in waiving the preparation and filing of a report by the Examiner, and the record of the proceeding thereupon having been submitted to the undersigned for consideration;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion which are filed herewith;

Now, therefore, it is ordered, That J. G. Jordan and W. R. McCray, also known as J. G. Jordan and W. R. McCray, individuals, trading as Jordan and McCray, a partnership, their representatives, servants, agents, employees, attorneys, successors or assigns, and all persons acting or claiming to act in their behalf or interest, cease and desist and they are permanently enjoined and restrained from selling or offering for sale coal at prices below the effective minimum prices established therefor, or violating the provisions of the Bituminous Coal Act, the Bituminous Coal Code, the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments, and the Marketing Rules and Regulations.

It is further ordered: That if the code member or any of the partners thereof, fails or neglects to obey this Order, the Division may in its discretion forthwith apply to the Circuit Court of Appeals of the United States within any Circuit where such code member or any partner thereof carries on business for the enforcement thereof, or take any other appropriate action.

Dated: March 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2633; Filed, March 26, 1942; 10:27 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 603]

PETITION OF UNITED AIR LINES TRANSPORT CORPORATION FOR AN ORDER FIXING AND DETERMINING FAIR AND REASONABLE RATES OF COMPENSATION FOR THE TRANSPORTATION OF MAIL BY AIRCRAFT, THE FACILITIES USED AND USEFUL THEREFOR, AND THE SERVICES CONNECTED THEREWITH, OVER ROUTE NO. 57

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 406 and 1001 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on March 30, 1942, at 10 a. m. (eastern standard time) in Room 5419 Commerce Building, 14th Street and Constitution Avenue NW., Washington, D. C., before an examiner of the Board.

Dated at Washington, D. C., March 25, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-2613; Filed, March 26, 1942; 9:16 a. m.]

OFFICE OF DEFENSE TRANSPORTATION.

[Order No. 1]

TOLEDO, PEORIA AND WESTERN RAILROAD COMPANY

APPOINTMENT OF MANAGER

Pursuant to authority vested in me by Executive Order No. 9108,[1] dated March 21, 1942, effective this date, John W. Barriger is hereby appointed Federal Manager of the properties of the Toledo, Peoria and Western Railroad Company, with full authority, subject to my direction, to take immediate possession of and assume control over all real and personal property, franchises, rights, and other assets, tangible and intangible, of the Toledo, Peoria and Western Railroad Company and to operate or arrange for the operation of such railroad properties in such manner as may be necessary for the successful prosecution of the war, through or with the aid of such public or private agencies, persons, or corporations as he may designate.

This appointment shall remain effective until my further order.

Dated at Washington, D. C., this 21st day of March 1942.

JOSEPH B. EASTMAN,
Director.

[F. R. Doc. 42-2604; Filed, March 25, 1942; 12:56 p. m.]

[1] 7 F.R. 2201.

OFFICE FOR EMERGENCY MANAGEMENT.

Office of the Alien Property Custodian.

CERTIFICATE OF APPOINTMENT OF DEPUTY ALIEN PROPERTY CUSTODIAN

Know all men by these presents: That I do hereby designate and appoint James E. Markham, of Lowell, Massachusetts, Deputy Alien Property Custodian, and do hereby delegate to, confer upon and vest in the said Deputy Alien Property Custodian, in the absence of the Alien Property Custodian or in the event of his inability to act, to the extent permitted by law, all of the powers and authority granted and delegated to, conferred upon and vested in, or which may be granted and delegated to, conferred upon and vested in the Alien Property Custodian by the laws of the United States of America, orders of the President of the United States, or regulations made or issued in pursuance of said laws or orders, including, without being limited to, the power and authority to appoint and fix the compensation of attorneys, investigators, accountants, clerks and such other employees as may be deemed to be necessary for the due and proper administration of the provisions of said laws, orders of the President, and regulations; and I do hereby further delegate to, confer upon and vest in the said Deputy Alien Property Custodian full authority at all times to exercise any and all of the powers granted and delegated to, conferred upon and vested in, or which may be granted and delegated to, conferred upon and vested in the Alien Property Custodian by the laws of the United States, orders of the President, and regulations made or issued pursuant to said laws or orders, to the extent that such authority may be lawfully delegated by the Alien Property Custodian.

In testimony whereof, I have hereunto set my hand this nineteenth day of March 1942.

LEO T. CROWLEY,
Alien Property Custodian.

[F. R. Doc. 42-2640; Filed, March 26, 1942; 11:59 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 70-433]

IN THE MATTER OF PUBLIC SERVICE COMPANY OF INDIANA, INC.

NOTICE REGARDING FILING OF AMENDMENT, AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 24th day of March, A. D. 1942.

Notice is hereby given that Public Service Company of Indiana has filed an amendment to its application-declaration previously filed with this Commission. All interested persons are referred to said document which is on file in the office of this Commission for a statement of the transactions therein proposed, which are summarized as follows:

The application-declaration contemplates the present issuance, at face value plus accrued interest, of $4,000,000 principal amount of First Mortgage Bonds, Series D, 3¾%, due 1971. It is proposed that the bonds will be sold to Massachusetts Mutual Life Insurance Company, The Penn Mutual Life Insurance Company, Aetna Life Insurance Company, and Pacific Mutual Life Insurance Company in the principal amounts of $1,500,000, $1,000,000, $1,000,000 and $500,000, respectively. Exemption is requested from the provisions of Rule U-50 with respect to the sale of said proposed bonds.

The application-declaration also proposes the issuance and sale, "if and as soon as bond market conditions are such as warrant the making of such sale," of an additional $38,000,000 principal amount of First Mortgage Bonds, of which the proceeds are proposed to be used for the redemption of presently outstanding $38,000,000 principal amount of First Mortgage Bonds, Series A, 4%, due 1969.

The application-declaration represents that it is proposed to secure the approval of the Public Service Commission of Indiana. An order of this Commission is requested exempting the proposed issuance from the declaration requirements of the Act, pursuant to section 6 (b) thereof.

The filing requests that the Commission modify the terms of a previous order issued on March 27, 1941 and applicable to Public Service Company of Indiana, Inc. (see Holding Company Act Release No. 2658) which order in effect provides that in addition to the sinking fund provisions of its outstanding long term debt the Company should retire by 1958 $3,859,500 additional amount of its long term debt. The bonds presently proposed to be issued are subject to certain sinking fund provisions. The effect of the proposed suggested modifications would be that the additional amount of long term debt to be retired by 1958 should aggregate $3,430,000 (the sinking fund provisions applicable to the new bonds would make the total retirement substantially that required by our order of March 27, 1941.)

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors and consumers that a hearing be held with respect to said application-declaration, and that said application shall not be granted and such declaration not be permitted to

become effective except pursuant to further order of the Commission;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on April 6, 1942 at 10:00 in the forenoon of that day at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the Hearing Room Clerk in room 318 will advise as to the room where such hearing will be held. At such hearing cause shall be shown why said declaration shall become effective;

It is further ordered, That Robert P. Reeder or any other officer or officers of the Commission designated by the Commission for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act, and to a trial examiner under the Commission's Rules of Practice;

Notice of said hearing is hereby given to applicant-declarant, to all security holders thereof, to all interested state commissions, and to all other interested persons. Said notice shall be given by service of a copy of this order by registered mail to said applicant-declarant, and by publication in the FEDERAL REGISTER. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice or request to that effect with the Commission on or before April 1, 1942;

It is further ordered, That, without limiting the scope of issues presented by said declaration or application, particular attention will be directed at said hearing to the following matters and questions:

1. Whether the proposed issuance of bonds is entitled to the exemption from the Holding Company Act of 1935 provided by the third sentence of section 6 (b) of said Act.

2. In the event that said application for exemption is granted, what terms and conditions, either by way of dividend restrictions or otherwise, should be imposed as being necessary or appropriate in the public interest or for the protection of investors or consumers.

3. Whether and to what extent the conditions previously imposed in the Commission's order of March 27, 1941 should be modified as requested by applicant-declarant.

4. Whether compliance with the requirements of Rule U-50 is not appropriate in the public interest or for the protection of investors or consumers as a condition to the exemption of the proposed issuance from the provisions of section 6 (a) of the Act, or to aid the Commission in determining what terms and conditions should be imposed with respect thereto.

By the Commission.

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2624; Filed, March 26, 1942; 9:32 a. m.]

[File Nos. 59-13, 54-29]

IN THE MATTERS OF STANDARD POWER AND LIGHT CORPORATION

ORDER CONSOLIDATING PROCEEDINGS AND NOTICE OF AND ORDER RECONVENING HEARINGS IN SAID PROCEEDINGS

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa. on the 25th day of March, A. D. 1942.

The Commission having heretofore instituted proceedings under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 with respect to Standard Power and Light Corporation, a registered holding company (File No. 59-13), and a hearing having been held after due notice; and

The said company having filed on November 2, 1940, pursuant to section 11 (e) of said Act, an application for approval of a plan of reorganization and recapitalization to effectuate the provisions of section 11 (b) (File No. 54-29), and a hearing having been held after due notice; and

It appearing to the Commission that there are common issues of fact and of law arising in connection with said two matters; and that the administration of the Act will be facilitated by an order consolidating the two proceedings; and it further appearing that the hearings should be reconvened;

It is hereby ordered, That the proceedings heretofore commenced under section 11 (b) (2) of the Public Utility Holding Company Act of 1935 (File No. 59-13), and the application heretofore filed by Standard Power and Light Corporation pursuant to section 11 (e) of said Act (File No. 54-29), be and are hereby consolidated.

It is further ordered, That jurisdiction be and is hereby reserved to separate, either for hearing, in whole or in part, or for disposition, in whole or in part, the matters herein consolidated.

It is further ordered, That the hearings heretofore commenced in these proceedings, herein consolidated, shall be reconvened, on April 15, 1942, at ten o'clock in the forenoon of that day at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania, in such room as may be designated on such date by the hearing room clerk in room 318 before James G. Ewell, an officer of the Commission, or before such other officer as the Commission may hereafter designate. The officer so designated to preside at such reconvened hearing is hereby authorized to exercise all the powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That the Secretary of the Commission shall serve notice of the issuance of this notice and order and of the reconvening of said consolidated hearing by mailing a copy of this notice and order by registered mail to Standard Power and Light Corporation and to each of the attorneys of record herein and to each of the persons who have filed petitions for leave to intervene herein, and that notice of the reconvening of said hearings is hereby given to said company and all other persons, including the security holders and consumers of the said company, to all State commissions, State securities commissions, and all agencies, authorities or instrumentalities of one or more States, municipalities, or other political subdivisions having jurisdiction over any of the businesses, affairs, or operations of said company, such notice to be given by publication of this notice and order in the FEDERAL REGISTER, and by publication of this notice and order as a general release, distributed to the press and mailed to the mailing list for releases issued under the Public Utility Holding Company Act of 1935.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2620; Filed, March 26, 1942; 9:31 a. m.]

[File No. 70-520]

IN THE MATTER OF PUBLIC SERVICE ELECTRIC AND GAS COMPANY

NOTICE OF FILING AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pennsylvania, on the 25th day of March 1942.

Notice is hereby given that a declaration or application (or both) has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by Public Service Electric and Gas Company. All interested persons are referred to said document, which is on file in the office of this Commission, for a statement of the transactions therein proposed, which are summarized as follows:

Public Service Electric and Gas Company, a New Jersey corporation and a subsidiary of Public Service Corporation of New Jersey, proposes, pursuant to the provisions of a Supplemental Indenture to be dated March 1, 1942, to issue and sell, at the price of 100% of the principal amount and accrued interest to the closing date, $15,000,000 of First and Refunding Mortgage Bonds, 3% Series, due 1972, to the following proposed purchasers, and in principal amounts as indicated: The Prudential Insurance Company of America, $3,000,000; New York Life Insurance Company, $3,000,000; Metropolitan Life Insurance Company, $3,000,000; The Mutual Benefit Life Insurance Company, $2,000,000; The Mutual Life Insurance Company of New York, $2,000,000; The Penn Mutual Life Insurance Company, $1,000,000; and Sun Life Assurance Company of Canada, $1,000,000.

It is further proposed that the proceeds of said issue and sale be applied, in part, to reimburse the company's treasury for expenditures for property additions and extensions, and, in part, to provide funds for further property additions and extensions.

In connection with said application or declaration, Public Service Electric and Gas Company has applied, pursuant to the provisions of Rule U-50 (a) (5), for exemption of the proposed issue and sale from the competitive bidding requirements of Rule U-50.

Section 6 (b) of the Act is designated as applicable to the proposed transactions.

On September 15, 1941, the Commission denied the application of Public Service Corporation of New Jersey, pursuant to section 2 (a) (8) of the Act, for an Order declaring it not to be a subsidiary of The United Gas Improvement Company and The United Corporation, both registered holding companies. On November 5, 1941, Public Service Corporation of New Jersey filed a Petition for Review of said Order in The United States Circuit Court of Appeals for the Third Circuit, which Petition is now pending. On November 19, 1941, said Court ordered a stay of the effective date of the Commission's Order pending disposition of said Petition for Review, and on March 4, 1942, ordered the Stay Order of November 19, 1941 modified so that the proposed issue and sale by Public Service Electric and Gas Company of $15,000,000 First and Refunding Mortgage Bonds, 3% Series, due 1972, shall be subject to the provisions of the Act, in the same manner and to the same extent as if the Order of November 19, 1941 had not been entered.

It appearing to the Commission that it is appropriate in the public interest and the interest of investors and consumers that a hearing be held with respect to said matters, that said declaration shall not become effective nor said application be granted except pursuant to further Order of this Commission;

It is ordered, That a hearing on such matters under the applicable provisions of said Act and Rules of the Commission thereunder be held on April 2, 1942, at 10:00 o'clock, A. M., at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pa. On such day the hearing-room clerk will advise as to the room where such hearing will be held. At such hearing, cause shall be shown why such declaratio: or application (or both) shall become effective or shall be granted. Notice is hereby given of said hearing to the above-named declarant and applicant and to all interested persons, said notice to be given to said declarant and applicant by registered mail and to all other persons by publication in the FEDERAL REGISTER.

It is further ordered, That William W. Swift or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearings in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That, without limiting the scope of issues presented by said declaration or application (or both) otherwise to be considered in this proceeding, particular attention will be directed at the hearing to the following matters and questions:

1. Whether the proposed issue and sale are solely for the purpose of financing the business of the issuer and have been expressly authorized by the State Commission of the State in which it is organized and doing business;

2. Whether and to what extent it is appropriate or for the protection of investors and consumers to attach terms and conditions with respect to said issue and sale; and

3. Whether it is appropriate in the public interest or for the protection of investors or consumers to exempt the proposed issue and sale, pursuant to the provisions of Rule U-50 (a) (5), from the competitive bidding requirements of Rule U-50.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2621; Filed, March 26, 1942; 9:31 a. m.]

[File No. 811-427]

IN THE MATTER OF UNITED STATES LINES, INC.

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of March, A. D. 1942.

An application having been duly filed by the above named applicant under and pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company.

It is ordered, That a hearing on the aforesaid application be held on April 2, 1942, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esq., or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2622; Filed, March 26, 1942; 9:31 a. m.]

[File No. 811-448]

IN THE MATTER OF PENNSYLVANIA-BRADFORD COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of March, A. D. 1942.

An application having been duly filed by the above named applicant under and pursuant to the provisions of section 8 (f) of the Investment Company Act of 1940 for an order declaring that it has ceased to be an investment company.

It is ordered, That a hearing on the aforesaid application be held on April 2, 1942, at 10:00 o'clock in the forenoon of that day at the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania. On such date the hearing room clerk in Room 318 will advise interested parties where such hearing will be held.

It is further ordered, That Willis E. Monty, Esq. or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing on such matter. The officer so designated to preside at such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing is hereby given to the above named applicant and to any other person whose participation in such proceedings may be in the public interest or for the protection of investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2623; Filed, March 26, 1942; 9:32 a. m.]

[File No. 70-491]

IN THE MATTER OF PACIFIC POWER & LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 24th day of March, A. D. 1942.

A declaration or application (or both) pursuant to the Public Utility Holding Company Act of 1935 having been duly filed with this Commission by the above named party, and notice having been given of the filing thereof by publication in the FEDERAL REGISTER and otherwise, as provided by Rule U-23 under said Act;

And the said declaration or application (or both) being concerned with the following:

(a) Pacific Power & Light Company ("Pacific"), as of November 30, 1941, owned all of the issued and outstanding shares (except directors' qualifying

shares) of the capital stock, all of no par value of Inland Power & Light Company ("Inland") and also owned Inland's 6% demand note now outstanding in the principal amount of $7,560,000. The proposed transactions involve the cancellation by Pacific of all of Inland's said 6% demand note indebtedness as a contribution by Pacific to the capital of Inland; consummation of this first step will increase the stated liability with respect to the capital stock of Inland from $1,545,369.27, as of November 30, 1941, to $9,105,369.27;

(b) Inland will then transfer to Pacific all the property, rights, licenses, and assets of Inland in consideration for (1) assumption by Pacific of Inland's indebtedness and liabilities including any liability arising *ex delicto*, (2) surrender and cancellation of the capital stock of Inland, as well as the cancellation by Pacific of all indebtedness and obligations of Inland to Pacific, and assumption by Pacific of Inland's obligations to governmental authorities, and (3) payment by Pacific of all fees, costs and expenses arising out of this transaction.

As a result of the above described transactions, Inland will cease to exist as a separate corporate entity.

It appearing to the Commission that it is appropriate in the public interest and the interests of investors and consumers that a hearing be held with respect to said declaration or application and that said declaration shall not become effective or said application be granted except pursuant to the further order of the Commission;

It is ordered, That a hearing on such matter under the applicable provisions of said Act and the rules of the Commission thereunder be held on April 2, 1942, at 10:00 A. M. of such day at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On such day the hearing room clerk in room 318 will advise as to the room in which such hearing shall be held. At such hearing cause shall be shown why said declaration or application shall be permitted to become effective or be granted:

It is further ordered, That James G. Ewell or any other officer or officers of the Commission designated by the Commission for that purpose shall preside at the hearing in such matter. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act, and to a trial examiner under the Commission's Rules of Practice;

Notice of such hearings is hereby given to declarant or applicant and to any other person whose participation in such proceeding may be in the public interest or for the protection of investors or consumers. It is requested that any person desiring to be heard or to be admitted as a party to such proceeding shall file a notice to that effect with the Commission on or before March 31, 1942.

It is further ordered, That, without limiting the scope of issues presented by said declaration or application, particular attention will be directed at said hearing to the following matters and questions:

1. Whether in all respects the proposed transactions are consonant with the provisions and standards of the Act.

2. Whether the proposed accounting treatment of the transactions on the books of Pacific is in all respects adequate and proper.

3. Whether in any other respect the terms and conditions of the proposed transactions are detrimental to the public interest or the interests of investors or consumers, or will tend to circumvent the provisions of the Act, or the rules, regulations or orders thereunder; and the extent to which terms and conditions should be imposed to insure adequate protection of such interests in compliance with the applicable provisions of the Act.

By the Commission.

FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2625; Filed, March 26, 1942; 9:32 a. m.]

CHANGE OF ADDRESS OF PRINCIPAL OFFICE

The Securities and Exchange Commission, acting pursuant to authority conferred upon it by the Securities Act of 1933, as amended, particularly section 19 (a) thereof; the Securities Exchange Act of 1934, as amended, particularly section 23 (a) thereof; the Public Utility Holding Company Act of 1935, particularly section 20 (a) thereof; the Trust Indenture Act of 1939, particularly section 319 (a) thereof; the Investment Company Act of 1940, particularly section 38 (a) thereof; and the Investment Advisers Act of 1940, particularly section 211 (a) thereof, and finding such action necessary and appropriate to carry out the provisions of such Acts, hereby takes the following action:

Wherever, in any rule or regulation adopted pursuant to the above Acts or in the Rules of Practice, the address of the principal office of the Commission is given as "Washington, D. C.", the same shall be changed to read "Philadelphia, Pennsylvania".

Effective March 26, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2626; Filed, March 26, 1942; 9:32 a. m.]

MAR 30 1942

FEDERAL REGISTER

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Washington, Saturday, March 28, 1942

The President

EXECUTIVE ORDER 9112

AUTHORIZING FINANCING CONTRACTS TO FACILITATE THE PROSECUTION OF THE WAR

WHEREAS in order that contracts of the War Department, the Navy Department, and the United States Maritime Commission (hereinafter referred to as Maritime Commission) which are now outstanding or may hereafter be entered into for war production, including the obtaining or conversion of facilities, may be promptly and effectively performed, it is essential that additional facilities be provided through governmental agencies to supply necessary funds to contractors, subcontractors and others engaged in such war production pursuant to such contracts;

WHEREAS the War Department, the Navy Department, and the Maritime Commission have available to them amounts appropriated by Congress which may be used for the purpose of making or guaranteeing loans, discounts or advances or commitments in connection therewith for the purpose of financing contractors, subcontractors and others engaged in such production or otherwise to expedite war production;

WHEREAS the guaranteeing or making of such loans, discounts, advances and commitments by the War Department, Navy Department and Maritime Commission will be expedited and facilitated by utilizing in this connection the Federal Reserve Banks and the Board of Governors of the Federal Reserve System, which are agencies of the Government exercising functions in connection with the prosecution of the war effort and which have offices and other facilities, including experienced personnel, located conveniently throughout the country and are in close and frequent contact with banking and other financing institutions; and

WHEREAS the guaranteeing or making of such loans, discounts, advances and commitments will greatly facilitate the participation of small business enterprises in war production;

NOW, THEREFORE, by virtue of the authority vested in me by the various provisions of the First War Powers Act, 1941, approved December 18, 1941, by all other Acts of Congress and by the Constitution of the United States, and as President of the United States and Commander-in-Chief of the Army and Navy of the United States, and deeming that such action will facilitate the prosecution of the war, I do hereby order as follows:

(1) The War Department, Navy Department and the Maritime Commission are hereby respectively authorized, without regard to the provisions of law relating to the making, performance, amendment or modification of contracts, (a) to enter into contracts with any Federal Reserve Bank, the Reconstruction Finance Corporation, or with any other financing institution guaranteeing such Reserve Bank, Reconstruction Finance Corporation, or other financing institution against loss of principal or interest on loans, discounts or advances, or on commitments in connection therewith, which may be made by such Reserve Bank, Reconstruction Finance Corporation, or other financing institution for the purpose of financing any contractor, subcontractor or others engaged in any business or operation which is deemed by the War Department, Navy Department or Maritime Commission to be necessary, appropriate or convenient for the prosecution of the war, and to pay out funds in accordance with the terms of any such contract so entered into; and (b) to enter into contracts to make, or to participate with any Federal Reserve Bank, the Reconstruction Finance Corporation, or other financing institution in making loans, discounts or advances, or commitments in connection therewith, for the purpose of financing any contractor, subcontractor or others engaged in any business or operation which is deemed by the War Department, Navy Department or Maritime Commission to be necessary, appropriate or convenient for the prosecution of the

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FEDERAL REGISTER

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war, and to pay out funds in accordance with the terms of any such contract so entered into.

(2) The authority above conferred may be exercised by the Secretary of War, the Secretary of the Navy or the Maritime Commission respectively or may also be exercised, in their discretion and by their direction respectively, through any other officer or officers or civilian officials of the War or Navy Departments or the Maritime Commission. The Secretary of War, the Secretary of the Navy, and the Maritime Commission may confer upon any officer or officers in their respective departments or civilian officials thereof the power to make further delegations of such powers within the War and Navy Departments and the Maritime Commission.

(3) Any Federal Reserve Bank or any officer thereof may be utilized, and is hereby authorized to act, as agent of the War Department, the Navy Department, or the Maritime Commission, respectively, in carrying out any of the provisions of this executive order, and the Secretary of the Treasury is hereby directed to designate each Federal Reserve Bank to act as fiscal agent of the United States pursuant to the provisions of section 15 of the Federal Reserve Act in carrying out any authority granted to it by or pursuant to this executive order. In any case in which any Federal Reserve Bank shall make or participate in making any loan, discount or advance or commitment as agent of the War Department, Navy Department or Maritime Commission under authority of this order, all such funds as may be necessary therefor shall be supplied and disbursed by or under authority from the War Department, Navy Department or Maritime Commission in accordance with such procedure as they may respectively require. Any amounts now or hereafter available under any appropriation act to the War Department, the Navy Department, or the Maritime Commission for the purpose of procuring materials, equipment or supplies, or of expediting production thereof, may be expended through the agency of the respective Federal Reserve Banks in accordance with the provisions of this executive order. In taking any action under any designation or authority given by or pursuant to this paragraph no Federal Reserve Bank shall have any responsibility or accountability except as agent of the War Department, Navy Department, or Maritime Commission, as the case may be.

(4) All actions and operations of any Federal Reserve Bank under authority of or pursuant to the terms of this executive order shall be subject to the supervision of the Board of Governors of the Federal Reserve System and to such directions and conditions as the Board of Governors of the Federal Reserve System may prescribe, by regulation or otherwise, after consultation with the Secretary of War, the Secretary of the Navy, or the Maritime Commission, or their authorized representatives.

(5) The War Department, the Navy Department and the Maritime Commission shall make reports of all contracts entered into by them respectively pursuant to the terms of this executive order, in accordance with the provisions of paragraph 1 of the regulations prescribed in Title II of Executive Order No. 9001[1] dated December 27, 1941.

(6) Interest, fees and other charges derived by the War Department, Navy Department and Maritime Commission, respectively, from operations pursuant to the terms of this executive order may be held by the Federal Reserve Banks and shall first be used for the purpose of meeting expenses and losses (including but not limited to attorneys' fees and expenses of litigation) incurred by the Federal Reserve Banks in acting as agents under or pursuant to the provisions of this executive order; and to the extent that the amount of such interest, fees or other charges is insufficient for this purpose the Federal Reserve Banks shall be reimbursed for such expenses and losses by the War Department, the Navy Department or the Maritime Commission, as the case may be.

FRANKLIN D ROOSEVELT

THE WHITE HOUSE,
March 26, 1942.

[F. R. Doc. 42-2643; Filed, March 26, 1942; 1:59 p. m.]

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

Chapter VIII—Sugar Service, Agricultural Conservation and Adjustment Administration

PART 802—SUGAR DETERMINATIONS

DETERMINATION OF FARMING PRACTICES TO BE CARRIED OUT ON FARMS IN CONNECTION WITH THE PRODUCTION OF SUGAR BEETS DURING THE CROP YEAR 1942, PURSUANT TO SUBSECTION (e) OF SECTION 301 OF THE SUGAR ACT OF 1937, AS AMENDED

Pursuant to the provisions of subsection (e) of section 301 of the Sugar Act of 1937, as amended, the following determination is hereby issued:

§ 802.13g *Farming practices in connection with the production of sugar beets during the crop year 1942*—(a) *For farms in States other than California.* The requirements of subsection (e) of section 301 of the Sugar Act of 1937, as amended, shall be deemed to have been fulfilled with respect to the production of the 1942 crop of sugar beets on any farm in States other than California if the producer and the county agricultural conservation committee certify that there is carried out on land on the farm which is adapted to the production of sugar beets, not less than one-half acre of soil-conserving practices for each acre of sugar beets planted on the farm for harvest in 1942 for the extraction of sugar: *Provided, however,* That not in excess of 75 percent of the foregoing requirements in connection with rented acreage which would otherwise be part of another farm may consist of practices carried out on such farm in excess of any practices required thereon.

[1] 6 F.R. 6787.

For the purposes of paragraph (a) of this section:

(1) Each of the following shall be deemed to be one acre of soil-conserving practices:

(i) Maintaining until after July 1, 1942, one acre of a protective covering of adapted perennial or biennial legumes, adapted perennial grasses, or mixtures of such legumes and grasses; or

(ii) Seeding in 1942 one acre of adapted perennial legumes (except alfalfa) or biennial legumes, adapted perennial grasses, or mixtures of such legumes and grasses; or

(iii) Seeding in 1942 one-half acre of adapted alfalfa; or

(iv) Plowing under during 1942 one acre of a good stand and a good growth of an adapted green manure crop; or

(v) Applying during 1942 eight short tons of animal manure or the amount of manure normally produced in one year by any of the following: two head of cattle (of more than one year of age), two horses, two mules, four calves, four colts, ten sheep, or ten goats; or

(vi) Applying during 1942 to land on which sugar beets are planted for harvest in 1942, 75 pounds of net available nitrogen, potash and/or phosphoric acid in the form of commercial chemical fertilizer.

(2) Adapted perennial or biennial legumes, or adapted perennial grasses, or mixtures thereof, or adapted green manure crops, shall be deemed to be those perennial or biennial legumes, or perennial grasses, or mixtures thereof, or green manure crops, which are approved under the 1942 State Agricultural Conservation Program as being adaptable for the State in which the farm is located.

(b) *For farms in California.* The requirements of subsection (e) of section 301 of the Sugar Act of 1937, as amended, shall be deemed to have been fulfilled with respect to the production of the 1942 crop of sugar beets on any farm in California if the producer and the county agricultural conservation committee certify that there is carried out during the crop year 1942, on land on the farm which is adapted to the production of sugar beets, not less than one-half acre of soil-conserving practices for each acre planted to sugar beets: *Provided, however,* That one-fourth acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1938, if a perennial legume was produced thereon in 1939, or if any legumes were produced thereon in 1940 or 1941; and three-eighths acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1939, if legumes were produced thereon in 1940 or 1941: *And provided further,* That in Area 1, if practice (i), (ii), or (iii), specified in subparagraph (3) of this paragraph, or any combination of such practices, is used to meet the requirements with respect to all the sugar beets on the farm, one-sixth acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1938, if a perennial legume was produced thereon in 1939, or if any legumes were produced thereon in 1940 or 1941; one-fourth acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1939, if legumes were produced thereon in 1940 or 1941; one-fourth acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1938; and one-third acre of soil-conserving practices shall be required for each acre planted to sugar beets on land which has not produced sugar beets since 1939: *Provided further,* That a portion of the acres of soil-conserving practices required for rented acreage of any farm which would otherwise be part of another farm may consist of acres of practices carried out on the latter farm in excess of any practices required thereon, but an acreage of soil-conserving practices equal to not less than 12.5 percent of the acres planted to sugar beets on such rented acreage shall be carried out on the farm of which such rented acreage is a part in excess of any practices which would be required if such rented acreage were not a part of such farm.

For the purposes of paragraph (b) of this section:

(1) The term "crop year" means the calendar year, except where the grower requests that the crop year be a 12-month period beginning 120 days prior to the normal planting date of sugar beets for the community, in which case the crop year shall be such 12-month period, if approval is given by the County Committee.

(2) The term "Area 1", as used in this paragraph, means all of the counties in California east of the west borders of Contra Costa, San Joaquin, Stanislaus, Merced, Fresno, Kings, and Kern Counties and north of the south border of Kern and Inyo Counties.

(3) Each of the following shall be deemed to be one acre of soil-conserving practices:

(i) Maintaining until after July 1, 1942, one acre of protective covering of adapted perennial or biennial legumes, adapted perennial grasses, or mixtures of such legumes and grasses; or

(ii) Seeding during the crop year 1942 one-half acre of land to adapted perennial or biennial legumes, adapted perennial grasses, or mixtures of such legumes and grasses; or

(iii) Seeding and maintaining until after December 31, 1942, one acre of a good growth and a good stand of an adapted cover crop, or plowing under during the crop year 1942 one acre of a good stand and a good growth of an adapted green manure crop; or

(iv) Applying during the crop year 1942 eight short tons of animal manure, or the amount of manure normally produced in one year by any of the following: Two head of cattle of more than

one year of age, two horses, two mules, four calves, four colts, ten sheep, or ten goats; or

(v) Applying during the crop year 1942 not less than eight tons (air dry weight) of leguminous crop residues; or

(vi) Applying during the crop year 1942 three tons of lime, or 1,000 pounds of 18 percent gypsum or its sulphur equivalent; or

(vii) Applying during the crop year 1942 to land planted to sugar beets 75 pounds of available nitrogen and/or potash in the form of commercial chemical fertilizers; or

(viii) Applying during the crop year 1942 to land planted to sugar beets, or to or in connection with the seeding of perennial or biennial legumes or perennial grasses, 64 pounds of net available P_2O_5 in the form of commercial fertilizers.

(4) Adapted perennial or biennial legumes, or adapted perennial grasses, or mixtures thereof, or adapted green manure or cover crops, shall be deemed to be those perennial and biennial legumes or perennial grasses or mixtures thereof, or green manure crops, and cover crops, which are approved under the 1942 State Agricultural Conservation Program as being adaptable for the State.

(5) Acres of soil-conserving practices (other than acreage qualifying under practice (i)) carried out to meet similar requirements prescribed for the 1941 sugar beet crop shall not be used to meet the requirements set forth herein for the 1942 crop.

(c) *General provision.* All of the foregoing soil-conserving practices shall be carried out in accordance with the farming methods commonly used in the community in which the farm is located. (Sec. 301, 50 Stat. 909; 7 U.S.C. 1131)

Done at Washington, D. C., this 27th day of March, 1942. Witness my hand and the seal of the Department of Agriculture.

GROVER B. HILL,
Assistant Secretary.

[F. R. Doc. 42-2713; Filed, March 27, 1942; 11:48 a. m.]

Chapter IX—Agricultural Marketing Administration, Agricultural Conservation and Adjustment Administration

[O-27, as amended.]

PART 927—MILK IN NEW YORK METROPOLITAN MARKETING AREA

ORDER, AS AMENDED, REGULATING THE HANDLING OF MILK IN THE NEW YORK METROPOLITAN MARKETING AREA

Sec.

927.0 Findings.
927.1 Definitions.
927.2 Market administrator.
927.3 Classification of milk.
927.4 Minimum prices.
927.5 Reports of handlers.
927.6 Determination of uniform prices to producers.
927.7 Payments to producers.
927.8 Expense of administration.
927.9 Suspension, termination, and liquidation.

The Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, issued, on March 30, 1940, and, on April 25, 1940, made effective, as of May 1, 1940, the order, as amended, regulating the handling of milk in the New York metropolitan milk marketing area.

There being reason to believe that amendment of said order, as amended, would tend to effectuate the declared policy of the act, a notice was given on the 20th day of September 1940, of a hearing which was held on October 7 and 8 at New York City; on October 9 and 10 at Syracuse, New York; on October 11 at Albany, New York; and on October 15 and 16 at New York City; at which times and places all interested parties were afforded an opportunity to be heard on proposed amendments to said order, as amended, and thereafter Amendment No. 1 was issued, effective March 1, 1941.

There being reason to believe that further amendment of said order, as amended, would tend to effectuate the declared policy of the act, notice was given on the 6th day of May 1941, of a hearing which was held on May 14 and 15 at New York City; on May 16 and 17 at Albany, New York; and on May 19, 20, 21, 22, and 23 at New York City; at which times and places all interested parties were afforded an opportunity to be heard on proposed amendments to said order, as amended, and thereafter Amendment No. 2 was issued, effective July 1, 1941.

There being reason to believe that further amendment of said order, as amended, would tend to effectuate the declared policy of the act, notice was given on the 25th day of July 1941, of a hearing which was held on August 1 and 2 at New York City; on August 5 and 6 at Watertown, New York; and on August 7 and 8 at Albany, New York; at which times and places all interested parties were afforded an opportunity to be heard on proposed amendments to said order, as amended, and thereafter Amendment No. 3 was issued, effective October 1, 1941.

There being reason to believe that further amendment of said order, as amended, would tend to effectuate the declared policy of the act, notice was given on the 29th day of December 1941, of a hearing that was held on January 7, 8, and 9 at New York City; on January 12, 13, and 14 at Utica, New York; on January 15, 16, and 17 at Binghamton, New York; on January 19 and 20 at Utica, New York; and on January 21, 22, 23, 26, 27, and 28 at New York City; at which times and places all interested parties were afforded an opportunity to be heard on proposed amendments to said order, as amended.

The requirements of section 8c (9) of the act have been complied with.

It is found, upon the evidence introduced at said latter hearing on proposed amendments, said findings being in addition to the findings made upon the evidence introduced at all prior hearings on said order and amendments thereto (which findings are hereby ratified and affirmed, save only as such findings are in conflict with findings hereinafter set forth):

AUTHORITY: §§ 927.0 to 927.9, inclusive, issued under the authority contained in 48 Stat. 31, 670, 675, (1933); 49 Stat. 750 (1935); 50 Stat. 246 (1937); 7 U.S.C. and Sup. 601 et seq.

§ 927.0 *Findings.* (a) That prices calculated to give milk produced for sale in the marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to section 2 and section 8e of the act, are not reasonable in view of the available supplies of feeds, the price of feeds, and other economic conditions which affect the supply of and demand for such milk and that the minimum prices set forth in this order, as amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and that the fixing of such prices does not have for its purpose the maintenance of prices to producers above the levels which are declared in the act to be the policy of Congress to establish;

(b) That the order, as amended, regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement, as amended, upon which a hearing has been held; and

(c) That the issuance of the order, as amended, and all of its terms and conditions will tend to effectuate the declared policy of the act.

It is hereby ordered, That such handling of milk in the New York metropolitan marketing areas is in the current of interstate commerce or as directly burdens, obstructs, or affects interstate commerce shall, from the effective date hereof, be in compliance with the following terms and conditions:

§ 927.1 *Definitions.* The following terms shall have the following meanings:

(a) "Act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(b) "Secretary" means the Secretary of Agriculture of the United States.

(c) "New York metropolitan milk marketing area" means the city of New York, the counties of Nassau, Suffolk (except Fisher's Island), and Westchester, all in the State of New York, and is hereinafter called the "marketing area."

(d) "Person" means any individual, partnership, corporation, association, or any other business unit.

(e) "Producer" means any person who produces milk which is delivered to a handler at a plant which is approved by any health authority for the receiving of milk to be sold in the marketing area.

(f) "Handler" means any person who engages in the handling of milk, or cream, or milk products therefrom, which milk was received at a plant approved by any health authority for the receiving of milk to be sold in the marketing area, which handling is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce. This definition shall be deemed to include a cooperative association of producers with respect to any milk received from producers at any plant for which approval is held by such association, or with respect to any milk which it causes to be delivered from producers to any other handler for the account of such association and for which such association receives payment.

(g) "Market administrator" means the agency, which is described in § 927.2, for the administration of this order.

(h) "Special cream area" means the territory, with the exception of the marketing area and Fisher's Island, which lies within the boundaries of the State of New York and of the following counties in the State of New Jersey:

Bergen.	Morris.
Essex.	Passiac.
Hudson.	Somerset.
Hunterdon.	Sussex.
Middlesex.	Union.
Monmouth.	Warren.

(i) "New England" means the territory which lies within the boundaries of the States of Connecticut, Maine, New Hampshire, Rhode Island, Vermont, the Commonwealth of Massachusetts, and Fisher's Island.

§ 927.2 *Market administrator — (a) Selection, removal, and bond.* The agency for the administration of this order shall be a market administrator who shall be a person selected and subject to removal by the Secretary. The market administrator shall, within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary.

(b) *Compensation.* The market administrator shall be entitled to such reasonable compensation as shall be determined by the Secretary.

(c) *Powers.* The market administrator shall have power to administer the terms and provisions hereof, and to receive, investigate, and report to the Secretary complaints of violations of this order.

(d) *Duties.* The market administrator, in addition to the duties hereinafter described, shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein;

(2) Submit his books and records to examination by the Secretary at any and all times;

(3) Furnish such information and such verified reports as the Secretary may request;

(4) Obtain a bond with reasonable security thereon covering each employee who handles funds entrusted to the market administrator;

(5) Publicly disclose, after reasonable notice, the name of any person who has not made reports pursuant to § 927.5 (a), or made payments required by § 927.7;

(6) Prepare and disseminate, for the benefit of producers, consumers, and handlers, such statistics and information concerning the operation of this order, as amended, as do not reveal confidential information;

(7) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(8) Pay out of the funds received pursuant to § 927.8 the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, his own compensation, and all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties; and

(9) Maintain a main office and such branch offices as may be necessary.

(e) *Announcement of prices.* The market administrator shall compute and publicly announce prices as follows:

(1) Not later than the 25th day of each month, the average, for 30 days immediately preceding, of the prices reported daily by the United States Department of Agriculture for 92-score butter at wholesale in the New York market, and the average of all the hot roller process dry skim milk quotations for "other brands, animal feed, carlots, bags, or barrels" and for "other brands, human consumption, carlots, bags, or barrels" (using midpoint of any range as one quotation), published during the preceding 30 days in "The Producers' Price-Current," and the Class I, Class II-A, and the Class V-A prices to be in effect for the following month, pursuant to § 927.4 (a).

(2) Not later than the 5th day of each month, the prices for all other classes, pursuant to § 927.4 (a), and the differentials, pursuant to § 927.4 (b), in effect for the preceding month; and

(3) Not later than the 14th day of each month, the uniform price computed pursuant to § 927.6 (b).

§ 927.3 *Classification of milk*—(a) *Basis of classification.* All milk received during any month from producers by handlers shall be classified in the classes set forth in paragraph (b) of this section in accordance with the form in which it is held at or moved from, within 8 days after the end of the month, the plant where received from producers, including members of any cooperative association, except as set forth in subparagraphs (1) and (2) immediately below. In establishing the classification of any milk received at a plant from producers, the burden rests upon the handler who received the milk from producers to show that it should not be classified as Class I milk; likewise, having established the manufacture of cream, the burden rests upon such handler to show that the milk, the butterfat from which was manufactured into cream, should not be classified in Class II-A and that the skim milk, resulting from the manufacture of cream, should not be classified as Class V-A.

(1) Milk which is moved to a second plant outside the marketing area, or milk, the butterfat from which is moved to a second plant outside the marketing area, shall be classified at the first plant subject to the following conditions:

(i) If the second plant is approved for the sale of milk in the marketing area, and if some but not all of the products moved from or held at such plant would classify milk in classes to which diversion payments are applicable, the milk moved from the first plant shall be classified pro rata in accordance with the form in which all milk, all cream, or all of both, as the case may be, received during the month, was held at or moved from the second plant.

(ii) If the second plant is approved for the sale of milk in the marketing area, and all of the products or none of the products moved from or held at such plant would classify milk in classes to which diversion payments are applicable, the milk moved from the first plant may, at the option of the handler or handlers involved, be classified in accordance with any of the forms in which milk or milk products, as the case may be, was held at or moved from the second plant.

(iii) If the second plant is not approved for the sale of milk in the marketing area, the milk moved from the first plant shall be classified, in absence of proof of use in a specific class, pro rata in accordance with the form in which all milk, all cream, or all of both, as the case may be, received during the month, at the second plant, was held at or moved from such plant: *Provided*, That if such second plant is a plant the handling of milk at which is subject to another order of the Secretary for another marketing area, all milk which is shipped to such plant and not classified in Class I, and all milk the butterfat from which is shipped in the form of cream to such plant, shall be classified as Class II-D or Class II-E, unless such milk or cream was subsequently so handled as to classify the milk in Class II-A, Class II-B, or Class II-C.

(iv) If milk is moved to a second plant where it is separated into cream, and cream is moved from the second plant to a third plant, the milk from the first plant, the classification of which is based on the manufacture of such cream, may be classified according to the form in which cream was held at or moved from the third plant.

(2) Milk the butterfat from which is moved in the form of cream to a second plant which is located in the marketing area may be classified in classes other than Class I or Class II-A only if such cream was held at or moved from such second plant in the form of frozen desserts or homogenized mixtures.

(b) *Classes of utilization.* Subject to all of the conditions set forth in paragraph (a) of this section, the classes of milk shall be as follows:

(1) Class I milk shall be all milk which leaves a plant as milk, or cultured or flavored milk drinks containing 3.0 percent butterfat or more, and all milk the classification of which is not established in some other class named in this paragraph, except that loss or waste of milk in a plant where milk is received from producers, not to exceed 2 percent of the total quantity of milk received, may be prorated to each class or price subdivision of such class (except Class V–A and Class V–B) in the proportion which the milk in such class or price subdivision of such class is of the total quantity of milk received at such plant: *Provided*, That any loss or waste in excess of 2 percent shall be subject to the price set forth in § 927.4 (a) (1).

(2) Class II–A milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of cultured or flavored milk drinks containing less than 3.0 percent butterfat or in the form of cream, sweet or sour, unless such cream is established to have been subsequently so handled or marketed as to classify such milk in some other class.

(3) Class II–B milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of plain condensed milk, or, except as set forth in subparagraphs (5), (6), and (7) of this paragraph, frozen desserts or homogenized mixtures; or which leaves or is on hand at a plant in the form of cream which is subsequently held in a licensed cold storage warehouse at an average temperature below zero degrees Fahrenheit for 7 consecutive days and below 15 degrees Fahrenheit for at least 21 days thereafter, as shown by charts of a recording thermometer, and which is subject at all times to being inspected by a representative of the market administrator to determine the physical presence of the cream and the temperature of the room where stored. After the first 7 consecutive days such cream may be moved from one licensed cold storage warehouse to another: *Provided*, That the market administrator receives notice of such removal within 48 hours thereafter. Any handler whose report claimed the original classification of milk in this class shall be liable under the provisions of § 927.7 (j) for the difference between the Class II–B and Class II–A prices for the month in which the II–B classification was claimed on any such milk, if the storage of the cream does not comply with all the requirements of this subparagraph.

(4) Class II–C milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of cream which is delivered to a plant or a purchaser in the special cream area, is not moved as cream to a plant in the marketing area or delivered to a purchaser in the marketing area, and the classification of which is not established in some other class.

(5) Class II–D milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of cream or in the form of frozen desserts or in the form of homogenized mixtures used in frozen desserts, which is delivered to a plant or a purchaser outside the marketing area, outside the special cream area and outside New England: *Provided*, That the cream is not moved to a plant in the marketing area, in the special cream area, or in New England, or delivered to a purchaser in the marketing area, in the special cream area, or in New England: *And provided further*, That the frozen desserts, or the homogenized mixtures used in frozen desserts are not moved to a plant in New York City, or delivered to a purchaser in New York City.

(6) Class II–E milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of cream or in the form of frozen desserts or in the form of homogenized mixtures used in frozen desserts, which is delivered to a plant or a purchaser in New England: *Provided*, That the cream is not moved to a plant outside New England or delivered to a purchaser outside New England: *And provided further*, That the frozen desserts or homogenized mixtures used in frozen desserts are not moved to a plant in New York City or delivered to a purchaser in New York City.

(7) Class II–F milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of frozen desserts or in the form of homogenized mixtures used in frozen desserts, except as set forth in subparagraphs (5) and (6) of this paragraph, provided the frozen desserts in both instances were moved to a plant or delivered to a purchaser outside New York City and remained outside New York City; or all milk the butterfat from which leaves or is on hand at a plant in the form of cream cheese.

(8) Class III milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of evaporated milk in hermetically sealed cans, sweetened condensed milk, milk chocolate and other candy products, milk powder, malted milk powder, or cheeses other than those specified in subparagraphs (7) and (10) of this paragraph.

(9) Class IV–A milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of butter.

(10) Class IV–B milk shall be all milk the butterfat from which leaves or is on hand at a plant in the form of Cheddar cheese, American Cheddar Cheese, Colby cheese, washed curd cheese, or part-skim Cheddar cheese.

(11) Class V–A milk shall be the skim milk in all milk which is classified pursuant to subparagraphs (2), (3), (4), (5), (6), (7), and (9) of this paragraph, which skim milk enters the marketing area in the form of fluid skim milk or cultured or flavored milk drinks, and which is not utilized in some other product outside the marketing area: *Provided*, That for the purposes of this subparagraph and of subparagraph (12) of this paragraph, there shall be 91.25 pounds of skim milk in each 100 pounds of milk having a butterfat content of 3.5 percent, plus an additional 0.25 pound of skim milk for each point of butterfat in such milk below 3.5 percent or minus an additional 0.25 pound of skim milk for each point of butterfat in such milk above 3.5 percent.

(12) Class V–B milk shall be the skim milk in all milk which is classified pursuant to subparagraphs (2), (3), (4), (5), (6), (7), and (9) of this paragraph, which skim milk is not classified pursuant to subparagraph (11) of this paragraph.

§ 927.4 *Minimum prices.* For milk received during each month from producers or cooperative associations of producers, each handler shall pay per hundredweight not less than the prices set forth in this section. Any handler who purchases or receives, during any month, milk from a cooperative association of producers which is also a handler shall, on or before the 15th day of the following month, pay such cooperative association in full for such milk at not less than the minimum class prices applicable pursuant to this section.

The prices for milk classified pursuant to subparagraphs (2), (3), (4), (5), (6), (7), and (9) of paragraph (b) of this section shall represent the value of the 40 percent cream equivalent of the milk. The value of any excess skim milk in such milk shall be represented by either the Class V–A or the Class V–B price.

(a) *Class prices.* (1) For Class I milk the price per hundredweight during each month shall be, except as specified in subparagraphs (2), (3), and (4) of this paragraph, as set forth in the table in this subparagraph:

92-score butter, wholesale, at New York, average price per pound announced pursuant to § 927.2 (e), plus an amount calculated as follows: deduct 4 cents from the average dry skim milk quotation per pound, announced pursuant to § 927.2 (e), and multiply by 1.8	Class I price	
	April through June	July through March
Cents	*Dollars per cwt.*	*Dollars per cwt.*
Under 25	1.85	2.10
25 or over, but under 30	2.05	2.30
30 or over, but under 35	2.25	2.50
35 or over, but under 40	2.45	2.70
40 or over, but under 45	2.65	2.90
45 or over, but under 50	2.85	3.10
50 or over, but under 55	3.05	3.30
55 or over, but under 60	3.25	3.50
60 or over, but under 65	3.45	3.70
65 or over, but under 70	3.65	3.90
70 or over, but under 75	3.85	4.10
75 or over	4.05	4.30

(2) For Class I milk sold by a handler in the marketing area under a program approved by the Secretary and upon which payment is made out of Federal funds, the price shall be 57 cents per hundredweight less than the price in effect pursuant to subparagraph (1) of this paragraph.

(3) For Class I milk which has not passed through the marketing area, but which is ultimately distributed in an area regulated by another order of the Secretary, the price shall be the Class I price set forth in such order for milk sold in such marketing area subject to the butterfat and transportation differentials set forth in such other order.

(4) For Class I milk which has not passed through the market area, but including Class I milk which was received direct from producers at a plant in the marketing area, and which is ultimately distributed in an area not regulated by an order of the Secretary, the price shall be the uniform price computed by the market administrator pursuant to § 927.6 (b) plus 20 cents per hundredweight included in the net pool obligation for such milk pursuant to § 927.6 (a).

(5) For Class II–A milk the price during each month shall be as set forth in the following table:

92-score butter, wholesale, at New York, average price announced pursuant to § 927. 2 (e), cents per pound	Class II–A price	
	March through July	August through February
	Dollars per cwt.	*Dollars per cwt.*
Under 21.5	1.35	1.50
21.5 or over, but under 25.0	1.50	1.65
25.0 or over, but under 28.5	1.65	1.80
28.5 or over, but under 32.0	1.80	1.95
32.0 or over, but under 35.5	1.95	2.10
35.5 or over, but under 39.0	2.10	2.25
39.0 or over, but under 42.5	2.25	2.40
42.5 or over, but under 46.0	2.40	2.55
46 or over	2.55	2.70

(6) For Class II–B milk the price during each month shall be 12 cents less than the Class II–A price.

(7) For Class II–C milk the price during each month shall be 10 cents higher than the price computed pursuant to subparagraph (9) of this paragraph.

(8) For Class II–D milk the price during each month shall be a price calculated by the market administrator as follows: Add all weekly market quotations (using midpoint of any weekly range as one quotation) of prices reported by the United States Department of Agriculture for the month during which such milk was received from producers for a 40-quart can of 40 percent sweet cream approved for Pennsylvania only, and for Pennsylvania, Newark, and Lower Merion Township, divide by the number of quotations, subtract 28 cents, divide by 33.48, multiply by 3.5, subtract 21.5 cents: *Provided*, That in no event shall the Class II–D price be lower than the Class IV–A price plus 10 cents.

(9) For Class II–E milk the price during each month shall be a price calculated by the market administrator as follows: Divide by 33.48 the weighted average price per 40-quart can of 40 percent bottling quality cream in the Boston market, as reported by the United States Department of Agriculture for the month during which such milk was received from producers, or the last such price reported for a month; if no such price is reported for the month during which such milk was received, multiply by 3.5, subtract 21.5 cents: *Provided*, That in no event shall the Class II–E price be lower than the Class IV–A price plus 10 cents.

(10) For Class II–F milk the price during each month shall be the price for Class II–E milk.

(11) For Class III milk the price during each month shall be 10 cents higher than the average, computed by the market administrator, of prices, as reported to the United States Department of Agriculture, paid during such month to farmers by each of the evaporated milk plants which purchase milk at places listed in this subparagraph and for which prices are reported: *Provided*, That in no event shall the Class III price be less than a price computed by the market administrator as follows: to the average price of 92-score butter at wholesale in the Chicago market for such month, as reported by the United States Department of Agriculture, add 30 percent, multiply by 3.5, and add 7 cents.

Location of Evaporated Milk Plants

Mt. Pleasant, Mich.
Sparta, Mich.
Hudson, Mich.
Wayland, Mich.
Coopersville, Mich.
New Glarus, Wis.
Belleville, Wis.
Greenville, Wis.
Manitowoc, Wis.
Black Creek, Wis.
Orfordville, Wis.
Chilton, Wis.
New London, Wis.
Coldwater, Ohio
Berlin, Wis.
Richland Center, Wis.
Oconomowoc, Wis.
Jefferson, Wis.
Delta, Ohio
West Bend, Wis.

(12) For Class IV–A milk the price during each month shall be a price computed by the market administrator as follows: from the average of the highest prices reported daily during such month by the United States Department of Agriculture for 92-score butter at wholesale in the New York market, deduct 4 cents, add 20 percent, and multiply by 3.5.

(13) For Class IV–B milk the price during each month shall be a price computed by the market administrator as follows: from the average of weekly quotations at the Wisconsin Cheese Exchange, Plymouth, Wisconsin, for Cheddars, or in the absence of such quotations for Cheddars, the weekly quotations at the Wisconsin Cheese Exchange for Twins, subtract ¾ cent and multiply the result by 9.45.

(14) For Class V–A milk the price during each month shall be the difference between the price for Class I milk set forth in subparagraph (1) of this paragraph and the price for Class II–A milk set forth in subparagraph (5) of this paragraph, and the result divided by 0.9125: *Provided*, That any excess of Class V–A milk over the amount of skim milk to be accounted for pursuant to § 927.3 (b) (11) shall be paid for at a rate equal to the difference between the Class V–A and Class V–B prices.

(15) For Class V–B milk the price during each month shall be a price computed by the market administrator as follows: from the average of all the hot roller process dry skim milk quotations for "other brands, animal feed, carlots, bags, or barrels" and for "other brands, human consumption, carlots, bags, or barrels" (using midpoint of any range as one quotation), published for the delivery period in "The Producers' Price Current," subtract 4 cents, and multiply by 8.3.

(b) *Butterfat differentials.* The minimum prices for Class I milk specified in paragraph (a) of this section shall be plus or minus 4 cents for each one-tenth of 1 percent of butterfat therein above or below 3.5 percent. The minimum price for Class IV–B milk containing more or less than 3.5 percent butterfat shall be plus or minus, for each one-tenth of 1 percent of butterfat above or below 3.5 percent, an amount equal to the price set forth in subparagraph (13) of paragraph (a) of this section, divided by 9.45 and multiplied by 0.23. The minimum prices for each of the other classes except Classes V–A and V–B containing more or less than 3.5 percent butterfat shall be plus or minus, for each one-tenth of 1 percent of butterfat above or below 3.5 percent, an amount equal to the respective prices set forth in paragraph (a) of this section, divided by 35.

(c) *Transportation differentials.* (1) The market administrator shall, from time to time, publicly announce for each plant outside the marketing area, operated by each handler, the freight zone set forth in the schedule below in this section according to the railway mileage distance from New York City terminals of its nearest railway shipping point, or its highway mileage distance from New York City, if the latter is less than the former by more than 5 miles. Any such mileage distance shall be that recognized for rate-making purposes by the Interstate Commerce Commission. For the purposes of this paragraph each plant within the marketing area shall be assigned by the market administrator to the 1–10 mile freight zone. The minimum prices set forth in paragraph (a) of this section shall be plus or minus the amounts as set forth in the following schedule:

A	B	C
Freight zone (miles)	Classes I and V–A	Classes II–A, II–B, and II–C
	Cents per cwt.	*Cents per cwt.*
1–10	+15	+8
11–20	+14	+8
21–25	+13	+8
26–30	+13	+7
31–40	+13	+7
41–50	+10.5	+7
51–60	+10.5	+6
61–70	+9.5	+6
71–75	+8	+6
76–80	+8	+5
81–90	+8	+5
91–100	+7	+5
101–110	+7	+4
111–120	+6	+4
121–125	+5	+4
126–130	+5	+3
131–140	+5	+3
141–150	+3.5	+3
151–160	+2.5	+2
161–170	+2.5	+2
171–175	+1.5	+2
176–180	+1.5	+1
181–190	+1.5	+1
191–200	0	+1
201–210	0	0
211–220	−1	0
221–225	−1	0
226–230	−1	−1
231–240	−2	−1
241–250	−2	−1
251–260	−3.5	−2
261–270	−3.5	−2
271–275	−3.5	−3

A Freight zone (miles)	B Classes I and V–A	C Classes II–A, II–B, and II–C
	Cents per cwt.	*Cents per cwt.*
276–280	−3.5	−3
281–290	−4.5	−3
291–300	−5.5	−2
301–310	−5.5	−4
311–320	−5.5	−4
321–325	−7	−4
326–330	−7	−5
331–340	−8	−5
341–350	−8	−5
351–360	−8	−6
361–370	−9	−6
371–375	−9	−7
376–380	−9	−7
381–390	−9	−7
391–400	−10.5	−8
401–410	−10.5	−8
411–420	−10.5	−8
421–425	−10.5	−9
426–430	−11.5	−9
431–440	−11.5	−9
441–450	−11.5	−10
451–460	−12.5	−10
461–470	−12.5	−10
471–475	−12.5	−11
476–480	−14	−11
481–490	−14	−11
491–500		

(2) For each plant classifying milk in Class II–D, the market administrator shall determine a zone based on its highway mileage distance from the City Hall in Philadelphia, Pennsylvania. Any such mileage distance shall be that recognized for rate-making purposes by the Interstate Commerce Commission. The minimum price for Class II–D milk shall be subject to the minus differentials set forth in the following table applicable to the location of the plant at which the milk was received from producers:

Miles:	*Cents*
0–30	0
31–70	−3.5
71–150	−4.5
151–230	−5.5
231–310	−6.5
311–390	−7.5
391–470	−8.5

Provided, That in no case shall the amount subtracted reduce the Class II–D price at any plant below the Class IV–A price plus 10 cents.

(3) For each plant classifying milk in Class II–E or Class II–F, the market administrator shall determine a zone based on its highway mileage distance from the State House in Boston, Massachusetts. Any such mileage distance shall be that recognized for rate-making purposes by the Interstate Commerce Commission. The minimum prices for Class II–E and Class II–F shall be subject to the minus differentials set forth in the following table applicable to the location of the plant at which milk was received from producers:

Miles:	*Cents*
0–250	−5.5
251–300	−6.5
301–350	−7.5
351–400	−8.5
401–450	−9.5

Provided, That in no case shall the amount subtracted reduce the Class II–E or Class II–F price at any plant below the Class IV–A price plus 10 cents.

§ 927.5 *Reports of handlers*—(a) *Monthly reports.* On or before the 10th day of each month, each handler shall report to the market administrator, in the manner and on forms prescribed by the market administrator, with respect to milk received at each plant during the preceding month:

(1) The total quantity of milk, with the average butterfat content thereof, received from producers, from other plants, from such handler's own farm, and from other handlers;

(2) The total quantity of such milk and of each product of such milk moved out of, or on hand at, such plant within 3 days after the end of such month, the butterfat content of each product, and the destination of any milk which moved out of such plant;

(3) If the classification of any milk is claimed by such handler on the basis of disposition in some other plant, the disposition of such milk at such other plant covered by statement signed by the operator of the other plant if not a handler; and

(4) The computation, pursuant to § 927.6 (a), of such handler's net pool obligation.

(b) *Producer pay roll reports.* Each handler shall report with respect to producers as follows:

(1) On or before the 10th day after the end of each month, the information required by the market administrator with respect to producer additions, producer withdrawals, and changes in names of farm operators; and

(2) On or before the last day of each month, such handler's producer pay roll for the preceding month, which shall show for each producer:

(i) The total delivery of milk with the average butterfat test thereof,

(ii) The amount of payment due such producer,

(iii) Any deductions and charges made by the handler,

(iv) The net amount of payment to such producer made pursuant to § 927.7, and

(v) Such other information with respect thereto as the market administrator may require.

(c) *Verification of reports and payments.* The market administrator shall promptly verify all reports and payments of each handler by audit of such handler's records and of the records of any other handler or person upon whose disposition of milk such handler claims classification, and each such handler shall, during the usual hours of business, make available to the market administrator or his representative such records and facilities, of his own or of other persons, as will enable the market administrator to:

(1) Verify the receipts and disposition of all milk required to be reported pursuant to this section, and, in case of errors or omissions, ascertain the correct figures;

(2) Weigh, sample, and test for butterfat content the milk received from producers and any product of milk upon which classification depends;

(3) Verify the payments to producers prescribed in § 927.7; and

(4) Verify all claims for payments pursuant to § 927.7 (d), (e), and (f).

§ 927.6 *Determination of uniform prices*—(a) *Net pool obligation of handlers.* The net pool obligation of each handler for milk received from producers during each month shall be a sum of money computed of such month as follows:

(1) Determine the total quantity of milk in each class at each plant;

(2) Subtract pro rata out of each class the quantity of milk received from the handler's own farm or from a farm in Nassau or Suffolk Counties, not approved for sale of milk in New York City;

(3) Prorate, in the case of each plant where milk is received from producers, to each class or price subdivision of each class, the loss or waste of milk at such plant not to exceed 2 percent of the total quantity of milk in all classes (except Class V–A and Class V–B) and calculate any remainder as Class I milk subject to the price set forth in § 927.4 (a) (1); add to Class V–A the necessary number of pounds to bring the total pounds of skim milk in both Class V–A and Class V–B to the amount of skim milk in pounds to be accounted for pursuant to § 927.3 (b) (1), and subtract from Class V–B any excess of skim milk over that to be accounted for pursuant to § 927.3 (b) (11);

(4) Subtract from the remaining quantity of milk, or skim milk as the case may be, in each class, the quantity of such milk, or skim milk, as the case may be, received from any other plant, or received from any other handler in each class at each plant;

(5) Subject to adjustment for appropriate differentials applicable pursuant to § 927.4 (b) and (c), multiply the Class I milk priced pursuant to § 927.4 (a) (4) by 20 cents per hundredweight, multiply the remaining milk or skim milk, as the case may be, in each class by the class price, and add together the resulting values;

(6) Deduct, in the case of each plant where the average butterfat content of all milk received from producers is in excess of 3.5 percent and add, in the case of each plant where the butterfat content of all milk received from producers is less than 3.5 percent, the total value of the butterfat differential applicable pursuant to § 927.7 (c);

(7) Deduct, in the case of each plant nearer New York City than the 201–210 mile zone, and add, in the case of each plant farther from New York City than the 201–210 mile zone, the sum obtained by multiplying the milk received from producers by the zone differential set forth in column B of the schedule in § 927.4 (c) (1) applicable to the plant;

(8) With respect to milk received from producers, deduct 30 cents per hundredweight at plants in the marketing area; and 20 cents per hundredweight at plants located at Accord, Ellenville, Gardiner, Kyserike, New Paltz, Phinney's Crossing, Wallkill, and West Coxsackie, New York, and in the following counties:

New Jersey Counties: Burlington, Essex, Hunterdon, Morris, Passaic, Somerset, Sussex, Union, and Warren.
New York Counties: Columbia, Dutchess, Orange, Putnam, and Rockland.
Connecticut: Litchfield.
Massachusetts: Berkshire.

(9) Add together the handler's net pool obligation for all plants at which milk was received from producers.

(b) *Computation of the uniform price.* The market administrator shall, on or before the 14th day of each month, audit for mathematical correctness and obvious errors the report submitted for the preceding month by each handler. If the unreserved cash balance in the producer-settlement fund to be included in the computation is less than 2 cents per hundredweight of milk received from producers on all reports, the report of any handler who has not made payment of the last monthly pool debit account rendered pursuant to § 927.7 (g) shall not be included in the computation of the uniform price. The report of such handler shall not be included in the computation for succeeding months until he has made full payment of outstanding monthly pool debits. Subject to the aforementioned conditions the market administrator shall compute the uniform price in the following manner:

(1) Combine into one total the net pool obligations of all handlers;

(2) Subtract the total of payments required to be made for such month by § 927.7 (d) and the total of payments claimed pursuant to § 927.7 (e);

(3) Add the amount of unreserved cash in the producer-settlement fund;

(4) Subtract an amount equal to not less than 4 cents nor more than 5 cents per hundredweight of milk received from producers to provide against the contingency of errors in reports and payments or of delinquencies in payments by handlers;

(5) Subtract from the total milk received from producers by all handlers whose reports are included in this computation the Class I milk priced pursuant to § 927.4 (a) (4); and

(6) Divide the result obtained in (4) by the result obtained in (5). The result shall be known as the uniform price for milk containing 3.5 percent butterfat received from producers at plants in the 201–210 mile zone.

§ 927.7 *Payment to producers*—(a) *Time of payment.* On or before the 25th day of each month each handler shall make payment to each producer for all milk delivered by such producer during the preceding month at not less than the uniform price subject to differentials set forth in paragraphs (b) and (c) of this section: *Provided*, That each handler which is also a cooperative marketing association determined by the Secretary to be qualified under the Capper-Volstead Act, may, with respect to producers who are members of and under contract with such association, make distribution, in accordance with the contract between the association and such members, of the net proceeds of all its sales in all markets in all use classifications.

(b) *Transportation and location differentials.* The uniform price at any plant shall be—

(1) Plus or minus the differential shown in column B of the schedule contained in § 927.4 (c) (1) for the zone of the plant in effect pursuant to § 927.4 (c) (1); and

(2) Plus the differential, if any, applicable pursuant to § 927.6 (a) (8) plus 5 cents.

(c) *Butterfat differential.* The uniform price shall be plus or minus, as the case may be, 4 cents per hundredweight for each one-tenth of 1 percent above or below 3.5 percent of average butterfat content of milk delivered by any producer during any month.

(d) *Cooperative payments.* Any cooperative association of producers may apply to the Secretary for a determination of its qualifications to receive payments pursuant to this paragraph by reason of its having and exercising full authority in the sale of the milk of its members; arranging for and supplying, in a manner commensurate with the marketing capacity of the several types of cooperative associations designated in this paragraph, in times of short supply, Class I milk to the marketing area; securing utilization of milk, in times of long supply, in a manner to assure the greatest possible returns to all producers; having its entire activities under the control of its members; and complying with all provisions of this order applicable to it.

After the Secretary has determined any cooperative to be qualified to receive payments pursuant to this paragraph, such cooperative shall, from time to time, as requested by the market administrator, make reports to the market administrator with respect to services rendered to the market and the use of the sums received under this paragraph. Whenever the market administrator has reason to believe that any cooperative qualified by the Secretary is failing to perform the obligations covered by the payments under this paragraph, he shall suspend and hold in reserve such payments, notifying the Secretary and the cooperative of his action and the reasons therefor. Such suspended payments shall be held in reserve until the Secretary has, after hearing, disqualified such cooperative or ruled upon the performance of the cooperative and either ordered the suspended payments to be paid to the cooperative in whole or in part or disqualified the cooperative, in which event the balance of payments held in reserve shall be returned to the producer-settlement fund.

The market administrator shall make the payments authorized by this paragraph, or issue credit therefor, out of the producer-settlement fund on or before the 25th day of each month, subject to verification of the reports upon which such payment is based. Such payments shall be made to each cooperative association of producers under the following conditions and at the following rates:

(1) Three-quarters of one cent per hundredweight of milk received from producers at any handler's plant which was caused to be delivered from its members by such associations and on which such handler has made the reports and payments required by this order;

(2) Except as set forth in subparagraph (3) of this paragraph, two cents per hundredweight of milk received from producers at plants of other complying handlers which was reported and collected for by such association; and

(3) Four cents per hundredweight of milk received from producers at plants operated by such association and, if, in addition to the other qualifications, such association has been determined by the Secretary to have sufficient plant capacity to receive all the milk of producers who are members and to be willing and able to receive milk from producers not members, four cents per hundredweight of milk received from producers which was caused by it to be delivered to any other complying handler and which is reported and collected for by such association.

(e) *Diversion payments.* Any handler may make claim, on forms supplied by the market administrator, for payments out of the producer-settlement fund, under the conditions set forth in this paragraph, with respect to milk which was received from producers at a plant not having any equipment other than that needed for the receiving and shipping of milk and which was moved to a second plant outside of the marketing area and there manufactured. The market administrator shall make payment to such handler, subject to audit, out of the producer-settlement fund, or issue credit against balances due by such handler to the producer-settlement fund, at the following rates and under the following conditions:

(1) Payments may be made only on milk which has been, pursuant to § 927.3, properly classified, for any month of the year in Classes III and IV–B.

(2) No claim shall be allowed if the milk on which the claim is made is manufactured at a second plant which is one-half mile or less from the first plant.

(3) Claims shall be paid at a rate for handling through the receiving plant of 17 cents per hundredweight, plus a hauling allowance at the rate of ¼ cent per hundredweight per mile for 20 miles and 1/10 cent per hundredweight per additional mile for the shortest highway distance between the two plants: *Provided, however*, That no claim for a hauling allowance shall be paid for a haul greater than 65 miles.

(4) The market administrator shall from time to time cause inspections to be made of the buildings, facilities, and surroundings of plants, and shall notify handlers of his determination as to what constitutes the plant and its equipment for the purpose of this § 927.7 (e). Such

determination shall be ruling for all other purposes under this order.

(5) Diversion payments shall not be paid to any handler making claim therefor if, during the month for which such claim is made, such handler has a less proportion of milk received from producers in Class I than the proportion of total milk received from producers in Class I of all other handlers, and if such handler has refused to sell milk to other handlers who do not operate or control country receiving plants or has refused to sell to such handlers milk of a butterfat test nearest to that desired by the purchaser (if available in the seller's country plants which are eligible for diversion payments), provided the offer of purchase met the following conditions:

(i) Cash on delivery for a quantity of not less than 200 cans per shipment; method of delivery at the option of the buyer; and

(ii) Purchase price equal to the price applicable pursuant to § 927.4 (a) (1), subject to the differentials applicable pursuant to § 927.4 (b) and § 927.4 (c), plus not more than 23 cents per hundredweight for handling through the country plant, and plus the payments provided by § 927.8.

(f) *Storage cream payments.* With respect to butterfat in frozen cream held in one or more licensed cold storage warehouses for more than 28 days under the conditions set forth in § 927.3 (b) (3), the handler whose net pool obligations included such butterfat as Class II–B milk may make claim, on forms supplied by the market administrator, for payments out of the producer-settlement fund, if such butterfat was stored during the months of April to September, inclusive, and was used in Classes II–D, II–E, or II–F during the months of October to March, inclusive, or in Class IV–A during the months of January to March, inclusive. The market administrator shall, after investigation and audit of such claim, make payment to such handler out of the producer-settlement fund, or issue credit against balances due from such handler to the producer-settlement fund, in an amount equal to the difference between the Class II–B price and the class price for such utilization in effect for the month during which the milk was received from producers.

(g) *Producer-settlement fund.* The market administrator shall establish and maintain a separate fund known as "the producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to paragraphs (h) and (j) of this section and out of which he shall make all payments to handlers pursuant to paragraphs (e), (f), and (j) of this section, and to cooperative associations of producers pursuant to paragraph (d) of this section: *Provided*, That the market administrator shall offset any such payment due to any handler against payments due from such handler. Immediately after computing the uniform price for each month the market administrator shall compute the amount by which each handler's net pool obligation is greater or less than the amount obtained by multiplying the uniform price by the quantity of such handler's milk received from producers remaining after subtracting therefrom the Class I milk priced pursuant to § 927.4 (a) (4), and shall enter such amount on each handler's account as such handler's pool debit or credit, as the case may be, and render such handler a transcript of his account.

(h) *Payments to the producer-settlement fund.* On or before the 18th day of each month, each handler shall make full payment of any pool debit balance shown on the account rendered pursuant to paragraph (g) of this section, for the preceding month.

(i) *Payments out of producer-settlement fund.* On or before the 20th day of each month the market administrator shall remit to each handler the pool credit of such handler, if any, for the preceding month less any unpaid obligations. If, at such time, the balance in the producer-settlement fund is insufficient to make full payment due to each handler, the market administrator shall reduce uniformly the payments made to each handler and shall complete such payments as soon as the necessary funds are available. No handler who, on the 25th day of the month, has not received the balance of such reduced payment from the market administrator shall be deemed to be in violation of paragraph (a) of this section if he reduces his total payments to producers by not more than the amount of the reduction in payment from the producer-settlement fund.

(j) *Adjustments of errors in payments.* Whenever verification by the market administrator of reports or payments of any handler discloses errors made in payments to or from the producer-settlement fund, the market administrator shall promptly bill such handler for any unpaid amount, and such handler shall, within 5 days, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler the market administrator shall, within 5 days, make such payment to such handler. Whenever verification by the market administrator of the payment to any producer for milk delivered to any handler discloses payment to such producer of less than is required by this section, the handler shall make up such payment to the producer not later than the time of making payment next following such disclosure.

§ 927.8 *Expense of administration*—(a) *Payment by handlers.* As his prorata share of the expense of administration hereof, each handler shall, on or before the 20th day of each month, pay to the market administrator a sum not exceeding 2 cents per hundredweight on the total quantity of milk which was received from producers at plants operated by such handler, directly or at the instance of a cooperative association of producers, and which was properly classified in Classes I, II–A, and II–B, the exact amount to be determined by the market administrator subject to review by the Secretary. This section shall not be deemed to duplicate any similar payment by any handler under an order issued by the Commissioner of Agriculture and Markets of the State of New York, with respect to the marketing area.

§ 927.9 *Suspension, termination, and liquidation*—(a) *Continuing obligation of handlers.* Unless otherwise provided by the Secretary in any notice of amendment, termination, or suspension of any or all of the provisions hereof, such amendment, termination, or suspension shall not affect, waive, or terminate any right, duty, obligation, or liability which shall have risen or may thereafter arise in connection with any provision of this order; release or waive any violation of this order occurring prior to the effective date of such amendment, termination, or suspension; or affect or impair any rights or remedies of the Secretary or of any other person with respect to any such violations.

(b) *Continuing power and duty of market administrator.* The market administrator shall (1) continue in such capacity until discharged by the Secretary; (2) from time to time account for all receipts and disbursements and deliver all funds or property on hand, together with the books and records of the market administrator, to such person as the Secretary shall direct; and (3) if so directed by the Secretary, execute such assignments or other instruments necessary or appropriate to vest in such person full title to all funds, property, and claims vested in the market administrator pursuant hereto.

(c) *Liquidation.* Upon the termination or suspension hereof, the market administrator shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control, together with claims for any funds which are unpaid and owing at the time of such termination or suspension. Any funds collected for expenses, pursuant to the provisions hereof, over and above the amounts necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator in liquidating the business of the market administrator's office shall be distributed by the market administrator to handlers in an equitable manner.

Issued at Washington, D. C., this 26th day of March, 1942, to become effective on and after the 1st day of April, 1942. Witness my hand and the official seal of Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42–2712; Filed, March 27, 1942; 11:48 a. m.]

[O–61]

PART 961—MILK IN THE PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

ORDER REGULATING THE HANDLING OF MILK IN THE PHILADELPHIA, PENNSYLVANIA, MARKETING AREA

Sec.

961.0 Findings.
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Under the terms and provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, the Secretary of Agriculture of the United States is empowered, after due notice and opportunity for hearing, to enter into marketing agreements with processors, producers, associations of producers, and others engaged in such handling of any agricultural commodity or product thereof as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof.

Under the terms and provisions of said act, the Secretary of Agriculture is empowered to issue orders applicable to processors, producers, associations of producers, and others engaged in the handling of any agricultural commodity or product thereof specified in subsection (2) of section 8c, such orders to regulate only such handling of such agricultural commodity or product thereof as is in the current of interstate or foreign commerce or which directly burdens, obstructs, or affects interstate or foreign commerce in such commodity or product thereof.

The Secretary, having reason to believe that the execution of a marketing agreement and the issuance of an order with respect to the handling of milk in the Philadelphia, Pennsylvania, milk marketing area would tend to effectuate the declared policy of the act, gave, on October 10, 1941, notice of a hearing, which hearing was held on October 28 through October 31, November 10 through November 14, November 17 through November 19, November 28, and December 1 through December 5, 1941, at Philadelphia, Pennsylvania, at which all interested parties were afforded an opportunity to be heard on the proposed marketing agreement and proposed order.

Following the tentative approval by the Secretary on March 6, 1942, of a marketing agreement regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area in the same manner as this order, handlers of more than fifty (50) percent of the volume of milk covered by this order which is marketed within the marketing area, refused or failed to sign such tentatively approved marketing agreement.

The Secretary determined on March 25, 1942, that the issuance of this order is approved or favored by at least three-fourths of the producers, as defined in the order, who during the month of December 1941 (said month having been determined by the Secretary to be a representative period) were engaged in the production of milk for sale in said marketing area.

The provision of the order providing for the payment to all producers delivering milk to the same handler of uniform prices for all milk delivered by them is approved or favored by at least three-fourths of the producers who during the month of December 1941 were engaged in the production for market of milk covered by such order, said approval being separate and apart from the approval of producers as set forth above.

The Secretary has found and proclaimed the period from August 1919 to July 1929 to be the base period to be used in connection with the ascertainment of the purchasing power of milk handled in the Philadelphia, Pennsylvania, milk marketing area.

The Secretary finds that the expenses which the market administrator will necessarily incur during any 12-month period of time for the maintenance and functioning of such agency for the administration of this order will be approximately $160,000, and that the payment by each handler of 2 cents per hundredweight on all milk received from producers is a proper maximum prorata share of such expenses.

AUTHORITY: §§ 961.0 to 961.9, inclusive, issued under the authority contained in 48 Stat. 31, 670, 675 (1933); 49 Stat. 750 (1935); 50 Stat. 246 (1937); 7 U.S.C. and Sup. 601 et. seq.

§ 961.0 *Findings.* The Secretary finds, upon the evidence introduced at said hearings:

(a) That the prices calculated to give milk produced for sale in said marketing area a purchasing power equivalent to the purchasing power of such milk, as determined pursuant to section 2 and section 8 (e) of said act, are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for such milk, and that the minimum prices set forth in this order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest;

(b) That all handling of milk sold or disposed of by handlers as defined in section 1 (a) (5) of this order is in the current of interstate commerce or directly burdens, obstructs, or affects interstate commerce in milk or its products, and that handlers as defined in such section are engaged in the handling of milk which is in the current of interstate commerce or which directly burdens, obstructs, or affects interstate commerce in milk or its products;

(c) That the order regulates the handling of milk in the same manner as and is applicable only to handlers defined in a marketing agreement upon which a hearing has been held;

(d) That a prorata assessment on handlers as set forth in section 9 of this order at a rate not to exceed two cents per hundredweight on all milk received from producers or an association of producers or produced by them during each delivery period will provide funds necessary to pay such expenses while such order is in effect as will necessarily be incurred by the market administrator under such order for the maintenance and functioning of said market administrator's office; and

(e) That orderly conditions for milk flowing into the Philadelphia, Pennsylvania, milk marketing area are so disrupted as to result in the impairment of the purchasing power of such milk and that the issuance of this order, and all of its terms and conditions, will tend to effectuate the declared policy of the act.

The Secretary of Agriculture, pursuant to the authority vested in him by the act, hereby orders that such handling of milk in the Philadelphia, Pennsylvania, milk marketing area, as is in the current of interstate commerce, or as directly burdens, obstructs, or affects interstate commerce shall, from the effective date hereof, be in compliance with the following terms and conditions:

§ 961.1 *Definitions*—(a) *Terms.* The following terms shall have the following meanings:

(1) The term "act" means Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended.

(2) The term "Secretary" means the Secretary of Agriculture of the United States.

(3) The term "Philadelphia, Pennsylvania, milk marketing area," hereinafter called "the marketing area," means all the territory in the Commonwealth of Pennsylvania situated within the following boundary line:

Beginning at a point in the Pennsylvania State line opposite the confluence of Pennypack Creek with the Delaware River thence along Pennypack Creek to the boundary of Montgomery County; thence northerly along the boundary of Montgomery County to the Bucks County line; thence westerly along the Bucks County line to the Trenton cut-off of the Pennsylvania Railroad; thence westerly along said railroad to the Upper Dublin Township line; thence first easterly, and then southerly along the Upper Dublin Township line, then northeasterly to the Whitemarsh Township line; thence southerly along the Whitemarsh Township line to the Schuylkill River; thence westerly along the Schuylkill River to West Conshohocken Borough; thence westerly along the southern border of West Conshohocken Borough to the Upper Marion Township line; thence along the Upper Merion Township line

as it runs to the Delaware County line; thence southeasterly along the Delaware County line as it runs to and along Brandywine Creek and the Delaware State line to the Delaware River; thence northeasterly along the Pennsylvania State line to the Delaware River to the point of beginning.

(4) The term "person" includes any individual, partnership, corporation, association, or any other business unit.

(5) The term "producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received directly at (i) a plant at a location listed below, which is operated by a handler, except (a) during such period of time as any such plant has been stopped by the Pennsylvania Department of Health from shipping milk or cream for consumption as fluid milk or fluid cream, or (b) during any month when no milk or cream is disposed of in the marketing area from such a plant, if the handler has notified the market administrator 5 days or more prior to such month that it is no longer a part of his supply for the marketing area and if no milk or cream has been shipped from it to the marketing area for the three months next preceding such month; or (ii) a pasteurizing and bottling plant from which milk is disposed of as Class I milk in the marketing area; or (iii) any other plant of a handler from which milk is supplied to such a pasteurizing and bottling plant: *Provided*, That farmers delivering milk to a plant falling in this category for less than 20 days during any one of the months of October, November, December, and January, shall not for such month be included in this definition.

Location: Bedford, Pa., Boiling Springs, Pa., Brandtsville, Pa., Byers, Pa., Carlisle, Pa., Chambersburg, Pa., Clayton, Del., Coudersport, Pa., Curryville, Pa., Delta, Pa., Denton, Md., Easton, Md., Fairdale, Pa., Glenroy, Pa., Goldsboro, Md., Goshen, Pa., Hagerstown, Md., Harrington, Del., Honeybrook, Pa., Huntington, Pa., Hurlock, Md., Kelton, Pa., Kimberton, Pa., Leaman Place, Pa., Lewistown, Pa., Mainland, Pa., Massey, Md., Mercersburg, Pa., Millville, Pa., Mt. Pleasant, Del., Nassau, Del., New Holland, Pa., Oxford, Pa., Fort Allegany, Pa., Pottstown, Pa., Princess Anne, Md., Quakertown, Pa., Richlandtown, Pa., Snow Hill, Md., Spring Creek, Pa., Sudlersville, Md., Townsend, Del., Waynesboro, Pa., Worton, Md.

This definition shall not be deemed to include any person defined as a producer under an order of the Secretary regulating the handling of milk in the New York metropolitan milk marketing area.

(6) The term "handler" means any person, irrespective of whether such person is also a producer or an association of producers, wherever located or operating, who engages in the handling of milk which is disposed of in the marketing area as milk, or skim milk.

(7) The term "market administrator" means the person designated pursuant to § 961.2 as the agency for the administration hereof.

§ 961.2 *Market administrator*—(a) *Designation.* The agency for the administration hereof shall be a market administrator, who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

(b) *Powers.* The market administrator shall have power:

(1) To administer the terms and provisions hereof; and

(2) To receive, investigate, and report to the Secretary complaints of violations of the terms and provisions hereof.

(c) *Duties.* The market administrator shall:

(1) Keep such books and records as will clearly reflect the transactions provided for herein and shall surrender the same to his successor or to such other person as the Secretary may designate;

(2) Submit his books and records to examination by the Secretary at any and all times;

(3) Furnish such information and verified reports as the Secretary may request;

(4) Within 45 days following the date upon which he enters upon his duties, execute and deliver to the Secretary a bond, conditioned upon the faithful performance of his duties, in an amount and with surety thereon satisfactory to the Secretary;

(5) Publicly disclose to handlers and to producers, unless otherwise directed by the Secretary, the name of any person who, within 15 days after the date upon which he is required to perform such acts, has not (i) made reports pursuant to § 961.5 (a), or (ii) made payments pursuant to § 961.8;

(6) Employ and fix the compensation of such persons as may be necessary to enable him to administer the terms and provisions hereof;

(7) Obtain a bond with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(8) Pay, out of the funds provided by § 961.9 (i) the cost of his bond and of the bonds of such of his employees as handle funds entrusted to the market administrator, (ii) his own compensation, and (iii) all other expenses which will necessarily be incurred by him for the maintenance and functioning of his office and the performance of his duties; and

(9) Promptly verify the information contained in the reports submitted by handlers.

§ 961.3 *Classification of milk*—(a) *Basis of classification.* Milk received by each handler, including milk produced by him, if any, shall be classified, in the classes set forth in paragraph (b) of this section, in accordance with its utilization by such handler, subject to paragraphs (c) and (d) of this section.

(b) *Classes of utilization.* The classes of utilization of milk shall be as follows:

(1) Class I milk shall be all milk (i) sold, distributed, or disposed of as or in milk, including sales of skim milk and flavored milk drinks, containing not more than 18 percent butterfat, and (ii) all other milk not accounted for as Class II.

(2) Class II milk shall be (i) all milk disposed of in products other than those included in § 961.3 (b) (1) (i), and (ii) all milk accounted for as actual plant shrinkage but not to exceed 2 percent of the milk received from producers: *Provided*, That if milk or cream is received from producers, from other handlers, or from other plants, such actual shrinkage shall be prorated between the milk received from each source in proportion to the volume of milk and cream received from each.

(c) *Transfers of milk.* (1) Milk or skim milk received at a plant from another plant at both of which milk is received from producers shall be allocated to Class I milk: *Provided*, That if a different allocation is agreed upon in writing between such receiving handler and such selling handler and is submitted to the market administrator, then the milk or skim milk shall be allocated according to such written agreement: *And provided further*, That the amount so allocated to any class shall not be greater than the amount used in that class by the receiving handler after deduction of any milk pursuant to subparagraph (2) of this paragraph.

(2) Milk or skim milk received at a plant at which milk is received from producers from a plant at which no milk is received from producers shall be allocated to Class II, except that any of this milk in excess of the amount of Class II milk used by the receiving handler shall be Class I, and except as provided in subparagraph (3) of this paragraph.

(3) Milk or skim milk received at a plant at which milk is received from producers from a plant under another Federal milk marketing agreement or order shall be allocated to Class I milk or Class II milk in accordance with its classification as determined by the market administrator under the latter order.

(4) Milk or skim milk moved directly from a plant at which milk is received from producers to a plant at which no milk is received from producers shall be Class II milk if less than 20 percent of the milk received at the latter plant is moved therefrom as fluid milk, and Class I milk if more than 20 percent of the milk received is moved as fluid milk from the latter plant, except that any of this milk in excess of the amount of fluid milk moved from the latter plant during the month shall be allocated to Class II milk: *And provided further*, That all milk moved as fluid milk more than 400 miles directly from a plant at which milk is received from producers to a plant at which no milk is received from producers shall be allocated to Class I milk.

(5) Milk or skim milk disposed of from a handler's plant to retail establishments which dispose of milk for both fluid and other uses shall be Class I milk.

(d) *Transfers of cream.* Cream received or disposed of by a handler shall be considered Class II.

§ 961.4 *Minimum prices*—(a) *Class prices.* Except as set forth in subparagraph (d) of this section, each handler shall pay, at the time and in the manner set forth in § 961.8, for milk received during each month from producers or an association of producers not less than the following prices, subject to the differentials set forth in paragraphs (b) and (c) of this section:

(1) Class I milk—$3.58 per hundredweight during delivery periods prior to July 1, 1942, and thereafter $3.70 per hundredweight.

(2) Class II milk—The price per hundredweight during each month shall be the sum of the respective values of butterfat and skim milk, calculated as follows by the market administrator:

(i) Butterfat—Add all market quotations (using midpoint of any weekly range as one quotation) of prices for a 40-quart can of sweet cream approved either for Pennsylvania only, or for Pennsylvania, Newark, and Lower Merion Township, in the Philadelphia, Pennsylvania, market, reported for each week ending within the month by the United States Department of Agriculture, divide by the number of quotations, subtract 28 cents, divide by 33.48, multiply by 4, and subtract 23½ cents: *Provided*, That for butterfat used to make butter, which butterfat is in excess of the pounds of butterfat contained in any cream received, plus 5 percent of the pounds of butterfat contained in milk received from producers, the price shall be 4.8 times the average of the highest prices for 92-score butter at wholesale in the New York market, reported daily by the United States Department of Agriculture, for the month for which payment is to be made, which shall be known as the "butter-value" for such butterfat.

(ii) Skim milk—Any plus amount which is equal to 7.5 times the average of all the hot roller process dry skim milk quotations for "other brands, animal feed" and for "other brands, human consumption," carlots, bags, or barrels, in both cases (using midpoint of any range as one quotation) as published for such month in the "Producers' Price Current," less 4.5 cents.

(b) *Butterfat differential.* The Class I and Class II prices shall be subject to a butterfat differential for each one-tenth of 1 percent variation above or below 4.0 percent calculated as follows: divide the average of the cream quotations used in calculating the Class II price by 334.8, and subtract 0.67 cent; or in the case of butterfat in Class II to which the "butter-value" is applicable, divide the "butter-value" by 40.

(c) *Differentials for place of receipt of milk.* In the case of milk received from producers by any handler at plants 31 miles or more from the City Hall in Philadelphia, there shall be deducted from the prices set forth in paragraph (a) of this section the following amounts:

(1) Class I milk—At plants 31 to 40 miles from the City Hall in Philadelphia, 31 cents per hundredweight, and for plants within each additional 10 miles in excess of 40 miles, an additional 1 cent, provided the total amount does not exceed 64 cents per hundredweight. For the purposes of this subparagraph the Class I milk shall be considered to have been, first, that milk received from producers' farms at such handler's plant located less than 31 miles from the City Hall in Philadelphia, then that milk which was shipped from the nearest plant located 31 miles and farther from the City Hall in Philadelphia: *And provided*, That Class I milk moved directly from a plant at which milk is received from producers to a plant at which no milk is received from producers, both of which are outside the marketing area, and Class I milk distributed for fluid consumption from a plant at which milk is received from producers, shall be allocated to the plant at which it is received from producers.

(2) Class II milk—At plants 31 to 70 miles from the City Hall in Philadelphia, 4 cents per hundredweight, and for plants within each additional 70 miles an additional cent.

The distance of any plant from the City Hall in Philadelphia shall be that recognized by the Interstate Commerce Commission for rate-making purposes on highways over which the Highway Departments of the several States permit milk tank trucks to move, or if no such distance is recognized, the distance shall be that ascertained and announced by the market administrator.

(d) *Class I milk disposed of outside the marketing area.* The price to be paid by handlers for Class I milk disposed of outside the marketing area on any wholesale or retail routes from which no milk is disposed of in the marketing area on the same trip, in lieu of the price otherwise applicable pursuant to this section, shall be, as ascertained by the market administrator, such price as is being paid to farmers in the market where such milk was disposed of, for milk of equivalent use, less the applicable transportation allowance in such outside market, but in no case more than 64 cents: *Provided*, That Class I milk disposed of in markets where the market administrator is unable to determine such a price, and to Government institutions and establishments on a basis of bids, the Class I price plus or minus the applicable differentials specified in this order shall apply: *And provided further*, That when sold in an area regulated by another marketing order of the Secretary the price effective under such other order shall apply.

§ 961.5 *Reports of handlers*—(a) *Periodic reports.* On or before the 8th day after the end of each month each handler, with respect to milk or cream which was, during such month, (1) received from producers, handlers, or other sources; and (2) produced by such handler, shall report to the market administrator, in the detail and on forms prescribed by the market administrator, as follows:

(i) The receipts at each plant from producers who are not handlers;

(ii) The receipts at each plant from any other handler, including any handler who is also a producer;

(iii) The quantity, if any, produced by such handler;

(iv) The receipts at each plant from any other source;

(v) The respective quantities of milk and milk products disposed of or on hand, with the butterfat content thereof; and

(vi) The shipments of milk to the marketing area from each plant.

(b) *Reports of handlers who receive no milk from producers.* Handlers who receive no milk from producers shall make reports to the market administrator at such time and in such manner as the market administrator may require.

(c) *Reports as to producers.* Each handler shall report to the market administrator:

(1) Within 10 days after the market administrator's request, with respect to any producer for whom such information is not in the files of the market administrator, and with respect to a period or periods of time designated by the market administrator, (i) the name and address, (ii) the total pounds of milk received, (iii) the average butterfat test of milk received, and (iv) the number of days upon which milk was received; and

(2) As soon as possible after first receiving milk from any producer, (i) the name and address of such producer, (ii) the date upon which such milk was first received, and (iii) the plant at which such milk was received.

(d) *Reports of payments to producers.* Each handler shall submit to the market administrator on or before the 25th day after the end of each month his producer pay roll for such month which shall show for each producer (1) the net amount of such producer's payment with the prices, deductions, and charges involved, and (2) the total delivery of milk with the average butterfat test thereof.

(e) *Outside cream purchases.* Each handler shall report as requested by the market administrator his purchases, if any, of sweet cream showing the quantity and source of each such purchase and the cost thereof at Philadelphia.

(f) *Verification of reports.* Each handler shall permit the market administrator or his agent, or such other person as the Secretary may designate, during the usual hours of business, to (1) verify the information contained in reports submitted in accordance with this section, and (2) weigh milk received from each producer and sample and test milk for butterfat.

§ 961.6 *Application of provisions*—(a) *Handlers who receive no milk from producers.* The provisions hereof, except those set forth in § 961.5, shall not apply to a producer-handler who receives no milk from producers nor to a handler whose sole source of milk supply consists of receipts from other handlers.

§ 961.7 *Determination of uniform prices to producers*—(a) *Computation of the value of milk for each handler.* For each month the market administrator shall compute, subject to the provisions of § 961.6, the value of milk of produc-

ers disposed of by each handler, by (1) multiplying the hundredweight of such milk in each class, computed pursuant to § 961.3, by the prices applicable pursuant to § 961.4, plus or minus the applicable differentials in § 961.4; and (2) adding together the resulting values.

(b) *Computation and announcement of uniform price for each handler.* The market administrator shall compute and announce for each handler the uniform price per hundredweight of milk received by him at each plant from producers during each month as follows:

(1) Add to the value computed pursuant to paragraph (a) of this section the amount of the adjustment to be made pursuant to § 961.8 (d), and add or subtract the amount to be subtracted or added, respectively, by the handler pursuant to § 961.8 (c);

(2) Divide the amount computed in subparagraph (1) of this paragraph by the total quantity of milk received from producers, including milk of his own production; and

(3) On or before the 15th day after the end of each month, notify each handler and publicly announce the uniform price computed for each handler pursuant to this section with the differentials applicable pursuant to § 961.8.

§ 961.8 *Payments for milk*—(a) (1) *Semimonthly payments.* On or before the last day of each month each handler shall make a payment to producers for milk delivered during the first 15 days of such month at not less than a rate per hundredweight which he estimates will be his uniform price for such month.

(2) *Final payment.* On or before the 20th day after the end of each month, each handler shall make full payment, subject to paragraphs (c), (d), (e), (f), and (g) of this section, to each producer, for the total value of milk received from such producer during such month, at not less than the uniform price per hundredweight computed for such handler pursuant to § 961.7, after taking credit for payment made pursuant to § 961.8 (a) (1).

(b) *Errors in payment.* Errors in making payments for milk shall be corrected not later than the date for making payments next following the determination of such errors.

(c) *Butterfat differential.* If any handler has received from any producer, during the month, milk having an average butterfat content other than 4.0 percent, such handler, in making payments pursuant to paragraph (a) of this section, shall add to the uniform price for such producer for each one-tenth of 1 percent of average butterfat content in milk above 4.0 percent not less than, or shall deduct from the uniform price for such producer for each one-tenth of 1 percent of average butterfat content in milk below 4.0 percent not more than 4 cents per hundredweight.

(d) *Location differentials.* In making payments pursuant to paragraph (a) of this section, each handler shall deduct, with respect to milk received from producers at a plant located 31–40 miles from City Hall in Philadelphia, 22 cents per hundredweight, and at plants within each additional 10 miles an additional 0.7 cent per hundredweight. Such deductions shall be computed on the same distance for each plant as that pursuant to § 961.4 (c).

(e) *Additional deductions.* In the case of milk received from producers at plants more than 11 miles from City Hall in Philadelphia, the handler may deduct from the payments otherwise specified in this section to be paid, 7 cents per hundredweight at plants 11 to 16 miles from the City Hall in Philadelphia, an additional 2 cents per hundredweight for plants within each additional 5 miles in excess of 16 miles but less than 31 miles, and 3 cents per hundredweight at plants 31 miles or more from the City Hall in Philadelphia.

(f) *Flat price payments.* Any handler may, in lieu of the requirements of paragraphs (a) and (b) of this section, elect to pay producers, not later than the 15th day of each month, at not less than the per quart equivalent (considering 46.5 quarts per hundredweight) of the Class I price for all milk delivered during the preceding month, in which event such handler may report only his total receipts from each producer and his total payment to each producer.

(g) *Premium for Grade A milk.* In addition to the uniform price and all other payments required pursuant to this section, each handler shall pay for milk, which is qualified under the Commonwealth of Pennsylvania Department of Health or the New Jersey Department of Health requirements for sale as Grade A milk and which is delivered to a plant similarly qualified (so long as such requirements are in effect as a separate grade), 40 cents per hundredweight of Grade A milk received from producers of 10,000 bacteria or less per c. c. and 25 cents per hundredweight of Grade A milk received from producers of more than 10,000 but less than 25,000 bacteria, times the ratio of Grade A milk sold either in fluid form or as products manufactured from Grade A milk to the total quantity of Grade A milk received from producers, plus 2 cents for each one-tenth of 1 percent that the butterfat content is above 3.7 percent.

§ 961.9 *Expense of administration*—(a) *Payments by handlers.* As his prorata share of the expense of the administration hereof, each handler, on or before the 20th day after the end of each month shall pay to the market administrator, with respect to all milk received by him from producers or an association of producers, or produced by him during such month, an amount not exceeding 2 cents per hundredweight, the exact amount to be determined by the market administrator. Each handler, who is a cooperative association of producers shall pay such prorata share of expense only on that milk received from producers at any plant of such association.

Issued at Washington, D. C., this 26th day of March 1942, to become effective on and after the 1st day of April 1942. Witness my hand and the official seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42–2714; Filed, March 27, 1942; 11:50 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter VII—Personnel

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS [1]

§ 73.218 *Waiver of physical defects.* (a) Deviations from normal physical standards (§ 73.216) that will not interfere with nor prevent the full and satisfactory performance of the duty for which the individual is being appointed, or is being ordered to active duty, and that are not of a nature likely to be aggravated to a disabling degree by active military service, may be waived in the manner and under the conditions authorized in current War Department instructions applicable to members of the Officers' Reserve Corps ordered to extended active duty.

(b) The following will govern in regard to original appointments and assignment of officers to extended active duty:

(1) It will be the policy of the Secretary of War to approve for appointment or for extended active duty individuals qualified for limited assignments who have minor physical defects which would disqualify them under current physical standards but which will not interfere with the satisfactory performance of the duties contemplated, *provided the defects are stationary in character and are not likely to be aggravated as a result of active military service.* (In examining individuals for limited service great care will be exercised to elicit any history, symptoms, or objective evidence of constitutional disease, cardiovascular degeneration, or mental disorder which may be present.)

(2) Reports of Physical Examination (W.D., A.G.O. Form No. 63) of individuals examined for appointment or for assignment to extended active duty for limited service will have typed in capital letters immediately above the instructions near the top of the form the words "Limited Service" and will be accompanied by the following affidavit. In case a Reserve officer declines to sign an affidavit, the facts will be fully set forth on the report of physical examination and the report forwarded without affidavits.

I, _____ _____
(Name) (Grade)
_____
(Component)
being desirous of entering upon active military service during the current emergency, and being aware of the fact that I have the following physical defects:

[Here insert a statement of the disqualifying physical defects, as noted on the report of physical examination, W.D., A.G.O. Form No. 63 or W.D., A.G.O. Form No. 64, if for the Army Air Forces]

do hereby acknowledge the existence of the above-mentioned physical defects, and request that I be placed upon extended active duty.

In witness whereof, I have hereunto set my hand and seal at _____
(Place, including State)
this _____ day of _____, 194__

_____
(Name)
_____ _____
(Grade) (Component)

NOTE: The above document will be executed before an authority who is authorized to accomplish legal oaths. (Act of September 22, 1941, Public Law 252, 77th Congress) [Par. 28, AR 605–10, December 10, 1941, and Cir. 83, W.D., March 21, 1942]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–2641; Filed, March 26, 1942; 1:56 p. m.]

[1] § 73.218 is amended.

[1] 7 F.R. 1417, 1748.

TITLE 14—CIVIL AVIATION

Chapter II—Administrator of Civil Aeronautics, Department of Commerce

[Amendment 2 of Part 600]

PART 600—DESIGNATION OF CIVIL AIRWAYS [1]

REDESIGNATION OF BLUE CIVIL AIRWAY NO. 18

MARCH 25, 1942.

Acting pursuant to the authority vested in me by section 302 of the Civil Aeronautics Act of 1938, as amended, I hereby amend the Designation of Civil Airways which became effective March 1, 1942, as follows:

By amending § 600.10317 to read as follows:

§ 600.10317 *Blue civil airway No. 18 (Newark, N. J., to Burlington, Vt.).* From the intersection of the center lines of the on course signals of the northeast leg of the Newark, N. J., radio range and the south leg of the New Hackensack, N. Y., radio range, via the New Hackensack, N. Y., radio range station; the intersection of the center lines of the on course signals of the west leg of the New Hackensack, N. Y., radio range and the southwest leg of the Albany, N. Y., radio range; and the Albany, N. Y., radio range station; to the Burlington, Vt., radio range station.

This amendment shall become effective 0001 E. S. T., April 15, 1942.

C. I. STANTON,
Acting Administrator.

[F. R. Doc. 42–2664; Filed, March 27, 1942; 10:28 a. m.]

TITLE 15—COMMERCE

Subtitle A—Office of the Secretary of Commerce

[Order No. 232]

PART 3—AWARD OF FELLOWSHIPS IN METEOROLOGY AND HURRICANE FORECASTING.

Pursuant to the authority contained in R. S. 161, 5 U.S.C. 22, and in Section 8 of the President's Reorganization Plan, IV, 5 U.S.C. 133t, and subject to appropriations available, the Secretary of Commerce of the United States of America will award fellowships in meteorology and hurricane forecasting to qualified applicants from other American republics, and in accordance with the following authority:

(a) Public No. 355, 76th Congress, approved August 9, 1939 (53 Stat. 1290) authorizing the President to utilize the services of the Departments, agencies and independent establishments of the Government of the United States for the purpose of rendering closer and more effective the relationship between the American republics; (See Resolution No. 81, adopted at the Eighth International Conference of American States held at Lima, Peru, December 9–27, 1938, recommending scientific and technical research by institutes, laboratories, and men of science officially recommended by the American Governments); and

(b) The Department of State Appropriation Act, 1942, approved June 28, 1941, appropriating funds for compensation, tuition, monthly allowances while not in travel status, and traveling expenses in the United States and abroad, in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended, of educational, professional, and artistic leaders, and professors, students, and internes, who are citizens of the United States or the other American republics.

Fellowships will be awarded as follows:

Sec.
2.1 Type of fellowship
2.2 Qualifications
2.3 Award of fellowships
2.4 Benefits
2.5 Duration
2.6 Official notification.

AUTHORITY: §§ 2.1 to 2.6 inclusive, issued under the authority contained in R.S. 161, 5 U.S.C. 22; section 8 of the President's Reorganization Plan IV, 5 U.S.C. 133t; 53 Stat. 1290, 22 U.S.C. 249, 249a and the Department of State Appropriation Act, 1942, approved June 28, 1941, Public 135, 77th Congress.

§ 2.1 *Type of fellowship.* Fellowships shall be of the interne-training type, comprising instruction by the United States Weather Bureau in certain branches of meteorology, including the forecasting of tropical weather conditions and hurricanes, and the climatology of tropical regions.

§ 2.2 *Qualifications.* Applicants selected for these fellowships shall be:

(a) Bona fide citizens of any of the American republics other than the United States;

(b) In possession of a certificate of medical examination issued by a licensed physician within sixty days of the date of application, describing the applicant's physical condition, and stating that he is free from any communicable disease or disability that would interfere with the proper pursuit of studies or research or the performance of any activity incident to the fellowship;

(c) Able to speak, read, write and understand the English language; (These requirements are preferred but not mandatory.)

(d) Of good moral character and shall possess intellectual ability and suitable personal qualities; and shall have successfully completed their academic professional training in a recognized school in any one of the branches related to the science of meteorology, including among others, meteorology, climatology, physics, mathematics, engineering, physical geography, et cetera; and

(e) Preferably employees of the official meteorological services of the American republics from which selected.

§ 2.3 *Award of fellowships.* Fellowships will be awarded by the Secretary of Commerce upon the recommendation of the Chief of the Weather Bureau, and with the approval of the Secretary of State or his duly authorized representative. No applicant therefor shall be approved unless his application shall have been transmitted by the Government of the country of which he is a citizen through the diplomatic mission of the United States of America located in the Republic concerned.

§ 2.4 *Benefits.* Applicants awarded fellowships may be entitled to any or all of the following benefits upon recommendation of the Chief of the Weather Bureau:

(a) *Transportation expenses.* Transportation expenses from the home of the applicant to the place or places in the United States or its territories or possessions where the studies or research are to be pursued and return to the home of the applicant, including travel from the place of study or research to Washington, D. C., and return to that place or his home, in accordance with the Standardized Government Travel Regulations and the Act of June 3, 1926, as amended, in which connection claim for reimbursement may be made only for the following items:

(1) *Rail.* First class fare. If travel is performed on an extra fare train, expenses in excess of the first class fare

must be borne by the traveler. No receipts are necessary.

(2) *Pullman.* Lower berth or parlor car seat. No receipts are necessary if Government transportation requests are used. If purchased with cash, the Pullman stub must be attached to the reimbursement voucher.

(3) *Steamer.* Not exceeding the lowest minimum first class fare of the ship on which the travel is performed. American vessels must be used if available, (Section 901 of the Merchant Marine Act of 1936, 49 Stat. 2015). No receipts are necessary.

(4) *Airplane.* Transportation by air will be allowed regardless of the cost when authorized by the Chief of the Weather Bureau. When air travel has not specifically been authorized the traveler may proceed by air with the understanding that he may claim reimbursement therefor only in an amount not exceeding what it would have cost had the travel been performed by public conveyance over land or water. No receipts are necessary.

(5) *Taxicab.* At the beginning and termination of the journey and at all points where a change of conveyance is necessary while in a direct travel status. No receipts are necessary.

(6) *Excess baggage charges.* For personal effects (not household furniture) which are not carried free by the transportation company. Receipts are necessary and they should indicate that the traveler has availed himself of the free allowance, if such an allowance is granted.

(7) *Drayage or transfer of baggage.* For the hauling of the personal effects from the home to the station or dock, et cetera. Receipts are not necessary but should be submitted if possible. Charges by porters for handling the bags or baggage will not be allowed.

(8) *Steamer rug and steamer chair.* Receipts are necessary. Charges for steamer cushions will not be allowed.

(9) *Tips and gratuitous fees.* Will not be reimbursed.

In all cases round trip tickets must be purchased if possible. In the event the return portion of the ticket cannot be used, it should be returned to the United States Weather Bureau, Department of Commerce for collection of the refund.

(b) *Per diem while in a travel status.* Per diem in lieu of subsistence at not to exceed the following rates: $5.00 overland or by air in and outside the continental limits of the United States; $3.00 on vessels outside the United States.

(c) *Monthly allowance.* A monthly allowance of $120.00 during the entire period of studies in the United States or its territories or possessions when the fellow is not in a travel status.

§ 2.5 *Duration of fellowships.* Fellowships will be awarded for periods of not to exceed six months each.

§ 2.6 *Official notification.* Applicants recommended for fellowships by the Chief of the Weather Bureau and approved by the Secretary of Commerce and the Secretary of State, or the duly authorized representative of the Secretary of State, shall be notified of their award through diplomatic channels.

[SEAL] F. W. REICHELDERFER,
Chief, Weather Bureau.

Approved:
JESSE H. JONES,
Secretary of Commerce.

Approved:
CORDELL HULL,
Secretary of State.

FEBRUARY 14, 1942.

[F. R. Doc. 42-2697; Filed, March 27, 1942; 11:51 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4475]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF BOYER BROTHERS

§ 3.99 (b) *Using or selling lottery devices—In merchandising.* In connection with offer, etc., in commerce, of candy, or any other merchandise, (1) selling, etc., any merchandise so packed or assembled that sales thereof to the public are to be made, or may be made, by means of a game of chance, gift enterprise, or lottery scheme; (2) supplying, etc., others with push or pull cards, punch boards, or other lottery devices, either with assortments of merchandise or separately, which said push or pull cards, punch boards, or other lottery devices are to be used, or may be used, in selling or distributing said merchandise to the public; and (3) selling, etc., any merchandise by means of a game of chance, gift enterprise, or lottery scheme; prohibited. (Sec. 5, 39 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Boyer Brothers, Docket 4475, March 23, 1942]

In the Matter of William E. Boyer, and Robert J. Boyer, Individually and Trading as Boyer Brothers

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of March, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondents, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before an examiner of the Commission theretofore duly designated by it, and brief in support of the complaint, and the Commission having made its findings as to the facts and its conclusion that said respondents have violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent William E. Boyer, an individual, and respondent Robert J. Boyer, an individual, jointly or severally, their representatives, agents, and employees, directly or through any corporate of other device, in connection with the offering for sale, sale, and distribution of candy or other merchandise in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Selling or distributing any merchandise so packed or asembled that sales of such merchandise to the public are to be made, or may be made, by means of a game of chance, gift enterprise, or lottery scheme;.

(2) Supplying to, or placing in the hands of, others push or pull cards, punch boards, or other lottery devices, either with assortments of merchandise or separately, which said push or pull cards, punchboards, or other lottery devices are to be used, or may be used, in selling or distributing said merchandise to the public.

(3) Selling or otherwise disposing of any merchandise by means of a game of chance, gift enterprise, or lottery scheme.

It is further ordered, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-2676; Filed, March 27, 1942; 11:15 a. m.]

TITLE 26—INTERNAL REVENUE

Subchapter C—Miscellaneous Excise Taxes

Chapter I—Bureau of Internal Revenue

[T. D. 5129]

PART 101—TAXES ON ADMISSIONS, DUES AND INITIATION FEES[1]

AMENDMENT

Regulations 43 (1941 Edition) [Part 101, Title 26, Code of Federal Regulations, 1941 Supp.], as amended by Treasury Decision 5096, approved November 1, 1941, relating to the taxes on admissions, dues, and initiation fees under Chapter 10 of the Internal Revenue Code, as amended, are hereby further amended as follows:

Paragraph (a) of § 101.5 is amended to read as follows:

§ 101.5 *Free and reduced rate of admissions*—(a) *General rule.* A person admitted free or at a reduced rate to any place at a time when and under circumstances under which an admission charge is made to other persons, is liable to tax (except as provided in paragraph (b) of this section), in an amount equivalent to the tax on the amount paid by such other persons for the same or similar accommodations.

Where persons in a certain group or class, such as students 12 years of age or over, women, or members of a particular organization, are admitted at a price less than the established price of admission to the public generally, they are liable for tax based on the established price of admission to other persons for the same or similar accommodations. Women admitted free or at reduced rates to dances or any other place are liable for tax based on the established price of admission to other persons.

If tickets or cards of admission are issued the tax should be collected at the time of the issuance of such tickets or cards, while if no tickets or cards are used tax should be collected when the persons are admitted. (Sec. 3791 of the Internal Revenue Code (53 Stat. 467; 26 U.S.C., 1940 ed., 3791))

[SEAL] NORMAN D. CANN,
Acting Commissioner of Internal Revenue.

Approved: March 26, 1942.

JOHN L. SULLIVAN,
Acting Secretary of the Treasury.

[F. R. Doc. 42-2675; Filed, March 27, 1942; 11:06 a. m.]

[1] Filed with the original document.
[2] 6 F.R. 6795.

TITLE 32—NATIONAL DEFENSE

Chapter VI—Selective Service System

[No. 61]

ORDER PRESCRIBING FORMS

LOCAL BOARD ACTION REPORT

By virtue of the Selective Training and Service Act of 1940 (54 Stat. 885) and the authority vested in me by the rules and regulations prescribed by the President thereunder and more particularly the provisions of § 605.51 of the Selective Service Regulations, I hereby prescribe the following change in DSS forms:

Addition of a new form designated as DSS Form 110, entitled "Local Board Action Report," effective immediately upon the filing hereof with the Division of the Federal Register.[1]

The foregoing addition shall, effective immediately upon the filing hereof with the Division of the Federal Register, become a part of the Selective Service Regulations.

LEWIS B. HERSHEY,
Director.

[F. R. Doc. 42-2644; Filed, March 26, 1942; 2:58 p. m.]

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 962—STEEL

AMENDMENT NO. 1 TO SUPPLEMENTARY ORDER M-21-d[2]—CORROSION AND HEAT RESISTANT CHROME STEEL

Supplementary Order M-21-d (§ 962.5) is hereby amended to reads as follows, effective immediately:

§ 962.5 *Supplementary Order M-21-d*—(a) *Restrictions on deliveries, use, etc.* Except pursuant to specific authorization or direction of the Director of Industry Operations, no person shall consume, use, process, fabricate, or deliver corrosion or heat resistant alloy iron or alloy steel containing 4 percent or more of chromium except in accordance with the following:

(1) The above prohibition shall not apply to material to be delivered by the holder on a preference rating of A-1-k or higher.

(2) The above prohibition shall not apply to fully fabricated articles. It shall apply to raw steel stock in the form received, or cut to size for further processing or fabrication.

(b) *Violations.* Any person who violates this Order may be deprived of priorities assistance or may be prohibited by the War Production Board from obtaining any further deliveries of materials subject to allocation. The War Production Board may also take any other action deemed appropriate, including the making of a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(c) *Appeal.* Any person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, or would result in a serious problem of unemployment in the community, or would disrupt or impair a program of conversion from nondefense to defense work may appeal for relief by a letter addressed to War Production Board, Washington, D. C., Reference: M-21-d, setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The War Production Board may thereupon take such action as it deems appropriate.

(d) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 27th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2686; Filed, March 27, 1942; 11:37 a. m.]

PART 989—DOMESTIC MECHANICAL REFRIGERATORS

AMENDMENT NO. 2 TO SUPPLEMENTARY GENERAL LIMITATION ORDER L-5-b[1]

Section 989.3 (*Supplementary General Limitation Order L-5-b*) is hereby amended in the following particulars:

Subparagraph (a) (4) is hereby amended by inserting therein the words "or The Panama Canal" after the words "United States Maritime Commission."

Paragraph (a) is hereby further amended by adding thereto new subparagraphs (5) and (6) as follows:

(5) Any person may sell, lease, trade, deliver, ship or transfer any new domestic mechanical refrigerators to be physically incorporated into a defense project or defense housing project to which a preference rating of A-10 or higher has been assigned: *Provided*, That a written order or contract for such refrigerators was placed on or before February 13, 1942.

(6) Effective March 26, 1942, in addition to and without limiting the provisions of the foregoing subparagraphs, (i) any dealer, or any other person who is not a manufacturer or distributor, may sell, lease, trade, deliver, ship or transfer:

(*a*) Any new electric domestic mechanical refrigerators from his stock of new refrigerators to any person, and

(*b*) Any new gas or kerosene domestic mechanical refrigerators to a distributor or manufacturer;

(ii) Any Distributor may sell, lease, trade, deliver, ship or transfer (*a*) any new electric mechanical refrigerators:

To a manufacturer;

From his stock of new refrigerators in fulfillment of a contract or order bearing a Preference Rating of A-10 or higher;

From his stock of new refrigerators to any person that proportion of such stock which the number of new electric domestic mechanical refrigerators sold by him at retail during the year 1941 bears to the total number of new electric domestic mechanical refrigerators sold by him during the year 1941.

(*b*) Any new gas or kerosene domestic mechanical refrigerators to a manufacturer;

Paragraph (b) is hereby amended by adding thereto new subparagraphs (3), (4), (5), (6) and (7), as follows:

(3) "Manufacturer" means any person who manufactures or assembles completed new domestic mechanical refrigerators, excluding all factory branches and subsidiaries which qualify as distributors under the following subparagraph.

(4) "Distributor" means any person (including a factory branch or subsidiary of a manufacturer) engaged in the business of selling new domestic mechanical refrigerators to dealers for resale. A factory branch or subsidiary shall be considered a distributor only if it was performing the functions of a distributor prior to February 14, 1942.

(5) "Dealer" means any person (other than a Manufacturer) customarily engaged in the business of making sales at retail. A distributor shall be considered a dealer only if prior to February 14, 1942, he had a separate department or division through which he carried on his sales at retail, independent from his business as a distributor.

(6) "Retail sale" means any sale of not more than three domestic mechanical refrigerators to an ultimate consumer. Sales to builders, apartment house owners, institutions, governmental

[1] 7 F.R. 1063, 1493, 1670.

agencies, or employees of the seller shall not be considered retail sales.

(7) "Stock of new refrigerators" means those new domestic mechanical refrigerators which were in the inventory of a person or in transit to him at 10 A. M. Eastern War Time, February 14, 1942. Any new Domestic mechanical refrigerators which were reported to the War Production Board as being in the inventory of a manufacturer at 10 A. M. Eastern War Time, February 14, 1942, shall not be considered part of the stock of new refrigerators of any person other than such manufacturer.

Paragraph (c) is hereby amended by adding a new subparagraph (3) as follows:

(3) Each person (including a department or agency of the United States) affected by this Order shall file with the War Production Board such reports and questionnaires as said Board shall from time to time prescribe. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This amendment shall take effect immediately. Issued this 26th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2651; Filed, March 26, 1942; 4:21 p. m.]

PART 989—DOMESTIC MECHANICAL REFRIGERATORS

AMENDMENT NO. 2 TO SUPPLEMENTARY GENERAL LIMITATION ORDER L-5-C [1]

Subparagraph (g) (1) of Section 989.4 (Supplementary General Limitation Order L-5-c) is hereby amended by adding at the end thereof a new subparagraph (iii) as follows:

(iii) Raw materials, semi-processed delivered or otherwise transferred to Delivered or otherwise transferred to Defense Supplies Corporation, Metals Reserve Company or any other corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended, or any person acting as agent for any such corporation. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Congress, as amended by Pub. Law 89, 77th Congress.)

This Amendment shall take effect immediately.

Issued this 27th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2684; Filed, March 27, 1942; 11:35 a. m.]

[1] 7 F.R. 1493, 1629.

PART 997—PRODUCTION AND DELIVERY OF MACHINE TOOLS, GAGES, AND CHUCKS

AMENDMENT NO. 1 TO GENERAL PREFERENCE ORDER NO. E-1-a,[1] REVISED

General Preference Order No. E-1-a, Revised, (§ 997.1) is hereby amended as follows:

1. The word "chucks" in paragraph (a) (1), Group I, is hereby amended to read "All types of chucks, except drill chucks".

2. Paragraph (d) (1) (iv) is amended to read as follows:

(iv) (a) No purchase order received after March 25, 1942 for any machine tool shall be given priority standing in production and delivery schedules unless a preference rating has been assigned thereto by either a Preference Rating Certificate *PD-1A*, by a Preference Rating Certificate *PD-3A* or by a Preference Rating Order *P-19-h*. Delivery of the Preference Rating Certificate itself to the Producer is no longer required but each purchase order must carry the proper endorsement thereon prescribed by such Certificate PD-1A, PD-3A or Preference Rating Order P-19-h.

(b) Purchase orders for gages and chucks shall be scheduled only upon receipt of a preference rating assigned thereto by a Preference Rating Certificate, or by any preference rating order of the P-Series, except Nos. P-90 and P-100.

3. Paragraph (d) (2) (ii) is amended by adding the following after the words "machine tools":

(ii) * * * and accessories thereto specified in the same purchase order. * * *

4. Paragraph (d) (2) (iii) is amended to read as follows:

(iii) Where two or more purchasers do not appear on the List, and their contracts or purchase orders for machine tools, gages or chucks have required delivery dates which conflict, and which bear the same preference rating, the sequence of deliveries shall be determined by the respective dates on which the producer received the application of the preference rating to the purchase orders for such deliveries. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This Order shall take effect immediately. Issued this 26th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2650; Filed, March 26, 1942; 4:21 p. m.]

[1] 7 F.R. 221.

PART 1026—PRODUCTION OF CHEMICALS, MAINTENANCE, REPAIR AND OPERATING SUPPLIES

INTERPRETATION NO. 1 OF PREFERENCE RATING ORDER NO. P-89,[1] AMENDED

The following official interpretation is hereby issued by the Director of Industry Operations with respect to § 1026.1, General Preference Order No. P-89, amended:

The term "Operating Supplies" as defined in subparagraph (a) (6) of Preference Rating Order No. P-89, Amended, is hereby interpreted to include drums, containers and other packages, whether for intra or extra plant deliveries and whether such drums, containers and other packages are returnable or not. Also included are materials (not machinery or equipment, however) to be physically incorporated in such drums, containers and other packages or to be used for the sealing or fastening thereof. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong. as amended by Pub. Law 89, 77th Cong.)

Issued this 27th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2680; Filed, March 27, 1942; 11:33 a. m.]

PART 1031—MOLASSES

GENERAL PREFERENCE ORDER NO. M-54, AS AMENDED MARCH 27, 1942

Section 1031.1 (*General Preference Order No. M-54*) is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Molasses for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1031.1 *General Preference Order M-54* — (a) *Definitions.* For the purposes of this Order:

(1) "Molasses" means any molasses, sirup, sugar solution, or any form of fermentative sugar including Hydrol (derived from sugar cane, sugar beets or corn) other than direct-consumption sugar (as defined in General Preference Order No. M-55 As Amended January 24, 1942) or sugar intended for and used for manufacture into direct-consumption sugar. Blackstrap molasses is any final molasses produced in the manufacture of sugar from sugar cane or from the refining of raw sugar and includes all beet molasses produced in the manufacture of sugar from sugar beets. Invert molasses is any molasses made from sugar cane without extraction of sugars. Hydrol is corn sugar molasses. For the purpose of this Order one gallon of invert molasses is to be construed as 1½ gallons of blackstrap molasses and one gallon of Hydrol is to be construed as one gallon of blackstrap molasses.

(2) "Producer" means any person engaged in the production of Molasses and includes any person who has Molasses produced for him pursuant to toll agreement.

(3) "Importer" means any person who transports Molasses in any manner into the continental United States. Release from the bonded custody of the United States Bureau of Customs shall be deemed a transportation.

(4) "Primary Distributor" means any person, other than an Importer or a Producer, who sells Molasses which he has acquired (other than as Broker) from an Importer or a Producer.

(5) "Secondary Distributor" means any person, other than an Importer, Producer or Primary Distributor, who sells Molasses which he has acquired (other than as Broker) from some person other than an Importer or Producer.

(6) A person may, at the same time, be an Importer, a Producer, a Primary Distributor and a Secondary Distributor. His classification, in a particular case, will be determined by the source of the Molasses involved; i. e., with respect to Molasses imported, he will be an Importer, with respect to Molasses acquired from a Producer, he will be a Primary Distributor, etc.

(7) "Broker" means any person who buys and sells Molasses on a fee basis as agent either for the buyer or the seller or both.

(8) "Class 1 Purchaser" means any person who requires Molasses in the manufacture of any one or more of the following products:

(i) Insecticides.
(ii) Lactic Acid.
(iii) Graphite Paste.
(iv) Printing Rollers.
(v) Dye Stuffs.
(vi) Ink.
(vii) Ephedrine.
(viii) Sugar for Human Consumption (Produced From Beet Molasses).
(ix) Denatured Rum for Flavoring.
(x) Biological and Pharmaceutical Products for Human and Veterinary Uses.

and any person who requires Molasses for any one or more of the following purposes:

(xi) Dust Extraction.
(xii) Leather Tanning.

(9) "Class 2 Purchaser" means any person who requires Molasses in the manufacture (including custom grinding) of mixed feeds (including Molasses treated beet pulp).

(10) "Class 3 Purchaser" means any person who requires Molasses in the manufacture of any one or more of the following products:

(i) Yeast.
(ii) Citric Acid.

[1] 7 F.R. 541, 1640.

(11) "Class 4 Purchaser" means any person who requires Molasses in the manufacture of vinegar and any person who requires Molasses for foundry purposes.

(12) "Class 5 Purchaser" means any person who requires Molasses in the manufacture (including blending and/or packaging) of any one or more of the following products:

(i) Molasses (Edible).
(ii) Sirup (Edible).

(13) "Class 6 Purchaser" means any person who requires Molasses for sale directly (without the intervention of any other handler) to persons who require the same for ensilage or direct feed.

(14) "Class 7 Purchaser" means any person who requires Molasses for use in the manufacture of other products for human consumption (not specified above).

(15) "Calendar Quarter" means the several three month periods of the year commencing January 1, April 1, July 1, and October 1.

(16) "Calendar Quarterly Supply" means a quantity of Molasses not in excess of the quantity used by a purchaser listed above during a corresponding Calendar Quarter in the twelve month period ended June 30, 1941. Purchasers shall determine a Calendar Quarterly Supply with respect to each use specified in the applicable subparagraph above. Quantity shall in all cases be computed on a blackstrap molasses basis.

(17) "30 Day Supply" means a quantity of Molasses not in excess of one-twelfth of the quantity used by a purchaser listed above during the twelve month period ended June 30, 1941. Purchasers shall determine a 30 Day Supply with respect to each use specified in the applicable subparagraphs above. Quantity shall in all cases be computed on a blackstrap molasses basis.

(18) "Calendar Year" means the twelve month period commencing January 1 and ending December 31.

(19) "Yearly Supply" means a quantity of Molasses not in excess of the quantity used by a purchaser listed above during the twelve month period ended June 30, 1941. Purchasers shall determine a Yearly Supply with respect to each use specified in the applicable subparagraph above. Quantity shall in all cases be computed on a blackstrap molasses basis.

(b) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(c) *Restrictions on deliveries.* Anything in Priorities Regulation No. 1 to the contrary notwithstanding:

(1) No Class 1, 2, 3, 4, 5, 6 or 7 Purchaser shall, during any Calendar Quarter (Calendar Year in the case of a Class 3 or 5 Purchaser), accept deliveries of Molasses in excess of the quantity set forth below less any quantity in excess of a 30 Day Supply on hand on the first day of the Calendar Quarter (Calendar Year in the case of a Class 3 or 5 Purchaser) in which delivery is to be made:

(i) Class 1 Purchaser—during any Calendar Quarter, 100% of a Calendar Quarterly Supply.

(ii) Class 2 Purchaser—during the Calendar Quarter commencing January, 1942, 55% of a Calendar Quarterly Supply; during any Calendar Quarter thereafter, 50% of a Calendar Quarterly Supply.

(iii) Class 3 Purchaser—during a Calendar Year, 110% of a Yearly Supply.

(iv) Class 4 Purchaser—during any Calendar Quarter, 110% of a Calendar Quarterly Supply.

(v) Class 5 Purchaser—during a Calendar Year, 100% of a Yearly Supply.

(vi) Class 6 Purchaser—during any Calendar Quarter, 100% of a Calendar Quarterly Supply.

(vii) Class 7 Purchaser—during any Calendar Quarter, 100% of a Calendar Quarterly Supply.

(2) Prior to delivery of Molasses, within the limitations of subparagraph (c) (1) hereof, the prospective deliveree, if he be a Class 1, 2, 4, 6 or 7 Purchaser, shall submit to the deliveror a certificate in substantially the following form, properly filled out and manually signed by a duly authorized official:

The delivery, in the Calendar Quarter ended , of gallons of Molasses (blackstrap molasses basis), in connection with which this certificate is furnished, will not, taking into consideration Molasses received and to be received during the same Calendar Quarter from all sources and inventory on hand on the first day of such Calendar Quarter, be in excess of per cent of a Calendar Quarterly Supply to which the undersigned, as a Class Purchaser, is entitled pursuant to General Preference Order No. M-54, amended, with the terms of which Order the undersigned is familiar.
Dated:

(Name of purchaser)
By
(Duly authorized official)

Prior to delivery of Molasses, within the limitations of subparagraph (c) (1) hereof, the prospective deliveree, if he be a Class 3 or 5 Purchaser, shall submit to the deliveror a certificate in substantially the following form, properly filled out and manually signed by a duly authorized official:

The delivery of gallons of Molasses (blackstrap molasses basis), in connection with which this certificate is furnished, will not, taking into consideration Molasses received and to be received during this Calendar Year from all sources and inventory on hand on the first day of this Calendar Year, be in excess of per cent of a Yearly Supply to which the undersigned, as a Class Purchaser, is entitled pursuant to General Preference Order No. M-54, amended, with the terms of which Order the undersigned is familiar.
Dated:

(Name of purchaser)
By
(Duly authorized official)

(3) No person shall knowingly deliver Molasses to any Class 1, 2, 3, 4, 5, 6 or 7 Purchaser in violation of the terms of subparagraphs (c) (1) and (2) hereof.

(4) Except as otherwise provided in paragraph (d) hereof, on and after January 1, 1942, no deliveries of Molasses shall be made by any Producer, Primary

Distributor, or Importer unless the same shall have been specifically authorised by the Director of Industry Operations; and no person shall accept delivery of Molasses if such delivery would be made in violation of the foregoing clause. At the beginning of each Calendar Quarter the Director of Industry Operations will issue to all Producers, Primary Distributors and Importers specific directions covering deliveries of Molasses which may be made by such Producers, Primary Distributors and Importers during such Calendar Quarter. Such directions will be primarily to insure the satisfaction of all defense requirements and to provide an adequate supply for essential civilian uses, and they may be made at the discretion of the Director of Industry Operations without regard to any preference rating assigned to particular contracts or orders.

(d) *Unrestricted deliveries.* Subject to the provisions of Priorities Regulation No. 1, amended, (and more particularly the inventory provisions thereof) and paragraphs (f) and (g) hereof, the following deliveries of Molasses shall not be subject to the provisions of paragraph (c) (4) hereof:

(1) Within the limitations of subparagraphs (c) (1) and (2) hereof, deliveries to purchasers specified in paragraph (a) hereof.

(2) Deliveries to Secondary Distributors for purposes of resale.

(3) Deliveries by a Class 7 Purchaser (of Molasses to which he is entitled pursuant to subparagraph (c) (1) (vii) hereof) to persons who require Molasses for ensilage or direct feed. Such deliveries should be made as equitably as possible among the persons requiring Molasses in the area which such Class 7 Purchaser serves.

(4) Deliveries of any one of the products specified in subparagraph (a) (12) hereof which after manufacture (including blending and/or packaging) fall within the definition of Molasses.

(5) Deliveries originating, completed and for use outside of the continental United States.

(6) Deliveries to an Importer originating outside of the continental United States.

(e) *Restrictions on consumption.* Unless otherwise authorized by the Director of Industry Operations, no purchaser specified in paragraph (a) hereof shall, during any Calendar Quarter commencing with the month of January 1942, use or consume more Molasses:

(1) Than he would be permitted to receive during such Calendar Quarter in the case of a Class 1, 2, 4, 6 or 7 Purchaser (assuming that such purchaser had no Molasses on hand on the first day of the Calendar Quarter).

(2) Than 110% of a Calendar Quarterly Supply, in the case of a Class 3 Purchaser.

(3) Than a Calendar Quarterly Supply, in the case of a Class 5 Purchaser.

(f) *Restrictions with respect to beverage spirits.* Except as may be otherwise provided by the Director of Industry Operations, after January 15, 1942, no person shall deliver, use, or accept delivery of Molasses for the manufacture of beverage spirits.

(g) *Restrictions on export.* No Molasses shall be exported by any person except upon express authorization of the Director of Industry Operations.

(h) *Intra-company transactions.* The prohibitions or restrictions contained in this Order with respect to deliveries shall, in the absence of a contrary direction, apply not only to deliveries to other persons, including affiliates and subsidiaries, but also to deliveries from one branch, division or section of the same or any other enterprise owned or controlled by the same person.

(i) *Prior authorizations.* Specific mail or telegraphic authorizations hertofore issued by the Director of Industry Operations by way of relief from the provisions of this Order as it existed prior to this Amendment shall not be prejudiced or in any manner affected hereby.

(j) *Reports.* Reports shall be made at such times, on such forms and with respect to such matters as shall be prescribed by the Chemicals Branch of the War Production Board.

(k) *Notification of customers.* Producers, Distributors and Importers shall, as soon as practicable, notify each of their regular customers of the requirements of this Order, but the failure to give such notice shall not excuse any person from the obligation of complying with the terms of this Order.

(l) *Violations or false statements.* Any person who violates this Order or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Industry Operations, or otherwise wilfully furnishes false information to the Director of Industry Operations or to the War Production Board may be deprived of priorities assistance or may be prohibited by the Director of Industry Operations from obtaining further deliveries of materials subject to allocation. The Director of Industry Operations may also take any other action deemed appropriate, including the making of a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(m) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Molasses conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board, Reference: M-54, attention Chemicals Branch, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(n) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2682; Filed, March 27, 1942; 11:33 a. m.]

PART 1032—DIRECT-CONSUMPTION SUGAR

AMENDMENT NO. 2 TO GENERAL PREFERENCE ORDER M-55, AS AMENDED JANUARY 24, 1942, TO CONSERVE THE SUPPLY AND DIRECT THE DISTRIBUTION OF DIRECT-CONSUMPTION SUGAR

Section 1032.1 (General Preference Order M-55, as amended January 24, 1942),[1] paragraph (d) (5) providing for "Deliveries not charged against quota" is hereby amended by the addition of two subparagraphs numbered (xi) and (xii) and reading as follows:

(xi) Any person requiring additional supplies for feeding bees when sufficient other suitable feed is not available, provided that such person must file with his supplier of sugar under this provision a written statement in substantially the following language, manually signed by a person authorized to make such representation.

I own or have charge of -------- colonies of bees, -------- nuclei and/or -------- packages of bees. I have in my possession or under my control -------- pounds of sugar or sugar syrup. To feed the above-mentioned bees within the next 30 days, -------- pounds of sugar are needed in addition to my inventory. I am able to obtain -------- pounds from --------
(Name)
of --------, my usual supplier,
(Address)
based on my quota or on my equitable share of his normal supply. I will therefore need, in addition, -------- pounds of quota-exempt sugar and order it herewith. I shall use this sugar solely for bee feeding and will comply with any applicable War Production Board orders.

Firm Name --------
Address --------
By --------

A copy of such writing must be filed with the Director of Industry Operations. Such statement shall constitute a representation to the War Production Board and the supplier that the signer is entitled to receive the amount stated. The supplier shall be entitled to rely on such representation, unless he knows or has reason to believe it to be false.

(xii) The United Service Organizations. (P.D. Reg. 1, amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This Amendment shall take effect immediately. Issued this 26th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2649; Filed, March 26, 1942; 4:21 p. m.]

[1] 7 F.R. 581, 1106, 2169.

PART 1032—DIRECT-CONSUMPTION SUGAR

SUPPLEMENTARY ORDER M-55-C

Pursuant to Order M-55, which this Order supplements:

§ 1032.4 *Supplementary Order M-55-c*—(a) *Restrictions on primary distributors.* Primary Distributors of Beet Sugar are hereby required to set aside for shipment as ordered by the Director of Industry Operations, 15% of the refined Direct-Consumption Sugar, derived from Sugar Beets, in their possession or control at any or all points on the effective date of this Order. Primary Distributors are further required to set aside at the end of each month for shipment and sale as the Director of Industry Operations may order, 15% of their production during such month, after the effective date of this Order, unless the Director of Industry Operations shall prescribe some greater or less percentage.

(b) *Reports.* Within fifteen (15) days after the effective date of this Order the Primary Distributors affected thereby shall notify the War Production Board in writing of the location and amount of Direct-Consumption Sugar set aside by them pursuant to this Order. Within five (5) days after the end of each calendar month each Primary Distributor affected by this Order shall similarly report to the Director of Industry Operations the amount and location of Direct-Consumption Sugar set aside by him out of production during such month.

(c) *Release.* If, within sixty (60) days after mailing of notification as prescribed in paragraph (b), the Director of Industry Operations shall not have instructed a Primary Distributor further with regard to the shipment and sale of such sugar or part thereof, such sugar shall be deemed released and may be disposed of or held by the Primary Distributor in any manner consistent with other laws, and orders and regulations of the War Production Board and the Office of Price Administration.

(d) *Effective date and termination.* This Order shall take effect immediately and unless sooner modified, amended, or revoked, shall continue in effect until December 31, 1942. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 27th day of March, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2690; Filed, March 27, 1942; 11:38 a. m.]

PART 1032—DIRECT CONSUMPTION SUGAR

SUPPLEMENTARY ORDER M-55-d

Pursuant to Order M-55, which this Order supplements:

§ 1032.5 *Supplementary Order M-55-d*—(a) *Definitions of zones.* (1) "Zone 1" means Maine, New Hampshire, and Vermont.

(2) "Zone 2" means Massachusetts, Rhode Island, and Connecticut.

(3) "Zone 3" means New York, New Jersey, Pennsylvania, Delaware, Maryland, Virginia, West Virginia, and the District of Columbia.

(4) "Zone 4" means North Carolina.

(5) "Zone 5" means South Carolina, Georgia, and Florida east of the Apalachicola River.

(6) "Zone 6" means Tennessee and Kentucky.

(7) "Zone 7" means Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, Texas, Missouri, Illinois, Indiana, Ohio, and Florida west of the Apalachicola River.

(8) "Zone 8" means the balance of the continental United States excluding Alaska and the Canal Zone.

(b) *Shipments permitted.* Until further Order of the Director of Industry Operations Direct-Consumption Sugar derived from sugar cane may be shipped or sold for shipment only to destinations within zones as follows:

(1) From points in Zones 1 and 2, only to points in Zones 1 and 2.

(2) From points in Zone 3, only to points in Zones 2, 3, and 4.

(3) From points in Zone 4 only to points in Zone 4.

(4) From points in Zone 5, only to points in Zones 4, 5, and 6.

(5) From points in Zone 6, only to points in Zone 6.

(6) From points in Zone 7, only to points in Zones 6 and 7.

(7) From points in Zone 8, only to points in Zone 8, and Texas, Oklahoma, Missouri and Illinois.

(c) *Sugar shipped before date of Order.* Direct-Consumption Sugar refined by Primary Distributors in any of the zones set forth in paragraphs (a) and (b), and shipped to points outside the areas to which shipment is permitted by paragraph (b) prior to the effective date of this Order, but still owned or controlled by such Primary Distributors on such effective date, may be sold at or near the points to which they were shipped only within one month after the effective date of this Order.

(d) *Other restrictions.* Primary Distributors shall sell sugar equitably among their customers, and shall so far as possible not discriminate in favor of or against any area or class of customers open to them under this Order: *Provided, however,* That this Order shall not be construed to require any Primary Distributor to ship outside his normal trading area unless he is specifically so ordered by the Director of Industry Operations.

(e) *Applicability of Order.* This Order does not apply to raw, dry invert or liquid invert Direct-Consumption Sugar, or to soft Sugar in bulk or to confectioner's, brown, loaf, tablet, and other specialty Direct-Consumption Sugar, in one and two pound packages, or to Direct-Consumption Sugar refined or processed outside the continental United States.

(f) *Effective date and termination.* This Order shall take effect immediately and unless sooner modified, amended, or revoked shall continue in effect until December 31, 1942. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.).

Issued this 27th day of March, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2691; Filed, March 27, 1942; 11:38 a. m.]

PART 1032—DIRECT-CONSUMPTION SUGAR

SUPPLEMENTARY ORDER M-55-e

§ 1032.6 *Supplementary Order No. M-55-e.* (a) The Director of Industry Operations hereby determines that during the month of April, 1942, the quota of Direct-Consumption Sugar permitted Receivers under Paragraph (d) of Order M-55, as amended, shall be a minimum practicable working inventory not exceeding 80% of use or resale during the base period of 1941 as prescribed by the said Order No. M-55.

(b) During the said month of April 1942, no person, other than a Receiver, using sugar in the manufacture of any other product for resale, shall accept delivery of more Direct-Consumption Sugar than he would be permitted to accept if he were a Receiver, and no jobber or wholesaler shall sell or deliver Direct-Consumption Sugar to any person with knowledge or reason to believe that such person is prohibited from accepting delivery of such sugar by this paragraph. This paragraph does not apply to purchase or use of sugar for preparation of meals to be served in hotels or restaurants. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 27th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2692; Filed, March 27, 1942; 11:38 a. m.]

PART 1032—DIRECT-CONSUMPTION SUGAR

RAW OR INVERT SUGAR

Pursuant to Order M-55, which this Order Supplements:

§ 1032.7 *Supplementary Order M-55-f*—(a) *Special quota for raw or invert direct-consumption sugar.* The term "Invert Direct-Consumption Sugar" includes such sugar whether partially inverted, fully inverted, or in liquid or congealed form. If any person used Raw or Invert Direct-Consumption Sugar in 1941 in the manufacture of any product other than refined Sugar, and customarily accepted delivery thereof in barrels, drums, or smaller containers, he may, at his election, accept delivery of a special annual quota of such Raw or

Invert Direct-Consumption Sugar at any time or times during the year 1942. Such quota shall be Seventy percent of his 1941 use, but not over 10,000 pounds of sugar content may be accepted in any one month. Any person so electing may accept delivery of Raw or Invert Direct-Consumption Sugar from a Primary Distributor, even though he accepts delivery of other types of Direct-Consumption Sugar from Secondary Distributors. Notice of such election shall be given by letter to the War Production Board on or before April 15, 1942, stating such person's use of such Sugar during each month of 1941 and the amount of such Sugar received during 1942. Thereafter, the periodic quotas of other types of Direct-Consumption Sugar, as provided for in Order M-55, as amended, or in regulations of the Office of Price Administration, shall, for any person so electing, be calculated on a basis excluding his 1941 use or resale of Raw or Invert Direct-Consumption Sugar during the base period.

(b) *Report.* Any person electing to accept delivery of a special quota as authorized by paragraph (a) shall report in writing to the War Production Board when he has accepted delivery of his entire quota.

(c) *Persons not electing.* Any purchase or acceptance of delivery of raw or invert Direct-Consumption Sugar by any Person not electing to accept delivery of the special quota as prescribed in paragraph (a) shall be governed by the general provisions and quota limitations of Order M-55 so far as they are applicable.

(d) *Effective date and termination.* This Order shall take effect immediately and unless sooner amended, modified, or revoked, shall expire on December 31, 1942. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong. as amended by Pub. Law 89, 77th Cong.)

Issued this 27th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2693; Filed, March 27, 1942; 11:39 a. m.]

PART 1150—HONEY

GENERAL PREFERENCE ORDER NO. M-118

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of honey for defense, private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1150.1 *General Preference Order M-118*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Definitions for the purposes of this Order.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Honey" means the exudations of plants gathered, modified and stored in the comb by honey-bees, and includes honey in any comb or extracted form and any syrup or compound in which the main ingredient is honey.

(c) *General restrictions.* (1) Except as permitted by this Order or as otherwise authorized by the Director of Industry Operations, no person may use honey in the manufacture of any other product.

(2) From the effective date of this Order to April 30, 1942, and during each month thereafter in 1942, any person may use, in the manufacture of any other product, either as much honey as he used in the corresponding month or other period of 1941 or one-third of the total amount of honey he used in the three-month period ending December 1941, whichever is greater.

(3) Notwithstanding the restrictions of subparagraph (c) (2), any person may use, in the manufacture of any product, not over sixty (60) pounds of honey from the effective date of this Order to April 30, 1942, and the same amount in each succeeding month of 1942.

(4) No person may accept delivery of honey, for use in manufacture of any other product, in excess of his minimum practicable working inventory needs in view of the foregoing restrictions.

(5) No person shall deliver honey to any other person with the knowledge or reason to believe that such person is not entitled to accept such delivery.

(6) Notwithstanding other provisions of this Order, any person may use any amount of honey in the manufacture of any product for use by or to fill actual orders by or contracts held by any person with:

(i) The War Department of the United States.

(ii) The Navy Department of the United States.

(iii) Any agency of the United States Government for materials, supplies, or equipment to be delivered to, or for the account of the government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend-Lease Act.)

(d) *Applicability of order.* This Order applies to use of domestic or imported honey in the continental United States (excluding Alaska and Panama).

(e) *Records.* Each person packing honey, selling honey at wholesale, or using more than sixty (60) pounds of honey per month in the manufacture of any other product shall keep and preserve for a period of not less than two (2) years accurate and complete records of his inventories, production, purchases, sales and use of honey.

(f) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Reports.* Every person (other than the agencies specified in paragraph (c) (6)) who, at the opening of business on the effective date of this Order, has in his possession or under his control 1,200 pounds or more of honey shall, within thirty (30) days after that date, report to the War Production Board, on Form PD-392, the amount of honey in his possession or under his control, provided that no such report is required of any retailer who has in his possession or under his control honey only in packages of ten (10) pounds or less for retail sale. Failure to make such a report by any person shall be deemed a representation to the Government, subject to the penalties of Section 35 (A) of the United States Criminal Code (18 U.S.C. 80), that such person has in his possession or under his control less than 1,200 pounds of honey or is a retailer whose stock of honey is in containers of ten (10) pounds or less for retail sale. Every person (other than the agencies specified in paragraph (c) (6)) who hereafter purchases, at any one time, 10,000 pounds or more of honey, shall report each such purchase in writing to the War Production Board, specifying the seller, the amount purchased and the intended use of the honey. Every person participating in any transaction to which this Order applies shall also execute and file with the War Production Board such other reports and questionnaires as said office shall from time to time request.

(h) *Violations.* Any person who willfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(i) *Appeal.* Any person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal to the War Production Board, setting forth pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(j) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: M-118.

(k) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 26th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2652; Filed, March 26, 1942; 4:22 p. m.]

PART 1085—MAINTENANCE AND EXPANSION OF PLANTS CANNING FRUITS AND VEGETABLES

INTERPRETATION NO. 1 OF PREFERENCE RATING ORDER NO. P-115 [1]

The following official interpretation is hereby issued by the Director of Industry Operations with respect to Preference Rating Order No. P-115, dated February 11, 1942:

The ratings assigned by paragraph (b) of said Order may be applied by a Producer for Repair, Maintenance, Operation, Replacement, Addition or Expansion of machinery which is in his possession and is used in his plant, whether such machinery is owned by the Producer or is owned by another and leased to the Producer. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a) Pub. Law 671, 76th Cong. as amended by Pub. Law 89, 77th Cong.)

Issued this 27th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2689; Filed, March 27, 1942; 11:33 a. m.]

PART 1105—SUGAR

SUPPLEMENTARY ORDER NO. M-98-a,[2] AMENDED

§ 1105.2 *Supplementary Order M-98-a.* (a) Pursuant to Paragraph (c) of General Preference Order No. M-98 no Refiner shall purchase, import, or accept Delivery of Raw Sugar produced in areas outside the continental United States in excess of the allotment hereby established for the period from January 1, 1942, to September 30, 1942, for him in the amount set forth below opposite his name. Such allotment may be changed or modified from time to time by the Director of Industry Operations. All such Raw Sugar purchased, imported, or received by him between January 1, 1942, and the date of this Order shall be charged against such allotment.

	Short tons, raw value
American Sugar Refining Company	692,324
J. Aron & Company, Inc.	24,108
California & Hawaiian Sugar Refining Corp.:	
West Coast	293,900
East Coast	99,577
Colonial Sugars, Inc.	88,564
Godchaux Sugars, Inc.	132,435
Henderson Sugar Refinery, Inc.	50,007
Imperial Sugar Company	79,972
Liquid Sugars, Inc.	4,802
W. J. McGahan Sugar Refining & Molasses Co.	122,770
National Sugar Refining Company	444,797
Pennsylvania Sugar Company	160,055
Refined Syrups & Sugars, Inc.	77,737
Revere Sugar Refinery	116,962
Savannah Sugar Refining Corp.	48,073
South Coast Corporation	22,408
Sterling Sugars, Inc.	13,995
Sucrest Corporation and Affiliates	70,875
Tea Garden Products Co.	460
Western Sugar Refinery:	
West Coast	70,095
East Coast	45,756

(b) Purchases, importations, or acceptances of Delivery, within the allotment established in Paragraph (a) hereof, of Raw Sugar produced in any areas outside the continental United States (except the Territory of Hawaii) shall be made only upon the specific authorization of the Director of Industry Operations. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This Order shall take effect immediately. Issued this 27th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2689; Filed, March 27, 1942; 11:37 a. m.]

[1] 7 F.R. 952.

[2] 7 F.R. 1026.

PART 1112—OFFICE MACHINERY

AMENDMENT NO. 1 TO CONVERSION ORDER NO. L-54-a [1]

Section 1112.2 (*Conversion Order No. L-54-a*) is hereby amended as follows:

Paragraph (a) (4) of said section is hereby amended to read as follows:

§ 1112.2 *Conversion Order L-54-a*—(a) *Definitions. For the purpose of this order:*

* * * * *

(4) "Typewriter," unless expressly otherwise stated, includes non-portable typewriters, (including noiseless and electric types) and portable typewriters, and unless expressly otherwise stated, refers only to new typewriters. The term shall not include billing and continuous forms handling typewriters; shorthand writing machines; telegraphically controlled typewriters; Braille typewriters; toy typewriters; linotype machines or monotype machines. The term "new typewriter" means any typewriter which has not been delivered to any person acquiring it for use, but does not include rebuilt typewriters. The term "used typewriter" means any typewriter which at any time has been delivered to any person acquiring it for use, and includes rebuilt typewriters.

Paragraph (c) (2) is hereby amended to read as follows:

(c) *Authorized production quotas.*

* * * * *

(2) *Sets of parts for export.* Each Manufacturer may produce for export during the period commencing March 15, 1942 and ending May 31, 1942, and the month of June, 1942, respectively, a number of Sets of Parts for non-portable and portable typewriters, not in excess of the following percentages of the average monthly number of Sets of Parts for non-portable and portable typewriters, respectively, shipped from his factories during 1941:

Name of manufacturer	Nonportable production	
	March 15-May 31, 1942	June 1942
	Percent	*Percent*
Underwood Elliott Fisher Co.	2½ times 75	53
Remington Rand, Inc.	2½ times 75	53
Royal Typewriter Company, Inc.	2½ times 75	53
L. C. Smith & Corona Typewriters, Inc.	2½ times 75	53
International Business Machine Corp.	2½ times 75	53
Woodstock Typewriter Co.	2½ times 90	75

Name of manufacturer	Portable production	
	March 15-May 31, 1942	June, 1942
	Percent	*Percent*
Underwood Elliott Fisher Co.	2½ times 36	11
Remington Rand, Inc.	2½ times 36	11
Royal Typewriter Company, Inc.	2½ times 36	11
L. C. Smith & Corona Typewriters, Inc.	2½ times 36	11

The right to produce and export any such Sets of Parts shall not be construed to authorize the export of such Sets unless export licenses can be secured.

Provided, however, That any Manufacturer who is unable to ascertain the physical quantity of Sets of Parts for nonportable or portable typewriters which he shipped from factories during 1941 may produce for export a dollar value of such non-portable or portable Sets of Parts not in excess of the above-mentioned percentages of the average monthly dollar value of Sets of Parts for non-portable or portable typewriters, respectively, shipped from his factories during 1941.

The quantity of Sets of Parts for nonportable and portable typewriters so produced shall be over and above the production quotas for non-portable and portable typewriters. No Manufacturer so producing and exporting Sets of Parts shall, directly or indirectly, import any typewriters into the United States. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R.561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a) Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 27th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2688; Filed, March 27, 1942; 11:37 a. m.]

[1] 7 F.R. 2130.

PART 1131—ROUGH DIAMONDS

GENERAL PREFERENCE ORDER NO. M-109

It is essential that an adequate supply of Rough Diamonds be available to fulfill the war requirements of the United States, and that the distribution of

Rough Diamonds to consumers for industrial uses shall not be disturbed or retarded by hoarding or speculation; and the following Order is deemed necessary and appropriate in the public interest and to promote the defense of the United States.

§ 1131.1 *General Preference Order M–109*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected hereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* As used in this Order:

(1) "Rough Diamonds" means any diamond material that has not been cut and polished as a gem stone, and shall include Rough Diamonds incorporated in an unused tool or other device.

(2) "Crushing Bortz" means the lowest grade of Rough Diamonds, useful only after having been crushed into powder.

(c) *Reports of stocks and inventories.* Every person who, on the 31st day of March 1942, or on the last day of any calendar quarter thereafter, has title to, or possession or control of, ten (10) or more carats of Rough Diamonds, including Rough Diamonds incorporated in any unused tool or other device, shall, on or before the close of business on the 15th day of the succeeding month, report to the War Production Board in duplicate on Form PD–376, the quantity and description of Rough Diamonds owned by him or in his possession or control, the business in which he is engaged, the name of any other person having any interest in such Rough Diamonds, and such other information as may be required. Failure on the part of any person to make such a report on or before the 15th day of April 1942, or the 15th day of the month following any calendar quarter thereafter, shall be deemed a representation to the Government, subject to the penalties of section 35 (a) of the United States Criminal Code, that such person did not have title to, or possession or control of, such quantity of Rough Diamonds on the last day of the preceding calendar quarter.

(d) *Reports of sales or transfers of loose rough diamonds in quantities greater than five (5) carats and of crushing bortz in quantities greater than fifty (50) carats.* After the effective date of this Order, any person purchasing or otherwise acquiring title to, or possession or control of, any Crushing Bortz in a quantity in excess of fifty (50) carats, or any other Rough Diamonds which have not been incorporated in a tool or other device in a quantity in excess of five (5) carats, in any calendar month, shall furnish to the seller or to the person from whom title to, or possession or control of such Rough Diamonds is acquired, a certificate, in quadruplicate, on Form PD–377, manually signed by the Purchaser or a responsible official, stating the name of the person purchasing or otherwise acquiring such Rough Diamonds, a description of the Rough Diamonds to be acquired, the price or other consideration for the transfer, the business of the purchaser or transferee, the proposed use to be made of such Rough Diamonds, and such other information as may be required. The Seller's Certificate on such Form shall be signed by the seller, and one copy of the completed Form shall be returned to the purchaser, one copy shall be retained by the seller, and two copies shall be filed by the seller with the War Production Board within ten (10) days after the date of the sale or transfer to which such certificate relates. Such statement shall constitute a representation to the War Production Board by the purchaser of the facts stated in the purchaser's certificate, and by the seller of the facts stated in the seller's certificate appearing on said statement. No person shall transfer to any other person, Crushing Bortz in a quantity greater than fifty (50) carats, or any other Rough Diamonds which have not been incorporated in a tool or other device in a quantity greater than five (5) carats, in any calendar month, without obtaining from the purchaser or transferee, and forwarding to the War Production Board a signed certificate in the form prescribed by this paragraph, covering all transfers made to such Purchaser during such calendar month.

(e) *Reports of imports.* Imports of Rough Diamonds shall not be subject to the provisions of paragraph (d) hereof. Every person who, after the effective date of this Order, imports any Rough Diamonds, shall, within ten (10) days thereafter, file with the War Production Board, a report, on Form PD–377, manually signed by such importer, or a responsible official, giving all the information required thereby to be furnished by the purchaser. Such report shall give the name of, but need not be signed by, the person from whom such imported Rough Diamonds were acquired.

(f) *Reports of sales or transfers of rough diamonds in quantities less than five (5) carats, crushing bortz in quantities less than fifty (50) carats, and of rough diamonds in tools.* Every person who, after the effective date of this Order, makes any sale or transfer of loose Rough Diamonds in a quantity of five (5) carats or less, or Crushing Bortz in a quantity of fifty (50) carats or less, or of Rough Diamonds physically incorporated in an unused tool or other device, with respect to which no Certificate is required under paragraph (d) hereof, shall file with the War Production Board on or before the 15th day of the succeeding month, a report in duplicate on Form PD–378 of the total number of sales or transfers and the quantity of Rough Diamonds transferred during the preceding month not covered by certificates filed with the War Production Board in accordance with paragraph (d) hereof.

(g) *Appeals.* Any person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board, setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Communications.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board Washington, D. C. Ref.: M–109.

(i) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(j) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 27th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2685; Filed, March 27, 1942; 11:36 a. m.]

PART 1134—TEA

CONSERVATION ORDER M–111

The uncertainty of shipments of Tea from abroad, and the fulfillment of requirements for the defense of the United States has created a shortage in the supply of Tea for defense and for private account; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1134.1 *Conservation Order M–111*—(a) *Applicability of priorities Regulation No. 1.* This Order, and all transactions affected thereby, are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Definitions for the purpose of this Order.* (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(2) "Packer" means any Person engaged in the packaging of Tea.

(3) "Receiver" means any person who buys or accepts delivery of Tea from any one or more Packers otherwise than at retail, or who has done so at any time since January 1, 1941.

(4) "Corresponding Quarter in 1941" means the one of the several three-month periods in the year 1941, commencing January 1, April 1, July 1, and October 1, which includes the corresponding monthly period for which a quota is prescribed as provided for herein.

(5) "Inventory" of a Receiver shall include all Tea held or controlled by him or in transit to him in the continental United States; and shall include the inventory of affiliates and subsidiaries of such Receiver, and the inventory of others where such Inventory is under the control of, or in the common control with, or reserved for the use of such Receiver, but shall not include Tea held in any retail store or other retail outlet for sale at retail.

(6) "Normal Supply" means the average monthly deliveries of Tea accepted by a Receiver during the corresponding quarter in 1941.

(c) *General restrictions.* (1) No receiver shall buy or accept delivery of Tea from any source except as permitted by this Order.

(2) No Person shall sell or deliver Tea to any Receiver with knowledge or reason to believe that such Receiver is not entitled to accept delivery thereof pursuant to this Order.

(3) Receivers shall sell Tea equitably to purchasers, and shall not favor purchasers who purchase other products from them nor discriminate against purchasers who do not purchase other products from them.

(d) *Quota restrictions and exceptions thereto*—(1) *Receivers in business in corresponding period of 1941.* In any calendar month any Receiver may, subject to the inventory restrictions as provided for in paragraph (e), accept delivery of Tea up to his quota for such month which shall be such percentage of the average monthly deliveries of Tea accepted by him in the corresponding quarter of 1941, as the Director of Industry Operations may from time to time determine.

(2) *Receivers not in business in the corresponding period of 1941.* Any Receiver who was not in business during the whole of the corresponding quarter of 1941, but was in business during the whole of the months of October, November and December, 1941, may, subject to the inventory restrictions as provided for in paragraph (e), in any calendar month accept delivery of Tea up to his quota for such month, which shall be such percentage of the average monthly deliveries of Tea accepted by him in October, November and December, 1941, as the Director of Industry Operations may determine.

(3) *Packers not selling through own retail outlets.* No Packer shall in any calendar month sell, transfer or deliver to any Receiver a quantity to Tea in excess of such Packer's quota for such month, which shall be such percentage of his average monthly deliveries of Tea to such Receiver in the corresponding quarter of 1941, as the Director of Industry Operations may from time to time determine.

(4) *Packers selling through own retail outlets.* No Packer who sells Tea at retail directly to consumers through retail stores or other retail sales outlets which he owns, operates or controls shall in any calendar month sell, transfer or deliver Tea in excess of his quota for such month, which shall be such percentage of his average monthly warehouse deliveries of Tea for sale through such retail stores or other retail sales outlets in the corresponding quarter period of 1941, as the Director of Industry Operations may from time to time determine.

(5) *Deliveries not charged against quota.* Notwithstanding the foregoing limitations, any Packer may deliver Tea to any Person, and any Receiver may accept delivery of Tea, without charging it against his quota, and may sell and deliver Tea to any Person, if such delivery or acceptance is specifically authorized by the Director of Industry Operations, or if such Tea is to be used or to be physically incorporated in materials to be used to fill actual orders by or contracts held by any person with:

(i) The War Department of the United States;

(ii) The Navy Department of the United States;

(iii) Any Agency of the United States Government for materials, supplies, or equipment to be delivered to, or for the account of the Government of any country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(e) *Restrictions relating to receiver's inventory.* Anything in this Order to the contrary notwithstanding:

(1) No Receiver shall accept deliveries of Tea which will increase such Receiver's Inventory of Tea to an amount in excess of his Normal Supply, as defined above.

(2) Except as specifically authorized by the Director of Industry Operations, or for the purpose of filling actual orders of contracts as provided in paragraph (d) (5) above, no Receiver having an Inventory of Tea in excess of his Normal Supply, as defined above, shall make resales or deliveries in any calendar month in excess of the quota provided for in paragraphs (d) (1) or (d) (2) for such month.

(f) *Limitation on size of packages.* (1) From and after the 15th day from the effective date of this Order no Packer shall pack Tea for sale at retail in a package or container containing more than one-fourth of one pound of Tea.

(2) From and after the 15th day from the effective date of this Order no Packer shall pack Tea bags or Tea balls (defined for purposes of this Order as a Tea bag or Tea ball containing 1/10 of one ounce or less of Tea) for sale at retail in a package or container containing more than 50 such Tea bags or Tea balls.

(g) *Existing contracts.* The fulfillment of existing contracts in violation of this Order is prohibited regardless of whether such contracts were entered into before or after the effective date of this Order.

(h) *Reports.* (1) Every Packer, Receiver and every Person who imports Tea into the continental United States, having title, possession, or control of 500 or more pounds of Tea on the effective date of this Order (excluding Tea held in retail stores or other retail sales outlets for sale at retail) shall, on or before the close of business on the 10th day after the effective date of this Order, file with the War Production Board, Ref.: M–111, all the information required by Form No. PD–374. Failure to make such report on the part of any Packer, Receiver, or Person who imports Tea into the continental United States shall be deemed a representation to the Government, subject to the penalties of section 35 (A) of the United States Criminal Code, that such person does not have title to, possession or control of such quantities of Tea.

(2) Each person participating in any transaction to which this Order applies shall execute and file with the War Production Board such other reports and questionnaires as such Board may from time to time request.

(i) *Records.* Each Packer and Receiver participating in any transaction to which this Order applies shall keep and preserve for a period of not less than two years accurate and complete records of his inventories of the product to which such Order relates and of the details of all transactions in such product. Such records shall include the dates of all contracts or purchase orders accepted, the delivery dates specified in such contracts or purchase orders, and any preference rating certificates accompanying them, the dates of actual deliveries thereunder, description of the Tea covered by such contracts or purchase orders, description of deliveries by types, quantities and values, the parties involved in each transaction, the preference ratings, if any, assigned to deliveries under such contracts or purchase orders, details of Defense Orders and all other rated orders either accepted or offered and rejected, and other pertinent information.

(j) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(k) *Violations.* Any Person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(l) *Appeal.* Any Person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him, may appeal to the War Production Board, setting forth pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(m) *Communications to the War Production Board.* All reports required to

be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: M–111.

(n) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 27th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2694; Filed, March 27, 1942; 11:39 a. m.]

PART 1134—TEA

SUPPLEMENTARY ORDER NO. M–111–a

§ 1134.2 *Supplementary Order M–111–a.* (a) The Director of Industry Operations hereby determines that for the period from March 27, to April 30th inclusive (which shall be considered as the month of April in determining quotas under Order No. M–111), and for each calendar month thereafter until further notice:

(i) The quota of Tea permitted a Receiver as provided for in paragraph (d) (1) and (d) (2) of Order No. M–111, shall be 50 percent.

(ii) The quota of Tea deliveries to Receivers permitted a Packer as provided for in paragraph (d) (3) of Order No. M–111 shall be 50 percent.

(iii) The quota of Tea sales and deliveries to retail stores or other retail sales outlets owned, operated or controlled by a Packer, as provided for in paragraph (d) (4) of Order No. M–111, shall be 50 percent.

(b) All quotas provided for herein shall be calculated quantitatively on the basis of pounds.

(c) This Order shall take effect immediately. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 27th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2695; Filed, March 27, 1942; 11:39 a. m.]

PART 1142—FLASHLIGHT CASES AND FLASHLIGHT BATTERIES

LIMITATION ORDER NO. L–71

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of various materials for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1142.1 *General Limitation Order L–71.*—(a) *Definitions.* For the purposes of this Order:

(1) "Flashlight case" means any portable device weighing not more than two and one-half pounds, specifically designed and produced for the purpose of holding a flashlight bulb and a Flashlight Battery or miniature dynamo so as to provide a portable light.

(2) "Flashlight battery" means any "dry cell" battery of a type used to furnish electric current for flashlights.

(b) *General restrictions.* (1) After March 31, 1942, no Person shall incorporate into Flashlight Cases or Flashlight Batteries any of the following materials:

(i) Aluminum,
(ii) Crude rubber,
(iii) Chromium,
(iv) Nickel,
(v) Tin, except that contained in solder, or
(vi) Brass or copper other than used in electrical contact fittings: *Provided,* That brass and copper may be used in electrical contact fittings only in the minimum quantities required to provide suitable electrical contact and practical operation.

(2) After May 31, 1942, no Person shall incorporate into Flashlight Cases and/or Flashlight Batteries any iron or steel other than that used in reflectors, contact fittings, battery top seals, battery outer jackets, eyelets, rivets, end caps or end ferrules.

(3) During the period from the effective date of this Order until April 1, 1942, no Person shall incorporate into Flashlight Cases and/or Flashlight Batteries any material in a quantity in excess of 1/24th of the quantity (by weight) of that material which he incorporated into Flashlight Cases and/or Flashlight Batteries during the calendar year 1940.

(4) In each period of three calendar months, beginning with the three months period which begins April 1, 1942, no Person shall incorporate into Flashlight Cases and/or Flashlight Batteries any material in a quantity greater (by weight) than one-fourth of the quantity of that material which was incorporated into Flashlight Cases and/or Flashlight Batteries by him during the calendar year 1940.

(5) Where, after December 31, 1940, a Person, in the production of Flashlight Cases and/or Flashlight Batteries, shall have substituted for any scarce material a material which is less scarce, that Person may, as between the two materials (the substituted material and the material for which the substitution has been made), adjust the permissible amounts of those materials to be used but, in such case, the total weight of those two materials which shall be incorporated into Flashlight Cases and/or Flashlight Batteries by that Person shall not exceed the total weight of those two materials which he is permitted to use by the terms of this Order exclusive of this subparagraph.

(6) Nothing in the Order shall limit, and every Person is specifically authorized to use, in addition to the quota set forth above, any amount of any materials required in the production of Flashlight Cases and/or Flashlight Batteries under specific contracts or orders placed by or for the account of, or to fulfill a contract with

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development;

(ii) The government of any of the following countries: The United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, The Kingdom of the Netherlands, Norway, Poland, Russia, and Yugoslavia; or

(iii) Any agency of the United States Government for delivery to, or for the account of, the government of any country listed above, or any other country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act).

(c) *Avoidance of excessive inventories.* No Person shall accumulate, for use in the manufacture of Flashlight Cases and/or Flashlight Batteries, inventories of any materials (whether raw, semi-processed or processed) in excess of the minimum amounts necessary to maintain production of Flashlight Cases and/or Flashlight Batteries at the rates permitted by this Order.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this Order shall upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each manufacturer to whom this Order applies shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time require.

(g) *Violations or false statements.* Any person who violates this Order, or who wilfully falsifies any records which he is required to keep by the terms of this Order, or by the Director of Industry Operations, or otherwise wilfully furnishes false information to the Director of Industry Operations or to the War Production Board may be deprived of priorities assistance or may be prohibited by the Director of Industry Operations from obtaining any further deliveries of materials subject to allocation. The Director of Industry Operations may also take any other action deemed appropriate, including the making of a recommendation for prosecution under Section 35 (a) of the Criminal Code (18 U.S.C. 80).

(h) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(j) *Applicability of other Orders.* Insofar as any other Order heretofore or hereafter issued by the Director of Priorities or the Director of Industry Operations limits the use of any material in the production of Flashlight Cases and/or Flashlight Batteries to a greater extent than the limits imposed by this Order, the restrictions in such other Order shall govern, unless otherwise specified therein.

(k) *Routing of correspondence.* All reports to be filed, appeals and other communications concerning this Order shall be addressed to the War Production Board, Washington, D. C., Ref: L–71.

(l) *Effective date.* This Order shall take effect on the date of its issuance and shall continue in effect until revoked by the Director of Industry Operations subject to such amendments or supplements thereto as may be issued from time to time by the Director of Industry Operations. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong. as amended by Pub. Law 89, 77th Cong.)

Issued this 27th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2683; Filed, March 27, 1942; 11:35 a. m.]

PART 1155—OUTBOARD MOTORS AND PARTS

LIMITATION ORDER L–80

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel and other materials for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1155.1 *Limitation Order L–80.*—(a) *Definitions.* For the purposes of this Order:

(1) "Outboard Motor" means any detachable motor (electric or internal combustion motor) for the propulsion of rowboats, canoes, dinghies, or any other type of boat.

(2) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(3) "Producer" means any person fabricating, processing, manufacturing or assembling any Outboard Motor or component part thereof.

(4) "Horse Power Rating" means the rating applied to Outboard Motors by the National Outboard Motor Association (Pittsburgh Testing Laboratories) or by the Society of Automotive Engineers.

(5) "Preferred Order" means any order or contract for Outboard Motors or Parts to be delivered to or for the account of the Army or Navy of the United States, U. S. Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, and the Office of Scientific Research and Development.

(b) *General restrictions.* (1) Except as provided in subparagraph (b) (2), from the effective date of this Order, no Producer shall process, fabricate, work on or assemble any materials for use in the production of Outboard Motors or Parts, nor shall any Producer manufacture or assemble any Outboard Motors or Parts except to the extent required to fill Preferred Orders.

(2) During the month of April and during each month thereafter, until otherwise ordered, no Producer shall manufacture more repair and replacement parts than 75% of his average monthly production of such repair and replacement parts for Outboard Motors during the calendar year 1941.

(3) From the effective date of this Order, no Producer shall lease, trade, lend, deliver, ship or transfer any Outboard Motors of 6 Horse Power Rating or more to any Person whatsoever, except pursuant to specific authorization of the Director of Industry Operations. The restrictions contained in this subparagraph shall not apply to any Outboard Motors which were actually in transit at the close of business on the effective date.

(c) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, and sales.

(d) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(e) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate including a recommendation for prosecution under Section 35 (A) of the Criminal Code (18 U.S.C. 80).

(f) *Reports.* All persons affected by this Order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(g) *Appeal.* Any person affected by this Order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work may appeal to the War Production Board, Washington, D. C., Ref.: L–80, setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref.: L–80.

(i) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(j) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 27th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2687; Filed, March 27, 1942; 11:37 a. m.]

Chapter XI—Office of Price Administration

PART 1307—RAW MATERIALS FOR COTTON TEXTILES

AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 7 [1]—COMBED COTTON YARNS AND THE PROCESSING THEREOF

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.[2]

Section 1307.12 (d) (4) (vii) is amended to read as follows and § 1307.11 (i), reading as follows, is added:

§ 1307.12 *Appendix A: Maximum prices for combed yarns and for mercerizing, bleaching, and/or gassing thereof.*

* * * * * *

(d) *Maximum prices for combed yarns not covered by contract prior to*

[1] 7 F.R. 1221, 2277.

[2] Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

December 24, 1941, and for mercerising, bleaching, and/or gassing.

* * * * *

(4) *Premiums.*

* * * * *

(vii) *Other premium yarns; reports to be made in connection with sales thereof.* (a) For plies or for put-ups other than, or for twist slacker than, those included in the definition of base-grade yarn, a premium not exceeding the additional cost, if any, over base-grade plies, put-ups, or twist, respectively, may be charged.

(b) For combed yarns which, in order to meet breaking-strength or other requirements reasonably related to the use to which they are to be put, are made with American cotton of staple lengths greater than those provided for in the definition of base-grade yarn or of Sea Island, SXP, Pima, or Egyptian cotton, a premium not in excess of 130 per cent of the additional cost (as hereinafter defined) may be charged.

As used herein, the term "additional cotton cost" means the difference in cents per pound, adjusted for waste,[11] between the market value[12] of the specific kind, grade, and staple of cotton used or to be used in the premium yarn, and the market value[12] of middling American cotton of the staple length specified for the same yarn number in the definition of base-grade yarn.[11]

[11] In adjusting for waste, the following net waste factors are to be used:

Cotton	Net waste factor
American:	
1 1/32"	1.26
1 1/16" and 1 3/32"	1.28
1 1/8" and 1 5/32"	1.31
1 3/16" and 1 7/32"	1.33
1 1/4" to 1 11/32", incl.	1.36
1 3/8" and over	1.38
Sea Island	1.43
SXP and Pima	1.35
Egyptian	1.33

[12] As of the date the contract of sale of premium yarn is made.

[12] Determination of the market values referred to herein shall be made from such weekly quotations, appropriately adjusted for location, as are or may hereafter be published by the Agricultural Marketing Service, Department of Agriculture, or, in the case of kinds, grades, and staples of cotton for which such quotations are not published, from actual quotations or sales made by brokers, shippers, or dealers customarily acting as sources of supply for such cotton.

(c) In addition to the premium allowable under (b) above, a premium of not more than six per cent of the maximum price exclusive of said premium may be charged for combed yarn sold to a manufacturer or converter of thread for use solely in the manufacture of thread: *Provided*, That no premium may be charged hereunder unless the seller receives a written statement from the buyer (which the seller shall preserve for not less than two years) that the yarn is to be used solely in the manufacture of thread.

(d) On or before April 10, 1942, and on or before the 10th day of each month thereafter, every producer who during the preceding calendar month has sold 5000 pounds or more of combed yarn at a premium under (a), (b), or (c) above, shall file with the Office of Price Administration a report of such sales on Form 287.3.

* * * * *

§ 1307.11 *Effective dates of amendments.*

* * * * *

(i) Amendment No. 2 (§ 1307.12 (d) (4) (vii)) to Revised Price Schedule No. 7 shall become effective March 28, 1942.

(Pub. Law 421 77th Cong.)

Issued this 26th day of March, 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2648; Filed, March 26, 1942; 3:54 p. m.]

PART 1315—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 1 TO MAXIMUM PRICE REGULATION NO. 107[1]—USED TIRES AND TUBES

A statement of the considerations involved in the issuance of this Amendment No. 1 has been prepared and issued simultaneously herewith.[2]

Subparagraphs (9) and (11) of paragraph (a) of § 1315.1358 and the column headings in Table I–A of § 1315.1360 and in Table I–B of § 1315.1361 are amended to read as follows, and a new § 1315.1359a and a new sub-paragraph (12) to paragraph (a) of § 1315.1358 are added.

§ 1315.1358 *Definitions.*

(a) * * *

* * * * *

(9) "Tread design depth" means the thickness of that part of the tread depth only which includes the pattern impressed into the rubber on the running surface of the tire whether originally or in retreading or recapping, and does not include designs, patterns, or impresses made by regrooving or remolding.

* * * * *

(11) "Basic tire carcass" means a used rubber tire with a smooth tread or a regrooved or remolded non-skid pattern of not more than 2/32" depth when measured at the shallowest point of such non-skid pattern;

(12) "Remolded tire" means a used rubber tire into the worn tread of which a new non-skid pattern has been impressed, or the old non-skid pattern made deeper, by any means other than regrooving, and on which the resulting non-skid pattern is greater than 2/32" depth when measured at the shallowest point of the non-skid pattern, without exposing the breaker strip or fabric foundation.

* * * * *

§ 1315.1359a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1315.1358 (a) (9) (11) (12); 1315.1359a; 1315.1360; 1315.1361) to Maximum Price Regulation No. 107 shall become effective March 31, 1942. Until such date Maximum Price Regulation No. 107 continues in effect as if not amended by Amendment No. 1.

§ 1315.1360 *Appendix A: Maximum prices for used passenger car tires and tubes.*

* * * * *

TABLE I–A—*Maximum prices for used passenger car tires*

Tire size	Tires retaining 2/32" or more tread design depth, when measured at the shallowest point	Tires retaining more than 2/32" but less than 7/32" tread design depth, when measured at the shallowest point	Tires retaining 2/32" or less tread design depth, when measured at the shallowest point; regrooved tires; and remolded tires	Tires with smooth treads and other basic tire carcasses

* * * * *

§ 1315.1361 *Appendix B: Maximum prices for used truck and bus tires and tubes.*

* * * * *

TABLE I–B—*Maximum prices for used truck and bus tires*

Tire size plies	Tires retaining 2/32" or more tread design depth, when measured at the shallowest point	Tires retaining more than 2/32" but less than 7/32" tread design depth, when measured at the shallowest point	Tires retaining 2/32" or less tread design depth, when measured at the shallowest point; regrooved tires; and remolded tires	Tires with smooth treads and other basic tire carcasses

* * * * *

(Pub. Law 421, 77th Cong.)

Issued this 26th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2647; Filed, March 26, 1942; 3:53 p. m.]

[1] 7 F.R. 1638.

[2] Filed with the Division of the Federal Register. Requests for copies should be addressed to the Office of Price Administration.

PART 1330—CONTAINERS

CORRECTION TO MAXIMUM PRICE REGULATION NO. 88[1]—SECOND HAND BAGS

The word "unprocessed" appearing in § 1330.58 (a) (3) should read "processed."

This correction shall become effective March 30, 1942. Issued March 26, 1942. (Pub. No. 421, 77th Cong.)

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2677; Filed, March 27, 1942; 11:24 a. m.]

PART 1333—TIN

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 17[2]—PIG TIN

A statement of the considerations involved in the issuance of this Amendment No. 1 to Revised Price Schedule No. 17—Pig Tin—has been prepared and is issued simultaneously herewith.[3] A new paragraph (d) is added to § 1333.10, and a new § 1333.9A is added as set forth below:

§ 1333.10 *Appendix A; maximum prices for pig tin.*

* * * * *

(d) *Differentials for export sales.* (1) On all export sales, whether from dock, store, steamer with transshipment privileges, free port, or any other point, an amount not exceeding that set forth in the following table may be added by the exporter to the maximum prices set forth above:

For sales of pig tin in lots of:	*There may be added to the maximum price*
11,200 lbs. or more	1¢ per lb.
2,240 to 11,199 lbs	1½¢ per lb.
Less than 2,240 lbs	2¢ per lb.

Where export shipment requires packaging of pig tin, the actual cost to the exporter of such packaging may be added to the maximum prices set forth above.

Whenever Pig Tin is sold, offered for sale, delivered or transferred by the exporter at prices delivered buyer's receiving point under the terms of sale, the total delivered price on a per pound basis shall not exceed the maximum price established by this Schedule by an amount greater than the total of those of the following charges which are actually incurred by the exporter.

(i) Additional transportation charges which are actually incurred to effect delivery;

(ii) Those of the following additional standard charges under the terms of sale, which are actually incurred to effect delivery to foreign buyer's receiving point:

(*a*) Consular forms and visa fees, including certificates of origin, bills of lading and commercial invoices.

(*b*) Marine and War risk insurance.

(iii) Foreign agent's commission, unless the foreign agent's commission or any part thereof is received by the exporter directly or indirectly for his own use.

All such additional charges must be shown as separate items upon records, bills and invoices.

(2) Any contract of sale or purchase, or other commitment entered into prior to March 30, 1942, for an export sale of pig tin from a steamer with transshipment privileges at prices higher than the maximum prices established in Revised Price Schedule No. 17 may be completed at contract prices provided that

(i) Full details of each such contract or commitment and such other pertinent information as may be requested shall be reported by the seller to the Office of Price Administration on or before April 13, 1942, and

(ii) All such deliveries at prices higher than the maximum prices established by Revised Price Schedule No. 17 shall be completed on or before April 27, 1942, or such later date as may be permitted upon application made to the Office of Price Administration with respect to each specific sale.

§ 1339.9a *Effective dates of amendments.* (a) Amendment No. 1 (§§ 1333.10 (d) and 1333.9a) to Revised Price Schedule No. 17 shall become effective March 30, 1942: *Provided*, That commitments entered into prior to March 30, 1942, for an export sale of pig tin from a steamer with transshipment privileges at prices higher than the maximum prices established by Revised Price Schedule No. 17 may be completed at contract prices: *Provided*, That full details of such commitments and such other pertinent information as may be requested shall be reported by the seller to the Office of Price Administration on or before April 13, 1942: *And provided further*, That all deliveries pursuant to such commitments shall be completed on or before April 27, 1942, or such later date as shall be permitted upon application made to the Office of Price Administration with respect to each specified sale.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2654; Filed, March 26, 1942; 5:04 p. m.]

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS

TEMPORARY MAXIMUM PRICE REGULATION NO. 16—STANDARD NEWSPRINT PAPER

In the judgment of the Price Administrator it is necessary and proper in order to effectuate the purposes of the Emergency Price Control Act of 1942 to establish temporarily as the maximum price for Standard Newsprint Paper the prices prevailing with respect thereto within five days prior to the issuance of this Regulation.

Therefore, under the authority vested in me by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[1] issued by the Office of Price Administration, Temporary Price Regulation No. 16 is hereby issued.

AUTHORITY: §§ 1347.201 to 1347.211, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong.

§ 1347.201 *Maximum prices for standard newsprint paper.* On and after April 1, 1942, to and including May 30, 1942, regardless of any contract, agreement, lease, or other obligation theretofore or thereafter entered into, no person shall sell or deliver Standard Newsprint Paper, and no person shall buy or receive Standard Newsprint Paper in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1347.211; and no person shall offer, solicit, attempt or agree to do any of the foregoing. The provisions of this Section shall not be applicable to sales or deliveries of Standard Newsprint Paper to a purchaser if, prior to April 1, 1942, such had been received by a carrier other than a carrier owned or controlled by the seller, for shipment to such purchaser.

§ 1347.202 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1347.211) may be charged, demanded, paid, or offered.

§ 1347.203 *Conditional agreements.* No seller of Standard Newsprint Paper shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by Appendix A (§ 1347.211), in the event that this Temporary Maximum Price Regulation No. 16 is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provision of this section permitting the making of contracts adjustable upon the granting of the petition for amendment. Requests for such an exception may be included in the aforesaid petition for amendment.

§ 1347.204 *Evasion.* The price limitations set forth in this Temporary Maximum Price Regulation No. 16 shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to Standard Newsprint Paper, alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or by tying-agreement or other trade understanding, or otherwise.

§ 1347.205 *Records and reports.* (a) Every person making a purchase or sale of Standard Newsprint Paper in the

[1] 7 F.R. 971.

[1] 7 F.R. 2300.

[2] 7 F.R. 1240.

[3] Filed with Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

course of trade or business, or otherwise dealing therein, on and after April 1, 1942, shall keep for inspection by the Office of Price Administration for a period of two years complete and accurate records of each such purchase or sale showing the date thereof, the name and address of the buyer or seller, the price paid or received, and the quantity of Standard Newsprint Paper purchased or sold in roll or sheet form.

(b) Such persons shall submit such reports to the Office of Price Administration as it may from time to time require.

§ 1347.206 *Enforcement.* (a) Persons violating any provision of this Temporary Maximum Price Regulation No. 16 are subject to the civil and criminal penalties provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Temporary Maximum Price Regulation No. 16 or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1347.207 *Petitions for amendment.* Persons seeking any modification of this Temporary Maximum Price Regulation No. 16 or an adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1347.208 *Definitions.* (a) When used in this Temporary Maximum Price Regulation No. 16, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or rerpesentative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Standard Newsprint Paper" includes the form, class, or standard of newsprint paper manufactured and sold, irrespective of its actual use, for use for printing newspapers, and conforming to the following specifications:

(i) *Weight.* 500 Sheets, each 24 x 36 inches, shall weigh not less than 30 pounds nor more than 35 pounds.

(ii) *Rolls.* The paper shall be in rolls not less than 16 inches wide and 28 inches in diameter.

(iii) *Sheets.* The sheets shall not be less than 20 x 30 inches in size.

(iv) *Stock.* The paper shall contain fiber consisting of not less than 70 per cent of groundwood, and the remainder unbleached chemical pulp.

(v) *Finish.* The average of five tests in machine direction and five tests in cross direction on both sides, moving the paper after each test, made with the Ingersoll Glarimeter, shall be not more than 50 per cent gloss.

(vi) *Ash.* The ash content of the paper shall be not in excess of 6.5 per cent.

(vii) *Degree of sizing.* The time of penetration of water shall not be more than 10 seconds by the groundglass method or five seconds by the alternate methods. (Valley Size tester or curl method.)

(viii) *Color.* The paper shall consist of such colors as are used in the publication of newspapers.

(ix) *Thickness.* The thickness of the paper shall not be in excess of 0.004 of an inch.

(3) "Manufacturer" includes any person who manufactures Standard Newsprint Paper, and any person who distributes or sells Standard Newsprint Paper as a del credere agent or other representative of a manufacturer.

(4) "Merchant or Distributor" includes any person who buys Standard Newsprint Paper in any quantity from a manufacturer or other seller and resells such paper but does not divide in any manner or degree with any manufacturer or other merchant or distributor the difference between the amount paid for the paper and the price at which it is sold.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1347.209 *Replacement of regulation.* This Temporary Maximum Regulation No. 16 may be replaced by a permanent Maximum Price Regulation or Order issued under the Emergency Price Control Act of 1942.

§ 1347.210 *Effective period.* This Temporary Maximum Price Regulation No. 16 (§ 1347.201 to § 1347.211, inclusive) shall become effective on April 1, 1942, and shall, unless earlier revoked or replaced, expire at midnight of May 30, 1942.

§ 1347.211 *Appendix A: Maximum prices for standard newsprint paper.* (a) (1) The maximum price[2] per ton of 2,000 pounds for a carload lot of white Standard Newsprint Paper, as defined in § 1347.208, to be shipped in rolls to destinations in Zone 4,[3] shall be $51.00. The prices herein are the maximum prices f. o. b. mill, lowest carload rate of freight allowed to destination point. Lowest carload rate of freight means the lowest freight rate for shipment of carload quantities by the means of transportation available at the time of shipment.

(2) For shipments of white Standard Newsprint Paper in rolls to destinations in zones other than Zone 4, zone price differentials prevailing during the period from March 20, 1942 to March 24, 1942, inclusive, in the appropriate case, shall be subtracted from or may be added to, $51.00 per ton of 2,000 pounds.

(b) *Differentials for color and sheets.* There may be added to the maximum prices established herein price differentials for color, sheets, or special packing equivalent to the differentials actually charged in sales by the seller of Standard Newsprint Paper during the period from March 20, 1942 to March 24, 1942, inclusive. If no such sale was made during such period, there may be added to the maximum prices the price differentials which would have been charged during such period using such cost factors as would have been used to compute such differentials during the period from March 20, 1942 to March 24, 1942, inclusive.

(c) *Imports.* The maximum prices established herein are applicable to all imports of Standard Newsprint Paper.

(d) *Merchants' or distributors' maximum selling prices*—(1) *For sheets.* The maximum price at which a merchant or distributor may sell Standard Newsprint Paper in sheets shall not exceed the maximum price, established hereinabove for Standard Newsprint Paper in sheets, plus the following mark-ups:

Quantity	Percentage of Maximum Price[4] Established in paragraphs (a), (b), and (c)
1 ream[5] to less than 1 bundle[6]	100
1 bundle to less than 500 pounds	90
500 pounds to less than 2,000 pounds	50
2,000 pounds to less than 5,000 pounds	30
5,000 pounds to less than 10,000 pounds	20
10,000 pounds to less than 40,000 pounds	15
40,000 pounds or more	7

[4] All prices in quantities of less than 2,000 pounds may be computed to the nearest 25¢ per cwt., e. g. 12.5¢ per cwt. may be taken as 25¢ per cwt. In quantities of 2,000 pounds and over, prices may be computed to the nearest 5¢ per cwt., e. g. 2.5¢ per cwt. may be taken as 5¢ per cwt.

[5] Sales in lots of less than one ream may be made at a price not in excess of the one ream price per pound plus 50%. One ream of newsprint is a sealed or banded package containing 500 sheets of newsprint paper.

[6] One bundle of newsprint is a unit of measure of newsprint paper weighing approximately 125 pounds.

(2) *For rolls.* A merchant or distributor shall not sell Standard Newsprint Paper in rolls at a price in excess of the maximum price established in this paragraph for such paper in sheets less the differential for sheets as provided in paragraph (b) of this section.

(3) *For sales from a merchant's or distributor's warehouse stocks.* The maximum price at which a merchant or distributor may sell Standard Newsprint Paper from its warehouse stocks is the maximum price established in this paragraph (d) f. o. b. such seller's warehouse.

(4) *For sales involving shipment from the manufacturer to a person purchasing from a merchant or distributor.* The maximum price at which a merchant or distributor may sell Standard Newsprint Paper to be shipped by the manufacturer directly to the person purchasing from such merchant or distributor is the maximum price established hereinabove for shipments by such manufacturer to such purchaser plus the merchants' or distributors' mark-up provided for hereinabove.

(5) *For sales to other merchants or distributors.* The maximum price at which a merchant or distributor may sell Standard Newsprint Paper to another merchant or distributor for resale shall not exceed the maximum prices established for sales by merchants or distributors hereinabove, less the following discounts:

Quantity	Discount (percent)
1 ream to less than 1 bundle	28
1 bundle to less than 500 pounds	25
500 pounds to less than 2,000 pounds	18
2,000 pounds to less than 5,000 pounds	12½
5,000 pounds to less than 10,000 pounds	9
10,000 pounds to less than 40,000 pounds	7
40,000 pounds or more	3½

(e) *Exports.* The maximum price of Standard Newsprint Paper, as defined in § 1347.208, to be exported shall not exceed the maximum price established in this Appendix for a destination at the port of export. Actual costs for packing, transportation, etc., incident to export may be added to the maximum prices established herein, provided that such costs are actually incurred and are set forth as separate items in the billing.

(Pub. Law 421, 77th Cong.)

Issued this 26th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2645; Filed, March 26, 1942; 3:52 p. m.]

[2] Newsprint paper varying only in dimensions above the minima stipulated in § 1347.208 for rolls or sheets shall be classified as Standard Newsprint Paper and subject to the maximum prices established herein.

[3] The zones referred to herein are the zones numbered and defined in the Zone Map referred to as "Schedule A" in the Recommendations by the Newsprint Code Authority to the Administrator of the National Recovery Administration.

PART 1351—FOODS AND FOOD PRODUCTS

ORDER NO. 2 UNDER REVISED PRICE SCHEDULE NO. 91[1]—TEA

For reasons set forth in an opinion issued simultaneously herewith and filed with the Division of the Federal Register, and under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, it is hereby ordered:

§ 1351.352 *Exception granted to Volkart Brothers, Inc.* (a) Volkart Brothers, Inc., 60 Beaver Street, New York, may sell and deliver, and agree, offer, solicit and attempt to sell and deliver, the kinds, grades, and quantities of tea set forth in paragraph (b), at prices not in excess of those stated therein. Any person may buy and receive, and agree, offer, solicit and attempt to buy and receive, such kinds, grades and quantities of tea at such prices from Volkart Brothers, Inc.

(b) The prices listed below shall be the maximum prices at which Volkart Brothers, Inc. may deliver the kind, grade and quantity of tea named:

Quantity	Kind and grade	Price ex warehouse New York
		Cents
136 cases	Ceylon Orange Pekoe Tea, Fine.	57½
16 cases	Darjeeling F. O. P. Tea, Fine.	54
19 cases	Darjeeling F. O. P. Tea, Fine.	60
58 cases	Darjeeling F. O. P. Tea, Fine.	59
9 H/cases	Darjeeling F. O. P. Tea, Fine.	55
18 cases	Darjeeling F. O. P. Tea, Fine.	55
10 cases	Darjeeling O. P. Tea, Fine.	57
28 H/cases	Darjeeling O. P. Tea, Fine.	57
158 cases	Darjeeling F. O. P. Tea, Fine.	57
2 cases	Darjeeling O. P. Tea, Fine.	57
43 cases	Ceylon Flowery Pekoe Tea, Fine.	60
15 cases	Ceylon Pekoe Tea, Fine.	60
100 cases	Ceylon B. O. P. Tea, Fine.	60
48 cases	Ceylon B. O. P. Tea, Fine.	58½
15 cases	Ceylon B. O. P. Tea, Fine.	61
9 cases	Ceylon Flowery B. O. P. Tea, Fine.	61
100 cases	Java O. P. No. 1 Tea, Fine.	56¼
48 cases	Java O. P. Tea, Fine.	55½
40 cases	Java O. P. Tea, Fine.	55½
124 cases	Java B. O. P. Tea, Fine.	56
60 cases	Java B. O. P. Tea, Fine.	58
214 cases	Sumatra F. O. P., Fine.	55½
65 cases	Darjeeling F. O. P. Tea, Fine.	75¼
162 H/cases	Darjeeling F. O. P. Tea, Fine.	75½
19 cases	Darjeeling B. O. P. Tea, Fine.	69½
45 H/cases	Darjeeling B. O. P. Tea, Fine.	70
144 cases	Ceylon Pekoe Tea, Fine.	68½
21 cases	Ceylon Pekoe Tea, Fine.	68
40 cases	Ceylon Pekoe Tea, Fine.	67¾
100 cases	Ceylon B. O. P. Tea, Fine.	67
129 H /cases	Darjeeling O. P. Tea, Fine.	76
60 cases	Darjeeling O. P. Tea, Fine.	75½
16 H/cases	Darjeeling O. P. Tea, Fine.	75½
9 H/cases	Darjeeling F. B. O. P. Tea, Fine.	75
6 cases	Darjeeling B. O. P. Tea, Fine.	75
9 H/cases	Darjeeling B. O. P. Tea	75
30 H/cases	Darjeeling Pekoe Tea	75
5 cases	Darjeeling Pekoe Tea	75
12 cases	Darjeeling B. F. P. Tea	75
13 cases	Darjeeling Broken Pekoe Tea	75

(c) Unless the context otherwise requires, the definitions set forth in § 1351.359 of Revised Price Schedule No. 91 shall apply to terms used herein.

This Order No. 2 shall become effective March 26, 1942. (Pub. Law 421, 77th Cong.)

Issued this 26th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2646; Filed, March 26, 1942; 3:52 p. m.]

[1] 7 F.R. 1378, 1857, 2153.

PART 1410—WOOL

AMENDMENT NO. 2 TO MAXIMUM PRICE REGULATION NO. 106[1]—DOMESTIC SHORN WOOL

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.[2]

Section 1410.8 is hereby deleted, subparagraph (8) of § 1410.10 (c) is hereby amended and a new paragraph (b) to § 1410.9a is added to read as follows:

§ 1410.9a *Effective dates of amendments.*

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(b) Amendment No. 2 (§§ 1410.8, 1410.9a (b), 1410.10 (c) (8)) to Maximum Price Regulation No. 106 shall become effective March 27, 1942.

§ 1410.10 *Appendix A: Maximum prices for domestic shorn wool.*

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(c) *Inferior wools.*

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(8) Wools tied with sisal or binder twine, 10¢ per lb. (Pub. No. 421, 77th Cong.)

Issued this 27th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

Approved:

CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-2678; Filed, March 27, 1942; 11:24 a. m.]

[1] 7 F.R. 1648, 2245.

[2] Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

PART 1410—WOOL

REVISED PRICE SCHEDULE NO. 58[1] AS AMENDED—WOOL AND WOOL TOPS AND YARNS

A statement of the considerations involved in the issuance of this Revised Price Schedule No. 58, as amended, has been prepared and is issued simultaneously herewith.[2]

Sections 1354.1 to 1354.13, inclusive, of Revised Price Schedule No. 58, formerly embraced under Part 1354—Wool and Wool Products are amended and redesignated §§ 1410.51 to 1410.66, inclusive, as set forth below:

AUTHORITY: §§ 1410.51 to 1410.66, inclusive, issued pursuant to the authority contained in Pub. Law 421, 77th Cong.

§ 1410.51 *Maximum prices for wool and wool tops and yarns.* (a) On and after February 2, 1942, no person shall sell, offer to sell, deliver or transfer wool or wool tops or yarns at prices higher than the maximum prices established herein: *Provided*, That contracts entered into prior to December 18, 1941, calling for a price higher than the maximum prices may be carried out at the contract price.

(b) (1) The maximum price for wool and wool tops and yarns, except the types and grades enumerated in Appendices A, B, C, D, E and F hereof (incorporated herein as §§ 1410.61 to 1410.66, inclusive) shall be the highest price contracted for or received by the seller for the sale or delivery during the period between October 1, 1941 and December 15, 1941, in-

[1] 7 F.R. 1316, 1836, 2000, 2136.

clusive, of such wool or wool tops or yarns of the same class, kind, type, condition, and grade to a purchaser of the same general class: *Provided*, That if during said period no such sale or delivery were made, the maximum price shall be a price in line with the maximum prices for related kinds, types, conditions, and grades of such wool or wool tops or yarns, determined in accordance with this paragraph (b) (1), to a purchaser of the same general class.

(2) The maximum price for wool sold by the importer thereof shall be increased or decreased by an amount equal to the actual increase or decrease in war risk insurance rates and freight rates over those prevailing for wool of the same class, kind, type, condition and grade during said period: *Provided*, That in all cases where the price is so increased, the invoice or similar document delivered to the purchaser shall show the amount of such increase.

(c) On and after March 27, 1942, notwithstanding the provisions of paragraphs (a) and (b) above, no person shall sell, offer to sell, deliver or transfer wools or wool tops or yarns of the types and grades enumerated in Appendices A, B, C, D, E, and F hereof, incorporated herein as §§ 1410.61 to 1410.66, inclusive, and no person shall buy, offer to buy, or accept delivery or transfer of such wools or wool tops or yarns at prices higher than the maximum prices set forth in Appendices A, B, C, D, E, and F: *Provided*, That contracts entered into prior to December 16, 1941, calling for a price higher than the maximum prices may be carried out at the contract price.

(d) Sales at retail are exempted from the operation of Revised Price Schedule No. 58, as amended.

(e) The maximum prices determined in accordance with this Revised Price Schedule No. 58, as amended, shall be the maximum prices for all transactions except

(1) The maximum price for grease wool futures contracts traded on the Wool Associates of the New York Cotton Exchange, Inc. shall be 103.5 cents per pound, and

(2) The maximum price for wool top futures contracts on said Exchange shall be 140 cents per pounds; except that such maximum price shall be increased or decreased by one cent per pound for each 1% that the war risk insurance rate on wool imported from Australia prevailing on the date such contract is made is, respectively, above or below 7½%:

Provided, That contracts entered into prior to December 18, 1941, calling for a price higher than the maximum price may be carried out at the contract price.

§ 1410.52 *Less than maximum prices.* Lower prices than the maximum prices established by Revised Price Schedule No. 58, as amended, may be charged, demanded, paid or offered.

§ 1410.53 *Evasion.* The price limitations set forth in Revised Price Schedule No. 58, as amended, shall not be evaded whether by direct or indirect methods in connection with a purchase, sale, delivery or transfer of wool or wool tops or yarns, alone or in conjunction with any other material, or by way of any premium, commission, service, transportation, or other charge, or by a tying-agreement or other trade understanding, or by any other means.

§ 1410.54 *Records and reports.* (a) Every person making purchases or sales of wool or wool tops or yarns in the course of trade or business after December 17, 1941, shall keep for inspection by the Office of Price Administration, for a period of not less than one year, complete and accurate records of each such purchase and sale, showing the date thereof, the name and address of the buyer and the seller, the price contracted for or received and the quantity of each class, kind, type, condition and grade of wool or wool tops or yarns sold.

(b) Such persons shall submit such reports to the Office of Price Administration and keep such other records in addition to or in place of the records required in paragraph (a) of this section as the Office of Price Administration may, from time to time, require or permit.

§ 1410.55 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 58, as amended, are subject to the civil and criminal penalties provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Price Schedule No. 58, as amended, or any price schedule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1410.56 *Petitions for amendment.* Persons seeking any modification of this Revised Price Schedule No. 58, as amended, or an adjustment or exception not provided for therein, may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1 (§§ 1300.1–1300.56) issued by the Office of Price Administration.

§ 1410.57 *Definitions.* (a) When used in Revised Price Schedule No. 58, as amended, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other organized group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Wool" means the fibers from the fleece of the sheep or lamb, or hair of the Angora or Cashmere goat or of the camel, alpaca, llama or vicuna, and shall include noils, wool waste, clips and rags and reworked wool of all grades and mixtures, except that sales of unscoured wool shorn from sheep or lambs in the continental United States are excepted from the operation of this Revised Price Schedule No. 58, as amended.

(3) "Wool tops" means tops made wholly or in part of wool;

(4) "Yarns" means yarns containing 10% or more wool by fiber weight, except yarns dyed and converted for the hand knitting trade.

(5) "Sales at retail" means sales to the ultimate consumer: *Provided*, That no manufacturer, processor, purchaser for resale or commercial user shall be deemed to be an ultimate consumer.

(b) Unless the context otherwise requires, the definitions set forth in section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1410.59 *Effective date of price schedule No. 58.* Price Schedule No. 58 (§§ 1354.1 to 1354.9, inclusive) shall become effective December 16, 1941.

§ 1410.60 *Effective dates of amendments.* (a) Revised Price Schedule No. 58, as amended, (§§ 1410.51–1410.66, inclusive) shall become effective March 27, 1942: *Provided*, That firm commitments entered into after December 17, 1941 and prior to March 27, 1942, for the sale of wool or wool tops or yarns at prices not exceeding the maximum prices established by Revised Price Schedule No. 58, may be completed at contract prices.

§ 1410.61 *Appendix A; Maximum prices for domestic pulled wools.* The prices set forth below are maximum prices for domestic pulled wools of average to good character. The maximum prices for wools of choice character, for off color wools and for inferior wools shall be determined in accordance with paragraphs (b), (c) and (d) of this section.

All maximum prices are prices per pound f. o. b. shipping point and shall include all commissions and other charges except as provided in paragraph (e) of this section. Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

(a) *Wools of average to good character—(1) Worsted type.*

Grade and lengths	Clean basis	Scoured
70s, 2 inches and longer	$1.22	$1.28
64s and finer:		
2½ inches and longer	1.20	1.26
1½ to 2½ inches	1.15	1.21
60s, 64s:		
2½ inches and longer	1.18	1.24
1½ to 2½ inches	1.12	1.18
60s:		
3 inches and longer	1.16	1.21
1½ to 3 inches	1.13	1.19
58s:		
3 inches and longer	1.12	1.17
2 to 3 inches	1.08	1.13
56s:		
3½ inches and longer	1.08	1.13
2 to 3½ inches	1.04	1.09
50s, 56s:		
3½ inches and longer	1.04	1.09
2 to 3½ inches	1.00	1.05
50s:		
4 inches and longer	1.02	1.07
2 to 4 inches	.95	1.00
48s:		
4 inches and longer	.98	1.03
46s:		
4 inches and longer	.94	.99
44s to 50s:		
4 inches and longer	.92	.97

(2) *Woolen type.*

Grade and lengths	Clean basis	Scoured
64s—Under 1¼ inches	$1.12	$1.18
60s, 64s—Under 1¼ inches	1.09	1.15
60s—Under 1⅛ inches	1.07	1.13
58s—Under 2 inches	1.04	1.10
56s—Under 2 inches	1.00	1.05
50s, 56s—Under 2 inches	.96	1.01
50s—Under 2 inches	.92	.97
48s—Under 4 inches	.93	.98
46s—Under 4 inches	.91	.96
44s to 50s—Under 4 inches	.90	.95

(b) *Wools of choice character.* The maximum prices for pulled wools of choice character shall be the maximum prices set forth above, plus the following amounts:

(1) Grades 70s to 58s inclusive	$0.03
(2) Grades 56s to 48s inclusive	.05
(3) Grades 46s and coarser	.08

(c) *Off color pulled wools, choice character.*

Grade	Prices of Choice Wools	
	Clean basis	Scoured
BLACK		
60s, 64s	$1.06	$1.12
58s, 60s	1.02	1.07
56s, 58s	.97	1.02
GRAY		
60s, 64s	1.05	1.10
60s	1.02	1.07
56s, 58s	.95	1.00
56s, 58s	.88	.93
50s, 56s	.86	.91
48s, 50s	.84	.89
46s, 48s	.80	.85
40s, 44s	.58	.62
SHANK		
44s to 50s	.70	.75

The maximum prices for Gray and Black wools of average character shall be 3 cents per pound less than the applicable maximum price for off color pulled wools of choice character set forth above.

(d) *Inferior pulled wools.* The maximum prices for inferior pulled wools shall be determined by deducting from the applicable maximum price for pulled wools of good character, set forth in paragraph (a) of this section the following amounts:

(1) Slightly tinged wools—2 cents per lb.

(2) Yellow or heavily stained wools—5 cents per lb.

(3) Seedy or burry wools which, in accordance with established trade practice, do not require carbonizing—3 cents per lb., after adjustment has been made for color in accordance with subparagraphs (1) and (2) above.

(4) Seedy or burry wools which in accordance with established trade practice, require carbonizing, 10 cents per lb., after adjustment has been made for color in accordance with sub-paragraphs (1) and (2) above: *Provided*, That where such wools are sold in a carbonized state the actual carbonizing charges plus an allowance for actual shrinkage may be added to the maximum price so long as such charges and shrinkage allowance are set forth in the invoice or similar document delivered to the purchaser.

(e) *Brokers' commissions.* In cases where a purchaser or a seller of domestic pulled wool employs a broker or other agent to make a purchase or sale on his behalf, a commission of not to exceed 1% of the applicable maximum price may be charged for such services and added to the applicable maximum price. A commission may not be charged to both buyer and seller on the same lot of wool. Such commission shall be payable only if (1) the wool is purchased at a price not exceeding the applicable maximum price, (2) it is shown as a separate charge on the invoice or similar document delivered to the purchaser, and (3) the commission is not split or divided with the seller or with an agent or an employee of the seller.

§ 1410.62 *Appendix B: Maximum prices for wool tops and noils*—(a) *Wool tops.* The prices set forth below are maximum prices for oil combed wool tops (15% regain, 3¼% oil and grease). The maximum prices for dry combed tops shall be the maximum prices set forth below plus 2¼%.

The maximum prices set forth below shall be adjusted to take into account changes in war risk insurance rates in accordance with subparagraph (1) of this paragraph.

The maximum prices for wool tops made of blends of foreign and domestic wools or of different types of foreign wools shall be determined in accordance with subparagraph (2) of this paragraph.

All maximum prices are prices per pound f. o. b. combing plant and shall include all commissions and other charges except as provided in subparagraph (3) of this paragraph.

Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

WORSTED TOPS

Grades and staples	United States grown wool	Australian	Cape South Africa	Other foreign tops and blends	
				New Zealand, Montevideo, Punta, Magellanes, Concordia, Corriente	Buenos Aires, San Julian, Santa Cruz, Chubut, Cordeliera, Rio Negro, Deseado, Rio Gallegos, Brazilian, Chilian (Not Punta)
80s Average		$1.54	$1.54		
70s Warp		1.46	1.48		
64/70s		1.44	1.46		
70s Warp					
70s Average Texas	$1.64				
70s French Combing Texas	1.60				
64s and Finer Warp	1.62	1.42	1.45	$1.50	$1.56
64s and Finer Average	1.60	1.40	1.43		1.54
64s French Combing	1.58	1.37	1.40	1.47	1.51
64s (6-8 months)			1.37		
62s Warp	1.58	1.39	1.42	1.48	1.48
62s Average	1.56	1.37	1.40	1.46½	1.46½
62s French Combing	1.54	1.34	1.37	1.44	1.44
Fine Delaine	1.60				
60s Warp	1.55	1.35	1.38	1.45	1.46½
60s Average	1.52	1.33	1.36	1.43	1.45
58s Warp	1.46	1.27	1.30	1.40	1.40
58s Knitting	1.43	1.24	1.27	1.37	1.36
56s Warp	1.39	1.23	1.26	1.29	1.33
56s Knitting	1.36	1.21	1.23	1.26	1.30
50/56s Warp	1.31	1.20		1.27	1.28
50/56s Knitting	1.29			1.24	1.25
50s Warp	1.27	1.18		1.25	1.24
50s Knitting	1.25	1.15	1.18	1.22	1.21
46/50 Knitting				1.18	1.18
46/48 Warp	1.21	1.08		1.16	1.19
46/48 Knitting	1.20			1.13	1.16
Britch	1.08	1.01			
46s Warp				1.08	1.06
44s Warp		.85		.96	.95
40/44s Knitting				.89	
44s Second Clip					.83
40s Warp				.85	.64
40s Second Clip					.63
36/40s Warp				.82	.63
36/40s Second Clip					.62

(1) *Adjustments for increases or decreases in war risk insurance rates.* (i) The maximum prices set forth above for tops made of South American wools of 56's grade or finer shall be increased or decreased by one cent per pound for each 1% that the war risk insurance rate prevailing on the date the contract of sale is made is, respectively, above or below 2½%. For grades coarser than 56's such adjustment shall be one-half cent per pound for each such 1% increase or decrease in the war risk insurance rate.

(ii) The maximum prices set forth above for tops made of Australian or New Zealand wools of 56's grade or finer shall be increased or decreased by one cent per pound for each 1% that the war risk insurance rate prevailing on the date the contract of sale is made is, respectively, above or below 7½%. For grades coarser than 56's such adjustment shall be one-half cent per pound for each such 1% increase or decrease in the war risk insurance rate.

(iii) The maximum prices set forth above for tops made of South African wools of 56's grade or finer shall be increased or decreased by one cent per pound for each 1% that the war risk insurance rate prevailing on the date the

contract of sale is made is, respectively, above or below 4%. For grades coarser than 56's such adjustment shall be one-half cent per pound for each 1% increase or decrease in the war risk insurance rate.

(2) *Maximum prices for wool tops made of blends of foreign and domestic wools or of different types of foreign wools.* In cases where wool tops are made of blends of foreign and domestic wools or of different types of foreign wools, as classified by place of origin in the table above, the maximum prices for such blends shall be based upon the applicable maximum prices for the unblended wool tops set forth above weighted in proportion to the amounts of such different types of wools contained in the blended top.

(3) *Broker's commissions.* In cases where a purchaser or a seller of wool tops employs a broker or other agent to make a purchase or sale on his behalf, a commission of not to exceed 1% of the applicable maximum price may be charged for such service and added to the applicable maximum price. A commission may not be charged to both buyer and seller on the same lot of wool tops. Such commission shall be payable only if (i) the wool tops are purchased at a price not exceeding the applicable maximum price, (ii) it is shown as a separate charge on the invoice or similar document delivered to the purchaser, and (iii) the commission is not split or divided with the seller or with an agent or employee of the seller.

(b) *Wool noils.* The prices set forth below are maximum prices for wool noils in cents per pound ex combing plant or ex warehouse, and shall include all commissions and other charges except as provided in subparagraph (1) of this paragraph (b).

Terms of sale shall be cash less 1% up to 10 days or 60 days net cash.

	Noble Average to good	French Average to good
GRADES		
70	78	
64	75	64
60	73	61
58	70	58
56	66	52
50	61	51
48	59	48
46	58	46
36/40/44	57	42
	Noble	French
NATURAL GREY		
60s to 70s	55	50
58s and lower	51	47
RECOMBED WHITE		
70s	95	88
60/64s	90	78
56/58s	84	74
50/56s	78	68
RECOMBED COLORED		
64/70s mixed shade	62	55
60s	57	51
56/58s	52	47
50/56s	50	48

The maximum prices for carbonized, neutralized or dusted noils shall be the applicable maximum price set forth above plus the charges actually paid for carbonizing, neutralizing or dusting.

The maximum prices for noils of choice character shall be the maximum prices set forth above plus the following amounts:

70s to 56s, inclusive	2¢
All other grades	3¢

(j) *Broker's commissions.* In cases where a purchaser or a seller of wool noils employs a broker or other agent to make a purchase or sale on his behalf, a commission of not to exceed 1% of the applicable maximum price may be charged for such service and added to the applicable maximum price. A commission may not be charged to both buyer and seller on the same lot of wool noils. Such commission shall be payable only if (i) the wool noils are purchased at a price not exceeding the applicable maximum price, (ii) it is shown as a separate charge on the invoice or similar document delivered to the purchaser and (iii) the commission is not split or divided with the seller or with an agent or employee of the seller.

§ 1410.63 *Appendix C: Maximum prices for scoured domestic shorn wools.* The maximum prices for scoured domestic shorn wools shall be the applicable maximum clean basis prices set forth in § 1410.10 of Maximum Price Regulation No. 106,[1] Domestic Shorn Wool, for unscoured wool to which may be added the following conversion charges:

(a) Actual charges paid for scouring;

(b) Transportation charges to scouring plant actually paid but in no case in excess of $0.50 per hundred weight of grease wool;

(c) Actual charges paid for sorting but in no case in excess of $1.00 per hundred weight of grease wool; and

(d) Actual loss incurred for depreciation due to off-sorts but in no case in excess of $1.50 per hundred weight of grease wool:

Provided, That the amount of each such charge shall be separately set forth in an invoice or similar document delivered to the purchaser.

§ 1410.64 *Appendix D: Maximum prices for wool yarns.* The maximum prices for Bradford weaving yarns, Bradford knitting yarns and French spinning yarns are set forth below in paragraphs (a), (b) and (c). In paragraphs (d) and (e) below there are set forth the provisions for determining the maximum prices for yarns spun from blended foreign and domestic wool, and for yarns spun from blended wool and other fibers.

(a) *Bradford weaving yarns.* The prices set forth below are maximum prices per pound, f. o. b. shipping point, for Bradford weaving yarns of the base count of 2/30s on Dresser spools or skeins. The maximum prices for yarns of other counts, for yarns on cones or cheeses, and for yarns sold in the dyed state shall be determined in accordance with subparagraphs (1), (2), and (3) below.

Terms of sale shall be cash less 2% up to 10 days or 60 days net cash.

Base count 2/30s on dresser spools or skeins

	70s	64s	62s	60s	58s	56s	50s
Domestic	$2.375	$2.325	$2.275	$2.25	$2.15	$2.05	$1.875
Foreign	2.175	2.10	2.05	2.00	1.95	1.925	1.85

(1) (i) The maximum prices for Bradford weaving yarns of counts above 2/30s shall be the maximum prices set forth above to which shall be added:

1¼¢ per count for each count from 2/31s to 2/40s.

2¢ per count for each count from 2/41s to 2/50s.

2½¢ per count for each count from 2/51s to 2/60s.

(ii) For counts less than 2/30s, one cent per count shall be subtracted for each count from 2/29s to 2/20s; yarns of counts below 2/20s shall have the same maximum prices as 2/20s.

(2) For yarns delivered on cones or cheeses the maximum prices shall be two cents per pound less than the applicable maximum price for yarns delivered on Dresser spools or skeins.

(3) The maximum prices for yarns sold in the dyed state shall be the applicable maximum price set forth above plus the following premiums:

	Cents per lb.
Single combed black and white mixtures and solid colors	17½
Double combed fancy mixes and solid colors	25
Double combed double and twist	27½
Double combed uniform twists	27½

(b) *Bradford knitting yarns.* The prices set forth below are maximum prices per pound, f. o. b. shipping point, for Bradford knitting yarns of the base counts of 2/18s to 2/20s in skeins. The maximum prices for yarns of other counts, for yarns reeled to weight, for single yarns on cones, and for yarns sold in the dyed state shall be determined in accordance with subparagraphs (1), (2), (3), and (4) below.

Terms of sale shall be cash less 3% up to 10 days, 2% up to 30 days and net cash thereafter. Base counts 2/18s to 2/20s on skeins.

[1] 7 F.R. 1648, 2345.

	44s	50s	50/56s	56s	58s	60s	62s	64s
Domestic		$1.775	$1.85	$1.90	$2.00	$2.10	$2.15	$2.20
Foreign	$1.425		1.75	1.825	1.85	1.925	1.95	2.00

(1) (i) The maximum prices for Bradford knitting yarns of counts above 2/20s shall be the maximum prices set forth above to which shall be added:

1¼¢ per count for each count from 2/21s to 2/30s.

1½¢ per count for each count from 2/31s to 2/40s.

2¢ per count for each count from 2/41s to 2/50s.

(ii) For counts less than 2/18s, one-half cent per count shall be subtracted for each count to 2/8s.

(2) The maximum prices for single yarns on cones shall be the maximum prices for 2 ply yarns of the same count.

(3) The following premiums may be added to the applicable maximum price for Bradford knitting yarns reeled to weight:

2½¢ per pound for 2 oz. skeins.

5¢ per pound for 1 oz. skeins.

12¢ per pound for skeins under 1 oz.

(4) The maximum prices for yarns sold in the dyed state shall be the applicable maximum prices set forth above plus the following premiums:

17½¢ per pound for 100% worsted yarns.

22½¢ per pound for blended yarns.

(c) *French spinning yarns.* The prices set forth below are maximum prices per pound, f. o. b. shipping point, for French spinning yarns of the base count of 1/30s on cops. The maximum prices for yarns of other counts, for coning, for twisting and for yarns sold in the dyed state shall be determined in accordance with subparagraphs (1), (2), (3) and (4) below.

Terms of sale shall be as follows:

Underwear and hosiery yarns—cash less 2% up to 10 days E.O.M., net cash thereafter. Weaving yarns—cash less 2% up to 10 days or 60 days net cash.

Outerwear yarns—cash less 3% up to 10 days, 2% up to 70 days and net cash thereafter.

Base: 1/30s on cops.

	70s	64s	62s	60s	58s	56s	50s
Domestic	$2.275	$2.225	$2.175	$2.125	$2.025	$1.95	$1.825
Foreign	2.075	2.00	1.95	1.90	1.85	1.825	1.875

(1) (i) The maximum prices for French spinning yarns of counts above 1/30s shall be the maximum prices set forth above to which shall be added:

1¢ per count for each count from 1/31s to 1/40s.

1½¢ per count for each count from 1/41s to 1/50s.

2¢ per count for each count from 1/51s to 1/60s.

2½¢ per count for each count from 1/61s to 1/70s.

(ii) For counts less than 1/30s, one-half cent per count shall be subtracted for each count from 1/29s to 1/20s; yarns of counts below 1/20s shall have the same maximum price as 1/20s.

(2) The maximum prices for yarns sold on cones shall be the applicable maximum price set forth above plus the following premiums:

5¢ per pound for 1/20s or lower.

6¢ per pound for 1/21s to 1/30s.

7¢ per pound for 1/31s to 1/40s.

8¢ per pound for 1/41s to 1/50s.

10¢ per pound for 1/51s to 1/60s.

12½¢ per pound for 1/61s to 1/70s.

(3) The maximum prices for twisted yarns shall be the applicable maximum price set forth above plus the following premiums:

11¢ per pound for 2/20s.

13¢ per pound for 2/21s to 2/24s.

14¢ per pound for 2/25s and 2/26s.

15¢ per pound for 2/27s to 2/30s.

17½¢ per pound for 2/31s to 2/40s.

20¢ per pound for 2/24s to 2/50s.

(4) The maximum prices for French knitting yarns sold in the dyed state shall be the applicable maximum price set forth above plus the following premiums:

	Cents
Single combed black and white mixtures and solid colors	17½
Double combed fancy mixes and solid colors	25
Double combed double and twist	27½
Double combed uniform twists	27½

(d) *Yarns spun from blended foreign and domestic wool.* Where yarns are spun from blended foreign and domestic wool, the maximum price shall be a price reduced from the applicable maximum price for yarns spun from domestic wool toward the applicable maximum price for yarns spun from foreign wool, in proportion to the percentage of foreign wool in the blend.

(e) *Yarns spun from blended wool and other fibers.* Where yarns are spun from blended wool and other fibers, the maximum price shall be a price reduced from the applicable maximum price for yarns spun from wool by the amount thereby saved in raw material costs. In computing such costs, 10% of the cost of the raw materials shall be added to cover loss due to waste.

§ 1410.65 *Appendix E: Maximum prices for foreign wools*—(a) *South American wools.* The prices set forth below are maximum prices per pound for South American wools, of United States official standard grades, clean basis, cost and freight, in bond, delivered in warehouse eastern seaboard. When sold duty paid, an amount not exceeding the duty actually paid may be added to the applicable maximum price.

The maximum prices shall include commissions and all other charges except as provided in subparagraphs (5) and (6) below.

Terms of sale shall be cash less 1% up to 10 days, or 60 days net cash.

U. S. official standard grades	Montevideo, Punta, Magellanes, Entre Rios, Concordia, Corriente		
	Good combing fleeces (practically free)	Best pieces	Bellies and pieces
64s and finer	$0.73	$0.70	$0.67
60s, 64s	.71	.68	.65
60s	.70	.67	.64
58s, 60s	.67	.64	.61
56s, 58s	.65	.62	.59
56s	.63	.60	.57
50s, 56s	.61	.57	.54
50s	.59	.55	.52
46s, 50s	.57	.52	.47
46s, 48s	.55	.50	.45
46s	.51	.45	.40
44s	.54	.48	.43
40s and lower	.49	.43	.38

U. S. official standard grades	Buenos Aires, Patagonia, Bahia Blanca, Pampa, San Julian, Santa Cruz, Rio Negro, Chubut, Tierra del Fuego, Cordellers, Deseado, Rio Gallegos, Brazilian		
	Good combing fleeces (practically free)	Best pieces	Bellies and pieces
64s and finer	$0.73	$0.68	$0.65
60s, 64s	.68	.66	.63
60s	.67	.65	.62
58s, 60s	.64	.62	.59
56s, 58s	.62	.60	.57
56s	.60	.58	.55
50s, 56s	.58	.55	.52
50s	.56	.53	.50
46s, 50s	.53	.50	.47
46s, 48s	.51	.48	.45
46s	.46	.43	.40
44s	.45	.42	.39
40s and lower	.32	.30	.28

SOUTH AMERICAN SECOND CLIP AND LAMBS' WOOL

U. S. official standard grades	Montevideo, Punta, Magellanes, Entre Rios, Concordia, Corriente	Buenos Aires, Patagonia, Bahia Blanca, Pampa, San Julian, Santa Cruz, Rio Negro, Chubut, Tierra del Fuego, Cordellers, Deseado, Rio Gallegos, Brazilian
60s and finer	$0.62	$0.60
58s, 60s	.58	.57
56s, 58s	.56	.55
56s	.54	.52
50s, 56s	.52	.50
46s, 50s	.50	.48
46s	.48	.46
44s	.46	.45
40s and lower	.40	.32

CHILEAN WOOLS

U. S. Official standard grades	Valdivia, Orsono	Talcahuana, Conception
60s, 64s	$0.66	
58s, 60s	.61	$0.58
56s, 58s	.58	.55
50s, 56s	.56	.53
48s, 50s	.53	.51
46s, 48s	.46	.46

PERUVIAN WOOLS

U. S. Official standard grades:	Improved Peruvian
64s	$0.71
60s, 64s	.68
58s, 60s	.63
56s, 58s	.58
50s, 56s	.53
46s, 48s	.49

U. S. Official standard grades:	Ordinary Peruvian wools
Merino 60s, 64s	$0.64
No. 1, 58s, 60s	.60
No. 2, 46s, 56s (Kempy)	.44
Gray	.44

(1) *Inferior wools.* The maximum prices for inferior wools shall be determined by deducting from the applicable maximum prices for shorn foreign wools imported in the greasy or washed condition, set forth in this paragraph (a), the following amounts:

(i) Slightly Stained Wools, 2¢ per lb.

(ii) Yellow or Heavily Stained Wools, 5¢ per lb.

(iii) Seedy or Burry Wools not Requiring Carbonizing, and cotts, 3¢ per lb., after adjustment has been made for color in accordance with (i) and (ii) above.

(iv) Seedy or Burry Wools Requiring Carbonizing, 10¢ per lb., after adjustment has been made in accordance with (i) and (ii) above: *Provided*, That where such wools are sold in a carbonized state the actual carbonizing charges plus an allowance for actual shrinkage may be added to the maximum price so long as such charges and shrinkage allowance are set forth in the invoice or similar document delivered to the purchaser.

(2) *Wools of choice character.* Maximum prices for wools of choice character shall be the maximum prices set forth above plus the following amounts:

(i) Grades 70s to 58s, 60s, inclusive, 3¢ per lb.

Provided, That the wools show good marino character in fully skirted super fleeces, freedom from burrs or other deleterious vegetable matter, freedom from kempy or hairy fibers, freedom from tender wools, evenness of grade and length, and good strength.

(ii) Grades 56s, 58s to 46/48s, inclusive, 5¢ per lb. and

(iii) Grades 46s to 40s and below, inclusive, 8¢ per lb.

Provided, That wools of the grades enumerated in paragraphs (ii) and (iii) show good medium or coarse crossbred or Lincoln character, unusual length and evenness in length and grade in fully skirted super fleeces, freedom from burrs and other deleterious vegetable matter, freedom from hairy or kempy fibers, freedom from tender wool, good strength and a high degree of lustre.

(3) *South American wools imported in the scoured state.* Maximum prices for shorn foreign wools imported in the scoured state shall be 2¢ per pound scoured above the applicable clean basis prices listed for shorn wools imported in the greasy or washed condition.

(4) *South American wools scoured in the United States.* The maximum prices for South American wools scoured in the United States shall be the applicable maximum clean basis prices set forth above for unscoured wool to which may be added the following conversion charges:

Actual charges paid for scouring;

Transportation charges to scouring plant actually paid but in no case in excess of $0.50 per hundredweight of grease wool;

Actual charges paid for sorting but in no case in excess of $1.00 per hundredweight of grease wool; and

Actual loss incurred for depreciation due to off-sorts but in no case in excess of $1.50 per hundredweight of grease wool:

Provided, That the amount of each such charge shall be separately set forth in an invoice or similar document delivered to the purchaser.

(5) *Maximum prices for sales of South American wools by dealers.* For the purposes of this Section, the term "dealer" shall be restricted to persons who purchase wool before it is landed in the United States and either resell it to a topmaker, spinner, or manufacturer for his own consumption, after it has been shipped from the country of origin, or resell it after it has been landed in the United States.

When South American wools are sold by a dealer, the applicable maximum price set forth above may be increased by an amount not exceeding 10% of the applicable in bond maximum price or 5 cents per lb. clean basis, whichever is greater, plus charges actually paid for marine and war risk insurance on the wool sold: *Provided*, That an invoice or similar document delivered to the purchaser shall show separately (i) the applicable maximum price of the wool, (ii) the dealer's markup per pound, (iii) the charges actually paid for marine insurance and (iv) the charges actually paid for war risk insurance. Persons buying any such wool after it has once been sold by a dealer may resell it at a price not higher than the maximum price applicable to the sale by the dealer under this paragraph.

(6) *Brokers' commissions.* In cases where a purchaser or a seller of South American wool employs a broker or other agent to make a purchase or sale on his behalf, a commission of not to exceed 1% of the applicable in bond maximum price may be charged for such services and added to the applicable maximum price. Such a commission may not be added to the increased maximum price applicable to sales by dealers provided for in paragraph (5) above. A commission may not be charged to both buyer and seller on the same lot of wool. Such commission shall be payable only if (i) the wool is purchased at a price not exceeding the applicable maximum price (ii) it is shown as a separate charge in the invoice or similar document delivered to the purchaser and (iii) the commission is not split or divided with the seller or an agent or an employee of the seller.

(b) *Australian, New Zealand, South African and other British wool control wool—(1) Maximum prices for sales by dealers.* For the purposes of this Section, the term "dealer" shall be restricted to persons who purchase wool before it is landed in the United States and either resell it to a topmaker, spinner, or manufacturer for his own consumption, after it has been shipped from the country of origin, or resell it after it has been landed in the United States.

The maximum prices for sales of such wools by dealers shall be the actual cost thereof landed in bond in the United States, plus an amount not exceeding 10% of such cost or 5 cents per pound, clean basis, whichever is greater, plus charges actually paid for marine and war risk insurance on the wool sold: *Provided*, That an invoice or similar document delivered to the purchaser shall show separately (i) such actual cost of the wool, (ii) the dealer's markup per pound, (iii) the charges actually paid for marine insurance, and (iv) the charges actually paid for war risk insurance. Persons buying any such wool after it has once been sold by a dealer may resell it at a price not higher than the maximum price applicable to the sale by the dealer under this paragraph.

(2) *British wool control wools scoured in the United States.* The maximum prices for wools scoured in the United States shall be the applicable dealer's maximum price set forth above for unscoured wool to which may be added the following charges:

(i) Actual charges paid for scouring;

(ii) Transportation charges to scouring plant actually paid, but in no case in excess of $.50 per hundredweight of grease wool;

(iii) Actual charges paid for sorting but in no case in excess of $1.00 per hundredweight of grease wool; and

(iv) Actual loss incurred for depreciation due to off-sorts but in no case in excess of $1.50 per hundredweight of grease wool:

Provided, That the amount of each such charge shall be separately set forth in an invoice or similar document delivered to the purchaser.

(3) *British wool control wools sold duty paid.* When British Wool Control wools are sold on a duty paid basis, the applicable maximum price may be increased by the amount of duty actually paid.

§ 1410.66 *Appendix F: Maximum prices for foreign pulled wools.* The prices set forth below are maximum prices per pound for foreign pulled wools of average to good character, duty paid, f. o. b. warehouse, pullery or scouring plant. Such prices do not include marine and war risk insurance charges which may be added as set forth in paragraph (e) below. Terms of sale shall be cash less 1% up to 10 days, or 60 days net cash.

(a) *Worsted type*

Grades and lengths	Pulled abroad			Pulled in U. S. A.	
	Clean basis	Scoured abroad	Scoured in U. S. A.	Clean basis	Scoured in U. S. A.
70s, 1½ inches and longer	$1.08	$1.10	$1.18	$1.11	$1.16
64s, and finer:					
2½ inches and longer	1.06	1.08	1.11	1.09	1.14
1½ to 2½ inches	1.03	1.05	1.08	1.06	1.11
60s, 64s:					
2½ inches and longer	1.05	1.07	1.10	1.08	1.13
1½ to 2½ inches	1.00	1.02	1.05	1.03	1.08
60s					
2 inches and longer	1.03	1.05	1.08	1.05	1.10
1½ to 2 inches	.99	1.01	1.04	1.01	1.06
58s					
2 inches and longer	1.00	1.02	1.05	1.02	1.07
2 to 3 inches	.97	.99	1.02	.99	1.04
56s:					
3½ inches and longer	.97	.99	1.02	.99	1.04
2 to 3½ inches	.94	.96	.99	.96	1.01
50s, 56s:					
3½ inches and longer	.95	.97	1.00	.97	1.02
2 to 3½ inches	.92	.94	.97	.94	.99
48s, 50s:					
4 inches and longer	.91	.93	.96	.93	.98
2½ to 4 inches	.89	.91	.94	.91	.96
46s, 48s:					
4 inches and longer	.87	.89	.92	.89	.94
2½ to 4 inches	.84	.86	.89	.86	.91
44s:					
5 inches and longer	.68	.70	.72	.70	.74
3 to 5 inches	.66	.68	.70	.68	.72
36s, 40s:					
5 inches and longer	.58	.60	.62	.60	.64
3 to 5 inches	.56	.58	.60	.58	.62

(b) *Woolen type*

Grades and lengths	Pulled abroad			Pulled in U. S. A.	
	Clean basis	Scoured abroad	Scoured in U. S. A.	Clean basis	Scoured in U. S. A.
70s—Under 1½ inches	$0.98	$1.00	$1.03	$1.01	$1.06
64s and finer—Under 1½ inches	.96	.98	1.01	.99	1.04
60s, 64s—Under 1½ inches	.95	.97	1.00	.98	1.03
60s—Under 1½ inches	.93	.95	.98	.96	1.01
58s—Under 2 inches	.90	.92	.95	.92	.97
56s—Under 2 inches	.87	.89	.92	.89	.94
50s, 56s—Under 2 inches	.85	.87	.90	.87	.92
48s, 50s—Under 2½ inches	.81	.83	.86	.83	.88
46s, 48s, Under 2½ inches	.77	.79	.82	.79	.84
44s—Under 3 inches	.58	.60	.62	.60	.64
36s, 40s—Under 3 inches	.48	.50	.52	.50	.54

(c) *Foreign pulled wools of choice character.* The maximum prices for foreign pulled wools of choice character shall be the maximum prices set forth above plus the following amounts:

(1) Grades 70s to 58s, inclusive, 3¢ per lb.

(2) Grades 56s to 48s, inclusive, 5¢ per lb.

(3) Grades 46s and coarser, 8¢ per lb.

(d) *Inferior wools.* The maximum prices for inferior foreign pulled wools shall be determined by deducting from the applicable maximum price for such wools of average to good character, set forth in paragraphs (a) and (b) above, the following amounts:

(1) Slightly tinged wools, 2¢ per lb.

(2) Yellow or heavily stained wools, 5¢ per lb.

(3) Seedy or burry wools which, in accordance with established trade practice, do not require carbonizing, 3¢ per lb., after adjustment has been made for color in accordance with subparagraphs (1) and (2) above.

(4) Seedy or burry wools which, in accordance with established trade practice, require carbonizing, 10¢ per lb., after adjustment has been made for color in accordance with subparagraphs (1) and (2) above: *Provided*, That where such wools are sold in a carbonized state the actual carbonizing charges plus an allowance for actual shrinkage may be added to the maximum price so long as such charges and shrinkage allowance are set forth in an invoice or similar document delivered to the purchaser.

(e) *Adjustment for marine and war risk insurance charges.* Actual charges paid for marine insurance and war risk insurance on the wool sold may be added to the applicable maximum price for foreign pulled wool determined in accordance with this section: *Provided*, That the amounts of such marine and war risk insurance shall be separately set forth in an invoice or similar document delivered to the purchaser.

Issued this 27th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2679; Filed, March 27, 1942; 11:25 a. m.]

Chapter XV—Defense Communications Board

[Order No. 3]

PART 1702—SECURITY OF MILITARY AND NAVAL MESSAGES

Whereas The Defense Communications Board has, by Executive Order No. 8964 of December 10, 1941 and Executive Order No. 9089 of March 6, 1942, been authorized, if the national security and defense and the successful conduct of the war so demand, to prescribe classes and types of radio stations and stations for wire communications and facilities or portions thereof which shall be subject to the use, control, supervision, inspection, or closure in accordance with such prescription, by the Department of War, Department of Navy, or other agency of the United States Government, designated by the Board;

And whereas it is necessary in the interest of the national security and defense, and for the successful prosecution of the war that the Government of the United States safeguard the security of all military and naval messages handled by means of radio communication and wire communication, as defined in the Communications Act of 1934, under the jurisdiction of the United States;

And whereas The Defense Communications Board has determined that the national security and defense and the successful conduct of the war so demand;

Now, therefore, By virtue of authority vested in the Board under the aforementioned Executive Orders, the Board hereby authorizes:

§ 1702.1 *Authorization of the Secretary of War and the Secretary of the Navy to take appropriate measures to safeguard the security of military and naval messages handled by means of radio communication and wire communication.* The Secretary of War and the Secretary of the Navy, acting jointly or severally, to take such steps, institute such measures, and issue such regulations and orders as shall be necessary to safeguard all military and naval messages handled by means of radio communication and wire communication under the jurisdiction of the United States in order to ensure that all such communications be transmitted rapidly, securely, and inviolate and further to ensure that no communication of spurious origin, purporting to be a military or naval communication, be transmitted by means of radio or wire communication. (E.O. Nos. 8964, 9089; 6 F.R. 6367, 7 F.R. 1777.)

Subject to such further order as the Board may deem appropriate.

By the Defense Communications Board.

JAMES LAWRENCE FLY,
Chairman.

Attest:

HERBERT E. GASTON,
Secretary.

MARCH 25, 1942.

[F. R. Doc. 42-2674; Filed, March 27, 1942; 10:28 a. m.]

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter II—Corps of Engineers, War Department

PART 203—BRIDGE REGULATIONS[1]

§ 203.434 *Dead River, Fla.; bridge of Seaboard Air Line Railway Co. near Tavares, Fla.* (a) The owner of, or agency controlling, the bridge will not be required to keep a draw tender in attendance at the above-named bridge between the hours of 10:00 p. m. and 6:00 a. m., daily.

(b) Whenever a vessel unable to pass under the closed bridge desires to pass through the draw between the hours of 10:00 p. m. and 6:00 a. m., notice of the desire to pass shall be given to the draw tender, who lives immediately adjacent to the bridge.

(c) Upon receipt of such notice, the said draw tender, or an authorized representative of the owner of, or agency controlling, the bridge, in compliance therewith, shall arrange for the prompt opening of the draw.

(d) The owner of, or agency controlling, the bridge shall keep conspicuously posted on both the upstream and downstream sides of the bridge, in a manner that it can easily be read at any time, a copy of these regulations, together with a notice stating exactly how the representative specified in paragraph (b) of this section may be reached. (Sec. 5, River and Harbor Act, Aug. 18, 1894, 28 Stat. 362; 33 U.S.C. 499) [Regs. March 16, 1942 (E.D. 6371 (Seaboard Air Line R. R.—Dead R.)–4)]

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–2642; Filed, March 26, 1942; 1:56 p. m.]

PART 204—DANGER ZONE REGULATIONS[2]

PROVING GROUND AT ABERDEEN, MD.

Pursuant to the provisions of Chapter XIX of the Army Act approved July 9, 1918 (40 Stat. 892; 33 U.S.C. 3), the restricted area defined in § 204.30 (a) (1) is hereby redefined; the description of the restricted area being amended as follows:

§ 204.30 *Chesapeake Bay—(a) United States Army Proving Ground Reservation, Aberdeen, Md.—(1) Restricted area defined.* The following indicates the limits of the waters of or adjacent to the Aberdeen Proving Ground, Maryland, and inside of which boundaries will lie the restricted area known as the Aberdeen Proving Ground, Maryland:

Beginning at a point on the westerly side of Chesapeake Bay, at the south side of the mouth of Swan Creek, Harford County, Maryland, the most northerly point of the reservation known as Plum Point; thence southeasterly along the low water mark on the shore of Chesapeake Bay to the westerly landing of the ferry across Spesutie Narrows; thence due southeast to a point in the center line of Spesutie Narrows; thence southerly along the center line of Spesutie Narrows to a point approximately 325 yards S. 30° E. from the outer end of the wharf at Mulberry Point; thence approximately 2,500 yards S. 37°12′ E. to a point in Chesapeake Bay about 1,250 yards southwesterly from Bear Point; thence approximately 9,275 yards S. 51°04′ W. to a point in Chesapeake Bay about 1,700 yards due east from Taylor Island Point; thence southwesterly in a straight course, except such variations as may be necessary to include all of Poole's Island to the southwesterly point of Poole's Island, thence in a northwesterly direction to the most southwesterly point of Sprys Island, including all of Sprys Island; thence northwesterly in a straight line to extreme southerly island off Lower Island Point; thence northwesterly in a straight line through Brier Point to a point in Seneca Creek where this line intersects a straight line which passes through monuments No. 124 and No. 125 on westerly part of Carroll Island; thence northeasterly in a straight line passing through Marahy Point, at the junction of Dundee Creek and Saltpetre Creek, to the intersection of the center line of Reardon Inlet with Gunpowder River, except such variations as may be necessary to exclude any and all parts of the point of land on the westerly side of Gunpowder River about one mile south of Oliver Point; thence northerly along the center line of Reardon Inlet to its intersection with the southeasterly line of the right of way of the Pennsylvania Railroad; thence northeast along the Pennsylvania Railroad following the reservation boundary line to shore of Bush River, and along its western shore to Fairview Point; thence northeast in a straight line across Bush River to concrete monument No. 64, located on the eastern shore of Bush River, south of Chelsea; thence along the eastern shore of Bush River northerly to the mouth of Sod Run; thence by a broken line along the boundary of the reservation to Swan Creek; and thence in a straight line to Plum Point. (The above description may be traced on Coast and Geodetic Chart No. 1226.)

(Chapter XIX Army Act July 9, 1918, 40 Stat. 892, 33 U.S.C. 3) [Regs. March 9, 1942 (C.E. 7195 (Chesapeake Bay)—12/6)]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–2656; Filed, March 27, 1942; 10:26 a. m.]

TITLE 46—SHIPPING

Chapter I—Bureau of Marine Inspection and Navigation

Subchapter O—Regulations Applicable to Certain Vessels and Shipping During Emergency

PART 152—MARINE ENGINEERING; REGULATIONS DURING EMERGENCY

MARCH 5, 1942.

Pursuant to the authority of Executive Order No. 9083, dated February 28, 1942 (7 F.R. 1609), § 152.2 is amended to read as follows:

§ 152.2 *Degaussing of ocean and coastwise vessels of 2,000 gross tons or over.* Effective immediately, every vessel of the United States of 2,000 gross tons or over mentioned in §§ 33.2–1, 33.2–3, 59.1, 60.1, or 63.1a of this chapter shall be degaussed in accordance with the requirements of, and at such time as may be fixed by, the War Shipping Administration. (R.S. 4405, 4417, 4417a, as amended, 49 Stat. 1544; 46 U.S.C. 375, 391, 391a, 367)

R. R. WAESCHE,
Commandant,
United States Coast Guard.

Approved:

J. V. FORRESTAL,
Acting Secretary of the Navy.

MARCH 23, 1942.

[F. R. Doc. 42–2653; Filed, March 26, 1942; 4:41 p. m.]

TITLE 49—TRANSPORTATION AND RAILROADS

Chapter I—Interstate Commerce Commission

[Ex Parte No. 54]

PART 320—COMPETITIVE BIDS

SUPPLEMENTARY REGULATIONS RELATIVE TO BIDS OF CARRIERS SUBJECT TO THE CLAYTON ANTITRUST ACT FOR SECURITIES, SUPPLIES, OR OTHER ARTICLES OF COMMERCE

At a session of the Interstate Commerce Commission, Division 4, held at its office in Washington, D. C., on the 25th day of March, A. D. 1942.

It appearing, that the Commission's order herein dated October 6, 1919, as amended, October 4, 1920, and still in force, (56 ICC 847–850) (Title 49, Part 8, Code of Federal Regulations), which prescribed regulations to govern bids subject to section 10 of the Clayton Antitrust Act, for securities, supplies, or other articles of commerce, applied to all carriers subject to the Act to regulate commerce;

And it further appearing, that by order entered the 29th day of January 1938, the said regulations were made applicable on and after January 29, 1938, to all carriers subject to Part II of the Interstate Commerce Act;

And it further appearing, That under the provisions of Part III of the Interstate Commerce Act common carriers by water which are engaged in interstate or foreign commerce, as those terms are defined in section 302, now are subject to the Commission's jurisdiction;

It is ordered, That the following regulation shall take effect and be in force from and after the first day of May, 1942:

§ 320.1 *Bids required by section 10 of Clayton Antitrust Act.* The regulations prescribed in sec. 8.1 to 8.5, inclusive, of sub-chapter A of this chapter, (which prescribed regulations to govern bids subject to section 10 of the Clayton Antitrust Act, for securities, supplies, or other articles of commerce) shall apply, on and after the first of May, 1942, to all common carriers subject to Part III of the Interstate Commerce Act. (Secs. 1, 10, 38 Stat. 730, 734; 15 U.S.C. 12, 20).

And it is further ordered, That notice of this order be given to all common carriers subject to Part III of the Interstate Commerce Act and to the public by publishing it in the FEDERAL REGISTER, and by depositing copies of the order in the office of the Secretary of the Commission, Washington, D. C.

By the Commission, division 4.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42–2706; Filed, March 27, 1942; 11:56 a. m.]

[1] § 203.434 is added.
[2] § 204.30 (a) (1) is amended.

Notices

WAR DEPARTMENT.

[Public Proclamation No. 2.]

HEADQUARTERS WESTERN DEFENSE COMMAND AND FOURTH ARMY PRESIDIO OF SAN FRANCISCO, CALIFORNIA

ESTABLISHMENT OF MILITARY AREAS 3, 4, 5, AND 6

MARCH 16, 1942.

To: The people within the States of Washington, Oregon, California, Montana, Idaho, Nevada, Utah and Arizona, and the Public Generally.

Whereas by virtue of orders issued by the War Department on December 11, 1941, that portion of the United States lying within the States of Washington, Oregon, California, Montana, Idaho, Nevada, Utah and Arizona and the Territory of Alaska has been established as the Western Defense Command and designated as a Theatre of Operations under my command; and

Whereas by Executive Order No. 9066,[1] dated February 19, 1942, the President of the United States authorized and directed the Secretary of War and the Military Commanders whom he may from time to time designate, whenever he or any such designated commander deems such action necessary or desirable, to prescribe military areas in such places and of such extent as he or the appropriate Military Commander may determine, from which any or all persons may be excluded, and with respect to which the right of any persons to enter, remain in, or leave shall be subject to whatever restrictions the Secretary of War or the appropriate Military Commander may impose in his discretion; and

Whereas the Secretary of War on February 20, 1942, designated the undersigned as the Military Commander to carry out the duties and responsibilities imposed by said Executive Order for that portion of the United States embraced in the Western Defense Command; and

Whereas the Western Defense Command by its geographical location is particularly subject to attack, to attempted invasion by the armed forces of nations with which the United States is now at war, and, in connection therewith, is subject to espionage and acts of sabotage, thereby requiring the adoption of military measures necessary to establish safeguards against such enemy operations:

Now therefore, I, J. L. DeWitt, Lieutenant General, U. S. Army, by virtue of the authority vested in me by the President of the United States and by the Secretary of War and my powers and prerogatives as Commanding General of the Western Defense Command, do hereby declare that:

1. The present situation requires as a matter of military necessity the establishment in the territory embraced by the Western Defense Command of Military Areas and Zones in addition to those established in Public Proclamation No. 1, this headquarters, dated March 2, 1942.

2. Pursuant to the determination and statement of military necessity in paragraph 1 hereof, there are hereby designated and established the following Military Areas:

Military Area No. 3, embracing the entire State of Idaho.

Military Area No. 4, embracing the entire State of Montana.

Military Area No. 5, embracing the entire State of Nevada.

Military Area No. 6, embracing the entire State of Utah.

3. Within Military Areas Nos. 1 and 2 as designated and established in Public Proclamation No. 1, above mentioned, and within Military Areas Nos. 3, 4, 5 and 6, as defined herein, there are hereby established, pursuant to paragraph 1 hereof, Zones A–100 to A–1033, inclusive, all as more particularly described and defined in Exhibit 1, hereto attached, and as generally shown on the maps attached hereto and marked Exhibits 2, 3, 4, 5, 6, 7, 8 and 9.[2]

4. Such persons or classes of persons as the situation may require will by subsequent proclamation be excluded from Zones A–100 to A–1033, inclusive.

The designation of Military Areas Nos. 3, 4, 5, and 6 as such does not contemplate any prohibition, regulation or restriction except with respect to the Zones established therein, and except as provided in paragraph 5 hereof.

5. Any Japanese, German or Italian alien, or any person of Japanese ancestry now resident in the states of the Western Defense Command, namely, Washington, Oregon, California, Montana, Idaho, Nevada, Utah and Arizona, who changes his place of habitual residence is hereby required to obtain and execute a "Change of Residence Notice" at any United States Post Office within any of the states mentioned. Such notice must be executed at any such Post Office not more than five nor less than one day prior to any such change of residence. Nothing contained herein shall be construed to affect the existing regulations of the U. S. Attorney General which require aliens of enemy nationalities to obtain travel permits from U. S. Attorneys and to notify the Federal Bureau of Investigation and the Commissioner of Immigration of any change in permanent address.

6. The duty and responsibility of the Federal Bureau of Investigation with respect to the investigation of alleged acts of espionage and sabotage are not altered by this proclamation.

[SEAL] J. L. DEWITT,
Lieutenant General, U. S. Army,
Commanding.

Confirmed:

J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42–2673; Filed, March 27, 1942; 10:29 a. m.]

INFORMATION GOVERNING TRANSFERS FROM CANADIAN ARMED FORCES TO ARMED FORCES OF THE UNITED STATES

Paragraph 4 of information governing transfers from the Canadian armed forces to the armed forces of the United States, published in the FEDERAL REGISTER March 24, 1942, (7 F.R. 2248), is amended to read as follows:

* * * * * *

4. *When to apply.* Immediately, if possible, and *not later than* April 20, 1942. Applications filed after April 20, 1942, will not be considered. (R.S. 161; 5 U.S.C. 22) [Circular, W.D., March 9, 1942, as amended by C–1, March 25, 1942]

* * * * * *

[SEAL] J. A. ULIO,
Major, General,
The Adjutant General.

[F. R. Doc. 42–2655; Filed, March 27, 1942; 10:26 a. m.]

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. A–1262]

PETITION OF DISTRICT BOARD NO. 8, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 8 PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER MODIFYING RELIEF

An order in the above-entitled matter dated January 24, 1942, 7 F.R. 1001, granted temporary relief and conditionally provided that the relief should become final in sixty (60) days. Subsequently, on March 10, 1942, the original petitioner moved that the relief therein granted in respect to the Red Jacket Mine (Mine Index No. 5246) of the Red Jacket Coal Corporation be continued as temporary relief until August 1, 1942.

The classifications established for Mine Index No. 5246 in the Order dated January 24, 1942, were those of coals in the Powellton seam alleged to be comparable to the coals of Mine Index No. 5246. It appears that subsequent investigation by petitioner indicates that the coals of Mine Index No. 5246 may be comparable to the coals of certain mines

[1] 7 F.R. 1407.

[2] Filed as part of the original document.

in the Campbells Creek seam and that a change, therefore, in the classifications of the coals of Mine Index No. 5246 may be necessary, but that a definitive determination of this question must await further sampling of the coals from Mine Index No. 5246 to be made after the mine enters into commercial production about June 1, 1942.

It appears that a reasonable showing of necessity has been made for the granting of the motion of the original petitioner. No petitions of intervention have been filed with the Division in the above-entitled matter, and the following action is deemed necessary in order to effectuate the purposes of the Act.

Now, therefore, it is ordered, That the order dated January 24, 1942, in the above-entitled proceeding be amended and that the price established therein for the coals of the Red Jacket Mine (Mine Index No. 5246) of the Red Jacket Coal Corporation remain temporary unless it shall otherwise be ordered.

It is further ordered, That in all other respects the said Order of January 24, 1942, in the above-entitled proceeding, be and it hereby is, continued in full force and effect unless otherwise ordered.

Dated: March 25, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2666; Filed, March 27, 1942; 10:47 a. m.]

[Docket No. 1540-FD]

IN THE MATTER OF COSTANZO COAL MINING COMPANY, REGISTERED DISTRIBUTOR, REGISTRATION NO. 1897, RESPONDENT

ORDER APPROVING AND ADOPTING WITH MODIFICATION THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER AND SUSPENDING REGISTRATION

This proceeding having been instituted by the Bituminous Coal Division pursuant to the provisions of the Bituminous Coal Act of 1937, in order to investigate and determine whether the Costanzo Coal Mining Company, a registered distributor (Registration No. 1897), of Wheeling, West Virginia, had violated certain provisions of the Rules and Regulations for the Registration of Distributors promulgated pursuant to section 4 II (h) of the Act;

A Notice of and Order for Hearing having been issued and duly served on the Respondent on April 26, 1941, and the Respondent having filed an answer on May 6, 1941;

A hearing in this matter having been held on June 9, 10, 11, 12, 13, 16, and 17 and July 1, 1941, before W. A. Cuff, a duly designated Examiner of the Division, at hearing rooms thereof in Pittsburgh, Pennsylvania, and Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard and at which the Respondent appeared;

The Examiner having filed his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations in this matter on November 19, 1941, in which he recommended that the registration of the Respondent as a registered distributor be revoked;

The Respondent having filed exceptions thereto on December 27, 1941, and requested an oral argument thereon;

An oral argument having been held on these exceptions before the undersigned on January 14, 1942;

The undersigned having made Findings of Fact and Conclusions of Law herein and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the exceptions of the Respondent, Costanzo Coal Mining Company, to the Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations of the Examiner be and they hereby are severally overruled except as otherwise indicated in the Findings of Fact, Conclusions of Law, and Opinion of the undersigned filed herewith.

It is further ordered, That the Proposed Findings of Fact and Proposed Conclusions of the Examiner be and they hereby are modified as indicated in the Findings of Fact, Conclusions of Law, and Opinion of the undersigned filed herewith.

It is further ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner, as modified, be and they hereby are approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That the registration of the Respondent, Costanzo Coal Mining Company, registered distributor (Registration No. 1897) be and it hereby is suspended for a period of nine months, effective 15 days from the date of this Order: *Provided, however*, That if the Respondent shall not have complied with the provisions of § 304.15 of the Rules and Regulations for the Registration of Distributors at least five days prior to the expiration of said suspension period, said suspension shall continue in full force and effect until five days after the affidavit required by said § 304.15 shall have been filed with the Division: *And provided further*, That the Respondent be required to return to the producers all sales agent's commissions and distributor's discounts collected by it on sales made by the Respondent in violation of the Act, the rules and regulations and Orders thereunder, or the Agreement, and that a statement by the Respondent that such refunds have been made shall be included in the aforesaid affidavit.

Dated: March 26, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2667; Filed, March 27, 1942; 10:47 a. m.]

DEPARTMENT OF AGRICULTURE.

Agricultural Marketing Administration

DETERMINATION PURSUANT TO SECTIONS 608c (9) AND (17), TITLE 7, U.S.C. 1940 EDITION, WITH RESPECT TO THE ISSUANCE OF ORDER NO. 27, AS AMENDED REGULATING THE HANDLING OF MILK IN THE NEW YORK METROPOLITAN MARKETING AREA [1]

Pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, there was issued, effective May 1, 1940, "Order No. 27, As Amended" regulating the handling of milk in the New York metropolitan marketing area.

A marketing agreement regulating the handling of milk in the New York metropolitan marketing area was tentatively approved on March 30, 1940.

Subsequently, three different amendments to "Order No. 27, As Amended" were made effective on March 1, 1941, July 1, 1941, and October 1, 1941, respectively.

There being reason to believe that the execution of amendments to the tentatively approved marketing agreement and of further amendments to the order regulating the handling of milk in the New York metropolitan marketing area would tend to effectuate the declared policy of said act, notice was given, on December 29, 1941, of a public hearing, which was held on January 7, 8, and 9 at New York City, on January 12, 13, and 14 at Utica, New York, on January 15, 16, and 17 at Binghamton, New York, on January 19 and 20 at Utica, New York, and on January 21, 22, 23, 26, 27, and 28 at New York City, on certain proposals to effectuate such further amendments. At such times and places all interested parties were afforded an opportunity to be heard on these proposals.

After such hearing, and after the tentative approval by the Secretary of Agriculture of the said amendments to the tentatively approved marketing agreement, handlers of more than fifty (50) percent of the volume of milk covered by the order refused or failed to sign the marketing agreement.

It is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, that:

1. The refusal or failure of said handlers to sign said marketing agreement tends to prevent the effectuation of the declared policy of the act;

2. The issuance of a new Order No. 27, as amended, is the only practical means pursuant to such policy of advancing the interests of the producers of milk which

[1] See Title 7, Chapter IX, *supra*.

is produced for sale in the New York metropolitan marketing area; and

3. The issuance of said new Order No. 27, as amended, is approved or favored by over two-thirds of the producers who, during the month of February 1942, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area and who voted in a referendum concluded on March 21, 1942.

Done at Washington, D. C., this 25th day of March 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

Approved:

FRANKLIN D. ROOSEVELT,
The President of the United States.

Dated: March 25, 1942.

[F. R. Doc. 42-2710; Filed, March 27, 1942; 11:48 a. m.]

DETERMINATION PURSUANT TO SECTIONS 608c (9) AND (17), TITLE 7, U.S.C., 1940 EDITION, WITH RESPECT TO THE ISSUANCE OF ORDER NO. 61 REGULATING THE HANDLING OF MILK IN THE PHILADELPHIA, PENNSYLVANIA, MARKETING AREA [1]

Claude R. Wickard, Secretary of Agriculture of the United States of America, pursuant to the powers conferred upon the Secretary by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, having reason to believe that the execution of a marketing agreement and an order regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area would tend to effectuate the declared policy of said act, notice was given, on October 10, 1941, of a public hearing which was held in Philadelphia, Pennsylvania, on October 28 through October 31, November 10 through November 14, November 17 through November 19, November 28, and December 1 through December 5, 1941, on a proposed marketing agreement and order, and at such time and place all interested parties were afforded an opportunity to be heard on the proposed marketing agreement and order.

After such hearing and after the tentative approval on March 6, 1942, of the marketing agreement regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area, handlers of more than fifty (50) percent of the volume of milk covered by this order, which is marketed within the Philadelphia, Pennsylvania, marketing area, refused or failed to sign such tentatively approved marketing agreement relating to milk.

It is hereby determined, pursuant to the powers conferred upon the Secretary of Agriculture by Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended, that:

1. The refusal or failure of said handlers to sign said tentatively approved marketing agreement tends to prevent the effectuation of the declared policy of the act;

2. The issuance of Order No. 61, regulating the handling of milk in the Philadelphia, Pennsylvania, marketing area, is the only practical means pursuant to such policy of advancing the interests of the producers of milk which is produced for sale in the Philadelphia, Pennsylvania, marketing area;

3. The issuance of such order is approved or favored by over two-thirds of the producers who participated in a referendum conducted by the Secretary and who, during the month of December 1941, said month having been determined by the Secretary to be a representative period, were engaged in the production of milk for sale in said area; and

4. The provision of such order providing for the payment to all producers delivering milk to the same handler of uniform prices for all milk delivered by them is approved or favored by at least three-fourths of the producers who, during the month of December 1941, were engaged in the production for market of milk covered by such order, said approval being separate and apart from the approval of producers as set forth above.

Done at Washington, D. C., this 25th day of March 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

Approved:

FRANKLIN D. ROOSEVELT,
The President of the United States.

Dated: March 25, 1942.

[F. R. Doc. 42-2709; Filed, March 27, 1942; 11:49 a. m.]

PROCLAMATION CONCERNING THE BASE PERIOD TO BE USED IN CONNECTION WITH THE EXECUTION OF A MARKETING AGREEMENT AND THE ISSUANCE OF AN ORDER REGULATING THE HANDLING OF MILK IN THE PHILADELPHIA, PENNSYLVANIA, MILK MARKETING AREA [1]

Pursuant to the powers conferred by the terms and provisions of Public Act No. 10, 73d Congress, as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937, it is hereby found and proclaimed that, in connection with the execution of a marketing agreement and the issuance of an order regulating the handling of milk in the Philadelphia, Pennsylvania, milk marketing area, the purchasing power of such milk during the base period August, 1909–July 1941 cannot be satisfactorily determined from available statistics of the Department of Agriculture, but that the purchasing power of such milk can be satisfactorily determined from available statistics in the Department of Agriculture for the period August 1919–July 1929; and the period August 1919–July 1929 is hereby found and proclaimed to be the base period to be used in connection with ascertaining the purchasing power of milk handled in the Philadelphia, Pennsylvania, milk marketing area, for the purpose of the execution of a marketing agreement and the issuance of an order regulating the handling of milk in that area.

Done at Washington, D. C., this 26th day of March 1942.

[SEAL] CLAUDE R. WICKARD,
Secretary of Agriculture.

[F. R. Doc. 42-2711; Filed, March 27, 1942; 11:50 a. m.]

Rural Electrification Administration.

[Administrative Order No. 686]

ALLOCATION OF FUNDS FOR LOANS

MARCH 20, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Florida 2026B1 Hardee	$62,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-2707; Filed, March 27, 1942; 11:49 a. m.]

[Administrative Order No. 687]

ALLOCATION OF FUNDS FOR LOANS

MARCH 21, 1942.

By virtue of the authority vested in me by the provisions of section 4 of the Rural Electrification Act of 1936, as amended, I hereby allocate, from the sums authorized by said Act, funds for a loan for the project and in the amount as set forth in the following schedule:

Project designation:	*Amount*
Texas 2111C1 Austin	$12,000

[SEAL] HARRY SLATTERY,
Administrator.

[F. R. Doc. 42-2708; Filed, March 27, 1942; 11:49 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket Nos. 436 and 722]

APPLICATIONS OF WEST COAST AIRLINES, INC., AND SOUTHWEST AIRWAYS COMPANY FOR CERTIFICATES OF PUBLIC CONVENIENCE AND NECESSITY AUTHORIZING SCHEDULED AIR TRANSPORTATION OF MAIL AND PROPERTY BY THE PICK-UP METHOD

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as

[1] See Title 7, Chapter IX, *supra*.

amended, particularly sections 401 and 1001 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on April 6, 1942, at 10 a. m. (eastern standard time) in Conference Room A, Departmental Auditorium, Constitution Avenue, between 12th and 14th Streets NW., Washington, D. C., before an examiner of the Board.

Dated Washington, D. C., March 26, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-2665; Filed, March 27, 1942; 10:31 a. m.]

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. MC-20]

TRUNK LINE TERRITORY MOTOR CARRIER RATES

NOTICE TO THE PARTIES

MARCH 26, 1942.

The order[1] in the above-entitled proceeding provides that parties may show cause on or before April 27, 1942, why the effectiveness of the orders prescribing minimum rates in the proceeding should not be suspended. Provision is also made for the filing of replies to such statements of fact and argument on or before May 7, 1942.

It is not contemplated that there will be any extension of the time for filing of such statements or replies thereto, and it is not contemplated that the matter will be assigned for hearing or for oral argument. The order does not call for the service upon the parties of record of any of the responses or replies thereto.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-2699; Filed, March 27, 1942; 11:56 a. m.]

[Ex Parte No. MC-20]

TRUNK LINE TERRITORY MOTOR CARRIER RATES

Order at a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 26th day of March, A. D. 1942.

It appearing, that on August 14, 1940, Division 5 entered its report, 24 M.C.C. 501, and order in the above-entitled proceeding in which minimum reasonable class and commodity rates, classifications, exceptions thereto, and rules and regulations were prescribed for the transportation of property, with certain exceptions, by common carriers by motor vehicle between certain points in New York, New Jersey, Pennsylvania, Delaware, Maryland, District of Columbia, Virginia, West Virginia, and North Carolina, which order was modified in part by orders subsequently entered from time to time;

[1] *Infra.*

It further appearing, that by order of the Commission of February 10, 1942, the proceeding was reassigned to Division 2;

It further appearing, that the principal reasons, among others, for the entry of the minimum rate order were to halt destructive rate cutting and to place all respondents on one general minimum rate level;

And it further appearing, that there has been a substantial accomplishment of the purposes for which the minimum rate order was entered, and that respondents should be permitted to propose necessary changes in their rates without waiting for a modification of the minimum rate order upon petition:

It is ordered, That the parties to the proceeding be, and they are hereby, required to show cause in writing on or before April 27, 1942, why the effectiveness of the orders heretofore entered in the proceeding prescribing minimum rates should not be suspended.

It is further ordered, That any party desiring to reply to the response of any other party to this order may do so in writing on or before May 7, 1942.

It is further ordered, That the responses to this order and the replies thereto shall be divided into two parts, one to contain the statements of the facts relied upon, properly verified by someone having knowledge of those facts, and the other to contain argument based upon the facts.

It is further ordered, That six copies of such responses and the replies thereto shall be filed in the Office of the Secretary of the Commission, of which only the original need be verified.

And it is further ordered, That a copy of this order be sent to all counsel in the proceeding and that notice of this order be given to all other interested parties and to the general public by publishing it in the FEDERAL REGISTER, and by depositing copies thereof in the office of the Secretary of the Commission in Washington, D. C.

By the Commission, division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-2698; Filed, March 27, 1942; 11:56 a. m.]

[Ex Parte No. MC-21]

CENTRAL TERRITORY MOTOR CARRIER RATES

NOTICE TO THE PARTIES

MARCH 26, 1942.

The order[1] in the above-entitled proceeding provides that parties may show cause on or before April 27, 1942, why the effectiveness of the orders prescribing minimum rates in the proceeding should not be suspended. Provision is also made for the filing of replies to such statements of fact and argument on or before May 7, 1942.

It is not contemplated that there will be any extension of the time for filing of such statements or replies thereto, and it is not contemplated that the matter will be assigned for hearing or for oral argument. The order does not call for the service upon the parties of record of any of the responses or replies thereto.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-2701; Filed, March 27, 1942; 11:57 a. m.]

[Ex Parte No. MC-21]

CENTRAL TERRITORY MOTOR CARRIER RATES

Order at a Session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of March, A. D. 1942.

It appearing, that on August 3, 1938, division 5 entered its report, 8 M. C. C. 233, and order in the above-entitled proceeding in which minimum reasonable class and commodity rates, classifications, exceptions thereto, and rules and regulations were prescribed for the transportation of property, with certain exceptions, by common carriers by motor vehicle between points in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, New York, Ohio, Pennsylvania, West Virginia, and Wisconsin, which order was modified in part by orders subsequently entered from time to time;

It further appearing that by order of the Commission of February 10, 1942, the proceeding was reassigned to division 2;

It further appearing that the principal reasons, among others, for the entry of the minimum rate order were to halt destructive rate cutting and to place all respondents on one general minimum rate level:

And it further appearing that there has been a substantial accomplishment of the purposes for which the minimum rate order was entered, and that respondents should be permitted to propose necessary changes in their rates without waiting for a modification of the minimum rate order upon petition;

It is ordered, That the parties to the proceeding be, and they are hereby, required to show cause in writing on or before April 27, 1942, why the effectiveness of the orders heretofore entered in the proceeding prescribing minimum rates should not be suspended.

It is further ordered, That any party desiring to reply to the response of any other party to this order may do so in writing on or before May 7, 1942.

It is further ordered, That the responses to this order and the replies thereto shall be divided into two parts, one to contain the statements of the facts relied upon, properly verified by someone having knowledge of those facts, and the other to contain argument based upon the facts.

It is further ordered, That six copies of such responses and the replies thereto shall be filed in the office of the Secretary of the Commission, of which only the original need be verified.

And it is further ordered, That a copy of this order be sent to all counsel in the proceeding and that notice of this order be given to all other interested parties and to the general public by publishing it in the FEDERAL REGISTER, and by depositing copies thereof in the office of the Secretary of the Commission in Washington, D. C.

By the Commission, division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-2700; Filed, March 27, 1942; 11:57 a. m.]

[Ex Parte No. MC-22]

NEW ENGLAND MOTOR CARRIER RATES

NOTICE TO THE PARTIES

MARCH 26, 1942.

The order[1] in the above-entitled proceeding provides that parties may show cause on or before April 27, 1942, why the effectiveness of the orders prescribing minimum rates in the proceeding should not be suspended. Provision is also made for the filing of replies to such statements of fact and argument on or before May 7, 1942.

It is not contemplated that there will be any extension of the time for filing of such statements or replies thereto, and it is not contemplated that the matter will be assigned for hearing or for oral argument. The order does not call for the service upon the parties of record of any of the responses or replies thereto.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-2703; Filed, March 27, 1942; 11:57 a. m.]

[Ex Parte No. MC-22]

NEW ENGLAND MOTOR CARRIER RATES

Order at a session of the Interstate Commerce Commission, Division 2, held at its office in Washington, D. C., on the 26th day of March, A. D. 1942.

It appearing, that on August 3, 1938, Division 5 entered its report, 8 M. C. C. 287, and order in the above-entitled proceeding in which minimum reasonable class and commodity rates, classifications, exceptions thereto, and rules and regulations were prescribed for the transportation of property, with certain exceptions, by common carriers by motor vehicle (1) between points in New England and (2) between points in New England, on the one hand, and points in eastern New York and northeastern New Jersey on the other, which order was modified in part by orders subsequently entered from time to time;

It further appearing, that by order of the Commission of February 10, 1942, the proceeding was reassigned to Division 2;

It further appearing, that the principal reasons, among others, for the entry of the minimum rate order were to halt destructive rate cutting and to place all respondents on one general minimum rate level;

[1] *Infra.*

And it further appearing that there has been a substantial accomplishment of the purposes for which the minimum rate order was entered, and that respondents should be permitted to propose necessary changes in their rates without waiting for a modification of the minimum rate order upon petition;

It is ordered, That the parties to the proceeding be, and they are hereby, required to show cause in writing on or before April 27, 1942, why the effectiveness of the orders heretofore entered in the proceeding prescribed minimum rates should not be suspended.

It is further ordered, That any party desiring to reply to the response of any other party to this order may do so in writing on or before May 7, 1942.

It is further ordered, That the responses to this order and the replies thereto shall be divided into two parts, one to contain the statements of the facts relied upon, properly verified by someone having knowledge of those facts, and the other to contain argument based upon the facts.

It is further ordered, That six copies of such responses and the replies thereto shall be filed in the Office of the Secretary of the Commission, of which only the original need be verified.

And it is further ordered, That a copy of this order be sent to all counsel in the proceeding and that notice of this order be given to all other interested parties and to the general public by publishing it in the FEDERAL REGISTER, and by depositing copies thereof in the office of the Secretary of the Commission in Washington, D. C.

By the Commission, division 2.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-2702; Filed, March 27, 1942; 11:57 a. m.]

[Ex Parte No. MC-23]

MIDWESTERN MOTOR CARRIER RATES

NOTICE TO THE PARTIES

MARCH 26, 1942.

The order[1] in the above-entitled proceeding provides that parties may show cause on or before April 27, 1942, why the effectiveness of the orders prescribing minimum rates in the proceeding should not be suspended. Provision is also made for the filing of replies to such statements of fact and argument on or before May 7, 1942.

It is not contemplated that there will be any extension of the time for filing of such statements or replies thereto, and it is not contemplated that the matter will be assigned for hearing or for oral argument. The order does not call for the service upon the parties of record of any of the responses or replies thereto.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-2704; Filed, March 27, 1942; 11:57 a. m.]

[Ex Parte No. MC-23]

MIDWESTERN MOTOR CARRIER RATES

Order at a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 26th day of March, A. D. 1942.

It appearing, that on January 2, 1941, division 5 entered its report, 27 M. C. C. 297, and order in the above-entitled proceeding in which minimum reasonable class and commodity rates, classifications, exceptions thereto, and rules and regulations were prescribed for the transportation of property, with certain exceptions, by common carriers by motor vehicle between points in Iowa and to and from certain points in Illinois, Indiana, Iowa, northeastern Kansas, northern Missouri, and eastern Nebraska, which order was modified in part by orders subsequently entered from time to time;

It further appearing, that by order of the Commission of February 10, 1942, the proceeding was reassigned to division 2;

It further appearing, that the principal reasons, among others, for the entry of the minimum rate order were to halt destructive rate cutting and to place all respondents on one general minimum rate level;

And it further appearing, that there has been a substantial accomplishment of the purposes for which the minimum rate order was entered, and that respondents should be permitted to propose necessary changes in their rates without waiting for a modification of the minimum rate order upon petition;

It is ordered, That the parties to the proceeding be, and they are hereby required to show cause in writing on or before April 27, 1942, why the effectiveness of the orders heretofore entered in the proceeding prescribing minimum rates should not be suspended.

It is further ordered, That any party desiring to reply to the response of any other party to this order may do so in writing on or before May 7, 1942.

It is further ordered, That the responses to this order and the replies thereto shall be divided into two parts, one to contain the statements of the facts relied upon, properly verified by someone having knowledge of those facts, and the other to contain argument based upon the facts.

It is further ordered, That six copies of such responses and the replies thereto shall be filed in the Office of the Secretary of the Commission, of which only the original need be verified.

And it is further ordered, That a copy of this order be sent to all counsel in the proceeding, and that notice of this order be given to all other interested parties and to the general public by publishing it in the FEDERAL REGISTER, and by depositing copies thereof in the office of the Secretary of the Commission in Washington, D. C.

By the Commission, division 3.

[SEAL] W. P. BARTEL,
Secretary.

[F. R. Doc. 42-2705; Filed, March 27, 1942; 11:58 a. m.]

SECURITIES AND EXCHANGE COMMISSION.

[File No. 37-55]

IN THE MATTER OF D. E. ACKERS, NORTH AMERICAN LIGHT & POWER COMPANY AND KANSAS POWER AND LIGHT COMPANY

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 26th day of March, A. D. 1942.

D. E. Ackers having filed an application for exemption from the provisions of section 13 (a) of the Public Utility Holding Company Act of 1935 with respect to the following transaction setting forth that:

(1) D. E. Ackers is presently president of and drawing compensation from Kansas Power and Light Company, a subsidiary of North American Light & Power Company, a registered holding company and a subsidiary of The North American Company, a registered holding company;

(2) Said D. E. Ackers has been a director of said North American Light & Power Company for the past nine months and it is now proposed that he become president of said company;

(3) As president of said North American Light & Power Company it is proposed that said D. E. Ackers will be compensated for services rendered on a per diem basis by said North American Light & Power Company and that at the same time he will continue as president of said Kansas Power and Light Company drawing compensation from the latter company; the aggregate compensation not to exceed the present rate of compensation from said Kansas Power and Light Company;

(4) The Commission on December 30, 1941, entered an order under section 11 (b) (2) of said Act requiring said North American Light & Power Company to liquidate and terminate its existence;

(5) Said D. E. Ackers states that he is generally familiar with the business and activities of said North American Light & Power Company and for that reason is able to expedite compliance by said North American Light & Power Company with said order of December 30, 1941, and by virtue thereof substantial economies will be effected in connection with said liquidation;

(6) The office of said president of North American Light & Power Company is presently vacant, Mr. Allen Van Wyck, its former president, having recently resigned;

It appearing to the Commission that a hearing should be held for the purpose of determining whether the proposed transaction under which Kansas Power and Light Company will pay D. E. Ackers a salary for rendering services to Kansas Power and Light Company while said D. E. Ackers may be president of North American Light & Power Company should be exempted from the provisions of section 13 (a) of said Act pursuant to the provisions thereof;

It is ordered, That a hearing for the purpose hereinafter provided be held on April 6, 1942, at 10:00 o'clock in the forenoon of that day at the offices of the Securities and Exchange Commission, 18th and Locust Streets, Philadelphia, Pennsylvania. On that day the hearing room clerk in Room 318 will advise as to where such hearing will be held.

It is further ordered, That at such hearing there shall be determined whether the proposed transaction, hereinabove described involves special or unusual circumstances or is not in the ordinary course of business, so as to make it necessary or appropriate in the public interest or for the protection of investors or consumers that the Commission by order conditionally or unconditionally exempt said transaction pursuant to the provisions of section 13 (a) of said Act.

It is further ordered, That Edward C. Johnson or any other officer or officers of the Commission designated by it for that purpose shall preside at the hearing ordered herein. The officer so designated to preside at any such hearing is hereby authorized to exercise all powers granted to the Commission under section 18 (c) of said Act and to a trial examiner under the Commission's Rules of Practice.

It is further ordered, That notice of said hearing be and hereby is given to Kansas Power and Light Company and North American Light & Power Company, such notice to be given by service of a copy of this order by registered mail, and that notice is hereby given to all other persons whose participation in these proceedings may be in the public interest or for the protection of investors or consumers, such notice to be given by publication in the FEDERAL REGISTER. It is requested that any person desiring to be heard or to be admitted as a party in said proceedings shall file notice to that effect with the Commission on or before April 4, 1942.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2657; Filed, March 27, 1942; 10:26 a. m.]

[File No. 70-518]

IN THE MATTER OF FEDERAL WATER AND GAS CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Philadelphia, Pa., on the 26th day of March, A. D. 1942.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than April 11, 1942, at 5:30 P. M., E. W. T., or 1:00 P. M., E. W. T., if such date be a Saturday, request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Federal Water and Gas Corporation proposes to purchase from time to time, but prior to December 31, 1942, all or part of a maximum of $400,000 principal amount of its 5½% Gold Debentures, due May 1, 1954, either in the open market or pursuant to tenders, at prices not to exceed the call price in effect at the date of purchase.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2662; Filed, March 27, 1942; 10:28 a. m.]

[File No. 70-517]

IN THE MATTER OF FEDERAL WATER AND GAS CORPORATION

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa. on the 26th day of March, A. D. 1942.

Notice is hereby given that a declaration or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above named party or parties; and

Notice is further given that any interested person may, not later than April 11, 1942, at 5:30 P. M., E. W. T., or 1:00 P. M., E. W. T., if such date be a Saturday, request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Federal Water and Gas Corporation proposes to purchase from time to time, but prior to December 31, 1942, all or part of a maximum of 45,000 shares of common stock of Southern Natural Gas Company in the open market, at prices not to exceed $12.50 a share.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2661; Filed, March 27, 1942; 10:27 a. m.]

[File No. 812-239]

IN THE MATTER OF THE CELOTEX CORPORATION AND PHOENIX SECURITIES CORPORATION

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 26th day of March, A. D. 1942.

Application having been duly filed by the above named applicants for an order of the Commission under and pursuant to the provisions of section 17 (b) of the Investment Company Act of 1940 exempting from the provisions of section 17 (a) the sale by Phoenix Securities Corporation of 93,100 shares of the common capital stock of the South Coast Corporation to the applicant Celotex Corporation, an affiliated person of Phoenix Securities Corporation.

It is ordered, That a hearing on the matter of this application be held on April 8, 1942 at 10:00 o'clock in the forenoon of that day in the hearing room of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Charles S. Lobingier, or any officer or officers of the Commission designated by it for that purpose, shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing hereby is given to the above named applicants and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of the investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2663; Filed, March 27, 1942; 10:28 a. m.]

[File No. 54-46]

IN THE MATTER OF LONE STAR GAS CORPORATION, LONE STAR GAS COMPANY, COMMUNITY NATURAL GAS COMPANY, TEXAS CITIES GAS COMPANY, THE DALLAS GAS COMPANY, COUNCIL BLUFFS GAS COMPANY, AND LONE STAR GASOLINE COMPANY

ORDER GRANTING REQUEST TO INTERVENE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa. on the 26th day of March, A. D. 1942.

The above named parties having filed applications and declarations pursuant to the Public Utility Holding Company Act of 1935, including a plan pursuant to section 11 (e) of said Act for the purpose of complying with the provisions of section 11 (b) of said Act; the Commission having instituted a proceeding under section 11 (b) (1) of said Act involving said parties, and having consolidated such proceeding with that first above mentioned;

The City of Dallas, Texas, having filed a written request that it be permitted to intervene and become a party, and it appearing to the Commission that such request shall be granted;

It is ordered, That the City of Dallas be, and it hereby is admitted as a party to said consolidated proceeding.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2658; Filed, March 27, 1942; 10:26 a. m.]

[File No. 70-490]

IN THE MATTER OF ILLINOIS IOWA POWER COMPANY

ORDER PERMITTING DECLARATION TO BECOME EFFECTIVE

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 25th day of March, A. D. 1942.

Illinois Iowa Power Company, a registered holding company, having filed a declaration pursuant to the Public Utility Holding Company Act of 1935, particularly section 12 (d) thereof and Rule U-44 promulgated thereunder with regard to the sale by said declarant to Commonwealth Edison Company, a non-affiliate, of all the real estate and personal property constituting the substation site known as the Oglesby Substation located near Oglesby, Illinois and all 132 kv. switching and accessory equipment connected therewith except (a) the 33 kv. substation structure, transformer and accessory equipment, and (2) the 2.3 kv. substation structure, transformer and accessory equipment, for and in consideration of the payment by said purchaser of an amount equivalent to the original cost to the declarant of the property to be transferred less depreciation plus the purchaser's pro rata share of current annual real estate and property taxes; and

Said declaration having been filed on January 29, 1942, and notice of said filing having been duly given in the form and manner prescribed by Rule U-23 promulgated pursuant to said Act and the Commission not having received a request for a hearing with respect to said declaration within the period specified in said notice or otherwise and not having ordered a hearing thereon; and the declarant having requested that the effective date of said declaration be postponed until this date; and

The Commission deeming it appropriate in the public interest and in the interest of investors and consumers to permit said declaration to become effective, and finding with respect to said declaration that the requirements of section 12 (d) of said Act and of Rule U-44 promulgated thereunder are satisfied;

It is hereby ordered, Pursuant to said Rule U-23 and the applicable provisions of said Act and subject to the terms and conditions prescribed in Rule U-24 and subject to the further condition that declarant, upon the completion of the proposed sale, report to this Commission the exact amount of the purchase price of the property to be sold on the basis of original cost as set forth in the first paragraph of this order, that said declaration be and the same is hereby permitted to become effective forthwith.

By the Commission. (Commissioner Healy dissents for reasons stated in his memorandum of April 1, 1940).

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2659; Filed, March 27, 1942; 10:27 a. m.]

[File No. 812-265]

IN THE MATTER OF WESTERN NEW YORK FUND

NOTICE OF AND ORDER FOR HEARING

At a regular session of the Securities and Exchange Commission, held at its

office in the City of Philadelphia, Pennsylvania, on the 26th day of March, A. D. 1942.

Application having been duly filed by the above named applicant for an order of the Commission under and pursuant to the provisions of section 23 (c) (3) of the Investment Company Act of 1940 to purchase outstanding shares of the corporation's common stock in amounts not exceeding 15,000 shares;

It is ordered, That a hearing on the matter of this application be held on April 10, 1942 at 10:00 o'clock in the forenoon of that day in the hearing room of the Securities and Exchange Commission Building, 18th and Locust Streets, Philadelphia, Pennsylvania.

It is further ordered, That Charles S. Lobingier, or any officer or officers of the Commission designated by it for that purpose, shall preside at such hearing on such application. The officer so designated to preside at any such hearing is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42 (b) of the Investment Company Act of 1940 and to trial examiners under the Commission's Rules of Practice.

Notice of such hearing hereby is given to the above-named applicant and to any other person or persons whose participation in such proceedings may be in the public interest or for the protection of the investors.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2660; Filed, March 27, 1942; 10:27 a. m.]

APR 1 1942

FEDERAL REGISTER

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Washington, Tuesday, March 31, 1942

Rules, Regulations, Orders

TITLE 7—AGRICULTURE

Chapter VII—Agricultural Adjustment Agency, Agricultural Conservation and Adjustment Administration

[ACP–1940–17]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART B–1940

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, (49 Stat. 1148, 1915, 50 Stat. 329, 52 Stat. 31, 204, 205, 53 Stat. 550, 573; 16 U.S.C. 1940 ed. 590g to 590q), the 1940 Agricultural Conservation Program, as amended, is hereby further amended as follows:

1. Section 701.104 (a) is amended by adding the following subparagraph and renumbering the present subparagraphs (2) and (3) to be (3) and (4), respectively.

§ 701.104 *Division of payments and deductions*—(a) *Payments and deductions in connection with general soil-depleting crops, crops for which special crop acreage allotments are determined, and restoration land.*

* * * * *

(2) In cases where the landlords, tenants, or sharecroppers have lost their interests in the general soil-depleting crops or any crops for which special crop acreage allotments are determined, after planting but prior to harvest thereof, by reason of the acquisition of title to, or lease of, their farms for use in the national defense program, the net payment or deduction computed with respect to such crops shall be divided among such persons in the same proportion that the county committee determines that such persons would have been entitled, as of the time of harvest, to share in the proceeds of such crops except for such acquisition of title or lease.

2. Section 701.110 (a) (1) is amended to read as follows:

§ 701.110 *General provisions relating to payments*—(a) *Payment restricted to effectuation of purposes of the program.* (1) All or any part of any payment which otherwise would be computed for any person under the 1940 program may be withheld or required to be returned (a) if he adopts or has adopted any practice which the Secretary determines tends to defeat any of the purposes of the 1940 or previous agricultural conservation programs, (b) if, by means of any corporation, partnership, estate, trust, or any other device, or in any manner whatsoever, he has offset, or has participated in offsetting, in whole or in part, the performance for which such payment is otherwise authorized, or (c) if, with respect to forest land or woodland owned or controlled by him, he adopts or has adopted any practice which the Agricultural Adjustment Agency of the Agricultural Conservation and Adjustment Administration finds is contrary to sound conservation practices.

3. Section 701.111 (a), item (1), is amended to read as follows:

§ 701.111 *Application for payment*—(a) *Persons eligible to file applications.* * * *

(1) who at the time of its harvest is entitled to share in any of the crops grown on the farm under a lease or operating agreement, or who is a landlord, tenant, or sharecropper who lost his interest in the general soil-depleting crops or any crops for which special crop acreage allotments are determined, after planting but prior to harvest thereof, by reason of the acquisition of title to, or lease of, the farm for use in the national defense program and who did not otherwise receive full compensation for the amount of the payments in connection with such acquisition of title or lease, or

4. Section 701.111 (b), the first sentence is amended as follows:

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FEDERAL REGISTER

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(b) *Time and manner of filing application and information required.* Payment will be made only upon application submitted through the county office on or before a date fixed by the regional director but not later than March 31, 1941, except that (1) applications for tenants or sharecroppers with respect to cropland owned by the United States may be submitted through the county office not later than December 31, 1941, or (2) applications for landlords, tenants or sharecroppers who lost their interests in the general soil-depleting crops or any crops for which special crop acreage allotments are determined, after planting but prior to harvest thereof, by reason of the acquisition of title to or lease of their farm for use in the national defense program, may be submitted through the county office not later than April 30, 1942, or (3) where farm applications are used the timely filing of an application by one person on a farm shall constitute a timely filing on behalf of all persons on that farm, or (4) an application for payment may be accepted if the State committee or its designated representative determines, in accordance with instructions issued by the regional director with the approval of the Administrator, that the failure to file the timely application was not due to the fault of the applicant.

Done at Washington, D. C., this 28th day of March 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-2813; Filed, March 30, 1942; 11:44 a. m.]

[ACP-1941-14]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART C—1941

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, (49 Stat. 1148, 1915, 50 Stat. 329, 52 Stat. 31, 204, 205, 53 Stat. 550, 573; 16 U.S.C. 1940 ed. 590g and 590q), the 1941 Agricultural Conservation Program, as amended, is hereby further amended as follows:

1. Section 701.204 (a) is amended by adding the following subparagraph and renumbering the present subparagraphs (2) and (3) to be (3) and (4), respectively.

§ 701.204 *Division of payments and deductions*—(a) *Payments and deductions in connection with general soil-depleting crops, crops for which special crop acreage allotments are determined, and restoration land.*

• • • • •

(2) In cases where the landlords, tenants, or share-croppers have lost their interests in the general soil-depleting crops or any crops for which special crop acreage allotments are determined, after planting but prior to harvest thereof, by reason of the acquisition of title to, or lease of, their farms for use in the national defense program, the net payment or deduction computed with respect to such crops shall be divided among such persons in the same proportion that the county committee determines that such persons would have been entitled, as of the time of harvest, to share in the proceeds of such crops except for such acquisition of title or lease.

2. Section 701.211 (a), item (1), is amended to read as follows:

§ 701.211 *Application for payment*—(a) *Persons eligible to file applications.* • • •

(1) Who is determined by the county committee to be entitled, as of the time of harvest, to share in any of the crops grown on the farm under a lease or operating agreement or as owner-operator, or who is a landlord, tenant, or share-cropper who lost his interest in the general soil-depleting crops or any crops for which special crop acreage allotments are determined, after planting but prior to harvest thereof, by reason of the acquisition of title to, or lease of, his farm in the national defense program and who did not otherwise receive full compensation for the amount of the payments in connection with such acquisition of title or lease, or

• • • • •

Done at Washington, D. C., this 28th day of March 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-2811; Filed, March 30, 1942; 11:43 a. m.]

[ACP-1941-15]

PART 701—NATIONAL AGRICULTURAL CONSERVATION PROGRAM

SUBPART C—1941

Pursuant to the authority vested in the Secretary of Agriculture under sections 7 to 17, inclusive, of the Soil Conservation and Domestic Allotment Act, as amended, (49 Stat. 1148, 1915, 50 Stat. 329, 52 Stat. 31, 204, 205, 53 Stat. 550, 573; 16 U.S.C. 1940 ed. 590g to 590q), the 1941 Agricultural Conservation Program, as amended, is hereby further amended as follows:

Section 701.211 (b) is amended to read as follows:

§ 701.211 *Application for payment.*

• • • • •

(b) *Time and manner of filing application and information required:* Payment will be made only upon application submitted through the county office on or before a date fixed by the Regional Director but not later than April 30, 1942, except (1) where farm applications are used the timely filing of an application by one person on a farm shall constitute a timely filing on behalf of all persons on that farm, and (2) an application for payment may be accepted if the State committee or its designated representative determines, in accordance with instructions issued by the Regional Director with the approval of the Administrator, that the failure to file the timely application was not due to the fault of the applicant. Applications filed under exceptions (1) and (2) above must be filed before expiration of the period for obligating the appropriation (June 30, 1943).

The Secretary reserves the right (1) to withhold payment from any applicant who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the Regional Director.

At least two weeks notice to the public shall be given of the expiration of a time limit for filing prescribed forms, and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form within the period prescribed. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

• • • • •

Done at Washington, D. C. this 28th day of March 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-2812; Filed, March 30, 1942; 11:42 a. m.]

[P-1940-4]

PART 741—PARITY PAYMENTS

SUBPART B—1940

Pursuant to the authority vested in the Secretary of Agriculture by the item entitled "Parity Payments" under the head "Conservation and Use of Agricultural Land Resources, Department of Agriculture," contained in the Department of Agriculture Appropriation Act, 1940 (Public No. 159, 76th Congress, approved June 30, 1939; 53 Stat. 974) and pursuant to the provisions of sections 301 and 303 of the Agricultural Adjustment Act of 1938, approved February 16, 1938, as amended (52 Stat. 43, 45; 7 U.S.C. 1940 ed. 1301, 1303), the 1940 Parity Payment Regulations, approved by the Secretary October 18, 1939, as amended, are hereby further amended as follows:

1. Section 741.104 is amended by adding the following sentence at the end thereof:

§ 741.104 *Division of payment* • • • In cases where the landlords, tenants, or sharecroppers have lost their interests in any commodity after planting but prior to harvest thereof, by reason of the acquisition of title to, or lease of, their farms for use in the national defense program, the net payment computed with respect to such commodity shall be divided among such persons in the same proportion that the county committee determines that such persons would have been entitled, as of the time of harvest, to share in the proceeds of such commodity except for such acquisition of title or lease.

2. Section 741.107, the first sentence is amended to read as follows:

§ 741.107 *Application for payment.* Payment will be made only upon application submitted through the county committee on or before a date fixed by the regional director, but not later than December 31, 1940, except that (1) applications may be submitted by landlords, tenants, or sharecroppers who lost their interests in any commodity after planting but prior to harvest thereof, by reason of the acquisition of title

to, or lease of, their farms for use in the national defense program not later than April 30, 1942, provided full compensation for the amount of the payments was not otherwise made in connection with such acquisition of title or lease, (2) the timely filing of an application by one person on a farm shall constitute a timely filing on behalf of all persons on that farm, and (3) an application for payment may be accepted if the State committee or its designated representative determines, in accordance with instructions issued by the regional director with the approval of the Agricultural Adjustment Agency of the Agricultural Conservation and Adjustment Administration, that the failure to file a timely application was not due to the fault of the applicant. * * *

Done at Washington, D. C., this 28th day of March 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-2816; Filed, March 30, 1942; 11:43 a. m.]

[P-1941-5]

PART 741—PARITY PAYMENTS

SUBPART C—1941

By virtue of the authority vested in the Secretary of Agriculture by the item entitled "Parity Payments" contained in the Department of Agriculture Appropriation Act, 1941 (Public Law No. 658, 76th Congress, approved June 25, 1940; 54 Stat. 532, 563), as amended by the item entitled "Parity Payments" contained in the Department of Agriculture Appropriation Act, 1942 (Public Law 144, 77th Congress, approved July 1, 1941; 55 Stat. 408, 436), and pursuant to the provisions of sections 301 and 303 of the Agricultural Adjustment Act of 1938, approved February 16, 1938, as amended (52 Stat. 43, 45; 7 U. S. C. 1940 ed. 1301, 1303), the 1941 Parity Payment Regulations, as amended, are hereby further amended as follows:

1. Section 741.205 is amended to read as follows:

§ 741.205 *Aggregate performance.* Notwithstanding any other provisions of these regulations, the payment to any person whose aggregate share of the 1941 acreage of wheat, cotton, corn, rice, and tobacco on all farms in the county does not exceed his aggregate share of the allotments or permitted acreages under the 1941 Agricultural Conservation Program on such farms, or, in areas designated by the Agricultural Adjustment Agency of the Agricultural Conservation and Adjustment Administration as areas containing a substantial number of combination farms, where the sum of the acres of such commodities on all the farms in the county in which he has an interest does not exceed the sum of the permitted acreages or allotments on all such farms, shall not be less than the sum of his shares of the payments computed under § 741.202 hereof, with respect to each such allotment on each farm on which (1) the acreage of a commodity on the farm does not exceed the acreage allotment determined for the commodity under the 1941 Agricultural Conservation Program and (2) the sum of the acreages of corn, cotton, wheat, rice, and tobacco does not exceed the sum of the allotments or permitted acreages of such crops under the 1941 Agricultural Conservation Program, unless the State committee finds that such person's aggregate share of the 1941 acreages of wheat, cotton, corn, rice, and tobacco on all farms in which he has an interest exceeds his aggregate share of the allotments or permitted acreages for such commodities under the 1941 Agricultural Conservation Program for such farms to such an extent as to offset substantially the performance on the farm or farms with respect to which payment might otherwise be made.

2. Section 741.206 is amended by adding the following sentence at the end thereof:

§ 741.206 *Division of payment.* * * * In cases where the landlords, tenants, or sharecroppers have lost their interests in any commodity after planting but prior to harvest thereof, by reason of the acquisition of title to, or lease of, their farms for use in the national defense program, the net payment computed with respect to such commodity shall be divided among such persons in the same proportion that the county committee determines that such persons would have been entitled, as of the time of harvest, to share in the proceeds of such commodity except for such acquisition of title or lease.

Done at Washington, D. C., this 28th day of March 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-2815; Filed, March 30, 1942; 11:43 a. m.]

[P-1941-6]

PART 741—PARITY PAYMENTS

SUBPART C—1941

By virtue of the authority vested in the Secretary of Agriculture by the item entitled "Parity Payments" contained in the Department of Agriculture Appropriation Act, 1941 (Public Law No. 658, 76th Congress, approved June 25, 1940; 54 Stat. 532, 563), as amended by the item entitled "Parity Payments" contained in the Department of Agriculture Appropriation Act, 1942 (Public Law 144, 77th Congress, approved July 1, 1941; 55 Stat. 408, 436), and pursuant to the provisions of sections 301 and 303 of the Agricultural Adjustment Act of 1938, approved February 16, 1938, as amended (52 Stat. 43, 45; 7 U.S.C. 1940 ed. 1301, 1303), the 1941 Parity Payment Regulations, as amended, are hereby further amended as follows:

Section 741.209 is amended to read as follows:

§ 741.209 *Application for payment.* Payment will be made only upon application submitted through the county office on or before a date fixed by the Regional Director but not later than April 30, 1942, except (1) where farm applications are used the timely filing of an application by one person on a farm shall constitute a timely filing on behalf of all persons on that farm, and (2) an application for payment may be accepted if the State committee or its designated representative determines, in accordance with instructions issued by the Regional Director with the approval of the Administrator, that the failure to file the timely application was not due to the fault of the applicant. Applications filed under exceptions (1) and (2) above must be filed before expiration of the period for obligating the appropriation (June 30, 1943). The Secretary reserves the right (1) to withhold payment from any applicant who fails to file any form or furnish any information required with respect to any farm which such person is operating or renting to another person for a share of the crops grown thereon, and (2) to refuse to accept any application for payment if any form or information required is not submitted to the county office within the time fixed by the Regional Director.

At least two weeks notice to the public shall be given of the expiration of a time limit for filing prescribed forms, and any time limit fixed shall be such as affords a full and fair opportunity to those eligible to file the form within the period prescribed. Such notice shall be given by mailing the same to the office of each county committee and making copies of the same available to the press.

Done at Washington, D. C., this 28th day of March 1942. Witness my hand and the seal of the Department of Agriculture.

[SEAL] GROVER B. HILL,
Assistant Secretary of Agriculture.

[F. R. Doc. 42-2814; Filed, March 30, 1942; 11:42 a. m.]

TITLE 8—ALIENS AND NATIONALITY

Chapter II—Office of the Alien Property Custodian

PART 502—VESTING ORDERS

VESTING OF PROPERTY OF I. G. FARBENINDUSTRIE, STANDARD-I. G. CO., AND OTHERS

§ 502.1 *Vesting Order No. 1.* (a) I, Leo T. Crowley, Alien Property Custodian, acting under and by virtue of the authority vested in me by the President pursuant to Section 5 (b) of the Act of October 6, 1917, as amended by Section 301 of the First War Powers Act, 1941, finding upon investigation that the property set forth in the list attached hereto marked Exhibit "A" and made a part hereof, is the property of Nationals of a Foreign Country designated in Executive Order No. 8389, as amended,[1] as defined therein, and that the action herein taken is in the public interest, do hereby order and declare that such properties including all interest therein are hereby vested in the Alien Property Custodian to be held, used, administered, liquidated, sold or otherwise dealt with in the interest of and for the benefit of the United States.

(b) Such property and any proceeds thereof shall be held in a special account pending further determination of the Alien Property Custodian. This shall not be deemed to limit the power of the Alien Property Custodian to return such property or the proceeds thereof, or to indicate that compensation will not be paid in lieu thereof, if and when it should be determined that such return or compensation should be made.

(c) Any person not a national of a foreign country designated in Executive Order No. 8389, as amended, asserting any interest in said properties, or any party asserting any claim as a result of this order, may file with the Alien Property Custodian a notice of his claim, together with a request for hearing thereon, on Form No. APC-1 within one year of the date of this order, or within such further time as may be allowed by the Alien Property Custodian. (E.O. 9095, 7 F.R. 1971.)

This order shall be published in the FEDERAL REGISTER.

LEO T. CROWLEY,
Alien Property Custodian.

MARCH 25, 1942.

EXHIBIT A

LIST OF THE PROPERTY OF I. G. FARBENINDUSTRIE, AN ENEMY CORPORATION, VESTED IN THE ALIEN PROPERTY CUSTODIAN BY VESTING ORDER PURSUANT TO SECTION 5 (b) OF THE TRADING WITH THE ENEMY ACT, AS AMENDED

All right, title, and interest of I. G. Farbenindustrie, A. G. in:

(a) The following contracts and agreements, including all extensions, modifications, and renewals thereof:

1. Division of Fields Agreement of November 9, 1929, and the Jasco Agreement of September 30, 1930.
2. Four Party Agreement of November 9, 1929.
3. Coordination Agreement of November 9, 1929.
4. German Sales Agreement of November 9, 1929.
5. Series of agreements with Rahr-Chemie, I. G., Shell, and Kellogg dated October 7, 1938 (re hydrocarbon sythesis).
6. C. R. A. memoranda of October 12, 1938; August 15, 1939; April 17, 1940; and July 9, 1940.
7. Letter dated May 11, 1940, by I. G. to Standard re C. R. A.
8. Alcohol-Alkyl Chloride Agreement between Standard and I. G. of September 28, 1936.
9. Hague Memorandum dated September 25, 1939, effective as of September 1, 1939.
10. Trust Agreement (Schaefer and Koechling), executed March 8, 1940, effective as of September, 1939.
11. Paraflow Agreement of April 1, 1932.
12. Hydrogenation agreements.
13. Alcohol Agreement (unsigned memorandum of September 24, 1936 between Development and I. G.
14. Trust Agreement of August 31, 1939, between Frank A. Howard and W. E. Carrie and P. L. Young.

(b) Stock, patents, contracts, and other rights in and of the Standard Catalytic Company.

(c) All patents listed in schedule A attached hereto.

(d) All patents listed in schedule B attached hereto.

(e) All patents listed in schedule C attached hereto.

(f) The capital stock of Jasco, Inc., including the five certificates of stock therein held by Walter Schaefer and Harold E. Koechling, Trustees, and the patents, contracts, and other rights in and of Jasco, Inc.

(g) All patents listed in schedule D attached hereto.

(h) All other patents and patent applications held by or in the name of Standard-I. G. Company, Standard Catalytic Company, Jasco, Inc., or W. E. Currie.

SCHEDULE A

STANDARD I. G. COMPANY

G 35 62 X 145 672—October 15, 1936—U. S. and Territorial Possessions:		
Motor Fuel	1,775,574	
Production of Methane	1,643,663	
Motor Fuel	1,765,692	
P 38 165 O 146 569—December 9, 1930—Territory, All:		
Increasing the Viscosity and Improving the Lubricating Properties of Oils	1,797,951	285,205
W 53 4 V 147 661—March 20, 1931—Territory, All:		
Production of Hydrocarbons	1,861,282	300,381
K 30 173 V 148 639—June 5, 1931—Territory, All:		
Purification of Hydrogenation Products of Carbonaceous Materials	1,822,351	129,094
C 35 248 V 148 573—June 5, 1931—U. S. and Territorial Possessions:		
Motor Fuel	1,775,674	
M 63 78 V 148 686—June 5, 1931—Territory, All:		
Conversion of Solid Fuels	1,823,116	150,140
W 53 153 S 149 19—August 15, 1931—U. S. and Territorial Possessions:		
Catalysts of High Mechanical Strength	2,776,875	
P 38 125 J 150 662—October 19, 1931—Territory, All:		
Production of Valuable Hydrocarbons from Carbonaceous Materials, Tars, Mineral Oils and the Like	1,890,437	320,764
P 38 127 K 373-376-379—October 21, 1931—Territory, All:		
Catalytic Gas Reactions	1,845,059	208,065
Destructive Hydrogenation of Carbonaceous Materials	1,835,425	229,984
Destructive Hydrogenation of Carbonaceous Materials	1,833,426	302,639
H 66 109 K 150 278—October 21, 1931—Territory, All:		
Extraction of Oils from Materials Containing Same	1,840,287	244,552
P 38 289 W 152 414—May 20, 1932—Territory, All:		
Production of Viscous Oils and Hydrocarbon. Product of Low Boiling Point	1,863,670	369,264
P 38 297 Y 152 538—May 28, 1932—Territory, All:		
Separation from Solid Residues of the Oils Obtained in the Destructive Hydrogenation of Carbonaceous Materials	1,864,856	321,057
P 40 12 G 153 150, 152—June 25, 1932—Territory, All:		
Process of Producing Motor Fuel by the Destructive Hydrogenation of Carbonaceous Materials	1,864,855	314,538
Motor Fuels	1,863,669	233,312
P 40 12 G 153 154—June 25, 1932—Territory, All:		
Production of Non-Knocking Motor Fuels	1,864,496	381,063
R 39 179 I 153 405—July 6, 1932—Territory, All:		
Recovery of Pure Hydrogen	1,869,825	277,781
P 40 27 N 153 96—July 21, 1932—Territory, All:		
Destructive Hydrogenation of Carbonaceous Materials	1,890,439	360,194
K 31 132 N 153 39—July 21, 1932—Territory, All:		
Conversion of Solid Fuels and Products Derived Therefrom or Other Carbonaceous Materials into Valuable Products	1,876,609	258,144
P 40 27 N 153 83—July 21, 1932—Territory, All:		
Production of Valuable Hydrocarbons From Carbonaceous Materials Which are in the Liquid State	1,895,760	317,575

[1] 6 F.R. 2897, 3715, 6042, 6785.

SCHEDULE A—Continued

STANDARD I. G. COMPANY—continued

P 40 66 B 154 26—September 12, 1932—Territory, All: Liquid and Other Hydrocarbons and Derivatives Thereof by the Destructive Hydrogenation of Carbonaceous Materials	1,932,873	397,150
P 41 8 Z 157 163—November 7, 1933—Territory, All: Separation of Hydrogen	1,938,087	399,065
G 37 258 F 158 614—December 5, 1933—U. S. and Territory: Production of Valuable Hydrocarbons	1,932,174	
P 41 24 F 158 657—December 5, 1933—Territory, All: Reactions at High Pressure and Temperatures	1,954,096	358,154
Conversion of Carbonaceous Materials into Fuels of Relatively Low Boiling Point Range	1,890,438	320,765
L 37 7 A 154 687—September 12, 1932—Territory, All: Recovery of Oils of High Boiling Point	1,889,926	263,592
K 31 198 M 154 627—October 31, 1932—Territory, All: Conversion of Solid Fuels and Products Derived Therefrom or other Materials into Valuable Liquids	1,890,434	88,646
R 40 120 Y 154 120—December 16, 1932—Territory, All: Separation of Oils from Solid Residues	1,904,521	306,277
K 31 220 Y 154 78—December 16, 1932—Territory, All: Production of Valuable Liquid Products from Coal and the Like	1,890,438	129,096
P 41 [illegible] 154 [illegible]—[illegible]—Territory, All: [illegible]	[illegible]	[illegible]
P 40 162 Q 155 623—March 1, 1933—Territory, All: Production of Low Boiling Hydrocarbons Products	1,933,089	391,503
P 41 104 L 159 455—April 17, 1934—Territory, All: Recovery of the Products of Destructive Hydrogenation	1,959,176	280,642
P 40 189 C 156 676—April 18, 1933—Territory, All: Production of Valuable Organic Products	1,959,924	496,416
M 67 53 M 159 695—April 23, 1934—Territory, All: Valuable Liquid Products from Solid Distillable Carbonaceous Materials	1,959,924	377,622
G 38 45 P 158 377—May 3, 1934—Territory, All: Treatment of Cases Containing Unsaturated Hydrocarbons	1,960,972	468,804
P 40 190 D 156 156—April 19, 1933—Territory, All: Production of Valuable Hydrocarbons	1,910,050	353,688
P 41 118 R 159 297—May 10, 1934—Territory, All: Recovery of the Reaction Products of the Destructive Hydrogenation of Carbonaceous Materials	1,961,885	364,459
P 40 190 D 156 158—April 19, 1933—Territory, All: Motor Fuels	1,910,051	360,316
P 40 194 E 156 632—April 26, 1933—Territory, All: Production of Valuable Hydrocarbons	1,921,477	381,072
P 40 194 E 156 634—April 26, 1933—Territory, All: Destructive Hydrogenation of Carbonaceous Materials	1,922,490	391,506
K 31 200 E 156 543—April 26, 1933—Territory, All: Destructive Hydrogenation of Carbonaceous Materials	1,922,542	200,382
P 40 201 H 156 693—May 7, 1933—Territory, All: Production of Valuable Liquid Hydrocarbons	1,921,478	384,480
P 40 201 H 156 695—May 9, 1933—Territory, All: Destructive Hydrogenation of Coals, Tars, Mineral Oils and the Like	1,919,857	224,519
P 40 201 H 156 697—May 9, 1933—Territory, All: Production of Hydrocarbons	1,914,727	367,121
P 40 201 H 156 699—May 9, 1933—Territory, All: Destructive Hydrogenation of Distillable Carbonaceous Materials and Apparatus Therefor	1,920,388	396,486
K 32 7 H 156 656, 658—May 9, 1933—Territory, All: Conversion of Solid Fuels and Products Derived Therefrom or other Materials into Valuable Liquids	1,923,576	181,885
Thermal Treatment of Carbonaceous Substances	1,931,549	181,884
P 45 145 B 179 72—April 22, 1939—Territory, All: Carrying out Catalytic Reactions	2,159,511	1,022
P 46 249 N 185 382—November 30, 1940—U. S. and Territorial Possessions: Production of Shaped Catalysts	2,204,619	
S 96 48 C 187 643—March 18, 1941—Territory, All: Process for the Production of Hydrocarbons		321,692
M 77 66 C 187 601—March 18, 1941—Territory, All: Production of Hydrocarbons		319,338

SCHEDULE B

STANDARD CATALYTIC—I. G. PATENTS

Class 1—Hydrogenation

1,558,559	1,959,175
1,569,775	1,959,924
1,643,663	1,960,794
1,684,640	1,960,972
1,698,602	1,960,977
1,743,214	1,961,982
1,766,763	1,963,759
1,788,170	1,965,956
1,791,568	1,966,624
1,798,288	1,969,422
1,801,382	1,970,248
1,818,165	1,973,833
1,823,116	1,975,475
1,823,468	1,979,841
1,835,425	1,983,234
1,835,426	1,983,241
1,841,910	1,984,596
1,844,998	1,988,019
1,845,058	1,989,822
1,845,439	1,990,708
1,845,555	1,993,226
1,851,762	1,994,058
1,857,814	1,994,075
1,859,314	1,995,647
1,863,670	1,996,008
1,876,009	1,996,009
1,876,270	1,998,595
1,881,968	2,002,997
1,881,969	2,005,192
1,889,251	2,006,996
1,890,434	2,028,348
1,890,436	2,035,133
1,890,437	2,038,599
1,890,438	2,039,259
1,890,439	2,045,794
1,894,116	2,045,795
1,894,257	2,054,776
1,895,764	2,058,789
1,895,769	2,059,495
1,904,476	2,066,868
1,904,521	2,067,608
1,906,286	2,091,831
1,910,050	2,093,096
1,910,051	2,096,400
1,914,727	2,100,352
1,917,334	2,100,353
1,919,857	2,100,354
1,920,886	2,115,336
1,920,887	2,116,061
1,920,888	2,116,081
1,921,477	2,118,940
1,921,478	2,119,647
1,922,499	2,120,295
1,922,542	2,127,382
1,923,576	2,127,383
1,930,468	2,127,577
1,931,549	2,132,855
1,931,550	2,149,900
1,932,186	2,154,527
1,932,385	2,159,077
1,932,389	2,159,140
1,932,673	2,159,511
1,933,069	2,165,940
1,934,001	2,167,004
1,937,554	2,170,976
1,937,588	2,177,376
1,938,542	2,183,145
1,949,109	2,183,146
1,954,096	2,191,156
1,955,014	2,191,157
1,955,829	2,194,186
1,955,861	2,203,842
1,957,767	2,206,729

SCHEDULE B—Continued

STANDARD CATALYTIC—I. G. PATENTS—CON.

Class 1—Hydrogenation—Continued

2,207,581	2,234,568
2,211,022	2,238,240
2,215,190	2,238,851
2,215,869	2,242,463
2,215,876	2,248,999
2,220,261	2,251,554
2,221,952	2,254,748
2,227,671	2,254,806
2,227,672	2,274,639

Class 2—Hydroforming

1,913,940	1,913,941

Class 3—Manufacture of Hydrogen

1,543,357	1,921,856
1,723,772	1,931,492
1,751,117	1,934,836
1,776,876	1,938,087
1,790,248	1,957,743
1,790,249	1,957,744
1,793,136	1,977,992
1,818,579	2,000,224
1,857,799	2,038,566
1,869,825	2,042,285
1,882,977	2,056,911
1,898,527	2,083,795
1,898,967	2,111,579

Class 4—Paraflow

1,938,088	2,147,315
2,028,472	2,189,924
2,063,623	2,258,806
2,111,126	2,271,093
2,130,024	

Class 5—Alkacid

1,990,217	2,053,650
2,011,386	2,176,441

Class 6—Claus Process

1,782,590	1,984,971
1,869,942	2,157,318
1,900,751	2,168,150
1,911,498	

Class 7—Asphalt Additives

1,988,543	2,036,572
2,006,978	2,191,205

Class 8—Miscellaneous

1,504,624	1,794,965
1,591,526	1,803,855
1,631,823	1,812,398
1,673,620	1,813,514
1,678,630	1,814,410
1,681,335	1,816,156
1,684,634	1,822,349
1,687,118	1,822,351
1,704,732	1,823,563
1,732,371	1,828,390
1,748,315	1,838,893
1,751,955	1,840,287
1,760,289	1,840,649
1,766,699	1,842,906
1,766,718	1,847,095
1,775,640	1,849,875
1,775,674	1,851,726
1,776,193	1,854,146
1,778,447	1,856,188
1,783,726	1,863,212
1,783,757	1,863,586
1,787,951	1,864,856
1,788,204	1,865,183

SCHEDULE B—Continued

STANDARD CATALYTIC—I. G. PATENTS—CON.

Class 8—Miscellaneous—Continued

1,868,127	1,987,092
1,868,919	1,988,873
1,868,920	1,990,213
1,868,921	1,993,386
1,869,736	1,998,626
1,878,509	2,007,754
1,881,490	2,008,953
1,881,691	2,017,557
1,881,692	2,018,619
1,881,861	2,018,871
1,882,712	2,020,703
1,882,813	2,020,713
1,884,093	2,020,714
1,889,926	2,022,279
1,889,932	2,025,490
1,889,952	2,028,308
1,893,804	2,028,349
1,894,126	2,041,234
1,894,140	2,045,747
1,894,255	2,055,135
1,894,764	2,055,633
1,899,582	2,056,914
1,904,477	2,060,230
1,904,586	2,060,356
1,905,520	2,060,447
1,906,462	2,063,596
1,907,812	2,067,311
1,909,145	2,083,125
1,910,916	2,085,129
1,911,505	2,086,856
1,911,586	2,090,813
1,913,968	2,094,476
1,916,824	2,097,605
1,916,836	2,098,779
1,919,730	2,099,475
1,922,491	2,104,097
1,922,918	2,104,966
1,923,571	2,106,446
1,923,583	2,106,960
1,923,652	2,113,162
1,925,551	2,115,553
1,925,566	2,119,350
1,927,244	2,119,651
1,929,849	2,120,296
1,933,434	2,122,903
1,934,007	2,125,343
1,936,453	2,128,958
1,937,619	2,133,496
1,938,086	2,134,333
1,941,884	2,137,602
1,944,420	2,140,545
1,945,583	2,141,731
1,945,907	2,142,393
1,945,960	2,144,409
1,946,108	2,147,836
1,946,109	2,152,454
1,950,811	2,153,644
1,952,459	2,154,676
1,955,825	2,157,332
1,958,848	2,159,148
1,960,943	2,159,175
1,960,974	2,161,663
1,963,245	2,163,922
1,964,891	2,164,762
1,966,390	2,165,372
1,965,952	2,165,373
1,967,685	2,168,933
1,967,691	2,173,482
1,971,301	2,179,829
1,973,834	2,184,697
1,973,851	2,185,405
1,975,476	2,187,872
1,986,238	

SCHEDULE B—Continued

STANDARD CATALYTIC—I. G. PATENTS—Con.

Class 8—Miscellaneous—Continued

2,189,062	2,203,470
2,191,794	2,210,148
2,195,747	2,216,257
2,196,016	2,223,184
2,197,768	2,224,003
2,197,769	2,225,045

SCHEDULE B—Continued

STANDARD CATALYTIC—I. G. PATENTS—Con.

Class 8—Miscellaneous—Continued

2,228,118	2,264,745
2,242,321	2,257,173
2,245,157	2,257,213
2,247,465	2,271,942
2,250,949	2,274,750
2,253,093	

SCHEDULE C

WILLIAM E. CURRIE

J 22 102 F 184 559—July 1, 1940—All:		
Waxlike substance and process for preparing same	2,134,333	682,670
Process of preparing Mixtures containing Mineral and Bituminous Substances	1,988,543	495,003
Bituminous Paving Composition	2,008,978	537,215
Bituminous Dispersions for Coatings or Coverings and a Process for preparing them	2,041,234	506,316
Production of Hydrocarbons	1,906,286	410,885
Production of Valuable Hydrocarbons and their Derivatives containing Oxygen	2,159,077	111,306
Title of Invention not stated	2,207,581	172,738
Production of Hydrogenated Aromatic Hydrocarbons or Derivatives thereof	1,965,956	534,696
Production of Hydrocarbons from Carbon Monoxide and Hydrogen	2,159,140	67,344
Process for the Recovery of Hydrogen and Oxygen by Electrolysis	1,543,357	498,034
Apparatus for Carrying out Exothermic Catalytic Gas Reactions	1,869,736	271,828
Recovery of Energy Transmitted to Liquids	1,909,141	448,151
Removal of Sulphur Compounds from Gases	1,916,824	478,307
Process of Lubricating Steam Turbines	1,778,447	175,945
Title of Invention not stated	--------	242,914
Title of Invention not stated	--------	226,252
Separation of Hydrogen Sulphide from Gaseous Mixtures containing the same	1,990,217	618,081
Separation of Carbon Dioxide from Gaseous Mixtures free from Sulphur Compounds	2,053,650	618,082
Washing out of weak Gaseous Acids from Gases containing the same	2,137,602	98,096
Removal of Gaseous Weak Acids from Gases Containing the Same	2,106,446	3,676
Removal of Hydrogen Sulphide and Hydrocyanic Acid and of Readily Volatile Liquids from Gases	2,161,663	108,010
Method of Converting Hydrogen Sulphide into Sulphur Dioxide	1,678,630	28,018
Purifying Gas	1,504,624	493,749
Purifying Gases	1,631,823	35,781
Recovery of Soluble Products from Solid Carbonizable Substances	1,822,349	262,041
Purification of Sulphur Bearing Gases and Recovery of Sulphates and Sulphur	1,889,942	382,730
Purification of Gases	1,900,751	444,338
Removal of Weak Acids and Ammonia from Gases	2,045,747	678,357
Purification of Gases from Ammonia and Hydrogen Sulphide	2,067,311	742,084
Wet Purification of Gases, Especially Coal Distillation Gases	2,152,454	100,212
Title of Invention not stated	--------	137,027
Title of Invention not stated	2,247,465	247,300

SCHEDULE C—Continued

WILLIAM E. CURRIE—continued

J 22 102 F 184 559—July 1, 1940—All—Continued.		
Title of Invention not stated	--------	251,999
Title of Invention not stated	--------	252,001
Recovery of Hydrogen Sulphide from Gases	2,083,213	28,020
Degasification of Alkaline Liquids Laden with Hydrogen Sulphide	2,168,150	147,895
Process of Making Gaseous Mixtures of Nitrogen and Hydrogen	1,723,772	15,371
Manufacture of Valuable Organic Products	1,704,732	740,847
Production of Hydrogen and Gas Mixtures Containing the Same	1,896,527	239,004
Production of Gaseous Mixtures Containing Hydrogen	2,000,224	404,081
Catalytic Reaction	1,851,762	325,911
Process for the Separation of Propane and Propylene from Gas Mixtures	2,189,062	189,706
Conversion of Hydrocarbons	1,967,665	538,190
Conversion of Olefins into Valuable Higher Molecular Products	2,185,405	212,502
Process for the Conversion of Hydrocarbons of High Boiling Point into Others of Low Boiling Point	1,812,396	327,179
Motor Fuel	1,775,874	107,464
Operating Explosion Motors	1,591,526	709,799½
Title of Invention not stated	2,250,949	179,037
Title of Invention not stated	2,225,045	222,761
Purification of Snythetically Produced Alcohols	2,099,475	40,412
Purifying Crude Methanol	2,115,553	30,502
Title of Invention not stated	2,242,463	226,256
Recovery of Molybdenum from Substances containing Molybdenum or its compounds	1,944,420	591,447
Gas Purifying Mass	2,008,953	630,239
Purification of Gases	2,168,933	152,752
Process and Apparatus for the Separation of Gas Mixtures	1,881,490	416,810
Desulphurization of Gases	1,911,498	529,791
Title of Invention not stated	--------	257,084
Stable Suspension and Paste of Coal	1,681,335	177,832
Production of Carbon Black	1,906,462	469,273
Production of Carbon Black	1,894,764	495,537
Desulphurization of Crude Aromatic Hydrocarbons	1,897,799	281,365
Removal of Sulphur Compounds from Crude Hydrocarbons	1,932,369	528,965
Catalyst for the Production of Carbon Black	1,882,813	457,089
Production of a High Quality Lubricating Oil	2,165,372	96,054
J 22 103 F 184 559—July 1, 1940:		
Production of Shaped Articles from Masses Containing Silicon	1,916,836	581,079
Production of Hydrocarbons of High Boiling Point	1,971,301	463,360
Production of Ethylene from Saturated Hydrocarbons	2,154,676	225,803
Production of Valuable Liquid Hydrocarbons	2,159,148	216,754
Production of Hydrogen	1,931,492	514,070
Title of Invention not stated	--------	234,901
Desulphurization of Gases	1,984,971	570,759
Title of Invention not stated	--------	261,349
Production of Organic Compounds containing Oxygen	1,743,214	231,986
Column Containing Filler Bodies	2,125,343	73,971
Preservation of Oils	1,856,186	285,499
Production of Lubricating Oils	2,165,373	203,896
Electrolytic Cell	1,907,812	425,627
Production of Hydrogen and Preparation of Catalysts Therefor	2,038,566	586,067
Title of Invention not stated	2,210,148	243,774
Title of Invention not stated	--------	205,004

SCHEDULE C—Continued

WILLIAM E. CURRIE—continued

J 22 102 F 184 559—July 1, 1940—All—Continued.		
Process for the Polymerization of Unsaturated Hydrocarbons	2,173,482	138,748
Production of Liquid Polymerization Products from Olefins	2,195,747	154,934
Title of Invention not stated	--------	216,622
Emulsifiable Bituminous Substances	2,038,572	506,836
Purification of Paraffin Wax	1,936,453	506,740
Production of Carbon-Black	1,849,675	403,366
Manufacture of Carbon	1,803,855	204,659
Process of Manufacturing Organic Compounds	1,889,251	715,191
Refining Crude Benzol	1,932,365	521,252
Production of Valuable Organic Products	1,904,477	244,769
Refining of Crude Liquid Hydrocarbons	1,960,974	547,031
Separation of Oil from Mixtures thereof with Solid Substances	1,881,691	263,957
Process for Purifying Soot	1,945,907	442,993
Apparatus for the Low Temperature Carbonization of Oil-Bearing Materials	1,842,906	315,910
Metallic Apparatus for Carrying Out Chemical and Other Processes	1,783,726	177,830
Title of Invention not stated	2,234,568	121,238
Title of Invention not stated	--------	72,672
Title of Invention not stated	2,248,099	145,580
Purifying Oil	1,732,371	202,456
Carrying Out Friedel Crafts and Similar Condensation Reactions with Non-Aromatic Compounds	1,899,582	343,556
Production of Valuable Hydrocarbons and Their Derivatives Containing Oxygen	2,163,146	205,983
Title of Invention not stated	2,254,806	225,727
Title of Invention not stated	2,211,022	126,664
Title of Invention not stated	2,254,748	201,128
Title of Invention not stated	2,220,261	225,726
Insulating Oil	1,878,509	292,328
Manufacture of Unsaturated Hydrocarbons	1,823,503	162,074
Production of Liquid Hydrocarbons of Low Boiling Point from Olefines	1,884,093	169,128
Production of Hydrocarbons	1,698,602	255,183
Synthetic Manufacture of Methanol	1,889,775	735,833
Manufacture of Oxygenated Organic Compounds	1,791,568	662,960
Production of Oxygenated Organic Compounds	1,558,559	661,321
Title of Invention not stated	--------	212,331
Liquid Fuel	1,673,620	6,876
Polymerization Products of Butylenes	1,889,952	371,047
Production of Highly Concentrated Paraffin Wax	1,881,861	379,566
Refining Mineral Lubricating Oils	2,128,958	722,503
Production of Motor Fuels	2,159,175	56,067
Electrode	1,818,579	745,016
Manufacture of Methyl Alcohol and Other Oxygenated Organic Compounds	1,823,468	693,372
Title of Invention not stated	2,203,842	160,598
Title of Invention not stated	--------	259,114
Heating up Carbonaceous Material	2,120,296	51,826
Removal of Monocyclic Aromatic Hydrocarbons from Gases	1,816,158	129,097
Production of Valuable Lubricating Oils	1,965,390	523,178
Lubricant and Process of Making Same	2,028,349	678,054
Production of Lubricants	2,140,545	2,586
Lubricant Composition and Method of Preparing Same	2,147,315	317,601
Title of Invention not stated	--------	666,542
Title of Invention not stated	2,258,806	175,494
Title of Invention not stated	--------	175,495

SCHEDULE C—Continued

WILLIAM E. CURRIE—continued

J 22 102 F 184 559—July 1, 1940—All—Continued.		
Title of Invention not stated	--------	196,661
Title of Invention not stated	--------	217,814
Production of Hydrocarbons	2,189,924	705,376
Apparatus for and Improvement in Carrying Out Chemical Processes at Elevated Temperatures	1,995,647	551,577
Production of Lubricating Oils	2,063,623	717,074
Title of Invention not stated	--------	231,613
Production of High Quality Lubricating Oils	2,018,871	717,075
Production of Valuable Oils from Aliphatic and Resinous Hydrocarbon Mixtures	2,055,135	732,626
Production of Highly Viscous Oils	2,106,960	26,516
Title of Invention not stated	--------	611,994
J 22 104 F 184 559—July 1, 1940:		
Production of Viscous Oils	1,964,891	304,382
Lubricating Oils	2,104,097	13,478
Production of Nonknocking Motor Fuel	2,116,061	61,310
Title of Invention not stated	2,223,164	158,372
Conversion of Liquid Carbonaceous Materials into Hydrocarbons of Low Boiling Point	1,993,226	478,552
Title of Invention not stated	--------	167,960
Production of Hydrocarbons	2,167,004	116,124
Process of Producing Gases for the Manufacture of Oxygenated Organic Compounds	1,766,763	662,961
Title of Invention not stated	--------	264,972
Title of Invention not stated	--------	258,506
Production of Liquid Hydrocarbons	1,851,726	219,362
Thermal Treatment of Carbonaceous Substances	2,068,868	751,250
Production of Hydroaromatic Hydrocarbons	1,960,977	330,629
Title of Invention not stated	2,224,003	263,908
Manufacture of Organic Compounds Containing Oxygen	1,788,170	65,239
Separation of Oils from Mixtures with Solid Substances	1,794,865	300,383
Producing Oxygenated Organic Compounds	1,841,910	7,391
Apparatus for the Recovery of Volatilizable Organic Substances from Materials Containing the Same	1,925,506	291,502
Distillation of Hydrogenated Oil Residues	1,927,244	265,219
Process of Dehydrating Moist Fuel	1,881,966	207,751
Filtration of Acid Sludge	1,960,348	627,128
Working up Hydrocarbon and Similar Substances	2,091,831	587,720
Process of Bleaching Mineral Oils and Fat	1,788,204	214,214
Production of Solid Lubricants	1,776,193	358,155
Increasing the Viscosity and Improving the Lubricating Properties of Oils	1,787,951	285,205
Production of Liquid Unsaturated Hydrocarbons of High Molecular Weight	1,923,583	556,318
Production of High Quality Lubricating Oils	1,938,088	512,468
Fluorescent Substance	2,028,472	700,080
Substance Producing Fluorescence	2,111,126	700,079
Process for Purifying and Refining Hydrocarbon Oils	1,814,410	330,957
Removal of Phenols from Hydrocarbons	1,934,007	515,254
Catalytic Process	1,828,380	296,091
Electrolytic Cell	1,793,136	118,811
Electrode for Electrolytic Cells	1,790,248	82,761
Electrode for Electrolytic Cells	1,790,249	252,586
Low Temperature Carbonization Apparatus	1,955,025	493,807
Purification of Synthetic Methanol	2,083,125	743,497
Apparatus for the Fine Dispersion of Gases in Liquids	2,097,605	42,009
Flange Joint of Tubular Conduits	2,119,651	124,806
Method of Cooling Gases	2,153,644	103,258

SCHEDULE C—Continued

WILLIAM E. CURRIE—continued

J 22 104 F 184 559—July 1, 1940—Continued.		
Title of Invention not stated	———	257,186
Title of Invention not stated	———	264,879½
Production of Hydrogen from Hydrocarbons	2,056,911	586,068
Production of Hydrogen	2,083,795	666,539
Production of Carbon Black	1,894,126	328,614
Production of Carbon Black and Apparatus therefor	1,813,514	390,367
Production of Carbon Black	1,868,919	328,613
Production of Carbon Black	1,868,920	446,166
Production of Carbon Black	1,868,921	446,167
Production of Hydrogen	1,882,977	204,138
Purifying Organic Compounds Containing Oxygen	1,684,640	114,830
Process of Transforming Oxides of Carbon into Organic Compounds Particularly Methanol	1,818,165	709,759½
Production of Mixtures of Nitrogen and Hydrogen from Bituminous Fuels	1,898,967	526,826
Gas Producer	1,911,586	320,407
Working-up of Carbonaceous Materials	2,060,447	539,765
Apparatus for the Separation of Mixtures of Liquids of Different Specific Gravity	2,090,813	10,212
Improved Hydrocarbon Products, Especially Lubricating Oils	2,020,703	694,882
Catalytic Purification of Oxygen Containing Hydrogenation Product of Oxides of Carbon	2,059,495	644,837
Title of Invention not stated	———	227,988
Production of Liquid Hydrocarbons of the Benzene Series	1,998,595	601,458
Conversion of Methone into Liquid Hydrocarbons	1,905,520	516,217
Conversion of Methone into Liquid Hydrocarbons	1,958,648	516,218
Purification of Hydrocarbons	2,104,956	11,962
Apparatus for Low Temperature Carbonization	1,967,691	333,464
Process of Removing Weak Gaseous Acids from Gases Containing the Same	2,143,393	100,896
Separation of Weak Gaseous Acids from Gases	2,011,386	717,078
Removal of Gaseous Weak Acid from Gases Containing the Same	2,176,441	71,984
Title of Invention not stated	———	228,800
J 22 105 F 184 559—July 1, 1940:		
Title of Invention not stated	2,216,257	209,989
Apparatus for Continuous Distillation of Difficulty-Distillable Liquid	1,766,699	222,576
Dehydration of Moist Fuels	1,783,757	314,535
Title of Invention not stated	———	226,255
Manufacture of Combustible Gas Containing Hydrogen and Carbon Monoxide	1,751,117	57,041
Process for the Catalytic Conversion of Hydrocarbons	1,934,836	226,436
Production of Hydrogen	1,957,743	201,558
Elimination of Sulphur Compounds from Gases	1,782,590	265,811
Production of Gaseous Mixtures Containing Hydrogen and Nitrogen from Methane	1,921,856	340,016
Production of Gaseous Mixtures Containing Hydrogen and Nitrogen from Methane	1,957,744	623,288
Separation of Finely Divided Impurities from Liquids	1,945,583	418,403
Production of Hydrocarbons	1,801,382	300,381
Production of Hydrocarbons of High-Boiling-Point Range	1,798,288	301,698
Heat Exchanger	1,863,586	429,255
Production of Carbon Monoxide and Hydrogen from Methane	2,042,285	476,945
Fuel for Diesel Engines	2,028,308	644,828
Manufacturing Fuel Gas	1,687,118	665,221
Manufacturing Water Gas	1,776,876	275,974
Fuel Gas	1,913,968	331,005

SCHEDULE C—Continued

WILLIAM E. CURRIE—continued

J 22 105 F 184 559—July 1, 1940—Continued.		
Gas Generating Process	2,133,496	753,317
Production of Valuable Hydrocarbons	1,868,127	328,349
Production of Liquid Hydrocarbons from Olefines	1,894,255	275,255
Production of Valuable Hydrocarbons from Gaseous Hydrocarbons	1,986,238	523,183
Removal of Substances Forming Resins from Benzenes	1,990,213	682,664
Production of Liquid in Particular Aromatic Hydrocarbons	1,922,918	530,424
Gasification of Fine-Grain Solid Fuels	2,111,579	732,597
Gas Producer for Gasifying Granular Fuels	2,187,872	173,816
Cracking Oils	1,838,893	187,044
Process of Producing Fuel Gas	1,840,649	178,737
Manufacture of Liquid Hydrocarbons	1,863,212	219,363
Conversion of Carbonaceous Solids into Valuable Liquid Products	1,904,586	240,333
Ceramic Masses Preventing the formation of Carbon Deposits	2,020,713	555,074
Double Cylinder Water Pressure Engine and Piston Pump Actuated thereby	2,141,731	78,570
Lubricating Hydrocarbon Product	2,020,714	692,128
Production of Lubricating Oils	2,025,490	644,324
Production of High Quality Lubricating Oils	1,965,952	519,250
P 46 187 W 184 437—August 19, 1940:		
Production of Valuable Hydrocarbons	1,938,086	396,389
Conversion of Hydrocarbons of High Boiling Point into Those of Lower Boiling Point	1,963,245	396,391
Treatment of Carbonaceous Materials	2,055,633	726,677
Splitting of Hydrocarbons	2,113,162	26,095
Production of Liquid Hydrocarbons	2,179,829	101,590
Production of Hydrocarbon Oils	1,933,434	350,802
Water-Soluble Basic Aluminum Compounds	2,196,016	186,303
Recovery of Molybdenum	2,191,794	150,264
Production of Catalysts Containing Molybdenum and Tungsten	1,998,626	630,249
Porous Metal and Metal Oxide	1,919,730	460,288
Unsaturated Aliphatic Hydrocarbon	1,881,692	206,782
Thermal Treatment of Hydrocarbons	1,988,873	546,430
Production of Hydrocarbons of Low Boiling Point	1,854,146	217,532
Conversion of Hydrocarbons of High Boiling Point into Those of Low Boiling Point	1,923,571	301,688
Apparatus for Treating Solid and Liquid Materials	1,865,183	486,274
Decomposition of Substances Containing Tungsten Sulphide	2,157,332	95,844
Manufacture of Metal Oxide	1,775,640	151,594
Thermal Treatment of Hydrocarbons	2,147,838	108,217
Recovery of Molybdenum and Similar Metals	1,911,505	604,346
Process of Cooling Gases	2,157,318	120,911
Title of Invention not stated	———	215,589
Conversion of Hydrocarbons into Those of Lower Boiling Point	1,941,884	472,308
Production of Olefines and Liquid Hydrocarbons from Methane	2,022,279	515,972
Thermal Treatment of Carbon Compounds	2,063,596	656,630
Production of Hydrocarbons	2,007,754	506,739
Carrying out Reactions in Periodically Heated Chambers	1,973,851	537,472
Production of Liquid Hydrocarbons	1,894,257	280,067
Title of Invention not stated	2,203,470	154,752
Production of Organic Compounds by Hydrogenation	1,975,476	416,302
Production of Hydrocarbons of Low Boiling Point	2,100,353	723,502
Cracking of Liquid Hydrocarbons Products	2,119,350	40,409
Title of Invention not stated	2,245,157	224,488

SCHEDULE C—Continued

WILLIAM E. CURRIE—continued

P 46 187 W 184 437—August 19, 1940—Continued.		
Catalytic Reaction	2,100,352	706,044
Process for the Recovery of Molybdenum	1,952,459	528,983
Catalytic Dehydrogenation	1,684,634	151,244
Title of Invention not stated	———	221,972
Title of Invention not stated	———	222,144
Manufacture of Valuable Organic Compounds	1,766,718	159,498
Production of Hydrocarbons	1,913,940	170,737
Production of Hydrocarbons	1,913,941	275,962
Heat Treating Hydrocarbons at an Elevated Temperature	1,893,804	174,694
Prevention of the Formation of Carbon in Operations Carried Out with Hydrocarbons at Elevated Temperature	1,847,095	297,096
Conversion of Hydrocarbons of High Boiling Point into Those of Low Boiling Point	1,922,491	179,391
Process for the Production of Catalysts	1,895,764	544,698
Production of Valuable Hydrocarbon Liquids	1,993,386	559,486
Production of Hydrocarbons	2,094,476	594,816
Manufacture of Active Silica	1,748,315	92,362
Manufacture of Active Silica	1,751,955	123,027
Production of Colloidal Metal Hydroxides	2,085,129	734,516
Production of Metal Hydroxides Colloidally Soluble in Water	2,163,922	9,589
Highly-Active Absorbent and Catalytic Mass	1,760,289	224,518
Recovery of Oils from Industrial Residues	1,889,932	340,010
Apparatus for Endothermic Catalytic Reactions	1,894,140	412,752
Production of Unsaturated Hydrocarbons	2,060,356	659,174
Separation of Valuable Products from Mixtures Thereof with Solid Substances	1,925,551	280,114
Production of Valuable Products by Conversion of Carbonaceous Materials	1,994,058	388,612
Production of Valuable Hydrocarbons of Low Boiling Point	1,844,998	263,581
Manufacture of Hydrocarbons of the Benzene Series	1,910,910	146,844
Conversion of Hydrocarbons	1,987,092	527,206
Production of Hydrocarbons	1,945,960	516,829
Conversion of Hydrocarbons into Hydrocarbons of Lower Molecular Weight	1,973,834	423,537
Thermal Treatment of Hydrocarbons	2,056,914	661,632
Production of Nonknocking Motor Fuels and Lubricating Oils	1,937,619	586,760
Apparatus for Pyrogenic Conversion of Hydrocarbons	2,018,619	538,130
Production of Valuable Hydrocarbons	2,122,903	42,066
Production of Valuable Hydrocarbons	2,127,577	46,345
Recovery of Molybdenum	1,923,652	478,111
Recovery of Molybdenum	2,017,557	666,684
Conversion of Hydrocarbons of Higher Boiling Point into Those of Lower Boiling Point	1,876,270	444,354
P 46 188 W 184 443—August 19, 1940:		
Title of Invention not stated	———	196,364
Process for Producing Hydrocarbons	2,183,145	172,238
Title of Invention not stated	———	274,585
Title of Invention not stated	———	288,546
Title of Invention not stated	2,228,118	271,506
Title of Invention not stated	———	280,966
Production of Non-Knocking Fuels by Cracking Hydrocarbon oils	———	282,693
Process for the Production of Hydrocarbons from Carbonaceous Hydrocarbon oils	———	288,582
Process for the Catalytic Cracking of Hydrocarbon oils	———	289,088
Process for the Catalytic Cracking of Hydrocarbon Oils	2,254,745	294,676
Process for the Catalytic Cracking of Hydrocarbon Oils	———	289,044
Polymerized Hydrocarbon Composition	2,197,768	651,802
Title of Invention not stated	———	167,554

SCHEDULE C—Continued

WILLIAM E. CURRIE—continued

P 46 188 W 184 443—August 19, 1940—Continued.		
Title of Invention not stated	———	177,744
Lubricant and Process of Making the same	2,197,769	177,745
Title of Invention not stated	———	285,348
Title of Invention not stated	———	286,564
Title of Invention not stated	2,242,321	291,670
Title of Invention not stated	———	287,894
L 43 244 W 184 390—August 19, 1940:		
Process for the separation of Hydrogen Sulphide or Sulphur Dioxide from Gases	———	330,326
Process for the Separation of Weak Gaseous Acids from Gas Mixtures	———	330,327
Title of Invention not stated	———	290,518
Title of Invention not stated	———	321,211
Title of Invention not stated	———	321,210
Title of Invention not stated	———	270,650
Title of Invention not stated	———	330,730
Title of Invention not stated	———	296,527
Title of Invention not stated	———	322,013
Title of Invention not stated	———	292,399
Title of Invention not stated	———	326,156
Title of Invention not stated	———	322,768
Title of Invention not stated	———	327,117
Title of Invention not stated	———	330,460
Title of Invention not stated	———	286,406
Title of Invention not stated	———	322,042
Title of Invention not stated	———	322,539
Title of Invention not stated	———	241,868
Production of Water Gas	1,857,799	118,849
Title of Invention not stated	2,238,240	325,517
Recovery of Phenols from Aqueous Solutions	2,086,856	1,072
Bituminous Materials	2,191,295	113,040
Purification of Aqueous Liquids from Phenols and other accompanying substances	2,098,779	39,902
Purification of Tricresyl Phosphate used for the Extraction of Phenols	2,184,697	77,968
Recovery of Phenols from Aqueous Liquors	2,060,230	64,485
Production of Catalysts Comprising Phosphates	1,882,712	519,248
Apparatus for the Production of Gaseous Unsaturated Hydrocarbons	2,164,762	80,134
O 14 86 G 187 609—April 1, 1941:		
Production of Low Molecular Weight Olefine Polymers	———	24,818
K 38 188 A 188 375—June 7, 1941:		
Production of Olefine from Gaseous or Vaporous Saturated Hydrocarbons	2,174,288	82,448
Title of Invention not stated	———	362,406
Title of Invention not stated	———	340,768
Title of Invention not stated	———	341,151
Title of Invention not stated	———	335,118
Title of Invention not stated	———	198,694
Title of Invention not stated	———	339,872
Title of Invention not stated	———	365,648
Title of Invention not stated	———	351,782
Title of Invention not stated	———	351,958
Title of Invention not stated	———	367,670
Title of Invention not stated	———	353,531
Title of Invention not stated	———	359,230
Title of Invention not stated	———	359,231
Title of Invention not stated	———	370,140

SCHEDULE C—Continued

WILLIAM E. CURRIE—continued

K 38 188 A 188 375—June 7, 1941—Continued.

Title of Invention not stated	---------	366,914
Title of Invention not stated	---------	352,742
Title of Invention not stated	---------	365,016
Title of Invention not stated	2,253,093	277,032
Title of Invention not stated	---------	306,811
Title of Invention not stated	---------	359,558
Title of Invention not stated	---------	351,436
Title of Invention not stated	---------	353,655
Title of Invention not stated	---------	353,654

M 77 205 M 188 542—July 22, 1941—Exclusive Right:

Process of Breaking Petroleum Emulsions and Breaking Agents	---------	357,146

JASCO—I. G. PATENTS

Class 1—Synthetic Rubber

1,789,873	1,924,227
1,809,445	1,926,424
1,814,420	1,929,373
1,823,495	1,932,390
1,826,846	1,935,733
1,827,285	1,938,730
1,832,450	1,938,731
1,838,234	1,938,751
1,851,104	1,953,468
1,859,686	1,973,000
1,860,681	1,979,946
1,864,078	1,979,947
1,874,546	1,991,367
1,879,543	2,008,491
1,880,918	2,067,304
1,882,976	2,080,363
1,885,653	2,140,048
1,896,491	2,175,082
1,896,493	2,180,082
1,898,522	2,180,083
1,901,044	2,194,416
1,901,045	2,209,746
1,901,354	2,211,032
1,906,667	2,216,958
1,908,482	2,222,967
1,911,672	2,230,894
1,911,729	2,234,076
1,915,745	2,248,107
1,921,867	2,260,475

Class 2—Polybutenes

2,065,474	2,172,403
2,106,232	2,180,081
2,130,507	2,248,749

Class 3—Butadiene

1,732,381	1,955,043
1,795,549	2,004,521
1,799,787	2,145,059
1,832,428	2,184,164
1,841,055	2,207,070
1,882,978	2,227,953
1,900,739	2,243,191
1,919,752	2,259,195
1,923,569	2,265,641
1,944,153	2,274,358

Class 4—Paraffin Oxidation

1,757,455	1,909,295
1,762,688	1,912,123
1,788,799	1,920,344
1,823,983	1,921,381
1,834,866	1,925,525
1,864,058	1,927,840
1,871,082	1,927,841
1,872,774	1,931,501
1,874,322	1,931,859
1,880,677	1,932,613

JASCO—I. G. PATENTS—continued

Class 4—Paraffin Oxidation—Continued

1,940,400	2,059,201
1,943,427	2,059,232
1,965,566	2,095,338
1,965,961	2,095,473
1,965,962	2,102,726
1,977,988	2,146,018
1,981,384	2,158,650
1,990,229	2,193,321
2,000,222	2,216,222
2,003,584	2,216,238
2,008,490	2,228,925
2,015,347	2,230,582
2,055,095	2,247,741
2,056,984	

Class 5—Acetylene Arc Processes

1,746,934	1,984,957
1,757,454	1,988,032
1,794,004	1,992,598
1,828,372	2,002,003
1,856,639	2,013,996
1,880,924	2,029,120
1,881,853	2,074,530
1,892,973	2,074,619
1,894,763	2,077,586
1,902,351	2,079,976
1,904,426	2,081,770
1,907,855	2,093,146
1,926,575	2,102,751
1,941,077	2,153,578
1,942,131	2,153,985
1,945,592	2,160,452
1,951,789	2,207,071
1,960,326	2,213,267
1,961,980	2,215,854
1,972,476	2,215,867
1,973,840	2,215,875
1,975,480	2,256,174
1,977,155	

Class 6—Miscellaneous

1,811,130	2,087,616
1,885,060	2,097,468
1,891,203	2,110,833
1,914,326	2,121,367
1,935,207	2,121,368
1,985,844	2,124,235
1,986,241	2,143,370
1,998,350	2,149,265
2,006,042	2,156,070
2,048,662	2,174,756
2,049,019	2,211,429
2,073,054	2,227,659
2,084,500	2,232,331
2,084,501	2,274,584

[F. R. Doc. 42-2806; Filed, March 27, 1942; 11:47 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT

Chapter III—Claims and Accounts

PART 36—CLAIMS AGAINST THE UNITED STATES[1]

§ 36.6a *Procedure upon receipt of claim.*

• • • • • •

(b) *Action of commanding officer.* After an administrative examination to determine whether or not the claimant has supplied the necessary information, the commanding officer will refer the claim to a board of one or more officers, or, in the case of a claim not requiring such action, will forward it through channels to the Chief of Finance. In case the claim arose in connection with an accident involving a Government-owned motor vehicle, the commanding officer will refer the claim and his copy of the corresponding report of investigation, War Department Form No. 39 or Standard Form No. 27 (Investigating Officer's Report—Accident, Motor Transportation), with its attached copies of sworn statements, to the investigating-surveying officers appointed under paragraph 17, AR 850–15,[2] who will constitute a board to investigate and report upon the claim. (R.S. 161, 5 U.S.C. 22) [Par. 7b, AR 35–7020, Dec. 1, 1938, as amended by Cir. 84, W.D., March 23, 1942]

§ 36.7 *Action to be taken by board of officers.*

• • • • • •

(b) *Testimony to be reduced to writing.* (1) All testimony heard by the board will be reduced to writing and a transcript thereof certified as correct by the senior member of the board, and except as otherwise provided signed copies of all sworn statements or other evidence obtained by the board will be incorporated in the report of the proceedings. The signed originals of such sworn statements or other evidence will be attached to the original of the board's report and certified true copies will be prepared and attached to each copy of the report. Claimants should not be requested to furnish sworn claims in more than one originally executed copy, nor should repair bills or estimates be required to be authenticated under oath or submitted in several copies. (R.S. 161; 5 U.S.C. 22) [Par. 8b (1), AR 35–7020, Dec. 1, 1938, as amended by Cir. 84, W.D., March 23, 1942]

• • • • • •

§ 36.19 *Procedure of § 36.2 to 36.8 applicable.* Insofar as applicable, the procedure set forth in § 36.2 to 36.8 will be adopted as to claims arising under the provisions of the act cited in § 36.18 (a). If the claim is in connection with an accident involving a Government-owned motor vehicle, the board of officers to investigate the claim will whenever practicable be the board appointed under the provisions of paragraph 17, AR 850–15.[2] Otherwise the board of officers to investigate the claim will be appointed by the commanding officer of the troops involved, e. g., the commanding general of an army in cases of claims arising as the result of army maneuvers. (Act Feb. 12, 1940, Public No. 415, 76th Congress) [Par. 3a, AR 35–7030, May 15, 1940, as amended by Cir. 84, W. D., March 23, 1942]

§ 36.20 *Conditions precedent to payment.*

• • • • • •

(b) Each claim must be substantiated by a report of a board of officers appointed in accordance with § 36.19. (Act Feb. 12, 1940, Pub. Law 415, 76th Congress) [Par. 5b AR 35–7030, May 15, 1940, as amended by Cir. 84, W. D., March 23, 1942]

§ 37.3 *Method of ascertaining amount of damage.* (a) In case the damaged article of Government property (e. g. motor vehicle, building, etc.) is recommended or has been ordered by competent authority to be repaired and continued in service the amount of damage will be determined as follows:

• • • • • •

(b) In case the damaged article of Government property is not recommended or ordered to be repaired and continued in service, the amount of the damage will be determined as follows:

(1) Ascertain the fair value of the article immediately prior to the time of the damage, taking into consideration the original cost price, date of purchase, period of use, and depreciation in service. From this amount, subtract the salvage value of the article in its damaged condition. The difference obtained will be taken as the amount of the damage, except as provided in subparagraph (2) below.

(2) In case the amount of damage determined under subparagraph (1) above exceeds the estimated cost of repairs determined under paragraph (a) of this section, the amount computed in accordance with paragraph (a) above will be taken as the amount of the damage regardless of the fact that repairs will not actually be made. (R.S. 161; 5 U.S.C. 22) [Par. 3, AR 35–7220, March 10, 1936, as amended by Cir. 84, W.D., March 23, 1942]

§ 37.4 *Demand upon defendant for settlement of claim.*

• • • • • •

(b) After completing the investigation, ascertaining the amount of the damage, and fixing the responsibility therefor, the surveying officer or board will, except in cases where the damage has been completely repaired by or on behalf of the person responsible for it, or when settlement in full has been made in compliance with the demand made under paragraph (a) above, cause a demand in writing for the settlement in full of any claim found to exist in favor of the Government to be presented by an officer or other representative to the defendant. This demand will contain a full description of the claim and the grounds thereof. (R.S. 161; 5 U.S.C. 22) [Par. 4b, AR 35–7220, March 10, 1936, as amended by Cir. 84, W.D., March 23, 1942]

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[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-2810; Filed, March 30, 1942; 11:46 a. m.]

Chapter VII—Personnel

PART 71—ENLISTMENT IN THE REGULAR ARMY AND THE ARMY OF THE UNITED STATES[1]

§ 71.3 *Age.* (a) • • •

• • • • • •

(4) *Army of the United States.* The original enlistment in the Army of the United States of male citizens between their eighteenth and forty-fifth birthdays is authorized. (41 Stat. 765; 10 U.S.C. 42) [Par. 13a (4), AR 600–750, Apr. 10, 1939, as added by Cir. 82, W. D., March 21, 1942]

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[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-2809; Filed, March 30, 1942; 11:46 a. m.]

PART 73—APPOINTMENT OF COMMISSIONED OFFICERS, WARRANT OFFICERS, AND CHAPLAINS[2]

§ 73.301 *Classifications.* (a) • • •

• • • • • •

(9) *Field Artillery.*

• • • • • •

(ii) *Technician specialist.* Signal communication and motor transport. (Act of Oct. 15, 1940, 54 Stat. 1177, and Act of Aug. 21, 1941, Pub. Law 230, 77th Cong.) [Par. 4a, AR 610–10, Sept. 13, 1941, as amended by Cir. 82, W.D., March 21, 1942]

• • • • • •

§ 73.319 *General scope of final examination (technical); technician specialists.*

• • • • • •

(c) *Motor transport.* (Army Air Forces, Armored Force, Cavalry, Coast Artillery Corps, Corps of Engineers, Field Artillery Corps, Corps of Engineers, Field Artillery, Infantry, Medical Department, Quartermaster Corps, and Signal Corps.) (Act of Oct. 15, 1940, 54 Stat. 1177, and Act of Aug. 21, 1941, Pub. Law 230, 77th Cong.) [Par. 9d, AR 610–10, Sept. 13, 1941, as amended by Cir. 82, W.D., March 21, 1942]

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[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-2808; Filed, March 30, 1942; 11:46 a. m.]

[1] § 71.3 (a) (4) is added.
[2] §§ 73.301 (a) (9) and 73.319 (c) are amended.

PART 79—PRESCRIBED SERVICE UNIFORM[1]

§ 79.12 *Headgear.*

• • • • • •

(i) *Cap, wool, M1941.* For officers, warrant officers, and enlisted men.

(1) *Material.* Olive-drab, wool knit.

(2) *General description.* A standard adopted design with curtain and visor. (R.S. 1296; 10 U.S.C. 1391) [Par. 12i, AR 600–35, Nov. 10, 1941, as added by Cir. 82, W.D., March 12, 1942]

§ 79.23 *Insignia and ornamentation for headgear*—(a) *Cap, garrison*—(1) *Ornamentation*—(i) *General officers.* Cord edge braid of gold bullion, rayon, or metallized cellophane of gold color.

(ii) *Other officers.* Cord edge braid of gold bullion, rayon, or metallized cellophane of gold color and black rayon or silk intermixed.

(iii) *Warrant officers.* Cord edge braid of silver bullion, rayon, or metallized cellophane of silver color and black rayon or silk intermixed.

(iv) *Enlisted men.* Cord edge braid of the color of arm, service, or bureau.

(2) *Metallized cellophane* should not be used on caps which will be washed.

• • • • • •

(c) *Hat, service*—(1) *General officers.* A double cord of gold bullion, rayon, or metallized cellophane of gold color 3/16 inch in diameter, with an acorn of same material 1¼ inches in length with cup 5/8 inch in diameter and kernel 3/8 inch in diameter. Keeper to be of same material 5/8 inch in length and 5/8 inch in diameter with inside diameter of 3/8 inch to hold both ends and one loop of cord.

(2) *Other officers.* Same as for general officers except the cord to be of gold bullion, rayon, or metallized cellophane of gold color and black rayon or silk intermixed. The acorns and keeper to be of gold bullion, rayon, or metallized cellophane of gold color.

(3) *Warrant officers.* Same dimensions as for general officers, the cord to be of silver bullion, rayon, or metallized cellophane of silver color and black rayon or silk intermixed. The acorns and keeper to be of black rayon or silk. (R.S. 1296; 10 U.S.C. 1391) [Par. 23a and c, AR 600–35, Nov. 10, 1941, as amended by Cir. 82, W.D., March 12, 1942]

• • • • • •

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-2807; Filed, March 30, 1942; 11:45 a. m.]

Chapter VIII—Procurement and Disposal of Equipment and Supplies

PART 81—PROCUREMENT OF MILITARY SUPPLIES AND ANIMALS[1]

§ 81.16 *Use of standard contract forms*—(a) *Conditions to be included.* Prescribed forms for invitations for bids

[1] § 79.12 (i) is added and § 79.23 (a) and (c) is amended.
[2] § 81.16 (a) is amended.

either carry within themselves the conditions of the subsequent contract, as in the case of Standard Form No. 33, or refer to a standard form of contract containing the conditions, which may be inspected by the bidder before submitting his bid. If no special conditions have been added to an invitation for bids, it follows that the standard conditions on the contract forms will govern the contract. If, however, because of § 81.10 (a) (8) of this chapter, War Department Procurement Circulars or other competent instructions, it has become necessary or desirable to add special conditions in the invitation for bids, the resulting contract must incorporate or refer to those special conditions. Where "Special Conditions Applicable to Bids" are made a part of the contract by reference, copies of such conditions will be included in all signed numbers and copies of the contract, including the copy furnished the disbursing officer. (R.S. 3709; 31 Stat. 905; 10 U.S.C. 1201) [Par. 7a, AR 5-200, Jan. 2, 1940, as amended by Proc. Cir. 24, W.D., March 23, 1942]

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J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-2806; Filed, March 30, 1942; 11:45 a. m.]

TITLE 13—BUSINESS CREDIT

Chapter I—Reconstruction Finance Corporation

CHARTER OF U. S. COMMERCIAL COMPANY

MARCH 26, 1942.

FIRST. The name of the company shall be U. S. Commercial Company.

SECOND. The location of the principal office of the company shall be in the City of Washington, D. C.

THIRD. The objects, purposes and powers of the company shall be:

(a) To produce, acquire, carry, sell or otherwise deal in strategic and critical materials as defined by the President.

(b) To purchase, acquire, exchange, carry, sell or otherwise deal in and distribute such other commodities, products, raw materials, manufactured or semi-processed articles and other objects and articles of commerce as may be deemed necessary to expedite the national defense program.

(c) To do and perform all acts and things whatsoever which are necessary, suitable, convenient or proper in connection with or incidental to the foregoing objects, purposes, and powers, including, but without limitation, the power to borrow and hypothecate, to lend money, to adopt and use a corporate seal, to make contracts, to acquire, hold and dispose of real and personal property and to sue and be sued in any court of competent jurisdiction.

FOURTH. The company including its franchise, its capital, reserves, surplus, and income shall be exempt from all taxation (which shall, for all purposes, be deemed to include sales, use, storage, and purchase taxes) now, or hereafter imposed by the United States, or any territory, dependency or possession thereof, or by any State, County, municipality or local taxing authority, except that any real property (or buildings which are considered by the laws of any State to be personal property for taxation purposes) of the company shall be subject to State, territorial, county, municipal or local taxation to the same extent according to its value as other real property is taxed.

FIFTH. That the company shall be an instrumentality of the United States Government, shall be entitled to the free use of the United States mails, and shall in all other respects be possessed of the privileges and immunities that are conferred upon the Reconstruction Finance Corporation under the Reconstruction Finance Corporation Act, as amended.

SIXTH. That the total authorized capital stock of the company shall be Five Million Dollars ($5,000,000), of which One Million Dollars ($1,000,000) shall be paid in immediately, and the balance as called. Such stock shall be of one class, shall have a par value of $100 per share, and shall be issued for cash only. Reconstruction Finance Corporation shall subscribe for all of the capital stock of the company and such stock shall not be transferable.

SEVENTH. That the company shall have existence until dissolved by Reconstruction Finance Corporation or by Act of Congress.

EIGHTH. That the stockholder shall not be liable for the debts, contracts, or engagements of the company except to the extent of unpaid stock subscriptions.

NINTH. That the affairs and business of the company shall be managed by a board of directors who shall be appointed by Reconstruction Finance Corporation pursuant to the provisions of this Charter and the By-laws of the company.

TENTH. That this Charter and the By-laws may be amended at any time by Reconstruction Finance Corporation.

In witness whereof, Reconstruction Finance Corporation has caused this Charter to be signed by its executive officer, Chairman of its Board of Directors, attested by its Acting Secretary, and has caused its seal to be hereunto affixed this 26th day of March, 1942.

RECONSTRUCTION FINANCE CORPORATION,
By CHARLES B. HENDERSON,
Chairman.

Attest:
By A. T. HOBSON,
Acting Secretary.

[F. R. Doc. 42-2762; Filed, March 30, 1942; 9:20 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket No. 4063]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF WARNER'S RENOWNED REMEDIES COMPANY

§ 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties of product:* § 3.6 (x) *Advertising falsely or misleadingly—Results.* In connection with offer, etc., of respondent's preparations designated "Warner's Renowned Prescription No. 6", Warner's Renowned Laxative Tablets", and "Warner's Renowned Alkaline Douche Tablets", either singly or in combination under the designations "Prescription No. 6 Complete", "Prescription No. 6 Method", or "Formula No. 6 Method", or with offer, etc., of any other similar products, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means, to induce, etc., directly or indirectly, purchase in commerce, etc., of its said preparations, which advertisements represent, directly or through inference, that respondent's preparations, either singly or in combination, (1) are cures or remedies for, or constitute competent or effective treatments for, functional sterility; (2) have any therapeutic value in the treatmen of any form of sterility; (3) possess any properties which have any value in promoting or aiding the functioning of the female reproductive organs; (4) possess any properties which will in any way affect the timing between ovulation and menstruation, or serve to synchronise such phenomena; or which advertisements, as aforesaid, represent, (5) that the use of said preparations, either singly or in combination, will be effective in relaxing the womb, cause the mouth of the womb to be sufficiently open to permit pregnancy, or prevent toxic accumulations; or (6) that the use of respondent's "Warner's Renowned Alkaline Douche Tablets" has any value in the treatment of sterility by neutralising the acid condition of the vagina, or that the use of said preparation will remove toxic accumulations or any barrier in the cervix, or in any way affect sterility or make fertilization and pregnancy possible; or which advertisements, as aforesaid, represent, that the use of said preparations, either singly or in combination, (7) will tone up the female organs, relieve sluggishness, or overcome sterility, or (8) can in any way affect the sensations of the breasts associated with menstruation or that said preparations have any therapeutic value in the treatment of itchy, sensitive, tender, or sore breasts associated with the menstrual period; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Warner's Renowned Remedies Company, Docket 4063, March 23, 1942]

At a regular sesion of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23d day of March, A. D., 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, answer of the respondent, testimony and other evidence taken before Arthur F. Thomas and Robert S. Hall, trial examiners of the Commission theretofore duly designated by it, in support of the allegations of said complaint and in opposition thereto, report of Trial Examiner Arthur F. Thomas upon the evidence and exceptions filed thereto, and briefs in support of the complaint and in opposition thereto; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Warner's Renowned Remedies Company, a corporation, trading as Warner's Renowned Medicine Company or under any other trade name, and its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of its preparations designated "Warner's Renowned Prescription No. 6," "Warner's Renowned Laxative Tablets," and "Warner's Renowned Alkaline Douche Tablets," either singly or in combination under the designations "Prescription No. 6 Complete," "Prescription No. 6 Method," or "Formula No. 6 Method," or any other products of substantially similar composition or possessing substantially similar properties, whether sold under the same names or under any other name or names, do forthwith cease and desist from:

1. Disseminating, or causing to be disseminated, any advertisement by means of the United States mails, or by any means in commerce as "commerce" is defined in the Federal Trade Commission Act, which advertisement represents, directly or through inference,

a. That respondent's preparations, either singly or in combination, are cures or remedies for, or constitute competent or effective treatments for, functional sterility;

b. That respondent's preparations, either singly or in combination, have any therapeutic value in the treatment of any form of sterility;

c. That respondent's preparations, either singly or in combination, possess any properties which have any value in promoting or aiding the functioning of the female reproductive organs;

d. That respondent's preparations, either singly or in combination, possess any properties which will in any way affect the timing between ovulation and menstruation, or serve to synchronize such phenomena;

e. That the use of said preparations, either singly or in combination, will be effective in relaxing the womb, cause the mouth of the womb to be sufficiently open to permit pregnancy, or prevent toxic accumulations;

f. That the use of respondent's preparation "Warner's Renowned Alkaline Douche Tablets" has any value in the treatment of sterility by neutralising the acid condition of the vagina, or that the use of said preparation will remove toxic accumulations or any barrier in the cervix, or in any way affect sterility or make fertilization and pregnancy possible.

g. That the use of said preparations, either singly or in combination, will tone up the female organs, relieve sluggishness, or overcome sterility;

h. That the use of said preparations, either singly or in combination, can in any way affect the sensations of the breasts associated with menstruation or that said preparations have any therapeutic value in the treatment of itchy, sentitive, tender, or sore breasts associated with the menstrual period;

2. Disseminating, or causing to be disseminated, any advertisement, by any means, for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce as "commerce" is defined in the Federal Trade Commission Act of respondent's preparations, which advertisement contains any of the representations prohibited in paragraph 1 hereof and the respective subdivisions thereof.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-2734; Filed, March 30, 1942; 10:46 a. m.]

[Docket No. 4441]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF DE FOREST'S TRAINING, INC.

§ 3.6 (f) *Advertising falsely or misleadingly—Demand or business opportunities:* § 3.6 (m) *Advertising falsely or misleadingly—Jobs and employment service:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Demand for or business opportunities:* § 3.69 (b) *Misrepresenting oneself and goods—Goods—Jobs and employment.* In connection with offer, etc., in commerce, of any course of study in television or electronics, (1) representing directly or by implication that there are possibilities or opportunities for employment of students or graduates of respondent's course in the television field until substantial numbers of such students or graduates have been, and can be, employed directly in such field; (2) representing directly or by implication that there are now, or in the near future will be, possibilities or opportunities for the employment of students or graduates of respondent's course in the television field until the commercial development of television is sufficiently advanced to assure immediate availability of such possibilities or opportunities; and (3) misrepresenting in any manner the possibilities or opportunities for employment of students or graduates of respondent's course in the television field or any other branch of the electronics industry; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, De Forest's Training, Inc., Docket 4441, March 23, 1942]

At a regular session of the Federal Trade Commission held at its office in the City of Washington, D. C., on the 23d day of March, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission, the answer of respondent, testimony and other evidence in support of and in opposition to the allegations of said complaint taken before an examiner of the Commission theretofore duly designated by it, report of the trial examiner and exceptions thereto, briefs filed herein, and oral arguments by counsel; and the Commission having made its findings as to the facts and its conclusion that said respondent has violated the provisions of the Federal Trade Commission Act:

It is ordered, That respondent De Forest's Training, Inc., a corporation, its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, and distribution of any course of study in television or electronics in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing directly or by implication that there are possibilities or opportunities for employment of students or graduates of respondent's course in the television field until substantial numbers of such students or graduates have been, and can be, employed directly in such field;

(2) Representing directly or by implication that there are now, or in the near future will be, possibilities or opportunities for the employment of students or graduates of respondent's course in the television field until the commercial development of television is sufficiently advanced to assure immediate availability of such possibilities or opportunities;

(3) Misrepresenting in any manner the possibilities or opportunities for employment of students or graduates of respondent's course in the television field or any other branch of the electronics industry.

It is further ordered, That respondent shall, within sixty (60) days after the service upon it of this order, file with the Commission a report in writing setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-2733; Filed, March 30, 1942; 10:45 a. m.]

[Docket No. 4611]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF FOLDING FURNITURE WORKS, INC., ETC.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Location:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Size:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Unique status or advantages.* In connection with offer, etc., in commerce, of respondent's children's cribs and bassinets, tables and other furniture, and among other things, as in order set forth, (1) representing that respondent is the largest manufacturer of low-priced children's cribs in the world, or the largest exclusive manufacturer of children's cribs and beds in the world, or the largest crib manufacturers in the world, or the largest exclusive manufacturer of this line in the world, or that it has an annual production capacity of over 100,000 cribs, or any other quantity of cribs in excess of its actual annual production capacity; (2) representing that its business is so large and the quantity of its production such as to require and justify warehouses and branch offices, or that it maintains warehouses and branch offices, at various points throughout the United States; and (3) representing that it maintains branch offices or warehouses in New York, New York; Buffalo, New York; St. Louis, Missouri; Dallas, Texas; or San Francisco, California; or at any other point, unless such warehouses and branch offices are actually maintained by respondent; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Folding Furniture Works, Inc., etc., Docket 4611, March 23, 1942]

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Concealed subsidiary or interest:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Location:* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Organization and operation* § 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Size:* § 3.96 (b) *Using misleading name—Vendor—Concealed subsidiary or "alter ego".* In connection with offer, etc., in commerce, of respondent's children's cribs and bassinets, tables and other furniture, and among other things, as in order set forth, (1) representing that the business conducted under the name "Coast to Coast Distributors and Manufacturers" is separate and distinct from and not connected with the business conducted under respondent's corporate name, "Folding Furniture Works, Inc.", or dealing with customers under two or more names without disclosing to such customers that the business operated under the several names is one and the same; and (2) representing that "National Mercantile Reporters" is an independent, bona fide collection agency not connected with the business of respondent or that it has a business in Chicago, Illinois, which maintains branch offices at various other points, and prepares accurate reports on paying ability, unpaid accounts and trade experience, and makes collections of mercantile accounts for various manufacturers; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Folding Furniture Works, Inc., etc., Docket 4611, March 23, 1942]

§ 3.24 (b) *Coercing and intimidating—Customers or prospective customers—To purchase or support product or service—By threatened suit or other intimidation:* § 3.51 *Enforcing payments wrongfully:* § 3.96 (a) *Shipping, for payment demand, goods in excess of or without order—"Padded" order goods.* In connection with offer, etc., in commerce, of respondent's children's cribs and bassinets, tables and other furniture, and among other things, as in order set forth, engaging in the practice of "padding" orders received from customers by shipping goods to such customers in excess of the quantity ordered or attempting to collect the price of such unordered goods by threats of suit or other forms of intimidation; or of advising such customers to retain such unordered goods because the return thereof will mean unnecessary expense to such customers; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Folding Furniture Works, Inc., etc., Docket 4611, March 23, 1942]

In the Matter of Folding Furniture Works, Inc., a Corporation, Also Doing Business as Coast to Coast Distributors and Manufacturers and National Mercantile Reporters

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of March, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint, and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and conclusion that said respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Folding Furniture Works, Inc., a corporation, also doing business as Coast to Coast Distributors and Manufacturers and as National Mercantile Reporters, and its officers, representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its children's cribs and bassinets, tables and other furniture in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing that it is the largest manufacturer of low-priced children's cribs in the world, or the largest exclusive manufacturer of children's cribs and beds in the world, or the largest crib manufacturers in the world, or the largest exclusive manufacturer of this line in the world, or that it has an annual production capacity of over 100,000 cribs, or any other quantity of cribs in excess of its actual annual production capacity;

2. Representing that its business is so large and the quantity of its production such as to require and justify warehouses and branch offices, or that it maintains warehouses and branch offices, at various points throughout the United States;

3. Representing that it maintains branch offices or warehouses in New York, New York; Buffalo, New York; St. Louis, Missouri; Dallas, Texas; or San Francisco, California; or at any other point, unless such warehouses and branch offices are actually maintained by respondent;

4. Representing that the business conducted under the name "Coast to Coast Distributors and Manufacturers" is separate and distinct from and not connected with the business conducted under respondent's corporate name, "Folding Furniture Works, Inc.", or dealing with customers under two or more names without disclosing to such customers that the business operated under the several names is one and the same;

5. Representing that "National Mercantile Reporters" is an independent, bona fide collection agency not connected with the business of respondent or that it has a business in Chicago, Illinois, which maintains branch offices at various other points, and prepares accurate reports on paying ability, unpaid accounts and trade experience, and makes collections of mercantile accounts for various manufacturers;

6. Engaging in the practice of "padding" orders received from customers by shipping goods to such customers in excess of the quantity ordered or attempting to collect the price of such unordered goods by threats of suit or other forms of intimidation; or of advising such customers to retain such unordered goods because the return thereof will mean unnecessary expense to such customers.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary.*

[F. R. Doc. 42-2735; Filed, March 26, 1942; 10:46 a. m.]

[Docket No. 4621]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

IN THE MATTER OF ASSOCIATED MOTOR OILS, INC., ETC.

§ 3.6 (a) *Advertising falsely or misleadingly—Business status, advantages or connections of advertiser—Producer status of dealer or seller—Refiner:* § 3.66 (g) *Misbranding or mislabeling—Producer status of dealer or seller:* § 3.96 (b) *Using misleading name—Vendor—Producer or laboratory status of dealer or seller.* In connection with offer, etc., in commerce, of respondent's motor oils and greases, or any similar products, and among other things, as in order set forth, representing, directly or by implication, that Associated Motor Oils, Inc., owns, controls, or operates a refinery wherein its said products are made or refined; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Associated Motor Oils, Inc., etc., Docket 4621, March 23, 1942]

§ 3.66 (k) *Misbranding or mislabeling—Source or origin—Maker:* § 3.87 (a 10) *Simulating competitor or his product—Designs, emblems or insignia.* In connection with offer, etc., in commerce, of respondent's motor oils and greases, or any similar products, and among other things, as in order set forth, using any design, insignia, or emblem in advertising or on containers, labels, or in any other manner, which simulates the emblem or insignia of the Pennsylvania Grade Crude Oil Association; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Associated Motor Oils, Inc., etc., Docket 4621, March 23, 1942]

§ 3.6 (c) *Advertising falsely or misleadingly—Composition of goods:* § 3.6 (n) *Advertising falsely or misleadingly—Nature—Product:* § 3.6 (cc) *Advertising falsely or misleadingly—Source or origin—Place:* § 3.66 (a 7) *Misbranding or mislabeling—Composition:* § 3.66 (d) *Misbranding or mislabeling—Nature:* § 3.66 (k) *Misbranding or mislabeling—Source or origin—Place:* § 3.96 (a) *Using misleading name—Goods—Compositions:* § 3.96 (a) *Using misleading name—Goods—Nature:* § 3.96 (a) *Using misleading name—Goods—Source or origin—Place.* In connection with offer, etc., in commerce, of respondent's motor oils and greases, or any similar products, and among other things, as in order set forth, (1) using the word "Pennsylvania" or any abbreviation or colorable simulation thereof, or the use of an outline of the State of Pennsylvania in advertising or on containers, labels, or in any other manner to designate or describe any oil product which is not composed wholly of oil derived from the Pennsylvania oil fields; and (2) representing, directly or by implication, that any oil product sold and distributed by the respondent which is not composed in its entirety of oils produced and having their origin in the Pennsylvania oil fields, is a pure Pennsylvania motor oil; prohibited, subject to the provision, however, as respects said first prohibition, that in the case of a product composed in part of oil derived from the Pennsylvania oil fields and in part from oil derived from other oil fields, such word or abbreviation thereof may be used as descriptive of the proportion of the oil derived from the Pennsylvania oil fields if there are used in immediate connection and conjunction therewith, in letters of at least equal size and conspicuousness, words or figures truthfully designating or describing the percentage of oil in said product which is derived from the Pennsylvania oil fields. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Associated Motor Oils, Inc., etc., Docket 4621, March 23, 1942]

§ 3.18 *Claiming indorsements or testimonials falsely:* § 3.66 (c) *Misbranding or mislabeling—Indorsements, approvals or awards:* § 3.66 (k 2) *Misbranding or mislabeling—Tests.* In connection with offer, etc., in commerce, of respondent's motor oils and greases, or any similar products, and among other things, as in order set forth, representing, directly or by implication, that the respondent's oils and greases have been tested and approved by a disinterested laboratory as to quality, value and efficacy in use, unless said oils and greases have been tested and approved by a bona fide, disinterested automotive oils testing laboratory; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Associated Motor Oils, Inc., etc., Docket 4621, March 23, 1942]

§ 3.66 (h) *Misbranding or mislabeling—Qualities or properties:* In connection with offer, etc., in commerce, of respondent's motor oils and greases, or any similar products, and among other things, as in order set forth, using any letters or numbers developed by the Society of Automotive Engineers which do not indicate the true, relative viscosity of respondent's products; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Sup. IV, sec. 45b) [Cease and desist order, Associated Motor Oils, Inc., etc., Docket 4621, March 23, 1942]

§ 3.6 (a10) *Advertising falsely or misleadingly—Comparative data or merits:* § 3.6 (m10) *Advertising falsely or misleadingly—Manufacture or preparation:* § 3.6 (t) *Advertising falsely or misleadingly—Qualities or properties:* § 3.6 (x) *Advertising falsely or misleadingly—Results:* § 3.66 (a2) *Misbranding or mislabeling—Comparative data or merits:* § 3.66 (c20) *Misbranding or mislabeling—Manufacture:* § 3.66 (h) *Misbranding or mislabeling—Qualities or properties:* § 3.66 (j10) *Misbranding or mislabeling—Results.* In connection with offer, etc., in commerce, of respondent's motor oils and greases or any similar products, and among other things, as in order set forth, representing, directly or by implication, that its product now designated "Zeroil Motor Oil," or any motor oil of similar character or quality, will flow more freely and lubricate more perfectly in lower temperatures than many other oils; or that its product now designated "Three Star Penn Motor Oil," or any motor oil of similar quality or character, will not thin out, break down, or sludge under service or that it will hold its body under high temperatures; or that its product now designated "Penn-Durance Motor Oil," or any motor oil of similar quality or character, will not break down or thin out, or that it is a super-refined oil; or that the use of its product now designated "Ultra Penn," or any motor oil of similar quality or character, as compared with other standard motor oils, will effect a saving up to 50%, or any substantial percentage, of motor oils, or result in a saving of 10%, or any substantial percentage, of the usual wear on motor parts; or that its product now designated "Graf-O-Lyne," or any motor oil of similar quality or character, will consistently double, or to any substantial extent increase, motor life and reduce the danger of scored cylinders more than any other lubricants on the market; prohibited. (Sec. 5, 38 Stat. 719, as amended by sec. 3, 52 Stat. 112; 15 U.S.C., Supp. IV, sec. 45b) [Cease and desist order, Associated Motor Oils, Inc., etc., Docket 4621, March 23, 1942]

In the Matter of Associated Motor Oils, Inc., a Corporation, Also Doing Business Under the Name of Associated Products Company

At a regular session of the Federal Trade Commission, held at its office in the City of Washington, D. C., on the 23rd day of March, A. D. 1942.

This proceeding having been heard by the Federal Trade Commission upon the complaint of the Commission and the answer of the respondent, in which answer respondent admits all the material allegations of fact set forth in said complaint and states that it waives all intervening procedure and further hearing as to said facts, and the Commission having made its findings as to the facts and its

conclusion that respondent has violated the provisions of the Federal Trade Commission Act;

It is ordered, That the respondent, Associated Motor Oils, Inc., its officers, representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of its motor oils and greases, or any products of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, in commerce as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

(1) Representing, directly or by implication, that Associated Motor Oils, Inc., owns, controls, or operates a refinery wherein its said products are made or refined;

(2) The use of any design, insignia, or emblem in advertising or on containers, labels, or in any other manner, which simulates the emblem or insignia of the Pennsylvania Grade Crude Oil Association;

(3) The use of the word "Pennsylvania" or any abbreviation or colorable simulation thereof, or the use of an outline of the State of Pennsylvania, in advertising or on containers, labels, or in any other manner to designate or describe any oil product which is not composed wholly of oil derived from the Pennsylvania oil fields, provided, however, that in the case of a product composed in part of oil derived from the Pennsylvania oil fields and in part from oil derived from other oil fields, such word or abbreviation thereof may be used as descriptive of the proportion of the oil derived from the Pennsylvania oil fields if there are used in immediate connection therewith, in type of at least equal size and conspicuousness, words or figures truthfully disclosing or describing the percentage of oil in said product which is derived from the Pennsylvania oil fields;

(4) Representing, directly or by implication, that any oil product sold and distributed by the respondent which is not composed in its entirety of oils produced and having their origin in the Pennsylvania oil fields, is a pure Pennsylvania motor oil;

(5) Representing, directly or by implication, that the respondent's oils and greases have been tested and approved by a disinterested laboratory as to quality, value and efficacy in use, unless said oils and greases have been tested and approved by a bona fide, disinterested automotive oils testing laboratory;

(6) The use of any letters or numbers developed by the Society of Automotive Engineers which do not indicate the true, relative viscosity of respondent's products;

(7) Representing, directly or by implication, that its product now designated "Zerol Motor Oil," or any motor oil of similar character or quality, will flow more freely and lubricate more perfectly in lower temperatures than many other oils; or that its product now designated "Three Star Penn Motor Oil," or any motor oil of similar quality or character, will not thin out, break down, or sludge under service or that it will hold its body under high temperatures; or that its product now designated "Penn-Durance Motor Oil," or any motor oil of similar quality or character, will not break down or thin out, or that it is a super-refined oil; or that the use of its product now designated "Ultra Penn," or any motor oil of similar quality or character, as compared with other standard motor oils, will effect a saving up to 50%, or any substantial percentage, of motor oils, or result in a saving of 10%, or any substantial percentage, of the usual wear on motor parts; or that its product now designated "Graf-O-Lyne," or any motor oil of similar quality or character, will consistently double, or to any substantial extent increase, motor life and reduce the danger of scored cylinders more than any other lubricants on the market.

It is further ordered, That the respondent shall, within sixty (60) days after service upon it of this order, file with the Commission a report in writing, setting forth in detail the manner and form in which it has complied with this order.

By the Commission.

[SEAL] OTIS B. JOHNSON, *Secretary*.

[F. R. Doc. 42-2732; Filed, March 30, 1942; 10:45 a. m.]

TITLE 30—MINERAL RESOURCES

Chapter III—Bituminous Coal Division

[Docket No. A-1321]

PART 321—MINIMUM PRICE SCHEDULE, DISTRICT NO. 1

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 1 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 1

An original petition, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 1; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following acting[1] being deemed necessary in order to effectuate the purposes of the Act;

[1] So in original document.

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith § 321.7 (*Alphabetical list of code members*) is amended by adding thereto Supplement R, and § 321.24 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated: March 19, 1942.

[SEAL] DAN H. WHEELER, *Acting Director*.

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 1

NOTE: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 321, Minimum Price Schedule for District No. 1 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 321.7 *Alphabetical list of code members*—Supplement R

[Alphabetical listing of code members having railway loading facilities, showing price classifications by size group Nos.]

Mine Index No.	Code member	Mine name	Subdistrict No.	Seam	Shipping point	Railroad	Freight origin group No.	1	2	3	4	5
3423	Clarion Coal Mining Co	Limestone #1	4	B	Limestone, Pa	NYC	30	G	G	G	H	H
3424	Clarion Coal Mining Co	Limestone #2	4	E	Limestone, Pa	NYC	30	G	G	G	H	H
3391	Curfman, F. A. & William (William Curfman).	F. A. Curfman & Bro	30	Kelly	Rocky Ridge, Pa	EBT&O	42	(†)	(†)	F	(†)	(†)
3394	Hefflick Coal Mine (E. Ruth Winebark).	Hefflick Coal	12	D	Juneau, Pa	B&O	112	(†)	(†)	G	(†)	(†)
3419	J. & S. Coal Company (W. H. Shafer & J. D. Christy).	McWilliams #4	11	E	Echo, Pa	B&O	112	(†)	(†)	G	G	H
3166	Jordan & Hensel (Roy Jordan)	Mar-Min #1	13	D	Boardman, Pa	NYC	44	(‡)	(‡)	D	(‡)	(‡)
3420	K & R Coal Company (Arthur Rydberg).	River Hill #1	9	B	Winburne, Pa	NYC	44	G	(‡)	G	(‡)	G
3400	McGraw, A. G	Naylor A	18	A	Dean, Pa	PRR	52	(‡)	(‡)	F	(‡)	(‡)
3365	Smith, H. D. (River Smokeless Coal Company).	River #1	6	C	Keating, Pa	NYC	44	(‡)	(‡)	E	(‡)	(‡)
3421	Straitiff, D. W	Straitiff #7	4	D	Hawthorn, Pa	PRR	75	(‡)	(‡)	G	H	H
3346	Turza, Michael	Turza #2	14	E	Osceola Mills, Pa	PRR	45	(‡)	(‡)	F	(‡)	(‡)
3422	Wallwork Coal Company (J. C. Wallwork).	Wallwork #3	4	E	Hawthorn, Pa	PRR	75	G	G	G	H	H

†When shown under a Size Group Number indicates no classification effective for this size group.

FOR TRUCK SHIPMENTS

§ 321.24 *General prices*—Supplement T

[Prices in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Group	County	Seam	All lump coal double screened top size 2" and over	Double screened top size 2" and under	Run of mine, modified R/M	2" and under slack	¾" and under slack
						1	2	3	4	5
Clarion Coal Mining Co.	3423	Limestone #1	4	Clarion	B	240	215	215	200	190
Clarion Coal Mining Co.	3424	Limestone #2	4	Clarion	E	240	215	215	200	190
Curtman, F. A. & William (William Curtman).	3391	F. A. Curtman & Bro.	18	Huntingdon	Kelly			220		
Etherson, T. J.	3401	Etherson	2	Indiana	E			230		
Goss, William	3398	Goss #1	2	Clearfield	D			230		
Greene, Frank	3409	Green & Son Coal Co.	16	Allegany	Big Vein					
J. & S. Coal Company (W. A. Shafer & J. D. Christy).	3419	McWilliams #4	1	Armstrong	E			215	205	190
K & R Coal Company (Arthur Rydberg).	3420	River Hill #1	9	Clearfield	B	240		215		195
McGraw, A. G.	3400	Nayler A	18	Cambria	A			220		
Moore, Frank	3399	Moore	7	Clearfield	D			220		
Moore, George W.	3397	Moore	18	Cambria	C'			225		
Piney Coal Company (F. C. Heath).	3396	Hepfl	1	Clarion	A'	240	215	216	205	195
Repine, L. G.	3402	Repine	17	Cambria	D			225		
Shirley, Luther (Shirley Bros. Coal Co. #1 & 2).	3390	Lichtenhls	19	Indiana	E			210		
Smith, H. D. (River Smokeless Coal Company).	3395	River #1	9	Clinton	C'			225	215	205
Straitiff, D. W.	3421	Straitiff #7	4	Jefferson	D	240	215	215	200	190
Wallwork Coal Company (J. C. Wallwork).	3422	Wallwork #3	4	Clarion	E	240	215	216	200	190
Whelpley, Dale & Glenn (Dale Whelpley).	3397	Whelpley's	5	Jefferson	E			215		
Zeugbardt, Hugo	3393	Douglas	18	Cambria	C			225		

[F. R. Doc. 42-2698; Filed, March 27, 1942; 10:47 a. m.]

[Docket No. A-1024 Part II]

PART 322—MINIMUM PRICE SCHEDULE, DISTRICT NO. 2

MEMORANDUM OPINION AND ORDER APPROVING AND ADOPTING THE EXAMINER'S PROPOSED FINDINGS OF FACT AND PROPOSED CONCLUSIONS OF LAW AS MODIFIED IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 2 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 2

This proceeding was instituted upon an original petition filed with the Bituminous Coal Division on August 22, 1941, by District Board 2, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. The petition requests the establishment of price classifications and effective minimum prices for the coals of certain mines in District 2.

Pursuant to an Order of the Director dated October 21, 1941, 6 F.R. 5768, temporary relief was granted in Docket No. A-1024 to certain mines listed in Supplement R-I and R-II attached thereto and made a part thereof. Relief was denied to several other mines and it was directed that they be given separate consideration. To that end, that portion of Docket No. A-1024 which related to them was severed from the matter and designated as Docket No. A-1024 Part II. By further Order of the Director dated October 21, 1941, 6 F.R. 5785, temporary relief was also granted to certain mines in Docket No. A-1024, Part II as set forth in Supplements R and T attached thereto and made a part thereof.

A petition of intervention was filed by Fred S. Geer, Inc., a code member in District 2, operating the Sunnyside Mine (Mine Index No. 2024) and Mt. Nebo Mine (Mine Index No. 2125), requesting that the rail shipping points for these mines be designated as East Palestine, Ohio, for shipment over the Pennsylvania Railroad, and Negley, Ohio, for shipment over the Pittsburgh, Lisbon and Western Railroad.

Pursuant to an Order of the Director and after due notice to all interested persons, a hearing in this matter was held on November 18, 1941, before Floyd McGown, a duly designated Examiner of the Division, at a hearing room thereof in Washington, D. C. All interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard. District Board 2, Fred S. Geer, Inc., and Rothey Bros., Inc., appeared.

On November 27, 1941, a motion was submitted by District Board 2, requesting leave to amend its original petition by eliminating therefrom the proposal for classifications and effective minimum prices for the Rothey Brothers' No. 1 Mine (Mine Index No. 2115) for the reason that the evidence presented at the hearing on behalf of this company was at variance with information previously submitted by said company to the District Board and upon which the proposals of the District Board were predicated. On the same day a petition was filed by Fred S. Geer, Inc., requesting leave to amend its petition of intervention to designate the Freeport and Mahoning Seam as Freeport No. 6 and Freeport No. 7 Seams, respectively; and requesting further that the Director assign price classifications separately for the coals produced in each seam in the Sunnyside and Mt. Nebo Mines.

Under date of January 22, 1942, Examiner McGown made his Report, Proposed Findings of Fact, Proposed Conclusions of Law, and Recommendations ("Examiner's Report"), in which it was recommended, *inter alia*, that the seams of coal in the Sunnyside and Mt. Nebo Mines be designated as the Freeport No. 6 and Freeport No. 7 and that the loading points for these mines be established at East Palestine, Ohio, and Negley, Ohio, respectively. On February 12, 1942, exceptions were filed by Fred S. Geer, Inc. to the Examiner's Report, insofar as it concerned the loading points and price classifications for the coals of his Sunnyside and Mt. Nebo Mines produced for all shipments except truck. No exceptions were filed by it to that part of the Examiner's Report concerning the seam designations of these mines nor to the Examiner's recommended minimum prices for its Mt. Nebo coals for truck shipment.

1. *The Examiner's Report concerning the Sunnyside and Mt. Nebo Mines.* The Examiner found that prior to the filing of the District Board's original petition, Fred S. Geer, Inc. ("Geer") had submitted to the District Board three possible loading points for the Sunnyside and Mt. Nebo Mines producing coals in Pennsylvania, and that through a misunderstanding the District Board had selected Darlington, Pennsylvania, as the loading point to the exclusion of East Palestine, Ohio, and Negley, Ohio, although Geer had no loading facilities at Darlington. The Examiner noted that in addition to the expense of building loading facilities at Darlington, Geer would have the continued additional expense of a higher haulage cost for the approximate 8-mile haul from these mines to Darlington as compared with the 2-mile haul from the Sunnyside Mine to East Palestine and the 1¼-mile haul from Mt. Nebo Mine to Negley, at both of which destinations Geed had available loading facilities.

The Examiner found further that the use of East Palestine and Negley, Ohio, as loading points for Geer's Pennsylvania produced coals would not give Geer a competitive advantage over Ohio producers as the Geer coals competed only with those Ohio coals produced by code members who used the East Palestine and Negley loading facilities, shipped to the same market areas, and produced coals comparable in quality with the Geer coals. The Examiner found that, in fact, these Ohio producers would have an advantage over Geer of lower freight rates for coals shipped into Ohio market areas, but that Fred S. Geer, President of Fred S. Geer, Inc., had testified that he would not object to the presently effective delivered prices for the Sunnyside and Mt. Nebo coals if the loading points were changed.

2. *Geer's exception to the Examiner's Report.* Geer claimed in its exceptions that there was no foundation in the record for the statement by the Examiner in his Report to the effect that Fred S. Geer testified that he would not object to the presently effectively[1] delivered prices for the Sunnyside and Mt. Nebo coals if the loading points were changed. In its brief in support of its exceptions, Geer specifically referred to testimony by the witness Fred S. Geer to the effect that he would acquiesce only in prices for coals from the Sunnyside and Mt. Nebo Mines which would result in the same delivered prices to Market Areas 11 and 13 as those applicable to comparable coals produced by neighboring mines just across the state line in Ohio which were also loaded at Negley and at East Palestine and entered into competition therewith. On Examination of the record, I find that as Geer contended, the witness Fred S. Geer had stated that effective minimum prices should be established for the Geer coals which would result in the same delivered prices therefor in Market Areas 11 and 13 as competing Ohio coals of the same quality and loading at the same points. This exception goes, however, only to the prayer for relief and is not to be considered as bearing on the necessity therefor.

Geer also excepted to the minimum prices recommended by the Examiner for its coals produced for all shipments except truck on the ground that these recommended prices if adopted would result in delivered prices for the Sunnyside and Mt. Nebo coals in excess of the delivered prices in the same consuming markets for coals produced by neighboring mines in District 4 and thereby deprive Geer of its existing fair competitive opportunities. Geer stated in its brief that the record indicated that the coals produced from the Sunnyside and Mt. Nebo mines on the Pennsylvania side of the state line were comparable with coals produced not only by certain mines of Fred S. Geer, Inc., just across the line in Ohio but also with the coals produced there by a number of competing mines. Geer also stated that the coals produced at these neighboring mines, whether located within Ohio or Pennsylvania, were loaded at Negley or East Palestine, Ohio, and were sold principally in Cleveland (Market Area 13) and Youngstown (Market Area 11) and at the Great Lakes ports, and that the mere fact that some mines were a few yards to the east of the state line and other mines a few yards to the west thereof did not justify any difference in delivered prices as between the coals they produce. Hence, Geer contended, effective minimum prices which resulted in discrimination between the prices of the coals from these respective mines when delivered in their principal consuming markets were inconsistent with the requirements of the Act. Geer contended further that to fix effective minimum prices for the Sunnyside and Mt. Nebo Mines which would result in delivered prices in Market Areas 11 and 13 equal to those for coals from adjacent Ohio mines would not materially affect other mines in District 2, with the exception of one mine, which was the only remaining mine on the Pennsylvania side immediately adjacent to the Sunnyside and Mt. Nebo Mines, and that that mine would be exhausted by the end of the winter.

However, the record fails to disclose that there was a past movement of coals from the producing district in which its Sunnyside and Mt. Nebo Mines are located to the destinations in Market Areas 11 and 13 for which it seeks relief. The price classifications temporarily established for the coals of these two mines and recommended by the Examiner seek to put them on a fair competitive basis with other District 2 coals. If intervenor could show that the past movement of other District 2 coals (comparable to Sunnyside and Mt. Nebo coals) was such that the existing fair competitive opportunities could not be preserved unless minimum f. o. b. mine prices be established for these coals so as to allow them to deliver in Market Areas 11 and 13 at a price parity with District 4 coals shipping thereto, then its request for relief—a loading point in District 4—might be granted. But such is not the case.

3. *Other mines.* The Examiner in his Report also found that price classifications and loading points proposed by District Board 2 for certain other mines were proper; that its petition in so far as it concerns the No. 1 Mine of Rothey Brothers, Inc. (Mine Index No. 2115) should be dismissed; and that the loading point for the John Minnich Mine (Mine Index No. 901) should be Queens Junction on the Western Allegheny Railroad. No exceptions or supporting briefs have been filed in these other matters.

After a review of the record and upon the basis of the foregoing, I conclude that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner, as modified herein, are proper and should be adopted as the Findings of Fact and Conclusions of Law of the undersigned.

Now, therefore, it is ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner, as modified herein, be, and they hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned.

It is further ordered, That § 322.7 (*Alphabetical list of code members*), § 322.9 (*Special prices*—(c) *Railroad fuel*) and § 322.23 (*General prices*) in the Schedules of Effective Minimum Prices for District No. 2 for All Shipments Except Truck and for Truck Shipments be and they hereby are amended to include the seam designations, shipping points, freight origin group numbers, price classifications, and effective minimum prices set forth for the mines listed in Supplements R-I, R-II, and T attached hereto and made a part hereof.

It is further ordered, That the prayers for relief contained in the petitions filed herein be and they hereby are granted to the extent set forth on the attached Supplements R-I, R-II, and T and in all other respects denied.

Dated: March 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[1] So in original document.

Note: The material contained in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 325, Minimum Price Schedule for District No. 2 and supplements thereto.

§ 322.7 *Alphabetical list of code members*—Supplement R-I

[Alphabetical listing of code members having railway loading facilities, showing price classification by size group Nos.

Mine Index No.	Code member	Mine name	Seam	Sub-district No.	Shipping point	Size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	Freight origin group No.	Railroad
2126	Florence Coal Co., The (W. J. Koerner).	Ewing (Strip)	Brookville	1	Stoneboro, Pa.	7	7	H	H	H	H	H	H	H	H	H	H	H	H	H	H	101	NYC.
973	Frank Coal Co., C. H.	Batter Ridge	Pittsburgh	3	Sackett, Pa.																		
1053	Fralick, F. C. (Fralick Coal Co.).	Mack	Waynesburg	2	Waynesburg, Pa.																		
2254	Geer, Fred S., Inc.	Sunnyside (Strip)	#6	1	West Pittsburg, Pa.	7	7															74	B&O.
2255	Geer, Fred S., Inc.	Mt. Nebo (Strip)	#6	1	Nesbitt, Pa.																		
2256	Geer, Fred S., Inc.	Mt. Nebo (Strip)	#7	1	Nesbitt, Pa.																		
2125	Geer, Fred S., Inc.	Mt. Nebo (Strip)	#6	1	Charleroi, Pa.																		
2256	Grandi, George	Big Six #3 (Strip)	Pittsburgh	3	Crawford, Pa.																		
2127	Grandi, George	Big Six #4 (Strip)	Pittsburgh	3	Crawford, Pa.																		
2128	Grandi, George	Big Six #5 (Strip)	Pittsburgh	3	Crawford, Pa.																		
2118	Hatfield Coal Co. (Wm. Panzera).	Jacobs (Strip)	Pittsburgh	3	Crawford, Pa.																		
1119	Holer Coal Co. (Frank B. Holer).	Holer	Brookville	1	Grove City, Pa.																		
1120	Holer Coal Co. (Frank B. Holer).	Wilson (Strip)	Brookville	1	Cutterville, Pa.																		
2120	Metz, Charles	Rex	Redstone	1	Queens Jct., Pa.	7	7	H	H	H	H	H	H	H	H	H	H	H	H	H	H	75	WA.
901	Minnich, John	Minnich	Kittanning	7	Brongkton, Pa.																		
2114	Natali, Pelligrini & Bianchi (Fred Bianchi).	Natali (Strip)	Pittsburgh	1	Hooker, Pa.	7	7	H	H	H	H	H	H	H	H	H	H	H	H	H	H	21	P&WVA.
2117	Negley Coal Company (A. H. McMinn).	Negley #2 (Strip)	U. Kittanning	3	Masontown, Pa.	7	7	H	H	H	H	H	H	H	H	H	H	H	H	H	H	21	WA.
2076	Newcomer, F. C. (Newcomer Coal Co.).	Public Coal Co. (Strip)	Pittsburgh	2	Hagerty, Pa.	7	7	H	H	H	H	H	H	H	H	H	H	H	H	H	H	20	Monon.
493	Snider & Cudzilo (E. Gadd Snider).	S. & C.	Freeport	7	Boggs, Pa.	7	7	H	H	H	H	H	H	H	H	H	H	H	H	H	H	21	PRR.
1174	Sunnyhill Coal Co.	Sunnyhill #2 (Strip)	Pittsburgh			7	7	H	H	H	H	H	H	H	H	H	H	H	H	H	H	75	Monit.

§ 322.9 *Special prices*—(c) *Railroad fuel*—Supplement R–II. In § 322.9 (c) in Minimum Price Schedule, add the mine index numbers in groups shown. Group No. 1: 2126, 2127, 2128; Group No. 2: 1174, 2114; Group No. 5: 2120; Group No. 6: 493, 2076, 2118; Group No. 7: 973; Group No. 8: 1055; Group No. 9: 2113; Group No. 10: 1024, 2125, 2255, 2256; Group No. 12: 901, 2137; Group No. 15: 1129; Group No. 19: 2108.

All mines in Freight Origin Group No. 123 will take the same necessary or permissible adjustments as Freight Origin Group No. 120, except for shipments into Market Area No. 11, where the adjustment must be increased 50 cents per net ton.

FOR TRUCK SHIPMENTS

§ 320.23 *General prices*—Shipment T

[Price in cents per net ton for shipment into all market areas]

Code member index	Mine index No.	Mine	Seam	Base sizes: Lump over 4"	Lump 4"	Lump 3"	Lump 2"	Egg 2" x 4"	Stove 1" x 4"	Pea ⅝" x 1½"	Run of mine	2" N/S	1¼" slack	⅝" slack
				1	2	3	4	5	6	7	8	9	10	11
ALLEGHENY COUNTY														
McGrew, Robert L.	2113	McGrew (Strip)	Pittsburgh	285	275	265	240	220	220	220	220	190	180	170
Natali, Pelligrini & Bianchi (Fred Bianchi).	2114	Natali (Strip)	Pittsburgh	280	270	260	235	230	215	205	215	180	170	160
BEAVER COUNTY														
Geer, Fred S., Inc.	2125	Mt. Nebo (Strip)	#6	300	290	280	275	250	245	225	225	185	175	165
Geer, Fred S., Inc.	2256	Mt. Nebo (Strip)	#7	300	290	280	275	250	245	225	225	185	175	165
BUTLER COUNTY														
Negley Coal Company (A. H. McMinn).	2137	Negley #2 (Strip)	U. Kittanning	325	305	285	265	260	245	245	230	190	180	170
FAYETTE COUNTY														
Grandi, George	2127	Big Six #4 (Strip)	Pittsburgh	300	290	280	260	240	230	225	230	210	200	175
Hatfield Coal Co. (Wm. Panzera).	2118	Jacobs (Strip)	Pittsburgh	290	280	270	250	230	220	215	220	205	200	175
Snider & Cudzilo (E. Gadd Snider).	493	S. & C	Freeport	280	270	260	245	225	210	210	210	200	195	175
MERCER COUNTY														
Florence Coal Co., The (W. J. Koerner).	2106	Ewing (Strip)	Brookville	325	310	290	275	270	255	255	240	185	175	160
WASHINGTON COUNTY														
Grandi, George	2126	Big Six #3 (Strip)	Pittsburgh	310	300	290	260	250	235	225	245	205	195	170
Grandi, George	2128	Big Six #5 (Strip)	Pittsburgh	310	300	290	260	250	235	225	235	205	195	170
WESTMORELAND COUNTY														
Metz, Charles	2120	Rex	Redstone	265	255	245	230	225	215	195	200	180	170	160

[F. R. Doc. 42-2672; Filed, March 27, 1942; 10:49 a. m.]

[Docket No. A-1147 Part II]

PART 324—MINIMUM PRICE SCHEDULE, DISTRICT NO. 4

ORDER GRANTING PERMANENT RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 4 FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF MINE INDEX NOS. 256, 1301, 1016, AND 1436, AND FOR THE ESTABLISHMENT OF ADDITIONAL SHIPPING POINTS FOR THE COALS OF MINE INDEX NOS. 877, 938 AND 2739, IN DISTRICT NO. 4, FOR ALL SHIPMENTS EXCEPT TRUCK

A petition having been filed with the Bituminous Coal Division on November 3, 1941, by District Board 4, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting the establishment of price classifications and minimum prices for certain coals in District 4, for all shipments except truck;

A hearing having been held in this matter pursuant to an order of the Acting Director, on December 2, 1941, before a duly designated examiner of the Bituminous Coal Division at a hearing room thereof in Washington, D. C., at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses, and otherwise be heard;

A preparation and filing of the report having been waived and the matter having been submitted to the undersigned;

The undersigned having made findings of Fact and Conclusions of Law and having rendered an Opinion in this matter which are filed herewith;

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof, § 324.7 (*Alphabetical list of code numbers*) is amended by adding thereto Supplement R–I, § 324.8 (*Numerical list of mines*) is amended by adding thereto Supplement R–II, § 324.2 (*Seasonal discounts*) is amended by adding thereto Supplement R–III, § 324.9 (*Recapitulation of price classifications*) is amended by adding thereto Supplement R–IV, and § 324.11 (*Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*) is amended by adding thereto Supplement R–V, which supplements are hereinafter set forth and hereby made a part hereof, and the Shipping points designated in said "Supplement R–I" shall be in lieu of all shipping points previously designated for the mine as specified therein.

It is further ordered, That the prayers contained in the original petition are granted to the extent set forth above and in all other respects are denied.

Dated: March 18, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

PERMANENT EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 4

NOTE: The material in these supplements is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 324, Minimum Price Schedule for District No. 4 and supplements thereto.

FOR ALL SHIPMENTS EXCEPT TRUCK

§ 324.7 *Alphabetical list of code members*—Supplement R–I

[Alphabetical list of code members having railway loading facilities, showing price classification by size group Nos.]

Mine index No.	Code member	Mine name	Subdistrict No.	Seam	Type	Shipping points in Ohio	Railroad	Freight origin group No.	Price classifications by size group Nos. 1	2	3	4	5	6	7	8	9	10	11	12
266	Hott Coal Co., c/o M. B. Hott	Hott Coal Co	4	8	Strip	Dover	PRR	53	Q	Q	Q	Q	Q	Q	Q	Q	Q	Q	------	Q
1301	Kauff, John	Kauff	8	8	Deep	Pomeroy	C&O	23	K	Q	Q	Q	Q	Q	Q	Q	Q	------	------	------
1016	Square Deal Coal Co		6	6	Deep	Shawnee	NYC	27	Q	Q	Q	Q	Q	Q	Q	Q	Q	------	------	------
1436	Swearingen, Lloyd R	L. R. Swearingen	4	6	Deep	Salineville	PRR	53	Q	Q	Q	Q	Q	Q	Q	Q	Q	------	------	------

§ 324.8 *Numerical list of mines*—Supplement R–II

Mine index No.	Mine name	Code member	Freight origin districts	Freight origin group Nos.	Railroad	Subdistrict No.
266	Hott Coal Co	Hott Coal Co., c/o M. B. Hott	Middle	53	PRR	4
1016		Square Deal Coal Co	Hocking	27	NYC	6
1301	Kauff	Kauff, John	Pomeroy	23	C&O	8
1436	L. R. Swearingen	Swearingen, Lloyd R	Middle	53	PRR	4

§ 324.2 *Seasonal discounts*[1]—Supplement R–III

[On all shipments of coal in Size Groups 1 or 2, the discounts shown below in cents per net ton may apply. The date of shipment and not the date of sale shall govern the seasonal price applicable. These seasonal discounts apply for shipments to all market areas except Market Areas 1 to 13, inclusive, 98 and 99 (Great Lakes), River Shipments, Vessel Fuel and Railroad Fuel]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.	Amount of discount for shipments during the month of— April	May	June	July	August
Pomeroy	23, 25		14, 22, 38, 70, 82, 100, 101, 105, 112, 113.	Add Mine Index No. 1301.	50	40	30	20	10
Hocking	26, 27		83, 141	Add Mine Index No. 1016.	30	20	10	----	----
Middle	53, 54, 57		49, 50, 67, 94, 132	Add Mine Index No. 1436.	30	20	10	----	----
	52	Add 53	13, 108	Add Mine Index No. 266.	30	20	10	----	----

[1] Seasonal discounts as shown in § 324.2 in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.9 *Recapitulation of price classifications*[1]—Supplement R–IV

[For shipment into all market areas—See Schedule of Effective Minimum Prices, §§ 324.9, and 324.10. Also applies to Market Areas 98 and 99 (Great Lakes), §§ 324.11 (b), 324.11 (c), and Vessel Fuel, § 324.11 (d)]

Freight origin districts	Freight origin group Nos.	Additional freight origin group Nos.	Mine index Nos.	Additional mine index Nos.
Pomeroy	23, 25		14, 22, 38, 70, 82, 100, 101, 105, 112, 113	Add Mine Index No. 1301.
Hocking	26, 27		83, 141	Add Mine Index No. 1016.
Middle	53, 54, 57		49, 50, 67, 94, 132	Add Mine Index No. 1436.
	52	Add 53	13, 108	Add Mine Index No. 266.

[1] Prices as shown in §§ 324.9, 324.10, 324.11(b), 324.11 (c) and 324.11 (d) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.11 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*[1]—Supplement R–V

[Railroad fuel prices for all movements exclusive of lake cargo railroad fuel from mines indexed below for shipment to railroads as shown—See Schedule of Effective Minimum Prices, § 324.11 (a)]

Name of railroad	Mine index Nos.	Additional mine index Nos.
Chesapeake & Ohio Railway Co	14, 38, 41, 47, 61, 70, 72, 75, 76, 82, 86, 101, 105, 112, 113, 130, 131, 168, 170, 171.	Add Mine Index No. 1301.
New York Central System	1, 4, 6, 18, 22, 27, 28, 34, 35, 47, 54, 59, 64, 66, 73, 74, 83, 90, 91, 100, 107, 109, 125, 126, 138, 141, 143, 156, 158, 172.	Add Mine Index No. 1016.
Pennsylvania Railroad Co	11, 26, 31, 42, 43, 49, 50, 55, 56, 57, 62, 65, 67, 69, 81, 94, 111, 114, 115, 132, 152, 162, 165, 169.	Add Mine Index No. 1436.
Akron, Canton & Youngstown Railway Co	166	Add Mine Index No. 266.
Ann Arbor Railroad Co		
Canadian National Railways and Grand Trunk Railway System		
Canadian Pacific Railway Co	From all Mine Index Nos. except those shown below—	Add Mine Index Nos. 1016, 1301, 1436.
Detroit and Mackinac Railway Company	From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add Mine Index No. 266.
Detroit & Toledo Shore Line Railroad Co		
Erie Railroad		
Nickel Plate Road (New York, Chicago & St. Louis Railroad Co.)		
Pere Marquette Railway Co		

[1] Prices as shown in § 324.11(a) in the Schedule of Effective Minimum Prices apply to all additional mine index numbers hereinabove noted.

§ 324.11 *Special prices*—(a) *Railroad fuel prices for all movements exclusive of lake cargo railroad fuel*—Supplement R–V—Continued

Name of railroad	Mine index Nos.	Additional mine index Nos.
For all Railroads not shown above	From all Mine Index Nos. except those shown below— From Mine Index Nos. 3, 5, 7, 8, 12, 13, 16, 25, 36, 37, 45, 48, 68, 77, 79, 92, 97, 108, 110, 119, 133, 153, 159, 161, 166.	Add Mine Index Nos. 1016, 1301, 1436. Add Mine Index No. 266.

[F. R. Doc. 42-2671; Filed, March 27, 1942; 10:48 p. m.]

[Docket No. A-1342]

PART 331—MINIMUM PRICE SCHEDULE, DISTRICT NO. 11

ORDER GRANTING TEMPORARY RELIEF AND CONDITIONALLY PROVIDING FOR FINAL RELIEF IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 11, FOR THE ESTABLISHMENT OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES IN DISTRICT NO. 11, FOR TRUCK SHIPMENTS

An original petition as amended, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, having been duly filed with this Division by the above-named party, requesting the establishment, both temporary and permanent, of price classifications and minimum prices for the coals of certain mines in District No. 11, for truck shipments; and

It appearing that a reasonable showing of necessity has been made for the granting of temporary relief in the manner hereinafter set forth; and

No petitions of intervention having been filed with the Division in the above-entitled matter; and

The following action being deemed necessary in order to effectuate the purposes of the Act;

It is ordered, That, pending final disposition of the above-entitled matter, temporary relief is granted as follows: Commencing forthwith, § 331.24 (*General prices in cents per net ton for shipment into all market areas*) is amended by adding thereto Supplement T, which supplement is hereinafter set forth and hereby made a part hereof.

It is further ordered, That pleadings in opposition to the original petition in the above-entitled matter and applications to stay, terminate or modify the temporary relief herein granted may be filed with the Division within forty-five (45) days from the date of this Order, pursuant to the Rules and Regulations Governing Practice and Procedure before the Bituminous Coal Division in Proceedings Instituted Pursuant to section 4 II (d) of the Bituminous Coal Act of 1937.

It is further ordered, That the relief herein granted shall become final sixty (60) days from the date of this Order, unless it shall otherwise be ordered.

Dated, March 19, 1942.

[SEAL] DAN H. WHEELER, *Acting Director.*

TEMPORARY AND CONDITIONALLY FINAL EFFECTIVE MINIMUM PRICES FOR DISTRICT NO. 11

NOTE: The material contained in this supplement is to be read in the light of the classifications, prices, instructions, exceptions and other provisions contained in Part 331, Minimum Price Schedule for District No. 11 and supplements thereto.

FOR TRUCK SHIPMENTS

§ 331.24 *General prices in cents per net ton for shipment into all market areas*—Supplement T

Code member index	Mine index No.	Mine	Seam	Prices and size group Nos. 1	2	3	4	5	6	7	8	9	10, 11, 12	13	14	15	16	17	18, 19, 20	21	22	23	24	25	26	27	28, 29	30	31	32, 33	34
PARKE COUNTY																														
Beatty, Dee	1306	Beatty	3	240	235	230	220	215	210	170	175	170	165	135	125	70	40	----	----	----	----	----	----	----	----	----	----	----	----	----
Catlin Coal Company (John F. Brown)	190	Catlin	M	310	285	265	255	250	245	215	215	195	185	155	145	80	50	----	----	----	----	----	----	----	----	----	----	----	----	----
SULLIVAN COUNTY																														
Davis & Davis (Homer Davis)	1302	Little Wonder	5	250	245	240	230	225	220	180	185	170	165	135	125	70	40	----	----	----	----	----	----	----	----	----	----	----	----	----

[F. R. Doc. 42-2670; Filed, March 27, 1942; 10:48 a. m.]

PART 342—MINIMUM PRICE SCHEDULE, DISTRICT NO. 22

FINDINGS OF FACT, CONCLUSIONS OF LAW, MEMORANDUM OPINION AND ORDER IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 22 FOR REVISION OF CERTAIN PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF THE MILLS MINE (MINE INDEX NO. 202) IN DISTRICT NO. 22 AND FOR THE ESTABLISHMENT OF A MINIMUM PRICE OF 95 CENTS PER TON FOR ¾" SLACK COAL OF THE A. C. M. #4 MINE (MINE INDEX NO. 1) IN THAT DISTRICT FOR SALE IN CARLOAD LOTS TO THE GREAT NORTHERN RAILWAY COMPANY

This proceeding was instituted upon a petition filed with the Bituminous Coal Division by District Board No. 22 pursuant to section 4 II (d) of the Bituminous Coal Act of 1937. In its petition the District Board proposed a change in the classification of the Mills Mine, Mine Index No. 202, from Subdistrict 1 to Subdistrict 9 in District No. 22, together with a revision of the effective classifications and minimum prices for truck shipments for the coals of that mine; and in addition the Board requested the revision of the minimum price for ¾" slack coal produced by the Gerber Coal Company at its A. C. M. #4 Mine, Mine Index No. 1, when sold in carload lots to the Great Northern Railway Company for railway use.

Pursuant to appropriate orders of the Division, and after notice to all interested parties, a hearing in this matter was held before D. C. McCurtain, a duly designated Examiner of the Division, at a hearing room of the Division at Cheyenne, Wyoming. All interested parties were afforded an opportunity to be pres-

ent, adduce evidence, cross-examine witnesses and otherwise be heard.

Petitioner, District Board No. 22 appeared. While the Consumers' Counsel intervened, it was not represented at the hearing; although later, on March 2, 1942, it filed a brief in support of its statement that any revision to grant the relief requested should be applicable to all code members in the District. The preparation and filing of a report by the Examiner was waived and the record was thereupon submitted to the undersigned.

The petition of District Board No. 22 herein requested a change in the subdistrict designation of the Mills Mine, Mine Index No. 202, operated by Arthur Mills, a code member in District No. 22, from Subdistrict No. 1 to Subdistrict No. 9, and the establishment of minimum prices and classification for that mine as are established for mines in Subdistrict No. 9. The second request of the District Board was for the establishment of a minimum price of 95 cents per ton f. o. b. the mine for ¾" slack coal produced by the Gerber Coal Company, operating the A. C. M. Mine #4 (Mine Index No. 1) in Subdistrict No. 7 of District No. 22, when sold in carload lots to the Great Northern Railway for railway use. It appears that this size coal, ¾" slack, is at present included in Size Group No. 11, for which the established minimum price is $1.00 per ton f. o. b. the mine, for rail shipments.

The original petition of District Board No. 22 was amended on December 23, 1941. By its petition dated December 23, 1941, the District Board amended that portion of its original petition requesting the establishment of a special price for ¾" slack coal of the Gerber Coal Company when intended for railway use. The amendment requested that immediate temporary relief be granted. The Division on January 10, 1942, 7 F.R. 230, denied the prayer of the petitioner for immediate relief.

With regard to the first part of the petition, the testimony of D. F. Buckingham, witness for the District Board, was to the effect that the Mills Mine operates in the McCleary Seam and is at present the only mine operating in that seam. He further stated that in his judgement the mine was improperly classified in the proceedings held in General Docket No. 15 in that the McCleary Seam coal is inferior in quality to coals from other seams in Subdistrict No. 1. He expressed the belief that the Mills Mine should be grouped with the Mammoth Seam mines in Subdistrict No. 9. It appears from the record that the transfer of this mine from Subdistrict No. 1 to Subdistrict No. 9 would result in more properly reflecting the relative value of its coals and would properly coordinate it with other coals produced in District No. 22.

Regarding the second part of this petition the claim of the representative of District Board No. 22, that the requested relief is desired in order to provide for surplus or emergency coal for which there is no other market and which the Great Northern Railway Company has refused to purchase at the minimum price now established for that size, is not entirely borne out by the record. While it appears that at the present time the Gerber Coal Company is producing ¾" slack as a result of its production of other sizes, it also appears that by a change in the screening equipment of the Gerber Coal Company, the size of the coal resulting from the production of larger sizes would be ½" slack, and it further appears that the Railway Company is perfectly willing to buy ½" slack at the effective minimum price for such coal of 80 cents per ton.

This code member is the only code member in District 22, according to the information of the District Board, that has any direct rail connection with the Great Northern Railway and, therefore, no other producer would be adversely affected by the relief sought. However, the mere fact that no other producers in the subdistrict are at present so situated as to be affected, does not justify the granting of a preferential price to any one consumer. It appears that the Great Northern Railway Company is not the only market for this ¾" slack, although it was testified that that market is declining because of the inroads of natural gas and oil. Moreover, to grant this relief is to grant a preferential price to one consumer. Consumer inequality is to be avoided wherever possible.[1]

Upon the basis of the uncontroverted evidence, therefore, I find that the requested change in subdistrict designation of the Mills Mine, Mine Index No. 202, from Subdistrict No. 1 to Subdistrict No. 9 and the establishment of classifications and minimum prices for the mine in Subdistrict No. 9 are proper and should be granted, that such subdistrict designation, classifications and minimum prices conform in all respects as those heretofore established for comparable coals in District No. 22, and will preserve the fair competitive opportunities for the producers of such coal.

However, based on the record, I find that the request of District Board No. 22 for the establishment of a minimum price of 95 cents per ton for ¾" slack coal produced by the Gerber Coal Company for sale only in railroad carload lots to the Great Northern Railway Company for railway use would constitute the establishment of a preferential price for a particular consumer and is, therefore, improper.

Now, therefore, it is ordered, That commencing fifteen (15) days from the date hereof § 342.4 (*Code member price index*) is amended by adding thereto Supplement R, and § 342.21 (*General prices*) is amended by adding thereto Supplement T, which supplements are hereinafter set forth and hereby made a part hereof.

It is further ordered, That the petition of District Board No. 22 for the establishment of a minimum price of 95 cents for ¾" x 0 slack coal produced by the Gerber Coal Company for railway use be and the same hereby is denied.

Dated: March 21, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[1] Cf. Docket No. A-160; Docket No. A-164; 6 F.R. 4247, 5300.

The following price classification and minimum prices shall be inserted in Price Schedule No. 1 for District No. 22:

§ 342.4 *Code members price index*—Supplement R. Insert the following listings in proper alphabetical order:

Producer	Mine	Mine index No.	County	Subdistrict price group	Prices	
					Rail	Truck
Mills, Arthur	Mills	202	Musselshell	9	-------	§ 342.21

§ 342.21 *General prices*—Supplement T. Insert the following code member name, mine name and county under Subdistrict No. 9, and the following prices:

Code member mine name	County	Size groups					
		1	2	5	7	9	10
SUBDISTRICT NO. 9							
Mills, Arthur: Mills Mine	Musselshell	360	325	300	250	150	100

[F. R. Doc. 42-2669; Filed, March 27, 1942; 10:48 a. m.]

[Order No. 338]

PART 306—DISTRICT BOARDS

AN ORDER AMENDING ORDER NO. 280[1] BY REQUIRING EACH DISTRICT BOARD TO FILE PROPOSED BUDGETS AND RATES OF ASSESSMENTS FOR THE PERIOD SEPTEMBER 1, 1942 TO AUGUST 31, 1943, INCLUSIVE

Pursuant to sections 4 I (a), 4 I (b), and other provisions of the Bituminous Coal Act of 1937, as amended,

It is ordered, That:

§ 306.27 *Annual budget proposals.* (a) On or before June 1, 1942, each district board shall file with the Division for approval, disapproval, or modification and approval, a proposed budget of the expenses of administering the Code by the district board during the period September 1, 1942 to April 25, 1943, inclusive, a proposed rate of assessment which shall be sufficient to provide funds to meet the total of the proposed budget, and supporting data as provided by the Regulations Providing for Assessments by the District Board heretofore approved.

(b) On or before June 1, 1942, each district board shall file with the Division for the period April 26, 1943 to August 31, 1943, inclusive, proposals and data similar to that required by paragraph (a) above.

(c) Except as amended by this Order, the provisions of Order No. 280 and the Regulations Providing for Assessments by the District Board, heretofore approved, shall remain in full force and effect (Sec. 4, I (b), 50 Stat. 77; 15 U.S.C. 832 (b)).

Dated: March 27, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2781; Filed, March 30, 1942; 10:33 a. m.]

[1] 4 F.R. 3392.

TITLE 32—NATIONAL DEFENSE

Chapter VIII—Expert Control

Subchapter B—Proclaimed List of Certain Blocked Nationals

SUPPLEMENT 2, MARCH 27, 1942 TO REVISION I OF FEBRUARY 7, 1942

By virtue of the authority vested in the Secretary of State, acting in conunction with the Secretary of the Treasury, the Attorney General, the Secretary of Commerce, the Board of Economic Warfare, and the Coordinator of Inter-American Affairs, by Proclamation 2497 of the President of July 17, 1941 (6 F.R. 3555), the following Supplement 2 containing certain additions to, deletions from, and amendments to The Proclaimed List of Certain Blocked Nationals, Revision I of February 7, 1942,[1] is hereby promulgated.

By direction of the President.

SUMNER WELLES,
Acting Secretary of State.
D. W. BELL,
Acting Secretary of the Treasury.
FRANCIS BIDDLE,
Attorney General.
JESSE H. JONES,
Secretary of Commerce.
MILO PERKINS,
Executive Director, Board of Economic Warfare.
NELSON A. ROCKEFELLER,
Coordinator of Inter-American Affairs.

MARCH 27, 1942.

GENERAL NOTES: (1) The Proclaimed List is divided into two parts: part I relates to listings in the American republics; part II relates to listings outside the American republics.

(2) In part I titles are listed in their letter-address form, word for word as written in that form, with the following exceptions:

If the title includes a full personal name, that is, a given name or initial and the surname, the title is listed under the *surname.*

Personal name prefixes such as de, la, von, etc., are considered as part of the surname and are the basis for listing.

The listing is made under the next word of the title when the initial word or phrase, or abbreviation thereof, is one of the following Spanish forms or similar equivalent forms in other languages:

Compañía; Cía.; Comp.
Compañía Anónima; C. A.; Comp. Anón.
Sociedad; Soc.
Sociedad Anónima; S. A.; Soc. Anón.

(3) The indication of an address for a name on the list is not intended to exclude other addresses of the same firm or individual. A listed name refers to all branches of the business in the country.

PART I—LISTINGS IN AMERICAN REPUBLICS

ADDITIONS

Argentina

Abate, Ricardo; Avenida Presidente Roque Sáenz Peña 501, Buenos Aires.
Bonnetti, Andres; Pringles 1327, Buenos Aires.
Caille, Jorge; Sarmiento 1401, Buenos Aires.
Camacho, Cristóbal; Avenida de Mayo 869, Buenos Aires.
Capano, Julio; Méjico 628, Buenos Aires.
de Azevedo, Horacio V.; Rivadavia 1757, Buenos Aires.
Edén La Falda S. A.; La Falda, F. C. C. N. A., Córdoba.
"El Crisantemo"; Cerrito 1168, Buenos Aires.
Fábrica Argentina de Cierres Automáticos "De-Pe"; Marcos Sastre 3021, Buenos Aires.
Fanal, S. de R. L.; Perú 139, Buenos Aires.
Farmacia Murray Florida; Florida 501, Buenos Aires.
Fischer, Carlos M.; La Rural 158, Buenos Aires.
Fukushima, Iwao; Cerrito 1168, Buenos Aires.
Gassauer, Emilio; Melián 2050 (Casilla 1676), Buenos Aires.
Gebauer, Frederick Henry; Lavalle 442, Buenos Aires.
Giacompol, José; Cangallo 1570, Buenos Aires.
González y Cía; Florida 501, Buenos Aires.
Gran Edén Hotel; La Falda, F. C. C. N. A., Córdoba.
Grote, Arturo; San Martín 361, Paraná, Entre Ríos.
Kirschner, Erico; Bartolomé Mitre 852, Buenos Aires.
Krapf, José; Libertad 565, Buenos Aires.
Krapf, Otto; Libertad 565, Buenos Aires.
Krapf y Cía; Libertad 565, Buenos Aires.
"La Maison Satuma"; Juncal 776, Buenos Aires.
Lacasia, José Pablo; Cangallo 1570, Buenos Aires.
Librería "La Cultura"; San Martin 361, Paraná, Entre Ríos.
Liebl, José; Marcos Sastre 3021, Buenos Aires.
Malagamba, Francisco; Cangallo 315, Buenos Aires.
Palanza, Augusto (Dr.); Cangallo 1570, Buenos Aires.
Pfeifer & Huber; José E. Uriburú 746, Buenos Aires.
Pinturería Leidi; Libertad 565, Buenos Aires.
Prescher, Carlos; Humberto I 1739, Buenos Aires.
Ricordi Americana, Sociedad Anónima Editorial y Comercial; Cangallo 1570, Buenos Aires.
Servicios Aéreos Cóndor Ltda.; Corrientes 330-336, Buenos Aires.
Taacks, Walter; 25 de Mayo 140 (Casilla 1326), Buenos Aires.
Tonetti, Andrés; City Hotel, Buenos Aires.
Valcarenghi, Guido; Cangallo 1570, Buenos Aires.

[1] 7 F.R. 855, 1618.

Bolivia

"El Fénix"; La Paz.
Radio Electra;
Yahihara, Y.; Oruro.

Brazil

Centro de Mel; Porto Alegre.
Schmarje William; Hotel Russell, Praia do Russell 64, Rio de Janeiro.
Schwalbe, Franz; Rua General Bruce 40, Rio de Janeiro.

Chile

Akita Araki, Yosokichi; Aldunate 1130, Coquimbo.
Almacén de Pinturas "La Paloma"; Avenida B. O'Higgins 1162 (Casilla 3003), Santiago.
Alvarez, Adolfo; Estado 378, Santiago.
Andresen Koch, Hans; Ahumada 54, Santiago.
Adrensen T., Hans; Agustinas 1139, Santiago.
Bezanilla López, Humberto; Andes 3141 (Casilla 3014), Santiago.
Botica Unión; Condell 1205, Valparaiso.
Botica Victoria; Victoria 2698, Valparaiso.
Brautigan Luhr, Alberto; Aysen.
Brüchert y Cía.; Condell 1205, Valparaiso.
Burgemeister y Prey, Ltda.; Picarte 321 (Casilla 69-D), Valdivia.
Casa Ehni; Estado 378, Santiago.
Cervecería Stange y Cía., Ltda.; Puerto Montt.
Chiappe, Juan; Casilla 66, Iquique.
de Flores, Francisco P.; Prat 871 (Casilla 1425), Valparaiso.
Denecke y Cía.; Avenida Argentina 411 (Casilla 79), Concepción.
Ehni y Cía., G.; Estado 378, Santiago.
Fábrica de Tejidos Tres Coronas Avenida Argentina 411 (Casilla 79), Concepción.
Fantussi e Hijos, Angel; Avenida Salvador 774, Santiago.
Fantussi P., Angel; Avenida Salvador 774, Santiago.
Farmacia Germania; Ahumada 1[illegible], Santiago.
Fennekohl, Frans; Napoleón 486 y Bandera 191, Santiago.
Glemsa Steel, Federico; Prat 749, Valparaiso.
Glemsa y Cía.; 8 Norte 1137, Viña del Mar.
Goldmann, Janssen; Blanco 1121 y Plaza A. Pinto 1179 (Casilla 1566), Valparaiso.
Goldmann Schaub, Erich A.; Avenida Brasil 1727 (Casilla 1378), Valparaiso; and Huérfanos 986 (Casilla 456), Santiago.
Goldmann Schaub, Kurt; Blanco 1121 y Plaza A. Pinto 1179 (Casilla 1566), Valparaiso.
Hall Victor; Ahumada 54, Santiago.
Hattori Itinose, Motoso; Avenida Vicuña Mackenna 4, Santiago.
Helle, Augusto; Picarte 486 (Casilla 661), Valdivia.
Irasabal, Perpetuo; Anibal Pinto 5[illegible], Concepción.
Janssen Denneberg, Werner; Blanco 1121 y Plaza A. Pinto 1179 (Casilla 1566), Valparaiso.
Kanamori Kanamori, Koishe; Blanco 1041, Valparaiso.
Kito Kito, Nikki; Santo Domingo 1079, Santiago.
Kohler Flohr, Erwin; Antonio Varas 325, Santiago.
Lodtmann K., Hans; Nueva York 52 y Villaseca 363, Santiago.
Mamiya Fuhara, Yei; Bulnés 80, Santiago.
Matsumoto Itoh, Kanji; Avenida Argentina 388, Valparaiso.
Matsumoto Matsumoto, Jiro; Agustinas 972, Santiago.
Nakayama Nakayama, Kaname; Ramón Nieto 920, Santiago.
Nanyo, Fotografía K.; Catedral 1111, Santiago.
Nanyo, K.; Catedral 1111, Santiago.
Nippon Trade Agency; Agustinas 972, Santiago.
Nishimura, T.; Huérfanos 1333, Santiago.
Noria del Campo Hnos.; Avenida Pedro Montt, Valparaiso.
Notoy, Torao; Esquina 21 de Mayo y Baquedaño, Arica.
Oetzmann, Friedrich; Bandera 75, Santiago.
Pérez Gazitua, Jorge; Bandera 71, Santiago.
Química Bayer, Cía. Ltda.; Santiago.
Recchia, Bruno; Ahumada 199, Santiago.
Reinera, H. B.; Prat 773 (Casilla 874), Valparaiso.
Rensinghoff Hohdahl, Guillermo; Puerto Montt.
Richter, Alfredo; Calera.
Roeschmann, Bruno; Arturo Prat 782, Temuco.
Roeschmann, Carlos; Arturo Prat 782, Temuco.
Roeschmann, Jorge; Roble 735, Chillán; and Calle 5 Oriente 1½ Norte, Talca.
Roeschmann, Walter; Arturo Prat 782, Temuco.
Roeschmann Hermanos y Cía.; Arturo Prat 782, Temuco.
Roeschmann y Cía., Jorge; Roble 735, Chillán; and Calle 5 Oriente 1½ Norte, Talca.
Rometsch, Emilio; Ahumada 302, Santiago.
Sahr Christie, Otto; Casilla 26, Puerto Aysen.
Sambaber, Heinzut; California 2361, Santiago.
Sambaber y Cía.; Bascuñán 178, Santiago; and Avenida Latorre 20, Calera.
Schutze, Fritz; Bandera 22 y M. A. Maira 1265, Santiago.
Seguros "La Previsora", Cía. de; Almirante Gómez C. 150, Valparaiso; Huérfanos 1055, Santiago; and all branches in Chile.
Senda Senda, Toyohe; Barros Arana 299, Quilpué.
Shinya Shinya, Kichimatsu; Agustinas 972, Santiago.
Solimano, Chiappe y Cía.; Casilla 66, Iquique.
Stange Ditzel, Heriberto; Puerto Montt.
Stange Ditzel, Osvaldo; Puerto Montt.
Takada, Izuka; Hotel Carrera, Santiago.
Takasaki Higo, Tadao; Avenida B. O'Higgins 2370, Santiago.
Timmermann, Bernardo; Monjitas 831, Santiago.
Timmermann y Cía., B.; Monjitas 831, Santiago; and Barros Arana 171, Concepción.
Valck, Carlos; Coronel.
Von Wnuck, Emilio; Amanategui 286, Santiago.
Watanabe Watanabe, Hideto; Avenida B. O'Higgins, 2740, Santiago.
Wilhelm Berner, Jorge; Puerto Montt.
Wistuba, José Luis; Puerto Montt.

Colombia

Aserradero Cabica; Soledad.
Caiafa, Miguel; Barranquilla.
Cardinali, Vicente; Barranquilla.
Centro Internacional de Información Comercial; Apartado Nacional 307, Bogotá.
"CIDIC" Centro Internacional de Información Comercial; Apartado Nacional 307, Bogotá.
Colombiana Manufacturera Ltda., Soc.; Calle 24 No. 5–31, Bogotá.
Cohsonni, Egidio; Apartado 307, Cali.
Construcciones e Inversiones, Ltda.; Cartagena.
"COTENAL" Compañía de Tejidos Nacionales, S. A.; Carrera 7a No. 39–76, Bogotá.
Drago, Emilio; Apartado Nacional 762 y Apartado Aéreo 3889, Bogotá.
Fábrica "Consomni's Hats"; Apartado 307, Cali.
Ferretería Industrial; Bogotá.
Fluehr, Walter; Medellín and Frontino.
Francke, Heinrich; Apartado 852, Barranquilla.
Friedrichs, Kurt; Manizales.
Haderer, Luis; Calle 14 No. 6–85, Bogotá.
Hotel Pacífico; Carrera 4 No. 13–101, Cali.
Hungenbach, Francisco; Medellín.
Iannini y Cía; Calle 13 No. 7–20, Bogotá.
Iannini Buraglia, Genaro; Calle 13 No. 7–20, Bogotá.
Jansky, Siegfried Fred; Medellín.
Liemann, Rudolf; Ríohacha.
Niewerth, Walter; Cali.
Otto, Hans (Juan); Carrera 4 No. 13–101, Cali.
Otto, Werner; Carrera 4 No. 13–101, Cali.
Pugliese, Donato; Ríohacha, Departamento de Magdalena.
Reinberg, Alfred; Cartagena.
Restaurante Bavaria; Calle Palace y Avenida Primero de Mayo, Medellín.
Ringwelski, Arturo; Frontino and Medellín.
Schwanhauser, Fred; Apartado Nacional 307, Bogotá.
Schwarzbach, Federico; Medellín and Santa Helena.
Sperling, George (Jorge).
Sperling Ltda., Ed. Victor; Cartagena.
Tejidos Nacionales S. A., Cía. de; Carrera 7a No. 39–76, Bogotá.
Tipografía Mercurio; Calle 14 No. 6–85, Bogotá.
Weitlich, Gustave; Calle Maracaibo, Medellín.

Costa Rica

Costarricense de Tejidos S. A., Cía.; Apartado 1467, San José.
Marzal, P. C.; Apartado 1326, San José.
Niehaus, Walter; San José.
Scholz, E.; Port Limón.
Scholz, Erich; Port Limón.
Scholz, Werner; San José.

Cuba

Aldrey García, C.; Avenida de la Paz 17, Reparto Kohly, Marianao, Habana.
Alvarez Rodríguez, José; Los Macao esquina a Narciso López, Guantánamo.
Buffa Rosbock, Federico (Dr.); Baños 409, Vedado, Habana.
Cine Cinecito; Habana.
Cinematográfica Corporation San Rafael, S.A.; Habana.
Koch, Adolfo; Apartado 2114, Habana.
"La Euterápica"; Baños 409, Vedado, Habana.
Wehle, Adolfo; Avenida de Bélgica 568, Habana.

Dominican Republic

Ron Suárez, Eduardo; Ciudad Trujillo.
Rua García, Antonio; Ciudad Trujillo.

Ecuador

Acunzo, Francisco; Guayaquil.
Almacén "La Fortuna"; Guayaquil.
Altgelt, Gerhard; Quito.
Andretta, Romolo; Quito.
Anselmi, Anselmo; Guayaquil.
Babinsky, Walter; Ambato.
Baldus, Otto; Calscalí.
Bar "Piedra"; Tulcán.
Beate, Bio; Quito.
Beckmann, G.; Quito.
Beltrani, Agostini; Guayaquil.
Berge, Wolf; Ríobamba.
Bergholz, Klaus.—P. Icaza 507, Guayaquil.
Besecke, Herbert; Pedro Moncayo 718, Guayaquil.
Bloenken, Heinrich; Bolívar 725, Guayaquil,
Boche, Ernst K. Henry; Guayaquil.
Boettger, Waldemar; Ibarra and Otavalo.
Bolte, Hugo; Rumichaca 520, Guayaquil.
Bossareck, Anton;
Brauer, Alfredo; Quito.
Brauer, Leopoldo M. (Jr); Quito.
Brill, Alfred; Quito.
Brill, Charles; Quito.
Brill, Max; Quito.
Bruckmann, Ludwig E.; Calle Carrión, Guayaquil.
Bruckmann, Luis Edward; Vivero 501, Guayaquil.
Bruzzone, Dominico; Quito.
Carmignani, Cesare; Guayaquil.
Carstanjen, Otto Heinrich; Avenidas 18 de Setiembre y Colón, Quito.
Chanange, Gustavo L.; Casilla 103, Guayaquil.
Cibelli, Gaetano; Hacienda San Pablo, Naranjal.
Cuhne, Alfredo; Maldonado.
Darr, Erwin; Guayaquil.
De Agostini, Carlo; Roca y 9 de Octubre, Quito.
Deckert, Hans;
Degetau, Pablo.
Detken, Herman; Quito.
Diebler, Hans.
Diener, Walter; 12 de Octubre, Quito.
Diesemreiter, María; Quito.
Dingendroff, Hans; Mourgeón 12, Quito.
Dirani, Franco; Esmeraldas y Venezuela, Quito.
Dorn, Helmut; Guayaquil.
Ehmig, Anton; Quito.
Einicke Spring, Heriberto P; Guayaquil.
"El Nido;" Ambato.
Ell, George; República 3, Quito.
Erdelen, Rudolf; P. Icaza, Guayaquil.
Fukumoto, Makoto; Ríobamba.
Funke, Richard (Walter); Guayaquil.
Gertlich, Conrad Otto; Quito.
Giese, Erna; Quito.
Giesel, Enrique; Baños.
Giesel, Luis Enrique; Ambato.
Grob, Ernest; Ambato.
Grosse, Kurt; Guayaquil.
Grunner, Justis; Guayaquil.
Hahlbaum, Hans; Chimborazo 408, Quito.
Haller, Paul; Avenida Olmedo y Eloy Alfaro, Guayaquil.
Haller, Paul (Mrs.)—Avenida Olmedo y Eloy Alfaro, Guayaquil.
Hartsch, Carlos; Colegio Alemán, Quito.
Haus, H. A.
Heed, Ernst; Guayaquil.
Heintze, Señora de; Colegio Alemán, Quito.
Herzogg, Hans Dietrich; Quito.
Hille, Otto (Dr.); Ambato.
Hirasawa, Shigetane; Ríobamba.
Hirtz, Carlos; Pasaje Royal, Quito.
Hoellidorfer, Kurt; Panamá y Junín, Guayaquil.
Huttner, Johann Karl.
Inoue, Zyuichi; Ríobamba.
Isemberg, Irmade; Ambato.
Janssen, Ludwig.
Jungnickel, Paula; Avenida Colón 458, Quito.
Juris, Carlos; Mercado Central o Mourgeón 24, Quito.
Kakabadze, Ivan
Kiederle, Frederico.
Kiederle, George; Mera.
Klein, Arturo; Quito.
Kolb, Herman.
Konitzer, Willy.
Kudajewsky, Paul.
Kunze, Albert Julius Robert.
Lafontaine, Dan Hans.
Langpap, Walter Paul; Batán Road, Quito.
Levinsohn, Max
Lindner, Erich; Quito.
Linz, Alfredo; Quito.
Linz, Juan; Quito.
Lisken, Gunter Otto; Pedro Moncayo 910, Guayaquil.
Loeschner, Heinrich; Pasaje Royal, Quito.
Lorenzen, Walter; Miraflores Road, Ambato.
Luciano, Stefano; Pasaje Royal y Venezuela, Quito.
Makisima, Masao; Ríobamba.
Marotzke, Hans; Calicuchima 319, Guayaquil.
Mateju, Eugenia; Mejía 27, Quito.
Mauer, Oscar Max.
Melli, Ettori; Guayaquil.
Meyer, Franz; Guayaquil.
Meyer, Willy; Guayaquil.
Moebius, Gunther Rudolf; Colegio Alemán, Quito.
Muller, Alexander; Quito.
Muller, Olek; Quito.
Naritoma, Michio; Ríobamba.
Nickel, Gurte August Hans Ernst; Esmeraldas.
Nickelson, Alberto; Machachi.
Nielsen, Alfredo.
Paffrath, George; Carrión 7 y 9 de Octubre, Quito.
Pankratz, Will; Guayaquil.
Panse, Eduardo; Guayaquil.
Panzer, Ferdinand.
Partmuss, Frederico Pablo; Quito.
Penke, Anton.
Penke, Werner.
Pensión Sibarita; Quito.
Pensión Suiza-Alemana; Baños.
Peters, Fritz; Guayaquil.
Piano, Elio; Manabí 24, Quito.
Piepetz, Maxilillian Franz C.; Carrión 26, Quito.
Razzini, Enrico; Quito.
Reimers, Hans Ferdinand Eduard; Guayaquil.
Ridder, Augusto Ernesto; Núñez de Vela, Quito.
Ridder, Heddy; Quito.
Roehl, Paul.; Avenida 12 de Octubre, Quito.
Roesler, Fritz; Quito.
Rothenbacker, Kaspar; Avenida 18 de Setiembre y Tarqui, Quito.
Rueff, Geftrudis de.
Rueff, Max.
Ruffilli, Aldo; Guayaquil.
Ruperti, Arturo; Calle Garaicoa, Guayaquil.
Saklowsky, Wilhelm; Colegio Alemán, Quito.
Saklowsky, Wilhelm (Mrs.); Quito.
Salón "La Cita"; 9 de Octubre, Guayaquil.
Salón "Victoria"; Quito.
Salvestroni, Pietro; Calle Roca, Quito.
Sawatari, Mititaka; Ríobamba.
Schiersand, Carlos; Ambato.
Schiller, Friedrich; Guayaquil.
Schilling, J. E; Baños.
Schlundt, Friedrich; Ambato.
Schmidt, Hagius; Guayaquil.
Schmidt, Hermann Willi.
Schneider, Gustavo; Quito.
Schneider, Lillian (Mrs.); Guayaquil.
Schulte, Eugen; Quito.
Schwalbe, Enrique; Quito.
Schwalbe, Katarina; Quito.
Schwalbe, Reinaldo; Quito.
Schwark, Carl Max; Calle Galicia, Quito.
Schwarmann, Heinrich; Guayaquil.
Scotoni, Edwin; Quito.
Scotoni, Eugen; Quito.
Scotoni, Hilda María; Quito.
Shoemaker, Peter; Guayaquil.
Slaviero, Aldo; Calle Gonzalo Pizarro, Quito.
Slaviero, Mario; Calle Gonzalo Pizarro, Quito.
Somenholzeners, Georg; Guayaquil.
Stamer, Emilio; Guayaquil.
Steher, Minna; Guayaquil.
Stuls, Anton.

Takahashi, Hiroji; Riobamba.
Tettke, Edgar; Hurtado y Tungurahua 1000, Guayaquil.
Thom, Kurt.
Tobar, Luis A.; Casilla 1076, Guayaquil.
Uchida, Kanji; Riobamba.
Von Baumbach, Horst Dietrich; Quito.
Von Hartrodt, Martha viuda de; Quito.
Walker, Werner; Guayaquil.
Walle, Gerhard; Noguchi 746, Guayaquil.
Weber, Ludwig; Riobamba.
Weinelt, Emilio; Quito.
Wiesner, Señora de; Colegio Alemán, Quito.
Winkler, Hans; Colegio Alemán, Quito.
Wosadtka, Juan; Quito.
Wosadtka, María; Legación Alemana, Quito.
Yanaguida, Bunji; Riobamba.
Yannuzzelli, Donato; Esmeraldas.
Zeller, Alfredo; Quito.
Zimmerman, Otto; Quito.
Zweigert, Heinz; Quito.

El Salvador

Bruch, Carlos H.; Santa Ana.
Droguería "Astra"; San Salvador.
Freese, Carlos; Chinameca.
Michiels, Augusto; San Salvador.
Panadería Alemana "La Corona"; San Salvador.
Tanabe, Benjamín; La Ceiba.

Guatemala

Beyer, Pablo; Ingenio "Palo Gordo" San Antonio Suchitepequez, Suchitepequez.
Brandenburg, Juan; Quezaltenango.
Finca "El Pino"; San José Pinula, Guatemala.
Finca "Pavón"; Santa Catarina Pinula, Guatemala.
Finca "Sacoyou"; Cobán, Alta Verapaz.
Finca "Venecia" (owned by Rodolfo Reiffen); Villa Canales.
Graf, Máximo; 10a Calle Oriente y 7a Avenida Sur, Guatemala, Guatemala.
Graf Weichert, Enrique; Tumbador, San Marcos.
Hegel, Carlos (Jr.); Guatemala, Guatemala.
Hegel, E. Enrique; Guatemala, Guatemala.
Jordens, Friederich; Guatemala, Guatemala.
Kaltwasser, Herman; Guatemala, Guatemala.
Koegler, Enrique; Guatemala, Guatemala.
Lottmann, Guillermo; 8a Avenida Sur 23, Guatemala, Guatemala.
Mann, Jorge; Antigua.
Noltenius, Wilhelm; 8a Avenida Sur y 8a Calle Oriente, Guatemala, Guatemala.
Nottebohm, Kurt; 6a Avenida 5, Guatemala, Guatemala.
Petersdorf Mahler, Federico; Tumbador, San Marcos.
"Pro-Salud"; 12a Calle Poniente 1-D, Guatemala, Guatemala.
Scholz, Juan; Finca "Morelia-Santa Sofía", Yepocapa, Chimaltenango.
Steckmeister, Hans Detlef; Finca "San Luis", Malacatán, San Marcos.
Stellreiter, José; 10a Calle Oriente y 7a Avenida Sur, Guatemala, Guatemala.
Stümpel, Hertha; c/o Central American Plantations Corporation, 3a Avenida Sur 3, Guatemala, Guatemala.
Thomae, Fernando; Guatemala, Guatemala.

Honduras

Januschek, Federico; San Pedro Sula.
Rauscher, Hugo; Tegucigalpa.

Mexico

Agencia Comercial de Puebla, S. A.; Esquina 3a Poniente y 23 Sur, Puebla.
Ahns, Gottfried; Paseo de la Reforma 36, México, D. F.
Asseburg y Compañía; Tapachula.
Baring, Curt; Apartado 991, México, D. F.
Boesch y Cía., G.; Orizaba.
Boletín Noticioso Semanal; Balderas 72 y 78, México, D. F.
Botica "La Palma", S. A.; Avenida Hidalgo 1518 Poniente, Torreón.
Botica La Profesa; Saltillo.
Casa Alemana; Calle Quebrada, Acapulco.
Casa Henkel; Tapachula.
Central Radio Musical; Gante 7, México, D. F.
Cernicchiaro, Blas; Puebla.
Chavez, Salomon; 5 de Febrero 144, México, D. F.
Club Aleman; Tapachula.
Culin y Cía.; Salina Cruz.
Deeke, Nicolás; Jesús Carranza 127, México, D. F.
De la Parra, Jorge O.; Uruguay 10, Despacho 9, México, D. F.
Diederichsen, Walter; Isabel la Católica 78, México, D. F.
Diener Hermanos Sucrs; Avenida Madero 38, México, D. F.
Dohrman, Herman; Minatitlan.
Dygula, Martín; Guadalajara.
Edelman, H.; Huixtla.
Ehni Strauss, George; Avenida Madero 37, México, D.F.
Elizondo, Eleutrio; Sabinas.
Empacadora Meenan, S. A., Cía.; Jesús Carranza 127, México, D.F.
Farmacéutica Nacional, S. A.; Uruguay 45, México, D.F.
Farmacia Lux; Calle V y Avenida Dos, Agua Prieta.
Farmacia Mexicana, S. de R. L.; Esquina Insurgentes y Coahuila, México, D.F.
Farmacia Salvador; Avenida Hidalgo 1320 Poniente, Torreón.
Finca "Argobia"; Chicharras.
Finca "Chinense"; Chicharras.
Finca "El Ritiro"; Chicharras.
Finca "Germania"; Huixtla.
Finca "Hannover"; Huixtla.
Finca "La Granja"; Pueblo Nuevo.
Finca "La Libertad"; Chicharras.
Finca "La Paz"; Pueblo Nuevo.
Finca "Laguna"; Chicharras.
Finca "Prusia"; Huixtla.
Finca "San Cristóbal"; Huixtla.
Finca "San José"; Chicharras.
Finca "San Nicolás"; Chicharras.
Finca "San Vicente"; Cacahuatan.
Finca "Violetas"; Chicharras.
Fundidora de Minerales Dos Banderas, Cía.; Mesones 44, México, D.F.
Gagstatter, Herman; Salina Cruz.
Gómez, Miguel; Apartado 2882, Avenida Uruguay 54, México, D.F.
González, Ignacio G.; Avenida Juárez 76, México, D.F.
Grossman Escalante, Heriberto; Ignacio Zuazua 10, México, D.F.
Guasco, Javier; Apartado 1253, México, D.F.
Hagmeier, Carlos; Calle 13 No. 201, Colonia García Ginerés (Apartado 399) Merida.
Hammer y Cía.; Tapachula.
Harinera La Italiana, S. A.; Puebla.
Hernández, Julián; Apartado No. 318, México, D.F.
Hesselmann y Cía., S. de R. L.; Uruguay 25 (Apartado 567), México, D.F.
Hintze & Wenzel, S. de R. L.; Tapachula.
Hintze y Cía.; Tapachula.
Hofmann y Cía.; Pueblo Nuevo.
Holste, Alejandro; Pueblo 258 (Apartado 438), México, D.F.
Hornik, Ignacio (Dr.); Isabel la Católica 40, México, D.F.
Hotel Isabel; Isabel la Católica 78, México, D.F.
Hotzen Hermanos; Tapachula.
Humboldt, Alexandro; Edificio Banco de México, México, D.F.
Imprenta Fobreazul; J. Mizazaga (San Miguel) 29, México, D.F.
Kahle, Guillermo; Tapachula.
Kahle, Walter; Huixtla.
Kasbech, Oscar; Tapachula.
Kido, José; Puebla 74, México, D.F.
Klein, Guillermo; Argovia.
Konigs Decker, Mathías; Edificio Moderno, Calle 4a, Agua Prieta.
Kramer, Juan; Tuxtla Gutiérrez.
Krumbholz, F. (Dr.); Apartado 2008, México, D.F.
"La Campana"; Pasteur 303 Norte, Durango.
"La Estrella"; Juárez 403 Sur, Durango.
La Perla; Avenida Madero 38, México, D. F.
La Violeta, S. A.; Avenida Madero 37, México, D. F.
Macheleidt, Francisco E.; Coatzacoalcos.
Maier, Walter Robert; Pirineos 540, México, D. F.
Marentes, Severo H.; Versailles No. 43, México, D. F.
Mayer, Werner; Tapachula.
Medicinas y Drogas S. A.; Avenida Hidalgo 1320 Poniente, Torreón.
Mercantil Impex de México, S. de R. L.; Palma 335, México, D. F.
Mercería Nueva S. de R. L.; Apartado 232, Guadalajara, Jalisco.
México Alemana, Sociedad; Edificio Banco de México, México, D.F.
Mitre, Héctor H.; Palma Norte 330-E, México, D. F.
Mohr & Schimpf; Mapastepeo.
Negociación Papelera Mercurio, S. A.; Alamo 140 (Apartado 574), México, D. F.
Nisch, Antonio; Huixtla.
Nisch y Cía.; Huixtla.
Papelería Lada; Apartado 9981, México, D. F.
Pertack, Imprenta R.; Regina 85, México, D. F.
Petersen, Carlos (Dr.); 2 Oriente 15, Puebla.
Pigelheim, Heda; Chicharras.
Pipper, Josef R.; Avenida Cap, Carranza 412 Poniente, Tampico.

Pohlenz y Cía.; Tapachula.
Quinta "Crisantema Japonesa"; Piño Suárez 457 Norte, Monterrey.
Quinta Cuitláhuac; Cuitláhuac 16 Norte, Saltillo.
Radio Popular; Palma Norte 330-E, México, D. F.
Rebora y Cía.; Tapachula.
Reinecke, Pablo; Argovia.
Reyes Núñez, Armando; Hermosillo 19, México, D. F.
Richter y Cía.; Mesones 29, México, D. F.
Rodríguez, Luz H.; Calle 23 Sur 302, Puebla.
Salano, Felipe; J. Mizazaga (San Miguel) 29, México, D. F.
Scharff, Felix; Calle Quebrada, Acapulco.
Schroeder, Federico; Juárez 403 Sur, Durango.
Schuchard, Otto; Tapachula.
Schultz, Guillermo; Huixtla.
Seippel e Hijo, Carlos; Tuxtla Gutiérrez.
Southern Cross.
Stubbe, George; Sierra Madre 265, Chapultepec Heights, México, D. F.
Theiss, Fritz; Colegio Alemán, Puebla.
Trampe, Carlos; Tapachula.
Trampe, Felipe; Tapachula.
Trampe y Cía.; Pueblo Nuevo.
Trotter, Edmund; México, D. F.
Tsuji, Aya; Morelos 346 Oriente, Monterrey.
Von Anderten, Bernardo; Tapachula.
Von Bertrab, Othon; Pasteur 303 Norte, Durango.
Von Tuerckheim, O. G.; Tapachula.
Wega, S. A.; México, D. F.
Wenzel, Arthur; Avenida Alvarado Obregón 178, México, D. F.
Widmaier Hermanos (en liquidación); Huixtla.
Zertuche, Juan (Jr.); Saltillo.

Paraguay

Cramer, Curt; Presidente Franco 151, Asunción.
Gran Hotel del Paraguay; Mazzini y Domingo F. Sarmiento, Asunción.
Hotel del Lago; San Bernadino.
Lange, Walter; Presidente Eligio Ayala 200, Asunción.
Lange y Aguilar; Presidente Eligio Ayala 200, Asunción.
Tintorería Tokio; Colón y Gral. Díaz, Asunción.
Ueda, Teruichi; Colón y Gral. Díaz, Asunción.
Vollrath, Guillermo; 4a Nueva 42, Asunción.
Weiler e Hijos; Mazzini y Domingo F. Sarmiento, Asunción.
Zanotti, Cavazzoni, Billi y Cía.; Presidente Franco 420, Asunción.

Peru

Aba, Sangoro; Cuzco 787, Lima.
Abe y Hnos; Hoyos 889, Lima.
Abiko, Y.; Lima 443, Miraflores, Lima.
Abratani Y.; Palacio 204, Lima.
Agencia Marítima Kosmos; Daniel Nieto 155 (Casilla 32), Callao.
Aguino, Yoshiter; General Garzón 840, Jesús María, Lima.
Akarei, Shinki; Lima.
Alalu, Nissim; Judios 246, Miraflores, Lima.
Albrecht, Heinz; Arequipa and Cuzco.
Alemana de Vapores Hapag Kosmos, Cía.; Lima, and all branches in Peru.
Alisch, Berkeld; José Gonzales 671, Miraflores, Lima.
Allemant; Santiago, Lima.
Amano, Yoshitaro; Apartado 1310, Lima.
Amemiya, Entoshi; Lima.
Ameniya, Siguenobu; Lima.
Amino, T.; Puno 1009, Lima.
Antigua Casa Holtig; Carabaya 559, Lima.
Antigua Vidriería Santa Apolonia S. A.; Lampa 337, Lima.
Arashiro, S.; Sáenz Peña 512, Callao.
Arens, Ernesto; Piura.
Arens, José; Piura.
Azuma, Rei.
Bank, Friedrich (Dr.); José Gonzales 539, Miraflores, Lima.
Bauer, Fritz.
Becerra, Otilia; Carabaya 1005, Lima.
Beck, Konrad; Lima.
Blume y Heiler; Huancavelica 246, Lima.
Bolívar S. A., Cía.; Inquisición 525, Lima.
Bruning, Kurt; Lima.
Brunke, Walter; Avenida Grau 412, Miraflores, Lima.
Burga Canales, R.; Camaná 574, Lima.
Burger, Hans; Arequipa.
Burghardt, Alois; Plateros de San Agustín 140, Lima.
Burghardt, Hans; Pilete de La Merced 130 y Santa Cruz 773, Lima.
Camara de Comercio Alemán; Hotel Bolívar 610, Lima.
Castillo, Jorge; Mercaderes 498, Lima.
Central Japonesa del Perú, Soc.; Abancay 570, Lima.
Comercial Santa Rosa S. A., Cía.; Edificio Chiarella (oficina 24), Plaza San Martín 186, Lima.
Cooperativa Colonizadora del Perú, Soc.; Colinda de la Hacienda San Juan de Perene, Punitas, San Luis, Chanchamayo.
Cuadros, Neptali; Arequipa.
de Azevedo, Horacio V.
Detgen, Paul; Arequipa.
Detgen, Walter; Cuzco.
Diers, Wilhelm; Lima.
Dohme, Alfred; Lima.
Dohme, Walter; Lima.
Doy, Yoshiro; Avenida Grau 485, Barranco, Lima.
Einfeldt, Hans; La Paz 608, Miraflores, Lima.
Emmel, Federico; Arequipa.
Emmel, Walter; Arequipa and Cuzco.
Endo, Kiyoshi; Huallaga 677, Lima.
Endo, S.; Hacienda Cartavio.
Endo, Toshio; Lima.
Erlenbusch, Heinrich; Tripoli 263, Miraflores, Lima.
Fabrica de Anteojos; Hoyos (Paruro) 870, Lima.
Fábrica de Jabón; Avenida Unión 214, Lima.
Fábrica de Vidrios La Perricholi S. A.; Juan Castilla 186, Lima.
Fábrica Nacional de Sombreros La Unión; Caqueta 322, Lima.
Fetzer, Emilio; Lima.
Fleischer, Herbert; Porta 419, Miraflores, Lima.
Fleischmann, Joeno; Callao 152, Lima.
Fleischmann Mayo y Cía.; Pasaje Olaya 162, Lima.
Fujii, H.; Pasco 781, Lima.
Fujii, S.; Pasco 781, Lima.
Fujiy, K.; Unión 518, Trujillo.
Fullimoto, Juan; Imperial de Cañete.
Furuya, Luis Y.; Mercaderes 136, Arequipa.
Furuya Tarabe, Miguel; Mercaderes 136, Arequipa.
Furuya y Cía., S. A., N. K.; Mercaderes 136, Arequipa.
Fuyita, U.; San Luis de Cañete.
Ganter, J. Gerson; Zela 155, San Isidro, Lima.
Gerdt, Heinz; Arequipa.
Giurato, Toto (Dr.); Puno 297, Lima.
Gondo, Yoshi; Imperial de Cañete.
Goto, T.; Junín y Grau, Trujillo.
Gottschalk, Heinrich; Francia 687, Miraflores, Lima.
Grosse, Erich; Lima.
Grosspietsch, Wolf; Pasaje Sucre 151, Miraflores, Lima.
Gubbins, Reynaldo; Lima.
Gunther, Adolf; Arequipa.
Haedke, Curt; Coronel Odriozola 125, San Isidro, Lima.
Hamburg Amerika Linie; Lima, and all branches in Peru.
Hapag Kosmos; Lima, and all branches in Peru.
Harada, Sioyi; Mercado Central, Lima.
Hardt, Engelbert; Lima.
Hasegawa, Y.; Jirón Trujillo 363, Lima.
Hashima, F.; Mercado Central, nos. 43 y 57, Lima.
Hatada, S.; Gamarra 423, Trujillo.
Hayashi, H.; Cuzco 787, Lima.
Hayashi, Kishiro; Cuzco 787, Lima.
Hayashi, Seichi; Cuzco 787, Lima.
Hidaka, S.; Trujillo.
Higa, Reisuke; Lima.
Hirata, T.; Ayacucho 510, Trujillo.
Holle, Walter; Lima.
Hotel Comercio; Trujillo.
Hotel International; Trujillo.
Hutmacher, Wilhelm F.; Schell 634, Miraflores, Lima.
Inamine y Hno.; Junín 460, Lima.
Isenbeck, Hans; Avenida Arequipa 385, Miraflores, Lima.
Ishibashi, Kinzo; Callao 540, Lima.
Ishizawa, Julio; Lima.
Italia-Società Anonima di Navigazione; Lima.
Jayama, Alberto; San Vicente de Cañete.
Jensen, Hans-Juergen; Lima.
Kadena, Chigin; Colmena 280, Lima.
Kadena, Chiko; Colmena 280, Lima.
Kadena, Chitsu; Colmena 280, Lima.
Kakuda, Sogo; Oroya.
Kamita; Ascope.
Kanashiro, S.; Junín 1800, Lima.
Kanno, Unshiro; Parque Central 349, Miraflores, Lima.
Kato; Cajabamba.
Kawakama, S.; Pasco 781, Lima.
Kihara, Tomás; Conquistadores 317, San Isidro, Lima.
Kishi, Hagime; Lima.
Kitsuta Hermanos; Trinitarias 701, Lima.
Kiyan, José; Cuzco 159, Callao.
Klinge, Fritz H.; Carabaya 301, Lima.
Klinge, Kurt; Lima.
Kohatsu, Nirva; Pasco 500, Lima.

Koisume; Cajabamba.
Krefft, Richard; Lima.
Krisch, Albert Karl; c/o Cía. Aurífera Nasca, Nazca.
Krumdiek, Oscar; Hacienda Huacara, San Ramón-Tarma.
Kudo, M.; Padre Gerónimo 401, Lima.
Kunckel, Erwin; Los Fresnos 237, Orrantia, Lima.
Kuroiwa, Juan; San Luis de Cañete.
La Mercantil Ayacucho; Ayacucho.
Lahrius, Otto F.; Lima.
Lessel, C.; Piura.
Lessel, Karl; Piura and Sullana.
Linder, Konrad; Lima.
Llata, N.; Sullana.
Longo, Quinto M.; Unión 496, Lima.
Longo y Cía., S.A.; Colmena 323, Lima.
Lorenz, Willmar; Alcanfores 1070, Miraflores, Lima.
Maeda & Co., G.; Calle Esperanza 269 y La Paz 306, Miraflores, Lima.
Malaspina, Alberto; Lima.
Masamoto, Eduardo; Sullana.
Masuda, S.; Capón 702, Lima.
Menozzi, Víctor; Junín 329, Lima.
Mercaderías Peruanas S. A.; Inquisición 527, Lima.
Michelsen, Carlos; Lima.
Michelsen, Luise; Lima.
Michelsen y Cía.; S. A.; Lima.
Miguita, Sando; Puerto Supe.
Minera Cinco Cruces, Soc.; Ica.
Mishima, T.; San Vicente de Cañete.
Mishina, Sholchi; Lima.
Miyamoto, Ascope; Near Trujillo.
Mochizuki, Eduardo T.; Washington 402, Lima.
Mochizuki, F.; Urubamba 494, Lima.
Moebius, Luis Herbert; Ica 258, Lima.
Molino Oriental; 20 de Septiembre, Lima.
Morisaki, K.; Arequipa.
Morishigue, M.; Gamarra 621, Trujillo.
Moser, Hans Joachim; Lima.
Munakata, K.; Chincha Alta.
Murakami & Hno., M. T.; Abancay 910, Lima.
Murakami, Kitchitaro; Huallaga 230, Lima.
Nabeta, Alberto; Lima 401, Lima.
Nabeta, Pedro; Lima 401, Lima.
Nabeta, Tomio; Lima 401, Lima.
Nagahata, T.; Huallaga 677, Camaná 244, Unión 110, Caqueta 322, Lima.
Nagatomi, T.; Luzuriaga 832, Lima.
Naito, T.; Brazil 2058, Lima.
Nakahara, S.; Sáenz Peña 842, Callao.
Nakajima, T.; Avenida Buenaventuro Aguirre 399, Lima.
Nakamura, Ch.; Mercado Central, No. 80, Lima.
Nakamura, H.; Mercado 409, Callao.
Nakashima, K.; Mercado 533, Callao.
Nakoyoshi, Choki; José Olaya 181, Chorrillos.
Negociación Comercial Chuquitanta, S. A.; Avenida Progreso 965, Lima.
Nellen, Heinrich; José Gonzales 665, Miraflores, Lima.
Nishizawa, Kimiwo; Oroya.
Noeth, Hans; Ccollacalle, Cusco.
Nonogawa, Pedro; Puerto Supe.
Nonomiya, Genzo; Lima.
Norddeutscher Lloyd; Lima, and all branches in Peru.
Oda, Yoshii; Cusco 724, Lima.
Ohashi, Taro; Miraflores, Lima.
Okinaka, Miguel; Pierola 312, Arequipa.
Oshiro, Eduardo Y.; Mercado 436, Callao.
Oshiro, M.; Mercado 407, Callao.
Osokawa, A.; Pasco 781, Lima.
Ostendorff, C. A.; Piura.
Ostendorff, Walter; Piura.
Ostern, Franz Ludwig; Lima.
Otten, Ernesto; Avenida Arequipa 399, Lima.
Oyakawa Hnos Y.; Avenida Alfonso Ugarte 1374, Lima.
Parva Domus S. A.; Lampa 420 y Calle Tingo María, Lima.
Peru Kyoikukai; Francia 100, Lima.
Quiroz & Ruiz; Abancay 281, Lima.
Raschig, Fritz Paul; Lima.
Riedner, Tobías; Banco Alemán Transatlántico, Lima; and Cantuerías 374, Miraflores, Lima.
Rivera O., Manuel; Arequipa.
Rodríguez, Manuel; Arequipa.
Roedinger, H.; Ica.
Rosell de Cárdenas, Wenceslao; Hotel Bolívar 684 y Carabaya 1005, Lima.
Rosell y Cía; Carabaya 1005, Lima.
Ruiz de Beracoechea, Pablo; Lima.
Ruiz de Somocurcio, Torcuato; Mercaderes 136, Arequipa.
Sachs, William E.; Lima.
Saiki Hnos; Casilla 354, Arequipa; and Mollendo.
Saiki, Masao; Apartado 13, Tacna.
Saito, Isami.
Sakaguchi, Antonio; Cuzco 774, Lima.
Sakamoto, K.; Hoyos 855, Lima.
Sakata, S.; Lima.
Sakay, Toshiichiro; Cuzco 787, Lima.
Sasaki, E.; Gamarra 625, Trujillo.
Sato, Ch.; Barranca.
Sauter, Werner; Junín 442, Lima; and Larco 768, Miraflores, Lima.
Schaller, August; Lima.
Schriever, Hans; Lima.
Schriever, Paul; Lima.
Schroder, Willy; Ica.
Schroeder, C. M.; Avenida Unión 214, Lima.
Seeger, Albrecht; San Martín 583, Miraflores, Lima.
Shima, M.; Viru.
Shinkawa, Agencias Llantas; Abancay 1191, Lima.
Shinke, T.; Ucayali 706, Lima.
Shinzato, Roberto C.; Avenida Sáenz Peña 532, Callao.
Singelmann, Martin S.; Mollendo.
Soken, M.; Mercado 467, Callao.
Spickernagel, Willy (Dr.); Colmena 550, Lima; and Avenida 28 de Julio 639, Miraflores, Lima.
Sprinenmoller, Fritz A.; Avenida Goyeneche 312, Arequipa.
Stammer, Alfredo; Junín 331, Lima; and Manco Capac 648 y Tripoli 345, Miraflores, Lima.
Standke, Guillermo; Lampa 337, Lima.
Stein Abril, Alfonso; Mercaderes 136, Arequipa.
Steindl, Armin; Cusco.
Strassberger, Emil; Iquitos.
Suetomi, K. T.; Lima.
Sueyoshi, K. M.; Avenida Grau 388, Barranco, Lima.
Suguimoto, Ch.; Mercado 416, Callao.
Takano y Hnos., Augusto H.; Jirón Abancay 902, Lima.
Takei, Turaken; Cuzco 724, Lima.
Tanabe, Reikichi; Unión 522, Lima.
Tanaka, S.; Paruro 372 Lima.
Tanaka, Shigetaro; General Garzón 1147, Lima.
Tao, Segundo; Cacas.
Teuber, Heinrich; Lima.
Tomiji, Nishio; Lima.
Toum, Hans; Pasaje Olaya 104, Lima.
Tschischke, Federico; Mercaderes 121, Arequipa.
Ugamoto, K.; Concepción 535, Lima.
Utsunomiya, Augusto A.
Vargas, Ambrosio; Arequipa.
Verein Germania; Ucayali 224, Lima; Bolívar 488, Miraflores, Lima; and all branches in Peru.
Vier, Erich; Ayacucho 410, Lima.
Von Breymann, Eduardo; Atahualpa 448, Miraflores, Lima.
Von Massenbach, G. W.; San Agustín 301, Surquillo, Lima.
Von Oldershausen, Eberhard; José Gonzales 675, Miraflores, Lima.
Von Siemens, Walther.
Wakao, S.; Avenida Manco Capac 317, Lima.
Watanabe, E.; Cascas.
Watanabe y Cía., Kenzo; San Vicente de Cañete.
Westermann, Karl Richard (Dr.); Jorge Chávez 699, Miraflores, Lima; and Ayacucho 113, Depto. 214, Lima.
Woyke, Carlos; Chiclayo.
Wuest, Willy; Lima.
Wust, Hermann; Lima.
Yabiku, M.; Junín 582 y Pasco 568, Lima.
Yagihashi & Okada; Plaza de Armas 117, Huaral.
Yaki, M.; Zárate 489, Lima.
Yamada, N.; Supe.
Yamakawa Hermanos; Moquegua 811, Lima.
Yamasaki Hnos., T. F.; Avenida Manco Capac 141, Lima.
Yasaki, Jorge.
Yonamine, H.; Mercado 420, Callao.
Yonamine, S.; Mercado 406, Callao.
Yonekure, Antonio R.; Imperial de Cañete.
Yoshida, Ishitaro; Elías Aguirre 128–130, Chiclayo.
Yoshida, Juan; San Vicente de Cañete.
Yoshida, Kakuo; Elías Aguirre 128–130, Chiclayo.
Yoshida, Ota & Co.; Jirón Trujillo 401 y 405, Lima.
Yoshida, Yujio; Elías Aguirre 128–130, Chiclayo.
Yoshika, Rikimatu; Sullana.
Yoshioka, Tamakio; Ayacucho 844, Lima.
Ysayama, S.; San Nicolás.
Ysuchida, Y.; Lima.
Yumoto, Tojiro (Sadajiro); Lima.
Zettel, José; Unión 517, Lima; and Lima 475, Miraflores, Lima.
Zuzuki, H.; Ayacucho 539, Trujillo.

Uruguay

Andrés, Tomás Arribas; Larravide 2414, Montevideo.
Arribas Andrés, Tomás; Larravide 2414, Montevideo.
Battaini de Horler, A. Carbone; Laguna Merín 4347, Montevideo.
Butron, Sergio; Camino Maldonado 5278, Montevideo.

Crawford Montés, Leslie; Miñones 460, Montevideo.
De los Santos, Luis M.; P. Vázquez y Vega 1095, Montevideo.
Göller, Alfredo; Cerrito 740, Montevideo.
Hüners, Wilhelm; Del Arbol 1771, Montevideo.
Imprenta Teutonia; Bartolomé Mitre 1413, Montevideo.
Krawehl, Guillermo; 25 de Mayo 477, Montevideo.
Laureiro, Omar H.; Barros Arana 5007, Montevideo.
Lebrato Suárez, Recadero; Cololó 2605, Montevideo.
Martínez, Homero; Montevideo.
Martínez, Rogelio; Joaquín de Salterain 1237 (Apartado 3), Montevideo.
Menge, Kurt; Avenida Tokinson 968, Montevideo.
Paoletti Cayani, Hugo; Palacio Salvo, piso 5, Montevideo.
Schneider, Ernst; Colonia 2277, Montevideo.
Sciutto, Luis A.; Octavio Lapido 1125, Montevideo.
Seidlitz, Walter; Juncal 1380, Montevideo.
Sprengler, Otto; Bartolomé Mitre 1413, Montevideo.
Vanoni, David; Lucas Obes 1275 (Apartado 1), Montevideo.

Venezuela

Agencia Metropolitana; Reducto a Miracielos 21 (Apartado 1981), Caracas.
Almacén Littorio; Monjas a Padre Sierra 6, Caracas.
Blohm, Henrique (Heinz); Caracas.
Blohm & Company; Caracas, and all branches in Venezuela.
Boede, Ernesto; Apartado 553, Caracas.
Borghi, Cía. Anón; Altagracia a Salas 39 (Apartado 1071), Caracas.
Borghi, Reg. Atilio; Altagracia a Salas 39 (Apartado 1071), Caracas.
Calloso, Benito; Caracas.
Carrizales y Cía., Luis R.; Apartado 1093, Caracas.
Eickmann, Paul Hugo; Reducto a Miracielos 21, Caracas.
El Autoradio; Barquisimeto.
Factorias A. B. C.; Valencia.
Feitner, Kurt; Valencia.
Frey, Hans; Puerto Cabello.
Frey, Lother; Puerto Cabello.
Frey y Cía.; Puerto Cabello and Valencia.
Fredel, Wilhelm.
García, Cipriano; Comercio 10 (Apartado 17), Maracaibo.
García Morales, Clemente; Esquina de la Pólvora 71, La Guaira.
Goecke, H. G.
Gorrín, Emilio; Caracas.
Govea, Rómulo; Comercio 37, Maracaibo.
Groschel, Gottfried; Puerto Cabello and Valencia.
Heemson, Enrique; Puerto Cabello and Valencia.
Hegedus y Cía., Imre.; Colón a Dr. Díaz No. 28, Caracas.
La Casa Confort; Coro.
La Casa de las Grandes Marcas; Altagracia a Salas 39 (Apartado 1071), Caracas.
La Casa Fénix; Valencia, Puerto Cabello, and Maracay.
La Moda al Día; Puerto Cabello.
Nieves, M. de; Reducto a Miracielos 21, Caracas.
Optica Alemana; Valencia.
Productos Agrícolos; Pirineo a Brisas 140, Caracas.
Pruchtnow, Werner; Maracaibo and Boconó.
Publicidad Cinematográfica; Veroes a Santa Capilla 1 Altos, Caracas.
Publicidad Unida; Veroes a Santa Capilla 1 Altos, Caracas.
Rappard, Erich; Oeste 10 No. 63 (Apartado 1406), Caracas.
Sandmann, Margarete; Caracas.
Sohiller, Josef; Apartado 827, Caracas.
Stornaiuolo Hnos; Monjas a Padre Sierra 6, Caracas.
Telares de San Agustín, Cía. Anón; Caracas.
Téxtil Venezolana, Compañía Anónima; Caracas.
Thedans, John; Caracas.
Venezuelan Agencies; Reducto a Miracielos 21, Caracas.
Voerg, Hermann; Valencia.
Werner, C. R.; Caracas.
Werner, Kurt; Caracas.

AMENDMENTS

Argentina

For Cubiña y Cía.; Corrientes 424, Buenos Aires; substitute Oubiña y Cía; Corrientes 424, Buenos Aires.

Bolivia

For Higa e Hijo, Rioko; 16 de Julio 45, La Paz; substitute Higa y Hno., Rioko; 16 de Julio 45, La Paz.

Brazil

For Mizukani, Fugio; São Paulo; substitute Misukami, Fujio; São Paulo.

Chile

For Asai, K.; Avenida Bernardo O'Higgins 200–741, Santiago; substitute Asai, K.; Avenida B. O'Higgins 2740, Santiago.
For Radios Telefunken; Santiago; substitute Radios Telefunken (Hans Andresen T., manager), Agustinas 1139, Santiago.

Cuba

For Reichert, René; Habana; substitute Reichel, René; Egido 658, Habana.

Dominican Republic

For Martínez, F. Lefeld; Ciudad, Trujillo; substitute Lefeld Martínez, F; Ciudad, Trujillo.

Guatemala

For Finca "Chucul"; San Antonio, Suchitepequez; substitute Finca "San Carlos Chucul"; San Antonio, Suchitepequez.
For Finca "Medio Día y Filipinas"; Tumbador, San Marcos; substitute Finca "Medio Día, Filipinas y Monte Cristo"; Tumbador, San Marcos.
For Finca "San Carlos"; Chimaltenango; substitute Finca "San Carlos Miramar"; Pochuta, Chimaltenango.
For Finca "Venecia"; Nuevo Progreso, San Marcos; substitute Finca "Venecia" (owned by Pablo Jelkmann); Nuevo Progreso, San Marcos.

Mexico

For Furuya, Jorge Ishido; Calle 5a y Avenida 4a, Agua Prieta; substitute Furuya Ishida, Choji; Calle 4a y Avenida 4a, Agua Prieta.
For Galván, Alberto R.; Obregón 52A, Guadalajara; substitute Galván, Alberto R.; Obregón 52–A, México, D. F.
For Kasai, Reikichi; Calle 4a y Avenida 4a, Agua Prieta; substitute Kasai Uychala, Moriji; Colonia Morelos, Agua Prieta.
For Koga, Russico; Calle 3a número 13, Agua Prieta; substitute Koga, Rusaku; Calle 3a No. 13, Agua Prieta.
For Murakami, Teisaburo; Tijuana; substitute Murakani, Teizaburo; Calle Ira. No. 311, Tijuana.
For Petrolera Vera Cruzana S. A., Cía.; México, D. F.; substitute Petrolera Veracruzana S. A., Cía.; Tampico and México, D. F.
For Shibata, Shin; Tijuana; substitute Shirata, Shin; Tijuana.
For Tozawa, Francisco; Nacozari; substitute Togava, Francisco; Nacozari.

Peru

Relative to Klinge y Cía., S. A. Ltda., F.; Carabaya (Bodegones) 301 y Parque Central 341, Miraflores, Lima.[1]
For Sakata, F. K.; Azangaro 1017, Lima; substitute Sakata, F. K.; Azangaro 1017, Avenida Uruguay 135 y Abancay 1051, Lima.
For Tao, Julio; Ancash 781, Lima; substitute Tao, Julio; Ancash 781, Lima; and 706 Pizarro, Trujillo.

DELETIONS

Argentina

Wernicke, Germán (Dr.); Alsina 1156, Buenos Aires.

Bolivia

Monroy, Victor; La Paz.
Paz Hermanos; Santa Cruz; La Paz, and Oruro.
Reye, Droguería por Mayor de Ulrich; Yanacocha 243–247 (Casilla 525), La Paz.

Brazil

Alves, Mendes e Cia.; Rio de Janeiro, and all branches in Brazil.
Cinema Avenida; Santo Angelo.
Coóperativa Vinícola e Agrícola de São Roque; São Roque, São Paulo.
Estamparia Moderna; Rua Riachuelo 142, Rio de Janeiro.
Ferro Transmares, Ltda.; Rua Libero Badaró 641 (Caixa Postal 515), São Paulo.
Krause & Keppich; Avenida Graça Aranha 40, Rio de Janeiro.
Martins e Cia., Octavio; Rua Miguel Couto 81, Rio de Janeiro.
Martins, Estamparia Octavio; Rua Justiniano da Rocha 200–A, Rio de Janeiro.

[1] Not to be confused with Franko Klinge y Cía., S. A., Puno 268 (Apartado 452), Lima.

Mendes e Cia., Alves; Rio de Janeiro, and all branches in Brazil.
Rotundo e Companhia, Ltda.; Rua Visconde Inhauma 39, Rio de Janeiro.
Sergio Filhos & Co.; Rua Sampaio Moreira 29, São Paulo.

Colombia

Schmidt, F. (Mrs.); Cali.
Schmidt, Frederich; Cali.

Costa Rica

Alvarado, José; San José.
Botica La Violeta; San José.
Salazar, Carlos; San José.

Cuba

Emmermann, Hans; Cristo 27, Habana.
Emmermann & Herrmann, S. en C.; Cristo 27 (Apartado 2523), Habana.
Emmermann, S. en C., H.; Cristo 27, Habana.
Segura, Mario; Muralla 474, Habana.

Guatemala

Abdo e Hijos, Julio; 8a Calle Oriente y 8a Avenida Sur, Guatemala, Guatemala.
Almacén "La Gloria"; 8a Calle Oriente y 8a Avenida Sur, Guatemala, Guatemala.
Asociación Industrial Alemana; 7a Avenida Sur 10, Guatemala, Guatemala.
Finca "La Abundancia"; Chicacao, Suchitepequez.
Finca "La Paz"; Reforma, San Marcos.
Hannstein & Co., Bernardo; La Reforma, San Marcos.
Jaeger Hermanas; 7a Avenida Sur 27, Guatemala, Guatemala.
Maegli & Co; 7a Avenida Sur y Calle Calderón, Guatemala, Guatemala.
Suhr Sucrs, Guillermo; Chicacao Suchitepequez.

Mexico

Petz Hermanos; Escobedo, 536, Monterrey.
Proveedora Metálica, S. A.; Motolinia 20, México, D. F.
Reigada, Ramón; Monterrey.
Zawa, Sabasume; Saltillo.

Peru

Alván, Humberto; Huallaga (San Andrés) 849 (Casilla 1609), Lima.
Lanova S. A; Unión (Mercaderes) 430, Lima.
Manufactura de Tejidos de Lana del Pacífico; Unión (Mercaderes) 416, Lima.
Strobach, Adolf G; Colón 337, Miraflores, Lima.

PART II—LISTINGS OUTSIDE AMERICAN REPUBLICS

ADDITIONS

Portugal and Possessions

Portugal

Amaral, Adolfo do; Rua do Bomjardin 374–76, Oporto.
Borges, B. J. Ltda.; Rua Maury 5, Caixa Postal 330, Lisbon.
Borges, Bernardino Jose; Rua Maury 5, Lisbon.
Brand, Leo; Palacio Hotel, Estoril.
Carvalho, E. C.; Praca dos Restauradores 65, and Ave. Almirante dos Reis 2, Lisbon.
Dahl, Karl; Rua Formosa 400, Oporto.
De Magalhaes, Antonio Neves Raposo; Alcobaca.
Droll, Mario; Lisbon.
Drolhe, Mario; Lisbon.
Durao, Antonio d'Oliveira; Calcada Duque Lafoes, Lisbon.
Electrificadora Alentejana Ltda., Soc; Rua de Lisboa 19, Beja (Alentejo).
Estaleiros de Sao Jacinto; Aveiro.
Garcia, Martin Munoz; Avenida Palace Hotel, Lisbon.
Hombravella, Gerardo; Lisbon.
Karastoyanoff, Gheorghi; Hotel Tivoli, Lisbon.
Knapp, Max; Palicio Hotel, Estoril.
Marques, Marcial; Lisbon.
Mayer, Bruno; Avenida Palace Hotel, Lisbon.
Mendonca & Cia. Ltda. "Metalurgica Alentejana"; Rua do Arsenal 126, Lisbon, and at Beja (Alentejo).
Meneres Sucrs, Ltda., Antonio Ferreira; Cais da Fontinha, Vila Nova de Gaia, Oporto.
"Metalurgica Alentejana" Mendonca & Cia, Ltda.; Rua do Arsenal 126, Lisbon, and at Beja (Alentejo).
Monteiro, Jose M. Alves; Travessa do Ameal 330, Oporto.
Munoz Garcia, Martin; Avenida Palace Hotel, Lisbon.
Optica Medica Ltda.; Rua do Bomjardin 374–76, Oporto.
Reima S. A.; Lisbon.
Rodrigues, Luciano; Vila Verde, Paranhos, Seia.
Roeder, Carlos Alberto; Lisbon and Beja (Altentejo).
Roesner, Gustav Emil; Lisbon.
Sociedade de Importacao, Enrique Thumann; Rua Formosa 400, Oporto.
Suppan, Vilmos; Palacio Hotel, Estoril.
Thumann, Enrique; Rua Formosa 400, Oporto.
Thumann, Enrique (Sociedade de Importacao); Rua Formosa 400 Oporto.
Tortella Figueras S. A.; Lisbon.

Angola

Becker, Emil- Fazenda Canjonja; Cambunze.
Boebs, Carl Ludwig-Plantation Boebs; Catumbela.
Conjo Ltda.; Vila General Machado.
Fazenda Belo Horizonte Ltda.; Dembos.
Fazenda Canjonja (Emil Becker); Cambunze.
Fazenda Quiemba Ltda. (Gruessel); Dembos.
Geodecke, Ernst; Vila General Machado.
Gruessel-Fazenda Quiemba Ltda.; Dembos.
Monteiro, Jose M. Alves; Ave. 5 de Outubro, Nova Lisboa.
Plantation Boebs (Carl Ludwig Boebs); Catumbela.
Porto-Huambo Commercial Ltda.; Ave. 5 de Outubro, Nova Lisboa, and at Huambo.

Cape Verde Islands

Kiel, Heinrich; Praia (Ilha de Santiago).

Spain and Possessions

Spain

Alemanes, Almacenes; Editorial Perello S. A.; Calle Pelayo 20, Barcelona.
Berkenbusch, Antonio; Antonio Maura 10, Madrid.
Buettner, Arno Richard; Diego de Leon 28, Madrid.
Carrion, Rafael; Talavera de la Reina.
Climent, Gonzalo Simo; Carreteria 54, Malaga.
Collado, Julio; Calle Tres Cruces 7, Madrid.
Comercial Quimico Metalurgica S. A.; Alameda de Mazarredo 8, Bilbao.
Droll, Mario; Palencia and Madrid.
Drolhe, Mario; Palencia and Madrid.
Editorial Perello S. A. (Almacenes Alemanes); Calle Pelayo 20, Barcelona.
El Salvador; Murcia 20, Apartado 7070, Madrid.
Emproma S. A.; Fuenterrabia 42, San Sebastian.
F. E. M. S. A.-Fabrica Espanola de Magnetos S. A.; Ave. Jose Antonio 27, Apartado 678, Madrid.
Fabrica Espanola de Magnetos S. A. (F. E. M. S. A.); Ave. Jose Antonio 27, Apartado 678, Madrid.
Feilu, Fernandez y Cia.; Alcada 61, Madrid, and all branches in Spain.
Fernandez, Jacinto; Calle Tetuan 25, Santander.
Fiebig, Friedrich Wilhelm; c/o Hierro Esmaltes, Maliano, nr. Santander.
Garcia Carcel, Francisco; Tamarit 185, Barcelona.
Goetz, Hanelise; Calle Muntaner 183, Barcelona.
Guerrero de las Penas, Hijo de Diego; Cisneros 55, Malaga.
Heydt, Hermann; Murcia 20, Apartado 7070, Madrid.
"Hierro Esmaltes"; Maliano, nr. Santander.
Hombravella, Jacinto; Ave. Jose Antonio 31, Madrid.
Karastoyanoff, Gheorghi; Madrid.
Kirkegaard, Erling Visse; Ave. Jose Antonio 49, Madrid.
Kretschmar, Kurt; Calle Mallorca 330, Barcelona.
Kroebel, Karl; c/o Hierro Esmaltes, Maliano, nr. Santander.
Kuenne, Hermann; Ave. Jose Antonio 27, Madrid.
Leonhardt, Dr. Ernesto; Rambla Cataluna 66, and Monasterio G. Sarria, Barcelona.
Luca de Tena y Ita, Fernando; Ave. Jose Antonio 27, Madrid.
Marques, Marcial; Talavera de la Reina.
Matz, Marianne; Madrid and Valencia.
Mittelstrasse, Carlo Otto; Calle Mariano Cubi 85, Barcelona.
Montero Cermeno, Ricardo; Plaza de los Bandos 3, Salamanca.
Munoz Garcia, Martin; Alarcon 7, Madrid.
R. I. C. S. A.—Representaciones de Industria y Comercio S. A.; Ave. Jose Antonio 27, Apartado 678, Madrid.
Reima S. A.; Calle Tres Cruces 7, Madrid.
Representaciones de Industria y Comercio S. A. (R. I. C. S. A.); Ave. Jose Antonio 27, Apartado 678, Madrid.
Roesner, Gustave Emil; Calle Tres Cruces 7, Madrid.
Rohm, Alfredo; Calle Cerdena 70, Barcelona.
Ron Rubio, Juan; Calle Tomas Heredia, Malaga.

Sama Laporta, Augustin; Paseo de Santa Maria de la Cabeza 17, Madrid.
Talasac, Ramon; Loteria 2, Bilbao.
Tortella Figueras S. A.; Ave Jose Antonio 31, Madrid, and all branches in Spain.
Triunfo Soc.; Calle Alcala 4, Madrid.
Vilardell Puig, Jose L.; Ave. Jose Antonio 31, Madrid.
Wicke, Alberto; Alameda de Mazarredo 8, Bilbao.
Wirz, Francisco Javier W.; Calle Tres Cruces 7, Madrid.
Woessner, Carlos; Calle Mallorca 330, and Ave. Generalisimo 335, Barcelona.
Woessner, Otto; Calle Mallorca 330, Barcelona.
Zamalloa, Juan; Irun.

Balearic Islands

Ferrer, Jose; Paseo General Franco 44, Palma Majorca.
Matz, Marianne; Palma Majorca.
Trasportes Ferrer; Paseo General Franco 44, Palma Majorca.

Canary Islands

Cruz Gomez Sucrs., Santiago; Calle San Jose 27, Santa Cruz, Tenerife.

Fernando Po and Spanish Guinea

Janssen, Holmer; c/o Woermann & Co., Kogo.

Sweden

Allasko A/B.; Blasiehlmstorg 9, Stockholm.
Bornemann, Herman; Jorgen Kocksgatan 4, Malmo, and Slussplan 5, Stockholm.
Hogman, A. W.; Kungstradgardsgatan 18, Stockholm.
Hogman, A. W., Bankirfirman; Kungstradgardsgatan 18, Stockholm.
Kaffe & Kolonial A/B.; Norra Vallgatan 44, Malmo.
Koerfer, Walter; Ostermalmsgatan 7, Stockholm.
Lauer, Dr. Koloman; Valhallavagen 174, Stockholm.
Midby, Tage; Sandgatan 13, Falkenberg.
Nordiska Travaruagenturen, Ake Wettergren; Kungstradgardsgatan 20, Stockholm.
Ohlsens Enke, J. E. A/B.; Norra Vallgatan 16, Malmo, and all branches in Sweden.
Omnipol, Svenska A/B.; Strandvagen 7B, Stockholm.
Riso Textil A/B.; Sveavagen 28–30, Stockholm.
Schaufensterkunst, Firma (Ernst Sindahl); Olofsgatan 6, Stockholm.
Sindahl, Ernst—Firma Schaufensterkunst; Olofsgatan 6, Stockholm.
Stenciler & Farg; Uplandsgatan 22, Stockholm.
Svea Rike Forlag; Odengatan 42, Stockholm.
Tobis Film A/B.; Adolf Fredriks Kyrkogatan 5–7, Stockholm.
Tyska Turistbyran; Kungsgatan 16–18, Stockholm.
Uhlhorn, H; Igelkottsvagen 53 Appelviken, Stockholm.
Wettergren, Ake (Nordiska Travaruagenturen); Kungstradgardsgatan 20, Stockholm.

Switzerland

Alioth-Schlumberger, Adrian; Steinenberg 14, Basel.
Balmer, E.; Dufourstr. 42, Basel.
Burckhardt, A. G., Maschinenfabrik; Dornacherstr. 192, Basel.
Buser, J. C.; Spalenvorstadt 15, Basel.
Buser-Kobler, Jaques Carl.—Spalenvorstadt 15, Basel.
Casino-Gesellschaft; Steinenberg 14, Basel.
Dixi S. A., Machines; Cote 29, and Rue des Billodes 18A, Le Locle, Neuchatel.
Dorsch, Paul; Clarastr. 30, Basel.
Ehninger & Co., Dr. (St. Leonhards-Apotheke); Leimenstr. 27, Basel.
Elex A. G.; Seefeldstr. 8, Zurich.
Etana, A. G.; Bremgartnerstr. 71, P. O. Box 51, Zurich.
Eurasia G. m. b. H.; Bahnhofplatz 5, Berne.
Europaische Holding Intercito A. G. (Holding Europeene Intercito S. A.); c/o Pilatus Flugzeugwerke A. G., Stans, Nidwalden.
Gastpar, Paul; Amthausquai 11, Olten.
Gerber, Otto; Hasenrainstr. 67, Binningen.
Hangartner, W.; Zurich.
Hoffman-Wisner, Albert; Steinenberg 14, Basel.
"Holbeinstube"; Dufourstr. 42, Basel.
Holding Europeene Intercito S. A.; Europaische Holding Intercito A. G.—c/o Pilatus Flugzeugwerke A. G., Stans, Nidwalden.
Keramische Werte A. G.; Seefeldstr. 8, Zurich.
Kraeutli Auto Electric Parts Bruxelles, Succursale de Zurich; Zurich.
Kuendig, R. A. G.; Bahnhofstr. 80, Zurich.
Mas, Michael; Bleicherweg 20, Zurich.
Meiss A. G., Hans; Bahnhofplatz, and Loewenstr. 71, Zurich.
Meisser, Em.; Steinenberg 14, Basel.
Metallgiesserei und Armaturenfabrik A. G.; Lyss, Berne.
Meyerhofer & Co.; Seefeldstr. 8, Zurich.
Nord-Sud, Reiseburo; Clarastr. 30, Basel.
Oski A. G.; Seefeldstr. 8, Zurich.
Osmon, A. G.; Schaffhausen.
Pesch, Friedrich W.; Talstr. 20, Zurich.
Rickli, I.; Ilkir Versand, P. O. Box 28, Lucerne.
St. Leonhards-Apotheke—Dr. Ehninger & Co.; Leimenstr. 27, Basel.
Sarasin-Grossmann, Ernst A.; Steinenberg 14, Basel.
Scheller, H & L.; Bleicherweg 10, Zurich, and at Deitikon.
Schiess-Vischer, Dr. Walter S.; Steinenberg 14, Basel.
Schulte Kommanditgesellschaft Schlossfabrik, Wilhelm; Schaenis, St. Gallen.
Schurter, Max; Oberwilerstr. 124, Basel.
Schweizerische Industriegas Gesellschaft A. G.; Brunigstr. 24, Lucerne.
Scientia A. G.; Feldeggstr. 12, Zurich.
Serumwerk A. G., S.; Mittlerstr. 19, Basel.
Verkaufsbuero Pronto; Neumuehlequai 30–32, and Bahnhofstr. 79, Zurich.
Vieli, Joseph; Zurich.
Vieli, Joseph Balthasar; Elisabethenstr. 2, Basel.
Xamax, A. G.; Birchstr. 210, Zurich.

Turkey

Blaupunkt Radyolari (Nejad Serven); Karakoy Palas 16, Galata, Istanbul.
"Der Naehe Osten;" Galibdede Cad. 56, Beyoglu, P. O. Box 1269, Istanbul.
Ganz Turk Sirketi Ltd; Karakoy Palas, Galata, Istanbul.
Guizani; Abdulhamit Cad. 32, Istanbul.
Hamburger, Dr. Wilhelm; Minerva Han, Galata, Istanbul.
Hannig, Dr. Gerhard; Galibdede Cad. 56, Beyoglu, P. O. Box 1269, Istanbul.
Schaefer, Dr. Eduard; Istanbul.
Serven, Nejad; Karakoy Palas 16, Galata, Istanbul.
Serven, Silvia Nejad; Karakoy Palas 16, Galata, Istanbul.
Sudosteuropa Turk Sirketi Ltd.; Abdulhamit Cad. 32, Istanbul.
Tadihan, Rifat; Birinci Kordon 124, Izmir.
"Turkische Post;" Galibdede Cad. 56, Beyoglu, P. O. Box 1269, Istanbul.
Universum Matbaacilik Sirketi Ltd.; Galibdede Cad. 56, Beyoglu, P. O. Box 1269, Istanbul.

AMENDMENTS

Portugal and Possessions

Portugal

For Silva, Luciano Rodrigues; Vila Verde, Paranhos, Seia; substitute Silva, Luciano Rodrigues da; Vila Verde, Paranhos, Seia.
For Strazzera, Andrea; Olhao; substitute Alberto, Andrea Strazzera; Olhao.
For Transportes Mecanicos Mario Silva (owners of A.S.V. *Pescador*); Rua Coelho da Rocha 44, Lisbon; substitute Transportes Mecanicos Mario Silva (owners of A.S.V. *Pescador* and S. S. *Transportador*); Rua Coelho da Rocha 44, Lisbon.
For Wischmann, Otto; Rua de Santa Marta 169, Lisbon; substitute Wischmann, Otto; Rua de Santa Marta 169, and Ave. Luiz Bivar 12, Lisbon.

Spain and Possessions

Spain

For Bosch Equipo S. A.; Mallorca 281, Barcelona; substitute Equipo Bosch S. A.; Mallorca 281, Barcelona.
For Comatra (Cía. Comercial Maritima de Transportes S. A.); Ave Generalisimo 1, Madrid; substitute Comatra (Cía. Comercial Maritima de Transportes S. A.); Ave. Generalisimo 1, and Calle Moratim 52, Madrid.
For Comercial Maritima de Transportes S. A. Cía. (Owners of S. S. *Adeje Isora, San Isidro Labrador, San Juan II, Sebastian*, and *Tercio Montejurra*); Ave. Generalisimo 1, Madrid; substitute Comercial Maritima de Transportes S. A. Cía. (owners of S. S. *Adeje Isora, San Isidro Labrador, San Juan II, Sebastian*, and *Tercio Montejurra*); Ave. Generalisimo 1, and Calle Moratim 52, Madrid.
For Transcomar (Cía. Comercial Maritima de Transportes S. A.); Ave. Generalisimo 1, Madrid; substitute Transcomar (Cía. Comercial Maritima de Transportes S. A.); Ave. Generalisimo 1, and Calle Moratim 52, Madrid.

Balearic Islands

For Naviera Mallorquina (owned by Damian Ramis) (owners of Aux *Cala Antio, Cala Contesa, Cala Falco, Cala Fornello, Cala Galiota, Cala Llamp, Cala Llonga, Cala Marsal, Cala Mondrago, Cala Morlanda, Cala Murta, Cala Pi, Cala Gat, Cala Tuent, Juanot Colom, Manuel Guasp, Piedad,* and *Cala Virgili.*)—Ave. Antonio Maura 50, Palma Majorca; substitute Naviera Mallorquina (owned by Damian Ramis) (owners of Aux *Cala Antio, Cala Contesa, Cala Falco, Cala Fornello, Cala Galiota, Cala Llamp, Cala Llonga, Cala Marsal, Cala Mondrgo, Cala Morlanda, Cala Murta, Cala Pi, Cala Gat, Cala Tuent, Juanot Colom, Manuel Guasp, Piedad,* and *Cala Virgili;* and S. S. *Cala Bona, Cala Mitjana,* and *Cala Castell*); Ave. Antonio Maura 50, Palma Majorca.

Sweden

For Zeuthen & Aagard A/B.; Kungsgatan 44, Stockholm, and all branches in Sweden; substitute Zeuthen & Aagaard A/B.; Kungsgatan 44, Stockholm, and all branches in Sweden.

Switzerland

For Lonza A. G.; Aeschenvorstadt 72, Basel; substitute Lonza Elektrizitatswerke und Chemische Fabriken A. G.; Aeschenvorstadt 72, Basel; and Gampel.

For Pilatus Flugzeugfabrik; Stans, Nidwalden, substitute Pilatus Flugzeugwerke A. G.; Stans, Nidwalden.

For Raab, M.; Sihlstrasse 34 and Neuschelastrasse 24, Zurich, and Rue Contamines 17, Geneva; substitute Raab, M.; Sihlstrasse 34 and Nuschelerstrasse 24, Zurich, and Rue Contamines 17, Geneva.

For Transit Transportgesellschaft m.b.H. Singen a.H. Filiale Schaffhausen; Bahnhofstrasse 54, Schaffhausen; substitute Transit Transportgesellschaft m.b.H. Singen a.H. Filiale Schaffhausen; Bahnhofstrasse 54, Schaffhausen, and all branches in Switzerland.

DELETIONS

Portugal and Possessions

Portugal

Eximport; Caixa Postal 511, Lisbon.

Stransky, Otto M.; Rua Nova do Almada 80, Caixa Postal 511, Lisbon.

Wicander C. G. Ltda; Quinta Santa Maria, Seixal.

Spain

Etchart, Alejo; Muelle Uribitarte 6 Bilbao.

Switzerland

"Mundus" Allgemeine Handels und Industrie A. G.; Bahnhofstrasse 38, Zug.

Thonet-Moebel A. G.; Hebelstrasse 5 Basel.

Turkey

Cifci Zade (Export Turk Sirketi Ltd.) Mersin and Istanbul.

[F. R. Doc. 42-2755; Filed, March 28, 1942; 12:07 p. m.]

Chapter IX—War Production Board

Subchapter B—Division of Industry Operations

PART 933—COPPER

INTERPRETATION NO. 2 OF CONSERVATION ORDER M-9-c[1] AS AMENDED, CURTAILING THE USE OF COPPER IN CERTAIN ITEMS, TO THE PRINTING, PUBLISHING AND RELATED INDUSTRIES

Introduction. Copper Conservation Order M-9-c as amended December 10, 1941, restricts the use of Copper and Copper Base Alloy for decorative purposes under paragraph (a). This paragraph prohibits the use of Copper or Copper Base Alloy for the purposes referred to therein after December 31, 1941, in certain instances and in other instances after March 31, 1942. If this paragraph permits the use of Copper or Copper Base Alloy at all after December 31, 1941, it restricts its use during the period from October 15, 1941, to March 31, 1942 to either the amount of Copper or Copper Base Alloy used during the last quarter of 1940 or to a fourth of the amount used in the year 1940, with a proviso giving a different base period if the particular manufacturer was not in business in 1940.

Paragraph (c) of the Order governs the use of Copper and Copper Base Alloy in the printing, publishing and related industries where such use is not decorative. This paragraph restricts the use of Copper or Copper Base Alloy in any quarter to an amount not in excess of 70% of the use in the last quarter of 1940, 17½% of the use in the year 1940 or 50% of the use in the third quarter of 1941.

Some confusion exists today on the question of what constitutes the use of Copper or Copper Base Alloy in these industries and as to whether particular uses are deemed decorative and as a result covered by paragraph (a).

Interpretation. All use of bronze powder, bronze paste, bronze leaf and bronze ink in the printing, publishing and related trades is deemed decorative and must stop on March 31, 1942, under the terms of Copper Conservation Order M-9-c in its present form. In addition, since December 31, 1941, no printer, publisher or lithographer has been entitled to use any bronze powder, bronze paste, bronze leaf or bronze ink which he did not have in his inventory on or before December 1, 1941, and even the material in his inventory on that date could only be used at the curtailed rate provided in paragraphs (a) (4) and (a) (1) of the Order.

Paragraph (c) of the Order restricts the aggregate use of Copper or Copper Base Alloy by weight employed in the production of plates by photo and other engravers; printing plate shells by electrotypers; machine and foundry type matrices; brass bookbinders' and embossing dies; wallpaper copper and brass rolls; block-cutting brass; to a percentage of the weight of Copper or Copper Base Alloy used during a selective base period. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 28th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2750; Filed, March 28, 1942; 11:55 a. m.]

[1] 7 F.R. 1626.

PART 933—COPPER

SUPPLEMENTARY CONSERVATION ORDER M-9-C-3

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Copper for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 933.8 *Supplementary Conservation Order No. M-9-c-3*—(a) *Curtailment of certain uses of copper in printing.* During the period between March 31, 1942 and May 31, 1942, no Person may use in relief, planographic or intaglio printing or in stamping, dusting or similar processes more than 16⅔% of the amount of Bronze Powder, Bronze Paste, Bronze Ink or Bronze Leaf used by him in printing, paper coating and similar processes during the entire year of 1941; and no Person may use in relief, planographic or intaglio printing or in stamping, dusting or similar processes at any time any Bronze Powder, Bronze Paste, Bronze Ink or Bronze Leaf delivered to him after the effective date hereof.

(b) *Prohibition of certain uses of copper in printing after May 31, 1942.* After May 31, 1942, no Person may use in relief, planographic or intaglio printing or in stamping, dusting or similar processes any Bronze Powder, Bronze Paste, Bronze Ink and Bronze Leaf.

(c) *Reports.* Each Person who uses in relief, planographic or intaglio printing or in stamping, dusting or similar processes any Bronze Powder, Bronze Paste, Bronze Ink or Bronze Leaf after the effective date hereof, shall file with the War Production Board on or before April 20, 1942 a letter in quadruplicate describing his inventory of Bronze Powder, Bronze Paste and Bronze Ink in pounds and his inventory of Bronze Leaf by thousands of sheets of a stated size, as of the close of business on March 31, 1942, and further describing the amount of his use of Bronze Powder, Bronze Paste and Bronze Ink in pounds and his use of Bronze Leaf by thousands of sheets of a stated size, in relief, planographic or intaglio printing or in stamping, dusting or similar processes during the year 1941.

(d) *Communications to War Production Board.* All reports required to be filed hereunder, and all appeals and communications concerning this Order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C., Ref.: M-9-c-3.

(e) *Violations.* Any Person who wilfully violates any provision of this Order, or who by an act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(f) *Appeal.* Any Person affected by this Order who considers that compliance therewith would impair war work, may appeal by letter to the War Production Board, Washington, D. C., Reference M-9-c-3, setting forth the pertinent facts and the reasons why he deems that obedience to the terms of this Order will interfere with war work.

(g) *Effect on Order M-9-c.* After the effective date of this Order, the Order shall govern the use of Bronze Powder, Bronze Paste, Bronze Ink and Bronze Leaf in relief, planographic or intaglio printing or in stamping, dusting or similar processes to the exclusion of Conservation Order M-9-c.[1]

(h) *Applicability of Order.* The prohibitions and restrictions contained in this Order shall apply to the use of Bronze Powder, Bronze Paste, Bronze Leaf and Bronze Ink in relief, planographic or intaglio printing or in stamping, dusting or similar processes, whether or not such use is pursuant to a contract made prior or subsequent to the effective date hereof, or whether or not such use is pursuant to a contract supported by a preference rating.

(i) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(j) *Effective date.* This Order shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 28th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2749; Filed, March 28, 1942; 11:55 a. m.]

[1] 7 F.R. 1626.

PART 937—ZINC

EXTENSION OF GENERAL PREFERENCE ORDER NO. M-11 AS EXTENDED DECEMBER 27, 1941

Section 937.1 (General Preference Order No. M-11 as extended December 27, 1941, is hereby extended, to expire on May 31, 1942. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 28th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2751; Filed, March 28, 1942; 11:55 a. m.]

PART 937—ZINC

SUPPLEMENTARY ORDER NO. M-11-j

§ 937.11 *Supplementary Order M-11-j.* (a) The Director of Industry Operations hereby determines that the amount of Metallic Zinc, Zinc Oxide and Zinc Dust to be set aside by Producers under paragraph (c) of Section 937.1 as extended, for the month of April, 1942, and for each month thereafter until otherwise determined by him, shall be as follows:

(1) Metallic Zinc—An amount equal to 60% of Producer's January 1942 production of High Grade and/or Special High Grade Zinc, and 40% of Producer's January 1942 production of all other grades of Zinc.

(2) Zinc Oxide—None.

(3) Zinc Dust—None.

(b) This Order shall take effect on the 1st day of April, 1942. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 28th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2752; Filed, March 28, 1942; 11:55 a. m.]

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 1 TO SUPPLEMENTARY ORDER NO. M-15-b-1 TO RESTRICT THE USE AND SALE OF RUBBER

Correction

The table appearing in the first column of page 2346 of the issue for Friday, March 27, 1942, should read as follows:

Description of product		Maximum material volume (in cubic inches)
Type	Size	
Passenger automobile tire tubes	5.50-16	51.2
	CD 16	57.8
	6.50-15	66.6
	7.00-15	72.2
	D-16	72
	7.50-15	88.4
	7.50-16	93.2
	A-20/21	42.8
	B-17/18	46.9
	C-17	66.1
	7.00-17	75.2
	7.50-17	93.4
Truck tire tubes 15- and 16-inch rims	6.00-16	65
	6.50-16	75
	7.00-15	85
	7.00-16	89
	7.50-15	103
	7.50-16	106
	9.00-16	191
	10.00-16	220
Truck tire tubes 20-inch rims or larger	6.00-20	75
	6.50-20	102
	7.00-20	135
	7.50-20	175
	8.25-20	197
	9.00-20	235
	10.00-20	300
	11.00-20	350
	12.00-20	450
	13.00-20	535
	14.00-20	670
Agricultural equipment tires	4.00-12	35.3
	5.00-15	38.6
	6.00-9	36.5
	6.00-16	89.0
	DM 16	70.5
	6.50-32	137.8
	FM-24	153.5
	8.50-40	
	9.00-26	225.0
	HM 28	302.0
	KM 28	414.0
	5-40	92.5
	5.5-40	92.5
	6-40	118.0
	7-32	112.0
	8-32	157.0
	9-32	220.0
	10-38	342.0
	11-28	302.0
	12-30	385.5
	13-30	440.0
	14-30	498.0
	15-30	595.0

Variations from the above maximum volumes shall be permitted to the extent of minus 3 per cent.

Sizes not specifically set forth shall have maximum volumes proportionate to the sizes listed.

In the event that the maximum volume herein permitted for a tube of a given type and size manufactured by any person on the effective date of this order is less than the maximum indicated above, such person shall make no change in the maximum volume of such tube as then manufactured by him without the prior approval of the Director of Industry Operations.

The foregoing restrictions on material volume of tire tubes do not apply to tire tubes for use with mileage tires.

PART 947—PIG IRON

AMENDMENT NO. 2 AND EXTENSION NO. 2 TO GENERAL PREFERENCE ORDER M-17[1]

General Preference Order M-17 (§ 947.1) is hereby amended to read as follows:

(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time.

[1] 6 F. R. 3920, 5254, 5994.

except to the extent that any provision thereof may be inconsistent herewith, in which case the provisions of this Order shall govern.

(b) *Additional definitions.* For the purposes of this Order (1) "Pig Iron" means iron produced by smelting iron ore in a blast furnace and having a content of silicon of less than 5 percent.

(2) "Producer" means any person producing pig iron.

(c) *Deliveries by other than Producers.* Except with specific permission of the Director of Industry Operations, no person other than a Producer shall make delivery of pig iron to any person, and no person shall accept delivery thereof except from a Producer.

(d) *Customers' orders and reports.* (1) Each person desiring to obtain pig iron from a Producer during any month shall file with such Producer on or before the fifth day of the preceding month an order on form PD–69.

(2) Each purchaser of pig iron shall file with the War Production Board on or before the fifth day of each month a report on form PD–70 showing inventory and consumption of pig iron.

(e) *Producers' reports.* Each Producer shall file with the War Production Board on or before the twelfth day of each month schedules on forms PD–71 and PD–71d showing all pig iron ordered by customers on form PD–69 for shipment by the Producer during the following month and proposed shipments by Producer. The Director of Industry Operations may make such changes in the schedule as to him shall seem appropriate and may from time to time issue supplementary instructions with regard to shipments of pig iron.

(f) *Restrictions on deliveries.* (1) No Producer shall deliver or use pig iron, and no person shall accept delivery thereof from a Producer unless such pig iron has been reported on form PD–69 filed by such person or has been specifically allocated to such person by the Director of Industry Operations.

(2) No Producer shall deliver or use pig iron at any time except in accordance with such Producer's schedule on form PD–71, as modified by the Director of Industry Operations, or in accordance with such supplementary authorizations or directions as may from time to time be issued by the Director of Industry Operations.

(g) *Effective date.* This Order shall take effect immediately and shall continue in effect until revoked.

This amendment shall take effect immediately. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942; 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 28th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2747; Filed, March 28, 1942; 11:54 a. m.]

PART 989—DOMESTIC MECHANICAL REFRIGERATORS

AMENDMENT NO. 2 TO SUPPLEMENTARY GENERAL LIMITATION ORDER L–5–C

Section 989.4 (*Supplementary General Limitation Order L–5–C*[1]) is hereby amended in the following particulars:

Paragraph (a) is hereby amended to read as follows:

(a) *Restriction of production of domestic mechanical refrigerators after April 30, 1942.* Effective May 1, 1942, no Manufacturer shall produce any Domestic Mechanical Refrigerators, except that any Manufacturer may produce Kerosene Refrigerators thereafter to the extent expressly permitted by the Director of Industry Operations. Such permission will only be granted to a Manufacturer who is able to comply with the minimum specifications for such refrigerators established by the United States Army and by other governmental agencies.

Paragraph (e) is hereby amended by adding a new subparagraph (2) as follows:

(3) "Kerosene Refrigerator" means any New Domestic Mechanical Refrigerator of the absorption type which is operated by kerosene.

This amendment shall take effect immediately. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a) Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 28th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2746; Filed, March 28, 1942; 11:53 a. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S–18

Lubbock Hardware & Supply Co.

Lubbock Hardware & Supply Co., Lubbock, Texas, is a steel warehouse. It is engaged in the receipt of physical deliveries of steel from a producer or producers for sale or resale in the form received, and is subject to the provisions of Supplementary Order M–21–b. During the calendar quarter beginning October 1, 1941 and ending December 31, 1941, the Company accepted from its producer or producers, deliveries of 94.8 tons of Schedule A steel products, which was 19.4 tons in excess of the quota established for the Company by the Director of Priorities.

Acceptance by the Company of deliveries in excess of its quota was made in wilful disregard of the provisions of Supplementary Order M–21–b and constituted a violation thereof. In view of the foregoing facts,

It is hereby ordered:

§ 1010.18 *Suspension Order S–18.* (a) During the calendar quarter, beginning April 1, 1942 and ending June 30, 1942, the quota of Schedule A steel products which Lubbock Hardware & Supply Co., Lubbock, Texas, would be entitled to receive under the provisions of Supplementary Order M–21–b as amended, shall be reduced by the amount which Lubbock Hardware & Supply Co. accepted in the last quarter of 1941 in excess of the quota assigned, and shall be further reduced by fifty per cent of the amount by which Lubbock Hardware & Supply Co. exceeded its quota, or a total reduction of 29.1 tons. Lubbock Hardware & Supply Co. may apply this reduction against individual product quotas as it may elect, but unless specifically authorized by the Director of Industry Operations, shall not accept delivery of more than 46.3 tons of Schedule A steel products during the period this Order shall be in effect.

(b) This Order shall remain in effect from the first day of April, 1942, to the 30th day of June, 1942. (P. D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 27th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2716; Filed, March 27, 1942; 4:42 p. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S–20

Hunter and Havens, Inc.

Hunter and Havens, Incorporated, Bridgeport, Connecticut, is a steel warehouse. It is engaged in the receipt of physical deliveries of steel from a producer or producers for sale or resale in the form received, and is subject to the provisions of Supplementary Order M–21–b. During the calendar quarter beginning October 1, 1941, and ending December 31, 1941, the Company accepted from its producer or producers, deliveries of 3021.9 tons of Schedule A steel products, which was 290.5 tons in excess of the quota established for the Company by the Director of Priorities.

Acceptance by the Company of deliveries in excess of its quota was made in wilful disregard of the provisions of Supplementary Order M–21–b and constituted a violation thereof. In view of the foregoing facts,

It is hereby ordered:

§ 1010.20 *Suspension Order S–20.* (a) During the calendar quarter, beginning April 1, 1942, and ending June 30, 1942, the quota of Schedule A steel products which Hunter and Havens, Incorporated, Bridgeport, Connecticut, would be entitled to receive under the provisions of Supplementary Order M–21–b as amended, shall be reduced by the amount which Hunter and Havens, Incorporated accepted in the last quarter of 1941 in excess of the quota assigned, and shall be further reduced by 50% of the amount by which Hunter and Havens, Incorporated exceeded its quota, or a total reduction of 435.7 tons. Hunter and Havens, Incorporated may apply this reduction against product quotas as it may elect, but unless specifically authorized by the Director of Industry Operations, shall not accept delivery of more than 1513.7 tons of Schedule A steel products during the period this Order shall be in effect.

(b) This Order shall remain in effect from the first day of April 1942, to the 30th day of June 1942. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 27th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2717; Filed, March 27, 1942; 4:42 p. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S–21

Huron Steel Co.

Huron Steel Company, Detroit, Michigan, is a steel warehouse. It is engaged in the receipt of physical deliveries of steel from a producer or producers for sale or resale in the form received, and is subject to the provisions of Supplementary Order M–21–b. During the calendar quarter beginning October 1, 1941 and ending December 31, 1941 the Company accepted from its producer or producers, deliveries of 33.6 tons of Schedule A steel products, which was 10.8 tons in excess of the quota established for the Company by the Director of Priorities.

Acceptance by the Company of deliveries in excess of its quota was made in wilful disregard of the provisions of Supplementary Order M–21–b, and constituted a violation thereof. In view of the foregoing facts,

It is hereby ordered:

§ 1010.21 *Suspension Order S–21.* (a) During the calendar quarter, beginning April 1, 1942 and ending June 30, 1942, the quota of Schedule A steel products which Huron Steel Company, Detroit, Michigan, would be entitled to receive under the provisions of Supplementary Order M–21–b as amended, shall be reduced by the amount which Huron Steel Company accepted in the last quarter of 1941 in excess of the quota assigned, and shall be further reduced by 50% of the amount by which Huron Steel Company exceeded its quota, or a total reduction of 77.4 tons. Huron Steel Company may apply this reduction against individual product quotas as it may elect, but unless specifically authorized by the Director of Industry Operations, shall not accept delivery of more than 192.1 tons of Schedule A steel products during the period this Order shall be in effect.

(b) This Order shall remain in effect from the first day of April 1942, to the 30th day of June, 1942. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 27th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2718; Filed, March 27, 1942; 4:42 p. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S–22

Gadsen Hardware Co.

Gadsen Hardware Company, Gadsen, Alabama, is a steel warehouse. It is engaged in the receipt of physical deliveries of steel from a producer or producers for sale or resale in the form received, and is subject to the provisions of Supplementary Order M–21–b. During the calendar quarter beginning October 1, 1941 and ending December 31, 1941 the Company accepted from its producer or producers, deliveries of 571.5 tons of Schedule A steel products, which was 158.3 tons in excess of the quota established for the Company by the Director of Priorities.

Acceptance by the Company of deliveries in excess of its quota was made in wilful disregard of the provisions of Supplementary Order M–21–b and constituted a violation thereof. In view of the foregoing facts,

It is hereby ordered:

§ 1010.22 *Suspension Order S–22.* (a) During the calendar quarter, beginning April 1, 1942 and ending June 30, 1942, the quota of Schedule A steel products which Gadsen Hardware Company, Gadsen, Alabama would be entitled to receive under the provisions of Supplementary Order M–21–b as amended, shall be reduced by the amount which Gadsen Hardware Company accepted in the last quarter of 1941 in excess of the quota assigned, and shall be further reduced by 50% of the amount of which Gadsen Hardware Company exceeded its quota, or a total reduction of 16.2 tons. Gadsen Hardware Company may apply this reduction against individual product quotas as it may elect, but unless specifically authorized by the Director of Industry Operations, shall not accept delivery of more than 6.6 tons of Schedule A steel products during the period this Order shall be in effect.

(b) This Order shall remain in effect from the first day of April 1942, to the 30th day of June 1942. P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.

Issued this 27th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2719; Filed, March 27, 1942; 4:42 p. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S–23

Genesee Bridge Co., Inc.

Genesee Bridge Company, Incorporated, Rochester, New York, is a steel warehouse. It is engaged in the receipt of physical deliveries of steel from a producer or producers for sale or resale in the form received, and is subject to the provisions of Supplementary Order M–21–b. During the calendar quarter beginning October 1, 1941 and ending December 31, 1941 the Company accepted from its producer or producers, deliveries of 571.5 tons of Schedule A steel products, which was 158.3 tons in excess of the quota established for the Company by the Director of Priorities.

Acceptance by the Company of deliveries in excess of its quota was made in wilful disregard of the provisions of Supplementary Order M–21–b and constituted a violation thereof. In view of the foregoing facts,

It is hereby ordered:

§ 1010.23 *Suspension Order S–23.* (a) During the calendar quarter, beginning April 1, 1942 and ending June 30, 1942, the quota of Schedule A steel products which Genesee Bridge Company, Incorporated, Rochester, New York would be entitled to receive under the provisions of Supplementary Order M–21–b as amended, shall be reduced by the amount which Genesee Bridge Company, Incorporated accepted in the last quarter of 1941 in excess of the quota assigned, and shall be further reduced by 50% of the amount by which Genesee Bridge Company, Incorporated exceeded its quota, or a total reduction of 238.2 tons. Genesee Bridge Company, Incorporated may apply this reduction against individual product quotas as it may elect, but unless specifically authorized by the Director of Industry Operations, shall not accept delivery of more than 174.5 tons of Schedule A steel products during the period this Order shall be in effect.

(b) This Order shall remain in effect from the first day of April, 1942, to the 30th day of June, 1942. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 27th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2720; Filed, March 27, 1942; 4:43 p. m.]

[1] 7 F.R. 1493, 1629, 2384.

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S–24

Faeth Co.

The Faeth Company, Kansas City Missouri, is a steel warehouse. It is engaged in the receipt of physical deliveries of steel from a producer or producers for sale or resale in the form received, and is subject to the provisions of Supplementary Order M–21–b. During the calendar quarter beginning October 1, 1941 and ending December 31, 1941 the Company accepted from its producer or producers, deliveries of 679.1 tons of Schedule A steel products, which was 70.9 tons in excess of the quota established for the Company by the Director of Priorities.

Acceptance by the Company of deliveries in excess of its quota was made in wilful disregard of the provisions of Supplementary Order M–21–b and constituted a violation thereof. In view of the foregoing facts,

It is hereby ordered:

§ 1010.24 *Suspension Order S–24.* (a) During the calendar quarter, beginning April 1, 1942 and ending June 30, 1942, the quota of Schedule A steel products which The Faeth Company, Kansas City, Missouri, would be entitled to receive under the provisions of Supplementary Order M–21–b as amended, shall be reduced by the amount which The Faeth Company accepted in the last quarter of 1941 in excess of the quota assigned, and shall be further reduced by 25% of the amount by which The Faeth Company exceeded its quota, or a total reduction of 88.6 tons. The Faeth Company may apply this reduction against individual product quotas as it may elect, but unless specifically authorized by the Director of Industry Operations, shall not accept delivery of more than 519.6 tons of Schedule A steel products during the period this Order shall be in effect.

(b) This Order shall remain in effect from the first day of April, 1942, to the 30th day of June, 1942. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 27th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2721; Filed, March 27, 1942; 4:43 p. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S–25

Baker Steel and Tube Co.

Baker Steel and Tube Company, Los Angeles, California, is a steel warehouse. It is engaged in the receipt of physical deliveries of steel from a producer or producers for sale or resale in the form received, and is subject to the provisions of Supplementary Order M–21–b. During the calendar quarter beginning October 1, 1941, and ending December 31, 1941, the Company accepted from its producer or producers deliveries of 222.1 tons of Schedule A steel products which was 127.3 tons in excess of the quota established for the Company by the Director of Priorities.

Acceptance by the Company of deliveries in excess of its quota was made in wilful disregard of the provisions of Supplementary Order M–21–b and constituted a violation thereof. In view of the foregoing facts,

It is hereby ordered:

§ 1010.25 *Suspension Order S–25.* (a) During the calendar quarter beginning April 1, 1942, and ending June 30, 1942, no quota of Schedule A steel products shall be established for Baker Steel and Tube Company, Los Angeles, California, under the provisions of Supplementary Order M–21–b, as amended. Baker Steel and Tube Company shall not accept deliveries of any Schedule A steel products during the period this Order shall be in effect unless specifically authorized by the Director of Industry Operations.

(b) This Order shall remain in effect from the first day of April, 1942, to the 30th day of June, 1942. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong. as amended by Pub. Law 89, 77th Cong.

Issued this 27th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2722; Filed, March 27, 1942; 4:44 p. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S–26

Swedish Steel Mills' Inc.

Swedish Steel Mills' A. A., Incorporated, of New York City is a steel warehouse with branches in New York, New York, Newark, New Jersey, Cleveland, Ohio, El Paso, Texas, and Los Angeles, California. It is engaged in the receipt of physical deliveries of steel from a producer or producers for sale or resale in the form received, and is subject to the provisions of Supplementary Order M–21–b. During the calendar quarter beginning October 1, 1941, and ending December 31, 1941, the Company accepted from its producer or producers, deliveries of 1,079.7 tons of Schedule A steel products, which was 161.5 tons in excess of the quota established for the Company by the Director of Priorities.

Acceptance by the Company of deliveries in excess of its quota was made in wilful disregard of the provisions of Supplementary Order M–21–b and constituted a violation thereof. In view of the foregoing facts,

It is hereby ordered:

§ 1010.26 *Suspension Order S–26.* (a) During the calendar quarter, beginning April 1, 1942, and ending June 30, 1942, the quota of Schedule A steel products which Swedish Steel Mills' A. A., Incorporated, of New York City, would be entitled to receive in all its branches under the provisions of Supplementary Order M–21–b, as amended, shall be reduced by the amount which Swedish Steel Mills' A. A., Incorporated accepted in the last quarter of 1941 in excess of the quota assigned, and shall be further reduced by 50% of the amount by which Swedish Steel Mills' A. A., Incorporated exceeded its quota, or a total reduction of 242.2 tons. Swedish Steel Mills' A. A., Incorporated may apply this reduction against individual product quotas as it may elect, but unless specifically authorized by the Director of Industry Operations, shall not accept deliveries in all of its branches of more than 817.3 tons of Schedule A steel products during the period this Order shall be in effect.

(b) This Order shall remain in effect from the first day of April 1942, to the 30th day of June, 1942. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 27th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2723; Filed, March 27, 1942; 4:44 p. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S–27

J. B. Beaird Corp.

J. B. Beaird Corporation, Shreveport, Louisiana, is a steel warehouse. It is engaged in the receipt of physical deliveries of steel from a producer or producers for sale or resale in the form received, and is subject to the provisions of Supplementary Order M–21–b. During the calendar quarter beginning October 1, 1941, and ending December 31, 1941, the Company accepted from its producer or producers, deliveries of 230.5 tons of Schedule A steel products, which was 80.7 tons in excess of the quota established for the Company by the Director of Priorities.

Acceptance by the Company of deliveries in excess of its quota was made in wilful disregard of the provisions of Supplementary Order M–21–b and constituted a violation thereof. In view of the foregoing facts,

It is hereby ordered:

§ 1010.27 *Suspension Order S–27.* (a) During the calendar quarter, beginning April 1, 1942, and ending June 30, 1942, the quota of Schedule A steel products which J. B. Beaird Corporation, Shreveport, Louisiana, would be entitled to receive under the provisions of Supplementary Order M–21–b, as amended, shall be reduced by the amount which J. B. Beaird Corporation accepted in the last quarter of 1941 in excess of the quota assigned, and shall be further reduced by 50% of the amount by which J. B. Beaird Corporation exceeded its quota, or a total reduction of 121.0 tons. J. B. Beaird Corporation may apply this reduction against individual product quotas as it may elect, but unless specifically authorized by the Director of Industry Operations, shall not accept delivery of more than 28.8 tons of Schedule A steel products during the period this Order shall be in effect.

(b) This Order shall remain in effect from the first day of April 1942 to the 30th day of June 1942. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 27th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2724; Filed, March 27, 1942; 4:44 p. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S–28

Austin-Hastings Co., Inc.

Austin-Hastings Company, Inc., of Cambridge, Massachusetts; N. H. Bragg & Sons of Bangor, Maine; Coulter, Sibbett & Burke of Los Angeles, California; Dayton Hardware & Supply Company of Dayton, Ohio; Delaware Hardware Company of Wilmington, Delaware; Fable & Company of Philadelphia, Pennsylvania; Fairmont Supply Company of Fairmont, West Virginia; Pollak Steel Company of Cincinnati, Ohio; Ross-Frazer Iron Company of St. Joseph, Missouri; Chas. G. Stevens Company of Chicago, Illinois; Stratton & Terstegge Company of Louisville, Kentucky; and Super Steels, Inc., of Cleveland, Ohio, are steel warehouses. Each is engaged in the receipt of physical delivery of steel from a producer or producers, for sale or resale in the form received, and each is subject to the provisions of Supplementary Order M–21–b. During the calendar quarter beginning October 1, 1941, and ending December 31, 1941, each of the aforementioned warehouses accepted from its producer or producers deliveries of Schedule A steel products in excess of the quota established for it by the Director of Priorities.

Acceptance by each of the warehouses of deliveries in excess of its quota was made in wilful disregard of the provisions of Supplementary Order M–21–b and constituted a violation thereof. In view of the foregoing facts,

It is hereby ordered:

§ 1010.28 *Suspension Order S–28.* (a) During the calendar quarter beginning April 1, 1942, and ending June 30, 1942, the quota of Schedule A steel products which Austin-Hastings Company, Inc., of Cambridge, Massachusetts, would be entitled to receive under the provisions of Supplementary Order M–21–b as amended, shall be reduced by 91.4 tons, the amount of the excess deliveries. Such reduction shall be applied against individual product quotas as Austin-Hastings Company, Inc., shall elect. During the aforesaid calendar quarter, Austin-Hastings Company, Inc., shall accept deliveries of not more than 492.3 tons of Schedule A products unless specifically authorized by the Director of Industry Operations to accept greater deliveries.

(b) During the calendar quarter beginning April 1, 1942, and ending June 30, 1942, the quota of Schedule A steel products which N. H. Bragg & Sons of Bangor, Maine, would be entitled to receive under the provisions of Supplementary Order M–21–b as amended, shall be reduced by 16.8 tons, the amount of the excess deliveries. Such reduction shall be applied against individual product quotas as N. H. Bragg & Sons shall elect. During the aforesaid calendar quarter, N. H. Bragg & Sons shall accept deliveries of not more than 74.5 tons of Schedule A products unless specifically authorized by the Director of Industry Operations to accept greater deliveries.

(c) During the calendar quarter beginnning April 1, 1942, and ending June 30, 1942, no quota of Schedule A steel products shall be established for Coulter, Sibbett & Burke of Los Angeles, California, under the provisions of Supplementary Order M–21–b as amended. Coulter, Sibbett & Burke shall not accept deliveries of any Schedule A products during the period this Order shall be in effect unless specifically authorized by the Director of Industry Operations.

(d) During the calendar quarter beginning April 1, 1942, and ending June 30, 1942, the quota of Schedule A steel products which Dayton Hardware & Supply Company of Dayton, Ohio, would be entitled to receive under the provisions of Supplementary Order M–21–b as amended, shall be reduced by 9.0 tons, the amount of the excess deliveries. Such reduction shall be applied against individual product quotas as Dayton Hardware & Supply Company shall elect. During the aforesaid calendar quarter, Dayton Hardware & Supply Company shall accept deliveries of not more than 26.0 tons of Schedule A products unless specifically authorized by the Director of Industry Operations to accept greater deliveries.

(e) During the calendar quarter beginning April 1, 1942, and ending June 30, 1942, the quota of Schedule A steel products which Delaware Hardware Company of Wilmington, Delaware, would be entitled to receive under the provisions of Supplementary Order M–21–b as amended, shall be reduced by 72.5 tons, the amount of the excess deliveries. Such reduction shall be applied against individual product quotas as Delaware Hardware Company shall elect. During the aforesaid calendar quarter, Delaware Hardware Company shall accept deliveries of not more than 50.5 tons of Schedule A products unless specifically authorized by the Director of Industry Operations to accept greater deliveries.

(f) During the calendar quarter beginning April 1, 1942, and ending June 30, 1942, the quota of Schedule A steel products which Fable & Company of Philadelphia, Pennsylvania, would be entitled to receive under the provisions of Supplementary Order M–21–b as amended, shall be reduced by 35.9 tons, the amount of the excess deliveries. Such reduction shall be applied against individual product quotas as Fable & Company shall elect. During the aforesaid calendar quarter, Fable & Company shall accept deliveries of not more than 20.7 tons of Schedule A products unless specifically authorized by the Director of Industry Operations to accept greater deliveries.

(g) During the calendar quarter beginning April 1, 1942, and ending June 30, 1942, the quota of Schedule A steel products which Fairmont Supply Company of Fairmont, West Virginia, would be entitled to receive under the provisions of Supplementary Order M–21–b as amended, shall be reduced by 29.5 tons, the amount of the excess deliveries. Such reduction shall be applied against individual product quotas as Fairmont Supply Company shall elect. During the aforesaid calendar quarter, Fairmont Supply Company shall accept deliveries of not more than 42.9 tons of Schedule A products unless specifically authorized by the Director of Industry Operations to accept greater deliveries.

(h) During the calendar quarter beginning April 1, 1942, and ending June 30, 1942, the quota of Schedule A steel products which Pollak Steel Company of Cincinnati, Ohio, would be entitled to receive under the provisions of Supplementary Order M–21–b as amended, shall be reduced by 68.9 tons, the amount of the excess deliveries. Such reduction shall be applied against individual product quotas as Pollak Steel Company shall elect. During the aforesaid calendar quarter, Pollak Steel Company shall accept deliveries of not more than 20.8 tons of Schedule A products unless specifically authorized by the Director of Industry Operations to accept greater deliveries.

(i) During the calendar quarter beginning April 1, 1942, and ending June 30, 1942, the quota of Schedule A steel products which Ross-Frazer Iron Company of St. Joseph, Missouri, would be entitled to receive under the provisions of Supplementary Order M–21–b as amended, shall be reduced by 13.7 tons, the amount of the excess deliveries. Such reduction shall be applied against individual product quotas as Ross-Frazer Iron Company shall elect. During the aforesaid calendar quarter, Ross-Frazer Iron Company shall accept deliveries of not more than 53.7 tons of Schedule A products unless specifically authorized by the Director of Industry Operations to accept greater deliveries.

(j) During the calendar quarter beginning April 1, 1942, and ending June 30, 1942, no quota of Schedule A steel products shall be established for Chas. G. Stevens Company of Chicago, Illinois, under the provisions of Supplementary Order M–21–b as amended. Chas. G. Stevens Company shall not accept deliveries of any Schedule A products during the period this Order shall be in effect unless specifically authorized by the Director of Industry Operations.

(k) During the calendar quarter beginning April 1, 1942, and ending June 30, 1942, no quota of Schedule A steel products shall be established for Stratton

& Terstegge Company of Louisville, Kentucky, under the provisions of Supplementary Order M–21–b as amended Stratton & Terstegge Company shall not accept deliveries of any Schedule A products during the period this Order shall be in effect unless specifically authorized by the Director of Industry Operations.

(l) During the calendar quarter beginning April 1, 1942, and ending June 30, 1942, the quota of Schedule A steel products which Super Steels, Inc. of Cleveland, Ohio, would be entitled to receive under the provisions of Supplementary Order M–21–b as amended, shall be reduced by 1,734.7 tons, the amount of the excess deliveries. Such reduction shall be applied against individual product quotas as Super Steels, Inc. shall elect. During the aforesaid calendar quarter, Super Steels, Inc. shall accept deliveries of not more than 874.4 tons of Schedule A products unless specifically authorized by the Director of Industry Operations to accept greater deliveries.

(m) This Order shall remain in effect from the 1st day of April, 1942, to the 30th day of June, 1942. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 27th day of March, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2725; Filed, March 27, 1942; 4:45 p. m.]

PART 1010—SUSPENSION ORDERS

SUSPENSION ORDER NO. S–29

Penn Metal Co., Inc.

Penn Metal Company, Inc., Los Angeles, California, is a steel warehouse with branches at Los Angeles, California and San Francisco, California. It is engaged in the receipt of physical deliveries of steel from a producer or producers for sale or resale in the form received, and is subject to the provisions of Supplementary Order M–21–b. During the calendar quarter beginning October 1, 1941, and ending December 31, 1941, the Company accepted from its producer or producers deliveries of 92.7 tons of Schedule A products which was 49.5 tons in excess of the quota established for the Company by the Director of Priorities.

Acceptance by the Company of deliveries in excess of its quota was made in wilful disregard of the provisions of Supplementary Order M–21–b and constituted a violation thereof. In view of the foregoing facts,

It is hereby ordered:

§ 1010.29 *Suspension Order S–29.* (a) During the calendar quarter beginning April 1, 1942, and ending June 30, 1942, no quota of Schedule A steel products shall be established for Penn Metal Company, Inc., Los Angeles, California, or for any of its branches, under the provisions of Supplementary Order M–21–b, as amended. Penn Metal Company, Inc., shall not accept deliveries of any Schedule A steel products during the period this Order shall be in effect unless specifically authorized by the Director of Industry Operations.

(b) During the calendar quarter beginning July 1, 1942, and ending September 30, 1942, the quota of Schedule A steel products which Penn Metal Company, Inc., Los Angeles, California, would be entitled to receive in all of its branches, under the provisions of Supplementary Order M–21–b, shall be reduced by 6.3 tons. Such reduction shall be applied against individual quotas as Penn Metal Company, Inc. shall elect. During the aforesaid calendar quarter, Penn Metal Company, Inc. shall accept deliveries of not more than 36.9 tons of Schedule A steel products unless specifically authorized by the Director of Industry Operations to accept greater deliveries.

(c) This Order shall remain in effect from the first day of April, 1942, to the 30th day of September 1942. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R 561, EO. 9024, Jan. 16, 1942, 7 F.R. 329; EO 9040, Jan 24, 1942, 7 F.R. 527; sec. 2 (a). Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 27th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2726; Filed, March 27, 1942; 4:45 p. m.]

PART 1125—CASKETS, SHIPPING CASES, AND BURIAL VAULTS—LIMITATION ORDER L–64

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron, steel, and other metals for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1125.1 *General Limitation Order L–64*—(a) *Definitions.* For the purposes of this Order:

(1) "Casket" means a container in which it is intended to place a human corpse for interment.

(2) "Shipping case" means a container in which it is intended to place a casket containing a human corpse for transportation.

(3) "Burial vault" means a container in which it is intended to place a casket containing a human corpse for interment.

(4) "Manufacturer" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not, engaged in the production of caskets, shipping cases or burial vaults.

(5) "Production" means the fabrication or processing of raw material or of semi-fabricated material or the assembly of finished parts into caskets, shipping cases or burial vaults.

(6) "Iron and steel used" means the weight of iron and steel in the aggregate contained in the finished caskets, shipping cases or burial vaults, other than such iron and steel not exceeding 10 pounds per casket, shipping case or burial vault as is essentially required in casket hardware, shell hardware or fastenings.

(7) "Restricted period" means the period from the effective date of this Order to March 31, 1942.

(8) "Average daily use" means the total amount of iron and steel in the aggregate used by a manufacturer during the calendar year 1940, divided by 365.

(b) *General restrictions.* (1) During the restricted period no manufacturer shall use in the production of caskets, shipping cases, and burial vaults a greater total of iron and steel in the aggregate than 75% of the average daily use multiplied by the number of days (including Sundays and Holidays) contained in the restricted period.

(2) During the month of April, 1942, no manufacturer shall use in the production of caskets, shipping cases, and burial vaults more than 75% of the average monthly amount of iron and steel in the aggregate used by said manufacturer in such production during the calendar year 1940.

(3) During the month of May, 1942, no manufacturer shall use in the production of caskets, shipping cases, and burial vaults more than 50% of the average monthly amount of iron and steel in the aggregate used by said manufacturer in such production during the calendar year 1940.

(4) During the month of June, 1942, no manufacturer shall use in the production of caskets, shipping cases, and burial vaults more than 25% of the average monthly amount of iron and steel in the aggregate used by said mnufacturer in such production during the calendar year 1940.

(5) No manufacturer shall, after June 30, 1942, process, fabricate, work on, or assemble any iron and steel for use in the production of caskets, shipping cases and burial vaults.

(6) After June 30, 1942, no manufacturer shall sell, lease, trade, lend, deliver, ship, or transfer any iron and steel to any person whatsoever, except pursuant to specific authorization of the Director of Industry Operations.

(7) The restrictions contained in subparagraphs (b) (1), (b) (2), (b) (3), (b) (4), (b) (5) and (b) (6) shall not apply to the use of iron and steel

(i) in casket hardware, shell hardware, or fastenings, provided the total amount of iron and steel in the aggregate so used does not exceed ten pounds per casket, shipping case, or burial vault;

(ii) in the production of metal liners for wooden caskets or of metal shipping cases provided that such metal liners for wooden caskets and metal shipping cases are manufactured for the purpose of providing hermetically sealed containers necessary for compliance with State laws regarding the transportation of human corpses, and that for each article sold for this purpose the manufacturer obtains from the purchaser a written affidavit stating that the article is to be used for the purpose of fulfilling the requirements of a State law and setting forth the details of such law.

(6) From the effective date of this Order, no manufacturer shall use any metal other than iron, steel, gold or silver in the production of caskets, shipping cases, or burial vaults. Any manufacturer who possesses in his inventory any metal other than iron, steel, gold or silver shall not sell, lease, trade, lend, deliver, ship, or transfer any such metal, except pursuant to the specific authorization of the Director of Industry Operations.

(c) *Substitution of iron or steel for other materials.* Any manufacturer who during the calendar year 1940 used metals other than iron or steel in the production of caskets, shipping cases, or burial vaults may for the purpose of computing his allowable production add the weight of such other metals used during the calendar year 1940 to the weight of iron or steel used during the calendar year 1940.

(d) *Avoidance of excessive inventories.* No manufacturer of caskets, shipping cases and burial vaults shall accumulate for use in the manufacture of such caskets, shipping cases and burial vaults inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of caskets, shipping cases and burial vaults at the rates permitted by this Order.

(e) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, and sales.

(f) *Audit and inspection.* All records required to be kept by this Order shall upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Reports.* Each manufacturer to whom this Order applies, shall file with the Electrical Appliances and Consumers' Durable Goods Branch of the Division of Industry Operations of the War Production Board such reports and questionnaires as said officer shall from time to time specify.

(h) *Violations.* Any person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving futher deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(i) *Appeal.* Any person affected by this Order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work may appeal to the "War Production Board, Washington, D. C., Ref; L–64" setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(j) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to: "War Production Board, Washington, D. C., Ref: L–64".

(k) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.).

(l) *Effective date.* This Order shall take effect immediately. Issued this 28th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2745; Filed, March 28, 1942; 11:51 a. m.]

PART 1137—CLOSURES AND ASSOCIATED ITEMS

GENERAL LIMITATION ORDER L–68

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of closures and associated items for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1137.1 *General Limitation Order L–68*—(a) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) *Restrictions on the manufacture and use of slide fasteners.* (1) No person shall, on or after April 1, 1942:

(i) Use in any calendar quarter any steel, zinc, or zinc base alloy in the manufacture or production of slide fasteners or their component parts in excess of 50% of the average quarterly poundage of metals used in the aggregate by such person for similar purposes during the year ending June 30, 1941;

(ii) Use any copper or copper base alloy in the manufacture or production of any slide fasteners or their component parts, except as provided in paragraph (b) (1) (iv);

(iii) Produce or manufacture any slide fastener which exceeds ten inches in length, except such slide fasteners, not exceeding twelve inches in length, as are produced for use as fly fasteners on trousers; also except such slide fasteners of the separating type, not exceeding twenty inches in length, which are for use on work jackets; and also except as provided in paragraph (b) (1) (iv);

(iv) Produce, manufacture, or deliver to any other person any slide fasteners or their component parts manufactured from steel, zinc, zinc base alloy, copper, or copper base alloy for use on any of the garments or articles listed on Appendix A, which is attached hereto and made a part hereof, except to the extent that such slide fasteners or their component parts in such person's possession on the date of this Order are not adaptable for any other use, or are for pocket applications on garments including those listed on Appendix A: *Provided, however,* That no person shall exceed the restrictions upon the use of copper or copper base alloy in the Conservation Orders of the M–9–c series applicable to such person.

(v) Produce or manufacture any bead pulls, chain pulls, or similar items from steel, zinc, zinc base alloy, copper, or copper base alloy, except to the extent that such are in process on the date of this Order;

(vi) Use in any calendar quarter in the manufacture or production of slide fasteners or their component parts, for sale on notion cards, or otherwise, for home use, any steel, zinc, or zinc base alloy in excess of 50% of the average quarterly poundage of metals used in the aggregate by such person for similar purposes during the year ending June 30, 1941.

(2) No person shall, on or after June 1, 1942, use any slide fasteners or their component parts in the manufacture or production of the garments and articles listed on Appendix A, with the exception that this prohibition shall not apply to the use of slide fasteners for pocket applications on garments, including those listed on Appendix A.

(c) *Restrictions on the manufacture of hooks and eyes and brassiere hooks.* No person shall, on or after April 1, 1942:

(1) Use any copper or copper base alloy in the manufacture or production of hooks and eyes or brassiere hooks;

(2) Use in any calendar quarter:

(i) Any steel, zinc, or zinc base alloy in the manufacture or production of hooks and eyes and brassiere hooks other than those specified in subparagraph (c) (2) (ii) in excess of 100% of the average quarterly poundage of metals used in the aggregate by such person for all such purposes during the year ending June 30, 1941;

(ii) Any steel, zinc, or zinc base alloy in the manufacture or production of hooks and eyes and brassiere hooks for sale on notion cards, or otherwise, for home use, in excess of 50% of the average quarterly poundage of metals used in the aggregate by such person for all such purposes during the year ending June 30, 1941.

(d) *Restrictions on the manufacture of sew-on, machine-attached, or riveted snap fasteners or grippers.* No person shall, on or after April 1, 1942:

(1) Use any copper or copper base alloy in the manufacture or production of sew-on, machine-attached, or riveted snap fasteners or grippers;

(2) Use in any calendar quarter any steel, zinc or zinc base alloy in the manufacture or production of sew-on, machine-attached, or riveted snap fasteners or grippers other than those specified in subparagraph (d) (3) hereof in excess of 50% of the average quarterly poundage of metals used in the aggregate by such persons for all such purposes during the year ending June 30, 1941, except in the manufacture or production of sew-on, machine-attached, or riveted snap fasteners or grippers for use on work clothing or women's and children's wear, in which case the aggregate amount of steel, zinc, and zinc base alloy used shall not exceed 100% of the average quarterly poundage of metals used in the aggregate by such person for all such purposes during the year ending June 30, 1941;

(3) Use in any calendar quarter any steel, zinc, or zinc base alloy in the manufacture or production of sew-on, machine-attached, or riveted snap fasteners or grippers, for sale on notion cards, or otherwise, for home use, in excess of 50% of the average quarterly poundage of metals used in the aggregate by such person for similar purposes during the year ending June 30, 1941.

(e) *Restrictions on the manufacture of metal buttons, rivets and burrs, and insignia.* No person shall, on or after April 1, 1942, use any copper or copper base alloy in the manufacture or production of metal buttons, metal rivets and burrs, or insignia for apparel, except in the manufacture of such metal buttons, metal rivets and burrs, or insignia as are used on uniforms for the following:

(1) U. S. Army Officers.
(2) U. S. Navy Officers and Chief Petty Officers.
(3) U. S. Marine Corps Officers.
(4) U. C. Coast Guard Officers and Chief Petty Officers.
(5) U. S. Coast and Geodetic Officers.
(6) U. S. Government Military and Naval Academy and Training School Students.
(7) Maritime Commission Employees

and with the further exception that metal buttons for uniforms of, and identification badges for, public-carrier employees, police and fire department employees, and military school students may be plated with copper or copper base alloy.

(f) *Restriction on the use of copper and copper base alloy in the manufacture of certain items.* No person shall, after April 1, 1942, use any copper or copper base alloy in the manufacture or production of the following items:

Buckles (other than dress buckles covered by Conservation Order M-9-c).
Corset Clasps.
Eyelets.
Furniture Glides.
Garter Trimmings.
Hose Supporters.
Identification Badges and Similar Items, except as provided in paragraph (e).
Loops.
Mattress Buttons.
Personal Hardware.
Pin Fasteners.
Staples.
Slides.
Tacks.
Trouser Trimmings.

(g) *General exceptions.* (1) The prohibitions and restrictions contained in this Order shall not apply to the manufacture, delivery, or use of any item which is being produced under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development, or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States" (Lend-Lease Act), if in any such case the use of such items to the extent employed is required by the specifications of the prime contract.

(2) The prohibitions and restrictions contained in this Order shall not apply to purchases or deliveries for, or uses of, any item for application in the home and not for resale, except as expressly so provided.

(h) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of metal conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the War Production Board by letter or telegram, Reference L-68, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(j) *Reports.* All persons affected by this Order shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time. No reports or questionnaires are to be filed by any person until forms therefor have been prescribed by the War Production Board.

(k) *Reports and communications.* All reports required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to: "War Production Board, Washington, D. C., Reference L-68."

(l) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 28th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

APPENDIX A

Bags—Duffel bags, food bags, garment bags, hand bags, golf bags, laundry bags, money bags, knitting bags, sewing bags, shoe bags, sleeping bags.
Bathrobes.
Billfolds, wallets and pocketbooks.
Cases—Brief cases, camera cases, cigar and cigarette cases, clock cases, coin cases, cosmetic cases, carrying cases for portable equipment, identification cases, key cases, novelty cases, pencil cases, perfume cases, sample cases, spectacle cases, jewelry cases.
Coats—Overcoats, topcoats, sport coats, fingertip coats, reversible coats, sack coats.
Corsets and foundation garments.
Cosmetic sets and kits.
Coveralls and one piece work suits.
Covers—Furniture covers, household appliance covers, pillow covers, rug covers, mattress covers, seat covers, slip covers, upholstery covers, umbrella covers.
Footwear of all types.
Gloves.
Hoods.
Kits—Toilet kits, novelty kits.
Knit goods of all types.
Linings.
Luggage of all types.
Muffs.
Negligees and lingerie.
Notebooks, memorandum books, diaries, checkbook covers.
Overalls.
Pad and heating pads.
Pouches of all types.
Purses.
Raincoats, slickers, oilskins.
Robes.
Shirts—Dress shirts, work shirts, sport shirts.
Slips and petticoats.
Sporting goods.
Sport jackets.
Sweaters.
Swim suits and beachwear.
Toys.
Upholstery.

[F. R. Doc. 42-2748; Filed, March 28, 1942; 11:54 a. m.]

PART 1145—OFFICE SUPPLIES

GENERAL LIMITATION ORDER L-73

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron, steel and other materials for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1145.1 *General Limitation Order L-73*—(a) *Definitions.* For the purposes of this Order:

(1) "Office supplies" means manufactured products (other than furniture and machinery) designed for use in an office, notwithstanding their auxiliary use for industrial purposes.

(2) "Group I products" means the following types of office supplies: wire staples, whether preformed or continuous roll.

(3) "Group II products" means the following types of office supplies: clips, clamps, pins, and thumb-tacks; copyholders; eyelet and round and flat-head fasteners; eyeleters; file fasteners; pencil sharpeners; punches and perforators; stapling and fastening machines.

(4) "Group III products" means the following types of office supplies: adhesive and gummed tape dispensers; arch and clip board files; calendar stands; desk accessories; inked ribbon spools and containers; list finders; rulers and yardsticks; staple removers; stationery sundries, not elsewhere classified.

(5) "Producer" means any person engaged in the fabrication, assembly, or any other operation or process connected with the manufacture of office supplies.

(6) "Prohibited materials" means copper, tin, nickel, chromium, zinc, cadmium, and crude rubber in any form whatever.

(7) "Federal specifications" means specifications (including emergency alternate specifications) approved from time to time by the Director of Procurement for use of all departments and establishments of the Federal Government, and any amendments thereof.

(8) "Iron and steel used" means the aggregate weight of iron and steel when first put into production in the manufacture of office supplies whether in the form of raw materials or as semi-processed or finished parts.

(9) "Preferred order" means any order or contract for office supplies to be delivered to or for the account of

(i) The Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, and the Office of Scientific Research and Development;

(ii) The government of any of the following countries: The United Kingdom, Canada, and other Dominions, Crown Colonies and Protectorates of the British Empire, Belgium, China, Greece, the Kingdom of the Netherlands, Norway, Poland, Russia and Yugoslavia;

(iii) Any agency of the United States Government for delivery to, or for the account of the government of any country listed above or any country, including those in the Western Hemisphere, pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act).

(b) *General restrictions.* (1) During the period of three months beginning with the first day of the first calendar month following the date of issuance of this Order, no Producer shall use

(i) In the manufacture of Group I Products more iron and steel than 25% of the aggregate weight of all metals used by him in the manufacture of Group I products during 1940.

(ii) In the manufacture of Group II products more iron and steel than 20% of the aggregate weight of all metals used by him in the manufacture of Group II Products during 1940.

(iii) In the manufacture of Group III products more iron and steel and 12½% of the aggregate weight of all metals used by him in the manufacture of Group III products during 1940.

(2) During each period of three months, beginning with the first day of the fourth calendar month following the date of issuance of this Order until otherwise ordered no producer shall use

(i) In the manufacture of Group I products more iron and steel than 25% of the aggregate weight of all metals used by him in the manufacture of Group I products during 1940.

(ii) In the manufacture of Group II products more iron and steel than 15% of the aggregate weight of all metals used by him in the manufacture of Group II products during 1940.

(iii) In the manufacture of Group III products more iron and steel than 12½% of the aggregate weight of all metals used by him in the manufacture of Group III products during 1940.

(3) A producer having preferred orders may exceed the foregoing restrictions in any period of three months to the extent of the amount of iron and steel necessary to fill such preferred orders provided that his quota of iron and steel for the following three months shall be reduced by an equivalent amount of iron and steel.

(4) From the effective date of this Order, no producer shall use in the manufacture of any Group I, II or Group III products any prohibited materials except that zinc may be used for galvanizing to the extent necessary for practicable use and wear. This provision shall not apply to the use of prohibited materials which on the date of issuance of this Order have been processed beyond the first stage of cutting or stamping.

(5) From the effective date of this Order, no producer shall manufacture any Group I, Group II or Group III products which exceed the minimum requirements of applicable specifications, as defined in subparagraph (7), paragraph (a) hereof, in respect to any metal or other critical material contained therein.

(c) *Avoidance of excessive inventories.* No manufacturer of Office Supplies shall accumulate for use in the manufacture of Office Supplies inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of Office Supplies at the rates permitted by this Order.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each manufacturer to whom this Order applies shall file with the War Production Board such reports and questionnaires as said Office shall from time to time request.

(g) *Violations.* Any person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U. S. C. 80).

(h) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from nondefense work to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Applicability of other orders.* Insofar as any other Order issued, or to be issued hereafter, restricts the use of any material in the manufacture of Office Supplies to a greater extent than the limits imposed by this Order, the restrictions in such other Order shall govern unless otherwise specified therein.

(j) *Application of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(k) *Communications.* All reports, appeals and other communications concerning this Order should be addressed to the "War Production Board, Washington, D. C. Ref.: L-73."

(l) *Effective date.* This Order shall take effect on the date of its issuance and continue in effect until revoked. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 28th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2754; Filed, March 28, 1942; 11:56 a. m.]

PART 1162—DYESTUFFS

CONSERVATION ORDER NO. M-103

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of organic dyestuffs for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense;

§ 1162.1 *Conservation Order M-103*—(a) *Restrictions on use of the organic dyestuffs.* (1) Curtailment to December 31, 1942, of dyestuffs appearing on List "A". Except as provided in paragraph (b) and paragraph (c) (2) hereof, no person shall hereafter sell or deliver any of the dyestuffs appearing on List "A", to any person, and no person shall use any of the dyestuffs appearing on List "A".

(2) *Curtailment in second quarter of anthraquinone vat dyes not on List "A".* No person, except as provided in paragraph (b) hereof, shall deliver to any other person, during the period beginning April 1, 1942, and ending June 30, 1942, an amount of anthraquinone vat dyes not appearing on List "A", and no person shall accept delivery of or use an amount of anthraquinone vat dyes not appearing on List "A", in excess of 12½ percent of the amount of such anthraquinone vat dyes delivered to such other person, or used by such other person, as the case may be, in the period from January 1, 1941, to December 31, 1941. For the purposes of this subparagraph, amounts of anthraquinone vat dyes shall be calculated in pounds of equivalent single strength anthraquinone vat dyes.

(3) *Restrictions on purchase and sale of all other anthraquinone dyes.* No person, except as provided in paragraph (b) hereof, shall deliver to any other person, during the period beginning April 1, 1942, and ending June 30, 1942, an amount of anthraquinone dyes other than those mentioned in (1) and (2) above and no person shall accept delivery of or use an amount of such anthraquinone dyes, in excess of 12½ per cent of the amount of such anthraquinone dyes delivered to such other person or used by such other person, as the case may be, in the period from January 1, 1941, to December 31, 1941.

(b) *General exception.* The prohibitions and restrictions contained in paragraph (a) shall not apply to the sale, delivery or use of dyestuffs for the manufacture of any item which is being produced under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Commission for Aeronautics, the Office of Scientific Research and Development, or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States," (Lend-Lease Act) if in any such case the use of such dyestuff to the extent employed is required by the specifications of the prime contract.

(c) *Restrictions on export.* (1) No producer may hereafter sell or set aside for export, during the period beginning April 1, 1942, and ending June 30, 1942, from the Continental United States, upon orders other than defense orders, in any calendar month, more dyestuffs requiring anthraquinone derivatives in their manufacture than 8 per cent of the total of such dyestuffs produced in such month by him.

(2) During the period from April 1, 1942, to June 30, 1942, notwithstanding the provisions of paragraph (a), but subject to the limitation of subparagraph (1) above, each producer of any of the dyestuffs appearing on List "A" may export in any month an amount of such dyestuffs not in excess of 3 per cent of his total monthly production thereof, upon orders accompanied by export licenses issued by the Board of Economic Warfare.

(d) *Return of excess dyestuffs to manufacturers.* Each person, other than a manufacturer of dyestuffs, who, on the effective date of this Order, shall have in his inventory, or who shall acquire prior to April 1, 1942, an amount of any of the dyestuffs appearing on List "A" which required the use of anthraquinone or anthraquinone derivatives in the manufacture thereof, in excess of the amount thereof scheduled to be used by him prior to April 30, 1942, shall, within five days after the effective date of this Order, or after the receipt of such subsequent acquisition, as the case may be, resell, or return for credit, to the manufacturer thereof, such excess amount, and shall deliver the same as instructed by the said manufacturer.

(e) *Prohibitions against sales or deliveries.* No person shall hereafter sell or deliver any dyestuffs to any person, if he knows, or has reason to believe, such material is to be used in violation of the terms of this Order.

(f) *Reports.* All persons affected by this Order shall execute and file with the War Production Board such reports and questionnaires as may be required by said Board from time to time. No reports or questionnaires are to be filed by any person until forms therefor have been prescribed by the War Production Board.

(g) *Miscellaneous provisions*—(1) *Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of dyestuffs conserved, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may appeal to the War Production Board by letter or telegraph, Reference M-103, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(3) *Applicability of Order.* The prohibitions and restrictions contained in this Order shall apply to the use of material in all articles hereafter manufactured, irrespective of whether such articles are manufactured pursuant to a contract made prior or subsequent to the effective date hereof, or pursuant to a contract supported by a preference rating. In so far as any other Order of the Director of Industry Operations may have the effect of limiting or curtailing to a greater extent than herein provided the use of any dyestuffs in the production of any article, the limitation of such other Order shall be observed.

(4) *Violations or false statements.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(5) *Definitions.* For the purposes of this Order. (i) "Dyestuffs" means any coloring matter, with the exception of coloring matter the chemical constituents whereof are entirely inorganic in nature. As used herein, the word "dyestuffs" does not include inorganic pigments which may be extended or otherwise processed with substantially colorless organic material, and shall not include dyes certified under the provisions of the Federal Food, Drug and Cosmetic Act (52 Stat. 1040, Ch. 675) and which are sold and used exclusively for use in foods, drugs, and cosmetics, as defined in the said Act.

(6) *Effective date.* This Order shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 28th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

LIST A

Part I—Technical names

1. Brown R CI 1151.
2. Brown G CI 1152.
3. Olive R CI 1150.
4. Golden Orange G CI 1096.
5. Golden Orange A CI 1097.
6. Khaki 2G.
7. Olive T.
8. Olive GGL.
9. Olive Green B.
10. Yellow 3RD.

Part II—Trade names

Amanthrene Olive Green B.
Calcoloid Golden Orange GD CI 1096.
Calcoloid Golden Orange RRTD CI 1097.
Calcosol Brown G CI 1152.
Calcosol Brown R CI 1151.
Calcosol Brown RP CI 1151.
Calcosol Golden Orange G CI 1096.
Calcosol Golden Orange RRTD CI 1097.
Calcosol Golden Orange RRTP CI 1097.
Calcosol Khaki G CI 122.
Calcosol Olive R CI 1150.
Carbanthrene Brown AR CI 1151.
Carbanthrene Brown AG CI 1152.
Carbanthrene Golden Orange G CI 1096.
Carbanthrene Prtg. Golden Orange G CI 1096.
Carbanthrene Golden Orange RRT CI 1097.
Carbanthrene Prtg. Golden Orange RRT CI 1097.
Carbanthrene Khaki 2G CI 122.
Carbanthrene Olive R CI 1150.
Cibanone Brown BG CI 1152.
Cibanone Brown GR CI 1151.
Cibanone Golden Orange 2R CI 1097.
Cibanone Olive 2R CI 1150.
Indanthrene Brown FRA CI 1151.
Indianthrene Brown GA CI 1152.
Indanthrene Brown GAF CI 1152.
Indanthrene Brown GAP CI 1152.
Indanthrene Brown GWF CI 1152.
Indanthrene Brown GWP CI 1152.
Indanthrene Brown RA CI 1151.
Indanthrene Brown RAP CI 1151.
Indanthrene Brown RWP CI 1151.
Indanthrene Golden Orange GA CI 1096.
Indanthrene Golden Orange GWF CI 1096.
Indanthrene Golden Orange GWP CI 1096.
Indanthrene Khaki 2GA CI 122.
Indanthrene Khaki 2GF CI 122.
Indanthrene Khaki 2GWP CI 122.
Indanthrene Olive Green BA.
Indanthrene Olive RA CI 1150.
Indanthrene Olive RAP CI 1150.
Indanthrene Olive RW CI 1150.
Indanthrene Olive RWF CI 1150.
Indanthrene Orange RRTA CI 1097.
Indanthrene Orange RRTF CI 1097.
Indanthrene Orange RRTP CI 1097.
Indanthrene Orange RRTW CI 1097.
Indanthrene Yellow 3RD.
Ponsol Brown AG.
Ponsol Brown AR CI 1151.
Ponsol Brown ARS CI 1151.
Ponsol Green 2BL.
Ponsol Golden Orange G CI 1096.
Ponsol Golden Orange GS CI 1096.
Ponsol Golden Orange RRT CI 1097.
Ponsol Golden Orange RRTS CI 1097.
Ponsol Khaki 2G.
Ponsol Olive AR CI 1150.
Ponsol Olive ARS CI 1150.
Ponsol Olive GGL.

The restrictions apply to all the dyes listed above, or their equivalents. The restrictions also apply to mixtures containing these dyes in excess of 2%.

[F. R. Doc. 42-2753; Filed, March 28, 1942; 11:56 a. m.]

PART 927—NICKEL

GENERAL PREFERENCE ORDER NO. M-6-a (AS AMENDED MARCH 30, 1942)

Section 927.2 (*General Preference Order M-6-a*) is hereby amended to read as follows:

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of nickel for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 927.2 *General Preference Order M-6-a*—(a) *Definition.* (1) "Nickel" means and includes:

(i) Any primary metallic nickel, either alloyed or unalloyed, ferro nickel, and nickel matte of any description;

(ii) Any solutions, concentrates, residues, or speiss containing nickel (commericially recoverable);

(iii) Nickel salts, oxides and carbonates.

(b) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(c) *Directions as to deliveries and melting; allocations.* Hereafter, no person shall make or accept delivery of nickel unless specifically authorized by the Director of Industry Operations: *Provided, however,* That nickel may be delivered without the specific authorization of the Director of Industry Operations to the Metals Reserve Company or to any other Corporation organized under section 5 (d) of the Reconstruction Finance Corporation Act as amended (15 U.S.C., section 606 (b)), or to any duly authorized agent of such Corporation. The Director will from time to time allocate the supply of nickel and specifically direct the manner and quantities in which deliveries thereof may be made and accepted; and the Director may also issue specific directions as to the manner and quantities in which allocations of nickel may be melted or otherwise processed for particular purposes or end uses. In his discretion, the Director may require any person seeking to place a purchase order for nickel to place the same with one or more particular suppliers. Such allocations and directions will be made to insure satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made in the discretion of the Director of Industry Operations without regard to any preference ratings assigned to particular contracts or purchase orders.

(d) *Applications for nickel.* Unless otherwise ordered by the Director of Industry Operations, no person shall be entitled to receive an allocation of nickel unless, not later than the 20th day of the month next preceding the month in which delivery is desired, he shall have filed with the War Production Board and any supplier with whom he may have placed a purchase order for nickel, Form PD-27, or such other form as may be from time to time prescribed by the War Production Board, in the manner indicated on such form. Failure by any person to file an application in the manner and on the date required by this paragraph may be construed as notice to the Director of Industry Operations that such person does not desire an allocation of nickel during the period to which the same would have been applicable.

(e) *Violations or false statements.* Any person who wilfully violates this Order, or who any act [1] or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of materials subject to allocation, and such further action may be taken as is deemed appropriate, including the making of a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(f) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to the War Production Board, Washington, D. C., Reference: M-6-a.

(g) *Effective date.* This Order shall take effect upon the date of issuance and shall continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, as amended 6 F. R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 30th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2794; Filed, March 30, 1942; 11:36 a. m.]

PART 940—RUBBER AND PRODUCTS AND MATERIALS OF WHICH RUBBER IS A COMPONENT

AMENDMENT NO. 7 TO SUPPLEMENTARY ORDER NO. M-15-b,[2] TO RESTRICT THE USE AND SALE OF RUBBER

Supplementary Order No. M-15-b is hereby amended by substituting the attached lists designated A, B, C and D for Lists A, B, C and D, respectively, now attached to such Order. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th

[1] So in original document.
[2] 6 F.R. 6406, 6644, 6792; 7 F.R. 511, 1106, 1634, 2229.

Cong., as amended by Pub. Law 89, 77th Cong.)

This Order shall take effect on April 1, 1942.

Issued this 30th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

List A (revised effective April 1, 1942) to Supplementary Order No. M–15–b, as amended

	Percent
Group 1	100
Concentrator belts.	
Industrial brake linings and clutch facings.	
Polishing belts.	
Screen diaphragms.	
Group 2	80
Cleats and bucket pads.	
Last puller belts.	
Pulley lagging.	
Round belts.	
Street sweeper belts.	
Group 3	100
Acid Hose.	
Cement gun hose.	
Chemical hose.	
Grease gun hose.	
Hydraulic control hose.	
Jetting and hydraulic hose.	
Railroad hose (all types).	
Rotary drillers' hose.	
Sand blast hose.	
Group 4	100
Air drill hose.	
Dredging sleeves.	
Industrial vacuum hose.	
Oil suction and discharge hose.	
Pneumatic hose.	
Spray hose (for working pressures of 300 lbs. per sq. in. and over).	
Paint spray hose.	
Steam hose.	
Suction hose.	
Welding hose.	
Gasoline and oil tank wagon hose (not including curb pump hose).	
Sanitary hose.	
Group 5	80
Fire and mill hose.	
Group 6	85
Hard rubber pipe and fittings.	
Rubber buckets, pails, dippers, funnels, measures, bottles, beakers, frames, baskets, racks, trays (for handling corrosive materials and explosives).	
Rubber-insulated fume-ducts, fans, racks, frames, trays, screens, pipe, buckets, pails, dippers, agitators, funnels and measures (for handling corrosive materials and explosives).	
Rubber pumps, blower, exhauster and pump lining, valves and parts.	
Group 7	80
Storage battery parts (including only separators, retainers, binding strips, element support rods, tie rods, and plate support rods, and hand-built jars and containers, excepting those for automotive starting and lighting batteries).	
Hard rubber sheets, rods and tubing (for dielectric purposes).	
Molded cable connectors and terminal blocks (for dielectric purposes).	
Insulated tools.	
Magneto parts.	
Group 8	100
Mine safety battery parts.	
Mine safety lamp parts.	
Respirators, hose masks, gas masks, goggles, inhalators (mining and industrial types).	

List A (revised effective April 1, 1942) to Supplementary Order No. M–15–b, as amended—Continued

	Percent
Group 9	80
Chute lining (including lining for sand blast chambers).	
Oil well specialties (packers, testing, lining, bumper and swab rubbers; blow-out preventers; drill pipe protectors; stabilisers; slush pump pistons and liners; mud and oil pump pistons, liners, valves and parts; valve cups; strippers; stuffing box rings).	
Sheet, strip and mechanical packings.	
Vibration dampers (non-automotive).	
Group 10	100
Airplane de-icer parts.	
Card clothing.	
Gaskets and washers (not elsewhere listed) necessary for use with products in lists A, B, C and D.	
Gas main bags.	
Linemen's protective devices (line hose, insulator hoods, blankets, cable and test caps and separators, cable bandages, linemen's sleeves and insulating stools).	
Locomotive drive units.	
Spinning cots.	
Mine ventilating tubing.	
Molded, extruded and lathe-cut goods and tubing (not elsewhere listed), constituting component parts of machinery for the processing and fabrication of raw and semi-finished materials and for the transmission of mechanical power.	
Pipe coupling rings.	
Pipe lining discs.	
Shoe diaphragms.	
Stuff pump balls.	
Molded seals for dam and lock gates.	
Group 11	80
Finger print rolls and fingerprint rubber.	
Cutting rubbers.	
Offset and newspaper blankets.	
Printing plates (including cements but excluding rubber stamps, box dies, band daters and toy stamps).	
Printers' rollers.	
Suction cups for printers' equipment.	
Rubber solution for wet plate negatives.	
Group 12	40
Engravers' rubber (including necessary cements but excluding rubber stamps, box dies, band daters and toy stamps).	
Group 13	140
Milk and Milking Machine Equipment, consisting of:	
Couplings for pasteurizers and milk bottle and can washers.	
Gaskets for milk separators and clarifiers.	
Milk bottle filler rubbers.	
Milking machine inflations and tubing.	
Group 14	160
Abrasive implements.	
Group 15	50
Automotive Parts, consisting of the following:	
Hydraulic brake cylinder parts, excepting boots.	
Hydraulic brake hose.	
Air brake and vacuum brake parts, excepting boots.	
Air brake and vacuum brake hose.	
Torsional vibration dampers.	
Clutch facings, brake linings and brake blocks.	
Shock absorber bushings.	
Steering post alignment bushings.	
Pitman arm bushings for independent suspensions.	

List A (revised effective April 1, 1942) to Supplementary Order No. M–15–b, as amended—Continued

	Percent
Group 15—Continued.	
Steering box-to-frame pads for independent suspensions.	
Windshield wiper blades and pivot to housing gaskets.	
Suspension and torque arm bushings.	
Engine, transmission and propeller center bearing mountings.	
Remote control gearshift bushings.	
Spring bumpers—front and rear.	
Cements and tie-gums (for bonding rubber to metal only).	
Sealed beam gaskets.	
Hydraulic clutch and throttle controls.	
Group 16	20
Automotive fan belts (for trucks, buses, tractors and farm implements).	
Group 17	70
Flush valve balls.	
Washers, including fuller balls and diaphragms, for controlling the flow of fluids.	
Water meter parts.	
Group 18	20
Autopsy & Mortuary Gloves.	
Net-lined and all-rubber gloves (for handling corrosive and severely abrasive materials).	
Group 19	100
Electricians' gloves (seconds to be used for handling corrosive and severely abrasive materials).	
Group 20	100
Blood pressure bags.	
Brain surgery caps.	
Colostomy outfits.	
Dental separating strips and mouth props.	
Dilators.	
Finger cots (medical, surgical, dental, veterinary and laboratory).	
Inhalation bags and face pieces (medical, surgical, dental and veterinary).	
Invalid rings.	
Operating cushions.	
Orthodontia bands.	
Parts for medical, surgical, dental, veterinary and mortuary instruments.	
Prostatic bags.	
Rubber bands and cushions for artificial limbs.	
Rubber denture, denture suctions and model formers.	
Tourniquets.	
Tubes, tubing, including catheters, stopples and rubber policemen, (medical, surgical, dental, mortuary, veterinary and laboratory).	
Umbilical belts.	
Urinal—individual wear.	
Vaccine caps.	
X-ray sheets, gloves, aprons and cooling hose.	
Group 21	85
Surgical tape, medicated footpads and plasters.	
Group 22	50
Breast pumps.	
Bulbs (medical, surgical, dental, mortuary, veterinary and laboratory).	
Water bottles and combination syringes.	
Medicine droppers.	
Group 23	50
Hospital sheeting (hospital, ambulance, mortuary and first aid use only).	
Ice bags.	
Metatarsal cushion or pad (not part of shoe).	
Truss pad covers.	
Self-adhering gauze bandages.	
Pneumatic truss pads.	

List B (revised, effective April 1, 1942) to Supplementary Order No. M–15–b as amended

Group 1: Compounds for insulating wire and cable.
Group 2: Cable splicing compound (including necessary cement).
Group 3: Conveyor and elevator belting.
Group 4: Belt splicing and repair material.
Group 5: V-belts (non-automotive).
Group 6:
Flat transmission belts.
Hog beater belts.
Group 7: Rubber lined tanks, drums, pipes and fittings (hard and soft).
Group 8: Rubber covered rolls and roll coverings (except domestic washing machine wringer, printers', fingerprint and business machines).
Group 9: Press die pads.
Group 10: Loom pickers.
Group 11: Pneumatic, solid and cushion tires and tubes (including flaps, cements, airbags and valves) of the following types:
Passenger tires and tubes.
Truck and bus tires.
Truck and bus tubes.
Special purpose (including earthmover, road grader and excavator) tires and tubes.
Industrial tires and tubes (power driven vehicles only).
Farm tractor tires and tubes.
Motorcycle tires and tubes.
Bicycle tires and tubes.
Airplane tires and tubes.
Group 12: Camelback, capping stock, filler strip, striping stock, cushion stock, lug stock and base stock for retreading and recapping tires.
Group 13: Full circle airbags and cements for recapping and retreading tires.
Group 14: Vulcanizing materials, patches, blowout shoes, sectional airbags, cements, and similar items for the repair of tires and tubes.
Group 15: Thread for:
Edging.
Industrial shoes, belting and flexible metallic hose.
Repair cords and webs.
Sanitary belts.
Supporters (men's athletic).
Surgical elastic bandage.
Surgical stockings.
Surgical supports for abdomen, back and breast.
Suspensories.
Trusses (including umbilical belts).
Webbing for respirators, hose masks, gas masks and inhalaters.
Group 16:
Container sealing compounds.
Sealing gaskets (cut rings for commercial packaging).
Group 17: Commercial diving equipment.
Group 18: Rubberized fabric for heating pads.
Group 19: Rubberized fabric for firemen's and policemen's clothing and occupational protective clothing, other than footwear and gloves, consisting of industrial pants, coats, jackets, hose and aprons.
Group 20: Rubber footwear for severe industrial use including rubber boots, mine pacs and work shoes with plain or steel toes.
Group 21: Rubber footwear, other than that provided in Group 20, including rubber boots, pacs, arctics, gaiters, overshoes, rubbers.
Group 22: Nipples (feeding).
Group 23: Pessaries and prophylactics.
Group 24: Surgeons' gloves (medical, surgical, dental, and veterinary use).
Group 25: Shoe adhesives for the following operations only:
Cutting and fitting room operations.

List B (revised, effective April 1, 1942) to Supplementary Order No. M–15–b, as amended—Continued

Group 25: Shoe adhesives for the following operations only—Continued.
Bed and side lasting
Folding.
Gem duck.
Heel breasting.
Insole rib and lip.
Moccasin seam.
Prewelt.
Platform attaching.
Rand.
Soft box toe.
Sole and bottom attaching.
Semi-automatic toe lasting.
Unishank.
Leather welting.
Repair.
Group 26: Meteorological balloons.
Group 27: Box die gum, rubber die gum and rubber type gum, all for industrial marking devices only.

List C (revised, effective April 1, 1942) to Supplementary Order No. M–15–b, as Amended

	Percent
Group 1	100
Colostomy outfits.	
Finger cots (medical, surgical, dental, mortuary, and veterinary use).	
Prostatic bags.	
Tubes, tubing, including catheters (medical, surgical, dental, mortuary, veterinary and laboratory use).	
Urinals, individual wear.	
Group 2	50
Inhalation bags and face pieces (medical, surgical, dental, laboratory and veterinary).	
Operating cushions.	
Veterinary sleeves.	
Group 3	75
Flat belts.	
Round belts.	
Group 4	15
Latex insulation for fume ducts, fans, racks, frames, trays, screens, pipes and fittings, buckets, dippers, funnels, measures, drums, pumps, valves, baskets and agitators (for handling corrosive material).	
Group 5	20
Industrial rubberized fabric gloves for handling corrosive materials.	
Group 6	100
Electricians' gloves (seconds to be used for handling corrosive and severely abrasive materials).	
Group 7	20
Industrial all-rubber and net-lined gloves, (for handling corrosive and severely abrasive materials).	
Autopsy and mortuary gloves.	

List D (revised effective April 1, 1942) to Supplementary Order No. M–15–b as amended

Group 1: Container Sealing Compounds.
Group 2: Meterological Balloons.
Group 3: Nipples (feeding).
Group 4: Pessaries and Prophylactics.
Group 5: Surgeons' Gloves (medical, surgical, dental and veterinary use).
Group 6: Shoe adhesive for the following operations only:
Cutting and fitting room operations.
Bed and side lasting.
Folding.
Gem Duck.
Heel breasting.
Insole rib and lip.
Moccasin Seam.
Pre welt.
Platform attaching.
Rand.
Soft box toe.
Sole and bottom attaching.

List D (revised effective April 1, 1942) to Supplementary Order No. M–15–b, as amended—Continued

Group 6: Shoe adhesive for the following operations only—Continued.
Semi-automatic toe lasting.
Unishank.
Leather welting.
Group 7: V-belts (non-automatic).

[F. R. Doc. 42–2803; Filed, March 30, 1942; 11:35 a. m.]

PART 960—CHLORINE AND PRODUCTS CONTAINING AVAILABLE CHLORINE

AMENDMENT NO. 2 TO GENERAL PREFERENCE ORDER NO. M–19[1] AS AMENDED FEBRUARY 25, 1942

Section 960.1 (*General Preference Order No. M–19 as amended February 25, 1942*) is hereby amended to read as follows:

Present paragraph (r) is hereby amended to read as follows:

(r) *Effective date.* This Order, as and to the extent amended February 25, 1942, shall take effect May 1, 1942 and shall continue in effect until revoked by the Director of Industry Operations.

This amendment shall take effect immediately. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7. F.R 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong. as amended by Pub. Law 89, 77th Cong.)

Issued this 30th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2792; Filed, March 30, 1942; 11:33 a. m.]

PART 984—LEAD

SUPPLEMENTARY ORDER NO. M–38–g

§ 984.8 *Supplementary Order M–38–g.* (a) The Director of Industry Operations hereby determines that the amount of lead to be set aside by each refiner pursuant to paragraph (c) (2) of § 984.1 (*General Preference Order M–38*) for the month of April, 1942, shall be equal to 15% of the total amount of lead produced by such refiner during the month of February, 1942.

(b) *Communications to War Production Board.* All communications concerning this Supplementary Order should be addressed to the War Production Board, Social Security Building, Washington, D. C., Reference: M–38–g.

(c) This Order shall take effect immediately. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942; 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 30th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2791; Filed, March 30, 1942; 11:33 a. m.]

[1] 7 F.R. 1567, 1794.

PART 983—DOMESTIC ICE REFRIGERATORS

SUPPLEMENTARY GENERAL LIMITATION ORDER L–7–b

In accordance with the provisions of § 983.1 (*General Limitation Order L–7*) which the following Order supplements:

§ 983.3 *Supplementary General Limitation Order L–7–b*—(a) *Restrictions for the period from April 1 to June 30.* (1) Except as provided in subparagraph (2), during the period of three months from April 1, 1942, to June 30, 1942, inclusive, no manufacturer of domestic ice refrigerators shall use in the production of such refrigerators more steel than the greater of the following two limits:

(i) Three times 60% of the monthly average of steel used by him during the twelve months period ending June 30, 1941.

(ii) Three times 60% of the monthly average of steel used by him during the three years period ending June 30, 1941.

(2) Each manufacturer is specifically authorized to use in addition to the quota set forth above the unused balance of quotas allowed by General Limitation Order L–7 and Supplementary General Limitation Order L–7–a as amended, provided that before doing so he file with the Consumers' Durable Goods Branch of the War Production Board a report setting forth the amount of steel which he intends to use under the provisions of this subparagraph. (No unused quota balances shall be used in production after June 30, 1942, however.)

(b) *Restrictions for the period July 1 to September 30 and for each three months period thereafter.* (1) During the period of three months from July 1, 1942 to September 30, 1942, inclusive, and for each three months period thereafter no manufacturer of domestic ice refrigerators

(i) Shall use in the production of such refrigerators more steel than the greater of the following two limits:

(a) Three times 60% of the monthly average of steel used by him during the twelve months period ending June 30, 1941.

(b) Three times 60% of the monthly average of steel used by him during the three years period ending June 30, 1941.

(ii) Shall use more than 20 pounds of steel and/or iron in the production of any such refrigerator.

(c) *Government orders included.* The restrictions of this Order shall apply to the production of all domestic ice refrigerators including those required to fulfill contracts or orders coming under the provisions of paragraph (a), subparagraph (2) of Supplementary General Limitation Order L–7–a.

(d) *Reports.* No manufacturer shall offer for sale any domestic ice refrigerator produced after June 30, 1942, unless he has first filed with the Consumers' Durable Goods Branch, War Production Board, a report setting forth a bill of material for each model in the production after June 30, 1942.

(e) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from nondefense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(f) *Effective date.* This Order shall take effect on the date of its issuance. (P.D. Reg. 1, as amended; 6 F.R. 6580; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 30th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2802; Filed, March 30, 1942; 11:40 a. m.]

PART 996—CHLORINATED HYDROCARBON SOLVENTS

AMENDMENT NO. 1 TO GENERAL PREFERENCE ORDER NO. M–41 [1]

Section 996.1 (*General Preference Order M–41*) is hereby amended to read as follows:

Present paragraph (f) is hereby amended to read as follows:

(f) *Effective date.* This Order shall take effect immediately, and unless sooner revoked, shall expire May 15, 1942.

This amendment shall take effect immediately. (P.D. Reg. 1, as amended, 6 F.R. 6580; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.,)

Issued this 30th day of March, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F.R. Doc. 42-2793; Filed, March 30, 1942; 11:32 a. m.]

PART 1012—DOMESTIC VACUUM CLEANERS

SUPPLEMENTARY GENERAL LIMITATION ORDER L–18–b

In accordance with the provisions of §§ 1012.1 and 1012.2 (*General Limitation Orders L–18* [2] *and L–18–a* [3]) which the following Order supplements:

§ 1012.3 *Supplementary General Limitation Order L–18–b*—(a) *April restrictions.* During the period beginning April 1, 1942 and ending April 30, 1942, inclusive (1) No Class "A" Manufacturer shall produce more domestic vacuum cleaners than the greater of the following two limits:

(i) 3,900 of such vacuum cleaners, or

(ii) 60% of the monthly average of his factory sales of such vacuum cleaners in the twelve months ending June 30, 1941.

(2) No Class "B" Manufacturer shall produce more domestic vacuum cleaners than 75% of the monthly average of his factory sales of such vacuum cleaners during the twelve months period ending June 30, 1941.

(b) *Production of domestic vacuum cleaners prohibited after April 30, 1942.* No manufacturer may produce any domestic vacuum cleaners after April 20, 1942.

(c) *Appeal.* Any manufacturer who considers that relief from the specific provisions of this Order will affirmatively facilitate his program of conversion from civilian to war work, may apply for relief by addressing a letter to the War Production Board, Washington, D. C., Ref: L–18–b, setting forth the pertinent facts and the reasons why he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate. (P.D. Reg. 1, as amended 6 F.R. 6580; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

This Order shall take effect on April 1, 1942. Issued this 30th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2794; Filed, March 30, 1942; 11:29 a. m.]

PART 1035—GLYCERINE

GENERAL PREFERENCE ORDER NO. M–58

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Glycerine for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1035.1 *General Preference Order M–58*—(a) *General restriction on deliveries effective May 1, 1942.* Beginning with May 1, 1942, no Refiner, Producer, or Distributor shall in any calendar month deliver to any person, and no person shall in any calendar month accept delivery of, more than 50 pounds of Glycerine, except as may be specifically authorized by the Director of Industry Operations. Prior to the commencement of each calendar month, beginning with May, 1942, the Director of Industry Operations will issue to all Refiners and Producers and directly or indirectly to all Distributors specific directions covering deliveries of Glycerine which may be made by such Refiners, Producers or Distributors during such month. Such directions will be made to insure the satisfaction of all defense requirements and, insofar as possible, to provide an adequate supply for essential civilian uses, and they may be made at the discretion of the Director of Industry Operations without regard to any preference rating assigned to particular

[1] 6 F.R. 5292.
[2] 6 F.R. 6083.
[3] 7 F.R. 117.

contracts or orders. If the Director of Industry Operations shall not have issued by the first day of any month directions covering deliveries of Glycerine during such month, Refiners, Producers or Distributors may make deliveries of Glycerine free of the restrictions provided by this paragraph (a).

(b) *Restrictions on use and inventory*—(1) *Prohibited use.* No person shall use or consume Glycerine in the manufacture of any anti-freeze product or preparation.

(2) *Curtailment in uses.* No person shall use or consume in any calendar month, beginning with April 1942, in any manufacturing process or use other than the use prohibited by paragraph (b) (1) hereof more Glycerine than seventy percent (70%) of one-twelfth of his use or consumption of Glycerine in such process or use during the calendar year 1940; *Provided, however,* That nothing in this paragraph (b) (2) contained shall prevent the continued use or consumption of Glycerine for (i) any use required for the purpose of filling any defense order, or (ii) the manufacturing or processing of Health Supplies, as defined by General Preference Order P–29, as amended from time to time.

(3) *Inventory restrictions.* No person shall in any month except as may be authorized by the Director of Industry Operations accept delivery of Glycerine if his inventory of Glycerine is, or by such acceptance will become, in excess of one-twelfth of the Glycerine used and sold by him during the calendar year 1940 or, if such person was not in the business of using or selling Glycerine continuously during such year, then in excess of such amount as may be fixed by the Director of Industry Operations; *Provided, however,* That to the extent that a person's inventory consists, or through the acceptance of the proposed delivery would consist, of Glycerine used in filling Defense Orders (and the manufacture or processing of Health Supplies as defined in paragraph (b) (2) hereof), deliveries may be accepted if such inventory is not or would not exceed one-eighth of his year's consumption or sales based on his current method and rate of operations; and *Provided further,* That nothing in this paragraph shall be construed to restrict the delivery of crude Glycerine to any Refiner, nor to prevent a person's taking delivery of his normal purchasing unit of Glycerine (for example, can, drum or carload).

(4) *Required certificate.* Except as to deliveries specifically authorized by the Director of Industry Operations, no person shall make delivery of more than 50 pounds of Glycerine in any month to any other person (except delivery of crude Glycerine to a Refiner) unless and until he shall have received from the deliveree a certificate signed by the deliveree or on his behalf by an individual authorized to sign for him, in substantially the following form:

The undersigned hereby certifies to his vendor and to the War Production Board that the Glycerine hereby ordered will not when delivered and taken in conjunction with the Glycerine held by the undersigned constitute an inventory thereof in excess of the quantity permitted by General Preference Order No. M–58, with the terms of which the undersigned is familiar.

Purchaser

By ---:
Signature and title

Date

Provided, however, That Form PD–362 similarly signed by such deliveree and covering the Glycerine to be delivered, may be received in lieu of such certificate.

(c) *No deliveries in violation of use and inventory restrictions.* No person shall hereafter sell or deliver Glycerine if he knows, or has reason to believe, that such Glycerine is to be used, accepted or accumulated in violation of the terms of this Order.

(d) *Applications and reports.* (1) Each person who orders for delivery in any calendar month a quantity of Glycerine in excess of 50 pounds, whether for own consumption or use (including refining) or resale, shall submit to his Supplier with his order a copy of Form PD–362, properly executed by him, and shall send the original thereof to the War Production Board.

(2) Each Refiner or Producer shall in each month submit to the War Production Board Form PD–363, in duplicate, properly executed by him, scheduling the deliveries of Glycerine which he proposes to make during the succeeding month.

(3) Each person who in any one of the six months ending March 31, 1942 used, consumed or resold more than 50 pounds of Glycerine shall report to the War Production Board on or before May 1, 1942, on Form PD–361.

(4) All Refiners, Producers and Distributors and persons ordering or receiving Glycerine from any one or more of them, and such other persons as may be directed by the Director of Industry Operations shall make such other or further reports and furnish such information, at such times, in such form and with respect to such matters as the Director of Industry Operations may from time to time prescribe.

(e) *Miscellaneous provisions*—(1) *Definitions.* For the purposes of this Order.

(i) "Glycerine" means any and all concentrations of glycerol, from whatever source derived and whether crude or refined.

(ii) "Producer" means any person engaged in the production of Glycerine and includes any person who has Glycerine produced for him pursuant to toll agreement but does not include any Refiner of Glycerine.

(iii) "Refiner" means any person engaged in the refining of Glycerine.

(iv) "Distributor" means any person who has purchased or purchases Glycerine for purposes of resale.

(v) "Supplier" means any Refiner, Producer, Distributor or other person who sells or offers for sale Glycerine.

(2) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(3) *Intra-company transactions.* The prohibitions or restrictions contained in this Order, with respect to deliveries shall, in the absence of a contrary direction, apply not only to deliveries to other persons including affiliates and subsidiaries, but also to deliveries from one branch, division, or section of a single enterprise, to another branch, division, or section of the same or any other enterprise under common ownership or control.

(4) *Appeals.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of Glycerine conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Director of Industry Operations. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(5) *Violations or false statements.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under Section 35 (A) of the Criminal Code (18 U.S.C. 80).

(6) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref: M–58.

(7) *Effective date.* This Order shall take effect immediately and continue in effect until revoked by the Director of Industry Operations. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E. O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 30th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F.R. Doc. 42–2789; Filed, March 30, 1942; 11:32 a. m.]

PART 1052—KITCHEN, HOUSEHOLD AND OTHER MISCELLANEOUS ARTICLES

GENERAL LIMITATION ORDER L–30

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel and other materials for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1062.1 *General Limitation Order L–30*—(a) *Definitions.* For the purposes of this Order:

(1) "Group I Products" means the following: kitchen utensils used primarily in the preparation, cooking, and storage of foods for household, institutional, and commercial uses (except those utensils mentioned in subparagraphs (a) (2), (a) (3) and (b) (4)).

(2) "Group II Products" means the following kitchen, household, and other miscellaneous articles (whether manufactured for household or for any other purpose): wash basins, dish pans, rinsing pans, wash boilers, ash cans, garbage cans and pails (including step-on cans), wringer buckets, clothes wringers, pails (except dairy pails), commodes, chambers and chamber covers, combinets, bread boxes, funnels, liquid measures, galvanized and other portable tubs, wash boards, ironing boards, carpet sweepers, dust pans, refrigerator pans, and all kitchen tools, including (but not limited to) can openers, jar openers, bottle openers, beaters, ice cream dippers or scoops, corers, and mashers.

(3) "Group III Products" means the following kitchen, household, and other miscellaneous articles (whether manufactured for household or for any other purpose): all closet accessories, including, but not limited to, coat and garment hangers and hooks, tie racks, and boot and shoetrees; all articles of fireplace equipment except fire screens; towel bars and racks, toothbrush holders, soap dishes, soap savers, toilet and other paper holders, pot chains, fly swatters, sink drainers, dish drainers, cuspidors, vegetable bins, curtain rods and fixtures, clothespins, candlesticks, carpet beaters, pot cover holders, picnic stoves, camp grids, cup frames, and cake coolers.

(4) "Scarce Materials" means the following: iron, steel, tin, aluminum, nickel, copper and copper base alloys, chromium and lead.

(5) "To Use" a material means to put that material into production for the first time. (When a person is limited to a percentage of the material used in a base period, this limitation applies to the aggregate weight of such material when first put into production by that person, whether in the form of raw materials or as purchased parts.)

(6) "Manufacturer" means any person who produces or assembles any Group I, Group II, or Group III Product.

(7) "Base Period" means the twelve months ending June 30, 1941.

(b) *General restrictions.* (1) During the period from the date of issuance of this Order to the last day of the calendar month in which it is issued, inclusive.

(i) The average daily use of iron and steel by any manufacturer in his total production of Group I, Group II and Group III Products shall not exceed his average daily aggregate use of scarce materials in the production of such products during the base period, and

(ii) The average daily use of zinc by any manufacturer in his total production of Group II and Group III Products shall not exceed his average daily use of zinc in the production of such products during the base period,

Provided, That a manufacturer may use more than his quota of iron and steel or zinc under this subparagraph if, but only if, he reduces his corresponding quota under subparagraph (2) by an equivalent amount of iron and steel or zinc.

(2) During the three months' period beginning with the first day of the first calendar month following the rate of issuance of this Order, no manufacturer shall use

(i) More iron and steel in his total production of:

(a) Group I Products than 22½ per cent of his aggregate use of scarce materials in the production of such products in the base period;

(b) Group II Products than 17½ per cent of his aggregate use of scarce materials in the production of such products in the base period; or

(c) Group III Products than 12½ per cent of his aggregate use of scarce materials in the production of such products in the base period;

Except that a manufacturer may use in the production of Group I or Group II Products any part of his quota of iron and steel for Group III Products, and may use in the production of Group I Products any part of his quota of iron and steel for Group II Products: *Provided*, That he reduces his quota of iron and steel for Group III or Group II Products, as the case may be, by an equivalent amount.

(ii) More zinc in his total production of Group II and Group III Products than 12½ per cent of the zinc used by him in the production of such products during the base period.

(3) Effective the first day of the fourth calendar month following the date of issuance of this Order, no manufacturer shall use any scarce materials or other metals in the production of Group III Products.

(4) Nothing in this Order shall limit the manufacture or production of electrical appliances, cutlery, and silver plated hollow-ware.

(c) *Avoidance of excessive inventories.* Manufacturers of Group I, Group II and Group III Products shall not accumulate for use in the manufacture of such products, inventories of raw materials, semi-processed materials, or finished parts in quantities in excess of the minimum amount necessary to maintain production of such products at the rates permitted by this Order.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each manufacturer to whom this Order applies shall file with the War Production Board such reports and questionnaires as said Board shall from time to time prescribe.

(g) *Violations.* Any person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any materials subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under Section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Applicability of other orders.* Insofar as any other Order issued, or to be issued hereafter, limits the use of any material in the production of Group I, Group II and Group III Products to a greater extent than the limits imposed by this Order, the restrictions in such other Order shall govern unless otherwise specified therein.

(i) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance therewith would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(j) *Application of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(k) *Routing of correspondence.* All reports to be filed, appeals, and other communications concerning this Order should be addressed to the War Production Board, Washington, D. C., Ref: L–30.

(l) *Effective date.* This Order shall take effect on the date of its issuance, and shall continue in effect until revoked. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub Law 671, 76th Cong. as amended by Pub. Law 89, 77th Cong.)

Issued this 31st day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2801; Filed, March 30, 1942; 11:40 a. m.]

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

SCHEDULE VI TO LIMITATION ORDER L–42—CAST IRON TUBULAR RADIATORS

§ 1076.7 *Schedule VI to Limitation Order L–42*—(a) *Definition.* For the purposes of this Schedule, "producer" means any person who manufactures, processes, fabricates or assembles cast iron tubular radiators.

(b) *Simplified practices.* Pursuant to Limitation Order No. L–42 the following types and sizes are hereby established for cast iron tubular radiators:

Number of tubes:	Height (inches)	Maximum weight (lbs. per sq. ft. of heating surface)
3	25	4.7
4	19, 22, 25	4.7
5	22, 25	4.7
6	14, 19, 25, 32	4.7

(c) *Effective date of simplified practices; exceptions.* On and after April 16, 1942, no cast iron tubular radiators which do not conform to the sizes and standards established by paragraph (b) hereof shall be produced or delivered by any producer or accepted by any person from any such producer, except with the express permission of the Director of Industry Operations: *Provided, however*, That the foregoing shall not prohibit the delivery by any producer of such cast iron tubular radiators as were in his stock in finished form on April 16, 1942, or which had, on said date, been cast, machined or otherwise processed in such manner that their manufacture in conformity with this Schedule would be impractical, nor the receipt of such radiators from such producer.

(d) *Records covering excepted cast iron tubular radiators.* Each producer shall retain in his files records showing his inventory of excepted cast iron tubular radiators (by types and sizes) as of April 16, 1942, and such records shall be kept readily available and open to audit and inspection by duly authorized representatives of the War Production Board. (P.D. Reg. 1 as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 30th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2797; Filed, March 30, 1942; 11:38 a. m.]

PART 1076—PLUMBING AND HEATING SIMPLIFICATION

SCHEDULE VII TO LIMITATION ORDER L–42—HOT WATER HEATERS AND PIPING SYSTEMS

§ 1076.8 *Schedule VII to Limitation Order L–42*—(a) *Definition.* For the purposes of this Schedule, "copper base alloy" means any alloy which contains 50% or more copper by weight.

(b) *Limitations.* Pursuant to Limitation Order No. L–42 the following limitations are established for the manufacture of hot water heaters and piping systems.

No copper or copper base alloy may be used in the manufacture of the articles specified below except in the cases noted and then only provided it is limited to the minimum amount practicable:

(1) *Hot water heaters.* Hot water heaters, tanks and coils; except for controls and except for current carrying parts of electric type hot water heaters.

(2) *Piping systems.* Pipe, tube, tubing and fittings therefor; except solder nipples and ferrules.

(c) *General exception.* The prohibitions and restrictions contained in this Schedule shall not apply to the use of copper or copper base alloy in the manufacture of articles or parts thereof which are being produced:

(1) Under a specific contract or subcontract for use in chemical plants, research laboratories or hospitals, where and to the extent that the physical and chemical properties make the use of any other material impractical. Such use is not deemed impractical for ordinary hot water heaters and piping systems and the exception covers only those cases where the technical operation of the plant makes the use of other material impractical.

(2) Under a specific contract or subcontract for use as part of the equipment of vessels other than pleasure craft and of aircraft where corrosive action makes the use of other material impractical.

(d) *Effective date.* This Schedule shall take effect April 1, 1942. (P.D. Reg. 1 as amended 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 30th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2800; Filed, March 30, 1942; 11:38 a. m.]

PART 1081—ELECTRIC POWER

AMENDMENT NO. 1 TO LIMITATION ORDER L–46 TO PROVIDE FOR THE CURTAILMENT OF ELECTRIC POWER IN THE NIAGARA FRONTIER AREA

Section 1081.1 *General Limitation Order L–46*, issued February 27, 1942,[1] is hereby amended as follows:

That portion of paragraph (c) preceding paragraph (c) (2) is hereby amended to read as follows:

(c) *Limitation on consumption and deliveries of electric power.* In the event that the supply of twenty-five cycle power available in the area served by the Niagara Falls Power Company, Niagara Lockport & Ontario Power Company, Buffalo Niagara Electric Corporation, New York State Electric & Gas Corporation, Central New York Power Corporation, and The Lockport & Newfane Power & Water Supply Co. is insufficient to meet the demand therefor, after full operation and integration of facilities as provided in paragraph (b) above, said Utilities shall reduce deliveries to their Consumers in the following manner:

(1) First, the Niagara Falls Power Company, Niagara Lockport & Ontario Power Company, Buffalo Niagara Electric Corporation, New York State Electric & Gas Corporation, Central New York Power Corporation, and The Lockport & Newfane Power & Water Supply Co. shall reduce deliveries to Consumers who have electric power generating facilities, to the extent that the increased operation of such facilities can directly or indirectly relieve the shortage of twenty-five cycle power. Said Utilities shall notify each such Consumer of the reduction in deliveries required, and no Consumer shall thereupon accept deliveries of twenty-five cycle power unless his electric power generating facilities are being operated at maximum capacity.

Paragraph (c) (4) is amended by inserting after "Buffalo Niagara Electric Corporation," the following: "Central New York Power Corporation, The Lockport & Newfane Power & Water Supply Co.,".

Paragraph (d) (1) is hereby amended to read as follows:

(d) *Limitation on increases in deliveries of electric power.* (1) The Niagara Falls Power Company, Niagara Lockport & Ontario Power Company, Buffalo Niagara Electric Corporation, New York State Electric & Gas Corporation, Central New York Power Corporation, The Lockport & Newfane Power & Water Supply Co., Rochester Gas & Electric Corporation shall not, after the effective date of this Order, increase the rate of deliveries of twenty-five cycle power to any Consumer over the maximum measured demand of such Consumer during any month within the twelve month period ending January 31, 1942, and no Consumer shall accept such increased deliveries of power unless:

(i) The amount of such increase in deliveries for any Consumer is less than 100 kilowatts; or

(ii) Such increase has been specifically authorized in advance by the Director of Industry Operations.

Paragraph (f) (1) is hereby amended by inserting after "Niagara Lockport & Ontario Power Company," the following: "New York State Electric & Gas Corporation, Central New York Power Corporation, The Lockport & Newfane Power & Water Supply Co., Rochester Gas & Electric Corporation." (P.D. Reg. 1 as amended, 6 F.R. 680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 30th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42–2796; Filed, March 30, 1942; 11:38 a. m.]

PART 1130—ELECTRICAL APPLIANCES

GENERAL LIMITATION ORDER L–65

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of electrical resistance material and other materials for defense, for private account and for export; and the following Order is

[1] 7 F.R. 1630.

deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1130.1 *General Limitation Order L–65—(a) Definitions.* For the purposes of this Order:

(1) "Electrical appliances" means:

(i) Any domestic or commercial appliances which

(a) have as functional parts electrical heating elements of a total rated wattage not in excess of 2500 watts, or

(b) are powered by an electrical vibrator or electrical fractional horsepower motor, and

(ii) Heating units (of any wattage) to be incorporated in electrical appliances or in new domestic electric ranges.

"Electrical appliances" include articles listed in Schedule "A" attached hereto, but that list is not intended to be exhaustive and all appliances coming within the foreging definition are to be considered "Electrical appliances" for the purpose of this Order, except the following: laundry equipment, vacuum cleaners, refrigerating and air conditioning equipment, commercial dishwashing equipment, fans and electric heating pads, as well as record-players, oil furnaces, vending and gaming machines, clocks, motion picture projectors and other photographic equipment, and other electrical items which are not customarily classified as domestic or commercial electrical appliances.

(2) "Manufacturer" means any person who manufactures parts for electrical appliances as well as any person who produces finished electrical appliances whether or not he manufactures any parts therefor.

(3) "Factory sales value" means the aggregate value of shipments of electrical appliances at regular manufacturers' selling prices.

(4) "Electrical resistance material" means material to be incorporated in electrical appliances in the form of ribbon or wire in which either nickel or chromium, or both, are used to create electrical resistance for the development of heat.

(b) *General restrictions.* (1) From his inventory of electrical resistance material on the effective date of this Order, each manufacturer shall

(i) First, set aside sufficient electrical resistance material to fill all orders on hand on said date bearing a preference rating of A–10 or higher;

(ii) Next, set aside and hold as a reserve for future disposition by the War Production Board 15 percent by weight of his balance of such electrical resistance material (This reserve shall be composed, if possible, of "A" grade round wire containing approximately 80 percent nickel and 20 percent chromium, but if sufficient stocks of "A" wire are unavailable the balance of the reserve shall be composed of "C" grade round wire containing approximately 65 per cent nickel, 15 per cent chromium, and the balance iron);

(iii) Next, at his option, set aside sufficient electrical resistance material to complete the electrical appliances, the production of which is permitted under the terms of paragraph (b) (4);

(iv) Next, at his option, set aside a reserve of electrical resistance material for replacement parts for electrical appliances not to exceed one and one-half times by weight the amount of such material used for such purposes in 1940; and

(v) Finally, set aside all remaining electrical resistance material for future disposition by the War Production Board, except that a manufacturer may sell to other manufacturers additional quantities of electrical resistance material needed by them to complete production of electrical appliances permitted them under the provisions of paragraph (b) (4).

(2) During the period from the effective date of this Order to May 31, 1942, inclusive, no manufacturer in the production of electrical appliances shall

(i) Put into process any tin in pig or block form;

(ii) Use any alloy steel, copper or copper base alloy that was not processed beyond the first blanking stage on the effective date of this Order; or

(iii) Use any aluminum that was not processed beyond the first blanking stage or case in final form on the effective date of this Order.

(3) During the period from April 1, 1942, to May 31, 1942, inclusive, no manufacturer shall use in the production of electrical appliances any nickel for plating.

(4) During the period from the effective date of this Order to May 31, 1942, inclusive, no manufacturer shall produce electrical appliances (except under orders or contracts bearing preference ratings of A–10 or higher)

(i) Having a total factory sales value greater than 25 per cent of the total factory sales value of electrical appliances produced by him in the calendar year 1941; or

(ii) Containing more electrical resistance material by weight than 15 per cent of the aggregate weight of such material contained in the electrical appliances produced by him in the calendar year 1941.

(5) Effective June 1, 1942, no manufacturer shall produce any electrical appliances except in fulfillment of orders or contracts bearing preference ratings higher than A–2.

(6) The restrictions of paragraphs (b) (4) and (b) (5) shall not be construed to limit in any way the manufacture of replacement parts for electrical appliances.

(c) *Inventory restrictions.* No manufacturer shall receive delivery of materials in the form of raw materials, semi-processed materials, finished parts or sub-assemblies for use in the manufacture of electrical appliances in a greater amount than is necessary for completion of production of the electrical appliances and replacement parts permitted under the terms of this Order.

(d) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production and sales.

(e) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(f) *Reports.* Each manufacturer to whom this Order applies shall file a report on Form PD–370 with the War Production Board within 15 days of the effective date of this Order indicating

(i) His total inventory of electrical resistance material as of the effective date of this Order.

(ii) the quantities of such material reserved by him under each of the subdivisions of paragraph (b) (1), and

(iii) his proposed use of electrical resistance material from the effective date of this Order to May 31, 1942, as provided for under the provisions of paragraph (b) (4)

and such other reports and questionnaires as said Board shall from time to time request.

(g) *Violations.* Any person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under Section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(i) *Applicability of other orders.* (1) Except as provided in paragraph (i) (2), insofar as any other Order issued, or to be issued hereafter, limits the use of any other material in the production of electrical appliances, the restrictions in such other Order shall govern unless otherwise specified therein.

(2) During the period from the effective date of this Order to May 31, 1942, inclusive, the provisions of Conservation Orders No. M–1–e, M–6–b, M–9–c, M–21–d, and M–43–a restricting the use by manufacturers of aluminum, nickel, copper and copper base alloys, alloy steel and tin in the production of electrical appliances shall no longer apply to such production, but shall be superseded by the provisions of this Order.

(j) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(k) *Communications.* All reports to be filed, appeals and other communications concerning this Order should be addressed to the War Production Board, Washington, D. C., REF: L–65.

(l) *Effective date.* This Order shall take effect on the date of issuance, and shall continue in effect until revoked. (P.D. Reg. 1 as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 30th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

SCHEDULE "A"

"Electrical appliances" shall be considered as including the appliances listed below, but this list is not intended to be exhaustive and all appliances coming within the definitions contained in paragraph (a) (1) shall be considered "electrical appliances" for the purposes of this Order:

Electric Biscuit and Muffin Bakers.
Electric Bottle Warmers.
Electric Bread Toasters.
Electric Broilers.
Electric Casseroles.
Electric Chafing Dishes.
Electric Coffee Makers.
Electric Corn Poppers.
Electric Deep Fat Fryers.
Electric Double Boilers.
Electric Doughnut Cookers.
Electric Egg Cookers.
Electric Food and Plate Warmers.
Electric Griddles.
Electric Hotplates and Disc Stoves.
Electric Ovens.
Electric Percolators.
Electric Roasters.
Electric Sandwich Toasters.
Electric Steam Tables.
Electric Tea Tables.
Electric Tea Kettles.
Electric Table Stoves.
Electric Urns.
Electric Waffle Irons.
Electric Fireplaces.
Electric Faucet Heaters.
Electric Immersion Heaters.
Electric Unit Radiator Heaters.
Electric Portable Air Heaters.
Electric Fan Type Heaters.
Electric Clothes Dryers.
Electric Curling Irons.
Electric Neckwear and Trouser Pressers.
Electric Permanent Wave Equipment.
Electric Hair Dryers.
Electric Flat Irons.
Electric Smoothing Irons.
Electric Food Mixers.
Electric Domestic Dishwashing Equipment.
Electric Juice Extractors.
Electric Dry Shavers.
Electric Hair Clippers.
Electric Massage Vibrators.
Electric Cigar and Cigarette Lighters.
Electric Hedge Clippers.
Electric Soldering Irons.
Heating Units for:
  Electric Ranges.
  Electric Water Heaters.
  Electric Ironers.
  Electric Radiant Heaters.

[F. R. Doc. 42–2798; Filed, March 30, 1942; 11:37 a. m.]

PART 1132—PRINTING INK

CONSERVATION ORDER M–53

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of materials, for the production of printing inks, for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1132.1 *Conservation order M–53—(a) Definitions.* For the purpose of this Order:

(1) "Producer" means any individual, partnership, association, corporation, or other form of business enterprise engaged in the manufacture of printing inks for sale to others or for his own consumption, but does not include the Government Printing Office or the Bureau of Engraving and Printing of the United States.

(2) "Supplier" means any person with whom a contract or purchase order has been placed for delivery of material to a producer or to another supplier.

(3) "Printing ink" includes any fluid or viscous material or composition of materials used in printing, empressing, stamping or transferring upon paper or paper-like substances, wood, fabrics or metals by the recognized mechanical reproductive processes employed in printing, publishing and related service industries.

(4) "News ink" means an ink made from mineral oil and no more than 15% carbon black, used in the production of daily and weekly newspapers.

(5) "Non-scratch ink" means an ink containing resins for the purpose of increasing hardness and reducing abrasion.

(6) "Class of organic pigment" means a basic chemical class of organic pigment such, for example, as Lithols, Red Lake C, and Toluidine.

(b) *Restrictions on deliveries.* (1) No producer shall in any calendar quarter, beginning with the quarter commencing April 1, 1942, accept delivery of a quantity of any one of the following materials (whether in the form of dry color or of dry or wet dispersions) in excess of seventy percent (70%) of one quarter of his use and consumption of such one material in 1941:

Chrome Yellows and Oranges
Molybdate Orange
Chrome Green
Orange Mineral

(2) No producer shall in any calendar quarter, beginning with the quarter commencing April 1, 1942, accept delivery of a quantity of any one class of organic pigment (whether in the form of dry color or of dry or wet dispersions) in excess of seventy percent (70%) of one quarter of his use and consumption of such one class in 1941.

(3) No producer shall in any calendar quarter beginning with the quarter commencing April 1, 1942, accept delivery of a quantity of any iron blue (whether in the form of dry color or of dry or wet dispersions) in excess of one hundred percent (100%) of one quarter of his use and consumption of such material in 1941.

(4) The fact that any of the foregoing materials may have been purchased with the aid of a preference rating shall not enlarge or otherwise affect the restrictions on deliveries provided for by this paragraph (b).

(c) *Restrictions on use.* In the manufacture of printing ink, no producer shall:

(1) Use in any calender quarter, beginning with the quarter commencing April 1, 1942, any one of the materials listed in paragraph (b) hereof (or in the case of organic pigments, any one class of organic pigment) in excess of the rate at which delivery of any such material (or class of organic pigment) is permitted by such paragraph (b).

(2) Use any oil soluble toner in any black ink, nor a toner of any form in news ink.

(3) Use any alkali blue or other organic toner as a toner for black ink in excess of eight percent (8%), by weight, of such black ink where such alkali blue or other organic toner is in paste form or, where in the form of dry color, then in excess of four percent (4%), by weight, of such black ink.

(4) Use any glycerol phthalate resins or phenolic resins for the production of any gloss ink, non-scratch ink or gloss overprint varnish.

(d) *Prohibitions against sales or deliveries of materials.* No person shall hereafter sell or deliver any of the materials named in paragraph (b) hereof to any other person if he knows or has reason to believe such material is to be used in violation of the terms of this Order.

(e) *Miscellaneous provisions—(1) Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(2) *Violations or false statements.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(3) *Appeal.* Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, or that it would result in a degree of unemployment which would be unreasonably disproportionate compared with the amount of materials conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work, may appeal to the Director of Industry Operations on Form PD–344. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(4) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: M-53.

(5) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1 as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 30th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2790; Filed, March 30, 1942; 11:32 a. m.]

PART 1132—PRINTING INK

PREFERENCE RATING ORDER P-94

§ 1132.2 *Preference Rating Order P-94.* For the purpose of facilitating the acquisition of Material for the production of Printing Inks in the public interest and to promote the national defense, preference ratings are hereby assigned to deliveries to the Producer of Printing Ink and to deliveries to his Suppliers, upon the following terms:

(a) *Definitions.* (1) "Producer" means any individual, partnership, association, corporation, or other form of business enterprise engaged in the manufacture of Printing Ink for sale to others or for his own consumption, but does not include a manufacturer of wall-paper.

(2) "Supplier" means any person with whom a contract or purchase order has been placed for delivery of Material to the Producer or to another Supplier.

(3) "Ink Materials" means Chrome Yellows and Oranges, Molybdate Orange, Chrome Green, Orange Mineral, Iron Blues and Organic Pigments (in each case whether in the form of dry color or of dry or wet dispersions) and Easter Gum and Zincated Rosin. The term does not include any Vat Dye Pigments or Phthalocyanine Pigments.

(4) "Printing Ink" includes any fluid or viscrous material or composition of materials used in printing, empreasing, stamping or transferring upon paper or paper-like substances, wood, fabrics or metals by the recognized mechanical reproductive processes employed in printing, publishing and related service industries.

(5) "Class of Organic Pigment" means a basic chemical class of Organic Pigment such, for example, as Lithols, Red Lake C, and Toluidine.

(b) *Assignment of preference rating.* Preference rating A-5 is hereby assigned:

(1) To deliveries to the Producer by his Supplier of Ink Materials, subject to the limitation of paragraph (f) hereof, entering into the production of Printing Ink;

(2) Deliveries to any Supplier of Material which will be delivered by him or by another Supplier to the Producer and will either be physically incorporated in, or, being a chemical, be used in the chemical processing of Ink Materials which will be delivered to the Producer under a rating assigned hereunder, or which will be used within the limitations of paragraph (d) (2) hereof to replace in such Supplier's inventory material so delivered.

(c) *Persons entitled to apply preference rating.* The preference rating hereby assigned, in the manner and to the extent hereby authorized, may be applied by:

(1) The Producer;

(2) Any Supplier who has received from a Producer or another Supplier a purchase order or contract to which such Producer or other Supplier has applied the rating hereby assigned and which such Supplier, subject to paragraphs (b) (2) and (d) (2) hereof, is entitled to extend.

(d) *Restrictions on use of rating.*—(1) *Restrictions on producer.* The Producer may apply the rating only to those quantities of Ink Materials that are authorized by paragraph (f) hereof.

(2) *Restrictions on supplier.* (i) No Supplier may apply the rating to obtain material in greater quantities or on earlier dates than required to enable him to make a rated delivery on schedule or to replace in his inventory material so delivered. If he has an inventory of such material, he shall not be deemed to require such material if he can make his rated delivery and retain a practicable minimum working inventory.

(ii) A Supplier who supplies material which has been manufactured, processed, assembled or otherwise physically changed by him, may not apply the rating to restore his inventory to a practicable working minimum unless he applies the rating before completion by him of the rated delivery which reduces his inventory below such minimum.

(iii) A Supplier who deals in material without manufacturing, processing, assembling or otherwise physically changing the same, may delay applying ratings to purchase orders to be placed by him until he has accumulated such purchase orders to the extent necessary to place a purchase order for the minimum quantity procurable on his customary terms, provided that he shall not apply any rating more than three months after it is applied to the related delivery to be made by him.

(e) *Application of preference rating and procedure in placing rated orders.* (1) The Producer or any Supplier, in order to apply the preference rating assigned hereunder to deliveries to him, must endorse on each purchase order or contract a statement in the following form, signed manually or as provided in Priorities Regulation No. 7 (§ 944.27) by a duly authorized official:

Preference Rating A-5 authorized by Preference Rating Order No. P-94, with the terms of which Order the undersigned is familiar.

(Name of producer or supplier)

By ---
(Duly authorized official)

Such endorsement shall constitute a representative to the War Production Board and the Supplier to whom the purchase order or contract is delivered that such purchase order or contract is duly rated in accordance herewith. Such Supplier to whom the purchase order or contract is delivered shall be entitled to rely on such representation, unless he has reason to believe it to be false.

(2) A Supplier who has received from two or more Producers or Suppliers endorsed purchase orders or contracts for material to the delivery of which the same rating has been applied in accordance with this order, may (within the limitations of paragraph (d) hereof) include in a single purchase order or contract any or all of the material which he in turn requires to make his rated deliveries, but must specify in the endorsement on such single purchase order or contract all the purchase orders or contracts which have been so received by him and to fill which he is applying the preference rating.

(3) Each Producer and each Supplier wishing to obtain material under the rating assigned by this order shall apply in the first instance to his regular Supplier or if such Producer or Supplier has more than one regular Supplier, then to his regular Suppliers in accordance with such Producer's or Supplier's normal business custom; but this paragraph shall not be construed to prevent such Producer or Supplier, if unable to obtain material of the kinds and quantities desired from his regular Supplier or Suppliers, from applying elsewhere.

(f) *Limitation on amount of deliveries of ink materials under assigned rating.* No Producer in any calendar month commencing with April 1942 shall receive delivery of:

(1) A quantity of any one of the following named Ink Materials (whether in the form of dry color or of dry or wet dispersions) under a purchase order or contract to which he has applied a rating under this order in excess of fifty percent (50%) of his average monthly use of such one Ink Material in 1941:

Chrome Yellows and Oranges
Molybdate Orange
Chrome Green
Orange Mineral

(2) A quantity of any one class of Organic Pigment (whether in the form of dry color or of dry or wet dispersions) under a purchase order or contract to which he has applied a rating under this order in excess of fifty percent (50%) of his average monthly use of such one class of Organic Pigment in 1941.

(3) A quantity of any one of the following named Ink Materials under a purchase order or contract to which he has applied a rating under this order, in excess of eighty percent (80%) of his average monthly use of such one Ink Material in 1941:

Ester Gum
Zincated Rosin
Iron Blues (dry color or dry or wet dispersions)

(g) *Records, audits and reports.* (1) Each Producer and each Supplier who applies the preference rating hereby assigned shall keep and preserve for a period of at least two years accurate and complete records concerning purchases (including orders and deliveries) stocks on hand and sales of Material covered by each application of the rating, and shall submit from time to time for audit and inspection to representatives of the War Production Board concerning the matters referred to in paragraph (f).

(2) Each Producer shall on or before the 15th day of each month commencing with April, 1942 report to the War Production Board, Washington, D. C., on Form PD-345, listing among other things the Ink Materials received by him during the preceding month to which such Producer had applied the preference rating assigned hereunder, and the average monthly use of each such Ink Material during 1941. In addition to such report, each Producer and each Supplier shall furnish such information at such times with respect to such matters and on such other forms as may from time to time be prescribed by the War Production Board.

(h) *Restrictions on use of material obtained under the rating.* Each Producer must use the Ink Material delivered to him pursuant to the rating hereby assigned, or an equivalent amount of Ink Material in the manufacture of Printing Inks. In no event shall any Producer use Ink Materials delivered to him pursuant to the rating hereby assigned in violation of the provisions of any Conservation Order issued by the Director of Industry Operations.

(i) *Miscellaneous provisions.*—(1) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: "War Production Board, Washington, D. C. Ref.: P-94"

(2) *Violations.* Any person who wilfully violates any provision of this Order or who falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(3) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(4) *Effective date.* This Order shall take effect immediately, and shall continue in effect to and including June 30, 1942. (P.D. Reg. 1, as amended 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 30th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2785; Filed, March 30, 1942; 11:29 a. m.]

PART 1136—LAWN MOWERS

LIMITATION ORDER L-67

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron or steel for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1136.1 *General Limitation Order L-67.*—(a) *Definitions.* For the purposes of this Order:

(1) "Lawn Mower" means a machine mounted on wheels or rollers used for cutting grass or weeds by means of the shearing or cutting action of a rotating, revolving, or reciprocating blade, but excluding machines used principally for harvesting or cutting crops.

(2) "Iron and Steel Used" means the aggregate weight of iron or steel contained in the finished lawn mowers.

(3) "Manufacturer" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not, engaged in the production of lawn mowers.

(4) "Production" means the fabrication or processing of material for lawn mowers or the assembly of finished parts into lawn mowers.

(b) *General restrictions.* From the effective date of this Order until June 30, 1942, no manufacturer shall use in the production of lawn mowers more iron and steel in the aggregate than either (1) three times 50% of the average monthly amount of iron and steel in the aggregate used by him in the production of lawn mowers during the twelve months' period from July 1, 1940 to June 30, 1941, inclusive, or (2) 50% of the total amount of iron and steel in the aggregate used by him in the production of Lawn Mowers during the period from April 1, 1941 until June 30, 1941, inclusive.

(c) *Prohibition of production after June 30, 1942.* No manufacturer shall after June 30, 1942, process, fabricate, work or assemble any materials for use in the production of Lawn Mowers, nor shall any manufacturer produce or assemble any Lawn Mowers after that date.

(d) *Avoidance of excessive inventories.* No manufacturer of lawn mowers shall accumulate for use in the manufacture of such lawn mowers inventories of raw materials, semi-processed materials or finished parts in quantities in excess of the minimum amount necessary to maintain production of lawn mowers at the rates permitted by this Order.

(e) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, and sales.

(f) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(g) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(h) *Reports.* All persons affected by this Order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(i) *Appeal.* Any person affected by this Order, who considers that compliance therewith would work an exceptional and unreasonable hardship upon him, that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work may appeal to the "War Production Board, Washington, D. C., Ref: L-67", setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(j) *Communications to War Production Board.* All reports required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref: L-67.

(k) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(l) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1 as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561; E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th

Cong. as amended by Pub. Law 89, 77th Cong.)

Issued this 30th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2799; Filed, March 30, 1942; 11:37 a. m.]

PART 1138—ANTIMONY

GENERAL PREFERENCE ORDER M-112

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of antimony for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1138.1 *General Preference Order M-112*—(a) *Definitions.* For the purposes of this Order:

(1) "Antimony" means and includes:

(i) Ores and concentrates, including beneficiated or treated forms, commercially recognized.

(ii) Antimony metal, otherwise known as "regulus" and the element antimony in commercially pure form.

(iii) Liquated antimony, sometimes known, respectively, as "needle antimony", "crude antimony", or "crudum", which is in any case the result of separating antimony sulphide from antimony ores by fusion, without essential chemical change.

(iv) Any alloy containing 50 per cent or more by weight of antimony, as defined in (i), (ii), and (iii) above.

(v) All chemical compounds containing antimony as an essential and recognizable component.

(b) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944) as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(c) *Restrictions on deliveries*—(1) *Allocations.* Hereafter, no person shall deliver or accept delivery of antimony as defined herein except as specifically authorized by the Director of Industry Operations. The Director will from time to time allocate the supply of antimony and specifically direct the manner and quantities in which deliveries to particular persons and for particular uses shall be made or withheld. The Director may also, in his discretion, require any person seeking to place a purchase order for antimony to place the same with one or more particular suppliers. Such allocations and directions will be made to insure satisfaction of all defense requirements of the United States, both direct and indirect, and they may be made in the discretion of the Director of Industry Operations without regard to any preference ratings assigned to particular contracts or purchase orders.

(2) *Reports.* (i) Unless otherwise ordered by the Director of Industry Operations, and except as permitted by the provisions of paragraph (c) (2) (iii) hereof, no person shall be entitled to receive an allocation of antimony unless, not later than the 20th day of the month next preceding the month in which delivery is desired, he shall have filed with the War Production Board and with any supplier with whom he may place an order for antimony, an application on Form PD-361, and in addition shall have filed with the War Production Board a report on Form PD-360.

(ii) Every person who, on the effective date of this Order has in his possession or under his control a quantity of antimony as herein defined, in excess of 100 pounds (in antimony content), shall file with the War Production Board a report on Form PD-360 on or before April 20, 1942, whether or not such person applies for an allocation of antimony.

(iii) Any person who shall have filed with the War Production Board a report on Form PD-360 as required by paragraph (c) (2) (ii) on or before April 20, 1942, and who thereafter makes application in accordance with the provisions of paragraph (c) (2) (i) for an allocation of 446 pounds or less of contained antimony, need not file a further report on Form PD-360 with such application: *Provided*, That such person's inventory of antimony for the calendar month in which delivery is requested on his application, including the quantity applied for, will not exceed 672 pounds of contained antimony.

(iv) Failure by any person to file an application as required by paragraph (c) (2) (i) may be construed as notice to the Director of Industry Operations and to all suppliers of antimony that such person does not desire an allocation of antimony for the succeeding month.

(d) *Special directions.* The Director of Industry Operations may from time to time issue specific directions with respect to the permissible kind or quantity of antimony in the composition of any material or product, and he may also in his discretion, direct the use of antimony-bearing lead scrap, secondary antimony-bearing lead alloys, or any other practicable substitute, in lieu of antimony in the production of any materials or products.

(e) *Restrictions on use of antimony in certain products*—(1) *Prohibited uses.* Effective July 1, 1942, no person shall use antimony in any form, including the antimony content of any alloys, scrap or secondary material, in the preparation, processing, or manufacture:

(i) Of pigments or opacifiers for paints, lacquers or enamels, including ceramic enamels.

(ii) Of toys, or decorative or ornamental objects or parts thereof.

(2) *Limitation on use in metals and alloys.* Hereafter, no person shall use more than 0.5 % by weight of antimony in the composition of any metal or alloy, unless a higher percentage of antimony content is required by specification, and in no event shall such antimony content exceed by more than 0.5%, the minimum specified.

(3) *Limitation on use of new antimony for automotive batteries.* Effective July 1, 1942:

(i) The quantity of new antimony which may be used by any person in the production of alloys for automotive batteries shall be limited in any calendar month to not more than 7 per cent of the total contained antimony used by him for such purposes during the same period. (The balance of antimony required by such person in the production of such alloys shall be obtained from antimony-bearing scrap or secondary alloys.)

(ii) The antimony content of alloys used by any person in the production of grids for automotive batteries shall be limited as nearly as practicable to a maximum of 7% by weight, and shall in no event exceed 7.5% by weight.

(f) *General exceptions.* Where and to the extent the use of any less scarce material is impracticable, the prohibitions, limitations and restrictions contained in paragraphs (e) (1) and (e) (3) shall not apply to the use of antimony in the manufacture of any item which is being produced:

(1) For delivery under a specific contract or subcontract for the Army or Navy of the United States, the United States Maritime Commission, the Panama Canal, the Coast and Geodetic Survey, the Coast Guard, the Civil Aeronautics Authority, the National Advisory Committee for Aeronautics, the Office of Scientific Research and Development or for any foreign country pursuant to the Act of March 11, 1941, entitled "An Act to Promote the Defense of the United States." (Lend-Lease Act) if in any such case the use of antimony to the extent employed is required by the specifications of the prime contract.

(g) *Violations or false statements.* Any person who wilfully violates this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of materials subject to allocation, and such further action may be taken as is deemed appropriate, including the making of a recommendation for prosecution under Section 35A of the Criminal Code (18 U.S.C. 80).

(h) *General imports order M-63 unaffected.* Nothing contained in this Order shall be construed as altering or modifying in any way the provisions of General Imports Order N-63[1] applicable to antimony.

(i) *Communications to War Production Board.* All reports required to be filed hereunder, and all communications concerning this Order, shall unless otherwise directed, be addressed to the Antimony Branch, War Production Board, Temporary R Building, Washington, D. C., Reference: M-112.

(j) *Effective date.* This Order shall take effect immediately upon its issuance, and unless sooner terminated by direction of the Director of Industry Operations, shall expire on the 31st day of December, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 3 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 30th day of March, 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2788; Filed, March 30, 1942; 11:31 a. m.]

[1] 6 F.R. 6796; 7 F.R. 206, 223, 2094.

PART 1156—TOYS AND GAMES

LIMITATION ORDER L-81

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of iron and steel and other critical materials for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1156.1 *General Limitation Order L-81*—(a) *Definitions.* For the purposes of this Order:

(1) "Toy or Game" means any device, play thing, article, or material commonly referred to as a toy or game, including but not limited to dolls, doll accessories, stuffed animals, adults' and children's games, (including but not limited to playing cards, dice, poker chips, mahjong and Ouija boards), juvenile art sets and materials, juvenile craft sets and materials, juvenile science sets and materials, masquerade costumes or accessories, tricks, puzzles, puzzle sets, magic sets, children's play vehicles, Christmas lighting decorations (including but not limited to series circuit strings, parallel circuit strings, candles, wreaths, etc., for decorative purposes), non-illuminated Christmas tree ornaments or stands, sleds, models, model building parts, accessories or kits, and juvenile playground and gymnasium equipment (other than that used by clubs, schools, and institutions), but not including sporting goods or athletic equipment.

(2) "Class A Product" means any toy, game or any part made specifically for incorporation into such a toy or game containing critical material equal to more than 7% by weight of the toy, game or part. (Containers, fillers, wrappers, and other packaging materials are not to be considered as part of the product for the purposes of determining its weight.)

(3) "Person" means any individual, partnership, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

(4) "Critical material" means:

(i) Iron.
(ii) Steel.
(iii) Zinc.
(iv) Rayon.
(v) Silk.
(vi) Urea Plastics.
(vii) Phenolic plastics.
(viii) Any organic or inorganic pigment or dry color other than: (*a*) Domestic earth colors, (*b*) Ultramarine blue, (*c*) Carbon black, (*d*) Lamphlack, (*e*) Boneblack, (*f*) Titanium dioxide, (*g*) Lithopone,
(ix) Perrilla oil.
(x) Oiticica Oil
(xi) Cellulose Esters or Ethers (except for banding and decorative purposes limited to a single coat covering not more than 10% of the surface area).
(xii) Polyhydric Alcohols, combinations or modifications thereof (except where required in the formulation of permissible Cellulose Ester and Ether combinations under (xi) above).
(xiii) Polybasic Acids, combinations or modifications thereof (except where required in the formulation of Cellulose Ester and Ether combinations permitted under (xii) above).
(xiv) Acrylic acid or Acrylic derivatives.
(xv) Vinyl Chloride, Acetate or Copolymer.
(xvi) Solvesso #1.
(xvii) Natural resins (except pine rosin and its derivatives).
(xviii) Urea Formaldehyde or Melamine containing compounds.
(xix) Trycresyl Phosphate, Triphenyl Phosphate, Dibutyl Phthalate, Diethyl Phthalate, and other chemical plasticizers other than raw or blown Caster Oil.
(xx) Copper Naphthanate.
(xxi) Antimony.
(xxii) Tin.

(5) "Prohibited material" means:

(i) Alloy steels (as defined in Order M-21-a).
(ii) Chromium plating.
(iii) Copper whether or not used for the conduction of electricity.
(iv) Cork.
(v) Silk.
(vi) Urea Plastics.
(vii) Phenolic plastics.
(viii) Any organic or inorganic pigment or dry color other than: (*a*) Domestic earth colors, (*b*) Ultramarine blue, (*c*) Carbon black, (*d*) Lamphlack, (*e*) Boneblack, (*f*) Titanium dioxide, (*g*) Lithopone,
(ix) Perrilla oil.
(x) Oiticica Oil
(xi) Cellulose Esters or Ethers (except for banding and decorative purposes limited to a single coat covering not more than 10% of the surface area).
(xii) Polyhydric Alcohols, combinations or modifications thereof (except where required in the formulation of permissible Cellulose Ester and Ether combinations under (xi) above).
(xiii) Polybasic Acids, combinations or modifications thereof (except where required in the formulation of Cellulose Ester and Ether combinations permitted under (xii) above).
(xiv) Acrylic acid or Acrylic derivatives.
(xv) Vinyl Chloride, Acetate or Copolymer.
(xvi) Solvesso #1.
(xvii) Natural resins (except pine rosin and its derivatives).
(xviii) Urea Formaldehyde or Melamine containing compounds.
(xix) Trycresyl Phosphate, Triphenyl Phosphate, Dibutyl Phthalate, Diethyl Phthalate, and other chemical plasticizers other than raw or blown Caster Oil.
(xx) Copper Naphthanate.
(xxi) Antimony.
(xxii) Tin.

(6) "To Use" means to fabricate, process, manufacture or assemble raw materials, semi-finished materials or finished parts in the production of toys, and games.

(b) *General restrictions.* (1) From the effective date of this Order until June 30, 1942, no Person shall put into process in the production of Class A Products more critical material which is in a raw material form than three times 25% of the average monthly amount of critical materials in a raw material form put into process by him in the production of such Class A Products during the calendar year 1941.

(2) From the effective date of this Order, no Person shall put into process any Prohibited Material which is in a raw material form for the purpose of using such Prohibited Material in the production of toys or games.

(3) From the effective date of this Order, no Person who manufactures toys or games shall sell, lease, trade, lend, deliver, ship, or transfer any Prohibited Material which is in a raw material form to any person whatsoever, except pursuant to specific authorization of the Director of Industry Operations.

(4) From the effective date of this Order, no Person who manufactures toys or games shall procure or acquire any Prohibited Material in any form, or from any source whatsoever, if he intends to use such Prohibited Material in the production of any toys or games, except such Prohibited Material other than in a raw material form contained in the inventories of other persons who manufacture toys, or pursuant to specific authorization of the Director of Industry Operations.

(5) From the effective date of this Order, no Person who manufactures toys or games shall sell, lease, trade, lend, deliver, ship, or transfer any Prohibited Material in any form other than in a raw material form to any other Person, except:

(i) if such Prohibited Material is contained in a completed toy, game or component part thereof, or
(ii) such Prohibited Material is sold, leased, traded, lent, delivered, shipped, or transferred to other persons who manufacture toys, or
(iii) pursuant to specific authorization of the Director of Industry Operations.

(6) No Person shall, after June 30, 1942, process, fabricate, work on or assemble any Prohibited Materials for use in the production of toys or games, or process, fabricate, work on or assemble any critical materials for use in the production of Class A Products.

(7) After June 30, 1942, no Person who manufactures toys or games shall sell, lease, trade, lend, deliver, ship, or transfer any critical material which is in a raw material form to any person whatsoever, except pursuant to specific authorization of the Director of Industry Operations.

(c) *Records.* All persons affected by this Order shall keep and preserve for not less than two years accurate and complete records concerning inventories, production, and sales.

(d) *Audit and inspection.* All records required to be kept by this Order shall, upon request, be submitted to audit and inspection by duly authorized representatives of the War Production Board.

(e) *Violations.* Any person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(f) *Reports.* All persons affected by this Order shall execute and file with the War Production Board such reports and questionnaires as said Board shall from time to time request.

(g) *Appeal.* Any person affected by this Order, who considers that compli-

ance therewith would work an exceptional and unreasonable hardship upon him, that it would result in a serious problem of unemployment in the community, or that compliance with this Order would disrupt or impair a program of conversion from non-defense to defense work may appeal to the "War Production Board, Washington, D. C., Ref.: L-81", setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(h) *Communication to War Production Board.* All reports required to be filed hereunder and all communications concerning this Order shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref.: L-81.

(i) *Applicability of other Orders.* Insofar as any other order issued by the Director of Priorities or Director of Industry Operations, or to be issued hereafter by the Director of Industry Operations, limits the use of any material in the production of toys to a greater extent than the limits imposed by this Order, the restrictions in such other order shall govern unless otherwise specified therein.

(j) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provisions hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(k) *Effective date.* This Order shall take effect on April 1, 1942. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 30th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2795; Filed, March 30, 1942; 11:36 a. m.]

PART 1172—ASBESTOS TEXTILES

CONSERVATION ORDER M-123

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of Asbestos Textiles for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1172.1 *Conservation Order M-123.* (a) Unless otherwise specifically authorized by the Director of Industry Operations, after April 4, 1942, no manufacturer of Asbestos Textiles shall deliver Asbestos Textiles except

(1) For use in the manufacture of industrial packings or

(2) On orders bearing a preference rating of A-10 or higher.

(b) *Applicability of Priorities Regulation No. 1.* This Order and all transactions affected hereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(c) *Appeals.* Any person affected by this Order who considers that compliance herewith would work an exceptional and unreasonable hardship upon him may appeal to the War Production Board, setting forth the pertinent facts and the reasons such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(d) *Communications.* All communications concerning this Order, shall, unless otherwise directed, be addressed to:

War Production Board, Washington, D. C. Ref: M-123.

(e) *Violations.* Any person who wilfully violates any provision of this Order, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(f) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1, as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 30th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2787; Filed, March 30, 1942; 11:31 a. m.]

PART 1173—RUBBER YARN AND ELASTIC THREAD

CONSERVATION ORDER NO. M-124

The fulfillment of requirements for the defense of the United States has created a shortage in the supply of rubber for defense, for private account and for export; and the following Order is deemed necessary and appropriate in the public interest and to promote the national defense:

§ 1173.1 *Conservation Order No. M-124—(a) Definitions.* For the purpose of this Order:

(1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons whether incorporated or not.

(b) *Restrictions on sales and deliveries.* Except as specifically authorized by the Director of Industry Operations, no Person shall, during the period beginning at 12:01 o'clock A. M. on March 29, 1942 and ending at 12:01 o'clock A. M. on April 30, 1942, sell or make delivery or purchase, order or accept delivery of any rubber yarn or elastic thread, except for the purposes of filling defense orders.

(c) *Restrictions on knitting, weaving and other uses.* Except as specifically authorized by the Director of Industry Operations, no Person shall, during the period beginning at 12:01 o'clock A. M. on March 29, 1942, and ending at 12:01 o'clock A. M. on April 30, 1942, knit, weave or otherwise process or use any rubber yarn or elastic thread, except for the purposes of filling defense orders.

(d) *Appeal.* Any Person affected by this Order, who considers that compliance herewith would work an exceptional or unreasonable hardship upon him, may appeal to the War Production Board, Washington, D. C. by letter or telegram, Ref: M-124, setting forth the pertinent facts and the reasons he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(e) *Violations.* Any Person who violates any provision of this Order and who by any act or conduct falsifies records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any material subject to allocation, and such further action may be taken as is deemed appropriate including a recommendation for prosecution under Section 35 (a) of the Criminal Code (18 U. S. C. 80).

(f) *Effective date.* This Order shall take effect immediately. (P.D. Reg. 1 as amended, 6 F.R. 6680; W.P.B. Reg. 1, 7 F.R. 561, E.O. 9024, 7 F.R. 329; E.O. 9040, 7 F.R. 527; sec. 2 (a), Pub. Law 671, 76th Cong., as amended by Pub. Law 89, 77th Cong.)

Issued this 28th day of March 1942.

J. S. KNOWLSON,
Director of Industry Operations.

[F. R. Doc. 42-2786; Filed, March 30, 1942; 11:30 a. m.]

Chapter XI—Office of Price Administration

PART 1301—MACHINE TOOLS

AMENDMENT NO. 2 TO REVISED PRICE SCHEDULE NO. 67[1]—NEW MACHINE TOOLS

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[2] New subparagraph (5) is added to § 1301.51 (a) and new paragraph (b) is added to § 1301.59a as set forth below:

§ 1301.51 *Maximum prices for new machine tools and extras.*

(a) • • •

(5) *Fox Grinders, Inc., Pittsburgh, Pennsylvania.* Notwithstanding any other provisions of this paragraph (a), on and after March 24, 1942, regardless of the terms of any existing contract of sale or other commitment, the maximum price at which Fox Grinders, Inc. may sell, offer to sell, deliver or transfer three Special Chain Grinding Units to National Malleable and Steel Casting Company of Sharon, Pennsylvania, and the maximum price at which National Malleable and Steel Casting Company may buy, offer to buy, or accept delivery of said three Special Chain Grinding Units from Fox Grinders, Inc. shall be $1,932.00 each.

• • • • • •

§ 1301.59a *Effective dates of amendments.*

• • • • • •

(b) Amendment No. 2 (§ 1301.51 (a) (5)) to Revised Price Schedule No. 67 shall become effective March 28, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of March, 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2758; Filed, March 28, 1942; 12:50 p. m.]

[1] 7 F.R. 1337, 2105.

[2] Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

PART 1301—MACHINE TOOLS

AMENDMENT NO. 3 TO REVISED PRICE SCHEDULE NO. 67[1]—NEW MACHINE TOOLS

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[2] New subparagraph (6) is added to § 1301.51 (a) and new paragraph (c) is added to § 1301.59a as set forth below.

§ 1301.51 *Maximum prices for new machine tools and extras.*

(a) • • •

(6) *Stokerunit Corporation, Milwaukee, Wisconsin.* Notwithstanding any other provision of this paragraph (a), on and after March 9, 1942, regardless of the terms of any existing contract of sale or other commitment, the maximum price at which Stokerunit Corporation may sell, offer to sell, deliver or transfer the machine tools or extras set forth in subdivision (i) of this subparagraph (6), and the maximum price at which any person may buy, offer to buy, or accept delivery of said machine tools or extras from Stokerunit Corporation shall be the price set opposite each such machine tool or extra in said subdivision (i):

(i) *Type of machine or extra.*

	Maximum price
2 Way 2U 2 #3 Spindles	$6,830.00
1 Way 2U 1 #3 Spindle	3,995.00
#1 L1 1 #1 Spindle	1,785.00
3 Way 2U 3 #3 Spindles	9,140.00
1L3 1 #3 Spindle	1,930.00
#1 Standard 1 #1 Spindle	1,460.00
#1 Standard 2 #1 Spindles	1,780.00
No. 1 Spindle	290.00
No. 1L Spindle	320.00
No. 2 LD3 Double End 2 No. 3 Spindles	3,080.00
No. 2 D1 Double End 2 No. 1 Spindles	2,560.00
No. 2B Complete with 1 No. 3 Spindle	$2,340.00
No. 2 Complete with No. 1 Spindle	2,185.00
No. 4 Spindle	475.00
No. 3 Spindle	370.00
1LD1 2 #1 Spindles	2,110.00
No. 1 LDS1 Double End 2 #1 Spindles	2,425.00
No. 1LDS 3 Double End 2 #1 Spindles	2,565.00

§ 1301.59a *Effective dates of amendments.*

• • • • • •

(c) Amendment No. 3 (§ 1301.51 (a) (6) and § 1301.59a (c)) to Revised Price Schedule No. 67 shall become effective March 28, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2759; Filed March 28, 1942; 12:50 p. m.]

[1] 7 F.R. 1337, 2105, and Amendment No. 2, *supra*.

[2] Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

PART 1301—MACHINE TOOLS

AMENDMENT NO. 4 TO REVISED PRICE SCHEDULE NO. 67[1]—NEW MACHINE TOOLS

A statement of the considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[2] Sections 1301.51 (a) (4) and 1301.54 (e) (1) are amended to read as set forth below:

§ 1301.51 *Maximum prices for new machine tools and extras.*

(a) • • •

(4) *Niagara Machine & Tool Works, Buffalo, New York.* Notwithstanding any other provision of this paragraph (a), on and after March 10, 1942, regardless of the terms of any existing contract of sale or other commitment, the maximum price at which Niagara Machine & Tool Works may sell, offer to sell, deliver or transfer the machine tools set forth in subdivision (i) of this subparagraph (4), and the maximum price at which any person may buy, offer to buy, or accept delivery of said machine tools from Niagara Machine & Tool Works shall be the price set opposite each such machine tool in said subdivision (i).

(i) *Type of machine tool.*

	Maximum price
#59 Single Crank Press	$4,732
#612-G Double Crank Press	10,693
#310 Power Squaring Shear	2,600
All other machine tools in the line represented by the above machine tools	(3)

[3] Prices adjusted in conformance with the adjustment made for each machine tool listed above, after such prices have been approved in writing by the Office of Price Administration pursuant to § 1301.54 (e) (1).

§ 1301.54 *Records and reports.*

• • • • •

(e) (1) *Niagara Machine & Tool Works, Buffalo, New York.* On or before April 15, 1942, Niagara Machine & Tool Works shall submit to the Office of Price Administration a report on all other machine tools in the line represented by #59 Single Crank Press, #612-G Double Crank Press, and #310 Power Squaring Shear, respectively, setting forth a complete description of each machine tool in each such line, the list price of each such machine tool in effect on October 1, 1941, and the proposed new maximum price for each such machine tool.

§ 1301.59a *Effective dates of amendments.*

• • • • •

(d) Amendment No. 4 (§§ 1301.51 (a) (4) and 1301.54 (e) (1) to Revised Price Schedule No. 67 shall become effective March 28, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of March, 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2760; Filed, March 28, 1942; 12:51 p. m.]

[1] 7 F.R. 1337, 2105, and Amendments Nos. 2 and 3, *supra*.

[2] Filed with the Division of the Federal Register; Requests for copies should be addressed to the Office of Price Administration.

PART 1306—IRON AND STEEL

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 49[1]—RESALE OF IRON AND STEEL PRODUCTS

A statement of the considerations involved in the issuance of this amendment has been prepared and is issued simultaneously herewith.[2]

A new paragraph (r) is added to § 1306.157; a new paragraph (n) is added to § 1306.159; and a new § 1306.158a is added as set forth below:

§ 1306.157 *Definitions.*

• • • • • •

(r) "Distress or stranded material" means any iron or steel products which:

(1) Were intended for an export shipment

(2) Were shipped to a port of exportation prior to March 1, 1942; and

(3) Have incurred charges for ocean freight, marine or war risk insurance or storage charges directly attributable to failure to secure shipping space as a result of war or of stoppage or diversion by act of a governmental agency in the interests of national defense.

§ 1306.159 *Appendix A: Domestic and export maximum prices for iron and steel products.*

• • • • • •

(n) *Special provisions for certain export cases and for the sale of distress and stranded materials.* (1) (i) Despite the provisions of any other section of this

[1] 7 F.R. 1300.

[2] Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

Revised Price Schedule No. 49, the maximum price on a sale for export by any person other than a producer of iron or steel products, for an inventory of iron or steel products which was actually acquired by the holder prior to December 15, 1941, shall be:

(a) The maximum price for an export sale as established by Revised Price Schedule No. 6 or Revised Price Schedule No. 49, exclusive of fees and commissions payable to an export agent or an export merchant; plus

(b) Storage or demurrage charges which have accumulated because of failure to secure shipping space as a result of war or of stoppage or diversion by act of a governmental agency in the interests of national defense; plus

(c) Commissions as stated in and subject to the conditions and limitations of paragraph (e), *Maximum prices for exports of iron or steel products*. Such commissions may be computed on the basis of the total of (a) and (b), above.

(ii) In the case of any export sale of inventory actually acquired by the holder prior to December 15, 1941, in which the invoiced cost of the inventory to the holder exceeds the maximum price established by (i) above, a petition for exception may be filed with the Office of Price Administration. Such a petition must clearly demonstrate:

(a) Actual delivery to the holder prior to December 15, 1941;

(b) Invoiced cost of inventory exceeding the maximum price established by (i) above; and

(c) The presence of unusual financial hardship resulting from inability to absorb a loss which would be occasioned by sale at the maximum price established by (i) above.

(iii) A brief statement of the details of any sale made pursuant to (i) above shall be filed with the Office of Price Administration within 10 days of such sale.

(2) (i) In the case of distress or stranded material, the maximum price which may be charged by any person other than a producer of iron or steel products for export to any place outside the territorial limits of the United States shall be:

(a) The export ceiling price as established by this Revised Price Schedule No. 49 or Revised Price Schedule No. 6 at the place at which the material is located, exclusive of any fees, commissions or charges for any export agent, export merchant, or other intermediary; plus

(b) Ocean freight and marine or war risk insurance incurred since November 15, 1941, to the extent actually paid on such material; plus

(c) Storage or demurrage charges directly attributable to failure to secure shipping space as a result of war or of stoppage or diversion by act of a governmental agency in the interests of national defense, not however to exceed 5% of the export ceiling price (as calculated without reference to this subparagraph (2)) at the place at which the material is stored.

(d) On export sales, commissions as stated in and subject to the conditions and limitations of paragraph (e), *Maximum prices for exports of iron or steel products*, may be charged. Such commissions in all cases shall be computed on the basis of ceiling prices without regard to this paragraph (r).

(ii) In the case of distress or stranded material, the maximum price which may be charged by any person for resale within the United States shall be:

(a) The domestic ceiling price as established by this Revised Price Schedule No. 49 or Revised Price Schedule No. 6 at the place at which the material is located, exclusive of any fees, commissions or charges for any agent, broker, or other intermediary, whether such agent, broker, or other intermediary act in a domestic or export transaction; plus

(b) Ocean freight and marine or war risk insurance insurance incurred since November 15, 1941, to the extent actually paid on such material; plus

(c) Storage or demurrage charges directly attributable to failure to secure shipping space as a result of war or of stoppage or diversion by act of a governmental agency in the interests of national defense, not however to exceed 5% of the domestic ceiling price (as calculated without reference to this subparagraph (2) at the place at which the material is stored.

(iii) The maximum price as established in (i) and (ii) may be an f. o. b. price at the place at which such material is stored.

(iv) In any case in which a sale is made pursuant to the terms of this subparagraph (2), a statement of the source of such material, the charges incurred upon it, and the destination and price actually charged shall be filed with the Office of Price Administration. Where a domestic sale is to be made, the statement shall include the name of the purchaser, the priority rating applicable to the sale, and an affirmation that the material so sold has not been otherwise allocated or set aside by the War Production Board. Where the sale is for export, the statement shall include a copy of the application for an export license, and a notation of the date upon which such application was granted, and the terms of any conditions imposed upon the grant of a license. Any such statement shall be in affidavit form.

(v) This subparagraph (2) shall affect only voluntary sales, and shall not affect the maximum price at which any iron or steel products may be requisitioned.

(vi) This subparagraph (2) shall be in effect until July 1, 1942, and shall be of null effect and validity after that date, unless specifically extended by the Office of Price Administration.

(3) Shipments which fall within the terms of both subparagraphs (1) and (2) of this paragraph (n) may be priced at the maximum price established under either, at the option of the seller.

(4) An exception to the export provisions of this Revised Price Schedule No. 49 may be granted by the Administrator either upon petition or upon his own motion, in any case in which a certificate is received by the Administrator from the Board of Economic Warfare, certifying that such exception is necessary for considerations of political or military necessity, or because of the requirements of economic warfare. Such exception may be granted by the Administrator upon such terms and conditions as shall appear reasonable under all of the circumstances.

§ 1306.158a *Effective dates of amendments.* (a) Amendment No. 1 §§ 1306.157 (r), 1306.159 (n), 1306.158a) to Revised Price Schedule No. 49 shall become effective March 28, 1942, except that §§ 1306.159 (n) (2) and 1306.159 (n) (3) shall expire July 1, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 27th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2728; Filed, March 28, 1942; 9:17 a. m.]

[Docket No. 3008-1]

PART 1308—NICKEL

ORDER NO. 1 UNDER REVISED PRICE SCHEDULE NO. 8[1]—PURE NICKEL SCRAP, MONEL METAL SCRAP, STAINLESS STEEL SCRAP, NICKEL STEEL SCRAP AND OTHER SCRAP MATERIALS CONTAINING NICKEL; SECONDARY MONEL INGOT, SECONDARY MONEL SHOT, AND SECONDARY COPPER-NICKEL SHOT

On March 19, 1942 the American Nickel Alloy Manufacturing Corporation, 50 Church Street, New York City, filed a petition for exception pursuant to § 1308.3a of Revised Price Schedule No. 8. Due consideration has been given to the petition, and an opinion in support of this Order No. 1 has been issued simultaneously herewith and has been filed with the Division of the Federal Register.[2] For the reasons set forth in the opinion, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1,[3] issued by the Office of Price Administration, it is hereby ordered:

§ 1308.51 *American Nickel Alloy Manufacturing Corporation.* American Nickel Alloy Manufacturing Corporation, 50 Church Street, New York City, may sell and deliver, and American Manganese Steel Division of The American Brake and Shoe & Foundry Company may buy and receive 10,000 pounds of Inconel turnings imported by American Nickel Alloy Manufacturing Corporation, containing approximately eighty per cent nickel and fourteen per cent chromium, at a price not exceeding 28.74 cents per pound of material, f. o. b. Brooklyn, New York.

This Order No. 1 shall become effective March 28, 1942.

(Pub. Law 421, 77th Cong.)

Issued this 28th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2757; Filed, March 28, 1942; 12:50 p. m.]

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[1] 7 F.R. 1224.

[2] Requests for copies should be addressed to the Office of Price Administration.

[3] 7 F.R. 971.

PART 1347—PAPER, PAPER PRODUCTS, RAW MATERIALS FOR PAPER AND PAPER PRODUCTS

AMENDMENT NO. 1 TO REVISED PRICE SCHEDULE NO. 47[1]—OLD RAGS

A Statement of the Considerations involved in the issuance of this Amendment has been prepared and is issued simultaneously herewith.[2]

The existing paragraph of § 1347.101 is designated (a) and a new paragraph (b) is added thereto and a new § 1347.109a is added:

§ 1347.101 *Maximum prices for old rags.*

(a) • • •

(b) A contract for the purchase and sale of No. 1 Old Manila Rope at a price in excess of the maximum price herein established entered into prior to February 8, 1942 may be completed to the extent that the seller had, prior to February 8, 1942, at a price in excess of the maximum price herein established, (1) actually acquired physical possession of, and (2) made a contract to sell, such Rope: *Provided*, That all deliveries under such contracts are completed on or before April 15, 1942: *Provided further*, That the seller shall keep the following records with respect to all such contracts, the name of the purchaser, the date of the contract which is being completed, the contract price, the date of delivery of such Rope to the consumer, the amount of Rope acquired prior to February 8, 1942 to fulfill the contract, the date the Rope was acquired, the price of such Rope and the name of the supplier.

§ 1347.109a *Effective dates of amendments.* (a) Amendment No. 1 (§ 1347.101 (a) (b) 1347.109a) to Revised Price Schedule No. 47 shall become effective March 30, 1942.

(Pub Law 421, 77th Cong. 2d Sess.)

Issued this 28th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2804; Filed, March 30, 1942; 11:53 a. m.]

PART 1363—FEEDINGSTUFFS

REVISED PRICE SCHEDULE NO. 73[1] AS AMENDED—FISH MEAL AND FISH SCRAP

A statement of the considerations involved in the issuance of Revised Price Schedule No. 73 as amended, has been prepared and is issued simultaneously herewith.[2]

The title, preamble, and §§ 1363.1 to 1363.10, inclusive, are renumbered and amended to read as set forth herein:

The Office of Price Administration has now completed its investigation of the fish meal industry. Upon the basis of this investigation it is the judgment of the Price Administrator that the maximum prices for fish meal established by Revised Price Schedule No. 73 are consistent with the standards and limitations of the Emergency Price Control Act of 1942, applicable to a permanent maximum price regulation. Accordingly, such prices have been continued in effect.

However, the Price Administrator has determined that Revised Price Schedule No. 73 should be amended to make certain minor adjustments and to clarify certain provisions. Moreover, the investigation disclosed that the prices for fish scrap, which is the raw material for fish meal, have risen in some cases above the maximum prices established for fish meal. In order to correct this situation, the Administrator has further determined that Revised Price Schedule No. 73 should be amended to establish maximum prices for fish scrap.

Should unwarranted price rises occur at stages of distribution not covered by Revised Price Schedule No. 73 as amended, appropriate action will be taken by this Office.

Therefore, under the authority vested in the Price Administrator by the Emergency Price Control Act of 1942, and in accordance with Procedural Regulation No. 1[3] issued by the Office of Price Administration, Revised Price Schedule No. 73 as amended, is hereby issued.

AUTHORITY: §§ 1363.1 to 1363.12, inclusive, issued under the authority contained in Pub. Law 421, 77th Cong.

§ 1363.1 *Maximum prices for fish meal and fish scrap.* On and after March 28, 1942, no person shall sell or deliver fish meal or fish scrap, and no person shall buy or receive fish meal or fish scrap in the course of trade or business, at prices higher than the maximum prices set forth in Appendix A hereof, incorporated herein as § 1363.12, and no person shall agree, offer, solicit or attempt to do any of the foregoing, except that contracts entered into prior to January 20, 1942, providing for prices for fish meal higher than the maximum prices and contracts entered into prior to March 28, 1942, providing for prices for fish scrap higher than the maximum prices may be carried out at the contract prices. Maximum prices shall include commissions and all other charges and shall not be increased by any charges for the extension of credit.

§ 1363.2 *Exempt sales.* The provisions of this Revised Price Schedule No. 73 as amended, shall not apply to sales at retail.

§ 1363.3 *Less than maximum prices.* Lower prices than those set forth in Appendix A (§ 1363.12) may be charged, demanded, paid or offered.

§ 1363.4 *Conditional agreements.* No seller of fish meal or fish scrap shall enter into an agreement permitting the adjustment of the prices to prices which may be higher than the maximum prices provided by § 1363.12, in the event that this Revised Price Schedule No. 73 as amended, is amended or is determined by a court to be invalid or upon any other contingency: *Provided*, That if a petition for amendment (or for adjustment or exception) has been duly filed, and such petition requires extensive consideration, and the Administrator determines that an exception would be in the public interest pending such consideration, the Administrator may grant an exception from the provisions of this section permitting the making of contracts adjustable upon the granting of the petition for amendments (or for adjustment or exception as the case may be). Requests for such an exception may be included in the aforesaid petition for amendment (or for adjustment or exemption).

§ 1363.5 *Evasion.* The price limitations set forth in this Revised Price Schedule No. 73 as amended, shall not be evaded, whether by direct or indirect methods, in connection with an offer, solicitation, agreement, sale, delivery, purchase or receipt of or relating to fish meal or fish scrap alone or in conjunction with any other commodity or by way of commission, service, transportation, or other charge, or discount, premium or other privilege, or tying-agreement or trade understanding, or otherwise.

§ 1363.6 *Records and reports.* (a) Every person making a purchase or sale of fish meal or fish scrap (except purchases or sales at retail) in the course of trade or business or otherwise dealing therein after January 20, 1942, in the case of fish meal, and after March 28, 1942, in the case of fish scrap, shall keep for inspection by the office of Price Administration, for a period of not less than one year, complete and accurate records of each such purchase or sale, including the date thereof, the name of the seller or purchaser, the amount sold or purchased, the price paid or received, and the grade of fish meal or fish scrap sold or purchased.

(b) Such persons shall submit such reports to the Office of Price Administration, and keep such other records in addition to or in place of the records required in paragraph (a) of this section, as the Office of Price Administration may from time to time require.

§ 1363.7 *Enforcement.* (a) Persons violating any provision of this Revised Price Schedule No. 73 as amended, are subject to the criminal penalties, civil enforcement actions, and suits for treble damages provided for by the Emergency Price Control Act of 1942.

(b) Persons who have evidence of any violation of this Revised Price Schedule No. 73 as amended or any price sched-

[1] 7 F.R. 1297.

[2] Filed with the Division of the Federal Register; requests for copies should be addressed to the Office of Price Administration.

[3] 7 F.R. 1348.

[4] 7 F.R. 971.

ule, regulation or order issued by the Office of Price Administration or of any acts or practices which constitute such a violation are urged to communicate with the nearest field or regional office of the Office of Price Administration or its principal office in Washington, D. C.

§ 1363.8 *Petitions for amendment.* Persons seeking any modification of this Revised Price Schedule No. 73 as amended, or any adjustment or exception not provided for therein may file petitions for amendment in accordance with the provisions of Procedural Regulation No. 1, issued by the Office of Price Administration.

§ 1363.9 *Definitions.* (a) When used in this Revised Price Schedule No. 73 as amended, the term:

(1) "Person" includes an individual, corporation, partnership, association, or any other group of persons, or legal successor or representative of any of the foregoing, and includes the United States or any agency thereof, or any other government, or any of its political subdivisions, or any agency of any of the foregoing.

(2) "Fish meal" means clean, dry, ground tissues of undecomposed whole fish, fish cuttings, or fish scraps with or without the extraction of part of the oil.

(3) "Fish scrap" means clean, dry, unground tissues of undecomposed whole fish or fish cuttings with or without the extraction of part of the oil.

(4) "Grade" refers to the percentage of protein content per ton of fish meal or fish scrap.

(5) "Sale at retail" means a sale to the ultimate user: *Provided*, That no manufacturer, processor, or purchaser for resale shall be deemed to be an ultimate user.

(6) "Point of delivery" means f. o. b. conveyance at or in the vicinity of the buyer's warehouse or place of business.

(7) "Commercial distributor" means a person performing a recognized function in the physical distribution of fish meal or fish scrap: *Provided*, That no manufacturer or processor shall be deemed to be a commercial distributor of fish meal or fish scrap manufactured or processed by him.

(8) "Locality" means an area in which the seller customarily sells, sold, or would have sold fish meal or fish scrap at the same prices.

(9) In the phrase "similar amount to a similar purchaser" the word "similar" means that amount and that type of purchaser with respect to which the same mark-up applied or would have applied under the seller's trade practices on January 17, 1942.

(b) Unless the context otherwise requires, the definitions set forth in Section 302 of the Emergency Price Control Act of 1942 shall apply to other terms used herein.

§ 1363.10 *Effective date of Price Schedule No. 73.* This schedule (§§ 1363.1 to 1363.10, inclusive) shall become effective January 20, 1942.[4]

§ 1363.11 *Effective dates of amendments.* (a) This Revised Price Schedule No. 73 as amended, (§§ 1363.1 to 1363.12, inclusive) shall become effective March 28, 1942.

§ 1363.12 *Appendix A: Maximum prices for sales of fish meal and fish scrap*—(a) *Maximum prices for sales of fish meal f. o. b. conveyance at fish reduction plant*—(1) *Maximum prices for sales of fish meal in new burlap bags.*

Guaranteed minimum percentage of protein	Pacific coast	Atlantic and Gulf coasts
	Dollars per ton	*Dollars per ton*
55	$64.00	$66.50
60	67.50	70.00
60	69.50	72.50
62	72.00	75.00
65	75.50	78.50
67	77.50	81.00
70	81.00	84.50

For sellers customarily guaranteeing percentages of protein other than those specified above, the maximum price per ton shall be calculated in the following manner:

(i) For Pacific Coast fish meal, multiply the guaranteed minimum percentage of protein by one dollar and sixteen cents ($1.16) and round to the nearest half dollar.

(ii) For Atlantic and Gulf Coast fish meal, multiply the guaranteed minimum percentage of protein by one dollar and twenty-one cents ($1.21) and round to the nearest half dollar.

(2) *Maximum prices for sales of fish meal in used burlap bags.* To determine the maximum price per ton for fish meal sold in used burlap bags, deduct one dollar ($1.00) from the prices specified in subparagraph (1) of this paragraph.

(3) *Maximum prices for sales of fish meal sold in bulk.* To determine the maximum price per ton for fish meal sold in bulk, deduct three dollars ($3.00) from the prices specified in subparagraph (1) of this paragraph.

(4) *Maximum prices for sales of fish meal sold in bags other than burlap bags.* To determine the maximum price per ton for fish meal sold in bags other than burlap bags, and the cost of the bags at replacement value to the prices specified in subparagraph (3) of this paragraph.

(b) *Maximum delivered prices for sales of fish meal.* The maximum delivered price per ton at any point of delivery shall be the maximum price determined under paragraph (a) of this section, plus the transportation charge at the lowest established rate for the mode of transportation employed, for an identical shipment to such point.

(c) *Maximum prices for sales of fish scrap f. o. b. conveyance at fish reduction plant.* The maximum price for sales of fish scrap f. o. b. conveyance at fish reduction plant shall be three dollars ($3.00) per ton less than the prices specified in paragraph (a) of this section

(d) *Maximum delivered prices for sales of fish scrap.* The maximum delivered price per ton at any point of delivery shall be the maximum price determined under paragraph (c) of this section, plus the transportation charge at the lowest established rate for the mode of transportation employed, for an identical shipment to such point.

(e) *Maximum prices for sales of fish meal manufactured at points other than fish reduction plants f. o. b. conveyance.* To determine the maximum price per ton f. o. b. conveyance for fish meal manufactured at points other than fish reduction plants, add three dollars ($3.00) per ton to the maximum delivered price, determined under paragraph (d) of this section, for the fish scrap actually used in the production of such fish meal. The manufacturer shall at all times use first the quantities of each grade of fish scrap (or quantities equivalent thereto) which were purchased first.

(f) *Maximum delivered prices for sales of fish meal, manufactured at points other than fish reduction plants.* The maximum delivered price per ton at any point of delivery shall be the maximum price determined under paragraph (e) of this section, plus the transportation charge at the lowest established rate for the mode of transportation employed for an identical shipment to such point.

(g) *Maximum prices for sales of fish meal or fish scrap by commercial distributors.* The maximum price for fish meal or fish scrap sold by commercial distributors shall be (1) the maximum price established under paragraphs (a) to (f) of this section, inclusive, whichever is applicable, plus the mark-up in terms of dollars per ton charged or that would have been charged by the seller on January 17, 1942, in selling in the same locality the same grade of fish meal or fish scrap in a similar amount to a similar purchaser or (2) if purchased from another commercial distributor, the maximum price established under (1) above, plus the mark-up in terms of dollars per ton charged or that would have been charged by the seller on January 17, 1942, in selling in the same locality the same grade of fish meal or fish scrap in a similar amount to a similar purchaser.

(h) *Maximum prices for sales of imported fish meal or fish scrap.* In computing the maximum prices for fish meal and fish scrap imported from outside of the several States of the United States, the term "fish reduction plant" in subparagraphs (a) and (c) of this section, shall be deemed to read "United States port of entry."

Issued this 27th day of March 1942.

JOHN E. HAMM,
Acting Administrator.

[F. R. Doc. 42-2727; Filed, March 28, 1942; 9:16 a. m.]

[4] 7 F.R. 401.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter I—Coast Guard, Department of the Navy

PART 9—GENERAL LICENSES FOR MOVEMENTS OF VESSELS WITHIN, OR DEPARTURE FROM, TERRITORIAL WATERS

By virtue of the authority vested in me by § 6.6 (d) of this Chapter (6 F.R. 5222), General License No. 1 (6 F.R. 5342), as amended, is hereby further amended by adding a new subparagraph (4) to paragraph (d) thereof, reading as follows:

§ 9.1 *General License No. 1.*

* * * * * * *

(d) * * *

(4) That all vessels shall comply with instructions and orders issued by a United States routing officer, commander of a sea frontier, or other competent Naval authority of the United States or of any of the United Nations, concerning routes of any voyage, darkening of ship, use of radio equipment, or other security measures. Failure of any vessel to comply with any such instruction or order shall constitute basis for excluding such vessel from the provisions of this license by the Commandant of the Coast Guard.

R. R. WAESCHE,
Commandant, U. S. Coast Guard.

Approved:

FRANK KNOX,
Secretary of the Navy.

MARCH 19, 1942.

[F. R. Doc. 42-2740; Filed, March 28, 1942; 9:29 a. m.]

Chapter II—Corps of Engineers, War Department

PART 204—DANGER ZONE REGULATIONS[1]

SAVANNAH AIR BASE

Pursuant to the provisions of section 7 of the River and Harbor Act of August 8, 1917 (40 Stat. 266; 33 U.S.C. 1), the following three additional areas are established to be governed by the regulations for the use and navigation of the waters of the Atlantic Ocean off Wassaw and Doboy Islands, Georgia as defined in § 204.81 of the Danger Zone Regulations:

§204.81 *Waters of Atlantic Ocean; Savannah Air Base, aerial gunnery range between Wassaw Island—Doboy Island, Ga.*—(a) *The danger zone.* (1) * * *

(2) The range includes the waters in three circular areas each having a diameter of two miles; the centers of the areas located as follows: Latitude 31° 47'30" N., Longitude 81°01'45" W.; Latitude 31°38' N., Longitude 81°06'15" W.; Latitude 31°27'45" N., Longitude 81°-11'15" W.[2] (Sec. 7, River and Harbor Act, Aug. 8, 1917, 40 Stat. 266; 33 U.S.C. 1) [Regs. March 16, 1942. (C. E. 7195 Atlantic Ocean—Georgia)—5)]

* * * * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-2729; Filed, March 28, 1942; 10:30 a. m.]

[1] § 204.81 (a) (2) is added.

[2] Chart filed as part of the original document.

TITLE 33—NAVIGATION AND NAVIGABLE WATERS

Chapter III—Coast Guard: Inspection and Navigation

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

ORDER WAIVING COMPLIANCE WITH THE NAVIGATION AND VESSEL INSPECTION LAWS

By virtue of the authority vested in me by the provisions of Executive Order No. 8976, dated December 12, 1941 (6 F.R. 6441), and Executive Order No. 9083, dated February 28, 1942 (7 F.R. 1609), I hereby waive compliance with the navigation and vessel inspection laws administered by the United States Coast Guard in the case of any vessel engaged in any business in which the Navy Department has an interest to the extent that the Chief of Naval Operations or the Commandant of the Naval District in which the vessel is operating finds, and so advises the appropriate officer of the Navy Department in writing or orally, to be necessary in the conduct of the war: *Provided*, That, if such advice is made orally it will be confirmed in writing immediately thereafter. The appropriate officer of the Navy Department will be the Commandant of the United States Coast Guard or such officer as may be designated by him.

FRANK KNOX,
Secretary of the Navy.

MARCH 6, 1942.

[F. R. Doc. 42-2742; Filed, March 28, 1942; 9:29 a. m.]

ORDER WAIVING COMPLIANCE WITH THE NAVIGATION AND VESSEL INSPECTION LAWS

Upon the request of the Secretary of War and by virtue of the authority vested in me by the provisions of Executive Order No. 8976, dated December 12, 1941 (6 F.R. 6441), and Executive Order No. 9083, dated February 28, 1942 (7 F.R. 1609), I hereby waive compliance with the navigation and vessel inspection laws administered by the United States Coast Guard in the case of any vessel engaged in any business in which the War Department has an interest to the extent that The Quartermaster General or the Superintendent of the Army Transport Service of any port from which the vessel is operating finds, and so advises the appropriate officer of the Navy Department in writing or orally, to be necessary in the conduct of the war: *Provided*, That, if such advice is made orally it will be confirmed in writing immediately thereafter. The appropriate officer of the Navy Department will be the Commandant of the United States Coast Guard or such officer as may be designated by him.

FRANK KNOX,
Secretary of the Navy.

MARCH 6, 1942.

[F. R. Doc. 42-2748; Filed, March 28, 1942; 9:29 a. m.]

TITLE 46—SHIPPING

Chapter I—Coast Guard: Inspection and Navigation

Subchapter G—Ocean and Coastwise: General Rules and Regulations

PART 62—LICENSED OFFICERS AND CERTIFICATED MEN

ORDER WAIVING COMPLIANCE WITH THE NAVIGATION AND VESSEL INSPECTION LAWS

MARCH 21, 1942.

Pursuant to the authority vested in me by Executive Order No. 8976 dated December 12, 1941 (6 F.R. 6441), as modified by Executive Order No. 9083 dated February 28, 1942 (7 F.R. 1609), and in order that the licensed officers on board ocean and coastwise vessels may retain their licenses in their possession to avoid loss in case of shipwreck or other disaster, I hereby waive compliance with the provisions of Section 4446 R.S., as amended (Title 46, U.S.C., Section 232) to the extent hereinafter set forth:

So much of Section 4446 R.S., as amended, as requires the master, mate, engineer, or pilot employed on board ocean and coastwise vessels to place his certificate of license under glass, in some conspicuous place on the vessel upon which he is employed, is waived.

FRANK KNOX,
Secretary of the Navy.

[F. R. Doc. 42-2761; Filed, March 30, 1942; 8:58 a. m.]

Subchapter K—Seamen

ORDER WAIVING COMPLIANCE WITH CERTAIN OF THE PROVISIONS OF SECTION 4511 R.S. AS AMENDED

MARCH 6, 1942.

By virtue of the authority vested in me by the provisions of Executive Order No. 8976, dated December 12, 1941 (6 F.R. 6441), and Executive Order No. 9083, dated February 28, 1942 (7 F.R. 1609), I hereby waive compliance with the provisions of section 4511 R.S. as amended (46 U.S.C. 564), and section 2 of the Act of June 19, 1886, as amended (46 U.S.C. 563), to the extent hereinafter set forth:

(1) So much of section 4511 R.S. as amended, and section 2 of the Act of June 19, 1886, as amended, as requires shipping articles to contain, in writing or

in print, particulars as to the nature of the intended voyage or engagement is waived, *Provided*, That,

(a) The description of voyages on articles of agreement signed covering the departure of vessels of all categories from United States ports shall read:

To a point in the * Ocean to the ** of *** and thence to such ports and places in any part of the world as the Master may direct or as may be ordered or directed by the United States Government or any Department, Commission or agency, thereof, and back to a final port of discharge **** in the United States **** for a term of time not exceeding ------ calendar months.

NOTES

* Name of ocean

** Westward, eastward, southward, or northward

*** Name of port (New York, San Francisco, etc.)

**** Here may be inserted, if desired, such stipulations as: "And/or first loading port and/or bunkering port, and the locality where the voyage is to terminate".

FRANK KNOX,
Secretary of the Navy.

[F. R. Doc. 42-2741; Filed, March 28, 1942; 9:29 a. m.]

PART 301—INTERNATIONAL RULES FOR PREVENTING COLLISIONS AT SEA

ORDER WAIVING COMPLIANCE WITH THE NAVIGATION AND VESSEL INSPECTION LAWS

Pursuant to the authority vested in me by Executive Order No. 8976 dated December 12, 1941 (6 F.R. 6441), as modified by Executive Order No. 9083 dated February 28, 1942 (7 F.R. 1609), and in order that owners, operators and masters of vessels and others concerned may comply with instructions and orders issued by a United States routing officer, commander of a sea frontier, or other competent naval authority of the United States or of any of the United Nations providing for the better security of vessels, including instructions and orders to dim or extinguish lights, I hereby waive compliance with the navigation and vessel inspection laws to the extent necessary to permit conformity with such instructions or orders.

FRANK KNOX,
Secretary of the Navy.

MARCH 19, 1942.

[F. R. Doc. 42-2744; Filed, March 28, 1942; 9:29 a. m.]

Chapter III—War Shipping Administration

[General Order No. 6]

PART 310—RULES FOR UNDERWRITING OF WAR RISK INSURANCE

Pursuant to the authority contained in the Act approved March 6, 1942 (Pub. Law 482, 77th Cong.), the following rules and regulations for the underwriting by the War Shipping Administration of war risk insurance on hulls, cargoes and crew interests are hereby promulgated.

SUBPART A—GENERAL RULES

Sec.
310.1 Submission of risks.
310.2 Requests for quotations.
310.3 Expiration of quotations.
310.4 Acceptance of quotations and evidence thereof.
310.5 Attachment of insurance.
310.6 Reservation of right to decline quotation.

SUBPART B—SPECIAL RULES APPLICABLE TO WAR RISK INSURANCE ON CARGO

310.11 Information required for cargo quotations.
310.12 Time for shipment.
310.13 Interruption or termination of transit.
310.14 Special clauses.
310.15 Cancellation of insurance.
310.16 Coverage at intermediate ports.

SUBPART C—SPECIAL RULES APPLICABLE TO WAR RISK INSURANCE ON HULL

310.21 Information required for hull quotations.
310.22 Time for sailing.
310.23 Risks accepted subject to current rules, etc.
310.24 Safe in port warranty.
310.25 Fixed rates on fleets.

SUBPART D—RULES APPLICABLE TO WAR RISK INSURANCE ON CREW INTERESTS

310.31 Information required for crew interests quotations.
310.32 Decisions of Maritime War Emergency Board.

SUBPART E—AMENDMENTS TO RULES

10.41 Incorporation of amendments in bulletins.
10.42 Schedules of war risk rates.

AUTHORITY: §§ 310.1 to 310.42, inclusive, issued under authority contained in the Act approved March 6, 1942 (Pub. Law 482, 77th Cong.)

SUBPART A—GENERAL RULES

§ 310.1 *Submission of risks.* All risks should be submitted by letter or telegram addressed to the War Shipping Administration, Washington, D. C. and directed to the attention of the Wartime Insurance Committee. Where risks are offered by telephone, telegraphic confirmation must also be received by the Wartime Insurance Committee before any quotation will be made.

§ 310.2 *Requests for quotations.* Requests for quotations should be received by the Wartime Insurance Committee not later than 4:00 P. M. (Eastern War Time) on the date quotation is desired.

§ 310.3 *Expiration of quotations.* Unless otherwise stipulated by the Wartime Insurance Committee, quotations will hold good until 3:00 P. M. (Eastern War Time) of the first business day following quotation and will expire at that time if not accepted.

§ 310.4 *Acceptance of quotations and evidence thereof.* Acceptance of quotation must be evidenced by (a) telegraphic notice to the Wartime Insurance Committee filed prior to 3:00 P. M. (Eastern War Time) of the first business day following quotation, and (b) delivery of a certified check, cashier's check or money order, made payable to the War Shipping Administration and bearing the serial number of the binder for identification, to War Shipping Administration, Washington, D. C., or any of the following district agents, managers and/or representatives: Baltimore, Md., Boston, Mass., Galveston, Texas, Los Angeles, Calif., Mobile, Alabama, New Orleans, La., New York, N. Y., Norfolk, Va., Philadelphia, Pa., Seattle, Wash., not later than 3:00 P. M. (Eastern War Time) of the first business day following quotation.

§ 310.5 *Attachment of insurance.* No insurance will attach until acceptance of risk has been effected as provided above.

§ 310.6 *Reservation of right to decline quotation.* The Administration reserves the right to decline to quote on any risk submitted, or to defer quoting on risks where prompt sailing of the vessel is not anticipated.

SUBPART B—SPECIAL RULES APPLICABLE TO WAR RISK INSURANCE ON CARGO

§ 310.11 *Information required for cargo quotations.* All requests for quotations, if forwarded by mail, should contain the following information: (a) Name of party to be insured; (b) Payee in event of loss; (c) Description and quantity of goods; (d) Identification of goods insured (i. e. marks and numbers, bill of lading number, or other specific identification); (e) Voyage to be insured; (f) Amount of insurance; (g) Name of vessel or steamship line, if known; (h) Anticipated date of shipment from point of origin; whether port or interior. *Requests for quotations made by telegram should not contain vessel's name or anticipated date of shipment*, but such information should be included in an air mail letter of even date and telegram should state that such a letter has been sent. Copy of said air mail letter should be attached to check delivered to Administration for payment of premium.

§ 310.12 *Time for shipment.* Risks insured by the Administration must be shipped and in transit within 30 days of date of binder, unless extension of this period is granted by the Wartime Insurance Committee.

§ 310.13 *Interruption or termination of transit.* If transit of goods is interrupted or terminated by the shipper, the consignee, or the assured, or any party acting under their instructions, the insurance shall forthwith terminate unless otherwise agreed on behalf of the Administration by the Wartime Insurance Committee.

§ 310.14 *Special clauses.* All insurances shall be subject to the following clauses, unless otherwise stipulated by the binder;

(a) *Valuation of goods.*

In event of loss the valuation of the goods insured hereunder shall not exceed the invoice cost, or if there be no invoice the value of the goods at time and place of shipment, plus transportation and insurance costs actually incurred with respect to the shipment, plus 10%.

(b) *Not water-borne warranty.*

Warranted that the goods insured hereunder have not become water-borne on overseas vessel on or prior to the date of this insurance.

Provided, however, That on shipments attaching in United States ports, the following clause may, upon application, be substituted for clause (b)

(c) *Good safety warranty.*

Warranted that the interest insured is in good safety in a United States port at day and hour of attachment of risk.

§ 310.15 *Cancellation of insurance.* Insurance once bound is not subject to cancellation unless the goods insured are not shipped and unless policies and binder are returned for cancellation.

§ 310.16 *Coverage at intermediate ports.* Where application therefor is made at the time insurance is bound, the Administration will consider granting, at additional premium, the following indorsement:

In consideration of an additional premium of $---------- it is understood and agreed that Clause 4 (c) of this policy is deleted. It is further understood and agreed that if, owing to circumstances beyond the control of the Assured, the merchandise insured hereunder is landed at an intermediate port other than the intended port of discharge, this insurance shall continue in force subject to all of its terms until the Assured has had a reasonable opportunity to forward the goods to their intended destination, or substituted destination, or to dispose of said goods at port of landing. In the event that prior to the termination of this insurance said goods are forwarded to substituted destination as aforesaid this policy shall continue to cover, subject to its terms, to such substituted destination without further additional premium.

SUBPART C—SPECIAL RULES APPLICABLE TO WAR RISK INSURANCE ON HULL

§ 310.21 *Information required for hull quotations.* All requests for quotations, if forwarded by mail, should contain the following information: (a) Flag of vessel; (b) Name of owner; (c) Voyage for which quotation requested and anticipated number of days involved; (d) Amount of insurance requested and total value of vessel for war risk insurance purposes; (e) Statement as to commercial war risk insurance rates; (f) Name of vessel; (g) Expected sailing date. If such requests are forwarded by telegram, name of vessel and sailing date must not appear in the telegram; but such telegram must be supplemented by an air mail letter of even date providing such information, and the telegram must state that such a letter has been sent. Copy of said air mail letter should be attached to check delivered to Administration for payment of premium.

§ 310.22 *Time for sailing.* Vessels insured by the Administration must sail within 30 days of acceptance of risk unless an extension is granted by the Administration and an additional premium paid, if required, or unless some shorter period of time is stipulated by the Administration at time of quotation.

§ 310.23 *Rules accepted subject to current rules, etc.* All risks accepted by the Administration will be subject to the current rules, regulations, conditions and policy forms as prescribed by the Administration, and to the possession by the Assured of a United States Warrant, and in certain instances of a British Ship Warrant.

§ 310.24 *Safe in port warranty.* Unless otherwise specially agreed, all insurances shall be subject to the following warranty: "Warranted vessel safe in port at time of attachment of this insurance."

§ 310.25 *Fixed rates on fleets.* Where an owner desires to insure all of his vessels, or all of his vessels operating in a stated trade, with the War Shipping Administration, the Administration will give consideration to naming fixed rates for all risks attaching within a period of 30 days or 60 days. Where such rates are named by the Administration they must be accepted within 48 hours or such other period as may be stipulated by the Administration. Thereafter, the owner has an obligation to report all such risks to the Administration but no insurance shall attach until such report is made and premium paid as hereinbefore specified. Such reports, containing name of steamer and attachment date, should not be sent by telegram but should be mailed in sufficient time to permit receipt by the War Shipping Administration prior to date of attachment of risk.

SUBPART D—RULES APPLICABLE TO WAR RISK INSURANCE ON CREW INTERESTS

§ 310.31 *Information required for crew interests quotations.* Insurances on crew interests must be submitted to the Administration in accordance with the rules specified for insurance on hulls but the request for quotation should include: (a) Where crew life and dismemberment insurance is required, a statement of the total number of master, officers and crew and total amount of insurance desired; (b) Where insurance covering crew's personal effects is required, a statement of the total amount of such insurance desired, and (c) Where insurance covering owners liability for wages and emergency wages during repatriation or detention is required, a statement as to the annual payroll and as to the total amount of insurance desired. Where insurance is desired for more than one year's wages, the rate quoted by the Administration will be applied to the annual payroll.

§ 310.32 *Decisions of Maritime War Emergency Board.* Subject to the limits of insurance requested by the owners of the vessel in each case, insurances on crew interests will be in accordance with the decisions of the Maritime War Emergency Board, in effect at time of binding risk.

SUBPART E—AMENDMENTS TO RULES

§ 310.41 *Incorporation of amendments in bulletins.* Amendments to these rules and regulations will be incorporated in a series of bulletins which will be issued by the Administration from time to time and which will be numbered consecutively. Copies of these bulletins will be available upon request to parties properly interested therein. The foregoing rules and regulations will be incorporated in Bulletin No. 1 of such series.

§ 310.42 *Schedules of war risk rates.* Schedules of war risk rates will be similarly issued by the Administration. Where special circumstances exclude particular ships or cargoes from the rates quoted in the bulletins, rates may be named upon application to the Wartime Insurance Committee.

By Order of the War Shipping Administration.

[SEAL] W. C. PEET, Jr.,
Secretary.

MARCH 16, 1942.

[F. R. Doc. 42-2715; Filed, March 27, 1942; 4:33 p. m.]

TITLE 50—WILDLIFE

Chapter I—Fish and Wildlife Service

Subchapter Q—Alaska Commercial Fisheries

PART 201—ALASKA FISHERIES GENERAL REGULATIONS

Section 201.5 is hereby amended to read as follows:

§ 201.5 *Time used in various fishing areas.* The time used in the various areas for the enforcement of the law and the regulations that specify hours and days shall be as follows:

(a) In the southeastern Alaska area: War time of the 135th meridian of west longitude, which is one hour slower than Seattle time (or Pacific war time).

(b) In the Bering River, Copper River, Prince William Sound, Resurrection Bay, Cook Inlet, Kodiak, Chignik, Alaska Peninsula, and Bristol Bay areas: War time of the 150th meridian of west longitude, which is two hours slower than Seattle time (or Pacific war time).

(c) In the Aleutian Islands and Yukon-Kuskokwim areas: War time of the 165th meridian of west longitude, which is three hours slower than Seattle time (or Pacific war time).

Section 201.9 is hereby amended to read as follows:

§ 201.9 *Traps must be made inoperative within 12 hours after close of season.* Within 12 hours after the beginning of any seasonal closed period, the wire on the entire long wall of the small heart from the pot tunnel to the first corner, on both sides, shall be cut down, and any lead within 50 feet of the small heart gap shall be cut down. Within 24 hours after the beginning of any seasonal closed period (a) the tunnels from pots to spillers of all traps shall be entirely disconnected, and (b) the spillers of all driven traps shall be raised to within 4 feet of the capping and the spillers of floating traps shall be raised to within 4 feet of the surface. With respect to traps not provided with spillers, the requirements with regard to spillers shall apply to the pots.

Section 201.15 is hereby amended to read as follows:

§ 201.15 *Trawls prohibited in fishing for certain species.* The use of any trawl in commercial fishing for salmon, herring, and Dungeness crabs is prohibited.

New sections, to be known as §§ 201.21a and 201.21b are hereby inserted, following § 201.21, to read as follows:

§ 201.21a *Protection of female and small male king or spider crabs.* No female king or spider crab (Paralithodes) shall be taken at any time in the waters of Alaska, and no male of this species measuring less than 5½ inches in greatest width of shell shall be taken for commercial purposes.

§ 201.21b *Native fishing rights.* No trap shall be established in any site in which any Alaskan native or natives has or have any rights of fishery, by virtue of any grant or by virtue of aboriginal occupancy, by any person other than such native or natives. Any native or natives claiming such rights may petition the Secretary of the Interior for a hearing with respect to the validity of such claim, and prior to any such determination such claimant and any interested parties desiring to appear in opposition to such claim shall have an opportunity to be heard.

PART 204—BRISTOL BAY AREA SALMON FISHERIES

§ 204.2 is hereby amended to read as follows:

§ 204.2 *Districts open to salmon fishing.* Commercial fishing for salmon is prohibited except within the following-described districts:

(a) Hagemeister district: Waters of Hagemeister Strait from 161 degrees 40 minutes west longitude to 160 degrees 38 minutes west longitude.

(b) Nushagak district: Waters of Nushagak Bay within a line from Point Protection to Etolin Point.

(c) Kvichak-Naknek district: Waters of Kvichak Bay within a line from Etolin Point to Middle Bluff Light on the eastern side of Kvichak Bay.

(d) Ugashik district: Waters between an east and west line at 58 degrees north latitude and the southern limit of the area at a point on the coast 3 statute miles south of Cape Menshikof.

Section 204.6 is hereby amended to read as follows:

§ 204.6 *Districts open to stake and set nets.* Commercial fishing for salmon with stake nets or set or anchored gill nets shall be limited to beach areas between high and low watermarks, exclusive of bars or flats that at low tide are not connected by exposed land to the shore or places not covered at high tide, and shall be confined to the following places:

(a) Nushagak district: Along the beach, except on the west side of Nushagak Bay from a point 2 statute miles south of Bradford Point to Coffee Point, and except along the east side of that bay from a point 2,500 yards southeast of Ekuk Bluff Light to Etolin Point.

(b) Kvichak Bay: Along the beach on the southeast shore of the bay from Prosper Creek to Coffee Creek.

(c) Naknek Bay: Along the beach on the north side of the bay from a point 1,200 yards above the drift gill net prohibitive markers to a point 1,500 yards outside such markers, and along the beach on the south side of the bay from a point 1,200 yards above the drift gill net prohibitive markers to a point 3,000 yards outside such markers.

(d) Ugashik Bay and River: Along the beach on the north side of the bay from Pilot Station to a point 500 yards south of Dago Creek, and along the beach on the east side of the river from a point 200 yards north of the Red Salmon Canning Co.'s cannery to a point 1,200 yards north of that cannery.

Section 204.20 is hereby amended to read as follows:

§ 204.20 *Waters closed to salmon fishing.* All commercial fishing for salmon is prohibited as follows:

(a) Nushagak Bay: All waters northward of a line from a marker 2 statute miles below Bradford Point to a marker on the opposite shore at Nushagak Point: *Provided,* That stake nets or set or anchored gill nets limited to beach areas between high and low watermarks will be permitted to the old prohibitive line from Snag Point to the old village on the east bank.

(b) Kvichak Bay: All waters above a line extending across Kvichak Bay from the Squaw Creek Light to a marker on the opposite side at Coffee Creek Point: *Provided,* That stake nets or set or anchored gill nets limited to beach areas between high and low watermarks will be permitted on the southeast shore from Prosper Creek to Coffee Creek.

(c) Naknek Bay: All waters within 1 statute mile of the mouth of the Naknek River: *Provided,* That stake nets or set or anchored gill nets limited to beach areas between high and low watermarks will be permitted on each side of the bay to a point 1,200 yards above the drift gill net prohibitive markers.

(d) Ugashik River and Bay: All waters above a line extending at right angles across said river 500 yards below the mouth of King Salmon River: *Provided,* That stake nets or set or anchored gill nets limited to beach areas between high and low watermarks will be permitted on the east side of the river from a point 200 yards north of the Red Salmon Canning Co.'s cannery to a point 1,200 yards north of that cannery.

PART 205—ALASKA PENINSULA AREA FISHERIES

SALMON FISHERY

Section 205.11 is hereby amended to read as follows:

§ 205.11 *Waters open to seines; size of seines.* Commercial fishing for salmon by means of any purse seine more than 200 fathoms in length and 350 meshes in depth is prohibited in the waters between Castle Cape and Cape Pankof, including Ikatan Bay and the waters of the Shumagin Islands.

Section 205.14 *Catch limitation, entrance point to Cape Seniavin,* is hereby revoked and deleted.

Section 205.15 is hereby amended to read as follows:

§ 205.15 *Open seasons, salmon fishing.* Commercial fishing for salmon is prohibited prior to 6 o'clock antemeridian May 27 in each calendar year and during the remainder of each calendar year after 6 o'clock postmeridian August 10, except that beach seines and gill nets may be used from September 5 to September 30, both dates inclusive.

A new section, to be known as § 205.16a, is hereby inserted following § 205.16, to read as follows:

§ 205.16a *Gear restriction, Swanson Lagoon.* Commercial fishing for salmon is prohibited in Swanson Lagoon, except by means of gill nets.

Section 205.18 is hereby amended to read as follows:

§ 205.18 *Waters closed to salmon fishing.*

* * * * *

(b) Thin Point Lagoon, East Bay (Long John Lagoon), Kinzaroff Lagoon, Mortensen Lagoon, Big Lagoon, and Middle or Lambsport Lagoon: All waters within the lagoons and their streams and within a distance of 500 yards outside the entrance to the lagoons.

* * * * *

PART 207—CHIGNIK AREA FISHERIES

SALMON FISHERY

Section 207.4 is hereby amended to read as follows:

§ 207.4 *Length of set nets.* No set or anchored gill net shall be less than 50 fathoms or more than 75 fathoms in length measured on the cork line.

PART 208—KODIAK AREA FISHERIES

SALMON FISHERY

Section 208.4 *Size of mesh and length of beach seines,* is hereby revoked and deleted.

Section 208.5 is hereby amended to read as follows:

§ 208.5 *Operation of beach seines.* Beach seines shall be set from the beach only. No beach seine shall be set as a trap or as a lead and left without reasonably prompt completion of the seining operation. No beach seine shall be more than 200 fathoms in length.

Section 208.17 (*Closed season, Karluk fishery*), is hereby revoked and deleted.

Section 208.20 is hereby amended to read as follows:

§ 208.20 *Closed season, August 14 to September 1; exceptions.* Commercial fishing for salmon is prohibited from 6 o'clock postmeridian August 14 to 6 o'clock antemeridian September 1: *Provided,* That this prohibition shall not apply (a) to all gear on the west coast of Kodiak Island from Cape Alitak to Cape Karluk, (b) to beach seines and purse seines on the north coast of Kodiak Island from Cape Karluk to Cape Uyak, and (c) to set or anchored gill nets on the north coast of Kodiak Island from Cape Uyak to West Point.

A new section, to be known as § 208.20a, is hereby inserted following § 208.20, to read as follows:

§ 208.20a *Traps prohibited, September 1 to 30.* Commercial fishing for salmon by means of any trap is prohibited in the period from 6 o'clock antemeridian September 1 to 6 o'clock postmeridian September 30.

PART 208—KODIAK AREA FISHERIES

HERRING FISHERY

A new section, to be known as § 208.24, is hereby inserted following § 208.23, to read as follows:

§ 208.24 *Closed seasons, herring fishing.* In the waters of Shelikof Strait southeast of a line extending down the middle of the Strait from the latitude of Point Banks to the latitude of Cape Alitak and in all contiguous waters, including the waters of Kupreanof and Raspberry Straits eastward to the western extremity of Whale Island and the waters of Shuyak Strait, commercial fishing for herring, except by gill nets, is prohibited from 6 o'clock antemeridian July 12 to 6 o'clock postmeridian July 18, from 6 o'clock antemeridian August 16 to 6 o'clock postmeridian August 22, and from 6 o'clock antemeridian September 20 to 6 o'clock postmeridian September 26.

Section 208.25 is hereby amended to read as follows:

§ 208.25 *Herring catch limitations; exceptions.* In the period from July 1 to October 15, both dates inclusive, the total take of herring for commercial purposes, except for bait and except by gill nets, shall not exceed 150,000 barrels, upon the basis of 250 pounds per barrel, in the waters of Shelikof Strait southeast of a line extending down the middle of the Strait from the latitude of Point Banks to the latitude of Cape Alitak and in all contiguous waters, including the waters of Kupreanof and Raspberry Straits eastward to the western extremity of Whale Island and the waters of Shuyak Strait. In the period from October 16 of one year to June 30 of the succeeding year the total take of herring in these waters for commercial purposes, except for bait and except by gill nets, shall not exceed 10,000 barrels, upon the basis of 250 pounds per barrel, of which not more than 2,000 barrels shall be taken in the period October 16 to November 15, both dates inclusive, and not more than 4,000 barrels shall be taken in any succeeding 30-day period.

PART 209—COOK INLET AREA FISHERIES

SALMON FISHERY

Section 209.2 is hereby amended to read as follows:

§ 209.2 *Open seasons, salmon fishing.* (a) Between the latitude of the established stream marker marking the south limit of the closed area around the mouth of Kasilof River at approximately 60 degrees 22 minutes 23 seconds north latitude to the latitude of Anchor Point Light, exclusive of all waters adjacent to Kalgin Island, commercial fishing for salmon is prohibited prior to 6 o'clock antemeridian May 25 and after 6 o'clock postmeridian August 8 in each year: *Provided,* That this prohibition shall not apply to the use of gill nets from 6 o'clock antemeridian August 20 to 6 o'clock postmeridian September 10.

(b) South of the latitude of Anchor Point Light Commercial fishing for salmon is prohibited prior to 6 o'clock antemeridian May 25 and after 6 o'clock postmeridian August 10 in each year: *Provided,* That this prohibition shall not apply to the use of beach seines or gill nets from 6 o'clock antemeridian August 22 to 6 o'clock postmeridian September 10.

(c) North of the latitude of the marker marking the south limit around the mouth of Kasilof River, as described herein under paragraph (a), including all waters adjacent to Kalgin Island, commercial fishing for salmon is prohibited prior to 6 o'clock antemeridian June 25 and after 6 o'clock postmeridian August 8 in each year: *Provided,* That this prohibition shall not apply (1) after 6 o'clock antemeridian May 25 to the use of gear having mesh not less than 8½ inches stretched measure between knots, or to gill nets of which not to exceed 35 fathoms in use by any individual or on any boat may have mesh less than 8½ inches stretched measure between knots, and (2) from 6 o'clock antemeridian August 20 to 6 o'clock postmeridian September 10 to the use of gill nets.

Section 209.10 is hereby amended to read as follows:

§ 209.10 *Total aggregate length of set nets.* No set or anchored gill net shall exceed 35 fathoms in length measured on the cork line. The total aggregate length of set or anchored gill nets used by any individual or operated from any boat shall not exceed 105 fathoms. South of the latitude of Anchor Point, seine webbing not exceeding 30 fathoms in length may be used on the shore end of any set or anchored gill net between the lines of high and low water.

Section 209.16 is hereby amended to read as follows:

§ 209.16 *Areas open to salmon traps.*

* * * * *

(e) Along the west coast of Kalgin Island within 1,000 feet of a point at 60 degrees 21 minutes 33 seconds north latitude, 152 degrees 4 minutes 18 seconds west longitude.

* * * * *

(s) Along the mainland coast on the east side of Cook Inlet east of Flat Island within 1,200 feet of a point at 59 degrees 19 minutes 36 seconds north latitude, 151 degrees 58 minutes 4 seconds west longitude.

CRAB FISHERY

Section 209.34, *Protection of female and small male crabs,* is hereby revoked and deleted.

PART 210—RESURRECTION BAY AREA FISHERIES

SALMON FISHERY

Section 210.7 is hereby amended to read as follows:

§ 210.7 *Opening date for red salmon fishing.* Prior to 6 o'clock antemeridian May 25 in each year, commercial fishing for salmon with nets of mesh less than 8½ inches stretched measure between knots is prohibited.

PART 211—PRINCE WILLIAM SOUND AREA FISHERIES

SALMON FISHERY

Section 211.3 is hereby amended to read as follows:

§ 211.3 *Operation of purse seines and leads.* No salmon-fishing boat shall carry or operate more than one seine of any description, and no additional net of any kind, except one lead having mesh not less than 7 inches stretched measure between knots and unhung web for mending purposes, shall be carried on such boat. The carrying of any additional seine or net of any kind on a boat towed by any salmon-fishing boat is prohibited. No purse seine shall be less than 125 meshes nor more than 350 meshes in depth, nor less than 90 fathoms nor more than 150 fathoms in length measured on the cork line. For the purpose of determining depth of seines, measurements will be upon the basis of 3½ inches stretched measure between knots. The extension to any seine in the way of leads exceeding 25 fathoms in length is prohibited. A lead having mesh not less than 7 inches stretched measure between knots may be detached from the seine.

Section 211.12 is hereby amended to read as follows:

§ 211.12 *Areas open to salmon traps.*

* * * * *

(m) Mainland coast, near Knowles Head, within 2,500 feet of a point at 60 degrees 41 minutes 30 seconds north latitude, 148 degrees 40 minutes 22 seconds west longitude.

* * * * *

HERRING FISHERY

A new section, to be known as § 211.14, is hereby inserted following § 211.13, to read as follows:

§ 211.14 *Herring catch limitations, June 24 to August 20.* In the period from June 24 to August 20, both dates inclusive, the total take of herring for commercial purposes, except for bait and except by gill nets, shall not exceed 25,000 barrels, upon the basis of 250 pounds per barrel, in the waters of the Prince William Sound area within a line from Cape Cleare on Montague Island to Cape Puget on the mainland, thence along the mainland shore to the point on the south side of the entrance to Falls Bay, thence to the eastern extremity of Storey Island, and thence to Zaikof Point, including also all waters contiguous to the

southeastern shore of Montague Island between Zaikof Point and Cape Cleare.

Section 211.15 is hereby amended to read as follows:

§ 211.15 *Herring catch limitations, August 21 to June 23.* In the period from August 21 to October 15, both dates inclusive, the total take of herring for commercial purposes, except for bait and except by gill nets, shall not exceed 50,000 barrels, upon the basis of 250 pounds per barrel, in the waters of the Prince William Sound area within a line from Cape Cleare on Montague Island to Cape Puget on the mainland, thence along the mainland shore to the point on the south side of the entrance to Falls Bay, thence to the eastern extremity of Storey Island, and thence to Zaikof Point, including also all waters contiguous to the southeastern shore of Montague Island between Zaikof Point and Cape Cleare. In the period from October 16 of one year to June 23 of the succeeding year, the total take of herring in these waters for commercial purposes, except for bait and except by gill nets, shall not exceed 10,000 barrels, upon the basis of 250 pounds per barrel, of which not more than 2,000 barrels shall be taken in the period October 16 to November 15, both dates inclusive, and not more than 4,000 barrels shall be taken in any succeeding 30-day period.

PART 212—COPPER RIVER AREA FISHERIES

SALMON FISHERY

Section 212.6, *Identification of salmon-fishing boats*, is hereby revoked and deleted.

PART 213—BERING RIVER AREA FISHERIES

SALMON FISHERY

Section 213.4 is hereby amended to read as follows:

§ 213.4 *Closing date for salmon fishing.* Commercial fishing for salmon is prohibited after 6 o'clock postmeridian September 18 in each calendar year.

Section 213.6 is hereby amended to read as follows:

§ 213.6 *Salmon fishing limited to drift gill nets.* Commercial fishing for salmon shall be conducted solely by drift gill nets without the attachment of anything to obstruct their free movement through the water at all times: *Provided*, That gill nets attached to anchored boats or other anchored floating equipment may be used from 6 o'clock antemeridian August 10 to 6 o'clock postmeridian September 18 in each calendar year.

PART 220—SOUTHEASTERN ALASKA AREA FISHERIES OTHER THAN SALMON

Section 220.3 is hereby amended to read as follows:

§ 220.3 *Herring catch limitations; exceptions.* In any calendar month the total take of herring for commercial purposes, except for bait and except by gill nets, shall not exceed 2,000 barrels upon the basis of 250 pounds per barrel.

Section 220.10a, *Waters of Chatham Strait in which herring fishing is prohibited or restricted*, is hereby revoked and deleted.

Section 220.10c, *Herring fishing restricted in Sitka Sound*, is hereby revoked and deleted.

PART 220—SOUTHEASTERN ALASKA AREA FISHERIES OTHER THAN SALMON

SHRIMP FISHERY

Section 220.16 is hereby amended to read as follows:

§ 220.16 *Closed season, shrimp fishing.* Commercial fishing for shrimp is prohibited in the period from February 1 to April 30, both dates inclusive, in each year.

Section 220.17 is hereby amended to read as follows:

§ 220.17 *Protection of immature shrimp.* Not more than 25 percent of the number of shrimp in any box or container taken at any time for commercial purposes shall be less than 3 inches in length, measured from the tip of the horn to the tip of the tail.

PART 222—SOUTHEASTERN ALASKA AREA, ICY STRAIT DISTRICT, SALMON FISHERIES

Section 222.3 is hereby amended to read as follows:

§ 222.3 *Total aggregate length of gill nets.* The total aggregate length of gill nets on any salmon-fishing boat, or in use by such boat, shall not exceed 250 fathoms hung measure. No gill net shall be less than 50 fathoms in length, and mesh shall be not less than 5⅜ inches stretched measure between knots.

Section 222.7 is hereby amended to read as follows:

§ 222.7 *Operation of purse seines and leads.* No salmon-fishing boat shall carry or operate more than one seine of any description, and no additional net of any kind, except one lead having mesh not less than 7 inches stretched measure between knots and unhung web for mending purposes, shall be carried on such boat. The carrying of any additional seine or net of any kind on a boat towed by any salmon-fishing boat is prohibited. No purse seine shall be less than 175 meshes nor more than 350 meshes in depth nor less than 150 fathoms nor more than 200 fathoms in length, measured on the cork line. For the purpose of determining depths of seines, measurements will be upon the basis of 3½ inches stretched measure between knots. The extension to any seine in the way of leads exceeding 25 fathoms in length is prohibited. A lead having mesh not less than 7 inches stretched measure between knots may be detached from the seine.

PART 223—SOUTHEASTERN ALASKA AREA, WESTERN DISTRICT, SALMON FISHERIES

Section 223.3 is hereby amended to read as follows:

§ 223.3 *Total aggregate length of gill nets.* The total aggregate length of gill nets on any salmon-fishing boat, or in use by such boat, shall not exceed 250 fathoms hung measure. No gill net shall be less than 50 fathoms in length, and mesh shall be not less than 5⅜ inches stretched measure between knots.

Section 223.7 is hereby amended to read as follows:

§ 223.7 *Operation of purse seines and leads.* No salmon-fishing boat shall carry or operate more than one seine of any description, and no additional net of any kind, except one lead having mesh not less than 7 inches stretched measure between knots and unhung web for mending purposes, shall be carried on such boat. The carrying of any additional seine or net of any kind on a boat towed by any salmon-fishing boat is prohibited. No purse seine shall be less than 175 meshes nor more than 350 meshes in depth nor less than 150 fathoms nor more than 200 fathoms in length, measured on the cork line. For the purpose of determining depths of seines, measurements will be upon the basis of 3½ inches stretched measure between knots. The extension to any seine in the way of leads exceeding 25 fathoms in length is prohibited. A lead having mesh not less than 7 inches stretched measure between knots may be detached from the seine.

Section 223.9 is hereby amended to read as follows:

§ 223.9 *Closed seasons, south of Point Couverden.* Commercial fishing for salmon, other than trolling, south of a true line eastward from the southeastern extremity of Point Couverden is prohibited prior to 6 o'clock antemeridian July 5, from 6 o'clock post meridian August 18 to 6 o'clock antemeridian October 1, and for the remainder of each calendar year after 6 o'clock post meridian October 20.

PART 224—SOUTHEASTERN ALASKA AREA, EASTERN DISTRICT, SALMON FISHERIES

Section 224.3 is hereby amended to read as follows:

§ 224.3 *Total aggregate length of gill nets.* The total aggregate length of gill nets on any salmon-fishing boat, or in use by such boat, shall not exceed 250 fathoms hung measure. No gill net shall be less than 50 fathoms in length, and mesh shall be not less than 5⅜ inches stretched measure between knots.

Section 224.7 is hereby amended to read as follows:

§ 224.7 *Operation of purse seines and leads.* No salmon-fishing boat shall carry or operate more than one seine of any description, and no additional net of any kind, except one lead having mesh not less than 7 inches stretched measure between knots and unhung web for mending purposes, shall be carried on such boat. The carrying of any additional seine or net of any kind on a boat towed by any salmon-fishing boat is prohibited. No purse seine shall be less than 175 meshes nor more than 350 meshes in depth nor less than 150 fathoms nor more than 200 fathoms in length, measured on the cork line. For the purpose of determining depths of seines, measurements will be upon the basis of 3½ inches stretched measure between knots. The extension to any seine in the way of leads exceeding 25 fathoms in length is prohibited. A lead having mesh not less than 7 inches stretched measure between knots may be detached from the seine.

Section 224.9 is hereby amended to read as follows:

§ 224.9 *Seasonal closing dates, salmon fishing.* Commercial fishing for salmon, other than trolling, is prohibited for the remainder of each calendar year after 6 o'clock postmeridian August 18: *Provided*, That this prohibition shall not apply to the use of drift gill nets in Taku Inlet from 6 o'clock antemeridian September 5 to 6 o'clock postmeridian September 30; *And provided further*, That this prohibition shall not apply to commercial fishing for salmon south of 58 degrees north latitude from 6 o'clock antemeridian October 1 to 6 o'clock postmeridian October 20.

PART 226—SOUTHEASTERN ALASKA AREA, SUMNER STRAIT DISTRICT, SALMON FISHERIES

Section 226.7 is hereby amended to read as follows:

§ 226.7 *Operation of purse seines and leads.* No salmon-fishing boat shall carry or operate more than one seine of any description, and no additional net of any kind, except one lead having mesh not less than 7 inches stretched measure between knots and unhung web for mending purposes, shall be carried on such boat. The carrying of any additional seine or net of any kind on a boat towed by any salmon-fishing boat is prohibited. No purse seine shall be less than 175 meshes nor more than 350 meshes in depth nor less than 150 fathoms nor more than 200 fathoms in length, measured on the cork line. For the purpose of determining depths of seines, measurements will be upon the basis of 3½ inches stretched measure between knots. The extension to any seine in the way of leads exceeding 25 fathoms in length is prohibited. A lead having mesh not less than 7 inches stretched measure between knots may be detached from the seine.

Section 226.9 is hereby amended to read as follows:

§ 226.9 *Closed seasons; exceptions.* Commerical fishing for salmon other than trolling is prohibited, except in Ernest Sound, Zimovia Strait, and Bradfield Canal, prior to 6 o'clock antemeridian July 20 in each calendar year, from 6 o'clock postmeridian August 22 to 6 o'clock antemeridian October 5 in each year, and for the remainder of each calendar year after 6 o'clock postmeridian October 25.

PART 227—SOUTHEASTERN ALASKA AREA, CLARENCE STRAIT, SALMON FISHERIES

Section 227.3 is hereby amended to read as follows:

§ 227.3 *Total aggregate length of gill nets.* The total aggregate length of gill nets on any salmon-fishing boat, or in use by such boat, shall not exceed 250 fathoms hung measure. No gill net shall be less than 50 fathoms in length, and mesh shall be not less than 5⅜ inches stretched measure between knots.

Sections 227.7 to 227.11, inclusive, are hereby amended to read as follows:

§ 227.7 *Operation of purse seines and leads.* No salmon-fishing boat shall carry or operate more than one seine of any description, and no additional net of any kind, except one lead having mesh not less than 7 inches stretched measure between knots and unhung web for mending purposes, shall be carried on such boat. The carrying of any additional seine or net of any kind on a boat towed by any salmon-fishing boat is prohibited. No purse seine shall be less than 175 meshes nor more than 350 meshes in depth nor less than 150 fathoms nor more than 200 fathoms in length, measured on the cork line. For the purpose of determining depths of seines, measurements will be upon the basis of 3½ inches stretched measure between knots. The extension to any seine in the way of leads exceeding 25 fathoms in length is prohibited. A lead having mesh not less than 7 inches stretched measure between knots may be detached from the seine.

§ 227.8 *Closed seasons, northern section.* Commercial fishing for salmon, other than trolling, north of a line extending from Narrow Point to Ernest Point is prohibited prior to 6 o'clock antemeridian July 25, from 6 o'clock postmeridian August 28 to 6 o'clock antemeridian October 5, and for the remainder of each calendar year after 6 o'clock postmeridian October 25.

§ 227.9 *Closed seasons, central section.* Commercial fishing for salmon, other than trolling, between a line extending from Narrow Point to Ernest Point and a line extending from Approach Point to Caamano Point is prohibited prior to 6 o'clock antemeridian July 20, from 6 o'clock postmeridian August 25 to 6 o'clock antemeridian October 5 and for the remainder of each calendar year after 6 o'clock postmeridian October 25.

§ 227.10 *Closed seasons, southeast section.* Commercial fishing for salmon, other than trolling, south of a line extending from Approach Point to Caamano Point and east of a line extending down the middle of Clarence Strait is prohibited prior to 6 o'clock antemeridian July 20, from 6 o'clock postmeridian August 23 to 6 o'clock antemeridian October 5, and for the remainder of each calendar year after 6 o'clock postmeridian October 25.

§ 227.11 *Closed seasons, southwest section.* Commercial fishing for salmon, other than trolling, south of a line extending from Approach Point to Caamano Point and west of a line extending down the middle of Clarence Strait is prohibited prior to 6 o'clock antemeridian July 20, from 6 o'clock postmeridian August 24 to 6 o'clock antemeridian October 5, and for the remainder of each calendar year after 6 o'clock postmeridian October 25.

Section 227.15 is hereby amended to read as follows:

§ 227.15 *Areas open to salmon traps.*

* * * * *

(n) Gravina Island: East coast (1) within 2,500 feet of a point at 55 degrees 10 minutes 30 seconds north latitude, including adjacent rocks, and (2) within 2,500 feet of a point at 55 degrees 12 minutes north latitude near the south side of the entrance to Bostwick Inlet.

* * * * *

(y) Prince of Wales Island: From the outer point of land on the north side of Kendrick Bay at approximately 131 degrees 58 minutes 25 seconds west longitude northward, including adjacent rocks, for a distance of 2,500 feet.

* * * * *

PART 228—SOUTHEASTERN ALASKA AREA, SOUTH PRINCE OF WALES ISLAND DISTRICT, SALMON FISHERIES

Sections 228.7 and 228.8 are hereby amended to read as follows:

§ 228.7 *Operation of purse seines and leads.* No salmon-fishing boat shall carry or operate more than one seine of any description, and no additional net of any kind except leads and unhung web for mending purposes, shall be carried on such boat. The carrying of any additional seine or net of any kind on a boat towed by any salmon-fishing boat is prohibited. No purse seine shall be less than 175 meshes nor more than 350 meshes in depth nor less than 150 fathoms nor more than 200 fathoms in length, measured on the cork line. For the purpose of determining depths of seines, measurements will be upon the basis of 3½ inches stretched measure between knots. The extension to any seine in the way of leads exceeding 75 fathoms in length and having mesh less than 7 inches stretched measure between knots is prohibited.

§ 228.8 *Closed seasons, salmon fishing.* Commercial fishing for salmon, other than trolling, is prohibited prior to 6 o'clock antemeridian July 25 in each calendar year, from 6 o'clock postmeridian August 29 to 6 o'clock antemeridian October 5 in each year, and for the remainder of each calendar year after 6 o'clock postmeridian October 25.

PART 229—SOUTHEASTERN ALASKA AREA, SOUTHERN DISTRICT, SALMON FISHERIES

Section 229.3 is hereby amended to read as follows:

§ 229.3 *Total aggregate length of gill nets.* The total aggregate length of gill nets on any salmon-fishing boat, or in use by such boat, shall not exceed 250 fathoms hung measure. No gill net shall be less than 50 fathoms in length, and mesh shall be not less than 5⅜ inches stretched measure between knots.

Section 229.7 is hereby amended to read as follows:

§ 229.7 *Operation of purse seines and leads.* No salmon-fishing boat shall carry or operate more than one seine of any description, and no additional net of any kind, except one lead having mesh not less than 7 inches stretched measure between knots and unhung web for mend-

ing purposes, shall be carried on such boat. The carrying of any additional seine or net of any kind on a boat towed by any salmon-fishing boat is prohibited. No purse seine shall be less than 175 meshes nor more than 350 meshes in depth nor less than 150 fathoms nor more than 200 fathoms in length, measured on the cork line. For the purpose of determining depths of seines, measurements will be upon the basis of 3½ inches stretched measure between knots. The extension to any seine in the way of leads exceeding 25 fathoms in length is prohibited. A lead having mesh not less than 7 inches stretched measure between knots may be detached from the seine.

Section 229.8 is hereby amended to read as follows:

§ 229.8 *Closed seasons, salmon fishing.* Commercial fishing for salmon, other than trolling, is prohibited prior to 6 o'clock antemeridian July 15, from 6 o'clock postmeridian August 18 to 6 o'clock antemeridian October 5, and for the remainder of each calendar year after 6 o'clock postmeridian October 25.

Section 229.15 is hereby amended to read as follows:

§ 229.15 *Areas open to salmon traps.*

* * * * *

(u) Tongass Island: West coast, including adjacent rocks, within 2,000 feet of a point at 54 degrees 46 minutes 36 seconds north latitude.

* * * * *

(Sec. 1, 44 Stat. 752; 48 U.S.C. 221)

The amendments contained in this document shall be in full force and effect immediately from and after the date of their publication in the FEDERAL REGISTER.

HAROLD L. ICKES,
Secretary of the Interior.

MARCH 13, 1942.

[F. R. Doc. 42-2730; Filed, March 28, 1942; 10:30 a. m.]

Notices

WAR DEPARTMENT.

RESTRICTIONS ON CERTAIN TRANSACTIONS INVOLVING PROPERTY IN WHICH CERTAIN FOREIGN COUNTRIES, OR ANY NATIONAL THEREOF, MAY HAVE AN INTEREST[1]

SECTION I[2]

* * * * *

1d *Netherlands East Indies.* Public Circular No. 17, Treasury Department, dated March 13, 1942, provides, among other things, that for the purpose of administering Executive Order No. 8389, as amended, and complying with the provisions thereof the Netherlands East Indies shall continue to be regarded as a part of the Netherlands and not as a part of the territory of any other blocked country (7 F.R. 2083) (R.S. 161; 5 U.S.C. 22) [Proc. Cir. 25, W.D., March 28, 1942]

* * * * *

[SEAL] J. A. ULIO,
Major General,
The Adjutant General.

[F. R. Doc. 42-2805; Filed, March 30, 1942; 11:47 a. m.]

[1] 6 F.R. 5701.
[2] Par. 1d is added.

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. B-236]

IN THE MATTER OF W. G. MOORE, 3D, AND H. S. MOORE, INDIVIDUALLY AND AS PARTNERS DOING BUSINESS UNDER THE NAME AND STYLE OF W. G. MOORE AND SON, CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated March 14, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on March 18, 1942, by the Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by W. G. Moore, 3d, and H. S. Moore, individually and as partners doing business under the name and style of W. G. Moore and Son (the "Code Member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 29, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above named Code member as follows:

That said Code member, whose code membership became effective as of August 13, 1940, whose address is 11th Street, Phillipsburg, Pennsylvania, and who operates the W. G. Moore and Son Mine, Mine Index No. 634, located in Centre County, Pennsylvania, in Subdistrict No. 8, in District No. 1, wilfully violated section 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code by selling and delivering, subsequent to October 8, 1940, for truck shipment, coal produced at the aforesaid mine at prices below the effective minimum prices for said coal, plus the transportation charges, handling charges or incidental charges from the transportation facilities at the mine to the point from which all such charges were assumed and directly paid by the purchasers, including the following transactions:

(a) The sale and delivery during the period from October 8, 1940 to December 16, 1940, both dates inclusive, of substantial quantities of mine run coal, Size Group No. 3, to the Clyde Coal Company, delivered at the tipple facilities of said Clyde Coal Company, a distance of approximately ten miles, at delivered prices ranging from $1.80 to $1.85 per net ton, whereas the effective minimum f. o. b. mine price of said coal, as established by Order of the Director dated October 8, 1940, in Docket No. A-57 was $2.30 per net ton, to which minimum price there should have been added the transportation, handling or incidental charges of whatsoever kind or character for the transportation of said coal from the aforesaid mine to the tipple facilities of the Clyde Coal Company, as required by Price Instruction No. 6, as amended and contained in Supplement No. 1 to the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments;

(b) The sale and delivery, during the period from December 17, 1940 to March 6, 1941, both dates inclusive, of substantial quantities of mine run coal, Size Group No. 3, to the Clyde Coal Company, delivered at the tipple facilities of said Clyde Coal Company, a distance of approximately ten miles, at delivered prices ranging from $1.80 to $1.85 per net ton, whereas the effective minimum f. o. b. mine price of said coal, as established by Order of the Director dated December 17, 1940, in Docket No. A-426 was $2.15 per net ton, to which minimum price there should have been added the transportation, handling or incidental charges of whatsoever kind or character for the transportation of said coal from the aforesaid mine to the tipple facilities of the Clyde Coal Company, as required by said Price Instruction No. 6;

(c) The sale and delivery during the period from October 8, 1940 to November 30, 1940, both dates inclusive, of substantial quantities of mine run coal, Size Group No. 3, to the Banner Coal Company, delivered at the tramway of said Banner Coal Company, a distance of approximately five miles, at a delivered price of $1.75 per net ton, whereas the effective minimum f. o. b. mine price of said coal, as established by Order of the Director dated October 8, 1940, in Docket No. A-57 was $2.30 per net ton, to which minimum price there should have been added the transportation, handling or incidental charges of whatsoever kind or character for the transportation of said coal from the aforesaid mine to the tramway of the Banner Coal Company, as required by said Price Instruction No. 6; or

That said Code member operating the aforseaid mine wilfully violated the Order of the Director dated October 9, 1940, entered in General Docket No. 19,

(a) By selling, subsequent to October 14, 1940, substantial quantities of unpriced coal, produced at the aforesaid mine, including sales of substantial quantities of run of mine coal during the period October 14, 1940 to March 6, 1941, both dates inclusive, to the Clyde Coal Company, Code member, for rail shipment, and delivering said coal by truck at the loading and tipple facilities of the Clyde Coal Company at prices ranging from $1.80 to $1.85 per net ton, although at the time of said transactions no rail classifications or prices, temporary or final, had been established for the coal produced at the aforesaid mine for rail shipment from said facilities;

(b) By selling subsequent to the period October 14, 1940, substantial quantities of unpriced coal, produced at the aforesaid mine, including sales of substantial quantities of run of mine coal during the period October 14, 1940 to November 30, 1940, to the Banner Coal Company, Code member, for rail shipment, and delivering said coal by truck to the tramway of the Banner Coal Company at a price of $1.75 per net ton, although at the time of said transactions no rail classification or prices, temporary or final, had been established for the coal produced at the aforesaid mine for rail shipment from said tramway.

Dated: March 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2765; Filed, March 30, 1942; 10:30 a. m.]

[Docket No. B-228]

IN THE MATTER OF SINAIKO BROS. COAL AND OIL CO., REGISTERED DISTRIBUTOR

NOTICE OF AND ORDER FOR HEARING

The Bituminous Coal Division (the "Division") finds it necessary in the proper administration of the Bituminous Coal Act of 1937 (the "Act") and the Bituminous Coal Code (the "Code") promulgated thereunder to determine:

A. Whether or not Sinaiko Bros. Coal and Oil Co., registered distributor, Registration No. 8430 (hereinafter sometimes referred to as the "Registered Distributor"), whose address is 132 N. Frances Street, Madison, Wisconsin, has violated any provisions of the Act, the Code, and orders and regulations of the Division, including the Marketing Rules and Regulations, Rules and Regulations for the Registration of Distributors and the Distributor's Agreement (the "Agreement") dated August 3, 1939, and filed by Sinaiko Bros. Coal and Oil Co., pursuant to an Order of the National Bituminous Coal Commission dated March 24, 1939, in Docket No. 12, which was adopted as an Order of the Division on July 1, 1939, and more particularly whether or not subsequent to September 30, 1940, said registered distributor:

1. during the period October 25, 1940, to August 7, 1941, both dates inclusive, paid the transportation charges from the producing mines to Madison, Wisconsin, on all-rail shipments of coal purchased and resold by it as follows:

(a) 1001.25 net tons of 1¼" screenings coal produced by Pyramid Coal Corporation, code member, at its Pyramid Mine, Mine Index No. 142, located at Pinckneyville, Illinois, purchased by the registered distributor from Binkley Coal Company as sales agent for said code member; 98.90 net tons of 2" x 4" egg coal purchased by the registered distributor from and produced by The United Electric Coal Companies, code member, at its Buckheart Mine, Mine Index No. 17, located at Dunfermline, Illinois; and 175.80 net tons of 1¼" washed, oil-treated screenings coal purchased by the registered distributor from and produced by Sahara Coal Company, code member, at its Bankston Creek No. 6 Mine, Mine Index No. 4, located near Harrisburg, Illinois; all of which coal was resold by registered distributor to Ray-O-Vac Company, 2317 Winnebago Street, Madison, Wisconsin;

(b) 543.45 net tons of 1" dedusted screenings coal purchased by the registered distributor from and produced by Old Ben Coal Corporation, code member, at its Old Ben No. 8 Mine, Mine Index No. 118, located at West Frankfort, Illinois, and 48.90 net tons of 1" dedusted screenings coal purchased by registered distributor from and produced by Chicago, Wilmington, and Franklin Coal Company, code member, at its Orient Mine, Mine Index No. 124, located at Orient, Illinois; all of which coal was resold by registered distributor to Scanlan-Morris Company, 1902 East Johnson Street, Madison, Wisconsin; resulting in violations of section 4 II (i) 3 and 6 of the Act, Rule 1 (J) of section VII, Rules 3 and 6 of section XIII of the Marketing Rules and Regulations, and Paragraphs (c) and (e) of the Agreement; and

2. During the period commencing November 7, 1940, and ending November 24, 1941, both dates inclusive, accepted and retained distributor's discounts from the effective minimum prices on approximately 761.05 net tons of coal purchased by said distributor from and produced by Old Ben Coal Corporation, and Chicago, Wilmington, and Franklin Coal Company, at their aforesaid mines, resold by registered distributor to Scanlan-Morris Company, and physically handled by said distributor, resulting in a violation of paragraph (d) of the Agreement.

B. Whether or not the registration of said Sinaiko Bros. Coal and Oil Co., should be revoked or suspended or other appropriate penalties should be imposed.

It is, therefore, ordered, That a hearing pursuant to § 304.14 of the Rules and Regulations for the Registration of Distributors, to determine whether or not the aforementioned Sinaiko Bros. Coal and Oil Co., has committed violations in the respects heretofore described and whether or not the registration of said distributor should be revoked or suspended, or other appropriate penalties be imposed, be held on April 29, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Federal Court Chamber, Federal Building, Madison, Wisconsin.

It is further ordered, That J. D. Dermody or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Sinaiko Bros. Coal and Oil Co. and to all persons and entities having an interest in such proceeding.

Notice is hereby given that answer setting forth the position of the aforementioned Sinaiko Bros. Coal and Oil Co., with reference to the matters hereinbefore described, must be filed with the Bituminous Coal Division at its Washington Office or with any one of the field offices of the Division, within twenty (20) days after date of service hereof on Sinaiko Bros. Coal and Oil Co., and that failure to file an answer herein within such period, unless the presiding officer shall otherwise order, shall be deemed to be an admission by Sinaiko Bros. Coal and Oil Co., of the commission of the violations hereinbefore described and a consent to the entry of an appropriate order thereon.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged herein, other matters incidental and related thereto, whether raised by amendment, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

Dated: March 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2766; Filed, March 30, 1942; 10:30 a. m.]

[Docket No. B-232]

IN THE MATTER OF ROBERT BURNS AND IRVIN R. BURNS, INDIVIDUALLY AND AS CO-PARTNERS, DOING BUSINESS UNDER THE NAME AND STYLE OF THE BURNS MINE (BURNS MINE, ROBERT BURNS, MGR., IRVIN R. BURNS), CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated March 5, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on March 9, 1942, by Bituminous Coal Producers Board for District No. 22, a district board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Robert Burns and Irvin R. Burns, individually and as co-partners, doing business under the name and style of Burns Mine, (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on May 18, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Billings Commercial Club, Billings, Montana.

It is further ordered, That Edward J. Hayes or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above-entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above-named Code member as follows:

1. The defendants, Robert Burns and Irvin R. Burns, individually and as co-partners, doing business under the name and style of the Burns Mine of Red Lodge, Montana, whose code membership became effective as of June 26, 1937, operator of the Burns Mine, Mine Index No. 121, located in Carbon County, Montana, Subdistrict No. 2 of District No. 22, sold, subsequent to September 30, 1940, below the effective minimum price therefor, coal produced at the above-named mine for truck shipments including sales:

(a) to various purchasers during the months of September, October and November 1941, of approximately 404.325 net tons of 2½" and 3" lump coal at $3.75 per net ton f. o. b. said mine, whereas said coal was classified as Size Group No. 1 for said mine and priced at $4.00 per net ton f. o. b. said mine as set forth in the Schedule of Effective Minimum Prices for District No. 22 for All Shipments, pursuant to Price Instruction and Exception No. 5 of said schedule, resulting in violation of section 4, Part II (e) of the Act and Part II (e) of the Code;

(b) to various purchasers during the months of September, October and November 1941, of approximately 48.575 net tons of 3" x 1¼" nut coal at $2.50 per net ton f. o. b. said mine, whereas said coal falls within Size Group No. 5 for said mine and is priced at $3.50 per net ton f. o. b. said mine as set forth in said schedule, pursuant to Price Instruction and Exception No. 5 of said schedule, resulting in violation of section 4, Part II (e) of the Act and Part II (e) of the Code.

2. The aforesaid defendants falsely billed the coal referred to in paragraph 1 (a) hereof as 2" lump coal in violation of section 4 II (i) 8 of the Act, Part II (i) 8 of the Code, Rule 2 of section XII and Rule 8 of section XIII of the Marketing Rules and Regulations.

Dated: March 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2767; Filed, March 30, 1942; 10:30 a. m.]

[Docket No. B-235]

IN THE MATTER OF C. L. PENCE, AND E. H. PENCE, INDIVIDUALLY AND AS CO-PARTNERS, TRADING AND DOING BUSINESS AS PENCE COAL COMPANY (E. H. PENCE), CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated March 14, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937 (the "Act"), having been duly filed on March 18, 1942, by Bituminous Coal Producers Board for District No. 1, a District Board, complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by C. L. Pence, and E. H. Pence, individually and as co-partners, trading and doing business as Pence Coal Company (E. H. Pence), (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 30, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pennsylvania.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violations by the above named Code member as follows: That the said C. L. Pence (New Bethlehem, Pennsylvania), and E. H. Pence (Fairmount City, Pennsylvania), individually and as co-partners trading and doing business as Pence Coal Company,

(1) Wilfully violated section 4 II (e) and (g) of the Act and Part II (e) and (g) of the Code by selling and delivering subsequent to September 30, 1940, for truck shipment, coal produced by said code member at the Pence Coal Company Mine, Mine Index No. 1887, located in Clarion County, Pennsylvania, in Subdistrict No. 4 of District No. 1 at prices below the effective minimum prices for said coal, plus the transportation charges, handling charges, or incidental charges from the transportation facilities at the mine to the point from which all such charges were assumed and directly paid by the purchaser, including the sale and delivery during the period January and February 1941 of approximately 2753.85 net tons of run of mine coal, Size Group No. 3, to Pittsburg and Shawmut Coal Company, at Colwell Siding of the Freebrook Corporation, an affiliate of said Pittsburg and Shawmut Coal Company, at Colwell, Pennsylvania, a distance of approximately 17 miles, at a delivered price of $1.50 per net ton, whereas the effective minimum f. o. b. mine price of said coal, as set forth in the Schedule of Effective Minimum Prices for District No. 1 For Truck Shipments, was $2.15 per net ton, to which minimum price there was not added an amount at least equal, as nearly as practicable, to the transportation charges, handling charges or incidental charges from the transportation facilities at the mine, to said Colwell Siding, located at Colwell, Pennsylvania, as required by Price Instruction No. 6, as amended and contained in Supplement No. 1 of said Schedule; or

(2) Wilfully violated the Order of the Director dated October 9, 1940, entered in General Docket No. 19, by selling during the months of January and February 1941, approximately 2753.85 net tons of run of mine coal produced by said code member at the aforesaid mine, to Pittsburg and Shawmut Coal Company, for rail shipment and delivering said coal by truck to a ramp on a rail siding of said Freebrook Corporation, located at Colwell, Pennsylvania, at a price of $1.50 per net ton, although at the time of said transactions rail classifications or prices, temporary or final, had not been established for the coal produced at the aforesaid mine.

Dated: March 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2768; Filed, March 30, 1942; 10:30 a. m.]

[Docket No. B-201]

IN THE MATTER OF IRWIN SHAFFER, DEAN SHAFFER, GLEN SHAFFER AND ROY MELLEN SHAFFER, INDIVIDUALLY AND AS PARTNERS DOING BUSINESS UNDER THE NAME AND STYLE OF I. SHAFFER AND SONS, CODE MEMBER

NOTICE OF AND ORDER FOR HEARING

A complaint dated January 8, 1942, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, (the "Act"), having been duly filed on January 24, 1942, by the Bituminous Coal Producers Board for District No. 1, a District Board complainant, with the Bituminous Coal Division (the "Division"), alleging wilful violation by Irwin Shaffer, Dean Shaffer, Glen Shaffer and Roy Mellen Shaffer, Individually and as Partners Doing Business Under the Name and Style of I. Shaffer and Sons, (the "Code member"), of the Bituminous Coal Code (the "Code"), or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on April 30, 1942, at 10 a. m. at a hearing room of the Bituminous Coal Division at the Community Room, City Hall, Altoona, Pa.

It is further ordered, That Joseph A. Huston or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, take evidence, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said Code member and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Act, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answer to the complaint must be filed with the Division at its Washington Office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the Code member; and that failure to file an answer within such period, unless otherwise ordered, shall be deemed to be an admission of the allegations of the complaint herein and a consent to the entry of an appropriate order on the basis of the facts alleged.

Notice is also hereby given that if it shall be determined that the Code member has wilfully committed any one or more of the violations alleged in the complaint, an order may be entered either revoking the membership of the Code member in the Code or directing the Code member to cease and desist from violating the Code and regulations made thereunder.

All persons are hereby notified that the hearing in the above entitled matter and orders entered therein may concern, in addition to the matters specifically alleged in the complaint herein, other matters incidental and related thereto, whether raised by amendment of the complaint, petition for intervention, or otherwise, and all persons are cautioned to be guided accordingly.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named Code member as follows:

That said Code member, whose address is R. D. #1, Rummel, Pennsylvania, and who operates the Shaffer Mine, Mine Index No. 457, located in Cambria County, Pennsylvania, in Subdistrict No. 29 of District No. 1, wilfully violated section 4 II (e) and (g) of the Act and Part

II (e) and (g) of the Code, (1) by selling at $2.45 per net ton, approximately 785 tons of mine run coal produced at said mine to Donald Holsopple, an independent trucker, during the month of July 1941, who resold and transported said coal by truck to the Johnstown Traction Company, located in the Greater Johnstown Area, Johnstown, Pennsylvania. Said coal was resold by said trucker at approximately $2.759 per net ton to said purchaser, which was less than the adjusted minimum f. o. b. mine price plus the actual transportation costs for delivery of such coal, which was classified as Size Group No. 3, and priced at $2.20 per net ton f. o. b. said mine in the Schedule of Effective Minimum Prices for District No. 1 for Truck Shipments, as amended by "Temporary Supplement to Price Schedule No. 1 for District No. 1," which was made a part of the Order of the Director dated November 27, 1940, entered in Docket No. A–268, as amended by Order of the Director dated June 12, 1941, entered in Docket No. A–130, according to which said coal should have been sold and delivered to the said purchaser at a price of not less than $3.00 per net ton; and (2) by selling the bituminous coal mentioned in item (1) hereof for truck shipment to the said Greater Johnstown Area, without first obtaining from said trucker a statement that said trucker would deliver and resell said coal at prices no less than the effective minimum prices adjusted as prescribed in said Order in Docket No A–130, dated June 12, 1941, and a certified statement of the actual transportation costs for transportation of said coal into the Greater Johnstown Area, as required by the said Order of the Director in Docket No. A–130, dated June 12, 1941.

Dated: March 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–2769; Filed, March 30, 1942; 10:31 a. m.]

[Docket No. A–1256]

IN THE MATTER OF THE PETITION OF DISTRICT BOARD NO. 18 FOR THE ESTABLISHMENT AND REVISION OF PRICE CLASSIFICATIONS AND MINIMUM PRICES FOR THE COALS OF CERTAIN MINES AND FOR THE REVISION OF CERTAIN SUBDISTRICT CLASSIFICATIONS IN DISTRICT NO. 18, PURSUANT TO SECTION 4 II (d) OF THE BITUMINOUS COAL ACT OF 1937

ORDER POSTPONING HEARING

A hearing in the above-entitled matter having been scheduled to be held on April 10, 1942 in Denver, Colorado; and

It now appearing advisable that such hearing be postponed to the date hereinafter specified;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed from 10 o'clock in the forenoon of April 10, 1942 until 10 o'clock in the forenoon of April 11, 1942, to be held at a hearing room of the Bituminous Coal Division in the Court Room of the Circuit Court of Appeals in Denver, Colorado, before the officers heretofore designated to preside at such hearing.

In all other respects the Notice of and Order for Hearing entered in this matter on February 23, 1942, as heretofore amended, shall remain in full force and effect.

Dated: March 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–2770; Filed, March 30, 1942; 10:31 a. m.]

[Docket No. D–9]

IN THE MATTER OF THE APPLICATION OF THE STERLING LUMBER AND INVESTMENT COMPANY FOR PERMISSION TO RECEIVE DISTRIBUTORS' DISCOUNTS ON COAL PURCHASED FOR RESALE AND RESOLD TO CERTAIN RETAIL YARDS IN WHICH IT IS FINANCIALLY OR OTHERWISE INTERESTED

ORDER POSTPONING HEARING

A hearing in the above-entitled matter having been scheduled to be held on April 10, 1942, in Denver, Colorado;

It now appearing advisable that such hearing be postponed to the date hereinafter specified;

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is, postponed from 10 o'clock in the forenoon of April 10, 1942, until 10 o'clock in the forenoon of April 11, 1942, to be held at a hearing room of the Bituminous Coal Division in the Court Room of the Circuit Court of Appeals in Denver, Colorado, before the officers heretofore designated to preside at such hearing.

In all other respects the Notice of and Order for Hearing entered herein on January 3, 1942, as heretofore amended, shall remain in full force and effect.

Dated: March 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–2771; Filed, March 30, 1942; 10:31 a. m.]

[Docket No. B–147]

IN THE MATTER OF EAST KENTUCKY COAL SALES, INC., REGISTERED DISTRIBUTOR, REGISTRATION NO. 2612, DEFENDANT

ORDER AMENDING NOTICE OF AND ORDER FOR HEARING

The above-entitled matter having been scheduled for hearing on April 15, 1942, at 10:00 a. m. at a hearing room of the Bituminous Coal Division at Room 820, United States District Court, Cincinnati, Ohio, before Travis Williams or any other officer or officers of the Bituminous Coal Division duly designated for that purpose, pursuant to Order dated March 11, 1942; and

The Acting Director deeming it advisable that said Notice of and Order for Hearing dated March 11, 1942, should be amended;

Now, therefore, it is ordered, That the Notice of and Order for Hearing dated March 11, 1942, in the above-entitled matter be and the same is hereby amended by inserting after paragraph (l) and before the next succeeding paragraph thereof, the following paragraphs:

(m) whether or not the East Kentucky Coal Sales, Inc., purchased coal for resale from certain code members as more particularly set forth herein and accepted and retained discounts thereon in said transactions in excess of the maximum allowable discounts, as prescribed by Order of the Director in General Docket No. 12 dated June 19, 1940, thereby participating in a violation of Rule 1 of Section III of the Marketing Rules and Regulations and in violation of Paragraphs (a) and (e) of the Agreement;

During the period October 1, 1940, through June 30, 1941, the registered distributor sold to various purchasers the number of cars of various sizes of coal produced by the identified code members set forth herein below, and retained discounts on the cars of coal involved in excess of the maximum allowable discounts:

Mine Index No.	District No.	Code member	Address	Number of cars	Tons
42	8	Bertha Jellico Coal Co.	Gray, Ky.	8	432.40
1585	8	Webb Branch Coal Co.	Lineville, Ky.	75	4,022.35
427	8	Roscoe Shackelford	Barwick, Ky.	40	2,146.05
1606	8	Manchester Coal Co.	Hima, Ky.	106	5,428.05
401	8	Rennebaum Coal Co.	Middlesboro, Ky.	33	1,698.60
477	8	New Horse Creek Coal Co.	Hima, Ky.	61	3,006.85
515	8	Marcum Coal Co.	Hima, Ky.	25	1,339.00
		Total		350	17,973.30

(n) whether or not in the transactions described in the tabulation contained in paragraph (m) hereof, East Kentucky Coal Sales, Inc., acted as a Sales Agent on behalf of the several code members, without there having been filed with the Statistical Bureau or Bureaus of the Division, certified copies of all such agency contracts or certified copies of agreements modifying any such sales agency contracts by setting forth therein the basis for the retention by the Sales Agent of the amount of commissions which East Kentucky Coal Sales, Inc., retained in said transactions, as required by Rules 4 (A), 4 (B), 4 (C), and Rule 9 (a) of section II of the Marketing Rules and Regulations, in violation of said rules, or any of them, and of Paragraph (e) of the Agreement;

(o) whether or not in the transactions described in the tabulation contained in paragraph (m) hereof, East Kentucky Coal Sales, Inc., acted as a Sales Agent on behalf of the several code members, and retained commissions in excess of the maximum discounts which it could receive if it purchased and resold such coal as a distributor, without there having been filed with the Division an application for permission to pay such commissions or without having been granted such permission, resulting in violations of Rule 13 (A) and Rule 13 (B) of section II of the Marketing Rules and Regulations, or either of said rules, and Paragraph (e) of the Agreement;

It is further ordered, That the Notice of and Order For Hearing dated March 11, 1942, in the above entitled matter, shall, in all other respects remain in full force and effect.

Dated: March 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–2772; Filed, March 30, 1942; 10:32 a. m.]

[Docket No. 1743–FD]

IN THE MATTER OF BOYD-SICARD COAL COMPANY, CODE MEMBER

ORDER OF DISMISSAL

District Board 14 having filed a complaint with the Bituminous Coal Division, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, alleging wilful violation by Boyd-Sicard Coal Company, a code member in District 14, of the Bituminous Coal Code, and rules and regulations thereunder by shipping on or about February 5, 1941, a railroad car of 10" lump coal produced at its Boyd #3 Mine (Mine Index No. 14), without having received orders for said coal, to each of the following consumers: Lewis Cinek, South Omaha, Nebraska, and Chicago Lumber Company, Omaha, Nebraska;

Pursuant to an Order of the Acting Director, and after due notice to interested persons, a hearing in this matter having been held on October 3, 1941, before a duly designated Examiner of the Bituminous Coal Division, at a hearing room thereof in Fort Smith, Arkansas, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

Appearances having been entered at the hearing by District Board 14 and the code member;

The preparation and filing of a report by the Examiner having been waived and the matter thereupon having been submitted to the undersigned;

The undersigned having made Findings of Fact and Conclusions of Law and having rendered an Opinion in this matter, which are filed herewith;

Now, therefore, it is ordered, That the complaint filed herein against Boyd-Sicard Coal Company be, and it hereby is, dismissed.

Dated: March 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–2773; Filed, March 30, 1942; 10:32 a. m.]

[Docket No. 1814–FD]

IN THE MATTER OF DAVIS & DAVIS (HOMER DAVIS AND CHARLES DAVIS), A PARTNERSHIP, CODE MEMBER

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW, AND RECOMMENDATIONS OF THE EXAMINER, AND ORDER OF DISMISSAL

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on July 24, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 11, alleging that Davis & Davis, a code member in District 11, had wilfully violated the effective minimum prices established for the coals produced by its Little Wonder Mine (Mine Index No. 638) located in Jackson Township, Sullivan County, Indiana, by selling certain quantities of these coals at a price below the effective minimum price, and praying that the Director enter an Order directing the code member to cease and desist from violations of the Bituminous Coal Code and the effective minimum prices established thereunder;

Upon motion of the complainant, leave to amend the complaint having been granted by Order of the Director dated September 8, 1941;

Pursuant to an appropriate order, and after due notice to all interested persons, a public hearing in this matter having been held on December 16, 1941, before Joseph D. Dermody, a duly designated Examiner of the Division, at a hearing room thereof in Terre Haute, Indiana;

The Examiner having made Proposed Findings of Fact, Proposed Conclusions of Law and a Recommendation in this matter, dated February 20, 1942, recommending that an order be entered dismissing the complaint for failure of the evidence to show that the coal alleged to have been sold by the code member in violation of the Act was produced at Mine Index No. 638, as alleged;

An opportunity having been afforded to all parties to file exceptions thereto and supporting briefs, and no such exceptions nor supporting briefs having been filed;

It having been determined by the undersigned from a consideration of the record that the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is therefore ordered, That the Proposed Findings of Fact, and Proposed Conclusions of Law of the Examiner be, and the same hereby are, approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That the complaint in this proceeding be, and it hereby is, dismissed without prejudice to the complainant, District Board 11, however, to institute further proceedings against this code member for violations not covered by the complaint herein.

Dated: March 27, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42–2774; Filed, March 30, 1942; 10:32 a. m.]

[Docket No. 1704–FD]

IN THE MATTER OF SANDY VALLEY COAL COMPANY, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER, AND REVOKING AND CANCELLING CODE MEMBERSHIP

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on June 11, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 4, alleging in substance that the Sandy Valley Coal Company, the defendant, a code member in District 4, wilfully violated the provisions of the Bituminous Coal Code or rules and regulations thereunder by selling during the month of December 1940 (1) approximately 2200 tons of 2" nut and slack coal produced at its Nos. 1 and 5 Mines for shipment in trucks owned and controlled by the defendant to the plant of the Republic Steel Corporation at East Canton, Ohio, at a delivered price of $2.00 per ton; and (2) approximately 460 tons of 2" nut and slack coal produced at its No. 1 Mine for shipment via trucks owned and controlled by the defendant to the plant of the Cleveland Worsted Mills Company at Ravenna, Ohio, at a delivered price of $2.10 per ton, whereas the effective minimum price for defendant's 2" nut and slack coal is $1.90 per ton f. o. b. the mine plus not less than the actual cost of delivering the coal from the mines to the points from which such charges are assumed and directly paid by the purchaser; and praying that the Division either cancel and revoke the defendant's code membership or, in its discretion, direct the defendant to cease and desist from violations of the Code and rules and regulations thereunder;

The defendant having filed an answer to the complaint denying, *inter alia*, that it wilfully violated the provisions of the Code or the rules and regulations thereunder;

Pursuant to an Order of the Acting Director and after due notice to interested persons, a hearing in this matter having been held on September 25, 26, and 27, 1941, before W. A. Cuff, a duly designated Examiner of the Division, at a hearing room thereof in Canton, Ohio, at which all interested persons were afforded an opportunity to be present, adduce evidence, cross-examine witnesses and otherwise be heard;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter, dated March 3, 1942, in which it was recommended that the defendant's code membership be revoked and cancelled;

An opportunity having been afforded to all parties to file exceptions to the Examiner's Report and supporting briefs, and no such exceptions or supporting briefs having been filed;

The undersigned having determined, after a consideration of the record, that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is, therefore, ordered, That the Proposed Findings of Fact and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That, pursuant to section 5 (b) of the Act, the code membership of the defendant, The Sandy Valley Coal Company, a corporation, operating Mine Index Nos. 1810 and 1811 in Tuscarawas County, Ohio, in District 4, be, and it hereby is, revoked and cancelled.

It is further ordered, That, prior to any reinstatement of the defendant, The Sandy Valley Coal Company, a corporation, to membership in the Code, the defendant shall be required to pay to the United States a tax in the amount of $738.56, as provided in section 5 (c) of the Bituminous Coal Act of 1937.

Dated: March 27, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2775; Filed, March 30, 1942; 10:33 a. m.]

[Docket B-21]

IN THE MATTER OF WILLIE MUFFETT, DEFENDANT

ORDER APPROVING AND ADOPTING THE PROPOSED FINDINGS OF FACT, PROPOSED CONCLUSIONS OF LAW AND RECOMMENDATIONS OF THE EXAMINER, AND ORDER TO CEASE AND DESIST

This proceeding having been instituted upon a complaint filed with the Bituminous Coal Division on September 9, 1941, pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, by District Board 9, alleging that Willie Muffett, Defendant, a code member producer in District 9, wilfully violated the provisions of the Bituminous Coal Code or the Rules and Regulations thereunder, and requesting that the Division either cancel and revoke the defendant's code membership, or, in its discretion, direct the defendant to cease and desist from violations of the code, or the rules and regulations thereunder;

A hearing having been held before Charles S. Mitchell, a duly designated Examiner of the Division at a hearing room thereof in Owensboro, Kentucky, on November 24, 1941;

The Examiner having made and entered his Report, Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations in this matter dated February 25, 1942, in which it was recommended that an order be entered directing the defendant to cease and desist from violating the Act, the Code, the Schedule of Effective Minimum Prices for District No. 9 For Truck Shipments, and the Marketing Rules and Regulations;

An opportunity having been afforded to all parties to file exceptions to the Examiner's Report and supporting briefs and no such exceptions or supporting briefs having been filed;

The undersigned having determined after a consideration of the record that the Proposed Findings of Fact, Proposed Conclusions of Law and Recommendations of the Examiner should be approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

Now, therefore, it is ordered, That the Proposed Findings of Fact, and Proposed Conclusions of Law of the Examiner be and the same are hereby approved and adopted as the Findings of Fact and Conclusions of Law of the undersigned;

It is further ordered, That the defendant, Willie Muffett, his representatives, agents, servants, employees, and attorneys and all persons acting or claiming to act on his behalf or interest, cease and desist and they are hereby permanently enjoined and restrained from selling or offering to sell coal produced by the defendant at less than the applicable effective minimum prices established therefor, contrary to the provisions of section 4 II (e) of the Act and any rules and regulations promulgated thereunder, the Bituminous Coal Code, the Marketing Rules and Regulations, and the Schedule of Effective Minimum Prices for District 9 For Truck Shipments.

It is further ordered, That upon the failure or neglect of the defendant to comply with this Order, the Division may forthwith apply to the Circuit Court of Appeals of the United States where such defendant carries on business, or to the United States Circuit Court of Appeals for the District of Columbia for the enforcement thereof, or may take any other appropriate action.

Dated: March 28, 1942.

[SEAL] DAN H. WHEELER,
Acting Director.

[F. R. Doc. 42-2776; Filed, March 30, 1942; 10:33 a. m.]

General Land Office.

ALASKA

AIR NAVIGATION SITE WITHDRAWAL NO. 130, ENLARGED

MARCH 20, 1942.

It appearing that the intermediate landing field near Talkeetna, Alaska, reserved under Air Navigation Site Withdrawal No. 130 of December 27, 1939, should be enlarged, it is ordered under and pursuant to the provisions of section 4 of the act of May 24, 1928, 45 Stat. 729, 49 U.S.C. 214, that the following-described lands be, and they are hereby, withdrawn from all forms of appropriation under the public-land laws, subject to valid existing rights, for the use of the Department of Commerce as an addition to such field:

SEWARD MERIDIAN

T. 26 N., R. 4 W., sec. 19, lots 1, 2 and E½NW¼;
T. 26 N., R. 5 W., sec. 24, that part of the E½ lying north of Talkeetna townsite, east of The Alaska Railroad right of way, and south of the south fork of the Talkeetna River;
Lots 3 and 4, block 26 of Talkeetna Townsite; aggregating 273.34 acres.

HAROLD L. ICKES,
Secretary of the Interior.

[F. R. Doc. 42-2736; Filed, March 28, 1942; 10:30 a. m.]

Office of Indian Affairs.

ORDER AMENDING THE ORDER OF RESTORATION

Pursuant to authority contained in sections 3 and 7 of the Act of June 18, 1934 (48 Stat. 984), Departmental Order of December 11, 1937, published in the FEDERAL REGISTER, January 4, 1938, Pages 5-7, inclusive, restoring certain undisposed of vacant town site and villa site lots on the Flathead Reservation to tribal ownership, is hereby amended by adding thereto the following villa site lot:

	Block	Lot
Orchard Villa Site	4	4

OSCAR L. CHAPMAN,
Assistant Secretary of the Interior.

MARCH 3, 1942.

[F.R. Doc. 42-2737; Filed, March 28, 1942; 10:31 a. m.]

CIVIL AERONAUTICS BOARD.

[Docket No. 319]

APPLICATION OF AMERICAN EXPORT AIRLINES, INC., FOR THE APPROVAL OF THE CONTROL OF THE APPLICANT BY AMERICAN EXPORT LINES, INC.

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 408 and 1001 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on April 9, 1942, at 10 a. m. (eastern war time) in Conference Room B, Departmental Auditorium, Constitution Avenue between 12th and 14th Streets NW., Washington, D. C., before Examiner J. Francis Reilly.

Dated at Washington, D. C., March 28, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-2782; Filed, March 30, 1942; 11:12 a. m.]

[Docket No. 723]

IN THE MATTER OF CERTAIN ACTIVITIES OF UNIVERSAL AIR FREIGHT CORPORATION

NOTICE OF HEARING

Notice is hereby given, pursuant to the Civil Aeronautics Act of 1938, as amended, particularly sections 401 and 1002 of said Act, in the above-entitled proceeding, that hearing is hereby assigned to be held on April 16, 1942, at 10 a. m. (eastern war time) in Room 1851, Department of Commerce Building, 14th Street and Constitution Avenue, N. W., Washington, D. C., before Examiner J. Francis Reilly.

Dated at Washington, D. C., March 28, 1942.

By the Civil Aeronautics Board.

[SEAL] DARWIN CHARLES BROWN,
Secretary.

[F. R. Doc. 42-2783; Filed, March 30, 1942; 11:12 a. m.]

FEDERAL POWER COMMISSION.

[Docket No. IT-5695]

IN THE MATTER OF MISSISSIPPI RIVER POWER COMPANY

ORDER POSTPONING HEARING

MARCH 28, 1942.

It appearing to the Commission that: Good cause exists for the postponement of the hearing in the above-entitled matter;

Therefore, the Commission *orders* that: The hearing in this proceeding heretofore set to commence on April 6, 1942, be and it is hereby postponed until April 20, 1942, at 9:45 a. m., in Room 516 of the Court House and Custom House, St. Louis, Missouri.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 42-2763; Filed, March 30, 1942; 9:32 a. m.]

FEDERAL TRADE COMMISSION.

[Order No. 4740]

IN THE MATTER OF BENJAMIN L. GRABOSKY AND SAMUEL GRABOSKY, INDIVIDUALS, TRADING AS GABROSKY BROTHERS

COMPLAINT AND NOTICE

The Federal Trade Commission, having reason to believe that the parties respondent named in the caption hereof and hereinafter more particularly designated and described, since June 19, 1936, have violated and are now violating the provisions of subsection (d) of section 2 of the Clayton Act (U.S.C. Title 15, Section 13) as amended by the Robinson-Patman Act, approved June 19, 1936, hereby issues its complaint, stating its charges with respect thereto as follows:

PARAGRAPH 1. Respondents, Benjamin L. Grabosky and Samuel Grabosky, are copartners trading as Grabosky Brothers, having their principal office and place of business at Northeast Corner 11th and Wood Streets, Philadelphia, Pennsylvania. Respondents operate and maintain manufacturing plants at Philadelphia, Pennsylvania, and at Perth Amboy, New Jersey.

PAR. 2. Respondents are now, and have been since June 19, 1936, engaged in the manufacture, sale and distribution of cigars. Respondents sell and distribute their cigars to purchasers in the various states of the United States and in the District of Columbia, and cause the said cigars, when sold, to be shipped and transported from the states in which they are manufactured across state lines to the purchasers thereof in other states of the United States and in the District of Columbia. There is, and has been at all times mentioned herein, a constant current of trade and commerce in the said cigars between the respondents and purchasers in other states. Respondents' cigars are sold by them for use, consumption or resale within the United States and in the District of Columbia.

PAR. 3. In the course and conduct of their business respondents sell their cigars to retail drug chains and to independent retailers, who in turn sell to the consuming public. Respondents, since June 19, 1936, have contracted to make and have made, and are now making, valuable payments to some of their chain store customers selected by respondents, as compensation or in consideration for the furnishing by the said selected customers of services or facilities, such as counter, show case or window displays, for the advertising of respondents' cigars. Respondents have not made such payments or considerations available on proportionally equal terms to all of their customers competing with the aforesaid compensated customers in the distribution of respondents' cigars.

As example of these practices respondents, during such period, as consideration for the aforesaid displays, have contracted to pay and have paid some chain store customers $1.50 per month per branch store, the total monthly payments amounting to as much as $255.00 to a single customer. With other chain store customers respondents have contracted to pay and have paid, during such period, flat sums for the said displays amounting to as much as $500.00 per month to a single customer. Although often requested so to do by respondents' independent retailer customers and other chain store customers competing with these compensated customers, and who are able and willing to furnish the same services and facilities, respondents have refused to make such payments available to them on proportionally equal terms, or on any terms.

PAR. 4. The above-described acts and practices of respondents are in violation of subsection (d) of section 2 of the Clayton Act as amended by the Robinson-Patman Act, approved June 19, 1936 (U.S.C. Title 15, section 13).

Wherefore, the premises considered, the Federal Trade Commission, on this 26th day of March, A. D. 1942, issues its complaint against said respondents.

Notice

Notice is hereby given you, Benjamin L. Grabosky and Samuel Grabosky, individuals, trading as Grabosky Brothers, respondents herein, that the 1st day of May, A. D. 1942, at 2 o'clock in the afternoon, is hereby fixed as the time, and the offices of the Federal Trade Commission in the City of Washington, D. C., as the place, when and where a hearing will be had on the charges set forth in this complaint, at which time and place you will have the right, under said Act, to appear and show cause why an order should not be entered by said Commission requiring you to cease and desist from the violations of the law charged in the complaint.

You are notified and required, on or before the twentieth day after service upon you of this complaint, to file with the Commission an answer to the complaint. If answer is filed and if your appearance at the place and on the date above stated be not required, due notice to that effect will be given you. The Rules of Practice adopted by the Commission with respect to answers or failure to appear or answer (Rule IX) provide as follows:

In case of desire to contest the proceeding the respondent shall, within twenty (20) days from the service of the complaint, file with the Commission an answer to the complaint. Such answer shall contain a concise statement of the facts which constitute the ground of defense. Respondent shall specifically admit or deny or explain each of the facts alleged in the complaint, unless respondent is without knowledge, in which case respondent shall so state.

* * * * * *

Failure of the respondent to file answer within the time above provided and failure to appear at the time and place fixed for hearing shall be deemed to authorize the Commission, without further notice to respondent, to proceed in regular course on the charges set forth in the complaint.

If respondent desires to waive hearing on the allegations of fact set forth in the complaint and not to contest the facts, the answer may consist of a statement that respondent admits all the material allegations of fact charged in the complaint to be true. Respondent by such answer shall be deemed to have waived a hearing on the allegations of fact set forth in said complaint and to have authorized the Commission, without further evidence, or other intervening procedure, to find such facts to be true, and if in the judgment of the Commission

such facts admitted constitute a violation of law or laws as charged in the complaint, to make and serve findings as to the facts and an order to cease and desist from such violations. Upon application in writing made contemporaneously with the filing of such answer, the respondent, in the discretion of the Commission, may be heard on brief, in oral argument, or both, solely on the question as to whether the facts so admitted constitute the violation or violations of law charged in the complaint.

In witness whereof, the Federal Trade Commission has caused this, its complaint, to be signed by its Secretary, and its official seal to be hereto affixed, at Washington, D. C., this 26th day of March, A. D. 1942.

By the Commission.

[SEAL] OTIS B. JOHNSON,
Secretary.

[F. R. Doc. 42-2731; Filed, March 28, 1942; 10:45 a. m.]

NATIONAL HOUSING AGENCY.

Federal Housing Administration.

NOTICE OF CALL FOR PARTIAL REDEMPTION, BEFORE MATURITY, OF 2¾ PERCENT MUTUAL MORTGAGE INSURANCE FUND DEBENTURES, SERIES B

MARCH 25, 1942.

To holders of 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B:

Pursuant to the authority conferred by the National Housing Act (48 Stat. 1246; U.S.C., title 12, sec. 1701 et seq.) as amended, public notice is hereby given that 2¾ percent Mutual Mortgage Insurance Fund debentures, Series B, of the denominations and serial numbers designated below, are hereby called for redemption, at par and accrued interest, on July 1, 1942, on which date interest on such debentures shall cease:

Denomination:	*Serial numbers (all numbers inclusive)*
$50	1,161 to 1,942
$100	4,049 to 4,786
$500	1,404 to 1,992
$1,000	5,000 to 5,222
$5,000	329 to 411
$10,000	40 to 44

The debentures first issued, as determined by the serial numbers, were selected for redemption by the Commissioner, Federal Housing Administration, with the approval of the Secretary of the Treasury.

No transfers or denominational exchanges in debentures covered by the foregoing call will be made on the books maintained by the Treasury Department on or after April 1, 1942. This does not affect the right of the holder of a debenture to sell and assign the debenture on or after April 1, 1942, and provision will be made for the payment of final interest due July 1, 1942, with the principal thereof to the actual owner, as shown by the assignments thereon.

The Commissioner of the Federal Housing Administration hereby offers to purchase any debentures included in this call at any time from April 1 to June 30, 1942, inclusive, at par and accrued interest, to date of purchase.

Instructions for the presentation and surrender of debentures for redemption on or after July 1, 1942, or for purchase prior to that date will be given by the Secretary of the Treasury.

ABNER H. FERGUSON,
Commissioner.

Approved: March 27, 1942.

D. W. BELL,
Acting Secretary of the Treasury.

[F. R. Doc. 42-2756; Filed, March 28, 1942; 12:33 p. m.]

SECURITIES AND EXCHANGE COMMISSION.

IN THE MATTER OF RICHARD MAHONEY COMPANY, INCORPORATED, 606 EMPIRE STATE BUILDING, SPOKANE, WASHINGTON

FINDINGS AND ORDER REVOKING REGISTRATION AS BROKER AND DEALER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of March, A. D. 1942.

1. Richard Mahoney Company, Incorporated, a Washington corporation, is registered with this Commission as an over-the-counter broker-dealer pursuant to section 15 of the Securities Exchange Act of 1934. We instituted this proceeding under section 15 (b) to determine whether its registration as such should be suspended or revoked.

2. George Fitzgerald is president and director of the registrant, the owner of all of its outstanding stock (except for the qualifying shares), and is in full control of the registrant.

3. The order instituting this proceeding stated that members of the staff had reported to the Commission information obtained as a result of an investigation, which tended to show that:

A. During the period extending through March and April 1940, registrant sold stock of Callahan Consolidated Mines, Inc., to various persons. In making and inducing such sales, registrant, through Fitzgerald and others, falsely represented to purchasers that:

(1) The current market price of the stock was 17½ cents per share, when the fact was, as registrant well knew, that the current market price was considerably less than that figure;

(2) Registrant had advance "inside" information that Callahan Consolidated Mines, Inc., was about to open up a rich body of ore, when the fact was, as registrant well knew, that no such rich body of ore had been discovered and registrant had no information from which it could have been reasonably concluded that such a discovery would be made;

(3) Callahan Consolidated Mines, Inc., was ready to go into production, when the fact was, as registrant well knew, that the company was not ready to go into production and has not yet gone into production;

(4) It was certain that the price of the stock would reach 50 or 75 cents a share within 60 or 90 days from the date of purchase, when the fact was, as registrant well knew, that under the circumstances then existing there was no reasonable basis for such an assertion;

(5) Only a limited amount of stock was available, when the fact was, as registrant well knew, that the stock was freely obtainable and was obtained with apparent ease by the registrant to fill orders.

B. In inducing certain of these sales, registrant stated to prospective purchasers that the price of the stock would increase to 19 cents a share within 10 days or 2 weeks, but omitted to state that the price of the stock would be arbitrarily and artificially stepped up by registrant for the purpose of stimulating sales.

C. The transactions referred to were effected by the use of the mails and instrumentalities of interstate commerce and otherwise than on a national securities exchange.

The Commission's order further stated that the information reported by its staff, as set forth above, tended, if true, to show that the registrant had wilfully violated section 17 (a) of the Securities Act of 1933, section 15 (c) (1) of the Securities Exchange Act of 1934 and Rule X-15C1-2 of the Commission's rules thereunder.

4. The registrant, by George Fitzgerald, its president, has submitted a document entitled "Answer and Consent to Revocation of Registration pursuant to section 15 (b) of the Securities Exchange Act of 1934" in which it acknowledges receipt and service of adequate notice of the proceeding, waives opportunity for hearing, "admits and acknowledges the existence of the facts and the cause of action set forth in the Commission's order for proceedings," and consents to the entry of an order by the Commission revoking its registration as an over-the-counter broker and dealer.

5. We find that the registrant has wilfully violated section 17 (a) of the Securities Act of 1933, section 15 (c) (1) of the Securities Exchange Act of 1934 and Rule X-15C1-2 thereunder, and that it is in the public interest to revoke its registration as a broker and dealer.

Accordingly, it is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of Richard Mahoney Company, Incorporated, as an over-the-counter broker and dealer be, and it hereby is, revoked.

By the Commission (Chairman Purcell and Commissioners Healy, Pike and Burke), Commissioner O'Brien being absent and not participating.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2738; Filed, March 28, 1942; 11:28 a. m.]

IN THE MATTER OF WILLIAM E. HOUSEL, 11 EAST 44TH STREET, NEW YORK, NEW YORK

FINDINGS AND ORDER REVOKING REGISTRATION AS BROKER AND DEALER

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pa., on the 26th day of March, A. D. 1942.

1. William E. Housel is registered with this Commission as an over-the-counter broker-dealer pursuant to section 15 of the Securities Exchange Act of 1934. We instituted this proceeding under section 15 (b) to determine whether his registration as such should be suspended or revoked.

2. The order instituting this proceeding stated that members of the staff had reported to the Commission information obtained as a result of an investigation which tended to show that:

A. During the period from May 10, 1937, to about June 28, 1938, respondent sold to various persons Syndicate Membership Interests in Investors Petroleum Syndicate No. 1, an unincorporated association organized by respondent. In making and inducing such sales, respondent falsely represented to purchasers:

(1) That the Syndicate operated entirely for the benefit of its members, when in fact the Syndicate was controlled and operated by respondent for his own benefit;

(2) That the management of the Syndicate was vested in the Chairman of a managing committee assisted by members of that committee and a Trustee who held the property of the Syndicate in trust, when in fact respondent personally and exclusively managed the affairs and controlled the property of the Syndicate at all times;

(3) That all the property of the Syndicate was held by a Trustee, subject to the control of the Chairman and members of the managing committee, when in fact the property was never turned over to a Trustee and remained exclusively under the management and control of the respondent;

(4) That the Syndicate would purchase better quality oil investments for its own account directly from owners of oil lands through its own field organization at "rock bottom prices" thereby saving the usual dealers' profits, when in fact the Syndicate did not and could not so purchase oil investments since it did not have a field organization and all its oil investments were purchased from the respondent himself or from William E. Housel, Inc. (a corporation controlled by respondent); and further that neither respondent nor the said William E. Housel, Inc., was an owner of oil lands and that respondent directly or indirectly realized large dealer profits out of transactions involving the oil investments made by the Syndicate;

(5) That the Syndicate members in their individual purchases of oil investments could eliminate dealers' profits by making such purchases directly from landowners through the Syndicate's field supervisor, when in fact such a procedure was not possible since the Syndicate did not have an active field supervisor and since all purchases of oil investments by the Syndicate for the accounts of its members were made not from landowners but from respondent or William E. Housel, Inc., in which purchases respondent directly or indirectly received substantial dealer profits;

(6) That the Syndicate received commissions of only 10% of the actual cost of oil investments made by it for its members, when in fact in several instances the Syndicate's profit exceeded that percentage and in one such purchase the Syndicate's profit was in excess of 175% of cost;

(7) That the Syndicate purchased oil investments only for its permanent investment account, when in fact the Syndicate was actively trading at the time in oil investments;

(8) That the Syndicate had statistical facilities, maps, drilling reports, and a reporting service of its own, which were available for general consultation by its members, when in fact the Syndicate did not have any such facilities or service of its own but relied on those owned or controlled by respondent;

(9) That the advice given by the Syndicate to its members in the purchase of oil securities was impartial, when in fact such advice was not and could not have been impartial in that the Syndicate relied entirely upon respondent for such advice and respondent managed and controlled the Syndicate for his own profit, and, directly or through corporations controlled by him, bought from and sold to the Syndicate and its members oil investments at large profits to himself;

(10) That prior to September 17, 1937, the Syndicate had purchased oil investments for its members at prices 30% to 40% below those asked by retail dealers, when in fact the Syndicate had not engaged in any such transactions at that time.

B. During the period from March 1, 1938, to about April 1, 1940, respondent sold to various persons Class A stock of Petroleum Investment Service, Inc., a corporation which respondent caused to be incorporated as a successor to the Syndicate and which respondent controlled through the ownership of the entire issue of 100 shares of Class B common stock, which had the right to elect a majority of the board of directors. In making and inducing such sales, respondent falsely represented to purchasers:

(1) That the Service Company was operated solely for the benefit of the stockholders, when in fact the Service Company was managed, controlled, and operated by respondent solely for his own benefit;

(2) That the Service Company furnished free and unbiased statistical reports to its members and advised them regarding oil investments, when in fact the Service Company did not and could not furnish unbiased reports since it relied entirely on information and advice obtained from the respondent and William E. Housel, Inc., at a time when respondent, directly and through corporations controlled by him, sold to and purchased from the Service Company and its members oil investments at large direct and indirect profits to respondent;

(3) That the only profits made by the Service Company on purchases for its stockholders would be a 10% service charge based on actual cost, when in fact the Service Company had previously sold and continued to sell securities to its stockholders at profits in excess of 10% of the actual cost of such securities.

C. In making and inducing the sales described in subdivision B, respondent stated to purchasers:

(1) That the Service Company had arranged to acquire 5,000 shares of the common stock of Housel Oil Corporation at $2.50 per share, that the book value of the stock as of March 15, 1938, was in excess of $4.00 per share, when in fact, as respondent knew but omitted to state, the price of the stock had been arbitrarily fixed by respondent at $2.50 per share and the book value of $4.00 per share had been falsely created by respondent in that he controlled Housel Oil Corporation and had arbitrarily reappraised on the books of that corporation at $116,817.40 certain property acquired by the corporation for $24,796.59;

(2) That the Service Company was earning 20% or more on its invested capital, when in fact, as respondent knew but omitted to state, such earnings as the Service Company had were those created by the respondent through security dealings which respondent had with the Service Company;

(3) That the Service Company had nothing to sell but service, when in fact, as respondent knew but omitted to state, the Service Company had no facilities of its own for rendering service but relied in rendering such service on information and advice obtained from respondent or corporations controlled by him;

(4) That in the purchase of securities from respondent or William E. Housel, Inc., the cost to the Service Company of such securities would be no more than 110% of the cost to the respondent or William E. Housel, Inc., when in fact, as respondent knew but omitted to state, respondent and corporations controlled by him had sold and intended to sell to the Service Company and its stockholders securities at prices which were greatly in excess of 110% of the cost to respondent or the controlled corporations.

D. Respondent used the mails and instrumentalities of interstate commerce in effecting the transactions and inducing the purchases of securities referred to in subdivisions A, B, and C.

The Commission's order further stated that the information reported by its staff, as set forth above, tended, if true, to show that the respondent had wilfully violated section 17 (a) of the Securities

Act of 1933, section 15 (c) (1) of the Securities Exchange Act of 1934 and Rule X-15C1-2 of the Commission's rules thereunder.

3. The respondent has filed a document entitled "Consent to Revocation of Registration Pursuant to section 15 (b) of the Securities Exchange Act of 1934" in which he acknowledges receipt and service of adequate notice of the proceeding, waives opportunity for hearing, "admits and acknowledges the existence of the facts and/or the cause of action set forth in the Commission's order for proceedings, but denies any intent to violate any law either state or federal in connection therewith," and consents to entry of an order by the Commission revoking his registration as an over-the-counter broker and dealer.

4. We find that the respondent has wilfully violated section 17 (a) of the Securities Act of 1933, 15 (c) (1) of the Securities Exchange Act of 1934 and Rule X-15C1-2 thereunder, and that it is in the public interest to revoke his registration as a broker and dealer.

Accordingly, it is ordered, Pursuant to section 15 (b) of the Securities Exchange Act of 1934, that the registration of William E. Housel as an over-the-counter broker and dealer be, and it hereby is, revoked.

By the Commission (Chairman Purcell and Commissioners Healy, Pike and Burke), Commissioner O'Brien being absent and not participating.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2739; Filed, March 28, 1942; 11:28 a. m.]

[File No. 70-519]

IN THE MATTER OF COLUMBIA GAS & ELECTRIC CORPORATION, THE OHIO FUEL GAS COMPANY, AND NORTHWESTERN OHIO NATURAL GAS COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission, held at its office in the City of Philadelphia, Pennsylvania, on the 28th day of March, 1942.

Notice is hereby given that declarations or applications (or both) have been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than April 10, 1942 at 5:30 P. M., E. W. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter, such declarations or applications, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act, or the Commission may exempt such transactions, as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Philadelphia, Pennsylvania.

All interested persons are referred to said declarations or applications, which are on file in the office of said Commission, for a statement of the transactions therein proposed, which may be summarized as follows:

The parties propose to merge Northwestern Ohio Natural Gas Company, a wholly-owned subsidiary of Columbia Gas & Electric Corporation, into The Ohio Fuel Gas Company, also a subsidiary of Columbia Gas & Electric Corporation, all of whose outstanding shares and indebtedness other than current indebtedness and $3,000,000 principal amount of 4% Serial Notes (guaranteed as to principal and interest by its parent) are owned by the parent. As stated in the applications or declarations, the following steps will be necessary or incidental to the consummation of the proposed transaction:

(a) Northwestern will declare and pay a dividend on its common stock in an amount equal to its Earned Surplus since December 31, 1937 (as of December 31, 1941, such surplus amounting to $66,714.88).

(b) Northwestern will be merged into Ohio Fuel pursuant to the provisions of the Ohio General Corporation Law, with Ohio Fuel containing as the surviving corporation. Such merger is to be carried out pursuant to the provisions of the Agreement of Merger which is filed with the applications or declarations.

(c) In the merger, Ohio Fuel will issue 58,354 shares of common stock, par value $45, in exchange for the 55,505 shares of common stock, par value $50, of Northwestern, presently outstanding. Ohio Fuel presently has 442,517 authorized but unissued shares of common stock.

The proposed merger involves the following transactions which are covered by this combined application:

(a) The issue by Ohio Fuel of 58,354 shares of common stock, par value $45.

(b) The transfer by merger of all of the assets of Northwestern to Ohio Fuel.

(c) The assumption, by operation of law, by Ohio Fuel of all of the liabilities of Northwestern, which at the date of the merger will consist of current liabilities only.

(d) The acquisition by Columbia Gas of 58,354 shares of common stock, par value $45, of Ohio Fuel in exchange for 55,505 shares of common stock, par value $50, of Northwestern.

The number of shares to be issued by The Ohio Fuel Gas Company in exchange for the outstanding shares of Northwestern Ohio Natural Gas Company is said to have been determined by dividing the capital stock and special capital surplus of The Ohio Fuel Gas Company by the number of shares outstanding and dividing the result into the sum of the capital stock and surplus prior to January 1, 1938 of Northwestern Ohio Natural Gas Company. The earned surplus of The Ohio Fuel Gas Company prior to January 1, 1938, in the amount of $6,949,606.37, and the earned surplus of that company since December 31, 1937, in the amount of $1,407,974.08, as well as the earned surplus of Northwestern Ohio Natural Gas Company since December 31, 1937 of $66,714.88 are stated not to have been used in the computation referred to.

By the Commission.

[SEAL] FRANCIS P. BRASSOR,
Secretary.

[F. R. Doc. 42-2764; Filed, March 30, 1942; 9:32 a. m.]